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1934

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[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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CFR CHECKLIST

1971 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the issuance date and price of revised volumes of the Code of Federal Regulations issued to date during 1971. New units issued during the month are announced on the inside cover of the daily FEDERAL REGISTER as they become available.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR unit (Rev. as of Jan. 1, 1971):

Title		*Price*
3	1970 Compilation	$1.00
4		.50
5		1.75
6	[Reserved]	
7	Parts:	
	52	3.00
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	945–980	1.00
	1000–1029	1.25
	1030–1059	1.00
	1060–1089	1.25
	1090–1119	1.25
	1120–1199	1.50
15		1.75
16	Parts:	
	0–149	3.00
	150–end	2.00
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21	Parts 1–119	1.75
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23		.50
24		2.75
26	Parts:	
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	1 (§§ 1.401–1.500)	1.50
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	590–699	1.00
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	1600–end	1.00
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41	Chapters:	
	1–2	2.75
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Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-7-AD; Amdt. 39-1202]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Turbocharged Models TU206, TP206, T207, and T210 Series Airplanes

There have been failures of the exhaust manifold cabin heat exchanger on turbocharged Cessna Models TU206, TP206, T207, and T210 series airplanes. These failures are in the form of cracks and breaks which, if not corrected, will allow exhaust fumes or carbon monoxide to enter the cabin heat system resulting in contamination of cabin air. Since this condition is likely to exist or develop in other airplanes of the same type design, an Airworthiness Directive is being issued requiring a pressure test for leakage of the engine exhaust system on these model airplanes within 25 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 50 hours' time in service from the last test. Defective exhaust system components must be replaced prior to further flight.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to turbocharged Models TU206, TP206, T207, and T210 Series Airplanes.

Compliance: Required as indicated.

To prevent exhaust gases from entering the cabin, inspect the exhaust manifold heat exchanger installed in the above airplanes, within 25 hours' time in service after the effective date of this AD, unless already accomplished within the last 25 hours' time in service, and thereafter at intervals not to exceed 50 hours time in service from the last inspection, except that airplanes with less than 25 hours' total time in service need not be inspected or tested before 50 hours' time in service, by accomplishing the following:

(A) Test the complete exhaust manifold in the cabin heat exchanger area for cracks in accordance with the following procedures, or the more detailed procedures, outlined in the Cessna Service Manuals for the specified airplanes, or any other equivalent method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region:

1. Remove the heater shroud so that all surfaces of the exhaust manifold heat exchanger are exposed.

2. Attach the pressure side of an industrial vacuum cleaner to the tailpipe opening, using a rubber plug to effect a seal as required.

3. With vacuum cleaner operating, check the complete exhaust manifold in the heat exchanger area manually by feel or by using a soap solution and watching for bubbles. The exhaust manifold in the heat exchanger area must be free of air leaks.

(B) If cracks, breaks, or any leakage along the exhaust manifold cabin heat exchanger are found during the pressure test required by Pragraph A, before further flight, replace the defective part with an airworthy part.

NOTE: Cessna Service Letter SE71-11, dated April 16, 1971, covers this same subject.

This amendment becomes effective May 4, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; Sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 23, 1971.

JOHN A. HARGRAVE,
Acting Director, Central Region.

[FR Doc.71-6131 Filed 4-30-71;8:47 am]

[Airspace Docket No. 71-EA 4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 3016 of the FEDERAL REGISTER for February 13, 1971, the Federal Aviation Administration published proposed regulations which would designate a Tangier, Va., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on April 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Tangier, Va., transition area described as follows:

TANGIER, VA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center of Tangier Island Airport, 37°49'30" N., 75°59'55" W.; within 3 miles each side of the Cape Charles, Va., VORTAC 360° radial extending from the 5-mile-radius area to 26 miles north of the VORTAC.

[FR Doc.71-6132 Filed 4-30-71;8:48 am]

[Airspace Docket No. 71-EA-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Designation of Transition Area

On page 3017 of the FEDERAL REGISTER for February 13, 1971, the Federal Aviation Administration published proposed regulations which would designate a Wooster, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., May 27, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 5, 1971.

LOUIS J. CARDINALI,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wooster, Ohio, 700-foot-floor transition area described as follows:

WOOSTER, OHIO

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the center, 40°52'29" N., 81°53'1[illegible]" W., of Wayne County Airport, Wooster, Ohio, and within 3.5 miles each side of the 090° bearing from the Smithville RBN, 40°52'30" N., 81°50'00" W., extending from the 7-mile-radius area to 11.5 miles east of the RBN.

[FR Doc.71-6133 Filed 4-30-71;8:48 am]

[Airspace Docket No. 70-PC-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone

On March 2, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 3927) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Midway Island control zone.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. No comments were received.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055) the Midway Island control zone is amended to read as follows:

MIDWAY ISLAND

Within a 5-mile radius of Midway NS (Henderson Field) (lat. 28°11'55" N., long. 177°22'50" W.) and within 2.5 miles northwest and 4.5 miles southeast of the 240° bearing from the Midway RBN, extending from the 5-mile-radius zone to 10.5 miles southwest of the RBN.

(Sec. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510, Executive Order 10854, 24 F.R. 9565, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6136 Filed 4-30-71;8:48 am]

[Airspace Docket No. 71-EA-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Control Areas, Jet Advisory Areas and Reporting Points

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations to make editorial changes in the descriptions of several reporting points and control areas, and the Boston, Mass., terminal jet advisory area.

Coincident with the decommissioning of the Nantucket, Mass., CONSOLAN station on July 22, 1971, the Federal Aviation Administration is commissioning a radio beacon (RBN) at the same site, latitude 41°15'35" N., longitude 70°09'19" W. Such action will require editorial changes in the descriptions of Control Areas 1143, 1145, and 1146; the Cod and Haddock domestic reporting points, and the Boston, Mass., terminal jet advisory area.

Since these amendments are editorial in nature and no substantive changes in the regulations are effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

1. Section 71.163 (36 F.R. 2048) is amended as follows:

a. In Control 1143 and Control 1145 the phrase "Consolan station (monitor site at lat. 41°15'35" N., long. 70°09'19" W.)" is deleted wherever it appears and "RBN" is substituted therefor.

b. In Control 1146 the word "Consolan" is deleted wherever it appears and "RBN" is substituted therefor.

2. Section 71.209 (36 F.R. 2311) is amended as follows:

a. In Cod INT "INT of Nantucket, Mass., CONSOLAN 089° True bearing" is deleted and "INT of Nantucket, Mass., RBN 089° bearing" is substituted therefor.

b. In Haddock INT "Consolan station (monitor site)" is deleted and "RBN" is substituted therefor.

3. Section 75.300 (36 F.R. 2390) the Boston, Mass., jet advisory area is amended by deleting "CONSOLAN" wherever it appears and substituting "RBN" therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6134 Filed 4-30-71;8:48 am]

[Airspace Docket No. 71-CE-54]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Airspace

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to modify Restricted Area R-6901, Camp McCoy, Wis., by lowering the designated ceiling.

Through coordination between the Federal Aviation Administration and the U.S. Army, it has been determined that the altitudes between 20,000 feet MSL and 25,000 feet MSL are no longer needed by the using agency to fulfill its operational requirement.

Since this amendment restores airspace to the public use and relieves a restriction, notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (5-1-71), as hereinafter set forth.

In § 73.69 (36 F.R. 2365) the Camp McCoy, Wis., Restricted Area R-6901 is amended by deleting the present designated altitudes and substituting the following therefor:

Designated altitudes. Surface to 20,000 feet MSL.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6135 Filed 4-30-71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER B—PRACTICE AND PROCEDURE

[Ex Parte No. 277]

PART 1124—ADEQUACY OF PASSENGER SERVICE

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 26th day of April 1971.

The Commission is authorized by section 801 of the Rail Passenger Service Act of 1970 (Public Law 91-518, 84 Stat. 1327) to prescribe such regulations as it considers necessary to provide safe and adequate service, equipment, and facilities for intercity passenger service by common carriers by railroad within the meaning of section 1(3) of the Interstate Commerce Act.

Under the authority of section 801 and the Interstate Commerce Act (49 U.S.C. 1 et seq.), including more specifically sections 12 and 17, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act).

It is ordered, That a proceeding be instituted to consider the need for a prescription by the Commission of regulations to provide safe and adequate service, equipment, and facilities for intercity rail passenger service.

It is further ordered, That Chapter X of Title 49 of the Code of Federal Regulations is amended by adding a new Part 1124, reading as follows:

§ 1124.1 Safety.

The regulations in Chapter II of this title, Parts 225, 228, 230-234, and 236, prescribed by the Federal Railroad Administration, Department of Transportation, under rail safety statutes, are hereby adopted, confirmed, and continued in effect until modified or superseded by appropriate authority as to intercity rail passenger service.

(Sec. 801, 84 Stat. 1327; secs. 1, 12, and 17, 24 Stat. 379, 383, and 40 Stat. 270, all as amended; 49 U.S.C. 1, 12, and 17; 5 U.S.C. 553 and 559)

Since this amendment merely continues existing regulatory material, notice and public procedure thereon are unnecessary, and good cause exists for making it effective in less than 30 days notice.

It is further ordered, That this order shall be effective on May 1, 1971.

And it is further ordered, That a copy of this order be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6152 Filed 4-30-71;8:49 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

[CGFR 70-150]

PART 3—COAST GUARD AREAS, DISTRICTS, MARINE INSPECTION ZONES, AND CAPTAIN OF THE PORT AREAS

General Description; Correction

F.R. Doc. 71-791 appearing at page 909 in the Wednesday, January 20, 1971, FEDERAL REGISTER is corrected by changing the word "Kazak" to "Kayak" in the last line of § 3.85-55(b), at page 912.

Dated: April 26, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-6145 Filed 4-30-71;8:49 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MORTGAGE INSURANCE ON LEASEHOLD ESTATES

The following amendments to Title 24 of the Code of Federal Regulations revise §§ 213.7, 220.509, 221.514, 231.3, 231.4, 232.33, 234.540, 235.535, 242.29, 810.20, 810.520, 1000.57, and 1100.37. The revisions provide that the value of the leasehold estate shall be subtracted from the value in fee simple before multiplying by the allowable loan ratio instead of the previous system of subtracting after multiplying. The amendments conform FHA practice for insured mortgages to practice in the conventional mortgage market.

This FHA policy was established in an amendment to 24 CFR 207.4, effective February 16, 1971. Through inadvertence, similar provisions in other mortgage insurance rules were not amended at that time. Thus, the present amendments merely bring other regulations into conformity with accepted practice and policy.

In view of the foregoing, it is found that notice and public procedure are impracticable and that it is in the public interest to make these amendments effective February 16, 1971, for purposes of consistency.

SUBCHAPTER E—COOPERATIVE HOUSING INSURANCE

PART 213—COOPERATIVE HOUSING MORTGAGE INSURANCE

Subpart A—Eligibility Requirements—Projects

1. In § 213.7 paragraph (f) is amended to read as follows:

§ 213.7 Maximum insurable amounts.

* * * * *

(f) *Reduced mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

* * * * *

(Secs. 211, 213, 52 Stat. 23, 64 Stat. 54; 12 U.S.C. 1715b, 1715e)

SUBCHAPTER F—URBAN RENEWAL HOUSING INSURANCE AND INSURED IMPROVEMENT LOANS

PART 220—URBAN RENEWAL MORTGAGE INSURANCE AND INSURED IMPROVEMENT LOANS

Subpart C—Eligibility Requirements—Projects

2. Section 220.509 is amended to read as follows:

§ 220.509 Maximum mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

(Secs. 211, 220, 52 Stat. 23, 68 Stat. 596; 12 U.S.C. 1715b, 1715k)

SUBCHAPTER G—HOUSING FOR MODERATE INCOME AND DISPLACED FAMILIES

PART 221—LOW COST AND MODERATE INCOME MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Moderate Income Projects

3. In § 221.514 paragraph (d) is amended to read as follows:

§ 221.514 Maximum mortgage amounts.

* * * * *

(d) *Maximum mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

* * * * *

(Secs. 211, 221, 52 Stat. 23, 68 Stat. 599; 12 U.S.C. 1715b, 1715l)

SUBCHAPTER I—HOUSING FOR ELDERLY PERSONS

PART 231—HOUSING MORTGAGE INSURANCE FOR THE ELDERLY

Subpart A—Eligibility Requirements

4. In § 231.3 paragraph (d) is amended to read as follows:

§ 231.3 Maximum mortgage amounts—new construction.

* * * * *

(d) *Reduced mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

5. In § 231.4 paragraph (c) is amended to read as follows:

§ 231.4 Maximum mortgage amounts—rehabilitation projects.

* * * * *

(c) *Reduced mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

* * * * *

(Secs. 211, 231, 52 Stat. 23, 73 Stat. 665; 12 U.S.C. 1715b, 1715v)

SUBCHAPTER J—MORTGAGE INSURANCE FOR NURSING HOMES AND INTERMEDIATE CARE FACILITIES

PART 232—NURSING HOMES AND INTERMEDIATE CARE FACILITIES MORTGAGE INSURANCE

Subpart A—Eligibility Requirements

6. Section 232.33 is amended to read as follows:

§ 232.33 Reduced mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

(Secs. 221, 232, 52 Stat. 23, 73 Stat. 663; 12 U.S.C. 1715b, 1715w)

SUBCHAPTER L—CONDOMINIUM HOUSING INSURANCE

PART 234—CONDOMINUM OWNERSHIP MORTGAGE INSURANCE

Subpart C—Eligibility Requirements—Conversion Individual Sales Units

7. Section 234.540 is amended to read as follows:

§ 234.540 Reduced mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

(Secs. 211, 234, 52 Stat. 23, 75 Stat. 160; 12 U.S.C. 1715b, 1715y)

SUBCHAPTER M—HOMES FOR LOWER INCOME FAMILIES

PART 235—MORTGAGE INSURANCE AND ASSISTANCE PAYMENTS FOR HOME OWNERSHIP AND PROJECT REHABILITATION

Subpart D—Eligibility Requirements—Rehabilitation Sales Projects

8. In § 235.535 paragraph (b) is amended to read as follows:

§ 235.535 Maximum mortgage amount.

* * * * *

(b) In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

(Secs. 211, 235, 52 Stat. 23, 82 Stat. 477; 12 U.S.C. 1715b, 1715z)

SUBCHAPTER Q–1—MORTGAGE INSURANCE FOR NONPROFIT HOSPITALS

PART 242—NONPROFIT HOSPITALS

Subpart A—Eligibility Requirements

9. In § 242.29 paragraph (b) is amended to read as follows:

§ 242.29 Adjusted and reduced mortgage amounts.

* * * * *

(b) *Reduced mortgage amount—leaseholds.* In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

* * * * *

(Secs. 211, 242, 52 Stat. 23, 82 Stat. 599; 12 U.S.C. 1715b, 1715z–7)

SUBCHAPTER T—MILITARY AND ARMED SERVICES HOUSING MORTGAGE INSURANCE

PART 810—ARMED SERVICES HOUSING—IMPACTED AREAS

Subpart A—Eligibility Requirements—Projects

10. Section 810.20 is amended to read as follows:

§ 810.20 Reduced mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent. The mortgage amount shall be adjusted to the next lowest mortgage amount as stipulated in § 810.751 for individual mortgages.

Subpart C—Eligibility Requirements—Individual Mortgages

11. Section 810.520 is amended to read as follows:

§ 810.520 Reduced mortgage amounts—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent. The mortgage amount shall be adjusted to the next lowest mortgage amount as stipulated in § 810.535 for individual mortgages.

(Secs. 807, 810, 69 Stat. 651, 73 Stat. 683; 12 U.S.C. 1748f, 1748h–2)

SUBCHAPTER V—LAND DEVELOPMENT INSURANCE

PART 1000—MORTGAGE INSURANCE FOR LAND DEVELOPMENT

Subpart A—Eligibility Requirements

12. Section 1000.57 is amended to read as follows:

§ 1000.57 Reduced mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

(Sec. 1010, 79 Stat. 464; 12 U.S.C. 1749jj)

SUBCHAPTER W—GROUP PRACTICE FACILITIES INSURANCE

PART 1100—MORTGAGE INSURANCE FOR GROUP PRACTICE FACILITIES

Subpart A—Eligibility Requirements

13. Section 1100.37 is amended to read as follows:

§ 1100.37 Reduced mortgage amount—leaseholds.

In the event the mortgage is on a leasehold estate rather than on a fee simple holding, the value or replacement cost of the property on which the mortgage is based is the value or replacement cost of the property in fee simple reduced by an amount equal to the capitalized value of the ground rent.

(Sec. 1104, 80 Stat. 1275; 12 U.S.C. 1749aaa–3)

Effective date. These amendments are effective February 16, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71–6144 Filed 4–30–71;8:49 am]

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

[Docket No. R–71–106]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Section 209(a) of the Housing and Urban Development Act of 1970 amends section 15(5) of the United States Housing Act of 1937 by providing a new method of establishing limitations on the cost for construction and equipment (excluding land, demolition, and nondwelling facilities) on which the computation of annual contributions for low rent housing projects is based. The dollar limitation per room originally set by the United States Housing Act has been replaced by a limitation based on the prototype cost per unit which may not be exceeded by more than 10 per centum. Appended to this rule are the prototype costs for various basic types of structures: detached and semidetached, row and townhouses, walk-up and high-rise elevator apartments, classified by the number of bedrooms, for each of 490 areas. This schedule of costs will be revised at least annually.

Section 209(a) of the Housing and Urban Development Act of 1970 provides that the prototype costs for an area shall become effective upon the date of publication in the FEDERAL REGISTER. Section 209(a) becomes effective not later than 120 days after enactment of the statute (enacted in December 31, 1970). Hence, on April 30, 1971, under section 15(5) of the United States Housing Act of 1937, dollar limitations per room on cost of dwelling construction and equipment are replaced by prototype cost limits. Inasmuch as the new prototype cost basis cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impracticable to provide notice and public procedure with respect to these cost limits in accordance with the Department's recently adopted Publications Policy (24 CFR Part 10), and good cause exists for making them effective as of May 1, 1971. However, written comments will be received from interested parties for a period of 30 days after publication and if deemed necessary revisions will be published within 60 days thereafter. Comments should be submitted in triplicate to the Assistant Secretary for Housing Production and Mortgage Credit, Washington, D.C. 20411.

Upon the following considerations, the prototype costs are determined to be as set forth in Appendix 1 below.

A. *Unit prototype cost.* 1. Prototype cost comprises the cost of Dwelling Structures, Account No. 1460, and Dwelling Equipment, Account No. 1465, as described in Low-Rent Housing Accounting Handbook RHA–7510.1, ch. 3, sec. 15, which include their proportionate share of the builder's fee and overhead, insurance, Social Security, taxes, and bonds.

2. Prototype cost does not include the costs of site acquisition, site improvement, nondwelling structures or spaces (and equipment), planning (architectural-engineering fees, permit fees, inspection and similar costs), relocation, interest or local authority administration all of which are described in Low-Rent Housing Handbook RHA–7510.1, ch. 3, sec. 15.

3. Prototype cost takes into account compliance with applicable FHA Minimum Property Standards, and Planning and Design Criteria described in RHA 7410.1, Chapter 3 (as modified by Circular FHA 7410.2). Current copies of Handbook RHA–7510.1 are maintained and available for public inspection in the Office of Public Information, Room 1202, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411, and in each of the Department's Regional, Area, and FHA Insuring Offices.

4. Prototype cost takes into account the extra durability required for economical maintenance of assisted housing, and the provision of amenities designed to guarantee safe and healthy family life.

B. *Project prototype costs.* 1. The Project Prototype Cost is the sum of the unit prototype costs for the dwellings of various sizes and types comprising the project. The total cost of dwelling construction and equipment (Accounts 1460 and 1465), and the related proportionate share of the contingency established by any development cost budget shall not exceed the sum of 105 percent of the unit prototype costs for the dwellings to be constructed.

2. A request for approval of a cost which exceeds the above 105 percent cost limitation but which is not in excess of the statutory 110 percent may be submitted to the Assistant Secretary for Housing Production and Mortgage Credit through the Area Office Director and the Regional Administrator. Such requests must be supported by a detailed justification with respect to the particular project, taking into account all of the circumstances involved and demonstrating that such approval is necessary and desirable in carrying out the objectives of the Act.

3. Development cost budgets, awards of Main Construction Contracts, Preliminary Contracts of Sale, and Contracts of Sale for turnkey projects will not be approved unless an appropriate prototype cost for the area is published in the FEDERAL REGISTER.

(Sec. 209 of the Housing and Urban Development Act of 1970, Public Law 91–609, sec. 15(5) of the U.S. Housing Act of 1937, 50 Stat. 888, 42 U.S.C. 1401 et seq.; sec. 7(d) of the Department of HUD Act, 3535(d); and Secretary's delegation of authority, published at 36 F.R. 5007, Mar. 16, 1971)

Effective date. This rule shall be effective May 1, 1971.

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION 1

	Number of bedrooms						
	0	1	2	3	4	5	6
Hartford Conn.:							
Detached and semidetached	9,400	11,350	13,950	16,700	20,100	22,350	23,400
Row dwellings	8,950	10,800	13,350	15,900	19,100	21,300	22,250
Walk-up	7,700	9,550	12,100	14,350	16,850	18,250	19,150
Elevator-structure	11,800	13,700	17,400				
Danbury, Conn.:							
Detached and semidetached	8,980	10,850	13,300	15,950	19,200	21,350	22,350
Row dwellings	8,550	10,300	12,750	15,200	18,250	20,350	21,250
Walk-up	7,350	9,100	11,550	13,700	15,800	17,450	18,300
Elevator-structure	11,600	13,450	17,100				
New Milford, Conn.:							
Detached and semidetached	8,980	10,850	13,300	15,950	19,200	21,350	22,350
Row dwellings	8,550	10,300	12,750	15,200	18,250	20,350	21,250
Walk-up	7,350	9,100	11,550	13,700	15,800	17,450	18,300
Elevator-structure	11,600	13,450	17,100				
New Haven, Conn.:							
Detached and semidetached	8,950	10,800	13,300	15,900	19,150	12,300	22,300
Row dwellings	8,500	10,300	12,700	15,150	18,200	20,300	21,200
Walk-up	7,350	9,100	11,500	13,650	15,750	17,350	18,250
Elevator-structure	11,450	13,300	16,850				
Bridgeport, Conn.:							
Detached and semidetached	9,850	11,500	14,150	16,950	20,400	22,700	23,750
Row dwellings	9,100	10,950	13,550	16,150	19,400	21,600	22,600
Walk-up	7,800	9,700	12,300	14,550	16,800	18,500	19,450
Elevator-structure	11,800	13,750	17,450				
New London, Conn.:							
Detached and semidetached	9,200	11,100	13,650	16,350	19,650	21,850	22,900
Row dwellings	8,750	10,550	13,050	15,550	18,700	20,850	21,750
Walk-up	7,550	9,350	11,850	14,050	16,200	17,850	18,750
Elevator-structure	11,500	13,300	16,900				
Windham, Conn.:							
Detached and semidetached	9,200	11,100	13,650	16,350	19,650	21,850	22,900
Row dwellings	8,750	10,550	13,050	15,550	18,700	20,850	21,750
Walk-up	7,550	9,350	11,850	14,050	16,200	17,850	18,750
Elevator-structure	11,500	13,300	16,900				
Stamford, Conn.:							
Detached and semidetached	9,250	11,150	13,750	16,450	19,800	22,000	23,050
Row dwellings	8,800	10,650	13,150	15,650	18,800	20,950	21,900
Walk-up	7,800	9,400	11,900	14,150	16,300	17,950	18,850
Elevator-structure	11,900	13,800	17,550				
Ridgefield, Conn.:							
Detached and semidetached	9,250	11,150	13,750	16,450	19,800	22,000	23,050
Row dwellings	8,800	10,650	13,150	15,650	18,800	20,950	21,900
Walk-up	7,600	9,400	11,900	14,150	16,300	17,950	18,850
Elevator-structure	11,900	13,800	17,550				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION I

	Number of bedrooms						
	0	1	2	3	4	5	6
Norwich, Conn.:							
Detached and semidetached	9,050	10,900	13,400	16,050	19,300	21,500	22,500
Row dwellings	8,600	10,400	12,850	15,300	18,350	20,450	21,400
Walk-up	7,400	9,200	11,650	13,800	15,900	17,550	18,400
Elevator-structure	10,600	12,300	15,650				
Bangor, Maine:							
Detached and semidetached	8,350	10,050	12,400	14,800	17,800	19,800	20,700
Row dwellings	7,950	9,550	11,800	14,050	16,950	18,850	19,700
Walk-up	6,800	8,450	10,750	12,700	14,700	16,150	17,000
Elevator-structure	11,750	13,650	17,300				
Augusta, Maine:							
Detached and semidetached	8,600	10,350	12,800	15,250	18,350	20,400	21,350
Row dwellings	8,200	9,850	12,150	14,500	17,500	19,450	20,300
Walk-up	7,000	8,700	11,100	13,100	15,150	16,650	17,550
Elevator-structure	12,150	14,150	17,900				
Brunswick, Maine:							
Detached and semidetached	8,550	10,250	12,700	15,150	18,200	20,250	21,150
Row dwellings	8,150	9,750	12,050	14,350	17,350	19,250	20,150
Walk-up	6,950	8,650	11,000	13,000	15,050	16,500	17,400
Elevator-structure	12,000	13,950	17,700				
Lewiston, Maine:							
Detached and semidetached	8,550	10,250	12,700	15,150	18,200	20,250	21,150
Row dwellings	8,150	9,750	12,050	14,350	17,350	19,250	20,150
Walk-up	6,950	8,650	11,000	13,000	15,050	16,500	17,400
Elevator-structure	12,000	13,950	17,700				
Portland, Maine:							
Detached and semidetached	8,550	10,250	12,700	15,150	18,200	20,250	21,150
Row dwellings	8,150	9,750	12,050	14,350	17,350	19,250	20,150
Walk-up	6,950	8,650	11,000	13,000	15,050	16,500	17,400
Elevator-structure	12,100	14,050	17,800				
Waterville, Maine:							
Detached and semidetached	8,250	9,950	12,250	11,650	17,600	19,600	20,450
Row dwellings	7,850	9,450	11,650	13,900	16,750	18,650	19,500
Walk-up	6,700	8,350	10,650	12,550	14,550	15,950	16,800
Elevator-structure	11,600	13,500	17,100				
Boston, Mass.							
Detached and semidetached	10,350	12,450	15,350	18,350	22,100	24,550	25,700
Row dwellings	9,850	11,850	14,650	17,450	21,000	23,400	24,450
Walk-up	8,450	10,500	13,300	15,750	18,200	20,050	21,050
Elevator-structure	13,850	16,100	20,400				
Cape Cod, Mass.:							
Detached and semidetached	8,400	10,150	12,500	14,950	18,000	20,000	20,900
Row dwellings	8,000	9,650	11,950	14,200	17,100	19,050	19,900
Walk-up	6,900	8,550	10,850	12,800	14,800	16,300	17,150
Elevator-structure	11,900	13,800	17,500				
Pittsfield Mass.:							
Detached and semidetached	8,350	10,050	12,400	14,800	17,800	19,800	20,700
Row dwellings	7,950	9,550	11,800	14,050	16,950	18,850	19,700
Walk-up	6,800	8,450	10,750	12,700	14,700	16,150	16,950
Elevator-structure	11,700	13,550	17,200				
Springfield, Mass.:							
Detached and semidetached	8,600	10,350	12,750	15,200	18,350	20,350	21,300
Row dwellings	8,150	9,850	12,150	14,450	17,400	19,400	20,300
Walk-up	7,000	8,700	11,050	13,050	15,100	16,650	17,450
Elevator-structure	12,000	13,950	17,700				
Worcester, Mass.:							
Detached and semidetached	8,950	10,750	13,250	15,850	19,100	21,200	22,200
Row dwellings	8,500	10,250	12,650	15,100	18,150	20,200	21,150
Walk-up	7,300	9,650	11,500	13,600	15,750	17,350	18,200
Elevator-structure	12,400	14,400	18,250				
Fall River, Mass.:							
Detached and semidetached	8,700	10,500	12,950	15,450	18,600	20,700	21,650
Row dwellings	8,300	10,000	12,350	14,700	17,700	19,700	20,600
Walk-up	7,100	8,850	11,200	13,250	15,350	16,900	17,750
Elevator-structure	12,300	14,300	18,100				
Lowell, Mass.:							
Detached and semidetached	8,900	10,700	13,200	15,800	19,050	21,150	22,150
Row dwellings	8,500	10,200	12,600	15,000	18,100	20,150	21,050
Walk-up	7,300	9,050	11,450	13,550	15,650	17,250	18,100
Elevator-structure	11,700	13,550	17,200				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION I

	Number of bedrooms						
	0	1	2	3	4	5	6
Salem, Mass.:							
Detached and semidetached	8,650	10,400	12,850	15,350	18,450	20,500	21,500
Row dwellings	8,250	9,900	12,250	14,600	17,550	19,550	20,450
Walk-up	7,050	8,800	11,100	13,150	15,200	16,750	17,600
Elevator-structure	11,700	13,550	17,200				
Manchester, N.H.:							
Detached and semidetached	9,200	11,100	13,650	16,350	19,650	21,850	22,900
Row dwellings	8,750	10,550	13,050	15,550	18,700	20,850	21,750
Walk-up	7,500	9,350	11,850	14,000	16,200	17,850	18,750
Elevator-structure	11,550	13,450	17,000				
Keene, N.H.:							
Detached and semidetached	8,750	10,550	13,000	15,550	18,700	20,800	21,800
Row dwellings	8,350	10,050	12,450	14,800	17,800	19,850	20,700
Walk-up	7,150	8,900	11,300	13,350	15,450	17,000	17,850
Elevator-structure	11,400	13,300	16,800				
Nashua, N.H.:							
Detached and semidetached	8,850	10,700	13,150	15,750	18,950	21,050	22,100
Row dwellings	8,450	10,150	12,600	15,000	18,050	20,100	20,950
Walk-up	7,250	9,000	11,450	13,500	15,600	17,200	18,100
Elevator-structure	11,550	13,450	17,000				
Portsmouth, N.H.:							
Detached and semidetached	8,250	9,950	12,200	14,600	17,550	19,550	20,500
Row dwellings	7,850	9,450	11,650	13,900	16,750	18,650	19,450
Walk-up	6,700	8,350	10,600	12,500	14,500	15,950	16,750
Elevator-structure	11,400	13,300	16,800				
Dover, N.H.:							
Detached and semidetached	8,850	10,700	13,150	15,750	18,950	21,050	22,100
Row dwellings	8,450	10,150	12,600	15,000	18,050	20,100	20,950
Walk-up	7,250	9,000	11,450	13,500	15,600	17,200	18,100
Elevator-structure	11,400	13,300	16,800				
Concord, N.H.:							
Detached and semidetached	8,250	9,950	12,200	14,600	17,550	19,550	20,500
Row dwellings	7,850	9,450	11,650	13,900	16,750	18,650	19,450
Walk-up	6,700	8,350	10,600	12,500	14,500	15,950	16,750
Elevator-structure	11,500	13,400	16,950				
Providence, R.I.:							
Detached and semidetached	9,350	11,250	13,900	16,600	20,000	22,200	23,250
Row dwellings	8,900	10,700	13,250	15,800	19,000	21,150	22,100
Walk-up	7,650	9,500	12,050	14,250	16,450	18,150	19,050
Elevator-structure	12,000	14,000	17,650				
Newport, R.I.:							
Detached and semidetached	9,450	11,350	14,050	16,750	20,200	22,400	23,500
Row dwellings	9,000	10,800	13,400	15,950	19,200	21,350	22,300
Walk-up	7,750	9,600	12,150	14,400	16,600	18,350	19,250
Elevator-structure	12,100	14,150	17,800				
Westerly, R.I.:							
Detached and semidetached	9,450	11,350	14,050	16,750	20,200	22,400	23,500
Row dwellings	9,000	10,800	13,400	15,950	19,200	21,350	22,300
Walk-up	7,750	9,600	12,150	14,400	16,000	18,350	19,250
Elevator-structure	12,100	14,150	17,800				
Pawtucket, R.I.:							
Detached and semidetached	9,350	11,250	13,900	16,600	20,000	22,200	
Row dwellings	8,900	10,700	13,250	15,800	19,000	21,150	
Walk-up	7,650	9,500	12,050	14,250	16,450	18,150	
Elevator-structure	11,950	13,950	17,600				
Woonsocket, R.I.:							
Detached and semidetached	9,250	11,100	13,750	16,400	19,750	21,950	23,000
Row dwellings	8,800	10,600	13,100	15,600	18,800	20,900	21,850
Walk-up	7,550	9,400	11,900	14,100	16,250	17,950	18,850
Elevator-structure	11,700	13,650	17,200				
Burlington, Vt.:							
Detached and semidetached	8,400	10,100	12,450	14,850	17,900	19,900	20,850
Row dwellings	8,000	9,600	11,900	14,150	17,000	18,950	19,800
Walk-up	6,850	8,500	10,800	12,750	14,750	16,250	17,050
Elevator-structure	10,850	12,600	16,000				
Bennington, Vt.:							
Detached and semidetached	8,350	10,000	12,350	14,750	17,750	19,750	20,700
Row dwellings	7,950	9,600	11,800	14,050	16,850	18,800	19,650
Walk-up	6,800	8,450	10,700	12,650	14,650	16,100	16,900
Elevator-structure	10,750	12,500	15,850				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION I

	Number of bedrooms						
	0	1	2	3	5	4	6
Ruthland, Vt.:							
Detached and semidetached	8,250	9,950	12,250	14,600	17,600	19,600	20,500
Row dwellings	7,850	9,450	11,700	13,900	16,700	18,650	19,500
Walk-up	6,750	8,350	10,600	12,550	14,500	16,000	16,750
Elevator-structure	10,750	12,500	15,900				
Montpelier, Vt.:							
Detached and semidetached	8,150	9,800	12,100	14,450	17,400	19,350	20,300
Row dwellings	7,800	9,350	11,600	13,750	16,550	18,450	19,250
Walk-up	6,650	8,250	10,500	12,400	14,350	15,800	16,600
Elevator-structure	10,850	12,600	16,000				
Brattleboro, Vt.:							
Detached and semidetached	8,100	9,750	12,000	14,300	17,250	19,200	20,100
Row dwellings	7,700	9,250	11,450	13,650	16,400	18,250	19,100
Walk-up	6,600	8,200	10,400	12,300	14,200	15,650	16,450
Elevator-structure	10,450	12,150	15,400				

PROTOTYPE PER UNIT COST SCHEDULE

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Camden, N.J.:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,050	21,150	22,200
Row dwellings	8,500	10,250	12,650	15,050	18,050	20,150	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,250	18,200
Elevator-structure	12,300	14,300	18,100				
Atlantic City, N.J.:							
Detached and semidetached	8,550	10,350	12,750	15,200	18,350	20,350	21,350
Row dwellings	8,200	9,850	12,200	14,500	17,350	19,400	20,250
Walk-up	7,000	8,700	11,000	13,050	15,100	16,600	17,500
Elevator-structure	11,900	13,850	17,500				
Burlington N.J.:							
Detached and semidetached	8,950	10,800	13,300	15,850	19,100	21,200	22,250
Row dwellings	8,550	10,300	12,700	15,100	18,100	20,200	21,100
Walk-up	7,250	9,100	11,500	13,600	15,750	17,300	18,250
Elevator-structure	12,350	14,400	18,200				
Gloucester, N.J.:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,050	21,150	22,200
Row dwellings	8,500	10,250	12,650	15,050	18,050	20,150	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,250	18,200
Elevator-structure	12,300	14,300	18,100				
Trenton, N.J.:							
Detached and semidetached	9,050	10,950	13,500	16,100	19,400	21,550	22,650
Row dwellings	8,650	10,450	12,900	15,350	18,400	20,550	21,450
Walk-up	7,400	9,250	11,650	13,800	16,000	17,600	18,550
Elevator-structure	12,550	14,600	18,500				
Newark, N.J.:							
Detached & semidetached	9,500	11,450	14,150	16,850	20,300	22,550	23,650
Row dwellings	9,100	10,950	13,500	16,050	19,300	21,500	22,500
Walk-up	7,700	9,650	12,200	14,450	16,750	18,450	19,400
Elevator-structure	13,200	15,350	19,400				
Asbury Park, N.J.:							
Detached-& semidetached	8,800	10,600	13,100	15,600	18,800	20,850	21,900
Row dwellings	8,400	10,150	12,500	14,850	17,850	19,900	20,800
Walk-up	7,100	8,950	11,300	13,350	15,500	17,050	17,950
Elevator-structure	12,650	14,700	18,600				
North Bergen, N.J.:							
Detached & semidetached	9,500	11,450	14,150	16,850	20,300	22,550	23,650
Row dwellings	9,100	10,950	13,500	16,050	19,300	21,500	22,500
Walk-up	7,700	9,650	12,200	14,450	16,750	18,450	19,400
Elevator-structure	13,200	15,350	19,400				
Freehold, N.J.:							
Detached & semidetached	9,500	11,450	14,150	16,850	20,300	22,550	23,650
Row dwellings	9,100	10,950	13,500	16,050	19,300	21,500	22,500
Walk-up	7,700	9,650	12,200	14,450	16,750	18,450	19,400
Elevator-structure	12,650	14,700	18,600				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Albany, N.Y.:							
Detached and semidetached	9,500	11,450	14,100	16,850	20,300	22,550	23,650
Row dwellings	9,100	10,950	13,500	16,050	19,300	21,500	22,500
Walk-up	7,750	9,650	12,200	14,450	16,750	18,400	19,400
Elevator-structure	13,600	15,800	20,000				
Glen Falls, N.Y.:							
Detached and semidetached	9,050	10,900	13,450	16,050	19,350	21,500	22,500
Row dwellings	8,650	10,450	12,850	15,300	18,400	20,500	21,450
Walk-up	7,400	9,200	11,600	13,750	15,950	17,500	18,500
Elevator-structure	12,950	15,050	19,050				
Massena, N.Y.:							
Detached and semidetached	9,150	11,000	13,550	16,200	19,550	21,700	22,750
Row dwellings	8,750	10,550	13,000	15,450	18,550	20,700	21,650
Walk-up	7,450	9,300	11,750	13,900	16,100	17,700	18,650
Elevator-structure	13,100	15,200	19,250				
Plattsburgh, N.Y.:							
Detached and semidetached	9,050	10,900	13,450	16,050	19,350	21,500	22,500
Row dwellings	8,650	10,450	12,850	15,300	18,400	20,500	21,450
Walk-up	7,400	9,200	11,600	13,750	15,950	17,500	18,500
Elevator-structure	12,950	15,050	19,050				
Syracuse, N.Y.:							
Detached and semidetached	9,600	11,550	14,200	17,000	20,450	22,750	23,850
Row dwellings	9,150	11,050	13,600	16,200	19,450	21,650	22,700
Walk-up	7,800	9,750	12,300	14,550	16,900	18,550	19,550
Elevator-structure	13,700	15,900	20,150				
Poughkeepsie, N.Y.:							
Detached and semidetached	9,800	11,800	14,550	17,400	20,950	23,300	24,400
Row dwellings	9,400	11,300	13,950	16,550	19,900	22,200	23,250
Walk-up	8,000	9,950	12,600	14,900	17,300	19,000	20,050
Elevator-structure	14,000	16,300	20,600				
Watertown, N.Y.:							
Detached and semidetached	9,400	11,350	14,000	16,700	20,150	22,350	23,450
Row dwellings	9,050	10,850	13,400	15,900	19,150	21,350	22,300
Walk-up	7,700	9,550	12,100	14,350	16,600	18,250	19,250
Elevator-structure	13,400	15,550	19,700				
Schenectady, N.Y.:							
Detached and semidetached	9,500	11,450	14,100	16,850	20,300	22,550	23,650
Row dwellings	9,100	10,950	13,500	16,050	19,300	21,500	22,500
Walk-up	7,750	9,650	12,200	14,450	16,750	18,400	19,400
Elevator-structure	13,600	15,800	20,000				
Buffalo, N.Y.:							
Detached and semidetached	9,650	11,650	14,400	17,200	20,700	22,950	24,100
Row dwellings	9,250	11,150	13,750	16,350	19,650	21,900	22,900
Walk-up	7,900	9,850	12,400	14,700	17,050	18,750	19,750
Elevator-structure	14,000	16,300	20,600				
Rochester, N.Y.:							
Detached and semidetached	9,400	11,350	14,000	16,750	20,150	22,350	23,450
Row-dwellings	9,000	10,850	13,400	15,900	19,150	21,300	22,300
Walk-up	7,700	9,600	12,050	14,300	16,600	18,250	19,250
Elevator-structure	13,700	15,950	20,150				
Binghamton, N.Y.:							
Detached and semidetached	9,350	11,300	13,950	16,650	20,050	22,250	23,350
Row dwellings	8,950	10,800	13,300	15,850	19,050	21,200	22,200
Walk-up	7,650	9,550	12,000	14,250	16,500	18,150	19,150
Elevator-structure	13,650	15,900	20,100				
Ithaca, N.Y.:							
Detached and semidetached	9,250	11,200	13,850	16,500	19,900	22,050	23,150
Row dwellings	8,900	10,700	13,200	15,700	18,850	21,050	22,000
Walk-up	7,600	9,450	11,900	14,100	16,350	18,000	18,950
Elevator-structure	13,550	15,800	10,950				
Jamestown, N.Y.:							
Detached and semidetached	9,400	11,300	14,000	16,700	20,100	22,300	23,450
Row dwellings	9,000	10,850	13,350	15,900	19,100	21,300	22,250
Walk-up	7,700	9,550	12,050	14,300	16,550	18,250	19,200
Elevator-structure	13,600	15,800	20,000				
New York City, N.Y.:							
Detached and semidetached	11,600	14,000	17,250	20,600	24,800	27,550	28,900
Row dwellings	11,100	13,350	16,500	19,600	23,550	26,250	27,450
Walk-up	9,450	11,800	14,900	17,650	20,450	22,500	23,700
Elevator-structure	16,850	19,600	24,800	29,750	34,500	36,750	

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION II

	Number of bedrooms						
	0	1	2	3	4	5	6
Nassau County (Hempstead):							
Detached and semidetached	11,250	13,600	16,750	20,000	24,100	26,750	28,100
Row dwellings	10,800	12,950	16,050	19,050	22,900	25,500	26,650
Walk-up	9,200	11,450	14,500	17,150	19,850	21,850	23,050
Elevator-structure	16,600	19,300	24,450	29,300	34,000	36,200	
Putnam County:							
Detached and semidetached	10,550	12,700	15,650	18,700	22,500	25,000	26,250
Row dwellings	10,100	12,100	15,000	17,800	21,400	23,850	24,900
Walk-up	8,600	10,700	13,550	16,000	18,550	20,450	21,500
Elevator-structure	15,650	18,200	23,000	27,600	32,000	34,100	
Suffolk County:							
Detached and semidetached	11,200	13,500	16,650	19,850	23,900	26,550	27,850
Row dwellings	10,700	12,900	15,900	18,900	22,700	25,300	26,500
Walk-up	9,100	11,400	14,350	17,000	19,700	21,700	22,850
Elevator-structure	16,600	19,300	24,450	29,350	34,000	36,250	
Westchester County:							
Detached and semidetached	10,800	13,000	16,050	19,150	23,050	25,600	26,850
Row dwellings	10,300	12,400	15,350	18,200	21,900	24,400	25,500
Walk-up	8,800	10,950	13,850	16,400	19,000	20,900	22,000
Elevator-structure	16,000	18,600	23,550	28,250	32,750	34,900	
Orange County:							
Detached and semidetached	11,250	13,600	16,750	20,000	24,050	26,700	28,000
Row dwellings	10,750	12,950	16,000	19,000	22,850	25,450	26,600
Walk-up	9,150	11,450	14,450	17,100	19,850	21,800	23,000
Elevator-structure	16,700	19,450	24,600	29,500	34,200	36,450	
Rockland County:							
Detached and semidetached	11,150	13,450	16,600	19,800	23,850	26,500	27,800
Row dwellings	10,700	12,850	15,850	18,850	22,650	25,250	26,400
Walk-up	9,100	11,350	14,350	17,000	19,650	21,650	22,800
Elevator-structure	16,400	19,050	24,100	28,950	33,550	35,750	
San Juan, P.R.:							
Detached and semidetached	8,450	10,200	12,600	15,050	18,100	20,100	21,100
Row dwellings	8,100	9,750	12,050	14,300	17,200	19,150	20,050
Walk-up	6,900	8,600	10,900	12,900	14,950	16,450	17,300
Elevator-structure	10,650	12,400	15,700				
Ponce, P.R.:							
Detached and semidetached	8,500	10,250	12,650	15,100	18,150	20,200	21,200
Row dwellings	8,150	9,800	12,100	14,350	17,250	19,250	20,150
Walk-up	6,950	8,650	10,950	12,950	15,000	16,500	17,350
Elevator-structure	10,700	12,450	15,800				
Mayaquez, P.R.:							
Detached and semidetached	8,500	10,250	12,650	15,100	18,150	20,200	21,200
Row dwellings	8,150	9,800	12,100	14,350	17,250	19,250	20,150
Walk-up	6,950	8,650	10,950	12,950	15,000	16,500	17,350
Elevator-structure	10,700	12,450	15,800				
Arecibo, P.R.:							
Detached and semidetached	8,500	10,250	12,650	15,100	18,150	20,200	21,200
Row dwellings	8,150	9,800	12,100	14,350	17,250	19,250	20,150
Walk-up	6,950	8,650	10,950	12,950	15,000	16,500	17,350
Elevator-structure	10,700	12,450	15,800				
St. Thomas, V.I.:							
Detached and semidetached	10,850	13,150	16,200	19,350	23,300	25,850	27,150
Row dwellings	10,400	12,550	15,500	18,400	22,150	24,650	25,800
Walk-up	8,900	11,050	14,050	16,000	19,250	21,150	22,250
Elevator-structure	13,300	15,500	19,650				
St. Croix, V.I.:							
Detached and semidetached	16,600	12,800	15,800	18,850	22,700	25,200	26,450
Row dwellings	10,150	12,250	15,100	17,950	21,550	24,000	25,150
Walk-up	8,650	10,800	13,650	16,200	18,750	20,650	21,700
Elevator-structure	12,950	15,100	19,150				
Charlotte Amalie, V.I.:							
Detached and semidetached	10,950	13,200	16,300	19,500	23,450	26,050	27,350
Row dwellings	10,500	12,650	15,600	18,500	22,300	24,800	25,950
Walk-up	8,950	11,150	14,100	16,700	19,350	21,300	22,400
Elevator-structure	13,400	15,600	19,750				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION III

	Number of bedrooms						
	0	1	2	3	4	5	6
Wilmington, Del.:							
Detached and semidetached	8,400	10,200	12,500	14,950	18,000	20,050	20,950
Row dwellings	8,000	9,700	11,950	14,250	17,150	19,050	19,900
Walk-up	6,850	8,550	10,850	12,800	14,850	16,350	17,200
Elevator-structure	11,350	13,150	16,700				
Dover, Del.:							
Detached and semidetached	8,450	10,300	12,600	15,050	18,150	20,200	21,100
Row dwellings	8,050	9,800	12,050	14,350	17,300	19,200	20,050
Walk-up	6,100	8,600	10,950	12,900	14,950	16,500	17,350
Elevator-structure	11,350	13,150	16,700				
Washington, D.C.:							
Detached and semidetached	8,250	10,000	12,300	14,700	17,650	19,700	20,550
Row dwellings	7,900	9,550	11,750	14,000	16,850	18,750	19,550
Walk-up	6,750	8,400	10,650	12,600	14,600	16,050	16,900
Elevator-structure	11,250	13,050	16,550				
Baltimore, Md.:							
Detached and semidetached	8,250	10,000	12,300	14,700	17,650	19,700	20,550
Row dwellings	7,900	9,550	11,750	14,000	16,850	18,750	19,600
Walk-up	6,750	8,400	10,650	12,600	14,600	16,050	16,900
Elevator-structure	11,150	12,950	16,400				
Aberdeen, Md.:							
Detached and semidetached	8,250	10,000	12,300	14,700	17,650	19,700	20,550
Row dwellings	7,900	9,550	11,750	14,000	16,850	18,750	19,600
Walk-up	6,750	8,400	10,650	12,600	14,600	16,050	16,900
Elevator-structure	11,150	12,950	16,400				
Hagerstown, Md.:							
Detached and semidetached	8,600	10,400	12,800	15,300	18,350	20,500	21,400
Row dwellings	8,200	9,950	12,250	14,550	17,550	19,500	20,400
Walk-up	7,050	8,750	11,100	13,100	15,200	16,700	17,600
Elevator-structure	11,600	13,500	17,050				
Salisbury, Md.:							
Detached and semidetached	8,350	10,100	12,450	14,850	17,850	19,900	20,750
Row dwellings	8,000	9,650	11,850	14,150	17,000	18,950	19,800
Walk-up	6,800	8,500	10,750	12,750	14,750	16,200	17,050
Elevator-structure	11,250	13,100	16,550				
Annapolis, Md.:							
Detached and semidetached	7,950	9,600	11,850	14,150	16,950	18,950	19,750
Row dwellings	7,600	9,200	11,300	13,450	16,200	18,050	18,850
Walk-up	6,500	8,100	10,250	12,100	14,050	15,450	16,250
Elevator-structure	10,700	12,450	15,750				
Cambridge, Md.:							
Detached and semidetached	7,950	9,600	11,805	14,150	16,950	18,950	19,750
Row dwellings	7,600	9,200	11,300	13,450	16,200	18,050	18,850
Walk-up	6,500	8,100	10,250	12,100	14,050	15,450	16,250
Elevator-structure	10,750	12,500	15,800				
Cumberland, Md.:							
Detached and semidetached	7,750	9,400	11,600	13,850	16,650	18,550	19,350
Row dwellings	7,450	9,000	11,050	13,200	15,850	17,650	18,450
Walk-up	6,350	7,900	10,050	11,850	13,750	15,100	15,900
Elevator-structure	10,500	12,200	15,500				
Frederick, Md.:							
Detached and semidetached	7,950	9,600	11,850	14,150	16,950	18,950	19,750
Row dwellings	7,600	9,200	11,300	13,450	16,200	18,050	18,850
Walk-up	6,500	8,100	10,250	12,100	14,050	15,450	16,250
Elevator-structure	10,800	12,550	15,900				
Philadelphia, Pa.:							
Detached and semidetached	9,550	11,550	14,200	16,950	20,400	22,750	23,750
Row dwellings	9,100	11,000	13,550	16,150	19,450	21,650	22,600
Walk-up	7,800	9,700	12,300	14,550	16,850	18,550	19,500
Elevator-structure	12,700	14,750	18,700				
Allentown, Pa.:							
Detached and semidetached	9,250	11,200	13,800	16,450	19,800	22,100	23,050
Row dwellings	8,850	10,700	13,150	15,700	18,900	21,000	21,950
Walk-up	7,550	9,400	11,950	14,150	16,350	18,000	18,950
Elevator-structure	11,900	13,850	17,550				
Bellefonte, Pa.:							
Detached and semidetached	9,750	11,750	14,450	17,250	20,800	23,200	24,200
Row dwellings	9,250	11,200	13,800	16,450	19,800	22,050	23,050
Walk-up	7,950	9,900	12,550	14,800	17,150	18,900	19,850
Elevator-structure	12,650	14,700	18,600				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION III

	Number of bedrooms						
	0	1	2	3	4	5	6
Harrisburg, Pa.:							
Detached and semidetached	9,300	11,250	13,850	16,550	19,900	22,200	23,150
Row dwellings	8,900	10,750	13,200	15,750	18,950	21,100	22,050
Walk-up	7,600	9,450	12,000	14,200	16,450	18,100	19,000
Elevator-structure	12,100	14,050	17,800				
Lancaster, Pa.:							
Detached and semidetached	9,050	10,950	13,500	16,100	19,350	21,600	22,550
Row dwellings	8,650	10,450	12,850	15,350	18,450	20,550	21,450
Walk-up	7,400	9,200	11,700	13,800	16,000	17,600	18,500
Elevator-structure	11,900	13,850	17,550				
York, Pa.:							
Detached and semidetached	9,050	10,950	13,500	16,100	19,350	21,600	22,550
Row dwellings	8,650	10,450	12,850	15,350	18,450	20,550	21,450
Walk-up	7,400	9,200	11,700	13,800	16,000	17,600	18,500
Elevator-structure	11,900	13,850	17,550				
Pottstown, Pa.:							
Detached and semidetached	9,050	10,950	13,500	16,100	19,350	21,600	22,550
Row dwellings	8,650	10,450	12,850	15,350	18,450	20,550	21,450
Walk-up	7,400	9,200	11,700	13,800	16,000	17,600	18,500
Elevator-structure	11,900	13,850	17,550				
Reading, Pa.:							
Detached and semidetached	9,050	10,950	13,500	16,100	19,350	21,600	22,550
Row dwellings	8,650	10,450	12,850	15,350	18,450	20,550	21,450
Walk-up	7,400	9,200	11,700	13,800	16,000	17,600	18,500
Elevator-structure	11,900	13,850	17,550				
Scranton, Pa.:							
Detached and semidetached	9,200	11,100	13,650	16,300	19,600	21,850	22,800
Row dwellings	8,750	10,550	13,000	15,500	18,700	20,800	21,700
Walk-up	7,500	9,300	11,800	14,000	16,200	17,800	18,750
Elevator-structure	13,000	15,100	19,150				
Bethlehem, Pa.:							
Detached and semidetached	9,700	11,700	14,400	17,200	20,700	23,050	24,100
Row dwellings	9,250	11,150	13,750	16,400	19,750	21,950	22,900
Walk-up	7,900	9,850	12,450	14,750	17,100	18,800	19,800
Elevator-structure	3,150	15,250	19,350				
Pittsburgh, Pa.:							
Detached and semidetached	9,900	11,950	14,700	17,550	21,100	23,550	24,550
Row dwellings	9,400	11,400	14,000	16,700	20,100	22,400	23,400
Walk-up	8,050	10,050	12,700	15,050	17,450	19,200	20,150
Elevator-structure	12,850	14,900	18,900				
Altoona, Pa.:							
Detached and semidetached	9,500	11,540	14,100	16,800	20,200	22,550	23,550
Row dwellings	9,000	10,950	13,400	16,000	19,250	21,450	22,450
Walk-up	7,700	9,650	12,150	14,450	16,750	18,400	19,300
Elevator-structure	11,950	13,850	17,550				
Erie, Pa.:							
Detached and semidetached	9,450	11,400	14,050	16,750	20,150	22,500	23,450
Row dwellings	9,000	10,900	13,350	15,950	19,200	21,400	22,350
Walk-up	7,700	9,600	12,150	14,350	16,650	18,350	19,250
Elevator-structure	12,650	14,650	18,550				
Johnstown, Pa.:							
Detached and semidetached	9,450	11,400	14,050	16,750	20,150	22,500	23,450
Row dwellings	9,000	10,900	13,350	15,950	19,200	21,400	22,350
Walk-up	7,700	9,600	12,150	14,350	16,650	18,350	19,250
Elevator-structure	12,100	14,050	17,800				
New Castle, Pa.:							
Detached and semidetached	9,450	11,400	14,050	16,750	20,150	22,500	23,450
Row dwellings	9,000	10,900	13,350	15,950	19,200	21,400	22,350
Walk-up	7,700	9,600	12,150	14,350	16,650	18,350	19,250
Elevator-structure	12,100	14,050	17,800				
Sharon, Pa.:							
Detached and semidetached	9,450	11,400	14,050	16,750	20,150	22,500	23,450
Row dewllings	9,000	10,900	13,350	15,950	19,200	21,400	22,350
Walk-up	7,700	9,600	12,150	14,350	16,650	18,350	19,250
Elevator-structure	12,100	14,050	17,800				
Richmond, Va.:							
Detached and semidetached	7,950	9,600	11,800	14,100	16,950	18,900	19,750
Row dwellings	7,550	9,150	11,250	13,450	16,200	18,000	18,800
Walk-up	6,500	8,050	10,250	12,100	14,000	15,450	16,200
Elevator-structure	10,200	11,850	15,000				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION III

	Number of bedrooms						
	0	1	2	3	4	5	6
Norfolk, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,300	11,950	15,150				
Virginia Beach, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,300	11,950	15,150				
Portsmouth, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,300	11,950	15,150				
Chesapeake, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,300	11,950	15,150				
Suffolk, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,300	11,950	15,150				
Roanoke, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,250	11,900	15,050				
Lynchburg, Va.:							
Detached and semidetached	8,100	9,800	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,250	11,900	15,050				
Danville, Va.:							
Detached and semidetached	8,100	9,850	12,050	14,350	17,300	19,250	20,150
Row dwellings	7,700	9,350	11,450	13,700	16,500	18,350	19,150
Walk-up	6,600	8,200	10,450	12,350	14,250	15,750	16,500
Elevator-structure	10,250	11,900	15,050				
Newport News, Va.:							
Detached and semidetached	8,150	9,850	12,100	14,450	17,400	19,400	20,250
Row dwellings	7,750	9,400	11,550	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,350	15,850	16,600
Elevator-structure	10,400	12,050	15,300				
Hampton, Va.:							
Detached and semidetached	8,150	9,850	12,100	14,450	17,400	19,400	20,250
Row dwellings	7,750	9,400	11,550	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,350	15,850	16,600
Elevator-structure	10,400	12,050	15,300				
Fredericksburg, Va.:							
Detached and semidetached	8,250	9,950	12,200	14,600	17,550	19,550	20,450
Row dwellings	7,800	9,450	11,650	13,900	16,750	18,650	19,450
Walk-up	6,750	8,350	10,600	12,500	14,500	16,000	16,750
Elevator-structure	11,200	13,000	16,500				
Warrenton, Va.:							
Detached and semidetached	8,250	9,950	12,200	14,600	17,550	19,550	20,450
Row dwellings	7,800	9,450	11,650	13,900	16,750	18,650	19,450
Walk-up	6,750	8,350	10,600	12,500	14,500	16,000	16,750
Elevator-structure	11,200	13,000	16,500				
Harrisonburg, Va.:							
Detached and semidetached	8,156	9,850	12,100	14,450	17,400	19,400	20,250
Row dwellings	7,750	9,400	11,550	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,350	15,850	16,600
Elevator-structure	10,400	12,050	15,300				
Bristol, Va.:							
Detached and semidetached	8,450	10,200	12,500	14,950	17,950	20,050	20,950
Row dwellings	8,000	9,700	11,950	14,250	17,200	19,100	19,950
Walk-up	6,900	8,550	10,850	12,850	14,850	16,400	17,200
Elevator-structure	11,000	12,750	16,150				

Prototype Per Unit Cost Schedule—Continued

REGION III

	Number of bedrooms						
	0	1	2	3	4	5	6
Easternshore, Va.:							
Detached and semidetached	8,150	9,850	12,100	14,450	17,400	19,400	20,250
Row dwellings	7,750	9,400	11,550	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,350	15,850	16,600
Elevator-structure	10,400	12,050	15,300				
Charleston, W. Va.:							
Detached and semidetached	8,750	10,600	13,050	15,550	18,750	20,900	21,800
Row dwellings	8,350	10,100	12,450	14,850	17,850	19,900	20,750
Walk-up	7,150	8,900	11,300	13,350	15,450	17,050	17,900
Elevator-structure	12,300	14,300	18,100				
Beckley, W. Va.:							
Detached and semidetached	8,550	10,350	12,750	15,150	18,300	20,400	21,250
Row dwellings	8,150	9,850	12,150	14,500	17,400	19,400	20,250
Walk-up	6,950	8,700	11,000	13,000	15,050	16,650	17,450
Elevator-structure	12,000	13,950	17,650				
Bluefield, W. Va.:							
Detached and semidetached	8,550	10,350	12,750	15,150	18,300	20,400	21,250
Row dwellings	8,150	9,850	12,150	14,500	17,400	19,400	20,250
Walk-up	6,950	8,700	11,000	13,000	15,050	16,650	17,450
Elevator-structure	12,000	13,950	17,650				
Huntington, W. Va.:							
Detached and semidetached	8,600	10,450	12,850	15,300	18,450	20,550	21,450
Row dwellings	8,200	9,950	12,250	14,600	17,550	19,550	20,400
Walk-up	7,050	8,750	11,100	13,150	15,200	16,750	17,600
Elevator-structure	12,100	14,050	17,800				
Parkersburg, W. Va.:							
Detached and semidetached	8,600	10,450	12,850	15,300	18,450	20,550	21,450
Row dwellings	8,200	9,950	12,250	14,600	17,550	19,550	20,400
Walk-up	7,050	8,750	11,100	13,150	15,200	16,750	17,600
Elevator-structure	12,100	14,050	17,800				
Wheeling, W. Va.:							
Detached and semidetached	8,550	10,350	12,750	15,150	18,300	20,400	21,250
Row dwellings	8,150	9,850	12,150	14,500	17,400	19,400	20,250
Walk-up	6,950	8,700	11,000	13,000	15,050	16,650	17,450
Elevator-structure	12,000	13,950	17,650				
Martinsburg, W. Va.:							
Detached and semidetached	9,100	9,650	11,850	14,150	17,050	19,000	19,850
Row dwellings	7,600	9,200	11,350	13,500	16,250	18,100	18,900
Walk-up	6,500	8,100	10,300	12,150	14,050	15,500	16,300
Elevator-structure	12,000	13,950	17,650				
Fairmont, W. Va.:							
Detached and semidetached	8,100	10,200	12,550	14,950	18,050	20,100	21,000
Row dwellings	8,050	9,700	12,000	14,300	17,200	19,150	19,950
Walk-up	6,900	8,550	10,900	12,850	14,850	16,400	17,250
Elevator-structure	11,950	13,900	17,600				
Point Pleasant, W. Va.:							
Detached and semidetached	8,200	9,950	12,250	14,600	17,600	19,650	20,500
Row dwellings	7,850	9,500	11,700	13,950	16,800	18,700	19,500
Walk-up	6,700	8,350	10,600	12,550	14,500	16,000	16,800
Elevator-structure	12,050	14,000	17,750				

Prototype Per Unit Cost Schedule

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Birmingham, Ala.:							
Detached and semidetached	7,550	9,200	11,250	13,450	16,200	18,000	18,850
Row dwellings	7,250	8,700	10,750	12,800	15,400	17,150	17,950
Walk-up	6,200	7,650	9,750	11,500	13,350	14,700	15,450
Elevator-structure	10,350	12,050	15,200				
Dothan, Ala.:							
Detached and semidetached	7,200	8,700	10,750	12,850	15,450	17,200	18,000
Row dwellings	6,900	8,300	10,250	12,200	14,700	16,400	17,150
Walk-up	5,900	7,300	9,300	11,000	12,750	14,050	14,750
Elevator-structure	10,050	11,700	14,750				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Florence, Ala.:							
Detached and semidetached	7,250	8,750	10,800	12,950	15,600	17,300	18,150
Row dwellings	7,000	8,305	10,350	12,300	14,800	16,500	17,250
Walk-up	5,950	7,305	9,400	11,050	12,850	14,150	14,850
Elevator-structure	10,250	11,950	15,050				
Huntsville, Ala.:							
Detached and semidetached	7,150	8,600	10,650	12,700	15,300	17,000	17,800
Row dwellings	6,850	8,200	10,150	12,100	14,550	16,200	16,950
Walk-up	5,850	7,250	9,200	10,850	12,600	13,900	14,600
Elevator-structure	10,050	11,700	14,800				
Mobile, Ala.:							
Detached and semidetached	8,250	9,950	12,300	14,700	17,700	19,700	20,600
Row dwellings	7,950	9,500	11,750	14,000	16,850	18,750	19,650
Walk-up	6,800	8,350	10,650	12,600	14,600	16,050	16,900
Elevator-structure	11,300	13,150	16,600				
Montgomery, Ala.:							
Detached and semidetached	7,200	8,700	10,700	12,800	15,450	17,150	17,950
Row dwellings	6,900	8,300	10,250	12,200	14,700	16,350	17,100
Walk-up	5,900	7,300	9,300	10,950	12,750	14,000	14,750
Elevator-structure	10,150	11,850	14,950				
Sheffield, Ala.:							
Detached and semidetached	7,250	8,750	10,800	12,950	15,600	17,300	18,150
Row dwellings	7,000	8,350	10,350	12,300	14,800	16,500	17,250
Walk-up	5,950	7,350	9,400	11,050	12,850	14,150	14,850
Elevator-structure	10,250	11,950	15,050				
Tuscaloosa, Ala.:							
Detached and semidetached	7,150	8,600	10,600	12,700	15,300	17,000	17,800
Row dwellings	6,850	8,200	10,150	12,100	14,550	16,200	16,950
Walk-up	5,850	7,200	9,200	10,850	12,600	13,900	14,600
Elevator-structure	10,050	11,700	14,750				
Jacksonville, Fla.:							
Detached and semidetached	7,500	9,050	11,150	13,350	16,050	17,800	18,650
Row dwellings	7,150	8,650	10,650	12,700	15,250	17,000	17,750
Walk-up	6,100	7,600	9,700	11,400	13,250	14,550	15,300
Elevator-structure	10,500	12,200	15,450				
Fort Walton Beach, Fla.:							
Detached and semidetached	7,450	9,000	11,050	13,250	15,900	17,650	18,500
Row dwellings	7,100	8,600	10,550	12,600	15,150	16,850	17,600
Walk-up	6,050	7,550	9,600	11,300	13,150	14,450	15,200
Elevator-structure	10,400	12,100	15,300				
Gainesville, Fla.:							
Detached and semidetached	7,800	9,400	11,600	13,900	16,700	18,500	19,400
Row dwellings	7,450	9,000	11,100	13,200	15,850	17,700	18,450
Walk-up	6,350	7,900	10,100	11,850	13,800	15,150	15,900
Elevator-structure	10,950	12,700	16,100				
Panama City, Fla.:							
Detached and semidetached	7,450	9,000	11,050	13,250	15,900	17,650	18,500
Row dwellings	7,100	8,600	10,550	12,600	15,150	16,850	17,600
Walk-up	6,050	7,550	9,600	11,300	13,150	14,450	15,200
Elevator-structure	10,400	12,100	15,300				
Pensacola, Fla.:							
Detached and semidetached	7,450	9,000	11,050	13,260	15,900	17,650	18,500
Row dwellings	7,100	8,600	10,550	12,600	15,150	16,850	17,600
Walk-up	6,050	7,550	9,600	11,300	13,150	14,450	15,200
Elevator-structure	10,400	12,100	15,300				
Tallahassee, Fla.:							
Detached and semidetached	7,700	9,250	11,400	13,700	16,450	18,250	19,100
Row dwellings	7,300	8,850	10,900	13,000	15,600	17,400	18,200
Walk-up	6,250	7,800	9,950	11,700	13,550	14,900	15,650
Elevator-structure	10,750	12,500	15,850				
Miami, Fla. (Coral Gables):							
Detached and semidetached	8,850	10,650	13,100	15,700	18,900	21,000	22,000
Row dwellings	8,400	10,150	12,600	14,950	18,000	20,000	21,000
Walk-up	7,100	8,950	11,400	13,450	15,600	17,150	18,050
Elevator-structure	12,400	14,450	18,250				
Fort Lauderdale, Fla.:							
Detached and semidetached	7,850	9,450	11,600	13,900	16,750	18,600	19,500
Row dwellings	7,450	9,000	11,150	13,250	15,950	17,700	18,600
Walk-up	6,300	7,950	10,100	11,900	13,800	15,200	16,000
Elevator-structure	11,850	13,800	17,400				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Fort Myers, Fla.:							
Detached and semidetached	7,350	8,800	10,850	13,000	15,650	17,400	18,250
Row dwellings	6,950	8,400	10,450	12,400	14,900	16,550	17,400
Walk-up	5,900	7,400	9,450	11,150	12,950	14,200	14,950
Elevator-structure	11,050	12,900	16,300				
Key West, Fla.:							
Detached and semidetached	8,850	10,650	13,100	15,700	18,900	21,000	22,000
Row dwellings	8,400	10,150	12,600	14,950	18,000	20,000	21,000
Walk-up	7,100	8,950	11,400	13,450	15,600	17,150	18,050
Elevator-structure	12,400	14,450	18,250				
West Palm Beach, Fla.:							
Detached and semidetached	8,200	9,850	12,150	14,550	17,500	19,450	20,350
Row dwellings	7,800	9,400	11,650	13,850	16,650	18,500	19,450
Walk-up	6,550	8,300	10,550	12,450	14,450	15,900	16,700
Elevator-structure	12,100	14,100	17,800				
Tampa, Fla.:							
Detached and semidetached	7,650	9,200	11,400	13,600	16,350	18,200	19,050
Row dwellings	7,300	8,800	10,900	12,950	15,550	17,350	18,150
Walk-up	6,250	7,750	9,850	11,650	13,500	14,850	15,600
Elevator-structure	10,650	12,400	15,650				
Cocoa, Fla.:							
Detached and semidetached	7,600	9,100	11,300	13,500	16,200	18,050	18,900
Row dwellings	7,250	8,750	10,800	12,850	15,400	17,200	18,000
Walk-up	6,200	7,700	9,750	11,550	13,400	14,750	15,450
Elevator-structure	10,550	12,300	15,500				
Daytona Beach, Fla.:							
Detached and semidetached	8,950	10,750	13,300	15,900	19,100	21,250	22,250
Row dwellings	8,550	10,300	12,750	15,150	18,150	20,250	21,200
Walk-up	7,300	9,050	11,500	13,600	15,750	17,350	18,200
Elevator-structure	12,450	14,500	18,300				
Fort Pierce, Fla.:							
Detached and semidetached	8,100	9,750	12,050	14,400	17,300	19,250	20,150
Row dwellings	7,750	9,300	11,550	13,700	16,450	18,350	19,200
Walk-up	6,600	8,200	10,450	12,350	14,300	15,700	16,500
Elevator-structure	11,300	13,150	16,550				
Lakeland, Fla.:							
Detached and semidetached	7,700	9,300	11,500	13,700	16,500	18,350	19,200
Row dwellings	7,350	8,850	11,000	13,050	15,700	17,500	18,300
Walk-up	6,300	7,800	9,950	11,750	13,600	14,950	15,750
Elevator-structure	10,750	12,500	15,800				
Orlando, Fla.:							
Detached and semidetached	7,450	9,000	11,150	13,300	15,950	17,750	18,600
Row dwellings	7,150	8,600	10,650	12,650	15,200	16,950	17,750
Walk-up	6,100	7,550	9,600	11,400	13,200	14,500	15,250
Elevator-structure	10,400	12,100	15,300				
Sarasota, Fla.:							
Detached and semidetached	7,850	9,450	11,700	13,950	16,750	18,650	19,550
Row dwellings	7,500	9,000	11,150	13,300	15,950	17,800	18,600
Walk-up	6,400	7,950	10,100	11,950	13,850	15,200	16,000
Elevator-structure	10,900	12,700	16,050				
St. Petersburg, Fla.:							
Detached and semidetached	7,500	9,000	11,150	13,300	16,000	17,800	18,650
Row dwellings	7,150	8,600	10,650	12,700	15,200	17,000	17,750
Walk-up	6,100	7,600	9,650	11,400	13,200	14,550	15,250
Elevator-structure	10,450	12,150	15,300				
Atlanta, Ga.:							
Detached and semidetached	7,600	9,150	11,300	13,500	16,250	18,050	18,900
Row dwellings	7,250	8,750	10,800	12,850	15,450	17,200	18,000
Walk-up	6,200	7,700	9,800	11,550	13,400	14,750	15,500
Elevator-structure	10,750	12,500	15,800				
Albany, Ga.:							
Detached and semidetached	7,550	9,050	11,200	13,400	16,100	17,900	18,750
Row dwellings	7,200	8,650	10,700	12,750	15,300	17,050	17,850
Walk-up	6,150	7,650	9,700	11,450	13,300	14,600	15,350
Elevator-structure	10,650	12,400	15,650				
Augusta, Ga.:							
Detached and semidetached	7,450	9,000	11,100	13,250	15,950	17,750	18,550
Row dwellings	7,100	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,550	9,650	11,350	13,150	14,500	15,250
Elevator-structure	10,550	12,300	15,550				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Brunswick, Ga.:							
Detached and semidetached	7,550	9,050	11,200	13,400	16,100	17,900	18,750
Row dwellings	7,200	8,650	10,700	12,750	15,300	17,050	17,850
Walk-up	6,150	7,650	9,700	11,450	13,300	14,600	15,350
Elevator-structure	10,650	12,400	15,650				
Columbus, Ga.:							
Detached and semidetached	7,450	9,000	11,100	13,250	15,950	17,750	18,550
Row dwellings	7,100	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,550	9,650	11,350	13,150	14,500	15,250
Elevator-structure	10,550	12,300	15,550				
Macon, Ga.:							
Detached and semidetached	7,450	9,000	11,100	13,250	15,950	17,750	18,550
Row dwellings	7,100	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,550	9,650	11,350	13,150	14,500	15,250
Elevator-structure	10,550	12,300	15,550				
Rome, Ga.:							
Detached and semidetached	7,400	8,900	11,000	13,150	15,850	17,600	18,400
Row dwellings	7,050	8,500	10,500	12,500	15,050	16,750	17,550
Walk-up	6,050	7,500	9,550	11,250	13,050	14,350	15,100
Elevator-structure	10,450	12,150	15,400				
Savannah, Ga.:							
Detached and semidetached	7,550	9,050	11,200	13,400	16,100	17,900	18,750
Row dwellings	7,200	8,650	10,700	12,750	15,300	17,050	17,850
Walk-up	6,150	7,650	9,700	11,450	13,300	14,600	15,350
Elevator-structure	10,650	12,400	15,650				
Valdosta, Ga.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,450
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,500	9,600	11,300	13,100	14,400	15,150
Elevator-structure	10,650	12,400	15,650				
Louisville, Ky.:							
Detached and semidetached	8,150	9,800	12,100	14,500	17,450	19,350	20,300
Row dwellings	7,800	9,400	11,600	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,400	15,850	16,650
Elevator-structure	12,200	14,200	17,950				
Ashland, Ky.:							
Detached and semidetached	8,400	10,150	12,500	15,000	18,050	20,000	21,000
Row dwellings	8,050	9,700	12,000	14,250	17,150	19,050	19,950
Walk-up	6,850	8,550	10,850	12,800	14,900	16,400	17,200
Elevator-structure	12,600	14,700	18,550				
Bowling Green, Ky.:							
Detached and semidetached	7,900	9,450	11,700	14,000	16,850	18,700	19,600
Row dwellings	7,550	9,100	11,200	13,350	16,050	17,850	18,650
Walk-up	6,450	7,950	10,150	12,000	13,900	15,300	16,100
Elevator-structure	11,800	13,700	17,350				
Corbin, Ky.:							
Detached and semidetached	8,150	9,800	12,100	14,500	17,450	19,350	20,300
Row dwellings	7,800	9,400	11,600	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,600	12,400	14,400	15,850	16,650
Elevator-structure	12,200	14,200	17,950				
Covington, Ky.:							
Detached and semidetached	8,750	10,500	12,950	15,550	18,700	20,750	21,750
Row dwellings	8,350	10,050	12,450	14,800	17,800	19,750	20,700
Walk-up	7,150	8,850	11,250	13,300	15,450	17,000	17,850
Elevator-structure	12,850	15,000	18,950				
Frankfort, Ky.:							
Detached and semidetached	7,600	9,150	11,300	13,550	16,300	18,100	19,000
Row dwellings	7,300	8,800	10,850	12,900	15,550	17,250	18,050
Walk-up	6,200	7,700	9,800	11,600	13,450	14,850	15,600
Elevator-structure	11,250	13,100	16,550				
Hopkinsville, Ky.:							
Detached and semidetached	7,750	9,300	11,500	13,750	16,550	18,350	19,300
Row dwellings	7,400	8,950	11,000	13,100	15,750	17,500	18,350
Walk-up	6,300	7,850	9,950	11,800	13,650	15,050	15,800
Elevator-structure	11,600	13,500	17,050				
Lexington, Ky.:							
Detached and semidetached	8,150	9,800	12,100	14,500	17,450	19,350	20,300
Row dwellings	7,800	9,400	11,600	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,400	15,850	16,650
Elevator-structure	12,200	14,200	17,950				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Middlesboro, Ky.:							
Detached and semidetached	8,150	9,800	12,100	14,500	17,450	19,350	20,300
Row dwellings	7,800	9,400	11,600	13,800	16,600	18,450	19,300
Walk-up	6,650	8,250	10,500	12,400	14,400	15,850	16,650
Elevator-structure	12,200	14,200	17,950				
Murray, Ky.:							
Detached and semidetached	7,750	9,300	11,500	13,750	16,550	18,350	19,300
Row dwellings	7,400	8,950	11,000	13,100	15,750	17,500	18,350
Walk-up	6,300	7,850	9,950	11,800	13,650	15,050	15,800
Elevator-structure	11,600	13,500	17,050				
Newport, Ky.:							
Detached and semidetached	8,300	10,000	12,350	14,800	17,800	19,750	20,700
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,800	19,700
Walk-up	6,800	8,400	10,700	12,650	14,700	16,150	17,000
Elevator-structure	12,300	14,350	18,150				
Owensboro, Ky.:							
Detached and semidetached	8,300	10,000	12,350	14,800	17,800	19,750	20,700
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,800	19,700
Walk-up	6,800	8,400	10,700	12,650	14,700	16,150	17,000
Elevator-structure	12,300	14,350	18,150				
Paducah, Ky.:							
Detached and semidetached	7,600	9,150	11,350	13,550	16,350	18,100	19,000
Row dwellings	7,300	8,800	10,850	12,900	15,550	17,250	18,050
Walk-up	6,200	7,700	9,850	11,600	13,500	14,850	15,600
Elevator-structure	11,600	13,500	17,050				
Jackson, Miss.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,500	9,600	11,300	13,100	14,450	15,150
Elevator-structure	10,600	12,350	15,600				
Biloxi, Miss.:							
Detached and semidetached	7,500	9,050	11,150	13,350	16,050	17,800	18,700
Row dwellings	7,150	8,650	10,650	12,650	15,250	16,950	17,750
Walk-up	6,100	7,600	9,700	11,400	13,200	14,600	15,300
Elevator-structure	10,900	12,700	16,050				
Greenville, Miss.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,550	9,600	11,300	13,100	14,450	15,150
Elevator-structure	10,550	12,300	15,500				
Greenwood, Miss.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,550	9,600	11,300	13,100	14,450	15,150
Elevator-structure	10,600	12,360	15,600				
Gulfport, Miss.:							
Detached and semidetached	7,500	9,000	11,100	13,250	16,000	17,750	18,600
Row dwellings	7,150	8,600	10,600	12,600	15,150	16,900	17,700
Walk-up	6,100	7,600	9,650	11,350	13,150	14,500	15,200
Elevator-structure	10,700	12,500	15,750				
Hattiesburg, Miss.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,550	9,600	11,300	13,100	14,450	15,150
Elevator-structure	10,550	12,350	15,600				
Southaven, Miss.:							
Detached and semidetached	7,300	8,800	10,850	12,950	15,650	17,350	18,200
Row dwellings	7,000	8,400	10,350	12,350	14,850	16,500	17,300
Walk-up	5,950	7,400	9,450	11,100	12,900	14,200	14,900
Elevator-structure	10,400	12,150	15,350				
Tupelo, Miss.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,550	9,600	11,300	13,100	14,450	15,150
Elevator-structure	10,600	12,350	15,600				
Greensboro, N.C.:							
Detached and semidetached	7,350	8,850	10,950	13,100	15,750	17,500	18,300
Row dwellings	7,050	8,500	10,450	12,450	15,000	16,700	17,450
Walk-up	6,000	7,450	9,500	11,200	13,000	14,300	15,050
Elevator-structure	10,750	12,500	15,800				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Asheville, N.C.:							
Detached and semidetached	7,550	9,100	11,250	13,450	16,150	17,950	18,800
Row dwellings	7,250	8,700	10,700	12,750	15,400	17,150	17,900
Walk-up	6,150	7,650	9,750	11,500	13,350	14,650	15,450
Elevator-structure	11,050	12,850	16,200				
Charlotte, N.C.:							
Detached and semidetached	7,350	8,850	10,950	13,100	15,750	17,500	18,300
Row dwellings	7,050	8,500	10,450	12,450	15,000	16,700	17,450
Walk-up	6,000	7,450	9,500	11,200	13,000	14,300	15,050
Elevator-structure	10,750	12,500	15,800				
Durham, N.C.:							
Detached and semidetached	7,300	8,800	10,900	13,050	15,700	17,400	18,200
Row dwellings	7,000	8,450	10,400	12,400	14,950	16,600	17,350
Walk-up	5,950	7,400	9,450	11,150	12,950	14,250	15,000
Elevator-structure	10,700	12,450	15,700				
Greenville, N.C.:							
Detached and semidetached	7,100	8,550	10,550	12,650	15,200	16,900	17,650
Row dwellings	6,800	8,200	10,100	12,000	14,500	16,100	16,850
Walk-up	5,800	7,200	9,150	10,800	12,550	13,800	14,550
Elevator-structure	10,400	12,050	15,250				
Raleigh, N.C.:							
Detached and semidetached	7,300	8,750	10,850	12,950	15,600	17,350	18,100
Row dwellings	7,000	8,400	10,350	12,350	14,850	16,550	17,300
Walk-up	5,950	7,400	9,400	11,100	12,850	14,150	14,900
Elevator-structure	10,700	12,450	15,750				
Wilmington, N.C.:							
Detached and semidetacted	7,250	8,750	10,800	12,900	15,550	17,250	18,050
Row dwellings	6,950	8,400	10,300	12,300	14,800	16,450	17,200
Walk-up	5,900	7,350	9,350	11,050	12,800	14,100	14,850
Elevator-structure	10,650	12,350	15,650				
Winston-Salem, N.C.:							
Detached and semidetached	7,350	8,850	10,950	13,100	15,750	17,500	18,300
Row dewllings	7,050	8,500	10,450	12,450	15,000	16,700	17,450
Walk-up	6,000	7,450	9,500	11,200	13,000	14,300	15,050
Elevator-structure	10,700	12,450	15,750				
Columbia, S.C.:							
Detached and semidetached	7,000	8,450	10,400	12,450	15,000	16,650	17,450
Row dwellings	6,700	8,050	9,950	11,850	14,250	15,850	16,600
Walk-up	5,700	7,100	9,050	10,650	12,350	13,600	14,300
Elevator-structure	9,600	11,150	11,100				
Aiken, S.C.:							
Detached and semidetached	7,100	8,600	10,600	12,650	15,250	16,950	17,750
Row dwellings	6,800	8,200	10,100	12,050	14,500	16,100	16,900
Walk-up	5,800	7,200	9,200	10,850	12,550	13,850	14,550
Elevator-structure	9,750	11,350	11,350				
Anderson, S.C.:							
Detached and semidetached	7,050	8,500	10,500	12,550	15,150	16,800	17,600
Row dwellings	6,750	8,100	10,050	11,950	14,350	16,000	16,750
Walk-up	5,750	7,150	9,150	10,750	12,450	13,700	14,400
Elevator-structure	9,700	11,250	14,200				
Beaufort, S.C.:							
Detached and semidetached	7,200	8,650	10,650	12,750	15,400	17,100	17,900
Row dwellings	6,850	8,250	10,200	12,150	14,600	16,250	17,000
Walk-up	5,850	7,300	9,300	10,900	12,650	13,950	14,650
Elevator-structure	9,850	11,450	14,450				
Charleston, S.C.:							
Detached and semidetached	7,450	9,000	11,100	13,250	16,000	17,750	18,600
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,550	9,650	11,350	13,150	14,500	15,250
Elevator-structure	10,050	11,700	14,800				
Florence, S.C.:							
Detached and semidetached	7,100	8,600	10,600	12,650	15,250	16,950	17,750
Row dwellings	6,800	8,200	10,100	12,050	14,500	16,100	16,900
Walk-up	5,800	7,200	9,200	10,850	12,550	13,850	14,850
Elevator-structure	9,750	11,350	14,350				
Greenville, S.C.:							
Detached and semidetached	7,200	8,700	10,700	12,800	15,450	17,150	17,950
Row dwellings	6,900	8,300	10,250	12,200	14,700	16,350	17,100
Walk-up	5,850	7,300	9,300	10,950	12,700	14,000	17,750
Elevator-structure	9,850	11,450	14,450				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Greenwood, S.C.:							
Detached and semidetached	7,050	8,500	10,500	12,550	15,150	16,800	17,600
Row dwellings	6,750	8,100	10,050	11,950	14,350	16,000	16,750
Walk-up	5,750	7,150	9,150	10,750	12,450	13,700	14,400
Elevator-structure	9,700	11,250	14,200				
Myrtle Beach, S.C.:							
Detached and semidetached	7,200	8,650	10,650	12,750	15,400	17,100	17,900
Row dwellings	6,850	8,100	10,200	12,150	14,600	16,250	17,000
Walk-up	5,850	7,150	9,300	10,900	12,650	13,950	14,650
Elevator-structure	9,850	11,450	14,450				
North Augusta, S.C.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,650	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,550	9,600	11,300	13,100	14,450	15,150
Elevator-structure	10,200	11,850	14,950				
Orangeburg, S.C.:							
Detached and semidetached	7,000	8,450	10,400	12,550	15,000	16,650	17,450
Row dwellings	6,700	8,050	9,950	11,850	14,250	15,850	16,600
Walk-up	5,700	7,100	9,050	10,650	12,350	13,600	14,300
Elevator-structure	9,600	11,150	14,100				
Rockhill, S.C.:							
Detached and semidetached	7,100	8,600	10,600	12,650	15,250	16,950	17,750
Row dwellings	6,800	8,200	10,100	12,050	14,500	16,100	16,900
Walk-up	5,800	7,200	9,200	10,850	12,550	13,850	14,550
Elevator-structure	9,750	11,350	14,350				
Spartanburg, S.C.:							
Detached and semidetached	7,200	8,700	10,700	12,800	15,450	17,150	17,950
Row dwellings	6,900	8,300	10,250	12,200	14,700	16,350	17,100
Walk-up	5,850	7,300	9,300	10,950	12,700	14,000	14,750
Elevator-structure	9,850	11,450	14,450				
Knoxville, Tenn.:							
Detached and semidetached	7,800	9,400	11,600	13,850	16,700	18,550	19,400
Row dwellings	7,450	9,000	11,100	13,200	15,850	17,650	18,500
Walk-up	6,350	7,900	10,050	11,850	13,750	15,150	15,900
Elevator-structure	10,450	12,150	15,350				
Chattanooga, Tenn.:							
Detached and semidetached	7,750	9,350	11,550	13,750	16,600	18,450	19,300
Row dwellings	7,400	8,950	11,050	13,150	15,750	17,550	18,400
Walk-up	6,300	7,850	10,000	11,800	13,650	15,050	15,800
Elevator-structure	10,400	12,100	15,250				
Johnson City, Tenn.:							
Detached and semidetached	7,800	9,400	11,600	13,850	16,700	18,550	19,400
Row dwellings	7,450	9,000	11,100	13,200	15,850	17,650	18,500
Walk-up	6,350	7,900	10,050	11,850	13,750	15,150	15,900
Elevator-structure	10,450	12,150	15,350				
Kingsport, Tenn.:							
Detached and semidetached	7,800	9,400	11,600	13,850	16,700	18,550	19,400
Row dwellings	7,450	9,000	11,100	13,200	15,850	17,650	18,500
Walk-up	6,350	7,900	10,050	11,850	13,750	15,150	15,900
Elevator-structure	10,450	12,150	15,350				
Nashville, Tenn.:							
Detached and semidetached	7,650	9,250	11,400	13,600	16,400	18,250	19,050
Row dwellings	7,300	8,850	10,900	13,000	15,600	17,350	18,200
Walk-up	6,250	7,750	9,900	11,650	13,500	14,900	15,650
Elevator-structure	10,100	11,750	14,850				
Oak Ridge, Tenn.:							
Detached and semidetached	7,800	9,400	11,600	13,850	16,700	18,550	19,400
Row dwellings	7,450	9,000	11,100	13,200	15,850	17,650	18,500
Walk-up	635	7,900	10,050	11,850	13,750	15,150	15,900
Elevator-structure	10,450	12,150	15,350				
Memphis, Tenn.:							
Detached and semidetached	7,350	8,850	10,950	13,050	15,750	17,500	18,300
Row dwellings	7,000	8,450	10,450	12,450	14,950	16,650	17,450
Walk-up	6,000	7,450	9,500	11,200	13,000	14,300	15,000
Elevator-structure	10,450	12,150	15,350				
Clarksville, Tenn.:							
Detached and semidetached	7,400	8,900	11,050	13,150	15,850	17,650	18,450
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,600
Walk-up	6,050	7,500	9,600	10,700	13,100	14,400	15,100
Elevator-structure	10,550	12,250	15,450				

Prototype Per Unit Cost Schedule—Continued

REGION IV

	Number of bedrooms						
	0	1	2	3	4	5	6
Columbia, Tenn.:							
Detached and semidetached	7,700	9,250	11,450	13,650	16,500	18,350	19,150
Row dwellings	7,350	8,850	10,950	13,050	15,650	17,450	18,300
Walk-up	6,300	7,800	9,950	11,750	13,600	15,000	15,700
Elevator-structure	10,950	12,750	16,100				
Jackson, Tenn.:							
Detached and semidetached	7,950	9,550	11,800	14,100	17,000	18,900	19,750
Row dwellings	7,550	9,100	11,300	13,450	16,150	17,950	18,850
Walk-up	6,500	8,050	10,250	12,100	14,050	15,450	16,200
Elevator-structure	11,300	13,100	16,550				
Union City, Tenn.:							
Detached and semidetached	8,000	9,650	11,950	14,200	17,150	19,050	19,950
Row dwellings	7,650	9,200	11,400	13,550	16,300	18,150	19,000
Walk-up	6,550	8,100	10,350	12,200	14,150	15,600	16,350
Elevator-structure	11,400	13,250	16,750				
Corinth, Miss.:							
Detached and semidetached	7,400	8,900	11,050	13,150	15,850	17,650	18,450
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,600
Walk-up	6,050	7,500	9,600	10,700	13,100	14,400	15,100
Elevator-structure	10,550	12,250	15,450				

Prototype Per Unit Cost Schedule

REGION V

	Number of bedrooms						
	0	1	2	3	4	5	6
Chicago, Ill.:							
Detached and semidetached	9,050	10,950	13,900	16,100	19,350	21,550	22,550
Row dwellings	8,650	10,400	12,850	15,300	18,400	20,500	21,450
Walk-up	7,400	9,200	11,650	13,800	15,950	17,600	18,450
Elevator-structure	12,950	15,050	19,050				
Moline, Ill.:							
Detached and semidetached	8,550	10,350	12,750	15,200	18,250	20,350	21,300
Row dwellings	8,150	9,800	12,150	14,450	17,350	19,350	20,250
Walk-up	7,000	8,700	11,000	13,250	15,050	16,600	17,400
Elevator-structure	12,150	14,150	17,900				
Rockford, Ill.:							
Detached and semidetached	8,350	10,100	12,400	14,850	17,850	19,850	20,800
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,250	17,000
Elevator-structure	11,900	13,800	17,450				
Rock Island, Ill.:							
Detached and semidetached	8,550	10,350	12,750	15,200	18,300	20,350	21,300
Row dwellings	8,200	9,850	12,150	14,450	17,400	19,400	20,300
Walk-up	7,000	8,700	11,000	13,050	15,100	16,650	17,450
Elevator-structure	12,150	14,150	17,900				
Sterling, Ill.:							
Detached and semidetached	8,500	10,250	12,650	15,100	18,150	20,200	21,150
Row dwellings	8,100	9,750	12,050	14,350	17,250	19,250	20,100
Walk-up	6,950	8,650	10,950	12,950	14,950	16,500	17,300
Elevator-structure	12,100	14,050	17,750				
Springfield, Ill.:							
Detached and semidetached	8,400	10,150	12,550	14,950	17,950	20,000	20,950
Row dwellings	8,050	9,650	11,950	14,200	17,100	19,050	19,900
Walk-up	6,850	8,550	10,800	12,800	14,800	16,350	17,150
Elevator-structure	11,750	13,650	17,250				
Belleville, Ill.:							
Detached and semidetached	8,750	10,550	13,050	15,550	18,700	20,850	21,800
Row dwellings	8,400	10,050	12,450	14,800	17,800	19,850	20,700
Walk-up	7,150	8,900	11,250	13,350	15,400	17,050	17,850
Elevator-structure	11,850	13,750	17,400				
Carbondale, Ill.:							
Detached and semidetached	8,400	10,150	12,550	14,950	18,000	20,050	21,000
Row dwellings	8,050	9,650	11,950	14,200	17,150	19,100	19,950
Walk-up	6,850	8,550	10,800	12,800	14,800	16,400	17,200
Elevator-structure	11,750	13,650	17,300				

Prototype Per Unit Cost Schedule—Continued

REGION V

	Number of bedrooms						
	0	1	2	3	4	5	6
Champaign, Ill.:							
Detached and semidetached	8,050	9,750	12,050	14,350	17,250	19,200	20,150
Row dwellings	7,750	9,250	11,500	13,650	16,450	18,300	19,100
Walk-up	6,600	8,200	10,400	12,300	14,200	15,700	16,500
Elevator-structure	11,300	13,100	16,550				
Danville, Ill.:							
Detached and semidetached	8,450	10,250	12,650	15,050	18,100	20,150	21,100
Row dwellings	8,100	9,750	12,050	14,300	17,250	19,200	20,050
Walk-up	6,900	8,600	10,900	12,900	14,900	16,500	17,300
Elevator-structure	11,850	13,750	17,400				
East St. Louis:							
Detached and semidetached	8,850	10,650	13,200	15,700	18,850	21,000	22,000
Row dwellings	8,450	10,150	12,550	14,900	17,950	20,000	20,900
Walk-up	7,200	9,000	11,350	13,450	15,550	17,200	18,000
Elevator-structure	12,800	14,850	18,800				
LaSalle, Ill.:							
Detached and semidetached	8,650	10,450	12,950	15,400	18,500	20,650	21,600
Row dwellings	8,300	9,950	12,350	14,650	17,650	19,650	20,550
Walk-up	7,050	8,800	11,150	13,200	15,250	16,850	17,700
Elevator-structure	12,100	14,100	17,800				
Peoria, Ill.:							
Detached and semidetached	8,550	10,300	12,750	15,200	18,250	20,350	21,300
Row dwellings	8,200	9,800	12,150	14,450	17,400	19,350	20,250
Walk-up	6,950	8,700	11,000	13,000	15,050	16,600	17,450
Elevator-structure	12,050	14,000	17,650				
Quincy, Ill.:							
Detached and semidetached	8,000	9,650	11,950	14,250	17,100	19,050	19,950
Row dwellings	7,650	9,200	11,400	13,500	16,300	18,150	18,950
Walk-up	6,500	8,150	10,300	12,200	14,100	15,550	16,350
Elevator-structure	11,200	13,000	16,450				
Indianapolis, Ind.:							
Detached and semidetached	8,350	10,100	12,450	14,850	17,800	19,850	20,750
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,200	17,000
Elevator-structure	12,000	13,950	17,700				
Bloomington, Ind.:							
Detached and semidetached	8,500	10,250	12,650	15,100	18,100	20,150	21,100
Row dwellings	8,050	9,750	12,050	14,300	17,200	19,200	20,050
Walk-up	6,900	8,650	10,900	12,900	14,950	16,450	17,250
Elevator-structure	12,200	14,150	18,000				
Evansville, Ind.:							
Detached and semidetached	8,750	10,600	13,050	15,550	18,650	20,800	21,750
Row dwellings	8,350	10,050	12,400	14,750	17,750	17,800	20,700
Walk-up	7,100	8,900	11,250	13,300	15,400	16,950	17,800
Elevator-structure	11,800	13,750	17,450				
Fort Wayne, Ind.:							
Detached and semidetached	8,600	10,400	12,850	15,300	18,350	20,500	21,400
Row dwellings	8,200	9,900	12,200	14,550	17,500	19,500	20,350
Walk-up	7,000	8,750	11,100	13,100	15,150	16,700	17,550
Elevator-structure	11,950	13,850	17,600				
Gary, Ind.:							
Detached and semidetached	9,050	10,950	13,550	16,150	19,350	21,550	22,550
Row dwellings	8,650	10,450	12,900	15,300	18,400	20,550	21,450
Walk-up	7,400	9,250	11,700	13,800	15,950	17,600	18,450
Elevator-structure	12,950	15,050	19,100				
Hammond, Ind.:							
Detached and semidetached	8,900	10,800	13,300	15,850	19,000	21,200	22,150
Row dwellings	8,500	10,250	12,650	15,050	18,100	20,200	21,100
Walk-up	7,250	9,100	11,500	13,550	15,700	17,300	18,150
Elevator-structure	12,700	14,750	18,700				
Lafayette, Ind.:							
Detached and semidetached	8,550	10,350	12,750	15,200	18,200	20,300	21,250
Row dwellings	8,150	9,850	12,150	14,450	17,350	19,350	20,200
Walk-up	6,950	8,700	11,000	13,000	15,050	16,600	17,400
Elevator-structure	12,300	14,300	18,100				
South Bend, Ind.:							
Detached and semidetached	8,650	10,450	12,850	15,350	18,400	20,500	21,450
Row dwellings	8,200	9,950	12,250	14,500	17,500	19,550	20,400
Walk-up	7,050	8,800	11,100	13,150	15,200	16,750	17,600
Elevator-structure	12,400	14,400	18,300				

Prototype Per Unit Cost Schedule—Continued

REGION V

	Number of bedrooms						
	0	1	2	3	4	5	6
Terre Haute, Ind.:							
Detached and semidetached	8,850	10,700	13,200	15,750	18,900	21,050	22,000
Row dwellings	8,450	10,200	12,550	11,950	17,950	20,050	20,950
Walk-up	7,200	9,000	11,400	13,450	15,600	17,200	18,050
Elevator-structure	12,600	14,650	18,600				
Detroit, Mich.:							
Detached and semidetached	12,250	12,450	15,300	18,250	21,950	24,450	25,600
Row dwellings	9,800	11,800	14,600	17,350	20,900	23,250	24,350
Walk-up	8,400	10,450	13,200	15,650	18,100	19,950	20,950
Elevator-structure	13,850	16,100	20,400				
Ann Arbor, Mich.:							
Detached and semidetached	12,250	12,450	15,300	18,250	21,950	24,450	25,600
Row dwellings	9,800	11,800	14,600	17,350	20,900	23,250	24,350
Walk-up	8,400	10,450	13,200	15,650	18,100	19,950	20,950
Elevator-structure	13,850	16,100	20,400				
Flint, Mich.:							
Detached and semidetached	11,750	11,950	14,700	17,500	21,050	23,450	24,600
Row dwellings	9,400	11,350	14,000	16,650	20,050	22,300	23,400
Walk-up	8,050	10,050	12,650	15,000	17,400	19,150	20,100
Elevator-structure	13,300	15,450	19,600				
Saginaw, Mich.:							
Detached and semidetached	11,750	11,950	14,700	17,500	21,050	23,450	23,600
Row dwellings	9,400	11,350	14,000	16,650	20,050	22,300	23,400
Walk-up	8,050	10,050	12,650	15,000	17,400	19,150	20,100
Elevator-structure	13,300	15,450	19,600				
Ypsilanti, Mich.:							
Detached and semidetached	12,150	12,350	15,150	18,050	21,750	24,200	25,350
Row dwellings	9,700	11,700	14,450	17,200	20,700	23,000	24,100
Walk-up	8,300	10,350	13,050	15,500	17,900	19,750	20,750
Elevator-structure	13,700	15,950	20,200				
Grand Rapids, Mich.:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,000	21,200	22,150
Row dwellings	8,500	10,200	12,650	15,050	18,100	20,150	21,100
Walk-up	7,250	9,050	11,450	13,550	15,650	17,300	18,150
Elevator-structure	12,400	14,450	18,250				
Battle Creek, Mich.:							
Detached and semidetached	9,100	11,000	13,550	16,150	19,450	21,700	22,650
Row dwellings	8,700	10,450	12,950	15,400	19,500	20,600	21,600
Walk-up	7,400	9,250	11,700	13,850	16,000	17,700	18,550
Elevator-structure	12,700	14,800	18,650				
Benton Harbor, Mich.:							
Detached and semidetached	9,550	11,550	11,250	17,000	20,450	22,800	23,850
Row dwellings	9,150	10,950	13,600	16,200	19,450	21,700	23,850
Walk-up	7,800	9,750	12,300	14,600	16,850	18,611	19,550
Elevator-structure	13,350	15,550	19,650				
Jackson, Mich.:							
Detached and semidetached	9,500	11,500	14,150	16,900	20,300	22,650	23,650
Row dwellings	9,100	10,900	13,500	16,100	19,350	21,500	22,550
Walk-up	7,750	9,650	12,250	14,450	16,700	18,500	19,400
Elevator-structure	13,250	15,450	19,500				
Kalamazoo, Mich.:							
Detached and semidetached	8,950	10,850	13,350	15,900	19,150	21,350	22,300
Row dwellings	8,550	10,300	12,750	15,150	18,250	20,300	21,250
Walk-up	7,300	9,100	11,550	13,650	15,750	17,450	18,300
Elevator-structure	12,500	14,550	18,400				
Lansing, Mich.:							
Detached and semidetached	9,700	11,700	11,450	17,200	20,700	23,100	24,150
Row dwellings	9,250	11,100	13,800	16,400	19,750	21,950	23,000
Walk-up	7,900	9,850	12,500	14,750	17,050	18,850	19,800
Elevator-structure	12,950	15,100	19,100				
Marquette, Mich.:							
Detached and semidetached	8,600	10,350	12,800	15,250	18,350	20,450	21,350
Row dwellings	8,200	9,850	12,200	14,500	17,450	19,450	20,350
Walk-up	7,000	8,750	11,050	13,050	15,100	16,700	17,500
Elevator-structure	11,750	13,700	17,300				
Muskegon, Mich.:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,000	21,200	22,150
Row dwellings	8,500	10,200	12,650	15,050	18,100	20,150	21,100
Walk-up	7,250	9,050	11,450	13,550	15,650	17,300	18,150
Elevator-structure	12,400	14,450	18,250				

Prototype Per Unit Cost Schedule—Continued

REGION V

	Number of bedrooms						
	0	1	2	3	4	5	6
Traverse City, Mich.:							
Detached and semidetached	9,800	11,800	14,550	17,350	20,850	23,300	24,350
Row dwellings	9,350	11,200	13,900	16,550	19,900	22,150	23,200
Walk-up	7,950	9,950	12,600	14,900	17,200	19,000	19,950
Elevator-structure	13,600	15,850	20,050				
Minneapolis, Minn.:							
Detached and semidetached	9,500	11,500	14,200	16,950	20,350	22,650	23,700
Row dwellings	9,100	10,950	13,500	16,100	19,350	21,550	22,550
Walk-up	7,800	9,650	12,250	14,500	16,750	18,500	19,400
Elevator-structure	12,450	14,450	18,300				
Duluth, Minn.:							
Detached and semidetached	9,650	11,650	14,400	17,200	20,650	23,000	24,050
Row dwellings	9,250	11,100	13,700	16,350	19,650	21,900	22,900
Walk-up	7,900	9,800	12,450	14,700	17,000	18,800	19,700
Elevator-structure	12,650	14,650	18,550				
Mankato, Minn.:							
Detached and semidetached	9,050	11,000	13,550	16,200	19,450	21,650	22,650
Row dwellings	8,700	10,450	12,900	15,350	18,500	20,600	21,550
Walk-up	7,450	9,200	11,700	13,850	16,000	17,650	18,550
Elevator-structure	11,900	13,800	17,450				
Rochester, Minn.:							
Detached and semidetached	9,300	11,250	13,900	16,550	19,900	22,150	23,150
Row dwellings	8,900	10,700	13,200	15,750	18,900	21,050	22,050
Walk-up	7,600	9,450	11,950	14,150	16,350	18,100	18,950
Elevator-structure	12,150	14,100	17,900				
St. Cloud, Minn.:							
Detached and semidetached	8,800	10,650	13,150	15,700	18,800	20,950	21,900
Row dwellings	8,400	10,150	12,500	14,900	17,900	19,950	20,850
Walk-up	7,200	8,900	11,350	13,400	15,500	17,100	17,950
Elevator-structure	11,500	13,350	16,900				
St. Paul, Minn.:							
Detached and semidetached	9,500	11,500	14,200	16,950	20,350	22,650	23,700
Row dwellings	9,100	10,950	13,500	16,100	19,350	21,550	22,550
Walk-up	7,800	9,650	12,250	14,500	16,750	18,500	19,400
Elevator-structure	12,350	14,350	18,150				
Worthington, Minn.:							
Detached and semidetached	8,700	10,550	13,050	15,550	18,650	20,800	21,750
Row dwellings	8,350	10,050	12,400	14,750	17,750	19,750	20,700
Walk-up	7,150	8,850	11,250	13,300	15,350	16,950	17,800
Elevator-structure	11,400	13,250	16,800				
Cincinnati, Ohio:							
Detached and semidetached	8,750	10,550	13,000	15,550	18,650	20,800	21,750
Row dwellings	8,350	10,050	12,400	14,750	17,750	19,750	20,700
Walk-up	7,150	8,850	11,250	13,300	15,400	16,950	17,800
Elevator-structure	12,550	14,600	18,450				
Dayton, Ohio:							
Detached and semidetached	8,750	10,550	13,000	15,550	18,650	20,800	21,750
Row dwellings	8,350	10,050	12,400	14,750	17,750	19,750	20,700
Walk-up	7,150	8,850	11,250	13,300	15,400	16,950	17,800
Elevator-structure	12,550	14,600	18,450				
Cleveland, Ohio:							
Detached and semidetached	9,400	11,400	14,050	16,750	20,150	22,400	23,450
Row dwellings	9,000	10,800	13,350	15,900	19,150	21,350	22,300
Walk-up	7,700	9,550	12,100	14,350	16,600	18,300	19,200
Elevator-structure	13,300	15,500	19,600				
Akron, Ohio:							
Detached and semidetached	9,050	11,000	13,550	16,150	19,400	21,600	22,600
Row dwellings	8,650	10,400	12,850	15,300	18,450	20,600	21,500
Walk-up	7,400	9,200	11,650	13,850	16,000	17,650	18,500
Elevator-structure	12,650	14,750	18,650				
Findlay, Ohio:							
Detached and semidetached	8,500	10,300	12,700	15,150	18,250	20,250	21,200
Row dwellings	8,150	9,750	12,100	14,400	17,300	19,300	20,150
Walk-up	6,950	8,650	10,950	13,000	15,000	16,550	17,350
Elevator-structure	12,050	14,000	17,750				
Lorain, Ohio:							
Detached and semidetached	8,950	10,900	13,400	16,000	19,250	21,400	22,400
Row dwellings	8,600	10,300	12,750	15,200	18,300	20,400	21,300
Walk-up	[illegible]	9,100	11,550	13,700	15,850	17,450	18,350
Elevator-structure	12,700	14,800	18,700				

Prototype Per Unit Cost Schedule—Continued

REGION V

	Number of bedrooms						
	0	1	2	3	4	5	6
Mansfield, Ohio:							
Detached and semidetached	8,750	10,600	13,050	15,550	18,700	20,800	21,750
Row dwellings	8,350	10,050	12,400	14,750	17,800	19,800	20,700
Walk-up	7,150	8,850	11,250	13,300	15,400	17,000	17,850
Elevator-structure	12,350	14,400	18,200				
Toledo, Ohio:							
Detached and semidetached	9,250	11,200	13,800	16,450	19,800	22,000	23,050
Row dwellings	8,850	10,600	13,150	15,650	18,850	21,000	21,950
Walk-up	7,550	9,400	11,900	14,100	16,300	18,000	18,900
Elevator-structure	13,000	15,150	19,150				
Youngstown, Ohio:							
Detached and semidetached	8,750	10,600	13,050	15,550	18,750	20,800	21,800
Row dwellings	8,350	10,050	12,400	14,800	17,800	19,800	20,750
Walk-up	7,150	8,900	11,250	13,350	15,450	17,000	17,850
Elevator-structure	12,400	14,450	18,250				
Columbus, Ohio:							
Detached and semidetached	8,750	10,600	13,100	15,600	18,750	29,900	21,850
Row dwellings	8,400	10,100	12,450	14,850	17,850	19,850	20,800
Walk-up	7,150	8,900	11,300	13,400	15,450	17,050	17,900
Elevator-structure	12,350	14,350	18,150				
Athens, Ohio:							
Detached and semidetached	8,900	10,750	13,300	15,850	10,050	21,250	22,200
Row dwellings	8,550	10,250	12,650	15,100	18,150	20,150	21,150
Walk-up	7,300	9,050	11,500	13,600	15,700	17,300	18,200
Elevator-structure	12,500	14,600	18,450				
Lima, Ohio:							
Detached and semidetached	8,750	10,600	13,100	15,600	18,750	20,900	21,850
Row dwellings	8,400	10,100	12,450	14,850	17,850	19,850	20,800
Walk-up	7,150	8,900	11,300	13,400	15,450	17,050	17,900
Elevator-structure	12,350	14,350	18,150				
Marietta, Ohio:							
Detached and semidetached	8,900	10,750	13,300	15,850	19,050	21,250	22,200
Row dwellings	8,550	10,250	12,650	15,100	18,150	20,150	21,150
Walk-up	7,300	9,050	11,500	13,600	15,700	17,300	18,200
Elevator-structure	12,500	14,600	18,450				
Newark, Ohio:							
Detached and semidetached	8,550	10,350	12,800	15,250	18,300	20,400	21,350
Row dwellings	8,200	9,850	12,150	14,500	17,450	19,400	20,300
Walk-up	7,000	8,700	11,050	13,100	15,100	16,500	17,500
Elevator-structure	12,050	14,000	17,700				
Springfield, Ohio:							
Detached and semidetached	8,750	10,600	13,100	15,600	18,750	20,900	21,850
Row dwellings	8,400	10,100	12,450	14,850	17,850	19,850	20,800
Walk-up	7,150	8,900	11,300	13,400	15,450	17,050	17,900
Elevator-structure	12,350	14,350	18,150				
Troy, Ohio:							
Detached and semidetached	8,600	10,450	12,900	15,350	18,450	20,550	21,500
Row dwellings	8,250	9,950	12,250	14,600	17,550	19,550	20,450
Walk-up	7,050	8,750	11,100	12,200	15,200	16,800	17,600
Elevator-structure	12,150	14,100	17,850				
Zanesville, Ohio:							
Detached and semidetached	8,900	10,750	13,300	15,850	19,050	21,250	22,200
Row dwellings	8,550	10,250	12,650	15,100	18,150	20,150	21,150
Walk-up	7,300	9,050	11,500	13,600	15,700	17,300	18,200
Elevator-structure	12,500	14,600	18,450				
Milwaukee, Wis.:							
Detached and semidetached	8,650	10,500	12,900	15,400	18,500	20,650	21,600
Row dwellings	8,300	9,950	12,300	14,650	17,600	19,600	20,550
Walk-up	7,100	8,800	11,150	13,200	15,250	16,850	17,650
Elevator-structure	12,600	14,650	18,550				
Eau Claire, Wis.:							
Detached and semidetached	8,450	10,250	12,600	15,050	18,050	20,150	21,100
Row dwellings	8,100	9,700	12,000	14,300	17,200	19,150	20,050
Walk-up	6,950	8,600	10,900	12,900	14,900	16,450	17,250
Elevator-structure	12,300	14,300	18,100				
Green Bay, Wis.:							
Detached and semidetached	8,050	9,800	12,050	14,350	17,250	19,250	20,150
Row dwellings	7,750	9,300	11,450	13,650	16,400	18,300	19,150
Walk-up	6,600	8,200	10,400	12,300	14,200	15,700	16,450
Elevator-structure	11,750	13,650	17,300				

Prototype Per Unit Cost Schedule—Continued

REGION V

	Number of bedrooms						
	0	1	2	3	4	5	6
Madison, Wis.:							
Detached and semidetached	8,600	10,400	12,800	15,300	18,350	20,500	21,450
Row dwellings	8,250	9,850	12,200	14,550	17,450	19,450	20,400
Walk-up	7,050	8,750	11,050	13,100	15,150	16,700	17,500
Elevator-structure	12,500	14,550	18,400				
Reedsville, Wis.:							
Detached and semidetached	8,250	10,000	12,300	14,700	17,650	19,700	20,600
Row dwellings	7,900	9,500	11,750	14,000	16,800	18,700	19,600
Walk-up	6,800	8,400	10,650	12,600	14,550	16,100	16,850
Elevator-structure	12,050	14,000	17,700				
Superior, Wis.:							
Detached and semidetached	8,800	10,650	13,100	15,650	18,800	20,950	21,950
Row dwellings	8,450	10,100	12,500	14,900	17,850	19,900	20,850
Walk-up	7,200	8,950	11,300	13,400	15,500	17,100	17,950
Elevator-structure	12,800	14,900	18,850				
Wausau, Wis.:							
Detached and semidetached	8,250	10,000	12,300	14,650	17,600	19,650	20,550
Row dwellings	7,900	9,450	11,700	13,950	16,750	18,650	19,550
Walk-up	6,750	8,400	10,600	12,550	14,500	16,050	16,800
Elevator-structure	12,000	13,950	17,650				

Prototype Per Unit Cost Schedule

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Little Rock, Ark.:							
Detached and semidetached	7,950	9,550	11,850	14,100	16,950	18,900	19,700
Row dwellings	7,550	9,150	11,300	13,450	16,150	18,000	18,800
Walk-up	6,500	8,100	10,200	12,100	14,050	15,450	16,200
Elevator-structure	10,350	12,000	15,200				
Fayetteville, Ark.:							
Detached and semidetached	7,900	9,450	11,750	14,000	16,800	18,750	19,550
Row dwellings	7,500	9,050	11,200	13,350	16,000	17,850	18,650
Walk-up	6,450	8,300	10,100	12,000	13,950	15,300	16,050
Elevator-structure	10,250	11,900	15,050				
Fort Smith, Ark.:							
Detached and semidetached	8,050	9,650	12,000	14,250	17,150	19,100	19,900
Row dwellings	7,650	9,250	11,400	13,600	16,300	18,200	19,000
Walk-up	6,600	8,200	10,300	12,250	14,200	15,600	16,400
Elevator-structure	10,450	12,150	15,350				
Jonesboro, Ark.:							
Detached and semidetached	7,850	9,400	11,650	13,900	16,700	18,600	19,400
Row dwellings	7,450	9,000	11,100	13,250	15,900	17,700	18,500
Walk-up	6,400	7,950	10,050	11,900	13,850	15,200	15,950
Elevator-structure	11,100	11,750	11,850				
Texarkana, Ark.:							
Detached and semidetached	7,900	9,450	11,750	14,000	16,800	18,750	19,550
Row dwellings	7,500	9,050	11,200	13,350	16,000	17,850	18,650
Walk-up	6,450	8,300	10,100	12,000	13,950	15,300	16,050
Elevator-structure	10,250	11,900	15,050				
New Orleans, La.:							
Detached and semidetached	7,600	9,150	11,300	13,450	16,200	18,050	18,800
Row dwellings	7,200	8,700	10,800	12,850	15,400	17,150	17,950
Walk-up	6,200	7,750	9,750	11,550	13,400	14,750	15,450
Elevator-structure	11,850	13,750	17,450				
Baton Rouge, La.:							
Detached and semidetached	7,600	9,200	11,350	13,500	16,250	18,100	18,850
Row dwellings	7,200	8,750	10,850	12,900	15,450	17,200	18,000
Walk-up	6,200	7,800	9,800	11,600	13,450	14,800	15,500
Elevator-structure	11,750	13,650	17,300				
Buras, La.:							
Detached and semidetached	7,750	9,300	11,500	13,700	16,500	18,400	19,150
Row dwellings	7,350	8,850	11,000	13,100	15,700	17,450	18,250
Walk-up	6,300	7,900	9,900	11,750	13,650	15,000	15,700
Elevator-structure	12,050	14,000	17,750				

Prototype Per Unit Cost Schedule—Continued

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Houma, La.:							
Detached and semidetached	7,550	9,700	11,200	13,350	16,050	17,900	18,650
Row dwellings	7,350	8,600	10,700	12,750	15,250	16,700	17,800
Walk-up	6,150	7,680	9,650	11,450	13,300	14,600	15,300
Elevator-structure	11,750	13,650	17,300				
Lafayette, La.:							
Detached and semidetached	7,550	9,700	11,200	13,350	16,050	17,900	18,650
Row dwellings	7,350	8,600	10,700	12,750	15,250	16,700	17,800
Walk-up	6,150	7,680	9,650	11,450	13,300	14,600	15,300
Elevator-structure	11,750	13,650	17,300				
Lake Charles, La.:							
Detached and semidetached	7,600	9,150	11,300	13,450	16,200	18,100	18,800
Row dwellings	7,200	8,700	10,800	12,850	15,400	17,150	17,950
Walk-up	6,200	7,750	9,750	11,550	13,400	14,750	15,450
Elevator-structure	11,850	13,750	17,450				
Parks, La.:							
Detached and semidetached	7,300	8,750	10,850	12,900	15,550	17,300	18,000
Row dwellings	6,900	8,350	10,350	12,300	14,750	16,450	17,200
Walk-up	5,950	7,450	9,350	11,050	12,850	14,150	14,800
Elevator-structure	11,550	13,100	17,000				
Shreveport, La.:							
Detached and semidetached	7,450	9,000	11,150	13,250	15,950	17,800	18,550
Row dwellings	7,100	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,600	9,600	11,400	13,200	14,550	15,250
Elevator-structure	11,450	13,300	16,850				
Alexandria, La.:							
Detached and semidetached	7,200	8,700	10,800	12,853	15,453	17,250	17,950
Row dwellings	6,850	8,300	10,250	12,250	14,700	16,350	17,150
Walk-up	5,900	7,350	9,300	11,050	12,800	14,100	14,750
Elevator-structure	11,100	12,900	16,300				
Marshall, La.:							
Detached and semidetached	6,900	8,350	10,350	12,300	14,800	16,500	17,200
Row dwellings	6,600	8,000	9,850	11,750	14,100	15,700	16,450
Walk-up	5,650	7,050	8,900	10,600	12,250	13,500	14,150
Elevator-structure	10,650	12,350	15,650				
Monroe, La.:							
Detached and semidetached	7,150	8,650	10,700	12,700	15,300	17,100	17,800
Row dwellings	6,800	8,250	10,200	12,150	14,600	16,200	17,000
Walk-up	5,850	7,300	9,200	10,950	12,650	13,950	14,650
Elevator-structure	11,000	12,750	16,200				
Albuquerque, N. Mex.:							
Detached and semidetached	7,150	8,600	10,650	12,700	15,300	17,050	17,800
Row dwellings	6,800	8,250	10,200	12,150	14,550	16,200	16,950
Walk-up	5,850	7,300	9,200	10,900	12,650	13,950	14,600
Elevator-structure	12,200	14,150	17,950				
Carlsbad, N. Mex.:							
Detached and semidetached	7,750	9,350	11,550	13,800	16,600	18,500	19,350
Row dwellings	7,400	8,950	11,100	13,200	15,800	17,600	18,400
Walk-up	6,350	7,950	10,000	11,850	13,750	15,150	15,850
Elevator-structure	11,900	13,800	17,500				
Clovis, N. Mex.:							
Detached and semidetached	7,650	9,200	11,350	13,550	16,350	18,200	19,000
Row dwellings	7,250	8,800	10,900	12,950	15,550	17,300	18,100
Walk-up	6,250	7,800	9,800	11,650	13,500	14,900	15,600
Elevator-structure	11,650	13,550	17,150				
Gallup, N. Mex.:							
Detached and semidetached	7,400	8,900	11,000	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,550	10,550	12,550	15,050	16,750	17,550
Walk-up	6,050	7,550	9,500	11,300	13,100	15,450	15,100
Elevator-structure	12,400	14,400	18,250				
Hobbs, N. Mex.:							
Detached and semidetached	7,650	9,200	11,350	13,550	16,350	18,200	19,000
Row dwellings	7,250	8,800	10,900	12,950	15,550	17,300	18,100
Walk-up	6,250	7,800	9,800	11,650	13,500	14,900	15,600
Elevator-structure	11,650	13,550	17,150				
Las Cruces, N. Mex.:							
Detached and semidetached	7,650	9,200	11,350	13,550	16,350	18,200	19,000
Row dwellings	7,250	8,800	10,900	12,950	15,550	17,300	18,100
Walk-up	6,250	7,800	9,800	11,650	13,500	14,900	15,600
Elevator-structure	11,650	13,550	17,150				

Prototype Per Unit Cost Schedule—Continued

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Los Alamos, N. Mex.:							
Detached and semidetached	8,200	9,850	12,200	14,550	17,500	19,500	20,350
Row dwellings	7,800	9,450	11,650	13,900	16,650	18,550	19,400
Walk-up	6,700	8,350	10,550	12,450	14,450	15,950	16,700
Elevator-structure	12,500	14,500	18,400				
Santa Fe, N. Mex.:							
Detached and semidetached	7,800	9,600	11,900	14,150	17,050	19,000	19,850
Row dwellings	7,600	9,200	11,400	13,550	16,250	18,050	18,900
Walk-up	6,550	8,150	10,250	12,150	14,100	15,550	16,300
Elevator-structure	12,200	14,150	17,950				
Oklahoma City, Okla.:							
Detached and semidetached	7,900	9,500	11,800	14,050	16,900	18,850	91,650
Row dwellings	7,550	9,100	11,250	13,400	16,100	17,900	18,700
Walk-up	6,450	8,050	10,150	12,050	14,000	15,400	16,150
Elevator-structure	10,200	11,800	14,950				
Ada, Okla.:							
Detached and semidetached	8,250	9,950	12,350	14,700	17,650	19,700	20,550
Row dwellings	7,900	9,500	11,750	14,000	16,850	18,700	19,550
Walk-up	6,750	8,400	10,600	12,600	14,650	16,100	16,900
Elevator-structure	10,400	12,000	15,200				
Ardmore, Okla.:							
Detached and semidetached	8,450	10,150	12,650	15,050	18,100	20,150	21,000
Row dwellings	8,100	9,750	12,050	14,350	17,200	19,150	20,000
Walk-up	6,900	8,600	10,850	12,900	15,000	16,450	17,300
Elevator-structure	10,850	12,550	15,900				
Enid, Okla.:							
Detached and semidetached	8,400	10,100	12,500	14,900	17,950	20,000	20,850
Row dwellings	8,000	9,650	11,950	14,200	17,100	19,000	19,850
Walk-up	6,850	8,550	10,750	12,800	14,850	16,350	17,150
Elevator-structure	10,750	12,450	15,750				
Guymon, Okla.:							
Detached and semidetached	8,500	10,250	12,750	15,150	18,250	20,350	21,200
Row dwellings	8,150	9,800	12,150	14,450	17,350	19,300	20,150
Walk-up	6,950	8,700	10,950	13,000	15,100	16,600	17,400
Elevator-structure	10,950	12,650	16,000				
Lawton, Okla.:							
Detached and semidetached	8,050	9,650	12,000	14,300	17,200	19,200	20,000
Row dwellings	7,700	9,250	11,450	13,650	16,400	18,250	19,050
Walk-up	6,550	8,200	10,350	12,250	14,250	15,700	16,450
Elevator-structure	10,050	11,650	14,750				
Shawnee, Okla.:							
Detached and semidetached	8,250	9,950	12,350	14,700	17,650	19,700	20,550
Row dwellings	7,900	9,500	11,750	14,000	16,850	18,700	19,550
Walk-up	6,750	8,400	10,600	12,600	14,650	16,100	16,900
Elevator-structure	10,400	12,000	15,200				
Stillwater, Okla.:							
Detached and semidetached	8,250	9,950	12,350	14,700	17,650	19,700	20,900
Row dwellings	7,900	9,500	11,750	14,000	16,850	18,700	19,550
Walk-up	6,750	8,400	10,600	12,600	14,650	16,100	16,900
Elevator-structure	10,400	12,000	15,200				
Woodward, Okla.:							
Detached and semidetached	8,400	10,100	12,500	14,900	17,950	20,000	20,850
Row dwellings	8,000	9,650	11,950	14,200	17,100	19,000	19,850
Walk-up	6,850	8,550	10,750	12,800	14,850	16,350	17,150
Elevator-structure	10,750	12,450	15,750				
Tulsa, Okla.:							
Detached and semidetached	7,950	9,550	11,850	14,100	16,950	18,900	19,700
Row dwellings	7,550	9,150	11,300	13,450	16,150	18,000	18,800
Walk-up	6,500	8,100	10,200	12,100	14,050	15,450	16,200
Elevator-structure	10,550	12,250	15,500				
Bartlesville, Okla.:							
Detached and semidetached	7,950	9,550	11,850	14,100	16,950	18,900	19,700
Row dwellings	7,550	9,150	11,300	13,450	16,150	18,000	18,800
Walk-up	6,500	8,100	10,200	12,100	14,050	15,450	16,200
Elevator-structure	10,550	12,250	15,500				
McAlester, Okla.:							
Detached and semidetached	7,750	9,300	11,550	13,750	16,500	18,400	19,200
Row dwellings	7,350	8,900	11,000	13,100	15,750	17,550	18,300
Walk-up	6,350	7,900	9,950	11,800	13,700	15,050	15,800
Elevator-structure	10,300	11,950	15,100				

Prototype Per Unit Cost Schedule—Continued

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Muskogee, Okla.:							
Detached and semidetached	8,250	9,900	12,250	14,600	17,550	19,550	20,400
Row dwellings	7,800	9,450	11,700	13,900	16,700	18,650	19,450
Walk-up	6,750	8,400	10,550	12,500	14,550	16,000	16,750
Elevator-structure	10,900	12,650	16,050				
Dallas, Tex.:							
Detached and semidetached	7,300	8,750	10,850	12,950	15,550	17,350	18,100
Row dwellings	6,950	8,350	10,350	12,350	14,800	16,500	17,250
Walk-up	5,950	7,450	9,350	11,100	12,900	14,150	14,850
Elevator-structure	11,150	12,950	16,400				
Sherman, Tex.:							
Detached and semidetached	74,450	8,900	11,050	13,150	15,800	17,650	18,400
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,550
Walk-up	6,050	7,600	9,500	11,300	13,100	14,400	15,100
Elevator-structure	11,700	13,200	16,700				
Tyler, Tex.:							
Detached and semidetached	7,550	9,050	11,200	13,400	16,100	17,950	18,700
Row dwellings	7,200	8,650	10,700	12,800	15,300	17,100	17,850
Walk-up	6,150	7,700	9,650	11,500	13,350	14,650	15,350
Elevator-structure	11,550	13,400	17,000				
Waco, Tex.:							
Detached and semidetached	7,450	8,900	11,050	13,150	15,800	17,650	18,400
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,550
Walk-up	6,050	7,600	9,500	11,300	13,100	14,400	15,100
Elevator-structure	11,700	13,200	16,700				
Fort Worth, Tex.:							
Detached and semidetached	7,350	8,850	10,950	13,050	15,700	17,500	18,250
Row dwellings	7,000	8,450	10,450	12,450	14,950	16,650	17,400
Walk-up	6,000	7,500	9,450	11,200	13,000	14,300	15,000
Elevator-structure	11,150	12,950	16,400				
Abilene, Tex.:							
Detached and semidetached	7,600	9,150	11,300	13,500	16,200	18,050	18,850
Row dwellings	7,250	8,700	10,800	12,850	15,450	17,200	17,950
Walk-up	6,200	7,750	9,750	11,550	13,400	14,750	15,500
Elevator-structure	11,500	13,350	16,950				
San Angelo, Tex.:							
Detached and semidetached	7,650	9,200	11,400	13,600	16,350	18,200	19,000
Row dwellings	7,300	8,800	10,900	12,950	15,550	17,350	18,100
Walk-up	6,250	7,800	9,850	11,650	13,550	14,900	15,600
Elevator-structure	11,600	13,500	17,100				
Wichita Falls, Tex.:							
Detached and semidetached	7,650	9,200	11,400	13,600	16,350	18,200	19,000
Row dwellings	7,300	8,800	10,900	12,950	15,550	17,350	18,100
Walk-up	6,250	7,800	9,850	11,650	13,550	14,900	15,600
Elevator-structure	11,600	13,500	17,100				
Houston, Tex.:							
Detached and semidetached	7,400	8,950	11,050	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,550	10,550	12,550	15,100	16,800	17,550
Walk-up	6,050	7,550	9,550	11,300	13,100	14,450	15,150
Elevator-structure	11,350	13,200	16,700				
Beaumont, Tex.:							
Detached and semidetached	7,600	9,200	11,350	13,500	16,250	18,100	19,000
Row dwellings	7,250	8,750	10,800	12,850	15,500	17,250	18,000
Walk-up	6,200	7,750	9,800	11,600	13,450	14,800	15,550
Elevator-structure	11,650	13,550	17,150				
Bryan, Tex.:							
Detached and semidetached	7,250	8,800	10,850	12,950	15,600	17,350	18,100
Row dwellings	6,950	8,400	10,350	12,350	14,850	16,500	17,250
Walk-up	5,950	7,400	9,400	11,100	12,900	14,200	14,900
Elevator-structure	11,150	13,000	16,400				
El Campo, Tex.:							
Detached and semidetached	7,350	8,850	10,950	13,050	15,700	17,500	18,250
Row dwellings	7,000	8,500	10,450	12,450	14,950	16,650	17,400
Walk-up	6,000	7,500	9,450	11,200	13,000	14,350	15,000
Elevator-structure	11,250	13,100	16,550				
Lufkin, Tex.:							
Detached and semidetached	7,400	8,950	11,050	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,550	10,550	12,550	15,100	16,800	17,550
Walk-up	6,050	7,550	9,550	11,300	13,100	14,450	15,150
Elevator-structure	11,350	13,200	16,700				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Texas City, Tex.:							
Detached and semidetached	7,100	8,950	11,050	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,550	10,550	12,550	15,100	16,800	17,550
Walk-up	6,050	7,550	9,550	11,300	13,100	14,450	15,150
Elevator-structure	11,350	13,200	16,700				
Lubbock, Tex.:							
Detached and semidetached	7,400	8,900	11,500	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,550
Walk-up	6,050	7,550	9,550	11,300	13,100	14,400	15,100
Elevator-structure	10,850	12,600	15,950				
Amarillo, Tex.:							
Detached and semidetached	8,000	9,650	11,950	14,250	17,200	19,150	19,950
Row dwellings	7,650	9,200	11,450	13,600	16,300	18,200	19,000
Walk-up	6,550	8,200	10,350	12,250	14,200	15,600	16,350
Elevator-structure	11,450	13,300	16,850				
El Paso, Tex.:							
Detached and semidetached	7,550	9,050	11,250	13,400	16,150	18,000	18,750
Row dwellings	7,200	8,650	10,750	12,800	15,350	17,150	17,900
Walk-up	6,200	7,700	9,750	11,500	13,350	14,700	15,400
Elevator-structure	10,750	12,500	15,800				
Midland, Tex.:							
Detached and semidetached	7,400	8,900	11,050	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,550
Walk-up	6,050	7,550	9,550	11,300	13,100	14,400	15,010
Elevator-structure	10,850	12,600	15,950				
Odessa, Tex.:							
Detached and semidetached	7,400	8,900	11,050	13,150	15,850	17,650	18,400
Row dwellings	7,050	8,500	10,550	12,550	15,050	16,800	17,550
Walk-up	6,050	7,550	9,550	11,300	13,100	14,400	15,100
Elevator structure	10,850	12,600	15,950				
San Antonio, Tex.:							
Detached and semidetached	7,250	8,750	10,800	12,900	15,500	17,250	18,000
Row dwellings	6,900	8,350	10,300	12,300	14,750	16,450	17,150
Walk-up	5,900	7,400	9,300	11,050	12,850	14,100	14,800
Elevator-structure	10,600	12,300	15,600				
Austin, Tex.:							
Detached and semidetached	7,200	8,700	10,700	12,800	15,350	17,100	17,850
Row dwellings	6,850	8,300	10,200	12,200	14,650	16,300	17,000
Walk-up	5,850	7,350	9,200	10,950	12,750	13,400	14,700
Elevator-structure	10,500	12,200	15,450				
Corpus Christi, Tex.:							
Detached and semidetached	7,300	8,800	10,900	13,000	15,650	17,400	18,150
Row dwellings	6,950	8,400	10,400	12,400	14,850	16,600	17,300
Walk-up	5,950	7,450	9,400	11,150	12,950	14,200	14,900
Elevator-structure	10,700	12,400	15,750				
Del Rio, Tex.:							
Detached and semidetached	7,550	9,100	11,250	13,450	16,150	17,950	18,750
Row dwellings	7,200	8,700	10,750	12,800	15,350	17,150	17,850
Walk-up	6,150	7,700	9,700	11,500	13,400	14,700	15,400
Elevator-structure	11,050	12,800	16,250				
Eagle Pass, Tex.:							
Detached and semidetached	7,750	9,350	11,550	13,750	16,550	18,400	19,200
Row dwellings	7,350	8,900	11,000	13,150	15,750	17,550	18,300
Walk-up	6,300	7,900	9,900	11,800	13,800	15,050	15,800
Elevator-structure	11,300	13,150	16,650				
Harlinger, Tex.:							
Detached and semidetached	7,600	9,200	11,350	13,550	16,300	18,100	18,900
Row dwellings	7,250	8,750	10,800	12,900	15,500	17,300	18,000
Walk-up	6,200	7,750	9,750	11,600	13,500	14,800	15,550
Elevator-structure	11,150	12,900	16,400				
Junction, Tex.:							
Detached and semidetached	7,850	9,500	11,700	14,000	16,800	18,700	19,500
Row dwellings	7,500	9,050	11,150	13,350	16,000	17,850	18,600
Walk-up	6,400	8,000	10,100	12,000	13,950	15,300	16,050
Elevator-structure	11,500	13,350	16,900				
Laredo, Tex.:							
Detached and semidetached	7,550	9,100	11,250	13,450	16,150	17,950	18,750
Row dwellings	7,200	8,700	10,750	12,800	15,350	17,150	17,850
Walk-up	6,150	7,700	9,700	11,500	13,400	14,700	15,400
Elevator-structure	11,050	12,800	16,250				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Victoria, Tex.:							
Detached and semidetached	7,800	9,400	11,600	13,900	16,650	18,550	19,350
Row dwellings	7,400	9,000	11,100	13,250	15,850	17,700	18,450
Walk-up	6,350	7,950	10,000	11,900	13,800	15,150	15,900
Elevator-structure	11,400	13,250	16,800				

PROTOTYPE PER UNIT COST SCHEDULE

REGION VII

	Number of bedrooms						
	0	1	2	3	4	5	6
Kansas City, Kans.:							
Detached and semidetached	8,700	10,500	12,950	15,450	18,600	20,700	21,650
Row dwellings	8,300	10,000	12,350	14,700	17,700	19,700	20,600
Walk-up	7,100	8,850	11,200	13,250	15,350	16,900	17,750
Elevator-structure	12,700	14,750	18,650				
Kansas City, Mo.:							
Detached and semidetached	8,700	10,500	12,950	15,450	18,600	20,700	21,650
Row dwellings	8,300	10,000	12,350	14,700	17,700	19,700	20,600
Walk-up	7,100	8,850	11,200	13,250	15,350	16,900	17,750
Elevator-structure	12,700	14,750	18,650				
Joplin, Mo.:							
Detached and semidetached	8,100	9,800	12,100	14,400	17,350	19,300	20,200
Row dwellings	7,750	9,350	11,500	13,700	16,500	18,400	19,200
Walk-up	6,600	8,250	10,450	12,350	14,300	15,750	16,550
Elevator-structure	11,850	13,750	17,400				
St. Joseph, Mo.:							
Detached and semidetached	8,350	10,100	12,450	14,850	17,850	19,900	20,800
Row dwellings	7,950	9,600	11,850	14,100	17,000	18,900	19,800
Walk-up	6,800	8,500	10,750	12,750	14,750	16,250	17,050
Elevator-structure	12,200	14,150	17,900				
Sedalia, Mo.:							
Detached and semidetached	8,350	10,100	12,450	14,850	17,850	19,900	20,800
Row dwellings	7,950	9,600	11,850	14,100	17,000	18,900	19,800
Walk-up	6,800	8,500	10,750	12,750	14,750	16,250	17,050
Elevator-structure	12,200	14,150	17,900				
Springfield, Mo.:							
Detached and semidetached	8,300	10,000	12,350	14,700	17,700	19,700	20,600
Row dwellings	7,900	9,500	11,750	14,000	16,850	18,750	19,600
Walk-up	6,750	8,450	10,650	12,600	14,000	16,100	16,900
Elevator-structure	12,100	14,050	17,750				
Topeka, Kans.:							
Detached and semidetached	8,400	10,150	12,550	14,950	18,000	20,000	20,950
Row dwellings	8,050	9,650	11,950	14,200	17,100	19,050	19,900
Walk-up	6,850	8,550	10,850	12,800	14,850	16,350	17,150
Elevator-structure	11,950	13,850	17,500				
Garden City, Kans.:							
Detached and semidetached	8,250	10,000	12,350	14,700	17,700	19,650	20,600
Row dwellings	7,900	9,500	11,750	13,950	16,800	18,750	19,550
Walk-up	6,750	8,400	10,650	12,600	14,600	16,050	16,850
Elevator-structure	11,750	13,600	17,200				
Pittsburg, Kans.:							
Detached and semidetached	8,100	9,800	12,100	14,450	17,400	19,300	20,250
Row dwellings	7,750	9,300	11,550	13,700	16,500	18,400	19,200
Walk-up	6,600	8,250	10,500	12,350	14,350	15,800	16,550
Elevator-structure	11,550	13,350	16,900				
Salina, Kans.:							
Detached and semidetached	7,750	9,350	11,600	13,800	16,600	18,450	19,350
Row dwellings	7,450	8,900	11,050	13,100	15,800	17,600	18,350
Walk-up	6,300	7,900	10,000	11,800	13,700	15,100	15,850
Elevator-structure	11,050	12,800	16,150				
Wichita, Kans.:							
Detached and semidetached	8,550	10,300	12,750	15,200	18,300	20,300	21,300
Row dwellings	8,200	9,800	12,150	14,400	17,350	19,350	20,200
Walk-up	6,950	8,700	11,000	13,000	15,100	16,600	17,400
Elevator-structure	11,550	13,350	16,900				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VII

	Number of bedrooms						
	0	1	2	3	4	5	6
St. Louis, Mo.:							
Detached and semidetached	8,850	10,650	13,150	15,700	18,900	21,000	22,000
Row dwellings	8,450	10,150	12,550	14,950	17,950	20,000	20,900
Walk-up	7,200	9,000	11,350	13,450	15,600	17,150	18,000
Elevator-structure	12,850	14,900	18,850				
Cape Girardeau, Mo.:							
Detached and semidetached	8,400	10,150	12,500	14,950	18,000	20,000	20,900
Row dwellings	8,050	9,650	11,950	14,250	17,100	19,050	19,900
Walk-up	6,850	8,550	10,800	12,800	14,850	16,300	17,150
Elevator-structure	12,250	14,200	17,950				
Columbia, Mo.:							
Detached and semidetached	8,700	10,500	12,950	15,450	18,600	20,650	21,650
Row dwellings	8,300	10,000	12,350	14,700	17,650	19,700	20,550
Walk-up	7,100	8,850	11,150	13,250	15,350	16,850	17,700
Elevator-structure	12,650	14,650	18,550				
Kirksville, Mo.:							
Detached and semidetached	8,700	10,500	12,950	15,450	18,600	20,650	21,650
Row dwellings	8,300	10,000	12,350	14,700	17,650	19,700	20,550
Walk-up	7,100	8,850	11,150	13,250	15,350	16,850	17,700
Elevator-structure	12,650	14,650	18,550				
Rolla, Mo.:							
Detached and semidetached	7,900	9,550	11,800	14,050	16,900	18,800	19,700
Row dwellings	7,550	9,100	11,250	13,400	16,050	17,900	18,700
Walk-up	6,450	8,050	10,150	12,050	13,950	15,250	16,100
Elevator-structure	11,500	13,350	16,850				
Des Moines, Iowa:							
Detached and semidetached	8,600	10,400	12,800	15,300	18,400	20,450	21,400
Row dwellings	8,200	9,900	12,200	14,550	17,500	19,500	20,350
Walk-up	7,000	8,750	11,050	13,100	15,200	16,700	17,550
Elevator-structure	11,700	13,600	17,200				
Bettendorf, Iowa:							
Detached and semidetached	8,950	10,850	13,350	15,950	19,150	21,300	22,300
Row dwellings	8,550	10,300	12,700	15,150	18,250	20,750	21,200
Walk-up	7,300	9,100	11,500	13,650	15,850	17,400	18,300
Elevator-structure	12,100	14,050	17,750				
Cedar Rapids, Iowa:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,000	21,150	22,100
Row dwellings	8,500	10,250	12,600	15,050	18,100	20,550	21,050
Walk-up	7,250	9,050	11,400	13,500	15,700	17,250	18,150
Elevator-structure	12,000	13,950	17,650				
Council Bluffs, Iowa:							
Detached and semidetached	8,300	10,000	12,300	14,700	17,700	19,700	20,600
Row dwellings	7,900	9,550	11,750	14,000	16,850	18,750	19,600
Walk-up	6,750	8,400	10,650	12,600	14,650	16,050	16,900
Elevator-structure	11,150	13,000	16,400				
Davenport, Iowa:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,050	21,150	22,150
Row dwellings	8,500	10,250	12,600	15,050	18,100	20,600	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,250	18,150
Elevator-structure	12,100	14,050	17,750				
Dubuque, Iowa:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,050	21,150	22,150
Row dwellings	8,500	10,250	12,600	15,050	18,100	20,600	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,250	18,150
Elevator-structure	11,900	13,850	17,500				
Mason City, Iowa:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,050	21,150	22,150
Row dwellings	8,500	10,250	12,600	15,050	18,100	20,600	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,250	18,150
Elevator-structure	11,900	13,850	17,500				
Sioux City, Iowa:							
Detached and semidetached	8,900	10,750	13,250	15,850	19,050	21,150	22,150
Row dwellings	8,500	10,250	12,600	15,050	18,100	20,600	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,300	18,150
Elevator-structure	11,900	13,850	17,500				
Waterloo, Iowa:							
Detached and semidetached	8,900	10,750	13,250	15,850	19,050	21,150	22,150
Row dwellings	8,500	10,250	12,600	15,050	18,100	20,600	21,050
Walk-up	7,250	9,050	11,450	13,550	15,700	17,300	18,150
Elevator-structure	11,900	13,850	17,500				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VII

	Number of bedrooms						
	0	1	2	3	4	5	6
Omaha, Nebr.:							
Detached and semidetached	8,300	10,000	12,300	14,700	17,700	19,700	20,600
Row dwellings	7,900	9,500	11,750	14,000	16,850	18,750	19,600
Walk-up	6,750	8,400	10,650	12,600	14,600	16,100	16,900
Elevator-structure	11,800	13,700	17,350				
Grand Island, Nebr.:							
Detached and semidetached	8,650	10,400	12,800	15,300	18,450	20,550	21,450
Row dwellings	8,250	9,900	12,250	14,600	17,550	19,550	20,450
Walk-up	7,050	8,750	11,100	13,150	15,200	16,800	17,600
Elevator-structure	12,200	14,150	17,900				
Lincoln, Nebr.:							
Detached and semidetached	8,250	9,950	12,200	14,600	17,600	19,600	20,450
Row dwellings	7,850	9,450	11,700	13,900	16,750	18,650	19,500
Walk-up	6,700	8,350	10,600	12,500	14,500	16,000	16,800
Elevator-structure	11,600	13,500	17,050				
Norfolk, Nebr.:							
Detached and semidetached	8,450	10,200	12,500	14,950	18,000	20,050	20,950
Row dwellings	8,050	9,650	11,950	14,250	17,150	19,100	19,950
Walk-up	6,850	8,550	10,850	12,850	14,850	16,400	17,200
Elevator-structure	11,900	13,800	17,500				
North Platte, Nebr.:							
Detached and semidetached	8,450	10,200	12,500	14,950	18,000	20,050	20,950
Row dwellings	8,050	9,650	11,950	14,250	17,150	19,100	19,950
Walk-up	6,850	8,550	11,850	12,850	14,850	16,400	17,200
Elevator-structure	11,900	13,800	17,500				
O'Neill, Nebr.:							
Detached and semidetached	8,400	10,100	12,400	14,850	17,900	19,900	20,800
Row dwellings	8,000	9,600	11,850	14,150	17,000	18,950	19,800
Walk-up	6,800	8,500	10,750	12,700	14,750	16,250	17,050
Elevator-structure	11,800	13,700	17,350				
Scottsbluff, Nebr.:							
Detached and semidetached	8,500	10,250	12,600	15,100	18,150	20,200	21,150
Row dwellings	8,100	9,750	12,050	14,350	17,200	19,250	20,100
Walk-up	6,950	8,600	10,950	12,950	15,000	16,500	17,350
Elevator-structure	12,000	13,900	17,650				

PROTOTYPE PER UNIT COST SCHEDULE

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Denver, Colo.:							
Detached and semidetached	8,550	10,300	12,700	15,150	18,250	20,300	21,250
Row dwellings	8,150	9,800	12,100	14,400	17,350	19,300	20,200
Walk-up	6,950	8,700	11,000	13,000	15,050	16,600	17,400
Elevator-structure	12,200	14,200	17,950				
Colorado Springs, Colo.:							
Detached and semidetached	8,550	10,300	12,700	15,150	18,250	20,300	21,250
Row dwellings	8,150	9,800	12,100	14,400	17,350	19,300	20,200
Walk-up	6,950	8,700	11,000	13,000	15,050	16,600	17,400
Elevator-structure	12,200	14,200	17,950				
Durango, Colo.:							
Detached and semidetached	9,000	10,800	13,450	15,900	19,200	21,300	22,300
Row dwellings	8,550	10,300	12,700	15,150	18,200	20,250	21,200
Walk-up	7,300	9,150	11,550	13,650	15,800	17,450	18,300
Elevator-structure	12,800	14,900	18,850				
Grand Junction, Colo.:							
Detached and semidetached	8,900	10,750	13,250	15,800	19,000	21,150	22,150
Row dwellings	8,500	10,200	12,600	15,000	18,100	20,100	21,050
Walk-up	7,250	9,050	11,450	13,500	15,700	17,300	18,150
Elevator-structure	12,700	14,800	18,700				
Greeley, Colo.:							
Detached and semidetached	8,200	9,850	12,450	14,500	17,500	19,450	20,350
Row dwellings	7,800	9,400	11,600	13,800	16,600	18,500	19,350
Walk-up	6,650	8,350	10,550	12,450	14,400	15,900	16,650
Elevator-structure	11,700	13,600	17,200				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Pueblo, Colo.:							
Detached and semidetached	8,350	10,050	12,400	14,750	17,850	19,800	20,700
Row dwellings	7,950	9,550	11,800	14,050	16,900	18,800	19,700
Walk-up	6,750	8,500	10,700	12,700	14,650	16,200	16,950
Elevator-structure	11,900	13,850	17,500				
Helena, Mont.:							
Detached and semidetached	7,650	9,200	11,350	13,550	16,300	18,150	19,000
Row dwellings	7,300	8,750	10,800	12,900	15,500	17,250	18,050
Walk-up	6,200	7,800	9,850	11,600	13,450	14,850	15,550
Elevator-structure	11,000	12,800	16,200				
Anaconda, Mont.:							
Detached and semidetached	7,900	9,500	11,750	14,000	16,850	18,800	19,650
Row dwellings	7,550	9,050	11,200	13,350	16,050	17,850	18,700
Walk-up	6,400	8,500	10,200	12,000	13,900	15,350	16,100
Elevator-structure	11,400	13,250	16,750				
Billings, Mont.:							
Detached and semidetached	7,400	8,900	11,000	13,150	15,800	17,600	18,450
Row dwellings	7,100	8,500	10,500	12,500	15,050	16,750	17,500
Walk-up	6,000	7,550	9,550	11,250	13,050	14,400	15,100
Elevator-structure	10,650	12,400	15,700				
Bozeman, Mont.:							
Detached and semidetached	7,800	9,350	11,550	13,800	16,600	18,450	19,350
Row dwellings	7,450	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,300	7,950	10,000	11,800	13,700	15,100	15,800
Elevator-structure	11,200	13,000	16,500				
Butte, Mont.:							
Detached and semidetached	7,900	9,500	11,750	14,000	16,850	18,800	19,650
Row dwellings	7,550	9,050	11,200	13,350	16,050	17,850	18,700
Walk-up	6,400	8,500	10,200	12,000	13,900	15,350	16,100
Elevator-structure	11,400	13,250	16,750				
Dillon, Mont.:							
Detached and semidetached	7,900	9,500	11,750	14,000	16,850	18,800	19,650
Row dwellings	7,550	9,050	11,200	13,350	16,050	17,850	18,700
Walk-up	6,400	8,500	10,200	12,000	13,900	15,350	16,100
Elevator-structure	11,400	13,250	16,750				
Glasgow, Mont.:							
Detached and semidetached	7,800	9,350	11,550	13,800	16,600	18,450	19,350
Row dwellings	7,450	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,350	7,950	10,000	11,800	13,700	15,100	15,800
Elevator-structure	11,200	13,000	16,500				
Glendive, Mont.:							
Detached and semidetached	7,800	9,350	11,550	13,800	16,600	18,450	19,350
Row dwellings	7,450	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,300	7,950	10,000	11,800	13,700	15,100	15,800
Elevator-structure	11,200	13,000	16,500				
Great Falls, Mont.:							
Detached and semidetached	8,000	9,600	11,850	14,150	17,050	18,950	19,850
Row dwellings	7,650	9,150	11,300	13,500	16,200	18,050	18,850
Walk-up	6,500	8,150	10,300	12,100	14,050	15,500	16,250
Elevator-structure	11,500	13,400	16,950				
Havre, Mont.:							
Detached and semidetached	7,800	9,350	11,550	13,800	16,600	18,450	19,350
Row dwellings	7,450	8,900	11,000	12,100	15,750	17,550	18,350
Walk-up	6,300	7,950	10,000	11,800	13,700	15,100	15,800
Elevator-structure	11,200	13,000	16,500				
Kalispell, Mont.:							
Detached and semidetached	7,500	9,000	11,100	13,300	15,950	17,800	18,600
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,650	9,650	11,350	13,200	14,550	15,250
Elevator-structure	10,800	12,550	15,900				
Laurel, Mont.:							
Detached and semidetached	7,550	9,100	11,250	13,400	16,150	17,950	18,800
Row dwellings	7,250	8,650	10,700	12,750	15,350	17,100	17,850
Walk-up	6,150	7,700	9,750	11,500	13,300	14,700	15,400
Elevator-structure	10,900	12,650	16,050				
Libby, Mont.:							
Detached and semidetached	7,500	9,000	11,100	13,300	15,950	17,800	18,600
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,900	17,700
Walk-up	6,100	7,650	9,650	11,350	13,200	14,550	15,250
Elevator-structure	10,800	12,550	15,900				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Miles City, Mont.:							
Detached and semidetached	7,800	9,350	11,550	13,800	16,600	18,450	19,350
Row dwellings	7,450	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,300	7,950	10,000	11,800	13,700	15,100	15,800
Elevator-structure	11,200	13,000	16,500				
Missoula, Mont.:							
Detached and semidetached	7,100	8,900	11,000	13,150	15,800	17,600	18,450
Row dwellings	7,100	8,500	10,500	12,500	15,050	16,750	17,500
Walk-up	6,000	7,550	9,550	11,250	13,050	14,400	15,100
Elevator-structure	10,650	12,400	15,700				
Superior, Mont.:							
Detached and semidetached	7,400	8,900	11,000	13,150	15,800	17,600	18,450
Row dwellings	7,100	8,500	10,500	12,500	15,050	16,750	17,500
Walk-up	6,000	7,550	9,550	11,250	13,050	14,400	15,100
Elevator-structure	10,650	12,400	15,700				
Fargo, N. Dak.:							
Detached and semidetached	7,890	9,450	11,650	13,950	16,800	18,650	19,550
Row dwellings	7,500	9,000	11,100	13,250	19,950	17,750	18,550
Walk-up	6,400	8,000	10,100	11,950	13,850	15,290	16,000
Elavator-structure	10,750	12,500	15,800				
Bismark, N. Dak.:							
Detached and semidetached	7,850	9,450	11,650	13,950	16,800	18,650	19,550
Row dwellings	7,500	9,000	11,100	13,250	15,950	17,750	18,550
Walk-up	6,400	8,000	10,100	11,950	13,850	15,250	16,000
Elevator-structure	10,750	12,500	15,800				
Dickinson, N. Dak.:							
Detached and semidetached	7,700	9,300	11,150	13,700	16,500	18,350	19,250
Row dwellings	7,400	8,850	10,900	13,050	15,700	17,450	18,250
Walk-up	6,300	7,850	9,950	11,750	13,600	15,000	15,750
Elevator-structure	10,550	12,300	15,550				
Grand Forks, N. Dak.:							
Detached and semidetached	7,700	9,300	11,450	13,700	16,500	18,350	19,250
Row dwellings	7,400	8,850	10,900	13,050	15,700	17,450	18,250
Walk-up	6,300	7,850	9,950	11,750	13,600	15,000	15,750
Elevator-structure	10,550	12,300	15,550				
Minot, N. Dak.:							
Detached and semidetached	7,650	9,200	11,350	13,600	16,400	18,200	19,050
Row dwellings	7,300	8,800	10,800	12,900	15,550	17,300	18,100
Walk-up	6,250	7,800	9,850	11,650	13,500	14,850	15,600
Elevator-structure	10,500	12,200	15,400				
Sioux Falls, S. Dak.:							
Detached and semidetached	7,850	9,150	11,650	13,850	16,700	18,600	19,450
Row dwellings	7,450	8,950	11,100	13,200	15,900	17,650	18,500
Walk-up	6,350	7,950	10,050	11,900	13,800	15,200	16,000
Elevator-structure	10,950	12,750	16,100				
Aberdeen, S. Dak.:							
Detached and semidetached	7,900	9,500	11,700	13,900	16,800	18,700	19,550
Row dwellings	7,500	9,000	11,150	13,250	16,000	17,750	18,600
Walk-up	6,400	8,000	10,100	11,950	13,850	15,250	16,100
Elevator-structure	11,000	12,800	16,200				
Black Hills, S. Dak.:							
Detached and semidetached	7,850	9,450	11,650	13,850	16,700	18,600	19,450
Row dwellings	7,450	8,950	11,100	13,200	15,900	17,650	18,500
Walk-up	6,350	7,950	10,050	11,900	13,800	15,200	16,000
Elevator-structure	10,950	12,750	16,100				
Mitchell, S. Dak.:							
Detached and semidetached	7,850	9,450	11,650	13,850	16,700	18,600	19,450
Row dwellings	7,450	8,950	11,100	13,200	15,900	17,650	18,500
Walk-up	6,350	7,950	10,050	11,900	13,800	15,200	16,000
Elevator-structure	10,950	12,750	16,100				
Pierre, S. Dak.:							
Detached and semidetached	7,900	9,500	11,750	13,950	16,850	18,750	19,600
Row dwellings	7,500	9,000	11,200	13,300	16,050	17,800	18,550
Walk-up	6,400	8,000	10,150	12,000	13,900	15,300	16,150
Elevator-structure	11,050	12,850	16,250				
Rapid City, S. Dak.:							
Detached and semidetached	7,900	9,500	11,700	13,900	16,750	18,650	19,500
Row dwellings	7,500	9,000	11,150	13,250	15,950	17,700	18,550
Walk-up	6,350	8,000	10,100	11,950	13,850	15,250	16,050
Elevator-structure	11,000	12,800	16,150				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Salt Lake City, Utah:							
Detached and semidetached	8,250	9,950	12,300	14,650	17,650	19,650	20,550
Row dwellings	7,900	9,500	11,700	13,950	16,800	18,650	19,550
Walk-up	6,900	8,400	10,650	12,550	14,550	16,050	16,850
Elevator-structure	12,000	13,950	17,650				
Cedar City, Utah:							
Detached and semidetached	10,700	12,950	16,000	19,050	22,950	25,550	26,700
Row dwellings	10,250	12,350	15,200	18,100	21,800	24,250	25,400
Walk-up	8,700	10,900	13,850	16,300	18,900	20,850	21,900
Elevator-structure	15,600	18,100	22,950				
Logan, Utah:							
Detached and semidetached	8,400	10,150	12,500	14,900	17,950	20,000	20,900
Row dwellings	8,050	9,650	11,900	14,200	17,100	19,000	19,900
Walk-up	6,800	8,550	10,850	12,800	14,800	16,350	17,150
Elevator-structure	12,200	14,200	17,950				
Moab, Utah:							
Detached and semidetached	8,550	10,300	12,750	15,200	18,300	20,350	21,300
Row dwellings	8,200	9,850	12,100	14,450	17,400	19,300	20,250
Walk-up	6,950	8,700	11,050	13,000	15,050	16,650	17,450
Elevator-structure	12,450	14,500	18,300				
Provo, Utah:							
Detached and semidetached	8,250	9,950	12,300	14,650	17,650	19,650	20,550
Row dwellings	7,900	9,500	11,700	13,950	16,800	18,650	19,550
Walk-up	6,700	8,400	10,650	12,550	14,550	16,050	16,850
Elevator-structure	12,000	13,950	17,650				
Vernzl, Utah:							
Detached and semidetached	8,590	10,250	12,700	15,150	18,200	20,300	21,200
Row dwellings	8,150	9,800	12,100	14,400	17,350	19,250	20,200
Walk-up	6,900	8,650	11,000	12,950	15,000	16,550	17,400
Elevator-structure	12,400	14,400	18,200				
Casper, Wyo.:							
Detached and semidetached	7,750	9,350	11,550	13,750	16,600	18,450	19,300
Row dwellings	7,400	8,900	11,000	13,100	15,750	17,550	18,350
Walk-up	6,300	7,900	10,000	11,800	13,700	15,100	15,800
Elevator-structure	11,850	13,800	17,450				
Cheyenne, Wyo.:							
Detached and semidetached	7,300	8,850	10,900	13,000	15,700	17,450	18,250
Row dwellings	7,000	8,400	10,400	12,400	14,900	16,600	17,350
Walk-up	5,950	7,450	9,450	11,150	12,950	14,250	14,950
Elevator-structure	11,200	13,050	16,500				
Cody, Wyo.:							
Detached and semidetached	7,500	9,050	11,150	13,300	16,050	17,800	18,650
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,950	17,700
Walk-up	6,100	7,650	9,650	11,400	13,250	14,600	15,250
Elevator-structure	11,450	13,300	16,850				
Gillette, Wyo.:							
Detached and semidetached	7,700	9,250	11,450	13,650	16,450	18,300	19,150
Row dwellings	7,350	8,800	10,900	13,000	15,600	17,400	18,200
Walk-up	6,250	7,850	9,900	11,700	13,600	14,950	15,650
Elevator-structure	11,750	13,700	17,300				
Jackson, Wyo.:							
Detached and semidetached	7,700	9,250	11,450	13,650	16,450	18,300	19,150
Row dwellings	7,350	8,800	10,900	13,000	15,600	17,400	18,200
Walk-up	6,250	7,850	9,900	11,700	13,600	14,950	15,650
Elevator-structure	11,750	13,700	17,300				
Laramie, Wyo.:							
Detached and semidetached	7,450	8,950	11,050	13,200	15,900	17,700	18,500
Row dwellings	7,100	8,550	10,550	12,550	15,100	16,800	17,600
Walk-up	6,050	7,550	9,600	11,300	13,150	14,450	15,150
Elevator-structure	11,350	13,200	16,700				
Dowell, Wyo.:							
Detached and semidetached	7,500	9,050	11,150	13,300	16,050	17,800	18,650
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,950	17,700
Walk-up	6,100	7,650	9,650	11,400	13,250	14,600	15,250
Elevator-structure	11,450	13,300	16,850				
Riverton, Wyo.:							
Detached and semidetached	7,500	9,050	11,150	13,300	16,050	17,800	18,650
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,950	17,700
Walk-up	6,100	7,650	9,650	11,400	13,250	14,600	15,250
Elevator-structure	11,450	13,300	16,850				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION VIII

	Number of bedrooms						
	0	1	2	3	4	5	6
Rock Springs, Wyo.:							
Detached and semidetached	7,500	9,050	11,150	13,300	16,050	17,800	18,650
Row dwellings	7,150	8,600	10,600	12,650	15,200	16,950	17,700
Walk-up	6,100	7,650	9,650	11,400	13,250	14,600	15,250
Elevator-structure	11,450	13,300	16,850				

PROTOTYPE PER UNIT COST SCHEDULE

REGION IX

	Number of bedrooms						
	0	1	2	3	4	5	6
Phoenix, Ariz.:							
Detached and semidetached	8,350	10,050	12,450	14,800	17,800	19,850	20,700
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,200	17,000
Elevator-structure	12,350	14,350	18,150				
Casa Grande, Ariz.:							
Detached and semidetached	8,700	10,450	12,950	15,400	18,500	20,650	21,600
Row dwellings	8,250	10,000	12,300	14,650	17,600	19,650	20,550
Walk-up	7,050	8,850	11,200	13,200	15,300	16,850	17,650
Elevator-structure	12,600	14,600	18,500				
Douglas, Ariz.:							
Detached and semidetached	8,600	10,350	12,850	15,250	18,350	20,500	21,450
Row dwellings	8,200	9,900	12,200	14,550	17,500	19,500	20,350
Walk-up	7,000	8,750	11,100	13,100	15,150	16,700	17,550
Elevator-structure	12,500	14,500	18,350				
Flagstaff, Ariz.:							
Detached and semidetached	8,600	10,350	12,800	15,200	18,300	20,400	21,400
Row dwellings	8,200	9,850	12,200	14,500	17,450	19,450	20,300
Walk-up	7,000	8,750	11,050	13,050	15,100	16,650	17,500
Elevator-structure	13,200	15,300	19,350				
Kingman, Ariz.:							
Detached and semidetached	8,700	10,450	12,950	15,400	18,500	20,650	21,600
Row dwellings	8,250	10,000	12,300	14,650	17,600	19,650	20,550
Walk-up	7,050	8,850	11,200	13,200	15,300	16,850	17,650
Elevator-structure	12,600	14,600	18,500				
Stafford, Ariz.:							
Detached and semidetached	8,800	10,600	13,100	15,600	18,750	20,900	21,900
Row dwellings	8,400	10,100	12,500	14,850	17,850	19,900	20,800
Walk-up	7,150	8,950	11,350	13,400	15,500	17,050	17,900
Elevator-structure	12,650	14,700	18,600				
Tucson, Ariz.:							
Detached and semidetached	8,850	10,650	13,200	15,700	18,850	21,050	22,050
Row dwellings	8,450	10,200	12,550	14,950	17,950	20,050	20,950
Walk-up	7,200	9,000	11,400	13,450	15,550	17,150	18,000
Elevator-structure	11,900	13,850	17,500				
Yuma, Ariz.:							
Detached and semidetached	8,850	10,650	13,200	15,700	18,850	21,050	22,050
Row dwellings	8,450	10,200	12,550	14,950	17,950	20,050	20,050
Walk-up	7,200	9,000	11,400	13,450	15,550	17,150	18,000
Elevator-structure	12,600	14,650	18,500				
Los Angeles, Calif.:							
Detached and semidetached	8,350	10,050	12,450	14,800	17,800	19,850	20,800
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,200	17,000
Elevator-structure	12,350	41,350	18,150				
Bakersfield, Calif.:							
Detached and semidetached	8,350	10,050	12,450	14,800	17,850	19,900	20,800
Row dwellings	7,950	9,600	11,850	14,100	17,000	18,950	19,800
Walk-up	6,800	8,500	10,750	12,700	14,700	16,250	17,050
Elevator-structure	12,350	14,350	18,200				
Bishop, Calif.:							
Detached and semidetached	8,700	10,450	12,950	15,400	18,500	20,650	21,600
Row dwellings	8,250	10,000	12,300	14,650	17,650	19,650	20,550
Walk-up	7,050	8,850	11,200	13,200	15,300	16,850	17,700
Elevator-structure	12,850	14,900	18,900				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION IX

	Number of bedrooms						
	0	1	2	3	4	5	6
Inyokuer, Calif.:							
Detached and semidetached	8,650	10,400	12,900	15,300	18,400	20,550	21,500
Row dwellings	8,250	9,950	12,250	14,600	17,550	19,550	20,450
Walk-up	7,050	8,800	11,150	13,150	15,200	16,750	17,600
Elevator-structure	12,800	14,850	18,800				
Lancaster, Calif.:							
Detached and semidetached	8,450	10,150	12,550	14,950	18,000	20,050	21,000
Row dwellings	8,050	9,700	11,950	14,250	17,100	19,100	19,950
Walk-up	6,850	8,600	10,850	12,850	14,850	16,350	17,150
Elevator-structure	12,450	14,500	18,350				
Mojave, Calif.:							
Detached and semidetached	8,600	10,350	12,800	15,250	18,350	20,450	21,400
Row dwellings	8,200	10,000	12,200	14,500	17,450	19,450	20,350
Walk-up	7,000	8,750	11,050	13,100	15,150	16,700	17,500
Elevator-structure	12,700	14,800	18,700				
Ojai, Calif.:							
Detached and semidetached	7,950	9,600	11,900	14,100	17,000	18,950	19,850
Row dwellings	7,600	9,150	11,300	13,450	16,150	18,050	18,850
Walk-up	6,500	8,100	10,250	12,100	14,000	15,450	16,200
Elevator-structure	17,800	13,700	17,300				
Oxnard, Calif.:							
Detached and semidetached	8,350	10,050	12,450	14,800	17,800	19,850	20,800
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,200	17,000
Elevator-structure	12,350	14,350	18,150				
Paso Robles, Calif.:							
Detached and semidetached	8,600	10,350	12,800	15,250	18,350	20,450	21,400
Row dwellings	8,200	10,000	12,200	14,500	17,450	19,450	20,350
Walk-up	7,000	8,750	11,050	13,100	15,150	16,700	17,500
Elevator-structure	12,700	14,800	18,700				
Piru, Calif.:							
Detached and semidetached	7,950	9,600	11,900	14,100	17,000	18,950	19,850
Row dwellings	7,600	9,150	11,300	13,450	16,150	18,050	18,850
Walk-up	6,500	8,100	10,250	12,100	14,000	15,450	16,200
Elevator-structure	17,800	13,700	17,300				
Ridgecrest, Calif.:							
Detached and semidetached	8,650	10,400	12,900	15,300	18,400	20,550	21,500
Row dwellings	8,250	9,950	12,250	14,600	17,550	19,550	20,450
Walk-up	7,050	8,800	11,150	13,150	15,200	16,750	17,600
Elevator-structure	12,800	14,850	18,800				
San Bernardino, Calif.:							
Detached and semidetached	8,350	10,050	12,450	14,800	17,800	19,850	20,800
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,200	17,000
Elevator-structure	12,350	14,350	18,150				
Santa Barbara, Calif.:							
Detached and semidetached	8,450	10,150	12,550	14,950	18,000	20,050	21,000
Row dwellings	8,050	9,700	11,950	14,250	17,100	19,100	19,950
Walk-up	6,850	8,600	10,850	12,850	14,850	16,350	17,150
Elevator-structure	12,450	14,500	18,350				
Santa Maria, Calif.:							
Detached and semidetached	8,600	10,350	12,800	15,250	18,350	20,450	21,400
Row dwellings	8,200	10,000	12,200	14,500	17,450	19,450	20,350
Walk-up	7,000	8,750	11,050	13,100	15,150	16,700	17,500
Elevator-structure	12,700	14,800	18,700				
Tehachapi, Calif.:							
Detached and semidetached	8,600	10,350	12,800	15,250	18,350	20,450	21,400
Row dwellings	8,200	10,000	12,200	14,500	17,450	19,450	20,350
Walk-up	7,000	8,750	11,050	13,100	15,150	16,700	17,500
Elevator-structure	12,700	14,800	18,700				
Ventura, Calif.:							
Detached and semidetached	8,350	10,050	12,450	14,800	17,800	19,850	10,800
Row dwellings	7,950	9,600	11,850	14,100	16,950	18,900	19,750
Walk-up	6,800	8,500	10,750	12,700	14,700	16,200	17,000
Elevator-structure	12,350	14,350	18,150				
Sacramento, Calif.:							
Detached and semidetached	9,100	10,950	13,550	16,100	19,400	21,600	22,550
Row dwellings	8,650	10,450	12,900	15,350	18,450	20,550	21,500
Walk-up	7,400	9,250	11,750	13,800	16,000	17,650	18,500
Elevator-structure	13,350	15,500	19,600				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION IX

	Number of bedrooms						
	0	1	2	3	4	5	6
Chico, Calif.:							
Detached and semidetached	9,200	11,050	13,700	16,300	19,600	21,850	22,800
Row dwellings	8,750	10,550	13,050	15,500	18,650	20,750	21,750
Walk-up	7,500	9,350	11,850	13,950	16,150	17,850	18,700
Elevator-structure	13,500	15,650	19,800				
Davis, Calif.:							
Detached and semidetached	9,250	11,150	13,800	16,400	19,750	22,000	22,950
Row dwellings	8,800	10,650	13,150	15,600	18,750	10,900	21,900
Walk-up	7,550	9,400	11,900	14,050	16,300	17,950	18,800
Elevator-structure	13,600	15,750	19,950				
Placerville, Calif.:							
Detached and semidetached	9,350	11,250	13,950	16,550	19,950	22,200	23,200
Row dwellings	8,900	10,750	13,250	15,800	18,950	21,150	22,100
Walk-up	7,600	9,500	12,050	14,200	16,450	18,150	19,000
Elevator-structure	13,700	15,950	20,150				
Redding, Calif.:							
Detached and semidetached	9,350	11,250	13,950	16,550	19,950	22,200	23,200
Row dwellings	8,900	10,750	13,250	15,800	18,950	21,150	22,100
Walk-up	7,600	9,500	12,050	14,200	16,450	18,150	19,000
Elevator-structure	13,700	15,950	20,150				
Stockton, Calif.:							
Detached and semidetached	9,100	10,950	13,550	16,100	19,400	21,600	22,550
Row dwellings	8,650	10,450	12,900	15,350	18,450	20,550	21,500
Walk-up	7,400	9,250	11,700	13,800	16,000	17,650	18,500
Elevator-structure	13,350	15,500	19,600				
Yreka, Calif.:							
Detached and semidetached	9,400	11,350	14,000	16,650	20,100	22,350	23,350
Row dwellings	8,950	10,800	13,350	15,900	19,100	21,250	22,250
Walk-up	7,650	9,550	12,100	14,300	16,550	18,250	19,150
Elevator-structure	13,800	16,050	20,300				
San Diego, Calif.:							
Detached and semidetached	8,300	9,950	12,350	14,700	17,650	19,650	20,550
Row dwellings	7,900	9,500	11,750	14,000	16,800	18,750	19,600
Walk-up	6,750	8,400	10,700	12,600	14,600	16,050	16,850
Elevator-structure	12,350	14,350	18,150				
El Cajon, Calif.:							
Detached and semidetached	8,300	9,950	12,350	14,700	17,650	19,650	20,550
Row dwellings	7,900	9,500	11,750	14,000	16,800	18,750	19,600
Walk-up	6,750	8,400	10,700	12,600	14,600	16,050	16,850
Elevator-structure	12,350	14,350	18,150				
San Francisco, Calif.:							
Detached and semidetached	9,300	11,200	13,850	16,500	19,850	22,100	23,100
Row dwellings	8,850	10,700	13,200	15,700	18,900	21,050	22,000
Walk-up	7,600	9,450	12,000	14,150	16,400	18,050	18,950
Elevator-structure	13,650	15,850	20,050				
Fresno, Calif.:							
Detached and semidetached	9,000	10,850	13,400	16,000	19,250	21,400	22,350
Row dwellings	8,550	10,350	12,800	15,200	18,300	20,400	21,300
Walk-up	7,350	9,150	11,600	13,700	15,900	17,500	18,350
Elevator-structure	13,900	15,000	19,000				
Modesto, Calif.:							
Detached and semidetached	8,950	10,800	13,350	15,900	19,150	21,300	22,250
Row dwellings	8,550	10,300	12,700	15,150	18,200	20,300	21,200
Walk-up	7,300	9,100	11,550	13,650	15,800	17,400	18,250
Elevator-structure	12,800	14,850	18,800				
San Jose, Calif.:							
Detached and semidetached	9,300	11,200	13,850	16,500	19,850	22,100	23,100
Row dwellings	8,850	10,700	13,200	15,700	18,900	21,050	22,000
Walk-up	7,600	9,450	12,000	14,150	16,400	18,050	18,950
Elevator-structure	13,650	15,850	20,050				
San Rafael, Calif.:							
Detached and semidetached	9,550	11,500	14,200	16,950	20,350	22,650	23,700
Row dwellings	9,100	11,000	13,550	16,100	19,400	21,600	22,600
Walk-up	7,800	9,700	12,300	14,500	16,800	18,500	19,450
Elevator-structure	14,000	16,250	20,550				
Santa Ana, Calif.:							
Detached and semidetached	8,600	10,350	12,800	15,300	18,350	20,450	21,400
Row dwellings	8,200	9,900	12,200	14,505	17,500	19,500	20,3
Walk-up	7,050	8,750	11,100	13,100	15,200	17,700	17,550
Elevator-structure	12,900	15,000	19,000				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION IX

	Number of bedrooms						
	0	1	2	3	4	5	6
Arrowhead, Calif.:							
Detached and semidetached	9,000	10,850	13,400	16,050	19,250	21,450	22,400
Row dwellings	8,600	10,350	12,800	15,250	18,350	20,450	21,300
Walk-up	7,100	9,150	11,650	13,700	15,950	17,500	18,400
Elevator-structure	13,500	15,700	19,900				
Barstow, Calif.:							
Detached and semidetached	8,850	10,650	13,150	15,750	18,850	21,000	12,000
Row dwellings	8,450	10,200	12,550	14,950	18,000	20,050	20,900
Walk-up	7,250	9,000	11,400	13,450	15,650	17,150	18,050
Elevator-structure	13,250	15,400	19,550				
Big Bear, Calif.:							
Detached and semidetached	9,000	10,850	13,400	16,050	19,250	21,450	22,400
Row dwellings	8,600	10,350	12,800	15,250	18,350	20,450	21,300
Walk-up	7,400	9,150	11,650	13,700	15,950	17,500	18,400
Elevator-structure	13,300	15,700	19,900				
Desert Center, Calif.:							
Detached and semidetached	8,750	10,550	13,050	15,600	18,700	20,850	21,800
Row dwellings	8,350	10,100	12,450	14,850	17,850	19,850	20,750
Walk-up	7,200	8,900	11,300	13,350	15,500	17,000	17,900
Elevator-structure	13,150	15,300	19,350				
Needles, Calif.:							
Detached and semidetached	8,850	10,650	13,150	15,750	18,850	21,000	22,000
Row dwellings	8,450	10,200	12,550	14,950	18,000	20,050	20,900
Walk-up	7,250	9,000	11,400	13,450	15,650	17,150	18,050
Elevator-structure	13,250	15,400	19,550				
Victorville, Calif.:							
Detached and semidetached	8,850	10,650	13,150	15,750	18,850	21,000	22,000
Row dwellings	8,450	10,200	12,550	14,950	18,000	20,050	20,900
Walk-up	7,250	9,000	11,400	13,450	15,650	17,150	18,050
Elevator-structure	13,250	15,400	19,550				
Honolulu, Hawaii:							
Detached and semidetached	10,300	12,450	15,350	18,300	22,050	25,400	25,650
Row dwellings	9,800	11,850	14,650	17,400	20,950	23,350	24,400
Walk-up	8,450	10,500	13,300	15,700	18,200	20,050	21,050
Elevator-structure	13,300	15,450	19,550				
Guam:							
Detached and semidetached	9,450	11,400	14,050	16,750	20,200	22,450	23,500
Row dwellings	8,950	10,850	13,400	15,950	19,200	21,350	22,350
Walk-up	7,750	9,600	12,150	14,350	16,650	18,350	19,250
Elevator-structure	12,150	14,150	17,900				
Hilo:							
Detached and semidetached	11,350	13,700	16,900	20,150	24,250	26,950	28,200
Row dwellings	10,800	13,050	16,100	19,150	23,050	25,700	26,850
Walk-up	9,300	11,550	14,650	17,250	20,000	22,050	23,150
Elevator-structure	14,650	16,700	21,500				
Kauai:							
Detached and semidetached	11,550	14,000	17,250	20,550	24,750	27,500	28,800
Row dwellings	11,000	13,300	16,450	19,550	23,550	26,200	27,400
Walk-up	9,500	11,800	14,950	17,650	20,450	22,500	23,650
Elevator-structure	14,950	17,350	21,950				
Kono:							
Detached and semidetached	11,550	11,000	17,250	20,550	21,750	27,500	28,800
Row dwellings	11,000	13,300	16,150	19,550	23,550	26,200	27,400
Walk-up	9,500	11,800	11,950	17,650	20,450	22,500	23,650
Elevator-structure	14,950	17,350	21,950				
Maui:							
Detached and semidetached	11,250	13,600	16,750	20,000	21,100	26,750	28,000
Row dwellings	10,700	12,950	16,000	19,000	22,900	25,500	26,650
Walk-up	9,250	11,450	14,550	17,150	19,900	21,900	23,000
Elevator-structure	11,550	16,900	21,350				
Reno, Nev.:							
Detached and semidetached	8,050	9,650	11,950	14,250	17,150	19,100	19,950
Row dwellings	7,650	9,250	11,100	13,550	16,300	18,200	19,000
Walk-up	6,550	8,150	10,350	12,200	14,150	15,600	16,350
Elevator-structure	12,900	15,000	18,950				
Las Vegas, Nev.:							
Detached and semidetached	8,200	9,850	12,200	14,500	17,500	19,150	20,350
Row dwellings	7,800	9,450	11,600	13,800	16,600	18,550	19,350
Walk-up	6,700	8,300	10,550	12,450	14,400	15,900	16,650
Elevator-structure	13,050	15,150	19,150				

PROTOTYPE PER UNIT COST SCHEDULE

REGION X

	Number of bedrooms						
	0	1	2	3	4	5	6
Seattle, Wash.:							
Detached and semidetached	8,750	10,600	13,050	15,600	18,750	20,850	21,850
Row dwellings	8,350	10,100	12,450	14,800	17,850	19,850	20,750
Walk-up	7,150	8,900	11,300	13,350	15,450	17,050	17,900
Elevator-structure	11,600	13,500	17,050				
Calallam, Wash.:							
Detached and semidetached	9,000	10,850	13,400	16,000	19,250	21,400	22,400
Row dwellings	8,550	10,350	12,750	15,200	18,300	20,350	21,300
Walk-up	7,350	9,150	11,600	13,700	15,850	17,500	18,350
Elevator-structure	11,900	13,850	17,500				
Ellensburg, Wash.:							
Detached and semidetached	9,200	11,150	13,700	16,400	19,700	21,950	23,000
Row dwellings	8,900	10,600	13,100	15,550	18,750	20,900	21,800
Walk-up	7,500	9,350	11,900	14,050	16,250	17,950	18,850
Elevator-structure	12,200	14,200	17,950				
Kelso, Wash.:							
Detached and semidetached	9,050	10,950	13,500	16,150	19,400	21,550	22,600
Row dwellings	8,650	10,450	12,900	15,300	18,450	20,550	21,450
Walk-up	7,400	9,200	11,700	13,800	16,000	17,650	18,500
Elevator-structure	12,000	13,950	17,650				
Kitsap, Wash.:							
Detached and semidetached	9,000	10,850	13,400	16,000	19,250	21,400	22,400
Row dwellings	8,550	10,350	12,750	15,200	18,300	20,350	21,300
Walk-up	7,350	9,150	11,600	13,700	15,850	17,500	18,350
Elevator-structure	11,900	13,850	17,500				
Longview, Wash.:							
Detached and semidetached	9,050	10,950	13,500	16,150	19,400	21,550	22,600
Row dwellings	8,650	10,450	12,900	15,300	18,450	20,550	21,450
Walk-up	7,400	9,200	11,700	13,800	16,000	17,650	18,500
Elevator-structure	12,000	13,950	17,650				
Mason, Wash.:							
Detached and semidetached	8,850	10,700	13,150	15,750	19,000	21,050	22,050
Row dwellings	8,400	10,200	12,550	14,950	18,000	20,000	20,950
Walk-up	7,200	9,000	11,400	13,450	15,600	17,200	18,050
Elevator-structure	11,700	13,600	17,200				
Skagit Island, Wash.:							
Detached and semidetached	8,850	10,700	13,150	15,750	19,000	21,050	22,050
Row dwellings	8,400	10,200	12,550	14,950	18,000	20,000	20,950
Walk-up	7,200	9,000	11,400	13,450	15,600	17,200	18,050
Elevator-structure	11,700	13,600	17,200				
Thurston, Wash.:							
Detached and semidetached	8,850	10,700	13,150	15,750	19,000	21,050	22,050
Row dwellings	8,400	10,200	12,550	14,950	18,000	20,000	20,950
Walk-up	7,200	9,000	11,400	13,450	15,600	17,200	18,050
Elevator-structure	11,700	13,600	17,200				
Yakima, Wash.:							
Detached and semidetached	9,200	11,150	13,700	16,400	19,700	21,950	23,000
Row dwellings	8,900	10,600	13,100	15,550	18,750	20,900	21,800
Walk-up	7,500	9,350	11,900	14,050	16,250	17,950	18,850
Elevator-structure	12,200	14,200	17,950				
Anchorage, Alaska:							
Detached and semidetached	11,650	14,100	17,350	20,750	24,900	27,700	29,050
Row dwellings	11,100	13,400	16,550	19,650	23,750	26,400	27,600
Walk-up	9,500	11,850	15,000	17,750	20,550	22,650	23,800
Elevator-structure	15,900	18,500	23,400				
Fairbanks, Alaska:							
Detached and semidetached	12,400	15,000	18,500	22,100	26,550	29,500	30,950
Row dwellings	11,850	14,300	17,650	20,950	25,300	28,150	29,400
Walk-up	10,100	12,600	16,000	18,900	21,900	24,150	25,350
Elevator-structure	16,850	19,600	24,750				
Juneau, Alaska:							
Detached and semidetached	12,350	14,950	18,350	21,950	26,350	29,350	30,750
Row dwellings	11,750	14,200	17,500	20,800	25,150	27,950	29,200
Walk-up	10,050	12,550	15,900	18,800	21,750	24,000	25,200
Elevator-structure	16,300	18,950	23,950				
Kenai, Alaska:							
Detached and semidetached	12,350	14,950	18,400	22,000	26,400	29,350	30,800
Row dwellings	11,750	14,200	17,550	20,800	25,150	27,950	29,250
Walk-up	10,050	12,550	15,900	18,800	21,750	24,000	25,200
Elevator-structure	16,300	18,950	24,000				
Ketchikan, Alaska:							
Detached and semidetached	12,400	15,000	18,450	22,050	26,450	29,450	30,850
Row dwellings	11,800	14,250	17,600	20,900	25,250	28,050	29,350
Walk-up	10,100	12,600	15,950	18,850	21,850	24,050	25,300
Elevator-structure	16,450	19,150	24,200				

PROTOTYPE PER UNIT COST SCHEDULE—Continued

REGION X

	Number of bedrooms						
	0	1	2	3	4	5	6
Kodiak, Alaska:							
Detached and semidetached	12,400	15,000	18,450	22,050	26,500	29,450	30,900
Row dwellings	11,800	14,250	17,600	20,900	25,250	28,050	29,350
Walk-up	10,100	12,600	15,950	18,900	21,850	24,050	25,300
Elevator-structure	16,550	19,250	24,350				
Sitka, Alaska:							
Detached and semidetached	12,500	15,150	18,650	22,300	26,750	29,750	31,200
Row dwellings	11,950	14,400	17,800	21,100	25,500	28,350	29,650
Walk-up	10,200	12,750	16,100	19,050	22,100	24,350	25,550
Elevator-structure	16,950	19,750	24,950				
Boise, Idaho:							
Detached and semidetached	8,000	9,700	11,950	14,300	17,200	19,100	20,050
Row dwellings	7,650	9,250	11,400	13,550	16,350	18,200	19,050
Walk-up	6,550	8,150	10,350	12,250	14,150	15,650	16,400
Elevator-structure	10,400	12,400	15,300				
Idaho Falls, Idaho:							
Detached and semidetached	8,300	10,050	12,400	14,850	17,850	19,850	20,800
Row dwellings	7,950	9,600	11,850	14,050	16,950	18,900	19,800
Walk-up	6,800	8,450	10,750	12,700	14,700	16,250	17,000
Elevator-structure	10,800	12,550	15,900				
McCall, Idaho:							
Detached and semidetached	8,400	10,150	12,500	15,000	18,000	20,000	21,000
Row dwellings	8,000	9,700	11,950	14,200	17,150	19,050	20,000
Walk-up	6,850	8,550	10,850	12,850	14,800	16,400	17,200
Elevator-structure	10,900	12,650	16,050				
Pocatello, Idaho:							
Detached and semidetached	8,850	10,700	13,200	15,800	19,000	21,100	22,150
Row dwellings	8,150	10,200	12,600	15,000	18,050	20,100	21,050
Walk-up	7,250	9,000	11,450	13,550	15,650	17,300	18,100
Elevator-structure	11,500	13,350	16,900				
Twin Falls, Idaho:							
Detached and semidetached	8,750	10,600	13,100	15,650	18,850	20,900	21,950
Row dwellings	8,100	10,150	12,500	14,850	17,900	19,950	20,850
Walk-up	7,150	8,950	11,350	13,400	15,500	17,150	17,950
Elevator-structure	11,100	13,250	16,750				
Ontario, Oreg.:							
Detached and semidetached	8,400	10,150	12,500	15,000	18,000	20,000	21,000
Row dwellings	8,000	9,700	11,950	14,200	17,150	19,050	20,000
Walk-up	6,850	8,550	10,850	12,850	14,800	16,400	17,200
Elevator-structure	10,900	12,650	16,050				
Portland, Oreg.:							
Detached and semidetached	8,400	10,150	12,500	15,000	18,000	20,000	20,950
Row dwellings	8,000	9,700	12,000	14,200	17,150	19,050	19,900
Walk-up	6,850	8,550	10,850	12,800	14,850	16,350	17,200
Elevator-structure	11,000	12,800	16,150				
Bend, Oreg.:							
Detached and semidetached	8,400	10,150	12,500	15,000	18,000	20,000	20,950
Row dwellings	8,000	9,760	12,000	14,200	17,150	19,050	19,900
Walk-up	6,850	8,550	10,850	12,800	14,850	16,350	17,200
Elevator-structure	11,000	12,800	16,150				
Coos Bay, Oreg.:							
Detached and semidetached	8,600	10,400	12,850	15,400	18,450	20,550	21,500
Row dwellings	8,200	9,950	12,300	14,550	17,600	19,550	20,400
Walk-up	7,050	8,750	11,150	13,150	15,250	16,800	17,650
Elevator-structure	11,300	13,150	16,550				
Eugene, Oreg.:							
Detached and semidetached	8,250	9,950	12,250	14,700	17,650	19,600	20,550
Row dwellings	7,850	9,500	11,750	13,900	16,800	18,650	19,500
Walk-up	6,700	8,400	10,650	12,550	14,550	16,000	16,850
Elevator-structure	10,800	12,550	15,850				
Medford, Oreg.:							
Detached and semidetached	8,300	10,050	12,400	14,850	17,800	19,800	20,750
Row dwellings	7,900	9,600	11,900	14,050	17,000	18,850	19,700
Walk-up	6,800	8,450	10,750	12,650	14,700	16,200	17,050
Elevator-structure	10,900	12,650	16,000				
West Salem, Oreg.:							
Detached and semidetached	8,450	10,200	12,600	15,100	18,100	20,150	21,100
Row dwellings	8,050	9,750	12,100	14,300	17,250	19,200	20,050
Walk-up	6,900	8,600	10,900	12,900	14,950	16,450	17,300
Elevator-structure	11,050	12,900	16,250				
Spokane, Wash.:							
Detached and semidetached	8,550	10,350	12,750	15,200	18,300	20,350	21,300
Row dwellings	8,150	9,850	12,150	14,450	17,400	19,350	20,250
Walk-up	7,000	8,700	11,050	13,050	15,100	16,650	17,450
Elevator-structure	11,150	13,000	16,400				
Cheney, Wash.:							
Detached and semidetached	8,650	10,500	12,900	15,400	18,550	20,650	21,600
Row dwellings	8,250	10,000	12,300	14,650	17,650	19,600	20,550
Walk-up	7,100	8,800	11,200	13,250	15,300	16,900	17,700
Elevator-structure	11,300	13,200	16,600				
Coeur d'Alene, Idaho:							
Detached and semidetached	8,600	10,400	12,850	15,300	18,400	20,500	21,450
Row dwellings	8,200	9,900	12,250	14,550	17,500	19,500	20,400
Walk-up	7,050	8,750	11,150	13,150	15,200	16,750	17,550
Elevator-structure	11,250	13,100	16,500				
Kennewick, Wash.:							
Detached and semidetached	9,300	11,250	13,900	16,550	20,000	22,150	23,200
Row dwellings	8,900	10,750	13,250	15,750	18,950	21,050	22,050
Walk-up	7,600	9,450	12,050	14,200	16,450	18,150	19,000
Elevator-structure	12,150	14,150	17,850				
Pullman, Wash.:							
Detached and semidetached	9,450	11,400	14,050	16,750	20,200	22,450	23,500
Row dwellings	9,000	10,850	13,400	15,950	19,200	21,350	22,250
Walk-up	7,700	9,600	12,200	14,400	16,650	18,350	19,250
Elevator-structure	12,300	14,350	18,100				
Lewiston, Idaho:							
Detached and semidetached	8,650	10,500	12,900	15,400	18,500	20,650	21,600
Row dwellings	8,250	10,000	12,300	14,650	17,650	19,600	20,550
Walk-up	7,100	8,800	11,200	13,250	15,300	16,900	17,700
Elevator-structure	11,300	13,200	16,600				

[FR Doc.71-6058 Filed 4-29-71;8:45 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for are
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Baldwin	Unincorporated areas.				April 30, 1971.
California	Orange	do				Do
Colorado	Jefferson	Arvada				Do.
Massachusetts	Barnstable	Bourne				Do.
Minnesota	Goodhue	Unincorporated areas.				Do.
Do	Washington	do				Do.
Missouri	Cass	Pleasant Hill				Do.
North Dakota	do	Fargo	I 38 017 1020 02 I 38 017 1020 03	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Office of the City Engineer, City Hall, Fargo, N. Dak. 58102.	Do.
Oklahoma	Payne	Stillwater				Do
Tennessee	Knox	Knoxville	I 47 093 1300 05 through I 47 093 1300 27	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Metropolitan Planning Commission, Building A, City Hall Park, Knoxville, TN 37902.	Do.
Texas	Malagorda	Unincorporated areas.	I 48 321 0000 05 through I 48 321 0000 08	Texas Water Development Board, 301 West 2nd St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Judge, Malagorda County Courthouse, Bay City, TX 77414.	Do.
Virginia	Northampton	do				Do.
Wisconsin	Vernon	Readstown				Do.
Do	Wood	Wisconsin Rapids				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 1, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6056 Filed 4-30-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alabama	Baldwin	Unincorporated areas.				May 1, 1971.
California	Orange	do				Do.
Colorado	Jefferson	Arvada				Do.
Massachusetts	Barnstable	Bourne				Do.
Minnesota	Goodhue	Unincorporated areas.				Do.
Do	Washington	do				Do.
Missouri	Cass	Pleasant Hill				Do.
North Dakota	do	Fargo	H 38 017 1020 02 H 38 017 1020 03	State Water Commission, Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Office of the City Engineer, City Hall, Fargo, N. Dak. 58102.	Apr. 7, 1970 and May 1, 1971.
Oklahoma	Payne	Stillwater				May 1, 1971.
Tennessee	Knox	Knoxville	H 47 093 1300 05 through H 47 093 1300 27	Office of Federal and Urban Affairs, 321 7th Ave., North, Nashville, TN 37219. Tennessee State Planning Commission, Room C2-208, Central Services Bldg., Nashville, TN 37219, and Upper East Tennessee Office, 323 West Walnut St., Johnson City, TN 37601. State Insurance Commission, R-114, State Office Bldg., Nashville, TN 37219.	Metropolitan Planning Commission, Building A, City Hall Park, Knoxville, TN 37902.	Aug. 13, 1970.
Texas	Matagorda	Unincorporated areas.	H 48 321 0000 05 through H 48 321 0000 08	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Judge, Matagorda County Courthouse, Bay City, TX 77414.	June 16, 1970.
Virginia	Northampton	do				May 1, 1971.
Wisconsin	Vernon	Readstown				Do.
Do	Wood	Wisconsin Rapids				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 1, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6057 Filed 4-30-71;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3114 is amended to show that the Schedule A authority covering up to 30 temporary positions of industrial specialist GS–13 or higher in the former Business and Defense Services Administration has been amended to cover both industrial and marketing specialist positions in grades GS–12 through 15. The positions are now in the Bureau of Domestic Commerce.

Effective on publication in the FEDERAL REGISTER (5–1–71), paragraph (g) is revoked, and subparagraph (3) is added to paragraph (i) of § 213.3114 as set out below.

§ 213.3114 Department of Commerce.

* * * * *

(g) [Revoked]

* * * * *

(i) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(3) Not to exceed 30 positions in grades GS–12 through 15, to be filled by persons qualified as industrial or marketing specialists, who possess specialized knowledge and experience in industrial production, industrial operations and related problems, market structure and trends, retail and wholesale trade practices, distribution channels and costs, or business financing and credit practices, applicable to one or more of the current segments of industry served by the Bureau of Domestic Commerce. Appointments under this authority may be made for a period not to exceed 2 years and may, with prior approval of the Commission, be extended for an additional period of 2 years.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6085 Filed 4-30-71;8:50 am]

PART 213—EXCEPTED SERVICE

Executive Office of the President

Section 213.3303 is amended to show that one position of Congressional Liaison Officer, Office of Telecommunications Policy, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–1–71), subparagraph (5) is added to paragraph (i) of § 213.3303 as set out below.

§ 213.3303 Executive Office of the President.

* * * * *

(i) *Office of Telecommunications Policy.* * * *

(5) One Congressional Liaison Officer.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6086 Filed 4-30-71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Health, Education, and Welfare

Section 213.3316 is amended to show that one position of Confidential Secretary to the Assistant Secretary for Public Affairs is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER, (5–1–71), subparagraph (21) is added to paragraph (a) of § 213.3316 as set out below.

§ 213.3316 Department of Health, Education, and Welfare.

(a) *Office of the Secretary.* * * *

(21) One Confidential Secretary to the Assistant Secretary for Public Affairs.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6088 Filed 4-30-71;8:50 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that one Special Assistant to the Director, State and Local Government Division, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–1–71), subparagraph (3) is added to paragraph (c) of § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

* * * * *

(c) *Office of the Assistant Director for Operations.* * * *

(3) One Special Assistant to the Director, State and Local Government Division.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6087 Filed 4-30-71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that the position of Special Assistant to the Director, Office of Congressional Relations, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–1–71), subparagraph (27) is added to paragraph (a) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

(a) *Office of the Secretary.* * * *

(27) One Special Assistant to the Director, Office of Congressional Relations.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6089 Filed 4-30-71;8:50 am]

Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime Work at Border Ports, Seaports, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 354.1 of Part 354, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 354.1 Overtime work at border ports, seaports, and airports.

(a) Any person, firm, or corporation having ownership, custody, or control of plants, plant products, animal products, or other commodities or articles subject to inspection, certification, or quarantine under this chapter, who requires the services of an employee of the Agricultural Quarantine Inspection Division, on a Sunday or holiday, or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Division inspector in charge to furnish inspection, certification, or quarantine service during such overtime, or Sunday or holiday period, and shall pay the Government therefor at the rate of $13.20 per man-hour per employee on a Sunday and at the rate of $9.40 per man-hour per employee for holiday or any other period; except that for any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular workday beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted traveltime period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Agricultural Quarantine Inspection Division for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday or holiday or overtime duty if such travel is performed solely on account of such Sunday or holiday or overtime service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, certification, or quarantine services are performed at locations outside the metropolitan area in which the employee's headquarters is located, one-half of the commuted travel period applicable to the point at which the services are performed shall be charged when duties involve overtime that begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty. It will be administratively determined from time to time which days constitute holidays. The commuted traveltime rate of pay to the Government for inspection, quarantine, or certification services on any Sunday, holiday or unscheduled overtime duty by an employee of the Agricultural Quarantine Inspection Division shall be based on $9.40 per traveltime hour per employee.

(b) The Division inspector in charge in honoring a request to furnish inspection, quarantine, or certification service, shall assign employees to such Sunday or holiday or overtime duty with due regard to the work program and availability of employees for duty.

(c) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561; 7 U.S.C. 2260)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (5–1–71), when it shall supersede 7 CFR 354.1, effective January 26, 1971.

The Secretary has approved double time pay for work performed on Sunday by inspectors of the Agricultural Quarantine Inspection Division under the authority of 7 U.S.C. 2260. The purpose of this amendment is to establish a double time reimbursement rate for all work performed on Sunday by the Agricultural Quarantine Inspection Division Inspectors. Determination of the hourly rate for overtime services and of the commuted traveltime allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the administrative provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of April 1971.

[SEAL] F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6124 Filed 4-30-71;8:47 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 478]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.778 Lemon Regulation 478.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that he limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on April 27, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 2, through May 8, 1971, are hereby fixed as follows:

(i) District 1: 1,000 cartons;

(ii) District 2: 249,000 cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 29, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6181 Filed 4-30-71;8:51 am]

[Lime Reg. 29]

PART 911—LIMES GROWN IN FLORIDA

Quality and Size Regulation

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 35 F.R. 16626), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will

tend to effectuate the declared policy of the act.

(2) The recommendations by the Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. Shipments of limes, in volume, are expected to begin on or about May 1, 1971. The size and grade requirements specified herein are necessary to prevent the handling, on and after May 1, 1971, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of Florida limes are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after an open meeting of the Lime Administrative Committee on April 14, 1971, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; other necessary supplemental information was submitted to the Department on April 21, 1971; the provisions of this regulation, including the effective time hereof, are identical with the aforesaid recommendation of the committee, except for the effective period thereof, and information concerning such provisions and effective time has been disseminated among handlers of such limes; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with this regulation, which contains the same grade and size requirements as currently in effect, will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

§ 911.331 Lime Regulation 29.

(a) Order: During the period May 1, 1971, through May 31, 1971, no handler shall handle:

(1) Any limes of the group know as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3), not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirements.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the U.S. Standards for Persian (Tahiti) Limes (§§ 51.1000—51-1016).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 28, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6151 Filed 4-30-71;8:49 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1430—DAIRY PRODUCTS

Subpart—Price Support Program for Milk

The U.S. Department of Agriculture has announced a price support program for milk for the marketing year April 1, 1971, through March 31, 1972, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein. Accordingly, § 1430.282 is revised to read as follows:

§ 1430.282 Price support program for milk.

(a) (1) The general levels of prices to producers for milk will be supported from April 1, 1971, through March 31, 1972 at $4.93 per hundredweight for manufacturing milk.

(2) Price support for milk will be through purchases by CCC of butter, nonfat dry milk, and Cheddar cheese, offered subject to the terms and conditions of purchase announcements issued by the Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(3) Commodity Credit Corporation may, by special announcements, offer to purchase other dairy products to support the price of milk.

(4) Purchase announcements setting forth terms and conditions of purchase may be obtained upon request from:

U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, Livestock and Dairy Division, Washington, D.C. 20250,
or
U.S. Department of Agriculture, Agricultural Stabilization and Conservation Service, ASCS Commodity Office, 6400 France Avenue South, Minneapolis, MN 55435.

(b) (1) CCC will consider offers of butter, Cheddar cheese, and nonfat dry milk in bulk containers meeting specifications in the announcements at the following prices:

Commodity and location	Purchased and produced before Apr. 1, 1971	Purchased on or after Apr. 1, 1971
Butter:		
U.S. Grade A or higher:		
New York, N.Y., Jersey City, Newark, and Secaucus, N.J.	$0.7075	$0.6875
Seattle, Wash., and San Francisco, Calif.	.7000	.6775
Alaska, California, and Hawaii	.7000	.6775
Washington and Oregon	(¹)	.6775
Arizona, New Mexico, Texas, Louisiana, Mississippi, Alabama, Georgia, Florida, and South Carolina	.6975	.6775
U.S. Grade B 2 cents per pound less than for U.S. Grade A	Produced before Apr. 1, 1971	Produced on or after Apr. 1, 1971
Cheddar Cheese:		
(Standard moisture basis, 37.8–39.0%) [2]	$0.5200	$0.5475
Nonfat dry milk, spray process:		
50-pound bags with sealed closures [3]	.2720	.3170

[1] Calculated by use of freight rates.

[2] For cheese which is offered on a "dry" basis (less than 37.8 percent moisture) the price per pound shall be as indicated in Form ASCS-150. Copies are available in offices listed in (a)(4).

[3] If upon inspection Type II bags (formerly identified as Type G bags) with stitched bottom and top closures do not fully comply with specifications for such closures, the price paid will be subject to a discount of 0.25 cent (¼ cent) per pound of nonfat dry milk.

(2) Offers to sell butter at any location not specifically provided for in this section will be considered at the price set forth in this section for the designated market (New York, San Francisco, or Seattle) named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight for a 60,000 pound carlot, in effect at the beginning of this marketing year, from such other point to the designated market named by the seller. In the area consisting of Maine, New Hampshire, Vermont, Massachusetts,

Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, and Maryland, CCC will purchase only bulk butter produced in that area; butter produced in other areas is ineligible for offering to CCC in these States.

(c) The butter shall be U.S. Grade B or higher. The nonfat dry milk shall be U.S. Extra Grade, except moisture content shall not exceed 3.5 percent. The Cheddar cheese shall be U.S. Grade A or higher.

(d) The products shall be manufactured in the United States from milk produced in the United States, shall be located in the United States and shall not have been previously owned by CCC.

(e) Purchases will be made in carlot weights specified in the announcements. Grades and weights shall be evidenced by inspection certificates issued by the U.S. Department of Agriculture.

(Secs. 201, 401, 63 Stat. 1052, 1054, as amended, sec. 4(d), 62 Stat: 1070, as amended; 7 U.S.C. 1446, 1421, 15 U.S.C. 714b (d))

Signed at Washington, D.C., on April 26, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6126 Filed 4-30-71;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Overtime, Night, and Holiday Inspection and Quarantine Activities at Border, Coastal, and Airports

Pursuant to the authority conferred by the Act of August 28, 1950 (64 Stat. 561; 7 U.S.C. 2260), § 97.1 of Part 97, Title 9, Code of Federal Regulations, is amended to read as follows:

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.[1]

Any person, firm, or corporation having ownership, custody or control of animals, animal byproducts, or other commodities subject to inspection, laboratory testing, certification, or quarantine under this subchapter and Subchapter G of this chapter, and who requires the services of an employee of the Animal Health Division on a holiday or Sunday or at any other time outside the regular tour of duty of such employee, shall sufficiently in advance of the period of overtime or holiday or Sunday service request the Division inspector in charge to furnish inspection, laboratory testing, certification or quarantine service during such overtime or holiday or Sunday period and shall pay the Administrator of the Agricultural Research Service at a rate of $13.20 per man hour per employee on a Sunday and at a rate of $9.40 per man hour per employee for holiday or any other period; except that for any services performed on a Sunday, or holiday, or at any time after 5 p.m. or before 8 a.m. on a week day, in connection with the arrival in or departure from the United States of a private aircraft or vessel, the total amount payable shall not exceed $25 for all inspectional services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture. A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or which is performed by an employee on his regular work day beginning either at least 1 hour before his scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge provision applies which requires the employee involved to perform additional travel may include a commuted travel time period the amount of which shall be prescribed in administrative instructions to be issued by the Director of the Animal Health Division for the ports, stations, and areas in which the employees are located and shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from such overtime or holiday or Sunday duty if such travel is performed solely on account of such overtime or holiday or Sunday service. With respect to places of duty within the metropolitan area of the employee's headquarters, such commuted travel period shall not exceed 3 hours. When inspection, laboratory testing, quarantine or certification services are performed at locations outside the metropolitan area in which the employee's headquarters are located, one-half of the commuted travel time period applicable to the point at which the services are performed shall be charged when duties involve overtime that either begins less than 1 hour before the beginning of the regular tour and/or is in continuation of the regular tour of duty: *Provided, however,* That periods of unscheduled overtime or holiday service performed by laboratory personnel shall be limited to Saturdays, Sundays, and holidays, and shall further be limited to hours which normally constitute a regular work day. It shall be administratively determined from time to time which days constitute holidays.

(b) As used in this section—

(1) The term "private aircraft" means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term "private vessel" means any civilian vessel not being used (i) to transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(64 Stat. 561, 7 U.S.C. 2260)

The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (5-1-71), when it shall supersede 9 CFR 97.1, effective January 26, 1971.

The Secretary has approved double time pay for work performed on Sunday by Animal Health Division inspectors at ports of entry under authority of 7 U.S.C. 2260. The purpose of this amendment is to establish a double time reimbursement rate for all work performed on Sunday by the Animal Health Division inspectors engaged in port of entry inspections. Determination of the hourly rate for overtime services and of the commuted travel time allowances depends entirely upon facts within the knowledge of the Department of Agriculture. It is to the benefit of those who require such overtime services, as well as the public generally, that this amendment be made effective at the earliest practicable date.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 27th day of April 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6123 Filed 4-30-71;8:47 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release 34-9143]

PART 231—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES ACT OF 1933 AND GENERAL RULES AND REGULATIONS THEREUNDER

PART 241—INTERPRETATIVE RELEASES RELATING TO THE SECURITIES EXCHANGE ACT OF 1934 AND GENERAL RULES AND REGULATIONS THEREUNDER

Offerings of Securities as Substitute or Supplement for Savings Account Deposits and Certificates of Deposit

The Securities and Exchange Commission today announced its concern regarding recent proposals for public offerings of a novel type of security with characteristics which appear to invite unwarranted comparisons with bank savings accounts, savings and loan association accounts, and bank time deposit certificates. Such securities may be presented to the public as a satisfactory investment medium to serve as a supplement, or even a preferable alternative, to such savings accounts and certificates of deposit.

Although varying in detail, the type of security under discussion customarily has the following characteristics. It is an unsecured debt security bearing interest at a rate lower than those prevailing for long term corporate debt, but somewhat higher than the prevailing rates for savings accounts and bank certificates of deposit. The maturity provisions of this type of security may vary, but when the security does not have a relatively short maturity, it usually has a so-called redemption, presentment, tender or repurchase feature respecting principal and accrued interest which may lead the investor to believe that his security would have liquidity comparable with that of conventional savings accounts and bank certificates of deposit. By these short-term maturity provisions or by purported redemption, presentment, tender or repurchase features, members of the public may be induced to regard the security as an adequate substitute for a savings account or certificate of deposit; and they may accordingly be encouraged to withdraw modest cash resources from such savings vehicles and place their cash in this novel type of security upon the allure of a higher rate of interest.

Added to that aspect of the sales thrust is the circumstance that the prospective investor may not be made meaningfully aware that, apart from losing substantial liquidity for what may be an illusory substitute, he may also stand to lose or be deprived of the benefits of federally created insurance protections, and, in virtually all cases, the significant safeguards resulting from the supervision of banks and savings and loan associations by State or Federal Government agencies. That these safeguards are significant for the protection of investors, even apart from the existence or absence of any federally created insurance feature, is manifest from the requirements on the part of such agencies, and the laws which they administer, for the maintenance by such regulated institutions of adequate reserves designed to provide depositors with reasonable assurance of liquidity and of the ability of those institutions to respond to their demands to withdraw cash from their accounts.

In contrast, the issuers of the debt securities under discussion are in general not subject to any such agency oversight or regulation or law with respect to maintenance of reserves or the integrity of their assets as apply to banks and savings and loan associations. The contrast is augmented in some cases by the fact that the issuer is in no position to provide any assurance that it will have proper reserves and liquidity to give realistic effect to the so-called redemption, presentment, tender, or repurchase feature. In addition, it may not even be committed to a program for the building or adequate reserves. In some cases the issuer might expressly include with the so-called redemption, presentment, tender or repurchase provisions a caveat that the company may not be in a position to effect such redemption or repurchase or a disclaimed that it is under a legal obligation to do so.

Accordingly, the Commission takes this occasion to urge members of the public to be mindful of the need to examine carefully the risk factors associated with securities they are invited to purchase. Persons engaged in the offer and sale of the type of securities discussed here are reminded of their obligations under applicable provisions of the Federal securities laws, such as section 17(a) of the Securities Act of 1933 and sections 10(b) and 15(b) of the Securities Exchange Act of 1934, and Rules 10b-5 (17 CFR 240.10b-5) and 15b10-3 (17 CFR 240.15b10-3) thereunder, to consider as to each prospective investor all adverse risk factors, taking into account, among other relevant considerations, his investment needs and objectives in light of his personal and financial situation. Further, issuers and broker-dealers engaging in distributions of these types of securities should take appropriate steps to conform with this release, including appropriate disclosure of the risk and other pertinent factors noted herein, both orally to prospective purchasers and in prospectuses, offering circulars and other similar documents.

By the Commission.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

APRIL 12, 1971.

[FR Doc.71-6130 Filed 4-30-71;8:47 am]

[Release No. 34-9160]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

Annual Assessments for Nonmember Broker-Dealers

The Commission has announced the adoption effective on June 1, 1971, of Form SECO-4-71 (17 CFR 249.504e) pursuant to Rule 15b9-2 (17 CFR 240.15b9-2) under the Securities Exchange Act of 1934 (The Act) to set 1971 annual assessments for registered broker-dealers who are not members of the National Association of Securities Dealers, Inc. (nonmember broker-dealers).

Section 15(b)(9) under the Securities Exchange Act of 1934 authorizes the Commission to collect such reasonable fees and charges as may be necessary to defray the costs of regulatory duties required to be performed with respect to nonmember broker-dealers. Rule 15b9-2 (17 CFR 240.15b9-2) provides that the annual assessment of nonmember broker-dealers shall be prescribed by the applicable form required to be filed. This release announced the adoption of Form SECO-4-71 (17 CFR 249.5043) under the Rule 15b9-2(d) (17 CFR 240.15b9-2(d)) which increases the annual assessment ceiling from $25,000 to $50,000 and provides for the actual charges which are: A base fee of $100 plus $30 for each office and $5 for each associated person.

The full text of Rules 15b9-1 (17 CFR 240.15b9-1) and 15b9-2, which together contain all of the fee requirements for nonmember broker-dealers, may be obtained by sending a written request to the Branch of Non-NASD Regulation, Division of Trading and Markets, Securities and Exchange Commission, 500 North Capitol Street, Washington, DC 20549.

Commission action. The text of the Commission action adopting § 249.504e of Chapter II of Title 17 of the Code of Federal Regulations is as follows:

§ 249.504e Form SECO-4-71; 1971 assessment and information form for registered brokers and dealers not members of a registered national securities association.

This form shall be filed pursuant to Rule 15b9-2 (§ 240.15b9-2 of this chapter), accompanied by the annual assessment fee required thereunder, for the fiscal year ended June 30, 1971, on or before June 1, 1971, by every registered broker and dealer not a member of a registered national securities association.

On April 2, 1971, in Release No. 34-9131, which was published in the FEDERAL REGISTER for April 3, 1971, at 36 F.R. 6440, the Commission gave notice that it proposed to adopt a revised Form SECO-4, § 249.504e of Chapter II of Title 17 of the Code of Federal Regulations to increase the maximum annual assessment payable by a nonmember broker-dealer from $25,000 to $50,000 and to set the actual charges payable by nonmember broker-dealers for fiscal year 1971 which are: $100 base fee plus $30 for each office and $5 for each associated person. The Commission invited comments on the revision and proposed that it become effective on June 1, 1971. Having received no comments and deeming such action to be necessary and with due regard for the public interest and the protection of investors, the Commission has determined to adopt Form SECO-4-71 as proposed. Accordingly, the foregoing shall be effective on June 1, 1971.

Copies of Form SECO-4-71 have been filed as part of this document with the Office of the Federal Register and additional copies are available on request from the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 15(b), 23(a), 48 Stat. 895, 901, sec. 3, 49 Stat. 1377, sec. 6, 78 Stat. 570, 15 U.S.C. 78o(b), 78w)

By the Commission, April 30, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6185 Filed 4-30-71;8:51 am]

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[1] For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR 92.1 through 92.3; and for designated ports of entry for certain purebred animals see 9 CFR 151.1 through 151.3.

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–401; Order 432]

PART 101—UNIFORM SYSTEM OF ACCOUNTS PRESCRIBED FOR CLASS A AND CLASS B PUBLIC UTILITIES AND LICENSEES

PART 104—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C PUBLIC UTILITIES AND LICENSEES

PART 141—STATEMENTS AND REPORTS (SCHEDULES)

PART 201—UNIFORM SYSTEM OF ACCOUNTS FOR NATURAL GAS COMPANIES

PART 204—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C NATURAL GAS COMPANIES

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

Accumulating Deferred Income Taxes Relating to Pollution Control Facilities

APRIL 23, 1971.

On September 30, 1970, the Commission issued a notice of proposed rule making in this proceeding (35 F.R. 15648, Oct. 6, 1970) proposing to amend its Uniform Systems of Accounts for Classes A, B, and C Public Utilities and Licensees, for Classes A, B, and C Natural Gas Companies, for FPC Form No. 1, Annual Report for Class A and B Electric Utilities, Licensees and Others and for FPC Form No. 2, Annual Report for Class A and Class B Natural Gas Companies consistent with the amendments to such Uniform Systems of Accounts. The primary purpose of these amendments is to provide accounting and reporting in connection with implementing the provisions of section 169 of the Internal Revenue Code of 1954 and 704(a) of the Tax Reform Act of 1969, relative accelerated amortization of certain certified pollution control facilities.

Comments were invited from interested parties to be submitted by November 16, 1970.[1] In response to this notice the Commission has received comments from 22 respondents[2] which include one accounting firm, 19 electric utilities, one gas utility, and one State commission.

Two respondents were in full agreement with the rulemaking. Eighteen respondents were in full support of the underlying principles with certain suggested modifications to the proposed accounting and the mechanics of implementing the accounting. The remaining two respondents recommended the proposal not be adopted in its present form.

Several respondents suggested that the deferred taxes relating to certified pollution control facilities be accounted for within the present framework of accounts already established for deferred tax accounting in the Uniform Systems of Accounts, rather than establishing a new account for this express purpose. The Commission adopts this suggestion, and will utilize account 281, Accumulated Deferred Income Taxes—Accelerated Amortization. Essentially, the logic in selecting this account is that it is already geared to 5-year amortization treatment closely paralleling that required for pollution control facilities. In addition, the use of account 281 will simplify, to some degree, the reporting of amounts relating to pollution control facilities on schedule page 227 of the Commission's Annual Reports Forms No. 1 and No. 2.

The majority of the respondents were concerned that the provisions of the proposed rule making would make the "normalization" method of tax deferral mandatory. The Commission feels that the provisions in this area should track those already established for other tax deferral accounting and have so provided. However, once a method is elected by the utility, the elected method must be consistently followed. The flexibility in allowing selection of the "normalization" or "flow-through" methods will assist in accommodating regulatory State commissions.

One respondent suggested that the amounts of accumulated deferred taxes be deducted from the rate base in establishing rates and that the Commission order, implementing the provisions therefor, so state. Considering, that this rulemaking proceeding is concerned strictly with accounting relating to pollution control facilities, it is not a proper proceeding in which to consider the respondent's suggestion.

Certain other constructive suggestions were received from respondents resulting from the proposed rule making have been included in the final revisions to the Commission's Uniform Systems of Accounts and Schedule page 227 of the Annual Report Forms No. 1 and No. 2 and, although not substantive in nature, were of considerable value in the overall revisions.

The Commission finds:

(1) The notice and opportunity to participate in this rulemaking proceeding with respect to the matters presently before this Commission through the submission, in writing, of data, views, comments, and suggestions in the manner described above, are consistent and in accordance with the procedural requirements prescribed by 5 U.S.C. 553.

(2) The amendments of the Commission's Uniform Systems of Accounts and Annual Report Forms No. 1 and No. 2, Schedule page 227, herein prescribed, are necessary and appropriate for the administration of the Federal Power Act and the Natural Gas Act.

(3) Since the revised schedule page 227, of the Commission's Annual Reports No. 1 and No. 2 is being prescribed for the reporting year 1971, good cause exists for making the amendments to the Uniform Systems of Accounts adopted herein effective upon issuance.

(4) Since the revisions in the Uniform Systems of Accounts and schedule page 227, of the Annual Report Forms No. 1 and No. 2 as originally proposed result essentially from suggestions made by respondents to the notice of proposed rule making herein and since these revisions do not impose a further burden on persons subject to these regulations and do not amount to a substantial departure from the original proposal, no further notice and hearing prior to adoption is necessary.

The Commission, acting pursuant to the provisions of the Federal Power Act, as amended, particularly 301, 302, 303, 304, and 309 thereof (49 Stat. 854, 855, 858; 16 U.S.C. 825, 825a, 825b, 825c, 825h) and of the Natural Gas Act, as amended, particularly sections 8, 9, 10, and 16 thereof (52 Stat. 825, 826, 830; 15 U.S.C. 717g, 717h, 717i, 717o), orders:

(A) The Commission's Uniform System of Accounts for Class A and Class B Public Utilities and Licensees prescribed by Part 101, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

The text of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" of the Balance Sheet Accounts is amended by revising paragraph A, revising the first sentence of paragraph B and adding a new paragraph F as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code; and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

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[1] Extension of time granted to Dec. 16, 1970 (35 F.R. 17956, Nov. 21, 1970).

[2] Arthur Andersen & Co., Allegheny Power Service Corp., American Electric Power Service Corp., Carolina Power & Light Co., Cleveland Electric Illuminating Co., The, Columbus and Southern Ohio Electric Co., Commonwealth Edison Co., Consolidated Edison Company of New York, Inc., Consumers Power Co., Florida Power Corp., Gulf States Utilities Co., New England Electric System, Northern States Power Co., Pacific Gas and Electric Co., Public Service Electric and Gas Co., Public Service, Indiana, Southern Services, Inc., Union Electric Co., Utah Power & Light Co., Wisconsin Electric Power Co., Northern Natural Gas Co., and State of New York Public Service Commission.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. * * *

* * * * *

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

(B) The Commission's Uniform System of Accounts for Class C Public Utilities and Licensees prescribed by Part 104, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

The text of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" of the Balance Sheet Accounts is amended by revising paragraph A, revising the first sentence of paragraph B and adding a new paragraph F as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code; and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. * * *

* * * * *

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

(C) The Commission's Uniform System of Accounts for Class A and Class B Natural Gas Companies prescribed by Part 201, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

The text of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" of the Balance Sheet Accounts is amended by revising paragraph A, revising the first sentence of paragraph B and adding a new paragraph F as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.
taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. * * *

* * * * *

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plant are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

(D) The Commission's Uniform System of Accounts for Class C Natural Gas Companies prescribed by Part 204, Chapter I, Title 18 of the Code of Federal Regulations, is amended as follows:

The text of account "281, Accumulated Deferred Income Taxes—Accelerated Amortization" of the Balance Sheet Accounts is amended by revising paragraph A, revising the first sentence of paragraph B and adding a new paragraph F as follows:

Balance Sheet Accounts

* * * * *

LIABILITIES AND OTHER CREDITS

* * * * *

11. ACCUMULATED DEFERRED INCOME TAXES

* * * * *

281 Accumulated deferred income taxes—Accelerated amortization.

A. This account shall be credited and account 410, Provision for Deferred Income Taxes shall be debited with an amount equal to that by which taxes on income payable for the year are lower because of accelerated (5-year) amortization of (1) certified defense facilities in computing such taxes, as permitted by section 168 of the Internal Revenue Code; and (2) certified pollution control facilities in computing such taxes, as permitted by section 169 of the Internal Revenue Code of 1954, as compared to the depreciation deduction otherwise appropriate and allowable for tax purposes according to the straight line or other nonaccelerated depreciation method and appropriate estimated useful life for such property.

B. This account shall be debited and account 411, Income Taxes Deferred in Prior Years—Credit, shall be credited with an amount equal to that by which taxes on income payable for the year are greater because of the use in prior years of accelerated (5-year) amortization of (1) certified defense facilities and (2) pollution control facilities, instead of nonaccelerated or nonliberalized depreciation otherwise appropriate for income tax purposes, and deferral of taxes in such prior years as described in paragraph A, above. * * *

* * * * *

F. Upon the sale, exchange, abandonment, premature retirement or taxable transfer of any certified pollution control facility on which there is a related balance herein, this account shall be charged and account 411, Income Taxes Defered in Prior Years—Credit, shall be credited with the amount of such balance; provided, however, that if the related income tax attributable to the disposition is significantly less than such related balance, the Commission shall otherwise direct or authorize how the residuals shall be treated. Upon transfers of plant to a wholly owned subsidiary the related balance in this account shall also be transferred. If transfers of plans are made to other than a wholly owned subsidiary and such transfer does not involve a tax transaction, the accounting shall be as authorized or directed by the Commission.

(E) The schedule page 227, entitled Accumulated Deferred Income Taxes (Accounts 281, 282, 283) in FPC Form No. 1, Annual Report for Electric Utilities, Licensees and Others (Class A and Class B) and FPC Form No. 2, Annual Report for Natural Gas Companies (Class A and Class B) prescribed by §§ 141.1 and 260.1, Chapter I, Title 18 of the Code of Federal Regulations, respectively, is revised as set out in Attachment A hereto.[3]

(F) This order shall be effective on the date of issuance.

(G) The Acting Secretary of the Commission shall cause prompt publication of this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6094 Filed 4-30-71;8:45 am]

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[3] Attachment A filed as part of original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 132—REGISTRATION OF PRODUCERS OF DRUGS

Depressant, Stimulant, or Hallucinogenic Drugs

Title II of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (Public Law 91-513; 84 stat. 1236-96) may be cited as the Controlled Substances Act (84 Stat. 1242-84). Section 701(e) of title II (84 Stat. 1282) amends section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) so that registration for the activity of wholesaling, jobbing, or distributing depressant, stimulant, or hallucinogenic drugs after May 1, 1971, will be made with the U.S. Department of Justice, Bureau of Narcotics and Dangerous Drugs, pursuant to sections 301-04 of said Title II (84 Stat. 1253-56).

Therefore, Part 132 is amended below to delete provisions regarding depressant, stimulant, or hallucinogenic drugs. Accordingly, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act as amended (secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended 79 Stat. 231-32, 84 Stat. 1282; 21 U.S.C. 360, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), Part 132 is amended as follows:

1. The part heading is changed to read as set forth above.

2. Section 132.1 *Definitions* is amended:

a. By deleting from the last sentence of paragraph (b) ", and wholesalers, jobbers, or distributors who handle stimulant, depressant, or hallucinogenic drugs, as defined in Part 166 of this chapter".

b. By deleting paragraph (d).

c. By revising paragraph (e) to read as follows:

(e) The definitions and interpretations contained in sections 201 and 510 of the act shall be applicable to such terms when used in this Part 132.

3. Section 132.2 *Who must register* is amended by deleting from the first sentence "or in the wholesaling, jobbing, or distributing of any depressant, stimulant, or hallucinogenic drug".

4. Section 132.3 *Times for registration* is amended by deleting paragraph (b).

5. Section 132.5 *Information required* is amended by revising the second sentence to read "This information includes the name and street address of the drug establishment, including post office Zip code; all trade names used by the establishment; the kind of ownership or operation (that is, individually owned, partnership, or corporation); and the name of the owner or operator of such establishment."

6. Section 132.8 *Amendments to registration* is amended by deleting the third sentence.

Effective date. This order shall become effective May 1, 1971.

(Secs. 510, 701(a), 52 Stat. 1055, 76 Stat. 794, as amended 79 Stat. 231-32, 84 Stat. 1282; 21 U.S.C. 360, 371(a)

Dated: April 23, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6103 Filed 4-30-71;8:45 am]

PART 148b—AMPHOTERICIN

Amphotericin B Oral Suspension

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner (21 CFR 2.120), the following new section is added to Part 148b to provide for certification of the subject antibiotic:

§ 148b.6 Amphotericin B oral suspension.

(a) *Requirements for certification*—(1) *Standards of identity, strength, quality, and purity.* Amphotericin B oral suspension is a mixture of amphotericin B with one or more suitable and harmless preservatives, colorings, sweetening ingredients, flavorings, buffer substances, lubricants, suspending agents, and sequestrants in an aqueous vehicle. Each milliliter contains 100 milligrams of amphotericin B. Its potency is satisfactory if it is not less than 90 percent and not more than 125 percent of the number of milligrams of amphotericin B that it is represented to contain. Its pH is not less than 4.5 and not more than 6.0. The amphotericin B conforms to the standards prescribed by § 148b.1(a)(1).

(2) *Labeling.* It shall be labeled in accordance with the requirements of § 148.3 of this chapter.

(3) *Requests for certification; samples.* In addition to complying with the requirements of § 146.2 of this chapter, each such request shall contain:

(i) Results of tests and assays on:

(*a*) The amphotericin B used in making the batch for potency, amphotericin A content, safety, loss on drying, pH, residue on ignition, and identity.

(*b*) The batch for potency and pH.

(ii) Samples required:

(*a*) The amphotericin B used in making the batch: 10 packages, each containing approximately 500 milligrams.

(*b*) The batch: A minimum of 5 immediate containers.

(b) *Tests and methods of assay*—(1) *Potency.* Proceed as directed in § 141.110 of this chapter, preparing the sample for assay as follows: Place an accurately measured representative portion into a high-speed glass blender with sufficient dimethylsulfoxide to give a stock solution of convenient concentration. Blend for 3 to 5 minutes. Dilute an aliquot of the stock solution with dimethylsulfoxide to give a concentration of 20 micrograms of amphotericin B per milliliter (estimated). Further dilute an aliquot with 0.2*M* potassium phosphate buffer, pH 10.5 (solution 10), to the reference concentration of 1.0 microgram of amphotericin B per milliliter (estimated).

(2) *pH.* Proceed as directed in § 141.503 of this chapter, using the undiluted suspension.

Data supplied by the manufacturer concerning the subject antibiotic have been evaluated. Since the conditions prerequisite to providing for its certification have been complied with and since it is in the public interest not to delay in so providing, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5-1-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 21, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc. 71-6102 Filed 4-30-71;8:45 am]

PART 149y—CARBENICILLIN

Sterile Disodium Carbenicillin

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), § 149y.1 *Sterile disodium carbenicillin* is revised in paragraph (a)(1)(vi) by changing "6.0" to read "6.5" to raise the minimum pH limit for the subject antibiotic.

This order merely makes a technical change in the certification requirements in order to prevent turbidity formation. The revision is noncontroversial and nonrestrictive in nature; therefore, notice and public procedure and delayed effective date are not prerequisites to this promulgation.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5-1-71).

(Sec. 507, 59 Stat. 463, as amended; 21 U.S.C. 357)

Dated: April 16, 1971.

H. E. SIMMONS,
Director, Bureau of Drugs.

[FR Doc.71-6104 Filed 4-30-71;8:45 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Aldicarb

A petition (PP 0F1008) was filed by Union Carbide Corp., 800 Wyatt Building, Washington, DC 20005, in accordance with the provisions of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 346a) proposing establishment of tolerances for residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde O-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde O-(methylcarbamoyl) oxime in or on the raw agricultural commodities sugar beet tops at 1 part per million, sugar beets of 0.05 part per million; meat, fat, and meat byproducts of cattle, goats, hogs and sheep at 0.01 part per million (negligible residue); and milk at 0.002 part per million (negligible residue).

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established. The Fish and Wildlife Service, USDI, advised that it has no objections to the tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data submitted in the petition and other relevant material, it is concluded that:

1. The proposed use falls into category subparagraph (3) of § 420.6(a) with respect to poultry and eggs.

2. No detectable residues will be present in sugar, molasses or sugar beet pulp derived from sugar beets bearing residues at 0.05 part per million.

3. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), § 420.269 is amended to read as follows:

§ 420.269 Aldicarb: tolerances for residues.

Tolerances are established for residues of the insecticide and nematocide aldicarb (2-methyl-2-(methylthio) propionaldehyde O-(methylcarbamoyl) oxime) and its cholinesterase-inhibiting metabolites 2-methyl-2-(methylsulfinyl) propionaldehyde O-(methylcarbamoyl) oxime and 2-methyl-2-(methylsulfonyl) propionaldehyde O-(methylcarbamoyl) oxime in or on raw agricultural commodities as follows:

1 part per million in or on sugar beet tops.

0.1 part per million in or on cottonseed.

0.05 part per million in or on sugar beets.

0.01 part per million (negligible residue) in the meat, fat, and meat byproducts of cattle, goats, hogs, and sheep.

0.002 part per million (negligible residue) in milk.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (5-1-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: April 26, 1971.

R. E. JOHNSON,
Acting Commissioner, Pesticides Office.

[FR Doc.71-6143 Filed 4-30-71;8:48 am]

Title 23—HIGHWAYS

Chapter I—Federal Highway Administration, Department of Transportation

PART 1—ADMINISTRATION OF FEDERAL AID FOR HIGHWAYS

Relocation Assistance and Payments; Interim Operating Procedures

Section 1.32 of Title 23 of the Code of Federal Regulations provides in the last sentence that "Selected orders and memorandums are contained in Appendix A to this part." On April 30, 1971, the Federal Highway Administration will the Federal Highway Administration will issue Instructional Memorandum 80-1-71 entitled Relocation Assistance and Payments—Interim Operating Procedures.

This instructional memorandum implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 with regard to Federal and federally assisted highway programs and projects.

Appendix A of Part 1 is amended by adding the following instructional memorandum at the end of Appendix A.

(Sec. 213(b), 84 Stat. 1900)

Issue date: April 22, 1971.

F. C. TURNER,
Federal Highway Administrator.

INSTRUCTIONAL MEMORANDUM 80-1-71

RELOCATION ASSISTANCE AND PAYMENTS; INTERIM OPERATING PROCEDURES

Par.

1 Purpose.
2 Authority.
3 Effective date.
4 Definitions.
5 Standards for decent, safe, and sanitary housing.
6 Applicability.
7 Assurances of adequate relocation assistance program.
8 Eligibility for participation of Federal aid funds.
9 Organization requirements for administration of relocation assistance programs.
10 Relocation contract procedures.
11 Public information.
12 Relocation assistance advisory services.
13 Written notices.
14 Relocation program plan at conceptual stage.
15 Relocation program at right-of-way stage.
16 Relocation program at construction stage.
17 Moving and related expense payments—general provisions for all relocated individuals, families, businesses, and farms.
18 Moving payments to individuals and families.
19 Moving payments to businesses.
20 Moving payments to farm operators.
21 Moving payments—nonprofit organization.
22 Advertising signs.
23 Replacement housing payments—general.
24 Replacement housing payment for owner-occupant for 180 days or more who purchases.
25 Rental replacement housing payment to owner-occupant for 180 days or more who rents.
26 Replacement housing payment to owner-occupant for less than 180 days but not less than 90 days who purchases.
27 Rental replacement housing payment to owner-occupant for less than 180 days but not less than 90 days who rents.
28 Rental replacement housing payment to tenant-occupant for not less than 90 days who rents.
29 Replacement housing payment to tenant-occupant for not less than 90 days who purchases.
30 Replacement housing payment to tenant of a sleeping room for not less than 90 days.
31 Mobile homes—general.
32 Moving expenses—mobile homes.
33 Replacement housing payments for owner-occupants of mobile homes for 180 days or more
34 Replacement housing payments for owner-occupants of mobile homes for less than 180 days but more than 90 days.
35 Replacement housing payments to tenants of mobile homes for 90 days or more.
36 Appeals.
37 Records.
38 Reports.
Attachment No. 1—Moving Expense Schedule.[1]
Attachment No. 2—Form PR-1228, Summary to Relocation Assistance and Payments Statistics (Quarterly Report).[1]
State Code Numbers Applicable to Attachment No. 2.[1]

1. *Purpose*—a. *General*. The purpose of this memorandum is to insure to the maximum extent possible the prompt and equitable relocation and reestablishment of persons, businesses, farmers, and nonprofit organizations displaced as a result of Federal and Federal-aid highway construction. The rules, policies, and procedures contained in this memorandum are intended to establish a means of providing relocation services and of making moving cost payments, replacement housing cost payments, and other expense payments so that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

b. *Implementation*. This memorandum requires the Federal Highway Administration and the States to follow the rules, policies, and procedures set forth herein so that every individual displaced because of Federal or Federal-aid highway programs will have, or will have been offered, a comparable decent, safe, and sanitary dwelling to move into upon being required to vacate the dwelling acquired. It also requires that relocation services be furnished and that payments be made to those who are required to relocate to compensate for, in whole or in part, costs incurred for moving, replacement housing, and certain other expenses. In addition, it provides for hearing and appeal procedures to encourage amicable resolution of controversies that may arise.

2. *Authority*. The provisions of this memorandum are issued under the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970"; Interim Guidelines for issuance of Regulations and Procedures Implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as promulgated by the Interagency Task Force; section 6, Department of Transportation Act (49 U.S.C. 1655); delegation of authority by the Secretary of Transportation in 49 CFR 1.4(c); and Department of Transportation Order 5620.1 dated June 24, 1970.

3. *Effective date*. a. The additional monetary payments prescribed in this memorandum shall be provided to the extent that a State can comply under its laws, to all persons eligible therefore on and after January 2, 1971.

b. The provisions of this memorandum, exclusive of the monetary payments, shall be effective 90 days after issuance or July 1, 1971, whichever is later, or at an earlier date if a State so desires, and the services and other requirements described herein shall be provided by a State to the extent that such State is able to comply herewith under its laws.

c. After July 1, 1972, the payments, services, and other requirements of this memorandum shall be provided by all States.

4. *Definitions*. For the purpose of this memorandum the following terms are defined:

a. Person: The term "person" means any individual, partnership, corporation, or association.

b. Family: The term "family" means two or more individuals, one of whom is the head of a household, plus all other individuals regardless of blood or legal ties who live with and are considered a part of the family unit. Where two or more individuals occupy the same dwelling with no identifiable head of a household, they shall be treated as one family for replacement housing payment purposes.

c. Displaced person: A displaced person is any person who—

(1) Is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or

(2) Is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date; and

(3) Moves from the real property or moves his personal property from the real property subsequent to the earliest date established in (a) or (b) above; and

(4) The real property is subsequently acquired.

(5) If the move occurs after a written order to vacate is issued the occupant is eligible even though the property is not acquired.

d. Initiation of negotiations for the parcel: The term "initiation of negotiations" for a parcel means the date the acquiring agency makes the first personal contact with the owner of the parcel or property to be acquired for a Federal or Federal-aid project or his designated representative where price is discussed.

e. Relocatee: The term "relocatee" means any person who meets the definition of a displaced person.

f. Dwelling: The term "dwelling" means any single family house, a single family unit in a multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

g. Comparable replacement dwelling: A comparable replacement dwelling is one which is:

(1) Decent, safe, and sanitary as defined in paragraph 5 of this memorandum;

(2) Functionally equivalent and substantially the same as the required dwelling with respect to:

(a) Number of rooms;
(b) Area of living space;
(c) Type of construction;
(d) Age; and
(e) State of repair.

(3) Fair housing—Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968;

(4) In areas not generally less desirable than the dwelling to be acquired in regard to:

(a) Public utilities; and
(b) Public and commercial facilities.

(5) Reasonably accessible to the relocatee's place of employment;

(6) Adequate to accommodate the relocatee;

(7) In an equal or better neighborhood;

(8) Available on the market to the displaced person; and

(9) Within the financial means of the displaced family or individual.

h. Business: The term "business" means any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, of marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Solely for the purpose of moving and related expenses under paragraph 22 for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

i. Nonprofit organization: The term "nonprofit organization" means a corporation, partnership, individual, or other public or private entity, engaged in a business, professional, or instructional activity on a nonprofit basis, necessitating fixtures, equipment, stock in trade, or other tangible property for the carrying on of the business, profession, or institutional activity on the premises.

j. Farm operation: The term "farm operation" means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support. The term "contributing materially" used in this definition means that the farm operation contributes at least one-third of the operator's income; however, in instances where such operation is obviously a farm operation it need not contribute one-third to the operator's income for him to be eligible for relocation payments.

k. Federal agency: The term "Federal agency" means any department, agency, or instrumentality in the executive branch of the Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the architect of the Capitol, the Federal reserve banks and branches thereof.

l. The term "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, the Trust Territory of the Pacific Islands and any political subdivision thereof.

m. State agency: The term "State agency" means the National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

n. Federal financial assistance: The term "Federal financial assistance" means a grant, loan, or contribution provided by the United States, except any Federal guarantee or insurance and any annual payment or capital loan to the District of Columbia.

o. Mortgage: The term "mortgage" means such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

p. Owner: The term "owner" means an individual (or individuals):

(1) Owning, legally or equitably, the fee simple estate, a life estate, a 99-year lease or other proprietary interest in the property;

(2) The contract purchaser of any of the foregoing estates or interests; or

(3) Who has succeeded to any of the foregoing interests by devise, bequest, inheritance, or operation of law. For the purpose of this memorandum in the event of acquisition of ownership by any of the foregoing methods in this subparagraph (3), the tenure of ownership, not occupancy, of the succeeding owner shall include the tenure of the preceding owner.

q. Existing patronage: The term "existing patronage" is the annual average dollar volume of business transacted during the 2 taxable years immediately preceding the taxable year in which the business is relocated.

5. *Standards for decent, safe, and sanitary housing*—a. *Minimum requirements*. A decent, safe, and sanitary dwelling is one which meets all of the following minimum requirements:

(1) *Conforms to State and local housing codes and ordinances*. Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing, and occupancy codes and similar ordinances or regulations.

(2) *Water*. Has a continuing and adequate supply of potable safe water.

(3) *Kitchen requirements*. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances, or custom. When these facilities are not so required by local codes, ordinances, or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.

(4) *Heating system*. Has an adequate heating system in good working order which will maintain a minimum temperature of 70° in the living area under local outdoor design temperature conditions. A heating system will not be required in those geographical areas where such is not normally included in new housing. Bedrooms are not included in the "living area" as referred to in this paragraph.

(5) *Bathroom facilities*. Has a bathroom, well lighted and ventilated, and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

(6) *Electric system*. Has an adequate and safe wiring system for lighting and other electrical services. When the utility is not reasonably accessible and is not required by local codes, ordinances, or custom, an exception may be approved by the Regional Federal Highway Administrator on a project basis.

(7) *Structurally sound*. Is structurally sound, weathertight, in good repair, and adequately maintained.

(8) *Egress*. Each building used for dwelling purposes shall have a safe, unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multidwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multidwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress..

(9) *Habitable floor space*. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking, or dining purposes and excludes such enclosed places as closets, pantries, bath, or toilet rooms, service rooms, connecting corridors, laundries, and unfurnished attics, foyers, storage spaces, cellars, utility rooms, and similar spaces.

b. *Rental of sleeping rooms*. The standards for decent, safe, and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in paragraph 5a (1), (4), (6), (7), and (8) and the following:

(1) *Habitable floor space*. At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

(2) *Bathroom facilities*. Lavatory, bath, and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

c. *Approval of local code*. In those instances where a local housing code does not meet all the standards listed in this paragraph but is reasonably comparable, the agency providing relocation assistance may submit such code to the Regional Federal Highway Administrator for approval or disapproval as acceptable standards for decent, safe, and sanitary housing.

d. *Exceptions*. Exceptions may be granted to decent, safe, and sanitary standards but requests should be limited to items and circumstances that are beyond the reasonable control of the relocatee to adhere to the standards. Approved exceptions shall not affect the computation of the replacement housing payment.

(1) *Exceptions for parcels*. In case of extreme hardship or other similar extenuating circumstances, an exception to the decent, safe, and sanitary characteristics of replacement housing may be permitted in a particular case with the written concurrence of the Regional Federal Highway Administrator. For example, it is recognized that exceptional problems may arise with regard to large families meeting floor space requirements. In instances of this kind it would be appropriate to waive the square footage requirement on a parcel basis provided there is satisfactory bedroom space based on the age and sex of the occupants.

(2) *Exceptions for project or area*. The Associate Administrator for Right-of-Way and Environment may approve exceptions to the standards of this paragraph on a project or areawide basis where unusual conditions exist.

6. *Applicability*—a. *Federal and Federal-aid project*. To the extent provided in paragraph 3, the provisions of this memorandum are applicable to any person who as of January 2, 1971, has not been displaced by any highway project on which Federal-aid highway funds or other Federal funds are or will be utilized.

b. *Property acquired as required contribution*. All rights-of-way acquired by any State agency, county, town, or any other local governmental agency and furnished as a required contribution incident to a Federal or Federal-aid highway project shall not be accepted unless all the payments have been made and all the assistance and assurances have been provided as required by this memorandum.

c. *Property acquired by any agency*. Any Federal agency which acquires property for highway projects authorized under chapters 1 and 2 of title 23, United States Code, shall provide the relocation services and payments described in this memorandum. When real property is acquired by a State or local governmental agency for such a Federal project, the acquisition shall be deemed to be an acquisition by the Federal agency having authority over such project.

7. *Assurances of adequate relocation assistance program*—a. *Statewide assurances*. No State highway department shall be authorized to proceed with any phase of any project which will cause the relocation of any person, or proceed with any construction project concerning any right-of-way acquired by the State without Federal participation and coming within the provisions of paragraph 6a of this memorandum until it has

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[1] Filed as part of the original document.

furnished satisfactory assurances on a statewide basis that:

(1) Relocation payments and services were or will be provided as set forth in this memorandum;

(2) The public was or will be adequately informed of the relocation payments and services which will be available as set forth in paragraph 11 of this memorandum; and

(3) To the greatest extent practicable no person lawfully occupying real property shall be required to move from his dwelling, or to move his business or farm operation, without at least 90 days' written notice from the State of the date by which such move is required.

b. *Project assurances.* No State shall be authorized to proceed with right-of-way negotiations on any project which will cause the relocation of any person until it has submitted specific written assurances that:

(1) *Comparable replacement housing.* Within a reasonable period of time prior to displacement comparable replacement dwellings will be available or provided (built if necessary) for each displaced person. Such assurance shall be accompanied by an analysis of the relocation problems involved and a specific plan to resolve such problems as described in paragraph 15b of this memorandum. Where right-of-way is acquired in hardship cases and/or for protective buying the required assurance together with an analysis of the relocation problems involved and a specific plan to resolve such problems shall be provided for each parcel or for the project.

(2) *Adequate relocation program.* The State relocation program is realistic and is adequate to provide orderly, timely, and efficient relocation of displaced persons as provided in this memorandum.

8. *Eligibility for participation of Federal-aid funds.*—a. *Reimbursement requirements.* Federal funds will participate only in the costs of relocating those persons in occupancy at the initiation of negotiations of the parcel or at the time written notice of intent to acquire or to vacate is issued, whichever is earlier, and to no subsequent occupants. Federal funds will participate in relocation payments to eligible persons when all of the following conditions have been met:

(1) *Program approval and authorization.* There has been approval of a Federal-aid program or project and authorization to proceed has been issued. Costs incurred at the conceptual stage may be charged to either preliminary engineering or right-of-way depending upon State procedures.

(2) *Person relocated.* When in fact a person has been or will be relocated by the project or from the right-of-way approved for such project.

(3) *Lawful costs.* When relocation costs are incurred in accordance with law.

(4) *Costs recorded as liability.* When relocation costs are recognized and recorded as a liability of the State in accounts of the State.

(5) *Project agreement executed.* After the project agreement has been executed for the particular project involved.

b. *Interest acquired.* The type of interest acquired does not affect the eligibility of relocation costs for reimbursement provided the interest acquired is sufficient to cause displacement. In like manner the terms under which a tenant is occupying property do not affect eligibility for Federal participation provided the tenant is actually displaced by the project and the occupancy is lawful.

c. *Losses due to negligence.* Losses due to negligence of the relocated person, his agent, or employees are not eligible for Federal participation.

d. *Federal share.* (1) Until a State fully complies with all the provisions of this memorandum, Federal fund participation shall be limited to the appropriate Federal share for the class of funds involved.

(2) If a State can fully comply with the provisions of this memorandum, the Federal share of the first $25,000 of the cost of providing relocation payments made to any displaced person pursuant to this memorandum on account of any acquisition or displacement shall be 100 percent until July 1, 1972.

(3) Federal reimbursement for the cost of relocation payments in excess of $25,000 to any one person, and for costs incurred after June 30, 1972, shall be determined in accordance with the appropriate Federal pro rata share for the class of funds involved.

(4) Federal reimbursement for the cost of providing relocation services shall be determined in accordance with the appropriate Federal pro rata share for the class of funds involved whether such services are provided by the State or by contract.

e. *Administrative costs.* Only those costs directly chargeable to the highway project are eligible for Federal participation. The administrative and central office expenses of the State and any political subdivision or local public authorities under contract to perform certain phases of relocation services, payments or surveys are not eligible for Federal participation. The policies and procedures governing reimbursement for employment of public employees on Federal-aid projects are contained in PPM 30-5.

f. *Refusal of assistance.* A displaced person can refuse relocation services and still be eligible for payments. There is no requirement that he accept the services if he wants to relocate on his own. However, it would be necessary that he meet the decent, safe and sanitary requirements and make application within the time limits to qualify for replacement housing payments.

g. *Property not incorporated into right-of-way.* If a relocation is made necessary by an acquisition for the project, even though the property acquired is not incorporated within the final right-of-way, Federal funds may participate in relocation payments.

h. *Advisory services to adjacent property.* Federal funds are authorized to participate in the cost of furnishing relocation advisory services to any person occopying property immediately adjacent to property acquired for a highway project when the head of the relocating agency determines that such person is caused substantial economic injury because of the acquisition.

9. *Organization requirements for administration of relocation assistance programs*—a. *State organization and procedures.* Each State highway department shall have an individual whose primary responsibility is the administration of the State's relocation assistance program. The organization and procedures of the State agency which administers the relocation program shall provide as a minimum that:

(1) *Responsibility assigned on project basis.* Each right-of-way project, where relocations will occur, shall have assigned to it one or more individuals whose primary responsibility is to provide relocation assistance. These individuals may have responsibility for more than one project where reasonable.

(2) *Local relocation office.* A local relocation office shall be established which is reasonably convenient to public transportation or within walking distance of each project when the State determines that the volume of work or the needs of the displaced persons are such as to justify the establishment of such an office. The determinations whether or not to establish a local relocation office shall be made on an individual project basis and submitted to the division engineer for his approval or disapproval. These offices shall be open during hours convenient to the persons to be relocated, including evening hours when necessary. Consideration should be given to the employment of people in the local relocation office who are familiar with the problems of the area.

(3) *Information to be maintained on a project basis.* The following shall be maintained and provided for each project:

(a) Current and continuing lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size and condition for displaced persons to the extent they are available;

(b) Current and continuing lists of comparable commercial properties and locations for displaced businesses;

(c) Current data for such costs as security deposits, closing costs, typical downpayments, interest rate and terms;

(d) Maps showing the location of schools, parks, playground, shopping, and public transportation routes in the area;

(e) Schedules and costs of public transportation where applicable;

(f) Copies of the State's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs and family budgeting; and

(g) Subscriptions for apartment directory services, neighborhood and metropolitan newspaper, etc. In addition, multiple listing services shall be maintained where available.

(4) *Contact with and exchange of information with other agencies.* Relocation officials shall maintain personal contact with and shall exchange information with other agencies providing services useful to persons who will be relocated.

(a) Such agencies may include but not be limited to social welfare agencies, urban renewal agencies, redevelopment, authorities, public housing authorities, the Federal Housing Administration, Veterans Administration and Small Business Administration.

(b) Personal contact shall also be maintained with local sources of information on private replacement properties, including real estate brokers, real estate boards, property managers, apartment owners, and operators, and home building contractors.

(c) The Federal Housing Administration and Veterans Administration procedures which provide for making properties acquired by them available for direct sale to persons to be relocated as a result of governmental action.

(d) It is expected that in the application of these programs, to specific project, the State will coordinate their actions with the local agencies responsible for administering these and other Federal programs.

b. *State policy and procedure statement or manual*—(1) *Policy and procedure statement.* The State highway department shall provide and submit, under Point 31 of its policy and procedural statement, or in a manual form that accomplishes the same objective, the following information:

(a) *Organization.* The office in the State highway department which has statewide responsibility for implementing the relocation program, the director of that office and the State agency which will administer the relocation program.

(b) *Number of personnel and job titles.* The estimated number and job titles of personnel having responsibilities for providing relocation payments and services in the central office and field offices as applicable. Indicate the title of the district office relocation assistance supervisor and show to whom

he reports and his relationship to the district engineer and to the central office.

(c) *Job descriptions and qualifications.* In the submission the State highway department shall attach as exhibits the job descriptions and qualifications for each job title for both supervisory and field personnel unless otherwise submitted. The job classifications should provide a career ladder so that as an employee gains experience and training advancement can be made.

(2) *Contracts with other agencies.* The State highway department shall indicate to what extent it expects to contract with other Federal, State, or local agencies to carry out the requirements of this memorandum.

(3) *Relocation assistance and payments procedures.* The State highway department shall submit a complete description of the procedures followed for furnishing relocation services and for making relocation payments. The procedures, as a minimum, should include a description or explanation of the following items:

(a) Citation and effective date of the applicable law enabling the State to fully comply or a statement of the extent of the State's ability to comply with the relocation provisions of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" applicable to Federal and Federal-aid projects financed in any part by Federal funds.

(b) Indicate the standards for accessibility of the relocatees to the relocation assistance offices, their office hours and the type of lists, maps and other information to be maintained. Indicate the extent to which project or field offices will be used.

(c) Indicate when and by whom personal contacts with owner-relocatees and tenants will be made.

(d) Indicate the personnel, timing, methods, and procedures to be used for the preliminary investigations of approximate number of relocatees, availability of decent, safe and sanitary replacement housing as provided in paragraph 14 of this memorandum.

(e) Indicate the personnel, methods, timing and procedures to be used as provided in paragraph 15b of this memorandum for obtaining an inventory of available housing; for correlating the needs of the relocatees with available housing; and for developing a relocation plan for the specific project.

(f) Describe the procedures to be used by the State in providing public information through brochures, public hearings, newspapers, radio, television, and written descriptions of available assistance and payments for owners, tenants, businesses, farms, and nonprofit organizations. Attach a copy of brochures used by the State.

(g) Describe the procedures for determining moving cost payments and/or schedules to which both owners and tenants are entitled. Attach fixed schedules as exhibits, where applicable.

(h) Describe the procedures that will be followed in making replacement housing payment to owner-occupants and tenants. Indicate who is responsible for determining replacement housing payments. Explain eligibility requirements. Indicate time limits and methods of applying for payments.

(i) Describe the closing expenses that are payable. Attach a copy of a typical closing statement indicating such closing payments.

(j) Describe the method of computing increased interest cost.

(k) Describe procedures utilized to assure that to the greatest extent practicable owners and tenants are not required to move without at least 90 days' written notice and when such written notice is given. Submit copy of notice.

(l) Describe appeal procedures available to relocatees.

(m) Attach a copy of the assurances required by paragraph 7a of this memorandum.

(n) Attach a copy of all forms developed for carrying out the relocation program.

(4) *Duplicate payments under State eminent domain law prohibited.* The State highway department shall submit citation of applicable State legislation if, under the State law of eminent domain, the relocatee is entitled to receive any payment designed to have substantially the same general purpose and effect as the payments described in this memorandum and for which Federal reimbursement is otherwise available. The Federal Highway Administrator's determination as to the purpose and effect of a State law shall govern Federal participation in such costs.

10. *Relocation contract procedures*—a. *Relocation functions performed by another agency.* In order to prevent unnecessary expense and duplication of functions and to promote uniform and effective administration of relocation assistance programs for displaced persons, the Federal Highway Administration or a State may enter into contracts with any individual, firm, association, or corporation for services in connection with such programs, or may carry out its functions under this memorandum through any Federal or State agency having an established organization for conducting relocation assistance programs.

b. *Agencies providing relocation assistance.* The State highway department shall furnish the following information concerning the agency, if other than the State highway department, which will provide the relocation assistance required by this memorandum.

(1) *Name.* The name and location of the agency.

(2) *Qualifications.* An analysis of the agency's present workload and of its ability to perform the requirements of this memorandum.

(3) *Personnel.* The estimated number and the job titles of relocation personnel of the agency that will provide the relocation assistance for the project.

c. *Contracting procedures.* Where a State highway department elects to have the relocation services and payments required under this memorandum administered by another Federal, State, local governmental, or private agency having an established organization, it shall enter into a written contract or agreement to that effect with the agency it selects. The contract or agreement shall have prior approval by the division engineer and shall conform with the following:

(1) *Perform services and make payments.* Obligate the agency to perform the relocation assistance advisory services and make the relocation payments in accordance with the regulations and procedures of this memorandum.

(2) *Retention of records.* Provide that the records required by paragraph 37 of this memorandum will be retained by the agency administering the relocation program or turned over to the State highway department. The records shall be retained for a period of not less than 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(3) *Available for inspection.* The records shall be available for inspection by representatives of the Federal Government at any reasonable hour.

(4) *Specify financial responsibilities.* Where the contract is with a public agency administering another Federal grant program, the contract shall specify the financial responsibilities of each to finance the relocation program required by this memorandum.

(5) *Administrative costs.* Only those costs directly chargeable to the highway project are eligible for Federal participation.

(6) *Civil rights.* Contain the clauses set forth in Appendix A of the Civil Rights Assurances and the requirements of 49 CFR Part 21.

(7) *Changes.* Provisions that would permit the negotiations for mutual acceptance of major changes in the scope, character, or estimated total cost of the work to be performed if such changes become necessary.

(8) *Revision or amendment of existing agreement or contracts.* Agreements or contracts in existence with local agencies on the effective date of this memorandum must be revised or amended to include the additional requirements set forth herein and to provide for all the services and payments required by this memorandum. If the terms of the existing agreement or contract do not permit such revision or amendment, supplementary contracts shall be executed to provide such requirements.

(9) *Adequate staff.* The division engineer in reviewing any such contract or agreement for approval shall give special attention to ascertain if the agency does in fact have a staff to adequately and properly perform the functions required by the contract or agreement.

d. *Lands acquired by local public agency.* The provisions of this paragraph govern the application of relocation procedures where lands are acquired by a local public agency.

(1) *Lands acquired and cleared prior to location of highway.* Where lands are acquired and cleared by the local public agency prior to the receipt of written advice from the State highway department concerning the location of a proposed highway or a request for reservation or conveyance for highway purposes, the provisions of this memorandum will not apply. In such cases, relocations would be handled under the local public agency procedures and Federal participation would be limited to the applicable pro rata amount of the fair market value as determined by mutually acceptable appraisal of the bare land or cost of the local public agency as applicable under paragraph 6a (1) and (2) of PPM 80-1. Authorization by the Federal Highway Administration to acquire the right-of-way from the local public agency should not be given until the applicable public hearing requirements have been met. Where work is undertaken under the TOPICS program which requires the relocation of any person the provisions of this memorandum shall apply.

(2) *Lands acquired and cleared subsequent to location of highway.* Where lands are acquired and cleared by the local public agency subsequent to its receipt of written advice from a State highway department giving the location of the proposed highway or a request for reservation or conveyance for highway purposes, relocation shall be handled under the provisions of this memorandum. Federal participation would be at the applicable pro rata amount of the cost of the local public agency. Since the Federal Highway Administration cannot authorize right-of-way acquisition until after the design hearing with the exception of those instances provided for in IM 20-1-69, there should be no overall agreement with the local public agency until after the design hearing. A limited agreement could be entered into with the local public agency to allow it to acquire parcels permitted under the provisions of IM 20-1-69 and handle relocation under the provisions of this memorandum.

11. *Public information*—a. *General requirements.* In order to assure that the public has adequate knowledge of the relocation program the State shall present information and

provide opportunity for discussion of relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation assistance program.

b. *Corridor public hearings.* The discussion shall include but not necessarily be limited to the following:

(1) The availability of relocation assistance and services, eligibility requirements and payment procedures;

(2) The estimated number of individuals, families, businesses, farm and nonprofit organizations that are to be relocated by each of the alternatives under consideration at the hearing; and

(3) The studies that have been or will be made and the methods that will be followed to assure that housing needs of the relocatees will be met.

c. *Highway design public hearings.* The discussion shall include but not necessarily be limited to the following:

(1) The eligibility requirements and payment procedures including:

(a) Eligibility requirements and payment limits for moving costs;

(b) Replacement housing payment eligibility requirements and payment limits;

(c) Mortgage interest rate differential eligibility requirements and payment;

(d) Payment of closing costs incident to the purchase of a replacement dwelling; and

(e) Appeal procedures.

(2) Discussion of the services available under the State's relocation assistance advisory program. The address and telephone number of the local relocation office and the name of the relocation officer in charge.

(3) The estimated number of individuals or families to be relocated.

(4) The estimated number of dwelling units presently available that meet replacement housing requirements.

(5) An estimate of the time necessary for relocation and of the number of dwelling units meeting the replacement housing requirements that will become available during that period.

(6) The depth of presentation would be influenced by the comprehensiveness of the brochure. If the brochure covers a particular item in sufficient detail, it would be satisfactory to highlight what the brochure contains without going into any great detail. If a particular item is not applicable to the project it would not be necessary to discuss the item beyond the mere mention that the law makes provision for such item.

d. *Brochure.* The State shall prepare a brochure adequately describing its relocation program and distribute the same without cost at all public hearings and to all other individuals and organizations as appropriate. The brochure shall state where copies of any State regulations implementing the relocation assistance program can be obtained. In order to give proper information and assistance to relocatees every effort should be made to communicate with them in their language. Where a language other than English is predominate it might be well to also publish the brochure in such language.

e. *Public announcements.* In addition to the public hearing notices required by PPM 20-8, paragraphs 7a(2) and 8a(1), the State shall within 15 days after initiation of negotiations on the project provide public announcements of the relocation services to be provided, payments that can be made and where the State's brochure can be obtained. Such public announcements shall consist of the utilization of any combination of mass media which will provide full and adequate notice to the public. The mass media used could be: Local newspaper, radio, television, local meetings and posted notices. Federal funds may participate in such expenditures but the costs should be reasonable. Particular emphasis should be given to utilizing the media that is read, looked at or listened to the most by residents on the project. The public announcements shall:

(1) State the date of initiation of negotiations established for the project. For this purpose, the date of initiation of negotiations for the project means the date the acquiring agency makes the first personal contact with the owner of any property on the Federal or Federal-aid project or his designated representative where price is discussed except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file of the acquiring agency;

(2) Define the area of the project;

(3) Advise occupants of such area of their eligibility for and the requirements to receive moving and replacement housing payments;

(4) Advise that ony occupant contemplating moving should, to insure eligibility for moving and replacement housing payments, notify the State before moving;

(5) Advise that owner-occupants in order to be eligible for relocation benefits must sell to the State; and

(6) State where the State's brochure describing the relocation program can be obtained.

f. *Department of Transportation order on replacement housing.* The replacement housing policy contained in the Department of Transportation Order 5620.1 dated June 24, 1970, shall be:

(1) Discussed at highway design public hearings under paragraph 11c;

(2) Described in the State's brochure required by paragraph 11d; and

(3) Included in public announcements required by paragraph 11e.

12. *Relocation assistance advisory services*—a. *General.* States shall establish a relocation assistance advisory services program in order to provide the maximum assistance possible to persons required to relocate because of a Federal and Federal-aid highway program. The services required herein are intended as a minimum to assist persons in relocating to decent, safe and sanitary housing that meets their needs. The services shall be provided by personal contact. If such personal contact cannot be made, the State shall document the file to show that reasonable efforts were made to achieve the personal contact.

b. *Eligibility.* Relocation assistance advisory service shall be offered to:

(1) All persons occupying property to be acquired;

(2) All persons occupying property immediately adjacent to the real property acquired when the State determines that such person or persons are caused substantial economic injury because of the acquisition;

(3) All persons who, because of the acquisition of real property used for a business or farm operation moves from other real property used for a dwelling, or moves his personal property from such other real property.

c. *Minimum advisory service requirements.* The State relocation assistance advisory service program as required herein shall include as a minimum such measures, facilities or services as may be necessary or appropriate to:

(1) Discuss and explain the services available, relocation payments and the eligibility requirements therefor and assist in completing any applications or other forms required.

(2) Determine the need, if any, of displaced persons, for relocation assistance;

(3) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sales and rental housing, and of comparable commercial properties and locations for displaced businesses;

(4) Assist a person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(5) Supply information concerning Federal and State housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons; and

(6) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to a new location.

The amount of the advisory services and extent shall be administered on a reasonable basis commensurate with the relocatees' needs.

d. *Coordination of relocation activities.* The State shall contact other Federal, State, and local Governmental agencies to determine the extent of present and proposed actions which will affect its relocation program and the availability of housing resources. Where other agencies are involved positive action shall be taken to assure maximum coordination of relocation activities. To assure simplification and coordination in administering relocation activities, the State should consider contracting with a single agency to assure full responsibility for providing relocation services and assistance in a given community or area.

13. *Written notices.* The following written notices must be furnished each displaced person to insure that he is fully informed of the benefits and services available to him:

a. *Notice of intent to acquire.* (1) This notice shall be furnished to owners and tenants, along with the brochure as described in paragraph 11d, when the State determines to establish eligibility for relocation benefits prior to the initiation of negotiations for acquisition of the parcel. This notice shall not be issued prior to the division engineer authorizing the institution of negotiations on the project or authorizing acquisition of individual parcels solely for protective buying or because of hardship.

(2) The notice shall contain the statement of eligibility and any restrictions thereto, the anticipated date of the initiation of negotiations for acquisition of the property and how additional information pertaining to relocation assistance payments and services can be obtained.

(3) If a notice of intent to acquire is furnished an owner, it must also be furnished to his tenants within 15 days.

(4) If a notice of intent to acquire is furnished a tenant, the owner must be simultaneously notified of such action.

b. *Notice at initiation of negotiations.* At the time of initiation of negotiations for acquisition of the parcel the following information shall be furnished:

(1) *Owner-occupants of more than 180 days.* Simultaneously with the fair market value offer, owner-occupants of more than 180 days shall be furnished:

(a) A statement which specifies the maximum amount to which he is entitled for the purchase of a replacement dwelling; and

(b) An explanation of the eligibility requirements to receive payments for replacement housing, increased interest costs, incidental expenses and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and

(c) The brochure.

(2) *Owner-occupants of not less than 90 days.* Simultaneously with the fair market

value offer, owner-occupants of not less than 90 days shall be furnished:

(a) A statement which specifies the maximum downpayment to which he is entitled for the purchase of a replacement dwelling; and

(b) An explanation of his option to receive a downpayment and incidental expenses to purchase replacement housing and the requirement therefor, and of his option to rent replacement housing unless such explanations are adequately covered in the brochure; and

(c) The brochure.

(3) *Tenants.* Within 15 days after initiation of negotiations for the parcel, tenants shall be personally contacted and furnished in writing:

(a) The date of initiation of negotiations for the parcel; and

(b) A statement which specifies the amount of the rental replacement housing payment to which he is entitled; and

(c) An explanation of the eligibility requirements to receive a rental replacement housing payment, and of his option to purchase replacement housing, receive a downpayment and incidental expenses, including the matching requirements therefor, unless such explanations are adequately covered in the brochure; and

(d) The brochure.

c. *90-day notice to vacate.* (1) The construction or development of a Federal or Federal-aid highway shall be so scheduled that to the greatest extent practicable, no person lawfully occupying real property shall be required to move from a dwelling, or to move his business or farm without at least 90 days' written notice of the intended vacation date from the agency having responsibility for such acquisition. Exceptions to this provision should be made only in the case of very unusual conditions.

(a) The 90-day notice shall not be given until such time as the State has control of the property.

(b) The 90-day notice shall give a firm specific date by which the relocatee must vacate the property. This date may be extended when conditions warrant, but any extension must be in writing and must give another specific date by which the property must be vacated.

(c) A notice is not required if an occupant moves on his own volition prior to the time the State gives the 90-day notice.

(2) As an alternate to paragraph 13c(1) (a), (b), and (c) a State may adopt the following procedure:

(a) The 90-day notice may be given on or after the initiation of negotiations for the parcel and shall include a statement that the relocatee will not be required to move from a dwelling, or to move his business or farm before 90 days from the date of the notice. Such notice shall inform the relocatee that he will be given a 30-day written notice specifying the date by which the property must be vacated.

(b) The 30-day notice shall not be given until such time as the State has control of the property.

(c) Notices are not required if an occupant moves on his own volition prior to the time such notices are given.

d. *Notice of right to appeal.* All eligible relocatees shall be furnished a written notice of their right to appeal, as provided in paragraph 36, and the procedures for making such appeal. Such notification may be provided by the brochure if such procedures are adequately covered therein.

14. *Relocation program plan at conceptual stage.*—a. *General requirements.* A project will be considered to be in this stage until such time as the final location is approved. The cost incurred in connection with securing the information described in paragraph 14b is chargeable to either preliminary engineering or right-of-way. Prior to the completion of this stage and prior to the corridor public hearing, the State shall make preliminary investigations which will furnish the necessary information to meet the corridor public hearing requirements as provided in paragraph 11b.

b. *Information to be obtained.* The information to be developed at this time would be in the form of an estimate to determine:

(1) The estimated number of individuals, families, businesses, farms, and nonprofit organizations that are to be relocated by each of the alternatives under consideration.

(2) The probable availability of decent, safe and sanitary replacement housing within the financial means of the individuals and families affected by each of the alternatives under consideration.

c. *Basis of information obtained.* The basis upon which the above findings were made and a statement relative to the relocation problems involved in each location along with possible solutions shall be submitted by the State to the Federal Highway Administration prior to the corridor public hearing.

15. *Relocation program at right-of-way stage.*—a. *General requirements.* The division engineer shall not authorize the State to proceed with negotiations on any project which will cause the relocation of any person until the State has submitted and he has approved the project assurances as provided for in paragraph 7b of this memorandum and the relocation plan required by subparagraph b below.

b. *Relocation plan.*—(1) *Inventory of individual needs.* The State shall prepare an inventory of the characteristics and needs of individuals and families to be displaced based on the standard of comparable replacement housing. This inventory may be based upon a sampling survey process rather than a complete occupancy survey. A State may utilize recent census or other valid recent survey data to assist in preparing the inventory. However, any sampling survey process must be to the depth necessary to be fully representative of the characteristics and needs of the relocatees.

(2) *Inventory of available housing.* The State shall develop a reliable estimate of currently available comparable replacement housing. The estimate shall set forth the type of buildings, state of repair, number of rooms, adequacy of such housing as related to the needs of the persons or families to be relocated (based on standards outlined in paragraph 5), type of neighborhood, proximity of public transportation, and commercial shopping areas, and distance to any pertinent social institutions, such as church, community facilities, etc. The use of maps, plats, charts, etc., would be useful at this stage. This estimate should be developed to the extent necessary to assure that the relocation plans can be expeditiously and fully implemented.

(3) *Analysis of inventories.* The State shall prepare an analysis and correlation of the above information so as to develop a relocation plan which will:

(a) Outline the various relocation problems;

(b) Provide an analysis of current and future Federal, State, and community programs currently in operation in the project areas, and nearby areas affecting the supply and demand for housing including detailed information on concurrent displacement and relocation by other governmental agencies or private concerns;

(c) Provide an analysis of the problems involved and the method of operation to resolve such problems and relocate the relocatees in order to provide maximum assistance; and

(d) Estimate the amount of leadtime required and demonstrate its adequacy to carry out a timely, orderly and humane relocation program.

16. *Relocation program at construction stage*—a. *Authorization for construction.*

(1) To comply with the Department of Transportation Order 5620.1, dated June 24, 1970, the division engineer shall verify the fact that adequate replacement housing is in place and has been made available to relocatees prior to authorizing advertising for physical construction bids.

(2) The division engineer shall not authorize advertising for physical construction bids unless all of the applicable provisions of this memorandum have been complied with.

(3) Construction as defined in the order includes right-of-way clearance of any residential unit, regardless of how performed, except through owner retention. To comply with the order, the State shall not clear the right-of-way of any residential unit, except through owner retention, without prior authorization by the division engineer, and the division engineer shall verify the fact that adequate replacement housing is in place and has been made available to relocatees prior to authorizing clearance of the right-of-way.

b. *Adequate replacement housing.* For the purposes of Department of Transportation Order 5620.1 the term "adequate replacement housing" means a dwelling which is:

(1) Decent, safe, and sanitary;

(2) Fair housing—open to all persons regardless of race, color, religion, sex or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968;

(3) In areas not generally less desirable than the dwelling to be acquired in regard to:

(a) Public utilities; and

(b) Public and commercial facilities.

(4) Within the financial means of the displaced family or individual;

(5) Reasonably accessible to the relocatee's place of employment, public services, and commercial facilities; and

(6) Adequate to accommodate the relocatee.

c. *Available replacement housing.* "Made available" shall mean that the affected person has either by himself obtained and has the right of possession of replacement housing or the State has offered him decent, safe, and sanitary replacement housing which is available for immediate occupancy. A State will be in compliance with the offer requirement when it can be shown that it has:

(1) Determined that decent, safe, and sanitary housing that is in an area not less desirable in regard to public utilities and public and commercial facilities, in the same general area from which he is being displaced and reasonably accessible to the relocatee's place of employment and adequate to accommodate the relocatee, is available and has informed the relocatee of its availability and location;

(2) Informed the relocatee of the amount, if any, of supplemental payments available to him. In hardship cases, assured the relocatee that an advance of funds will be made should it become necessary;

(3) Provided the relocatee sufficient time to negotiate for and obtain possession of the housing;

(4) Determined that the available housing is within the financial means of the relocatee; and

(5) Determined that the replacement housing offer is fair housing—open to all

persons regardless of race, color, religion, sex, or national origin.

d. *Verification of adequate replacement housing.* The verification that adequate replacement housing is in place and has been made available to displacees will be accomplished by spot check field reviews by the division engineer to the depth necessary to provide sufficient evidence that there has been full compliance with the order. The verification with respect to the adequacy and availability of housing as required by the order is applicable to all dwelling units for which negotiations have not been initiated even though construction including right-of-way clearance had been previously authorized.

17. *Moving and related expense payments—general provisions for all relocated individuals, families, businesses, and farms*—a. *General.*

(1) Any individual, family, business, or farm operator is eligible to receive payment for the reasonable expenses of moving his personal property when—

(a) He is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or

(b) He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date; and

(c) He moves from the real property or moves his personal property from the real property subsequent to the earliest date established in (a) or (b) above; and

(d) The real property is subsequently acquired.

(e) If the move occurs after a written order to vacate is issued the occupant is eligible even though the property is not acquired.

(2) Where the acquisition of real property used for a business or farm operation which is eligible for a payment under subparagraph (1) above causes a person to vacate a dwelling or other real property not acquired or move his personal property from other real property not acquired, the additional expenses of moving such personalty are eligible for the appropriate moving payments under paragraphs 18, 19 b, c, and d, 20a, and 21.

(3) Federal funds will generally not participate in more than one move of a displaced person, however, where it is shown to be in the public interest the division engineer may give prior approval to more than one move. Federal funds will not participate in the moving expenses of occupants who succeed a displaced person in occupancy at the time of initiation of negotiations or who has been given a written notice of intent to acquire.

b. *Distance of move.* There is no limitation on the distance a relocatee moves either interstate or intrastate. Federal participation is limited to moving expenses not to exceed a 50-mile move either interstate or intrastate except in the case of a business or farm when the State determines that relocation cannot be accomplished within the 50-mile area. Such exceptions may only be allowed to the nearest adequate and available site.

c. *Where moved to.* Federal funds may participate in a payment for relocating personal property of a relocatee that is moved onto remaining or other lands owned by the relocatee or his landlord.

d. *Advertising for bids.* The expenses incurred in advertising for packing, crating, and transportation are reimbursable when the State determines that such advertising is necessary. Such advertising should be limited to complicated or unusual moves where advertising is the only method of securing bids.

e. *Cost of moving bids.* The expenses incurred by the State of obtaining bids or estimates of moving expenses are reimbursable, not to exceed two bids per move.

f. *Direct payment to mover.* By written prearrangement between the State, the relocatee, and the mover, the relocatee may present an unpaid moving bill to the State for direct payment.

g. *Contract with movers.* A State may enter into a contract with independent movers on a schedule basis and furnish a relocatee with a list of movers he may choose from to move his property. In such instances the State would pay the mover.

h. *Hardship.* In hardship cases arrangements may be made for payment of moving expenses in advance.

i. *Storage.* When an actual expense basis is used and the State determines that it is necessary for a relocated person to store his personal property for a reasonable time, not to exceed 6 months, the cost of such storage shall be eligible for Federal participation as a part of the moving expenses. Storage of personal property on the property being acquired or on other property owned by the relocatee is not eligible for Federal participation.

j. *Insurance.* The cost of insurance premiums covering loss and damage of personal property while in storage or transit is eligible for Federal participation. Such insurance coverage shall not exceed the reasonable replacement value of the personal property.

k. *Losses in moving.* The reasonable replacement value of property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agent, or employee) in the process of moving is reimbursable, where insurance to cover such loss or damage is not available.

l. *Removal and reinstallation expenses.* The expenses of removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items which are not acquired, including reconnection of utilities to such items, which do not constitute an improvement (except when required by law) to the replacement site are eligible for reimbursement. Such costs are not applicable to items classified by the State as real property and retained by the owner through the owner retention process. Prior to payment of any expenses for removal and reinstallation of such property, the owner and the State shall agree in writing that the property is personalty and that the State is released from any payment for the property as realty.

m. *Owner retention.* When an owner retains his dwelling, the cost of moving it onto remainder or replacement land is not eligible for reimbursement as a part of the cost of moving personal property. However, if he chooses to use his dwelling as a means of moving personal property the cost of moving personal property may be considered eligible for Federal participation. Payment in these cases would be on a fixed schedule basis.

n. *Delivery of payment checks.* The person or persons who establish the moving cost payment shall not deliver the payment to the relocatee. This also is applicable to situations where such payments and services are being administered by another Federal, State, or local agency under authority of a contract or agreement.

o. *Claims.* In order to obtain a moving expense payment, a relocated person must file a written claim with the State agency on a form provided by the agency for that purpose within a reasonable time limit determined by the State. The moving expense payment should be made only after the move has been accomplished except as noted in h above.

p. *Exclusions on moving expenses and losses.* The following expenses are considered ineligible for Federal participation as "actual moving expenses."

(1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements, or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site, except when required by law.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of business and/or profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Modification of personal property to adapt it to replacement site except when required by law.

q. *Moving of personal property.* Whenever it is necessary to move personal property located within the acquired right-of-way as the result of a highway taking, Federal funds may participate in such cost.

18. *Moving payments to individuals and families*—a. *General.* A displaced individual or family eligible under parargaph 17a(1) is entitled to receive a payment for moving his personal property, himself and his family. The relocatee has the option of payment on the basis of actual reasonable, moving expenses or a moving expense schedule.

b. *Actual reasonable moving expenses*—(1) *Commercial moves.* (a) A relocated individual or family may be paid the actual, reasonable cost of a move accomplished by a commercial mover. Such expense will be supported by receipted bills.

(b) The State may contract with independent movers on a schedule basis and furnish the relocatee with a list of movers he may choose from to move his property. In such instances the State would pay the mover.

(2) *Self-moves.* In the case of a self move the relocated individual or family may be paid his actual moving costs, supported by receipted bills or other evidence of expenses incurred but such payment may not exceed the estimated cost of moving commercially. The estimated cost may be prepared by a commercial moving company or by a qualified State employee.

(3) *Cost of transportation.* The costs of transportation of individuals and families to the new location are also eligible. Such costs may be on a mileage basis, not to exceed 10 cents per mile, or reasonable actual fees if commercial transport is used and may include special services such as the cost of an ambulance to transport invalid relocatees. The actual reasonable costs of meals and lodging, when the State determines that such costs are required because of unforeseen circumstances or practical necessities of the moving operation, are also eligible.

c. *Moving expense schedule.* (1) A relocated individual or family is eligible to receive a moving expense allowance, not to exceed $300, determined according to schedules established by the State and approved by the Federal Highway Administrator plus a dislocation allowance of $200. The schedules are to be prepared to provide adequacy of reimbursement in every locality and shall be graduated in relation to the number of rooms in dwellings and the square footage area in mobile homes and house trailers. The schedule shall cover four types of occupants:

(a) Schedule A—occupants of unfurnished dwelling units;

(b) Schedule B—occupants of furnished dwelling units (including sleeping room tenants);

(c) Schedule C—occupants of mobile homes who move the mobile home and the personal property; and

(d) Schedule D—occupants of mobile homes who move only the personal property.

(2) The schedules are to be submitted to the Washington office on a standardized format as shown in Attachment 1. When revisions are considered, they shall be submitted on the same format for approval at least 60 days prior to the effective date of the revised payments.

d. *Owner-occupants of multifamily dwellings.* In addition to the payment for the moving of personal property, himself, and his family from his dwelling unit in accordance with the provisions of this paragraph, the owner-occupant of a multifamily dwelling is also eligible to receive moving payments under the provisions of paragraph 19 for the other units of the multifamily dwelling.

19. *Moving payments to businesses*—a. *General.* (1) The owner of a displaced business eligible under paragraph 17a(1) is entitled to receive a payment for actual reasonable moving and related expenses which include:

(a) Actual reasonable expenses in moving his business or other personal property as provided in paragraph 19b;

(b) Actual direct losses of tangible personal property in moving or discontinuing his business, as provided in paragraph 19c; and

(c) Actual reasonable expenses in searching for a replacement business, as provided in paragraph 19d.

(2) In lieu of the payment for actual expenses and losses as specified in paragraph 19a(1) (a), (b) and (c), a relocated business may be eligible for a fixed payment as provided in paragraph 19e.

b. *Actual reasonable moving expenses*—(1) *Commercial moves.* The owner of a business may be paid the actual reasonable cost of a move accomplished by a commercial mover. Such expenses will be supported by receipted bills

(2) *Self-moves.* (a) In the case of a self move the owner of a relocated business may be paid an amount to be negotiated between the State and the business not to exceed the lower of two firm bids or estimates obtained by the State from qualified moving firms; or

(b) If such bids or estimates cannot be obtained, the owner may be paid his actual, reasonable moving costs supported by receipted bills or other evidence of expenses incurred.

(c) A State may adopt a procedure by which a qualified State employee, other than the employee handling the claim, makes a moving expense finding not to exceed $500. The amount of such moving expense finding may be paid the owner of the business upon completion of the move without supporting evidence of actual expenses incurred.

(3) *Alternate payments.* (a) The provisions of paragraph 19c contain the criteria under which reimbursement is based for personal property which is not moved to the new site.

(b) When personal property which is used in connection with the business to be moved is of low value and high bulk and the estimated cost of moving would be disproportionate in relation to the value, the State may negotiate with the owner for an amount not to exceed the difference between the cost of replacement of comparable item(s) on the market and the amount which would probably have been received for the item(s) on liquidation.

c. *Actual direct losses of tangible personal property.* Actual direct losses of tangible personal property are allowed when a person who is displaced from his place of business is entitled to relocate such property in whole or in part but elects not to do so. Payments for actual direct losses may only be made after a bona fide effort has been made by the owner to sell the item(s) involved. When the item(s) is sold the payment will be determined in accordance with c(1) or c(2) below. If the item(s) cannot be sold the owner will be compensated in accordance with c(3) below. The sales prices, if any, and the actual, reasonable costs of advertising and conducting the sale shall be supported by a copy of the bills of sale or similar documents and by copies of any advertisements, offers to sell, auction records, and other data supporting the bona fide nature of the sale.

(1) If the business is to be reestablished and an item of personal property which is used in connection with the business is not moved but promptly replaced with a comparable item at the new location, the reimbursement shall be the lesser of:

(a) The replacement cost minus the net proceeds of the sale; or

(b) The estimated cost of moving the item.

(2) If the business is being discontinued or the item is not to be replaced in the reestablished business the payment will be the lesser of:

(a) The difference between the depreciated value of the item in place and net proceeds of the sale; or

(b) The estimated cost of moving the item.

(3) If a bona fide sale is not effected under c(1) or c(2) above because no offer is received for the property the owner shall be entitled to the reasonable expenses of the sale and the estimated cost of moving the item. The claimant should arrange to have the personalty removed from the premises at no cost by a junk dealer, etc. If this fails the State shall remove the item in the most economical manner.

(4) When personal property is abandoned with no effort being made by the owner to dispose of such property by sale or by removal at no cost as specified in the above paragraphs, the owner will not be entitled to moving expenses, or losses, for the items involved.

d. *Actual reasonable expenses in searching for a replacement business.* (1) The owner of a displaced business may be reimbursed for the actual reasonable expenses in searching for a replacement business, not to exceed $500. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or real estate brokers. In exceptional cases, and with prior approval of the division engineer, an amount greater than $500 may be authorized when circumstances so require.

(a) *Receipted bills.* All expenses claimed except value of time actually spent in search must be supported by receipted bills.

(b) *Time spent in search.* Payment for time actually spent in search shall be based on the applicable hourly wage rate for the person(s) conducting the search but may not exceed $10 per hour. A certified statement of the time spent in search and hourly wage rate(s) shall accompany the claim.

e. *In lieu of actual moving expenses.* In lieu of the payments described in paragraphs 19 b, c, and d, an owner of a discontinued or relocated business is eligible to receive a payment equal to the average annual net earnings of the business except that such payment shall be not less than $2,500 nor more than $10,000 providing the following requirements are met:

(1) *State must determine.* For the owner of a business to be entitled to this payment, the State must determine that:

(a) The business cannot be relocated without a substantial loss of its existing patronage. Such determination shall be made by the State only after consideration of all pertinent circumstances, including but not limited to the following factors:

1. The type of business conducted by the displaced concern.

2. The nature of the clientele of the displaced concern.

3. The relative importance of the present and proposed location to the displaced business.

(b) The business is not part of a commercial enterprise having at least one other establishment which is not being acquired by the State or the United States and which is engaged in the same or similar business.

(c) The business contributes materially to the income of the displaced owner. A part-time individual or family occupation in the home which does not contribute materially to the income of the displaced owner is not eligible for this payment.

(2) *Payment determination.* The term "average annual net earnings" means one-half of any net earnings of the business before Federal, State, and local income taxes, during the 2 taxable years immediately preceding the taxable year in which the business is relocated. "Average annual net earnings" include any compensation paid by the business to the owner, his spouse, or his dependents during the 2-year period. Such earnings and compensation may be established by Federal income tax returns filed by the business and its owner, his spouse, and his dependents during the 2-year period. In the case of a corporate owner of a business, earnings shall include any compensation paid to the spouse or dependents of the owner of a majority interest in the corporation. For the purpose of determining majority ownership, stock held by a husband, his wife, and their dependent children shall be treated as one unit.

(3) *In business less than 2 years.* If the business affected can show that it was in business 12 consecutive months during the 2 taxable years prior to the taxable year in which it is required to relocate, had income during such period and is otherwise eligible, the owner of a business is eligible to receive the in lieu of payment. Where the business was in operation for 12 consecutive months or more but was not in operation during the entire 2 preceding taxable years, the payment shall be computed by dividing the net earnings by the number of months the business was operated and multiplying by 12. A taxable year is defined as any 12-month period used by the business in filing income tax returns.

(4) *Owner must provide information.* For the owner of a business to be entitled to his payment, the business must provide information to support its net earnings. City, county, State, or Federal tax returns for the tax years in question are the best source of this information and would be accepted as evidence of earnings. Any commonly acceptable method could be accepted such as certified financial statements or an affidavit from the owner stating his net earnings providing it grants the State the right to review the records and accounts of the business. The owner's statement alone would not be sufficient.

20. *Moving payments to farm operators.*—a. *General.* The owner of a displaced farm operation eligible under paragraph 17c(1) is entitled to receive payments for actual

reasonable moving expenses, actual direct losses of tangible personal property and actual reasonable expenses in searching for a replacement farm in accordance with paragraphs 19 b, c and d.

b. *In lieu of actual moving expenses.* In lieu of the payments described in paragraph 19 b, c and d, any owner of a displaced farm operation is eligible to receive a payment equal to the average annual net earnings of the farm operation except that such payments shall be not less than $2,500 nor more than $10,000 and providing the following requirements are met:

(1) *State must determine.* For the owner of a displaced farm operation to be entitled to this payment, the State must determine that:

(a) The farm operator has discontinued or relocated his entire farm operation at the present location; and

(b) In the case of a partial taking the property remaining after the acquisition is no longer an economic unit as determined by the State during its appraisal process.

(2) *Payment determination.* Same as paragraph 19e(2).

(3) *In operation less than 2 years.* Same as paragraph 19e(3).

(4) *Owner must provide information.* Same as paragraph 19e(4).

21. *Moving payments—nonprofit organizations*—a. *General.* (1) A displaced nonprofit organization is eligible to receive payments for actual reasonable moving expenses, actual direct losses of tangible personal property, and actual reasonable expenses in searching for a replacement site in accordance with paragraph 19 b, c, and d.

(2) A displaced nonprofit organization is not eligible for the "in lieu" payment.

22. *Advertising signs*—a. *General.* (1) The owner of a displaced advertising sign is eligible to receive a payment for actual reasonable moving and related expenses which include:

(a) Actual reasonable expenses in moving his advertising sign as provided in paragraph b below;

(b) Actual direct losses of tangible personal property as provided in paragraph c below; and

(c) Actual reasonable expenses in searching for a replacement sign site as provided in paragraph d below.

(2) An advertising sign that is otherwise eligible for moving payments will not be eligible when it is moved to a site in violation of State, Federal, or local regulations.

(3) The provisions of this paragraph do not apply separately to an advertising sign owned by and located on the business or farm being displaced. Such signs including those eligible under paragraph 17a(2) are to be considered items of the business or farm and included under the provisions of paragraph 19.

b. *Actual reasonable moving expenses.* The owner of a displaced sign may be reimbursed for his actual, reasonable moving expenses in accordance with the provisions of paragraphs 19b (1) and (2).

c. *Actual direct losses of tangible personal property.* The owner of a sign may be reimbursed for actual direct losses when he is entitled to relocate the sign but does not do so. The amount of such loss will be the lesser of

(1) The depreciated reproduction cost of the sign as determined by the State; or

(2) The estimated cost of moving the sign.

d. *Actual reasonable expenses in searching for a replacement sign site.* (1) The owner of a displaced advertising sign may be reimbursed for his actual reasonable expenses in searching for a replacement sign site not to exceed $100. Such expenses may include transportation expenses, meals, lodging away from home and the reasonable value of time actually spent in search, including the fees of real estate agents or brokers. In exceptional cases, and with prior approval of the division engineer, an amount greater than $100 but not more than $500, may be authorized when circumstances so require.

(a) *Receipted bills.* All expenses claimed except value of time actually spent in search must be supported by receipted bills.

(b) *Time spent in search.* Payment for time actually spent in search shall be based on the applicable hourly wage rate for the person(s) conducting the search but may not exceed $10 per hour. A certified statement of the time spent in search and hourly wage rate(s) shall accompany the claim.

23. *Replacement housing payments—General*—a. *General provisions.* (1) In addition to other payments authorized by this memorandum, individuals and families displaced from a dwelling, including condominium or cooperative apartments, acquired for a Federal or Federal-aid highway project are eligible for replacement housing payments in accordance with this memorandum.

(2) The displaced individual or family is not required to relocate to the same occupancy (owner or tenant) status but has other options according to his ownership status and tenure of occupancy as described in paragraphs 24 through 30.

(3) Federal funds will not participate in more than one replacement housing payment for each dwelling unit except in the case of multifamily occupancy of a single-family dwelling as shown in paragraph 23j of this memorandum.

b. *Requirement to receive payments.* (1) In addition to the tenure of occupancy provisions the displaced person is otherwise eligible for the appropriate payments when he relocates and occupies a decent, safe, and sanitary dwelling within a 1-year period beginning on the later of the following dates.

(a) The date on which the owner received from the State final payment for all costs of the acquired dwelling in negotiated settlements; or in the case of condemnation, the date on which the State deposits the required amount in court for the benefit of the owner; or

(b) The date on which he is required to move by the State's written notice to vacate; or

(c) The date on which he moves, if earlier than the date on which he is required to move.

(2) A displaced person who has entered into a contract for the construction or rehabilitation of a replacement dwelling and, for reasons beyond his reasonable control, cannot occupy the replacement dwelling within the time period shown above shall be considered to have purchased and occupied the dwelling as of the date of such contract. The replacement housing payments under these conditions would be deferred until actual occupancy was accomplished.

c. *State inspection for decent, safe, and sanitary.* Before making payment to the relocatee the State must have inspected the replacement dwelling and determined that it meets the standards for decent, safe, and sanitary housing. The State may utilize the services of any public agency ordinarily engaged in housing inspection to make the inspection. Such determination by the State that a dwelling meets the standards for decent, safe, and sanitary housing is made solely for the purpose of determining the eligibility of relocated individuals and families for payments under this memorandum and is not a representation for any other purpose.

d. *Statement of eligibility to lending agency.* Where a relocatee otherwise qualifies for the replacement housing payments except that he has not yet purchased or occupied a suitable replacement dwelling, the State, after inspecting the proposed dwelling and finding that it meets the standards set forth in paragraph 5 of this memorandum for decent, safe, and sanitary dwellings, shall, upon the purchaser's request, state to any interested party, financial institution, or lending agency, that the relocatee will be eligible for the payment of a specific sum provided he purchases and occupies the inspected dwelling within the time limits specified in paragraph 23b.

e. *Application for replacement housing payments*—(1) *General requirements.* Application for replacement housing payments shall be in writing on a form provided by the State. The application shall be filed no later than 6 months after the expiration of the 1-year period specified in paragraph 23b except that, in condemnation cases, such period shall be extended to 6 months after final adjudication.

(2) *Decent, safe, and sanitary.* In the application, the individual or family must indicate that, to the best of their knowledge and belief, the replacement dwelling meets the standards for decent, safe, and sanitary housing established in paragraph 5 of this memorandum and that they are eligible for the payment requested. Before any such payments are made to the relocatee the State must have made the determination that the dwelling is decent, safe, and sanitary as required by paragraph 23c of this memorandum.

(3) *To whom payment made.* The payments described in this paragraph may be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the lessor for rent or the seller for use towards the purchase of a decent, safe, and sanitary dwelling. In cases where an applicant otherwise qualifies for replacement housing payments, and upon his specific request in the application, the State may make such payments into escrow prior to the relocatee's moving.

f. *Advance replacement housing payments in condemnation cases.* No property owner should be deprived of the earliest possible payment of the replacement housing amounts to which he is rightfully due. An advance replacement housing payment can be computed and paid to a property owner if the determination of the State's acquisition price will be delayed pending the outcome of condemnation proceedings. Since the amount of the replacement housing payment cannot be determined due to the pending condemnation proceedings, a provisional replacement housing payment may be calculated by deeming the State's maximum offer for the property as the acquisition price. Payment of such amount may be made upon the owner-occupant's agreement that:

(1) Upon final determination of the condemnation proceeding the replacement housing payment will be recomputed using the acquisition price determined by the court as compared to the actual price paid or the amount determined by the State necessary to acquire a comparable, decent, safe, and sanitary dwelling; and

(2) If the amount awarded in the condemnation proceeding as the fair market value of the property acquired plus the amount of the recomputed replacement housing payment exceeds the price paid for, or the State's determined cost of a comparable dwelling, he will refund to the State, from his judgment, an amount equal to the amount of the excess. However, in no event, shall he be required to refund more than the amount of the replacement housing payment advanced. If the property owner does not agree to such adjustment, the replacement housing payment shall be deferred until the case is finally adjudicated and computed on the basis of the final determination, using the award as the acquisition price.

g. *Ownership of replacement dwelling prior to displacement.* Any person who has obtained legal ownership of a replacement dwelling any time after the initiation of negotiations on the project and occupies the replacement dwelling after being displaced but within the time limit specified in paragraph 23b(1) is eligible for replacement housing payment if the replacement dwelling meets the requirements of paragraph 5 of this memorandum. For this purpose, the date of initiation of negotiations for the project means the date the acquiring agency makes the first personal contact with the owner of any property on the Federal or Federal-aid project or his designated representative where price is discussed except where such contact is made solely for protective buying or because of hardship. The control date thus established shall be documented in the project file of the acquiring agency.

h. *Partial take.* (1) Where a dwelling is located on a tract normal for residential use in the area, the maximum replacement housing payment shall be determined by subtracting the "before value" of the property from the estimated selling price of a comparable dwelling on a lot typical for the area.

(2) Where a dwelling is located on a tract larger than normal for residential use in the area, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a homesite typical in size for the area and deducting this amount from the selling price of a comparable dwelling on a site typical for the area.

i. *Dwelling on land with higher and better use.* Where a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, the maximum replacement housing payment shall be determined by estimating the value of the dwelling at the present location on a homesite typical for the area and zoned for residential use and deducting this amount from the selling price of a comparable dwelling on a typical residential homesite for the area.

j. *Multiple occupancy of same dwelling unit*—(1) *Families.* If two or more eligible families occupy the same single family dwelling unit, each family is eligible for a replacement housing payment if they relocate to separate dwelling units.

(2) *Individuals.* If two or more eligible individuals with no identifiable head of household occupy the same single family dwelling unit they are to be considered as one "family" for replacement housing payment purposes. When all individuals do not relocate to decent, safe, and sanitary housing the State shall determine and pay those individuals who do relocate into decent, safe and sanitary housing a pro rata share of the appropriate payment that would have been received if all individuals had relocated together in the same ownership or rental status as they had at the time of initiation of negotiations.

k. *Joint residential and business use.* Where displaced individuals or families occupy living quarters on the same premises as a displaced business, farm or nonprofit organization, such individuals or families are separate displaced persons for purposes of determining entitlement to relocation payments.

l. *Delivery of payment checks.* The person or persons who establish the estimate of value of replacement housing payment shall not negotiate for the parcel nor deliver the payment to the relocatee. This also is applicable to situations where such payments and services are being administered by another Federal, State, or local agency under authority of a contract or agreement.

24. *Replacement housing payments for owner-occupant for 180 days or more who purchase*—a. *General.* (1) A displaced owner-occupant of a dwelling may receive additional payments, the combined total of which may not exceed $15,000, for the additional cost necessary; to purchase replacement housing; to compensate the owner for the loss of favorable financing on his existing mortgage in the financing of replacement housing; to reimburse the owner for incidental expenses incident to the purchase of replacement housing when such costs are incurred as specified herein.

(2) The owner-occupant is eligible for such payments when—

(a) He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part; or

(b) He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date; and

(c) Such occupancy has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations whichever is earlier; and

(d) The property was acquired from him by the State; and

(e) He purchased and occupied a decent, safe, and sanitary dwelling within the time period specified in paragraph 23b.

(3) If otherwise eligible under paragraph 24a(2), the owner-occupant may receive these payments if the State issues an order to vacate even though the property is not acquired.

b. *Replacement housing payment*—(1) *Amount of payment.* The replacement housing payment is the amount, if any, when added to the amount for which the State acquired his dwelling, equals the actual cost which the owner is required to pay for a decent, safe, and sanitary dwelling or the amount determined by the State as necessary to purchase a comparable dwelling, whichever is less.

(2) *State determination of amount necessary to purchase*—(a) *Schedule.* The State may establish a schedule of probable selling prices of comparable dwellings in the various types of dwellings being acquired. Such schedule will be prepared from an analysis of the probable selling prices of dwellings available on the market and periodically updated to reflect current probable selling prices. Such schedules shall be coordinated with other governmental agencies causing displacement in the same community or area so as to assure uniformity to the maximum extent possible.

(b) *Three comparable method.* The State may determine the probable selling price of a comparable dwelling by analyzing at least three comparable dwellings representative of the dwelling unit to be acquired which are available on the private market and meet the criteria in paragraph 4g of this memorandum. Less than three comparables may be used for this determination when additional comparable dwellings are not available and the State documents the parcel file to this effect. Selection of comparables and computation of the payment must be by a qualified State employee other than the appraiser or review appraiser on the parcel involved. The selected comparables must be the most nearly comparable and equal to or better than the subject property.

1. *Adjustment of asking price.* Since the asking price on the market typically exceeds the actual selling price, the asking price of the selected comparables usually will require a downward adjustment. The amount of the adjustment shall be determined by comparing the asking prices and actual selling prices of recent sales. The State shall develop from the market a factor or percentage representing the average difference between the asking price and the actual selling price of recent sales. This factor or percentage shall be kept current.

(c) *Alternate method.* As an alternate to (a) and (b) above the State may develop a different method of determining the probable selling price of comparable dwellings and submit it to the Regional Federal Highway Administrator for his prior approval.

(3) *Revisions to replacement housing amount.* If the relocatee requests assistance in finding replacement housing he must be offered housing which is comparable and available for purchase within the offered amount. When such housing is no longer available, the State will determine a new replacement housing amount based on available housing which is equal or better and meets the other comparable criteria.

c. *Increased interest payments*—(1) *General.* (a) Increased interest payments are provided to compensate a displaced person for the increased interest costs he is required to pay for financing a replacement dwelling.

(b) The increased interest payment shall be allowed only when both of the following conditions are met:

1. the dwelling acquired by the State was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the established eligibility date under paragraph 23b; and

2. the mortgage on the replacement dwelling bears a higher rate of interest than the mortgage interest rate on the acquired dwelling.

(c) The increased interest payment will be based on and limited to the lesser of the following amounts:

1. the present worth of the right to receive the monthly difference in mortgage payments on the existing mortgage using the old and new interest rates; or

2. the present worth of the right to receive the monthly difference in mortgage payments on the new mortgage using the old and new interest rates.

(2) *Payment computation.* The amount of increased interest payment will be computed as shown below in accordance with the following procedures.

Computation of Increased Interest Cost

EXAMPLE NO. 1

	Mortgage data	
	Existing mortgage	*New mortgage*
Interest rate (percent)	6	8
Remaining term (years)	10	10
Remaining principal balance	$7,295.93	$10,000
Monthly principal and interest payment	$81.02	$121.32

Existing mortgage computation (maximum payment)	
Monthly principal and interest payment—$7,295.93 for 10 years at 8 percent	$88.57
Monthly principal and interest payment—$7,295.93 for 10 years at 6 percent	81.02
Monthly interest difference	7.55
Present worth of $7.55 monthly for 10 years discounted at 5 percent savings deposit rate ($7.55×12×7.72)	699.43
The factor 7.72 is obtained from the present worth of 1 per period table	
New mortgage computation [1]	
Monthly principal and interest payment $10,000 for 10 years at 8 percent	121.32
Monthly principal and interest payment $10,000 for 10 years at 6 percent	111.02
Monthly interest difference	10.30
Present worth of $10.30 monthly for 10 years discounted at 5 percent savings deposit rate ($10.30×12×7.72)	954.19
Amount of interest payment	699.43

EXAMPLE NO. 2

	Mortgage data	
	Existing mortgage	*New mortgage*
Interest rate (percent)	6	8
Remaining term (years)	10	5
Remaining principal balance	$7,295.93	$6,000
Monthly principal and interest payment	$81.02	$121.65

Existing mortgage computation (maximum payment)	
Monthly principal and interest payment $7,295.93 for 10 years at 8 percent	$88.57
Monthly principal and interest payment—$7,295.93 for 10 years at 6 percent	81.02
Monthly interest difference	7.55
Present worth of $7.55 monthly for 10 years discounted at 5 percent savings deposit rate	699.43
New mortgage computations [1]	
Monthly principal and interest payment $6,000 for 5 years at 8 percent	121.65
Monthly principal and interest payment $6,000 for 5 years at 6 percent	115.99
Monthly interest difference	5.66
Present worth of $5.66 monthly for 5 years discounted at 5 percent savings deposit rate	294.02
Amount of interest payment	294.02

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[1] New mortgage computation not necessary if new mortgage is for the same amount and term of the old mortgage. The Financial Compound Interest and Annuity Tables used for these computations.

(a) The monthly principal and interest payment difference caused by the change in interest rates is computed for both the existing mortgage and new mortgage for their respective remaining terms and amounts. The old and new interest rates are used in each case.

(b) The present worth of the monthly interest differences found in (a) above is computed for each mortgage by discounting the annual difference (the sum of the monthly difference for 1 year) at the savings deposit interest rate for the remaining term of each mortgage. The lesser of the amounts so derived is the increased interest payment.

(3) *Interest rate of replacement dwelling mortgage.* (a) The interest rate on the mortgage for the replacement dwelling to be used in the computation shall be the actual rate but may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the vicinity.

(b) When the lending agency imposes debt service charges as an incident to the extension of credit, and such charges are normal to the market, the annual percentage rate shown in the Truth in Lending Statement shall be used in lieu of the mortgage interest rate in computing the monthly principal and interest payments. A Truth in Lending Statement must be provided the mortgagor by lending agencies under the Truth in Lending Act, Title 1, Public Law 90–321 and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(4) *Discount rate.* The discount rate shall be the prevailing rate of interest paid on passbook savings account deposits by commercial banks in the general area in which the replacement dwelling is located.

(5) *To whom payment made.* The payment described in this paragraph may be made directly to the relocated individual or family, or upon written instruction from the relocated individual or family, directly to the mortgagee of the replacement dwelling. In cases where an applicant otherwise qualifies for an interest payment, and upon his specific request, the State may make an advance payment into escrow prior to the relocatee's moving.

(6) *Partial acquisition.* (a) Where the dwelling is located on a tract normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the acquisition price bears to the before value; except, the reduction shall not apply when the mortgagee requires the entire mortgage balance to be paid because of the acquisition and it is necessary to refinance.

(b) Where a dwelling is located on a tract larger than normal for residential use in the area, the interest payment shall be reduced to the percentage ratio that the value of the residential portion bears to the before value. This reduction shall apply whether or not it is required that the entire mortgage balance be paid.

(7) *Multiuse properties.* The interest payment on multiuse properties shall be reduced to the percentage ratio that the residential value of the multiuse property bears to the before value.

(8) *Other highest and best use.* If a dwelling is located on a tract where the fair market value is established on a higher and better than residential use, and if the mortgage is based on residential value, the interest payment shall be computed as provided in the appropriate paragraphs above. If the mortgage is obviously based on the higher use, however, the interest payment shall be reduced to the percentage ratio that the estimated residential value of the parcel has to the before value.

d. *Incidental expenses*—(1) *Amount of payment.* The incidental expenses payment is the amount necessary to reimburse the homeowner for the actual costs incurred by him incident to the purchase of the replacement dwelling, but not for prepaid expenses. Such costs may include the following items if normally paid by the buyer:

(a) Legal, closing and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation.

(b) Lenders, FHA or VA appraisal fee.

(c) FHA or VA application fee.

(d) Certification of structural soundness when required by lender, FHA, or VA.

(e) Credit report.

(f) Owner's title policy or abstract of title.

(g) Escrow agent's fee.

(h) State revenue stamps.

(i) Sales or transfer taxes.

(j) No fee, cost, charge, or expense is reimbursable as incidental expenses which is determined to be a part of the debt service, or finance, charge under the Truth in Lending Act, Title I, Public Law 90–321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

e. *Combined payments not to exceed $15,000.* If an owner-occupant is otherwise qualified for a payment under this paragraph but has previously received a payment under paragraph 25, the amount of such payment received under paragraph 25 shall be deducted from the amount to which he is entitled under this paragraph. In no event may the combined payments exceed $15,000.

f. *Owner retention.* The owner shall be allowed the option of retaining his dwelling in accordance with PPM 80–5, paragraph 1d. The replacement housing payment in cases of owner retention shall be computed in accordance with the appropriate paragraph below.

(1) *Dwelling is decent, safe, and sanitary.* The payment, if any, shall be the amount by which the costs to relocate the retained dwelling exceeds the acquisition price of the dwelling. The costs to relocate may include the reasonable costs of acquiring a new site and other expenses incident to retaining, moving the dwelling and restoring it to a condition comparable to that before the move.

(2) *Dwelling is not decent, safe, and sanitary.* The payment shall be computed as shown above except that the costs to cure the decent, safe and sanitary deficiencies shall be included in the costs to relocate.

(3) *Limitations.* The payment so computed under 24f (1) or (2) above may not exceed the amount which the owner would have obtained under paragraph 24b(1) or, if no comparables are available on which to make such a determination, the cost of a new dwelling adequate to accommodate the relocatee.

25. *Rental replacement housing payment to owner-occupant for 180 days or more who rents*—a. *General.* An owner-occupant eligible for a replacement housing payment under paragraph 24a who elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed $4,000.

b. *Computation and disbursement of payment.* The payment shall be computed and disbursed in accordance with the provisions of paragraphs 28b, c and d with the following additional criteria:

(1) The present rental rate shall be economic rent as determined by market data; and

(2) The payment may not exceed the maximum amount which he would have received had he elected to receive a replacement housing payment under paragraph 24b.

26. *Replacement housing payment to owner-occupant for less than 180 days but not less than 90 days who purchases*—a. *General.* A displaced owner-occupant otherwise eligible under paragraph 24a except that he has owned and occupied the dwelling for less than 180 days but not less than 90 days may receive an amount, not to exceed $4,000, to enable him to make a downpayment on the purchase of a replacement dwelling and reimbursement for actual expenses incident to such purchase; or for additional costs to relocate his retained dwelling in accordance with the following.

b. *Computation of downpayment and incidental costs.* (1) The amount of the downpayment shall be determined by the State as the amount required as a downpayment on a comparable dwelling if such purchase was financed with a conventional loan.

(2) The expenses incident to the purchase of replacement housing are described in paragraph 24d.

(3) Upon purchase and occupancy of a decent, safe, and sanitary dwelling by the relocatee within the time limits specified by paragraph 23b the relocatee may be reimbursed:

(a) The full amount of the downpayment determined in (1) above and the eligible incidental expenses if such total amount does not exceed $2,000; or if more than $2,000.

(b) $2,000, plus 50 percent of the amount in excess of $2,000 providing the relocatee contributes 50 percent of the amount in excess of $2,000. Federal funds may participate in these payments but not to exceed $4,000.

(4) The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs claimed must be shown in the closing statement.

c. *Owner retention of dwelling.* The owner may retain his dwelling and the replacement housing payment, if any, will be determined in accordance with the provisions of paragraph 24f (1) and (2) but in no event will such payment exceed $4,000.

d. *Combined payments not to exceed $4,000.* If an owner-occupant is otherwise qualified under this paragraph but has previously received a payment under paragraph 27, the amount of such payment made under paragraph 27 shall be deducted from the amount to which he is entitled under this paragraph. In no event may the combined payments exceed $4,000.

27. *Rental replacement housing payment to owner-occupant for less than 180 days but not less than 90 days who rents*—a. *General.* A displaced owner-occupant otherwise eligible under paragraph 24a except that he has owned and occupied the dwelling for less than 180 days but not less than 90 days and elects to rent a replacement dwelling is eligible for a rental replacement housing payment not to exceed $4,000.

b. *Computation and disbursement of payment.* The payment will be computed and disbursed in accordance with the provisions of paragraph 28 b, c, and d except that the present rental rate shall be economic rent as determined by market data.

28. *Rental replacement housing payment to tenant-occupant for not less than 90 days who rents*—a. *General.* A displaced tenant is eligible for a rental replacement housing payment, not to exceed $4,000, when:

(1) He is in occupancy at the beginning of negotiations for the acquisition of the real property, in whole or in part; or

(2) He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date; and

(3) Such occupancy has been for at least 90 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and

(4) The property was subsequently acquired; and

(5) He rented and occupied a decent, safe, and sanitary dwelling within the time period specified in paragraph 23b;

(6) If otherwise eligible, the tenant may receive this payment if the State issues an order to vacate even though the property is not acquired.

b. *Computation of payment.* (1) The payment, not to exceed $4,000, shall be determined by substracting from the amount necessary to rent a comparable dwelling for the next 4 years the following amount:

(a) 48 times the average monthly rental paid by the relocated individual or family during the last 3 months; or

(b) If such average monthly rental is not reasonably equal to market rentals for similar dwellings, the economic rent as established by the State shall be used.

(c) The "rent being paid" shall include any rent supplements supplied by others except when, by law, such supplement is to be discontinued upon vacation of the property.

(2) When the average monthly rental being paid by the relocatee, not including supplemental rent by public agencies, exceeds 25 percent of the monthly gross income of such individual or family, the payment, not to exceed $4,000, shall be determined by subtracting 12 times the average monthly income of the relocatee from the lesser of the following amounts:

(a) 48 times the monthly rental determined by the State as necessary to rent a comparable dwelling; or

(b) 48 times the monthly rental the relocatee is required to pay if he relocates in public subsidized rental housing.

(c) When a rental replacement housing payment computed under this criteria exceeds $4,000 the selected replacement dwellings may not be classed as comparable. Housing must be made available which is within the financial means of the relocatee.

c. *State's determination of amount necessary to rent.* The State may determine the rental rates of comparable housing by a schedule, three comparable methods, or an approved alternate in accordance with the principles set forth in paragraph 24b(2) of this memorandum, except with regard to adjustments of asking price.

d. *Disbursement of rental replacement housing payments.* (1) All rental replacement housing payments in excess of $500 will be made in four equal installments on an annual basis.

(2) Prior to receiving each installment payment the tenant must certify to the State that he is occupying decent, safe, and sanitary housing. The State shall verify the certifications on a spot check basis.

29. *Replacement housing payment to tenant-occupant for not less than 90 days who purchases*—a. *General.* A displaced tenant eligible for a rental replacement housing payment under paragraph 28 who elects to purchase a replacement dwelling is eligible to receive an amount, not to exceed $4,000, to enable him to make a downpayment on the purchase of a replacement dwelling including the expenses incident to such purchase.

b. *Computation of payment.* The payment shall be computed in accordance with the provisions of paragraph 26b.

30. *Replacement housing payment to tenant of a sleeping room for not less than 90 days*—a. *General.* A displaced tenant of a sleeping room who is eligible for a replacement housing payment under paragraph 28a may receive an amount, not to exceed $4,000, as a rental replacement housing payment or to enable him to make a downpayment on a replacement dwelling in accordance with the following paragraphs.

b. *Rental replacement housing payment.* (1) The payment, not to exceed $4,000, shall be determined by subtracting from the amount necessary to rent a comparable sleeping room for the next 4 years the following amount:

(a) 48 times the average monthly rental paid by the displaced tenant during the last 3 months; or

(b) If such average monthly rental is not reasonably equal to market rentals for similar sleeping rooms, the economic rent as established by the State.

(2) The State's determination of the amount necessary to rent and the disbursement of the rental replacement housing payments shall be as provided in paragraph 28 c and d.

c. *Downpayment.* The downpayment amount, including the expenses incident to purchase of the replacement dwelling are to be computed in accordance with the provisions of paragraph 26b.

31. *Mobile Homes—General*—a. *Federal participation—Real Property.* Federal funds will be eligible for participation in the cost of acquiring a mobile home when they are considered realty under State law.

b. *Federal participation—personal property acquired.* Federal funds will be eligible for participation in the cost of acquiring a mobile home when it is considered personalty under State law under the following conditions:

(1) The structural condition of the mobile home is such that it cannot be moved without substantial damage or unreasonable cost; or

(2) The mobile home is not considered to be a decent, safe, and sanitary dwelling unit. A mobile home is considered to be decent, safe, and sanitary if it meets the standards set forth in paragraph 5 of this memorandum except that the space requirements are reduced to a minimum of 150 square feet of habitable floor space for the first occupant and a minimum of 70 square feet of habitable floor space for each additional occupant and that one means of egress is acceptable.

c. *Partial acquisition of mobile home park.* Where the State determines that a sufficient portion of a mobile home park is taken to justify the operator of such park to move his business or go out of business the owners and occupants of the mobile home dwellings not within the actual taking but who are forced to move would be eligible to receive the same payments as though their dwellings were within the actual taking.

d. *Mobile home as replacement dwellings.* (1) A mobile home may be considered a replacement dwelling provided it substantially meets applicable State and Federal requirements for decent, safe, and sanitary dwellings.

(2) Any State which maintains that mobile homes cannot be considered as replacement housing under State law should be requested to submit an opinion from the chief legal advisor of the highway department in support of that position. The opinion should then be forwarded by the division through the region for Washington office review and advice.

e. *Computation on next highest type.* When a comparable mobile home dwelling is not available it will be necessary to calculate the replacement housing payment on the basis of the next highest type of dwelling that is available and meets the applicable requirements and standards, i.e., a higher type mobile home or a conventional dwelling.

f. The general provisions for moving expenses and replacement housing payments of paragraphs 17 and 23 of this memorandum are also applicable to owners and tenants of mobile homes.

32. *Moving expenses—mobile homes*—a. *General.* The eligibility requirements of paragraph 17 and the provisions of paragraphs 17 and 18 are applicable to owners and occupants displaced from a mobile home.

b. *Owners of mobile homes.* (1) The owner of a mobile home may be reimbursed for the actual reasonable costs of moving the mobile home and/or other personal property in accordance with the provisions of paragraph 18b; or

(2) If the owner occupies the mobile home, and the mobile home is moved, he may elect to be reimbursed in accordance with schedule C, paragraph 18c; or

(3) If the owner occupies the mobile home, and the mobile home is not moved, he may elect to be reimbursed in accordance with schedule D, paragraph 18c.

(4) The cost of moving a mobile home on an actual cost basis may include the cost of detaching and reattaching fixtures and appliances where applicable.

c. *Tenants of mobile homes.* Tenants who are displaced from a mobile home may elect to be reimbursed for moving their personal property on an actual reasonable cost basis as specified in paragraph 18b or in accordance with schedule D, paragraph 18c.

33. *Replacement housing payments for owner-occupants of mobile homes for 180 days or more*—a. *General.* (1) A displaced owner of a mobile home who has occupied, for at least 180 days, the mobile home on the site from which he is being displaced and who is otherwise eligible under the provisions of paragraph 24a (2) or (3) is eligible for payments, the total of which may not exceed $15,000, for—

(a) The additional costs necessary to purchase replacement housing as specified in paragraphs 33b(1), 33c(1), and 33d(1) below and in accordance with the principles of paragraph 24b; and

(b) An amount as determined to compensate him for the loss of favorable financing on his existing mortgage in the financing of such replacement housing under the provisions of paragraph 24c; and

(c) An amount to reimburse the owner for incidental expenses incident to the purchase of such replacement housing in accordance with the provisions of paragraph 24d.

(2) A displaced owner-occupant of a mobile home eligible for a replacement housing payment as shown above who elects to rent is eligible for a rental replacement housing payment, not to exceed $4,000, in accordance with paragraphs 33b(2), 33c(2), and 33d(2) below. Such payments will be computed and disbursed in accordance with the methods of paragraph 28 b, c, and d.

b. *Acquisition of mobile home and site from owner-occupant*—(1) *Replacement housing payment.* The replacement housing payment will be the amount, if any, when added to the amount for which the State acquired his mobile home and site equals the lesser of—

(a) The amount the owner is required to pay for a decent, safe, and sanitary conventional dwelling or a decent, safe, and sanitary replacement mobile home and site; or

(b) The amount determined by the State as necessary to purchase a comparable mobile home and site in accordance with the provisions of paragraph 24b.

(2) *Rental replacement housing payment.* (a) If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and site.

(b) This rental payment may not exceed the amount determined in paragraph 33b (1)(b) above.

c. *Acquisition of site only from owner-occupant of mobile home.* Upon acquisition of the site, but not the home situated upon the site and the mobile home is required to be moved, the replacement housing payment will be determined as follows:

(1) *Replacement housing payment.* The replacement housing payment will be the amount, if any, when added to the amount for which the State acquired his mobile homesite equals the lesser of:

(a) The amount the owner is required to pay for a comparable site; or

(b) The amount determined by the State as necessary to purchase a comparable mobile homesite.

(2) *Rental replacement housing payment.* (a) If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the State as necessary to rent a comparable mobile homesite for a period of 4 years and 48 times the economic rent of the site acquired.

(b) This rental payment may not exceed the amount determined by the State in paragraph 33c(1)(b) above.

d. Acquisition of mobile home only—owner-occupant rents site—(1) *Replacement housing payment.* The replacement housing payment will be the amount, if any, when added to the amount for which the State acquired his mobile home equals the lesser of—

(a) The amount the owner is required to pay for a replacement dwelling; or

(b) The amount determined by the State as necessary to purchase a comparable mobile home, plus the difference in the amount determined by the State as necessary to rent a comparable mobile homesite for a period of 4 years and 48 times the rent being paid on the site acquired.

(2) *Rental replacement housing payment.* If the owner elects to rent a replacement mobile home, the rental replacement housing payment shall be the difference in the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and actual rent of the site acquired.

34. *Replacement housing payments for owner-occupants of mobile homes for less than 180 days but more than 90 days*—a. *General.* (1) A displaced owner of a mobile home who has occupied, for less than 180 days but more than 90 days, the mobile home on the site from which he is being displaced and who is otherwise eligible under the provisions of paragraph 24a (2) or (3) is eligible for an amount, not to exceed $4,000—

(a) To enable him to make a downpayment on the purchase of replacement housing in accordance with the provisions of paragraphs 34b(1), 34c(1), and 34d(1) below and reimburse him for the actual expenses incident to such purchase; or

(b) If he elects to rent, a rental replacement housing payment as provided in paragraphs 34b(2), 34c(2), and 34d(2) below. Such payments are to be computed and disbursed in accordance with the principles of paragraph 28 b, c, and d.

b. *Acquisition of mobile home and site from owner-occupant*—(1) *Replacement housing payment.* If the owner purchases a replacement dwelling, the replacement housing payment will be determined in accordance with the provisions of paragraph 26b except that the amount of the downpayment shall be determined by the State as the amount required as a downpayment on the purchase of a comparable mobile home and site.

(2) *Rental replacement housing payment.* If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and site.

c. *Acquisition of site only from owner-occupant of mobile home*—(1) *Replacement housing payment.* If the owner purchases conventional replacement housing or a site to which the mobile home is moved, the replacement housing payment will be an amount determined in accordance with the provisions of paragraph 26b except that the amount of the downpayment shall be determined by the State as the amount required as a downpayment on the purchase of a comparable site.

(2) *Rental replacement housing payment.* If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the State as necessary to rent a comparable site for a period of 4 years and 48 times the economic rent of the site acquired.

d. *Acquisition of mobile home only—owner-occupant rents site*—(1) *Replacement housing payment.* If the owner purchases replacement housing the replacement housing payment will be—

(a) An amount determined in accordance with the provisions of paragraph 26b except that the amount of the downpayment shall be determined by the State as the amount required as a downpayment on the purchase of a comparable mobile home; plus

(b) The difference in the amount determined by the State as necessary to rent a comparable mobile homesite for a period of 4 years and 48 times the rent being paid on the site acquired.

(2) *Rental replacement housing payment.* If the owner elects to rent, the rental replacement housing payment shall be the difference in the amount determined by the State as necessary to rent a comparable mobile home and site for a period of 4 years and 48 times the economic rent of the mobile home and actual rent of the site acquired.

35. *Replacement housing payments to tenants of mobile homes for 90 days or more*—a. *General.* (1) A displaced tenant of a mobile home who has occupied for at least 90 days the mobile home on the site from which he has been displaced and who is otherwise eligible under the provisions of paragraph 28a is eligible for a replacement housing payment, not to exceed $4,000;

(a) To enable him to make a downpayment on the purchase of a decent, safe, and sanitary dwelling and to reimburse him for the expenses incident to such purchase in accordance with the provisions of paragraph 34b(1); or

(b) If he elects to rent, the rental replacement housing payment will be determined in accordance with the provisions of paragraph 34b(2) except that actual rent being paid for the mobile home and site will be used in the computation. The payment will be computed and disbursed in accordance with the principles of paragraph 28 b, c, and d.

36. *Appeals*—a. *State to establish procedures.* The head of the State agency shall establish procedures, consistent with applicable State law, for his review of appeals under this memorandum. The procedures should provide for possible resolution of an appeal at an echelon below the head of the State agency with a final appeal to the head of the State agency. As a minimum such procedures shall provide that:

(1) Any person making an appeal shall be given a full opportunity to be heard;

(2) A decision will be reached promptly on the basis of evidence submitted and the relocatee notified of such decision;

(3) The result reached will be supported by the necessary computations and rationale and documented in the parcel file.

b. *Notification of appeal rights and procedures.* At such time as a relocatee indicates he is dissatisfied with a determination as to his eligibility for a payment or of an amount of payment offered under this memorandum he shall be promptly furnished the necessary forms and notified of the procedures to be followed in making an appeal.

37. *Records*—a. *Relocation records—general.* The State agency shall maintain relocation records showing—

(1) State and Federal project and parcel identification.

(2) Names and addresses of displaced persons and their complete original and new addresses and telephone numbers (if available after reasonable effort to obtain where relocatee moved without assistance).

(3) Personal contacts made with each relocated person, including for each relocated person:

(a) Date of notification of availability of relocation payments and services;

(b) Name of the official offering or providing relocation assistance;

(c) Whether the offer of assistance in locating or obtaining replacement housing was declined or accepted and the name of the individual accepting or declining the offer;

(d) Dates and substance of subsequent followup contracts;

(e) Date on which the relocated person was required to move from the property acquired for the project;

(f) Date on which actual relocation occurred and whether relocation was accomplished with the assistance of the State agency, referral to other agencies, or without assistance. If the latter, an approximate date for actual relocation is acceptable; and

(g) Type of tenure before and after relocation.

(4) For displacements from dwelling:

(a) Number in family;

(b) Type of property (single detached, multifamily, etc.);

(c) Value, or monthly rent;

(d) Number of rooms occupied.

(5) For relocated businesses:

(a) Type of business;

(b) Whether continued or terminated;

(c) If relocated, distance moved (estimate acceptable).

(6) For relocated farms:

(a) Whether continued or terminated;

(b) If relocated, distance moved (estimate acceptable).

b. *Moving expense records.* The State agency shall maintain records containing the following information regarding moving expense payments:

(1) The date the removal of personal property was accomplished;

(2) The location from which and to which the personal property was moved;

(3) If the personal property was stored temporarily, the location where the property was stored, the duration of such storage, and justification for the storage and the storage charges;

(4) Itemized statement of the costs incurred supported by receipted bills or other evidence of expense;

(5) Amount of reimbursement claimed, amount allowed and an explanation of any differences;

(6) Data supporting any determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by the State or the United States;

(7) When an in lieu payment is made to a business or farm operation, data showing how the payment was computed; and

(8) When moving expense payments are made in accordance with a schedule, the data called for in (3) and (4) above need not be maintained. Instead records showing the basis on which payment was made shall be maintained.

c. *Replacement housing payment records.* The State agency shall maintain records containing the following information regarding replacement housing payments:

(1) The date of the State agency's receipt of each application for such payments;

(2) The date on which each payment was made or the application rejected;

(3) Supporting data explaining how the amount of the supplemental payment to which the applicant is entitled was calculated;

(4) A copy of the closing statement to support the purchase or downpayment, and incidental expenses when replacement housing is purchased;

(5) A copy of the Truth in Lending Statement or other date including computations to support the increased interest payment.

(6) The individual responsible for determining the amount of the replacement housing payment shall place in the file a signed and dated statement setting forth:

(a) The amount of the replacement housing payment;

(b) His understanding that the determined amount is to be used in connection with a Federal-aid highway project; and

(c) That he has no direct or indirect present or contemplated personal interest in this transaction nor will derive any benefit from the replacement housing payment.

(7) A statement by the State agency that in its opinion the relocated person has been relocated into adequate replacement housing.

d. *Records available for inspection.* The relocation records must be available at reasonable hours for inspection by representatives of the Federal Government who have an interest or responsibility in matters relative thereto.

38. *Reports*—a *Quarterly report.* Form PR–1228, "Summary of Relocation Assistance and Payment Statistics" will be submitted quarterly for periods ending March 31, June 30, September 30, and December 31 showing the information requested on the enclosed sample report form. The reports shall be furnished within 30 days after the end of the quarter which the report covers. A separate report should be submitted for the rural and urban portion of each system. The reports shall be forwarded to the Associate Administrator for Right-of-Way and Environment through the division and regional offices.

b. *Reporting to management.* The States are encouraged to establish a reporting procedure which will keep management advised as to the status of relocation of relocatees and its effect on scheduling of construction projects. For example:

(1) The total number of persons to be relocated on the project initially (reported by individuals, families, businesses, and nonprofit organizations);

(2) The total number of persons displaced relocated this reporting period (reported by individuals, families, businesses, and nonprofit organizations);

(3) The total number of persons displaced relocated to date (reported by individuals, families, businesses, and nonprofit organizations);

(4) The analysis of problem cases encountered or anticipated;

(5) The method proposed for resolving problem cases; and

(6) A progress analysis of relocating the remaining occupants as compared to the remaining leadtime.

[FR Doc.71–5996 Filed 4–30–71;8:45 am]

Title 32—NATIONAL DEFENSE

Chapter VII—Department of the Air Force

SUBCHAPTER B—SALES AND SERVICES

PART 812—USER CHARGES

Part 812 of Chapter VII, Title 32 of the Code of Federal Regulations, is revised to read as follows:

Sec.
812.1 Purpose.
812.2 Policy.
812.3 Determining costs and fees for special services.
812.4 Determining charges for lease or sale.

Authority: The provisions of this Part 812 issued under sec. 8012, 70A Stat. 488; 10 U.S.C. 8012.

§ 812.1 Purpose.

This part prescribes general policy for developing an equitable and uniform system of charges for rendering certain Government services and for selling or leasing property to persons or organizations outside the Federal Government.

§ 812.2 Policy.

Air Force activities should not compete with available commercial facilities in providing special benefits or in the sale or lease of property to recipients outside the Federal Government. However, when authorized benefits are provided, the recipient of such benefits or lease or sale pays a reasonable charge as determined from instructions in §§ 812.3 and 812.4.

§ 812.3 Determining costs and fees for special services.

(a) *Determining costs.* Determine or estimate costs from the best available records in the activity; do not establish cost accounting systems solely for this purpose. The cost computation covers the direct and indirect costs incurred by the activity performing the service. This includes but is not limited to: (1) Gross civilian salaries (also including holiday, annual, sick leave entitlements), and Air Force share of retirement, medical expenses, insurance, etc.; (2) military pay and allowances at standard rates; (3) travel expense; (4) cost of fee collection and postage; (5) material and supplies used; (6) maintenance and operation of buildings and equipment (including depreciation); (7) a prorata share of the management and supervisory costs of the activity performing the service; (8) the costs of research, establishing standards, enforcement and regulation to the extent they are properly chargeable to the services performed; (9) cost of communications, utilities, equipment, and property rental.

(b) *Establishing fees to recover costs.* Unless otherwise prescribed by Air Force directives, fees are established in advance when feasible under the policies and procedures of this part, unless the exceptions listed in § 812.4 apply. Establish the fee for a special service as the total cost or fair market value, whichever is higher. Review fees and rates at least once a year or whenever significant changes in costs occur, and adjust the fees to insure recovery of full costs. Charges may be waived or reduced when: (1) The recipient of the benefits is engaged in a nonprofit activity for the public safety, health, or welfare; (2) payment of the full costs or fee by the State, local government, or nonprofit group would not be in the interest of the program; (3) furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country; (4) the incremental cost of collecting the fees would be an unduly large part of the receipts from the activity.

§ 812.4 Determining charges for lease or sale.

(a) Where federally owned resources or properties are leased or sold obtain a fair market value. Determine charges, so far as practicable and feasible in accordance with comparable commercial practices. Charges need not be limited to the recovery of costs—they may produce net revenues to the Government. The exceptions listed in this section also apply to lease or sale. In the absence of a known market value, determine a fair value for sale of material based on the inventory standard price, plus accessorial and administrative costs, provided in AFR 172–5 (Reimbursement for Accessorial and Administrative Costs)

(b) In general, charges may be waived or received when: (1) The recipient of the benefits is engaged in a nonprofit activity for the public safety, health, or welfare. (2) Payment of the full costs or fee by a State, local government, or nonprofit group would not be in the interest of the program. (3) Furnishing of the service without charge is an appropriate courtesy to a foreign country or international organization, or comparable fees are set on a reciprocal basis with a foreign country. (4) The incremental cost of collecting the fees would be unduly large part of the receipts from the activity.

By order of the Secretary of the Air Force.

Alexander J. Palenscar, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-6093 Filed 4-30-71;8:50 am]

SUBCHAPTER W—AIR FORCE PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Subchapter W of Title 32 of the Code of Federal Regulations is amended as follows:

PART 1001—GENERAL PROVISIONS

1. Part 1001 is amended by revising §§ 1001.320 and 1001.453 to read as follows:

§ 1001.320 Industrial security.

NOTIFICATION OF GOVERNMENT SECURITY ACTIVITY

Within 10 days after award of this contract or 30 days prior to the date of (5) below the contractor shall notify the Director, Security Police shown in the distribution block of the DD Form 254, Contract Security Classification Specification, as to:

(1) The name, address, and telephone number of this contract company's representative in the United States or overseas area, as appropriate.

(2) The contract number, and military contracting command.

(3) The highest classification category of defense information to which contractor employees will have access.

(4) The AF installations in the United States (in overseas areas identify only the APO number(s)) where the contract work will be performed.

(5) The date contractor operations will begin on-base in the United States or in the overseas area, and

(6) The estimated completion date of operations on-base in the United States or in the overseas area,

(7) Any changes to information previously provided under this clause.

§ 1001.453 Designation of heads of procuring activities.

(a) Commanders of AAC, ADC, AFLC, AFSC, ATC, MAC, PACAF, SAC, TAC, and USAFE, and the Director of Procurement, Policy, DCS/S&L, Hq USAF, are each designated as a "Head of a Procuring Activity" within the Department of the Air Force by Secretary of the AF Order (SAFO) 660.1 dated May 22, 1969. The commander of each procuring activity designated above may authorize an individual, not below the level of the staff officer responsible for procurement within the Major Command headquarters, to act for him in exercising those ASPR prescribed responsibilities which are vested only in the "Head of a Procuring Activity." This authority is not applicable to Part 17 of this title, "Extraordinary Contractual Actions to Facilitate the National Defense." Major Commands who are not designated HPAs but who have a need for one of the ASPR prescribed responsibilities which are vested only in the HPA, will submit the request for such responsibilities to the Director of Procurement Policy, DCS/S&L, Hq USAF.

(b) The Director of Procurement Policy, DCS/S&L, Hq USAF, as the Head of a Procuring Activity, has authorized the following persons to act as his designee when the ASPR gives authority to "a Head of a Procuring Activity or his designee":

(1) Commanders of Major Commands, not designated at HPAs, with power of redelegation not below the level of a staff officer responsible for procurement within the headquarters of the first echelon of command immediately subordinate to the major command.

(2) Air attaches and chiefs of AF foreign missions.

PART 1007—CONTRACT CLAUSES

§ 1007.5100 [Deleted]

2. Part 1007 is amended by deleting § 1007.5100.

PART 1030—APPENDIXES TO HEADQUARTERS U.S. AIR FORCE ARMED SERVICES PROCUREMENT REGULATION SUPPLEMENT

3. Part 1030 is amended by adding a new Part IV to § 1030.5 to read as follows:

§ 1030.5 Appendix E—Contract Financing.

PART IV—ADVANCE PAYMENTS

* * * * *

E–415 *Pooled advance payments.* (a) The authority and requirements for approval of advance payment pool agreements are the same as for a single contract.

(b) Contract Clause. Upon approval of the advance payment and receipt of authority to enter into a pool agreement, the following clause will be added to each contract which is to become part of the advance payment pool agreement:

ADVANCE PAYMENTS (JUNE 1958)

Advance payments will be made for the work called for hereunder in accordance with the Findings, Determinations, and Authorization for advance payments dated * * * Payments made pursuant to this clause shall be governed by the terms and conditions of the Advance Payment Pool Agreement dated * * * as it may be amended from time to time between the United States of America and * * * which agreement is hereby incorporated by reference with the same force and effect as though fully set forth herein.

(c) If an advance payment pool agreement is entered into, disbursing responsibility on all contracts in the pool will be transferred to a single accounting and finance office to be designated by PPFN.

(d) If a university is a party to an advance payment pool agreement under the terms of which all contracts of a designated class with the university are financed, new contracts with the university will not be entered into without prior clearance with PPFN. If financing of such new contracts would require an increase in the amount of advance payment authorization, prior approval of Hq USAF must be obtained.

(10 U.S.C. Ch. 137, 10 U.S.C. 8012)

By order of the Secretary of the Air Force.

Alexander J. Palenscar, Jr.,
Colonel, U.S. Air Force, Chief, Special Activities Group, Office of The Judge Advocate General.

[FR Doc.71-6092 Filed 4-30-71;8:50 am]

Title 46—SHIPPING

Chapter IV—Federal Maritime Commission

SUBCHAPTER B—REGULATIONS AFFECTING MARITIME CARRIERS AND RELATED ACTIVITIES

[General Order 27, Amdt. 5; Docket No. 71-27]

PART 542—FINANCIAL RESPONSIBILITY FOR OIL POLLUTION CLEANUP

Methods of Establishing Financial Responsibility; Certificate of Insurance and Uniform Endorsement; Clarifying Language

On September 30, 1970, the Federal Maritime Commission published in the Federal Register (35 F.R. 15216) regulations to implement the financial responsibility provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97).[1] These regulations (Commission General Order 27) set forth the procedures whereby the owner or operator of every vessel over 300 gross tons, including any barge of equivalent size, using any port or place in the United States or the navigable waters of the United States must evidence financial responsibility to meet liability to the United States to which such vessel could be subjected for the discharge of oil into or upon the waters of the United States. The rules also include the qualifications required by the Commission for issuance of Certificates evidencing financial responsibility, and the basis for the denial, revocation, modification, or suspension of such Certificates.

Thereafter, and at the request of United States marine insurance underwriters, the Commission served notice in the Federal Register (36 F.R. 6116) on April 2, 1971, that it was considering amending § 542.5(a)(1) of General Order 27, as it relates to the uniform endorsement required in insurance policies when submitted as evidence of financial responsibility, and Certificate of Insurance Form FMC–225. The stated purpose of the proposed changes, as expressed in the preamble to its notice of proposed rulemaking, was to clarify certain language in the uniform endorsement and the Certificate of Insurance which allegedly could be subject to some misinterpretation regarding the maximum amounts of insurance which may be required under General Order 27. The Commission explained that while it was of the view that the present language in the uniform endorsement and in Form FMC–225 is sufficiently clear in this regard, it was nevertheless willing to accept and include clarifying modifications to the present language contained in the uniform endorsement and in Form FMC–225.

Interested parties were given until April 12, 1971, within which to file their written comments in response to the proposed changes. The deadline for the filing of comments is now past, and no comments have been received.

Therefore, pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 552), and sections 11(p)(1) and 11(p)(2) of the Federal Water Pollution Control Act, as amended by the Water Quality Improvement Act of 1970 (84 Stat. 97), § 542.5 of Title 46 CFR is amended as follows:

1. Subparagraph (1) of paragraph (a) of § 542.5 is amended by adding the following new proviso at the end thereof, and paragraph (b) is amended by adding the following language at the end:

§ 542.5 Methods of establishing financial responsibility; forms and requirements.

(a) * * *

(1) * * *

Provided further, however, the foregoing uniform endorsement may, at the discretion of the party furnishing the policy of insurance or cover note, include in Item (1) of the endorsement, after the words "liability to the United States", the following words: "or to the assured".

The uniform endorsement will be acceptable to the Commission either with or without the aforementioned clarifying language. Any person who has previously filed a policy of insurance or cover note containing the uniform endorsement without this clarifying language, may, if he so desires, substitute a new uniform endorsement including the clarifying language.

* * * * *

---

[1] Section 11(p)(1) of the Federal Water Pollution Control Act, as amended, provides in relevant part that any subject vessel shall "establish and maintain under regulations to be prescribed from time to time by the President, evidence of financial responsibility of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States which such vessel could be subjected under this section." Section 542.5(1) of the Commission's General Order 27 permits evidence of financial responsibility to be established by means of insurance.

(b) * * * The Certificate of Insurance, Form FMC–225, as incorporated in the rules of this part, may be utilized in the existing form or, in the alternative, may be clarified by any parties so desiring by substituting the following language for the current first paragraph contained in that form.

---------------------------- (hereinafter
(Name of insurer)

called "The Insurer") hereby certifies that in accordance with the provisions of section 11(p)(1) of the Federal Water Pollution Control Act, as amended, each of the owners and operators specified in the schedules below is insured by it in respect to the vessels specified therein, against liability to the United States Government in the amount of $100 per gross ton, or $14 million, whichever is the lesser, to meet the liability to the United States to which such vessels could be subjected under the aforesaid Act.

The use of Form FMC–225 will be acceptable to the Commission as evidence of financial responsibility either with or without the aforementioned clarifying language, and any party who has previously filed this form without the clarifying language may, if he so desires, submit a substitute Form FMC–225 with the added clarifying language.

* * * * *

Effective date. In view of the fact that the amendments of § 542.5 promulgated herein in no way substantially change any existing requirements but are merely for the purpose of making clearer the Commission's intent and to more closely relate the language of the rule to the language of the enabling statute, the Commission believes good cause exists for the amendments promulgated herein to become effective on less than 30 days notice. Accordingly, these amendments shall become effective upon publication in the FEDERAL REGISTER (5–1–71).

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71—6159 Filed 4–30–71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 80]

RESTORATION OF GAME BIRDS, FISH, AND MAMMALS

Comprehensive Fish and Wildlife Resource Management Plan

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior by section 10 of the Federal Aid in Wildlife Restoration Act, as amended (50 Stat. 919; U.S.C. 669i), and by section 10 of the Federal Aid in Fish Restoration Act, as amended (64 Stat. 434; 16 U.S.C. 777i), it is proposed to revise Part 80 of Title 50, Code of Federal Regulations, as set forth below.

The proposed change defines a comprehensive fish and wildlife resource management plan and permits its use as an alternative to individual project statements in documenting State fish and wildlife restoration and management programs to be carried out with Federal financial assistance under the Acts cited above. This use of the comprehensive plan is authorized by the Federal Aid in Wildlife Restoration Act Amendments of 1970 (Public Law 91–503). The change will be accomplished by adding §§ 80.1(q) and 80.42.

As amended, § 80.1 will read as follows:

§ 80.1 Definitions.

As used in this part, terms shall have the meaning ascribed in this section.

* * * * *

(q) *Comprehensive plan.* A comprehensive fish and wildlife resource management plan is a 5-year program of definite actions for accomplishing the objectives of a fish and game department which is based on 15-year projections of resource availability and demands.

The new § 80.42 will read as follows:

§ 80.42 Comprehensive plan alternative.

As an alternative to submission of individual project statements, a State may present to the Secretary a comprehensive fish and wildlife resource plan as program documentation. It shall contain a summary, a statement of the primary objectives of the fish and game department, an analysis of projected recreational demands and opportunities, subordinate program objectives, a 5-year program of actions, and a system for frequent or continuous updating. The plan shall be presented over the signature of the State fish and game director with evidence that it has been reviewed by the Governor of the State or his designee. Standards for the scope and quality of a plan which will be acceptable to the Secretary are published in the Federal Aid in Fish and Wildlife Restoration Manual.

It is the policy of the Department of the Interior, whenever practical, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Sports Fisheries and Wildlife, Washington, D.C. 20240, within 45 days of the publication of this notice in the FEDERAL REGISTER.

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

APRIL 27, 1971.

[FR Doc.71–6112 Filed 4–30–71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 730]

RICE

Determination of Acreage Allotments for 1969 and Subsequent Crops of Rice

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1933, as amended (7 U.S.C. 1353, 1375) the Department proposes to amend the regulations for determination of acreage allotment for 1969 and subsequent crops of rice.

The purpose of these amendments is to (1) remove the reference to the adjustment in allotment to meet the cropland limitation, (2) clarify the planting requirements with respect to allotment acreage acquired by a producer who is not a member of the transferor's family, and (3) provide that a producer who has withdrawn from the production of rice in favor of a producer other than a family member may acquire allotment and related history acreage from a partnership in which he is a partner when such partnership is dissolved.

Prior to the issuance of these amendments, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27 (b)).

It is proposed that the subpart, regulations for determination of acreage allotments for 1969 and subsequent crops of rice (33 F.R. 14520), as amended, be amended as follows:

1. Section 730.62 be amended by revising paragraph (b)(13) thereof to read as follows:

§ 730.62 Definitions.

* * * * *

(b) * * *

(13) "Rice acreage planted and considered planted on a farm" means the sum of the farm rice acreage and any allotment acreage which is (i) preserved under the provisions of part 719 of this chapter, Reconstitution of Farms, Allotments, and Bases, and (ii) underplanted in the current year to deplete stored excess rice produced in a prior year as provided in § 730.30(h).

* * * * *

2. Section 730.67 be amended by revising paragraph (b)(3) thereof to read as follows:

§ 730.67 Establishment of preliminary allotments for old producers.

* * * * *

(b) * * *

(3) For a farm to which subparagraph (1) of this paragraph is not applicable, if less than 75 percent of the farm allotment (before reapportionment) is planted in the year for which the rice history acreage is being determined and in each of the 2 immediately preceding years, the rice history acreage will be the smaller of the farm allotment before reapportionment or the sum of:

(i) Rice acreage determined for the farm.

(ii) Acreage preserved under the provisions of Part 719 of this chapter.

(iii) Acreage underplanted in the current year to deplete stored excess rice produced in a prior year.

* * * * *

3. Section 730.76 be amended by revising the second and third sentences of paragraph (b)(3)(ii) thereof and changing the period at the end of paragraph (c) to a colon and adding a proviso to read as follows:

§ 730.76 Succession of interest in producer allotments.

* * * * *

(b) * * *

(3) * * *

(ii) * * * If the transferee fails to comply with this minimum planting provision, the transfer shall become invalid and the county committee shall reduce the transferee's allotment, for the crop year immediately following the year of such failure, by the percentage that the acquired acreage is of the allotment, including the acquired acreage for which there is failure to comply, established for the producer for the year of acquisition. The rice history acreages credited to the transferee for each year of the period the transfer was in effect shall be reduced by the same percentage that the allotment is reduced. * * *

* * * * *

(c) * * * *Provided further*, That a producer who has withdrawn from the production of rice under the provisions of paragraph (b)(3) of this section may acquire allotment and related history acreage from a partnership in which he is a partner when such partnership is dissolved as provided in paragraph (b)(4) of this section.

4. Section 730.78 be amended by revising paragraph (b)(3) thereof to read as follows:

§ 730.78 Establishment of preliminary allotments for old farms.

* * * * *

(b) * * *

(3) For a farm to which subparagraph (1) of this paragraph is not applicable if less than 75 percent of the farm allotment (after release and before reapportionment) is planted in the year for which the rice history acreage is being determined and in each of the 2 immediately preceding years, the rice history acreage will be the smaller of the farm allotment before release and before reapportionment or the sum of:

(i) Acreage released for reapportionment.

(ii) Rice acreage determined for the farm.

(iii) Acreage preserved under the provisions of Part 719 of this chapter.

(iv) Acreage underplanted in the current year to deplete stored excess rice produced in a prior year.

* * * * *

§ 730.79 [Amended]

5. Section 730.79 be amended by deleting paragraph (e) thereof.

Signed at Washington, D.C., on April 26, 1971.

George V. Hansen,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6125 Filed 4-30-71;8:47 am]

Consumer and Marketing Service

[7 CFR Part 966]

[Amdt. 2]

TOMATOES GROWN IN FLORIDA

Notice of Proposed Rule Making

Consideration is being given to the issuance of an amendment to the limitation of shipments regulation, as hereinafter set forth. This proposal was recommended by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Marketing Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit data, views, or arguments with respect to this proposal may file the same with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 7, 1971. Written submissions received pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Statement of consideration. Tomato shipments from Florida this season were considerably below average from the latter part of January through March due to adverse weather. However, Florida's supply is expected to increase sharply in May as harvest begins in spring crop areas and total volume could be burdensome without at least the minimal size requirements set forth in this proposal as follows:

1. In § 966.308 (35 F.R. 16628; 36 F.R. 5285), paragraph (a) would be amended to read as follows:

§ 966.308 Limitation of shipments.

* * * * *

(a) *Minimum size and size classification requirements*—(1) *Minimum size requirements.* (i) For mature green tomatoes, over $2\frac{4}{32}$ inches in diameter; (ii) for all other tomatoes, over $2\frac{9}{32}$ inches in diameter; and (iii) for all tomatoes, not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(2) *Size classifications.* (i) No person shall handle any lot of tomatoes unless they are sized in one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
7 x 7	Over $2\frac{4}{32}$ to $2\frac{9}{32}$, inclusive
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive
6 x 6	Over $2\frac{17}{32}$ to $2\frac{28}{32}$, inclusive
5 x 6 and larger.	Over $2\frac{28}{32}$

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: April 29, 1971.

Paul A. Nicholson,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6179 Filed 4-30-71;8:51 am]

[7 CFR Part 980]

TOMATOES

Proposed Import Regulation

Notice is hereby given of proposed size and inspection requirements to be made applicable to the importation of fresh tomatoes into the United States pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The import regulation would apply the same requirements to be made effective under the Federal marketing order for tomatoes grown in Florida.

All persons who desire to submit data, views, or arguments in connection with this proposal may file the same with the Hearing Clerk, U.S. Department of Agriculture, Room 112A, Washington, DC 20250, not later than May 7, 1971. Written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

§ 980.205 Tomato import regulation.

Except as otherwise provided, during the period May 17, 1971, through June 30, 1971, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic and greenhouse tomatoes, as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum size requirements.* (1) For mature green tomatos—over $2\frac{1}{8}$ inches in diameter;

(2) For all other tomatoes—over $2\frac{9}{32}$ inches in diameter;

(3) For all tomatoes—not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption.* Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of Governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality and maturity of tomatoes that are imported into the United States under the provisions of section 8e-1 of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the United States import requirements for tomatoes under section 8e-1 (7 U.S.C. 608e-1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables, and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points.	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone—512-385-5385).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone—602-287-2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg., 784 South Central Ave., Los Angeles, CA 90021 (Phone—213-622-8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, HI 96814 (Phone—808-941-3071).	1 day.
New York City.	Edward J. Beller, Room 28A Hunts Point Market, Bronx, NY 10474 (Phone—212-991-7669—7668).	Do.
New Orleans.	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone—504-527-6741—6742).	Do.
All other points.	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202-388-5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certificate issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper, or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets U.S. Import requirements under section 8e-1 of the Agricultural Marketing Agreement Act.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making it eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the U.S. Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes." "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top, and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. Measurement of the diameter of tomatoes shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Dated: April 29, 1971.

Paul A. Nicholson,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6180 Filed 4-30-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-77]

FEDERAL AIRWAY SEGMENTS AND REPORTING POINTS

Proposed Designation, Alteration, and Revocation

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would designate, alter, and revoke VOR Federal airway segments within the greater Atlanta, Ga., terminal area, and designate certain low altitude reporting points.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Redesignate VOR Federal airway No. 5 segment from Dublin, Ga., via Athens, Ga.; intersection Anderson, S.C., 274° T (274° M) and Athens 339° T (339° M) radials; intersection Anderson 274° T (274° M) and Chattanooga, Tenn., 127° T (126° M) radials; to Chattanooga. Revoke V-5 west alternate segment between Dublin and Chattanooga.

2. Redesignate VOR Federal airway No. 18 segment from Birmingham, Ala., via Anniston, Ala.; to the intersection of Anniston 083° T (081° M) and LaGrange, Ga., 342° T (341° M) radials. From the intersection of Rex, Ga., 090° T (089° M) and Athens 192° T (192° M) radials via intersection Rex 090° T (089° M) and Augusta, Ga., 278° T (279° M) radials; to Augusta. Designate V-18 north alternate segment from Birmingham via intersection of Birmingham 067° T (064° M) and Anderson 274° T (274° M) radials; intersection of Anderson 274° T (274° M) and Athens 339° T (339° M) radials; Athens; intersection Athens 109° T (109° M) and Augusta, Ga., 294° T (295° M) radials; to Augusta. Revoke V-18 south alternate segment between Birmingham and Augusta.

3. Redesignate VOR Federal airway No. 20 segment from Montgomery, Ala., via Tuskeegee, Ala.; Columbus, Ga.; intersection Columbus 068° T (067° M) and Athens 192° T (192° M) radials; Athens; Anderson; to Spartanburg, S.C. Redesignate V-20 north alternate segment from Montgomery via intersection Montgomery 028° T (025° M) and Anniston 083° T (081° M) radials; intersection of Chattanooga 190° T (189° M) and Birmingham, Ala., 067° T (064° M) radials; intersection of Birmingham 067° T (064° M) and Toccoa, Ga., 258° T (258° M) radials; Toccoa; to Spartanburg.

4. Redesignate VOR Federal airway No. 35 west alternate segment from Albany, Ga., via the intersection of Albany 009° T (008° M) and Macon, Ga., 240° T (239° M) radials; to Macon.

5. Redesignate VOR Federal airway No. 51 segment from Dublin via Athens; intersection Athens 339° T (339° M) and Harris, Ga., 149° T (149° M) radials; Harris; to Hinch Mountain, Tenn. Designate V-51 west alternate segment from the intersection of Anderson 274° T (274° M) and Athens 339° T (339° M) radials via intersection of Anderson 274° T (274° M), and Hinch Mountain 160° T (159° M) radials; to Hinch Mountain. Revoke V-51 west alternate segment from the Ellijay, Ga., intersection to Hinch Mountain.

6. Redesignate VOR Federal airway No. 66 segment from INT Brookwood, Ala., 083° T (080° M) and LaGrange 294° T (293° M) radials; LaGrange; intersection LaGrange 112° T (111° M) and Columbus 068° T (067° M) radials; intersection of Columbus 068° T (067° M) and Athens 192° T (192° M) radials; to Athens.

7. Redesignate VOR Federal airway No. 97 segment from Albany to the intersection of Albany 352° T (351° M) and LaGrange 112° T (111° M) radials. From

the intersection of Knoxville 197° T (198° M) and Chattanooga 127° T (126° M) radials to Knoxville. Revoke V–97 east alternate segments between Albany and Knoxville.

8. Redesignate VOR Federal airway No. 194 segment from Norcross, Ga., via intersection Norcross 042° T (041° M) and Anderson 274° T (274° M) radials; to Anderson.

9. Redesignate VOR Federal airway No. 222 segment from Montgomery via LaGrange; to the intersection of LaGrange 053° T (052° M) and Rome, Ga., 158° T (157° M) radials. From Norcross via the intersection of Norcross 042° T (018° M) and Rome 158° T (157° M) radials; to Toccoa.

10. Redesignate VOR Federal airway No. 241 segment from Columbus direct to the intersection of Columbus 019° T (018° M) from Rome 158° T (157° M) radials. Revoke V–241 east and west alternate segments between Columbus and Atlanta.

11. Redesignate VOR Federal airway No. 243 from Vienna, Ga., via the intersection of Vienna 305° T (304° M) and LaGrange 112° T (111° M) radials; LaGrange; intersection LaGrange 342° T (341° M) and Chattanooga 190° T (189° M) radials; to Chattanooga. Revoke V–243 east alternate segment between the Myrtle, Ga., intersection and the Yatesville, Ga., intersection.

12. Redesignate VOR Federal airway No. 267 segment from Dublin via Athens; intersection of Athens 339° T (339° M) and Harris 149° T (149° M) radials; to Harris.

13. Redesignate VOR Federal airway No. 311 segment from Norcross via intersection Norcross 042° T (041° M) and Anderson 274° T (274° M) radials; to Anderson.

14. Redesignate VOR Federal airway No. 321 from Gadsden, Ala., via the intersection of Gadsden 122° T (120° M) and LaGrange 342° T (341° M) radials; LaGrange; to Columbus.

15. Extend VOR Federal airway No. 325 from Gadsden to the intersection of Gadsden 094° T (092° M) and Rome 135° T (134° M) radials.

16. Extend VOR Federal airway No. 333 from Hinch Mountain via Chattanooga; Rome; to the intersection of Rome 135° T (134° M) and the Gadsden 094° T (092° M) radials.

17. Redesignate VOR Federal airway No. 454 segment from Columbus via the intersection of Columbus 068° T (067° M) and Athens 192° T (192° M) radials; to the intersection of Athens 192° T (192° M) and Greenwood, S.C., 240° T (241° M) radials; to Greenwood.

18. Designate VOR Federal airway No. 179 Dublin via the intersection of Dublin 329° T (329° M) and Atlanta 117° T (116° M) radials; to the intersection of Atlanta 117° T (116° M) and Augusta 264° T (265° M) radials.

19. Designate VOR Federal airway No. 463 from Norcross to Harris.

20. Designate VOR Federal airway No. 291 from Macon to the intersection of Macon 331° T (330° M) and Atlanta 117° (116° M) radials.

21. Designate VOR Federal airway No. 142 from the intersection of Atlanta 117° T (116° M) and Augusta 263° T (264° M) radials; to Augusta.

22. Designate VOR Federal airway No. 168 from Birmingham to the intersection of Birmingham 113° T (110° M) and Anniston 179° T (177° M) radials.

23. Designate VOR Federal airway No. 491 from the intersection of Atlanta 180° T (179° M) and Columbus 068° T (067° M) radials; via Atlanta to the intersection of Atlanta 003° T (002° M) and Chattanooga 127° T (126° M) radials.

24. Designate VOR Federal airway No. 224 from the intersection of LaGrange 342° T (341° M) and Rex 270° T (269° M) radials via Rex to the intersection of Rex 090° T (089° M) and Athens 192° T (192° M) radials.

25. Designate the following low altitude reporting points:

a. Nelson, Ga., intersection Atlanta 003° T (002° M) and Chattanooga 127° T (126° M) radials.

b. Heflin, Ga., intersection of Rex 270° T (269° M) and LaGrange 342° T (341° M) radials.

c. Grant, Ga., intersection of Atlanta 180° T (179° M) and Columbus 068° T (067° M) radials.

d. Madison, Ga., intersection of Rex 090° T (089° M) and Athens 192° T (192° M) radials.

These proposed airway changes will provide the capability to establish independent departure and arrival procedures, which will provide a more efficient movement of air traffic to and from the Atlanta terminal area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on April 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6138 Filed 4-30-71;8:48 am]

[14 CFR Part 75]

[Airspace Docket No. 71–SO–48]

JET ROUTE SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 75 of the Federal Aviation Regulations that would realine the segments of Jet Route Nos. 4 and 20 between Meridian, Miss., and Montgomery, Ala.

Interested persons may particpate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace actions proposed in this docket would realine the segments of J–4 and J–20 from Meridian to Montgomery via the intersection of the Meridian VORTAC 091° T (086° M) and Montgomery VORTAC 282° T (279° M) radials.

The proposed realinement of J–4 and J–20 would provide a more direct route between Meridian and Montgomery. Also, J–4 and J–20 would overlie VOR Federal airway No. 56. This would simplify off-airway VFR operations in the vicinity of Craig AFB, Ala.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 26, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6139 Filed 4-30-71;8:48 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-114]

REIMBURSABLE SERVICES

Excess Cost of Preclearance Operations

APRIL 26, 1971.

Notice is hereby given that pursuant to § 24.18(d), Customs Regulations (19 CFR 24.18(d)), the biweekly reimbursable excess costs for each preclearance installation are determined to be as set forth below and will be effective with the pay period beginning May 2, 1971.

Installation	*Biweekly excess cost*
Montreal, Canada	$2,974
Toronto, Canada	5,976
Kindley Field, Bermuda	947
Nassau, Bahama Islands	3,148
Vancouver, Canada	2,048
Winnipeg, Canada	568

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71-6140 Filed 4-30-71;8:48 am]

Office of the Secretary

[Department Circular; Public Debt Series—No. 3-71]

5 PERCENT TREASURY NOTES OF SERIES E–1972

Offering of Notes

APRIL 29, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5 percent Treasury Notes of Series E–1972, at par, in exchange for the following securities maturing May 15, 1971:

(1) 5¼ percent Treasury Notes of Series A–1971; or

(2) 8 percent Treasury Notes of Series E–1971.

The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 6 p.m., local time, May 5, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 5¾ percent Treasury Notes of Series A–1974, which offering is set forth in Department Circular, Public Debt Series—No. 4–71, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes will be dated May 15, 1971, and will bear interest from that date at the rate of 5 percent per annum, payable on a semiannual basis on August 15, 1971, and February 15 and August 15, 1972. They will mature August 15, 1972, and will not be subject to call for redemption prior to maturity.

2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. Provision will be made for the interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.

5. The notes will be subject to the general regulations of the Department of the Treasury, now or hereafter prescribed, governing United States notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authorized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 17, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. When payment is made with securities in bearer form, coupons dated May 15, 1971, should be detached and cashed when due. When payment is made with registered securities, the final interest due on May 15, 1971, will be paid by issue of interest checks in regular course to holders of record on April 15, 1971, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5 percent Treasury Notes of Series E–1972"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5 percent Treasury Notes of Series E–1972 in the name of ------------------------"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5 percent Treasury Notes of Series E–1972 in coupon form to be delivered to ----------------------".

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] CHARLS E. WALKER,
Acting Secretary of the Treasury.

[FR Doc.71-6229 Filed 4-30-71;8:51 am]

[Department Circular; Public Debt Series—No. 4-71]

5¾ PERCENT TREASURY NOTES OF SERIES A–1974

Offering of Notes

APRIL 29, 1971.

I. *Offering of notes.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, offers notes of the United States, designated 5¾ percent Treasury Notes of Series A–1974, at 99.60 percent of their face value, in exchange for the following securities maturing May 15, 1971:

(1) 5¼ percent Treasury Notes of Series A–1971; or

(2) 8 percent Treasury Notes of Series E–1971.

Cash payments due subscribers will be made as set forth in section IV hereof. The amount of this offering will be limited to the amount of eligible securities tendered in exchange. The books will be open until 6 p.m., local time, May 5, 1971, for the receipt of subscriptions.

2. In addition, holders of the securities enumerated in paragraph 1 of this section are offered the privilege of exchanging all or any part of them for 5 percent Treasury Notes of Series E–1972, which offering is set forth in Department Circular, Public Debt Series—No. 3–71, issued simultaneously with this circular.

II. *Description of notes.* 1. The notes now offered will be identical in all respects with the 5¾ percent Treasury Notes of Series A–1974 issued pursuant to Department Circular, Public Debt Series—No. 10–67, dated October 26, 1967, except that interest will accrue from May 15, 1971. With this exception the notes are described in the following quotation from Department Circular No. 10–67:

> 1. The notes will be dated November 15, 1967, and will bear interest from that date at the rate of 5¾ percent per annum, payable semiannually on May 15 and November 15 in each year until the principal amount becomes payable. They will mature November 15, 1974, and will not be subject to call for redemption prior to maturity.
>
> 2. The income derived from the notes is subject to all taxes imposed under the Internal Revenue Code of 1954. The notes are subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but are exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.
>
> 3. The notes will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.
>
> 4. Bearer notes with interest coupons attached, and notes registered as to principal and interest, will be issued in denominations of $1,000, $5,000, $10,000, interchange of notes of different denominations and of coupon and registered notes, and for the transfer of registered notes, under rules and regulations prescribed by the Secretary of the Treasury.
>
> 5. The notes will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing U.S. notes.

III. *Subscription and allotment.* 1. Subscriptions accepting the offer made by this circular will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington, D.C. 20220. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Department of the Treasury are authirized to act as official agencies.

2. Under the Second Liberty Bond Act, as amended, the Secretary of the Treasury has the authority to reject or reduce any subscription, and to allot less than the amount of notes applied for when he deems it to be in the public interest; and any action he may take in these respects shall be final. Subject to the exercise of that authority, all subscriptions will be allotted in full.

IV. *Payment.* 1. Payment for the face amount of notes allotted hereunder must be made on or before May 17, 1971, or on later allotment, and may be made only in a like face amount of securities of the issues enumerated in paragraph 1 of section I hereof, which should accompany the subscription. Payment will not be deemed to have been completed where registered notes are requested if the appropriate identifying number as required on tax returns and other documents submitted to the Internal Revenue Service (an individual's social security number or an employer identification number) is not furnished. A cash payment of $4 per $1,000 will be made to subscribers on account of the issue price of the notes. The payment will be made by check or by credit in any account maintained by a banking institution with the Federal Reserve Bank of its District, following acceptance of the maturing securities. In the case of registered securities, the payment will be made in accordance with the assignments thereon. When payment is made with securities in bearer form, coupons dated May 15, 1971, should be detached and cashed when due. When payment is made with registered securities, the final interest due on May 15, 1971, will be paid by issue of interest checks in regular course to holders of record on April 15, 1971, the date the transfer books closed.

V. *Assignment of registered securities.* 1. Registered securities tendered in payment for notes offered hereunder should be assigned by the registered payees or assignees thereof, in accordance with the general regulations of the Department of the Treasury governing assignments for transfer or exchange, in one of the forms hereafter set forth, and thereafter should be surrendered with the subscription to a Federal Reserve Bank or Branch or to the Office of the Treasurer of the United States, Washington, D.C. 20220. The securities must be delivered at the expense and risk of the holder. If the notes are desired registered in the same name as the securities surrendered, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series A–1974"; if the notes are desired registered in another name, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series A–1974 in the name of ________________________"; if notes in coupon form are desired, the assignment should be to "The Secretary of the Treasury for exchange for 5¾ percent Treasury Notes of Series A–1974 in coupon form to be delivered to ________________________."

VI. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make such allotments as may be prescribed by the Secretary of the Treasury, to issue such notices as may be necessary, to receive payment for and make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] Charls E. Walker,
Acting Secretary of the Treasury.

[FR Doc.71–6230 Filed 4–30–71;8:51 am]

DEPARTMENT OF THE INTERIOR

Bonneville Power Administration

DEPUTY ADMINISTRATOR ET AL.

Redelegations of Authority

Redelegations of Authority published in the Federal Register on July 6, 1968 (33 F.R. 9784), and amended on September 13, 1968 (33 F.R. 12974), February 21, 1969 (34 F.R. 36), August 9, 1969 (34 F.R. 152), and September 18, 1969 (34 F.R. 179) are further amended by revising section 10.1 to read as follows:

10.1 *Acting Administrator—succession and authority.* a. The line of succession as Acting Administrator provides that in the case of the death, resignation, or absence of the Administrator, the following officers or employees shall act as Administrator in the order indicated:

(1) Deputy Administrator.

(2) Assistant Administrator for Power Management (Power Manager).

(3) Assistant Administrator for Operation and Maintenance (O&M Manager).

(4) Assistant Administrator for Engineering and Construction (Chief Engineer).

(5) Assistant Administrator for Administrative Management.

(6) In the event the above officials are unavailable, the Administrator may designate any one of the following to act as Administrator for a period not to exceed 7 days:

Assistant Power Manager, Engineering Manager, Assistant to the Administrator—Policy, Assistant to the Administrator—Operations, or Executive Assistant to the Administrator.

b. The Acting Administrator shall perform the duties and exercise the powers of the Administrator except where otherwise provided by law, or Departmental regulation. Any person exercising the functions of the Acting Administrator shall sign documents as "Acting Administrator."

Dated: March 17, 1971.

H. R. Richmond,
Administrator.

[FR Doc.71–6111 Filed 4–30–71;8:46 am]

Bureau of Reclamation

AUTHORIZED MOUNTAIN PARK PROJECT, OKLAHOMA

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft of document entitled "Environmental Statement on Mountain Park Project, Oklahoma, Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969" dated February 1971, has been prepared as required by the Act and is being placed for public examination in offices of the Bureau of Reclamation in Washington, D.C., Amarillo, Tex., and Oklahoma City, Okla. Persons wishing to examine a copy of the document may do so at any of the following offices:

Office of Information, Bureau of Reclamation, Room 7646, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC 20240, telephone (202) 343–4662;

Office of the Regional Director, Bureau of Reclamation, Post Office Box 1609, Amarillo, TX 79105; Herring Plaza, 317 East Third Street; telephone (806) 376–5151;

Office of the Area Engineer, Bureau of Reclamation, Federal Office Building, 200 Northwest Fourth, Oklahoma City, OK 73101, telephone (405) 231–4515.

Single copies of the draft statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: April 23, 1971.

Ellis L. Armstrong,
Commissioner of Reclamation.

[FR Doc.71–6110 Filed 4–30–71;8:46 am]

NEWELL TOWNSITE, BELLE FOURCHE PROJECT, SOUTH DAKOTA

Sale of Lots

1. Statutory authority: Certain lots in the townsite of Newell, S. Dak., identified in the Schedule of Appraisal shown below, will be disposed of in accordance with the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519), and June 11, 1910 (36 Stat. 465).

2. Description, area, and appraised values:

Schedule of Appraisal
Sec. 30, T. 9N., R. 6 E., B.H.M.

Block	Lot	Area each lot	Appraised value (each lot)
5	1	50 x 130	$25.00
6	3, 4, 5, 6	50 x 130	25.00
7	1, 2, 3, 4, 5, 6	50 x 130	25.00

3. Public sale: On May 17, 1971, at 2 p.m. at the Project Office of the Belle Fourche Irrigation District, Newell, S.D., said lots will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States or have declared their intention to become a citizen of the United States, and there will be reserved to the United States rights-of-way and minerals to the same extent as patents issued under the homestead laws. R. H. DeKramer, Chief, Water and Land Operations Division, Missouri-Oahe Projects Office, Bureau of Reclamation, Huron, S.D., has been designated as superintendent of sale and as auctioneer.

4. Terms of sale: Full payment for the lots must be made in cash on the date of the sale.

5. Authority of the superintendent: The superintendent conducting the sale is authorized to refuse any and all bids for any lot and to suspend, adjourn, and postpone the sale of any lot to such time and place as he may deem proper. After all the lots have been offered, the superintendent will close the sale. Any lot remaining unsold will be subject to private sale by the Manager, Land Office, Bureau of Land Management, Billings, Mont., excepting that the Commissioner, Bureau of Reclamation, or his delegated representative, may cancel this sale order at any time with the concurrence of the State Supervisor, Bureau of Land Management.

6. Warning: All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will in any way hinder or embarrass the sale. Any person so offending will be prosecuted under 18 U.S.C. 1860.

H. E. Aldrich,
Regional Director.

April 12, 1971.

[FR Doc.71–6109 Filed 4–30–71;8:46 am]

Office of the Secretary

HOWARD A. BECK

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 5, 1971.

Dated: April 5, 1971.

H. A. Beck.

[FR Doc.71–6113 Filed 4–30–71;8:46 am]

C. R. BILBY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 16, 1971.

Dated: April 16, 1971.

C. R. Bilby.

[FR Doc.71–6114 Filed 4–30–71;8:46 am]

JAMES S. BROADDUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 2, 1971.

Dated: April 2, 1971.

James S. Broaddus.

[FR Doc.71–6115 Filed 4–30–71;8:46 am]

JOHN W. HIERONYMUS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add: Northern Illinois Gas Co.
(3) No change.
(4) No change.

This statement is made as of April 2, 1971.

Dated: April 2, 1971.

John W. Hieronymus.

[FR Doc.71–6116 Filed 4–30–71;8:46 am]

KENNETH I. SEWELL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense

Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 5, 1971.

Dated: April 5, 1971.

KENNETH I. SEWELL.

[FR Doc.71-6117 Filed 4-30-71;8:46 am]

E. F. TIMME

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 2, 1971.

Dated: April 2, 1971.

E. F. TIMME.

[FR Doc.71-6118 Filed 4-30-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loans Made Under 1967, 1968, and 1969 Crop Price Support Programs

Unless demand is made earlier by CCC, extended warehouse-storage loans secured by 1967 crop barley and oats; 1968 crop barley, oats, and wheat; and 1969 crop barley, grain sorghum, oats, and wheat, are due and payable on the dates indicated.

Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, That, CCC will not acquire title to any such commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamped) not later than the applicable maturity date indicated below. CCC shall have no obligation to pay for any market value which any unredeemed commodity may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of a pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amounts specified in the Warehouse Storage Note and Security Agreement and in the price support program regulations. Amounts due the producer will be paid by the appropriate county ASCS office.

	Maturity date	Final date of repayment
	1971	1971
Barley:		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30
Grain sorghum:		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller.	Apr. 30	Apr. 30
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above.	June 30	June 30
In all States except Texas and Oklahoma.	July 31	Aug. 2
Oats:		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30
Wheat:		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30

(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 1421, 1425, 1441, 1447)

Effective upon publication in the FEDERAL REGISTER (5-1-71).

Signed at Washington, D.C., on April 26, 1971.

GEORGE V. HANSEN,
*Acting Executive Vice President,
Commodity Credit Corporation.*

[FR Doc.71-6127 Filed 4-30-71;8:47 am]

Consumer and Marketing Service

MEAT INSPECTION

Notice of Determination Not to Designate Texas

On February 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2524) a Notice of Intended Designation of the State of Texas under section 301(c)(1) of the Federal Meat Inspection Act (21 U.S.C. 661 (c)(1)). This notice was based on information that Texas had not developed and activated State meat inspection requirements, with respect to operations and transactions wholly within the State, at least equal to those imposed under Titles I and IV of the Act. Subsequently, it has been determined that the State of Texas has now developed and activated the prescribed State meat inspection requirements.

Accordingly, there is not now a basis for designation of the State of Texas under section 301(c)(1) of the Act.

Done at Washington, D.C. on April 27, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6122 Filed 4-30-71;8:47 am]

MEAT INSPECTION

Notice of Determination Not To Designate West Virginia

On February 5, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2524) a Notice of Intended Designation of the State of West Virginia under section 301(c)(1) of the Federal Meat Inspection Act (21 U.S.C. 661(c)(1)). This notice was based on information that West Virginia had not developed and activated State meat inspection requirements, with respect to operations and transactions wholly within the State, at least equal to those imposed under Titles I and IV of the Act. Subsequently, it has been determined that the State of West Virginia has now developed and activated the prescribed State meat inspection requirements.

Accordingly, there is not now a basis for designation of the State of West Virginia under section 301(c)(1) of the Act.

Done at Washington, D.C. on April 27, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6121 Filed 4-30-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

EMERY INDUSTRIES, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1B2656) has been filed by Emery Industries, Inc., Carew Tower, Cincinnati, Ohio 45202, proposing that § 121.2531 *Surface lubricants used in the manufacture of metallic articles* (21 CFR 121.2531) be amended to provide for the safe use of 2-ethylhexyl azelate as a surface lubricant or component of surface lubricants to facilitate the drawing, stamping, or forming of metallic articles.

Dated: April 23, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6099 Filed 4-30-71;8:45 am]

FULLER-O'BRIEN CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1B2643) has been filed by Fuller-O'Brien Corp., 450 East Grand Avenue, South San Francisco, Calif. 94080, proposing that § 121.2550 *Closures with sealing gaskets for food containers* (21 CFR 121.2550) be amended by increasing the concentration of di-2-ethylhexyl sebacate in a closure-sealing gasket composition from 2 percent by weight to 40 percent when limited to use in contact with distilled alcoholic beverages.

Dated: April 27, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6098 Filed 4-30-71;8:45 am]

PPG INDUSTRIES

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 1B2658) has been filed by PPG Industries, Post Office Box 312, Delaware, Ohio 43015, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended in paragraph (b) (3)(xx) to provide for the safe use of copolymers consisting of butyl acrylate, styrene, methacrylic acid, and hydroxypropyl methacrylate as a component of resinous and polymeric coatings intended for contact with food.

Dated: April 23, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6100 Filed 4-30-71;8:45 am]

RUMINANT NITROGEN PRODUCTS CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a food additive petition (MF-3451V) has been filed by Ruminant Nitrogen Products Co., Post Office Box 206, Adrian, Michigan 49221, proposing that the food additive regulations (21 CFR Part 121) be amended to provide for the safe use of a molasses suspension treated with anhydrous ammonia and containing trace minerals in a nutritionally available form as a source of non-protein nitrogen and minerals in silage used for animal food.

Dated: April 19, 1971.

SAM D. FINE,
*Associate Commissioner
for Compliance.*

[FR Doc.71-6101 Filed 4-30-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.

Order Extending Completion Date

Consolidated Edison Company of New York, Inc., has filed a request dated April 7, 1971, for an extension of the latest completion date granted by the Atomic Energy Commission dated May 12, 1970, specified in Provisional Construction Permit No. CPRR-21, as amended, for construction of a 2,758 megawatt (thermal) pressurized water nuclear reactor, designated as the Indian Point Nuclear Generating Unit No. 2, at the applicant's site on the Hudson River in the village of Buchanan, Westchester County, N.Y. Good cause having been shown for extension of said date pursuant to Section 185 of the Atomic Energy Act of 1954, as amended, and § 50.55 of the Commission's regulations:

It is hereby ordered that the latest completion date is extended from June 1, 1971 to December 1, 1971.

Date of issuance: April 26, 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
*Director,
Division of Reactor Licensing.*

[FR Doc.71-6105 Filed 4-30-71;8:45 am]

CIVIL SERVICE COMMISSION

SUPERVISORY RESEARCH ECOLOGIST, ENVIRONMENTAL PROTECTION AGENCY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on March 26, 1971, for the single position of Supervisory Research Ecologist, GS-401-14, Air Pollution Control Office, Environmental Protection Agency, Durham, N.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.71-6090 Filed 4-30-71;8:50 am]

SYSTEMS ACCOUNTANT, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. 5723, the Civil Service Commission found a manpower shortage on April 1, 1971, for the single position of Systems Accountant (Single Letter of Credit Funding and Reporting System), GS-510-13, Division of Accounting Systems, Office of the Secretary, Department of Health, Education, and Welfare, Washington, D.C. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
*Executive Assistant to
the Commissioners.*

[FR Doc.71-6091 Filed 4-30-71;8:50 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19207; FCC 71-401]

RADIO ENTERPRISES OF OHIO, INC.

Order Designating Application for Hearing on Stated Issues

In regard application of Radio Enterprises of Ohio, Inc., Ashtabula, Ohio, for the renewal of license of Station WREO, Ashtabula, Ohio, Docket No. 19207, File No. BR-950.

1. This proceeding involves an application for renewal of the license of standard broadcast Station WREO, Ashtabula, Ohio. The proceeding comes before the Commission at this time on a remand from the United States Court of Appeals for the District of Columbia Circuit directing that we give further consideration to the application. Retail Store Employees Union, Local 880 v. F.C.C., —— U.S. App. D.C. ——, —— F. 2d ——, October 27, 1970.

2. On November 26, 1968, the Commission adopted a memorandum opinion and order granting WREO's renewal application and denying the petition to deny which had been filed by Local 880 of the Retail Store Employees Union of Cleveland, Ohio. 14 Pike & Fischer, R.R. 2d 780. The background of the matter is as

follows: Local 880 had complained that WREO stopped carrying its announcements urging a boycott as part of a labor dispute between the union and a local department store, although the station continued to carry advertisements for the store. The union alleged that WREO had bowed to economic pressure in refusing to continue carriage of its announcements, and that WREO was violating the fairness doctrine. The Commission received further pleadings from WREO, Local 880 and the store involved, Hill's Department Store. Hill's denied putting any pressure on WREO, and the station averred that its reason for canceling Local 880's ads was not economic pressure but listener complaints about the constant repetition of the union's grievance. WREO also stated that it had presented the union's ads along with the store's ads for a time, and that when it canceled the unions ads it offered a free roundtable forum to both sides for discussion of the strike issue. The Commission concluded that there were no unresolved factual issues and that WREO's license should be renewed.

3. Local 880 took an appeal from this decision to the U.S. Court of Appeals for the District of Columbia Circuit. In reversing, the court first held that the union's allegations of economic pressure against WREO raised questions which were not satisfactorily answered by the station's response. It referred to the rejection by the other area stations of the union's ads, the ambiguity surrounding WREO's explanation for canceling the announcements,[1] and the failure of the station to explain whether it had made any other efforts to resolve the controversy by carrying a smaller number of the announcements or suggesting that their text be varied more frequently. The Court said that "some further investigation" was needed in order to resolve these questions. With regard to the issue of WREO's compliance with the fairness doctrine, the Court was troubled by the Commission's "summary treatment." It stated that the union's claims raised additional questions which the Commission should consider more thoroughly on remand.

4. We believe that the most appropriate course with regard to the allegations by Local 880 that the station discontinued carriage of its announcements because of improper economic pressure is to refer this aspect of the proceeding to a hearing examiner for adjudicatory consideration. In determining the factual circumstances surrounding WREO's cancellation of Local 880's ads, the hearing examiner should initially consider the investigation made by the National Labor Relations Board, in order to judge the weight to be given to the Board's determination.[2] In addition, the examiner should require appropriate utilization of discovery procedures (See 47 CFR 1.311–1.325) with an eye toward the expeditious resolution of "all relevant factual disputes" and to aid him in determining whether a full evidentiary hearing is required.[3] As noted above, the Court's opinion also directs further consideration of the fairness issues. These questions have an applicability beyond the specific facts of this case. Since the fairness issues as such are novel, and this case involves only a single episode, an ultimate decision on the fairness question adverse to the station's position would not appropriately warrant denial of a renewal of license. Furthermore, the facts of the fairness question are not in substantial dispute. In view of these considerations, we believe that an adjudicatory hearing before an examiner is not the best way to afford these broad policy questions the comprehensive study that the Court had directed. Therefore, we will provide for their separate consideration in a separate document to be issued in the near future.

5. *Accordingly, it is ordered*, That the application herein is designated for hearing, at a time and place to be specified in a subsequent order, on the following issues:

(1) To determine whether Station WREO ceased carrying Local 880's advertisements because of economic pressure;

(2) To determine whether, in light of the evidence on the above issue, a grant of the application for renewal of license of Station WREO would serve the public interest, convenience and necessity.

6. *It is further ordered*, That Local Retail Store Employees Union Local 880 be made a party to the hearing.

7. *It is further ordered*, That Local 880 proceed with the initial presentation of evidence as to Issue (1), and that WREO has the burden of proof on Issue (1) and the burden of establishing, under Issue (2), that a grant of its application would serve the public interest, convenience, and necessity.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, Applicant and Local 880 herein, pursuant to § 1.221(e) of the Commission's rules and regulations, in person or by attorney, shall within twenty (20) days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That Applicant shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules and regulations, give notice of the hearing within the time and in the manner prescribed in said rule, and shall advise the Commission of the publication thereof as required by § 1.594 of the Commission's rules and regulations.

Adopted: April 14, 1971.

Released: April 26, 1971.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6157 Filed 4-30-71;8:49 am]

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[1] The court pointed out that the station had given no information about the complaints it had received concerning the advertisements.

[2] See footnote 39 of the court's remand opinion in this case.

[3] See footnote 47 of the court's remand opinion.

[Docket No. 19208; FCC 71-404]

REGINALDO ESPINOZA II

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In regard to application of Reginaldo Espinoza II, for renewal of license of Station KRDD, Roswell, N. Mex., Docket No. 19208, File No. BL-12873.

1. The Commission has before it for consideration the above-captioned application for renewal of the license of Station KRDD, Roswell, N. Mex.

BACKGROUND

2. By virtue of an assignment of license granted by the Commission on June 15, 1965, Reginaldo Espinoza II became the licensee and owner of Station KRDD, Roswell, N. Mex. The renewal application for the period commencing October 1, 1968, which was tendered for filing on September 11, 1968, was substantially incomplete as to balance sheet, ownership report, filing fee and logs. After correspondence with the licensee, the filing fee, and logs were submitted, and the application was accepted for filing on October 3, 1968. However, the ownership report and balance sheet were not filed.[1] Further correspondence with the licensee requested the omitted financial and ownership data, and overdue financial reports (FCC Form 324) for 1966, 1967, and the first 6 months of 1968 (required pursuant to § 1.611 of the rules). After no response was received from the licensee, a warning letter was sent on June 27, 1969. Once again no response was received, and a member of the Commission's staff unsuccessfully attempted to reach Mr. Espinoza by telephone on August 1, 1969. Mr. Espinoza returned the call on August 4, 1969, and promised to file the requested information. No further information was submitted by the licensee. On October 22, 1969, pursuant to § 1.568(b) of the rules, the Commission dismissed the renewal application and deleted the KRDD call letters.

3. On November 19, 1969, the licensee filed a petition for stay of the Commission's action of October 22, 1969. Authority to operate until December 1, 1969,

pending decision on the licensee's petition for reconsideration, was granted on November 21, 1969. In reviewing the petition for reconsideration the Commission found a question of fact as to whether the licensee submitted the ownership report and balance sheet, but decided to resolve these matters in the licensee's favor. However, in view of licensee's failure to adequately respond to Commission correspondence and to file timely reports and applications, a short term renewal was granted for the period ending December 1, 1970 (20 FCC 2d 1072).

4. The present renewal application, due September 2, 1970,[2] was filed on December 1, 1970, the day the license expired. By telegram of December 3, 1970, the Commission directed the licensee to cease operation immediately, and the renewal application was returned as substantially incomplete by a following letter of the same date. An extension of operating authority was requested by the attorney for the licensee on December 7, 1970, and by telegram of December 11, 1970, the licensee was advised that authority to continue operation could not be granted until a substantially complete renewal application was filed with the Commission. The renewal application was resubmitted on December 6, 1970, by a different attorney for the licensee, together with a request to return to the air and for an extension of time to allow certain copies of the licensee's records to arrive from the Commission in order to replace records destroyed in a fire. The renewal application was again returned as substantially incomplete. Copies of the application were handwritten and examination indicated that they were not identical. In addition, many items were incomplete or not answered at all. The licensee was also advised at this time that the annual license fee due December 1, 1970, had not been received. January 14, 1971, marked the third time the renewal application was resubmitted by the licensee. By letter of January 28, 1971, the application was returned as still substantially incomplete. In addition, the licensee failed to use the proper composite week assigned, but since these logs were apparently destroyed by a fire, he was directed to use a specified composite week after the time of the fire. The final resubmission of the renewal application was on February 11, 1971, at which time it was accepted for filing, although still incomplete in parts (see discussion below).[3]

PRESENT RENEWAL APPLICATION

5. The licensee's present renewal application, as finally filed, is incomplete and not responsive in several respects. For instance, in discussing the methods used to ascertain community needs and interests the licensee's emphasis was placed on what the station could do to help the organization interviewed, rather than on the problems of the service area. The licensee states that: "In many instances staff members are members of the organizations." (Renewal Application, Exhibit No. 3). The Commission has stressed that renewal applicants may not rely on familiarity with the service area, but rather a formal survey is mandatory. (Primer on Ascertainment of Community Problems, Question 5, Docket No. 18774.) The above quoted response of the licensee raises a question as to whether a formal ascertainment survey was in fact conducted.

6. Further, the licensee failed to describe the significant needs and interests found, and the illustrative programs which will meet these needs and interests. The licensee only stated that KRDD will "* * * participate with the following organizations in servicing the public with information concerning the activities as listed." (Renewal Application, Exhibit No. 4.) From this response we are unable to determine whether the licensee has determined the community problems or rather has simply listed certain activities of the organizations interviewed.

7. The licensee's logs for the composite week do not substantiate the amounts of time which were claimed to be devoted to news, public affairs, and other programs, exclusive of sports and entertainment. In addition, the logs have not been properly maintained as required by § 73.112 of the rules. The program logs do not show the name or title of the program, but rather only the sponsor.

8. Neither the list of typical and illustrative programs or program series broadcast during the preceding year, nor proof of publication (§ 1.580 of the rules), was included in the renewal application. The licensee's description of his policy concerning making time available for the discussion of public issues was inadequate. The only information included is a list of organizations allowed radio time.

9. In addition to the foregoing, it is observed that KRDD was inspected on April 10 and 20, 1970. These inspections revealed seventeen (17) violations of the Commission's rules, namely: Section 73.93(e), in that the licensee failed to inspect transmitting equipment in use 5 days each week; § 73.93(c), in that there is no record of a first class operator since January 30, 1969; § 73.93(b), in that station operators were not properly instructed concerning the requirement that they must be on duty at the transmitter control point; § 73.93(b), in that the station has been operated by an operator who did not hold the proper radiotelephone operator license; § 73.111(a), in that operating logs have not always been maintained by a licensed operator; § 73.52(a), in that operating power was in excess of 10 percent below the authorized operating power; § 73.52(a), in that the station was operated in excess of 10 days at reduced power without prior Commission authority; § 73.52(a), in that the Commission was not notified when the station began operating at reduced power; § 73.55, in that the station was unable to maintain the modulation level above approximately 60 percent; § 73.111(a), in that maintenance logs were not maintained pursuant to Section 73.114 for the period after January 30, 1969; § 73.116(a), in that the operating logs were not made available for inspection for certain periods of station operation; § 73.113(a)(6), in that operating logs do not always contain the entries required by § 17.49 (a) and (b); § 73.113(a)(1), in that operating logs do not always contain an entry indicating the time the station begins to supply power to the antenna and the time it stops; § 73.111(a), in that operators have not always signed the program logs both when going on and off duty; § 73.47(b), in that equipment performance measurements required pursuant to § 73.47(a), were not available for the years 1968, 1969, and 1970; § 73.1201 (a) and (b), in that the station did not announce the station identification required at 8 a.m. m.s.t. on April 9, 1970; and § 73.933(a), in that the station did not have a receiver in operation capable of receiving emergency action notifications or terminations. These violations were set forth in an Official Notice of Violation, which was mailed to the licensee on or about May 8, 1970. The license, however, did not respond to the Official Notice of Violation within the ten (10) day period prescribed. 47 CFR 1.89. Thus, on May 25, 1970, the Commission issued the licensee a Warning Notice (FCC Form 794) requesting a response to the Official Notice of Violation within ten (10) days and advising the licensee, in part, that failure to reply could result in the imposition of a monetary forfeiture or in revocation of KRDD's broadcast license. The licensee finally responded by letter dated June 19, 1970, received June 22, 1970.

CONCLUSIONS

10. In view of the licensee's history of failure to file timely and complete applications and records, and the numerous rule violations cited above, the Commission is unable to make a statutory finding that a grant of Mr. Espinoza's renewal application for Station KRDD would serve the public interest. *Therefore, it is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, (47 U.S.C. 309(e)),

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[1] A forfeiture of $200 was imposed by the Commission on Mar. 5, 1969, because of the licensee's failure to file a timely renewal application as required by § 1.539(a) of our rules. Reginaldo Espinoza II, 16 F.C.C. 2d 801 (1969).

[2] Pursuant to § 1.539(a) of the Commission's rules, an application for license renewal must be filed at least 90 days prior to the license expiration date. Hence, since KRDD's broadcast license was scheduled to expire on December 1, 1970, licensee's renewal application should have been filed on or before September 2, 1970. Since licensee's renewal application for KRDD was not accepted for filing until February 11, 1971, after the license expiration date, in violation of § 1.539(a), said application was assigned a file number for a license to cover a construction permit namely: BL-12,873. The application, however, has been processed as a license renewal application.

[3] By telegram dated Feb. 12, 1971, Mr. Espinoza was authorized to resume operation.

the above-captioned application is designated for hearing, at Roswell, N. Mex. at a time to be specified in a subsequent order, on the following issues:

(1) To determine the facts and circumstances surrounding applicant's failure to file timely Commission reports and applications, and to respond to official Commission correspondence, during the period 1968 to the present;

(2) To determine whether applicant has been so careless or has evidenced such disregard for the Commission's rules regarding application filing and reporting requirements that he cannot be relied upon to fulfill the responsibilities imposed upon him as a licensee of this Commission;

(3) To determine the nature and extent of violations of the Commission's rules and regulations committed by the above-captioned applicant for which an Official Notice of Violation was issued on May 8, 1970;

(4) To determine the efforts made by applicant to ascertain the needs and interests of the areas to be served by Station KRDD and the means by which he proposes to meet those needs and interests;

(5) To determine whether, in light of the evidence adduced pursuant to Issues (1), (2), (3), and (4) above, the applicant, in the operation of his station, engaged in conduct which reflected such negligence, carelessness, or disregard of the Commission's processes and rules that the Commission cannot rely upon the applicant to fulfill the duties and responsibilities of a licensee;

(6) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of applicant's application for a license for KRDD would serve the public interest, convenience and necessity.

11. *It is further ordered*, That the burden of the initial introduction of evidence and burden of proof shall be on the applicant on all the issues set forth above.

12. *It is further ordered*, That to avail himself of the opportunity to be heard, the licensee, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for the hearing and present evidence on issues specified in this order.

13. *It is further ordered*, That the licensee shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and in the manner prescribed in such rule, and shall advise the Commission thereof as required by § 1.594 of the Commission's rules.

Adopted: April 14, 1970.

Released: April 26, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6158 Filed 4-30-71;8:49 am]

FEDERAL MARITIME COMMISSION

CANADIAN GULF LINE OF FLORIDA, INC., AND FLORIDA INTER-ISLAND SHIPPING CORP.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William C. Lewis, Jr., Esquire, Smathers & Thompson, Alfred I. du Pont Building, Miami, FL 33131.

Agreement No. 9914-B is between Canadian Gulf Line of Florida, Inc., a terminal operator and general agent for its affiliate Corporation, Florida Lines, Ltd., a common carrier by water, and Florida Inter-Island Shipping Corp., a Florida corporation. It provides that for a period of 5 years, Florida Inter-Island Shipping Corp. and its shareholders will not compete with the service and agency business of Canadian Gulf Line of Florida, and/or Florida Lines, Ltd. in the trade between the ports of Miami, Houston, Tampa, and New Orleans, on the one hand, and the Virgin Islands, Venezuela, Haiti, and the Dominican Republic, on the other.

Dated: April 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6161 Filed 4-30-71;8:50 am]

STATES MARINE INTERNATIONAL, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

States Marine International, Inc., Global Bulk Transport Inc., and Isthmian Lines, Inc.

Notice of agreement filed by:

Amy Scupi, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9803-1 amends the basic agreement of the above parties, insofar as it applies to their participation in conference agreements, to provide that they may publish individual, separate, and different rates on a commodity or commodities for which the conference, in addition to the opening of rates, relinquishes its ratemaking authority.

Dated: April 27, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6162 Filed 4-30-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CP70-69 etc.]

NORTHERN NATURAL GAS CO.

Notice of Amendments to Applications

APRIL 23, 1971.

Take notice that on April 19, 1970, Northern Natural Gas Co. (applicant),

2223 Dodge Street, Omaha, NE 68102, filed in Dockets Nos. CP70-69, CP70-70, and CP70-71,[1] pursuant to Executive Order 10485, section 3 of the Natural Gas Act, and section 7(c) of the Natural Gas Act, respectively, amendments to applications pending in said dockets for a permit authorizing the construction, operation, and maintenance of facilities at the international boundary to be used for the exportation and importation of natural gas, for authorization to export and import natural gas, and for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the transportation of natural gas in interstate commerce, respectively, all as more fully set forth in the amendments to the applications which are on file with the Commission and open to public inspection.

In applications initially filed in the subject proceeding applicant sought authorization to construct and operate 560.9 miles of 36-inch pipeline from its existing North Branch, Minn., compressor station to a point on the international boundary near Oungre, Saskatchewan, and 46.1 miles of 16-inch pipeline from the Tiger Ridge gas field in Hill and Blaine Counties, Mont., to a point in the international boundary near Willow Creek, Saskatchewan, at a total estimated cost of $132,780,000. Applicant also sought authorization for the exportation of the Montana gas to Canada and the importation from Canada of this gas and gas produced in Alberta, together with authorization to construct, operate, and maintain facilities at the international boundary for the exportation and importation of the gas. An interdependent application filed in Canada with the National Energy Board by Consolidated Natural Gas Ltd. (Consolidated) was denied without prejudice. The presiding examiner recommended denial of the applications by the Commission.

Applicant states that its subsidiary, Consolidated, and Trans-Canada Pipe Lines Ltd., have entered into agreements under which Consolidated has agreed to sell 2.9 billion Mcf of gas to Trans-Canada over a 20-year period from reserves in Alberta beginning November 1, 1971, and that Trans-Canada has agreed to resell 1.46 billion Mcf of gas to Consolidated at Emerson, Manitoba, beginning November 1, 1972. Consolidated will resell the gas to applicant. Trans-Canada has agreed to transport applicant's Montana gas through its Canadian system for delivery to Consolidated and redelivery to applicant at Emerson.

Applicant proposes to construct and operate 285 miles of 30-inch pipeline from its existing system near Sandstone, Minn., to the international boundary near Emerson, Manitoba. Applicant also proposes to construct and operate 45 miles of 16-inch pipeline, two compressor stations, and various size gathering lines in order to gather, transport, and export for sale to Consolidated the volumes of gas purchased in the Tiger Ridge Field.

Applicant requests authorization to export up to 150,000 Mcf of natural gas per day to Canada from production in the Tiger Ridge Field and to import up to 390,000 Mcf of natural gas per day from Canada. The natural gas to be imported will consist of the Montana gas and gas produced in Alberta.

Applicant states that its proposed exchange arrangement with Montana-Dakota Utilities Co. is no longer viable.

A hearing has heretofore been scheduled in this proceeding for May 18, 1971.

Any person desiring to be heard or to make any protest with reference to said applications, as amended, should on or before May 17, 1971, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons heretofore permitted to intervene need not file again.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6096 Filed 4-30-71;8:45 am]

[Docket No. RP71-103]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 23, 1971.

Take notice that Southern Natural Gas Co. (Southern) on April 16, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1,[1] to become effective June 1, 1971. The proposed rate changes would increase charges for jurisdictional service by $4,386,993, based on sales volumes for the 12-month period ended February 28, 1970, as adjusted.

Southern states that the reason for the proposed rate increase is occasioned solely by, and will compensate Southern only for increases in its cost of purchased gas, resulting from producer rate increases which have become effective since the lifting of the Southern Louisiana moratorium and from the rate increase filing by its supplier United Gas Pipe Line Co. on November 13, 1970, in Docket No. RP71-41, which will become effective on June 1, 1971.

Copies of the filing were served on Southern's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6097 Filed 4-30-71;8:45 am]

FEDERAL RESERVE SYSTEM

CENTRAL BANCOMPANY

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Central Bancompany, Jefferson City, Mo., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the successor by merger to the Central Trust Bank, Jefferson City, Mo., which owns 100 percent (less directors' qualifying shares) of the Jefferson Bank of Missouri, Jefferson City, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

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[1] The amendment to the application in Docket No. CP70-71 is included in a "Submission of Supplemental Testimony and Exhibits and Supplement to Applications" filed in Docket No. CP70-69 et al.

[1] 4th Revised Sheets Nos. 8E, 15E, 26E; 6th Revised Sheet No. 11F; 8th Revised Sheet No. 11J; 9th Revised Sheets Nos. 8A, 8D, 11H, 15A, 15D, 26A, 26D; 10th Revised Sheet No. 30, and 13th Revised Sheets Nos. 9, 16, 27.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, DC 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors, April 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6107 Filed 4-30-71;8:46 am]

FIRST BANCORP, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by First Bancorp., Inc., Corsicana, Tex., which presently owns 100 percent (less directors' qualifying shares) of the voting shares of Bancorp National Bank of Corsicana, Corsicana, Tex., a nonoperating national bank, for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the merger of The First National Bank of Corsicana, Corsicana, Tex., with applicant's nonoperating bank. As an incident to the merger, applicant would also acquire the beneficial interest in all of the voting shares of Cornavco Corp., Corsicana, Tex., which owns more than 5 percent of the voting shares of the following three banks, all located in Texas:

Bank	*Percentage of voting shares owned*
Citizens National Bank in Ennis, Ennis	24.7
Citizens State Bank, Malakoff	24.0
First National Bank of Streetman, Streetman	24.0

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Dallas.

By order of the Board of Governors, April 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6108 Filed 4-30-71;8:46 am]

[Regs. G, T, U]

MARGIN REQUIREMENTS ON SECURITIES TRANSACTIONS

Effective Date of Requirements as to Borrowers

Pursuant to the authority contained in section 401(c), title IV, of Public Law 91-508, 84 Stat. 1125, the amendments made by title III of that legislation shall become effective on a date to be specified in regulations to be issued hereafter by the Board of Governors. That date, as prescribed in section 401(c), shall be not later than November 1, 1971.

By order of the Board of Governors, April 27, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6106 Filed 4-30-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-100]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interest of the Federal Government in an electric service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Puerto Rico Water Resources Authority in a proceeding involving electric service rates in Puerto Rico.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: April 23, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6149 Filed 4-30-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 819 (Class B)]

SWORDFISH FROM EAST COAST AND WEST COAST AREAS

Products Disaster Declaration

Whereas, many small business firms from the Atlantic and Pacific coast areas are engaged in catching, processing, and selling deep-sea swordfish; and

Whereas, the Food and Drug Administration's action in banning the sale of mercury-contaminated swordfish has resulted in substantial economic injury to various small businesses, such as swordfish vessel owners, processors, and distributors; said ban on the sale of deep-sea swordfish was followed by a drastic reduction in swordfish consumption in the United States; and an estimated 90 percent of the inventory of processed swordfish has been prohibited from the market; and

Whereas, the cause or causes of mercury poisoning in deep-sea swordfish is presently undetermined;

Now, therefore, as Administrator of the Small Business Administration, I hereby declare that the foregoing circumstances constitute a disaster within the meaning of section 7(b)(4) (Public Law 88-264) of the Small Business Act, as amended. Applications will be received from individuals and small business concerns which have suffered economic injury as a result thereof. Financial assistance, if found to be necessary or appropriate, will be extended to small business concerns determined by the Small Business Administration to have suffered economic injury as a result of this disaster. No applications under this Declaration shall be accepted subsequent to October 31, 1971.

Dated: April 22, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6128 Filed 4-30-71;8:47 am]

WESTLAND CAPITAL CORP.

Notice of Approval for Transfer of Control of Small Business Investment Company

On April 3, 1971, a notice of request for approval for transfer of control was published in the FEDERAL REGISTER (36 F.R. 6467) stating that an application had been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for the transfer of control of Westland Capital Corp., 11661 San Vicente Boulevard, Los Angeles, CA 90049, a Federal licensee under the Small Business Investment Act of 1958, as amended (Act), License No. 12/14-0039. The City National Bank, Los Angeles, Calif., present owner of 63,432 shares, will sell 58,022 shares to Mr. Jay Phillips, a director of the company, and 5,410 shares to Mr. Frederick J. Warren, president of the company. Mr. Phillips and associates will own approximately 91,001 shares representing a 45.5 percent equity interest.

Interested persons were given 10 days to submit written comments to SBA. No unfavorable comments were received.

SBA, having considered the application and all other pertinent information with regard thereto, hereby approves the application for transfer of control.

Dated: April 19, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-6129 Filed 4-30-71;8:47 am]

TARIFF COMMISSION

[337-28]

LIGHTWEIGHT LUGGAGE

Notice of Investigation and Temporary Exclusion Order Action

A complaint under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) was filed with the U.S. Tariff Commission on November 7, 1970, by Atlantic Products Corp. of Trenton, N.J., alleging unfair methods of competition and unfair acts in the importation and sale of lightweight luggage which are embraced within the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443 both of which are owned by the complainant.

Having conducted in accordance with § 203.3 of the Commission's rules of practice and procedure (19 CFR 203.3) a preliminary inquiry with respect to the matters alleged in the said complaint, the U.S. Tariff Commission, on March 15, 1971, ordered that, for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of the said lightweight luggage.

Commissioners Sutton, Clubb, and Young recommended a temporary exclusion order in accordance with section 337(f), with respect to lightweight luggage embraced within the claims of U.S. Patent Nos. 3,298,480 and Re. 26,443. Commissioners Leonard and Moore dissented from the recommendation of a temporary exclusion order. The recommendaitons are being forwarded to the President for his consideration, and his determination as to the issuance of a temporary exclusion order in accordance with section 337(f).

Public notice of the receipt of the complaint was published in the FEDERAL REGISTER for November 24, 1970 (35 F.R. 18222), and the complaint was served on the parties named in the complaint and has been available for inspection by interested persons continuously since issuance of the notice, at the Office of the Secretary located in the Tariff Commission Building, and also in the New York City office of the Commission located in Room 437 of the Customhouse.

Issued: April 28, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6147 Filed 4-30-71;8:49 am]

[TEA-W-90]

M. P. MOLLER, INC.

Worker's Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of M. P. Moller, Inc., Hagerstown, Md., the U.S. Tariff Commission, on April 27, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with the pipe organs produced by said company are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: April 28, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6146 Filed 4-30-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 28, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42181—*Chlorine from Evans City, Ala.* Filed by O. W. South, Jr., agent (No. A6247), for and on behalf of the Southern Railway Co. Rates on chlorine, in tank carloads, as described in the application, from Evans City, Ala., to Charleston, S.C.

Grounds for relief—Market competition.

Tariff—Supplement 34 to Southern Freight Association, agent, tariff ICC S-938.

FSA No. 42182—*Chlorine to Charlotte, N.C.* Filed by O. W. South, Jr., agent (No. A6249), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Baton Rouge, Geismar, St. Gabriel, and Gramercy, La., to Charlotte, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 184 to Southern Freight Association, agent, tariff ICC S-699.

AGGREGATE-OF-INTERMEDIATES

FSA No. 42183—*Iron and steel articles to points in official territory.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3000), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from and to points in official (including Illinois) territory.

Grounds for relief—Maintenance of depressed rates published to meet intrastate competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 81 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-677.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6153 Filed 4-30-71;8:49 am]

[Notice 685]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 28, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72645. By order of April 21, 1971, the Motor Carrier Board approved the transfer to Dyoll Delivery Service, Inc., Rockaway, N.J., of the operating rights in certificates Nos. MC–124534 and MC–124534 (Sub-No. 2) issued July 16, 1963 and June 19, 1967, respectively, to Lloyd R. Culleny, doing business as Dyoll Delivery Service, Rockaway, N.J., authorizing the transportation of general commodities, with usual exceptions, between the New York International (Idlewild) Airport and La Guardia Airport, New York, N.Y., and the Newark Municipal Airport, Newark, N.J., on the one hand, and on the other, points in Morris, Passaic, and Sussex Counties, N.J.; and electronic instruments and parts, uncrated, between Rockaway, N.J., on the one hand, and, on the other, West Conshohocken and Avondale, Pa. George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306, registered practitioner for applicants.

No. MC–FC–72715. By order of April 22, 1971, the Motor Carrier Board approved the transfer to Raible's Commercial Warehouse, Inc., Altoona, Pa., of certificate No. MC–97418 (Sub-No. 3), issued to Ralph A. Raible, doing business as Raible's Commercial Warehouse, Altoona, Pa., authorizing the transportation of: General commodities, between specified points and areas in Pennsylvania. Arthur J. Diskin, 806 Frick Building, Pittsburgh, Pa. 15219.

No. MC–FC–72756. By order of April 26, 1971, the Motor Carrier Board approved the transfer to Anchor Moving Co., Inc., Philadelphia, Pa., of the operating rights in certificate No. MC–123253 issued March 3, 1961, to Domenic Cristinzio, Inc., authorizing the transportation of household goods, as defined by the Commission, between Philadelphia, Pa., and points within 25 miles thereof, on the one hand, and, on the other, points in the New York, N.Y., commercial zone, as defined by the Commission, and points in New Jersey, Delaware, Maryland, and the District of Columbia. Herbert Fineman, 1315 Walnut Street, Philadelphia, PA 19107, attorney for transferee. Michael J. Rutenberg, 1320 Two Penn Center, Philadelphia, PA 19107, attorney for transferor.

No. MC–FC–72801. By order of April 26, 1971, the Motor Carrier Board approved the transfer to Brickhaulers, Inc., Wallingford, Conn., of the operating rights in certificate No. MC–83726 (Sub-No. 1) issued April 20, 1971, to Petroleum Products, Inc., New Haven, Conn., authorizing the transportation of brick from Berlin, Windsor Locks, Hartford, and East Windsor Hill, Conn., to Pawtucket, R.I., points in Providence, Kent, and Washington Counties, R.I., points in that part of New York on and south of U.S. Highway 44 and on and east of the Hudson River, points in Taunton, Milford, and New Bedford, Mass., and that part of Massachusetts on and west of Massachusetts on and west of Massachusetts Highway 12; and from East Windsor Hill, Conn., to points in Maine, New Hampshire, Vermont, New York within 25 miles of Albany, Rhode Island (except Pawtucket, and points in Providence, Kent, and Washington Counties), and points in specified area in Massachusetts. Thomas W. Murrett, 342 North Main Street, West Hartford, CT 06117, attorney for applicants.

No. MC–FC–72817. By order of April 26, 1971, the Motor Carrier Board approved the transfer to J. Marlin Ernst, Orwigsburg, Pa., of the operating rights in certificate No. MC–112809 issued October 23, 1967, to Mark K. Sheppo, doing business as M. Sheppo, St. Clair, Pa., authorizing the transportation of coal, from points in Schuylkill County, Pa., to points in a specified area in New Jersey; malt beverages, in bottles, cans, and barrels, from the site of Columbia Brewing Co., Shenandoah, Pa., to points in New Jersey and New York (except points in Nassau, Suffolk, Queens, and Kings Counties, N.Y.); and bottles, cans, barrels, cardboard cartons, and malt and cereal or grain flakes used in the manufacture of beer, from points in New Jersey and New York (except points in Nassau, Suffolk, Queens, and Kings Counties, N.Y.), to the site of Columbia Brewing Co., Shenandoah, Pa. Stanley J. Burke, Centre and Main Streets, Shenandoah, PA 17976, attorney for applicants.

No. MC–FC–72821. By order of April 22, 1971, the Motor Carrier Board approved the transfer to Eileen Lombardi, doing business as Buck-Lee Movers, Brooklyn, N.Y., of the operating rights in certificate No. MC–11037 issued July 20, 1953, to Sam Rosenberg, doing business as Abe Rosenberg, Brooklyn, N.Y., authorizing the transportation of household goods between New York, N.Y., on the one hand, and, on the other, points in New York, Connecticut, New Jersey, Pennsylvania, Massachusetts, and the District of Columbia. Morris Honig, 150 Broadway, New York, NY 10038, attorney for transferor. Marvin R. Javits, 30 Broad Street, New York, NY 10004, attorney for transferee.

No. MC–FC–72822. By order of April 22, 1971, the Motor Carrier Board approved the transfer to Dearman Moving & Storage Co., a corporation, Mansfield, Ohio, of the operating rights in certificate No. MC–30487 issued May 4, 1943, to Lakewood Storage, Inc., Cleveland, Ohio, authorizing the transportation of household goods between points in Illinois, Indiana, Michigan, Ohio, Pennsylvania, and New York, on the one hand, and, on the other, points in Connecticut, Colorado, Delaware, Florida, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, New Jersey, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia. G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102, attorney for applicants.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.71-6154 Filed 4-30-71;8:49 am]

[Notice 288]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

April 28, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 38591 (Sub-No. 3 TA), filed April 21, 1971. Applicant: NATIONWIDE MOVING & STORAGE CO., INC., 11–21 Donald Street, Post Office Box 957, 06101, Hartford, CI 06120. Applicant's representative: Hugh M. Joseloff, 410 Asylum Street, Hartford, CI 06103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Those commodities dealt in by retail department stores*, restricted to service for W. T. Grant Co., from Hartford, Conn., to points in Connecticut, and those in Hampden and Berkshire Counties, Mass., for 150 days. Supporting shipper: W. T. Grant Co., 1441 Broadway, New York, NY 10018. Send protests to: District Supervisor David J. Kiernan, Bureau of Operations, Interstate Commerce Commission, 324 U.S. Post Office Building, 135 High Street, Hartford, CI 06101.

No. MC 47010 (Sub-No. 4 TA) (Correction), filed April 6, 1971, published Federal Register issue April 23, 1971, and republished in part as corrected this issue. Applicant: BERRY TRANSPORT, INC., 5315 Northwest St. Helens Road, Portland, OR 97210. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Note: The purpose of this partial republication is to add Toppenish, Wash., to the points proposed to be served which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 100449 (Sub-No. 25 TA) (Correction), filed April 12, 1971, published Federal Register issue April 23, 1971, and republished in part as corrected this issue. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Note: The purpose of this partial republication is to include Minnesota as a destination State which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 102343 (Sub-No. 12 TA), filed April 26, 1971. Applicant: JOHN KAUSER TRUCKING SERVICE, INC., 850 West Harrison Street, Post Office Box 61, Paulding, OH 45879. Applicant's representative: Harvey A. Rosenzweig, Columbus Center, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, from Jackson Township, Paulding County, Ohio, to points in Indiana and Michigan, for 180 days. Supporting shipper: Allied Chemical Corp., Agricultural Division, Post Office Box 2041R, Morristown, NJ 07960. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 107286 (Sub-No. 28 TA), filed April 26, 1971. Applicant: M. PASCALE TRUCKING, INC., 8–10 Rice Street, Post Office Box 71, South Attleboro, MA 02774. Applicant's representative: Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick*, in vehicles equipped with mechanical loading and unloading devices, from Martinsburg, W. Va., to Newton, Mass., for 150 days. Supporting shipper: Spaulding Brick Co., Inc., 120 Middlesex Avenue, Somerville, MA, Post Office 132, Winter Hill Station, Boston, MA 02145. Send protests to: Gerald H. Curry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 187 Westminster Street, Providence, RI 02903.

No. MC 111045 (Sub-No. 79 TA), filed April 26, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Palm River Road., Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic resin*, in bulk, from River Falls, Ala., to points in Mississippi, for 180 days. Supporting shipper: Chembond Corp., Post Office Box 1377, Andalusia, AL 36420. Send protests to: District Supervisor Joseph B. Teichert, Interstate Commerce Commission, Bureau of Operations, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 111401 (Sub-No. 331 TA) (Correction) filed April 14, 1971, published Federal Register issue April 23, 1971, and republished in part as corrected this issue. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Post Office Box 632, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Note: The purpose of this partial republication is to add Missouri as a destination State, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 113666 (Sub-No. 54 TA), filed April 22, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Daniel R. Smetanick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products*, from the ports of entry on the international boundary between the United States and Canada in the States of Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, and Minnesota. Restricted: (a) To traffic originating in the Province of Quebec, Canada; (b) transportation to be conducted only in conjunction with applicant's complementary authority of the Ontario Highway Transport Board (License No. X–1064) and the Quebec Transportation Board (Permit No. 20978–V); (c) against the transportation of commodities in bulk, and (d) against traffic entering the ports of entry at Detroit and Port Huron, Mich., and Buffalo and Niagara Falls, N.Y., that is destined to points in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, West Virginia and Pennsylvania as presently authorized under MC 113666 Sub 40 held by applicant, for 180 days. Supporting shipper: Canadian Refractories Ltd., Eastern Division, Canada Cement Building, Phillips Square, Post Office Box 1750, Station B, Montreal 111, Quebec. Send protests to: John J. England, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 115331 (Sub-No. 309 TA), filed April 26, 1971. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrated lime*, in bulk, from U.S. Gypsum Co., Roberta, Ala., to points in Lowndes County, Miss., and Leon County, Fla., for 180 days. Supporting shipper: United States Gypsum Co., 3098 Piedmont Road NE., Atlanta, GA 30305. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 115669 (Sub-No. 123 TA) (correction), filed April 14, 1971, published Federal Register issue April 23, 1971, and republished in part as corrected this issue. Applicant: HOWARD N. DAHLSTEN, doing business as DAHLSTEN TRUCK LINE, Post Office Box 95, Clay Center, NE 68933. Note: The purpose of this partial republication is to add Arkansas as a destination State, which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 119777 (Sub-No. 209 TA), filed April 22, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: Louis J. Amato, Central Building, 1033 State Street, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Poultry, egg and livestock supplies, and equipment*, (1) from Milford, Ind., to points in the United States (except Alaska and Hawaii) and (2) from Athens, Ga., to Milford, Ind., for 180 days. Supporting shipper: Michael D. Geyer, Traffic Manager, Chore-Time Equipment, Inc., Milford, Ind. 46542. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 124078 (Sub-No. 485 TA), filed April 26, 1971. Applicant: SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53215. Applicant's representative: Richard H. Prevette (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid wire drawing compound*, in bulk, from Carrollton, Ga., to Hot Springs, Ark., for 180 days. Supporting shipper: E. F. Houghton & Co., 421 Garrett Street, Carrollton, GA 30117 (David T. Barrow, Plant Manager). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 124377 (Sub-No. 19 TA), filed April 21, 1971. Applicant: REFRIGERATED FOODS, INC., Post Office Box 1018, Denver, CO 80201. Also 3200 Blake St. 80205. Applicant's representatives: Stockton and Lewis, The 1650 Grant

Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic and mosaic tile, resilient flooring and supplies and equipment used in connection therewith when moving as a part of the shipment of described tile or flooring*, from San Diego, Los Angeles, and San Francisco, Calif., to that part of the United States west of and including Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, for 180 days. Supporting shipper: Color Tile Supermarts, 260 South Federal Boulevard, Denver, CO 80219. Send protests to: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, CO 80202.

No. MC 127042 (Sub-No. 81 TA), filed April 22, 1971. Applicant: HAGEN, INC., 4120 Floyd Blvd. (Post Office Box 98, Leeds Station), Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese, cheese products, supplies, and materials*, from Newman Grove, Nebr., to Fond Du Lac, Wis., for 150 days. Supporting shipper: Tolibia Cheese, Inc., 45 East Scott Street, Fond Du Lac, WI 54935. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

No. MC 128988 (Sub-No. 13 TA) (Correction), filed April 12, 1971, published FEDERAL REGISTER issue April 21, 1971, and republished in part as corrected this issue. Applicant: JO/KEL, INC., Post Office Box 22265, Los Angeles, CA 90022. Applicant's representative: Louis C. Currier (same address as above). NOTE: The purpose of this partial republication is to show that applicant proposes to serve points in the United States located in and east of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. The State of South Dakota was omitted from previous notice. The rest of the notice of filing remains as previously published.

No. MC 134264 (Sub-No. 8 TA), filed April 26, 1971. Applicant: OCKENFEL'S TRANSFER, INC., Post Office Box 3, 732 Rundell Street, Iowa City, IA 52240. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, 611 Church, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dentifrice tubes*, from Cincinnati, Ohio, and Iowa City, Iowa, to Jeffersonville, Ind., and Kansas City, Kans., for 180 days. Supporting shipper: Victor Metals Products Corp., Iowa City, Iowa 52240. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, 131 East Fourth Street, Davenport, IA 52801.

No. MC 135394 (Sub-No. 1 TA), filed April 26, 1971. Applicant: RETAIL DELIVERY SERVICE, INC., 382 McLean Boulevard, Paterson, NJ 07513. Applicant's representative: Anthony C. Vance, 1111 E. Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of ususual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, those requiring special equipment, between Edison, N.J., on the one hand, and, on the other, points in Hudson, Bergen, Essex, Union, Middlesex, Somerset, Hunterdon, Warren, Sussex, Monmouth, Morris, Passaic, Atlantic, Cape May, and Ocean Counties, N.J., on traffic having a prior out-of-State movement. Restrictions: (1) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined and (2) no service shall be provided in the transportation of packages or articles weighing in the aggregate more than 250 pounds from one consignor at one location to one consignee at one location on any one day, for 150 days. Supporting shippers: Avon Products, Inc., Newark, Del. 19711, and Philan, Inc., Division of Borden, Inc., 117 North Long Beach Road, Rockville Centre, Long Island, NY. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135453 (Sub-No. 1 TA) (Correction), filed April 14, 1971, published FEDERAL REGISTER issue April 23, 1971, and republished in part as corrected this issue. Applicant: BARLAGE, INC., Eldred, Ill. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. NOTE: The purpose of this partial republication is to reflect the correct docket number as MC 135453 (Sub-No. 1 TA) in lieu of Sub-No. 7 TA shown erroneously in previous publication. The rest of the application remains the same.

No. MC 135488 TA, filed April 26, 1971. Applicant: RICHARD CARLTON, doing business as DICK CARLTON TRUCKING, 257 West Royal Parkway, Williamsville, NY 14221. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Fredonia, N.Y., to points in Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Texas, and Wilmington, Del., and from North Abington, Mass., plantsite to points in Connecticut, Maine, Maryland, New Hampshire, New Jersey, Rhode Island, and New York, N.Y., Philadelphia, Pa., and Wilmington, Del. (under a continuing contract with Mitchell Foods, Inc.), for 180 days. Supporting shipper: Mitchell Foods, Inc., Fredonia, N.Y. 14063. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 135495 (Sub-No. 1 TA), filed April 22, 1971. Applicant: HIGHLAND MOVING AND STORAGE CO., INC., 311 Alexander Street, Fayetteville, NC 28301. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Interstate Commerce Commission, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, NY 11378. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135513 TA, filed April 21, 1971. Applicant: ECHO TRUCKING COMPANY (a Corp.), Post Office Drawer AY, Benson, AZ 85602. Applicant's representative: Earl Carroll, 363 North First Avenue, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular and irregular routes, transporting: Over (A) Regular routes: *Such merchandise* as is dealt in by wholesale, retail, and general stores, including *equipment, materials, and supplies*, used or useful in mining operations, between Morenci, and Clifton, Ariz., from Morenci over unnumbered highway to Clifton, Ariz., and return over the same route. Service is not authorized to or from intermediate points; and over (B) Irregular routes: as follows; (1) *Commodities as specified* in (A) between Morenci, Clifton, Bisbee, Douglas, Ajo, Globe, Jerome, and Clarkdale, Ariz., over Lordsburg, N. Mex., whenever practical, traversing in New Mexico to and from Lordsburg only over U.S. Highway 70 and 80, (2) *Clay*, from Clay Pit, N. Mex., to Morenci, Ariz., with no transportation for compensation on return trip, except as otherwise authorized, *equipment, materials, and supplies* used or useful in mining operations, between Tyrone, N. Mex., and points and places within 10 miles of Tyrone, on the one hand, and, on the other, Ajo, Bisbee, Clarkdale, Clifton, Douglas, Jerome, and Morenci, Ariz., and points and places within 10 miles of each, (3) *such merchandise* as is dealt in by wholesale, retail, and general merchandise stores, *mining equipment, materials, and supplies, and diesel oil*, in bulk, in tank vehicles, from San Carlos, Ariz., to Black River Pump Station, Ariz., with no transportation for compensation on return trip except as otherwise authorized, (4) *fire clay*, from Clay Pit, N. Mex., to Douglas, Ariz., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with Phelps Dodge Corp. of New York, and, (5) *metal grinding balls and metal castings*, from Peterson (Kyrene), Ariz., to the Tyrone Branch facilities of Phelps Dodge Corp. at Tyrone, N. Mex., with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shippers: Phelps Dodge Corp., 1012 G Avenue, Douglas, AZ: Nina Parque Villalanti, A98 The Hill, Morenci, Ariz. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427 Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 135517 TA, filed April 22, 1971. Applicant: ALL SERVICE HEAVY TRANSPORT CO., INC., 25 102d NE., Bellevue, WA 98004. Applicant's representative: Glenn W. Toomey, 520 Arctic Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Wire, iron or steel; wire mesh; iron or steel, reinforcement concrete or plaster: wire ties, iron or steel, fencing such as netting, poultry, iron or steel, welded or woven wire, iron or steel, wood and wire combined; wire rods, iron or steel; carriers, tubular or reels, iron or steel*, between points in Washington, Oregon, Idaho, and Montana, for 180 days. Supporting shipper: Davis Wire Corp., 6315 Bandini Boulevard, Los Angeles, CA 90022. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135520 TA, filed April 22, 1971. Applicant: DAWSON-JOYCE MOVING & STORAGE COMPANY, West Mountain Drive, Fayetteville, NC 28306. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments, for 180 days. Supporting shipper: American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission. Post Office Box 26896, Raleigh, NC 27611.

No. MC 135521 TA, filed April 22, 1971. Applicant: ERNEST S. HALL, HAROLD E. HALL, AND CLEO L. HALL, a partnership doing business as HALL TRUCK LINES, Lone Tree, IA 52755. Applicant's representative: Thomas E. Leahy, Jr., 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite of Tama Corp. near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, IA 52801.

No. MC 135522 TA, filed April 22, 1971. Applicant: ROADHOUND TRUCK COMPANY, 811 West Hale, Osceola, AR 72370. Applicant's representative: Michael G. Thompson, Boyle Building, Little Rock, AR 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper products and related articles sold and distributed by Graham Paper* Co., from, to, and between points in Missouri, Illinois, Iowa, Colorado, New Mexico, Arizona, Minnesota, Wisconsin, Michigan, Indiana, Ohio, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Kansas, and Nebraska, for 180 days. Supporting shipper: Graham Paper Co., Box 448, St. Louis, MO 63166. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6155 Filed 4–30–71;8:49 am]

[Notice 287]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 27, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 35286 (Sub-No. 1 TA), filed April 21, 1971. Applicant: TRUCK LINE DISTRIBUTION SYSTEMS, INC., 1905 South Belmont, Indianapolis, IN 46221. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in practices of Motor Common Carrier of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Shelbyville, Ind., and points within 3 miles thereof, and Indianapolis, Ind., over Indiana Highway 9 from Shelbyville, Ind., to its junction with U.S. Highway 74, thence over U.S. Highway 74 to Indianapolis, Ind., and return over the same route, for 180 days. NOTE: Applicant states it intends to tack the authority sought above and to interline with other carriers at Indianapolis, Ind. Supporting shippers: There are approximately 11 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 44783 (Sub-No. 5 TA), filed April 21, 1971. Applicant: THE MAHONING EXPRESS COMPANY, Post Office Box 563, Union Street, Mineral Ridge, OH 44440. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Culverts, guard rails, and retaining walls*, from Girard, Ohio, and Neville Island, Pa., to points in Virginia, for 180 days. Supporting shipper: Syro Steel Co., 1170 North State, Girard, OH. Send protests to: G. J. Baccei, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 114890 (Sub-No. 52 TA), filed April 21, 1971. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: Frank W. Shagets (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid copper sulfate*, in bulk, in tank vehicles, from Cardin, Okla., to points in Iron, Reynolds, Washington, and Crawford Counties, Mo., for 150 days. Supporting shipper: Kenneth Childress, Box 350, Webb City, MO 64870. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 115331 (Sub-No. 308 TA), filed April 21, 1971. Applicant: TRUCK TRANSPORT, INC., 1931 North Geyer Road, St. Louis, MO 63131. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trisodium phosphate, chlorinated*, in bulk, from the plantsite of Olin Corporation at Joliet, Ill., to the plantsite of Proctor and Gamble Manufacturing Co., at St. Louis, Mo., for 180 days. Supporting shipper: Olin Chemicals, 120 Long Ridge Road, Stamford, CT 06904. Send protests to: District Supervisor J. P. Werthmann, Interstate Commerce Commission, Bureau of Operations, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 115975 (Sub-No. 13 TA), filed April 21, 1971. Applicant: C. B. W. TRANSPORT SERVICE, INC., Post Office Box 48, Wood River, IL 62095. Applicant's representative: Burnell Watson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Wood River, Ill., to points in Missouri, Indiana, Kentucky, and Ohio, for 150 days. Supporting shipper: American Oil Co., General Office, Post Office Box 5690, Chicago, IL 60680. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 119619 (Sub-No. 51 TA), filed April 21, 1971. Applicant: DISTRIBUTIONS SERVICE CO., 2000 West 43d Street, Chicago, ILL 60609. Applicant's representative: Arthur J. Piken, Suite 1515, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from the plantsites and storage facilities utilized by Ocean Spray Cranberries Inc., at or near Kenosha, Wis., to points in Minnesota, Nebraska, Iowa, Kansas, Missouri, Illinois, Indiana, Michigan, Ohio, and Louisville, Ky., for 180 days. Supporting shipper: Ocean Spray Cranberries Inc., Hansen, Mass. 02341. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Room 1086, Chicago, IL 60604.

No. MC 125951 (Sub-No. 17 TA), filed April 21, 1971. Applicant: SILVEY & CO., South Omaha Bridge Road, Council Bluffs, IA 50501. Applicant's representative: Donald Stern, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dehydrated food products*, from Norfolk, David City, Ravenne, and Omaha, Nebr., Malvern, Iowa; and Springfield, Mo., to points in New York, Pennsylvania, Delaware, Maryland, and New Jersey, for 180 days. Supporting shipper: Henningsen Foods, Inc., 7000 West Center Road, Omaha, NE 68106 (Marvin Parilman). Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 127042 (Sub-No. 76 TA) (Correction), filed March 18, 1971, published in the FEDERAL REGISTER issue of March 27, 1971, corrected in part, and republished as corrected, this issue. Applicant: HAGEN, INC., Post Office Box 6, Leeds Station, 4120 Floyd Boulevard, Sioux City, IA 51108. NOTE: The purpose of this partial republication is to reflect that applicant intends to tack or interline the proposed authority with its presently held authorities under MC 127042 and subs. The rest of the application remains the same.

No. MC 128030 (Sub-No. 26 TA), filed April 21, 1971. Applicant: THE STOUT TRUCKING CO., INC., Rural Route No. 1, Post Office Box 177, Urbana, IL 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Louisville and Newport, Ky., South Bend, Ind., and Evansville, Ind., to Paris, Ill., and *empty malt containers* on return, for 180 days. Supporting shippers: Donald L. Hiatt, Hiatt Distributing Co., Paris, Ill.; James Lee Davis doing business as K. R. Davis Distributing Co., 609 Munsell Street, Paris, IL. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128030 (Sub-No. 27 TA), filed April 21, 1971. Applicant: THE STOUT TRUCKING CO., INC., Post Office Box 177, Rural Route No. 1, Urbana, IL 61801. Applicant's representative: R. C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Newport, Ky., South Bend, Ind., and Detroit, Mich., to Danville, Ill., and *empty malt containers on return*, for 180 days. Supporting shipper: Marion L. Haton, Haton Distributing Co., 728 Cleveland Street, Danville, IL. Send protests to: District Supervisor, Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128030 (Sub-No. 28 TA), filed April 21, 1971. Applicant: THE STOUT TRUCKING CO., INC., Rural Route No. 1, Post Office Box 177, Urbana, IL 61801. Applicant's representative: Robert C. Stout (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from Evansville, Ind., to Danville, Paris, Lawrenceville, and Mount Vernon, Ill., and *empty malt beverage containers* on return, for 150 days. Supporting shipper: Sterling Brewers Inc., 1301 Pennsylvania Street, Evansville, IN 47707. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 135420 (Sub-No. 1 TA), filed April 21, 1971. Applicant: L & H REFRIGERATED EXPRESS, INC., Post Office Box 61, East Omaha Avenue, Norfolk, NE 68701. Applicant's representative: Eugene Anderson, 1224 17th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh or frozen meats and/or packinghouse products*, from Lexington, Nebr., to Hartford, Conn., West Palm Beach, Fla., Miami, Fla., Boston, Mass., New York City, N.Y., and Philadelphia, Pa., for 180 days. Supporting shipper: Cornland Dressed Beef Co., Lexington, Nebr. 68850. Send protests to: Carroll Rusell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Post Office Building, Sioux City, IA 51101.

No. MC 135512 TA, filed April 21, 1971. Applicant: BUCK TRUCKING CORP., 9314 Southwest 35th Avenue, Portland, OR 97219. Applicant's representative: Seymour L. Coblens, Room 510 Corbett Building, 430 Southwest Morrison, Portland, OR 97204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand, gravel, and crushed rock*, between points in Multnomah County, Oreg., and points in Clark County, Wash., for the account of Williamette Hi-Grade Concrete Co., for 180 days. Supporting shipper: Williamette Hi-Grade Concrete Co., Foot of North Portsmouth Avenue, Portland, OR 97203. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6156 Filed 4-30-71;8:49 am]

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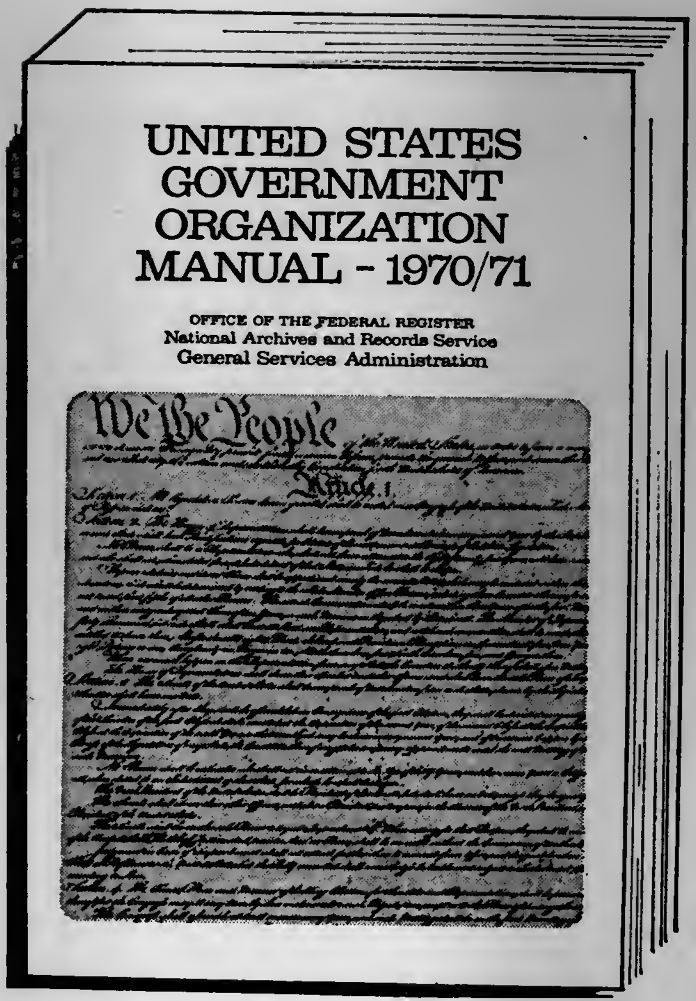
UNITED STATES
GOVERNMENT
ORGANIZATION
MANUAL - 1970/71
OFFICE OF THE FEDERAL REGISTER
National Archives and Records Service
General Services Administration
We the People
Article. I.

UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71 presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

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[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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Title 3—The President

PROCLAMATION 4049

Clean Waters for America Week, 1971

By the President of the United States of America

A Proclamation

The United States has a proud record of facing up to great challenges by taking the decisive action required to meet them. Perhaps the greatest challenge to America in the 1970s will be ending the wasteful and destructive practices which have so seriously degraded our environment.

For too many years, we Americans have taken our natural resources for granted, confident that the abundant land of our forefathers would always provide enough fresh air, good water, and open space for every need.

The truth is that no new sources of fresh water have been uncovered in America for many years. At the same time, population growth and technological advances have tremendously increased both the overall and the per capita consumption of water, while inadequate treatment of wastes has contaminated more and more of our water resources.

We must act quickly and effectively to protect our waters from further deterioration and to treat wastes so the water may be used again. Only in this way will future generations of Americans be assured of an adequate supply of clean water.

To call attention to the need for a continuous program for the control and elimination of water pollution, the Congress, by a joint resolution approved December 28, 1970, requested the President to issue a proclamation designating the first full calendar week in May of 1971 as Clean Waters for America Week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 2, 1971, as Clean Waters for America Week.

I urge all Americans, and interested groups and organizations, to observe this week with appropriate ceremonies, activities, and educational programs, and to support community, State, and Federal efforts to clean up our national waterways and to adopt new habits and practices which will contribute to the enhancement of water quality in this country.

I also invite the Governors of the States and the Commonwealth of Puerto Rico and the Commissioner of the District of Columbia to provide for the observance of this week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-6337 Filed 5-3-71;11:26 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 10]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

ESTABLISHMENT OF 1971 POUNDAGE QUOTAS FOR BURLEY TOBACCO

Correction

In F.R. Doc. 71–5703 appearing at page 7594 in the issue of Thursday, April 22, 1971, the word "not" in the 16th line of § 724.74(e) (1) should be deleted.

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Navel Orange Reg. 235, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 97, as amended (7 CFR Part 907, 35 F.R. 16359), regulating the handling of navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* These provisions in paragraph (b) (1) (i), and (ii) of § 907.535 (Navel Orange Reg. 235, 36 F.R. 7596) during the period April 23, 1971, through April 29, 1971, are hereby fixed as follows:

§ 907.535 Navel Orange Regulation 235.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 847,000 cartons;

(ii) District 2: 253,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 29, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division Consumer and Marketing Service.

[FR Doc.71-6228 Filed 5-3-71;8:51 am]

[Lemon Reg. 477, Amdt. 1]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

(b) *Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 910.777 (Lemon Reg. 477, 36 F.R. 7735) during the period April 25, through May 1, 1971, are hereby amended to read as follows:

§ 910.77 Lemon Regulation 477.

* * * * *

(b) * * *

(1) * * *

(ii) District 2: 274,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended: 7 U.S.C. 601–674)

Dated: April 29, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6227 Filed 5-3-71;8:51 am]

Chapter XIV—Commodity Credit Corp., Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Dry Edible Bean Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) and the 1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program Regulations (35 F.R. 8537) which contain regulations of a general nature with respect to price support operations, are further supplemented for 1971 crop dry edible beans. The material previously appearing in this section under the heading "1970 Crop Dry Edible Bean Loan and Purchase Program" remains in full force and effect as to the crop to which it was applicable.

Sec.
1421.140 Purpose.
1421.141 Availability.
1421.142 Maturity of loans.
1421.143 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.140 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and any amendments thereto or revisions thereof, and the 1970 and Subsequent Crop Dry Edible Bean Loan and Purchase Program Regulations, and any amendments thereto, apply to loans and purchases for 1971 crop dry edible beans.

§ 1421.141 Availability.

(a) *Loans*. A producer desiring a price support loan must request a loan on his eligible beans on or before March 31, 1972.

(b) *Purchases*. To obtain price support through sales, a producer must execute and deliver to the appropriate ASCS county office on or before April 30, 1972, a purchase agreement (Form CCC-614), indicating the approximate quantity of 1971 crop dry edible beans he will sell to CCC.

§ 1421.142 Maturity of loans.

Unless demand is made earlier, loans on dry edible beans will mature on April 30, 1972.

§ 1421.143 Support rates.

The support rate for beans placed under a loan other than a loan on beans stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted as provided in paragraph (d) of this section. The support rate for loans on beans stored commingled in approved warehouse storage and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section for the county in which the beans were produced, adjusted in accordance with paragraphs (b), (c), and (d) of this section, and adjusted also, in the case of settlements, by such discounts as CCC may establish for class, grade, and quality factors not specified in this section which affect the value of the beans, such as (but not limited to) splits, damage, contrasting classes, and foreign material. The discounts established for the purposes of settlement will be based upon the market discounts for such factors at the time the beans are delivered to CCC, as determined by CCC. Producers may obtain schedules of such factors and discounts at ASCS county offices approximately 1 month prior to the loan maturity date. Except in the case of large lima beans, if the beans have been moved by truck to approved warehouse storage in a higher support rate county, or if the warehouse guarantees delivery by truck to approved storage or on track in a higher support rate county, the support rate shall be determined on the basis of the basic support rate specified in paragraph (a) of this section for the county in which the beans are stored or to which delivery is guaranteed, rather than the county in which the beans were produced. Settlement shall be made in accordance with the provisions of § 1421.23.

(a) *Basic county support rates*. The basic county support rates per 100 pounds net weight for beans of all classes grading Prime Handpicked or U.S. No. 1 are as follows:

Class and area	*Rate per 100 pounds prime handpicked or U.S. No. 1 in jute or polypropylene bags*
Pinto:	
Area I—In New Mexico all counties except San Juan, Rio Arriba, Taos, McKinley, and Valencia	$6.57
Area II—Idaho, Kansas, Nebraska, Oklahoma, and Texas. In Colorado, the counties of Larimer, Boulder, Gilpin, Clear Creek, Jefferson, Teller, Fremont, Pueblo, Huerfano, and Las Animas and all counties east thereof in Colorado. In Wyoming, the counties of Goshen, Laramie, and Platte	6.47
Area III—In New Mexico the counties of San Juan, Rio Arriba, Taos, McKinley, and Valencia	6.37
Area IV—Arizona, California, Montana, South Dakota, and Utah. In Wyoming, all counties not in Area II. Colorado, all counties not in Area II	6.27
Area V—Washington	5.67
Area VI—Other States	6.07
Great northern:	
Area I—Nebraska, Minnesota, and North Dakota. In Colorado, all counties east of 106° longitude. In Wyoming, the counties of Goshen, Laramie, and Platte	7.21
Area II—South Dakota, Montana, and Idaho. In Wyoming, all counties not in Area I and in Oregon, Malheur County	7.01
Area III—Other States and counties	6.71
Pea (Navy) and Medium White:	
Area I—Michigan, New York, Maine, Minnesota, and Wisconsin	6.65
Area II—Other States	6.15
Small White and Flat Small White	7.52
Dark Red Kidney	8.51
Light and Western Red Kidney	8.70
Pink	7.32
Small Red:	
Area I—Idaho and Colorado	7.47
Area II—Washington	7.37
Area III—Other States	7.42
Large lima	10.39
Baby lima	5.99

(b) *Premium*.

	Cents per 100 pounds
Grade U.S. CHP (Pea beans)	25
Grade U.S. CHP (all other beans)	10
Grade U.S. Extra No. 1	10

(c) *Discount*.

	Cents per 100 pounds
Grade U.S. No. 2	25
Paper package	09

(d) *Deduction for processing charges*. In the case of beans which have not been processed (i.e., commercially cleaned), the rate shall be reduced by the following amounts (except for beans stored commingled in an approved warehouse):

	Dollar per 100 pounds from U.S. No. 1 rate
All States except Michigan and New York	$1.00
Michigan, Pea beans only	1.00
Michigan, other classes	1.50
New York	2.00

Effective date. Upon publication in the FEDERAL REGISTER (5-4-71).

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6177 Filed 5-3-71;8:46 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 8812]

PART 13—PROHIBITED TRADE PRACTICES

London Credit and Discount Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.15 *Business status, advantages, or connections:* 13.15-70 Financing activities; 13.15-225 Personnel or staff: § 13.60 *Earnings and profits;* § 13.1575 *Prices:* 13.155-5 Additional charges unmentioned; 13.155-95 Terms and conditions. Subpart—Enforcing dealings or payments wrongfully: § 13.1045 *Enforcing dealings or payments* wrongfully. Subpart—Misrepresenting oneself and goods—Business status, advantages or connections: § 13.1417 *Financing activities;* § 13.1520 *Personnel or staff;* Misrepresenting oneself and goods—Goods: § 13.1615 *Earnings and profits;* Misrepresenting oneself and goods—Prices: § 13.1778 *Additional costs unmentioned;* § 13.1823 *Terms and conditions*. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1882 *Prices*. Subpart—Securing agents or representatives by misrepresentation: § 13.2130 *Earnings*. Subpart—Simulating another or product thereof: § 13.2208 *Court documents*. Subpart—Using misleading name—Vendor: § 13.2365 *Concealed subsidiary, fictitious collection agency, etc.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, London Credit and Discount Corp. et al., Mentor, Ohio, Docket No. 8812, Apr. 1971]

In the Matter of London Credit and Discount Corp., Fidelity Credit Acceptance Corp., Security Credit Acceptance Corp., and American Management and Business Service Corp., Corporations, and Richard B. Rosenkeimer, George M. Hyde, Edward L. Weisbarth, Kathryn R. Tibbetts, H. Frank Gill, William C. Childs, Robert F. Hitzel and Sheldon C. Cyphers, Individually and as Officers, Managers, Principal Shareholders, Directors, or Founder of said Corporations

Consent order requiring three affiliated Mentor, Ohio, debt collection agencies to cease making various false representations in recruiting employees, making various false representations to their clients/creditors as to how their accounts are handled, misrepresenting that respondents have a "Medical Service Division," using threats of legal action and simulated legal documents, misrepresenting that any document was originated by an independent auditing agency, using deceptive questionnaires, and implying that failure to pay respondents will injure debtor's reputation.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents London Credit and Discount Corp., Fidelity Credit Acceptance Corp., and Security Credit Acceptance Corp., corporations, and their officers, and George M. Hyde, Edward L. Weisbarth, Kathryn R. Tibbetts, H. Frank Gill, William C. Childs, Robert F. Hitzel, and Sheldon H. Cyphers, individually and as either officers, managers, principal shareholders, directors, or founder of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the advertising, offering for sale, sale or distribution of any service or printed matter for use in the collection of claims or accounts, the solicitation of accounts or contracts therefor, or the collection of accounts, or any other product or service, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondents guarantee $150 weekly earnings or any other amount to brokers/salesmen employed to solicit accounts for collection by respondents without clearly and conspicuously revealing in immediate connection therewith (a) all of the terms, conditions and limitations necessary for the receipt of the guaranteed weekly earnings and (b) the actual number and percentage of those brokers/salesmen employed by each corporate respondent during the preceding calendar year who qualified and received the guaranteed weekly earnings and the average period of time these brokers/salesmen continued to receive the guaranteed weekly earnings, in relation to the total number of brokers/salesmen employed by each corporate respondent during the preceding calendar year.

2. Representing, directly or by implication, that brokers/salesmen employed to solicit accounts for collection by respondents will receive earnings in any specified amount without clearly and conspicuously revealing in immediate connection therewith the actual number and percentage of those brokers/salesmen employed by each corporate respondent during the preceding calendar year who qualified and received the represented earnings and the average period of time these brokers/salesmen continued to receive such earnings, in relation to the total number of brokers/salesmen employed by each corporate respondent during the preceding calendar year.

3. Representing, directly or by implication, that brokers/salesmen employed to solicit accounts for collection by respondents will receive a drawing account of at least $200 weekly or any other amount after the brokers/salesmen get into production without clearly and conspicuously disclosing, orally and in writing in immediate connection therewith (a) all of the terms, conditions, and limitations applicable thereto, and (b) the actual number and percentage of those brokers/salesmen employed by each corporate respondent during the preceding calendar year who qualified and received a weekly drawing account and the average period of time these brokers/salesmen continued to receive the weekly drawing account, in relation to the total number of all brokers/salesmen employed by each corporate respondent during the preceding calendar year.

4. Misrepresenting, in any manner, the earnings, compensation or profits of their brokers/salesmen employed to solicit accounts for collection by respondents.

5. Representing, directly or by implication, that brokers/salesmen employed to solicit accounts for collection by respondents will realize earnings, compensation, profits, or income of any stated amounts or percentage of amounts without clearly and conspicuously revealing in immediate connection therewith all of the terms, conditions, and limitations necessary for the receipt and retention of earnings, compensation, profits, or income of any stated amounts or percentage of amounts.

6. Representing, directly or by implication, that the percentage fee to be charged or retained by respondents is based on the actual amount collected from an account or accounts, unless in every instance the percentage fee to be charged or retained by respondents is based on the actual amount collected.

7. Failing to clearly and conspicuously disclose, orally and in writing, to a client/creditor or prospective client/creditor (a) that the percentage fee to be charged or retained by respondents is based on the full face amount of an account to be collected by respondents and that funds are not remitted to the client/creditor until respondents have received their entire stated fee; (b) or any other basis upon which fees are charged, retained, or remitted.

8. Representing, directly or by implication, that respondents' $3 minimum charge or any other minimum charge applies only when some type of collection is made on alleged delinquent accounts assigned to respondents by a client/creditor, unless in every instance respondents' $3 minimum charge or any other minimum charge does apply only when some type of collection is made on alleged delinquent accounts assigned to respondents by a client/creditor.

9. Failing to clearly and conspicuously disclose, orally and in writing, to a client/creditor or prospective client/creditor that as soon as respondents make a collection on at least one individual account of a client/creditor, the basic $3 minimum charge, or any other stated minimum charge, thereupon applies both to that account, regardless of the amount collected, and to each and every other individual account of that client/creditor; and payment of such minimum charge as to each and every such account is thereupon due to respondents, regardless of whether respondents have then collected or thereafter collect any amount on any of the remaining individual accounts.

10. Misrepresenting, in any manner, the terms, conditions, or basis upon which a stated charge or percentage fee is applicable to an account or accounts.

11. Representing, directly or by implication, that respondents discount alleged delinquent accounts of prospective clients/creditors or clients/creditors on an immediate cash basis, without clearly and conspicuously disclosing in immediate connection therewith, orally and in writing, the number, percentage, and dollar amounts of all accounts discounted on an immediate cash basis during the preceding calendar year in relation to the total number of accounts processed for collection by respondents over the same period of time, as to which the clients/creditors requested said discounting.

12. Failing to clearly and conspicuously disclose to a client/creditor, in every instance when a client/creditor signs an authorization waiving the preliminary audit of his accounts: (a) That he loses whatever opportunity he may have to discount his accounts, or any of them, on an immediate cash basis; (b) all accounts thereby will be processed on a percentage fee or minimum charge; and (c) all other terms, conditions, and limitations in connection therewith.

13. Representing, directly or by implication, that remittances of monies collected by respondents will be made to the creditor immediately upon their receipt by respondents or within a specified period of time, unless in every instance respondents do remit moneys collected by them to the creditor immediately upon their receipt by respondents or within the period of time so specified.

14. Failing to remit all monies due clients/creditors or any other person or persons lawfully entitled to receive said moneys within 180 days of the date of execution of the Application-Agreement.

15. Failing to remit to all clients/creditors on whose behalf collections have been made in whole or in part and to whom full remittance has not been made as of the effective date of this order, such sums as would be due upon timely written application by the clients/creditors.

16. Representing, directly or by implication, that reports as to the status of or the progress made in the collection of accounts will be made to respondents' clients/creditors, unless in every instance said reports as to status of or the progress made in the collection of accounts are made to respondents' clients/creditors.

17. Representing, directly or by implication, that respondents, or any of them, have a "Medical Service Division" which is specially staffed, established and operated to service delinquent accounts assigned by members of the Medical Profession or any other division, branch or organizational unit specially staffed and operated to service a particular category of accounts or perform any other functions in connection therewith, unless in every instance respondents do have such divisions, branches, or organizational units which are specially staffed, established, and operated to service such accounts and perform other functions in connection therewith.

18. Using any names, organizational designations, or descriptions in connection with their businesses which are fictitious or misrepresenting, directly or by implication, the nature or size of their businesses.

19. Using threats of legal proceedings in an attempt to gain payment of accounts, when in fact legal proceedings are not to be employed as a collection device.

20. Using any unofficial or unauthorized document which simulates or is represented to be a document authorized, issued or approved by a court of law or any other official or legally constituted or authorized authority, or misrepresenting, in any manner, the source, authorization, or approval of any document.

21. Representing, directly, or by implication, that any letter, demand, inquiry, or other communication originated by respondents was originated by an independent auditing agency or any other person, firm, or corporation.

22. Using any form, questionnaire, or other material, printed or written, for the purpose of obtaining credit information, which does not clearly and conspicuously reveal that the purpose for which the information is requested is that of obtaining credit information concerning alleged delinquent debtors or in the collection of, or attempting to collect alleged delinquent accounts.

23. Representing, directly or by implication, that failure of an alleged debtor to make payments to respondents will result in harm to said debtor's reputation, impairment of his credit standing or cause embarrassment, fear or concern from inquiries that will be made about him.

24. Including in any of respondents' contracts any clause which is directly or indirectly in conflict with any provision of this order.

It is further ordered, That respondents shall institute a program of compliance for brokers/salesman or other persons employed to solicit accounts for collection by respondents to insure that said brokers/salesmen or other persons employed to solicit accounts for collection by respondents observe the terms of this order. Said program or compliance shall be carried out in the following manner, to wit:

(a) Respondents shall require each present and future broker/salesman or other person employed to solicit accounts for collection by respondents, as a condition of undertaking and continuing employment, to sign and return to respondents a form clearly stating his intention to refrain from deceptive representations or deceptive means to solicit accounts for collection by respondents, including but not limited to charging of percentage fees, application of minimum charges, discounting of accounts or waiver thereof, remittances of monies collected, status or progress reports or divisional or organizational structure of respondents' business.

(b) Respondents shall maintain and make available records relative to complaints received by respondents involving the acts and practices prohibited by this order and which describe steps taken by respondents to investigate and dispose of said Complaints. Said records shall be maintained for at least 24 months.

It is further ordered, That the respondent corporations shall forthwith distribute a copy of this order to each of their operating divisions.

It is further ordered, That the complaint served on American Management and Business Service Corporation and Richard B. Rosenkeimer, hereinbefore named as respondents in the caption to this proceeding, said complaint having been withdrawn from adjudication by the Commission by order dated November 10, 1970, be and the same is hereby dismissed, without prejudice to the Commission to institute such future proceedings against said named parties as the Commission in its discretion may deem warranted.

It is further ordered, That the respondents herein shall, within sixty (60) days after service upon them of this Order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 1, 1971.

By the Commission.

[SEAL] Charles A. Tobin,
Secretary.

[FR Doc.71-6171 Filed 5-3-71;8:46 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

The first sentence of subparagraph (1) *General* of paragraph (d) *Evidence required to accompany petition for orphan* of § 204.2 *Documents* is amended to read as follows: "A petition filed on behalf of an orphan under § 204.1(b) must be accompanied by fingerprint charts on Form I–413 of the petitioning U.S. citizen and spouse; evidence of U.S. citizenship of the petitioner as provided in paragraph (a) of this section; a certificate of marriage of the petitioner and spouse and proof of legal termination of their previous marriages, if any; proof of age of the orphan in the form of a birth certificate, or if such certificate is not available other evidence of his birth; evidence that the petitioner and spouse are able to care for the orphan properly, such as letters from employers, banks, and accountants, financial statements, copies of income tax returns; a certified copy of the adoption decree together with certified translation, if the orphan has been lawfully adopted abroad; and evidence that the sole or surviving parent is incapable of providing for the orphan's care and has in writing irrevocably released the orphan for emigration and adoption if the orphan has only one parent."

PART 234—PHYSICAL AND MENTAL EXAMINATION OF ARRIVING ALIENS

1. Subparagraph (1) *Applicants for status of permanent resident* of paragraph (c) *Civil surgeon reports* of § 234.2 *Examination in the United under the immigration laws* is amended by inserting the following sentence immediately after the existing first sentence to read as follows: "The immigration office may return such X-ray and laboratory reports to the alien."

2. Subparagrph (1) *Applicants for status of permanent resident* of paragraph (c) *Civil surgeon reports* of § 234.2 *Examination in the United States of alien applicants for benefits under the immigration laws* is further amended by deleting the last two sentences and substituting the following sentence in lieu thereof to read as follows: "When the applicant has been found by the civil surgeon to be so afflicted, that immigration office will forward a copy of Form I–486A with X-ray and laboratory reports, and a copy of Form FS–398 to the Director, Foreign Quarantine Program, Center for Disease Control, Atlanta, Ga. 30333, for issuance of an appropriate medical certificate, and decision on the application for status as a permanent resident shall be deferred pending receipt of the certificate."

PART 238—CONTRACTS WITH TRANSPORTATION LINES

1. The listing of transportation lines in subparagrph (1) *Canada* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by deleting the transportation line "P & O Lines (North America) Inc."

2. The listing of transportation lines in subparagraph (2) *Bermuda* of paragraph (b) *Agreements with transportation lines* of § 238.2 *Transportation lines bringing aliens to the United States from or through foreign contiguous territory or adjacent islands and lines bringing aliens destined to the United States into such territory or islands* is amended by adding the following transportation line in alphabetical sequence: "P & O Lines (North America) Inc."

3. The listing of transportation lines in paragraph (b) *Signatory lines* of § 238.3 *Aliens in immediate and continuous transit* is amended by adding the following transportation line in alphabetical sequence: "China Navigation Co. Ltd., The."

PART 299—IMMIGRATION FORMS

The listing of forms in § 299.1 *Prescribed forms* is amended in the following respects:

1. The form "FD–258 Applicant Card" is deleted.

2. The following form and reference thereto is added in alphabetical and numerical sequence:

Form No.	*Title and description*
I–413	Applicant card.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the Federal Register (5–4–71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 204.2(d)(1) and 299.1 are editorial in nature; the amendments to § 234.2(c)(1) refer to agency procedure; the amendment to § 238.2(b)(1) deletes a transportation line from the listing; and the amendments to §§238.2(b)(2) and 238.3(b) add transportation lines to the listings.

Dated: April 28, 1971.

Raymond F. Farrell,
Commissioner of Immigration and Naturalization.

[FR Doc.71-6166 Filed 5-3-71;8:47 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER D—PUBLIC BUILDINGS AND SPACE

PART 101–20—ASSIGNMENT AND UTILIZATION OF SPACE

Subpart 101–20.1—Assignment of Space

Short-Term Use of Conference and Meeting Facilities

This amendment provides procedures that will expedite the procurement of facilities for short-term conferences and meetings.

1. New § 101–20.102–2(d) is added as follows:

§ 101–20.102–2 Exceptions to submitting requests for space.

* * * * *

(d) Space for short-term conferences and meetings. (See § 101–20.102–4).

2. Section 101–20.102–4 is revised to read as follows:

§ 101–20.102–4 Short-term use of conference and meeting facilities.

Agencies having a need for facilities for short-term conferences and meetings shall contact GSA informally to make their requirements known. GSA will determine if suitable Government-owned facilities are available in the desired area and, if so, will notify the requesting agency of its assignment. If no suitable facilities are available, GSA will assist or advise agencies in arranging for the use of privately owned facilities when agencies have authority to contact by purchase order or other means. Payment for use of privately owned conference or meeting rooms is, in fact, payment for the services and furnishings that are provided. Such services and furnishings, in addition to the facilities (auditorium, conference room, meeting room, etc.), would include chairs (already placed as requested by the user), rostrum with tables and chairs, posting of notices on appropriate building bulletin board, amplifier system, screen and motion picture projector, and other special equipment needed. GSA may obtain privately owned conference and meeting facilities by service contract on an hourly rate basis where combined requirements of the Federal agencies in a particular area would justify an open end service contract for such space for intermittent use periods or for an extended period of time.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective upon publication in the Federal Register (5–4–71).

Dated: April 27, 1971.

Robert L. Kunzig,
Administrator of General Services.

[FR Doc.71-6189 Filed 5-3-71;8:47 am]

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101–26.5—GSA Procurement Programs

Waiver Requirements for Automated Data Processing Supplies

This amendment clarifies and emphasizes the requirement for obtaining waivers in connection with the procurement of EDP tape and tabulating machine cards when such items are not available from Federal Supply Schedule contracts.

Sections 101–26.508–2(b) and 101–26.509–2(b) are revised to read as follows:

§ 101–26.508–2 Requirements not available from Federal Supply Schedule contracts.

* * * * *

(b) Requirements for all types of EDP tape not covered by Federal Supply Schedule contracts shall be submitted to GSA for purchase action if the dollar value of the requirements exceeds or is estimated to exceed $2,500. However, regardless of the amount involved (including requirements estimated to be $2,500 or less) no purchase action by GSA or an agency shall be taken unless a waiver of the requirement for using items of tape available from Federal Supply Schedule contracts has been furnished in accordance with § 101–26.401–3. Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, DC 20406. Such requests shall fully describe the type of tape required and state the reasons Federal Supply Schedule items will not adequately serve the agency's needs. GSA will notify the requesting agency in writing of the action taken on such requests. To reduce leadtime, purchase requests may be submitted with the requests for waiver. Purchase requests for requirements for which a waiver has first been obtained, however, shall be submitted with a copy of the waiver to General Services Administration (FPN), Washington, DC 20406. GSA will either arrange for procurement of such requirements or authorize the requesting agency to procure them.

* * * * *

§ 101–26.509–2 Requirements not available through Federal Supply Schedule contracts.

* * * * *

(b) Requirements for tabulating machine cards not covered by Federal Supply Schedule contracts shall be submitted to GSA for purchase action if the dollar value of the requirements exceeds or is estimated to exceed $2,500. However, regardless of the amount involved (including requirements estimated to be $2,500 or less), no purchase action by GSA or an agency shall be taken unless a waiver of the requirement for the use of tabulating cards available from Federal Supply Schedule contracts has been furnished in accordance with § 101–26.401–3. Requests for waivers shall be submitted to the Commissioner, Federal Supply Service, General Services Administration, Washington, D.C. 20406. Such requests shall fully describe the items required and state the reasons the tabulating machine cards covered by Federal Supply Schedule contracts will not adequately serve the functional end-use purpose. GSA will notify the requesting agency in writing of the action taken on such requests. To reduce leadtime, purchase requests may be submitted with the requests for waiver. Purchase requests for requirements for which a waiver has first been obtained, however, shall be submitted with a copy of the waiver to General Services Administration (FPN), Washington, D.C. 20406. GSA will either arrange for procurement of such requirements or authorize the requesting agency to procure them.

* * * * *

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the Federal Register (5–4–71)

Dated: April 27, 1971.

Robert L. Kunzig,
Administrator of General Services.

[FR Doc.71-6190 Filed 5-3-71;8:47 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-6; Amdt. 195-3]

PART 195—TRANSPORTATION OF LIQUIDS BY PIPELINE

Testing With Transported Commodities

The purpose of this amendment is to modify the restrictions in Part 195 on the testing of pipelines using the commodity to be transported as the test medium. The amendment deletes the requirement for a 1,000-foot clear zone and provides several other conditions in lieu thereof.

The regulations on testing of pipelines transporting hazardous liquids were issued on November 2, 1970 (35 F.R. 17183, November 7, 1970) and became effective on January 8, 1971. The American Petroleum Institute has petitioned the Board to delete § 195.306(b) (2) which requires that no persons, other than those conducting the test, be within 1,000 feet of the pipeline test section when testing with liquid petroleum. If this clear zone requirement is not met, water must be used as the test medium.

The petitioner contends that the 1,000-foot requirement will virtually eliminate testing with product due to the difficulties in achieving this clearance. The petition also states several disadvantages to testing with water, particularly testing incident to relocation of existing pipelines, as follows:

First, in winter in the northern States, ground temperatures are so low as to freeze water should it be employed as a test medium. If carriers are limited to the use of water as a test medium, they can safely conduct hydrostatic tests only when they are absolutely certain that the ambient temperature during the test period will not drop below the point where the test water would freeze and damage the pipeline. The use of antifreeze solutions—ethylene glycol or methanol—as test media is contraindicated by their expense and the problem of disposing of them without contributing to pollution. By testing with petroleum products, pipelines may be placed in service many months earlier than if the carrier were forced to wait for the spring thaw.

Secondly, in some areas a quantity of water sufficient to provide linefill for the hydrostatic test cannot be acquired. This is sometimes the case in the Desert Southwest, the Rocky Mountain States and in certain parts of the North in winter.

Thirdly, in the case of pipelines undergoing tests because of repair or modification, the disposal of water contaminated with petroleum products can create serious problems.

Finally, it is difficult to dry a pipeline following a hydrostatic test with water so as to eliminate the possibility of product degradation. Even minute amounts of water may render some petroleum products unacceptable. This is particularly true of aviation turbine fuel and aviation gasoline, products commonly transported by pipeline.

The Board agrees that under some circumstances the use of the transported commodity as a test medium may be desirable and that the 1,000-foot requirement may prove unduly restrictive in this regard. Therefore, § 195.306(b) is modified in a manner that will provide greater flexibility in the use of commodities as the test medium. The 1,000-foot requirement is deleted and several new conditions are added to assure continued protection for the public. These include a clear zone of 300 feet while the test stress level is at 50 percent or more of the specified minimum yield strength of the pipe being tested, as well as requirements for patrolling and for maintenance of continuous communication along the test section at all times.

To the extent indicated above, the petition of the American Petroleum Institute with respect to § 195.306(b) of Title 49 of the Code of Federal Regulations is granted and in all other respects is denied.

Since this amendment relieves a restriction and does not impose any additional burden on anyone, I find that notice and public procedure thereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 195.306(b) of title 49 of the Code of Federal Regulations is amended to read as follows, effective immediately.

§ 195.306 **Test medium.**

* * * * *

(b) Liquid petroleum that does not vaporize rapidly may be used as the test medium if—

(1) The entire pipeline section under test is outside of cities and other populated areas:

(2) Each building within 300 feet of the test section is unoccupied while the test pressure is equal to or greater than a pressure which produces a hoop stress of 50 percent of specified minimum yield strength;

(3) The test section is kept under surveillance by regular patrols during the test; and

(4) Continuous communication is maintained along entire test section.

(Secs. 831–835, title 18, U.S.C., secs. 6(e) (4), (f) (3) (A) Department of Transportation Act, 49 U.S.C. 1655(e) (4), (f) (3) (A), § 1.4(e) (4) Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on April 28, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[FR Doc.71-6183 Filed 5-3-71;8:47 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket 69-7]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Occupant Crash Protection; Interpretation of "Passive" System

Several persons have raised questions as to what constitutes a "passive" restraint system—one that requires "no action by vehicle occupants"—as those concepts are used in Standard No. 208, Occupant Crash Protection (36 F.R. 4600, March 10, 1971), effective January 1, 1972. Specifically, it has been asked whether occupant protection systems that require occupants to take protective action as a prerequisite to entering, seating themselves in, or operating a vehicle can qualify as a system that requires "no action." One commonly discussed example of such "forced action" systems is a seatbelt interlock, which requires a seat belt to be fastened before the vehicle ignition system is operative.

The concept of an occupant protection system that requires "no action by vehicle occupants" as used in Standard No. 208 is intended to designate a system that requires no action other than would be required if the protective system were not present in the vehicle. Under this interpretation the concept does not include "forced action" systems as described above.

This interpretation is not intended to rule out the possibility that further rulemaking action may be taken in the future to permit such systems in certain cases.

DOUGLAS W. TOMS,
Acting Administrator.

APRIL 29, 1971.

[FR Doc.71-6233 Filed 5-3-71;8:51 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Retreaded Pneumatic Tires for Passenger Cars; Correction

In F.R. Doc. 71-5439, appearing at page 7315 in the issue of April 17, 1971, the reference to "test rims" in § 5.1.1 and § 5.1.2 of Motor Vehicle Safety Standard No. 117 has been incorrectly stated.

The opening clauses of both § 5.1.1 and § 5.1.2 are changed to read, "Except as specified in § 5.1.3, each retreaded tire, when mounted on a test rim of the width specified for the tire's size designation in Appendix A of Motor Vehicle Safety Standard No. 109, * * *"

This correction is issued under the authority of sections 103, 112, 113, 114, 119, and 201 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. §§ 1392, 1401, 1402, 1403, 1407, 1421) and the delegations of authority at 49 CFR 1.51.

Issued on April 29, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6231 Filed 5-3-71;8:51 am]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Control Location, Identification, and Illumination

Motor Vehicle Safety Standard No. 101, establishing requirements for location, identification, and illumination of motor vehicle controls, was amended on

January 14, 1971 (36 F.R. 503). Thereafter, pursuant to 49 CFR 553.35 (35 F.R. 5119) petitions for reconsideration of the amendment were filed by Mercedes-Benz of North America, Inc. (Mercedes), Ford Motor Co. (Ford), General Motors Corp. (GM), International Harvester Co. (Harvester), and Recreational Vehicle Institute (RVI).

In response to information contained in several of the petitions the standard is being amended. The Administrator has declined to grant requested relief from other requirements of the standard.

1. *Effective date for vehicles with GVWR over 10,000 pounds.* GM petitioned for an exemption from the standard for trucks and buses with a gross vehicle weight rating over 10,000 pounds, on the grounds that these vehicles have a greater number of controls, which makes them significantly different from passenger cars, and that control requirements for these vehicles merit a separate rulemaking action. GM also alleged that the standard "would require a complete redesign and retooling of the control panels on our large vehicles." Harvester petitioned for a similar exemption from control illumination requirements for heavy vehicles for a period of 5 years and, in the alternative, for an extension of 6 months of the effective date for this requirement to allow phasing out of models for which retooling is impracticable.

Although vehicles with a GVWR in excess of 10,000 pounds are equipped with certain controls lacking in lighter vehicles, the controls which Standard No. 101 presently covers are similar for all trucks and buses. The NHTSA denies GM's request for exemption of heavy vehicles from the requirements of Standard No 101 and Harvester's request for a stay of 5 years of the requirements of S4.3. However, good cause has been shown for a delay in the effective date of the illumination requirements of Standard No. 101 for vehicles with a GVWR in excess of 10,000 pounds, and therefore the effective date of S4.3 for these vehicles is hereby extended to March 1, 1973.

2. *S4.2 Control identification.* GM, Ford, and Mercedes have petitioned for reconsideration of certain control identification requirements, and have requested clarification of other points. GM has asked that S4.2 be amended to allow the use of symbols or words or symbol-word combinations and Mercedes has made a similar request. GM has also asked permission to use the word "Flasher" rather than "Hazard," and "Deice" for "Defrost." The NHTSA denies these petitions. Use of symbols to identify controls is a comparatively recent development in control identification of American-made vehicles, and the time is premature for controls to be identified on the basis of symbols alone. Use of the word "Hazard" in conjunction with the permissible symbol of the warning triangle will highlight the purpose of this switch in a manner that use of the word "Flasher" will not. Finally, it has been decided that the word "Defrost" is the most appropriate identification of the system in question.

General Motors asked whether the published headlamp identification symbol with nine rays of light was only representative of the required symbol, or definitive in the sense that it must be copied exactly. The NHTSA intends this symbol to be representative only. A symbol resembling the one published, with as few as three rays of light, may be used to comply with the identification requirement for headlamps and clearance lamps.

Petitioners have asked whether symbols may be used on controls not listed in Table I, whether arrows may be employed to indicate direction of control operation, whether color coding is permitted (e.g. red to indicate heat, blue to indicate cold), whether both primary and secondary controls must be identified and illuminated (e.g. diesel engine stop), and whether additional words may be used to describe control operation or function (e.g. "Pull to defrost"). The answer in each instance is yes as long as the additional words or symbols do not conflict with the required words and permissible symbols.

This agency was also asked whether, literally, "each position of the heating and defrosting and/or air-conditioning control must be identified." Variable temperature increments from "off" to "high" of an adjustable control need not be identified.

Clarification was also requested on the requirement that "identification * * * shall appear to the operator in an upright position." GM has interpreted this language "to mean perceptually right side up, as opposed to being in a vertical or horizontal plane," and the Administration concurs in this interpretation.

Ford has asked whether controls visible to the driver but not in the normal forward line of sight must be identified. Examples of such controls are column-mounted hazard warning signal controls which may be partially obscured by the steering wheel, and air-conditioning controls on some vehicles which are in an area adjacent to or behind the driver's seat, and can be seen by a seated operator only when he turns his head. Although these controls are designed to be operable by touch, their function is not clear to an operator unfamiliar with the vehicle in which they are installed, and their identification is necessary.

3. *S4.3 Control illumination.* Ford has asked whether steering-wheel-mounted controls are exempt from illumination requirements. Since the steering wheel itself is mounted on the steering column, the exemption from the illumination requirements for steering column-mounted controls extends to those mounted on the steering wheel as well.

GM requested an exemption for illumination of door side panel controls, alleging that glare may be produced. No sufficient grounds have been shown to exist for such an exemption, however, and therefore this petition is denied.

Air-conditioning controls on certain Harvester vehicles are mounted in the roof area over the driver, and in the Ford Econoline to the driver's rear. Both manufacturers have questioned the appropriateness of requiring illumination of these controls. Since neither system directs air on the windshield and thus cannot create a safety hazard through mis-operation which would befog the windshield, these petitions have been found to have merit, and S4.3 is amended to exempt a system of this nature from the illumination requirements.

4. S5. *Conditions.* GM has petitioned for an amendment of S5.1 "to allow use of an inertia reel in testing to the location requirements of S4.1 where such a restraint system is standard equipment, and nonextending restraints are not offered." GM has misinterpreted the test condition of restraint by nonextending devices, whose intent, expressed at 36 F.R. 503, is "to implement the safety purpose of the standard which is 'to reduce the hazards caused by the diversion of the driver's attention from the motoring environment'." The NHTSA has determined that a minimum of driver movement in location and operation of controls meets the need for motor vehicle safety, and a nonextending restraint system, even if such a system is used only for this purpose, is the means chosen to limit the degree of movement needed. GM's petition is therefore denied.

In consideration of the foregoing, S4.3 of Motor Vehicle Safety Standard No. 101 in 49 CFR 571.21 is revised to read as follows, effective January 1, 1972.

"S4.3 *Control illumination.* This section applies to each passenger car, and to each multipurpose passenger vehicle, truck, and bus with a GVWR of 10,000 pounds or less manufactured on or after September 1, 1972, and to each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 10,000 pounds manufactured on or after March 1, 1973. Except for foot-operated controls or manually operated controls mounted upon the steering column, the identification of any control listed in Column 1 of Table 1 and accompanied by the word 'yes' in the corresponding space in Column 4 shall be illuminated whenever the headlamps are activated. Control identification need not be illuminated when the headlamps are being flashed. Control identification for a heating and air-conditioning system need not be illuminated if the system does not direct air directly upon the windshield. A control shall be provided to adjust the intensity of control illumination variable from an 'off' position to a position providing illumination sufficient for the vehicle operator to readily identify the control under conditions of reduced visibility."

This amendment is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegation of authority at 49 CFR 1.51.

Issued on April 29, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6232 Filed 5-3-71;8:51 am]

[Docket No. 71-9; Notice No. 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motor Vehicle Safety Standards No. 109, New Pneumatic Tires—Passenger Cars, and No. 110, Tire Selection and Rims—Passenger Cars

On October 5, 1968, guidelines were published in the Federal Register (33 F.R. 14969) by which routine additions of tire and rim sizes could be added to Appendix A of Standard No. 109 and to Appendix A of Standard No. 110. Under these guidelines, the addition becomes effective 30 days from the date of its publication in the Federal Register, if no objections to the proposed additions are received. If objections to the amendment are received, rule-making pursuant to the procedures for motor vehicle safety standards (49 CFR Part 553) are followed. Numerous additions to Appendix A of Standard 109 and Appendix A of Standard 110 have been made under these procedures, and Appendix A of Standard No. 109 and Appendix A of Standard No. 110 are being reissued at this time to incorporate all the changes that have been made to these appendices since October 5, 1968.

At the top of each table in the appendices there is an amendment number that indicates the number of times the table has been amended since its original issue. Where feasible, a brief note below the table indicates the substance of the change being made. This procedure will be followed in future amendments to the tables.

In addition to republishing all previous additions to the tables, new tire size designations and alternative rims are hereby added to various tables. The European Tyre and Rim Technical Organisation has petitioned for the addition of 140 R 12 and 6.5–13 as tire size designations in Appendix A of Standard No. 109, and has requested that test and alternate rim(s) for these tires be added to Appendix A of Standard No. 110.

The European Tyre and Rim Technical Organisation has also petitioned for the addition of the following alternative rims to Table I—Appendix A of Standard No. 110.

Tire size designation:	*Alternative rim*
175–13/6.95–13	5½–J.
6.2–13	4½–J.
205 R 14	7½–K.
205 R 15	6½–L.

In addition to the above, the following errors in the tables have been brought to the National Highway Traffic Safety Administration's attention and are hereby corrected:

(a) Standard No. 109—Appendix A—Table I–B. The 26-pound inflation pressure maximum load for the A70–13 tire size designation is changed to read "940".

(b) Standard No. 110—Appendix A—Table I. The alternate rim "5½–J" of the 6.40–15 tire size in section Table I–C is corrected to read "5½–JJ".

In consideration of the foregoing, § 571.21 of Part 571, Federal Motor Vehicle Safety Standards, Appendix A of Standard No. 109 and Appendix A of Standard No. 110 are amended to read as set forth below, effective 30 days from date of publication in the Federal Register.

(Secs. 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51 and 49 CFR 501.8)

Issued on April 16, 1971.

Rodolfo A. Diaz,
Acting Associate Administrator,
Motor Vehicle Programs.

1. The existing Appendix A—Federal Motor Vehicle Safety Standard No. 109 (49 CFR 571.21) is deleted and in its place the following revised Appendix A is inserted.

Appendix A—Federal Motor Vehicle Safety Standard No. 109

The following tables list tire sizes and tire constructions with proper load and inflation values. The tables group tires of related constructions and load/inflation values. Persons requesting the addition of new tire sizes to the tables or the addition of tables for new tire constructions may, when the additions requested are compatible with existent groupings, or when adequate justification for new tables exists, submit five (5) copies of information and data supporting the request to the Secretary of Transportation, Attention: Motor Vehicle Programs, National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C. 20591.

The information should contain the following:

1. The tire size designation, and a statement that the tire is an addition to a category for which a table has not been developed.

2. The tire dimensions, including aspect ratio, size factor, section width, overall width, and test rim size.

3. The load-inflation schedule of the tire.

4. A statement that the tire size designation and load inflation schedule has been coordinated with the Tire and Rim Association, the European Tire and Rim Technical Organisation, the Society of Manufacturers and Traders Limited, the Japan Automobile Tire Manufacturers Association, the Deutsche Industrie Norm and the Scandanavian Tire and Rim Organization.

5. Copies of test data sheets showing test conditions, results and conclusions obtained for individual tests specified in Federal Motor Vehicle Safety Standard No. 109.

6. Justification for the additional tire sizes.

The addition of new size tires to the tables, or the addition of tables for new tire construction, is accomplished through an abbreviated procedure consisting of publication in the Federal Register of the petitioned tire sizes or tables. If no comments are received, the amendment becomes effective 30 days from the date of publication. If objections to the amendment are received, additional rulemaking pursuant to Part 553 of the procedural rules for Motor Vehicle Safety Standards will be initiated.

Appendix A—Federal Motor Vehicle Safety Standard No. 109

Table I-A

(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
6.00-13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4	29.37	6.00
6.50-13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.75	6.60
7.00-13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.88	7.10
6.00-14			840	900	930	980	1,020	1,060	1,100	1,130	1,170	1,210	1,240	4	30.64	6.10
6.45-14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.92	6.60
6.50-14			930	990	1,030	1,080	1,130	1,170	1,210	1,250	1,300	1,330	1,370	4½	31.75	6.60
6.95-14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.96	7.00
7.00-14			1,030	1,100	1,140	1,190	1,240	1,290	1,340	1,380	1,430	1,470	1,520	5	32.88	7.10
7.35-14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.92	7.30
7.50-14			1,150	1,230	1,280	1,340	1,390	1,450	1,500	1,550	1,600	1,650	1,700	5½	34.19	7.65
7.75-14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	34.09	7.75
8.00-14			1,240	1,320	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.17	8.10
8.25-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.11	8.20
8.50-14			1,330	1,420	1,480	1,550	1,610	1,670	1,740	1,790	1,850	1,910	1,960	6	35.91	8.35
8.55-14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.06	8.50
8.85-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.82	8.95

See footnotes at end of table.

Table I-A—Continued

(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR CONVENTIONAL AND LOW SECTION HEIGHT BIAS PLY TIRES—continued

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
9.00-14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.91	8.80
9.50-14			1,540	1,640	1,700	1,780	1,850	1,930	2,000	2,060	2,130	2,200	2,260	6½	37.74	9.05
6.00-15			890	940	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4	31.64	6.10
6.50-15			980	1,040	1,080	1,130	1,180	1,230	1,270	1,320	1,360	1,400	1,440	4½	32.75	6.60
6.70-15			1,110	1,190	1,230	1,290	1,340	1,400	1,450	1,500	1,550	1,590	1,640	4½	33.95	7.00
6.85-15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.48	6.90
7.00-15	1,170	1,240	1,310	1,380	1,450	1,515	1,580	1,640	1,700	1,760	1,820	1,870	1,930	5	36.02	7.35
7.10-15			1,190	1,270	1,320	1,380	1,440	1,500	1,550	1,600	1,660	1,710	1,760	5	34.89	7.40
7.35-15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.86	7.50
7.60-15			1,310	1,400	1,450	1,520	1,580	1,640	1,710	1,760	1,820	1,880	1,930	5½	36.05	7.90
7.75-15			1,150	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.53	7.65
8.00-15			1,380	1,470	1,530	1,600	1,670	1,730	1,800	1,860	1,920	1,980	2,040	6	36.84	8.30
8.15-15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.50	8.15
8.20-15			1,470	1,570	1,630	1,710	1,780	1,850	1,920	1,980	2,050	2,110	2,170	6	37.50	8.50
8.25-15	1,030	1,190	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	35.57	8.20
8.45-15			1,340	1,410	1,480	1,550	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.37	8.35
8.55-15	1,220	1,290	1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	36.57	8.45
8.85-15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.29	8.80
8.90-15			1,700	1,810	1,880	1,970	2,050	2,130	2,210	2,290	2,360	2,430	2,500	6½	39.54	9.30
9.00-15			1,460	1,540	1,620	1,690	1,760	1,830	1,900	1,970	2,030	2,090	2,150	6	37.45	8.50
9.15-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.92	9.05
6.00-16			1,075	1,135	1,195	1,250	1,300	1,350	1,400	1,450	1,500			4	34.17	6.25
6.50-16	1,090	1,160	1,215	1,280	1,345	1,405	1,465	1,525	1,580	1,635	1,690	1,740	1,790	4½	35.59	6.80
6.70-16		1,185	1,240	1,300	1,355	1,410	1,465	1,525	1,580	1,635	1,690	1,740	1,795	4½	35.60	7.40
7.00-16			1,365	1,440	1,515	1,585	1,650	1,715	1,780	1,840	1,900			5	37.02	7.35
7.50-16			1,565	1,650	1,735	1,810	1,890	1,960	2,035	2,105	2,175			5½	38.78	8.00
6.50-17		1,215	1,275	1,330	1,390	1,450	1,500	1,560	1,620	1,680	1,740	1,795	1,850	5	37.00	7.60
L84-15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6	37.88	8.65

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[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

Table I-B

(Amendment No. 7)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A70-13	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	5½	30.27	7.30
D70-13	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.34	8.00
D70-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.81	7.85
E70-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.45	8.05
F70-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.16	8.30
G70-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.18	8.75
H70-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.19	9.10
J70-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.87	9.50
L70-14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.62	9.75
C70-15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5½	32.75	7.50
D70-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.37	7.70
E70-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	34.13	8.10
F70-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.89	8.35
G70-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.66	8.60
H70-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.64	8.95
J70-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.36	9.35
K70-15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.66	9.40
L70-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.09	9.60

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[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: A70-13 Max. load @ 26# corrected to 940.

Table I-C

(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
"Super Balloon" Sizes																
4.80-10	320	355	390	430	470	490	510	535	555	575	595			3½	23.90	5.00
5.20-10	350	395	440	485	530	555	575	605	625	650	670	695	715	3½	24.81	5.20
5.90-10	385	430	475	515	550	580	605	630	650	675	700			4	24.90	5.80
5.20-12	395	445	495	545	595	625	655	685	710	735	760	785	810	3½	26.79	5.20
5.60-12	460	520	575	620	670	715	760	795	825	855	885	915	940	4	27.83	5.71
5.90-12	460	505	550	595	640	665	700	730	755	785	810			4	26.00	5.90
6.20-12	505	555	605	655	705	735	775	805	835	865	895			4½	27.00	6.30
5.20-13	430	485	540	590	640	670	710	740	765	795	820	850	875	3½	27.72	5.20
5.60-13	495	560	620	675	725	770	810	850	880	910	915	975	1,005	4	28.92	5.71
5.90-13	555	625	695	755	815	860	895	935	970	1,005	1,010	1,075	1,105	4	29.74	5.91
6.20-13	520	580	640	700	750	780	820	850	880	910	915			4½	28.00	6.30
6.40-13	630	705	785	845	915	945	985	1,025	1,060	1,100	1,140	1,175	1,210	4½	31.26	6.42
6.70-13	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
6.90-13	695	745	795	845	915	955	1,005	1,045	1,085	1,120	1,160			5	30.00	7.20
5.20-14	475	535	595	645	695	735	785	825	855	885	915	945	975	3½	28.89	5.20

See footnotes at end of table.

TABLE I-C—Continued

(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR BIAS PLY TIRES—continued

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.60-14	530	595	660	715	770	815	855	890	920	955	990	1,020	1,050	4	29.94	5.71
5.90-14	585	660	730	785	850	880	925	970	1,005	1,040	1,080	1,115	1,145	4	30.76	5.91
6.40-14	660	745	825	890	960	1,000	1,050	1,090	1,130	1,170	1,210	1,250	1,290	4½	32.19	6.42
6.45-14			860	910	960	1,000	1,040	1,080	1,120					4½	30.92	6.60
5.20-15	505	570	630	685	740	780	830	870	900	935	965	1,000	1,030	3½	29.75	5.20
5.60-15	555	625	695	755	815	860	895	935	970	1,005	1,040	1,075	1,105	4	30.87	5.71
5.90-15	615	695	770	825	890	935	980	1,015	1,050	1,090	1,130	1,165	1,200	4	31.77	5.91
6.40-15			875	950	1,010	1,055	1,100	1,150	1,190	1,230	1,260			4½	33.20	6.42
"Low Section" Sizes																
5.00-12	370	420	465	505	540	565	580	605	625	650	670	695	715	3½	25.62	5.04
5.50-12	415	470	520	560	605	635	665	695	720	745	770	800	820	4	26.93	5.59
6.00-12	485	545	595	655	705	735	785	815	845	875	905	935	965	4½	28.33	6.14
5.00-13	410	460	510	545	585	610	635	660	685	710	735	755	780	3½	26.64	5.04
5.50-13	445	495	550	595	640	670	710	740	765	795	820	850	875	4	27.95	5.59
7.25-13	730	825	915	990	1,070	1,110	1,160	1,200	1,245	1,290	1,335	1,380	1,420	5	32.51	7.24
7.50-13	775	875	970	1,040	1,120	1,180	1,225	1,270	1,315	1,365	1,410	1,460	1,500	5½	33.22	7.48
5.50-15L	505	570	630	675	725	760	800	840	870	900	935	965	995	4	29.97	5.59
6.00-15L	595	665	740	800	860	890	930	970	1,005	1,040	1,080	1,115	1,145	4½	31.29	6.14
6.50-15L	675	755	840	900	970	1,010	1,060	1,105	1,145	1,185	1,230	1,270	1,305	4½	32.68	6.54
7.00-15L	760	855	950	1,025	1,100	1,145	1,190	1,235	1,280	1,325	1,375	1,420	1,460	5	33.85	7.01
"Super Low Section" Sizes																
145-10/5.95-10	380	430	475	515	550	580	605	630	650	675	700	725	745	4	24.76	5.79
125-12/5.35-12	335	380	420	450	485	510	535	550	570	590	610	630	650	3½	24.68	5.00
135-12/5.65-12	370	420	465	505	540	570	590	620	640	665	690	710	730	4	25.53	5.39
145-12/5.95-12	440	495	550	595	640	665	700	730	755	785	810	840	865	4	26.69	5.79
155-12/6.15-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4½	29.36	6.18
135-13/5.65-13	415	470	520	555	595	625	655	685	710	735	760	785	810	4	26.53	5.39
145-13/5.95-13	470	525	585	620	670	705	745	770	800	825	855	885	910	4	27.61	5.79
155-13/6.15-13	515	575	640	700	750	780	820	850	880	910	945	975	1,005	4½	28.44	6.18
165-13/6.45-13	575	645	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105	4½	29.52	6.57
175-13/6.95-13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160	1,200	1,235	5	30.34	7.01
185-13/7.35-13	695	785	870	945	1,010	1,060	1,115	1,160	1,205	1,245	1,290	1,335	1,370	5½	31.41	7.40
135-14/5.65-14	440	495	550	595	640	665	700	730	755	785	810	840	865	4	27.54	5.59
145-14/5.95-14	495	560	620	665	715	750	785	815	845	875	905	935	965	4	28.54	5.79
155-14/6.15-14	540	610	675	730	780	825	860	895	925	960	995	1,030	1,060	4½	29.45	6.18
125-15/5.35-15	395	445	495	535	570	600	625	650	675	700	720	745	770	3½	27.69	5.00
135-15/5.65-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
145-15/5.95-15	520	585	650	710	760	790	830	860	890	925	955	985	1,015	4	29.54	5.79
155-15/6.35-15	585	660	730	780	835	875	915	950	985	1,020	1,055	1,090	1,125	4½	30.45	6.18
175-15/7.15-15	705	795	880	955	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	5	32.42	7.01
165-14	650	715	770	815	880	925	970	1,000	1,035	1,080	1,115	1,145	1,170	4½	31.22	6.57
175-14	715	780	850	915	980	1,025	1,070	1,115	1,160	1,200	1,235	1,270	1,310	5	32.13	7.01
185-14	805	870	940	1,000	1,080	1,135	1,190	1,235	1,290	1,325	1,370	1,400	1,435	5½	33.15	7.40
195-14	860	950	1,025	1,105	1,180	1,235	1,290	1,345	1,400	1,445	1,490	1,535	1,580	5½	34.18	7.80
205-14	940	1,025	1,115	1,190	1,270	1,335	1,400	1,455	1,510	1,565	1,610	1,655	1,700	6	35.36	8.19
215-14	1,015	1,115	1,200	1,290	1,380	1,445	1,520	1,590	1,640	1,700	1,740	1,785	1,830	6	36.30	8.58
225-14	1,080	1,180	1,280	1,380	1,465	1,540	1,620	1,700	1,750	1,810	1,850	1,915	1,970	6½	37.25	8.98
165-15	685	750	805	860	915	970	1,015	1,060	1,105	1,135	1,180	1,200	1,235	4½	32.16	6.57
185-15	815	905	970	1,050	1,115	1,180	1,235	1,280	1,325	1,370	1,410	1,445	1,490	5½	34.09	7.40
195-15	880	970	1,060	1,135	1,215	1,280	1,335	1,390	1,445	1,450	1,535	1,580	1,620	5½	35.12	7.80
205-15	970	1,060	1,145	1,225	1,300	1,370	1,445	1,500	1,565	1,610	1,665	1,720	1,765	6	36.30	8.19
215-15	1,050	1,145	1,235	1,335	1,435	1,500	1,590	1,640	1,700	1,740	1,800	1,850	1,910	6	37.24	8.58
235-15	1,150	1,295	1,435	1,545	1,660	1,735	1,825	1,895	1,965	2,035	2,110	2,180	2,245	6½	38.26	9.37
5.0-15	460	520	575	610	660	690	720	750	775	805	835	860	885	4	28.53	5.39
5.5-15	520	585	650	710	760	790	830	860	890	925	955	985	1,015	4	29.54	5.79

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[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-D

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145-10	495	525	545	565	585	605	625	640	655	670	685	700	710	4	24.76	5.79
125-12	405	430	445	465	480	495	505	525	535	550	560	575	580	3½	24.68	5.00
135-12	480	510	530	550	565	585	600	620	635	650	665	675	685	4	25.53	5.39
145-12	570	605	625	650	675	695	715	740	760	775	790	805	815	4	26.69	5.79
155-12	630	670	695	720	745	770	795	820	840	860	875	890	905	4½	27.36	6.18
135-13	515	545	565	590	610	630	650	670	690	705	715	730	740	4	26.53	5.39
145-13	605	640	665	695	720	740	765	790	815	830	845	865	870	4	27.61	5.79
155-13	670	710	735	765	790	815	840	870	895	910	925	940	955	4½	28.44	6.18
165-13	700	750	800	850	890	930	970	1,010	1,050	1,090	1,130	1,170	1,200	4½	29.52	6.57
175-13			810	860	920	980	1,040	1,100	1,160	1,200	1,240	1,300	1,350	4½	30.30	6.75
185-13			870	940	1,010	1,080	1,140	1,210	1,270	1,330	1,390	1,460	1,510	5	31.42	7.25
195-13			970	1,040	1,110	1,180	1,250	1,320	1,400	1,460	1,520	1,580	1,640	5½	32.38	7.70
135-14	555	585	610	635	655	675	695	720	740	750	765	780	790	4	27.54	5.39
145-14	645	680	710	735	760	785	810	840	865	885	905	920	935	4	28.54	5.79
155-14	630	680	720	760	800	840	880	920	950	980	1,010	1,040	1,070	4½	29.45	6.18
165-14	740	790	840	890	940	980	1,020	1,060	1,100	1,140	1,180	1,220	1,260	4½	30.53	6.57
175-14			830	900	960	1,030	1,100	1,160	1,230	1,280	1,350	1,400	1,470	5	31.63	7.00
185-14			920	1,000	1,070	1,140	1,220	1,290	1,360	1,420	1,500	1,560	1,640	5	32.59	7.30

See footnotes at end of table.

TABLE I-D—Continued

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR DASH (—) RADIAL PLY TIRES—continued

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
195-14			1,020	1,100	1,180	1,270	1,340	1,420	1,500	1,570	1,650	1,720	1,800	5½	33.69	7.80
205-14			1,100	1,180	1,270	1,380	1,450	1,540	1,620	1,700	1,770	1,860	1,940	6	34.82	8.20
215-14			1,200	1,300	1,390	1,510	1,580	1,670	1,770	1,850	1,920	2,010	2,100	6	35.79	8.60
225-14			1,320	1,420	1,510	1,610	1,710	1,800	1,900	1,970	2,050	2,150	2,230	6½	36.44	8.95
125-15	495	525	545	565	585	605	625	640	655	670	685	700	710	3½	27.69	5.00
135-15	585	620	645	670	695	715	735	755	775	795	810	825	840	4	28.53	5.39
145-15	680	720	750	780	805	830	855	875	895	920	940	960	975	4	29.54	5.79
155-15	740	785	815	850	880	905	930	955	980	1,005	1,025	1,045	1,060	4½	30.45	6.18
165-15	770	820	870	920	970	1,020	1,070	1,110	1,150	1,190	1,230	1,270	1,310	4½	31.45	6.57
175-15			990	1,050	1,100	1,150	1,200	1,250	1,300	1,350	1,400	1,440	1,480	5	32.41	7.00
180-15	925	980	1,020	1,060	1,095	1,130	1,170	1,190	1,230	1,260	1,280	1,305	1,325	4½	32.04	6.62
185-15			1,000	1,070	1,140	1,210	1,280	1,350	1,420	1,480	1,540	1,600	1,660	5½	33.58	7.45
195-15			1,080	1,160	1,240	1,330	1,400	1,470	1,550	1,620	1,680	1,760	1,820	5½	34.22	7.65
205-15			1,190	1,280	1,370	1,450	1,530	1,620	1,700	1,760	1,840	1,920	2,000	6	35.20	8.10
215-15			1,280	1,380	1,460	1,570	1,660	1,760	1,860	1,940	2,020	2,100	2,200	6	36.00	8.35
225-15			1,370	1,470	1,580	1,670	1,780	1,880	1,980	2,060	2,150	2,240	2,340	6½	36.94	8.60
235-15			1,430	1,540	1,640	1,750	1,850	1,960	2,060	2,160	2,250	2,350	2,450	6½	37.75	9.06
185-16			1,140	1,210	1,270	1,330	1,390	1,450	1,500	1,550	1,600	1,650	1,700	6½	34.14	7.40
165-400	800	860	920	980	1,030	1,080	1,130	1,180	1,220	1,260	1,300	1,340	1,380	4.65	32.04	6.62

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[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-E

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "77 SERIES" BIAS PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size, factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
G77-14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.04	8.45
5.9-10	385	430	475	515	550	580	605	630	660	675	700			4	24.00	5.86
5.9-12	460	505	550	595	640	665	700	730	755	785	810			4	26.00	5.90
6.2-12	485	545	605	655	705	735	775	805	835	865	895	925	950	4	27.21	6.00
6.2-13	515	575	640	700	750	780	820	850	880	910	945	975	1,005	4	28.19	6.04
6.5-13	575	645	715	770	825	865	905	935	970	1,005	1,040	1,075	1,105	4½	29.18	6.54
6.9-13	635	715	795	845	915	955	1,005	1,045	1,085	1,120	1,160			4½	29.92	6.77
6.2-15	585	660	730	780	835	875	915	960	985	1,020	1,065	1,090	1,125	4	30.17	6.06
6.9-15	705	795	880	965	1,020	1,070	1,125	1,170	1,215	1,255	1,300	1,345	1,385	4½	31.93	6.77

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[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: New adoption 6.5-13 added.

TABLE I-F

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
5.20R10	435	460	485	510	535	560	585	615	635	660	685	710	735	3½	24.84	5.20
5.00R12	480	505	515	535	555	575	595	615	635	650	670	690	710	3½	25.62	5.04
5.20R12	515	540	565	590	615	640	665	695	715	740	765	790	815	3½	26.79	5.20
5.50R12	520	545	570	595	620	650	670	705	725	750	775	800	825	4	26.93	5.59
5.60R12	600	630	655	685	715	740	770	800	825	850	875	905	930	4	27.83	5.71
5.00R13	535	555	575	590	615	630	650	670	690	705	725	745	765	3½	26.64	5.04
5.20R13	570	595	620	645	670	695	720	750	770	795	820	845	870	3½	27.72	5.20
5.50R13	575	600	625	650	675	695	725	750	775	795	825	850	875	4	27.95	5.59
5.60R13	655	685	710	740	765	795	825	855	880	905	935	960	990	4	28.92	5.71
6.00R13	675	705	735	760	790	815	845	875	900	925	950	975	1,005	4	29.37	6.00
5.90R13	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	29.74	5.91
6.40R13	810	840	870	905	940	970	1,005	1,040	1,070	1,100	1,135	1,165	1,200	4½	31.26	6.42
6.50R13	800	830	860	890	925	960	995	1,030	1,060	1,090	1,120	1,150	1,180	4½	30.75	6.60
6.70R13	690	775	860	935	1,000	1,045	1,090	1,135	1,175	1,220	1,260	1,305	1,340	4½	32.14	6.69
7.00R13	870	910	960	985	1,025	1,060	1,100	1,145	1,175	1,215	1,255	1,295	1,335	5	31.88	7.10
7.25R13	940	980	1,020	1,060	1,100	1,135	1,175	1,215	1,255	1,290	1,330	1,370	1,410	5	32.61	7.24
5.20R14	605	640	670	700	730	760	795	830	855	885	915	950	980	3½	28.89	5.20
5.90R14	750	785	815	845	875	905	935	970	995	1,025	1,065	1,085	1,115	4	30.75	5.91
7.00R14	925	960	1,000	1,040	1,075	1,115	1,165	1,195	1,235	1,270	1,320	1,350	1,380	5	32.88	7.10
7.50R14	1,065	1,100	1,140	1,180	1,220	1,260	1,300	1,340	1,380	1,415	1,460	1,500	1,540	5½	34.19	7.66
5.60R15	705	780	805	830	860	885	915	940	965	990	1,015	1,045	1,070	4	30.87	5.71
6.40R15	885	925	965	1,005	1,040	1,080	1,120	1,160	1,200	1,235	1,275	1,310	1,350	4½	33.26	6.42
6.70R15	975	1,015	1,065	1,095	1,130	1,170	1,215	1,255	1,290	1,325	1,365	1,405	1,445	4½	33.95	7.00
7.60R15	1,160	1,200	1,245	1,285	1,325	1,370	1,415	1,465	1,500	1,535	1,575	1,610	1,655	5½	36.00	7.90

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[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-G

(Amendment No. 4)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
DR70-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	32.78	7.90
ER70-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.42	8.10
FR70-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.31	8.55
GR70-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.12	8.85
HR70-14	1,200	1,290	1,360	1,410	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.31	9.40
JR70-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.86	9.55
LR70-14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.59	9.80
DR70-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5½	33.34	7.75
ER70-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.91	7.95
FR70-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	6	34.87	8.40
GR70-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.65	8.65
HR70-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6½	36.83	9.20
JR70-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	37.31	9.40
KR70-15	1,290	1,380	1,460	1,540	1,620	1,690	1,770	1,830	1,900	1,970	2,030	2,090	2,150	6½	37.62	9.50
LR70-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	38.06	9.65

[1] The letters "HR", "SR", or "VR" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

TABLE I-H

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR TYPE "R" RADIAL PLY TIRES

Tire size [1] designation	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
145R10			525	550	580	605	630	655	680	700	725	750	770	4	24.76	5.79
125R12			430	460	475	495	515	535	555	575	595	610	630	3½	24.68	5.00
135R12			505	535	560	585	610	635	655	680	700	725	745	4	25.53	5.39
145R12			600	635	665	695	725	755	780	810	835	860	885	4	26.69	5.79
155R12			665	700	735	770	800	835	865	895	925	950	980	4½	27.36	6.18
135R13			545	575	600	630	655	680	705	730	755	780	800	4	26.53	5.39
145R13			665	700	735	770	800	835	860	890	920	950	980	4	27.59	5.79
155R13			730	770	810	845	885	915	950	985	1,015	1,045	1,075	4½	28.44	6.18
165R13			770	820	860	900	930	970	1,010	1,040	1,080	1,110	1,140	4½	29.18	6.40
175R13			890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.30	6.75
185R13			980	1,030	1,080	1,130	1,180	1,230	1,270	1,310	1,360	1,400	1,440	5	31.42	7.25
195R13			1,060	1,110	1,170	1,220	1,280	1,320	1,370	1,420	1,470	1,510	1,550	5½	32.38	7.70
135R14			585	615	645	675	705	730	760	785	810	835	860	4	27.54	5.39
145R14			675	715	750	785	815	850	880	910	940	965	995	4	28.54	5.79
155R14			780	820	860	900	940	970	1,010	1,040	1,080	1,110	1,140	4	29.51	6.05
165R14			860	910	960	1,000	1,040	1,080	1,120	1,160	1,200	1,240	1,270	4½	30.65	6.55
175R14			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,310	1,350	1,390	5	31.63	7.00
185R14			1,040	1,100	1,160	1,210	1,260	1,310	1,360	1,400	1,450	1,490	1,540	5	32.59	7.30
195R14			1,150	1,210	1,270	1,330	1,390	1,440	1,500	1,550	1,600	1,650	1,690	5½	33.60	7.80
205R14			1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,670	1,730	1,780	1,830	6	34.82	8.30
215R14			1,360	1,430	1,510	1,580	1,640	1,710	1,770	1,830	1,890	1,950	2,000	6	35.79	8.60
225R14			1,430	1,510	1,580	1,660	1,730	1,790	1,860	1,920	1,990	2,050	2,100	6½	36.44	8.95
125R15			520	550	575	605	630	655	680	705	725	745	770	3½	27.69	5.00
135R15			615	650	680	715	745	775	800	830	855	880	910	4	28.53	5.39
145R15			720	760	795	830	865	900	935	965	995	1,025	1,055	4	29.54	5.79
155R15			780	825	865	905	940	980	1,015	1,050	1,085	1,115	1,150	4½	30.45	6.18
165R15			870	910	960	1,000	1,050	1,090	1,130	1,170	1,200	1,240	1,270	4½	31.18	6.40
175R15			950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,390	5	32.30	6.90
185R15			1,070	1,130	1,180	1,240	1,290	1,340	1,390	1,440	1,480	1,530	1,570	5½	33.58	7.45
195R15			1,160	1,210	1,270	1,330	1,380	1,440	1,490	1,540	1,590	1,640	1,690	5½	34.22	7.65
205R15			1,240	1,300	1,370	1,430	1,490	1,550	1,610	1,660	1,720	1,770	1,820	6	35.20	8.10
215R15			1,340	[illegible]	1,480	1,500	1,620	1,680	1,740	1,800	1,860	1,920	1,970	6	36.00	8.35
225R15			1,430	1,510	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.94	8.80
235R15			1,510	1,600	1,680	1,750	1,830	1,900	1,970	2,030	2,100	2,160	2,230	6½	37.75	9.05

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-J

(Amendment No. 8)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "78 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	16	18	20	22	24	26	28	30	32	34	36	38	40			
A78-13	720	770	810	860	900	940	980	1,020	1,060	1,090	1,130	1,160	1,200	4½	29.74	6.60
B78-13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	5	30.72	7.05
C78-13	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5½	31.56	7.45
B78-14	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.04	6.65
C78-14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.95	7.05
D78-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.52	7.35
E78-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.29	7.65
F78-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.04	7.90
G78-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.02	8.35
H78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.06	8.70
J78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6	36.58	8.80
C78-15	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	32.45	6.95
D78-15	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	33.05	7.15
E78-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	33.65	7.35
F78-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.56	7.75
G78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5½	35.36	8.00
H78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.50	8.55
J78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,290	1,980	2,040	2,100	6	37.02	8.70
L78-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6	37.73	8.85
N78-15	1,500	1,600	1,700	1,790	1,880	1,970	2,050	2,130	2,210	2,280	2,360	2,430	2,500	7	39.50	9.80

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-K

(Amendment No. 5)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "60 SERIES" BIAS PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
F60-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.44	9.55
G60-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.23	9.85
J60-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7½	36.90	10.65
L60-14	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	8	37.83	11.10
E60-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	6	33.83	8.70
F60-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	34.94	9.40
G60-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.73	9.70
H60-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	7	36.70	10.05
J60-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	7½	37.41	10.45
L60-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,320	7½	38.10	10.70

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-L

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR SERIES 50 CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width [2] (inches)
	20	22	24	26	28	30	32	34	36	38	40			
E50C-16	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	3½	33.31	7.95
F50C-16	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	3½	34.04	8.20
G50C-17	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	3½	35.34	8.45
H50C-17	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	3½	36.30	8.80
L50C-18	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	3½	38.00	9.10

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-M

(Amendment No. 3)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "78 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
BR78-13	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	30.31	6.75
CR78-14	840	890	950	1,000	1,050	1,100	1,140	1,190	1,230	1,270	1,320	1,360	1,400	5	31.67	7.00
DR78-14	890	950	1,010	1,070	1,120	1,170	1,220	1,270	1,320	1,360	1,410	1,450	1,490	5	32.26	7.20
ER78-14	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5	32.86	7.40
FR78-14	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	33.78	7.85
GR78-14	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	34.78	8.30
HR78-14	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	35.77	8.60
JR78-14	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.47	8.95
BR78-15	780	840	890	930	980	1,030	1,070	1,110	1,150	1,190	1,230	1,270	1,300	4½	31.38	6.45
ER78-15	950	1,010	1,070	1,130	1,190	1,240	1,300	1,350	1,400	1,440	1,490	1,540	1,580	5½	33.58	7.45
FR78-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	5½	34.28	7.70
GR78-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	6	35.30	8.15
HR78-15	1,200	1,290	1,360	1,440	1,510	1,580	1,650	1,710	1,770	1,830	1,890	1,950	2,010	6	36.23	8.45
JR78-15	1,260	1,350	1,430	1,500	1,580	1,650	1,720	1,790	1,860	1,920	1,980	2,040	2,100	6½	36.98	8.80
LR78-15	1,340	1,430	1,520	1,600	1,680	1,750	1,830	1,900	1,970	2,040	2,100	2,170	2,230	6½	37.66	9.00

[1] The letter "H", "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash."

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-N

(Amendment No. 2)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "70 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	20	22	24	26	28	30	32	34	36	38	40			
165/70 R 13	750	770	795	815	835	860	880	900	920	940	960	4½	28.45	6.50
175/70 R 13	845	865	890	910	935	955	980	1,000	1,025	1,045	1,070	5	29.31	6.92
185/70 R 13	940	965	990	1,015	1,040	1,065	1,090	1,115	1,140	1,165	1,190	5	30.39	7.31
195/70 R 13	1,045	1,070	1,100	1,125	1,155	1,180	1,210	1,240	1,265	1,290	1,320	5½	31.20	7.74
155/70 R 14	700	720	740	760	780	795	815	835	850	870	890	4	28.15	5.93
185/70 R 14	990	1,015	1,045	1,070	1,100	1,130	1,155	1,180	1,210	1,235	1,265	5	31.39	7.31
195/70 R 14	1,090	1,120	1,155	1,185	1,220	1,250	1,280	1,310	1,340	1,375	1,405	5½	32.30	7.74
175/70 R 15	940	965	990	1,015	1,040	1,065	1,090	1,115	1,140	1,165	1,190	5	31.36	6.92
185/70 R 15	1,040	1,070	1,100	1,130	1,155	1,180	1,210	1,235	1,265	1,290	1,320	5	32.34	7.31

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-O

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR "LOW SECTION" TYPE "R" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	20	22	24	26	28	30	32	34	36	38	40			
140 R 12	490	520	550	580	610	640	660	690	701	740	770	4	26.2	5.40
150 R 13	600	640	680	720	750	780	810	840	870	900	940	4	28.17	5.75
160 R 13	670	700	740	780	820	860	900	940	980	1,010	1,040	4½	29.23	6.25
170 R 13	720	760	800	840	880	920	960	1,000	1,040	1,060	1,110	5	30.08	6.60

[1] The letter "H," "S" or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: New Size 140 R 12 added.

TABLE I-P

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS AND SECTION WIDTHS FOR SERIES 45 CANTILEVERED SIDEWALL TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	20	22	21	26	28	30	32	34	36	38	40			
G45C-16	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	5	35.53	9.70

[1] The letter "H," "S" or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-R

(Amendment No. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)													Test rim width (inches)	Minimum size factor (inches)	Section width (inches) [2]
	16	18	20	22	24	26	28	30	32	34	36	38	40			
FR60-15	1,020	1,090	1,160	1,220	1,280	1,340	1,400	1,450	1,500	1,550	1,610	1,650	1,700	7	35.02	9.30
GR60-15	1,100	1,180	1,250	1,310	1,380	1,440	1,500	1,560	1,620	1,680	1,730	1,780	1,830	7	35.76	9.55

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "dash".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

TABLE I-S

(AMENDMENT NO. 1)

TIRE LOAD RATINGS, TEST RIMS, MINIMUM SIZE FACTORS, AND SECTION WIDTHS FOR "60 SERIES" RADIAL PLY TIRES

Tire size designation [1]	Maximum tire loads (pounds) at various cold inflation pressures (p.s.i.)											Test rim width (inches)	Minimum size factor (inches)	Section [2] width (inches)
	20	22	24	26	28	30	32	34	36	38	40			
185/60 R 13	780	815	845	880	915	945	980	1,010	1,045	1,075	1,110	5	28.61	7.28

[1] The letter "H", "S", or "V" may be included in any specified tire size designation adjacent to the "R".

[2] Actual section width and overall width shall not exceed the specified section width by more than 7 percent.

Changes: Reissued with no changes.

2. The existing Appendix A—Federal Motor Vehicle Safety Standard No. 110 (49 CFR 371.21) is deleted and in its place the following revised Appendix A is inserted.

APPENDIX A—FEDERAL MOTOR VEHICLE SAFETY STANDARD NO. 110

The following table lists alternative size rims for tire and rim combinations not contained in any reference in S3 of Standard No. 109.

Persons requesting the addition of alternative tire rims to Appendix A should submit five (5) copies of information and data supporting the request to the Secretary of Transportation, Attention: Motor Vehicle Programs, National Highway Traffic Safety Administration, U.S. Department of Transportation, Washington, D.C. 20591.

The information should contain the following:

1. The request alternative rim and tire size combination.
2. A statement as to whether the alternative tire/rim combination has been coordinated with an organization such as the Tire and Rim Association, the European Tire and Technical Organisation, the Society of Manufacturers and Traders Limited, the Japan Automobile Tire Manufacturers Association, the Deutsche Industrie Norm and the Scandanavian Tire and Rim Organization.
3. A statement that the additional rim size request has been tested in accordance with the requirements of Standard No. 110 and meets the requirements of the standard.
4. Copies of the test data sheets showing test conditions, results of tests performed on the tire/rim combination, and conclusions obtained for the individual tests specified in Standard No. 109.
5. Justification for the additional rim size.

The addition of alternative size rims for the tire and rim combinations is accomplished through the abbreviated procedure consisting of publication in the FEDERAL REGISTER of the size rim for which a petition has been received. If no comments are received, the amendment becomes effective 30 days from date of publication. If objections to the amendment are received, additional rulemaking pursuant to Part 553 of the procedural rules for Motor Vehicle Safety Standards will be initiated.

FMVSS NO. 110—APPENDIX A

TABLE I

(Amendment No. 18)

ALTERNATIVE RIMS

Tire size [3]	*Rim* [1] [2]
Table I-A:	
6.00-13	5-JJ, 6-JJ.
7.35-14	6-JJ.
6.85-15	4½-JJ, 5½-JJ.
7.00-15	*5.00F, 5-K.*
8.25-15	5-JJ, 5½-JJ, *6-JJ, 6-K, 6-L.*
8.55-15	5½-JJ, *6-JJ, 6-K, 6-L,* 6½-JJ.
8.90-15	6-JJ, *6½-L,* 7-L.
9.15-15	5½-JJ, 5½-K.
L84-15	5½-JJ, *6-JJ,* 6½-JJ, 7-JJ.
Table I-B:	
A70-13	5-JJ, 5½-JJ, 6-JJ.
D70-13	5½-JJ, 5½-K.
E70-14	7-JJ.
F70-14	7-JJ.
G70-14	7-JJ.
C70-15	5½-JJ.
E70-15	7-JJ, 8-JJ.
F70-15	8-JJ.
G70-15	7-JJ, 7½-K, 8-JJ.
H70-15	8-JJ.
Table I-C:	
4.80-10	3.50D.
5.60-14	4½-JJ.
6.40-15	4-JJ, *4½-JJ, 4½-K, 4.50E,* 5.00E, 5-JJ, 5-K, 5½-JJ.
155-13/ 6.15-13	5-JJ.
175-13/ 6.95-13	5½-JJ.
5.0-15	3.50B, 3.50D, 3½-JJ, *4-JJ, 4.00C.*
5.5-15	3.50D, 3½-JJ, *4-JJ,* 4½-JJ.

See footnotes at end of table.

TABLE I—Continued

Tire size [3]	*Rim* [1] [2]
Table I-D:	
145-10	3.50B.
145-13	3½JJ, 4½-JJ.
165-13	*4½-JJ.*
135-15	4½-JJ.
185-15	4½-JJ.
Table I-E:	
6.2-13	4½-JJ.
6.5-13	*4½-JJ,* 5-JJ.
Table I-F:	
5.20-13	4½-JJ.
5.60-13	3½-JJ, 4-JJ.
6.00-13	*4-JJ.*
5.60-15	5-K.
Table I-G:	
DR70-14	6-JJ, 6½-JJ, 6½-K.
FR70-14	5½-JJ, 6½-JJ, 7-JJ, 8-JJ.
ER70-15	6-JJ, 6½-JJ, 7-JJ.
FR70-15	6½-JJ, 7-JJ, 7½-K, 7½-L.
GR70-15	6½-JJ, 7-L, 7½-K.
HR70-15	6-JJ.
Table I-H:	
155 R 12	4-JJ.
135 R 13	4½-JJ.
145 R 13	4½-JJ, 4.50B.
155 R 13	4.50B, 5-JJ.
165 R 13	4-JJ, 4.50B.
165 R 14	5½-JJ.
175 R 14	4½-JJ.
205 R 14	7½-K.
135 R 15	4½-JJ.
165 R 15	5-JJ, 5-K, 5½-JJ.
205 R 15	6½-L, 7-L, 7½-K.
Table I-J:	
A78-13	4-JJ, *4½-JJ,* 5-JJ, 5½-JJ, 6-JJ.
B78-13	*5-JJ.*
C78-13	*5½-JJ.*
B78-14	*4½-JJ, 4½-K,* 5-JJ, 5-K, 5½-JJ.
C78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ. 6-JJ.
D78-14	4½-JJ, *5-JJ, 5-K,* 5½-JJ, 6-JJ.
E78-14	4½-JJ, 5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6½-JJ, 7-JJ.
F78-14	5-JJ, 5-K, *5½-JJ, 5½-K,* 6-JJ, 6-K, 6½-JJ, 7-JJ.
G78-14	5-JJ, 5½-JJ, 5½-K, *6-JJ, 6-K,* 7-JJ.

TABLE I—Continued

Tire size [3]	Rim [1,2]
H78–14	5½–JJ, 6–JJ, 6–K, 6½–JJ, 6½–K, 7–JJ.
J78–14	6–JJ, 6–K, 6½–JJ.
C78–15	4½–JJ, 4½–K, 5–JJ, 5–K.
D78–15	5–JJ, 5–K.
E78–15	4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.
F78–15	4½–K, 5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ.
G78–15	5–JJ, 5–K, 5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 7–JJ.
H78–15	5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 6½–K, 6½–JJ, 7–JJ.
J78–15	5½–JJ, 6–JJ, 6–K, 6–L, 6½–JJ, 7–JJ.
L78–15	5½–JJ, 5½–K, 6–JJ, 6–K, 6–L, 6½–JJ, 7–JJ, 8–JJ.
N78–15	6–JJ, 7–JJ.
Table I–K:	
F60–14	7–JJ.
G60–14	7–JJ.
J60–14	7½–JJ.
L60–14	8–JJ.
E60–15	6–JJ, 7–JJ, 8–JJ.
F60–15	6½–JJ, 7–JJ, 8–JJ.
G60–15	7–JJ, 8–JJ.
H60–15	7–JJ.
J60–15	7½–JJ.
L60–15	7½–JJ.
Table I–L:	
E50C–16	3½.
F50C–16	3½.
G50C–17	3½.
H50C–17	3½.
L50C–18	3½, 4.
Table I–M:	
BR78–13	4½–JJ.
CR78–14	5–JJ.
DR78–14	5–JJ.
ER78–14	5–JJ.
FR78–14	5½–JJ.
GR78–14	6–JJ.
HR78–14	6–JJ.
JR78–14	6½–JJ.
BR78–15	4½–JJ.
ER78–15	5½–JJ.
FR78–15	5½–JJ.
GR78–15	6–JJ.
HR78–15	5½–JJ, 6–JJ.
JR78–15	6–JJ, 6½–JJ.
LR78–15	6–JJ, 6½–JJ.
Table I–N:	
165/70 R 13	4½–JJ, 5–JJ.
175/70 R 13	5–JJ, 5½–JJ.
185/70 R 13	4½–JJ, 5–JJ, 5½–JJ.
195/70 R 13	5½–JJ, 6–JJ.
155/70 R 14	4–JJ.
185/70 R 14	4½–JJ, 5–JJ, 5½–JJ.
195/70 R 14	5½–JJ, 6–JJ.
175/70 R 15	5–JJ.
185/70 R 15	5–JJ, 5½–JJ, 6–JJ.
Table I–O:	
140 R 12	4.00, 4.00–B, 4–JJ, 4.50, 4.50–B, 4½–JJ.
150 R 13	3½–JJ, 4.00B, 4½–JJ, 5–JJ.
160 R 13	4.00B, 4½–JJ, 5–JJ, 5½–JJ.
170 R 13	4½–JJ, 5–JJ, 5½–JJ, 6–JJ.
Table I–P:	
G45C–16	5.
Table I–R:	
FR60–15	7–JJ.
GR60–15	7–JJ.
Table I–S:	
165/60 R 13	5–JJ, 5½–JJ.

NOTES

[1] Underline designations denote Test Rims.

[2] Where JJ rims are specified in the above Table J and JK rim contours are permissible.

[3] Table designations refer to tables listed in Appendix A of FMVSS No. 109.

CHANGES

Table Section I—C 6.40–15 rim 5½–J corrected to 5½–JJ.

Table Section I—C 175–13/6.95–13 Alternate Rim 5½–JJ added.

Table Section I—E 6.2–13 Alternate Rim 4½–JJ added.

Table Section I—E New size 6.5–13 added.

Table Section I—H 205 R 14 Alternate Rim 7½–K added.

Table Section I—H 205 R 15 Alternate Rim 6½–L added.

Table Section I—O New size 140 R 12 added.

[FR Doc.71–5879 Filed 5–3–71;8:45 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[3rd Rev. S. O. No. 1065–A]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a Session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 22d day of April 1971.

Upon further consideration of Third Revised Service Order No. 1065 and good cause appearing therefor:

It is ordered, That:

§ 1033.1065 *Service Order No. 1065* be, and it is hereby, vacated and set aside.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4) and 17(2). 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That this order shall become effective at 12:01 a.m., April 27, 1971; that copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6220 Filed 5–3–71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–EA–53; Amdt. 39–1200]

PART 39—AIRWORTHINESS DIRECTIVES

Martin Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Martin 202, 202A, and 404 type airplanes.

There has been a report of an incident involving an air carrier Martin type airplane, wherein the main landing gear aluminum gland nut failed, allowing the strut to extend against the torque links and split the oleo spacer. Since this is a deficiency which can exist or develop in airplanes of similar type design, an airworthiness directive is being issued which will require a repetitive inspection of the aluminum gland nut.

Since a situation exists which requires expeditious adoption of this amendment it is found that notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

MARTIN AIRCRAFT. Applies to Models 202, 202A, and 404 airplanes certificated in all categories.

Compliance required as indicated.

To detect cracks or corrosion in the main landing gear aluminum gland nut, P/N 202SD81548 (Menasco Drawing No. 511034), accomplish the following: (a) Within the next 25 hours in service, after the effective date of this AD, unless already accomplished within the last 475 hours in service, and thereafter at intervals not to exceed 500 hours in service from the last inspection, comply with (b).

(b) Unscrew the left and right main landing gear aluminum gland nut, P/N 202SD81548, so that all threads are visible. Inspect the nut for evidence of cracks or corrosion, using dye penetrant in conjunction with at least a 10-power glass or an equivalent inspection. Cracked or corroded parts must be replaced with an unused part or an equivalent before further flight, except that the airplane may be flown in accordance with FAR 21.197 to a base where the repair can be performed.

(c) The repetitive inspection specified in (a) may be discontinued when the aluminum gland nut is replaced by a part made of steel, as per ECD 32590 to Menasco Drawing No. 511034, change L, dated 8 March 1961, or replaced by a steel gland nut in accordance with Eastern Air Lines Drawing No. 204–8125, or with an equivalent part.

(d) Upon submission of substantiating data by an owner or operator through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may adjust the initial inspection and the repetitive inspection interval specified in this AD. Equivalent parts and inspections must be approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

This amendment is effective May 4, 1971.

(Sec. 313(a), 601 and 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421 and 1423, sec. 6(c), of the DOT Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on April 8, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–6192 Filed 5–3–71;8:47 am]

[Docket No. 71–EA–69; Amdt. 39–1201]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

On January 13, 1971 the Federal Aviation Administration published an airworthiness directive No. AD 71–2–2 applicable to the Pratt & Whitney JT4A type airplane engine. Through inadvertence, one serial number was erroneously published. The serial number will be corrected.

Since the foregoing is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 71–2–2 as follows:

(1) Delete serial number 4F–3006 and insert in lieu thereof 4F–3606.

This amendement is effective May 4, 1971.

(Secs. 313(a), 601, and 603, Federal Aviation Act of 1958, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on April 8, 1971.

WAYNE HENDERSHOT,
Acting Director,
Eastern Region.

[FR Doc.71–6193 Filed 5–3–71;8:48 am]

[Airspace Docket No. 71–SO–25]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 17, 1971, F.R. Doc. No. 71–3666 was published in the FEDERAL REGISTER (36 F.R. 5034), amending Part 71 of the Federal Aviation Regulations by altering the Mobile, Ala., transition area.

In the amendment, reference was made to "Brookley Aerospace Airport," whereas it should have referred to "Mobile Aerospace Airport." It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. No. 71–3666 is amended as follows:

In the fourth paragraph, lines 4 and 5, "* * * Brookley Aerospace Airport * * *" is deleted and "* * * Mobile Aerospace Airport * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71–6195 Filed 5–3–71;8:48 am]

[Airspace Docket No. 71–SO–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On March 19, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5298), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Louisville, Ky. (Bowman Field and Standiford Field), and the Fort Knox, Ky., control zones and the Louisville, Ky., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

LOUISVILLE, KY. (BOWMAN FIELD)

Within a 5-mile radius of Bowman Field (lat. 38°13′40″ N., long. 85°39′47″ W.); within 3 miles each side of Bowman VOR 064° radial, extending from the 5-mile radius zone to 8.5 miles northeast of the VOR; within 1.5 miles each side of Louisville VOR 331° radial, extending from the 5-mile radius zone to the VOR; excluding the portion within Standiford Field control zone west of a line 1.5 miles east of and parallel to the ILS localizer north course and the portion south of a line 2 miles north of and parallel to Louisville VOR 301° radial.

LOUISVILLE, KY. (STANDIFORD FIELD)

Within a 5-mile radius of Standiford Field (lat. 38°10′33″ N., long. 85°44′12″ W.); within 1.5 miles each side of the ILS localizer south course, extending from the 5-mile radius zone to the LOM; within 1.5 miles each side of the ILS localizer west course, extending from the 5-mile radius zone to 1 mile east of Nabb VOR 206° radial; within 2 miles ach side of Louisville VOR 301° radial, extending from the 5-mile radius zone to 1 mile northwest of the VOR; excluding the portion within Bowman Field control zone.

FORT KNOX, KY.

Within a 5-mile radius of Godman AAF (lat. 37°54′27″ N., long. 85°58′21″ W.); within 3 miles each side of the 354° bearing from Fort Knox RBN, extending from the 5-mile radius zone to 8.5 miles north of the RBN; within 3 miles each side of Fort Knox VOR 001°, 052°, 172°, and 324° radials, extending from the 5-mile radius zone to 8.5 miles north, northeast, south, and northwest of the VOR.

In § 71.181 (36 F.R. 2140), the Louisville, Ky., 700-foot transition area is amended to read:

LOUISVILLE, KY.

That airspace extending upward from 700 feet above the surface within an 11-mile radius of Standiford Field (lat. 38°10′33″ N., long. 85°44′12″ W.); within 3 miles each side of the ILS localizer north course, extending from the 11-mile radius area to 8.5 miles north of Louisville VOR 328° radial; within 3 miles each side of the ILS localizer east course, extending from the 11-mile radius area to 8.5 miles east of the LOM; within 9.5 miles west and 4.5 miles east of the ILS localizer south course, extending from the 11-mile radius area to 18.5 miles south of the OM; within 3 miles each side of the ILS localizer west course, extending from the 11-mile radius area to 8.5 miles west of Nabb VOR 206° radial; within a 10-mile radius of Bowman Field (lat. 38°13′40″ north, long. 85°39′47″ W.); within an 8.5-mile radius of Godman AAF, Fort Knox (lat. 37°54′27″ N., long. 85°58′21″ W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 22, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71–6196 Filed 5–3–71;8:48 am]

[Airspace Docket No. 71–SO–64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Memphis, Tenn. (NAS), control zone and transition area.

The Memphis (NAS) control zone is described in § 71.171 (36 F.R. 2055). In the description, an extension is predicated on the NAS Memphis TACAN 035° radial with a width of 4 miles and a length of 6.5 miles.

The Memphis (NAS) transition area is described in § 71.181 (36 F.R. 2140). In the description, the radius circle is designated as 12 miles and an extension is predicated on the 083° bearing from NAS Memphis RBN with a width of 4 miles and a length extending to 14 miles east of the NAS.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the descriptions as follows:

Control Zone. Revoke the extension predicated on the NAS Memphis TACAN 035° radial.

Transition Area. Increase the extension predicated on the NAS Memphis RBN 2 miles in width and 1 mile in length.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal

Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Memphis, Tenn. (NAS), control zone is amended to read:

MEMPHIS, TENN. (NAS)

Within a 5-mile radius of Memphis NAS (lat. 35°21'15'' N., long. 89°52'10'' W.). This control zone is effective during the specific dates and times established in advance by Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

In § 71.181 (36 F.R. 2140), the Memphis, Tenn. (NAS), transition area is amended to read:

MEMPHIS, TENN. (NAS)

That airspace extending upward from 700 feet above the surface within a 12-mile radius of NAS Memphis (lat. 35°21'15'' N., long. 89°52'10'' W.); within 3 miles each side of the 083° bearing from NAS Memphis RBN, extending from the 12-mile radius area to 8.5 miles east of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6197 Filed 5-3-71;8:48 am]

[Airspace Docket No. 70-SO-103]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4789), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the McMinnville, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

MCMINNVILLE, TENN.

That airspace extending upward from 700 feet above the surface within a 13-mile radius of Warren County Memorial Airport (lat. 35°42'00'' N., long. 85°50'30'' W.); within 9.5 miles northwest and 4.5 miles southeast of the 061° bearing from Warren County RBN (lat. 35°42'11'' N., long. 85°50'40'' W.), extending from the 13-mile radius area to 18.5 miles northeast of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 21, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6198 Filed 5-3-71;8:48 am]

[Airspace Docket No. 71-WA-19]

PART 71—DESIGNATION O FFEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Additional Control Areas, and Reporting Point

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke the Bettles/Umiat, Alaska; Umiat/Point Barrow, Alaska; Umiat/Deadhorse, Alaska, additional control areas and the Umiat, Alaska, RBN Alaskan low altitude reporting point.

The Bettles/Umait, Umiat/Point Barrow and Umiat/Deadhorse additional control areas and the Umiat low altitude reporting point are based, in part, on the use of the Umiat radio beacon. The Umiat radio beacon is privately owned and will be decommissioned May 15, 1971. Therefore, action is taken herein to revoke the airspace predicated on the Umiat RBN.

Since a situation exists where safety requires immediate adoption of these amendments, it is found that notice and public procedure thereon are impracticable, and good cause exists for making these amendments effective on less than 30 days notice.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., May 15, 1971, as hereinafter set forth.

1. In § 71.163 (36 F.R. 2043) the Bettles/Umiat, Alaska; Umiat/Point Barrow, Alaska, and Umiat/Deadhorse, Alaska, additional control areas are revoked.

2. In § 71.211 (36 F.R. 2313) the Umiat, Alaska, RBN low altitude reporting point is revoked.

(Sec. 307(a) of the Federal Aviation Act of 1958, 48 U.S.C. 1348(a) and sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 30, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc. 71-6305 Filed 5-3-71;8:51 am]

[Airspace Docket No. 71-EA-61]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Jet Route Segments

The purpose of this amendment to Part 75 of the Federal Aviation Regulations is to realign segments of Jet Routes Nos. 14 and 37 via the Kenton, Del., VORTAC.

J-14 and J-37 segments northeast of Richmond, Va., and Gordonsville, Va., respectively, are aligned over the Kenton, Del., VORTAC without reference to the Kenton facility in their route description. A recent flight inspection of J-37 indicates the alignment via the Gordonsville VORTAC 065°M radials is beyond acceptable tolerance in the vicinity of Kenton.

Accordingly, to overcome this navigational deficiency, action is taken herein to realign J-14 and J-37 by use of the Kenton VORTAC so as to improve the navigational guidance on these segments.

Since a situation exists when safety requires immediate adoption of this amendment and no substantive change is made in the regulation, notice and public procedure thereon are impracticable.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., June 24, 1971, as hereinafter set forth.

1. Section 75.100 (36 F.R. 2371) is amended as follows:

a. In Jet Route No. 14 text all after "Greensboro, N.C.;" is deleted and "Richmond, Va.; to Kenton Del." is substituted therefore.

b. In Jet Route No. 37 text all between "Gordonsville, Va.;" and "Kennedy, N.Y.;" is deleted and "Kenton, Del.; Coyle, N.J.;" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on April 27, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6194 Filed 5-3-71;8:48 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11004; Amdt. 95-206]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof.

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of the Federal Aviation Regulations is amended, effective May 27, 1971, as follows:

1. By amending Subpart C as follows:

Section 95.619 *Blue Federal Airway 19* is amended to read in part:

From, To, and MEA

Fish Hook, Fla., LF/RBN; Hondo LF INT, Fla.; *1,500. *1,300—MOCA.
Hondo LF INT, Fla.; Perrine, Fla., RBN; *2,000. *1,600—MOCA.

Section 95.1001 *Direct routes—United States* is amended to delete:

Augusta, Ga., LOM; Johnston INT, S.C.; 2,900.
Anniston, Ala., VOR; Graham INT, Ala.; 4,000.
Anniston, Ala., VOR; La Grange, Ga. VOR; 4,000.
Anniston, Ala., VOR; Steele INT, Ala.; *3,000. *2,500—MOCA.
Jacksonville, Fla., RBN; Gateway INT, Fla.; *2,000. 1,300—MOCA.

Section 95.1001 *Direct routes—United States* is amended by adding:

Bush, Ga., LOM; Johnston INT, S.C.; 2,900.
Dinsmore, Fla., RBN; Gateway INT, Fla.; *2,000. *1,300—MOCA.
Dinsmore, Fla., RBN; Carp INT, Fla. (via Control 1,153); *2,000. *1,300—MOCA.
Ashley, S.C., LOM; Azalea INT, S.C.; 2,000.
Azalea INT, S.C.; Yellowtail INT, S.C.; *2,000. *1,200—MOCA.
Yellowtail INT, S.C.; Smelt INT, S.C.; *2,000. *1,200—MOCA.
Talladega, Ala., VOR; Graham INT, Ala.; 4,000.
Talladega, Ala., VOR; La Grange, Ga., VOR; 4,000.
Talladega, Ala., VOR; Steele INT, Ala.; *3,000. *2,500—MOCA.

Section 95.1001 *Direct routes—United States* is amended to read in part:

Dothan, Ala., VOR, via DHN 050/Euf 179; Eufaula, Ala., VOR; *2,000. *1,900—MOCA.
INT 221°M rad, Greensboro, VOR and 192°M brg Reynolds LOM; Reynolds, N.C., LOM; *2,500. *2,000—MOCA.
Lewis INT, Ala.; Talladega, Ala., VOR; *3,000. *2,600—MOCA.
Springville INT, Ala.; Talladega, Ala., VOR; *3,300. *2,700—MOCA.
Crab LF INT, Fla.; Egmont Key, Fla., RBN (via Control 1,226); *2,000. *1,200—MOCA.
Halibut INT, Fla.; *Mullet INT, Bahamas (via Control 1,150); **6,500. *6,500—MRA. **1,200—MOCA.
*Mullet INT, Bahamas; **Porpoise INT, Fla.; ***15,000. *6,500—MRA. **15,000—MRA. ***1,200—MOCA.

Bahama Routes

1 Lima is amended to read in part:

Satellite, Fla., RBN; Grand Bahamas, Bahama AAFB RBN; *2,000. *1,500—MOCA.

4 Lima is amended to read in part:

Rubin, Fla., RBN; Bimini, Bahama RBN; 2,000.

7 Lima is amended to read in part:

Halibut INT, Bahama; Rubin, Fla., RBN; *2,000. *1,400—MOCA.

8 Lima is amended to read in part:

Plantation, Fla., RBN; Pike INT, Fla.; *2,000. *1,300—MOCA.
Pike INT, Fla.; Akron INT, Bahama; *2,000. *1,200—MOCA.

Section 95.5000 *High altitude RNAV.*

From/to; total distance; changeover point; distance, from, geographic location; track angle; MEA; and MAA

J800R:

From/to; total distance; changeover point; distance, from, geographic location; track angle; MEA; and MAA

J800R:

Robbinsville, N.J.; Riddle, Pa.; 165.6; 43, Robbinsville, 40°09'08'' N., 75°25'41'' W.; 277°/97° to COP, 273°/93° to Riddle; 18,000; 45,000.
Riddle, Pa., Horn, Pa.; 99; 49.5, Riddle, 39°59'41'' N., 79°09'07'' W.; 277°/97° to COP, 274°/94° to Horn; 18,000; 45,000.
Horn, Pa., Thackery, Ohio; 175.5; 87.7, Horn, 40°01'05'' N., 82°07'46'' W.; 274°/97° to COP, 271°/91° to Thackery; 18,000; 45,000.
Thackery, Ohio, Newton, Ind.; 137.8; 55, Thackery, 39°57'39'' N., 85°13'23'' W.; 268°/88° to COP, 266°/86° to Newton; 18,000; 45,000.
Newton, Ind., Chapin, Ill.; 165.7; 70, Newton, 39°48'29'' N., 88°31'33'' W.; 263°/83° to COP, 258°/78° to Chapin; 18,000; 45,000.
Chapin, Ill., Kansas City, Mo.; 187.5; 93.7, Chapin, 39°29'21'' N., 92°35'33'' W.; 260°/80° to COP, 256°/76° to Kansas City; 18,000; 45,000.
Kansas City, Mo., Culver, Kan.; 149.1; 14.5, Kansas City, 39°04'29'' N., 96°09'58'' W.; 252°/72° to COP, 248°/68° to Culver; 18,000; 45,000.
Culver, Kan., Granada, Colo.; 236.2; 108, Culver, 38°29'06'' N., 99°58'32'' W.; 250°/70° to COP, 244°/64° to Granada; 18,000; 45,000.
Granada, Colo., Delhi, Colo.; 78.2; 39.1, Granada, 37°50'06'' N., 103°25'13'' W.; 244°/64° to COP, 242°/62° to Delhi; 18,000; 45,000.
Delhi, Colo., Sanford, Colo.; 78.6; 39.3, Delhi, 37°29'50'' N., 105°00'44'' W.; 239°/59° to COP, 241°/61° to Sanford; 18,000; 45,000.
Sanford, Colo., Flora, N. Mex., 115.5; 57.7, Sanford, 37°04'25'' N., 106°58'00'' W.; 241°/61° to COP; 239°/59° to Flora; 18,000; 45,000.
Flora, N. Mex., Cameron, Ariz.; 157.5; 60, Flora, 36°30'35'' N., 109 17'18'' W.; 237°/57° to COP, 235°/55° to Cameron; 18,000; 45,000.
Cameron, Ariz., Fenner, Calif.; 199.3; 103.5, Cameron, 35°23'00'' N., 113°11'40'' W.; 233°/53° to COP, 232 /52° to Fenner; 18,000; 45,000.
Fenner, Calif., Morrow, Calif.; 120; 60, Fenner, 34°25'46'' N., 116°08'24'' W.; 233°/53° to COP, 233°/53° to Morrow; 18,000; 45,000.

J801R:

Mesquite, Calif., Paria, Ariz.; 191.9; 65, Mesquite, 36 07'33'' N., 114°22'20'' W.; 52°/232° to COP, 52°/232° to Paria; 18,000; 45,000.
Paria, Ariz., Gypsum, Calif.; 171.0; 65, Paria, 37°16'21'' N., 110°39'29'' W.; 55°/235° to COP, 56°/236° to Gypsum; 18,000; 45,000.
Gypsum, Calif., Powder Horn, Colo.; 79.5; 23, Gypsum, 37°58'31'' N., 108°05'57'' W.; 56°/236° to COP, 58°/238° to Powder Horn; 18,000; 45,000.
Powder Horn, Colo., Rosemont, Colo.; 104.0; 52, Powder Horn, 38 31'14'' N., 105°54'30'' W.; 58°/238° to COP, 60°/240° to Rosemont; 18,000; 45,000.
Rosemont, Colo., Dresden, Kans.; 214.3; 91, Rosemont, 39°09'27'' N, 108°58'18'' W.; 63°/243° to COP, 63°/243° to Dresden; 18,000; 45,000.
Dresden, Kans., Ruskin, Nebr.; 117.2; 58.6, Dresden, 39°53'39'' N., 99°10'19'' W.; 64°/244° to COP, 63°/243° to Ruskin; 18,000; 45,000.
Ruskin, Nebr.; Garden Grove, Iowa; 207.9; 95, Ruskin, 40°30'21'' N., 95°55'46'' W.; 68°/248° to COP 70°/250° to Garden Grove; 18,000; 45,000.
Garden Grove, Iowa, Joliet, Ill.; 238.1; 119, Garden Grove, 41°15'04'' N.; 90°55'40'' W.; 74°/254° to COP 79°/259° to Joliet; 18,000; 45,000.
Joliet, Ill., Wolverine, Ohio; 199.1; 110, Joliet, 41°56'35'' N., 85°55'38'' W.; 75°/255° to COP 84°/264° to Wolverine; 18,000; 45,000.
Wolverine, Ohio, Ormsby, Pa.; 239.7; 114.9, Wolverine, 42°03'14'' N., 81°24'26'' W.; 98°/278° to COP 105°/285° to Ormsby; 18,000; 45,000.
Ormsby, Pa., Sparta, N.J.; 190.3; 45, Ormsby, 41°38'31'' N., 77°39'45'' W.; 114°/294° to COP 116°/296° to Sparta; 18,000; 45,000.

J802R:

Robbinsville, N.J., Furnace, Pa.; 164.5; 27, Robbinsville, 40°16'36'' N., 75°04'30'' W.; 290°/110° to COP 286°/106° to Furnace; 18,000; 45,000.
Furnace, Pa., Shiloh, Ohio; 204.5; 102.3, Furnace, 40°48'29'' N., 80°18'16'' W.; 283°/103° to COP 278°/98° to Shiloh; 18,000; 45,000.
Shiloh, Ohio, San Pierre, Ind.; 206.5; 93, Shiloh, 41°03'52'' N., 84°32'50'' W.; 276°/96° to COP 270°/90° to San Pierre; 18,000; 45,000.
San Pierre, Ind., Hartsburg, Ill.; 115.1; 78, San Pierre, 41°09'35'' N., 88°46'07'' W.; 271°/91° to COP 270°/90° to Hartsburg; 18,000; 45,000.
Hartsburg, Ill., Emerald, Nebr.; 325.1; 165, Hartsburg, 41°05'44'' N., 93°13'30'' W.; 262°/82° to COP 256°/76° to Emerald; 18,000; 45,000.
Emerald, Nebr., Melton, Nebr.; 192.5; 76, Emerald, 40°50'17'' N., 98°24'28'' W.; 257°/77° to COP, 252°/72° to Melton; 18,000; 45,000.
Melton, Nebr., Gilcrest, Colo.; 179.2, 89.6, Melton, 40°29'09'' N., 102°53'48'' W.; 251°/71° to COP, 248°/68° to Gilcrest; 18,000; 45,000.
Gilcrest, Colo., Blanco, Colo.; 142.3; 71.1, Gilcrest, 40°05'27'' N., 106°21'34'' W.; 247°/67° to COP, 245°/65° to Blanco; 18,000; 45,000.
Blanco, Colo., Hill Creek, Utah; 98.6; 49.3 Blanco, 39°43'44'' N., 108°55'15'' W.; 242°/62° to COP, 242°/62° to Hill Creek; 18,000; 45,000.
Hill Creek, Utah, Nebo, Utah; 79.7; 39.8, Hill Creek, 39°25'28'' N., 110°48'19'' W.; 237°/57° to COP, 242°/62° to Nebo; 18,000; 45,000.
Nebo, Utah, Grafton, Nev.; 140; 70, Nebo, 30°00'27'' N., 113°05'58'' W.; 239°/59° to COP, 238°/58° to Grafton; 18,000; 45,000.
Grafton, Nev., Coaldale, Nev.; 157.9; 95, Grafton, 38°17'55'' N., 116°29'40'' W.; 239°/59° to COP, 236°/56° to Coaldale; 18,000; 45,000.

J803R:

Gabbs, Nev., Bristol, Nev.; 157.4; 30, Gabbs, 38°43'41'' N., 117°25'42'' W.; 54°/234° to COP, 57°/237° to Bristol; 18,000; 45,000.
Bristol, Nev., Clear Lake, Utah; 102.8; 51.7, Bristol, 39°37'58'' N., 113°46'13'' W.; 55°/235° to COP, 57°/237° to Clear Lake; 18,000; 45,000.
Clear Lake, Utah, Ouray, Utah; 119.4; 59.7, Clear Lake, 40°07'58'' N., 111°27'44'' W.; 57°/237° to COP, 59 /239° to Ouray; 18,000; 45,000.
Ouray, Utah, Maybelle, Colo.; 97.6; 48.7, Ouray, 40°34'37'' N., 109°10'20'' W.; 59°/239° to COP, 63°/243° to Maybelle; 18,000; 45,000.
Maybelle, Colo., Tank, Wyo.; 154.8; 35, Maybelle, 40°53'21'' N., 107°22'47'' W.; 62°/242° to COP, 64°/244° to Tank; 18,000; 45,000.
Tank, Wyo., Sand, Nebr.; 165.6; 82.7, Tank, 41°31'36'' N., 102°59'17'' W.; 64°/244° to COP, 71°/251° to Sand; 18,000; 45,000.

Sand, Nebr., Plum Creek, Nebr.; 192.8; 95.9, Sand, 41°56'50'' N., 99°02'47'' W.; 70°/250° to COP, 74°/254° to Plum Creek; 18,000; 45,000.

Plum Creek, Nebr., Scales Mound, Ill.; 289.6; 108, Plum Creek, 40°15'34'' N., 94°28'37'' W.; 74°/254° to COP, 83°/263° to Scales Mound; 18,000; 45,000.

Scales Mound, Ill., Haven, Mich.; 183; 58, Scales Mound, 42°22'46'' N., 89°05'45'' W.; 84°/264° to COP, 90°/270° to Haven; 18,000; 45,000.

Haven, Mich., Wolverine, Ohio; 103.4; 51.7, Haven, 42°16'52'' N., 85°07'42'' W.; 90°/270° to COP, 97°/277° to Wolverine; 18,000; 45,000.

Wolverine, Ohio, Ormsby, Pa.; 239.7; 114.9, Wolverine, 42°03'15'' N., 81°24'26'' W.; 98°/278° to COP, 105°/283° to Ormsby; 18,000; 45,000.

Ormsby, Pa., Sparta, N.J.; 190.3; 45, Ormsby, 41°38'31'' N., 77°39'45'' W.; 114°/294° to COP, 116°/296° to Sparta; 18,000; 45,000.

Section 95.6006 *VOR Federal airway 6* is amended to read in part:

From, To, and MEA

Des Moines, Iowa, VOR; Percy INT, Iowa; *2,500. *2,300—MOCA.

Section 95.6007 *VOR Federal airway 7* is amended to read in part:

Dothan, Ala., VOR; Clio INT, Ala.; *2,000. *1,900—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Des Moines, Iowa, VOR; Percy INT, Iowa; *2,500. *2,300—MOCA.

Section 95.6011 *VOR Federal airway 11* is amended to read in part:

Dyersburg, Tenn., VOR; Cunningham, Ky., VOR; 2,000.

Dyersburg, Tenn., VOR via E alter.; Cunningham, Ky., via E alter.; 2,000.

Cunningham, Ky., VOR via E alter.; Evansville, Ind., VOR via E alter.; *2,600. *1,800—MOCA.

Cunningham, Ky., VOR; Weston INT, Ky.; 2,600.

Weston INT, Ky.; Evansville, Ind., VOR; 2,100.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Vandalia, Ill., VOR; Shumway INT, Ill.; *2,400. *1,700—MOCA.

Shumway INT, Ill.; Montrose INT, Ill.; *2,400. *2,000—MOCA.

Section 95.6018 *VOR Federal airway 18* is amended to read in part:

Birmingham, Ala., VOR; Talladega, Ala., VOR; *3,000. *2,700—MOCA.

Talladega, Ala., VOR; Heflin INT, Ala.; *3,500 *3,200—MOCA.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Yakima, Wash., VOR; Ellensburg, Wash., VOR; 5,600.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Carmel INT, Calif.; Shark INT, Calif.; *6,000. *5,200—MOCA.

Shark INT, Calif.; *Point Ano INT, Calif.; **6,000. *7,000—MRA. **3,000—MOCA.

Point Ano INT, Calif.; Half Moon Bay INT, Calif.; *6,000. *3,000—MOCA.

Half Moon Bay INT, Calif.; Shrimp INT, Calif.; *4,000. *3,000—MOCA.

Shrimp INT, Calif.; Stinson Beach INT, Calif.; *3,500. *3,000—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Gordon INT, Ga.; *Mitchell INT, Ga.; **2,300. *2,500—MRA. **2,000—MOCA.

Mitchell INT, Ga.; *Harlem INT, Ga.; **2,300. *3,100—MRA. **2,000—MOCA.

Harlem INT, Ga.; Augusta, Ga, VOR; *2,300. *2,000—MOCA.

Section 95.6067 *VOR Federal airway 67* is amended to read in part:

Cunningham, Ky., VOR; Marion, Ill., VOR; 2,500.

Section 95.6115 *VOR Federal airway 115* is amended to read in part:

Knoxville, Tenn., VOR; Powder Springs INT, Tenn.; 4,000.

Section 95.6139 *VOR Federal airway 139* is amended to read in part:

Skipper INT, Mass.; Kennebunk, Maine, VOR; *2,500. *1,800—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Orlando, Fla., VOR; *Jessup INT, Fla.; 1,700. *3,500—MRA.

Jessup INT, Fla.; *Lake Helen INT, Fla.; **2,000. *2,500—MRA. **1,400—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Albany, Ga., VOR; *Shellman INT, Ga.; **2,100. *2,500—MRA. **1,700—MOCA.

Shellman INT, Ga.; Sawmill INT, Ga.; *2,100. *1,700—MOCA.

Sawmill INT, Ga.; Eufaula, Ala., VOR; *2,100. *1,900—MOCA.

Section 95.6178 *VOR Federal airway 178* is amended to read in part:

Farmington, Mo., VOR; Cunningham, Ky., VOR; 3,000. *2,800—MOCA.

Cunningham, Ky., VOR; Central City, Ky., VOR; 2,600.

Cache INT, Ill., via S alter.; Cunningham, Ky., VOR via S alter.; 2,400.

Section 95.6193 *VOR Federal airway 193* is amended to read in part:

Pellston, Mich., VOR; Sault Ste. Marie, Mich., VOR; *2,700. *2,300—MOCA.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

*Salinas, Calif., VOR; San Benito INT, Calif.; **6,500. *6,000—MOCA Salinas VOR, eastbound. **5,500—MOCA.

Section 95.6238 *VOR Federal airway 238* is amended to read in part:

Maples, Mo., VOR; Lenox INT, Mo.; *3,000. *2,500—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Orlando, Fla., VOR, via E alter.; *Jessup INT, Fla., via E alter.; 1,700. *3,500—MRA.

Jessup INT, Fla., via E alter.; *Lake Helen INT, Fla., via E alter.; **2,000. *2,500—MRA. **1,400—MOCA.

Section 95.6294 *VOR Federal airway 294* is amended to read in part:

Des Moines, Iowa, VOR; Percy INT, Iowa; *2,600. *2,300—MOCA.

Section 95.6300 *VOR Federal airway 300* is amended to read in part:

United States-Canadian Border: Shelldrake DME Fix, Mich.; *#9,000. *2200—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6437 *VOR Federal airway 437* is amended to read in part:

Marion INT, Fla.; *Starfish INT, Ga.; **8,000. *3,000—MRA. **1,200—MOCA.

Section 95.6485 *VOR Federal airway 485* is amended to read in part:

Priest, Calif., VOR; Hollister INT, Calif.; *7,000. *6,500—MOCA.

Section 95.7130 *Jet Route No. 130* is added to read:

From, to, MEA, and MAA

Wilson Creek, Nev., VORTAC; Grand Junction, Colo., VORTAC; 18,000; 45,000.

Section 95.7164 *Jet Route No. 164* is added to read:

Bryce Canyon, Utah, VORTAC; Grand Junction, Colo., VORTAC; 22,000; 45,000.

Section 95.7548 *Jet Route No. 548* is amended to read in part:

Pullman, Mich., VORTAC; Traverse City, Mich., VORTAC; 18,000; 45,000.

Traverse City, Mich., VORTAC; Sault Ste. Marie, Mich., VORTAC; 18,000; 45,000.

Section 95.7573 *Jet Route No. 573* is amended by adding:

Providence, R.I., VORTAC; Kennebunk, Maine, VORTAC; 18,000; 45,000.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal airway changeover points.*

From; to—Changeover point: Distance; from

V-7 is amended to delete:

Nashville, Tenn., VOR; Central City, Ky., VOR; 37, Nashville.

V-16 is amended to read in part:

Nashville, Tenn., VOR; Hinch Mountain, Tenn., VOR; 33, Nashville.

V-33 is amended to read in part:

Keating, Pa., VOR; Bradford, Pa., VOR; 25, Keating.

V-53 is amended to delete:

Holston Mountain, Tenn., VOR; Whitesburg, Ky., VOR; 18, Holston Mountain.

V-265 is amended to read in part:

Keating, Pa., VOR; Bradford, Pa., VOR; 25, Keating.

V-437 is amended by adding:

Daytona Beach, Fla., VOR; Savannah, Ga., VOR; 85, Daytona Beach.

Section 95.8005 *Jet Routes changeover points.*

J-501 is amended to delete:

Anchorage, Alaska, VORTAC; Bethel, Alaska, VORTAC; 130; Anchorage.

J-501 is amended by adding:

Anchorage, Alaska, VORTAC; Sparrevohn, Alaska, LF/RBN; 130; Anchorage.

Sparrevohn, Alaska, LF/RBN; Bethel, Alaska, VORTAC; 145; Bethel.

(Secs. 307, 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348, 1510))

Issued in Washington, D.C., on April 26, 1971.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

[FR Doc.71-6137 Filed 5-3-71;8:45 am]

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Regulation ER-688; Amdt. 5]

PART 287—EXEMPTION AND APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS

Air Carriers and Commercial Lending Institutions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 28th day of April, 1971.

Section 287.3a (14 CFR Part 287) of the Economic Regulations exempts direct air carriers with respect to interlocking relationships involving the directors of air carriers who are also directors, officers, or employees of commercial lending institutions which do not lease aircraft to the air carrier. This provision being merely permissive does not grant antitrust immunity, but only allows such interlocks to exist without first obtaining the approval of the Board under Part 251 of the Board's Economic Regulations, as otherwise required by section 409(a) of the Federal Aviation Act of 1958, as amended.[1]

In adopting § 287.3a, the Board provided that the exemption shall expire after 3 years (i.e., on March 30, 1969). It subsequently twice extended the date, and the exemption will now expire on April 30, 1971. The exemption is still experimental and involves some risk of potential conflict of interest. As experience under the exemption has not disclosed any basis for termination, the Board has decided to extend the expiration date of § 287.3a to April 30, 1972.

Because this amendment extends the relief provided in the existing regulation, notice and public procedure hereon are unnecessary and the amendment may be made effective upon less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends § 287.3a effective May 1, 1971, by extending the expiration date from April 30, 1971, to April 30, 1972. As amended § 287.3a will read as follows:

§ 287.3a Exemption of air carriers with respect to interlocking relationships with commercial lending institutions.

In addition to the exemptions provided in §§ 287.2 and 287.3, and subject to the other provisions of this part, air carriers are hereby relieved from the provisions of section 409(a) of the Act and Part 251 of this chapter with respect to any interlocking relationship between any such air carrier and a commercial lending institution which does not lease aircraft to the air carrier: *Provided, however,* That such exemption shall expire on April 30, 1972, and shall extend only to the relationship involving a director of the air carrier who is not an officer or employee of the air carrier or a stockholder holding a controlling interest in the air carrier (or the representative or nominee of any such person) and who is not a member of the commercial lending institution: *Provided further,* That in order to qualify for an exemption under this section air carriers shall file with the Bureau of Operating Rights annual reports on or before April 1 of each year showing for the previous calendar year (a) the names and addresses of all directors of the air carrier who were also directors, officers, or employees of commercial lending institutions; (b) the names and addresses of such commercial lending institutions; and (c) a description of all transactions between the air carrier (and/or its directors who were also officers or directors of commercial lending institutions) and such commercial lending institutions.

(Secs. 101(3), 204(a), 409, 416; 72 Stat. 737, 743, 768, and 771; 49 U.S.C. 1301, 1324, 1379 and 1386)

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6210 Filed 5-3-71;8:49 am]

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[1] When § 287.3a was adopted on March 23, 1966 (ER-455), the Board stated that lending institutions which lease aircraft are probably engaged in a phase of aeronautics and hence interlocks between direct air carriers and such banks "would appear to come within the purview of section 409."

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Effective Dates

F.R. Doc. 71-5317, published in part II of the issue dated Saturday, April 17, 1971, at 36 F.R. 7339, 7410, is corrected by deleting the words "in Subpart C of" from § 1518.1051(b)(1) and by substituting therefor the words "prescribed in".

As corrected, § 1518.1051(b)(1) reads as follows:

§ 1051.1051 Effective dates (specific).

* * * * *

(b)(1) To the extent that the standards prescribed in this part apply to light residential construction, their application is delayed until August 15, 1971, which is 120 days following the publication of the standards in the FEDERAL REGISTER.

* * * * *

Signed at Washington, D.C. this 27th day of April 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6170 Filed 5-3-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 10]

ARTICLES EXPORTED AND RETURNED

Notice of Proposed Rule Making

It has been decided to revise the Customs Regulations to achieve maximum efficiency for the entry of merchandise under items 800.00, 805.00, 806.20, and 806.30, Tariff Schedules of the United States (TSUS): (1) By eliminating documentation which, in the discretion of the Customs official, is repetitive and unnecessary; (2) by increasing from $500 to $1,000 the value requirement of shipments for which a declaration by the foreign shipper is required; (3) by requiring the maintenance by importers of inventory records of the return of certain merchandise exported for repair, alteration or processing; (4) by eliminating the present requirement for completion of Customs Form 4455 in duplicate, in all cases, to register articles exported for repairs, alterations, or processing by the owner or exporter, and the maintenance of the original thereof in Customs files; (5) by permitting anyone residing more than 20 miles from a Customs office to export merchandise through the mail for repairs or alterations under item 806.20, TSUS, from, and under the supervision of, local U.S. Post Office officials and (6) by making certain technical revisions.

Accordingly, notice is hereby given that under authority of R.S. 251 (19 U.S.C. 66), General Headnote 11, Tariff Schedules of the United States (19 U.S.C. 1202, Gen. Hdnte. 11), and section 624, Tariff Act of 1930 (19 U.S.C. 1624), it is proposed to amend the Customs Regulations as follows:

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

Section 10.1 is amended to read:

§ 10.1 Domestic products; requirements on entry.

(a) Except as otherwise provided for in this part, the following documents shall be filed in connection with the entry of articles claimed to be free of duty under item 800.00 and item 805.00, Tariff Schedules of the United States:

(1) A declaration by the foreign shipper in substantially the following form, if the value of the returned articles exceeds $1,000:

I, ________________________, declare that to the best of my knowledge and belief the articles herein specified are products of the United States; that they were exported from the United States, from the port of ___________ on or about ___________, 19____; that they are returned without having been advanced in value or improved in condition by any process of manufacture or other means.

Marks	*Number*	*Quantity*	*Description*	*Value, in U.S. coin*
__________	__________	__________	__________________________	__________________
__________	__________	__________	__________________________	__________________
__________	__________	__________	__________________________	__________________
__________	__________	__________	__________________________	__________________

________________________ (Date)

________________________ (Signature)

________________________ (Address)

________________________ (Capacity)

(2) A declaration for free entry by the owner, importer, consignee, or agent on the top portion of Customs Form 3311.

(3) A Certificate of Exportation on the bottom portion of Customs Form 3311 executed by the district director of customs at the port from which the merchandise was exported. Such certificate shall show whether drawback was claimed or paid on the merchandise covered by the certificate and, if any was paid, the amount thereof. This certificate shall be issued on application of the importer, or of the district director at the importer's request, and shall be mailed by the issuing officer directly to the port at which it is to be used. If the merchandise has been exported from the port at which entry is made and the fact of exportation appears on the records of the customhouse, the fact of reimportation shall be noted on such export record. In such case the filing of the certificate on Customs Form 3311 shall not be required.

(b) If, in any case where the appraising officer's report does not show definitely that merchandise the value of which exceeds $1,000 is of domestic origin, Customs Form 3311 has not been executed by the owner or ultimate consignee, the district director may require the execution of such form by the owner or ultimate consignee. In such a case Customs Form 3311 shall be filed within 3 months after the date of the demand therefor upon the person in whose name the entry was filed. If the owner or ultimate consignee is a corporation, such form may be signed by the president, vice president, secretary, or treasurer of the corporation, or may be signed by any employee or agent of the corporation who holds a power of attorney executed under the conditions outlined in section 8.19 and a certification by the corporation that such employee or other agent has or will have knowledge of the pertinent facts. In the case of articles which are unquestionably the products of the United States and which have not been advanced in value or improved in condition, if the district director is satisfied from the character thereof or otherwise that they are free of duty under Schedule 8, Part 1, Tariff Schedules of the United States, and if the total value of the articles of American origin contained in the shipment does not exceed $250, the execution of Customs Form 3311 shall not be required therefor, except when used as an entry under paragraph (g), (h), or (i) of this section.

(c) A certificate from the master of a vessel stating that products of the United States are returned without having been unladen from the exporting vessel may be accepted in lieu of the declaration of the foreign shipper required by paragraph (a)(1) of this section.

(d) If the district director is reasonably satisfied that because of the nature of the articles, or production of other evidence, the articles are imported in circumstances as to meet the requirements of item 800.00 or 805.00 and the related headnotes, they may waive the documents required by paragraphs (a) and (b) of this section, except when Customs Form 3311 is used as an entry under paragraphs (g), (h), or (i) of this section.

(e) No evidence relative to the conditions of item 800.00 shall be required in the case of articles the product of the United States in use at the time of importation as the usual coverings or containers of merchandise not subject to an ad valorem rate of duty unless such articles would be dutiable if not products of the United States under General Headnote 6, Tariff Schedules of the United States.

(f) In the case of photographic films and dry plates manufactured in the United States (except motion picture films to be used for commercial purposes) exposed abroad and entered under item 805.00, the requirements of paragraphs (a), (b), and (c) of this section are applicable except that the declaration on Customs Form 3311 to the effect that the articles "are returned without having been advanced in value or improved in condition by any process of manufacture or other means" shall be crossed out, and the entrant shall show on the form that the subject articles when exported were of U.S. manufacture and are returned after having been exposed, or exposed and developed, and, in the case of motion picture films, that they will not be used for commercial purposes. This modification shall also be made in the declaration by the foreign shipper provided for in paragraph (a)(1) of this section.

(g) In the case of aircraft and parts and equipment therefor which are returned to the United States by or for the account of an aircraft owner or operator and are intended for use in his or its own aircraft operations, either within or outside the United States and with or without alterations or other change in condition in this country, entry thereof may be made under item 800.00 on Customs Form 3311, executed by the importer and supported by proper evidence of the right to make the entry, but without the other documents described in this section and without the giving of a bond to produce any of them, when there is no question that the articles are products of the United States and it satisfactorily appears that they have not been improved in condition or advanced in value while abroad and that no drawback has been or will be paid on them. In such a case, the entrant shall show on Customs Form 3311 after the words "returned to" the name and address of the aircraft owner or operator by whom or for whose account the articles were returned. The entrant shall also show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the value of the articles, and that they are intended for use in the aircraft owner's, or operator's, own aircraft operations.

(h) Entry of nonconsumable stores and equipment of a vessel may be made under item 800.00 on Customs Form 3311, in duplicate, executed by the importer and supported by proper evidence of the right to make entry when there is no question that the articles are products of the United States, and it satisfactorily appears that they have not been improved in condition or advanced in value while abroad; that no Customs drawback has been or will be paid on them, and that duty is not payable thereon because of an internal revenue tax. The declaration of the foreign shipper and the certificate of exportation are not required in connection with an entry on Customs Form 3311. In satisfying himself that no Customs drawback was allowed on the articles in connection with their removal from the United States, the Customs officer may accept the written declaration of the master or other person having knowledge of the facts showing that the articles left this country on a United States vessel or a vessel operated by the United States Government as stores or equipment thereof and that they were not landed in a foreign country except for any needed repairs, adjustments, or refilling and return to the vessel from which landed or for transshipment to another vessel as stores or equipment thereof. Such declaration may be made on the reverse side of the entry on Customs Form 3311. The entrant shall show on Customs Form 3311 the name of the importing vessel, the date of its arrival, and the value of the articles.

(i) When the total value of articles of claimed American origin contained in any shipment does not exceed $250 and such articles are found to be unquestionably products of the United States and do not appear to have been advanced in value or improved in condition while abroad and no quota is involved, free entry thereof may be made under item 800.00 on Customs Form 3311, executed by the owner, importer, consignee, or agent and filed in duplicate, without regard to the requirement of a certificate of exportation or evidence of similar purport, unless the Customs officer has reason to believe that Customs drawback or exemption from internal revenue tax, or both, were probably allowed on exportation of the articles or that they are otherwise subject to duty. The entrant shall show on Customs Form 3311 the name of the importing conveyance, the date of its arrival, the name of the country from which the articles were returned to the United States, and the value of the articles. The entrant shall also produce evidence of his right to make entry. If the Customs officer is not entirely certain that the articles to be entered under this paragraph by a nominal consignee are products of the United States, the actual owner or ultimate consignee thereof may be required to execute a Customs Form 3311.

Section 10.2 is amended to read as follows:

§ 10.2 Requirements on entry of fabricated components assembled abroad.

The following documents shall be filed in connection with the entry of articles claimed to be partially exempted from duty under item 807.00, Tariff Schedules of the United States, as amended:

(a) A declaration by the person who performed the assembly operations abroad, in substantially the following form:

I, ________________________, declare that to the best of my knowledge and belief the ________________________ were assembled in whole or in part from components, as listed and described below, which are products of the United States.

List and description of components:

Marks of identification, numbers	*Description of component*	*Quantity*	*Unit value at time and place of ex- States**	*Port and date of export from United States port from United*
__________________	________________	__________	__________________	________________
__________________	________________	__________	__________________	________________
__________________	________________	__________	__________________	________________
__________________	________________	__________	__________________	________________
__________________	________________	__________	__________________	________________

*In accordance with Headnote 3, Part 1B, Schedule 8, Tariff Schedules of the United States.

Description of operations performed abroad on the United States components, including the assembly and all other operations:

____

____

____

____

________________________ (Date)

________________________ (Signature)

________________________ (Address)

________________________ (Capacity)

(b) An endorsement of the owner, importer, consignee, or agent, in substantially the following form:

I declare that the (above) (attached) declaration of ________________________ is correct in every respect and there has been compliance with all pertinent headnotes of the Tariff Schedules of the United States.

____________ (Date)

________________________ (Signature)

________________________ (Address)

____________ (Capacity)

(c) If the district director is satisfied because of the nature of the articles or production of other evidence, for example, pertinent business records or copies of shipper's export declarations, that the exported components are U.S. products assembled in such circumstances as to meet the requirements of item 807.00 and related headnotes, he may waive the documents required in paragraphs (a) and (b) of this section.

Section 10.8 is amended to read:

§ 10.8 Articles exported for repairs or alterations.

(a) Before the exportation of articles subject on return to the United States to duty on the value of the repairs or alterations performed abroad as provided for in item 806.20, Tariff Schedules of the United States, a Certificate of Registration (top portion of Customs Form 4455) shall be filed (in an original only) by the owner or exporter with the district director of customs at a time prior to the departure of the exporting conveyance which will permit an examination of the articles. The applicant shall be notified by the district director of the place to which he shall deliver the articles for examination. All expense in connection with the delivery of the articles, cording, sealing, marking, and transfer to the exporting conveyance, shall be borne by the exporter. The articles shall be exported under Customs supervision, except those articles exported by mail which can be identified by manufacturer's mark or number. A photograph or other means of identification shall be furnished when required by Customs officers.

(b) When the report of the Customs officer showing the examination of the articles and their lading on the exporting conveyance or their delivery for mailing has been endorsed on the Customs Form 4455 covering such articles, the form shall be given to the exporter for use in connection with the return of the articles. If the articles are being exported through the mails and the Customs Form 4455 has been completed in duplicate, the Customs officer shall enclose the duplicate copy of the form in the package being exported. The owner or exporter, in all other cases, may enclose a duplicate copy of the certificate with the articles being exported in any other manner for repairs or alterations. In order to facilitate the entry of articles, regardless of the mode of exportation, the foreign shipper may include a duplicate copy of the registration certificate, completed prior to exportation, in the returned package.

(c) When an exporter resides more than 20 miles from a Customs office, articles being exported for repairs or alterations through the mail, may, in accordance with the following procedures which have been approved by the Post Office Department, be exported through a local post office:

(1) The articles shall be delivered to the postmaster in an unpacked condition;

(2) Customs Form 4455 completed in original and duplicate shall be presented to the postmaster with the articles;

(3) The original Customs Form 4455 with the Certificate of Registration executed by the postmaster shall be returned to the exporter for use, if necessary, in clearing articles on their return to the United States;

(4) The duplicate Form 4455 shall be enclosed in the parcel with the articles being exported and shall accompany the articles on their return to the United States to facilitate processing the entry; and

(5) The exporter shall bear all expense incurred under this procedure, including charges assessed by the United States Post Office Department.

(d) When articles other than those exported by mail or parcel post are examined and registered at one port and exported for repair or alterations through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry.

(e) There shall be filed in connection with an entry covering articles entered under the provisions of item 806.20, a declaration from the person who performed such repairs or alterations in substantially the following form:

____
(Place and date)

I, ________________________, declare that the articles herein specified are the articles which, in the condition in which they were exported from the United States, were received by me (us) on ___________, 19____, from ______________________________________
(Name and address of owner or
______________________________; that they
exporter in the United States)
were received by me (us) for the sole purpose of being repaired or altered; that only the repairs or alterations described below were performed by me (us); that the full cost or (when no charge is made) fair market value of such repairs or alterations are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	*Description of articles and of repairs or alterations*	*Full cost or (when no charge is made) fair market value of repairs or alterations**	*Total value of articles after repairs or alterations*
------------------	------------------	------------------	------------------
------------------	------------------	------------------	------------------
------------------	------------------	------------------	------------------
------------------	------------------	------------------	------------------
------------------	------------------	------------------	------------------

____
(Date)

____
(Address)

____
(Signature)

____
(Capacity)

*See Headnote 2, Part 1B, Schedule 8, Tariff Schedules of the United States.

(f) There shall be filed in connection with the entry the Certificate of Registration (Customs Form 4455) and a declaration made by the owner, importer, consignee, or agent having knowledge of the facts that the articles entered in their repaired or altered condition are the same articles covered by the Certificate of Registration. This declaration shall also show that the full cost or (when no charge is made) fair market value of the repairs or alterations is correctly stated in the entry. When all of the merchandise covered by the Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations not exceeding $250 in value, the district director at the port where any portion of the merchandise is entered shall note the quantity entered on the registration certificate and return the certificate to the submitter thereof for use in connection with any further importation covered by such certificate.

(g) When all the merchandise covered by a Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations valued in excess of $250, there shall be filed with the entry at the time of entry the certification of the owner, importer, consignee, or agent having knowledge of the facts, that the articles entered in their repaired or altered condition are a portion of the articles covered by such Certificate of Registration. This certification shall be filed in lieu of the Certificate of Registration (Customs Form 4455), in the following form:

I hereby certify that the merchandise covered by entry No. ______dated____________, is a portion of the merchandise exported under Customs Form 4455________________________
(Certificate of registration No.)
dated ____________, to ________________
(Name of foreign consignee)
______, for the purpose and with the intent of ______________________ the articles in
(Repairing or altering)
the foreign country. I further certify that original Customs Form 4455 has been charged with the quantities herein, identified with the entry and port, and will be maintained at______________________for a period of 2
(Firm and address)
years after the final liquidation of the final quantity covered by such Certificate of Registration, for verification by appropriate Customs officers.

(h) The Certificate of Registration (Customs Form 4455) referred to in paragraph (g) of this section shall be retained by the firm therein referred to for a period of 2 years from the date of final liquidation of the final quantity covered by the Certificate of Registration for verification by appropriate Customs officers. Each quantity entered shall be accounted for in such a manner as to identify the specific entry (entry number), and port of entry, with the total quantity of the exported articles on the reverse side of the Certificate of Registration (Customs Form 4455) until the total quantity has been entered.

(i) If the district director concerned is satisfied because of the nature of the articles, or production of other evidence, that the articles are imported under circumstances meeting the requirements of item 806.20 and related headnotes, he may waive the declaration provided for in paragraphs (e) and (f) of this section.

(j) In the event there has been compliance with registration requirements set forth in paragraph (a) of this section and Customs Form 4455 is not available at the time of entry, the district director may waive the production of Customs Form 4455 provided the merchandise is entered at one time at one port of entry, and he is satisfied that the returned merchandise meets the requirements of item 806.20 and related headnotes.

(k) In any case where an imported article was exported for repairs or alterations without compliance with the registration requirements of this section, the district director may waive the production of Customs Form 4455 if he is satisfied that the returned merchandise is entitled to entry under item 806.20 and that the failure to comply with the registration requirements was due to inadvertance, mistake, or inexperience, and not to negligence or bad faith. The district director may also, in his discretion, waive the registration requirements of this section, prior to exportation of the articles, upon application in writing by an exporter-importer located within his

district when it is indicated that the duty on merchandise would be less than $25 if not within the purview of item 806.20 and it is indicated that the shipment on its return to the United States will be covered by a mail or other informal entry. Customs Form 4455, appropriately modified, may be used by the district director in issuing the waiver.

(l) The district director shall require at the time of entry a deposit of estimated duties based upon the full cost or fair market value, as the case may be, of the repairs or alterations. The cost or fair market value, as the case may be, of the repairs or alterations outside the United States, which is to be set forth in the invoice and entry papers as the basis for the assessment of duty under item 806.20, shall be limited to the cost or value of the repairs or alterations actually performed abroad, which will include all domestic and foreign articles furnished for the repairs or alterations, but shall not include any of the expenses incurred in this country whether by way of engineering costs, preparation of plans or specifications, and furnishing of tools or equipment for doing the repairs or alterations abroad or otherwise.

Part 10 is amended to add a new § 10.9 reading:

§ 10.9 Articles exported for processing.

(a) Before the exportation of articles subject on return to the United States to duty on the value of the processing performed abroad as provided for in item 806.30, a Certificate of Registration (top portion of Customs Form 4455) shall be filed (in an original only) by the owner or exporter with the district director of customs at a time prior to the departure of the exporting conveyance which will permit an examination of the articles. A statement shall be included on the reverse side of Customs Form 4455 by the exporter or owner substantially as follows:

The articles described in this certificate were manufactured in the United States by ________________________; or, if of foreign
(Name and address)
origin, were subjected to ________________
(Show processes of
____
manufacture, such as molding, casting,
________________ in the United States by
machining, etc.)
________________________. The articles in
(Name and address)
their changed condition will be returned for further processing by ______________________.
(Name and address)

(b) The applicant shall be notified by the district director of the place to which he shall deliver the articles for examination. All expense in connection with the delivery of the articles, cording, sealing, marking, and transfer to the exporting conveyance, shall be borne by the exporter. The articles shall be exported under Customs supervision, except those articles exported by mail which can be identified by manufacturer's mark or number. A photograph or other means of identification shall be furnished when required by the Customs officer.

(c) When the report of the Customs officer showing the examination of the articles and their lading on the exporting conveyance or their delivery for mailing has been endorsed on the Customs Form 4455 covering such articles, the form shall be given to the exporter for use in connection with the return of the articles. If the articles are being exported through the mails and the Customs Form 4455 (Certificate of Registration) has been completed in duplicate, the Customs officer shall enclose the duplicate copy of the form in the package being exported. The owner or exporter, in all other cases, may enclose a duplicate copy of the certificate with the articles being exported in any manner for processing. In order to facilitate the entry of an article, regardless of the mode of exportation, the foreign shipper may include a duplicate copy of the registration certificate, completed prior to exportation, in the returned package.

(d) When articles other than those exported by mail or parcel post are examined and registered at one port and exported for processing through another port, they shall be forwarded to the port of exportation under a transportation and exportation entry.

(e) There shall be filed in connection with an entry covering articles entered under the provisions of item 806.30, a declaration by the person who performed the processing abroad in substantially the following form:

____
(Place and date)

I, ________________________, declare that the articles herein specified are the articles which, in the condition in which they were exported from the United States, were received by me (us) on ___________, 19__, from ____;
(Name and address of owner or exporter in the United States)
that they were received by me (us) for the sole purpose of being processed; that only the processing described below was effected by me (us); that the full cost or (when no charge is made) fair market value of such processing and the value of the articles after processing are correctly stated below; and that no substitution whatever has been made to replace any of the articles originally received by me (us) from the owner or exporter thereof mentioned above.

Marks and numbers	*Description of articles and of processing*	*Full cost or (when no charge is made) fair market value of processing**	*Total value of article after processing*
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*See Headnote 2, Part 1B, Schedule 8, Tariff Schedules of the United States.

(f) There shall be filed in connection with the entry the Certificate of Registration (Customs Form 4455) and a declaration made by the owner, importer, consignee, or agent having knowledge of the facts that the articles entered in their processed condition are the same articles covered by the Certificate of Registration. This declaration shall also show that the full cost or (when no charge is made) fair market value of the processing is correctly stated in the entry. There shall be included a concise statement as to the nature of the processing performed outside the United States immediately prior to the current importation and to the processing to be performed thereafter in the United States, showing the name and address of the processor who will do the subsequent processing. When all of the merchandise covered by the Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations not exceeding $250 in value, the district director at the port where any portion of the merchandise is entered shall note the quantity entered on the registration certificate and return the certificate to the submitter thereof for use in connection with any further importation covered by such certificate.

(g) When all the merchandise covered by the Certificate of Registration (Customs Form 4455) is not entered at one time or at one port of entry, in the case of importations valued in excess of $250, there shall be filed with the entry at the time of entry the certification of the owner, importer, consignee, or agent having knowledge of the facts, that the articles entered in their processed condition are a portion of the articles covered by such certificate of registration. This certificate shall be filed in lieu of the Certificate of Registration (Customs Form 4455) in the following form:

I hereby certify that the merchandise covered by entry No. ______ dated ________, is a portion of the merchandise exported, under Customs Form 4455________________
(Certificate of registration No.)
dated __________, to ________________
(Name of foreign consignee)
for the purpose and with the intent of processing the metal articles in the foreign country and the further processing of the metal articles upon subsequent importation into the United States.

I further certify that original Customs Form 4455 has been charged with the quantities herein, identified with the entry and port, and will be maintained at
____
(Firm and address)
for a period of 2 years after the final liquidation of the final quantity covered by such Certificate of Registration, for verification by appropriate Customs officers.

(h) The Certificate of Registration (Customs Form 4455) referred to in paragraph (g) of this section shall be retained by the firm therein referred to for a period of 2 years from the date of final liquidation of the final quantity covered by the Certificate of Registration for verification by appropriate Customs officers.

Each quantity entered shall be accounted for in such a manner as to identify the specific entry (entry number), and port of entry with the total quantity of the exported articles on the reverse side of the Certificate of Registration (Customs Form 4455) until the total quantity has been entered.

(i) If the district director concerned is satisfied, because of the nature of the articles or production of other evidence, that the articles are imported in circumstances meeting the requirements of item 806.30 and related headnotes, he may waive the declaration provided for in paragraphs (e) and (f) of this section.

(j) In the event there has been compliance with the registration requirements (Customs Form 4455) set forth in paragraph (a) of this section and such form (Customs Form 4455) is not available at the time of entry, the district director may waive the production of Customs Form 4455 provided the merchandise is entered at one time at one port of entry, and he is satisfied that the returned merchandise meets the requirements of item 806.30, Tariff Schedules of the United States, and the related headnotes.

(k) In any case where an imported article was exported for processing without compliance with the registration requirements of this section, the district director may waive the Customs Form 4455 if he is satisfied that the returned merchandise is entitled to entry under item 806.30, and that the failure to comply with the registration requirements was due to inadvertence, mistake, or inexperience, and not to negligence or bad faith. The district director may also, in his discretion, waive the registration requirements of this section, prior to exportation of the articles, upon application in writing by an exporter-importer located within his district when it is indicated that the duty on the merchandise would be less than $25 if not within the purview of item 806.30, and it is indicated that the shipment on its return to the United States will be covered by a mail or other informal entry. Customs Form 4455, appropriately modified, may be used by the district director in issuing the waiver.

(l) The district director shall require at the time of entry a deposit of estimated duties based upon the full cost or fair market value, as the case may be, of the processing. The cost or fair market value, as the case may be, of the processing outside the United States which is set forth in the invoice and entry papers as the basis for the assessment of duty under item 806.30, shall be limited to the cost or value of the processing actually performed abroad (including all domestic and foreign articles used in the processing, but does not include the exported United States metal article) and shall not include any of the expenses incurred in this country, whether by way of engineering costs, preparation of plans or specifications, and the furnishing of tools or equipment for doing the processing abroad, or otherwise.

(R.S. 251, as amended, 77A Stat. 14, sec. 624, 46 Stat. 759; 19 U.S.C. 66, 1202 (Gen. Hdnte. 11), 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication in the FEDERAL REGISTER. No hearing will be held.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 22, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6176 Filed 5-3-71; 8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 116]

FINANCIAL ASSISTANCE TO MEET SPECIAL EDUCATIONAL NEEDS OF EDUCATIONALLY DEPRIVED CHILDREN

Notice of Correction and Extension of Comment Period

A notice of proposed rulemaking was published in the FEDERAL REGISTER, Vol. 36, No. 81, Tuesday, April 27, 1971, at page 7861, which proposed several amendments to Part 116 of Title 45 of the Code of Federal Regulations.

Although the original document as submitted was correct, through inadvertence the copy published in 36 F.R. 7861 was not a correct duplicate of that original. The variances relate to the composition of the parents councils required to be established by local educational agencies and to the definition of certain funds to be affected by the comparability provision.

Accordingly, the notice of proposed rulemaking relative to Part 116 of Title 45 at 36 F.R. 7861 is hereby corrected as indicated below and the period within which interested persons may submit comments is extended to 30 days following the date of publication of this correction in the FEDERAL REGISTER.

1. Proposed subparagraph (2) of § 116.17(o) is corrected to read as follows:

§ 116.17 Project covered by an application.

* * * * *

(o) * * *

(2) Each local educational agency shall, prior to the submission of an application for fiscal year 1972 and any succeeding fiscal year, establish a council in which parents (not employed by the local educational agency) of educationally deprived children residing in attendance areas which are to be served by the project, constitute more than a simple majority, or designate for that purpose an existing organized group in which such parents will constitute more than a simple majority, and shall include in its application sufficient information to enable the State educational agency to make the following determinations: * * *

* * * * *

(20 U.S.C. 1231d)

2. Proposed paragraph (a) of § 116.26 is corrected to read as follows:

§ 116.26 Comparability of services.

(a) A State educational agency shall not approve an application of a local educational agency (other than a State agency directly responsible for providing free public education for handicapped children or for children in institutions for neglected or delinquent children) for the fiscal year 1972 and subsequent fiscal years unless that agency has filed, in accordance with instructions issued by the State educational agency, information as set forth in paragraphs (b) and (c) upon which the State educational agency will determine whether the services, taken as a whole, to be provided with State and local funds in each of the school attendance areas to be served by a project under Title I of the Act are at least comparable to the services being provided in the school attendance areas of the applicant's school district which are not to be served by a project under said Title I. For the purpose of this section, State and local funds include those funds used in determinations of fiscal effort in accordance with § 116.45.

* * * * *

(20 U.S.C. 241e(a) (3))

Dated: April 30, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.71-6314 Filed 5-3-71;10:36 am]

[45 CFR Part 132]

GRANTS FOR TRAINING IN LIBRARIANSHIP

Notice of Proposed Rule Making

EDITORIAL NOTE: F.R. Doc. 71-6044 appearing at page 8151 in the issue for Friday, April 30, 1971, inadvertently appeared in the Rules and Regulations section. It should have appeared in the Proposed Rule Making section.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-AL-3]

FEDERAL AIRWAY

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71

of the Federal Aviation Regulations that would redesignate a segment of Amber 1 Federal airway via the intersection of the west course of the Hinchinbrook, Alaska, radio range and the southeast course of the Anchorage, Alaska, radio range.

The alignment to bypass the Whittier NDB is proposed because severe weather and difficulty in servicing the Whittier radio beacon have made its continued operation impractical. By separate action a proposal to decommission this radio aid was issued September 3, 1970.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Alaskan Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, AK 99501. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 27, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6199 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WA-17]

POSITIVE CONTROL AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to expand the positive control area from flight level 240 to 18,000 feet MSL in the southern and eastern United States.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

In a rule adopted November 9, 1967 (32 F.R. 13270) the vertical limits of APC were lowered to 18,000 feet MSL in the northeast and part of the north-central United States. For reasons stated in the notice of proposed rule making (32 F.R. 7219) separate actions to lower the floor of positive control area in other sections of the country may be proposed as the Federal Aviation Administration attains the capability to provide positive control service therein. The FAA has determined that it now has the capability to provide postive control services in the southern and eastern United States.

The action proposed herein would designate as positive control area that airspace within the continental control area from 18,000 feet MSL to Flight Level 240 bounded by a line beginning at:

Latitude 38°00'00" N., longitude 75°11'00" W., thence to latitude 38°13'30" N., longitude 75°41'00" W., thence to latitude 38°20'30" N., longitude 75°36'40" W., thence to latitude 38°53'40" N., longitude 75°51'20" W., thence to latitude 38°26'20" N., longitude 77°03'15" W., thence to latitude 37°01'00" N., longitude 77°55'00" W., thence to latitude 36°19'00" N., longitude 79°16'00" W., thence to latitude 37°00'00" N., longitude 80°25'10" W., thence to latitude 37°12'15" N., longitude 80°25'45" W., thence to latitude 37°18'15" N., longitude 80°44'45" W., thence to latitude 37°16'00" N., longitude 80°53'00" W., thence to latitude 37°11'30" N., longitude 81°09'00" W., thence to latitude 36°34'00" N., longitude 84°01'00" W., thence to latitude 36°30'00" N., longitude 84°45'00" W., thence to latitude 36°12'30" N., longitude 85°10'30" W., thence to latitude 36°11'00" N., longitude 85°24'00" W., thence to latitude 36°54'00" N., longitude 85°35'00" W., thence to latitude 37°18'00" N., longitude 86°09'00" W., thence to latitude 37°16'30" N., longitude 87°23'50" W., thence to latitude 37°43'30" N., longitude 88°19'00" W., thence to latitude 37°32'00" N., longitude 85°50'00" W., thence to latitude 37°09'00" N., longitude 90°34'00" W., thence to latitude 36°26'00" N., longitude 94°41'00" W., thence to latitude 36°08'00" N., longitude 95°00'00" W., thence to latitude 35°00'00" N., longitude 95°00'00" W., thence to latitude 34°53'45" N., longitude 94°56'30" W., thence to latitude 34°51'00" N., longitude 94°12'00" W., thence to latitude 34°47'30" N., longitude 93°48'00" W., thence to latitude 34°30'00" N., longitude 93°44'00" W., thence to latitude 34°00'00" N., longitude 93°20'00" W., thence to latitude 33°43'00" N., longitude 93°00'00" W., thence to latitude 33°31'00" N., longitude 92°32'00" W., thence to latitude 32°42'00" N., longitude 91°30'00" W., thence to latitude 31°57'00" N., longitude 91°30'00" W., thence to latitude 31°39'00" N., longitude 90°20'45" W., thence to latitude 31°37'00" N., longitude 89°35'00" W., thence to latitude 31°42'00" N., longitude 89°24'00" W., thence to latitude 31°34'00" N., longitude 89°18'00" W., thence to latitude 31°31'00" N., longitude 88°20'15" W., thence to latitude 31°31'15" N., longitude 87°49'00" W., thence to latitude 31°25'00" N., longitude 87°26'00" W., thence to latitude 31°16'50" N., longitude 87°24'00" W., thence to latitude 30°58'00" N., longitude 87°39'00" W., thence to latitude 30°26'00" N., longitude 87°46'00" W., thence to latitude 30°15'00" N., longitude 87°41'30" W., thence to latitude 30°14'00" N., longitude 88°01'30" W., thence to latitude 30°09'30" N., longitude 88°01'30" W., thence via a line 3 NM from the coastline to point of beginning.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 27, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6200 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-22]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Sioux City, Iowa.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, three new instrument approach procedures have been developed for

Sioux City, Iowa, Municipal Airport. In addition, the criteria for the designation of control zones and transition areas have changed. Accordingly, it is necessary to alter the Sioux City, Iowa, control zone and transition area to adequately protect aircraft executing the new approach procedures and to comply with the new control zone and transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

Sioux City, Iowa

Within a 5-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); and within 2½ miles each side of the Sioux City VORTAC 140° and 320° radials, extending from the 5-mile-radius zone to 6 miles southeast of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

Sioux City, Iowa

That airspace extending upward from 700 feet above the surface within a 11-mile radius of Sioux City Municipal Airport (latitude 42°24'03" N., longitude 96°22'55" W.); within a 7-mile radius of Graham Field (latitude 42°32'25" N., longitude 96°29'05" W.); within 5 miles southwest and 9½ miles northeast of the Sioux City VORTAC 140° radial, extending from the 11-mile-radius area to 24½ miles southeast of the VORTAC; within 4½ miles southwest and 9½ miles northeast of the Sioux City ILS localizer northwest and southeast courses, extending from the 11-mile-radius area to 24½ miles southeast of the OM: within 4½ miles northeast and 11½ miles southwest of the Sioux City VORTAC 320° radial, extending from the VORTAC to 35 miles northwest of the VORTAC; and within 9½ miles northeast and 4½ miles southwest of the 319° bearing from Graham Field, extending from Graham Field to 18½ miles northwest of Graham Field; that airspace extending upward from 1,200 feet above the surface within a 28½-mile radius of Sioux City VORTAC; and that airspace extending upward from 3,500 feet MSL east, south, and west of Sioux City bounded on the north by V-100, on the southeast by V-138, on the south by V-172, and on the west by longitude 96°00'00" W.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City Mo., on April 13, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-6201 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-27]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Juneau, Wis.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace, a new instrument approach procedure has been developed for the Dodge County Airport, Juneau, Wis. Accordingly, it is necessary to alter the Juneau, Wis., transition area to adequately protect aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

Juneau, Wis.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Dodge County Airport (latitude 43°25'30" N., longitude 88°42'00" W.); and within 3 miles each side of a 195° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles south of the airport; and within 3 miles each side of the 032° bearing from Dodge County Airport extending from the 6½-mile radius to 8 miles northeast of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 9, 1971.

Daniel E. Barrow,
Director, Central Region.

[FR Doc.71-6202 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-53]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Joliet, Ill.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

An RNAV and a VOR instrument approach procedure have been developed for the Joliet, Ill., Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing these new approach procedures by designating a transition area at Joliet, Ill.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

Joliet, Ill.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the Joliet Municipal Airport (latitude 41°31'03" N., longitude 88°10'30" W.); within 4 miles each side of a line between latitude 41°38'00" N., longitude 88°20'42" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from the 5.5-mile radius area to 11.5 miles northwest of the airport and within 4 miles each side of a line between latitude 41°38'00" N., longitude 88°17'30" W., and latitude 41°34'15" N., longitude 88°16'04" W., extending from a point at latitude 41°34'15" N., longitude 88°16'04" W., to 4 miles north of that point, excluding the Morris, Ill., transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 13, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-6203 Filed 5-3-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-55]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Grayling, Mich.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Grayling Army Airfield, Grayling, Mich., utilizing a non-directional beacon to be constructed by the Army approximately 5.7 miles northwest of Runway 14. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Grayling, Mich.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

Grayling, Mich.

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of Grayling Army Airfield (latitude 44°40'45" N., longitude 84°43'45" W.); excluding that portion which overlies restricted areas R-4201 and R-4202; and that airspace extending upward from 1200 feet above the surface within 9.5 miles northeast and 4.5 miles southwest of the 316° bearing from the Grayling Army Airfield extending to 25 miles northwest of the airport excluding that portion which overlies R-4201.

This amendment is made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 13, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-6204 Filed 5-3-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-56]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Festus, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Festus, Mo., Memorial Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Festus, Mo.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

Festus, Mo.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Festus Memoiral Airport (latitude 38°11'45" N., longitude 90°23'00" W.); and within 3 miles each side of the 180° bearing from Festus Memorial Airport, extending from the 7-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 180° bearing from Festus Memorial Airport extending from the airport to 18½ miles south of the airport, excluding the portion that overlies the State of Illinois.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 13, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-6205 Filed 5-3-71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

[Release No. IC-6493]

CONTRACTUAL PLANS FOR MUTUAL FUND SHARES AND VARIABLE ANNUITIES

Notice of Proposed Rules and Forms Setting Reserve Requirements and Notices

Notice of proposals under the Investment Company Act of 1940 to (a) adopt Rules 27d-1, 27e-1, 27f-1, 27g-1, 27h-1, and Forms N-27D-1, N-27E-1, N-27F-1, N-27F-2 and N-27F-3 with respect to reserve, notice and refund requirements in connection with the sale of periodic payment plan certificates, and (b) amend Rules 27a-1, 27a-2, 27a-3 and 27c-1.

Notice is hereby given that the Securities and Exchange Commission has under consideration the adoption of certain rules and forms and the amendment of certain rules, as set forth below, under the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-1 et seq.), as amended by the Investment Company Amendments Act of 1970 (the 1970 Act) (Public Law 91-547; 84 Stat. 1413). The proposed rules, forms and amendments are designed to implement the provisions of section 27 of the Act which were added by the 1970 Act (Public Law 91-547; 84 Stat. 1424). The proposals would establish reserve and notice requirements and provide limited exemptions with respect to certain periodic payment plan certificates. The proposed rules, forms, and amendments would be adopted pursuant to the authority granted to the Commission in sections 27(d), 27(e), 27(f), 38(a) and 6(c) of the Act (15 U.S.C. 80a-27d, 80a-27e, 80a-27(f), 80a-37(a), 80a-6(c); and Public Law 91-547, 84 Stat. 1424, 1425; 54 Stat. 841, 800).

Sections 27(d) and 27(f) provide that the Commission may make rules and regulations applicable to underwriters for or depositors of registered investment companies issuing periodic payment plan certificates specifying such reserve requirements as it deems necessary or appropriate in order for such underwriters and depositors to carry out the obligations to refund charges as required by those sections. Section 27 (e) and (f) provide that the Commission may make rules specifying the method, form and contents of the notices required by those sections. Section 38(a) of the Act authorizes the Commission to issue such rules as are necessary or appropriate to the exercise of the powers conferred upon the Commission in the Act.

Section 6(c) of the Act provides that the Commission by rule, regulation or order may exempt any person or transaction or any class of persons or transactions from any provision of the Act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

The 1970 Act did not change the provisions of section 27(a) (of the Act, 15 U.S.C. 80a–27(a)) which, among other things, permit a deduction for sales load of 50 percent of the first twelve monthly payments of their equivalent. However, new subsections (d), (e), and (f) afford holders of periodic payment plan certificates certain specified rights of refund, withdrawal and notice, while section (g) and (h) permit registered investment companies issuing periodic payment plan certificates to elect to sell them subject to a "spread load," under which the sales load is restricted to not more than 20 percent of any payment and not more than an average of 16 percent of the first forty-eight monthly payments or their equivalent (Public Law 91–547; 84 Stat. 1425).

Periodic payment plan certificates sold subject to section 27(d) (of the Act), typically with a 50 percent "front-end load," must provide that the certificate holder may surrender his certificate at any time prior to the expiration of 18 months after issuance of the certificate and receive in payment thereof, in cash, the value of his account plus an amount from the underwriter for, or depositor of, the issuer equal to the part of the excess paid for sales loading which exceeds 15 percent of the gross payments made by the certificate holder.

Section 27(f) (of the Act) applies to all periodic payment plans whether sold pursuant to section 27(d), section 27(h) (of the Act), or otherwise. Under it a certificate holder, within 60 days after the issuance to him of his periodic payment plan certificate, must be given a written notice of his right to withdraw from the plan within 45 days of the date of mailing the notice. Any certificate holder who exercises his right of withdrawal is entitled to receive a refund of the amount equal to the value of his account plus an amount, from the underwriter or depositor, equal to the difference between the gross payments made and the net amount invested; i.e., a complete refund of all charges.

Rule 27d–1—The Refund Obligations (17 CFR 270.27d–1). Proposed Rule 27d–1 establishes the reserve requirements applicable to principal underwriters and depositors to enable them to carry out their obligation to refund charges under section 27 (d) and (f). The rule has been designed so as to be flexible. Amounts required to be deposited and maintained are keyed to the number of payments made by each certificate holder and reflect the experience of each principal underwriter or depositor. As a result, the depositor or principal underwriter experiencing high persistency and few lapses would be required to maintain lower overall reserves as a percentage of possible refund obligations than those depositors or principal underwriters experiencing low persistency and frequent lapses. The Commission intends to review its reserve requirements in light of actual experience, as soon as sufficient data becomes available. Should the data indicate the need, the rule would be revised, consistent with the protection of investors, to reflect actual experience.

Proposed Rule 27d–1 provides that every depositor of or principal underwriter for a periodic plan certificate sold subject to sections 27(d) or 27(f), or both, shall deposit and maintain funds in a segregated trust account as a reserve for the purpose of assuring the refund of charges required by section 27 (d) and (f) of the Act. The assets of such trust account may be withdrawn only as specified in the rule and such assets in no event may be used for any purpose other than assuring the depositor or principal underwriter's ability to refund the amounts required by section 27 (d) and (f) of the Act. This approach is designed to avoid duplication of segregated trust accounts, record keeping and reporting requirements and thus to ease the burden of complying with the reserve requirements.

Under the rule, depositors or principal underwriters are required to deposit certain specified percentages of the refundable portion of the sales load on various payments for every periodic payment plan certificate sold subject to section 27(d) (of the Act). For each certificate for which they are liable for the refund of any sales load they are required to maintain in the trust account specified portions of each payment. They are also required to deposit and maintain in the trust account specified percentages of the charges deducted during the period for which they are obligated to make refunds pursuant to section 27(f) of the Act.

Under the laws of at least one State a periodic payment plan certificate holder is entitled to receive a refund of the full amount paid by him under certain circumstances.[1] Paragraphs (e)(iii) and (f)(iii) of the rule (§§ 270.27d–1(e)(iii) and 270.27d–1(f)(iii) are designed to cover this type of situation.

The rule would also provide that in a particular case the Commission by order may require additional amounts to be maintained if necessary to carry out refund obligations under section 27 (d) or (f) of the Act. For certificates subject to both section 27 (d) and (f) (of the Act) certain offsets will be permitted between the amounts required to be maintained to refund obligations pursuant to section 27(d) and pursuant to section 27(f) (of the Act). As a general matter, the amounts required to be maintained to refund obligations under section 27(d) exceed those required to be maintained to refund obligations under section 27(f) (of the Act).

An additional element of flexibility results from the fact that principal underwriters or depositors who wish to do so may limit the number of payments to be made by a certificate holder during the period which they would be obligated to make refunds pursuant to section 27(f) (of the Act). They may deposit and maintain sufficient funds in the trust account to cover all refunds which may possibly be made during the period; by doing so, they could avoid the need to make a deposit each time an additional payment is made during that period.

Of course, if no refund would be required to be made under section 27(d) (of the Act), no amount would be required to be deposited or maintained in the trust account to meet refund obligations pursuant to that section, as in the case of level load and single payment plans.

The amounts to be deposited into the segregated trust account for each payment and the amounts required to be maintained to refund obligations under section 27(d) and section 27(f) (of the Act) may be better understood by reference to the schedules attached in Appendix A which set forth the amounts required to be deposited and maintained in the segregated trust account for various payments on periodic payment plans requiring payments of $100 and $200 per month. In addition, the Division of Corporate Regulation has developed a computer program to calculate the minimum amounts required to be deposited and maintained in the segregated trust account. As a service to depositors and principal underwriters of periodic payment plans subject to section 27(d) of the Act, upon written request to the Division setting forth a description of the plan including sales loads and all other charges subject to refund pursuant to section 27(f) (of the Act), the Division will compute schedules of amounts required to be deposited and maintained under this rule.

Rule 27d–1 would permit withdrawals from the segregated trust account to refund amounts specified in section 27(d) and section 27(f) (of the Act). The principal underwriter or depositor would also be permitted to withdraw assets, subject to specified limitations. Proposed Rule 27d–1 also provides for an accounting of the segregated trust account which must be filed with the Commission quarterly during the 2 years after the effective date of the rule and annually thereafter on proposed Form N–27D–1 (§ 274.127d–1).

Rule 27e–1 Notice Provisions (17 CFR 270.27e–1). Section 27(e) (of the Act)

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[1] Annotated Laws of Massachusetts Vol. 3A C. 110A §§ 11 A, B and C.

requires that notice of the right of surrender be sent to certificate holders who miss certain payments during the first 18 months after the issuance of their certificates. Proposed Rule 27e–1 (§ 270.-27e–1) specifies the method, form and contents of such notice. For purposes of section 27(e) of the Act and of the rule, any payment not made within 10 business days after it is due would be considered a "missed payment" whether or not an equivalent payment is subsequently made. Proposed Form N–27E–1 (17 CFR 274.127e–1) is prescribed for use by depositors or underwriters to inform certificate holders of this right.

The proposed rule would exempt the principal underwriter or depositor from the requirement of sending a notice to a certificate holder if, at the time the notice would be required to be mailed, no excess sales load would be payable to the certificate holder if he surrendered his certificate, as in the case of level load and single payment plans.

Rule 27f–1 (17 CFR 270.27f–1). Proposed Rule 27f–1 prescribes the method, form and contents of the notice and statement of charges ("notice") required by section 27(f) (of the Act). The rule permits the notice to be mailed by a person other than the custodian bank under certain specified circumstances. It also provides that in cases where the contract or certificate holder is not the beneficial owner, copies of the notice shall be mailed to the certificate holder with instructions that such copies be transmitted forthwith to the beneficial owners. The purpose of this requirement is to insure that employee participants in certain pension, profit-sharing and other benefit plans will receive notice of their rights under this section. Thus, the notice is intended to be given to participants having an interest in a registered separate accounts including plans which meet the requirements for qualification under section 401 of the Internal Revenue Code of 1954 (26 U.S.C. 401) or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code (26 U.S.C. 404(a)(2)), or meet the requirements of section 403(b) of the Code (26 U.S.C. 403(b)). However, (a) no notice is required for an insurance company separate account excluded from the definition of investment company pursuant to section 3(c)(11) of the Act (15 U.S.C. 80a–3(c)(11)) and (b) the notice need not be forwarded to employees if the plan established by the contract holder provides for fixed benefits only or does not provide for employee contributions. The certificate holder would "surrender" his certificate solely for purposes of section 27(f) (of the Act) at the time he mails it.[2] Proposed Form N–27F–1 (17 CFR 274.127f–1) is prescribed to inform certificate holders of front-end load and spread load plans of their right of withdrawal pursuant to section 27(f) of the Act. Proposed Form N–27F–2 (17 CFR 274.127f–2) is prescribed for single payment and level load plans, and proposed Form N–27F–3 (17 CFR 274.127f–3) is prescribed for variable annuity periodic payment plans.

Rule 27g–1 Notice of Election (17 CFR 270.27g–1). Section 27(g) (of the Act) permits issuers of periodic payment plan certificates to elect to be governed by the provisions of section 27(h) (of the Act) rather than by the provisions of subsections (a) and (d) of section 27 (of the Act). Proposed Rule 27g–1 provides that such choice shall be signified through a written Notice of Election which must be filed as an exhibit to the company's registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.). The rule permits such a notice to be withdrawn by filing a written Notice of Withdrawal in a similar manner. However, no such Notice of Withdrawal would be permitted to be filed within 12 months of a filing of a Notice of Election and no subsequent Notice of Election could be filed by the same registrant within 12 months of the filing of a Notice of Withdrawal.

Section 27(h)(4) [15 U.S.C. 80a–27(h)(4)]. Section 27(h) (of the Act) provides for the sale of periodic payment plan certificates subject to a spread load. Subparagraph (4) of that subsection requires that the deduction for sales load on the excess in any month over the minimum monthly payment or its equivalent may not exceed the sales load applicable to payments subsequent to the first 48 monthly payments or their equivalent. Proposed Rule 27h–1 would exempt from Section 27(h)(4) (of the Act) that portion of the first payment on any certificate which equals two minimum monthly payments, payments of arrears, and regular payments made over the life of a plan which requires payments to be made on a bimonthly or quarterly basis.

Amendments to Rules 27a–1, 27a–2, 27a–3 and 27c–1 (17 CFR 270.27a–1, 270.27a–2, 270.27a–3, 270.27c–1). Present Rules 27a–1, 27a–2, and 27a–3 contain certain exemptions from section 27(a) of the Act for variable annuity contracts. The proposed amendments to Rules 27a–1, 27a–2, and 27a–3 would extend the same exemptions to contracts sold subject to section 27(h) of the Act. Rule 27c–1 presently exempts variable annuities from the requirement that they be redeemable during the annuity payout period. The amendment to this rule would exempt variable annuities from the provisions of section 27(d) (of the Act) during the annuity payout period.

Effective date. Sections 27 (d), (e), (f), (g), and (h) (of the Act) pursuant to which certain of the Rules and form proposals prescribed herein would be adopted, will not become effective until June 14, 1971. Therefore the Rules and Forms proposed herein are not intended to become effective until that date.

All interested persons are invited to submit views and comments on the proposed revisions. Any views or comments should be submitted in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before May 28, 1971. All communications will be available for public inspection.

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APPENDIX A–1

EXAMPLE OF AMOUNTS REQUIRED TO BE DEPOSITED AND MAINTAINED IN THE SEGREGATED TRUST ACCOUNT OVER 18 MONTHS ON $100 PER MONTH PERIODIC PAYMENT PLAN

Payment	Risk [1]	Total pay-in [2]	Percent of risk covered	Maintain [3]	Percent of risk covered
1	$35	$31.50	90	$25.20	72
2	70	63.00	90	50.40	72
3	105	85.75	82	68.60	65
4	140	108.50	78	86.80	62
5	175	131.25	75	105.00	60
6	210	141.75	68	113.40	54
7	245	152.25	62	121.80	50
8	280	162.75	58	130.20	47
9	315	173.25	55	138.60	44
10	350	173.25	50	138.60	40
11	385	173.25	45	138.60	36
12	420	173.25	41	138.60	33
13	455	173.25	38	138.60	30
14	444	173.25	39	111.00	25
15	433	173.25	40	108.25	25
16	422	173.25	41	105.50	25
17	411	173.25	40	102.75	25
18	400	173.25	43	100.00	25
19	389	173.25	45	97.25	25

[1] Amount of sales load to be returned upon surrender, assuming 50 percent load on first 13 payments and 4 percent thereafter.

[2] Total of payments into the segregated account, based on 90 percent of excess sales load on first two payments, 65 percent of excess sales load on second through fifth payments and 30 percent of the excess sales load on the sixth through ninth payments.

[3] Minimum amount to be maintained in the segregated account, equal to 80 percent of payments 1–13 and 25 percent of amount at risk thereafter.

APPENDIX A–2

EXAMPLE OF AMOUNTS REQUIRED TO BE DEPOSITED AND MAINTAINED IN THE SEGREGATED TRUST ACCOUNT OVER 18 MONTHS ON A $200 PER MONTH PERIODIC PAYMENT PLAN

Payment	Risk [1]	Total pay-in [2]	Percent of risk covered	Maintain [3]	Percent of risk covered
1	$70	$63.00	90	$50.40	72
2	140	126.00	90	100.80	72
3	210	171.50	82	137.20	65
4	280	217.00	78	173.60	62
5	350	262.50	75	210.00	60
6	420	294.00	70	235.20	56
7	490	325.50	66	260.40	53
8	560	357.00	64	283.60	51
9	630	388.50	62	310.80	49
10	700	388.50	56	310.80	44
11	770	388.50	50	310.80	40
12	840	388.50	46	310.80	37
13	910	388.50	43	310.80	34
14	888	388.50	44	266.40	30
15	866	388.50	45	259.80	30
16	844	388.50	46	253.20	30
17	822	388.50	47	246.60	30
18	800	388.50	49	240.00	30
19	778	388.50	50	233.40	30

[1] Amount of sales load to be returned upon surrender, assuming 50 percent load on first 13 payments and 4 percent thereafter.

[2] Total of payments into the segregated account, based on 90 percent of excess sales load on first two payments, 65 percent of excess sales load on second through fifth payments, and 45 percent of the excess sales load on the sixth through ninth payments.

[3] Minimum amount to be maintained in the segregated account, equal to 80 percent of payments 1–13 and 30 percent of amount at risk thereafter.

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[2] Of course, the Rule 22c–1 (17 CFR 270.22c–1) would continue to govern the time of computation of the redemption price.

APPENDIX A-3

EXAMPLE OF INTERRELATIONSHIP OF AMOUNTS REQUIRED TO BE DEPOSITED TO FUND OBLIGATIONS UNDER SECTIONS 27(d) AND 27(f) FOR FRONT-END LOAD PLANS

(Payments of $100 Per Month)

Number of installments paid [1]	Risk [2]	45 day deposit [3]	18 month deposit [4]	18 month offset [5]	Total deposit [6]	Percent covered [7]
2	$102	$20.40	$63.00	$20.40	$63.00	62
4	204	40.80	108.50	40.80	108.50	53
6	306	61.20	141.78	45.36	157.62	52
8	408	81.60	162.75	45.36	198.99	49
10	510	102.00	173.25	45.36	229.89	45
12	612	122.40	173.25	45.36	250.29	41
14	668	133.60	173.25	45.36	261.49	39
16	678	135.60	173.25	45.36	263.49	39
18	688	137.60	173.25	45.36	265.49	39
20	698	139.60	173.25	45.36	267.49	38

[1] The number of installments paid before expiration of 27(f) refund privilege.

[2] Potential charges to be refunded; these are assumed to be 50 percent of first 13 installments and 4 percent of subsequent installments plus custodial charges of $1 per installment.

[3] 20 percent of the potential refund of charges pursuant to paragraph (c) of Rule 27d-1.

[4] Deposit required by paragraph (e) of Rule 27d-1.

[5] Reduction pursuant to paragraph (f) of Rule 27d-1 applied to section 27(f) deposit required by paragraph (e) of the rule.

[6] Total deposit into segregated account equals section 27(f) deposit required by paragraph (e) of the rule plus the section 27(d) deposit required by paragraph (c) of the rule less the offset permitted by paragraph (f) of Rule 27d-1.

[7] Portion of risk covered by total deposit.

APPENDIX A-4

EXAMPLE OF INTERRELATIONSHIP OF AMOUNTS REQUIRED TO BE DEPOSITED TO FUND OBLIGATIONS UNDER SECTIONS 27(d) AND 27(f) FOR FRONT-END LOAD PLANS

(Payments of $200 per Month)

Number of installments paid [1]	Risk [2]	45 day deposit [3]	18 month deposit [4]	18 month offset [5]	Total deposit [6]	Percent covered [7]
2	$202	$60.60	$126.00	$50.40	$136.20	67
4	404	121.20	217.00	86.80	251.40	62
6	606	181.80	294.00	117.60	358.20	59
8	808	242.40	357.00	117.60	481.80	60
10	1,010	303.00	388.50	117.60	573.90	57
12	1,212	363.60	388.50	117.60	634.50	52
14	1,322	396.60	388.50	117.60	667.50	50
16	1,340	402.00	388.50	117.60	672.90	50
18	1,358	407.40	388.50	117.60	678.30	50
20	1,376	412.80	388.50	117.60	683.70	50

[1] The number of installments paid before expiration of 27(f) refund privilege.

[2] Potential charges to be refunded, these are assumed to be 50 percent of first 13 installments and 4 percent of subsequent installments plus custodial charges of $1 per installment.

[3] 30 percent of the potential refund of charges pursuant to paragraph (c) of Rule 27d-1.

[4] Deposit required by paragraph (e) of Rule 27d-1.

[5] Reduction pursuant to paragraph (f) of Rule 27d-1 applied to section 27(f) deposit required by paragraph (e) of the rule.

[6] Total deposit into segregated account equals section 27(f) deposit required by paragraph (e) of the rule plus section 27(d) deposit required by paragraph (c) of the rule less the offset permitted by paragraph (f) of Rule 27d-1.

[7] Portion of risk covered by total deposit.

Commission action. The Commission proposes to amend Parts 270 and 274 of Chapter II of Title 17 of the Code of Federal Regulations in the following manner:

I. Section 270.27a–1 would be amended by revising the caption and by amending the language in paragraph (1) thereof which now reads "* * * requirements of paragraph (1) of section 27(a) of the Act * * *" to read "requirements of section 27(a)(1) and section 27(h)(1) of the Act * * *". As so amended, section 270.27a–1 would read:

§ 270.27a–1 Conditions for compliance with and exemptions from certain provisions of section 27(a)(1) and section 27(h)(1) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, with respect to any variable annuity contract participating in such account, be deemed to satisfy the requirements of section 27(a)(1) and section 27(h)(1) of the Act if such contract provides for a sales load which will not exceed 9 per centum of the total payments to be made thereon as of a date not later than the end of the 12th year of such payments: *Provided,* That if a contract be issued for any stipulated shorter payment period the sales load under such contract shall not exceed 9 per centum of the total payments thereunder for such period.

II. Section 270.27a–2 would be amended by revising the caption and by amending the language in paragraph (a) thereof which now reads "* * * exempt from paragraph (3) of section 27(a) of the Act * * *" to read "* * * exempt from paragraph (3) of section 27(a) and paragraph (3) of section 27(h) of the Act * * *". As so amended, § 270.27a–2 would read:

§ 270.27a–2 Exemption from section 27(a)(3) and section 27(h)(3) of the Act for certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall be exempt from paragraph (3) of section 27(a) and paragraph (3) of section 27(h) of the Act: *Provided,* That with respect to any variable annuity contract participating in such account the proportionate amount of sales load deducted from any payment during the contract period shall not exceed the proportionate amount deducted from any prior payment during the contract period.

III. Section 207.27a–3 would be amended by revising the caption and by amending the language in paragraph (a) thereof which now reads " * * * exempt from paragraph (4) of section 27(a) of the Act * * * " to read "* * * exempt from paragraph (4) of section 27(a) of the Act and paragraph (5) of section 27(h) of the Act * * *". As so amended, § 270.27a–3 would read:

§ 270.27a–3 Exemption from section 27(a)(4) and section 27(f)(5) for certain registered separate accounts.

(a) A registered separate account and any depositor of or underwriter for such account, shall be exempt from paragraph (4) of section 27(a) of the Act and paragraph (5) of section 27(h) of the Act as to payments under any variable annuity contract participating in such account which (1) is purchased in connection with a plan which meets the requirements for qualification under section 401 of the Internal Revenue Code of 1954, as amended ("Code"), or the requirements for deduction of the employer's contributions under section 404(a)(2) of the Code, or (2) meets the requirements of section 403(b) of the Code, but such exemptions shall apply only to contributions or payments within the exclusion allowance for any employee under section 403(b) except as clause (3) hereof applies, or (3) permits no sales load deduction from any payment in excess of 9 per centum of such payment.

IV. Section 270.27c–1 would be amended by revising the caption and by amending the language in paragraph (a) thereof which now reads "* * * redeemable security with respect to such contracts * * * " to read " * * * redeemable security and from section 27(d) of the Act with respect to such contracts * * * ". As so amended, § 270.27c–1 would read:

§ 270.27c–1 Exemption from section 27(c)(1) and section 27(d) during annuity payment period of variable annuity contracts participating in certain registered separate accounts.

(a) A registered separate account, and any depositor of or underwriter for such account, shall, during the annuity payment period of variable annuity contracts participating in such account, be exempt from the requirement of paragraph (1) of section 27(c) of the Act that a periodic payment plan certificate be a redeemable security and from section 27(d) of the Act with respect to such contracts under which payments are being made based upon life contingencies.

V. New §§ 270.27d–1, 270.27e–1, 270.27f–1, 270.27g–1, 270.27h–1, and 274.127d–1, 274.127e–1, 274.127f–1, 274.127f–2, 274.127f–3 are proposed to be adopted as follows:

§ 270.27d–1 Reserve requirements for principal underwriters and depositors to carry out the obligations to refund charges required by section 27(d) and section 27(f) of the Act.

(a) Every depositor of or principal underwriter for the issuer of a periodic payment plan certificate sold subject to section 27(d) or section 27(f) of the Act, or both, shall deposit and maintain funds in a segregated trust account as a reserve for the purpose of assuring the refund of charges required by section 27 (d) and (f) of the Act. The assets of such trust account may be invested only in short term U.S. Government obligations or held as cash. Any income, gains or losses, from assets allocated to such account, whether or not realized, shall be credited to or charged against such account without regard to other income, gains or losses of the depositor or principal underwriter. The assets of such trust account may be withdrawn only as permitted by paragraph (g) of this section and shall in no event be chargeable with liabilities arising out of any aspect of the business of the depositor or principal underwriter other than assuring the ability of the depositor or principal underwriter to refund the amounts required by such sections.

(b) For purposes of this section the following definitions shall apply:

(1) "Excess sales load" on any payment is that portion of the sales load in excess of 15 percent of that payment.

(2) "Monthly payment" shall be the amount of the smallest monthly installment scheduled to be paid during the life of the plan. If payments are required to be made on a basis less frequently than monthly, an equivalent monthly payment shall be the amount determined by dividing the smallest minimum payment required in a payment period by the number of months included in such period.

(c) For every periodic payment plan certificate governed by section 27(d), each depositor or principal underwriter shall deposit not less than the following sums into the segregated trust account:

(1) 90 percent of the excess sales load on the first and second monthly payments, or their equivalent;

(2) 65 percent of the excess sales load on the third through fifth monthly payments, or their equivalent;

(3) For periodic payment plans that require monthly payments of $100 or less, 30 percent of the excess sales load on the sixth through ninth monthly payments, or their equivalent;

(4) For periodic payment plans that require monthly payments in excess of $100, 45 percent of the excess sales load on the sixth through ninth monthly payments, or their equivalent.

(d) For every periodic payment certificate governed by section 27(d) (of the Act) which has not been surrendered in accordance with its terms, and for which the depositor or principal underwriter may be liable for the refund of any sales load, the depositor or principal underwriter shall maintain in the segregated trust account:

(1) For certificates upon which 13 monthly payments or less have been made, an amount at least equal to 80 percent of the minimum deposit for that plan certificate specified in paragraph (c);

(2) For certificates requiring monthly payment of $100 or less, upon which 14 or more monthly payments or their equivalent have been made, an amount at least equal to 25 percent of the amount of the excess sales load refundable on such certificates;

(3) For certificates requiring monthly payments in excess of $100 upon which 14 or more monthly payments or their equivalent have been made, an amount at least equal to 30 percent of the excess sales load refundable on such certificates;

(4) Such additional amounts as the Commission by order may require in order for the depositor or principal underwriter to carry out the obligation to refund excess sales load pursuant to section 27(d) of the Act.

(e) For every periodic payment plan certificate governed by section 27(f) of the Act the depositor or principal underwriter shall deposit and maintain at least the following amounts in the segregated trust account, in addition to the amounts required to be deposited by paragraph (c) and to be maintained by paragraph (d) of this section:

(1) For certificates that require monthly payments of $100 or less, 20 percent of the difference between the gross payments made and the net amount invested;

(2) For certificates that require monthly payment in excess of $100 and for single payment plans, 30 percent of the difference between the gross payments made and net amount invested;

(3) For plans under which a certificate holder is entitled to receive the greater of the refund provided by section 27(f) (of the Act) or a refund of total payments, 100 percent of the difference between the gross payments made and net amount invested;

(4) Such additional amounts as the Commission by order may require to carry out the obligation to refund charges pursuant to section 27(f) of the Act.

(f) For each periodic payment plan certificate which is governed by both section 27(f) and section 27(d) of the Act, the amount required to be deposited and maintained by paragraph (e) of this section may be reduced by the following:

(1) For certificates that require monthly payments of $100 or less, 90 percent of the amount required to be maintained by paragraph (d) of this section: *Provided, however,* Such reduction may not exceed the lesser of the amount required to be maintained by paragraph (e) of this section or 90 percent of the amount required to be maintained by paragraph (d) of this rule for the first two monthly payments or their equivalent;

(2) For certificates that require monthly payments of more than $100, 50 percent of the amount required to be maintained by paragraph (d) of this section: *Provided, however,* Such reduction may not exceed the lesser of the amount required to be maintained by paragraph (e) of this section or 50 percent of the amount required to be maintained by paragraph (d) of this section for the first six monthly payments or their equivalent;

(3) For plans under which a certificate holder is entitled to receive either the refund provided by section 27(f) (of the Act) or a refund of total payments, 100 percent of the amount required to be maintained by paragraph (d) of this section.

(g) Assets may be withdrawn from the segregated trust account by each depositor or principal underwriter:

(1) To refund excess sales load to a certificate holder exercising the right of surrender specified in section 27(d) of the Act; or

(2) To refund to a certificate holder exercising the right of withdrawal specified in section 27(f) of the Act the difference between the amount of his gross payments and the net amount invested; or

(3) For any other purpose: *Provided, however,* That for plans governed by section 27(d) of the Act such withdrawal shall not reduce the segregated trust account to an amount less than the sum of (i) 125 percent of that required by paragraph (d) of this section, if any, and (ii) 110 percent of the amount required to be maintained by paragraphs (e) and (f) of this section.

(h) The minimum amounts required to be maintained by paragraphs (d), (e), and (f) of this section shall be computed at least weekly and any additional deposits required by paragraphs (d) or (e) and (f) shall be made immediately thereafter. Any withdrawals permitted by paragraph (g)(3) may be made only at such time.

(i) Each depositor or principal underwriter shall file with the Commission, within the appropriate period of time specified, an Accounting of Segregated Trust Account on Form N–27D–1 (§ 274.127d–1 of this chapter) which shall cover the period of time as prescribed within the instructions to that form.

NOTE: A copy of the text and instructions to Form N–27D–1 has been filed with the Office of the Federal Register. The form and instructions are contained in Investment Company Act Release No. IC–6439 which is available from the Commission upon request.

Instructions:

1. During the first 2 years after the effective date of Rule 27d–1, this form is to be filed for each calendar quarter within 15 days after the end of such quarter; thereafter, it shall be filed for each year on or before January 31 of the following year.
2. The balance at the beginning of the period shall be the same in amount as the balance shown at the end of the immediately preceding period.
3. The signature shall be that of the Chief Financial Officer of the Depositor or Principal Underwriter, whichever is appropriate.

§ 270.27e–1 Requirements for notice to be mailed to certain purchasers of periodic payment plan certificates sold subject to section 27(d) of the Act.

(a) The notice required by section 27(e) of the Act shall be sent by first-class mail and shall be accompanied by a written instruction sheet and a return form to be used in connection with the exercise of the surrender right described in the notice. No other written or graphic material may be included with such notice.

(b) In the event that regular payments throughout the first 18 months of the plan are required less frequently than monthly, such a notice shall be mailed to any certificate holder who has missed any payment or payments equal to or greater in amount than the amount of payments which, if missed, would have required the mailing of a notice if equal monthly payments had been required during such 15- or 18-month periods.

(c) Any payment not made within 10 business days after it is due shall be deemed a missed payment whether or not an equivalent payment is made subsequently by the certificate holder.

(d) In the event any such notice is not mailed prior to 15 days before the expiration of the 18th month, the certificate holder shall have 15 days from the date such notice is mailed within which to exercise the right of surrender described therein. Nothing herein contained shall require a second notice to be mailed to any certificate holder who has been mailed a notice within 30 days following 15 months after the issuance of his certificate.

(e) Notwithstanding the requirements of section 27(e) of the Act, no notice need be mailed to a certificate holder if, at the time such notice would be required to be mailed, he would not be entitled to receive any refund of sales loading upon surrender of his certificate.

(f) Form N–27E–1 (§ 274.127e–1 of this chapter) is hereby prescribed to inform certificate holders of their right to surrender their certificates pursuant to section 27(d) of the Act. The text of Form N–27E–1 is as follows:

FORM N–27E–1 NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF SURRENDER RIGHTS WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES

IMPORTANT

(Date of Mailing)

Re: (1) ____________

Dear (2) ____________:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

Until (3) ____________ you will be entitled to surrender your (4) ____________ plan certificate and receive, in addition to the value of your account on the date your certificate is received, a refund of that portion of the sales charges you have paid in excess of 15 percent of the gross payments under your plan.

The amount of the sales charges that will be refunded to you, assuming you make no further payments on your plan, will be $(5) ____________. If your certificate had been received for surrender today you would have gotten a total of $(6) ____________ for it (the value of your account plus the refund). After your right expires you will be entitled to receive only the value of your account. The value of your account today is $(7) ____________. Of course, the value of your account will vary from day to day and by the date your right expires it may be greater or less than it is today.

The law requires that we give you this notice because you missed (8) ____________. In considering whether or not to exercise your right, remember if you have difficulty making payments when due under your plan, it permits you to surrender your certificate and limit your costs resulting from the deduction of sales charges to 15 percent of your total payments. On the other hand, if you can and do make your payments on schedule, the effective rate of sales load on your plan will be decreased.

If you wish to surrender your certificate and receive the value of your account PLUS the additional refund described in this notice, endorse your plan certificate in accordance with the enclosed instructions and return it by (9) ____________ to the undersigned.

Very truly yours,

(10) ________________________.

Proposed Instructions for use of Form N–27E–1 (§ 274.127e–1):

FORM N–27E–1

INSTRUCTIONS

General Instructions

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. (Italics) on the Form is used to indicate that the words are to be underlined or in bold-face type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

Itemized Instructions

Insert the following in the corresponding numbered spaces on Form N–27E–1.

(1) The name of the Plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The date of the first business day which is 18 months from the date of the issuance of the certificate or in the event such notice is not mailed prior to 15 days before the expiration of the 18th month, the date of the first business day which is 15 days from the date such notice is mailed.

(4) The name of the plan.

(5) The amount as of the date of the mailing of the notice which is equal to that part of the excess paid for sales loading which is over 15 percent of the gross payments made by the certificate holder.

(6) The sum of item 5 and the value of the certificate holder's account as of the date of mailing of the notice.

(7) The value of the certificate holder's account as of the date of mailing of the notice. In the event such certificate holder has made a partial withdrawal in accordance with the terms of his certificate, the notice may state at this point that "This sum reflects the partial withdrawal which you made previously."

(8) Whichever of the following statements is appropriate: "three or more payments during the first 15 months after your plan certificate was issued." or "a payment after the 15th month after your plan certificate was issued."

(9) The same date as in item 4 above.

(10) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

§ 270.27f–1 Notice of right of withdrawal required to be mailed to periodic payment plan certificate holders.

(a) The notice and statement of charges (notice) required by Section 27(f) of the Act shall be sent by first class mail and shall be accompanied by a written instruction sheet and a return form to be used in connection with the exercise of the right of withdrawal described in the notice. No other written or graphic material may be included with such notice.

(b) The notice may be mailed by the issuer, the principal underwriter for, or the depositor of, the issuer if the custodian bank has delegated the mailing of the notice to any of them or the issuer has been permitted to operate without a custodian bank by Commission order.

(c) In the case of any variable annuity contract or any other periodic payment plan certificate issued in connection with any employee, pension profit-sharing or other benefit plan, the notice required by section 27(f) of the Act shall be mailed to the contract owner or certificate holder with instructions that copies thereof be transmitted forthwith to the participants or employees who are not themselves contract owners or certificate holders but for whose benefit such contracts or certificates are held; except for an insurance company separate account excluded from the definition of investment company pursuant to section 3(c)(11) of the Act. Such instructions need not be given if the plan established by the contract holder provides for fixed benefits only or the plan does not provide for employee contributions. The custodian bank shall furnish the contract owner or certificate holder with the number of copies of the notice sufficient for this purpose and shall take such reasonable steps as may be necessary to periodically assure that such contract owner or certificate holder distributes such notice to annuitants, participants or employees forthwith.

(d) Solely for purposes of section 27(f) of the Act, the postmark date on the envelope containing the certificate shall determine whether a certificate has been surrendered within the 45-day period.

(e) (1) Form N–27F–1 (§ 274.127f–1 of this chapter) is hereby prescribed to inform certificate holders, other than holders of variable annuity contracts, of their withdrawal right pursuant to section 27(f) of the Act. (2) Form N–27F–2 (§ 274.127f–2 of this chapter) is hereby prescribed to inform holders of level load and single payment plans, other than holders of variable annuity contracts, of their withdrawal right pursuant to section 27(f) of the Act. (3) Form N–27F–3. (§ 274.127f–3 of this chapter) is hereby prescribed to inform holders of variable annuity periodic payment plans of their withdrawal right pursuant to section 27(f) of the Act. The text of Forms N–27F–1, N–27F–2, and N–27F–3 is as follows:

FORM N–27F–1 NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF WITHDRAWAL RIGHT WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES.

(Date of Mailing)

IMPORTANT

Re: (1) ____________

Dear (2) ____________:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

Of the (3) ____________ you have paid on your (4) ____________ plan $ (5) ____________ has been deducted for various charges. A total of (6) ____________ or (7) ____________ percent of your first (8) ____________ monthly payments will be deducted from those payments for similar charges. You have until (9) ____________ to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, and, in addition, the value of your account on the date your certificate is received.

In determining whether or not to exercise your right you should consider, among other things, the projected cost of your investment and your ability to make the scheduled payments over the life of your plan as they become due. Your plan provides for payments of $ (10) ____________ per (11) ____________ over a period of (12) ____________ years, or total paymenta of $ (13) ____________. If you made all of the scheduled payments over the full term of your plan, the total deductions would be $ (14) ____________ or an effective charge of (15) ____________ percent of your total payments. However, if you do not complete your program, the deduction of various charges from your initial payments will result in your paying effective charges in excess of that rate. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

If you wish to exercise your right of withdrawal, return your plan certificate to the undersigned by (16) ____________ in accordance with the enclosed instructions.

Very truly yours,

(17) ________________________

Proposed Instructions for use of Form N–27F–1 (§ 274.127f–1):

FORM N–27F–1

INSTRUCTIONS

General Instructions

A. The notice shall be legible and shall be printed or typed on lettersize paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. (Italics) on the Form is used to indicate that the words are to be underlined or in bold-face type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

Itemized Instructions

Insert the following in the corresponding numbered spaces on Form N–27F–1.

(1) The name of the Plan and the account number of the certificate holder. An additional internal recordkeeping reference may also be included at the option of the sender.

(2) The name of certificate holder or an identification such as "Investor" or "Planholder."

(3) The total amount paid by the certificate holder as of the date of the mailing.

(4) The name of the plan.

(5) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(6) The total dollar amount of all charges scheduled to be deducted from the payments made by the certificate holder before the first regular payment upon which there would be a reduction in the rate of the applicable sales charge below 9 percent of the certificate holder's gross payment.

(7) The percentage that the total charges set forth in item 6 are of the total payments included under Instruction 6 above.

(8) The number of regular monthly payments required to be made before the rate of the sales charges deducted from such regular payment is reduced to less than 9 percent of the certificate holder's gross payment.

(9) The date which is 45 days from the date on which the Notice will be mailed.

(10) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(11) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(12) The total number of years constituting the full term of the plan.

(13) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(14) The total dollar amount of all charges scheduled to be deducted over the full term of the plan.

(15) The percentage that the total charges as set forth in item 14 are of the total payments scheduled to be made by the certificate holder over the full term of the plan.

(16) The date which is 45 days from the date on which the notice will be mailed.

(17) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

FORM N–27F–2 NOTICE TO PERIODIC PAYMENT PLAN CERTIFICATE HOLDERS OF WITHDRAWAL RIGHT WITH RESPECT TO PERIODIC PAYMENT PLAN CERTIFICATES ISSUED ON SINGLE PAYMENT OR LEVEL LOAD PLANS OTHER THAN VARIABLE ANNUITIES.

IMPORTANT

(Date of Mailing)

Re: (1) ____________

Dear (2) ____________:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

You have just purchased a long-term investment program with many complex features. Your plan provides for payments of (3) ____________ per (4) ____________. A number of charges in addition to sales charges will be deducted from each of your payments. These include administrative, custodial, transaction and other charges. Along with sales charges, these may amount to as much as (5) ____________ percent of each of your payments. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

Of the $ (6) ____________ you have already paid on your plan, $ (7) ____________ or (8) ____________ percent has been deducted for sales and various other charges. You now have the opportunity to reconsider your investment. Should you decide to withdraw from the plan, you have until (9) ____________ to surrender your certificate for any reason and receive a refund of all of the charges which have been deducted, plus the value of your account on the date your certificate is received.

If you decide to exercise your right of withdrawal, return your plan certificate to the undersigned by (10) ____________ in accordance with the enclosed instructions.

Very truly yours,

(11) ________________________

Proposed Instructions for use of Form N–27F–2 (§ 274.127f–2):

FORM N–27F–2

INSTRUCTIONS

General Instructions

A. The notice shall be legible and shall be printed or typed on letter-sized paper. It shall be in a modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. (Italics) on the Form is used to indicate that the words are to be underlined or in boldface type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

Itemized Instructions

Insert the following in the corresponding number spaces on Form N–27E–1.

(1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender.

(2) The name of the certificate holder or an identification such as investor or planholder.

(3) The dollar amount of each scheduled periodic payment to be made by the certificate holder.

(4) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(5) The percentage which the total charges deducted from each payment will be of that payment. If no deductions are made for administrative, custodial or other charges, or transaction fees such terms should be omitted from the test as appropriate.

Alternative Instructions to items 3, 4 and 5 for single payment plans:

Instead of items 3, 4, and 5 substitute the following for the balance of the second paragraph after the first sentence. "You have paid $(3a) ____________. A number of charges, including administrative, custodial, transaction and other charges will be deducted from your plan account over the course of each year. These may amount to as much as $(4a) ____________ per year." If nothing will be deducted from the account for administrative, custodial, transaction or other charges such terms may be omitted from the text as appropriate.

(3a) The total payment made.

(4a) The total dollar amount of the charges to be deducted annually.

(6) The total amount paid by the certificate holder as of the date of the mailing.

(7) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(8) The percentage which the total charges set forth in item (7) is of the amount paid by the certificate holder as stated in response to item (6).

(9) The date which is 45 days from the date on which the notice will be mailed.

(10) Same date as in item 9.

(11) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

FORM N-27F-3 NOTICE TO HOLDERS OF VARIABLE ANNUITY PERIODIC PAYMENT PLANS OF WITHDRAWAL RIGHT WITH RESPECT TO SUCH CERTIFICATES

IMPORTANT

(Date of Mailing)

Re: (1) ------------

Dear (2) ------------:

THIS NOTICE IS REQUIRED TO BE SENT TO YOU BY AN ACT OF THE CONGRESS OF THE UNITED STATES AS IMPLEMENTED BY THE SECURITIES AND EXCHANGE COMMISSION. READ IT CAREFULLY AND RETAIN IT WITH YOUR FINANCIAL RECORDS.

You have just purchased a long-term investment program with many complex features. Your plan provides for payments of (3) ------------ per (4) ------------ over a period of (5) ------------ years; or total payments of (6) ------------. A number of charges in addition to sales charges will be deducted from your first (7) ------------ payments. These include administrative charges, premium taxes and death benefit charges. Along with sales charges, these may amount to (8) ------------ percent of your first (7) ------------ payments.

Your contract also requires periodic deductions from the assets of your account for mortality and expense risks, death benefits, administrative charges and transaction fees, all of which may amount to as much as $(9) ------------ plus an additional (10) ------------ percent per year of the value of your account. For a more complete description of the charges deducted under your plan, carefully review your prospectus.

Of the $(11) ------------ already paid on your plan, $(12) ------------ or (13) ------------ percent of the amount you paid has been deducted for sales and various other charges. Until (14) ------------, you can surrender your certificate for any reason and receive a refund of all of the charges which have been deducted from your payments, plus the value of your account on the date your certificate is received. Until then you will have the opportunity to reconsider your investment and the charges which it involves.

If you decide to exercise your right of withdrawal, return your plan certificate to the undersigned by (15) ------------ in accordance with the enclosed instructions.

Very truly yours,

(16) ------------------------

Proposed Instructions for use of Form N-27F-3 [§ 274.127f-3]:

FORM N-27F-3—INSTRUCTIONS

General Instructions:

A. The notice shall be legible and shall be printed or typed on letter-size paper. It shall be in modern type at least as large as 10-point modern type. All type shall be leaded at least 2 points. [Italics] on the Form is used to indicate that the words are to be underlined or in bold-face type. Parenthetical references should be completed in accordance with the Itemized Instructions below and need not be underlined or bold-faced.

B. The notice shall bear the letterhead of the sender and the mailing date. No reference to the form number shall appear on the notice.

C. Where appropriate the notice may indicate a surrender of a contract rather than a surrender of a certificate.

Itemized Instructions:

Insert the following in the corresponding numbered spaces on Form N-27E-3.

(1) The name of the plan and the account number of the certificate holder. An additional internal record keeping reference may also be included at the option of the sender. In case of a group contract this item should include the contract number and certificate number of the annuitant.

(2) The name of the participant or an identification such as "participant", "investor", or "planholder."

(3) The dollar amount of each scheduled periodic payment to be made by certificate holder.

(4) The period (e.g., month, quarter) for which payments are scheduled to be made under the plan.

(5) The total number of years constituting the full term of the plan.

(6) The dollar amount of total payments scheduled to be made over the full term of the plan by the certificate holder.

(a) Alternative Instructions to Items 3, 4, 5, 6, and 7 for single payment plans:

Instead of items 3, 4, 5, 6, and 7, substitute the following for the second sentence of the second paragraph: "You have paid $(4a) ------------.

(4a) The total payment made. Omit the word "first" and make the word "payments" singular in the following two sentences.

(b) Alternative Instructions to Items 4, 5, 6, and 7 for plans where Payments Vary:

If it is not possible to comply with the instructions to Items 3, 4, 5, 6, and 7 because payments will vary, where appropriate substitute the following sentence for the second sentence in the second paragraph: "Your plan provides for payments of (3b) ------------ percent of your salary over the next (4b) ------------ years.

(3b) The percentage to be deducted from the participant's salary and applied to the purchase of this plan.

(4b) The number of years during which such deductions will be made.

(c) Alternatively, if appropriate, substitute the following sentence for the second sentence in the second paragraph: "Your plan provides for total payments of $(3c) ------------ over a period of (4c) ------------ years, varying from $(5c) ------------ to $(6c) ------------ per (7c) ------------.

(3c) The dollar amount of total payments to be made over the life of plan.

(4c) The number of years during which such payments are required to be made.

(5c) The maximum payment per periodic interval.

(6c) The minimum payment per periodic interval.

(7c) The period (eg., month, quarter) for which payments are scheduled to be made under the plan.

(7) The number of regular monthly payments required to be made before the proportion of charges deducted from such regular payments is reduced. If no reductions in the proportion of charges are contemplated under the plan, strike the word "first" and add the words "each of" before the word "your."

(8) The percentage which the total charges deducted from the payments referred to in Item 7 will be of payments referred to in answer to Item 7. If no deductions are made for administrative charges, premium taxes or death benefits, such term should be omitted from the text.

(9) The maximum flat amount, if any, to be deducted from the value of the participant's account for mortality and expense risks, death benefits, administrative charges and transaction fees from each account in the plan. If no deductions are made for mortality and expense risks, death benefits, administrative charges or transaction fees such items should be omitted from the text.

(10) The percentage over and above the amount in Item 9 which will be deducted from the value of the assets for the following charges: Mortality and expense risks, death benefits, administrative charges and transaction fees as it applies to the particular participant.

(11) The total amount paid by the certificate holder as of the date of the mailing.

(12) The total amount deducted for all charges from the amount paid by the certificate holder as of the date of the mailing.

(13) The percentage which the total charges set forth in Item 12 is of the amount stated in response to Item 11.

(14) The date which is 45 days from the date on which the notice will be mailed.

(15) Same date as in Item 14.

(16) The name of a responsible officer of the sender with his title and the address of the sender. If the address is in the letterhead, it may be omitted from this item.

§ 270.27g-1 Election to be governed by section 27(h).

(a) If any registered investment company which issues or intends to issue a periodic payment plan certificate chooses to be governed by the provisions of section 27(h) (of the Act) rather than the provisions of sections 27 (a) and (d) (of the Act) it shall signify such choice by filing with the Commission as an exhibit to its registration statement filed under the Securities Act of 1933 a written Notice of Election to be so governed.

(b) Any registered investment company issuing periodic payment plan certificates which has elected, in accordance with paragraph (a) of this section, to be governed by the provisions of section 27 (h) of the Act may thereafter withdraw such election by filing with the Commission, in the manner specified for filing a Notice of Election, a written Notice of Withdrawal of Election: *Provided, however,* That no such withdrawal of election shall be made within 12 months of an election by such company under paragraph (a) of this section and, *Provided further,* That such company may not thereafter elect to be governed by the provisions of section 27(h) (of the Act) until an additional 12 month period has elapsed.

§ 270.27h-1 Exemptions from section 27(h)(4) for certain payments.

(a) For purposes of this section, "minimum monthly payment, or its equivalent," shall be the amount of the smallest monthly installment scheduled to be paid during the life of the plan.

(b) The provisions of section 27(h)(4) shall not apply to:

(1) Payments of arrears by certificate holders who are delinquent in their payments; or

(2) Regular payments made over the life of a periodic payment plan which requires payments to be made on a bimonthly or quarterly basis; or

(3) That portion of the first payment on such certificate which equals the amount of two minimum monthly payments.

VI.

§§ 274.107 to 274.126 [Reserved]

VII. A new § 274.127d-1 adopted pursuant to proposed § 270.27d-1 of this chapter would be adopted to read as follows:

§ 274.127d-1 Form N-27D-1, accounting of segregated trust account.

This form shall be completed and filed with the Commission as a report required by § 270.27d-1 of this chapter by each depositor or principal underwriter, within 15 days after the close of each quarter during the first 2 years after the effective date of § 270.27d-1 of this chapter, and thereafter this form shall be filed annually on or before January 31 of the following calendar year.

VIII. A new § 274.127e-1 adopted pursuant to proposed § 270.27e-1 of this chapter would be adopted to read as follows:

§ 274.127e-1 Form N-27E-1, notice required to be sent to purchasers of periodic payment plan certificates by each registered investment company selling such certificates, or any depositor of or underwriter for such company.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see § 270.27e-1 of this chapter.

IX. A new § 274.127f-1 adopted pursuant to proposed § 270.27f-1 of this chapter would be adopted to read as follows:

§ 274.127f-1 Form N-27F-1, notice to periodic payment plan certificate holders other than holders of variable annuity contracts of withdrawal right with respect to periodic payment plan certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission. For required text of the form see § 270.27f-1 of this chapter.

X. A new § 274.127f-2 adopted pursuant to § 270.27f-1 of this chapter would be adopted to read as follows:

§ 274.127f-2 Form N-27F-2, notice to periodic payment plan certificate holders of withdrawal right with respect to periodic payment plan certificates issued on single payment or level load plans other than variable annuities.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will be available at the Securities and Exchange Commission. For required text of the form see § 270.27f-1 of this chapter.

XI. A new § 274.127f-3 adopted pursuant to § 270.27f-1 of this chapter would be adopted to read as follows:

§ 274.127f-3 Form N-27F-3, notice to holders of variable annuity periodic payment plans of withdrawal right with respect to such certificates.

This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and it will not be available at the Securities and Exchange Commission. For required text of the form see § 270.27f-1 of this chapter.

(Secs. 6(c), 38(a), 27(d), 27(e), 27(f), 54 Stat. 800, 841, 84 Stat. 1424, 1425; 15 U.S.C. 80a-6(c), 80a-37(a), Public Law 91-547)

By the Commission, April 29, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc. 71-6237 Filed 5-3-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. 268]

DETERMINATION OF AVOIDABLE LOSSES UNDER THE RAIL PASSENGER SERVICE ACT OF 1970

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 23d day of March 1971.

The enactment of the Rail Passenger Service Act of 1970, 84 Stat. 1327, has presented the Commission with the need to determine, within reasonable limits, an amount which reflects the estimated savings inuring to those railroads who agree to enter into a contract with the National Railroad Passenger Corp., thereby being relieved of further responsibility to provide passenger service.

As consideration for being relieved of the requirement to provide such passenger service, the railroad agrees to pay to said corporation an amount equal to:

(1) 50 percent of the fully distributed passenger deficit of the railroad for the calendar year 1969; or

(2) The lesser of one of the following two formulas:

(a) 100 percent of the avoidable loss of all intercity rail passenger service operated by the railroad during the calendar year 1969; or

(b) 200 percent of the avoidable loss of the intercity rail passenger service operated by the railroad over routes between points within the basic system[1] during the calendar year 1969.

Section 102(6) of said act defines avoidable loss as the avoidable costs of providing passenger service, less revenues attributable thereto, as determined by the Commission. It is to determine a reasonable method and basis for computing the avoidable loss that this proceeding is being instituted. It is our desire here to impose no greater burden on the railroad than is necessary to provide us with data sufficient to arrive at an equitable determination of the avoidable loss.

Since the act deals solely with intercity rail passenger service, our proposed regulation must of necessity limit its scope to the computation of avoidable loss related to such passenger operations. The regulations attempt to ascertain those expenses and revenues which will be eliminated if intercity passenger service is discontinued by the railroad. Portions of certain items of expense such as crew wages, passenger car repairs, train fuel and dining and buffet services are generally considered to be avoidable and the avoidable portion relatively easy to determine. However, some conceptual problems are evident in considering other items of expense such as timing of labor savings, job protection agreements and realization of savings in depreciation expense. The Commission proposes handling the above conceptual problems as follows:

(1) Labor savings will be considered as having been realized immediately, i.e., realized in the year 1969.

(2) Wages of the positions eliminated by the discontinuance of the service will be considered avoidable, notwithstanding that they might not be achieved in full until later years.

(3) Depreciation will be allowed on equipment, actually required to provide the 1969 level of intercity passenger service, that would not be required upon discontinuance of that service.

These and other conceptual problems must be considered in determining avoidable losses.

Our inquiry in this proceeding will concern, among other matters, (1) whether the proposed regulations set forth in the appendixes to this notice should be adopted, (2) what is the best manner of determining avoidable costs and the avoidable loss, (3) whether the railroad's statement should contain more or less information than that required in the said proposed regulations, and (4) whether this Commission should take such other and further action as the facts developed in this proceeding may justify or require.

It is for these purposes that the instant rulemaking proceeding is instituted.

Upon consideration of the above-described matters and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under the authority of section 20 of the Interstate Commerce Act and pursuant to section 553 of the Administrative Procedure Act with a view to adopting the proposed regulations set forth in the appendixes to this notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That the National Railroad Passenger Corp., and all railroads providing intercity rail passenger service and operating in interstate commerce within the United States and subject to the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of fact, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding.

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[1] On Jan. 28, 1971, the Secretary of Transportation designated the basic system, as provided in section 202 of the Rail Passenger Service Act of 1970.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 14, 1971, the original and one copy of a statement of his intention to participate; that the Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

That Chapter X of Title 49 of the Code of Federal Regulations be amended by adding Part 1123 titled "Determination of Avoidable Losses" and inserting the following sections.

§ 1123.1 Scope of rules in this part.

The rules in this part govern the procedure to be followed by the National Railroad Passenger Corp. and a railroad subject to Part I of the Interstate Commerce Act, when an impasse is reached between the two relative to the final settlement price to be paid by the railroad in consideration of being relieved of all of its responsibility as a common carrier of passengers by rail in intercity rail passenger service pursuant to the Rail Passenger Service Act of 1970. Either the National Railroad Passenger Corp. or the railroad shall apply to the Commission for a determination of the avoidable loss with respect to the subject intercity rail passenger service. The burden of proof of avoidable loss shall rest with the railroad, and the procedures provided hereinafter shall be followed.

§ 1123.2 Definitions.

(a) Avoidable costs are those operating expenses, rents, and taxes listed in the Uniform System of Accounts (Title 49 CFR 1200–1201) which can be demonstrated to have been required for the provision of intercity rail passenger service in 1969, which would not have been incurred had such service not been performed.

(b) Avoidable loss is the excess of avoidable costs of providing intercity rail passenger service over the nonretainable revenues from the same service, pursuant to section 102(6) of the Rail Passenger Service Act of 1970.

(c) Nonretainable revenue is the railroad's 1969 revenue attributable to its intercity rail passenger service, which it would not have received had such service not been performed.

(d) Solely related expenses are the operating expenses, rents and taxes which are incurred only for providing a specific service.

(e) Common expenses are those operating expenses, rents, and taxes which are not solely related to one service but are required to provide more than one service.

(f) In determining whether a service is commuter or other short-haul service in metropolitan and suburban areas, within the meaning of section 102(5)(A) of the Rail Passenger Service Act of 1970, the Commission will consider the following features, among others:

(1) The passenger service is primarily being used by patrons traveling on a regular basis, either within a metropolitan area or between a metropolitan area and its suburbs;

(2) The service is usually characterized by operations performed at morning and evening peak periods of travel;

(3) The service usually honors commutation or multiple-ride tickets at a fare reduced below the ordinary coach fare and carries the majority of its patrons on such a reduced fare basis;

(4) The service makes several stops at short intervals either within a zone or along the entire route;

(5) The equipment used may consist of little more than ordinary coaches;

(6) The service should not extend more than 100 miles at the most, except in rare instances; although service over shorter distances may not be commuter or short haul within the meaning of the said Act of 1970.

(g) Intercity passenger service is all passenger service other than (1) commuter and other short-haul service in metropolitan and suburban areas, usually characterized by reduced fare, multiple-ride and commutation tickets, and by morning and evening peak period operations, and (2) auto-ferry service characterized by transportation of automobiles and their occupants where contracts for such service have been consummated prior to enactment of the Rail Passenger Service Act of 1970.

§ 1123.3 Information required with application.

Applications required under § 1123.1 shall include the following information set forth in the sequence indicated:

(a) Identification of the applicant showing:

(1) Full and correct name of the applicant and the business address of applicant (street and number, city, county, and State).

(2) The name, title, and business address of the officer or officers to whom correspondence with respect to the application should be addressed.

(b) Information respecting the terms and conditions of the contract pursuant to which the proposed transfer of intercity rail passenger service is to be effected, including the manner and terms of payment of the consideration.

(c) Information respecting the route, termini, and mileage of the lines to be transferred.

(d) Statements, in summary form, showing the applicant's calculation, for the calendar year 1969, of the avoidable loss of (1) all intercity rail passenger service and/or (2) that portion of such service that was operated over routes between points on the basic system, supported by the exhibits required by § 1123.4 and presented as follows:

(i) Solely related intercity passenger-train costs.

(ii) Common expenses apportioned to intercity passenger service.

(iii) Avoidable intercity passenger costs.

(iv) Nonretainable revenues.

(v) Avoidable loss.

§ 1123.4 Required exhibits.

There shall be filed with the original application and as a part thereof, the folowing exhibits:

(a) As exhibit (A) a statement of the fully distributed passenger service deficit of the railroad as reported to the Commission for the year ending December 31, 1969. This statement shall be supplied in the same format provided in Schedule 300, Income Account for the Year as prescribed in Rail Annual Report Form A.

(b) As exhibit (B) a statement showing Total and Avoidable Operating Expenses, Rents, and Taxes by primary account for (1) all intercity rail passenger service and (2) that portion of such service that was operated over routes between points on the basic system, presented in the format attached hereto and identified as Appendix B.[1]

(c) As exhibit (C) a statement setting forth the method used and the justification for each primary account, of the avoidable expenses reported in exhibit (B) as described in paragraph (b) of this section. Avoidable intercity expenses shall be supported by identification of specific positions, equipment, facilities, and materials which would not be required upon discontinuance of the intercity passenger service.

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[1] Filed as part of the original document.

(d) As Exhibit (D) a statement of revenues earned in 1969 as a result of providing intercity passenger service, which would not have been retained by the railroad after the discontinuance of such service. This statement shall exclude revenues which could have been retained even though intercity rail passenger service were discontinued. If the 200 percent formula is being relied on, a similar statement should be furnished as to that portion of such service that was performed over routes between the points on the basic system. These data shall be supplied in the same format provided in Schedule 310, Railway Operating Revenues as prescribed in Rail Annual Report Form A.

(e) As Exhibit (E) a statement supporting determination of nonretainable revenues submitted as Exhibit D.

(f) As Exhibit (F) a listing by position classification, of the number of positions involved exclusively or in part in intercity passenger service during the month of December 1969. These positions shall be listed and identified in the same format as prescribed for ICC Wage Statistics, Forms A and B. In addition positions involved exclusively in intercity passenger service shall be separated from positions involved in part in intercity passenger service. The account to which wages are charged and the average annual wage shall also be shown for each position. In addition, for each position involved only in part in intercity passenger service an estimate (stated as a percent) of the portion of time assigned to intercity passenger service shall be provided. If the 200 percent formula is being relied on, a similar showing should be furnished giving the above information as to that portion of such service that was performed over routes between points on the basic system

§ 1123.5 Form and style.

The application and exhibits shall conform with Rule 15 of the general rules of practice (§ 1100.15 of this chapter).

§ 1123.6 Procedure.

(a) There shall be filed with the Secretary of the Commission, Washington, D.C., the original application, and 15 copies thereof for the use of the Commission. The original application shall be signed in ink by the applicant, if an individual, by all partners, if a copartnership, and if a corporation, association, or other similar form of organization, by its president, vice president, auditor, comptroller, or other executive officer having knowledge of the matters therein contained and duly designated for that purpose by the applicant, and shall be made under oath. The application shall show that the affiant is duly authorized by the applicant to verify and file the same. Each copy shall conform in all respects to the original and shall be complete in itself except that the signature in the copies may be stamped or typed and notarial seal omitted.

[FR Doc.71-6219 Filed 5-3-71;8:50 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

[49 CFR Parts 173, 179]

[Docket No. HM-10; Notice 68-8]

TRANSPORTATION OF HAZARDOUS MATERIALS

Withdrawal of Proposed Tank Car Specifications

On November 21, 1968, the Hazardous Materials Regulations Board published Docket No. HM-10; Notice No. 68-8 (33 F.R. 17246) proposing to amend many of the existing tank car specifications and to add several new specifications to the Hazardous Materials Regulations.

Because of the time that has elapsed since publication of the notice and subsequent proposals and amendments made by the Board with respect to tank car specifications; and because of technical changes as evidenced by documents published by the Association of American Railroads, extensive modification of the original proposal is necessary before further rule-making action can be taken. Accordingly, Notice No. 68-8 is withdrawn.

This action is taken under the authority of sections 831-835 of title 18, United States Code, and section 9 of the Department of Transportation Act (49 U.S.C. 1657).

Issued in Washington, D.C., on April 27, 1971.

CARL V. LYON,
Acting Administrator,
Federal Railroad Administration.

[FR Doc.71-6184 Filed 5-3-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

CLEAR SHEET GLASS FROM FRANCE

Withholding of Appraisement Notice

Information was received on January 8, 1970, that clear sheet glass from France was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 11, 1970, on page 6015. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such clear sheet glass from France is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the basis of comparison will probably be between purchase price and home market price.

The analysis shows that purchase price will probably be calculated on the basis of a c.i.f., duty paid, delivered customer warehouse price with deductions for discounts, commissions, freight, insurance, U.S. Customs duties, and packing.

Home market price will probably be based on the delivered price to the distributors in the home market. Deductions will be made for discounts for quantity and thickness. Adjustments will be made for cost of credit, freight, technical and selling expenses, cutting and handling, breakage, and packing.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than adjusted home market price.

Customs officers are being directed to withhold appraisement of clear sheet glass from France in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (5-4-71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 28, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6207 Filed 5-3-71;8:49 am]

CLEAR SHEET GLASS FROM ITALY

Withholding of Appraisement Notice

Information was received on December 29, 1969, that clear sheet glass from Italy was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 11, 1970, on page 6015. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such clear sheet glass from Italy is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that the probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting from the c.i.f. duty-paid delivered price to the U.S. confidential and cash discounts, U.S. inland freight, duty, sales commission, ocean freight, insurance and Italian inland freight. Italian IGE taxes refunded or not collected upon exportation are likely to be added back.

It appears that home market price will be based on the delivered price less quantity or trade discounts, confidential discounts, cash discounts, sales commission and delivery costs. Other probable adjustments to be made to this price include advertising differential, credit costs, bad debt loss, and loyalty discount. Adjustments for differences in packing appear to be warranted.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of clear sheet glass from Italy in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (5-4-71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: April 28, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6208 Filed 5-3-71;8:49 am]

CLEAR SHEET GLASS FROM WEST GERMANY

Withholding of Appraisement Notice

Information was received on January 14, 1970, that clear sheet glass from West Germany was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the FEDERAL REGISTER of April 11, 1970, on page 6015. The "Antidumping Proceeding Notice" indicated that there was evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Pursuant to section 201(b) of the Act (19 U.S.C. 160(b)), notice is hereby given that there are reasonable grounds to believe or suspect that the purchase price (section 203 of the Act; 19 U.S.C. 162) of such clear sheet glass from West Germany is less, or likely to be less, than the foreign market value (section 205 of the Act; 19 U.S.C. 164).

Statement of reasons. The information currently before the Bureau tends to indicate that there are sufficient sales in the home market to warrant the use of home market price. The probable basis of comparison will be between purchase price and home market price of such or similar merchandise.

Preliminary analysis suggests that purchase price will probably be calculated by deducting various discounts, U.S. inland freight, Customs clearance changes, U.S. duty, sales commission, ocean freight, marine insurance, packing and inland freight in West Germany from the c.i.f., duty-paid price for export to the United States.

It appears that home market price will probably be based on either the delivered price or the weighted average of delivered prices. Probable adjustments to be made to this price will be various discounts, premiums, and rebates, inland freight, packing and selling expenses.

Using the above criteria, there are reasonable grounds to believe or suspect that purchase price will be lower than home market price.

Customs officers are being directed to withhold appraisement of clear sheet glass from West Germany in accordance with § 153.48, Customs Regulations (19 CFR 153.48).

In accordance with §§ 153.32(b) and 153.37, Customs Regulations (19 CFR 153.32(b), 153.37), interested parties may present written views or arguments, or requests in writing that the Secretary of the Treasury afford an opportunity to present oral views.

Any written views or arguments or requests that the Secretary of the Treasury afford an opportunity to present oral views should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 days from the date of publication of this notice in the FEDERAL REGISTER.

This notice, which is published pursuant to § 153.34(b), Customs Regulations, shall become effective upon publication in the FEDERAL REGISTER (5-4-71). It shall cease to be effective at the expiration of 6 months from the date of such publication, unless previously revoked.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

Approved: April 28, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6209 Filed 5-3-71;8:49 am]

Fiscal Service

[Dept. Circ. 570, 1970 Rev., Supp. No. 14]

EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY OF AMERICA AND EMPLOYERS COMMERCIAL UNION INSURANCE COMPANY

Termination and Acceptability as Surety on Federal Bonds

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to Employers Commercial Union Insurance Company of America, Boston, Massachusetts under sections 6 to 13 of Title 6 of the United States Code to qualify as an acceptable surety on Federal bonds, is hereby terminated, effective March 31, 1971 because of its merger into Employers Commercial Union Insurance Company.

Pursuant to an Agreement of Merger effective midnight March 31, 1971, approved by the Commissioner of Insurance of the Commonwealth of Massachusetts, the Employers Commercial Union Insurance Company of America, a Massachusetts corporation merged into the Employers Commercial Union Insurance Company, a Massachusetts corporation, which is the surviving corporation. Employers Commercial Union Insurance Company acquired all of the business and assets and assumed all the liabilities of Employers Commercial Union Insurance Company of America which ceased to exist as a separate entity. A copy of the Agreement of Merger is on file in the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

A Certificate of Authority as an acceptable surety on Federal bonds has been issued by the Secretary of the Treasury under date of March 31, 1971 to the following company under Sections 6 to 13 of Title 6 of the United States Code. An underwriting limitation of $14,209,000.00 has been established for the Company effective April 1, 1971.

Name of company, location of principal executive office, and State in which incorporated

Employers Commercial Union Insurance Company

Boston, Massachusetts

Massachusetts

Certificates of Authority expire on June 30 each year, unless sooner revoked, and new Certificates are issued on July 1, so long as the companies remain qualified (31 CFR Part 223). A list of qualified companies is published annually as of July 1 in Department Circular 570 with details as to underwriting limitations, areas in which licensed to transact fidelity and surety business and other information. Copies of the Circular, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Audit Staff, Washington, D.C. 20226.

In view of the foregoing, no action need be taken by bond-approving officers, by reason of the merger, with respect to any bond or other obligation in favor of the United States, or in which the United States has an interest, direct or indirect, issued on or before March 31, 1971, by Employers Commercial Union Insurance Company of America pursuant to the Certificate of Authority issued to the Company by the Secretary of the Treasury.

Dated: April 29, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-6206 Filed 5-3-71;8:49 am]

POST OFFICE DEPARTMENT

POSTAGE RATES AND FEES

Temporary Changes Effective May 16, 1971

On February 1, 1971, the Post Office Department requested the Postal Rate Commission to submit to the Governors of the Postal Service a recommended decision on changes in rates of domestic postage and fees for domestic postal services pursuant to chapter 36 of title 39, United States Code, as enacted by the Postal Reorganization Act (Public Law 91-375, 84 Stat. 719.) (Postal Rate Commission Docket No. R 71-1.) In connection with its request the Department submitted suggestions for specific rate and fee adjustments. Notice of this action was published in the daily issue of the FEDERAL REGISTER by the Postal Rate Commission on February 4, 1971 (36 F.R. 2431) and by the Department on February 6, 1971 (36 F.R. 2571). The notice published by the Department advised that if the Postal Rate Commission did not transmit its recommended decision to the Governors of the Postal Service within 90 days after the filing of the request, it was the Department's expectation that the temporary changes in rates of postage and fees for postal services shown in the notice published by it on February 6, 1971, would be placed into effect on or shortly after the tenth day following the end of the 90-day period.

Since the Postal Rate Commission has not transmitted a recommended decision to the Governors of the Postal Service within 90 days after the filing of the Department's request therefor, the Department has determined pursuant to 39 U.S.C. 3641, to place into effect certain temporary changes in rates of domestic postage and fees for domestic postal services.

Postage rates and fees on international mail are established pursuant to 39 U.S.C. 505, as enacted by the first section of Public Law 86-682 (cf. 39 U.S.C. 407, as enacted by section 2 of the Postal Reorganization Act), and not pursuant to chapter 36 of title 39, U.S.C. In order that international postage rates and fees for international postal services will not be less than domestic rates and fees for corresponding mail categories and services, the Department has also determined to place into effect certain temporary changes in rates of international postage and fees for international postal services.

Accordingly, the Post Office Department hereby places into effect as of May 16, 1971, the temporary changes in rates of postage and fees for postal services shown on the schedule set out below. These temporary changes will remain effective for a period ending 30 days after the Postal Rate Commission has transmitted its recommended decision in Docket R 71-1 to the Governors of the Postal Service, unless this order is sooner revoked or modified.

TABLE A-I

FIRST-CLASS MAIL AND AIRMAIL

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Temporary rates (cents) (4)
First class:			
Letters	Ounce	[1] 6	[1] 8
Cards	Each	5	6
Airmail:			
Letters	Ounce	[2] 10	[2] 11
Cards	Each	8	9

[1] Currently applies up to 13 ounces. Proposed rate would apply to 12 ounces. Heavier pieces are subject to priority mail rates.

[2] Currently applies up to 7 ounces. Proposed rate would apply up to 8 ounces. Heavier pieces are subject to priority mail rates.

TABLE A-II

PRIORITY MAIL

(1)	(2)	(3)						(4)					
		Current rates [1] (dollars)						Temporary rates (dollars)					
		Zones						Zones					
Mail class	Postage rate unit (pounds)	Local 1, 2, and 3	4	5	6	7	8	Local 1, 2, and 3	4	5	6	7	8
Priority	1	0.80	0.80	0.80	0.80	0.80	0.80	1.00	1.00	1.00	1.00	1.00	1.00
Do	1½	.98	1.02	1.07	1.14	1.18	1.24	1.20	1.22	1.25	1.30	1.40	1.50
Do	2	1.16	1.23	1.34	1.47	1.55	1.68	1.40	1.43	1.51	1.60	1.68	1.77
Do	2½	1.40	1.48	1.62	1.79	1.91	2.08	1.60	1.65	1.76	1.90	2.02	2.16
Do	3	1.64	1.73	1.90	2.11	2.27	2.48	1.80	1.86	2.01	2.20	2.36	2.54
Do	3½	1.88	1.98	2.18	2.43	2.63	2.88	2.00	2.08	2.26	2.49	2.69	2.93
Do	4	2.12	2.23	2.46	2.75	2.99	3.28	2.20	2.30	2.52	2.79	3.02	3.31
Do	4½	2.36	2.48	2.74	3.07	3.35	3.68	2.40	2.51	2.77	3.09	3.37	3.70
Do	5	2.60	2.73	3.02	3.39	3.71	4.08	2.60	2.73	3.02	3.39	3.71	4.08
Do	Each additional pound.	.48	.50	.56	.64	.72	.80	.48	.50	.56	.64	.72	.80

[1] Exception: Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a 10-pound parcel for the zone to which addressed.

TABLE B-I

SECOND-CLASS MAIL

In county and transient rates

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Temporary rates (cents) (4)
In county:			
Pound-rate matter.	Pound	1.5	1.5
	Minimum per piece.	.2	.2
	Per piece charge		.06
Per-copy rate matter.	Per copy	1 or 2	1.1 or 2.1
Transient rate.	First 2 ozs	5.0	6.0
	Each additional ounce.	1.0	1.0

TABLE B-II

SECOND-CLASS MAIL

Publications of authorized nonprofit organizations outside county

Mail class	Postage rate unit	Current rates (cents) beginning			Temporary rates (cents)
		Jan. 1, 1971 [1]	Jan. 1, 1972 [1]	Jan. 1, 1973 [1]	
(1)	(2)	(3)			(4)
Nonadvertising portion	Pound	2.1	2.1	2.1	2.4
Advertising portion: [2]					
Zones 1 and 2	do	4.0	4.55	5.1	4.4
Zone 3	do	4.8	5.55	6.3	5.2
Zone 4	do	6.4	7.55	8.7	6.9
Zone 5	do	8.0	9.55	11.1	8.6
Zone 6	do	8.6	10.3	12.0	9.4
Zone 7	do	8.6	10.3	12.0	9.5
Zone 8	do	8.6	10.3	12.0	9.7
Minimum	Minimum per piece	.2	.2	.2	.2
Per piece charge	Per piece charge				.04

[1] Annual increases established by sec. 103, Public Law 90-206.

[2] Not applicable to publications containing 10 percent or less advertising content.

TABLE B-III

SECOND-CLASS MAIL

Publications for classroom use—Outside county

Mail class (1)	Postage rate unit (2)	Current rates [1] (cents) (3)	Temporary rates (cents) (4)
Nonadvertising portion	Pound	2.04	2.3
Advertising portion:			
Zones 1 and 2	do	3.12	3.6
Zone 3	do	3.84	4.1
Zone 4	do	5.28	5.9
Zone 5	do	6.66	7.1
Zone 6	do	8.16	9.0
Zone 7	do	8.70	9.5
Zone 8	do	10.20	11.1
Minimum	Minimum per piece	.78	.8
Per piece charge	Per piece charge		.1

[1] 60 percent of regular rates. See column 3 of Table B IV.

TABLE B-IV

SECOND-CLASS MAIL

Regular-rate publications—Outside county

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Temporary rates (cents) (4)
Nonadvertising portion.	Pound	3.4	4.0
Advertising portion:			
Zones 1 and 2 (science of agriculture).	do	4.2	4.6
Zones 1 and 2	do	5.2	6.0
Zone 3	do	6.4	7.2
Zone 4	do	8.8	9.6
Zone 5	do	11.1	11.9
Zone 6	do	13.6	14.4
Zone 7	do	14.5	15.3
Zone 8	do	17.0	17.8
Minimum (5,000 or or more copies).	Minimum per piece.	1.3	1.3
Per piece charge [1]	Per piece charge.		.2
Exceptions:			
Minimum (fewer than 5,000 copies).	Minimum per piece.	.8	.8
Per piece charge (fewer than 5,000 copies when the computed bulk-pound rate is less than 1.3 cents (per piece).	Per piece charge.		.1

[1] Subject to the exception stated, this charge is in addition to the pound rate or minimum per piece charge whichever is applicable.

TABLE C

CONTROLLED CIRCULATION AND THIRD-CLASS MAIL

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Temporary rates (cents) (4)
Controlled circulation.	Pound	15.0	15.0
Do	Minimum per piece.	3.8	4.0
Third class:			
Single piece	First 2 oz	6.0	8.0
Do	Each additional ounce.	2.0	2.0
Keys and identification devices.	First 2 oz	14.0	14.0
Do	Each additional 2 oz.	7.0	8.0
Regular bulk rate:			
Circulars, etc	Pound	22.0	23.0
Do	Minimum per piece.	[1] 3.8/4.0	[1] 4.0/4.2
Books, catalogs, etc.	Pound	16.0	17.0
Do	Minimum per piece.	[1] 3.8/4.0	[1] 4.0/4.2

TABLE C—Continued

CONTROLLED CIRCULATION AND THIRD-CLASS MAIL

Mail class (1)	Postage rate unit (2)	Current Rates (cents) (3)	Temporary rates (cents) (4)
Nonprofit bulk rate:			
Circulars, etc	Pound	11.0	11.0
Do	Minimum per piece.	1.6	1.7
Books, catalogs, etc.	Pound	8.0	8.0
Do	Minimum per piece.	1.6	1.7

[1] The lower minimum rate is applicable to the first 250,000 pieces mailed each year.

TABLE D

FOURTH-CLASS MAIL

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Temporary rates (cents) (4)
Special rate	First pound	12	14
Do	Each additional pound.	6	7
Library rate	First pound	5	6
Do	Each additional pound.	2	2

TABLE E-I

REGISTERED MAIL

Value (1) and (2)	Current fees (3)	Temporary fees (4)
$0.00 to $100	$0.80	$0.95.
$100.01 to $200	$1.05	$1.25.
$200.01 to $400	$1.30	$1.55.
$400.01 to $600	$1.55	$1.85.
$600.01 to $800	$1.80	$2.15.
$800.01 to 1,000	$2.05	$2.45.
$1,000.01 to $2,000	[1] $2.35	[2] $2.75.
$2,000.01 to $3,000	$2.60	$3.05.
$3,000.01 to $4,000	$2.85	$3.35.
$4,000.01 to $5,000	$3.10	$3.65.
$5,000.01 to $6,000	$3.40	$3.95.
$6,000.01 to $7,000	$3.65	$4.25.
$7,000.01 to $8,000	$3.90	$4.55.
$8,000.01 to $9,000	$4.20	$4.85.
$9,000.01 to $10,000	$4.45	$5.15.
$10,000 to $1,000,000.	$4.45 plus handling charge of 15 cents per $1,000 or fraction over first $10,000.	$5.15 plus handling charge of 20 cents per $1,000 or fraction over first $10,000.
$1,000,000.01 to $15,000,000.	$152.95 plus handling charge of 10 cents per $1,000 or fraction over first $1,000,000.	$203.15 plus handling charge of 13 cents per $1,000 or fraction over first $1,000,000.
Over $15,000,000	Additional charges may be made based on consideration of weight, space and value.	Additional charges may be made based on consideration of weight, space and value.

[1] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.05 plus 15 cents per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $151.90 plus 10 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.

[2] For articles covered by commercial or other insurance and valued at more than $1,000 the fee is $2.45 plus 20 cents per $1,000 or fraction over $1,000 up to $1,000,000. Over $1,000,000 the fee is $202.25 plus 13 cents per $1,000 or fraction over $1,000,000 up to $15,000,000.

TABLE E-II

SPECIAL DELIVERY

Class of mail (1)	Weight (2)	Current fees (cents) (3)	Temporary fees (cents) (4)
First class, airmail and priority mail.	Up to 2 pounds	45	60
Do	Over 2 up to 10 pounds.	60	75
Do	Over 10 pounds	75	90
All other classes.	Up to 2 pounds	65	80
Do	Over 2 up to 10 pounds.	75	90
Do	Over 10 pounds	90	105

TABLE F-I

INTERNATIONAL POSTAGE RATES TO BE AFFECTED BY DOMESTIC RATE PROPOSALS

Mail class (1)	Postage rate unit (2)	Current rates (cents) (3)	Temporary rates [2] (cents) (4)
Canada and Mexico:			
Surface:			
Letters	Ounce	6	8
Cards	Each	5	6
Printed Matter:			
Regular	First 2 ounces.	6	8
Do	Each additional ounce.	2	2
Books and sheet music.	First 10 ounces.	14	
Do	First 12 ounces.		18
Do	Each additional 2 ounces.	1	1
Samples of merchandise.	First 2 ounces.	6	8
Do	Each additional ounce.	2	2
Merchandise packages.	(Canada only, 8-ounce maximum) first 5 ounces.	12	14
Do	Each additional ounce.	2	2
Airmail:			
Letters	Ounce	10	11
Cards	Each	8	9
Other countries:			
Surface:			
Printed matter:			
Regular	First 2 ounces.	6	8
Do	Each additional 2 ounces.	4	4
Books and sheet music:			
PUAS [3] countries.	First 10 ounces.	14	
Do	First 12 ounces.		18
Do	Each additional 2 ounces.	1	1
Other countries.	First 10 ounces.	14	
Do	First 12 ounces.		18
Do	Each additional 2 ounces.	1½	1½
Samples of merchandise.	First 2 ounces.	6	8
Do	Each additional 2 ounces.	4	4
Do	Minimum charge.	13	13

[1] Increases to avoid lower international postage rates than domestic rates for corresponding mail categories.

[2] Subsequent revisions attributable to phased rate approach to full rates and provisions of the Universal Postal Union (UPU) Convention will be announced at later dates.

[3] Postal Union of the Americas and Spain.

TABLE F-II

FEES FOR INTERNATIONAL SERVICES AFFECTED BY DOMESTIC FEE PROPOSALS [1]

Service class (1)	Fee basis (2)	Current fees (cents) (3)	Temporary fees (cents) (4)
Registered mail	Per piece	[2] 80	[2] 95
Special delivery:			
Letters, letter packages, post cards, airmail, and other articles:			
Up to 2 pounds	do	45	60
Over 2 up to 10 pounds.	do	60	75
Over 10 pounds	do	75	90
Surface other articles:			
Up to 2 pounds	do	65	80
Over 2 up to 10 pounds	do	75	90
Over 10 pounds	do	90	105

[1] Increases to avoid lower charges in international service than in domestic service.

[2] To Canada only the current fees are $0.80 for indemnity up to $100 and $1.05 for indemnity up to $200. The anticipated fees are $0.95 and $1.25, respectively.

Effective date: The changes in postal rates and fees provided in this order shall become effective on May 16, 1971.

(39 U.S.C. 501, 505, 3621, 3641)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-6226 Filed 5-3-71;8:51 am]

DEPARTMENT OF THE INTERIOR

National Park Service

NATIONAL REGISTER OF HISTORIC PLACES

By notice in the FEDERAL REGISTER of February 20, 1971, Part II, there was published a list of the properties included in the National Register of Historic Places. This list has been amended by a notice in the FEDERAL REGISTER of March 2 (pp. 3930–31), April 6 (pp. 6526–28). Further notice is hereby given that certain amendments or revisions, in the nature of additions, deletions, or corrections to the previously published list are adopted as set out below.

It is the responsibility of all Federal agencies to take cognizance of the properties included in the National Register as herein amended and revised in accordance with section 106 of the National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470.

The following properties have been added to the National Register since April 6 (those marked by an asterisk are National Historic Landmarks):

NATIONAL REGISTER ENTRIES

ALABAMA

Greene County

Eutaw, Green *County Courthouse*, Courthouse Square.

CALIFORNIA

Los Angeles County

Pomona, *Palomares Adobe*, corner of Arrow Highway and Orange Grove Avenue.

San Francisco County

San Francisco, *Feusier Octagon House*, 1067 Green Street.

Santa Cruz County

Santa Cruz, *Octagon Building*, corner of Front and Cooper Streets.

CONNECTICUT

Fairfield County

Fairfield, *Fairfield Historic District*, all buildings bordering the Old Post Road from its intersection with the Post Road to the intersection with Turney Road (including buildings southeast and northeast of the Town Hall on both sides of Beach Road and the Old Burying Ground).

Fairfield, *Southport Historic District*, bounded generally by the New York, New Haven & Hartford Railroad on the north; by Mill River and Southport harbor on the south; on the west by Old South Road (including properties on both sides of the road); and on the east by Rose Hill Road (including properties on Church Street and both sides of Rose Hill Road, but excluding commercial and industrial property along Pequot Avenue).

Hartford County

Hartford, **Connecticut State Capitol*, Capitol Avenue.

New Haven County

New Haven, **New Haven Green Historic District*, bounded by Chapel, College, Elm, and Church Streets.

DELAWARE

Kent County

Cowgill vicinity, *Eight-square Schoolhouse*, east of Cowgill off Delaware 9.

Dutch Neck Crossroads vicinity, *Allee House*, Dutch Neck Road east of Delaware 9.

New Castle County

Wilmington, *Starr House*, 1310 King Street.

Sussex County

Cool Spring vicinity, *Fisher House*, southeast of Cool Spring, Broadkill Hundred.

Dagsboro vicinity, *Prince George's Chapel*, east of Dagsboro on Delaware 26.

Georgetown, *Old Sussex County Courthouse*, South Bedford Street.

DISTRICT OF COLUMBIA

Washington

Halcyon House, 3400 Prospect Street NW.

FLORIDA

Escambia County

Pensacola, *Lavalle House*, 203 East Church Street.

Leon County

Tallahassee, *Bellevue*, southwest of Tallahassee, on Big Bend Pioneer Farm.

Monroe County

Key West, *The Armory*, 600 White Street.

Key West, *Fort Zachary Taylor*, U.S. Naval Station.

Key West, *Key West Historic District*, bounded roughly by the centerline of Front Street projected to the harbor and running west to Simonton Street; along Simonton to Greene Street; along Greene to Elizabeth Street; along Elizabeth to Caroline Street; along Caroline to Grinnell: along Grinnell to James; along James to Frances; along Frances to Eaton; along Eaton to White; along White to Angela; along Angela to Margaret Street and Passover Lane; along Passover Lane to Windsor Lane; along Windsor to Elizabeth and Angela Streets; along Angela to Whitehead; along Whitehead to Southard; along Southard to Thomas; along Thomas to Fleming; along Fleming to Whitehead; along Whitehead to Greene; along Greene to Front; and along Front to the northern boundary of the U.S. Coast Guard property.

GEORGIA

Floyd County

Rome, *Chieftains*, 80 Chatillon Road.

Jenkins County

Millen vicinity, *Birdsville Planation*, west of Millen on Route 2.

Muscogee County

Columbus, *St. Elmo*, 2810 St. Elmo Drive.

ILLINOIS

Cook County

Riverside, **Coonley, Avery, House*, 300 Scottswood Road.

KANSAS

Barber County

Medicine Lodge, *Nation, Carry, Home*, 211 West Fowler Avenue.

Douglas County

Lecompton, *Lane University*.

Leavenworth County

Lansing vicinity, *Lansing Man Archeological Site*, 1 mile east of Lansing to Kansas 5, 0.66 mile south, and 0.25 mile east.

Miami County

Osawatomie, *Brown, John, Cabin (Samuel Adair Cabin)*, John Brown Memorial Park.

Montgomery County

Independence vicinity, *Infinity Archeological Site*, 8 miles west of Independence on U.S. 160, 1.5 miles north and 1.5 miles east on a secondary road.

Morris County

Council Grove, *Old Kaw Mission*, 500 North Mission Street.

KENTUCKY

Boone County

Union vicinity, *Big Bone Lick*, 8 miles west of Union on Kentucky 338

Fayette County

Lexington, *Clay, Henry, Law Office*, 176 North Mill Street.

Franklin County

Frankfort, *Corner in Celebrities Historic District*, bounded roughly by the Kentucky River on the west; by Main Street on the north with extensions northward along Wilkinson and Washington Streets; by Madison and St. Clair Streets on the east; and by Wapping Street on the south with extensions southward to the river.

Frankfort, *Lieutenant Governor's Mansion*, 420 High Street.

Frankfort, *Old Statehouse*, Broadway between Lewis and Madison Streets.

Jefferson County

Louisville vicinity, *Locust Grove*, 5 miles northeast of Louisville, 561 Blankenbaker Lane.

Madison County

Richmond vicinity, *White Hall*, Clay Lane, off U.S. 25, 7 miles north of Richmond.

Nelson County

Bardstown vicinity, *Federal Hill (My Old Kentucky Home)*, 1 mile east of Bardstown on U.S. 150.

MAINE

Cumberland County

Portland, *The Gothic House (John J. Brown House)*, 86 Spring Street.

Lincoln County

Dresden, *Bowman-Carney House*, 0.5 mile north of Maine 197 and west of Maine 128.

Wiscasset, **Nickels-Sortwell House*, northeast corner of Main and Federal Streets.

York County

South Berwick, **Hamilton, Jonathan, House*, Vaughan's Lane and Old South Road.

MARYLAND

Allegany County

Cumberland, *Queen City Hotel*, bounded on the east by Park Street, on the north by East Harrison Street, and on the west by the Baltimore & Ohio Railroad tracks.

Kent County

Chestertown, *Denton House*, 107 Water Street.

MASSACHUSETTS

Bristol County

New Bedford, **U.S. Customhouse*, southwest corner, Second and Williams Streets.

Essex County

Salem, **Gardner-Pingree House*, 128 Essex Street.

Salem, **Hamilton Hall*, 9 Cambridge Street.

Hampden County (also in Suffolk, Norfolk, Middlesex, and Worcester counties)

Springfield, Warren, West Brookfield, Brookfield, East Brookfield, Spencer, Leicester, Worcester, Shrewbury, Northboro, Sudbury, Cambridge, Brookline, and Boston, 1,767 Milestones, between Boston and Springfield along the Old Post Road.

Middlesex County

Cambridge, **Hastings, Oliver, House*, 101 Brattle Street.

Cambridge, **Memorial Hall, Harvard University*, Harvard University campus.

Cambridge, **Sever Hall, Harvard University*, Harvard University campus.

Cambridge, **University Hall, Harvard University*, Harvard University campus.

Waltham, **Gore Place*, 52 Gore Street.

Waltham, **The Vale (Theodore Lyman Estate)*, Lyman and Beaver Streets.

1,767 Milestones (see Hampden County).

Norfolk County

1,767 Milestones (see Hampden County).

Suffolk County

Boston, **First Harrison Gray Otis House*, 141 Cambridge Street.

Boston, *Massachusetts General Hospital*, Fruit Street.

Boston, **New Old South Church*, 645 Boylston Street.

Boston, **Old City Hall*, School and Providence Streets.

Boston, **Old West Church*, 131 Cambridge Street.

Boston, **St. Paul's Church*, 136 Tremont Street.

Boston, **Sears, David, House (Somerset Club)*, 42 Beacon Street.

1767 Milestones (see Hampden County)

Worcester County

Lancaster, **First Church of Christ*, facing the Common.

1767 Milestones (see Hampden County)

MICHIGAN

Alger County

Grand Marais, *Hill's Store*, Grand Marais Avenue.

Bay County

Bay City, *Fletcher Site*, SW¼SW¼ sec. 16 and NW¼NW¼ sec. 21, T. 14 N., R. 5 E.

Calhoun County

Battle Creek, *Penn Central Railway Station (New York Central and Michigan Central Railway Station)*, West Van Buren.

Chippewa County

Sault Ste Marie, *Old Fort Brady*, bounded by the C.O.E. Service Plaza on the north, by Portage Street on the south, Brady Street on the east, and Bingham Street on the west.

Strongs vicinity, *Naomikong Point Site*, NE¼ sec. 8, T. 47 N., R. 5 W.

Delta County

Fayette vicinity, *Spider Cave*, on Big Bay de Noc between Fayette and Fairport.

Eaton County

Charlotte, *Eaton County Courthouse*, West Lawrence Avenue at Cochran and Bostwick Streets.

Emmet County

Cross Village vicinity, *Wycamp Creek Site*, northeast of Cross Village on the north bank of Wycamp Creek.

Kent County

Grand Rapids, *Heritage Hill Historic District*, bounded by Michigan Avenue on the north, Pleasant Street on the south, Union Avenue on the east and by Clarendon Place, Jefferson, and Lafayette Avenues on the west.

Mackinac County

Gros Cap vicinity, *Gros Cap Cemetery*, southeast of Gros Cap on U.S. 2.

Mackinac Island, *Mission House*, Huron Street.

Mackinac Island, *Stuart, Robert, House (Agency House of the American Fur Co.)*, Market Street.

Macomb County

Sterling Township, *Holcombe Site*, SW¼ SW¼ sec. 23, T. 2 N., R. 12 E.

Wayne County

Detroit, *Christ Church, Detroit*, 960 East Jefferson Avenue.

Detroit, *Freer, Charles Lang, House (Merrill-Palmer Institute of Human Development and Family Life)*, 71 East Ferry Street.

Detroit, *Mariners' Church*, 170 East Jefferson Avenue.

Detroit, *Sibley House*, 976 East Jefferson Avenue.

MINNESOTA

Hennepin County

Minneapolis, *St Anthony Falls Historic District*, the district lies on both sides of the Mississippi River from the Plymouth Avenue Bridge on the northwest to 10th Avenue South (west bank) and Sixth Avenue Southeast (east bank) on the southeast; it extends onto the east river shore as far as University Avenue and onto the west river shore to Second Street South.

NEW YORK

Albany County

Albany, *New York State Department of Education Building*, Washington Avenue between Hawk and Swan Streets.

Albany, *Whipple Cast and Wrought-Iron Bowstring Truss Bridge*, 1000 Delaware Avenue.

Cohoes, *Van Schaick House*, Van Schaick Avenue and the Delaware and Hudson Railroad track.

Broome County

Binghamton, *Binghamton City Hall*, Collier Street between Court and Academy Streets.

Saratoga County

Ballston Spa, *Old Saratoga County Courthouse Complex*, 46 West High Street.

Tompkins County

Ithaca, *Second Tompkins County Court-House*, 121 East Court Street.

NORTH CAROLINA

Beaufort County

Washington, *Beaufort County Courthouse*, corner of West Second and Market Streets.

Hertford County

Murfreesboro, *Melrose*, 100 East Broad Street.

Murfreesboro, *Myrick House*, 402 Broad Street.

Murfreesboro, *Wheeler, John, House*, 403 East Broad Street.

Orange County

Hillsborough, *Hazel-Nash House*, 116 West Queen Street.

Pitt County

Grimesland vicinity, *Grimesland Plantation*, east of Grimesland on Route 2.

OHIO

Miami County

Piqua vicinity, *Piqua Historical Area State Memorial (John Johnston Farm and Indian Agency)*, 1 mile north of Piqua.

OKLAHOMA

Kingfisher County

Kingfisher, *Seay Mansion*, corner of 11th Street and Zellers Avenue.

Payne County

Yale, *Thorpe, Jim, House*, 704 East Boston Street.

PENNSYLVANIA

Centre County

Curtin, *Curtin Village (Eagle Ironworks)*, Route 14010.

Delaware County

Chadds Ford, *Chad House*, Pennsylvania 100.

Chester, *Penn, William, Landing Site*, Penn and Front Streets.

Upland, *Pusey, Caleb, House*, 15 Race Street.

Montgomery County

Collegeville vicinity, *Kuster Mill*, on Skippack Creek at Mill Road and Water Street Road.

Conshohocken, *Mount Joy (Peter Legaux Mansion)*, North Lane and Hector Street.

Plymouth Meeting, *Plymouth Meeting Historic District*, contained within a rectangle having the following coordinates: On the northwest latitude 40°06'24'' N., longitude 75°17'03'' W.; on the northeast latitude 40°06'27'' N., longitude 75°15'54'' W.; on the southeast latitude 40°05'54'' N., longitude 75°16'06'' W.; on the southwest latitude 40°05'39'' N., longitude 75°17'01'' W.

Philadelphia County

Philadelphia, *Centennial National Bank*, 3200 Market Street.

Philadelphia, *Music Fund Hall*, 808 Locust Street.

RHODE ISLAND

Kent County

Warwick, *Rhodes, Christopher, House*, 25 Post Road.

Newport County

Newport, **Sherman, William Watts, House*, 2 Shepard Avenue.

Providence County

Providence, **Corliss-Carrington House*, 66 William Street.

Providence, **Ives, Thomas P., House*, 66 Power Street.

SOUTH CAROLINA

Beaufort County

Beaufort, *Barnwell, William, House*, 800 Prince Street.

Berkeley County

Oakley vicinity, *Dean Hall Plantation*, southeast of Oakley via U.S. 52 and County Routes 9 and 244.

Horry County

Conway, *Old Horry County Courthouse and Jail*, Main Street.

Oconee County

Walhalla vicinity, *Stumphouse Tunnel Complex*, 5 miles north of Walhalla via South Carolina 28 and Route 226.

Richland County

Columbia vicinity, *Millwood*, Garner's Ferry Road.

TENNESSEE

Cheatham County

Kingston Springs vicinity, *Narrows of the Harpeth*, north of Kingston Springs on Route 2.

Davidson County

Old Hickory, *Cleveland Hall*, 4041 Old Hickory Boulevard.

Hamilton County

Chattanooga, *Brown's Ferry Tavern*, Brown's Ferry Road.

Chattanooga, *Chattanooga Union Station*, West Ninth and Broad Streets.

Roane County

Harriman, *Harriman City Hall*, Roane Street and Walden.

Sevier County

Sevierville, *Buckingham House*, Sevierville Pike.

Sevierville, *Sevier County Courthouse*, Court Avenue.

TEXAS

Bastrop County

Hills Prairie vicinity, *Hill, Abraham Wiley, House*, 5 miles southwest of Hills Prairie.

El Paso County

El Paso, *Magoffin Homestead*, 1120 Magoffin Avenue.

Fisher County

Noodle vicinity, *Foy Steadman Site*, 8.5 miles northwest of Noodle.

Gillespie County

Fredericksburg, *Fredericksburg Memorial Library*, Courthouse Square.

Gonzales County

Gonzales vicinity, *Braches Home*, 12 miles southeast of Gonzales on U.S. 90 Alternate.

Houston County

Crockett, *Monroe-Crook House*, 707 East Houston Street.

Lamar County

Paris, *Maxey, Samuel Bell, House*, 812 East Church Street.

Lavaca County

Hallettsville, *Lavaca County Courthouse*, bounded by La Grange, Second, Third, and Main Streets.

McLennan County

Waco, *Earle-Napier-Kinnard House*, 814 South Fourth Street.

Marion County

Jefferson, *Jefferson Historic District*, bounded roughly by Owens, Friou, Taylor, LaFayette, Market, Camp, Walnut extended, Polk, Vale, and Line Streets; and by a line parallel to and between Dixon and Walker Streets, and by a line north of and parallel to Dixon Street.

Jefferson, *The Magnolias*, 209 East Broadway.

Jefferson, *Planters Bank Building*, 224 East Austin Street.

Jefferson, *Woods, Perry, House* (*Old Ligon Place*), 502 Walker Street.

Shackelford County

Albany vicinity, *Fort Griffin*, 15 miles north of Albany on U.S. 283.

Shelby County

Center, *Shelby County Courthouse*, Courthouse Square.

Tarrant County

Fort Worth, *Flatiron Building*, 1000 Houston Street.

Val Verde County

Comstock vicinity, *Lower Pecos Canyon Archeological District*, 12 miles west of Comstock on U.S. 90.

Victoria County

Inez Vicinity, *Fort St. Louis Site*, about 13 miles south of Inez on Garcitas Creek.

Wise County

Decatur, *Administration Building, Decatur Baptist College*, 1602 South Trinity Street.

UTAH

Salt Lake County

Salt Lake City, *Granite Paper Mill*, 6900 Big Cottonwood Canyon Road.

Washington County

Pine Valley, *Pine Valley Chapel and Tithing Office*, Main and Grass Valley Streets.

VERMONT

Addison County

Addison, *Chimney Point Tavern*, Vermont 125.

Bennington, *Bennington Battle Monument*, Monument Circle.

Caledonia County

Lyndon, *Old Schoolhouse Bridge*, South Wheelock Road.

Grand Isle County

Grand Isle, *Hyde Log Cabin*, U.S. 2.

Rutland County

Hubbardton, *Hubbardton Battlefield*, junction of Castleton-Hubbardton Road and Old Military Road to Mount Independence.

WASHINGTON

Jefferson County

Port Townsend, *Point Wilson Lighthouse*, on a point of land between Juan de Fuca Strait and Admiralty Inlet.

Kitsap County

Bainbridge Island, *SS San Mateo* (ferryboat), Eagle Harbor.

Kittitas County

Ellensburg vicinity, *Olmstead Place State Park*, 4 miles east of Ellensburg near the Kittitas Highway.

ROBERT M. UTLEY,
Acting Chief, Office of Archeology and Historic Preservation.

[FR Doc.71-6172 Filed 5-3-71;8:46 am]

Office of Hearings and Appeals

[Docket No. M 71-17]

CLINCHFIELD COAL CO.

Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 801 et seq., notice is hereby given that Clinchfield Coal Co. (petitioner) has filed a petition to modify the application of section 75.302-1(a) of the Federal Coal Mine Health and Safety Regulations, published at Title 30, Code of Federal Regulations, Part 75, § 75.302-1(a) with respect to its Moss No. 2, Mine C Portal, located in Duty, Dickenson County, Va.

Section 75.302-1(a) of the Regulations provides:

> (a) Line brattice or any other approved device used to provide ventilation to the working face from which coal is being cut, mined, or loaded and other working faces so designated by the Coal Mine Safety Manager, in the approved ventilation plan, shall be installed at a distance no greater than 10 feet from the area of deepest penetration to which any portion of the face has been advanced unless a greater distance is approved by the Coal Mine Safety District Manager of the area in which the mine is located.

Petitioner proposes to use an alternate method, specifically, "To install the (ventilation) tubing to within 40 feet of the working face at all times", and contends that the proposed alternate method will provide equal or better protection to the miners as compared to the existing regulatory standard. It also asserts in effect that the application of the existing regulatory standard at the mine involved will result in a diminution of the safety protection of the miners. Petitioner has requested a public hearing on its petition.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of the petition are available for inspection at the same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

APRIL 23, 1971.

[FR Doc.71-6179 Filed 5-3-71;8:46 am]

[Docket No. M 71-18]

CLINCHFIELD COAL CO.

Petition for Modification of Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. section 801 *et seq.*, notice is hereby given that Clinchfield Coal Co. (petitioner) has filed a petition to modify the application of section 75.302-1(a) of the Federal Coal Mine Health and Safety Regulations, published at Title 30, Code of Federal Regulations, Part 75, § 75.302-1(a) with respect to its Moss No. 3 Mine, D Portal, located in Duty, Dickenson County, Va.

Section 75.302-1(a) of the Regulations provides:

> (a) Line brattice or any other approved device used to provide ventilation to the working face from which coal is being cut, mined, or loaded and other working faces so designated by the Coal Mine Safety Manager, in the approved ventilation plan, shall be installed at a distance no greater than 10 feet from the area of deepest penetration to which any portion of the face has been advanced unless a greater distance is approved by the Coal Mine Safety District Manager of the area in which the mine is located.

Petitioner proposes to use an alternate method, specifically, "To install the (ventilation) tubing to within 40 feet of the working face at all times", and contends that the proposed alternate method will provide equal or better protection to the miners as compared to the existing regulatory standard. It also asserts in effect that the application of the existing regulatory standard at the mine involved will result in a diminution of the safety protection of the miners. Petitioner has requested a public hearing on its petition.

Parties interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of the petition are available for inspection at the same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

APRIL 23, 1971.

[FR Doc.71-6175 Filed 5-3-71;8:46 am]

Office of the Secretary

PUBLIC PARTICIPATION IN RULE MAKING

Statement of Policy

Notice is hereby given of the policy of the Department of the Interior to give notice of proposed rule making and to invite the public to participate in rule making in instances where not required by law.

Chapter 5—Administrative Procedure, of title 5 of the United States Code (5 U.S.C. § 553) provides, generally, that before rules and regulations are issued by Government agencies, notice of the proposed rule making must be published in the FEDERAL REGISTER, and interested persons must be given an opportunity to participate in the rule making through submission of data, views, or arguments. Where the rule making is required by statute to be made after opportunity for agency hearing, notice of the date, time and place of the scheduled hearing will be given at least 30 days prior to the hearing.

The law excepts from these requirements matters relating to public property, loans, grants, benefits, or contracts. The public property exception includes matters relating to the public lands, which are a primary responsibility of the Department of the Interior. Therefore, the extent to which the Secretary of the Interior follows the rule making procedures of 5 U.S.C. § 553 in issuing rules and regulations concerning public land matters is a matter of discretion.

In recent years the Department has, to an increasing extent, followed public rule making procedures in adopting rules and regulations involving public lands and other matters. However, the growing public awareness of the importance of the Department's programs affecting the nation's public lands resources and the human environment has reemphasized the value of broad public participation in the rule making process as it relates to public land law administration.

The Public Land Law Review Commission, in its report to the President and the Congress, recommended that "Congress should require public land management agencies to utilize rule making to the fullest extent possible in interpreting statutes and exercising delegated discretion, and should provide legislative restrictions to insure compliance with this goal."

The Administrative Conference of the United States has also recognized the growing need for more comprehensive public participation. The Conference has recommended that all Federal agencies extend public participation under 5 U.S.C. § 553, to the five excepted categories listed above, as a matter of practice and policy, rather than awaiting a legislative command to do so.

Administrative rules and regulations affecting public lands and the use thereof are of paramount importance to citizens of the nation. The different problems presented by conflicting or multiple uses of public lands and other natural resources, and the impact of such uses on the human environment, are made far more comprehensible where the public has been afforded the opportunity to thoroughly consider proposed rules and other possible alternatives and to offer comments and suggestions thereon, and where all concerned understand the basis and rationale of administrative regulations in these matters. In recognition of this need for public participation, I have decided to implement the recommendations of the Public Land Law Review Commission and the Administrative Conference of the United States by publicly stating the policy of the Department in the making of administrative rules in the five excepted categories.

Therefore, effective immediately, all offices and bureaus of the Department in issuing rules and regulations relating to public property, loans, grants, benefits, or contracts, are directed to utilize to the fullest extent possible the public participation procedures of 5 U.S.C. § 553. Where public hearings are to be held, such hearings are to be conducted, whenever practicable, by qualified Departmental hearing examiners of the Department's Office of Hearings and Appeals. In its operation as a part of the Office of the Secretary, the Office of Hearings and Appeals meets another recommendation of the Public Land Law Review Commission, namely, that a deliberately instituted and specially staffed office be created to implement public rule making procedures.

Where, as provided by 5 U.S.C. § 553, it is determined that such procedures in public rule making would be impracticable, unnecessary or contrary to the public interest, a specific finding to this effect shall be published with the rules or regulations in question. Such exceptions are not to be favored and should be used sparingly, as, for example, in emergencies and in instances where public participation would be useless or wasteful because proposed amendments to regulations cover minor technical matters.

Dated: April 27, 1971.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

[FR Doc.71-6173 Filed 5-3-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

AGREEMENT WITH AMERICAN SHEEP PRODUCERS COUNCIL, INC.

Notice of Referendum Among Producers and Procedure for Conduct of Referendum

A referendum is being held to determine producer approval of an agreement between the Secretary of Agriculture and the American Sheep Producers Council, Inc., for the advertising and sales promotion of lamb and wool pursuant to section 708 of the National Wool Act of 1954, as amended (7 U.S.C. 1787). The procedure for conducting the referendum follows:

1. *Definitions*. For the purpose of this notice, the following terms shall have the following meanings:

(a) *ASC County Committee*. The group of persons elected within a county as the County Committee pursuant to the regulations governing the election and functioning of the Agricultural Stabilization and Conservation County Committees.

(b) *ASC State Committee*. The group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

(c) *Cooperative association*. An incorporated group of producers which (1) is operated for the mutual benefit of its members as producers; (2) markets the members' sheep or wool; (3) does not deal in sheep and wool for nonmembers to an amount greater in value than the amount representing the value of sheep and wool handled by the association for members, and (4) permits every member to have only one vote irrespective of the amount of stock or membership capital he may own in the association.

(b) *Deputy Administrator*. The Deputy or Acting Deputy Administrator, State and County Operations, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture.

(e) *Eligible voter*. An eligible voter is a producer who, continuously during a single period of at least 30 days during the calendar year 1970, owned in the United States any sheep or lambs 6 months of age or older. Two or more producers who are required by § 1472.1343 of the wool payment program regulations (36 F.R. 3889) to apply jointly for a payment constitute an eligible voter and only one ballot may be cast for all. A cooperative association which qualifies for voting in accordance with section 6(c) of this notice is an eligible voter and may cast one ballot for eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their wool or lambs through the association in the 1971 marketing year (January 1 through December 31, 1971), which ballot shall be counted as votes in behalf of each such eligible voter who shall not otherwise cast a ballot.

(f) *Individual voter*. An individual voter is a producer who is an eligible voter and casts a ballot in this referendum, or two or more joint producers who constitute one eligible voter and cast one ballot in this referendum.

(g) *Producer*. A producer is any person (i.e., an individual, partnership, corporation, association, business trust, any organized unincorporated group of persons, or a State or any subdivision thereof) who has an interest in sheep as owner or part owner thereof or who, by agreement with such owner, furnishes labor in connection with caretaking, lamb production, or feeding in return for which he is entitled to a share of the wool or lambs produced or of the proceeds from the sale thereof.

(h) *Secretary of Agriculture*. The Secretary or Acting Secretary of Agriculture of the United States, or any officer or employee of the U.S. Department of Agriculture to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

2. *Agreement considered in this referendum*. The agreement being considered in this referendum would be between the Secretary of Agriculture and the American Sheep Producers Council, Inc., a nonprofit membership corporation organized under the laws of the State of

Illinois, for the purpose of developing and conducting an advertising and sales promotion program for wool, sheep, and products thereof, subject to the determination by the Secretary that the agreement has the approval of the producers as provided in section 708 of the National Wool Act of 1954, as amended. The text of the agreement follows:

AGREEMENT

Pursuant to section 708 of the National Wool Act of 1954, as amended, agreements have been entered into, beginning with March 17, 1955, between the U.S. Secretary of Agriculture (hereinafter referred to as "Secretary") and the American Sheep Producers Council, Inc., a nonprofit membership corporation organized under the laws of the State of Illinois (hereinafter referred to as "Council"), providing for the conduct of sales and promotion programs for wool and lambs and the products thereof, and the financing of such programs by deductions from incentive payments to wool producers. This agreement provides for continuing such sales and promotion programs pursuant to section 708, to be financed by deductions from producer wool payments made under the Act for years commencing January 1, 1971, and ending December 31, 1973.

WITNESSETH:

Whereas, the Secretary, pursuant to the National Wool Act of 1954, as amended, 7 U.S.C. 1781–1787 (hereinafter referred to as the "Act"), has announced an incentive payment program for wool marketed during 1971;

Whereas, it is anticipated that similar programs will be instituted for subsequent marketing years under the Act;

Whereas, any payments under such programs will be made by the Commodity Credit Corporation to producers of wool as soon as practicable after the end of the year in which the wool is marketed;

Whereas, section 708 of the Act authorizes the Secretary to enter into agreements with marketing cooperatives, trade associations or other organizations engaged or whose members are engaged in the handling of wool, sheep, or the products thereof, for the purpose of developing and conducting on a national, State, or regional basis advertising and sales promotion programs for wool, sheep, and the products thereof;

Whereas, such programs for wool, sheep, and the products thereof have been conducted since 1955 in accordance with agreements between the Secretary and the Council whereby deductions were made under the Act from incentive payments on wool; and

Whereas, it is desirable that there be continued an advertising and sales promotion program conducted on a national basis for wool, sheep, and products thereof, to be financed by pro rata deductions from incentive payments to wool producers;

Now, therefore, the parties hereto agree as follows:

1. Whenever incentive payments are made to producers under the Act, the Secretary will make a pro rata deduction from such payments and pay the amount so deducted to the Council to provide the funds necessary to defray the expenses of the Council incurred pursuant to this agreement. Deductions will be made only from payments, if any, which are made to producers for marketings during the years beginning January 1, 1971, and ending December 31, 1973. Deductions from payments for marketings during 1971 shall be at the rate of 1½ cents per pound of shorn wool marketed, and at a comparable rate, as determined by the Secretary, on unshorn lambs and yearlings (pulled wool) marketed; thereafter, the deductions shall be at such rates as the Secretary and Council may agree upon, but in no event shall be in excess of the rates specified for 1971.

2. For each fiscal year beginning July 1, 1971, until all activities are completed under this agreement, the Council shall develop and submit to the Secretary for approval proposed advertising and sales promotion programs and supporting budgets for wool and lambs and the products thereof and such amendments thereto as may be needed. Each submission shall describe the annual plan of operation, commodities to be promoted, the proposed media and methods which the Council intends to use in advertising and promoting, and the benefits to be derived by producers on a national basis. After the proposed programs and budgets, including amendments thereto, have been approved by the Secretary, the Council will enter into such agreements with advertising and promotional agencies, radio and television stations, and others, and employ such personnel, and will take such other action as the Council deems appropriate or necessary to effectuate such programs.

3. The Council shall furnish the Secretary with an annual report of its activities and a copy of an audit, prepared by a Certified Public Accountant, of its operations during each fiscal year. The Council shall also furnish the Secretary with a statement of assets and liabilities as of June 30th of each year and with such other reports and information as he may from time to time request. The Council shall keep accurate records of all its transactions, and these records shall be subject to inspection and audit by representatives of the Secretary at all times during regular business hours after the date of this agreement until 3 years after the Council has completed performance of all contracts made and obligations incurred hereunder.

4. Either party may terminate this agreement with respect to the continuation of all programs hereunder by delivering, or mailing by registered mail, a written notice of such termination effective on the date to be specified therein, but not earlier than 30 days after giving of such notice. After any such termination, the activities of the Council hereunder shall be liquidated promptly and no deductions from payments to producers shall thereafter be made to defray expenses of the Council under this agreement except such deductions from payments made in connection with a prior marketing year as the Secretary determines necessary or desirable to effectuate such liquidation. If on or after January 1, 1972, the Secretary determines upon petition or referendum of the wool producers or otherwise that this agreement is no longer favored by the requisite number of producers, he shall so declare. After such determination, no deductions from payments to producers shall be made to defray the expenses of the Council under this agreement except deductions from payments made in connection with a prior marketing year.

5. Funds obtained by the Council pursuant to the agreement of October 25, 1966, and unobligated on the date when this agreement becomes effective shall become subject to the terms and conditions of this agreement and be available to finance, either separately or in combination with other funds made available under this agreement, sales promotion and advertising programs established pursuant to this agreement.

6. Upon termination of all programs under this agreement, if all the funds of the Council were derived from deductions from wool payments (including interest earned thereon), all such funds remaining unobligated in the hands of the Council shall be returned to the Secretary of Agriculture, together with a statement explaining the various items which entered into the amount returned to the Secretary. If the Council received funds from sources other than the Secretary acting pursuant to this agreement, the Council shall return to the Secretary the same proportion of the unobligated funds as the funds contributed by the Secretary bore to all funds received by the Council. A statement of the assets and liabilities of the Council shall be furnished to the Secretary within 60 days after such termination becomes effective. The provision with respect to the return of unobligated funds shall also apply in case of dissolution or liquidation of the affairs of the Council.

7. Any amendments or additions to the charter or bylaws of the Council shall be subject to the approval of the Secretary.

8. The authority reserved to the Secretary under the provisions of this agreement may be exercised by an official or officials of the Department of Agriculture designated by him for such purpose.

9. During the performance of this agreement, it is further agreed that:

(1) The Council will not discriminate against any employee or applicant for employment because of race, creed, color, sex, or national origin. The Council will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Council agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

(2) The Council will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or national origin.

(3) The Council will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the agency contracting officer, advising the labor union or workers' representative of the Council's commitments under Section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Council will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Council will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Council's noncompliance with the nondiscrimination clauses of this agreement or with any of such rules, regulations, or orders, this agreement may be cancelled, terminated or suspended in whole or in part and the Council may be declared ineligible for further Government contracts in accordance with procedures authorized in

Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Council will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Council will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions including sanctions for noncompliance. *Provided, however,* That in the event the Council becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Council may request the United States to enter into such litigation to protect the interests of the United States.

10. This agreement shall not become effective until and unless the Secretary has determined on the basis of a producer referendum that at least two-thirds of the total number of producers or two-thirds of the volume of production represented in such referendum approve his entering into this agreement.

3. *Agencies conducting referendum.* The Deputy Administrator shall be in charge of conducting this referendum. Each ASC State Committee shall be in charge of conducting the referendum in its State and each ASC county committee shall be in charge of conducting the referendum in its county.

4. *Period of referendum.* ASCS county offices will have ballot boxes available from June 7, 1971, through June 18, 1971. Any completed ballot received by an ASCS county office before June 7, 1971, will be placed in the ballot box. Ballots reaching an ASCS county office after close of business June 18, 1971, cannot be counted.

5. *Notice of referendum.* Full and accurate public notice of the time and place of balloting in the referendum and the rules governing the eligibility to vote will be provided by the ASCS State and county offices by means of newspapers, radio, or any other method they deem desirable, without incurring advertising expense.

6. *Voting*—(a) *Mailing of ballots to eligible voters.* Each ASCS county office will mail ballots to all producers, of whom the committee has knowledge, having ranch or farm headquarters located in its county. The mailing of a ballot is not a determination of eligibility to vote and if a producer has not received a ballot, he can obtain one in the ASCS State or county office upon request. The Direct Payments Programs Division, Agricultural Stabilization and Conservation Service, will mail ballots to all cooperative associations which qualify to vote on behalf of their members and others in accordance with paragraph (c) of this section.

(b) *Place and manner of voting by individuals.* The ASCS county office serving the county in which the producer's farm or ranch headquarters is located shall be his polling place. A ballot may be cast on Form CCC–1160 either by personal delivery to, or by mailing the form so that it will reach, the polling place on or before the close of business June 18, 1971.

(c) *Place and manner of voting by cooperative associations.* A cooperative association may cast only one ballot. The ballot shall be cast for all eligible voters who on the date the ballot is cast are members of, stockholders in, or are under contract to sell their wool or lambs through the association in the 1971 marketing year. A cooperative association must qualify for voting by filing with the Director of the Direct Payments Programs Division, ASCS, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 24, 1971, each of the following: (1) A certified copy of the Articles of Incorporation and bylaws of the association, and (2) a certified copy of the resolution adopted by the association's Board of Directors authorizing such vote. The Direct Payments Programs Division will send a ballot to each cooperative association which establishes eligibility to vote.

The cooperative association shall return the marked ballot to the Director of the Direct Payments Programs Division so that it will reach that office not later than June 18, 1971. Each ballot cast by a cooperative association shall be accompanied by the original and two copies of a listing showing the names and addresses of all producers, otherwise eligible to vote, who on the date the vote is cast are members of, stockholders in, or under contract to sell their wool or lambs through the association in the 1971 marketing year. The producers' names shall be arranged alphabetically, on a separate sheet for each county. The listing for each county shall be headed by the name and address of the cooperative association and show whether voting "Yes" or "No" in the referendum. In preparing the listings, the cooperative association shall show for each producer the number of sheep and lambs 6 months of age or older which he owned continuously in the United States during a single period of at least 30 days during 1970. After checking the ballots and lists received from cooperative associations for completeness, the lists of producers for whom cooperative associations have voted will be forwarded by the Direct Payments Programs Division to the ASCS State offices concerned for distribution to the respective ASCS county offices.

7. *Determining volume of production represented.* The volume of production represented by each producer voting or for whom a cooperative ballot is cast will be determined by the number of sheep, 6 months of age or older, which he owned continuously in the United States during a single period, selected by the producer, of at least 30 days during 1970.

8. *Challenge of ballots.* A ballot may be challenged on the basis of the knowledge of any ASC State, county, or community committeeman, employee of an ASCS State or county office, or any other person. Before a challenged ballot is either counted or declared invalid, a determination shall be made by the ASC county committee in connection with such challenged ballot. The determination shall cover all questions as to the eligibility of the individual voter or any producer for whom a cooperative association has cast a ballot and the accuracy of the number of sheep represented. If two or more cooperative associations cast ballots for the same producer, and the ballots take the same position with reference to the agreement which is the subject of the referendum, the producer's vote will be counted only once. If they take different positions, his vote will not be counted.

9. *Canvass of ballots.* The ASC county committees will make a count of the eligible voting producers, determining (a) the number of eligible voting producers favoring the agreement and the number of sheep represented by them, (b) the number of eligible voting producers disapproving the agreement and the number of sheep represented by them, and (c) the number of voting producers found to be ineligible. All ballots shall be treated as confidential and the contents of the ballots shall not be divulged, except as provided in this notice or as the Secretary may direct.

10. *Reporting results of referendum.* Each ASCS county office will transmit a written summary of the results of the referendum in its county to its ASCS State office. Each ASCS State office will transmit a written summary of the referendum results received from the ASCS county offices within its State to the Director of the Direct Payments Programs Division, ASCS, Washington, D.C. 20250, and maintain one copy of the summary in the ASCS State office where it shall be available for public inspection for a period of 5 years following the end of the referendum period. The Director of the Direct Payments Programs Division, Agricultural Stabilization and Conservation Service, shall prepare and submit to the Secretary a report as to the results of the referendum.

11. *Additional instructions and forms.* The Deputy Administrator is hereby authorized to prescribe additional instructions and forms not inconsistent with the provisions of this notice to govern the procedure to be followed in the conduct of this referendum.

(Sec. 708, 68 Stat. 912; 7 U.S.C. 1787)

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6178 Filed 5-3-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Office of Hazardous Materials

HOT COKE

Request for Information

Section 172.5 of the Department's Hazardous Materials Regulations (49 CFR 170–189), lists a commodity identified as "coke, hot," and indicates this commodity may not be accepted for transportation.

Recent questions have been raised concerning the meaning of the term "hot" as used in this context. The regulations do not contain a definition nor do they provide other descriptive information on this material. An examination of the historical files in the Office of Hazardous Materials has not produced any significant information on the meaning of the term.

For the purpose of resolving this matter and in order to properly advise the Hazardous Materials Regulations Board, specific information is being requested from the public, focusing on the following questions:

1. Does the term "hot coke" have a definite technical meaning to industry, and if so, what is that meaning?

2. If the term has a definite technical meaning, is it broadly accepted and well understood?

3. Is it understood that the term as used in the Department's Hazardous Materials Regulations includes coke produced from coal as well as petroleum coke?

4. Has coke been shipped at higher than ambient temperatures? If so, what temperatures?

5. What types of transportation equipment are used to transport coke if it is transported at higher than ambient temperatures?

6. Have any fires occurred in the transportation of coke? If so, how many, and under what circumstances did the fires occur?

7. What are the recommended transportation conditions or controls for the shipment of coke at higher than ambient temperatures?

It is stressed that this document is only for the solicitation of information and is not a rule making action. Any rule making which might result from the receipt of information gathered would follow the published rule making procedures of the Hazardous Materials Regulations Board, contained in 49 CFR Part 170.

Comments are requested by July 6, 1971, and should be addressed to Chief, Regulations Division, Office of Hazardous Materials, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. All persons responding to this request for information will be individually advised of the findings made and of any action proposed on the basis of those finding.

Issued in Washington, D.C., on April 28, 1971.

ALAN I. ROBERTS,
Chief, Regulations Division, Office of Hazardous Materials.

[FR Doc.71-6182 Filed 5-3-71;8:47 am]

Office of Pipeline Safety

[Waiver No. W-Z; Docket No. OPS-8]

TRANSCONTINTENTAL GAS PIPE LINE CORP.

Grant of Waiver

Correction

In F.R. Doc. 71-6035 appearing on page 8168 in the issue of April 30, 1971, the bracketed waiver and docket numbers should appear as set forth above.

CIVIL AERONAUTICS BOARD

[Docket No. 23062]

AIR CONGO FOREIGN AIR CARRIER PERMIT

Notice of Postponement of Prehearing Conference and Hearing

Pursuant to the request of Counsel for Air Congo by letter dated April 27, 1971, the prehearing conference and hearing in this proceeding, presently scheduled for May 10, 1971, are hereby postponed to 10 a.m., e.d.s.t., June 15, 1971, in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Dated at Washington, D.C., on April 28, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-6211 Filed 5-3-71;8:49 am]

[Docket No. 22307]

AMERICAN FLYERS AIRLINE CORP., ET AL.

Notice of Postponement of Hearing

American Flyers Airlines Corp., Charter Consultants, Inc., Fred Meyrow, individually, Group Travel Associates, Inc., Howard J. McConnell, individually, enforcement proceeding.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned to be held on May 3, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick, is postponed and reassigned for hearing on May 20, 1971, in Room 503, at 10 a.m., e.d.s.t.

Dated at Washington, D.C., April 28, 1971.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[FR Doc. 71-6212 Filed 5-3-71;8:49 am]

[Docket No. 22967; Order 71-4-181]

EASTERN AIR LINES, INC.

Order Regarding Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1971.

On December 31, 1970, Eastern Air Lines, Inc. (Eastern), filed an application to delete Bowling Green, Ky., from its certificate of public convenience and necessity for Route 10 and on February 1, 1971, Eastern filed a motion requesting an expedited hearing on its application. Eastern is presently temporarily suspended at Bowling Green subject to a replacement agreement with Wright Air Lines, Inc.[1]

In support of its motion Eastern alleges, inter alia, that the need for certificated service at Bowling Green has become minimal, and the cost of providing such service prohibitive, due to declining traffic resulting primarily from the opening of a new interstate highway which connects Bowling Green with its major communities of interest. Eastern further argues that the history of substitute service at Bowling Green indicates that the community will not support air service even at the commuter air carrier level. Eastern requests that a hearing be held on an expedited basis and that the Board reach its decision before September 28, the date of termination of the Board's authorization of Eastern's suspension of service at Bowling Green.

A memorandum in opposition and a motion to dismiss[2] Eastern's application was filed by the Bowling Green-Warren County Airport Board (Bowling Green) alleging, inter alia, that the community has a need for air transportation and that Eastern's service at Bowling Green has been of poor quality.

Upon consideration of the pleadings and all the relevant facts, we have concluded that Eastern has made a sufficient showing to warrant a hearing on its deletion application.[3] The matters raised by Bowling Green will be fully considered at the hearing. However, we do not believe that Bowling Green has made a sufficient showing to warrant the dismissal of Eastern's application without a hearing.

Accordingly, it is ordered, That:

1. The application of Eastern Air Lines, Inc., in Docket 22967, be and it hereby is set for hearing and decision at a time and place to be hereafter designated;

2. The motion of the Bowling Green-Warren County Airport Board for dismissal of Eastern's application in this proceeding, be and it hereby is denied; and

3. A copy of this order shall be served upon Eastern Air Lines, Inc.; Wright Air Lines, Inc.; Mayor, City of Bowling Green; Governor, State of Kentucky; Airport Manager, Bowling Green-Warren County Airport; Louisville and Jefferson County Air Board; Postmaster General; and Kentucky Public Service Commission.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6213 Filed 5-3-71;8:50 am]

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[1] Order 70-9-132, dated Sept. 24, 1970. The temporary suspension granted therein expires on Sept. 28, 1971.

[2] We note that Bowling Green has not filed a petition to intervene in the proceeding. Should Bowling Green wish to participate in the hearing instituted herein, it should file a petition to intervene, pursuant to Rule 15 of the Board's rules of practice.

[3] We have decided against granting Eastern's request that all procedural steps be expedited to permit a Board decision before Sept. 28, 1971. While we intend to proceed with hearing procedures on Eastern's application without any unwarranted delay, the present crowded state of the Board's docket precludes any guarantee that Eastern's application can be reached for hearing and decision prior to Sept. 28. Eastern has been authorized to suspend its services at Bowling Green and the carrier has made no showing which would warrant the expenditure of Board resources and the delay in other pending matters which would be necessary to permit a Board decision in the deletion case by Sept. 28. The Board expects that Eastern will continue to fulfill its obligation to serve Bowling Green while the deletion case is pending, by providing service with its own equipment or by providing service through a Board approved replacement arrangement.

[Docket No. 22628; Order 71-4-191]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Passenger Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic

Regulations, among air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted at a February 1971 meeting in Geneva following the Honolulu conference of last year.

Insofar as it applies in air transportation, the agreement would establish fares and related provisions for application on certain long-haul Western Hemisphere routes, i.e., between the United States and Argentina/Brazil/Chile/Paraguay/Urguay, from May 1, 1971, through March 31, 1972.[1] In general terms, economy-class fares would be increased by about 3.5 percent, and first-class fares would be adjusted upward so as to establish fares at a level which is approximately 140 percent of economy-class fares (the relationship is currently about 130 percent). With respect to promotional fares, the maximum validity of excursion fares would be reduced from 30 to 28 days and fare levels would be increased slightly; however, lower fare levels would be introduced for excursion travel with a 29/45-day validity and originating in the southbound direction between September 15 and March 31. Group inclusive tour (GIT) fares would be retained at current levels, although these would be restricted so as to be available only to southbound-originating passengers; lower GIT fares would be available from September 16 to November 30 and from January 15 to March 31. The carriers would also introduce all-year fares for incentive/own use/affinity travel by 20 or more northbound-originating passengers and 25 or more southbound-originating passengers. A more detailed comparison of present vs. proposed fares, based on selected markets, as well as principal restrictions on the use of promotional fares, is set forth in the appendix.[1a]

Pan American and Braniff, in support of the agreement, indicate that the revisions to the promotional fare structure represent efforts to develop new traffic during winter months. Pan American estimates that the agreement will provide a revenue increase of 4.1 percent, or about $1 million, and adverts to its submarginal rate-of-return on investment in Latin American operations for an extended period.

The Board has concluded to approve the agreements. To the extent that the carriers have agreed to increase certain fares, these increases are within the range of those approved by the Board for application in other areas of the Western Hemisphere[2] and appear to be justified by the carriers' depressed earnings' situation in their Latin American operations. On the other hand, substantially reduced fares will be offered to GIT and excursion fare passengers in winter periods, and, to the extent that these will be successful in generating new traffic as anticipated by the carriers, could serve to improve overall economic results.

We will require that tariffs implementing the subject agreement be filed on at least 30 days' notice so as to provide the traveling public and travel agents reasonable notice of the fare changes.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that the following resolutions, which are incorporated in the agreement indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
22051:			
R-32	001bII	TC1 Special Effectiveness Resolution (Amending)	1
R-33	002f	TC1 Special Revalidation Resolution	1
R-34	003lI	Standard Rescission Resolution	1
R-35	051lI	TC1 First Class Fares (Adopting and Amending)	1
R-36	061lI	TC1 Economy Class Fares (Adopting and Amending)	1
R-37	070lII	TC1 Excursion Fares (Adopting and Amending)	1
R-38	071f	TC1 45 Day Excursion Fares (New)	1
R-39	076aII	TC1 Affinity, Own Use and Incentive Group Fares (Adopting and Amending).	1
R-40	084eII	TC1 Group Inclusive Tour Fares—South America (Adopting and Amending).	1
R-41	084eIlI	TC1 Group Inclusive Tour Fares—South America (Amending)	1

Accordingly, it is ordered, That:

1. Agreement CAB 22051, R-32 through R-41, be and hereby is approved; and

2. Insofar as air transportation as defined by the Act is concerned, tariff filings to implement tne subject agreement shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6214 Filed 5-3-71;8:50 am]

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[1] The agreement makes provision for the current fare structure, otherwise scheduled to expire on March 31, 1971, to be applied until the intended effectiveness of the subject agreement.

[1a] Filed as part of the original document.

[2] Order 71-1-54, approving fare revisions between the U.S. and Panama/Columbia/Venezuela, and Orders 71-2-88 and 71-3-122, approving fares on other Western Hemisphere short-haul routes including U.S.-Caribbean/Bermuda.

[Docket No. 22422; Order 71-4-185]

NORFOLK PORT AND INDUSTRIAL AUTHORITY

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of April 1971.

The Norfolk Port and Industrial Authority (Authority), has filed an application requesting an amendment of the certificates of public convenience and necessity of the following air carrier so as to redesignate Norfolk as a hyphenated point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Allegheny Airlines, Inc.—Route 97, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

National Airlines, Inc.—Route 31, redesignate the intermediate point Norfolk as intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Piedmont Aviation, Inc.—Route 87, redesignate the terminal and intermediate point Norfolk as the terminal and intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

United Air Lines, Inc.—Route 14, redesignate the terminal point Norfolk as the terminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake; Route 51, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

The Authority has also filed a motion requesting the Board to issue an order to show cause why its application, Docket No. 22422, should not be granted.

No answers to the motion have been received.

Upon consideration of the pleadings and all the relevant facts, we have decided to issued an order to show cause proposing to amend the air carrier certificates as requested. We tentatively find and conclude that the public convenience and necessity require the amendment of the certificates of Allegheny for Route 97, of National for Route 31, of Piedmont for Route 87, and of United for Routes 14 and 51, so as to redesignate Norfolk as Norfolk-Virginia Beach-Portsmouth-Chesapeake.

In support of our ultimate findings, we find and conclude as follows: That the cities of Virginia Beach, Portsmouth, and Chesapeake are today served by Norfolk Regional Airport; that all cities are within 20 miles of that airport and closer to it than any other commercial airport; that Virginia Beach is a major resort area where many thousands of passengers visit each year; that Portsmouth and Chesapeake are a growing and important part of an expanding industrial and port complex of the Southside Tidewater Region; that the designation of service to these cities as service to Norfolk resulted in confusion on the part of tourist and general passengers who want to travel by air to Virginia Beach, Portsmouth, and Chesapeake, with consequent loss of traffic to these points; that redesignation requested by the Authority will reflect a large traffic flow presently generated by Norfolk Regional Airport; and that air carriers will be able to add Virginia Beach, Portsmouth, and Chesapeake to their advertising and promotion and show them as part of their schedules.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objection should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, and unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order amending the certificates of public convenience and necessity of Allegheny Airlines, Inc., for Route 97; of National Airlines, Inc., for Route 31; of Piedmont Aviation, Inc., for Route 87; and of United Air Lines, Inc., for Routes 14 and 51, as follows:

Allegheny Airlines, Inc., Route 97, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

National Airlines, Inc., Route 31, redesignate the intermediate point Norfolk as the intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

Piedmont Aviation, Inc., Route 87, redesignate the terminal and intermediate point Norfolk as the terminal and intermediate point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

United Air Lines, Inc.:
- Route 14, redesignate the terminal point Norfolk as the terminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.
- Route 51, redesignate the coterminal point Norfolk as the coterminal point Norfolk-Virginia Beach-Portsmouth-Chesapeake.

2. Any interested persons having objections to the issuance of an order making final the proposed findings, conclusions, and certificate amendments set forth herein shall, within twenty (20) days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections, together with a summary of the testimony, statistical data, and other evidence expected to be relied on to support the stated objection.[1]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters or issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the case will be submitted to the Board for final action; and

5. A copy of this order shall be served upon Allegheny Airlines, Inc., National Airlines, Inc., Piedmont Aviation, Inc.; United Air Lines, Inc.; and the Norfolk Port and Industrial Authority.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6215 Filed 5-3-71;8:50 am]

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[1] All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests, or petitions for reconsideration of this order shall be entertained.

FEDERAL POWER COMMISSION

[RP71-18, etc.]

COLUMBIA GULF TRANSMISSION CO. ET AL.

Order Granting Permission To Change Suspended Rates and Requiring Filing of Undertakings To Assure Refund of Excess Charges Under Tariff Changes Made Effective by Motions

APRIL 23, 1971.

Columbia Gulf Transmission Co., RP71-18, RP71-33; United Fuel Gas Co., RP71-19, RP71-34; Atlantic Seaboard Corp., RP71-20, RP71-37; Kentucky Gas Transmission Corp., RP71-21, RP71-35; The Ohio Fuel Gas Co., RP71-22, RP71-36; Cumberland and Allegheny Gas Co., RP71-23; RP71-39; The Manufacturers Light and Heat Co., RP71-24, RP71-38; and Home Gas Co., RP71-25, RP71-40.

The Commission, by order issued November 13, 1970, provided that hearings be held and that the proposed increased rates and charges filed on October 1, 1970, by each of the above applicants be suspended.[1] The October 1 rate filing of each of the eight applicants includes tariff sheets reflecting overall cost of service increases, proposed to become effective on November 16, 1970. These tariff sheets were suspended until April 16, 1971. The October 1 rate filings of five of the applicants (except Columbia Gulf, Ohio Fuel, and Cumberland) also included a set of tariff sheets reflecting the tracking by United Fuel and its affiliated pipeline customers of the increased rates of Tennessee Gas Pipeline Co. in Docket No. RP71-6.[2] The latter tariff sheets were suspended until March 17, 1971.

Thereafter, on February 12, 1971, the applicants listed below[3] filed applications for special permission, pursuant to § 154.63(b) of the Commission's regulations under the Natural Gas Act, to file substitute tariff sheets to supersede those suspended until March 17, 1971, by the November 13 order. The substitute tariff sheets reflect the increase in each applicant's rates and charges based upon increases in rates of Tennessee Gas Pipeline Co. in Docket No. RP71-6, and other suppliers' rates since October 1, particularly due to increases in rates of independent producers in Southern Louisiana on January 10, 1971.

Similar applications for special permission to file substitute tariff sheets were filed on March 16, 1971, by the companies listed below,[4] to supersede the tariff sheets which were suspended until April 16, 1971, by the November 13 order. These latter substitute tariff sheets reflect the increase in each applicant's rates and charges based upon increases in the rates since October 1 of all pipeline suppliers to the Columbia Cos., particularly due to increases in rates of independent producers in Southern Louisiana on January 10, 1971.[5] Included with the applications for special permission are substitute tariff sheets which are listed in Appendices A and B hereto.

A motion has been filed by each of the applicants, pursuant to section 4(e) of the Natural Gas Act, to make effective the respective tariff sheets and substitute tariff sheets containing the proposed increased rates and charges, as discussed above.[6] These proceedings have not been concluded and no decision has been rendered herein.

The Commission finds:

(1) Consistent with the Commission's purchased gas cost tracking policy and consistent with the Commission's orders issued on October 27, 1970, with respect to gas produced in Southern Louisiana, the applications for special permission to file certain substitute tariff sheets for tariff sheets suspended by order issued November 13, 1970, should be granted.

(2) The motions filed by the applicants on February 12 and March 16 and March 26, 1971, described above, are in accordance with the provisions of section 4(e) of the Natural Gas Act and the respective tariff sheets and substitute tariff sheets shall be effective as of March 17 and April 16, 1971, subject to refund and to the conditions hereinafter set forth.

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[1] Each of the applicants in these increased rate proceeding is an affiliate of The Columbia Gas System, Inc.

[2] United Fuel's underlying rates are those effective pursuant to settlement approved by order issued June 30, 1970, in Columbia Gulf Transmission Co. et al., Docket No. RP69-28, et al. 43 FPC 974 (1970).

[3] Applications for special permission were filed on Feb. 12 by: United Fuel, Atlantic Seaboard, Kentucky Gas, and Manufacturers and Home (jointly).

[4] Applications for special permission were filed on Mar. 16, by: United Fuel, Atlantic Seaboard, Kentucky Gas, Manufacturers and Home (jointly), and Ohio Fuel.

[5] In addition to sales among Columbia Cos., they are supplied by: Transcontinental Gas Pipe Line Corp., Tennessee Gas Pipeline Co., Texas Eastern Transmission Corp., Texas Gas Transmission Corp., Panhandle Eastern Pipe Line Co., and Kentucky-West Virginia Gas Co.

[6] Motions to make tariff sheets effective on Mar. 17, 1971, were filed Feb. 12, 1971, by United Fuel, Atlantic Seaboard, Kentucky Gas, and Manufacturers and Home (jointly). Motions to make tariff sheets effective on Apr. 16, 1971, were filed Mar. 16, 1971, by United Fuel, Atlantic Seaboard, Kentucky Gas, Ohio Fuel, and Manufacturers and Home (jointly) and on Mar. 26, 1971, by Columbia Gulf and Cumberland.

The Commission orders:

(A) The applications filed February 12 and March 16, 1971, for special permission to file substitute tariff sheets for tariff sheets suspended by order issued in these proceedings on November 13, 1970, are hereby granted.

(B) Each of the applicants, subject to further orders of the Commission, shall charge and collect the increased rates and charges contained in the tariff sheets and substitute tariff sheets described above for all gas sold and delivered under the rate schedules contained therein as of March 17 and April 16, 1971, respectively.

(C) Each of the applicants shall refund at such time and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission not justified, together with interest at the rate of 5½ percent per annum from the date of payment to each Applicant of the rates and charges effective April 16, 1971, until refunded; shall bear all cost of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of March 17 and April 16, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commission monthly for each billing period, by customer, the billing determinants of natural gas sold and the revenues resulting therefrom as computed under the rates in effect immediately prior to March 17, 1971, and under the rates and charges declared by this order to have become effective, together with the differences in revenues so computed.

(D) Within 15 days from the date of this order, each of the above applicants shall execute and file with the Secretary of the Commission its written agreement and undertaking to comply with the terms of paragraph (C) above, signed by a responsible officer of the company, evidenced by proper authority of the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rates schedules involved, as follows:

AGREEMENT AND UNDERTAKING OF TO COMPLY WITH THE TERMS AND CONDITIONS OF THE ORDER ISSUED BY THE FEDERAL POWER COMMISSION ------------, 1971, IN DOCKET NO. RP71-18 et al.

In conformity with the requirements of the order issued -----------, 1971, in Docket No. RP71-18 et al., hereby agrees and undertakes to comply with the terms and conditions of said order and has caused this Agreement and Undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the Resolution of its Board of Directors, a certified copy of which is appended hereto this ---- day of ----------, 1971.

By ------------------------

Attest: ------------------------

(E) Unless notified to the contrary by the Commission Secretary within 30 days from the date of filing, such Agreements and undertakings shall be deemed to be satisfactory and to have been accepted for filing.

(F) If the individual applicant, in conformity with the terms and conditions of paragraph (C) of this order, makes the refunds, if any, as required by order of the Commission, its applicable undertaking shall be discharged; otherwise such undertaking shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

REVISED FPC GAS TARIFF FILINGS (PROPOSED TO BECOME EFFECTIVE MARCH 17, 1971)[1]

United Fuel Gas Co.

Sixth Revised Volume No. 1:
- Substitute Seventh Revised Sheet No. 25-A.
- Substitute Eighth Revised Sheets Nos. 5, 6, 7 and 21.
- Substitute Ninth Revised Sheet No. 18.

Atlantic Seaboard Corp.

Eighth Revised Volume No. 1:
- Substitute Seventh Revised Sheets Nos. 39-A.
- Substitute Eighth Revised Sheets Nos. 6, 7 and 32.
- Substitute Ninth Revised Sheet No. 5.

Kentucky Gas Transmission Corp.

Second Revised Volume No. 1:
- Substitute Third Revised Sheet No. 32.
- Substitute Fourth Revised Sheet No. 31.
- Substitute Seventh Revised Sheet No. 25-A.
- Substitute Eighth Revised Sheets Nos. 6, 7 and 21.
- Substitute Ninth Revised Sheets Nos. 5 and 18.

The Manufacturers Light and Heat Co. and Home Gas Co.

Fifth Revised Volume No. 1:
- Substitute Second Revised Sheets Nos. 5, 6, 7, 10, 11, 12, 20, 24, 30. 32. 33 and 35.

APPENDIX B

REVISED FPC GAS TARIFF FILINGS (PROPOSED TO BECOME EFFECTIVE APRIL 16, 1971)[2]

Columbia Gulf Transmission Co.

Original Volume No. 1:
- Fourth Revised Sheet No. 8.
- 19th Revised Sheet No. 7.

United Fuel Gas Co.

Sixth Revised Volume No. 1:
- Substitute Third Revised Sheets, Nos. 23 and 28.
- Substitute Fourth Revised Sheet No. 29.
- Substitute Sixth Revised Sheet No. 26.
- Substitute Eighth Revised Sheet No. 25-A.
- Substitute Ninth Revised Sheets Nos. 5, 6, 7, and 21.
- Substitute 10th Revised Sheet No. 18.

Atlantic Seaboard Corp.

Eighth Revised Volume No. 1:
- Substitute Third Revised Sheet No. 37.
- Substitute Fifth Revised Sheet No. 47.
- Substitute Sixth Revised Sheet No. 50.
- Substitute Eighth Revised Sheet No. 39-A.
- Substitute Ninth Revised Sheets Nos. 6, 7, and 32.
- Substitute 10th Revised Sheet No. 5.

Kentucky Gas Transmission Corp.

Second Revised Volume No. 1:
- Substitute Third Revised Sheet No. 23.
- Substitute Fourth Revised Sheet No. 32.
- Substitute Fifth Revised Sheet No. 31.
- Substitute Sixth Revised Sheet No. 26.
- Substitute Eighth Revised Sheets Nos. 25-A and 29.
- Substitute Ninth Revised Sheets Nos. 6, 7, and 21.
- Substitute 10th Revised Sheets Nos. 5 and 18.

The Ohio Fuel Gas Co.

Fourth Revised Volume No. 1:
- Substitute Second Revised Sheets Nos. 43, 50.
- Substitute Fifth Revised Sheet No. 47.
- Substitute 12th Revised Sheet No. 10.
- Substitute 13th Revised Sheets Nos. 6, 7, 8, 11, 12, 13, 16, 17, 21, 22, 42.
- Substitute 14th Revised Sheets Nos. 15, 20, 38, 40 and 45.

Cumberland and Allegheny Gas Co.

Second Revised Volume No. 1:
- Original Sheets Nos. 1 through 36.

Cancellation of:
- Second Revised Sheet No. 21.
- First Revised Sheet No. 22.

The Manufacturers Light and Heat Co. and Home Gas Co.

Original Volume No. 1:
- Substitute Third Revised Sheets Nos. 5, 6, 7, 10, 11, 12, 20, 24, 30, 32, 33, 35.

[FR Doc.71-6095 Filed 5-3-71;8:46 am]

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[1] Revised Tariff sheets listed above are those specified in each applicant's motion as filed Feb. 12, 1971.

[2] Revised tariff sheets listed above are those specified by each applicant's motion filed Mar. 16 or Mar. 26, 1971, as applicable.

[Docket No. CP71-77]

COLUMBIA GULF TRANSMISSION CO.

Notice of Petition To Amend

APRIL 23, 1971.

Take notice that on April 15, 1971, Columbia Gulf Transmission Co. (petitioner), Post Office Box 683, Houston, TX 77001, filed in Docket No. CP71-77 a petition to amend the Commission's order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act on January 6, 1971 (45 FPC ——), in said docket, by authorizing the construction and operation of certain natural gas facilities in lieu of facilities heretofore authorized, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of January 6, 1971, authorized, inter alia, the construction and operation of a 10.3-mile, 20-inch loop of the Erath Supply Lateral in Louisiana and the addition of single 12,500 horsepower gas turbine-centrifugal compressor units at Station 3 in Tennessee, Station 5 in Mississippi and at Stations 8 and 9 in Louisiana. Petitioner states that upon engineering review, it has determined that sufficient capacity would be provided by an 8.8-mile, 16-inch pipeline loop in lieu of the 10.3 miles of 20-inch loop heretofore authorized. Petitioner also states that as a result of continued development of the engineering design of its compressor facilities, the installation of a 16,000 horsepower compressor unit at Station 3, a 20,000 horsepower unit at Station 8, and 10,500 horsepower skid-mounted units at Stations 5 and 9, will be the most economical way to meet the compression requirements for 1971-72 and will permit future expansion of its pipeline system at a significantly lower cost. Accordingly, petitioner requests that the Commission's order heretofore issued in the subject docket be amended to provide for the construction and operation of the facilities herein proposed in lieu of the facilities previously authorized.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-6163 Filed 5-3-71;8:46 am]

[Docket No. CP62-186]

EQUITABLE GAS CO.

Notice of Petition To Amend

APRIL 26, 1971.

Take notice that on April 14, 1971, Equitable Gas Co. (Petitioner), 420 Boulevard of the Allies, Pittsburgh, PA 15219, filed in Docket No. CP62-186 a petition to amend the order of the Commission issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act on June 29, 1962 (27 FPC 1381), in said docket, by authorizing the construction and operation of a new compressor station and related facilities in Mannington District, Marion County, W. Va., all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of June 29, 1962, authorized, inter alia, the construction and operation of certain facilities for the development and operation of natural gas storage fields in Wetzel and Marion Counties, W. Va. Petitioner proposes herein to construct and operate a 1,100-hp. compressor station, to be known as the Curtisville compressor station, in Marion County. Petitioner states that the addition of this compressor station will improve the daily deliverability of natural gas from its Logansport storage pool and that the dependable seasonable withdrawal volumes obtainable from said pool will be increased by approximately 500,000 Mcf. The estimated cost of the additional facilities proposed herein is $425,000.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-6164 Filed 5-3-71;8:46 am]

[Docket No. CP71-250]

LONE STAR GAS CO.

Notice of Application

APRIL 23, 1971.

Take notice that on April 15, 1971, Lone Star Gas Co. (Applicant), 301 South Harwood Street, Dallas, TX 75201, filed in Docket No. CP71-250 an application pursuant to section 7(b) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations under said Act, a budget-type application for permission and approval to abandon certain natural gas direct sales facilities, no longer required for deliveries to Applicant's customers, during the calendar year 1971, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in abandoning service and removing direct sales measuring, regulating and related minor facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6165 Filed 5-3-71;8:46 am]

[Docket No. CP71-252]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 26, 1971.

Take notice that on April 19, 1971, Transcontinental Gas Pipe Line Corp. (Applicant), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP71-252 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas transmission facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, Applicant proposes to construct and operate approximately 13 miles of 24-inch loop and 28.12 miles of 30-inch loop on its existing Leidy line located in Pennsylvania. Applicant states that these additional facilities are necessary to provide additional pipeline capacity to enable it to furnish a winter storage service for its customers during the 1971-72 winter season. Applicant states that the estimated cost of the facilities proposed herein is $9,800,000 which cost will be financed initially through short-term borrowings and cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6168 Filed 5-3-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1441]

FUND OF AMERICA FOR EQUITY INCOME, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

APRIL 28, 1971.

Notice is hereby given that Fund of America for Equity Income, Inc. (Applicant) c/o Galpeer, Altus & Karp, New York, NY 10017, a New York corporation registered as an open-end, diversified investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that the Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant represents that it registered under the Act on November 16, 1966, by filing a Notification of Registration on Form N-8A, and that on November 25, 1966 it filed a Registration Statement on Form N-8B-1.

Applicant further represents that it has issued no securities, has no assets, that no public offering is feasible and that the Applicant does not propose to make a public offering of securities. For this reason the Applicant has requested that its registration be withdrawn.

Section 3(c)(1) of the Act excepts from the definition of investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons, and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted or he may request he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time later than said date as provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6165 Filed 5-3-71;8:46 am]

[812-2896]

WADDELL & REED, INC., ET AL.

Notice of Application To Permit Offer of Exchange Exempting Applicants

APRIL 28, 1971.

In the matter of Waddell & Reed, Inc., United Continental Growth Exchange Programs, United Periodic Investment Plans, to acquire shares of United Accumulative Fund; Post Office Box 1343, 20 West Ninth Street, Kansas City, MO 64141, (812-2896).

Notice Is Hereby Given that United Continental Growth Exchange Programs, (Programs) and United Periodic Investment Plans to Acquire Shares of United Accumulative Fund without insurance (Plan), each a unit investment trust registered as such under the Investment Company Act of 1940 (Act) and Waddell & Reed, Inc., a Massachusetts corporation which is the depositor of Programs and Plan, (collectively referred to as Applicants) have filed an application pursuant to section 11(c) of the Act for an order of the Commission permitting an offer of exchange and pursuant to section 6(c) of the Act exempting Applicants from section 22(d) to the extent that that Section would prohibit the transactions described below. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Program has filed a Form S-6 Registration Statement under the Securities Act of 1933 for the sole purpose of allowing shareholders of plan to exchange their plan for a program of the same completion amount. Applicants state that there are planholders who wish to continue their investment plan but want to change the underlying shares. Applicants state that if exchanges are permitted, such a planholder could in substance substitute shares of United Continental Growth Fund, Inc. for shares of shares of United Accumulative Fund without disturbing his investment program. This change would be made without the investor losing the advantages of prior investment, particularly the front-end load that he has paid at least in part. Applicants state that the custodian fees and fees after completion are identical for Plan and Program, and that neither are charged an administrative fee.

All aforementioned exchanges would be accomplished by redeeming the underlying shares of plan at net asset value next determined and reinvesting the proceeds in underlying shares of program at net asset value. The plan certificate would be canceled and a new certificate for the program so acquired would be issued. The charge for such exchange would be a $5 service charge.

Section 11(a) of the Act provides that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such a company or of any other open-end investment company to exchange his security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) provides that, irrespective of the basis of exchange, the provisions of subsection (a) shall be applicable to any type of offer of exchange of the securities of registered unit investment trust for the securities of any other investment company.

Section 22(d) of the Act provides in part that no registered investment company shall sell any redeemable security issued by it to any person except at a current public offering price described in the prospectus. An exemption from section 22(d) is required because the above described exchanges would take place at relative net asset value rather than at the current public offering price described in the prospectus.

Applicants state that shareholder of United Accumulative Fund (the underlying shares of the plans) have the right of exchanging these shares at relative net asset values for shares of United Continental Growth Fund, Inc. By permitting the exchange, the plantholders would have the same right as if they had purchased the underlying shares directly.

Applicants state that plan certificates are sold on a front-end load basis; that is, an amount equal to 39 percent of the payments is deducted from the first 16 payments (five payments are required to initiate the Plan). Applicants represent that the primary purpose of the front-end sales charge of 39 percent imposed upon the initial payments is to provide adequate compensation to sales representatives who solicit purchases of the plans, and that since no comparable sales efforts are incurred in an exchange from a plan certificate to a program certificate, it would be inappropriate and inequitable to impose additional front-end load charges or any other sales charge on the transaction.

Section 6(c) permits the Commission, upon application, to exempt such a transaction if it finds that such an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants represent that the granting of the requested exemption is appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, no later than May 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. Anytime after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advise as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6169 Filed 5-3-71;8:46 am]

[812-2920]

NEW ENGLAND MUTUAL LIFE INSURANCE CO. ET AL.

Notice of Application for Exemption From Certain Provisions

APRIL 27, 1971.

Notice is hereby given that New England Mutual Life Insurance Co. (Insurance Company), New England Life Variable Annuity Fund 1 (Fund) and NEL Equity Services Corp. (Nelesco), 501 Boylston Street, Boston, MA 02117 (hereinafter collectively called Applicants) have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from section 22(d) of the Act to the extent specified therein. The Insurance Company is a Massachusetts mutual life insurance company. The Fund, an open-end diversified management company registered under the Act, was established by the Insurance Company in connection with the offering to the public of individual variable annuity contracts issued in connection with plans meeting the requirements of the Internal Revenue Code for tax-benefited treatment. Nelesco, a wholly-owned subsidiary of the Insurance Company, is the principal underwriter for the Fund.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants state that in connection with the sale of variable annuity contracts of the single purchase payment type, deductions from the single purchase payment are made as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and .25 percent of any balance, for administrative expenses.

Applicants request an exemption from section 22(d) of the Act to the extent necessary to permit the reduction of the charge for sales expenses when a single purchase payment variable annuity contract is purchased by application of amounts payable under fixed-dollar individual insurance and annuity contracts of every kind issued by the Insurance Company. In such situations Applicants propose to make the usual deduction for administrative expenses but to reduce the sales charge to 1.5 percent of the first $100,000 with no sales charge on any balance.

Applicants assert that since the premiums paid on its fixed-dollar individual insurance and annuity contracts will have already been subjected to sales charges, the proposed exemption does not involve unfair discrimination and is in fact necessary to minimize inequitable duplication of sales charges, which would be detrimental to this class of purchasers. Applicants further assert that since a secondary market in variable annuity contracts is not possible, the proposed exemption presents no danger of disrupting the orderly pattern of mutual fund distribution which section 22(d) seeks to preserve. Accordingly, Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who receive a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6187 Filed 5-3-71;8:47 am]

[812-2919]

NEW ENGLAND MUTUAL LIFE INSURANCE CO. ET AL.

Notice of Application for Exemption From Certain Provisions

APRIL 27, 1971.

Notice is hereby given that New England Mutual Life Insurance Co. (Insurance Company), New England Life Variable Annuity Fund 11 (Fund), and NEL Equity Services Corp. (Nelesco) (hereinafter collectively called Applicants), 501 Boylston Street, Boston, MA 02117, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from section 22(d) of the Act to the extent specified therein. The Insurance Company is a Massachusetts mutual life insurance company. The Fund, an open end diversified management company registered under the Act, was established by the Insurance Company in connection with the offering of individual variable annuity contracts to persons not entitled to tax benefits under the Internal Revenue Code. Nelesco, a wholly owned subsidiary of the Insurance Company is the principal underwriter for the Fund.

All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants state that in connection with the sale of variable annuity contracts of the single purchase payment type, deductions from the single purchase payment are made as follows: 6 percent of the first $5,000, 3.75 percent of the next $95,000 and 1.75 percent of any balance, for sales expenses, and 2 percent of the first $5,000 and 0.25 percent of any balance, for administrative expenses.

Applicants request an exemption from section 22(d) of the Act to the extent necessary to permit the reduction of the charge for sales expenses when a single purchase payment variable annuity contract is purchased by application of amounts payable under fixed-dollar individual insurance and annuity contracts of every kind issued by the Insurance Company. In such situations Applicants propose to make the usual deduction for administrative expenses but to reduce the sales charge to 1.5 percent of the first $100,000 with no sales charge on any balance.

Applicants assert that since the premiums paid on its fixed-dollar individual insurance and annuity contracts will have already been subjected to sales charges, the proposed exemption does not involve unfair discrimination and is in fact necessary to minimize inequitable duplication of charges, which would be detrimental to this class of purchasers. Applicants further assert that since a secondary market in variable annuity contracts is not possible, the proposed exemption presents no danger of disrupting the orderly pattern of distribution which section 22(d) seeks to preserve. Accordingly, Applicants assert that the requested exemption is necessary and appropriate in the public interest and consistent with the protection of investors and the puroses fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 18, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] ROSALIE F. SCHNEIDER,
Recording Secretary.

[FR Doc.71-6188 Filed 5-3-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

BOSTON CAPITAL SMALL BUSINESS INVESTMENT CORP.

Approval of Transfer of Control of a Licensed Small Business Investment Company

Pursuant to the provisions of section 107.701 of the Small Business Administration's (SBA) Regulations (13 C.F.R. Part 107, 33 F.R. 326), a notice of a proposed transfer of control of Boston Capital Small Business Investment Corp., License No. 01/01-0011, 535 Boylston Street, Boston, MA 02116, was published in the FEDERAL REGISTER on April 7, 1971 (36 F.R. 6668).

Interested persons were given until April 17, 1971, to submit to SBA their comments on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the proposed transfer of control of Boston Capital Small Business Investment Corp.

Dated: April 22, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-6167 Filed 5-3-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 29, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 52184—*Grain, grain products and related articles from and to North Hope, Ark.* Filed by Southwestern Freight Bureau, agent (No. B-225), for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, in carloads, as described in the application, from and to North Hope, Ark., to and from points in various States, also Natchez, Vicksburg, Miss., and Memphis, Tenn., and from North Hope, Ark., to Gulf Ports, Pensacola, Fla., to Corpus Christi, Tex.

Grounds for relief—Market competition.

Tariff—Supplement 53 to Southwestern Freight Bureau, agent, tariff ICC

4901 and six other schedules listed in the application.

FSA No. 42185—*Barley or oats from specified points in Montana.* Filed by North Pacific Coast Freight Bureau agent (No. 71-2), for interested rail carriers. Rates on barley or oats, feed grade, in carloads, as described in the application, from specified points in Montana, to points in central Washington and Oregon.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

Tariff—Supplement 70 to North Pacific Coast Freight Bureau, agent, tariff ICC 1117.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6211 Filed 5-3-71;8:50 am]

[Notice 686]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 29, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72630. By order of April 27, 1971, the Motor Carrier Board approved the transfer to Ferdinand Arrigoni, Inc., Bronx, N.Y., of the operating rights in Certificates Nos. MC-946, MC-946 (Sub-No. 2), and MC-946 (Sub-No. 3), issued May 27, 1949, May 26, 1970, and February 26, 1971, respectively, to Parochial Bus System, Inc., Bronx, N.Y., authorizing the transportation of passengers and their baggage, restricted to traffic originating at the point indicated, in charter operations, from New York, N.Y., to points in New Jersey, Connecticut, and Pennsylvania; and passengers, in special operations, beginning and ending in the Bronx, N.Y., and extending to the Green Mountain Race Track, Pownell, Vt., and between Bronx, N.Y., on the one hand, and, on the other, the Liberty Bell Park Race Track, Philadelphia, Pa., subject to restrictions. Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6217 Filed 5-3-71;8:50 am]

[Notice 289]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 29, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 50307 (Sub-No. 57 TA), filed April 22, 1971. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Arthur Liberstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment* used in the manufacture thereof, between points in the New York, N.Y., commercial zone, on the one hand, and, on the other, Cumberland, Md., for 150 days. Supporting shipper: Cumberland Blouse Co., 210 South Centre Street, Cumberland, MD. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 59150 (Sub-No. 60 TA), filed April 26, 1971. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Box 47, Station G, Jacksonville, FL 32202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced or finished with decorative and/or protective material, and accessories and supplies* used in the installation thereof (except commodities in bulk), from the plantsite of Evans Products Co. at Moncure, N.C., to points in Alabama, Florida, Georgia, South Carolina, and Tennessee, for 180 days. Supporting shipper: Evans Products Co., 2200 East Devon Avenue, Des Plaines, IL 60018. Send protests to: District Supervisor G. H. Fauss, Jr., Bureau of Operations, Interstate Commerce Commission, Box 35008, 400 West Bay Street, Jacksonville, FL 32202.

No. MC 72495 (Sub-No. 8 TA), filed April 22, 1971. Applicant: DON SWART TRUCKING, INC., Route 2, Box 49, Wellsburg, WV 26070. Applicant's representative: D. L. Bennett, 129 Edgington Lane, Wheeling, WV 26003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Rock dust*, in bulk, in pneumatic tank trailers, from Benwood, W. Va., to points in Ohio on and east of U.S. Highway 23; points in Pennsylvania on and west of U.S. Highway 219, for 180 days. Supporting shipper: Benwood Limestone Co., Inc., Benwood, W. Va. Send protests to: Joseph A. Niggemyer, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 93641 (Sub-No. 4 TA), filed April 22, 1971. Applicant: DUNCAN TRANSFER, INC., 402 North Columbus Street, Alexandria, VA 22314. Applicant's representative: Harold G. Hernly, Jr., The Circle Building, 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Used household goods and unaccompanied baggage*, between Alexandria, VA, and Dover, Del., restricted to traffic having a prior or subsequent movement by air or water in containers beyond the points authorized, and to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization, for 180 days. NOTE: Applicant states it does intend to tack with the authority in MC-93641 (Sub-No. 1) at Alexandria, Va., for the purpose of providing service from homeowners door to Dover, Del., and vice versa. Supporting shipper: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 105463 (Sub-No. 6 TA), filed April 22, 1971. Applicant: C. E. HORNBACK, INC., 400 West Ninth Street, Tama, IA 52339. Applicants' representative: William L. Fairbank, 900 Hubbel Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Tama, Corp. near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp. Tama, Iowa 52339. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, IA 52801.

No. MC 109435 (Sub-No. 65 TA), filed April 22, 1971. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., 1200 Simons Building, Dallas, TX 75201. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, from the plantsite of Gulf Oil Chemicals Co. at Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and that portion of Texas on and east of Interstate Highway 35 and U.S. Highway 281, for 180 days. NOTE: Carrier does not intend to tack authority. Supporting shipper: Gulf Oil Chemicals Co., a division of Gulf Oil Corp., Dwight Building, Kansas City, MO 64105. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 112016 (Sub-No. 7 TA), filed April 22, 1971. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail women's, men's, and children's ready-to-wear apparel stores, and *supplies and equipment* used in the conduct of such business, between New York, N.Y., and Secaucus, N.J., on the one hand, and, on the other, points in Illinois, Wisconsin, Kentucky, Tennessee, Alabama, Oklahoma, North Carolina, and South Carolina, for 150 days. Supporting shipper: Jubilee Shops, Inc., 303 West 10th Street, New York, NY 10014. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 119765 (Sub-No. 23 TA), filed April 22, 1971. Applicant: HENRY G. NELSEN, INC., 1548 Locust Street, Avoca, IA 51521. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and dairy products* (except commodities in bulk, in tank vehicles), from the plant site and storage facilities of Kraftco. Corp., located at Champaign, Ill., and Chicago, Ill., to points in South Dakota, for 180 days. Supporting shipper: Kraft Foods, 505 North Sacramento Boulevard, Chicago, IL 60612. Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 705 Federal Office Building, Omaha, NE 68102.

No. MC 119863 (Sub-No. 9 TA), filed April 21, 1971. Applicant: LAMONI REFRIGERATED EXPRESS, INC., Post Office Box 144, Davis City, IA 50065. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of E. W. Kneip, Inc., at Omaha, Nebr., to Chicago, Ill., for 180 days. Supporting shipper: E. W. Kneip, Inc., Post Office Box 173, Omaha, NE 68101. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 125521 (Sub-No. 14 TA), filed April 26, 1971. Applicant: FUNK MOTOR TRANSPORTATION, INC., Box 75, Bridge Street, Grand Rapids, OH 43522. Applicant's representative: Arthur R. Cline, 420 Security Building, Toledo, Ohio 43604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, (a) from Milwaukee, Wis., to Sidney, Ohio; and (b) from Latrobe, Pa., to Sidney, Ohio, and (2) *empty containers or such incidental facilities* used in transporting the above commodities, from Sidney, Ohio, to Milwaukee, Wis., and Latrobe, Pa., for 150 days. Supporting shipper: Ace Wholesale Beverage Sales, Inc., an Ohio corporation, 105 West Russell Road, Sidney, Ohio 43565. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 126472 (Sub-No. 18 TA), filed April 22, 1971. Applicant: WILLCOXSON TRANSPORT, INC., Post Office Box 16, Bloomfield, IA. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, (1) from East St. Louis, Ill., to points in Missouri; (2) from Clinton, Iowa, to points in Illinois and Minnesota; (3) from Sioux City, Iowa, to points in Minnesota, Nebraska, North Dakota, and South Dakota; (4) from Blair, Nebr., to points in Iowa, Minnesota, North Dakota, and South Dakota; (5) from Hoag, Nebr., to points in Iowa, Kansas, and Missouri, and (6) from La Platte, Nebr., to points in Iowa and Missouri, for 180 days. Supporting shipper: Chevron Chemical Co., Post Office Box 282, Fort Madison, IA 52627. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 126473 (Sub-No. 15 TA), filed April 26, 1971. Applicant: HAROLD DICKEY TRANSPORT, INC., Packwood, Iowa 52580. Applicant's representative: Kenneth F. Dudley, Post Office Box 279, 611 Church Street, Ottumwa, IA 52501. Authority sought to operates at a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite of Tama Corp., at or near Tama, Iowa, to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, and Wisconsin, for 180 days. Supporting shipper: Tama Corp., Tama, Iowa 52339. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Fourth and Perry Streets, Davenport, IA 52801.

No. MC 128882 (Sub-No. 6 TA), filed April 26, 1971. Applicant: R. W. STEELE, doing business as STEELE TRUCKING CO., 320 Heaslett Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, from points in Logan County, Colo., to points in Kansas, Oklahoma, Texas, and New Mexico, for the account of Water Equipment Engineering Co., Inc., for 150 days. Supporting shipper: Water Equipment Engineering Co., Inc., Post Office Box 586, Sterling, CO 80751. Send protests to: William R. Murdoch, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10515 Federal Building, U.S. Courthouse, Albuquerque, NM 87101.

No. MC 129510 (Sub-No. 2 TA), filed April 22, 1971. Applicant: C. W. ENGLUND CO., 740 Old State Road, Salinas, CA 93901. Applicant's representative: John Paul Fischer, 140 Montgomery Street, San Francisco, CA 94104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy bars* requiring temperature protection from heat and cold, from Buffalo, N.Y., to points in New Mexico, Arizona, Idaho, Nevada, California, Washington, Oregon, Texas, and Utah, for 180 days. Supporting shipper: William Neilson Limited, 277 Gladstone Avenue, Toronto 3, Canada. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 133035 (Sub-No. 14 TA), filed April 26, 1971. Applicant: DILTS TRUCKING, INC., Route 1, Crescent, IA 51526. Applicant's representative: Marshall D. Becker, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, from Blair, Nebr., to points in Iowa, for 150 days. Supporting shipper: Farmland Industries, Inc., 3315 North Oak Trafficway, Kansas City, MO. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 133961 (Sub-No. 2 TA), filed April 26, 1971. Applicant: DONALD L. SIMONS, doing business as SIMONS TRUCKING CO., River Road Route 3, Box 379, Grand Rapids, MN 55744. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waferboard or chipboard*, from Grand Rapids, Minn., to points in Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Montana, Nebraska, Ohio, North Dakota, South Dakota, Wisconsin, and Wyoming, for 150 days. Supporting shipper: Blandin Wood Products Co., Grand Rapids, Minn. Send protests to: District Supervisor, A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 134353 (Sub-No. 1 TA), filed April 26, 1972. Applicant: PFEIFER TRANSFER CO., 206 North Warpole Street, Upper Sandusky, OH 43351. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated structural steel and iron*, from Bellefontaine, Ohio, to points in that part of Michigan south of U.S. Highway 21 under continuing contract with Carter Steel Co. at Bellefontaine, Ohio, for 150 days. Supporting shipper: Carter Steel and Fabricating Co., Carlisle Avenue, Bellefontaine, OH 43311. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 135185 (Sub-No. 2 TA) (Correction), filed April 14, 1971, published FEDERAL REGISTER issue of April 23, 1971, and corrected and republished as corrected, this issue. Applicant: COLUMBINE CARRIERS, INC., 2700 23d Avenue, Council Bluffs, IA 51501. Applicant's representative: David R. Parker, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates* 61 MCC 209 and 766, from the plantsites and storage facilities of Spencer Foods, Inc., located at Spencer, Iowa; Schuyler, Nebr., and Sioux Falls, S. Dak., and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and District of Columbia, Restriction: All Shipments are restricted to traffic originating at named origin points and destined to points in the named states, for 180 days. Supporting shipper: Spencer Fods, Inc., Post Office Box 1228, Spencer, IA 51301. Send protests to: Herbert C. Ruoff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202. NOTE: The purpose of this republication is to add the origin points being sought to include Schuyler, Nebr., Sioux Falls, S. Dak., and Hartley, Iowa, which was inadvertently omitted in previous publication.

No. MC 135379 (Sub-No. 3 TA), filed April 26, 1971. Applicant: EASTERN TRANSPORT, INC., 320 Stiles Street, Linden, NJ 07036. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, chain grocery and food houses (except comodities in bulk) and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business (except commodities in bulk) for the account of Food Fair Stores, Inc., between Pennsville, N.J., Bound Brook, N.J., Philadelphia, Pa., on the one hand, and, on the other, points in Kings Queens, Richmond, New York, Bronx, Albany, Delaware, Dutchess, Columbia, Fulton, Greene, Monroe, Montgomery, Nassau, Onondaga, Orange, Putnam, Rensselaer, Rockland, Sullivan, Westchester, Warren, Washington, and Ulster Counties, N.Y., and Hillsborough and Rockingham Counties, N.H., and those in Connecticut, Massachusetts, Rhode Island, and New Jersey, for 150 days. Supporting shipper: Food Fair Stores, Inc., Food Fair Building, 3175 John F. Kennedy Boulevard, Philadelphia, PA 19101. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135452 (Sub-No. 1 TA), filed April 26, 1971. Applicant: JOHN R. SHEARON AND FRED D. SHEARON, a partnership, doing business as SHEARON TRUCKING, Post Office Box 387, Ashland City, TN 37015. Applicant's representative: A. O. Buck, 500 Court Square, Nashville, TN 37201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Scrap steel*, from Ashland City, Tenn., to Gadsden, Ala., and (2) *coil steel and steel sheets*, from Gadsden, Ala., to Ashland City, Tenn., for 150 days. Supporting shipper: State Stove & Manufacturing Co., Inc., Ashland City, Tenn. 37015. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, TN 37203.

No. MC 135502 (Sub-No. 1 TA), filed April 22, 1971. Applicant: BROWN TRUCKING CO., INC., Route 2, Box 4B, Marshall, TX 75670. Applicant's representative: Tim Timmins, First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips and dry wood shavings*, from Marshall, Tex., to Lillie and Springhill, La., for 180 days. Supporting shipper: Snider Bros. Lumber Co., Post Office Box 668, Marshall, TX 75670. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, Room 13C12, 1100 Commerce Street, Dallas, TX 75202.

No. MC 135506 (Sub-No. 1 TA), filed April 26, 1971. Applicant: OREGON TRAIL CARTAGE, INC., Post Office Box 553, Scottsbluff, NE 69361. Applicant's representative: Truman Stockton, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts*, as described in section A of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 MCC 209 and 766, from Grand Island, Scottsbluff, and Gering, Nebr., and Denver, Colo., to points in Larimer, Boulder, Adams, Jefferson, Arapahoe, Douglas, El Paso, Weld, and Pueblo Counties, Colo., and Cheyenne and Laramie, Wyo., for 180 days. Supporting shipper: Swift Fresh Meats Co., Division of Swift and Company, 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building & Courthouse, Lincoln, NE 68508.

No. MC 135533 TA, filed April 26, 1971. Applicant: TRANSPORTES INTERNACIONALES DE BAJA CALIFORNIA, S. A., KM 8 Carretera San Luis, Apartado Postal 120, Mexicali, Baja Calif, Mexico. Applicant's representative: David P. Christianson, 825 City National Bank Building, 606 South Oliver Street, Los Angeles, CA 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kerosene, jet fuel, solvent, aviation gasoline, turbine fuel, and lubricants*, from points in Los Angeles County, Calif., to points of entry at the California-Mexico international boundary at or near Calexico and San Ysidro, Calif., for 180 days. Supporting shipper: Petroleos Mexicanos, Ave. Marina Nacional No. 329, Mexico 17, D.F. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135534 TA, filed April 26, 1971. Applicant: ISLAND MOVERS, INC., 739 Ahua Street, Post Office Box 9321, Honolulu, HI 96819. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Hawaii, restricted to traffic originating at or destined to points in Hawaii, for 180 days. Supporting shippers: Acme Fast Freight, Inc., 156 William Street, New York, NY 10038, Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, GA 31901, Garrett Forwarding Co., Post Office Box 4048 Pocatella, ID 83201, Interstate World Forwarders, Inc., 134 Grandville Avenue SW., Grand, Rapids, MI 49502. Send protests to: District Supervisor William E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-6218 Filed 5-3-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Drought Order No. 66]

TRANSPORTATION OF HAY TO DESIGNATED DISASTER AREA AT REDUCED RATES

In the Matter of Relief under section 22 of the Interstate Commerce Act.

Present: Dale W. Hardin, vice chairman, to whom the above entitled matter has been assigned for action thereon.

It appearing, that by reasons of drought conditions existing in certain portions of the States of Texas and Oklahoma, hereinafter referred to as the disaster area, the Acting Secretary of the United States Department of Agriculture and the Acting Director of the Office of Emergency Preparedness have requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport hay to the disaster area at reduced rates:

It is ordered, that carriers by railroad participating in the transportation of hay to the counties of:

Aransas
Atascosa
Bandera
Bee
Bexar
Blanco
Brooks
Burnet
Caldwell
Cameron
Comanche
DeWitt
Dimmit
Duval
Frio
Gillespie
Goliad
Gonzales
Guadalupe
Hays
Hidalgo
Jim Hogg
Jim Wells
Karnes
Kendall
Kerr
Kimble
Kinney
Lampasas
LaSalle
Live Oak
McCulloch
McMullen
Mason
Maverick
Medina
Menard
Mitchell
Nueces
San Saba
San Patricio
Schleicher
Starr
Tom Green
Uvalde
Val Verde
Willacy
Wilson
Zapata
Zavala

all located in the State of Texas; and

Beckham
Comanche
Cotton
Greer
Harmon
Jackson
Kiowa
Roger Mills
Tillman

located in the State of Oklahoma, referred to herein as the disaster area, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until

June 30, 1971, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be effective 1 day after publication and filing instead of 30.

It is further ordered, That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the U.S. Department of Agriculture or by such State agents or agencies as may in turn be designated by the U.S. Department of Agriculture to assist in relieving the distress caused by the drought.

It is further ordered, that during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate of intermediate rates is a reduced rate established under the authority of this order.

It is further ordered, that any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

And it is further ordered, that, subject to the conditions in the succeeding paragraphs hereof, the use of reduced rates established by authority of this order may be conditioned upon the release by the shipper of the value of the commodity, which release value, in its relation to the invoice value of the property at time of shipment, shall be in the same percentage relation which the reduced rates bear to the rates which otherwise would apply.

And it is further ordered, that tariffs containing released rates filed under authority of this order shall show in connection with such rates the following notation:

The released value must be entered on shipping order and bill of lading in the following form:

> The agreed or declared value of the property is hereby specifically stated by the shipper to be not in excess of (show percent) of the invoice value of the property herein described.

If the shipper fails or declines to execute the above statement, shipments will not be accepted for transportation at the rates subject hereto. Rates published elsewhere in other tariffs lawfully filed with the Interstate Commerce Commission will apply in such a case. Rates herein published on released value have been authorized by the Interstate Commerce Commission in Drought Order No. 66 of April 22, 1971.

And it is further ordered, that notice to the affected railroads and the general public shall be given by depositing a copy of this order in the Office of the Secretary of the Commission and by filing a copy with the Director, Office of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N.Y.; the Chairman of the Southern Freight Association, Atlanta, Ga.; the Chairman of the Executive Committee, Western Railroads Traffic Association, Chicago, Ill.; the Vice President and Director, Bureau of Railway Economics, Association of American Railroads, Washington, D.C.; and to the President of the American Short Line Railroad Association, Washington, D.C.

Dated at Washington, D.C., this 22d day of April, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6221 Filed 5-3-71;8:50 am]

[No. 28300]

CLASS RATE INVESTIGATION, 1939

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 13th day of April 1971.

Upon further consideration of the record in the above-entitled proceeding; the petition for leave to file, filed September 3, 1970, and the accompanying petition thereto presented by J. H. McMahon, chairman, Southwestern Freight Bureau, on behalf of some 400 rail common carrier participants in specified tariffs[1] for modification of the order entered herein on May 15, 1945, and as subsequently modified, reported at 262 I.C.C. 447; and

It appearing, that the modification sought proposes removal of the imposition of maximum prescribed levels for less-than-carload (LCL) rates on shipments of less than 10,000 pounds within so-called docket No. 28300 territory and elimination of the necessity of obtaining authority to publish increased rates prior to filing revised tariff schedules subject to protest followed by possible investigation and suspension; and good cause appearing:

It is ordered, That the petition for leave to file be, and it is hereby, granted, and the petition for modification be, and it is hereby, accepted for filing.

It further appearing, that petitioners aver that the maximum levels of LCL rates prescribed under docket No. 28300, as augmented by authorized increases, are no longer compensatory because they do not bear their fair share of transportation costs and have caused carriers to curtail LCL service; that the present procedural necessity of obtaining approval and relief to publish and file schedules of LCL rate increases in excess of those prescribed in this proceeding, as amended, is unduly burdensome and expensive; that there has been a continued decline in LCL tonnage to the point of possible further limitation of service; that the situation has permitted motor carriers to capture a major portion of the traffic contrary to the original purpose of establishing rate ceilings on LCL shipments; that the present rate prescription is no longer in furtherance of protecting the public interest; and that the present maximum LCL rate ceiling is detrimental to the public interest and a burden on interstate commerce;

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[1] Tariffs of Western Trunk Line 1000-A and 1001-A, ICC Nos. A-4680 and A-4743; Illinois Freight Association 1002-D and 1003-D, ICC Nos. 1189 and 1190; Southwestern Freight Bureau 1004-A, 1005-A, 1006-A, and 1007-A, ICC Nos. 4646, 4687, 4629, and 4673; Traffic Executive Association, Trunk Line Territory Tariff Bureau 1008, ICC No. A-946 and Trunk Line-Central Territory Railroad Tariff Bureau 1009-A, ICC No. C-391; Central Territory Railroad Tariff Bureau 1010, ICC No. 4488; and Southern Freight Tariff Bureau 1011-A, ICC No. S-100.

And it further appearing, that public notice of the filing of the said petition was published in the FEDERAL REGISTER; that a reply thereto was filed jointly by American Home Products Corp., Drug and Toilet Preparation Traffic Conference, and The National Small Shipments Traffic Conference, Inc., initially opposing the grating of the said petition for modification, but said reply subsequently was withdrawn and, in lieu thereof, a pleading was filed on February 9, 1971, supporting the granting of the said petition for the reason that the effect of said petition is procedural to enable petitioners the opportunity to establish and offer competitive LCL rates and services; and that no other replies thereto have been received; and

Wherefore, and good cause appearing therefor:

We find, that there is little, if any, through rail LCL service presently available to the shipping public in the considered territory, except for the account of a few individual rail carriers over their respective lines; that the small shipment problem may be somewhat alleviated by encouragement of restoration and expansion of adequate and efficient rail LCL service throughout said docket No. 28300 territory encompassing almost two-thirds of eastern continental United States; that the purposes and objectives relevant in 1945 for imposition of prescribed maximum LCL class rate levels in this proceeding no longer prevail because of changed economic conditions; and that furtherance of the national transportation policy warrants the promotion of adequate and efficient rail LCL service within the said territory by vacation of the maximum LCL class rate levels heretofore prescribed in this proceeding, as amended, insofar as the prescribed rate bases apply on shipments weighing less than 10,000 pounds as published, and in force, in schedules of tariffs described in footnote 1 hereof so as to permit the rail carrier petitioners herein latitude and managerial discretion toward initiation, consideration, and publication of revised increased LCL class rate schedules thereto for the reestablishment and performance of adequate and efficient LCL service within the considered territory in conformity with the national transportation policy, which schedules can be given adequate consideration by the Commission in the event of protest, followed by possible investigation and suspension; and good cause appearing therefor:

It is ordered, That the petition considered herein be, and is hereby, granted to the extent outstanding orders in this or any other proceeding prescribe and impose maximum levels of LCL class rates on shipments weighing less than 10,000 pounds as published in tariff schedules identified in footnote 1 hereof, which orders be, and they are hereby, vacated and set aside solely for the purpose of authorizing the participating carrier petitioners herein to initiate, consider, adopt, publish, and file revised schedules of LCL rates on said shipments weighing less than 10,000 pounds for full restoration and performance of adequate and efficient LCL service within the application and scope of the aforesaid tariffs; *Provided,* That any and all proposed revised LCL rate schedules, including rules and regulations governing application thereof, are processed in conformity with the respective ratemaking agreement procedures of petitioners approved by the Commission under section 5a of the Interstate Commerce Act.

It is further ordered, That any and all other further relief contemplated or prayed for herein be, and it is hereby denied.

And it is further ordered, That if the authorization granted in this order is not exercised within 1 year from the date of service, it shall be of no further force and effect.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6222 Filed 5-3-71;8:50 am]

[No. 35120]

MISSISSIPPI INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1969

At a session of the Interstate Commerce Commission, Division 2, acting as an Appellate Division, held at its office in Washington, D.C., on the 13th day of April 1971.

Upon consideration of the record in the above-entitled proceeding, including a petition filed February 8, 1971, by protestants, International Paper Co. and St. Regis Paper Co., for reconsideration of the order of the Commission, Review Board No. 4, dated December 30, 1970, reopening the proceeding for the submission of additional evidence under modified procedure on the essential question of whether the conditions incident to the intrastate transportation of property in Mississippi are the same as, or are more or less favorable than those incident to the transportation of freight in interstate commerce within, or to or from that State; the reply of the respondent rail carriers operating in the State of Mississippi filed February 19, 1971; and the motion to strike the reply filed February 22, 1971, by the petitioning protestants and joined by other protestants and the Mississippi Public Service Commission;

It appearing, that the respondent carriers' reply to the protestants' petition for reconsideration reflects the carriers' views of the record and the law in the light of the petition;

And it further appearing, that the above-entitled proceeding was properly submitted to Review Board No. 4 which is authorized to perform all of the func tions which may be exercised by Division 2; that the proceeding involves rates for the future and is not limited to litigation between parties of record; that rule 2 of the Commission's general rules of practice (49 CFR 1100.2) provides that the rules are to be liberally construed to secure just, speedy, and an inexpensive determination of the issues; that the Board decided that the evidence of record was inadequate to make a proper determination on an essential issue in the proceeding; and that the Board's decision to reopen the proceeding for further hearing to develop the evidence on that issue was a proper exercise of its discretion;

Wherefore, and good cause appearing:

It is ordered, That the motion to strike and the petition for reconsideration be, and they are hereby, denied;

And it is further ordered, That the last ordering paragraph of the order entered in this proceeding on December 30, 1970, which was modified by the order entered herein on February 25, 1971, to postpone the filing dates until the further order of the Commission, be, and it is hereby reinstated and modified as follows: (a) Opening statements of facts and arguments (in addition to those previously filed) by respondents and supporting parties on or before 20 days from the service date of this order; (b) 30 days after that date, statement of facts and argument by protestants and parties supporting protestants; and (c) reply by respondents and parties supporting respondents 10 days thereafter; with service, as provided in the prior order, upon all parties of record and any additional person who make known their desire to actively participate in the proceeding.

By the Commission, Division 2, acting as an Appellate Division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6223 Filed 5-3-71;8:50 am]

[No. 35342]

NEBRASKA INTRASTATE FREIGHT RATES AND CHARGES, 1970

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated March 16, 1971, the Commission, among other things, directed that this proceeding be handled under special procedure, directed that the parties file their testimony by certain dates stated in the order, and assigned a date for the hearing;

It further appearing, that protestant Great Western Sugar Co., by letter dated March 23, 1971, requests a 60-day extension in the special procedure dates which request is supported by the Nebraska State Railway Commission;

And it further appearing, that upon

consideration of the record and the requests for changes in the procedural dates, and for good cause shown, the procedural dates and the hearing date should be modified and changed; and for good cause appearing:

It is ordered, That the Commission's order dated March 16, 1971, setting forth the procedural dates and the date for hearing be, and it is hereby, modified as follows:

(1) The date for respondents and those in support to file their verified statements and studies is changed from April 22 to May 21, 1971.

(2) The date for protestants to file their statements is changed from May 24 to June 22, 1971.

(3) The date for additional persons to indicate their intent to actively participate is changed from April 12 to May 10, 1971.

(4) The date for notifying parties as to the witnesses for which cross-examination is requested is changed from June 1 to June 29, 1971.

(5) The hearing now scheduled to commence on June 9, 1971, in Lincoln, Nebr., now will be held on July 7, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), at the Nebraska State Railway Commission Hearing Room, Third Floor, 1342 M Street, Lincoln, Nebr., for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That in all other respects, the Commission's order dated March 16, 1971, shall remain in full force and effect.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Nebraska be notified by sending a copy of this order by certified mail to the Governor of Nebraska, Lincoln, Nebr., and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C.

Dated at Washington, D.C., this 12th day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6224 Filed 5-3-71;8:51 am]

[No. 35350]

NORTH CAROLINA INTRASTATE RAIL FREIGHT RATES AND CHARGES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated January 29, 1971, the Commission, Division 2, instituted an investigation pursuant to sections 13 and 15 of the Interstate Commerce Act into the matters and things presented in the petition filed November 20, 1970, by the common carriers by railroad operating within the State of North Carolina, to determine, among other things, whether the rates and charges of the carriers by railroad, operating in the State of North Carolina, imposed by authority of the State of North Carolina, cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to those permitted by this Commission on the same commodities for interstate transportation in Ex Parte No. 265, Increased Freight Rates, 1970, and Ex Parte No. 267, Increased Freight Rates, 1971, any undue or unreasonable advantage, preference or prejudice, as between persons or locations in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue or unreasonable or unjust discrimination against, or undue burden on interstate or foreign commerce;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before May 19, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A set forth below and any additional persons who make known their desire to actively participate in the proceeding on or before May 11, 1971.

It is further ordered, That on or before June 18, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, upon all persons listed in Appendix A below and any additional persons who make known their desire to actively participate on or before May 11, 1971. Set forth below Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before May 11, 1971, as well as all persons listed in Appendix A below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before June 28, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on July 12, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), in Room 209, Federal Building, 310 New Bern Avenue, Raleigh, NC, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of North Carolina be notified of the proceeding by sending a copy of this order by certified mail to the Governor of North Carolina, Raleigh, N.C., and a copy to the North Carolina Utilities Commission, Raleigh, N.C.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 9th day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Edward B. Hipp, North Carolina Utilities Commission, Post Office Box 991, Raleigh, N.C. 27602.

Maurice W. Horne, Assistant Commission Attorney, North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602.

James L. Howe, III, Southern Railway System, Post Office Box 1808, Washington, DC 20013.

P. J. Hunter, Jr., Norfolk and Western Railway Co., 8 North Jefferson Street, Roanoke, VA 24011.

George Katsafouros, Weyerhaeuser Co., 100 South Wacker Drive, Chicago, IL 60606.

T. Grant Killian, North Carolina Utilities Commission, Post Office Box 991, Raleigh, NC 27602.

W. H. Kreckman, Director-Traffic & Purchasing, Albemarle Paper Co., Roanoke Rapids, NC 27870.

Albert B. Russ, Jr., Seaboard Coast Line Railroad, Post Office Box 1620, Richmond, VA 23213.

John M. Simms, Norfolk Southern Railway Co., Post Office Box 2210, Raleigh, NC 27602.

John F. Smith, Louisville & Nashville R.R. Co., 908 West Broadway, Louisville, KY 40201.

[FR Doc.71-6225 Filed 5-3-71;8:51 am]

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Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Expenses and Rate of Assessment and Carryover of Unexpended Funds

On April 7, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6592) regarding proposed expenses and the related rate of assessment for the period November 1, 1970, through October 31, 1971, and carryover of unexpended funds from the period November 1, 1969, through October 31, 1970, pursuant to the marketing agreement as amended, and Order No. 908, as amended (7 CFR Part 908; 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 908.210 Expenses and rate of assessment.

(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Valencia Orange Administrative Committee during the period November 1, 1970, through October 31, 1971, will amount to $256,500.

(b) *Rate of assessment.* The rate of assessment for said period, payable by each handler in accordance with § 908.41, is fixed at $0.013 per carton of Valencia oranges.

(c) *Reserve.* Unexpended funds, in excess of expenses incurred during the fiscal year ended October 31, 1970, in the amount of $40,000 are carried over as a reserve in accordance with § 908.42 of said marketing agreement and order.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) the relevant provisions of said marketing agreement and this part require that the rate of assessment herein fixed shall be applicable to all assessable oranges handled during the aforesaid period, (2) shipments of Valencia oranges are currently in progress, and (3) such period began on November 1, 1970, and said rate of assessment will automatically apply to all such oranges beginning with such date.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: April 29, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–6282 Filed 5–4–71;8:49 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order 15]

PART 1015—MILK IN CONNECTICUT MARKETING AREA

Order Terminating Certain Provisions

This termination order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Connecticut marketing area.

It is hereby found and determined that the following provisions of the order no longer tend to effectuate the declared policy of the Act:

1. In § 1015.10, the reference "§ 1015.72";
2. Section 1015.24(c);
3. Section 1015.41(b);
4. In § 1015.64(b), the provision "Deduct the amount of the plus differentials applicable under § 1015.72 and";
5. In § 1015.70(a)(2), the provision "and 1015.72";
6. Section 1015.72;
7. In § 1015.81, the provision "and § 1015.72";
8. In § 1015.82, the provision "and § 1015.72".

STATEMENT OF CONSIDERATION

The aforesaid nearby differential provisions have been in partial suspension since March 10, 1967 (32 F.R. 4113), pending the outcome of litigation. Similar provisions under the Massachusetts-Rhode Island-New Hampshire order were held illegal by the U.S. Supreme Court in the case of Zuber v. Allen, 396 U.S. 168. The U.S. Circuit Court of Appeals for the Second Circuit on July 16, 1970, rendered its opinion in the case of Cranston et al. v. Hardin, Dockets Nos. 32793–32796 which reversed the judgment of the U.S. District Court for the Northern District of New York in the case of Cranston v. Freeman, 290 F. Supp. 785 (1968), and remanded the case to the District Court for such proceedings, including the proper distribution of funds held in escrow, payment of costs and related matters, and the entry of judgment in the District Court as may be appropriate in the light of the Zuber case.

On August 5, 1970, the District Court issued an order restraining the Secretary from terminating the nearby differential provisions, and on joint motions by the plaintiffs and defendant intervenors, the matter was referred back to the Circuit Court for clarification of its earlier order.

On April 13, 1971, the Circuit Court ruled that the motions for clarification were granted but only to the extent that the District Court was directed to order the Secretary to terminate the nearby differential provisions of Order 15 forthwith. On April 23, 1971, the District Court vacated its order restraining the Secretary from terminating such provisions. In view of this, these provisions can no longer be considered as effectuating the declared policy of the Act and therefore should be terminated.

It is hereby found and determined that notice of proposed rulemaking, public procedure thereon, and 30 days notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that this termination is necessary to reflect current marketing conditions, to maintain orderly marketing, and to give prompt effect to the Court's order. This termination does not require of persons affected substantial or extensive preparation prior to the effective date.

Therefore, good cause exists for making this order effective with respect to all milk delivered on and after April 1, 1971.

It is therefore ordered, That the aforesaid provisions of the order are hereby terminated to be effective with respect to all milk delivered on and after April 1, 1971.

Signed at Washington, D.C., on April 29, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–6242 Filed 5–4–71;8:45 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Dry Edible Bean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program

WAREHOUSE RECEIPTS, CHARGES, AND PACKAGING

The regulations issued by the Commodity Credit Corporation (published in 35 F.R. 8537) and containing specific requirements of the 1970 and subsequent crops dry edible bean price support program are hereby amended as follows:

Sections 1421.125(c) and 1421.126(b) are amended to include polypropylene as an optional package eligible for price support. Subparagraph (3) is added to § 1421.126(b) to include specifications for polypropylene bags. The amended sections read as follows:

§ 1421.125 Warehouse receipts.

* * * * *

(c) *Entries.* Each warehouse receipt, or supplemental certificate properly identified with the warehouse receipt, must show (1) net weight, (2) class, (3) grade, (4) whether the beans will be packaged in jute, paper, or polypropylene bags on delivery, and (5) in the case of "identity preserved" beans, the warehouse receipt shall show the lot number, and must be accompanied by a supplemental certificate executed by the producer in which he assumes responsibility for any loss in the quantity and quality of beans shown thereon to the extent provided in the program regulations. When beans stored on a commingled basis have not been processed prior to issuance of the warehouse receipt, the warehouse receipt or the supplemental certificate must also show the gross weight, moisture, and percentage of total defects of the beans received and the quantity and quality which the warehouseman guarantees to deliver.

§ 1421.126 Warehouse charges and packaging.

* * * * *

(b) *Packaging.* The producer must arrange for the beans to be packaged 100 pounds net weight in new jute, multiwall paper or polypropylene bags prior to their delivery to CCC. Bags must be marked to show the commodity name and class, the net weight, and the name and address of the packer. The bags in which the beans are packed must meet the specifications of subparagraph (1), (2), or (3) of this paragraph:

* * * * *

(3) *Polypropylene bags.* (i) The fabric shall be light tan or beige in color, woven from 100 percent polypropylene having a minimum weight of 2.8 ounces per square yard, an average tensile strength of 105 pounds in both directions, an air permeability between 10 and 100 cubic feet per minute per square foot and treated on both sides to prevent slippage at under 30° on a slide angle test.

(ii) The fabric forming the bottom of the finished bag is to be tucked selvage or a natural selvage, with a minimum of 1 inch and a minimum of 20 warp ends. Alternatively, the bottom selvage may be heat cut and formed a minimum of 2 inches wide with a minimum of 20 warp threads per inch. The fabric forming the top of the finished bag may have either a tucked, natural, or heat cut selvage with a minimum of 2 inches and a minimum of 20 warp threads per inch.

(iii) Side seams shall be SSd–1 in accordance with Federal Standard No. 751. Bottom seams shall be SSa–1 in accordance with Federal Standard No. 751 if a tucked or natural selvage is used, and Sn–1 if a heat cut selvage is used. Top seams after filling shall be SSa–1 in accordance with Federal Standard No. 751.

Effective date: Upon publication in the FEDERAL REGISTER (5–5–71).

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6284 Filed 5-4-71;8:49 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–552]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–26, 34b, 34f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, in paragraph (e)(7) relating to the State of North Carolina, a new subdivision (viii) relating to Northampton County is added to read:

(7) *North Carolina.* * * *

(viii) That portion of Northampton County bounded by a line beginning at the junction of the east bank of the Roanoke River and the east bank of the Gumberry Swamp; thence, following the east bank of the Gumberry Swamp in a generally northerly direction to secondary Road 1126; thence, following Secondary Road 1126 in a northeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in a northeasterly direction to Secondary Road 1108; thence, following Secondary Road 1108 in a southeasterly direction to Secondary Road 1121; thence, following Secondary Road 1121 in a northeasterly direction to Secondary Road 1122; thence, following Secondary Road 1122 in a generally easterly direction to State Highway 305; thence, following State Highway 305 in a southeasterly direction to Secondary Road 1503; thence, following Secondary Road 1503 in a northeasterly direction to Secondary Road 1514; thence, following Secondary Road 1514 in a southeasterly direction to Secondary Road 1502; thence, following Secondary Road 1502 in a southwesterly direction to the east bank of the Bear Swamp; thence, following the east bank of the Bear Swamp in a southeasterly direction to the north bank of the Urahaw Swamp; thence, following the north bank of the Urahaw Swamp in a northeasterly direction to the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a generally southwesterly direction to the Roanoke River; thence, following the east bank of the Roanoke River in a generally northwesterly direction to its junction with the east bank of the Gumberry Swamp.

2. In § 76.2, paragraph (e)(3) relating to the State of Massachusetts is amended to read:

(3) *Massachusetts.* (i) That portion of Bristol County comprised of Seekonk and Rehoboth towns.

(ii) That portion of Worcester County comprised of Princeton, Sterling, and West Boylston towns.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Northampton County, N.C., and a portion of Worcester County, Mass., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish their purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6239 Filed 5-4-71;8:45 am]

[Docket No. 71–551]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2. 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2, paragraph (e)(3) relating to the State of Massachusetts is amended to read:

(3) *Massachusetts.* That portion of Bristol County comprised of Seekonk and Rehoboth towns.

2. In § 76.2, the reference to the State of New Hampshire in the introductory portion of paragraph (e) and paragraph (e)(5) relating to the State of New Hampshire are deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude a portion of Bristol County, Mass., and a portion of Hillsboro County, N.H., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in New Hamsphire remain under the quarantine.

The amendments relieve certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and they must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 29th day of April 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6240 Filed 5-4-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–74]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Sumter, S.C., transition area.

The Sumter transition area is described in § 71.181 (36 F.R. 2140). In the description, an extension is predicated on the 215° bearing from Shaw AFB RBN and has a designated width of 10 miles and length of 12.5 miles.

The application of Terminal Instrument Procedures (TERPs) and current airspace criteria requires that this extension be reduced to 7 miles in width and 11.5 miles in length. It is necessary to alter the transition area description to reflect this change. Since this amendment lessens the burden on the public, notice and public procedure hereon are unnecessary and action is taken herein to amend the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Sumter, S.C., transition area is amended as follows: "* * * within 5 miles each side of the 215° bearing from Shaw AFB RBN, extending from the 8.5-mile radius area to 12.5 miles southwest of the RBN * * *" is deleted and "* * * within 3.5 miles each side of the ILS localizer southwest course, extending from the 8.5-mile radius area to 11.5 miles southwest of the OM * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 27, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6259 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71–SO–76]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Areas

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Crestview, Fla., control zone and the Crestview, Cross City, Marianna, and Pahokee, Fla., transition areas.

The Crestview control zone is described in § 71.171 (36 F.R. 2055) and the Crestview, Cross City, Marianna, and Pahokee transition areas are described in § 71.181 (36 F.R. 2140). In the descriptions, extensions are designated to provide the required controlled airspace protection for IFR arriving aircraft.

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to amend the Crestview control zone and the Crestview, Cross City, Marianna, and Pahokee transition area descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Crestview, Fla., control zone is amended to read:

CRESTVIEW, FLA.

Within a 5-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.); within 1.5 miles each side of Crestview VORTAC 109° radial, extending from the 5-mile radius zone to 0.5-mile east of the VORTAC.

In § 71.181 (36 F.R. 2140), the following transition areas are amended to read:

CRESTVIEW, FLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Bob Sikes Airport (lat. 30°46'47" N., long. 86°31'21" W.).

CROSS CITY, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Cross City Airport (lat. 29°37'45" N., long. 83°06'15" W.); within 5 miles each side of Cross City VORTAC 121° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VORTAC.

MARIANNA, FLA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Marianna Municipal Airport (lat. 30°50'08" N., long. 85°11'02" W.); within 3 miles each side of Marianna VOR 127° radial, extending from the 8-mile radius area to 8.5 miles southeast of the VOR.

PAHOKEE, FLA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Palm Beach County Glades Airport (lat. 26°47'15" N., long. 80°41'45" W.); within 5 miles each side of Pahokee VORTAC 342° radial, extending from the 5-mile radius area to 9.5 miles north of the VORTAC.

(Sec. 307(a), Federal Aviation Act of 1958 49 U.S.C. 1348(a) sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 27, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6260 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 3267 of the FEDERAL REGISTER for February 20, 1971, the Federal Aviation Administration published proposed regulations which would alter the Washington, Pa., transition area (35 F.R. 2281).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Washington, Pa., 700-foot floor transition area and insert in lieu thereof:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center of 40°08'15" N., 80°17'15" W. of Washington County Airport, Washington, Pa.

[FR Doc.71-6261 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Control Zone and Alteration of Transition Area

On page 3926 of the FEDERAL REGISTER for March 2, 1971, the Federal Aviation Administration published proposed regulations which would designate a Hot Springs, Va., control zone and alter the Hot Springs, Va., transition area (36 F.R. 2204).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to designate a Hot Springs, Va., control zone as follows:

HOT SPRINGS, VA.

Within a 6-mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va. This control zone is effective from 0800 to 1800 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Hot Springs, Va., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9.5 mile radius of the center, 37°57'04" N., 79°50'02" W. of Ingalls Field, Hot Springs, Va.

[FR Doc.71-6262 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 3926 of the FEDERAL REGISTER for March 2, 1971, the Federal Aviation Administration published proposed regulations which would alter the Wrightstown, N.J., transition area (36 F.R. 2297).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Wrightstown, N.J. 700-foot floor transition area as follows:

In the description of the Wrightstown, N.J. 700-foot floor transition area, delete, "within a 5-mile radius of the center, 39°56'05" N., 74°48'30" W., of Flying W Ranch Airport, Lumberton, N.J.; within 2.5 miles each side of the North Philadelphia VOR 134° radial extending from the Flying W Ranch 5-mile radius area to 21 miles southeast of the North Philadelphia VOR.", and insert thereof, "within a 7-mile radius of 39°55'41" N., 74°17'30" W. of Robert J. Miller Air Park, Toms River, N.J.; within 1.5 miles each side of the Coyle, N.J. VORTAC 044° radial extending from the 7-mile radius area to the Coyle VORTAC."

[FR Doc.71-6263 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-14]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 4788 of the FEDERAL REGISTER for March 12, 1971, the Federal Aviation Administration published proposed regulations which would designate a Wauseon, Ohio, transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on April 22, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Wauseon, Ohio, 700-foot floor transition area described as follows:

WAUSEON, OHIO

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 41°36'37" N., 84°07'33" W. of Fulton County Airport, Wauseon, Ohio, and within 3 miles each side of the 088° bearing from the Fulton RBN 41°36'33" N., 84°07'58" W., extending from the 6.5-mile radius area to 8.5 miles east of the RBN, excluding the portion within the Toledo, Ohio, transition area.

[FR Doc.71-6264 Filed 5-4-71;8:47 am]

[Airspace Docket No. 71-EA-15]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 3927 of the FEDERAL REGISTER for March 2, 1971, the Federal Aviation Administration published proposed regulations which would designate a Hammonton, N.J., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Jamaica, N.Y., on April 19, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Hammonton, N.J., 700-foot-floor transition area as follows:

HAMMONTON, N.J.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of the center of 39°40'30" N., 74°44'30" W. of Hammonton Municipal Airport, Hammonton, N.J.; within 2 miles each side of the Millville, N.J., VORTAC 051° radial extending from the 5.5-mile-radius area to 7.5 miles northeast of the VORTAC.

[FR Doc.71-6265 Filed 5-4-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-117]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Barley From France

In the FEDERAL REGISTER of July 24, 1970 (35 F.R. 11928), the Acting Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of France on the exportation from France of barley constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of barley from France are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that barley imported directly or indirectly from France, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined or estimated to range between $0.079 and $0.326 per bushel of barley during the period from April 1970 to date. In view of fluctuations in the amount of the bounty or grant, declarations of the net amount of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of barley from France will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawals from warehouse for consumption of such dutiable barley imported directly or indirectly from France which benefits from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declarations.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable barley imported directly or indirectly from France which benefits from such bounties or grants and is subject to this order shall be suspended pending declarations of the net amount of the bounties or grants paid. A deposit of the estimated countervailing duty, in the amount of $0.326 per bushel of barley, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such barley.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for France the word "Barley" in the column headed "Commodity," the number of this Treasury decision in the column headed "Treasury Decision," and the words "Bounty declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624, 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 30, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6308 Filed 5-4-71;8:52 am]

[T.D. 71-118]

PART 16—LIQUIDATION OF DUTIES

Countervailing Duties; Molasses From France

In the FEDERAL REGISTER of July 24, 1970 (35 F.R. 11928), the Commissioner of Customs announced that information had been received in proper form pursuant to § 16.24(b) of the Customs Regulations (19 CFR 16.24(b)) which appeared to indicate that certain payments made by the Government of France on the exportation from France of molasses constitute the payment or bestowal of a bounty or grant, directly or indirectly, within the meaning of section 303 of the Tariff Act of 1930 (19 U.S.C. 1303) upon the manufacture, production, or exportation of the merchandise to which the payments apply. The notice provided interested parties 30 days from the date of publication to submit data, views, or arguments with regard to the existence or nonexistence and the net amount of a bounty or grant.

An investigation was conducted pursuant to § 16.24(d) of the Customs Regulations (19 CFR 16.24(d)).

After consideration of all information received, the Bureau is satisfied that exports of molasses from France are subject to bounties or grants within the meaning of section 303.

Accordingly, notice is hereby given that molasses imported directly or indirectly from France, if entered for consumption or withdrawn from warehouse for consumption after the expiration of 30 days after publication of this notice in the Customs Bulletin, will be subject to the payment of countervailing duties equal to the net amount of any bounty or grant determined or estimated to have been paid or bestowed.

In accordance with section 303, the net amount of such bounty or grant under the information presently available has been ascertained and determined or estimated to have varied between authorized maximums of $0.75 and $1.80 per 100 kilograms of molasses during the period 1968-70. In view of fluctuations in the amount of the bounty or grant, declarations of the net amounts of the bounties or grants ascertained and determined or estimated to have been paid upon the exportation of molasses from France will be published in subsequent issues of the Customs Bulletin.

Effective on the 31st day after the date of publication of the notice in the Customs Bulletin and until further notice, upon the entry for consumption or withdrawal from warehouse for consumption of such dutiable molasses imported directly or indirectly from France which benefits from such bounties or grants, there shall be collected, in addition to any other duties estimated or determined to be due, countervailing duties in the amount ascertained in accordance with the above declaration.

The liquidation of all entries for consumption or withdrawals from warehouse for consumption of such dutiable molasses imported directly or indirectly from France which benefits from such bounties or grants and is subject to the order shall be suspended pending declarations of the new amounts of the bounties or grants paid. A deposit of the estimated countervailing duty, in the amount of $1.80 per 100 kilograms of molasses, shall be required at the time of entry for consumption or withdrawal from warehouse for consumption.

Any merchandise subject to the terms of this order shall be deemed to have benefited from a bounty or grant if such bounty or grant has been or will be paid or credited, directly or indirectly, upon the manufacture, production, or exportation of such molasses.

The table in § 16.24(f) of the Customs Regulations (19 CFR 16.24(f)) is amended by inserting after the last entry for France the word "Molasses" in the column headed "Commodity," the number of this Treasury Decision in the column headed "Treasury Decision," and the words "Bounty Declared—Rate" in the column headed "Action."

(R.S. 251, secs. 303, 624; 46 Stat. 687, 759; 19 U.S.C. 66, 1303, 1624)

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: April 30, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6309 Filed 5-4-71;8:52 am]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Social Security Administration, Department of Health, Education, and Welfare

PART 404—FEDERAL OLD-AGE, SURVIVORS, AND DISABILITY INSURANCE (1950–)

Subpart P—Rights and Benefits Based on Disability

CFR CORRECTION

In § 404.1505 appearing on page 315 of Title 20, Part 400 to End, Revised as of January 1, 1971, the first sentence of paragraph (b) is corrected to read as follows:

§ 404.1505 Determining medical equivalence.

* * * * *

(b) Any decision made under § 404.1502, § 404.1504, or § 404.1539 as to whether an individual's impairment or impairments are medically the equivalent of an impairment listed in the appendix to this Subpart P, shall be based on medical evidence demonstrated by medically acceptable clinical and laboratory diagnostic techniques, including a medical judgment furnished by one or more physicians designated by the Secretary, relative to the question of medical equivalence. * * *

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD PRONE AREAS

List of Flood Hazard Areas; Correction

In the amendment to the List of Flood Hazard Areas, 24 CFR 1915.3, published at 36 F.R. 7854, April 27, 1971, an incorrect effective date was listed for the 13 locations in the States of Arizona, California, Missouri, New Jersey, and Wisconsin. The effective date for those 13 locations is corrected to read April 27, 1971.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: April 30, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6306 Filed 5-4-71;8:51 am]

Title 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

SUBCHAPTER F—ENROLLMENT

PART 41—PREPARATION OF ROLLS OF INDIANS

Qualifications for Enrollment and Deadline for Filing Applications

APRIL 28, 1971.

This notice is published in the exercise of rule making authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2. The authority to issue regulations on Indian Affairs is vested in the Secretary of the Interior by sections 161, 463, and 465 of the Revised Statutes (5 U.S.C. 301; 25 U.S.C. 2 and 9), and section 6 of the Act of September 21, 1968 (82 Stat. 861).

Part 41, Subchapter F, Chapter I, of Title 25 of the Code of Federal Regulations is amended by the revision of § 41.3(k). The revision of § 41.3(k) is made to correct an administrative oversight in not notifying descendants of Wisconsin and Kansas Munsee Indians of their eligibility to participate in the distribution of a judgment awarded the Delaware Nation as the result of Indian Claims Commission Docket 337. The disposition of the Docket 337 award is authorized by the Act of September 21, 1968 (82 Stat. 861).

Since this revision imposes a deadline on the filing of enrollment applications, advance notice, and public procedure thereon would be contrary to the public interest. Therefore, advance notice and public procedure are dispensed with under the exception provided in subsection (b)(B) of 5 U.S.C. 553 (Supp. V, 1965–69).

Since this revision relieves a restriction, the 30-day deferred effective date is dispensed with under the exception provided in subsection (d)(1) of 5 U.S.C. 553 (Supp. V, 1965–69). Accordingly, the amendment will become effective upon the date of publication in the FEDERAL REGISTER (5-5-71).

Section 41.3(k) is amended by adding a new subparagraph designated (4) to establish a new deadline for the filing of applications only by descendants of Munsee Indians. As amended, § 41.3(k) reads as follows:

§ 41.3 Qualifications for enrollment and the deadline for filing applications.

* * * * *

(k) Delaware Nation of Indians:

* * * * *

(4) Applications for enrollment as descendants of Kansas and Wisconsin Munsees must be filed with the Area Director, Bureau of Indian Affairs, Federal Building, Muskogee, Okla. 74401, and must be postmarked no later than June 4, 1971.

* * * * *

ERNEST STEVENS,
Acting Associate Commissioner.

[FR Doc.71-6234 Filed 5-4-71;8:45 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[20th Gen. Rev. of the Export Regs. (Amdt. 20)]

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Parts 370, 371, 372, 373, 374, 376, and 379 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: May 1, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 370—EXPORT LICENSING GENERAL POLICY AND RELATED INFORMATION

1. In § 370.6, paragraph (a) is amended to read as follows:

§ 370.6 Shipments entering foreign trade zones.

* * * * *

(a) *Country group restrictions*—(1) *Country Group W, X, Y, or Z.* Shipments to Country Group W, X, Y, or Z (see Supplement No. 1 to this Part 370 for list of countries in each Country Group) require a validated license if a shipment of similar commodities or technical data of U.S. origin could not be made from the customs territory of the United States to such a destination under the provisions of a general license.

(2) *Country Group Q.* Shipments to Country Group Q require a validated license (i) if the shipment consists of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), or (ii) if the shipment consists of technical data of a type that may not be exported from the customs territory of the United States to the named destination under the provisions of a general license.

* * * * *

2. Section 370.9 is amended as follows:

§ 370.9 Shipments which transit Country Group Y or Z en route to any other destination.

The export from the United States of commodities or technical data to be unladen from a vessel or aircraft in Country Group Y or Z, or to move in transit through Country Group Y or Z en route to Canada or a destination in Country Group Q, S, T, V, W, or X, is hereby prohibited unless a validated license specifically authorizes the transshipment or intransit shipment, or both, except:

* * * * *

3. In § 370.11(a), subparagraph (4) is amended to read as follows:

§ 370.11 Information to exporters.

* * * * *

(a) *Considerations that may occasion lengthy examination.* * * *

(4) Because of the strategic nature of certain commodities and technical data, the United States and other Free World governments have agreed to control their exports to destinations in Country Groups Q, W, Y, and Z. In certain instances, it is necessary to consult with these other Free World governments before action on an application can be taken.

* * * * *

4. Supplement No. 1 to Part 370 is amended as follows:

Supplement No. 1—Country Groups

For export control purposes foreign countries are separated into eight country groups designated by the symbols "Q," "S," "T," "V," "W," "X" "Y," and "Z." Listed below are the countries included in each country group. Canada is not included in any country group and will be referred to by name throughout the Export Control Regulations.

COUNTRY GROUP Q

Romania.

COUNTRY GROUP S

* * * * *

COUNTRY GROUP T

* * * * *

COUNTRY GROUP V

* * * * *

COUNTRY GROUP W

Poland.

COUNTRY GROUP X

* * * * *

COUNTRY GROUP Y

* * * * *

COUNTRY GROUP Z

* * * * *

PART 371—GENERAL LICENSES

§ 371.3 [Amended]

5. In § 371.3, paragraph (c) is deleted.

6. In § 371.4(a), subparagraph (3) is redesignated as (4) and a new subparagraph (3) is added to read as follows:

§ 371.4 General License GIT; intransit shipments.

(a) *Scope.*[1] * * *

(3) Commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may not be exported to Country Group Q under this General License GIT.

* * * * *

7. In § 371.5(a), subparagraph (2) is redesignated as (3) and a new subparagraph (2) is added to read as follows:

§ 371.5 General License GLV; shipments of limited value.

(a) *Scope.* * * *

(2) To Country Group Q, provided that that commodity is not identified by the code letter "A" following the Export Control Commodity Number and the net value of a single shipment does not exceed the GLV dollar-value limit specified for the Country Group V; and

* * * * *

8. In § 371.9(a), subparagraph (2) is amended to read as follows:

§ 371.9 General License Ship Stores.

(a) *Scope.* * * *

(2) Equipment and spare parts for permanent use on a vessel, when necessary for the proper operation of such vessel, may be exported on board a vessel of any registry, except a vessel registered in, owned or controlled by, or under charter or lease to a country in Country Group Q, W, Y, or Z or a national of such country.

* * * * *

9. In § 371.10, paragraphs (a) and (b) are amended as follows:

§ 371.10 General License Plane Stores.

(a) *Scope.* * * *

(2) Equipment and spare parts for permanent use on an aircraft, when necessary for the proper operation of such aircraft, may be exported on board an aircraft of any registry, except an aircraft registered in, owned or controlled by, or under charter or lease to a country included in Country Group Q, W, Y, or Z (excluding Cuba), or a national of any of these countries.

(b) *Restrictions on petroleum and petroleum products for use on aircraft.* No export of petroleum or petroleum products (including those used as fuel) listed in § 371.9(b)(4) may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft, if the aircraft (1) has called at any point under Far Eastern Communist control[3] during the 30 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (2) will call at any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the aircraft, (3) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by an agency of the U.S. Government, or (4) is registered in, owned or controlled by, or under charter or lease to a country included in Country Group Q, W, Y, or Z (excluding Cuba), or a national of any of these countries.

10. In § 371.15(c), a new subparagraph (3) is added to read as follows:

§ 371.15 General License GTF-U.S.; goods imported for display at U.S. exhibitions or trade fairs.

* * * * *

(c) *Exports to other destinations.* Such commodities may be exported to any destination other than the country from which imported except:

(1) Commodities imported into the United States pursuant to an International Import Certificate,

(2) Exports to Country Group S, W, X, Y, or Z destinations, or

(3) Exports to Country Group Q of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter).

---

[3] "Point under Far Eastern Communist control" means any point in any of the following destinations: (1) China, including Inner Mongolia, the provinces of Tsinghai and Sikang, Sinkiang, Tibet, and Manchuria (including the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province); but excluding Outer Mongolia and Republic of China (Taiwan) (Formosa); (2) Communist-controlled areas of Vietnam; and (3) North Korea.

11. In § 371.17 paragraphs (a) and (f) are amended as follows:

§ 371.17 General License GLR; return of certain commodities imported into the United States.

* * * * *

(a) *Commodities sent to the United States for inspection, testing, calibration, or repair.* * * *

(2) The provisions of this paragraph do not apply to:

(i) Exports to Country Group S, W, Y, or Z;

(ii) Exports to Country Group Q of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter);

(iii) Commodities disposed of by U.S. Government agencies under foreign excess property disposal programs;

(iv) Commodities related to nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1 of this subchapter; and

(v) Electronic, mechanical, or other devices, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communications.

* * * * *

(f) *Replacements for defective or unacceptable U.S.-origin parts or equipment.* (1) Any commodity may be exported under the provisions of this general license to replace a defective or unacceptable U.S.-origin part or equipment subject to the following conditions:

(i) No commodity may be exported to Country Group S, W, Y, or Z;

(ii) No commodity shall be exported to replace a defective part or equipment owned or controlled by, or leased or chartered to, a country in Country Group S, W, Y, or Z, or a national of such country;

(iii) No commodity identified by the code-letter "A" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be exported to Country Group Q;

(iv) No commodity identified by the code-letter "A" following the export control commodity number on the commodity control list (§ 399.1 of this subchapter) shall be exported to any destination to replace a defective part or equipment owned or controlled by, or leased or chartered to, Country Group Q or any national of Country Group Q;

(v) No commodity shall be exported to replace any part or equipment that is worn out from normal use;

(vi) The replacement commodity shall not be technologically advanced over that replaced;

(vii) The commodity replaced shall have been previously exported under a validated export license;

(viii) The commodity replaced shall either be destroyed abroad or returned to the United States prior to or promptly after, the replacement is exported from the United States;

(ix) The defective commodity shall be replaced free of charge, except for transportation and labor charges;

(x) No replacement part or equipment may be exported under this general license if the replacement is to be incorporated into or used in nuclear weapons, nuclear explosive devices or nuclear testing, as described in § 378.1 of this subchapter; and

(xi) No replacement of any defective part or equipment may be exported under this general license if the replacement is to be incorporated into or used in any electronic, mechanical, or other device, as described in § 376.13(a) of this subchapter, primarily useful for surreptitious interception of wire or oral communication.

* * * * *

12. Section 371.20 is amended to read as follows:

§ 371.20 General License GMS; shipments under the Mutual Security Act.

A general license designated GMS is established, authorizing subject to the provisions of § 371.20, the export of commodities sold by the U.S. Department of Defense to a foreign government, other than the government of a country included in Country Group Q, S, W, Y, or Z, under the provisions of the Mutual Security Act of 1954, Public Law 665, 83d Congress, approved August 26, 1954 (68 Stat. 832), as amended. In addition to entering the symbol "GMS" on the Shipper's Export Declaration (see § 371.2(b)), the MSMS (Mutual Security Military Sales) case number assigned by the Department of Defense to the transaction shall be entered on the Declaration. The following completed destination control statement is required on each copy of the Shipper's Export Declaration, bill of lading, and invoice covering a shipment under this General License GMS:

> These commodities licensed by the United States for ultimate destination (name of country). Diversion contrary to United States law prohibited.

The alternative forms of the destination control statement set forth in § 386.6(d) (2) and (3) of this subchapter, are not applicable to such shipments and will not be accepted.

13. In § 371.22(c), subparagraph (1) is amended to read as follows:

§ 371.22 General License GTE; temporary exports.

* * * * *

(c) *Exceptions*—(1) *Destinations.* No commodity may be exported under the provisions of this general license to Country Group S or Z, and only commodities not identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter) may be exported to Country Group Q, W, of Y. These exceptions apply also to any vessel, aircraft, or extraterritorial point under ownership, control, lease, or charter by any of the countries mentioned in this § 371.22(c)(1) or to any national thereof.

* * * * *

14. Supplement No. 1 to Part 371 is deleted.

PART 372—INDIVIDUAL VALIDATED LICENSES AND AMENDMENTS

15. In § 372.2(b), subparagraph (6) is amended to read as follows:

§ 372.2 Types of validated licenses.

* * * * *

(b) *Types.* * * *

(6) A "Service Supply (SL) License" (§ 373.7(d)(1) of this subchapter) authorizes a U.S. exporter or manufacturer to export spare and replacement parts to Country Group T, V, or X (and, in a more limited degree, only replacement parts to Country Group Q, W, or Y) to service equipment made or exported by the licensee or made by his foreign subsidiary.

16. In § 372.8 paragraphs (b) and (c) are amended as follows:

§ 372.8 Special types of individual license applications.

* * * * *

(b) *Commodities transiting Country Group Y or Z en route to any other destination*—(1) *Information required on applications.* A license application to export any commodity that will be unladen from a vessel or aircraft in Country Group Y or Z (or which will move in transit through Country Group Y or Z en route to Canada or a destination in Country Group Q, S, T, W, or X) shall be submitted on Form FC–419. The application shall be prepared in accordance with the instructions contained in Supplement No. 1 to this Part 372, except that where the intermediate consignee in the Group Y or Z country of unlading or transit is unknown at the time of filing the license application, the Group Y or Z country of unlading or transit shall be shown in the "Additional Information" item of the application or on an attachment by a statement such as:

> To be transshipped at (name of transshipment point) and destined to (name of country); or, To be shipped to (name of country of destination) via (name of country).

* * * * *

(c) *Commodities exported for exhibition, demonstration, or testing purposes* * * *

(3) *Return of commodities to the United States.* Where commodities are returned to the United States after display at a trade fair, exhibition, demonstration, or test in Country Group Q, S, W, Y, or Z, the applicant shall notify the Office of Export Control, in writing. The notice shall include the case number shown on the related U.S. validated export license, the customs import entry number (if any) of the returned shipment, the date of return, and the port of entry at which all or any part of the commodities were returned to the United States. If only a part of the commodities are covered by the notification, a full explanation shall be included, and an additional written notification sent to the Office of Export Control for each partial return until the entire shipment described on the related export license is returned.

* * * * *

PART 373—SPECIAL LICENSING PROCEDURES

17. In § 373.4, paragraphs (a), (d), and (e) are amended as follows:

§ 373.4 Foreign-based warehouse procedure.

* * * * *

(a) *Definitions.* * * *

(3) *Distributor.* A "distributor" is a subsidiary of the U.S. exporter not located in Country Group Q, S, W, Y, or Z that distributes or sells the U.S. commodities exported under this procedure exclusively to customers located in three or more countries who have been approved by the Office of Export Control; and delivery is (i) from foreign-based stocks; (ii) directly from the United States based on the distributor's instructions, to fill an urgent need or a specialized requirement for a commodity covered by the procedure but not available for shipment from the foreign-based stock; or (ii) directly from the United States to an approved customer for use in repairing equipment originally manufactured by the U.S. exporter.

(4) *Customer.* A "customer" is a person or firm in a country other than Country Group Q, S, W, Y, or Z who is supplied with U.S.-origin commodities through a distributor as defined in subparagraph (3) of this paragraph.

* * * * *

(d) *Action on application to participate in the foreign-based warehouse procedure.* * * *

(3) *Use of other procedures.* Where a commodity, customer, distributor, or destination is not approved under the Foreign-Based Warehouse Procedure, the exporter is not precluded from using any other applicable export procedure, authorization, or provision. Persons or firms located in Country Group Q, S, W, Y, or Z may be approved only on an individual transaction basis with the prior written approval of the Office of Export Control for each shipment from the foreign-based stock.

(e) *Application for licenses to export under approved form FC–143.* * * *

(2) * * *

(iii) * * *

(*a*) The commodities are included on the customer's validated Form FC–243 and represent parts and components that are either for use by the distributor's customer to repair equipment originally manufactured by the U.S. exporter or are used by another party exclusively for this purpose. The parts and components may be authorized for reexport only to the countries listed on the customer's validated Form FC–243. Reexports will not be authorized to Country Group Q, S, W, Y, or Z.

(*b*) The commodities will not be used to repair equipment owned or controlled by, or leased or chartered to, a country in Group Q, S, W, Y, or Z or a national thereof.

* * * * *

18. In § 373.5, paragraph (a) is amended to read as follows:

§ 373.5 Periodic Requirements (PRL) License.

* * * * *

(a) *Destinations.* The PRL licensing procedure is applicable to all destinations except Country Groups Q, S, W, X, Y, and Z.

* * * * *

19. In § 373.7, paragraphs (c), (d), (h), (i), and (k) are amended as follows:

§ 373.7 Service Supply (SL) License.

* * * * *

(c) *Destinations.* * * *

(2) *Country Groups Q, W, and Y.* Export and reexport to Country Groups Q, W, and Y may be made only in accordance with the provisions of paragraph (i) of this section. Except as provided in paragraph (i) of this section, no equipment owned or controlled by, or under lease or charter to, a country in Country Group Q, W, or Y or a national of such country may be serviced under the provisions of this SL Procedure.

(d) *Types of service supply authorizations.* Three types of export or reexport authorizations are obtainable under the provisions of this §373.7.

(1) *Exports from the United States.* A U.S. person or firm may obtain a license, valid for twelve months, to export spare and replacement parts to consignees in Country Group T, V, or X for purposes of servicing U.S. equipment unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (h)(3) of this section. Under certain conditions, replacement parts (but not spare parts) may also be exported to Country Groups Q, W, and Y, subject to the provisions set forth in paragraph (i) of this section.

* * * * *

(2) *Reexports authorization by foreign-based service facility.* A service facility located in Country Group T, V, or X may be authorized to use and to reexport spare and replacement parts to consignees in any other destination in County Group T, V, or X to service U.S. equipment, unless such consignees are listed in the U.S. Table of Denial and Probation Orders (see paragraph (h)(3) of this section). If the service facility is approved, reexports are authorized in accordance therewith regardless of any restrictions imposd on reexports under the terms of the other licensing procedures. The service facility may also be authorized to service U.S. equipment in the country where the facility is located and return the serviced equipment to the country from which it was sent within Country Group T, V, or X. If the foreign-based service facility is under the effective control of the U.S. exporter, it may also be authorized to reexport, upon specific instructions of the U.S. exporter, replacement parts for immediate repair in Country Group Q, W, or Y of U.S. equipment, subject to the provisions of paragraph (i) of this section.

* * * * *

(h) *Action by Office of Export Control on reexports*—(1) *Action by foreign-based service facility.* * * *

(ii) Reexport parts imported from the United States to consignees in Country Group T, V, or X for the purpose of servicing U.S.-origin equipment in the possession of the consignee. If the service facility is under the effective control of the U.S. exporter, it may, upon specific instructions of the exporter, reexport replacement (but not spare) parts to a consigneee in Country Group Q, W, or Y, subject to the special provisions set forth in paragraph (i) of this section.[2] The reexport authorizations described in this § 373.7(h)(1)(ii) normally will apply to commodities imported under the provisions of any type of U.S. export license. Except when specifically limited by the Office of Export Control, reexports under an approved Form IA–544 are authorized regardless of any restrictions imposed under the terms of any other licensing procedure. In all cases, reasonable care and diligence must be exercised to prevent shipments of kinds and qualities of parts in excess of that not needed for the authorized service.

* * * * *

(i) *Special provisions for Country Groups, Q, W, and Y.* An export or reexport may be made to Country Group Q, W, or Y under the provisions of this § 373.7 only if the following conditions and restrictions are compiled with:

(1) The U.S. exporter or a foreign service facility under the U.S. exporter's effective control may export or reexport only replacement parts to a consignee in Country Group Q, W, or Y. Spare parts, as defined in paragraph (a)(8) of this section, may not be exported or reexported to these destinations under the SL Procedure.

(2) The U.S. exporter or the reexporting service facility must have no knowledge or reason to believe that the equipment to be serviced was exported or reexported to the Country Group Q, W, or Y destination without the authorization of the U.S. Government.

(3) The shipment must be for the purpose of servicing equipment originally exported from the United States or obtained from a U.S. subsidiary. Further, the shipment may be made in a total quantity no greater, and a quality no better, than that necessary for this purpose.

(4) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List may not be exported or reexported under this procedure to Country

---

[2] Further authorization from the Treasury Department is not required for reexports to Country Group W or Y authorized by the Office of Export Control under the SL Procedure.

Group Q, W, or Y if the value of the parts included in a shipment is more than $2,000.[1]

(5) Parts identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, regardless of value, may not be exported or reexported to Country Group Q, W, or Y to service equipment also identified on the Commodity Control List by the code letter "A".[1]

(6) Special recordkeeping and reporting requirements for exports and reexports to Country Groups Q, W, and Y must be observed. (See paragraphs (j) and (k) of this section.

* * * * *

(k) *Reports.* Each exporter who has been issued an SL License under the provisions of paragraph (f)(1) of this section shall prepare and submit, on a monthly basis, a report on all exports made during the preceding month under the SL License. The report shall cite the license number indicated on the export license and shall show, as a minimum for each consignee, a separate aggregate value for each product group shown on his license (i.e., for each commodity identified by the code letter "A" following the Export Control Commodity Number or related "A" product group, and for each non-"A" product group). Where exports are made to service vessels or aircraft, both the country of registry and the country to which the shipment was made shall be listed. Yugoslav End-Use Certificates and Swiss Blue Import Certificates covering exports to these destinations shall be submitted as attachments to the report. If exports of commodities identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List have been made to Country Group Q, W, or Y under the SL Procedure, the monthly report shall show each of these shipments separately, the date of each shipment, and shall include the following additional information for each such commodity:

* * * * *

20. In § 373.8 paragraph (a) and (c) are amended as follows:

§ 373.8 Aircraft and vessel repair station procedure.

* * * * *

(a) *Definitions.* * * *

(2) *Foreign importer.* As used in this section, a "Foreign Importer" is a person or firm located in any foreign country except Country Group Q, S, W, Y, or Z, that is either:

(i) Engaged in the repair, maintenance, or servicing of aircraft or vessels, either exclusively or as part of a related business; or

(ii) Engaged in supplying U.S.-origin parts, accessories, equipment or components, either exclusively or as parts of a related business, directly to aircraft or vessels for use thereon. Such foreign person or firm need not maintain an aircraft repair hangar or ship repair yard.

(c) *Authorizations and limitation of aircraft and vessel repair station procedure.* (1) A foreign importer is authorized to use U.S.-origin parts in the repair, maintenance, or servicing of any aircraft or vessel, provided the aircraft or leased to a Group Q, S, W, Y, or Z owned or controlled by, or not chartered or leased to a Group Q, S, W, Y, or Z country or any national thereof.

* * * * *

PART 374—REEXPORTS

21. In § 374.3(d)(1), subdivision (i) is amended to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(d) * * *

(1) *Reexports to certain countries*—(i) *Specified destination.* If the reexport is to be made to a destination specified below, regardless of the country to which the commodities were originally shipped from the United States, the documentation set forth below in this § 374.3(d)(1) shall be furnished.

Any destination in Country Group Q, S, W, X, Y or Z (see Supplement No. 1 to Part 370 of this subchapter for the countries included in each country group.)

The following destinations in Country Group V:

Cambodia.
Laos.
Liechtenstein.
Malaysia.
Singapore.
South Africa (Republic of).
Sweden.
Switzerland.
Thailand.
Vietnam (Republic of).
Yugoslavia.

* * * * *

22. In § 374.5, paragraph (a) is amended to read as follows:

§ 374.5 Validity period.

(a) *Limitation on validity period.* Authorizations to reexport to Country Group Q, W, Y, or Z are generally restricted to a limited validity period. Authorizations to reexport or redistribute commodities to Country Group Q, W, Y, or Z, whether authorized on the validated export license or separately, expire on the last day of the 12th month following the month in which the reexport is authorized, unless otherwise specified. The U.S. exporter shall, in connection with each such authorization, furnish written notification to the ultimate consignee of this limitation on the validity period of the reexport authorization.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

23. In § 376.8, paragraphs (a) and (b) are amended as follows:

§ 376.8 Aircraft and equipment, parts, accessories, and components therefor.

(a) *Spare parts accompanying aircraft.* For an export of aircraft and accompanying spare parts for such aircraft to any destination, except Country Group Q, W, Y, or Z, the applicant may:

* * * * *

(b) *Loan or sale of aircraft equipment, parts, accessories, and components by airlines.* (1) * * *

(ii) The commodities will not be supplied for use on any aircraft registered in, or owned or controlled by, or chartered or leased to, a country in Country Group Q, S, W, Y, or Z or a national of such country; and

(iii) The commodities will not be supplied for use on any aircraft located in Country Group Q, S, W, Y, or Z.

* * * * *

24. In § 376.9, paragraphs (b) and (c) are amended as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

* * * * *

(b) * * *

(3) * * *

(i) *Country of ultimate destination.* Show country where the vessel or aircraft will take on the commodities or technical data. If, at the time of filing the license application, it is uncertain where the vessel or aircraft will take on the commodities or technical data, but it is known that the commodities or technical data will not be shipped to Country Group Q, S, W, X, Y, or Z, enter the following statement in this item:

> Uncertain; however, shipment(s) will not be made to Country Group Q, S, W, X, Y, or Z.

An export license issued under this circumstance will bear the following destination restriction:

> Shipment(s) may be made to the named (vessel) (aircraft) at any port in any country except Country Group Q, S, W, X, Y, or Z.

* * * * *

(c) *Exports of petroleum and petroleum products, including bunker fuel, for use on vessels and aircraft departing from the United States.* * * *

(4) * * *

(ii) *Proposed ports of call.* Also submit the carrier's proposed calls at any point under Far Eastern Communist control for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (*a*) will call at a point under Far Eastern Communist control within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (*b*) is registered in Country Group Q, W, Y, or Z, or (*c*) is under charter to, or under control of, a national of a Group Q, W, Y, or Z, or (*d*) is under charter to, or under control of, a national of a Group Q, W, Y, or Z country, state whether any

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[1] Requests for exceptions to this restriction will be considered under the provisions of paragraph (l) of this section.

commodities identified by the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), included on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter), or subject to the Atomic Energy Act (§ 370.10(e) of this subchapter) are carried on board the vessel or aircraft and destined directly or indirectly to any point under Far Eastern Communist control. If the answer is in the affirmative, indicate where such commodities will be discharged.

* * * * *

25. In § 376.10, paragraphs (a), (b), (c), and (f) are amended as follows:

§ 376.10 Electronic computers and related equipment.

(a) *Applications for computers.* An application for a license to export electronic computers (Export Control Commodity No. 714) to Country Groups Q, W, and Y shall include the following information, as applicable:

* * * * *

(b) *Applications for peripheral equipment.* An application for a license to export peripheral equipment, magnetic recording media (Export Control Commodity Nos. 714 and 891) to Country Groups Q, W, and Y shall include the following information, as applicable:

* * * * *

(c) *Applications for terminal devices remote from computer operating area.* An application for a license to export a terminal device (Export Control Commodity No. 714) to Country Groups Q, W, and Y to be located remote from the computer area shall include the following information:

* * * * *

(f) *Applications for interfaced equipment.* An application for a license to export equipment to Country Groups Q, W, and Y, to be interfaced with an existing computer system should include full particulars of the current system configuration, including make, model number, and quantity of those components which comprise the system. Insofar as is practicable that information which pertains to the current system as is listed in paragraphs (a), (b), and (c) of this section should also be included with the application as well as the applicable data related to the additional equipment that the applicant wishes to export.

PART 379—TECHNICAL DATA

26. In § 379.4, paragraphs (b) and (e) are amended as follows:

§ 379.4 General License GTDR: Technical data under restriction.

* * * * *

(b) *Country Groups Q, W, and Y restrictions.* No technical data may be exported under this general license to Country Group Q, W, or Y, except:

* * * * *

(e) *Written assurance requirements*—(1) *Requirement of written assurance for certain data, services, and materials.* No export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph may be made under the provisions of this General License GTDR until the exporter has received written assurance from the importer that neither the technical data nor the direct product[3] thereof is intended to be shipped, either directly or indirectly, to Country Group Q, W,[4] Y, or Z, except as provided in subdivision (iv) of this subparagraph. However, with respect to exports of technical data listed in subdivision (v) of this subparagraph, the written assurance shall state that neither the technical data nor the direct product thereof[3] is intended to be shipped, either directly or indirectly, to Country Group W, Y, or Z. The required assurance may be in the form of a letter or other written communication from the importer evidencing such intention, or a licensing agreement that restricts disclosure of the technical data to use only in a country other than Country Group Q, W, Y, or Z, and prohibits shipment of the direct product[3] thereof by the licensee to Country Group Q, W, Y, or Z. An assurance included in a licensing agreement will be acceptable for all exports made during the life of the agreement. If such assurance is not received, this general license is not applicable and a validated export license is required. An application for such validated license shall include an explanatory statement setting forth the reasons why such assurance cannot be obtained. In addition, this general license is not applicable to any export of technical data of the kind described in subdivisions (i), (ii), and (iii) of this subparagraph if, at the time of export of the technical data from the United States, the exporter knows or has reason to believe that the direct product to be manufactured abroad by use of the technical data is intended to be exported or reexported, directly or indirectly, to Country Group Q, W, Y, or Z.

* * * * *

(v) The written assurance set forth in this § 379.4(e)(1) applies only to Country Groups W, Y, and Z, for exports of technical data relating to the following commodities:

* * * * *

(2) * * *

(i) * * *

(*a*) Reexport, directly or indirectly, to Country Group Q, W,[1] Y, or Z, any technical data relating to commodities identified by the symbol "W" in the column of the Commodity Control List titled "Validated License Required for Country Groups Shown Below";

* * * * *

(*c*) Export, directly or indirectly, to any destination in Country Group Q, W, or Y, any direct product[2] of the technical data if such direct product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List.

NOTE: In § 379.4(e)(2)(ii), footnote 1 is renumbered as footnote 2. Otherwise, (ii) is unchanged.

(ii) * * *

(*a*) Reexport, directly or indirectly, to Country Group Q, W,[1] Y, or Z the technical data relating to the plant or the major component of a plant;

* * * * *

(c) Export, directly or indirectly, to Country Group Q, W, or Y the plant (depending upon which is the direct product of the technical data), or any product of such plant or of such major component, if such product is identified by the code letter "A" following the Export Control Commodity Number on the Commodity Control List, or appears in the U.S. Munitions List.

NOTE: * * *

* * * * *

27. In § 379.5 paragraph (e)(1)(vii) and (2) is amended as follows:

§ 379.5 Validated license applications.

* * * * *

(e) *Special provisions.* (1) * * *

(vii) A written statement of assurance from the foreign importer that unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly export directly or indirectly to Country Group Q, W, Y, or Z the direct product of the technical data. However, if the U.S. exporter is not able to obtain this statement from the foreign importer, the U.S. exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained.

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[3] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product (including processes and services) produced directly by use of the technical data, except that petroleum or chemical products other than molecular sieves or catalysts are not included in this definition. The coverage of the term does not extend to the results of such "direct product." An example of the direct product of technical data is reforming process equipment designed and constructed by use of the technical data exported, the aromatics produced by the reforming process equipment are not immediate or direct products of these technical data. However, if the technical data are a formula for producing aromatics, the aromatics, although they are immediate products of the data, are not included in this definition of direct product, since they are petroleum products. Conversely, if the technical data are a formula for producing either molecular sieves or catalysts, the foreign-produced molecular sieves and catalysts are included in the definition of direct products.

[4] Effective May 1, 1971, County Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

[1] Effective May 1, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remain unchanged.

[2] The term "direct product," as used in this sentence and in this context only, is defined to mean the immediate product; (including processes and services) produced directly by use of the technical data.

(2) *Other commodities.*[1] For all license applications to export to any destination, other than Country Group Q,[2] W, Y, or Z, technical data relating to any of the commodities set forth below, an applicant shall attach to the license application a written statement from his foreign importer assuring that, unless prior authorization is obtained from the Office of Export Control, the importer will not knowingly reexport the technical data to any destination or export the direct product of the technical data, directly or indirectly, to Country Group Q, W, Y, or Z. However, if the U.S. exporter is not able to obtain the required statement from his importer, the exporter shall attach an explanatory statement to his license application setting forth the reasons why such an assurance cannot be obtained. The special provisions set forth in this § 379.5(e)(2) are applicable to technical data concerning the following:

* * * * *

28. In § 379.6, paragraph (b) is amended as follows:

§ 379.6 Exports under a validated license.

* * * * *

(b) *Reports on exports.* * * *

(2) *Country Group Q, W, or Y.* With respect to a license used to export technical data to Country Group Q, W, or Y, when the license is returned, as provided in paragraph (a)(2) of this section, the exporter shall submit a statement indicating:

* * * * *

29. In § 379.8, paragraphs (a) and (c) are amended as follows:

§ 379.8 Reexports of technical data and exports of the products manufactured abroad by use of U.S. technical data.

(a) *Prohibited exports and reexports.* * * *

(3) Export or reexport to Country Group Q, W, Y, or Z any foreign produced direct product of U.S. technical data, or any commodity produced by any plant or major component thereof which is a direct product of U.S. technical data, if such direct product or commodity is covered by the provisions of § 379.4(e) or § 379.5(e) (1) or (2).

* * * * *

(c) *Return of reexport authorization.* * * *

(3) *Reexports from Country Group Q, W, or Y.* In addition, if the technical data has been reexported to Country Group Q, W, or Y, the written notice shall specify:

* * * * *

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Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 124—MATTER MAILABLE UNDER SPECIAL RULES

Sexually Oriented Advertisements

On pages 1468–1470 of the FEDERAL REGISTER of January 30, 1971, the Department published regulations codified as § 124.9 of Title 39, CFR, relating to the compilation, maintenance, and distribution, pursuant to 39 U.S.C. 3010, of a list of names and addresses of persons who have filed statements with the Postal Service, on their own behalf or on behalf of their children, that they wish to receive no sexually oriented advertisements through the mails. The Department gave consideration to the views and comments on these regulations submitted pursuant to a previous notice of proposed rule making, but announced that it would continue to receive and consider written data, views, and comments, treating such matter as suggestions for future rule making.

On pages 5608 and 5609 of the FEDERAL REGISTER of March 25, 1971, the Department published a notice of proposed rule making with respect to a revision of 39 CFR 124.9(e) designed to give mailers of sexually oriented advertisements the option of omitting the words "Sexually Oriented Ad" from the exterior envelope or cover of a mail piece containing such an advertisement if the advertisement is enclosed in a sealed inner envelope conspicuously marked "Sexually Oriented Ad." Comments on the proposed revision have been received and considered by the Department.

In February of 1971 suits were filed against the Department in the U.S. District Courts for the Eastern District of New York and Central District of California by parties who challenged the constitutionality of the Department's regulations and the underlying statute. The Department has given careful consideration to the pleadings, affidavits, briefs, and court orders filed in those suits, reading them as if they were written data, views, and comments submitted under the procedures established by the Administrative Procedure Act.

On April 30, 1971, the U.S. District Court for the Central District of California filed a per curiam memorandum opinion in which the Court concluded that "the protecting of persons against the receiving of unwanted mail is constitutional and * * * reasonable regulations to implement the statute are proper and enforceable." A majority of the Court declared, however, that the regulations codified at 39 CFR 124.9 had not been implemented correctly, since they had not been published in the FEDERAL REGISTER at least 30 days prior to their effective date, as required (subject to certain statutory exceptions) by 5 U.S.C. sec. 553(d).

In the expectation that the Post Office Department would republish and reissue its regulations, a majority of the Court noted its concern over 39 CFR 124.9(d)(1), which provided that the Post Office Department list would be available only by annual subscription; that each subscription would have to be accompanied by a $5,000 deposit; and that the annual subscription price would be determined after each subscription year by prorating the cost of the list among the subscribers, subject to a limit of $10,000 per subscription. The majority opinion suggests that while it is constitutional for the Department to charge a fee for compiling the list, as required by the statute, the fee must be reasonable. The opinion further suggests that the prices charged for publications of the Government Printing Office would be relevant in determining the reasonableness of the Department's fee for the list. A third member of the Court, dissenting in part, noted that the plaintiffs had failed to prove that the cost of the list would be confiscatory or would result in irreparable injury, but expressed the view that no one who sends sexually oriented advertisements only to persons who have specifically requested them should be required to purchase or use the list.

In accordance with the Court's expectation, the Department has decided to revoke § 124.9 in its entirety, and to republish its regulations with such changes as appear appropriate in the light of the various comments and views considered by the Department.

If the republication of the Department's regulations were subject to 5 U.S.C. 553(d), the substantive portions of the regulations would have to be published not less than 30 days in advance of the effective date, except as otherwise provided by the Department for good cause found and published with the rule. The republication of the regulations is not subject to 5 U.S.C. 553(d), because Resolution No. 71–14, adopted by the Board of Governors of the U.S. Postal Service on April 6, 1971, and published at page 7024 of the FEDERAL REGISTER of April 13, 1971, established April 13, 1971, as the effective date of 39 U.S.C. 410(a) (84 Stat. 725); 39 U.S.C. 410(a) provides, among other things, that the provisions of chapter 5 of title 5 of the United States Code shall not apply to the exercise of the powers of the Post Office Department. Moreover, the Department finds that there is good cause for making the regulations effective as of the date of publication, since

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[1] See § 379.8(a), which sets forth provisions prohibiting exports and reexports of certain technical data and products manufactured therefrom.

[2] Effective May 1, 1971, Country Group W no longer includes Romania. For purposes of assurances executed prior to that date, however, all references to Country Group W continue to apply to Romania as well as to Poland, and all conditions and responsibilities undertaken with respect to Romania remained unchanged.

(a) All interested parties have had constructive notice of the substance of the regulations since last January;

(b) The Department believes that most interested persons have actual notice of the substance of the regulations; and

(c) To delay the effective date of the new regulations for 30 days might mean that the privacy of people who do not want to receive sexually oriented advertisements through the mail could be invaded with impunity, contrary to the explicit Congressional directions by which the Department is governed.

The Department will continue to receive and retain any further written data, views, and comments concerning these regulations that interested persons may submit hereafter to the Assistant General Counsel, Mailability Division, U.S. Postal Service, Washington, DC 20260, and will give consideration to such matter as suggestions for future rule making.

The new § 124.9 published herewith corresponds to the former § 124.9, as amended, subject to the following changes:

(1) Section 124.9(d) provides that printouts of the list will be sold to nonsubscribers as well as subscribers, at a price of one-half of 1 cent per page—a price that corresponds to prices charged by the Government Printing Office.

(2) The amendment to § 124.9(e) suggested in the notice of proposed rule making published at pages 5608 and 5609 of the FEDERAL REGISTER for March 25, 1971, has been adopted, subject to the addition of the words "or cover" following the words "sealed envelope."

(3) Section 124.9(f) has been amended to make it clear that the list need not be purchased and used by persons who mail sexually oriented advertisements only to those who have specifically requested them.

The new § 124.9, as published below, is effective immediately. It supersedes the regulations heretofore published as § 124.9, which regulations are hereby revoked.

(5 U.S.C. 301; 39 U.S.C. 501; 39 U.S.C. 3010 (Public Law 91–375, 84 Stat. 749))

DAVID A. NELSON,
General Counsel.

§ 124.9 Sexually oriented advertisements.

(a) *General.* (1) Section 3010 of title 39, United States Code, provides a means by which a member of the public can act to protect himself and his minor children from receiving unsolicited sexually oriented advertisements through the mails. This section permits any person who is served by the U.S. Postal Service to file with the Postal Service a statement that he does not desire to receive any sexually oriented advertisements through the mails. Any mailer who sends that person an unsolicited sexually oriented advertisement more than 30 days after the date on which the Postal Service adds his name to its reference list of those who desire this protection, may be subject to both civil and criminal sanctions, as provided in 39 U.S.C. section 3011 and in 18 U.S.C. sections 1735–37.

(2) 39 U.S.C. section 3010(d) defines a "sexually oriented advertisement" as "any advertisement that depicts, in actual or simulated form, or explicitly describes, in a predominantly sexual context, human genitalia, any act of natural or unnatural sexual intercourse, any act of sadism or masochism, or any other erotic subject directly related to the foregoing." It further provides that "material otherwise within the definition of this subsection shall be deemed not to constitute a sexually oriented advertisement if it constitutes only a small and insignificant part of the whole of a single catalog, book, periodical or other work the remainder of which is not primarily devoted to sexual matters."

(3) The responsibility for insuring that no unsolicited sexually oriented advertisement is sent through the mails to any person in violation of section 3010 is placed by that section on the mailers of sexually oriented advertisements. No provision of Postal Service regulations may be used to place this responsibility upon the Postal Service. For example, the privilege of a sender to recall a piece of mail provided by § 153.5 of this chapter may not be so used, although it may be used in good faith to request the recall of a specific piece of mail inadvertently deposited in the mails addressed to a person on the list.

(b) *Application for listing.* (1) A person may invoke the protection of § 3010 by completing and filing, with any postmaster or other designated Postal Service representative, Part II of Application for Listing Pursuant to 39 U.S.C. 3010, PS Form 2201, which may be obtained at any post office. Form 2201 bears a preprinted identifying number in two places: On the instruction portion (Part I) and on the application portion (Part II). After filing the application portion the customer should retain the instruction portion and should use the identifying number in any subsequent communication with the Postal Service concerning his application.

(2) A person may file on his own behalf and on behalf of any of his children under the age of 19 years who reside with him or are under his care, custody, supervision. An authorized officer, agent, fiduciary, surviving spouse or other representative, may file in behalf of a corporation, firm, association, estate, or deceased or incompetent addressee.

(3) Each postmaster shall transmit all applications received at his post office to the Office of ADP Management, Finance and Administration Department, U.S. Postal Service, Box 677, Washington, DC 20044 on a daily basis. The applications shall be packaged so that they will not be subject to folding, bending or other mutilation or damage.

(4) The Office of ADP Management, Finance and Administration Department, as soon as practical after receipt of a Form 2201, shall place the customer's name and address, the names and addresses of his minor children if any are included on the application, on the Postal Service's List (hereafter, "List") of persons desiring not to receive sexually oriented advertising. The 30-day period provided by section 3010(b) starts on the day that the person's name and address are placed on the List.

(5) A person's name and address will be retained on the List for a period of 5 years, unless a request for revocation is sooner filed by that person. A person must file a new application at the end of the 5-year period if he desires to continue his name on the List. The names and addresses of minor children will be automatically removed from the List when they attain 19 years of age. A minor must file an original application in his own behalf if he desires to continue his name on the List after reaching 19 years of age.

(6) The filing of a single application results in the listing of a single address for the person filing. A person who receives mail at more than one address and who wishes the protection of section 3010 at more than one address should file a separate application for each. A person who moves must file a new application to receive the protection of section 3010 at his new address. The submission of Change of Address Order PS Form 3575 will not be effective for this purpose. It would not be a violation of section 3010 to mail a sexually oriented advertisement to a person at an address other than that which is shown for him on the List. It would be a violation, however, to mail such an advertisement to him at the address shown for him even though he has moved from that address.

(c) *Revocation of listing.* A person, at any time, may request the removal of his name and address, or that of one or more of his minor children, from the List by so notifying his postmaster. It would not be evidence of a violation of § 3010 if a person received a sexually oriented advertisement in the mails on or after the date he gives such notice.

(d) *Availability of Postal Service list.* (1) Copies of the list or portions thereof and periodic amendments thereto shall be available to any person by annual subscription or by purchase of individual issues of the list. A subscription year runs from January 1 through December 31, except that in 1971 the subscription year will be deemed to be from February 1, 1971 through December 31, 1971. Requests for subscriptions, purchase of individual issues, or information on such subscriptions or purchase should be submitted to the Director, Office of Mail Classification, Finance & Administration Department, U.S. Postal Service, Washington, DC 20260. Annual subscribers to the list will receive the list in the form of computer tapes. Blank tapes are to provided by the subscriber for the initial list and updates. Further details on the format of such tapes may be obtained from the Director, Office of Mail Classification. Requests for subscriptions must be accompanied by a certified check for $5,000 payable to the U.S. Postal Service. This money will be applied to the subscription price at the end of the year, and any excess will be refunded to the subscriber. The annual subscription price will be established following each subscription year, and will represent the net cost (after deduction of receipts from sales of individual issues of the list), prorated among the subscribers, of compiling, processing, printing, and distributing the List. In no event will the annual subscription price exceed $10,000. Computer tapes of the list will be available only to annual subscribers, but any person whether a subscriber or not, may purchase individual issues of the list in the form of a reduced reproduction of computer print-outs. The price of such print-outs will be one-half of 1 cent per page, payable in cash or by certified check.

(2) This List may be used by mailers only to protect persons whose names appear on it from receiving unwanted sexually oriented advertisements through the mails. No person, including a subscriber to the List, may use the List for any other purpose, and no person may sell, lease, rent, lend, exchange or license another to use this List for any purpose whatsoever, including its use by another to remove names from a list of persons to whom sexually oriented advertisements will be sent. No person may use the List or a copy thereof for the purpose of preparing mailing or other lists for sale, lease, rent, loan, exchange or use by another. Violators are subject to criminal prosecution.

(e) *Marking of envelope.* Section 3010 (a) authorizes and directs the Postal Service to provide a mark or notice which must be placed on the envelope or cover of any sexually oriented advertisement sent through the mails, together with the name and address of the sender. The following provisions are in implementation of this authority and direction:

(1) Any person who mails or causes to be mailed any sexually oriented advertisement shall place in the upper left-hand corner of the exterior face of the mail piece, whereon appear the address designation and postmarks, postage stamps, or indicia thereof, the sender's name and address. In the right-hand portion below the postage stamp, or indicia thereof, and above the addressee designation, there shall be placed "Sexually Oriented Ad". The words "Sexually Oriented Ad," however, need not be placed on the exterior envelope or cover of a mail piece containing such an advertisement, if the contents of the mail piece are enclosed in a sealed envelope or cover, inside the exterior envelope or cover, which sealed envelope or cover bears conspicuously the words "Sexually Oriented Ad."

(2) The name and address of the sender and the legend required by subparagraph (1) of this paragraph, if the latter is placed on the exterior face of the mail piece, shall be printed in a size type no smaller than that used for any other word on the envelope or other cover, and in no event smaller than 12-point type. Such type shall be no less conspicuous than the boldest type used to print other words on the exterior face of the mail piece.

(3) The contrast between the background and printing of the sender's name and address and the contrast between the background and the printing of the prescribed notice shall be no less than the contrast between the background and printing of any other words on the envelope or other wrapper.

(4) A clear space no less than one-quarter of an inch wide shall surround the sender's name and address and the prescribed notice, separating each from any other matter appearing on the same envelope or cover.

(f) *Violations.* (1) The following is a partial list of conduct which may violate 39 U.S.C. section 3010 or 18 U.S.C. section 1735:

(i) The mailing of a sexually oriented advertisement in an envelope or other wrapper which does not bear the name and address of the sender and the legend "sexually oriented ad" as provided by paragraph (e) of this section;

(ii) The mailing directly or indirectly of a sexually oriented advertisement to a person whose name and address have been on the List for more than 30 days;

(iii) The sale, loan, lease, or licensing the use of the List or a copy thereof in whole or in part;

(iv) The use of the List or a copy of it in whole or in part for any other purpose than to insure that no mailings of sexually oriented advertisements are made to persons on the List.

No person who mails sexually oriented advertisements only to persons who have specifically requested to receive the same will be deemed to have violated the statute or regulations, provided he is otherwise in compliance with the law, regardless of whether he has purchased and used the Post Office Department list.

(2) A person who wishes to report that he has received an unsolicited sexually oriented advertisement after his name and address have been on the list for more than 30 days should submit the entire mail piece, including the envelope or other wrapper, to any postmaster. The mail piece must be opened by the addressee. When submitting the mail piece, the addressee must endorse the envelope or other wrapper and also the contents thereof in substance as follows: "I received this mail piece on (date)", and sign the statement. He should also state the identifying number appearing on his application if it is known to him. See paragraph (b)(1) of this section. The postmaster of the installation to which the mail piece is submitted shall send it without delay to the Postal Inspector in Charge of the Division which has geographical jurisdiction over the address of the mailer.

(3) If a violation of paragraph (d) of this section comes to the attention of any postal officer or employee, he shall, through his postmaster, report such violation to the postal inspector whose territory includes his postal installation. Mail of a mailer in violation or apparent violation of section 3010 may not be refused for dispatch or delivery without a proper court order. Appropriate instructions to postmasters will be issued in the event that a court order is obtained.

(4) A customer who wishes to ascertain whether his name has been placed on the List should direct his inquiry to the Director, Office of Mail Classification, Finance and Administration Department, U.S. Postal Service, Washington, DC 20260.

(g) *Disposal of Original Form PS 2201.* (1) It is anticipated that because of the possible volume of filings pursuant to paragraph (b)(1) of this section it may be an undue burden upon the Postal Service to retain the original executed application forms. If it is determined by the Assistant Postmaster General (Finance and Administration Department) to be such a burden, each application shall be photographed on microfilm as soon as the information required for compliance with paragraph (b)(4) of this section has been obtained and shall thereafter be destroyed.

[FR Doc.71-6363 Filed 5-4-71;8:52 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-73—FEDERAL SUPPLY SCHEDULE PROGRAM

Subpart 5A-73.1—Production and Maintenance

PROCEDURE FOR ORDERING SECURITY CABINETS

Section 5A-73.109-1 is amended as follows:

§ 5A-73.109-1 Statement of scope.

* * * * *

(c) Orders from Government contractors or Government grantees who may use this contract after being authorized in writing by a Federal agency in accordance with FPMR 101-26.7 may be accepted under the optional use provisions. The requirement for written authorizations does not apply to purchase orders for security cabinets which may be purchased in accordance with the provisions of FPMR 101-26.407-3.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5-5-71).

Dated: April 23, 1971.

H. A. ABERSFELLER,
Commissioner,
Federal Supply Service.

[FR Doc.71-6271 Filed 5-4-71; 8:48 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 31—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS-A AND CLASS B TELEPHONE COMPANIES

PART 33—UNIFORM SYSTEM OF ACCOUNTS FOR CLASS C TELEPHONE COMPANIES

Miscellaneous Amendments

Order. Preparatory to the reprint of the revised edition of Volume VIII of the Commission's rules and regulations, minor editorial changes were made in Parts 31 and 33. These changes are included in the revised edition of Volume VIII which will be available from the Superintendent of Documents, U.S. Government Printing Office after May 13, 1971.

Since these changes are primarily intended to improve the rules from an editorial standpoint, the prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) are not applicable.

Accordingly, it is ordered, Pursuant to authority contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended, and section 0.261(a) of the Commission's rules and regulations, that effective May 12, 1971, Parts 31 and 33 are amended as set forth below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: April 29, 1971.

Released: April 30, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

A. Part 31 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The headnotes for the following sections are amended to read as follows:

Sec.	
31.176	Accumulated deferred income taxes—accelerated tax depreciation.
31.304	Investment credits—net.
31.308	Operating Federal income taxes deferred—accelerated tax depreciation.

2. The letter "s" is deleted from the word "accounts" where indicated in the following sections:

Sec.
31.101:1, Note B.
31.101:2, Note.
31.102, Note A and Note C.
31.117:1, Note.
31.117:2, Note.
31.121, Note B (the second time "accounts" occurs).
31.154:1, Note A.
31.156, Note.
31.157, Note.
31.158:2, Note A.
31.162, Note.

3. In § 31.2-26(b), the word "duplicate" is substituted for the word "triplicate" following the words "a statement in" and preceding the words "that it concurs in."

4. In § 31.211(a), the second sentence is amended by deleting the letter "s" from the word "lands".

5. In § 31.231(b), the second sentence is amended by deleting the letter "s" from the word "units".

6. In § 31.530(b), the first sentence is amended by deleting the comma following the word "estimates".

7. The following sections are amended by capitalizing the word "Note" where it appears in parenthetical statements after a listed item under the heading "Items (Note § 31.01-8)":

Section	*Item*
31.602:1	13th.
31.602:2	3d and 14th.
31.602:3	3d, 13th, and 14th.
31.602:4	3d and 12th.
31.602:5	3d and 11th.
31.602:6	10th and 11th.
31.602:7	1st and 7th.
31.604	9th and 18th.
31.606	1st, 6th, 9th, and 10th.
31.621	2d, 5th, and 7th.
31.622	Paragraph (b), 4th and 6th.
31.629	3d and 4th.
31.630	1st.
31.631	5th and 9th.
31.640	1st and 2d.
31.642	1st, 2d, 3d, 5th, and 7th.
31.645	4th and 7th.
31.649	10th and 11th.
31.663:	
Officers and employees	1st and 4th.
Expenses and supplies	8th.
31.664:	
Officers and employees	2d.
Expenses and supplies	6th.
31.669	2d, 3d, and 5th.
31.673	Paragraph (a) following first sentence.
31.675	5th.
31.704	3d and 13th.

B. Part 33 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

1. The headnotes for the following sections are amended to read as follows:

Sec.	
33.5490	Investment credits—Net.
33.9000	Vehicle and other work equipment expense—Clearing.
33.9100	Supply expense—Clearing.

2. In § 33.81, in the list of Station Equipment (Account 1031) under the heading of Private branch exchanges, the 9th item is amended by capitalizing the word "Account" in the parenthetical material at the end of the item.

[FR Doc.71-6245 Filed 5-4-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1136]

MILK IN GREAT BASIN MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Great Basin marketing area is being considered for one or more of the 1971 months of seasonally high production, beginning with May.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112–A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the Federal Register. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are in the first sentence in § 1136.11(a) and read "there is disposed of on routes fluid milk products, except filled milk, or not less than 50 percent of the fluid milk products approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13, and."

These provisions pertain to the qualification of a distributing plant as a pool plant.

Federated Dairy Farms, a cooperative representing a majority of Great Basin order producers, requested the suspension action for May 1971 and succeeding months pending the effective date of revised pooling provisions. The cooperative alleges that it is primarily responsible for handling the reserve supplies of milk for the Great Basin market. Further, that it also handles, at its pool distributing plant, the surplus production of several other order markets. The cooperative states that without the suspension action, its distributing plant may not qualify as a pool plant for May 1971 and possibly for one or more subsequent months. This is because the reserve supplies of milk for the Great Basin market and the surplus production of other markets handled at such plant are likely to result in increasing its total milk receipts at the plant to the point where less than 50 percent of these receipts would be disposed of on routes.

Signed at Washington, D.C., on April 29, 1971.

John C. Blum,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71–6241 Filed 5–4–71;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1903]

INSPECTIONS, CITATIONS, AND PROPOSED ASSESSMENT OF PENALTIES

Notice of Proposed Rule Making

The Williams-Steiger Occupational Safety and Health Act of 1970 requires, in part, that every employer covered under the Act furnish to his employees employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm. In addition the Act provides that employers comply with occupational safety and health standards promulgated by the Secretary of Labor. Administration and enforcement of the Act is provided for through a program of inspections, citations, and proposed penalties for violations of the Act by the Department of Labor, with a right of contest before the Occupational Safety and Health Review Commission, and the right of judicial review before the U.S. Courts of Appeals. The Act also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees in order to carry out his functions under the Act.

Accordingly, under the authority of section 8(g)(2) of the Act, in order to implement the statutory provisions for inspections, investigations, citations, and proposed assessment of penalties (sections 8, 9, 10, 13, and 17 of the Act) I propose herewith to add a new Part 1903 to Chapter XVII, Title 29 of the Code of Federal Regulations, to read as follows.

Interested persons are accorded 30 days from the date of publication of this proposed rule in the Federal Register to offer written data, views, or arguments to the Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 14th and Constitution Avenue NW., Washington, DC 20210.

PART 1903—INSPECTIONS, CITATIONS, PROPOSED ASSESSMENT OF PENALTIES

Sec.
1903.1 Purpose and scope.
1903.2 Posting of notice.
1903.3 Inspections.
1903.4 Advance notice of inspections.
1903.5 Conduct of inspections.
1903.6 Representatives of employers and employees.
1903.7 Consultation with employees.
1903.8 Special inspections.
1903.9 Inspection not warranted—failure to issue citation.
1903.10 Conclusion of inspection.
1903.11 Objection to inspection.
1903.12 Entry not a waiver of cause of action.

Enforcement of Violations

1903.13 Citations-notices.
1903.14 Penalties.
1903.15 Amount of proposed penalty.
1903.16 Posting of notice of citations.
1903.17 Contests before Commission.
1903.18 Faiure to correct a violation.
1903.19 Failure to contest.
1903.20 Informal conferences.
1903.21 Employee contests.
1903.22 State administration.
1903.23 Definitions.

Authority: The provisions of this Part 1903 issued under secs. 8, 9, 10, 13. 17. 84 Stat. 1598, 1601, 1605, 1606; 29 U.S.C. 657. 658, 659, 662, 666.

§ 1903.1 Purpose and scope.

The Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.) provides, in part, for the promulgation by the Secretary of Labor of occupational safety and health standards covering employment and places of employment in businesses which affect interstate commerce. It further authorizes the Department of Labor to enforce these standards through inspections, investigations, issuance of citations and proposed assessment of penalties for violations. The Act also authorizes the Secretary of Health, Education, and Welfare to conduct inspections and to question employers and employees. The Act contains provisions for adjudication of violations and penalties by the Occupational Safety and Health Review Commission, if contested by an employer, and for judicial review. The purpose of this Part 1903 is to provide procedures and policies for enforcement of the inspection, investigation, issuance of citations and proposed assessment of penalty provisions of the Act.

§ 1903.2 Posting of notice.

(a) Every employer subject to the Act shall post a conspicuous notice to be furnished by the Occupational Safety and Health Administration in a prominent place in each factory, plant, establishment, construction site or other area, workplace or environment where work is performed by an employee informing him of the protections and obligations provided for in the Act, and that further information concerning the Act is available at each Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor.

(b) If the employer has been furnished copies of the Act and/or applicable safety and health standards by the Occupational Safety and Health Administration, they shall be made available to any employee upon request in the factory, plant, establishment, construction site, or other area, workplace, or environment where the requesting employee is employed. If permission to review the Act or standards during working hours is denied, they shall be made available after work on the same day request is made or at another time suitable to the employee.

(c) An employer failing to comply with the provisions of this section may be subject to citation and penalty, as provided in section 17 of the Act.

§ 1903.3 Inspections.

As provided for in section 8 of the Act, Compliance Officers of the Department of Labor are authorized to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace, or environment where work is performed by an employee of an employer to inspect, within reasonable limits and in a reasonable manner any such places of employment, and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, to question privately any employer, owner, operator, agent, or employee, and to review records required under the Act and other pertinent records relating to occupational safety and health. Representatives of the Secretary of Health, Education, and Welfare are authorized to make inspections and to question employers and employees in order to carry out the functions of the Secretary of Health, Education, and Welfare under the Act. Inspections conducted by Department of Labor Compliance Officers and representatives of the Secretary of Health, Education, and Welfare under section 8 of the Act and pursuant to this Part 1903 shall not affect the authority of any State to conduct inspections in accordance with agreements and plans under section 18 of the Act.

§ 1903.4 Advance notice of inspections.

No advance notice shall be given with regard to inspections except as shall be authorized by the Area Director or the Compliance Officer. Advance notice may be given in the danger to enable the employer to abate the danger as quickly as possible; (b) where the inspection will be conducted after regular business hours or in circumstances where special preparations are necessary for an inspection; (c) where reasonably necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection; and (d) in other circumstances where the Area Director, or the Compliance Officer in consultation with the Area Director, determines that the giving of advance notice would enhance the probability of an effective and thorough inspection. Except in unusual circumstances, no notice of inspection shall be given more than 24 hours before an inspection is scheduled to take place. The Act provides in section 17(f) that any person who gives advance notice of any inspection, without authority from the Secretary, shall, upon conviction, be punished by a fine of not more than $1,000 or by imprisonment for not more than 6 months, or by both.

§ 1903.5 Conduct of inspections.

(a) Subject to § 1903.3, inspections shall take place at such times and in such places of employment as the Area Director or the Compliance Officer may direct. Where appropriate reinspections may be directed to clarify questions, resolve objections or to ascertain if an employer has complied with an agreement or order to abate, or notice of abatement of a hazardous condition. Compliance Officers when making such inspections shall present their credentials to the highest official of the employer available, explain the nature and purpose of the inspection, and indicate generally the scope of the inspection, those records he wishes to review and employees he wishes to question. However, designation of records or persons at this point shall not preclude access to additional records or questioning of additional persons if required in the opinion of the Compliance Officer.

(b) Compliance Officers shall have authority to take photographs and samples, employ other reasonable investigative techniques, and to question privately any employer, owner, operator, agent, or employee of an establishment.

§ 1903.6 Representatives of employers and employees.

(a) Compliance Officers shall be in charge of inspections and questioning of persons. A representative of the employer and a representative authorized by employees, each subject to the approval of the Compliance Officer shall be afforded an opportunity to accompany a Compliance Officer during any inspection provided for under this part for the purpose of aiding such inspections. In places of employment where groups of employees are represented by different representatives, a different employee representative for different phases of the inspection is acceptable to the extent it does not interfere with the inspection. In the interest of affording all employees an opportunity to be represented, more than one representative may accompany the Compliance Officer during any phase of the inspection, if the Compliance Officer so directs.

(b) The Compliance Officer is authorized to deny the right of accompaniment under this section to any person whose conduct interferes with a fair and orderly investigation or as required with respect to security matters or trade secrets.

(c) The provisions of §§ 1903.5 and 1903.6 shall be implemented so as to avoid any undue and unnecessary disruption of the normal operations of the employer's plant.

§ 1903.7 Consultation with employees.

During an inspection any employee shall be afforded a reasonable opportunity to consult the Compliance Officer in private. In those cases where there is no authorized employee representative, the Compliance Officer shall consult with a reasonable number of employees concerning matters of safety and health in the workplace. In other circumstances, the Compliance Officer may consult with a reasonable number of employees in each workplace and work area concerning matters of occupational safety and health to the extent necessary for the conduct of an effective investigation. Prior to or during any inspection of a workplace, any employee or representative of employees may notify the Area Director or Compliance Officer of any violation of the Act which they have reason to believe exists in such workplace.

§ 1903.8 Special inspections.

Any employees or representatives of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving written notice to the Area Director or his authorized representative of such violation or danger. Any such notice shall set forth with reasonable particularity the grounds for the notice, whether it concerns an imminent danger and what steps the employee or representative has taken to rectify the condition. The notice shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent by the Area Director or Compliance Officer no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available by the Department of Labor. If, upon receipt of such notification, the Area Director determines there are reasonable grounds to believe that such violation or danger exists, he shall cause a special inspection to be made as soon as practicable to determine if such violation or danger exists. In such inspections, the Compliance Officer shall not be limited to matters referred to in the request for inspection.

§ 1903.9 Inspection not warranted—failure to issue citation.

If, pursuant to §§ 1903.7 and 1903.8, and sections 8(f)(1) and 8(f)(2) of the Act, the Area Director finds that a citation is not warranted with respect to any notice of violation in writing by an employee or representative of employees received under § 1903.7 or that there are no reasonable grounds for inspection with reference to a request for inspection under § 1903.8, he shall notify such employee(s) or representative(s) in writing of the reason for not issuing a citation or not conducting such inspection. Such employee(s) or representative(s) shall, upon request, be given an opportunity to seek review of such determination by stating his views in writing to the Regional Administrator. After considering such views in consultation with the Regional Solicitor, the Regional Administrator may issue a citation, order a reinspection, or reverse, affirm or modify the determination of the Area Director. The Regional Administrator shall furnish the employee(s) or representative of employee(s) a written statement of the reasons for the final disposition of the case.

§ 1903.10 Conclusion of inspection.

Upon completion of an inspection provided for under this part, the Compliance Officer shall confer with the employer or his representative and informally advise the employer of apparent safety or health violations disclosed by the investigation. As provided in section 13(c) or 13(a) of the Act, if the Compliance Officer concludes that conditions or practices exist which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through enforcement procedures otherwise provided by the Act and this Part 1903, he shall immediately inform the employer of such danger. If the employer does not immediately abate the danger he shall inform the affected employee(s) of the danger and advise the employer and employee(s) that he is recommending a civil action to restrain or remove such conditions or practices in accordance with the provisions of section 13(a) of the Act.

§ 1903.11 Objection to inspection.

Upon a refusal by any employer to permit a Compliance Officer to enter into any place of employment or any place therein, or with respect to any condition, structure, machine, apparatus, device, equipment, or materials therein, or to review any records, to question any employer, owner, operator, agent, or employee, or to permit a representative of employees to accompany the Compliance Officer during an inspection in accordance with the provision of § 1903.6, the Compliance Officer shall terminate the inspection or he may confine the inspection to other areas, structures, machines, records, or interviews concerning which no objection is raised. The Compliance Officer shall immediately report the refusal and the grounds to the Area Director. The Area Director shall immediately consult with the Regional Administrator and the Regional Solicitor who shall promptly seek appropriate compulsory process.

§ 1903.12 Entry not a waiver of cause of action.

Any permission to enter, interrogate any person(s), or review records shall not constitute a waiver of any cause of action, citation, or penalty under the Act, and Compliance Officers are not authorized to grant any such waiver.

ENFORCEMENT OF VIOLATIONS

§ 1903.13 Citations-notices.

(a) The Area Director shall review the report of inspection of the Compliance Officer. If the report indicates a violation of section 5 of the Act or of any regulation prescribed pursuant to the Act, after consultation with the Regional Solicitor, as appropriate, there shall be issued to such employer, by certified mail, either a citation(s), or a notice of de minimis violation(s). Any citation or notice of de minimis violation shall be issued with reasonable promptness after the termination of the inspection. No citation shall issue after the expiration of 6 months following the occurrence of the violation. Citations shall detail the conditions and circumstances of the violation, and refer to the provisions of the Act, standard, or other rule or order alleged to have been violated. The citation shall also fix a reasonable time for abatement of the violation(s). Where a citation is issued wth reference to a matter covered by a request for inspection under section 8 (f)(1) or a notification of violation under section 8(f)(2) copies of the citation or notice of de minimis violations shall also be sent by certified mail to the employee or employee representative who made such request or notification of violation.

(b) The issuance of a citation does not constitute a determination that a violation of the Act has occurred unless there is a failure to contest as provided for in § 1903.17 or, if contested, unless the citation is affirmed by the Commission.

§ 1903.14 Penalties.

After or concurrent with the issuance of a citation and within a reasonable time following the termination of inspection, the Area Director shall notify an employer by certified mail either that no penalty is proposed or the amount of penalty(ies) proposed as provided for under section 17 of the Act.

§ 1903.15 Amount of proposed penalty.

In fixing the amount of any proposed penalty, due consideration shall be given to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations. Penalties shall be proposed for serious violations as provided in section 17(k) of the Act.

§ 1903.16 Posting of notice of citations.

(a) Every employer, upon receipt of a citation under § 1903.13, shall pursuant to section 9(b) of the Act post such notice (unedited) on a bulletin board or prominent place in each working area where a violation is noted in the citation for a period of 15 working days, or until the hazard is abated, whichever is later, or until the Commission issues a final order that the citation should be dismissed. Section 17(i) of the Act provides for civil penalties of up to $1,000 for violations of the posting requirements. The obligation of the employer to post the notice of citation shall not be affected by his filing of a notice of contest under § 1903.17.

(b) An employer receiving a citation may post a notice in the same location where a citation is posted indicating that the citation is being contested before the Commission.

§ 1903.17 Contests before Commission.

Every employer receiving a citation, or notice of proposed penalty has a right to notify the Secretary that he intends to contest such citation or proposed penalty before the Commission. Notice of contest before the Commission regarding any citation, period of abatement set out in the citation, or proposed penalty shall be effected by notification to the appropriate Area Director within 15 working days of receipt by the employer of a notice of a proposed penalty or notice of no penalty. Notice of contest shall specify whether it is directed to the citation itself, to a proposed penalty, to the period established for abatement, or whether it is inclusive of all such issues. The Area Director forthwith shall transmit such notice of contest to the Commission.

§ 1903.18 Failure to correct a violation.

Where a citation fixing a time for abatement of any alleged violation has been issued and there has been no notice of contest to the Commission, or if contested a period of abatement has been fixed in a decision issued in a contested proceeding, and there is reason to believe the employer has failed to correct such violation(s) within the period permitted, the employer shall be notified of such failure and of a proposed assessment of penalty by reason of such failure to abate, as provided for in section 17(d) of the Act. Within 15 working days of receipt of such notice of proposed penalty, the employer shall have the right to notify the Secretary of a contest before the Commission concerning such notice of failure and the proposed penalty assessment, as provided for in section 10(b) of the Act.

§ 1903.19 Failure to contest.

Where the employer fails to file with the Area Director a notice of intention to contest within the period prescribed in §§ 1903.17 and 1903.18, the citation and the assessment, as proposed, shall be deemed a final order of the Commission and not subject to review by any court or agency.

§ 1903.20 Informal conferences.

Following the issuance of any citation, notice of proposed penalty, or assessment by the Commission, whether or not a notice of intention to contest has been filed, any employer or employee affected by such citation, notice, or assessment may request an informal conference with the Regional Administrator or his representative and the Regional Solicitor or his representative for the purpose of demonstrating the need for reinspection or otherwise achieving a settlement of the issues. Any such party may be represented by counsel. No such conference, or request for such conference, shall operate as a stay of the 15-day notice of contest requirements of section 10 of the Act or this Part 1903.

§ 1903.21 Employee contests.

Within 15 working days following issuance of a citation fixing a time for the abatement of a violation, any employee or representative of employees of the employer to whom the citation is issued may file a notice with the Area Director alleging that the period of time fixed in the citation for the abatement of the violation is unreasonable. Such notice shall constitute a request for hearing before the Commission on the issue of reasonableness of the time fixed for the abatement of the violation. The Area Director forthwith shall transmit such notice of contest to the Commission.

§ 1903.22 State administration.

Nothing in this Part 1903 shall preempt the authority of any State to conduct inspections, to initiate enforcement proceedings or otherwise to implement the applicable provisions of State law with respect to occupational safety and health standards in accordance with agreements and plans under section 18 of the Act and Parts 1901 and 1902 of this chapter.

§ 1903.23 Definitions.

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970. (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.)

(b) The definitions and interpretations contained in section (2) of the Act shall be applicable to such terms when used in the regulations in this Part 1903.

(c) "Commission" means the Occupational Safety and Health Review Commission established under the Act.

(d) "Working days" means Mondays through Fridays but shall not include Saturdays, Sundays, or Federal holidays. In computing 15 working days, the day of receipt of any notice is not to be included. The last day of the 15 working days is to be included unless it is a Saturday, Sunday, or Federal holiday in which event the period runs until the end of the next day which is neither a Saturday, Sunday, or holiday.

(e) "Compliance Officer" means a Compliance Safety and Health Officer of the Occupational Safety and Health Administration, U.S. Department of Labor.

(f) "Area Director" means the official in charge of an Area Office of the Occupational Safety and Health Administration, U.S. Department of Labor.

(g) "Regional Administrator" means the official in charge of a Region of the Occupational Safety and Health Administration, U.S. Department of Labor.

Signed at Washington, D.C., this 30th day of April 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6275 Filed 5-4-71;8:51 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 2]

RULES OF PRACTICE

Contested Facility Licensing Proceedings

The Atomic Energy Commission has under consideration amendments to Appendix A of its rules of practice, 10 CFR Part 2, a statement of general policy pertaining to the conduct of proceedings for the issuance of licenses for production and utilization facilities for which a hearing is required under section 189 a. of the Atomic Energy Act of 1954, as amended. The proposed amendments would substantially expand that part of Appendix A dealing with contested proceedings.

Appendix A, added to Part 2 in 1966 (31 F.R. 12774), initially dealt primarily with the conduct of hearings in uncontested facility licensing proceedings. It implemented, in large part, the recommendations of a panel appointed by the Commission to study its facility licensing proceedings. Appendix A was amended in 1968 (33 F.R. 8587) to reflect in part the recommendations of a second panel appointed by the Commission to study contested proceedings involving applications to construct and operate nuclear facilities (primarily nuclear power reactors and fuel reprocessing plants).

Since that time, growing concern with the preservation and enhancement of environmental amenities and new legislation reflecting that concern have resulted in increased interest in AEC facility licensing proceedings, and the introduction of new issues in such proceedings. The Commission has responded to the requirements of recent environmental legislation by the publication of an Appendix D to 10 CFR Part 50 of its regulations (35 F.R. 5463, 18469) in implementation of the National Environmental Policy Act of 1969, and by appropriate accommodation of its licensing procedures to the requirements of the Water Quality Improvement Act of 1970.

As noted in Appendix A of Part 2, that statement of general policy reflects the Commission's intent that its facility licensing proceedings be conducted informally and expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. As part of its continuing efforts to minimize delays in its facility licensing proceedings, the Commission has recently instituted the practice, on appropriate occasions, of giving notice of hearing or notice of consideration of licensing action well in advance of the dates traditionally used in the past. The proposed amendments to Appendix A which follow are a further indication of the Commission's intention to adopt from time to time amendments to its regulations which experience in the conduct of facility licensing proceedings indicates as being necessary or desirable in the context of current developments.

The Commission recognizes that contested facility licensing proceedings should be conducted with the objective of developing an adequate record for the resolution of the matters in controversy. The Commission is also of the view that, consistent with that objective, such proceedings should be conducted as expeditiously as possible. This view is based on the fundamental principle that fairness to all parties in such cases and the obligation of administrative agencies to conduct their functions with the greatest possible efficiency and economy require that agency adjudications be conducted without unnecessary delays. In the case of nuclear power reactor licensing proceedings, the growing national need for electric power is an important additional consideration. Various authoritative statements and reports have stressed this nation's urgent need for additional electric power generating capacity.

Consistent with the foregoing, frivolous or captious tactics or other tactics adopted by any of the parties with the primary purpose and effect of delaying the proceeding at any stage will not be permitted to interfere with the efficient conduct of the Commission's licensing function.

Features of the proposed amendments to Appendix A which follow which may be of particular interest are: (1) Provisions emphasizing and expanding the importance of the prehearing conference in expediting the conduct of contested facility licensing proceedings; (2) provisions relating to the burden of going forward with evidence and the burden of proof, on environmental issues, and (3) provisions relating to cross examination.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments of 10 CFR Part 2 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 60 days after publication of this notice in the FEDERAL REGISTER. Comments received after that time will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. The title of Appendix A and the fourth paragraph of the prefatory material in Appendix A are amended to read as follows:

APPENDIX A—STATEMENT OF GENERAL POLICY AND PROCEDURE: CONDUCT OF PROCEEDINGS FOR THE ISSUANCE OF CONSTRUCTION PERMITS FOR PRODUCTION AND UTILIZATION FACILITIES FOR WHICH A HEARING IS REQUIRED UNDER SECTION 189a OF THE ATOMIC ENERGY ACT OF 1954, AS AMENDED

* * * * *

The following Statement of General Policy explains in detail the procedures which the Atomic Energy Commission expects to be followed by atomic safety and licensing boards in the conduct of proceedings relating to the issuance of construction permits for nuclear power and test reactors and other production of utilization facilities for which a hearing is mandatory under section 189a of the Atomic Energy Act of 1954, as amended (the Act).[1] The Statement reflects the Commission's intent that such proceedings be conducted informally and expeditiously and its concern that its procedures maintain sufficient flexibility to accommodate that objective. This position is founded upon the recognition that fairness to all the parties in such cases, the obligation of administrative agencies to conduct their functions with efficiency and economy, and, in nuclear power reactor licensing proceedings, the growing national need for electric power, require that Commission adjudications be conducted without unnecessary delays.

2. Section VI of the Appendix A of 10 CFR Part 2 is amended to read as follows:

VI. PROCEDURES APPLICABLE TO CONTESTED PROCEEDINGS

(a) *General.* This section sets out certain differences in procedure from those described in sections I–V above, which are required by the fact that the proceeding is a "contested proceeding" at either the construction permit stage or operating license stage. As pointed out at the beginning of this appendix, with respect to both uncontested and contested cases, the Commission considers itself obligated to assure that its facility licensing proceedings are conducted without unnecessary delays.

The Commission expressly recognizes the positive necessity for expediting the decision-making process and avoiding undue delays in order to provide adequate electric power on reasonable schedules while at the same time protecting the quality of the environment. It expects that its responsibilities under the Atomic Energy Act of 1954, the National Environmental Policy Act of 1969, and other applicable statutes, as set out below, will be carried out in a manner consistent with this policy in the overall public interest.

In contested proceedings, the principal focus of the board is to concentrate upon the matters in controversy among the parties and to use available techniques of administrative procedure to expedite the hearing process for the resolution of the controverted matters, consistent with the development of an adequate decisional record. This section identifies and explains some of those techniques. Insofar as they are pertinent, the provisions of sections I through V of this Statement of General Policy also apply to a "contested proceeding."

(b) *Issues to be decided by the board.* (1) The board will, if a proceeding becomes a contested proceeding, make findings on the issues specified in the notice. In a contested proceeding for the issuance of a construction permit, the board will, as to matters of radiological health and safety and the common defense and security, determine:

(i) Whether in accordance with the provisions of 10 CFR 50.35(a):

(*a*) The applicant has described the proposed design of the facility, including, but not limited to, the principal architectural and engineering criteria for the design, and has identified the major features or components incorporated therein for the protection of the health and safety of the public;

(*b*) Such further technical or design information as may be required to complete the safety analysis and which can reasonably be left for later consideration, will be supplied in the final safety analysis report;

(*c*) Safety features or components, if any, which require research and development have been described by the applicant and the applicant has identified, and there will be conducted, a research and development program reasonably designed to resolve any safety questions associated with such features and components; and

(*d*) On the basis of the foregoing, there is reasonable assurance that:

(*1*) Such safety questions will be satisfactorily resolved at or before the latest date stated in the application for completion of construction of the proposed facility, and

(*2*) Taking into consideration the site criteria contained in 10 CFR Part 100, the proposed facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

(ii) Whether the applicant is technically qualified to design and construct the proposed facility;

(iii) Whether the applicant is financially qualified to design and construct the proposed facility;

(iv) Whether the issuance of a permit for the construction of the facility will be inimical to the common defense and security or to the health and safety of the public.

In considering those issues, however, the board will, as to matters not in controversy, be neither required nor expected to duplicate the review already performed by the Commission's regulatory staff and the ACRS; the board is authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which are not controverted by any party.

(2) In a proceeding for the issuance of either a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant, any party may, in accordance with paragraph 11 of Appendix D of Part 50 of this chapter, raise as an issue in the proceeding whether the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, the board will give consideration to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need for electric power in tho affected region.

This issue does not include (i) radiological effects (which are considered under other issues set out in the notice of hearing) or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises an issue described in this subparagraph, the board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to that issue.[3]

(3) If a proceeding for the issuance of either a construction permit or an operating license becomes a contested proceeding with respect to the antitrust aspects of the application, the matters in controversy between the parties will generally be considered at a separate hearing before an atomic safety and licensing board constituted as described in section VIII of this appendix, or a hearing examiner, in accordance with the procedures described in section VIII. Such a board or hearing examiner will make determinations on the matters specified in paragraph (i) of section VIII of this appendix.

(c) *Discovery.* In contested proceedings the parties may wish to use the discovery techniques permitted by §§ 2.720, 2.740, 2.741, 2.742, and 2.744 to assist in the preparation of the case. Such techniques may, if properly and timely used, aid in the development of an adequate decisional record and expedite the hearing. In no event should the parties be permitted to use those techniques for purposes of delay. The board should exercise its authority under § 2.718 and other provisions of this part, with the objective of having discovery completed before the hearing, insofar as practicable.

(d) *Local public document room.* As in the case of uncontested proceedings, copies of the notice of hearing, the application (updated), the report of the Advisory Committee on Reactor Safeguards, the applicant's summary of the application, the staff safety analysis, the applicant's Environmental Report and the AEC's Detailed Statement developed pursuant to Appendix D of Part 50, and the transcript of the prehearing conference and of the hearing, as they become available, will be placed in an appropriate office near the site of the facility or proposed facility, for the use and information of the public.

(e) *Prehearing conference.* (1) In contested proceedings, the use of the prehearing conference to identify what matters are in controversy and to clarify their relationship to the issues before the board is of primary importance. To the maximum extent possible, the prehearing conference should be used to define the areas in controversy and scope of the proceeding, to secure statements of the position of the parties in respect thereto and to schedule the exchange of exhibits before the date set for hearing. Consideration should be given to (i) requests for documents; (ii) admissibility of evidence; (iii) limitation of the number of witnesses; (iv) the procedures to be followed at the hearing, including the order of presentation of the cases of the parties to the proceeding; (v) the determination of legal issues, to the extent possible, and (vi) specification of the subjects of cross examination.

(2) The board in a contested proceeding may wish to issue an order after the conclusion of the prehearing conference which recites the action taken at the conference and agreements by the parties, defines the matters in dispute, and specifies a schedule for the exchange of exhibits. The order may also specify a date for the hearing later than that specified in the notice of hearing if it appears that discovery and exchange of exhibits cannot be completed before the hearing date set in the notice of hearing. Such rescheduling would be desirable if it can be expected to facilitate the conduct of the hearing.

(f) *Intervention.* (1) As provided in § 2.714, the time for filing petitions for leave to intervene is specified in the notice of hearing. The board has authority to extend the time for good cause shown. Any person seeking leave to intervene after the time specified should be required to set forth with particularity the reasons why it was not possible to file a petition within the time prescribed, to afford a basis for the board to determine whether or not good cause has been shown for the untimely filing. In granting a petition for leave to intervene which is not timely filed, the board may impose such conditions as it deems appropriate to minimize any delay in the proceeding.

(2) Petitions for leave to intervene are required, in accordance with § 2.714, to set forth the interest of the petitioner in the proceeding, how the petitioner's interest may be affected by the proceeding, and the petitioner's contentions in reasonably specific detail. Failure to comply with these requirements may result in the denial of a petition for leave to intervene.

(3) If more than one person who has been granted leave to intervene has substantially the same kind of interest that may be affected by the proceeding, and raises the same

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[3] Such an issue may be raised only in proceedings in which the notice of hearing has been published on or after Mar. 4, 1971, unless the notice of hearing specifies otherwise.

basic questions concerning the effect of the granting of the license which may be authorized in the proceeding, the board should encourage appropriate consolidation of their evidence, cross-examination, briefs, proposed findings of fact and conclusions of law and argument. The board may direct such appropriate consolidation in any case where it determines that such action is required for the orderly and timely conduct of the proceedings and can be accomplished without prejudice to the rights of any party.

(g) *Conduct of the hearing.* The board should use its powers under § 2.718 to assure that the hearing is focused upon the matters in controversy among the parties and that the hearing process for the resolution of controverted matters is conducted as expeditiously as possible, consistent with the development of an adequate decisional record.

(1) AEC Rules of Practice contain ample provisions for discovery, and, as indicated in paragraph (c), discovery should be completed before the hearing insofar as practicable. Cross-examination should not be permitted for purposes of discovery.

(2) Legal questions should normally be resolved or argued before the hearing commences. Repetition of argument at the hearing generally serves no useful purpose.

(3) Conferences for the clarification of matters between the board and the parties, or the formulation of more meaningful questions, may be used to expedite the hearing and simplify the record.

(4) The board should ordinarily not adjourn the hearing pending the resolution of legal or other questions. To the extent practicable, the board should continue the hearings on other matters which may be explored without awaiting the resolution of such questions. As in uncontested cases, if the board believes that additional information is required in the presentation of the case, it would be expected to request the applicant or other party to supplement the presentation. If a recess should prove necessary to obtain such additional evidence, the recess should ordinarily be postponed until available evidence has been received.

(h) *Evidence.* (1) In contested cases, as in uncontested cases, the application and the staff safety analysis will be offered in evidence. The applicant and the staff will be expected to have available, as necessary, witnesses competent to testify as to the application and the staff safety analysis, respectively. Pursuant to § 2.732, unless otherwise ordered by the board, the applicant or the proponent of an order has the burden of proof.

(2) The board is encouraged to require the submission, by all parties, of direct testimony in written form and service of copies of such prepared written testimony on all parties at least 5 days in advance of the session of the hearing at which such testimony is to be presented, as authorized by § 2.743(b).

(3) Consistent with section 7(c) of the Administrative Procedure Act (5 U.S.C. 556 (d)), parties may "conduct such cross examination as may be required for a full and true disclosure of the facts". In further keeping with that provision, the board should limit cross examination which is repetitious, captious or inconsequential. Rebuttal testimony in response to expert testimony may be more useful than extended cross examination.

(4) If any party to the proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant raises an issue as to whether the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment, the Applicant's Environmental Report and the Detailed Statement, prepared in accordance with Appendix D of Part 50, will be offered in evidence. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements will be considered dispositive for this purpose. The issue and/or evidence discussed in this subparagraph do not include (i) radiological effects or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. Before an issue described in this subparagraph will be considered on the merits, the party raising the issue will be required to make a prima facie showing of the likelihood of a significant, adverse effect on the environment within the context of the foregoing. Once that prima facie showing has been made, the applicant has the burden of proof.

(5) As set out in the Commission's decision In the Matter of Baltimore Gas and Electric Co., Docket Nos. 50–317 and 50–318, the limited grounds for challenging the validity of AEC regulations promulgated under the Atomic Energy Act of 1954 are: (i) whether the regulation is within the Commission's authority, (ii) whether the regulation was promulgated in accordance with applicable procedural requirements, and (iii) as respects radiological safety standards, whether the standards are a reasonable exercise of the broad discretion given to the Commission by the Act for implementation of the radiological safety objectives of the Act. If the board considers that there is a substantial question presented on the record as to the validity of an AEC regulation, the board should certify the question to the Commission for determination prior to making an initial decision.

(i) *Participation by board members.* (1) In contested proceedings, the board will determine controverted matters as well as decide whether the findings required by the Act and the Commission's regulations should be made. Thus, in such proceedings, the board will determine the matters in controversy and may be called upon to make technical judgments of its own on those matters. As to matters which are not in controversy, boards are neither required nor expected to duplicate the review already performed by the regulatory staff and the ACRS and they are authorized to rely upon the testimony of the regulatory staff and the applicant, and the conclusions of the ACRS, which are not controverted by any party. Thus, the board need not evaluate those matters already evaluated by the staff which are not in controversy.

(2) As noted in subparagraph (h)(4) of this section, in contested proceedings for the issuance of a construction permit or operating license for a nuclear power reactor or fuel reprocessing plant in which a party to the proceeding has raised an issue as to whether the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment, if the issue is raised with respect to aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicant is equipped to observe and agrees to observe such standards and requirements shall be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicant for the permit or license will observe such standards and requirements shall be considered dispositive for this purpose.

If the issue is raised with respect to aspects of environmental quality for which environmental standards and requirements have not been established by authorized Federal, State, and regional agencies, the board will determine the matters in controversy among the parties with regard to that issue.

In any such proceedings, if the likelihood that a significant, adverse effect on the environment would result from the operation of the facility is indicated, the board will consider the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need for electric power in the affected region. The board will not consider, in connection with the issue discussed in this paragraph, (i) radiological effects or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act, both of which are dealt with in separate manners in the proceeding.

(j) *Close of hearing.* In contested proceedings, proposed findings of fact and conclusions of law submitted by the parties may be more detailed than in uncontested proceedings. While brevity in such submissions is encouraged, the proposed findings and conclusions should be such as to reflect the position of the parties submitting them, and the technical and factual basis therefor.

(k) *Briefs and oral argument.* If, at the close of the hearing, the board should have uncertainties with respect to the matters in controversy because of a need for a clearer understanding of the evidence which has already been presented, it is expected that the board would normally invite further argument from the parties—oral or written or both—before issuing its initial decision. If the uncertainties arise from lack of sufficient information in the record, it is expected that the board would normally require further evidence to be submitted in writing with opportunity for the other parties to reply or reopen the hearing for the taking of further evidence, as appropriate; as to either of such courses, it is expected that the applicant would normally be afforded the opportunity to make the final submission.

(l) *Post hearing proceedings, including the initial decision.* (1) In contrast to an uncontested proceeding for the issuance of a construction permit, the board will itself make the findings on the issues specified in § 2.104(b)(1) of Part 2 and state the reasons or basis for its findings. On the basis of those findings, and any findings made as described in subparagraph (2), the initial decision will state the board's determination whether or not a construction permit should be issued and, if so, in what form.

(2) In a proceeding for the issuance of a construction permit or an operating license for a nuclear power reactor or a fuel reprocessing plant in which a party has raised an issue as to whether or not the issuance of the permit or license would be likely to result in a significant, adverse effect on the environment, the board, in its initial decision, will make findings of fact on, and resolve, the matters in controversy among the parties with regard to the issue raised. Depending on the resolution of the issue, the board will authorize the issuance of the permit or license, direct its denial, or authorize the issuance of a permit or license appropriately conditioned to protect environmental values.

(3) In a contested case, it is expected that a board will promptly render the initial decision, ordinarily not later than 45 days after its receipt of proposed findings of fact and conclusion of law filed by the parties.

(m) The intra-agency consultation and communications referred to in section V(c) are not permitted in contested proceedings. A board may, however, obtain information from the Chairman or Vice Chairman of the Atomic Safety and Licensing Board Panel for the purpose of identifying relevant decisions or statements of Commission policy. It should also be noted that the provisions of § 2.780 prohibiting intra-agency consultation and communication in contested proceedings are not applicable to matters certified to the Commission or to the Atomic Safety and Licensing Appeal Board under the Commission's rules in §§ 2.720(h) and 2.744 (b) and (e), since those matters are not deemed to involve substantive matters at issue in a proceeding on the record.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 26th day of April 1971.

For the Atomic Energy Commission.

W. B. McCool,
Secretary of the Commission.

[FR Doc.71-6238 Filed 5-4-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 1, 73]

[Dockets Nos. 19153, 19154]

RENEWAL OF BROADCAST LICENSES

Order Extending Time for Filing Comments; Correction

In the matter of formulating of rules and policies relating to the renewal of broadcast licenses, Docket No. 19153 (RM-1737); in the matter of formulation of policies relating to the broadcast renewal applicant, stemming from the comparative hearing process, Docket No. 19154.

The Order Extending Time for Filing Comments, FCC 71-425, in the above matter, adopted April 14, 1971, and published in the Federal Register on April 28, 1971, 36 F.R. 7972, is corrected to indicate "Commissioner Johnson dissenting" after the phrase "By the Commission".

Released: April 27, 1971.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6247 Filed 5-4-71;8:46 am]

[47 CFR Part 73]

[Docket No. 18425]

REMOTE CONTROL OPERATION OF VHF AND UHF TELEVISION BROADCAST STATIONS

Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of Part 73, Subpart E, of the Commission's rules and regulations governing television broadcast stations concerning the operation of VHF and UHF television broadcast stations by remote control; Docket No. 18425, RM-1340.

1. On April 27, 1971, the National Association of Broadcasters filed a petition requesting that the deadline for filing comments in response to the further notice of proposed rule making (FCC 71-286) in the above entitled proceeding, now set as April 30, 1971, be moved forward to May 17, 1971.

2. In support of this request, NAB alleges that although it is interested in making possible the remote control of VHF television broadcast station at the earliest possible date, its engineering advisory committee has not been able "to formulate policy on the transmission of test signals" in the period of time which the further notice affords. It states that its committee is working closely with a subcommittee of the Electronic Industries Association on this subject.

3. While we are interested in concluding this proceeding as expeditiously as possible, in the circumstances we find it is in the public interest to make available the additional brief period of time requested by NAB.

4. *Accordingly, it is ordered,* That the time for filing comments in this proceeding is hereby extended from April 30, 1971 to May 17, 1971, and the time for filing reply comments from May 10, 1971, to May 28, 1971.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules and regulations.

Adopted: April 28, 1971.

Released: April 29, 1971.

[SEAL] Francis R. Walsh,
Chief, Broadcast Bureau.

[FR Doc.71-6246 Filed 5-4-71;8:46 am]

[47 CFR Parts 73, 74]

[Docket No. 19142]

CHILDREN'S TELEVISION PROGRAMS

Order Extending Time for Filing Comments and Reply Comments; Correction

In the matter of petition of Action for Children's Television (ACT) for rule making looking toward the elimination of sponsorship and commercial content in children's programming and the establishment of a weekly 14-hour quota of children's television programs; Docket No. 19142, RM-1569.

The Order Extending Time for Filing Comments and Reply Comments, FCC 71-426, in the above matter, adopted April 14, 1971, and published in the Federal Register on April 27, 1971, 36 F.R. 7865, is corrected to indicate "Commissioner Johnson dissenting" after the phrase "By the Commission".

Released: April 27, 1971.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6248 Filed 5-4-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-29]

INDIAN RIVER (AIWW), FLA.

Drawbridge Operation

The Coast Guard is considering revising the regulations for the Eau Gallie and Melbourne swing span bridges across the Indian River (Atlantic Intracoastal Waterway, Mile 197.4 and 201.2), to increase the closed periods in the morning by 30 minutes. The afternoon closed periods would remain the same. The change is being considered because of an increase in vehicular traffic across these bridges during this period. Minor editorial changes to the regulation will also be required.

Interested persons may participate in this proposed rule making by submitting written data, views or arguments to the Commander, 7th Coast Guard District, Room 1018, Federal Building, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identifying the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, 7th Coast Guard District.

The Commander, 7th Coast Guard District, will forward any comments received before June 12, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that Part 117 be amended by revising § 117.436 to read as follows:

§ 117.436 Indian River, Fla.; Florida State Road Department bridges at Titusville, Eau Gallie, Melbourne, and the National Aeronautics and Space Administration bridge at Addison Point.

(a) The draw of the bridge at Titusville shall open on signal, except on Monday through Friday, from 6:45 a.m. to 7:45 a.m. and from 4:15 p.m. to 5:45 p.m., the draw may remain closed.

(b) The draws of the bridges at Eau Gallie and Melbourne shall open on signal, except on Monday through Friday, from 6:45 a.m. to 8:15 a.m. and from 4:15 p.m. to 5:45 p.m., the draws may remain closed.

(e) The draw of the John F. Kennedy Space Center (NASA) bridge at Addison Point shall open on signal except on Monday through Friday from 6:45 a.m. to 8 a.m. and from 4:15 p.m. to 5:45 p.m., the draw may remain closed.

(d) The draws of each bridge in this section shall open at any time for public vessels of the United States, tow boats with tows, and vessels in an emergency situation upon four blasts of a whistle, horn, or similar device.

(e) The owner of or agency controlling each bridge shall post a copy of this section in such a manner that it can be read from an approaching vessel, on both the upstream and downstream sides of the bridge.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: April 30, 1971.

R. E. Hammond,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-6273 Filed 5-4-71;8:48 am]

Federal Aviation Administration

[14 CFR Parts 1, 21, 23, 25, 27, 29, 33]

[Docket No. 11010; Notice No. 71-12]

AIRCRAFT AND AIRCRAFT ENGINES

Proposed Certification Procedures and Type Certification Standards

The Federal Aviation Administration (FAA) is considering amending Parts 1, 21, 23, 25, 27, 29, and 33 of the Federal Aviation Regulations to change the procedural requirements relating to aircraft and aircraft engine certifications, and to update and improve the airworthiness standards applicable to the type certification of aircraft engines, including the standards applicable to engines used on supersonic airplanes. In addition, this notice contains proposed airworthiness standards applicable to aircraft on which the engines are to be installed and proposed changes in definitions.

On June 3-6, 1969, the FAA held an FAA/Industry conference to review the regulations pertaining to the type certification of aircraft engines. The conference agenda included numerous type certification items of possible regulatory significance developed by the FAA and proposals solicited from industry. Those items that the Administrator considers appropriate for immediate rulemaking action are proposed in this notice, together with proposals developed by the FAA and not covered at the conference.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire.

Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, D.C. 20590. All communications received on or before August 4, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In consideration of the foregoing, it is proposed to amend Parts 1, 21, 23, 25, 27, 29, and 33 of the Federal Aviation Regulations as follows:

Part 1 proposals:

Proposal 1. Definition of Aircraft Engines (§ *1.1*). Section 1.1 would be amended to change the definition of "Aircraft engine" to read as follows:

§ 1.1 General Definitions.

* * * * *

"Aircraft engine" means an engine that is used or intended to be used in propelling aircraft. It includes any turbosupercharger that is used as well as other appurtenances and accessories necessary for its functioning, but does not include propellers.

* * * * *

Explanation: The installation of a turbosupercharger on an engine has a significant effect on the performance and structure of the power section of an engine. There has been some confusion in the past as to whether or not a turbosupercharger is an appurtenance or accessory. This change to the definition should settle this confusion.

Proposal 2. Definitions (§ *1.1*). Section 1.1 would be amended by adding new definitions: "idle thrust", "rated takeoff augmented thrust", and "rated maximum continuous augmented thrust", and by amending the definitions of "rated takeoff thrust" and "rated maximum continuous thrust" to read as follows:

§ 1.1 General definitions.

* * * * *

"Idle thrust" means the jet thrust obtained with the engine fuel control device set at the stop for the least thrust position at which it can be placed.

* * * * *

"Rated maximum continuous thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

* * * * *

"Rated maximum continuous augmented thrust", with respect to turbojet engines, means the approved jet thrust that is developed statically or in flight, in standard atmosphere at a specified altitude, with fluid injection or with the burning of fuel in a separate combustion chamber within the engine operating limitations established under Part 33, and approved for unrestricted periods of use.

* * * * *

"Rated takeoff thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, without fluid injection and without the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over five minutes for takeoff operation.

"Rated takeoff augmented thrust", with respect to turbojet engine type certification, means the approved jet thrust that is developed statically under standard sea level conditions, with fluid injection or with the burning of fuel in a separate combustion chamber, within the engine operating limitations established under Part 33 of this chapter, and limited in use to periods of not over five minutes for takeoff operation.

* * * * *

Explanation: The terms "idle thrust", "rated takeoff augmented thrust" and "rated maximum continuous augmented thrust" are used in the new proposals for endurance test requirements for engines certificated for use in supersonic aircraft. The terms "rated takeoff augmented thrust" and "rated maximum continuous augmented thrust" differ from the presently defined "rated takeoff thrust" and "rated maximum continuous thrust" in that they include the effect of augmenting the basic thrust output of the engine by injection of water, water-alcohol solution or by the burning of fuel in the main duct, fan duct, or, other separate combustion chamber. The proposal would define these terms and change the definitions of "rated takeoff thrust" and "rated maximum continuous thrust" in order to make the distinction clear.

Part 21 proposals:

Proposal 1. Application for type certificate-engine (§ *21.15*). Section 21.15 would be amended by adding a new paragraph (c) to read as follows:

§ 21.15 Application for type certificate.

* * * * *

(c) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and proposed engine operating limitations. The description of the engine design features must include a stress analysis showing the design safety margin of each turbine engine rotor, spacer, and rotor shaft.

Explanation: While the FAA can obtain under current § 21.21 a description of the engine design features, the engine operating characteristics, and the engine operating limitations, there is a need to obtain this data early in the type certification program. The proposal would require that such data be submitted at the time the application for a type certificate for an engine is filed.

Proposal 2. Flight tests (§ *21.35*). Section 21.35 would be amended by adding a new paragraph (f) to read:

§ 21.35 Flight tests.

* * * * *

(f) The flight tests prescribed in paragraph (b)(2) of this section must include—

(1) For aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft, at least 300 hours of operation with engines that conform to a type certificate; and

(2) For all other aircraft, at least 150 hours of operation.

Explanation: The present rule does not specify the duration of the flight tests. Experience has shown that the usual block testing of engines and experimental flight vehicle testing may not fully simulate engine operation in a prototype aircraft, and rematching and other modifications have been necessary. The proposal would require a minimum of 300 hours of operation for the flight tests for turbine engines of a type not previously used in a type certificated aircraft, and 150 hours of operation for all other aircraft. The FAA believes that the additional time is necessary for aircraft using newly certificated turbine engines to ensure that the engines, when installed in an aircraft do not introduce safety problems, such as engine stall, overheating, fires, or engine control matching or component failures, under actual operating conditions. The use of a full complement of type certificated engines would be required in order to achieve experience directly applicable to service since manufacturers often develop their aircraft using experimental engines which differ from the type certificated model.

Proposal 3. Approval of major changes in type design (*§ 21.97*). Section 21.97 would be amended to read as follows:

§ 21.97 Approval of major changes in type design.

(a) In the case of a major change in type design, the applicant must submit substantiating data and necessary descriptive data for inclusion in the type design..

(b) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

Explanation: There are no specific provisions in present § 21.97 concerning major changes in the type design of aircraft engines. Service experience indicates that there may be cumulative adverse effects, such as increased vibration stresses, changes in acceleration time, and changes in output levels, which are not always evident, resulting from the incorporation of a design change in different versions or configurations of the same engine. The proposal would limit the approval of a design change of an aircraft engine to the specified engine configuration upon which the change is made unless the applicant can show that the change is also compatible with other configurations.

Part 23 proposals:

Proposal 1. General (*§ 23.951*). Section 23.951 would be amended to read as follows:

§ 23.951 General.

(a) Each fuel system must be constructed and arranged to insure a flow of fuel at a rate and pressure established for proper engine functioning under each likely operating condition, including any maneuver for which certification is requested.

(b) Each fuel system must be arranged so that—

(1) No fuel pump can draw fuel from more than one tank at a time; or

(2) There are means to prevent introducing air into the system.

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

Explanation: The current requirements of § 23.951 would be updated consistent with the corresponding requirements of Parts 25, 27, and 29 and the ice protection requirements in present § 23.997 would be transferred to § 23.951 and revised to provide protection from ice accumulation in any component of the fuel system.

Proposal 2. Fuel Strainer or Filter (*§ 23.997*). Section 23.997 would be amended to read as follows:

§ 23.997 Fuel strainer or filter.

There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine driven positive displacement pump, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(a) Be accessible for draining and cleaning and must incorporate a screen or element which is easily removable;

(b) Have a sediment trap and drain;

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself; and

(d) Have the capacity (with respect to operating limitations established for the engine) and the mesh to insure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in Part 33 of this Chapter.

Explanation: The FAA believe that it is essential that the engine be equipped in all cases with a fuel strainer or filter to protect both the fuel metering device and the positive displacement pump.

Proposal 3. Oil Tanks (*§ 23.1013*). Section 23.1013 would be amended by amending paragraph (b)(1), paragraph (c), and paragraph (e), and by adding new paragraph (g) to read as follows:.

§ 23.1013 Oil tanks.

* * * * *

(b) * * *

(1) Each oil tank used with a reciprocating engine has an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine has an expansion space of not less than 10 percent of the tank capacity; and

* * * * *

(c) *Filler connection.* Each oil tank filler connection must be marked as specified in § 23.1557(c). Each recessed oil tank filler connection, of an oil tank used with a turbine engine, that can retain any appreciable quantity of oil must have provisions for fitting a drain.

* * * * *

(e) *Outlet.* No oil tank outlet may be enclosed or covered by any screen or guard that might reduce the flow of oil. No oil tank outlet diameter may be less than the diameter of the engine oil pump inlet. Each oil tank used with a turbine engine must have means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system, and must, for tanks used with a turbine engine, have a shutoff valve at the outlet unless the external portion of the oil system (including oil tank supports) is fireproof.

* * * * *

(g) Each oil tank filler cap of an oil tank that is used with a turbine engine must provide an oiltight seal.

Explanation: The proposed changes to § 23.1013 are necessary to provide for oil tanks on turbine engine installations. The present rules do not take into consideration problems involved in oil tank installation on turbine engines.

Proposal 4. Oil Tank Tests (*§ 23.1015*). Section 23.1015 would be amended by adding a new paragraph (c) to read as follows:

§ 23.1015 Oil tank tests.

* * * * *

(c) For pressurized tanks used with a turbine engine, the test pressure may not be less than 5 p.s.i. plus the maximum operating pressure of the tank.

Explanation: The purpose of this proposal is to add a test pressure requirement for oil tanks used with turbine engines.

Proposal 5. Oil Strainer or Filter (*§ 23.1019*). Section 23.1019 would be amended to read as follows:

§ 23.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capacity (with respect to operating limitations established for the engine) and the mesh to insure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass, except those that are installed at an oil tank outlet, must have a means to connect it to the warning means required in § 23.1305(r).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

Explanation: This proposal would introduce comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 23.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 6. Induction system icing protection (*§ 23.1093*). Section 23.1093 would be amended by amending paragraph (b) to read as follows:

§ 23.1093 Induction system icing protection.

* * * * *

(b) Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter, and in snow, both falling and blowing, within the limitations established for the airplane; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

Explanation: This proposal is considered appropriate in order to require the applicant to provide ice protection with the engine idling. It would also provide for icing protection in both falling and blowing snow. In addition, the indicator requirement in present § 23.1093 would be moved to § 23.1305 which covers instruments.

Proposal 7. Flammable fluid-carrying components (*§ 23.1183*). Section 23.1183 would be amended by amending the heading and paragraph (a) to read as follows:

§ 23.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, must be fire resistant, except that flammable fluid tanks and supports which are part of and attached to the engine must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located so as to safeguard against the ignition of leaking flammable fluid.

* * * * *

Explanation: The present requirement is specifically directed only to lines and fittings that carry flammable fluid. The FAA considers that all components carrying flammable fluid should have fire protection. This is consistent with the proposal covering the certification of aircraft engines.

Proposal 8. Powerplant instruments (*§ 23.1305*). Section 23.1305 would be amended by adding new paragraphs (q), (r), (s), and (t) to read as follows:

§ 23.1305 Powerplant instruments.

* * * * *

(q) For each turbine engine, an indicator to indicate the functioning of the powerplant ice protection system.

(r) For each turbine engine, an indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(s) For each turbine engine, a warning means for each oil strainer or filter that has no bypass, to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(t) An indicator to indicate the functioning of any heater used to prevent ice clogging of fuel system components.

Explanation: The provisions of paragraph (q) would be transferred from present § 23.1093. The indicator and the means proposed in paragraphs (r) and (s) are necessary to implement the requirements of proposed §§ 23.997 and 23.1019, respectively. The indicator proposed in paragraph (t) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 23.951.

Part 25 proposals:

Proposal 1. General (*§ 25.951*). Section 25.951 would be amended by adding a new paragraph (c) to read as follows:

§ 25.951 General.

* * * * *

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

Explanation: The current requirements of §§ 25.977 and 25.997 require a means to prevent ice accumulation on the fuel tank outlet filter and strainer. However, they do not provide protection for ice accumulation in other componenta of the fuel system. Therefore, it is proposed to delete the ice protection requirements from §§ 25.977 and 25.997 and to upgrade those requirements to cover the entire fuel system.

Proposal 2. Fuel strainer or filter (*§ 25.977*). Section 25.977 would be amended by deleting paragraph (b).

Explanation: The ice protection requirements of present § 25.977(b) would be revised and incorporated in a new § 25.951(c).

Proposal 3. Fuel filter or strainer (*§ 25.997*). Section 25.997 would be amended to read as follows:

§ 25.997 Fuel strainer or filter.

There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine-driven positive displacement pump when an engine-driven positive displacement pump is used, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(a) Be accessible for draining and cleaning;

(b) Have a sediment trap and drain:

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself; and

(d) Have the capacity (with respect to operating limitations established for the engine) and the mesh to ensure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that establishd for the engine in Part 33 of this chapter.

Explanation: The FAA believes that it is now essential that the engine be equipped in all cases with a fuel strainer or filter to protect both the fuel metering device and the positive displacement pump.

Proposal 4. Oil tanks (*§ 25.1013*). Section 25.1013 would be amended by deleting the second sentence of paragraph (a) and amending paragraph (b)(1) and paragraph (e) to read as follows:

§ 25.1013 Oil tanks.

* * * * *

(b) * * *

(1) Each oil tank used with a reciprocating engine must have an expansion space of not less than the greater of 10 percent of the tank capacity or 0,5 gallon, and each oil tank used with a turbine engine must have an expansion space of not less than 10 percent of the tank capacity.

* * * * *

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by any screen or guard that would reduce the flow of oil below a safe value at any operating temperature. There must be a shutoff valve at the outlet of each oil tank used with a turbine engine unless the external portion of the oil system (including oil tank supports) is fireproof.

* * * * *

Explanation: The second sentence of present paragraph (a) is more appropriate to the provisions of proposed § 25.1183 and would now be incorporated in that section. The remaining proposed changes to § 25.1013 are necessary for oil tanks in turbine engine installations. The present rules do not take into consideration problems connected with oil tank installations on turbine engines.

Proposal 5. Oil tank tests (*§ 25.1015*). Section 25.1015 would be amended by amending paragraph (b)(1) to read as follows:

§ 25.1015 Oil tank tests.

* * * * *

(b) * * *

(1) The test pressure—

(i) For pressurized tanks used with a turbine engine, may not be less than 5 p.s.i. plus the maximum operating pressure of the tank instead of the pressure specified in § 25.965(a); and

(ii) For all other tanks, may not be less than 5 p.s.i. instead of the pressure specified in § 25.965(a); and

* * * * *

EXPLANATION: The purpose of this proposal is to add a test pressure requirement for all tanks used with turbine engines.

Proposal 6. Oil strainer or filter (*§ 25.1019*). Section 25.1019 would be amended to read as follows:

§ 25.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capability (with respect to operating limitations established for the engine) and the mesh to ensure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass except those that are installed at an oil tank outlet must have a means by which it may be connected with the warning means required in § 25.1305(c)(7).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

EXPLANATION: This proposal would introduce comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 25.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 7. Induction system deicing and anti-icing protection (*§ 25.1093*). Section 25.1093 would be amended by amending paragraph (b) to read as follows:

§ 25.1093 Induction system deicing and anti-icing provisions.

* * * * *

(b) *Turbine engines.* Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust under the icing conditions specified in Appendix C, and in snow, both falling and blowing, within the limitations established for the airplane; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: The FAA believe that it is appropriate in order to require the applicant to provide ice protection with the engine idling. It would also provide for icing protection in both falling and blowing snow. In addition, the indicator requirement in present § 25.1093 would be moved to § 25.1305 which covers instruments.

Proposal 8. Flammable fluid-carrying components (*§ 25.1183*). Section 25.1183 would be amended by amending the heading and paragraph (a) to read as follows:

§ 25.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, and each component which conveys or contains flammable fluid in a designated fire zone must be fire resistant, except that flammable fluid tanks and supports in a designated fire zone must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located to safeguard against the ignition of leaking flammable fluid.

* * * * *

EXPLANATION: The second sentence of present paragraph (a) of § 25.1013 would be revised and covered under the provisions of § 25.1183. In addition, the provisions of § 25.1183 would be expanded to cover all components carrying flammable fluid, not just lines and fittings.

Proposal 9. Powerplant instruments (*§ 25.1305*). Section 25.1305 would be amended by adding new subparagraphs (5) through (8) to paragraph (c), and a new subparagraph (3) to paragraph (d) to read as follows:

§ 25.1305 Powerplant instruments.

The following are required powerplant instruments:

* * * * *

(c) *For turbine engine-powered airplanes.* * * *

(5) An indicator to indicate the functioning of the powerplant ice protection system for each engine.

(6) An indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(7) A warning means, for each oil strainer or filter that has no bypass, to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(8) An indicator to indicate the proper functioning of any heater used to prevent ice clogging of fuel system components.

(d) *For turbojet engine-powered airplanes.* * * *

(3) An indicator to indicate rotor system unbalance.

* * * * *

EXPLANATION: Proposed new paragraph (c)(5) is merely a transfer from the current requirements of § 25.1093(b). The indicator and warning means proposed in new paragrapha (c) (6) and (7) are necessary to implement the requirements of proposed §§ 25.997 and 25.1019, respectively. The indicator proposed in new paragraph (c)(8) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 25.951. The rotor system unbalance indicator proposed in new paragraph (d)(3) is necessary since the effect of a rotor system failure can be catastrophic because of the resulting engine unbalance if the flight crew is not provided with an appropriate vibration warning. While present requirements concerning failure of turbine engine installations do not cover the flight crew warning necessary for safety, vibration monitoring systems have been voluntarily installed in most turbine powered transport airplanes currently in operation and special conditions have been issued requiring the indicator on transport category airplanes using turbojet engines. The FAA is aware that to the extent that currently available vibration detectors are not as reliable as engines, this proposal may impose an economic penalty. Nevertheless, the FAA believes that for airplanes using turbojet engines, a vibration indicator is necessary in the interest of safety.

Part 27 proposals:

Proposal 1. General (*§ 27.951*). Section 27.951 would be amended by adding a new paragraph (c) tq read as follows:

§ 27.951 General.

* * * * *

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

EXPLANATION: The current requirements of § 27.997 require a means to prevent accumulation of ice on the fuel filter and strainer. However, they do not provide protection from ice accumulation in other components of the fuel system. It is proposed to transfer the ice protection requirements from present § 27.997 to § 27.951 and to upgrade those requirements to cover the entire fuel system.

Proposal 2. Fuel strainer or filter (*§ 27.997*). Section 27.997 would be amended to read as follows:

§ 27.997 Fuel strainer or filter.

(a) There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine-driven positive displacement pump, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(1) Be accessible for draining and cleaning and must incorporate a screen or element which is easily removable;

(2) Have a sediment trap and drain;

(3) Be mounted so that its weight is not supported by the connecting lines or by the inlet connections of the strainer or filter itself; and

(4) Have the capacity (with respect to operating limitations established for the engine) and the mesh, to insure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in Part 33 of this chapter.

EXPLANATION: The FAA believes that it is essential that the engine be equipped in all cases with a fuel strainer or filter to protect both the fuel metering device and the positive displacement pump.

Proposal 3. Oil tanks (*§ 27.1013*). Section 27.1013 would be amended by deleting paragraph (b) and amending paragraph (c) to read as follows:

§ 27.1013 Oil tanks.

* * * * *

(b) [Deleted]

(c) Each oil tank used with a reciprocating engine has an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine has an expansion space of not less than 10 percent of the tank capacity.

EXPLANATION: The purpose of the proposed amendment to paragraph (b) is to delete the test pressure requirement which would be included in proposed new § 27.1015. In addition, the proposed amendment to paragraph (c) would establish an expansion space in oil tanks that is related realistically to oil tanks used in turbine engine installations.

Proposal 4. Oil tank tests (*new § 27.1015*). A new § 27.1015 would be added to read as follows:

§ 27.1015 Oil tank tests.

Each oil tank must be designed and installed so that it can withstand, without leakage, an internal pressure of 5 p.s.i., except that each pressurized oil tank used with a turbine engine must be designed and installed so that it can withstand, without leakage, an internal pressure of 5 p.s.i. plus the maximum operating pressure of the tank.

EXPLANATION: The purpose of this proposal is to add a test pressure requirement for all tanks used with turbine engines.

Proposal 5. Oil strainer or filter (*§ 27.1019*). Section 27.1019 would be amended to read as follows:

§ 27.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capacity (with respect to operating limitations established for the engine) and the mesh, to insure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass, except those that are installed at an oil tank outlet, must have a means to connect it to the warning means required in § 27.1305(q).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer of filter element completely blocked.

EXPLANATION: The proposal would introduce comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 27.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 6. Induction system icing protection (*§ 27.1093*). Section 27.1093 would be amended by amending paragraph (b) to read as follows:

§ 27.1093 Induction system icing protection.

* * * * *

(b) *Turbine engines.* Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter, and in snow, both falling and blowing, within the limitations established for the rotorcraft; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

EXPLANATION: This proposal is considered appropriate in order to require the applicant to provide ice protection with the engine idling. It would also provide for icing protection in both falling and blowing snow. In addition, an indicator requirement would be added to § 27.1305 which covers instruments.

Proposal 7. Flammable fluid-carrying components (*§ 27.1183*). Section 27.1183 would be amended by amending the heading and paragraph (a) to read as follows:

§ 27.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, must be fire resistant, except that flammable fluid tanks and supports which are part of and attached to the engine must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located so as to safeguard against the ignition of leaking flammable fluid.

* * * * *

EXPLANATION: The present requirement is specifically directed only to lines and fittings that carry flammable fluid. The FAA considers that all components carrying flammable fluid should have fire protection. This is consistent with the proposed requirement in Part 33 of this chapter.

Proposal 8. Powerplant instruments (*§ 27.1305*). Section 27.1305 is amended by adding new paragraphs (p), (q), (r), and (s) to read as follows:

§ 27.1305 Powerplant instruments.

* * * * *

(p) For each turbine engine, an indicator to indicate the functioning of the powerplant ice protection system.

(q) For each turbine engine, an indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(r) For each turbine engine, a warning means for each oil strainer or filter that has no bypass to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(s) An indicator to indicate the proper functioning of any heater used to prevent ice clogging of fuel system components.

EXPLANATION: The present airworthiness requirements applicable to airplanes require a means to indicate the functioning of the powerplant ice protection system. Such a means is necessary for each turbine engine regardless of the type aircraft on which it is used and proposed paragraph (p) would add the requirement to Part 27. The indicator and warning means proposed in paragraphs (q) and (r) are necessary to implement the requirements of proposed §§ 27.997 and 27.1019, respectively. The indicator proposed in paragraph (s) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 27.951.

Part 29 proposals:

Proposal 1. General (*§ 29.951*). Section 29.951 would be amended by adding a new paragraph (c) to read as follows:

§ 29.951 General.

* * * * *

(c) Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

* * * * *

Explanation: The current requirements of § 29.997 require a means to prevent accumulation of ice on the fuel filter. However, they do not provide protection for ice accumulation in other components of the fuel system. It is proposed to transfer the ice protection requirements from present § 29.997 to § 29.951 and to upgrade those requirements to cover the entire fuel system.

Proposal 2. Fuel strainer or filter (*§ 29.997*). Section 29.997 would be amended to read as follows:

§ 29.997 Fuel strainer or filter.

There must be a fuel strainer or filter between the fuel tank outlet and the inlet of either the fuel metering device or an engine-driven positive displacement pump, whichever is nearer the fuel tank outlet. Each fuel strainer and filter must—

(a) Be accessible for draining and cleaning and must incorporate a screen or element which is easily removable;

(b) Have a sediment trap and drain;

(c) Be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter itself;

(d) Have the capacity (with respect to operating limitations established for the engine) and the mesh to ensure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in Part 33 of this chapter.

Explanation: The FAA believes that it is now essential that the engine be equipped in all cases with a fuel strainer and filter to protect both the fuel metering device and the positive displacement pump.

Proposal 3. Oil tanks (*§ 29.1013*). Section 29.1013 would be amended by deleting the second sentence in paragraph (a) and by amending paragraph (b)(1) and paragraph (e) to read as follows:

§ 29.1013 Oil tanks.

* * * * *

(b) * * *

(1) Each oil tank used with a reciprocating engine has an expansion space of not less than the greater of 10 percent of the tank capacity or 0.5 gallon, and each oil tank used with a turbine engine has an expansion space of not less than 10 percent of the tank capacity.

* * * * *

(e) *Outlet.* There must be means to prevent entrance into the tank itself, or into the tank outlet, of any object that might obstruct the flow of oil through the system. No oil tank outlet may be enclosed by a screen or guard that would reduce the flow of oil below a safe value at any operating temperature. There must be a shutoff valve at the outlet of each oil tank used with a turbine engine unless the external portion of the oil system (including oil tank supports) is fireproof.

* * * * *

Explanation: The second sentence of present paragraph (a) is more appropriate to the provisions of § 29.1183 and would now be incorporated in that section. The remaining proposed changes to § 29.1013 are necessary for all tank installations on turbine engines. The present rules do not take into consideration problems connected with such installations.

Proposal 4. Oil tank test (*§ 29.1015*). Section 29.1015 would be amended by amending paragraph (b) to read as follows:

§ 29.1015 Oil tank tests.

* * * * *

(b) It meets the requirements of § 29.965, except that instead of the pressure specified in § 29.965(b)—

(1) For pressurized tanks used with a turbine engine, the test pressure may not be less than 5 p.s.i. plus the maximum operating pressure of the tank; and

(2) For all other tanks, the test pressure may not be less than 5 p.s.i.

Explanation: The purpose of this proposal is to add a test pressure requirement for all tanks used with turbine engines.

Proposal 5. Oil strainer or filter (*§ 29.1019*). Section 29.1019 would be amended to read as follows:

§ 29.1019 Oil strainer or filter.

(a) There must be an oil strainer or filter that conveys all the oil that flows through each turbine engine. Each strainer or filter must meet the following requirements:

(1) Each oil strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter completely blocked.

(2) Each oil strainer or filter must have the capacity (with respect to operating limitations established for the engine) and the mesh, to ensure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine under Part 33 of this chapter.

(3) Each oil strainer or filter, except one that is installed at an oil tank outlet, must incorporate an indicator that will indicate the occurrence of contamination of the screen before attainment of contamination at the capacity specified in subparagraph (2) of this paragraph.

(4) The bypass of each strainer or filter may not release collected contaminants.

(5) An oil strainer or filter that has no bypass, except those that are installed at an oil tank outlet, must have a means by which it may be connected with the warning means required in § 29.1305(a)(18).

(b) Each oil strainer or filter in the powerplant installation using reciprocating engines must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

Explanation: This proposal introduces comprehensive oil system requirements for turbine engines. The reciprocating engine requirements are the same as presently contained in § 29.1019. The requirements for turbine engines correspond to those applied to or proposed for the engine fuel system filtration capability and would protect the engine in the same manner from the effects of contaminated engine oil.

Proposal 6. Induction system icing protection (*§ 29.1093*). Section 29.1093 would be amended by amending paragraph (b) to read as follows:

§ 29.1093 Induction system icing protection.

* * * * *

(b) *Turbine engines.* Each turbine engine must—

(1) Operate throughout its flight power range (including idling) without adverse effect on engine operation or serious loss of power or thrust, under the icing conditions specified in Appendix C of Part 25 of this chapter, and in snow, both falling and blowing, within the limitations established for the rotorcraft; and

(2) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

Explanation: This proposal is considered appropriate in order to require the applicant to provide ice protection with the engine idling. It would provide for icing protection in both falling and blowing snow. In addition, the indicator requirement in present § 29.1093 would be moved to § 29.1305 which covers instruments.

Proposal 7. Flammable fluid-carrying components (*§ 29.1183*). Section 29.1183 would be amended by amending the heading and paragraph (a) to read as as follows:

§ 29.1183 Flammable fluid-carrying components.

(a) Except as provided in paragraph (b) of this section, each line, fitting, and other component carrying flammable fluid in any area subject to engine fire conditions, and each component which conveys or contains flammable fluid in a designated fire zone, must be fire resistant, except that flammable fluid tanks and supports in a designated fire zone must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid. Components must be shielded or located so as to safeguard against the ignition of leaking flammable fluid.

* * * * *

Explanation: The present requirements of § 29.1183 are specifically directed only to lines and fittings that carry flammable fluid. The FAA considers that all components carrying flammable fluid should have fire protection. This is consistent with the proposal covering the certification of engines.

Proposal 8. Powerplant instruments (*§ 29.1305*). Section 29.1305(a) would be amended by adding new subparagraphs (16), (17), (18), and (19) to read as follows:

§ 29.1305 Powerplant instruments.

The following are required powerplant instruments.

(a) For each rotorcraft—

* * * * *

(16) For turbine engines, an indicator to indicate the functioning of the powerplant ice protection system.

(17) An indicator for each fuel strainer or filter to indicate the degree of contamination of the strainer or filter to the degree established as an operating limitation for the engine.

(18) For each turbine engine, a warning means for each oil strainer or filter that has no bypass to warn the pilot of the occurrence of contamination of the strainer or filter before attainment of contamination of the degree established as an operating limitation for the engine.

(19) An indicator to indicate the proper functioning of any heater used to prevent ice clogging of fuel system components.

* * * * *

Explanation: The present airworthiness requirements applicable to airplanes require a means to indicate the functioning of the powerplant ice protection system. Such a means is necessary for each turbine engine regardless of the type aircraft on which it is used and proposed paragraph (a)(16) would add the requirement to Part 29. The indicator and warning means proposed in paragraphs (a) (17) and (18) are necessary to implement the requirements of proposed §§ 29.997 and 29.1019, respectively. The indicator proposed in paragraph (a)(19) is necessary in the event that a mechanical means, such as a fuel heater, is used in the airplane to heat the fuel as it passes through a filter or screen in the fuel system. Such an indicator could be used in meeting the requirements of proposed § 29.951.

Part 33 proposals:

Proposal 1. Instructions (*§ 33.5*). Section 33.5 would be amended to read as follows:

§ 33.5 Instructions.

Each applicant must prepare and make available to the Administrator prior to the issuance of the type certificate and to the owner at the time of delivery of the engine, instructions for installing, operating, servicing, and maintaining the engine. The instructions must include at least the following:

(a) *Installation instructions.* (1) The location of engine mounting attachments and the method of attaching the engine to the aircraft.

(2) The location of engine connections that are to be attached to pipes, wires, cables, ducts, and cowling.

(3) An outline drawing of the engine, including overall dimensions.

(b) *Operation instructions.* (1) The operating limitations established by the Administrator.

(2) The power or thrust ratings and procedures for correcting for nonstandard atmosphere.

(3) The recommended procedures, under normal and extreme ambient conditions for—

(i) Starting;

(ii) Operating on the ground; and

(iii) Operating during flight.

(c) *Service instructions.* (1) The techniques and methods of service.

(2) The frequency of service.

(3) The fuel, lubricant, and hydraulic fluid that may be used in the engine.

(d) *Maintenance and inspection instructions.* (1) The techniques and methods of performing inspections.

(2) The frequency of checking, cleaning, lubricating, or adjusting.

(e) *Overhaul and replacement instructions.* (1) The frequency of the overhauls.

(2) The life limits of components requiring replacement.

(3) The techniques and methods of replacing components which have life limits.

(4) The techniques and methods of disassembly and reassembly.

(5) The fits and clearances of each component.

(6) The techniques for testing each component after overhaul or replacement of the component.

Explanation: The present requirement that instructions must be in the form of an approved manual or manuals is unnecessarily restrictive. While the information is essential and should be available at the time the type certificate is issued, experience has shown that it is not necessary to specify the form of the document or that it be in final printed form at the time the type certificate is issued. However, the information should be available for each engine. The proposal would also eliminate the uncertainty which exists concerning the nature of the instructions required by specifying the instructions which must be provided in all cases.

Proposal 2. Engine ratings and operating limitations (*§ 33.7*). Section 33.7 would be amended to read as follows:

§ 33.7 Engine ratings and operating limitations.

(a) Engine ratings and operating limitations are established by the Administrator and included in the engine certificate data sheet specified in § 21.41 of this chapter, including ratings and limitations based on the operating conditions and information specified in this section, as applicable, and any other information found necessary for safe operation of the engine.

(b) For reciprocating engines, ratings and operating limitations are established relating to—

(1) Horsepower or torque, r.p.m., maniold pressure, and time at critical pressure altitude and sea level pressure altitude for—

(i) Maximum continuous power (high blower);

(ii) Maximum continuous power (low blower);

(iii) Takeoff power (high blower); and

(iv) Takeoff power (low blower).

(2) Fuel grade or specification.

(3) Oil grade or specification.

(4) Temperature of the—

(i) Cylinder head;

(ii) Cylinder barrel;

(iii) Oil at the oil inlet; and

(iv) Turbosupercharger turbine wheel inlet gas.

(5) Pressure of—

(i) Fuel at the fuel inlet; and

(ii) Oil at the main oil gallery.

(6) Accessory drive torque and overhang moment.

(7) Component life.

(8) Turbosupercharger turbine wheel r.p.m.

(c) For turbine engines, ratings and operating limitations are established relating to—

(1) Horsepower, torque, or thrust, r.p.m., gas temperature, and time for—

(i) Maximum continuous power or thrust (augmented);

(ii) Maximum continuous power or thrust (unaugmented);

(iii) Takeoff power or thrust (augmented);

(iv) Takeoff power or thrust (unaugmented);

(v) 30-minute power; and

(vi) 2½-minute power.

(2) Fuel designation or specification.

(3) Oil grade or specification.

(4) Hydraulic fluid specification.

(5) Temperature of—

(i) Oil at the oil inlet;

(ii) Induction air at the inlet face of a supersonic engine, including steady state operation and transient over-temperature and time allowed;

(iii) Hydraulic fluid of a supersonic engine;

(iv) Fuel at a location on a supersonic engine that is specified by the applicant; and

(v) External surfaces of the engine.

(6) Pressure of—

(i) Fuel at the fuel inlet;

(ii) Oil at the main oil gallery;

(iii) Induction air at the inlet face of a supersonic engine, including steady state operation and transient overpressure and time allowed; and

(iv) Hydraulic fluid.

(7) Accessory drive torque and overhang moment.

(8) Component life.

(9) Fuel filtration.

(10) Oil filtration.

(11) Bleed air.

(12) Internal cooling air flow.

(13) The number of start-stop stress cycles approved for each rotor disc and spacer.

(14) Inlet air distortion at engine inlet.

(15) Transient rotor shaft overspeed r.p.m., and number of overspeed occurrences.

(16) Transient gas overtemperature, and number of overtemperature occurrences.

(17) Engine rotor windmilling rotational r.p.m.

(18) Time for first overhaul.

Explanation: The proposal would replace the general statement in the present rule with a listing of the parameters for which operating limitations are established. In addition, the operating limitations would be included in the engine certificate data sheet to ensure the limitations are made known to the users of the engine.

Proposal 3. Design features (*§ 33.13*). Section 33.13 would be deleted.

Explanation: Present § 33.13 is superfluous. The regulations contain adequate and appropriate safety standards for aircraft engines. Testing of questionable design features may be required under the provisions of § 21.33 and special conditions may be prescribed under § 21.16 for novel or unusual design features.

Proposal 4. Low-cycle fatigue (*new § 33.14*). A new § 33.14 would be added to read as follows:

§ 33.14 Start-stop cyclic stress (low-cycle fatigue).

Each rotor disc and spacer of the compressor and the turbine must withstand the stress induced by thermal and mechanical loads developed each time the engine is started, accelerated to its maximum rated power or thrust and disc and spacer temperatures stabilized, and stopped and disc and spacer temperatures stabilized. The service life of each disc and spacer must be established and may not be greater than the number of start-stop stress cycles established as an operating limitation in the type certificate, amended type certificate, or supplemental type certificate. The number of start-stop stress cycles established as an operating limitation may not exceed one-third of the number of cycles determined to be the maximum number that each disc and spacer can sustain without failure, except this limit may be increased if at least three discs and three spacers that have been operated through the limiting number of cycles in actual service are tested through twice the number of cycles comprising the increased limit.

Explanation: Experience has shown that start-stop cyclic stress (low-cycle fatigue), if great enough and applied for a large number of cycles causes rotor disc failure. Start-stop cyclic stress is the stress induced in engine parts by the thermal and mechanical loads developed each time the engine is started, accelerated to its maximum rated power or thrust, disc and spacer temperatures stabilized, stopped, and disc and spacer temperature stabilized. The proposal would require an applicant to substantiate the ability of the engine to withstand start-stop cyclic stress applications and to limit the life of engine components to that number of cycles within which the start-stop-cyclic stress will not cause a failure. The proposal would also adopt the procedures set forth in AC 33–3 as the basis for establishing LCF life values. The techniques for establishing LCF life limits for rotor components are complex and may involve a variety of techniques, at times with varying accuracy. While the possibility of error in a safe life determination is not usually critical for initial life limits, it could become critical for extended life limits. Service experience has shown that the possibility of such error can be minimized by the use of the generally accepted procedure of adding test cycles to high-time parts which have been removed from service. The proposed procedure will provide a more uniform basis for determining initial LCF life as well as life extensions.

Proposal 5. Fire prevention (*§ 33.17*). Section 33.17 would be amended to read as follows:

§ 33.17 Fire prevention.

(a) The design and construction of the engine and the materials used must minimize the probability of the occurrence and spread of fire.

(b) Except as provided in paragraphs (c), (d), and (e) of this section, each external line, fitting, and other component, which conveys or contains flammable fluid must be fire resistant. Components must be shielded or located to safeguard against the ignition of leaking flammable fluid.

(c) Flammable fluid tanks and supports which are part of and attached to the engine must be fireproof or be enclosed by a fireproof shield unless damage by fire to any nonfireproof part will not cause leakage or spillage of flammable fluid.

(d) For turbine engines type certificated for use in supersonic aircraft, each external component which conveys or contains flammable fluid must be fireproof.

(e) Accumulation of flammable fluid (including vapor) must be prevented by draining and venting the areas of the engines where the fluid can accumulate.

Explanation: The stated reasons in present paragraph (a) are superfluous and would be deleted. Under present paragraph (b) only external lines or fittings that convey flammable fluid are required to be fire resistant. Other external components are also vulnerable to fire and the proposal would add fire prevention requirements covering all components. For engines certificated for use in ignition source. The proposal would also add supersonic aircraft, all components would be required to be fireproof since an engine used in supersonic aircraft presents a fire hazard because its external surface and the compartment surrounding the engine will be sufficiently hot during supersonic flight to be an a drain and vent requirement to ensure that unwanted flammable fluid will not accumulate in the engine and thereby create a fire hazard. Appropriate amendments to the related aircraft airworthiness rules are also proposed in this notice.

Proposal 6. Accessory attachments (*§ 33.25*). Section 33.25 would be amended to read as follows:

§ 33.25 Accessory attachments.

The engine must operate properly with the accessory drive and mounting attachments loaded, and each accessory used only for an aircraft service must be loaded with the limit load specified by the applicant for the engine drive or attachment point. Each engine accessory drive and mounting attachment must be sealed to prevent contamination of or leakage from the engine interior. The design of the engine must allow for the examination, adjustment, or removal of each accessory required for engine operation.

Explanation: The present rule does not require that limit loads for drive and attachments used only for aircraft services be established or that drives and attachments be sealed to prevent contamination of or leakage from the engine interior. These provisions are needed, particularly in the event of an accessory failure that could result in broken parts dropping into the engine or oil leakage.

Proposal 7. Turbine, compressor, and turbosupercharger rotors (*§ 33.27*). Section 33.27 would be amended to read as follows:

§ 33.27 Turbine, compressor, and turbosupercharger rotors.

(a) Turbine, compressor, and turbosupercharger rotors must have sufficient strength to withstand excessive rotor speed, temperature, and vibration.

(b) The design and functioning of engine control devices, systems, and instruments must give reasonable assurance that those engine operating limitations that affect turbine, compressor, and turbosupercharger rotor structural integrity will not be exceeded in service.

(c) Transposition of an air-cooled turbine rotor or failure or blockage of any rotor or stator cooling air passage may not interrupt normal cooling air flow for the rotor.

(d) The turbine rotor, the compressor rotor, and the turbosupercharger rotor sustaining the highest operating stress at the maximum limiting r.p.m., of all such rotors, respectively, in an engine or turbosupercharger, must each be tested—

(1) By a test article fabricated of material having only the minimum quality allowed by each material specification parameter, or, if not so fabricated, with test results corrected to reflect the use of material having such minimum quality;

(2) At its maximum operating temperature, except as provided in subparagraph (4)(v) of this paragraph;

(3) For a period of 5 minutes; and

(4) At a speed of—

(i) 125 percent of its maximum limiting r.p.m. if on a rig and the rotor disc is equipped with either blades or blade weights;

(ii) 120 percent of its maximum limiting r.p.m. if on an engine;

(iii) Maximum limiting r.p.m. if on an engine and the rotor disc section is thinner than specified in the type design so that the operating stress induced at maximum limiting r.p.m. is the same as for a rotor conforming to type design at

120 percent of its maximum limiting r.p.m.;

(iv) 120 percent of its maximum limiting r.p.m. if on a turbosupercharger driven by a hot gas supply from a special burner rig; or

(v) 125 percent of the r.p.m. at which, while cold spinning, the motor disc is subject to the same operating stresses that are induced at the maximum limiting temperature and r.p.m., provided that disc temperature survey data from operating engines and data on hot strength properties of the disc material establish the effect of temperature on stress.

Following the test, each rotor must be within the dimensional limits allowed by the type design for installation in an engine and may not be cracked.

Explanation: Compressor failure produces the same hazards that result from turbine failure and the proposal would extend the present turbine rotor requirement to the compressor. Similarly, since the current regulations do not require specific rotor strength margin for turbosuperchargers, notwithstanding that experience with gas driven rotors indicates the likelihood of hazard to aircraft in the event of rotor failure, turbosuperchargers would be included. The proposal would also eliminate the consequences of cooling stoppage by adding a requirement that if an air-cooled turbine rotor moves from its installed position during operation or if rotor or stator cooling air passages fail or become blocked, the movement, failure, or blockage will not interrupt normal cooling airflow for the rotor stator. Finally, overspeed test requirements are proposed for turbine, compressor, and turbosupercharger rotors.

Proposal 8. Instrument connection marking (*new § 33.29*). A new § 33.29 would be added to read as follows:

§ 33.29 Instrument connection.

(a) Connections provided for powerplant instruments required by the aircraft airworthiness regulations or necessary to insure operation of the engine in compliance with any new engine limitation must be marked to identify each connection with its corresponding instrument.

(b) A connection must be provided on each turbojet engine for a vibration monitoring indicator system to indicate rotor system unbalance.

Explanation: The proposal would insure that any instrument connection that is provided on the engine is marked to identify it with the proper instrument to be connected when the engine is installed in an aircraft. An unsafe condition could arise if the wrong instrument were attached to a connection. In addition, it is proposed to require a connection on turbojet engines for a vibration monitoring indicator system to indicate rotor system unbalance. The present rules do not cover monitoring rotor system unbalance, however, the use of such equipment has become a safety necessity.

Proposal 9. General (*new § 33.42*). A new § 33.42 would be added to read as follows:

§ 33.42 General.

Before each endurance test required by this subpart, the adjustment setting and functioning characteristic of each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must be established and recorded.

Explanation: It is necessary to establish the adjustment setting and functioning characteristic of each component before each endurance test in order to comply with the requirements of proposed § 33.55.

Proposal 10. Vibration test (*§ 33.43*). Section 33.43 would be amended to read as follows:

§ 33.43 Vibration test.

(a) Each engine must undergo a vibration survey to establish the torsional and bending vibration characteristics of the crankshaft and the propeller shaft or other output shaft, over the range of crankshaft speed and engine power, under steady state and transient conditions, from idling speed to either 110 percent of the desired maximum continuous speed rating or 103 percent of the maximum desired takeoff speed rating, whichever is higher. The survey must be repeated with that cylinder not firing that has the most adverse vibration effect. The survey must be conducted using, for airplane engines, the propeller which is used for the endurance test, and using, for other engines, the loading device which is used for the endurance test.

(b) The torsional and bending vibration stresses of the crankshaft and the propeller shaft or other output shaft may not exceed the endurance limit stress of the material from which the shaft is fabricated. If the maximum stress in the shaft cannot be shown to be below the endurance limit by measurement, the vibration frequency and amplitude must be measured. Either the peak amplitude must be eliminated by a change in the type design or the engine must be run at the condition producing the peak amplitude until, for steel shafts, 10½ million stress reversals have been sustained without fatigue failure and, for other shafts, until it is shown that fatigue failure will not occur within the endurance limit stress of the material.

(c) Each accessory drive and mounting attachment must be loaded, with the load imposed by each accessory used only for an aircraft service being the limit load specified by the applicant for the engine drive or attachment point.

Explanation: The proposal would update the present rule by requiring vibration investigation necessary to preclude failures of critical propulsion system components, and by requiring the establishment of stress levels and fatigue strength of primary structural components. The primary structural components of practical interest in a vibration survey are the crankshaft (covered in the present requirement) and the output shaft (also covered if it is simultaneously the crankshaft). The proposed amendment would therefore include the output shaft in order to include those instances where it and the crankshaft were separate components. The requirement would be expanded to include operation with a non-firing cylinder since this could have a critical effect on engine vibration. To eliminate any question of what constitutes a representative propeller, the proposal would require the survey to be conducted using the same propeller that was used during the endurance test in order to minimize the variables between the two tests. While the engine and propeller actually used in a particular installation must be surveyed in the aircraft, the proposed vibration survey would prevent the type certification of an engine that could not be used in any installation because of a bad vibration characteristic with any propeller. The proposal would also take into account other engines, e.g., helicopter engines, which are not fitted for a propeller and should therefore be loaded by whatever device is used in the endurance test. The ultimate purpose of a vibration investigation is to ensure that vibration does not cause a stress of sufficient magnitude during the cyclic reversals to crack the part that is vibrating. However, since it may be impracticable to measure stress in some significant places, such as oil holes, fillets, and corners, the sense of the present rule is retained as an alternative. In those cases, vibration frequency and amplitude would be measured, and either the peak amplitude eliminated by redesign or the engine run long enough at the condition producing the peak to show that the stress, whatever its magnitude, is below the endurance limit.

Proposal 11. Calibration tests (*§ 33.45*). Section 33.45 would be amended by adding to the last sentence of the present rule the words "with only those accessories installed which are essential for engine functioning"; by designating the present rule, as amended, as paragraph (a); and by adding a new paragraph (b) to read as follows:

§ 33.45 Calibration tests.

* * * * *

(b) A recalibration at sea level conditions must be accomplished on the endurance test engine after the endurance test and any change in power characteristics which occurs between the start and the finish of the endurance test must be determined. Measurements taken during the final portion of the endurance test may be used to comply with the requirements of this paragraph.

Explanation: Excessive deterioration of power may occur during the endurance test. However, the present rule does not specifically require a determination of the power changes. The proposal would require calibration tests before and after the endurance test in order that any changes can be determined. In addition, the proposal would require the power ratings to be determined with only those accessories installed which are essential for engine functioning, thereby including in basic power output the airbleed and accessory power used for aircraft services.

Proposal 12. Endurance tests. (*§ 33.49*). Paragraph (a) and the heading and lead-in sentence of paragraphs (b) and (c) would be amended, and a new paragraph (e) would be added, to read as follows:

§ 33.49 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test that includes a total of 150 hours of operation (200 hours for turbosupercharged engines, except as provided in paragraph (e)(1)(iv) of this section) and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (e) of this section, as applicable. The runs must be made in the order of periods found appropriate by the Administrator for the particular engine being tested. During the endurance test the engine power and the crankshaft rotational speed must be kept within ±3 percent of the rated values. During the runs at rated takeoff power and at rated maximum continuous power, at least one cylinder head and one cylinder barrel must be operated at not less than the limiting temperature, the other cylinder heads and barrels must be operated at a temperature not lower than 50° F below the limiting temperature, and the oil inlet temperature must be maintained within ±10° F of the limiting temperature. An engine that is equipped with a propeller shaft must be fitted for the endurance test with a propeller that thrust-loads the engine to the maximum thrust which the engine is designed to resist at each applicable operating condition specified in this section. Each accessory drive and mounting attachment must be loaded. The load imposed by each accessory used only for an aircraft service must be the limit load specified by the applicant for the engine drive or attachment point.

(b) *Unsupercharged engines and engines incorporating a gear-driven single-speed supercharger.* For engines not incorporating a supercharger and for engines incorporating a gear-driven single-speed supercharger the applicant must conduct the following runs:

* * * * *

(c) *Engines incorporating a gear-driven two-speed supercharger.* For engines incorporating a gear-driven two-speed supercharger the applicant must conduct the following runs:

* * * * *

(e) *Turbosupercharged engines.* For engines incorporating a turbosupercharger the following apply—

(1) For engines used in airplanes the applicant must conduct the runs specified in paragraph (b) of this section, except—

(i) The entire run specified in paragraph (b)(1) of this section must be made at sea level altitude pressure;

(ii) The portions of the runs specified in paragraph (b) (2) through (7) of this section at rated maximum continuous power must be made at critical altitude pressure and the portions of the runs at other power must be made at 8,000 feet altitude pressure;

(iii) The altitude testing must be accomplished with the engine induction air inlet and exhaust outlet pressure corresponding to the altitude pressure of each test condition; and

(iv) The turbosupercharger used during the 150-hour endurance test must be run on the bench for an additional 50 hours at the limiting turbine wheel inlet gas temperature and rotational speed for rated maximum continuous power operation unless the limiting temperature and speed are maintained during 50 hours of the rated maximum continuous power operation.

(2) For engines used in helicopters the applicant must conduct the runs specified in paragraph (d) of this section, except—

(i) The entire run specified in paragraph (d)(1) of this section must be made at critical altitude pressure;

(ii) The portions of the runs specified in paragraph (d) (2) and (3) of this section at rated maximum continuous power must be made at critical altitude pressure and the portions of the runs at other power must be made at 8,000 feet altitude pressure;

(iii) The entire run specified in paragraph (d)(4) of this section must be made at 8,000 feet altitude pressure;

(iv) The portion of the runs specified in paragraph (d)(5) of this section at 80 percent of rated maximum continuous power must be made at 8,000 feet altitude pressure and the portions of the runs at other power must be made at critical altitude pressure;

(v) The entire run specified in paragraph (d)(6) of this section must be made at critical altitude pressure; and

(vi) The turbosupercharger used during the endurance test must be run on the bench for 50 hours at the limiting turbine wheel inlet gas temperature and rotational speed for rated maximum continuous power operation unless the limiting temperature and speed are maintained during 50 hours of the rated maximum continuous power operation.

Explanation: The present endurance test schedules do not adequately cover exhaust driven turbosupercharged engines. The proposal would establish specific requirements for endurance testing of those engines, and would make appropriate changes to the headings and lead-in sentences of paragraphs (b) and (c) to clearly state their applicability. The FAA also believes that a requirement covering operation at limiting temperature should be added to the present rule to insure that the type test engine has been tested under the limiting temperature conditions. In addition, a proposed amendment to § 1.1 would amend the definition of "aircraft engine" to include the turbosupercharger.

Proposal 13. Teardown inspection (§ 33.55). Section 33.55 would be amended to read as follows:

§ 33.55 Teardown inspection.

After completing the endurance test—

(a) Each engine must be completely disassembled;

(b) Each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must have the same adjustment setting and functioning characteristic that were established and recorded at the beginning of the test; and

(c) Each engine component must conform to the type design and be eligible for incorporation into an engine for continued operation, in accordance with § 33.5(e).

Explanation: The objective of the teardown inspection is to determine whether the settings of certain adjustable parts change during the test, and to determine whether a part is still conforming to the type design and is eligible for continued use at the end of the test. The proposal would require components, such as fuel controls, pumps, actuators, valves, and ignition units, to have the same adjustment settings and functioning characteristics after the endurance tests as those that were established at the beginning of the test.

Proposal 14. General conduct of block tests (§ 33.57). Section 33.57 would be amended by amending paragraph (b) to read as follows:

§ 33.57 General conduct of block tests.

* * * * *

(b) The applicant may service and make minor repairs to the engine during the block tests in accordance with the service, maintenance, and inspection instructions specified in § 33.5. If the frequency of the service is excessive, or the number of stops due to engine malfunction is excessive, or a major repair, or replacement of a part is found necessary during the block tests or as the result of findings from the teardown inspection, the engine and its parts must be subjected to any additional test the Administrator finds necessary.

* * * * *

Explanation: The proposal would require service and minor repairs to the engine during the block tests to be made in accordance with the instructions specified in proposed new § 33.5. Excessive service (even though of the permitted type), and an excessive number of stops due to engine malfunction (even though it might be possible for all malfunctions to be corrected by minor repairs) may result in an unsatisfactory block test and the proposal would add these items to the present items which constitute grounds for requiring additional unspecified tests.

Proposal 15. Surge and stall characteristics (§ 33.65). Section 33.65 would be amended to read as follows:

§ 33.65 Surge and stall characteristics.

Starting, a change of power or thrust, power or thrust augmentation, inlet air distortion (including that caused by cross-wind), inlet air temperature, or ice ingestion may not cause surge or stall to the extent that flameout, structural failure, overtemperature, or failure of the engine to recover power or thrust will occur at any point in the operating envelope.

Explanation: Numerous questions have arisen concerning the present rule and the proposal would clarify the rule by specifying the operating conditions that may not cause detrimental surge, by describing the effects of detrimental surge, and by also applying the requirement to stalls.

Proposal 16. Bleed air system (new § 33.66). A new § 33.66 would be added to read as follows:

§ 33.66 Bleed air system.

The engine must supply bleed air without adverse effect on the engine at the discharge flow condition established as a limitation. If bleed air used for engine anti-icing can be controlled, provision must be made for connecting the bleed air system to a means to indicate the functioning of the aircraft powerplant ice protection system.

Explanation: Bleed of air affects engine performance and operation and it is essential that adverse operational characteristics are not produced at the maximum bleed flow rate. In addition, if bleed air is used for engine anti-icing, it is essential to know that the air is bleeding to the anti-icing system when the system is on. The proposal would require that maximum bleed airflow condition be established as a limitation on the engine and that provision be made to connect the bleed air system to a means that will indicate the functioning of the powerplant anti-icing system.

Proposal 17. Fuel systems (§ 33.67) Section 33.67 would be amended to read as follows:

§ 33.67 Fuel system.

(a) Each fuel system must supply a flow of fuel at a rate and pressure established for proper engine functioning under each operating condition required by this Part. Each fuel control adjusting means that may not be manipulated while the fuel control device is mounted on the engine must be inaccessible. All other fuel control adjusting means must be accessible and marked to indicate the function of the adjustment. Each fuel system must be capable of continuous operation throughout its flow range and pressure with fuel initially saturated with water at 80° F. and having 0.75 cc. of free water per gallon added and cooled to the most critical condition for icing likely to be encountered in operation.

(b) There must be a fuel strainer or filter between the engine fuel inlet opening and the inlet of either the fuel metering device or the engine-driven positive displacement pump, whichever comes first. In addition—

(1) Each filter or strainer must be accessible for draining and cleaning and must incorporate a screen or element which is easily removable.

(2) Each filter or strainer must have a sediment trap and drain.

(3) Each filter or strainer must be mounted so that its weight is not supported by the connecting lines or by the inlet or outlet connections of the strainer or filter.

(4) The type and degree of fuel filtering necessary for protection of the engine fuel system against foreign particles in the fuel must be specified. The applicant must demonstrate that foreign particles passing through the specified filtering means do not impair engine fuel system functioning.

(5) Each filter or strainer must have the capacity (with respect to operating limitations established to insure proper service) and the mesh to insure that engine fuel system functioning is not impaired, with the fuel contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in subparagraph (4) of this paragraph.

(6) The bypass of each filter or strainer may not release collected contaminants.

(7) Each filter or strainer must incorporate an indicator that will indicate the occurrence of contamination of the filter or strainer before attainment of contamination to the degree specified in subparagraph (5) of this paragraph.

Explanation: The present fuel and induction system requirements are considered to be inadequate for newly certificated aircraft engines. The proposal would revise and redirect the requirement in order to assure that the features important to safety and reliability are included in the engines. In this connection the design and construction requirement of the present regulation would be replaced by requirements for fuel and induction system qualities that are considered essential for minimum airworthiness. The FAA also believes that it is essential that the engine be equipped in all cases with a fuel strainer or filter to protect the fuel metering device and the positive displacement pump. While the aircraft airworthiness regulations contain such requirements, it has become a common practice for a fuel strainer or filter to be included in the type design of the engine. The proposal would require the engine manufacturer to furnish the filter, and would incorporate into this section the filtration requirements of Part 25, which were adopted in conjunction with the present requirements of Part 33. In addition, an indicator would be required to indicate the occurrence of contaminants and the present icing protection requirements would be set forth in a new § 33.68.

Proposal 18. Induction system icing (new § 33.68). A new § 33.68 would be added to read as follows:

§ 33.68 Induction system icing.

Each engine, with all icing protection systems operating, must—

(a) Operate throughout the flight power range (including idling) without the accumulation of ice on the engine components that adversely affects engine operation or that causes a serious loss of power or thrust in continuous maximum and intermittent maximum icing conditions as defined in Appendix C of Part 25 of this chapter; and

(b) Idle for 30 minutes at sea level, with available air bleed at the critical condition for engine icing protection, without adverse effect in an atmosphere that is at a temperature of 29° F. and has a liquid water content of 2 grams per cubic meter in the form of drops having a mean effective diameter of 40 microns, followed by momentary operation at takeoff power or thrust.

Explanation: The induction system icing requirements of present § 33.67(c) would be transferred to a new § 33.68 and revised to make it clear that the flight power range includes "idling." The proposal would also require the engine to be capable of idling on the ground for an extended period of time in an atmospheric condition representing supercooled fog.

Proposal 19. Ignition system (§ 33.69). Section 33.69 would be amended to read as follows:

§ 33.69 Ignition system.

Each engine must be equipped with an ignition system for starting the engine on the ground and in flight. An electric ignition system must have at least two igniters and two separate secondary electric circuits, except that only one igniter is required for fuel burning augmentation systems.

Explanation: Supersonic transports are expected to use an augmentor to accelerate to supersonic cruise speed. The FAA believes that the present rule which requires electric ignition systems to have two igniters for starting the engine on the ground and in flight is necessary for the basic engine. However, safety does not require this rule to be applied to the augmentor, and the proposal would except the augmentor from the general applicability of the present rule.

Proposal 20. Lubrication (§ 33.71). Section 33.71 would be amended to read as follows:

§ 33.71 Lubrication system.

(a) *General.* Each lubrication system must function properly in the flight attitudes and atmospheric conditions in which an aircraft is expected to operate.

(b) *Oil strainer or filter.* There must be an oil strainer or filter that conveys all the oil that flows through each engine. A separate strainer or filter must be located ahead of each scavenge pump. In addition—

(1) Each strainer or filter that has a bypass must be constructed and installed so that oil will flow at the normal rate through the rest of the system with the strainer or filter element completely blocked.

(2) The type and degree of oil filtering necessary for protection of the engine oil system against foreign particles in the oil must be specified. The applicant must demonstrate that foreign particles passing through the specified filtering means do not impair engine oil system functioning.

(3) Each strainer or filter must have the capacity (with respect to operating limitations established to ensure proper service) and the mesh to ensure that engine oil system functioning is not impaired, with the oil contaminated to a degree (with respect to particle size and density) that is greater than that established for the engine in subparagraph (2) of this paragraph.

(4) Each strainer or filter, except the strainer or filter at an oil tank outlet or for a scavenge pump must incorporate an indicator that will indicate the occurrence of contamination of the strainer or filter before attainment of contamination of the degree specified in subparagraph (3) of this paragraph.

(5) The bypass of each strainer or filter may not release collected contaminants.

(6) A strainer or filter that has no bypass, except the strainer or filter at an

oil tank outlet or for a scavenge pump, must have provisions for connection with a warning means to warn the pilot of the occurrence of contamination of the screen before attainment of contamination of the degree specified in subparagraph (3) of this paragraph.

(7) Each strainer or filter must be accessible for draining and cleaning.

(c) *Oil tanks.* (1) Each oil tank must have an expansion space of not less than 10 percent of the tank capacity.

(2) It must be impossible to inadvertently fill the oil tank expansion space.

(3) Each recessed oil tank filler connection that can retain any appreciable quantity of oil must have provision for fitting a drain.

(4) Each oil tank cap must provide an oil-tight seal.

(5) Each oil tank filler must be marked with the word "oil" and the tank capacity.

(6) Each oil tank must be vented from the top part of the expansion space, with the vent so arranged that condensed water vapor that might freeze and obstruct the line cannot accumulate at any point.

(7) There must be means to prevent entrance into the oil tank or into any oil tank outlet, of any object that might obstruct the flow of oil through the system.

(8) There must be a shutoff valve at the outlet of each oil tank, unless the external portion of the oil system (including oil tank supports) is fireproof.

(9) Each unpressurized oil tank may not leak when subjected to extreme temperature and an internal pressure of 5 p.s.i., and each pressurized oil tank may not leak when subjected to extreme temperature and an internal pressure that is the sum of 5 p.s.i. and the maximum operating pressure of the tank.

(10) Leaked or spilled oil may not accumulate between the tank and the remainder of the engine.

(11) Each oil tank must have an oil quantity indicator.

(d) *Oil drains.* There must be an accessible oil drain that will drain the entire oil system. The drain must have a manual or automatic means for positive locking in the closed position.

(e) *Oil radiators.* Each oil radiator must withstand, without failure, any vibration, inertia, and oil pressure load to which it is subjected during the block tests.

EXPLANATION: The proposal would introduce comprehensive oil system requirements for turbine engines. Most engine oil systems are integral parts of the engine but a substantial part of the oil system requirements are presently set forth in the aircraft airworthiness regulations. The proposal would incorporate in Part 33 those provisions of the aircraft airworthiness regulations that apply to the engines, except installation requirements. Additional provisions which are considered essential for minimum airworthiness have been added, including a requirement for a strainer or filter ahead of the scavenge pump, a specification of the type and degree of oil filtering that is necessary, filtration capability to meet specifications, an indicator on the strainer or filter to indicate the occurrence of excessive contamination, and a bypass that may not release collected contaminants. These filter provisions correspond to those applied to and proposed for the engine fuel system.

Proposal 21. Hydraulic actuating systems (new § 33.72). A new § 33.72 would be added to read as follows:

§ 33.72 Hydraulic actuating systems.

Each hydraulic actuating system must function properly under all conditions in which the engine is expected to operate. Each filter or screen must be accessible for servicing and each tank must meet the design criteria of § 33.71.

EXPLANATION: The size and complexity of modern engines require the incorporation of hydraulic actuators for nozzle controls and compressor vanes. The proposed requirement would cover the significant characteristics of hydraulic actuating systems.

Proposal 22. Safety analysis (new § 33.75). A new § 33.75 would be added to read as follows:

§ 33.75 Safety analysis.

It must be shown by analysis that any probable malfunction or any probable malfunction of any probable single or multiple failure, or any probable bad operation of the engine will not cause the engine to—

(a) Catch fire;

(b) Burst;

(c) Generate loads greater than those specified in § 33.23; or

(d) Lose the capability of being shut down.

EXPLANATION: Service experience has shown that there is a need for an analysis of the engine to establish that probable engine operating difficulties will not cause serious engine failures. The proposal would insure that design complexities are fully evaluated to eliminate this hazard.

Proposal 23. Foreign object ingestion (new § 37.77). A new § 33.77 would be added to read as follows:

§ 33.77 Foreign object ingestion.

(a) Ingestion of a 4-pound bird, a 4-inch hailstone, a ¼-inch by 1-inch steel bolt, a piece of tire tread, or a broken rotor blade, under the conditions set forth in paragraph (e) of this section, may not cause the engine to—

(1) Catch fire;

(2) Burst;

(3) Generate loads greater than those specified in § 33.23; or

(4) Lose the capability of being shut down.

(b) Ingestion of 3-ounce birds, 1½-pound birds, or mixed gravel and sand, under the conditions set forth in paragraph (e) of this section, may not cause more than a 25 percent power or thrust loss or require the engine to be shut down.

(c) Ingestion of water, ice, or hail (except as provided in paragraph (a) of this section), under the conditions set forth in paragraph (e) of this section, may not cause a power or thrust loss or require the engine to be shut down.

(d) For an engine that incorporates a protective device, compliance with this section need not be demonstrated with respect to specific foreign objects sought to be ingested under the conditions set forth in paragraph (e) of this section, if it is shown that—

(1) Such foreign object or objects are of a size that will not pass through the protective device;

(2) The protective device will withstand the impact of the foreign object or objects; and

(3) The foreign object or objects stopped by the protective device will not obstruct the flow of induction air into the engine.

(e) The prescribed foreign object ingestion conditions are as follows:

Foreign object	Test quantity	Speed of foreign object	Engine operation	Ingestion
Birds:				
3-oz. size	One for each 50 sq. in. of inlet area or fraction thereof up to a maximum of 16 birds. 3-oz. bird ingestion not required if a 1½ lb. bird will pass the inlet guide vanes into the rotor baldes.	Liftoff speed of typical aircraft.	Takeoff	In rapid sequence to simulate a flock encounter.
1½ lb. size	One for the first 300 sq. in. of inlet area plus one each additional 500 sq. in. of inlet area or fraction thereof up to maximum of 10 birds.	Initial climb speed of typical aircraft.	do	Do.
4-lb. size	One if it can enter the inlet	Maximum climb speed.	do	Aimed at critical area.
Ice	Maximum accumulation on inlet cowl and engine face resulting from a 30-second delay in actuating anti-icing system.	Sucked in	Maximum cruise.	To simulate a maximum severity icing encounter at 25° F.
Hail: (0.8 to 0.9 specific gravity).	For subsonic and supersonic engines: With inlet areas of not more than 100 sq. in.: one 1-in. hailstone. With inlet areas of more than 100 sq. in.: one 1-in. and one 2-in. hailstones for each 150 sq. in. of inlet area or fraction thereof. With inlet areas of more than 150 sq. in. (as an additional spearate test): One 4-in. hailstone.	Rough air flight speed of typical aircraft.	Maximum cruise at 15,000 ft. altitude.	In a volley to simulate a hailstone encounter. Except for 4-in. hailstone, one test quantity aimed at random areas over the face of the inlet area plus one test quantity aimed for the critical face area. One 4-in. hailstone aimed for the critical face area.
	For supersonic engines (in addition): 3 hailstones each having a diameter equal to that in a straight line variation from 1 in. at 35,000 ft. to ¼ in. at 60,000 ft. using diameter corresponding to the lowest supersonic cruise altitude expected.	Supersonic cruise velocity. Alternatively use subsonic velocities with larger hailstones to give equivalent kinetic energy.	Maximum cruise.	Aimed for critical engine face area.
Water	4 percent of engine airflow by weight.	Sucked in	Maximum cruise and flight idle.	For 3 minutes at each engine operation condition as spray to simulate rain.
Mixed gravel and sand. (One part stones with diameter not less than 3/16- nor more than ¼ in. and 7 parts sand.)	¼ lb. for each 150 sq. in. of inlet area or fraction thereof.	do	Takeoff	Over a 15-minute period.
Broken rotor blade: (Compressor or turbine, whichever is more critical, broken at the outermost retention groove or member, or at least 80% of an integral blade.)	One		do	Release from rotor followed by 15-second delay prior to initiating shutdown.[1]
Bolt: ¼-in. by 1-in.	do	Sucked in	do	
Tire tread: (Having width and length equal to full width of tread.)	do	do	do	

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[1] Blade containment must be demonstrated with a complete engine to evaluate secondary effects of blade loss and to determine blade fragment trajectories, except that in fan engines, the fan assembly may be tested separately for blade containment if it is demonstrated that fan blade or vane debris would not enter the compressor after a fan blade failure.

EXPLANATION: Engine structural damage and functional failure have resulted from the ingestion of foreign objects, and particular attention to these hazards is needed. The proposal would insure that the principal objects of concern, if ingested, would not cause engine structural damage or functional failure greater than that specified.

Proposal 24. Fuel burning thrust augmentor (new § 33.79). A new § 33.79 would be added to read as follows:

§ 33.79 Fuel burning thrust augmentor, including the nozzle.

Each fuel burning thrust augmentor, including the nozzle, must—

(a) Have a maximum probability of adequate cooling of its components;

(b) Provide cutoff of fuel burning thrust augmentor;

(c) Permit on-off cycling;

(d) Be controlled within the intended range of operation;

(e) Minimize the probability that its malfunction or failure will cause the engine to lose more thrust than the augmentor thrust; and

(f) Have controls that function compatibly with the other engine controls and automatically shut off fuel burning thrust augmentor fuel flow if the engine rotor rotational speed drops.

EXPLANATION: Aircraft engines are being developed to utilize a fuel burning thrust augmentor and the proposal would establish minimum requirements for the augmentor.

Proposal 25. Block tests (§ 33.81). Section 33.81 would be amended by deleting the second (final) sentence.

EXPLANATION: The provision concerning controlled air extraction would be deleted consistent with the proposed amendments to §§ 33.43 and 33.83.

Proposal 26. Block tests, general (new § 33.82). A new § 33.82 would be added to read as follows:

§ 33.82 General.

Before each endurance test required by this subpart, the adjustment setting and functioning characteristic of each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must be established and recorded.

EXPLANATION: It is necessary to establish the adjustment setting and function characteristics of each component before each endurance test in order to comply with the requirements of the proposed amendment to § 33.93.

Proposal 27. Vibration test (§ 33.83). Section 33.83 would be amended to read as follows:

§ 33.83 Vibration test.

(a) Each engine must undergo a vibration survey to establish the vibration characteristics of the rotors, rotor shafts, and rotor and stator blades at the maximum inlet air distortion limit, over the range of rotor shaft speeds and engine power or thrust, under steady state and transient conditions, from idling speed to either 110 percent of the desired maximum continuous speed rating or 103 percent of the maximum desired takeoff speed rating, whichever is higher. The survey must be conducted using, for turbopropeller engines, the propeller which is used for the endurance test and using, for other engines, the loading device which is used for the endurance test.

(b) The vibration stresses of the rotors, rotor shafts, and rotor and stator blades may not exceed the endurance limit stress of the material from which these parts are fabricated. If the maximum stress cannot be measured and shown to be below the endurance limit by measurement, the vibration frequency and amplitude must be measured. Either the peak vibration amplitude must be eliminated by a change in the type design or the engine must be run at the condition producing the peak amplitude until, for steel parts, 10½ million stress reversals have been sustained without fatigue failure and, for other parts, until it is shown that fatigue failure will not occur within the endurance limit stress of the material.

(c) Each accessory drive and mounting attachment must be loaded, with the load imposed by each accessory used only for an aircraft service being the limit load specified by the applicant for the engine drive or attachment point.

EXPLANATION: The proposal would update the vibration test requirements for turbine aircraft engines consistent with the proposed amendment to § 33.43 covering reciprocating aircraft engines.

Proposal 28. Calibration tests (§ 33.85). Section 33.85 would be amended by adding to the last sentence of paragraph (a) the words "with no airbleed for aircraft services and with only those accessories installed which are essential for engine functioning", and by amending paragraph (b) to read as follows:

§ 33.85 Calibration tests.

* * * * *

(b) A recalibration at sea level conditions must be accomplished on the endurance test engine after the endurance test and any change in power characteristics which occurs between the start and finish of the endurance test must be determined. Measurements taken during the final portion of the endurance test may be used to comply with the requirements of this paragraph.

EXPLANATION: This proposal for turbine aircraft engines corresponds to the proposed amendment to § 33.45 for reciprocating aircraft engines.

Proposal 29. Endurance test (§ 33.87). Section 33.87 would be amended by deleting paragraphs (b)(7), (c)(7), and (d)(3) and by amending paragraph (a) and adding a new paragraph (e) to read as follows:

§ 33.87 Endurance test.

(a) *General.* Each engine must be subjected to an endurance test that includes a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, consists of one of the series of runs specified in paragraphs (b) through (e) of this section, as applicable. The following test requirements apply—

(1) The runs must be made in the order or periods found appropriate by the Administrator for the particular engine being tested.

(2) Any automatic engine control that is part of the engine must control the engine during the endurance test except for operations where automatic control is normally overridden by manual control or where manual control is otherwise specified for a particular test run.

(3) Power or thrust, gas temperature, rotor shaft rotational speed, and temperature of external surfaces of the engine must be at least 100 percent of the value associated with the particular engine operation being tested.

(4) The runs must be made using the fuel, lubricant, and hydraulic fluid having the lowest thermal breakdown temperature allowed by the specifications specified in § 33.7(b).

(5) Maximum air bleed for engine and aircraft services must be used during at least one-fifth of the runs.

(6) Each accessory drive and mounting attachment must be loaded. The load imposed by each accessory used only for an aircraft service must be the limit load specified by the applicant for the engine drive or attachment point.

(7) During the runs at any rated power or thrust the gas temperature and the oil inlet temperature must be maintained at the limiting temperature except where the test periods are not longer than 5 minutes and do not allow stabilization. At least one run must be made with fuel, oil, and hydraulic fluid at the minimum pressure limit and at least one run must be made with fuel, oil, and hydraulic fluid at the maximum pressure limit.

(8) Test runs of engines that are cooled internally by air must be made using the internal air flow at which the engine operating limitation is established.

(9) If the number of occurrences of either transient rotor shaft overspeed or transient gas overtemperature is limited, that number of the accelerations required by paragraphs (b), (c), (d), and (e) of this section must be made at the limiting overspeed or overtemperature. If the number of occurrences is not limited, half the required accelerations must be made at the limiting overspeed or overtemperature.

(10) For each engine type certificated for use on supersonic aircraft the following additional test requirements apply—

(i) To change the thrust setting, the engine fuel control device must be moved from the initial position to the final position in not more than one second except for movements into the fuel burning thrust augmentor augmentation position if additional time to confirm ignition is necessary.

(ii) During the runs at any rated augmented thrust the hydraulic fluid temperature must be maintained at the limiting temperature except where the test periods are not long enough to allow stabilization;

(iii) During the simulated supersonic runs the fuel temperature and induction air temperature may not be less than the limiting temperature;

(iv) The endurance test must be conducted with the fuel burning thrust augmentor installed, with the primary and secondary exhaust nozzles installed, and with the variable area exhaust nozzles operated during each run according to the methods specified in § 33.5(b); and

(v) During the runs at thrust settings for maximum continuous thrust and percentages thereof, the engine must be operated with the inlet air distortion at the limit for these thrust settings.

* * * * *

(e) *Supersonic aircraft engines.* For each engine type certificated for use on supersonic aircraft the applicant must conduct the following:

(1) *Subsonic test under sea level ambient atmospheric conditions.* Thirty runs of one hour each must be made, consisting of—

(i) Two periods of 5 minutes at rated takeoff augmented thrust each followed by 5 minutes at idle thrust.

(ii) One period of 5 minutes at rated takeoff thrust followed by 5 minutes at not more than 15 percent of rated takeoff thrust.

(iii) One period of 10 minutes at rated takeoff augmented thrust followed by 2 minutes at idle thrust, except that if rated maximum continuous augmented thrust is lower than rated takeoff augmented thrust five of the 10-minute periods must be at rated maximum continuous augmented thrust.

(iv) Six periods of 1 minute at rated takeoff augmented thrust each followed by 2 minutes, including acceleration and deceleration time, at idle thrust.

(2) *Simulated supersonic test.* Each run of the simulated supersonic test must be preceded by changing the inlet air temperature and pressure from that attained at subsonic condition, to the temperature and pressure attained at supersonic velocity and must be followed by a return to the temperature attained at subsonic condition. Thirty runs of 4 hours each must be made, consisting of—

(i) One period of 30 minutes at the thrust obtained with the engine fuel control set at the position for rated maximum continuous augmented thrust followed by 10 minutes at the thrust obtained with the engine fuel control set at the position for 90 percent of rated maximum continuous augmented thrust. The end of this period in the first five runs must be made with the induction air temperature at the limiting condition of transient overtemperature, but need not be repeated during the periods specified in subdivisions (ii) through (iv) of this subparagraph.

(ii) One period repeating the run specified in subdivision (i) of this subparagraph, except that it must be followed by 10 minutes at the thrust obtained with the engine fuel control set at the position for 80 percent of rated maximum continuous augmented thrust.

(iii) One period repeating the run specified in subdivision (i) of this subparagraph, except that it must be followed by 10 minutes at the thrust obtained with the engine fuel control set at the position for 60 percent of rated maximum continuous augmented thrust and then 10 minutes at not more than 15 percent of rated takeoff thrust.

(iv) One period repeating the runs specified in subdivisions (i) and (ii) of this subparagraph.

(v) One period of 30 minutes with 25 of the runs made at the thrust obtained with the engine fuel control set at the position for rated maximum continuous augmented thrust, each followed by idle thrust and with the remaining five runs at the thrust obtained with the engine fuel control set at the position for rated maximum continuous augmented thrust for 25 minutes each, followed by subsonic operation at not more than 15 percent of rated takeoff thrust and acceleration to rated takeoff thrust for 5 minutes using hot fuel.

(3) *Starts.* One hundred starts must be made, of which 25 starts must be preceded by an engine shutdown of at least 2 hours. At least 10 starts must be normal restarts, each made no later than 15 minutes after engine shutdown. The starts may be made at any time, including the period of endurance testing.

EXPLANATION: The present endurance test requirements are not appropriate for engines certificated for use in supersonic engines. Specific requirements would be added in a new paragraph (e) covering conditions and procedures that are peculiar to this engine, such as: internal air cooling; response to thrust control manipulation; maintenance of fuel burning augmentor gas temperature and hydraulic fluid temperature; and exhaust nozzles. The proposal would also update the present requirements for turbine engines, including provisions concerning the use of automatic engine controls; holding operational parameters to 100 percent of the value associated with the particular engine operation being tested; using fluids with which operation is limited; using maximum airbleed for aircraft services during some of the runs; fully loading accessory drive and mounting attachments; using the specified internal air cooling and maintaining temperatures at their limits.

Proposal 30. Rotor tests (new § 33.88). A new § 33.88 would be added to read as follows:

§ 33.88 Rotor tests.

Each engine must be run for 30 minutes at maximum rated r.p.m. and with the gas temperature 75° F. higher than the maximum limit. Following the run, each rotor must be within the dimensional limits allowed by the type design for installation in an engine and may not be cracked.

EXPLANATION: The current regulations do not require specific rotor strength margins. A review of uncontained rotor disc failures in service indicates the following principal causes of failure: (1) 18 percent—design problems; (2) 25 percent—personnel and maintenance; (3) 16 percent—manufacturing problems; and (4) 14 percent—material discrepancies. The proposed requirement should reduce the possibility of failure in several of these failure categories by providing added strength. The overtemperature test of a complete engine to 75° F. during a 30-minute test run would insure a more significant strength margin for the bladed turbine wheel assembly to withstand the repeated overtemperatures which experience has indicated actually occur.

Proposal 31. Operation test, turbine engines (§ 33.89). The present text of § 33.89 would be designated as paragraph (a) and a new paragraph (b) would be added to read as follows:

§ 33.89 Operation test.

* * * * *

(b) The operation test must include all testing found necessary by the Administrator to demonstrate the effect of extreme ambient temperature and altitude on the engine. The operation test must include several power changes and the operation of the fuel burning thrust augmentor through several complete cycles from ignition to shut off. If a manufacturer's test equipment will not subject an engine to be type certificated for use on supersonic aircraft to the temperatures and altitudes that are encountered in supersonic flight, the engine may be tested at the extreme altitude that is achieved by the available test facility, and the effect of operation on the engines at more extreme altitude estimated if the estimate is supported by an analysis.

EXPLANATION: The proposal would add to the present requirement the factors of extreme ambient temperature, altitude, power changes, and fuel burning thrust augmentor operation. These factors are particularly significant to the operation of engines certificated for use in supersonic aircraft. Since flight tests are not required for the issuance of an engine type certificate and some engine manufacturers do not have test stand equipment that can subject the engine to the temperature and altitudes that are encountered in supersonic flight, the proposal would permit the manufacturer to estimate the effect of these factors on the engine provided the estimate is supported by an analysis.

Proposal 32. Overhaul test (new § 33.90). A new § 33.90 would be added to read as follows:

§ 33.90 Overhaul test.

(a) Each engine type certificated for use on airplanes must undergo a test run simulating the conditions in which the engine is expected to operate in service, for a period of the same duration as that established as the limitation on operations prior to the first overhaul under § 33.7, which must include at least two starts for each hour run.

(b) Each engine type certificated for use on rotorcraft must undergo a test run, simulating the conditions in which the engine is expected to operate in service, for a period of the same duration as that established as the limitation on operations prior to the first overhaul under § 33.7, which must include at least four starts for each hour run.

EXPLANATION: The present regulations do not require a direct demonstration of durability. Past practice relied largely upon extrapolation of the results of the 150-hour endurance qualification test, which is an accelerated severity test. Experience with recent new type engines indicates the desirability of a simulated service test to demonstrate the initial period prior to the first overhaul. It is not feasible to require a specific duration for the testing as it can be expected to vary from approximately 500 to 2,000 hours for different types of engines. The FAA believes that the initial overhaul time should be based upon test conditions which simulate actual service experience, and that new type engines qualified in this manner will prove to be more trouble free upon introduction into service. Because cyclic operation is more severe than steady running, and is typical of actual service, the proposal would require two starts per hour of running for airplane engines and four starts per hour of running for helicopter engines to increase the realism of the test.

Proposal 33. Engine component tests (§ 33.91). Section 33.91 would be amended by adding new paragraphs (c) and (d) to read as follows:

§ 33.91 Engine component tests.

* * * * *

(c) Each unpressurized oil tank and each unpressurized hydraulic fluid tank may not fail or leak when subjected to extreme temperature and an internal pressure of 5 p.s.i., and each pressurized oil tank and each pressurized hydraulic fluid tank may not fail or leak when subjected to extreme temperature and an internal pressure that is the sum of 5 p.s.i. and the maximum operating pressure of the tank.

(d) For an engine type certificated for use in supersonic aircraft, the systems, safety devices, and external components that may fail because of operation at extreme temperatures must be identified and tested at extreme temperatures and while temperature and other operating conditions are cycled from one extreme to another.

EXPLANATION: Operation at supersonic speed imposes large temperature variations on some parts of the engine under stabilized conditions and during cycling from one extreme to another. The proposal would add a requirement covering those systems, safety devices, and external components of an engine certificated for use in supersonic aircraft that might fail when operated at extreme temperature. In addition, for any engine it is particularly essential that lubricant and hydraulic fluid tanks do not fail at extreme temperature.

Proposal 34. Windmilling tests (new § 33.92). A new § 33.92 would be added to read as follows:

§ 33.92 Windmilling test.

(a) Unless means are incorporated in the engine to stop rotation of the engine rotors when the engine is shut down in flight, each engine rotor must be capable of rotating, for 3 hours at the limiting windmilling rotational r.p.m. with no oil in the engine oil system, without the engine—

(1) Catching fire;

(2) Bursting; or

(3) Generating loads greater than those specified for compliance with § 33.23.

(b) An engine incorporating means to stop rotation of the engine rotors when the engine is shut down in flight must be subjected to 25 operations under the following conditions—

(1) Each engine must be shut down while operating at rated maximum continuous thrust.

(2) For engines certificated for use on supersonic aircraft, the temperature of the induction air and the external surfaces of the engine must be held at the maximum limit during the tests required by this paragraph.

EXPLANATION: The present requirements covering control of engine rotation are set forth in Part 25 and thus limited to transport category airplanes. The FAA believes that a basic windmilling requirement should apply to all engines. The proposal would require either satisfactory rotor windmilling without oil or a means to stop rotor windmilling. The proposal would also establish windmilling tests.

Proposal 35. Teardown inspection (§ 33.93). Section 33.93 would be amended to read as follows:

§ 33.93 Teardown inspection.

After completing the endurance test each engine must be completely disassembled, and—

(a) Each component having an adjustment setting and a functioning characteristic that can be established independent of installation on the engine must have the same adjustment setting and functioning characteristic that were established and recorded at the beginning of the test, and

(b) Each engine component must conform to the type design and be eligible for incorporation into an engine for continued operation, in accordance with § 33.5(e).

EXPLANATION: This proposal for turbine engines corresponds to the proposed amendment to § 33.55 for reciprocating engines.

Proposal 36. General conduct of block tests (§ 33.99). Section 33.99 would be amended by amending paragraph (b) to read as follows:

§ 33.99 General conduct of block tests.

* * * * *

(b) Each applicant may service and make minor repairs to the engine during the block tests in accordance with the service, maintenance, and inspection instructions specified in § 33.5. If the frequency of the service is excessive, or the number of stops due to engine malfunction is excessive, or a major repair, or replacement of a part is found necessary during the block tests or as the result of findings from the teardown inspection, the engine and its parts must be subjected to any additional tests the Administrator finds necessary.

* * * * *

EXPLANATION: The present rule provides that additional tests may be required if major repairs or replacement of parts are found necessary during the block tests or in the teardown inspection. The FAA believes that excessive engine stops due to engine malfunction, even though it may be possible for all malfunctions to be corrected by minor repairs, constitutes grounds for requiring additional testing of the engine and its parts. The proposal would add this provision to the present rule and also require the service and repairs to be made in accordance with the instructions that would be required by proposed § 33.5.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 26, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

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[CFR Part 23]

[Docket No. 11011; Notice 71-13]

NORMAL, UTILITY, AND ACROBATIC CATEGORY AIRPLANES

Proposed Type Certification Standards

The Federal Aviation Administration is considering amending the Federal Aviation Regulations to update and improve the airworthiness standards applicable to airplanes certificated under Part 23 of the regulations.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before August 4, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

In the latter part of 1968 the FAA instituted an extensive review of the airworthiness standards of Part 23 of the Federal Aviation Regulations in the light of worldwide experience with small airplanes. The proposals contained herein are the result of that review. While a majority of the proposals are substantive changes considered necessary in the interest of safety, there are a number of proposals containing editorial and clarifying amendments. Moreover, the FAA believes that in a few instances the present requirements may be relaxed and this notice contains such proposals.

The proposed amendments are arranged in this notice so that an explanation for each proposed change appears below the proposal.

In consideration of the foregoing, it is proposed to amend Part 23 of the Federal Aviation Regulations as follows:

1. Section 23.143(a)(5) would be amended by inserting after the word "off" in the parenthetical statement the words "with the wing flaps extended and retracted."

Explanation: This proposal would make it clear that the requirements of § 23.143(a)(5) apply during landing with wing flaps retracted as well as extended.

2. Section 23.145 would be amended by striking out the reference to "(4), or (5)" and inserting "or (4)" in place thereof in paragraphs (a)(2), (b)(4), and (b)(6) and by amending paragraph (b)(1) and (d) to read as follows:

§ 23.145 Longitudinal control.

* * * * *

(b) * * *

(1) With the power off, flaps retracted and the airplane trimmed at $1.4V_{S1}$ or the minimum trim speed whichever is higher, extend the flaps as rapidly as possible and allow the airspeed to transition from $1.4V_{S1}$ to $1.4V_{SO}$.

* * * * *

(d) It must be possible, with a pilot control force of not more than 10 pounds, to maintain a speed of not more than the speed determined in accordance with § 23.161(c)(4), during a power-off glide with landing gear and wing flaps extended.

* * * * *

Explanation: Consistent with the proposed change to § 23.161 which deletes subparagraph (5), this proposal eliminates reference to that paragraph. In addition, a single speed is proposed in pragraph (b)(1) which should simplify the requirement.

3. A new § 23.153 would be added to read as follows:

§ 23.153 Control during landing.

It must be possible to safely complete a landing without encountering forces in excess of those prescribed in § 23.143(c) following an approach to land while in the landing configuration—

(a) At a speed 5 knots less than that used in accordance with § 23.75 with the airplane in trim or as nearly as possible in trim;

(b) With the trimming control not being moved through the maneuver or the power increased during the landing flare; and

(c) With the thrust settings used in demonstrating compliance with the § 23.75.

Explanation: Because of the advent of the high performance airplanes eligible for certification under Part 23 and the advent of the trimmable stabilizer, it is necessary to amend Part 23 to insure that airplanes certificated under that Part have sufficient flare capability to overcome any excessive sink rate that may develop at a speed 5 knots lower than the normal landing approach speed and to insure that the forces encountered are not excessive.

4. A new § 23.155 would be added to read as follows:

§ 23.155 Elevator control force in maneuvers.

(a) The elevator control force needed to achieve the positive limit maneuvering load factor may not be less than—

(1) For wheel controls, W/100 (where W is the maximum weight) or 15 pounds, whichever is greater, but need not be greater than 50 pounds; or

(2) For stick controls W/140 (where Wis the amximum weight) or 15 pounds, whichever is greater, but need not be greater than 35 pounds.

(b) The requirement of paragraph (a) of this section must be met—

(1) With wing flaps and landing gear retracted;

(2) At 75 percent of maximum continuous power for reciprocating engines or the maximum power or thrust selected by the applicant as an operating limitation for use during cruise; and

(3) In a turn after being trimmed with wings level at the minimum speed at which the required normal acceleration can be achieved without stalling and at V_{NE} or V_{MO}/M_{MO} whichever is appropriate.

(c) Compliance with the requirements of this section may be demonstrated by measuring the normal acceleration that is achieved with the limiting stick force or by establishing the stick force per g. gradient and extrapolating to the appropriate limit.

Explanation: This proposal is considered necessary to insure sufficient control forces to prevent the pilot from overstressing in the new high performance airplanes being certificated under Part 23.

5. A new § 23.157 would be added to read as follows:

§ 23.157 Rate of roll.

(a) *Takeoff*. It must be possible, using a favorable combination of controls, to roll the airplane from a steady 30° banked turn through an angle of 60°, so as to reverse the direction of the turn in a time of 5 seconds for airplanes the maximum weight of which is 6,000 pounds or less and $\frac{W+500}{1,300}$ seconds for airplanes the maximum weight of which is greater than 6,000 pounds, where *W* is the weight in pounds. This requirement must be met when rolling the airplane in either direction in the following conditions—

(1) Flaps in the takeoff position;

(2) Landing gear retracted;

(3) At maximum takeoff power, and for a multiengine airplane the critical engine inoperative and propeller in the minimum drag position; and

(4) The airplane trimmed at $1.2V_{S1}$ or as nearly as possible in trim for straight flight.

(b) *Approach*. It must be possible, using a favorable combination of controls, to roll the airplane from a steady 30° banked turn through an angle of 60°, so as to reverse the direction of the turn in a time of 4 seconds for airplanes the maximum weight of which is 6,000 pounds or less, and $\frac{W+2,800}{2,200}$ seconds for airplanes the maximum weight of which is greater than 6,000 pounds. This requirement must be met when rolling the airplane in either direction in the following conditions—

(1) Flaps extended;

(2) Landing gear extended;

(3) All engines operating at idle power and at the power for level flight; and

(4) The airplane trimmed at a speed used in determining compliance with § 23.75.

Explanation: The regulations do not now contain a rate of roll requirement. The FAA has found through experience that such a requirement is needed to ensure an adequately responsive airplane in the takeoff and approach configuration.

6. Section 23.161(c) would be amended by deleting subparagraph (5) and by amending subparagraphs (3) and (4) to read as follows:

§ 23.161 Trim.

* * * * *

(c) *Longitudinal trim*. * * *

(3) A power approach with a 3° angle of descent, the landing gear extended, flaps retracted and—

(i) A speed between $1.3V_{S1}$ and $1.5V_{S1}$, for airplanes of 6,000 pounds or less maximum weight; or

(ii) $1.4V_{S1}$ for aircraft of more than 6,000 pounds maximum weight; and

(4) A power approach with a 3° angle of descent, the landing gear extended and—

(i) A speed between $1.3V_{S1}$ and $1.5V_{S1}$ with flaps extended for airplanes of 6,000 pounds or less maximum weight; or

(ii) The speed and flap position used under § 23.75(a), for airplanes of more than 6,000 pounds maximum weight.

* * * * *

Explanation: The deletion of paragraph (c)(5) and the amendment of paragraph (c)(4) are appropriate because § 23.21(a) already requires proof of compliance at appropriate combinations of weight and center of gravity. In addition, reference to § 23.75(a) in paragraph (c)(3)(ii) is inappropriate because this configuration is with flaps retracted whereas the landing distance is measured with flaps extended.

7. Paragraph (a) of § 23.173 would be amended to read as follows:

§ 23.173 Static longitudinal stability.

* * * * *

(a) A pull must be required to obtain and maintain speeds below the specified trim speed and a push required to obtain and maintain speeds above the specified trim speed. This must be shown at any speed that can be obtained, except that speeds requiring a control force in excess of 40 pounds or speeds above the maximum allowable speed or below the minimum speed for steady unstalled flight, need not be considered.

Explanation: The present requirement limits the speed at which the characteristics of the elevator control force must be shown to that speed that can be obtained without excessive control force. This proposal would clarify the requirement by incorporating a specific control force value of 40 pounds.

§ 23.175 [Amended]

8. Section 23.175 would be amended by striking out the parenthetical statement in paragraph (b)(2), by striking out of the parenthetical statement in paragraph (c) the words "nor speeds that require a stick force of more than 40 pounds", by amending paragraph (d) by striking out the words "and the stick force may not exceed 40 pounds," by amending (d)(3) by striking out the words "and (5)", and by amending paragraph (d)(4) by striking out the words "Enough power to maintain a 3° angle of descent" and inserting in place thereof the words "Both power off and enough power to maintain a 3° angle of descent."

Explanation: The proposed elimination of the 40-pound control force limit is consistent with the proposed change to § 23.173 which now incorporates that limit. The amendment to paragraph (d)(4) is necessary because, based on service experience, there must be a stable stick force curve during approach and landing with power off. The present rule requires a stable stick force curve only with power on.

9. Section 23.201 would be amended to read as follows:

§ 23.201 Wings level stall.

(a) For an airplane with independently controlled rolling and directional controls, it must be possible to produce and to correct roll by unreversed use of the rolling control and to produce and to correct yaw by unreversed use of the directional control, up to the time the airplane pitches.

(b) For an airplane with interconnected lateral and directional controls (two controls) and for an airplane with only one of these controls, it must be possible to produce and correct roll by unreversed use of the rolling control without producing excessive yaw, up to the time the airplane pitches.

(c) To establish a wing level stall, the airplane speed must be reduced with the elevator control until the speed is slightly above the stalling speed, then the elevator control must be pulled back so that the rate of speed reduction will not exceed 1 knot per second until a stall is produced, as shown by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery is allowed after the pitching motion has unmistakably developed.

(d) Except where made inapplicable by the special features of a particular type of airplane, the following procedure must be used to measure loss of altitude during a stall:

(1) The loss of altitude encountered in the stall (power on or power off) is the change in altitude (as observed on the sensitive altimeter testing installation) between the altitude at which the airplane pitches and the altitude at which horizontal flight is regained.

(2) If required, the power used during stall recovery must be that which would be used under normal operating conditions in this maneuver. However, the power used to regain level flight may not be applied until flying control is regained.

(e) During the recovery part of the maneuver, it must be possible to prevent more than 15° of roll or yaw by the normal use of controls.

(f) Compliance with the requirements of this section must be shown with—

(1) Wing Flaps—Full up, full down and intermediate, if appropriate.

(2) Landing Gear—Both retracted and extended.

(3) Cowl Flaps—Appropriate to configuration.

(4) Power—Power off and 75 percent maximum continuous power.

(5) Trime—$1.5V_{S1}$ or at the minimum trim speed, which ever is higher.

(6) C. G.—Most critical.

(7) Propeller—Full increase r.p.m. for the power off condition.

10. Section 23.203 would be amended to read as follows:

§ 23.203 Turning flight and accelerated stalls.

(a) *Turning flight stalls*. (1) Establish a steady, curvilinear, coordinated turn in a 30° bank. Stall the airplane by steadily and progressively tightening the turn with the elevator so that the rate of speed reduction will not exceed 1 knot per second until the airplane is stalled or until the elevator has reached its stop.

(2) When the stall has fully developed, it must be possible to regain level flight with normal use of the controls and without excessive loss of altitude, undue pitch up or uncontrollable rolling or spinning tendencies.

(3) Compliance with requirements of this paragraph must be shown with—

(i) Wing Flaps—Retracted and fully extended.

(ii) Landing Gear—Retracted and extended.

(iii) Cowl Flaps—Appropriate to configuration.

(iv) Power—75 percent maximum continuous power on each engine.

(v) Trim—$1.5V_{S1}$ or minimum trim speed whichever is higher.

(vi) C. G.—Most critical.

(b) *Accelerated entry stalls*. (1) Stall the airplane by rapidly increasing the angle of attack so that the rate of speed reduction will be approximately 3-5 knots per second with a continuous increasing normal acceleration.

(2) With the airplane stalled it must be possible to recover to normal level flight without exceeding the maximum permissible speed or the allowable limit load factor. In addition there may be no violent pitch up, wing dropping or tendency to spin and in any case a maximum bank of 90° into the turn and 60° out of turn may not be exceeded.

(3) Compliance with the requirements of this paragraph must be shown with—

(i) Wing flaps—retracted and fully extended and intermediate if appropriate.

(ii) Landing gear—retracted and extended.

(iii) Cowl flaps—appropriate to configuration.

(iv) Power—75 percent maximum continuous power.

(v) Trim—1.5 V_{S1} or minimum trim speed whichever is higher.

(vi) C.G.—Most critical.

11. Section 23.205 would be amended to read as follows:

§ 23.205 Critical engine inoperative stalls.

(a) A multiengine airplane must not display any undue spinning tendency and must be safely recoverable without applying power to the inoperative engine when stalled. The operating engines may be throttled back during the recovery from stall.

(b) Compliance with paragraph (a) of this section must be shown with—

(i) Wing flaps—Retracted.

(ii) Landing gear—Retracted.

(iii) Cowl flaps—Appropriate to level flight critical engine inoperative.

(iv) Power—Critical engine inoperative and the remaining engine(s) at 75 percent maximum continuous power or the power at which the use of maximum control travel just holds the wings laterally level in the approach to stall, whichever is lesser.

(v) Propeller—Normal inoperative position.

(vi) Trim—Level flight, critical engine inoperative.

(vii) C.G.—Most critical.

(c) A multiengine airplane must have stall characteristics that prevent unintentional spin entry.

Explanation: Proposed §§ 23.201, 23.303, and 23.205 are primarily reorganizations of the current requirements. This is designed to facilitate the planning and execution of flight tests. In addition, the requirement that stalls must be shown with 90 percent of maximum continuous power for airplanes having 6,000 pounds or less maximum weight has been reduced to 75 percent of maximum continuous power. Finally, this proposal deletes the current requirement for limited elevator control stalls. Instead, the proposal contains a new accelerated entry stall provision which is considered to be more realistic.

12. Paragraph (a) of § 23.307 would be amended to read as follows:

§ 23.307 Proof of structure.

(a) Compliance with the strength and deformation requirements of § 23.305 must be shown for each critical load condition. Structural analysis (static or fatigue) may be used only if the structure conforms to those for which experience has shown this method to be reliable. In other cases, substantiating load tests must be made. Dynamic tests, including structural flight tests, are acceptable if the design load conditions have been simulated.

* * * * *

Explanation: This proposal is designed to make it clear that the provision concerning the use of structural analysis applies to both the static strength and fatigue strength requirements.

13. Section 23.427 would be amended to read as follows:

§ 23.427 Unsymmetrical loads.

(a) Horizontal tail surfaces and their supporting structure must be designed for unsymmetrical loads arising from yawing and slipstream effects, in combination with the prescribed flight conditions.

(b) In the absence of more rational data, the following apply:

(1) For airplanes that are conventional in regard to location of engines, wings, tail surfaces, and fuselage shape—

(i) 100 percent of the maximum loading from the symmetrical flight conditions may be assumed on the surface on one side of the plane of symmetry; and

(ii) The following percentage of that loading must be applied to the opposite side:

$\% = 100-10\,(n-1)$, where n is the specified positive maneuvering load factor, but this value may not be more than 80 percent; or

(2) For airplanes that are not conventional (such as airplanes with horizontal tail surfaces having appreciable dihedral or supported by the vertical tail surfaces) the surfaces and supporting structures must be designed for combined vertical and horizontal surface loads resulting from each prescribed flight condition taken separately.

Explanation: This amendment to § 23.427 is considered necessary in order to cover the new designs with respect to tail surface arrangements.

14. Paragraph (a) of § 23.441 would be amended to read as follows:

§ 23.441 Maneuvering loads.

(a) At speeds up to V_A, the vertical tail surfaces must be designed to withstand the following maneuvers. In computing the tail loads, the yawing velocity may be assumed to be zero:

(1) With the airplane in unaccelerated flight at zero yaw, it is assumed that the rudder control is suddenly displaced to the maximum deflection, as limited by the control stops or by limit pilot forces.

(2) With the rudder deflected as specified in subparagraph (1) of this paragraph, it is assumed that the airplane yaws to the resulting sideslip angle. In lieu of a rational analysis, an overswing angle equal to 1.3 times the static sideslip angle of subparagraph (3) of this paragraph may be assumed.

(3) A yaw angle of 15° with the rudder control maintained in the neutral position (except as limited by pilot strength).

* * * * *

Explanation: This proposal provides the appropriate maneuvering loads for the new high performance airplanes being certificated under Part 23.

15. By amending § 23.445 by adding a new paragraph (c) to read as follows:

§ 23.445 Outboard fins.

* * * * *

(c) The end plate effects of outboard fins must be taken into account in applying the yawing conditions of §§ 23.441 and 23.443 to the vertical surfaces in paragraph (b) of this section.

Explanation: The proposed amendment implements the proposed amendment to § 23.441.

16. A new § 23.507 would be added to read as follows:

§ 23.507 Jacking loads.

(a) The airplane must be designed for the loads developed when the aircraft is supported on jacks at the design maximum weight assuming the following load factors:

(1) For landing gear jacking points at a three-point attitude—

(i) Vertical-load factor of 1.35 times the static reactions; and

(ii) Fore, aft and lateral load factor of 0.4 times the vertical static reactions; and

(2) For primary flight structure jacking points in the level attitude—

(i) Vertical load factor of 1.35 times the static reactions; and

(ii) Fore, aft and lateral load factor of 0.4 times the vertical static reactions.

(b) The horizontal loads at the jack points must be reacted by inertia forces as to result in no change in the vertical loads at the jack points.

(c) The horizontal loads must be considered in all combinations with the vertical load.

Explanation: Since Part 23 airplanes are being designed with provisions for jacking for maintenance purposes, the regulations should provide design loads for such conditions.

17. A new § 23.509 would be added to read as follows:

§ 23.509 Towing loads.

The towing loads of this section must be applied to the design of tow fittings and their immediate attaching structure.

(a) The towing loads specified in paragraph (d) of this section must be considered separately. These loads must be applied at the towing fittings and must act parallel to the ground. In addition—

(1) A vertical load factor equal to 1 must be considered acting at the center of gravity; and

(2) The shock struts and tires must be in their static positions.

(b) For towing points not on the landing gear but near the plane of symmetry of the airplane, the drag and side tow load components specified for the auxiliary gear apply. For towing points located outboard of the main gear, the drag and side tow load components specified for the main gear apply. Where the specified angle of swivel cannot be reached, the maximum obtainable angle must be used.

(c) The towing loads specified in paragraph (d) of this section must be reacted as follows:

(1) The side component of the towing load at the main gear must be reacted by a side force at the static ground line of the wheel to which the load is applied; and

(2) The towing loads at the auxiliary gear and the drag components of the towing loads at the main gear must be reacted as follows:

(i) A reaction with a maximum value equal to the vertical reaction must be applied at the axle of the wheel to which the load is applied. Enough airplane inertia to achieve equilibrium must be applied; and

(ii) The loads must be reacted by airplane inertia.

(d) The prescribed towing loads are as follows, where W is the design maximum weight:

Tow point	Position	Magnitude	Load No.	Direction
Main gear		0.225W per main gear unit.	1 2 3 4	Forward, parallel to drag axis. Forward, at 30° to drag axis. Aft, parallel to drag axis. Aft, at 30° to drag axis.
Auxiliary gear	Swiveled forward	0.3W	5 6	Forward. Aft.
	Swiveled aft		7 8	Forward. Aft.
	Swiveled 45° from forward	0.15W	9 10	Forward, in plane of wheel. Aft, in plane of wheel.
	Swiveled 45° from aft		11 12	Forward, in plane of wheel. Aft, in plane of wheel.

Explanation: Service experience indicates that a towing load standard is necessary for Part 23 airplanes. These requirements are consistent with those in Part 25.

18. Paragraph (a) of § 23.571 would be amended to read as follows:

§ 23.571 Pressurized cabin.

* * * * *

(a) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both to be able to withstand the repeated loads of variable magnitude expected in service. Analysis alone is considered acceptable only when it is conservative and applied to simple structures.

* * * * *

19. Paragraph (a)(1) of § 23.572 would be amended to read as follows:

§ 23.572 Wing and associated structure.

(a) * * *

(1) A fatigue strength investigation, in which the structure is shown by analysis, tests, or both, to be able to withstand the repeated loads of variable magnitude expected in service. Analysis alone is acceptable when it is conservative and applied to simple structures.

* * * * *

Explanation: The purpose of the proposed amendments to §§ 23.571 and 23.572 is to make it clear that the use of analysis alone is acceptable only under certain specified circumstances.

20. Paragraph (b) of § 23.701 would be amended to read as follows:

§ 23.701 Flap interconnection.

* * * * *

(b) If an interconnection is used in multiengine airplanes, it must be designed to account for the unsymmetrical loads resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at takeoff power. For single-engine airplanes and multiengine airplanes with no slipstream effects on the flaps, it may be assumed that 100 percent of the critical air load acts on one side and 70 percent on the other.

Explanation: This proposal is necessary to cover the new designs which do not have slipstreams affecting the flaps.

21. Section 23.771 would be amended by striking out the word "and" at the end of paragraph (a) and by redesignating paragraph (b) as paragraph (c) and by adding a new paragraph (b) to read as follows:

§ 23.771 Pilot compartment.

* * * * *

(b) Where the flight crew are separated from the passengers by a partition, an opening or openable window or door must be provided to facilitate communication between flight crew and the passengers.

* * * * *

Explanation: The increasing number of airplanes being certificated under Part 23 which have partitions separating the crew from the passengers makes it necessary to provide means for direct communications between passengers and crew.

22. Section 23.773 would be amended by adding a new paragraph (a)(3) to read as follows:

§ 23.773 Pilot compartment view.

(a) * * *

(3) Internal fogging of the windows covered under subparagraph (1) of this paragraph can be easily cleared by each pilot unless means are provided to prevent fogging.

* * * * *

Explanation: Internal fogging of cockpit windows has become a problem because of the arrangement of the cockpits in new design aircraft. This problem becomes more critical at the higher altitudes for which the newer airplanes are being certificated.

23. Section 23.787 would be amended by amending paragraphs (b) and (c) and by adding new paragraphs (d) and (e) to read as follows:

§ 23.787 Cargo compartments.

* * * * *

(b) There must be means to prevent the contents of any cargo compartment from becoming a hazard by shifting including the protection of any controls, wiring, lines, equipment or accessories whose damage or failure would affect safe operation.

(c) Where the cargo compartment is located aft of the occupants and separated from them by structure, there must be means within the cargo compartment to protect the occupants from injury by the contents of the cargo compartment when the ultimate forward inertia force is 4.5g.

(d) Cargo compartments must be constructed of materials which are at least flame resistant.

(e) Designs which provide for cargo to be carried in the same compartment with the occupants must have means to protect the occupants from injury under the ultimate inertia forces specified in § 23.561(b)(2).

Explanation: This proposal would make it clear that it is not only the cargo shifting that would affect the C.G. of the airplane that is covered by the rule but it is also cargo shifting which could damage essential controls, equipment etc. In addition, for airplanes in which cargo is carried in the passenger compartment the proposal would make the higher inertia forces of § 23.561(b)(2) applicable to the protection of the passengers.

24. Section 23.481 would be amended to read as follows:

§ 23.841 Pressurized cabins.

(a) If certification for operation over 31,000 feet is requested, the airplane must be able to maintain a cabin pressure altitude of not more than 15,000 feet in event of any reasonably probable failure or malfunction in the pressurization system.

(b) Pressurized cabins must have at least the following valves, controls, and indicators, for controlling cabin pressure:

(1) Two pressure relief valves (at least one of which is the normal regulating valve) to automatically limit the positive pressure differential to a predetermined value at the maximum rate of flow delivered by the pressure source. The combined capacity of the relief valves must be large enough so that the failure of any one valve would not cause an appreciable rise in the pressure differential. The pressure differential is positive when the internal pressure is greater than the external.

(2) Two reverse pressure differential relief valves (or their equivalents) to automatically prevent a negative pressure differential that would damage the structure. However, one valve is enough if it is of a design that reasonably precludes its malfunctioning.

(3) A means by which the pressure differential can be rapidly equalized.

(4) An automatic or manual regulator for controlling the intake or exhaust airflow, or both, for maintaining the required internal pressures and airflow rates.

(5) Instruments to indicate to the pilot the pressure differential, the absolute pressure in the cabin, and the rate of change of the absolute pressure.

(6) Warning indicators at the pilot station to indicate when the safe or preset pressure differential and absolute cabin pressure limits are exceeded. Appropriate warning markings on the cabin pressure differential indicator meet the warning requirement for pressure differential limits and an aural or visual signal (in addition to cabin altitude indicating means) meets the warning requirement for absolute cabin pressure limits.

(7) A warning placard for the pilot if the structure is not designed for pressure differentials up to the maximum relief valve setting in combination with landing loads.

(8) A means to stop rotation of the compressor or to divert airflow from the cabin if continued rotation of an engine-driven cabin compressor or continued

flow of any compressor bleed air will create a hazard if a malfunction occurs.

Explanation: This proposed change is appropriate because of the increasing number of airplanes being certificated under Part 23 which are designed to operate above 31,000 feet.

25. Section 23.853 would be amended to read as follows:

§ 23.853 Compartment interiors.

For each compartment to be used by the crew or passenger—

(a) The materials must be at least flame-resistant;

(b) If smoking is to be allowed—

(1) There must be an adequate number of self-contained ash trays;

(2) Where the crew compartment is separated from the passenger compartment, there must be an illuminated no smoking sign (or signs) controllable from a flight crew station and readable from each passenger seat to indicate when smoking is prohibited;

(c) If smoking is to be prohibited, there must be a placard so stating; and

(d) Lines, tanks or equipment containing fuel, oil, or other flammable fluids may not be installed in such compartments unless adequately shielded, isolated, or otherwise protected against damage so that any breakage or failure of such an item would not create a hazard.

Explanation: The proposal makes provision for illuminated signs in airplanes having separate compartments. Because of increased complexity of systems carrying flammable fluids, the regulations must provide protection.

26. A new § 23.865 would be added to read as follows:

§ 23.865 Fire protection of flight controls and other flight structure.

Flight controls and other flight structure located in the engine compartment must be constructed of fireproof material or shielded so that it will withstand the effect of a fire.

Explanation: Experience has indicated the need to ensure that flight controls and flight structure in powerplant fire zones remains operable in the event of a fire. The proposal requires this.

27. Section 23.903 would be amended by adding new paragraphs (c), (d), and (e) to read as follows:

§ 23.903 Engines.

* * * * *

(c) The powerplants must be arranged and isolated from each other to allow operation, in at least one configuration, so that the failure or malfunction of any engine, or the failure or malfunction (including destruction by fire in the engine compartment) of any system that can affect the engine, will not:

(1) Prevent the continued safe operation of the remaining engines; or

(2) Require immediate action by any crewmember for continued safe operation of the remaining engines.

(d) Starting and stopping (piston engine): The design of the installation must be such that risk of fire or mechanical damage to the engine or airplane, as a result of starting the engine in any condition in which starting is to be permitted, is reduced to a minimum. Any techniques and associated limitations for engine starting must be established and included in the airplane flight manual or applicable operating placards. For multiengine airplanes, means must be provided for stopping and restarting each engine in flight. For single-engine airplanes, means must be provided for stopping the engine in flight after engine failure if overspeeding might be caused by windmilling of the propeller.

(e) Starting and stopping (turbine engine): Turbine engine installations must comply with the following:

(1) The design of the installation must be such that risk of fire or mechanical damage to the engine or the airplane, as a result of starting the engine in any conditions in which starting is to be permitted, is reduced to a minimum. Any techniques and associated limitations must be established and included in the airplane flight manual or applicable operating placards.

(2) Means must be provided for stopping combustion and rotation of any individual engine which is hazardous to the completion of flight. All those components provided for compliance with this requirement, which are within any engine compartment, on the engine side of the firewall, must be at least fire resistant.

(3) It must be possible to restart an engine in flight. Any techniques and associated limitations must be established and included in the airplane flight manual or applicable operating placards.

(4) It must be demonstrated in flight that when restarting engines following a false start, all fuel or vapor is discharged in such a way that it does not constitute a fire hazard.

Explanation: The full safety potential of multiple engines on an airplane can be realized only if the engines and their associated systems are isolated from each other. However, the current rules do not require isolation except for the fuel systems. Moreover, there are certain hazards associated with the starting or stopping of engines or the control of engine operation, particularly during flight. However, the current rules do not cover these operations. To prevent or minimize risk of either mechanical damage or fire, appropriate techniques and limitations should be observed and set forth in airplane flight manuals or placards.

28. A new § 23.929 would be added to read as follows:

§ 23.929 Propeller and component deicing.

Propellers (except wooden propellers) and other components of complete engine installations must be protected against the accumulation of ice as necessary to enable satisfactory functioning without appreciable loss of power when operated in the icing conditions for which certification is requested.

Explanation: FAR 23 is silent on propeller icing protection. However, as airplanes become more sophisticated, operate in a wider range of environments, and have a higher level of performance, icing encounters are more likely to occur. In order to insure safe operation, protection against propeller icing must be provided.

29. Section 23.939 would be amended by amending the heading and paragraph (b) to read as follows:

§ 23.939 Powerplant operating characteristics.

* * * * *

(b) No hazardous malfunction of the powerplant may occur when the airplane is operated at the negative acceleration within the flight envelope prescribed in § 23.333, that is most critical. This must be shown for the greatest duration expected for that accerelation.

* * * * *

Explanation: The existing rule relates negative acceleration to the fuel system, but experience has shown that all fluid systems of the powerplant installation, including the propeller system, can be affected.

30. By amending paragraph (d) of § 23.967 and by adding a new paragraph (e) to read as follows:

§ 23.967 Fuel tank installation.

* * * * *

(d) No fuel tank may be in the personnel compartment of a multiengine airplane. If a fuel tank is in the personnel compartment of a single-engine airplane, it must be isolated from the personnel compartment by fume and fuel-proof enclosures that are drained and ventilated. A bladder type fuel cell, if used, must have a retaining shell at least equivalent to a metal fuel tank in structural integrity.

(e) Fuel tanks must be designed, located, and installed so as to resist rupture and to retain fuel—

(1) Under the inertia forces prescribed for the emergency landing conditions in § 23.561; and

(2) Under conditions likely to occur when an airplane lands with its landing gear retracted, one landing gear collapsed, or by any engine mounting tearing away.

Explanation: Section 23.967(d) prohibits the use of fuel tanks in personnel compartments of multiengine airplanes but for single engine airplanes prescribes two possible courses of action depending on whether the tanks have a capacity of more than 25 gallons or a lesser capacity. There appears to be no logical reason for providing different protection for tanks above or below the 25-gallon capacity. The restriction previously applied to the situation where tanks have more than 25 gallons capacity, should be applied to all tanks in personnel compartments of single-engine airplanes. For tanks located outside personnel compartments other precautions are necessary. Some of these are already incorporated in the rules but additional requirements are needed to ensure that fuel leakage will not be likely to occur under minor crash landing conditions.

31. A new § 23.979 would be added to read as follows:

§ 23.979 Pressure fueling system.

For pressure fueling systems, the following apply:

(a) Each pressure fueling system fuel manifold connection must have means to prevent the escape of hazardous quantities of fuel from the system if the fuel entry valve fails.

(b) An automatic shutoff means must be provided to prevent the quantity of fuel in each tank from exceeding the maximum quantity approved for that tank. This means must allow checking for proper shutoff operation before each fueling of the tank.

(c) A means must be provided to prevent damage to the fuel system in the event of failure of the automatic shutoff means prescribed in paragraph (b) of this section.

(d) All parts of the fuel system up to the tank which are subjected to fueling pressures must have a proof pressure of 1.33 times, and an ultimate pressure of at least 2 times, the surge pressure likely to occur during fueling.

Explanation: The existing rules do not cover pressure fueling systems because there has been no need for such rules up to this time. The possibility of such systems being used in airplanes must be considered for the future. Since the FAR 25 rule pertaining to pressure fueling systems has been effective, a rule along the same lines with slight modifications should provide adequate requirements to ensure safety for Part 23 airplanes equipped with pressure fueling provisions.

32. A new paragraph (f) would be added to § 23.995 to read as follows:

§ 23.995 Fuel valves and controls.

* * * * *

(f) Each check valve must be constructed, or other provision must be made, to preclude incorrect assembly or connection of the valve.

Explanation: The existing rule requires design features that minimize incorrect installation, but this is applicable to fuel valves with handles, not to check valves. Incorrect installation of check valves has caused engine failures in flight due to fuel starvation.

33. Section 23.1017 would be amended by amending paragraph (b)(1) and by adding a new paragraph (b)(5) to read as follows:

§ 23.1017 Oil lines and fittings.

* * * * *

(b) *Breather lines.* * * *

(1) Condensed water vapor or oil that might freeze and obstruct the line cannot accumulate at any point.

* * * * *

(5) The breather outlet is protected against blockage by ice or foreign matter.

Explanation: The current rules require arrangement of breather lines so that condensed water vapor that might freeze and obstruct the lines cannot accumulate at any point. In the oil breather line it is possible that oil as well as water (condensate) could freeze. Also, the breather outlet could be blocked by ice or other foreign matter, which would be equally hazardous. This proposal speaks to these latter matters.

34. A new paragraph (d) would be added to § 23.1027 to read as follows:

§ 23.1027 Propeller feathering system.

* * * * *

(d) Provision must be made to prevent sludge or other foreign matter from affecting the safe operations of the propeller feathering system.

Explanation: Sludge and other foreign materials have accumulated in propeller feathering systems and prevented feathering. This rule requires provisions to cope with this possibility.

35. A new paragraph (c) would be added to § 23.1093 to read as follows:

§ 23.1093 Induction system icing protection.

* * * * *

(c) The possibility of engine failure resulting from ice shed from the forward part of the airplane must be minimized.

Explanation: Ice shed from airplane surfaces forward of the engine inlet has caused engine failure. This proposal requires consideration of such a possibility.

36. Paragraph (e) of § 23.1141 would be amended and a new paragraph (f) would be added to read as follows:

§ 23.1141 Powerplant controls: general.

* * * * *

(e) No single failure or malfunction, or probable combination thereof, in any powerplant control system may cause the failure of any powerplant function necessary for safety.

(f) Each powerplant control that is required to be operated in the event of fire must be at least fire resistant.

Explanation: Failures and malfunctions of control systems in reciprocating as well as turbine engines have caused problems in the past. This proposal merely requires evaluation of the powerplant control systems regardless of the type of engine. Section 23.1141 does not require powerplant controls within a fire zone to be fire resistant. In the event of fire, however, certain controls need to be activated to achieve control of the fire. These controls, threfore, need to have sufficient resistance to fire so they can be manipulated to accomplish their functions. Since it is customary practice to make controls fire resistant, this proposal simply makes such practice a requirement.

37. A new § 23.1192 would be added to read as follows:

§ 23.1192 Engine accessory compartment diaphragm.

For air-cooled radial engines, the engine power section and all portions of the exhaust system must be isolated from the engine accessory compartment by a diaphragm that meets the firewall requirements § 23.1191.

Explanation: Service experience in the United States and abroad with air-cooled radial engine installations has proven the value of diaphragms for control of engine fires. The proposed rule requires diaphragms for such engine installations in Part 23 airplanes.

38. A new paragraph (c) would be added to § 23.1163 to read as follows:

§ 23.1163 Powerplant accessories.

* * * * *

(c) Each generator, rated at or more than 6 kilowatts, must be designed and installed to minimize the probability of a fire hazard in the event it malfunctions.

Explanation: The new designs are incorporating generators with the higher power ratings. These generators represent a greater fire hazard in the event they malfunction.

39. A new § 23.1182 would be added to read as follows:

§ 23.1182 Nacelle areas on the safe side of firewalls.

Components, lines, and fittings located on the safe side of the engine-compartment firewall must be constructed of such materials and located at such distances from the firewall that they will not suffer damage sufficient to endanger the airplane if a portion of the inner surface of the firewall is subjected to a flame temperature of not less than 2,000° F. for 15 minutes.

Explanation: The protection that should be provided for components aft of a firewall is not clearly indicated in FAR 23. Some items so located could be of such a nature that a fire forward of the firewall would damage them and endanger the airplane.

40. Paragraph (a) of § 23.1183 would be amended to read as follows:

§ 23.1183 Lines and fittings and components.

(a) Except as provided in paragraph (b) of this section, each component, line, and fitting, carrying flammable fluids, gas, and air in any area subject to engine fire conditions must be fire resistant. Flexible hose assemblies (hose and end fittings) must be approved.

* * * * *

Explanation: Current § 23.1183 only requires that lines and fittings be fire resistant. However, since any component containing flammable fluid could, in the event of failure, contribute to a fire, such components should also be fire resistant.

41. A new paragraph (c) would be added to § 23.1189 to read as follows:

§ 23.1189 Shutoff means.

* * * * *

(c) Power operated valves must have means to indicate to the flight crew when the valve has reached the selected position and must be designed so that the valve will not move from the selected position under vibration conditions likely to exist at the valve location.

Explanation: The existing rule does not speak specifically of power-operated valves, which may be operated electrically by means of a remotely located switch without any feed-back to the operator that the desired operation has been accomplished. The crew must have means to inform them that the desired action has been completed.

42. Paragraph (a)(1) of § 23.1301 would be amended to read as follows:

§ 23.1301 Function and installation.

(a) Each item of installed equipment essential to safe operation must:

(1) Adequately perform its intended function under any foreseeable operating condition.

* * * * *

43. New paragraphs (s) and (t) would be added to § 23.1305 to read as follows:

§ 23.1305 Powerplant instruments.

* * * * *

(s) An oil pressure warning means for each turbine engine.

(t) An induction system air temperature indicator for each engine equipped with a preheater and having induction air temperature limitations which can be exceeded with preheat.

44. A new § 23.1309 would be added to read as follows:

§ 23.1309 Equipment systems and installations.

(a) Each item of equipment, when performing its intended function, may not adversely affect:

(1) The response, operation, or accuracy of any equipment essential to safe operation; or

(2) The response, operation, or accuracy of any other equipment unless there is a means to inform the pilot of the effect.

(b) The equipment, systems, and installations must be designed to prevent hazards to the airplane in the event of a probable malfunction or failure.

Explanation: Because of the increasing reliance on systems and equipment in the modern, complex, high performance airplanes, the FAA believes that the proposed amendments to §§ 23.1301, 23.1305, and 23.1309 are necessary to insure the reliability of such systems and equipment.

45. Paragraph (a) of § 23.1321 would be amended and a new paragraph (d) would be added to read as follows:

§ 23.1321 Arrangement and visibility.

(a) Each flight, navigation, and powerplant instrument for use by any pilot must be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking forward along the flight path.

* * * * *

(d) For each airplane of more than 6,000 pounds maximum weight, the flight instruments required by § 23.1303, and, as applicable, by Part 91 of this chapter must be grouped on the instrument panel and centered as nearly as practicable about the vertical plane of the pilot's forward vision. In addition:

(1) The instrument that most effectively indicates the attitude must be on the panel in the top center position;

(2) The instrument that most effectively indicates airspeed must be adjacent to and directly to the left of the instrument in the top center position;

(3) The instrument that most effectively indicates altitude must be adjacent to and directly to the right of the instrument in the top center position; and

(4) The instrument that most effectively indicates direction of flight must be adjacent to and directly below the instrument in the top center position.

Explanation: This proposal is considered necessary because of the increasing complexity of the new high performance airplanes and the increasing volume of air traffic. In addition, the proposed new paragraph (d) is in furtherance of the principle of cockpit standardization.

46. Section 23.1323 would be amended by striking out the word "installational" in paragraph (a) and inserting the word "position" in place thereof.

Explanation: The word "position" is more definitive with respect to airspeed indicating systems.

47. Section 23.1351 would be amended by striking out the word "and" in paragraph (b)(1)(i), and striking out the period and adding the words "; and" at the end of paragraph (b)(1)(ii), and by adding a new paragraph (b)(1)(iii); by striking out the word "and" at the end of paragraph (c)(2), and by striking out the period and adding the words "; and" at the end of paragraph (c)(3), and by adding a new paragraph (c)(4); and by adding a new paragraph (e) to read as follows:

§ 23.1351 General.

* * * * *

(b) *Functions.* * * *

(1) * * *

(iii) So designed that the risk of electrical shock to crew, passengers, and ground personnel is reduced to a minimum.

(c) *Generating system.* * * *

(4) There must be a means to give immediate warning to the flight crew of a failure of any generator.

* * * * *

(e) *Fire resistance.* Electrical equipment must be so designed and installed that in the event of a fire in a designated fire zone, during which the surface of the fire wall adjacent to the fire is heated to 2,000° F. for 5 minutes or to a lesser temperature substantiated by the applicant, the equipment essential to continued safe operation and located outside a fire zone will function satisfactorily and will not create an additional fire hazard.

Explanation: See explanation for Proposal 39.

48. Section 23.1365 would be amended by amending the heading and paragraph (b) to read as follows:

§ 23.1365 Electric cables and equipment.

* * * * *

(b) Each cable and associated equipment that would overheat in the event of circuit overload or fault must be at least flame resistant and may not emit dangerous quantities of toxic fumes.

Explanation: This proposal is considered necessary because of the higher powered electrical systems being installed in Part 23 airplanes. Such systems are more likely to cause heat damage and the emission of toxic fumes in the event of malfunction.

49. Section 23.1419 would be amended to read as follows:

§ 23.1419 Ice protection.

If certification with ice protection provisions is desired, compliance with the following requirements must be shown:

(a) The recommended procedures for the use of the ice protection equipment must be set forth in the Airplane Flight Manual.

(b) An analysis must be performed to establish, on the basis of the airplane's operational needs, the adequacy of the ice protection system for the various components of the airplane. In addition, tests of the ice protection system must be conducted to demonstrate that the airplane is capable of operating safely in continuous maximum and intermittent maximum icing conditions as described in Appendix C of Part 25 of this chapter.

(c) Compliance with all or portions of this section may be accomplished by reference, where applicable because of similarity of the designs, to analysis and tests performed by the applicant for a type certificated model.

(d) When monitoring of the external surfaces of the airplane is required by the flight crew for proper operation of the ice protection equipment, external lighting must be provided which is adequate to enable the monitoring to be done at night.

Explanation: Part 23 has no standards for the performance of ice protection provisions. Because of the increasing use of Part 23 airplanes in all weather operations, the FAA believes it is necessary to establish such standards. These are consistent with the standards in SFAR 23.

50. Paragraph (a) of § 23.1435 would be amended to read as follows:

§ 23.1435 Hydraulic systems.

(a) *Design.* Each hydraulic system must be designed as follows:

(1) Each hydraulic system and its elements must withstand, without yielding, the structural loads expected in addition to hydraulic loads.

(2) A means to indicate the pressure in each hydraulic system which supplies two or more primary functions must be provided.

(3) There must be means to insure that the pressure, including transient (surge) pressure, in any part of the system will not exceed safe limit above design operating pressure and to prevent excessive pressure resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to occur.

(4) The minimum design burst pressure must be 2.5 times the operating pressure.

* * * * *

Explanation: This proposal is appropriate because of increased reliance on hydraulic systems and the increasing complexity or such systems in Part 23 airplanes.

51. Section 23.1501 would be amended by striking out the word "and" at the end of paragraph (c)(1) and by striking out the period and by adding the words "; and" at the end of paragraph (c)(2), and by adding a new paragraph (c)(3) to read as follows:

§ 23.1501 General.

* * * * *

(c) * * *

(3) The airspeed limitations must be stated in terms of indicated airspeed exclusive of instrument error.

52. Paragraph (a) of § 23.1545 would be amended to read as follows:

§ 23.1545 Airspeed indicator.

(a) Each airspeed indicator must be marked to show indicated airspeed excluding instrument error.

* * * * *

Explanation: Sections 23.1501 and 23.1545 would require the airspeed information to be given to the pilot in terms of indicated airspeed excluding instrument error rather than calibrated airspeed. It is more useful to the pilot and no more difficult to provide than calibrated airspeed.

53. Paragraph (c)(2) of § 23.1557 would be amended to read as follows:

§ 23.1557 Miscellaneous markings and placards.

* * * * *

(c) Fuel and oil filler openings. * * *

(2) The word "oil" and the oil tank capacity and, for those aircraft for which no approved airplane flight manual is required, the approved grade and specification of oil. (If an approved airplane flight manual is provided, the approved grade and specification of oil may appear therein).

* * * * *

Explanation: It has come to the FAA's attention that for airplanes that do not have flight manuals, there is a need to provide a marking on or near the oil filler to show the grade and specification of the appropriate oil.

These amendments are proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354, 1421, and 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 27, 1971.

R. S. Sliff,
Acting Director,
Flight Standards Service.

[FR Doc.71-6256 Filed 5-4-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-72]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Dillion, S.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within thirty days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, Georgia.

The Dillon transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Dillon County Airport (lat. 34°27'00" N., long. 79°22'00" W.); within 2.5 miles each side of Florence VORTAC 046° radial, extending from the 5-mile-radius area to 16 miles northeast of the VORTAC.

The proposed designation is required to provide controlled airspace protection for IFR operations at Dillon County Airport. A prescribed instrument approach procedure to this airport, utilizing the Florence VORTAC, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 26, 1971.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6257 Filed 5-4-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-73]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Valdosta, Ga. (Moody AFB), control zone and the Valdosta, Ga. (Valdosta Municipal Airport), transition area and revoke the Valdosta, Ga. (Moody AFB), transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Valdosta (Moody AFB) control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 5 miles each side of Moody VOR 007° radial, extending from the 5-mile-radius zone to 23.5 miles north of the VOR; within 1.5 miles each side of Moody TACAN 180° radial, extending from the 5-mile-radius zone to 4 5 miles south of the TACAN. This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

The Valdosta (Valdosta Municipal Airport) transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

Valdosta, Ga.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Valdosta Municipal Airport (lat. 30°46'58" N., long. 83°16'34" W.); within an 8.5-mile radius of Moody AFB (lat. 30°58'01" N., long. 83°11'27" W.); within 5 miles each side of the ILS localizer north course, extending from the 8.5-mile-radius area to 19.5 miles north of the OM; within 5 miles each side of Moody VOR 007° radial, extending from the 8.5-mile-radius area to 24 miles north of the VOR.

The Valdosta (Moody AFB) transition area described in § 71.181 (36 F.R. 2140) would be revoked.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Valdosta terminal in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria. The revocation of Valdosta (Moody AFB) transition area is to simplify charting and the controlled airspace description.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 27, 1971.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6258 Filed 5-4-71;8:47 am]

[14 CFR Part 75]

[Airspace Docket No. 71–WA–15]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate twelve Pacific Gateway routes that would connect the domestic route system with oceanic routes.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 30 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations as follows:

J–944R MORROW, CALIF., TO GATEWAY CYPRESS

Hector, Calif., 206.2°M/59.5 NM, latitude 34°02′51″ N., longitude 117°14′54″ W.;
Santa Barbara, Calif., 156.8°M/41.2 NM, latitude 33°49′16″ N., longitude 119°39′59″ W.;
Santa Barbara, Calif., 231.1°M/153.2 NM., latitude 33°29′00″ N., longitude 122°35′00″ W.

J–945R CAMERON, ARIZ., TO GATEWAY CYPRESS

Tuba City, Ariz., 145.5°M/9.2 NM, latitude 35°58′37″ N., longitude 111°12′21″ W.;
Needles, Calif., 329.6°M/30.4 NM, latiude 35°15′22″ N., longitude 114°38′11″ W.;
Hector, Calif., 001.9°M/2.2 NM, latitude 34°49′57″ N., longitude 116°26′57″ W.;
Santa Barbara, Calif., VORTAC, latitude 34°30′35″ N., longitude 119°46′12″ W.;
Santa Barbara, Calif., 231.1°M/153.2 NM, latitude 33°29′00″ N., longitude 122°35′00″ W.

J–946R MORROW, CALIF., TO GATEWAY YUCCA

Hector, Calif., 206.2°M/59.5 NM, latitude 34°02′51″ N., longitude 117°14′54″ W.;
Los Angeles, Calif., 164°M/33.4 NM, latitude 33°22′30″ N., longitude 118°25′08″ W.;
Los Angeles, Calif., 203°M/150.9 NM, latitude 31°56′00″ N., longitude 120°15′00″ W.;
Los Angeles, Calif., 212.4°M/204.6 NM, latitude 31°35′00″ N., longitude 121°22′00″ W.

J–947R CAMERON, ARIZ., TO GATEWAY PINE

Tuba City, Ariz., 145.5°M/9.2 NM, latitude 35°58′37″ N., longitude 111°12′21″ W.;
Needles, Calif., 331.8°M/36.8 NM, latitude 35°21′49″ N., longitude 114°38′38″ W.;
Los Angeles, Calif., 007.5°M/46.8 NM, latitude 34°38′48″ N., longitude 118°04′09″ W.;
San Luis Obispo, Calif., VORTAC, latitude 35°15′08″ N., longitude 120°45′31″ W.;
San Luis Obispo, Calif., 226°M/129.2 NM, latitude 34°13′00″ N., longitude 123°03′00″ W.

J–960R GATEWAY CYPRESS TO PARIA, ARIZ.

Santa Barbara, Calif., 231.1°M/153.2 NM, latitude 33°29′00″ N., longitude 122°35′00″ W.;
Santa Barbara, Calif., 126.3°M/49.2 NM, latitude 33°51′30″ N., longitude 119°10′03″ W.;
Hector, Calif., 317.3°M/14.6 NM, latitude 35°00′49″ N., longitude 116°35′59″ W.;
Peach Springs, Ariz., 319.1°M/35.2 NM, latitude 36°09′10″ N., longitude 113°51′38″ W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53′51″ N., longitude 111°55′43″ W.

J–961R GATEWAY CYPRESS TO PARIA, ARIZ.

Santa Barbara, Calif., 231.1°M/153.2 NM, latitude 33°29′00″ N., longitude 122°35′00″ W.;
Santa Barbara, Calif., VORTAC, latitude 34°30′35″ N., longitude 119°46′12″ W.;
Hector, Calif., 248.9°M/33.4 NM, latitude 34°44′09″ N., longitude 117°08′00″ W.;
Peach Springs, Ariz., 318.6°M/34.4 NM, latitude 36°08′19″ N., longitude 113°51′29″ W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53′51″ N., longitude 111°55′43″ W.

J–962R GATEWAY YUCCA TO PARIA, ARIZ.

Los Angeles, Calif., 212.5°M/204.3 NM, latitude 31°35′00″ N., longitude 121°22′00″ W.;
Los Angeles, Calif., 163.9°M/32.9 NM, latitude 33°22′30″ N., longitude 118°25′08″ W.;
Hector, Calif., 248.9°M/33.4 NM, latitude 34°44′09″ N., longitude 117°08′00″ W.;
Peach Springs, Ariz., 318.6°M/34.4 NM, latitude 36°08′19″ N., longitude 113°51′29″ W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53′51″ N., longitude 111°55′43″ W.

J–963R GATEWAY PINE TO PARIA, ARIZ.

San Luis Obispo, Calif., 226°M/129.2 NM, latitude 34°13′00″ N., longitude 123°03′00″ W.;
San Luis Obispo, Calif., VORTAC, latitude 35°15′08″ N., longitude 120°45′31″ W.;
Los Angeles, Calif., 008.3°M/46.1 NM, latitude 34°37′53″ N., longitude 118°03′47″ W.;
Hector, Calif., 248.9°M/33.4 NM, latitude 34°44′09″ N., longitude 117°08′00″ W.;
Peach Springs, Ariz., 318.6°M/34.4 NM, latitude 36°08′19″ N., longitude 113°51′29″ W.;
Bryce Canyon, Utah, 144.2°M/50.7 NM, latitude 36°53′51″ N., longitude 111°55′43″ W.

J–964R COALDALE, NEV., TO GATEWAY APRICOT

Coaldale, Nev., VORTAC, latitude 38°00′12″ N., longitude 117°46′10″ W.;
Fresno, Calif., 331.7°M/47.8 NM, latitude 37°40′09″ N., longitude 119°59′55″ W.;
Oakland, Calif., 203°M/42 NM, latitude 37°11′16″ N., longitude 122°47′08″ W.;
Oakland, Calif., 218.6°M/153.5 NM, latitude 36°15′00″ N., longitude 124°50′00″ W.

J–966R GATEWAY MAPLE TO GABBS, NEV.

Coaldale, Nev., VORTAC, latitude 38°00′12″ N., longitude 117°46′10″ W.;
Sacramento, Calif., 161.3°M/28 NM, latitude 37°58′37″ N., longitude 121°31′56″ W.;
Ukiah, Calif., 220.7°M/141.5 NM, latitude 37°48′00″ N., longitude 125°49′00″ W.

J–966R GATEWAY MAPLE TO GABBS, NEV.

Ukiah, Calif., 220.7°M/141.5 NM, latitude 37°48′00″ N., longitude 125°49′00″ W.;
Stockton, Calif., 336.4°M/29.1 NM, latitude 38°18′59″ N., longitude 121°14′35″ W.;
Coaldale, Nev., 322.9°M/35.9 NM, latitude 38°33′55″ N., longitude 118°01′55″ W.

J–967R GATEWAY APRICOT TO GABBS, NEV.

Oakland, Calif., 144°M/66 NM, latitude 36°15′00″ N., longitude 124°50′00″ W.;
Linden, Calif., 140.1°M/24.9 NM, latitude 37°41′30″ N., longitude 120°47′56″ W.;
Coaldale, Nev., 322.9°M/35.9 NM, latitude 38°33′55″ N., longitude 118°01′55″ W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on April 29, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–6191 Filed 5–4–71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

PENTAERYTHRITOL FROM ITALY

Antidumping Proceeding Notice

APRIL 26, 1971.

On February 19, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Italy is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 100 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–6310 Filed 5–4–71;8:52 am]

PENTAERYTHRITOL FROM JAPAN

Antidumping Proceeding Notice

APRIL 26, 1971.

On February 19, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that pentaerythritol, including nitration grade pentaerythritol, monopentaerythritol, technical pentaerythritol, dipentaerythritol, tripentaerythritol, and mixtures thereof, from Japan is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–6311 Filed 5–4–71;8:52 am]

VINYL ASBESTOS FLOOR TILE FROM CANADA

Antidumping Proceeding Notice

On March 15, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that vinyl asbestos floor tile from Canada is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

[FR Doc.71–6312 Filed 5–4–71;8:52 am]

Office of the Secretary

TEMPERED SHEET GLASS FROM JAPAN

Determination of Sales at Less Than Fair Value

APRIL 30, 1971.

Information was received on June 20, 1969, that tempered sheet glass from Japan was being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as "the Act").

A "Withholding of Appraisement Notice" issued by the Commissioner of Customs was published in the FEDERAL REGISTER of February 5, 1971.

I hereby determine that for the reasons stated below, tempered sheet glass from Japan is being, or likely to be, sold at less than fair value within the meaning of section 201(a) of the Act.

Statement of reasons on which this determination is based. One exporter was found to be exporting tempered sheet glass to the United States.

Sales to the United States were made to unrelated parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Insufficient quantities of such or similar merchandise were sold in the Japanese home market to furnish a basis for fair value comparisons.

Accordingly, purchase price was compared with the adjusted third country price of such or similar merchandise sold to Canada.

Purchase price was calculated by deducting from the delivered duty-paid price for exportation to the United States the included freight charges, commissions, discounts, marine insurance, and the appropriate U.S. duty charges.

The third country price was calculated on the basis of a c.i.f. Vancouver, duty-paid price, with adjustments made for freight charges, commissions, discounts, marine insurance, Canadian duty charges and packing.

Purchase price was found to be lower than the third country price of such or similar merchandise sold to Canada.

The U.S. Tariff Commission is being advised of this determination.

This determination is being published pursuant to section 201(c) of the Act (19 U.S.C. 160(c)).

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–6313 Filed 5–4–71;8:46 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial No. Idaho 4032]

IDAHO

Notice of Proposed Withdrawal and Reservation of Lands

April 27, 1971.

The Department of Agriculture has filed an application, Serial No. I–4032, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the mining laws but not the mineral leasing laws, subject to valid existing rights.

The applicant desires the land for public purposes as recreation areas on the Kaniksu National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 334, Federal Building, 550 West Fort Street, Boise, ID 83702.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the Department of Agriculture.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

Boise Meridian, Idaho

KANIKSU NATIONAL FOREST

Lake Pend Oreille Water Influence Zone

T. 55 N., R. 1 E.,
 Sec. 12, southwest 450 feet of Mineral Survey No. 2995.

The area described aggregates 6.20 acres, more or less, in Bonner County.

Orval G. Hadley,
Manager, Land Office.

[FR Doc.71-6235 Filed 5-4-71;8:45 am]

[OR 7308 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

April 26, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7308 (Wash), for the withdrawal of the public lands described below, from all forms of appropriation under the public land laws including the mining laws, but not the mineral leasing laws.

The applicant desires the lands for rock sources in the Olympic National Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2965 (729 Northeast Oregon Street) Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes essential than the applicant's, and to reach agreement on the concurrent management of the land and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

Willamette Meridian

OLYMPIC NATIONAL FOREST

Pipe Line Rock Pit. No. 2707–1.1

T. 26 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
 Sec. 4, a strip of land within the NW¼NE¼ described as follows:

Beginning at a point approximately 1.1 miles from intersection of Forest Service Roads Nos. 2812 and 2707 along centerline of Road 2707 in NW¼NE¼ sec. 4, said point being S. 63°00′ W., 1,690 feet from northeast corner of said section, thence N. 37°00′ W. 330 feet, thence S. 53°00′ W. 330 feet, thence S. 37°00′ E. 330 feet, thence N. 53°00′ E. 330 feet to point of beginning, containing 2.50 acres.

Townsend Creek Rock Pit No. 2812.2–1.5

T. 27 N., R. 2 W.,
 Sec. 32, a strip of land within the NE¼SW¼ described as follows:

Beginning at a point approximately 0.2 mile from intersection of Forest Service Roads Nos. 2743 and 2812 along centerline of Road 2812 in NE¼SW¼ sec. 32, said point being N. 57°00′ E. 2,970 feet from southwest corner of said section, thence N. 19°00′ E. 330 feet, thence S. 71°00′ E. 330 feet, thence S. 19°00′ W. 330 feet, thence N. 71°00′ W. 330 feet to point of beginning, containing 2.50 acres.

Cene Rock Pit No. 2765–0.0

T. 27 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
 Sec. 16, a strip of land within the SW¼NW¼ and N½NW¼SW¼ described as follows:

Beginning at the center of intersection of Forest Service Roads Nos. 272 and 2765 in SW¼NW¼ sec. 16, said point being S. 21°00′ E., 2,640 feet from northwest corner of said section, thence south 100 feet, thence west 330 feet, thence north 462 feet, thence east 330 feet, thence south 362 feet to point of beginning, containing 3.50 acres.

Upper Snow Creek Rock Pit No. 2814–2.7

T. 28 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
 Sec. 7, a strip of land within the NW¼SE¼ described as follows:

Beginning at a point approximately 2.7 miles from intersection of Forest Service Roads Nos. 2907 and 2814 along centerline of Road 2814 in NW¼SE¼ sec. 7, said point being N. 44°00′ W., 1,901 feet from southeast corner of said section, thence west 300 feet, thence north 300 feet, thence east 300 feet, thence south 600 feet to point of beginning, containing 2.10 acres.

Snow Creek Rock Pit No. 2907.1–5.5

T. 28 N., R. 2 W.,
 Sec. 9, a strip of land within the NW¼NW¼ described as follows:

Beginning at a point approximately 2.5 miles from intersection of Forest Service Roads Nos. 2907 and 2847 along centerline of Road 2907 in NW¼NW¼ sec. 9, said point being S. 42°30′ E., 1,267 feet from the northwest corner of said section, thence S. 83°00′ E., 330 feet, thence N. 07°00′ E., 330 feet, thence N. 83°00′ W., 330 feet, thence S. 07°00′ W., 330 feet to point of beginning, containing 2.50 acres.

Dutchman Rock Pit No. 294.3–7.5

T. 29 N., R. 2 W., unsurveyed (protraction approved 9–24–63):
 Sec. 19, a strip of land within the SW¼NW¼ described as follows:

Beginning at a point in SW¼NW¼ sec 9, said point being N. 15°00′ E., 2,692 feet from section corner common to secs. 19 and 30, T. 29 N., R. 2 W., and secs. 24 and 25, T. 29 N., R. 3 W., thence N. 26°00′ E., 300 feet, thence N. 64°00′ W., 600 feet, thence S. 26°00′ W., 300 feet, thence S. 64°00′ E., 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2849–4.1

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Secs. 3 and 10, a strip of land within the SE¼SW¼ and SW¼SE¼ sec. 3, and NW¼NE¼ and NE¼NW¼ sec. 10, described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in SE¼SW¼ sec. 3, said point being 2,112 feet due east from southwest corner of said section, thence N. 39°00′ E., 330 feet, thence S. 51°00′ E., 330 feet, thence S. 39°00′ W., 330 feet, thence N. 51°00′ W., 330 feet to point of beginning, containing 2.50 acres.

Dungeness Rock Pit No. 295–5.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 7, a strip of land within the SW¼SE¼ described as follows:

Beginning at a point on the Dungeness Road No. 295, 0.3 mile from intersection of Maynard Ridge Road No. 295 E. in SW¼SE¼ sec. 7, said point being N. 52°00′ W., 2,244 feet from section corner common to secs. 5, 6, 7, and 8, T. 28 N., R. 3 W., thence S. 55°00′ W., 260 feet, thence S. 35°00′ E., 250 feet, thence N. 55°00′ E., 260 feet, thence N. 35°00′ W., 250 feet to point of beginning, containing 1.50 acres.

Trapper Creek Rock Pit No. 2959–3.0

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 12, a strip of land within the NE¼NE¼ described as follows:

Beginning at a point approximately 1.7 miles from intersection of Forest Service Roads Nos. 2904 and 2959 along centerline of Road 2959 E. in NE¼NE¼ sec. 12, said point being S. 11°00′ W., 990 feet from northeast corner of said section, thence N. 67°00′ W., 330 feet, thence S. 23°00′ W., 330 feet, thence S. 67°00′ E., 330 feet, thence S. 23°00′ E., 330 feet to point of beginning, containing 2.50 acres.

Old Bon Jon Rock Pit No. 2849–2.1

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 14, a strip of land within the SW¼NE¼ described as follows:

Beginning at a point approximately 2.1 miles from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in SW¼NE¼ sec. 14, said point being N. 19°30′ W., 3,102 feet from southeast corner of said section, thence N. 17°00′ W., 300 feet, thence S. 73°00′ W., 300 feet, thence S. 17°00′ E., 300 feet, thence N. 73°00′ E., 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2849–0.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 24, a strip of land within the NW¼NW¼ described as follows:

Beginning at a point approximately 0.5 mile from intersection of Forest Service Roads Nos. 2909.1 and 2849 along centerline of Road 2849 in NW¼NW¼ sec. 24, said point being S. 06°00′ E., 528 feet from northwest corner of said section, thence N. 70°00′ E., 300 feet, thence S. 20°00′ E., 300 feet, thence S. 70°00′ W., 300 feet, thence N. 20°00′ W., 300 feet to point of beginning, containing 2.10 acres.

Old Bon Jon Rock Pit No. 2909.1–4.8

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 25, a strip of land within the NW¼NE¼ described as follows:

Beginning at a point approximately 0.3 mile from intersection of Forest Service Roads Nos. 2852 and 2909.1 along centerline of Road 2909.1 in NW¼NE¼ sec. 25, said point being S. 56°00′ W., 1,452 feet from northeast corner of said section, thence S. 66°00′ W., 350 feet, thence S. 24°00′ E., 350 feet, thence N. 66°00′ E., 650 feet, thence N. 24°00 W., 350 feet to point of beginning, containing 2.80 acres.

Townsend Creek Rock Pit No. 2812.2–17.2

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 26, a strip of land within the SW¼SE¼ described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2844 and 2812 along centerline of Road 2812 in SW¼SE¼ sec. 26, said point being 2,250 feet due west from the southeast corner of said section, thence N. 40°00′ E., 400 feet, thence N. 50°00′ W., 400 feet, thence S. 40°00′ W., 400 feet, thence S. 50°00 E., 400 feet to point of beginning, containing 3.70 acres.

River Spur Rock Pit No. 2844–1.5

T. 28 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 36, a strip of land within the SW¼NE¼ described as follows:

Beginning at a point approximately 1.5 miles from intersection of Forest Service Roads Nos. 2812 and 2844 along centerline of Road 2844 in SW¼NE¼ sec. 36, said point being S. 45°00′ E., 3,696 feet from the northwest corner of said section, thence north 330 feet, thence east 330 feet, thence south 330 feet, thence west 330 feet to point of beginning, containing 2.50 acres.

Cranberry Rock Pit No. 2983–2.2

T. 29 N., R. 3 W.,
 Secs. 19 and 30, a strip of land within the SW¼ of lot 4 (SW¼SW¼SW¼), sec. 19, and NW¼ of lot 1 (NW¼NW¼NW¼), sec. 30, described as follows:

Beginning at a point on the Cranberry Road No. 2983, 2.2 miles east of intersection of Caraco Road No. 2927, said point being N. 53°00′ E., 264 feet from section corner common to secs. 19 and 30, T. 29 N., R. 3 W., and secs. 24 and 25, T. 29 N., R. 4 W., thence S. 47°00′ W., 396 feet, thence S. 43°00′ E., 396 feet, thence N. 47°00′ E., 396 feet, thence N. 43°00′ W., 396 feet to point of beginning, containing 3.60 acres.

Racoon Rock Pit No. 2925C–0.6

T. 29 N., R. 3 W.,
 Sec. 23, a strip of land within the N½NE¼SE¼ and S½SE¼NE¼, described as follows:

Beginning at a point, said point being N. 12°00′ W., 2,521 feet from section corner common to secs. 23, 24, 25, and 26, T. 29 N., R. 3 W., thence S. 64°00′ W., 330 feet, thence N. 26°00′ W., 330 feet, thence N. 64°00′ E., 330 feet, thence S. 26°00′ E., 330 feet to point of beginning, containing 2.50 acres.

Dutchman Rock Pit No. 294.3–8.7

T. 29 N., R. 3 W.,
 Sec. 24, E½SE¼SE¼SE¼.

Containing 5 acres.

Hinkle A Rock Pit No. 2991–1.7

T. 29 N., R. 3 W., partially unsurveyed (protraction approved 9–24–63):
 Sec. 26, a strip of land within the SE¼NW¼ and NE¼SW¼, described as follows:

Beginning at a point, said point being S. 52°30′ W., 3,894 feet from section corner common to secs. 23, 24, 25, and 26, T. 29 N., R. 3 W., thence S. 40°00′ W. 330 feet, thence N. 50°00′ W., 330 feet, thence N. 40°00′ E., 330 feet, thence S. 50°00′ E., 330 feet to point of beginning, containing 2.50 acres.

Bear Mountain Rock Pit No. 2979–0.7

T. 29 N., R. 3 W.,
 Sec. 29, a strip of land within the SE¼NE¼ described as follows:

Beginning at a point approximately 0.7 mile from intersection of Forest Service Roads Nos. 2909 and 2979 along centerline of Road 2979 in SE¼NE¼ sec. 29, said point of Road 2979 in SE¼NE¼ sec. 29, said point being S. 28°30′ W., 2,244 feet from northeast corner of said section, thence S. 28°00′ W., 300 feet, thence S. 62°00′ E., 462 feet, thence N. 28°00′ E., 300 feet, thence N. 62°00′ W., 462 feet to point of beginning, containing 3.50 acres.

Coho Rock Pit No. 29067–0.2

T. 29 N., R. 3 W., unsurveyed (protraction approved 9–24–63):
 Sec. 35, a strip of land within the S½SE¼ described as follows:

Beginning at a point approximately 0.3 mile from intersection of Forest Service Roads Nos. 2904 and 29067 along centerline of Road 29067 in the SE¼SE¼ sec. 35, said point being N. 61°00′ W., 1,320 feet from the southwest corner of said section, thence N. 20°00′ W., 462 feet, thence S. 70°00′ W., 330 feet, thence S. 20°00′ E., 462 feet, thence N. 70°00′ E., 330 feet to point of beginning, containing 3.50 acres.

Canyon Creek Rock Pit No. 2926–6.7

T. 28 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
 Sec. 4, a strip of land within the NW¼SW¼ described as follows:

Beginning at a point on the Canyon Creek Road No. 2926, 2.4 miles from intersection of Ned Mill Road No. 2981, said point being N. 08°00′ E., 2,442 feet from section corner common to secs. 4, 5, 8, and 9, T. 28 N., R. 4 W., thence N. 61°00′ W., 330 feet, thence S. 29°00′ W., 200 feet, thence S. 61°00′ E., 330 feet, thence N. 29°00′ E., 200 feet to point of beginning, containing 1.50 acres.

Camp Handy Rock Pit No. 2825–2.2

T. 28 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
 Sec. 36, a strip of land within the NE¼NE¼ described as follows:

Beginning at a point on the Camp Handy Road No. 2825, 2.2 miles from the intersection of the Dungeness Road No. 295, said point being S. 78°00′ W., 1,056 feet from section corner common to secs. 30 and 31, T. 28 N., R. 3 W., and secs. 25 and 36, T. 28 N., R. 4 W., thence E. 300 feet, thence S. 300 feet, thence W. 300 feet, thence N. 300 feet to point of beginning, containing 2.10 acres.

Caraco Rock Pit No. 2927–1.3

T. 29 N., R. 4 W., unsurveyed (protraction
 Sec. 23, a strip of land within the SE¼SW¼ described as follows:

Beginning at a point on Caraco Creek Road No. 2927, 0.25 mile southwest of intersection of Cranberry Road No. 2983, said point being N. 61°00′ E., 2,442 feet from section corner common to secs. 22, 23, 26, and 27, T. 29 N., R. 4 W., thence S. 54°00′ W., 400 feet, thence S. 36°00′ E., 400 feet, thence N. 54°00′ E., 400 feet, thence N. 36°00′ W., 400 feet to point of beginning, containing 3.80 acres.

McDonald Creek Rock Pit No. 2956–2.7

T. 29 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
 Sec. 30, a strip of land within the S½NE¼ and N½SE¼, described as follows:

Beginning at a point on the upper McDonald Creek Road No. 2956, 0.3 mile south of the intersection of McDonald Forks Road No. 2956–B, said point being S. 31°00′ W., 2,640 feet from section corner common to secs. 19, 20, 29, and 30, T. 29 N., R. 4 W., thence N. 21°00′ W., 600 feet, thence S. 78°00′ W., 528 feet, thence S. 22°00′ E., 700 feet, thence N. 65°30′ E., 415 feet to point of beginning, containing 7 acres.

Graywolf Rock Pit No. 2928–0.2

T. 29 N., R. 4 W., unsurveyed (protraction approved 9–24–63):
Sec. 36, a strip of land within the SW¼ NE¼ described as follows:

Beginning at a point on the Graywolf Road No. 2928, 0.2 mile southwest from intersection of Caraco Creek Road No. 2927, said point being S. 34°00′ W., 2,508 feet from section corner common to secs. 25 and 36, T. 29 N., R. 4 W., and secs. 30 and 31, T. 29 N., R. 3 W., thence N. 55°00′ W., 350 feet, thence S. 35°00′ W., 300 feet, thence S. 55°00′ E., 350 feet, thence N. 35°00′ E., 300 feet to point of beginning, containing 2.40 acres.

The areas described aggregate 72.30 acres, 61.30 of which are in Clallam County, and 11 of which are in Jefferson County.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71–6236 Filed 5–4–71;8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Final Date for Redemption of Warehouse-Storage Loan Made Under 1970 Price-Support Programs

Unless demand is made earlier by CCC, warehouse-storage loans under 1970 price-support programs on the commodities listed in the table below mature and are due and payable on the dates indicated. Unless, on or before the final date for repayment specified below, such loans are repaid, title to the unredeemed collateral shall immediately vest in CCC, without a sale thereof, on the date next succeeding the final date for repayment specified below: *Provided*, that CCC will not acquire title to any commodity for which repayment has been mailed to the county ASCS office by letter postmarked (not patron postage meter date stamp) not later than the final date for repayment of such commodity. This notice applies to all such unredeemed collateral pledged to CCC under warehouse-storage loans. CCC shall have no obligation to pay for any market value which the unredeemed collateral may have in excess of the loan indebtedness; i.e., the unpaid amount of the note plus interest and charges. Nothing herein shall preclude making payment to a producer of any amount by which the settlement value of the pledged commodity may exceed the principal amount of the loan. The settlement value as used herein is the price support value of the pledged commodity determined on the basis of the weight, grade, and other quality factors shown on the warehouse receipts or accompanying documents in accordance with the applicable support rate provided in the program regulations. Notwithstanding the foregoing provisions, if the producer has made a fraudulent representation in obtaining the loan or in settlement or deliveries under the loan or has converted all or any part of the loan collateral, the producer shall remain personally liable for the amounts specified in the Warehouse Note and Security Agreement and in the price support program regulations.

Amounts due the producer will be paid to the producer by the appropriate county ASCS office.

	Maturity date	Final date of repayment
	1971	1971
Barley: [1]		
In Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming	May 31	May 31
In all other States	Apr. 30	Apr. 30
Corn:		
In all States	July 31	Aug. 2
Dry edible beans:		
In all States	May 31	May 31
Flaxseed:		
In Minnesota, Montana, North Dakota, South Dakota, and Wisconsin	May 31	May 31
In all other States	Apr. 30	Apr. 30
Grain sorghum: [1]		
In the following counties in Texas and all counties south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller	Apr. 30	Apr. 30
In Oklahoma and in counties in Texas north of those with an April 30 maturity date listed above.	June 30	June 30
In all States except Texas and Oklahoma.	July 31	Aug. 2
Honey:		
In all States	Apr. 30	Apr. 30
Oats: [1]		
In Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30
Rice:		
In all States	Apr. 30	Apr. 30
Rye:		
In all States	Apr. 30	Apr. 30
Soybeans:		
In all States	June 30	June 30
Wheat: [1]		
In Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31	May 31
In all other States	Apr. 30	Apr. 30

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[1] This notice does not apply to loans on barley, grain sorghum, oats, and wheat with respect to which producers, prior to the above maturity dates, have given written notice to the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended.

[(Secs. 4 and 5, 62 Stat. 1070, as amended; secs. 101, 105, 107, 301, 401, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714b and c; 7 U.S.C. 1441, 1447, 1421, 1425)]

Effective upon publication in the FEDERAL REGISTER (5–5–71).

Signed at Washington, D.C., on April 28, 1971.

GEORGE V. HANSEN,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71–6283 Filed 5–4–71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23041]

CAYMAN AIRWAYS, LTD.

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 6, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 6, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., April 29, 1971.

[SEAL] GREER M. MURPHY,
Hearing Examiner.

[FR Doc.71–6266 Filed 5–4–71;8:48 am]

[Docket No. 23302]

HARRISON AIRWAYS, LTD.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 10, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Dated at Washington, D.C., April 30, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71–6267 Filed 5–4–71;8:48 am]

[Docket No. 22419; Order 71–4–189]

HOUSTON-MONTERREY-MEXICO CITY SERVICE CASE

Order Consolidating and Setting Applications for Hearing

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 29th day of April 1971.

This is one phase of the proceedings involving applications for the establishment of air service of U.S. air carriers between the United States and Mexico under the Air Transport Agreement concluded between the two countries on July 31, 1970. This agreement authorizes, inter alia, air service between the coterminal points Houston and Mission/McAllen/Edinburg, Tex., and the coterminal points Monterrey and Mexico City, Mexico, by a designated U.S.-flag carrier.

By Order 71–3–47, dated March 8, 1971, the Board set down for hearing the application of Texas International Airlines, Inc. (TXI) in Docket 22419 requesting amendment of its certificate of public convenience and necessity for route 82F so as to authorize it to engage in scheduled air transportation over the above described route.[1] In the same order, the Board stated that it would not consolidate the applications of Braniff Airways, Eastern Air Lines, and National Airlines in Dockets 22416, 22467, and 22645, respectively, as framed, but noted that these carriers were free to move for consolidation of applications conforming to the scope of this proceeding.

Applications for Houston-Mexico City air service were filed by Braniff Airways on March 23, 1971, in Docket 23227 and by National Airlines on March 22, 1971, in Docket 23219. Each carrier filed an appropriate motion to consolidate its application with the application in Docket 22419. The two foregoing applications will be consolidated with the proceedings in Docket 22419 for hearing and decision.

Petitions for leave to intervene in this proceeding have been filed by Pan American and by the Midland/Odessa (Texas) Parties.[2] Each of the foregoing petitioners has sufficient economic interest in this proceeding to justify its participation as a party.

Accordingly, it is ordered, That:

1. The application of Braniff Airways, Inc., Docket 23227 and the application of National Airlines, Inc., Docket 23219, be and they hereby each are consolidated with the proceedings in Docket 22419; and

2. The petitions for leave to intervene in this proceeding filed by Pan American World Airways, Inc., and the Midland/Odessa (Texas) Parties be and they hereby each are granted.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

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[1] As noted in Order 71–3–47, TXI presently has authority to operate between the terminal point Mission/McAllen/Edinburg, Tex., and the terminal point Monterrey, Mexico. In addition, Pan American World Airways (Pan American) has authority to provide service between Houston and Mexico City on its route 136.

[2] The cities of Midland and Odessa, Tex., and the Chambers of Commerce of Midland and Odessa, Tex.

[FR Doc.71–6268 Filed 5–4–71;8:48 am]

[Docket No. 22628; Order 71–4–187]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Fare Matters

Issued under delegated authority April 29, 1971.

By Order 71–4–51, dated April 9, 1971, action was deferred, with a view toward eventual approval, on a resolution adopted by Joint Conference 1–2 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, would permit, as regards the special fares for groups of 100 or more originating in Germany, the travel group to include dependents of military personnel and excludes the military and their dependents from the solicitation, payment, and ticketing provisions which normally apply to group transportation.

In deferring action on the agreement, 10 days were granted on which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period and the tentative conclusions in Order 71–4–51 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22366, be and hereby is approved.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–6269 Filed 5–4–71;8:48 am]

[Docket No. 20993; Order 71–4–188]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 29, 1971.

By Order 71–4–9, dated April 1, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71–4–9 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22096, R–25, be and hereby is, approved: *Provided,* That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–6270 Filed 5–4–71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Canadian List 278]

CANADIAN STANDARD BROADCAST STATIONS

Notification List

APRIL 15, 1971.

List of new stations, proposed changes in existing stations, deletions, and corrections in assignments of Canadian standard broadcast stations modifying the assignments of Canadian broadcast stations contained in the Appendix to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

Call letters	Location	Power kw.	Antenna	Schedule	Class	Antenna height (feet)	Ground system		Proposed date of commencement of operation
							Number of radials	Length (feet)	
CKXR (Increase in daytime power—PO: 580 kHz, 1 kw., DA-2).	Salmon Arm, British Columbia, N. 50°43′05″ W. 119°20′20″.	*580 kHz* 10D/1N	DA-N	U	III				E.I.O. 4.15.72.
CHNL (Increase in daytime power—PO: 610 kHz, 1 kw., DA-1).	Kamloops, British Columbia, N. 50°38′50″ W. 120°16′15″.	*610 kHz* 10D/1N	DA-N	U	III				E.I.O. 4.15.72.
(New)	Princeton, British Columbia, N. 49°28′28″ W. 120°31′10″.	*1400 kHz* 1D/0.25N	ND-184	U	IV	150	120	282	E.I.O. 4.15.72.
(New)	Summerland, British Columbia, N. 49°37′33″ W. 119°41′06″.	*1450 kHz* 1D/0.25N	ND-187	U	IV	150	120	200-288	E.I.O. 4.15.72.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
MARTIN I. LEVY, *Chief,*
Broadcast Facilities Division, Broadcast Bureau.

[FR Doc.71–6249 Filed 5–4–71;8:46 am]

[Dockets Nos. 19234, 19235]

AIRKAMAN OF OMAHA, INC., AND SKY HARBOR AIR SERVICE, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Airkaman of Omaha, Inc., Omaha, Nebr., Docket No. 19234, File No. 92–A–L–30; Sky Harbor Air Service, Inc., Omaha, Nebr., Docket No. 19235, File No. 77–A–L–40; for aeronautical advisory station to serve Eppley Airfield, Omaha, Nebr.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Eppley Airfield, Omaha, Nebr., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is qualified.

2. In view of the foregoing: *It is ordered,* That pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

a. To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

3. *It is further ordered,* That to avail themselves of an opportunity to be heard, Airkaman of Omaha, Inc., and Sky Harbor Air Service, Inc., pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: April 21, 1971.

Released: April 28, 1971.

SAFETY AND SPECIAL RADIO
SERVICES BUREAU,
[SEAL] IRVING BROWNSTEIN,
Acting Chief.

[FR Doc.71-6250 Filed 5-4-71;8:46 am]

[Dockets Nos. 19239, 19240]

GILLIS AVIATION AND AEROTRONICS, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Oxbow Ranch, Inc., doing business as Gillis Aviation, Docket No. 19239, File No. 113–A–L–10; Aerotronics, Inc., Docket No. 19240, File No. 96–A–L–90; for an aeronautical advisory radio station to serve Logan Field, Billings, Mont.

1. The Commission's rules (§ 87.251 (a)), provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at the same landing area; i.e., Logan Field, Billings, Mont., and are, therefore, mutually exclusive. Accordingly, it is necessary to designate the applications for comparative hearings in order to determine which application should be granted. Except for the issues specified herein, each applicant is otherwise qualified.

2. Relative to the two subject applications, the Commission has received correspondence from, and has corresponded with, Mr. Harry S. Combs, Jr., president of Combs Airways and Mr. Robert A. Palmersheim, general manager of Lynch Flying Service, Inc., at Logan Field. Both of these individuals, on behalf of their firms, have commented with respect to which applicant should be the licensee of an advisory station at Logan Field. We consider these firms to be so called fixed base operators, as referred to in our rules, that provide aviation services at landing areas. They are, therefore, found to be parties in interest and will be permitted to participate as parties in this proceeding.

3. In view of the foregoing: *It is ordered,* That pursuant to the provisions of sections 309(e) of the Communications Act of 1934, as amended, and § 0.331(b)(21) of the Commission's rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following considerations:

(1) Location of the fixed base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issues which, if either, of the applications should be granted.

4. *It is further ordered,* That pursuant to § 1.221(d) of the Commission's rules, Combs Airways and Lynch Flying Service are designated as parties in these proceedings.

5. *It is further ordered,* That to avail themselves of an opportunity to be heard, Oxbow Ranch, Inc., Gillis Aviation, Combs Airways, and Lynch Flying Service, pursuant to § 1.1221 (c) and (e) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice. Pursuant to § 1.21 (b) of the Commission's rules, the Chief, Safety and Special Radio Services Bureau is a party in this proceeding and will be served copies of all pleadings, motion, or other filings herein.

Adopted: April 27, 1971.

Released: April 29, 1971.

SAFETY AND SPECIAL RADIO
SERVICES BUREAU,
[SEAL] IRVING BROWNSTEIN,
Acting Chief.

[FR Doc.71-6252 Filed 5-4-71;8:46 am]

[Dockets Nos. 19211, 19212]

ERWIN GLADDENBEGK AND CHARLES R. LUTZ

Order Designating Applications for Consolidated Hearing on Stated Issues; Correction

In regard applications of Erwin Gladdenbegk, Shell Lake, Wis., Docket No. 19211, File No. BPH–7192, requests: 95.3 mcs, No. 237; 3 kw.(H); 3 kw.(V); 300 feet; Charles R. Lutz, Shell Lake, Wis., Docket No. 19212, File No. BPH–7262, requests: 95.3 mcs, No. 237; 3 kw.(H); 3 kw.(V); 265 feet.

The order designating the above applications for consolidated hearing, FCC 71–406, adopted April 14, 1971, and published in the FEDERAL REGISTER on April 28, 1971, 36 F.R. 7993, is corrected by changing the second docket number listed in the heading from "18212" to "19212".

Released: April 29, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6251 Filed 5-4-71;8:46 am]

FEDERAL MARITIME COMMISSION

AMERICAN EXPORT ISBRANDTSEN LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation of detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of request for an extension of an approved agreement filed by:

Mr. J. Scott Morrison, Vice President, Traffic, Sea-Land Service, Inc., Post Office Box 1050, Elizabeth, NJ 07207.

American Export Isbrandtsen Lines, Inc., Atlantic Container Line, Ltd., Dart Containerline Inc., Hapag-Lloyd Aktiengesellschaft, Sea-Land Service, Inc., Seatrain Lines, Inc., and United States Lines, Inc.

Agreement No. 9899–2 is a request to further extend the approval of the original Agreement for 3 consecutive months from May 24, 1971. The original Agreement permits the parties, all container operators in the North Atlantic trades, to exchange information and to cooperate in developing information concerning intermodal and container operations, practices, and experiences between U.S. Atlantic ports and Atlantic ports of continental Europe, Baltic and Scandinavian ports, Mediterranean ports and ports of the United Kingdom and Eire.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6292 Filed 5-4-71;8:50 am]

AMERICAN MAIL LINE, LTD., AND AMERICAN PRESIDENT LINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation of detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

W. R. Purnell, District Manager, American Mail Line, Ltd., 601 California Street, Suite 610, San Francisco, CA 94108.

Agreement No. 8628–3 modifies the basic agreement, which covers a through billing arrangement for the movement of general cargo from U.S. ports in Oregon and Washington to ports on the west coast of India and West Pakistan with transshipment at Hong Kong, Singapore, and ports in Malaysia by amending Article 1 thereof to include ports in Japan as additional ports of transshipment.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6293 Filed 5-4-71; 8:50 am]

CONTINENTAL NORTH ATLANTIC WESTBOUND FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Martime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Elliott B. Nixon, Esq., Burlingham, Underwood, Wright, White & Lord, 25 Broadway, New York, NY 10004.

Agreement No. 8210–12 modifies the basic agreement in the following respects:

1. Extends the scope of the Conference to include the Atlantic ports of France and deletes the exclusion therefrom of cargo originating in Liechtenstein and Switzerland;

2. Deletes reference to Agreement No. 9498 (Atlantic Container Line) and the special exceptions to articles of the Conference agreement resulting therefrom:

3. Adds language which provides that the members shall have the right to determine the extent to which the Conference tariff will apply to goods originating in specified inland European countries;

4. Increases the number of European ports between which cargo may be forwarded at the expense of the carrying member (i.e., substituted service); and

5. Raises the Conference admission fee from $500 to $2,000.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6294 Filed 5-4-71;8:50 am]

MONTSHIP LINES, LTD., AND GESTIONI ESERCIZIO NAVI SICILLA-G.E.N.S.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Edwin Longcope, Esq., Hill, Betts & Nash, 28 Broadway, New York, NY 10004.

Agreement No. 9426–1, between Montship Lines Ltd., and Gestioni Esercizio Navi Sicilla-G.E.N.S., modifies the basic agreement to extend it for an additional three (3) years from and after April 20, 1971, unless sooner terminated in accordance with the provisions of Article 9 thereof.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-6295 Filed 5-4-71;8:50 am]

NORFOLK PORT AND INDUSTRIAL AUTHORITY AND CUNARD/O.N.A., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. James N. Crumbley, General Manager, Norfolk Port and Industrial Authority, Maritime Tower, Norfolk, VA 23510.

Agreement No. T–2492–1, between the Norfolk Port and Industrial Authority (Port) and Cunard/O.N.A., Ltd. (Cunard), modifies the basic agreement which provides for the use of terminal facilities at Norfolk International Terminal for the operation of Cunard's cruise vessels. The purpose of the modification is to change certain language in the agreement in order to provide for the insertion of Cunard's new corporate name, provide specifically for the operation of the "SS Cunard Adventurer" at the facility, eliminate the requirement for Cunard to berth a vessel four times a month at the facility, and provide for a revised date of submission of Cunard's proposed cruise schedule to the port. All other conditions of the basic agreement remain unchanged.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-6296 Filed 5-4-71;8:50 am]

SWEDISH AMERICAN LINE AND OY FINNLINES, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

George F. Galland, Esq., Galland, Kharasch, Calkins & Brown, Canal Square, 1054 31st Street NW., Washington, DC 20007.

Agreement No. 9945 would establish a joint service between the above parties in the trade between Mexican East Coast ports and U.S. Gulf and South Atlantic ports, on the one hand, and Scandinavian, Baltic, United Kingdom, Eire, and Continental ports of Europe within the Bordeaux-Hamburg Range, on the other hand, and by transshipment at ports of Scandinavia, Baltic, United Kingdom, Eire, and in the Bordeaux-Hamburg Range.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-6298 Filed 5-4-71;8:50 am]

TMT TRAILER FERRY, INC., AND CARIBBEAN SEA ROAD SERVICE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days

after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. William C. Rebenack, Traffic Manager, TMT Trailer Ferry, Inc., 215 South Georgia Street, Post Office Box 4787, Jacksonville, FL 32201.

Agreement No. DC–52, between TMT Trailer Ferry, Inc. (TMT), and Caribbean Sea Road Service, Inc. (CSRS), provides for the transportation of cargo under through bills of lading between U.S. gulf ports and ports in the Virgin Islands with transshipment at San Juan, P.R. The through rates and terms of transportation will be combination rates of those separately published by TMT between gulf ports and Puerto Rico and those separately published by CSRS between Puerto Rico and the Virgin Islands. All shipments moving pursuant to this agreement will be transshipped at the CSRS terminal in San Juan. Either party may terminate this agreement upon 30 days' notice to the other party.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-6299 Filed 5-4-71;8:50 am]

PUGET SOUND TUG & BARGE CO.

Application for Exemption

Notice is hereby given that the following application for exemption has been filed with the Commission for approval pursuant to section 35 of the Shipping Act, 1916, as amended (80 Stat. 1358, 46 U.S.C. 833a).

Interested parties may inspect and obtain a copy of this application at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Washington, Room 1015; or may inspect a copy of the application at the Field Offices, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to the application including a request for hearing if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the Federal Register. A copy of any such statement shall also be forwarded to the party filing the application (as indicated hereinafter), and the comments should indicate that this has been done.

Notice of application filed by:

John Cunningham, Kominers, Fort, Schlefer & Boyer, Tower Building, 1401 K Street NW., Washington, DC 20005.

Application designated Exemption No. 10 is hereby made pursuant to section 35 of the Shipping Act, 1916, for exemption from the Intercoastal Shipping Act, 1933 and the Shipping Act, 1916, and regulations applicable thereunder for the carriage of general cargo between Houston, Tex., and the Arctic Coast of Alaska between Beechey Point and Tigvariak Island, via the Gulf of Alaska, the Bering Sea, and the Arctic Ocean.

The grounds for the application for exemption are the same as those asserted in the applications of Foss Launch & Tug Co. and Foss Alaska Line, Inc. (Exemption No. 6); Puget Sound Tug & Barge Co. (Exemption No. 7); and Alaska Barge and Transport, Inc. (Exemption No. 8), which were approved by the Commission April 21, 1971, except that the proposed movement will not include "liquid in bulk".

The proposed service is designed for the movement of general cargo to and from the oil field discovered in 1968 near Prudhoe Bay, Alaska. The northbound cargo will consist primarily of materials and components for constructing a gathering plant at Prudhoe Bay to receive and process crude oil from the North Slope fields. It will also consist of modules, oil field equipment, materials and supplies. On the southbound trip to Houston the cargo will consist of the module trestles, tracked transporters, and drill casing.

The major oil companies engaged in operations at the site and their suppliers urgently require water transportation for the commodities described. No port or port facilities exist on this coast and due to the difficulty of construction it is doubtful that ports will be developed in the foreseeable future.

The timing of operations is determined by the ice conditions in Prudhoe Bay. Vessels must arrive off Point Barrow in time for the earliest movement of pack ice offshore. Vessels must move to the destination, discharge and return South of Point Barrow before the ice returns, which is normally within four to six weeks. Owing to its specialized character, the movement does not lend itself to rate regulation.

This exemption from the requirements of the Shipping Act, 1916 and the Intercoastal Shipping Act, 1933, will become effective upon approval of the Commission pursuant to section 35 of the Shipping Act, 1916.

Dated: April 29, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-6297 Filed 5-4-71;8:50 am]

[Docket No. 71-49]

GULF PUERTO RICO LINES, INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trade; Order of Investigation and Suspension

Gulf Puerto Rico Lines, Inc., has filed with the Federal Maritime Commission various Supplements and Revised Pages (See Appendix A[1]) to its Tariff FMC–F No. 1 to become effective May 2, 1971. These supplements and revised pages increase rates and charges in the subject trade.

Upon consideration of said supplements, revised pages and protests filed thereto, the Commission is of the opinion that the above designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, the various supplements and revised pages to Tariff FMC–F No. 1 are suspended and the use thereof deferred to and including September 1, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Gulf Puerto Rico Lines, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 2, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

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[1] Filed as part of the original document.

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Gulf Puerto Rico Lines, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the petitioners listed in Appendix B below, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioners be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX B

Edward Schmeltzer, Esq., Mario F. Escudero, Esq., Edward J. Sheppard IV, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue NW., Washington, DC 20036. Attorneys for the Commonwealth of Puerto Rico.

Alex C. Cocke, Sr., Consultant, Southern Lumber Exporters Association, 800 International Building, 611 Gravier Street, New Orleans, LA 70130.

Honorable Angel Viera Martinez, Speaker, Commonwealth of Puerto Rico, House of Representatives, Capitol Building, San Juan, PR 00903. (Copy of protest not served on respondent.)

D. L. Smith, Vice President—Sales, IBECK Foods, Inc., 1855 Broadway, New York, NY 10023.

[FR Doc.71-6291 Filed 5-4-71;8:50 am]

[Docket No. 71-45]

INDIAN TOWING CO., INC.

General Increases in Rates in U.S. Atlantic, Gulf and River Ports and Puerto Rico, U.S. Virgin Islands Trade; Order of Investigation and Suspension

Indian Towing Co., Inc., has filed with the Federal Maritime Commission Supplements No. 1 to its Tariffs FMC-F No. 3 and 4 to become effective May 5, 1971. These supplements generally increase the rates and charges in the subject trade.

Upon consideration of said supplements and protest filed thereto, the Commission is of the opinion that the above designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933, and good cause appearing therefore;

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to make such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplements No. 1 to Tariffs FMC-F No. 3 and 4 are suspended and the use thereof deferred to and including September 5, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Indian Towing Co., Inc., consecutively numbered supplements to the aforesaid tariffs which supplements shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 6, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Indian Towing Co., Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and the petitioner, The Southern Lumber Exporter's Association, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioner be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6290 Filed 5-4-71;8:50 am]

[No. 71-17]

NONASSESSMENT OF FUEL SURCHARGES ON MILITARY SEALIFT COMMAND (MSC) RATES

Request for Rate Proposals (RFP) Bidding System; Postponement of Filing Dates

APRIL 28, 1971.

This proceeding requires ocean carriers who participate in the carriage of military cargo to show cause why the failure to impose a bunker fuel surcharge

on military cargo while imposing a surcharge on commercial cargo is not in violation of the Shipping Act, 1916. Affidavits of fact, memoranda of law and requests for hearing are currently due May 3, 1971.

Hearing Counsel have now moved for discontinuance of this proceeding. To enable the Commission to dispose of the motion to discontinue prior to receipt of affidavits of fact or memoranda of law, all filing dates in this proceeding are postponed until further notice.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6286 Filed 5-4-71;8:49 am]

[Docket No. 71-38]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Enlargement of Time for Filing

APRIL 28, 1971.

Tariff Rule 1(C)—Local Tariff No. 15—FMC No. 4; Tariff Rule 1(D)—Overland Tariff No. 16.

Counsel for respondents, Pacific Coast Australasian Tariff Bureau and its members, have requested a 30-day enlargement of time within which to respond to the Commission's order in this proceeding. As grounds for the request respondents allege there is no need for expedition and there is a need to ascertain the desires of the Conference members before preparing a response. Hearing Counsel oppose the request on all grounds, emphasizing the lack of need for the Conference to obtain its members views inasmuch as the Conference demonstrated a firm position on the matter even before the proceeding was instituted.

Much of what Hearing Counsel say is well taken. However, under the circumstances a certain enlargement of time appears warranted.

Accordingly, affidavits of fact, memoranda of law and requests for hearing shall be filed on or before May 17, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, on or before June 1, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6287 Filed 5-4-71;8:49 am]

[Docket No. 71-42]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Atlantic and Gulf/Puerto Rico Trade; Correction

In the Order of Investigation and Suspension served April 22, 1971, make the following revisions:

(1) The August 25, 1971, date in the second ordering paragraph is corrected to read August 24, 1971.

(2) The August 26, 1971, date in the third ordering paragraph is corrected to read August 25, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6288 Filed 5-4-71;8:49 am]

[Docket No. 71-43]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic and Puerto Rico Trade; Correction

In the Order of Investigation and Suspension served April 22, 1971, make the following revisions:

(1) The August 25, 1971, date in the second ordering paragraph is corrected to read August 24, 1971.

(2) The August 26, 1971, date in the third ordering paragraph is corrected to read August 25, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6289 Filed 5-4-71;8:49 am]

FEDERAL RESERVE SYSTEM

MERCANTILE BANKSHARES CORP.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Mercantile Bankshares Corp., Baltimore, Md., for approval of acquisition of 80 percent or more of the voting shares of Bank of Southern Maryland, La Plata, Md.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Mercantile Bankshares Corp., Baltimore, Md. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Bank of Southern Maryland, La Plata, Md. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Maryland Commissioner of Banking and requested his views and recommendation. The Commissioner responded that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 16, 1971 (36 F.R. 5018), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the United States Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the only multi-bank holding company and sixth largest banking organization in Maryland, controls three banks with aggregate deposits of $229 million, representing 4.6 percent of the total deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect bank holding company formations and acquisitions approved by the Board through March 31, 1971.) Upon acquisition of Bank ($23 million in deposits), Applicant would increase its share of deposits to 5.1 percent.

Bank has the largest share of deposits in its area of the four banks operating there, holding 37.9 percent of area deposits. Two branches of the largest bank in the State hold 30.6 percent of area deposits. The third largest share of deposits in the area (21.1 percent) is held by two branches of the seventh largest bank in the State (merger consummated in 1970). The fourth largest organization in the State has received permission to establish a branch in the county. Clearly Bank faces substantial competition from these other banks that are able to offer a full range of banking activities. The closest banking office of any subsidiary of Applicant to Bank is a branch office of Belair National Bank in Bowie, approximately 33 miles north of La Plata. There appears to be no significant competition between Bank and Belair National Bank or any other subsidiary of Applicant and, based on the facts of record, significant competition is unlikely to develop. The Board concludes that consummation of the proposed acquisition would not have significant adverse effects on competition in any revelant area.

Considerations relating to the financial and managerial resources and future prospects, as they relate to Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Affiliation with Applicant would provide Bank with greater depth in management and would alleviate a management succession problem. Although the banking needs of the communities in Bank's service area presently appear to be adequately served, affiliation with Applicant would enhance Bank's ability to offer additional services which are necessary in light of the changing character of the area. Considerations relating to the convenience and needs of the communities in Bank's service area lend some support for approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Richmond pursuant to delegated authority.

By order of the Board of Governors,[1]

April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6160 Filed 5-4-71;8:45 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

POINT ROBERTS, WASH.

Public Notice

The International Joint Commission announces that, by similar letters of reference dated April 21, 1971, the Governments of the United States and Canada have requested the Commission, pursuant to Article IX of the Boundary Waters Treaty of January 11, 1909, to investigate and recommend measures to alleviate certain conditions of life of residents of Point Roberts, in the State of Washington, existing by reason of the fact that the only connection by land between Point Roberts and other territory of the United States is through Canada.

The Commission was requested to make a study of all those problems created or magnified by the presence and location of the international boundary at Point Roberts, and to make recommendations for their alleviation. Problems mentioned specifically included:

1. Application of United States and Canadian customs laws and regulations to transportation of goods into and out of Point Roberts;
2. Regulations governing employment in Canada of Point Roberts residents and in Point Roberts of Canadian citizens resident in and around Point Roberts;
3. Problems of health and medical services;
4. Existing arrangements for the supply of electric power and telephone service by Canadian utilities;
5. Problems relating to law enforcement to Point Roberts and transportation of accused persons to detention facilities.

Persons or agencies interested in the subject matter of this reference are invited to inform the Commission of the nature of their interest. At an appropriate time, the Commission will hold public hearings at which there will be convenient opportunity for all interested to be heard.

Copies of the complete text of the reference to the International Joint Commission are available upon request to the Secretaries.

WILLIAM A. BULLARD,
Secretary, U.S. Section,
International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section,
International Joint Commission.

APRIL 29, 1971.

[FR Doc.71-6272 Filed 5-4-71;8:48 am]

TARIFF COMMISSION

BROOM CORN BROOMS

Report to the President

APRIL 30, 1971.

In accordance with Executive Order 11377 of October 23, 1967 (copy attached), to assist the President in the exercise of his authority under headnote 3 to schedule 7, part 8, subpart A, of the Tariff Schedules of the United States (79 Stat. 948; 19 U.S.C. 1202), the U.S. Tariff Commission herein reports its judgment as to the estimated domestic consumption of broom corn brooms for the year 1970, the basis for that estimate, and information on U.S. consumption, production, imports, and exports of other types of brooms considered to be competitive with broom corn brooms. For convenience, the Commission also reports corresponding data for broom corn brooms for the years 1965 and 1969; and data for competitive brooms for 1968.

Estimated consumption of broom corn brooms. In the judgment of the Commission, consumption in calendar years 1965, 1969, and 1970 of brooms wholly or in part of broom corn was as shown in the table below.

BROOMS WHOLLY OR IN PART OF BROOM CORN: U.S. CONSUMPTION, 1965, 1969, AND 1970

[In dozens]

Type of broom	1965 [1]	1969 [2]	1970
Whiskbrooms of a kind provided for in items 750.26 to 750.28, inclusive, of the tariff schedules	470,612	445,675	445,501
Other brooms of a kind provided for in items 750.29 to 750.31, inclusive, of the tariff schedules	2,878,995	3,103,345	2,922,524

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 26, 1970.

Basis for the Commission's judgment with respect to broom corn brooms. The Commission estimated consumption of broom corn brooms in 1970 by the same methods it used to estimate consumption in its three previous reports pursuant to Executive Order 11377. Apparent annual consumption was determined by adding the quantity of shipments by domestic producers to the quantity of imports and subtracting therefrom the quantity of exports. Data on imports were obtained from the Bureau of Customs of the U.S. Treasury Department; data on production and exports were estimated from responses to questionnaires sent to all known domestic producers of broom corn brooms.

The data for each of the components used in the computation of apparent annual consumption of broom corn brooms are as shown in the table below.

WHISKBROOMS PROVIDED FOR IN TSUS ITEMS 750.26 TO 750.28 AND OTHER BROOMS PROVIDED FOR IN TSUS ITEMS 750.29 TO 750.31: U.S. PRODUCERS' SHIPMENTS, IMPORTS, EXPORTS, AND APPARENT CONSUMPTION, 1965, 1969, AND 1970

[In dozens]

Item	1965 [1]	1969 [2]	1970
	Whiskbrooms of a kind provided for in TSUS items 750.26 to 750.28, inclusive		
U.S. producers' shipments	318,691	350,891	327,603
Imports	152,686	96,271	119,654
Exports	765	1,487	1,756
Apparent consumption	470,612	445,675	445,501
	Other brooms of a kind provided for in TSUS items 750.29 to 750.31, inclusive		
U.S. producers' shipments	2,596,457	2,904,935	2,726,017
Imports	296,897	204,844	205,172
Exports	14,359	6,434	8,665
Apparent consumption	2,878,995	3,103,345	2,922,524

[1] As reported to the President on May 2, 1968.
[2] As reported to the President on Mar. 26, 1970.

Brooms considered competitive with broom corn brooms. As reported to the President on May 23, 1969, the Commission concluded that whiskbrooms of all fibers other than broom corn are competitive with whiskbrooms made of broom corn, and that upright brooms of all fibers other than broom corn are competitive with upright broom corn brooms. The Commission further concluded that push brooms 16 inches or less in width generally are competitive with upright broom corn brooms. The "competitive" brooms identified above are generally used for the same purpose as, and are generally substitutable for, broom corn brooms.

The Commission estimates that domestic shipments, imports, exports, and apparent consumption in 1968[1] and 1970 of the brooms considered to be competitive with broom corn brooms were as shown in the table below.

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[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Sherrill. Absent and not voting: Governors Mitchell and Brimmer.

[1] As reported to the President on May 23, 1969.

BROOMS, COMPETITIVE WITH BROOM CORN BROOMS: ESTIMATED U.S. PRODUCERS' SHIPMENTS, IMPORTS, EXPORTS, AND APPARENT CONSUMPTION, 1968 AND 1970

[In thousands of dozens]

Type of broom	Domestic shipments		Imports		Exports		Apparent consumption	
	1968	1970	1968	1970	1968	1970	1968	1970
Whiskbrooms:								
Plastic fiber	36	26	8	56	(1)	(1)	44	82
Other fiber	59	27	-------	-------	(1)	-------	59	27
Other (upright) brooms:								
Plastic fiber	193	198	131	147	6	5	318	340
Other fiber	95	111	-------	-------	2	2	93	109
Push brooms (16" or less in width)	269	183	-------	11	1	2	268	192

[1] Less than 500 dozen.
SOURCE: Compiled from data furnished by importers and domestic producers.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6300 Filed 5-4-71;8:51 am]

[332-68]

CUSTOMS VALUATION PROCEDURES OF UNITED STATES AND FOREIGN COUNTRIES

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the customs valuation procedures of foreign countries and those of the United States with a view to developing and suggesting uniform standards of customs valuation which would operate fairly among all classes of shippers in international trade, and the economic effects which would follow if the United States were to adopt such standards of valuation, based on rates of duty which will become effective on January 1, 1972.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6303 Filed 5-4-71;8:51 am]

[332-69]

IMPLICATIONS OF MULTINATIONAL FIRMS ON WORLD TRADE AND INVESTMENT AND U.S. TRADE AND LABOR

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the implications of multinational firms on the patterns of world trade and investment and on United States trade and labor.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6304 Filed 5-4-71;8:51 am]

[332-67]

NATURE AND EXTENT OF TARIFF CONCESSIONS GRANTED IN U.S. AGREEMENTS

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the nature and extent of the tariff concessions granted in trade agreements and other international agreements to which the United States is a party by the principal trading nations among industrialized countries.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6302 Filed 5-4-71;8:51 am]

[332-66]

TARIFF AND NONTARIFF BARRIERS AMONG PRINCIPAL TRADING NATIONS

Notice of Study

In response to requests, dated April 21, 1971, by the Committee on Finance, U.S. Senate, and its Subcommittee on International Trade, the U.S. Tariff Commission under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) has instituted a study of the tariff and nontariff barriers imposed by the principal trading nations among industrialized countries, including an analysis of the disparities in tariff treatment of similar articles of commerce by different countries and the reasons for the disparities.

The methods employed by the Commission in obtaining information pertinent to the study include all those specified in Rule 201.9 of the Commission's rules of practice and procedure. This rule states that the Commission obtains pertinent information from its own files, from other agencies of the Government, through questionnaires and correspondence, through fieldwork by members of the Commission's staff, and from testimony and other evidence which may be presented at public hearings. Interested parties are urged to submit written statements relevant to the study. Due notice will be given of any hearing which may later be scheduled.

The Committee on Finance has requested that other agencies within the Government cooperate in furnishing information and assistance to the Tariff Commission in this study.

Any correspondence relating to the study should be addressed to the Secretary, U.S. Tariff Commission, Washington, D.C. 20436.

Issued: April 30, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6301 Filed 5-4-71;8:51 am]

DEPARTMENT OF LABOR

Office of the Secretary

ORNSTEEN SHOE CO., INC., ET AL.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's report on its investigations of three petitions for adjustment assistance filed on behalf of workers formerly employed by the following firms, under section 301(c)(2) of the Trade Expansion Act of 1962, and in which report the Commission being equally divided, made no finding, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify as eligible to apply for adjustment assistance the involved groups of workers.

TEA-W-71—Ornsteen Shoe Co., Inc., Haverhill, Mass.
TEA-W-72—Kleven Shoe Sales Co., Inc., North Brookfield, Mass.
TEA-W-75—Sinclair Shoe Co., Haverhill, Mass.

In view of the Tariff Commission reports, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 14, 1971.

Signed at Washington, D.C., this 29th day of April 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-6307 Filed 5-4-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 30, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42186—*Iron or steel pipe from Newark, N.J.* Filed by Southwestern Freight Bureau, agent (No. B-227), for interested rail carriers. Rates on iron or steel pipe and related articles, in carloads, as described in the application, from Newark, N.J., to points in southwestern territory.

Grounds for relief—Market competition.

Tariff—Supplement 187 to Southwestern Freight Bureau, agent, tariff ICC 4620.

FSA No. 42187—*Liquid caustic soda from Gramercy, La.* Filed by O. W. South, Jr., agent (No. A6250), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, in tank carloads, as described in the application, from Gramercy, La., to specified points in Florida, Tennessee, and Georgia.

Grounds for relief—Market competition.

Tariff—Supplement 186 to Southern Freight Association, agent, tariff ICC S-699.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6277 Filed 5-4-71;8:48 am]

[Notice 15]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 30, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC-36473 (Deviation No. 1), CENTRAL TRUCK LINES, INC., 3825 Henderson Boulevard, Tampa, FL 33609, filed April 6, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Chattanooga, Tenn., over Tennessee Highway 58 to junction Tennessee Highway 153, thence over Tennessee Highway 153 to junction U.S. Highway 27, thence over U.S. Highway 27 to junction Tennessee Highway 61, thence over Tennessee Highway 61 to junction U.S. Highway 25-W at or near Clinton, Tenn., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Atlanta, Ga., over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 11 to Knoxville, Tenn., thence over U.S. Highway 25-W to junction U.S. Highway 25, thence over U.S. Highway 25 to Cincinnati, Ohio, thence over U.S. Highway 42 to junction U.S. Highway 224, thence over U.S. Highway 224 to Akron, Ohio, and return over the same route.

No. MC-52310 (Deviation No. 2), BRUCE MOTOR FREIGHT, INC., 3920 Delaware, Post Office Box 623, Des Moines, IA 50303, filed April 6, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Des Moines, Iowa, over Interstate Highway 80 to junction Iowa Highway 1, thence over Iowa Highway 1 to junction U.S.

Highway 151, thence over U.S. Highway 151 via Dubuque, Iowa, and Madison, Wis., to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Des Moines, Iowa, over U.S. Highway 6 to junction Illinois Highway 92, thence over Illinois Highway 92 to junction Highway 34, thence over U.S. Highway 34 via Chicago, Ill., to junction U.S. Highway 41, thence over U.S. Highway 41 to Milwaukee, Wis., and return over the same route.

No. MC-59488 (Deviation No. 12), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, TX 75701, filed April 6, 1971. Carrier's representative: Lloyd M. Roach, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Paragould, Ark., over Arkansas Highway 135 to junction U.S. Highway 62, thence over U.S. Highway 62 to Corning, Ark., thence over U.S. Highway 67 to Festus, Mo., and return over the same route for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Paragould, Ark., over Arkansas Highway 25 to the Arkansas-Missouri State line, thence over Missouri Highway 25 to junction Missouri Highway 84, near New Madrid, Mo., thence over U.S. Highways 61 and 62 to junction U.S. Highway 67 near Festus, Mo., thence over U.S. Highway 67 to St. Louis, Mo., and return over the same route.

No. MC-59488 (Deviation No. 13), SOUTHWESTERN TRANSPORTATION COMPANY, 1517 West Front Street, Tyler, TX 75701, filed April 6, 1971. Carrier's representative: Lloyd M. Roach, same address as applicant. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Jonesboro, Ark., over U.S. Highway 63 to Hoxie, Ark., thence over U.S. Highway 67 to Festus, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From Jonesboro, Ark., over Arkansas Highway 1 to Paragould, Ark., thence over Arkansas Highway 25 to the Arkansas-Missouri State line, thence over Missouri Highway 25 to junction Missouri Highway 84, near New Madrid, Mo., thence over U.S. Highways 61 and 62 to junction U.S. Highway 67, near Festus, Mo., thence over U.S. Highway 67 to St. Louis, Mo., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6280 Filed 5-4-71;8:49 am]

[Notice 35]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 30, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 128498 (Sub-No. 3) (Republication) filed August 5, 1968, published in the FEDERAL REGISTER issue of August 22, 1968, and republished this issue. Applicant: ROBERT EMANUEL AND MARGARET EMANUEL, a partnership, doing business as: EMANUEL'S EXPRESS, 201 East Township Line Road, Kirklyn, PA. Applicant's representative: Byron R. LaVan, 327 South 17th Street, Philadelphia, PA 19103.

A decision and order of the Commission, Division 1, acting as an Appellate Division, dated April 15, 1971, and served April 22, 1971, finds; that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of general commodities (except articles of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), between points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Delaware, Maryland, and the District of Columbia, restricted to the transportation of shipments weighing 5,000 pounds or less from one consignor at one location to one consignee at another location during a single day. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest, may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

NOTICE OF FILING OF PETITIONS

No. MC 2056 (Notice of Filing of Petition for Modification of Certificate), filed April 5, 1971. Petition: HOPLA TRUCKING CO., INC., Edison, N.J. Petitioner's representative: Alexander Markowitz, Post Office Box 793, Vineland, NJ 08360. Petitioner holds Certificate No. MC 114132, authorizing the transportation (1) of general commodities, except livestock, classes A and B explosives, commodities in bulk, and those requiring special equipment, between New York, N.Y., on the one hand, and, on the other, points in Monmouth County, N.J., and (2) of general commodities, except those of unusual value, classes A and B explosives, household goods as defined by the Commission commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between New York, N.Y., on the one hand, and, on the other, points in Essex, Hudson, Bergen, Middlesex, and Union Counties, N.J. By the instant petition, petitioner requests individual consideration, pursuant to the procedure described in the Sixth Supplemental Report in *Commercial Zones and Terminal Areas*, 54 M.C.C. 21, at page 58, of its terminal area at New York, N.Y., to permit terminal area service from and to all points in New Jersey within 5 miles of New York, N.Y., including those points within the 5 miles radius not within the "exempt" zone as defined in *New York, N.Y., commercial zone*, 112 M.C.C. 203. In effect, the relief sought would constitute a modification of petitioner's certificate, and the petition therefore will be treated as a petition for the modification of petitioner's Certificate No. MC 2056. No oral hearing is contemplated in this procedure, and any interested person desiring to participate may file an original and seven copies of written representations, views, or arguments in support of or against the petition on or before June 15, 1971. A copy of each such statement must be served on petitioner's representative.

No. MC 87720 (Sub-No. 87) (Notice of Filing of Petition for Amendment of Permit, in Part, To Change Plant Location of Contracting Shipper), filed April 6, 1971. Petitioner: BASS TRANSPORTATION, CO., INC., Flemington, N.J. Petitioner's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Petitioner holds a permit in No. MC 87720 (Sub-No. 87), authorizing transportation, as a motor contract carrier, over irregular routes, of: *Paper bags*, from Albion, N.Y., to points in Pennsylvania, Ohio, and Virginia; *kraft wrapping paper and wood pulpboard*, from West Point, Va., to Albion, N.Y.; *paper bags and wrapping paper*, from Buffalo, N.Y., to Philadelphia, Pa., and points in New Jersey and that part of New York, N.Y., commercial zone as defined in *commercial zone and terminal areas*, 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203 (B)(F) of the Act (the "exempt" zone); *burlap bags and paper bags*, from Buffalo, N.Y., to points in Ohio and Michigan, and *returned shipments* of the commodities described hereinabove, from the respective destination points above, to their respective origin points. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Bemis Co., Inc. By the instant petition, petitioner requests that its permit be modified, in part, by deleting Albion, N.Y., as an origin or destination point and substituting Newtown, Conn. Said authority to be restricted to a service under contract with Bemis. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 124964 (Notice of Filing of Petition To Add Name of Shipper), filed April 12, 1971. Petitioner: JOSEPH M. BOOTH, doing business as J. M. BOOTH TRUCKING, Tavares, Fla. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds authority in No. MC 124964 to conduct operations, as a motor contract carrier, over irregular routes, transporting: Such commodities as are handled, used, sold, and dealt in by chain grocery or department stores, from Carlstadt and Paramus, N.J., and New York, N.Y., to points in Broward, Dade, Hillsborough, Orange, and Pinellas Counties, Fla. Returned shipments of the above-named commodities, for the account of Grand Union Co., from points in the five above-specified destination counties in Florida, to Carlstadt and Paramus, N.J., and New York, N.Y. By the instant petition, petitioner seeks permission to add the name of Unity Consolidated, Inc., as an additional contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 128375 (Sub-No. 4) (Notice of Filing of Petition for Modification of Permit), filed April 5, 1971. Petitioner: CRETE CARRIER CORPORATION, Crete, Nebr. Petitioner's representative: Gailyn L. Larsen, Post Office Box 80806, Lincoln, Nebr. 68501. Petitioner holds authority in Permit MC 128375 (Sub-No. 4), to conduct operations as a motor contract carrier, over irregular routes, transporting: (1) *Animal, poultry and fish feed* (except commodities in bulk and fresh edible meats), from Oxnard, Calif., to points in Washington, Oregon, Wyoming, Nevada, Nebraska, Kansas, Oklahoma, Texas, New Mexico, and Arizona, with no transportation for compensation on return except as otherwise authorized; and (2) *animal, poultry and fish feed and feed ingredients, and supplies and materials* used in the manufacture of animal poultry, and fish feed (except commodities in bulk and fresh edible meats), from points in Washington, Oregon, Idaho, Wyoming, Nevada, Oklahoma, Texas, New Mexico, Arizona, Iowa, and Wisconsin, to Oxnard, Calif., with no transportation for compensation on return except as otherwise authorized. Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract, or contracts with Allen Products Co., of Allentown, Pa. By the instant petition, petitioner seeks to modify its permit by substituting, Los Angeles, Calif., in lieu of Oxnard, Calif. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 129659 (Sub-No. 3) (Notice of filing of Petition To Add Commodity to present Operating Authority), filed March 22, 1971. Petitioner: T-P STORAGE AND LEASING, INC., Clifton, N.J. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Petitioner holds a permit in No. MC 129659 (Sub-No. 3), authorizing transportation as a motor contract carrier, of: Steel pipe, piling, rails, railway track accessories, and bridge and highway railing, between Newark and Windsor, N.J., Philadelphia, Pa., New Haven, Conn., on the one hand, and, on the other, points in New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia, under contract with L. B. Foster Co. By the instant petition, petitioner seeks to add the following commodities to the above permit: Pile drivers (pile driver hammers) or pile extractors or pullers, or pile driver extractor or puller cylinders. grips, heads, clamps, pistons, rams, retainers, side straps, or tie rods, separate or combined. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the Federal Register.

No. MC 133375 (Sub-No. 3) (Notice of Filing of Petition for Modification of Permit), filed April 16, 1971. Petitioner: CABS UNLIMITED, INC., Mountain View, Calif. Petitioner's representative: Wilmer B. Hill, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Petitioner holds authority in No. MC 133375 (Sub-No. 3) to conduct operations as a motor contract carrier, over irregular routes, transporting: *Radiopharmaceuticals and radioactive chemicals*, in packages not to exceed 100 pounds, between points in Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, and Yolo Counties, Calif. Restriction: The operations authorized herein are subject to the following conditions: Said operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with the following shippers: Mallinckrodt Nuclear, of St. Louis, Mo., New England Nuclear Corp., of Boston, Mass., and Abbott Laboratories, of North Chicago, Ill. Said operations are restricted against the transportation of packages or articles weighing in the aggregate more than 200 pounds from one consignor to one consignee on any one day. Said operations are restricted to the transportation of traffic having a prior or subsequent movement by air. The permit will expire as of December 5, 1974. By the instant petition, petitioner seeks to modify its permit by adding Domestic Air Express, Inc., San Francisco, Calif., as a contracting shipper. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the Federal Register.

Application for Certificate or Permit Which Are To Be Processed Concurrently With Applications Under Section 5 Governed by Special Rule 240 to the Extent Applicable

No. MC 56679 (Sub-No. 52), filed April 13, 1971. Applicant: BROWN TRANSPORT CORP., Post Office Box 551, Waynesboro, GA 31566. Applicant's representative: John P. Carlton, 327 Frank Nelson Building, Birmingham, AL 35203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities*, (a) between points in Greenville County; (b) between points in Greenville County and points in South Carolina; and (c) from points in Charleston County to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens, Oconee, Pickens, Spartanburg, and Union Counties, S.C.; (2) *cotton piece goods*, finished and unfinished, and *empty oil drums*, from points in Cherokee, Spartanburg, and Union Counties to points in Charleston County, S.C.; (3) *canned goods*, from South Carolina canneries to points in Abbeville, Anderson, Cherokee, Greenwood, Laurens. Oconee, Pickens, Spartanburg, and Union Counties, S.C.; and (4) *household goods*, between points in South Carolina. Note: Applicant states it intends to tack the authority sought with existing authority to provide service between this area, on the one hand, and. on the other, points in Georgia, Tennessee, and North Carolina, and from this area to points in various western and midwestern States to this territory. The instant application is a matter directly related to MC-F-11141, published in the Federal Register issue of April 21, 1971. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

Applications Under Sections 5 and 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11133. (Correction) (RELIABLE TRUCK LINES, INC.—Purchase (portion)—A-OK MOTOR LINES, INC., SAMUEL KAUFMAN, Trustee in bankruptcy), published in April 14, 1971, issue of the Federal Register on page 7088. This correction to modify prior publication to include and *all points within 15 miles thereof.*

No. MC-F-11141. (Correction) (BROWN TRANSPORT CORP.—*Purchase*—POOL FREIGHT LINES, INC.), published in April 21, 1971, issue of the Federal Register on page 7562, prior notice should have read BROWN TRANSPORT CORP.—*Control and Merge*—POOL FREIGHT LINES, INC.

No. MC-F-11153. Authority sought for purchase by VINCENT J. HERZOG, 200 Delaware Street, Honesdale, PA 18431, of the operating rights of M. K. TREXLER AND W. F. TREXLER, a partnership, doing business as TREXLER BROTHERS, 334 Horton Street, Wilkes-Barre, PA 18703, of control of such rights through the purchase. Applicants' attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Operating rights sought to be transferred: *Uncrated new and used furniture*, as a *common carrier*, over irregular routes, between Wilkes-Barre, Pa., and points and places within 15 miles thereof, on the one hand, and, on the other, points and places in Maryland, New Jersey, and New York. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New Jersey, and New York. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11154. Authority sought for control by CURTIS, INC., 4810 Pontiac Street, Commerce City, CO 80022, of G. & H. TRUCK LINES, INC., 3804 Walnut Street, Denver, CO, and for acquisition by STANLEY AVERCH, also of Commerce City, CO 80022, of control of G. & H. TRUCK LINES, INC., through the acquisition by CURTIS, INC. Applicants' attorneys: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, Duane W. Acklie and Richard A. Peterson, both of 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Operating rights sought to be controlled: *General commodities*, excepting among others, high explosives, livestock, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Denver and Pueblo, Colo., serving the intermediate points of Colorado Springs, Colo., between Pine Bluffs, Wyo., and Denver, Colo., serving the intermediate and off-route points of Greeley, Colo., and points within 20 miles of Pine Bluffs; *general commodities*, excepting among others, high explosives, household goods and commodities in bulk, over irregular routes, between Pine Bluffs, Wyo., and points within 20 miles thereof, on the one hand, and, on the other, Sidney and Scottsbluff, Nebr.; *meats, meat products, meat byproducts, and dairy products*, as described in sections A and B of Appendix I to the report in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209 and 766, from Denver, Colo., to Broomfield, Brighton, Eaton, Fort Collins, Fort Lupton, La Salle, Longmont, and Loveland, Colo. CURTIS, INC., is authorized to operate as a *common carrier* in all of the States in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC-F-11155. Authority sought for merger into WORSTER-IOWA, INC., Gay Road, Rural Delivery No. 1, North East, PA, of the operating rights and property of POWERS TRANSPORTATION, INC., Highway 71, East, Post Office Box 147, Storm Lake, IA 50588, and for acquisition by WORSTER MOTOR LINES, INC., and in turn by DAVID B. WORSTER, both of Gay Road, Rural Delivery No. 1, North East, PA, of control of such rights and property through the transaction. Applicants' attorney: Joseph F. Mackrell, 23 West 10th Street, Erie, PA 16501. Operating rights sought to be merged: *Canned goods*, and *frozen foods*, and numerous other specified commodities, as a *common carrier*, over irregular routes, from to, and between specified points in the States of Iowa, New York, North Dakota, South Dakota, Nebraska, Ohio, Michigan Minnesota, Wisconsin, Kansas, Missouri, Pennsylvania, Arkansas, Illinois, and Indiana, with certain restrictions, as more specifically described in Docket No. MC-112148 Sub 1 and other subnumbers therunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent the entirety, thereof. WORSTER-IOWA, INC., holds no authority from this Commission. However it is affiliated with WORSTER MOTOR LINES, INC., Gay Road, Post Office Box 110, North East, PA, which is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, West Virginia, District of Columbia, Indiana, Illinois, Michigan, Ohio, Maine, Minnesota, Vermont, New Hampshire, Virginia, South Carolina, Alabama, Wisconsin, Florida, and Kentucky. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11156. Authority sought for purchase by KISSICK TRUCK LINES, INC., 1600 Genesee, Post Office Box 5687, Kansas City, MO 64102, of the operating rights of C. KING MOTOR SERVICE, INC., 7416 Jeanene, St. Louis, MO 63116, and for acquisition by TENNYS L. ALKIRE, 5804 Colrain, Kansas City, MO, of control of such rights through the purchase. Applicants' attorney: Lowell L. Knipmeyer, 2804 Power & Light Building, Kansas City, MO 64105. Operating rights sought to be transferred: *General commodities* excepting among others, Classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over irregular routes, between points in the St. Louis, Mo.-East St. Louis, Ill., commercial zone, as defined by the Commission in M.C.C. 656. Vendee is authorized to operate as a *common carrier* in Missouri, Illinois, Iowa, Kansas, Nebraska, and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11157. Authority sought for purchase by MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122, of a portion of the operating rights and certain property of SCHWERMAN TRUCKING CO., 611 South 28th Street, Milwaukee, WI 53246, and for acquisition by LEASEWAY TRANSPORTATION CO., and in turn by HUGH O'NEILL, III, W. J. O'NEILL and P. J. O'NEILL all of Cleveland, Ohio 44122, of control of such rights and certain property through the purchase. Applicants' attorneys: John A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114, Roland Rice, 618 Perpetual Building, Washington, DC 20004, and James R. Ziperski, 611 South 28th Street, Milwaukee, WI 53246. Operating rights sought to be transferred: *Cement*, in bulk, and in package, as a *common carrier* over irregular routes, from the plantsite of the Alpha Portland Cement Co., located in or near Jamesville, N.Y., to points in McKean, Potter, Tioga, Bradford, Cameron, Susquehanna, Sullivan, Lycoming, and Clinton Counties, Pa.; *dry cement*, from the plantsite of the Alpha Portland Cement Co., located at or near Cementon, N.Y., to points in Connecticut, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont. Vendee is authorized to operate as a common carrier in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, New Jersey, Alabama, Florida, Mississippi, Tennessee, Kansas, Arkansas, Missouri, Oklahoma, Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Georgia, District of Columbia, Delaware, Virginia, North Carolina, West Virginia, South Carolina, Louisiana, Nebraska, Texas, Michigan, Washington, Idaho, and Montana. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.71-6279 Filed 5-4-71;8:49 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

April 30, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. CC-7086, filed April 16, 1971. Applicant: LONG'S EXPRESS, INC., 2006 Seminary Avenue, Richmond, VA. Applicant's representative: Jno C. Goddin, 200 West Grace Street, Richmond, VA. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *property* over regular routes, between Richmond, Va., and Charlottesville, Va., via Interstate Highway 64, serving all access and interchange routes between Interstate Highway 64 and carrier's present authority, including, but not limited to the following: (1) Between the junction of Interstate Highway 64 with Virginia Highway 623 and the junction of U.S. Highway 33 with Virginia Highway 623 via Virginia Highway 623; (2) between the junction of Interstate Highway 64 with Virginia Highway 617 and the junction of Virginia Highway 610 with Virginia Highway 677 via Virginia Highway 617 to and over Virginia Highway 610 to its junction with Virginia Highway 677; (3) between the junction of Interstate Highway 64 with U.S. Highway 522 and Apple Grove, Va., via U.S. Highway 522; (4) between the junction of Interstate Highway 64 with Virginia Highway 605 and the junction of Virginia Highway 605 with Virginia Highway 677 via Virginia Highway 605; (5) between the junction of Interstate Highway 64 with Virginia Highway 659 and Louisa, Va., via Virginia Highway 659; (6) between the junction of Interstate Highway 64 with U.S. Highway 15 and the junction of U.S. Highway 15 with Virginia Highway 22 (Waldrop, Va.) via U.S. Highway 15; and (7) between junction of Interstate Highway 64 with Virginia Highway 616 and the junction of Virginia Highway 22 with Virginia Highway 616 (Keswick, Va.) via Virginia Highway 616. Both Intrastate and interstate authority sought.

HEARING: June 16, 1971, 10 a.m., Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Office of Commerce Counsel, Box 1197, Richmond, VA 23209, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71204-CCT, filed April 20, 1971. Applicant: YOUNGLOVE TRANSFER COMPANY, INC., 4803 Hesperides, Tampa, FL 33614. Applicant's attorney: John W. McWhirter, Jr., Cason, McWhirter, Henderson & Stokes, Post Office Box 2150, Tampa, FL 33601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: Commodities in bulk; cement; salt; fertilizer and fertilizer material in bags; petroleum products in packages, cases, cans or drums; Class A explosives; household goods; malt beverages; beer; sodium hypochlorite; building and construction materials and supplies in truckload lots; sugar in truckload lots; empty glass containers and bottles and closures therefor; and lumber; on regular routes and regular schedules between Tampa, all points in Pinellas County, all points in Pasco, Hernando, Citrus, and Sumter Counties, east of Interstate 75 and along U.S. Highways 19, 41, and 98, and State Highways Nos. 50, 44, 490, 491, 495, and 488; applicant also seeks to serve Ocala and all points south and west of Ocala along State Roads 40, 200, and 484 using Interstate 75 as an alternate close door route between Tampa and Ocala. Both intrastate and interstate authority sought.

HEARING: Date, time, and place not known yet. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6281 Filed 5-4-71;8:49 am]

[Notice 687]

MOTOR CARRIER TRANSFER PROCEEDINGS

APRIL 30, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72753. By order of April 29, 1971, the Motor Carrier Board approved the transfer to Elizabeth Ann Gallagher, Pittsburgh, Pa., of the operating rights in Certificate No. MC-75491 issued November 15, 1951, to Thomas V. Gallagher, Pittsburgh, Pa., authorizing the transportation of general commodities, with exceptions, between Pittsburgh, Pa., on the one hand, and, on the other, points in Allegheny County, Pa. Irwin B. Wedner, Suite 500 Plaza Building, 535 Fifth Avenue, Pittsburgh, PA 15219, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[F.R. Doc. 71-6278 Filed 5-4-71; 8:48 am]

[No. 35301]

WEST VIRGINIA INTRASTATE FREIGHT RATES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing that by order dated September 14, 1970, the Commission, Division 2, instituted an investigation pursuant to section 13 of the Interstate Commerce Act into the matters and things presented in the petition filed July 13, 1970, by the common carriers by railroad operating within the State of West Virginia, wherein it was alleged that the State of West Virginia has failed to authorize or to permit increases in rates and charges on commodities moving in intrastate commerce corresponding to increases authorized by this Commission on interstate commerce in Ex Parte No. 262, Increased Freight Rates, 1969, 337 I.C.C. 436, and Ex Parte No. 265, Increased Freight Rates, 1970, 339 I.C.C. 125;

It further appearing, that by order dated February 5, 1971, the Commission, Division 2, broadened the investigation instituted by the Commission, Division 2, on September 14, 1970, to determine whether the failure of the intrastate rates and charges in West Virginia to include increases corresponding to those permitted to be established by the Commission for interstate transportation on November 20, 1970, in Ex Parte No. 267, Increased Freight Rates, 1971, cause unjust discrimination against or places an undue burden on interstate or foreign commerce by reason of the failure of the State to authorize the said increases in intrastate rates and charges;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and for recommendation of an appropriate order thereon, accompanied by the reasons therefor.

It is further ordered, That on or before May 31, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A attached hereto and any additional persons who make known their desire to actively participate in the proceeding on or before May 20, 1971.

It is further ordered, That on or before June 30, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, and at the same time, serve a copy of such prepared material upon all persons listed in Appendix A below and any additional persons who make known their desire to actively participate on or before May 20, 1971. Attached as Appendix A below is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before May 20, 1971, as well as all persons listed in Appendix A as set forth below. Otherwise, any interested person desiring to participate in this proceding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before July 9, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on July 19, 1971, 9:30 a.m., d.s.t. (or 9:30 a.m. U.S. standard time, if that time is observed), in the Public Service Commission Hearing Room 215-E, East Wing of the State Capitol Building, Second Floor, Charleston, WV, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of West Virginia be notified of the proceeding by sending a copy of this order by certified mail to the Governor of West Virginia, Charleston, W. Va., and a copy to the Public Service Commission of West Virginia, Charleston, W. Va.; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 23d day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Rene J. Gunning, Western Maryland Railway Co., 201 North Charles Street, Baltimore, MD 21201.

Edward R. Gustafson, Penn Central Co., 532 Union Station, Chicago, IL 60606.

Richard W. Kienle, Norfolk & Western Railway Co., 108 North Jefferson Street, Roanoke, VA 24011.

Dwight L. Koerber, The Coal Traffic Bureau, 1447 Oliver Building, Pittsburgh, PA 15222.

John E. Lee, Chief Counsel, Public Service Commission, Capitol Building, Room E-214, Charleston, WV 25305.

William M. Maddox, 730 Coal Building, 1130 17th Street NW., Washington, DC 20036. (For: Appalachian Electric Power Co.)

Charles M. Marshall, Baltimore & Ohio Railroad Co., Law Department, 2 North Charles Street, Baltimore, MD 21201.

G. G. Zizek, Manager of Traffic, FMC Corp., 633 Third Avenue, New York, NY 10017.

[FR Doc.71-6276 Filed 5-4-71;8:48 am]

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Title 7—AGRICULTURE

Subtitle A—Office of the Secretary of Agriculture

PART 19—UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

The rules issued herein are required by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, effective January 2, 1971, and action under that law is dependent upon these regulations. Also, these are interim regulations. Accordingly, it is found upon good cause that notice of proposed rule making is not possible.

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AUTHORITY: The provisions of this Part 19 issued under the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646, 84 Stat. 1894.

Subpart—Policies

§ 19.101 Purpose.

The regulations in this part prescribe policies and procedures for the U.S. Department of Agriculture in implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91–646 (84 Stat. 1894) herein called the Act. The Act provides for uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and Federal financially assisted programs and establishes uniform and equitable land acquisition policies for Federal and Federal financially assisted programs.

§ 19.102 Effective date.

The regulations in this part shall be effective on and after January 2, 1971.

§ 19.103 Displacement notice—Application for relocation assistance.

Written notice of displacement served personally or by first-class mail will be given to each person, family, business, or farm. A displaced person, business, or farm operation must make proper application to the displacing agency for relocation assistance payments. A displaced person, business, or farm operation who makes proper application will be paid promptly after a move. If the agency head determines that delaying payment until after the move will create a hardship, he will authorize a payment to be advanced.

§ 19.104 Appeal rights.

Any person aggrieved by a determination as to eligibility for relocation payment, or the amount of a payment, in a Federal project may have his application reviewed by the Secretary of Agriculture or his designee, or in the case of a project receiving Federal financial assistance, by the head of the State agency.

§ 19.105 Leasing to former owner or tenant.

The agency head in the case of a Federal project or the head of the State agency in the case of a Federal financially assisted project may permit use of or lease realty back to former owners or tenants for a period of not more than 1 year, and may also extend or renew such permits or leases for successive periods of not more than 1 year.

§ 19.106 Assurance of replacement dwelling prior to displacement.

No phase of any project will be initiated or continued if that phase will cause the displacement of any person until the agency has determined on the basis of a current survey and analysis of available replacement housing that prior to displacement there will be available for each displaced person a replacement dwelling.

§ 19.107 Adjustments.

The agency head may make adjustments in the requirements for decent, safe, and sanitary dwellings only in cases of unusual circumstances.

§ 19.108 Waiver.

In emergencies or other extraordinary situations where immediate possession of real property is crucial, the agency head may waive the requirements of § 19.106. Each such waiver must be reported through administrative channels to the Director, Office of Management and Budget.

§ 19.109 Criteria for new construction and loans.

The Department and State agencies will be guided by criteria and procedures issued by the Secretary of Housing and Urban Development relating to (a) determination of necessity to construct replacement housing for displaced persons, and (b) loans for planning and other preliminary expenses for additional housing for displaced persons.

Subpart—Definitions

§ 19.201 Agency head.

The head of the agency of the Department responsible for the project which requires land acquisition or displacement, or any individual authorized to act for him in implementing these regulations.

§ 19.202 Business.

(a) Any lawful activity, excepting a farm operation, conducted primarily:

(1) For the purchase, sale, lease, and rental of personal and real property, and for the manufacture, processing, or marketing of products, commodities, or any other personal property;

(2) For the sale of services to the public;

(3) By a nonprofit organization; or

(4) Outdoor advertising signs erected and maintained for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services whether or not located on the premises of the foregoing businesses.

(b) Part-time family occupations which do not contribute materially to the income of the displaced person, such as newspaper routes and part-time typing, do not come within the definition of business.

(c) A warehouse or other facility acquired, which is operated in conjunction with a business not acquired, is not a business.

§ 19.203 Decent, safe, and sanitary dwelling.

A dwelling which is in good repair and in sound and weather-tight condition, which meets local housing codes, if any, and also meets the following requirements:

(a) *Housekeeping unit.* A housekeeping unit must include a kitchen with fully usable sink; a stove, or connections for same; a separate complete bathroom; hot and cold running water in both the bath and the kitchen; an adequate and safe wiring system for lighting and other electrical services; and heating as required by climatic conditions and local codes.

(b) *Nonhousekeeping unit.* A nonhousekeeping unit is one which meets local code standards for boarding houses, hotels or other congregate living.

§ 19.204 Department.

The U.S. Department of Agriculture.

§ 19.205 Displacing agency.

The agency in the Department for Federal projects, and the State agency for Federal financially assisted project, which acquires real property.

§ 19.206 Displaced person.

Any person who, on or after January 2, 1971, moves from real property, or moves his personal property from real property, as a result of the actual acquisition of such real property, in whole or in part, or as a result of a written order of the acquiring agency to vacate real property for a program or project undertaken by the Department or with Federal financial assistance provided by the Department. If a person moves as the result of such a notice, it makes no difference whether or not the real property actually is acquired.

§ 19.207 Dwelling.

The place of permanent or customary and usual abode of a person. It includes a single family building; a one-family unit in a multifamily building; a unit of a condominium, or cooperative housing project; any other residential unit, including a mobile home which is either considered to be real property under State law, or cannot be moved without substantial damage or unreasonable cost, or is not a decent, safe and sanitary dwelling. It does not include seasonal or part-time dwelling units, such as beach houses, mountain or other vacation cabins.

§ 19.208 Economic rent.

Economic rent is the amount of rent the displaced person would have had to pay for a similar dwelling unit located in an area not generally less desirable than the location of the dwelling to be acquired.

§ 19.209 Family.

Two or more individuals living together in the same dwelling as a single family unit and who are related to each other by blood, marriage, adoption, or legal guardianship.

§ 19.210 Farm operation.

Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

§ 19.211 Federal financially assisted program or project.

Any program or project administered by the Department or by a State agency in which a grant, loan, or contribution is provided to the State agency by the Department. Federal contracts of guaranty or insurance are excluded.

§ 19.212 Federal program or project.

Any program or project administered by the Department in which real property interest is acquired by, remains in, or is transferred to Federal ownership or control.

§ 19.213 Initiation of negotiations.

The date the acquiring agency makes the first contact with the owner or his representative and discusses a price for the real property to be acquired.

§ 19.214 Mortgage.

Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

§ 19.215 Owner.

A person who holds fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from the date of acquisition of the property or has an interest in a cooperative housing project which includes a proprietary right of occupancy of a dwelling unit, excluding lease, or is the contract purchaser of any such estates or interests.

§ 19.216 Person.

Any individual, partnership, corporation, or association.

§ 19.217 Rental rate.

The amount paid or determined to be appropriate for the bare premises exclusive of such items as utilities and other services.

§ 19.218 Replacement dwelling.

A dwelling which is comparable to the acquired dwelling and is:

(a) Decent, safe, and sanitary.

(b) Functionally equivalent and substantially the same as the acquired dwelling with respect to number of rooms; areas of living space; age; and state of repair.

(c) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of Title VIII of the Civil Rights Act of 1968.

(d) In areas not generally less desirable than the dwelling to be acquired in regard to public utilities and public, commercial, and community facilities.

(e) Reasonably accessible to the displaced person's place of employment.

(f) Adequate to accommodate the displaced person.

(g) Available on the market to the displaced person at rents or prices within the financial means of the displaced person.

§ 19.219 State.

Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States,

the Trust Territory of the Pacific Islands, and any political subdivision thereof.

§ 19.220 State agency.

Any department, agency, or instrumentality of a State or of a political subdivision of a State, or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States.

§ 19.221 Tenant.

A person who leases, rents, lawfully occupies or temporarily possesses real or personal property of another by any kind of right.

Subpart—Moving and Related Expenses

§ 19.301 Recipient eligibility.

A displaced person, business, or farm operation who submits a proper application to the displacing agency is eligible to receive payments for moving and related expenses. Moving and related expenses are payable as actual reasonable expenses described in § 19.303 or a fixed relocation payment described in § 19.304.

§ 19.302 Extent of eligibility.

(a) Each owner-occupant, tenant-occupant, or family, who is displaced from a dwelling may elect to receive either the payment described in § 19.303 (a) or the fixed payment described in § 19.304(a) except:

(1) Two or more persons, not a family, living together in a single family dwelling who are displaced from the dwelling will be regarded as one displaced person insofar as their eligibility for receiving the fixed payment for moving expenses described in § 19.304(a). Each individual in such group is eligible to receive actual moving and related expenses described in § 19.303(a) if the group does not elect to receive the fixed payment.

(2) No member of a displaced person's family living in the same dwelling unit is eligible for separate payment for moving expenses.

(3) Any person other than a member of the family who is renting a room within the dwelling unit is eligible for moving expenses under § 19.303(a), but is not eligible to elect to receive the fixed payment in § 19.304(a).

(b) Any displaced business or farm operation may elect to receive either the payment described in § 19.303 or the payment described in § 19.304.

(c) Any displaced owner-occupant of a multifamily dwelling who earns income from such dwelling is eligible for payments for actual moving and related expenses for both dwelling and business described in § 19.303 or may elect to receive the fixed payments for both dwelling and business described in § 19.304, or he may elect to receive payment for the dwelling under one alternate and payment for the business under the other alternate.

(d) A person who lives on his business or farm property and is displaced from both his dwelling and business or farm property may elect to receive either the payment described in § 19.303 or the fixed payment described in § 19.304 for the dwelling and business or farm operation; or he may elect to receive payment for the dwelling under one alternate and payment for the business or farm operation under the other alternate.

(e) A person who is displaced from a business or farm operation which results in such person moving from a nearby dwelling may elect to receive for moving from the dwelling either the payment described in § 19.303(a) or the fixed payment described in § 19.304(a).

§ 19.303 Actual expenses payment.

(a) Actual reasonable expenses specified in § 19.305 in moving himself, his family, business, farm operation, or other personal property;

(b) Actual direct losses specified in § 19.306 of tangible personal property as a result of moving or discontinuing a business or farm operation, but not to exceed an amount equal to the reasonable expenses that would have been required to relocate such property, as determined by the displacing agency; and

(c) Actual reasonable expense specified in § 19.307 in searching for a replacement business or farm.

§ 19.304 Fixed payment.

(a) A displaced person who must vacate a dwelling may elect to receive, in lieu of reimbursement for actual expenses described in § 19.303(a), a moving expense allowance not in excess of $300 based on schedules maintained by State highway departments, plus a dislocation payment of $200.

(b) A displaced person who is displaced from his place of business, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expense, specified in § 19.303, a fixed relocation payment equal to the average annual net earnings of the business as determined in accordance with § 19.308 provided:

(1) The business cannot be relocated without a substantial loss of its existing patronage. The displacing agency will consider all pertinent circumstances in determining whether the business meets this requirement, including the type of business, the nature of the clientele, and the relative importance of the present and proposed locations to the displaced business.

(2) The business is not a part of a commercial enterprise having at least one other establishment that is not being acquired which is engaged in the same or similar business.

(c) A displaced person who is displaced from his farm operation, whether he discontinues or reestablishes operations, may elect to receive, in lieu of reimbursement for actual expenses, specified in § 19.303, a fixed relocation payment equal to the average annual net earnings of the farm operation.

(d) The payment provided in paragraphs (b) and (c) of this section shall be not less than $2,500 nor more than $10,000.

§ 19.305 Actual reasonable expenses in moving.

(a) *Items to be included in determining reasonable expenses.* (1) Transportation of individuals, families, and property from acquired site to the replacement site, not to exceed an airline distance of 50 miles, except where the displacing agency determines that relocation cannot be accomplished within the prescribed area.

(2) Packing and crating of personal property.

(3) Advertising for packing, crating, and transportation when the displacing agency determines that it is desirable.

(4) Storage of personal property for a period determined by the displacing agency to be necessary.

(5) Insurance premiums covering loss and damage of personal property while in storage or transit.

(6) Removal, reinstallation, and reestablishment of machinery, equipment, appliances, and other items of personal property not acquired, including reconnection of utilities, which do not constitute an improvement to the replacement site. Prior to payment for any expenses for removal and reinstallation of such property, the displaced person shall be required to agree in writing that the property is personalty and the displacing agency is released from any payment for the property.

(7) Property lost, stolen, or damaged (not caused by the fault or negligence of the displaced person, his agents, or employees) in the process of moving, where insurance to cover such loss or damage is not available.

(8) Such other reasonable expenses determined to be eligible by the agency head.

(b) *Items to be excluded in determining reasonable expenses.* (1) Additional expenses incurred because of living in a new location.

(2) Cost of moving structures, improvements or other real property in which the displaced person reserved ownership.

(3) Improvements to the replacement site.

(4) Interest on loans to cover moving expenses.

(5) Loss of goodwill.

(6) Loss of profits.

(7) Loss of trained employees.

(8) Personal injury.

(9) Cost of preparing the application for moving and related expenses.

(10) Modification of personal property to adapt it to the replacement site.

(11) Such other items as the agency head determines should be excluded.

(c) *Limitations.* (1) If the displaced person moves himself, his family, business, farm operation, or other personal property by other than commercial means, the reimbursement allowance will not exceed the estimated cost of moving commercially based on the prevailing local rates for moving.

(2) If an item of personal property used in connection with a business or

farm operation is not moved, but sold and promptly replaced at the new location with a comparable item, reimbursement will not exceed the replacement cost minus the proceeds from the sale, or the estimated cost of moving, whichever is less.

(3) If personal property used in connection with a business or farm operation to be moved is of low value and high bulk, and the cost of removing, moving, reinstallation and reestablishment would be disproportionate in relation to the value, in the judgment of the displacing agency, the allowable reimbursement for the expense of moving the personal property will not exceed the difference between the amount that would have been received for such item on liquidation and the cost of replacing the same with a comparable item available on the market.

§ 19.306 Actual direct losses, business, or farm operations.

Payments for actual direct losses of tangible personal property are allowed where a person who is displaced from his place of business or farm operation is entitled to relocate his property, but does not do so. Typical items of property that may cause such direct losses include equipment, machinery, or fixtures which are no longer required, where the business or farm operation is to be discontinued or the property is not suitable for use at the new location.

(a) If the displaced person does not move the personal property he shall make a bona fide effort to sell it.

(b) If personal property is sold and not replaced and the business or farm operation is reestablished, the displaced person is entitled to the difference between the estimated replacement value of the personal property and the sale proceeds, but not to exceed the estimated cost of moving.

(c) If the business or farm operation is discontinued, the displaced person is entitled to the difference between the estimated replacement value of the personal property and the sale proceeds, but not to exceed the estimated cost of moving.

(d) If personal property is abandoned, the displaced person is entitled to the difference between the estimated replacement value and the estimated amount that would have been received for the sale of the property, but not to exceed the estimated cost of moving.

(e) If the business or farm operation is discontinued, the distance to be used in estimating the moving cost shall be 25 miles.

§ 19.307 Actual reasonable expenses in searching, business, and farm operation.

A displaced person whose business or farm is acquired may be reimbursed for his actual reasonable expenses of searching for a replacement business or farm location. The maximum amount allowable for searching expenses is $500 for each displaced business or farm unless the agency head determines that a greater amount is justified based on the circumstances involved. Payment for these expenses are further limited to:

(a) *Travel.* (1) Actual cost of common carrier.

(2) Ten cents per mile for use of privately owned vehicle.

(b) *Meals and lodging.* (1) Three dollars per meal but not to exceed $9 per day per individual.

(2) Actual cost of lodging, but not to exceed $20 per day per individual.

(c) *Time.* Time spent in searching at a flat rate of $3 per hour, or at the rate of the displaced person's salary or earnings, but not to exceed $10 per hour. The maximum time allowed shall not exceed 8 hours each day.

(d) *Realtor assistance.* Broker or realtor fees to locate a replacement business or farm operation only when the agency head determines in advance that it is necessary.

§ 19.308 Determination of average annual net income.

The average annual net income will be one-half of any net earnings of the business or farm operation, before Federal, State, and local income taxes for the 2 taxable years immediately preceding the taxable year in which such business or farm operation moves from the real property acquired, and includes any compensation paid by the business or farm operation to the owner, his spouse, or his dependents during such period. Another period may be approved by the agency head if the business or farm operation was not in operation for the full 2-year period or if an unusually long time lag between public announcement of a project and the displacement results in a material reduction in the earnings of the business for such 2-year period, or under other conditions clearly warranting a different period. The business or farm operation will be required to furnish pertinent returns filed with the Internal Revenue Service for the applicable period, or other acceptable evidence of earnings if not required to file returns.

Subpart—Replacement Housing Payments for Homeowners (Over 180 days)

§ 19.401 Eligibility.

A displaced owner-occupant of an acquired dwelling is eligible for a replacement housing payment under this subpart of not to exceed $15,000 if he:

(a) Actually owned and occupied the acquired dwelling for not less than 180 days immediately prior to initiation of negotiations for the property; and

(b) Purchases and occupies a replacement dwelling not later than the end of the 1-year period beginning on the date on which he receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or on the date on which he moves from the acquired dwelling, whichever is the later date. Purchase of a replacement dwelling shall mean (1) acquisition of an existing dwelling, (2) acquisition and rehabilitation of a substandard dwelling, (3) relocation, or relocation and rehabilitation of an existing dwelling, (4) construction of a new dwelling, (5) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (6) contract for the construction of a dwelling on a site which he owns or acquires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for the construction, rehabilitation, or purchase provided the displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

§ 19.402 Certification of eligibility.

Whenever a displaced person is eligible for a payment under this subpart except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(a) The eligibility of the displaced person for a payment.

(b) The requirements that must be satisfied before such payment can be made.

(c) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available, and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

§ 19.403 Selecting a method for determining purchase price for a replacement dwelling.

The displacing agency may determine the amount necessary to purchase a replacement dwelling by: (a) A schedule method in which the displacing agency establishes a schedule of reasonable acquisition cost for replacement dwellings that are available on the private market in the various types of dwellings to be acquired. This schedule should be based on current analysis of the market; or by: (b) The comparative method in which the displacing agency determines the price of a replacement dwelling by selecting one or more dwellings that are most representative of the dwelling unit acquired, and are available to the displaced person. A single dwelling shall only be used when additional comparable dwellings are not available. Asking prices are to be adjusted to reflect market sale experience.

§ 19.404 Coordination among displacing agencies.

When more than one agency, department or otherwise, is causing the displacement in a community or an area, the head of the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of sale housing in the community or area.

§ 19.405 Costs eligibile for payment by displacing agency.

Costs eligible for payment by the displacing agency under this subpart are:

(a) The amount, if any, which when added to the acquisition cost of the dwelling acquired by the displacing agency, equals the reasonable cost of a replacement dwelling. If the displaced person on his own voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost determined by the displacing agency for a replacement dwelling, the displacing agency shall pay not more under this item than the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling. If the displaced person on his own voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the acquisition price of the acquired dwelling, no payment is allowable under this paragraph (a).

(b) The amount, if any, which will compensate the displaced person for any increased interest cost and points which such person is required to pay for financing the acquisition of the replacement dwelling, provided that the acquired dwelling was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for the acquisition of such dwelling. This amount shall be computed on the basis of and limited to:

(1) The amount of the unpaid debt at the time of acquisition of the real property;

(2) The length of the remaining term of the mortgage at the time of acquisition;

(3) The prevailing interest rate and points currently charged by mortgage lending institutions in the vicinity; and

(4) The present worth of the future payments of increased interest, computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located.

(c) Reasonable expenses, as determined by the agency head, incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, Title I, Public Law 90–321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System, or which is determined to be prepaid expenses:

(1) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(2) Lenders, FHA or VA appraisal fee.

(3) FHA application fee.

(4) Certification of structural soundness when required by lender, FHA or VA.

(5) Credit report.

(6) Title policy, certificate of title, or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps, or sale or transfer taxes.

§ 19.406 General.

(a) Payment under this subpart to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person, will be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard to the number of units in the acquired multifamily building.

(b) Payment under this subpart will not affect the eligibility of the displaced owner-occupant to receive a payment for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building.

(c) Two or more individuals, living together in a single family dwelling will be regarded as one owner-occupant for the purpose of this subpart.

Subpart—Replacement Housing for Tenants and Certain Others

§ 19.501 Eligibility.

(a) This subpart is applicable to a displaced person who:

(1) Is a tenant.

(2) Is an owner-occupant who elects to lease or rent rather than purchase a replacement dwelling, or elects to purchase a replacement dwelling but has occupied the acquired dwelling for less than the 180 days required by §§ 19.401 to 19.406.

(3) Leases and occupies a site for a mobile home when such site is acquired, but only to the extent specified in § 19.509.

(b) A displaced person is eligible for a replacement housing payment under this subpart if he:

(1) Actually and lawfully occupied the acquired dwellings, or site in the case of a mobile home, for not less than 90 days immediately prior to the initiation of negotiations for acquisition of the property.

(2) Rents or purchases and occupies a replacement dwelling not later than the end of the 1-year period, except as specified in § 19.508(a), beginning on the date on which he:

(i) If a tenant, moves from the acquired dwelling.

(ii) If a mobile home occupant, moves from the acquired site.

(iii) If an owner-occupant, receives from the displacing agency final payment of the purchase price or condemnation award for the acquired dwelling, or the date on which he moves from the acquired dwelling, whichever is the later date.

(c) Payment under this subpart to a displaced owner-occupant who moves from a one-family unit of a multifamily building owned by such person, will be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard to the number of units in the acquired multifamily building.

(d) Payment under this subpart will not affect the eligiblitiy of the displaced person to receive a payment for business earnings attributable to rental units or other legitimate business activities conducted in portions of the building.

(e) Two or more individuals living together in a single family dwelling displaced from the dwelling will be regarded as one displaced person.

§ 19.502 Maximum payment.

The maximum payment which may be made under this subpart is $4,000, except that when the payment is made in connection with the purchase of a replacement dwelling, any amount in excess of $2,000 for the down payment and expenses specified in § 19.508(c) must be matched by the displaced person.

§ 19.503 Selecting a method for determining rental rate for a replacement dwelling.

The displacing agency may determine the amount necessary to rent a replacement dwelling for a displaced tenant by:

(a) A schedule method in which the displacing agency establishes a rental schedule for renting replacement dwellings of the various types of dwellings needed that are available on the private market. This schedule should be based on current analysis of the market; or by

(b) The comparative method in which the displacing agency establishes an average monthly rental rate for a replacement dwelling by selecting one or more dwellings that are available on the private market, available to the displaced person, and are most representative of the dwelling unit acquired.

§ 19.504 Coordination among displacing agencies.

When more than one agency, departmental or otherwise, is causing the displacement in a community or an area, the head of the displacing agency shall seek the cooperation of the other agency or agencies on the method for computing the replacement housing payment and on the use of uniform schedules of rental housing in the community or area.

§ 19.505 Computing rental payments for displaced tenants renting replacement housing.

(a) The displacing agency shall compute the amount of the payment to the tenant as follows:

(1) Multiply the monthly rental rate of the replacement dwelling by 48.

(2) Determine the average monthly rental rate paid by the displaced tenant for the acquired dwelling in the last 3

months prior to initiation of negotiations, provided such rent was reasonable. If such average rent paid was not reasonable, the displacing agency may use an economic rent amount for the acquired dwelling. If the displacing agency deems it advisable, more than 3 months may be used as a base for determining the average rental rate.

(3) Multiply the average monthly rental rate for the acquired dwelling as determined in subparagraph (2) of this paragraph, by 48.

(4) Subtract from the amount for the replacement dwelling as determined in subparagraph (1) of this paragraph, the amount for the acquired dwelling as determined in subparagraph (3) of this paragraph.

(b) If the displaced tenant is paying rent for the acquired dwelling to the displacing agency, economic rent shall be used in making the determination required by paragraph (a)(2) of this section.

§ 19.506 Computing rental payments for displaced owner-occupants renting replacement housing.

The displacing agency shall compute the amount of the payment to the displaced owner-occupant in the same manner as prescribed in § 19.505, except that economic rent shall be used in making the determination required by § 19.505(a)(2), however, the amount paid shall not exceed that which would have been paid to the displaced owner-occupant had he been eligible for and elected to purchase a replacement dwelling under the provisions of §§ 19.401 to 19.406.

§ 19.507 Making payment to a displaced person who rents replacement housing.

(a) If the total rental payment to be made to the displaced person is in excess of $500, payment will be made in four equal annual installments at the beginning of each annual period, provided that the displacing agency determines that the tenant is continuing to occupy decent, safe and sanitary housing at the beginning of each annual period.

(b) If the total rental payment to be made to the displaced person is $500 or less, the payment shall be made in one lump sum at the beginning of occupancy of the replacement dwelling. The displacing agency need not thereafter determine whether occupancy of decent, safe and sanitary housing is continued.

§ 19.508 Purchase of a replacement dwelling.

(a) If a displaced person eligible under this subpart elects to purchase rather than rent a replacement dwelling, purchase of a replacement dwelling shall mean: (1) Acquisition of an existing dwelling, (2) acquisition and rehabilitation of a substandard dwelling, (3) relocation, or relocation and rehabilitation of an existing dwelling, (4) construction of a new dwelling, (5) contract to purchase a dwelling to be constructed on a site provided by a builder or developer, or (6) contract for the construction of a dwelling on a site which he owns or acquires for this purpose. If construction or rehabilitation is required in the instances cited herein and completion of the construction or rehabilitation is delayed beyond the end of the 1-year period, the displacing agency may establish the date of occupancy as the date that the displaced person enters into a contract for the construction, rehabilitation, or purchase provided the displacing agency determines that the delay was for reasons not within the reasonable control of the displaced person, and the displaced person occupied the replacement dwelling when the construction or rehabilitation is completed. Payment by the displacing agency will not be made until the displaced person has occupied the replacement dwelling.

(b) Whenever a displaced person is eligible for a payment under this section except that he has not yet purchased a replacement dwelling, the displacing agency shall, at the request of the displaced person, provide a written statement to any interested person, financial institution or lending agency as to:

(1) The eligibility of the displaced person for a payment.

(2) The requirements that must be satisfied before such payment can be made.

(3) The amount of the payment to be made by the displacing agency, provided the proposed replacement dwelling has been selected, or plans and specifications for the construction or rehabilitation of a proposed replacement dwelling are available; and the displacing agency has inspected and approved the selected dwelling or has reviewed and approved the plans and specifications for construction or rehabilitation.

(c) The amount of the payment shall be computed by determining the amount necessary to enable the displaced person to make a down payment and to cover expenses on the purchase of the replacement housing.

(1) The amount necessary for the down payment shall be based on the amount required for a conventional loan.

(2) Reasonable expenses, as determined by the displacing agency incurred by the displaced person for the following purposes except that no fee, cost, charge, or expense is reimbursable which is determined to be a part of the finance charge under the Truth in Lending Act, title I, Public Law 90–321, and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System, or which is determined to be prepaid expenses;

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plats, and charges incident to recordation.

(ii) Lenders, FHA or VA appraisal fee.

(iii) FHA application fee.

(iv) Certification of structural soundness when required by lender, FHA or VA.

(v) Credit report.

(vi) Title policy, certificate of title, or abstract of title.

(vii) Escrow agent's fee.

(viii) State revenue stamps, or sale or transfer taxes.

(d) The full amount of the payment must be applied as follows:

(1) The amount allowed for the down payment must be applied to the purchase price.

(2) The amount allowed for incidental costs must be applied to the incidental costs.

(3) The down payment and incidental costs must be shown separately on the closing statement.

§ 19.509 Mobile home site.

If real property is acquired on which a displaced person leases and occupies a site for a mobile home, the following reasonable costs as determined by the displacing agency are allowable and payable in a lump sum:

(a) Moving the mobile home to a replacement site located not more than 50 airline miles from the acquired site.

(b) Detaching and reattaching fixtures and appurtenances, where applicable.

Subpart—Relocation Assistance Advisory Services

§ 19.601 Policy.

Whenever the acquisition of real property for a Federal or Federal financially assisted program or project will result in the displacement of any person, the displacing agency shall provide a relocation assistance advisory program for displaced persons. If such agency determines that any person occupying property immediately adjacent to the real property acquired is caused substantial economic injury because of the acquisition, that agency shall offer such person relocation advisory services.

§19.602 Cooperation with other Federal and State agencies.

When more than one agency, Departmental or otherwise, is administering a relocation assistance advisory program which may be of assistance in the community or area to persons displaced under other programs, the head of that agency shall offer to cooperate to the maximum extent feasible with the other Federal or State agency causing displacements to assure that all displaced persons receive the maximum assistance available to them. The displacing agency may, by contract or otherwise, secure relocation assistance advisory services from any Federal, State, or local governmental agency or from any person or organization.

§ 19.603 Advisory services.

Each relocation assistance advisory program shall include such measures, facilities or services as may be necessary or appropriate in order to:

(a) Determine the need, if any, of displaced persons for relocation assistance.

(b) Provide current and continuing information on the availability, prices, and rentals of comparable decent, safe and sanitary sale and rental housing, and of comparable commercial properties and locations for displaced businesses and farm operations.

(c) Assure that, within a reasonable period of time prior to displacement, replacement dwellings will be available,

(d) Assist a displaced person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location,

(e) Supply information concerning housing programs, disaster loan programs, and other Federal or State programs offering assistance to displaced persons,

(f) Provide other advisory services to displaced persons in order to minimize hardships to such persons in adjusting to relocation,

(g) Advise displaced persons that they should notify the displacing agency before they move, and

(h) Prior to initiation of acquisition, provide persons from whom it is planned to acquire land a brochure or pamphlet outlining the benefits to which they may be entitled.

Subpart—Federal Financially Assisted Projects

§ 19.701 Assurances by State agency.

(a) The agency head shall not approve a grant to or contract or agreement with a State agency unless he receives satisfactory assurances from such State agency that

(1) relocation payments, relocation assistance, and relocation assistance services will be provided and replacement dwellings will be available as provided in these regulations; and (2) in acquiring real property it will be guided to the greatest extent practicable under state law by the land acquisition policies provided in §§ 19.801 to 19.809.

(b) Prior to July 1, 1972, if a State agency maintains that it is legally unable to provide all or any part of the required assurances, its statement to the effect shall be supported by an opinion of the chief legal officer of the State, containing a full discussion of the facts and law involved. The agency head may accept this statement or the assurances so qualified as constituting compliance with this section.

(c) A grant to or contract or agreement with a State agency shall contain provisions requiring the State agency to comply with these regulations to the extent determined under this section.

§ 19.702 Execution and amendment of agreements.

Any grant to, or contract or agreement with a State agency under which Federal financial assistance is made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after January 2, 1971, shall include or be amended to include the cost of providing payments and services set forth in these regulations except as provided in §§ 19.704 and 19.707.

§ 19.703 Project cost.

The cost to a State agency of providing payments and assistance pursuant to these regulations shall be included as part of the cost of a program or project for which the Department furnishes financial assistance. The State agency will be eligible for Federal financial assistance with respect to such payments and assistance in the same manner and to the same extent as other program or project costs. Project as used in this section shall be the works of improvement causing the displacement.

§ 19.704 Payment by Department.

When the Federal financial assistance is by grant or contribution, or when an existing grant to, or contract or agreement with a State agency, is amended as specified in § 19.702, the Department will pay the full amount of the first $25,000 of the cost to a State agency of providing payments and assistance for a displaced person, business, or farm operation on account of any individual acquisition or displacement occurring prior to July 1, 1972. When the Federal financial assistance is by loan, the Federal agency will loan the State agency the full amount of the first $25,000 of such cost.

§ 19.705 Exception.

No payment or assistance under these regulations will be required of a State agency, or included as a program or project cost if the displaced person receives a payment required by the State law of eminent domain which is determined by the agency head to have substantially the same purpose and effect as the payment and assistance required by these regulations.

§ 19.706 Advances by Department.

After amendment as provided in § 19.702 or for a grant, contract or agreement made on or after January 2, 1971, if the agency head determines that it is necessary for the expeditious completion of a project, he may advance to the State agency, the Federal share of the cost of any payments or assistance required by these regulations.

§ 19.707 Housing standards.

The State agency will determine whether the replacement dwelling meets the standards prescribed under these regulations.

§ 19.708 Organization and facilities.

It will be the responsibility of the agency head to determine that the State agency provides adequate personnel and facilities to enable it to provide the payments and services required by these regulations.

§ 19.709 Compliance.

The Department will provide for the making of periodic inspections to ascertain whether payments and services are being accomplished and whether there is compliance otherwise with the assurances furnished.

§ 19.710 Records.

The grant to, or contract or agreement with the State agency shall provide that it will maintain such records as may be specified by the agency head for a period of 3 years and make them available to the agency head for inspection and audit at reasonable times.

§ 19.711 Performance by contract.

(a) When authorized by the agency head a State agency may contract for the services specified for §§ 19.301 through 19.603 with any person or organization if it finds that such contract will prevent unnecessary expense, avoid duplication of functions, and promote uniform administration of relocation assistance programs.

(b) The solicitation of proposals, contract provisions, and administration shall be in accordance with State laws and procedures prescribed by the agency head, but shall as a minimum include provisions:

(1) Required by Federal regulations implementing title VI of the Civil Rights Act of 1964 (Public Law 88–352), and

(2) Requiring records relating to the contract to be maintained for a period of not less than 3 years and be available for inspection by representatives of the State agency and the agency head.

(c) In furnishing housing to the extent authorized under criteria and procedures set forth in § 19.109, the State agency shall, whenever practicable, utilize the services of State or local housing agencies, or other agencies having experience in the administration and conduct of similar housing assistance activities.

§ 19.712 Furnishing real property.

Whenever real property is acquired by a State agency and furnished as a required contribution to a Federal project, the agency head may not accept such property unless such State agency has made all payments and provided all assistance and assurances as are required of a State agency by these regulations. The cost of such requirements will be paid by the State agency, except the agency head will pay the full amount of the first $25,000 of the cost of providing such payments and assistance in connection with each acquisition or displacement occurring prior to July 1, 1972.

§ 19.713 State agency acting as agent for Federal project.

Whenever real property is acquired by a State agency at the request of the agency head, for a Federal project such acquisition shall be deemed for the purposes of these regulations as an acquisition by the agency head.

Subpart—Real Property Acquisition

§ 19.801 Acquisition by agreement.

(a) The provisions of this subpart do not apply to donations of land or land exchanges.

(b) Every reasonable effort will be made to (1) acquire real property by agreements with owners based on negotiations, (2) assure consistent treatment for owners, and (3) accomplish negotiations expeditiously. In no event shall negotiations be deferred nor any other action coercive in nature taken in order to compel an agreement.

§ 19.802 Appraisal.

(a) Prior to initiation of negotiations, an appraisal of the fair market value of the real property interest to be acquired will be made by a qualified land appraiser.

(b) The owner or his designated representative will be given a reasonable opportunity to accompany the appraiser during his inspection of the property.

(c) Any decrease or increase in the fair market value of the property prior to the date of the appraisal which is caused by the public improvement for which the property is acquired or by the likelihood that the property would be acquired for such improvement, other than due to physical deterioration within the reasonable control of the owner, will be disregarded in appraising the property.

(d) Where appropriate the estimate of the fair market value of the property to be acquired and the estimate of damages or offsetting benefits to the remaining property will be separately stated.

§ 19.803 Establishing just compensation.

(a) Prior to negotiations the displacing agency shall establish an amount it believes to be just compensation which in no event shall be less than the amount in the approved appraisal.

(b) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, the displacing agency shall offer to acquire the entire property.

§ 19.804 Initiation of negotiations.

(a) When the just compensation has been established, a prompt offer will be made to acquire the real property for the full amount of the just compensation so established.

(b) When the offer is made, the owner of the real property will be provided with a written statement of (1) identification of the real property and the estate or interest therein to be acquired including the buildings, structures, and other improvements considered to be a part of the real property, (2) the amount of the estimated just compensation as determined by the acquiring agency and a summary statement of the basis therefor, and (3) if only a portion of the property is to be acquired, a separate statement of the estimated just compensation for the real property interest to be acquired and, where appropriate, damages and benefits to the remaining real property.

(c) The offer of just compensation does not preclude further negotiations with respect to the purchase price.

(d) Tenants occupying the property shall be advised when negotiations for the property are initiated with the owner thereof.

(e) Contracts or options to purchase real property shall not include any payments for relocation costs or any reference to such payments.

§ 19.805 Condemnation.

(a) The time of condemnation will neither be advanced, nor negotiations, condemnation and the deposit of funds in court be deferred, nor any other action coercive in nature taken in order to compel an agreement on price.

(b) If real property is to be acquired by condemnation, proceedings will be instituted promptly. No action will be taken intentionally which will make it necessary for an owner to institute legal proceedings to prove the taking of his real property.

(c) If the final judgment of the court in a condemnation case is that the acquiring agency cannot acquire the real property by condemnation, or if the proceeding in condemnation is abandoned by the acquiring agency, the acquiring agency must pay the owner of the property such sum as will reimburse the owner for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal and engineering fees actually incurred because of the condemnation proceedings. If this cost is not covered by a court order, nevertheless the acquiring agency shall pay to the owner such costs.

§ 19.806 Expenses incidental to transfer of title.

As soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award in a condemnation proceeding to acquire real property, the owner will be reimbursed to the extent the head of the displacing agency determines fair and reasonable, for expenses the owner necessarily incurred for:

(a) Recording fees, transfer taxes, and similar expenses incident to conveying the real property to the acquiring agency,

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property, and

(c) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting title in the acquiring agency, or the effective date of possesssion of such real property by the acquiring agency, whichever is earlier.

§ 19.807 Improvements owned by tenants.

(a) Whenever any interest in real property is acquired, the acquiring agency will acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property which such acquiring agency requires to be removed from the real property, or which the acquiring agency determines will be adversely affected by the use to which such real property will be put.

(b) The following will apply in determining the just compensation for any such buildings, structures, or other improvements: (1) They will be deemed to be part of the real property to be acquired, notwithstanding the right or obligation of the tenant as against the owner of any other interest in the real property to remove them at the expiration of his term, and (2) the fair market value which such structures, buildings, or other improvements contribute to the fair market value of the real property to be acquired, or the fair market value of such buildings, structures, or other improvements for removal from the real property, whichever is greater, will be paid the tenant therefor, provided the tenant shall assign, transfer and release to the acquiring agency all his rights, title and interest in and to such improvements.

(c) Payments under this § 19.807 will not be made: (1) Which result in duplication of any payments otherwise authorized by law, (2) unless the owner of the land involved disclaims all interest in such buildings, structures or other improvements of the tenant.

(d) The tenant may reject payment under this § 19.807 and obtain payment for the buildings, structures, or other improvements in accordance with any other applicable law.

§ 19.808 Lease to former owner or occupant.

If an owner or tenant is permitted to occupy the real property acquired on a rental basis for a short term, or for a period subject to termination by the acquiring agency on short notice, the amount of rent required will not exceed the fair rental value of the property to a short term occupier.

§ 19.809 Requirement to move.

(a) The construction or development of a project will be so scheduled that to the greatest extent practicable, no person lawfully occupying real property will be required to move from a dwelling (assuming a replacement dwelling will be available), or to move his business or farm operation, without at least 90 days written notice prior to the date on which such move is required. A notice of less than 90 days may be given only in an emergency or other extraordinary situations. When it is proposed to give an advance notice of less than 90 days, the prior approval of the agency head will be obtained.

(b) No owner will be required to surrender possession of real property before he has been paid the agreed purchase price, or a deposit has been made with the court for the benefit of the owner in an amount not less than the approved appraisal of the real property being acquired.

Subpart—Report

§ 19.901 Annual report.

Each agency head shall prepare and submit an annual report, on a fiscal year basis, to the Secretary of Agriculture. The first report will cover the period January 2, 1971, through June 30, 1971, with the final report covering the period July 1, 1973, through June 30, 1974.

(a) Each such report will include narrative comments regarding:

(1) The effectiveness of the provisions of the Act assuring the availability of comparable replacement housing for displaced persons;

(2) Actions taken to achieve the objectives of the policies of Congress to provide uniform and equal treatment, to the greatest extent practicable, for all persons displaced by or having real property taken for, Federal or Federal financially assisted programs;

(3) Views on the progress made to achieve the objectives stated in subparagraph (2) of this paragraph;

(4) Any indicated effects of such programs and policies on the public; and

(5) Recommendations for further improvements in relocation assistance and land acquisition programs, policies, and implementing laws, and regulations.

(b) Each such report will also include statistical data as prescribed by the Department.

(c) Summary statement on the waiver of assurances.

Dated: April 28, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71–6243 Filed 5–4–71;8:45 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 347]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.647 Valencia Orange Regulation 347.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 7, 1971, through May 13, 1971, are hereby fixed as follows:

(i) District 1: 303,294 Cartons;
(ii) District 2: 196,212 Cartons;
(iii) District 3: 153,901 Cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "Carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 5, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–6460 Filed 5–5–71;11:33 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. A]

PART 201—ADVANCES AND DISCOUNTS BY FEDERAL RESERVE BANKS

Obligations Eligible as Collateral for Advances

In § 201.108 the introductory text of paragraph (b) is amended and subparagraphs (16) and (17) are added as set forth below:

§ 201.108 Obligations eligible as collateral for advances.

* * * * *

(b) Under section 14(b) direct obligations of, and obligations fully guaranteed as to principal and interest by, the United States are eligible for purchase by Reserve Banks. Such obligations include certificates issued by the trustees of Penn Central Transportation Co. that are fully guaranteed by the Secretary of Transportation. Under section 14(b) direct obligations of, and obligations fully guaranteed as to principal and interest by, any agency of the United States are also eligible for purchase by Reserve Banks. Following are the principal agency obligations eligible as collateral for advances.

* * * * *

(16) Federal Home Loan Mortgage Corporation notes, debentures, and guaranteed certificates of participation.

(17) U.S. Postal Service obligations.

* * * * *

(Interprets and applies 12 U.S.C. 347)

By order of the Board of Governors, April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71–6322 Filed 5–5–71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON THE RAW AGRICULTURAL COMMODITIES

2,6-Dichloro-4-Nitroaniline

A petition (PP 0F0973) was filed by the Upjohn Co., Kalamazoo, Michigan 49001, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing that section 420.200 be amended by changing the existing tolerance of 20 parts per million for residues of the fungicide 2,6-dichloro-4-nitroaniline in or on nectarines to allow for postharvest application in addition to the established preharvest application.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which tolerances are being established and the Fish and Wildlife Service, USDI, has advised that it has no objection to the proposed tolerance.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given data in the petition and other relevant material, it is concluded that the tolerance established by this order will protect the public health. Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection

Agency (36 F.R. 1228), section 420.200 is amended by inserting "(from preharvest and postharvest application)" after the word nectarines in the paragraph beginning "20 parts per million" * * * as follows:

§ 420.200 2,6-Dichloro-4-nitroaniline; tolerances for residues.

* * * * *

20 parts per million in or on apricots, nectarines (from preharvest and postharvest application) * * *

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (5–6–71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a (d)(2))

Dated: April 30, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6338 Filed 5-5-71;8:47 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter III—Corps of Engineers, Department of the Army

PART 326—PUBLIC USE OF CERTAIN NAVIGABLE LAKE AND RESERVOIR AREAS

In view of the increasing visitor use at water resource projects, and the changing patterns of recreation activities, it is necessary to revise Part 326 in considerable detail to accommodate visitors in a more orderly manner. In view thereof, the amendment to Chapter III is designed to include additional new lakes and reservoirs and to provide for greater public protection and enjoyment of the recreation resource.

Part 326 of Chapter III of Title 36 of the Code of Federal Regulations is recodified and republished as set forth below:

Sec.
326.0 Determination of the Secretary.
326.1 Areas covered.
326.2 Boats, commercial.
326.3 Boats and other vessels, private.
326.4 Mooring, care, and sanitation of boats and floating facilities.
326.5 Swimming and bathing.
326.6 Hunting and fishing.
326.7 Camping.
326.8 Picnicking.
326.9 Access to water areas.
326.10 Destruction of public property.
326.11 Firearms, explosives, fireworks and weapons of all kinds.
323.12 Gasoline and oil storage.
326.13 Sanitation.
326.14 Advertisements.
326.15 Unauthorized solicitations and business activities.
326.16 Commercial operations.
326.17 Recreational activity programs.
326.18 Abandonment of personal property.
326.19 Discriminatory practices prohibited.
326.20 Control of horses, dogs, cats, and pets.
326.21 Visiting hours.
326.22 Noise levels.
326.23 Vehicles.

AUTHORITY: The provisions of this Part 326 issued under sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d.

§ 326.0 Determination of the Secretary.

(a) The Secretary of the Army having determined that the use of certain navigable lake and reservoir areas by the general public for boating, swimming, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the lakes or reservoir for their primary purposes, hereby prescribes the following rules and regulations pursuant to the provision of section 4 of the Act of Congress approved December 22, 1944, as amended, for the public use of certain navigable lake and reservoir areas.

(b) Such public use is also subject to applicable State, local, and other Federal laws and regulations.

§ 326.1 Areas covered.

(a) The regulations contained in this part shall be applicable to lands of certain navigable lakes and reservoirs formed by locks and dams excluding the lock sites therein, under the jurisdiction of the Department of the Army and to access and use of the lake or reservoir from such lands.

(b) The areas covered by this part are:

Alabama

Columbia Lock and Dam Area, Chattahoochee River.
Demopolis Lock and Dam Area, Black Warrior and Tombigbee Rivers.
Jackson Lock and Dam Area, Black Warrior and Tombigbee Rivers.
Walter F. George Lock and Dam Area, Chattahoochee River.
Warrior Lock and Dam Area, Black Warrior River.

Arkansas

Lock and Dam 13 Area, Arkansas River.
Ozark Lock and Dam Area, Arkansas River.
Dardanelle Lock and Dam—Lake Dardanelle Area, Arkansas River.
Lock and Dam 9 Area, Arkansas River.
Suck Ferry Lock and Dam Area, Arkansas River.
Murray Lock and Dam Area, Arkansas River.
David D. Terry Lock and Dam—David D. Terry Lake Area, Arkansas River.
Lock and Dam 5 Area, Arkansas River.
Lock and Dam 4 Area, Arkansas River.
Lock and Dam 3 Area, Arkansas River.
Lock and Dam 2 Area, Arkansas River.
Norrell Lock and Dam Area, Arkansas River.

Florida

Jim Woodruff Lock and Dam—Lake Seminole Area, Apalachicola River.

Georgia

Columbia Lock and Dam Area, Chattahoochee River.
Jim Woodruff Lock and Dam—Lake Seminole Area, Apalachicola River.

Kentucky

Barkley Dam and Lake Barkley Area, Cumberland River.

Oklahoma

Webbers Falls Lock and Dam Area, Arkansas River.
Robert S. Kerr Lock and Dam and Reservoir Area, Arkansas River.
W. D. Mayo Lock and Dam Area, Arkansas River.
Lock and Dam 13 Area, Arkansas River.
Chouteau Lock and Dam Area, Verdigris River.
Newt Graham Lock and Dam—Newt Graham Lake Area, Verdigris River.

Oregon

John Day Lock and Dam Area, Columbia River.
McNary Lock and Dam Area, Columbia River.
The Dalles Dam Area, Columbia River.

Tennessee

Barkley Dam and Lake Barkley Area, Cumberland River.
Cheatham Lock and Dam Area, Cumberland River.
Old Hickory Lock and Dam Area, Cumberland River.

Washington

Ice Harbor Lock and Dam Area, Snake River.
John Day Lock and Dam Area, Columbia River.
Lower Monumental Lock and Dam Area, Snake River.
McNary Lock and Dam Area, Columbia River.
The Dalles Dam Area, Columbia River.

(c) In those portions of the lake or reservoirs area which are now or which hereafter are managed by other governmental agencies (including State, county, and municipal) pursuant to leases or licenses granted by the Department of the Army, such agencies may make and enforce such rules and regulations as are necessary, and within their legal authority.

§ 326.2 Boats, commercial.

(a) No boat, barge, or other vessel shall be placed upon or operated upon any water of the lake or reservoir for a fee or profit, either as a direct charge to a second party, or as an incident to other services provided to a second party, except as specifically authorized by lease, license, or concession contract with the Department of the Army, or except for commercial navigation on a lake or reservoir which is navigable by law.

(b) All such watercraft authorized for commercial service, including rental units, shall have the maximum passenger carrying capacity (number of persons authorized by State and local law and/or in the absence thereof by ratings figured on outboard Boating Club manufacturers rating) plainly posted in a conspicuous place inside the watercraft.

§ 326.3 Boats and other vessels, private.

(a) The operation of boats, houseboats, cabin cruisers, and other vessels

on the lake or reservoir for fishing and recreational use is permitted except in prohibited areas as contained in regulations in this part and designated by the District Engineer in charge of the project.

(b) Except for the lakes and reservoirs listed in this paragraph, a permit is required from the District Engineer or his authorized representative for placing and operating any vessel not exceeding 16 feet in length on the lake or reservoir for a period longer than 3 days, unless the boat or other vessel is registered and displays a valid State or U.S. Coast Guard number. No charge will be made for this permit. The permit shall be kept aboard the vessel at all times that the vessel is in operation on the lake or reservoir. The District Engineer in charge of the area or his authorized representative shall have authority to revoke the permit and to require removal of the vessel upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations of this part.

Arkansas

Lock and Dam 13 Area, Arkansas River.
Ozark Lock and Dam Area, Arkansas River.
Dardanelle Lock and Dam—Lake Dardanelle Area, Arkansas River.
Lock and Dam 9 Area, Arkansas River.
Suck Ferry Lock and Dam Area, Arkansas River.
Murray Lock and Dam Area, Arkansas River.
David D. Terry Lock and Dam—David D. Terry Lake Area, Arkansas River.
Lock and Dam 5 Area, Arkansas River.
Lock and Dam 4 Area, Arkansas River.
Lock and Dam 3 Area, Arkansas River.
Lock and Dam 2 Area, Arkansas River.
Norrell Lock and Dam Area, Arkansas River.

Kentucky

Barkley Dam and Lake Barkley Area, Cumberland River.

Oklahoma

Newt Graham Lock and Dam—Newt Graham Lake Area, Verdigris River.
Chouteau Lock and Dam Area, Verdigris River.
Webbers Falls Lock and Dam Area, Arkansas River.
Robert S. Kerr Lock and Dam and Reservoir Area, Arkansas River.
W. D. Mayo Lock and Dam Area, Arkansas River.
Lock and Dam 13 Area, Arkansas River.

Oregon

John Day Lock and Dam Area, Columbia River.
McNary Lock and Dam Area, Columbia River.
The Dalles Dam Area, Columbia River.

Tennessee

Barkley Dam and Lake Barkley Area, Cumberland River.
Cheatham Lock and Dam Area, Cumberland River.
Old Hickory Lock and Dam Area, Cumberland River.

Washington

Ice Harbor Lock and Dam Area, Snake River.
John Day Lock and Dam Area, Columbia River.
Lower Monumental Lock and Dam Area, Snake River.
McNary Lock and Dam Area, Columbia River.
The Dalles Dam Area, Columbia River.

(c) Unsafe boats or other vessels will not be permitted on the lake or reservoir. The District Engineer may require the applicant for a permit to furnish the construction plans and other information pertaining to the construction and equipment of the boat or other vessel prior to issuing a permit for its operation on the lake or reservoir. All boats permitted on the lake or reservoir shall be equipped for safe operation and operated in a safe manner in accordance with instructions issued by the District Engineer. These instructions may provide that the operation of speed boats and water skiing activities shall be confined to areas of water designated by the District Engineer for such activities.

(d) Houseboats, cabin cruisers, and other vessels may be placed and operated on the lakes and reservoirs, except that such a facility shall not be utilized for human habitation at a fixed or permanent mooring point and if equipped with toilets and galley shall not be placed on lakes and reservoirs with small permanent pools, or where prohibited by State and/or local laws and regulations. Such vessels may be barred from other lakes and reservoirs by the District Engineer with the concurrence of the Chief of Engineers in those lakes and reservoirs in which the waters thereof are used for domestic water supply when the District Engineer determines that such use is contrary to the public health and safety.

§ 326.4 Mooring, care, and sanitation of boats and floating facilities.

(a) All boats or other vessels when not in actual use must be either removed from the lake or reservoir, securely moored at authorized docks or boathouses where supervision by the owner or his representative is provided on a 24-hour-day basis or placed in the care of a marina concessionaire, State, or local managing agency or other party authorized to care for floating equipment on a 24-hour-day basis.

(b) All boats, barges, and other vessels or floating facilities will be moored only in locations designated by the District Engineer or his designated representative. All floating or stationary mooring facilities will be constructed in accordance with approved plans and specifications and will require a permit, lease, or license approved by the District Engineer or his designated representative. He shall have authority to revoke such permits, leases, or licenses and require removal of the facility for failure of the permittee, lessee, or licensee to comply with the terms and conditions of the permit, lease, or license or with the regulations in this part.

(c) The discharge of sewage, garbage, or other pollutants in the waters of the lake or reservoir from any boat, barge, or other vessel on the reservoir is prohibited except in accordance with regulations of the Environmental Protection Agency, State, and local health agencies permitting such discharge when underway in deep waters other than embayments. All such pollutants shall be deposited ashore at places designated for such deposit and disposal.

§ 326.5 Swimming and bathing.

Swimming and bathing are permitted except in prohibited areas designated by the District Engineer or State and local health authorities.

§ 326.6 Hunting and fishing.

(a) Hunting, fishing, and trapping are permitted in accordance with all applicable Federal, State, and local laws for the protection of fish and game except in prohibited areas including the following:

(1) Public access, park, and recreation areas in which all hunting is prohibited;

(2) Prohibited areas designated by the District Engineer in which hunting or fishing or both are prohibited;

(3) Prohibited areas designated by Federal or State managing agencies under applicable laws administered by such agencies.

(b) Hunting is restricted to the use of hunting devices authorized under Federal, State, and local laws and regulations.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duck blind on the land and/or water in any lake or reservoir area.

§ 326.7 Camping.

(a) Camping is permitted only at areas designated by the District Engineer in charge of the lake or reservoir area or his authorized representative or the managing agency referred to in § 326.1 (c).

(b) The length of stay is limited to 14 consecutive days except where the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c) determines a lesser stay is warranted. However, where ample facilities exist to serve the public at the time, the length of stay may be extended to no more than 30 consecutive days by special permission of the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c). No trailer, tent, or other camping unit is permitted to remain more than 30 consecutive days.

(c) Camping fees, where applicable, will be posted.

(d) Camping equipment shall not be abandoned or left unattended for 24 hours or more, and such equipment may not be placed on a campsite prior to actual occupancy.

(e) The installation by campers of any permanent facility at any campground is prohibited.

(f) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with instructions posted at each campground by the District Engineer or his authorized representative or the managing agency referred to in § 326.1(c).

(g) Due diligence shall be exercised in building and putting out camp fires to prevent damages to trees and vegetation and to prevent forest fires and grass fires.

(h) Camping equipment shall be completely removed and the sites cleaned before the departure of the campers.

(i) Quiet shall be maintained in all camping areas between the hours of 10 p.m. and 6 a.m.

§ 326.8 Picnicking.

(a) Picnicking is permitted except in prohibited areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 326.1 (c).

(b) Picnickers shall keep their picnic area clean and dispose of garbage and refuse in accordance with instructions posted by the District Engineer or his authorized representative or the managing agency referred to in § 326.1(c).

(c) Due diligence shall be exercised in building and putting out fires to prevent damages to trees and vegetation and to prevent forest and grass fires.

§ 326.9 Access to water areas.

(a) Pedestrian access is permitted along the shores of the lake or reservoir except in areas designated by the District Engineer or his authorized representative.

(b) Vehicular access is permitted only over open public lake and reservoir roads. The operator of any vehicle shall obey all posted vehicular traffic control signs and devices.

(c) Access for the general public to launch boats is permitted only at the launching sites designated by the District Engineer.

§ 326.10 Destruction of public property.

The destruction, injury, defacement, or removal of public property or of vegetation, rock, or minerals, except as authorized is prohibited.

§ 326.11 Firearms, explosives, fireworks, and other weapons of all kinds.

Loaded firearms, any projectile firing devices, bows and arrows, crossbows, and explosives of any kind are prohibited in the area, except when in the possession of a law enforcement officer or Government employee on official duty, when any hunting devices are being used for hunting during the hunting season as permitted under § 326.6 or when specifically authorized by the District Engineer. The use of fireworks is prohibited in the area, except when authorized by the District Engineer or his authorized representative for special purposes.

§ 326.12 Gasoline and oil storage.

Gasoline and other flammable or combustible liquids shall not be stored in, upon, or about the lake or reservoir or shores thereof without the written permission of the District Engineer or his authorized representative.

§ 326.13 Sanitation.

Dumping and unauthorized disposal in any manner of refuse, garbage, rubbish, trash, or litter of any kind at such water resources development projects, either into the waters of such projects or onto any land federally owned and administered by the Chief of Engineers is prohibited, except at designated points or places designed for the sanitary disposal thereof.

§ 326.14 Advertisements.

Private notices and advertisements shall not be posted, distributed, or displayed in the lake or reservoir area except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 326.15 Unauthorized solicitations and business activities.

No person, firm, or corporation, or their representatives shall engage in or solicit any business on the lake or reservoir area without permission in writing from the District Engineer or in accordance with terms of a lease, license, or concession contract with the Department of the Army.

§ 326.16 Commercial operations.

All commercial operations or activities on the waters or on the lands under the control of the Department of the Army around the lake or reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

§ 326.17 Recreational activity programs.

(a) Special events such as water carnivals, boat regattas, music festivals, dramatic presentations, or other special recreational programs of interest to the general public are permitted in areas designated by the District Engineer or his authorized representative.

(b) A permit shall be obtained from the District Engineer or his authorized representative by the governmental or legally responsible private agency proposing to hold a special event as indicated in this section. No charge will be made for this permit.

(c) The District Engineer in charge of the area shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the regulations in this part.

§ 326.18 Abandonment of personal property.

Abandonment of personal property on the land or waters of the lake or reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the lake or reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 24 hours it will be impounded, and if not reclaimed by the owners it will be treated as abandoned private personal property. The District Engineer may assess a reasonable impoundment fee, which shall be paid before the impounded property may be returned to its owners.

§ 326.19 Discriminatory practices prohibited.

All project land and water areas which are open to the public shall be available for use and enjoyment by the public without regard to race, creed, color, or national origin. No lessee or licensee of a project area under lease or license providing for a public or quasi-public use, including group camp activities, and no concessionaire of a lessee or license shall discriminate against a person or persons because of race, creed, color, or national origin in the conduct of its operations under the lease, license, or concession agreements.

§ 326.20 Control of horses, dogs, cats, and pets.

(a) Horseback riding is prohibited in developed camping, picnicking, and swimming beach areas and areas as may be designated by the District Engineer or his authorized representative or the managing agency referred to in § 326.1 (c).

(b) Dogs, cats, and pets are prohibited unless they are caged, penned, on a leash no longer than 6 feet, or otherwise under physical restrictive control at all times.

(c) Horses, dogs, cats, and pets are prohibited in designated beach areas.

§ 326.21 Visiting hours.

The District Engineer or his authorized representative or the managing agency referred to in § 326.1(c) may establish a reasonable schedule of visiting hours for all or portions of the area and close or restrict the public use of all or any portion of the area, when necessary for the protection of the area or the safety and welfare of persons or property by posting of appropriate signs indicating the extent and scope of closure. All persons shall observe and abide by the officially posted signs designating closed areas and visiting hours.

§ 326.22 Noise levels.

The operation or use of any audio or noise producing device including communication media and motorized equipment or vehicles in such a manner as to unreasonably annoy or endanger persons in any public place on the project is prohibited.

§ 326.23 Vehicles.

The following are prohibited at developed recreation sites:

(a) Driving motor vehicles in excess of posted speeds.

(b) Driving or parking any vehicle or trailer except in places developed for this purpose.

(c) Driving any vehicle carelessly and heedlessly disregarding the rights or safety of others or without due caution and at a speed, or in a manner, so as to endanger, or be likely to endanger, any person or property.

(d) Driving bicycles, motorbikes, motorcycles, snowmobiles, or other recreational vehicles within developed recreation sites, except where otherwise designated by appropriate signs.

(e) Driving motorbikes, motorcycles, snowmobiles, or other motor vehicles on roads in developed recreation sites for any purpose other than access into, or egress out of, the site.

(f) Operating a motor vehicle at any time without a muffler in good working order, or operating a motor vehicle in such a manner as to create excessive or unusual noise or annoying smoke, or using a muffler cutoff, bypass, or similar device.

(g) Excessively accelerating the engine of a motor vehicle or motorcycle when such vehicle is not moving or is approaching or leaving a stopping place.

[Regs., Apr. 13, 1971, ENGCW–OR] (Sec. 4, 58 Stat. 889, as amended; 16 U.S.C. 460d)

For the Adjutant General.

R. B. Belnap,
Special Advisor to TAG.

[FR Doc.71–6318 Filed 5–5–71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

Miscellaneous Amendments

1. In § 3.1, paragraphs (s) and (t) are added to read as follows:

§ 3.1 Definitions.

* * * * *

(s) "On the borders thereof" means, with regard to service during the Mexican border period, the States of Arizona, California, New Mexico, and Texas, and the nations of Guatemala and British Honduras. (38 U.S.C. 101(30); Public Law 91–588, 84 Stat. 1580)

(t) "In the waters adjacent thereto" means, with regard to service during the Mexican border period, the waters (including the islands therein) which are within 750 nautical miles (863 statute miles) of the coast of the mainland of Mexico. (38 U.S.C. 101(30); Public Law 91–588, 84 Stat. 1580)

2. In § 3.2, paragraph (h) is added to read as follows:

§ 3.2 Periods of war.

* * * * *

(h) *Mexican border period.* May 9, 1916, through April 5, 1917, in the case of a veteran who during such period served for 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto. (38 U.S.C. 101(30); Public Law 91–588, 84 Stat. 1580)

3. In § 3.3, paragraphs (c) and (d)(3) are amended to read as follows:

§ 3.3 Pension.

* * * * *

(c) *Disability pension; Mexican border period and later war periods.* Basic entitlement exists if the veteran:

(1) Served 90 days or more in either World War I, World War II, the Korean conflict, or the Vietnam era, or served an aggregate of 90 days or more in separate periods of service during the same or, effective July 21, 1961, during different war periods, including service during the Spanish-American War (38 U.S.C. 521 (g)); or

(2) Served 90 days or more in Mexico, on the borders thereof, or in the waters adjacent thereto during the period beginning on May 9, 1916, and ending on April 5, 1917, inclusive (Public Law 91–588, 84 Stat. 1580); or

(3) Was discharged or released from such service before having served the stated 90 days for a disability serivce connected without benefit of presumptive provisions of law, or at the time of discharge had such a service-connected disability, shown by official service records, which in medical judgment would have justified a discharge for disability; and

(4) Is permanently and totally disabled from non-service-connected disability not due to his own willful misconduct or vicious habits, or by reason of having attained the age of 65 years. (38 U.S.C. 502, 521)

(d) *Death pension.* * * *

(3) *Mexican border period and later war periods.* Basic entitlement exists for the widow or child of a deceased veteran if the veteran's service meets the requirements of paragraph (c) (1), (2), or (3) of this section or the veteran was, at the time of death, receiving or entitled to receive compensation or retirement pay for service-connected disability based on wartime service. Basic entitlement exists under the provisions of this subparagraph, effective January 1, 1971, for the widow or child of a deceased veteran of the Mexican border period. (38 U.S.C. 541, 542; Public Law 91–588, 84 Stat. 1580)

4. In § 3.54(a), subparagraph (3) is amended to read as follows:

§ 3.54 Marriage dates.

* * * * *

(a) *Pension.* Death pension may be paid to a widow who was married to the veteran:

* * * * *

(3) Prior to the applicable delimiting dates, as follows:

(i) Civil War—June 27, 1905.

(ii) Indian wars—March 4, 1917.

(iii) Spanish-American War—January 1, 1938.

(iv) Mexican border period and World War I—December 14, 1944.

(v) World War II—January 1, 1957.

(vi) Korean conflict—February 1, 1965.

(vii) Vietnam era—10 years after end of Vietnam era.

(38 U.S.C. 532(d), 534(c), 536(c), 541 (e); Public Law 91–588, 84 Stat. 1580)

* * * * *

5. In § 3.251(a), subparagraph (1) is amended to read as follows:

§ 3.251 Income of parents; dependency and indemnity compensation.

(a) *Annual income limitation.* (1) Dependency and indemnity compensation is not payable to a parent whose annual income exceeds the following limitations:

(i) $2,000 ($2,300 effective January 1, 1971), one parent alone;

(ii) $2,000 ($2,300 effective January 1, 1971), separately, two parents not living together;

(iii) $3,200 ($3,500 effective January 1, 1971), combined income, two parents living together or remarried parent living with spouse.

(iv) Where there is only one parent, and the parent has remarried and is living with his spouse, dependency and indemnity compensation will be paid to him under either the table in 38 U.S.C. 415 (b)(1) or the table in 38 U.S.C. 415(d), which ever will provide the greater monthly rate of dependency and indemnity compensation. The total combined income of the parent and his spouse will be counted. (38 U.S.C. 415; Public Law 91–588, 84 Stat. 1580)

* * * * *

6. In § 3.252, the headnote and paragraphs (a) and (b) are amended to read as follows:

§ 3.252 Annual income; pension; Mexican border period and later war periods.

(a) *Annual income limitation; protected pension.* Where the right to pension under laws in effect prior to June 30, 1960, is protected under § 3.956, pension is not payable to an unmarried veteran, or to a widow without a child, or to or on account of a child, whose annual income exceeds $1,600 ($1,900 effective January 1, 1971); or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $2,900 ($3,200 effective January 1, 1971).

(b) *Annual income and net worth limitation; Public Law 86–211 (73 Stat. 432).* Pension is not payable to an unmarried veteran, or to a widow without a child, whose annual income exceeds $2,000 ($2,300 effective January 1, 1971), or to or on account of a child whose annual income (excluding earned income of a child-claimant) exceeds $1,800 ($2,000 effective January 1, 1971), or to a married veteran or a veteran with a child, or to a widow with a child, whose annual income exceeds $3,200 ($3,500 effective January 1, 1971); or to a veteran, widow, or child if it is reasonable that some part of the claimant's estate be consumed for his maintenance. Where a veteran and spouse are living together, the separate income of the spouse will be considered as the veteran's income, as provided in § 3.262(b). (38 U.S.C. 521, 541, 542 and 543)

* * * * *

7. Section 3.256 is revised to read as follows:

§ 3.256 Annual income and net worth questionnaires.

A questionnaire will be sent once each calendar year to each payee who is receiving pension or dependency and indemnity compensation whose entitlement is subject to an annual income (and net worth where applicable) limitation, except a child and, effective January 1, 1972, except a payee who has attained 72 years of age and has been paid the particular benefit during 2 consecutive calendar years. (38 U.S.C. 415(e) and 506(a): Public Law 91–588, 84 Stat. 1580)

8. In § 3.261, paragraph (a) (14), (20), (22), and (29) is amended and paragraph (b)(5) is added so that the amended and added material reads as follows:

§ 3.261 Character of income; exclusions and estates.

The following factors will be considered in determining whether a claimant meets the requirements of §§ 3.250, 3.251, and 3.252 with reference to dependency, income limitations and corpus of estate:

	Dependency (parents)	Dependency and indemnity compensation (parents)	Pension—protected (veterans, widows, and children)	Pension—Public Law 86-211 (veterans, widows, and children)	See—
(a) *Income:*					
• • •	• • •	• • •	• • •	• • •	• • •
(14) Retired Serviceman's Family Protection Plan (10 U.S.C. ch. 73):					
Annuities	Excluded	Excluded	Excluded	Excluded	§ 3.262(e).
Refunds (10 U.S.C. 1446)	Included	Included	Included	Included	
• • •	• • •	• • •	• • •	• • •	• • •
(20) Veterans Administration payments:					
Pension	Excluded	Excluded	Excluded	Excluded	
Compensation and dependency and indemnity compensation.	do	do	do	do	
World War I adjusted compensation	do	Included	do	Included	
U.S. Government Life Insurance or National Service Life Insurance for disability or death, maturity of endowment policies, and dividends, including special and termination dividends.	do	Excluded	do	Excluded	
Servicemen's Group Life Insurance	do	do	do	do	
Servicemen's indemnity	do	do	do	do	
Death gratuity (Public Law 89-214)	do	Included	do	Included	
Subsistence allowance (38 U.S.C. ch. 31).	Included	do	Included	do	
Veterans educational assistance in excess of amounts expended for training (38 U.S.C. ch. 34).	do	do	do	do	
Educational assistance (38 U.S.C. ch. 35).			Excluded	Excluded	
Special allowance under 38 U.S.C. 412(a).	Excluded	Included	do	Included	
Statutory burial allowance	do	Excluded	do	Excluded	
Accrued	do	Included, except accrued as reimbursement.	do	Included, except accrued as reimbursement.	
• • •	• • •	• • •	• • •	• • •	• • •
(22) Contributions by a public or private employer to a:					
Public or private health or hospitilization plan for an active or retired employee.	Excluded	Excluded	Excluded	Excluded	
Retired employee as reimbursement for premiums for supplementary medical insurance benefits under the Social Security program (Public Law 91-588).	Included	Included	Included	do	
• • •	• • •	• • •	• • •	• • •	• • •
(29) Bequests, devises and inheritances:					
Property	do	Excluded	do	do	§ 3.262(k).
Money	do	Included	do	Included	
Joint bank accounts	do	do	do	Excluded	§ 3.262(k)(1).
• • •	• • •	• • •	• • •	• • •	• • •
(b) *Deduction of amounts paid by claimant:*					
• • •	• • •	• • •	• • •	• • •	• • •
(5) Prepayments on real property mortgages after death of spouse (Public Law 91-588).	Not authorized.	Not authorized.	Not authorized.	Authorized	§ 3.262(k)(6).
• • •	• • •	• • •	• • •	• • •	• • •

9. In § 3.262(k), subparagraph (1) is amended and subparagraph (6) is added so that the amended and added material reads as follows:

§ 3.262 Evaluation of income.

* * * * *

(k) *Property*—(1) *Ownership.* The terms of the recorded deed or other evidence of title will constitute evidence of ownership of real or personal property. This includes property acquired through purchase, bequest or inheritance except that, effective January 1, 1971, amounts in joint accounts in banks and similar institutions acquired by reason of the death of another joint owner shall not be considered income of a survivor for pension purposes under the provisions of Public Law 86–211 (73 Stat. 432). With the foregoing exception, if property is owned jointly each person will be considered as owning a proportionate share. The claimant's share of property held in partnership will be determined on the facts found. In the absence of evidence to the contrary, the claimant's statement as to the terms of ownership will be accepted. (38 U.S.C. 503(15); Public Law 91–588, 84 Stat. 1580)

* * * * *

(6) *Payments on mortgages on real property; Public Law 86–211 (73 Stat. 432)*. Effective January 1, 1971, for the purposes of Public Law 86–211, an amount equaling any prepayments made by a veteran or widow on a mortgage or similar type security instrument in existence at the death of veteran or spouse on real property which prior to the death was the principal residence of the veteran and spouse will be excluded from consideration as income if such payment was made after the death and prior to the close of the year succeeding the year of death. (38 U.S.C. 503(14); Public Law 91–588, 84 Stat. 1580)

* * * * *

10. In § 3.314, the headnotes and the introductory portions of paragraphs (a) and (b) preceding subparagraph (1) are amended to read as follows:

§ 3.314 Basic pension determinations.

(a) *Prior to the Mexican border period.* While pensions are granted based on certain service prior to the Mexican border period, the only rating factors in claims therefor are:

* * * * *

(b) *Mexican border period and later war periods.* Non-service-connected disability and death pension may be paid based on service in the Mexican border period, World War I, World War II, the Korean conflict, and the Vietnam era. Rating determinations in such claims will be required in the following situations:

* * * * *

11. In § 3.315, paragraph (d) is amended to read as follows:

§ 3.315 Basic eligibility determinations; dependents, loans, education.

* * * * *

(d) *Loans.* Where a World War II veteran or a Korean conflict veteran had less than 90 days' service, or a veteran who served on or after February 1, 1955, had less than 181 days' service on active duty as defined in §§ 36.4301(gg) and 36.4501(o), eligibility of the veteran for a home, farm or business loan under 38 U.S.C. ch. 37 requires a determination that the veteran was discharged or released because of a service-connected disability or that the official service department records show that he had at the time of separation from service a service-connected disability which in medical judgment would have warranted a discharge for disability. These determinations are subject to the presumption of incurrence under § 3.304(b). Determinations based on World War II, Korean conflict, and Vietnam era service are also subject to the presumption of aggravation under § 3.306(b) while determinations based on service on or after February 1, 1955, and before August 5, 1964 are subject to the presumption of aggravation under § 3.306 (a) and (c). The provisions of this paragraph are also applicable, regardless of length of service, in determining eligibility to the maximum period of entitlement based on discharge or release for a service-connected disability. (38 U.S.C. 1802, 1818)

* * * * *

12. In § 3.326, paragraph (h) is amended to read as follows:

§ 3.326 Examinations.

* * * * *

(h) *Pension, age 65.* Evidence to establish physical disability will not be required in claims for pension under 38 U.S.C. 511 or 512 based on service during an Indian or the Spanish-American War, or in claims for pension under 38 U.S.C. 521 based on the Mexican border period, World War I, or later war periods if the veteran has attained the age of 65 years. However, Veterans Administration examination may be authorized or medical evidence accepted as outlined in this section to determine whether a veteran is permanently housebound or otherwise meets the disability requirements of § 3.351 (d) or (e), or is in need of regular aid and attendance.

13. In § 3.351, paragraph (a) and that portion of paragraph (d) preceding subparagraph (1) are amended to read as follows:

§ 3.351 Special monthly dependency and indemnity compensation, death compensation and pension ratings.

(a) *Aid and attendance; general.* Additional pension for veterans in need of regular aid and attendance is provided for Indian War veterans (38 U.S.C. 511); Spanish-American War veterans (38 U.S.C. 512); and for veterans of the Mexican border period, World War I, World War II, the Korean conflict, or the Vietnam era (38 U.S.C. 521). Additional pension for widows in need of regular aid and attendance is provided for widows of veterans of all periods of war, including those entitled to pension under the law in effect on June 30, 1960, based on service in World War I, World War II, or the Korean conflict (38 U.S.C. 544, 521 note). Additional dependency and indemnity compensation and death compensation for widows in need of regular aid and attendance is provided for widows of veterans of all periods of service. (38 U.S.C. 322(b), 411(c); Public Law 91–588, 84 Stat. 1580)

* * * * *

(d) *Permanent and total plus 60 percent, or housebound; 38 U.S.C. 521.* The monthly rate of pension otherwise payable to a veteran who is entitled to pension under 38 U.S.C. 521 and who does not qualify for increased pension ($110) based on need of regular aid and attendance shall be increased by $44 if, in addition to having a single permanent disability rated as 100 percent under regular schedular evaluation, the veteran:

* * * * *

14. In § 3.454, the introductory portion preceding paragraph (a) and paragraph (b) are amended to read as follows:

§ 3.454 Veterans disability pension.

Apportionment of pension for a veteran based on service in the Mexican border period, World War I, or later war period will be as follows:

* * * * *

(b) Where the pension of any married veteran who is receiving pension under 38 U.S.C. 521(b) is reduced to $30 under the privisions of § 3.551(c), an apportionment may be made to his estranged wife upon an affirmative showing of hardship. The amount of the apportionment generally will be the difference between $30 and the rate payable if pension were being paid under 38 U.S.C. 521(c). If the additional rate of $44 per month is payable under § 3.351(d) it may be added to the apportionment. (38 U.S.C. 3203(d); Public Law 91–588, 84 Stat. 1580)

* * * * *

15. In § 3.460, the headnote of paragraph (c) is amended so that paragraph (c)(1) reads as follows:

§ 3.460 Death pension.

* * * * *

(c) *Mexican border period, World War I, or later war periods.* (1) On and after October 1, 1954, under the laws in effect prior to July 1, 1960 (38 U.S.C. 541), the widow's share will be:

$37.80—if there is only 1 child.
$31.50—if there are 2 or more children.

* * * * *

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective January 1, 1971.

Approved: April 29, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–6253 Filed 5–5–71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 15—Environmental Protection Agency

PART 15–1—GENERAL

Subpart 15–1.51—Novation Agreements and Change of Name Agreements

Novation Agreements and Change of Name Agreements, Subpart 15–1.51, is hereby added to Chapter 15, Title 41, of the Code of Federal Regulations. It is the policy of the Environmental Protection Agency to allow time for interested parties to take part in the rule-making process. However, because this regulation is largely a general statement of Agency policy and internal procedure, the rule-making process will be waived.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (5–6–71).

Dated: May 3, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 15–1.51—Novation Agreements and Change of Name Agreements

Sec.

15–1.5100 Scope of subpart.
15–1.5101 Definition.
15–1.5102 Agreement to recognize a successor in interest.
15–1.5103 Agreement to recognize change of name of contractor.
15–1.5104 Procedures.
15–1.5105 Novation agreement formats.
15–1.5105–1 Successor in interest agreement format.
15–1.5105–2 Change of name agreement format.
15–1.5105–3 Administrative change format.

AUTHORITY: The provisions of this Subpart 15–1.51 issued under 40 U.S.C. 486(c), sec. 205(c), 63 Stat. 377, as amended.

§ 15–1.5100 Scope of subpart.

This subpart prescribes the policy and procedures for (a) recognition of a successor in interest to Government contracts when such interests are acquired incidental to a transfer of all the assets of a contractor or the part of his assets involved in the performance of the contracts, (b) a change of name of a contractor, and (c) single activity execution of novation agreements affecting more than one activity.

§ 15–1.5101 Definition.

For the purposes of this subpart, the following definition applies. A novation agreement is a contractual amendment by which the Government recognizes a successor in interest to a Government contract or a change of name of a contractor. The successor in interest assumes all the obligations under the contract and the transferor, when still in existence, guarantees the performance of the contract by the transferee. Where only a change of name is made the rights and obligations of the parties remain unaffected.

§ 15–1.5102 Agreement to recognize a successor in interest.

(a) The transfer of a Government contract is prohibited by law (41 U.S.C. 15). However, the Government may recognize a third party as the successor in interest to a Government contract when the third party's interest is incidental to the transfer of all the assets of the contractor, or all of that part of the contractor's assets involved in the performance of the contract. Examples include, but are not limited to:

(1) Sale of such assets;

(2) Transfer of such assets pursuant to merger or consolidation of corporations; and

(3) Incorporation of a proprietorship or partnership;

(4) The principal party or parties to a contract transfer to another institution and the Government wishes to recognize the new institution as the successor in interest.

(b) When it is consistent with the Government's interest to recognize a successor in interest to a Government contract, the designated activity shall execute an agreement with the transferor and the transferee, which shall ordinarily provide in part that:

(1) The transferee assumes all the transferor's obligations under the contract;

(2) The transferor waives all rights under the contract as against the Government;

(3) The transferor guarantees performance of the contract by the transferee (a satisfactory performance bond from either the transferor or the transferee may be accepted in lieu of such guarantee); and

(4) Nothing in the agreement shall relieve the transferor or the transferee from compliance with any Federal law.

The agreement shall have the concurrence of legal counsel, prior to execution. A format for such an agreement for use when the transferor and transferee are corporations, and all the assets of the transferor are transferred, is set forth in § 15–1.5105. This format may be adapted to fit specific cases and may be used as a guide in preparing similar agreements for use in other situations.

(c) Prior to the execution of such agreement, one copy of each of the following, as applicable, shall be deposited by the contractor with the designated procuring activity:

(1) A properly authenticated copy of the instrument by which the transfer of assets was effected, as, for example, a bill of sale, certificate of merger, indenture of transfer, or decree of court;

(2) A list of all contracts which have not been finally settled between EPA and the transferor, showing for each contract the contract number, the name and address of the activity involved, the total dollar value of the contract as amended, the type of contract, and the balance remaining unpaid;

(3) A certified copy of the resolutions of the Boards of Directors of the corporate parties authorizing the transfer of assets;

(4) A certified copy of the minutes of any stockholders' meetings of the corporate parties necessary to approve the transfer of assets;

(5) A properly authenticated copy of the certificate and articles of incorporation of the transferee if such corporation was formed for the purpose of receiving the assets involved in the performance of the Government contracts;

(6) An opinion of counsel for the transferor and transferee that the transfer was properly effected in accordance with applicable law and the effective date of transfer;

(7) Evidence of the capability of the transferee to perform the contracts;

(8) Balance sheets of the transferor and the transferee as of dates immediately prior to and after the transfer of assets; and

(9) Consent of sureties on all contracts listed under (ii) above on which bonds were required.

§ 15–1.5103 Agreement to recognize change of name of contractor.

(a) When only a change of name is involved, so that the rights and obligations of the parties remain unaffected, an agreement between the designated activity and the contractor shall be executed effecting the amendment of all existing contracts between the parties so as to reflect the contractor's change of name. A format for such an agreement, which shall be adapted for specific cases, is set forth in § 15–1.5105.

(b) Prior to the execution of such agreement, one copy of each of the following shall be deposited by the contractor with the designated procuring activity:

(1) A copy of the instrument by which the change of name was effected, authenticated by a proper official of the State having jurisdiction;

(2) An opinion of counsel for the contractor that the change of name was properly effected in accordance with applicable law; and

(3) A list of all contracts which have not been finally settled between EPA and the contractor, showing for each contract the contract number and the name and address of the activity involved.

(c) Each agreement shall have the concurrence of legal counsel, prior to execution.

§ 15–1.5104 Procedures.

(a) Any EPA procuring activity upon being notified of a successor in interest to, or change in name of, one of its contractors, shall promptly report such information by letter to the Director of Contracts Management Division.

(b) To avoid duplication of effort on the part of EPA activities in preparing and executing agreements to recognize a change of name or successor in interest, only one supplemental agreement will be prepared to effect necessary changes for all contracts between EPA and the contractor involved. The Director of Contracts Management Division will, in each case, designate the activity responsible for taking all necessary and appropriate action with respect to either recognizing or not recognizing a successor in interest, or recognizing a change of name, including without limitation the following:

(1) Obtaining from the contractor a list of the affected contracts, the names and addresses of the activities responsible for these contracts, and the required documentary evidence; and

(2) Drafting and executing a supplemental agreement to one of the contracts affected but covering all applicable outstanding and incomplete contracts affected by the transfer of assets or change of name.

A supplemental agreement number need not be obtained for contracts other than for the one under which the supplemental agreement is written. Each supplemental agreement will contain a list of the contracts affected and, for distribution purposes, the names and addresses of the activities having contracts subject to the supplemental agreement.

(c) The agreement and supporting documents shall be reviewed for legal sufficiency by legal counsel.

(d) After execution of the supplemental agreement, the designated activity shall:

(1) Forward an authenticated copy of the supplemental agreement to the Director of Contracts Management Division, and

(2), Advise each of the affected activities, by letter, of the consumation of the supplemental agreement and request that an administrative change be issued for each affected contract. (A copy of the supplemental agreement should be enclosed—see § 15–1.5105.)

(e) For each such affected contract, the contracting officer shall prepare an administrative change acknowledging the change in name or successor in interest. The administrative change will receive the same distribution as the affected contract. The administrative change will indicate the nature of the transaction, the result attained, and will cite the number of the contract with which the original relevant documents and supplemental agreement are filed.

§ 15–1.5105 Novation agreement formats.

§ 15–1.5105–1 Successor in interest agreement format.

The following form may be used as appropriate to recognize a corporate successor in interest, in accordance with § 15–1.5102.

AGREEMENT (------------, 19--)

This agreement, entered into as of ------------, 19--, by and between the ABC Corporation, a corporation duly organized and existing under the laws of the State of ------------ with its principal office in the City of ------------ (hereinafter referred to as the "Transferor"); the XYZ Corporation (formerly known as the LMN Corporation), a corporation duly organized and existing under the laws of the State of ------------ with its principal office in the City of ------------ (hereinafter referred to as the "Transferee"); and the United States of America (hereinafter referred to as the "Government").

WITNESSETH:

Whereas, the Government, represented by Contracting Officers of the Environmental Protection Agency, has entered into certain contracts, letter contracts, and purchase orders with the Transferor (namely: ------------------------) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference;) and the term "the contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, heretofore made between the Government, represented by Contracting Officers of the Environmental Protection Agency, and the Transferor (whether or not performance and payment have been completed and releases executed, if the Government or the Transferor has any remaining rights, duties, or obligations thereunder), and including amendments and change orders thereto hereafter made between the Government and the Transferee.

Whereas, as of ------------, 19--, the Transeferor assigned, conveyed, and transferred to the Transferee all the assets of the Transferor by virtue of a (term descriptive of the legal transaction involved) between the Transferor and the Transferee;

Whereas, the Transferee, by virtue of said assignment, conveyance, and transfer, has acquired all the assets of the Transferor;

Whereas, by virtue of said assignment, conveyance, and transfer, the Transferee has assumed all the duties, obligations, and liabilities of the Transferor under the Contracts;

Whereas, the Transferee is in a position fully to perform the Contracts, and such duties and obligations as may exist under the Contracts;

Whereas, it is consistent with the Government's interest to recognize the Transferee as the successor party to the Contracts;

Whereas, there has been filed with the Government evidence of said assignment, conveyance, or transfer (add if desired, "in the form of a certified copy of the list of the documents required by 41 CFR 15–1.5102");

(Where a change of name is also involved, such as a prior or concurrent change of name of the Transferee, an appropriate recital shall be used; for example:

Whereas, there has been filed with the Government a certificate dated ----------, 19--, signed by the secretary of state of the State of ------------, to the effect that the corporate name of LMN Corporation was changed to XYZ Corporation on ------------, 19--);

Now therefore, in consideration of the premises, the parties hereto agree as follows:

1. The Transferor hereby confirms said assignment, conveyance, and transfer to the Transferee, and does hereby release and discharge the Government from, and does hereby waive, any and all claims, demands, and rights against the Government which it now has or may hereafter have in connection with the Contracts.

2. The Transferee hereby assumes, agrees to be bound by, and undertakes to perform each and every one of the terms, covenants, and conditions contained in the Contracts. The Transferee further assumes all obligations and liabilities of, and all claims and demands against, the Transferor under the Contracts, in all respects as if the Transferee were the original party to the Contracts.

3. The Transferee hereby ratifies and confirms all actions heretofore taken by the Transferor with respect to the Contracts with the same force and effect as if the action had been taken by the Transferee.

4. The Government hereby recognizes the Transferee as the Transferor's successor in interest in and to the Contracts. The Transferee hereby becomes entitled to all right, title, and interest of the Transferor in and to the Contracts in all respects as if the Transferee were the original party to the Contracts. The term "Contractor" as used in the Contracts shall be deemed to refer to the Transferee rather than to the Transferor.

5. Except as expressly provided herein, nothing in this Agreement shall be construed as a waiver of any rights of the Government against the Transferor.

6. Notwithstanding the foregoing provisions, all payments and reimbursements heretofore made by the Government to the Transferor and all other action heretofore taken by the Government, pursuant to its obligations under any of the Contracts, shall be deemed to have discharged pro tanto the Government's obligations under the Contracts. All payments and reimbursements made by the Government after the date of this Agreement in the name of or to the Transferor shall have the same force and effect as if made to said Transferee and shall constitute a complete discharge of the Government's obligations under the Contracts to the extent of the amounts so paid or reimbursed.

7. The Transferor and the Transferee hereby agree that the Government shall not be obligated to pay or reimburse either of them for, or otherwise give effect to, any costs, taxes, or other expenses, or any increases therein, directly or indirectly arising out of or resulting from (i) said assignment, conveyance, and transfer, or (ii) this Agreement other than those which the Government, in the absence of said assignment, conveyance, and transfer, or this Agreement, would have been obligated to pay or reimburse under the terms of the Contracts.

8. The Transferor hereby guarantees payment of all liabilities and the performance of all obligations which the Transferee (i) assumes under this Agreement, or (ii) may hereafter undertake under the Contracts as they may hereafter be amended or modified; and the Transferor hereby waives notice of and consents to any such amendment or modification.

9. Except as herein modified, the Contracts shall remain in full force and effect.

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA,
By ------------------------
Title ------------------------

ABC CORPORATION,
By ------------------------
Title ------------------------
[Corporate Seal]

XYZ CORPORATION,
By ------------------------
Title ------------------------
[Corporate Seal]

CERTIFICATE

I, ------------------------, certify that I am the Secretary of ABC Corporation, named above, that ------------------------, who signed this Agreement on behalf of said corporation, was then ------------ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and seal of said corporation this ------------ day of ------------ 19--.

By ------------------------
[Corporate Seal]

CERTIFICATE

I, ------------------------, certify that I am the Secretary of XYZ Corporation, named above, that ------------------------, who signed this Agreement on behalf of said corporation, was then ------------ of said corporation, and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ------------ day of ---------- 19--.

By ------------------------

[Corporate Seal]

§ 15–1.5105–2 Change of name agreement format.

The following form may be used as appropriate to recognize a change in name, in accordance with § 15–1.5103:

AGREEMENT (------------, 19--)

This agreement, entered into as of ------------, 19--, by and between the ABC Corporation (formerly the XYZ Corporation and hereinafter sometimes referred to as the "Contractor"), a corporation duly organized and existing under the laws of the State of ------------, and the United States of America, represented by the Environmental Protection Agency (hereinafter referred to as the "Government").

WITNESSETH:

Whereas, the Government represented by Contracting Officers of the Environmental Protection Agency, has entered into certain contracts, letter contracts, and purchase orders with the XYZ Corporation (namely: ------------------------) or (as set forth in the attached list marked "Exhibit A" to this Agreement and herein incorporated by reference); and the term "the Contracts" as hereinafter used means the above contracts, letter contracts, and purchase orders, and all other contracts, letter contracts, and purchase orders, including amendments and change orders thereto, entered into between the Government, represented by Contracting Officers of the Environmental Protection Agency, and the Contractor (whether or not performance and payment have been completed and releases executed, if the Government or the Contractor has any remaining rights, duties, or obligations thereunder);

Whereas, the XYZ Corporation, by an amendment to its certificate of incorporation, dated ------------, 19--, has changed its corporate name to the ABC Corporation;

Whereas, a change of corporate name only is accomplished by said amendment, so that rights and obligations of the Government and of the Contractor under the Contracts are unaffected by said change; and

Whereas, there has been filed with the Government documentary evidence of said change in corporate name;

Now therefore, in consideration of the premises, the parties hereto agree that the Contracts covered by this Agreement are hereby amended by deleting therefrom the name "XYZ Corporation" wherever it appears in the Contracts and substituting therefor the name "ABC Corporation."

In witness whereof, each of the parties hereto has executed this Agreement as of the day and year first above written.

UNITED STATES OF AMERICA,
By ------------------------
Title ------------------------

ABC CORPORATION,
By ------------------------
Title ------------------------

[Corporate Seal]

CERTIFICATE

I, ------------------------, certify that I am the Secretary of ABC Corporation, named above; that ------------------------, who signed this Agreement on behalf of said corporation, was then ------------ of said corporation; and that this Agreement was duly signed for and in behalf of said corporation by authority of its governing body and is within the scope of its corporate powers.

Witness my hand and the seal of said corporation this ------------ day of ---------- 19--.

By ------------------------

[Corporate Seal]

§ 15–1.5105–3 Administrative change format.

Standard Form 30 will be used for administrative changes resulting from novation and change of name agreements.

[FR Doc.71-6342 Filed 5-5-71;8:47 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5049]

[Colorado 1269]

COLORADO

Withdrawal for Oil Shale; Corrections

The date of March 11, 1970, shown on the last line as the approval date of Public Land Order. No. 5029, appearing in 36 F.R. 5042–3 of the issue of March 17, 1971, is hereby corrected to read "March 11, 1971".

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1971.

[FR Doc.71-6331 Filed 5-5-71;8:46 am]

[Public Land Order 5050]

[New Mexico 12348]

NEW MEXICO

Partial Revocation of Reclamation Withdrawal

By virtue of the authority contained in section 3 of the Act of June 17, 1902, 32 Stat. 388, as amended and supplemented, 43 U.S.C. § 416 (1964), it is ordered as follows:

1. Public Land Order No. 2721 of July 16, 1962, withdrawing lands for the Navajo Unit, Colorado River Storage Project, is hereby revoked so far as it affects the following described land:

NEW MEXICO PRINCIPAL MERIDIAN

T. 30 N., R. 8 W.,
  Sec. 1, lots 2, 3, 4, S½NW¼;
  Sec. 2, lots 1 and 2, S½NE¼.

The area described aggregates 367.92 acres in San Juan County.

The land is located approximately 23 miles northeasterly from the town of Bloomfield and is about 3 miles north of the Navajo Dam. The land is generally flat with the eastern part sloping downward toward Lake Navajo. The vegetative cover consists of scattered stands of pinon-juniper trees interspersed by patches of sagebrush and native grasses.

2. At 10 a.m. on June 5, 1971, the land shall be open to operation of the public land laws, including the U.S. mining laws, subject to valid existing rights, the provisions of existing withdrawals, and the requirements af applicable law. All valid applications received at or prior to 10 a.m. on June 5, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. The land has been and continues to be open to applications and offers under the mineral leasing laws.

Inquiries concerning the land should be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, NM 87501.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1971.

[FR Doc.71-6332 Filed 5-5-71;8:47 am]

[Public Land Order 5051]

[Oregon 6995]

OREGON

Withdrawal for National Forest Research Natural Area; Correction

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Public Land Order No. 5024 of March 1, 1971, withdrawing lands for a national forest research natural area, appearing in 36 F.R. 4378 of the issue of March 5, 1971, so far as it describes the lands as sec. 6, is hereby corrected to read "sec. 16".

2. The lands are national forest lands within the Siskiyou National Forest. At 10 a.m. on June 5, 1971, the land described in sec. 6 shall be open to such forms of disposition as may be made of such lands.

HARRISON LOESCH,
Assistant Secretary of the Interior.

APRIL 30, 1971.

[FR Doc.71-6333 Filed 5-5-71;8:47 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16979; FCC 71-434]

PART 0—COMMISSION ORGANIZATION

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Order Staying Effective Date

In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities.

1. The Commission has before it for consideration motions for stay of our Final Decision and Order in the above-captioned proceeding released on March 18, 1971. These motions were filed by the Western Union Telegraph Co. (Western Union), the Continental Telephone Corp. (Continental), the General System Co. (General), and United Computing Systems, Inc., and the United Telephone System (United). Western Union, as did Continental, requested a stay of the effectiveness of our Final Decision and Order herein pending Commission action on petitions for reconsideration. Additionally, Continental's motion requested a stay pending judicial review of the decision in question; the latter request was also made by General and United, which have respectively, in fact, already petitioned the Second Circuit and the Eighth Circuit of the U.S. Court of Appeals for review of our decision.

2. As the petitioners know, the granting of a stay is considered to be an extraordinary action and, as we have previously held, will not be granted unless the following showing is made; namely, that there is a substantial showing by petitioners that there will be irreparable injury to petitioners or to the public; and that there is a reasonable likelihood that petitioners will succeed in courts on the merits. In analyzing the motions for stay of the respective petitioners, we are of the view that the requisite showing has not been made. Specifically, the petitioners have not demonstrated that they or the public interest will suffer any irreparable injury if the effectiveness of the Final Decision and Order is not stayed pending resolution of the petitions for reconsideration or pending judicial review.

3. We believe the aforesaid becomes particularly apparent when one notes that although the rules become effective on April 30, 1971, the affected carriers are not required to conform to the provisions of paragraph 20 of the Final Decision and Order until 6 months after the effective date of the decision in question. In substance, the gravamen of the motions before us are directed to paragraph 20 of the Final Decision and Order wherein we provided for the amendment of our rules to include a provision prohibiting a common carrier from obtaining any data processing service from its data affiliate if, in fact, that data affiliate also provided service to the public. This decision was predicated on achievement of the basic objective of our policy therein; namely, " * * * the deterrence of foreseeable abuse from indirect carrier entry into data processing * * *." Moreover, we reached this decision only after determining that implementation of such a rule could impose no unreasonable burden upon common carriers since various options were available to such carriers with data processing requirements in the form of " * * * an 'in-house' system to accommodate its particular computing needs, of turning to and bargaining with any nonaffiliated service firm for computer services, or, with respect to intercarrier arrangements * * * between the Bell System Co. and various independent telephone companies, of accommodating such data processing requirements to the extent possible on a shared cost basis." Additionally, we are unable to construe the filing of detailed reports within 60 days after the effectiveness of our decision as constituting any showing of irreparable harm.

4. Finally, it must be remembered that the Final Decision and Order in question evolved from our desire to protect the public interest. Accordingly, it is our belief that inherent in the Final Decision and Order are safeguards designed to protect the public interest as well as those of the carriers. With regard to the matter before us, we are of the view that the time span between the effectiveness of our decision and the required

compliance therewith will enable us to evaluate and remedy, if warranted, any unforeseen problems particularly with reference to the matters set forth in the petitions for reconsideration now before us, as well as any other demonstrated adverse effects of our decision.

5. In view of the foregoing, the motions for stay will be denied. However, we have decided to provide for a temporary stay of the effectiveness of our Final Decision and Order provided that any motions for stay are filed with the reviewing court within 10 days of the release of this order. Upon the filing thereof, our decision would be further stayed until any motion for a judicial stay has been decided.

6. *Accordingly, it is ordered,* That the above-noted motions for stay are denied.

7. *It is further ordered,* That the effectiveness of our Final Decision and Order is stayed until the reviewing court acts upon any motion for stay pendente lite which is duly and properly filed within 10 days of the release date of this order.

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1a]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6347 Filed 5-5-71;8:48 am]

[Docket No. 18362; FCC 71-439]

PART 73—RADIO BROADCAST SERVICES

Television Broadcast Stations; Table of Assignments; Second Report and Order

1. This proceeding, instituted by a notice of proposed rule making, released May 21, 1970, FCC 70-524, 35 F.R. 8670, involves proposals to delete two educational television (ETV) channel assignments, Channel 77 at Glen Ridge, N.J., and Channel 70 at Bowling Green, and proposals for possible replacements therefor, since these channels, among others (Channels 70–83 MHz), were reallocated for land mobile use by our decision in the land mobile-UHF allocation proceeding in Docket No. 18262.[1] We have thus far taken action only with respect to the Glen Ridge proposal. By a First Report and Order, adopted January 20, 1971 (FCC 71-62), the Commission amended the television Table of Assignments for Glen Ridge by deleting Channel 77, its one assignment and the only ETV assignment in northern New Jersey. At the same time, we adopted a further notice of proposed rule making (FCC 71-63) herein, inviting comments upon a proposal of the New Jersey Public Broadcasting Authority (Authority)[2] to assign Channel 50 to Little Falls, N.J., as a replacement for the deleted ETV Channel 77 Glen Ridge assignment. Presently before us is this Channel 50 Little Falls proposal.

2. Comments in response to the further rule making notice on the Little Falls Channel 50 ETV proposal were filed by the Association of Maximum Service Telecasters, Inc. (AMST), an association composed of UHF and VHF licensees dedicated to continuing and expanding the high technical quality of television service. It is opposed to the proposed assignment in principle because of the short spacing presented and requests that if the assignment is, nevertheless, made, it be conditioned upon use in compliance with all mileage separation requirements. Its comments, together with those previously filed herein by the Authority and the National Association of Educational Broadcasters in support of the Authority's Channel 50 Little Falls proposal, have been considered.

3. Unless a replacement is assigned for the deleted Glen Ridge Channel 77 assignment, the Authority cannot proceed with its disrupted plans and efforts to establish an outlet in this area to provide northern New Jersey with a first local and network ETV service. Unquestionably, we think it would serve a public need and further our educational and UHF television goals to provide a replacement so that ETV plans for this area may be implemented. The problem, however, is that channel replacement possibilities in northern New Jersey are extremely limited. Our studies reveal that no channel meeting spacing requirements could be assigned in the Glen Ridge area and that, of all other channel replacement possibilities, Channel 50 would present fewer problems. Nevertheless, it was considerable misgiving that we reached the decision to hold rule making upon the Authority's proposal to assign Channel 50 to Little Falls since it presents a UHF intermodulation taboo problem.

4. While a Channel 50 Little Falls assignment would require no changes in existing assignments or authorizations, both the assignment and use of Channel 50 at Little Falls, at the transmitter location contemplated by the Authority in its comments herein, would require a deviation from the 20-mile minimum mileage separation required by the UHF intermodulation taboo (§ 73.610(d) of the rules) with respect to Channel 47, Linden, N.J. (WNJU-TV), which we have not heretofore permitted in the interest of maintaining stability in our allocation policies and in insuring adequate protection to the public and to stations from interference caused by intermodulation.[3] The Little Falls Channel 50 reference point would be short-spaced by approximately 4.2 miles from the Empire State Building, New York, N.Y., where the WNJU-TV transmitter is now located, and about 3.7 miles short-spaced from the World Trade Center Building, New York City, where the WNJU-TV licensee contemplates relocating its transmitter. The Channel 50 Little Falls transmitter site contemplated by the Authority in its comments herein (some 1,150 feet west of the specified site for the Authority's proposed Channel 77 operation, with geographical coordinates of north latitude 40°51'48" and west longitude 74°12'01") would be approximately 6.3 miles short-spaced with regard to WNJU-TV from the Empire State Building and approximately 5.7 miles short-spaced with regard to Station WNJU-TV from the World Trade Center Building.[4]

5. We were persuaded, however, that the case for relaxing the UHF intermodulation taboo to the extent necessary to permit the assignment and ETV use of Channel 50 at Little Falls appeared sufficiently strong and compelling to warrant consideration of the Authority's proposal in rule making. From our investigation of the interference that might result from intermodulation if Channel 50 was assigned and used at

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[1a] Commissioner Bartley absent.

[1] See First Report and Order and Second Notice of Inquiry, adopted May 20, 1970, Docket No. 18262, FCC 70-519, 35 F.R. 8644.

[2] The Authority, the State agency charged with providing New Jersey with a statewide educational television system, had an application (BPET-363, filed Feb. 18, 1970) pending at the time of our action deleting Channel 77 from Glen Ridge, for proposed use of Channel 77 at Montclair, N.J. (located in close proximity to both Glen Ridge and Little Falls), for a station to serve as the northern link in its planned statewide educational network.

[3] As AMST notes, a Channel 50 Little Falls assignment would also involve a deviation from the required 75-mile minimum mileage separation required by the picture image taboo with respect to ETV Channel 65, New Haven, Conn., for which the Connecticut Educational TV Corp. is an applicant (BPET-386). The short-spacing involved is about 0.6 mile. This appears to pose no significant problem, however, since the required mileage separation would be met between the Channel 50 transmitter site contemplated by the Authority and that specified by the Channel 65 New Haven applicant, the distance between the proposed Little Falls site and the proposed New Haven Channel 65 site being 74.725 miles (rounds off to 75 miles).

[4] It is noted that the amendment tendered for filing by the Authority on Mar. 22, 1971, to its former Channel 77 application (BPET-363), proposes to change the frequency applied for to Channel 50 and among other changes, to move its proposed transmitter site for a Channel 50 operation to a location in Little Falls some 1,400 feet to the northwest of the location contemplated in its comments herein, at north latitude 40°51'53" and west longitude 74°12'03". This would only slightly reduce the short-spacing problem. The new proposed Channel 50 Little Falls transmitter site would be approximately 6.135 miles short-spaced from WNJU-TV on the Empire State Building and approximately 5.592 miles from it at the World Trade Center Building.

Little Falls, as contemplated by the Authority[5] it appeared that it would not be a significant problem. Also, the Authority's showing indicated that the Linden Channel 47 licensee would not interpose objection to the assignment and use of Channel 50 at Little Falls. In these circumstances, and in consideration of the evident need for an assignment in the area and of our determination that any other possible assignment would involve even more problems than Channel 50 for assignment to the Glen Ridge area, we felt the proposal might merit adoption notwithstanding our policy against relaxing the UHF intermodulation taboo on an ad hoc basis.

6. As a rule making matter it is unnecessary to waive any spacing requirements in order to assign Channel 50 to Little Falls, since the channel may be used in conformity with all spacing requirements in a relatively large area, roughly triangular in shape, beginning approximately 7 miles to the west-northwest of Little Falls (and the Authority's contemplated Channel 50 transmitter site on the northern edge of the campus of Montclair State College within the bounds of Little Falls). Therefore, having considered the Authority's proposal further, we are now of the view that Channel 50 should be assigned to Little Falls for ETV use without passing judgment on the Authority's requested use of the channel at a transmitter location requiring a deviation from the intermodulation taboo. In this circumstance, it is our normal policy not to consider such short-spaced proposals for use of an assignment in rule making proceedings, but in any later licensing section in connection with the application filed, since we feel this provides a better opportunity for their evaluation. We think it is desirable to follow this procedure with respect to the Authority's short-spaced proposal also, particularly since AMST comments dispute the Authority's claim that the alternate site area meeting spacing requirements which could be used for a Channel 50 transmitter would be unsatisfactory, and neither party's showing is sufficient for us to resolve that question of whether the Authority's proposal to use Channel 50 at a Little Falls transmitter site requiring a deviation from intermodulation taboo requirements is the only way in which the channel can reasonably be used effectively for ETV purposes. These questions must be resolved in acting upon the Authority's waiver request and can best be evaluated in connection with its application.

7. Authority for this action is found in sections 4(i), 303 (g) and (r), and 307 (b) of the Communications Act of 1934, as amended.

8. *Accordingly, it is ordered,* That effective June 11, 1971, § 73.606(b), Table of Assignments, Television Broadcast Stations, is amended, to read as follows with respect to the city listed:

City	*Channel No.*
Little Falls, N.J	*50

9. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[6]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6348 Filed 5-5-71;8:48 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC-7; Notice No. 71-7]

PART 391—QUALIFICATIONS OF DRIVERS

PART 392—DRIVING OF MOTOR VEHICLES

APPENDIX C—QUESTIONS FOR WRITTEN EXAMINATION

Miscellaneous Amendments

The purpose of this issuance is to make nonsubstantive editorial and conforming amendments to rules in Parts 391 and 392 of, and in Appendix C to, the Motor Carrier Safety Regulations. These rules were issued in a single proceeding arising out of Docket No. MC-7 (35 F.R. 6458). The Director is making the changes to eliminate instances of inconsistent language in provisions dealing with the same subject matter, and to correct misspellings and a misprint.

Since these amendments do not affect the substance of the rules, notice and public procedure thereon are unnecessary, and they are effective on the date of issue set forth below.

In consideration of the foregoing, Subchapter B in Chapter III of Title 49, CFR is amended as set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, sec. 6, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR §§ 1.48 and 389.4)

Issued on April 29, 1971.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

§ 391.43 [Amended]

I. The instructions for performing and recording physical examinations following § 391.43(c) of Part 391 are amended as follows:

A. In the fifth paragraph beginning *Head-eyes,* the word "spectacles" is amended to read "lenses" and the reference to aphacic drivers is deleted. As so amended, the paragraph reads as follows:

> *Head-eyes.* When other than the Snellen chart is used, the results of such test must be expressed in values comparable to the standard Snellen test. If the applicant wears corrective lenses, these should be worn while applicant's visual acuity is being tested. If appropriate, indicate on the Medical Examiner's Certificate by checking the box, "Qualified only when wearing corrective lenses." In recording distance vision use 20 feet as normal. Report all vision as a fraction with 20 as numerator and the smallest type read at 20 feet as denominator. Note ptosis, discharge, visual fields, ocular muscle imbalance, color blindness, corneal scar, exophtalmos, or strabismus, uncorrected by corrective lenses. Monocular drivers are not qualified to operate commercial motor vehicles under existing Motor Carrier Safety Regulations. If the driver habitually wears contact lenses, or intends to do so while driving, there should be sufficient evidence to indicate that he has good tolerance and is well adapted to their use. The use of contact lenses should be noted on the record.

B. In the 16th paragraph beginning *Neurological,* the word "Rhomberg" is amended to read "Romberg".

C. In the form for recording the physical examination, under the heading "Reflexes", the word "Rhomberg" is amended to read "Romberg".

II. § 391.65(b) of Part 391 is amended to read as follows:

§ 391.65 Drivers furnished by other motor carriers.

* * * * *

(b) A motor carrier that obtains a certificate in accordance with paragraph (a)(2) of this section shall retain a copy of that certificate and a copy of the driver's medical examination certificate in its files for 3 years.

III. § 392.9a of Part 392 is amended to read as follows:

§ 392.9a Corrective lenses to be worn.

A driver whose visual acuity meets any of the minimum requirements of § 391.41 of this subchapter only when he wears corrective lenses must wear properly prescribed corrective lenses at all times while he is driving. If a driver wears contact lenses while driving, he must have a spare lens or set of lenses on his person when he drives.

IV. The first sentence of Appendix C is amended by changing the word "a" to read "at". As so amended, the sentence reads as follows: "As required in § 391.35, the written examination shall consist of at least 30 questions, and they shall be chosen in such manner as to test the examinee's knowledge of Parts 390–397 of the Motor Carrier Safety Regulations."

[FR Doc.71-6343 Filed 5-5-71;8:48 am]

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[5] For the intermodulation study, the third channel above Channel 50, plus and minus one (Channels 52, 53, 54), and the third channel below Channel 47, plus and minus one (Channels 43, 44, 45) were considered.

[6] Commissioner Bartley absent.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Mines

[30 CFR Part 75]

MANDATORY SAFETY STANDARDS FOR UNDERGROUND COAL MINES

Location of Approved Self-Rescue Devices

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Public Law 91-173), it is proposed that Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations be amended by adding § 75.1714-2, as set forth below. This proposed amendment prescribes requirements for the location of approved self-rescue devices which must be available to each miner employed in an underground coal mine.

Interested persons may submit written comments, suggestions, or objections to the Director, Bureau of Mines, Washington, D.C. 20240, no later than 30 days following publication of this notice in the FEDERAL REGISTER.

MITCHELL MELICH,
Acting Secretary of the Interior.

APRIL 23, 1971.

Part 75, Subchapter O of Chapter I, Title 30, Code of Federal Regulations would be amended by adding the following:

§ 75.1714-2 Approved self-rescue devices; location; requirements.

(a) Except as provided in paragraphs (b) and (c) of this section, self-rescue devices meeting the requirements of § 75.1714 shall be worn or carried on the person of each miner.

(b) Where the wearing or carrying of self-rescue devices meeting the requirements of § 75.1714 is hazardous to a miner, such self-rescue devices shall be located at a distance no greater than 25 feet from such miner.

(c) Where a miner works on or around mobile equipment, self-rescue devices may be placed in a readily accessible location on such equipment.

[FR Doc.71-6327 Filed 5-5-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 929]

HANDLING OF CRANBERRIES GROWN IN CERTAIN STATES

Notice of Proposed Rule Making

Notice is hereby given that the Department is considering a proposed amendment, as hereinafter set forth, of § 929.104 *Outlets for restricted cranberries,* pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The amendment of said rules and regulations was proposed by the Cranberry Marketing Committee, established under said amended marketing agreement and order, as the agency to administer the terms and provisions thereof.

After inspection and certification it is a usual practice to dispose of withheld cranberries without delay to the outlets specified in § 929.104. In consequence handlers have not had certified cranberries available for withholding when subsequently solicited by charitable institutions (an approved outlet pursuant to § 929.104) to donate small quantities of withheld cranberries for consumption by the institution. Due to delays and additional costs attendant to making special arrangements for inspection and certification, handlers have refrained from qualifying cranberries for withholding and donating them to these institutions. The amendment would provide flexibility in supplying these institutions with cranberries during periods when handlers are not scheduling requests for inspection and certification of cranberries for withholding by permitting handlers to donate not more than 25 barrels of cranberries without inspection and certification to any one charitable institution during any fiscal period. Accordingly, it is proposed that the introductory language in paragraph (a) and paragraph (b)(2) of § 929.104 be amended to read as follows:

§ 929.104 Outlets for restricted cranberries.

(a) Except as otherwise provided in paragraph (b)(2) of this section, after inspection pursuant to § 929.54(c), cranberries withheld from handling may, in accordance with § 929.57, be disposed of only through diversion in the following noncompetitive outlets but only if the requirements in paragraph (b) of this section also are complied with:

* * * * *

(b) * * *

(2) Diversion to charitable institutions: A statement from the charitable institution showing the quantity of cranberries received and certifying that the cranberries will be consumed by the institution shall be submitted to the committee: *Provided,* That a handler may donate to any one charitable institution, exempt from the inspection and certification requirements prescribed under § 929.54(c), a quantity of cranberries not exceeding 25 barrels during any fiscal period: *Provided further,* That in addition to the statement specified above in this subparagraph, each handler shall furnish to the committee a report certifying the quantity and destination of the cranberries so donated by him.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendment should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112-A, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 3, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6364 Filed 5-5-71;8:49 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Part 1913]

[Docket No. R-71-103]

PROHIBITION AGAINST CERTAIN DUPLICATIONS OF FEDERAL DISASTER BENEFITS

Notice of Proposed Rule Making

Pursuant to the National Food Insurance Act of 1968 (42 U.S.C. 4001, 82 Stat. 572, as amended by sections 408-410 of Public Law 91-152, 83 Stat. 396-397) and delegation of authority by the Secretary of Housing and Urban Development (35 F.R. 2680), the Federal Insurance Administrator proposes to issue the regulation set forth below as a new Part 1913 of Chapter VII of Title 24 of the Code of Federal Regulations.

The purpose of this proposed regulation is to establish the criteria for determining who are "low income persons" as that term is used in section 1314 of the Act, and to state the circumstances under which such "low income persons" are exempted from the Act's denial of Federal disaster benefits to persons who could have purchased flood insurance to cover a particular loss and failed to do so. The income limit proposed for qualification as a "low income person" is the income limit used to determine eligibility for assistance under sections 235 and 236 of the National Housing Act.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulations. Communications should identify the proposed rule by the above docket number and title and should be filed in triplicate with the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before May 27, 1971, will be considered by the Administrator before adopting this regulation. Copies of comments submitted will be available during business hours, both before and after the closing date, at the above address, for examination by interested persons.

The proposed Part 1913 reads as follows:

PART 1913—NONDUPLICATION OF FEDERAL DISASTER BENEFITS

§ 1913.1 Incorporation by reference.

The definition of "adjusted annual income," "family," "gross annual income," and "minor" set forth in § 235.5 of this title shall apply to this part.

§ 1913.2 Special definitions.

(a) "Date flood insurance was made available" means the date when the area (or subdivision thereof) in which the property is situated first appears in the list of designated areas eligible for flood insurance set forth in § 1914.4 of this subchapter.

(b) "Low income persons" means individuals or families having adjusted annual incomes not exceeding the approved income limits for eligibility for housing under sections 235 and 236 of the National Housing Act (12 U.S.C. 1715z and z–1), as periodically established by HUD Handbook HPMC–FHA 4400.30A for the county or locality in which the property is situated.

§ 1913.3 Purpose of part.

Section 1314 of the Act (42 U.S.C. 4021) and section 208 of the Disaster Relief Act of 1970 (Public Law 91–606) contemplate a relationship between the flood insurance program and other Federal disaster assistance programs. It is the purpose of this part to clarify that relationship.

§ 1913.4 Reduction of Federal disaster assistance.

(a) Under section 1314 of the Act no Federal disaster assistance shall be made available to any person for the physical loss, destruction, or damage of real or personal property to the extent that such loss, destruction, or damage—

(1) Is covered by a valid claim under flood insurance made available under the Act, or

(2) Could have been covered by such a valid claim under flood insurance which had been made available under the authority of the Act, if—

(i) Such physical loss, destruction, or damage occurred at least 1 year after the date flood insurance was made available in the area (or subdivision thereof) in which the property is located, and

(ii) Such property was eligible for flood insurance under the Act at that date.

(b) The prohibition in paragraph (a)(2) of this section denying Federal disaster benefits shall not apply to low income persons. For purposes of this part, the application of paragraph (a)(2) of this section to low income persons creates an undue hardship within the meaning of section 1314 of the Act.

(c) For purposes of this part "Federal disaster assistance" shall include any Federal financial assistance which may be made available to any person as a result of—

(1) A major disaster (within the meaning of that term as determined by the President pursuant to the Disaster Relief Act of 1970 (Public Law 91–606)), or

(2) A natural disaster, as determined by the Secretary of Agriculture pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961), or

(3) A disaster with respect to which loans may be made under section 7(b) of the Small Business Act (15 U.S.C. 636(b)).

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6380 Filed 5-5-71;8:49 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 140]

WAIVERS OF DEFENSES ENDORSEMENT

Notice of Proposed Rule Making

The Atomic Energy Commission has under consideration the amendment of 10 CFR Part 140, Financial Protection Requirements and Indemnity Agreements, and a proposed endorsement to the facility form of nuclear liability insurance policy furnished as financial protection, to clarify the waivers of defenses provisions in the facility form and in the AEC indemnity agreement forms. The proposed endorsement to the facility forms and the proposed amendments to the Commission indemnity agreement forms would clarify that a licensee's workers who are employed at an indemnified site exclusively in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission, and who are not employed in connection with the possession, storage, use, or transfer of nuclear material at the facility, will maintain their rights under the waivers of defenses provisions of the nuclear liability form and of the indemnity agreement. The waivers of defenses provisions in the event of an "extraordinary nuclear occurrence" are also intended to be available to an indemnified licensee's employees engaged at an indemnified location in the construction of a follow-on production or utilization facility (nuclear power reactor) for which no operating license has been issued.

It is the intention of the insurers and the Commission that claimants employed exclusively in connection with the construction of a nuclear reactor include those employees engaged in maintaining a facility, the construction of which is essentially complete in an appropriate state of readiness pending the receipt by the applicant of the operating license, even though the maintenance duties in connection with the facility may not be full time.

The insurers who provide nuclear liability insurance, Nuclear Energy Liability Insurance Association and Mutual Atomic Energy Liability Underwriters, have agreed to the addition of the clarifying endorsement to the forms of insurance policies issued by them. The proposed amendments would reflect that agreement in the Commission's regulations. The Commission forms of indemnity agreement would correspondingly be amended.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 140 is contemplated.

All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments received by the Commission may be examined at the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

1. Section 140.91 is amended by adding to the Waiver of Defenses Endorsement a new paragraph 6 to read as follows:

§ 140.91 Appendix A—Form of nuclear energy liability policy for facilities.

* * * * *

6. It is agreed that in construing the application of paragraph 2(b) of the Waiver of Defenses Endorsement (NE–33) with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use, or transfer of nuclear material at the facility.

2. Section 140.92 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.92 Appendix B—Form of indemnity agreement with licensees furnishing proof of financial protection.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

3. Section 140.93 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.93 Appendix C—Form of indemnity agreement with licensees furnishing proof of financial protection in the form of licensee's resources.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

4. Section 140.94 is amended by adding a proviso at the end of subparagraph 5(c) of Article II to read as follows:

§ 140.94 Appendix D—Form of indemnity agreement with Federal agencies.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

5. Section 140.95 is amended by adding a proviso at the end of subparagraph 3(c) of Article II to read as follows:

§ 140.95 Appendix E—Form of indemnity agreement with nonprofit educational institutions.

* * * * *

Provided, however, That with respect to an extraordinary nuclear occurrence occurring at the facility, a claimant who is employed at the facility in connection with the construction of a nuclear reactor with respect to which no operating license has been issued by the Atomic Energy Commission shall not be considered as employed in connection with the activity where the extraordinary nuclear occurrence takes place if:

(1) The claimant is employed exclusively in connection with the construction of a nuclear reactor, including all related equipment and installations at the facility, and

(2) No operating license has been issued by the AEC with respect to the nuclear reactor, and

(3) The claimant is not employed in connection with the possession, storage, use or transfer of nuclear material at the facility.

(Secs. 161, 170, 68 Stat. 948, 71 Stat. 576; 80 Stat. 891; 42 U.S.C. 2201, 2210)

Dated at Washington, D.C., this 19th day of April 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-6320 Filed 5-5-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[21 CFR Part 420]

SODIUM CHLORATE

Proposal To Establish Tolerances for Pesticide Chemicals

Sodium chlorate is exempt from the requirement of a tolerance for residues in or on cottonseed when used in accordance with good agricultural practice as a defoliant or desiccant in cotton production. Evidence indicates that sodium chlorate is also useful as a fungicide. The registered label includes a fungicidal claim for use on cotton at the same dosage and with the same limitations as for the desiccant and defoliant usage. It is concluded that extension of the existing exemption to cover this fungicidal usage will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(e), 68 Stat. 514; 21 U.S.C. 346a(e)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticides Office of the Environmental Protection Agency (36 F.R. 1228), it is proposed that § 420.1020 be revised to read as follows:

§ 420.1020 Sodium chlorate; exemption from the requirement of a tolerance.

Sodium chlorate is exempted from the requirement of a tolerance for residues in or on cottonseed when used in accordance with good agricultural practice as a defoliant, desiccant, or fungicide in cotton production.

Any person who has registered or submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing any of the ingredients listed herein may request, within 30 days after publication hereof in the FEDERAL REGISTER, that this proposal be referred to an advisory committee in accordance with section 408(e) of the act.

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: April 30, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6339 Filed 5-5-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18179; FCC 71-454]

TELEVISION PROGRAMS PRODUCED BY NONNETWORK SUPPLIERS

Availability to Commercial Television Stations and CATV Systems

Order. In the matter of amendment of Part 73 of the Commission's rules with respect to the availability of television programs produced by nonnetwork suppliers to commercial television stations and CATV systems.

1. The Commission has before it a petition by KTBS–TV, Inc., licensee of Station KTBS–TV, Shreveport, La.; Griffin Television, Inc., licensee of Station KWTV, Oklahoma City, Okla.; and Eastern Oklahoma Television Co., Inc., licensee of Station KTEN(TV), Ada, Okla., filed on April 13, 1971, requesting an extension of time in which to file comments in the above-captioned proceeding. Specifically, petitioner has requested that the time for filing comments to the Commission's further notice of proposed rule making in Docket No. 18179 be extended to the 30th day following release of what is described as the Commission's first report and order in Docket No. 18179.

2. At the time we released the further notice of proposed rule making on January 8, 1971, the Commission announced its intention to resolve the question of geographical and related aspects of exclusivity in the near future as follows:

Finally, we shall not delay resolution of the geographical or related aspects of exclusivity until consideration of the comments received on this in-depth "time" aspect; rather, we intend shortly to issue a decision on aspects of the proceeding as to which, in our judgment, the present comments do supply a proper basis for action (e.g., geographical and, indeed, where appropriate, some "time") facets.

Such a decision would be issued, under normal procedure, as a first report and order in the proceeding.

3. Petitioner contends that it cannot appropriately submit comments with respect to the further notice until resolution of the geographical and other facets of the nonnetwork program exclusivity question. To do so, petitioner submits, would result in a substantial duplication of comments, replete with needless variables which petitioner contends would significantly delay the proceeding.

4. When we initially established a date for the filing of comments in response to the further notice of proposed rule making, it was contemplated that the comments would be submitted in the light of our prior resolution of the geographical and related aspects of the exclusivity question, and we remain of the view that this chronology would be conducive to a coherent and timely completion of the proceeding.

5. *Accordingly, it is ordered,* That the petition for extension of time in which parties may file comments with respect to the further notice of proposed rule making in this proceeding (FCC 71–42) is granted, and that the time for filing such comments is extended to the thirtieth day following Commission release of its first report and order in this proceeding.

Adopted: April 28, 1971.

Released: April 30, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6346 Filed 5–5–71;8:48 am]

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[1] Commissioner Bartley absent; Commissioners Johnson and Houser dissenting.

[47 CFR Part 73]

[Docket No. 19244; FCC 71–440]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS, CANANDAIGUA, N.Y.

Notice of Proposed Rule Making

In the matter of amendment of § 73.202, Table of Assignments, FM Broadcast Stations (Canandaigua, N.Y.), Docket No. 19244, RM–1632.

1. Notice of proposed rule making is given in the above-captioned proceeding. By petition filed May 22, 1970, Canandaigua Broadcasting Co., Inc., licensee of Station WCGR(AM), (Canandaigua Broadcasting) requests institution of a rule making proceeding looking toward amendment of § 73.202(b) of the Commission's rules that would result in modification of the FM Table of Assignments as follows:

City	Channel No.	
	Present	Proposed
Geneva, N.Y.	272A	[1] 269A
Canandaigua, N.Y.		272A

[1] Proposed Channel 269A at Geneva would require selection of a transmitter site at a distance of a least 3 miles northeast from the city reference point. This restriction is the result of assignments of Channel 269A at Owego, N.Y., and Channel 267 at Rochester, N.Y.

Channel 272A at Geneva is presently unoccupied. However an application has been filed seeking the use of this channel there. Canandaigua, with a population of 10,356, is the seat of Ontario County, population 78,064.[1] The city has one daytime-only standard broadcast station and no FM station. Ontario County has one other standard broadcast station, at Geneva, and two FM channel assignments, at South Bristol Township (Station WMIV) and the unoccupied channel at Geneva which is involved here.

2. In support of its request, Canandaigua Broadcasting contends that its proposal would provide a first local FM service to Canandaigua, while not causing loss of a channel at Geneva, N.Y. It asserts that Canandaigua is a growing community with expected population of 26,500 persons by 1978, and that its retail trade experienced, during the last measured period between 1954 and 1963, the highest growth rate in New York State. Channel 272A is the only channel, according to Canandaigua Broadcasting, that will permit compliance with the mileage separation rules, and the only hope for Canandaigua to have a local nighttime service.

3. The petitioner's preclusion study indicates that assignment of Channel 272A at Canandaigua would preclude assignment of FM channels to very limited areas where there are no communities, and that the replacement of Channel 272A at Geneva with Channel 269A would preclude only the use of Channel 269A in a relatively large area. It appears that Dansville, with a population of 5,363, is the only community of sufficient size located within this area which is without an FM assignment, and a channel could be assigned. However, we believe that Dansville does not warrant assignment of an FM channel compared to Geneva which is a much larger community of 16,647 persons. Channel 269A as a replacement channel would be Geneva's only FM assignment.

4. One other matter of consideration is the relationship of Channel 272A assignment with respect to the Canadian Government. There is now assigned Channel 272B* at Belleville, Ontario, which is located 92 miles from Geneva. The required separation for the classes of stations involved here is 135 miles. The proposal to move Channel 272A to Canandaigua would decrease the station separation to 89 miles. The petitioner claims that a station at Canandaigua operating with maximum Class A facility would place at the nearest point of land in Canada the same signal level as a station at Geneva would provide, and that interference would not be caused to a Class B station operating at Belleville within any point of land area of Canada because its signal level would be more than 20 db below the 1 mv/m (60 dbu value of a Canadian station. Since the proposal would provide Canandaigua, which appears to have growth potential, with a first FM channel and a first nighttime local aural service, the public interest would be served by inviting comments on the Canandaigua Broadcasting proposal. However, we are setting forth the proposed changes in the Table of Assignments with the understanding that the concurrence of the Canadian Government must be obtained before the table would be amended.

5. Accordingly, pursuant to the authority contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, it is proposed to amend the FM Table of Assignments in § 73.202(b) of the rules, as follows:

City	Channel No.	
	Present	Proposed
Geneva, N.Y.	272A	[1] 269A
Canandaigua, N.Y.		272A

[1] The proposed assignment must be used at a point at least 3 miles northeast of city's reference point.

6. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules, interested persons may file comments on or before June 11, 1971, and reply comments on or before June 21, 1971. All submissions by parties to this proceeding or by persons acting in behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

7. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all comments, replies, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6345 Filed 5–5–71;8:48 am]

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[1] All population figures are from the Preliminary 1970 U.S. Census.

[2] Commissioner Bartley absent.

[47 CFR Part 74]

[Docket No. 19246; FCC 71–455]

NONDISCRIMINATION IN EMPLOYMENT PRACTICES

Operators of Community Antenna Television Systems and Community Antenna Relay Station Licensees

1. In its July 3, 1968, Memorandum Opinion and Order and Notice of Proposed Rule Making in Docket No. 18244, 13 FCC 2d 766, 33 F.R. 9960, the Commission ruled that discrimination in employment practices by broadcast licensees was incompatible with their obligation to operate in the public interest. A Report and Order in Docket No. 18244, 18 FCC 2d 240, 43 F.R. 9284, promulgated new rules for the broadcast services, requiring that equal opportunities in employment be afforded by all broadcast licensees. On May 20, 1970, the Commission adopted additional rules providing for the filing of an annual employment report with the Commission, the maintenance of records, and the preparation of specific equal employment opportunity programs by applicants and licensees (23 FCC 2d 430, 35 F.R. 8825). Similar findings and rules concerning the employment practices of common carriers were adopted by the Commission on November 19, 1969 (Docket No. 18742, 34 F.R. 19200), and August 5, 1970 (FCC 70–863, 35 F.R. 12892).

2. We believe that the same considerations of public policy that apply to broadcast and common carrier facilities are applicable to community antenna television systems and community antenna relay stations. The national policy against discrimination in employment on the basis of race, religion, sex, or national origin is clear. Thus, title VII of the Civil Rights Act of 1964, as amended, makes it unlawful for employees in an industry affecting interstate commerce who employ at least 25 persons to discriminate because of race, color, religion, sex or national origin in the hiring, discharging, or training of employees, or in fixing their terms and conditions of employment, including compensation, privileges, and classification. In addition to the Civil Rights Act, a number of States and cities have laws and ordinances prohibiting discrimination on the grounds of sex, race, color, religion, or national origin. In most cases the minimum number of employees which bring the employer within the State statutes is less than 25 and in many cases it is less than eight. It may well be that a substantial percentage of community antenna television systems and community antenna relay stations are subject to Federal, State, or local antidiscrimination laws. We believe, however, that the national policy against discrimination is applicable to all CATV systems and CAR stations, whether or not they are subject to the specific provisions of the Civil Rights Act.

3. In exercising its regulatory functions with respect to CATV systems and CAR stations, it is appropriate for the Commission to consider, inter alia, whether the CATV or CAR operator is law abiding. Report on Establishment of Uniform Policy in Connection with Violations by an Applicant of Laws of the United States, 1 RR, pt. 3, par. 91:32. Thus the Commission should consider whether the operator has violated or is in violation of the Civil Rights Act or pertinent State or local laws or ordinances in this field. Of equal importance, the Commission must consider the unique status occupied by CATV systems (and their related CAR stations) in the provision of television service to the general public. In many communities, the general public must turn to it for any adequate television reception. In other communities, it provides the only avenue for local TV programing. Unlike a broadcast station, which provides only one channel of communication, a CATV system provides numerous channels to residents and businesses within its service area. Thus, CATV systems and the CAR associated with them have a unique and peculiar public interest role. Indeed, CATV systems, by virtue of their multichannel capacity, may help substantially to meet the need for television service satisfying the diverse video and audio programing interests of various minority groups. It would seem evident, however, that a company which follows discriminatory employment practices would find it more difficult than otherwise to meet the special programing needs of discriminated-against minority groups. For these reasons, it would be improper for the Commission to countenance discriminatory practices.

4. We therefore give notice of proposed rule making. The proposed rules, similar to those in effect for broadcast licensees and common carriers, can be put into three categories: (1) The requirement that each CATV or CARS operation establish and maintain a program which is designed to assure equal opportunity; (2) provision for FCC reporting forms to give the Commission yearly statistical and substantive information on compliance by CATV and CARS operations; and (3) provision for forms to be filed by each CATV system operator, CAR station licensee or permittee, or a person filing notice under § 74.1105 of the rules, or applicant for a CAR station construction permit, giving the Commission information regarding the system's or station's nondiscrimination program. The rules relating to filing of reports and forms would be limited to operators and licensees having five or more employees.[1] The requirement that each CATV or CARS operation maintain a program designed to insure equal employment opportunity would apply to all CATV and CARS operations, regardless of number of employees.

5. Complaints received by the Commission will be processed in the following manner: (1) If a complaint raising a substantial issue of discrimination is received against a company with 25 or more employees, thus making the Civil Rights Act applicable, the Commission will refer the complaint to the Equal Employment Opportunities Commission, and will thereafter maintain appropriate liaison with that agency and the Department of Justice. Insofar as this aspect of the matter is concerned, final action on a notification filed pursuant to § 74.1105 or a CARS application (other than for approval of a minor modification) would await resolution of the referral.[2] (2) In the case of complaints against operations which, while not covered by the Civil Rights Act, do come within State or local fair employment laws, the referral by the Commission would be to the approriate State or local authority; and the same procedure as outlined above would be followed. (3) Where substantial complaints are lodged against CATV and CARS operators which, due to the small number of their personnel or the absence of State or local legislation, fall under neither Federal, State, nor local fair employment provisions, the Commission itself would act upon these complaints in accordance with the above-stated policy.

6. Authority for the proposed rules is set forth in sections 2(a), 3 (b) and (d), 4(i), 301, and 303 of the Communications Act of 1934, as amended, 47 U.S.C.

7. All interested parties are invited to file written comments on or before June 11, 1971, and reply comments on or before June 21, 1971. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

8. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, replies, pleadings, briefs, or other documents filed in this proceeding shall be furnished the Commission.

Adopted: April 28, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[3]
[SEAL] BEN F. WAPLE,
Secretary.

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[1] For this purpose, the total number of employees consists of all employees, including persons with an ownership interest, of a single employment unit (consisting of one or more CATV systems and/or CAR stations, or a headquarters office). See proposed §§ 74.1025(b)(3) and 74.1125(b)(3) below, and paragraph 4 (b) and (c) of proposed "Instructions for Annual Employment Report" (filed as part of the original document).

[2] In appropriate cases, the Commission may make an independent inquiry into the complaint.

[3] Chairman Burch concurring and issuing a statement which is filed as part of the original document; Commissioner Bartley absent; Commissioner Johnson concurring; Commissioner Wells concurring in part and dissenting in part.

A. Part 74, Subpart J, is amended as follows:

1. New § 74.1025 is added, to read as follows:

§ 74.1025 Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all licensees or permittees of community antenna relay stations (as defined in this part) to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin, or sex.

(b) *Equal employment opportunity program.* (1) Each station shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of station employment policy and practice.

(2) Under the terms of its program, a station shall:

(i) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(ii) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(iii) Communicate the station's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis.

(iv) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, or sex from the station's personnel policies and practices and working conditions.

(v) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the station.

(3) Where two or more community antenna relay stations and/or community antenna television systems, under common ownership and/or control, are so interrelated in their management, operation, and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained, and carried out by them.

(c) *Additional information to be furnished to the Commission*—(1) *Equal employment programs to be filed by community antenna relay station licensees, permittees.* (i) The licensee or permittee of each station shall file a statement of its equal employment opportunity program not later than ____________, 1971, indicating specific practices to be followed in order to assure equal employment opportunity for females, Negroes, Orientals, American Indians, and Spanish surnamed Americans in such aspects of employment practices as regard recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination.

(*a*) Any changes or amendments to existing programs shall be filed with the Commission on April 1 of each year thereafter.

(*b*) If the station (*1*) has fewer than five full-time employees, and (2) does not (within the meaning of paragraph (b)(3) of this section together with one or more other community antenna relay stations and/or community antenna television systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment program need not be filed.

(c) Where, pursuant to paragraph (b)(3) of this section, a program is jointly established by two or more stations and/or systems with an aggregate total of five or more full-time employees, a combined statement shall be filed.

(*d*) If, pursuant to (*b*) of this subdivision or § 74.1031(f), a station has been exempted from the requirement that it file an equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during a calendar year, it shall file the statement on or before April 1 of the following calendar year.

(2) *Contents of the equal employment opportunity program statement.* The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of employment unit size, location, etc.

(i) *To assure nondiscrimination in employment.* (*a*) Posting notices in the licensee's or permittee's offices informing applicants for employment of their equal employment rights and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency. Where a substantial number of applicants are Spanish-surnamed Americans such notice should be posted in Spanish and English.

(*b*) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion, or national origin is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against.

(c) Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

(*d*) Recruiting through schools and colleges with significant minority-group enrollments.

(*e*) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral or qualified minority or female applicants.

(*f*) Encouraging present employees to refer minority or female applicants.

(*g*) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members are being sought for consideration whenever the licensee or permittee hires.

(ii) *To assure nondiscrimination in selection and hiring.* (*a*) Instructing personally those on the staff of the licensee or permittee who make hiring decisions that all applicants for all jobs are to be considered without discrimination.

(*b*) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements.

(*c*) Avoiding use of selection techniques or tests which have the effect of discriminating against minority groups or females.

(iii) *To assure nondiscriminatory placement and promotion.* (*a*) Instructing personally those of the licensee's or permittee's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination.

(*b*) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower-paid employees with respect to any of the higher-paid positions, followed by assistance, counseling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

(*c*) Reviewing seniority practices to insure that such practices are not nondiscriminatory and do not have a discriminatory effect.

(*d*) Avoiding use of selection techniques or tests, which have the effect of discriminating against minority groups or females.

(iv) *To assure nondiscrimination in other areas of employment practices.* (*a*) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

(*b*) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(d) *Report of complaints filed against licensees and permittees.* (1) All licensees or permittees shall submit an annual report to the FCC not later than April 1 of each year indicating whether any complaints regarding violations by the licensee or permittee of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

(i) The report shall state the parties involved, the date filing, the courts or agencies before which the matters have been heard, the appropriate file number (if any), and the respective disposition or current status of any such complaints.

(ii) Any licensee or permittee who has filed such information with the EEOC need not do so with the Commission, if such previous filing is indicated.

(e) *Report of annual employment.* (1) Each community antenna relay station licensee or permittee with five or more full-time employees shall file with the Commission, on or before May 31 of each year, on FCC Form ______, an annual employment report.

(2) Where, pursuant to paragraph (b)(3) of this section, an equal employment opportunity program is jointly established by two or more community antenna relay stations and/or community antenna television systems with an aggregate total of five or more full-time employees, a combined annual employment report shall be filed.

(f) *Records available to public.*—(1) *Commission records.* A copy of every annual employment report, equal employment opportunity program, and reports on complaints regarding violation of equal employment provisions of Federal, State, Territorial, or local law, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by references, are open for public inspection at the offices of the Commission.

(2) *Records to be maintained locally for public inspection by licensees or permittees*—(i) *Records to be maintained.* Each licensee or permittee required to file annual employment reports, equal employment opportunity programs, and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the permittee or licensee and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference. Such file shall be located at the principal place of employment to which the reports therein refer.

(ii) *Period of retention.* The documents specified in subdivision (i) of this subparagraph shall be maintained for a period of 2 years.

2. New paragraph (f) is added to § 74.1031 to read as follows:

§ 74.1031 Eligibility and contents of application.

* * * * *

(f) An application for a community antenna relay station construction permit shall include a statement of the station's equal employment opportunity program, as described in § 74.1025(c)(2). However, if the applicant believes that the station will (continuously during the first 12 months of operations pursuant to the grant of the permit) satisfy the conditions in § 74.1025(c)(1)(i)(*b*) (*1*) and (*2*), he may submit a statement justifying that conclusion in lieu of a statement of the station's equal employment opportunity program.

NOTE: Paragraph (f) of § 74.1031 does not apply to applications filed before the effective date of that paragraph.

B. Part 74, Subpart K, is amended as follows:

1. New paragraph (e) is added to § 74.1105 to read as follows:

§ 74.1105 Notification prior to commencement of new service.

* * * * *

(e) *Equal employment opportunity program.* A notification filed with the Commission pursuant to this § 74.1105 shall be accompanied by a statement of the system's equal employment opportunity program, as described in § 74.1125 (c)(2). However, if the notifier believes that the system will (continuously during the first 12 months of the provision of service described in the notification) satisfy the oonditions in § 74.1125(c)(1)(i)(*b*)(*1*) and (*2*), he may submit a statement justifying that conclusion in lieu of a statement of the system's equal employment opportunity program.

NOTE: Paragraph (e) of § 74.1105 does not apply to notifications on file on or before the effective date of that paragraph.

2. New § 74.1125 is added, to read as follows:

§ 74.1125 Equal employment opportunities.

(a) *General policy.* Equal opportunity in employment shall be afforded by all operators of community antenna television systems to all qualified persons, and no person shall be discriminated against in employment because of race, color, religion, national origin, or sex.

(b) *Equal employment opportunity program.* (1) Each system shall establish, maintain, and carry out a positive continuing program of specific practices designed to assure equal opportunity in every aspect of system employment policy and practice.

(2) Under the terms of its program, a system shall:

(i) Define the responsibility of each level of management to insure a positive application and vigorous enforcement of the policy of equal opportunity, and establish a procedure to review and control managerial and supervisory performance.

(ii) Inform its employees and recognized employee organizations of the positive equal employment opportunity policy and program and enlist their cooperation.

(iii) Communicate the system's equal employment opportunity policy and program and its employment needs to sources of qualified applicants without regard to race, color, religion, national origin, or sex, and solicit their recruitment assistance on a continuing basis.

(iv) Conduct a continuing program to exclude every form of prejudice or discrimination based upon race, color, religion, national origin, or sex from the system's personnel policies and practices and working conditions.

(v) Conduct continuing review of job structure and employment practices and adopt positive recruitment, training, job design, and other measures needed to assure genuine equality of opportunity to participate fully in all organizational units, occupations, and levels of responsibility in the system.

(3) Where two or more community antenna relay stations and/or community antenna television systems, under common ownership and/or control, are so interrelated in their management, operations, and utilization of employees as to constitute a single employment unit, the program shall be jointly established, maintained, and carried out by them.

(c) *Additional information to be furnished to the Commission*—(1) *Equal employment programs to be filed by community antenna television system operators.* (i) The operator of each system shall file a statement of its equal employment opportunity program not later than ____________, 1971, indicating specific practices to be followed in order to assure equal employment opportunity for Females, Negroes, Orientals, American Indians, and Spanish surnamed Americans in such aspects of employment as regard recruitment, selection, training, placement, promotion, pay, working conditions, demotion, layoff, and termination.

(*a*) Any changes or amendments to existing programs shall be filed with the Commission on April 1 of each year thereafter.

(*b*) If the system (*1*) has fewer than five full-time employees, and (*2*) does not (within the meaning of paragraph (b)(3)) of this section together with one or more other community antenna relay stations and/or community antenna television systems constitute a single employment unit with an aggregate total of five or more full-time employees, an equal employment program need not be filed.

(c) Where, pursuant to paragraph (b)(3) of this section, a program is jointly established by two or more stations and/or systems with an aggregate total of five or more full-time employees, a combined statement shall be filed.

(*d*) If, pursuant to (*b*) of this subdivision 74.1105(e), a system operator has been exempted from the requirement that it file an equal employment opportunity program statement, but has failed to satisfy the conditions of that exemption at any time during a calendar year, it shall file the statement on or before April 1 of the following year.

(2) *Contents of the equal employment program statement.* The program should reasonably address itself to such specific areas as set forth below, to the extent that they are appropriate in terms of employment, unit size, location, etc.

(i) *To assure nondiscrimination in employment.* (*a*) Posting notices in the CATV system operator's offices informing applicants for employment of their equal employment rights and their right to notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency. Where a substantial number of applicants are Spanish-surnamed Americans such notice should be posted in Spanish and English.

(*b*) Placing a notice in bold type on the employment application informing prospective employees that discrimination because of sex, race, color, religion, or national origin is prohibited and that they may notify the Equal Employment Opportunity Commission, the Federal Communications Commission, or other appropriate agency if they believe they have been discriminated against.

(*c*) Placing employment advertisements in media which have significant circulation among minority-group people in the recruiting area.

(*d*) Recruiting through schools and colleges with significant minority-group enrollments.

(*e*) Maintaining systematic contacts with minority and human relations organizations, leaders, and spokesmen to encourage referral of qualified minority or female applicants.

(*f*) Encouraging present employees to refer minority or female applicants.

(*g*) Making known to the appropriate recruitment sources in the employer's immediate area that qualified minority members are being sought for consideration whenever the licensee or permittee hires.

(ii) *To assure nondiscrimination in selection and hiring.* (*a*) Instructing personally those on the staff of the operator who make hiring decisions that all applicants for all jobs are to be considered without discrimination.

(*b*) Where union agreements exist, cooperating with the union or unions in the development of programs to assure qualified minority persons or females of equal opportunity for employment, and including an effective nondiscrimination clause in new or renegotiated union agreements.

(*c*) Avoiding use of selection techniques or tests which have the effect of discrimination against minority groups or females.

(iii) *To assure nondiscriminatory placement and promotion.* (*a*) Instructing personally those of the operator's staff who make decisions on placement and promotion that minority employees and females are to be considered without discrimination, and that job areas in which there is little or no minority or female representation should be reviewed to determine whether this results from discrimination.

(*b*) Giving minority groups and female employees equal opportunity for positions which lead to higher positions. Inquiring as to the interest and skills of all lower-paid employees with respect to any of the higher-paid positions, followed by assistance, counselling, and effective measures to enable employees with interest and potential to qualify themselves for such positions.

(*c*) Reviewing seniority practices to insure that such practices are nondiscriminatory and do not have a discriminatory effect.

(*d*) Avoiding use of selection techniques or tests, which have the effect of discriminating against minority groups or females.

(iv) *To assure nondiscrimination in other areas of employment practices.* (*a*) Examining rates of pay and fringe benefits for present employees with equivalent duties, and adjusting any inequities found.

(*b*) Providing opportunity to perform overtime work on a basis that does not discriminate against qualified minority group or female employees.

(d) *Report of complaints filed against CATV system operators.* (1) All operators shall submit an annual report to the Commission no later than April 1 of each year indicating whether any complaints regarding violations by the operator of equal employment provisions of Federal, State, Territorial, or local law have been filed before any body having competent jurisdiction.

(i) The report shall state the parties involved, the date filing, the courts or agencies before which the matters have been heard, the appropriate file number (if any), and the respective disposition or current status of any such complaints.

(ii) Any licensee or permittee who has filed such information with the EEOC need not do so with the Commission, if such previous filing is indicated.

(e) *Report of annual employment.* (1) Each CATV system operator with five or more full-time employees shall file with the Commission, on or before May 31 of each year, on FCC Form ______, an annual employment report.

(2) Where pursuant to paragraph (b)(3) of this section, an equal employment opportunity program is jointly established by two or more community antenna relay stations and/or community antenna television systems with an aggregate total of five or more full-time employees, a combined annual employment report shall be filed.

(f) *Records available to the public*—(1) *Commission records.* A copy of every annual employment report, equal employment opportunity program, and reports on complaints regarding violation of equal employment provisions of Federal, State, Territorial, or local law, and copies of all exhibits, letters, and other documents filed as part thereof, all amendments thereto, all correspondence between the operator and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference, are open for public inspection at the offices of the Commission.

(2) *Records to be maintained locally for public inspection by operators*— (i) *Records to be maintained.* Each operator required to file annual employment reports, equal employment opportunity programs and annual reports on complaints regarding violations of equal employment provisions of Federal, State, Territorial, or local law shall maintain, for public inspection, a file containing a copy of each such report and copies of all exhibits, letters, and other documents filed as part thereto, all correspondence between the operator and the Commission pertaining to the reports after they have been filed and all documents incorporated therein by reference. Such file shall be located at the principal place of employment to which the reports therein refer.

(ii) *Period of retention.* The documents specified in subdivision (i) of this subparagraph shall be maintained for a period of 2 years.

[FR Doc.71-6344 Filed 5-5-71;8:48 am]

FEDERAL MARITIME COMMISSION

[46 CFR Parts 503, 510, 543]

[Docket No. 71-22]

SCHEDULE OF FEES AND CHARGES

Further Enlargement of Time To Comment

Notice is hereby given that time within which views or comments may be submitted in response to the notice of proposed rulemaking in this proceeding (3-20-71; 36 F.R. 5369) is enlarged to and including May 17, 1971.

Comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, and should be submitted in an original with 15 copies.

All suggestions for changes in text of the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired change.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6365 Filed 5-5-71;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

SAN MANUEL INDIAN RESERVATION, CALIF.

Ordinance Relating to Application of Federal Indian Liquor Laws

APRIL 23, 1971.

In accordance with authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2, and in accordance with the Act of August 15, 1953, Public Law 277, 83d Congress, first session (67 Stat. 586), I certify that the following ordinance relating to the application of the Federal Indian Liquor Laws on the San Manuel Indian Reservation, Calif., was adopted on December 13, 1970, by the San Manuel Band of Mission Indians, which has jurisdiction over the area of Indian country included in the ordinance, reading as follows:

Whereas Public Law 277, 83d Congress, approved August 15, 1953, provides that sections 1154, 1156, 3113, 3488, and 3618 of title 18, United States Code, commonly referred to as the Federal Indian Liquor Laws, shall not apply to any act or transaction within any area of Indian country provided such act or transaction is in conformity with both the laws of the State in which such act or transaction occurs and with an ordinance duly adopted by the tribe having jurisdiction over such area of Indian country, certified by the Secretary of the Interior, and published in the FEDERAL REGISTER.

Therefore, be it resolved that the introduction, sale or possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the San Manuel Band: *Provided*, That such introduction, sale or possession is in conformity with the laws of California.

Be it further resolved that any tribal laws, resolutions, or ordinances heretofore enacted which prohibit the sale, introduction or possession of intoxicating beverages are hereby repealed.

LOUIS R. BRUCE,
Commissioner of Indian Affairs.

[FR Doc.71-6328 Filed 5-5-71;8:46 am]

Bureau of Land Management

[Serial No. A 2696]

ARIZONA

Designation of Aravaipa Canyon Primitive Area

APRIL 28, 1971.

The Secretary of the Interior by notice in the January 16, 1969, FEDERAL REGISTER established the Aravaipa Canyon Primitive Area on public lands in Pinal and Graham Counties, Ariz. Subsequently, the Bureau of Land Management with the aid and advice of public land user and interest groups has prepared a management plan for the Aravaipa Canyon Primitive Area. The plan concluded that certain lands in Turkey Creek should be excluded from the Aravaipa Canyon Primitive Area, and that additional lands along the north and south rims of Aravaipa Canyon be added to the Primitive Area.

Therefore, pursuant to the authority in 43 CFR, Subpart 2070, and the authorization from the Director dated April 20, 1971, I hereby make these boundary adjustments by designating the public lands in the following described area as the Aravaipa Canyon Primitive Area:

GILA AND SALT RIVER MERIDIAN

PINAL COUNTY

T. 6 S., R. 17 E.,
  Sec. 13, lots 1 to 8, inclusive.
T. 6 S., R. 18 E.,
  Sec. 7, SE¼SE¼;
  Sec. 13, S½;
  Sec. 14, S½NE¼, W½, and SE¼;
  Sec. 15, NE¼ and N½S½;
  Sec. 16, N½, NW¼SW¼, and NE¼SE¼;
  Sec. 17, N½, N½S½, SW¼SW¼, and SE¼SE¼;
  Sec. 18;
  Sec. 23, N½NE¼, SE¼NE¼, and NE¼NW¼;
  Sec. 24, N½, SW¼, and N½SE¼.

GRAHAM COUNTY

T. 6 S., R. 19 E.,
  Sec. 19, lots 1, 2, and 3.

The area described aggregates about 4,044.31 acres of public lands.

The Aravaipa Canyon Primitive Area is a Class V Primitive Area under the Bureau of Outdoor Recreation system of classification.

JOE T. FALLINI,
State Director.

[FR Doc.71-6335 Filed 5-5-71;8:47 am]

[C-58, C-216, C-2064, C-0127432, C-0127417]

COLORADO

Order Providing for Opening of Public Lands

APRIL 27, 1971.

1. In exchanges of land made under the provisions of section 8 of the Act of June 28, 1934 (48 Stat. 1269), as amended (43 U.S.C. 315g), the following described lands have been reconveyed to the United States.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 N., R. 80 W.,
  Sec. 36.
T. 10 N., R. 91 W.,
  Sec. 6, Lots 6, 11, 22, 23, 24, and 25;
  Sec. 7, lots 8, and 9.
T. 5 N., R. 92 W.,
  Sec. 18, W½SE¼ and E½SW¼;
  Sec. 19, NE¼NW¼.
T. 10 N., R. 92 W.,
  Sec. 3, S½S½;
  Sec. 4, SE¼SE¼;
  Sec. 9, NE¼;
  Sec. 10, N½NE¼ and NW¼NW¼.
T. 10 N., R. 94 W.,
  Sec. 6, lots 3, 4, 5, 6, and 7, SE¼NW¼, and E½SW¼.
T. 11 N., R. 94 W.,
  Sec. 1, S½NW¼.
T. 10 N., R. 95 W.,
  Sec. 1, lots 1, and 2, S½NE¼, and SE¼;
  Sec. 5, lots 1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, and 30 (all);
  Sec. 12, N½ and SW¼;
  Sec. 13, NW¼;
  Sec. 22, W½SE¼;
  Sec. 27, W½NE¼, NW¼, and S½.
T. 11 N., R. 95 W.,
  Sec. 7, E½W½ and E½;
  Sec. 8, W½W½.
T. 9 N., R. 96 W.,
  Sec. 4, lots 1 and 2, S½NE¼, SE¼SW¼ and SE¼;
  Sec. 9, N½NE¼, SW¼NE¼, and NW¼.
T. 10 N., R. 96 W.,
  Sec. 14, lots 6 and 7, NW¼SE¼, and S½SE¼.
T. 12 S., R. 103 W.,
  Sec. 20, lot 1, SW¼NE¼, SE¼NW¼, W½SE¼, NE¼SE¼, and SW¼.

The areas described aggregate 6,106.30 acres of public lands.

2. These lands are in Grand, Moffat, and Mesa Counties in western and northwestern Colorado. The topography ranges from gently rolling to moderately steep. The soils are variable, but generally of only moderate quality capable of supporting native weeds, grasses, and shrubs.

3. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to application, petition and selection. All valid applications received at or prior to 10 a.m. on June 2, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

4. The lands described below will be open to applications and offers under the mineral leasing laws and to location under the U.S. mining laws at 10 a.m. on June 2, 1971.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 4 N., R. 80 W.,
  Sec. 36.

Mineral rights in the remaining lands listed in paragraph 1 were not exchanged, therefore the mineral status of the lands is not affected by this order.

Inquiries concerning the lands should be addressed to the Manager, Land Office, Bureau of Land Management, 15019

Federal Building, 1961 Stout Street, Denver, CO 80202.

E. I. ROWLAND,
State Director.

[FR Doc.71-6334 Filed 5-5-71;8:47 am]

Office of the Secretary

W. I. MARTIN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 19, 1971.

Dated: April 19, 1971.

W. I. MARTIN.

[FR Doc.71-6329 Filed 5-5-71;8:46 am]

EMMETT A. VAUGHEY

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 22, 1971.

Dated: April 22, 1971.

E. A. VAUGHEY.

[FR Doc.71-6330 Filed 5-5-71;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

BONA FIDE MOTOR-VEHICLE MANUFACTURERS

Notice of Determination

Notice is hereby given that pursuant to authority contained in Chapter VI, Part 615, of Title 15 of the Code of Federal Regulations (36 F.R. 7127), the Director, as of March 1, 1971, has determined the following to be bona fide motor-vehicle manufacturers:

Action-Age, Inc., 18760 Cranwood Parkway, Cleveland, OH 44128, September 11, 1970.

Haywood Adams Brake Service, 116 Carroll Street, Thomasville, GA 31792, January 18, 1971.

Advanced Equipment Corp., 260-09 Hillside Avenue, Floral Park, NY 11004, May 31, 1970.

Allis-Chalmers Manufacturing Co., Outdoor Products Division, Post Office Box 128, Lexington, SC 29072, October 1, 1970.

AMF Inc., Whiteford Road, York, PA 17402, May 2, 1971.

American Motors Corp., 14250 Plymouth Road, Detroit, MI 48232, January 18, 1971.

American Trailer Service, Inc., 2814 North Cleveland Avenue, St. Paul, MN 55113, January 18, 1971.

American Trailers, Inc., 1500 Exchange Avenue, Oklahoma City, OK 73101, January 18, 1971.

Amthor's Welding Service, Inc., Route 52 East, Walden, NY 12586, July 26, 1970.

Antietam Equipment Corp., Post Office Box 91, Hagerstown, MD 21740, January 1, 1971.

Arctic Enterprises, Inc., Zeh and South LaBree, Thief River Falls, MN 56701, August 1, 1970.

Ariens Co., 655 West Ryan Street, Brillion, WI 54110, August 10, 1970.

Atlas Eastern, Inc., 858 Providence Highway, Dedham, MA 02026, June 25, 1970.

ATV Manufacturing Co., 1215 William Flynn Highway, Route 8, Glenshaw, PA 15110, September 30, 1970.

Aurora Engineering, 9717 West M-21, Ovid, MI 48866, January 6, 1971.

Automotive Safety, Inc., 725 Dowd Avenue, Elizabeth, NJ 07201, January 18, 1971.

Automotive Service Co., 111-113 North Waterloo, Jackson, MI 49204, January 18, 1971.

Avanti Motor Corp., 765 South Lafayette Boulevard, South Bend, IN 46623, January 10, 1971.

Barrett Equipment, Inc., Route 3, Hooksett, NH 03106, April 1, 1971.

Bethlehem Fabrication, Inc., 1700 Riverside Drive, Riverside Industrial Park, Bethlehem, PA 18016, April 15, 1970.

Adams Black & Sons, Inc., 276-300 Tonnele Avenue, Jersey City, NJ 07306, January 18, 1971.

Blue Bird Body Co., Post Office Box 937, Fort Valley, GA 31030, January 18, 1971.

Boatel Co., Inc., 24 Walnut, Mora, MN 55051, October 10, 1970.

Boyertown Auto Body Works, Inc., Third and Walnut Street, Boyertown, PA 19512, September 1, 1970.

Brake & Equipment Co., Inc., 1801 North Mayfair Road (Highway 100), Milwaukee, WI 53226, January 1, 1971.

Brake Service and Parts, Inc., 170 Washington Street (Post Office Box 774), Bangor, ME 04401, January 18, 1971.

Bristol-Donald Co., Inc., 50 Roanoke Avenue, Newark, NJ 07105, January 1, 1971.

The Carnegie Body Co., 9500 Brookpart Road, Cleveland, OH 44129, January 18, 1971.

Capitol Trailer & Body Co., 3420 East Broadway, North Little Rock, AR 72117, April 22, 1970.

Checker Motor Corp., 2016 North Pitcher Street, Kalamazoo, MI 49007, January 1, 1971.

Chrysler Corp., 341 Massachusetts Avenue, Highland Park, MI 48203, January 18, 1971.

B. M. Clark Co., Inc., Union, Maine 04862, January 14, 1971.

Coder Service, Inc., 420 Hopkins Street, Buffalo, NY 14220, February 17, 1971.

Comet Corp., Spokane Industrial Park, Spokane, WA 99216, January 18, 1971.

Commercial Truck & Trailer, Inc., 313 North State Street, Girard, OH 44420, January 1, 1971.

Connell Motor Truck Co. of Fresno, 2832 Church Avenue, Fresno, CA 93766, January 15, 1971.

Coot Industries, Inc., Ferry Building, Suite 291, San Francisco, CA 94111, September 22, 1970.

Cortez Corp., 777 Stow Street, Kent, OH 44240, February 1, 1971.

O. R. Cote Co., 556 St. James Avenue, Springfield, MA 01109, June 16, 1970.

Crenshaw Corp., 1700 Commerce Road, Post Office Box 4217, Richmond, VA 23224, April 1, 1970.

Critzer Equipment Co., East 3804 Front Avenue, Post Office Box 152, Spokane, WA 99210, January 10, 1971.

Daybrook-Ottawa Division, Gulf & Western Metals Forming Co., Post Office Box 49, Ottawa, KS 66067, January 17, 1971.

Daleiden Auto Body & Manufacturing Corp., 425 East Vine Street, Kalamazoo, MI 49001, January 12, 1971.

Fred Clemett & Co., Inc., 2020 Lemoyne Street, Syracuse, NY 13211, July 1, 1970.

Dealers Truck Equipment Co., Inc., 2460 Midway Street, Post Office Box 1435, Shreveport, LA 71102, January 17, 1971.

Dealers Truckstell Sales, Inc., 653 Beale Street (Post Office Box 10200), Memphis, TN 38101, January 1, 1971.

Chet Decker Auto Sales, 300 Lincoln Avenue, Hawthorne, NJ 07506, November 3, 1970.

Roy F. Drake Body & Equipment Co., 1501 North Minnesota Avenue (Box 475), Sioux Falls, SD 57101, January 18, 1971.

Eastern Tank Corp., 290 Pennsylvania Avenue, Paterson, NJ 07503, January 1, 1971.

Eight Point Trailer Corp., 6100 East Washington Boulevard, Los Angeles, CA 90022, January 18, 1971.

John Evans Manufacturing Co., Inc., 2 Miles South, Highway 15-A, Sumter, SC 29150, January 1, 1971.

Flagmaster, Inc., Post Office Box 130-B, Galva, IL 61434, May 1, 1970.

Farmington Engineering, Inc., 493 Ash Street, Post Office Box 128, Farmington, MN 55024, August 25, 1970.

The Flxible Co., 326-332 North Water Street, Loudonville, OH 44842, January 1, 1971.

FMC Corp., Bolens Division, 215 South Park Street, Port Washington, WI 53074, April 1, 1971.

FMC Corp. Riverside Division, 3075 14th Street, Riverside, CA 92502, January 1, 1971.

Ford Motor Co., The American Road, Dearborn, MI 48121, January 18, 1971.

Fox Corp., 1111 West Racine Street, Janesville, WI 53545, January 18, 1971.

F.T.S. Corp., 5995 North Washington Street, Denver, CO 80216, July 8, 1970.

FWD Corp., 105 East 12th Street, Clintonville, WI 54929, January 1, 1971.

Gallagher Tank & Equipment, Inc., 317 West Service Road, Hartford, CT 06120, June 1, 1970.

General Motors Corp., 3044 West Grand Boulevard, Detroit, MI 48202, January 18, 1971.

General Trailer Co., Inc., 546 West Wilkins Street, Indianapolis, IN 46225, January 27, 1971.

The Gerstenslager Co., 1425 East Bowman Street, Wooster, OH 44691, July 1, 1970.

Gibbes Machinery Co., Wheat and Assembly Streets, Columbia, SC 29201, January 5, 1971.

Gidley-Eschenheimer Corp., 858 Providence Highway, Dedham, MA 02026, July 14, 1970.

Gilson Bros. Co., Post Office Box 152, Laack Street, Plymouth, WI 53073, September 26, 1970.

Gooch Brake & Equipment Co., Inc., 512 Grand, Kansas City, MO 64106, January 11, 1971.

Grand Rapids Brake Service, Inc., 1935 Century Avenue SW., Grand Rapids, MI 49509, January 18, 1971.

Harris Rim & Wheel, Inc., 525 Peters Street SW., Post Office Box 10995, Atlanta, GA 30310, January 1, 1971.

Hendrickson Manufacturing Co., 8001 West 47th Street, Lyons, IL 60534, January 1, 1971.

Herter's, Inc., Route 1, Wesaca, MN 59093, May 15, 1971.

The Hess & Eisenhardt Co., 8959 Blue Ash Road, Cincinnati, OH 45242, January 9, 1971.

Hewa Body Co., 190 Rumery Street, South Portland, ME 04106, January 18, 1971.

Highway Products, Inc., 789 Stow Street, Kent, OH 44240, March 12, 1971.

Hobbs Trailers, 609 North Main Street, Post Office Box 1568, Forth Worth, TX 76101, April 23, 1970.

O. G. Hughes & Sons, Inc., 312 South Central Avenue, Knoxville, TN 37902, April 16, 1970.

IMP Boats, a division of American Photocopy Equipment Co., 500 West Lincoln Road, Iola, KS 66749, October 1, 1970.

Indiana Trailer Supply Inc., Transport Equipment Division, 2600 South Nappaner Street, Elkhart, IN 46514, August 1, 1970.

International Harvester Co., 401 North Michigan Avenue, Chicago, IL 60611, January 16, 1971.

Iroquois Manufacturing Co., Inc., Richmond Road, Hinesburg, VT 05461, July 1, 1970.

Jeep Corp., 14250 Plymouth Road, Detroit, MI 48232, January 1, 1971.

Kar-Kraft Brighton, Inc., 800 Whitney, Brighton, MI 48116, October 1, 1970.

Kay Wheel Sales Co., Van Kirk Street at State Road, Philadelphia, PA 19135, January 1, 1971.

Kenworth Motor Truck Co., 8801 East Marginal Way South, Seattle, WA 98124, January 5, 1971.

Kinetics International Division, LTV Aerospace Corp., Post Office Box 493, Tyler, TX 75701, February 4, 1971.

Ledwell & Son, Inc., Post Office Box 1106, Texarkana, TX 75501, January 18, 1971.

Leisure Vehicles, Inc., 11370 Hunt Street, Romulus, MI 48174, January 25, 1971.

Liberty Oil Equipment Co., Inc., 82 Cherry Street, East Hartford, CT 06108, May 1, 1970.

Machine Products & Tool, Inc., 6600 South City Road 18, Eden Prairie, MN 55343, October 7, 1970.

Mack Trucks, Inc., Box M, Allentown, PA 18105, January 18, 1971.

Jay Madsen Division, Air Springs, Inc., 120 Wilson Avenue, Bath, NY 14810, January 1, 1971.

Mallard Coach Corp., 603 H Mount Road, West Bend, WI 53095, January 11, 1971.

Manning Equipment, Inc., 3709 Bishop Lane, Post Office Box 18093, Louisville, KY 40218, April 16, 1971.

Massey-Ferguson, Inc., Subsidiary Badger-Northland Inc., 215 West Second Street, Kaukauna, WI 54130, July 1, 1970.

Merit Tank & Body, Inc., 707 Gilman Street, Berkeley, CA 94710, January 16, 1971.

Middlekauff, Inc., 1615 Ketcham Avenue, Toledo, OH 43608, January 18, 1971.

Mickey Truck Bodies, Inc., Post Office Box 1125, High Point, NC 27261, June 30, 1970.

Mid West Truck & Equipment Co., 640 East Pershing Road, Decatur, IL 62526, January 18, 1971.

Mille Lacs Industries, Inc., Post Office Box 8, Ogilvie, MN 56358, November 12, 1970.

Moline Body Co., 222, 52d Street, Moline, IL 61265, January 6, 1971.

Monon Trailer Inc., Post Office Box 446, Monon, IN 47959, April 8, 1971.

Moore & Sons, Inc., 2900 Airways Boulevard, Post Office Box 30091, Memphis, TN 38130, January 1, 1971.

Motor Coach Industries, Inc., Pembina, ND 58271, January 18, 1971.

Motor Truck Equipment Corp., 2950 Irving Boulevard, Post Office Box 47385, Dallas, TX 75247, January 18, 1971.

Mutual Truck Parts, Inc., 2000 South Wabash Avenue, Chicago, IL 60616, April 16, 1971.

Neil's Automotive Service, Inc., 167 East Kalamazoo Avenue, Kalamazoo, MI 49006, January 1, 1971.

Nelson Manufacturing Co., Route No. 1, Ottawa, OH 45875, January 18, 1971.

New England Oil Burner Co., Vermont Chemicals, Recreational Vehicles Manufacturing Inc., Colchester, VT 05446, January 8, 1971.

New Frontier Corp., 4030 South Division Avenue, Grand Rapids, MI 49508, January 31, 1971.

NYE, Inc., 250 East Fourth Street, Fostoria, OH 44830, January 18, 1971.

Ohio Body Manufacturing Co., New London, OH 44851, January 1, 1971.

Ohio Truck Equipment, Inc., 4100 Rev Drive, Cincinnati, OH 45232, May 1, 1971.

Olson Bodies, Inc., 600 Old Country Road, Garden City, NJ 11530, November 1, 1970.

Olson Trailer & Body Builders Co., Inc., 2740 South Ashland Avenue, Green Bay, WI 54306, January 18, 1971.

Chas. Olson & Sons, Inc., 2945 Pillsbury Avenue, Minneapolis, MN 55048, April 14, 1971.

Oshkosh Truck Corp., 2307 Oregon Street, Oshkosh, WI 54901, January 18, 1971.

Outboard Marine Corp., 100 Pershing Road, Waukegan, IL 60085, January 18, 1971.

Pacific Car & Foundry Co., 777 106th Avenue NE., Post Office Box 1518, Bellevue, WA 98009, January 16, 1971.

Palmer Spring Co., 355 Forest Avenue, Portland, ME 04101, January 18, 1971.

Palmer Trailer Sales Co., Inc., 162 Park Street, Palmer, MA 01069, January 18, 1971.

Peabody-Galion Corp., 500 Sherman Street, Post Office Box 607, Galion, OH 44833, Aug. 24, 1970.

Peerless Trailer & Truck Service, Inc., 18205 Southwest Boonea Ferry Road, Post Office Box 447, Tualatin, OR 97062, January 8, 1971.

Perfection Equipment Co., 7 South Pennsylvania, Oklahoma City, OK 73107, Jan. 12, 1971.

Perfection Truck Equipment Co., 1010 Kansas Avenue, Kansas City, KS 66105, January 18, 1971.

Peterbilt Motors Co., Division of Pacific Car & Foundry Co., 38801 Cherry Street, Post Office Box 404, Newark, CA 94560, January 16, 1971.

Pezzani & Reid Equipment Co., Inc., 3960 West Fort Street, Detroit, MI 48216, January 18, 1971.

Polaris Industries, Division of Textron, Inc., Roseau, Minn. 56751, August 2, 1970.

Poloron Products of Indiana, Inc., 110 Menke Road, Michigan City, IN 46360, May 6, 1970.

Power Brake Co., Inc., 1506 West Morehead Street, Charlotte, NC 28201, January 17, 1971.

Power Brake Service & Equipment Co., Inc., 1022 Carnegie Avenue, Cleveland, OH 44115, January 18, 1971.

Providence Body Co., Elmwood Station, Post Office Box 2783, Providence, RI 02907, June 2, 1970.

Recreatives, Inc., 30 French Road, Buffalo, NY 14227, April 15, 1971.

Reliable Spring Co., Inc., 10557 South Michigan Avenue, Chicago, IL 60628, January 20, 1971.

Rupp Manufacturing Inc., 1776 Airport Road, Mansfield, OH 44903, October 3, 1970.

S. S. Automobiles, Inc., 161 West Wisconsin Avenue, Suite 6164, Milwaukee, WI 53203, May 22, 1971.

Schien Body & Equipment Co., Inc., North on University, Carlinville, IL 62626, January 18, 1971.

Schweigers, Inc., South Highway 81, Watertown, SD 57201, January 18, 1971.

Scientific Brake & Equipment Co., 314 West Genesee Avenue, Saginaw, MI 48602, January 11, 1971.

Scorpion, Inc., Box 300, Crosby, MN 56441, April 29, 1971.

Sharpsville Steel Equipment Co., Sixth and Main Streets, Sharpsville, PA 16150, November 23, 1970.

Smith-Moore Body Co., Inc., Brook Road at Lombardy Street, Richmond, VA 23261, January 18, 1971.

Sports Power, Inc, 1460 Sibley Memorial Drive, Highway 13, St. Paul, MN 55118, March 26, 1971.

Paul Stutler, Inc., 3397 East Waterloo Road, Akron, OH 44312, January 2, 1971.

South Florida Engineers, Inc., 5911 East Buffalo Avenue, Post Office Box 11927, Tampa, FL 33610, July 2, 1970.

Sport King, Inc., 28650 Grand River Avenue, Farmington, MI 48024, August 19, 1970.

Superior Coach Corp., Sheller-Globe Corp., 1200 East Kibby Street, Lima, OH 45802, March 20, 1971.

Swab Wagon Co., Inc., 21 South Callowhill Street, Elizabethville, PA 17023, May 7, 1971.

Syracuse Auto Parts, Inc., 120 North Geddes Street, Syracuse, NY 13201, January 18, 1971.

P. A. Thomas Car Works, Inc., 1406 Courtesy Road, High Point, NC 27261, August 1, 1970.

Thiokol Chemical Corp., Logan Division, 2503 North Main Street, Logan, UT 84321, January 15, 1971.

Transport Equipment Co., 3400 Sixth Avenue South, Seattle, WA 98134, January 18, 1971.

Perly A. Thomas Car Works, Inc., 1405 Courtesy Road, High Point, NC 27261, August 1, 1970.

Travco Corp., 6894 Maple Valley Road, Brown City, MI 48416, May 1, 1971.

The Treco Corp., d.b.a., Weaver Trailer & Body Co., 1355 West Mound Street, Columbus, OH 43223, January 15, 1971.

Truck & Transportation Equipment Co., Inc., Post Office Box 10455, New Oreleans, LA 70121, January 1, 1971.

Truck Equipment Co., 1911 Southwest Washington Street, Peoria, IL 61602, January 1, 1971.

Truck Equipment, Inc., Post Office Box 3280, 680 Potts Avenue, Green Bay, WI 54303, January 18, 1971.

Tuff Boy, Inc., d.b.a., Tuff Boy, Inc., and G & H Welding, 5151 East Almondwood Drive, Manteca, CA 95336, January 1, 1971.

Union City Body Co., Inc., 1015 West Pearl Street, Union City, IN 47390, August 15, 1970.

Unit Rig & Equipment Co., Post Office Box 3107, Tulsa, OK 74101, January 1, 1971.

Utility Trailer & Equipment Co., Inc., 4771 Southeast 17th Avenue, Portland, OR 97202, January 1, 1971.

Vesely Co., 2101 North Lapeer Road, Lapeer, MI 48446, April 24, 1971.

Viking Snowmobiles, Inc., Post Office Box 37, Twin Valley, MN 56584, August 1, 1970.

Ward La France Truck Corp., Grand Central Avenue, Elmira Heights, NY 14903, May 1, 1970.

Ward School Bus Manufacturing, Inc., Post Office Box 311, Highway 65 South, Conway, AR 72032, June 1, 1970.

The Warner & Swasey Co., Duplex Division, 830 East Hazel Street, Lansing, MI 48909, April 1, 1971.

Wayne Corp., c/o Indian Head, Inc., 111 West 40th Street, New York, NY 10018, October 31, 1970.

Walter Motor Truck Co., School Road, Voorheesville, NY 12186, April 29, 1971.

Weigand GMC Truck Sales, Inc., 1008 North Tuscarawas, Dover, OH 44622, January 18, 1971.

Weston Equipment Co., Inc., 130 Railroad Hill Street, Waterbury, CT 06708, May 1, 1970.

Wheel Horse, Inc., 2001 East Maple Street, Des Moines, IA 50317, July 1, 1970.

White Motor Corp., Post Office Box 6979, Cleveland, OH 44114, January 18, 1971.

Worcester Tank & Equipment Co. Inc., Rear 462 Grafton Street, Worcester, MA 01604, May 1, 1970.

The director will publish from time to time such revisions of this list as may be appropriate to reflect additions, deletions, or other necessary changes in it.

Dated: April 28, 1971.

Hudson B. Drake,
Deputy Assistant Secretary and Director, Bureau of Domestic Commerce.

[FR Doc.71-6321 Filed 5-5-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Definitions; Denial of Petition for Reconsideration

The purpose of this notice is to deny the petition of International Harvester Corporation for reconsideration of the definition of "gross axle weight rating" as published in the Federal Register on February 5, 1971 (36 F.R. 2511).

The definition, as published, provides that "'Gross axle weight rating' or 'GAWR' means the value specified by the vehicle manufacturer as the loaded weight on a single axle measured at the tire-ground interfaces." International Harvester stated that it would be more practicable to give a single rating for a multiple axle. Upon review of the question, it has been determined that the regulatory purposes of the definition, including, for example, specifying minimum vehicle tire and rim load ratings, are better served by maintaining the definition in its present form. Manufacturers are not prohibited, under the labeling requirements of the Certification Regulation, 49 CFR 567.4(g)(4), from identifying certain axles as part of a tandem system if they wish to do so. The petition is therefore denied.

This notice is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407, and the delegation of authority at 49 CFR 1.51.

Issued on May 3, 1971.

Douglas W. Toms,
Acting Administrator.

[FR Doc.71-6352 Filed 5-5-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22162 etc.]

COUNTY OF SULLIVAN, NEW YORK AND SULLIVAN COUNTY AIRPORT COMMISSION

Notice of Postponement of Prehearing Conference

The prehearing conference in this proceeding now scheduled for May 5, 1971, is hereby postponed until May 26, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., May 3, 1971.

[SEAL] Joseph L. Fitzmaurice,
Hearing Examiner.

[FR Doc.71-6357 Filed 5-5-71;8:48 am]

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 19, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the Board.

Dated at Washington, D.C., April 29, 1971.

[SEAL] Thomas L. Wrenn,
Chief Examiner.

[FR Doc.71-6358 Filed 5-5-71;8:48 am]

[Docket No. 22419 etc.]

HOUSTON-MONTERREY-MEXICO CITY SERVICE CASE

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled case is assigned to be held on May 14, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Edward T. Stodola.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates shall be submitted by all parties, on or before May 11, 1971.

Dated at Washington, D.C., May 3, 1971.

[SEAL] Thomas L. Wrenn,
Chief Examiner.

[FR Doc.71-6359 Filed 5-5-71;8:48 am]

COMMISSION ON CIVIL RIGHTS

HOUSING AND EMPLOYMENT OPPORTUNITIES IN SUBURBAN AREAS

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Civil Rights Act of 1957, 71 Stat. 634, as amended, that a public hearing of the U.S. Commission on Civil Rights will commence on June 14, 1971, and that an executive session, if appropriate, will be convened on June 14, 1971, to be held at the U.S. Department of Agriculture, Thomas Jefferson Memorial Auditorium, 14th and Independence Avenue SW., Washington, DC. The purpose of the hearing is to collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, or national origin which affect the housing and employment opportunities of minority group members in the suburban parts of metropolitan areas and elsewhere; to appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion, or national origin as these affect the housing and employment opportunities of minority group members in the above areas; and to disseminate information with respect to denials of equal protection of the laws because of race, color, religion, or national origin in the fields of housing, employment, and related areas.

Dated at Washington, D.C., May 3, 1971.

Theodore M. Hesburgh, C.S.C.,
Chairman.

[FR Doc.71-6353 Filed 5-5-71;8:48 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Notice of Filing of Pesticide and Food Additive Petitions

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sections 408(d)(1), 409(b)(5), 68 Stat. 512; 72 Stat. 1786; 21 U.S.C. 346a(d)(1), 348 (b)(5)), notice is given that a petition (PP 1F1127) has been filed by Ciba-Geigy Corp., Ardsley, NY 10502, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the herbicide 2-(*sec*-butylamino)-4-ethylamino-6-methoxy-*s*-triazine in or on sugarcane and sugarcane fodder and forage at 0.25 part per million.

Notice is also given that the firm has filed a related food additive petition (FAP 1H2632) proposing the establishment of a food additive tolerance (21 CFR Part 121) of 0.5 part per million in sugarcane molasses for residues of the herbicide resulting from application of the herbicide to the growing sugarcane.

The analytical method proposed in the pesticide petition for determining the herbicide residues is a microcoulometric gas chromatographic procedure with a nitrogen detector.

Dated: April 30, 1971.

R. E. Johnson,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6340 Filed 5-5-71;8:47 am]

NATIONAL AGRICULTURAL CHEMICALS ASSOCIATION

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1091) has been filed by the National Agricultural Chemicals Association, 1155 15th Street NW., Washington, DC 20005 on behalf of the NACA Industry Task Force for Parathion and Methyl Parathion proposing the establishment of tolerances (21 CFR Part 420) for residues of the insecticide parathion or its methyl homolog in or on rye grain at 0.5 part per million and in or on almonds, filberts, pecans, potatoes, safflower seed, sorghum, sugar beets, sugarcane, sweet potatoes, and walnuts at 0.1 part per million (negligible residue).

The analytical method proposed in the petition for determining residues of the insecticide is a technique with a gas-liquid chromatograph using a flame photometric detector with a 526 nanometer phosphorus filter.

Dated: April 30, 1971.

R. E. Johnson,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6341 Filed 5-5-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19243; FCC 71-438]

IOWA BROADCASTING CO.

Order Designating Application for Oral Argument

In regard applications of Iowa Broadcasting Co. (KWIG-TV), Des Moines, Iowa, Docket No. 19243, File No. BMPCT-6790, for extension of completion date; Iowa Broadcasting Co. (KWIG-TV), Des Moines, Iowa, File No. BMPCT-6876, for modification of construction permit.

1. The Commission has before it for consideration the request of Iowa Broadcasting Co. (Iowa) for reinstatement of the construction permit, call sign, application of modification of facilities[1] and application for an extension of time within which to complete construction of television broadcast station KWIG-TV, Channel 63, Des Moines, Iowa.

2. Iowa was awarded a construction permit for Channel 63, Des Moines, on September 6, 1967, with completion of construction required by May 6, 1968, but instead of building at its authorized location, Iowa filed the present extension application on April 8, 1968, which stated that it had conducted population and economic studies which revealed that it would be necessary for it to find a new transmitter site. By letter of July 31, 1968, the Commission informed Iowa that its extension application could not be granted and would be dismissed unless Iowa requested an oral argument. Iowa responded on August 30, 1968, and requested an opportunity to participate in an oral argument, but also stated that it had filed a modification application specifying a new site on July 30, 1968. Consequently, further action on the extension application was postponed pending the processing of the modification application. However, the FAA would not act upon Iowa's antenna tower proposal until it completed its study of the tall tower proposed by station WHO-TV, Channel 13, Des Moines, and as early as October 30, 1968, Iowa stated that in the event the WHO-TV tower were approved, it would either negotiate space on that tower or build an even taller facility of its own in order to achieve competitive parity with the other Des Moines stations. Iowa then requested the Commission to defer action on its extension application until the FAA question was resolved. The Commission granted WHO-TV's modification application (BPCT-4335) on November 3, 1970, but FAA clearance still has not been obtained for Iowa's proposed antenna tower and will not be obtained until the FAA is satisfied that Iowa cannot secure space on the WHO-TV tall tower. There is still room on the tower, but Iowa has not demonstrated that it is even conducting negotiations with station WHO-TV on this matter and now asserts that its delay in constructing station KWIG-TV is due to the Commission's failure to act on its modification application, despite the fact that it had previously stated that it was not likely to operate with these facilities in the event the WHO-TV tall tower were approved. Since the grant of Iowa's construction permit in September 1967, construction of station KWIG-TV has not commenced and equipment has not been ordered.

3. After the elapse of more than 18 months from the date the Commission issued it a construction permit for Channel 63, Iowa had failed to demonstrate that it had exercised due diligence in the prosecution of construction of its authorized station or that construction had been prevented by causes not under its control within the meaning of section 319(b) of the Communications Act of 1934. Accordingly, the Chief, Broadcast Bureau, acting pursuant to delegated authority,[2] dismissed the above-captioned extension application which was pending before the Commission, and canceled Iowa's construction permit, deleted its call sign and dismissed its application for a modification of station KWIG-TV's technical facilities. However, in accordance with the provisions of the delegation, Iowa was advised that it could request reinstatement of its authorizations within 30 days and thereby obtain a hearing on the question of the dismissal of its extension application, and it subsequently filed such a request.

4. *Accordingly, it is ordered,* That the construction permit, call sign, extension application, and modification application of television broadcast station KWIG-TV, Channel 63, Des Moines, Iowa, are reinstated.

5. *It is further ordered,* That the above-captioned application for an extension of time within which to complete construction of station KWIG-TV, Channel 63, Des Moines, Iowa, is designated for oral argument before the Review Board in Washington, D.C., at a time and place to be specified in a subsequent order, upon the following issue:

To determine whether the reasons advanced by the permittee in support of its request for an extension of its completion date, constitute a showing that failure to complete construction was due to causes not under the control of the permittee, or constitute a showing of other matters sufficient to warrant a further extension of time within the meaning of section 319(b) of the Communications Act of 1934 and § 1.534(a) of the Commission's rules.

6. *It is further ordered,* That to avail itself of the opportunity to be heard, the applicant, in person, or by attorney, shall within ten (10) days of the mailing of this order, file with the Commission an original and nineteen (19) copies of a written appearance stating an intention to appear on the date fixed for the oral argument and present arguments on the issue specified, and shall have until May 10, 1971, to file briefs or memoranda of law.

Adopted: April 28, 1971.

Released: April 30, 1971.

Federal Communications Commission,[3]
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6350 Filed 5-5-71;8:48 am]

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[1] Iowa's modification application is included in this order only for the purpose of reinstatement. Further action on this application will be withheld pending the outcome of the oral argument on the extension application.

[2] Section 0.281(z) of the Commission's rules.

[3] Commissioner Bartley absent.

[Dockets Nos. 18899–18900; FCC 71R–138]

JACKSONVILLE BROADCASTING CO. AND UNIVERSITY BROADCASTING CO.

Memorandum Opinion and Order Enlarging Issues

In regard applications of J. Millard Lecroy, James M. Davis, Will V. Roberson & Thomas J. Roberson, doing business as Jacksonville Broadcasting Co., Jacksonville, Ala., Docket No. 18899, File No. BP–17747; and James J. Lessley, George J. Lessley and James C. Vice, doing business as University Broadcasting Co., Jacksonville, Ala., Docket No. 18900, File No. BP–17756; for construction permits.

1. The mutually exclusive applications of Jacksonville Broadcasting Co. (Jacksonville) and University Broadcasting Co. (University) seek authority to construct a new standard broadcast station on 1090 kHz at Jacksonville, Ala. The Commission, by memorandum opinion and order (FCC 70–704, released July 9, 1970; 35 F.R. 11307, published July 15, 1970), designated these applications [1] for consolidated hearing on various issues, including general financial qualifications issues against all applicants and a Suburban issue against University. Subsequently, the Review Board, by memorandum opinion and order (26 FCC 2d 929, 20 RR 2d 626, released November 10, 1970), specified a Rule 1.526(a)(1) issue [2] against Jacksonville. In another memorandum opinion and order (FCC 70R–395, —— FCC 2d ——, released November 19, 1970), the Board held in abeyance further action on a joint request for approval of agreement, filed on October 15, 1970, by Jacksonville and University, and on a motion for leave to amend and grant of application, filed on the same date by University, pending the receipt of further information from Jacksonville. The Review Board currently has before it for consideration a petition, filed November 16, 1970, by Jacksonville, which seeks reconsideration of the Board's action specifying a § 1.526(a)(1) issue against it [3]; two petitions to enlarge issues, filed respectively by the Broadcast Bureau on December 7, 1970,[4] and by University on January 4, 1971,[5] which will be treated together since they arise out of the same factual setting and overlap to a degree in the relief requested; and the ultimate resolution of the joint request for approval of agreement between the remaining applicants in this proceeding.[6]

2. The Broadcast Bureau bases its request for enlargement of issues on certain information directed to the Commission in connection with the filing of the joint request by Jacksonville and University on October 15, 1970. The Bureau asserts that, on November 20, 1970, it became aware of a joint statement received by the Commission on November 2, 1970, from Will V. Roberson and Thomas J. Roberson, two of the four Jacksonville partners, which indicated that: (1) The Robersons had not authorized the proposed dismissal of the Jacksonville application; and (2) they desired to proceed with the prosecution of the application and, if necessary, introduce new partners. In their joint statement, a copy of which is attached to the Bureau's petition, the Robersons explain that they are aware of certain negotiations which have taken place between J. Millard Lecroy, a Jacksonville partner, and University principals; however, they contend that any agreement would not be effective without their assent. In this regard, the Robersons refer to their understanding that Alabama law requires each partner's participation in such a decision. On this basis, the Bureau seeks the addition of an issue to determine whether Jacksonville had the legal authority to enter into the joint request for approval of agreement, filed with the Board on October 15, 1970. The Bureau also requests an issue to determine whether Lecroy, by executing the dismissal agreement ostensibly on behalf of the partnership, misrepresented to the Commission that Jacksonville's principals had agreed to the dismissal of the application. In addition, the Bureau notes that the Robersons' statement makes reference to a letter in their possession, which they allegedly received from James M. Davis, another Jacksonville partner, and which indicates that Davis had withdrawn from the partnership. Noting further that such resignation was never reported to the Commission pursuant to § 1.65 and that Jacksonville's petition for reconsideration of the Board's action specifying a § 1.526(a)(1) issue contained an affidavit, dated November 11, 1970, and executed by Davis as a partner (see note 3, supra), the Bureau suggests the addition of an issue to determine whether Davis is still a Jacksonville partner and, if not, whether there has been a Rule 1.65 violation and to determine all of the facts and circumstances surrounding the submission of the November 11, 1970, affidavit wherein Davis represents himself to be a partner of the applicant.

3. On December 14, 1970, Lecroy and Davis filed comments on the Bureau's enlargement petition in a pleading which is signed by Washington counsel on behalf of Jacksonville Broadcasting Co. In their comments, Lecroy and Davis refer to correspondence between Jacksonville's local counsel and its Washington counsel, which discusses the matter of the Robersons' application expenses in connection with the settlement agreement. In light of these letters, dated September 22 and 25, 1970, respondents contend that "* * * it is difficult to understand the implication contained in the Roberson statement that they had no knowledge of the negotiations to dismiss Jacksonville's application."[7] With regard to the question of Davis' participation in the applicant, respondents concede that Davis had suggested removing himself from the partnership, but assert that since Davis signed the dismissal agreement and the November 11, 1970, affidavit, "* * * apparently there was no withdrawal." Finally, respondents disclaim any knowledge as to whether principals with an aggregate 81.63 percent interest in a partnership may bind other partners under Alabama law; in any event, they contend that there could be no question of misrepresentation in regard to the dismissal agreement since Lecroy signed the agreement individually as a general partner of Jacksonville.

4. In its reply, the Broadcast Bureau maintains that the need for its requested issues still obtains in spite of the comments of Lecroy and Davis. The Bureau suggests that the correspondence supplied by the respondents does not refute the express statement of the Robersons to the effect that neither had authorized the filing of the dismissal agreement. On the question of Davis' participation, the Bureau notes that the respondents' comments do not include a verified statement by Davis on the subject, but merely contain an argument of counsel to the effect that since Davis had signed some documents, apparently he had not withdrawn from the partnership. Contrary to respondents' contention, the Bureau maintains that Lecroy's signature as "General Partner" under the partnership designation constitutes a representative signature for the partnership. In this regard, the Bureau also points out that the respondents' pleading does not attempt to explain or define the meaning of the term "General Partner" and that while it does not know whether there was any misrepresentation with respect thereto, the argument presented by the respondents has no merit.

5. In addition to the request for a lack of candor and misrepresentation issue against Jacksonville (see note 7, supra), University seeks the specification of a § 1.47 issue and an issue to determine the status of Jacksonville and the effect of the apparent dispute among the applicant's partners on the continued prosecution of their application and on the viability of a broadcast operation in the event of a grant. University claims that since none of the parties to the proceeding was served with copies of the Robersons' statement and subsequent pleadings by Jacksonville's counsel on behalf of Lecroy and Davis, a serious question is raised as to Jacksonville's compliance with the service requirements of § 1.47 and as to whether such omissions were deliberately intended to prejudice the other parties. With regard to the status of the Jacksonville partnership, University questions whether, under Alabama law, the apparent disagreement among the principals thereof effectively dissolves the partnership and, if such is not the case, what effect the dispute will have on the partners' ability to operate a broadcast facility.

6. In its comment on University's enlargement request, the Bureau supports the addition of a misrepresentation-lack of candor issue against Jacksonville, but argues for the specification of a broader issue than requested by University. The Bureau does not support a § 1.47 issue since it interprets the Robersons' statement as a responsible act of these partners in informing the Commission of facts which are required to be disclosed. In addition, the Bureau does not support the request for an issue inquiring into the status of the Jacksonville partnership since, in the past, the Commission has recognized changes in partnership applicants without questioning their status and has declined to interfere in matters involving state law where no challenge has been raised in local courts and where the determination to be made is more appropriate for state resolution.

7. As a preliminary matter, the Review Board agrees with both the Broadcast Bureau and University that good cause has been shown for the late filing of their enlargement requests. Both petitions are based on information which was not made available until the last 2 months of 1970. In any event, in light of the serious public interest questions raised by the petitioners and our ultimate disposition herein, we believe that consideration of the merits of the instant requests is appropriate. See The Edgefield-Saluda Radio Co., 5 FCC 2d 148, 8 RR 2d 611 (1966). Both petitioners have raised substantial questions concerning the candor of certain Jacksonville principals before the Commission in connection with the preparation and prosecution of the dismissal agreement of October 7, 1970, the joint request, filed with the Commission on October 15, 1970, by Jacksonville and University, and related motions. For example, the Bureau has presented a strong showing that the Robersons did not consent to the dismissal agreement, which was signed by Lecroy on behalf of the Jacksonville partnership; on the other hand, Lecroy and Davis [8] have pointed to correspondence between Jacksonville's local and Washington counsel which indicates that the Robersons were aware of the settlement negotiations. Thus, a substantial question is raised as to whether some member or members of the Jacksonville partnership have not been completely candid with the Commission, and, in light of the contradictory positions noted above, the Board is constrained to specify appropriate issues to determine whether there have been misrepresentations before the Commission by Jacksonville partners and, if so, the effect thereof on the applicant's requisite qualifications. The Board is also of the opinion that it is proper to consider under the issues being added herein whether Lecroy misrepresented the intent and consent of the partnership insofar as Jacksonville's participation in the settlement agreement and joint request is concerned. In our view, Lecroy clearly and unequivocally represented that the partnership had agreed to the settlement agreement and the dismissal of the Jacksonville application. The argument made by the respondents that Lecroy signed the agreement "individually as General Partner" is specious since his signature was obviously meant to be representative in nature.[9] Moreover, a serious question has been raised as to the current status of Davis in the partnership applicant. Although the Robersons' statement upon which the Bureau relies is concededly weak in regard to the apparent withdrawal of Davis from the partnership, the respondents have failed to establish this partner's status and have been content to argue that Davis must still be a principal since he signed certain documents in that capacity. The respondents have offered no supporting statement from Davis to buttress the claim even though their pleading purports to represent the comments of Lecroy and Davis. If Davis, in fact, has withdrawn from the partnership as the Robersons contend, then such withdrawal raises several questions concerning the applicant's compliance with the reporting requirements of Rule 1.65, the impact of his withdrawal upon the partnership [10] and the possibility that Davis misrepresented his participation in the applicant in documents filed wth the Commission. An appropriate issue to inquire into these matters will be specified by the Board.

8. However, the Board does not agree with University that a § 1.47 issue is warranted. As the Bureau correctly notes, the Robersons' statement, on its face at least, represents a responsible act of these partners in attempting to keep the Commission informed of matters affecting the partnership applicant, and we believe that the apparent service performed by the Robersons in this regard clearly outweighs any technical violation of the requirements of § 1.47. Moreover, we are not cited to any other specific examples of rule violations even though University alleges generally that subsequent pleadings by Jacksonville's counsel on behalf of Lecroy and Davis indicate that the other parties to the proceeding were not served with copies hereof. In this regard, we note that the comments of Lecroy and Davis, filed with the Commission on December 14, 1970, by Jacksonville's Washington counsel, reflect service upon the other parties to the proceeding. In similar vein, we do not believe that an issue is warranted to inquire into whether the apparent disagreement among the Jacksonville partners effectively dissolves the applicant and what effect the dispute may have on

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[1] A third application, filed by Heart of Dixie Broadcasting Co. (Docket No. 18898; File No. BP–17649), was also designated for hearing, but was later dismissed by the Hearing Examiner by order, FCC 70M–1460, released Oct. 26, 1970.

[2] The issue, as framed, inquires into whether Jacksonville has maintained a copy of its application for public inspection as required by § 1.526(a)(1).

[3] The Bureau filed its comment on the petition for reconsideration on Dec. 1, 1970. The petition is supported by an affidavit, dated Nov. 11, 1970, and signed by James M. Davis, a Jacksonville partner, who indicates that a copy of the Jacksonville application has been available for inspection at 1001 Roberson Street in Jacksonville, AL, from the filing date of the application to the present time. Since petitions for reconsideration of interlocutory rulings by the Board are not entertained pursuant to § 1.106(a), Jacksonville's request will be dismissed.

[4] Related pleadings before the Board are: (a) erratum, filed Dec. 8, 1970, by the Bureau; (b) comments of J. Millard Lecroy and James M. Davis, filed Dec. 14, 1970; and (c) reply, filed Dec. 23, 1970, by the Bureau.

[5] The Bureau filed its comment on University's request on Jan. 19, 1971.

[6] The Board, in its prior order (FCC 70R–395, released Nov. 19, 1970), held in abeyance for 10 days further action on the joint request and the related motion for leave to amend and grant of application to enable Jacksonville either to attempt to resolve the § 1.526(a)(1) issue or to indicate its willingness to accept dismissal without reimbursement at this time and to go forward with the hearing on the outstanding qualifications issue in order to determine whether it can ultimately be reimbursed. In response to the Board's invitation, Jacksonville, on Nov. 23, 1970, filed further comments wherein it directed the Board's attention to its earlier filed petition for reconsideration. However, Jacksonville's showing therein (see note 3, supra) does not even address itself to the question raised by the Board in specifying the § 1.526(a)(1) issue, i.e., the availability of its application for public inspection during regular business hours. Since Jacksonville has made no serious attempt to resolve this issue and has not indicated its willingness to accept dismissal without reimbursement at this time and in light of the serious question raised herein concerning Jacksonville's authority to enter into the dismissal agreement in the first instance, the Board will deny the joint request and related motions.

[7] The apparent inconsistency between the Robersons' statement and the comments of Lecroy and Davis serves as the basis for University's request for a lack of candor and misrepresentation issue against Jacksonville. University argues that an issue is required to determine whether the Robersons did, in fact, have knowledge of the negotiations between Jacksonville and University and whether their statement that they had no knowledge of "what negotiations and what transactions" had taken place was true or whether it was a misrepresentation to the Commission.

[8] As noted in paragraph 3, supra, a pleading was filed on Dec. 14, 1970, in response to the Bureau's petition which is captioned "Comments of J. Millard Lecroy and James M. Davis" although the pleading is signed by Washington counsel on behalf of Jacksonville. This apparent inconsistency lends added support for our conclusion that the issues must be enlarged to explore the conduct of the partnership's members.

[9] The agreement of Oct. 7, 1970, and an accompanying affidavit of the same date are signed by J. Millard Lecroy, General Partner, on behalf of Jacksonville Broadcasting Co. and by James C. Vice, General Partner, on behalf of University Broadcasting Co.

[10] In this regard, we note that Davis is proposed as the general manager of the requested facility in the Jacksonville application. Also, the application indicates that Davis will furnish cash, labor, and services in connection with the construction and operation of the station. To the extent that the withdrawal of Davis, if established, may have an effect on the applicant's financial proposal, the matter can be explored under the general financial qualifications issue already specified by the Commission.

the partners' ability to effectuate their proposal. In the first place, the Commission has recognized the need for changes in partnership applicants without questioning the ultimate status of such applicants. Triple C Broadcasting Corp., 12 FCC 2d 503, 12 RR 2d 1008 (1968); The Fox River Broadcasting Co., 5 FCC 2d 669, 8 RR 2d 970 (1966). In addition, the Commission has traditionally declined to interfere in matters which are more appropriately resolved at the State level especially where no challenge has been raised at that level. See Home Service Broadcasting Corp., 21 FCC 2d 168, 18 RR 2d 63 (1970); Wilkes County Radio, 10 FCC 2d 175, 11 RR 2d 341 (1967). To the extent that the issues specified herein will elicit information concerning the effect of Davis' withdrawal, if any, on the Jacksonville partnership, the question of the applicant's current status will be the subject of investigation. However, the matter is too speculative at this point to warrant the general issues requested by University. If it should develop that a serious question concerning the continued viability of the partnership applicant is present, the parties are free to address appropriate requests, properly supported, to the Board.[11]

9. *Accordingly, it is ordered*, That the joint request for approval of agreement, filed October 15, 1970, by Jacksonville Broadcasting Co. and University Broadcasting Co.; the motion for leave to amend and grant of application, filed October 15, 1970, by University Broadcasting Co.; and the petition to dismiss application, filed October 15, 1970, by Jacksonville Broadcasting Co., are denied; and

10. *It is further ordered*, That the petition for reconsideration, filed November 16, 1970, by Jacksonville Broadcasting Co., is dismissed; and

11. *It is further ordered*, That the petition to enlarge issues, filed December 7, 1970, by the Broadcast Bureau, and the motion to enlarge issues, filed January 4, 1971, by University Broadcasting Co., are granted to the extent indicated herein and are denied in all other respects; and

12. *It is further ordered*, That the issues in this proceeding are enlarged to include the following issues:

(a) To determine all of the facts and circumstances surrounding Jacksonville Broadcasting Co.'s participation in the joint request for approval of agreement, filed with the Commission on October 15, 1970, by Jacksonville Broadcasting Co. and University Broadcasting Co., and in the dismissal agreement, dated October 7, 1970, between the same parties with particular regard to:

(1) Whether Will V. Roberson and Thomas J. Roberson, partners in Jacksonville Broadcasting Co., consented to the dismissal agreement or whether they, in fact, misrepresented their lack of participation in the dismissal agreement in a joint statement, filed with the Commission on November 2, 1970; and

(2) Whether J. Millard Lecroy, a partner in Jacksonville Broadcasting Co., misrepresented the consent of all the principals of the applicant to the October 7, 1970, dismissal agreement:

(b) To determine whether James M. Davis has withdrawn as a partner from Jacksonville Broadcasting Co. and, if so, to determine:

(1) The effect thereof on the partnership's status and the applicant's proposal.

(2) Whether James M. Davis misrepresented his participation in the partnership in affidavits, dated October 3, 1970, and November 11, 1970, filed in support of the joint request for approval of agreement and Jacksonville's petition for reconsideration; and

(3) Whether Jacksonville Broadcasting Co. has failed in its responsibility to keep its application accurate and complete as required by § 1.65 of the Commission's rules;

(c) To determine whether, in light of the evidence adduced pursuant to the foregoing issues, Jacksonville Broadcasting Co. possesses the requisite and comparative qualifications to be a Commission licensee.

13. *It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof under the issues added herein shall be on Jacksonville Broadcasting Co.[12]

Adopted: April 29, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[13]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6351 Filed 5-5-71;8:48 am]

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[11] In a memorandum opinion and order, FCC 71M-186, released Feb. 3, 1971, the Hearing Examiner denied a motion by University to convene a prehearing conference and to dismiss the Jacksonville application, which was based on essentially the same matters raised in University's enlargement request. University's appeal from the Examiner's ruling was subsequently dismissed by the Review Board. See FCC 71R-59, released Feb. 19, 1971.

[12] Both burdens have been placed on Jacksonville since the facts regarding the applicant's participation in the dismissal agreement and the status of Davis are peculiarly within its knowledge. See Chapman Radio & Television Co., 26 FCC 2d 432, 20 RR 2d 552 (1970), review denied FCC 71-161, released Feb. 22, 1971; and Kittyhawk Broadcasting Corp., 13 FCC 2d 928, 13 RR 2d 1058 (1968).

[13] Review Board Member Slone absent.

FEDERAL MARITIME COMMISSION

[Docket No. 71-47]

SUPREME SHIPPERS, INC.

Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

Supreme Shippers, Inc. (Supreme), 120 Liberty Street, New York, NY 10006, filed an application for a license as an independent ocean freight forwarder on November 12, 1970. Fifty percent of the stock of Supreme is owned by Harry Kaufman and 50 percent is ownd by Stephen M. Betheil. Stephen M. Betheil is Treasurer of Supreme and Harry Kaufman is Vice President and Secretary of that corporation.

The Commission has information indicating that at certain times since January 1, 1969, Stephen M. Betheil has carried on the business of forwarding under the license of International Shippers Co. of N.Y. (International, License No. FMC-35), a licensee owned and controlled by Harry Kaufman, without Commission approval of the transfer of such license and business as required by § 510.8(d) of the Commission's General Order 4. It therefore appears that Stephen M. Betheil has carried on the business of forwarding without a license from this Commission in violation of § 510.3(a) of the Commission's General Order 4 and section 44 of the Shipping Act, 1916.

Harry Kaufman, appears to have violated §§ 510.5(c) and 510.8(d) of the Commission's General Order 4 by failing to notify the Commission of the change in ownership of International and in transferring the business and license of International to Irving Betheil and Stephen M. Betheil. It further appears that Harry Kaufman violated § 510.23(a) of the Commission's General Order 4 by permitting Stephen M. Betheil and/or his father Irving Betheil to use International's name and license number on and after January 1, 1969. By accepting employment with Irving Betheil and permitting Irving Betheil to control and direct the business of International after the license of Irving Betheil had been revoked, it further appears that Harry Kaufman has violated § 510.23(b) of General Order 4.

It further appears that Stephen M. Betheil has furnished to the staff of the Commission conflicting and misleading documents and statements regarding the acquisition and management of International by Stephen M. Betheil and/or Irving Betheil and/or Harry Kaufman, and the establishing of Supreme.

It further appears that Irving Betheil who was owner and chief supervisory officer of a licensed freight forwarder, the license of which was revoked, may be permitted, directly or indirectly, to participate, whether through ownership or otherwise, in the control or direction of the freight forwarder business of Supreme once it becomes licensed.

In a certified letter dated March 19, 1971, the Commission advised Supreme that it intended to deny its application for an independent ocean freight forwarder license since the activities summarized above demonstrate that the stockholders and officers of Supreme may not be fit, willing, and able to carry on the business of ocean freight forwarding and to conform to the provisions of the Shipping Act, 1916 and the Commission's General Order 4. In response to that letter Supreme has requested a hearing to show that denial of the application is not warranted. It is further requested that the hearing be conducted in New York.

Now therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(b)) that a proceeding is hereby instituted to determine whether, in view of the past activities of Stephen M. Betheil and Harry Kaufman, each 50-percent owners of and officers in Supreme, Supreme is fit, willing, and able to carry on the business of forwarding, conform to the provisions of the Shipping Act, 1916 and the Commission's General Order 4 and whether the application should therefore be denied.

It is further ordered, That Supreme be made respondent in this proceeding and that the matter be assigned for a hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and at a place to be announced.

It is further ordered, That any person other than the respondent who desires to become a party to this proceeding and participate therein should file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to the respondent.

Stephen M. Betheil and Harry Kaufman, each 50 percent stockowners and officials of Supreme, the respondent in this proceeding, have been previously named as respondents in Docket No. 71-15 which was instituted to investigate the activities of Harry Kaufman, doing business as International Shippers Co. of N.Y. (License No. 35) and Irving Betheil and Stephen M. Betheil. The alleged violations of General Order 4 and section 44 of the Shipping Act, 1916 which are the subject of that investigation and hearing involve the same matters which are the basis of this proceeding to determine whether the application of Supreme for a freight forwarder license should be granted or denied.

Therefore, it is further ordered, That this proceeding be consolidated for hearing and decision with Harry Kaufman, doing business as International Shippers Co. of N.Y., Independent Ocean Freight Forwarder License No. 35 and Forwarding Activities of Irving Betheil and Stephen M. Betheil, Docket No. 71-15.

It is further ordered, That all future notices issued on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6366 Filed 5-5-71;8:49 am]

[Docket No. 71-48]

GUY G. SORRENTINO

Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

From January 1958 until December 31, 1970, Guy G. Sorrentino was President and Director of Sorrentino Shipping, Inc., a Federal Maritime Commission licensed independent ocean freight forwarder, which was found guilty on sixteen (16) counts contained in information filed in the U.S. District Court, Southern District of New York, involving the misclassification of export shipments in order to obtain a lower ocean freight rate in violation of section 16, of the Shipping Act, 1916. These misclassifications occurred from 1964 through 1966. During the period of these violations of the Shipping Act by Sorrentino Shipping, Inc., Guy G. Sorrentino was the President and chief supervisory official of that company. Furthermore, information available to the Commission indicates that Guy G. Sorrentino was aware of and involved in the violations which occurred.

By a certified letter dated March 18, 1971, Guy G. Sorrentino, 180 Davis Avenue, Inwood, Long Island, NY 11696, was notified of the Federal Maritime Commission's intent to deny his application for an individual independent ocean freight forwarder license due to his prior activities as set forth above while he was President and Director of Sorrentino Shipping, Inc.

Guy G. Sorrentino has requested that a hearing be held to show denial of the application is unwarranted.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(b)), that a proceeding is hereby instituted to determine whether in view of the past activities of Guy G. Sorrentino he is fit, willing, and able to carry on the business of forwarding as required by section 44 of the Shipping Act, 1916, and the Commission's rules and regulations, and whether his application should be granted or denied.

It is further ordered, That Guy G. Sorrentino be made respondent in this proceeding and that the matter be assigned for a hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and place to be announced.

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and a copy thereof and notice of hearing be served on the respondent.

It is further ordered, That any person other than the respondent who desires to become a party to this proceeding and participate therein shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with a copy to the respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including the time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6367 Filed 5-5-71;8:49 am]

FAIRSEA SHIPPING CORP. ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202, or may inspect the agreement at the offices of the District Managers, New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, 1405 I Street NW., Washington, DC 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed for approval by:

Gerald B. Greenwald, Esq., Mudge Rose Guthrie & Alexander, 1701 Pennsylvania Avenue NW., Washington, DC 20006.

Agreement No. 9854, between Fairsea Shipping Corp., Fairwind Shipping Corp. and Sitmar Cruises, Inc., is a joint service agreement and would establish a joint passenger service to be known as "Sitmar Cruises" in the following trades:

(A) Europe to Australia and New Zealand via South Africa and vice versa;

(B) Europe to Australia and New Zealand via Panama, the United States of America, Canada, and vice versa;

(C) Australia and New Zealand to Canada and the United States, and vice versa;

(D) Cruising from European, Australian, New Zealand, United States of America, Mexican, Canadian, and Caribbean ports;

(E) Cruising generally.

In addition to providing for the trades to be covered by the joint service, the Agreement includes, among other things, provisions covering tonnage contributions; operation of the joint service; passage contracts and exchange orders; conference membership, pooling and other agreements; rates, charges and practices; and withdrawals.

Dated: April 30, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6368 Filed 5-5-71;8:49 am]

FEDERAL RESERVE SYSTEM

[Docket No. BHC–99]

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

Notice of Opportunity for Hearing

In the matter of the applications of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., for a determination under section 4(c) (8) of the Bank Holding Company Act of 1956, respecting the planned activities of their nonbank subsidiary, the Citizens & Southern Credit Service Corp.

On September 22, 1969, the Board of Governors of the Federal Reserve System ordered a hearing to be held commencing on November 20, 1969, at the Federal Reserve Bank of Atlanta, Atlanta, Ga., pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c) (8)), upon the request of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., for a determination that the planned activities of their nonbank subsidiary, the Citizens & Southern Credit Service Corp., are or are to be of the kind described in the aforementioned provisions of the Act. (34 F.R. 14916)

On November 20, 1969, pursuant to said order, a hearing was held in this matter before Leonard J. Ralston (whose address is Small Business Administration, 1441 L Street NW., Washington, DC), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c)(8) of the Act was substantively amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c)(8) as amended is controlling with respect to the issues to be determined in this matter:

It is hereby ordered, That, pursuant to section 4(c)(8) of the Act, as amended, Notice of Opportunity for Hearing is hereby given. Any person desiring further hearings in this matter on the question whether the proposed activities of the Citizens and Southern National Bank and the Citizens and Southern Holding Co., and the Citizens & Southern Credit Service Corp., are so closely related to banking or managing or controlling banks as to be a proper incident thereto, including whether performance by an affiliate of the Citizens and Southern National Bank and the Citizens and Southern Holding Co. of the activities proposed can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, shall file a written request containing a statement of the person's interest in this proceeding, a summary of any matters concerning which said person wishes to give evidence, and a statement giving the reasons underlying the necessity for a further hearing in this proceeding. The record in this proceeding may be inspected at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

Any such request for hearing shall be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 20 days from the date of the issuance of this notice.

By order of the Board of Governors, April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6323 Filed 5-5-71;8:46 am]

[Docket No. BHC–110]

COLORADO CNB BANKSHARES, INC.

Notice of Opportunity for Hearing

In the matter of the application of Colorado CNB Bankshares, Inc., for a determination under section 4(c) (8) of the Bank Holding Company Act of 1956, respecting the planned activities of B–G Service Corp. and Aspen Industrial Bank, proposed subsidiaries.

On October 15, 1970, the Board of Governors of the Federal Reserve System ordered a hearing to be held commencing on December 1, 1970, at the Denver Branch of the Federal Reserve Bank of Kansas City, pursuant to section 4(c) (8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), upon the request of Colorado CNB Bankshares, Inc., Denver, Colo., whose name has been changed to Colorado National Bankshares, Inc., a bank holding company, for a determination that the activities of its proposed subsidiaries, B–G Service Corp. and Aspen Industrial Bank, are or are to be of the kind described in the aforementioned provisions of the Act, (35 F.R. 16492)

On December 1, 1970, pursuant to said order, a hearing was held in this matter before John Poindexter (whose address is Federal Trade Commission, Sixth Street and Pennsylvania Avenue NW., Washington, DC), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c)(8) of the Act was substantively amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c)(8) as amended is controlling with respect to the issues to be determined in this matter:

It is hereby ordered, That, pursuant to section 4(c)(8) of the Act, as amended, Notice of Opportunity for Hearing is hereby given. Any person desiring further hearings in this matter on the question whether the acquisitions of B–G Service Corp. and Aspen Industrial Bank by Colorado National Bankshares, Inc., are so closely related to banking or managing or controlling banks as to be a proper incident thereto, including whether performance by an affiliate of Colorado National Bankshares, Inc., of the activities proposed can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, shall file a written request containing a statement of the person's interest in this proceeding, a summary of any matters concerning which said person wishes to give evidence, and a statement giving the reasons underlying the necessity for a further hearing in this proceeding. The record in this proceeding may be inspected at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

Any such request for hearing shall be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 20 days from the date of the issuance of this Notice.

By order of the Board of Governors, April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6324 Filed 5-5-71;8:46 am]

FIRST BANC GROUP OF OHIO, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Banc Group of Ohio, Inc., Columbus, Ohio, for approval of acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Security Central National Bank of Portsmouth, Portsmouth, Ohio.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of First Banc Group of Ohio, Inc., Columbus, Ohio (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to The Security Central National Bank of Portsmouth, Portsmouth, Ohio (Security Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2429), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls eight banks with aggregate deposits of approximately $604 million, representing 3 percent of the total commercial bank deposits in Ohio. (All banking data are as of June 30, 1970, and reflect holding company acquisitions approved through March 31, 1971.) On the basis of deposits, Applicant is the seventh largest banking organization and the fourth largest bank holding company in the State. Upon consummation of the proposal, Applicant would increase its share of statewide deposits by 0.3 percentage points but its rank among banking organizations in the State would be unchanged.

Security Bank (deposits of $53 million) is the largest—on the basis of deposits—of the three banks in Scioto County, all of which are located in Portsmouth. (The proposed new bank into which Security Bank will be merged has significance only as a vehicle to accomplish the acquisition of all the voting shares of Security Bank; hence, the proposal to acquire voting shares of the successor by merger to Security Bank is treated as a proposal to acquire voting shares of Security Bank.) Security Bank controls about 55 percent of the deposits in Scioto County, which approximates the relevant market. Despite its size relative to the other Portsmouth banks, it appears that Security Bank does not dominate banking in the area. The second largest bank in the market is an affiliate of the largest bank holding company in the State, and the smallest bank has demonstrated that it is a viable and effective competitor, and has rejected an offer to affiliate with Applicant. It does not appear likely that Applicant's acquisition of Security Bank would have an undue adverse effect on the other Portsmouth banks.

Applicant's subsidiary bank nearest to Security Bank is located more than 80 miles north of Portsmouth. Security Bank draws no loans or deposits from the service area of that bank nor from the service area of any other bank subsidiary of Applicant. Applicant's lead bank draws a negligible amount of business from Scioto County, and none of Applicant's other subsidiary banks draws any business at all from Scioto County. On the facts of record, notably the restrictions in the branch banking law of Ohio, the number of banks intervening in the areas between Security Bank and each of Applicant's subsidiary banks, and the distances separating Security Bank from Applicant's present subsidiaries, there is little likelihood that any of Applicant's subsidiary banks would become competitors of Security Bank in the future. Moreover, economic conditions in Scioto County do not appear attractive for de novo entry. Therefore, it appears that consummation of the proposal would not eliminate existing competition nor foreclose significant potential competition.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an undue adverse effect on competition in any relevant area. The financial and managerial resources and future prospects of Applicant and each of its subsidiaries are regarded as satisfactory. Management of Security Bank apparently consists of two groups with conflicting viewpoints. Through ownership of Security Bank, Applicant proposes to establish unified management for the bank and to provide for management succession. Applicant would also be able to inject new capital into the bank as it is needed. Therefore, considerations regarding the banking factors as they relate to Security Bank weigh in support of approval of the application. Applicant proposes to improve and expand existing services of Security Bank and to enable it to offer international banking and other new services. Considerations regarding the convenience and needs of the communities are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Cleveland pursuant to delegated authority.

By order of the Board of Governors,[1] April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6325 Filed 5-5-71;8:46 am]

[Docket No. BHC–109]

MID AMERICA BANCORPORATION, INC.

Notice of Opportunity for Hearing

In the matter of the application of Mid America Bancorporation, Inc., for a determination under section 4(c)(8) of the Bank Holding Company Act of 1956, respecting the planned activities of Mid America Insurance Agency, a proposed subsidiary.

On September 25, 1970, the Board of Governors of the Federal Reserve system ordered a hearing to be held commencing on November 3, 1970, at the Federal Reserve Bank of Minneapolis, Minneapolis, Minn., pursuant to section 4(c)(8) of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c)(8)), upon the request of Mid America Bancorporation, Inc., St. Paul, Minn., a bank holding company, for a determination that the activities of its proposed subsidiary, Mid America Insurance Agency, whose name has been changed to Valley Agency, Inc., are or are to be of the kind described in the aforementioned provisions of the Act. (35 F.R. 15426)

On November 3, 1970, pursuant to said order, a hearing was held in this matter before Philip J. LaMacchia (whose address is U.S. Civil Service Commission, 1900 E Street NW., Washington, DC), a hearing examiner selected by the Civil Service Commission pursuant to section 3344 of title 5 of the United States Code. The record made at said hearing has been duly filed with the Board.

Inasmuch as section 4(c)(8) was substantively amended on December 31, 1970, by the passage of the Bank Holding Company Act Amendments of 1970, and section 4(c)(8) as amended is controlling with respect to the issues to be determined in this matter:

It is hereby ordered, That, pursuant to section 4(c)(8) of the Act, as amended, notice of opportunity for hearing is hereby given. Any person desiring further hearings in this matter on the question whether the proposed activities of Mid America Bancorporation, Inc., and Valley Agency, Inc., are so closely related to banking or managing or controlling banks as to be a proper incident thereto, including whether performance by an affiliate of Mid America Bancorporation, Inc., of the activities proposed can reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices, shall file a written request containing a statement of the person's interest in this proceeding, a summary of any matters concerning which said person wishes to give evidence, and a statement giving the reasons underlying the necessity for a further hearing in this proceeding. The record in this proceeding may be inspected at the Federal Reserve Building, 20th Street and Constitution Avenue NW., Washington, DC.

Any such request for hearing shall be submitted in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than 20 days from the date of the issuance of this notice.

By order of the Board of Governors, April 29, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6326 Filed 5-5-71;8:46 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Sherrill. Absent and not voting: Governors Mitchell and Brimmer.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption

April 26, 1971.

On February 12, 1971, there was published in the Federal Register (36 F.R. 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting the entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued an appropriate Visa. Since the bilateral cotton textile agreement of October 13, 1967, as amended, between the Governments of the United States and Spain excludes from the limitations of that agreement coated fabrics classified under TSUSA No. 355.6510, an amendment excluding such cotton textiles products from the coverage of the Visa system is required.

Accordingly, there is published below a letter of April 26, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of February 5, 1971, so as to exclude cotton textile products classified under TSUSA No. 355.6510 from the Visa system effective as soon as possible.

Stanley Nehmer,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

Secretary of Commerce

President's Cabinet Textile Advisory Committee

Commissioner of Customs,
Department of the Treasury,
Washington, D.C. 20226

April 26, 1971.

Dear Mr. Commissioner: This letter amends the directive of February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the Federal Register, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued an appropriate visa.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is amended, effective as soon as possible, by adding the following sentence at the end of the first full paragraph on page one of the letter:

"However, cotton textile products classified under T.S.U.S.A. No. 355.6510 shall not be subject to the Visa System described in this directive."

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain, have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V. 1965–69). This letter will be published in the Federal Register.

Sincerely,

James T. Lynn,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-6336 Filed 5-5-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

April 30, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 1, 1971, through May 10, 1971.

By the Commission.

[seal] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-6315 Filed 5-5-71;8:45 am]

[812-2822]

E. I. DU PONT DE NEMOURS AND CO.

Notice of Filing of Application for Order Exempting Proposed Transaction

April 29, 1971.

Notice is hereby given that E. I. du Pont de Nemours and Co. (Applicant), Wilmington, Del. 19898, a Delaware corporation, has filed an application pursuant to Section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of 17(a), the proposed grant of an exclusive license under a U.S. Patent Application (and foreign counterparts) to Block Engineering, Inc. (Block). All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28.5 percent of the outstanding common stock of Applicant, which in turn owns approximately 33 percent of the outstanding common stock of Block. Under section 2(a)(9) of the Act, both Applicant and Block are presumed to be controlled by Christiana and under section 2(a)(3) of the Act, are also affiliated persons of Christiana.

The proposed transaction involves Applicant's grant of an exclusive license under a U.S. Patent Application (and foreign counterparts) to Block, so that Block can make and sell an improved sensor head for pressure sensing devices.

Block has agreed to pay Applicant, in consideration for the grant of this exclusive license, a royalty of 5 percent of the "net selling price", as described in the application, of the apparatus covered by the patent. Total royalty payments to Applicant are not expected to exceed $200,000 during the life of the license. In the event that the amount of royalties paid by Block to Applicant for an annual period is less than $5,000, then Applicant has the option, at any time, to convert the exclusive license into a nonexclusive license, or to terminate all rights and licenses granted to Block and any sublicensee of Block. In addition, Block may for any reason terminate the agreement or any license or right with respect to any patent or patent application licensed by giving Applicant 30 days advance written notice of its intention to terminate.

Block plans to assign the license to its fully owned subsidiary, Digilab, Inc. Applicant asserts that such an assignment is exempt from the provisions of section 17(a) pursuant to Rule 17a-3 under the Act.

Applicant represents that the terms of the proposed transaction were negotiated on an arms-length basis, and are reasonable to both Applicant and Block. Applicant considered, in determining the terms of the agreement, the nature of the invention, its stage of development, the anticipated extent of use of the invention, and its prospective profitability.

Section 17(a) of the Act, as here pertinent, provides that it is unlawful for any affiliated person of a registered investment company, or an affiliated person of such a person, to purchase property from such registered company, or from any company controlled by such registered company.

Section 17(b) provides that a proposed transaction may be exempted from the provisions of section 17(a) upon application if the Commission finds that the terms of the proposed transaction are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of the registered investment company and the general purposes of the Act.

Notice is further given that any interested person may, not later than May 24, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission by the Division of Corporate Regulation, pursuant to delegated authority.

[seal] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-6316 Filed 5-5-71;8:45 am]

[812-2851]

FRANKLIN LIFE INSURANCE CO. AND FRANKLIN LIFE VARIABLE ANNUITY FUND B

Notice of Application for Exemptions

April 30, 1971.

Notice is hereby given that the Franklin Life Insurance Co. (Franklin) and Franklin Life Variable Annuity Fund B (Fund), (herein collectively called "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from certain provisions of sections 17(f)(3), 22(d), and 27(c)(2) of the Act and Rule 17f-2 thereunder. Fund is an open-end diversified management company registered under the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

Franklin is an Illinois stock life insurance company and is subject to supervision and inspection by the Illinois Department of Insurance. Franklin established Fund pursuant to Illinois law on April 1, 1970, as a separate account to offer individual variable annuity contracts.

Section 17(f)(3) provides, in pertinent part, that a registered management investment company may maintain its securties and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f-2 provides, among other things, that such assets be placed in a bank subject to the requirements of the rule, one of which limits the persons who shall have access to such assets to only certain specified individuals. Applicants request an exemption from the provisions of section 17(f)(3) and Rule 17f-2 to the extent necessary to permit not more than six officers or responsible employees of Franklin, designated by the board of managers of the Fund, to have access to the securities and similar investments of the Fund (subject to the provisions of Rules 17f-2 and 17g-1 which shall be applicable to such designated officers and responsible employees of Franklin to the same extent as if they were officers or responsible employees of the Fund designated as having access to the securities and similar investments of the Fund), and to permit duly authorized representatives of the Illinois Department of Insurance and of the zonal examination committee of the National Association of Insurance Commissioners to have access to the securities and similar investments of the Fund. Such assets will be deposited with The First National Bank of Springfield, Springfield, Ill.

Section 22(d) provides, among other things, that no registered investment company shall issue and sell any redeemable security to the public except at a current offering price described in the prospectus. Applicants request an exemption from section 22(d) to permit variable annuity contracts of the Fund to be sold, without a deduction for sales expense (or an administrative expense deduction), to the owner of any fixed dollar annuity contract sold by Franklin, to the extent that the proceeds payable under such fixed dollar annuity contracts are applied by the person entitled to receive them to the purchase, by way of a settlement option, of a single purchase payment variable annuity contract offered by applicants, but only if the proceeds are to be added to an existing variable annuity contract issued by applicants. In connection with such purchase of a single purchase payment contract, the minimum purchase requirements otherwise applicable may be waived by the Fund. Applicants state that such fixed dollar annuity contractholders have paid a sales charge in connection with the sale to them of the fixed dollar annuity contract, and that it is appropriate that duplication of such charge be avoided since conversions of such fixed dollar annuity contracts for settlement as variable annuities are essentially a service to existing fixed dollar annuity contract-holders and do not involve selling efforts comparable to those involved in selling new variable annuity contracts to the public.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank having the qualifications prescribed in section 26(a)(1) and held by it as trustee or custodian under an indenture or agreement containing, in substance, the provisions required by section 26(a) (2) and (3) for a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from the provisions of section 27(c)(2). Applicants state that Franklin is subject to extensive and detailed supervision and inspection by the Illinois Department of Insurance as well as by the insurance department of all other jurisdictions in which Franklin is licensed to do business and that such control provides ample assurance against misfeasance and affords the essential protection which the trusteeship or custodianship under section 26(a)(2) is designed to provide. The contractual obligations of Franklin to the participants cannot be abandoned until such obligations have been discharged. The First National Bank of Springfield, with which the securities and similar investments of the Fund will be deposited, as set forth above, meets the qualifications prescribed in section 26(a)(1) of the Act. Applicants have consented that the requested exemption from section 27(c)(2) be subject to the conditions that the deductions under the contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, that the Commission shall reserve jurisdiction for such purpose, and that the payment of sums and charges out of the assets of the Fund shall not be deemed to be exempted from regulation by the Commission by reason of the requested order, provided that the consent of Applicants to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of such assets other than charges for administrative services. Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission, conditionally or unconditionally, to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is hereby given that any interested person may, not later than May 21, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6317 Filed 5-5-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 36]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

APRIL 30, 1971.

The following applications are governed by Special Rule 100.247[1] of the Commission's General Rules of Practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 111 (Sub-No. 7), filed April 12, 1971. Applicant: VIGEANT MOTOR FREIGHT, INC., Post Office Box 157, Castleton-on-Hudson, NY 12033. Applicant's representative: Julius Braun, 29 Nancy Drive, Troy, NY 12180. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pharmaceutical products*, except in bulk, from Rouses Point, N.Y., to Cleveland, Ohio, Chicago, Ill., Lenexa, Kans., Mesquite, Tex., Los Angeles, Calif., Seattle, Wash., and Chamblee, Ga. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y., New York, N.Y., or Plattsburgh, N.Y.

No. MC 200 (Sub-No. 247), filed April 12, 1971. Applicant: RISS INTERNATIONAL CORPORATION, 100 West 10th Street, Wilmington, DE. Applicant's representative: Ivan E. Moody, 12th Floor, Temple Building, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the plantsite and warehouse facilities of Vick Manufacturing (Division of Richardson-Merrell, Inc.) at Hatboro, Pa., as an off-route point in connection with applicant's authorized regular route service to and from Philadelphia, Pa. NOTE: If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Washington, D.C., or Kansas City, Mo.

No. MC 2229 (Sub-No. 161), filed April 2, 1971. Applicant: RED BALL MOTOR FREIGHT, INC., 3177 Irving Boulevard, Post Office Box 47407, Dallas, TX 75247. Applicant's representative: Martin B. Turner (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment and those injurious or contaminating to other lading: (1) Between El Dorado, Ark., and intersection of U.S. Highways 167 and 79 at or near Fordyce, Ark., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations between Little Rock, Ark., and El Dorado, Ark., serving no intermediate points and serving El Dorado, for purpose of joinder only. From El Dorado, Ark., over U.S. Highway 167 to its intersection with U.S. Highway 79 and return over the same route; (2) between Bastrop, La., and intersection of Arkansas Highway 81 and U.S. Highway 82 at or or near Hamburg, Ark., as an alternate route for operating convenience only in connection with carriers presently authorized regular route operations between Little Rock, Ark., and Monroe, La., serving no intermediate points and serving Bastrop, La., for purpose of joinder only. From Bastrop, La., over Louisiana Highway 139 to Louisiana-Arkansas State line, thence over Arkansas Highway 81 to its intersection of U.S. Highway 82 and return over the same route, and (3) between Arkansas-Louisiana State line approximately 3 miles north of Jones, La., and Montrose, Ark., as an alternate route for operating convenience only in connection with carrier's presently authorized regular route operations serving no intermediate points and serving Montrose, Ark., for the purpose of joinder only. From Arkansas-Louisiana State line approximately 3 miles north of Jones, La., over U.S. Highway 165 to Montrose, Ark., and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas or Forth Worth, Tex.

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 2253 (Sub-No. 45), filed April 12, 1971. Applicant: CAROLINA FREIGHT CARRIERS CORPORATION, Highway 150 East, Cherryville, NC 28021. Applicant's representative: W. C. Mauldin, Post Office Box 697, Cherryville, NC 28021. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., and the terminal site of Harders Express, Inc., located at or near Claverack, N.Y. Restriction: Service at said terminal site is restricted to the transportation of traffic received from or delivered to Harders Express, Inc. NOTE: Applicant states it intends to tack at New York, N.Y., with presently authorized authority between New York, N.Y., on the one hand, and, on the other, Virginia, North Carolina, South Carolina, Georgia, and Florida. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 22254 (Sub-No. 57), filed April 9, 1971. Applicant: TRANS-AMERICAN VAN SERVICE, INC., 7540 South Western Avenue, Chicago, IL 60620. Applicant's representative: John C. Bradley, 618 Perpetual Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pianos and piano benches*, between Granite Falls, N.C., on the one hand, and, on the other, points in the United States, including Alaska and Hawaii. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C., or Washington, D.C.

No. MC 24115 (Sub-No. 17), filed April 9, 1971. Applicant: KESSMAN TANK SERVICE, INC., Box 95, Hamel, IL 62046. Applicant's representative: G. M. Rebman, 1230 Boatmen's Bank Building, St. Louis, MO 63102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and cider*, in bulk, in tank vehicles, from the plantsites of National Vinegar Co., in or near Alton and Olney, Ill., to Mount Summit and Terre Haute, Ind. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 25869 (Sub-No. 105), filed April 8, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Colorado, Illinois, Indiana, Michigan, Missouri, Nebraska, Ohio and Wisconsin, restricted to traffic originating at the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 25869 (Sub-No. 106), filed April 13, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except commodities in bulk, in tank trailers, between Denver, Colo., and points in Nebraska: From Denver, Colo., to points in Illinois, Nebraska, and Wisconsin. NOTE: Applicant states that the requested authority can be tracked with its existing authority at Saunders County, Nebr., under its Subs 21, 28, and 43, to provide a through service to St. Louis, Mo.; Council Bluffs, Iowa; and Kentucky. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., on Denver, Colo.

No. MC 25869 (Sub-No. 107), filed April 15, 1971. Applicant: NOLTE BROS. TRUCK LINE, INC., 4734 South 27th Street, Omaha, NE 68107. Applicant's representative: Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and foodstuffs in mixed loads with meat and meat products as described herein, except commodities in bulk and hides, from the plantsite and storage facilities of Geo. A. Hormel & Co., at Fremont, Nebr., to points in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, and Ohio. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 28060 (Sub-No. 20), filed April 12, 1971. Applicant: WILLERS, INC., doing business as WILLERS TRUCK SERVICE, 1400 North Cliff Avenue, Sioux Falls, SD 57101. Applicant's representative: Bruce E. Mitchell, Suite 301, Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles equipment, material, and supplies* used and distributed by meat packinghouses, from Chicago, Ill., to Sioux Falls, S. Dak. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Washington, D.C.

No. MC 35320 (Sub-No. 124), filed April 6, 1971. Applicant: T.I.M.E.-DC, INC., 2598 74th Street, Post Office Box 2550, Lubbock, TX 79408. Applicant's representative: Frank M. Garrison, Post Office Box 2550, Lubbock, TX 79408. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, grain, and those injurious or contaminating to other lading), between Detroit, Mich., and Toledo, Ohio, from Detroit over U.S. Highway 85 to junction Interstate Highway 75 (also Interstate Highway 75) to Toledo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized routes, restricted to prohibit the transportation of traffic originating at or destined to points in Ohio. NOTE: Common control may be involved. Applicant states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 35807 (Sub-No. 19), filed April 16, 1971. Applicant: WELLS FARGO ARMORED SERVICE CORPORATION, 210 Baker Street NW., Box 4313, Atlanta, GA 30302. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought

to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food coupons*, from Washington, D.C., to points in the contiguous 48 States of the United States. Note: Applicant states that the proposed operation would be performed for the General Services Administration. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 41404 (Sub-No. 96), filed April 12, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients*, other than frozen, from the plantsite or warehouse facilities of Armour-Dial, Inc., located at or near Fort Madison, Iowa, to points in Florida, Georgia, North Carolina, and Tennessee. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 50307 (Sub-No. 58), filed April 16, 1971. Applicant: INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, NY 10001. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials, supplies and equipment*, used in the manufacture thereof, between the New York, N.Y., commercial zone, on the one hand, and, on the other, Cumberland, Md. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 213), filed April 13, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. F. Martin (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, products produced by manufacturers and converters of paper and paper products, from Mechanicsburg, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, *returned and rejected shipments* of the above-described commodities and *paper and paper products*, from the above-described States to Mechanicsburg, Pa. Note: Common control may be involved. Applicant states that the requested authority can be tacked with various subs of MC 51146 and it will tack with its MC 51146 where feasible. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52460 (Sub-No. 105), filed April 12, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients*, from the plant of American Cyanamid Co. at South River, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming.

Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Washington, D.C.

No. MC 52460 (Sub-No. 106), filed April 12, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representative: Steve B. McCommas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals including fertilizer materials*, in bulk and in packages, from Military and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma and Texas; and (2) *fertilizer and fertilizer materials*, dry, in bulk or in packages, *insecticides, fungicides, and herbicides* (except liquid in bulk), also in mixed shipments with manufactured fertilzer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. Note. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 52460 (Sub-No. 107), filed April 13, 1971. Applicant: HUGH BREEDING, INC., 1420 West 35th Street, Post Office Box 9515, Tulsa, OK 74107. Applicant's representatives: Warren A. Goff and Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 52657 (Sub-No. 682), filed April 15, 1971. Applicant: ARCO AUTO CARRIERS, INC., 241 West 79th Street, Chicago, IL 60620. Applicant's representatives: A. J. Bieberstein, 21 West Doty Street, Madison, WI 53703, and S. J. Zangri (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Motor vehicles* (except trailers designed to be drawn by passenger automobiles) in initial movements in truckaway and driveaway service, between Bath, N.Y., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), and (B) *motor vehicle cabs* between Chicago, Ill., and Bath, N.Y. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 53965 (Sub-No. 73), filed April 13, 1971. Applicant: GRAVES TRUCK LINE, INC., 739 North 10th, Salina, KS. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, between Topeka, Kans., and Tulsa, Okla., over U.S. Highway 75, with no service at intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., and Topeka, Kans.

No. MC 60271 (Sub-No. 2), filed April 15, 1971. Applicant: HARPER TRUCK LINE, INC., Post Office Box 288, Monroe, LA 71291. Applicant's representative: Wilbur C. Littleton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood shavings, chips, and sawdust*, from points in Arkansas to Lillie and West Monroe, La. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Monroe, La.

No. MC 61592 (Sub-No. 211), filed April 13, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pipe and duct* used in heating, cooling, air conditioning, or exhaust systems, including *materials and supplies* used in the installation thereof; (2) *building construction wall sections*, including *accessories and parts* thereof, from Westerville, Ohio, to points in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Louisiana, Florida, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, Minnesota, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials, equipment and supplies* used in the manufacture thereof, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 64932 (Sub-No. 493), filed April 5, 1971. Applicant: ROGERS CARTAGE CO., a corporation, 1439 West 103d Street, Chicago, IL 60643. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Corn products and blends*, in bulk, in tank vehicles, from Clinton, Iowa, to points in the United States (except Alaska and Hawaii); (2) *corn products and blends*, in bulk, in tank vehicles, from Cedar Rapids, Iowa, to points in the United States (except Alaska and Hawaii); and (3) *corn products and blends*, in bulk, in tank vehicles, from Keokuk, Iowa, to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 65580 (Sub-No. 17) (Clarification), filed April 7, 1971, published in the Federal Register issue of April 29, 1971, and republished, as clarified, this issue. Applicant: MUSHROOM TRANSPORTATION COMPANY, INC., 845 East Hunting Park Avenue, Philadelphia, PA 19124. Applicant's representative: Joseph A. Malloy, Jr., 1738 Philadelphia, National Bank Building, Philadelphia, Pa. 19107. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Erie, Pa., and Cleveland, Ohio, from Erie over U.S. Highway 19 to junction Interstate Highway 90, thence over Interstate Highway 90 to Cleveland, and return over the same route, as an alternate route for operating convenience only, in connection with carrier's authorized regular route operations, serving no intermediate points. Note: The purpose of this republication is to reflect the correct filing date of April 7, in lieu of April 17, and to redescribe the commodity description. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., Erie, Pa., or Cleveland, Ohio.

No. MC 69116 (Sub-No. 135), filed April 14, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Jack Goodman, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic, plastic or composition flooring or tile;* (2) *facing or floor covering;* (3) *laying accessories*, and (4) *materials, equipment and supplies* used in the manufacture and distribution of the commodities described in (1), (2), and (3) above, between Lisbon, Maine, and points in Alabama, Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 73165 (Sub-No. 290), filed April 12, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from points in Brooke and Marshall Counties, W. Va., to points in Arkansas, Oklahoma, Missouri, and Tennessee. Note: Applicant states that it proposes to tack the requested authority with its existing authority under MC 73165 and subs. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 73165 (Sub-No. 291), filed April 9, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plantsites of Wheeling-Pittsburgh Steel Corp. at or near the following: Allenport, Pa.; Martins Ferry, Yorkville, Mingo Junction, and Steubenville, Ohio; Benwood, Follansbee, Wheeling, and Beechbottom, W. Va.; to points in Wisconsin, Minnesota, Iowa, Kansas, and Nebraska. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 74321 (Sub-No. 48), filed April 2, 1971. Applicant: B. F. WALKER, INC., 650 17th Street, Denver, CO 80202. Applicant's representatives: Richard P. Kissinger (same address as applicant) and Jerry C. Prestridge, Post Office Box 1148, Austin, TX 78767. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Ft. Collins, Colo., and points within 5 miles thereof, to points in the United States (except Alaska and Hawaii). Note: Applicant states tacking is possible with its Subs 15, 17, 21, 22, 27, 32, 34, and 42 certificates, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requested that it be held at Fort Worth or Dallas, Tex., or Denver, Colo.

No. MC 76032 (Sub-No. 283), filed April 9, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, articles distributed by meat packinghouses, and such commodities as are used by meatpackers in the conduct of their business when destined to and for use by by meatpackers*, as described in sections A, B, C, and D of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Sterling, Colo., to points in Arizona, California, Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia. Wisconsin, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 76032 (Sub-No. 284), filed April 13, 1971. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver, CO 80223. Applicant's representative: John T. Coon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Car wash outfits and parts*, between Los Angeles and Sun Valley, Calif., on the one hand. and, on the other, points in Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Montana, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, West Virginia, and Wyoming. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its presently existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Los Angeles, Calif.

No. MC 79135 (Sub-No. 49), filed March 19, 1971. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, NY 13346. Applicant's representative: Joseph F. McCue (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (a) Between Utica, N.Y., and points in Otsego County, N.Y.; and (b) between Hamilton, N.Y., and points in Otsego County, N.Y. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 83217 (Sub-No. 52), filed April 15, 1971. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee Street, Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank wagon vehicles), from West Fargo, Fargo, N. Dak., Sioux City, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, District of Columbia, Illinois, Indiana, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, and Wisconsin. Restricted to traffic originating at Fargo, N. Dak., Sioux City, Iowa, and Omaha, Nebr., and destined to points in the named destination States. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 99780 (Sub-No. 16), filed April 15, 1971. Applicant: CHIPPER CARTAGE COMPANY, INC., 1327 Northeast Bond Street, Peoria, IL 61604. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago, IL 60641. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from the plantsite of the Armour-Dial, Inc., at Fort Madison, Iowa, on the one hand, and, on the other, points in Illinois and Ohio, restricted to the transportation of Armour-Dial, Inc., traffic originating at the above-specified plantsite and/or cold storage facilities and destined to the above-specified destinations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Springfield, or Peoria, Ill.

No. MC 100666 (Sub-No. 184) (Correction), filed March 17, 1971, and published Federal Register issue of April 15, 1971, and republished in part, as corrected, this issue. Applicant: MELTON TRUCK LINE, INC., Post Office Box 7666, 1129 Grimmett Drive, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation, Life Center, 3534 Northwest 58th, Oklahoma City, OK 73112, and Paul Caplinger, Post Office Box 7666, Shreveport, LA 71107. Note: The purpose of this partial republication is to reflect the correct docket number as MC 100666 in lieu of MC 10066, shown erroneously in previous publication. The rest of the application remains the same.

No. MC 102223 (Sub-No. 13), filed April 13, 1971. Applicant: FRETTE-NICHOLSON TRUCK LINES, INC., Post Office Box 206, Ankeny, IA 50021. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsites and facilities of Farmlands Foods, Inc., at Denison, and Iowa Falls, Iowa, on the one hand, and, on the other, points in Connecticut, Illinois, Kentucky, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 103051 (Sub-No. 239), filed April 15, 1971. Applicant: FLEET TRANSPORT COMPANY, INC., 934 44th Avenue North, Post Office Box 7645, Nashville, TN 37209. Applicant's representative: R. J. Reynolds, Jr., 604–09 Healy Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfural*, in bulk, in tank vehicles, from Belle Glade, Fla., to points in Palm Beach County, Fla. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Washington, D.C.

No. MC 105813 (Sub-No. 180), filed April 9, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, 154 M.I.A. Station, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from Minster, Ohio, to points in Florida. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Chicago, Ill.

No. MC 105813 (Sub-No. 181), filed April 9, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and storage facilities utilized by Swift & Co., located at or near St. Charles, Ill., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, and Tennessee. Restriction: Restricted to traffic originating at the plantsites and storage facilities utilized by Swift & Co., at or near St. Charles, Ill. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 539), filed April 2, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Creek County (except Bristow), Okla., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla.

No. MC 107227 (Sub-No. 118), filed April 14, 1971. Applicant: INSURED TRANSPORTERS, INC., 1944 Williams Street, San Leandro, CA 94577. Applicant's representative: John G. Lyons, 1418 Mills Tower, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign made motor vehicles*, except trailers and farm tractors, in secondary movements, from points in Los Angeles County, Calif., to points in Arizona and New Mexico. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it

be held at San Francisco or Los Angeles, Calif.

No. MC 107295 (Sub-No. 507), filed April 9, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sheet metal products and equipment, materials, and supplies* used in the installation of sheet metal products, and *pipe and tubing*, from Vernon, Calif., Dallas, Tex., Arlington Heights, Ill., and Philadelphia, Pa., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 108207 (Sub-No. 316), filed April 15, 1971. Applicant: FROZEN FOOD EXPRESS, 318 Cadiz Street, Post Office Box 5888, Dallas, TX 75222. Applicant's representative: J. B. Ham (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Urethane foam chemicals*, except in bulk, requiring mechanical refrigeration, from Whiting, Ind., to Dallas, Tex. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 109637 (Sub-No. 379), filed April 13, 1971. Applicant: SOUTHERN TANK LINES, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representatives: John E. Nelson (same address as applicant), and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Calvert City, Ky., to points in California. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110144 (Sub-No. 11), filed April 8, 1971. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 3600 Paper Mill Road, Post Office Box 4126, Knoxville, TN 37921. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Classes A and B explosives, household goods as defined in 17 M.C.C. 467, livestock commodities, in bulk, and articles which because of size or weight require special handling, (a) between points in Tennessee on and east of U.S. Highway 27 and (b) between points in Tennessee on and east of U.S. Highway 24 on the one hand, and, on the other, Jackson, Miss. Note: Common control may be involved. Applicant states that the requested authority may be tacked at Chattanooga, Tenn., to a regular route between Chattanooga and Memphis, Tenn. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 110420 (Sub-No. 635), filed April 13, 1971. Applicant: QUALITY CARRIERS, INC., I–94 and County Highway C, Bristol, WI, Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coloring syrup*, from Louisville, Ky., to points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 110686 (Sub-No. 42), filed April 14, 1971. Applicant: McCORMICK DRAY LINE, INC., Avis, Pa. 17721. Applicant's representative: David A. Sutherland, 1140 Connecticut Avenue NW., Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel and iron and steel articles*, between the plantsite of Jersey Shore Steel Co. at Williamsport, Pa., and points in Kentucky. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 78), filed April 8, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representative: J. V. McCoy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from points in Muscogee County, Ga., to points in Alabama, Arkansas, Florida, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ga., or Tampa, Fla.

No. MC 111375 (Sub-No. 47), filed April 13, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malted milk products*, from Racine, Wis. to points in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington. Note: Applicant states it is now authorized to transport "malted milk" from Racine, Wis., to the named destination States. The sole purpose of this application is to clarify applicant's authority to transport a tablet comprised of malted milk and used as a trainer and food supplement for dogs and cats. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111401 (Sub-No. 335), filed April 16, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Alvin J. Hamilton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furfuryl alcohol*, in bulk, from Memphis, Tenn., to Brownsville, Tex., for export into Mexico. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 112304 (Sub-No. 47), filed April 15, 1971. Applicant: ACE DORAN HAULING & RIGGING CO., a corporation, 1601 Blue Rock Street, Cincinnati, OH 45223. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Houston, Tex., to Louisville, Ky. Note: Applicant states tacking possibilities exist with applicant's Sub 1 "size and weight" authority although tacking operations are not planned at this time. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113267 (Sub-No. 262), filed April 9, 1971. Application: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* (except commodities in bulk in tank vehicles), from Bonne Terre, Mo., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Kentucky, and Tennessee. Note: Applicant states the authority sought could be tacked at Paducah, Ky., or Memphis, Tenn., to serve points in Arkansas and Mississippi; however, tacking is not intended. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Memphis, Tenn.

No. MC 113362 (Sub-No. 207), filed April 12, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 Broadway, Eagle Grove, IA 50533. Applicant's representative: Raymond W. Ellsworth, Post Office Box 227, Seneca, PA 16346. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery* (except in bulk), from the plantsite and storage facilities of Charms Co. at Bloomfield, N.J., to Indianapolis, Ind., Des Moines, Iowa, Louisville, Ky., Detroit, Mich., Minneapolis, Minn., St. Louis, Mo., and Milwaukee, Wis. Note: Applicant states that the requested authority cannot be tacked to its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Washington, D.C.

No. MC 113362 (Sub-No. 208), filed April 14, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetables, milk, egg, or fruit ingredients, other than frozen (except hides and commodities in bulk, in tank vehicles), from the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, to points in Ohio, New York, Connecticut, Pennsylvania, and Minnesota. Restriction: Restricted to traffic originating at the plantsite and warehouse facilities of Armour-Dial, Inc., located at Fort Madison, Iowa, and destined to points named. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 113651 (Sub-No. 141), filed April 9, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses, from points in Texas to points in Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C. or Dallas, Tex.

No. MC 113651 (Sub-No. 142), filed April 14, 1971. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, IN 47303. Applicant's representative: Henry A. Dillon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A, C, and D of appendix I to the report in the *Description in Motor Carrier Certificates* case, from the facilities of Beefland International, Inc., at Council Bluffs, Iowa, and from Commercial Cold Storage Facilities in Omaha, Nebr., utilized by Beefland International, Inc., for storage purposes to points in Connecticut, Delaware, Kentucky, Indiana, Maryland, Maine, Michigan, Massachusetts, New Jersey, New York, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and Washington, D.C. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Washington. D.C.

No. MC 114019 (Sub-No. 213), filed April 9, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between points in Ohio, on the one hand, and, on the other, Sparrows Point and Baltimore, Md., New York, N.Y., and points within 30 miles of New York, N.Y., those points within 30 miles of Philadelphia, Pa., located in New Jersey, Delaware, and Maryland, points in that part of New York on the west of a line beginning at Windsor Beach, N.Y., and extending to Rochester, N.Y., thence along U.S. Highway 15 to Wayland, N.Y., thence along New York Highway 245 to Dansville, N.Y., thence along New York Highway 36 to junction New York Highway 21, thence along New York Highway 21 to Andover, N.Y., and thence along New York Highway 17 to the New York-Pennsylvania State line, and points in West Virginia and Pennsylvania. Note: Applicant states it is presently authorized to serve between the above points by combining its existing authority and operating via Belmont County, Ohio, and Wheeling, W. Va., as gateways. Applicant further states that the purpose of instant application is to eliminate the necessity of observing the gateways. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill:

No. MC 114045 (Sub-No. 352), filed April 16, 1971. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Finley and Belt Line Road, 75240, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, shaving cream, drugs, advertising materials and display racks* in vehicles equipped with mechanical refrigeration, from Parsippany, N.J., to Dallas and Grand Prairie, Tex. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Dallas, Tex.

No. MC 114211 (Sub-No. 151), filed April 15, 1971. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, Post Office Box 420, Waterloo, IA 50704. Applicant's representative: Charles W. Singer, Suite 1625, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motors*, (2) *generators, motor and generator controls and central systems*, and (3) *parts and accessories* for the commodities described in (1), (2) and (3) above, from Minneapolis, Minn., to points in the United States (except Alaska and Hawaii). Note: Applicant has replied "no" to item VI(b) however in connection with this item it states the present authority can be tacked with its existing authority but indicates it has no present intention to tack and therefore does not identify the points or territories which can be tacked. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Chicago. Ill.

No. MC 114273 (Sub-No. 83), filed April 8, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Robert E. Konchar, 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402, and Gene R. Prokuski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, and commodities in bulk, in tank vehicles), from the plantsite or storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Colorado, Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, Massachusetts, Connecticut, Rhode Island, Vermont, and New Hampshire. Note: Applicant states that the requested authority cannot be tacked with its presently held authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 84), filed April 12, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski, Post Office Box 68, Cedar Rapids. IA 52406, and Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to Colorado and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114273 (Sub-No. 85), filed April 9, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68 (3930 16th Avenue SW), Cedar Rapids, IA 52408. Applicant's representatives: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, IA 52406, and Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapid, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles* distributed by *meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Friona, Tex., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Chicago, Ill.

No. MC 114273 (Sub-No. 87), filed April 16, 1971. Applicant: CEDAR RAPIDS TRANSPORTATION, INC., Post Office Box 68 (3930 16th Avenue SW.), Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuska (same address as applicant), and Robert E. Konchar, Suite 315, Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flatware*, from Leominster, Mass., to points in Colorado, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Illinois, Michigan, Indiana, and Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114457 (Sub-No. 108), filed April 12, 1971. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods*, from Chicago, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, and (2) *equipment, materials and supplies used in the sale, distribution, and manufacture of frozen foods*, from the above named destinations to Chicago Heights, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114569 (Sub-No. 93), filed April 13, 1971. Applicant: SHAFFER TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, 100. Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal pipe duct, fittings, and parts* for heating, cooling, and ventilating equipment, no single piece to weigh more than 2,000 pounds; (2) *sheet metal down spouts, gutters, and fasteners* therefor, and (3) *advertising matter* relative to, and when moving in the same vehicle with the above-named commodities, from Arlington Heights, Ill., to points in Alabama, Arkansas, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114569 (Sub-No. 94), filed April 13, 1971. Applicant: SHAFFER-TRUCKING, INC., Post Office Box 418, New Kingstown, PA 17072. Applicant's representative: James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Sheet metal pipe duct, fittings, and parts for heating, cooling, and ventilating equipment*, no single piece to weigh more than 2,000 pounds, (2) *sheet metal down spouts, gutters, and fasteners therefor, and* (3) *advertising matter relative to*, and when moving the same vehicle with the above-named commodities, from Dallas, Tex., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Ohio, Oklahoma, Tennessee, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114890 (Sub-No. 50), filed April 12, 1971. Applicant: C. E. REYNOLDS TRANSPORTS, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: (1) *Dry chemicals*, including fertilizer and fertilizer materials, in bulk and in packages, from Military, Kans., and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas, (2) *dry fertilizer and fertilizer materials*, in bulk or in packages, and (3) *insecticides, fungicides, and herbicides*, except liquid in bulk, moving individually or in connection with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at Kansas City, Mo.

No. MC 114890 (Sub-No. 51), filed April 8, 1971. Applicant: C. E. REYNOLDS TRANSPORT, INC., Post Office Box A, Joplin, MO 64801. Applicant's representative: J. David Harden, Jr., 600 Leininger Building, Oklahoma City, OK. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid copper sulfate*, in bulk, in tank vehicles, from Cardin, Okla., to points in Missouri. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa or Oklahoma City, Okla.

No. MC 114969 (Sub-No. 42), filed April 8, 1971. Applicant: PROPANE TRANSPORT, INC., 1734 State Route 131, Post Office Box 232, Milford, OH. Applicant's representative: James R. Stiverson and Edwin H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Henderson, Ky., to points in Illinois, Indiana, and Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, or Washington, D.C.

No. MC 115113 (Sub-No. 22), filed April 12, 1971. Applicant: IOWA PACKERS XPRESS, INC., Post Office Box 231, Spencer, IA 51301. Applicant's representative: Bill Husby (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, ment products, meat byproducts and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in section A and C of appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C.

209 and 766, from the plantsites and warehouse facilities utilized by Banner Beef Co., located at/or near Hospers, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restrictions: The service proposed herein are restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destinations. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr.

No. MC 115162 (Sub-No. 224), filed April 14, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cabinets*, from points in Clark County, Ind.; (2) *Doors and door sections*, from points in Wayne County, Mich.; (3) *Fencing and poultry netting*, from points in Cook and Whiteside Counties, Ill.; (4) *Air coolers and air conditioners*, from points in Ionia County, Mich.; (5) *Bath tubs*, from points in Columbiana County, Ohio, and (6) *Bathroom or lavatory fixtures, china, earthenware, or porcelainware*, from points in Armstrong County, Pa.; to points in Alabama, Florida, Georgia, Mississippi, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 115331 (Sub-No. 307), filed April 8, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1981 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from the plantsite and storage facilities of River Cement Co., a division of River Corp., in or near Selma, Mo. (Jefferson County), to points in Illinois, Kentucky, and Missouri, and *returned or rejected shipments of cement, and empty pallets* from above-named destination States to above-named origin, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 115826 (Sub-No. 216), filed April 16, 1971. Applicant: W. J. DIGBY, INC., 1960 31st Street, Denver, CO 80217. Applicant's representatives: Zeke Gomez (same address as applicant) and Robert R. Digby, 217 Luhrs Tower, Phoenix, AZ 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Oregon, and Washington, to Kennewick, Wash. Note: Applicant states that the authority sought herein is restricted to the transportation of traffic moving to Kennewick, Wash., for in transit storage. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Denver, Colo.

No. MC 116142 (Sub-No. 17), filed April 9, 1971. Applicant: BEVERAGE TRANSPORTATION, INC., 1154 Lafayette Street, York, Pa. 17403. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Williamsburg, Va., to points in Maryland and *empty malt beverage containers* on return. Note: Applicant states tacking would be possible at Baltimore, Md., to points in New York, Pennsylvania, and New Jersey and at Cumberland, Md., to Harrisburg, York, and Lancaster, Pa., New York, N.Y., and Buffalo, N.Y. If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 116763 (Sub-No. 191), filed April 15, 1971. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, OH 45380. Applicant's representative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (a) *Foundry equipment and foundry supplies; medical furniture, cabinets, equipment, and supplies; fabricated metal products and accessories and parts thereto*, from Versailles and Minster, Ohio, to points in the United States (except Alaska and Hawaii), and (b) *foundry equipment and foundry supplies; medical furniture, cabinets, equipment and supplies; fabricated metal products and accessories and parts thereto; and materials, equipment, and supplies* used in the manufacture and distribution of the above named items, from points in the United States (except Alaska and Hawaii) to Versailles, and Minster, Ohio. Applicant states that there may be tacking possibilities of the requested authority with its existing authority, but indicates it has no present intention to tack and therefore does not identify the points or territories which could be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may reseult in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117119 (Sub-No. 435), filed April 14, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188; Elm Springs, AR 72728. Applicant's representative: Bobby G. Shaw (same address as applicant) Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting. *Meats, meat products, and meat byproducts and articles* distributed by meat packinghouses, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Fort Madison, Iowa, to points in Tennessee. Note: Common control may be involved. Applicant states that it does hold authority which could be tacked with that sought herein, however, tacking is not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Kansas City, Mo.

No. MC 118535 (Sub-No. 43), filed April 8, 1971. Applicant: JIM TIONA, JR., 803 West Ohio Street, Butler, MO 64730. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, including fertilizer and fertilizer materials, in bulk and in packages, from Military, Kans., and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas, and (2) *fertilizer and fertilizer materials*, dry, in bulk or in packages, *insecticides, fungicides and herbicides* (except in bulk), also in mixed shipments with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdgris Rivers located in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. Note: Applicant states some tacking possibilty might technically exist but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 119004 (Sub-No. 2), filed April 16, 1971. Applicant: KAVANAGH TRUCKING CO., INC., 78 Lake Street, Tupper Lake, NY 12986. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bobbin blanks wooden*, from Tupper Lake, N.Y., to Beebe River, N.H., and *refused or rejected shipments of said commodity*, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 119399 (Sub-No. 26), filed April 13, 1971. Applicant: CONTRACT FREIGHTERS, INC., 2900 Davis Boulevard, Joplin, MO 64801. Applicant's representative: David L. Sitton (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising matter* when moving in the same vehicle with malt beverages: (A) From Belleville and Peoria, Ill., to Joplin, Mo.; (B) from Fort Worth, Tex., to Joplin, Mo., and Shawnee, Okla.; (C) from Evansville, Ind., to Monnett, Mo.; (D) from Memphis, Tenn., and Milwaukee, Wis., to Joplin, Mo., and all points in Oklahoma, and (E) from St. Paul, Minn., to Butler, Joplin, Monett, and Springfield, Mo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma and Tulsa, Okla.; Kansas City, St. Louis, or Springfield, Mo.

No. MC 119493 (Sub-No. 70), filed April 9, 1971. Applicant: MONKEM COMPANY, INC., West 20th Street Road, (Post Office Box 1196), Joplin, MO 64801. Applicant's representative: Ray F. Kempt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer, fertilizer ingredients, fertilizer materials, pesticides, fungicides and herbicides*, in bags, packages, and containers, from East St. Louis, Ill., to points in Missouri, Kansas, Oklahoma, Arkansas, Nebraska, and Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 119631 (Sub-No. 14), filed April 12, 1971. Applicant: DEIOMA TRUCKING CO., a corporation, Mount Union Station, Post Office Box 915, Alliance, OH. Applicant's representatives: James R. Stiverson and Edwin H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Panels, clay slab and concrete, or concrete*, reinforced, with or without steel structural members, on flat bed semitrailers equipped with mechanical unloaders, from Minerva, Ohio to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and (2) *materials and supplies* (except commodities in bulk) used in the manufacture of the above-described commodities, from points in the destination States in (1) above to Minerva, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 119726 (Sub-No. 24), filed April 8, 1971. Applicant: N. A. B. TRUCKING CO., INC., 2502 Howard Street, Indianapolis, IN 46221. Applicant's representative: James L. Beattey, 130 East Washington Street, Suite 1000, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ceiling board, ceiling tiles, wallboard, fiberboard, roof insulation, metal furring, flourescent lighting fixtures, lenses and diffusers* for flourescent lighting fixtures, and *plastic panels*, from Pensacola, Fla., to points in Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Lancaster, Pa.

No. MC 119789 (Sub-No. 64), filed April 7, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Baby products*, including strollers, childrens vehicles, wardrobes, toys and games, chairs and stools, baby seats, play pens, and *parts and accessories* for the above-described items, from North Hollywood, Calif., to points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Louisiana, Arkansas, Missouri, Iowa, Indiana, Kentucky, Tennessee, Mississippi, Alabama, West Virginia, Pennsylvania, Delaware, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 119789 (Sub-No. 66), filed April 15, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food products* (other than frozen), from St. Martinville, La., to Wichita, Kans., Tulsa, and Oklahoma City, Okla., Denver, Colo., and points in Texas, Idaho, Pennsylvania, and California. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., New Orleans, La., or Washington, D.C.

No. MC 123392 (Sub-No. 30), filed April 5, 1971. Applicant: JACK B. KELLEY, INC., 3801 Virginia, Amarillo, TX 79109. Applicant's representative: Grady L. Fox, 222 Amarillo Building, Amarillo, TX 79101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ethylene gas*, in bulk, in tube trailers, from East Chicago, Ind., to Richmond, Calif. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex., or Oklahoma City, Okla.

No. MC 123502 (Sub-No. 34), filed April 6, 1971. Applicant: FREE STATE TRUCK SERVICE, INC., 10 Vernon Avenue, Glen Burnie, MD 21061. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: I. *Alloys and ores*, in dump vehicles, between points in Pennsylvania on and east of U.S. Highway 219, New Jersey, Delaware, and Maryland, and II. *Slag*, in dump vehicles, from points in Buck County, Pa., and Butler County, Ohio, to points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 123639 (Sub-No. 134), filed April 13, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages*, from Chicago, Ill., to Cheyenne, Wyo. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cheyenne, Wyo.

No. MC 123936 (Sub-No. 4), filed April 5, 1971. Applicant: RETAIL STORES DELIVERY OF RHODE ISLAND, INC., 208 Kinsley Avenue, Providence, RI 02903. Applicant's representative Russell B. Curnett, 36 Circuit Drive, Edgewood Station, Providence, RI 02905. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are dealt in by retail department stores*, in retail delivery service, between points in Rhode Island, points in Hartford, Middlesex, New London, Tolland, and Windham Counties, Conn., and those in Barnstable, Bristol, Hampden, Norfolk, Plymouth, and Worcester Counties, Mass., and Boston, Mass. Note: Applicant states that the requested authority can be tacked with its existing authority in its Sub 2 certificate wherein it holds authority between points in Rhode Island, points in New London and Windham Counties, Conn., and those in Worcester, Plymouth, Bristol, and Norfolk Counties, Mass. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 123639 (Sub-No. 135), filed April 9, 1971. Applicant: J. B. MONTGOMERY, INC., 5150 Brighton Boulevard, Denver, CO 80216. Applicant's representative: John F. DeCock (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, pelts and skins*, green, salted or chromed, *switches or tails*, cattle or horse, green, salted or chromed, and *scraps*, meat, from points in Iowa, Nebraska, Kansas, and Colorado, to Houston, and Laredo, Tex., New Orleans, La., and Detroit, Mich. Note: Applicant states that the authority sought could be tacked with its present authority, at points in Kansas, Iowa, Nebraska and Colorado to permit through service from Chicago, Ill., or at Denver, Colo., to permit through service from approximately the northern half of Illinois. Tacking at points other than in Iowa and Eastern Nebraska or Kansas would not be feasible due to circuity. Applicant states that it has no intention of tacking at this time. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Kansas City, Mo.

No. MC 124247 (Sub-No. 15), filed April 12, 1971. Applicant: DAN LODESKY TRUCKING, INC., Post Office Box 236, Gurnee, IL 60031. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products*, in bulk, in tank vehicles, from East Chicago, Ind., to points in Adams, Brown, Calumet, Columbia, Crawford, Dodge, Door, Fond du Lac, Grant, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Manitowoc, Marathon, Marinette, Marquette, Monroe, Oconto, Outagamie, Ozaukee, Portage, Richland, Sauk, Shawano, Sheboygan, Vernon, Washington, Waupaca, Waushara, Winnebago, and Wood Counties, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 124377 (Sub-No. 20), filed April 15, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Denver, CO 80205. Applicant's representative: Stockton and Lewis, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Brush and Denver, Colo., to Albuquerque, N. Mex., restricted to partial unloading at Albuquerque, with final destination in Arizona, California, and Nevada, under a continuing contract with Sigman Meat Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 125433 (Sub-No. 25), filed April 1, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representatives: Martin J. Rosen, 140 Montgomery Street, San Francisco, CA 94104, and David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* which because of size or weight require special handling or use of special equipment, and *other commodities* when shipped therewith; and *self-propelled articles* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving therewith, between points in California south of the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, on the one hand, and, on the other, points in Oregon and Washington, with stop in transit privileges at Boise, Idaho. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at (1) Los Angeles, Calif., (2) San Francisco, Calif., (3) Portland, Oreg., and (4) Seattle, Wash.

No. MC 125951 (Sub-No. 16), filed April 8, 1971. Applicant: SILVEY & COMPANY, a corporation, South Omaha Bridge Road, Council Bluffs, IA 51501. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except liquid commodities, in bulk, and except hides), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Boston, Mass.; Philadelphia, Pa.; New York, N.Y., and points in New Jersey within 5 miles of New York City. Restriction: Restricted to traffic originating at the plantsite and storage facilities utilizer by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr. Note: Applicant states the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. 126346 (Sub-No. 9), filed April 15, 1971. Applicant: HAUPT CONTRACT CARRIERS, INC., Post Office Box 842, Wausau, WI 54401. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Transmission or power pumps, parts and accessories for transmissions and power pumps and materials, equipment, and supplies* used in the manufacture and distribution of transmissions and power pumps, between La Salle, Ill., and Ames, Iowa; (2) *transmission and power pumps, and parts for transmissions and power pumps*, from Ames, Iowa, and La Salle, Ill., to points in the United States (except Montana, Wyoming, Idaho, Washington, Oregon, California, Nevada, Utah, Arizona, New Mexico, Alaska, and Hawaii), and (3) *returned and rejected shipments and materials, equipment, and supplies* used in the manufacture and distribution of transmissions and power pumps, from the destination States named in (2) above to Ames, Iowa, and La Salle, Ill. Restriction: The above-requested authority is restricted to service under contract with the Sundstrand Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington. D.C.

No. MC 126613 (Sub-No. 1), filed April 13, 1971. Applicant: GARDEN GROVE TRANSFER & STORAGE CO., a corporation, 11521 Anabel Avenue, Garden Grove, CA 92640. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, between points in Ventura, Los Angeles, Orange, San Diego, San Bernardino, and Riverside, Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 127028 (Sub-No. 6), filed April 9, 1971. Applicant: BREDEHOEFT PRODUCE COMPANY, INC., Decatur, Ark. 72722. Applicant's representative: Edward T. Lyons, 420 Denver Club Building, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods and dogfood*, from the plantsites of Allen Canning Co. located at Gentry, Ark., Siloam Springs, Ark., at a point approximately 10 miles east of Siloam Springs, Ark., Kansas, Okla., and Proctor, Okla., to points in Arizona, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Rhode Island, South Dakota, Utah, Vermont, Wisconsin, and Wyoming, and the District of Columbia, restricted to the transportation of traffic originating at the named plantsites of the Allen Canning Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 127047 (Sub-No. 13), filed April 13, 1971. Applicant: ED RACETTE & SON, INC., 5409 North Broadway, Wichita, KS 67219. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Axles, wheel axle parts, hub and drum assemblies, wheel rims, and accessories*, from Newton, Kans., to points in Illinois and Indiana; (2) *pallets and related parts and accessories*, from Newton, Kans., to points in Illinois and Indiana; (2) *pallets and gondolas*, from Newton, Kans., to Chicago, Ill., and (3) *supplies and materials* used in the manufacture and distribution of commodities in (1) above, from Chicago, Ill., and Ashburn, Ga., to Newton, Kans. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127049 (Sub-No. 7), filed April 9, 1971. Applicant: CEDARBURG CONTAINER CARRIERS CORPORATION, 1616 Second Avenue, Crafton, WI 53024. Applicant's representative: William C. Dineen, 710 North Plankinton Avenue, Milwaukee, WI 53203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Molded paper containers* from Shamokin, Pa., to points in the United States (except points in Alaska, Hawaii, and Pennsylvania); (2) (a) *Scrap paper*; (b) *Returned and rejected shipments of molded paper containers;* and (3) *Materials and supplies* used in the manufacture of molded paper containers (except commodities in bulk), from points in the United States (except Alaska, Hawaii, and Pennsylvania), to Shamokin, Pa., for the account of Formart Containers, Inc., of Cedarburg, Wis. Note: If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 127274 (Sub-No. 24), filed April 7, 1971. Applicant: SHERWOOD TRUCKING, INC., 1517 Hoyt Avenue, Muncie, IN 47302. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Glass containers*, and closures therefor, (1) from Dunkirk and Muncie, Ind., to points in North Carolina, South Carolina, and Georgia and (2) from Muncie, Ind., to Fort Smith, Ark. Restriction: Restricted to traffic originating at the plant and warehouse sites of Kerr Glass Manufacturing Corp. at Dunkirk and Muncie, Ind. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 127957 (Sub-No. 2), filed April 6, 1971. Applicant: DOMINICK SPINELLI, doing business as DIRECT WAY AUTO SHIPPERS, 6812 Biscayne Boulevard, Miami, FL 33138. Applicant's representative. William J. Lippman, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passenger automobiles* in secondary movements in driveaway service, (1) between points in Florida (except Miami) on the one hand, and, on the other, points in New York, Connecticut, New Jersey, California, Illinois, Iowa, Michigan, Ohio, Pennsylvania, Maryland, and Massachusetts; and (2) between points in Florida, on the one hand, and, on the other, points in the District of Columbia, Rhode Island, Virginia, Texas, Nevada, Wisconsin, Indiana, Kentucky, Louisiana, Tennessee, West Virginia, Delaware, Missouri, Kansas, Oklahoma, and Minnesota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Miami, Fla.

No. MC 128750 (Sub-No. 5), filed April 13, 1971. Applicant: PITT TRUCK, INC., Post Office Box 172, Augusta, IL 62311. Applicant's representative: Ronald N. Cobert, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, NOI, other than frozen, from the plantsite of Armour-Dial, Inc., at or near Fort Madison, Iowa, to points in Illinois and Missouri. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128762 (Sub-No. 5), filed April 7, 1971. Applicant: P. L. LAWTON, INC., Post Office Box 325, Berwick, PA 18603. Applicant's representative: John M. Musselman, 400 North Third Street, Harrisburg, PA 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Building sections, panels, curtain wall units, doors and door frames, and windows and window frames*, (2) *parts and accessories* for the commodities described in (1) above and (3) *architectural shapes*, from Bloomsburg, Pa., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, under contract with Kawneer Co., Inc., a division of American Metal Climax, Inc. The purposes of the application are to eliminate from the similar authority held by applicant at MC 128762 the restrictions that the commodities in (1) above be "all made of aluminum", that transportation of the commodities in (3) above be limited to transportation thereof "when moving in mixed loads with the commodities described in (1) above", the restriction that the authority granted in (1) and (2) above is restricted to uncrated, unpackaged, and unwrapped shipments of the commodities specified therein, and to eliminate the exceptions of Medford, Mass., and Carlstadt, N.J. Note: If a hearing is deemed necessary, applicant requests that it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 128866 (Sub-No. 21), filed April 14, 1971. Applicant: B & B TRUCKING, INC., 9 Brade Lane, Post Office Box 128, Cherry Hill, NJ 08034. Applicant's representative: Daniel L. O'Connor, 1815 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from Cherry Hill, N.J., and Searcy, Ark., to Bells, Tenn., and Wells, Minn., under contract with Penny Plate, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Philadelphia, Pa.

No. MC 128882 (Sub-No. 5), filed April 12, 1971. Applicant: R. W. STEELE, doing business as R. W. STEELE TRUCKING CO., 320 Heaslett Street, Clovis, NM 88101. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Irrigation systems and parts thereof*, between points in Logan County, Colo., on the one hand, and, on the other, points in Kansas, Oklahoma, Texas, and New Mexico, under a continuing contract with Water Equipment Engineering Co., Inc. Note: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 129643 (Sub-No. 5), filed April 16, 1971. Applicant: GEORGE SMITH, doing business as GEORGE SMITH TRUCKING CO., 433 Mountain Avenue, Winnipeg, MB, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen chicken byproducts* (chicken fat-diced chicken meats and cooked broth), from the international boundary line between the United States and Canada at the port of entry near Eastport, Idaho, to Eugene, Oreg., restricted to single line service originating in Canada. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, Minot, or Bismarck, N. Dak.

No. MC 129981 (Sub-No. 2), filed April 15, 1971. Applicant: BRIDGFORD DISTRIBUTING CO., a corporation, One Frozen Food Plaza, Secaucus, NJ. Applicant's representative: J. Max Harding, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen bread dough*, from the plantsite and warehouse facilities utilized by Bridgford Food Corp., Secaucus, N.J., to points in North Carolina, South Carolina, Georgia, and Florida, under contract with Bridgford Food

Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 133240 (Sub-No. 16), filed April 16, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier* by motor vehicle, over irregular routes, transporting: *Textiles*, between the facilities of Cindy Lee Corp. and its subsidiaries located at New York, N.Y., and Passaic, N.J., on the one hand, and, on the other, Rock Hill S.C., and Danville, Va., Greensboro, N.C., Carlisle, S.C., Old Fort, N.C., Swainsboro, Ga., Mt. Wolf, Pa., Fall River, Mass., Memphis, Tenn., Yadkin, N.C., Limon, S.C., Providence, R.I., New Bedford, Mass., and Appomattox, Va., under contract with Cindy Lee Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133485 (Sub-No. 6), filed April 15, 1971. Applicant: INTERNATIONAL DETECTIVE SERVICE, INC., 1828 Westminster Street, Providence, RI 02909. Applicant's representative: Morris J. Levin, 839 17th Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Stocks, bonds, securities, bullion, legal tender, monies, negotiable and nonnegotiable instruments* (except cash letters), *stamps, precious metal, precious stones, jewelry, and rare objects*, in armored motor vehicles escorted by armed guards, between points in Rhode Island, Massachusetts, Connecticut, New Jersey, and New York. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Providence, R.I.

No. MC 133646 (Sub-No. 9), filed April 7, 1971. Applicant: YELLOWSTONE MOLASSES SERVICE, INC., Post Office Box 404, Billings, MT 59103. Applicant's representative: J. F. Meglen, Post Office Box 1581, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, bags and blocks, from the plantsite of Dakota Salt & Chemical Co., near Williston, N. Dak., to points in Minnesota, Montana, South Dakota, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont.

No. MC 133776 (Sub-No. 2), filed April 5, 1971. Applicant: ASSOCIATED TRANSFER & STORAGE, INC., 815 East University, Urbana, IL 61801. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between all points in Illinois. Restricted to transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, or decontainerization of such traffic. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133863 (Sub-No. 4), filed April 7, 1971. Applicant: FRANK MURPHY CONTRACT CARRIER, INC., 730 Richmond Terrace, Staten Island, NY 10301. Applicant's representative: Robert B. Pepper, 174 Brower Avenue, Edison, NJ 08817. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except building materials), in containers or trailers, having a prior or subsequent movement by water in interstate or foreign commerce, between the ports of Baltimore, Md., Philadelphia, Pa., Boston, Mass., and the port of New York, as defined in 49 CFR 1070.1. Note: Applicant states that the requested authority cannot be tacked with its existing authority. It holds contract carrier authority under MC 35211, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y. or Newark, N.J.

No. MC 134163 (Sub-No. 3), filed April 7, 1971. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, foods, food products, and food preparations* (except commodities in bulk), (1) from points in Chester County, Pa., to points in District of Columbia, Maryland, West Virginia, Delaware, New Jersey, New York, Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, and Connecticut, (2) from Philadelphia, Pa., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Baltimore, Md., and the District of Columbia, (3) from Sabasco Estates and Portland, Maine, and Gloucester, Mass., to West Chester, Pa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC–95793 and subs thereto; therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134163 (Sub-No. 4), filed April 8, 1971. Applicant: JOSEPH RICHARDSON, Post Office Box 146, Bridgeport, PA 19405. Applicant's representative: E. Stephen Heisley, 705 McLachlen Bank Building, 666 11th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, food, food products, and food preparations* (except commodities in bulk), (1) from Swoyersville, Pa., to points in the District of Columbia, Maryland, Delaware, New Jersey, New York, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, (2) from Hatboro, Pa., to points in Maryland, Delaware, New York, New Jersey, Connecticut, and Massachusetts, (3) from Hockessin, Del., to points in New York and Massachusetts, (4) from King of Prussia, Pa., to points in the District of Columbia, Delaware, Maryland, Massachusetts, Connecticut, New Hampshire, Vermont, Maine, and Rhode Island, and (5) from Danielson, Conn., to points in Pennsylvania. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under No. MC 95793 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 134460 (Sub-No. 6), filed April 15, 1971. Applicant: AMERICAN TRANSPORT SYSTEM, INC., 871 Charter Street, Redwood City, CA 94063. Applicant's representative: Daniel W. Baker, 405 Montgomery Street, Suite 1401, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat*, in vehicles equipped with mechanical refrigeration, from San Francisco and Oakland, Calif., to points in Alameda, Monterey, Sacramento, San Francisco, San Benito, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Stanislaus, Sonoma, Yolo, Merced, Contra Costa, Napa, and Solano Counties, Calif. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif.

No. MC 134477 (Sub-No. 11), filed April 12, 1971. Applicant: SCHANNO TRANSPORTATION, INC., 5 West Mendota Road, West St. Paul, MN 55118. Applicant's representative: Paul Schanno (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, ment byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificate*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and/or storage facilities utilized by Armour & Co. at or near Worthington, Minn., and Huron, S. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing

is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul, Minn.

No. MC 134794 (Sub-No. 2), filed April 8, 1971. Applicant: BILLIE G. WILSON, doing business as WILSON TRANSPORTATION COMPANY, 16412 Del Mar Lane, Huntington Beach, CA. Applicant's representative: Milton W. Flack, 1813 Wilshire Boulevard, Los Angeles, CA 90057. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers and mobile home running gear*, from Los Angeles, Calif., to Pendleton, La Grande, and Hermiston, Oreg. Note: If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 134820 (Sub-No. 1), filed April 14, 1971. Applicant: ROBERT ALBRIGHT, 11271 Glendale Way, Seattle, WA 98168. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tape, pressure, sensitive; plastic film (PVA film); strapping, plastic;* from Stow and Alliance, Ohio, and Gary, Ind., to Seattle, Wash.; (2) *paper printing*, from Chicago, Ill., Hamilton, Ohio, Fort Smith, Ark., Brainerd and Cloquet, Minn., and Port Edwards, Wisconsin Rapids, Stevens Point, Wisconsin Dells, and Appleton, Wis., to Seattle, Wash., and (3) *cleaning compounds* (liquid), and *soap* (liquid) from Toledo, Ohio, to Seattle, Wash., under a continuing contract with West Coast Paper Co., Seattle, Wash. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 134886 (Sub-No. 2), filed March 25, 1971. Applicant: U & ME TRANSFER, INC., 2626 Electronic Way, West Palm Beach, FL 33407. Applicant's representative: Richard B. Austin, Post Office Box 7488, Ludlam Branch, Miami, FL 33155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, commodities requiring special equipment and those injurious or contaminating to other lading) between points in Dade, Broward, Indian River, Martin, Palm Beach, and St. Lucie Counties, Fla., restricted to traffic having a prior or subsequent movement by air. Note: If a hearing is deemed necessary, applicant requests it be held at West Palm Beach or Miami, Fla.

No. MC 135100 (Sub-No. 3), filed April 5, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, La Porte, IN 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plant and warehouse sites of Kraftco Corp., and its divisions, Kraft Foods and Humko Products, located at or near Champaign, Ill., to points in the Lower Peninsula of Michigan, and those in Ohio on and north of U.S. Highway 40. Note: Applicant holds contract carrier authority under MC 2310, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135100 (Sub-No. 4), filed April 16, 1971. Applicant: SIGNAL TRANSPORT, INC., Post Office Box 681, La Porte, IN 46350. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, from Fort Madison, Iowa, to points in Illinois. Note: Applicant now holds contract carrier authority under its No. MC 2310, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135116 (Sub-No. 1), filed April 15, 1971. Applicant: RELIABLE TRANSFER COMPANY, a corporation, 121 East Jackson Avenue, Knoxville, TN 37902. Applicant's representative: Monty Schumacher, Suite 310, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, as defined by the Commission, and unaccompanied baggage and personal effects*, between points in Anderson, Blount, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamblen, Hancock, Hawkins, Jefferson, Knox, Loudon, McMinn, Monroe, Roane, Sevier, Sullivan, Unicoi, Union, and Washington Counties, Tenn., Bell and Whitley Counties, Ky., Lee, Scott, Washington, and Wise Counties, Va., and Ashe, Avery, Cherokee, Graham, Haywood, Madison, Mitchell, Swain, and Watauga Counties, N.C., restricted to the transportation of traffic having a prior or subsequent movement, in containers, except as to unaccompanied baggage and personal effects, beyond the points sought, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn., or Atlanta, Ga.

No. MC 135206 (Sub-No. 1), filed April 16, 1971. Applicant: NORMAN KRUCKENBERG, doing business as N. K. TRUCKING, Post Office Box 1141, Kalispell, MT 59901. Applicant's representative: Jeremy G. Thane, Savings Center Building, Missoula, MT 59801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products*, from points in Flathead, Lake, and Lincoln Counties, Mont., to points in North Dakota, South Dakota, Minnesota, Iowa, Illinois, Wisconsin, and Nebraska. If a hearing is deemed necessary, applicant requests it be held at Missoula or Great Falls, Mont.

No. MC 135213 (Sub-No. 2), filed March 25, 1971. Applicant: JOE GOOD, doing business as GOOD TRANSPORTATION, 830 Shoshoni Street, Lovell, WY 82431. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fire brick, including refractory mortars, castables, ramming mixes, anchor block and insulators*, from Denver, Colo., to Lovell, Wyo.; and (2) *clay products, including bentonite clay, fittings and accessories, clay pipe, fittings and jointing devices, flue lining, wall coping, face and common brick, structural clay tile, and fireplace accessories*, (a) between Billings, Mont., and points in Wyoming; (b) between Lovell, Wyo., inclusive, and the plantsites of the Lovell Clay Products and American Colloid Co., at or near Lovell, on the one hand, and, on the other, points in Colorado, Idaho, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming, under contract with the Lovell Clay Products Co. and American Colloid Co. Note: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Cheyenne, Wyo.

No. MC 135236 (Sub-No. 1), filed April 16, 1971. Applicant: LOGAN TRUCKING, INC., 801 Erie Avenue, Logansport, IN 46947. Applicant's representative: Donald W. Smith, 900 Circle Tower, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from Hammondsport, N.Y., New York, N.Y., Baltimore, Md., Pt. Newark, N.J., and Newark, N.J., to points in Ohio, Indiana, Kentucky, and Illinois; (2) *used malt beverage containers*, from above-named destinations to above-named origins, on return; and (3) *wines and champagnes*, from North Bergen, N.J., and Hammondsport, N.Y., to points in Ohio, Indiana, Illinois, and Michigan. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Washington, D.C.

No. MC 135244 (Sub-No. 1), filed April 6, 1971. Applicant: NUTRITION PLUS, INC., 1000 Hillcrest Road, Wayne, NE 68787. Applicant's representative: Merle Sieler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Malvern, Iowa, to points in Burt, Cumming, Dakota, Dixon, Thurston, and Wayne Counties, Nebr., under a continuing contract with Standard Chemical Manufacturing Co. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135381 (Correction), filed March 9, 1971, published in the Federal Register, issue of April 22, 1971, and republished in part, as corrected, this issue. Applicant: DRUM TRANSPORTATION COMPANY, a corporation, Rural Delivery No. 1, Montgomery, PA 17752. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Note: The sole purpose of this partial republication is to show the correct docket number as MC 135381 in lieu of MC 13581 which was erroneously shown in the previous publication. The rest of the application remains as previously published.

No. MC 135422 (Sub-No. 2), filed April 9, 1971. Applicant: B & W TRUCKING CO., a corporation, 1625 Darl Drive, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and building materials* (except commodities in bulk, in tank vehicles), from Dubuque, Iowa, to points in Carroll, Jo Daviess, and Stephenson Counties, Ill.; points in Crawford, Grant, Iowa, and Lafayette Counties, Wis., under contract with Wickes Lumber and Building Supplies. Note: If a hearing is deemed necessary, applicant requests it be held at Dubuque or Des Moines, Iowa, or Madison, Wis.

No. MC 135437 (Sub-No. 1), filed April 5, 1971. Applicant: TRI-NORTHEASTERN TRANSPORT, INC., Post Office Box 25, Webster, NY 14580. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Batavia, N.Y., to Rochester, N.Y. Note: If a hearing is deemed necessary, applicant requests it be held at Rochester, N.Y.

No. MC 135446 (Correction), filed March 23, 1971, published Federal Register issue of April 15, 1971, and republished in part as corrected this issue. Applicant: LINCOLN LAND MOVING & STORAGE, INC., 1304 West Bradley, Champaign, IL 61820. Applicant's representative: Joseph W. Anderson, 307 West Green, Champaign, IL 61820. Note: The purpose of this partial republication is to reflect the correct docket number as MC *135446* in lieu of MC *135466*, shown inadvertently in the previous publication. The rest of the application remains the same.

No. MC 135455 (Sub-No. 1), filed April 6, 1971. Applicant: LESLIE G. BOOMGARDEN, doing business as SQUARE DEAL TRUCKING, 1931 Dean Street, Des Plaines, IL 60018. Applicant's representative: Edward G. Finnegan, 134 N. La Salle Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Deposit boxes, drive-up windows, safety deposit boxes, alarms, security systems and accessories, safes, vaults and protection products and devices, bank protection systems, products and devices, mechanized file systems and accessories*, from Chicago, Ill., to all points within Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kansas, and Indiana, under contract with Diebold, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135492, filed April 5, 1971. Applicant: NORTHERNAIR FREIGHT SERVICE, INC., 12 Home Avenue, Burlington, VT 05401. Applicant's representative: Arthur M. Marshall, 135 State Street, Suite 200, Springfield, MA 01103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, commodities in bulk and those injurious or contaminating to other lading), restricted to the transportation of shipments having an immediately prior or subsequent movement by air, between the U.S. Customhouse at the international boundary line at or near Champlain, N.Y., and Highgate Springs, Vt., on the one hand, and, on the other, Bradley International Airport at Windsor Locks, Conn., Tweed-New Haven Airport at New Haven, Conn., MacArthur Field at Islip, N.Y., Westchester County Airport at White Plains, N.Y., La Guardia Airport and John F. Kennedy Airport at New York, and Newark Airport at Newark, N.J., all having a prior or subsequent movement by air. Note: If a hearing is deemed necessary, applicant requests it be held at Plattsburgh, N.Y., or Burlington, Vt.

No. MC 135503, filed April 13, 1971. Applicant: B. F. (BOB) BOHLING, doing business as BOHLING MOVING & STORAGE, 10415 Hickman Mills Drive, Kansas City, MO 64137. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods* as defined by the Interstate Commerce Commission, between points in Atchison, Douglas, Franklin, Jefferson, Johnson, Leavenworth, Miami, Shawnee, and Wyandotte Counties, Kans.; and Bates, Buchanan, Carroll, Cass, Clay, Clinton, Henry, Jackson, Johnson, Lafayette, Livington, Platte, and Ray Counties, Mo., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. Note: If a hearing is deemed necessary, applicant requests it be held a Kansas City, Mo.

No. MC 135504, filed April 13, 1971. Applicant: DWIGHT KNUTSON, Route No. 1, Platte, SD 57369. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Poulty and livestock, commercial feed and supplements*, from Worthington, Minn., to Platte, S. Dak., under contract with Platte Hatchery. If a hearing is deemed necessary, applicant requests it be held at Sioux Falls, S. Dak.

No. MC 135505, filed April 5, 1971. Applicant: HENRY R. LIEDKIE, JR., doing business as H. R. LIEDKIE & SON, 13–15 North College Street, Schenectady, NY 12305. Applicant's representative: John J. Brady, Jr., 75 State Street, Albany, NY 12207. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies*, between Schenectady, N.Y., on the one hand, and, on the other, points in the counties of Albany, Schenectady, Saratoga, Schoharic, Fulton, Montgomery, Rensselaer, and Washington, N.Y., under contract with Western Electric Co., Inc. Applicant is authorized to operate under MC 100385 and sub, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Albany, N.Y.

No. MC 135508, filed April 12, 1971. Applicant: MONROE FURNITURE CORPORATION, Post Office Box 40, Frisco City, AL 36445. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *New furniture*, from the plantsite of Frisco Manufacturing Co., Inc., located at Frisco City, Ala., to points in the United States (except Alaska and Hawaii), and (2) *materials, equipment, and supplies* (except in bulk) used in the production of new furniture, from points in the United States (except Alaska and Hawaii), to the plantsite of Frisco Manufacturing Co., Inc., located at Frisco City, Ala., under continuing contract with Frisco Manufacturing Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Montgomery or Mobile, Ala.

No. MC 135510, filed April 5, 1971. Applicant: ROBERT E. BAILEY TRANSPORT, INC., 1424 Northeast Dekum Street, Portland, OR 97211. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel products*, between Portland, Oreg., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii); (2) *machinery* used in the manufacture of iron and steel products and fiberglass boats, from points in the United States (except Alaska and Hawaii), to Portland; (3) *fiberglass boats*, from Portland, to points in the United States (execpt Alaska and Hawaii). Restriction: The service herein applied for to be performed for the account of Albina Corp. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 135511, filed April 9, 1971. Applicant: MICHAEL M. SCHAEFER, Route 837, Floreffe, PA 15039. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from West Elizabeth and Jefferson Boroughs, Allegheny County, Pa., to points in Maryland, Pennsylvania, Ohio, and West Virginia. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., Cleveland, Ohio, or Pittsburgh, Pa.

No. MC 135515, filed April 5, 1971. Applicant: JOHN M. SKRIBA, Rural Delivery No. 1, Box 488C, Charleroi, PA 15022. Applicant's representative: Arthur J. Diskin, 806 Frick Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen cabinets and kitchen appliances*, from the plantsites of Santori Bros., Inc., at Monessen and Belle Vernon, Pa., to points in Ohio, West Virginia, Maryland, the District of Columbia, Virginia, New York, New Jersey, and Indiana, under contract with Santori Bros., Inc., of Monessen and Belle Vernon, Pa. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 135516, filed April 9, 1971. Applicant: HORACE CHAVIS, doing business as CHAVIS TRANSFER, 2019 Decatur Street, Richmond, VA 23224. Applicant's representative: John C. Goddin, 200 West Grace Street, Richmond, VA 23220. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Kitchen wall cabinets and sink tops*, from Richmond, Va., to points in North Carolina, South Carolina, Maryland, West Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 135531, filed April 9, 1971. Applicant: SUPERIOR CARTAGE OF WASHINGTON, a corporation, 150 South Horton Street, Seattle, WA 98134. Applicant's representative: James F. Loveridge, Jr., 2920 Seattle-First National Bank Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives), from facilities of Superior Fast Freight, located at Tacoma, Wash., to Seattle, Kent, and Renton, Wash., under contract with Superior Fast Freight. Common control may be involved. Note: If a hearing is deemed necessary, applicant requests it be held at Seattle or Tacoma, Wash.

MOTOR CARRIER OF PASSENGERS

No. MC 228 (Sub-No. 71), filed April 12, 1971. Applicant: HUDSON TRANSIT LINES, INC., 17 Franklin Turnpike, Mahwah, NJ 07430. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between junction New York Highway 208 and New York Highway 207, near Burnside, N.Y., and junction New York Highway 207 and County Highway 38 near Newburgh, N.Y., over New York Highway 207, serving all intermediate points; (2) between junction New York Highway 207 and County Highway 38, near Newburgh, N.Y., and junction New York Highway 17K and County Highway 38 near Newburgh, N.Y., over County Highway 38, serving all intermediate points; and (3) between junction New York Highway 208 and New York Highway 94 via Washingtonville, N.Y., and junction New York Highway 32 and New York Highway 94, near Vails Gate, N.Y., over New York Highway 94 serving all intermediate points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Newburgh, N.Y., or New York, N.Y.

No. MC 45626 (Sub-No. 67), filed March 19, 1971. Applicant: VERMONT TRANSIT CO., INC., 135 St. Paul Street, Burlington, VT 05401. Applicant's representative: L. C. Major, Jr., Suite 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: (A) *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Castleton Corners, Vt., and Fair Haven, Vt., serving all intermediate points: From junction of U.S. Highway 4 and Vermont Highway 30 (Castleton Corners) over Vermont Highway 30 to Poultney, Vt., thence over unnumbered Vermont Highway to the Vermont-New York State line, thence over unnumbered New York highway to the junction of New York Highway 22A, thence over New York Highway 22A to the New York-Vermont State line, thence over Vermont Highway 22A to junction of U.S. Highway 4 at Fair Haven, and return over the same route; (2) between junction of New Hampshire Highways 12 and 119 at Fitzwilliam, N.H., and junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, N.H., serving all intermediate points: From Junction of New Hampshire Highways 12 and 119 at Fitzwilliam, over New Hampshire Highway 119 to Junction of New Hampshire Highway 119 and U.S. Highway 202 at West Rindge and return over the same route; (3) between White River Junction, Vt., and South Burlington, Vt., over Interstate Highway 89, including service at all interchanges of said highway between White River Junction and South Burlington and including authority to operate over the route described below, serving the points specified below:

(a) From Interchange 2 of Interstate Highway 89 over Vermont Highway 132 to junction Vermont Highway 14 at Sharon, Vt., and return over the same route, serving all intermediate points; (b) from Interchange 4 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 12 at Randolph, Vt., and return over the same route, serving all intermediate points; (c) from Interchange 4 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 14 at East Randolph, Vt., and return over the same route, serving all intermediate points; (d) from Interchange 5 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 12 at South Northfield, Vt., and return over the same route, serving all intermediate points; (e) from Interchange 5 of Interstate Highway 89 over unnumbered highway to Junction Vermont Highway 14 at Williamstown, Vt., and return over the same route, serving all intermediate points; (f) from Interchange 6 of Interstate Highway 89 over access road to Junction Vermont Highway 14 at South Barre, Vt., and return over the same route, serving all intermediate points; (g) from Interchange 7 of Interstate Highway 89 over access roads to junction U.S. Highway 302, and return over the same route, serving all intermediate points; (h) from Interchange 11 of Interstate Highway 89 over Vermont Highway 117 to Junction Vermont Highway 15 to Essex Junction, Vt., and return over the same route, serving all intermediate points; (i) from Interchange 12 of Interstate Highway 89 over Vermont Highway 2A to Junction U.S. Highway 7 at Colchester, Vt., and return over the same route, serving all intermediate points; (j) from Interchange 12 of Interstate Highway 89 over Vermont Highway 2A to Junction Vermont Highway 116 at St. George, Vt., and return over the same route, serving all intermediate points and (k) from Interchange 13 of Interstate Highway 89 over Interstate Highway 189 to Junction U.S. Highway 7, and return over the same route; (B) applicant also applies for authority to engage in operations in interstate or foreign commerce, as a common carrier by motor vehicle, over regular routes, in the transportation of passengers and their baggage, and express and newspapers in the same vehicle with passengers, in special operations, as follows:

(1) Between Junction New Hampshire Highway 119 and unnumbered highway (College Road) and Franklin Pierce College at West Rindge, N.H., serving all intermediate points: From Junction New Hampshire Highway 119 and unnumbered highway (College Road) approximately 1.1 miles west of Junction New Hampshire Highway 119 and U.S. Highway 202 at West Rindge, over unnumbered highway to Franklin Pierce College at West Rindge and return over the same route; (2) between Junction Vermont Highways 100 and 105 just west of Newport, Vt., and Junction Vermont Highway 105 and U.S. Highway 7 at St. Albans, Vt., serving all intermediate points: From Junction Vermont Highways 100 and 105 west of Newport, over Vermont Highway 105 to Junction Vermont Highway 105 and U.S. Highway 7 at St. Albans and return over the same route; (3) between East Berkshire, Vt., and Eden, Vt., serving all intermediate points: From East Berkshire over Vermont Highway 118 to Eden and return

over the same route; (4) between Montgomery Center, Vt., and Jay Peak Ski Area, Vt., serving all intermediate points: From Montgomery Center over Vermont Highway 242 to Jay Peak Ski Area and return over the same route; (5) between Belvidere Corners, Vt., and Cambridge Junction, Vt., serving all intermediate points: From Belvidere Corners over Vermont Highway 109 to Junction Vermont Highways 109 and 15 at Cambridge Junction and return over the same route; (6) between West Burke, Vt., and Newport, Vt., serving all intermediate points: From West Burke over Vermont Highway 5A to Junction U.S. Highway 5 near Derby Center, Vt., thence over U.S. Highway 5 to Newport and return over the same route; (7) between Junction U.S. Highway 2 and Vermont Highway 14 at East Montpelier, Vt., and Junction Vermont Highways 14 and 100 west of Newport, Vt., serving all intermediate points: From Junction U.S. Highway 2 and Vermont Highway 14 at East Montpelier over Vermont Highway 14 to Junction Vermont Highways 14 and 100 west of Newport and return over the same route;

(8) Between Junction Vermont Highway 14 and unnumbered highway south of Craftsbury, Vt., and junction unnumbered highway and Vermont Highway 14 north of Craftsbury Common, Vt., serving all intermediate points: From Junction Vermont Highway 14 and unnumbered highway through Craftsbury and Craftsbury Common to Junction unnumbered highway and Vermont Highway 14 and return over the same route; (9) between St. Johnsbury, Vt., and Junction Vermont Highway 25 and unnumbered highway near East Corinth, Vt., serving all intermediate points: From St. Johnsbury over unnumbered highway to Junction Vermont Highway 25 near East Corinth, passing through Danville, Peacham, Groton, and East Corinth, Vt., and return over the same route; (10) between Junction U.S. Highway 2 and Vermont Highway 116 in South Burlington, Vt., and Junction Vermont Highways 116 and 117, serving all intermediate points: From Junction U.S. Highway 2 and Vermont Highway 116 over Vermont Highway 116 to Junction Vermont Highways 116 and 17 and return over the same route; (11) between Richmond, Vt., and Junction Vermont Highway 15 near Underhill Flats, Vt., serving all intermediate points: From Richmond over unnumbered highway through Jericho Center, Vt., to Junction Vermont Highway 15 near Underhill Flats and return over the same route; (12) between Burlington, Vt., and Junction Vermont Highway 127 and U.S. Highway 7 near Malletts Bay, Vt., serving all intermediate points: From Burlington over Vermont Highway 127 to Junction Vermont Highway 127 and U.S. Highway 7 and return over the same route; (13) between Montpelier, Vt., and Morrisville, Vt., serving all intermediate points: From Montpelier over Vermont Highway 12 to Morrisville and return over the same route;

(14) Between Montpelier, Vt., and South Barre, Vt., serving all intermediate points: From Montpelier over unnumbered highway via Montpelier Airport to South Barre and return over the same route; (15) between Junction Vermont Highway 116 and unnumbered highway east of Bristol, Vt., and Roxbury, Vt., serving all intermediate points: From Junction Vermont Highway 116 and unnumbered highway over unnumbered highway through West Lincoln, Lincoln, Warren, and East Warren, Vt., to Roxbury and return over the same route; (16) between Waitsfield, Vt., and East Warren,. Vt., serving all intermediate points: From Waitsfield over unnumbered highway to East Warren and return over the same route; (17) between U.S. Highway 5 and Lake Morey, Vt., near Fairlee, Vt., serving all intermediate points: From Junction U.S. Highway 5 and unnumbered highway near Fairlee, over unnumbered highway around Lake Morey and return over the same route; (18) between Junction Vermont Highways 107 and 12 near Bethel, Vt., and Woodstock, Vt., serving all intermediate points: From Junction Vermont Highways 107 and 12 near Bethel over Vermont Highway 12 through Bernard, Vt., to Woodstock and return over the same route; (19) between Hartland, Vt., and U.S. Highway 4 near Taftsville, Vt., serving all intermediate points: From Hartland over Vermont Highway 12 to Junction U.S. Highway 4 near Taftsville and return over the same route; (20) between Junction U.S. Highway 7 and Vermont Highway F–5 near Charlotte, Vt., and Essex, N.Y., serving all intermediate points: From Junction U.S. Highway 7 and Vermont Highway F–5 near Charlotte, over Vermont Highway F–5 to and over the Charlotte-Essex Ferry to Essex and return over the same route;

(21) Between Bristol, Vt., and Addison, Vt., serving all intermediate points: From Bristol over Vermont Highway 17 to Addison and return over the same route; (22) between Chimney Point, Vt., and Middlebury, Vt., serving all intermediate points: From Chimney Point over Vermont Highway 125 to Middlebury and return over the same route; (23) between Junction New York Highways 22A and 273 near Poultney, Vt., and Junction New York Highway 273 and U.S. Highway 4 near Whitehall, N.Y., serving all intermediate points: From Junction New York Highways 22A and 273 near Poultney, over New York Highway 273 to Junction of New York Highway 273 and U.S. Highway 4 near Whitehall and return over the same route; (24) between Poultney, Vt., and Manchester Center, Vt., serving all intermediate points: From Poultney over Vermont Highway 30 to Manchester Center and return over the same route; (25) between Equinox Mountain, Vt., and junction unnumbered Vermont highway and U.S. Highway 7 south of Manchester, Vt., serving all intermediate points: From Equinox Mountain over so-called "Mt. Equinox Skyline Drive" to Junction U.S. Highway 7 and return over the same route; (26) between Brattleboro, Vt., and Rawsonville, Vt., serving all intermediate points: From Brattleboro over Vermont Highway 30 to Rawsonville and return over the same route; (27) between East Jamaica, Vt., and Mt. Snow Ski Area, Vt., serving all intermediate points: From East Jamaica over Vermont Highway 100 to Mt. Snow Ski Area and return over the same route; (28) between Lebanon, N.H., and Claremont, N.H., serving all intermediate points: From Lebanon over New Hampshire Highway 120 to Claremont and return over the same route; (29) between Newport, N.H., and Junction New Hampshire Highway 11 and Interstate Highway 89, serving all intermediate points: From Newport over New Hampshire Highway 11 to Junction Interstate Highway 89 and return over the same route;

(30) Between Potter Place, N.H., and Junction New Hampshire Highway 11 and unnumbered highway known as Kings Hill Road southeast of New London, N.H., serving all intermediate points: From Potter Place over New Hampshire Highway 11 to Junction New Hampshire Highway 11 and unnumbered highway known as Kings Hill Road and return over the same route; (31) between Georges Mills, N.H., and Interchange 12A of Interstate Highway 89 serving all intermediate points: From Georges Mills over unnumbered highway to Interchange 12A of Interstate Highway 89 and return over the same route; (32) between North Woodstock, N.H., and Conway, N.H., serving all intermediate points: From North Woodstock over the Kancamagus Highway, so-called, to Junction New Hampshire Highway 16, thence over New Hampshire Highway 16 to Conway, and return over the same route; (33) between Junction U.S. Highway 2 and Vermont Highway 18 near East St. Johnsbury, Vt., and Junction U.S. Highway 2 and U.S. Highway 3 near Lancaster, N.H., serving all intermediate points: From Junction U.S. Highway 2 and Vermont Highway 18 near East St. Johnsbury, over U.S. Highway 2 to Junction U.S. Highway 3 near Lancaster and return over the same route; (34) between Keene, N.H., and the Junction Interstate Highway 89 and New Hampshire Highway 10 near Grantham, N.H., serving all intermediate points: From Keene over New Hampshire Highway 10 to Junction Interstate Highway 89 and New Hampshire Highway 10 near Grantham and return over the same route; (35) between Hopkinton, N.H., and Junction New Hampshire Highways 9 and 10 north of Keene, N.H., serving all intermediate points: From Hopkinton over U.S. Highway 202 to Hillsboro, N.H., thence over New Hampshire Highway 9 to junction New Hampshire Highway 10 north of Keene and return over the same route;

(36) Between Peterborough, N.H., and Hillsboro, N.H., serving all intermediate points: From Peterborough over U.S. Highway 202 to Hillsboro and return

over the same route; (37) between Junction U.S. Highway 4 and Cardigan Mountain School at Canaan, N.H., serving all intermediate points: From Junction U.S. Highway 4 and unnumbered highway, over unnumbered highway to Cardigan Mountain School and return over the same route; (38) between Lyme, N.H., and Dartmouth College Skiway, N.H., serving all intermediate points: From Junction New Hampshire Highway 10 and unnumbered highway at Lyme, over unnumbered highway to Dartmouth Skiway and return over the same route; (39) between West Lebanon, N.H., and Junction New Hampshire Highways 12A and 12 near North Charlestown, N.H., serving all intermediate points: From West Lebanon over New Hampshire Highway 12A to Junction New Hampshire Highways 12A and 12 near North Charlestown and return over the same route; (40) between Sheldon Junction, Vt., and Swanton, Vt., serving all intermediate points: From Sheldon Junction over Vermont Highway 78 to Swanton and return over the same route; (41) between Junction Vermont Highway 14 and unnumbered highway east of South Royalton, Vt., and the Joseph Smith Monument near McIntosh Pond, Vt., serving all intermediate points: From Junction Vermont Highway 14 and unnumbered highway, over unnumbered highway to the Joseph Smith Monument and return over the same route; (C) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub-No. 23 issued September 13, 1967, as follows:

(1) Authority to serve all intermediate points between Oxford and Hanover, N.H., on New Hampshire Highway 10, (2) authority to serve all intermediate points between North Woodstock, N.H., and Warren, N.H., on New Hampshire Highway 118, (3) authority to serve for the purpose of joinder the following point: Junction of Vermont Highway 25 and unnumbered Vermont highway near East Corinth, Vt. and (4) authority to transport express and newspapers in the same vehicle with passengers between Jeffersonville, Vt., and Stowe, Vt., over Vermont Highway 108, serving all intermediate points; (D) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub 26 issued January 5, 1952 as follows: (1) Authority to transport express and newspapers, in the same vehicle with passengers, between all points described in said certificate; (E) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub 33 issued September 15, 1970, to authorize for purposes of joinder, in addition to points presently authorized for joinder, the following points: (1) Junction Vermont Highway 22A and Vermont Highway 17 to Addison, Vt., (2) Junction Vermont Highway 22A and Vermont Highway 125 near Bridport, Vt., and (3) Junction New York Highway 22A and New York Highway 273 near Poultney, Vt.; (F) applicant hereby seeks modification of certain portions of Certificate No. MC 45626 Sub 34 issued August 20, 1956 as follows:

(1) Authority to serve all intermediate points, (2) authority to transport express and newspapers, in the same vehicle with passengers, and (3) authority to serve for the purpose of joinder: Junction to Vermont Highways 17 and 125 at Chimney Point, Vt., and (G) applicant further requests modification of its existing Certificate No. MC 45626 Sub 61, which was issued prior to the completion of Interstate Highway 89, so that said certificate will authorize operation as follows: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, between Warner, N.H. and Lebanon, N.H., serving Interchanges 11, 12, 12A, and 13 of Interstate Highway 89 as intermediate points: From Warner over Interstate Highway 89 to Lebanon and return over the same route; between Interchanges 11 and 12 of Interstate Highway 89, serving all intermediate points: From Interchange 11 of Interstate Highway 89 over unnumbered highway known as Kings Hill Road to Junction New Hampshire Highway 11, thence over New Hampshire Highway 11 to Interchange 12 of Interstate Highway 89 and return over the same route. NOTE: If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Brattleboro, White River Junction, or Montpelier. Vt.

No. MC 61016 (Sub-No. 36), filed April 7, 1971. Applicant: PETER PAN BUS LINES, INC., 1776 Main Street, Springfield, MA 01103. Applicant's representative: Frank Daniels, 15 Court Square, Boston, MA 02108. Authority sought to operate as a *common carrier*, by motor vehicles, over regular routes, transporting: *Express and newspapers in the same vehicle with passengers*, between Amherst, Mass., and Bradley Field, Windsor Locks, Conn., (a) from Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over U.S. Highway 5 to junction Massachusetts Highway 57, thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A to the Massachusetts-Connecticut State line, thence over Alternate U.S. Highway 5 to junction unnumbered highway (Mapleton Road) thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route, (b) from Amherst over Massachusetts Highway 9 to Northampton, Mass., thence over U.S. Highway 5 to junction Interstate Highway 91, thence over Interstate Highway 91 to the Massachusetts - Connecticut State line, thence over Interstate Highway 91 to junction Connecticut Highway 20, thence over Connecticut Highway 20 to Bradley Field, Windsor Locks, and return over the same route, and (c) from Amherst over Massachusetts Highway 9 to junction Massachusetts Highway 47 at or near Hadley, Mass., thence over Massachusetts Highway 47 to South Hadley, Mass., thence over city streets to Granby, Mass., thence over U.S. Highway 202 to junction Massachusetts Highway 33, thence over Massachusetts Highway 33 to Chicopee, Mass., thence over city streets to Springfield, Mass., thence over city streets to Massachusetts Highway 57, thence over Massachusetts Highway 57 to junction Massachusetts Highway 5A, thence over Massachusetts Highway 5A to the Massachusetts-Connecticut State line, thence over Alternate U.S. Highway 5 to junction unnumbered highway (Mapleton Road), thence over Mapleton Road to junction Connecticut Highway 190, thence over Connecticut Highway 190 to junction Connecticut Highway 75, thence over Connecticut Highway 75 to Bradley Field, Windsor Locks, and return over the same route, and serving all intermediate points in connection with (a), (b), and (c) above. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield, Mass.

No. MC 69394 (Sub-No. 11), filed April 13, 1971. Applicant: THE GRAY LINE, INC., 25 Webber Street, Roxbury (Boston), MA 02119. Applicant's representative: Charles W. Singer, 33 North Dearborne Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers, (1) between Boston and Worcester, Mass.: From Boston over Massachusetts Highway 9 to Worcester (also from Boston over Interstate Highway 90 to Interstate Highway 290, and thence over Interstate Highway 290 to Worcester; from Boston over Interstate Highway 90 to junction Massachusetts Highway 12 and thence over Massachusetts Highway 12 to Worcester; and from Boston over Interstate Highway 90 to junction unnumbered highway at Exit 11, thence over unnumbered highway to junction Massachusetts Highway 122, and thence over Massachusetts Highway 122 to Worcester), and return over the same routes, serving all intermediate points; (2) between Boston, Mass., and junction U.S. Highway 20 and Massachusetts Highway 9: From Boston over U.S. 20 to junction Massachusetts Highway 9, and return over the same route, serving all intermediate points; (3) between junction U.S. Highway 20 and Massachusetts Highway 128 and junction Massachusetts Highways 9 and 128: From junction U.S. Highway 20 and Massachusetts Highway 128 over Massachusetts Highway 128 to junction Massachusetts Highway 9, and return over the same route, serving all intermediate points; and (4) between junction Interstate Highway 495 and U.S. Highway 20 and junction Interstate Highways 90 and 495: From junction Interstate Highway 495 and U.S. Highway 20 over Interstate Highway 495 to junction Interstate Highway 90, and return over the same route, serving all intermediate points. NOTE: purpose of the instant application is to secure interstate authority generally corresponding to the Massachusetts intrastate authority being acquired by applicant from the Boston-Worcester Corp., Worcester, Mass. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATION FOR BROKERAGE LICENSE

No. MC 130143, filed April 5, 1971. Applicant: VOYAGES AMERICA TOURS, INC., 332 South Michigan Avenue, Suite 1840, Chicago, IL 60604. For a license (BMC–5) to engage in operations as a *broker* at Chicago, Ill., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *passengers and their baggage,* both as individuals and in groups, in special and charter operations, between points in the United States including Alaska and Hawaii. NOTE: Applicant states that the proposed operations are for European tourists visiting the United States.

APPLICATION IN WHICH HANDLING WITHOUT ORAL HEARING HAS BEEN REQUESTED

No. MC 135479, filed March 29, 1971. Applicant: D. & M. TRUCKING CO., INC., Post Office Box 718, La Madera, NM 87539. Applicant's representative: Jerry R. Murphy, 708 LaVeta NE., Albuquerque, NM 87108. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: (1) *Mica ore,* in bulk, from mine sites in that part of Rio Arriba County, N. Mex., north of Hernandez, on and west of U.S. Highway 285, on and east of U.S. Highway 84 and south of a straight line between Tres Piedras, N. Mex., and Tierra Amarilla, N. Mex., to Buckeye, Ariz.; and (2) *milled mica,* from mill sites in that part of Rio Arriba County, N. Mex., north of Hernandez, on and west of U.S. Highway 285, on and east of U.S. Highway 84 and south of a straight line between Tres Piedras, N. Mex., and Tierra Amarilla, N. Mex., to Antonito, Colo., under contract with Moore Mica Co., Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6274 Filed 5-5-71;8:45 am]

[Notice 688]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72831. By order of April 30, 1971, the Motor Carrier Board approved the transfer to Schweitzer Transportation, Inc., Seward, Nebr., of the operating rights in permit No. MC–125785 (Sub-No. 6), issued April 2, 1971, to Saturn Express, Inc., Omaha, Nebr., authorizing the transportation of metal grain silos and other specified commodities from and to specified points in Kentucky, Nebraska, Iowa, and other specified States. David R. Parker, Box 82028, 605 South 14th Street, Lincoln, NE 68501, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6354 Filed 5-5-71;8:48 am]

[Notice 688–A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 3, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC–FC–72849. By application filed April 29, 1971, GALE DELIVERY, INC., Post Office Box 573, Lynbrook, Long Island, NY 11563, seeks temporary authority to lease the operating rights of BONDED TRUCKING & RIGGING, INC., 16 Main Street, Lowell, MA 01853, under section 210a(b). The transfer to GALE DELIVERY, INC., of the operating rights of BONDED TRUCKING & RIGGING, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6355 Filed 5-5-71;8:48 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 3, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42188—*Freight, all kinds between Chicago, Ill., and Southern Freight Association Territory.* Filed by Illinois Freight Association, agent (No.367), for interested rail carriers. Rates on freight, all kinds, in carloads, as described in the application, between Chicago, Ill., on the L&N on the one hand, and points in southern territory, on the other.

Grounds for relief—Carrier competition.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6356 Filed 5-5-71;8:48 am]

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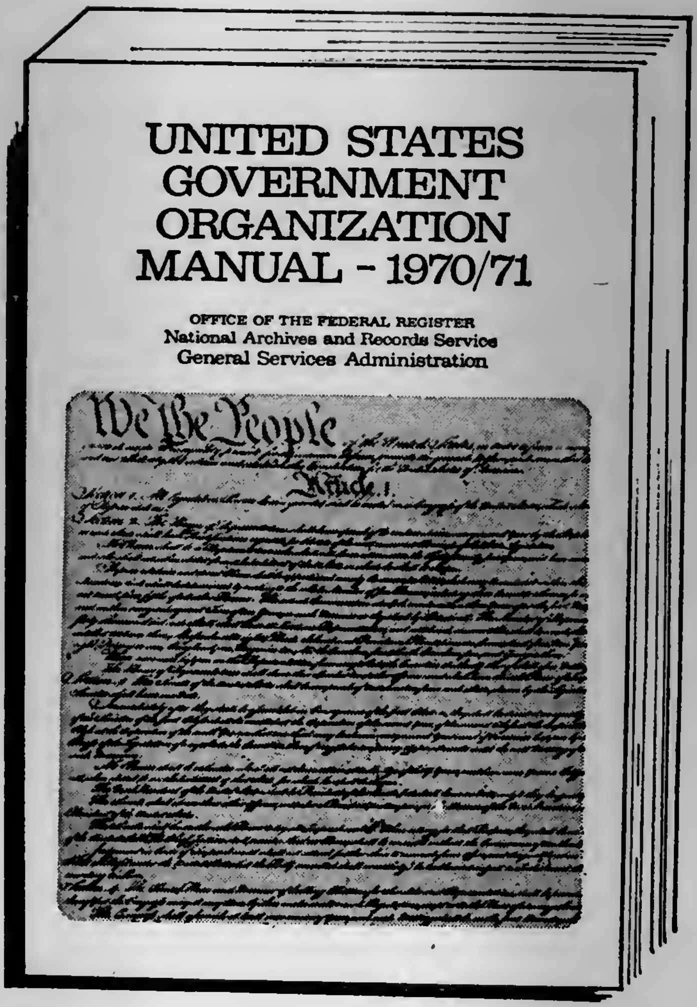
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THE NATIONAL ARCHIVES OF THE UNITED STATES
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Army

Section 213.3107 is amended to show that positions of Food Service Worker, Sales Store Worker, and Ward Attendant at certain authorized overseas locations are excepted under Schedule A when filled by dependents of U.S. military and civilian personnel resident in the area in the absence of available non-U.S. citizens. An appointment under this authority may not be made initially for more than 3 years but may be extended for up to 1 additional year with the prior approval of the Commission.

Effective on publication in the FEDERAL REGISTER (5–7–71), subparagraph (7) is added to paragraph (a) of § 213.3107 as set out below.

§ 213.3107 Department of the Army.

(a) *General.* * * *

(7) Positions of Food Service Worker, Sales Store Worker, and Ward Attendant at overseas locations approved by the Commission, when filled by dependents of U.S. military and civilian personnel resident in the area in the absence of available non-U.S. citizens. An appointment under this authority may be made initially for no more than 3 years, but it may be extended for up to 1 additional year with the prior approval of the Commission.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6410 Filed 5-6-71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that the following positions are no longer excepted under Schedule C: One Confidential Assistant to the Assistant Secretary for Water Quality and Research, one Staff Assistant to the Assistant Secretary for Water Quality and Research, and one Special Assistant to the Assistant Secretary for Water Quality and Research.

Effective on publication in the FEDERAL REGISTER (5–7–71), subparagraphs (13), (17), and (18) of paragraph (a) of § 213.3312 are revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6413 Filed 5-6-71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Commerce

Section 213.3314 is amended to show that three additional positions of Confidential Assistant to the Director, Bureau of International Commerce, and three additional positions of Confidential Assistant to the Director, Bureau of Domestic Commerce, are expected under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–7–71), subparagraphs (6) and (10) of paragraph (m) of § 213.3314 are amended as set out below.

§ 213.3314 Department of Commerce.

* * * * *

(m) *Office of the Assistant Secretary for Domestic and International Business.* * * *

(6) Six Confidential Assistants to the Director, Bureau of International Commerce.

* * * * *

(10) Seven Confidential Assistants to the Director, Bureau of Domestic Commerce.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6409 Filed 5-6-71;8:48 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Special Assistant to the Assistant Administrator for Field Coordination is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–7–71), paragraph (n) is added under § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(n) One Special Assistant to the Assistant Administrator for Field Coordination.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6412 Filed 5-6-71;8:48 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Staff Assistant to the Special Assistant to the Administrator is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5–7–71), paragraph (o) is added under § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(o) One Staff Assistant to the Special Assistant to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6411 Filed 5-6-71;8:48 am]

PART 213—EXCEPTED SERVICE

U.S. Information Agency

Section 213.3328 is amended to reflect the following title change: From one Special Assistant to the Director to one Advisor to the Director.

Effective on publication in the FEDERAL REGISTER (5–7–71), paragraph (f) of § 213.3328 is amended as set out below.

§ 213.3328 U.S. Information Agency.

* * * * *

(f) One Advisor to the Director.

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6414 Filed 5-6-71;8:48 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades for Sweet Cherries [1]

On page 5432 of the FEDERAL REGISTER of March 23, 1971, there was published a notice of proposed rule making to revise these grade standards by reducing tolerances for defects at shipping point and making corresponding increases en route or at destination, and other less important changes. These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Interested persons were given until April 25, 1971, to submit written data, views, or arguments regarding the proposal. No objections have been received and the proposed revised standards are hereby adopted without change and are set forth below.

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1971 packing season for sweet cherries will start in May and it is in the interest of the public and the industry that this revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with the revision on the part of members of the sweet cherry industry or of others.

Accordingly this revision shall become effective upon publication in the FEDERAL REGISTER (5–7–71), and will thereupon supersede the U.S. standards for sweet cherries which have been in effect since May 14, 1956 (7 CFR 51.2646–51.2657).

Dated: May 4, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

Sec.
51.2646 U.S. No. 1.
51.2647 U.S. Commercial.

TOLERANCES

51.2648 Tolerances.

APPLICATION OF TOLERANCES

51.2649 Application of tolerances.

DEFINITIONS

51.2650 Similar varietal characteristics.
51.2651 Mature.
51.2652 Fairly well colored.
51.2653 Well formed.
51.2654 Clean.
51.2655 Damage.
51.2656 Diameter.
51.2657 Serious damage.
51.2658 Permanent defects.
51.2659 Condition defects.

METRIC CONVERSION TABLE

51.2660 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under sec. 205, 60 Stat. 1090, as amended; 7 U.S.C. 1624.

GRADES

§ 51.2646 U.S. No. 1.

"U.S. No. 1" consists of sweet cherries which meet the following requirements:

(a) Similar varietal characteristics;

(b) Mature;

(c) Fairly well colored;

(d) Well formed; and

(e) Clean.

(f) Free from:

(1) Decay;

(2) Insect larvae or holes caused by them;

(3) Soft, overripe or shriveled;

(4) Undeveloped doubles; and,

(5) Sunscald.

(g) Free from damage by any other cause. (See § 51.2655.)

(h) Size: Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(i) For tolerances see § 51.2648.

§ 51.2647 U.S. Commercial.

"U.S. Commercial" consists of sweet cherries which meet the requirements for the U.S. No. 1 grade except for minimum diameter and except for increased tolerances.

(a) Size: Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) For tolerances see § 51.2648.

TOLERANCES

§ 51.2648 Tolerances.

In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances, by count, are provided as specified:

(a) *For defects at shipping point* [2]—(1) *U.S. No. 1.* 8 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 16 percent for cherries which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than 4 percent shall be allowed for defects causing serious damage, including in this latter amount not more than one-half of 1 percent for cherries affected by decay.

(b) *For defects en route or at destination*—(1) *U.S. No. 1.* 12 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 8 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(2) *U.S. Commercial.* 24 percent for cherries in any lot which fail to meet the requirements for this grade: *Provided,* That included in this amount not more than the following percentages shall be allowed for defects listed:

(i) 16 percent for cherries which fail to meet the requirements for this grade because of permanent defects; or,

(ii) 6 percent for cherries which are seriously damaged, including therein not more than 4 percent for cherries which are seriously damaged by permanent defects and not more than 2 percent for cherries which are affected by decay.

(c) *For off-size.* 5 percent for cherries which fail to meet the specified minimum diameter and 10 percent for cherries that fail to meet any specified maximum diameter.

APPLICATION OF TOLERANCES

§ 51.2649 Application of tolerances.

Individual samples shall have not more than double the tolerances specified, except that at least two defective and two off-size specimens may be permitted in any sample: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade.

DEFINITIONS

§ 51.2650 Similar varietal characteristics.

"Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

---

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

[2] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

§ 51.2651 Mature.

"Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

§ 51.2652 Fairly well colored.

"Fairly well colored" means that at least 95 percent of the surface of the cherry shows characteristic color for mature cherries of the variety.

§ 51.2653 Well formed.

"Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

§ 51.2654 Clean.

"Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2655 Damage.

"Damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, any other defect, or any combination of defects, which materially detracts from the appearance, or the edible or marketing quality of the fruit. The following specific defects shall be considered as damage:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing, and handling, or when materially affecting the appearance;

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three-sixteenths inch in diameter;

(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.2656 Diameter.

"Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.2657 Serious damage.

"Serious damage" means any specific defect described in this section; or an equally objectionable variation of any one of these defects, and other defect, or any combination of defects which seriously detracts from the appearance or the edible or marketing quality of the fruit. The following specific defects shall be considered as serious damage:

(a) Decay;

(b) Insect larvae or holes caused by them;

(c) Skin breaks which are not well healed;

(d) Cracks which are not well healed; and,

(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

§ 51.2658 Permanent defects.

"Permanent defects" means defects which are not subject to change during shipping or storage; including, but not limited to factors of shape, scarring, skin breaks, injury caused by hail or insects, and mechanical injury which is so located as to indicate that it occurred prior to shipment.

§ 51.2659 Condition defects.

"Condition defects" means defects which may develop or change during shipment or storage; including, but not limited to decayed or soft cherries and such factors as pitting, shriveling, sunken areas, brown discoloration and bruising which is so located as to indicate that it occurred after packing.

METRIC CONVERSION TABLE

§ 51.2660 Metric conversion table.

Inches:	*Millimeters (mm)*
$\frac{8}{64}$ equals	3.2
$\frac{16}{64}$ equals	6.4
$\frac{24}{64}$ equals	9.5
$\frac{32}{64}$ equals	12.7
$\frac{40}{64}$ equals	15.9
$\frac{48}{64}$ equals	19.1
$\frac{51}{64}$ equals	20.2
$\frac{52}{64}$ equals	20.6
$\frac{54}{64}$ equals	21.4
$\frac{56}{64}$ equals	22.2
1 equals	25.4
$1\frac{8}{64}$ equals	28.6
$1\frac{16}{64}$ equals	31.8
$1\frac{24}{64}$ equals	34.9

[FR Doc.71-6399 Filed 5-6-71;8:47 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 11]

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55), AND MARYLAND TOBACCO

Subpart—Tobacco Allotment and Marketing Quota Regulations, 1968–69 and Subsequent Marketing Years

TRANSFER OF BURLEY FARM MARKETING QUOTAS BY LEASE AND BY OWNER

This amendment of the tobacco allotment and marketing quota regulations is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.).

The purpose of this amendment is to provide procedure for implementing the provisions of Public Law 92–10, approved April 14, 1971, authorizing transfers of burley tobacco farm marketing quotas by lease and by owner. This amendment adds a new § 724.75 to the regulations in this subpart.

Burley tobacco producers are now making plans for planting the 1971 crop and it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice, public procedure and 30-day effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective upon filing of this document with the Director, Office of the Federal Register.

A new section is added to read as follows:

§ 724.75 Transfer of Burley tobacco farm marketing quotas by lease or by owner to another of his farms, under section 318 of the act.

(a) *Authorization of transfers.* It is hereby determined and found that transfers of Burley tobacco farm marketing quotas by lease or by the owner will not impair the effective operation of the Burley tobacco marketing quota or price support program. Accordingly, such transfers of quotas shall be permitted in accordance with the provisions of this section.

(b) *Persons eligible*—(1) *Lease.* Effective beginning with the 1971 crop, the owner and operator (acting together if different persons) of any old farm for which a burley tobacco farm marketing quota is or will be established for the year in which a transfer by lease is to take effect, may lease and transfer all or any part of the farm marketing quota established for such farm to any other owner or operator of a farm in the same county with a current year's farm marketing quota (old or new farm) for Burley tobacco for use on such farm. The quota established for a farm as pooled quota under Part 719 of this chapter may be leased and transferred during the three-year life of the pooled quota.

(2) *By owner.* Effective beginning with the 1971 crop, the owner of any old farm for which a Burley tobacco farm marketing quota is or will be estabilshed for the year in which a transfer by owner is to take effect may transfer all or any part of the farm marketing quota established for such farm to another farm in the same county owned or controlled by such owner.

(c) *Maximum period of transfers.* Transfers of quotas by lease or by owner shall not exceed 5 years.

(d) *Filing and approval of transfer.* The transfer of a farm marketing quota or any part thereof shall not be effective until a copy of the lease agreement, determined to be in compliance with the provisions of this section, is filed with the county committee or designated county office employee at a market town location not later than February 15 of the current marketing year. The county committee may redelegate authority to approve leasing agreements to the county executive director or other county office employee. County office employees in market town locations designated by the State committee shall have authority to approve annual leases and transfers under the terms and conditions of this section even though the farms involved (which must be located in the same county) may be from a different county or State than the county committee supervising the market town location, subject to the review of the county committee for the county where the farms are administratively located.

(e) *Where to file transfer agreement.* Transfer agreements shall be filed with the county committee of the county where the farms are administratively located or with a designated county office employee at a market town location.

(f) *Marketing quota basis for transfer.* Marketing quota, pound for pound, shall be the basis for transfer.

(g) *Limit on amount of quota transferred*—(1) *Transferring farm.* The maximum marketing quota that may be transferred from a farm shall be limited to the farm marketing quota (after any adjustment under § 724.74).

(2) *Receiving farms.* The maximum marketing quota that may be transferred to a farm shall be the smaller of: (i) 15,000 pounds or (ii) the pounds determined by subtracting the farm marketing quota established for the farm prior to any transfer from the product of the farm yield and 50 percent of the cropland for the farm. The cropland in the farm for the current year for the purposes of such transfer shall be the total cropland as defined in Part 719 of this chapter.

(h) *Transferred quota considered produced on transferring farm.* For purposes of establishing quotas for subsequent years, the quota transferred to a farm shall be considered produced on the farm from which transferred.

(i) *Marketing quota for a new farm.* The marketing quota established for a new farm shall not be transferred to another farm.

(j) *Quotas on land under restrictive lease.* If a farm is federally owned and a lease is in effect restricting the production of Burley tobacco, the quota established for such farm is not eligible for transfer.

(k) *Farms under long-term land use programs.* A transfer of a quota to or from a farm covered by a Cropland Adjustment Program Agreement or Cropland Conservation Program Agreement shall not be approved if the transferring or receiving farm has the quota crop base designated under such program agreement.

(l) *Transfer of pooled quota.* Quota established for a farm as pooled quota under Part 719 of this chapter may be transferred for a term of years not to exceed the remaining number of crop years of the 3-year life of the pooled quota.

(m) *No subleasing.* No transfer shall be made from a farm receiving quota under a transfer agreement for the term of the latter lease.

(n) *Limitation on transfer to and from a farm for the same crop year.* No transfer of quota for any crop year shall be made (1) from a farm receiving quota by transfer for such year or (2) to a farm which had quota transferred from it for such year.

(o) *Consent of lienholder.* No transfer of quota other than by annual lease shall be made from a farm subject to a mortgage or other lien unless the transfer is agreed to in writing by the lienholder.

(p) *Recomputation of quota for other than annual transfers.* The quota transferred shall be recomputed and adjusted where appropriate each year the transfer is in effect.

(q) *Zero marketing quota farms.* If the farm marketing quota for a farm for the current crop year is reduced to zero for violation of the tobacco marketing quota regulations, no marketing quota may be transferred to such farm for the current crop year.

(r) *Revised notices.* A revised notice showing the farm marketing quota after transfer shall be issued by the county committee to the operator of each farm involved in the transfer agreement.

(s) *Limited years for owner transfer to operator's farm.* A transfer to a farm controlled but not owned by the applicant shall be approved only if the applicant will be the operator of the farm to which the transfer is to be made for each year of the period for which the transfer is requested. When the applicant for whom such transfer has been approved no longer is the operator of the receiving farm due to conditions beyond his control, the transfer shall remain in effect unless the transfer is terminated under paragraph (w) of this section. Conditions beyond the operator's control shall include, but not be limited to death, illness, incompetency, or bankruptcy of such person.

(t) *Liability of operators of farms receiving transferred quota.* The quota for a farm after transfer shall be the quota for such farm for the current crop year only for the purposes of determining (1) the penalty to be collected on marketing of excess tobacco including absorption of carryover tobacco, (2) eligibility for price support, and (3) the farm marketing quota and the percentage reduction for a violation in the quota for the farm.

(u) *Reconstituted farms.* The quota for a farm being divided or combined in the current year shall be the quota for the farm after transfer has been made. However, in the case of a division, the county committee shall allocate the leased quota to the tracts involved in the division as the parent farm owner and operator designate in writing.

(v) *Farm in violation.* If consideration of a violation is pending which may result in a quota reduction for a farm for the current crop year, the county committee shall delay approval of any transfer until the violation is cleared or the quota reduction is made. However, if the quota reduction in such a case cannot be made effective for the current crop year before May 1, an annual transfer may be approved by the county committee. In any case, if, after a transfer of quota has been approved by the county committee, it is determined that the quota for the farm from which or to which the quota is transfererd is to be reduced for such farm, the quota reduction shall be delayed until the following year.

(w) *Cancellation, dissolution, or revision of transfers*—(1) *Cancellation.* Any lease and transfer of quota under this section which was approved by the county committee on the basis of a misrepresentation of facts by the parties to the agreement shall be canceled by the county committee as of the date it was approved. Where such misrepresentation of facts was unknowingly furnished by the parties involved, such transfer of quota shall be canceled: (i) Effective for the current marketing year if such cancellation can be made by the close of business on February 15 of the current marketing year, or (ii) effective for the next established quota for the farm if such cancellation cannot be made by the close of business on February 15 of the current marketing year.

(2) *Dissolution or revision.* An agreement to transfer quota may be dissolved or minor revisions made where the county committee determines it is in the best interest of the producers and the effective operation of the program will not be impaired, and a request by all parties to the agreement is made in writing to the county committee. Such written notification shall be filed no later than the close of business on February 15 of the current marketing year. If filed after February 15 of the current marketing year but prior to last crop year for which the transfer agreement is effective, the next quota established for the farm shall reflect the revision or dissolution.

(Secs. 318, 319, 375, 378, 379, 80 Stat. 120, as amended, 85 Stat. 23, 52 Stat. 66, as amended, 76 Stat. 726, 79 Stat. 1211; 7 U.S.C. 1314d, 1314e, 1375, 1378, 1379)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 3, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6417 Filed 5-6-71;8:48 am]

SUBCHAPTER C—SPECIAL PROGRAMS

[Amdt. 13]

PART 751—LAND USE ADJUSTMENT PROGRAM

Subpart—Cropland Adjustment Program for 1966 Through 1969

MISCELLANEOUS AMENDMENTS

The regulations governing the Cropland Adjustment Program for 1966 through 1969 (31 F.R. 3483) are further amended as follows:

1. Section 751.118(b) (2) (xi) is revised and paragraph (d) is amended by adding new material at the end as follows:

§ 751.118 Designation and use of acreage diverted.

* * * * *

(b) * * *

(2) * * *

(xi) Land owned by the United States or a State or local government (or agency or political subdivision thereof) except (*a*) any land upon which a homestead or desert land entry has been made and is in good standing, (*b*) cropland owned and operated by a State, county, or local government which the owner (State, county, or local government) establishes to the satisfaction of the county committee that it has adequate equipment and other facilities readily available for the successful production of row crops and small grains and that the production of such crops is a normal practice for such land, and (*c*) otherwise eligible cropland which was placed in the program by a producer and subsequently purchased by a State, county, or local government if the purchaser did not exercise the right of eminent domain in such purchase and the approved conservation measure is maintained for the agreement period;

* * * * *

(d) * * * Notwithstanding any other provision of this paragraph the Deputy Administrator may authorize grazing of the designated acreage to eradicate kudzu where such action is recommended by the county and State committees based on their findings that the infestation cannot be practically controlled by other means: *Provided,* That where such grazing is authorized, the agreement signers will be responsible for reestablishing the approved cover where such cover is destroyed by the grazing and failure to reestablish the approved practice will constitute noncompliance with agreement. Grazing authorized under the foregoing sentence shall be limited to the area of infestation and for the time needed for the eradiction of kudzu.

* * * * *

2. Section 751.122(a) and the first sentence of paragraph (b) are revised to read as follows:

§ 751.122 Compliance with the feed grain base and acreage allotments.

(a) During the program years 1966 through 1970 the feed grain base and the acreage allotments for the farm with respect to which an acreage of such crops is not designated as diverted under the agreement shall not be exceeded.

(b) During the program years 1966 through 1970 the producer shall not exceed the feed grain base and the acreage allotments with respect to any other farm in which he has an interest. * * *

(Sec. 602(q), 79 Stat. 1210; 7 U.S.C. 1838(q))

Effective date: Upon publication in the FEDERAL REGISTER (5-7-71).

Signed at Washington, D.C., on May 3, 1971.

KENNETH E. FRICK,
Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6402 Filed 5-6-71;8:47 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 299—IMMIGRATION FORMS

PART 499—NATIONALITY FORMS

Prescribed Forms

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 299.1 is amended to read as follows:

§ 299.1 Prescribed forms.

The following forms, bearing the corresponding edition date listed below or a subsequent edition date, are hereby prescribed by the Attorney General for use in compliance with the provisions of Subchapter A of this chapter and this Subchapter B:

Form No., Title, and Description

AR-4 (10-1-65) Alien Registration Fingerprint Chart.
AR-11 (5-15-68) Alien's Change of Address Card.
DSP-66 (6-69) Certificate of Eligibility for Exchange Visitor Status.
FS-398 (10-65) Medical Examination of Visa Applicant.

Form No., Title, and Description

G-27 (11-3-67) Request for Recognition to Represent before the Board of Immigration Appeals and the Immigration and Naturalization Service.
G-28 (3-10-67) Notice of Entry of Appearance as Attorney or Representative.
G-296 (9-12-58) Report of Violation.
G-297 (5-28-70) Order to Seize Aircraft.
G-298 (9-12-58) Public Notice of Seizure.
G-325 (11-1-70) Biographic Information.
G-325A (4-1-70) Biographic Information.
G-325B (5-1-68) Biographic Information.
I-17 (11-15-68) Petition for Approval of School for Attendance by Nonimmigrant Alien Students.
I-20 (1-1-70) Certificate of Eligibility (For Nonimmigrant "F-1" Student Status).
I-38 (3-1-65) Special Inquiry Officer's Decision (Deportation).
I-39 (1-5-68) Special Inquiry Officers' Decision (Voluntary Departure, Alternate Deportation).
I-53 (1-1-71) Alien Address Report.
I-67 (9-18-58) Inspection Record (Hungarian Parolee).
I-68 (2-10-70) Canadian Border Boat Landing Card.
I-79 (5-15-70) Notice of Intention to Fine under Immigration and Nationality Act.
I-90 (2-16-70) Application by Lawful Permanent Resident Alien for Alien Registration Receipt Card, Form I-151.
I-92 (7-1-70) Aircraft/Vessel Report.
I-94 (5-1-68) Arrival-Departure Record.
I-95 (9-1-64) Crewman's Landing Permit.
I-99 (8-28-58) Notice of Revocation and Penalty.
I-102 (6-1-70) Application by Nonimmigrant Alien for Replacement of Arrival Document or for Alien Registration.
I-122 (9-15-64) Notice to Applicant for Admission Detained for Hearing before Special Inquiry Officer.
I-126 (10-1-69) Annual Report of Status by Treaty Trader or Investor.
I-129B (4-1-70) Petition to Classify Nonimmigrant as Temporary Worker or Trainee.
I-129F (5-15-70) Petition to Classify Status of Alien Fiance or Fiancee for Issuance of Nonimmigrant Visa.
I-130 (11-1-70) Petition to Classify Status of Alien Relative for Issuance of Immigrant Visa.
I-131 (10-15-69) Application for Permit to Reenter the United States.
I-134 (12-9-66) Affidavit of Support.
I-138 (11-5-70) Subpoena.
I-140 (7-1-70) Petition to Classify Preference Status of Alien on Basis of Profession or Occupation.
I-141 (4-21-69) Medical Certificate.
I-143 (9-1-69) Application for Extension of Permit to Reenter the United States.
I-147 (1-26-56) Notice of Temporary Exclusion from the United States.
I-151 (5-1-69) Alien Registration Receipt Card.
I-174 (3-1-65) Application for Crewman's Landing Permit.
I-175 (7-1-67) Application for Nonresident Alien Canadian Border Crossing Card.
I-179 (11-1-60) Identification Card for Resident Citizen of the United States.
I-180 (12-1-69) Notice of Voidance of Form I-186.
I-181 (11-1-70) Memorandum of Creation of Record of Lawful Permanent Residence.
I-184 (4-1-58) Alien Crewman Landing Permit and Identification Card.
I-185 (7-1-57) Nonresident Alien Canadian Border Crossing Card.
I-186 (3-1-69) Nonresident Alien Mexican Border Crossing Card.
I-190 (4-1-70) Application for Nonresident Alien Mexican Border Crossing Card.

Form No., Title, and Description

I-191 (3-2-70) Application for Advance Permission to Return to Unrelinquished Domicile.
I-192 (3-1-70) Application for Advance Permission to Enter as Nonimmigrant.
I-193 (6-1-70) Application for Waiver of Passport and/or Visa.
I-196 (4-1-70) Application for U.S. Citizen Identification Card.
I-197 (8-1-61) U.S. Citizen Identification Card.
I-200 (4-15-58) Warrant for Arrest of Alien.
I-202 (12-24-52) Authorization for Removal.
I-212 (9-1-69) Application for Permission to Reapply for Admission into the United States after Deportation or Removal.
I-221 (3-30-67) Order to Show Cause and Notice of Hearing.
I-243 (2-2-70) Application for Removal.
I-246 (2-7-66) Application for Stay of Deportation.
I-256 (9-1-69) Application for Suspension of Deportation.
I-259 (10-1-69) Notice to Detain, Deport, Remove or Present Aliens.
I-259A (2-12-55) Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (One-time basis.)
I-259B (4-1-70) Agreement by Transportation Line to Assume Responsibility for Removal of Aliens. (Continuing basis).
I-260 (2-20-70) Notice to Take Testimony of Witness.
I-284 (12-20-66) Notice to Transportation Line Regarding Deportation and Detention Expenses of Detained Alien.
I-286 (8-1-70) Notification to Alien of Conditions of Release or Detention.
I-287 (2-25-58) Special Care and Attention for Alien.
I-288 (2-20-62) Notice to Transportation Line Regarding Deportation Expenses of Alien Completely Ready for Deportation.
I-290A (2-15-71) Notice of Appeal to the Board of Immigration Appeals.
I-290B (7-31-70) Notice of Appeal (to Regional Commissioner).
I-290C (9-30-66) Notice of Certification.
I-292 (9-1-69) Notice of Denial.
I-296 (4-1-71) Notice to Alien Ordered Excluded by Special Inquiry Officer.
I-305 (5-1-69) Receipt of Immigration Officer—U.S. Bonds or Notes, or Cash. Accepted as Security on Immigration Bond.
I-310 (4-16-62) Bond for Payment of Sums and Fines Imposed Under Immigration and Nationality Act (Term or Single Entry).
I-312 (5-12-59) Designation of Attorney in Fact.
I-323 (9-1-69) Notice—Immigration Bond Breached.
I-342 (10-1-69) Determination of the Special Inquiry Officer with Respect to Custody.
I-351 (2-17-67) Bond Riders.
I-352 (6-10-68) Immigration Bond
I-356 (3-12-70) Request for Cancellation of Public Charge Bond.
I-391 (3-9-70) Notice—Immigration Bond Cancelled.
I-408 (9-1-8) Application to Pay Off or Discharge Alien Crewman.
I-410 (1-2-69) Receipt for Crew List.
I-413 (8-12-69) Applicant Card.
I-418 (12-15-64) Passenger List—Crew List.
I-420 (3-15-67) Agreement (land-border) Between Transportation Line and United States.
I-421 (6-29-58) Agreement (overseas) between Transportation Line and United States.
I-425 (6-1-70) Agreement for Preinspection at Places Outside United States.
I-426 (5-1-65) Immediate and Continuous Transit Agreement Between a Transportation Line and the United States of America (special direct transit procedure).
I-485 (7-1-70) Application for Status as Permanent Resident.
I-485A (9-15-69) Application by Cuban Refugee for Permanent Residence.
I-486A (10-1-70) Medical Examination and Immigration Interview.
I-506 (4-1-70) Application for Change of Nonimmigrant Status.
I-508 (6-1-70) Waiver of Rights, Privileges, Exemptions, and Immunities.
I-508F (6-1-70) Waiver of Rights, Privileges, Exemptions, and Immunities (Under Sec. 247(b) of the Act and under the Convention between the United States of America and the French Republic with respect to Taxes on Income and Property).
I-509 (8-1-70) Notice to Alien of Proposed Change from Lawfully Admitted for Permanent Residence to Nonimmigrant.
I-510 (7-24-67) Guarantee of Payment.
I-512 (12-15-65) Authorization for Parole or Conditional Entry of an Alien into the United States.
I-538 (1-1-70) Application by Nonimmigrant F-1 Student for Permission to Accept Employment.
I-539 (11-1-70) Application to Extend Time of Temporary Stay.
I-550 (7-1-70) Application for Verification of Last Entry of an Alien.
I-590 (5-15-68) Registration for Classification as Conditional Entrant.
I-590A (10-20-69) Application for Classification as a Refugee Under the Proviso to Section 203(a)(7), Immigration and Nationality Act.
I-591 (1-1-66) Assurance by a United States Sponsor in Behalf of an Applicant for Conditional Entry.
I-592 (12-1-65) Declaration of Conditional Entrant at Time of Arrival.
I-600 (9-1-69) Petition to Classify Orphan as an Immediate Relative.
I-601 (10-1-70) Application for Waiver of Grounds of Excludability under Section 212 (f), (g), or (h) of the Immigration and Nationality Act.
I-612 (2-1-71) Application for Waiver of the Foreign Residence Requirement of Section 212(e) of the Immigration and Nationality Act, as amended.
ICAO International Civil Aviation Organization's General Declaration.
MA 7-50 (4-70) Application for Alien Employment Certification. (Part I—Statement of Qualifications of Aliens (MA 7-50A)) (Part II—Job Offer for Alien Employment (MA 7-50B))
N-535 (6-15-70) Application for Information from or Copies of Immigration and Naturalization Records.
PHS-124(FQ) (3-63) Medical certificate.
SW-434 (1-1-69) Mexican Border Visitors Permit.
7507 (3-69) Bureau of Customs' General Declaration.

2. Section 499.1 is amended to read as follows:

§ 499.1 Prescribed forms.

The following forms, bearing the corresponding edition date listed below or a subsequent edition date, are hereby prescribed by the Attorney General for use in compliance with the provisions of this Subchapter C:

Form No., title, and description

I-138 (11-5-70) Subpoena.
N-3 (6-1-67) Requisition for Forms and Binders.
N-4 (2-1-71) Monthly Report—Naturalization Papers Forwarded.
N-5 (12-24-52) Continuation Sheet of Monthly Report—Naturalization Papers Forwarded.
N-7 (9-18-69) Quarterly Abstract of Collections of Naturalization Fees.

Form No., Title, and Description

N-12 Penalty Envelope (to be addressed to any office of Service).
N-13 Penalty Envelope (Large—to be addressed to any office of Service).
N-300 (7-1-70) Application to File Declaration of Intention.
N-305 (11-4-55) Form Letter Notifying Alien that Form N-300 has been Forwarded to the Clerk of the Court.
N-315 (7-1-70) Declaration of Intention.
N-350 (12-1-59) Application to Renounce Danish Citizenship.
N-351 (12-24-52) Renunciation of Danish Citizenship.
N-400 (9-1-70) Application to File Petition for Naturalization.
N-400A (8-1-68) Supplement to Application to File Petition for Naturalization (under Sec. 324(a) or 327, Immigration and Nationality Act).
N-400B (1-1-66) Supplement to Application to File Petition for Naturalization (by a seaman, under Sec. 330 of the Immigration and Nationality Act).
N-401 (8-1-61) Preliminary Form to take Oath of Allegiance (by woman formerly a citizen, under Sec. 324(c) of the Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-402 (11-1-69) Application to File Petition for Naturalization in Behalf of a Child (under Sec. 322 or 323, Immigration and Nationality Act).
N-403 (12-24-52) Request to have Petition for Naturalization marked "Void".
N-404 (8-1-65) Request for Withdrawal of Petition for Naturalization.
N-405 (10-20-69) Petition for Naturalization (under general provisions of the Immigration and Nationality Act).
N-407 (7-1-70) Petition for Naturalization (in behalf of a child, under Sec. 322 or 323. Immigration and Nationality Act).
N-408 (9-30-66) Application to take Oath of Allegiance and Form of such Oath (by a woman formerly a citizen, under Sec. 324(c), Immigration and Nationality Act, or the Act of June 25, 1936, as amended).
N-410 (1-1-63) Motion for Amendment of Petition (application).
N-414 (12-15-44) Acknowledgment of Filing Petition for Naturalization.
N-414a (7-15-65) Acknowledgment of Filing Petition for Naturalization and Index Card.
N-425 (6-1-70) Notice to Petitioner of Proposed Recommendation of Denial of Petition for Naturalization.
N-426 (7-1-70) Certification of Military or Naval Service.
N-440 (3-15-61) Certificate of Examination.
N-445 (6-1-70) Notice to Petitioner to Appear in Court for Final Hearing of Petition for Naturalization, and Questionnaire to be Submitted by Petitioner at the Final Hearing.
N—451 (5-15-67) Affidavits of Witnesses (to petition for naturalization).
N-455 (9-30-66) Application for Transfer of Petition for Naturalization.
N-458 (1-1-66) Application to Correct Certificate of Naturalization.
N-459 (12-15-58) Authorization to Clerk of Court to Correct Certificate of Naturalization.
N-460 (6-1-65) Notice to take Depositions.
N-462A (1-1-66) Interrogatories in Depositions of Witnesses.
N-470 (10-1-69) Application to Preserve Residence for Naturalization Purposes (under Sec. 316(b) or 317, Immigration and Nationality Act).
N-472 (9-22-69) Approval of Application to Preserve Residence for Naturalization Purposes.
N-480 (2-5-68) Naturalization Petitions Recommended to be Granted (and) Order of Court Granting Petitions for Naturalization.

Form No., Title, and Description

N-481 (9-20-67) Naturalization Petitions Recommended to be Granted. (Continuation Sheet)
N-484 (2-5-68) Naturalization Petitions Recommended to be Denied (and) Order of Court Denying Petitions for Naturalization.
N-485 (2-5-68) Naturalization Petitions Recommended to be Granted (on behalf of children) (and) Order of Court Granting Petitions for Naturalization.
N-550 (10-1-68) Certificate of Naturalization.
N-565 (11-10-69) Application for a New Naturalization or Citizenship Paper.
N-568 (8-15-56) Form Letter Stating Special Certificate of Naturalization has been Forwarded.
N-576 (4-3-50) Supplemental Affidavit to be Submitted with Applications of Japanese Renunciants.
N-577 (1-1-66) Application for a Special Certificate of Naturalization to Obtain Recognition as a Citizen of the United States by a Foreign State.
N-578 (10-3-62) Special Certificate of Naturalization.
N-580 (4-3-61) Application for a Certificate of Naturalization or Repatriation (under Sec. 343(a) of the Immigration and Nationality Act or 12th Subdivision, Sec. 4 of the Act of June 29, 1906).
N-585 (6-15-70) Application for Information from or Copies of Immigration and Naturalization Records.
N-600 (9-1-69) Application for Certificate of Citizenship.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (5-7-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 299.1 and 499.1 are editorial in nature.

Dated: May 3, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-6415 Filed 5-6-71;8:48 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-553]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the introductory portion of paragraph (e) is amended by adding thereto the name of the State of New Jersey, and a new paragraph (e)(14) relating to the State of New Jersey is added to read:

(14) *New Jersey.* The adjacent portions of Camden and Gloucester Counties bounded by a line beginning at the junction of State Highway 42 and County Highway 113; thence, following County Highway 113 in a southwesterly direction to County Highway 66; thence, following County Highway 66 in a westerly direction to County Highway 87; thence, following County Highway 87 in a northwesterly direction to State Highway 47; thence, following State Highway 47 in a northeasterly direction to the Bull Run Creek; thence, following the east bank of the Bull Run Creek in a generally northeasterly direction to the Gloucester-Camden County line; thence, following the Gloucester-Camden County line in a generally northeasterly direction to U.S. Highway 42; thence, following U.S. Highway 42 in a southeasterly direction to State Highway 42; thence, following State Highway 42 in a southeasterly direction to its junction with County Highway 113.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Camden and Gloucester Counties in New Jersey because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the guarantined portions of such counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 3d day of May 1971.

GEORGE W. IRVING, JR.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6427 Filed 5-6-71;8:50 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-407]

PART 545—OPERATIONS

Loans by Federal Savings and Loan Associations

APRIL 29, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 942) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purposes of (1) authorizing Federal savings and loan associations to make loans to individuals on improved lots on which the borrowers intend to construct permanent homes, and (2) making certain changes, principally of a technical nature, with respect to loans by such associations to builders on the security of improved lots, including an increase from 70 to 75 percent in the maximum loan-to-value ratio permissible for such loans. Accordingly, the Federal Home Loan Bank Board hereby amends said Part 545 by revising paragraph (c) of § 545.6-3 to read as follows, effective May 7, 1971:

§ 545.6–3 Lending powers under other charter provisions.

* * * * *

(c) *Loans on developed building lots and sites*—(1) *Loans to builders.* Subject to the limitations of § 545.6-7, a Federal association which has a charter in the form of Charter N or Charter K (rev.) without any variation or amendment inconsistent with the provision of either paragraph (a) or paragraph (b) of § 544.1 of this chapter may, upon authorization by such association's board of directors and without further action by its members, make loans to builders of homes on the security of first liens on other improved real estate as defined in paragraph (b) of § 541.12 of this chapter, subject to the following requirements.

(i) No such loan shall be made to any person, partnership, corporation, or syndicate, hereinafter referred to as applicant, unless and until such Federal association has obtained from the applicant a signed statement by him showing his financial condition and has otbained a written report on his credit standing and evidence of his ability to undertake and to discharge all of the obligations involved in the loan; nor shall any such loan be made unless and until the association has obtained from the applicant a statement signed by him stating the purchase price of the security on which the loan is sought and representing to such association that, if such loan is made, the applicant will, within a period of not more than 6 months from the date of the security instrument, commence construction of a structure or structures designed for residential use for one family on the lot which is security for such loan, or on a specified number of such lots, and that within a period of not more than 3 years from the date of the security instrument the applicant will build to completion structures designed for residential use for one family on all of the lots or sites which are security for such loan;

(ii) No such loan shall be made in an amount equal to more than 75 percent of the value of the real estate security therefor;

(iii) Each such loan shall be repayable within a period not in excess of 3 years from the date of the security instrument, with or without amortization of principal prior to the expiration of such period but with interest payable at least semiannually commencing not more than 12 months after the date of the security instrument; however, the association's board of directors may approve the extension of the time for payment for an additional period not in excess of 3 years, but no such extension may be approved unless (*a*) interest on the loan is current, (*b*) said board has before it a current independent appraisal of the security property, and (*c*) the outstanding principal balance of the loan is or has been reduced to an amount not in excess of 75 percent of the value of the security property; in addition, if such extension is effected by refinancing the original loan with a new loan, the principal amount of the new loan may not exceed the outstanding principal balance of the original loan at the time of such extension;

(iv) No such loan shall be made if the aggregate amount of such loan and of the unpaid balance of all outstanding loans made pursuant to the provisions of this paragraph (c) exceeds 5 percent of such Federal association's assets; and no such loan shall be made to any applicant if the aggregate amount of such loan and of the unpaid balances of all outstanding loans made to such applicant pursuant to the provisions of this paragraph (c), including the balances of all outstanding loans made under this paragraph (c) to any partnership, corporation, or syndicate of which any partner, stockholder, owner, participant, or officer, is the applicant or is a partner, stockholder, owner, participant or officer of the applicant, exceeds 1 percent of such Federal association's assets;

(v) No such loan shall be made on the security of real estate located beyond such Federal association's regular lending area; and

(vi) No lot or site may be released from the security for any such loan unless and until the ratio of the unpaid balance of the loan to the value, as determined at the time the loan was made, of the security remaining after such release is no greater than the ratio of the original amount of the loan to the value of the total security as determined at the time the loan was made.

(2) *Loans to individuals.* Subject to the limitations of § 545.6–7, a Federal association which has a charter in the form of Charter N or Charter K (rev.) may, upon authorization by such association's board of directors, make a loan to an individual on the security of a first lien on other improved real estate as defined in paragraph (b) of § 541.12 of this chapter, subject to the following requirements:

(i) No such loan may be made in an amount equal to more than 75 percent of the value of the real estate security therefor;

(ii) Each such loan shall be repayable in full within not more than 5 years from the date of the loan, and the loan contract shall provide for equal, or substantially equal, monthly payments of principal and interest, or equal monthly payments of principal with interest payable monthly on the unpaid balance, beginning within not more than 60 days after disbursement of the loan, sufficient to amortize at least 40 percent of the original principal amount of the loan prior to the end of the loan term;

(iii) The Federal association shall require that the borrower, including a purchaser who assumes the loan, execute a certification in writing stating that no lien or charge on such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed by the borrower or has been contracted or agreed to be so given or executed;

(iv) If the loan is sought or assumed for the purpose of enabling a purchaser to acquire the security property, the Federal association shall require that the vendor or vendors execute a certification in writing stating that no lien or charge upon such property, other than the lien of the association or liens or charges which will be discharged from the proceeds of the loan, has been given or executed to the vendor or vendors by the purchaser or has been contracted or agreed to be so given or executed;

(v) No such loan shall be made on the security of real estate located beyond such Federal association's regular lending area; and

(vi) The Federal association shall require that the borrower execute a certification in writing stating that (*a*) it is the intention of the borrower that the lot which is security for the loan will be the site for construction of his permanent home and is not a site for a seasonal or vacation home, and (*b*) such borrower does not own and is not purchasing any other lot intended to be the site for construction of his permanent home.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments relieve restriction, publication of the amendments for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71–6425 Filed 5–6–71;8:50 am]

Chapter VII—National Credit Union Administration

PART 703—INVESTMENTS AND DEPOSITS

On March 26, 1971, notice of proposed rule making regarding investments and deposits by Federal credit unions was published in the FEDERAL REGISTER (36 F.R. 5712–5713). After consideration of all such relevant matter as was presented by interested persons, the regulation as so proposed is hereby adopted, subject to the following changes:

In paragraph (e) of § 703.1 the words "in which the Federal credit union is geographically situated" are changed to read "in which the principal office of the Federal credit union is geographically located".

Effective date. This regulation is effective May 15, 1971.

HERMAN NICKERSON, Jr.,
Administrator.

MAY 3, 1971.

§ 703.1 Certificates of deposit.

(a) Basic requirements: A deposit evidenced by a time certificate of deposit is within the power of a Federal credit union under sections 107 (8) an (9) of the Federal Credit Union Act: *Provided:* (1) That such credit union itself makes the deposit for which the certificate is issued; (2) that no consideration is received from a third party in connection with the making of the deposit; and (3) that the certificate contains a provision which will authorize the bank to pay a time deposit or a portion thereof before maturity in those instances where the depositor-credit union indicates a need of the money represented by such time deposit. The model wording of this provision is indicated in paragraph (b) of this section.

(b) Model language: The provision referred to in subparagraph (3) of paragraph (a) of this section shall: (1) In the case of member banks of the Federal Reserve System read substantially as follows: "Payment in emergency before maturity—It is understood and agreed that if before maturity of this certificate the depositor signs an application describing the emergency pursuant to 12 CFR 217.4(d), the bank shall pay forthwith to the depositor the portion of the deposit applied for."; and (2) in the case of nonmember insured banks read substantially as follows: "Payment in emergency before maturity—It is understood and agreed that if before maturity of this certificate the depositor signs a written statement pursuant to 12 CFR 329.4(d), the bank shall pay forthwith to the depositor the portion of the deposit stated to be needed." If the bank does not fall within these two classifications, it should provide evidence of authority to pay before maturity in an emergency, and the certificate of deposit should contain an appropriate commitment to do so.

(c) Separate written agreement: If it is more convenient not to incorporate the provision referred to in paragraphs (a) and (b) of this section on the face of the certificate, there shall be a separate written agreement between the bank and the credit union evidencing the provision referred to in these subsections. This separate written agreement may be made to apply to specific certificates or to all certificates then or thereafter issued by that bank to the credit union.

(d) Payment of interest: The credit union shall negotiate with the bank in advance of making the deposit and incorporate in a written agreement provision for the payment of interest both during the term of deposit and in the event that emergency payment is needed before maturity. The terms of this agreement shall conform with the appropriate regulations governing the payment of interest by the particular bank involved.

(e) Deposits in State financial institutions: Certificates of deposit in State-chartered financial institutions may be obtained by a Federal credit union only from those State-chartered financial institutions located in the State in which the principal office of the Federal credit union is geographically located.

(f) The purchase of certificates of deposit that do not meet the above provisions are not authorized for Federal credit unions.

(Sec. 120, 73 Stat. 635; 12 U.S.C. 1766)

[FR Doc.71–6372 Filed 5–6–71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–CE–9–AD; Amdt. 39–1205]

PART 39—AIRWORTHINESS DIRECTIVES

Bellanca Model 17–30 Airplanes

There have been reports of failures of the electrical fuel boost pump installed on Bellanca Model 17–30 Airplanes. These failures are caused by wearing of the pump seal to the point where fuel enters the pump motor and bearings and overflows into the fuselage. When this condition occurs an inflight fire may result. The pump manufacturer provides for installation of an overboard drain to prevent this hazard. Since this condition is likely to exist or develop in other airplanes of the same type design an airworthiness directive is being issued requiring within 50 hours' time in service after the effective date of the AD, installation of an electric fuel pump seal chamber overboard drain on Bellanca Model 17–30 airplanes in accordance with Bellanca Service Letter No. 64, dated April 6, 1971.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BELLANCA. Applies to Model 17–30 (Serial Nos. 30002 through 30216) Airplanes.

Compliance: Required as indicated unless already accomplished.

To prevent hazardous fuel leakage in these airplanes, accomplish the following:

Within 50 hours time in service after the effective date of this AD, install an electric fuel pump seal chamber drain in accordance with instructions contained in Bellanca Service Letter No. 64, dated April 6, 1971, or any other method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment becomes effective May 8, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on April 27, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71–6393 Filed 5–6–71;8:46 am]

[Airworthiness Docket No. 70–WE–42–AD; Amdt. 39–1203]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Amendment 39–1112 (35 F.R. 18189), AD 70–24–2, requires the determination of the code identification of the outboard wheel bearings and replacement of certain wheel bearings with a specified replacement on Boeing Model 747 Series airplanes. After issuing Amendment 39–1112, the agency determined that the replacements specified can be expanded to include other acceptable code-identified bearings. Therefore, the AD is being amended to permit the use of other approved wheel bearing replacements.

Since this amendment relieves a restriction and imposes no additional burden on any person, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1112 (35 F.R. 18189) is amended by deleting the words: "or 'H' " and adding the words: "or later."

This amendment becomes effective May 7, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 26, 1971.

LEE E. WARREN,
Acting Director,
FAA Western Region.

[FR Doc.71 6394 Filed 5–6–71;8:46 am]

[Docket No. 71–EA–76; Amdt. 39–1204]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

On page 7224 of the FEDERAL REGISTER for April 16, 1971, the Federal Aviation Administration published AD 71–8–5 applicable to FH–227 type airplanes.

Inadvertently, the figure 500 appears in the first sentence of the compliance paragraph instead of 5,000 which was intended. The purpose of this amendment is to correct the error.

Since this amendment is relaxatory in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 71–8–5 as follows: Delete the figure "500" when it appears and insert in lieu thereof "5,000."

This amendment is effective May 11, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354 (a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 26, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–6392 Filed 5–6–71;8:46 am]

[Airspace Docket No. 71–EA–63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Federal Airway Segment

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the segment of VOR Federal airway No. 232 between Milton, Pa., and Kennedy, N.Y.

V–232 segment east of Milton is designated through use of the Milton 099° T (108° M) and Kennedy 281° T (292° M) radials. A recent flight inspection of V–232 indicates the alignment via the Kennedy 281° T (292° M) radial is beyond acceptable tolerance east of the Broadway, N.J. intersection.

Accordingly, to overcome this navigational deficiency, action is taken herein to realign V-232 through use of the Milton 099° T (108° M) radial and terminate the airway segment at the Broadway Intersection. IFR en route traffic to the New York terminal area overflying the Broadway Intersection will be provided radar navigational service by the New York Air Route Traffic Control Center.

Since a situation exists where safety requires immediate adoption of this amendment, it is found that notice and public procedure thereon are impracticable, and good cause exists for making this amendment effective upon publication in the FEDERAL REGISTER. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will not be charted until May 27, 1971.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective upon publication in the FEDERAL REGISTER (5-7-71), as hereinafter set forth. In § 71.123 (36 F.R. 2010) V-232 is amended by deleting "Kennedy, N.Y." and substituting "INT of Milton 099° and Stillwater, N.J., 172° radials." therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 4, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6420 Filed 5-6-71;8:49 am]

[Airspace Docket No. 71-WE-12]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 24, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5516) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Ellensburg, Wash., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on April 28, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Ellensburg, Wash. transition area is amended to read as follows:

ELLENSBURG, WASH.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Bowers Field (latitude 47°02'10" N., longitude 120°31'50" W.) and within 5 miles northeast and 9.5 miles southwest of the Ellensburg VORTAC 131° radial, extending from the VORTAC to 18.5 miles southeast of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 7 miles northwest and 10 miles southeast of the Ellensburg VORTAC 064° and 244° radials extending from 9 miles southwest to 20 miles northeast of the VORTAC, and that airspace southeast of Ellensburg within an 'ARC of 16.5-mile-radius circle extending clockwise from the south edge of V-2 to the Ellensburg VORTAC 114° radial; that airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-25, on the east by the west edge of V-25 west and on the southwest by the northeast edge of V-4.

[FR Doc.71-6422 Filed 5-6-71;8:49 am]

[Airspace Docket No. 71-SO-87]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to extend the time of designation of the Poinsett-Sumter, S.C., Restricted Area R-6002 from "Sunrise to Sunset" to "Sunrise to 2400 hours, local time."

The Department of the Air Force has stated that increased training requirements essential to support of Southeast Asia operations necessitate use of R-6002 during night hours up to midnight local time. Night ground attack training by Tactical Fighter Wings from Seymour Johnson AFB, N.C., and Myrtle Beach AFB, S.C., requires an average of 20 nights per month using an average of 8 range periods of 30 minutes duration each night.

Since the Air Force has stated that an urgent military need exists to accomplish the additional training, the Administrator finds that notice and public procedure hereon are impracticable and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0001 d.s.t., May 17, 1971, as hereinafter set forth.

In § 73.60 (36 F.R. 2358) the Poinsett-Sumter, S.C., Restricted Area R-6002 is amended by deleting "Time of designation. Sunrise to sunset." and substituting therefor "Time of designation. Sunrise to 2400 hours local time."

(Secs. 306, 307, Federal Aviation Act of 1958, 49 U.S.C. 1347, 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 4, 1971.

T. MCCORMACK,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6421 Filed 5-6-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5B—Public Buildings Service, General Services Administration

PART 5B-12—LABOR

Labor Standards in Construction Contracts

Pursuant to the requirements of Executive Order 11246, and the orders and regulations issued by the U.S. Department of Labor, and the Director, Office of Federal Contract Compliance, Subpart 5B-12.4 is hereby amended by adding a new subsection as set forth below.

The table of contents for Subpart 5B-12.4 is amended by the addition of a new entry as follows:

Sec.
5B-12.404-71 Affirmative action programs for federally involved construction contracts in certain geographical areas.

Subpart 5B-12.4—Labor Standards in Construction Contracts

Section 5B-12.404-71 is added to read as follows:

§ 5B-12.404-71 Affirmative action programs for federally involved construction contracts in certain geographical areas.

(a) Pursuant to orders issued by the Secretary of Labor, and the Director, Office of Federal Contract Compliance (OFCC), no contract or subcontract shall be awarded in certain geographical areas for any Federal or federally assisted construction project with an estimated total cost exceeding $500,000 unless the bidder submits with his bid, on a prescribed form, an acceptable affirmative action program. Such programs include specific goals for utilizing minority manpower within the following geographical areas:

(1) Philadelphia, Pa., including Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties in Pennsylvania, and;

(2) Washington, D.C., including the Virginia cities of Alexandria, Fairfax, and Falls Church, the Virginia counties of Arlington, Fairfax, Loudoun, and Prince William, and the Maryland counties of Montgomery and Prince Georges.

(b) Contractors and subcontractors involved in construction activities hereunder are subject to the requirements of Executive Order 11246, and the orders and regulations issued by the U.S. Department of Labor appearing in Title 41, Code of Federal Regulations, Chapter 60, and any future U.S. Department of Labor orders or regulations as they relate to specific geographical areas.

(c) Affirmative action program requirements for projects in the Philadelphia and Washington, D.C., areas with estimated total construction costs not

exceeding $500,000 are described in § 5-12.810.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This amendment is effective May 10, 1971.

Dated: May 3, 1971.

A. F. SAMPSON,
Commissioner, Public Buildings Service.

[FR Doc.71-6244 Filed 5-6-71;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER G—EMERGENCY OPERATIONS

[General Order 82, 24th Rev.]

PART 309—VALUES FOR WAR RISK INSURANCE

Miscellaneous Amendments

Sections 309.1–309.101 of this part are hereby revised to read as follows:

FINDINGS AND SCOPE

Sec.
309.1 Findings.
309.2 Scope.

BASIC VALUES

309.3 Vessels built during or after 1939.
309.4 Vessels built prior to 1939.

GENERAL PROVISIONS

309.5 Adjustments for condition, equipment and other considerations.
309.6 Definitions.
309.7 Modifications.
309.8 Vessel data forms.

VALUES FOR INDIVIDUAL VESSELS

309.101 Values effective January 1, 1971.

AUTHORITY: Secs. 309.1 through 309.101 issued under sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775, as amended, 70 Stat. 984; 46 U.S.C. 1114, 1289.

FINDINGS AND SCOPE

§ 309.1 Findings.

The Ship Valuation Committee, Maritime Administration, has found that the values provided in this part constitute just compensation for the vessels to which they apply, computed in accordance with subsection 902(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1242), pursuant to section 1209 (a), Merchant Marine Act, 1936, as amended (46 U.S.C. 1289(a)), and the authority delegated to the Assistant Secretary of Commerce for Maritime Affairs by the Secretary of Commerce in section 3 of (Commerce) Department Organization Order 10-8, 36 F.R. 1223, and redelegated to the Ship Valuation Committee.

§ 309.2 Scope.

(a) *Vessels included.* (1) This part establishes values for self-propelled ocean-going iron and steel vessels (other than vessels excluded pursuant to paragraph (b) of this section) for which war risk insurance is provided by the Maritime Administration pursuant to Title XII, Merchant Marine Act, 1936, as amended (46 U.S.C. 1281–1294). The values established by §§ 309.1–309.101 represent the maximum amounts for which the Maritime Administration will provide war risk hull insurance for damage to or actual or constructive total loss of the vessel and for which claims for damage to or actual or constructive total loss of such insured vessels may be adjusted, compromised, settled, adjudged, or paid by the Maritime Administration with respect to insurance attaching during the period January 1, 1971, to June 30, 1971, inclusive, under the standard forms of war risk hull insurance interim binder or policy prescribed by §§ 308.106 and 308.107 of this chapter (General Order 75, 2d Rev., as amended): *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period.

(2) It is contemplated that the next revised values will be published as soon as practicable after July 1, 1971, to be effective with respect to insurance attaching during the period July 1, 1971, to December 31, 1971, inclusive.

(b) *Vessels excluded.* The values established pursuant to §§ 309.3 through 309.5 do not apply to passenger vessels, lumber schooners, car ferries, seatrains, cable ships, bulk cement, and ore carriers, vessels operated on the Great Lakes and inland waterways, fully refrigerated vessels, vessels of less than 1,500 gross tons, or any other vessels or class of vessels to which the Maritime Administration finds that the provisions of said sections would not be appropriate. Values for vessels excluded by this paragraph (b) shall be specifically determined by the Maritime Administration and set forth in § 309.101, revised, as provided therein.

(c) *Fuel, stores, and supplies.* Values for fuel, stores, and supplies shall be determined in accordance with §§ 309.201 through 309.204 (General Order 100, 29 F.R. 2944, Mar. 4, 1964; 29 F.R. 3706, Mar. 25, 1964).

BASIC VALUES

§ 309.3 Vessels built during or after 1939.

(a) *Basic values.* The values of vessels built during or after 1939 shall be determined in accordance with this section, subject to the applicable adjustments provided in § 309.5.

(b) *War-built vessels.* (1) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (1) which have the lawful right to engage in the coastwide trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	*Value*
EC2-S-C1	$175,500
EC2-S-AW1	175,000
VC2-S-AP2	245,000
C1-M-AV1	125,000
C1-A and B (steam)	203,000
C1-A and B (diesel)	203,000
C2-S-B1	270,000
C3-S-A2	425,000
C4-S-B5	700,000
T1-M-BT	110,000
T2-SE-A1	455,000
T3-S-BZ1	730,000
T3-S-A1	440,000

(2) The values of the standard types of war-built vessels under U.S. flag listed in this subparagraph (2) which do not have the lawful right to engage in the coastwise trade of the United States (which are the current domestic market values of such vessels as determined by the Ship Valuation Committee) are as follows:

Standard-type vessel:	*Value*
VC2-S-AP2	$245,000

(3) The values of the standard subtypes of war-built vessels listed in this subparagraph (3) shall be determined as follows:

(i) If the subtype vessel is under U.S. flag and has the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard type vessel listed in subparagraph (1) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (3), or

(ii) If the subtype vessel is under the U.S. flag but does not have the lawful right to engage in the coastwise trade of the United States, by multiplying the basic value of the standard type vessel listed in subparagraph (2) of this paragraph by the factor shown opposite the subtype in the table set forth in this subparagraph (3).

TABLE

Subtype:	*Factor*
VC2-S-AP3	100%—VC2-S-AP2
C2-S-A1	80%—C2-S-B1
C2-S-AJ1	100%—C2-S-B1
C2-S-AJ2	100%—C2-S-B1
C2-S-AJ3	100%—C2-S-B1
C2-S-AJ5	100%—C2-S-B1
C2	88%—C2-S-B1
C2-S-E1	102%—C2-S-B1
C2-F	100%—C2-S-B1
C2-S	92%—C2-S-B1
C3	90%—C3-S-A2
C3-S-A1	100%—C3-S-A2
C3-S-A3	76%—C3-S-A2
C3-S-A4	106%—C3-S-A2
C3-S-A5	106%—C3-S-A2
C3-E	71%—C3-S-A2
C3-M	100%—C3-S-A2
C3-S-BH1	100%—C3-S-A2
C3-S-BH2	100%—C3-S-A2
C4-S-A4	100%—C4-S-B5
T1-M-BT1	100%—T1-M-BT
T1-M-BT2	100%—T1-M-BT
T2-SE-A2	108%—T2-SE-A1

(c) *Other vessels.* The value of a vessel built during or after 1939 which is not included in paragraph (b) of this section shall be the current domestic market value as determined by the Maritime Administration.

§ 309.4 Vessels built prior to 1939.

The values of vessels built prior to 1939 shall be specifically determined by the

Maritime Administration and set forth in § 309.101.

General Provisions

§ 309.5 Adjustments for condition, equipment, and other considerations.

The basic values provided in § 309.3 shall be adjusted for individual vessels to the extent provided in paragraphs (a) to (c) of this section.

(a) *Adjustment for a vessel of substandard condition.* If the Maritime Administration determined that a vessel is not in class or is in substandard condition for a vessel of her type or subtype and age, there will be subtracted from the basic value of such vessel, as determined pursuant to § 309.3, the amount estimated by the Maritime Administration as the cost of putting the vessel in class or the amount estimated by the Maritime Administration as the difference in value of the substandard vessel and a vessel in standard condition.

(b) *Special equipment.* For any special equipment of material utility in the handling of cargo or utilization of the vessel, not otherwise included in determining the basic value pursuant to § 309.3, if the depreciated reproduction cost less construction subsidy, if any, of all such special equipment is in excess of $50,000, an allowance in such amount as the Maritime Administration shall determine to be the fair and reasonable value of such equipment shall be added to the basic value.

(c) *Government installations.* The values provided by §§ 309.1–309.101 shall not include any allowance for any special installations or equipment to the extent that their cost was borne by the United States.

§ 309.6 Definitions.

(a) *Date vessel is built.* The date a vessel is built is the date upon which the vessel is delivered by the shipbuilder.

(b) *Deadweight tonnage.* The deadweight tonnage of a vessel means her deadweight capacity established in accordance with normal Summer Freeboard as assigned pursuant to the International Load Line Convention, 1966, and shall be her capacity (in tons of 2,240 pounds) for cargo, fuel, fresh water, spare parts, and stores, but exclusive of permanent ballast.

(c) *Speed of vessel.* The speed of a vessel means the speed determined in accordance with the formulae provided in Part 246 of this chapter (General Order 43, 3d Rev.).

(d) *Passenger vessel.* A passenger vessel is a ship which carries more than 12 passengers.

(e) *Vessel.* The stated valuation of a vessel in this part applies to a vessel in Class A–1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the U.S. Coast Guard, Department of Transportation, with all outstanding requirements and recommendations necessary for retention of class accomplished, without regard to any grace period; and so far as due diligence can make her so, tight, staunch, strong, and well and sufficiently tackled, appareled, furnished, and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service. A vessel in substandard condition is subject to § 309.5(a). The stated valuation of a vessel provided in this part does not include vessel stores and supplies, which consist of (1) Consumable Stores, (2) Subsistence Stores, (3) Slop Chest, (4) Bar Stock, and (5) Fuel, as defined in Maritime Administration Inventory Manual, Vessel Inventories, Part I, and Maritime Administration Inventory Books Forms MA–4736, A through K, which will be valued separately.

§ 309.7 Modifications.

The Maritime Administration reserves the right to exempt specific vessels from the scope of this part, or to amend, modify, or terminate the provisions hereof.

§ 309.8 Vessel data forms.

(a) *To accompany application for insurance.* Each application for war risk hull insurance submitted in accordance with § 308.101 of this chapter (General Order 75, 2d Rev., as amended) shall be accompanied by information relating to the vessel for use by the Maritime Administration in determining the value pursuant to this part. The information shall be submitted in duplicate on the applicable form prescribed in this section, copies of which may be obtained from the American War Risk Agency, 99 John Street, New York, NY 10038, or the Chief, Division of Insurance, Maritime Administration, Washington, DC 20235.

(b) *Vessels of 1,500 gross tons or more.* Vessel data for all vessels of 1,500 gross tons or more shall be submitted on Form MA–510.

(c) *Vessels under 1,500 gross tons.* Vessel data for all vessels under 1,500 gross tons shall be submitted on Form MA–511.

(d) *Modification to vessels.* Revised vessel data shall be submitted on the appropriate form prescribed above whenever a vessel undergoes a physical change which increases or decreases its value by 5 percent or more.

Values for Individual Vessels

§ 309.101 Values effective January 1, 1971.

(a) *Vessels covered by §§ 309.3 through 309.5.* (1) The Maritime Administration has found that the values established in accordance with §§ 309.3–309.5 constitute just compensation for the vessel to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of the vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed by Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of January 1, 1971, by inserting in the space provided therefor or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1971, to June 30, 1971, inclusive: *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: *And provided further,* That the Assured shall have the right within 60 days after date of publication of these §§ 309.1–309.101 or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a) (2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
870	Achilles	281702	$7,080
1660	Adabelle Lykes	291609	3,250
2144	Afoundria	244018	1,310
1426	African Comet	289281	3,865
720	African Crescent	250561	425
1683	African Dawn	291781	4,010
725	African Lightning	251451	425
1558	African Mercury	290143	3,950
1508	African Meteor	289792	3,895
726	African Moon	251175	425
1607	African Neptune	290485	3,950
730	African Planet	249860	425
731	African Rainbow	250116	425
732	African Star	249351	425
1656	African Sun	291026	4,010
1751	Aimee Lykes	292614	3,250
2501	Alaskan Mail	517120	7,500
2452	Albany	509957	1,105
1828	Allison Lykes	293817	3,250
1552	Alma Victory	248201	245
370	Almeria Lykes	248696	425
352	Aloha State	243297	425
572	American Ace	265143	6,255
568	American Alliance	266832	6,255
571	American Archer	267444	6,255
566	American Argosy	266181	6,255
2583	American Astronaut	520694	8,175
1493	American Challenger	289699	3,950
1618	American Champion	290524	3,950
1557	American Charger	290089	3,950
1652	American Chieftain	291020	3,950
1972	American Condor	252347	425
1670	American Corsair	291629	3,950
1605	American Courier	290225	3,950
831	American Eagle	278327	5,390
1769	American Falcon	252524	425
1791	American Hawk	243969	425
2446	American Lancer	514261	8,175
2550	American Lark	518444	8,175
570	American Leader	266256	6,255
2466	American Legion	515155	8,175
2485	American Liberty	516464	8,175
2518	American Lynx	517450	8,175
2740	American Mail	521866	7,500
1688	American Oriole	252304	425
2236	American Pride	247252	245
1924	American Racer	297001	4,990
1989	American Ranger	298270	4,990
2039	American Reliance	299371	4,990
1679	American Robin	242941	425
1902	American Trader	244855	3,775
2285	Americo	246798	270
2854	Amoco Connecticut	242851	1,410
2855	Amoco Delaware	245058	1,420
1768	Amoco Louisiana	244329	1,520
2857	Amoco Virginia	243518	1,520
641	Amtank	247698	730
2211	Andrew Jackson	247303	275
2212	Antinous	245979	275
678	Arizona	266534	2,390
1444	Arizona Standard	248736	455
2115	Arizpa	251507	1,310
1716	Ashley Lykes	292191	3,250
232	Atlantic Communicator	268196	3,175
233	Atlantic Endeavor	277623	4,820
1004	Atlantic Enterprise	276911	4,765
1848	Atlantic Heritage	293299	10,540
1006	Atlantic Navigator	261423	2,750
1560	Atlantic Prestige	289972	6,670
2209	Atlantic Trader	248007	1,510
1435	Austin	247455	1,990
2631	Austral Patriot	500539	4,990
2632	Austral Pilot	297353	4,990
210	Avila	267181	1,040
2839	Azalea City	243436	1,310
980	Barbara	248079	1,920
347	Barbara Jane	278103	5,360
1915	Beauregard	251508	1,310
2482	Bennington	242406	455
607	Bethflor	256034	1,300
608	Bethtex	255539	1,300
2840	Bienville	243438	1,310
1490	Brazos	247583	2,920
1414	Brinton Lykes	288699	3,250
2558	Buckeye Atlantic	239271	425
2559	Buckeye Pacific	251767	425
353	Buckeye State	244577	425
2567	Buckeye Victory	245244	245
1348	California	287232	4,265
425	California Bear	266977	2,390
19	Californian	243882	2,845
2642	Californian	249239	2,120
1949	Calmar	294756	3,200
1974	Canada Mail	297570	4,625
2390	Canterbury Falcon	247590	270
1370	Cantigny	247452	1,965
7	Carbide Seadrift	241851	1,520
8	Carbide Texas City	242532	1,520
2735	Carrier Dove	252478	425
596	Catawba Ford	245620	745
1600	C. E. Dant	290262	4,265
1931	Chancellorsville	244460	1,860
1753	Charlotte Lykes	292782	3,250
2574	Chatham	252493	270
243	Chena	242704	189
2825	Cherry Valley	242531	455
1408	China Bear	288604	4,860
1788	Christopher Lykes	293220	3,250
1813	Cities Service Baltimore	271866	4,895
1814	Cities Service Miami	272077	4,645
1815	Cities Service Norfolk	272839	4,735
2569	Citrus Packer	247321	425
2410	Claiborne	242378	270
2714	Colina	242775	455
2237	Colorado	245104	455
2478	Colorado	515976	6,500
2540	Columbia	247519	1,680
2377	Columbia Banker	248842	245
2479	Columbia Baron	245377	270
2561	Columbia Beaver	252443	270
2414	Columbia Eagle	247080	245
2818	Columbia Fox	253289	238
2816	Columbia Mariner	247572	238
2817	Columbia Rose	248327	270
2582	Columbia Trader	247765	245
1997	Commander	245309	1,640
2227	Connecticut	277291	5,750
2628	Constitution State	251847	425
2372	Container Despatcher	249749	4,600
2373	Container Forwarder	250117	4,600
712	Copper State	244137	425
2795	Coral Gem	248815	270
1987	Cortez	245625	245
2468	Cortland	244878	270
1305	Council Grove	247896	1,895
2549	C. V. Lightning	518063	5,745
2490	C. V. Sea Witch	680644	5,745
2626	C. V. Staghound	520743	5,745
2449	DaGama	249174	270
2705	David D. Irwin	242354	2,025
212	David E. Day	248880	1,655
2819	Defiance	519102	8,075
221	Delaware Getty	267997	2,900
165	Delaware Sun	264853	2,925
320	Del Mar	251452	325
322	Del Norte	250953	325
1225	Del Oro	286185	3,785
324	Del Rio	284680	3,785
327	Del Sol	285171	3,785
328	Del Sud	251453	325
2500	Delta Argentina	512953	4,315
2497	Delta Brasil	514758	4,315
2532	Delta Mexico	517540	4,315
2498	Delta Paraguay	515910	4,315
2499	Delta Uruguay	516600	4,315
329	Del Valle	245373	270
2215	De Soto	245398	275
376	Doctor Lykes	249063	425
2330	Dolly Turman	508378	4,830
2778	Eagle Charger	522864	11,230
700	Eagle Courier	277561	4,900
2698	Eagle Leader	520839	11,010
699	Eagle Transporter	277710	5,170
697	Eagle Traveler	278442	5,750
698	Eagle Voyager	278624	5,775
167	Eastern Sun	270025	3,155
2715	Eclipse	267144	2,680
378	Elizabeth Lykes	247822	270
2086	Elizabeth Lykes	200702	4,640
1917	Elizabethport	297001	3,225
1623	Elwell	245837	270
2600	Enco Gloucester	265336	2,850
2451	Ericson	249283	270
830	Erna Elizabeth	280193	5,600
2593	Esso Baltimore	282272	8,375
2594	Esso Bangor	264791	3,000
2595	Esso Boston	283784	8,515
25[illegible]	Esso Chester	264445	2,765
2597	Esso Dallas	259248	2,350
2598	Esso Florence	266855	2,950
2599	Esso Gettysburg	273362	5,685
2601	Esso Houston	297151	12,260
2602	Esso Huntington	266329	3,210
2603	Esso Jamestown	275519	5,935
2610	Esso Lexington	276270	6,045
2604	Esso Lima	259142	2,335
2611	Esso Miami	259357	2,385
2605	Esso Newark	264231	2,740
2606	Esso New Orleans	298216	12,505
2607	Esso New York	259610	2,390
2608	Esso Scranton	245830	455
1898	Esso Seattle	277935	5,315
2609	Esso Washington	273896	5,765
354	Evergreen State	257827	425
842	Exbrook	249173	323
849	Exchester	248120	323
850	Executor	248747	323
853	Exford	249454	323
858	Expeditor	251971	323
860	Export Adventurer	284024	3,065
861	Export Agent	283936	3,065
862	Export Aide	284516	3,065
863	Export Ambassador	283150	3,065
1296	Export Banner	286124	3,910
1354	Export Bay	286965	3,910
1372	Export Builder	287381	3,910
1401	Export Buyer	288076	3,910
1726	Export Challenger	292227	4,105
1771	Export Champion	292669	4,150
1712	Export Commerce	291731	4,095
1601	Export Courier	289947	4,010
864	Exporter	249062	323
2841	Fairland	242073	1,310
2216	Fairport	249072	275
2576	Fanwood	252355	270
153	Floridian	282733	950
1469	Flying Clipper	252991	270
1480	Flying Cloud	247000	270
1470	Flying Endeavor	241026	248
1479	Flying Enterprise II	245734	270
1474	Flying Fish	241099	248
2265	Flying Foam	239905	425
1471	Flying Hawk	240632	248
584	Fort Fetterman	244935	1,515
1211	Fort Hoskins	248735	1,920
247	Fortuna	245880	175
180	Fort Worth	247276	3,360
498	Four Lakes	244971	1,590
380	Frank Lykes	245540	270
2300	Frederick Lykes	506812	4,830
962	F. S. Bryant	250827	435
585	Gaines Mill	244464	1,430
2842	Gateway City	251506	1,310
2421	Genevieve Lykes	513140	5,030
384	Gibbes Lykes	245182	270
428	Golden Bear	269028	2,655
355	Gopher State	244979	425
2820	Great Republic	521302	8,075
2707	Green Bay	248912	1,105
2708	Green Cove	247268	270
2408	Green Forest	508061	1,140
2710	Green Island	247079	535
2711	Green Lake	248700	1,105
2409	Green Port	510015	1,140
2712	Green Ridge	247322	425
2406	Green Springs	248701	1,140
2407	Green Wave	508060	1,140
1863	Gulf Banker	295249	3,375
790	Gulf Bear	247309	1,360
791	Gulfbeaver	243657	1,370
792	Gulfcrest	279334	5,050
793	Gulfdeer	245727	1,430
1849	Gulf Farmer	294625	3,375
794	Gulfjaguar	246972	1,430
795	Gulfking	275193	5,285
796	Gulfknight	277183	5,525
797	Gulflion	246990	1,435
808	Gulflube	254406	465
1952	Gulf Merchant	297329	3,530
798	Gulfoil	283424	5,135
799	Gulfpanther	246543	1,415
800	Gulfpride	279769	4,830
801	Gulfprince	276034	5,405
802	Gulfqueen	275583	5,335
805	Gulfseal	247557	1,520
811	Gulfservice	264224	970
1903	Gulfshipper	296880	3,530
803	Gulfsolar	280233	4,890
806	Gulfspray	282848	5,070
1358	Gulfsupreme	287186	5,850
804	Gulftiger	247767	1,455
1888	Gulf Trader	296404	3,530
2779	Halcyon Panther	245922	245
646	Hampton Roads	248748	730
2423	Hans Isbrandtsen	277703	5,600
412	Harry Culbreath	247824	270
2577	Hastings	246617	275
1421	Hawaii	289119	4,265
2643	Hawaiian	249353	2,120
2644	Hawaiian Builder	247386	425
2645	Hawaiian Citizen	252149	2,855
2763	Hawaiian Enterprise	524219	19,750
2646	Hawaiian Farmer	245860	425
2648	Hawaiian Merchant	248845	425
2803	Hawaiian Progress	528400	19,750
2651	Hawaiian Rancher	246204	425
2652	Hawaiian Refiner	245594	425
1445	Hawaii Standard	248802	455
965	H. D. Collier	248737	455
873	Helen II	245029	1,720
634	Hess Bunker	243804	1,860
638	Hess Petrol	244735	1,860
1373	Hess Refiner	248244	1,885
639	Hess Trader	246104	1,840
1913	Hess Voyager	296863	10,140
961	Hillyer Brown	266233	1,050
431	Hong Kong Bear	264428	2,390
2622	Hong Kong Mail	520032	7,500
706	Hoosier State	247762	700
176	Houston	242636	2,070
2387	Houston	245542	3,355
2306	Howell Lykes	507344	4,830
2472	Hurricane	257262	425
2578	Iberville	248489	275
2534	Idaho	518434	6,500
968	Idaho Standard	245461	455
249	Iliamna	246848	190
677	Illinois	264957	2,390
2526	Indian Mail	517717	7,500
1787	Inger	248011	2,405
387	James Lykes	280584	2,985
414	James McKay	247997	270
433	Japan Bear	270296	2,655
1418	Japan Mail	287976	4,180
1304	Jean Lykes	287103	3,130
1285	J. E. Dyer	274440	4,915
2516	Jeff Davis	248742	425
388	Jesse Lykes	247992	270
970	J. H. MacGaregill	248896	455
973	J. H. Tuttle	242955	475
967	J. L. Hanna	248531	455
2579	John B. Waterman	249234	275
389	John Lykes	282772	2,985
586	Julesburg	243523	1,605
415	Kenneth McKay	247581	270
598	Keystoner	266730	1,085
356	Keystone State	247763	700
599	Keytanker	265644	1,070
600	Keytrader	267905	1,115
1996	Kings Point	239334	383
434	Korea Bear	269668	2,655
2565	Korean Mail	518517	7,500
2223	Kyska	248654	275
2515	Lafayette	252476	425
2838	La Salle	257231	425
13	Leland I. Doan	284217	7,500
1352	Leslie Lykes	287416	3,130
2403	Letitia Lykes	512187	5,030
392	Lipscomb Lykes	248897	425
2374	Lompoc	248653	455
267	Longview Victory	247077	245
1918	Los Angeles	241153	3,225
393	Louise Lykes	247582	270
2062	Louise Lykes	299938	4,640
2023	Louisiana Brimstone	247757	4,900
226	Louisiana Getty	246173	3,055
367	Louisiana Sulphur	242964	1,060
179	Lyons Creek	245450	675
2224	Madaket	246992	275
2089	Maiden Creek	248998	275
2233	Mallory Lykes	504077	4,640
1356	Manhattan	287253	22,425
1809	Margaret Lykes	293555	3,250
2087	Marine Clipper	248655	395
15	Marine Dow Chem	267278	4,750
1510	Marine Electric	245675	1,840
2133	Marine Floridian	246836	5,035
1812	Marine Texan	247563	4,745
92	Marine Transport	247991	175
93	Marine Victory	247680	940
1513	Marjorie Lykes	289873	3,250
664	Maryland Trader	247178	1,530
1940	Marymar	294730	3,200
2260	Mason Lykes	505406	4,830
1789	Mayo Lykes	293224	3,250
1512	Meadowbrook	289879	2,005
969	M. E. Lombardi	240228	235
2543	Merrimac	245673	1,800
2630	Michigan	521550	6,500
587	Mill Spring	244468	1,570
2033	Missouri	248865	1,235
1530	M. M. Dant	289547	4,265
2716	Mobile Aero	278471	5,055
2717	Mobil Fuel	274588	4,600
2718	Mobilgas	271449	3,975
2483	Mobilian	246388	425
2719	Mobil Lube	275651	4,435
2442	Mobil Meridian	286479	8,335
2720	Mobiloil	279064	5,120
2721	Mobil Power	274966	4,610
2405	Mohawk	248913	1,075
2495	Montana	517817	6,500

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
2797	Monticello Victory	286819	8,360
2798	Montpelier Victory	289745	9,560
2664	Mormacaltair	298129	4,565
2667	Mormacargo	296216	4,565
2665	Mormacbay	283541	3,640
2666	Mormaccape	284185	3,715
2668	Mormaccove	286749	3,795
2669	Mormacdawn	250160	451
2670	Mormacdraco	299008	4,565
2673	Mormacglen	285283	3,715
2675	Mormacisle	249812	451
2676	Mormaclake	284802	3,715
2678	Mormaclynx	296947	4,565
2683	Mormacpride	282296	3,610
2684	Mormacrigel	297384	4,565
2685	Mormacrio	248745	425
2687	Mormacscan	285890	3,715
2688	Mormactrade	287900	3,890
2689	Mormacvega	296632	4,565
2546	Morning Light	240590	425
2799	Mount Vernon Victory	284178	8,015
2800	Mount Washington	293097	9,995
2430	Mystic Mariner	248143	270
588	Naeco	244063	1,000
1243	Nancy Lykes	286650	3,130
648	Nashbulk	247307	730
1756	National Defender	279938	9,620
2034	Neches	244235	455
251	Nenana	247015	175
1441	Nevada Standard	247758	455
421	Newberry Victory	248460	245
169	New Jersey Sun	265748	2,845
2038	New Yorker	283030	950
2278	New York Getty	267198	2,985
2527	Noonday	248844	425
399	Norman Lykes	249018	425
2119	Northfield	243253	1,785
2826	North Star State	250539	451
268	Northwestern Victory	247492	245
2814	Odgen Wabash	520728	11,010
2591	Odgen Willamette	518738	10,860
2545	Ogden Yukon	257115	2,175
1375	Oregon	287875	4,265
435	Oregon Bear	264497	2,390
1947	Oregon Mail	296779	4,565
971	Oregon Standard	246773	455
2465	Overseas Alice	514928	10,410
2506	Overseas Audrey	517186	10,605
2344	Overseas Carrier	243503	1,565
2443	Overseas Daphne	243882	700
2112	Overseas Dinny	244215	270
2427	Overseas Eva	244049	425
931	Overseas Evelyn	249217	700
1764	Overseas Explorer	297748	1,660
1	Overseas Joyce	284049	8,165
2411	Overseas Natalie	245644	425
2352	Overseas Progress	244888	1,650
1905	Overseas Rebecca	281777	8,270
785	Overseas Rose	245923	425
2444	Overseas Suzanne	248884	700
2343	Overseas Traveler	289436	1,810
932	Overseas Ulla	280004	6,190
2537	Overseas Vivian	518125	10,750
181	Pasadena	248894	2,180
1272	P. C. Spencer	264903	2,490
2121	Pecos	243929	425
1592	Penn Carrier	246908	455
339	Penn Challenger	280318	5,760
2745	Penn Champion	523341	11,285
2837	Penn Leader	247468	1,795
1954	Pennmar	295108	3,200
1860	Penn Sailor	275391	1,430
171	Pennsylvania Sun	280202	8,235
1008	Penn Transporter	248437	900
581	Perryville	244644	1,815
1367	Philippine Bear	287683	4,860
1419	Philippine Mail	288986	4,180
2379	Pine Tree State	252346	425
1653	Pioneer Commander	290905	3,950
1750	Pioneer Contender	292572	3,950
1715	Pioneer Contractor	291968	3,950
1774	Pioneer Crusader	292930	3,950
1432	Pioneer Moon	289263	3,950
2122	Platte	248133	1,805
1953	Point Sur	243263	455
1999	Portmar	294731	3,200
1505	Potomac	248800	1,580
1390	Prairie Grove	246660	2,070
499	President Adams	266607	2,655
500	President Arthur	264704	2,655
501	President Buchanan	226017	2,655
503	President Coolidge	267733	2,655
2447	President Fillmore	513860	5,700
505	President Garfield	266092	2,655
2380	President Grant	511226	5,700
521	President Harding	248275	451
2148	President Harrison	502569	4,550
509	President Hayes	264446	2,655
506	President Hoover	248424	451
511	President Jackson	266060	2,655
514	President Lincoln	285311	5,145
517	President Madison	249683	451
2416	President McKinley	512593	5,700
2113	President Monroe	501712	4,550
519	President Pierce	248619	541
2084	President Polk	500484	4,465
2398	President Taft	511653	5,700
522	President Taylor	266927	2,655
1208	President Tyler	286232	5,145
2359	President Van Buren	509581	5,700
919	Producer	245888	1,720
228	Providence Getty	254689	110
2751	Prudential Oceanjet	504015	4,805
2752	Prudential Seajet	502726	4,805
2706	Pure Oil	248837	440
2341	Rachel V	248785	245
2450	Raleigh	249291	270
2843	Raphael Semmes	242074	1,310
2164	Rappahannock	253226	270
2821	Red Jacket	522650	8,075
417	Reuben Tipton	247830	270
2690	Robin Goodfellow	247254	425
2691	Robin Gray	252626	425
2692	Robin Hood	247255	425
2697	Robin Trent	254641	425
400	Ruth Lykes	247503	270
2162	Ruth Lykes	502928	4,640
2544	Sacramento	245497	1,630
177	San Antonio	248716	3,160
1919	San Francisco	241220	3,225
1920	San Juan	242653	3,225
891	Santa Adela	242243	270
2295	Santa Alicia	252747	425
2259	Santa Ana	252746	425
2297	Santa Anita	252748	425
2370	Santa Barbara	509186	4,845
2296	Santa Clara	506249	4,845
2257	Santa Cruz	504681	4,845
2314	Santa Elena	507696	4,845
2287	Santa Eliana	251812	425
899	Santa Fe	246602	203
900	Santa Flavia	242762	270
2376	Santa Isabel	510570	4,845
2155	Santa Lucia	502774	4,845
1574	Santa Magdalena	290270	6,555
211	Santa Maria	263781	960
1756	Santa Maria	292838	6,555
1678	Santa Mariana	291811	6,135
1830	Santa Mercedes	293943	6,555
2863	Santa Monica	257213	425
2286	Santa Regina	240348	383
893	Santa Victoria	245130	203
1970	Seamar	294729	3,200
2304	Seatrain Carolina	246066	5,070
2291	Seatrain Delaware	245682	3,250
2309	Seatrain Florida	503326	5,070
65	Seatrain Georgia	262558	775
66	Seatrain Louisiana	262835	775
2346	Seatrain Maine	504714	5,070
2329	Seatrain Maryland	245283	5,070
67	Seatrain New Jersey	239688	390
68	Seatrain New York	231905	230
2306	Seatrain Puerto Rico	246095	5,070
2279	Seatrain San Juan	245622	3,250
69	Seatrain Savannah	231916	230
70	Seatrain Texas	239549	390
2357	Seatrain Washington	245460	5,070
1610	Sheldon Lykes	290508	3,250
1428	Shirley Lykes	289283	3,250
2464	Silver Falcon	248065	245
2786	Silver Robin	245354	245
1714	Sinclair Texas	291990	9,505
1266	Sister Katingo	277936	5,610
2722	Socony Vacuum	268801	3,080
982	Solon Turman	285889	3,130
2866	Sonoma	252413	425
2489	Spirit of Liberty	516521	10,560
1016	Steel Admiral	252403	425
439	Steel Advocate	245731	425
440	Steel Age	244161	425
441	Steel Apprentice	252498	425
442	Steel Architect	247168	425
443	Steel Artisan	247833	425
444	Steel Chemist	252037	425
445	Steel Designer	247832	425
446	Steel Director	244978	425
447	Steel Executive	248843	425
448	Steel Fabricator	251781	425
449	Steel Flyer	244831	425
450	Steel King	252499	425
451	Steel Maker	247221	425
452	Steel Navigator	248846	425
454	Steel Rover	252500	425
455	Steel Scientist	245730	425
456	Steel Seafarer	248738	425
457	Steel Surveyor	244968	425
458	Steel Traveler	247198	425
459	Steel Vendor	246464	425
460	Steel Voyager	252501	425
461	Steel Worker	247834	425
402	Stella Lykes	247504	270
2248	Stella Lykes	504982	4,830
403	Sue Lykes	248145	270
2431	Susquehanna	248334	270
2723	Syosset	247458	440
1415	Tampico	246344	2,070
255	Tatalina	247995	125
463	Texaco California	266910	1,360
465	Texaco Connecticut	266501	1,365
466	Texaco Florida	271820	1,500
1857	Texaco Georgia	293819	5,365
469	Texaco Illinois	246993	1,840
471	Texaco Kansas	244230	1,745
1823	Texaco Maryland	292735	5,245
1824	Texaco Massachusetts	290306	5,060
475	Texaco Minnesota	243202	2,050
476	Texaco Mississippi	245082	2,050
2028	Texaco Montana	298918	5,970
478	Texaco Nebraska	242845	1,795
480	Texaco New Jersey	245831	1,635
481	Texaco New York	265981	1,455
483	Texaco North Dakota	265006	1,325
1899	Texaco Rhode Island	296380	5,525
1270	Texaco Wisconsin	277805	5,295
489	Texaco Wyoming	243048	1,860
209	Texan	249352	990
174	Texas Sun	283897	8,700
497	The Cabins	246143	1,630
925	Thetis	279627	6,850
2096	Thomas A	260954	2,695
2412	Thomas M	266338	2,565
2823	Thomas Q	261167	2,725
405	Thompson Lykes	283413	2,985
602	Ticonderoga	242244	500
406	Tillie Lykes	248461	425
2222	Topa Topa	247906	275
231	Transeastern	279438	7,600
2391	Transerie	245959	1,365
2301	Transhuron	506349	1,390
2463	Transpanama	257381	2,135
2338	Transsuperior	508404	1,375
1492	Trinity	246600	3,210
2744	Trojan	247177	2,265
590	Tullahoma	246662	1,820
407	Tyson Lykes	248066	270
2437	U.S. Mate	252492	270
2438	U.S. Navigator	248751	245
2439	U.S. Pilot	245016	270
966	Utah Standard	251140	435
2270	Valley Forge	505786	9,545
2340	Vantage Progress	245623	274
2339	Vantage Venture	242676	440
408	Velma Lykes	247584	270
2354	Velma Lykes	509652	4,830
2853	Ventura	252633	425
666	Virginia Trader	244789	510
1786	Walter Rice	248203	2,405
1398	Washington	288603	4,265
437	Washington Bear	264252	2,390
1349	Washington Mail	287238	4,180
974	Washington Standard	246203	455
667	Washington Trader	245566	510
2640	Wellesley Victory	247564	245
1779	Western Clipper	268288	2,910
1780	Western Comet	266365	2,785
1302	Western Hunter	287156	10,320
1781	Western Planet	268078	2,900
175	Western Sun	268798	3,065
2225	Wild Ranger	240618	270
410	William Lykes	247998	270
224	Wilmington Getty	246557	3,065
1609	Windsor Victory	247843	245
1511	Wingless Victory	247243	245
358	Wolverine State	248740	700
2568	Wyoming	519937	6,500
2226	Yaka	246335	275
2098	Yellowstone	248883	1,235
2030	Yorkmar	296261	3,200
2822	Young America	524416	8,075

(b) *Vessels of less than 1,500 gross tons—As of January 1, 1971.* (1) The Maritime Administration has determined for certain vessels of less than 1,500 gross tons the values which constitute just compensation for the vessels to which they apply, computed as provided in sections 902(a) and 1209(a), Merchant Marine Act, 1936, as amended; and pursuant thereto has determined the values of vessels covered by interim binders for war risk hull insurance, Form MA–184, prescribed in Part 308 of this chapter.

(2) The interim binders listed below shall be deemed to have been amended as of January 1, 1971, by inserting in the space provided therefore or in substitution for any value now appearing in such space the stated valuation of the vessels set forth below for the binders and vessels as designated. Such stated valuation shall apply with respect to insurance attaching during the period January 1, 1971, to June 30, 1971, inclusive: *Provided, however,* That if there is a substantial change in market values during said period, the Maritime Administration reserves the right to revise the values provided for herein or determined pursuant hereto at any time during said period: *And provided further,* That the Assured shall have the right within 60 days after date of publication of this section or within 60 days after the attachment of the insurance under said binder, whichever is later, to reject such valuation and proceed as authorized by section 1209(a)(2), Merchant Marine Act, 1936, as amended.

Binder No.	Name of vessel	Official No.	Stated valuation (in thousands)
752	A. H. Dumont	239224	$81
2486	Alison C	513704	950
2469	Apache	513045	850
1686	Atlantic	262007	141
1198	Barge 133		19
2045	Betty Moran	293323	800
2480	Black Hawk	515015	850
2331	Borinquen	506497	409
1153	Britton	119	16
2136	Cabo Rojo	297392	364
2137	Catano	298716	370
2298	Elmorro	503562	381
2132	E. Whitney Olson, Jr.	298925	575
2299	Fajardo	503563	381
2044	Gale B	292748	800
24	George S	282206	83
764	George Whitlock II	241390	92
1150	Habib	112	12
1151	Horne	115	13
1554	Lewis No. 8	244276	63
1702	Mohawk	254469	420
2350	New Haven	504920	381
742	Ocean Prince	276461	325
2065	Pacific Mariner	297090	575
2703	Perth Amboy No. 1	171776	165
2704	Perth Amboy No. 2	171686	165
1719	Ponce de Leon	244296	63
744	Port Jefferson	274512	315
1878	Puerto Nuevo	294841	359
1176	Qatif 7		52
1148	Sandy	114	13
2476	Seminole	514243	850
1263	Spartan	273515	359
2130	Starcrescent	284000	506
1162	Swigart	118	14
2552	Theresa F	516158	950
763	W. A. Weber	251392	63

NOTE: The reporting requirements contained herein have been approved by the Office of Management and Budget in accordance with 44 U.S.C. §§ 3501–3511.

Dated: April 28, 1971.

E. SCOTT DILLON,
Chairman,
Ship Valuation Committee.

[FR Doc.71-6285 Filed 5-6-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

A notice of proposed rule making was published March 9, 1971 (36 F.R. 4550), to amend Part 280, Title 50, Code of Federal Regulations, which are regulations governing the Eastern Pacific yellowfin tuna fisheries.

Interested persons were given the opportunity to participate through a public hearing at San Diego on March 18, 1971, and through submission of written material. Public testimony and written briefs were in substantive agreement with the proposed amendments. The amendments are therefore adopted as published. In addition comments were heard and accepted to increase the initial incidental catch rate by 10 percent for purse seiners of 301 to 400 short tons carrying capacity (30 to 40 percent) and purse seiners of 300 short tons carrying capacity or less (40 to 50 percent). This change would enable vessels in those categories to better utilize the opportunity to catch the special allotment during those months when yellowfin is actually more prevalent. Therefore, under paragraph (c) of § 280.6 the incidental catch rates in subparagraphs (2) and (3) are increased.

Since publication of the yellowfin regulations in their entirety, March 19, 1970 (35 F.R. 4758), amendments to these regulations have been adopted changing § 280.5 and several paragraphs of § 280.6. Therefore, the entire regulations have been redrafted to provide the tuna industry with one complete set.

Effective date. These regulations are effective upon date of publication in the FEDERAL REGISTER (5-7-71).

Issued at Washington, D.C., and dated May 4, 1971.

PHILIP M. ROEDEL,
Director.

Sec.	
280.1	Definitions.
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280.13	State officers designated as enforcement agents.

AUTHORITY: The provisions of this Part 280 issued under 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 F.R. 15627).

§ 280.1 Definitions.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *United States.* All areas under the sovereignty of the United States, the Trust Territory of the Pacific Islands, and the Canal Zones.

(b) *Convention.* The Convention for the Establishment of an Inter-American Tropical Tuna Commission, signed at Washington, D.C., May 31, 1949, by the United States of America and the Republic of Costa Rica (1 U.S.C. 230).

(c) *Commission.* The Inter-American Tropical Tuna Commission established pursuant to the Convention.

(d) *Director of Investigations.* The Director of Investigations, Inter-American Tropical Tuna Commission, LaJolla, Calif.

(e) *Service Director.* The Director of the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce.

(f) *Regional Director.* The Regional Director, Southwest Region, National Marine Fisheries Service, 300 South Ferry Street, Terminal Island, CA, telephone number, area code 213, 831-9281, Extension 575.

(g) *Regulatory area.* All waters of the eastern Pacific Ocean bounded by the mainland of the Americas and the following lines: Beginning at a point on the mainland where the parallel of 40° north latitude intersects the coast; thence due west to the meridian of 125° west longitude; thence due south to the parallel of 20° north latitude; thence due east to the meridian of 120° west longitude; thence due south to the parallel of 5° north latitude; thence due east to the meridian of 110° west longitude; thence due south to the parallel of 10° south latitude; thence due east to the meridian of 90° west longitude; thence due south to the parallel of 30° south latitude; thence due east to a point on the mainland where the parallel of 30° south latitude intersects the coast.

(h) *Yellowfin tuna.* Any fish of the species *Thunnus albacares* (synonym: *Neothunnus macropterus*).

(i) *Other tuna fishes.* Those species (and none other) of the family Scombridae which are known as:

(1) Albacore—*Thunnus alalunga* (synonym: *Thunnus germo*).

(2) Bigeye—*Thunnus obesus* (synonym: *Parathunnus sibi*).

(3) Bluefin—*Thunnus thynnus* (synonym: *Thunnus saliens*).

(4) Skipjack—*Euthynnus pelamis* (synonym: *Katsuwonus pelamis*).

(j) *Fishing vessel.* Every kind, type or description of watercraft subject to the jurisdiction of the United States (other than purse seine skiffs) used in or outfitted for catching or processing fish or transporting its catch of fish from fishing grounds.

(k) *Cargo vessel.* Every kind, type or description of watercraft which is not employed in fishing but which is engaged in whole or in part in the transportation of fish or fish products.

(l) *Person.* Individual, association, corporation, or partnership subject to the jurisdiction of the United States.

(m) *Open season.* The time during which yellowfin tuna may lawfully be captured and taken on board a fishing vessel in the regulatory area without limitation on the quantity permitted to be retained during each fishing voyage. Unless otherwise specified, whenever time is stated in hours it shall be construed to refer to local time in the area affected.

(n) *Closed season.* The time during which yellowfin tuna may not be taken or retained on board a fishing vessel in quantities exceeding the amounts permitted to be taken and retained as an incident to fishing for species with which yellowfin tuna may be mingled as defined in § 280.2(b)(3).

§ 280.2 Basis and purpose.

(a) At a special meeting held at Long Beach, Calif., on September 14, 1961, the Commission recommended to the Governments of Costa Rica, Ecuador, Panama, and the United States of America, parties to the Convention, that they take joint action to limit the annual catch of yellowfin tuna from the eastern Pacific Ocean by fishermen of all nations during the calendar year 1962. This recommendation was made pursuant to paragraph 5 of Article II of the Convention on the basis of scientific investigations conducted by the Commission over a period of time dating from 1951. The most recent years of this period were marked by a substantial increase in fishing effort directed toward the yellowfin tuna stocks, resulting in a rate of exploitation of these stocks greater than that at which the maximum sustainable yield may be obtained. The Commission's recommendation for joint action by the parties to regulate the yellowfin tuna fishery has as its objective the restoration of these stocks to a level of abundance which will permit maximum sustainable catch and the maintenance of the stocks in that condition in the future.

(b) At each annual meeting held since 1962, the Commission affirmed its conclusions regarding the need for regulating the yellowfin tuna fishery in the eastern Pacific Ocean and at each meeting recommended to the parties to the Convention that they take joint action to:

(1) Establish a prescribed tonnage limit on the total catch of yellowfin tuna by the fishermen of all nations during each calendar year from an area of the eastern Pacific Ocean defined by the Commission;

(2) Establish open and closed seasons for yellowfin tuna under prescribed conditions;

(3) Permit the landing of an incidental catch by weight of yellowfin tuna, when landed with one or more of the following fishes usually caught mingled with yellowfin tuna, that are taken on a fishing trip begun after the close of the yellowfin tuna fishing season: Skipjack tuna, bigeye tuna, bluefin tuna, albacore tuna, bonito, the billfishes and the sharks; and

(4) Obtain from governments not parties to the Convention, but having vessels which operate in the fishery, cooperation in effecting the recommended conservation measures.

(c) The regulations in this part are designed to implement the Commission's recommendations for the conservation of yellowfin tuna so far as they affect vessels and persons subject to the jurisdiction of the United States.

§ 280.3 Catch limits.

The annual limitation on the quantity of yellowfin tuna permitted to be taken from the regulatory area by the fishing vessels of all nations participating in the fishery will be fixed and determined on the basis of recommendations made by the Commission pursuant to paragraph 5 of Article II of the Convention. Upon approval by the Secretary of State and the Secretary of Commerce of the recommended catch limit, announcement of the catch limit thus established shall be made by the Service Director through publication of a suitable notice in the Federal Register. The Service Director, in like manner, shall announce any revision or modification of an approved annual catch limit which may subsequently enter into force.

§ 280.4 Open season.

The open season for yellowfin tuna fishing shall begin annually at 0001 hours of the 1st day of January and terminate at a time and date to be determined and announced as provided in § 280.5.

§ 280.5 Closed season.

Pursuant to authority granted by the Commission, the Director of Investigations will determine the date on which he deemed that the yellowfin fishing season should close and will promptly notify the service Director of such date. The Service Director shall then announce the season closure date thus established by publication in the Federal Register. The closure date so announced shall be final except that if it shall at any time become evident to the Director of Investigations that the closure date initially determined had been affected by changed circumstances, he may substitute another date which shall be announced by the Service Director in like manner as provided for the date originally determined.

§ 280.6 Restrictions applicable to fishing vessels.

(a) Except as provided in paragraphs (b), (c), and (e) of this section, after the date determined and announced in the manner provided in § 280.5 for the closing of the yellowfin tuna fishing season, it shall be unlawful for any master or other person in charge of a fishing vessel to land yellowfin tuna in any port or place until the yellowfin tuna fishing season reopens on January 1 next following the close of the season.

(b) Any master or other person in charge of a fishing vessel which has departed port to engage in tuna fishing prior to the date of the closure of the yellowfin fishing season may continue to take and retain yellowfin tuna without restriction as to quantity until the fishing voyage has been completed by unloading from such fishing vessel the whole or any part of the cargo of tuna taken during such voyage. Furthermore for 1971 only any vessel which has completed a tuna fishing voyage in the regulatory area during the then current open season and is in port at the time of the date of closure of such season shall be allowed to depart such port within 30 days after said date of closure for an unrestricted fishing voyage. For the purposes of this paragraph, the date of departure from port refers to the date on which the fishing vessel departs from a port to proceed directly to the fishing grounds outfitted, supplied, fueled, provisioned, and manned by officers and crew in the manner and to the extent usually required to carry out fishing operations, by means of such vessel: *Provided*, That a stopover at a single intermediate port, not exceeding 48 hours, is permitted for the specific purpose of meeting any deficiencies in such outfitting, supplying, fueling, provisioning, or manning needs of the vessel for a fishing voyage. A stay in an intermediate port in excess of 48 hours shall constitute a new date of departure from port coinciding with the date of the delayed departure from the intermediate port.

(c) Any master or other person in charge of a fishing vessel which has departed port after the date of the closure of the yellowfin season, except a vessel provided for in paragraph (b) of this section, may land in any port or place yellowfin tuna as provided for in subparagraphs (1), (2), (3), and (4) of this paragraph: *Provided*, That the Director by appropriate notice in the Federal Register may adjust the incidental catch rates provided for in subparagraphs (1), (2), (3), and (4) of this paragraph to assure that the various allotments designated for certain vessels are not underutilized and the 15 percent overall incidental catch is not exceeded. Any quantity of yellowfin tuna landed in excess of the limitations provided for in subparagraphs (1), (2), (3), and (4) of this paragraph shall be subject to seizure pursuant to section 10(c) of the Tuna Conventions Act of 1950, as amended (16 U.S.C. 959(c)).

(1) Purse seiners of over 400 short tons capacity may land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna be permitted to be landed by such vessels exceed 15 percent (15%) by round weight when included with those species listed in § 280.2(b)(3).

(2) Purse seiners of 301 to 400 short tons carrying capacity inclusive may land in any port of place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3) but in no event shall the yellowfin tuna so permitted to be landed by such vessel exceed 40 percent (40%) by round weight when included with those species listed in § 280.2(b)(3): *Provided*, That when the catch of yellowfin tuna by purse seiners of 301 to 400 short tons capacity, inclusive, reaches 1,000 tons the incidental rate for those vessels will revert to 15 percent (15%). A notice of reversion which will apply to purse seiners of 301 to 400 short tons, inclusive, leaving port after a selected date will be published in the Federal Register.

(3) Purse seiners of 300 short tons carrying capacity or less may land in any port or place yellowfin tuna taken as an incident to fishing for those species listed in § 280.2(b)(3), but in no event shall the yellowfin tuna so permitted to be landed by such vessel exceed 40 percent (40%) by round weight when included with those species listed in § 280.2(b)(3); except that those purse seiners of 300 short tons capacity or less known as local wetfish boats that meet the following criteria:

(i) Do not deliver any yellowfin tuna during the open yellowfin tuna fishing season and,

(ii) Make deliveries on daily basis,

may accumulate the 50 percent (50%) allowance by weight for incidental catches of yellowfin tuna for the separate period from the closure date until the end of that month, and for each separate period consisting of 1 calendar month thereafter: *Provided*, That when the catch of yellowfin tuna by purse seiners of 300 short tons of carrying capacity or less reaches 4,500 tons the incidental rate for those vessels will revert to 15 percent (15%). A notice of reversion which will apply to purse seiners of 300 short tons of capacity or less leaving port after a selected date will be published in the Federal Register.

(4) Bait boats and jig boats may land in any port or place yellowfin tuna not to exceed 50 percent (50%) by round weight of the vessels' carrying capacity in short tons: *Provided*, That when the catch of yellowfin tuna by bait boats and jig boats reaches 2,000 short tons, the incidental catch rate for those vessels of yellowfin tuna will revert to 15 percent (15%) of yellowfin taken as an incident to fishing for those species listed in § 280.2(b)(3). A notice of reversion which will apply to bait boats and jig boats leaving port after a selected date will be published in the Federal Register.

(5) The short ton capacity of vessels shall be determined from tables prepared by the Commission which relate carrying capacity to gross and/or net tonnage and from official unloading records available to the National Marine Fisheries Service. Managing owners of purse seine vessels between 301 and 400 short tons carrying capacity, inclusive will be notified by registered mail that their vessel is in that category and is therefore subject to the provisions of subparagraph (2) of this paragraph. Managing owners of vessels of 300 short tons or less carrying capacity will be notified by registered mail that their vessel is in this category and is therefore subject to the provisions of subparagraph (3) of this paragraph. Except as provided below for bait boats and jig boats, managing owners not receiving such notification by registered mail can assume that their vessel is in the category of over 400 short tons carrying capacity and is therefore subject to the provisions of subparagraph (1) of this paragraph. To qualify for the bait boat and jig boat yellowfin allocation described in subparagraph (4) of this paragraph, managing owners of bait boats and jig boats will supply the Regional Director documentation concerning the gross and net tonnage of their vessels together with records of prior unloadings. This information, together with tables supplied by the Commission which relate to gross and/or net tonnage and from official records available to the National Marine Fisheries Service will be used by the Regional Director to establish the carrying capacity of each vessel. Failure to comply will result in such vessels being limited to a 15 percent (15%) incidental catch of yellowfin taken as an incident to fishing for those species listed in § 280.2(b)(3). This incidental rate will remain in effect for such vessels until the above documentation is supplied and the vessel's capacity determined.

(6) Any vessel may catch yellowfin tuna without restriction during the closed season provided such tuna is landed in a country with tuna canning facilities and which accepts the Commission's recommendations and provided further that prior to departing on the voyage on which yellowfin tuna is caught that the managing owner of the vessel making such voyage receives from the Regional Director a letter granting permission for his vessel to land such yellowfin tuna in such country. Those seeking permission for their vessel to land such yellowfin tuna in such country shall forward to the Regional Director a letter from the Minister of Fisheries or the Minister of Agriculture of the country in which such yellowfin tuna will be landed certifying that such country has agreed to purchase such yellowfin tuna and that the maximum amount of yellowfin tuna could be landed by such vessel, assuming that the vessel's entire capacity is filled with yellowfin tuna, would not cause the total amount of yellowfin tuna landed in such country to exceed 1,000 short tons.

(d) The limitation on the quantity of incidentally caught yellowfin tuna specified in paragraph (c) of this section shall be applicable to any fishing vessel irrespective of its arrival in port prior or subsequent to December 31 in every case where the catch of tuna has been made during a fishing voyage begun in the closed season.

(e) On trips begun after the closure of the yellowfin season:

(1) All yellowfin tuna caught by fishing vessels which on the same trip fished both within and outside the regulatory area in the Pacific Ocean shall be subject to the incidental catch limitations as set out in paragraph (c) of this section. Furthermore any vessel which after landing retains yellowfin tuna aboard will be subject to the incidental catch limitation for yellowfin tuna on the completion of a subsequent fishing voyage.

(2) All vessels planning to fish exclusively outside the regulatory area in the Pacific Ocean shall report to the Regional Director within 48 hours before leaving port; within 24 hours before departing the regulatory area; and within 24 hours before returning to the regulatory area. Such reports, which must reach the Regional Director within the time limits specified, can be made by letter, telegram, prepaid commercial radio message (either radiogram or ship-to-shore radiophone), or telephone and may be relayed to the Regional Director by the master, managing owner of his shore representative.

(i) On departure from the regulatory area reports described under subparagraph (2) of this paragraph shall include the latitude of departure from the regulatory area and approximate time of departure. On returning to the regulatory area the reports shall include the catch of yellowfin tuna and of other species made outside the regulatory area and the latitude and approximate time of reentry.

(ii) In addition, each vessel while outside the regulatory area shall transmit a message between 1400 and 1800 hours California time on each even-numbered day; such reporting to continue throughout the closed season. The following message shall be transmitted to a station operated by the tuna industry on one of the following frequencies: 16,565.0 KHz, 16,572.0 KHz, 12,421.0 KHz, 12,428.0 KHz, 8281.2 KHz or 8284.4 KHz: "This message is being transmitted in compliance with the United States Eastern Tropical Pacific Yellowfin Tuna Regulations, and it confirms that the vessel (name of reporting vessel) has not reentered the Eastern Pacific Regulatory Area as of this date: (give date)." Any station receiving such message shall notify the Regional Director at telephone number (714) 233–5511 of such receipt on the same day the message is received. Any vessel that fails to receive an acknowledgement from an industry station that a required transmission has been received by such station must attempt to transmit the same message on the day following the failure to receive such acknowledgement. If in 3 successive days the vessel fails to receive an acknowledgement that a required transmission has been received, it will be considered that the vessel's radio equipment is not functioning properly and the vessel shall then return directly to port: *Provided, however*, That if the Director, National Marine Fisheries Service, determines that the reporting procedures given herein (this subdivision (ii)) are not effective, he will announce his findings in the Federal Register. On publication of such findings the above reporting procedures will apply except that the messages shall be sent through either Station KMI (Oakland) or Station WOM (Miami) to the Regional Director, area code 714, telephone number 233–5511.

(iii) Those vessels announcing that they will fish entirely outside the regulatory area shall, after leaving port, proceed directly to waters outside the regulatory area and upon reentering the regulatory area, will proceed directly to port for unloading: *Provided*, That if a vessel must make an emergency port call for disembarking a sick or injured crew member, refueling, repairs, or for any other emergency, the vessel will proceed directly to port and will notify the Regional Director forty-eight (48) hours prior to the port call, giving the name of the port to be entered. If the vessel then wishes to resume fishing outside the regulatory area, it must notify the Regional Director again of its intentions as provided in this subparagraph (2) and proceed directly to waters outside the regulatory area.

(3) All fishing vessels will notify the Regional Director, at least forty-eight (48) hours prior to any delivery or sale in a foreign country, of fish caught in or outside of the regulatory area of the eastern Tropical Pacific Ocean. Such reports shall include the amount of species and whether the fish were caught inside or outside of the regulatory area. These reports can be made by prepaid commercial radio message or may be relayed to the Regional Director by the managing owner or his shore representative. Except that those vessels that are permanently based in a foreign country and routinely unload in that country are required to make such reports only when unloading in a country other than that in which they are based.

(4) Any vessel failing to file the reports and to follow the procedures required in this paragraph shall be restricted to the incidental catch limit of fifteen percent (15%) of yellowfin for the entire fishing voyage. This incidental limit is by weight of yellowfin tuna when landed with one or more of the species listed in § 280.2(b)(3).

(f) All messages required in paragraph (e) of this section shall be telephoned to area code 714, telephone number 233–5511.

(g) Each vessel fishing outside the regulatory area in the Pacific Ocean during the open season shall transmit a message between 1400 and 1800 hours California time on each even-numbered day of the month on one of the following frequencies: 16,565.0 KHz, 16,572.0 KHz, 12,421.0 KHz. 12,428.0 KHz, 8281.2 KHz, or 8284.4 KHz. The following message shall be transmitted to any station operated by a member of the tuna industry who shall be deemed to be an agent of the transmitting vessel for this purpose: "This message is being transmitted in compliance with the United States eastern tropical Pacific yellowfin tuna regulations, and it confirms that the vessel (name of reporting vessel) is fishing outside the eastern Pacific regulatory area as of this date (give date)." Any station receiving such message shall notify the Regional Director by calling telephone number area code 714, 233–5511 to report the receipt of such message on the same day it is received.

§ 280.7 Emergency action by Director.

(a) If in light of developments during the closed season for yellowfin tuna the Director finds that the provisions relating to fishing outside the regulatory area are inadequate to insure that the recommendations of the Commission are implemented, he shall announce by appropriate notice in the FEDERAL REGISTER such determination and immediately thereafter:

(1) Every vessel at sea, which has yellowfin tuna aboard in excess of the fifteen percent (15%) allowable incidental catch, which were taken or are claimed to have been taken outside the regulatory area in the Pacific Ocean shall immediately return to its home port or port of departure to unload or to have its catch aboard certified by a National Oceanic and Atmospheric Administration or State employee designated as an enforcement officer. Any vessel failing to return immediately to home port or port of departure for the purpose stated shall be permitted to land an amount of yellowfin not to exceed fifteen percent (15%) of its total catch.

(2) Fishing vessels which have fished by any time during the calendar year in the regulatory area and which depart port on a fishing voyage after the notice of the Director as described in this section and fish within the Pacific Ocean shall land only the allowable incidental catch as described in § 280.6(c).

§ 280.8 Restrictions applicable to cargo vessels.

(a) A fishing vessel shall be deemed to have completed a fishing voyage whenever the whole or any part of its catch of tuna from the regulatory area shall be transferred to a cargo vessel in conformity with the requirements of this section.

(b) In keeping with the provisions of section 251, title 46, United States Code, no foreign-flag vessel, whether documented as a cargo vessel or otherwise, is permitted to land in a port of the United States any tuna fish or tuna fish products taken on board such vessel on the high seas.

(c) The transfer of tuna from a fishing vessel to a cargo vessel while in a foreign country or in waters over which the country has recognized jurisdiction is subject to the applicable laws and regulations of such foreign country.

(d) During the closed season for yellowfin tuna, no fishing vessel shall transfer on the high seas any part of its catch of tuna fish to a cargo vessel documented under the laws of the United States and no such cargo vessel shall receive, possess, or bring to any place in the United States, tuna fish taken on board on the high seas from a fishing vessel unless the cargo vessel shall hold a permit issued in conformity with paragraph (e) of this section.

(e) Upon written application made to him, the Regional Director may issue a permit authorizing a cargo vessel documented under the laws of the United States to receive, possess, and transport to the United States, tuna fish transferred from fishing vessels on the high seas during the closed season on yellowfin tuna. Such permit may authorize the possession and transportation of yellowfin tuna by a cargo vessel without regard to the quantities of yellowfin or other marketable species of fish received or possessed on board such vessel during the closed season on yellowfin tuna and shall contain such additional conditions and restrictions as the Regional Director shall determine to be necessary in light of the circumstances in each case to achieve compliance with the regulations in this part and the objectives of the program for the conservation of the yellowfin tuna resources of the regulatory area.

§ 280.9 Restrictions applicable to purchasers.

(a) Except as provided in paragraphs (b) and (d) of this section, it shall be unlawful for any person knowingly to receive, purchase, offer to purchase, sell, offer for sale, import, export, or have in custody, possession, or control any yellowfin tuna taken or retained by a fishing vessel in violation of the regulations in this part.

(b) In view of the perishable nature of yellowfin tuna when not processed otherwise than by chilling or freezing, any person authorized to enforce the regulations in this part may cause to be sold, and any person may purchase, for not less than its reasonable market value such quantities of perishable yellowfin tuna as may be seized pursuant to section 10(e) of the Tuna Conventions Act of 1950 as amended (16 U.S.C. 959(e)).

(c) The proceeds of any sale made pursuant to paragraph (b) of this section after deducting the reasonable costs of the sale, if any, shall be remitted by the purchaser to the Regional Director for deposit and retention in the Suspense Account of the National Marine Fisheries Service (Account No. 14X6875(17)) pending judgment of the court or other disposition of the case.

(d) If a duly constituted official acting under authority and in behalf of a State of the United States, of the Commonwealth of Puerto Rico, or of American Samoa seizes any yellowfin tuna under the applicable laws or regulations of such government, such yellowfin tuna may be forfeited and sold or otherwise disposed of pursuant to such laws or regulations. Any yellowfin tuna so seized by an official of a State, the Commonwealth of Puerto Rico or American Samoa shall not be seized by an officer or employee of the Federal Government unless it is voluntarily turned over to him to be proceeded against under applicable Federal laws or regulations.

§ 280.10 Reports and recordkeeping.

(a) The master or other person in charge of a tuna vessel or such person as may be authorized in writing to serve as the agent of either of such persons shall:

(1) Keep an accurate log of all operations conducted from the vessel entering therein for each day the date, noon position (stated in latitude and longitude or in relation to known physical features), and the estimated quantities (in short tons, round weight), of tuna fish and other marketable fish, by species, which are taken on board the vessel: *Provided*, That the record and bridge log maintained at the request of the Commission shall be deemed a sufficient compliance with this paragraph whenever the items of information specified herein are fully and accurately entered in such log.

(2) Report by raido at least once each calendar week during a fishing voyage conducted in the open season; such reporting to begin on a date to be announced by the Service Director through publication of a suitable notice in the FEDERAL REGISTER and to continue throughout the open season. Reports by radio shall be made directly or through a cooperating vessel to Radio Station WWD, La Jolla, Calif., 4415.8 kc., 8805.6 kc., 12,403.5 kc., or 16,533.5 kc., or by prepaid commercial radio message directed to the Director of Investigations. Radio reports shall be made between 0900 and 2400 P.s.t. and shall state the name of the fishing vessel and the cumulative estimated quantities, by species of all tuna fish taken on board from week to week throughout the duration of the fishing voyage. Weekly reports containing all items of information required by this paragraph may be submitted to the Director of Investigations by the shore representative of the master or other person in charge of the vessel in lieu of radio reports from the vessel.

(3) Furnish on a form obtainable from the Regional Director, following the delivery or sale of a catch of tuna made by means of such vessel, a report, certified to be correct as to facts within the knowledge of the reporting individual, giving the name and official number of the fishing vessel, the dates of commencement and conclusion of the fishing voyage, port of departure, and listing separately by species and round weight in pounds or short tons, the gross quantities of tuna fish and other marketable species of fish so sold or delivered: *Provided*, That at the option of the vessel master or other person in charge, a copy of the fish ticket, weighout slip, settlement sheet, or similar record customarily issued by the fish dealer or his agent may be used for reporting purposes in lieu of the form obtainable from the Regional Director, if such alternate record is similarly certified and contains all items of information required by this paragraph: *Provided, further*, That for any vessel landing its catch in California and reporting by means of a copy of the California fish ticket, the California Fish and Game boat number may be indicated in lieu of the vessel's official number. Such report shall be delivered or dispatched by mail to the Regional Director within 72 hours after the weighout has been completed.

(b) Any person authorized to carry out enforcement activities under the regulations in this part and any person authorized by the Commission shall have power, without warrant or other process to inspect, at any reasonable time, log books, catch reports, statistical records, or other reports as are required by the regulations in this part to be made, kept, or furnished (16 U.S.C. 956).

§ 280.11 Persons and vessels exempted.

Nothing contained in §§ 280.2 to 280.10 shall apply to:

(a) Any person or vessel authorized by the Commission, the Service Director, or any State of the United States to engage in fishing for research purposes.

(b) Any person or vessel engaged in sport fishing for personal use.

§ 280.12 National Oceanic and Atmospheric Administration employees designated as enforcement agents.

Any employee of the National Oceanic and Atmospheric Administration duly appointed and authorized to enforce Federal laws and regulations administered by the National Oceanic and Atmospheric Administration is authorized and empowered to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

§ 280.13 State officers designated as enforcement agents.

Any officer or employee of a State of the United States, of the Commonwealth of Puerto Rico or of American Samoa who has been duly designated by the Service Director or his delegate with the consent of the Government concerned, is authorized to function as a Federal law enforcement agent and to carry out enforcement activities under the Tuna Conventions Act of 1950, as amended (16 U.S.C. 951–961).

[FR Doc.71-6380 Filed 5-6-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 161]

RIGHTS-OF-WAY OVER INDIAN LANDS

Consent of Landowners; Power Projects

April 26, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938).

Notice is hereby given that it is proposed to revise §§ 161.3 and 161.27 of Part 161, Subchapter O, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in section 161 of the Revised Statutes (5 U.S.C. 301); in the Act of February 5, 1948 (62 Stat. 17; 25 U.S.C. 323–328); and in the Act of March 4, 1911 (36 Stat. 1253), as amended by the Act of May 27, 1952 (66 Stat. 95; 43 U.S.C. 961).

The purpose of the amendment deleting the phrase "or to commence construction" from all paragraphs of 25 CFR 161.3 is to eliminate any implication that commencement of construction within a right-of-way may be authorized prior to issuing the conveyance instrument, as in the case of a survey. Regulation 25 CFR 161.15 authorizes the commencement of construction after issuance and delivery of the conveyance instrument granting the right-of-way.

The purpose of further amending 25 CFR 161.3(a) is to expand upon and clarify the meaning of the language "restricted land belonging to a tribe" as used in that paragraph so as to conform to the definition of "tribal land" as set forth in 25 CFR 161.1(d). Replacement of the final words "tribal council" with the word "tribe" results in encompassing any governing body to whom authority is delegated by the tribe, regardless of the nomenclature of that body.

The additional amendments to 25 CFR 161.3(b) and (c) provide conformance in usage of the term "individually owned lands" as defined in 25 CFR 161.1(b) and further serve in the interests of brevity and clarification.

The purpose of the amendment to 25 CFR 161.27(b) is to eliminate duplication of clearance by the Assistant Secretary for Water and Power Resources (formerly Water and Power Development) for certain transmission lines. Clearance for the establishment and construction of transmission lines by power-marketing agencies of the Department of the Interior is inherent in the decision making process of the Assistant Secretary. Therefore, when said agencies apply for transmission line rights-of-way across Indian lands, clearance by the Assistant Secretary as required by 25 CFR 161.27 (b) is deemed unnecessary.

It is the policy of the Department of the Interior to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director of Economic Development, Bureau of Indian Affairs, 1951 Constitution Avenue NW., Washington, DC 20242, within 30 days of the date of publication of this notice in the Federal Register.

As revised, §§ 161.3 and 161.27 read as follows:

§ 161.3 Consent of landowners to grants of rights-of-way.

(a) No right-of-way shall be granted over and across any tribal land, nor shall any permission to survey be issued with respect to any such lands, without the prior written consent of the tribe.

(b) Except as provided in paragraph (c) of this section, no right-of-way shall be granted over and across any individually owned lands, nor shall any permission to survey be issued with respect to any such lands, without the prior written consent of the owner or owners of such lands and the approval of the Secretary.

(c) The Secretary may issue permission to survey with respect to, and he may grant rights-of-way over and across individually owned lands without the consent of the individual Indian owners when (1) the individual owner of the land or of an interest therein is a minor or a person non compos mentis, and the Secretary finds that such grant will cause no substantial injury to the land or the owner, which cannot be adequately compensated for by monetary damages; (2) the land is owned by more than one person, and the owners or owner of a majority of the interests therein consent to the grant; (3) the whereabouts of the owner of the land or an interest therein are unknown, and the owners or owner of any interests therein whose whereabouts are known, or a majority thereof, consent to the grant; (4) the heirs or devisees of a deceased owner of the land or an interest therein have not been determined, and the Secretary finds that the grant will cause no substantial injury to the land or any owner thereof; (5) the owners of interests in the land are so numerous that the Secretary finds it would be impracticable to obtain their consent, and also finds that the grant will cause no substantial injury to the land or any owner thereof.

§ 161.27 Power projects.

* * * * *

(b) All applications, other than those made by power-marketing agencies of the Department of the Interior, for authority to survey, locate, or commence construction work on any project for the generation of electric power, or the transmission or distribution of electrical power of 66 kv. or higher involving lands other than tribal lands dealt with in the exception contained in § 161.2(c) shall be referred to the Office of the Assistant Secretary of the Interior for Water and Power Resources or such other agency as may be designated for the area involved, for consideration of the relationship of the proposed project to the power development program of the United States. Where the proposed project will not conflict with the program of the United States, the Secretary, upon notification to that effect, may then proceed to act upon the application. In the case of necessary changes respecting the proposed location, construction, or utilization of the project in order to eliminate conflicts with the power development program of the United States, the Secretary shall obtain from the applicant writtten consent to or compliance with such requirements before taking further action on the application.

* * * * *

Louis R. Bruce,
Commissioner.

[FR Doc.71-6381 Filed 5-6-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 911]

[Docket No. AO-267-A5]

LIMES GROWN IN FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment to Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911; 35 F.R. 16626), hereinafter referred to collectively as the "order", regulating the handling of limes grown in Florida to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "act." Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the close of business of the 15th day after publication thereof in the Federal Register. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Florida Lime Administrative Committee (established pursuant to the marketing agreement and order). A notice that such public hearing would be held on January 27, 1971, in the Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, FL, was published in the Federal Register on December 22, 1970 (35 F.R. 19362).

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to authorize separate regulations for limes handled within the production area (the State of Florida except that part of the State west of the Suwannee River), and for limes handled between the production area and any point outside of such area.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof;

The order should be amended, as hereinafter set forth, to provide that any regulations issued by the Secretary under the order may be different for the handling of limes within the production area and the handling of limes between the production area and any point outside thereof. The record evidence indicates that such amendment would add flexibility to operation of the order and would allow more orderly marketing of Florida limes. The proposed amendment should also improve returns to growers and benefit handlers, and certain consumers of limes, as hereinafter discussed.

The lime markets within the production area have undergone considerable change since the inception of this order in 1955. A major factor contributing to this change has been the influx of 300,000 to 400,000 Latin immigrants into Florida over the past several years. These immigrants, most of whom are from Cuba, are very familiar with limes. Many of these people use limes in their daily diets on the basis of eating habits they developed while living in Cuba. They prefer limes which are riper than those in demand in the more distant markets outside of the production area. Riper limes, which are often more yellow, are preferred because they are larger, juicier, softer, and somewhat less acidic, than less ripe limes. Riper limes, such as these, are not generally satisfactory for handling to the more distant markets because they would not withstand shipment well, they would lack shelf-life, and they would not sell well within these markets. As order regulations are based primarily on the demands of the major markets outside of the production area, many of these riper limes are currently utilized for processing into juice. A demand for riper limes for fresh utilization now exists in the production area, and authorization for separate regulations under the order would allow fulfillment of this demand.

Another factor which has contributed to the change in the lime market is the ban of lime imports from Cuba. Fruit from this source used to compete with that produced in Florida. Import regulations based on regulations under the order kept low quality fruit from this source out of the U.S. market.

The demand for limes sold within the production area now differs substantially from the demand for those sold outside of such area. Most of the limes sold in markets outside of the production area are retailed in supermarkets, which demand uniform, high quality, attractive limes which are green in color. These markets also desire fruit which will withstand shipment to the more distant markets and arrive in the retail stores in satisfactory condition possessing shelf-life. On the other hand, markets within the production area are numerous. They consist of supermarkets, small stores, and fruit stands. Some of the limes sold in these markets are obtained from small "backyard plantings", which can be handled under the "55 pound per day" minimum quantity exemption provided for in the rules and regulations of the order. Grading costs are not incurred for fruit handled under this exemption provision. Marketing costs are less for limes handled to points within the production area than those for fruit handled to points outside of such area, because lower selling and transportation costs are incurred.

Amendment of the order, as hereinafter set forth, would tend to increase returns to lime growers. Less stringent regulations or, at times, no regulations for markets within the production area should result in more limes being sold in such markets. Regulations based on the particular market demand of each of the areas of regulation would tend to increase total returns to growers and handlers. Currently, most of the limes which fail to meet order requirements, based on the demand of the major markets outside of the production area, are dumped, sold illicitly, or used for processing. The grower gets little or nothing for this fruit. A good fresh market now exists within the production area for much of this fruit. Savings could be achieved by using a less expensive container for fruit sold locally. For instance, it currently costs about $2.50 per bushel to package limes handled according to order requirements because such fruit must also be packed in sturdy containers, so that it will arrive in distant markets in good condition. Packaging costs for limes handled within the production area could be cut to about $0.75 if less stringent container regulations were authorized for such area.

Consumers, particularly those within the production area, would benefit if the order is amended as hereinafter set forth. Currently, regulations are largely based on the demands of the markets outside of the production area. Such requirements add unnecessary costs to limes sold in the production area, and probably increase their cost to the consumer. In addition, some of the limes now being destroyed could be sold fresh within the production area at prices which would bring satisfaction to both consumers and producers.

Because of the different demand characteristics of the markets within the production area from those outside of such area, authority should be provided in the order for the issuance of different regulations for each of these two marketing areas. To provide the necessary flexibility in the operation of the order, such authority should permit requirements which differ as to grade, size, quality, pack, containers, or any combination thereof. However, at certain times of the season, the growing and marketing conditions may warrant the issuance of the same regulation for both marketing areas, and the order should continue to provide such authority.

Authority is now included in the order for the modification, suspension, or termination of regulations. As this decision proposes the establishment of different regulations depending upon where the limes are to be handled, the order would thus provide for the modification, suspension, or termination of the different regulations. Under this authority it would be possible for a regulation to be issued with respect to one area of regulation and none for the other area. Thus, there would be a difference in regulations between the areas. This authority could add necessary flexibility to the operation of the order when warranted. Thus, it may be necessary and desirable to modify, suspend, or terminate existing regulations with respect or either or both of the areas of regulation, or not issue regulations for one or both of such areas, when inclement weather conditions, such as hurricanes or freezes, substantially reduce the volume, or adversely affect the quality of the lime crop, in order to protect growers returns and to provide consumers with an adequate supply of fresh limes in accordance with the market demand of the particular area of regulation.

The application of separate regulations to limes handled to the two described areas of regulation is practical from a compliance standpoint. The State of Florida maintains Road Guard Stations at the major roads crossing a line comprised of the Suwanee River and the State line between Florida and Georgia east of such river. The order requires inspection and certification of limes when regulations are in effect. State of Florida regulations require each shipment of limes to a point outside of the production area to be inspected and to be accompanied by a copy of the inspection certificate applicable thereto. Road guard personnel require all vehicles to stop and the drivers to present such certificates. In the event the order is amended, as hereinafter provided, such personnel could be utilized to check the inspection certificates for each load of limes to see if they meet order requirements for handling to destinations north and west of that line and report any alleged violations thereof. The line formed by the Suwanee River and the Florida-Georgia border lying east thereof, is the most practical boundary with respect to compliance, if separate regulations are issued. Locating this compliance boundary line at any other place, to separate the two areas of regulation, would be costly, because the committee would have to hire additional compliance personnel. The area of regulation for handling within the area comprised of the State of Florida except that part of the State west of the Suwanee River, would coincide with the production area defined under the order. The other area of regulation would include all of the area outside of the production area.

Testimony was presented at the hearing with respect to amending § 911.52(a)(2) with respect to prescribing "minimum standards of quality." Since this subject was not included in the notice of hearing, such testimony cannot be considered in formulating this decision.

A proposal in the notice of hearing was that consideration should be given to making such other changes in the order as may be necessary to make the entire order conform to any amendments that may result from this proceeding. This proposal was supported at the hearing, without opposition. However, no conforming changes are necessary.

Rulings on proposed findings and conclusions. February 11, 1971, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. (a) The said marketing agreement and order, as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The said marketing agreement and order, as hereby proposed to be further amended, regulate the handling of limes grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement upon which hearings have been held;

(c) The said marketing agreement and order, as hereby proposed to be further amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several marketing agreements and orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(d) There are no differences in the production and marketing of limes grown in the production area covered by the said marketing agreement and order, as hereby proposed to be further amended, that make necessary different terms and provisions applicable to different parts of such area; and

(e) All handling of limes grown in the production area is is the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

Revise paragraph (a) of § 911.52 *Issuance of regulations* by adding thereto a new subparagraph (5) reading as follows:

§ 911.52 Issuance of regulations.

(a) * * *

(5) Provide that any or all requirements effective pursuant to subparagraphs (1), (3), and (4) of this paragraph applicable to the handling of limes shall be different for the handling of limes within the production area and for the handling of limes between the production area and any point outside thereof.

* * * * *

Dated: May 3, 1971.

John C. Blum,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6400 Filed 5-6-71;8:47 am]

[7 CFR Part 915]

[Docket No. AO-254-A6]

AVOCADOS GROWN IN SOUTH FLORIDA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to the proposed amendment of the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915; 35 F.R. 16627), hereinafter referred to collectively as the "order" regulating the handling of avocados grown in south Florida, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act". Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 15th day after publication thereof in the Federal Register. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed amendment of the order is formulated, was initiated by the Consumer and Marketing Service as a result of proposals submitted by the Avocado Administrative Committee (established pursuant to the marketing agreement and order). A notice that such public hearing will be held on January 27, 1971, in the Homestead Agricultural Center, 18710 Southwest 288th Street, Homestead, FL, was published in the Federal Register on December 22, 1970 (35 F.R. 19362).

Material issues. The material issues presented on the record of the hearing were concerned with amending the order to authorize separate regulations for avocados handled within the production area and for avocados handled between the production area and any point outside thereof.

Findings and conclusions. The following findings and conclusions on the material issues are based upon the evidence adduced at the hearing and the record thereof.

The order should be amended, as hereinafter set forth, to provide that any regulations issued by the Secretary under the order may be different for the handling of avocados within the production area and for the handling of avocados between the production area and any point outside thereof. The record evidence indicates that such amendment would add flexibility to operation of the order and would allow more orderly marketing of Florida avocados. The proposed amendment should also improve returns to growers and benefit handlers, and certain consumers of avocados, as hereinafter discussed.

The avocado markets within the production area have undergone considerable change since the inception of this order in 1954. A major factor contributing to this change has been the influx of 300,000 to 400,000 Latin immigrants into Florida over the past several years. These immigrants, most of whom are from Cuba, are very familiar with avocados. Many of these people use avocados in their daily diets as a result of the eating habits they developed while living in Cuba. Because of their familiarity with avocados, they select fruit on the basis of variety, as some varieties are more palatable than others. Also they tend to purchase fruit that is quite ripe, so that they may consume it soon after purchase. When avocados are available from the numerous local retail markets, including fruit stands offering avocados from small backyard plantings (as hereinafter described), which may be ungraded, they tend to buy such avocados if they are of the requisite eating quality in preference to more expensive fruit that may have been graded and handled under quality, size, and maturity regulations pursuant to the order. Such fruit generally provides satisfaction to the consumer because he has an opportunity to select the avocados he prefers from the numerous retail outlets. As order regulations are based primarily on the demands of the major markets outside of the production area, many of these riper avocados are currently utilized in processing. A demand for riper avocados for fresh utilization now exists in the production area, and the authorization for separate regulations under the order would allow fulfillment of this demand.

Another factor which has contributed to the change in the avocado market is the ban on avocado imports from Cuba. Fruit from this source used to compete with that produced in Florida. Import regulations based on regulations under the order kept low quality fruit from this source out of the United States market.

The markets for avocados handled to points outside of the production area now differ substantially from those within such area. Most of the avocados handled to points outside of the production area are sold in supermarkets, which prefer avocados which are of high quality, uniform in size and grade, and attractive in appearance. These markets also want fruit which will ripen uniformly soon after its arrival in the retail stores and it must possess reasonable shelf-life. On the other hand, markets within the production area are numerous. These markets include supermarkets, small stores, and fruit stands. Some of the avocados sold in these markets are obtained from small "backyard plantings," which can be handled under the "55 pound per day" minimum quantity exemption provided for in the rules and regulations of the order. Grading costs are not incurred for fruit handled under this exemption provision. Marketing costs are less for avocados handled to points within the production area than those for fruit handled to points outside of such area, because lower selling and transportation costs are incurred.

Amendment of the order, as hereinafter set forth, would tend to increase returns to avocado growers. Less stringent regulations or, at times, no regulations for avocados handled to markets within the production area should result in more fruit being sold in such markets. Regulations based on the particular demand characteristics of each area of regulation should tend to increase total returns to growers and handlers. Currently, avocados failing to meet the applicable order requirements, which are based on the demands of the major markets outside of the production area, are dumped, sold illicitly, or utilized in processing. The grower gets little or nothing for this fruit. A good local market now exists for much of this fruit. Savings could be achieved by using a less expensive container for fruit sold locally. For instance, it currently costs about $2.50 per bushel to package avocados according to order requirements as such fruit must be packed in sturdy containers, so that it arrives in the distant markets in good condition. Packaging costs for fruit handled to points within the production area could be cut to about $0.75 if less stringent container regulations were authorized for such area.

Consumers, particularly those in the production area, would benefit if the order is amended as hereinafter set forth. Currently, regulations are largely based on the demands of the more distant markets outside of the production area. These markets demand uniform, firm, high quality avocados with an attractive appearance, packed in containers which are sturdy enough to withstand shipment to the more distant markets. Such requirements add unnecessary costs to avocados sold for consumption in the production area and probably result in higher prices to consumers. In addition, avocados are now being destroyed which could be sold within the production area at prices which would bring satisfaction to both consumers and producers.

Because of the different demand characteristics of the markets within the production area from those outside of such area, authority should be provided in the order for the issuance of different regulations for each of these two marketing areas. To provide necessary flexibility in the operation of the order, such authority should permit requirements which differ with respect to maturity, size, quality, pack, containers, or any combination thereof. However, at certain times of the season the growing and marketing conditions may warrant the issuance of the same regulation for both marketing areas, and the order should continue to provide such authority. Authority is now included in the order for the modification, suspension, or termination of regulations. As this decision proposes the establishment of different regulations depending upon where the avocados are to be handled, the order would thus provide for the modification, suspension, or termination of the different regulations. Under this authority it would be possible for a regulation to be issued with respect to one area of regulation and none for the other area. Thus, there would be a difference in regulations between the areas. This authority could add necessary flexibility to the operation of the order when warranted. Thus, it may be necessary and desirable to modify, suspend, or terminate existing regulations with respect to either or both of the areas of regulation, or not issue regulations for one or both of such areas, when inclement weather conditions, such as hurricane or freezes, substantially reduce the volume, or adversely affect the quality of the avocado crop, in order to protect growers' returns and to provide consumers with an adequate supply of fresh avocados in accordance with the market demand of the particular area of regulation.

Testimony was presented at the hearing for provisions which purported to provide that regulations applicable to the handling of avocados may be different for the handling of avocados to points within the area comprised of the State of Florida except that part of the State west of the Suwannee River, and for the handling of avocados from such area to any point outside thereof. Since this area is larger than the production area, and the notice of hearing stated that regulations may be different for the handling of avocados within the production area, and the handling of avocados between the production area and anv point outside thereof, such testimony cannot be considered in formulating this decision, as it would require a change in the definition of "handle" to effectuate the proposal. Such change was not specified in the notice.

A proposal in the notice of hearing was that consideration should be given to making such other changes in the order as may be necessary to make the entire order conform to any amendment that may result from this proceeding. This proposal was supported at the hearing, without opposition. However, no conforming changes are necessary.

Rulings on proposed findings and conclusions. February 11, 1971, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and findings and conclusions which should be drawn therefrom. No brief was filed.

General findings. (a) The said marketing agreement and order as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The said marketing agreement and order, as hereby proposed to be further amended, regulate the handling of avocados grown in the designated production area in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, a proposed marketing agreement upon which hearings have been held;

(c) The said marketing agreement and order, as hereby proposed to be further amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several marketing agreements and orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(d) The said marketing agreement and order, as hereby proposed to be further amended, prescribe, so far as practicable, such different terms applicable to different parts of the production area covered thereby as are necessary to give due recognition to the differences in production and marketing of avocados covered thereby; and

(e) All handling of avocados grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended further amendment of the marketing agreement and order. The following amendment of the amended marketing agreement and order is recommended as the detailed means by which the aforesaid conclusions may be carried out:

Revise paragraph (a) of § 915.51 *Issuance of regulations* by adding thereto a new subparagraph (5) reading as follows:

§ 915.51 Issuance of regulations.

(a) * * *

(5) Provide that any or all requirements effective pursuant to subparagraphs (1), (2), (3), and (4) of this paragraph applicable to the handling of avocados shall be different for the handling of avocados within the production area and for the handling of avocados between the production area and any point outside thereof.

* * * * *

Dated: May 3, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6401 Filed 5-6-71;8:47 am]

[7 CFR Part 1036]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), the suspension of certain provisions of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is being considered for a period of several months beginning with May 1971.

All persons who desire to submit written data, views, or arguments in connection with the proposed suspension should file the same with the Hearing Clerk, Room 112-A, Administration Building, U.S. Department of Agriculture, Washington, D.C. 20250, not later than 7 days from the date of publication of this notice in the FEDERAL REGISTER. All documents filed should be in quadruplicate.

All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The provisions proposed to be suspended are as follows:

1. In § 1036.41(c)(6)(iv), "and bulk cream";
2. § 1036.42(b)(1). "and bulk cream". cream"; and
3. § 1036.42(b)(1). "and bulk cream".

The proposed suspension would change the amount of allowable Class III shrinkage on bulk cream that is transferred from a pool plant to other plants. Presently, the Class III shrinkage on such cream that is derived from a handler's receipts of producer milk is limited to 0.5 percent of the cream. Under the proposed suspension, such percentage would be 2 percent.

This suspension was requested by Milk, Inc., a cooperative association which handles at its pool balancing plant a substantial portion of the market's reserve supplies of milk. In handling such milk, the cooperative receives producer milk on the basis of farm weights and tests, separates such milk, and transfers the cream to other plants for churning. The cooperative stated that it is seldom possible to perform these activities without experiencing more than 0.5 percent shrinkage on the cream transferred.

The cooperative asked that the suspension be effective as of May 1, 1971, and that it continue until such time as this issue may be considered at a hearing. It indicated that immediate action is necessary since the bulk cream transfers are greatest in the heavy production months of May and June.

Signed at Washington, D.C., on May 4, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6426 Filed 5-6-71;8:50 am]

DEPARTMENT OF LABOR

Manpower Administration

[20 CFR Part 602]

PUBLIC EMPLOYMENT OFFICES

Minimum Wage Rates

Pursuant to section 1184 of title 8, United States Code, § 214.2(h) of Title 8, Code of Federal Regulations, and Secretary's Order No. 7-71, I hereby propose to amend 20 CFR 602.10b(a)(1) as set forth below.

Any person interested in this proposal may file a written statement of data, views, or arguments regarding it with the Manpower Administrator, U.S. Department of Labor, Washington, D.C. 20210, within 15 days after this notice is published in the FEDERAL REGISTER.

As amended, subparagraph (1) of paragraph (a) in 20 CFR 602.10b would read as follows:

§ 602.10b Wage rates.

(a)(1) Except as otherwise provided in this section the following hourly wage rates (which have been found to be the rates necessary to prevent adverse effect upon U.S. workers) shall be offered to agricultural workers in accordance with § 602.10a(j):

State	*Rate*
Connecticut	$1.93
Florida	1.73
Maine	1.95
Massachusetts	1.91
New Hampshire	2.05
New York	1.97
Rhode Island	1.89
Vermont	2.05
Virginia	1.83
West Virginia	1.81

* * * * *

(8 U.S.C. 1184, 8 CFR 214.2(h), 34 F.R. 6502)

Signed at Washington, D.C., this 29th day of April 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71-6407 Filed 5-6-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-SW-12]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 12, 81, and 280 in the vicinity of Amarillo, Tex.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The airspace actions proposed in this docket would:

1. Realign the segment of V-12N between Tucumcari, N. Mex., and Amarillo, Tex., via the intersection of the Tucumcari VORTAC 071° T (059° M) and the Amarillo VORTAC 286° T (275° M) radials.

2. Designate a south alternate to V-12 between Amarillo and Gage, Okla., via the intersection of the Amarillo VORTAC 072° T (061° M) and Gage VORTAC 215° T (205° M) radials.

3. Realign the segment of V-81E between Plainview, Tex., and Amarillo, via the intersection of the Plainview VOR TAC 025° (014° M) and Amarillo VOR TAC 163° T (152° M) radials.

4. Designate a west alternate to V-81 between Amarillo and Dalhart, Tex., via the Amarillo VORTAC 286° T (275° M) and Dalhart VORTAC 157° T (145° M) radials.

5. Designate a south alternate to V-280 between Texico, N. Mex., and Amarillo via the intersection of the Texico VORTAC 044° T (033° M) and Amarillo 252° T (241° M) radials.

The proposed realignment and designation of airway segments would provide segregated arrival and departure routes in the Amarillo terminal area; and thus, enhance safety.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on April 29, 1971.

T. MCCORMACK,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.71-6384 Filed 5-6-71;8:46 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-17]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to designate a 700-foot transition area at Lovington, N. Mex.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

LOVINGTON, N. MEX.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Lovington, N. Mex., Lea County Airport (lat. 32°57'30" N., long. 103°24'30" W.) and within 3.5 miles each side of a 244° bearing from the Lovington, N. Mex. NDB (lat. 32°56'40" N., long. 103°24'08" W.), extending from the NDB to 11.5 miles southwest.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Fort Worth, Tex., on April 29, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-6423 Filed 5-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-WE-29]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Fresno, Calif., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Avenue, Los Angeles, CA 90045.

The proposed additional 1,200-foot transition area is required to provide controlled airspace protection for aircraft executing the Pinedale Two-Las Vegas transition area Standard Instrument Departure procedure for Fresno Air Terminal, CA.

In consideration of the foregoing, the FAA proposes the following airspace action:

In § 71.181 (36 F.R. 2140) the description of the Fresno, CA, transition area is amended as follows: Delete all after " * * * ; that airspace extending upward from 1,200 feet above the surface * * * " and substitute therefor " * * * bounded by a line beginning at latitude 37°29'00" N., longitude 119°15'00" W., to latitude 36°49'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 118°46'00" W., to latitude 36°39'00" N., longitude 119°09'00" W., to latitude 36°00'00" N., longitude 118°45'00" W., thence west via latitude 36°00'00" N., to longitude 119°30'00" W., thence north via longitude 119°30'00" W., to the west edge of V-23, thence north via the west edge of V-23 to latitude 36°37'00" N., to latitude 36°37'00" N., longitude 119°56'00" W., to latitude 37°02'00" N., longitude 120°18'00" W., to point of beginning * * * ".

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on April 28, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-6424 Filed 5-6-71;8:49 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-62]

TRANSITION AREAS

Proposed Alteration

Correction

In F.R. Doc. 71-5660 appearing at page 7688 in the issue for Friday, April 23, 1971, the latitude designation in the third line of the description of the La Grange, Ga., transition area, now reading "33°00'0" N.," should read "33°00'30" N.,".

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 274]

[Release No. IC-6493]

CONTRACTUAL PLANS FOR MUTUAL FUND SHARES AND VARIABLE ANNUITIES

Notice of Proposed Rules and Forms Setting Reserve Requirements and Notices

Correction

In F.R. Doc. 71-6237 appearing at page 8319 in the issue of Tuesday, May 4, 1971, the first sentence of proposed § 274.127-f-2 on page 8327 should read as follows: "This form is to be reproduced by the issuer or any depositor of or underwriter for such issuer and will not be available at the Securities and Exchange Commission."

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

[45 CFR Part 906]

RETIRED SENIOR VOLUNTEER PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations concern the program of grants and contracts authorized under Section 601 of the Older Americans Act of 1965, as amended, for the development and operation of volunteer service programs for persons of retirement age.

Federal financial assistance extended under this part is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 15 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 16, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: May 4, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Part 906 of Chapter IX, Title 45, of the Code of Federal Regulations is revoked, and a new Part 906 with content related to the Revised Senior Volunteer Program is added to read as set forth below:

PART 906—RETIRED SENIOR VOLUNTEER PROGRAM

PURPOSE

Sec.
906.1 Purpose.
906.2 Nature of program.

GRANTS

906.3 Eligibility.
906.4 Applications.
906.5 Cost sharing.
906.6 Awards.
906.7 Payments.
906.8 Expenditures and fiscal procedures.
906.9 Audits.
906.10 Records and reports.
906.11 Termination.

PROGRAM OPERATION

906.15 Volunteer stations.
906.16 Advisory council.
906.17 Volunteers.
906.18 Expenses of volunteers.
906.19 Training of staff and volunteers.
906.20 Safety standards.
906.21 Accident insurance.

CONTRACTS

906.30 Eligibility.
906.31 Provisions.
906.32 Payments.

AUTHORITY: The provisions of this Part 906 issued under sec. 101 et seq., 79 Stat. 218–226, 81 Stat. 106–108, 82 Stat. 1101, 83 Stat. 108–115, 42 U.S.C. 3001 et seq.

PURPOSE

§ 906.1 Purpose.

The purpose of the Retired Senior Volunteer Program is to develop a recognized role in the community and a meaningful life in retirement for older adults through significant volunteer service to others.

§ 906.2 Nature of program.

A Retired Senior Volunteer Program arranges varied opportunities for retired persons, age 60 and over, to serve as volunteers for the betterment of their community and themselves, with reimbursement for out-of-pocket expenses. It is organized and operated with Federal and non-Federal support in accord with the Retired Senior Volunteer Program Guide published by the Commissioner. The program is directed and coordinated in a community or service area by competent staff with the support of a local Retired Senior Volunteer Program Advisory Council. The community or service area is defined in the approved grant application. Senior volunteers, aided by appropriate assignment, instruction and supervision, serve at a variety of volunteer stations, such as schools, courts, day care centers, hospitals, nursing homes and institutions. Senior volunteers shall not displace employed workers nor impair existing contracts for services.

GRANTS

§ 906.3 Eligibility.

Grants may be made to State agencies designated under § 903.10 of this chapter or other public and nonprofit private agencies and organizations to pay part or all of the costs for the development or operation, or both, of volunteer programs under this part, as determined by the Commissioner.

§ 906.4 Applications.

(a) An application under this part shall include information needed by the Commissioner to support findings that the requirements of section 601 of the Act will be met, as required in the various other sections of this part.

(b) In addition, an application will include:

(1) General goals for the proposed program, consistent with the purpose of this part.

(2) Individual objectives to be achieved during the projected budget period in support of the stated goals.

(3) A detailed budget and budget item justification.

(4) An explicit plan for maximizing non-Federal support of the program budget.

(5) Duties of projected staff positions and qualifications required for incumbents of the positions.

(6) Ways in which active coordination is to be established with other volunteer and aging related agencies and organizations, including the State agency.

(7) Membership and functions of a Retired Senior Volunteer Program Advisory Council.

(8) Geographical boundaries to be served by the program.

(9) Copies of proposed or existing agreements with agencies or volunteer stations using senior volunteers.

(10) Available data on the population, age 60 and over, in the proposed service area.

(11) Existing senior volunteer service opportunities and those projected for development.

(12) Other information required by the Commissioner.

(c) The application shall be executed by a person authorized to act for the applicant, and to assume on behalf of the applicant the obligations imposed by the terms and conditions of an award, including the regulations in this part.

(d) A copy of the application (other than one by the State agency) shall be submitted by the applicant to the State agency which shall have 60 days after receipt to review it and make written recommendations to the Commissioner.

§ 906.5 Cost sharing.

Grant funds will pay part or all of the approved costs, as determined by the Commissioner, for development and operation of a Retired Senior Volunteer Program. In all cases, however, the applicant must demonstrate, through an acceptable plan, the intent to provide by a specified date and continue to develop non-Federal support in the form of cash or allowable in-kind contributions to the maximum extent permitted by local circumstances.

§ 906.6 Awards.

(a) Within the limits of funds available for the Retired Senior Volunteer Program, the Commissioner will award a grant to applicants whose proposals will in his judgment best serve the purposes of the program and this part. Awards will be in writing, specifying the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award.

(b) The initial grant award will specify the program period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees shall make separate application in accordance with the provisions of this part for each budget period.

(c) Awards will be made so as to achieve an equitable distribution of programs to the States from which applications eligible for funding are received.

§ 906.7 Payments.

Payments under this part pursuant to a grant may be made (after necessary adjustment, due to previously made overpayments or underpayments) in advance or by way of reimbursement, in such installments and on such conditions as the Commissioner may determine.

§ 906.8 Expenditures and fiscal procedures.

(a) All expenditures are to be made in accordance with the approved program budget and are subject to such limitations as are set forth in instructions issued by the Commissioner.

(b) Payments received and expenditures made shall be fully recorded by or for the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards.

(c) The grantee shall provide or arrange for fiscal control and accounting procedures necessary to assure proper disbursement of, and accounting for, Federal funds received. Accounts and supporting documents relating to program expenditures shall be adequate to facilitate an accurate audit.

§ 906.9 Audits.

All fiscal transactions relating to an award under this part are subject to audit by the Federal Government to determine whether or not expenditures have been made in acordance with the award and Federal requirements.

§ 906.10 Records and reports.

The grantee shall keep records and make reports as required and shall retain and afford access to the records in a manner determined necessary by the Commissioner to allow for verification. Accounting records shall be retained for the period specified in § 901.4 of this chapter.

§ 906.11 Termination.

A grant may be terminated in whole or in part at the discretion of the Commissioner. Noncancellable obligations properly incurred prior to receipt of the notice of termination will be honored. The grantee shall be promptly notified in writing of such termination and given reasons therefor.

PROGRAM OPERATION

§ 906.15 Volunteer stations.

(a) Places or stations at which volunteers serve will be in the community where such persons live or in nearby community where such persons live or in nearby communities. Their services will be performed either on publicly owned and operated facilities or projects or on local projects sponsored by private nonprofit organizations (other than political parties) other than projects involving construction, operation, or maintenance of so much of any facility used or to be used for sectarian instruction or as a place of religious worship.

(b) Volunteer stations to which senior volunteers are assigned by the program shall be party to a memorandum of understanding executed with the grantee containing mutually agreeable provisions relating to functions and conditions of service of volunteers and to responsibilities of both the program and the volunteer station. The purpose of the memorandum of understanding is to promote cooperation, establish channels of communication, and avoid misunderstanding.

§ 906.16 Advisory council.

(a) A Retired Senior Volunteer Program Advisory Council shall be established for each program, prior to filing of the program application, to give advice on planning of the program and on drafting of the application and, after funding of the program, to give the program's Director support, assistance and advice on significant decisions and actions. Membership of the Advisory Council shall consist of representatives from major private and public agencies and organizations concerned with the best interests of older adults and volunteers, and persons competent in the field of service being staffed. At least one fourth of the membership of the Council shall be retired persons, preferably, senior volunteers. The Council shall have regularly scheduled meetings. Transportation costs for attendance at Council meetings subsequent to the grant award shall be reimbursed in the same manner as for transportation of the program's volunteers.

(b) The Director shall request assistance of the Council to coordinate activities of the program with other volunteer and older persons programs.

§ 906.17 Volunteers.

(a) Each Retired Senior Volunteer Program will be responsible for development of a variety of opportunities for useful service in the community commensurate with abilities, preferences and availability of senior volunteers from varied levels of income, education and experience.

(b) Eligibility requirements for service as a senior volunteer are that a person:

(1) Be retired and age 60 or over,

(2) Be physically and mentally able to serve,

(3) Accept supervision as required.

(4) Commit himself to a number of hours of service on a regular basis.

§ 906.18 Expenses of volunteers.

Volunteers will not be compensated for their services. Reimbursement may be provided to senior volunteers for necessary out-of-pocket expenses incurred during, or as a result of, assigned volunteer activities in accord with allowable expense reimbursement prescribed in the Retired Senior Volunteer Program Guide. Such reimbursement shall be made from funds of the program.

§ 906.19 Training of staff and volunteers.

The program budget shall include such short-term instruction or training as may be necessary to make the most effective use of the skills and talents of those persons who are participating in the administration of the program and volunteers, including payment of necessary and reasonable expenses of trainees incurred during training.

§ 906.20 Safety standards.

Adequate standards of safety to protect older persons serving as senior volunteers at various volunteer stations shall be promoted by the director of each program.

§ 906.21 Accident insurance.

Volunteer stations or agencies requesting senior volunteers shall provide accident insurance coverage for senior volunteers comparable to that provided for their other volunteers.

CONTRACTS

§ 906.30 Eligibility.

The Commissioner is authorized to make contracts to carry out the purpose of this part with a public or private nonprofit agency or organization (other than the State agency).

§ 906.31 Provisions.

Any contract under this part shall be entered into in accordance with and shall conform to all applicable laws, regulations, and Department policy.

§ 906.32 Payments.

Payments for a contract under this part may be made in advance or by way of reimbursement and in such installments and on such conditions as the Commissioner may determine.

[FR Doc.71-6493 Filed 5-6-71;8:49 am]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

GRAINS AND SIMILARLY HANDLED COMMODITIES

Notice of Extension of Warehouse Storage Loans for 1970 Crops

Pursuant to the provisions of § 1421.6 of the General Regulations Governing Price Support for the 1970 and Subsequent Crops of Grains and Similarly Handled Commodities, as amended, CCC hereby gives notice that, unless earlier demand for payment is made, the loan maturity dates of price support warehouse-storage loans on the 1970 crops of barley, grain sorghum, oats, and wheat are extended for an additional 1-year period from the current maturity dates for such loans, as provided below, with respect to producers who, prior to the current original maturity dates of loans secured by the 1970 crops of such commodities, or such later date that may be authorized for good cause by the Deputy Administrator, State and County Operations, ASCS, notify in writing the county ASCS office through which they obtained such loans that they wish to have such maturity dates extended; loans with respect to which no requests for extension are received will mature on the current original maturity date of loans secured by the 1970 crop of the commodities designated in this notice.

	From current original maturity date	To extended maturity date
	1971	*1972*
Barley in Alaska, Idaho, Minnesota, Montana; North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31
Barley in all other States	Apr. 30	Apr. 30
Grain sorghum in the following counties in Texas and all counties in Texas south thereof: Austin, Bexar, Caldwell, Colorado, Comal, Galveston, Gonzales, Harris, Hays, Kinney, Lavaca, Medina, Uvalde, Val Verde, and Waller.	Apr. 30	Apr. 30
Grain sorghum in Oklahoma and all counties in Texas north of the counties with a maturity date of April 30 listed above.	June 30	June 30
Grain sorghum in all other States	July 31	July 31
Oats in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming.	May 31	May 31
Oats in all other States	Apr. 30	Apr. 30
Wheat in Idaho, Minnesota, Montana, North Dakota, Oregon, Washington, and Wyoming.	May 31	May 31
Wheat in all other States	Apr. 30	Apr. 30

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 401, 403, 405, 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1421, 1423, 1425)

Effective date: Upon publication in the FEDERAL REGISTER (5-7-71).

Signed at Washington, D.C., on May 3, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6403 Filed 5-6-71;8:47 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. C-345]

DARYL C. AND JUNE G. VAN DYKE

Notice of Loan Application

MAY 3, 1971.

Daryl C. Van Dyke and June G. Van Dyke, Post Office Box 807, Fort Bragg, CA 95437, have applied for a loan from the Fisheries Loan Fund to aid in financing the construction of a new 52-foot length overall steel vessel to engage in the fishery for salmon, albacore, Dungeness crab, sablefish, and lingcod.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6405 Filed 5-6-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

OFFICE OF THE DEPUTY ASSISTANT SECRETARY (COMMUNITY DEVELOPMENT)

Notice of Organizational Change

The Office of the Deputy Assistant Secretary (Community Development) within the Office of the Assistant Secretary (Community and Field Services), has been reorganized to include the functions formerly assigned to the Center for Community Planning and the Office of Field Coordination.

Dr. Paul L. Niebanck has been appointed to fill the position of Deputy Assistant Secretary (Community Development).

Dated: May 1, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-6395 Filed 5-6-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-366]

GEORGIA POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Georgia Power Co., 270 Peachtree Street NW., Atlanta, GA 30303, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated July 24, 1970, for authorization to construct and operate a boiling water nuclear power reactor at the Edwin I. Hatch site on the south side of the Altamaha River in northwestern Appling County, about 11 miles north of Baxley, Ga.

The proposed reactor, designated by the applicant, as the Edwin I. Hatch Nuclear Plant Unit 2 is designed for initial operation at approximately 2,436 megawatts thermal with a gross electrical output of approximately 817 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after April 30, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the office of the Appling County Commissioners, County Courthouse, Baxley, Ga.

Dated at Bethesda, Md., this 17th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-5668 Filed 4-29-71;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Pennsylvania Power and Light Co., 901 Hamilton Street, Allentown PA 18101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated March 23, 1971, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Salem Township, Luzerne County, Pa. The proposed site consists of 1,522 acres and is located on the west bank of the Susquehanna River, approximately 15 miles southwest of Wilkes-Barre, Pa.

Each unit of the proposed nuclear facility, designated by the applicant as the Susquehanna Steam Electric Station, Units 1 and 2, is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 7, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA.

Dated at Bethesda, Md., this 30th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6319 Filed 5-6-71;8:45 am]

ROCKY FLATS PLANT PLUTONIUM RECOVERY FACILITY

Notice of Availability of General Manager's Draft Environmental Statement

Notice is hereby given that a document entitled, "Draft Environmental Statement—Rocky Flats Plant Plutonium Recovery Facility," issued pursuant to the Atomic Energy Commission's implementation of section 102(2)(C) of the National Environmental Policy Act of 1969 is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and in the Commission's Albuquerque Operations Office, Post Office Box 5400, Albuquerque, NM 87115; the San Francisco Operations Office, 2111 Bancroft Way, Berkeley, CA 94704; the Chicago Operations Office, 9800 South Cass, Argonne, IL 60439; and the New York Operations Office, 376 Hudson Street, New York, NY 10014. This statement covers the environmental aspects of AEC's proposed construction of a new plutonium recovery facility at its Rocky Flats Plant.

The draft environmental statement will be furnished upon request addressed to the General Manager, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Germantown, Md., this 30th day of April 1971.

For the Atomic Energy Commission.

W. B. MCCOOL,
Secretary of the Commission.

[FR Doc.71-6371 Filed 5-6-71;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 542]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 3, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

Important notice. Because of changes in the Commission's fee accounting procedures, prospective applicants are cautioned that henceforth, pursuant to § 1.1102 of the Commission's rules, applications requiring fees but submitted with no remittance or insufficient amount will be returned without processing.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign, and nature of application

5799-C2-MP-71—Lee L. McKee (KAF252), Modification of C.P. to replace the transmitter operating on 152.15 MHz located at 0.5 mile northwest of city limits, Muscatine, Iowa.

5806-C2-P-71—Radiofone Corp. of New Jersey (KGI778), C.P. to relocate facilities operating on 454.275 MHz to 318 Eagle Rock Avenue, West Orange, NJ.

5809—C2-P-(2)71—New Orleans Mobilfone (KLB759), C.P. to add frequency 152.18 MHz and change the antenna system operating on 152.12 MHz at location No. 2: 109 West Cazezu Lane, Buras, LA, and add 454.300 MHz at a new site described as location No. 3: 3 miles southeast of Ferry Landing, Pointe A LaHache, La.

5835-C2-P-71—Metrotec Inc. (New), C.P. for a new 1-way station to be located at 733 West Market Street, Akron, OH, to operate on 35.22 MHz.

5980-C2-P-71—F & L Telephone Secretarial Service (KCC480), C.P. for additional facilities to operate on 152.21 MHz at a new site described as location No. 2: 3 Sidney Street, Wakefield, MA.

5989-C2-P-71—Radio Dispatch Co. (KEC927), C.P. for additional facilities to operate on 152.18 MHz at a new site described as location No. 2: 3200 Brunswick Pike, Clarksville, New Jersey.

5990-C2-P-71—Messages By Radio, Inc. (KEA200), C.P. for additional facilities to operate on 152.03 MHz at a new site described as location No. 2: 49 South Main Street, Spring Valley, NY.

5999-C2-P-71—KWIK KALL Communications Co. (New), C.P. for a new 1-way station to be located at Alabama Avenue and R Street SE., Washington, DC, to operate on 43.22 MHz.

6000-C2-P-71—KWIK KALL Communications Co. (New), C.P. for a new station (1-way) to be located at 5500 Bell Grove Road, Pumphrey, Md., to operate on 43.22 MHz.

6001-C2-P-(8)71—Rogers Radio Communications Services, Inc. (KSA282), C.P. for additional facilities to operate on frequencies 454.250, 454.275, 454.300, and 454.325 MHz at a new site described as location No. 4: John Hancock Center, 875 North Michigan Avenue, Chicago, IL.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6002–C2–AL–71—Commonwealth Telephone Co. of Virginia (KIY597), Consent to assignment of license from Commonwealth Telephone Co. of Virginia, assignor to New Commonwealth Telephone Co., assignee.

RURAL RADIO SERVICE

5991–C1–P–71—The Midland Telephone Co. (New), C.P. for a new rural subscriber station to be located at Tommy White Ranch, 9 miles northeast of Moab, Utah, to operate on 158.04 MHz communicating with station KLF567, Bald Mesa, Utah.

5992–C1–P–71—The Mountain States Telephone and Telegraph Co. (KLV21), C.P. to change the transmitter operating on 454.60 MHz, located on South Franklin Mountain, 4 miles north-northwest of El Paso, Tex.

6002–C1–AL–71—Commonwealth Telephone Company of Virginia, Consent to assignment of license from Commonwealth Telephone Company of Virginia, Assignor, to New Commonwealth Telephone Co., Assignee Station KJK70 Temp-Fixed.

Major Amendment

3228–C1–P/L–71—Mountain States Telephone and Telegraph Co. (New), Change frequency to 157.86 MHz. All other particulars same as reported on Public Notice dated Dec. 28, 1970.

POINT-TO-POINT-MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

5792–C1–P–71—South Central Bell Telephone Co. (KLP20), C.P. to change frequencies 6204.7 and 6264.0 MHz to 5960.0 and 6019.3 MHz directed toward Mount Pleasant, Miss., and replace transmitters. Station location: 201 East George Street, Greenwood, MS.

5793–C1–P–71—South Central Bell Telephone Co. (KLR48), C.P. to change frequencies 5952.8, 6011.9 MHz to 6241.7 and 6360.3 MHz toward Greenwood, Miss., and change 5967.4 and 6026.7 MHz to 6212.0, 6330.7 MHz toward Tribbett, Miss., and replace transmitters. Location: 6.7 miles south-southeast of Moorhead, Mount Pleasant, Miss.

5794–C1–P–71—South Central Bell Telephone Co. (KLR47), C.P. to change frequencies 6219.5 and 6278.8 MHz to 5989.7 and 6108.3 MHz toward Mount Pleasant and change 6189.9, 6249.1 MHz to 5960.0, 6078.6 MHz toward Greenville, Miss. and replace transmitters. Location: 1.5 miles east-northeast of Tribbett, Miss.

5795–C1–P–71—South Central Bell Telephone Co. (KLR46), C.P. to replace antenna, transmitters and change frequencies 5937.8 and 5997.1 MHz to 6241.7 and 6360.3 MHz toward Tribbett, Miss. Location: 125 North Edison Street, Greenville, MS.

5796–C1–P–71—New England Telephone and Telegraph Co. (KCL85), C.P. to add 6271.4 and 10,775 MHz directed toward Nashua, N.H. Station Location: 25 Concord Street, Manchester, NH.

5797–C1–P–71—New England Telephone and Telegraph Co. (KPP37), C.P. to add 6108.3 and 11,665 MHz toward Manchester, N.H. Location: 1.1 miles north of Nashua Central Office, Nashua, NH.

5800–C1–P–71—Pacific Northwest Bell Telephone Co. (KOC65), C.P. to change frequency 11,685 MHz to 11,625 MHz and add 11,305 and 11,545 MHz toward Oregon City, Oreg. Location: 819 Southwest Oak Street, Portland, OR.

5801–C1–P–71—Pacific Northwest Bell Telephone Co. (KOS29), C.P. to change frequency 10,755 to 10,735 MHz and add 10,895 and 11,135 MHz toward Portland, Oreg. and add 6093.5 and 10,795 MHz toward Silverton, Oreg. Location: 4.3 miles east-northeast of Oregon City, Oreg.

5802–C1–P–71—Pacific Northwest Bell Telephone Co. (KOS28), C.P. to add 6226.9 and 11,245 MHz toward Oregon City and change frequency 11,525 MHz to 11,545 MHz and add 6345.5 and 11,385 MHz toward Peterson Butte, Oreg. Location: 2.8 miles south-southeast of Silverton, Oreg.

5803–C1–P–71—Pacific Northwest Bell Telephone Co. (KOR66), C.P. to change frequency 11,075 MHz to 11,135 MHz and add 5974.8 and 10,975 MHz toward Silverton, and change frequency 10,795 MHz to 10,835 MHz and add 10,755 and 10,995 MHz toward Blanton Hill, Oreg. Location: Peterson Butte, 4.1 miles west-southwest of Lebanon, Oreg.

5804–C1–P–71—Pacific Northwest Bell Telephone Co. (KOR65), C.P. change frequency 11,245 to 11,285 MHz and add 11,445 and 11,685 MHz toward Peterson Butte and add 11,325 and 11,565 MHz toward Eugene, Oreg. Location: Blanton Hill, 2.2 miles south-southwest of Eugene, Oreg.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

5805–C1–P–71—Pacific Northwest Bell Telephone Co. (KON65), C.P. to add frequencies 10,875 and 11,115 MHz toward Blanton Hill, Oreg. Location: 112 10th Avenue East, Eugene, Oreg.

5807–C1–P–71—Southwestern Bell Telephone Co. (KYJ66), C.P. to add 10,715 and 10,795 MHz toward KPRC–TV, Houston, Tex. Location: 1407 Jefferson Street, Houston, TX.

5808–C1–P–71—Southwestern Bell Telephone Co. (New), C.P. for a new station. Frequency: 11,245 MHz. Location: 550 feet south of intersection of Southwest Freeway and Beechnut Street, Houston, TX.

5981–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KIX55), C.P. to add 6375.2 and 11,565 MHz toward Greens Knob, Va. Location: 224 Luck Avenue SW., Roanoke, VA.

5982–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KIX54), C.P. to add 6137.9 and 11,075 MHz toward Covington, Va., via double passive reflectors and add 6152.8 and 11,115 MHz toward Roanoke, Va. Location: Greens Knob, approximately 9 miles east-northeast of Roanoke, Va.

5983–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (New), C.P. for a new station. Frequencies: 6360.3 and 11,525 MHz. Station to be located corner of Court and West Riverside Streets, Covington, VA.

5984–C1–P/L–71—Tuolumne Telephone Co. (KNL91), C.P. and license to reinstate expired station. Frequencies 5945.2 and 6063.8 MHz toward Redding, Calif., and 5974.8 and 6093.5 MHz toward Fern, Calif. Location: Shingletown, Calif.

5985–C1–P/L–71—Tuolumne Telephone Co. (KNL92), Same as above, except: Frequencies 6226.9 and 6345.5 MHz toward Shingletown, Calif. Location: Fern, Calif.

5986–C1–P–71—The Pacific Telephone and Telegraph Co. (KNL51), C.P.'s (3) to replace transmitters and increase the capacity of the route. Frequencies 10,755 and 10,995 MHz toward Purdys Gardens, Calif. Location: 305 West Stephenson Street, Ukiah, CA.

5987–C1–P–71—The Pacific Telephone and Telegraph Co. (KNL52), Frequencies 11,405 and 11,645 MHz toward Lakeport, Calif., via reflector and 11,445 and 11,685 MHz toward Ukiah, Calif. Location: Purdys Gardens, 7.3 miles east-southeast of Ukiah, Calif.

5988–C1–P–71—The Pacific Telephone and Telegraph Co. (KNL53), Frequencies 10,715 and 10,955 MHz toward Purdys Gardens via reflector. Location: 555 Lakeport Boulevard, Lakeport, CA.

5993–C1–P–71—South Central Bell Telephone Co. (KIN44), C.P. to replace transmitter amplifiers operating on 3770 and 3850 MHz toward Omaha, and 3750, 3830, 3910, 3990, and 4070 MHz toward Phenix City, Ala., and correct coordinates to latitude 32°50'48" N., longitude 85°14'01" W. Location: 2.4 miles west of Lanett, Ala.

5994–C1–P–71—South Central Bell Telephone Co. (KIN45), Same as above, except: Frequencies 3710 and 3790 MHz toward Lanett, Ala., and correct coordinates to latitude 32°31'45" N., longitude 85°01'56" W. Location: 3.2 miles north-northwest of Phenix City, Ala.

5995–C1–P–71—Hawaiian Telephone Co. (KXR49), C.P. to change frequency 2161.0 MHz to 3710 MHz and add 3870 MHz toward Tantalus Mountain, Hawaii, via passive reflector; change antenna system and replace transmitter. Location: 423 Jacaranda Street, Lanai City, HI.

5996–C1–P–71—Hawaiian Telephone Co. (KUV83), C.P. to change frequency 2111.0 MHz to 3950 MHz and add 4110 MHz toward Lanai, Hawaii, via passive reflector; change antenna system and replace transmitter. Location: Tantalus Mountain, 3.2 miles northeast of Downtown, Honolulu, Hawaii.

5997–C1–P–71—New England Telephone and Telegraph Co. (KCK87), C.P. to change frequencies 6011.9, 6071.2, 11,525, and 11,365 MHz to 11,225, 11,545, 11,345, and 11,505 MHz toward Gray, Maine. Location: 45 Forest Avenue, Portland, ME.

5998–C1–P–71—New England Telephone & Telegraph Co. (KCK89), C.P. to change frequencies 6264.0, 6323.3, 11,075, and 10,915 MHz to 10,895, 11,055, 11,175, and 11,015 MHz toward Portland, Maine. Location: On Dutton Hill, 2.6 miles southwest of Gray, Maine.

6003–C1–P/L–71—Rochester Telephone Corp. (New), C.P. for a new station. Frequency: 5980.0H on azimuth 194°55' to be located at 95 North Fitzhugh Street, Rochester, NY.

Correction

4382–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS79), Add to entry: And to change emission designator on frequencies 6063.8 and 10,755 MHz toward Cave Mountain, Oreg., to 28000F9.

4383–C1–MP–71—Pacific Northwest Bell Telephone Co. (KPB50), Add to entry: And to change frequency from 10,995 to 11,465 MHz toward Malin, Oreg.

4385–C1–P–71—Pacific Northwest Bell Telephone Co. (KTF22), Change frequency 5937.6 MHz to read 11,445 MHz.

4387–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS74), Add to entry: And to change emission designator on frequencies 6197.2 and 11,685 MHz toward Spring River, Oreg., to 28000F9.

4388–C1–MP–71—Pacific Northwest Bell Telephone Co. (KYS75), Add to entry: And 5945.2 and 10,955 MHz toward Crescent Butte, Oreg., to 28000F9. All other particulars as is reported on Public Notice date Feb. 22, 1971, Report No. 532 remain the same.

Major Amendment

5295–C1–P–71—Fairchild Hiller Corp. (New), Change frequencies toward Paris, Tex., to 10,885 and 11,095 MHz. All other particulars same as reported in Public Notice dated Apr. 12, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

INFORMATIVE: Applicant proposes to establish omnidirectional facilities for the provision of Common Carrier "Subscriber Programed" television service. The operations would be temporary-fixed and confined to the Island of Oahu, Hawaii.

5798–C1–P/L–71—Radiocall, Inc. (New), C.P. and license for a new station. Frequencies 2154.775 MHz (visual) and 2150.275 MHz (aural) to operate one unit at temporary-fixed locations on the island of Oahu, Hawaii.

[FR Doc.71–6349 Filed 5–6–71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. RI71–992]

GULF OIL CORP.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 29, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-992	Gulf Oil Corp.	394	7	United Gas Pipe Line Co. (Mustang Island Area, Offshore Nueces County, Tex.) (RR. District No. 4).	([3])	3-30-71		[4] 5-31-71	17.00 16.06	[1] 17.064	RI70-144. RI70-729.

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* The pressure base is 14.65 p.s.i.a.

[1] Increase to contract rate. This rate is currently ESR in RI70-145 insofar as it pertains to Gulf's Basic Acreage.

[2] Not stated.

[3] Not used.

[4] Or 1 day from date of authorization in Docket No. CI68-620, whichever is later.

The producer's proposed increased rate and charge exceeds the applicable area price level for increased rates as set forth in the Commission's statement of general policy No. 61–1, as amended (18 CFR 2.56).

[FR Doc.71–6375 Filed 5–6–71;8:49 am]

[Docket No. E–7623]

IOWA ELECTRIC LIGHT AND POWER CO.

Notice of Application

APRIL 28, 1971.

Take notice that on April 20, 1971, the Iowa Electric Light and Power Co. (applicant) filed an application pursuant to section 204 of the Federal Power Act with the Federal Power Commission seeking authority to issue and sell at competitive bidding 100,000 shares of preference stock and not more than 710,000 shares of common stock.

Applicant is incorporated under the laws of the State of Iowa and is authorized to do business in the States of Iowa, Minnesota, Colorado, and Nebraska with its principal business office at Cedar Rapids, Iowa. Applicant is engaged primarily in the generation, transmission, and sale at retail of electric energy in 51 counties in the State of Iowa.

The cumulative preference stock is to be issued on approximately June 24, 1971, and is subject to the prior rights and preferences of the existing outstanding classes of the company's cumulative preferred stock. The rate of dividend will be determined by agreement between the company and the person or persons offering the best price for the cumulative preference stock based upon the rate of dividend and the public offering price.

The common stock is to be issued pursuant to an underwritten rights offering to the common stockholders. The proposed rights offering provides for the subscription of one share of additional common stock for each five shares of the company's common stock held as of the record date, expected to be the close of business on June 1, 1971. Shares of additional common stock not subscribed for pursuant to the subscription offer are proposed to be sold at competitive bidding.

According to the applicant, the purposes for which the preference stock and common stock are to be issued include the construction, completion, extension and improvement of facilities and the repayment of short-term borrowings from commercial banks estimated to aggregate $16 million at time of receipt of net proceeds. Funds derived from operations and additional short-term borrowings will be utilized for the balance of the construction program. The estimated construction program for 1971 totals $60.1 million and includes the expenditure of $45.2 million for its share of the cost of construction of a 550,000-kw. nuclear generating station being constructed on a site near Palo, Iowa. Two Iowa generating and transmission cooperatives, Central Iowa Power Cooperative and Corn Belt Power Cooperative will have a 13 percent and 10 percent undivided ownership, respectively, in this plant and its generating capacity.

Any person desiring to be heard or to make any protest with reference to this application should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6389 Filed 5-6-71;8:50 am]

[Docket No. RP71-5]

KANSAS-NEBRASKA NATURAL GAS CO.

Order Approving Rate Settlement

APRIL 29, 1971.

Kansas-Nebraska Natural Gas Co. (KN), on April 2, 1971, submitted for the Commission's acceptance and approval a stipulation and agreement proposing settlement of all issues in the above-captioned proceeding. KN filed with the Commission on August 31, 1970, in Docket No. RP71-5 revised tariff sheets providing for an annual increase in its jurisdictional rates of $3,626,451, based on costs and revenues for the 12 months ended April 30, 1970, as adjusted. The proposed increased rates were suspended until March 16, 1971, by Commission order issued October 15, 1970. The Commission, however, permitted KN to file interim tariff sheets to recover a portion of that proposed increase, namely 3.522 cents per Mcf representing increased purchased gas costs beginning January 1, 1971, the date the increases become effective. Pursuant to motion by KN, the proposed rates became effective on March 16, 1971. The Commission's Staff submitted its direct case on January 18, 1971 and certain intervenors also presented evidence.

On November 12, 1970, a prehearing conference was convened in the proceeding. Thereafter a number of conferences were held among KN, the Staff, and intervening parties to explore the possibility of a settlement of all issues in the proceeding. As a result of such conferences, KN filed on April 2, 1971, the subject stipulation and agreement. The agreement reached by the parties provides for a reduction in KN's filed rates to $2,526,800 annually, including an amount not included in KN's filing of $272,000 related to Docket No. CP71-149. The amount included for Docket No. CP71-149 is subject to modification as provided in the stipulation and agreement as described below.

The principal provisions of the settlement proposal, which are more fully set forth in the stipulation and agreement, may be summarized as follows:

1. Within 10 days after the Commission's order approving the stipulation and agreement becomes final and nonappealable, KN shall file revised tariff sheets with the Commission reflecting the reduced rates as set forth in Appendix A of the stipulation and agreement.
2. A moratorium on increased rates is provided until March 16, 1972, within which time KN shall not make effective rate increases other than those provided for in the stipulation and agreement.
3. During the term of the agreement, or until December 31, 1972, whichever is earlier, KN shall have the right to track increases in purchased gas costs and must track decreases in such costs.
4. KN shall flow-through the jurisdictional portion of all gas supplier refunds, together with interest, if any, received during the term of the agreement.
5. KN shall reduce its jurisdictional rates if the facilities in Docket No. CP71-149 are not constructed, or if constructed only in part.
6. KN shall refund or credit to bills of its customers, plus interest, the difference between the amounts collected since March 16, 1971, and the amounts computed at the settlement rates set forth in Appendix A to the agreement.

Copies of the proposed stipulation and agreement were served on all parties to the proceedings. Notice of the filing was published in the FEDERAL REGISTER (36 F.R. 7030). No objections to the proposed settlement have been received. Eleven parties have filed either joint or separate statements urging approval of the agreement.[1]

Upon consideration of all of the evidence in these proceedings, and the terms and provisions of the agreement, we believe that the settlement proposed herein is appropriate and in the public interest and provides a reasonable and appropriate disposition of the issues herein.

The Commission finds: The settlement of these proceedings on the basis of the stipulation and agreement submitted by KN on April 2, 1971, is reasonable and proper and in the public interest in carrying out the provisions of the Natural Gas Act, and should be approved and made effective.

The Commission orders:

(A) The stipulation and agreement submitted by KN on April 2, 1971, and incorporated herein by reference is approved and made effective.

(B) KN shall fully comply with each of the provisions of this stipulation and agreement and of this order.

(C) Within 15 days after making each refund required by the agreement and Commission order, KN shall: (1) Submit a detailed report setting forth the amount of refunds received from each of its suppliers and the amounts being flowed through to each of its customers, together with supporting schedules showing the billing determinants utilized for distribution of such refunds to the jurisdictional customers, (2) serve a copy of such report upon each customer, and (3) file releases from its customers showing receipt of such refunds.

(D) This order is made without prejudice to any findings or orders which have been made or may hereafter be made by the Commission, and is without prejudice to any claims or contentions which may be made by the Commission, its Staff, KN, or by any other party or person affected by this order, in any proceedings now pending or hereafter instituted by or against KN or any other person or party.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6376 Filed 5-6-71;8:49 am]

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[1] Statements in support of the proposed settlement have been received from Central Kansas Power; Producer's Equities Inc.; joint statement by the following parties: Central Telephone & Utilities Corp.; cities of Alma, Central City, and Hastings, Nebr.; Iowa Electric Light and Power Co.; Natural Gas Distributing Co., and Natural Gas Distributing Company of Nebraska; The Nebraska Natural Gas Co.; and Northwestern Public Service Co. In addition the cities of Gering and Ogallala, Nebr., have withdrawn their respective petitions to intervene in Docket No. RP71-5 citing the proposed settlement by way of explanation.

[Docket No. RP71-97]

MICHIGAN GAS STORAGE CO.

Order Approving Rate Increase Without Suspension

APRIL 30, 1971.

Michigan Gas Storage Co. (Storage Company) on March 30, 1971, tendered for filing in Docket No. RP71-97 revised tariff sheets[1] proposing changes in its FPC gas tariff to become effective on April 30, 1971. The revised tariff sheets provide for an increase in Storage Company's rates to its sole customer and parent, Consumers Power Co., calculated on a current monthly cost-of-service basis reflecting an increase in the annual rate of return on depreciated investment plus working capital from 7.25 percent to 8.10 percent, and an accrual for depreciation at the rate of 3 percent per annum. Storage Company states the proposed change in the rate of return is justified because the present long-term debt of the company, which has a weighted average interest cost of 4.37 percent, matures on May 1, 1971, and must be refinanced largely through the issuance of a new 3-year-bank note in the amount of $7,500,000 bearing interest at the rate of 6.375 percent.

We are of the view that an 8.1 percent overall rate of return[2] for Storage Company is not unreasonable and the proposed rates should be permitted to go into effect as requested on April 30, 1971.

The Commission orders:

(A) The rates proposed by Michigan Gas Storage Co. are approved, and the revised tariff sheets contained in the application are permitted to go into effect on April 30, 1971.

(B) The requirements of section 154 are hereby waived to the extent necessary to permit the proposed revised tariff sheets to become effective as provided above.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-6374 Filed 5-6-71;8:49 am]

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[1] The proposed revised tariff sheets are 2d Revised Sheet No. 4, 2d Revised Sheet No. 5, 2d Revised Sheet No. 10 and Original Sheet No. 24B.

[2] Storage Company reflected capitalization of $7,500,000 of long term debt and $20,085,005 of common equity, which provides a return on common equity of 8.75 percent based on an overall rate of return of 8.1 percent. The inclusion of short term notes associated with storage gas would increase the debt portion of capitalization to $12,774,354 and total capitalization to $32,859,419; the overall return of 8.1 percent would thus provide a 9.42 percent return on common equity.

[Docket No. E-7621]

NORTHWESTERN PUBLIC SERVICE CO.

Notice of Application

APRIL 28, 1971.

Take notice that on April 19, 1971, Northwestern Public Service Co. (applicant) filed an application seeking an order pursuant to section 204 of the Federal Power Act authorizing the issuance of short-term promissory notes in an aggregate principal amount not to exceed $5 million outstanding at any one time.

Applicant is incorporated under the laws of the State of Delaware and is qualified as a foreign corporation to do business in the States of South Dakota and North Dakota, and as a domesticated corporation in the State of Nebraska. The notes proposed to be issued pursuant to this application will be short term promissory notes which will be issued to commercial banks. Such notes will be issued in an aggregate amount not to exceed $5 million to be issued at one time and will include the renewal or extension of $1 million of presently outstanding notes. Except for the $1 million notes presently oustanding, the interest rates on any new borrowing (new note or notes in an amount aggregating not to exceed $4 million) to be issued pursuant to the application will be the prime commercial rate of The Chase Manhattan Bank as it is in effect from time to time during the term of each note. The $1 million of notes presently outstanding will be extended or renewed at their maturity on October 20, 1971, at an interest rate equal to one-quarter of 1 percent above the prime commercial rate of The Chase Manhattan Bank as it is in effect from time to time during the extended term of such notes, and the new maturity dates on such note will be less than 1 year from and after such date. The new notes in the aggregate amount not to exceed $4 million will be issued from time to time on or before December 31, 1971. Each of these notes will have a maturity date of less than 1 year from the date of issue.

The net proceeds from the sale of the notes will be used, together with other funds of the applicant, for construction, extension, and improvement of facilities.

Applicants construction program for 1971 totals approximately $7 million of which approximately $1,906,000 is for electric production, $1,335,000 for major electric transmission lines, $299,000 for major electric substations, $2,304,200 for routine extensions and additions to electric system, $903,600 for routine extensions and additions to natural gas distribution systems, and $252,200 for miscellaneous and general items.

Any person desiring to be heard or to make any protest with reference to this application should on or before the 17th day of May 1971 file with the Federal Power Commission, Washington, D.C. 20426, petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not not serve to make the protestant parties to the proceedings. Persons wishing to become parties to the proceedings or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rule. The application is on file with the Commission and available for public information.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6388 Filed 5-6-71;8:50 am]

[Docket No. RP71-98]

PACIFIC GAS TRANSMISSION CO.

Order Providing for Hearing, Suspending Proposed Tariff Sheets, and Providing Hearing Procedures

APRIL 30, 1971.

On April 1, 1971 Pacific Gas Transmission Co. (PGT) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective May 1, 1971.[1] The proposed rate change would increase jurisdictional revenues by approximately $2,997,748 annually, based on sales for the 12 months ended December 31, 1970, as adjusted.

The proposed rate changes result from a requested 8.125 percent rate of return and a change in the method of computing depreciation expense. PGT claims that the need for an 8.125 percent rate of return arises from changes in its capital structure and embedded cost of debt and that the change in computing depreciation expense is necessary in order to relate more closely the annual depreciation expense to the actual use of the plant.

Review of the rate filing indicates that issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the National Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in PGT's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (1) above be suspended, and the use thereof be deferred as herein provided and

(2) The disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) PGT's revised tariff sheets listed in footnote (1) above are hereby suspended and the use thereof is deferred until October 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing August 24, 1971 at 10 a.m. e.d.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, and services contained in PGT's FPC Gas Tariff as proposed to be revised herein.

(C) An Examiner to be designated by the Chief Examiner (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(D) On or before July 15, 1971, the Commission's Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before July 26, 1971. Any rebuttal evidence by PGT shall be served on or before August 16, 1971.

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[1] 1st Revised Sheet No. 5, 2d Revised Sheet No. 12, and 4th Revised Sheets Nos. 6 and 13.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6377 Filed 5-6-71;8:50 am]

[Docket No. E-7622]

PACIFIC POWER & LIGHT CO.

Notice of Application

APRIL 28, 1971.

Take notice that on April 19, 1971, Pacific Power & Light Co. (applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of 300,000 shares of its preferred stock, cumulative, par value $100 per share. Said shares will have an aggregate par value of $30 million.

The new preferred stock will consist of a new series of applicant's presently authorized serial preferred stock, will rank pari passu with applicant's outstanding 5 percent preferred stock and serial preferred stock as to dividends and upon liquidation, will be entitled to dividends at an annual rate, and will be subject to redemption at prices expressed in an appropriate bylaw amendment after competitive bidding for the new preferred stock shall have taken place.

Applicant proposes to sell the new preferred stock in accordance with the competitive bidding requirements of § 34.1a of the Commission's regulations under the Federal Power Act.

The net proceeds from the issuance and sale of the new preferred stock will be applied to the payment of short-term unsecured promissory notes outstanding (estimated at $30 million) at the time of the sale of the new preferred stock. The notes were issued under a credit agreement, dated as of December 31. 1969, and in the form of commercial paper. The issuance of the new preferred stock is a part of applicant's program for retiring short-term borrowings and financing its construction expenditures for 1971, which construction expenditures are presently estimated at $120 million.

Any person desiring to be heard or to make any protest with reference to said application should, on or before May 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6390 Filed 5-6-71;8:50 am]

[Dockets Nos. RP71-108, RP71-110]

PANHANDLE EASTERN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges and of Petition for Permission To Use Liberalized Depreciation With Normalization for Accounting and Rate Purposes

APRIL 30, 1971.

Take notice that on April 26, 1971, Panhandle Eastern Pipe Line Co. (Panhandle) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on May 27, 1971, subject however, to Panhandle's agreement in Dockets Nos. RP69-35 and RP70-20 not to make effective any general rate increase (allowing for notice and maximum suspension) prior to September 1, 1971. The proposed rate changes would increase charges for all jurisdictional sales and services by $38,279,361 annually, based on sales for the 12-month period ended January 31, 1971, as adjusted.

In addition to increases in rate levels, the tendered tariff sheets also include proposed charges in addition to the commodity rates, for all gas taken in excess of daily contract quantities delivered under General, Limited, Seasonal, and Combined, Service Rate Schedules. The tendered filing also includes a proposed new "Section 19. Adjustment for Changes in Gas Supply Costs" (purchased gas adjustment clause) which, inter alia, requires 45 days advance notice of rate changes and flow through of supplier refunds.

Panhandle states that the reasons and bases for the proposed rate increases are: (i) Changes in operations as a result of expansion and gas supply projects; (ii) increased interest, capital and other financial costs; (iii) increased Federal and State income taxes, ad valorem and other taxes; (iv) increased gas purchase costs, including the effect of the Pan Eastern Exploration project, and the revision in depreciation (unit of production v. straight-line) of gathering facility investment; and (v) increased costs of labor, materials, supplies and services. The proposed rates include a claimed 8 percent rate of return.

In its petition filed April 27, 1971 (Docket No. RP71-110), Panhandle states that it has elected to use liberalized depreciation with normalization on its post-1969 properties, pursuant to the Tax Reform Act of 1969, and it requests authorization to use liberalized depreciation wth normalization for accounting and rate purposes on all eligible pre-1969 properties effective at the same time its proposed increased rates become effective in Docket No. RP71-108.

Copies of the proposed tariff changes and petition were served on all of Panhandle's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application and petition should on or before May 13, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6373 Filed 5-6-71;8:49 am]

[Projects Nos. 855, 1133, 1863]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Land Withdrawal and Order Vacating Withdrawals

APRIL 30, 1971.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission by formal notices of land withdrawal dated February 13, 1945, and March 19, 1951, gave notice of the reservation of approximately 117.20 acres of U.S. lands pursuant to the filings on September 11, 1941, and September 11, 1950, of an application for license (transmission line) and amendment of license, respectively, by Public Service Company of Colorado, Denver, Colo., for the Shoshone-Palisade Transmission Line, Project No. 1863. Portions of the stated powerline have previously been withdrawn as Project No. 355 or 1133.

On August 29, 1966, and August 15, 1967, the licensee filed an application for amendment of license (transmission line) and a supplemental revision, respectively. This application and supplemental revision amended and modified the transmission line right-of-way as delimited on map Exhibit K, sheets 1 and 2 of 7 (FPC Nos. 1863-2 and -3, respectively) filed August 7, 1942, and map Exhibit J-1 (FPC No. 1863-9) filed January 2, 1951, which depict a portion of the U.S. lands included in the above stated notices of land withdrawal.

Therefore, in accordance with the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described insofar as title thereto remains in the United States, are included in Project No. 1863 and are from the dates of said application and supplemental revision, reserved from entry, location or other disposal under the laws of the United States until otherwise directed by this Commission or by Congress.

6TH PRINCIPLE MERIDIAN, COLORADO

Those portions of the following described subdivisions lying within 37.5 feet of the centerline survey of the Shoshone-Palisade Transmission Line as shown upon map Exhibit J-1 amended (FPC No. 1863-11) filed August 29, 1966, map Exhibit K, sheets 1A revised and 2A revised of 7 (FPC Nos. 1863-12 and -13, respectively) filed August 15, 1967, map Exhibit K, sheet 3A amended of 7 (FPC No. 1863-10) filed January 2, 1951, and map Exhibit K, sheets 4 through 7 of 7, inclusive (FPC Nos. 1863-5 through -8, respectively) filed August 7, 1942.

T. 5 S., R. 88 W.,
  Sec. 33, S½SW¼, SW¼SE¼;
  Sec. 35, SE¼SW¼, E½SE¼, SW¼SE¼.
T. 6 S., R. 88 W.,
  Sec. 4, lot 4;
  Sec. 5, lot 5, SE¼SW¼, N½SE¼, SW¼SE¼;
  Sec. 6, lots 7, 8, and 9, NE¼SE¼.
T. 6 S., R. 89 W.,
  Sec. 1, lots 2 and 3, NE¼SW¼;
  Sec. 2, lots 1 and 3;
  Sec. 6, lots 7 and 9,[1] SW¼SE¼.
T. 5 S., R. 90 W.,
  Sec. 35, SE¼SW¼, SW¼SE¼.
T. 6 S., R. 90 W.,
  Sec. 1, N½SW¼, NW¼SE¼;
  Sec. 2, SE¼NW¼, N½SW¼;
  Sec. 3, SW¼NE¼, S½NW¼, NE¼SW¼, N½SE¼;
  Sec. 4, lots 3 and 4, S½NE¼, SE¼NW¼;
  Sec. 5, lot 1.
T. 6 S., R. 91 W.,
  Sec. 4, SE¼SE¼;
  Sec. 7, lots 7 and 8, SW¼NE¼;
  Sec. 8, lot 3.
T. 6 S., R. 93 W.,
  Sec. 18, lot 11.
T. 6 S., R. 94 W.,
  Sec. 14, SE¼SW¼;
  Sec. 29, SW¼NW¼.
T. 6 S., R. 95 W.,
  Sec. 25, NW¼SW¼.
T. 7 S., R. 96 W.,
  Sec. 14, SE¼NE¼.
T. 8 S., R. 96 W.,
  Sec. 7, lot 1.
T. 8 S., R. 97 W.,
  Sec. 13, SE¼NW¼;
  Sec. 14, SW¼SE¼;
  Sec. 22, SW¼SE¼, E½SE¼;
  Sec. 23, SW¼NW¼, NW¼SW¼;
  Sec. 27, NW¼NE¼, NE¼NW¼.
T. 9 S., R. 97 W.,
  Sec. 17, SW¼NE¼, NE¼SW¼, SW¼SW¼;
  Sec. 19, NE¼NE¼, S½NE¼, W½SE¼;
  Sec. 30, lot 4, NE¼, SE¼SW¼, SE¼;
  Sec. 31, lots 1, 2, and 3, NW¼NE¼, NE¼NW¼, NE¼SW¼, NW¼SE¼, S½SE¼.
T. 10 S., R. 97 W.,
  Sec. 6, NE¼, SE¼;
  Sec. 7, lots 3 and 4,[1] NW¼NE¼, SE¼NW¼, SE¼SW¼;[1]
  Sec. 18, E½NW¼.[1]
T. 9 S., R. 98 W.,
  Sec. 36, SE¼NE¼, NE¼SE¼.
T. 10 S., R. 98 W.,
  Sec. 12, SE¼SW¼, SW¼SE¼;
  Sec. 13, N½NE¼, E½NW¼, NE¼SW¼, W½SW¼;
  Sec. 14, SE¼SE¼;
  Sec. 23, E½NE¼, NE¼NW¼;
  Sec. 27, NE¼NE¼.
T. 11 S., R. 98 W.,
  Sec. 2, lot 19.

The general determination made by the Commission at its meeting of April 17, 1922 (2d Annual Rept. 128), with respect to lands reserved for transmission line purposes only, is applicable to these lands.

This notice supersedes the notices of land withdrawal given by this Commission on February 13, 1945, and March 19, 1951, for Project No. 1863 in their entirety and the retention in the project of lands other than those described herein serves no useful purpose and are hereby vacated. The withdrawals for Projects Nos. 855 and 1133 serve no useful purpose and are hereby vacated in their entirety. The lands vacated by this notice are listed below.

The total area of U.S. lands reserved by this notice is approximately 177.29 acres, of which approximately 164.12 acres have previously been withdrawn for power purposes in connection with Power Site Reserve No. 116, 192, or 368, or earlier Project No. 855, 1133, or 1863. Approximately, 8.69 acres have been previously withdrawn for the White River National Forest.

Copies of the aforementioned project map exhibits have been transmitted to the Geological Survey, Bureau of Land Management, Forest Service, and the Fish and Wildlife Service.

By the Commission.

KENNETH F. PLUMB,
Acting Secretary.

6TH PRINCIPAL MERIDIAN, COLORADO

1. Portions (totaling about 34 acres) of the following described sections were withdrawn pursuant to the filing on December 8, 1927, of an application for license (transmission line) for Project No. 855 for which this Commission gave notice of land withdrawal to the General Land Office (now Bureau of Land Management) by letter dated January 5, 1928.

T. 5 S., R. 89 W.,
  Sec. 31.
T. 6 S., R. 89 W.,
  Sec 6.
T. 5 S., R. 89½ W.,
  Sec. 36.
T. 5 S., R. 90 W.,
  Sec. 36.
T. 6 S., R. 90 W.,
  Secs. 1, 2, 3.
T. 6 S., R. 91 W.,
  Secs. 4, 7, 8.

2. Portions (totaling about 38 acres) of the following described sections were withdrawn pursuant to the filing on February 7, 1931, of an application for license (transmission line) for Project No. 1133 for which this Commission gave notice of land withdrawal to the General Land Office by letter dated February 12, 1931.

T. 6 S., R. 93 W.,
  Sec. 7
T. 6 S., R. 94 W.,
  Secs. 14, 29.
T. 6 S., R. 95 W.,
  Secs. 25, 34.
T. 7 S., R. 96 W.,
  Sec. 14.
T. 8 S., R. 96 W.,
  Secs. 6, 7.
T. 8 S., R. 97 W.,
  Secs. 13, 14, 22, 23, 27.

[FR Doc.71-6391 Filed 5-6-71;8:50 am]

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[1] Patented subject to the conditions and limitations of section 24, Act of June 10, 1920.

FEDERAL RESERVE SYSTEM

FIRST FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Financial Corp., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of not less than 80 per cent of the voting shares of Inter City National Bank of Bradenton, Bradenton, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighted in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, May 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6378 Filed 5-6-71;8:45 am]

FIRST FINANCIAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by First Financial Corp., which is a bank holding company located in Tampa, Fla., for prior approval by the Board of Governors of the acquisition by applicant of not less than 80 percent of the voting shares of The First National Bank of Kissimmee, Kissimmee, Fla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Atlanta.

By order of the Board of Governors, May 3, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6379 Filed 5-6-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. F-101]

CHAIRMAN, ATOMIC ENERGY COMMISSION

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government in an electric and gas service rate increase proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Chairman, Atomic Energy Commission, to represent the consumer interests of the executive agencies of the Federal Government before the Colorado Public Utilities Commission in a proceeding (Application No. 24900) involving electric and gas service rate increases proposed by the Public Service Company of Colorado.

b. The Chairman, Atomic Energy Commission, may redelegate this authority to any officer, official, or employee of the Atomic Energy Commission.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

4. *Revocation.* This regulation revokes FPMR Temporary Regulation F-93.

Dated: April 29, 1971.

ROBERT L. KUNZIG,
Administrator of General Service.

[FR Doc.71-6404 Filed 5-6-71;8:47 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

WESTMORELAND COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Interim Mandatory Dust Standard (3.0 mg./m.^{3}) have been received as follows:

(1) ICP Docket No. 10648, Westmoreland Coal Co., Prescott No. 2 Mine, USBM ID No. 44 01689 O, Osaka, Wise County, Va., Section ID No. 001 (No. 5 North Headings), Section ID No. 002 (No. 5 North—8 Left).

(2) ICP Docket No. 10651, Westmoreland Coal Co., Bullitt No. 1 Mine, USBM ID No. 44 00304 O, Appalachia, Wise County, Va., Section ID No. 002 (Main South—1 Left), Section ID No. 003 (Main South—7 Left).

In accordance with the provisions of section 202(b)(4) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (36 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

A copy of the application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Suite 800, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 3, 1971.

[FR Doc.71-6406 Filed 5-6-71;8:47 am]

INTERNATIONAL JOINT COMMISSION—UNITED STATES AND CANADA

KOOTENAY LAKE

Public Hearing Regarding Storage of Water

Notice is hereby given that on April 29, 1971, the International Joint Commission received an application from Cominco Ltd., whose principal places of business in the Province of British Columbia are in the cities of Vancouver and Trail, for approval to store 2 feet of water in Kootenay Lake in addition to the storage approved by this Commission's order of approval dated November 11, 1938, and to commence the filling operations earlier than heretofore approved; such approval would become effective in the summer of 1971 and terminate on April 1, 1973.

The application states that the applicant has been prompted by requests from Intalco Aluminum Corp. and associated industries in the Northwestern States who seek to avoid interruption in their power supply which could occur in the event of adverse water conditions during the fall and winter of 1971-72 and 1972-73, coupled with the lack of access to power generation in southern California. It is proposed that under agreements with such industries, the applicant will be indemnified by them with respect to all claims of interests in Canada or the United States regarding loss or damage, or other remedial measures, arising out of the proposed additional storage. The application also states that the proposed additional storage would benefit Bonneville Power Administration, the Government of British Columbia and the applicant.

Any government or interested person may present a statement in response to the Commission on or prior to May 25, 1971. Such statements in response should set forth facts and arguments bearing on the subject matter of the application and tending to oppose or support it in whole or in part. Fifty (50) copies should be provided.

Notice is hereby given that the International Joint Commission pursuant to its rules of procedure, will conduct a public hearing on this matter in the Royal Canadian Legion Hall, Creston, British Columbia, on June 8, 1971, beginning at 10 a.m. local time. In the light of the statements in response received, the Commission may determine that it would be in the public interest to defer this hearing a few weeks; in such event notice of the deferment will be published.

At the hearing all interested persons will be given opportunity to present their views regarding the subject matter of the application. Oral statements and written submissions will be given equal consideration.

Copies of the application are available for inspection at the offices of the Commission in Ottawa and Washington and at the following places in the United States:

Office of Port Director, U.S. Customs Office, Porthill, Idaho.
Bonners Ferry Herald, Bonners Ferry, Idaho.
Office of District Engineer, U.S. Geological Survey, Jefferson Street, Boise, ID.

WILLIAM A. BULLARD,
Secretary, U.S. Section,
International Joint Commission.

D. G. CHANCE,
Secretary, Canadian Section,
International Joint Commission.

APRIL 30, 1971.

[FR Doc.71-6396 Filed 5-6-71;8:46 am]

OFFICE OF EMERGENCY PREPAREDNESS

IMPORTS OF MINIATURE AND INSTRUMENT PRECISION BALL BEARINGS

Reports of Effects on National Security

The Director of the Office of Emergency Preparedness made public on May 5, 1971, his report in the above matter. The report concludes an investigation which was requested in an application filed on January 31, 1969, with the Office of Emergency Preparedness by the Anti-Friction Bearing Manufacturers Association, Inc., of New York City on behalf of domestic manufacturers of miniature and instrument precision ball bearings. The investigation was conducted under the authority of section 232 of the Trade Expansion Act of 1962.

The Director found that, all factors considered, including recent actions taken by the Department of Defense, it is not evident at this time that miniature and instrument precision bearings of the types specified in the application are being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security. The Director stated that the Department of Defense, together with other agencies, will maintain continuing surveillance over the capability of this industry to support mobilization requirements.

Dated: May 5, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-6416 Filed 5-6-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4, Rev. 2, Amdt. 3]

ASSOCIATE ADMINISTRATOR FOR FINANCIAL ASSISTANCE

Delegation of Administrative Activities for Purpose of Disaster Operations

Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759 and 36 F.R. 653), is hereby further amended by adding Items I.O., to read as follows:

I. * * *

O. For purpose of California Earthquake disaster (Disaster No. 802).

1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

* * * * *

Effective date: April 19, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6382 Filed 5-6-71;8:46 am]

[Declaration of Disaster Loan Area 820 (Class B)]

ILLINOIS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Illinois;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Thompsonville, Franklin County, Ill., suffered damage or destruction resulting from tornado occurring on April 27, 1971.

OFFICE

Small Business Administration Regional Office, 219 South Dearborn Street, Chicago, IL 60604.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6383 Filed 5-6-71;8:46 am]

TARIFF COMMISSION

[AA1921-71]

BRASS KEY BLANKS FROM CANADA

Determination of No Injury

The Assistant Secretary of the Treasury advised the Tariff Commission on February 3, 1971, that brass key blanks from Canada are being, and are likely to be, sold at less than fair value (LTFV) within the meaning of the Antidumping Act, 1921, as amended. In accordance with the requirements of section 201(a) of the Antidumping Act (19 U.S.C. 160(a)), the Tariff Commission instituted Investigation No. AA1921-71 to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

A public hearing was held on March 23, 1971. Notices of the investigation and hearing were published in the FEDERAL REGISTER of February 10 and 24, 1971 (36 F.R. 2840, 3441).

In arriving at a determination in this case, the Commission gave due consideration to all written submissions from interested parties, evidence adduced at the hearing, and all factual information obtained by the Commission's staff from questionnaires, personal interviews, and other sources.

On the basis of the investigation, the Commission has unanimously[1] determined that no industry in the United States is being or is likely to be injured, or prevented from being established by reason of the importation of brass key blanks from Canada sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

STATEMENT OF REASONS

In reaching its negative determination, the Commission was persuaded principally by the following factors:

(1) Imports of brass key blanks from Canada sold at less than fair value are small in relation to the domestic output of such articles.

(2) The domestic production of brass key blanks has grown in recent years.

(3) The marketing of the Canadian key blanks sold at less than fair value in the United States has not adversely affected the prices of domestically produced brass key blanks. The prices of the Canadian blanks have generally been within the range of, or higher than, those of comparable domestic blanks to the same class of customer; the prices of domestic blanks, moreover, have increased sharply in recent years.

Description of product. Brass key blanks, used to make keys, are generally made from key blank stampings supplied by primary brass producers. The stampings are manufactured into key blanks by milling (grooving) on both sides. They may be coined (embossed), plated, and burnished (polished).

The U.S. industry. The Commission has considered the domestic industry to consist of the facilities in the United States for the manufacture of brass key blanks. Such key blanks are currently produced in the United States by about 30 firms, most of which also manufacture locks, builders' hardware, and a variety of other products. Some produce key blanks primarily for sale to others, while some produce blanks chiefly for their own use.

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[1] Commissioner Clubb did not participate in the decision.

Domestic production of brass key blanks increased from 239 million blanks in 1967 to about 260 million blanks in 1969 and 1970. This increase in production of brass key blanks was accompanied by a substantial increase in the domestic production of aluminum key blanks.

Imports at less than fair value. The Canadian brass key blanks which the Treasury found to have been sold at less than fair value have not been a significant factor in the U.S. market. Sales of such Canadian blanks—virtually the only foreign-made brass key blanks marketed in the United States—were equivalent to less than 3 percent of U.S. production of such blanks in both 1969 and 1970. Most of the imports, unlike shipments by domestic producers, have been sold to small lock manufacturers (some of which have never bought from domestic sources) for use in making keys to be sold with locks. The prices to such U.S. lock manufacturers by the Canadian supplier have been within the range of prices to the same class of purchaser by domestic producers. The remaining imports from Canada have been sold to distributors or wholesalers at prices generally above those charged by the principal domestic producers.

The evidence obtained by the Commission indicates that sales of LTFV brass key blanks from Canada have not adversely affected the prices charged by the domestic producers. In recent years, the U.S. demand for key blanks has increased, and the prices charged by domestic manufacturers for brass key blanks have risen appreciably. Since 1967, for example, the prices of domestically produced key blanks sold to distributors have increased by more than 40 percent, while the wholesale price index for all commodities has increased by 13 percent and the index for builders' hardware, by 30 percent.

Conclusion. In light of the factors discussed above, the Commission has made a negative determination.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6370 Filed 5-6-71;8:45 am]

[TEA-W-91]

LOWN-SALVAGE SHOE CORP.

Workers' Petition for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of Lown-Salvage Shoe Corp., Auburn, Maine, the U.S. Tariff Commission, on May 4, 1971, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with women's shoes produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such manufacturing company.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigation, provided such request is filed within 10 days after the notice is published in the FEDERAL REGISTER.

The petition filed in this case is available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: May 4, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6418 Filed 5-6-71;8:48 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM WAGES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.) and Administrative Order No. 595 (31 F.R. 12981) the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the act. For each certificate, the effective and expiration dates, number or proportion of learners and the principal product manufactured by the establishment are as indicated. Conditions on occupations, wage rates, and learning periods which are provided in certificates issued under the supplemental industry regulations cited in the captions below are as established in those regulations; such conditions in certificates not issued under the supplemental industry regulations are as listed.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.20 to 522.25, as amended).

The following normal labor turnover certificates authorize 10 percent of the total number of factory production workers except as otherwise indicated.

Acme Garment Co., Wentzville, Mo.; 3-8-71 to 3-7-72; 10 learners (women's, misses', and juniors' shorts, pants, shifts, and tops).

Angelica Corp., Mountain View, Mo.; 3-11-71 to 3-10-72 (men's washable service coats).

Ardmore Industries, Inc., Ardmore, Tenn.; 3-8-71 to 3-7-72 (men's and boys' pants).

The Arrow Co., Jasper, Ala.; 3-10-71 to 3-9-72 (men's shirts).

Banj-O Manufacturing, Inc., Scranton, Pa.; 3-19-71 to 3-18-72; 10 learners (men's, ladies', and boys' casual jackets).

Berlin Manufacturing Co., Inc., Berlin, Md.; 3-4-71 to 3-3-72; 10 learners (work shirts and pants).

Blain Products, Inc., Blain, Pa.; 3-1-71 to 2-29-72; 5 learners (girls' pants, suits, and dresses).

Carolina Sportswear Co., Warrentown, N.C.; 3-16-71 to 3-15-72 (men's and boys' shirts).

Cordele Uniform Co., Cordele, Ga.; 3-2-71 to 3-1-72 (men's and women's washable service apparel).

Denise Lingerie Corp., Johnson City, Tenn.; 2-28-71 to 2-27-72 (ladies' slips, gowns, and pajamas).

Dover Mills, Inc., Pisgah, Ala.; 3-17-71 to 3-16-72 (children's shirts and pants).

Fawn Grove Manufacturing Co., Inc., Rising Sun, Md.; 2-28-71 to 2-27-72; 10 learners (work clothing).

Henry I. Siegel Co., Inc., Bruceton, Tenn.; 2-20-71 to 2-19-72 (men's and boys' pants).

F. Jacobson & Sons, Inc., Seymour, Ind.; 3-6-71 to 3-5-72 (men's shirts).

Kellwood Co., Sunbright, Tenn.; 3-1-71 to 2-29-72 (boys' shirts).

Kenrose Manufacturing Co., Inc., Buchanan, Va.; 3-9-71 to 3-8-72 (women's dresses).

M & G Sportswear, Inc., Fall River, Mass.; 3-12-71 to 3-11-72 (children's sportswear and outerwear).

Manhattan Shirt Co., Ashburn, Ga.; 3-13-71 to 3-12-72 (men's shirts and pajamas).

Monleigh Garment Co., Inc., Mocksville, N.C.; 2-25-71 to 2-24-72 (men's shirts).

Morgan Apparel, Inc., Wartburg, Tenn.; 3-1-71 to 2-29-72 (men's work shirts).

Reldbord Brothers Co., Elkins, W. Va.; 3-11-71 to 3-10-72 (men's and boys' pants).

Somerville Manufacturing Co., Inc., Somerville, Tenn.; 3-10-71 to 3-9-72 (men's pants).

Sportcraft, Inc., McAdoo, Pa.; 3-1-71 to 2-29-72 (ladies' slacks and children's shorts).

Wentworth Manufacturing Co., Lake City, S.C.; 3-5-71 to 3-4-72 (women's dresses).

White Stag Manufacturing Co., Checotah, Okla.; 2-26-71 to 2-25-72 (children's and ladies' skirts, shorts, and slacks).

Woolfolk Manufacturing Corp., Bremo Bluff, Va.; 3-12-71 to 3-11-72; 10 learners (men's and boys' pants).

The following plant expansion certificate was issued authorizing the number of learners indicated.

Denise Lingerie Corp., Johnson City, Tenn.; 2-28-71 to 8-27-71; 50 learners (ladies' slips, gowns, and pajamas).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.60 to 522.65, as amended).

Mid West Glove Corp., Chillicothe, Mo.; 2-25-71 to 2-24-72; 10 percent of the total number of machine stitchers for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended and 29 CFR 522.40 to 522.43, as amended).

Charles H. Bacon Co., Inc., Lenoir City, Tenn.; 3-2-71 to 3-1-72; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.9, as amended, and 29 CFR 522.30 to 522.35, as amended).

Lady Jane Manufacturing Co., Inc., Kulpmont, Pa.; 3-11-71 to 3-10-72; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' underwear).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number of learners authorized to be employed, are indicated.

Central Knitting Mills, Inc., San German, P.R.; 3-9-71 to 3-8-72; 4 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (full-fashioned knitted garments).

Midland Knitting Mills, Inc., San German, P.R.; 3-9-71 to 3-8-72; 4 learners for normal labor turnover purposes in the occupations of knitting, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (full-fashioned knitted garments).

Northridge Knitting Mills, Inc., San German, P.R. 3-9-71 to 3-8-72; 4 learners for normal labor turnover purposes in the occupation of knitting, for a learning period of 480 hours at the rates of $1.22 an hour for the first 240 hours and $1.39 an hour for the remaining 240 hours (full-fashioned knitted garments).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within 15 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in 29 CFR Part 528.

Signed at Washington, D.C., this 29th day of April 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-6408 Filed 5-6-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 290]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 3, 1971.

The following are notices of filing of applications for temporary authority under section 210(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 51146 (Sub-No. 214 TA), filed April 26, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Post Office Box 2298, 54306, Green Bay, WI 54303. Applicant's representative: D. F. Martin (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, containers ends and equipment, materials and supplies* used in the manufacture and distribution of metal containers and container ends, from Plymouth, Ind., to points in the States of Alabama, Arkansas, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: RJR Foods, Inc., 750 Third Avenue, New York, NY 10017 (Donald J. Kays). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 51146 (Sub-No. 215 TA), filed April 26, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54303. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Doors, door cores, door skins, and millwork* (except new furniture), from Merrill, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: Anson & Gilkey Co., Merrill, Wis. 54452 (David R. Mootz, Purchasing Agent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 103993 (Sub-No. 623 TA) (Amendment), filed March 23, 1971. Published FEDERAL REGISTER issue April 1, 1971, amended and republished, in part as amended, this issue. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). NOTE: The purpose of this partial republication is to reflect a change in the origin point: *From Broken Arrow, Okla.*, in lieu of from Tulsa, Okla., the rest of the application remains the same.

No. MC 111401 (Sub-No. 334 TA), filed April 21, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, from Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma and that portion of Texas on and east of Interstate Highway 35 and U.S. Highway 281, for 180 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Chemicals Co., Dwight Building, Kansas City, MO 64105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117304 (Sub-No. 20 TA), filed April 26, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, North Lewiston, ID 83501. Applicant's representative: Don Paffile (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from plantsite and storage facilities of Potlatch Forests Industries, Inc., at Lewiston, Idaho, to points in Spokane County, Wash., ports of entry on the United States border between the United States and Canada in the States of Washington and Idaho, and points in Oregon and Washington on and west of U.S. Highway 97, for 180 days. NOTE: Applicant states no tacking or interlining is contemplated. Supporting shipper: Potlatch Forests, Inc., Lewiston, Idaho 83501. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 119777 (Sub-No. 210 TA), filed April 26, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 42431. Applicant's representative: William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *New crated furniture,* from the plantsite and storage facilities of Permaneer Corp. at West Mifflin, Pa., to points in Virginia, Ohio, Michigan, Kentucky, Indiana, Illinois, Tennessee, and North Carolina, for 180 days. Supporting shipper: Dan A. Gaw, Permaneer Corp., 145 Weldon Parkway, Maryland Heights, MO 63043. Send protests to: Wayne L. Merilatt, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 426 Post Office Building, Louisville, KY 40202.

No. MC 124137 (Sub-No. 3 TA), filed April 27, 1971. Applicant: G. RICHARD ARNER, doing business as G. R. ARNER, Rural Delivery No. 3, Tamaqua, PA 18252. Applicant's representative: James A. Wimmer, 419 Delaware Avenue, Palmerton, PA 18071. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Shale derived aggregate and lelite,* in bulk, in dump vehicles, from Plains Township and points within 5 miles thereof in Luzerne County, Pa., to points in Delaware, Maryland, New Jersey (except those in Cumberland, Salem, Gloucester, Cape May, Atlantic, Camden, and Burlington Counties), New York, Virginia, West Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise authorized, for 150 days. Supporting shipper: Bylite Corp., Post Office Box 1628, North End Station, Wilkes-Barre, PA 18705. Send protests to: Paul J. Kenworthy, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 124328 (Sub–No. 47 TA), filed April 27, 1971. Applicant: BRINKS, INCORPORATED, 234 East 24th Street, Chicago, IL 60616. Applicant's representative: F. D. Partlan (same address as applicant). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Coin,* between Culpeper, Va., on the one hand, and, on the other, Boston, Mass.; New York, N.Y.; Buffalo, N.Y.; Philadelphia and Pittsburgh, Pa.; Cleveland and Cincinnati, Ohio; Miami, Fla.; Baltimore, Md.; Charlotte, N.C.; Atlanta, Ga.; Birmingham, Ala.; Jacksonville, Fla.; New Orleans, La.; Chicago, Ill.; Detroit, Mich.; St. Louis, Mo.; Little Rock, Ark.; Louisville, Ky.; Memphis, Tenn.; Minneapolis, Minn.; Helena, Mont.; Kansas City, Mo.; Denver, Colo.; Oklahoma City, Okla.; Omaha, Nebr.; Dallas, El Paso, Houston and San Antonio, Tex.; San Francisco and Los Angeles, Calif.; Portland, Oreg.; Salt Lake City, Utah; and Seattle, Wash.; for 180 days. Supporting shipper: John S. Peters, Director, Traffic Services Division, General Service Administration, Transportation and Comunications Service, Washington, D.C. 20405. Send protests to: Raymond E. Mauk, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 128672 (Sub-No. 2 TA), filed April 22, 1971. Applicant: TIMBER TRUCKING CO., INC., 928 Cross Lanes Drive, Nitro, WV 25143, Applicant's representative: Robert L. DeHart (same address as above). Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Lumber, timber, and wood products,* from points in Powell County, Ky., to points in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, for 180 days. Supporting shipper: Burke-Parsons-Bowlby Corp., Post Office Box 8188, Nitro WV 25143. Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 128742 (Sub-No. 1 TA), filed April 27, 1917. Applicant: HALLWAY, INC., 700 West North Street, Post Office Box 263, Springfield, IL 62701. Applicant's representative: Paul E. Lawler (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Anhydrous ammonia;* (1) from the plantsite of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Illinois, Minnesota, and Wisconsin; and (2) from plantsite of Apple River Chemical Co., at or near East Dubuque, Ill., to points in Iowa, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Swift Agricultural Chemicals Corp., 2 North Riverside Plaza, Chicago, IL. Send protests to: Harold Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 129107 (Sub-No. 6 TA) (Amendment), filed April 6, 1971, published Federal Register issue of April 17, 1971, amended and republished as amended, this issue. Applicant: R. H. HARDING CO., INC., 100 Centre Drive, Rochester, NY 14623. Applicant's representative: Raymond A. Richards, 23 West Main Street, Webster, NY 14580. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used automobiles,* in secondary movements, in truckaway service, restricted against the handling of shipments (1) for automobile manufacturers; (2) having an immediately prior or subsequent movement by rail; or (3) moving on Government bills of lading, from Rochester, N.Y., to Butler and Corry, Pa., and returned, refused, damaged, and rejected commodities, from Manheim, Butler, and Corry, Pa., and Bordentown, N.J., to Rochester, N.Y., for 180 days. Supporting shippers: Royal Motors, 359 Mount Hope Avenue, Rochester, NY; Lipary Motors, 991 Broad Street, Rochester, NY; West Side Motors, Inc., 666 Broad Street, Rochester, NY; Garland Motors, 469 Hague Street, Rochester, NY; Doreen Motors, 331 East Linden Avenue, East Rochester, NY. Send protests to: Morris H. Gross, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 104, 301 Erie Boulevard, West Syracuse, NY 13202. Note: The purpose of this republication is to redescribe the authority sought.

No. MC 134721 (Sub-No. 2 TA), filed April 26, 1971. Applicant: GEORGE M. DZIAK, doing business as DZIAK PRODUCT CO., West 1201 Ide Avenue, Spokane, WA 99201. Applicant's representative: Donald A. Ericson, suite 708, Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Disassembled corrugated cardboard containers,* from Spokane Industries Park, Spokane, Wash., to points in the State of Montana, for 180 days. Supporting shipper: Boise Cascade Containers, Building 26, Industries Park, Spokane, WA 99216. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 135459 (Sub-No. 1 TA), filed April 27, 1971. Applicant: WEBSTER GRAHAM, doing business as GRAHAM TRUCKING, Kistler (Logan County), WV 25628. Applicant's representative: Webster Graham (Same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Rock dust,* from Swords Creek (Russell County) Va., to points in Logan, McDowell, Mingo, and Wyoming Counties, W. Va., for 180 days. Supporting shipper: McGlothlin, Inc., Pounding Mill, Va. 24637, James E. McGlothlin. Send protests to: H. R. White, Interstate Commerce Commission, Bureau of Operations, 3108 Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 135483 (Sub-No. 1 TA), filed April 26, 1971. Applicant: EARL DOIDGE, Box 125, Greenacres, WA 99016. Applicant's representative: Hugh A. Dressel, Old National Bank Building, Spokane, WA 99201. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Dry wood shavings,* from points in Kootenai County, Idaho, to points in Spokane, Whitman, Grant, Franklin, Benton, Adams, and Lincoln Counties, Wash., for 150 days. Supporting shipper: Lumber By-Products Co., East 3030 Mission Avenue, Spokane, WA 99202. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 135498 TA, (Correction), filed April 19, 1971, and published in the Federal Register issue April 27, 1971, and republished in part as corrected this issue. Applicant: CHARLES J. GUTTILLA AND VINCENT M. GUTTILLA, a partnership, doing business as EAST END TRUCKING CO., 4437 Howley Street, Pittsburgh, PA 15224. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Note: The purpose of this partial republication is to include the duration of days 180 in

lieu of 150, which was erroneously shown in previous publication. The rest of the application remains the same.

No. MC 135503 (Sub-No. 1 TA), filed April 27, 1971. Applicant: B. F. (BOB) BOHLING, doing business as BOHLING MOVING & STORAGE, 10415 Hickman Mills Drive, Kansas City, MO 64137. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Used household goods,* as defined by the Interstate Commerce Commission, between points in Atchison, Douglass, Franklin, Jefferson, Johnson, Leavenworth, Miami, Shawnee, and Wyandotte Counties, Kans., and Bates, Buchanan, Carroll, Cass, Clay, Clinton, Henry, Jackson, Johnson, Lafayette, Livingston, Platte and Ray Counties, Mo., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shipper: Lyon Household Shipping, Division of Lyon Van & Storage Co., 1950 South Vermont Avenue, Los Angeles, CA 90007. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 135518 TA, filed April 22, 1971. Applicant: QUALITY TRUCKING, INC., 2810 Norton, Everett, WA 98201. Applicant's representative: George R. LaBissoniere, 1424 Washington Boulevard, Seattle, WA 98101. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Malt beverages,* from Los Angeles, Calif., to Everett, Yakima, Tacoma, and Burlington, Wash.; and (2) *wine,* from points in California to Everett, Yakima, Tacoma, and Burlington, Wash., for 180 days. Supporting shippers: Anacortes Distributing Co., 735 Fairhaven Avenue, Burlington, WA 98233; Anheuser-Busch, Inc., St. Louis, Mo. 63118; Crown Distributing Co., Inc., 2110 Hewitt Avenue, Everett, WA 98201; Crown Distributing Co., 513 South Second Avenue, Yakima, WA 98902; Friendly Distributing, Inc., 2810 Norton, Everett, WA 98201; National Distributing, 621 East 25, Tacoma, WA 98421. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135519 TA, filed April 22, 1971. Applicant: GEORGE B. SAMAC & ANTHONY G. AYALA, a partnership, doing business as QUEEN CITY TRUCKING, 2618 South DeLappe Place, Seattle, WA 98144. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles,* from Seattle, Wash., and Portland, Oreg., to Spokane, Wash., and points in Idaho and Montana; and (2) *scrap metal and pipe,* from points in Idaho and Montana, to Seattle, Wash., for 180 days. Supporting shippers: Mitsui & Co. (U.S.A.), Inc., 2201 Seattle First National Bank Building, 1001 Fourth Avenue, Seattle, WA 98104; Myers Sales Co., Inc., 3601 Northwest Yeon Avenue, Portland, OR 97210; Myers Sales Co., Inc., 459 Colman Building, Seattle, WA 98104; Northwest Pipe & Steel Inc., 1311 South Tacoma Way, Tacoma, WA 98409; Pacific Iron & Metal Co., 2230 Fourth Avenue South, Seattle, WA 98134; Railwater Terminal Co., 5325 28th Avenue NW., Seattle, WA 98107; Stack Steel & Supply Co., 500 South Lander Street, Seattle, WA 98134; Sternoff Metal, 7201 East Marginal Way South, Seattle, WA 98108. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135529 (Sub-No. 1 TA), filed April 26, 1971. Applicant: COOK TRANSPORTS INC., 303 East Orleans Street, Box 153, Paxton, IL 60957. Applicant's representative: William L. Fox (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, liquid fertilizer solutions* (including aqua ammonia solutions and nitrogen fertilizer solutions) in tank type vehicles and *dry fertilizer solutions* in bag and bulk, between points in Illinois and points in Indiana, for 150 days. Supporting shipper: Custom Farm Services Inc., subsidiary of Cities Service Co., 3445 Peachtree Road Northeast, Atlanta, GA 30302. Send protests to: District Supervisor, Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135535 (Sub-No. 1 TA), filed April 27, 1971. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, KS 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Slide-in pickup campers; chassis model campers; mini motor homes and repair parts, and accessories when shipped in combination loads with slide-in campers; chassis model campers, or mini motor homes,* also *chassis model campers and mini motor homes in drive-away service, and repair parts and accessories,* when moving therewith, between the plantsite and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand, and, on the other, points and places in the States of Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia; also *shipping pallets and/or shipping blocks, chains, boomers, and turnbuckles* on return; under contract with Nimrod/El Dorado Industries, Inc., for 150 days. Supporting shipper: El Dorado Division of Nimrod/El Dorado Industries, Inc., Route 3, Post Office Box 266, Minneapolis, KS 67467. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, KS 66603. Note: Applicant states it does not intend to tack the authority here applied for to other authority which may be granted it, or to interline with other carriers.

No. MC 135536 TA, filed April 26, 1971. Applicant: MESSIER TRANSPORT (MARIEVILLE) INC., 132 Ruisseau St-Louis, Marieville, PQ Canada. Applicant's representative: Adrien R. Paquette, 200, Rue St-Jacques, Suite 1010, Montreal 126, PQ Canada. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Nails, wire, bolts, wire-mesh, and wire rods,* from ports of entry between the United States and Canada in the States of Maine, New Hampshire, Vermont, and New York, to points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, and New Jersey, and *return with refused merchandise,* for 180 days. Supporting shipper: Sivaco Wire and Nail Co., Marieville, PQ Canada. Send protests to: Martin P. Monaghan, Jr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, 52 State Street, Room 5, Montpelier, VT 05602.

No. MC 135537 TA, filed April 26, 1971. Applicant: METRO HEAVY HAULING, INC., 19060 Frazer Road, Kent, WA 98031. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Steel rods, rebar, wire mesh, and tie wire,* from Seattle, Wash., to the site of the Portland Gas & Electric Co., at or near St. Helens, Oreg., for 180 days. Supporting shipper: Tri-M Erectors, Inc., 22650 85th Place, South Kent, WA 98031. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, Wash. 98101.

By the Commission.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.71-6419 Filed 5-6-71;8:49 am]

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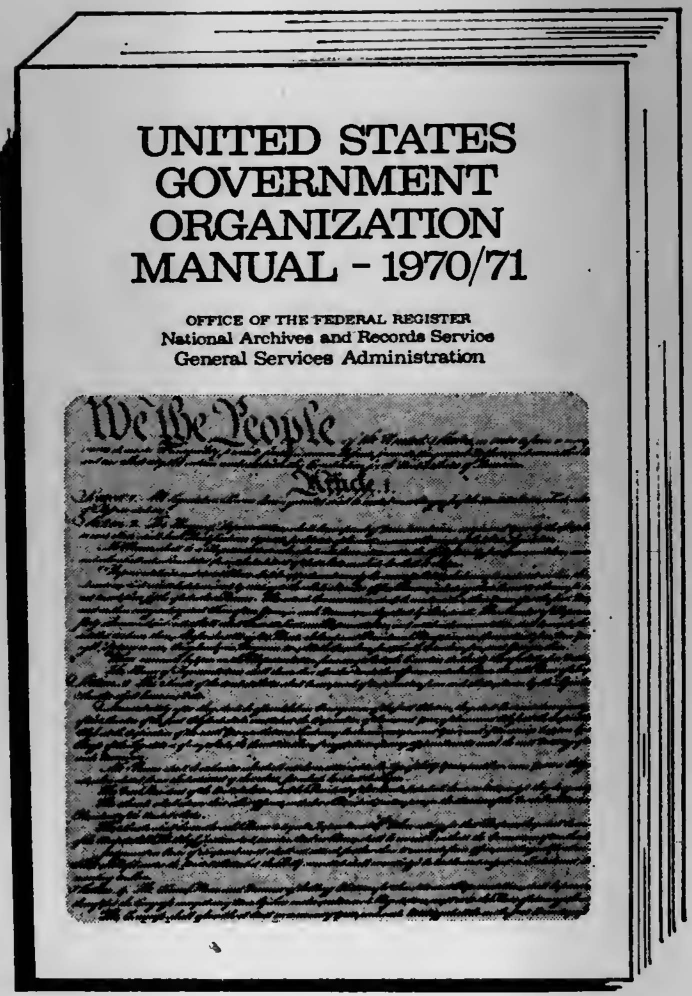
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SATURDAY, MAY 8, 1971
WASHINGTON, D.C.
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[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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PROCLAMATION 4050

National Employ The Older Worker Week, 1971

By the President of the United States of America

A Proclamation

The skills, the wisdom and the strength of older Americans constitute a great resource for our country. Unfortunately, it is a resource which has not been adequately used. Too many of our older citizens are denied opportunities for employment simply because of their age. Yet each year thousands of older workers demonstrate in convincing fashion that age is not a bar to efficient and productive labor.

Often, in fact, just the opposite is the case. For the older worker brings to his job a range and depth of experience which makes his efforts especially valuable.

The more I learn about older men and women, the more convinced I become of this central fact: what those who have reached retirement age desire most of all in life is the chance to continue their service to society. They want to be useful members of the community—independent and self-reliant citizens who are regarded as full participants in our national life.

I believe very strongly that these men and women, who have already given so much to our country, deserve every chance to fulfill this desire. They will benefit enormously from such opportunities, and our society will benefit even more.

The Congress, by joint resolution approved December 28, 1970, has authorized and requested the President to issue a proclamation designating the first full calendar week in May of 1971, as "National Employ the Older Worker Week."

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the period May 2 through May 8, 1971, as National Employ the Older Worker Week.

I urge every employer and employee organization, other organizations officially concerned with employment, and all the people of the United States to observe this week with appropriate ceremonies, activities, and programs designed to increase employment opportunities for older workers and to bring about the elimination of discrimination in employment because of age.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of May, in the year of our Lord nineteen hundred seventy-one and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-6562 Filed 5-6-71;4:53 pm]

PROCLAMATION 4051

Mother's Day, 1971

By The President of the United States of America

A Proclamation

Throughout this Nation's history, American mothers have played a very special role—helping to pioneer the land, enriching our community life, and bringing deeper meaning to the lives of their husbands and children.

In recent years we have come to appreciate more than ever before the influential contribution mothers can make in the extended community beyond the home. But even as new horizons are opened for many mothers, each mother's responsibility to her children still defines her central role.

In our society, we want to see each person fulfill his unique potential. It is fitting therefore that we recognize and honor the part that mothers play in the development of their children—even as we welcome new opportunities for mothers to contribute to the Nation's life.

The Congress, by a joint resolution of May 8, 1914, has set aside the second Sunday of May of each year as a day on which we honor all mothers for their countless contributions to their own families, to their communities, and to the Nation.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, May 9, 1971, be observed throughout the land as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day as a public expression of love and respect for the mothers of our country.

IN WITNESS WHEREOF, I have hereunto set my hand this 7th day of May, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-6576 Filed 5-7-71;11:06 am]

EXECUTIVE ORDER 11592

Delegating Certain Authority of the President to the Director of the Office of Management and Budget

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, the Director of the Office of Management and Budget is hereby designated and empowered to exercise, without the approval, ratification, or other action of the President, the function of granting the approvals authorized or required to be granted by the President by any of the provisions of the River and Harbor Act of 1970 and the Flood Control Act of 1970, Public Law 91-611, approved December 31, 1970.

Richard Nixon

THE WHITE HOUSE,
May 6, 1971.

[FR Doc.71-6575 Filed 5-7-71;11:06 am]

Rules and Regulations

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

Subpart—U.S. Standards for Grades of Canned Spinach[1]

Subpart—U.S. Standards for Grades of Canned ~~Leafy~~ Greens[1]

MISCELLANEOUS AMENDMENTS

The following U.S. Standards for Grades are hereby amended pursuant to the authority contained in the Agricultural Marketing Act of 1946 (sec. 205, 60 Stat. 1090, as amended, 7 U.S.C. 1624): Canned Spinach (7 CFR 52.1901–52.1915) and Canned Leafy Greens (7 CFR 52.6081–52.6094).

Statement of consideration leading to the amended standards. Tables III and IV for the classification of defects in each of the affected standards, as printed in the FEDERAL REGISTER, are subject to possible misinterpretation. The amendments present these tables in a slightly revised format in that the references and allowances for seed heads are changed from Table IV to Table III.

The sole purpose for the revised presentation is to prevent any possible error of interpretation or meaning of these grade standards.

Slight additions of applicable text are made in order to coincide with the modifications of the tables, as amended. The modifications are designed to provide clarity of meaning and ease of application. No substantive changes of these grade standards are intended or effected.

A correction of a minor error in the U.S. Standards for Canned Leafy Green is made. This correction does not alter the meaning of the standards.

It is hereby found that it is impracticable and contrary to public interest to give preliminary notice, engage in public rule making procedure, and good cause exists for not postponing the effective date beyond the date of publication hereof in the FEDERAL REGISTER (5 U.S.C. 553), in that:

(1) These amendments are for the purpose of clarity of meaning and no substantive change of interpretation is intended:

(2) The levels of quality with which the canning industry is familiar are not affected and no changes in industry procedure are required to comply with these standards;

(3) It is in the interest of the public and the industry that these amendments be made effective at the earliest possible date.

The amendments are as follows:

In Subpart—U.S. standards for grades of canned spinach, § 52.1909 (b), (c), Table III, and Table IV are revised to read:

§ 52.1909 Classification of defects.

* * * * *

(b) *Extraneous plant material.* Extraneous plant material includes root crowns, root stubs, and seed heads of the spinach plant and harmless grass and weeds of various kinds and texture.

(c) *Other extraneous material.* Other harmless extraneous material includes grit, sand, silt, or other earthy material.

* * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is—			
	Adversely affected to a degree that is noticeable		X	
	Adversely affected to a degree that is objectionable			X
Character	Appearance or eating quality, due to a mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems or portions thereof, as applicable for the style, is—			
	Adversely, but not seriously, affected		X	
	Seriously affected			X
Extraneous plant material.	Root crown:			
	Any significant portion of the solid area of the plant between the root and attached leaves		X	
	Root stub:			
	Any portion of the root whether or not leaves are attached			X
	Seed head—Whole Leaf; Cut Leaf Styles:			
	Longer than one (1) inch or objectionable regardless of length		X	
	Seed head—Chopped Style:			
	Pieces affecting appearance or eating quality—			
	More than slightly but not materially	X		
	Materially		X	
	Seriously			X
Other extraneous material.	Grit, sand, silt, or other earthly material:			
	A trace that no more than slightly affects appearance or eating quality		X	
	Presence materially affects appearnce or eating quality			X

TABLE IV

Quality factors	Defects	Minor	Major	Severe
	WHOLE LEAF; CUT LEAF STYLES			
	Grass and Weeds (Aggregate Measurement)			
Extraneous plant material.	(1) Green, fine, tender, stringlike blades and stems:			
	3 inches or less	X		
	More than 3 inches but not more than 8 inches		X	
	More than 8 inches			X
	(2) Green and coarse:			
	½ inch or less	X		
	More than ½ inch but not more than 2 inches		X	
	More than 2 inches			X
	(3) Other than green—of any texture or kind:			
	½ inch or less		X	
	More than ½ inch			X
	CHOPPED STYLE			
	Grass and Weeds (Aggregate Measurement)			
	(1) Green, fine, tender, stringlike blades and stems:			
	¾ inch or less	X		
	More than ¾ inch but not more than 2 inches		X	
	More than 2 inches			X
	(2) Green and coarse:			
	¾ inch or less		X	
	More than ¾ inch			X
	(3) Other than green—of any texture or kind:			
	Any amount			X

* * * * *

In Subpart—U.S. standards for grades of canned leafy greens, § 52.6088 is revised to read:

§ 52.6088 Factors of quality.

The grade of a lot of canned leafy greens is based on requirements for product characteristics with respect to the following quality factors:

(a) Flavor and odor.
(b) Color.
(c) Character.
(d) Damage.
(e) Harmless extraneous material.

* * * * *

---

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act or with applicable State laws and regulations.

Section 52.6090 (b), (c), Table III, and Table IV are revised to read:

§ 52.6090 Classification of defects.

* * * * *

(b) *Extraneous plant material.* Extraneous plant material includes root crowns, root stubs, and seed heads of the applicable leafy green plant and harmless grass and weeds of various kinds and texture.

(c) *Other extraneous material.* Other harmless extraneous material includes grit, sand, silt, or other earthy material.

* * * * *

TABLE III—WHOLE LEAF; CUT LEAF; CHOPPED STYLES

Quality factors	Defects	Minor	Major	Severe
Color	Color appearance is—			
	Adversely affected to a degree that is noticeable		X	
	Adversely affected to a degree that is objectionable			X
Character	Appearance or eating quality, due to a mushy texture, disintegration, ragged cutting, or shredded leaves and shredded stems or portions thereof, as applicable for the style, is—			
	Adversely, but not seriously, affected		X	
	Seriously affected			X
Extraneous plant material.	Root crown:			
	Any significant portion of the solid area of the plant between the root and attached leaves		X	
	Root stub:			
	Any portion of the root whether or not leaves are attached			X
	Seed head—Whole Leaf; Cut Leaf Styles:			
	Longer than one (1) inch or objectionable regardless of length		X	
	Seed head—Chopped Style:			
	Pieces affecting appearance or eating quality—			
	More than slightly but not materially	X		
	Materially		X	
	Seriously			X
Other extraneous material.	Grit, sand, silt, or other earthy material:			
	A trace that no more than slightly affects appearance or eating quality		X	
	Presence materially affects appearance or eating quality			X

TABLE IV

Quality factors	Defects	Minor	Major	Severe
	WHOLE LEAF; CUT LEAF STYLES			
	Grass and Weeds (Aggregate Measurement)			
Extraneous plant material.	(1) Green, fine, tender, stringlike blades, and stems:			
	3 inches or less	X		
	More than 3 inches but not more than 8 inches		X	
	More than 8 inches			X
	(2) Green and coarse:			
	½ inch or less	X		
	More than ½ inch but not more than 2 inches		X	
	More than 2 inches			X
	(3) Other than green—of any texture or kind:			
	½ inch or less		X	
	More than ½ inch			X
	CHOPPED STYLE			
	Grass and Weeds (Aggregate Measurement)			
	(1) Green, fine, tender, stringlike blades, and stems:			
	¾ inch or less	X		
	More than ¾ inch but not more than 2 inches		X	
	More than 2 inches			X
	(2) Green and coarse:			
	¾ inch or less		X	
	More than ¾ inch			X
	(3) Other than green—of any texture or kind:			
	Any amount			X

The amendments to the U.S. Standards for Grades of Canned Spinach which have been in effect since March 30, 1970; and U.S. Standards for Grades of Canned Leafy Greens which have been in effect since May 13, 1968 set forth herein, shall become effective upon publication in the FEDERAL REGISTER (5-8-71).

(Sec. 205, 60 Stat. 1090, as amended 7 U.S.C. 1624)

Dated: May 4, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-6398 Filed 5-7-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 479]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.779 Lemon Regulation 479.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 4, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 9, 1971, through May 15, 1971, are hereby fixed as follows:

(i) District 1: 1,000 Cartons;

(ii) District 2: 249,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: May 6, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6520 Filed 5-7-71;8:51 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971—Crop Rice Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971-Crop Rice Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops published in the FEDERAL REGISTER at 35 F.R. 7363 and 7781 and any amendments thereto and the 1970 and Subsequent Crops Rice Loan and Purchase Program regulations published in the FEDERAL REGISTER at 35 F.R. 8443 and 8873 and any amendments to such regulations are further supplemented for the 1971 crop of rice as follows:

Sec.
1421.325 Purpose.
1421.326 Availability.
1421.327 Maturity of loans.
1421.328 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 62 Stat. 1051, as amended, 1054, sec. 302, 72 Stat. 988; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.325 Purpose.

This subpart contains additional program provisions which, together with the applicable provisions of the regulations specified in § 1421.300 of the 1970 and Subsequent Crop Rice Loan and Purchase Program regulations and any amendments thereto, apply to loans and purchases for the 1971-crop rice.

§ 1421.326 Availability.

(a) *Loans.* Producers must request a loan on 1971-crop eligible rice on or before March 31, 1972.

(b) *Purchases.* Producers desiring to offer eligible rice not under loan for purchase must execute and deliver to the county office prior to April 30, 1972, a Purchase Agreement (Form CCC-614) indicating the approximate quantity of rice they will sell to CCC.

§ 1421.327 Maturity of loans.

Unless demand is made earlier, loans on rice will mature on April 30, 1972.

§ 1421.328 Support rates.

The loan rate for rice placed under a loan other than a loan on rice stored commingled in an approved warehouse shall be the applicable basic support rate specified in paragraph (a) of this section adjusted as provided in paragraphs (c) and (d) of this section. The support rate for loans on rice stored commingled in an approved warehouse and for settlement of all loans and purchases shall be the applicable basic support rate specified in paragraph (a) of this section, adjusted in accordance with the provisions of this section and §§ 1421.310 and 1421.23.

(a) *Basic rates.* The basic support rate per 100 pounds of rice shall be computed as follows: Multiply the yield (in pounds per hundredweight) of head rice by the applicable value factor for head rice (as shown in the table below according to class) and round the result to the nearest hundredth. Similarly, multiply the difference between the total yield and the head rice yield (in pounds per hundredweight) by the applicable value factor for broken rice and round the result to the nearest hundredth. Add the results (as rounded) of these two computations to obtain the basic loan or purchase rate per 100 pounds of rice and express such rate in dollars and cents.

VALUE FACTORS FOR HEAD AND BROKEN RICE [1]

Rough rice class	Head rice	Broken rice
	Cents per pound	
Long grains	8.39	4.21
Medium grains	7.59	4.21
Short grains	7.54	4.21

[1] These value factors may be changed. Such changes, if any, will be made by an amendment to this section issued shortly after Aug. 1, 1971.

(b) *Premium.* The basic support rate determined under paragraph (a) of this section shall be adjusted by the following premium:

	Cents per 100 pounds
Grade U.S. No. 1	10

(c) *Discounts*—(1) *Grade.* The basic support rate determined under paragraph (a) of this section shall be adjusted for grades below U.S. No. 2 by the following discounts:

	Cents per 100 pounds
Grade U.S. No. 3	15
Grade U.S. No. 4	30
Grade U.S. No. 5	50

(2) *Smut damage.* The support rate for rice evidencing smut damage shall be further adjusted by the following discounts:

	Cents per 100 pounds
Percent smut damage:	
Trace	0
0.1-1.0	5
1.1-2.0	10
2.1-3.0	15
3.1 and over	25

(d) *Location differentials.* For rice produced in the areas specified below discounts for location (to adjust for transportation costs of moving the rice to an area where competitive milling facilities are available) shall be applied to the basic support rate determined under paragraph (a) of this section and shall be in addition to any adjustment under paragraph (b) or (c) of this section: *Provided, however,* That if such rice is transported and stored in a rice producing area where no location differential is applicable, no discount for location shall be applied.

DIFFERENTIAL TABLE

Area:	*Discount per 100 pounds*
Imperial County, Calif., and adjacent counties in Arizona and California	$1.26
State of Florida	1.26
States of North Carolina and South Carolina	1.19
Counties of Marion, Pike, and St. Charles, Mo	0.82
Counties of Lafayette, Little River, and Miller, Ark.; Bowie, Tex.; McCurtain, Okla.; and Bosier Parish, La	0.12

Effective date: Upon publication in the FEDERAL REGISTER (5-8-71).

Signed at Washington, D.C., on April 12, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6490 Filed 5-7-71;8:51 am]

[CCC Grain Price Support Reseal Loan Regs., 1971-72 and Subsequent Storage Periods (1971-72 Supp.)]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—Farm Storage Reseal Loan Program (1971-72 Storage Period Supplement)

The regulations issued by CCC and published at 36 F.R. 7417, as amended, are hereby supplemented for the 1971-72 storage period by adding §§ 1421.550-1421.556 (containing provisions applicable to specific storage periods) to read as follows:

Sec.
1421.550 Reseal loan programs authorized.
1421.551 Area of availability.
1421.552 Storage payment rates.
1421.553 Additional storage and quality requirements.
1421.554 Authorized storage period.
1421.555 Warehouse receipt requirements.
1421.556 Settlement.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.550 Reseal loan programs authorized.

A reseal loan program for the 1971-72 storage period is authorized for the following crops of specific commodities held in farm storage:

1968, 1969, and 1970 crop barley.
1969 and 1970 crop corn.
1969 and 1970 crop grain sorghum.
1968, 1969, and 1970 crop oats.
1968, 1969, and 1970 crop wheat.

§ 1421.551 Area of availability.

Area and scope. The reseal loan program for the specified crops of the designated commodities will be available to producers in the areas in which price support was made available with respect to the designated crops of the commodities if the State ASC Committees, after considering the generally prevailing weather, the general condition of the crop, and other factors affecting safe storage throughout the area, determine that the commodity can be safely stored on farms therein for the 1971–72 storage period and that such reseal loans will, therefore, be advantageous to producers and CCC, except that, in any area designated by the State ASC Committee as an angoumois moth area, a producer may obtain a reseal loan with respect to eligible corn only if the State ASC Committee determines that (a) the producer's corn is shelled and (b) the producer has satisfactory storage facilities and equipment to care properly for the corn while under reseal. Producers having commodities under loan will be timely notified of the ASC Committee's determination.

§ 1421.552 Storage payment rates.

(a) *1971–72 storage period.* Storage payment rates for the 1971–72 period will be computed as provided in § 1421.537 using the following rates:

Crop	Unit	Rate per month	Rate per year
1970 barley, corn, and wheat (bushel)	100	$1.217	$14.60
1970 grain sorghum (hundredweight)	100	2.1725	26.07
1970 oats (bushel)	100	.9129	11.315
1969 and 1968 barley and wheat and 1969 corn (bushel)	100	1.004	12.015
1969 grain sorghum (hundredweight)	100	1.797	21.56
1968 and 1969 oats (bushel)	100	.73	8.76

(b) *1970–71 storage period.* Storage payment rates for adjustments under § 1421.3488 for the 1970–71 period are:

Crop	Unit	Rate per year
1969 corn, wheat, and barley (bushel)	100	$13.14
1969 grain sorghum (hundredweight)	100	23.52
1969 oats (bushel)	100	9.855
1968 wheat and barley (bushel)	100	$12.045
1968 oats (bushel)	100	8.76

(c) *1969–70 storage period.* Storage rates for adjustments under § 1421.3488 for the 1969–70 storage period are:

Crop	Unit	Rate per year
1968 wheat and barley (bushel)	100	$13.14
1968 oats (bushel)	100	9.855

§ 1421.553 Additional storage and quality requirements.

The commodity must be merchantable, must not contain substances poisonous to man or animal and must meet the requirements of § 1421.535.

§ 1421.554 Authorized storage period.

The 1971–72 reseal storage period shall begin on the date following the 1971 maturity date for the loan on a 1970 crop commodity, and on the date following the 1971 anniversary date of the original loan maturity date on 1969 and prior crops, and shall end on the anniversary of such dates during the 1972 calendar year.

§ 1421.555 Warehouse receipt requirements.

The following sections of the price support regulations pertaining to warehouse receipt requirements on deliveries of commodities to CCC shall apply.

1970 crop corn, § 1421.94 (35 F.R. 13969).

1969 crop corn, § 1421.2367 (31 F.R. 10464).

1970 crop grain sorghum, § 1421.214 (35 F.R. 10745).

1969 crop grain sorghum, § 1421.2567 (31 F.R. 8000).

1970 crop barley, § 1421.54 (35 F.R. 11166 and 11902).

1969 and 1968 crop barley, § 1421.2267 (31 F.R. 7964).

1970 crop oats, § 1421.250 (35 F.R. 8340).

1969 and 1968 crop oats, § 1421.2656 (31 F.R. 4581).

1970 crop wheat § 1421.464 (35 F.R. 8204 and 9106).

1969 and 1968 crop wheat, § 1421.2105 (33 F.R. 7069).

§ 1421.556 Settlement.

(a) *Support rate.* (1) Settlement for commodities delivered to CCC in satisfaction of a reseal loan shall be on the basis of the support rates, premiums and discounts in effect for the program year in which the original loan was made. The following sections, as amended, of the commodity regulations shall apply:

(i) *For corn.* 1969 crop, § 1421.2381 (34 F.R. 16423 and 17385). 1970 crop, § 1421.116 (35 F.R. 14121 and 14540).

(ii) *For wheat.* 1968 and 1969 crop, § 1421.2119 (33 F.R. 8329 and 14284 and 34 F.R. 8897, 9701, and 12081). 1970 crop, § 1421.489 (35 F.R. 8867, 10097, and 11691 and 36 F.R. 2399).

(iii) *For grain sorghum.* 1969 crop § 1421.2579 (34 F.R. 12081 and 13078). 1970 crop, § 1421.239 (35 F.R. 10747, 11382, and 12393).

(iv) *For barley.* 1968 crop, § 1421.2288 (33 F.R. 8650 and 19163). 1969 crop, § 1421.2279 (34 F.R. 9540 and 9796). 1970 crop, § 1421.76 (35 F.R. 11168 and 12194 and 36 F.R. 42).

(v) *For oats.* 1968 crop, § 1421.2675 (33 F.R. 6527). 1969 crop, § 1421.2665 (34 F.R. 7698). 1970 crop, § 1421.274 (35 F.R. 8539 and 9823 and 36 F.R. 2399).

(2) When a commodity delivered is of a grade and quality for which no discount has been established in the applicable commodity regulations, but CCC determines that discounts are being applied with respect to commodities of such grade and quality in current market sales, CCC shall establish discounts for such grades and qualities based on such market discounts. Such discounts will be established not later than the time delivery of the commodity to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain such factors and discounts at county ASCS offices.

(b) *Shelling requirement for corn.* Corn delivered to CCC in satisfaction of a reseal loan must be shelled and the cost of shelling shall be for the account of the producer.

Effective date: Upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., on May 3, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6459 Filed 5-7-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER B—PROCEDURAL REGULATIONS

[Reg. PR-118; Amdt. 4]

PART 302—RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Procedure for Processing Contracts for Transportation of Mail by Air

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

In a notice of proposed rule making,[1] the Board proposed to amend Part 302, its Rules of Practice in Economic Proceedings (14 CFR Part 302), by adding a new Subpart O which would provide procedures for the processing of certain contracts[2] between the Postal Service and certificated air carriers pursuant to recently enacted legislation.[3] The proposed rule would require any air carrier which is a party to such a contract to file copies of the contract, together with certain economic data and other information, with the Board not later than 90 days prior to the effective date of the contract; additionally, the proposed rule would require that copies of the contract be served upon certain certificated and commuter air carriers. Provision would be made for the filing and service of complaints by interested persons within 10 days of the filing of the contract, and for the filing and service of answers within 10 days of the filing of the complaint. The proposed rule would permit the Board, in cases where no complaint is filed, to issue an order directing the parties to the contract to show cause why the contract should not be disapproved.

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[1] PDR-32, Feb. 25, 1971, Docket 23138 (36 F.R. 3928, Mar. 2, 1971).

[2] The contracts must be for the transportation of at least 750 pounds of mail per flight; moreover, no more than 10 percent of the domestic mail or 5 percent, based on weight, of the international mail, may consist of letter mail.

[3] Public Law 91-375, approved Aug. 12, 1970 (39 U.S.C. 5402(a), 84 Stat. 772). Any contract to which the section applies is required to be filed with the Board not later than 90 days before its effective date. Unless the Board disapproves the contract, under the standards of section 102 of the Federal Aviation Act of 1958, not later than 10 days prior to the effective date of the contract, the contract automatically becomes effective.

The Board's final order disposing of a complaint or a show cause order would be required to be issued not later than 10 days prior to the effective date of the contract.

Comments pursuant to the notice were filed by American Airlines, Inc. (American), Pan American World Airways, Inc. (Pan American), Southern Airways, Inc. (Southern), Trans World Airlines, Inc. (TWA), United Air Lines, Inc. (United), and the Post Office Department (Post Office).

Upon consideration of the comments filed, we have determined to adopt the rule as proposed except as modified herein.

The Post Office points out that § 302.1501 of the proposed rule would, as presently worded, cause the new subpart to apply only to contracts entered into without advertising for bids. However, it adds, while the statute permits contracts to be entered into without advertising for bids, it is not meant to preclude contracts which are procured through advertising. The Post Office says that, although most of the contracts entered into pursuant to the statute would be procured by negotiation, a contract procured through advertising should not be excluded from the procedures. We are in accord with this view, and the applicability of the final rule is not being limited to contracts entered into without advertising for bids.

All of the commenting carriers are of the view that the 10-day period for the filing of complaints should be lengthened to 15 or 20 days, and American, TWA, and United contend that the time for filing answers should be lengthened to at least 15 days. The view that these time limitations should be extended is based largely upon the argument that the contracts may require extensive analysis, and the proper preparation of a complaint (or answer) with regard to such a contract may require more than 10 days. Moreover, it is pointed out that delays may occur in the receipt and transmission of filings.[4]

The other side of this argument is, of course, that the Board must allow itself sufficient time to study and consider the contracts and pleadings, and to reach a determination within the time limitation prescribed by the statute, *i.e.*, 80 days from the filing of the contract. On balance, we have determined that the time for filing complaints should be extended to 15 days, for the reasons put forth by the carriers. However, we have determined that the time for filing answers to the complaints should be 10 days, as originally proposed. The proponents of the contract will be thoroughly familiar with its terms in the first instance, and the preparation of an answer should not require the initial study and analysis of the contract which may be necessary for the preparation of a complaint.[5]

TWA has proposed that the rule require that all related understandings and undertakings contemplated in connection with a contract be fully described and filed together with the basic contract. However, we would expect that any contract filed pursuant to this subpart would be an integrated document, and that all agreements and understandings pertaining thereto would be contained in the contract. Accordingly, we have determined that the requirement proposed by TWA is unnecessary.

TWA also refers to the requirement contained in § 302.1504 of the proposed rule that service be made upon each commuter air carrier which serves between any pair of points between which mail is to be transported pursuant to the contract; TWA suggests that such service be limited to commuter air carriers which would be listed by the Board in a release which would be periodically issued. At present the Board maintains no such list, and we are of the view that it is unnecessary for us to publish one for this purpose. It is to be supposed that most certificated carriers would be aware of their competition in particular areas, including commuter air carriers. Moreover, a certificated carrier could consult the schedules published in the Official Airline Guide, in order to determine what commuter air carriers are serving a particular market.

Pan American proposes that a carrier filing a contract be required to submit certain additional detailed data supporting the contract, as well as an explanation of the basis used in determining the rate. We are, however, of the view that the information which would be required under the proposed rule would be sufficient. Thus, § 302.1503 of the final rule is being adopted as proposed in the notice.

Pan American also suggests that the Postal Service should, for its part, be required to supply certain explanatory and supporting data.[6] We are not, however, persuaded that the information which would be required from the Postal Service under Pan American's proposal would, as a matter of routine, be necessary in order for us to reach a determination under the standards of section 102 of the Act. Of course, the Board's duties under this statute are new; should experience indicate that certain information from the Postal Service is necessary for us to reach a proper determination under the statute, we would be prepared to consider a further rule making proceeding for that purpose.

The Post Office requests that the supporting data which is required to be filed with the contract be served upon the Postal Service, and recommends, in effect, that the supporting data be served upon all persons who are served with the contract, including the Postal Service. This suggestion has been incorporated into the final rule. However, the Post Office objects to the requirement of service upon each commuter air carrier which serves between any pair of points covered by the contract, pointing out that the section of the statute pursuant to which these procedures are being instituted does not apply to air taxi operators. Thus, concludes the Post Office, to require service on an air taxi operator would be to stimulate unnecessary complaints.

We do not agree. A commuter air carrier may well have a legitimate reason to complain against a contract which covers points served by the commuter air carrier, and we cannot assume that commuter air carriers would file frivolous complaints. Thus, the final rule provides for service of the contracts, together with the supporting data, upon the described certificated route and commuter air carriers, as well as upon the Postal Service.[7] Also, the final rule requires that complaints and answers be served upon all persons who are required to be served with the contract.

Additionally, the Post Office objects to the provision which would authorize the Board to issue an order directing the parties to show cause why the contract should not be disapproved. The

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[4] Additionally, Southern says that since a proponent of a contract will have two opportunities to put forth its views (i.e., the initial filing and an answer to the complaint), and an opponent will be limited to the one complaint, due process requires that an opponent have sufficient time in which to prepare its complaint.

[5] The time limitation imposed by the statute also must be considered in connection with a proposal by American that any Board order dismissing a complaint or disapproving a contract be issued at least 30 days prior to the effective date of the contract in order to provide adequate time for the carrier to institute procedures and to hire and train additional personnel, if needed to implement the contract. Although we will endeavor to issue any appropriate orders as expeditiously as possible, we think it would be unwise to bind ourselves, by rule, to issue a determination prior to the time prescribed by the statute i.e., not later than 10 days prior to the effective date of the contract.

[6] The data which would be required under Pan American's proposal would include, at a minimum, the reasons for the contract approach, the savings that will be effected under the contract, estimates of the diversion from other air carriers, the manner in which the mail in question would move without a contract, and a description of any contract proposals submitted to other carriers and their responses, or the reason why no other carriers were solicited.

[7] The Post Office objects also to the provision that "any interested person" may file a complaint. The Post Office says that "interested person" is not defined in the Board's regulations or decisions, and that the phrase could embrace a wide variety of persons. In this connection, the Post Office reminds us that we are directed to determine whether the contract should be disapproved in accordance with the criteria set forth in section 102 of the Act. We should not, argues the Post Office, permit filing of irrelevant complaints; thus, the complaints should be limited to those certificated air carriers which serve between points covered by the contract. We do not think it is necessary for us to attempt to decide now who might be an "interested person" within the meaning of the subpart. Rather, we are of the view that such a determination should be based upon the facts of a particular case. In this connection, we note that the term "interested person" is used elsewhere in the Board's regulations, as well as in the Administrative Procedure Act.

Post Office says that, if the contracting carrier's competitors file no complaints, the contract and supporting data should provide the Board with enough information to reach a determination. Furthermore, the Post Office says that the issuance of a show cause order would imply the presence of a prima facie case for disapproval, absent affirmative action by the contracting parties; the Post Office says that we have not explained why this should be so when no complaints are filed, but not so when complaints are filed.

We deem the objections of the Post Office upon this point to be without merit. The provision for a show cause order is intended to allow the parties to the contract an additional opportunity to comment when the Board is of the preliminary view that the contract may warrant disapproval under the standards of the Act, but when no person has chosen to file a complaint. We are, however, adding to section 1507(b) a provision that the Board may issue an appropriate order other than a show cause order.[8] Thus, a show cause order will be one among other procedures that the Board may use in connection with a contract.

Since this rule is procedural rather than substantive, and the Postal Service has requested that the new procedures be instituted as soon as possible, this subpart is being made effective as of May 8, 1971.

In consideration of the foregoing, the Board hereby amends Part 302 of the Procedural Regulations (14 CFR Part 302), effective May 8, 1971, as follows:

1. Amend the table of contents of Part 302 by adding a new Subpart O, the title of which reads as follows:

Subpart O—Procedure for Processing Contracts for Transportation of Mail by Air

2. Add a new Subpart O which reads as follows:

Sec.	
302.1501	Applicability.
302.1502	Filing.
302.1503	Explanation and data supporting the contract.
302.1504	Service.
302.1505	Complaints.
302.1506	Answers to complaints.
302.1507	Further procedures.
302.1508	Petitions for reconsideration.

AUTHORITY: The provisions of this subpart O issued under sec. 204 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324, and section 2 of the Postal Reorganization Act of 1970, 84 Stat. 772; 39 U.S.C. 5402.

§ 302.1501 Applicability.

This subpart sets forth the rules applicable to certain contractural arrangements between the Postal Service and certificated air carriers for the transportation of mail by air entered into pursuant to 39 U.S.C. 5402(a), 84 Stat. 772. Such contracts must be for the transportation of at least 750 pounds of mail per flight, and no more than 10 percent of the domestic mail transported under any such contract or 5 percent, based on weight, of the international mail transported under any such contract may consist of letter mail. Any such contract is required by the statute to be filed with the Board not later than 90 days before its effective date, and unless the Board disapproves the contract not later than 10 days prior to its effective date, the contract automatically becomes effective.

§ 302.1502 Filing.

Any air carrier which is a party to a contract to which this subpart is applicable shall file eight copies of the contract in the Docket Section of the Civil Aeronautics Board, Washington, D.C. 20428, not later than 90 days before the effective date of the contract. A copy of such contract shall be served upon the persons specified in § 302.1504 and the certificate of service shall specify the persons upon whom service has been made. One copy of each contract filed shall bear the certification of the Secretary or other duly authorized officer of the filing carrier to the effect that such copy is a true and complete copy of the original written instrument executed by the parties.

§ 302.1503 Explanation and data supporting the contract.

Each contract filed pursuant to this subpart shall be accompanied by economic data and such other information in support of the contract upon which the filing air carrier intends that the Board rely, including, in cases where pertinent:

(a) Estimates of the costs of performing the contract, and an explanation of the basis for the estimates which clearly sets forth the methodology involved in the assignment of direct and all allocated costs and the investment related thereto (including, where available and relevant, data as to costs of performing past contracts for the transportation of mail by air);

(b) Estimates of the effect of the contract upon such carrier's revenues, and an explanation of the basis for the estimates (including, where available and relevant, data as to effects upon revenues resulting from past contracts for the transportation of mail by air); and

(c) Estimates of the annual volume of contract mail (weight and ton-miles) under the proposed contract, the nature of such mail (letter mail, parcel post, third class, etc.), together with a statement as to the extent to which this traffic is new or diverted from existing classes of air and surface mail services and the priority assigned to this class of mail.

§ 302.1504 Service.

A copy of each contract filed pursuant to § 302.1502, and a copy of all material and data filed pursuant to § 302.1503, shall be served upon each of the following persons:

(a) Each certified route air carrier, other than the contracting carrier, which is authorized to carry mail between any pair of points between which mail is to be transported pursuant to the contract;

(b) Each commuter air carrier (as defined in § 298.2 of Part 298 of this chapter) which serves between any pair of points between which mail is to be transported pursuant to the contract; and

(c) The Assistant General Counsel, Transportation, U.S. Postal Service, Washington, D.C. 20260.

§ 302.1505 Complaints.

Within 15 days of the filing of a contract, any interested person may file with the Board a complaint against the contract setting forth the basis for such complaint and all pertinent information in support of same. A copy of the complaint shall be served upon the air carrier filing the contract and upon each of the persons served with such contract pursuant to § 302.1504.

§ 302.1506 Answers to complaints.

Answers to the complaint may be filed with 10 days of the filing of the complaint, with service being made as provided in § 302.1505.

§ 302.1507 Further procedures.

(a) In any case where a complaint is filed, the Board shall issue either an order dismissing the complaint, or an order disapproving the contract, or such other order as may be appropriate. Any such order shall be issued not later than 10 days prior to the effective date of the contract.

(b) In cases where no complaint is filed, the Board may issue an order directing the parties to the contract to show cause why the contract should not be disapproved, or such other order as may be appropriate. Unless otherwise specified by the Board, written answer to the order and supporting document shall be filed within 10 days of the date of service of the order to show cause. A final order containing the Board's determination as to whether the contract should be disapproved shall be issued not later than 10 days prior to the effective date of the contract.

§ 302.1508 Petition for reconsideration.

Except in the case of a Board determination to disapprove a contract, no petitions for reconsideration of any Board determination pursuant to this subpart shall be entertained.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6471 Filed 5-7-71;8:49 am]

[Reg. PR-119]

PART 310—INSPECTION AND COPYING OF BOARD OPINIONS, ORDERS AND RECORDS

Description and Location of Records Generally Available

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

Public Law 91-375, approved August 12, 1970, requires that "any contract between the Postal Service and any carrier or person for the transportation of mail shall be available for inspection in the office of the Postal Service and either the Interstate Commerce Commission or the Civil Aeronautics Board, as appropriate, * * * at least 15 days prior to the effective date of the contract." 39 U.S.C. 5005(b)(3), 84 Stat. 767. Accordingly, Appendix A of Part 310 is being amended to include a description of such contracts, and their location.

Since the amendment contained herein relates solely to matters of agency procedure, notice and public procedure thereon are not required, and the amendment may become effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 310 of the Procedural Regulations (14 CFR Part 310), effective May 8, 1971, as follows:

Amend Appendix A of Part 310 to read as follows:

APPENDIX A

DESCRIPTION AND LOCATION OF RECORDS GENERALLY AVAILABLE

* * * * *

Policy Statements of the Civil Aeronautics Board and Index thereof	Do.
Postal Service: Contracts for the transportation of mail filed pursuant to 39 U.S.C. 5005	Do.
Public Index	Do.

* * * * *

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324, and sec. 2 of the Postal Reorganization Act of 1970, 84 Stat. 767; 39 U.S.C. 5005)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6472 Filed 5-7-71;8:49 am]

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[8] A similar provision is being added to section 1507(a).

TITLE 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 615—STATE CERTIFICATION OF ACTIVITIES REQUIRING A FEDERAL LICENSE OR PERMIT

On February 5, 1971, notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 2516) which set forth the text of regulations proposed as a new Part 615 to Title 18, Chapter V, relating to the requirement of section 21(b)(1) of the Federal Water Pollution Control Act, as amended (33 U.S.C.A. 1171(b)) that any applicant for a Federal license or permit to conduct any activity, including, but not limited to, the construction or operation of facilities which may result in any discharge into the navigable waters of the United States, obtain a certification from the State in which the discharge originates, or, if appropriate, from the interstate agency having jurisdiction, or under certain circumstances, from the Administrator of the Environmental Protection Agency, that there is reasonable assurance that such activity will be conducted in a manner which will not violate applicable water quality standards.

Pursuant to the above notice, a number of comments have been received from interested persons, and due consideration has been given to all relevant matter presented. In light of the preceding, a number of revisions have been made in the rules as proposed. Part 615 to Title 18, Chapter V, as set forth below, is hereby adopted.

Effective date. These regulations shall become effective on the date of their publication in the FEDERAL REGISTER (5-8-71).

Dated: May 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart A—General

Sec.	
615.1	Definitions.
615.2	Contents of certification.
615.3	Contents of application.

Subpart B—Determination of Effect on Other States

615.11	Copies of documents.
615.12	Supplemental information.
615.13	Review by Regional Administrator and notification.
615.14	Forwarding to affected State.
615.15	Hearings on objection of affected State.
615.16	Waiver.

Subpart C—Certification by the Administrator

615.21	When Administrator certifies.
615.22	Applications.
615.23	Notice of hearing.
615.24	Certification.
615.25	Adoption of new water quality standards.
615.26	Inspection of facility or activity before operation.
615.27	Notification to licensing or permitting agency.
615.28	Termination of suspension.

Subpart D—Consultations

615.30	Review and advice.

AUTHORITY: The provisions of this Part 615 issued under sec. 21 (b) and (c), of the Federal Water Pollution Control Act (Public Law 91-224), sec. 103, 84 Stat. 91, 33 U.S.C.A. 1171(b) (1970); and Reorganization Plan No. 3 of 1970.

Subpart A—General

§ 615.1 Definitions.

As used in this part, the following terms shall have the meanings indicated below:

(a) "License or permit" means any license or permit granted by an agency of the Federal Government to conduct any activity which may result in any discharge into the navigable waters of the United States.

(b) "Licensing or permitting agency" means any agency of the Federal Government to which application is made for a license or permit.

(c) "Administrator" means the Administrator, Environmental Protection Agency.

(d) "Regional Administrator" means the Regional designee appointed by the Administrator, Environmental Protection Agency.

(e) "Certifying Agency" means the person or agency designated by the Governor of a State, by statute, or by other governmental act, to certify compliance with applicable water quality standards. If an interstate agency has sole authority to so certify for the area within its jurisdiction, such interstate agency shall be the certifying agency. Where a State agency and an interstate agency have concurrent authority to certify, the State agency shall be the certifying agency. Where water quality standards have been promulgated by the Administrator pursuant to section 10(c)(2) of the Act, or where no State or interstate agency has authority to certify, the Administrator shall be the certifying agency.

(f) "Act" means the Federal Water Pollution Control Act, 33 U.S.C.A. 1151 et seq.

(g) "Water Quality Standards" means standards established pursuant to section 10(c) of the Act, and State-adopted water quality standards for navigable waters which are not interstate waters.

§ 615.2 Contents of certification.

(a) A certification made by a certifying agency shall include the following:

(1) The name and address of the applicant;

(2) A statement that the certifying agency has either (i) examined the application made by the applicant to the licensing or permitting agency (specifically identifying the number or code affixed to such application) and bases its certification upon an evaluation of the information contained in such application which is relevant to water quality considerations, or (ii) examined other information furnished by the applicant sufficient to permit the certifying agency to make the statement described in subparagraph (3) of this paragraph;

(3) A statement that there is a reasonable assurance that the activity will be conducted in a manner which will not violate applicable water quality standards;

(4) A statement of any conditions which the certifying agency deems necessary or desirable with respect to the discharge or the activity; and

(5) Such other information as the certifying agency may determine to be appropriate.

(b) The certifying agency may modify the certification in such manner as may be agreed upon by the certifying agency, the licensing or permitting agency, and the Regional Administrator.

§ 615.3 Contents of application.

A licensing or permitting agency shall require an applicant for a license or permit to include in the form of application such information relating to water quality considerations as may be agreed upon by the licensing or permitting agency and the Administrator.

Subpart B—Determination of Effect on Other States

§ 615.11 Copies of documents.

(a) Upon receipt from an applicant of an application for a license or permit without an accompanying certification, the licensing or permitting agency shall either (1) forward one copy of the application to the appropriate certifying agency and two copies to the Regional Administrator, or (2) forward three copies of the application to the Regional Administrator, pursuant to an agreement between the licensing or permitting agency and the Administrator that the Regional Administrator will transmit a copy of the application to the appropriate certifying agency. Upon subsequent receipt from an applicant of a certification, the licensing or permitting agency shall forward a copy of such certification to the Regional Administrator, unless such certification shall have been made by the Regional Administrator pursuant to § 615.24.

(b) Upon receipt from an applicant of an application for a license or permit with an accompanying certification, the licensing or permitting agency shall forward two copies of the application and certification to the Regional Administrator.

(c) Only those portions of the application which relate to water quality considerations shall be forwarded to the Regional Administrator.

§ 615.12 Supplemental information.

If the documents forwarded to the Regional Administrator by the licensing or permitting agency pursuant to § 615.11 do not contain sufficient information for the Regional Administrator to make the determination provided for in § 615.13, the Regional Administrator may request, and the licensing or permitting agency shall obtain from the applicant and forward to the Regional Administrator, any supplemental information as may be required to make such determination.

§ 615.13 Review by Regional Administrator and notification.

The Regional Administrator shall review the application, certification, and any supplemental information provided in accordance with §§ 615.11 and 615.12 and if the Regional Administrator determines there is reason to believe that a discharge may affect the quality of the waters of any State or States other than the State in which the discharge originates, the Regional Administrator shall, no later than 30 days of the date of receipt of the application and certification from the licensing or permitting agency as provided in § 615.11, so notify each affected State, the licensing or permitting agency, and the applicant.

§ 615.14 Forwarding to affected State.

The Regional Administrator shall forward to each affected State a copy of the material provided in accordance with § 615.11.

§ 615.15 Hearings on objection of affected State.

When a licensing or permitting agency holds a public hearing on the objection of an affected State, notice of such objection, including the grounds for such objection, shall be forwarded to the Regional Administrator by the licensing or permitting agency no later than 30 days prior to such hearing. The Regional Administrator shall at such hearing submit his evaluation with respect to such objection and his recommendations as to whether and under what conditions the license or permit should be issued.

§ 615.16 Waiver.

The certification requirement with respect to an application for a license or permit shall be waived upon:

(a) Written notification from the State or interstate agency concerned that it expressly waives its authority to act on a request for certification; or

(b) Written notification from the licensing or permitting agency to the Regional Administrator of the failure of the State or interstate agency concerned to act on such request for certification within a reasonable period of time after receipt of such request, as determined by the licensing or permitting agency (which period shall generally be considered to be 6 months, but in any event shall not exceed 1 year).

In the event of a waiver hereunder, the Regional Administrator shall consider such waiver as a substitute for a certification, and as appropriate, shall conduct the review, provide the notices, and perform the other functions identified in sections 615.13, 615.14, and 615.15. The notices required by section 615.13 shall be provided not later than 30 days after the date of receipt by the Regional Administrator of either notification referred to herein.

Subpart C—Certification by the Administrator

§ 615.21 When Administrator certifies.

Certification by the Administrator that the discharge resulting from an activity requiring a license or permit will not violate applicable water quality standards will be required where:

(a) Standards have been promulgated, in whole or in part, by the Administrator pursuant to section 10(c)(2) of the Act: *Provided, however,* That the Administrator will certify compliance only with respect to those water quality standards promulgated by him; or

(b) Water quality standards have been established, but no State or interstate agency has authority to give such a certification.

§ 615.22 Applications.

An applicant for certification from the Administrator shall submit to the Regional Administrator a complete description of the discharge involved in the activity for which certification is sought, with a request for certification signed by the applicant. Such description shall include the following:

(a) The name and address of the applicant;

(b) A description of the facility or activity, and of any discharge into navigable waters which may result from the conduct of any activity including, but not limited to, the construction or operation of the facility, including the biological, chemical, thermal, and other characteristics of the discharge, and the location or locations at which such discharge may enter navigable waters;

(c) A description of the function and operation of equipment or facilities to treat wastes or other effluents which may be discharged, including specification of the degree of treatment expected to be attained;

(d) The date or dates on which the activity will begin and end, if known, and the date or dates on which the discharge will take place;

(e) A description of the methods and means being used or proposed to monitor the quality and characteristics of the discharge and the operation of equipment or facilities employed in the treatment or control of wastes or other effluents.

§ 615.23 Notice and hearing.

The Regional Administrator will provide public notice of each request for certification by mailing to State, County, and municipal authorities, heads of State agencies responsible for water quality improvement, and other parties known to be interested in the matter, including adjacent property owners and conservation organizations, or may provide such notice in a newspaper of general circulation in the area in which the activity is proposed to be conducted if the Regional Administrator deems mailed notice to be impracticable. Interested parties shall be provided an opportunity to comment on such request in such manner as the Regional Administrator deems appropriate. All interested and affected parties will be given reasonable opportunity to present evidence and testimony at a public hearing on the question whether to grant or deny certification if the Regional Administrator determines that such a hearing is necessary or appropriate.

§ 615.24 Certification.

If, after considering the complete description, the record of a hearing, if any, held pursuant to § 615.23, and such other information and data as the Regional Administrator deems relevant, the Regional Administrator determines that there is reasonable assurance that the proposed activity will not result in a violation of applicable water quality standards, he shall so certify. If the Regional Administrator determines that no water quality standards are applicable to the waters which might be affected by the proposed activity, he shall so notify the applicant and the licensing or permitting agency in writing and shall provide the licensing or permitting agency with advice, suggestions, and recommendations with respect to conditions to be incorporated in any license or permit to achieve compliance with the purpose of this Act. In such case, no certification shall be required.

§ 615.25 Adoption of new water quality standards.

(a) In any case where:

(1) A license or permit was issued without certification due to the absence of applicable water quality standards; and

(2) Water quality standards applicable to the waters into which the licensed or permitted activity may discharge are subsequently established; and

(3) The Administrator is the certifying agency because:

(i) No State or interstate agency has authority to certify; or

(ii) Such new standards were promulgated by the Administrator pursuant to section 10(c)(2) of the Act; and

(4) The Regional Administrator determines that such uncertified activity is violating water quality standards;

Then the Regional Administrator shall notify the licensee or permittee of such violation, including his recommendations as to actions necessary for compliance. If the licensee or permittee fails within 6 months of the date of such notice to take action which in the opinion of the Regional Administrator will result in compliance with applicable water quality standards, the Regional Administrator shall notify the licensing or permitting agency that the licensee or permittee has failed, after reasonable notice, to comply with such standards and that suspension of the applicable license or permit is required by section 21(b)(9)(B) of the Act.

(b) Where a license or permit is suspended pursuant to paragraph (a) of this section, and where the licensee or permittee subsequently takes action which in the Regional Administrator's opinion will result in compliance with applicable water quality standards, the Regional Administrator shall then notify the licensing or permitting agency that there is reasonable assurance that the licensed or permitted activity will comply with applicable water quality standards.

§ 615.26 Inspection of facility or activity before operation.

Where any facility or activity has received certification pursuant to § 615.24 in connection with the issuance of a license or permit for construction, and where such facility or activity is not required to obtain an operating license or permit, the Regional Administrator or his representative, prior to the initial operation of such facility or activity, shall be afforded the opportunity to inspect such facility or activity for the purpose of determining if the manner in which such facility or activity will be operated or conducted will violate applicable water quality standards.

§ 615.27 Notification to licensing or permitting agency.

If the Regional Administrator, after an inspection pursuant to § 615.26, determines that operation of the proposed facility or activity will violate applicable water quality standards, he shall so notify the applicant and the licensing or permitting agency, including his recommendations as to remedial measures necessary to bring the operation of the proposed facility into compliance with such standards.

§ 615.28 Termination of suspension.

Where a licensing or permitting agency, following a public hearing, suspends a license or permit after receiving the Regional Administrator's notice and recommendation pursuant to § 615.27, the applicant may submit evidence to the Regional Administrator that the facility or activity or the operation or conduct thereof has been modified so as not to violate water quality standards. If the Regional Administrator determines that water quality standards will not be violated, he shall so notify the licensing or permitting agency.

Subpart D—Consultations

§ 615.30 Review and advice.

The Regional Administrator may, and upon request shall, provide licensing and permitting agencies with determinations, definitions and interpretations with respect to the meaning and content of water quality standards where they have been federally approved under section 10 of the Act, and findings with respect to the application of all applicable water quality standards in particular cases and in specific circumstances relative to an activity for which a license or permit is sought. The Regional Administrator may, and upon request shall, also advise licensing and permitting agencies as to the status of compliance by dischargers with the conditions and requirements of applicable water quality standards. In cases where an activity for which a license or permit is sought will affect water quality, but for which there are no applicable water quality standards, the Regional Administrator may advise licensing or permitting agencies with respect to conditions of such license or permit to achieve compliance with the purpose of the Act.

[FR Doc.71-6440 Filed 5-7-71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	San Mateo	South San Francisco.	I 06 081 3730 07 I 06 081 3730 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 91103.	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, CA 94070.	May 7, 1971.
Do	Alameda	Pleasanton				Do.
Florida	Pinellas	Indian Rocks Beach.	I 12 103 1470 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahasse, FL 32304.	City Hall, City of Indian Rocks Beach, 1507 Bay Palm Blvd., Indian Rocks Beach, FL 33535.	Do.
Do	do	Madeira Beach	I 12 103 1880 03 I 12 103 1880 04	do	Office of the City Clerk, Municipal Bldg., 300 Municipal Dr., Madeira Beach, FL 33708.	Do.
Do	do	Redington Beach	I 12 103 2650 02	do	Town Hall, 105 164th Ave., Redington Beach, St. Petersburg, FL 33708.	Do.
Do	do	Redington Shores	I 12 103 2652 02	do	Office of the Town Clerk, Municipal Bldg., 17798 Gulf Blvd., Redington Shores, FL 33708.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
Florida		Treasure Island	I 12 103 3010 05 through I 12 103 3010 08	State of Florida Insurance Department Treasurer's Office, State Capitol, Tallahasse, FL 32304.	Office of the City Manager, 120 108th Ave., Treasure Island, FL 33706.	May 7, 1971.
Do.	Bay	Lynn Haven				Do.
Iowa	Black Hawk	Waterloo				Do.
Louisiana	Lafourche Parish	Unincorporated areas.	I 22 057 0000 03 I 22 057 0000 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Lafourche Parish Courthouse, Thibodaux, LA 70301.	Do.
Nebraska	Douglas	Omaha	I 31 055 3620 03 I 31 055 3620 04	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, NE 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, NE 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, NE 68102.	Do.
New Jersey	Union	Elizabeth	I 34 039 0860 02 through I 34 039 0860 05	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, NJ 07201.	Do.
Do.	Hunterdon	Lebanon Borough				Do.
Texas	Brazoria	Unincorporated areas.	I 48 039 0000 07 through I 48 039 0000 12	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Engineer, Brazoria County Courthouse, Angleton, TX 77515.	Do.
Do.	Galveston	Galveston	I 48 167 2570 02	do	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, TX 77550.	Do.
Wisconsin	Buffalo	Unincorporated areas.				Do.
Do.	Vernon	Genoa				Do.
Do.	Marathon	Mosinee				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 7, 1971.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.71-6361 Filed 5-7-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
• • •	• • •	• • •	• • •	• • •	• • •	• • •
California	San Mateo	South San Francisco.	H 06 081 3730 07 H 06 081 3730 08	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Office of the City Clerk, City Hall, 400 Grand Ave., South San Francisco, CA 94070.	June 27, 1970.
Do.	Alameda	Pleasanton				May 7, 1971.
Florida	Pinellas	Indian Rocks Beach.	H 12 103 1479 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	City Hall, City of Indian Rocks Beach, 1507 Bay Palm Blvd., Indian Rocks Beach, FL 33535.	July 17, 1970.
Do.	do	Madeira Beach	H 12 103 1880 03 H 12 103 1880 04	do	Office of the City Clerk, Municipal Bldg., 300 Municipal Dr., Madeira Beach, FL 33708.	June 5, 1970.
Do.	do	Redington Beach	H 12 103 2650 02	do	Town Hall, 105 164th Ave., Redington Beach, St. Petersburg, FL 33708.	May 15, 1970.
Do.	do	Redington Shores	H 12 103 2652 02	do	Office of the Town Clerk, Municipal Bldg., 17798 Gulf Blvd., Redington Shores, FL 33708.	June 27, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Florida	do	Treasure Island	H 12 103 3010 06 through H 12 103 3010 08	State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Office of the City Manager, 120 108th Ave., Treasure Island, FL 33706.	June 27, 1971.
Do.	Bay	Lynn Haven				May 7, 1971.
Iowa	Black Hawk	Waterloo				Do.
Louisiana	Lafourche Parish	Unincorporated areas.	H 22 057 0000 03 H 22 057 0000 04	State Department of Public Works, Post Office Box 44155, Capitol Station, Baton Rouge, LA 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, LA 70804.	Lafourche Parish Courthouse, Thibodaux, LA 70301.	Aug. 6, 1970.
Nebraska	Douglas	Omaha	H 31 055 3620 03 H 31 055 3620 04	Nebraska Soil and Water Conservation Commission, State Capitol Bldg., Lincoln, NE 68509. Nebraska Insurance Department, 1324 State Capitol Bldg., Lincoln, NE 68509.	Planning Department, City of Omaha, 603 City Hall, 108 South 18th St., Omaha, NE 68102.	Nov. 6, 1970.
New Jersey	Union	Elizabeth	H 34 039 0860 02 through H 34 039 0860 05	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the City Clerk, City Hall, 50 West Scott Pl., Elizabeth, NJ 07201.	May 22, 1970 and May 7, 1971.
Do.	Hunterdon	Lebanon Borough				May 7, 1971.
Texas	Brazoria	Unincorporated areas.	H 48 039 0000 07 through H 48 039 0000 12	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin TX 78701.	Office of the County Engineer, Brazoria County Courthouse, Angleton, TX 77515.	June 16, 1970.
Do.	Galveston	Galveston	H 48 167 2570 02	do	Director of Public Works, City of Galveston, City Hall, 823 Rosenberg, Galveston, TX 77550.	May 26, 1970 and May 7, 1971.
Wisconsin	Buffalo	Unincorporated areas.				May 7, 1971.
Do.	Vernon	Genoa				Do.
Do.	Marathon	Mosinee				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 7, 1971.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.71-6362 Filed 5-7-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–45—SALE, ABANDONMENT, OR DESTRUCTION OF PERSONAL PROPERTY

Equal Opportunity Clause

By Executive Order No. 11375 of October 13, 1967 (32 F.R. 14303), the Equal Opportunity clause prescribed for contracts was revised effective October 14, 1968, to include sex among the forms of discrimination which are prohibited. Sections 101–45.315 and 101–45.4925 are revised to be in accord with the cited Executive order. Section 101–45.315 also is revised editorially to indicate that the work covered by the Equal Opportunity contract clause is work required by or for the Government.

Subpart 101–45.3—Sale of Personal Property

Section 101–45.315 is revised to read as follows:

§ 101–45.315 Equal Opportunity clause in contracts.

The Equal Opportunity clause prescribed by Executive Order No. 11246 of September 24, 1965 (30 F.R. 12319, 12935) (as amended by Executve Order No. 11375 of October 13, 1967 (32 F.R. 14303)), as set forth in § 101–45.4925, shall be included in all contracts for the sale of personal property when the contract exceeds $10,000, and an appreciable amount of work by the purchaser required by or for the Government is involved. When a sale is planned and the probability exists that the foregoing conditions will be present, the Equal Opportunity clause shall be included in the contract provisions of the invitation as a special condition of sale.

Subpart 101–45.49—Illustrations

Section 101–45.4925 is revised to read as follows:

§ 101–45.4925 Equal Opportunity clause.

EQUAL OPPORTUNITY

The following clause is applicable unless this contract is exempt under the rules, regulations, and relevant orders of the Secretary of Labor (41 CFR, ch. 60). Exemptions include contracts and subcontracts (i) not exceeding $10,000 and (ii) where no appreciable amount of work is to be done by the Contractor:

During the performance of this contract, the Contractor agrees as follows:

(a) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(b) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, or national origin.

(c) The Contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(d) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(e) The Contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(f) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order No. 11246 of September 24, 1965, or by rule, regulation, or order of the Secretary of Labor or as otherwise provided by law.

(g) The Contractor will include the provisions of paragraphs (a) through (g) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as the contracting agency may direct as a means of enforcing such provisions, including sanctions for noncompliance: *Provided, however,* That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting agency, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), E.O. 11246; 30 F.R. 12319)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (5–8–71).

Dated: May 3, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6465 Filed 5-7-71;8:48 am]

Chapter 115—Environmental Protection Agency

SUBCHAPTER A—GENERAL

PART 115–1—INTRODUCTION

Chapter 115 of Title 41, Code of Federal Regulations, is hereby designated Environmental Protection Agency and will contain the Agency's Property Management Regulations. Part 115–1, Introduction, is established at this time and other parts will be added as needed.

It is the policy of the Environmental Protection Agency to allow time for interested parties to take part in the public rule-making process. However, because this regulation is largely a general statement of Agency policy and internal procedure, the rule-making process will be waived.

Effective date. This regulation will become effective on its date of publication in the FEDERAL REGISTER (5–8–71).

Dated: May 5, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Subpart 115–1.1—Regulation System

Sec.	
115–1.100	Scope of subpart.
115–1.103	Temporary-type FPMR.
115–1.103–50	Temporary-type changes to EPPMR.
115–1.104	Publication of FPMR.
115–1.104–50	Publication of EPPMR.
115–1.106	Applicability of FPMR.
115–1.108	Agency implementation and supplementation of FPMR.
115–1.109	Numbering in FPMR system.
115–1.110	Deviations.

AUTHORITY: The provisions of this Part 115–1 issued under section 205(c), 63 Stat. 377; as amended, 40 U.S.C. 486(c).

Subpart 115–1.1—Regulation System

§ 115–1.100 Scope of subpart.

This subpart establishes the Environmental Protection Agency Property Management Regulations (EPPMR), chapter 115 of the Federal Property Management Regulations System (FPMR) (41 CFR Chapter 101); states its relationship to the FPMR, and provides instructions governing the property management policies and procedures of the Environmental Protection Agency (EPA).

§ 115–1.103 Temporary-type FPMR.

§ 115–1.103–50 Temporary-type changes to EPPMR.

Where required, temporary changes will be published as EPPMR–Temporary Regulations. Temporary Regulations will be cross-referenced to related EPPMR Subparts and will indicate dates for compliance with, and cancellation of each issuance.

§ 115–1.104 Publication of FPMR.

§ 115–1.104–50 Publication of EPPMR.

(a) Material published in the EPPMR will generally not be of interest to nor directly affect the public. Therefore, most EPPMR material will not be published in the FEDERAL REGISTER.

(b) Arrows printed in the margin of a page indicate material changed, deleted, or added by the EPPMR Transmittal Notice cited at the bottom of that page. (See GSA, FPMR Amendment Transmittal pages for illustrations.)

§ 115–1.106 Applicability of FPMR.

The FPMR apply to all EPA activities unless otherwise specified, or unless a deviation is approved.

§ 115–1.108 Agency implementation and supplementation of FPMR.

(a) EPPMR implements and supplements the FPMR and follows the FPMR in style, arrangement and numbering sequence. Except to assure continuity and understanding FPMR material will not be repeated or paraphrased in the EPPMR.

(b) Implementing material expands upon related material in the FPMR. Supplementing material deals with subject material not covered in the FPMR.

§ 115–1.109 Numbering in FPMR system.

(a) The numbering system used in EPPMR conforms to that of the FPMR except for the Chapter number. The first three digits represent the Chapter number assigned to this Agency in Title 41, Code of Federal Regulations (CFR). In FPMR the Chapter number is 101 and in EPPMR the Chapter number is 115.

(b) Where EPA Chapter 115 implements Chapter 101 the material will be numbered and captioned to correspond to the FPMR part, subpart, section or subsection, e.g., 115–1.106 "Applicability of FPMR" implements 101–1.106 of FPMR.

(c) Where chapter 115 supplements the FPMR and deals with subject matter not contained in the FPMR, the EPPMR material is numbered to follow that which is most closely related to similar material in the FPMR, Supplementing material is numbered "50" or higher.

§ 115–1.110 Deviations.

Where deemed necessary that regulations set forth in the FPMR or EPPMR be changed in the interest of program effectiveness, a proposed revision will be submitted in accordance with FPR § 1–1.009, to the Division of Data and Support Systems (DSSD) for review and consideration.

[FR Doc.71-6492 Filed 5-7-71;8:51 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 7112]

PART 201—DISTILLED SPIRITS PLANTS

PART 252—EXPORTATION OF LIQUORS

Miscellaneous Amendments

On March 10, 1971, a notice of proposed rule making to amend 26 CFR Part 201, Distilled Spirits Plants, and 26 CFR Part 252, Exportation of Liquors, was published in the FEDERAL REGISTER (36 F.R. 4611). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No written comments or suggestions were received within the 30-day period prescribed in the notice. However, due to further consideration of certain provisions of the proposed document, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

1. Paragraph A3 is changed by deleting paragraphs (c) through (g) of § 201.44 and by inserting new paragraphs (c) through (e).

2. Paragraph A4 is changed by amending the last sentence of paragraph (b), by amending paragraph (d)(1), and by deleting in its entirety paragraph (e) of § 201.45.

3. Paragraph A28 is changed as follows:

A. By striking the last sentence from § 201.470c and inserting a new sentence to read, "If the proprietor intends to bottle as other than bottled in bond, or to package or otherwise remove, any portion of a lot of spirits which are entered on Form 179 for bottling in bond, he shall indicate in his schedule of operations required by § 201.89 that portion of the lot which is to be otherwise bottled, packaged, or removed and shall make appropriate notations on the Form 179, Form 122, and Form 2637, as applicable, which are involved."

B. By striking the last sentence of § 201.470h and inserting a new sentence to read, "So long as any spirits which are to be bottled in bond remain in a bottling tank, the tank shall be locked with Government locks at all times that the assigned officer is not on the plant premises."

C. By inserting, in the last sentence of § 201.470q(d), the words "of the" so that the sentence will read, "Form 2637, appropriately modified, shall be prepared to cover the relabeling or restamping of such spirits by the proprietor of the bottling premises."

4. Paragraph A32 is changed by revising paragraph (c) of § 201.494 to read, "(c) quantities of ineligible spirits dumped for rectification or bottling,".

5. Paragraph A33 is changed by deleting the last sentence of § 201.496, and by inserting requirements to furnish evidence of eligibility of spirits for loss allowance on request.

6. Paragraph A36 is changed by revising paragraph (a)(2) of § 201.527 to read "(2) The words 'Bottled in Bond';".

7. Paragraph A42 is changed by revising the first sentence of paragraph (b) of § 201.561 to read, "By the proprietor who withdrew the spirits on payment or determination of tax for rectification or bottling, if the spirits are destroyed after they were withdrawn from bond and before they were removed from, or after return to, the bottling premises of such proprietor."

8. Paragraph A43 is changed to liberalize the requirements of § 201.562 for supporting documents.

9. Paragraph A44 is changed by making clarifying and editorial changes in § 201.563.

10. A new paragraph 45a is added, immediately following paragraph 45, to provide in § 201.582 that certain evidence be furnished, on request, respecting taxpaid spirits returned to bonded premises.

11. Paragraph A46 is changed by requiring in § 201.583 that only one copy of Form 2612 be returned to the proprietor and by eliminating the requirement for supporting documents.

12. Paragraph A48 is changed by striking the first sentence following paragraph (1) of § 201.623 and by inserting instead a new sentence to read, "The records required by paragraph (e) of this section shall show separately spirits bottled in bond after tax determination and spirits otherwise bottled."

13. Paragraph B3 is changed by inserting the word "of" before "§§ 252.63" in the last sentence of § 252.25.

14. Paragraph B12 is changed by deleting "§ 252.56" and by inserting instead "§ 252.26" in paragraph (e) of § 252.103.

15. Paragraph B16 is changed by changing the word "return" to "returned" in the fourth from last sentence of § 252.173, so that the sentence reads "Returned bottled goods and dregs and remnants produced under a formula on which a standard drawback rate has been established may be added to a batch of the identical formula, provided that the approved formula specifies that returned bottled goods and dregs and remnants may be added and that such returned bottled goods and dregs and remnants can be identified as having been produced under the identical formula."

Because this Treasury decision implements certain changes made in chapter 51 of the Internal Revenue Code by Public Law 91–659 which becomes effective on May 1, 1971, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective on May 1, 1971.

(Sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

MYLES J. AMBROSE,
Commissioner of Customs.

Approved: May 6, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

DISTILLED SPIRITS PLANTS AND EXPORTATION OF LIQUORS

In order (1) to implement Public Law 91–659, as it amended the Internal Revenue Code with respect to: (a) Destruction of distilled spirits; (b) losses of distilled spirits; (c) transfer of domestic distilled spirits, without payment of tax or with benefit of drawback, to customs warehouses; (d) involuntary liens; (e) bottling of distilled spirits in bond; and (f) return of tax-determined spirits to bonded premises; (2) to incorporate in the regulations, with a minor change, the provisions of a revenue ruling concerning procedures for the establishment of standard export drawback rates; and (3) to make conforming, editorial, and clarifying changes, the regulations in 26 CFR Parts 201 and 252, are amended as follows:

PARAGRAPH A. 26 CFR Part 201 is amended as follows:

1. Section 201.11 is amended by inserting, in alphabetical order, a definition of "Bottling-in-bond" and by making a clarifying change in the definition of "Bottling-in-bond facilities". The new and amended definitions in § 201.11 read as follows:

§ 201.11 Meaning of terms.

* * * * *

Bottling in bond. When used in Subpart K of this part, the bottling of distilled spirits under section 5233, I.R.C., prior to determination of tax. When used in Subpart Na of this part, the bottling of distilled spirits in accordance with the conditions and requirements of section 5233, I.R.C., and under the supervision provided for in section 5202(g), I.R.C., but after determination of tax. When used elsewhere in this part, either act of bottling defined herein, unless otherwise specifically provided.

Bottling-in-bond facilities. The part of the bonded premises in which spirits are bottled in bond under section 5233, I.R.C., prior to tax determination.

* * * * *

2. Paragraph (a) of § 201.25 is amended by deleting the last sentence, and paragraph (c) is amended to provide for the withdrawal of distilled spirits to a customs bonded warehouse without payment of tax. As amended, paragraphs (a) and (c) of § 201.25 read as follows:

§ 201.25 Persons liable for tax.

(a) *Distilling.* Section 5005, I.R.C., provides that the distiller of spirits is liable for the tax thereon and that every proprietor or possessor of, and any person in any manner interested in the use of, any still, distilling apparatus, or distillery, shall be jointly and severally liable for the tax on distilled spirits produced therefrom: *Provided,* That a person, not an officer or director of a corporate proprietor, owning or having the right of control of not more than 10 percent of any class of stock of such proprietor, is not liable by reason of such stock ownership or control: *Provided further,* That (1) when spirits are transferred in bond persons so liable for the tax are relieved of such liability if (i) the proprietors of transferring and receiving premises are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other and (ii) no person so liable for the tax on the spirits transferred retains any interest in such spirits, and (2) when spirits are withdrawn on determination of tax under withdrawal bond the persons so liable for the tax are relieved of such liability if (i) the person withdrawing such spirits and the person or persons so liable for the tax are independent of each other and neither has a proprietary interest, directly or indirectly, in the business of the other, and (ii) all persons so liable for the tax have divested themselves of all interest in the spirits so withdrawn.

* * * * *

(c) *Withdrawals without payment of tax.* Pursuant to section 5005(e), I.R.C., any person who withdraws spirits from the bonded premises of a plant without payment of tax, as provided in section 5214, I.R.C., shall be liable for the tax on such spirits from the time of such withdrawal. Such persons shall be relieved of any such liability at the time, as the case may be, the spirits are exported, deposited in a foreign-trade zone, used in production of wine, deposited in a customs bonded warehouse or a customs manufacturing bonded warehouse, or laden as supplies upon or used in the maintenance or repair of certain vessels or aircraft, as provided by law.

* * * * *

(72 Stat. 1318, 82 Stat. 1328, as amended, 84 Stat. 1965; 26 U.S.C. 5005, 5232, 5066)

3. In § 201.44, paragraph (e) is amended to include requirements relating to alcoholic ingredients other than taxpaid spirits and to delete requirements respecting containers; a new paragraph (g) is added; and the sentence immediately following paragraph (f) is deleted. As amended, § 201.44 reads as follows:

§ 201.44 Claims in respect of spirits returned to bonded premises.

Claims for credit or refund of tax relating to spirits which have been withdrawn from bonded premises on payment or determination of tax and which are returned thereto under section 5215, I.R.C., as provided in Subpart S of this part, shall be filed with the assistant regional commissioner, and shall set forth the following:

(a) Quantity of spirits so returned;

(b) Amount of tax for which the claim is filed;

(c) Name, address, and plant number of the plant to which the spirits were returned and the date of such return;

(d) A statement as to whether or not any alcoholic ingredients other than fully taxpaid eligible distilled spirits have been added to the product covered by the claim; and

(e) The serial number of the Form 2612 and the date of gauge of the returned spirits.

Such claims shall be filed by the proprietor of the plant to which the spirits were returned and within 6 months of the date of the return. If such claim is allowed, refund (without interest) will be made or credit (without interest) will be allowed.

(72 Stat. 1323, as amended, 1364, as amended; 26 U.S.C. 5008, 5215)

4. In § 201.45, paragraph (b) is amended to make its provision comparable to those in section 5008(b), I.R.C., as amended; paragraph (c) is amended to include claims relating to accidental losses amounting to 10 proof gallons or more and to exclude such losses in computing operational losses; and a new paragraph (e) is added with respect to spirits returned to bottling premises. As amended and added, paragraphs (b), (c), and (e) of § 201.45 read as follows:

§ 201.45 Claims relating to spirits lost or destroyed after tax determination.

* * * * *

(b) *Claims relating to spirits withdrawn for rectification or bottling and voluntarily destroyed.* Claims for abatement, credit, or refund of tax (including rectification tax, if any) under this part, in the case of spirits withdrawn on payment or determination of tax from bond to bottling premises for rectification or bottling and voluntarily destroyed under the provisions of Subpart R of this part, shall be filed with the assistant regional commissioner by the proprietor of the bottling premises who withdrew the spirits. Such claims shall set forth the following:

(1) The quantity of spirits of each class and type covered by the claim;

(2) The total amount of distilled spirits tax and of rectification tax covered by the claim;

(3) The dates of destruction and the serial numbers of the Forms 1577; and

(4) Whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for rectification or bottling, and whether the spirits covered by the claim were destroyed before removal from his bottling premises or after return to such premises.

(c) *Claims relating to losses of spirits withdrawn for rectification or bottling, by reason of accident, flood, fire, or other disaster.* Claims for abatement, credit, or refund of tax under this part, relating to spirits withdrawn for rectification or bottling and lost due to accident, flood, fire, or other disaster, shall be filed with the assistant regional commissioner by the proprietor who withdrew the spirits. The claim shall contain the information required under § 201.43(a) (1), (2), (3), (5), and (6) and, in addition, shall state (1) the date of determination of the tax (if claim is for refund or credit); (2) the date of assessment of the tax (if claim is for abatement); (3) whether or not the claimant is indemnified or recompensed for the tax, and if so, the extent and nature of such indemnification or recompense; (4) whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling; and (5) whether the spirits covered by the claim were lost due to accident while being removed from bond to bottling premises, due to flood, fire or other disaster before removal from the premises of his distilled spirits plant, or due to accident while on his distilled spirits plant premises and the loss amounts to 10 proof gallons or more in respect of any one accident. Supporting statements as provided in § 201.484 shall be submitted with such claims. Any claim covering a loss by accident while on the distilled spirits plant premises shall contain a statement that the loss covered thereby has not and will not be included in computing total losses for filing claims under the provisions of paragraph (d) of this section.

(d) *Claims for losses occurring in rectifying, packaging, bottling, and casing operations.* Claims for credit or refund of tax under this part, relating to spirits lost by reason of, or incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and pending rectification or bottling) as provided for the Subpart O of this part, shall be filed with the assistant regional commissioner and shall set forth the following:

(1) A statement as to whether the claim covers tax on spirits withdrawn from bond by the claimant on payment or determination of tax for removal to bottling premises for rectification or bottling (including tax-paid spirits returned, under the provisions of §§ 201.495 and 201.496, to the bottling premises from which removed) and whether the spirits covered by the claim were lost before bottling or casing or other packaging of such spirits for removal from his bottling premises;

(2) In the case of loss by reason of authorized rectifying, packaging, bottling, or casing operations as provided for in § 201.482, the period covered by the claim, and the quantity of spirits so lost not in excess of the limitation contained in § 201.485;

(3) In the case of loss in the manufacture of gin or vodka provided for in § 201.487 the period covered by the claim, the quantity of spirits so lost, and whether the loss occurred in the process of manufacture in a closed system approved by the assistant regional commissioner. Claims described in this paragraph (d) shall be supported by Form 2611. (72 Stat. 1323, as amended; 26 U.S.C. 5008)

5. Section 201.89 is amended to provide that the proprietor's schedule of operations shall include activities relating to bottling in bond after determination of tax. As amended, § 201.89 reads as follows:

§ 201.89 Proprietor's schedule of operations.

The proprietor of each plant qualified for the production, bonded storage, or bottling in bond of spirits shall furnish the assigned officer a written schedule of operations. The schedule shall be given at least 1 day in advance of the operations and shall show, for the period covered by the schedule, all activities related to such production, bonded storage (including denaturation and bottling in bond before determination of tax), and bottling in bond after determination of tax, which the provisions of this part require to be conducted under supervision of an internal revenue officer.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

6. Paragraph (d) of § 201.95 is amended for clarification as it relates to spirits bottled in bond after determination of tax. As amended, paragraph (d) of § 201.95 reads as follows:

§ 201.95 Adjustment of proof.

* * * * *

(d) *Bottling after tax determination.* The proof of spirits to be bottled or packaged after tax determination shall be adjusted to a whole degree prior to determination of the rectification tax, if any, and the filling of packages or bottles: *Provided,* That when such spirits (except those to be bottled in bond for domestic use, which must be adjusted to 100° of proof) are to be bottled and labeled in tenths of a degree of proof, the proof shall be adjusted to such tenths of a degree, and the fractional degree of proof shall be used in determining the rectification tax, if any.

7. Section 201.114 is amended to prescribe conditions under which a proprietor may elect to use facilities on his bottling premises for bottling tax-determined spirits in bond. As amended, § 201.114 reads as follows:

§ 201.114 Facilities for bottling in bond.

Bottling-in-bond facilities may be established only in a separate room or building on bonded premises by a proprietor of a plant qualified under this part to store spirits on such bonded premises in casks, packages, cases, or similar portable approved containers. Notwithstanding the provisions of § 201.116, such bottling-in-bond facilities shall not be used for the storage of spirits. The proprietor of a plant qualified under this part to store spirits in casks, packages, cases, or similar portable approved containers on bonded premises may, if bonded and bottling premises are within the same distilled spirits plant, elect to use facilities on his bottling premises for the bottling in bond of spirits after determination of tax. Tanks and pipelines conforming to the requirements of § 201.327 may be used alternately for bottling in bond before tax determination as provided in § 201.175.

(72 Stat. 1353, as amended; 26 U.S.C. 5178)

8. Paragraph (j)(4) of § 201.132 is amended to provide for a statement concerning bottling in bond after tax determination. As amended, paragraph (j)(4) of § 201.132 reads as follows:

§ 201.132 Data for application for registration.

* * * * *

(j) * * *

(4) With respect to the business of bottling after tax determination:

(i) Statement of the name, address, and plant number of a plant qualified by the applicant for production or bonded warehousing. (Not required if the plant being registered is qualified for production, bonded warehousing, or rectification, or if the applicant is a State or political subdivision thereof.)

(ii) Statement whether operations involving bottling in bond after tax determination, as provided in § 201.114, will be conducted.

* * * * *

(72 Stat. 1349; 26 U.S.C. 5171, 5172)

9. Section 201.173 is amended to include a new proviso at the end of the section. As amended, § 201.173 reads as follows:

§ 201.173 Encumbrance.

Where any of the property subject to lien under section 5004(b)(1), I.R.C., becomes encumbered by any judgment, or other lien, the proprietor shall thereupon file (a) an application to amend the registration of his plant, (b) a consent on Form 1602 or an indemnity bond on Form 3A (if such bond in sufficient penal sum is not on file), and (c) consent of surety on Form 1533 or a new qualification bond: *Provided,* That where such property is to be voluntarily subjected to an encumbrance, the documents shall be filed and approved before the property is encumbered: *And provided further,* That where such property is involuntarily subjected to an encumbrance and an indemnity bond, Form 3A, is not on file, the proprietor may file an indemnity bond on Form 4737 in lieu of Form 3A, as provided in § 201.203a.

(72 Stat. 1349, as amended; 26 U.S.C. 5172, 5173)

10. Paragraph (d) of § 201.174 is amended to provide that spirits to be bottled in bond after tax determination may not be transferred to an incoming proprietor and that such spirits may be retained under Government lock on the premises being alternated. As amended, paragraph (d) of § 201.174 reads as follows:

§ 201.174 Procedure for alternating proprietors.

* * * * *

(d) *Bottling premises.* Operations on bottling premises shall be completely finished and all spirits and wines removed from such premises prior to the change in proprietorship: *Provided,* That (1) except for spirits to be bottled in bond after tax determination, spirits and wines on hand, including those in the process of rectification, may be transferred to the incoming proprietor, or (2) all spirits and wines may be retained, under lock (Government lock as to spirits to be bottled in bond), but in such case the outgoing proprietor shall (unless qualification bond is not required for the plant) execute a consent of surety on Form 1533 to continue the liability on the qualification bond for the tax on such spirits and wines retained on the premises notwithstanding the change in proprietorship. Products subject to tax under the provisions of sections 5021 and 5022, I.R.C. (including partially rectified products), which are being transferred to a successor shall be taxpaid by the outgoing proprietor.

* * * * *

(72 Stat. 1349, 1370; 26 U.S.C. 5172, 5271)

11. Section 201.175 is amended to make a clarifying change in the last sentence. As amended, § 201.175 reads as follows:

§ 201.175 Alternating use of bonded and bottling premises.

Subject to the provisions of this section, a portion of the bonded premises may be alternately used as bottling premises and a portion of the bottling premises may be alternately used as bonded premises. Such alternate use of premises is subject to the filing by the proprietor, and the approval by the assistant regional commissioner, of (a) an application for registration, Form 2607, to cover such operation, and (b) a special plat to designate the premises which are to be alternated. The proprietor shall also file a drawing or diagram, in triplicate, clearly depicting all buildings, rooms, tanks, and spirits lines which are to be subject to such alternation, in their relative operating sequence. All such buildings, rooms, and equipment shall be individually identified by number or letter. Once such qualifying documents have been approved, the premises as described on such documents may be alternated pursuant to approval by the assigned officer of the proprietor's application on Form 2610. Before alternation is effected, all spirits on which the tax has not been determined shall be removed from the portion of the premises to be alternated to bottling premises, and all spirits on which the tax has been determined and other ingredients used in rectifying processes (if any), as the case may be, shall be removed from the portion of the premises to be alternated to bonded premises.

(72 Stat. 1349; 26 U.S.C. 5172)

12. Section 201.192 is amended to include reference to a bond given under new § 201.203a. As amended, § 201.192 reads as follows:

§ 201.192 Additional condition of distiller's bond.

In addition to the requirements of § 201.191, the distiller's bond shall be conditioned that he shall not suffer the property, or any part thereof, subject to lien under section 5004(b)(1), I.R.C., to be encumbered by any lien during the time in which he shall carry on such business, except that this condition shall not apply during the term of an indemnity bond given under the provisions of § 201.200 or to any judgment or other lien covered by a bond given under the provisions of § 201.203a.

(72 Stat. 1349, as amended; 26 U.S.C. 5173)

13. Section 201.198 is amended to include, in the last sentence, a reference to a bond filed under new § 201.203a. As amended, § 201.198 reads as follows:

§ 201.198 Disapproval of bonds or consents of surety.

The assistant regional commissioner may disapprove any bond or consent of surety submitted in respect to the business of a distiller, bonded warehouseman, or rectifier, if the principal or any person owning, controlling, or actively participating in the management of the business of the principal shall have been previously convicted, in a court of competent jurisdiction of—

(a) Any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of spirits, wines, or beer, or if such an offense shall have been compromised with the person on payment of penalties or otherwise, or

(b) Any felony under a law of any State or the District of Columbia, or the United States, prohibiting the manufacture, sale, importation, or transportation of spirits, wine, beer, or other intoxicating liquor.

Further, no bond of a distiller shall be approved unless the assistant regional commissioner is satisfied that the situation of the land and any building which will constitute his bonded premises (as described in his application for registration, Form 2607) is not such as would enable the distiller to defraud the United States, and unless: (1) The distiller is the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land subject to lien under section 5004(b)(1), I.R.C.; or (2) the distiller files a consent, Form 1602, of the owner of the fee, and of any mortgagee, judgment creditor, or other person having a lien thereon, in accordance with the provisions of §§ 201.151 and 201.152; or (3) the distiller files an indemnity bond, Form 3A, in accordance with the provisions of § 201.200, or with respect to a judgment or other involuntary lien, files a bond in accordance with the provisions of § 201.203a.

(72 Stat. 1349, as amended, 1394; 26 U.S.C. 5173, 5551)

14. Section 201.200 is amended to include reference to new bond, Form 4737. As amended, § 201.200 reads as follows:

§ 201.200 Indemnity bond, Form 3A.

A proprietor of a plant qualified for the production of spirits may furnish bond on Form 3A to stand in lieu of future liens imposed under section 5004(b)(1), I.R.C., and no lien shall attach to any lot or tract of land, distillery, building, or distilling apparatus by reason of distilling done during any period included within the term of any such bond. Where an indemnity bond has been furnished on Form 3A in respect of a plant, the requirements of this part relating to the filing of consents on Forms 1602 and bonds on Forms 1617 and Forms 4737 are not applicable in respect to such plant.

(72 Stat. 1317, 1349, as amended; 26 U.S.C. 5004, 5173)

15. A new section, § 201.203a, to prescribe requirements for an indemnity bond to cover judgments or other involuntary liens, is inserted immediately following § 201.203 to read as follows:

§ 201.203a Indemnity bond for involuntary lien.

Where a judgment or other involuntary lien is imposed on any of the property specified in section 5004(b)(1), I.R.C., on which the United States has a first lien for taxes and an indemnity bond on Form 3A has not been furnished under § 201.200, the proprietor of the distilled spirits plant may, in lieu of filing Form 3A, file with the assistant regional commissioner an indemnity bond on Form 4737. Bond on Form 4737 shall be in a penal sum equal to the full amount of any judgments or other involuntary liens, or portions thereof unsatisfied at the time the bond is filed, and which are to be covered by the bond.

(72 Stat. 1317, 1349, as amended; 26 U.S.C. 5004, 5173)

16. In § 201.211, the list of bonds and the footnotes are amended by redesignating paragraphs (h), (i), and (j) as paragraphs (i), (j), and (k) and inserting a new paragraph (h), and by redesignating footnotes 1 and 2 as footnotes 2 and 3 and adding a new footnote 1. As amended and added, paragraphs (h), (i), (j), and (k), and footnotes 1, 2, and 3, read as follows:

§ 201.211 Bonds and penal sums of bonds.

* * * * *

Bond	Penal Sum		
	Basis	Minimum	Maximum
* * *	* * *	* * *	* * *
(h) Indemnity Bond, Form 4737	The amount of involuntary liens against property.	(1)	(1)
(i) Withdrawal Bond, Form 2613	The amount of tax which, at any one time, is chargeable against such bond but has not been paid.	1,000	1,000,000
(j) Withdrawal Bond, Form 2614	do	1,000	1,000,000
(k) Blanket Withdrawal Bond, Form 2615:			
(1) Bonded and bottling premises on same plant premises.	Sum of penal sums of bonds, Forms 2613 and 2614, in lieu of which given.	2,000	1,000,000
(2) Two or more plants in a region qualified for bonded and/or bottling operations.	Sum of the penal sums of all the bonds, Forms 2613 and/or 2614, in lieu of which given.	(2)	(3)

[1] Sum of outstanding involuntary lien or liens covered by the bond.
[2] Sum of the minimum penal sums required for each plant covered by the bond.
[3] Sum of the maximum penal sums required for each plant covered by the bond. (The maximum penal sum for one plant is $1,000,000.)

* * * * *

(68A Stat. 847, 72 Stat. 1349, as amended, 1352; 26 U.S.C. 7102, 5173, 5174, 5175)

17. Paragraph (c) of § 201.221 is amended to include reference to new bond, Form 4737. As amended, paragraph (c) reads as follows:

§ 201.221 Relief of surety from bond.

* * * * *

(c) *Bond, Form 1617 or Form 4737.* The surety on a bond given on Form 1617 or Form 4737 shall be relieved from his liability when the bond has been canceled as provided for in § 201.223.

* * * * *

(72 Stat. 1317, 1349, as amended, 1352, 1353; 26 U.S.C. 5004, 5173, 5174, 5176)

18. Section 201.223 is amended to provide conditions for termination of liability under bond, Form 4737. As amended, § 201.223 reads as follows:

§ 201.223 Cancellation of indemnity bond.

Any indemnity bond will be canceled by the assistant regional commissioner, on application by the principal or surety, if he determines that the liability for which such bond was given has ceased to exist. Liability under any bond on Form 1617, given under the provisions of this part or under any other prior provisions of law or regulations, will be deemed to have ceased to exist: (a) When a superseding bond is approved; (b) when the proprietor furnishes a consent, Form 2602, on an indemnity bond, Form 3A, as provided in § 201.201; or (c) when it is established to the satisfaction of the assistant regional commissioner that all spirits produced, while the property covering which the indemnity bond was filed formed a part of the distillery premises and equipment, have been tax-paid or that the producer thereof has been relieved from liability for payment of such tax under the provisions of chapter 51, I.R.C. Liability under any bond on Form 4737 will be deemed to have ceased to exist when the conditions stated in paragraph (a) or (b) of this section have been met or when the judgment or involuntary lien for which the bond was filed has been satisfied.

(72 Stat. 1317, 1349, as amended, 1353; 26 U.S.C. 5004, 5173, 5176)

19. Section 201.241 is amended to specifically provide that it relates only to the bottling of spirits before determination of tax, and to update the citation. As amended, § 201.241 reads as follows:

§ 201.241 Bottling facilities on bonded premises.

Where the proprietor is authorized to bottle spirits in bond before determination of tax he shall provide a separate room or building of his bonded warehouse for such purpose. Such room or building shall be constructed as provided in § 201.231, arranged, and equipped so as to be suitable for the intended purpose. When authorized by the assistant regional commissioner, bottling-in-bond facilities, when not in use for bottling in bond before determination of tax, may be used for bottling alcohol before determination of tax.

(72 Stat. 1353, as amended, 1369; 26 U.S.C. 5178, 5235)

20. Paragraph (c) of § 201.243 is amended to provide that tanks used for bottling in bond on bottling premises shall be equipped for securing with Government locks or seals. As amended, paragraph (c) of § 201.243 reads as follows:

§ 201.243 Tanks.

* * * * *

(c) *Bottling premises.* All openings in storage, receiving, bottling, and package filling tanks on bottling premises shall be equipped for securing with locks or seals, and all tanks to be used for spirits to be bottled in bond on such premises shall be so equipped that the flow of spirits in or out of the tanks may be controlled by Government locks or seals: *Provided,* That the Director may approve other devices or methods affording comparable protection.

21. Section 201.371 is amended to provide that Form 179 shall show the purpose of withdrawal where spirits are withdrawn for bottling in bond after tax determination and to specify certain conditions under which spirits will not be eligible for bottling in bond after tax determination. As amended, § 201.371 reads as follows:

§ 201.371 Application.

Spirits to be withdrawn from bonded premises on determination of the tax thereon shall be in such containers or cases as are prescribed in this part. The proprietor of the bottling premises to which the spirits are to be removed or the proprietor of the bonded premises from which the spirits are to be withdrawn, shall make application on Form 179 for tax determination and withdrawal. Where spirits are to be withdrawn on determination of tax, the tax thereon shall be paid before removal of the spirits from the bonded premises unless the proprietor making application for the withdrawal has furnished bond on Form 2613, 2614, or 2615 to secure payment of tax. Where the spirits are to be withdrawn by the proprietor of bottling premises from bonded premises not on the same plant premises, he shall, on execution of his portion of the application on Form 179, deliver one copy to the assigned officer at the bottling premises and forward the remaining copies of the form to the proprietor of the bonded premises. Where the proprietor of bottling premises intends to withdraw spirits which are to be bottled in bond after tax determination as provided in § 201.114, he shall specify on Form 179 the purpose for which the spirits are being withdrawn. On completion of the application the proprietor of the bonded premises shall deliver all copies of the application to the assigned officer at his premises. Where spirits in packages are to be gauged in bulk gauging tanks, the proprietor of the bonded premises shall attach to Form 179 a list (one copy) of the serial numbers of the packages. Where an alternating proprietor has been authorized pursuant to § 201.174 to commence operations of bottling facilities at a specified future time, he may apply for the withdrawal of spirits from bond on Form 179 in anticipation of such commencement of operations, but spirits so applied for will not be eligible for loss allowance or bottling in bond after tax determination unless such spirits are withdrawn directly from bond and unless such spirits are received on his bottling premises during the time he is authorized to operate such premises.

(72 Stat. 1363; 26 U.S.C. 5213)

22. Section 201.385 is amended to add provisions for spirits withdrawn for bottling in bond after tax determination and to make a clarifying change relating to spirits bottled in bond before determination of tax. As amended, § 201.385 reads as follows:

§ 201.385 Release of spirits.

No spirits shall be removed from bonded premises, except as otherwise provided by law, unless the tax thereon has been determined. If the Form 179, and Form 2521 (if required) with remittance, are in order and cover the full amount of the tax on the spirits to be withdrawn, the assigned officer shall execute his certificate of tax determination. The assigned officer shall not execute his certificate of tax determination where a proprietor of bottling premises, whose bond on Form 2614 or 2615 is not in the maximum penal sum, has assumed liability for the tax on the spirits, and the tax is greater than the amount shown on Form 179 as charged against his bond. Where Form 2521 has been filed with the district director, as required by § 201.383(b), the certificate regarding tax determination shall not be executed before the assigned officer has received a receipted copy of the return from the district director. Where a proprietor of bottling premises has made application for withdrawal of spirits for bottling in bond after tax determination, the assigned officer shall not execute his certificate of tax determination unless the spirits to be withdrawn meet the aging and packaging requirements prescribed for spirits to be bottled in bond and are otherwise eligible. On execution of the certificate of tax determination the assigned officer shall issue distilled spirits stamps for packages or bulk conveyances of spirits to be removed from bonded premises. Distilled spirits stamps shall be affixed, canceled, and protected in the manner provided in Subpart Q of this part. When the distilled spirits stamps have been affixed by the proprietor to the containers and the containers have been properly marked, the assigned officer shall release the spirits. When spirits are to be removed by pipeline, the appropriate Form 179, after execution of the certificate of tax determination shall be attached to the gauge tank before the spirits are released by the assigned officer. Spirits bottled in bond before determination of tax which are to be withdrawn from bonded premises on determination of tax may be so withdrawn subsequent to bottling, without being returned to the storage portion of the bonded warehouse, if the proprietor executes Form 179 in advance of withdrawal to cover a specific quantity of such spirits, and also executes, in advance of withdrawal, the statement required by § 201.372. In such case the assigned officer shall execute the certificate of tax determination only if he is satisfied that adequate means and methods are provided for accurately ascertaining the quantities of spirits to be so withdrawn at time of bottling and that the Form 179 is otherwise in order. On completion of the withdrawal covered by Form 179, the proprietor shall complete the forms, identifying the cases and showing the actual quantity of spirits so withdrawn; such information shall be verified by the assigned officer. When any spirits have been removed from the bonded premises as provided in this section, the proprietor shall execute, under the penalties of perjury, the statement of removal on all copies of Form 179 and distribute them in accordance with the instructions on the form.

23. Section 201.386 is amended to provide for the withdrawal of distilled spirits to a customs bonded warehouse without payment of tax. As amended, § 201.386 reads as follows:

§ 201.386 Authorized withdrawals without payment of tax.

Spirits may be withdrawn from bonded premises, without payment of tax, for—

(a) Export, as authorized under section 5214(a)(4), I.R.C.;

(b) Transfer to customs manufacturing bonded warehouses, as authorized under section 5522(a), I.R.C.;

(c) Transfer to foreign-trade zones, as authorized under 19 U.S.C. 81c;

(d) Supplies for certain vessels and aircraft, as authorized under 19 U.S.C. 1309;

(e) Transfer to customs bonded warehouses, as authorized under section 5066, I.R.C.;

(f) Use in wine production, as authorized under section 5373, I.R.C.; or

(g) Transfer to any university, college of learning, or institution of scientific research for experimental or research use, as authorized under section 5312(a), I.R.C.

The withdrawal of spirits as provided in paragraphs (a) through (e) of this section shall be in accordance with the regulations in Part 252 of this chapter.

(72 Stat. 1362, 1375, 1382, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5312, 5373, 5522, 5066)

24. The heading of Subpart N immediately preceding § 201.421 is amended to read as follows:

Subpart N—Operations on Bottling Premises Other Than Bottling in Bond

25. Section 201.422 is amended to provide a cross-reference to Part 252 with regard to preparing Forms 27–B Supplemental when a proprietor wishes to have a standard export drawback rate established. As amended, § 201.422 reads as follows:

§ 201.422 Form 27–B Supplemental.

Every rectifier shall file with the Director a statement on Form 27–B Supplemental of each formula and process by which he intends to rectify spirits or wines. A rectifier shall not use a formula or process in the manufacture of any rectified product until he has received approval therefor. When an intermediate product is made for use in manufacturing a finished product (or products) a separate Form 27–B Supplemental (designating the product as an intermediate) shall be filed for the intermediate product; such intermediate product shall be shown as such and by formula number as an ingredient in the formula for the finished product in which it is to be used. Each formula shall (a) be serially numbered in sequence beginning with the number "1", (b) describe the kind of products in accordance with the appropriate class and type designation prescribed by 27 CFR Part 4 or Part 5, if applicable, (c) state the process completely and concisely in step by step sequence, and (d) designate all ingredients composing the formula in sufficient detail to enable a proper determination as to the tax classification and labeling of the finished product. Alcoholic flavoring materials containing spirits on which drawback has been or may be claimed shall be identified in the formula as such, and shall be separately shown by kind, quantity (by volume) to be used, and the percentage of alcohol (by volume) contained therein; approval of formulas shall be conditioned on compliance with the provisions of § 201.424. The Director may require a diagram, drawing or other pictorial depiction of the process to supplement the statement of process on Form 27–B Supplemental. Formulas which show an alternate use of ingredients which would result in a different tax or labeling classification will not be approved. Form 27–B Supplemental for products on which the proprietor wishes to have a standard export drawback rate established will be prepared as provided in Part 252 of this chapter.

(72 Stat. 1328, 1356, 1370; 26 U.S.C. 5025, 5201, 5251)

26. Section 201.425 is amended to include provisions relating to the establishment of standard export drawback rates. As amended, § 201.425 reads as follows:

§ 201.425 Changes in formulas.

The addition or elimination of ingredients, changes in quantities of ingredients used (where the percentages are required to be disclosed), and changes in the process of rectification are permissible only after approval of a new Form 27–B Supplemental: *Provided*, That where such change of ingredients or process does not result in altering the class or type of the finished product or the tax applicable, and, in the case of formulas on which a standard drawback rate has been established, does not affect such rate, the change may be accomplished by filing, with the Director, a rider to the formula. The rider, in quadruplicate, will clearly identify the original formula by number, date of approval, name of the product, and by name and number of the plant, will specify the ingredients to be added or eliminated, or the change in process, and will be signed and processed in the same manner as the original formula. Such change in ingredients or process is permissible only after approval of the rider. Riders submitted to obtain a standard export drawback rate for an approved formula will be filed with the assistant regional commissioner as provided in Part 252 of this chapter. A new Form 27–B Supplemental or rider will not be required to cover changes in brand names. Once an approved formula is superseded by a new formula, the original formula shall no longer be used and will be surrendered to the Director.

(72 Stat. 1356; 26 U.S.C. 5201)

27. Section 201.461 is amended to limit its application to bottles filled under the provisions of Subpart N. As amended, § 201.461 reads as follows:

§ 201.461 Strip stamps.

The proprietor shall affix to each bottle of spirits filled on bottling premises under the provisions of this subpart a red strip stamp. Such stamp shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

(72 Stat. 1358; 26 U.S.C. 5205)

28. A new Subpart Na is added, immediately following § 201.470, to prescribe requirements concerning bottling in bond after tax determination. As added, Subpart Na reads as follows:

Subpart Na—Bottling in Bond After Tax Determination

Sec.
201.470a General.
201.470b Withdrawal.
201.470c Handling of spirits.
201.470d Filtering and stabilizing.
201.470e Rinsing of packages.
201.470f Record of use.
201.470g Reduction in proof.
201.470h Bottling.
201.470i Liquor bottle and label requirements.
201.470j Labels to agree with contents of tanks and bottles.
201.470k Filling of bottles.
201.470l Strip stamps.
201.470m Cases.
201.470n Salvaged spirits.
201.470o Domestic use of spirits bottled for export.
201.470p Use of trade name.
201.470q Rebottling, relabeling, or restamping.

Subpart Na—Bottling in Bond After Tax Determination

§ 201.470a General.

A proprietor who is qualified to use facilities on his bottling premises for bottling in bond shall conduct operations relating to such bottling pursuant to the provisions of this subpart. Spirits which have been withdrawn for bottling in bond shall be transferred, dumped, gauged, bottled, stamped, and labeled by the proprietor under the direct supervision of the assigned officer. Spirits to be bottled in bond shall, at the time of withdrawal from bond, meet the aging and packaging requirements prescribed by § 201.321. Spirits may be bottled in bond under the provisions of this subpart only if they have been withdrawn from bonded premises on the same distilled spirits plant as the bottling premises in which they are to be bottled.

(72 Stat. 1353, as amended; 26 U.S.C. 5178)

§ 201.470b Withdrawal.

Proprietors shall make application for withdrawal of spirits for bottling in bond on Form 179 in accordance with the provisions of Subpart L of this part. Spirits which are not specifically withdrawn for bottling in bond may not be so bottled.

(72 Stat. 1363; 26 U.S.C. 5213)

§ 201.470c Handling of spirits.

The proprietor shall inspect containers of spirits at the time of their receipt in accordance with § 201.430. Unless spirits are held under the provisions of § 201.430, spirits to be bottled in bond which are received on bottling premises shall be promptly dumped for bottling. No more spirits shall be received and dumped at any one time than can be bottled expeditiously. If the proprietor intends to bottle as other than bottled in bond, or to package or otherwise remove, any portion of a lot of spirits which are entered on Form 179 for bottling in bond, he shall indicate in his schedule of operations required by § 201.89 that portion of the lot which is to be otherwise bottled, packaged, or removed and shall make appropriate notations on the Form 179, Form 122, and Form 2637, as applicable, which are involved.

§ 201.470d Filtering and stabilizing.

Spirits withdrawn for bottling in bond may be treated as provided in §§ 201.324 and 201.445.

§ 201.470e Rinsing of packages.

All wooden packages containing spirits to be bottled in bond shall be rinsed, and the rinsings disposed of, in accordance with the provisions of § 201.434. The provisions of § 201.436 prohibiting the extraction of spirits from wooden packages applies to packages emptied under this subpart.

§ 201.470f Record of use.

Whenever any spirits intended for bottling in bond are to be dumped or received by pipeline on bottling premises for bottling (or are to be reduced in proof, filtered, or stabilized for such bottling), the proprietor shall prepare Form 122. Each Form 122 shall (a) identify the spirits to be dumped, (b) show the trade name under which the distiller produced and warehoused the spirits, if any, in addition to the real name of the distiller, (c) be prominently marked in the top margin with the words "Spirits to be bottled in bond", and (d) be serially numbered within the same series as Forms 122 covering spirits dumped for other purposes. When the proprietor has completed all entries required on Form 122, he shall submit one copy to the assigned officer and retain the remaining copy for his files.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.470g Reduction in proof.

The proof of spirits to be bottled in bond shall be reduced in accordance with the provisions of § 201.326.

§ 201.470h Bottling.

Spirits may be bottled in bond only from approved bottling tanks. On completion of any filtration, stabilization, and reduction of spirits to be bottled in bond, the proprietor shall determine the quantity and proof of the spirits deposited in each bottling tank and shall prepare Part I of Form 2637. Form 2637 shall be attached to the bottling tank. Where two or more lots of spirits are to be bottled in bond at the same time, or where a lot of spirits to be bottled in bond is to be bottled simultaneously with a lot of spirits to be otherwise bottled, the bottling shall be conducted in such manner as to prevent any mingling of the different lots. Where part of a lot of spirits are to be bottled in bond for export and the proof is further reduced, the proprietor shall determine the quantity and proof of the spirits after further reduction and enter the results of the gauge in the first unused line of Part II of Form 2637. No spirits (including spirits further reduced for export) shall be bottled in bond until the assigned officer has verified the quantity and proof of the spirits and has released the spirits for bottling at the specified proof. Bottling tanks and pipelines shall be so equipped that the flow of spirits through the tanks may be controlled by Government locks. So long as any spirits which are to be bottled in bond remain in a bottling tank, the tank shall be locked with Government locks at all times that the assigned officer is not on the plant premises.

(72 Stat. 1356, 1357; 26 U.S.C. 5201, 5202)

§ 201.470i Liquor bottle and label requirements.

The proprietor shall comply with the provisions of Subpart Pa of this part and § 201.328 respecting the use of liquor bottles. He shall also comply with the provisions of Subpart Pa of this part and §§ 201.329, 201.331, and 201.332 respecting label requirements.

§ 201.470j Labels to agree with contents of tanks and bottles.

Before bottling a lot of spirits in bond, the proprietor shall affix a copy of the (approved or exempted) label he proposes to use for such bottling, which label shall agree with the spirits in the tank, to the Form 2637 to be attached to the tank: *Provided*, That, on application therefor, the Director may approve the entering on Form 2637 of code symbols, identifying the labels to be used, in lieu of affixing the labels. Labels affixed to bottles shall be identical with the label affixed to (or with the label identified by the code symbol entered on) Form 2637 attached to the tank from which the bottles are to be filled. If the assigned officer finds that the label and spirits do not agree in every respect, he shall not permit the spirits to be bottled until the proprietor submits to him a proper label correctly describing the spirits to be bottled, or, if the spirits are labeled with labels which do not agree with the spirits in every respect, he shall cause the proprietor to relabel the spirits with a proper label.

(72 Stat. 1353, as amended, 1374; 26 U.S.C. 5178, 5301)

§ 201.470k Filling of bottles.

Bottles of bottled-in-bond spirits shall be so labeled (a) that the label in use is identical with the label attached to (or with the label identified by the code symbol entered on) Form 2637, and properly describes the spirits, and (b) that the bottled spirits agree in proof with the data on the label; and shall be so filled that the quantity agrees with the data on the label, stamp, or bottle. If the contents do not agree as to quantity (except for such variations in measuring as may occur in filling conducted in compliance with good commercial practice and there is substantially as much overfill as underfill for each lot of spirits bottled) or as to proof (subject to a normal drop in proof occurring during bottling operations, but not to exceed three-tenths of a degree) with the respective data on the label, stamp, or bottle, the assigned officer will withhold release of the bottled spirits and require the proprietor to rebottle, recondition, or relabel the spirits in such manner that the label will correctly described the contents.

(72 Stat. 1353, as amended, 1374; 26 U.S.C. 5178, 5301)

§ 201.470l Strip stamps.

The proprietor shall affix to each bottle of spirits bottled in bond a domestic or export strip stamp, as appropriate. Such stamps shall be procured, overprinted (when required), affixed, and accounted for as provided in Subpart Q of this part.

§ 201.470m Cases.

On completion of bottling, the filled bottles, with labels and strip stamps properly affixed, shall be placed in cases in accordance with the provisions of § 201.462. Where there is less than a case of bottled-in-bond spirits remaining from a lot of spirits bottled, either for domestic use or for exportation, the remnant will be placed in a case and such case shall be marked as a remnant case as provided in Subpart P of this part: *Provided*, That where spirits, of the same kind and proof, produced by the same distiller at the same distillery during the same distilling season as the remnant, are to be bottled on the same or following business day, and are eligible for inclusion in the remnant case, such remnant case may be given the next serial number and filled with such spirits. The bottles contained in any case of bottled-in-bond spirits marked as a remnant case which has not been removed from the plant premises may, when the next lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season is to be bottled, (a) be used for filling a complete case, if of the same proof and otherwise eligible, or (b) be dumped into the bottling tank and mingled with such other spirits for bottling. Where any remnant spirits are handled in a manner prescribed or authorized by the provisions of this section, the pertinent Forms 2637 shall be appropriately marked to show the disposition of the spirits.

(72 Stat. 1356, 1360; 26 U.S.C. 5201, 5206)

§ 201.470n Salvaged spirits.

Spirits to be bottled in bond which are salvaged from the filtering or bottling operation may be added, under the direct supervision of the assigned officer, to a tank on bottling premises containing the same spirits or another lot of spirits of the same kind, produced by the same distiller, at the same distillery during the same distilling season which are also to be bottled in bond. Such spirits may also be mingled with homogeneous spirits or added to heterogeneous spirits in accordance with the provisions of Subpart N of this part. Salvaged spirits shall be reported on the Form 122 covering the lot to which they were added, unless they are returned to the lot from which they were salvaged.

(72 Stat. 1356, 1366; 26 U.S.C. 5201, 5233)

§ 201.470o Domestic use of spirits bottled for export.

Cases (full or remnant) of spirits bottled in bond for export shall not be used for domestic purposes unless the spirits are contained in bottles in the sizes provided in 27 CFR Part 5 which bear the indicia required under Part 173 of this chapter and the spirits are properly relabeled. If the proprietor desires to convert full or remnant cases of spirits bottled in bond for export to domestic use as bottled-in-bond spirits (where eligible), the export strip stamps shall be replaced by domestic bottled-in-bond strip stamps. All rebottling, relabeling, and restamping of such spirits shall be performed in accordance with the provisions of § 201.470q. If the proprietor desires to convert full or remnant cases of spirits bottled in bond for export to domestic use as other than bottled-in-bond spirits, the rebottling, relabeling, and restamping, as applicable, shall be conducted in accordance with the requirements of § 201.466.

(72 Stat. 1356; 26 U.S.C. 5201)

§ 201.470p Use of trade name.

Before a proprietor may bottle or label bottled-in-bond spirits under a trade name, he shall secure approval of such name in the manner prescribed by Subpart F of this part. When any such name is to be used, it shall be entered in the appropriate space on Form 2637.

(72 Stat. 1366; 26 U.S.C. 5233)

§ 201.470q Rebottling, relabeling, or restamping.

(a) *General*. Spirits bottled in bond before determination of tax and spirits bottled in bond after determination of tax may be rebottled, relabeled, or restamped in accordance with the applicable provisions of Subpart K of this part by the proprietor of a bonded warehouse who is qualified for bottling in bond before determination of tax. Such spirits may also be rebottled, relabeled, or restamped in accordance with paragraphs (b), (c), and (d) of this section by the proprietor of bottling premises who is qualified for bottling in bond after determination of tax.

(b) *Application*. Application to rebottle, relabel, or restamp spirits identified in paragraph (a) of this section on bottling premises shall be filed in duplicate, with the assigned officer, and state specifically (1) the reason for the rebottling, relabeling, or restamping, (2) the serial numbers of the cases, (3) the name and plant or registry number of the producing distiller, (4) the season and year of production, (5) the name and plant or registry number of the premises where the spirits were bottled, and (6) the season and year of original bottling. If the spirits were originally bottled by a person other than the applicant, the application shall be accompanied by written authorization from such person consenting to the rebottling or relabeling. No such spirits shall be rebottled, relabeled, or restamped until the assigned officer has approved the application.

(c) *Applicable provisions.* The provisions of § 201.346 relating to supervision of operations and to mingling and expeditious processing of spirits; § 201.349 relating to strip stamps, liquor bottles, and cases (including marking thereof); § 201.350 relating to filtering and stabilizing; and § 201.351 relating to reduction in proof and withdrawal with benefit of drawback of domestic spirits for exportation, shall be applicable to the rebottling, relabeling, or restamping of spirits under the provisions of this section. Where spirits are relabeled, the proprietor shall comply with the provisions of § 201.470j, and Subpart Pa of this part.

(d) *Forms 122 and 2637.* Forms 122 and 2637 shall be prepared in accordance with the provisions of this subpart to cover the rebottling of spirits under this section by the proprietor of bottling premises. Form 2637, appropriately modified, shall be prepared to cover the relabeling or restamping of such spirits by the proprietor of the bottling premises.

29. Section 201.482 is amended to provide for accidental losses of 10 proof gallons or more, and losses of spirits after return to bottling premises. As amended, § 201.482 reads as follows:

§ 201.482 Allowable losses.

Where spirits withdrawn from internal revenue or customs bond on payment or determination of tax for rectification or bottling are lost, the tax imposed on such spirits under section 5001(a)(1), I.R.C., may be abated, remitted, or, without interest, refunded or credited to the proprietor who so withdrew the spirits for removal to his bottling premises, if it is established to the satisfaction of the assistant regional commissioner that:

(a) Such loss occurred (1) by reason of accident while being removed from bond to bottling premises, or (2) by reason of flood, fire, or other disaster before removal from the premises of the distilled spirits plant to which removed from bond, or (3) by reason of accident while on the distilled spirits plant premises and amounts to 10 proof gallons or more in respect of any one accident, or

(b) Such loss occurred before the completion of the bottling and casing or other packaging of the spirits for removal from the bottling premises to which removed from bond by reason of, and was incident to, authorized rectifying, packaging, bottling, or casing operations (including losses by leakage or evaporation occurring during removal from bond to the bottling premises and during storage on bottling premises pending rectification or bottling).

Paragraphs (a)(2), (a)(3), and (b) of this section shall apply to spirits returned to the bottling premises to which withdrawn from bond as provided in § 201.495. Abatement, remission, credit, or refund of tax shall not be made in respect of the losses described in this section to the extent that the claimant is indemnified or recompensed for the tax, and in the case of the losses described under paragraph (b) of this section, abatement, remission, credit, or refund shall not be made in excess of the limitations set forth in this subpart. No allowance is made in section 5008(c), I.R.C., in respect to loss of spirits by theft. Spirits lost by theft in transit to, or while on, bottling premises shall be reflected as losses by theft in the records and reports prepared by the proprietor but shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C. Spirits used up in bona fide analysis and testing on bottling premises shall be considered as lost by reason of, and incident to, authorized operations within the meaning of this section. Spirits removed as samples from the bottling premises before completion of bottling and casing or other packaging of such spirits for removal from the bottling permises shall be reflected as proprietor samples or Government samples in the records and reports prepared by the proprietor, and shall be excluded from the quantities for which claims are filed pursuant to section 5008(c), I.R.C.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

30. Section 201.485 is amended to clarify its provisions as to accidental losses of 10 proof gallons or more. As amended, § 201.485 reads as follows:

§ 201.485 Operating losses.

Losses of spirits by reason of the conditions stated in § 201.482(b) may be computed and claimed by the proprietor and tentatively allowed as provided in §§ 201.488 and 201.489, but shall be adjusted and finally allowed on a fiscal year basis; the proprietor shall promptly report to the assigned officer any such loss which is substantial and unusual in nature. Losses of spirits under this section (except losses incurred in the manufacture of gin and vodka in a closed system which are provided for in § 201.487) shall be allowed in an amount no greater than the excess of losses over gains and not to a greater extent than is set forth below:

If total completions during the fiscal year in proof gallons are—	The maximum allowable loss in proof gallons is—
Not over 24,000	2 percent of completions.
Over 24,000 but not over 120,000	480 proof gallons plus 1 percent of excess over 24,000.
Over 120,000 but not over 600,000	1,440 proof gallons plus 0.6 percent of excess over 120,000.
Over 600,000 but not over 2,400,000	4,320 proof gallons plus 0.3 percent of excess over 600,000.
Over 2,400,000	9,720 proof gallons plus 0.2 percent of excess over 2,400,000.

Accidental losses of less than 10 proof gallons in respect of any one accident, occurring before completion and in the course of authorized rectifying, packaging, bottling, or casing operations, are includable in losses under this section subject to the limitations herein. Accidental losses of 10 proof gallons or more in respect of any one accident if claimed under the provisions of § 201.45(c), shall not be included as operating losses under this section.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.493 [Deleted]

31. Section 201.493 is deleted.

32. Section 201.494 is amended to delete obsolete material and to provide for the gauge of returned spirits. As amended, § 201.494 reads as follows:

§ 201.494 Gauge of spirits.

Where spirits are gauged to determine (a) losses as provided by § 201.484, (b) losses as provided by § 201.485 which occur before dumping, (c) quantities of ineligible spirits dumped for rectification or bottling, (d) quantities entered into or removed from the closed system, as provided in § 201.487, or (e) quantities of returned spirits as provided in § 201.496. such gauge shall be made by the proprietor by weight and proof unless the assistant regional commissioner approves another method of gauging.

(72 Stat. 1358; 26 U.S.C. 5204)

33. An undesignated center heading and new §§ 201.495 and 201.496, are added immediately following § 201.494, to read as follows:

TAXPAID SPIRITS RETURNED TO BOTTLING PREMISES

§ 201.495 Application of loss provisions to returned spirits.

Distilled spirits withdrawn from bond on payment or determination of tax for rectification or bottling which are removed from bottling premises and subsequently returned to the premises from which removed may be dumped and gauged after such return as provided in § 201.496, and subsequent to such gauge shall be eligible for allowance of loss under section 5008(c), I.R.C., as though they had not been removed from such bottling premises.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

§ 201.496 Notice of gauge.

A proprietor desiring to apply the loss provisions to returned spirits as authorized in § 201.495 shall submit a notice, on Form 4738, to the assigned officer, if any; to another internal revenue officer on the premises; or to the assistant regional commissioner. The notice shall specify a date on which the proprietor intends to dump and gauge the returned spirits. Where the notice is given to an assigned officer the dumping and gauging may be done at any time convenient to that officer. Where it is filed with another internal revenue officer or with the assistant regional commissioner, such date shall be not less than 12 days following the date on which the notice is filed: *Provided,* That if it is filed with another internal revenue officer and it is convenient for him to supervise the dumping and gauging of the spirits before he leaves the plant, the spirits may be immediately dumped and gauged. Where the notice is filed with another internal revenue officer and it is not convenient for him to supervise the operations before he leaves the plant, he will forward the notice to the assistant regional commissioner. The proprietor shall furnish such evidence of eligibility of the spirits for loss allowance as may be requested by the assigned officer, another internal revenue officer, or the assistant regional commissioner, as the case may be. If the notice is sent to the assistant regional commissioner and before the date specified, he has not notified the proprietor to the contrary, the proprietor may dump and gauge the returned spirits and enter the gauge on the form.

34. Section 201.502 is amended by adding a reference to Subpart Na for bottling spirits in bond after determination of tax for export and by making related changes. As amended, § 201.502 reads as follows:

§ 201.502 Containers of 1 gallon or less.

The provisions of Subpart K of this part govern the containers to be used in bottling spirits in bond before determination of tax for export under section 5233, I.R.C., and bottling alcohol on bonded premises under section 5235, I.R.C. The provisions of Subpart Na of this part govern the containers to be used in bottling spirits in bond for export in accordance with the conditions and requirements of section 5233, I.R.C., but after determination of tax. The provisions of Subpart Pa of this part govern the containers to be used in bottling spirits in bond for domestic use under, or in accordance with, section 5233, I.R.C. The provisions of Subpart N of this part govern the bottling of spirits, other than spirits bottled in bond, and wines on bottling premises. Denatured spirits may be filled on bonded premises into metal or glass containers of a capacity of 1 gallon or less. Liquor bottles shall not be used for bottling denatured spirits. Spirits in bottles of a capacity of 1 gallon or less, except anhydrous spirits and spirits to be withdrawn from bond free of tax, are deemed to be for nonindustrial use.

(72 Stat. 1315, 1360, 1374; 26 U.S.C. 5002, 5206, 5301)

35. Paragraph (b) of § 201.514 is amended to provide for a separate series of numbers for cases of spirits bottled in bond on bottling premises. As amended, paragraph (b) of § 201.514 reads as follows:

§ 201.514 Numbering of packages and cases.

* * * * *

(b) Cases of spirits bottled in bond on bonded premises, cases of spirits bottled in bond on bottling premises, and cases of spirits otherwise bottled shall be numbered in separate series. The proprietor may establish more than one series of serial numbers for cases on either bonded or bottling premises where more than one bottling unit is used and each series is distinguished from each other by the use of alphabetical prefixes or suffixes. Further, separate series of serial numbers, distinguished from each other by the use of alphabetical prefixes or suffixes, may be established to identify size of bottles, brand names, or other information, on written application (in triplicate) to, and approval of, the assistant regional commissioner. Remnant cases shall be given the serial number of the last full case followed by the letter R.

* * * * *

(72 Stat. 1360; 26 U.S.C. 5206)

36. Paragraph (a) of § 201.527 is amended to add provisions for marking cases of spirits bottled in bond after tax determination, to specify that cases transferred to a customs bonded warehouse shall bear the additional marks required by Part 252, and to make related changes. As amended, paragraph (a) of § 201.527 reads as follows:

§ 201.527 Marks on cases of bottled-in-bond spirits.

(a) *Mandatory marks.* The following information shall be plainly marked at the time of bottling on the Government side of each case of spirits bottled in bond:

(1) Serial number;
(2) The words "Bottled in Bond";
(3) Kind of spirits;
(4) Proof gallons;
(5) Plant number of bottler;
(6) Proof (if bottled in bond for export);
(7) Date filled.

In addition, on the date tax is determined on cases of spirits bottled in bond under the provisions of Subpart K of this part, such cases shall be marked with the words "Tax Determined", followed by the date of tax determination. Cases, at the time of transfer in bond, shall be marked to show such purpose, the date, and the plant number of the consignee, as, for example, "Trans. 8–1–60, DSP–Ky–4." Cases withdrawn for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter. Cases otherwise withdrawn or removed shall be marked to show the purpose and the date of withdrawal.

* * * * *

(72 Stat. 1360, 1366, 84 Stat. 1965; 26 U.S.C. 5206, 5233, 5066)

37. Section 201.528 is amended to exclude cases of spirits bottled in bond after tax determination from its provisions, and to specify that cases transferred to a customs bonded warehouse shall bear the additional marks required by Part 252. As amended, § 201.528 reads as follows:

§ 201.528 Marks on cases filled on bottling premises.

(a) *Mandatory marks.* The following information shall be plainly marked on the Government side of each case of spirits, except cases of spirits bottled in bond under the provisions of Subpart Na of this part, or wine filled on bottling premises:

(1) Serial number;
(2) Kind of wine, or kind of spirits;
(3) Plant number where bottled;
(4) Proof gallons (for spirits and rectified wines);
(5) Wine gallons (for unrectified wines);
(6) Proof (for spirits);
(7) Percent of alcohol by volume (for wines);
(8) Date filled.

Cases removed for export, transfer to customs bonded warehouses or customs manufacturing bonded warehouses, transfer to foreign-trade zones, or for use as supplies on certain vessels and aircraft, shall bear the additional marks required by Part 252 of this chapter.

(b) *Other marks.* In addition to the required marks on cases, other than cases of spirits bottled in bond under the provisions of Subpart Na of this part, filled on bottling premises, the proprietor may include on the Government side of cases marks as follows:

(1) Name or trade name, and location, if desired, of the bottler, and in conjunction therewith the word "Bottler";

(2) For products actually distilled or rectified by the proprietor, his name or trade name, and location, if desired, and in conjunction therewith the words "Distiller" or "Rectifier" as applicable;

(3) For products actually imported and bottled by the proprietor, the words "Imported and Bottled By", followed by his name or trade name, and location if desired;

(4) For products bottled for a dealer, the words "Bottled For", followed by the name of such dealer;

(5) Other material required by Federal or State law and regulations.

The marks authorized by this paragraph shall not interfere with or detract from the mandatory marks prescribed in paragraph (a) of this section. No other marks may be placed on the Government side except as authorized by the Director as provided in § 201.530.

(72 Stat. 1360, 1381, 84 Stat. 1965; 26 U.S.C. 5206, 5363, 5066)

38. Section 201.540b is amended to provide that spirits bottled in bond after tax determination may not be packaged in 4-ounce liquor bottles. As amended, § 201.540b reads as follows:

§ 201.540b Bottles authorized.

Liquor bottles shall conform to the applicable standards of fill provided in Subpart E of 27 CFR Part 5, including those for liquor bottles of less than ½-pint capacity. The use of any bottle size other than as authorized in Subpart E of 27 CFR Part 5 is prohibited for the packaging of distilled spirits for domestic purposes, except that 4-ounce liquor bottles may be used for packaging any distilled spirits, other than spirits bottled in bond after determination of tax, on bottling premises for sale in intrastate commerce only. Bottles bearing the indicia required under Part 173 of this chapter may be used, but need not be used, in bottling spirits for export.

39. Section 201.540m is amended to provide that both spirits bottled in bond before determination of tax and spirits bottled in bond after determination of tax shall have a caution notice affixed thereto. As amended, § 201.540m reads as follows:

§ 201.540m Caution notice, spirits bottled in bond.

Each bottle of spirits bottled in bond under the provisions of Subpart K or Na of this part (except for export) shall have affixed thereto a caution notice (clearly legible) reading as follows:

> This bottle has been filled and stamped under the provisions of sections 5205 and 5233, Internal Revenue Code. Any person who shall reuse the stamp affixed to this bottle or remove the contents of this bottle without so breaking the stamp affixed thereto as to prevent reuse, or who shall sell this bottle, or reuse it for distilled spirits, will be liable to the penalties prescribed by law.

Bottles containing spirits bottled for export may have affixed thereto such caution notice.

(72 Stat. 1366; 26 U.S.C. 5233)

40. Paragraphs (a) and (b) of § 201.541 are amended to provide that bottles of spirits bottled in bond after tax determination shall be stamped with the prescribed bottled-in-bond strip stamp. As amended, paragraphs (a) and (b) of § 201.541 read as follows:

§ 201.541 General.

(a) *Spirits bottled in bond.* Except as provided in paragraph (c) of this section, every bottle of spirits bottled in bond pursuant to the provisions of Subpart K or Na of this part shall, when filled, be stamped by the proprietor with a prescribed bottled-in-bond strip stamp evidencing the bottling of such spirits in bond. The prescribed stamp is serially numbered (except stamps of less than ½ pint denomination), and shows that the spirits were bottled in bond under supervision of the U.S. Government, and, in the case of spirits bottled in bond for domestic use, the quantity of spirits in the container and the proof of the spirits. Green strip stamps are prescribed for spirits bottled in bond for domestic use, and blue for export. Blue export strip stamps, applied to bottles of spirits bottled in bond for export with benefit of drawback, shall be overprinted with the word "DRAWBACK". Where bottled-in-bond spirits, originally intended for domestic use, are to be exported with benefit of drawback, the word "EXPORT" shall be overprinted on the green strip stamp.

(b) *Spirits bottled on bottling premises.* Every bottle or other immediate container of less than five wine gallons of taxpaid spirits, except spirits bottled in bond pursuant to the provisions of Subpart Na of this part, filled on bottling premises for removal therefrom shall, when filled, be stamped by the proprietor with a prescribed red strip stamp, evidencing the determination of tax or indicating compliance with the provisions of chapter 51, I.R.C., and this part. The prescribed stamps shall be issued in a standard size, serially numbered, for bottles or containers of ½-pint capacity or more and in a small size for bottles or containers of less than ½-pint capacity. Where bottled spirits bearing red strip stamps are to be exported with benefit of drawback, the word "EXPORT" shall be overprinted on such stamps.

* * * * *

(72 Stat. 1358, 1369; 26 U.S.C. 5205, 5235)

41. Section 201.547 is amended to provide that bottles of bottled-in-bond spirits may be restamped under the provisions of Subpart K or Na or § 201.532 and to make related changes. As amended, § 201.547 reads as follows:

§ 201.547 Restamping of spirits.

Bottles of alcohol filled on bonded premises may be restamped under the provisions of Subpart K of this part. Bottles of bottled-in-bond spirits may be restamped under the provisions of Subpart K or Na of this part. Bottles or other containers to which red strip stamps have been affixed may be restamped under the provisions of Subpart N of this part. Bottles of alcohol and bottled-in-bond spirits, and bottles or other containers to which red strip stamps have been affixed, may also be restamped under the provisions of § 201.532. Replacement of mutilated or missing stamps by persons other than proprietors of plants shall be made in accordance with the provisions of Part 194 of this chapter.

(72 Stat. 1358, 1366; 26 U.S.C. 5205, 5233)

42. Paragraph (b) of § 201.561 is amended to delete material no longer applicable and to add provisions for returned spirits and for refund or credit of rectification taxes. As amended, paragraph (b) reads as follows:

§ 201.561 General.

* * * * *

(b) By the proprietor who withdrew the spirits on payment or determination of tax for rectification or bottling, if the spirits are destroyed after they were withdrawn from bond and before they were removed from, or after return to, the bottling premises of such proprietor. A corporation and any of its affiliated or subsidiary corporations who conduct successive operations at the same bottling premises may qualify, as provided in § 201.490, to be treated as one proprietor for the purposes of this subpart. This paragraph applies to the distilled spirits tax imposed under section 5001(a)(1), I.R.C., and, as applicable, the rectification tax imposed under sections 5021, 5022, and 5023, I.R.C. This paragraph applies only in respect of such taxes on the quantity actually destroyed.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

43. Section 201.562 is amended to require supporting documents to be attached to Form 1577. As amended, § 201.562 reads as follows:

§ 201.562 Application, Form 1577.

Application for destruction of spirits (including denatured spirits) shall be filed by the proprietor of a plant on Form 1577 with the assigned officer or, if none is regularly assigned, the assistant regional commissioner. The proprietor shall furnish such supporting documents as the approving officer may request. If the proprietor desires to destroy spirits at some place other than on bonded or bottling premises, as the case may be, the approving officer may require that the spirits be moved to a more convenient location. The quantity of spirits to be destroyed shall be gauged by the proprietor under the supervision of the assigned officer and the result of gauge shall be entered on Form 1577 by the proprietor. The assigned officer shall also supervise the destruction of the spirits and certify to the gauge and destruction on Form 1577; denatured spirits may, at the discretion of the approving officer, be destroyed without supervision.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

44. Section 201.563 is amended to clarify the provisions as to refund or credit of the rectification tax. As amended, § 201.563 reads as follows:

§ 201.563 Claims.

Claims for refund or credit of tax on spirits voluntarily destroyed under this subpart shall be filed pursuant to the provisions of Subpart C of this part. Where such spirits contain alcoholic ingredients which were not withdraw by the proprietor from bonded premises on tax determination, or spirits so withdrawn which are ineligible for allowance under section 5008, I.R.C., the tax on such ingredients and ineligible spirits is not allowable; however, this does not preclude, where applicable, refund or credit of the rectification tax imposed under chapter 51, I.R.C., on the entire quantity destroyed. The quantity of all spirits and alcoholic ingredients subject to the operational loss provisions of this part and which are destroyed shall be reported on Form 2611. All claims under this subpart must be filed within 6 months from the date of destruction.

(72 Stat. 1323, as amended; 26 U.S.C. 5008)

45. Section 201.581 is amended to conform to changes in law and for clarification. As amended, § 201.581 reads as follows:

§ 201.581 Return of taxpaid spirits to bonded premises.

Subject to the provisions of this subpart, spirits withdrawn from bonded premises on payment or determination of tax (other than products to which any alcoholic ingredients other than such spirits have been added) may be returned to the bonded premises of a distilled spirits plant. The returned spirits shall be:

(a) Destroyed in accordance with § 201.562;

(b) Denatured;

(c) Redistilled; or

(d) Mingled as follows:

(1) If 190° or more of proof, with other spirits of 190° or more of proof;

(2) If eligible for denaturation, with other spirits to be immediately denatured;

(3) If eligible to be removed from bond for an authorized tax-free purpose, with other spirits eligible to be immediately so removed;

(4) If eligible to be redistilled at the same or at another plant, with other spirits for immediate redistillation; or

(5) With heterogeneous spirits under the provisions of § 201.298.

Prior to disposition as provided in paragraphs (a) through (d) of this section, such returned spirits may be accumulated for short periods of time (but not longer than 6 months) so that the destruction, denaturation, redistillation, or mingling may be accomplished in quantities sufficiently large to make the operations economically worthwhile. Spirits so accumulated shall be kept separate and apart from other spirits and shall be appropriately identified. All provisions of Chapter 51, I.R.C., and this part, applicable to spirits in internal revenue bond shall be applicable to spirits returned to bonded premises under this section on such return. The provisions of this subpart do not apply to taxpaid spirits returned to the bottling-in-bond facility for rebottling, relabeling, or restamping under the provisions of Subpart K of this part.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

§ 201.582 Application for return of taxpaid spirits.

Application shall be prepared on Form 2612 by the proprietor of the bonded premises and submitted to the assigned officer, or if none is regularly assigned, the assistant regional commissioner, for approval of the return of spirits under the provisions of § 201.581. The proprietor shall furnish such evidence of eligibility of the spirits for return to bond as may be requested by the assigned officer or the assistant regional commissioner, as the case may be. On receipt of the approved application, the proprietor shall make arrangements for the shipment of the spirits to his bonded premises.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

46. Section 201.583 is amended to require supporting forms to be forwarded with Form 2612 rather than the related claim. As amended, § 201.583 reads as follows:

§ 201.583 Receipt of returned taxpaid spirits.

On receipt of taxpaid spirits eligible for return to bonded premises, the proprietor shall gauge the spirits in the presence of the assigned officer. The proprietor shall execute his receipt for the spirits and report of gauge on all copies of the approved Form 2612 and deliver all the copies to the assigned officer who shall, on execution on the form of his verification of the receipt and gauge of the spirits, return one copy to the proprietor. The assigned officer shall forward the original of Form 2612 to the assistant regional commissioner, and shall retain one copy for his files. The proprietor shall retain one copy of Form 2612 for his files. When containers of such spirits are emptied, the proprietor shall comply with the applicable provisions of § 201.531.

(72 Stat. 1364, as amended; 26 U.S.C. 5215)

47. Section 201.586 is amended to include reference to a customs bonded warehouse. As amended, § 201.586 reads as follows:

§ 201.586 Return of spirits withdrawn without payment of tax.

Spirits lawfully withdrawn without payment of tax under the provisions of Part 252 of this chapter for exportation, or for deposit in a customs bonded warehouse or a customs manufacturing bonded warehouse, or for deposit in a foreign-trade zone, or for use on vessels and aircraft, and not so exported, deposited, or used (or laden for use) on a vessel or aircraft, may be returned, under the applicable provisions of this part and Part 252 of this chapter, (a) to the bonded premises of any plant authorized to produce distilled spirits, for redistillation, or (b) to the bonded premises from which withdrawn, for storage pending subsequent removal for a lawful purpose. Wine spirits withdrawn pursuant to § 201.387 for use in wine production, and not so used, may be returned to the bonded premises of a plant; the consignee proprietor shall obtain approval, as provided in § 201.366, and the wine spirits shall be removed from the winery in accordance with the provisions of Part 240 of this chapter.

(72 Stat. 1382, 1365, 1382, 84 Stat. 1965; 26 U.S.C. 5214, 5223, 5373, 5066)

48. In § 201.623, paragraphs (k) and (l) and the text immediately following paragraph (l) are amended to read as follows:

§ 201.623 Daily bottling premises records.

* * * * *

(k) The voluntary destruction of spirits, showing separately (1) spirits destroyed before completion (including spirits returned to the bottling premises and dumped for reprocessing or rebottling), and (2) spirits destroyed after completion (including spirits returned to the bottling premises and not dumped for reprocessing or rebottling).

(l) The losses which occur (1) by reason of accident while being removed from bond to bottling premises (where such losses occur, the actual quantity of spirits received shall be reported in the record required by paragraph (a) of this section), (2) by reason of accident while on the bottling premises and that amount to 10 proof gallons or more in respect of any one accident, (3) by theft, or (4) by reason of flood, fire, or other disaster.

The records required by paragraph (e) of this section shall show separately spirits bottled in bond after tax determination and spirits otherwise bottled. The records required by paragraph (a) of this section shall also show the name and plant number of the producer or rectifier (bonded warehouseman in the case of blended beverage rums or brandies or spirits of 190° or more of proof received from storage facilities) for domestic spirits, the name of the importer and the country of origin for imported spirits, and the name and address of the producer of wines and alcoholic flavoring materials. In addition to the above requirements separate records shall be maintained for spirits entered into the closed system (under the provisions of § 201.487) for the production of gin or vodka and the spirits removed therefrom; alcoholic flavoring materials which, under § 201.424, must be procured direct from the manufacturer and covered by an affidavit from him, shall be distinguished in the records from other alcoholic flavoring materials; and spirits stamped and marked, or restamped and marked (if in cases) or marked (if in packages) for exportation with benefit of drawback, shall be appropriately identified in the records. Where proprietors' copies of prescribed transaction forms reflect details of the transactions required by this section, such copies may constitute the records of such details required under this section.

(72 Stat. 1381; 26 U.S.C. 5207)

PAR. B. 26 CFR Part 252 is amended as follows:

1. Section 252.1 is amended to include the withdrawal of distilled spirits to a customs bonded warehouse. As amended, § 252.1 reads as follows:

§ 252.1 General.

The regulations in this part relate to exportation, lading for use on vessels and aircraft, and the transfer to a foreign-trade zone or a manufacturing bonded warehouse, class 6, of distilled spirits (including specially denatured spirits), beer, and wine, and in the case of distilled spirits only, transfer to a customs bonded warehouse as provided for in section 5066, I.R.C., whether without payment of tax, free of tax, or with benefit of drawback, and includes requirements with respect to removal, shipment, lading, deposit, evidence of exportation, losses, claims, and bonds.

2. In § 252.11, the definition of "Assistant regional commissioner" is updated and a definition of "Customs bonded warehouse" is added, in alphabetical order. The new and amended definitions in § 252.11 read as follows:

§ 252.11 Meaning of terms.

* * * * *

Assistant regional commissioner. An assistant regional commissioner (alcohol, tobacco, and firearms) who is responsible to, and functions under the direction and supervision of, a regional commissioner.

* * * * *

Customs bonded warehouse. A customs bonded warehouse, class 2, 3, or 8, established under the provisions of Customs Regulations (19 CFR Ch. I).

* * * * *

3. Section 252.25 is amended to include withdrawals of distilled spirits for transfer to a customs bonded warehouse. As amended, § 252.25 reads as follows:

§ 252.25 General.

Any manufacturer who manufactures the products designated in section 5522, I.R.C., at a duly constituted manufacturing bonded warehouse, established in accordance with law and the regulations in 19 CFR Chapter I, may withdraw distilled spirits or wines from any distilled spirits plant or bonded wine cellar, as the case may be, without payment of tax, for use in the manufacture of such products for export, or for rectification and export, or shipment in bond to Puerto Rico, or, in the case of distilled spirits, for transfer to a customs bonded warehouse, as provided for in section 5066, I.R.C. The proprietor of the manufacturing bonded warehouse shall furnish bond in accordance with the provisions of §§ 252.63 and 252.64.

(46 Stat. 691, as amended, 72 Stat. 1362, 1380, 1392, 1393, 1394, 84 Stat. 1965; 19 U.S.C. 1311, 26 U.S.C. 5214, 5362, 5521, 5522, 5523, 5066)

4. Immediately following § 252.25, an undesignated center head and two new sections, §§ 252.26 and 252.27, are added to read as follows:

CUSTOMS BONDED WAREHOUSES

§ 252.26 Entry into customs bonded warehouses.

(a) *Distilled spirits bottled in bond for export.* Distilled spirits bottled in bond for export may, subject to this part, be withdrawn from bonded premises for transfer to customs bonded warehouses in which imported distilled spirits are permitted to be stored in bond for entry pending withdrawal as provided in § 252.27. Withdrawals from bonded premises under the provisions of this paragraph shall be treated as withdrawals for exportation under the provisions of section 5214(a)(4), I.R.C.

(b) *Bottled distilled spirits eligible for export with benefit of drawback.* Bottled distilled spirits stamped or restamped, and marked, especially for export with benefit of drawback may, subject to this part, be transferred to customs bonded warehouses in which imported distilled spirits are permitted to be stored, and entered pending withdrawal as provided in § 252.27, as if such spirits were for exportation.

(c) *Time deemed exported.* For the purpose of this part, distilled spirits entered into a customs bonded warehouse as provided in this section shall be deemed exported at the time so entered.

(84 Stat. 1965; 26 U.S.C. 5066)

§ 252.27 Withdrawal from customs bonded warehouses.

Distilled spirits entered into customs bonded warehouses as provided in § 252.26 may, under the appropriate provisions of 19 CFR Chapter I, be withdrawn from such warehouses for consumption in the United States by and for the official or family use of such foreign governments, organizations and individuals who are entitled to withdraw imported distilled spirits from such warehouses free of tax. Distilled spirits transferred to customs bonded warehouses as provided in § 252.26 shall be entered, stored, and accounted for in such warehouses under the appropriate provisions of 19 CFR Chapter I.

(84 Stat. 1965; 26 U.S.C. 5066)

5. Section 252.42 is amended to include evidence of the deposit of distilled spirits in a customs bonded warehouse. As amended, § 252.42 reads as follows:

§ 252.42 Evidence of deposit.

The deposit of distilled spirits in a customs bonded warehouse or distilled spirits and wines in a foreign-trade zone with benefit of drawback may be evidenced by a copy of the transportation bill of lading obtained under the provisions of § 252.250.

(48 Stat. 999, as amended, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5066)

6. In § 252.58, paragraph (a) is amended to provide for the filing of a new bond, Form 2601, or a consent of surety, to cover removals to customs bonded warehouses and the statutory citation at the end of § 252.58 is amended. As amended, paragraph (a) of § 252.58 and the statutory citation read as follows:

§ 252.58 Bond, Form 2601.

(a) *Spirits.* Where spirits are withdrawn without payment of tax, as authorized in § 252.91, from the bonded premises of a distilled spirits plant on application of the proprietor thereof, the bond, Form 2601, given by the proprietor and approved under the provisions of Part 201 of this chapter, shall cover such withdrawals: *Provided,* That where a proprietor desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.91(e) and the terms of his bond on Form 2601, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2601.

* * * * *

(72 Stat. 1349, 1352, 1362, 84 Stat. 1965; 26 U.S.C. 5173, 5175, 5214, 5066)

7. Section 252.61 is amended to include a reference to § 252.91(e). As amended, § 252.61 reads as follows:

§ 252.61 Bond, Form 2734.

If a specific lot of distilled spirits or wines is to be withdrawn without payment of tax, as authorized in § 252.91 (a), (b), (c), or (e), or § 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a specific bond on Form 2734 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The penal sum of such bond shall be not less than the tax prescribed by law on the quantity of spirits or wines to be withdrawn: *Provided,* That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000.

(72 Stat. 1352, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5175, 5214, 5362, 5066)

8. Paragraph (a) of § 252.62, and § 252.65, are amended to provide for the filing of a new bond, or a consent of surety, to cover removals to customs bonded warehouses and the statutory citations at the end of § 252.62 and at the end of § 252.65 are amended. As amended, paragraph (a) of § 252.62, and § 252.65, and the statutory citations at the end of §§ 252.62 and 252.65, read as follows:

§ 252.62 Bond, Form 2735.

(a) *General.* If distilled spirits and/or wines are to be withdrawn from time to time without payment of tax, as authorized in §§ 252.91 (a), (b), (c), or (e), and 252.121 (a), (b), or (c), by a person other than the proprietor of the bonded premises, a continuing bond on Form 2735 shall be filed by the exporter with the assistant regional commissioner as provided in § 252.51. The bond shall be executed in a penal sum sufficient to cover the tax at the rates prescribed by law on the maximum quantity of distilled spirits and wines that may remain unaccounted for at any one time: *Provided,* That the maximum penal sum of such bond shall not exceed $200,000, but in no case shall the penal sum be less than $1,000: *Provided further,* That where the exporter desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.91(e) and the terms of his bond on Form 2735, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2735. Distilled spirits and wines withdrawn for exportation, use on vessels or aircraft, or transfer to a foreign-trade zone, or distilled spirits withdrawn for transfer to a customs bonded warehouse, shall remain unaccounted for until the evidence of exportation, use, transfer, or loss in transit, as required by this part, has been filed with the assistant regional commissioner. The exporter shall, at the time of executing Form 2735, designate the premises from which the withdrawals are to be made, provided that, as to any one bond on Form 2735, such premises shall be located in the same internal revenue region.

* * * * *

(72 Stat. 1352, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5175, 5214, 5362, 5066)

§ 252.65 Bond, Form 2738.

Whenever, under the provisions of this part, the claimant desires drawback of tax on distilled spirits or wines to be exported, laden for use on vessels or aircraft, or transferred to and deposited in a foreign-trade zone, or, in the case of distilled spirits, transferred to a customs bonded warehouse, as authorized in §§ 252.171, 252.201, and 252.211, prior to the receipt by the assistant regional commissioner of the certified copy of Form 1582, 1629, or 1582–A, as the case may be, as prescribed by this part, he shall file bond on Form 2738 with the assistant regional commissioner as provided in § 252.51. The penal sum of the bond shall be sufficient to cover the amount of drawback which will at any time constitute a charge against the bond: *Provided,* That the maximum penal sum shall not exceed $200,000, but in no case shall the penal sum be less than $1,000: *Provided further,* That where the claimant desires to remove distilled spirits to a customs bonded warehouse as provided in § 252.1[illegible](d) and the terms of his bond on Form 2738, then in force, do not cover such removals, he shall either file a consent of surety on Form 1533 to extend the terms of such bond to cover such removals or file a new bond on Form 2738.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

9. Section 252.91 is amended by adding thereto a new paragraph (e). As amended, § 252.91 reads as follows:

§ 252.91 General.

Distilled spirits on which the internal revenue tax has not been paid or determined may, subject to this part, be withdrawn from the bonded premises of a distilled spirits plant without payment of tax for:

(a) Exportation;

(b) Use on the vessels or aircraft described in § 252.21;

(c) Transfer to and deposit in a foreign-trade zone for exportation or for storage pending exportation;

(d) Transportation to and deposit in a manufacturing bonded warehouse; or

(e) Transfer to and deposit in a customs bonded warehouse as provided for in § 252.26.

All such withdrawals shall be made under the applicable bond prescribed in Subpart D of this part.

(48 Stat. 999, as amended, 72 Stat. 1362, 1393, 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5214, 5522, 5066)

10. Paragraph (a) of § 252.92 is amended to provide for the use of Form 206 as an application to withdraw distilled spirits without payment of tax for transfer to a customs bonded warehouse, and the citation following the section is amended. As amended, paragraph (a) of § 252.92 and the citation read as follows:

§ 252.92 Application, Form 206.

(a) *Export, use on vessels and aircraft, and transfer to a foreign-trade zone or a customs bonded warehouse.* Application for the withdrawal of distilled spirits without payment of tax for exportation from the United States, or for use on vessels and aircraft, or for transfer to a customs bonded warehouse or a foreign-trade zone, shall be made by the exporter on Form 206, in quadruplicate, except that where the shipment is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Where the exporter is not the proprietor of the bonded premises of the distilled spirits plant from which the spirits are to be withdrawn, he shall forward all copies of the form to such proprietor, except that where the withdrawals are being made under the limitations set forth in § 252.62(b), all copies of Form 206 shall be submitted to the internal revenue officer at the designated distilled spirits plant as provided in that section.

* * * * *

(72 Stat. 1362, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5522, 5066)

11. Section 252.93 is amended to provide for the name of the carrier or carriers on the application for withdrawals from the bonded premises of a distilled spirits plant to a customs bonded warehouse. As amended, § 252.93 reads as follows:

§ 252.93 Carrier to be designated.

The name of the carrier or carriers to be used in transporting the distilled spirits from the bonded premises of the distilled spirits plant to the port of export, or to the customs bonded warehouse, or to the manufacturing bonded warehouse, or to the foreign-trade zone, as the case may be, shall be shown in the application. If the spirits are shipped on a through bill of lading and all carriers handling the spirits while in transit are not known, the name of the carrier to whom the distilled spirits are to be delivered at the shipping premises shall be shown.

(72 Stat. 1362, 1393, 84 Stat. 1965; 26 U.S.C. 5214, 5522, 5066)

12. Paragraph (d) of § 252.103 is amended by adding an "or" at the end thereof; a new paragraph (e) is added to specify the additional marks and brands to be placed on cases of distilled spirits withdrawn without payment of tax for deposit in a customs bonded warehouse; and the citation following the section is amended. As amended and added, paragraphs (d) and (e) of § 252.103, and the citation read as follows:

§ 252.103 Marks and brands.

* * * * *

(d) Where the spirits are to be withdrawn for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone; or

(e) "Deposit in C.B.W." followed by the address (city or town and State) of the customs bonded warehouse—where the spirits are to be withdrawn for deposit in a customs bonded warehouse as provided for by § 252.26.

* * * * *

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1362, 1393, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5214, 5522, 5066)

13. Section 252.110 is amended to extend the provisions for losses in transit to distilled spirits withdrawn from bonded premises without payment of tax and transported to a customs bonded warehouse. As amended, § 252.110 reads as follows:

§ 252.110 Losses.

Where there has been a loss of distilled spirits while in transit from the bonded premises of a distilled spirits plant to a port of export, a customs bonded warehouse, a manufacturing bonded warehouse, a vessel or aircraft, or a foreign-trade zone, the provisions of Subpart O of this part, with respect to losses of spirits after withdrawal without payment of tax and to claims for remission of the tax thereon, shall be applicable.

(72 Stat. 1323, as amended, 84 Stat. 1965; 26 U.S.C. 5008, 5066)

14. Section 252.115 is amended to provide for the return to bonded premises of spirits withdrawn without payment of tax for deposit in a customs bonded warehouse. As amended, § 252.115 reads as follows:

§ 252.115 General.

On application of the proprietor of a distilled spirits plant, spirits which have been lawfully withdrawn without payment of tax under the provisions of this subpart for exportation, or for deposit in a foreign-trade zone, a manufacturing bonded warehouse, or a customs bonded warehouse, or for use on vessels and aircraft may, for good cause, be returned:

(a) To the bonded premises of any distilled spirits plant authorized to produce distilled spirits, for redistillation; or

(b) To the bonded premises from which withdrawn, for storage pending subsequent removal for lawful purposes: *Provided,* That such spirits are returned before they are exported, deposited in a foreign-trade zone, a manufacturing bonded warehouse, or a customs bonded warehouse, or laden as supplies upon or used on vessels or aircraft, as the case may be.

(72 Stat. 1362, 1365, 84 Stat. 1965; 26 U.S.C. 5214, 5223, 5066)

15. Paragraph (c) of § 252.171 is amended by adding an "or" at the end thereof; a new paragraph (d) is added to provide for the withdrawal of distilled spirits to a customs bonded warehouse; and the citation following the section is amended. As amended and added, paragraphs (c) and (d) of § 252.171, and the citation read as follows:

§ 252.171 General.

* * * * *

(c) Transferred to and deposited in a foreign-trade zone for exportation or for storage pending exportation; or

(d) Transferred to and deposited in a customs bonded warehouse as provided for in § 252.26.

* * * * *

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

16. An undesignated center head and a new section, § 252.173, are added immediately following § 252.171, to read as follows:

STANDARD EXPORT DRAWBACK RATES

§ 252.173 General.

Products which derive all of their alcoholic content from fully taxpaid spirits, such as unrectified spirits and gin and vodka produced exempt from rectification tax, are considered, without further action by the bottler or packager, to be subject to a standard drawback rate. In the case of rectified products, other than gin and vodka produced exempt from the rectification tax, rectifiers may submit to the Director, Alcohol, Tobacco and Firearms Division, formulas on Form 27–B Supplemental prepared as provided in Part 201 of this chapter and which (a) are precise as to the quantity or percentage of the ingredients to be used, including the alcoholic content of the ingredients, and (b) permit no variation except in the proof of the finished product due to increases or decreases in the quantity or percentage of water or other non-alcoholic ingredients used. Each such formula submitted shall include the following statement immediately above the signature of the rectifier:

> For the purpose of having a standard export drawback rate established, I agree to adhere strictly to the formula set forth above and to accept the rate of drawback established for this product.

Rectifiers may also submit formulas on Forms 27–B Supplemental for products in which the quantities, proof, and alcoholic content of spirits, wines, and alcoholic flavoring materials vary between specified limits in arriving at the specific proof. The drawback rate will be computed on the basis of the maximum quantity and highest alcoholic content of wine and alcoholic flavoring material permissible under the formula, even though such wine and flavoring material were used in the minimum quantity and/or the lowest alcoholic content. Each such formula submitted shall include the following statement immediately above the signature of the rectifier:

> For the purpose of having a standard export drawback rate established, I agree to accept the rate of drawback established, based on the largest quantity and the highest alcoholic content of wine and alcoholic flavoring material that might be used in any product produced under this formula.

Returned bottled goods and dregs and remnants produced under a formula on which a standard drawback rate has been established may be added to a batch of the identical formula, provided that the approved formula specifies that returned bottled goods and dregs and remnants may be added and that such returned bottled goods and dregs and remnants can be identified as having been produced under the identical formula. On all formulas containing alcoholic flavoring materials the rectifier shall state whether nonbeverage drawback has been or will be claimed on the alcoholic flavoring material to be used. In the case of existing approved formulas which meet the above criteria, the rectifier may, in lieu of submitting a new formula, file with his Assistant Regional Commissioner, Alcohol, Tobacco and Firearms, a signed rider, in quadruplicate, identifying the formula, and any previously approved riders, and containing the statement, as applicable, that he agrees to accept the rate of drawback established. Such riders shall pertain solely to the establishment of a standard drawback rate and shall not make any change in the existing formula.

17. Section 252.190 is amended to provide for the use of Form 1582 as a notice of shipment of distilled spirits to a customs bonded warehouse. As amended, § 252.190 reads as follows:

§ 252.190 Notice, Form 1582.

Notice of shipment of distilled spirits for export, for use as supplies on vessels or aircraft, for deposit in a foreign-trade zone, or for deposit in a customs bonded warehouse, shall be prepared by the exporter on Form 1582, in quadruplicate: *Provided,* That where the withdrawal is for use on aircraft, an extra copy, marked "Consignee's Copy", shall be prepared. Each Form 1582 shall be given, by the exporter, a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat., 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

18. Section 252.193 is amended to specify the additional marks and brands to be placed on cases of distilled spirits withdrawn with benefit of drawback for deposit in a customs bonded warehouse. As amended, § 252.193 reads as follows:

§ 252.193 Export marks.

In addition to the marks and brands required to be placed on packages and cases at the time they are filled under the provisions of Part 201 of this chapter, the exporter shall place additional marks, as herein specified, on each such container before removal for export, for use on vessels or aircraft, or for transfer to a foreign-trade zone or a customs bonded warehouse:

(a) "Export—Drawback Claimed"—Where the spirits are to be removed for export from the United States; or

(b) "Use on Vessels (or Aircraft)—Drawback Claimed"—Where the spirits are to be removed for use on vessels or aircraft; and

(c) Where the spirits are removed for deposit in a foreign-trade zone, in addition to and immediately following the markings prescribed in paragraph (a) of this section, the words "via F.T.Z. No." followed by the number of the zone; or

(d) "Deposit in C.B.W.—Drawback Claimed" followed by the address (city or town and State) of the customs bonded warehouse—where the spirits are removed for deposit in a customs bonded warehouse as provided for by § 252.26.

All such markings shall be placed on the containers in the same manner and in the same area as is prescribed in Part 201 of this chapter for the affixing of the original marks.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat 1336, as amended, 84 Stat. 1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

19. Section 252.195a is amended to provide that where a standard export drawback rate has been established, the bottler or packager shall show the formula number and date of approval in Part II of Form 1582; and further provide that the assistant regional commissioner may waive the filing of certain supporting forms with a claim for drawback. As amended, § 252.195a reads as follows:

§ 252.195a Claim.

The bottler or packager of the spirits shall compute the drawback rate, unless the assistant regional commissioner has, under the provisions of § 252.173, established a standard drawback rate, and shall complete Parts II and III on both copies of Form 1582. If a standard drawback rate has been established for a rectified product other than gin and vodka produced exempt from rectification tax, the date of approval of the formula and the number shall be shown in any available space in Part II of Form 1582. The bottler or packager shall file one copy as the claim for drawback of tax with the assistant regional commissioner for the region in which the claimant's premises are located, and retain one copy for his files. Each claim on Form 1582 shall be supported, as applicable, by a copy of each related Form 122, Form 2630, and Form 2637 covering the dumping and bottling or packaging of the spirits; and in the case of spirits bottled in bond on bonded premises, a copy of each Form 179 covering the taxpayment. If substitute records are maintained as provided in § 201.432(d) of this chapter, the claimant shall prepare from such record, and submit with the claim, a batch record on Form 122 and shall certify that the transcript accurately reflects the original record. Upon application, and a finding by the assistant regional commissioner that dumping, bottling, or packaging records are not essential, he may waive the requirement for the filing of supporting forms with each claim for drawback except the requirement for filing Form 179 covering taxpayment of spirits bottled in bond on bonded premises: *Provided,* That in the case of any such waiver, the claimant shall insert in Part II the formula number, if any, or a statement that the alcoholic content of the product is derived solely from fully taxpaid spirits. In lieu of a waiver of the filing of supporting forms, the assistant regional commissioner may approve an

alternate method of furnishing information. The authorization shall provide that the authority may be withdrawn if, in the opinion of the assistant regional commissioner, there is a need for the supporting forms.

(46 Stat. 690, as amended, 46 Stat. 999, as amended, 72 Stat. 1336, as amended; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062)

20. Section 252.196 is amended to include transfers to a customs bonded warehouse. As amended, § 252.196 reads as follows:

§ 252.196 Consignment, shipment, and delivery.

The consignment, shipment, and delivery of distilled spirits removed under this subpart for export, use on vessels or aircraft, transfer to a customs bonded warehouse, or transfer to a foreign-trade zone, shall be in accordance with the applicable provisions of Subpart M of this part.

(72 Stat. 1336, 84 Stat. 1965; 26 U.S.C. 5062, 5068)

21. A new § 252.244a is added, immediately following § 252.244, to read as follows:

§ 252.244a Shipment to customs bonded warehouse.

Distilled spirits withdrawn for shipment to a customs bonded warehouse shall be consigned in care of the customs officer in charge of the warehouse.

(84 Stat. 1965; 26 U.S.C. 5066)

22. Section 252.250 is amended by changing the text preceding paragraph (a) to require submission of a transportation bill of lading in the case of shipment of distilled spirits to a customs bonded warehouse; and by amending the citation. As amended, such text of § 252.250 and the citation read as follows:

§ 252.250 Bills of lading required.

A copy of the export bill of lading covering transportation from the port of export to the foreign destination, or a copy of the through bill of lading to the foreign destination, if so shipped, covering the acceptance of the shipment by a carrier for such transportation, shall be obtained and filed by the claimant or exporter with the assistant regional commissioner with whom the application, notice, or notice and claim is filed. Where the shipment consists of distilled spirits for deposit in a customs bonded warehouse, or distilled spirits or wines, for deposit in a foreign-trade zone, with benefit of drawback, and the principal has filed bond, Form 2738, a copy of the transportation bill of lading covering the shipment shall be obtained and filed by the claimant or exporter with the assistant regional commissioner with whom the notice and claim is filed: *Provided,* That such transportation bill of lading will not be required when delivery is made directly to the foreign-trade zone or the customs bonded warehouse by the shipper. Bills of lading shall be signed by the carrier or by an agent of the carrier and shall contain the following minimum information:

* * * * *

(72 Stat. 1334, 1335, 1336, as amended, 1362, 1380, 84 Stat. 1965; 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5066)

23. Section 252.265 is amended to include detention of distilled spirits transferred to a customs bonded warehouse where a customs inspection discloses evidence of fraud. As amended, § 252.265 reads as follows:

§ 252.265 Evidence of fraud.

If the customs inspection discloses evidence of fraud, the customs officer shall detain the merchandise and notify the director of customs who shall report the facts forthwith to the assistant regional commissioner within whose region the port of export is located. The assistant regional commissioner shall make investigation and take such action as the facts may warrant. Where the detained merchandise has been withdrawn for transfer and deposit in a manufacturing bonded warehouse, the merchandise shall be deemed not to have been deposited in said warehouse, and the designated officer shall hold in abeyance the processing of Form 206 until advised by the director of customs that the detained merchandise may be entered for deposit. Where the detained merchandise has been withdrawn or entered for deposit in a foreign-trade zone or a customs bonded warehouse, it shall be deemed to not have been deposited in the zone or the warehouse and the customs officer shall hold in abeyance the processing of the application, notice, or claim, Form 206, 1582, 1582–A, 1582–B, or 1689, as the case may be, and Zone Form D, until advised by the director of customs that the detained merchandise may be entered for deposit.

(48 Stat. 999, as amended, 72 Stat. 1334, 1335, 1336, 1362, 1380. 1393 84 Stat. 1965; 19 U.S.C. 81c, 26 U.S.C. 5053, 5055, 5062, 5214, 5362, 5522, 5066)

24. An undesignated center head and new § 252.286 are added, immediately following § 252.285, to read as follows:

RECEIPT IN CUSTOMS BONDED WAREHOUSE

§ 252.286 Receipt in customs bonded warehouse.

On receipt of the distilled spirits and the related Form 206 or 1582, as the case may be, the customs officer in charge of the customs bonded warehouse shall make such inspection as is necessary to establish to his satisfaction that the shipment corresponds with the description thereof on the appropriate form. The customs officer shall note on each copy of the Form 206 or 1582, as the case may be, any deficiency in quantity or discrepancy between the merchandise inspected and that described on the form. Where the inspection discloses no loss, or where a loss is disclosed and there is no evidence to indicate fraud, the officer shall execute his certificate of deposit on both copies of the form, forward the original to the assistant regional commissioner, and retain the remaining copy for his files.

(84 Stat. 1965; 26 U.S.C. 5066)

25. Section 252.301 is amended to extend the provisions for losses in transit to distilled spirits withdrawn from bonded premises without payment of tax and transported to a customs bonded warehouse. As amended, § 252.301 reads as follows:

§ 252.301 Loss of distilled spirits in transit.

The tax on distilled spirits withdrawn without payment of tax under this part and which are lost during transportation from the bonded premises of the distilled spirits plant from which withdrawn to (a) the port of export, (b) the manufacturing bonded warehouse, (c) the vessel or aircraft, (d) the foreign-trade zone, or (e) the customs bonded warehouse, as the case may be, may be remitted if evidence satisfactory to the assistant regional commissioner establishes that such distilled spirits have not been unlawfully diverted, or lost by theft with connivance, collusion, fraud, or negligence on the part of the exporter, owner, consignor, consignee, bailee, or carrier or the employees or agents of any of them: *Provided*, That such remission in the case of loss of distilled spirits by theft shall only be allowed to the extent that the claimant is not indemnified against or recompensed in respect of the tax for such loss.

(72 Stat. 1323, as amended, 84 Stat. 1965; 26 U.S.C. 5008, 5066)

26. Sections 252.331 and 252.333 are amended to include the processing of claims for drawback of tax on distilled spirits shipped to a customs bonded warehouse. As amended, §§ 252.331 and 252.333 read as follows:

§ 252.331 Claims supported by bond, Form 2738.

On receipt of a claim for drawback of tax on distilled spirits or wines on which the tax has been determined, and of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by §252.41, or of deposit in a foreign-trade zone or of deposit of distilled spirits in a customs bonded warehouse, as required by § 252.42. as the case may be, the assistant regional commissioner shall, if a good and sufficient bond has been filed as provided in § 252.65, and the notice of removal has been properly completed, allow the claim in accordance with the rate of drawback established in respect of the particular spirits or wines on which claim is based and charge the amount allowed against the bond. On receipt of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, and, in the case of claims on Form 1582–A, the certificate of tax determination, Form 2605, the assistant regional commissioner shall give appropriate credit to the bond.

(46 Stat. 690, as amended, 48 Stat. 999, as amended, 72 Stat. 1336, as amended, 84 Stat.

1965; 19 U.S.C. 1309, 81c, 26 U.S.C. 5062, 5066)

§ 252.333 Where no bond is filed.

Where a claim for drawback of tax on distilled spirits or wines on Form 1582, Form 1582–A, or Form 1629, is not supported by a bond on Form 2738, and in all cases where claim for drawback of tax on beer is made on Form 1582–B, the assistant regional commissioner shall, on receipt by him of the original of the claim properly executed by the appropriate customs official or armed services officer, as required by this part, examine the claim to determine that it has been properly completed. He shall then, on receipt of the evidence of exportation required by § 252.40, or of lading for use on vessels or aircraft required by § 252.41, or of deposit in a foreign-trade zone or a customs bonded warehouse as required by § 252.42, as the case may be, and, in the case of claims on Form 1582–A, the certificate of tax determination, Form 2605, allow the claim in the amount of the tax paid on the beer or the tax paid or determined on the distilled spirits or wines on which the claim is based and which were exported, laden as supplies on vessels or aircraft, or deposited in a foreign-trade zone or a customs bonded warehouse, as the case may be.

(46 Stat. 690, 691, as amended, 48 Stat. 999, as amended, 72 Stat. 1327, 1335, 1336, 84 Stat. 1965; 19 U.S.C. 1309, 1311, 81c, 26 U.S.C. 5009, 5055, 5062, 5066)

[FR Doc. 6564 Filed 5–7–71;9:33 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter V—Office of Foreign Assets Control, Department of the Treasury

PART 500—FOREIGN ASSETS CONTROL REGULATIONS

Relaxation of Controls on Current Transactions With the PRC

The Foreign Assets Control Regulations are being amended by the addition of section 500.546. This section removes controls on the use of dollars in transactions with the People's Republic of China and its nationals entered into on or after May 7, 1971; and on the bunkering by American oil companies abroad of Chinese vessels except those bound to or from North Korea, North Viet Nam or Cuba. No change is made in the status of Chinese assets blocked before May 7, 1971.

Section 500.541 is being amended correspondingly to remove, with respect to American-controlled firms abroad restrictions on (1) dollar dealings involving the People's Republic of China; and (2) the supply of petroleum products to Chinese vessels except those bound to or from North Korea, North Viet Nam or Cuba.

Sections 500.538 and 500.541 are being amended to permit U.S.-owned or controlled foreign flag vessels to transport merchandise directly to or from mainland China.

Section 500.538 of the Foreign Assets Control Regulations is amended to read as follows:

§ 500.538 Transportation and insurance of certain merchandise.

(a) Except as provided in paragraphs (c) and (d) of this section, to the extent that transportation or insurance of merchandise is prohibited by sections 500.201 or 500.204, such transportation by carriers or insurance is authorized.

(b) [Deleted]

(c) This section does not authorize the transportation or insurance of any merchandise directly or indirectly to or from North Korea or North Viet Nam, nor does it authorize the transportation or insurance of any merchandise of North Korean or North Viet Namese origin.

(d) This section does not authorize the transportation directly or indirectly to mainland China or insurance of:

(1) Any merchandise of U.S. origin except as authorized by § 500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the Department of Commerce (15 CFR Part 399) and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10.

Section 500.541 of the Foreign Assets Control Regulations is amended to read as follows:

§ 500.541 Certain transactions by persons in foreign countries.

(a) Except as provided in paragraphs (b), (c), (e), and (f) of this section, all transactions incident to the conduct of business activities abroad engaged in by any individual ordinarily resident in a foreign country in the authorized trade territory, or by any partnership, association, corporation, or other organization which is organized and doing business under the laws of any foreign country in the authorized trade territory, are hereby authorized.

(b) This section does not authorize any transaction involving property subject to the jurisdiction of the United States as of May 6, 1971, in which there existed or had existed at any time on or since the effective date, any direct or indirect interest of China or nationals thereof.

(c) This section does not authorize any transaction involving the purchase or sale or other transfer of:

(1) Any merchandise of U.S. origin, except as authorized by §500.533;

(2) Any merchandise regardless of origin of a type included in the Commodity Control List of the U.S. Department of Commerce set forth in 15 CFR Part 399 and followed on that list by the letter "A" in the column headed "Special Provisions List" or of a type the unauthorized exportation of which from the United States is prohibited by any of the several regulations referred to in 15 CFR 370.10; or

(3) Any technical data, as that term is defined in section 500.543, except to the extent authorized by that section.

(d) [Deleted].

(e) This section does not authorize the supply of petroleum products to any vessel bound to or from North Korea, North Viet Nam, or Cuba.

(f) This section does not authorize any transaction involving North Korea or North Viet Nam or their nationals, or merchandise the country of origin of which is North Korea or North Viet Nam.

Section 500.546 is hereby added to the Foreign Assets Control Regulations to read as follows:

§ 500.546 Current transactions with China and its nationals authorized.

(a) Except as provided in paragraph (b) of this section, all transactions with China or its nationals are hereby licensed.

(b) This section does not authorize:

(1) Any transaction prohibited by § 500.201 involving property subject to the jurisdiction of the United States as of May 6, 1971 in which China or any national thereof, at any time on or since December 17, 1950 had any interest whatsoever nor any transaction involving any income from such property accruing on or after May 6, 1971.

(2) Any transaction prohibited by § 500.201 and excepted from section 500.541 by subparagraphs (c) and (e) thereof.

(3) Any transaction prohibited by section 500.204.

(4) Any transaction involving an interest of North Korea or North Viet Nam or nationals thereof.

(c) The effective date of this section is May 7, 1971.

Margaret W. Schwartz,
Director,
Office of Foreign Assets Control.

[FR Doc.71–6573 Filed 5–7–71;11:08 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

PRIVATE FOUNDATION DEFINED

Notice of Hearing on Proposed Regulation

Proposed regulations under section 509 of the Internal Revenue Code of 1954, relating to the definition of private foundations, appear in the Federal Register for November 20, 1970 (35 F.R. 17845).

A public hearing on the provisions of these proposed regulations will be held on Monday, June 28, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(2), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by June 14, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20242.

Persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202–964–3935 by June 21, 1971.

K. Martin Worthy,
Chief Counsel.

[FR Doc.71–6441 Filed 5–7–71; 8:46 am]

[26 CFR Part 1]

INCOME TAX

Limitation on Tax Attributable to Certain Total Distributions From Qualified Plans

Proposed regulations under section 72 (n)(4) of the Internal Revenue Code of 1954, relating to the limitation on tax attributable to certain total distributions from qualified plans, appear in the Federal Register for February 27, 1971 (36 F.R. 3822).

A public hearing on the provisions of these proposed regulations will be held on Wednesday, June 2, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(3), persons who have submitted written comments or suggestions within the time prescribed in the notice of proposed rule making and who desire to present oral comments should by May 26, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outlines should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner at the above address or telephone (Washington, D.C.) 202–964–3935 by May 28, 1971.

K. Martin Worthy,
Chief Counsel.

[FR Doc.71–6561 Filed 5–7–71;8:51 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

EVERGLADES NATIONAL PARK, FLA.

Special Fishing Regulations

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916, 245 DM–1 (27 F.R. 6395), and National Park Service Order No. 21 (27 F.R. 7903) as amended, it is proposed to revise paragraph (g) of § 7.45 of Title 36 of the Code of Federal Regulations as set forth below.

The proposed changes remove some restrictions now in force by permitting commercial fishing in more of the park waters; will allow the use of more yardage in gill and trammel nets with larger twine, lead and cork lines; will allow commercial fishermen safe anchorage in closed areas during times of inclement weather when carrying fishing equipment that is illegal in park waters; extends the time from 5 to 14 days that nets and traps may be left unattended; and provides for other passageways across Chokoloskee Bay and through Houston River while transporting illegal equipment or products of the sea. The order of some paragraphs have been reorganized and minor changes in terminology were made to clarify the meaning of certain regulations. The regulations pertaining to placing fish eggs or food in water to attract fish has been revoked since it has been incorporated in the general regulations applicable to all National Parks.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Everglades National Park, Post Office Box 279, Homestead, FL 33030, within 30 days of the publication of this notice in the Federal Register.

Local public hearings on the proposed regulations will be announced following their publication in the Federal Register.

The proposed changes in the subparagraphs are as follows:

Paragraph (g) is reworded and expanded to include a reference to the applicability of the laws of the State of Florida.

Paragraph (g)(1): The words "whenever possible" have been added to relieve a problem for commercial fishermen.

Subparagraph (2) is deleted.

Subparagraph (3) is deleted as it is provided for in paragraph (g).

Subparagraph (4) is renumbered (2) and reworded to make it mandatory to possess an annual no-fee commercial fishing permit.

Subparagraph (5) is renumbered (3) and reworded to remove possible discrimination. The words "commercial purposes" have been changed to read "from park waters for any purpose".

Subparagraph (6) is renumbered (4) and reworded for clarity. There is no change in the substance of the regulation.

Subparagraph (7) is renumbered (5) and reworded. There is no change in the substance of the regulation.

Subparagraph (8) is deleted.

Subparagraph (9) is deleted. Provisions for this subparagraph are now incorporated in new subparagraph (7).

Subparagraph (10) (i) and (ii) are numbered (6) (i) through (vi) and reworded for clarity. The limit of 200 traps has been raised to 400. Also, the restriction of permits to permittees prior to January 1, 1964, is deleted. The permit number to be used on buoys has been changed to read, "State permit number".

Subparagraph (10)(iii) is renumbered (7) and reworded for clarity. Also number of traps has been increased from 3 to 6.

Subparagraph (10)(iv) is renumbered (8). The area in which crab and bait traps are allowed has been enlarged. Also, the restriction of placing traps at least 1 mile offshore in the Gulf of Mexico has been reduced to one-quarter mile offshore.

Subparagraph (11) is deleted. The provision for taking minnows for noncommercial purposes is now contained in new subparagraph (7).

Subparagraph (12) is renumbered (9) and reworded to allow larger twine, lead, and cork lines in gill nets. A new provision prohibiting pulling nets up on shore has been added, and the distance between groups of nets has been reduced from 1,000 yards to 500 yards.

Subparagraph (13) is renumbered (10) and reworded to delete the reference to twine, lead, and cork line sizes. Also, the restrictions of using trammel nets in Florida Bay and for the taking of pompano only are deleted. The distance between sets or groups of sets for this type net has been reduced to 200 yards.

Subparagraph (14) is renumbered (11) and reworded to delete the reference to size of dip nets.

Subparagraph (15) is renumbered (12). The reference to possession of fish with mud in their gills as prima facie evidence has been deleted, and stopnetting redefined for clarification.

Subparagraph (16) is deleted.

Subparagraph (17) is renumbered (13) and reworded to include a reference to nets, seines, and traps that are allowed.

Subparagraph (18) is renumbered (14) and reworded to raise the unattended time of fishing equipment from 5 to 14 days.

Subparagraph (19) is renumbered (15) and (15)(i); the restriction to fishing in Donut and Pine Island Lakes has been removed.

Subparagraph (20) is deleted as it is now incorporated in new subparagraph (15)(ii).

Subparagraph (21) is renumbered (16), reworded for clarity, and to allow commercial fishing and the use of nets in Long Sound, Joe Bay, Little Madeira Bay, Madeira Bay, Terrapin Bay, and Santini Bay. Also, the new regulation would allow commercial fishing and the use of nets in inland waters from Cannon Bay northward to the northern Park boundary.

Subparagraph (22) is renumbered (17). There is no change in wording.

A new subparagraph (18) is added to allow safe anchorage of commercial fishing boats during inclement weather.

Subparagraph (23) is renumbered (19) and is reworded to allow another passageway across Chokoloskee Bay, and is reworded to allow two more passageways, one across Chokoloskee Bay and the other through Houston River.

Subparagraph (20) has been added to aid in identification of fish which have possession limits.

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

Paragraph (g) is revised to read as follows:

§ 7.15 Everglades National Park.

• • • • •

(g) *Fishing.* In order to manage fishery resources of Everglades National Park, including the commercial fishing permitted by policy on a sustained yield basis, the following regulations are promulgated. Except as provided in these regulations, or by other Federal laws or regulations, all commercial and sport fishing and taking of products of the sea shall be done in accordance with the laws of the State of Florida, including license requirements, and such State laws are hereby adopted and made a part of this regulation.

(1) All persons taking fish from any of the waters in the park by any method and not using such fish because of size, edible quality or other reasons shall, whenever possible, immediately release and return such fish alive to the waters from which taken. No such fish may be left on any bank, shore, bench, dock, cleaning table, or any other place out of the water.

(2) Persons engaged in commercial fishing in the waters of the park open for this purpose must possess an annual no-fee commercial fishing permit issued by the Superintendent.

(3) Seahorses, starfish, tropical fish, and nongame fresh water fish shall not be taken from park waters for any purpose.

(4) The taking of oysters and clams from the waters of the park is prohibited, except by hand or rake for personal use only.

(5) The taking of crawfish is prohibited except by hand or bully net for personal use.

(6) Crabs may be taken from park waters, subject to the following restrictions:

(i) A person may take crabs for personal use only without a permit, but cannot use more than four (4) crab traps.

(ii) A person who traps crabs for commercial purposes must possess a commercial fishing permit as provided for in subparagraph (2) of this paragraph, issued by the Superintendent and shall not be permitted to operate more than a total of 400 traps.

(iii) Crab traps shall be made of wood and will be buoyed; the buoys shall be of an approved type and color and shall have the State permit number marked in at least 3-inch numerals.

(iv) Crab traps may be used only in those park waters described in subparagraph (8) of this paragraph.

(v) Only male blue and stone crabs may be taken.

(vi) The possession of equipment or material used in stone crab trapping is permitted in the park only during the open season prescribed by the State of Florida. However, blue crabs may be taken during the entire year using a wooden trap not to exceed 12″ x 24″ with a throat not to exceed 1½″ x 5½″.

(vii) The claws of stone crabs must be 4″ in overall length and remain attached to the body of the crab while in park waters.

(7) Bait fish and minnows shall not be taken by any method for resale purposes. Bait traps must be buoyed and shall be identified by marking the park permit number on the buoy. Bait traps shall not exceed 2 feet by 2 feet by 1 foot, built of ¼- to ½-inch wire mesh. No more than six bait traps per boat are permitted. Bait traps shall be used for the taking of minnows only. A minnow is defined for the purpose of this paragraph as being a small nongame fish, under 6 inches in length of a species commonly used as bait, but does not include silver mullet or other fish protected by other Federal or Florida law. Bait fish and minnows may be taken by bait nets.

(8) Crab traps may be used only in the following described waters of the park: *Provided, however,* That such traps may not be placed closer than 200 feet from any Key or marked waterway:

> Blackwater Sound, Buttonwood Sound, and that portion of Florida Bay south of a line drawn from the southern tip of Boggy Key to the northern tip of Whaleback Key, to the southeastern tips of South Nest Key, North Butternut Key, and Bottle Key, and thence southwesterly following the south side of a series of banks to the southern tip of Low Key, Stake Key, and Manatee Key, thence westerly to a small unnamed key north of Jimmies Channel, thence south following shoal waters to Captains Key, thence westerly following shoal waters touching a series of unnamed keys to Panhandle Key; from Panhandle Key to the northern tip of Spy Key, Sid Key, Cluett Key, Man-of-War Key to the southern tip of Sandy Key thence to the Intracoastal Waterway Marker No. 2 south of East Cape Sable and in addition the area south and west of a line connecting points from said marker to points one-quarter mile offshore from East Cape, Middle Cape, Northwest Cape, Shark Light, Shark Point, Highland Point, Porpoise Point, Seminole Point, Mormon Key, Pavilion Key, Rabbit Key, Indian Key Light to the park boundary corner at approximately 25°50′ N. latitude, 81°30′ W. longitude.

(9) Gill nets shall not exceed singly or in combination 1,200 yards in length and shall have a stretch mesh of not less than 2½ inches from knot to knot after being shrunk. Twine used shall not exceed No. 208 nylon or monofilament. Only one lead line and one cork line shall be permitted and neither lead nor cork lines shall be more than five-sixteenths inches in diameter. No purses, pockets or other special device for entrapping or catching fish shall be used on gill nets except as provided for in subparagraph (10) of this paragraph. Gill nets may be gathered or taken in by hand only and shall not be dragged. Nets may not be pulled up on shore. Gill nets may be tied together and used in groups of not more than three: *Provided,* That the nearest net or groups of nets shall be at least 500 yards from any other gill net.

(10) Trammels shall have a stretch mesh of not less than 12″ (on gill nets of not less than 3¼″ stretch mesh). Trammel nets shall not exceed 1,200 yards in length used singly or in combination. Trammel nets shall not be dragged. The nearest set or group of sets shall be at least 200 yards from any other net. When used at night such nets shall be marked with lighted buoys.

(11) Dip nets may be used for the taking of shrimp for personal use only.

(12) Stopnetting is prohibited in the waters of the park. Stopnetting is hereby defined as the placing, setting, or using of any net or seine or other device with webbing attached thereto in any manner that closes the mouth of rivers, lakes, streams, bays, passes, bayous, or any other water, or used on any bank, flat, or other water bottom in such a way that fish are confined until tide falls sufficiently that such fish so confined may be taken from such confinement by hand, with hand nets, cast nets, or other nets or seines or any other manner except those which are gilled may be taken by hand.

(13) No nets, seines, traps, spears, explosives, or other devices for the trapping, catching, killing, or taking of fish, bait or other similar edible products of the sea except hook and line or pole and line and those nets, seines, and traps described in subparagraphs (5)–(11) of this paragraph, may be used or possessed by any person within the park.

(14) No person shall leave any fish net, bait trap, crab trap, or other device used for taking products of the sea unattended for more than 14 days.

(15) The following described areas are closed to all commercial and sport fishing and to the taking of products of the sea by nets or seines for any purpose:

(i) All waters of T. 58 S., R. 37 E., secs. 10 through 15, inclusive, in the vicinity of Royal Palm Visitor Center, except Donut Lake and Pine Island Lake.

(ii) All waters in T. 54 S., R. 36 E., secs. 19, 30, and 31; T. 55 S., R. 36 E., secs. 6, 7, 18, 19, and 30 in the vicinity of the Shark Valley Loop Road from Tamiami Trail south.

(16) The following described areas are closed to all commercial fishing and to the taking of products of the sea by nets, seines, or traps for any purpose:

(i) All inland bays, bights, canals, lakes, rivers, or other bodies of water lying inland from the shores of Florida Bay and in addition the area north of a line drawn from Christian Point to Shark Point to Mosquito Point, including Otter Key, thence to Crocodile Point to Terrapin Point to Madeira Point and then following the mainland shoreline on north shore of Little Madeira Bay, Joe Bay, and Long Sound to U.S. No. 1.

(ii) All inland bays, lakes, canals, rivers, and others bodies of water lying inland from the nearest recognizable mainland shoreline from Flamingo to East Cape Sable and north to and including Lostman's River. For the purpose of this paragraph, the mainland shoreline shall be considered to be that area where the gulf coast rivers flow into the Gulf of Mexico.

(iii) From Lostman's River north to the park boundary corner at approximately 25°50′ N. latitude, 81°30′ W. longitude, the following inland waters are closed: Gopher Key Creek from its junction with Cannon Bay, southwestward to include all waters in the Gopher Creek drainage and extending through Charlie Creek to the Gulf of Mexico and all waters from the north end of Alligator Creek to Onion Key.

(17) West Lake Pond, Coot Bay Pond, and other small ponds bordering the park road shall be closed to fishing during those periods as determined by the Superintendent that such action is necessary to protect feeding and roosting birds. Notice of closing shall be given by the posting of appropriate signs at these locations.

(18) Possession of gill nets, trammel nets, crab traps, or other commercial fishing equipment while in closed waters is prohibited; except that during an emergency or in times of inclement weather, boats with such equipment which is illegal in closed waters of the park may anchor behind outside islands or in the mouths of rivers only. The equipment may not be used or taken from the boat during this time and when the emergency or danger has passed, boats with such equipment aboard must be removed from such closed waters. No permit is required, but boats may be checked by Park Rangers while in these waters.

(19) Nets, gear, and products of the sea which are legal in State waters but are illegal in park waters may be transported through the park only over the passages shown on Indian Key Pass, Rabbit Key Pass, Chokoloskee Pass, and a passageway northwestward by the most direct route across Chokoloskee Bay to Fakahatchee Bay. Also included is a passageway through Houston River via the most direct route during inclement weather. Boats traveling through these waters with such products of the sea and gear shall remain in transit unless disabled.

(20) Fish may be fileted while in park waters, however, skins must remain on filets except two filets per person for eating.

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[FR Doc.71-6436 Filed 5-7-71;8:46 am]

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

LIQUEFIED NATURAL GAS

Notice of Proposed Rule Making

In order to clarify the status under the Mandatory Oil Import Program of imports of liquefied natural gas, it is proposed to amend the heading of section 24 of Oil Import Regulation 1 (Revision 5) to read "Aromatics; aliphatic hydrocarbons; liquefied natural gas" and to add to that section a new paragraph (c) reading as follows:

(c) Liquefied natural gas which is comprised mainly of methane, which contains not more than 20 mol percent of other paraffinic hydrocarbons, and which is to be used as fuel without any type of separation process is not an unfinished oil or a finished product.

Under the proposed amendment, liquefied natural gas as described would in effect be regarded as methane and might be imported without an allocation or license. The proposed amendment has no bearing upon any proceedings before the Federal Power Commission and, if adopted, would be reviewed in the light of the results of such proceedings. Final action with respect to the proposed amendment will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Person interested may submit written comments on the proposed amendment to the Administrator, Oil Import Administration, Department of the Interior, Washington, DC 20240 by June 7, 1971. Each person who submits comments is asked to provide fifteen (15) copies.

MAY 7, 1971.

T. C. SNEDEKER,
Acting Administrator.

[FR Doc.71-6565 Filed 5-7-71;10:18 am]

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

ALLOCATIONS; REFINERS

Notice of Proposed Rule Making

There is set forth below, in the form of amendments to paragraph (c) of both sections 10 and 11 of Oil Import Regulation 1 (Revision 5), as amended, a proposal which would permit holders of crude and unfinished oil allocations granted pursuant to those sections to import a quantity of oils equal to 1 percent of such allocations in the form of oils not to be further processed. Any oils imported not to be further processed would be deducted from the unfinished oil portion of the allocation and license. This authority may be used only for the importation of oils under extraordinary circumstances such as inadvertent errors, contamination, and supplying localities where domestic supplies are not readily available.

This proposal, if adopted, with concurrence of the Director, Office of Emergency Preparedness, would implement suggestions received as a result of publication in the FEDERAL REGISTER of July 16, 1970 (35 F.R. 11405), of a proposal to terminate finished product import allocations based upon imports during 1957. These suggestions urged some flexibility be given to importers to permit adjustment to special circumstances. Experience indicates that such flexibility probably would be advisable in the interest of operating and administrative efficiency.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240 by June 7, 1971. Each person who submits comments is asked to provide fifteen (15) copies.

T. C. SNEDEKER,
Acting Administrator.

MAY 7, 1971.

1. Amend paragraph (c) of section 10 of Oil Import Regulation 1 (Revision 5), as amended, to read as follows:

SEC. 10 Allocations; Refiners; Districts I–IV.

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(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 15 percent of the allocation. Within such 15 percent, a maximum quantity of imports equal to 1 percent of the total allocation may be imported in the form of finished petroleum products, provided prior written notification is given to the Administrator on each entry to be made, and that the entry of oils which are not to be further processed shall only be made for extraordinary reasons such as contamination, inadvertent errors, and for the supply of oils to locations where domestic supplies are not available from any source.

2. Amend paragraph (c) of section 11 of Oil Import Regulation 1 (Revision 5), as amended, to read as follows:

Sec. 11 Allocations; Refiners; District V.

*   *   *   *   *

(c) Under an allocation made pursuant to paragraph (b) of this section, unfinished oils may be imported, but imports of such oils shall not exceed 25 percent of the allocation. Within such 25 percent, a maximum quantity of imports equal to 1 percent of the total allocation may be imported in the form of finished petroleum products, provided prior written notification is given to the Administrator on each entry to be made, and that the entry of oils which are not to be further processed shall only be made for extraordinary reasons such as contamination, inadvertent errors, and for the supply of oils to locations where domestic supplies are not available from any source.

[FR Doc.71-6566 Filed 5-7-71;10:18 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1207]

[Docket No. PRPA 1]

POTATO RESEARCH AND PROMOTION PLAN

Notice of Hearing

Pursuant to the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved Jan. 11, 1971, 84 Stat. 2041), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate a plan (36 F.R. 3194), notice is hereby given of a public hearing to be held on a proposed marketing research and promotion plan for potatoes. The hearing will begin at 9:30 a.m., local time, on the opening date at each of the following locations:

(1) June 22, Denver, Colo., House Chamber, State Capitol Building, Colfax and Lincoln Streets;

(2) June 29, San Francisco, Calif., Room 13450, Federal Building, 450 Golden Gate Avenue; and

(3) July 7, Washington, D.C., Freer Art Gallery Auditorium, 12th and Jefferson Drive SW.

The National Potato Council has submitted the following proposal and has requested a hearing on it. The proposed plan has not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the adequacy of the provisions of the proposal and to appropriate modifications thereof. The proposed plan is as follows:

Definitions

§ 1207.301 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1207.302 Act.

"Act" means the Potato Research and Promotion Act (title III of Public Law 91-670, 91st Congress, approved Jan. 11, 1971, 84 Stat. 2041).

§ 1207.303 Plan.

"Plan" means this potato research and promotion plan issued by the Secretary pursuant to the act.

§ 1207.304 Person.

"Person" means any individual, partnership, corporation, association, or other entity.

§ 1207.305 Producer.

"Producer" means any person engaged in the growing of 5 or more acres of potatoes. Such term shall include any person who owns or shares the ownership of a potato crop as land owner, landlord, tenant or sharecropper.

§ 1207.306 Potatoes.

"Potatoes" means any or all varieties of Irish potatoes grown by producers in the 48 contiguous States of the United States.

§ 1207.307 Handle.

"Handle" means to grade, pack, process, sell, transport, purchase, or in any other way to place potatoes or cause potatoes to be placed in the current of commerce. Such term shall not include the transportation or delivery of field-run potatoes by the producer thereof to a handler for grading, storage, or processing.

§ 1207.308 Handler.

"Handler" means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes, including a producer who handles potatoes of his own production.

§ 1207.309 Board.

"Board" means the National Potato Promotion Board, hereinafter established pursuant to § 1207.320.

§ 1207.310 Fiscal period and marketing year.

"Fiscal period" and "marketing year" mean the 12-month period from July 1 through June 30 of the following year or such other period which may be approved pursuant to § 1207.361.

§ 1207.311 Programs and projects.

"Programs" and "projects" mean those research, development, advertising or promotion programs or projects developed by the Board pursuant to § 1207.335.

National Potato Promotion Board

§ 1207.320 Establishment and membership.

(a) There is hereby established a National Potato Promotion Board, hereinafter called the "Board", composed of producers selected by the Secretary from nominations submitted by producers in the various States or groups of States pursuant to § 1207.322.

(b) Membership on the Board shall be determined on the basis of the potato production set forth in the latest Crop Production Annual Summary Report issued by the Crop Reporting Board, U.S. Department of Agriculture. Each of the 48 contiguous States' membership shall be determined on the basis of one member for each 5 million hundredweight of production, or major fraction thereof, produced within such State: *Provided*, That each State shall be entitled to at least one member on the Board, subject to the exception in paragraph (c) of this section.

(c) Any State in which the potato producers fail to respond to an officially called nomination meeting may be combined with an adjacent State for the purpose of representation on the Board, in which case the Board member selected by the Secretary will represent both States.

(d) The Secretary, upon recommendation of the Board, may establish districts or groups of States in order to change the representation requirements for membership on the Board; *Provided*, That the producers in such States do not object.

§ 1207.321 Term of office.

(a) The term of office of Board members shall be three years, beginning July 1, or such other beginning date as may be approved pursuant to regulations.

(b) The terms of office of the Board's initial members shall be so determined that approximately one-third of the terms will expire each year.

(c) Board members shall serve during the term of office for which they are selected and have qualified, and until their successors are selected and have qualified.

(d) No members shall serve for more than two full successive terms.

§ 1207.322 Nominations and selection.

The Secretary shall select the members of the Board from nominations which may be made in the following manner:

(a) The National Potato Council shall hold or cause to be held initial nomination meetings in each major potato-producing section or State for the purpose of selecting a list of nominees from which the initial Board shall be appointed. Such nomination meetings shall be held not later than 60 days after the issuance of this subpart. It shall give adequate notice of such meetings to the potato producers affected; also to the

Secretary so that a representative of the Secretary, if available, may conduct such meetings or act as secretary of such nomination meetings.

(b) After the establishment of the initial Board, the nominations for subsequent Board members shall be made by producers at meetings in the producing sections or States. The Board shall hold such meetings, or cause them to be held, in accordance with rules established pursuant to recommendations of the Board.

(c) Only producers may participate in designating nominees. Each producer is entitled to one vote only on behalf of himself, his partners, agents, subsidiaries, affiliates, and representatives for each position for which nominations are being held. If a producer is engaged in producing potatoes in more than one State, he shall elect the State in which he shall vote. In no event shall he participate in nominations in more than one meeting.

§ 1207.323 Acceptance.

Each person selected by the Secretary as a member of the Board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 1207.324 Vacancies.

To fill any vacancy caused by the failure of any person selected as a member of the Board to qualify, or in the event of the death, removal, resignation, or disqualification of any member, a successor shall be nominated and selected in the manner specified in § 1207.322. In the event of failure to provide nominees for such vacancies, the Secretary may select other eligible persons.

§ 1207.325 Procedure.

(a) Each State which has a member on the Board shall be entitled to not less than one vote for any production up to 1 million hundredweight, plus one additional vote for each additional 1 million hundredweight of production, or major fraction thereof, as determined by the latest crop production annual summary report issued by the Crop Reporting Board, U.S. Department of Agriculture. The casting of the votes for each State shall be determined by the members of the Board from that State.

(b) A majority of the Board members shall constitute a quorum and any action of the Board shall require a majority of concurring votes of those present and voting. At assembled meetings all votes shall be cast in person or by duly authorized proxy.

(c) For routine and noncontroversial matters which do not require deliberation and the exchange of views, and for matters of an emergency nature when there is not enough time to call an assembled meeting, the Board may act upon the concurring votes of a majority of its members cast by mail, telegraph, or telephone. Any vote cast by telephone shall be confirmed promptly in writing.

§ 1207.326 Compensation and reimbursement.

Members of the Board shall serve without compensation but shall be reimbursed for reasonable expenses incurred by them in the performance of their duties as members of the Board.

§ 1207.327 Powers.

The Board shall have the following powers subject to § 1207.361:

(a) To administer the provisions of this plan in accordance with its terms and conditions;

(b) To make rules and regulations to effectuate the terms and conditions of this plan;

(c) To receive, investigate, and report to the Secretary complaints of violations of this plan; and

(d) To recommend to the Secretary amendments to this plan.

§ 1207.328 Duties.

The Board shall, among other things, have the following duties:

(a) To meet and organize and to select from among its members a president and such other officers as may be necessary; to select committees and subcommittees of Board members; to adopt such rules for the conduct of its business as it may deem advisable; and it may establish advisory committees of persons other than Board members;

(b) To employ such persons as it may deem necessary and to determine the compensation and define the duties of each; and to protect the handling of Board funds through fidelity bonds;

(c) At the beginning of each fiscal period, to prepare and submit to the Secretary for his approval a budget on a fiscal period basis of the anticipated expenses in the administration of this Plan including the probable costs of all programs or projects and to recommend a rate of assessment with respect thereto;

(d) To develop programs and projects and to enter into contracts or agreements for the development and carrying out of programs or projects of research, development, advertising or promotion, and the payment of the costs thereof with funds collected pursuant to this plan.

(e) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the Board. Minutes of each Board meeting shall be promptly reported to the Secretary;

(f) To cause the books of the Board to be audited by a competent public accountant at least once each fiscal period, and at such other time as the Board may deem necessary. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part. Two copies of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the Board for inspection by producers and handlers;

(g) To give the Secretary the same notice of meetings of the Board and its subcommittees as is given to its members;

(h) To act as intermediary between the Secretary and any producer or handler; and

(i) To furnish the Secretary such available information as he may request.

Research and Promotion

§ 1207.335 Research and promotion.

The Board shall develop and submit to the Secretary for approval any programs or projects authorized in this section. Such programs or projects shall provide for:

(a) The establishment, issuance, effectuation and administration of appropriate programs or projects for the advertising and promotion of potatoes and potato products; *Provided, however*, That any such program or project shall be directed toward increasing the general demand for potatoes and potato products;

(b) Establishing and carrying on research and development projects and studies to the end that the marketing and utilization of potatoes may be encouraged, expanded, improved, or made more efficient, and for the disbursement of necessary funds for such purposes; and

(c) The development and expansion of potato and potato product sales in foreign markets.

(d) No advertising or promotion program shall make any reference to private brand names or use false or unwarranted claims in behalf of potatoes or their products or false or unwarranted statements with respect to the attributes or use of any competing products.

Expenses and Assessments

§ 1207.341 Budget and expenses.

(a) At the beginning of each fiscal period, or as may be necessary thereafter, the Board shall prepare and recommend a budget on a fiscal period basis of its anticipated expenses and disbursements in the administration of this plan, including probable costs of research, development, advertising, and promotion. The Board shall also recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures and to provide for a reserve as set forth in § 1207.344.

(b) The Board is authorized to incur such expenses for research, development, advertising, or promotion of potatoes and potato products and such other expenses for the administration, maintenance, and functioning of the Board as are approved pursuant to § 1207.361.

§ 1207.342 Assessments.

(a) The funds to cover the Board's expenses shall be acquired by the levying of assessments upon such class or classes of handlers as designated in regulations issued by the Board. Such assessments shall be levied at a rate fixed by the Secretary which shall not exceed 1 cent per hundredweight of potatoes handled and not more than one assessment may be collected on any potatoes.

(b) Each handler designated by the Board to pay assessments shall pay assessments to the Board on all potatoes handled by him, including potatoes he produced. Assessments shall be paid to the Board at such time and in such manner as the Board shall direct pursuant to regulations issued hereunder. The designated handler may collect the assessments from the producer, or deduct such assessments from the proceeds paid to the producer on whose potatoes the assessments are made.

(c) The Board may authorize other organizations to collect assessments in its behalf.

(d) The Board may exempt potatoes used for nonfood purposes from the provisions of this plan and shall establish adequate safeguards against improper use of such exemptions.

§ 1207.343 Producer refunds.

Any producer who has paid an assessment under this plan and who is not in favor of supporting the research and promotion program as provided for in this plan shall have the right to demand and receive from the Board a refund of such assessment upon submission of proof satisfactory to the Board that he paid the assessment for which refund is sought. Any such demand shall be made personally by such producer on a form and within a time period prescribed by the Board pursuant to regulations. Such time period shall give the producer at least 90 days from the date of collection to submit the refund request form to the Board. Any such refund shall be made within 60 days after demand therefor. No handler shall be eligible for a refund except on potatoes produced by him.

§ 1207.344 Operating reserve.

The Board may establish an operating monetary reserve and may carry over to subsequent fiscal periods excess funds in a reserve so established; *Provided*, That funds in the reserve shall not exceed approximately two fiscal periods' expenses. Such reserve funds may be used to defray any expenses authorized under this part.

§ 1207.345 Influencing governmental action.

No funds collected by the Board under this Plan shall in any manner be used for the purpose of influencing governmental policy or action except in recommending to the Secretary amendments to this subpart.

REPORTS, BOOKS, AND RECORDS

§ 1207.350 Reports.

Each handler subject to this part shall maintain a separate record with respect to each producer for whom he handled potatoes and for potatoes handled which he himself produced. He shall report to the Board as such times and in such manner as it may prescribe by regulations such information as may be necessary for the Board to perform its duties under this part. Such reports may include, but shall not be limited to, the following:

(a) Total quantity of potatoes handled for each producer and for himself, including those which are exempt under the plan;

(b) Total quantity of potatoes handled for each producer and for himself subject to the plan and assessments;

(c) Name and address of each person from whom he collected an assessment and the amount collected from each person; and

(d) Date collection was made from each person listed.

§ 1207.351 Books and records.

Each handler subject to this part shall maintain and make available for inspection by the Board and the Secretary, or their authorized agents, such books and records as are necessary to carry out the provisions of this plan and the regulations issued thereunder, including such records as are necessary to verify any reports required. Such records shall be maintained for at least 2 years beyond the marketing year of their applicability.

§ 1207.352 Confidential treatment.

All information obtained from such books, records, or reports shall be kept confidential by all officers and employees of the Department of Agriculture and of the Board, and by all contractors and agents retained by the Board, and only such information so furnished or acquired as the Secretary deems relevant shall be disclosed by them, and then only in a suit or administrative hearing brought at the direction, or upon the request, of the Secretary, or to which he or any officer of the United States is a party, and involving this plan. Nothing in this section shall be deemed to prohibit (1) the issuance of general statements based upon the reports of a number of handlers subject to this plan, which statements do not identify the information furnished by any person, or (2) the publication by direction of the Secretary, of the name of any person violating this plan, together with a statement of the particular provisions of this plan violated by such person.

MISCELLANEOUS

§ 1207.361 Right of the Secretary.

All fiscal matters, programs or projects, rules or regulations, reports, or other substantive action proposed and prepared by the Board shall be submitted to the Secretary for his approval.

§ 1207.362 Suspension or termination.

(a) The Secretary shall, whenever he finds that this plan or any provision thereof obstructs or does not tend to effectuate the declared policy of the Act, terminate or suspend the operation of this plan or such provision thereof.

(b) The Secretary may conduct a referendum at any time, and shall hold a referendum on request of the Board or of 10 percent or more of the potato producers to determine whether potato producers favor the termination or suspension of this plan. He shall suspend or terminate such plan at the end of the marketing year whenever he determines that its suspension or termination is favored by a majority of the potato producers voting in such referendum who, during a representative period determined by the Secretary, have been engaged in the production of potatoes and who produced more than 50 percent of the volume of the potatoes produced by the producers voting in the referendum.

§ 1207.363 Proceedings after termination.

(a) Upon the termination of this plan, the Board shall recommend not more than five of its members to the Secretary to serve as trustees for the purpose of liquidating the affairs of the Board. Such persons, upon designation by the Secretary, shall become trustees of all funds and property then in the possession or under control of the Board including claims for any funds unpaid or property not delivered or any other claim existing at the time of such termination.

(b) The said trustees shall (7) continue in such capacity until discharged by the Secretary; (2) carry out the obligations of the Board under any contracts or agreements entered into by it pursuant to this plan; (3) account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Board and of the trustees, to such person or persons as the Secretary may direct; and (4) upon the request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person or persons full title and right to all of the funds, property, and claims vested in the Board or the trustees pursuant to this section.

(c) Any person to whom funds, property, or claims have been transferred or delivered pursuant to this section shall be subject to the same obligation imposed upon the Board and upon the trustee.

(d) A reasonable effort shall be made by the Board or its trustees to return to producers any residual funds not required to defray the necessary expenses of liquidation. If it is found impractical to return such remaining funds to producers, such funds shall be disposed of in such manner as the Secretary may determine to be appropriate.

§ 1207.364 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this plan or of any regulation issued pursuant thereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this plan or any regulation issued thereunder, or (b) release or extinguish any violation of this plan or any regulation issued thereunder, or (c) affect or impair any rights or remedies of the United States, or of the Secretary, or of any other person, with respect to any such violation.

§ 1207.365 Personal liability.

No member of the Board shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member except for acts of willful misconduct, gross negligence, or those which are criminal in nature.

§ 1207.366 Separability.

If any provision of this plan is declared invalid or the applicability thereof to any person or circumstance is held invalid, the validity of the remainder of this plan or applicability thereof to other persons or circumstances shall not be affected thereby.

Dated: May 4, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6461 Filed 5-7-71;8:48 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1903]

INSPECTIONS, CITATIONS, AND PROPOSED ASSESSMENT OF PENALTIES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-6275 appearing at page 8376 in the issue of Wednesday, May 5, 1971, in the fifth line of § 1903.4 following the first word "the" insert "following situations: (a) In cases of apparent imminent".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 70-SO-77]

FEDERAL AIRWAY SEGMENTS AND REPORTING POINTS

Proposed Designation, Alteration, and Revocation

Correction

In F.R. Doc. 71-6138 appearing at page 8263 in the issue for Saturday, May 1, 1971, the seventh line of paragraph "9" should read "(041°M) and Anderson 274°T (274°M)", and the fourth line of paragraph "10" should read "(018°M) and Rome 158°T (157°M)".

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Parts 2, 74]

[Docket No. 19130]

AURAL BROADCAST STL OPERATIONS, INTERCITY RELAY STATIONS, AND CERTAIN LOW POWER BROADCAST AUXILIARY STATIONS

Order Extending Time for Filing Comments

1. A notice of proposed rule making and notice of inquiry (36 F.R. 1425, Jan. 29, 1971) was adopted in the above matter on January 20, 1971, setting the dates for filing comments and reply comments as March 2, 1971, and March 12, 1971, respectively. At the request of National Association of FM Broadcasters, the comment and reply comment dates were extended to April 19 and April 29, 1971, respectively. The Commission now has before it a petition received April 27, 1971, from A. Earl Collum, Jr., & Associates, requesting an additional 2 weeks' extension of the reply date so that comments filed earlier by other parties can be obtained and reviewed prior to filing its reply comments.

2. As pointed out in the petition, Cullum has in the past demonstrated considerable interest in the matters of concern in this proceeding, particularly as regards engineering considerations, and its comments should prove to be helpful to the Commission. In view of the circumstances related above and in the petition, the requested extension does not appear unreasonable, nor would it unduly delay the proceeding.

3. *Accordingly, it is ordered*, Pursuant to § 0.281(b) of the rules and regulations, that the time for filing reply comments in this proceeding is extended to May 13, 1971.

Adopted: April 29, 1971.

Released: April 30, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.71-6480 Filed 5-7-71;8:50 am]

[47 CFR Part 73]

[Docket No. 19172; RM-1450]

FM BROADCAST STATIONS, TABLE OF ASSIGNMENTS, BRUNSWICK, MD.

Order Extending Time for Filing Comments and Reply Comments

1. This proceeding was begun by notice of proposed rule making and order to show cause (FCC 71-261) adopted March 10, 1971, released March 12, 1971 and published in the FEDERAL REGISTER, March 19, 1971, 36 F.R. 5301. The dates for filing comments and reply comments are presently April 30, 1971, and May 10, 1971, respectively.

2. On April 29, 1971, Regional Broadcasting Co. (Regional), licensee of Station WHAG-FM, filed a request to extend the time for filing comments to and including May 14, 1971. Regional states that additional time is necessary because its counsel is actively engaged in a number of other matters which have delayed his preparation of comments in the instant proceeding. It further states that its counsel is further evaluating the position of Regional with respect to the proposed switch in channels.

3. We are of the view that the additional time is warranted and would serve the public interest. *Accordingly, it is ordered*, That the time for filing comments and reply comments in Docket No. 19172 is extended to and including May 14, 1971, and May 31, 1971, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: April 30, 1971.

Released: May 3, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-6481 Filed 5-7-71;8:50 am]

NATIONAL CREDIT UNION ADMINISTRATION

[12 CFR Part 747]

RULES OF PRACTICE AND PROCEDURE

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the National Credit Union Administration, pursuant to the authority conferred in section 209, 85 Stat. 1014, Public Law 91-468, is considering the addition of a new Part 747 entitled "Rules of Practice and Procedure" to Title 12 of the Code of Federal Regulations.

The proposed new Part 747 would establish certain rules of practice and procedure in hearings held pursuant to section 206 of Title II of the Federal Credit Union Act, 84 Stat. 1003, Public Law 91-468.

This notice is published pursuant to section 553 of Title 5 of the United States Code.

To aid in the consideration of the matter by the Administrator, interested persons are invited to submit relevant data, views, or arguments.

Any such material should be submitted in writing to the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456, to be received not later than 30 days from publication of this notice in the FEDERAL REGISTER.

HERMAN NICKERSON, Jr.,
Administrator.

MAY 4, 1971.

The proposed new Part 747 would read as follows:

PART 747—RULES OF PRACTICE AND PROCEDURE

Subpart A—Rules of Practice Applicable to All Hearings

Sec.
747.1 Scope.
747.2 Appearance and practice before the Administration.
747.3 Notice of hearing.
747.4 Answer.
747.5 Failure to appear.
747.6 Conduct of hearings.
747.7 Subpoenas.
747.8 Rules of evidence.
747.9 Motions.
747.10 Proposed findings and conclusions by parties.
747.11 Exceptions.
747.12 Briefs.
747.13 Oral argument before the Administrator.
747.14 Notice of submission to the Administrator.

Sec.
747.15 Decision of the Administrator.
747.16 Filing papers.
747.17 Service.
747.18 Copies.
747.19 Computing time.
747.20 Documents in proceedings confidential.
747.21 Formal requirements as to papers filed.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

747.22 Scope.
747.23 Grounds for termination of insurance.
747.24 Notice of intention to terminate insured status.
747.25 Order terminating insured status.
747.26 Consent to termination of insured status.
747.27 Notice of termination of insured status.
747.28 Duties after termination.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

747.29 Scope.
747.30 Grounds for cease-and-desist orders.
747.31 Notice of charges and hearings.
747.32 Issuance of order.
747.33 Effective date.
747.34 Temporary cease-and-desist order.
747.35 Effective date of temporary order.
747.36 Injunctive procedure.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Suspension and Removal Orders

747.37 Scope.
747.38 Grounds for removal order.
747.39 Grounds for suspension order.
747.40 Effective date of suspension order.
747.41 Notice of intention to remove and hearing.
747.42 Issuance of removal order and effective date.
747.43 Stay of suspension or prohibition.
747.44 Suspension and removal where felony involved.
747.45 Remainder of board of directors.

Subpart E—Judicial Review; Penalty; Definitions

Sec.
747.46 Judicial review.
747.47 Judicial enforcement.
747.48 Penalty.
747.49 Expenses and attorney's fees.
747.50 Definitions.

AUTHORITY: The provisions of this Part 747 are issued under sec. 209, 85 Stat. 1014, Public Law 91-468.

Subpart A—Rules of Practice Applicable to All Hearings

§ 747.1 Scope.

(a) This subpart prescribes rules of practice and procedure followed by the National Credit Union Administration in hearings held pursuant to the provisions of section 206 of the Federal Credit Union Act pertaining to (1) involuntary termination of the insured status of any insured credit union, (2) the issuance of cease-and-desist orders against any insured credit union or any credit union any of the member accounts of which are insured, and (3) the issuance of orders removing or suspending from office and/or prohibiting from further participation in the credit union's affairs, any director, officer or committee member of an insured credit union or any other person participating in the conduct of the affairs of such a credit union.

(b) In connection with any proceeding involving an insured State-chartered credit union, or any director, officer, committee member, or other person participating in the conduct of its affairs, the Administrator will provide the appropriate State supervisory authority with timely notice of his intent to institute the proceeding and the grounds therefor. Unless within such time as the Administrator deems appropriate in the light of the circumstances of the case which time will be specified in the notice) satisfactory corrective action is effectuated by action of the State supervisory authority, the Administration will proceed as provided herein. No credit union or other party who is the subject of any notice or order issued by the Administrator under this Part shall have standing to raise the requirements of this subsection as ground for attacking the validity of any such notice or order.

§ 747.2 Appearance and practice before the Administration.

(a) *Power of attorney and notice of appearance.* Any person who is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia may represent others before the Administration upon filing with the Administrator a written declaration that he is currently qualified as provided by this paragraph, and is authorized to represent the particular party on whose behalf he acts. Any other person desiring to appear before or transact business with the Administration in a representative capacity may be required to file with the Administrator a power of attorney showing his authority to act in such capacity, and he may be required to show to the satisfaction of the Administrator that he has the requisite qualifications. Attorneys and representatives of parties to proceedings shall file a written notice of appearance with the Administrator or with the trial examiner.

(b) *Summary suspension.* Contemptuous conduct at an argument before the Administrator or at a hearing before a trial examiner shall be ground for exclusion therefrom and suspension for the duration of the argument or hearing.

§ 747.3 Notice of hearing.

Whenever a hearing is ordered by the Administrator in any proceeding pursuant to section 206 of the Federal Credit Union Act, a notice of hearing shall be given by the Administrator to the party afforded the hearing and to the appropriate supervisory authority. Such notice shall state the time, place, and nature of the hearing, the trial examiner, and the legal authority and jurisdiction under which the hearing is to be held, and shall contain a statement of the matters of fact or law constituting the grounds for the hearing, and shall be delivered by personal service, by registered or certified mail to the last known address, or other appropriate means, sufficiently in advance of the date set for the hearing to comply with the provisions of section 206 of the Federal Credit Union Act. The term "party" means a person or agency named or admitted as a party, or any person or agency who has filed a written request and is entitled as of right to be admitted as a party; but a person or agency may be admitted for a limited purpose.

§ 747.4 Answer.

(a) *When required.* In any notice of hearing issued by the Administrator, the Administrator may direct the party or parties afforded the hearing to file an answer to the allegations contained in the notice, and any party to any proceeding may file an answer. Except where a different period of not less than 10 days after service of a notice of hearing is specified by the Administrator, a party directed to file an answer, or a party who elects to file an answer, shall file the same with the Administrator within 20 days after service upon him of the notice of hearing.

(b) *Requirements of answer; effect of failure to deny.* An answer filed under this section shall specifically admit, deny, or state that the party does not have sufficient information to admit or deny each allegation in the notice of hearing. A statement of lack of information shall have the effect of a denial. Any allegation not denied shall be deemed to be admitted. When a party intends to deny only a part or a qualification of an allegation, he shall specify so much of it as is true and shall deny only the remainder.

(c) *Admitted allegation.* If a party filing an answer under this section elects not to contest any of the allegations of fact set forth in the notice of hearing, his answer shall consist of a statement that he admits all of the allegations to be true. Such an answer shall constitute a waiver of hearing as to the facts alleged in the notice, and together with the notice will provide a record basis on which the trial examiner shall file with the Administrator his recommended decision containing his findings of fact, conclusions of law, and proposed order. Any such party may, however, upon service of the recommended decision, findings, conclusions, and proposed order of the trial examiner, file exceptions thereto within the time provided in § 747.11(a).

(d) *Effect of failure to answer.* Failure of a party to file an answer required by this section within the time provided shall be deemed to constitute a waiver of his right to appear and contest the allegations of the notice of hearing and to authorize the trial examiner, without further notice to the party, to find the facts to be as alleged in the notice and to file with the Secretary a recommended decision containing such findings and appropriate conclusions. The Administrator or the trial examiner may, for cause shown, permit the filing of a delayed answer after the time for filing the answer has expired.

(e) *Opportunity for informal settlement.* Any interested party may at any time submit to the Administrator, for consideration, written offers or proposals for settlement of a proceeding, without prejudice to the rights of the parties. No such offer or proposal, or counter-offer or proposal, shall be admissible in evidence over the objection of any party in any hearing in connection with such proceeding. The foregoing provisions of this section shall not preclude settlement of any proceeding through the regular adjudicatory process by the filing of an answer as provided in this section, or by submission of the case to the trial examiner on a stipulation of facts and an agreed order.

§ 747.5 Failure to appear.

Where an answer is not required and the credit union fails to appear at the hearing by a duly authorized representative, the credit union shall be deemed to have consented to the termination of its status as an insured credit union.

§ 747.6 Conduct of hearings.

(a) *Selection of trial examiner.* Any hearing shall be held before the Administrator or a trial examiner selected by the Civil Service Commission and designated by the Administrator and, unless otherwise provided in the notice of hearing, shall be conducted as hereinafter provided.

(b) *Authority of trial examiner.* All hearings governed by this part shall be conducted with the provisions of Chapter 5 of Title 5 of the United States Code. The trial examiner designated by the Administrator to preside at any such hearing shall have complete charge of the hearing, and he shall have the duty to conduct it in a fair and impartial manner and to take all necessary action to avoid delay in the disposition of proceedings. Such examiner shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpenas and subpenas duces tecum, as authorized by law, and to revoke, quash, or modify any such subpena;

(3) To receive relevant evidence and to rule upon the admission of evidence and offers of proof;

(4) To take or cause depositions to be taken;

(5) To regulate the course of the hearing and the conduct of the parties and their counsel;

(6) To hold conferences for the settlement or simplification of issues or for any other proper purpose; and

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an advisory proceeding, except that a trial examiner shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings.

Without limitation on the foregoing provisions of this paragraph, the trial examiner shall, subject to the provisions of this part, have all the authority of section 556(c) of Title 5 of the United States Code.

(c) *Prehearing conference.* The trial examiner may, on his own initiative or at the request of any party, direct counsel for all parties to meet with him at a specified time and place prior to the hearing, or to submit suggestions to him in writing, for the purpose of considering any or all of the following:

(1) Simplification and clarification of the issues;

(2) Stipulations, admissions of fact and of the contents, and authenticity of documents;

(3) Matters of which official notice will be taken; and

(4) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses and of documents or other physical exhibits which will be introduced in evidence in the course of the proceeding.

Such conferences shall, at the request of any party, be recorded and at the conclusion thereof the trial examiner shall enter in the record an order which recites the results of the conference. Such order shall include the examiner's rulings upon matters considered at the conference, together with appropriate directions to the parties, if any; and such order shall control the subsequent course of the proceedings, unless modified at the hearing to prevent manifest injustice. Except as authorized by law, the trial examiner shall not consult any person or party on any fact in issue unless upon notice and opportunity for all parties to participate, nor be responsible to or subject to the supervision or direction of any officer, employee, or agent engaged in the performance of investigative or prosecuting functions. No officer, employee, or agent engaged in the performance of investigative or prosecuting functions in any case shall, in that case or a factually related case, participate or advise in the decision of the trial examiner except as a witness or counsel in the proceedings.

(d) *Attendance at hearings.* A hearing shall ordinarily be private and shall be attended only by the parties, their representatives or counsel, witnesses while testifying, and other persons having an official interest in the proceedings: *Provided, however,* That on written request by a party or representatives of the Administrator, or on the Administrator's own motion, the Administrator, in his discretion and to the extent permitted by law, may permit other persons to attend or may order the hearing to be public.

(e) *Transcript of testimony.* Hearings shall be recorded and transcripts will be available to any party upon payment of the cost thereof, and, in the event the hearing is public, shall be furnished on similar payment to the other interested persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the reporter, together with all exhibits, all papers and requests filed in the proceedings, and any briefs or memoranda of law theretofore filed in the proceeding, shall be filed with the Administrator, who shall transmit the same to the trial examiner. The Administrator shall promptly serve notice upon each of the parties of such filing and transmittal. The trial examiner shall have authority to rule upon motions to correct the record.

(f) *Order of procedure.* The counsel for the Administration shall open and close.

(g) *Continuances and changes or extension of time and changes of place of hearing.* Except as otherwise expressly provided by law, the Administrator may, by the notice of hearing or subsequent order, provide time limits different from those specified in this part, and the Administrator may, on his own initiative or for good cause shown, change or extend any time limit prescribed by these rules or change the time and place for beginning any hearing hereunder. The trial examiner may continue or adjourn a hearing from time to time and, as permitted by law or agreed to by parties, from place to place. Extensions of time for making any filing or performing any act required or allowed to be done within a specified time in the course of a proceeding may be granted by the trial examiner for good cause shown.

(h) *Call for further evidence, oral argument, briefs, reopening of hearing.* The trial examiner may call for the production of further evidence upon any issue, may permit oral argument and submission of briefs at the hearing and, upon appropriate notice, may reopen any hearing at any time prior to the certification of his recommended decision to the Administrator. The Administrator shall render his decision within 90 days after the parties have been notified pursuant to § 747.14 that the case has been submitted to the Administrator for final decision, unless within such 90-day period the Administrator shall order that such notice be set aside and the case reopened for further proceedings.

§ 747.7 Subpenas.

(a) *Issuance.* The trial examiner, or in the event he is unavailable, the Administrator, shall issue subpenas at the request of any party, requiring the attendance of witnesses or the production of documentary evidence at any designated place of hearing; except that where it appears to the trial examiner or the Administrator that the subpena may be unreasonable, oppressive, excessive in scope, or unduly burdensome, the party seeking the subpena may be required, as a condition precedent to the issuance of the subpena, to show general relevance and reasonable scope of the testimony or other evidence sought. In the event the trial examiner or the Administrator, after consideration of all the circumstances, determines that the subpena or any of its terms are unreasonable, oppressive, excessive in scope, or unduly burdensome, he may refuse to issue the subpena, or issue it only upon such conditions as fairness requires.

(b) *Motion to quash.* Any person to whom a subpena is directed may, prior to the time specified therein for compliance but in no event more than 5 days after the date of service of such subpena, with notice to the party requesting the subpena, apply to the trial examiner, or if he is unavailable, to the Administrator, to revoke, quash, or modify such subpena, accompanying such application with a statement of the reasons therefor.

(c) *Service of subpena.* Service of a subpena upon a person named therein shall be made by delivering a copy of the subpena to such person and by tendering the fees for 1 day's attendance and the mileage as specified in paragraph (d) of this section, except that when a subpena is issued at the instance of the Administrator fees and mileage need not be tendered at the time of service of the subpena. If service is made by a U.S. marshal, or his deputy, or an employee of the Administration, such service shall be evidenced by his return thereon. If made by any other person, such person shall make affidavit thereto, describing the manner in which service is made, and return such affidavit on or with the original subpena. In case of failure to make service, reasons for the failure shall be stated on the original subpena. The original subpena, bearing or accompanied by the required return, affidavit or statement, shall be returned without delay to the trial examiner.

(d) *Attendance of witnesses.* The attendance of witnesses and the production of documents pursuant to a subpena, issued in connection with a hearing provided for in this part, may be required from any State or in any territory at any designated place where the hearing is being conducted. Witnesses subpenaed in any proceeding under this part shall be paid the same fees and mileage that are paid witnesses in the district courts of the United States.

(e) *Depositions.* The Administrator or trial examiner, by subpena or subpena duces tecum, may order evidence to be taken by deposition in any proceeding at any stage thereof. Such depositions may be taken by the trial examiner or before any person designated by the Administrator or trial examiner and having power to administer oaths. Unless notice is waived, no deposition shall be taken except after at least 5 days' notice to the parties to the proceeding.

(f) *Application and order to take oral deposition.* Any party desiring to take the oral deposition of a witness, in connection with any hearing provided for in this part, shall make application in writing to the trial examiner or, in the event he is unavailable, to the Administrator, setting forth the reasons why such depositions should be taken, the name and address of the witness, the matters concerning which the witness is expected to testify, its relevance, and the time when, the place where, and the name and address of the person before whom, it is desired the deposition be taken. A copy of such application shall be served upon every other party to the proceeding by the party making such application. Upon showing that (1) the proposed witness will be unable to attend or may be prevented from attending the hearing because of age, sickness, or infirmity, or will otherwise be unavailable at the hearing, (2) his testimony will be material, and (3) the taking of the deposition will not result in any undue burden to any other party or in undue delay of the proceeding, the trial examiner or the Administrator may, in his discretion, by such subpena or subpena duces tecum, order the oral deposition to be taken. Such subpena will name the witness whose deposition is to be taken and specify the time when, the place where and the person before whom the witness is to testify, but such time and place, and the person before whom the deposition is ordered to be taken, may or may not be the same as those named in the application. Notice of the issuance of such subpena shall be served upon each of the parties a reasonable time, and in no event less than 5 days, in advance of the time fixed for the taking of the deposition.

(g) *Procedure on deposition; objections.* Each witness testifying upon oral deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. Objections to questions or evidence shall be in short form, stating the grounds of objection relied upon; but the person taking the deposition shall not have the power to rule upon questions of competency or materiality or relevance of evidence. Failure to object to questions or evidence shall not be deemed a waiver except where the ground of the objection is one which might have been obviated or removed if presented at that time. The questions propounded and the answers thereto, together with all objections made (but not including argument or debate) shall be recorded by the person taking the deposition, or under his direction. The deposition shall be subscribed by the witness, unless the parties by stipulation waived the signing or the witness is ill or cannot be found or refused to sign, and certified as a true and complete transcript thereof by the person taking the deposition. If the definition is not subscribed to by the witness, the person taking the deposition shall state this fact on the record and the reason therefor. Such person shall promptly send the original and two copies of such deposition, together with the original and two copies of all exhibits, by registered mail to the Administrator unless otherwise directed in the order authorizing the taking of the deposition. Interested parties shall make their own arrangements with the person taking the deposition for copies of the testimony and the exhibits.

(h) *Introduction as evidence.* Subject to appropriate rulings on such objections to questions of evidence as were noted at the time the deposition was taken or as would be valid were the witness personally present and testifying (except objections waived under paragraph (g) of this section), the deposition or any part thereof may be read in evidence by any party to the proceeding. Only such part or the whole of a deposition as is received in evidence shall constitute a part of the record of the proceeding upon which a decision may be based.

(i) *Payment of fees.* Witnesses whose oral depositions are taken shall be entitled to the same fees as are paid for like services in the district courts of the United States. Fees of persons taking such depositions and the fees of the reporter shall be paid by the person upon whose application the deposition was taken.

(j) *Judicial enforcement.* Any party to proceedings under this part may apply to the United States District Court for the District of Columbia, or the United States district court for the judicial district or the United States court in any territory in which such proceeding is being conducted, or where the witness resides or carries on business, for enforcement of any subpena or subpena duces tecum issued pursuant to this part, and such courts shall have jurisdiction and power to order and require compliance therewith.

§ 747.8 Rules of evidence.

(a) *Evidence.* Every party shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and to conduct such cross-examination as may be required for a full and true disclosure of the facts. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded.

(b) *Objections.* Objections to the admission or exclusion of evidence shall be in short form, stating the grounds relied upon, and the transcript shall not include argument thereon except as ordered, allowed, or requested by the trial examiner. Rulings on objections and on any other matters shall be a part of the transcript. Failure to object to admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

(c) *Official notice.* All matters officially noticed by the trial examiner shall appear on the record.

§ 747.9 Motions.

(a) *In writing.* An application or request for an order or ruling not otherwise specifically provided for in this part shall be made by motion. After a trial examiner has been designated and before the filing with the Administrator of his recommended decision, such applications or requests shall be addressed to and filed with the trial examiner. At all other times motions shall be addressed to and filed with the Administrator. Motions shall be in writing, except that a motion made at a session of a hearing may be made orally upon the record unless the trial examiner directs that it be reduced to writing. All written motions shall state with particularity the order or relief sought and the grounds therefor.

(b) *Objections.* Within 5 days after service of any written motion, or within such other period as may be fixed by the trial examiner or the Administrator, any party may file a written answer or objection to such motion. The moving party shall have no right to reply, except as permitted by the trial examiner or the Administrator. As a matter of discretion, the trial examiner or the Administrator may waive the requirements of this section as to motions for extensions of time, and may rule upon such motions ex parte.

(c) *Oral argument.* No oral argument will be heard on motions except as otherwise directed by the trial examiner or the Administrator. Written memoranda or briefs may be filed with motions or answers or objections thereto, stating the points and authorities relied upon in support of the position taken.

(d) *Rulings on motions.* Except as otherwise provided in this part, the trial examiner shall rule upon all motions properly addressed to him and upon such other motions as the Administrator directs, except that if the trial examiner finds that a prompt decision by the Administrator on a motion is essential to the proper conduct of the proceeding, he may refer that motion to the Administrator for decision. The Administrator shall rule upon all motions properly submitted to him for decision.

(e) *Appeal from rulings on motions.* All motions and answers or objections thereto and rulings thereon shall become a part of the record. Rulings of a trial examiner on any motion may not be appealed to the Administrator prior to his consideration of the trial examiner's recommended decision, findings, and conclusions except by official permission of the Administrator; but they shall be considered by the Administrator in reviewing the record. Requests to the Administrator for special permission to appeal from such rulings of the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied upon. The moving party shall immediately serve a copy thereof on every other party to the proceeding.

(f) *Continuation of hearing.* Unless otherwise ordered by the trial examiner or the Administrator, the hearing shall be continued pending the determination of any motion by the Administrator.

§ 747.10 Proposed findings and conclusions and recommended decision.

(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days after service of the Administrator's notice of the filing and transmittal of the record as provided in § 747.6(e), or such further time as the trial examiner for good cause shall determine, to file with the trial examiner proposed findings of fact, conclusions of law, and orders which may be accompanied by a brief or memorandum in support thereof. Such proposals shall be supported by citation of those statutes, decisions, and other authorities which may be relevant and by page references to appropriate parts of the record. All such proposals, briefs, and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The trial examiner shall, within 30 days after the expiration of the time allowed for the filing of proposed findings, conclusions, and order, or within such further time as the Administrator for good cause shall determine, file with and certify to the Administrator for decision the entire record of the hearing, which shall include his recommended decision, findings of fact, conclusions of law, and proposed order, the transcript, exhibits (including on request of any of the parties any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing. Promptly upon such filing the Administrator shall serve upon each party to the proceeding a copy of the trial examiner's recommended decision, findings, conclusion and proposed order. The provisions of this paragraph and § 747.11 shall not apply, however, in any case where the hearing was held before the Administrator.

§ 747.11 Exceptions.

(a) *Filing.* Within 15 days after service of the recommended decision, findings, conclusions, and proposed order of the trial examiner, or such further time as the Administrator for good cause shall determine, any party (other than a party who has not filed an answer in accordance with paragraphs (a) and (d) of § 747.4, unless no answer was required of such party by the Administrator) may file with the Administrator exceptions thereto or any part thereof, or to the failure of the trial examiner to make any recommendation, finding, or conclusion, or to the admission or exclusion of evidence, or other ruling of the trial examiner, supported by such brief as may appear advisable.

(b) *Waiver.* Failure of a party to file exceptions to the recommended decision, findings, conclusions, and proposed order of the trial examiner or any portion thereof, or to his failure to adopt a proposed finding or conclusion, or to the admission or exclusion of evidence or other ruling of the trial examiner, within the time prescribed in paragraph (a) of this section, shall be deemed a waiver of objection thereto.

§ 747.12 Briefs.

(a) *Contents.* All briefs shall be confined to the particular matters in issue. Each exception or proposed finding or conclusion which is briefed shall be supported by a concise argument or by citation of such statutes, decisions or other authorities and by page references to such portions of the record or recommended decision of the trial examiner as may be relevant. If the exception relates to the admission or exclusion of evidence, the substance of the evidence admitted or excluded shall be set forth in the brief with appropriate references to the transcript.

(b) *Reply briefs.* Reply briefs may be filed with the Administrator within 10 days after service of briefs and shall be confined to matters in original briefs of opposing parties. Further briefs may be filed only with the permission of the Administrator.

(c) *Delays.* Briefs not filed on or before the time fixed in this subpart will be received only upon special permission of the Administrator.

§ 747.13 Oral argument before the Administrator.

Upon its own initiative, or upon the written request of any party made within the time prescribed for the filing of exceptions, a brief in support thereof, or a reply brief, if any, for oral argument on the findings, conclusions, and recommended decision of the trial examiner, the Administrator, if he considers that justice will best be served, may order the matter to be set down for oral argument before him. Oral argument before the Administrator shall be recorded unless otherwise ordered by the Administrator.

§ 747.14 Notice of submission to the Administrator.

Upon the filing of the record with the Administrator, and upon the expiration of the time for the filing of exceptions and all briefs, including reply briefs or any further briefs permitted by the Administrator and upon the hearing of oral argument by the Administrator if ordered by the Administrator, the Administrator shall notify the parties that the case has been submitted to him for final decision.

§ 747.15 Decision of the Administrator.

Appropriate members of the staff of the National Credit Union Administration, who are not engaged in the performance of investigative or prosecuting functions in the case, or in a factually related case, may advise and assist the Administrator in the consideration of the case and in the preparation of appropriate documents for its disposition. Copies of the decision and order of the Administrator shall be furnished to the parties to the proceedings, the credit union involved, and to the appropriate State supervisory authority, in the case of a State-chartered credit union.

§ 747.16 Filing papers.

Recommended decisions, exceptions, briefs and other papers required to be filed with the Administrator in any proceedings shall be filed with the Administrator, National Credit Union Administration, 1325 K Street NW., Washington, DC 20456. Any such papers may be sent to the Administrator by mail but must be received in the office of the Administrator in Washington, D.C., or post marked by a post office, within the time limit for such filing.

§ 747.17 Service.

(a) *By the Administrator.* All documents or papers required to be served by the Administrator upon any party afforded a hearing shall be served by him or his duly authorized representative. Such service, except for service upon counsel for the Administration, shall be made by personal service or by registered mail, addressed to the last known address as shown on the records of the Administration, on the attorney or representative of record of such party, provided that if there is no attorney or representative of record, such service shall be made upon such party at the last known address as shown on the records of the Administration. Such service may also be made in such other manner reasonably calculated to give actual notice as the Administrator may by regulation or otherwise provide.

(b) *By the parties.* Except as otherwise expressly provided in this Part, all documents or papers filed in a proceeding under this part shall be served by the party filing the same upon the attorneys or representatives of record of all other parties to the proceeding, or, if any party is not so represented, then upon such party. Such service may be made by personal service or by registered or certified mail addressed to the last known address of such parties, or their attorneys or representatives of record. All such documents or papers shall, when tendered to the Administrator or trial examiner for filing, show that such service has been made.

(c) Copies of any notice or order served by the Administrator upon any State-chartered credit union or any director, officer, or committee member thereof or other person participating in the conduct of its affairs, pursuant to the provisions of this part, shall also be sent to the appropriate State supervisory authority having supervision of such credit union.

§ 747.18 Copies.

Unless otherwise specifically provided in the notice of hearing, an original and seven copies of all documents and papers required or permitted to be filed or served upon the Administrator under this part, except the transcript of testimony and exhibits, shall be furnished to the Administrator.

§ 747.19 Computing time.

(a) *General rule.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed shall be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday, nor such legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays, and legal holidays shall not be included.

(b) *Service by mail.* Whenever any party has the right or is required to do some act or take some proceeding, within a period of time prescribed in this part, after the service upon him of any document or other paper of any kind, and such service is made by mail, 3 days shall be added to the prescribed period from the date when the matter served in deposited in the U.S. mail.

§ 747.20 Documents in proceedings confidential.

Unless and until otherwise ordered by the Administrator, the notice of hearing, the transcript, the recommended decision of the trial examiner, exceptions thereto, proposed findings or conclusions, the findings and conclusions of the Administrator and other papers which are filed in connection with any hearing shall not be made public, and shall be for the confidential use only of the Administrator, the trial examiner, the parties and appropriate authorities.

§ 747.21 Formal requirements as to papers filed.

(a) *Form.* All papers filed under this subpart shall be printed, typewritten, or otherwise reproduced. All copies shall be clear and legible.

(b) *Signature.* The original of all papers filed by a credit union shall be signed by an officer thereof, and if filed by another party shall be signed by said party, or by the duly authorized agent or attorney of the credit union or other party, and in all such cases shall show the signer's address. Counsel for the Administration shall sign the original of all papers filed by him.

(c) *Caption.* All papers filed must include at the head thereof, or on a title page, the name of the Administration, the name of the party, and the subject of the particular paper.

Subpart B—Rules and Procedures Applicable to Proceedings for the Involuntary Termination of Insured Status

§ 747.22 Scope.

Under the authority of section 206 of the Federal Credit Union Act, the Administrator of the National Credit Union Administration may terminate the insured status of an insured credit union upon the grounds set forth therein and enumerated in § 747.23. The procedure for terminating the insured status of an insured credit union as therein prescribed will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 747.23 Grounds for termination of insurance.

Whenever the Administrator determines that an insured credit union is engaging or has engaged in unsafe or unsound practices in conducting the business of that credit union, or is in an unsafe or unsound condition to continue operations as an insured credit union, or in violating or has violated an applicable law, rule, regulation, order, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by the credit union, or is violating or has violated any written agreement entered into with the Administrator, the Administrator shall serve upon the insured credit union a statement with respect to such practices or conditions or violations for the purpose of securing the correction thereof. In the case of an insured State-chartered credit union, the Administrator shall send a copy of such statement to the appropriate State supervisory authority, if any, having supervision of such credit union.

§ 747.24 Notice of intention to terminate insured status.

Unless correction of the practices, condition, or violations set forth in the statement prescribed in § 747.23 is made within 120 days after service of such statement or within such shorter period of not less than 20 days after such service as the Administrator shall require in any case where he determines that the insurance risk with respect to such credit union could be unduly jeopardized by further delay or as the appropriate State supervisory authority shall require in the case of an insured State-chartered credit union, the Administrator, if he determines to proceed further, shall give to the credit union not less than 30 days written notice of his intention to terminate the status of the credit union as an insured credit union. Such notice shall contain a statement of the facts constituting the alleged unsafe or unsound practices or conditions or violations and shall fix a time and place for a hearing thereon which shall be a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or later date is set by the Administrator at the request of the credit union.

§ 747.25 Order terminating insured status.

If, upon the record of the hearing held pursuant to § 747.24, the Administrator shall find that any unsafe or unsound practice or condition or violation specified in the notice has been established and has not been corrected within the time prescribed under § 747.24 in which to make such corrections, the Administrator may issue and serve upon the credit union an order terminating its status as an insured credit union on a date subsequent to the date of such finding and subsequent to the expiration of the time specified in the notice.

§ 747.26 Consent to termination of insured status.

Unless the credit union appears at the hearing designated in the notice of hearing by a duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured credit union. In the event the credit union fails to so appear at such hearing, the trial examiner shall forthwith report the matter to the Administrator and the Administrator may thereupon issue an order terminating the credit union's insured status.

§ 747.27 Notice of termination of insured status.

Prior to the effective date of the termination of the insured status of an insured credit union under sections 206(a) or 206(b) of the Federal Credit Union Act and at such time as the Administrator shall specify, the credit union shall mail to each member at his last address of record on the books of the credit union and publish in not less than two issues of a local newspaper of general circulation and shall furnish the Administration with proof of publication of notice of such termination of insured status. The notice shall be as follows:

Notice

------------ (Date)

1. The status of the --------------------, as an insured credit union under the provisions of the Federal Credit Union Act, will terminate as of the close of business on the -- day of ------------, ----;

2. Any deposits made by you after that date, either new deposits or additions to existing accounts, will not be insured by the National Credit Union Administration;

3. Accounts in the credit union on the -- day of ------------, ----, up to a maximum of $20,000 for each member, will continue to be insured, as provided by the Federal Credit Union Act, for one (1) year after the close of business on the -- day of ------------, ----: *Provided, however,* That any withdrawals after the close of business on the -- day of ------------, ----, will reduce the insurance coverage by the amount of such withdrawals.

------------------------ (Name of Credit Union)

------------------------ (Address)

§ 747.28 Duties after termination.

(a) After the termination of the insured status of any credit union under sections 206(a) or 206(b) of the Federal Credit Union Act, insurance of its member accounts to the extent they were insured on the effective date of such termination, less any amounts thereafter withdrawn which reduce the accounts below the amount covered by insurance on the effective date of such termination, shall continue for a period of one (1) year but no shares issued by the credit union or deposits made after the date of such termination shall be insured by the National Credit Union Administration.

(b) The credit union shall continue to pay premiums to the Administrator during such period and the Administrator shall have the right to examine such credit union from time to time during such period. Such credit union shall, in all other respects, be subject to the duties and obligations of an insured credit union during such one (1) year period. If such credit union is closed for liquidation within such one (1) year period, the Administrator shall have the same powers and rights with respect to such credit union as in the case of an insured credit union.

Subpart C—Rules and Procedures Applicable to Proceedings Relating to Cease-and-Desist Orders

§ 747.29 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Administrator with a view to ordering an insured credit union or any credit union any of the member accounts of which are insured to cease and desist from practices and violations described in section 206 of the Federal Credit Union Act and enumerated in § 747.30. The procedures for issuing such orders prescribed in section 206 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 747.30 Grounds for Cease-and-Desist Orders.

If, in the opinion of the Administrator, any insured credit union or any credit union any of the member accounts of which are insured, is engaging or has engaged, or the Administrator has reasonable cause to believe that such credit union is about to engage, in an unsafe or unsound practice in conducting the business of such credit union, or is violating or has violated, or the Administrator has reasonable cause to believe that such credit union is about to violate, a law, rule, or regulation, or any condition imposed in writing by the Administrator in connection with the granting of any application or other request by such credit union, or any written agreement entered into with the Administrator, the Administrator may issue and serve upon such credit union a notice of charges in respect thereof.

§ 747.31 Notice of charges and hearing.

The notice referred to in § 747.30 will contain a statement of the facts constituting the alleged unsafe or unsound practices or violation or violations and will fix a time and place at which a hearing will be held to determine whether an order to cease and desist therefrom should issue against the credit union. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after service of such notice unless an earlier or a later date is set by the Administrator at the request of the credit union. Unless the credit union shall appear at the hearing by a duly authorized representative, it shall be deemed to have consented to the issuance of the cease-and-desist order.

§ 747.32 Issuance of order.

In the event of such consent referred to in § 747.31, or if upon the record made at any such hearing, the Administrator finds that any unsafe or unsound practice or violation specified in the notice of charges has been established, the Administrator may issue and serve upon the credit union an order to cease and desist from any such practice or violation. Such order may, by provisions which may be mandatory or otherwise require the credit union and its directors, officers, committee members, employees, and agents to cease and desist from the same and, further, to take affirmative action to correct the conditions resulting from any such practice or violation.

§ 747.33 Effective date.

A cease-and-desist order will become effective at the expiration of 30 days after service of such order upon the credit union concerned (except in the case of a cease-and-desist order issued upon consent, which shall become effective at the time specified therein), and will remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

§ 747.34 Temporary cease-and-desist order.

Whenever the Administrator determines that the unsafe or unsound practices or violations or threatened violations specified in the notice of charges served upon the credit union pursuant to § 747.30, or the continuation thereof, is likely to otherwise seriously prejudice the interests of its insured members, the Administrator may issue a temporary order requiring such credit union to cease and desist from any such practice or violation.

§ 747.35 Effective date of temporary order.

Such order will become effective upon service upon the credit union and, unless set aside, limited, or suspended by a court in proceedings authorized under section 206(f)(2) and § 747.36, shall remain effective and enforceable pending the completion of the administrative proceedings held pursuant to such notice and until such time as the Administrator dismisses the charges specified in such notice, or if a cease-and-desist order is issued against the credit union pursuant to § 747.30, until the effective date of any such order.

§ 747.36 Injunctive procedure.

(a) *By the credit union.* Within 10 days after the credit union concerned has been served with a temporary cease-and-desist order pursuant to § 747.34, such credit union may apply to the U.S. district court for the judicial district wherein the principal office of the credit union is located, or to the U.S. District Court for the District of Columbia, for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of such order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the credit union under § 747.30 and such court shall have jurisdiction to issue such injunction.

(b) *By the Administrator.* In the case of a violation or threatened violation of, or failure to obey, a temporary cease-and-desist order, the Administrator may apply to the U.S. district court, or the U.S. court of any territory, within the jurisdiction of which the principal office of the credit union is located for an injunction to enforce such order, and, if the court shall determine that there has been such violation or threatened violation or failure to obey, it shall be the duty of the court to issue such injunction.

Subpart D—Rules and Procedures Applicable to Proceedings Relating to Suspension and Removal Orders

§ 747.37 Scope.

The rules and procedures set forth in this subpart are applicable to proceedings by the Administrator to suspend or remove directors, officers, committee members of an insured credit union, or any other person participating in the affairs of such credit union, and/or prohibit such person from further participation in the conduct of the affairs of such credit union, upon the grounds set forth in section 206 of the Federal Credit Union Act and enumerated in this subpart. The procedures for issuing such orders prescribed in section 206 of said Act will be followed and hearings required thereunder will be conducted in accordance with the rules and procedures set forth in this subpart and Subpart A of this part.

§ 747.38 Grounds for removal order.

(a) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union has committed any violation of law, rule, or regulation, or of a cease-and-desist order which has become final, or has engaged or participated in any unsafe or unsound practice in connection with the credit union, or has committed or engaged in any act, omission, or practice which constitutes a breach of his fiduciary duty as such director, officer, or committee member and the Administrator determines that the credit union has suffered or will probably suffer substantial financial loss or other damage or that the interests of its insured members could be seriously prejudiced by reason of such violation, practice or breach of fiduciary duty and that such violation, practice, or breach of fiduciary duty is one involving personal dishonesty on the part of such director, officer, or committee member, the Administrator may serve upon such director, officer, or committee member a written notice of his intention to remove him from office.

(b) Whenever, in the opinion of the Administrator, any director, officer, or committee member of an insured credit union, by conduct or practice with respect to another insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to continue as a director, officer, or committee member, and, whenever, in the opinion of the Administrator, any other person participating in the conduct of the affairs of an insured credit union, by conduct or practice with respect to such credit union or other insured credit union or other business institution which resulted in substantial financial loss or other damage, has evidenced his personal dishonesty and unfitness to participate in the conduct of the affairs of such insured credit union, the Administrator may serve upon such director, officer, committee member, or other person a written notice of his intention to remove him from office and/or to prohibit his further participation in any manner in the conduct of the affairs of such credit union.

§ 747.39 Grounds for suspension order.

In respect to any director, officer, or committee member of an insured credit union or any other person referred to in § 747.38 (a) or (b), the Administrator may, if he deems it necessary for the protection of the credit union or the interests of its insured members, by written notice to such effect served upon such director, officer, committee member, or other person, suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union.

§ 747.40 Effective date of suspension order.

Such suspension and/or prohibition which is subject to the notice prescribed in § 747.39 of this subpart, shall become effective upon service of such notice and, unless stayed by a court in proceedings authorized by § 747.43 of this subpart, shall remain in effect pending the completion of the administrative proceedings pursuant to the notice served under § 747.38 (a) or (b) of this subpart and until such time as the Administrator shall dismiss the charges specified in such notice, or, if an order of removal and/or prohibition is issued against the director, officer, committee member, or other person, until the effective date of any such order. Copies of any such notice shall also be served upon the credit union of which he is a director, officer, or committee member or in the conduct of whose affairs he has participated.

§ 747.41 Notice of intention to remove and hearing.

A notice of intention to remove a director, officer, committee member, or other person from office and/or to prohibit his participation in the conduct of the affairs of an insured credit union will contain a statement of the facts constituting the grounds therefor and will fix a time and place at which a hearing will be held thereon. Such hearing shall be fixed for a date not earlier than 30 days nor later than 60 days after the date of service of such notice unless an earlier or a later date is set by the Administrator at the request of (a) such director, officer, committee member, or other person, and for good cause shown or (b) the Attorney General of the United States. Unless such director, officer, committee member, or other person shall appear at the hearing in person or by a duly authorized representative, he shall be deemed to have consented to the issuance of an order of such removal and/or prohibition.

§ 747.42 Issuance of removal order and effective date.

(a) In the event of such consent referred to in § 747.41, or if upon the record made at any such hearing the Administrator shall find that any of the grounds specified in such notice has been established, the Administrator may issue such orders of suspension or removal from office and/or prohibition from participation in the conduct of the affairs of the credit union as he may deem appropriate.

(b) Any such order shall become effective at the expiration of 30 days after service upon such credit union and the director, officer, committee member, or other person concerned (except in the case of an order issued upon consent which shall become effective at the time specified therein). Such order shall remain effective and enforceable except to such extent as it is stayed, modified, terminated, or set aside by action of the Administrator or a reviewing court.

§ 747.43 Stay of suspension or prohibition.

Within 10 days after any director, officer, committee member, or other person has been suspended from office and/or prohibited from participation in the conduct of the affairs of an insured credit union under section 206 of the Federal Credit Union Act and as set forth in this subpart, such director, officer, committee member or other person may apply to the U.S. district court for the judicial district in which the principal office of the credit union is located, or the U.S. District Court for the District of Columbia, for a stay of such suspension and/or prohibition pending the completion of the administrative proceedings pursuant to the notice served upon such director, officer, committee member, or other person under section 206 of said Act and as set forth in this subpart, and such court shall have jurisdiction to stay such suspension and/or prohibition.

§ 747.44 Suspension and removal where felony involved.

(a) *Suspension.* Whenever any director, officer, or committee member of an insured credit union, or other person participating in the conduct of the affairs of such credit union, is charged in any complaint authorized by a U.S. attorney or in any information or indictment, with the commission of or participation in a felony involving dishonesty or breach of trust, the Administrator may, by written notice served upon such director, officer, committee member, or other person suspend him from office and/or prohibit him from further participation in any manner in the conduct of the affairs of the credit union. Such a suspension and/or prohibition shall remain in effect until such information, indictment, or complaint is finally disposed of or until terminated by the Administrator.

(b) *Removal.* In the event that a judgment of conviction with respect to such offense is entered against such director, officer, committee member, or other person, and at such time as such judgment is not subject to further appellate review, the Administrator may issue and serve upon such director, officer, committee member, or other person an order removing him from office and/or prohibiting him from further participation in any manner in the conduct of the affairs of the credit union except with the consent of the Administrator. A copy

of such order shall also be served upon such credit union, whereupon such director, officer, or committee member shall cease to be a director, officer, or committee member of such institution.

(c) A finding of not guilty or other disposition of the charge shall not preclude the Administrator from thereafter instituting proceedings to remove such director, officer, committee member, or other person from participation in the affairs of the credit union pursuant to section 206 of the Federal Credit Union Act and as set forth in this subpart.

§ 747.45 Remainder of board of directors.

(a) If at any time, because of the suspension of one or more directors pursuant to this subpart, there shall be on the board of directors of a Federal credit union less than a quorum of directors not so suspended, all powers and functions vested in or exercisable by such board shall vest in and be exercisable by the director or directors on the board not so suspended, until such time as there shall be a quorum of the board of directors.

(b) In the event all of the directors of a Federal credit union are suspended pursuant to this subpart, the Administrator shall appoint persons to serve temporarily as directors in their place pending the termination of such suspensions, or until such time as those who have been suspended cease to be directors of the credit union and their respective successors have been elected by the members at an annual or special meeting and have taken office.

(c) Directors appointed temporarily by the Administrator pursuant to paragraph (b) of this section, shall, within 30 days following their appointment, call a special meeting for the election of new directors, unless during such 30 day period (1) the regular annual meeting is convened, or (2) the suspensions giving rise to the appointment of temporary directors are terminated.

Subpart E—Judicial Review; Penalty; Definitions

§ 747.46 Judicial review.

(a) Judicial review of any order issued by the Administrator in accordance with his decision after any hearing under this part shall be as provided in this subpart. Unless a petition for review is timely filed in a court of appeals of the United States as provided in paragraph (b) of this section, and thereafter until the record in the proceeding has been filed as so provided in said subparagraph, the Administrator may at any time, upon such notice and in such manner as he may deem proper, modify, terminate, or set aside any such order. Upon such filing of the record, the Administrator may modify, terminate, or set aside any such order with permission of the court.

(b) Any party to such proceeding, or any person required by an order issued under this part to cease and desist from any of the practices or violations stated in such order, may obtain a review of any order served pursuant to the final decision of the Administrator (other than an order issued with the consent of the credit union or the director, officer, committee member, or other person concerned or an order issued under § 747.44) by filing in the court of appeals of the United States for the circuit in which the principal office of the credit union is located or in the U.S. Court of Appeals for the District of Columbia Circuit, within 30 days after the date of service of such order, a written petition praying that the order of the Administrator be modified, terminated, or set aside.

(c) A copy of such petition shall be forthwith transmitted by the clerk of the court to the Administrator, and thereupon the Administrator shall file in the court the record in the proceeding, as provided in section 2112 of title 28, United States Code.

(d) Upon the filing of such petition, such court shall have jurisdiction. Such jurisdiction shall, upon the filing of the record, be exclusive to affirm, modify, terminate, or set aside, in whole or in part, the order of the Administrator, except as provided in the last sentence of paragraph (a) of this section. Review of such proceedings shall be had as provided in chapter 7 of title 5, United States Code. The judgment and decree of the court shall be final, except that the same shall be subject to review by the Supreme Court upon certiorari, as provided in section 1254 of title 28, United States Code.

(e) The commencement of proceedings for judicial review under this section shall not, unless specifically ordered by the court, operate as a stay of any order issued by the Administrator.

§ 747.47 Judicial enforcement.

The Administrator may, in his discretion, apply to the U.S. district court, or the U.S. court of any territory within the jurisdiction of which the principal office of the credit union is located, for the enforcement of any effective and outstanding notice or order issued under this part, and such courts shall have jurisdiction and power to order and require compliance therewith. However, except as otherwise provided in this part, no court shall have jurisdiction to affect by injunction or otherwise the issuance or enforcement of any notice or order under this part or to review, modify, suspend, terminate, or set aside any such notice or order.

§ 747.48 Penalty.

Any director, officer, or committee member, of an insured credit union or of a credit union any of the member accounts of which are insured, or any other person against whom there is outstanding and effective any notice or order (which has become final) served upon such director, officer, committee member, or other person under Subpart D of this part and who (a) participates in any manner in the conduct of the affairs of the credit union involved, or directly or indirectly solicits or procures, or transfers or attempts to transfer, or votes or attempts to vote, any proxies, consents, or authorizations in respect of any voting rights in such credit union, or (b) without the prior written approval of the Administrator votes for a director, serves or acts as a director, officer, committee member, or employee of any credit union, shall, upon conviction, be fined not more than $5,000 or imprisoned for not more than 1 year, or both.

§ 747.49 Expenses and attorney's fees.

Any court having jurisdiction of any proceeding instituted under this part by any insured credit union or a director, officer, or committee member thereof, may allow to any such party such reasonable expenses and attorney's fees as it deems just and proper, and such expenses and fees shall be paid by the credit union or from its assets.

§ 747.50 Definitions.

(a) *Final.* As used in this part, the terms "cease-and-desist order which has become final" and "order which has become final" means a cease-and-desist order, or an order issued by the Administrator with the consent of the credit union or the director, officer, committee member, or other person concerned, or with respect to which no petition for review of the action of the Administrator has been filed and perfected in a court of appeals pursuant to § 747.46, or with respect to which the action of the court in which said petition is so filed is not subject to further review by the Supreme Court of the United States in proceedings provided for in § 747.46, or an order issued under § 747.44.

(b) *Violation.* As used in this part, the term "violation" includes, without limitation, any action (alone or with another or others) for or toward causing, bringing about, participating in, counseling, or aiding or abetting a violation.

(c) *Place of hearing.* Any hearing provided for in this part shall be held in the Federal judicial district or in the territory in which the principal office of the credit union is located, unless the party afforded the hearing consents to another place.

[FR Doc.71-6434 Filed 5-7-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Chapter X]

[No. 35220]

PRACTICES AND POLICIES IN SETTLEMENT OF LOSS AND DAMAGE CLAIMS ON GRAIN AND GRAIN PRODUCTS

Advanced Notice of Proposed Rule Making

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 30th day of April 1971:

It appearing, that by joint petition filed January 12, 1970, in this proceeding, American Feed Manufacturers Association and National Soybean Processors Association requested the entry of a declaratory order pursuant to then section 5(d) of the Administrative Procedure Act (5 U.S.C. 554(e)) to resolve the questions specified below regarding the rules endorsed by the Commission in Claims for Loss and Damage of Grain, 56 I.C.C. 347 (1920):

1. Are cars with lining open at the top considered—

(a) An unusual condition which might constitute probable cause for loss, or

(b) Defective equipment?

2. May the carriers use one weighing rule for loss and damage purposes and another for determining freight charges?

3. Does the publication of a rule limiting carriers' liability on clear-record cars shift the burden of proof to the shippers?

4. May the carriers wholly or partially avoid liability for material lost through or around grain doors for the sole reason that they were applied by the shippers?

5. Did the Commission intend the rules to apply to grain products (including vegetable oil meals, in bulk)?

It further appearing, that the action sought was to remove uncertainty. Division 2, by order dated March 4, 1970, published in the FEDERAL REGISTER on March 19, 1970 (35 F.R. 4804), instituted an investigation into the matters and things presented in the petition;

It further appearing, that by petitions filed April 6, 1970, the National Grain Trade Council and the Grain and Feed Dealers National Association sought to broaden the investigation to include additional questions, and since it appeared that the subject matter of the additional questions related to the prior questions, Division 2, by order dated October 6, 1970, and amended order dated October 26, 1970, the latter published in the FEDERAL REGISTER on October 31, 1970 (35 F.R. 16882), broadened the scope of the investigation to include the following additional question:

It is a reasonable and otherwise lawful practice under the Interstate Commerce Act for carriers, with respect to grain (including oilseeds) and grain products (including vegetable oil meals in bulk and animal and poultry feeds) by tariff rule or by application of company policy, to announce and/or enforce limitations of liability, in whole or part, on claims for loss and damage, where there are official weights at origin and/or destination, or where there are unofficial weights at origin and/or destination, or under any other circumstance?

It further appearing, that the orders referred to directed all persons who wished to actively participate in the proceeding and to file and receive copies of pleadings to notify the Commission on or before specified dates, the last being November 9, 1970, and a notice was served on each of such parties on November 18, 1970 (a correction was served on February 4, 1971), naming all the parties; that the parties were directed to submit their evidence under modified procedure, the opening statements of facts and argument by petitioners and any supporting parties to be due on or before 20 days from November 18, 1970; and various pleadings have been filed; and the date for the filing of statements of carriers and supporting parties was postponed to April 2, 1971;

It further appearing, that on February 12, 1971, three carriers, the Missouri Pacific Railroad Co. and its affiliated lines, the Texas and Pacific Railway Co. and the Chicago & Eastern Illinois Railroad Co., filed a motion to dismiss the proceeding or, in the alternative, to clarify the nature and basis of the proceeding, and also requested additional time to file the carriers' opening statements; and that on February 19, 1971, Garvey, Inc., and on March 4, 1971, American Feed Manufacturers Association, National Soybean Processors Assocation, and National Grain & Feed Association filed replies in opposition to the motion;

It further appearing, that in support of the motion to dismiss, the carriers urge that the proceeding concerns the railroads' liability for loss and damage to grain in transit; that the Commission has no jurisdiction to adjudicate cases or controversies involving loss and damage to freight; and that declaratory orders are authorized in the provisions regarding adjudications in the Administrative Procedure Act (5 U.S.C. 554) and are procedures for an agency to make final determinations of conflicts or uncertainty in an agency matter other than rule making; that the petitioners are not here seeking adjudication of particular loss and damage claims and have not shown conflicts between particular parties involving specific cases or controversies; and that, in fact, the petitioners are seeking remedial action for the future which is rule making, as defined in section 551 (5 U.S.C. 551) of the Administrative Procedure Act; and good cause appearing therefor:

It is ordered, That a proceeding be, and it is hereby, instituted under authority of the National Transportation Policy (49 U.S.C. § 1), part I of the Interstate Commerce Act (49 U.S.C. § 1 et seq.), more specifically, sections 1(6), 1(11), 2, 3(1), 5a, 6(1), 6(5), 12(1), and 15(1) thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act), for the purpose of (1) inquiring into the nature of the railroads' rules, regulations, practices, and procedures in handling loss and damage claims, to determine if they are in accord with rules endorsed by the Interstate Commerce Commission in Claims for Loss and Damage of Grain, supra, and the provisions of the Interstate Commerce Act, (2) of determining the extent of this Commission's jurisdiction over such rules, regulations, practices, and procedures, (3) whether the Commission should revise the rules endorsed in Claims for Loss and Damage of Grain, supra, or adopt new just, reasonable, and lawful rules and regulations governing these and other matters relating to the general handling and processing of loss and damage claims on grain by the railroads, and (4) of taking such other and further action, including possible recommendation of legislation, as the facts and circumstances might justify and require.

It is further ordered, That the orders entered herein on March 4, October 6 and 26, 1970, instituting a proceeding for a declaratory order be, and they are hereby, vacated and set aside; that all respondents and other parties previously participating herein be, and they are hereby, considered as parties in the rulemaking proceeding; and that any pleadings filed pursuant to the vacated order be, and they are hereby, considered as filed herein, provided that copies thereof shall be furnished to any additional parties which indicate their intention to participate herein.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertaining to this proceeding, as indicated, to avoid duplication, previously filed pleadings will be considered as filed herein.

It is further ordered, That any person (in addition to those shown on the list attached to the notice dated November 13, 1970, and served November 18, 1970, as adjusted by the notice dated January 27, 1971, and served February 4, 1971) intending to participate in this proceeding by the submission of initial statements or reply statements shall notify the Commission by filing with the Status Branch, Office of Proceedings, Interstate Commerce Commission, Washington, D.C. 20423, on or before May 17, 1971, the original and one copy of a statement of his intention to participate, that the Commission then shall prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, including those shown on the prior list dated November 13, 1970, upon whom copies of all statements must be filed (previously submitted statements must be served only on additional parties, and the Commission shall be notified to that effect); and that at the time of the service of the service list the Commission will fix the time within which initial statements and reply statements must be filed.

It is further ordered, That in view of the successive delays which have previously occurred, no requests for the extensions of the times then specified will be considered except in extreme emergency.

And it is further ordered, That statutory notice of the institution of this proceeding be given to the general public

by mailing a copy of this order to the Governor of every State and to the public utilities commissions or boards of each State having jurisdiction over transportation, by mailing a copy to all parties shown on the list served with the notice dated November 13, 1970, as corrected, by depositing a copy of this order in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy thereof to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons. No such publication will be made of any notices or orders subsequently entered in this proceeding; service thereof will be confined to those who are now or who become parties as herein provided.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6489 Filed 5-7-71;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Geological Survey

INSTALLATION OF TWO ADDITIONAL DRILLING AND PRODUCING PLATFORMS IN THE SANTA BARBARA CHANNEL

Availability of Draft Environmental Impact Statement

Notice is hereby given of the public availability of a draft report dated May 10, 1971, which discusses the potential environmental impact of the proposed installation of two additional drilling and producing platforms on Federal oil and gas leases on the Outer Continental Shelf in the Santa Barbara Channel, off the coast of California. These programs involve two lease tracts that were acquired in 1968 by private entities through competitive bidding.

Comments on the draft environmental statement are solicited from Federal, State, and local agencies and members of the public. Such comments should be submitted to the Office of the Director, Geological Survey, U.S. Department of the Interior, Washington, DC 20242. This draft statement is not the document on which final decision will be based. All comments on the draft statement must be received by June 14, 1971, in order to be considered in the preparation of the final environmental statement and in assessment of the platform installation proposals.

Copies of the draft statement, which includes a colored map of the Santa Barbara Channel, may be purchased (price $2) or examined at any of the following locations:

Washington, D.C.:
  Office of Director of Information, Room 7208, Interior Department Building, 18th and C Streets NW.
Denver, Colo.:
  Geological Survey Public Inquiries Office, Room 1012, Federal Building.
Los Angeles, Calif.:
  Geological Survey Public Inquiries Office, 7638 Federal Building, 300 North Los Angeles Street.
Santa Barbara, Calif.:
  Geological Survey District Office, 214 Post Office Building, 836 Anacapa Street.
San Francisco, Calif.:
  Geological Survey Public Inquiries Office, Room 504, Customhouse, 555 Battery Street.

Dated: May 6, 1971.

W. A. RADLINSKI,
Acting Director, Geological Survey.

[FR Doc.71-6544 Filed 5-7-71;8:51 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Report No. 113]

LIST OF FREE WORLD AND POLISH FLAG VESSELS ARRIVING IN CUBA SINCE JANUARY 1, 1963

SECTION 1. The Maritime Administration is making available to the appropriate Departments the following list of vessels which have arrived in Cuba since January 1, 1963, based on information received through April 14, 1971, exclusive of those vessels that called on Cuba on U.S. Government-approved noncommercial voyages and those listed in section 2. Pursuant to established U.S. Government policy, the listed vessels are ineligible to carry U.S. Government-financed cargoes from the United States.

FLAG OF REGISTRY AND NAME OF SHIP	*Gross tonnage*
Total—all flags (202 ships)	1,993,245
Cypriot (102 ships)	789,833
Aegis Banner	9,024
Aegis Fame	9,072
Aegis Hope (previous trips to Cuba as the Huntsmore—British)	5,678
Aftadelfos	8,136
Aghios Ermolaos	7,208
Aghios Nicolaos	7,254
Aida	7,292
Alfa	7,388
Alice (previous trips to Cuba—Greek)	7,189
Alitric	7,564
Alima	6,585
Alpa	9,159
Amarilis	8,959
Amfithea (previous trip to Cuba as the Antonia—Greek)	5,171
Anemone	7,168
Anka	7,314
Annunciation Day	8,047
Antigoni	3,174
Aragon (previous trips to Cuba—Somali)	7,248
Ardena	7,261
Arendal	7,265
Areti	8,406
Aria (previous trips to Cuba—Somali)	5,059
Arion	3,570
Armar	5,089
Arosa	7,233
Athenian	9,943
Aurora	8,380
Azalea	9,506
Begonia	6,576
Byron	8,720
Calypso (tanker)	12,883
Camelia	8,111
Castalia	7,641
Claire (previous trips to Cuba—Lebanese)	5,411
Cleo II	7,590
Costiana	7,199

Cypriot—Continued	*Gross tonnage*
Degedo	9,000
Diamondo	7,067
Dolphin	3,550
Dorine Papalios (previous trips to Cuba as the Formentor—British)	8,424
E. D. Papalios	9,431
Elpida	8,296
Elpidoforos	4,963
Erato (previous trips to Cuba—Somali—and as the Eretria—Greek)	7,199
Free Trader (previous trips to Cuba—Lebanese)	7,061
Gardenia	9,744
George	7,378
George N. Papalios	9,071
Georgios C. (previous trips to Cuba as the Huntsfield—British and Cypriot)	9,483
Georgios T.	9,646
Giannis	7,490
Gladiator	8,346
Good Luck	6,952
Happy Land	9,080
Herodemos	7,356
Ilena (previous trips to Cuba—Lebanese)	5,925
Irena (previous trips to Cuba—Lebanese)	7,232
Iris	8,479
Johnny	9,689
June	9,357
Katerina (previous trips to Cuba—Lebanese)	9,357
Kimon	5,686
Kitsa	9,519
Kounistra (previous trips to Cuba as the Nicolaos Frangistas and the Nicolaos F.—Greek)	7,199
Kypros	7,001
Lena	7,029
Marco	7,622
Marika (previous trip to Cuba—Lebanese)	7,290
Master George	7,334
May	8,853
Mery (previous trips to Cuba—Greek)	7,258
Mimis N. Papalios	9,069
Mimosa	8,618
Miss Papalios	9,072
Mitera Irini (previous trips to Cuba as the Soclyve—British and Maltese)	7,291
Nea Hellas	9,241
Nedi 2	7,679
Newgate (previous trips to Cuba—British)	6,743
Nike	9,505
Noelle (previous trips to Cuba—Lebanese)	7,251
Olga (previous trips to Cuba—Lebanese and Greek)	7,265
Pantazis Calas	9,618
Patricia	6,998
Petunia	7,843
Platres	7,244
Protoklitos	6,154
Salvia	8,522
Savvas	7,230
Silver Coast	7,328
Silver Hope	5,313
Sophia (previous trips to Cuba—Greek)	7,030

Cypriot—Continued	*Gross tonnage*
Spyro	7,591
Successor	11,471
Suerte	7,267
Thios Costas (previous trips to Cuba—Somali)	7,258
Torenia	8,077
**Troyan (trips to Cuba as the Mauritanie—Moroccan)	10,392
Venturer	9,000
Venus	9,777
Zaira	8,032
Zinia	7,114
British (37 ships)	303,542
NOTE: Antarctica (now Han Xiang—Peoples Republic of China—will be deleted from future reports)	
Arctic Ocean	8,791
Athelcrown (tanker)	11,149
Athellaird (tanker)	11,150
Athelmonarch (tanker)	11,182
Avisfaith	7,868
Cheung Chau	8,566
Coral Islands	9,060
East Sea	9,679
Eastglory	8,995
Fortune Enterprise	7,696
**Glendalough (trip to Cuba—as the Ardrossmore—British)	5,820
Golden Bridge	7,897
Ho Fung	7,121
Huntsland	9,353
Hwa Chu	9,091
Hwang Ho	9,457
Ivory Islands	9,718
Jollity	8,819
Kinross	5,388
Magister	2,239
Nancy Dee	6,597
Newheath	7,643
Precious Pearl	6,921
Red Sea (previous trip to Cuba as the Grosvenor Mariner—British)	7,026
**Rosetta Maud (trips to Cuba as the Ardtara—British)	5,795
Ruthy Ann	7,361
Sea Amber	10,421
Sea Coral	10,421
Sea Empress	9,841
Sea Moon	9,085
Seasage	4,330
**Shun Wah (trip to Cuba as the Vercharmian—British)	7,265
Steed	8,989
Venice	8,611
Yellow Sea	9,998
Yunglutaton	5,414
Polish (21 ships)	150,590
Baltyk	6,984
Bialystok	7,173
Bytom	5,967
Chopin	9,231
Chorzow	7,237
Energetyk	10,876
Grodziec	3,379
Huta Florian	7,258
Huta Labedy	7,221
Huta Ostrowiec	7,179
Huta Zgoda	6,840
Hutnik	10,847
Kopalnia Bobrek	7,221
Kopalnia Czladz	7,252
Kopalnia Miechowice	7,223
Kopalnia Siemianowice	7,165
Kopalnia Wujek	7,033
Narwik	7,065
Plast	3,184

Polish—Continued	*Gross tonnage*
Rejowiec	3,401
Transportowiec	10,854
Yugoslav (8 ships)	53,948
Agrum	2,449
Bar	8,776
Cetinje	8,229
Kolasin	7,217
Piva	7,519
Plod	3,657
Tara	7,499
Ulcinj	8,602
Greek (6 ships)	40,477
Andromachi (previous trips to Cuba as the Penelope—Greek)	6,712
**Anna Maria (trips to Cuba as the Helka—British)	2,111
Eftyhia	9,844
**Gold Land (trip to Cuba as the Amfred—Swedish)	2,838
**Lambros M. Fatsis (trips to Cuba as the La Hortensia—British)	9,486
**Pothiti (trips to Cuba as the Huntsville—British)	9,486
Italian (6 ships)	53,930
Alderamine (tanker)	12,505
Ella (tanker)	11,021
Probitas	8,150
San Francesco	9,284
Santa Lucia	9,278
Somalia	3,692
Somali (6 ships)	43,824
**Atlas (trip to Cuba—Finnish)	3,916
*Ber Sea	8,269
Dimitrakis	7,829
Hemisphere (previous trips to Cuba—British)	8,718
Nebula (trips to Cuba—British)	8,907
**Oriental (trips to Cuba as the Oceantramp—British)	6,185
French (4 ships)	10,466
**Atlanta (trip to Cuba as the Enee—French)	1,232
Circe	2,874
Danae	3,486
Nelle	2,874
Lebanese (2 ships)	11,583
Antonis	6,259
Astir	5,324
Netherlands (2 ships)	1,615
Meike	500
Tempo	1,115
Panamanian (2 ships)	17,543
**Ampuria (trips to Cuba as the Roula Maria—Greek)	10,608
**Robertina (trips to Cuba as the Anacreon—Greek)	6,935
Finnish (1 ship)	4,779
Someri	4,779
Guinean (1 ship)	852

Guinean—Continued	*Gross tonnage*
**Drame Oumar (trip to Cuba as the Neve—French)	852
Maltese (1 ship)	5,333
Timios Stavros (previous trips to Cuba—British and Greek)	5,333
Moroccan (1 ship)	3,214
Marrakech	3,214
Pakistani (1 ship)	8,708
**Maulabaksh (trips to Cuba as the Phoenician Dawn and East Breeze—British)	8,708
Singapore (1 ship)	7,638
**Pu Gor (trips to Cuba as the Azure Coast II—Cypriot)	7,638

SEC. 2. In accordance with approved procedures, the vessels listed below which called at Cuba after January 1, 1963, have reacquired eligibility to carry U.S. Government-financed cargoes from the United States by virtue of the persons who control the vessels having given satisfactory certification and assurance:

(a) That such vessels will not, thenceforth, be employed in the Cuban trade so long as it remains the policy of the U.S. Government to discourage such trade; and

(b) That no other vessels under their control will thenceforth be employed in the Cuban trade, except as provided in paragraph (c); and

(c) That vessels under their control which are covered by contractual obligations, including charters, entered into prior to December 16, 1963, requiring their employment in the Cuban trade shall be withdrawn from such trade at the earliest opportunity consistent with such contractual obligations.

FLAG OF REGISTRY AND NAME OF SHIP

a. Since last report:

	Gross tonnage
Green Walrus (British) now Jag Ravi (Indian)	9,443
Purple Dolphin (British) now Jag Rekha (Indian)	9,420

b. Previous reports:

	Number of ships
Flag of registry (total)	138
British	46
Cypriot	4
Danish	1
Finnish	4
French	4
German (West)	1
Greek	31
Israeli	1
Italian	13
Japanese	1
Kuwaiti	1
Lebanese	9
Liberia	1

See footnotes at end of document.

Flag of registry:	Number of ships
Moroccan	2
Norwegian	5
Somali	1
Spanish	6
Swedish	1
Yugoslav	6

Sec. 3. The following number of vessels have been removed from this list, since they have been broken up, sunk, or wrecked.

a. Since last report:

	Gross Tonnage
Krios (Cypriot)	2,915
Tony (Lebanese)	7,176
Vergmont (British)	7,381

b. Previous reports:

Flag of registry:	Broken up, sunk, or wrecked
British	24
Cypriot	36
Finnish	5
French	1
Greek	18
Italian	4
Japanese	1
Lebanese	35
Maltese	2
Monaco	1
Moroccan	1
Norwegian	1
Pakistan	1
Panamanian	7
Singapore	1
Somali	1
South Africa	2
Swedish	1
Yugoslav	6
Total	148

Sec. 4. The ships listed in sections 1 and 2 have made the following number of trips to Cuba since January 1, 1963, based on information received through April 14, 1971.

See footnotes at end of document.

Flag of registry	1963	1964	1965	1966	1967	1968	1968	1970				1971			Total
								Jan.-Sept.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	
British	133	180	126	101	78	62	45	43	4	2	4	3	4		785
Cypriot		1	17	27	42	68	115	144	20	13	22	14	14	7	504
Lebanese	64	91	58	25	16	16	4	1							275
Greek	99	27	23	27	29	7									212
Italian	16	20	24	11	11	10	15	12	1			3			123
Yugoslav	12	11	15	10	14	9	6	6		1			1	1	86
French	8	9	9	10	10	4	2	1	1	1	2		1		58
Finnish	1	4	5	11	12	8	2	1							44
Spanish	8	17													25
Norwegian	14	10													24
Moroccan	9	13	1												23
Maltese		2	6	1	4	8	1	2							24
Somalia					2	11	7	2	1	1		1			25
Netherlands		4	2												6
Sweden	3	3													6
Kuwaiti		2	1												3
Israeli			2												2
Japanese	1					1									2
Danish	1														1
German (West)	1														1
Haitian			1												1
Monaco				1											1
Subtotal	370	394	290	224	218	204	197	212	27	18	28	21	20	8	2,231
Polish	18	16	12	10	11	7	2	2			1				79
Subtotal	370	394	290	224	218	204	197	212	27	18	28	21	20	8	2,231
Polish	18	16	12	10	11	7	2	2			1				79
Grand total	388	410	302	234	229	211	199	214	27	18	29	21	20	8	2,310

Note: Trip totals in section 4 exceed ship totals in sections 1 and 2 because some of the ships made more than one trip to Cuba. Monthly totals subject to revision as additional data becomes available.

*Added to Report No. 112, appearing in the Federal Register issue of March 16, 1971.

**Ships appearing on the list which have made no trips to Cuba under the present registry.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

Dated: April 19, 1971.

James S. Dawson, Jr.,
Secretary, Maritime Administration.

[FR Doc.71-6369 Filed 5-7-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PHILLIPS PETROLEUM CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1L2637) has been filed by Phillips Petroleum Co., 588 Frank Phillips Building, Bartlesville, Okla. 74003, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of polyphenylene sulfide resins alone or in combination with titanium dioxide as coatings of articles or components of articles intended for food-contact use.

Dated: May 4, 1971.

Virgil O. Wodicka,
Director, Bureau of Foods.

[FR Doc.71-6439 Filed 5-7-71;8:46 am]

A. E. STALEY MANUFACTURING CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2678) has been filed by A. E. Staley Manufacturing Co., 2200 Eldorado Street, Decatur, Ill. 62525, proposing that § 121.1031 *Food starch-modified* (21 CFR 121.1031) be amended to provide for the safe use of food starch modified by etherification with epichlorohydrin, not to exceed 0.1 percent, combined with propylene oxide, not to exceed 25 percent, as a direct food additive.

Dated: May 5, 1971.

Virgil O. Wodicka,
Director of Bureau of Foods.

[FR Doc.71-6438 Filed 5-7-71;8:46 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, October 30, 1968) is hereby amended with regard to section 3-B, *Organization*, as follows:

Delete the center head "Community Health Service (2600)" and the text thereunder, and substitute the following center head and accompanying text:

COMMUNITY HEALTH SERVICE (3P00)

Stimulates, conducts, supports, and evaluates programs designed to increase the effectiveness and efficiency of allocating and utilizing health resources for quality preventive and curative health services obtainable and acceptable to the American people. To this end, the Service promotes, develops, and supports: (1) Comprehensive health planning designed to match resources to the needs and wants of people in accordance with continually assessed priorities; (2) standards and evaluative activities as means of increasing the Nation's capacity for delivering quality health services; (3) activities designed to increase the scope and adequacy of balanced resources for the provision of comprehensive personal health services; and (4) programs of comprehensive health care focused on the needs of individuals and families wherever they live.

Office of the Director (3P01). (1) Provides leadership and general direction for Service operations, including equal employment opportunity; (2) establishes program objectives and policies; (3) coordinates and evaluates development and progress of the Service's activities; (4) provides technical guidance and coordination to Service activities in the Regional Offices; and (5) provides a liaison with other agencies including the Social

Security Administration, the Food and Drug Administration, the Social and Rehabilitation Service, the Department of Housing and Urban Development, the Appalachian Regional Commission, and the Office of Economic Opportunity.

Office of Training and Staff Development (3P15). (1) Forecasts changes in CHS headquarters and regional professional and support staff requirements from daily activities; (2) determines additional training to meet the forecasted changes; (3) locates or develops the required additional training; (4) initiates action in order to insure that the additional training is obtained; (5) provides counseling for career planning and development to meet CHS needs; and (6) reviews and provides consultation on all CHS training.

Office of Information (3P17). (1) Develops and conducts an overall Service information program; (2) coordinates, evaluates, and provides leadership in the development and effective operation of Division information programs; (3) provides staff advice on information matters; and (4) participates in the planning and development of Service-level policies with special responsibility for their interpretation to the public.

Office of Administrative Management (3P19). Develops and implements management policies, procedures, and systems; (2) plans, directs, and evaluates the administrative management activities of the Service; (3) provides program guidance and information to the staff of the Administration's Office of Financial Management in the operation of a financial management system for the Service, including program policy interpretation in budget formulation and execution, in preparation of program planning and budgeting data, and in the financial management of grants; (4) maintains liaison with officials of the Office of the Administrator and the Office of the Secretary on financial, personnel, organization, supply, contracts, and other management matters; and (5) plans, directs, and evaluates the Service's grants management activities.

Office of Field Services (3P21). (1) Provides advice to the Director, CHS, and to the regional offices on coordination and implementation of CHS programs in the regional offices; (2) maintains liaison with regional HSMHA staffs, the SSA and other Federal agencies to assist with the coordination of regional office activities; (3) recommends regional and field staffing and assists with recruitment; (4) advises Director, CHS, on improving coordinating of CHS program activities within the regional offices and headquarters; and (5) keeps Director, CHS, apprised of the status of all regional operations.

Community Profile Data Center (3P25). (1) Provides data, data analysis, and data system assistance and services to the Director and to operating programs of the Community Health Service, and where appropriate, other HSMHA components, (2) identifies sources and obtains health and socioeconomic data and prepares community-level data analyses; (3) develops methodology for and produces community profiles, mathematical indices of the level of service available in communities, and predictive models to test health service delivery mechanisms; (4) develops and evaluates new methodology designed to improve community health information systems and related health service delivery mechanisms; (5) designs and operates information systems for the Service management and program functions in grants, contracts, and related areas; (6) provides consultation to regional offices and State and areawide comprehensive health planning agencies in data collection and analysis and health and planning information systems design and operations; and (7) participates in developing procedures and guidelines for uniform data collection in the health field.

Office of Program Planning and Analysis (3P31). (1) Provides leadership in development and operation of the Service's long-range and operational planning systems which include preparation of annual and 5-year plans and establishment of program goals; (2) coordinates the development of the overall evaluation program for the Community Health Service; (3) provides the focus for legislative development and analysis in the Service; (4) coordinates the development of and accomplishes the formal clearance of grant and program policy for the Community Health Service; (5) provides the national administrative focus for State formula grant supported health services programs; and (6) serves as coordination point for program reporting and stimulatory activities with respect to health of the aged.

Division of Comprehensive Health Planning (3P41). (1) Provides leadership in the development and operation of programs to provide grants to State and local agencies for the conduct and improvement of comprehensive State and area health planning; (2) develops policy issuances and program guidelines for the conduct of comprehensive health planning under section 314 of the Public Health Service Act; (3) establishes and maintains a system of pertinent communication and information exchange with other Federal agencies and national organizations concerned with planning or having related health interests; (4) stimulates and participates in the development of projects and administers a grant program for studies, training, and demonstrations looking toward the improvement of comprehensive health planning techniques; (5) recommends funding for training; (6) provides technical assistance to regional offices and participates at their request in providing consultation and information on comprehensive health planning to States and communities; and (7) conducts analyses and comparisons of the progress of State and areawide planning programs with particular attention to their implications for Federal policy.

Division of Medical Care Standards (3P45). (1) Develops, evaluates, and recommends minimum standards for health care provided under Titles XVIII (Medicare) and XIX (Medicaid) of the Social Security Act and other Federal reimbursement programs; (2) develops, evaluates, and recommends guidelines and procedural manuals for use by State agencies in their licensure, inspection, and certification programs; (3) develops model legislation covering standards, licensure, and inspection of health facilities; (4) identifies need for new and revised standards so as to continually upgrade quality of health care; (5) provides technical consultation to other Federal programs, to regional office personnel, and to State and local health officials in the development, interpretation, and application of health standards and policy concerning coverage of health services; (6) identifies need for and stimulates projects for evaluating quality of care and for innovative approaches to standard-setting; and (1) analyzes State agency medicare plans and operations, and participates in review of State agency medicare certification documents.

Division of Health Resources (3P51). (1) Encourages, assists, and supports appropriate agencies to develop needed resources and increase their capacity to provide quality, effective services; (2) conducts programs designed to assist States in the effective application of standard-setting programs, licensure laws, and regulations; (3) assists providers of health services to adopt professionally accepted practices and conform with requirements of standard-setting programs, including licensure, certification under programs authorized by the Social Security Act, and accreditation programs; (4) provides leadership in the development of programs to increase professional and technical skills, and effective use of personnel in health facilities and agencies; and (5) stimulates improved administration and operation of health facilities and agencies.

Division of Health Care Services (3P55). (1) Promotes the utilization of improved methods of health services organization, delivery, and financing at the community level in both urban and rural settings; (2) stimulates interest in and knowledge of their health services on the part of members of the community; (3) promotes studies of existing patterns of health services organization in specific communities to identify gaps in services to people; (4) encourages the design of systems of health service delivery to meet the communities' expectations and wishes; (5) promotes the concept of coordinated local programing in order to assure maximum effectiveness from available resources; (6) recommends allocation of funds to regions for funding of project grants for development and extension of health services; (7) supports the delivery of health services to groups with special needs, such as the rural and urban poor, the residents of sparsely populated areas, and the migrant worker; (8) develops, supports, and evaluates methods for organizing and financing group practice arrangements as a community health resource; and (9) develops program policies for health services development project grants, migrant health services, and group practice activities.

Dated: May 3, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-6464 Filed 5-7-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 115-5]

DAIRYLAND POWER CORP.

Order Extending Provisional Operating Authorization Expiration Date

By application dated April 21, 1971, the Dairyland Power Cooperative of La Crosse, Wis., requested an extension of the expiration date of Provisional Operating Authorization No. DPRA-6 which authorizes use and operation of the La Crosse Boiling Water Reactor (LACBWR) located in Vernon County, Wis., at power levels up to a maximum of 165 megawatts (thermal).

Good cause having been shown in the application for this extension pursuant to § 115.45(d) of 10 CFR Part 115 and the provision of paragraph 4 of the authorization: *It is hereby ordered*, That the expiration date of Provisional Operating Authorization No. DPRA-6 is extended from April 30, 1971 to August 31, 1972.

Date of Issuance: April 28, 1971.

This order is effective as of the date of issuance.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6456 Filed 5-7-71;8:48 am]

[Docket No. 50-302]

FLORIDA POWER CORP.

Notice of Receipt of Application for Facility Operating License

Please take notice that Florida Power Corp., 101 Fifth Street South, St. Petersburg, FL 33701, pursuant to section 104b of the Atomic Energy Act of 1954, as amended (the Act) has filed an application, in the form of a Final Safety Analysis Report, dated January 25, 1971, for a license to operate a nuclear power reactor on the Corporation's site near Crystal River, in Citrus County, Fla.

The nuclear power reactor is a pressurized water reactor, designated by the applicant as the Crystal River Unit 3 Nuclear Generating Plant which is designed for initial operation at approximately 2,452 megawatts thermal with a net electrical output of approximately 855 megawatts.

Pursuant to subsection 105c(3) of the Act, any person who intervened or who sought by timely written notice to the Commission to intervene in the construction permit proceedings for this facility to obtain a determination of antitrust considerations or to advance a jurisdictional basis for such determination has the right to obtain an antitrust review under section 105c of the Act of the application for an operating license for this facility, upon written request to the Commission made within 25 days after the date of publication of this notice, which is the initial publication pursuant to subsection 105c(3), of the Atomic Energy Act of 1954, as amended.

(Sec. 105c(3), 84 Stat. 1472; 42 U.S.C. 2135(c)(3))

Dated at Bethesda, Md., this 1st day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6470 Filed 5-7-71;8:49 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN-MICHIGAN POWER CO.

Notice of Hearing on a Facility Operating License

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, "Licensing of Production and Utilization Facilities," and Part 2, "Rules of Practice," notice is hereby given that a hearing will be held at a time and place to be set in the future by the Atomic Safety and Licensing Board designated herein, in the vicinity of the town of Two Creeks, Manitowoc County, Wis., to consider the application filed under § 104b. of the Act of the Wisconsin Electric Power Co. and the Wisconsin-Michigan Power Co. (applicants) for a facility operating license which would authorize the operation of a pressurized water nuclear power reactor (facility), identified as Unit 2 of the Point Beach Nuclear Plant, at steady-state power levels up to a maximum of 1,518 megawatts thermal at the applicants' site in the town of Two Creeks, Manitowoc County, Wis. Facility Operating License No. DPR-24 for the applicants' Point Beach Nuclear Plant, Unit 1, was issued by the Commission on October 5, 1970.

The hearing will be conducted by an Atomic Safety and Licensing Board (Board) designated by the Atomic Energy Commission (Commission), consisting of Walter T. Skallerup, Jr., Esquire, Dr. Clarke Williams, and Dr. John C. Geyer. Dr. Walter H. Jordan has been designated as a technically qualified alternate, and Nathaniel H. Goodrich, Esquire, has been designated as an alternate qualified in the conduct of administrative proceedings.

Construction of the facility was authorized by Provisional Construction Permit No. CPPR-47 issued by the Commission on July 25, 1968, following a public hearing.

A notice of proposed issuance of a facility operating license for the facility was issued by the Commission on March 6, 1971 (36 F.R. 4518). The notice provided that within 30 days from the date of publication, any person whose interest might be affected by the issuance of the license could file a petition for leave to intervene in accordance with the requirements of 10 CFR Part 2, "Rules of Practice." A timely petition for leave to intervene dated and filed on April 5, 1971, has been jointly filed by Businessmen for the Public Interest, an Illinois not-for-profit corporation ("BPI"); the Sierra Club, a not-for-profit California corporation; and Protect our Wisconsin Environmental Resources, an unincorporated association of residents of Two Creeks, Wisconsin ("POWER").

On April 15, 1971, the applicants filed an answer to the petition for leave to intervene in which they urged the Commission to deny the petition on the grounds that (a) it fails to set forth the interests of the petitioners in the proceeding and how their interests will be affected; and (b) it fails to set forth the contentions of the petitioners in reasonably specific detail.

Also on April 15, 1971, the AEC regulatory staff filed an answer to the petition for leave to intervene. The staff stated that it would have no objection to the scheduling of a public hearing in this proceeding and to the admission of the petitioners as parties therein to raise such matters as are within the scope of the issues to be considered at such a hearing.

By memorandum and order dated May 6, 1971, the Commission has determined that a public hearing should be held and that BPI, the Sierra Club, and POWER may be admitted to intervene as parties in this proceeding.

A prehearing conference will be held by the Board at 10 a.m., local time, on May 26, 1971, in the City Council Chambers, Manitowoc City Hall, 817 Franklin Street, Manitowoc, Wis., to consider pertinent matters in accordance with the Commission's "Rules of Practice," 10 CFR Part 2, including Section II of Appendix A. The date and place of the hearing will be set at or after the prehearing conference and notice thereof will be published in the FEDERAL REGISTER.

The issues to be considered at the hearing will be the following:

1. Whether construction of the facility has been substantially completed in conformity with the construction permit and the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;

2. Whether the facility will operate in conformity with the application, as amended, the provisions of the Act, and the rules and regulations of the Commission;

3. Whether there is reasonable assurance (i) that the activities authorized by the operating license can be conducted without endangering the health and safety of the public, and (ii) that such activities will be conducted in compliance with the regulations of the Commission;

4. Whether the applicants are technically and financially qualified to engage in the activities authorized by the operating license in accordance with the regulations of the Commission;

5. Whether the applicable provisions of 10 CFR Part 140, "Financial Protection Requirements and Indemnity Agreements," of the Commission's regulations have been satisfied; and

6. Whether the issuance of the license will be inimical to the common defense and security or to the health and safety of the public.

In addition, any party may, in accordance with paragraph 11 of Appendix D of 10 CFR Part 50, raise as an issue in the proceeding whether the issuance of the license would be likely to result in a significant, adverse effect on the environment. If such a result were indicated, in accordance with the declaration of national policy expressed in the National Environmental Policy Act of 1969, the Board will give consideration to the need for the imposition of requirements for the preservation of environmental values consistent with other essential considerations of national policy, including the need to meet on a timely basis requirements for electrical power in the affected region. These additional issues do not include (i) radiological effects (since such effects are within the six numbered issues set forth above) or (ii) matters of water quality covered by section 21(b) of the Federal Water Pollution Control Act. If any party raises any such issue, the Board will make findings of fact on, and resolve, the matters in controversy among the parties with regard to those issues. With respect to those aspects of environmental quality for which environmental quality standards and requirements have been established by authorized Federal, State, and regional agencies, proof that the applicants are equipped to observe and agree to observe such standards and requirements will be considered a satisfactory showing that there will not be a significant, adverse effect on the environment. Certification by the appropriate agency that there is reasonable assurance that the applicants for the permit or license will observe such standards and requirements will be considered dispositive for this purpose.

While the matter of the full power operating license is pending before the Board, the applicants may make a motion in writing for an operating license authorizing low power testing (operation at not more than 1 percent of full power for the purpose of testing the facility), and further operations short of full power operation. Action on such a motion by the Board shall be taken with due regard to the rights of the parties to the proceeding, including the right of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any action on such a motion which any party opposes, the Board shall make findings on the issues specified in this notice of hearing in the form of an initial decision with respect to the contested activity sought to be authorized. If no party opposes the motion, the Board will issue an order pursuant to 10 CFR § 2.730(e) of the Commission's "Rules of Practice," authorizing the Director of Regulation to make appropriate findings on the issues specified in this notice of hearing and to issue a license for the requested operation.

As they become available, the application, the proposed operating license, the applicants' summary of the application, the report of the Commission's Advisory Committee on Reactor Safeguards (ACRS), the Safety Evaluation by the Commission's regulatory staff, the applicants' environmental report, the AEC's Detailed Statement on Environmental Considerations and the transcripts of the prehearing conference and of the hearing, will be placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, where they will be available for inspection by members of the public. Copies of those documents will also be made available at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI, for inspection by members of the public between the hours of 9 a.m. and 9 p.m. Monday through Friday and 9 a.m. and 5:30 p.m. on Saturday. Copies of the proposed operating license, the ACRS report, the regulatory staff's Safety Evaluation and the AEC's Detailed Statement on Environmental Considerations may be obtained, when available, by request to the Director of the Division of Reactor Licensing, United States Atomic Energy Commission, Washington, D.C. 20545.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issues specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR § 2.715 of the Commission's "Rules of Practice." Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, by May 24, 1971. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified in the issues set out above. A member of the public does not have the right to participate unless he has been granted the right to intervene as a party or the right of limited appearance.

An answer to this notice, pursuant to the provisions of 10 CFR § 2.705 of the Commission's "Rules of Practice," must be filed by the applicants and the intervenors on or before May 21, 1971.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, or may be filed by delivery to the Commission's Public Document Room, 1717 H Street NW., Washington, DC.

Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR § 2.708 of the Commission's "Rules of Practice," an original and twenty conformed copies of each such paper with the Commission.

With respect to this proceeding, the Commission has delegated to the Atomic Safety and Licensing Appeal Board the authority and the review function which would otherwise be exercised and performed by the Commission.

The Commission has established the Appeal Board pursuant to 10 CFR § 2.785 of the Commission's "Rules of Practice," and has made the delegation pursuant to subparagraph (a)(1) of this section. The Appeal Board is composed of the Chairman and Vice-Chairman of the Atomic Safety and Licensing Board Panel and a third member who is technically qualified and designated by the Commission. The Commission has designated Dr. Lawrence Quarles, Dean of the School of Engineering and Applied Science, The University of Virginia, as this third member.

Dated at Germantown, Md., this 6th day of May, 1971.

UNITED STATES ATOMIC
ENERGY COMMISSION,
F. T. HOBBS,
Acting Secretary
of the Commission.

[FR Doc.71-6572 Filed 5-7-71;10:40 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23355; Order 71-5-1]

CARGO COURIER AIR FREIGHT, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 3d day of May 1971.

By tariff revision[1] filed March 31, 1971, and marked to become effective May 4, 1971, Cargo Courier Air Freight, Inc. (CCAF), an air freight forwarder, proposes to increase its excess valuation charge from 15 to 20 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound or $50 per shipment, whichever is higher. No complaints have been received.

Most major forwarders currently have in effect an excess value charge of 15 cents per $100 on their domestic traffic.

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[1] Tariff CAB No. 1 issued by Cargo Courier Air Freight, Inc.

The Board has suspended, pending investigation, a number of previous proposals to increase excess valuation charges above this level where no showing has been made that existing excess value revenues do not cover the amount of claim expense stemming from declaration of excess value.[2] CCAF has not submitted any data on the relationship between its excess value revenues and losses attributable to declarations of excess valuation or any other statement supporting its proposal.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charges may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposed charge should be suspended pending investigation.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provisions and charges in Rule 3(F) on 2d Revised Page 4 of Cargo Courier Air Freight, Inc.'s, CAB No. 1, and rules, regulations, or practices affecting such provisions and charges, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful provisions and charges, and rules, regulations, and practices affecting such provisions and charges;

2. Pending hearing and decision by the Board, the provisions and charges in Rule 3(F) on 2d Revised Page 4 of Cargo Courier Air Freight, Inc.'s, CAB No. 1 are suspended and their use deferred to and including August 1, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein designated as Docket 23355, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariffs and served upon Cargo Courier Air Freight, Inc., who is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6476 Filed 5-7-71;8:49 am]

[Docket No. 22419, etc.]

HOUSTON-MONTERREY-MEXICO CITY SERVICE CASE

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on May 19, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates may be submitted by each party on or before May 13, 1971.

Dated at Washington, D.C., May 4, 1971.

[SEAL] EDWARD T. STODOLA,
Hearing Examiner.

[FR Doc.71-6473 Filed 5-7-71;8:49 am]

[Docket No. 20993; Agreement CAB 22332 [1]; Order 71-4-182]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority April 28, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the Eleventh Meeting of the Joint Specific Commodity Rates Board held in Geneva, February 22-26, 1971.

The subject portion of the agreement relates, insofar as it applies in air transportation, to the application of specific commodity rates on North Atlantic routes to and from the United States for an intended effectiveness on June 1, 1971. In addition to extending for a further period the effectiveness of several specific commodity rates which were earlier approved by the Board and implemented since the Ninth Meeting of the Joint Specific Commodity Rates Board (held in Geneva in June of 1970), the agreement provides, as reflected in Attachment A,[2] for (1) reduced rates under new commodity descriptions, (2) several new rates between additional points or amendments to current rates under existing commodity descriptions, and (3) changes to two specific commodity descriptions. The bulk of the agreement, however, relates to the cancellation of a vast number of allegedly nongenerative rates, predominantly in the eastbound direction, and these are set forth in Attachment B.[2]

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided, that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on the subject portion of Agreement CAB 22332 be and hereby is deferred with a view toward eventual approval, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6429 Filed 5-7-71;8:45 am]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

[Docket No. 20398; Order 71-5-14]

Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1971.

By a tariff revision[1] issued April 7, 1971, marked for effectiveness May 7, 1971, Continental Air Lines, Inc. (Continental), proposes to cancel three-carrier joint minimum charges of $12 where carriage is over the lines of Continental, United Air Lines, Inc., and Northwest Airlines, Inc., or Continental, United Air Lines, Inc., and Western Air Lines, Inc.

No complaints against the proposed revisions have been filed.

The proposed cancellation of the joint minimum charge would result in significant increased minimum charges per shipment for traffic involving three-carrier interline movement by the named carriers. The tariff involved, including the issue of multicarrier minimum charges, is currently under investigation before the Board in the proceeding herein. No justification or support for the proposal has been filed. In these circumstances the Board finds that increases of this magnitude should not be permitted pending final resolution of the current investigation. We will, therefore, suspend the proposed tariff revision. Our action herein is without prejudice to the interest of any parties to this proceeding.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. Pending decision by the Board in the proceeding herein, the Exception 3 of Rule No. 15(e) on 5th and 6th Revised Pages 14-F of Airline Tariff Publishers, Inc., Agent's CAB No. 8 (Agent J. Aniello series) is suspended and its use deferred to and including August 4, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board; and

2. Copies of this order shall be filed with the tariff and served upon Continental Air Lines, Inc., United Air Lines, Inc., Northwest Airlines, Inc., and Western Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6477 Filed 5-7-71;8:49 am]

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[2] E.g., Order 71-4-53 dated Apr. 9, 1971, and prior orders cited therein.

[1] Insofar as it relates to North Atlantic specific commodity rate matters. (The balance of Agreement CAB 22332 was the subject of tentative action in order 71-4-109.)

[2] Attachments A and B filed as part of the original document.

[1] Revision to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 8 (Agent J. Aniello series).

[Docket No. 22301]

PIEDMONT AVIATION, INC.

Notice of Change of Hearing Location

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding, Deletion of Southern Pines/Pinehurst/Aberdeen, N.C., now assigned to be held at the Holiday Inn, is reassigned to be held at the Whispering Pines Motor Lodge, Southern Pines, N.C., May 19, 1971, at 10 a.m., e.d.s.t., before the undersigned.

Dated at Washington, D.C., May 4, 1971.

[SEAL] JAMES S. KEITH,
Hearing Examiner.

[FR Doc.71-6474 Filed 5-7-71;8:49 am]

[Dockets Nos. 22034, 23150; Order 71-5-9]

REOPENED TAG-WRIGHT CASE AND TAG-EXECUTIVE AGREEMENT

Order Regarding Motions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

By Order 70-9-135, September 24, 1970, the Board (1) reopened the record and remanded the Wright-TAG Merger Case to the Examiner for further hearings and the issuance of a Supplemental Initial Decision, (2) denied Wright's request for an exemption to operate large aircraft, (3) consolidated with the reopened proceeding TAG's request for authority to suspend operations over route 169, (4) placed in issue in the reopened proceeding the question of the continued effectiveness of TAG's certificate for route 169, and (5) directed TAG to resume service by December 29, 1970. Thereafter, Wright and TAG filed a joint petition for reconsideration of Order 70-9-135, and answers were filed by the International Association of Machinists and Aerospace Workers, the Air Line Pilots Association, International, and the Bureau of Operating Rights.

On December 7, 1970, the Board issued Order 70-12-31 which denied the petition for reconsideration. The order noted that TAG was unable to provide its certificated service and expanded the issues in the reopened proceeding to include the question of whether, in the event the Board decides to terminate or revoke TAG's certificate, another carrier should be authorized to serve the route.

A prehearing conference was held in the reopened proceeding on February 19, 1971. Thereafter, various motions and answers in response thereto have been filed involving three basic questions: (1) Whether the National Environment Policy Act procedures should be invoked, (2) whether the joint application of TAG and Executive Airlines in Docket 23150 should be consolidated with the reopened proceeding in Docket 22034, and (3) whether TAG's motion to dismiss or defer the reopened proceeding should be granted.[1]

We have decided to grant the Bureau's motion to invoke Environmental Policy Act procedures in this case. Although the situation presented is not precisely of the kind contemplated by our Policy Statement implementing the National Environmental Policy Act of 1969 (14 CFR 399.110, 35 F.R. 10582), we are in the early stages of our consideration of environmental protection issues and we deem it appropriate in this instance and at this time to move in the direction of a full record for the determination of the question whether our action herein "might result in a major Federal action significantly affecting the environment." Therefore, in accordance with 14 CFR 399.110(d) the Board encourages participation in this proceeding, in accordance with its rules of practice, by the appropriate Federal, State, and local agencies and by other interested persons to the end of insuring that a complete record is developed which will permit full consideration of any possible environmental impact. All parties to this investigation are directed to proceed in conformity with the requirements of 14 CFR 399.110.

We have carefully considered the motion and answers relating to the question of consolidating the joint application of TAG and Executive in Docket 23150 with the reopened proceeding and have concluded that the TAG-Executive agreement should be consolidated with the instant proceeding. The TAG-Executive agreement would seem to effectuate either a de facto merger or route transfer between the carriers which we would be required to rescind should the final agreement be disapproved. For example, the interim agreement contemplates that all of TAG's officers will immediately resign and that Executive will designate a majority of the board of directors as well as the chief operating officer. The agreement also provides that TAG must purchase or lease three large aircraft selected by Executive. This presents a virtually complete reorganization of TAG with the only real remaining vestige of the former TAG operation being its name and the fact that Mr. Miller of TAG will remain as Chairman of the Board of Directors. We are not prepared to approve such an arrangement without hearing in the circumstances of this case. Unlike other interim arrangements which have been approved by the Board, there is no impending crisis here which would, except for approval, result in the cessation of TAG's services. TAG unilaterally suspended all service as of August 7, 1970, and has not resumed service since that time. Its suspension of service has remained in effect notwithstanding an order by the Board directing TAG to reinstitute service. Similarly, in approving other interim agreements, the Board gave considerable weight to the potential harm which would befall the carrier's employees if service were abruptly suspended. TAG's Form 41 submissions indicate that the carrier has already furloughed all of its employees. Already at issue in the reopened proceeding is the revocation or suspension of TAG's authority to operate with large aircraft. It is apparent therefore that TAG's ability or willingness to resume operations with large aircraft is relevant to the issue of whether TAG's authority should be terminated. Accordingly, we will grant the Bureau's motion to consolidate the joint application of TAG and Executive in Docket 23150 with the reopened proceeding.

Finally, we will deny TAG's motion to defer or to dismiss the reopened proceeding. Although TAG's certificate to operate between Detroit and Cleveland became effective in October 1969, TAG has never utilized large aircraft and, on August 7, 1970, TAG suspended all operations without Board approval and the suspension has continued notwithstanding the Board's order which directed TAG to reinstate service by December 29, 1970. As a consequence the Board has placed in issue in the present case the revocation of TAG's certificate and the certification of a carrier other than TAG. Under the circumstances we find that it would be inappropriate to defer or dismiss the reopened proceeding.

Accordingly, it is ordered:

1. That the motion of the Bureau of Operating Rights to invoke the Environmental Policy Act procedures be and it hereby is granted.

2. That this proceeding shall be conducted in accordance with the standards established in 14 CFR 399.110.

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[1] On Feb. 23, 1970, the Bureau filed a motion to invoke the Environmental Policy Act procedures. An answer was filed by Wright on Mar. 2, 1971. On Mar. 8, 1971, the Bureau filed a motion for leave to file an unauthorized document accompanied by a reply to Wright's answer of Mar. 2. The Bureau has shown good cause and the Bureau's reply will be accepted. On Mar. 9, 1971, the Bureau filed an answer to the joint application of TAG and Executive and moved to consolidate this matter with the reopened proceeding. An answer in support of the Bureau's motion was filed by Wright on Mar. 12, 1971. TAG filed a reply to the Bureau's motion and Wright's answer on Mar. 18, 1971, and Executive filed a reply on Mar. 23, 1971. TAG filed a motion to dismiss or defer the reopened proceeding on Mar. 16, 1971, and answers were filed by Wright on Mar. 23, 1971, and by the Bureau on Mar. 25, 1971.

3. That a copy of this order shall be served upon all persons served with Orders 70–9–135 and 70–12–31, and, in addition, a copy of this order and Orders 70–9–135 and 70–12–31 shall be served upon the Department of Transportation, the Environmental Protection Agency, the Council on Environmental Quality, the Governors of the States of Michigan and Ohio, and the cities and Chambers of Commerce of Detroit and Cleveland.

4. That the Bureau's motion for leave to file an otherwise unauthorized document be and it hereby is granted.

5. That the Bureau's motion that the joint application of TAG and Executive in Docket 23150 be consolidated with the reopened proceeding in Docket 22034 be and it hereby is granted.

6. That TAG's motion to defer or dismiss the reopened proceeding in Docket 22034 be and it hereby is denied.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6478 Filed 5-7-71;8:50 am]

[Docket No. 23167]

TEXAS-MEXICO SERVICE INVESTIGATION

Notice of Postponement of Prehearing Conference

Notice is hereby given that the prehearing conference in the above-entitled matter scheduled for May 13, 1971, is postponed until May 18, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned Examiner.

The date for exchanging requests for information and evidence, proposed statements of issues, and proposed procedural dates is hereby changed from May 7, 1971, to May 11, 1971.

Dated at Washington, D.C., May 4, 1971.

[SEAL] ROBERT L. PARK,
Hearing Examiner.

[FR Doc.71-6475 Filed 5-7-71;8:49 am]

[Docket No. 23364; Order 71-5-8]

UNITED AIR LINES, INC.

Order of Suspension and Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of May 1971.

By tariff revision[1] filed April 27, 1971, and marked to become effective May 7, 1971, United Air Lines, Inc. (United), proposes to increase its excess valuation charge from 10 to 15 cents for each $100, or fraction thereof, by which the declared value of a shipment exceeds 50 cents per pound (but not less than $50).

No complaints have been filed against United's proposal.

In justification of its proposal, United asserts that in the last 4 years the frequency of claims received per thousand shipments has increased from 3.3 to 5.4, and that the last 2 years have produced better than a 50-percent increase in the frequency of claims received. United further asserts that a recent 5-month sample of claims indicated that for shipments having excess declared value, losses (over and above those which would have been experienced under the minimum liability provisions) exceeded the revenue from excess value charges. United also points to the escalating incidents of theft and pilferage and the considerable investment required to control this situation. United maintains that high-value shipments are most susceptible to theft, and the burden of providing higher security should, at least partially, be borne by shippers of such commodities.

Upon consideration of all relevant factors, the Board finds that the proposed excess valuation charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. We further conclude that the proposed charge should be suspended pending investigation.

The Board has had a longstanding policy of not permitting increased excess valuation charges where no showing has been made that existing excess valuation revenues do not cover the amount of claims expense stemming from excess value declarations.[2]

In its justification, United makes only conclusory statements regarding a 5-month study of claims but does not amplify on the makeup of its study. United has not presented any data whatsoever to substantiate its claim or to show the relationship between its total excess value revenue (including the revenue from shipments on which excess value has been declared but no claims have been filed) to its claims expense from excess value declarations.

In view of the above, the Board finds that United has not adequately justified its proposal.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges and provisions for account of the carrier "UA" in Rule No. 52(A)(2) and Rule No. 52(D)(2)(b) and the addition of "UA" in Rule No. 52(A)(1) and Rule No. 52(D)(2)(a) on 34th, 35th, and 36th Revised Pages 19, and 34th, 35th, and 36th Revised Pages 20 of Airline Tariff Publishers, Inc., Agent's CAB No. 96, and rules, regulations or practices affecting such charges and provisions are, or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges and provisions, and rules, regulations, or practices affecting such charges and provisions;

2. Pending hearing and decision by the Board, the charges and provisions for account of the carrier "UA" in Rule No. 52(A)(2) and Rule No. 52(D)(2)(b) and the addition of "UA" in Rule No. 52(A)(1) and Rule No. 52(D)(2)(a) on 34th, 35th, and 36th Revised Pages 19, and 34th, 35th, and 36th Revised Pages 20 of Airline Tariff Publishers, Inc., Agent's CAB No. 96 are suspended and their use deferred to and including August 4, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension, except by order or special permission of the Board;

3. The proceeding herein designated Docket 23364 be assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated; and

4. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., which is hereby made a party to Docket 23364.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6479 Filed 5-7-71;8:50 am]

[Docket No. 23284]

WTC AIR FREIGHT, INC., AND DIRECT AIR FREIGHT CORP.

Notice of Proposed Approval

Application of WTC Air Freight, Inc., and Direct Air Freight Corp. for approval or exemption of acquisition pursuant to section 408 of the Federal Aviation Act, as amended, Docket 23284.

Notice is hereby given, pursuant to the statutory requirements of section 408(b) of the Federal Aviation Act of 1958, as amended, that the undersigned intends to issue the attached order under delegated authority. Interested persons are hereby afforded a period of 15 days from the date of this notice within which to file comments or request a hearing with respect to the action proposed in the order.

Dated at Washington, D.C., May 3, 1971.

[SEAL] A. M. ANDREWS,
Director, Bureau of Operating Rights.

ORDER GRANTING APPROVAL

Issued under delegated authority.

Application of WTC Air Freight, Inc., and Direct Air Freight Corp., Docket 23284, for approval or exemption of acquisition pursuant to section 408 of the Federal Aviation Act, as amended.

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[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff CAB 96.

[2] E.g., Order 71-4-53.

WTC Air Freight, Inc. (WTC), and Direct Air Freight Corp. (Direct) have applied to the Board for approval without hearing pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), or in the alternative for exemption pursuant to section 408(a)(5) of the Act with respect to the acquisition by WTC from Direct of the ICC motor carrier operating rights issued to the latter.[1]

WTC operates as an air freight forwarder pursuant to Parts 296 and 297 of the Board's Economic Regulations. Direct previously also operated as an airfreight forwarder. However, by Order 71-4-146, April 22, 1971, Direct's interstate and international airfreight forwarder authorizations were revoked. The ICC rights to be transferred to WTC[2] include all such rights held by Direct and provide for the transportation of general commodities over irregular routes, between Bradley International Airport, Windsor Locks, Conn. on the one hand and on the other between North Adams and Williamston, Mass., Pownal, Vt., and Albany, N.Y., such rights being restricted, however, to shipments having an immediately prior or subsequent movement by air, with the usual exceptions of commodities of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment.[3]

In support of their requests, the applicants assert that on the basis of prior Board decisions in similar cases,[4] it is clear that there are no substantive, original issues presented for the first time to the Board, and that the transaction does not involve any issues relating to the acquisition of long-haul motor carrier authority. They state that because of the limited nature of its operations, Direct has not fully capitalized on its ICC surface authority in meshing it with its airfreight forwarder operations. WTC, on the other hand, with its extensive operations to and from the New York area, intends to utilize these specialized rights in order to provide for its customers integrated and expanded airfreight service between points in western Massachusetts and upstate New York, and Bradley International Airport where increased jet freighter service has been instituted, thus bypassing the congested New York-New Jersey airport complex.

No comments relative to the application have been filed.

Notice of intent to dispose of the application without a hearing has been published in the FEDERAL REGISTER and a copy of such notice has been furnished to the Attorney General not later than 1 day following such publication, both in accordance with section 408(b) of the Act.

Upon consideration of the application, it is concluded that the acquisition by WTC of the surface motor carrier rights of Direct is subject to section 408(a)(2) of the Act. However, it is further concluded that the transaction does not affect the control of an air carrier engaged in the direct operation of aircraft in air transportation, does not result in the creation of a monopoly and does not restrain competition. Furthermore, no persons disclosing a substantial interest in the proceeding is currently requesting a hearing, and it is found that the public interest does not require a hearing. The Board has previously approved similar transactions and no new issues are raised by the instant transaction which would warrant disapproval.[5] We do not find that the transaction will be inconsistent with the public interest nor that the conditions of section 408 will be unfilled.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13, it is found that the foregoing transaction should be approved without hearing under section 408(b) of the Act.

Accordingly, it is ordered, That:

1. The purchase by WTC of Direct's surface operating rights as described herein be and it hereby is approved; and

2. To the extent not granted above, the application in Docket 23284 be and it hereby is denied.

Persons entitled to petition the Board for review of this order pursuant to the Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period unless within such period a petition for review thereof is filed, or the Board gives notice that it will review this order on its own motion.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6428 Filed 5-7-71;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

CIBA-GEIGY CORP.

Notice of Filing of Petition Regarding Pesticide Chemicals

Pursuant to the provisions of the Federal Food, Drug, and Cosmetc Act (sec. 408(d)(1), 68 Stat. 512; 21 U.S.C. 346a(d)(1)), notice is given that a petition (PP 1F1154) has been filed by the Ciba-Geigy Corp., Ardsley, N.Y. 10502, proposing the establishment of a tolerance (21 CFR Part 420) for residues of the herbicide 2-*tert*-butylamino-4-chloro-6-ethylamino-*s*-triazine in or on the raw agricultural commodities corn grain, and fresh corn including sweet corn (kernels plus cob with husks removed) at 0.1 part per million; and corn fodder and forage at 0.25 part per million.

The analytical method proposed in the petition for determining residues of the herbicide and its triazine metabolites is a procedure in which the residue is extracted and then partitioned to separate the chloro compounds from the hydroxy compounds. The chloro compounds are determined by microcoulometric gas chromatography with halogen detector. The hydroxy compounds are determined by ultraviolet spectrophotometry at 210–350 nanometers.

Dated: May 3, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticide Office.

[FR Doc.71-6462 Filed 5-7-71; 8:48 am]

2-TERT-BUTYLAMINO-4-ETHYLAMINO-6-METHYLTHIO-s-TRIAZINE

Notice of Extension of Temporary Tolerance

The Geigy Chemical Corp., Ardsley, NY 10502, was granted a temporary tolerance for negligible residues of the herbicide 2-*tert*-butylamino-4-ethylamino-6-methylthio-*s*-triazine in or on sorghum grain, fodder and forage at 0.1 part per million on June 16, 1970. Under its new name, Ciba-Geigy Corp., the firm has requested a one-year extension to obtain additional experimental data.

It has been determined that such extension will protect the public health. This tolerance is therefore extended as requested for sorghum grain at 0.1 part per million; and sorghum fodder and forage at a new level of 0.15 part per million on condition that the herbicide will be used in accordance with the temporary permit which is being issued concurrently and which provides for distribution under the Ciba-Geigy Corp. name. This temporary tolerance will expire June 16, 1972.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(j), 68 Stat. 516; 21 U.S.C. 346a(j)), the authority transferred to the Administrator (35 F.R. 15623), and the authority delegated by the Administrator to the Commissioner or Acting Commissioner of the Pesticide Office of the Environmental Protection Agency (36 F.R. 1228).

Dated: May 3, 1971.

R. E. JOHNSON,
Acting Commissioner,
Pesticides Office.

[FR Doc.71-6463 Filed 5-7-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19245; RM-1687; FCC 71-453]

AMATEUR STATIONS USED ON BEHALF OF NONAMATEUR ORGANIZATIONS

Notice of Inquiry

1. The Commission's rules governing the Amateur Radio Service prohibit issuance of an amateur station license to a "school, company, corporation, association, or other organization, nor for

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[1] ICC Docket No. MC127898 and MC127898 Sub.

[2] Under the terms of the agreement the purchase price for the rights is fixed at twenty-five thousand five hundred dollars ($25,500) and is to be paid entirely in cash. The agreement provides for the transfer of rights only; no transfer of stock or of other assets is involved; and no control or interlocking relationships other than those which are the subject of the instant application are to be established.

[3] An application for both temporary and permanent approval of the acquisition of the rights has been filed with the Interstate Commerce Commission.

[4] See e.g. Order 71-3-138, Mar. 23, 1971.

[5] Airborne Freight Corp. et al. Order 70-7-31, July 7, 1970.

its use * * *" (§ 97.39). The only exception is for "a bona fide amateur organization or society." Another § 97.107, permits an exception during declared emergencies when normal communications are disrupted.

2. Over the years, however, amateur stations have been used for nonemergency communications in behalf of certain nonamateur organizations such as the Red Cross, Eye Bank Association, and the March of Dimes. There has been general agreement that these operations are meritorious.

3. Recent developments have required a closer look at the requirements of the rules in relation to operation in the interest of other than amateur organizations. There is evidence of a considerable proliferation of nonamateur organizations with an interest in the use of amateur frequencies and amateur stations for purposes which may well lack the universal acceptability of Red Cross and Eye Bank objectives. Unlimited operation in behalf of such organizations could generate large numbers of new networks and the use of amateur radio as a medium for the organized advocacy of social, political, or economic views could preempt amateur frequencies to the exclusion of the individual amateur for whom the service was intended.

4. The current rule is clear and unambiguous. It permits no such operation other than as previously noted. Therefore, while the Commission essentially agrees with those amateurs who believe that limited communications in behalf of the Red Cross, Eye Bank Association, March of Dimes, National Cystic Fibrosis Foundation, and similarly oriented organizations are meritorious, we conclude that they are not permissible under §§ 97.39 and 97.107 as they now read and, if the communications are to be permitted, the rules must be amended.

5. If this is done, the question is raised as to whether some restrictions on the kind of organizations to be included and limitations on the type of communications so permitted will be required. The lines of demarcation between organizations to be made eligible and the types of communications to be permitted are by no means clear. It is one of the purposes of this notice of inquiry to elicit information and comment on the extent, if any, to which restrictions and limitations should be imposed.

6. Another factor to be considered is that section 2 of Article 41 of the International Radio Regulations limits international communications transmitted by amateur stations "to messages of a technical nature relating to tests and to remarks of a personal character for which by reason of their unimportance, recourse to the public telecommunications service is not justified." While there is no similar provision applicable to domestic operations, section 3(q) of the Communications Act in effect defines an amateur operator "as a person interested in radio technique solely with a personal aim." Extensive use of amateur radio for any third party would not appear to be compatible with that definition.

7. The Amateur Radio Section of the Electronic Industries Association (EIA) has filed a proposal (RM-1687) to amend § 97.39 by the addition of a new paragraph (b) which would read as follows:

> "(b) Nothing in this section shall preclude the licensee or operator of an amateur station from transmitting:
>
> "(1) Messages in assistance of, or soliciting support for, nonprofit public service activities such as the Red Cross, Boy Scouts, United Fund, Eye Bank, etc.
>
> "(2) Messages relating to weather conditions, highway conditions, and highway accidents.
>
> "(3) Messages relating to the results of national and State elections.
>
> "(4) Messages coordinating the activities of participants and/or officials during bona fide public sporting events, such as road races, boat races, airplane races, duly authorized parades, etc.
>
> "(5) Messages, regardless of their origin, whose purpose is the protection of life and property, or the coordination of efforts directed thereto, during any bona fide emergency in which life or property is threatened."

8. The above examples of organization and activities for which it is proposed to permit the use of amateur stations are clearly not intended to be all inclusive. There are numerous other organizations at least holding themselves out as engaging in public service activities. It is our view that consideration should be given to the desirability and possibility of much more specific criteria.

9. As previously noted, there is general recognition of the public benefit derived from limited use of amateur stations on behalf of such organizations as the Red Cross, Eye Bank Association, and the National Cystic Fibrosis Foundation. Such recognition may not, however, be nearly as universal when considering the possible use of amateur radio on behalf of other nonprofit, public service organizations such as political parties, student organizations, various churches and missionary societies and a large number of other and more controversial groups.

10. In order to assist the Commission in making determinations in these important and controversial areas, all interested parties are requested to submit comments and suggestions relevant to the following issues:

I. Are any restrictions on the use of amateur stations in behalf of nonamateur organizations warranted?

II. If amateur radio stations should be permitted to furnish a communication service to nonamateur organizations;

(A) To what types of organizations?

(B) What types of activity or communication should be permitted?

(C) If there is to be a distinction between emergency and nonemergency communications, should emergency communications be limited only to those situations where normal communications are disrupted?

11. This action is taken pursuant to section 403 of the Communications Act. Comments must be filed on or before July 1, 1971. All relevant and timely comments will be considered.

12. In accordance with provisions of § 1.419 of the rules, an original and fourteen (14) copies of all comments, suggestions, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: April 28, 1971.

Released: May 5, 1971.

Federal Communications
Commission,[1]
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6482 Filed 5-7-71;8:50 am]

[Docket No. 19247; FCC 71-483]

GEORGE BENNETT

Order Designating Application for Hearing on Stated Issues

In regard application of George Bennett, 18485 Kentucky, Detroit, MI 48221, for class D citizens radio station license.

The Commission has before it the application of George Bennett for a class D citizens radio station license. Our consideration of the application has included an examination of the Commission's files which raises substantial questions concerning the qualifications of this applicant to be a licensee of the Commission, arising:

(a) From the applicant's past violations of the Commission's rules governing the Citizens Radio Service more particularly described in the Commission's order revoking the license of this applicant for class D citizens radio station license KBQ-8214 which order of revocation became effective September 22, 1969 (File No. SS-259-69);

(b) From the fact that on August 19, 1970, Bennett was held in contempt of court and placed on probation for violation of an injunction, issued on April 30, 1970, by the U.S. District Court for the Eastern District of Michigan (Southern Division) wherein he was enjoined from further violations of section 301 of the Communications Act of 1934, as amended;

(c) From the applicant's declaration of his intent to continue operating his station either with or without a license as expressed in letters to the Commission dated August 15 and September 6, 1969;

(d) From the applicant's continuous and frequent transmissions of radio communications subsequent to the effective date of the revocation of his license; and

(e) From his transmissions of radio communications which would have been in violation of the Commission's rules governing the Citizens Radio Service had this applicant been licensed in that service.

The Commission is unable to find that a grant of the captioned application would serve the public interest, convenience, and necessity and must, therefore, designate the application for hearing. Except for the issues specified herein, the applicant is otherwise qualified to hold a class D citizens radio station license.

Accordingly it is ordered, Pursuant to section 309(e) of the Communications Act of 1934, as amended, and § 1.973(b) of the Commission's rules, that the captioned application is designated for hearing, at a time and place to be specified by subsequent order, upon the following issues:

1. To determine the nature and extent of the violations by Bennett which led to the revocation of his license effective September 22, 1969, and the impact of such violations on the qualifications of George Bennett to be a licensee of the Commission.

2. To determine all of the facts and circumstances surrounding the issuance of an injunction by the U.S. District Court for the Eastern District of Michigan (Southern Division) on April 30, 1970, and served on June 16, 1970, which order enjoined Bennett from engaging in the use of radio facilities in violation of section 301 of the Communications Act of 1934, as amended.

3. To determine the impact of the court's citation for contempt, based upon said injunction, issued by the court on August 19, 1970, upon Bennett's basic qualifications to be a licensee of the Commission.

4. To determine whether, in view of Bennett's letters to the Commission dated August 15 and September 6, 1969, asserting that he would continue to operate even if his license were revoked, the Commission may rely on Bennett's statement in his present application that he will operate said station in accordance with the Commission's rules and regulations.

5. To determine whether applicant engaged in unlicensed operation of radio transmitting apparatus subsequent to the revocation of his Citizens radio station license KBQ-8214 in violation of section 301 of the Communications Act of 1934, as amended, on or about October 6, 13, 14, 17, and November 4, 18, and 28, 1969; January 19, March 18, 19, and 20, April 13, June 16, August 4, October 3, 23, and 28, November 17, and 19, December 21, 1970; January 22, and February 3, April 8 and 18, 1971; and, if so, whether the applicant possesses the requisite qualifications to be a licensee of the Commission.

6. To determine whether applicant, while operating a radio transmitter on Citizens Radio Service frequencies, on the dates listed in paragraph 5, above, transmitted radiocommunications which, had he been a class D citizens radio station licensee, would have been in violation of one or more of the Commission's rules including §§ 95.37(c), 95.41(d), 95.41(d)(2), 95.43, 95.83(a)(1), 95.83(a)(13), 95.83(b), 95.91(b), and 95.95(c).

7. To determine whether, inter alia, Bennett has operated radio equipment in violation of the Commission's rules described in the foregoing issues for the purposes of soliciting others to engage in similar violations.

8. To determine whether Bennett, in written communications and radio communications solicited others to violate the Commission's rules, and if so, whether statements made in such communications by Bennett reflect adversely upon his qualifications to be a licensee of the Commission.

9. To determine in light of the facts adduced under issues 1 through 8, supra, whether the applicant possesses the requisite qualifications to be a licensee of the Commission.

10. To determine in the light of the foregoing issues whether the public interest, convenience, and necessity would be served by a grant of the application of George Bennett for a class D Citizens Radio Service license.

It is further ordered, That, to avail himself of the opportunity to be heard, the applicant herein, pursuant to § 1.221 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intent to appear on the date fixed for hearing and to present evidence in the issues specified in this order.

Adopted: May 4, 1971.

Released: May 5, 1971.

Federal Communications
Commission,[1a]
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6483 Filed 5-7-71;8:50 am]

[Dockets Nos. 19165, 19166; FCC 71R-141]

BANGOR BROADCASTING CORP. AND PENOBSCOT BROADCASTING CORP.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Bangor Broadcasting Corp., Bangor, Maine, Docket No. 19165, File No. BPH-6863; Penobscot Broadcasting Corp., Bangor, Maine, Docket No. 19166, File No. BPH-6916; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Bangor Broadcasting Corp. (Bangor) and Penobscot Broadcasting Corp. (Penobscot) for a new FM broadcast station in Bangor, Maine, was designated for hearing by Commission Order, FCC 71-220, 36 F.R. 5154, published March 17, 1971. Presently before the Review Board is a motion to enlarge issues, filed April 1, 1971, by Penobscot seeking the addition of a comparative programing issue or, in the alternative, a directive that the question of program duplication may be considered under the standard comparative issue.[1]

2. In support of its request, Penobscot points out that Bangor proposes to duplicate an average of 4 hours of programing each day from its commonly owned AM station, WGUY; thus, asserts movant, it appears that all Bangor's news and public affairs programing will be duplicated from its AM station. Therefore, submits Penobscot, since no reference was made in the designation order to the duplication of programs by Bangor, a comparative programing issue should be added or the Review Board should indicate that the question of duplicated programing may be considered within the standard comparative issue, citing Jones T. Sudbury, 8 FCC 2d 360, 10 RR 2d 114 (1967).

3. Penobscot's request to add a programing issue will be denied. As the Broadcast Bureau points out in its comments, it is well established that in order to support a request for a comparative programing issue the proponent must demonstrate substantial programing differences which go beyond ordinary differences in judgment and show a superior devotion to public service. Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, 5 RR 2d 1901 (1965). No such demonstration has been made here. However, since we agree with all parties that evidence as to program duplication should be admitted and since the Commission, in the designation order, failed to address itself to this matter, we now specify that evidence regarding program duplication will be admissible under the standard comparative issue. Nevertheless, consistent with Commission precedent, the showing under the comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted. See Jones T. Sudbury, supra.

4. *Accordingly, it is ordered*, That the motion to enlarge issues, filed April 1, 1971, by Penobscot Broadcasting Corp., is granted to the extent indicated herein, and is denied in all other respects.

Adopted: April 30, 1971.

Released: May 4, 1971.

Federal Communications
Commission,[2]
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-6484 Filed 5-7-71;8:50 am]

[Dockets Nos. 19241, 19242; FCC 71-436]

NOW BROADCASTING AND NASEEB S. TWEEL

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Edgar Kitchen, Hal Murphy, and C. E. Stephens, doing business as Now Broadcasting, Cattlettsburg, Ky., requests: 1600kc, 5kw, Day, Class III, Docket No. 19241, File No. BP-18042; Naseeb S. Tweel, Milton, W. Va., requests: 1600kc, 5kw, Day, Class III, Docket No. 19242,

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[1] Commissioner Bartley absent, Commissioner Johnson dissenting.

[1a] Commissioner Wells absent.

[1] Other matters before the Review Board for consideration are: (a) opposition, filed Apr. 8, 1971, by Bangor; (b) comments, filed Apr. 14, 1971, by the Broadcast Bureau; and (c) reply, filed Apr. 19, 1971, by Penobscot.

[2] Board member Nelson absent.

File No. BP-18483; for construction permits.

1. The Commission has before it the above-captioned applications, on the 1600 kilocycle frequency, which are mutually exclusive in that simultaneous operation of the stations as proposed would result in prohibited overlap of contours as defined by § 73.37 of the Commission's rules.

2. The respective proposals, although for different communities, would serve substantial areas in common. Consequently, in addition to determining, pursuant to section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service, a contingent comparative issue will also be specified.

3. According to the information on file, Hal Murphy is presently vice president of Tri Radio Broadcasting, Inc., licensee of station WIRO, Ironton, Ohio. Inasmuch as overlap of the respective 1 mv./m. contours of the Now Broadcasting proposal and station WIRO would result, there appears to be a substantial question concerning a possible violation of § 73.35(a) of the Commission's rules. Therefore, an appropriate issue will be specified.

4. Normal radiation from the antenna system proposed by Now Broadcasting would result in 5 mv./m. penetration of Huntington, W. Va., thereby raising a presumption that Now Broadcasting is realistically proposing to serve the larger city under the Commission's Policy Statement on Section 307(b) Considerations for Standard Broadcast Facilities Involving Suburban Communities, 2 FCC 2d 190, 6 RR 2d 1901. In order to avoid this presumption, Now Broadcasting proposes to restrict the radiation to 392 mv./m./5kw. Therefore, an appropriate condition will be included in the event of a grant of that application.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, since the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *Accordingly, it is ordered,* That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

(1) To determine the areas and populations which would receive primary service from the proposed operations and the availability of other primary aural service (1 mv./m. or greater in the case of FM) to such areas and populations.

(2) To determine whether a grant of the proposal of Now Broadcasting would be in contravention of the provisions of § 73.35(a) of the Commission's rules.

(3) To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the proposals would better provide a fair, efficient, and equitable distribution of radio service.

(4) To determine, in the event it is concluded that a choice between the applications should not be based solely on a consideration relating to section 307 (b), which of the proposals would, on a comparative basis, better serve the public interest.

(5) To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

7. *It is further ordered,* That, in the event of a grant of the application of Now Broadcasting, the construction permit shall contain the following condition: Program tests will not be authorized until the permittee has submitted sufficient field intensity measurement data to establish that the inverse field at one mile has been restricted to 392 mv./m./5kw., as proposed.

8. *It is further ordered,* That, in the event of a grant of the application of Naseeb S. Tweel, the construction permit shall contain the following condition: Program tests wil lnot be authorized until the permittee has installed an approved-type frequency monitor.

9. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered,* That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually, or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 28, 1971.

Released: May 4, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1a]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6485 Filed 5-7-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-259 etc.]

METROPOLITAN OIL CORP. ET AL.

Notice of Applications for "Small Producer" Certificates [1]

APRIL 27, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS71-259...	4-5-71	Metropolitan Oil Corp., Suite 432, 3801 Kirby, Houston, TX 77006.
CS71-260...	4-7-71	William A. and Edward R. Hudson, 1000 First National Building, Fort Worth, TX 76102.
CS71-261...	4-6-71	Miami Oil Producers, Inc., Post Office Box 2040, Abilene, TX 79604.
CS71-262...	4-5-71	Venus Oil Co., 1200 National Bank of Commerce Bldg., San Antonio, TX 78205.
CS71-263...	4-5-71	Brookhaven Oil Co., Post Office Box 1267, Scottsdale, AZ 85252.
CS71-264...	4-5-71	Dacresa Corp., Post Office Box 1267, Scottsdale, AZ 85252.
CS71-265...	4-5-71	L. L. Robinson, 6705 East Ridge Dr., Shreveport, LA 71106.
CS71-266...	4-8-71	McCommons Oil Co. (Operator) et al., 1001 Mercantile Securities Bldg., Dallas, TX 75201.
CS71-267...	4-8-71	Jack M. Allen, Box 906, Perryton, TX 79070.
CS71-268...	4-7-71	Manier Oil Co., 1010 Wilson Bldg., Corpus Christi, Tex. 78401.
CS71-269...	4-7-71	Joseph P. Mueller, 1010 Wilson Bldg., Corpus Christi, Tex. 78401.
CS71-270...	4-9-71	Woods Exploration & Producing Co., Inc., 720 C & I Bldg., Houston, Tex. 77002.
CS71-271...	4-9-71	C. W., Inc., Post Office Box 267, Laverne, OK 73848.
CS71-272...	4-9-71	Robert L. Williams, d.b.a. Imperial Oil Co., Operator et al., 1111 Vickers Tower, Wichita, Kans. 67202.
CS71-273...	4-9-71	Chas. A. Daubert (Operator), 542 Milam Bldg., San Antonio, Tex. 78205.
CS71-274...	4-9-71	Ben F. Brack, 16th Floor, 125 North Market, Post Office Box 997, Wichita, KS 67201.
CS71-275...	4-9-71	Outline Oil Corp., 8609 Northwest Plaza Dr., Suite 307, Dallas, TX 75225.
CS71-276...	4-9-71	U.S. Natural Resources, Inc., 9601 Wilshire Blvd., Suite 620, Beverly Hills, CA 90210.
CS71-277...	4-9-71	Davis Drilling, Inc., American State Bank Bldg., Great Bend, KS 67530.
CS71-278...	4-14-71	Carl A. Nilsen, 1004 Kermac Bldg., Oklahoma City, Okla. 73102.
CS71-279...	4-15-71	O. G. McClain, Post Office Box 1336, Corpus Christi, TX 78403.
CS71-280...	4-15-71	Texas Crude Oil, Inc., 915 Houston Citizens Bank Bldg., Houston, Tex. 77002.
CS71-281...	4-15-71	Aquitaine Oil Corp., Suite 1919, Houston Natural Gas Bldg., 1200 Travis, Houston, TX 77002.
CS71-282...	4-15-71	Maynard Oil Co., 2050 One Main Pl., Dallas, TX 75250.
CS 71-283...	4-14-71	Prudential Minerals Exploration Corp., 540 Meadows Bldg., Dallas, Tex. 75206.
CS71-284...	4-9-71	Doyle T. Grogan, 3048 South Cook St., Denver, CO 80210.
CS71-285...	4-12-71	A. O. Haferkamp, c/o Bulla & Horning, attorneys at law, First National Center, West Oklahoma City, Okla. 73102.
CS71-286...	4-13-71	Graham B. Morrison and O. C. York, trustees for Richard Stoll Shannon III, et al., 604 Bankers Union Life Bldg., 2401 East 2d Ave., Denver, CO 80206.
CS71-287...	4-12-71	G. E. Kadane & Sons, Post Office Drawer 1740, Wichita Falls, TX 76307.
CS71-288...	4-12-71	Lundells Inc. (Operator) et al., Post Office Box 1050, Alice, TX 78332.
CS71-289...	4-12-71	Ed Gibbons, Post Office Box 1194, Shreveport, LA 71102.
CS71-290...	4-12-71	W. M. Gallaway, 101-2 Petroleum Plaza Bldg., Farmington, N. Mex. 87401.
CS71-291...	4-12-71	The Wil-Mc Oil Corp., 1108 Fidelity Union Life Bldg., Dallas, Tex. 75201.
CS71-292...	4-12-71	Clarence Kenyon, Room 114 Business Center, 1205 North 18th St., Monroe, LA 71201.
CS71-293...	4-12-71	Gulf Minerals, Inc., 488 Main Bldg., Houston, Tex. 77002.
CS71-294...	4-12-71	George W. Graham, Inc. (Operator), et al., 400 First Wichita National Bank Bldg., Wichita Falls, Tex. 76301
CS71-295...	4-14-71	The Shallow Water Refining Co. (Operator) et al., 1111 Vickers Tower, Wichita, Kans. 67202.
CS71-296...	4-14-71	W. C. Feazel Estate (Operator) et al., Post Office Box 1765, Shreveport, LA 71102.
CS71-297...	4-14-71	Bert Fields, Jr., 1181 First National Bank Bldg., Dallas, Tex. 75202.
CS71-298...	4-14-71	Benjamin Eisenbogen, 4100 Montview Blvd., Denver, Colo. 80207.
CS71-299...	4-14-71	Texas Crude, Inc., 915 Houston Citizens Bank Bldg., Houston, Tex. 77002.
CS71-300...	4-13-71	The Nowery Corp., 6604 South Leo Ct., Littleton, CO 80121.
CS71-301...	4-12-71	L. A. Douglass, C-117 Petroleum Center, San Antonio, Tex. 78209.

[FR Doc.71-6386 Filed 5-7-71;8:45 am]

[1a] Commissioner Bartley absent.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Notice of Proposed Changes in Rates and Charges

APRIL 28, 1971.

Take notice that Cities Service Gas Co. (Cities Service) on April 22, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective May 23, 1971. The proposed changes would provide Cities Service with additional annual revenues from its jurisdictional sales of $17,946,398 based upon the adjusted volumes of sales for the test period (12 months ended December 31, 1970, adjusted for known changes through September 30, 1971).

In addition to the proposed increase in rates and charges, Cities Service seeks to change other provisions in its tariff, namely: (1) Addition of a purchased gas cost rate adjustment provision and an interrelated provision for flowthrough of gas supplier refunds; (2) addition of an advanced payments rate adjustment provision; (3) a change in tariff format for statement of rates; (4) a change in the applicability and character of service provisions related to Rate Schedule LVS-2; and (5) clarification of the provisions of Article 12 of the General Terms and Conditions regarding firm service to large commercial or industrial consumers. In reference to its proposed tariff changes (1) and (2) above, Cities Service seeks waiver of Section 154.38(d)(3) of the Commission's Regulations to permit the inclusion of those provisions in its tariff and, in the event that waiver is not granted, Cities Service has filed alternative revised tariff sheets in Appendix B which are identical to its other revised sheets (Appendix A) except that the Appendix B sheets eliminate any reference to the changes set forth in (1) and (2) above. Further, Cities Service states that, if waiver is not granted, it proposes to show in any hearing in this proceeding that those provisions should be included in its tariff. Cities Service also seeks Commission authorization to utilize liberalized tax depreciation with normalization for accounting and rate purposes.

In support of its proposed increase, Cities Service states that it is in a revenue deficiency position and the increase is necessary to correct that condition. The principal reasons for the deficiency, according to Cities Service, are increased cost levels in its cost of service including, among others, rate of return (9.5 percent), purchased gas, plant, operation and maintenance, taxes, employee benefits, change to normalization for liberalized tax depreciation, and amortization of a court judgment.

Copies of the filing were served on Cities Service's customers and interested State Commissions.

Any person desiring to be heard or to make any protest with reference to said filing should on or before May 12, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10), All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application for increase is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6442 Filed 5-7-71;8:45 am]

[Docket No. RP71-105]

COLORADO INTERSTATE GAS CO.

Notice of Proposed Change in FPC Gas Tariff

APRIL 26, 1971.

Take notice that on March 31, 1971, Colorado Interstate Gas Co. (CIG) filed changes in its FPC Gas Tariff pursuant to §§ 154.52 and 154.62 of the Commission's regulations under the Natural Gas Act to be effective May 1, 1971.

The proposed tariff revision would add an initial Rate Schedule S-1 providing for a limited term seasonal industrial and irrigation service in place of Rate Schedule IS-2, which previously served offpeak firm loads. Under the terms of the proposed revision, service under the new S-1 schedule would be offered to each of CIG's customers who purchased gas under Rate Schedule G-1 or P-1. Service under Rate Schedule IS-2 will no longer be available.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6443 Filed 5-7-71;8:46 am]

[Docket No. RP71-102]

GREAT LAKES GAS TRANSMISSION CO.

Notice of Proposed Change in FPC Gas Tariff

April 22, 1971.

Take notice that on April 16, 1971, Great Lakes Gas Transmission Co. (Great Lakes) filed changes in its FPC Gas Tariff to be effective on June 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by $9,647,370 annually, based upon estimated sales volumes for the 12-month period ended December 31, 1970, as adjusted. The proposed increase would be applicable to Great Lakes Rate Schedules CQ-1, CQ-2, CQ-3, AOS-1, and G-3 in Volume No. 1, and T-4 in Volume No. 2. In addition, the revised tariff sheets change Great Lakes' present rate structure by the addition of a third rate zone.

Great Lakes states that the principal reason for the proposed rate increases is that the existing rates do not generate sufficient revenues to meet interest coverages and other tests necessary to the issuance of long-term financing. In addition, Great Lakes states that the proposed rates are designed to recoup its total cost of service, including a minimum reasonable rate of return of 9.92 percent.

Copies of the filing were stated as having been mailed to each of Great Lakes' customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 6, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6444 Filed 5-7-71;8:46 am]

[Docket No. CP69-251]

MICHIGAN WISCONSIN PIPE LINE CO., AND NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Petition To Amend

April 27, 1971.

Take notice that on April 19, 1971, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), 1 Woodward Avenue, Detroit, MI 48226, and Natural Gas Pipeline Company of America (Natural), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP69-251 a joint petition to amend the Commission's orders issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act on May 20, 1969 (41 FPC 655), as amended, on April 21, 1970 (43 FPC 556), in said docket, by authorizing certain modifications of the exchange of natural gas between Michigan Wisconsin and Natural, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The orders of May 20, 1969, and April 21, 1970, authorized the construction and operation of facilities and the exchange and delivery of natural gas between Michigan Wisconsin and Natural on an equivalent thermal content, no monetary compensation basis, of an average daily quantity of 100,000 Mcf of natural gas, with exchange points at junctions of their transmission lines in Cameron Parish, La., and in Wheeler and Hansford Counties, Tex.

Petitioners propose herein to increase the average annual exchange from the presently authorized 100,000 Mcf per day to 125,000 Mcf per day for the 14-month period beginning July 1, 1971. Petitioners state that these increased volumes will be exchanged as follows: (1) Natural will deliver 125,000 Mcf per day to Michigan Wisconsin at the existing Wheeler County, Tex., exchange point; (2) Michigan Wisconsin will deliver 104,300 Mcf per day to Natural at the existing Hansford County, Tex., exchange point; and (3) Michigan Wisconsin will deliver only the following volumes to Natural at the existing Cameron Parish exchange point: (a) November 1971, through March 1972, 50,000 Mcf per day; and (b) July and August 1972, 20,700 Mcf per day.

The petition to amend states that the proposed modifications would be mutually beneficial to Petitioners by increasing Natural's winter peak day deliverability, by increasing Natural's peak day supply capacity on its Amarillo system, by avoiding curtailments of receipts by Michigan Wisconsin and by allowing Michigan Wisconsin to meet purchase obligations on its Southwest system. No new facilities are proposed herein and Petitioners state that existing facilities are sufficient to effectuate the modifications proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 17, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6445 Filed 5-7-71;8:47 am]

[Docket No. CP71-253]

PENNSYLVANIA GAS CO.

Notice of Application

April 28, 1971.

Take notice that on April 22, 1971, Pennsylvania Gas Co. (applicant), 213 Second Avenue, Warren, PA 16365, filed in Docket No. CP71-253, an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas pipeline and related facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate approximately 4 miles of 12-inch storage pipeline and related measuring and regulating facilities between the Summit Storage Pool and its existing pipeline system located in Erie County, Pa. Applicant states that the facilities proposed herein will improve deliverability from the storage pool by an estimated 35,000 Mcf per day and will provide operating flexibility in dispatching natural gas to the Erie, Pa., market area. The estimated cost of the facilities proposed herein is $345,568 which cost applicant states will be financed from cash on hand and by the issuance of notes or common stock to National Fuel Gas Co., Applicant's parent company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6446 Filed 5-7-71;8:47 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE AND THE TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members

April 30, 1971.

The Federal Power Commission by orders issued April 6, 1971, established an Executive Advisory Committee and the Technical Advisory Committees of the National Gas Survey.

1. *Membership.* Additional members to the Executive Advisory Committee and the technical advisory committees, as selected by the Chairman of the Commission with the approval of the Commission, are as follows:

Executive Advisory Committee:
  William W. Keeler, Chairman of the Board, Phillips Petroleum Co.
Technical Advisory Committee—Supply:
  Deputy Vice Chairman—William T. Slick, Jr., Assistant Manager, Corporate Planning, Humble Oil & Refining Co.
Technical Advisory Committee—Transmission:
  Deputy Vice Chairman—Ferdinand Gagne, Manager, Industry Relations, Northern Natural Gas Co.
Technical Advisory Committee—Distribution:
  Deputy Vice Chairman—Ralbern H. Murray, Director, Marketing, Consolidated Natural Gas Service Co., Inc.

By the Commission.

[SEAL] Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6447 Filed 5-7-71;8:47 am]

[Docket Nos. CI71-118, etc.]

AMOCO PRODUCTION CO. ET AL.

Order Permitting Withdrawal and Severing and Terminating Proceedings

April 27, 1971.

On February 22, 1971, we issued an order in the above-docketed proceedings, consolidating for hearing several proceedings involving applications for certificates of public convenience and necessity which had been filed pursuant to section 7 of the Natural Gas Act. Among such proceedings were those involving applications which had been filed by Amoco Production Co. (formerly Pan American Petroleum Corp.) in Docket No. CI71-118 on August 10, 1970; Gulf Oil Corp. in Docket No. CI71-138 on August 17, 1970; Humble Oil & Refining Co. in Docket No. CI71-170 on August 26, 1970, and Atlantic Richfield Co. in Docket No. CI71-440 on November 23, 1970.

Each of the aforenamed applicants has filed a petition to withdraw its application in its respective proceeding. Each has shown that the sales contract under which gas was to have been sold if a certificate had been granted has been terminated, and that no service of any kind had commenced thereunder.

The Commission finds: Good cause exists to permit the withdrawal of each of the applications for a certificate of public convenience and necessity above described, and to terminate the proceeding relating thereto, except that the title "Amoco Production Co., et al., Docket No. CI71-118, et al.," shall be retained for the identification of these consolidated proceedings only.

The Commission orders:

(A) The petitions to withdraw filed by Amoco Production Co. on March 19, 1971; Gulf Oil Corp. on March 1, 1971; Humble Oil & Refining Co. on February 18, 1971; and Atlantic Richfield Co. on March 31, 1971, are granted.[1]

(B) The proceedings in Dockets Nos. CI71-118 (except for purposes of identification as noted above), CI71-138, CI71-170, and CI71-440 are severed from the consolidated proceedings in Amoco Production Co., et al., Docket No. CI71-118, et al., and are terminated.

By the Commission.

[SEAL] Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6448 Filed 5-7-71;8:47 am]

[Docket No. R-393]

EXEMPTION OF SMALL PRODUCERS FROM REGULATION

Order Providing for Joint Consideration of Applications for Rehearing

April 29, 1971.

The Commission in Order No. 428 issued March 18, 1971, in the above-entitled proceeding established a blanket certificate procedure for small producers. Small producers certificated thereunder shall be authorized to make small producer sales nationwide pursuant to existing and future contracts at the price specified in each such contract.

Applications for rehearing have been filed by a number of parties with respect to Order No. 428. The first application for rehearing was filed by James M. Forgotson, Sr. (Forgotson), an independent producer, on March 31, 1971, while the others were filed near the end of the statutory 30-day period for such applications which expired on April 19, 1971.[1]

Accordingly, we are hereby acting to defer completion of our consideration of Forgotson's application and all other timely filed applications to permit joint consideration of such applications, and it is so ordered. The action is not to be deemed a grant or denial of such petitions on their merits in whole or in part.

By the Commission.

[SEAL] Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6449 Filed 5-7-71;8:47 am]

[Docket No. RI71-643]

HILDA B. WEINERT AND JANE W. BLUMBERG ET AL.

Order Permitting Withdrawal of Rate Filings and Vacating Proceeding

April 27, 1971.

Hilda B. Weinert and Jane W. Blumberg, et al. (movants), on March 10, 1971, filed a motion in the above-entitled proceeding requesting that they be permitted to withdraw Supplement Nos. 21 and 22 to their FPC Gas Rate Schedule No. 2, which are involved in Docket No. RI71-643, since such filings were not contractually authorized and that the order instituting the proceeding in Docket No. RI71-643 be vacated.

In support of their motion, movants state (1) that their predecessors and Trans-Continental Gas Pipe Line Co., Inc. (Transco) entered into a gas purchase contract on September 12, 1942, which was specifically amended to extend the contract term to April 1, 1971, and that such contract underlies their FPC Gas Rate Schedule No. 2; (2) that by a separate contract dated January 25, 1950, their predecessors contracted to sell to Natural Gas Pipeline Co. of America (Natural) gas from reserves in the La Gloria area and that this contract constitutes their FPC Gas Rate Schedule No. 1; (3) that as a result of a settlement order issued in Argo Oil Corp., et al 20 FPC 208 (1958) producers including movants in the La Gloria area dedicated to Natural all reserves of natural gas in said area upon the termination of their Transco contracts; and (4) that the extension of movants' subject contract with Transco as reflected in said Supplement Nos. 21 and 22 is contrary to the aforementioned settlement and was mistakenly entered into by the parties as evidenced by an enclosed agreement dated February 19, 1971, between movants and Transco rescinding the subject contract.

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[1] On Mar. 25, 1971, Humble Oil & Refining Co. was advised by letter from the Secretary that its application was deemed withdrawn as of Mar. 21, 1971. However, Docket No. CI71-170 is included herein for purposes of severance and termination.

[1] Applications for rehearing were filed by Mobil Oil Corp. on April 14, 1971, Texaco Inc. on April 15, 1971, Phillips Petroleum Co. on April 19, 1971, Warren Petroleum Corp. on April 16, 1971, Independent Natural Gas Association of America on April 16, 1971, Kansas-Nebraska Natural Gas Co., Inc. on April 19, 1971, Consolidated Gas Supply Corporation on April 19, 1971, El Paso Natural Gas Co. on April 19, 1971, Tennessee Gas Pipeline Co., A Division of Tenneco Inc. on April 16, 1971, and the Public Service Commission of the State of New York on April 19, 1971.

The Commission finds: For the aforementioned reasons, good cause exists for granting movants' motion filed herein on March 10, 1971, as hereinafter provided.

The Commission orders:

(A) Supplement Nos. 21 and 22 to Hilda B. Weinert and Jane W. Blumberg, et al., FPC Gas Rate Schedule No. 2 are permitted to be and are considered withdrawn.

(B) The proceeding in Docket No. RI71–643 is vacated. Such action is without prejudice to any final determination with respect to an application that may be filed by movants under section 7(b) of the Natural Gas Act to abandon the instant sale to Transco.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6450 Filed 5-7-71;8:47 am]

[Docket No. CP66–189]

WASHINGTON COUNTY UTILITY DISTRICT OF WASHINGTON, TENN., AND EAST TENNESSEE NATURAL GAS CO.

Order Setting Date for Hearing and Permitting Intervention

APRIL 30, 1971.

On December 8, 1965, Washington County Utility District of Washington County, Tenn. (applicant) filed an application, as supplemented, pursuant to section 7(a) of the Natural Gas Act (Act), for issuance of an order by the Commission directing East Tennessee Natural Gas Co. (respondent) to establish physical connection of its transmission facilities with the facilities proposed to be constructed by applicant, and to sell and deliver up to 1,547 Mcf of natural gas per day to applicant for resale and distribution in the southwest and northwest areas of Washington County, Tenn., and in the adjacent areas of Sullivan County, Tenn., all as more fully set forth in the applicant's filings with the Commission.

The Commission issued an order on December 14, 1966, requiring respondent to establish physical connection of its natural gas transmission facilities with those to be constructed by applicant, and to sell and deliver to the latter the volumes of natural gas specified in its application. The Commission inserted a condition in the aforementioned order requiring that applicant should have the facilities constructed to receive the natural gas it sought from respondent within 1 year of the issuance of its order. Over 4 years have elapsed since the Commission issued its initial order requiring that the respondent make physical connection with applicant's proposed facilities. Even though the initial deadline set for the completion of the necessary facilities has expired over 3 years ago, applicant has not as yet undertaken to construct such facilities.

During the course of this 3-year period of time, applicant has petitioned the Commission on six occasions requesting that the construction deadline promulgated in the December 14, 1966 order be extended by a period of 6 months. The Commission has on each of the above occasions amended its certificate order and granted the request sought by applicant. In the aforementioned requests for an extension of time, the applicant stated that it was experiencing some difficulties in acquiring the financing necessary for its proposal. It was of the belief, however, that it would be in a position to resolve its problems within the time afforded by each extension.

On December 10, 1970, applicant filed another petition requesting that the Commission extend the construction deadline by another 6 months, i.e., until June 14, 1971. It alleged that the bond market had improved during the course of the preceding 6 months, but not sufficiently to enable it to market its bonds. Applicant felt, however, that it would in the near future be successful in this endeavor. In further support of its position it filed a letter with the Commission on January 6, 1971, alleging that a syndicate of investment houses had been formed for the purpose of purchasing and marketing its bonds and that it is ready to proceed in the event that the extension is granted.

On December 21, 1970, respondent filed its answer to applicant's petition for an extension of time filed December 10, 1970. In its answer, respondent notes that the Commission has already granted the applicant an extension of time on six previous occasions, and that during the course of the delay that has ensued since the issuance of the certificate order many of the circumstances and basic assumptions underlying the initial proposal have changed.

Respondent avers that important factors relating to items such as gas supply, the availability of pipeline capacity, and the level of interest rates have changed materially since the applicant's proposal was approved by the Commission. It thus contends that the public interest presently necessitates the denial of the latest extension requested by the applicant. Respondent further argues that the figures initially submitted by the applicant to cover the cost of the construction of its distribution system are outdated and do not reflect the current high costs that are due to inflation. It believes that the financing sought by the applicant has been adversely affected by present high construction costs.

Respondent also points out that its sole supplier, Tennessee Gas Pipeline Co., has advised its customers that no additional service will be available beyond the 1970–71 heating season until its own gas supply and financial situation improves. In order to depict the lack of available capacity on its own system, respondent points to the fact that to meet its 1970–71 requirements it will be necessary for it to utilize 2,503 Mcf of design capacity authorized, but not presently required to meet the service requirements of three customers that the Commission directed it to serve under section 7(a) of the Act.

The Commission is of the belief that respondent has raised serious questions as to whether existing circumstances justify continued certification of applicant's proposed facilities. The allegations of reduced gas supply, limited availability of additional capacity on existing interstate systems, and changed interest rates are matters which could significantly influence public interest considerations related to applicant's proposal. Similarly, the overall feasibility of applicant's proposal may well have been materially affected by higher construction costs and other inflationary circumstances not known at the time the Commission considered its proposal approximately 5 years ago. Hence, we feel that a hearing de novo is required to determine whether we should reinstate the prior certification.

On February 8, 1971, United Cities Gas Co. (United Cities) filed a protest to the grant of the requested extension of time. United Cities had heretofore filed an application under section 7(a) of the Act seeking an allocation of gas from East Tennessee for an area contiguous to that involved in Docket No. CP66–189. Because of the alleged unavailability of gas on East Tennessee's system it sought, and received, an order from the Commission deferring further action on its application pending the filing of a system expansion by East Tennessee.[1]

The Commission finds: It is necessary and appropriate that the above-docketed proceeding be set for hearing to determine whether certification of the applicant's proposal should be reinstated under existing circumstances of public convenience and necessity.

The Commission orders:

(A) Applicant's direct case in support of its project proposed in Docket No. CP66–189 shall be filed with the Commission and served on all parties and the Commission's staff on or before May 17, 1971. Similarly, respondent will also file and serve on the same date its evidence relative to the availability of capacity and gas supply on its system.

(B) United Cities Gas Co. is permitted to intervene in these proceedings.

(C) A hearing shall convene before a duly designated presiding examiner and cross-examination of applicant's direct case, to be followed by cross-examination of respondent's presentation, shall commence in a hearing room of the Federal Power Commission located at 441 G Street NW., Washington, DC, on June 2, 1971, at 10 a.m., d.s.t.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6451 Filed 5-7-71;8:47 am]

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[1] Docket No. CP68–296, notice granting motion to defer action issued Dec. 23, 1970.

[Docket No. R–421; Order 433]

STATE OF OKLAHOMA PRODUCTION TAX

Order Waiving Certain Requirements Regarding Filing Rate Schedule Supplements

APRIL 30, 1971.

Order waiving certain requirements of the regulations with respect to filing rate schedule supplements relating to increase in production tax of the State of Oklahoma and establishing procedures with respect to such filings.

On March 31, 1971, the State of Oklahoma enacted an increase in its gross production tax from 5 percent to 7 percent on the wellhead value of natural gas effective as of May 1, 1971. As a result many producers making jurisdictional sales of natural gas produced in Oklahoma may have the right to collect higher rates. In such circumstances the Natural Gas Act and the Commission's regulations thereunder require that any such proposed increased rate be filed with the Commission.

To simplify the filing of such proposed increased rates, the Commission deems it proper and in the public interest on its own motion to waive the 30-day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and to waive the requirements of § 154.94(f) of the regulations (18 CFR 154.94(f)) with respect to any proposed change in rate based solely upon the increase in the Oklahoma production tax.[1] Accordingly, any such proposed increase in rate may be filed in the form prescribed herein and if the filing is made on or before June 1, 1971, the 30-day notice period will be waived and an effective date of May 1, 1971, will be granted. In the event a filing is made after June 1, 1971, it will be effective as of the date of filing.

Pursuant to Ordering Paragraph (F) of Opinion No. 586 issued September 18, 1970, in Docket No. AR64–1, et al., 44 FPC——, the rates prescribed in that opinion for sales in the Oklahoma-Anadarko area are adjusted upward by 75 percent of the increase in the Oklahoma tax. All producers making sales in the Oklahoma-Anadarko area are therefore entitled, to the extent contractually authorized under a tax reimbursement provision or otherwise, to file increased rates up to the new ceilings and such filings may be made pursuant to the provisions of this order without regard to the specific type of contractual authorization involved.[2] These filings will be accepted, without refund obligation.

With regard to sales in the Oklahoma area not covered by Opinion No. 586, producers may file for tax reimbursement of the Oklahoma tax increase to the extent permitted by the tax reimbursement provisions in their contracts. Any increased rate filed for these sales reflecting solely the increase in the Oklahoma production tax which exceeds the applicable increased rate ceiling of 11 cents per Mcf at 14.65 p.s.i.a. set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56), by more than the contractually authorized reimbursement for the Oklahoma tax increase shall become effective, subject to refund, upon notification from the Secretary without any further action by the producer involved or the Commission. The Secretary shall advise the filing party of the supplemental rate schedule designation and of the docket number assigned to the proceeding. If an increased rate filing does not exceed the rate level prescribed above (i.e., 11 cents plus contractually authorized reimbursement for tax increase), it shall be accepted without refund obligation.

The Commission finds:

(1) Good cause exists and it is appropriate and in the public interest in the administration of the Natural Gas Act to waive the 30-day notice requirements set forth in section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d) and § 154.94(b) of the Commission's regulations thereunder (18 CFR 154.94(b) and to waive the requirements of § 154.94(f) of the Commission's regulations (18 CFR 154.94(f) with respect to the filing, as hereinafter ordered, of any appropriate supplement reflecting the increase in the Oklahoma production tax.

(2) Any proposed increased rate reflecting solely the increase in the Oklahoma production tax for a sale in the Oklahoma area not covered by Opinion No. 586 which is in excess of the applicable increased rate ceiling of 11 cents per Mcf at 14.65 p.s.i.a. set forth in the Commission's Statement of General Policy No. 61–1, as amended (18 CFR 2.56) by more than the contractually authorized tax reimbursement for the Oklahoma tax increase may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful. Accordingly, any such proposed rate filed subsequent to the issuance of this order should be suspended and made effective subject to refund pursuant to the terms and conditions of this order.

(3) The waiver of the requirements relating to notice and to filing herein adopted relieve a restriction and involve matters of Commission practice and procedure. The notice, hearing, and effective date provisions of section 553 of title 5 of the United States Code are therefore inapplicable.

The Commission, acting pursuant to authority granted by the Natural Gas Act, as amended, particularly sections 4, 7, and 16 thereof (52 Stat. 822, 824, 825, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717f, 717o) and in accordance with sections 552 and 553 of title 5 of the United States Code, orders:

(A) Rate schedule changes solely reflecting the increase in the Oklahoma production tax may be filed in the following form:

1. This filing is submitted pursuant to Commission Order No. -------- to reflect --% reimbursement of the increase from 5% to 7% in the Oklahoma gross production tax effective May 1, 1971, levied on producers of natural gas and/or casinghead gas.

2. Such reimbursement is provided by Section ------ of the contract dated between ------------------- and ------------------ on file with the Commission and designated -------------- FPC Gas Rate Schedule No. ------.

3. A copy of this filing was served on the buyer as required by the Commission's Regulations on ------------.

4. Comparison of rates prior to and subsequent to such change in rate (Cents per Mcf at 14.65 p.s.i.a.):

Total price before increase	*Tax reimbursement increase*	*Total price after increase*
------------	------------	------------

Sales for 12 months ending ------------: ------------ Mcf

[ ] Total prices shown are subject to B.t.u. adjustment.

[ ] Total prices shown reflect B.t.u. adjustment, based on B.t.u. content of: ------------.

Filing party: ------------------------
Address: ------------------------

Signed: ------------------------

(B) The 30-day notice period otherwise required by section 4(d) of the Natural Gas Act (52 Stat. 822; 15 U.S.C. 717c(d)) and § 154.94(b) of the regulations (18 CFR 154.94(b)), and the requirements of § 154.94(f) of the regulations (18 CFR 154,94(f)) are waived with respect to those filings permitted by ordering paragraph (A) above.

(C) Any increased rate filing which exceeds 11 cents per Mcf at 14.65 p.s.i.a plus contractually authorized reimbursement for the Oklahoma tax increase for a sale in the Oklahoma area not covered by Opinion No. 586 shall become effective, subject to refund, upon notification from the Secretary as of May 1, 1971, if the filing is made on or before June 1, 1971, and as of the date of filing if the filing is made subsequent thereto without any further action by the producer involved or the Commission. The Secretary shall advise the filing party of the supplemental rate schedule designation and the docket number assigned to the proceeding.

(D) Any increased rate filing which does not exceed 11 cents per Mcf at 14.65 p.s.i.a. plus contractually authorized reimbursement for the Oklahoma tax increase for a sale in the Oklahoma area not covered by Opinion No. 586 shall be accepted, without refund obligation, effective as of May 1, 1971, if the filing is made on or before June 1, 1971, and as of the date of filing if the filing is made subsequent thereto.

(E) Any increased rate filing pertaining to a sale in the Oklahoma-Anadarko area which does not exceed the applicable higher ceiling authorized under

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[1] The latest effective rate (either subject to refund or not) and any suspended rate not made effective are the only rates that should be revised to reflect the tax increase. However, docket numbers relating to rates in effect subject to refund should be furnished.

[2] It makes no difference whether a filing is permitted under the tax reimbursement provision or some other pricing provision in a contract.

Opinion No. 586 as a result of the Oklahoma tax increase shall be accepted, without refund obligation, effective as of May 1, 1971, if the filing is made on or before June 1, 1971, and as of the date of filing if the filing is made subsequent thereto.

(F) This order shall be effective upon issuance.

(G) The Acting Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6452 Filed 5-7-71;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-14 Supp. 1]

PURCHASE OF PASSENGER VEHICLES

Policies on Procuring Air-Conditioning and Other Equipment for Larger Size Passenger Vehicles

1. *Purpose.* This supplement prescribes policies and procedures to be followed in purchasing new passenger vehicles listed as Types IV, V, and VI in table I of Interim Federal Specification No. KKK-A-00811K.

2. *Effective date.* This regulation is effective upon publication in the FEDERAL REGISTER (5-8-71).

3. *Applicability.* The provisions of this regulation apply to all Federal agencies.

4. *Standard passenger vehicles of Types IV, V, and VI.* In addition to those items listed in subparagraph 5a of FPMR Temporary Regulation E-14, the items shown below (from Interim Federal Specification No. KKK-A-00811K) are considered to be standard passenger vehicles completely equipped, as listed, for ordinary operation and are thus subject to statutory maximum price limitations as provided by law.

a. Type IV, 4,100 lbs. curb weight (min.), 123-inch wheelbase (min.), 275 gross brake horsepower (min.), equipped with a 3-speed manual transmission.

b. Type V, 4,600 lbs. (min.), 300 gross brake horsepower (min.), equipped with an automatic transmission.

c. Type VI, 5,200 lbs. (min.), 350 gross brakes horsepower (min.), equipped with an automatic transmission.

5. *Additional systems or equipment.* The items included in table VIII of Interim Federal Standard No. 00122L are considered to be additional systems or equipment for new passenger vehicles listed in paragraph 4, above. The provisions of paragraph 6 of Temporary Regulation E-14 apply to the selection of such additional systems or equipment.

6. *Deviations.* Requisitions for passenger vehicles with systems or equipment not covered by this supplement shall be submitted to GSA for approval prior to procurement in accordance with the provisions of paragraph 7 of Temporary Regulation E-14.

7. *Submission of requirements.* Requirements for types of passenger vehicles covered by this supplement shall be submitted to GSA for procurement action. Where additional systems and equipment are deemed essential by the requisitioning agency head or his designee, such items shall be identified on the purchase requests by code from table VIII of Interim Federal Standard No. 00122L, or by noun nomenclature together with a complete description of the vehicle required (from Interim Federal Specification No. KKK-A-00811K).

8. *Expiration date.* This supplement expires October 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management. Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to the General Services Administration (FF), Washington, DC 20406, no later than May 31, 1971, for consideration and possible incorporation into the permanent regulation.

Dated: April 30, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6437 Filed 5-7-71;8:46 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE CZECHOSLOVAK SOCIALIST REPUBLIC

Entry or Withdrawal From Warehouse for Consumption

MAY 4, 1971.

On August 29, 1969, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of the Czechoslovak Socialist Republic concerning exports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic to the United States over a 2-year period beginning on May 1, 1969. The bilateral agreement was extended for an additional 2-year period beginning May 1, 1971. Among the provisions of the agreement, as extended, are those establishing an aggregate limit for the 64 categories and within the aggregate limit a specific limit on Category 26 (other than duck).

There is published below a letter of April 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles in Category 26 (other than duck) produced or manufactured in the Czechoslovak Socialist Republic which may be entered or withdrawn from warehouse for consumption in the United States for the 12-month period beginning May 1, 1971, and extending through April 30, 1972, be limited to the designated level. The letter published below and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, DC 20226

APRIL 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic, and in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective as soon as possible, and for the 12-month period beginning May 1, 1971, and extending through April 30, 1972, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic, in excess of the level of restraint for the period of 1,102,500 square yards.

Cotton textiles in Category 26 (other than duck)[1] produced or manufactured in the Czechoslovak Socialist Republic and which have been exported prior to May 1, 1971, shall, to the extent of any unfilled balance, be charged against the level of restraint established for such goods during the period of May 1, 1970, through April 30, 1971. In the event that the level of restraint established for that period has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The level of restraint set forth above is subject to adjustment pursuant to the provisions of the bilateral agreement of August 29, 1969, as extended, between the Governments of the United States and the Czechoslovak Socialist Republic which provide, in part, that within the aggregate limit, the limitation on Category 26 (other than duck)[1] may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of the Czechoslovak Socialist Republic and with respect to imports of cotton textiles and cotton textile products from the Czechoslovak Socialist Republic have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

JAMES T. LYNN,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-6457 Filed 5-7-71;8:48 am]

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[1] The T.S.U.S.A. Nos. for duck fabric not covered by this directive are:
320.--01 through 04, 06, 08
321.--01 through 04, 06, 08
322.--01 through 04, 06, 08
326.--01 through 04, 06, 08
327.--01 through 04, 06, 08
328.--01 through 04, 06, 08

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal From Warehouse for Consumption

MAY 4, 1971.

On June 2, 1967, the U.S. Government, in furtherance of the objectives of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a 4-year period beginning on May 1, 1967. The agreement was extended for a period of 31 days beginning May 1, 1971. Among the provisions of the agreement, as extended, are those establishing an aggregate limit, group limits, and specific limits for Categories 9, 109, 22, 23, 26, 27, 63, and 64, with sublimits on duck fabric (parts of Categories 26 and 27) and on zipper tapes (part of Category 64), for the 31-day period beginning May 1, 1971.

There is published below a letter of April 30, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the 31-day period beginning May 1, 1971, and extending through May 31, 1971, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, as extended, but are designed to assist only in the implementation of certain of its provisions.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, DC 20226.

APRIL 30, 1971.

DEAR MR. COMMISSIONER: Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to the bilateral cotton textile agreement of June 2, 1967, as extended, between the Governments of the United States and Mexico, and in accordance with Executive Order 11052 of September 23, 1962, as amended by Executive Order 11214 of April 7, 1965, you are directed to prohibit, effective May 1, 1971, and for the thirty-one day period extending through May 31, 1971, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1, 2, 3, and 4, shall be 1,140,638 pounds. Of this amount not more than 286,261 pounds shall be in Categories 3 and 4.

The overall level of restraint for Categories 5 through 27 shall be 2,127,136 square yards.

Within the overall level of restraint for Categories 5 through 27, the following specific levels of restraint shall apply:

Category		*1-month level of restraint*
9	square yards	405, 169
10	do	202, 584
22	do	405, 169
23	do	303, 877
26	do[1]	607, 753
27	do[1]	202, 534

[1] Of the total amount for Categories 26 and 27, not more than 455, 815 square yards shall be in duck fabric, T.S.U.S.A. Nos:
320.—01 through 04, 06, 18
321.—01 through 04, 06, 08
322.—01 through 04, 06, 08
326.—01 through 04, 06, 08
327.—01 through 04, 06, 08
328.—01 through 04, 06, 08

Within the overall level of restraint for Categories 5 through 27, each category without a specific level of restraint is subject to a consultation level of 50,646 square yards, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

The overall level of restraint for Categories 28 through 64, shall be 222,843 square yards equivalent. There was attached to the directive of April 28, 1969, from the Chairman of the President's Cabinet Textile Advisory Committee, concerning cotton textiles and cotton textile products from Mexico a table of the rates of conversion into square yard equivalents of the aforesaid categories which may be used in implementing this part of this directive.

Within this overall level of restraint for Categories 28 through 64, the following specific levels of restraint shall apply:

Category	*1-month level of restraint*
63	11,142 pounds.
64	33,021 pounds (of which not more than 9,116 pounds shall be in zipper tapes, T.S.U.S.A. No. 347 3340)

Within the overall level of restraint for Categories 28 through 64, each category without a specific level of restraint is subject to a consultation level of 35,452 square yards equivalent, pursuant to paragraph 7 of the bilateral agreement. If appropriate, future directions concerning these categories will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Mexico and which have been exported to the United States from Mexico prior to May 1, 1971, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods during the period May 1, 1970, through April 30, 1971. In the event that any level of restraint for the 12-month period ending April 30, 1971, has been exhausted by previous entries, such goods shall be subject to the directives set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 2, 1967, as extended, between the Governments of the United States and Mexico which provide in part that within the aggregate limit, the group limits for Group I and Group II may be exceeded by not more than 10 percent and the Group limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements. Any appropriate adjustments pursuant to the provisions of the bilateral agreement referred to above, will be made to you by letter from the Chairman of the Interagency Textile Administrative Committee.

A detailed description of the categories in terms of T.S.U.S.A. numbers was published in the FEDERAL REGISTER on January 17, 1968 (33 F.R. 582), and amendments thereto on March 15, 1968 (33 F.R. 4600).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. IV, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

JAMES T. LYNN,
Acting Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-6458 Filed 5-7-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5021]

CENTRAL POWER AND LIGHT CO.

Notice of Proposed Issue and Sale of Long-Term Note and Application for Exception From Competitive Bidding Therefor

MAY 3, 1971.

Notice is hereby given that Central Power and Light Co. ("Central"), 120 North Chaparral Street, Corpus Christi, TX 78403, an electric utility subsidiary company of Central and South West Corp,. a registered holding company, has filed an application-declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transaction.

Central proposes to issue its unsecured promissory note in the amount of $3 million to American General Life Insurance Company of Delaware (American). The proposed note is to be issued to refinance a note issued and sold pursuant to the first sentence of section 6(b) of the Act, dated December 21, 1970, and due 6 months therefrom, given in connection with the purchase from American of 2,000 acres of land adjacent to Corpus Christi, Tex., for use as a site for an electric generating station and cooling lake. The proposed note will be dated on or about June 21, 1971, will mature on or about December 21, 1995, will bear interest from the date of issuance until maturity at the rate of 6½ percent per annum, which, it is stated, compares favorably with prevailing rates of interest. The note will be payable in annual installments of principal and interest in the amount of $245,945, commencing 1 year after the date of issuance. Central may pay the note in full at any time before maturity without penalty, or may pay one or more installments at any time without penalty, such prepayments to apply to the last maturing installments, Central requests an exception from the competitive bidding requirements of Rule 50, pursuant to the provisions of (a)(5)(C) thereof, for the issuance and sale of the note.

It is further stated that the services of counsel in connection with the proposed transaction are covered by the annual retainer agreement with Central and that $500 represents a reasonable allocation of such fees in respect of the services to the retainer in connection with the proposed transaction. It is also stated that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 24, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6431 Filed 5-7-71;8:45 am]

[811–1489]

INVERNESS FUND, INC.

Notice of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 3, 1971.

Notice is hereby given that the Inverness Fund, Inc., c/o Walter D. Sohier, Esq., Curtis, Mallet-Prevost, Colt & Mosle, 63 Wall Street, New York, NY 10005, and Enno W. Ercklentz, Jr., Esq., The Inverness Fund, Inc., 345 Park Avenue, New York, NY 10017, a Maryland corporation, (Maryland Fund), registered under the Investment Company Act of 1940 (Act) as an open-end, non-diversified management investment company, has filed an application pursuant to section 8(f) of the Act for an order declaring that the Inverness Fund, Inc., a New York corporation, (New York Fund) ceased to be an investment company. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

The application asserts that the New York Fund was organized on April 4, 1967, and conducted business as a registered open-end investment company from April 4, 1967, to July 1, 1968, at which time it was merged into the Maryland Fund. It further represents that the Maryland Fund is presently registered under the Act, and is now conducting business as an open-end investment company and that the New York Fund has not conducted business as an investment company since its merger on July 1, 1968, into the Maryland Fund, and is no longer a separate entity from the Maryland Fund.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the effectiveness of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 20, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney in fact by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6432 Filed 5-7-71;8:45 am]

[812–2912]

STATE BOND AND MORTGAGE CO. AND STATE BANK AND TRUST COMPANY OF NEW ULM

Notice of Filing of Application for Order Exempting Certain Loans

MAY 3, 1971.

Notice is hereby given that State Bond and Mortgage Co. (State Bond), 28 North Minnesota Street, New Ulm, MN 56073, a Minnesota corporation registered under the Investment Company Act of 1940 (Act) as a face-amount certificate company, and State Bank and Trust Company of New Ulm (Bank) (referred to collectively as "Applicants"), a wholly owned subsidiary of State Bond, have filed an application pursuant to section 6(c) of the Act for an order exempting from the provisions of 17(a)(3) of the Act the making of loans by Bank in its ordinary course of business to its officers, directors and employees subject to the conditions listed below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Applicants state that Bank has a net worth of approximately $1,100,000 and about 23 full-time employees, all of whom live in or immediately adjacent to New Ulm, Minn., a rural community of approximately 13,500 persons. Applicants represent that State Bond, as a registered face-amount certificate company, must deposit with a custodian qualified assets in order to satisfy its certificate reserve liabilities. Applicants further represent that the stock of Bank held by State Bond is not deposited with the custodian as a qualified asset, and because of this, the holders of face-amount certificates do not have a direct financial interest in the profits of Bank.

Applicants state that under the laws of the State of Minnesota, officers, directors, and employees of a State chartered bank are authorized to borrow from such bank subject to certain limitations designed to protect the stockholders and depositors of the banking institution. In addition, the loan policy of Bank, adopted prior to its becoming a wholly owned subsidiary of State Bond, states that loans to affiliates may be made "only where the usual terms and/or conditions of credit are applied."

Section 17(a)(3) of the Act, in pertinent part, prohibits affiliated persons of a registered investment company from borrowing money or other property from any company which is controlled by the registered investment company. Applicants claim that it is sometimes difficult for employees of one bank in a community as small as New Ulm, Minn., to adequately explain to management of other banks the reasons for being unable to borrow from the bank which employs them. Applicants further claim that it is standard practice for a bank which has a large depositor to have that depositor named to its board of directors, and that section 17(a)(3) of the Act as applied to Bank would place Bank at a substantial competitive disadvantage in being unable to loan money to any of its directors in order to maintain the banking business of such person.

As conditions to the requested order, if issued pursuant to their application, Applicants have consented to the following in regard to loans made to any officer, director, or employee of Bank:

1. The borrower shall not be affiliated, directly or indirectly, in any manner with State Bond except as an officer, employee, or director of the lending bank;
2. The loans shall be made in accordance with the applicable State and/or banking laws and any rules and regulations thereunder;
3. The loan shall be approved in writing by the board of directors of Bank not more than 3 months prior to the date on which such loan is made, or during such period shall have been approved in writing by the loan, discount or other appropriate committee of Bank, and ratified in writing by the board of directors of Bank;
4. The lending bank shall require the borrower to file with it a statement of his financial condition at least once each year, unless the loan shall be secured by collateral having an ascertained market value of at least 15 percent more than the amount of the obligation; and
5. The loan and the terms thereof shall be in accordance with the normal lending policy of the Bank, and shall not be inconsistent with any policy of Bank and State Bond.

Notice is further given that any interested person may, not later than May 21, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time thereafter, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter may be issued upon the basis of the information stated in the application, unless an order for hearing upon this matter shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6433 Filed 5-7-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 822 (Class B)]

KENTUCKY

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April, 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Kentucky;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Adair, Butler, Casey, Green, Russell, Warren, and Pulaski Counties, Ky., suffered damage or destruction resulting from a tornado occurring on April 27, 1971.

OFFICE

Small Business Administration District Office, Federal Office Building, Room 188, 600 Federal Place, Louisville, KY 40202.

2. A temporary office will be established at Salem, Ky.;
3. Applications for disaster loans under the authority of the Declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6466 Filed 5-7-71;8:49 am]

[Declaration of Disaster Loan Area 821 (Class B)]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading an devaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Shelby County, Tenn., and surrounding areas, suffered damage or destruction resulting from a hail and severe thunderstorm occurring on April 23, 1971.

OFFICE

Small Business Administration (POD), 1 Federal Office Building, 167 North Main Street, Memphis, TN 38103.

2. Applications for disaster loans under the authority of the declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6467 Filed 5-7-71;8:49 am]

[Declaration of Disaster Loan Area 823 (Class B)]

TEXAS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of certain disasters damage resulted to residences and business property located in the State of Texas;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Ellis County, Tex., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on April 28, 1971.

OFFICE

Small Business Administration Regional Office, 1309 Main Street, Dallas, TX 75202.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to October 31, 1971.

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6468 Filed 5-7-71;8:49 am]

TARIFF COMMISSION

[AA1921-77]

TEMPERED GLASS FROM JAPAN

Notice of Investigation and Hearing

Having received advice from the Treasury Department on May 3, 1971, that tempered sheet glass from Japan is being, and is likely to be, sold in the United States at less than fair value, the U.S. Tariff Commission has instituted an investigation under section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of such merchandise into the United States.

HEARING. A public hearing in connection with the investigation will be held in the Tariff Commission's Hearing Room, Tariff Commission Building, 8th and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on June 22, 1971. All parties will be given opportunity to be present, to produce evidence, and to be heard at such hearing. Interested parties desiring to appear at the public hearing should notify the Secretary of the Tariff Commission, in writing, at its offices in Washington, D.C., at least 5 days in advance of the date set for the hearing.

Issued: May 5, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-6491 Filed 5-7-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 5, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42189—*Lime to Canton, N.C.* Filed by O. W. South, Jr., Agent (No. A6251), for interested rail carriers. Rates on lime, in bulk, in covered hopper cars, in carloads, as described in the application, from specified points in Alabama, to Canton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 13 to Southern Freight Association, Agent tariff ICC S-927.

FSA No. 42190—*Tin or Terne Plate and Tin Mill Black Plate to Norrell Junction, Alabama.* Filed by Illinois Freight Association, Agent (No. 366), for interested rail carriers. Rates on plate, tin or terne; plate, tin mill black, in carloads, as described in the application, from Chicago, South Chicago, Illinois, also Gary, East Chicago, and Indiana Harbor, Ind., to Norrell Junction, Ala.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 67 to Illinois Freight Association, Agent tariff ICC 1159.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6486 Filed 5-7-71;8:50 am]

[Rev. Accounting Series Circular No. 144]

PENN CENTRAL TRANSPORTATION CO.

Notice Regarding Bankruptcy Proceedings

APRIL 30, 1971.

By notice published in the FEDERAL REGISTER on January 29, 1971, (36 F.R. 1449) the Commission, Division 2 stayed the implementation of Accounting Series Circular No. 144—Revised issued January 8, until all interested parties had expressed their views and comments relating to the writeoff of certain accounts receivable due from the Penn Central Transportation Co. and other railroads initiating bankruptcy preceedings in 1970.

Upon review of the responses, Division 2 considered the subject to be of such significance to the entire industry it referred the matter to the entire Commission on April 6, 1971.

After taking due consideration of all views and comments a majority of the Commission voted on April 23, 1971, not to reinstate Accounting Series Circular No. 144—Revised, and to require instead that the receivables in question be transferred to account 741, other assets, with appropriate footnote explanation.

The Commission further decided that no objection will be taken with regard to accounting performed by carriers that have already written off the receivables as prescribed in the circular. Amounts written off subsequent to 1970 shall be charged to account 551, miscellaneous income charges.

Service of this notice shall be made on all carriers by railroad which are affected hereby and notice thereto shall be given the general public by depositing a copy of this notice in the Office of the Secretary of the Commission at Washington, D.C., and by filing the notice with the Director, Office of the Federal Register.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6487 Filed 5-7-71;8:50 am]

[No. 35360]

ARKANSAS INTRASTATE FREIGHT RATES AND CHARGES, 1970

In the matter of the assignment for hearing and directing special procedure.

Present: Laurence K. Walrath, Commissioner, to whom the matter which is the subject of this order has been referred for action thereon.

It appearing, that by order dated February 8, 1971, the Commission, Division 2, instituted an investigation pursuant to sections 13 and 15a(2) of the Interstate Commerce Act into the matters and things presented in the petition filed December 28, 1970, by the common carriers by railroad operating within the State of Arkansas, wherein it is alleged that the Arkansas Commerce Commission had denied and that this Commission in No. 35018, Arkansas Intrastate Freight Rates and Charges (not printed), decided November 14, 1969, has not accorded increases in intrastate rates and charges on soybeans corresponding to increases maintained by the petitioners on interstate commerce as authorized by this Commission in Ex Parte No. 256, Increased Freight Rates, 1967, 329 ICC 854 and 332 ICC 280, and that the Arkansas Commerce Commission has not permitted increases in line-haul intrastate rates on rough rice and rice hulls, soybeans, soybean meal, fluxing stone, pulpwood, and wood chips corresponding to the final increase maintained by the petitioners on interstate commerce as authorized by this Commission in Ex Parte No. 259, Increased Freight Rates, 1968, 332 ICC 714;

And it further appearing, that upon consideration of the record in the above-entitled proceeding, this matter is one which should be referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is ordered, That the above-entitled proceeding be, and it is hereby, referred to a hearing examiner for hearing and requires the adoption of special procedure for the purpose of expediting the hearing; and for good cause shown:

It is further ordered, That on or before May 31, 1971, the respondents and any persons in support thereof shall file with the Commission three copies of the verified statements of their witnesses, in writing, together with any studies to be offered at the hearing, with a statement where the underlying work papers to such studies will be available for inspection by parties to the proceeding and at the same time, serve a copy of such prepared material upon all parties listed in Appendix A below and any additional persons who make known their desire to actively participate in the proceeding on or before May 20, 1971.

It is further ordered, That on or before June 30, 1971, protestants shall file with the Commission, three copies of reply verified statements of their witnesses, in writing, upon all persons listed in Appendix A set forth below and any additional persons who make known their desire to actively participate on or before May 20, 1971. Attached below as Appendix A is a list of all known persons who have indicated their desire to actively participate in the proceeding. Any additional persons who desire to actively participate and receive copies of the prepared material to be served shall notify the Commission, in writing, on or before May 20, 1971, as well as all persons listed in Appendix A set forth below. Otherwise, any interested person desiring to participate in this proceeding may make his appearance at the hearing.

It is further ordered, That parties desiring to cross-examine witnesses who have submitted verified statements shall give notice to that effect, in writing, to the affiant and his counsel, if any, on or before July 9, 1971, a copy of such notice to be filed simultaneously with the Commission, together with a request for any underlying data that the witnesses will be expected to have available for immediate reference at the hearing. All verified statements and attachments as to which no cross-examination is requested will be considered as part of the record. Any witness who has been requested to appear for cross-examination but fails to do so, subjects his verified statement to a motion to strike.

It is further ordered, That a hearing will be held commencing on July 19, 1971, 9:30 a.m. d.s.t. (or 9:30 a.m. U.S. Standard Time, if that time is observed) in the Hearing Room of the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, AR, for the purpose of hearing cross-examination of witnesses so requested; to afford opportunity to present evidence in opposition to the cross-examination; and such other pertinent evidence which the examiner deems necessary to complete the record.

And it is further ordered, That a copy of this order be served upon the respondents and protestants; that the State of Arkansas be notified of the proceeding by sending a copy of this order by certified mail to the Governor of Arkansas, Little Rock, Arkansas, and a copy to the Arkansas Commerce Commission, Little Rock, Arkansas; and that further notice of this proceeding be given to the public by depositing a copy of this order in the Office of the Secretary of this Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register, Washington, D.C., for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 28th day of April 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A

Ralph H. Bell, Manager of Commerce, General Transportation Department, Reynolds Aluminum, Reynolds Metals Co., Richmond, Va. 23218.

E. K. Brenner, Manager, Transportation Cost Control, Farmland Industries, Inc., Post Office Box 7305, Kansas City, MO 64116.

Harry B. LaTourette, General Attorney, St. Louis Southwestern Railway Co., 1517 West Front Street, Tyler, TX 75701.

Dickson R. Loos, Brawner Building, 888 Seventeenth Street NW., Washington, D.C. 20006, representing: Arkansas Committee of the Southwestern Paper Traffic Committee et al.

Phillip A. Martin, Director of Transportation, Arkansas Industrial Development Commission, State Capitol Building, Little Rock, AR 72210.

R. H. Stahlheber, Missouri Pacific Railroad Co., 210 North 13th Street, St. Louis, MO 63103.

B. C. Worley, Manager, Fort Smith Freight Bureau, Post Office Box 45, Fort Smith, AR 72901.

[FR Doc.71-6488 Filed 5-7-71;8:50 am]

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PART II

DEPARTMENT OF TRANSPORTATION

■

Federal Aviation Administration

■

Advisory Circular Checklist and Status of Federal Aviation Regulations

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[AC 00–2R—Effective February 12, 1971]

ADVISORY CIRCULAR CHECKLIST AND STATUS OF FEDERAL AVIATION REGULATIONS

1. *Purpose.* This notice contains the revised checklist of current FAA advisory circulars and the status of Federal Aviation Regulations as of February 12, 1971.

2. *Explanation.* The FAA issues advisory circulars to inform the aviation public in a systematic way of nonregulatory material of interest. Unless incorporated into a regulation by reference, the contents of an advisory circular are not binding on the public. Advisory circulars are issued in a numbered-subject system corresponding to the subject areas in the recodified Federal Aviation Regulations (14 CFR Ch. I). This checklist is issued triannually listing all current circulars and now includes information concerning the status of the Federal Aviation Regulations.

3. *The Circular Numbering System.*

a. *General.* The advisory circular numbers relate to the subchapter titles and correspond to the Parts, and when appropriate, the specific sections of the Federal Aviation Regulations. Circulars of a general nature bear a number corresponding to the number of the general subject (subchapter) in the FAR's.

b. *Subject numbers.* The general subject matter areas and related numbers are as follows:

Subject Number and Subject Matter

00	General.
10	Procedural.
20	Aircraft.
60	Airmen.
70	Airspace.
90	Air Traffic Control and General Operations.
120	Air Carrier and Commercial Operators and Helicopters.
140	Schools and Other Certified Agencies.
150	Airports.
170	Air Navigational Facilities.
180	Administrative.
210	Flight Information.

c. *Breakdown of subject numbers.* When the volume of circulars in a general series warrants a subsubject breakdown, the general number is followed by a slash and a subsubject number. Material in the 150, Airports, series is issued under the following subsubjects:

Number and Subject

150/1900	Defense Readiness Program.
150/4000	Resource Management.
150/5000	Airport Planning.
150/5100	Federal-aid Airport Program.
150/5150	Surplus Airport Property Conveyance Programs.
150/5190	Airport Compliance Program.
150/5200	Airport Safety—General.
150/5210	Airport Safety Operations (Recommended Training, Standards, Manning).
150/5220	Airport Safety Equipment and Facilities.
150/5230	Airport Ground Safety System.
150/5240	Civil Airports Emergency Preparedness.
150/5300	Design, Construction, and Maintenance—General.
150/5320	Airport Design.
150/5325	Influence of Aircraft Performance on Aircraft Design.
150/5335	Runway, Taxiway, and Apron Characteristics.
150/5340	Airport Visual Aids.
150/5345	Airport Lighting Equipment.
150/5360	Airport Buildings.
150/5370	Airport Construction.
150/5380	Airport Maintenance.
150/5390	Heliports.

d. *Individual circular identification numbers.* Each circular has a subject number followed by a dash and a sequential number identifying the individual circular. This sequential number is not used again in the same subject series. Revised circulars have a letter A, B, C, etc., after the sequential number to show complete revisions. Changes to circulars have CH 1, CH 2, CH 3, etc., after the identification number on pages that have been changed. The date on a revised page is changed to the effective date of the change.

4. *The Advisory Circular Checklist.*

a. *General.* Each circular issued is listed numerically within its subject-number breakdown. The identification number (AC 120–1), the change number of the latest change, if any, to the right of the identification number, the title, and the effective date for each circular are shown. A brief explanation of the contents is given for each listing.

b. *Omitted numbers.* In some series sequential numbers omitted are missing numbers, e.g., 00–8 through 00–11 have not been used although 00–7 and 00–12 have been used. These numbers are assigned to advisory circulars still in preparation which will be issued later or were assigned to advisory circulars that have been canceled.

c. *Free and sales circulars.* This checklist contains advisory circulars that are for sale as well as those distributed free of charge by the Federal Aviation Administration. Please use care when ordering circulars to ensure that they are ordered from the proper source.

d. *Internal directives for sale.* A list of certain internal directives sold by the Superintendent of Documents is shown at the end of the checklist. These documents are not identified by advisory circular numbers, but have their own directive numbers.

5. *How to get circulars.*

a. When a price is listed after the description of a circular, it means that this circular is for sale by the Superintendent of Documents. When (Sub.) is included with the price, the advisory circular is available on a subscription basis only. After your subscription has been entered by the Superintendent of Documents, supplements or changes to the basic document will be provided automatically at no additional charge until the subscription expires. When no price is given, the circular is distributed free of charge by FAA.

b. Request free advisory circulars shown without an indicated price from:

Department of Transportation, Distribution Unit, TAD 484.3, Washington, D.C. 20590.

NOTE: Persons who want to be placed on FAA's mailing list for future circulars should write to the above address. Be sure to identify the subject matter desired by the subject numbers and titles shown in paragraph 3b because separate mailing lists are maintained for each advisory circular subject series. Checklists and circulars issued in the general series will be distributed to every addressee on each of the subject series lists. Persons requesting more than one subject classification may receive more than one copy of related circulars and this checklist because they will be included on more than one mailing list. Persons already on the distribution list for AC's and changes to FAR's will automatically receive related circulars.

c. Order advisory circulars and internal directives with purchase price given from:

Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402;

or from any of the following bookstores located throughout the United States:

GPO Bookstore, Federal Building, Room 1023, 450 Golden Gate Avenue, San Francisco, Calif. 94102.

GPO Bookstore, Federal Office Building, Room 1463, 14th Floor, 219 South Dearborn Street, Chicago, Ill. 60604.

GPO Bookstore, Federal Building, 300 North Los Angeles Street, Los Angeles, Calif. 90012.

GPO Bookstore, Federal Building, Room 135, 601 East 12th Street, Kansas City, Mo. 64106.

GPO Bookstore, Room G25, John F. Kennedy Federal Building, Sudbury Street, Boston, Mass. 02203.

Send check or money order with your order to the Superintendent of Documents. Make the check or money order payable to the Superintendent of Documents in the amounts indicated in the list. Orders for mailing to foreign countries should include an additional amount of 25 percent of the total price to cover postage. No c.o.d. orders are accepted.

6. *Reproduction of Advisory Circulars.* Advisory circulars may be reproduced in their entirety or in part without permission from the Federal Aviation Administration.

7. *Cancellations.* The following advisory circulars are canceled:

AC 00–2Q Advisory Circular Checklist, 10–12–70. Canceled by AC 00–2R, Advisory Circular Checklist, 2–12–71.

AC 20–6M U.S. Civil Aircraft Register, 1–29–70. Canceled by AC 20–6N, U.S. Civil Aircraft Register, 7–1–70.

AC 21–7 Certification and Approval of Import Products, 6–13–67. Canceled by AC 21–7A, Certification and Approval of Import Products, 11–24–69.

AC 25.981–1 Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements, 7–23–70. Canceled by AC 25.981–1A, Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements, 1–20–71.

AC 61–12C Student Pilot Guide, 10–3–68. Canceled by AC 61–12D, Student Pilot Guide, 7–16–70.

AC 61–16 Flight Instructor's Handbook, 1–19–65. Canceled by AC 61–16A, Flight Instructor's Handbook, 10–14–69.

AC 61–28 Commercial Pilot Examination Guide, 5–17–66. Canceled by AC 61–28A, Commercial Pilot Written Test Guide, 4–28–70.

AC 61–34 Federal Aviation Regulations Written Examination Guide for Private, Commercial, and Military Pilots, 11–17–67. Canceled by AC 61–34A, Federal Aviation Regulations Written Test Guide for Private, Commercial, and Military Pilots, 6–18–70.

AC 65–6A Change in Airframe and Powerplant Mechanics Tests, 12–8–67. Canceled.

AC 65–10 The Sixth Annual FAA International Aviation Maintenance Symposium, 4–1–70. Canceled by AC 20–70, Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium, 8–19–70.

AC 65.95–2A Handbook and Study Guide for Aviation Mechanics' Inspection Authorization, 4–15–69. Canceled by AC 65.95–2B, Handbook and Study Guide for Aviation Mechanics Inspection Authorization, 10–9–70.

AC 70/7460–2A Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace, 7–2–69. Canceled by AC 70/7460–2B, Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace, 11–4–70.

AC 77–1 Objects Affecting Navigable Airspace, 7–2–65. Canceled.

AC 91–11 Periodic Inspection Reminder, 8–10–65. Canceled by AC 91–11A, Annual Inspection Reminder, 12–3–69.

AC 91–12A Required Inspection for Air Carrier Aircraft Reverting to General Operation Under FAR 91, 5–1–70. Canceled by AC 91–12B, Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91, 12–9–70.

AC 120–4B Criteria for Turbojet Landing Weather Minima—Air Carriers and Commercial Operators of Large Aircraft, 6–14–68. Canceled by AC 120–29, Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators, 9–25–70.

AC 120–20 Criteria for Approval of Category II Landing Weather Minima, 6–6–66. Canceled by AC 120–29, Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators, 9–25–70.

AC 121–3K Maintenance Review Board Reports, 3–31–70. Canceled by AC 121–3L, Maintenance Review Board Reports, 1–29–71.

AC 140–1D Consolidated Listing of FAA Certificated Repair Stations, 7–1–68. Canceled by AC 140–1E, Consolidated Listing of FAA Certificated Repair Stations, 12–9–70.

AC 143–2A Ground Instructor Instrument Written Test Guide, 9–29–67. Canceled by AC 143–2B, Ground Instructor Instrument Written Test Guide, 6–25–70.

AC 147–2F Federal Aviation Administration Certificated Mechanic School Directory, 7–15–69. Canceled by AC 147–2G, Directory of FAA Certificated Aviation Maintenance Technician Schools, 10–27–70.

AC 149–2D Listing of Federal Aviation Administration Certificated Parachute Lofts, 8–1–68. Canceled by AC 149–2E, Listing of Federal Aviation Administration Certificated Parachute Lofts 12–9–70.

AC 150/5320–5A Airport Drainage, 1–28–66. Canceled by AC 150/5320–5B, Airport Drainage, 7–1–70.

AC 150/5340–1B Marking of Serviceable Runways and Taxiways, 4–2–69. Canceled by AC 150/5340–1C, Marking of Paved Areas on Airports, 11–3–70.

AC 150/5340–7A Marking and Lighting of Deceptive, Closed, and Hazardous Areas on Airports, 1–10–68. Canceled by AC 150/5340–1C, Marking of Paved Areas on Airports, 11–3–70.

AC 150/5340–16A Medium Intensity Runway Lighting System, 12–19–67. Canceled by AC 150/5340–16B, Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports, 10–26–70.

AC 150/5345–6 Specification for L–809 Airport Light Base and Transformer Housing, 9–3–63. Canceled by AC 150/5345–42, FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes, 10–27–70.

AC 150/5345–7 Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits, 11–4–63. Canceled by AC 150/5345–7A, Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits, 10–1–70.

AC 150/5345–32 Specification for L–837 Large Size Light Base and Transformer Housing, 1–13–65. Canceled by AC 150/5345–42, FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes, 10–27–70.

AC 150/5380–3 Cleaning of Runway Contamination, 6–28–68. Canceled by AC 150/5380–3A, Removal of Contaminants from Pavement Surfaces, 10–27–70.

8. *Additions.* The following advisory circulars are added to the list:

AC 00–2R Advisory Circular Checklist (2–12–71).

AC 00–29 Airborne Automatic Altitude Reporting Systems (12–9–69).

AC 20–6N U.S. Civil Aircraft Register (7–1–70).

AC 20–7G Supplement 3, General Aviation Inspection Aids (November 1970).

AC 20–7G Supplement 4, General Aviation Inspection Aids (December 1970).

AC 20–7G Supplement 5, General Aviation Inspection Aids (January 1971).

AC 20–7G Supplement 6, General Aviation Inspection Aids (February 1971).

AC 20–70 Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium (8–19–70).

AC 20–71 Dual Locking Devices on Fasteners (12–8–70).

AC 21–2B Ch–1 Export Airworthiness Approval Procedures (11–13–70).

AC 21–7A Certification and Approval of Import Products (11–24–69).

AC 21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

AC 25.981–1A Guidelines for Substantiating Compliance with the Fuel Tank Temperature Requirements (1–20–71).

AC 43.13–1 Ch–8 Acceptable Methods, Techniques, and Practices—Aircraft Inspection and Repair (6–11–70 and 10–22–70).

AC 43.13–2 Ch–9 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (10–19–70).

AC 61–12D Student Pilot Guide (7–16–70).

AC 61–16A Flight Instructor's Handbook (10–14–69).

AC 61–28A Commercial Pilot Written Test Guide (4–28–70).

AC 61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

AC 65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

AC 65–11 Airframe and Powerplant Mechanics Certification Information (5–22–70).

AC 65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

AC 70/7460–1 Ch–2 Obstruction Marking and Lighting (7–2–70).

AC 90–45 Ch–1 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (10–20–70).

AC 90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

AC 90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

AC 90–52 FAA Symposium on Turbulence (12–15–70).

AC 91–11A Annual Inspection Reminder (12–3–69).

AC 91–12B Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91 (12–9–70).

AC 91–31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2–1–71).

AC 120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

AC 121–1 Ch–21 Standard Maintenance Specifications Handbook (12–14–70).

AC 121–3L Maintenance Review Board Reports (1–29–71).

AC 121–13 Ch–2 Self-Contained Navigation Systems (Long Range) (12–21–70).

AC 121–16 Maintenance Certification Procedures (11–9–70).

AC 140–1E Consolidated Listing of FAA Certificated Repair Stations (12–9–70).

AC 143–2B Ground Instructor Instrument Written Test Guide (6–25–70).

AC 147–2G Directory of FAA Certificated Aviation Maintenance Technician Schools (10–27–70).

AC 149–2E Listing of Federal Aviation Administration Certificated Parachute Lofts (12–9–70).

AC 150/5000–2 Index of Publications, Airport Service, Standards Division (9–28–70).

AC 150/5070–5 Planning the Metropolitan Airport System (5–22–70).

AC 150/5100–7 Requirement for Public Hearings in the Airport Development Aid Program (1–4–71).

AC 150/5200–10 Ch–1 Airport Emergency Operations Planning (9–15–70).

AC 150/5200–13 Removal of Disabled Aircraft (8–27–70).

AC 150/5200–14 Results of 90-Day Trial Exercise on Fire Department Activity (9–8–70).

AC 150/5300–7 FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–7–70).

AC 150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

AC 150/5320–5B Airport Drainage (7–1–70).

AC 150/5340–1C Marking of Paved Areas on Airports (11–3–70).

AC 150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

AC 150/5345–7A Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (10–1–70).

AC 150/5345–42 FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–27–70).

AC 150/5345–43 FAA/DOD Specification L–856, High Intensity Obstruction Lighting System (8–19–70).

AC 150/5345–44 Specification for L–858, Retroreflective Taxiway Guidance Signs (12–15–70).

AC 150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

AC 170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

AC 170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

AC 183-30 Directory of FAA Designated Mechanic Examiners (12-14-70).
AC 183-31 FAA Designated Parachute Rigger Examiner Directory (12-14-70).

ADVISORY CIRCULAR CHECKLIST

NOTICE

Superintendent of Documents catalogue numbers have been included to aid Superintendent of Documents personnel in processing orders. Please use them when ordering—along with the title and FAA number. To avoid unnecessary delays, do not order single-sales material and subscription-sales material on the same order form, as orders are separated for processing by different departments when they arrive at Superintendent of Documents.

General

SUBJECT No. 00

00–1 The Advisory Circular System (12–4–62).

Describes the FAA Advisory Circular System.

00–2R Advisory Circular Checklist (2–12–71).

Transmits the revised checklist of current FAA advisory circulars and the status of the Federal Aviation Regulations as of 2–12–71.

00–6 Aviation Weather (5–20–65).

Provides an up-to-date and expanded text for pilots and other flight operations personnel whose interest in meteorology is primarily in its application to flying. Reprinted 1969. ($4 GPO.) FAA 5.8/2: W 37.

00–7 State and Regional Defense Airlift Planning (4–30–64).

Provides guidance for the development of plans by the FAA and other Federal and State agencies for the use of non-air-carrier aircraft during an emergency.

00–7 CH 1 State and Regional Defense Airlift Planning (1–5–65).

Provides an example of a State Plan for the Emergency Management of Resources in Appendix 4, and adds new Appendix 9.

00–7 CH 2 State and Regional Defense Airlift Planning (2–20–67).

Revises Appendix 6, SCATANA.

00–14 Flights by U.S. Pilots Into and Within Canada (4–16–65).

Provides information concerning flights into and within Canada.

00–15 Potential Hazard Associated With Passengers Carrying "Anti-Mugger" Spray Devices (8–20–65).

Advises aircraft operators, crewmembers, and others who are responsible for flight safety, of a possible hazard to flight should a passenger inadvertently or otherwise discharge a device commonly known as an "anti-mugger" spray device in the cabin of an aircraft.

00–17 Turbulence in Clear Air (12–16–65).

Provides information on atmospheric turbulence and wind shear, emphasizing important points pertaining to the common causes of turbulence, the hazards associated with it, and the conditions under which it is most likely to be encountered.

00–21 Shoulder Harness (10–5–66).

Provides information concerning the installation and use of shoulder harnesses by pilots in general aviation aircraft.

00–23B Near Midair Collision Reporting (12–4–69).

Advises that the FAA will continue through December 31, 1971, to handle reports of near midair collisions in accordance with the policy established January 1, 1968.

00–24 Thunderstorms (6–12–68).

Contains information concerning flights in or near thunderstorms.

00–25 Forming and Operating a Flying Club (3–24–69).

Provides preliminary information that will assist anyone or any group of people interested in forming and operating a flying club. ($0.35 GPO.) TD 4.8:F 67.

00–26 Definition of "U.S. National Aviation Standards" (1–22–69).

Informs the aviation community of the approval by the FAA Administrator of a definition of U.S. National Aviation Standards, the need for such standards, and their relationship to the Federal Aviation Regulations.

00–27 U.S. National Standard for the IFF Mark X (SIF) Air Traffic Control Radar Beacon System Characteristics (ATCRBS) (1–24–69).

Informs the aviation community of the approval by the FAA Administrator of the U.S. National Aviation Standard for the ATCRBS.

00–28 Communications Interference Caused by Sticking Microphone Buttons (8–6–69).

Alerts the industry of communications interference from undesired radiofrequency transmissions.

00–29 Airborne Automatic Altitude Reporting Systems (12–9–69).

Provides information regarding the nature and extent of erroneous altitude reporting systems.

00–30 Rules of Thumb for Avoiding or Minimizing Encounters with Clear Air Turbulence (3–5–70).

Brings to the attention of pilots and other interested personnel, the "Rule of Thumb" for avoiding or minimizing encounters with clear air turbulance (CAT).

00–31 U.S. National Aviation Standard for the VORTAC System (6–10–70).

Informs the aviation community of the establishment and content of the U.S. National Aviation Standard for the VORTAC (VOR–TACAN–DME) System.

00–32 Civil Air Patrol and State and Regional Defense Airlift Relationships (7–2–70).

Advises interested persons of the Memorandum of Understanding between CAP and FAA, and provides additional guidance to further improve the use of non-air carrier aircraft in time of national emergency.

Procedural

SUBJECT No. 10

11–1 Airspace Rule-Making Proposals and Changes to Air Traffic Control Procedures (10–28–64).

Emphasizes the need for the early submission of proposals involving airspace rule-making activity or changes to existing procedures for the control of air traffic.

Aircraft

SUBJECT No. 20

20–3B Status and Availability of Military Handbooks and ANC Bulletins for Aircraft (5–12–69).

Announces the status and availability of Military Handbooks and ANC Bulletins prepared jointly with FAA.

20–5B Plane Sense (1970).

Provides general aviation information for the private aircraft owner.

20–6N U.S. Civil Aircraft Register Vol. I and II (7–1–70).

Lists all active U.S. civil aircraft by registration number. ($13.50 GPO.) TD 4.18/2:970.

20–7G General Aviation Inspection Aids, Summary (August 1970).

Provides the aviation community with a uniform means for interchanging service experience that may improve the durability and safety of aeronautical products. Of value to mechanics, operators of repair stations, and others engaged in the inspection, maintenance, and operation of aircraft in general. ($3, $3.75 foreign—Sub. GPO.) TD 4.409:970.

20–7G Supplement 1 (September 1970).

20–7G Supplement 2 (October 1970).

20–7G Supplement 3 (November 1970).

20–7G Supplement 4 (December 1970).

20–7G Supplement 5 (January 1971).

20–7G Supplement 6 (February 1971).

20–9 Personal Aircraft Inspection Handbook (12–2–64).

Provides a general guide, in simple, nontechnical language, for the inspection of aircraft. Reprinted 1967. ($1 GPO.) FAA 5.8/2:Ai 7/2.

20–10 Approved Airplane Flight Manuals for Transport Category Airplanes (7–30–63).

Calls attention to the regulatory requirements relating to FAA Approved Airplane Flight Manuals.

20–13A Surface-Effect Vehicles (8–28–64).

States FAA policy on surface-effect vehicles (vehicles supported by a cushion of compressed air).

20–15A Qualification of Type Certificated Engines and Propellers for Aircraft Installations (3–24–66).

Calls attention to the relationship between both Federal Aviation Regulations, Parts 33 (Aircraft Engine Airworthiness) and 35 (Propeller Airworthiness), and various aircraft airworthiness parts.

20–17 Surplus Military Aircraft (1–6–64).

Informs how to obtain copies of regulations required for certification of surplus military aircraft.

20–18A Qualification Testing of Turbojet Engine Thrust Reversers (3–16–66).

Discusses the requirements for the qualification of thrust reversers and sets forth an acceptable means of compliance with the tests prescribed in Federal Aviation Regulations, Part 3, when run under nonstandard ambient air conditions.

20–20A Flammability of Jet Fuels (4–9–65).

Gives information on the possibility of combustion of fuel in aircraft fuel tanks.

20–23C Interchange of Service Experience—Mechanical Difficulties (5–9–69).

Explains the advantages of a voluntary exchange of service experience data.

20–24A Qualification of Fuels, Lubricants, and Additives (4–1–67).

Establishes procedures for the approval of the use of subject materials in certificated aircraft.

20–25A Identification of Technical Standard Order (TSO) Safety Belts (3–14–69).

Describes the markings which indicate that a safety belt has been manufactured under the FAA TSO system and approved for use in certificated aircraft.

20–27A Certification and Operation of Amateur-Build Aircraft (8–12–68).

Provides information and guidance material for amateur aircraft builders.

20–28 Nationally Advertised Aircraft Construction Kits (8–7–64).

Explains that using certain kits could render the aircraft ineligible for the issuance of an experimental certificate as an amateur-built aircraft.

20–29A Use of Anti-Icing Additive PFA–55MB (6–19–67).

Provides information on the use of anti-icing additive for jet fuels to assure compliance with FAR's that require assurance of continuous fuel flow under icing conditions.

20–30A Airplane Position Lights and Supplementary Lights (4–18–68).

Provides an acceptable means for complying with the position light requirements for airplane airworthiness and acceptable criteria for the installation of supplementary lights on airplanes.

20–32A Carbon Monoxide (CO) Contamination in Aircraft—Detection and Prevention (9–13–68).

Informs aircraft owners, operators, maintenance personnel, and pilots of the potential dangers of carbon monoxide contamination and discusses means of detection and procedures to follow when contamination is suspected.

20–33 Technical Information Regarding Civil Aeronautics Manuals 1, 3, 4a, 4b, 5, 6, 7, 8, 9, 10, 13, and 14 (2–8–65).

Advises the public that policy information contained in the subject Civil Aeronautics Manuals may be used in conjunction with specific sections of the Federal Aviation Regulations.

20–34A Prevention of Retractable Landing Gear Failures (4–21–69).

Provides information and suggested procedures to minimize landing accidents involving aircraft having retractable landing gear.

20–35A Tie-Down Sense (10–29–68).

Provides information of general use on aircraft tie-down techniques and procedures.

20–36A Index of Materials, Parts, and Appliances Certified Under the Technical Standard Order System—March 1, 1966 (4–8–66).

Lists the materials, parts, and appliances for which the Administrator has received statements of conformance under the Technical Standard Order system as of March 1, 1966. Such products are deemed to have met the requirements for FAA approval as provided in Part 37 of the Federal Aviation Regulations.

20–37A Aircraft Metal Propeller Blade Failure (4–4–69).

Provides information and suggested procedures to increase service life and to minimize blade failures of metal propellers.

20–38A Measurement of Cabin Interior Emergency Illumination in Transport Airplanes (2–8–66).

Outlines acceptable methods, but not the only methods, for measuring the cabin interior emergency illumination on transport airplanes, and provides information as to suitable measuring instruments.

20–39 Installation Approval of Entertainment Type Television Equipment in Aircraft (7–15–65).

Presents an acceptable method (but not the only method) by which compliance may be shown with Federal Aviation Regulations 23.1431, FAR 25.1309(b), FAR 27.1309(b), or FAR 29.1309(b), as applicable.

20–40 Placards for Battery-Excited Alternators Installed in Light Aircraft (8–11–65).

Sets forth an acceptable means of complying with placarding rules in Federal Aviation Regulations 23 and 27 with respect to battery-excited alternator installations.

20–41 Replacement TSO Radio Equipment in Transport Aircraft (8–30–65).

Sets forth an acceptable means for complying with rules governing transport category aircraft installations in cases involving the substitution of technical standard order radio equipment for functionally similar radio equipment.

20–42 Hand Fire Extinguishers in Transport Category Airplanes and Rotorcraft (9–1–65).

Sets forth acceptable means (but not the sole means) of compliance with certain hand fire extinguisher regulations in FAR 25 and FAR 29, and provides related general information.

20–43A Aircraft Fuel Contamination (6–12–70).

Informs the aviation community of the potential hazards of fuel contamination, its control, and recommended fuel servicing procedures.

20–44 Glass Fiber Fabric for Aircraft Covering (9–3–65).

Provides a means, but not the sole means, for acceptance of glass fiber fabric for external covering of aircraft structure.

20–45 Safetying of Turnbuckles on Civil Aircraft (9–17–63).

Provides information on turnbuckle safetying methods that have been found acceptable by the FAA during past aircraft type certification programs.

20–46 Suggested Equipment for Gliders Operating Under IFR (9–23–65).

Provides guidance to glider operators on how to equip their gliders for operation under instrument flight rules (IFR), including flight through clouds.

20–47 Exterior Colored Band Around Exits on Transport Airplanes (2–8–66).

Sets forth an acceptable means, but not the only means, of complying with the requirement for a 2-inch colored band outlining exits required to be openable from the outside on transport airplanes.

20–48 Practice Guide for Decontaminating Aircraft (5–5–66).

The title is self-explanatory.

20–49 Analysis of Bird Strike Reports on Transport Category Airplanes (7–27–66).

Provides the results of a statistical study on the frequency of collisions of birds with transport aircraft and the resulting damages.

20–50 Ultrasonic Nondestructive Testing (11–9–66).

Provides FAA personnel and the general aviation public with some of the theory and processes of ultrasonic testing which will assist them in the more advanced uses of this system for the inspection of aircraft and aircraft components during manufacture or maintenance. ($0.70 GPO.) TD 4.8:Ul 8.

20–51 Procedures for Obtaining FAA Approval of Major Alterations to Type Certificated Products (4–12–67).

Provides assistance to persons who desire to obtain FAA approval of major alterations to type certificated products.

20–52 Maintenance Inspection Notes for Douglas DC–6/7 Series Aircraft (8–24–67).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of DC–6/7 series aircraft.

20–53 Protection of Aircraft Fuel System Against Lightning (10–6–67).

Sets forth acceptable means, not the sole means, by which compliance may be shown with fuel system lightning protection airworthiness regulations.

20–54 Hazards of Radium-Activated Luminous Compounds Used on Aircraft Instruments (10–24–67).

Provides information concerning health hazards associated with the repair and maintenance of instruments containing luminous markings activated with radium-226 or radium-228 (mesothorium).

20–55 Turbine Engine Overhaul Standard Practices Manual—Maintenance of Fluorescent Penetrant Inspection Equipment (1–22–68).

Advises operators of the necessity for periodic checking of black light lamps and filters used during fluorescent penetrant inspection of engine parts.

20–56 Marking of TSO–C72a Individual Flotation Devices (1–19–68).

Outlines acceptable methods for marking individual flotation devices which also serve as seat cushions.

20–57 Automatic Landing Systems (1–29–68).

Sets forth an acceptable means of compliance, but not the only means, for the installation approval of automatic landing systems in transport category aircraft which may be used initially in Category II operations.

20–58A Acceptable Means of Testing Automatic Altitude Reporting Equipment for Compliance With FAR 91.36(b) (4–28–69).

Title is self-explanatory.

20–59 Maintenance Inspection Notes for Convair 240, 340/440, 240T, and 340T Series Aircraft (2–19–68).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Convair 240, 340/440, 240T, and 340T series aircraft.

20–60 Accessibility to Excess Emergency Exits (7–18–68).

Sets forth acceptable means of compliance with the "readily accessible" provisions in the Federal Aviation Regulations dealing with excess emergency exits.

20–61 Nondestructive Testing for Aircraft (May 1969).

Reviews the basic principles underlying nondestructive testing.

20–62A Eligibility, Quality, and Identification of Approved Aeronautical Replacement Parts (6–16–70).

Provides information relative to the determination of the eligibility of aeronautical parts and materials for installation on certificated aircraft.

20–63 Airborne Automatiic Direction Finder Installations (Low and Medium Frequency) (7–7–69).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne automatic direction finders. It does not pertain to installations previously approved.

20–64 Maintenance Inspection Notes for Lockheed L–188 Series Aircraft (8–1–69).

Describes maintenance inspection notes which can be used for the maintenance support of certain structural parts of Lockheed L–188 series aircraft.

20–65 U.S. Airworthiness Certificates and Authorizations for Operation of Domestic and Foreign Aircraft (8–11–69).

Provides general information and guidance concerning issuance of airworthiness certificates for U.S. registered aircraft, and issuance of special flight authorizations for operation in the United States of foreign aircraft not having standard airworthiness certificates issued by the country of registry.

20–66 Vibration Evaluation of Aircraft Propellers (1–29–70).

Outlines acceptable means, but not the sole means, for showing compliance with the requirements of the FARs concerning propeller vibration.

20–67 Airborne VHF Communication System Installations (3–6–70).

Sets forth one means, but not the only means, of demonstrating compliance with the airworthiness rules governing the functioning of airborne VHF communication systems.

20–68 Recommended Radiation Safety Precautions for Airborne Weather Radar (3–11–70).

Sets forth recommended radiation safety precautions for ground operation of airborne weather radar.

20–69 Conspicuity of Aircraft Instrument Malfunction Indicators (5–14–70).

Provides design guidance information on methods of improving conspicuity of malfunction indication devices.

20–70 Final Announcement—The Sixth Annual FAA International Aviation Maintenance Symposium (8–19–70).

Notifies the public that this is the final announcement and invitation to this annual event.

20–71 Dual Locking Devices on Fasteners (12–8–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the requirements for dual locking devices on removable fasteners installed in rotocraft and transport category airplanes.

21–1 Production Certificates (6–15–65).

Provides information concerning Subpart G of Federal Aviation Regulations (FAR) Part 21, and sets forth acceptable means of compliance with its requirements.

21–2B Export Airworthiness Approval Procedures (10–2–69).

Announces the adoption of new regulations and provides guidance to the public regarding the issuance of export airworthiness approvals for aeronautical products to be exported from the United States.

21–2B Ch. 1 (11–13–70).

21–3 Basic Glider Criteria Handbook (1962).

Provides individual glider designers, the glider industry, and glider operating organizations with guidance material that augments the glider airworthiness certification requirements of the Federal Aviation Regulations. Reprinted 1969. ($1 GPO.) FAA 5.8/2:G49/962.

21–4B Special Flight Permits for Operation of Overweight Aircraft (7–30–69).

Furnishes guidance concerning special flight permits necessary to operate an aircraft in excess of its usual maximum certificated takeoff weight.

21–5A Summary of Supplemental Type Certificates (2–16–70).

Notifies the public of a change in price of the Summary of Supplemental Type Certificates (SSTC), Part 21 of the Federal Aviation Regulations.

21–6 Production Under Type Certificate Only (5–26–67).

Provides information concerning Subpart F of FAR Part 21, and sets forth examples, when necessary, of acceptable means of compliance with its requirements.

21–7A Certification and Approval of Import Products (11–24–69).

Provides guidance and information relative to U.S. certification and approval of import aircraft, aircraft engines and propellers that are manufactured in a foreign country with which the United States has an ageement for the acceptance of those products for export and import.

21–8 Aircraft Airworthiness; Restricted Category: Certification of Aircraft With Uncertificated or Altered Engines or Propellers (5–21–69).

Sets forth acceptable means of substantiating that uncertificated or altered engines and propellers have no unsafe features for type certification of aircraft in the restricted category.

21–9 Manufacturers Reporting Failures, Malfunctions, or Defects (12–30–70).

Provides information to assist manufactures of aeronautical products (aircraft, aircraft engines, propellers, appliances, and parts) in notifying the Federal Aviation Administration of certain failures, malfunctions, or defects, resulting from design or quality control problems, in the products which they manufacture.

21.25–1 Use of Restricted Category Airplanes for Glider Towing (4–20–65).

Announces that glider towing is now considered to be a special purpose for type and airworthiness certification in the restricted category.

21.303–1 Replacement and Modification Parts (3–2–66).

Provides information concerning section 21.303 of Federal Aviation Regulations, Part 21, and sets forth examples of acceptable means of compliance with its requirements.

23–1 Type Certification Spin Test Procedures (4–1–64).

Sets forth an acceptable means by which compliance may be shown with the one-turn spinning requirement in Part 3 of the CAR's.

23.1329–1A Automatic Pilot Systems Approval (Non-Transport) (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 23.1329 may be shown.

25–2 Extrapolation of Takeoff and Landing Distance Data Over a Range of Altitude for Turbine-Powered Transport Aircraft (7–9–64).

Sets forth acceptable means by which compliance may be shown with the requirements in CAR 4b and SR–422B.

25–4 Inertial Navigation Systems (INS) (2–18–66).

Sets forth an acceptable means for complying with rules governing the installation of inertial navigation systems in transport category aircraft.

25–5 Installation Approval on Transport Category Airplanes of Cargo Unit Load Devices Approved as Meeting the Criteria in NAS 3610 (6–3–70).

Sets forth an acceptable means, but not the sole means, of complying with the requirements of the Federal Aviation Regulations (FAR's) applicable to the installation on transport category airplanes of cargo unit load devices approved as meeting the criteria in NAS 3610.

25.253–1 High-Speed Characteristics (11–24–65).

Sets forth an acceptable means by which compliance may be shown with FAR 25.253 during certification flight tests.

25.253–1 CH 1 (1–10–66).

Provides amended information for the basic advisory circular.

25.981–1A Guidelines for Substantiating Compliance With the Fuel Tank Temperature Requirements (1–20–71).

Sets forth some general guidelines for substantiating compliance with fuel tank temperature airworthiness standards, section 25.981.

25.1329–1A Automatic Pilot System Approval (7–8–68).

Sets forth an acceptable means by which compliance with the automatic pilot installation requirements of FAR 25.1329 may be shown.

25.1457–1A Cockpit Voice Rerorder Installations (11–3–69).

Sets forth one acceptable means of compliance with provisions of FAR 25.1457 (b), (e), and (f) pertaining to area microphones, cockpit voice recorder location, and erasure features.

27.1581–1 Sea Rotorcraft Autorotative Landing on Land (8–3–65).

Sets forth acceptable means, not the sole means, with which to provide suitable warning information to crews of float-equipped rotorcraft (pneumatic bag type) when a safe autorotative landing on land may not be possible.

29–1 Approval Basis for Automatic Stabilization Equipment (ASE) Installations in Rotorcraft (12–26–63).

Gives means for compliance with flight requirements in various CAR's.

29–1 CH 1 (3–26–64).

Transmits revised information about the time delay of automatic stabilization equipment.

29.773–1 Pilot Compartment View (1–19–66).

Sets forth acceptable means, not the sole means, by which compliance with FAR 29.773(a)(1), may be shown.

33–1B Turbine-Engine Foreign Object Ingestion and Rotor Blade Containment Type Certification Procedures (4–22–70).

Provides guidance and acceptable means, not the sole means, by which compliance may be shown with the design and construction requirements of Part 33 of the Federal Aviation Regulations.

33–2 Aircraft Engine Type Certification Handbook (3–30–66).

Contains guidance relating to type certification of aircraft engines which will constitute acceptable means, although not the sole means, of compliance with the Federal Aviation Regulations.

33–2 CH 1 (9–13–67).

Transmits revised material to the basic advisory circular.

33–3 Turbine and Compressor Rotors Type Certification Substantiation Procedures (9–9–68).

Sets forth guidance and acceptable means, not the sole means, by which compliance may be shown with the turbine and compressor rotor substantiation requirements in FAR Part 33.

37–2 Test Procedures for Maximum Allowable Airspeed Indicators (12–9–68).

Provides guidance concerning test procedures which may be used in showing compliance with the standards in FAR 37.145 (TSO–C46a).

37–3 Radio Technical Commission for Aeronautics Document DO–138 (1–10–69).

This circular announces RTCA Document DO–138 and discusses how it may be used in connection with technical standard order authorizations.

39–1A Jig Fixtures; Replacement of Wing Attach Angles and Doublers on Douglas Model DC–3 Series Aircraft Airworthiness Directive 66–18–2 (3–5–70).

Describes methods of determining that jig fixtures used in the replacement of the subject attached angles and doublers meet the requirements of Airworthiness Directive 66–18–2.

39–6B Summary of Airworthiness Directives (5–20–70).

Announces the availability of a new Summary of Airworthiness Directives dated January 1, 1970.

43–1 Matching VHF Navigation Receiver Outputs With Display Indicators (8–2–65).

Alerts industry to the possibility of mismatching outputs, both guidance and flag alarm, of certain VHF navigation receivers when used with some types of display indicators causing the receiver to fail without providing a flag alarm.

43–2 Minimum Barometry for Calibration and Test of Atmospheric Pressure Instruments (9–10–65).

Sets forth guidance material which may be used to determine the adequacy of barometers used in the calibration of aircraft static instruments and presents information concerning the general operation, calibration, and maintenance of such barometers.

43.9–1B Instruction for Completion of FAA Form 337 (6–27–66).

Provides instructions for completing revised FAA Form 337, Major Repair and Alteration (Airframe, Powerplant, Propeller or Appliance).

43.13–1 Acceptable Methods, Techniques and Practices—Aircraft Inspection and Repair (5–16–66).

Contains methods, techniques, and practices acceptable to the Administrator for inspection and repair to civil aircraft. Published in 1965. ($3—Sub. GPO.) FAA 5.15:965.

Subscription now includes: Ch. 1 (5–1–67); Ch. 2 (8–9–67); Ch. 3 (1–24–68); Ch. 4 (1–29–68); Ch. 5 (9–20–68); Ch. 6 (5–1–69); Ch. 7 (6–12–69); Ch. 8 (6–11–70 and 10–22–70).

43.13–2 Acceptable Methods, Techniques, and Practices—Aircraft Alterations (4–19–66).

Contains methods, techniques, and practices acceptable to the Administrator in altering civil aircraft. Published in 1965. ($2—Sub. GPO.) FAA 5.16:965.

Subscription now includes: Ch. 1 (1–12–67); Ch. 2 (5–26–67); Ch. 3 (6–26–67); Ch. 4 (9–12–67); Ch. 5 (11–9–67); Ch. 6 (4–12–68); Ch. 7 (5–12–69); Ch. 8 (10–29–69), Ch. 9 (10–19–70).

43–202 Maintenance of Weather Radar Radomes (6–11–65).

Provides guidance material useful to repair facilities in the maintenance of weather radar radomes.

43–203A Altimeter and Static System Tests and Inspections (6–6–67).

Specifies acceptable methods for testing altimeter and static system. Also, provides general information on test equipment used and precautions to be taken.

47–1 Aircraft Registration Eligibility, Identification and Activity Report (2–25–70).

Advises owners and operators of U.S. civil aircraft of recent regulatory changes that require the annual submission of current information related to aircraft registration eligibility, and requests similar submission of information related to identification and activity of aircraft; and to call attention to the availability of the reporting form to be used in complying with this regulatory change.

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60–1 Know Your Aircraft (6–12–63).

Describes potential hazards associated with operation of unfamiliar aircraft and recommends good operating practices.

60–2C Annual Aviation Mechanic Safety Awards Program (3–5–70).

Provides the details of the annual Aviation Mechanic Safety Awards Program.

60–4 Pilot's Spatial Disorientation (2–9–65).

Acquaints pilots flying under visual flight rules with the hazards of disorientation caused by the loss of reference with the natural horizon.

60–5 Advisory Information on Written Test Questions Missed (4–24–67).

Announces a new automated method of reporting written test results to airmen applicants. The applicant will be provided information concerning the subject matter areas in which one or more questions were answered incorrectly on the test.

60–6 FAA Approved Airplane Flight Manuals, Placards, Listings, Instrument Markings—Small Airplanes (12–13–68).

Alerts pilots to the regulatory requirements relating to the subject and provides information to aid pilots to comply with the provisions of FAR section 91.31.

61–1C Aircraft Type Ratings (5–8–70).

Announces new designators adopted by the Federal Aviation Administration for aircraft type ratings issued with pilot certificates.

61–2A Private Pilot (Airplane) Flight Training Guide (9–1–64).

Contains a complete private pilot flight training syllabus which consists of 30 lessons. Published in 1964. ($1 GPO.) FAA 5.8/2:P 64/4/964.

61–3B Flight Test Guide—Private Pilot—Airplane—Single Engine (4–2–68).

Assists the private pilot applicant in preparing for his certification flight test. Published in 1968. ($0.20 GPO.) TD 4.408:P 64/2.

61–4B Flight Test Guide—Multiengine Airplane Class or Type Rating (4–1–68).

Assists the private pilot applicant in preparing for certification or rating flight tests. Reprinted in 1969. ($0.25 GPO.) TD 4.408:M 91.

61–5A Helicopter Pilot Written Test Guide—Private—Commercial (8–14–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirements for a private or commercial pilot certificate with a helicopter rating.

61–8B Instrument Rating (Airplane) Written Test Guide (4–24–69).

Outlines the scope of the written test and directs applicants to appropriate study materials. Details subject areas covered in the test and indicates areas of aviation knowledge in which instrument pilots must be well informed. ($0.70 GPO.) TD 4.8:In 7/4.

61–9 Pilot Transition Courses for Complex Single-Engine and Light Twin-Engine Airplanes (6–16–64).

Provides training syllabuses and checkout standards for pilots who seek to qualify on additional types of airplanes. Published in 1964. ($0.15 GPO.) FAA 5.8/2: P 64/7.

61–10 Private and Commercial Pilots Refresher Courses (9–1–64).

Provides a syllabus of ground instruction periods and training lessons. Reprinted in 1969. ($0.25 GPO.) FAA 5.8/2: P 64/9.

61–11A Airplane Flight Instructor Written Test Guide (9–5–67).

Provides information to prospective airplane flight instructors about certification requirements, application procedures, and reference study materials; a sample examination is presented with explanations of the correct answers. Reprinted in 1969. ($0.70 GPO.) TD 4.408:In 7.

61–12D Student Pilot Guide (7–16–70).

Serves as a guide for prospective student pilots and presents general procedures for obtaining student and private pilot certificates. ($0.20 GPO.) TD 4.8:P 64/3/970.

61–13 Basic Helicopter Handbook (1–20–66).

Provides detailed information to applicants preparing for private, commercial, and flight instructor pilot certificates with a helicopter rating about helicopter aerodynamics, performance, and flight maneuvers. It will also be useful to certificated helicopter flight instructors as an aid in training students. Published in 1965. ($0.75 GPO.) FAA 5.8/2:H 36.

61–14A Flight Instructor Practical Test Guide (10–23–69).

Provides assistance to the certificated pilot in preparing for the practical demonstration required for the issuance of the flight instructor certificate. ($0.15 GPO.) TD 4.408:In 7/4.

61–16A Flight Instructor's Handbook (10–14–69).

Gives guidance and information to pilots preparing to apply for flight instructor certificates, and for use as a reference by flight instructors. ($1.25 GPO.) TD 4.408:In 7/3.

61–17A Flight Test Guide—Instrument Pilot Airplane (6–6–67).

Provides assistance for the instrument pilot applicant in preparing for his instrument rating flight test. Published in 1967. ($0.10 GPO.) TD 4.408:In 7/2.

61–18B Airline Transport Pilot (Airplane) Written Test Guide (7–1–68).

Describes the type and scope of aeronautical knowledge covered by the written examination, lists appropriate references for study, and presents sample examination questions. Published in 1968. ($0.55 GPO.) TD 4.408:P 64/3.

61–19 Safety Hazard Associated With Simulated Instrument Flights (12–4–64).

Emphasizes the need for care in the use of any device restricting visibility while conducting simulated instrument flights that may also restrict the view of the safety pilot.

61–21 Flight Training Handbook (1–11–66).

Provides information and direction in the introduction and performance of training maneuvers for student pilots, pilots requalifying or preparing for additional ratings, and flight instructors. Reprinted in 1969. ($1.25 GPO.) FAA 1.8:F 64/4.

61–23 Private Pilot's Handbook of Aeronautical Knowledge (5–27–66).

Contains essential, authoritative information used in training and guiding applicants for private pilot certification, flight instructors, and flying school staffs. Reprinted in 1969. ($2.75 GPO.) FAA 5.8/2:P 64/5/965.

61–25 Flight Test Guide—Helicopter, Private and Commercial Pilot (12–7–65).

Assists the helicopter pilot applicant in preparing for the certification flight tests; provides information concerning applicable procedures and standards. Published in 1965. ($0.10 GPO.) FAA 1.8:H 36/2.

61–27A Instrument Flying Handbook (1–30–68).

Provides the pilot with basic information needed to acquire an FAA instrument rating. It is designed for the reader who holds at least a private pilot certificate and is knowledgeable in all areas covered in the "Private Pilot's Handbook of Aeronautical Knowledge." Published in 1969. ($2.50 GPO.) TD 4.408:In 7/3.

61–28A Commercial Pilot Written Test Guide (4–28–70).

Reflects current operating procedures and techniques for the use of applicants in preparing for the Commercial Pilot-Airplane Written Test. ($1.50 GPO.) TD 4.408:P 64/4.

61–29 Instrument Flight Instructor Written Examination Guide (9–28–66).

Designed to aid those preparing for the Instrument Flight Instructor Written Examination, this guide outlines basic knowledge necessary to an instrument flight instructor, indicates sources helpful in acquiring this knowledge, and provides sample questions and answers for practice. Reprinted 1969. ($1.00 GPO.) FAA 1.8:In 7.

61–30 Flight Test Guide—Gyroplane, Commercial Pilot (2–8–66).

Assists commercial pilot operator in preparing for certification test. Revised in 1966. ($0.15 GPO.) FAA 5.8/2:G 99/2/966.

61–31 Gyroplane Pilot Examination Guide, Private and Commercial (2–9–66).

Outlines information basic to a gyroplane pilot, lists sources useful in acquiring this knowledge, and presents sample examination questions.

61–32 Private Pilot Written Examination Guide (8–15–67).

A combination workbook, written test guide. Includes 71 exercises covering every section of the Private Pilot's Handbook of Aeronautical Knowledge plus a sample written test presented in a fashion similar to the current Private Pilot Written Examination. Reprinted in 1969. ($1.75 GPO.) TD 4.408:P64.

61–33 Gyroplane Flight Instructor Examination Guide (3–25–66).

Assists applicants who are preparing for the Flight Instructor Rotorcraft Gyroplane Written Examination. Revised in 1966.

61–34A Federal Aviation Regulations Written Test Guide for Private, Commercial and Military Pilots (6–18–70).

Outlines the scope of the basic knowledge required of civilian or military pilots who are studying FARs as they pertain to the Regulations terminology; to the certification of private and commercial pilots; to the operation of aircraft in the national airspace; and to the requirements of the National Transportation Safety Board. For use as a guide in preparing for the FAR Written Test. ($0.40 GPO.) TD 4.8:P 64.

61–38 Rotorcraft Helicopter Written Test Guide (8–16–67).

Gives guidance to applicants preparing for the aeronautical knowledge requirement for a flight instructor certificate with a helicopter rating.

61–39 Flight Test Guide, Private and Commercial Pilot—Glider (8–28–67).

Assists applicants for private and commercial pilot flight tests in gliders.

61–41 Glider Flight Instructor Written Test Guide (11–7–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider flight instructor; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–42 Airline Transport Pilot (Helicopter) Written Test Guide (11–7–67).

Provides guidance to applicants preparing for the Airline Transport Pilot Rotorcraft/Helicopter (VFR and/or IFR) Written Tests. Describes the type and scope of required aeronautical knowledge covered by the written test. ($0.35 GPO.) TD 4.408:H 36.

61–43 Glider Pilot Written Test Guide—Private and Commercial (11–30–67).

Outlines the scope of the basic aeronautical knowledge requirements for a glider pilot; acquaints the applicant with source material that may be used to acquire this basic knowledge; and presents a sample test with correct answers and explanations.

61–45 Instrument Rating (Helicopter) Written Test Guide (1–24–68).

Assists applicants who are preparing for the helicopter instrument rating. Presents a study outline, study materials and a sample test with answers.

61–46 Flight Instructor Procedures (6–4–69).

Informs flight instructors of the procedures involved in the renewal or reinstatement of Flight Instructor Certificates, qualification for "Gold Seal" certificates, and endorsing student pilot logbooks for various operations.

61–47 Use of Approach Slope Indicators for Pilot Training (9–16–70).

Informs pilot schools, flight instructors and student pilots of the recommendation of the Federal Aviation Administration on the use of approach slope indicator systems for pilot training.

61.117–1C Flight Test Guide—Commercial Pilot, Airplane (2–7–69).

Assists the commercial applicant in preparing for his certification flight test. ($0.20 GPO.) TD 4.8:P 64/3.

63–1A Flight Engineer Written Test Guide (5–10–68).

Contains information about certification requirements and describes the type and scope of the examination. It also lists appropriate study and reference material and presents sample examinations with test items similar to those found in the official examinations. Published in 1968. ($0.50 GPO.) TD 4.408:En 3.

63–2A Flight Navigator Written Test Guide (4–4–69).

Defines the scope and narrows the field of study to the basic knowledge required for the Flight Navigator Certificate. Published in 1969. ($.40 GPO.) TD 4.8:F 64/2.

65–2A Airframe and Powerplant Mechanics Certification Guide (10–12–67).

Provides information to prospective airframe and powerplant mechanics and other persons interested in FAA certification of aviation mechanics. Reprinted in 1969. ($0.65 GPO.) TD 4.8:Al 7/6.

65–4A Aircraft Dispatcher Written Test Guide (8–16–68).

Describes the type and scope of aeronautical knowledge covered by the aircraft dispatcher written examination, lists reference materials, and presents sample questions. Published in 1969. ($0.50 GPO.) TD 4.8:Al 7/12.

65–5 Parachute Rigger Certification Guide (6–19–67).

Provides information on how to apply for a parachute rigger certificate or rating and assists the applicant in preparing for the written, oral, and practical tests. Reprint in 1970. ($0.25 GPO.) TD 4.8:P 21.

65–9 Airframe and Powerplant Mechanics—General Handbook (8–26–70).

Designed as a study manual for persons preparing for a mechanic certificate with airframe or powerplant ratings. Emphasis in this volume is on theory and methods of application, and is intended to provide basic information on principles, fundamentals, and airframe and powerplant ratings. ($4 GPO.) TD 4.408:AI 7/2.

65–11 Airframe and Powerplant Mechanics Certification Information (5–22–70).

Provides answers to questions most frequently asked about Federal Aviation Administration certification of aviation mechanics.

65.33–1 List of Study References for the ATC Tower Operator Examination (5–25–66).

The title is self-explanatory.

65.95–2B Handbook and Study Guide for Aviation Mechanics Inspection Authorization (10–9–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

Airspace

SUBJECT No. 70

70/7160–1 Obstruction Marking and Lighting (2–29–68). (Consolidated reprint includes change 1, 1969.)

Describes the agency standards on obstruction marking and lighting and establishes the methods, procedures, and equipment types as official FAA policy. ($0.60 GPO.) TD 4.8:Ob 7/968.

70/7460–1 CH 2 (7–2–70).

Specifies an increase in the maximum width of the aviation surface orange and white painted bands for display on towers, smokestacks and similar structures.

No. 90—Pt. II——2

70/7460–2B Proposed Construction or Alterations of Objects That May Affect the Navigable Airspace (11–4–70).

This handbook gives guidance to persons conducting annual and progressive inspections and approving major repairs or alterations of aircraft. It also stresses the important role they have in air safety. While the handbook is primarily intended for mechanics holding or preparing for an Inspection Authorization, it may be useful to aircraft manufacturers and certificated repair stations who have these privileges.

70/7460–3 Petitioning the Administrator for Discretionary Review; Section 77.37, FAR (8–8–68).

Revises and updates information concerning the submission of petitions to the Administrator for review, extension, or revision of determinations issued by regional directors or their designees.

73–1 Establishment of Alert Areas (3–11–68).

Announces the establishment of alert areas and sets forth the procedures which FAA will follow in establishing such areas.

Air Traffic Control and General Operations

SUBJECT No. 90

90–1A Civil Use of U.S. Government Produced Instrument Approach Charts (4–10–68).

Clarifies landing minimums requirements and revises instrument approach charts.

90–5 Coordination of Air Traffic Control Procedures and Criteria (6–13–63).

States Air Traffic Service policy respecting coordination of air traffic procedures and criteria with outside agencies and/or organizations.

90–8 Radio Identification of Student Pilots (8–15–63).

Encourages student pilots to identify themselves when communicating with FAA facilities.

90–11A Air Traffic Control Radio Frequency Assignment Plan (6–7–68).

Describes the civil air traffic control very high frequency assignment plan and the allocation of frequencies in the 118–136 MHz band.

90–12 Severe Weather Avoidance (4–15–64).

Provides information regarding air traffic control assistance in avoiding severe weather conditions.

90–14A Altitude—Temperature Effect on Aircraft Performance (1–26–68).

Introduces the Denalt Performance Computer and reemphasizes the hazardous effects density altitude can have on aircraft.

90–19 Use of Radar for the Provision of Air Traffic Control Services (10–29–64).

Advises the aviation community of FAA practice in the use of radar information to provide air traffic control services.

90–20 Weather Radar Radomes (11–12–64).

Highlights some important points to consider in the selection and maintenance of weather radar radomes.

90–22B Automatic Terminal Information Service (ATIS) (1–30–70).

Provides updated information concerning the operation of Automatic Terminal Information Service (ATIS).

90–23A Wake Turbulence (12–21–65).

Provides information on the subject of wake turbulence and suggests techniques that may help pilots avoid the hazards associated with wing tip vortex turbulence.

90–31 Retention of Flight Service Station (FSS) Civil Flight Plans and Related Records (7–1–67).

Establishes new retention periods for flight plans, preflight briefing logs, visual flight rule flight progress strips, and related records with FSSs.

90–32 Radar Capabilities and Limitations (8–15–67).

Advises the aviation community of the inherent capabilities and limitations of radar systems and the effect of these factors on the service provided by air traffic control (ATC) facilities.

90–33 VFR Communications for General Aviation (11–20–67).

Describes VHF (118–136 MHz band) air/ground communications channel utilization for general aviation aircraft in the VFR environment and includes information on the use of channels in the private aircraft (122–123 MHz) band recently made available by the Federal Communications Commission (Docket 17177).

90–34 Accidents Resulting from Wheelbarrowing in Tricycle Gear Equipped Aircraft (2–27–68).

Explains "wheelbarrowing", the circumstances under which it is likely to occur, and recommended corrective action.

90–35 Frequency Discipline (5–17–68).

Reemphasizes the need for pilots to be constantly aware of the importance of practicing frequency discipline in normal conduct of operations.

90–36 The Use of Chaff as an In-Flight Emergency Signal (5–22–68).

Advises of the value and proper usage of chaff to alert radar controllers to the presence of an aircraft in distress which has a two-way radio failure.

90–38A Use of Preferred IFR Routes (12–29–69).

Outlines the background, intent, and requested actions pertaining to the use of preferred IFR routes.

90–39 Identification of Civil Aircraft in Radio Communications (8–5–68).

Outlines an important change in the Federal Communications Commission (FCC) rules for the aviation services concerning the methods of identifying aircraft in radio transmissions.

90–40 Intersection Takeoffs (9–5–68).

Apprises pilots concerning procedures governing intersection takeoffs.

90–41 Standard Terminal Arrival Routes (9–6–68).

Describes a program for establishment and use of standard terminal arrival (STARS).

90–42 Traffic Advisory Practices at Nontower Airports (12–9–68).

This circular establishes, as good operating practices, procedures for pilots to exchange traffic information when operating to or from nontower airports.

90–43A Operations Reservations for High-Density Traffic Airports (12–23–69).

Advises the aviation community of the means for all aircraft operators, except scheduled and supplemental air carriers and scheduled air taxis, to obtain a reservation to operate to and/or from designated high-density traffic airports.

90–44 Airport Ground Operations During Low Visibility Conditions (4–25–69).

Alerts the aviation community to potential problem areas which may exist on airport movement areas during periods of extremely low visibility.

90–45 Approval of Area Navigation Systems for Use in the U.S. National Airspace System (8–18–69).

Provides guidelines for implementation of area navigation (RNAV) within the National Airspace System (NAS).

90–45 CH–1 (10–20–70).

Deletes certain items found to be in excess of minimum requirements and clarifies certain other items.

90–46 Depiction of Holding Patterns (8–19–69).

Provides information concerning the Federal Aviation Administration's plan to chart holding patterns and the course of action to be followed when holding is required.

90–47 Abbreviated Instrument Flight Rules Departure Clearance (3–18–70).

Provides guidance to pilots and operators for participation in the Abbreviated IFR Departure Clearance Program.

90–48 Pilots' Role in Collision Avoidance (3–20–70).

Alerts all pilots to the midair collision and near midair collision hazard and to emphasize those basic problem areas of concern, as related to the human causal factors, where improvements in pilot education, operating practices, procedures, and techniques are needed to reduce midair conflicts.

90–49 The Airman's Information Manual (7–31–70).

Serves as a reminder of the importance of pilot familiarity with Rules, Practices, and Procedures for safe flight operations.

90–50 Air Traffic Control Radio Frequency Assignment Plan for VFR and IFR Communications (9–29–70).

Describes the civil air traffic control assignment of frequencies in the very high frequency (118–136 MHz) band.

90–51 FAA Motion Picture—"Caution—Wake Turbulence" (11–17–70).

Announces the availability of a new wake turbulence film and encourages its viewing.

90–52 FAA Symposium on Turbulence (12–15–70).

Announces to the public where and when "FAA Symposium on Wake Turbulence" will convene.

91–3 Acrobatic Flight (9–30–63).

Sets safe operating practices for the conduct of acrobatic flight operations.

91–5A Waivers of Subpart B, Part 91 of the Federal Aviation Regulations (FARs) (5–6–69).

Provides updated information concerning the submission of applications for and the issuance of waivers of Subpart B, FAR 91.

91–6 Water, Slush, and Snow on the Runway (1–21–65).

Provides background and guidelines concerning the operation of turbojet aircraft with water, slush, and/or snow on the runway.

91–7 Hazards Associated With In-Flight Use of "Visible-Fluid" Type Cigarette Lighters (3–16–65).

Discusses the potential hazards associated with in-flight use of "visible-fluid" type cigarette lighters.

91–8A Use of Oxygen by General Aviation Pilots/Passengers (8–11–70).

Provides general aviation personnel with information concerning the use of oxygen.

91–9 Potential Hazards Associated With Turbojet Ground Operations (6–19–65).

Alerts turbojet operators and flight crews to potential hazards involving turbojet operations at airports.

91–10A Suggestions for Use of ILS Minima by General Aviation Operators of Turbojet Airplanes (10–8–65).

Provides general aviation operators of turbojet airplanes with information on practices and procedures to be considered before utilizing the lowest published IFR minima prescribed by FAR Part 97 and provides information on pilot-in-command experience, initial and recurrent pilot proficiency, and airborne airplane equipment.

91–11A Annual Inspection Reminder (12–3–69).

Provides the aviation community with a uniform visual reminder of the date an annual inspection becomes due. (Reference section 91.169(a) (1) of the FARs.)

91.11–1 Guide to Drug Hazards in Aviation Medicine (7–19–63).

Lists all commonly used drugs by pharmacological effect on airmen with side effects and recommendations. Reprinted 1970. ($0.50 GPO.) FAA 7.9:D 84.

91–12B Required Inspection for Aircraft Operating Under FAR 121, 123, 127, or 135 and Reverting to General Operation Under FAR 91 (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in FAR Part 91.

91–13A Cold Weather Operation of Aircraft (1–2–70).

Provides background and guidelines relating to operation of aircraft in the colder climates where wide temperature changes may occur.

91–14 Altimeter Setting Sources (2–15–67).

Provides the aviation public, industry, and FAA field personnel with guidelines for setting up reliable altimeter setting sources.

91–15 Terrain Flying (2–2–67).

A pocket-size booklet designed as a tool for the average private pilot. Contains a composite picture of the observations, opinions, warnings, and advice from veteran pilots who have flown this vast land of ours that can help to make flying more pleasant and safer. Tips on flying into Mexico, Canada, and Alaska. ($0.55 GPO.) TD 4.2:T 27.

91–16 Category II Operations—General Aviation Airplanes (8–7–67).

Sets forth acceptable means by which Category II operations may be approved in accordance with FAR Parts 23, 25, 61. 91, 97, and 135.

91–17 The Use of View Limiting Devices on Aircraft (2–20–68).

Alerts pilots to the continuing need to make judicious and cautious use of all view limiting devices on aircraft.

91–19 Emergency Locator Beacons—Crash, Survival, Personnel (3–17–69).

Provides information concerning recent activities relating to emergency locator radio beacons. Describes for users the means by which such signals will be monitored or heard.

91–20 Inspection Schedule—for Beech Model B–99 (3–14–69).

Provides information for use by persons planning to develop an inspection schedule for Beech Model B–99.

91–21 Inspection Schedule—for Handley-Page Model HP–137 (4–24–69).

Provides information for use by persons planning to develop an inspection schedule for the Handley-Page Model HP–137 aircraft.

91–22 Altitude Alerting Devices/Systems (7–7–69).

Provides guidelines for installing and evaluating altitude alerting systems.

91–23 Pilot's Weight and Balance Handbook (5–6–69)

Provides an easily understood text on aircraft weight and balance for pilots who need to appreciate the importance of weight and balance control for safety of flight. Progresses from an explanation of basic fundamentals to the complete application of weight and balance principles in large aircraft operations. ($0.70 GPO.) TD 4.408: P 64/3.

91–24 Aircraft Hydroplaning or Aquaplaning on Wet Runways (9–4–69).

Provides information to the problem of aircraft tires hydroplaning on wet runways.

91–25 Loss of Visual Cues During Low Visibility Landings (9–22–69).

Provides information regarding the importance to the pilot of maintaining unbroken visual cues during the final stages of an instrument approach when reaching the DH or MDA and continuing further descent.

91–26 Maintenance and Handling of Air-Driven Gyroscopic Instruments (10–29–69).

Advises operators of general aviation aircraft of the need for proper maintenance of air-driven gyroscopic instruments and associated air filters.

91–27 Systemsworthiness Analysis Program (10–30–69).

Provides information on the adaptation of the Systemsworthiness Analysis Program to certain activities in general aviation.

91–28 Unexpected Opening of Cabin Doors (12–23–69).

Outlines the importance of assuring that cabin doors are properly closed prior to takeoff.

91–29 Radar Transponder Requirements (3–30–70).

Describes certain aspects of the planned operation of the Air Traffic Control Radar Beacon System (ATCRBS) which will be of interest to aircraft operators who expect to use radar transponders in their aircraft.

91–30 Terminal Control Areas (TCA) (6–11–70).

Explains the TCA concept and answers some of the most frequently asked questions pertaining to TCA.

91–31 FAR Requirement for the Filing of Flight Plans for Flights Between Mexico and the United States (2–1–71).

Informs pilots of the requirements of section 91.12(c) of Part 91 of the Federal Aviation Regulations.

91.29–1 Special Structural Inspections (1–8–68).

Discusses occurrences which may cause structural damage affecting the airworthiness of aircraft.

91.83–1 Canceling or Closing Flight Plans (3–12–61).

Outlines the need for canceling or closing flight plans promptly to avoid costly search and rescue operations.

91.83–2 IFR Flight Plan Route Information (2–16–66).

Clarifies the air traffic control needs for the filing of route information in an

IFR (Instrument Flight Rules) flight plan.

95–1 Airway and Route Obstruction Clearance (6–17–65).

Advises all interested persons of the airspace areas within which obstruction clearance is considered in the establishment of Minimum En Route Instrument Altitudes (MEAs) for publication in FAR Part 95.

99.11–1 Flight Plan Requirements: Coastal or Domestic ADIZ (11–15–63).

Provides recommended flight plan filing procedures for operation within or into an Air Defense Identification Zone (ADIZ).

99.27–1 Flight Plan Tolerances for Air Defense Identification Zones (9–30–63).

Provides recommended flight plan tolerances for operations within or into the ADIZ.

101–1 Waivers of Part 101, Federal Aviation Regulations (1–13–64).

Provides information on submission of applications and issuances of waivers to FAR Part 101.

103–1 Hazard Associated With Sublimation of Solid Carbon Dioxide (Dry Ice) Aboard Aircraft (12–16–63).

Discusses potential hazards of dry ice and gives precautionary measures.

103–2 Information Guide for Air Carrier Handling of Radioactive Materials (7–23–70).

Acquaints air carrier industry and in particular, air freight handling personnel, with the essential requirements and practical application of the various regulations pertaining to the handling and transportation of radioactive materials.

105–2 Sport Parachute Jumping (9–6–68).

Provides suggestions to improve sport parachuting safety; information to assist parachutists in complying with FAR Part 105; and a list of aircraft which may be operated with one cabin door removed, including the procedures for obtaining FAA authorization for door removal.

Air Carrier and Commercial Operators and Helicopters

SUBJECT No. 120

120–1A Reporting Requirements of Air Carriers, Commercial Operators, and Travel Clubs (4–24–69).

Advises of the mechanical reliability reporting requirements contained in FAR Parts 121 and 127 and the accident and incident reporting requirements of NTSB Part 430, Safety Investigation Regulations.

120–2A Precautionary Propeller Feathering To Prevent Runaway Propellers (8–20–63).

Emphasizes the need for prompt feathering when there is an indication of internal engine failure.

120–5 High Altitude Operations in Areas of Turbulence (8–26–63).

Recommends procedures for use by jet pilots when penetrating areas of severe turbulence.

120–7A Minimum Altitudes for Conducting Certain Emergency Flight Training Maneuvers and Procedures (7–27–70).

Issued to emphasize to all air carriers and other operators of large aircraft the necessity for establishing minimum altitudes above the terrain or water when conducting certain simulated emergency flight training maneuvers.

120–12 Private Carriage Versus Common Carriage by Commercial Operators Using Large Aircraft (6–24–64).

Provides guidelines for determining whether current or proposed transportation operations by air constitute private or common carriage.

120–13 Jet Transport Aircraft Attitude Instrument Systems (6–26–64).

Provides information about the characteristics of some attitude instrument systems presently installed in some jet transport aircraft.

120–16A Continuous Airworthiness Program (9–11–69).

Provide air carriers and commercial operators with guidance and information pertinent to certain provisions of Federal Aviation Regulations Parts 121 and 127.

120–17 Handbook for Maintenance Control by Reliability Methods (12–31–64).

Provides information and guidance material which may be used to design or develop maintenance reliability programs which include a standard for determining time limitations.

120–17 CH 1 (6–24–66).

120–17 CH 2 (5–6–68).

120–18 Preservation of Maintenance Records (5–10–65).

Provides information and guidance relative to the microfilming of maintenance records.

120–21 Aircraft Maintenance Time Limitations (6–24–66).

Provides methods and procedures for the initial establishment and revision of time limitations on inspections, checks, maintenance or overhaul.

120–24A Establishment and Revision of Aircraft Engine Overhaul and Inspection Periods (2–25–69).

Describes methods and procedures used by the FAA in the establishment and revision of aircraft engine overhaul periods.

120–26A Civil Aircraft Operator Designators (5–11–70).

Revises the criteria and states the procedures for the assignment of a designator and a corresponding air/ground call sign to civil aircraft operators engaged in domestic services on a repetitive basis.

120–27 Aircraft Weight and Balance Control (10–15–68).

Provides a method and procedures for weight and balance control.

120–28 Concepts of Airborne Systems for Category IIIA Operations (9–5–69).

Assist the aviation industry with initial preparations for Category IIIA operations.

120–29 Criteria for Approving Category I and Category II Landing Minima for FAR 121 Operators (9–25–70).

Sets forth criteria used by FAA in approving turbojet landing minima of less than 300–¾ or RVR 4,000 (Category I) and Category II minima for all aircraft.

121–1 Standard Maintenance Specifications Handbook (12–15–62).

Consolidated reprint 5–15–69, includes Changes 1 through 18.

Provides procedures acceptable to FAA which may be used by operators when establishing inspection intervals and overhaul times.

121–1 CH 19 (12–19–69).

Revises existing material in the subject handbook.

121–1 CH 20 (7–17–70).

Changes existing and includes new material in the subject handbook.

121–1 CH 21 (12–14–70).

Revises existing and includes new material in the subject handbook.

121–3L Maintenance Review Board Reports (1–29–71).

Revises the list of Maintenance Review Board Reports that are currently in effect (January 1971).

121–6 Portable Battery-Powered Megaphones (1–5–66).

Sets forth an acceptable means for complying with rules (applicable to various persons operating under Part 121 of the Federal Aviation Regulations) that prescribe the installation of approved megaphones.

121–7 Use of Seat Belts by Passengers and Flight Attendants To Prevent Injuries (7–14–66).

Concerned with the prevention of injury due to air turbulence.

121–9 Maintenance of Evacuation Slides (9–22–66).

Provides information and guidance to air carriers and commercial operators in the maintenance of emergency evacuation slides.

121–12 Wet or Slippery Runways (8–17–67).

Provides uniform guidelines in the application of the "wet runway" rule by certificate holders operating under FAR 121.

121–13 Self-Contained Navigation Systems (Long Range) (10–14–69).

States an acceptable means, not the only means, of compliance with the referenced sections of the FAR as they

apply to persons operating under Parts 121 or 123 who desire approval of Doppler RADAR navigation systems or Inertial Navigation Systems (INS) for use in their operations.

121–13 CH–1 (7–31–70).

Assures standardization of the Minimum Equipment List (MEL) with respect to Inertial Navigation Systems (INS) through the appropriate Flight Operations Evaluation Board (FOEB).

121–13 CH–2 (12–21–70).

Permits all flight training for Doppler and INS qualification, to be completed in a simulator or training device approved for conducting the required pilot training and qualifications in the use of these systems.

121–14 Aircraft Simulator Evaluation and Approval (12–19–69).

Sets forth one means that would be acceptable to the Administrator for approval of aircraft simulators or other training devices requiring approval under 121.407.

121–16 Maintenance Certification Procedures (11–9–70).

Provides guidance for the preparation of an Operations Specification—Preface Page which will afford nominal and reasonable relief from approved service and overhaul time limits when a part is borrowed from another operator.

121.195(d)–1 Alternate Operational Landing Distances for Wet Runways; Turbojet Powered Transport Category Airplanes (11–19–65).

Sets forth an acceptable means, but not the only means, by which the alternate provision of section 121.195(d) may be met.

123–1 Air Travel Clubs (10–17–68).

Sets forth guidelines and procedures to assist air travel clubs using large aircraft in meeting safety requirements of FAR Part 123.

135.155–1 Alternate Static Source for Altimeters and Airspeed and Vertical Speed Indicators (2–16–65).

Sets forth an acceptable means of compliance with provisions in FAR Part 135 and Part 23 dealing with alternate static sources.

135–1A Air Taxi Aircraft Weight and Balance Control (9–26–69).

Provides a method and procedures for developing a weight and balance control system for small aircraft operating in the air taxi fleet under FAR Part 135.

135–2 Air Taxi Operators of Large Aircraft (10–14–69).

Provides guidelines and procedures for use by air taxi operators or applicants for Air Taxi Operator certificates who desire to obtain FAA authorization to operate large aircraft (more than 12,500 pounds maximum certificated takeoff weight) in air taxi operations.

135–3 Air Taxi Operators of Small Aircraft (2–17–70).

Sets forth guidelines and procedures to assist persons in complying with the requirements of Federal Aviation Regulations, Part 135.

135.60–1 Aircraft Inspection Programs (5–1–70).

Provides information for use by air taxi operators and commercial operators of small aircraft developing an aircraft inspection program for FAA approval.

137–1 Agricultural Aircraft Operations (11–29–65).

Explains and clarifies the requirements of FAR Part 137 and provides additional information, not regulatory in nature, which will assist interested persons in understanding the operating privileges and limitations of this part.

Schools and Other Certificated Agencies

SUBJECT No. 140

140–1E Consolidated Listing of FAA Certificated Repair Stations (12–9–70).

Provides a revised directory of all FAA certificated repair stations as of October 1970.

140–2E List of Certificated Pilot Flight and Ground Schools (1–1–69).

Lists FAA certificated pilot schools as of January 1969.

140–3B Approval of Pilot Training Courses Under Subpart D of Part 141 of the FAR (1–8–70).

The title is self-explanatory.

140–4 Use of Audio-Visual Courses in Approved Pilot Ground Schools Certificated Under Part 141 (8–7–68).

Informs operators of certificated pilot schools on the use of audio-visual training aids for instruction in approved ground school courses conducted under the FARs.

143–1B Ground Instructor Examination Guide—Basic—Advanced (4–18–67).

Designed to assist applicants preparing for the Basic or Advanced Ground Instructor Written Examination by outlining the required knowledge and by providing sample questions for practice. Revised in 1967. ($1 GPO.) TD 4.408: G 91.

143–2B Ground Instructor—Instrument—Written Test Guide (6–25–70).

Provides information to applicants for the instrument ground instructor rating about the subject areas covered in the examination and illustrated by a study outline, a list of study materials, and a sample examination with answers. ($0.65 GPO.) TD 4.8: G 91.

145.101–1A Application for Air Agency Certificate—Manufacturer's Maintenance Facility (3–10–69).

Explains how to obtain a repair station certificate.

147–2G Directory of FAA Certificated Aviation Maintenance Technician Schools (10–27–70).

Provides a revised directory of all FAA certificated aviation maintenance technician schools (formerly mechanic schools) as of the effective date.

149–2E Listing of Federal Aviation Administration Certificated Parachute Lofts (12–9–70).

Describes acceptable methods for complying with the required inspections set forth in Federal Aviation Regulations, Part 91.

Airports

SUBJECT No. 150

DEFENSE READINESS PROGRAM

150/1930–1 Radiological Decontamination of Civil Airports (8–19–66).

Offers guidance in preattack preparations, emergency action and decontamination methods.

AIRPORT PLANNING

150/5000–1 Cancellation of Obsolete Publications Issued by Standards Division, Airports Service (4–17–70).

Cancels outstanding airport engineering data sheets, technical standard orders, airport engineering bulletins, and miscellaneous publications that are no longer current and to direct the reader to a new source of information, where applicable.

150/5000–2 Index of Publications, Airport Service, Standards Division (9–28–70).

Transmits the first Airports Service, Standards Division, index of advisory circulars and related publications.

150/5040–1A Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Large Air Transportation Hubs Through 1980 (3–27–69).

Announces the availability of the new report and where to obtain it.

150/5040–2 Announcement of Report—Aviation Demand and Airport Facility Requirement Forecasts for Medium Air Transportation Hubs Through 1980 (5–22–69).

Announces the availability to the public, Federal Aviation Administration personnel, airport and local government planning officials, the aviation industry, and the interested public with forecasts of aviation demand and selected airport facility requirements for medium hubs through 1980.

150/5040–3 Announcement of Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (6–19–69).

Announces the availability of the report to the public which identifies and analyzes the possible improvements leading to reduced aircraft delays at 18 of the Nation's highest density airports.

150/5040–4 Announcement of Supplementary Report—A Suggested Action Program for the Relief of Airfield Congestion at Selected Airports (3–31–70).

Identifies and analyzes possible improvements needed to prevent delays at 10 additional airports where demand compared to capacity indicates serious congestion will become a problem. This report is supplementary to the report announced by AC 150/5040–3.

150/5050-2 Compatible Land Use Planning in the Vicinity of Airports (4-13-67).

Advises Federal Aviation Administration personnel, local government officials and the public of the availability of the following two reports prepared under the auspices of the FAA by the firm of Transportation Consultants, Inc. *Compatible Land Use Planning On and Around Airports, and Aids Available for Compatible Land Use Planning Around Airports.*

150/5050-3 Announcement of a Report Entitled "Planning the State Airport System" (1-31-69).

Advises of the availability of. the report and how to obtain it.

150/5060-1A Airport Capacity Criteria Used in Preparing the National Airport Plan (7-8-68).

Presents the method used by the Federal Aviation Administration for determining when additional runways, taxiways, and aprons should be recommended in the National Airport Plan. The material is also useful to sponsors and engineers in developing Airport Layout Plans and for determining when additional airport pavement facilities should be provided to increase aircraft accommodation capacity at airports.

150/5060-2 Airport Site Selection (7-19-67).

Recommends procedures and provides guidance for analyzing potential airport sites.

150/5060-3A Airport Capacity Criteria used in Long-Range Planning (12-24-69).

Describes the method used by the Federal Aviation Administration for determining the approximate practical hourly and practical annual capacities of various airport runway configurations and is used in long-range (10 years or more) planning for expansion of existing airports and construction of new airports to accommodate forecast demand.

150/5070-1 Rapid Transit Service for Metropolitan Airports (8-26-65).

Informs airport officials of a Federal assistance program for rapid transit.

150/5070-2 Planning the Metropolitan Airport (9-17-65). (Consolidated reprint 6-30-66 includes change 1.)

Provides guidance and methodology for planning the metropolitan airport system as a part of the comprehensive metropolitan planning program.

150/5070-3 Planning the Airport Industrial Park (9-30-65).

Provides guidance to communities, airport boards, and industrial developers for the planning and development of Airport Industrial Parks.

150/5070-4 Planning for Rapid Urbanization Around Major Metropolitan Airports (3-31-66).

Alerts planning agencies to the need for developing appropriate planning programs to guide rapid urbanization in the vicinity of major metropolitan airports and suggests procedures for such planning programs.

150/5070-5 Planning the Metropolitan Airport System (5-22-70).

Gives guidance in developing airport-system plans for large metropolitan areas. It may be used by metropolitan planning agencies and their consultants in preparing such system plans and by the FAA in reviewing same. ($1.25 GPO) TD 4.108:M56/2.

150/5090-1 Regional Air Carrier Airport Planning (2-2-67).

This circular: (1) Informs local and State governments, airport operators, and area planners of a Federal policy concerning the development of a single airport to serve two or more cities and their environs; and (2) provides such planners with guidance for evaluating the feasibility of establishing such regional airports.

FEDERAL-AID AIRPORT PROGRAMS

150/5100-3A Federal-aid Airport Program-Procedures Guide for Sponsors (9-20-68).

Provides guidance to public agencies that sponsor or propose to sponsor projects under the Federal-aid Airport Program (FAAP) authorized by the Federal Airport Act.

150/5100-3A CH 1 (11-28-69).

Transmits revised pages to subject advisory circular.

150/5100-4 Airport Advance Planning (1-12-68).

Provides an explanation of the FAA advance planning program.

150/5100-5 Land Acquisition in the Federal-aid Airport Program (1-30-69).

Provides general information to sponsors of airport development projects under the Federal-aid Airport Program on the eligibility of land acquisition and extent of Federal participation in land acquisition costs.

150/5100-6 Labor Requirements in Federal-aid Airport Program Contracts (6-6-69).

Covers the basic labor requirements applicable to the Federal-aid Airport Program (FAAP). Intended primarily for the guidance of those public agencies sponsoring projects under the program and the contractors and subcontractors engaged in work under a project.

150/5100-7 Requirement for Public Hearing in the Airport Development Aid Program (1-4-71).

Provides guidance to sponsors of airport development projects under the Airport Development Aid Program (ADAP) on the necessity for and conduct of public hearings.

SURPLUS AIRPORT PROPERTY CONVEYANCE PROGRAMS

150/5150-2 Federal Surplus Personal Property for Public Airport Purposes (6-27-68).

Outlines policies and procedures for State and local agencies applying for and acquiring surplus Federal personal property for public airport purposes.

150/5150-2 CH 1 (4-22-69).

Revises the flow of copies of the SF 123 to provide for more accurate review of donated property.

AIRPORT COMPLIANCE PROGRAM

150/5190-1 Minimum Standards for Commercial Aeronautical Activities on Public Airports (8-18-66).

Gives to owners of public airports information helpful in the development and application of minimum standards for commercial aeronautical activities.

150/5190-2 Exclusive Rights at Airports (9-2-66).

Provides basic information and guidance on FAA policy concerning exclusive rights at public airports on which Federal funds, administered by the FAA, have been expended.

150/5190-3 Model Airport Zoning Ordinance (1-16-67).

Provides a guide to be used in preparing airport zoning ordinances. This model will require modification and revision to suit circumstances and fulfill State and local law.

AIRPORT SAFETY—GENERAL

150/5200-1 Bird Hazards to Aviation (3-1-65).

Discusses certain steps that can be taken toward reducing or solving the bird strike problem on and near airports.

150/5200-2A Bird Strike/Incident Report Form (1-9-70).

Informs military and civil aviation organizations that FAA Form 3830, "Bird Strike/Incident Report Form," (BOB: 04-R136) is available for use in reporting bird hazards and accidents/incidents to aircraft resulting from bird strikes.

150/5200-3 Bird Hazards to Aircraft (10-7-66).

Transmits the latest published information concerning the reduction of bird strikes on aircraft.

150/5200-4 Foaming of Runways (12-21-66).

Discusses runway foaming and suggests procedures for providing this service.

150/5200-5 Considerations for the Improvement of Airport Safety (2-2-67).

Emphasizes that, in the interest of accident/incident prevention, airport management should conduct self-evaluations and operational safety inspections. An exchange of information and suggestions for the improvement of airport safety is also suggested.

150/5200-6A Security of Aircraft at Airports (6-28-68).

Directs attention to the problem of pilferage from aircraft on airports and suggests action to reduce pilferage and the hazards that may result therefrom.

150/5200-7 Safety on Airport During Maintenance of Runway Lighting (1-24-68).

Points the possibility of an accident occurring to airport employees caused by electrocution.

150/5200-8 Use of Chemical Controls to Repel Flocks of Birds at Airports (5-2-68).

Acquaints airport operators with new recommendations on the use of chemical methods for dispersing flocks of birds.

150/5200-9 Bird Reactions and Scaring Devices (6-26-68).

Transmits a report on bird species and their responses and reactions to scaring devices.

150/5200-10 Airport Emergency Operations Planning (7-26-68).

Provides guidance to airport management and disaster control personnel in the preparation of plans for emergency actions at civil airports.

150/5200-10 CH 1 (9-15-70).

Transmits additional guidance regarding post accident passenger accommodations, crowd control, a regional telephone list for requesting radiological assistance from the Atomic Energy Commission, and other items related to these subjects.

150/5200-11 Airport Terminals and the Physically Handicapped (11-27-68).

Discusses the problems of the physically handicapped air traveler and suggests features that can be incorporated in modification or new construction of airport terminal buildings.

150/5200-12 Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident (8-7-69).

Furnishes general guidance for employees of airport management and other personnel responsible for firefighting and rescue operations, at the scene of an aircraft accident, on the proper preservation of evidence.

150/5200-13 Removal of Disabled Aircraft (8-27-70).

Discusses the responsibility for disabled aircraft removal and emphasizes the need for prearranged agreements, plans, equipment, and improved coordination for the expeditious removal of disabled aircraft from airport operating areas. It also illustrates some of the various methods used, equipment employed, equipment available, and concepts for aircraft recovery.

150/5200-14 Results of 90-Day Trial Exercise on Fire Department Activity (9-8-70).

Transmits statistical data collected during a 90-day trial exercise conducted to determine the relationship between aircraft fire and rescue service activities and airport aeronautical operations.

150/5200-15 Availability of the International Fire Service Training Association's (IFSTA) Aircraft Fire Protection and Rescue Procedures Manual (9-11-70).

Announces the availability of the subject manual.

150/5210-2 Airport Emergency Medical Facilities and Services (9-3-64).

Provides information and advice so that airports may take specific voluntary preplanning actions to assure at least minimum first-aid and medical readiness appropriate to the size of the airport in terms of permanent and transient personnel.

150/5210-4 FAA Aircraft Fire and Rescue Training Film, "Blanket for Survival" (10-27-65).

Provides information on the purpose, content, and availability of the subject training film.

150/5210-5 Painting, Marking, and Lighting of Vehicles Used on an Airport (8-31-66).

Makes recommendations concerning safety, efficiency, and uniformity in the interest of vehicles used on the aircraft operational area of an airport.

150/5210-6A Aircraft Fire and Rescue Facilities and Extinguishing Agents (1-14-70).

Furnishes general guidance for estimating the aircraft fire and rescue facilities needed at civil airports.

150/5210-7 Aircraft Fire and Rescue Communications (10-28-66).

Provides airport management with information helpful in the establishment of communication and alarm facilities. Such facilities alert and guide those personnel who must deal with aircraft ground emergencies.

150/5210-8 Aircraft Firefighting and Rescue Personnel and Personnel Clothing (1-13-67).

Provides guidance concerning the manning of aircraft fire and rescue trucks, the physical qualifications that personnel assigned to these trucks should meet, and the protective clothing with which they should be equipped.

150/5210-9 Airport Fire Department Operating Procedures During Periods of Low Visibility (10-27-67).

Suggests training criteria which airport management may use in developing minimum response times for aircraft fire and rescue trucks during periods of low visibility.

150/5210-10 Airport Fire and Rescue Equipment Building Guide (12-7-67).

This title is self-explanatory.

150/5210-11 Response to Aircraft Emergencies (4-15-69).

Informs airport operators and others of an existing need for reducing aircraft firefighting response time, and outlines a uniform response time goal of 2 minutes within aircraft operational areas on airports.

150/5220-1 Guide Specification for a Light-Weight Airport Fire and Rescue Truck (7-24-64).

Describes a vehicle with performance capabilities considered as minimum for an acceptable light rescue truck.

150/5220-2 Guide Specification for 1,800-Gallon Aircraft Fire and Rescue Truck (7-24-64).

Describes a vehicle possessing the minimum performance capabilities recommended for an acceptable aircraft fire and rescue truck.

150/5220-3 Guide Specification for 1,000-Gallon Aircraft Fire and Rescue Truck (3-9-67).

The title is self-explanatory.

150/5220-4 Water Supply Systems for Aircraft Fire and Rescue Protection (12-7-67).

The title is self-explanatory.

150/5220-5 Guide Specification for a Combination Foam and Dry Chemical Aircraft Fire and Rescue Truck (12-29-67).

Specification requirements developed by FAA to assist airport management in developing local procurement specifications for fire and rescue trucks.

150/5220-6 Guide Specification for 1,000-Gallon Tank Truck (4-10-68).

Assists airport management in the development of local procurement specifications.

150/5220-7 Guide Specification for 2,500-Gallon Aircraft Fire and Rescue Truck (8-30-68).

Guide Specification developed to assist airport management in the development of local procurement specifications.

150/5220-8 Guide Specification for 2,000-Gallon Tank Truck (6-13-69).

Assists airport management in the development of local procurement specifications for 2,000-gallon tank truck.

150/5220-9 Aircraft Arresting System for Joint Civil/Military (4-6-70).

Updates existing policy and describes and illustrates the various types of military aircraft emergency arresting systems that are now installed at various joint civil/military airports. It also informs users of criteria concerning installations of such systems at joint civil/military airports.

150/5230-1 Suggestions for Airport Safety Self-Inspection (3-30-64).

Summarizes the functional statements, procedures, forms, and schedules on safety self-inspection now in use at many U.S. civil airports.

150/5230-3 Fire Prevention During Aircraft Fueling Operations (4-8-69).

This advisory circular provides information on fire preventative measures which aircraft servicing personnel should observe during fueling operations.

CIVIL AIRPORTS EMERGENCY PREPAREDNESS

150/5240–1A Airport Disaster Control Guide (10–31–67).

Acts as a guide to reducing or avoiding problems imposed by enemy nuclear attack.

DESIGN, CONSTRUCTION, AND MAINTENANCE—GENERAL

150/5300–2A Airport Design Standards—Site Requirements for Terminal Navigational Facilities (10–8–69).

Provides information regarding the location, function, and siting requirements of terminal air navigational facilities to enable sound airport design and development, as well as facilitating their proper and economical establishment.

150/5300–3 Adaptation of TSO–N18 Criterion to Clearways and Stopways (10–18–64).

Sets forth standards recommended by the FAA for guidance of the public for the adaptation of TSO–N18 criterion to clearways and stopways.

150/5300–4A Utility Airports—Air Access to National Transportation (5–6–69).

Presents recommendations of the Federal Aviation Administration for the design of utility airports. These airports are developed for general aviation operations and this guide has been prepared to encourage and guide persons interested in their development. ($1.75 GPO.) TD 4.8:Ai 7/968.

150/5300–5 Airport Reference Point (9–26–68).

Defines and presents the method for calculating an airport reference point.

150/5300–6 Airport Design Standards, General Aviation Airports, Basic and General Transport (7–14–69).

Provides recommended design criteria for the development of larger than general utility airports.

150/5300–7 FAA Policy on Facility Relocations Occasioned by Airport Improvements or Changes (11–7–70).

Informs the aviation community of the FAA policy governing responsibility for funding relocation, replacement and modification to air traffic control and air navigation facilities that are made necessary by improvements or changes to the airport.

150/5300–8 Planning and Design Criteria for Metropolitan STOL Ports (11–5–70).

Provides the criteria recommended for the planning and design of STOL ports in metropolitan areas.

150/5310–2 Airport Planning and Airport Layout Plans (9–19–68).

Contains guidance material for airport planning and preparation of airport layout plans. It applies to any airport. It is also used as a basis for determining the acceptability of airport layout plans prepared or revised with Federal cost participation under the Federal-aid Airport Program.

150/5310–3 FAA Order 5310.2, Relocating Thresholds Due to Obstructions at Existing Runways (5–27–68).

Announces the issuance of instructions to FAA field personnel on the displacement or relocation of thresholds.

150/5320–5B Airport Drainage (7–1–70).

Provides guidance for engineers, airport managers, and the public in the design and maintenance of airport drainage systems. ($1.00 GPO.) TD 4.8:78/970.

150/5320–6A Airport Paving (5–9–67).

Provides data for the design and construction of pavements at civil airports.

150/5320–6A CH 1 (6–11–68).

Transmits page changes and adds new chapter 6 to basic AC.

150/5320–6A CH 2 (2–2–70).

Transmits new paragraphs 3, 4, and 5, and adds a new Appendix 2.

150/5320–6A CH 3 (4–1–70).

Transmits several page changes and new subgrade compaction criteria.

150/5325–2B Airport Design Standards—Air Carrier Airports—Surface Gradient and Line of Sight (2–18–70).

Establishes design standards for airports served by certificated air carriers to assist engineers in (1) designing the gradients of airport surface areas used to accommodate the landing, takeoff, and other ground movement requirements of airplanes while (2) providing adequate line of sight between airplanes operating on airports.

150/5325–3 Background Information on the Aircraft Performance Curves for Large Airplanes (1–26–65).

Provides airport designers with information on aircraft performance curves for design which will assist them in an objective interpretation of the data used for runway length determination.

150/5325–3 CH 1 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 Runway Length Requirements for Airport Design (4–5–65).

Presents aircraft performance curves and sets forth standards for the determination of runway lengths to be provided at airports. The use of these standards is required for project activity under the Federal-Aid Airport Program when a specific critical aircraft is considered as the basis for the design of a runway.

150/5325–4 CH 1 (8–5–65).

Provides amended information for the basic advisory circular and includes aircraft performance curves for the BAC 1–11.

150/5325–4 CH 2 (9–21–65).

Transmits aircraft performance curves for the Boeing 707–300C and the Fairchild F–27 and F–27B.

150/5325–4 CH 3 (4–25–66).

Transmits aircraft performance curves for the Douglas DC–8–55, DC–8F–55, and DC–9–10 Series, the Fairchild F–27J, and the Nord 262.

150/5325–4 CH 4 (5–12–66).

Transmits a revision to the effective runway gradient standards.

150/5325–4 CH 5 (7–13–66).

Transmits aircraft performance curves for the Douglas DC–9–10 Series equipped with Pratt & Whitney JT8D–1 Engines.

150/5325–4 CH 6 (12–8–66).

It is recommended that turbojet powered aircraft use more runway length when landing under wet or slippery, rather than under dry conditions. This change furnishes a basis for estimating the additional recommended length.

150/5325–4 CH 7 (2–7–67).

Presents design curves for landing and takeoff requirements of airplanes in common use in the civil fleet. Also presented are instructions on the use of these design curves and a discussion of the factors considered in their development.

150/5325–4 CH 8 (11–8–67).

Transmits aircraft performance curves for the Boeing 747, Convair 640 (340D or 440D), and Douglas DC–9–30 Series.

150/5325–5A Aircraft Data (1–12–68).

Presents a listing of principal dimensions of aircraft affecting airport design for guidance in aircraft development.

150/5325–6 Effects of Jet Blast (4–15–65).

Presents the criteria for treatment of jet blast effects which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5325–7 Is Your Airport Ready for the Boeing 747 (1–23–68).

Presents a preliminary condensed survey of today's airport design criteria and their suitability to the presently known characteristics of the Boeing 747 airplane.

150/5325–8 Compass Calibration Pad (5–8–69).

Provides guidelines for the design, location on the airport, and construction of a compass calibration pad, and basic information concerning its use in determining the deviation error in an aircraft magnetic compass.

150/5330–2A Runway/Taxiway Widths and Clearances for Airline Airports (7–26–68).

Presents the Federal Aviation Administration recommendations for landing strip, runway, and taxiway widths and clearances at airports served by certificated air carriers.

150/5330–3 Wind Effect on Runway Orientation (5–5–66).

Provides guidance for evaluating wind conditions and determining their effect on the orientation of runways.

150/5335–1A Airport Design Standards—Airports Served by Air Carriers—Taxiways (5–15–70).

Provides criteria on taxiway design for airports served by certificated route air carriers with present airplanes and those anticipated in the near future.

150/5335–2 Airport Aprons (1–27–65).

Provides the criteria for airport aprons which are acceptable in accomplishing a project meeting the eligibility requirements of the Federal-aid Airport Program.

150/5340–1C Marking of Paved Areas on Airports (11–3–70).

Describes standards for marking serviceable runways and taxiways as well as deceptive, closed, and hazardous areas on airports.

150/5340–4B Installation Details for Runway Centerline and Touchdown Zone Lighting Systems (5–6–69).

Describes standards for the design and installation of runway centerline and touchdown zone lighting systems.

150/5340–5 Segmented Circle Airport Marker System (8–1–63).

Recommends an airport marking system of pilot aids and traffic control devices. Required for FAAP project activity.

150/5340–8 Airport 51-foot Tubular Beacon Tower (6–11–64).

Provides design and installation details on the subject tower.

150/5340–9 Prefabricated Metal Housing for Electrical Equipment (8–18–64).

Provides design and installation details on the subject metal housing.

150/5340–13A High Intensity Runway Lighting System (4–14–67).

Provides corrected curves for estimating loads in high intensity series circuits.

150/5340–14B Economy Approach Lighting Aids (6–19–70).

Describes standards for the design, selection, siting, and maintenance of economy approach lighting aids.

150/5340–15A Taxiway Edge Lighting System (11–1–67).

Describes standards for the design, installation, and maintenance of a taxiway edge lighting system.

150/5340–15A CH 1 (4–2–68).

Transmits change to basic AC.

150/5340–16B Medium Intensity Runway Lighting System and Visual Approach Slope Indicators for Utility Airports (10–26–70).

Describes standards for the design installation, and maintenance of medium intensity runway lighting system (MIRL), and visual approach slope indicators for utility airports.

150/5340–17 Standby Power for Non-FAA Airport Lighting Systems (1–25–68).

Describes standards acceptable for the design, installation, and maintenance of standby power for nonagency owned airport visual aids associated with the National Airspace System.

150/5340–18 Taxiway Guidance System (9–27–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway guidance sign system.

150/5340–19 Taxiway Centerline Lighting System (11–14–68).

Describes the recommended standards for design, installation, and maintenance of a taxiway centerline lighting system.

150/5340–20 Installation Details and Maintenance Standards for Reflective Markers for Airport Runway and Taxiway Centerlines (2–17–69).

Describes standards for the installation and maintenance of reflective markers for airport runway and taxiway centerlines.

150/5345–1B Approved Airport Lighting Equipment (10–30–68).

Contains lists of approved airport lighting equipment and manufacturers qualified to supply such equipment.

150/5345–2 Specification for L–810 Obstruction Light (11–4–63).

Required for FAAP project activity.

150/5345–2 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–3A Specification for L–821 Airport Lighting Panel for Remote Control of Airport Lighting (10–20–67).

Required for FAAP project activity.

150/5345–3A CH 1 (6–11–68).

Corrects case dimensions for the size 4 panel and other page changes.

150/5345–3A CH–2 (9–17–69).

Provides corrected drawings for the size 4 panel layout dimensions and the case dimensions.

150/5345–4 Specification for L–289 Internally Lighted Airport Taxi Guidance Sign (10–15–63).

Required for FAAP project activity.

150/5345–4 CH 1 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–5 Specification for L–847 Circuit Selector Switch, 5,000 Volt 20 Ampere (9–3–63).

Required for FAAP project activity.

150/5345–7A Specification for L–824 Underground Electrical Cables for Airport Lighting Circuits (10–1–70).

Describes the specification requirements for underground electrical cables for airport lighting circuits. Published by the FAA for the guidance of the public.

150/5345–9C Specification for L–819 Fixed Focus Bidirectional High Intensity Runway Lights (12–23–69).

Describes the subject specifications requirements and is published by the Federal Aviation Administration for the guidance of the public.

150/5345–10B Specification for L–828 Constant Current Regulator With Stepless Brightness Control (4–8–68).

Required for FAAP project activity.

150/5345–11 Specification for L–812 Static Indoor Type Constant Current Regulator Assembly, 4 Kw and 7½ Kw, With Brightness Control for Remote Operations (3–2–64).

Required for FAAP project activity.

150/5345–12A Specification for L–801 Beacon (5–12–67).

Describes the subject specification requirements.

150/5345–13 Specification for L–841 Auxiliary Relay Cabinet Assembly for Pilot Control of Airport Lighting Circuits (1–6–64).

Required for FAAP project activity.

150/5345–15 Specification for L–842 Airport Centerline Light (1–6–64).

Required for FAAP project activity.

150/5345–16 Specification for L–843 Airport In-Runway Touchdown Zone Light (1–20–64).

Required for FAAP project activity.

150/5345–17 Specification for L–845 Semiflush Inset Prismatic Airport Light (3–3–64).

Describes the subject specification requirements.

150/5345–18 Specification for L–811 Static Indoor Type Constant Current Regulator Assembly, 4 Kw; With Brightness Control and Runway Selection for Direct Operation (3–3–64).

Required for FAAP project activity.

150/5345–18 CH 1 (5–28–64).

Advises that a detail requirement is not applicable to the circular.

150/5345–19 Specification for L–838 Semiflush Prismatic Airport Light (5–11–64).

Describes the subject specification requirements.

150/5345–20 Specification for L–802 Runway and Strip Light (6–24–64).

Describes the subject specification requirements.

150/5345–20 CH 1 (8–31–64).

Provides amended information for the basic advisory circular.

150/5345–20 CH 2 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–20 CH 3 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–20 CH 4 (8–5–69).

Describes the subject specification requirements for a runway and strip light.

150/5345–21 Specification for L–813 Static Indoor Type Constant Current Regulator Assembly; 4 Kw and 7½ Kw; for Remote Operation of Taxiway Lights (7–28–64).

Describes the subject specification requirements.

150/5345–22 Specification for L–834 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit (10–8–64).

Describes the subject specification requirements.

150/5345–23 Specification for L–822 Taxiway Edge Light (10–13–64).

Describes the subject specification requirements.

150/5345–23 CH 1 (1–14–66).

Provides new dimensions for the thickness of the metal stake and an organizational change.

150/5345–23 CH 2 (10–28–66).

Transmits page changes to the subject advisory circular. This change provides for a new Alloy 360 in the die casting process.

150/5345–23 CH 3 (8–5–69).

Describes the subject specification requirements for a taxiway edge light.

150/5345–26 Specification for L–823 Plug and Receptacle, Cable Connectors (10–5–64).

Describes the subject specification requirements.

150/5345–27A Specification for L–807 Eight-foot and Twelve-foot Unlighted or Externally Lighted Wind Cone Assemblies (6–16–69).

Describes the subject specification requirements for a hinged steel pole support, an anodized tapered aluminum hinged base pole support, and an "A" frame fixed support with a pivoted center pipe support.

150/5345–28A Specification for L–851 Visual Approach Slope Indicator System (3–17–70).

Describes the subject specification requirements for visual approach slope indicator system (VASI) equipment.

150/5345–29 FAA Specification L–852, Light Assembly, Airport Taxiway Centerline (3–18–68).

Describes, for public guidance, FAA Specification L–852 which establishes the performance requirements and pertinent construction details for bidirectional semiflush inset light assemblies for lighting airport taxiway centerlines.

150/5345–30A Specification for L–846 Electrical Wire for Lighting Circuits To Be Installed in Airport Pavements (2–3–67).

Describes, for the guidance of the public, subject specification requirements for electrical wire.

150/5345–31A Specification for L–833 Individual Lamp Series-to-Series Type Insulating Transformer for 600-Volt or 5,000-Volt Series Circuits (4–24–70).

Describes the subject specification requirements and is published by the FAA for the guidance of the public.

150/5345–33 Specification for L–844 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 20/6.6 Amperes 200 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–34 Specification for L–839 Individual Lamp Series-to-Series Type Insulating Transformer for 5,000 Volt Series Circuit 6.6/20 Amperes 300 Watt (1–13–65).

Describes the subject specification requirements.

150/5345–35 Specification for L–816 Circuit Selector Cabinet Assembly for 600 Volt Series Circuits (1–28–65).

Describes the subject specification requirements.

150/5345–36 Specification for L–808 Lighted Wind Tee (2–3–65).

Describes the subject specification requirements.

150/5345–37B FAA Specification L–850, Light Assembly Airport Runway Centerline and Touchdown Zone (1–8–68).

Revises subject light assembly.

150/5345–38 Changes to Airport Lighting Equipment (3–23–67).

The title is self-explanatory.

150/5345–39 FAA Specification L–853, Runway and Taxiway Centerline Reflective Markers (1–10–69).

Describes specification requirements for L–853 Runway and Taxiway reflective markers for guidance of the public.

150/5345–41 Specification for L–855, Individual Lamp, Series-to-Series Type Insulating Transformer for 5,000-Volt Series Circuit, 6.6/6.6 Amperes, 65 Watts (4–24–70).

Describes the subject specification and is published by the FAA for the guidance of the public.

150/5345–42 FAA Specification L–857, Airport Light Bases, Transformer Housing and Junction Boxes (10–27–70).

Describes specification requirements for airport light bases, transformer housing and junction boxes for the guidance of the public.

150/5345–43 FAA/DOD Specification L–856, High Intensity Obstruction Lighting System (8–19–70).

Describes specification requirements for high intensity obstruction lighting system.

150/5345–44 Specification for L–858 Retroreflective Taxiway Guidance Signs (12–15–70).

Describes the specification for retroreflective taxiway guidance signs.

150/5355–1 Diagrammatic Maps and Location Signs at Airports (3–21–69).

Informs airport authorities of the desirability to provide diagrammatic maps of facilities within terminal buildings and of the need for clearly marked locations signs at airports, especially at those used by international travelers.

150/5355–2 Fallout Shelters in Terminal Buildings (4–1–69).

Furnishes guidance for the planning and design of fallout shelters in airport terminal buildings.

150/5360–1 Airport Service Equipment Buildings (4–6–64).

Provides guidance on design of buildings for housing equipment used in maintaining and repairing operational areas.

150/5360–2 Airport Cargo Facilities (4–6–64).

Provides guidance material on air cargo facilities.

150/5360–3 Federal Inspection Service Facilities at International Airports (4–1–66).

Describes and illustrates recommended facilities for inspection of passengers, baggage, and cargo entering the United States through international airport terminals. The material is for the guidance of architect-engineers and others interested in the planning and design of these airport facilities.

150/5370–1A Standard Specifications for Construction of Airports (5–28–68).

Contains specification items for construction of airports and other related information. Acceptable for FAAP project activity. Published in 1968. ($3.50 GPO.) TD 4.24:968

150/5370–2 Safety on Airports During Construction Activity (4–22–64).

Provides guidelines concerning safety at airports during periods of construction activity.

150/5370–4 Procedures Guide for Using the Standard Specifications for Construction of Airports (5–29–69).

Provides guidance to the public in the use and application of the Standard Specifications for Construction of Airports.

150/5370–5 Offshore Airports (12–15–69).

Announces to the public the availability of a two-volume report on offshore airport planning and construction methods.

150/5370–6 Construction Progress and Inspection Report—Federal-Aid Airport Program (3–16–70).

Provides for a report on construction progress and inspection of Federal-aid Airport Program (FAAP) projects, suggests a form for the report, and recommends use of the form unless other arrangements exist to obtain the type of information provided by the form.

150/5380–1 Airport Maintenance (4–14–63).

Provides a basic checklist and suggestions for an effective airport maintenance program.

150/5380–2A Snow Removal Techniques Where In-Pavement Lighting Systems Are Installed (12–24–64).

Provides information on damage to in-pavement lighting fixtures by snow removal equipment and recommends procedures to avoid such damage.

150/5380–3A Removal of Contaminants from Pavement Surfaces (10–27–70).

Provides information to the aviation industry relative to cleaning rubber deposits, oil, grease, and jet aircraft exhaust deposits from runway surfaces.

150/5380–4 Ramp Operations During Periods of Snow and Ice Accumulation (9–11–68).

Directs attention to an increased accident potential when snow or ice accumulates on the surfaces of ramps and aircraft parking and holding areas and suggests some measures to reduce this potential.

150/5390–1A Heliport Design Guide (11–5–69).

Contains design guidance material for the development of heliports, both surface and elevated. ($0.75 GPO.) TD 4.108:H36.

Air Navigational Facilities

SUBJECT NO. 170

170–2 Implementation of ILS Channels 11 Through 20 (10–16–63).

Advertises that ILS Channels 11 through 20 are now being used in the United States and encourages owners to equip their aircraft with 20-channel capability.

170–3B Distance Measuring Equipment (DME) (11–8–65).

Presents information on DME and some of its uses to pilots unfamiliar with this navigational aid.

170–6A Use of Radio Navigation Test Generators (3–30–66).

Gives information received from the Federal Communications Commission as to the frequencies on which the FCC will license test generators (used to radiate a radio navigation signal) within the scope of its regulations and gives additional information to assist the user when checking aircraft navigation receivers.

170/6850–1 Aeronautical Beacons and True Lights (8–28–68).

Describes FAA standards for the installation and operation of aeronautical beacons serving as true lights.

170–7 Decommissioning of ILS Middle Compass Locators (10–29–65).

Disseminates information regarding the FAA program for decommissioning of compass locators associated with ILS middle markers.

170–8 Use of Common Frequencies for Instrument Landing Systems Located on Opposite Ends of the Same Runway (11–7–66).

In the future, common frequencies may be assigned to like components of two instrument landing systems serving opposite ends of the same runway. This will include the localizers, glide slopes, and associated outer and middle marker compass locators (LOM and LMM).

170–9 Criteria for Acceptance of Ownership and Servicing of Civil Aviation Interest(s) Navigational and Air Traffic Control Systems and Equipment (11–26–68).

Contains a revised FAA policy under which the FAA accepts conditional ownership of equipment and systems from civil aviation interests, without the use of Federal funds, and operates, maintains, and provides the logistic support of such equipment.

170–10 FAA Recommendations to FCC on Licensing of Non-Federal Radio Navigation Aids (10–17–69).

Gives background information and describes the basis for recommendations to be made by the FAA to the Federal Communications Commission (FCC) regarding licensing of radio navigation aids.

170–11 Amendment of Federal Aviation Regulation Part 171 (FAR–171)—Cost of Flight and Ground Inspections (9–17–70).

Alerts the public to the amendment to FAR Part 171 pertaining to the payment of ground and flight inspection charges prior to the issuance of an approved IFR procedure.

170–12 Implementation of 50 KHz/Y Channels for ILS/VOR/DME (10–7–70).

Advises aircraft owners, operators and radio equipment manufacturers of plans for future implementation of split channel assignments in the aeronautical radio navigation bands.

171–1 Estimating Packing and Shipping Costs for Export Shipments for ATC and Navaid Equipments (2–18–66).

Assists personnel engaged in preparing packing and shipping estimates of air navigation and traffic control equipments for overseas shipment.

Administrative

SUBJECT NO. 180

183–30 Directory of FAA Designated Mechanic Examiners (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

183–31 FAA Designated Parachute Rigger Examiner Directory (12–14–70).

Provides a new directory of all FAA designated parachute rigger examiners as of the effective date shown above.

183.29–1E Designated Engineering Representatives (1–5–70).

Lists in Appendix 1 the Designated Engineering Representatives who are available for consulting work.

Flight Information

SUBJECT NO. 210

210–1 National Notice to Airmen System (2–8–64).

Announces FAA policy for the preparation and issuance of essential flight information to pilots and other aviation interests.

210–2A Established Schedule for Flight Information Effective Dates (9–19–69).

Emphasizes the importance of adherence to the established schedule of effective dates for flight information, and provides a copy of the schedule through June 1971.

210–3 National Notice to Airmen System—Elimination of NOTAM Code (5–22–70).

Announces changes in criteria and procedures for the Notice to Airmen System required to accommodate the transmission of all domestic Notice to Airmen data in clear contracted language and eliminate use of the NOTAM code on the domestic Service A circuits.

211–2 Recommended Standards for IFR Aeronautical Charts (3–20–67).

Sets forth standards recommended by the Federal Aviation Administration for the guidance of the public in the issuance of IFR aeronautical charts for use in the National Airspace System (NAS).

Internal Directives

Contractions Handbook, 7340.1B (9–16–69).

Gives approved word and phrase contractions used by personnel connected with air traffic control, communications, weather, charting, and associated services. ($3.75 Sub.—GPO.) TD 4.308:C76/969.

Location Identifiers, 7350.1Q.

Incorporates all authorized 3-letter location identifiers for special use in United States, worldwide, and Canadian assignments. Dated 9–15–70. ($6 Sub.—GPO.) TD 4.310:.

Flight Services, 7110.10A (4–1–71).

This handbook consists of two parts. Part I, the basic, prescribes procedures and phraseology for use by personnel providing flight assistance and communications services. Part II, the teletypewriter portion, includes Services A and B teletypewriter operating procedures, pertinent International Teletypewriter Procedures, and the conterminous U.S. Service A Weather Schedules. ($9 Sub.—GPO.) TD 4.308: F 64.

International Flight Information Manual, Vol. 18 (April 1970).

This Manual is primarily designed as a preflight and planning guide for use by U.S. nonscheduled operators, business and private aviators contemplating flights outside of the United States.

The Manual, which is complemented by the International Notams publication, contains foreign entry requirements, a directory of aerodromes of entry including operational data, and pertinent regulations, and restrictions. It also contains passport, visa, and health requirements for each country. Published annually with quarterly amendments. ($3.50–$4.50 foreign—Annual Sub. GPO.) TD 4.309:16.

International Notams.

Covers notices on navigational facilities and information on associated aeronautical data generally classified as "Special Notices". Acts as a notice-to-airmen service only. Published weekly. ($5—Annual Sub. GPO.) TD 4.11:.

Airman's Information Manual:

Part 1—Basic Flight Manual and ATC Procedures.

This part is issued quarterly and contains basic fundamentals required to fly in the National Airspace System; adverse factors affecting Safety of Flight; Health and Medical Facts of interest to pilots; ATC information affecting rules, regulations, and procedures; a Glossary of Aeronautical Terms; U.S. Entry and Departure Procedures, including Airports of Entry and Landing Rights Airports; Air Defense Identification Zones (ADIZ); Designated Mountainous Areas, Scatana, and Emergency Procedures. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 1/.

Part 2—Airport Directory.

This part is issued semiannually and contains a Directory of all Airports, Seaplane Bases, and Heliports in the conterminous United States, Puerto Rico, and the Virgin Islands which are available for transient civil use. It includes all of their facilities and services, except communications, in codified form. Those airports with communications are also listed in Part 3 which reflects their radio facilities. A list of new and permanently closed airports which updates this part is contained in Part 3.

Included, also, is a list of selected Commercial Broadcast Stations of 100 watts or more of power and Flight Service Stations and National Weather Service telephone numbers. (Annual Sub. $4, Foreign mailing—$1 additional. GPO.) TD 4.12:pt. 2/.

Parts 3 and 3A—Operational Data and Notices to Airmen.

Part 3 is issued every 28 days and contains an Airport/Facility Directory containing a list of all major airports with communications; a tabulation of Air Navigation Radio Aids and their assigned frequencies; Preferred Routes; Standard Instrument Departures (SIDs); Substitute Route Structures; a Sectional Chart Bulletin, which updates Sectional charts cumulatively; Special General and Area Notices; a tabulation of New and Permanently Closed Airports, which updates Part 2; and Area Navigation Routes.

Part 3A is issued every 14 days and contains Notices to Airmen considered essential to the safety of flight as well as supplemental data to Part 3 and Part 4. (Annual Sub. $20, Foreign mailing—$5 additional. GPO.) TD 4.12:pt. 3/.

Part 4—Graphic Notices—Supplemental Data.

Part 4 is issued semiannually and contains abbreviations used in all parts of AIM; Parachute Jump Areas; VOR Receiver Check Points; Special Notice Area Graphics; and Heavy Wagon and Oil Burner Routes.

Future editions will be expanded to include Special Terminal Area Charts and data not subject to frequent change. (Annual Sub. $1.50, Foreign mailing—$0.50 additional. GPO.) TD 4.12:pt. 4/.

Aircraft Type Certificate Data Sheets and Specifications.

Contains all current aircraft specifications and type certificate data sheets issued by the FAA. Monthly supplements provided. ($30—Sub., Foreign mailing—$7.50 additional. GPO.) TD 4.15:967.

Aircraft Engine and Propeller Type Certificate Data Sheets.

Contains all current aircraft engine and propeller type certificate data sheets and specifications issued by FAA. Monthly supplements provided. ($16—Sub., Foreign mailing—$4 additional. GPO.) TD 4.15/2:968.

Summary of Supplemental Type Certificates.

Contains all supplemental type certificates issued by FAA regarding design changes in aircraft, engines, or propellers. List includes description of change, the model and type certificate number, the supplemental type certificate number, and the holder of the change. Quarterly supplements provided. ($23—Sub., Foreign mailing—$5.75 additional, GPO.) TD 4.36: 971.

STATUS OF THE FEDERAL AVIATION REGULATIONS

As of February 12, 1971

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MARY E. HEALY,
Manager, Headquarters Operations.

[FR Doc.71-6469 Filed 5-7-71;8:49 am]

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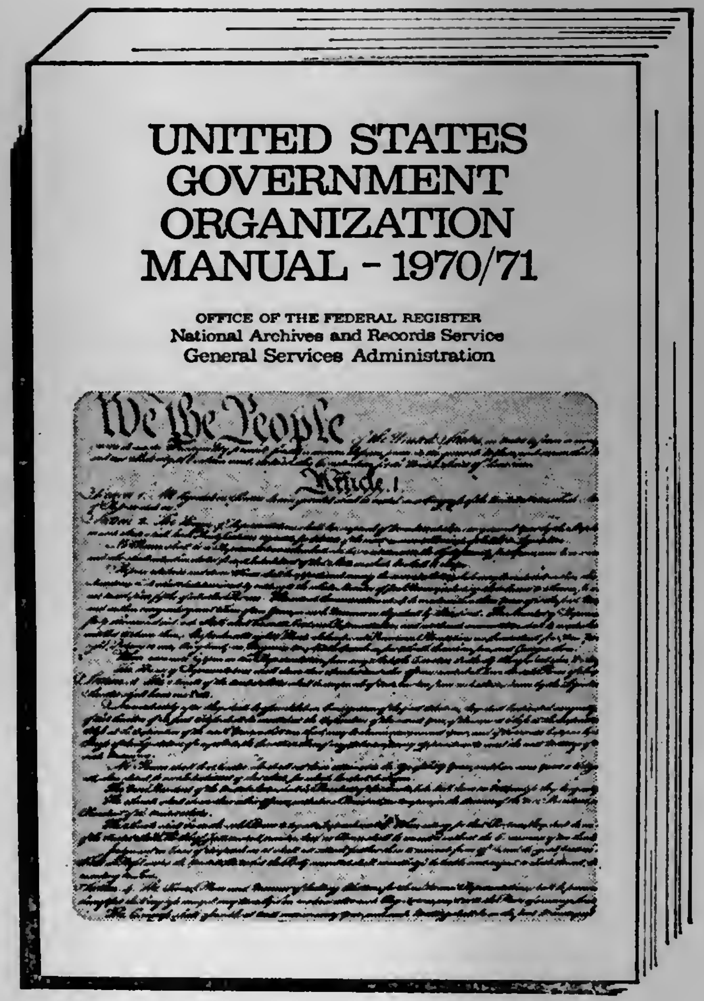

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[A Cumulative checklist of CFR issuances for 1971 appears in the first issue of the Federal Register each month under Title 1]

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PROCLAMATION 4052

National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks

By the President of the United States of America

A Proclamation

Great progress has been made in the fight against disease and disability during the past few decades. Now, with the major infectious diseases under control, medical research is giving increased attention to diseases which originate within the body such as the disabling neurological disorders.

Among the illnesses which present the greatest challenge at the present time is multiple sclerosis. Of the hundreds of thousands of Americans who suffer from diseases of the central nervous system, many are the victims of this crippling illness.

Advances in medicine result from the combined efforts of private physicians, research scientists—both in and outside of government—and voluntary health agencies such as the National Multiple Sclerosis Society, which was established over 20 years ago.

To focus the attention of the American people on the national effort to find the cause of multiple sclerosis and its cure, the Congress, by a joint resolution approved December 28, 1970, has requested the President to proclaim the period from May 9, 1971, Mother's Day, through June 20, 1971, Father's Day, as National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby proclaim the period from May 9, 1971, through June 20, 1971, as National Multiple Sclerosis Society Annual Hope Chest Appeal Weeks. I invite the Governors of the States and the appropriate officials of other areas under the United States flag to issue similar proclamations.

I urge the people of this Nation and their educational, philanthropic, scientific, medical, and health care professions and organizations to join in providing the assistance and resources necessary to discover the cause of multiple sclerosis and its cure and to help alleviate the suffering of persons stricken by this disease.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-6657 Filed 5-10-71;11:01 am]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-554]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 13-4f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e)(10) relating to the State of Texas is amended to read:

(10) *Texas.* (i) All of Harris, Galveston, Liberty, Montgomery, and San Jacinto Counties.

(ii) That portion of the State of Texas comprised of all of Bell, Bosque, Callahan, Collin, Comanche, Eastland, Ellis, Erath, Hill, Hood, Johnson, McLennan, Somervell, Tarrant and Williamson Counties and portions of Brown, Coleman, Coryell, Denton, Falls, Freestone, Hamilton, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, Taylor, and Wise Counties, and bounded by a line beginning at the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Dallas-Ellis County line in an easterly direction to the Dallas-Ellis-Kaufman County lines; thence, following the Kaufman-Ellis County line in a southeasterly direction to the Kaufman-Ellis-Henderson County lines; thence, following the Ellis-Henderson County line in a southeasterly direction to the Ellis-Henderson-Navarro County lines; thence, following the Ellis-Navarro County line in a southwesterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to the Bell-Falls County line; thence, following the Bell-Falls County line in a southeasterly direction to the Bell-Milam-Falls County lines; thence, following the Bell-Milam County line in a southwesterly direction to the Bell-Milam-Williamson County lines; thence, following the Williamson-Milam County line in a southeasterly direction to the Williamson-Milam-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the Williamson-Lee-Bastrop County lines; thence, following the Williamson-Bastrop County line in a generally northwesterly direction to the Williamson-Travis-Burnet County lines; thence, following the Williamson-Burnet County line in a northeasterly direction to the Williamson-Burnet-Bell County lines; thence, following the Bell-Burnet County line in a northwesterly direction to the Bell-Burnet-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to State Highway 67 in Stephens County; thence, following State Highway 67 in a northeasterly direction to Farm to Market Road 717 in Stephens County; thence, following Farm to Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to Farm to Market Road 920 in Parker County; thence, following Farm to Market Road 920 in a northwesterly direction to Farm to Market Road 1885 in Parker County; thence, following Farm to Market Road 1885 in a northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the Parker-Palo Pinto-Jack County lines; thence, following the Parker-Jack County line in an easterly direction to Farm to Market Road 51 in Wise County; thence, following Farm to Market Road 51 in a northeasterly direction to U.S. Highway 81,287 in Wise County; thence, following U.S. Highway 81,287 in a southeasterly direction to Farm to Market Road 730 in Wise County; thence, following Farm to Market Road 730 in a southeasterly direction to the Wise-Parker-Tarrant County lines; thence, following the Wise-Tarrant County line in an easterly direction to the Tarrant-Denton County line; thence, following the Tarrant-Denton County line in an easterly direction to U.S. Highway 377 in Denton County; thence, following U.S. Highway 377 in a northeasterly direction to State Highway 24 in Denton County; thence, following State Highway 24 in an easterly direction to Farm to Market Road 720 in Denton County; thence, following Farm to Market Road 720 in a southeasterly direction to the Denton-Collin County line; thence, following the Denton-Collin County line in a northerly direction to the Denton-Collin-Grayson County lines; thence, following the Collin-Grayson County line in an easterly direction to the Collin-Grayson-Fannin County lines; thence, following the Collin-Fannin County line in a southerly and then easterly direction to the Collin-Fannin-Hunt County lines; thence, following the Collin-Hunt County line in a southerly direction to the Collin-Hunt-Rockwall County lines; thence, following the Collin-Dallas County line in a west-westerly direction to the Collin-Dallas-Rockwall County lines; thence, following the Collin-Dallas County line in a westerly direction to the Dallas-Denton-Collin County lines; thence, following the Denton-Dallas County line in a westerly direction to the Denton-Dallas-Tarrant County lines; thence, following the Tarrant-Dallas County line in a southerly direction to the junction of the Tarrant-Dallas-Ellis County lines.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines Bell and Williamson Counties in Texas because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6559 Filed 5-10-71;8:51 am]

[Docket No. 71-555]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(10) relating to the State of Texas, subdivision (i) relating to Harris, Galveston, Liberty, Montgomery, and San Jacinto Counties is amended to read:

(10) *Texas.* (i) All of Harris, Galveston, Liberty, Montgomery, San Jacinto, and Tom Green Counties.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines Tom Green County, Tex., because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 6th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6558 Filed 5-10-71;8:51 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 214—NONIMMIGRANT CLASSES

Fiancees and Fiances of U.S. Citizens

Reference is made to the notice of proposed rule making which was published in the FEDERAL REGISTER on April 8, 1971 (36 F.R. 6755), pursuant to section 553 of title 5 of the United States Code (80 Stat. 383) and in which there were set out the terms of a proposed amendment to § 214.2(k) pertaining to the approval of visa petitions filed on behalf of fiancees and fiances of U.S. citizens. No representations were received concerning the proposed rule. No change was made in the proposed rule. The proposed rule as set out below is hereby adopted:

Paragraph (k) *Fiancees and fiances of U.S. citizens* of § 214.2 *Special requirements for admission, extension, and maintenance of status* is amended by inserting the following sentence between the existing second and third sentences: "A petition shall not be approved unless the petitioner satisfactorily establishes that he has personally met and seen the beneficiary prior to filing the petition."

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

The basis and purpose of the above-prescribed rule is to provide safeguards against fraud involving visa petitions filed on behalf of fiancees and fiances of U.S. citizens.

This order shall be effective on the date of its publication in the FEDERAL REGISTER (5-11-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383) as to delayed effective date is contrary to the public interest.

Dated: May 5, 1971.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[FR Doc.71-6535 Filed 5-10-71;8:49 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Rev. 10, Amdt. 2]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Purpose of Government Procurement For Air Transportation

On page 294 of the FEDERAL REGISTER of January 8, 1971, there was published a notice that the Administrator of the Small Business Administration proposed to increase the size standard for qualifying as a small business for the purpose of bidding on a Government contract for air transportation, from 1,000 employees to 1,500 employees. Interested persons were given 30 days to submit written statements of facts, opinion, or arguments concerning the proposal.

After consideration of all relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted without change and is set forth below.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (5-11-71), but shall apply only to procurements for which invitations for bids or requests for proposals are issued on or after such effective date.

Dated: May 3, 1971.

THOMAS S. KLEPPE,
Administrator.

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(f) * * *

(2) As small if it is bidding on a contract for air transportation and its number of employees does not exceed 1,500 persons.

* * * * *

[FR Doc.71-6505 Filed 5-10-71;8:46 am]

[Rev. 10, Amdt. 3]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Small Business for Assistance by Small Business Investment Companies or by Development Companies

A proposal was issued on March 19, 1971 (36 F.R. 5302), to amend the definition of a small business for the purpose of receiving financial assistance from small business investment companies or by development companies by increasing the assets limitation from \$5 million to \$7½ million.

Interested parties were given 30 days in which to submit written comment thereon.

No adverse comment was received and the proposed amendment is hereby adopted without change and is set forth below.

Effective date. This amendment shall become effective on publication in the FEDERAL REGISTER (5-11-71).

Dated: April 30, 1971.

THOMAS S. KLEPPE,
Administrator.

§ 121.3-11 Definition of small business for assistance by small business investment companies or by development companies.

A small business concern for the purpose of receiving financial or other assistance from small business investment companies or development companies is one which:

(a) Together with its affiliates, is independently owned and operated, is not dominant in its field of operation, does not have assets exceeding \$7½ million, does not have net worth in excess of \$2½ million, and does not have an average net income, after Federal Income Taxes, for the preceding 2 years in excess of \$250,000 (average net income to be computed without benefit of any carryover loss); or

(b) Qualifies as a small business concern under § 121.3-10.

[FR Doc.71-6506 Filed 5-10-71;8:46 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 10638; Amdt. 47-11]

PART 47—AIRCRAFT REGISTRATION

Cancellation of Certificate of Aircraft Registration for Export Purpose; Recorded Rights-Satisfaction or Consent to Transfer

The purpose of this amendment to Part 47 of the Federal Aviation Regulations is to provide that the holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export to a foreign country that has not ratified or does not adhere to the Convention on International Recognition of Rights in Aircraft (Mortgage Convention) must submit evidence satisfactory to the Administrator that each holder of a recorded right (other than a contract of conditional sale) has been satisfied or has consented to the transfer.

Interested persons have been afforded an opportunity to participate in the making of this amendment by a notice of proposed rule making (Notice 70-40) issued on October 1, 1970, and published in the FEDERAL REGISTER on October 17, 1970 (35 F.R. 16321). Five public comments were received, each of which either concurred in or had no objection to the proposal.

Under paragraph (b) of § 47.47, if the aircraft was to be exported to a foreign country that had ratified or adhered to the Mortgage Convention, the holder formerly was required to submit evidence satisfactory to the Administrator that each holder of a recorded right had been satisfied or had consented to the transfer. This provision fulfilled the obligations of the United States under Article IX of the Mortgage Convention. However, the provision did not apply where the aircraft was to be exported to a country that had not ratified or did not adhere to the Convention, and in such a case the certificate holder needed only to request cancellation and in addition, if there was a contract of conditional sale, submit the written consent of the seller, bailor, or lessor under the contract. As a result, when a recorded right in the aircraft was not a contract of conditional sale, and the aircraft was to be exported to a non-Mortgage Convention country, it was not necessary to show satisfaction of the recorded right or consent to the transfer. In such a case, the obligations under the Convention could be frustrated by a request indicating that the aircraft would be exported to a non-Mortgage Convention country when in fact it would be exported to a Mortgage Convention country either directly or after a period of registration in the non-Mortgage Convention country.

This amendment modifies § 47.47 to treat all cancellations of Certificates of Aircraft Registration in the same manner and affords greater protection to holders of recorded rights in the United States. It also more fully complies with the objectives of the Mortgage Convention.

In consideration of the foregoing, § 47.47 of the Federal Aviation Regulations is amended effective June 10, 1971, to read as follows:

§ 47.47 Cancellation of Certificate for export purpose.

(a) The holder of a Certificate of Aircraft Registration who wishes to cancel the Certificate for the purpose of export must submit to the FAA Aircraft Registry—

(1) A written request for cancellation of the Certificate describing the aircraft by make, model, and serial number, stating the United States identification number and the country to which the aircraft will be exported; and

(2) The applicable satisfaction of conveyance or consent to transfer, as follows:

(i) When the aircraft is under a contract of conditional sale, the written consent of the seller, bailor, or lessor under the contract.

(ii) When the aircraft is subject to a recorded right other than a contract of conditional sale, evidence satisfactory to the Administrator that the holder of the recorded right has been satisfied, or has consented to the transfer.

(b) The FAA notifies the country to which the aircraft is to be exported of the cancellation by ordinary mail, or by airmail at the owner's request. The owner must arrange and pay for the transmission of this notice by means other than ordinary mail or airmail.

(Secs. 313(a), 503, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1403; section 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the Regulations of the Office of the Secretary of Transportation (49 CFR 1.47(a)))

Issued in Washington, D.C., on April 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-6508 Filed 5-10-71;8:46 am]

[Docket No. 11015; Amdts. 47-12, 49-6]

PART 47—AIRCRAFT REGISTRATION

PART 49—RECORDING OF AIRCRAFT TITLE AND SECURITY DOCUMENTS

Validity Period of Signature Authorization

The purpose of these amendments is to relieve the limitation imposed by §§ 47.13(g) and 49.13(d) on the 3-year duration period for an authorization by one person to sign for another when the duration of that authorization is specifically stated therein; and to clarify certain other provisions of Part 47.

Amendments 47-2 and 49-2, effective August 18, 1966 (31 F.R. 15349, Dec. 8, 1966), extended the validity of a power of attorney or other authorization by one person to sign for another from two to not more than 3 years after the date the instrument was signed. The amendments stated that a specified expiration of the validity of an authorization was imposed to improve the efficiency of the FAA's registration and recordation systems by purging obsolete records.

For FAA purposes, there is a need to limit the duration of an authorization. However, it is considered unnecessary to invalidate an authorization where the latter specifically provides for a duration longer than 3 years, or where its continuing effectiveness is reaffirmed by the appropriate person.

These amendments accordingly provide that an authorization may be valid for a period longer than 3 years where the instrument itself so provides. If no expiration date is so specified in the instrument itself the 3-year limitation on validity will continue to apply. However, these amendments also provide a method to extend the effective period of an authorization for additional 3-year periods upon appropriate reaffirmance in writing that the authorization is still in effect.

Additionally, these amendments make the applicable provisions in § 47.13(d)(3) consistent by providing that the person who may certify an authorization by the board of directors of a corporation is an officer or other person holding a managerial position in the corporation and the title of his office is stated in connection with his signature. Finally, an ambiguity in § 47.13(d)(3)(i) is removed by identifying "the signer" to be the person who signed the application or request.

Since these amendments are procedural in nature, notice and public procedure thereon are not necessary, and they may become effective on less than 30 days' notice.

In consideration of the foregoing, Parts 47 and 49 of the Federal Aviation Regulations are amended, effective May 11, 1971, as follows:

a. By amending paragraphs (d)(3) and (g) of § 47.13 to read as follows:

§ 47.13 Signatures and instruments made by representatives.

* * * * *

(d) * * *

(3) Submit a copy of the authorization from the board of directors to sign for the corporation, certified as true under § 49.21 of this chapter by a corporate officer or other person in a managerial position therein, with the application or request, unless—

(i) The signer of the application or request is a corporate officer or other person in a managerial position in the corporation and the title of his office is stated in connection with his signature; or

(ii) A valid authorization to sign is on file at the FAA Aircraft Registry.

* * * * *

(g) A power of attorney or other evidence of a person's authority to sign for another, submitted under this part, is valid for the purposes of this section, unless sooner revoked, until—

(1) Its expiration date stated therein; or

(2) If an expiration date is not stated therein, for not more than 3 years after the date—

(i) It is signed; or

(ii) The grantor (a corporate officer or other person in a managerial position therein, where the grantor is a corporation) certifies in writing that the authority to sign shown by the power of attorney or other evidence is still in effect.

b. By amending § 49.13(d) to read as follows:

§ 49.13 Signatures and acknowledgments.

* * * * *

(d) A power of attorney or other evidence of a person's authority to sign for another, submitted under this part, is valid for the purposes of this section, unless sooner revoked, until—

(1) Its expiration date stated therein; or

(2) If an expiration date is not stated thereon, for not more than 3 years after the date—

(i) It is signed; or

(ii) The grantor (a corporate officer or other person in a managerial position therein, where the grantor is a corporation) certifies in writing that the authority to sign shown by the power of attorney or other evidence is still in effect.

(Sec. 313(a), Title V, Federal Aviation Act of 1958; 49 U.S.C. 1354(a), 1401–1406; sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c); § 1.47(a) of the Regulations of the Office of the Secretary of Transportation)

Issued in Washington, D.C., on April 29, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-6507 Filed 5-10-71;8:46 am]

[Airspace Docket No. 71-SO-28]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5620), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Memphis, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Memphis, Tenn., transition area is amended as follows: " * * * south of the RBN * * * " is deleted and " * * * south of the RBN; within an 8.5-mile radius of Olive Branch Municipal Airport (lat. 34°58'44" N., long. 89°47'33" W.) * * * " is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6509 Filed 5-10-71;8:47 am]

[Airspace Docket No. 71-SO-30]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 25, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5620), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Vernon, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

VERNON, ALA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Lamar County Airport (lat. 33°50'30" N., long. 88°07'10" W.); within 2.5 miles each side of Hamilton VORTAC 195° radial, extending from the 6.5-mile radius area to 17 miles south of the VORTAC, excluding the portion within Columbus, Miss., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6510 Filed 5-10-71;8:47 am]

[Airspace Docket No. 71-SO-42]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5709), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Rome, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Rome, Ga., transition area is amended to read:

ROME, GA.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Richard B. Russell Airport (lat. 34°20'57" N., long. 85°09'31" W.); within 5 miles each side of Rome VOR 350° radial, extending from the 12-mile radius area to the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on April 30, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6511 Filed 5-10-71;8:47 am]

[Airspace Docket No. 70-SW-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Johnson City, Tex., transition area.

On October 6, 1970, a notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 15647) stating the Federal Aviation Administration proposed to alter the transition area at Johnson City, Tex.

Interested persons were afforded an opportunity to participate in the rule making through submission of comments. No specific objections were received.

Since publication of the notice of proposed rule making on October 6, 1970, the following changes have been made, as indicated below:

1. Johnson City Airport has been changed from a public-use facility to a private-use airport.

2. Airport and radio beacon (RBN) site coordinates have been determined by survey.

3. A change to the initially proposed NDB approach procedure has been made which will permit a reduction in the northerly extension of the transition area from 18.5 miles to 10 miles north of the Johnson City RBN.

As these changes will have no significant airspace effects and will lessen the burden on the public by reducing the extent of controlled airspace, additional

notice and public procedures are not considered necessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Johnson City, Tex., transition area is amended to read:

JOHNSON CITY, TEX.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Johnson City Airport (lat. 30°15'05" N., long. 98°37'21" W.), and within 4.5 miles west and 9.5 miles east of the 175° and 355° bearings from the Johnson City RBN (lat. 30°12'32" N., long. 98°37'05" W.) extending from 18.5 miles south to 10 miles north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on April 30, 1971.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.71-6512 Filed 5-10-71;8:47 am]

[Docket No. 11013; Amdt. 755]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft, or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.15 is amended by establishing, revising, or canceling the following VOR/DME SIAPs, effective June 3, 1971:

Morgantown, W. Va.—Morgantown Municipal Airport; VOR/DME 1, Amdt. 2; Canceled.

2. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective June 3, 1971:

Gulkana, Alaska—Gulkana Airport; LFR-A, Amdt. 11; Revised.

3. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective May 27, 1971:

Frankfort, Ky.—Capital City Airport; VOR Runway 6, Amdt. 1; Revised.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective June 3, 1971:

Albert Lea, Minn.—Albert Lea Municipal Airport; VOR Runway 16, Original; Established.
Alma, Ga.—Bacon County Airport; VOR Runway 15, Amdt. 1; Revised.
Alma, Ga.—Bacon County Airport; VOR Runway 33, Amdt. 1; Revised.
Bridgeport, Tex.—Bridgeport Municipal Airport; VOR-A, Amdt. 1; Revised.
Brunswick, Ga.—Malcolm-McKinnon Airport; VOR Runway 4, Amdt. 8; Revised.
Butler, Mo.—Butler Memorial Airport; VOR-A, Amdt. 2; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; VOR-A, Amdt. 15; Revised.
Dixon, Ill.—Dixon Charles R. Walgreen Field; VOR-A, Amdt. 1; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; VOR Runway 13, Amdt. 1; Revised.
Dubuque, Iowa—Dubuque Municipal Airport; VOR Runway 31, Amdt. 1; Revised.
Estherville, Iowa—Estherville Municipal Airport; VOR Runway 34, Amdt. 1; Revised.
Flint, Mich.—Bishop Airport; VOR Runway 9R, Amdt. 11; Revised.
Flint, Mich.—Bishop Airport; VOR Runway 27L, Amdt. 6; Revised.
Gaylord, Mich.—Otsego County Airport; VOR Runway 27, Amdt. 3; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR Runway 13, Amdt. 9; Revised.
Grand Island, Nebr.—Grand Island Airpark; VOR Runway 17, Amdt. 13; Revised.
Gulkana, Alaska—Gulkana Airport; VOR Runway 14, Amdt. 2; Revised.
Gulkana, Alaska—Gulkana Airport; VOR Runway 32, Amdt. 2; Revised.
Hayward, Calif.—Hayward Air Terminal Airport; VOR-A, Amdt. 1; Revised.
Hoquiam, Wash.—Bowerman Airport; VOR Runway 6, Amdt. 11; Revised.
International Falls, Minn.—Falls International Airport; VOR Runway 31, Amdt. 7; Revised.
Jekyll Island, Ga.—Jekyll Island Airport; VOR-A, Amdt. 3; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; VOR Runway 17, Amdt. 6; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; VOR Runway 23, Amdt. 6; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; VOR Runway 35, Amdt. 5; Revised.
Lynchburg, Va.—Lynchburg Municipal Preston Glenn Field; VOR Runway 3, Amdt. 6; Revised.
Marianna, Fla.—Marianna Municipal Airport; VOR Runway 32, Amdt. 3; Revised.
Marion, Ind.—Marion Municipal Airport; VOR Runway 4, Amdt. 4; Revised.
Marion, Ind.—Marion Municipal Airport; VOR Runway 15, Amdt. 1; Revised.
Marion, Ind.—Marion Municipal Airport; VOR Runway 22, Amdt. 7; Revised.
Mattoon-Charleston, Ill.—Coles County Memorial Airport; VOR Runway 6, Amdt. 4; Revised.
Mattoon-Charleston, Ill.—Coles County Memorial Airport; VOR Runway 24, Amdt. 3; Revised.
Montevideo, Minn. — Montevideo-Chippewa County Airport; VOR Runway 14, Original; Established.
Morgantown, W. Va.—Morgantown Municipal Airport; VOR-A, Amdt. 4; Revised.
Morris, Ill.—Morris Municipal Airport; VOR-A, Amdt. 3; Revised.
Morris, Minn.—Morris Municipal Airport; VOR Runway 32, Original; Established.
Natchez, Miss.—Hardy-Anders Field; VOR Runway 17, Amdt. 5; Revised.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 1, Original; Established.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 13, Original; Established.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 19, Original; Established.
Norfolk, Nebr.—Karl Stefan Memorial Airport; VOR Runway 31, Amdt. 4; Revised.
Ormond Beach, Fla.—Ormond Beach Municipal Airport; VOR Runway 8, Amdt. 4; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 15, Amdt. 19; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 20, Amdt. 2; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 24, Amdt. 7; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; VOR Runway 33, Amdt. 13; Revised.
Rochester, Minn.—Rochester Municipal Airport; VOR Runway 2, Amdt. 6; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; VOR-1, amdt. 1; Canceled.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; VOR Runway 12, Original; Established.
Sacramento, Calif.—Sacramento Executive Airport; VOR Runway 2, Amdt. 2; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; VOR Runway 17, Amdt. 7; Revised.
St. Paul, Minn.—Lake Elmo Airport; VOR-A, Amdt. 1; Revised.
San Antonio, Tex.—International Airport; VOR Runway 17, Amdt. 19; Revised.
Santa Ana, Calif.—Orange County Airport; VOR Runway 19R, Amdt. 12; Revised.
Spokane, Wash.—Spokane International Airport; VOR Runway 3, Amdt. 8; Revised.
Springfield, Ill.—Capital Airport; VOR Runway 22, Amdt. 12; Revised.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field); VOR Runway 7, Amdt. 1; Revised.
Twin Falls, Idaho—Twin Falls City-County (Joslin Field); VOR Runway 25, Amdt. 11; Revised.

Vandalia, Ill.—Vandalia Municipal Airport; VOR Runway 18, Amdt. 4; Revised.
Wausau, Wis.—Wausau Municipal Airport; VOR-A, Amdt. 10; Revised.
Winona, Minn.—Winona Municipal Max Conrad Field; VOR Runway 29, Amdt. 6; Revised.
Brainerd, Minn.—Brainerd-Crow Wing County/Walter F. Weiland Field; VOR/DME Runway 12, Original; Established.
Grand Island, Nebr.—Grand Island Airpark; VOR/DME Runway 35, Amdt. 6; Revised.
Harlan, Iowa—Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Hoquiam, Wash.—Bowerman Airport; VOR/DME Runway 24, Amdt. 1; Revised.
Huntsville, Tex.—Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Lynchburg, Va.—Lynchburg Municipal-Preston Glenn Field; VOR/DME Runway 21, Amdt. 2; Revised.
Morgantown, W. Va.—Morgantown Municipal Airport; VOR/DME Runway 18, Amdt. 1; Revised.
Rochester, Minn.—Rochester Municipal Airport; VOR/DME Runway 20, Amdt. 5; Revised.
Savannah, Tenn.—Savannah Municipal Airport; VOR/DME-A, Amdt. 1; Revised.
Smyrna, Tenn.—Smyrna Airport; VOR/DME Runway 32, Amdt. 3; Revised.
Spokane, Wash.—Felts Field; VOR/DME-A, Amdt. 1; Revised.
Starkville, Miss.—George M. Bryan Field; VOR/DME-A, Amdt. 2; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective June 3, 1971:

Chicago, Ill.—Chicago O'Hare International Airport; LOC (BC) Runway 22, Amdt. 5; Revised.
Chicago, Ill.—Chicago-Midway Airport; LOC Runway 31L, Amdt. 2; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; LOC (BC) Runway 12L, Amdt. 3; Revised.
Flint, Mich.—Bishop Airport; LOC (BC) Runway 27L, Amdt. 3; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; LOC (BC) Runway 17, Amdt. 6; Revised.
Latrobe, Pa.—Latrobe Airport; LOC (BC) Runway 5, Amdt. 1; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; LOC (BC) Runway 17, Original; Established.
San Antonio, Tex.—International Airport; LOC (BC) Runway 30L, Amdt. 3; Revised.
Santa Ana, Calif.—Orange County Airport; LOC Runway 19R, Amdt. 2; Revised.
Springfield, Ill.—Capital Airport; LOC (BC) Runway 22, Amdt. 5; Revised.
Staunton, Va.—Shenandoah Valley Airport; LOC Runway 4, Amdt. 1; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective June 3, 1971:

Albany, Ohio—Ohio University Airport; NDB Runway 24, Original; Established.
Ames, Iowa—Ames Municipal Airport; NDB Runway 31, Amdt. 3; Revised.
Athens, Ohio—Ohio University Airport; NDB Runway 27, Amdt. 2; Canceled.
Athens, Tex.—Jones Municipal Airport; NDB Runway 35, Original; Established.
Broken Bow, Nebr.—Broken Bow Municipal Airport; NDB Runway 14, Amdt. 1; Revised.
Burwell, Nebr.—Burwell Municipal Airport; NDB Runway 15, Amdt. 1; Revised.
Cable, Wis.—Cable Union Airport; NDB-A, Amdt. 1; Revised.
Chicago, Ill.—Chicago-Midway Airport; NDB Runway 4R, Amdt. 1; Revised.
Chicago, Ill.—Chicago-Midway Airport; NDB Runway 13H, Amdt. 2; Revised.
Chicago, Ill.—Chicago-Midway Airport; NDB Runway 31L, Amdt. 1; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 4, Amdt. 4; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14L, Amdt. 12; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; NDB Runway 14R, Amdt. 11; Revised.
Denison, Iowa—Denison Municipal Airport; NDB Runway 30, Amdt. 1; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; NDB Runway 30R, Amdt. 11; Revised.
Eagle Lake, Tex.—Eagle Lake Airport; NDB (ADF) Runway 17, Original; Canceled.
Edenton, N.C.—Edenton Municipal Airport; NDB Runway 5, Amdt. 1; Revised.
Edenton, N.C.—Edenton Municipal Airport; NDB Runway 19, Amdt. 1; Revised.
Flint, Mich.—Bishop Airport; NDB Runway 9R, Amdt. 11; Revised.
Fort Scott, Kans.—Municipal Airport; NDB Runway 17, Amdt. 1; Revised.
Grand Island, Nebr.—Grand Island Airpark; NDB Runway 35, Original; Established.
Huntsville, Tex.—Municipal Airport; NDB Runway 18, Original; Established.
Iliamna, Alaska—Iliamna Airport; NDB-A, Amdt. 1; Revised.
Jefferson, Iowa—Jefferson Municipal Airport; NDB Runway 32, Amdt. 1; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; NDB Runway 35, Amdt. 7; Revised.
Latrobe, Pa.—Latrobe Airport; NDB Runway 23, Amdt. 2; Revised.
Mattoon-Charleston, Ill.—Coles County Memorial Airport; NDB Runway 6, Amdt. 4; Revised.
Morgantown, W. Va.—Morgantown Municipal Airport; NDB Runway 18, Amdt. 6; Revised.
Portales, N. Mex.—Portales Municipal Airport; NDB Runway 3, Original; Established.
Rochester, Minn.—Rochester Municipal Airport; NDB Runway 31, Amdt. 9; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; NDB Runway 21, Amdt. 5; Revised.
Sacramento, Calif.—Sacramento Executive Airport; NDB Runway 2, Amdt. 2; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; NDB Runway 17, Original; Established.
St. Joseph, Mo.—Rosecrans Memorial Airport; NDB Runway 35, Amdt. 20; Revised.
San Antonio, Tex.—International Airport; NDB Runway 3, Amdt. 27; Revised.
San Antonio, Tex.—International Airport; NDB Runway 12R, Amdt. 12; Revised.
San Antonio, Tex.—International Airport; NDB Runway 30L, Amdt. 3; Revised.
Springfield, Ill.—Capital Airport; NDB Runway 4, Amdt. 9; Revised.
Staunton, Va.—Shenandoah Valley Airport; NDB-A, Amdt. 1; Canceled.
Staunton, Va.—Shenandoah Valley Airport; NDB Runway 4, Amdt. 1; Revised.
Tacoma, Wash.—Tacoma Industrial Airport; NDB Runway 35, Amdt. 1; Revised.
Taos, N. Mex.—Taos Municipal Airport; NDB Runway 4, Original; Established.
Tyler, Tex.—Pounds Field; NDB Runway 13, Amdt. 7; Revised.
Wisconsin Rapids, Wis.—Alexander Field Southwood County Airport; NDB Runway 29, Original; Established.

7. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 3, 1971:

Arcata-Eureka, Calif.—Arcata Airport; ILS Runway 31, Amdt. 15; Revised.
Chicago, Ill.—Chicago-Midway Airport; ILS Runway 13R, Amdt. 28; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; ILS Runway 30R, Amdt. 12; Revised.
Flint, Mich.—Bishop Airport; ILS Runway 9R, Amdt. 2; Revised.
Grand Island, Nebr.—Grand Island Airpark; ILS Runway 35, Original; Established.
Greensboro, N.C.—Greensboro-High Point-Winston-Salem Regional Airport; ILS Runway 14, Amdt. 12; Revised.
Kalamazoo, Mich.—Kalamazoo Municipal Airport; ILS Runway 35, Amdt. 7; Revised.
Latrobe, Pa.—Latrobe Airport; ILS Runway 23, Amdt. 2; Revised.
Lynchburg, Va.—Lynchburg Municipal Preston Glenn Field; ILS Runway 3, Amdt. 5; Revised.
Richmond, Va.—Richmond Evelyn Byrd International Airport; ILS Runway 6, Amdt. 16; Revised.
Rochester, Minn.—Rochester Municipal Airport; ILS Runway 31, Amdt. 7; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; ILS Runway 21, Amdt. 4; Revised.
Sacramento, Calif.—Sacramento Executive Airport; ILS Runway 2, Amdt. 15; Revised.
St. Joseph, Mo.—Rosecrans Memorial Airport; ILS Runway 35, Amdt. 21; Revised.
San Antonio, Tex.—International Airport; ILS Runway 3, Amdt. 4; Revised.
San Antonio, Tex.—International Airport; ILS Runway 12R, Amdt. 1; Revised.
Spokane, Wash.—Spokane International Airport; ILS Runway 21, Amdt. 13; Revised.
Springfield, Ill.—Capital Airport; ILS Runway 4, Amdt. 14; Revised.
Tyler, Tex.—Pounds Field; ILS Runway 13, Amdt. 9; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 3, 1971:

Chicago, Ill.—Chicago-Midway Airport; Radar-1, Amdt. 15; Revised.
Chicago, Ill.—Chicago O'Hare International Airport; Radar-1, Amdt. 22; Revised.
Des Moines, Iowa—Des Moines Municipal Airport; Radar-1, Amdt. 8; Revised.
Detroit, Mich.—Detroit Metropolitan Wayne County Airport; Radar-1, Amdt. 5; Revised.
Richmond, Va.—Richard Evelyn Byrd International Airport; Radar-1, Amdt. 4; Revised.
San Antonio, Tex.—International Airport; Radar-1, Amdt. 15; Revised.

9. Section 97.33 is amended by establishing, revising, or canceling the following RNAV SIAPs, effective June 3, 1971:

Amarillo, Tex.—Amarillo Air Terminal Airport; RNAV Runway 21, Original; Established.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 10L, Amdt. 1; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 18R, Amdt. 1; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 23L, Amdt. 1; Revised.
Cleveland, Ohio—Cleveland Hopkins International Airport; RNAV Runway 36L, Amdt. 1; Revised.
Elmira, N.Y.—Chemung County Airport; RNAV Runway 6, Original; Established.
Newark, N.J.—Newark Airport; RNAV Runway 11, Amdt. 1; Revised.
Philadelphia, Pa.—North Philadelphia Airport; RNAV Runway 33, Amdt. 1; Revised.
Roswell, N. Mex.—Roswell Industrial Air Center Airport; RNAV Runway 3, Original; Established.

San Antonio, Tex.—International Airport; RNAV Runway 30L, Amdt. 1; Revised.
Southern Pines, N.C.—Pinehurst-Southern Pines Airport; RNAV Runway 23, Original; Established.
Teterboro, N.J.—Teterboro Airport; RNAV Runway 24, Original; Established.
Ukiah, Calif.—Ukiah Municipal Airport; RNAV-A, Original; Established.
Washington, D.C.—Washington National Airport; RNAV Runway 3, Amdt. 1; Revised.
Wilmington, N.C.—New Hanover County Airport; RNAV Runway 23, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on April 28, 1971.

EDWARD C. HODSON,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-6385 Filed 5-10-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. C-1895]

PART 13—PROHIBITED TRADE PRACTICES

Galaxy Electronics, Inc.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification;* § 13.770 *Quantity rebates or discounts;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Galaxy Electronics, Inc., Council Bluffs, Iowa, Docket No. C-1895, Apr. 6, 1971]

In the Matter of Galaxy Electronics, Inc., a Corporation

Consent order requiring a Council Bluffs, Iowa, manufacturer and distributor of assembled amateur radio equipment to cease discriminating in the price of its products by selling to certain purchasers at net prices higher than it sells to other competing purchasers, and furnishing certain services and facilities to some customers and not to competing customers on proportionally equal terms.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondent Galaxy Electronics, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate or other device, in or in connection with the sale of its amateur radio equipment in commerce, as "commerce" is defined in the Clayton Act, as amended, forthwith cease and desist from discriminating, directly or indirectly, in the price of such amateur radio equipment of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such amateur radio equipment.

It is further ordered, That respondent Galaxy Electronics, Inc., a corporation, its officers, employees, agents, and representatives, directly or through any corporate device, in or in connection with the sale of its amateur radio equipment in commerce, as "commerce" is defined in the aforesaid Clayton Act, as amended, do forthwith cease and desist from making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or any other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of respondent's amateur radio equipment, unless such payment is in fact made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That respondent herein shall notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation of dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

It is further ordered, That within thirty (30) days after service upon it of this order, respondent herein shall deliver to all persons purchasing its amateur radio equipment for resale, a letter to such persons describing the manner and form of respondent's compliance with this order.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

Issued: April 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR. Doc.71-6494 Filed 5-10-71;8:45 am]

[Docket No. C-1894]

PART 13—PROHIBITED TRADE PRACTICES

Swan Electronics Corp. et al.

Subpart—Discriminating in price under section 2, Clayton Act—Price discrimination under 2(a): § 13.730 *Customer classification;* § 13.770 *Quantity rebates or discounts;* Discriminating in price under section 2, Clayton Act—Payment for services or facilities for processing or sale under 2(d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 2, 49 Stat. 1526; 15 U.S.C. 13) [Cease and desist order, Swan Electronics Corp. et al., Oceanside, Calif., Docket No. C-1894, Apr. 6, 1971]

In the Matter of Swan Electronics Corp., a corporation, and Herbert G. Johnson and David R. Howard, Individually and as Officers of Said Corporation

Consent order requiring Oceanside, Calif., manufacturers and distributors of amateur radio equipment through franchised dealers throughout the United States to cease discriminating in the price of their products by selling to certain purchasers at net prices higher than they sell to other competing purchasers, and furnishing certain services and facilities to some customers and not to competing customers on proportionally equal terms.

The order to cease and desist, including further order requiring report of compliance therewith, is as follows:

It is ordered, That respondents Swan Electronics Corp., a corporation, and Herbert G. Johnson and David R. Howard, individually and as officers of said corporation, and the subsidiaries, officers, directors, successors, assigns, agents, representatives, and/or employees of said corporation, individually or in concert, directly or indirectly through any corporate or other device, in connection with the manufacture, sale, or distribution of amateur radio equipment including but not limited to transceivers, VFO's, power supplies, linear amplifiers, antennas and accessories, in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from:

A. Discriminating, directly or indirectly, in the price of such products of like grade and quality, by selling to any purchaser at net prices higher than the net prices charged any other purchaser competing in fact with such unfavored purchaser in the resale and distribution of such products.

B. Making or contracting to make to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or any other services or facilities furnished by or through such customer, in connection with the handling, offering for resale, or resale of respondents' products, unless such payment is in fact made available on proportionally equal terms to all other customers competing in the distribution of such products.

It is further ordered, That respondents shall forthwith distribute a copy of this order to all directors and officers of Swan Electronics Corp. and to any operating divisions if and when they are established.

It is further ordered, That respondents shall, within 60 days after service upon them of this order mail a copy of this order by registered mail, return receipt requested, to all franchised dealers of the products of the Swan Electronics Corp.

It is further ordered, That respondents notify the Commission at least 30 days prior to any proposed change in the corporate respondent such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall, within 60 days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

Issued: April 6, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6495 Filed 5-10-71;8:45 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 601—GRANTS FOR WATER POLLUTION CONTROL

Allotments to States

On page 5713 of the FEDERAL REGISTER of March 26, 1971, there was published a notice of proposed rule making to amend Part 601, Subpart B, § 601.22 *Allotments to States.* Interested persons were given 30 days in which to submit written comments, suggestions, or objections regarding the proposed regulations.

After consideration of all such relevant matter as was presented by interested persons, the amendment as so proposed is hereby adopted.

Effective date. These regulations shall become effective upon publication in the FEDERAL REGISTER (5-11-71).

Dated: May 4, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

§ 601.22 Allotments to States.

(a) The first $100 million appropriated for any fiscal year shall be allotted as soon as practicable as follows:

(1) 50 per centum of such sums in the ratio that the population of each State bears to the population of all States, and

(2) 50 per centum of such sums in the ratio that the quotient obtained by dividing the per capita income of the United States by the per capita income of each State bears to the sum of such quotients for all the States.

(b) Funds in excess of $100 million appropriated for any fiscal year, except as otherwise provided by law, shall be allotted as soon as practicable in the ratio that the population of each State bears to the population of all the States.

(c) Sums available for allocation to States based on eligibility for reimbursement or severe local and basinwide water pollution problems shall be divided between such purposes in such proportions as the Administrator may determine and shall be allotted among the States in accordance with the procedures and provisions set forth for reallotment of unobligated funds under paragraph (e) of this section. Allocation shall be made at such time or times as may be practicable.

(d) Except as provided in § 601.25(h), sums allotted to a State under paragraphs (a) and (b) of this section which are not obligated within the time period specified by law shall be reallotted in accordance with paragraph (e) of this section.

(e) Reallotment of unobligated funds under paragraph (d) of this section will be made within 90 days following their availability for reallotment as follows:

(1) Unobligated funds under paragraph (d) of this section, subject to subparagraph (3) of this paragraph shall be reallotted among the States having projects eligible for reimbursement under the provisions of section 8(c) of the Act; such reallotment shall be based on the ratio which each State's reimbursement eligibility for work in place as of the end of the most recent quarter for which information is available bears to the total of such reimbursement eligibility for all the States: *Provided,* That each State to receive any such reallotment shall first provide such assurances as the Administrator deems appropriate to assure that such funds shall be applied on an equitable pro rata basis with respect to such work in place.

(2) If any funds remain unobligated, such funds shall be reallotted among the States based on the ratio that its remaining eligibility for reimbursement pursuant to section 8(c) of the Act bears to the total remaining reimbursement eligibility for all the States; provided that each State to be entitled to any such reallotment shall, within 30 days following the date on which funds become available for reallotment, provide a statement satisfactory to the Administrator listing projects eligible for reimbursement and certified as entitled to priority over other projects eligible for reimbursement, which statement shall also specify the manner in which any reallotted funds should be applied towards the projects so listed.

(3) Prior to making any reallotment under subparagraphs (1) and (2) of this paragraph, the Administrator may determine whether any part of the unobligated funds under paragraph (d) of this section should be applied in situations of special need to meet severe local and basinwide pollution problems in order to promote the purposes of the Act most effectively. In making such determination, the Administrator shall apply the following criteria:

(i) The extent of degradation of water quality;

(ii) The extent of the financial need;

(iii) The extent to which degradation is attributed to untreated or inadequately treated waters of municipalities;

(iv) The extent to which facilities to be constructed will contribute to the enhancement of the environment;

(v) Such other factors as the Administrator considers relevant.

The Administrator shall reallot such funds to the States in which such special needs exist on such basis as he may deem most advisable: *Provided,* That each State to receive any such reallotment shall first provide such assurances as the Administrator may require that such funds should be applied to eligible projects selected by the Administrator to meet such needs.

(Secs. 4, 10, 70 Stat. 499, 506, as amended; 33 U.S.C. 466c, 4661)

[FR Doc.71-6455 Filed 5-10-71;8:45 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-121]

PART 1—GENERAL PROVISIONS

Chicago, Ill., Port of Entry

MAY 3, 1971.

In order to provide better Customs service to carriers and the importing community in the State of Indiana, it is considered desirable to extend the existing port limits of Chicago, Ill.

Accordingly, by virtue of the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President in Executive Order No. 10289, September 17, 1951 (3 CFR ch. 11), and pursuant to authorization provided by Treasury Department Order No. 190, Rev. 7 (34 F.R. 15846), the geographical limits of the Customs port of Chicago, Ill., in the Chicago, Ill., Customs district (Region IX), as described in T.D. 67-122, are extended to include certain areas in the county of Porter, State of Indiana. The limits of the port of Chicago as extended are described as follows:

Beginning at the point where the northern limits of Cook County, Ill., intersect Lake Michigan, thence westerly along the Cook County-Lake County line to the point where State Highway Fifty-Three (53) intersects this Line, thence in a southerly direction along State Highway Fifty-Three (53) to the point where this highway intersects the Dupage County-Will County line, thence in a general easterly and southerly direction along the northern and eastern limits of Will County, Ill., to the point where the Will County-Cook County line intersects the Illinois-Indiana State line, thence northerly along the Illinois-Indiana State line to the point near Dyer, Ind., where U.S. Route Thirty (30) intersects this Line, thence easterly along U.S. Route Thirty (30) to a point where this highway and Indiana State Highway Forty-Nine (49) intersect, thence in a northerly direction along Indiana State Highway Forty-Nine (49) to the place where this highway meets Lake Michigan.

Section 1.2(c) of the Customs Regulations is amended by deleting "(including the territory described in T.D. 67-122)," in the column headed "Ports of Entry" and inserting in lieu thereof "(including the territory described in T.D. 71-121)."

(80 Stat. 379, sec. 1, 37 Stat. 434, sec. 1, 38 Stat. 623, as amended, R.S. 251, as amended, sec. 624, 46 Stat. 759; 5 U.S.C. 301, 19 U.S.C. 1, 2, 66, 1624)

This Treasury Decision shall become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6522 Filed 5-10-71;8:48 am]

[T.D. 71-122]

PART 12—SPECIAL CLASSES OF MERCHANDISE

Importations Subject to Motor Vehicle Safety Standards

A notice was published in the FEDERAL REGISTER on February 18, 1971 (36 F.R. 3121), that it was proposed to amend § 12.80 of the Customs Regulations (19 CFR 12.80) to make the following substantive changes:

1. To provide that motor vehicles and motor vehicle equipment brought into conformity under bond, shall not be sold or offered for sale until the bond is released;
2. To make clear that the term motor vehicle as used in § 12.80 refers to a motor vehicle as defined in the National Traffic and Motor Vehicle Safety Act of 1966;
3. To require a declaration of conformance accompanied by a statement of the vehicle's original manufacturer as evidence of original compliance;
4. To require that declarations filed under paragraph (c) of § 12.80 be signed by the importer or consignee; and
5. To add a bond requirement for the production of a declaration of original compliance and a declaration of conformity after manufacture.

Interested persons were given an opportunity to submit relevant data, views, or arguments. No comments were received. The amendments as proposed, with minor editorial changes, are hereby adopted as set forth below to become effective 30 days after the date of publication in the FEDERAL REGISTER.

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: April 22, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary
of the Treasury.

Approved: May 3, 1971.

DOUGLAS W. TOMS,
Acting Administrator,
National Highway Traffic
Safety Administration.

Section 12.80 is amended as follows:

§ 12.80 Federal motor vehicle safety standards.

(a) *Standards prescribed by the Department of Transportation.* Motor vehicles and motor vehicle equipment manufactured on or after January 1, 1968, offered for sale, or introduction or delivery for introduction in interstate commerce, or importation into the United States are subject to Federal Motor Vehicle Safety Standards (hereafter referred to in this section as "safety standards") prescribed by the Secretary of Transportation under sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) as set forth in regulations in 49 CFR Part 571. A motor vehicle hereafter referred to in this section as "vehicle" or item of motor vehicle equipment (hereafter referred to in this section as "equipment item"), manufactured on or after January 1, 1968, is not permitted entry into the United States unless (with certain exceptions set forth in paragraph (b) of this section) it is in conformity with applicable safety standards in effect at the time the vehicle or equipment item was manufactured.

(b) *Requirements for entry and release.* (1) Any vehicle or equipment item offered for importation into the customs territory of the United States shall not be refused entry under this section if (i) it bears a certification label affixed by its original manufacturer in accordance with section 114 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1403) and regulations issued thereunder by the Secretary of Transportation (49 CFR Part 567) (in the case of a vehicle, in form of a label or tag permanently affixed to such vehicle or in the case of an equipment item, in the form of a label or tag on such item or on the outside of a container in which such item is delivered), or (ii) it is intended solely for export, such vehicle or equipment item and the outside of its container, if any, to be so labeled and tagged, or (iii) (for vehicles only which have been exempted by the Secretary of Transportation from meeting certain safety standards) it bears a label or tag permanently affixed to such vehicle which meets the requirements set forth in the regulations of the Department of Transportation, 49 CFR 555.13.

(2) Any such vehicle or equipment item not bearing such certification or export label shall be refused entry unless there is filed with the entry, in duplicate, a declaration signed by the importer or consignee which states that:

* * * * *

(ii) Such vehicle or equipment item was not manufactured in conformity with applicable safety standards but has since been brought into conformity, such declaration to be accompanied by the statement of the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity which describes the nature and extent of the work performed; or

(iii) Such vehicle or equipment item does not conform with applicable safety standards, but that the importer or consignee will bring such vehicle or equipment item into conformity with such safety standards, and that such vehicle or equipment item will not be sold or offered for sale until the bond (required by paragraph (c) of this section) shall have been released; or

* * * * *

(viii) Such vehicle which is not manufactured primarily for use on the public roads is not a "motor vehicle" as defined in section 102 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1391); or

(ix) Such vehicle was manufactured in conformity with applicable safety standards, such declaration to be accompanied by a statement of the vehicle's original manufacturer as evidence of original compliance.

(3) Any declaration given under this section (except an oral declaration accepted at the option of the district director of customs under subparagraph (2) (i) of this paragraph) shall state the name and United States address of the importer or consignee, the date and the entry number, a description of any equipment item, the make and model, engine serial, and body serial numbers of any vehicle or other identification numbers, and the city and State in which it is to be registered and principally located if known, and shall be signed by the importer or consignee. The district director of customs shall immediately forward the original of such declaration to the National Highway Traffic Safety Administration of the Department of Transportation.

(c) *Release under bond.* If a declaration filed in accordance with paragraph (b) of this section states that the entry is being made under circumstances described in paragraph (b)(2)(iii), or under circumstances described in paragraph (b)(2) (ii) or (ix) of this section where the importer at time of entry does not submit a statement in support of his declaration of conformity the entry shall be accepted only if the importer gives a bond on Customs Forms 7551, 7553, or 7595 for the production of either a statement by the importer or consignee that the vehicle or equipment item described in the declaration filed by the importer has been brought into conformity with applicable safety standards and identifying the manufacturer, contractor, or other person who has brought such vehicle or equipment item into conformity with such standards and describing the nature and extent of the work performed or a statement of the vehicle manufacturer certifying original conformity. The bond shall be in the amount required under § 25.4(a) of this chapter. Within 90 days after such entry, or such additional period as the district director of customs may allow for good cause shown, the importer or consignee shall deliver to both the district director of customs, and the National Highway Traffic Safety Administration a copy of the statement described in this paragraph. If such statement is not delivered to the district director of customs for the port of entry of such vehicle or equipment item within 90 days of the date of entry or such additional period as may have been allowed by the district director of customs for good cause shown, the importer or consignee shall deliver or cause to be delivered to the district director of customs those vehicles or equipment items, which were released in accordance with this paragraph. In the event that any such vehicle or equipment item is not redelivered within 5 days following the date specified in the preceding sentence, liquidated damages shall be assessed in the full amount of a bond given on Form 7551. When the transaction has been charged against a bond given on Form 7553, or 7595, liquidated damages shall be assessed in the amount that would have been demanded under the preceding sentence if the merchandise had been released under a bond given on Form 7551.

(Sec. 108, 80 Stat. 722, sec. 623, 46 Stat. 759, as amended; 15 U.S.C. 1397, 19 U.S.C. 1623)

[FR Doc.71-6555 Filed 5-10-71;8:50 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND OTHER EXCISE TAXES

[T.D. 7111]

PART 170—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

Virgin Islands Spirits

On April 2, 1971, a notice of proposed rule making to add a new Subpart F to 26 CFR Part 170, with respect to the transfer of Virgin Islands spirits from customs custody to internal revenue bond, was published in the FEDERAL REGISTER (36 F.R. 6111). In accordance with the notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestions were received within the 15-day period prescribed in the notice and the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the following changes:

PARAGRAPH 1. Section 170.132 is changed as follows:

A. By deleting the third sentence (which begins "Rectified Virgin Islands spirits may be mingled in bond") in its entirety and by inserting instead two new sentences to read, "Rectified Virgin Islands spirits may be mingled in bond with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled in bond with other unrectified Virgin Islands spirits, as the case may be, if the spirits are homogeneous. Rectified Virgin Islands spirits may be mingled with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled, whether or not they are homogeneous, if the spirits are to be immediately tax determined and removed to bottling premises exclusively for use in taxable rectification."

B. By changing the citation to read "(72 Stat. 1367, 82 Stat. 1328, as amended; 26 U.S.C. 5234, 5232)".

PAR. 2. Section 170.134 is changed as follows:

A. By deleting from the last sentence "§ 201.42" and inserting instead "§ 201.43".

B. By deleting the word "or" at the end of subparagraph (4) of paragraph (b); redesignating subparagraph (5) as subparagraph (6); and adding a new subparagraph (5) to read, "(5) section 5008(c)(5), I.R.C., respecting distilled spirits returned to bottling premises; or".

C. By adding at the end of paragraph (b) a sentence to read, "In computing loss allowance under the provisions of § 201.486 of this chapter, Virgin Islands spirits shall be considered the same as 'other than spirits withdrawn from bond by the proprietor of the bottling premises'; and for the purposes of § 201.492 of this chapter, they shall be considered as 'other spirits.'"

PAR. 3. Paragraph (b) of § 170.135 is changed by adding the words "to show the serial number of the approved formula under which produced, and" immediately following the phrase "in conjunction with the kind of spirits,".

Because this Treasury decision implements changes made in chapter 51 of the Internal Revenue Code by Public Law 91-659 which become effective on May 1, 1971, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective May 1, 1971.

(Sec. 7805, Internal Revenue Code (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THOWER,
Commissioner of Internal Revenue.

ROBERT V. MCINTYRE,
Acting Commissioner of Customs.

Approved: May 6, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to implement the provisions of section 5232 of the Internal Revenue Code, as amended by Public Law 91-659, relating to spirits brought into the United States from the Virgin Islands, in bulk, and transferred to the bonded premises of a distilled spirits plant, without determination of tax (including rectification tax, if any), a new Subpart F is added to 26 CFR Part 170, Miscellaneous Regulations Relating to Liquor, to read as follows:

Subpart F—Transfer of Virgin Island Spirits From Customs Custody to Internal Revenue Bond

Sec.
170.121 Scope of subpart.
170.122 Applicability of other regulations.
170.123 Meaning of terms.

TRANSFERS TO INTERNAL REVENUE BONDED PREMISES

170.124 General provisions.
170.125 Application, Form 2609.
170.126 Gauge and certification.
170.127 Customs inspection and release.
170.128 Bulk conveyances to be sealed.
170.129 Transfer by pipeline at dock.
170.130 Consent of surety on bond.

DEPOSIT, STORAGE, TRANSFER, AND WITHDRAWAL

170.131 Transaction forms and records.
170.132 Mingling in bond.
170.133 Form 179, tax returns, and record of tax liability.

MISCELLANEOUS PROVISIONS

170.134 Abatement, remission, credit, or refund.
170.135 Marks on containers.
170.136 Additional tax on nonbeverage spirits.
170.137 Exportation with benefit of drawback.

AUTHORITY: The provisions of this Subpart F issued under sec. 7805 of the Internal Revenue Code, 68A Stat. 917; 26 U.S.C. 7805. Other statutory provisions interpreted or applied are cited to text in parentheses.

Subpart F—Transfer of Virgin Islands Spirits From Customs Custody to Internal Revenue Bond

§ 170.121 Scope of subpart.

The regulations in this subpart prescribe the requirements necessary to implement section 5232, I.R.C., as it relates to spirits produced in the Virgin Islands and brought into the United States in bulk containers. The regulations provide for the transfer of such spirits to internal revenue bond, their storage in and withdrawal from bond, the determination of tax, the application of certain loss provisions, the filing of returns, reports, and claims, and the keeping of records.

§ 170.122 Applicability of other regulations.

(a) *Subpart C of this part.* The provisions of Subpart C of this part shall be applicable to spirits brought into the United States from the Virgin Islands and transferred under the provisions of this subpart to internal revenue bond and any reference in Subpart C of this part to imported spirits shall be deemed to include spirits brought into the United States from the Virgin Islands.

(b) *Part 201 of this chapter.* The provisions of Part 201 of this chapter shall, to the extent that they are not in conflict with the provisions of this subpart, be applicable to spirits brought into the United States from the Virgin Islands to the same extent as they apply to imported spirits.

(c) *Part 250 of this chapter.* All provisions of Part 250 of this chapter as they relate to the bringing of spirits into the United States from the Virgin Islands remain in full force and effect except as they may be in conflict with the provisions of this subpart.

§ 170.123 Meaning of terms.

When used in this subpart, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof, terms shall have the meaning ascribed in Part 201 of this chapter: *Provided,* That the term "in bond" shall, as used in this subpart, refer to spirits possessed under bond to secure payment of the internal revenue tax imposed by section 7652, I.R.C.

TRANSFERS TO INTERNAL REVENUE BONDED PREMISES

§ 170.124 General provisions.

Distilled spirits brought into the United States from the Virgin Islands in bulk containers of 5 gallons or more capacity may, under the provisions of this subpart, be withdrawn by the proprietor of a distilled spirits plant from customs custody and transferred in such bulk containers or by pipeline to the bonded premises of his plant, without payment of the internal revenue tax, including rectification tax, if any, imposed on such spirits by section 7652, I.R.C. Such spirits so withdrawn and transferred to a distilled spirits plant (a) may not be bottled in bond under section 5233, I.R.C., (b) may be redistilled or denatured only if of 185° or more of proof, and (c) may be withdrawn from internal revenue bond for any purpose authorized by chapter 51, Internal Revenue Code, in the same manner as domestic distilled spirits. Spirits transferred from customs custody to the bonded premises of a distilled spirits plant under the provisions of this subpart shall be received and stored thereat, and withdrawn or transferred therefrom, subject to the provisions of this subpart and applicable provisions of Part 201 of this chapter. The person operating the bonded premises of the distilled spirits plant to which spirits are transferred under the provisions of this subpart shall become liable for the tax on distilled spirits withdrawn from customs custody under section 5232, I.R.C., upon release of the spirits from customs custody, and the importer shall thereupon be relieved of his liability for such tax.

(82 Stat. 1328, as amended; 26 U.S.C. 5232)

§ 170.125 Application, Form 2609.

The proprietor of a distilled spirits plant desiring to withdraw distilled spirits as authorized in § 170.124, shall for each withdrawal submit an application on Form 2609, in quadruplicate, to the internal revenue officer in charge. The application shall appropriately identify the distilled spirits to be withdrawn, and shall be modified by the applicant to cover the transfer of distilled spirits from customs custody, by naming the port of entry through which the spirits are to be withdrawn, and inserting in the "Remarks" item the name and address of the assistant regional commissioner for the region in which is located the plant to which the spirits are to be transferred. If the proprietor's bond on Form 2601 is in the maximum penal sum, or, if in less than the maximum penal sum, is sufficient to cover the tax on the spirits to be transferred in addition to all other liabilities chargeable against such bond, the internal revenue officer shall approve all copies of the Form 2609, forward one copy to his assistant regional commissioner, return the original and one copy to the proprietor and retain the remaining copy. (See § 170.130 with respect to need for consent of surety on bond, Form 2601.) The proprietor shall forward the original of Form 2609 to the importer or other person responsible for the release of the spirits from customs custody, who shall submit the form, with the related entry for consumption or withdrawal for consumption forms, to the director of customs from whose custody it is proposed to withdraw the distilled spirits. The proprietor shall retain the remaining copy of Form 2609.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.126 Gauge and certification.

(a) *Gauge.* If Virgin Islands spirits to be transferred from customs custody to internal revenue bond as provided in this subpart are not gauged by an insular gauger at the time of their withdrawal from an insular bonded warehouse, as provided in § 250.204 of this chapter, the insular consignor shall effect a gauge of each bulk container and shall prepare a report of such gauge, in duplicate, and attach both copies to the certificate required by § 250.205 of this chapter. If the gauge is made by the insular gauger, his report of gauge shall be prepared in duplicate and both copies shall be attached to the certificate.

(b) *Certification.* The certificate prescribed by § 250.205 of this chapter shall be prepared in duplicate if the Virgin Islands spirits are to be transferred from customs custody to internal revenue bond. Both copies of the certificate, with the applicable gauge report attached, shall be filed with the director of customs at the port of entry. The original of the certificate and related report of gauge shall be attached to the original of Form 236 by the customs officer responsible for preparation of the Form 236 in accordance with § 170.127. The remaining copy of the certificate and related report of gauge shall be retained by the customs officer.

§ 170.127 Customs inspection and release.

The director of customs will not release distilled spirits without payment of internal revenue tax until the approved Form 2609 prescribed in § 170.125 has been received from the proprietor of the distilled spirits plant. Prior to release from customs custody, the customs officer shall inspect the spirits, and, if it appears that losses in transit were sustained from any container, he shall gauge the spirits in such container. The customs officer shall prepare Form 236 (in quadruplicate, when the spirits are to be removed in packages; in quintuplicate, when the spirits are to be removed by pipeline or by bulk conveyance) appropriately modified to show:

(a) Serial number and date of the Form 2609,
(b) Customs port of entry and entry number,
(c) The consignee,
(d) Kind of spirits,
(e) The name of the importer,
(f) The name of the producer, followed by "Virgin Islands",
(g) If in packages, the serial numbers thereof,
(h) The number and date of the pertinent Form 27-B Supplemental,
(i) The applicable rate of rectification tax (if any),
(j) Method of transfer,
(k) Elements of bulk gauge (if any),
(l) Quantity to be transferred,
(m) Customs seals used (if any),
(n) Date of release, and
(o) Signature and title of the customs officer in lieu of the proprietor.

When shipments are made in tanks, tank barges, sealand containers, or similar bulk containers (other than barrels, drums, or similar portable containers), the results of the inspection or the details of the gauge of each such bulk container shall be reported separately. In the case of barrels, drums, or similar portable containers, the results of the inspection shall be reported on the Form 236 and the details of the gauge, if any, shall be reported on Form 2630 in triplicate. On compliance with the requirements of customs regulations, and on completion of Form 236 (and Form 2630, if prepared), the customs officer shall release the spirits for transfer, retain one copy of Form 236 (and Form 2630, if any), forward one copy of Form 236 to the assistant regional commissioner at the address shown on Form 2609, and forward the original and remaining copy (or copies) of Form 236 (and Form 2630, if any) to the internal revenue officer at the distilled spirits plant.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.128 Bulk conveyances to be sealed.

When a shipment of distilled spirits from customs custody to the distilled spirits plant is made in a tank, tank barge, sealand container, tank car, tank truck, or similar bulk conveyance, all openings affording access to the spirits shall be sealed by the customs officer with customs seals in such manner as will prevent unauthorized removal of spirits through such openings without detection.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.129 Transfer by pipeline at dock.

If the distilled spirits plant is equipped with suitable dock facilities, the distilled spirits may, subject to all requirements of the customs laws and regulations, be transferred by pipeline from the vessel or barge through weighing tanks or other suitable measuring tanks into locked storage tanks on the bonded premises of the distilled spirits plant, or directly into locked storage tanks on such premises provided such storage tanks are equipped with suitable measuring devices for correctly indicating the actual contents therein. In all such cases of pipeline transfers, the distilled spirits shall be transferred under customs supervision, and released for deposit in the distilled spirits plant.

(68A Stat. 907, as amended, 72 Stat. 1322, 82 Stat. 1328, as amended; 26 U.S.C. 7652, 5007, 5232)

§ 170.130 Consent of surety on bond.

Application on Form 2609, prepared as provided in § 170.125, to receive Virgin Islands spirits shall not be approved unless the proprietor has filed a consent of surety on Form 1533 to extend the terms of his existing bond, Form 2601, if such bond was in effect before May 1, 1971. The consent shall contain a statement of purpose as follows:

> To continue in effect said bond (including all extensions or limitations of terms and conditions previously consented to and approved), notwithstanding that the principal may from time to time withdraw from customs custody spirits brought into the United States from the Virgin Islands under the provisions of 26 U.S.C. 5232.

DEPOSIT, STORAGE, TRANSFER, AND WITHDRAWAL

§ 170.131 Transaction forms and records.

Deposit, transfer, and withdrawal forms, and records pertaining to spirits transferred to internal revenue bond under the provisions of this subpart shall be marked to show (a) in lieu of the word "Imported", as required in Part 201 of this chapter for imported spirits, the words "Virgin Islands" or the abbreviation "V.I.", (b) the serial number and date of the Form 27–B Supplemental under which the spirits were produced, and (c) whether liability for rectification tax was incurred prior to receipt in internal revenue bond, and, if so, the rate of the applicable tax. Separate records shall be maintained for such spirits in the same manner as for imported spirits, except that the record of deposits and the summary of deposits and withdrawals, Form 1621, shall be arranged alphabetically by name of producer in the Virgin Islands.

(72 Stat. 1361; 26 U.S.C. 5207)

§ 170.132 Mingling in bond.

The provisions of Part 201 of this chapter with respect to mingling shall apply to spirits brought into the United States from the Virgin Islands provided such spirits meet the conditions stated in this section. Spirits brought into the United States from the Virgin Islands may not be mingled in bond with spirits not brought into the United States from the Virgin Islands, and rectified Virgin Islands spirits may not be mingled with unrectified Virgin Islands spirits or with Virgin Islands spirits subject to a different rate of rectification tax. Rectified Virgin Islands spirits may be mingled in bond with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled in bond with other unrectified Virgin Islands spirits, as the case may be, if the spirits to be mingled are homogeneous. Rectified Virgin Islands spirits may be mingled with other rectified Virgin Islands spirits subject to the same rate of rectification tax, and unrectified Virgin Islands spirits may be mingled, whether or not they are homogeneous, if the spirits are to be immediately tax determined and removed to bottling premises exclusively for use in taxable rectification. Rums or brandies from the Virgin Islands may be blended under the provisions of § 201.307 of this chapter: *Provided*, That if spirits are subject to rectification tax under section 7652, I.R.C., they may be blended only if they are subject to the same rate of rectification tax.

(72 Stat. 1367, 82 Stat. 1328, as amended; 26 U.S.C. 5234, 5232)

§ 170.133 Form 179, tax returns, and record of tax liability.

Separate applications for tax determination shall be prepared for Virgin Islands spirits on Form 179, and the words "Virgin Islands Spirits" shall be prominently shown on all copies of Form 179. Any rectification tax imposed under section 7652, I.R.C., on spirits withdrawn on tax determination shall be reported on Form 179 as "other tax due" and shall be identified as rectification tax incurred under section 7652, I.R.C., in the "Remarks" on the form, and such taxes shall be included, with the distilled spirits tax, in the tax returns filed on Form 2521, 2522, or 4077, as applicable, and in the record of tax liability maintained as provided in § 170.62.

MISCELLANEOUS PROVISIONS

§ 170.134 Abatement, remission, credit, or refund.

(a) *Provisions of section 5008, I.R.C., applicable.* The provisions of section 5008(a), I.R.C., with respect to spirits lost while in internal revenue bond shall apply to spirits brought into the United States from the Virgin Islands and transferred from customs custody to internal revenue bond, and the provisions of section 5008(e), I.R.C., with respect to samples of spirits for use by the United States shall also apply to Virgin Islands spirits. Claims relating to spirits lost in bond, in addition to the information required by § 201.43 of this chapter, shall show the name of the producer, and the serial number and date of the Form 27–B Supplemental under which produced.

(b) *Provisions of section 5008, I.R.C., not applicable.* The provisions of (1) section 5008(b)(1), I.R.C., respecting the voluntary destruction of spirits in bond; (2) section 5008(b)(2), I.R.C., respecting the voluntary destruction of spirits after withdrawal for rectification or bottling; (3) section 5008(c)(1)(A), I.R.C., respecting spirits lost after withdrawal for rectification or bottling, by reason of accident, flood, fire, or other disastser; (4) section 5008(c)(1)(B), I.R.C., respecting spirits lost in rectifying, packaging, bottling and casing operations; (5) section 5008(c)(5), I.R.C., respecting distilled spirits returned to bottling premises; or (6) section 5008(d), I.R.C., respecting spirits returned to bonded premises after withdrawal upon tax determination, do not apply to Virgin Islands spirits, since such provisions only authorize abatement, remission, credit, or refund of taxes imposed under chapter 51, I.R.C. In computing loss allowance under the provisions of § 201.486 of this chapter, Virgin Islands spirits shall be considered the same as "other than spirits withdrawn from bond by the proprietor of the bottling premises"; and for the purposes of § 201.492 of this chapter, they shall be considered as "other spirits."

(72 Stat. 1323, as amended, 1364, as amended; 26 U.S.C. 5008, 5215)

§ 170.135 Marks on containers.

(a) *Packages received in bond.* When packages of spirits are received on the bonded premises of a distilled spirits plant under the provisions of this subpart, the markings prescribed by § 250.206 of this chapter that are on such packages shall be accepted in lieu of the markings prescribed in § 201.312b of this chapter. On receipt of packages so marked the proprietor of the distilled spirits plant shall show on such packages (1) the date of original entry for deposit of the spirits, and (2) the words "Virgin Islands" or the abbreviation "V.I."

(b) *Other containers.* Packages of Virgin Islands spirits filled in internal revenue bond or on bottling premises shall, in addition to the required marks prescribed in § 201.516 or § 201.526 of this chapter, as applicable, be marked, in conjunction with the kind of spirits, to show the serial number of the approved formula under which produced, and with the words "Virgin Islands" or the abbreviation "V.I." Similarly, tanks or bulk conveyances containing spirits received in internal revenue bond under the provisions of this subpart shall, in addition to other required marks, be marked with the words "Virgin Islands" or the abbreviation "V.I."

(c) *Cases of bottled alcohol.* In addition to other mandatory marks prescribed by § 201.529(a) of this chapter for cases of bottled alcohol, the words "Virgin Islands" or the abbreviation "V.I." shall precede or follow the word "alcohol" on cases of alcohol from the Virgin Islands that are bottled and cased on bonded premises.

(72 Stat. 1360, 1369; 26 U.S.C. 5206, 5235)

§ 170.136 Additional tax on nonbeverage spirits.

The additional tax imposed by section 5001(a)(9), I.R.C., on imported spirits withdrawn from customs custody without payment of tax and thereafter withdrawn from bonded premises for beverage purposes, and the related provisions of § 201.376 of this chapter, are not applicable to Virgin Islands spirits brought into the United States and transferred to bonded premises under the provisions of this subpart.

§ 170.137 Exportation with benefit of drawback.

Claims and supporting documents respecting export with benefit of drawback of domestic distilled spirits products that contain spirits from the Virgin Islands shall show:

(a) The precise quantity (in proof gallons) of the finished product attributable to the Virgin Islands spirits contained therein, and

(b) The amount of tax and the applicable rate or rates of tax imposed by section 7652, I.R.C., determined at the time of withdrawal from internal revenue bond on the Virgin Islands spirits contained in the product.

[FR Doc.71-6563 Filed 5-10-71;8:51 am]

Title 31—MONEY AND FINANCE: TREASURY

Subtitle A—Office of the Secretary of the Treasury

[Treas. Dept. Circular 230]

PART 10—PRACTICE BEFORE THE INTERNAL REVENUE SERVICE

Miscellaneous Amendments

Correction

In F.R. Doc. 70–10883 appearing at page 13205 in the issue for Wednesday, August 19, 1970, the reference to "Paragraph (c)" in the amendment to § 10.3 should read "Paragraph (e)".

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 37, Amdt. 3]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to Marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforementioned marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. This amendment relaxes the requirements so as to provide access to a larger quantity of marketable grapefruit due to freeze damage encountered in the production area.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective date. The Administrative Committee held a meeting on April 30, 1971, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received April 30, 1971; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment, including the effective time thereof, is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof, and this amendment relieves restrictions on the handling of grapefruit.

Order. In § 909.337 (Grapefruit Reg. 37; 35 F.R. 15980; 36 F.R. 1087; 36 F.R. 3516), the provisions of paragraph (a)(1) which precede subdivision (i) and of paragraph (a)(2) are amended to read as follows:

§ 909.337 Grapefruit Regulation 37.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period May 9, 1971, through September 30, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{9}{16}$ inches in diameter directly to a destination in Zone 6, Zone 5, Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 4, Zone 3, or Zone 2, the grapefruit does not measure less than $3\frac{9}{16}$ in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{9}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California-Arizona), §§ 51.925–51.955 of this title: *Provided*, That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{9}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{9}{16}$ inches in diameter and smaller.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 6, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6521 Filed 5-10-71;8:48 am]

[Peach Reg. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917, 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Peach Commodity Committee reflect its appraisal of the California peach crop and the current and prospective market conditions. Shipments of California peaches are expected to begin on or about May 12, 1971. The grade and size requirements provided herein are necessary to prevent the handling, on and after May 12, 1971, of California peaches of a lower grade or smaller size than specified herein for such peaches, so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the

Federal Register (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 12, 1971. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until April 22, 1971, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; necessary supplemental information was submitted to the Department on May 3, 1971; shipments of the current crop of such peaches are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this regulation will not require of handlers any preparation thereof which cannot be completed by the effective time hereof.

§ 917.421 Peach Regulation 1.

(a) Order: During the period May 12, 1971 through October 31, 1971 no handler shall handle:

(1) Any package or container of any variety of peaches unless such peaches meet the requirements of U.S. No. 1 grade:

(2) Any package or container of any variety of peaches unless:

(i) Such peaches when packed in a No. 22D Standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than $2\frac{3}{16}$ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1", and "standard pack", and shall have the same meaning as when used in the U.S. Standards for Peaches (§§ 51.1210–1223 of this title); "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 7, 1971.

Paul A. Nicholson,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6618 Filed 5-10-71;9:49 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VII—Department of Commerce and Department of Transportation [1]

[Transportation Order T-2, Amended]

T-2 (AMENDED)—SHIPPING RESTRICTIONS; PEOPLE'S REPUBLIC OF CHINA, NORTH KOREA AND THE COMMUNIST-CONTROLLED AREA OF VIET NAM

Transportation Order T-2 (amended), 23 F.R. 8396 October 30, 1958, is hereby amended to read as follows:

This order as amended is found necessary and appropriate to promote the national defense and is issued pursuant to the authority granted by section 101 of the Defense Production Act of 1950, as amended. Consultation with industry in advance of the issuance of this order has been rendered impracticable by the need for immediate issuance.

Sec.
1 Prohibition of movement of American carriers to People's Republic of China, North Korea, or to the Communist-controlled area of Viet Nam.
2 Prohibition on transportation of goods destined for People's Republic of China, North Korea, or the Communist-controlled area of Viet Nam.
3 Persons affected.
4 Reports.
5 Records.
6 Defense against claims for damages.
7 Violations.

Authority: Sections 1 to 7 issued under sec. 704, 64 Stat. 816, as amended; 50 U.S.C. App. 2154. Interpret or apply sec. 101, 64 Stat. 799, as amended; 50 U.S.C. App. 2071; E.O. 10480, 18 F.R. 4939, 3 CFR, 1953 Supp; and sec. 4(a) Public Law 89-670, 80 Stat. 933.

Section 1 Prohibition of movement of American carriers to People's Republic of China, North Korea, or to the Communist-controlled area of Viet Nam.

No person shall sail, fly, navigate, or otherwise take any ship documented under the laws of the United States or any aircraft registered under the laws of the United States to any People's Republic of China port, North Korea any other place under the control of the People's Republic of China, or to the Communist-controlled area of Viet Nam.

Sec. 2 Prohibition on transportation of goods destined for People's Republic of China, North Korea, or the Communist-controlled area of Viet Nam.

No person shall transport, in any ship documented under the laws of the United States or in any aircraft registered under the laws of the United States, to People's Republic of China ports, North Korea, any other place under the control of the People's Republic of China, or to the Communist-controlled area of Viet Nam, any material, commodity, or cargo of any kind. No person shall take on board any ship documented under the laws of the United States or any aircraft registered under the laws of the United States any material, commodity, or cargo of any kind if he knows or has reason to believe that the material, commodity, or cargo is destined, directly or indirectly, for the People's Republic of China, North Korea, or for the Communist-controlled area of Viet Nam. No person shall discharge from any ship documented under the laws of the United States or from any aircraft registered under the laws of the United States, at any place other than the port where the cargo was loaded, or within territory under the jurisdiction of the United States any material, commodity, or cargo of any kind which he knows or has reason to believe is destined for People's Republic of China, North Korea, or for the Communist-controlled area of Viet Nam.

Notwithstanding the foregoing U.S. carriers are authorized to take on board, transport to, and discharge at any port except a port in the People's Republic of China, North Korea, or North Vietnam commodities authorized for consignment to the PRC under the provisions of either a general license or validated export license issued pursuant to the Export Administration Act of 1969. Foreign origin commodities consigned to the PRC that are on the U.S. Department of Commerce General License List for the PRC may also be transported by U.S. carriers to any port except a port in the People's Republic of China, North Korea, or North Vietnam.

Sec. 3 Persons affected.

The prohibitions of this order apply to the owner of the ship or aircraft, to the master of the ship or aircraft, and to any other officer, employee, or agent of the owner of the ship or to any other person who participates in the prohibited activities.

Sec. 4 Reports.

Persons subject to this order shall submit such reports to either the Assistant Secretary of Commerce for Domestic and International Business, Assistant Secretary of Commerce for Maritime Affairs, or the Executive Secretary, Department of Transportation for, respectively, cargoes, vessels or aircraft, as shall be required, subject to the terms of the Federal Reports Act.

Sec. 5 Records.

Each person participating in any transaction covered by this order shall retain in his possession, for at least 2 years, records of voyages and shipments in sufficient detail to permit an audit that will determine for each transaction that the provisions of this order have been met. This provision does not require any particular accounting method and does not require alteration of the system customarily maintained, provided such records supply an adequate basis for audit. Records may be retained in the form of microfilm or other photographic copies instead of the originals.

Sec. 6 Defense against claims for damages.

No person shall be held liable for damages or penalties for any default under any contract or order which shall result directly or indirectly from compliance with this order or any provision, thereof, notwithstanding that this order or such provision shall thereafter be declared by judicial or other competent authority to be invalid.

Sec. 7 Violations.

Any person who willfully violates any provisions of this order, or willfully conceals a material fact, or furnishes false information in the course of operation under this order, shall, upon conviction, be punished by fine or imprisonment, or both. In addition, administrative action may be taken against any such person, denying him the privileges generally accorded under this order.

This order shall take effect on May 7, 1971.

H. B. Scott,
Acting Assistant Secretary of Commerce for Domestic and International Business.

Robert J. Blackwell,
Acting Assistant Secretary of Commerce for Maritime Affairs.

James M. Beggs,
Under Secretary, Department of Transportation.

[FR Doc.71-6599 Filed 5-10-71;8:51 am]

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[1] Chapter VII of Title 32A is amended to read as set forth above.

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 3—BOARD OF GOVERNORS [ARTICLE III]

PART 5—OFFICERS [ARTICLE V]

Bylaws of Board of Governors of U.S. Postal Service

On May 4, 1971, the Board of Governors of the U.S. Postal Service by Resolution No. 71-16 amended §§ 3.2 and 5.6 of its Bylaws (§§ 3.2 and 5.6 of Title 39 CFR (36 F.R. 689–690)).

Accordingly, the following amendments are made to Title 39 CFR:

1. Section 3.2 is amended to read as follows:

§ 3.2 Regular meetings.

Regular meetings of the Board shall be held in Washington, D.C., without call or formal notice, on the first Tuesday in each month. The regular meeting held in January of each year shall be designated as the Annual Meeting, at which time the Postmaster General shall present to the Board the annual report required by 39 U.S.C. section 2402 for the preceding fiscal year. Any regular meeting may be omitted or rescheduled for a different date by action of the Board at a previous regular meeting, or by action of the Chairman. If the Chairman cancels or reschedules a regular meeting, he shall give not less than 5 days' notice of such action unless he finds that an emergency has occurred making such notice impracticable, in which event he shall give such notice as he determines to be feasible under the circumstances.

2. Section 5.6 is amended to read as follows:

§ 5.6 Secretary.

The Secretary of the Postal Service shall be elected by the Board. The Secretary shall issue notices of meetings of the Board and keep the minutes of all such meetings. He shall perform such other duties as may be assigned to him by the Board or by the Chairman of the Board and, in general, perform all duties incident to his office. The Chairman may designate such assistant secretaries as he deems appropriate, and they shall have authority to perform all the duties of the Secretary.

Effective date. The foregoing amendments are effective immediately.

(39 U.S.C. 202, 205, 401(2))

David A. Nelson,
General Counsel of the Post Office Department, and Secretary of the U.S. Postal Service.

[FR Doc.71-6519 Filed 5-10-71;8:47 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Third Rev. S.O. 1061]

PART 1033—CAR SERVICE

Regulations for Return of Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of May 1971.

It appearing, that an acute shortage of hopper cars exists on the railroads named in section (a) paragraph 1 herein; that shippers located on the lines of these carriers are being deprived of hopper cars required for loading, resulting in an emergency, forcing curtailment of their operations, and thus creating great economic loss and reduced employment of their personnel; that hopper cars, after being unloaded, are being appropriated and being retained in services for which they have not been designated by the car owner; that present regulations and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of hopper cars are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1061 Service Order No. 1061.

(a) Regulations for return of hopper cars: Each common carrier by railroad subject to the Interstate Commerce Act, with the exception of those carriers named in Service Order No. 1043 (Service Order No. 1043 remains in effect, and carriers named therein must continue to comply with its provisions), shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Exclude from all loading and return to owner empty, except as otherwise authorized in subparagraphs (3), (4), and (5) of this paragraph, all hopper cars owned by the following railroads:

The Akron, Canton & Youngstown Railroad Co. Reporting marks: ACY.
Chicago & Eastern Illinois Railroad Co. Reporting marks: C&EI.
Illinois Central Railroad Co. Reporting marks: IC.
Missouri-Illinois Railroad Co. Reporting marks: M-I.
Missouri-Kansas-Texas Railroad Co. Reporting marks: MKT, BKTY.
Missouri Pacific Railroad Co. Reporting marks: MP.
St. Louis-San Francisco Railway Co. Reporting marks: SLSF.
Texas-New Mexico Railway Co. Reporting marks: T-NM.
The Texas and Pacific Railway Co. Reporting marks: T&P, TP.
Union Pacific Railroad Co. Reporting marks: UP.

(2) The following companies will be considered as one railroad in the application of subparagraphs (1), (3), and (4) of this paragraph:

Chicago & Eastern Illinois Railroad Co.
Missouri-Illinois Railroad Co.
Missouri Pacific Railroad Co.
The Texas and Pacific Railway Co.
Texas-New Mexico Railway Co.

(3) Hopper cars described in subparagraph (1) of this paragraph may be loaded to stations on the lines of the owning railroad. Cars located at a point other than a junction with the car owner shall not be backhauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(4) Except as authorized in subparagraph (5) of this paragraph, hopper cars described in subparagraph (1) of this paragraph, empty at a junction with the owner, must be delivered to the owner at that junction.

(5) For the purposes of improving car utilization and the efficiency of railroad operations, or alleviating inequities or hardships, modifications may be authorized by the Chief Transportation Officer of the car owner. Such modifications must be confirmed in writing to W. H. Van Slyke, Chairman, Car Service Division , Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(6) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded hopper car for movements contrary to the provisions of subparagraphs (3) and (4) of this paragraph.

(b) The term "hopper cars" as used in this order, means freight cars having a mechanical designation "HD", "HM", "HK", or "HT", in the Official Railway Equipment Register, ICC R.E.R. No. 379, isssued by E. J. McFarland, or reissues thereof.

(c) Application: The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(d) Effective date: This order shall become effective at 12:01 a.m., May 6, 1971.

(e) Expiration date: The provisions of this order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6536 Filed 5-10-71;8:49 am]

[S.O. 1072]

PART 1033—CAR SERVICE

Distribution of Boxcars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 5th day of May 1971.

It appearing, that an acute shortage of plain boxcars with inside length of 50 feet or longer exists on the Maine Central Railroad Co.; that shippers located on lines of this carrier are being deprived of such cars required for loading, resulting in a very severe emergency; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of boxcars owned by these railroads are ineffective. It is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days' notice.

It is ordered, That:

§ 1033.1072 Service Order No. 1072.

(a) *Distribution of boxcars.* Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce, and obey the following rules, regulations, and practices with respect to its car service:

(1) Return to owner empty, except as otherwise authorized in subparagraphs (3) and (5) of this paragraph, all plain boxcars which are listed in the Official Railway Equipment Register, I.C.C. R.E.R. 379, issued by E. J. McFarland, or reissues thereof, as having mechanical designation XM, with inside length 50 feet or longer, owned by the Maine Central Railroad Co.

(2) Plain boxcars described in subparagraph (1) of this paragraph include both plain boxcars in general service and plain boxcars assigned to the exclusive use of a specified shipper.

(3) Except as otherwise provided in subparagraph (5) of this paragraph, boxcars described in subparagraph (1) of this paragraph, may be loaded to stations on the lines of the owning railroad, or to any other station which is closer to the owner than the station at which loaded. After unloading at a junction with the car owner, such cars shall be delivered to the car owner at that junction, either loaded or empty.

(4) Boxcars described in subparagraph (1) of this paragraph shall not be backhauled empty from a junction with the car owner.

(5) Boxcars described in subparagraph (1) of this paragraph located at a point other than a junction with the car owner shall not be backhauled empty, except for the purpose of loading to a junction with the car owner or to a station on the lines of the car owner.

(6) The return to the owner of a boxcar described in subparagraph (1) of this paragraph shall be accomplished when it is delivered to the car owner, either empty or loaded, as authorized by subparagraph (3) or (5) of this paragraph.

(7) Junction points with the car owner shall be those listed by the car owner in its specific registration in the Official Railway Equipment Register, ICC R.E.R. No. 37977, issued by E. J. McFarland, or successive issues thereof, under the heading "Freight Connections and Junction Points."

(8) The Maine Central Railroad Co. shall restrict its use of plain boxcars of the type described in this order, which are owned by any other railroad, to traffic destined to a station closer to the car owner than the station at which the car is loaded, or to traffic routed via the car owner.

EXCEPTION: For the purpose of securing utilization of cars for which the owners have no immediate need, car owners, other than the Maine Central Railroad Co., may remove their cars from the provisions of this paragraph by written notice to W. H. Van Slyke, Chairman, Car Service Division, Association of American Railroads, Washington, D.C., for submission to R. D. Pfahler, Director, Bureau of Operations, Interstate Commerce Commission.

(9) In determining distances to the car owner from points of loading or unloading, tariff distances applicable under the lines of the carriers obligated under Car Service Rules 1 and 2 to move the car shall be used.

(10) No common carrier by railroad subject to the Interstate Commerce Act shall accept from shipper any loaded boxcar for movements contrary to the provisions of subparagraph (3), (5), or (8) of this paragraph.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign commerce.

(c) *Effective date.* This order shall become effective at 11:59 p.m., May 10, 1971.

(d) *Expiration date.* This order shall expire at 11:59 p.m., June 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the FEDERAL REGISTER.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6537 Filed 5-10-71;8:49 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

SUBCHAPTER B—HUNTING AND POSSESSION OF WILDLIFE

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Importation; Inspection and Documentation

Section 17.4(c) of 50 CFR Part 17 presently requires certain documents to accompany the importation of any primates, or Crocodylia (alligators and crocodiles); or wildlife of the families Felidae (cats), Rhinocuotidae (rhinoceros), Chelonidae (sea turtles), Falconidae (falcons and caracaras), Accipitridae (hawks and eagles), or Psittacidae (parrots and parakeets).

It has been determined that this requirement is unnecessary and that it should be deleted from said section.

Accordingly, § 17.4(c) of 50 CFR is amended as follows:

§ 17.4 Importation of fish or wildlife—inspection and documentation.

* * * * *

(c) In any case where fish or wildlife is subject to laws or regulations of any foreign country regarding its taking, transportation, or sale, the following documents must accompany the shipment:

* * * * *

Since this amendment relieves an existing restriction it is determined that notice and public-procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment will become effective upon publication in the FEDERAL REGISTER.

(83 Stat. 275, 16 U.S.C., 668cc-3)

Effective date: Upon publication in the FEDERAL REGISTER (5-11-71).

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1971.

[FR Doc.71-6499 Filed 5-10-71;8:46 am]

PART 17—CONSERVATION OF ENDANGERED SPECIES AND OTHER FISH OR WILDLIFE

Designated Ports and Exceptions Thereto

Experience with the administration of the provisions set forth in Appendix B to 50 CFR Part 17, Designated Ports and Exceptions Thereto, relating to the entry of species of fish or wildlife not on the U.S. List of Endangered Foreign Fish or Wildlife, into the United States, pursuant to Appendix B 2(c)(1) has established that it would be of material assistance to both individuals and the Fish and Wildlife Service to add Minneapolis-St. Paul to the list of ports in Minnesota.

Therefore, paragraph 2(c)(1)(vi) of Appendix B, Part 17, Title 50 of the Code of Federal Regulations, is amended to read.

APPENDIX B

DESIGNATED PORTS AND EXCEPTIONS THERETO

* * * * *

(c)(1) * * *

(vi) State of Minnesota—Noyes, International Falls, Grand Portage, Minneapolis-St. Paul.

* * * * *

Since this amendment benefits the public by relieving an existing restriction, it is determined that notice and public procedure thereon are impracticable, unnecessary, and contrary to the public interest and that this amendment shall be effective upon publication in the FEDERAL REGISTER.

(16 U.S.C. 668cc-4(d) and (e))

Effective date: Upon publication in the FEDERAL REGISTER (5-11-71).

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1971.

[FR Doc.71-6500 Filed 5-10-71;8:46 am]

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

PART 266—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH PORTIONS

PART 277—UNITED STATES STANDARDS FOR GRADES OF FROZEN RAW BREADED FISH STICKS

Determination of Fish Flesh Content

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by the Reorganization Plan No. 4 effective October 3, 1970 (35 F.R. 15627), and under the authority of title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1622 and 1624), transferred from the Department of the Interior to the Department of Commerce, U.S. Standards for Grades of Frozen Raw Breaded Fish Portions (Part 266 of Title 50 CFR) and U.S. Standards for Grades of Frozen Raw Breaded Fish Sticks (Part 277 of Title 50 CFR) are amended to include an optional alternative method for determining fish flesh content.

The objectives of these amendments are (1) to reduce effort required for determining percent fish flesh; (2) to enable the quality control function to effect immediate corrective action during processing when fish flesh varies below the required level; and (3) to eliminate penalties for overweight packaged products through the use of the declared net weight and the average input weight of the frozen raw fish flesh material for determining the percent fish flesh.

In light of the fact that these amendments are technical in nature and use of them is optional, notice and public procedure thereon are unnecessary.

These amendments shall be effective 30 days following publication in the FEDERAL REGISTER.

JOHN W. TOWNSEND, Jr.,
Acting Administrator.

WILLIAM M. TERRY,
Acting Director,
National Marine Fisheries Service.

APRIL 26, 1971.

I. The amendments to Part 266—U.S. Standard for Grades of Frozen Raw Breaded Fish Portions follow:

1. In § 266.21, the introductory text of paragraph (f) and subdivisions (i) and (vii) of subparagraph (2) of paragraph (f) are revised, and paragraph (g) is added, to read as follows:

§ 266.21 Definitions.

* * * * *

(f) "Minimum fish flesh content—End-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen raw breaded portions (sample unit for fish flesh determination), as determined by the following method:

* * * * *

(2) *Procedure.* (i) Calculate the weight of three frozen raw breaded portions by dividing the declared net weight on the label by the number of portions indicated on the label to obtain the weight of an individual portion and multiply by three. If the number of portions contained in the package is not declared on the label, the actual weight of three frozen raw breaded portions shall be used.

* * * * *

(vii) Calculate the percent fish flesh in the sample unit by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three raw breaded portions (i)}} \times 100$$

(g) "Minimum fish flesh content—Online determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five portions (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—Balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded portions from the line. These weights should be recorded and averaged (average weight of three groups of five portions) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded portions and the declared net weight of five finished product units.

Example. The declared net weight of five 4 oz. finished product units would be 20 ounces or 565 grams. The average weight of three groups of five unbreaded portions would be 15 ounces or 424 grams. The percent fish flesh would be 75.

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (sample unit (i))}}{\text{Declared net weight of raw breaded portions} \times 5\ \text{(ii)}} \times 100$$

(iii) Frequency of on-line fish flesh content determination shall be minimum of three determinations of fish flesh content for small production runs or lots, i.e., 3×(three groups of five unbreaded portions). For larger production runs or lots, a minimum of one determination i.e., 1×(three groups of five unbreaded portions), shall be made for every hour of production of product units of the same weight.

2. Section 266.22 is added as follows:

§ 266.22 Use of alternate methods of fish flesh determination.

(a) The end-product method in § 266.21(f) for determining fish flesh content shall be used for lot and appeal inspections and may be used for verification inspection.

(b) The on-line method in § 266.21(g) for determining fish flesh content may be used during processing operations.

II. The amendments to Part 277—U.S. Standard for Grades of Frozen Raw Breaded Fish Sticks follow:

1. In § 277.21, the introductory text of paragraph (f) and subdivisions (i) and (vii) of subparagraph (2) of paragraph (f) are revised, and paragraph (g) is added, to read as follows:

§ 277.21 Definitions.

* * * * *

(f) "Minimum fish flesh content—End-product determination" refers to the minimum percent, by weight, of the average fish flesh content of three frozen raw breaded fish sticks (sample unit for fish flesh determination), as determined by the following method:

* * * * *

(2) *Procedure.* (i) Calculate the weight of three frozen raw breaded fish sticks by dividing the declared net weight on the label by the number of fish sticks indicated on the label to obtain the weight of an individual fish stick and multiply by three. If the number of fish sticks contained in the package is not declared on the label, the actual weight of three frozen raw breaded fish sticks shall be used.

* * * * *

(vii) Calculate the percent of fish flesh in the sample unit by the following formula:

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (vi)}}{\text{Weight of three raw breaded fish sticks (i)}} \times 100$$

(g) "Minimum fish flesh content—On-line determination" refers to the minimum percent fish flesh, by weight, of the average weight of three groups of five fish sticks (sample unit for fish flesh determination), as determined by the following:

(1) Equipment needed—Balance accurate to 0.1 gram.

(2) Procedure:

(i) Weigh three groups of five raw unbreaded fish sticks from the line. These weights should be recorded and averaged (average weight of three groups of five sticks) and percent fish flesh calculated immediately after the average weights are determined.

(ii) Calculate the percent fish flesh in the sample unit by using the average weight of three groups of five unbreaded fish sticks and the declared net weight of five breaded fish sticks.

Example. The declared net weight of five 1 oz. breaded fish sticks would be 5 ounces. The average weight of three groups of five unbreaded fish sticks would be 3.6 ounces. The percent fish flesh would be 72.

$$\text{Percent fish flesh} = \frac{\text{Weight of fish flesh (sample unit) (i)} \times 100}{\text{Declared net weight of raw breaded fish sticks} \times 5\ \text{(ii)}}$$

(iii) Frequency of on-line fish flesh content determination. A minimum of three determinations of fish flesh content shall be carried out for small production runs or lots, i.e., 3× (three groups of five unbreaded fish sticks). For larger production runs or lots, a minimum of 1 determination i.e., 1×(three groups of five unbreaded fish sticks), shall be carried out for every hour of production of product units of the same weight.

2. Section 277.22 is added as follows:

§ 277.22 Use of alternate methods of fish flesh determination.

(a) The end-product method in § 277.21(f) for determining fish flesh content shall be used for lot and appeal inspections and may be used for verification inspection.

(b) The on-line method in § 277.21(g) for determining fish flesh content may be used during processing operations.

[FR Doc.71-6548 Filed 5-10-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

FLATHEAD IRRIGATION PROJECT, MONT.

Operation and Maintenance Rates

MAY 4, 1971.

This notice is published in exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 F.R. 13938), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (10 BIAM-3; 34 F.R. 637), and by authority delegated to the Project Engineer and to the Superintendent by the Area Director June 11, 1969, Release 10-2, 10 BIAM 7.0, sections 2.70-2.75.

Notice is hereby given that it is proposed to revice §§ 221.24, 221.26, and 221.28, Subchapter T, Chapter I, of Title 25 of the Code of Federal Regulations. This revision is proposed pursuant to the authority contained in the Acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142), and March 7, 1928 (45 Stat. 210).

The purpose of this amendment is to establish the lump sum assessments against the Flathead, Mission, and Jocko Valley Irrigation Districts within the Flathead Irrigation Project for the 1972 season.

Since this revision will change the basic rate of operation and maintenance charges of lands within an Irrigation District, public comment and expression are deemed advisable. Accordingly, interested persons may submit written comments, suggestions, or arguments with respect to the proposed amendment to the Project Engineer, Flathead Irrigation Project, St. Ignatius, Mont. 59865, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26, and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Mont., on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1972 an assessment of $338,214.88 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 84,874.13 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Mont., on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1972 an assessment of $63,782.45 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 16,423.12 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Mont., on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, April 18, 1950, and August 24, 1967, there is hereby fixed for the season of 1972 an assessment of $26,509.58 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 7,525.01 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

GEORGE L. MOON,
Project Engineer.

[FR Doc.71-6501 Filed 5-10-71;8:46 am]

Fish and Wildlife Service

[50 CFR Part 10]

MIGRATORY GAME BIRDS

1971-72 Hunting Season

Notice is hereby given that pursuant to the authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U.S.C. 704) it is proposed to amend Part 10, Title 50, Code of Federal Regulations.

Proposed amendments to the schedule of hunting seasons, limits, and shooting hours. Based on the results of migratory game bird studies now in progress and having due consideration for any views or data submitted by interested parties, these amendments will specify open seasons, certain closed seasons, shooting hours, and bag and possession limits for the hunting of migratory game birds during the 1971-72 season.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, rails (except coots), gallinules, woodcock, Wilson's snipe, certain waterfowl; coots, cranes, and waterfowl in Alaska; and certain sea ducks in coastal waters of certain northeastern States will be proposed for final adoption not later than August 15, 1971, to become effective on or before September 1, 1971. Amendments specifying open seasons, bag and possession limits, and shooting hours for waterfowl, coots, cranes, and any other migratory game birds not previously adopted will be proposed for final adoption not later than September 15, 1971, to become effective on or before October 1, 1971.

Amendments specifying open seasons, bag and possession limits, and shooting hours for doves, pigeons, ducks, coots, gallinules, and Wilson's snipe in Puerto Rico and for doves in the Virgin Islands, will be proposed for final adoption no later than June 20, 1971, to become effective on or after July 1, 1971.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions, or objections with respect to the proposed amendments to the Director, Bureau of Sport Fisheries and Wildlife, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

J. P. LINDUSKA,
Associate Director, Bureau of Sport Fisheries and Wildlife.

MAY 5, 1971.

[FR Doc. 71-6498 Filed 5-10-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Parts 966, 980]

TOMATOES

Limitation of Shipments and Importation

A notice of rule making on a proposed amendment to the limitation of shipments regulation for Florida tomatoes and minimum size requirements for tomato imports was published in the May 1, 1971, FEDERAL REGISTER (36 F.R. 8262). Interested persons were allowed until May 7, 1971, for filing data, views, or arguments.

Subsequent to publication of the notice, the Department received information to the effect that the anticipated volume of tomato shipments during the period beginning the third week in May will be above earlier expectations. To forestall depressed prices to domestic producers, it may be necessary to impose larger minimum size requirements than those indicated in the published May 1 notices. Therefore, pursuant to the recommendation of the Florida Tomato Committee and other available information the proposed minimum size requirements of the said notices are hereby amended to read: For mature green tomatoes—over $2\frac{9}{32}$ inches in diameter, and for all other tomatoes—over $2\frac{17}{32}$ inches in diameter. Accordingly, the period for filing data, views, and arguments to the said notice is hereby extended to May 17, 1971, and the proposed effective date is changed to May 24, 1971.

Dated: May 10, 1971.

Paul A. Nicholson,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6619 Filed 5-10-71;9:44 am]

Consumer and Marketing Service

[7 CFR Part 1125]

[Docket No. AO-226-A23]

MILK IN PUGET SOUND MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions on Proposed Amendments to Tentative Marketing Agreement and To Order

Notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed amendments to the tentative marketing agreement and order regulating the handling of milk in the Puget Sound marketing area.

Interested parties may file written exceptions to this decision with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, by the 20th day after publication of this decision in the Federal Register. The exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The above notice of filing of the decision and of opportunity to file exceptions thereto is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

PRELIMINARY STATEMENT

The hearing on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order as amended, were formulated, was convened at Seattle, Wash., on February 9, 1971, pursuant to notice thereof which was issued on January 27, 1971 (36 F.R. 1478).

The material issues on the record of the hearing relate to:

1. Adoption of a revised Class I base plan.
2. Determination of Class I bases for existing producers and new producers.
3. Base rules with respect to (a) transfers; (b) forfeitures; and (c) general application.
4. Provisions for treatment of hardship cases and inequities.
5. Administrative provisions.
6. Continuing provisions in the event of lack of approval by producers or expiration of statutory authority for the Class I base plan.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

(1) *The adoption of a revised Class I base plan.* Producers supplying plants regulated by the Puget Sound order should have the opportunity to decide whether returns from the sale of their milk should be apportioned among them by means of a Class I base plan issued in conformity with the Agricultural Act of 1970.

At the present time, producers in the Puget Sound order are paid in accordance with the terms of a Class I base plan originally issued under the authority of the Food and Agricultural Act of 1965. The authority for this plan expires December 31, 1971. The order contains no alternative provisions for distributing returns to producers. It is imperative, therefore, that the order be amended prior to such expiration date to provide some other means of distributing returns among producers.

The purpose of a Class I base plan is to provide machinery for producers in a marketing area to adjust their production to the Class I utilization of the market. While representatives of a majority of producers testified in favor of some form of Class I base plan, there were a variety of views as to the particular provisions that should be incorporated in such a plan.

The present plan during its effective period has presented certain difficulties which could not be remedied because of the limitations of the legislative authority under which it was issued. With its fixed representative period for establishing bases and no mechanism for the entry of new producers, it does not afford the flexibility necessary to meet the changing conditions in the market. Presently, the only means open to a new producer to acquire base, or to an established producer to increase his base, is through purchase of base from another producer. The result is that the Class I bases, which reflect the relationship of Class I sales to production in the market during the years 1964, 1965, and 1966, have not kept pace with the supply-demand situation in the market. The present plan also provides, in accordance with the statute, that any Class I sales in excess of those during the base period and any base which has been forfeited or underdelivered by baseholding producers be reserved for new producers and hardship cases. This has prevented baseholding producers from sharing in the increased Class I sales in the market or benefiting from forfeiture or underdelivery of base. Similarly, the recent decline in Class I sales, resulting from the sagging economy in the Puget Sound area, has affected adversely the returns of nonbaseholding producers whose share of the Class I market is limited to Class I utilization in excess of that during the base period.

Under the Agricultural Act of 1970 greater flexibility is permitted in a Class I base plan. The new plan is designed to adapt to changing supply-demand conditions. Under it new producers coming on the market will be able to earn, over a reasonable period of time, bases comparable to those of other producers. Similarly, it will provide a means whereby any producer desiring to increase his production and thus earn additional base may do so.

Under the plan proposed herein producer bases will be adjusted anually to reflect changing marketing conditions. While the plan provides a means whereby new producers may earn bases and established producers may increase their bases, it also provides that baseholding producers who reduce their marketings will not be adversely affected. This will be accomplished by providing that a producer's production history will not be reduced as long as he markets a volume of milk at least equal to his Class I base.

It is necessary, in accordance with the intent of Congress, that the new plan, in providing for transition from the present base plan, protect those producers who reduced their marketings under the present plan. This is accomplished by providing that a producer whose production history under the present plan is greater than that during the representative period under the new plan will carry forward his former production history.

A number of producers who purchased base under the present plan testified that the production history associated with purchased base should be assigned to them under the new plan. There is no basis, however, for such a transfer of production history. While bases are transferable under the present plan, production history is not. There is nothing in the Agricultural Act of 1970 that would provide a producer credit for production history associated with Class I base purchased prior to the effective date of the new Class I base plan.

Some producers who purchased base testified that they would be deprived of a property right if they were not to receive credit for the production history associated with purchased base. However, in purchasing base producers did so with full knowledge that the Act authorizing the current Class I base plan

would expire not later than December 31, 1970.[1] Thus, such producers are not prejudiced by the failure of the Agricultural Act of 1970 to allow them credit with production history associated with Class I base purchased prior to the effective date of a new plan issued under the new statute.

Holders of purchased base generally took the position that, even though the present Class I base plan has had an expected termination date, the Internal Revenue Service has ruled that Class I bases under the Puget Sound milk order "have an indeterminate useful life and are not subject to depreciation" (Rev. Rul. 70-644). That the Internal Revenue Service has held that a purchaser of a Class I base may not depreciate such base for tax purposes, has no bearing on the fact that all bases issued under the present plan must terminate on the effective date of a revised plan. Neither does it alter the fact that production history associated with Class I bases earned under the present plan may not be transferred.

(2) *Determination of Class I bases for existing producers and new producers*—(a) *Description of plan to be adopted.* The new Class I base plan adopted herein generally follows the form of base plan proposed by producer representatives.

Class I bases would be assigned to eligible producers to be effective on the effective date of the new provisions and would be updated on February 1 of each year thereafter. The representative period to be used on each of these dates for assignment of base would be the 3 years (January-December) preceding such date. Each dairy farmer's production during such period credited towards base assignment would be (with certain exceptions) his milk deliveries during the 4 months of lowest daily production for the market in each of 3 years. These months, for the initial computation would be: In 1968, January, February, November, and December; in 1969, January, February, March, and November; and in 1970, January, February, March, and November. The 3-year period would be moved forward 1 year for each updating of producer bases on February 1 of each year.

The production history base of a producer on the market for the full 3 years, subject to rules described subsequently herein, would be in terms of average daily deliveries. The average daily deliveries would be computed for the 4 months in each year, and then the three resulting amounts would be averaged.

Production history would also be calculated similarly for producers with a 1-year or 2-year period of association with the market, subject to percentage reductions related to their time on the market.

The total of Class I bases to be assigned would equal 120 percent of the total market Class I disposition of producer milk in the previous year, subject to adjustment for new plants entering the market during the year. For the purpose of allocating Class I bases to producers, such quantity would be prorated to the production history base of each producer.

New producers coming on the market would be assigned Class I bases or base milk at a time and in an amount depending on the circumstances of their entry into the market. The various categories of new producers and the manner in which their base assignments would be made are specified in subsequent findings and conclusions.

(b) *Representative period.* With respect to the representative period and computation of production history, the Agricultural Act of 1970 provides:

> and (f) a further adjustment, equitably to apportion the total value of milk purchased by all handlers among producers on the basis of their marketings of milk, which may be adjusted to reflect the utilization of producer milk by all handlers in any use classification or classifications, during a representative period of 1 to 3 years, which will be automatically updated each year.

The representative period used in the plan, as noted above, is a 3-year period.

It was claimed in testimony of producer representatives that using the 4 lowest production months in each year would have advantages over using each full year or certain named months in each year. When producers know in advance the months in which they will earn base, a strong incentive exists to increase production in these months over market needs even if such period historically has been the low production period of the year. Producers contended that under the proposed arrangement, the individual producer, not knowing in which months he will earn base, will have an incentive to level his production throughout the year as well as to hold down his excess milk.

The need for leveling of production seasonally in this market is evident. Production has characteristically varied seasonally in this market. In 1970, the highest level was 4,179,000 pounds of milk per day in May; the lowest level was 3,460,000 pounds per day in January.

More even production would facilitate efficient use of handling facilities since it would be more nearly suited to the relatively steady requirements of the fluid market. It is appropriate to give producers the opportunity to try such method as an aid to the leveling of milk production throughout the year.

In the case of a producer who in the first year of his production was not delivering milk in the specified production history months, a modification of such representative period would be established to give him credit for his deliveries in the September-December period of such year. His September-December deliveries would be subject to adjustment, however, to reflect the change in market level of production in these months compared to the regularly specified months for production history. With this provision, most producers who were on the market in 1968 would have a complete 3-year production history at the beginning of the program. This modification was endorsed by several producer groups.

(c) *Production history periods.* While the base plan would use a 3-year representative period for assigning base to a producer who had been on the market for the entire period, the plan also would allocate Class I bases in lesser amounts to producers who had made milk deliveries for certain periods less than 3 years. The order must prescribe the specific periods which will be used for determining production histories. For convenience in terminology, the periods are designated in the order as 1-year, 2-year and 3-year production history periods.

The "production history period" for a producer who has been on the market for the full 3 years (January-December) preceding the date of base assignment would be the 4 lowest production months on a daily average basis in each year for the entire market. As mentioned previously, the September-December period could be substituted in the first year for the 4 short production months if a producer came on the market later than the first of the 4 low production months. His September-December deliveries would be seasonally adjusted as heretofor described.

The 1- and 2-year production history periods would similarly allow substitution of the September-December period for the producer coming on the market after the first low production month of the year.

A special production history period, for use only at the beginning of the new program, would apply to the producer who began deliveries on the market after September 1, 1970, and who was on the market for at least the 7 months preceding the effective date. This producer would have a production history calculated from his first full 4 months of milk deliveries. It would be necessary to adjust the producer's average deliveries during such months by the percentage relationship of market receipts in the 4 low production months of 1970 to the market receipts in the months used for this producer. Such a special production history period was endorsed by producer groups as an aid in transition from the old plan to the new plan.

(d) *Initial production history bases.* Production history bases at the beginning of the plan would be calculated from the average daily deliveries of each producer during the specified months of each of the years included in his production history period.

The computation of the average daily deliveries for a producer with a 3-year production history period would be made as follows: In each year his milk deliveries in the months specified for production history would be divided by the number of days in such months subject to allowance of not more than 4 days of nondelivery when storm conditions prevent delivery. The daily delivery figures for the 3 years would then be averaged by dividing the sum of them by three and rounding the result to the nearest whole pound.

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[1] The Agricultural Act of 1970 permitted Class I base plans issued under the prior Act to be extended through 1971. Accordingly, the current Class I base plan was extended pending the hearing on the new plan.

A limited allowance should be made for interruptions of delivery beyond the control of the producer. For instance, severe storm conditions in December 1968 and January and February 1969 prevented normal delivery of milk in certain supply areas of this market. It is not expected, however, that delivery of milk by a producer of milk will be prevented for more than a day or two at a time because of such natural causes. A provision is included in the order whereby failure of a producer to deliver for as many as 4 days because storms have made the highways impassable will not reduce his daily average of deliveries for such year. Thus, in arriving at the producer's average daily milk deliveries, the total pounds delivered in the production history months of a year would be divided by the number of days in such months but never by fewer than the number of calendar days in these months less four.

If, however, the producer ceased his deliveries for an extended period (60 days or more), he would then forfeit all production history as well as his Class I base.

For assignment of Class I base and production history at the beginning of the new program, a producer will be entitled to the production history base assigned to him under the old plan effective on September 1, 1967, provided he has continued on the market as a producer since that date. Such production history base shall be reduced by the amount specified in § 1125.123(f) of the provisions effective prior to the new plan in the case of a producer who transferred Class I base. If, however, his milk deliveries in 1968, 1969, and 1970 result in a larger production history base, the latter would apply.

Only in the case of intrafamily transfers of Class I bases during the period from September 1, 1967, to the beginning of the new plan, will the production history base associated with the transferred Class I base be credited to the transferee producer.

Under the Class I base plan a method is provided for each producer to share in the Class I milk of the market in relation to his marketings in a representative period of 3 years. Provision must be made, however, for the assignment of bases to producers with a production history of less than 3 years.

A producer's production history base is determined by dividing his deliveries during specified months in a 3-year representative period by the total number of days in such months. Were this method applied to producers with less than a 3-year production history, the production history base of a producer with a 1-year production history would be equal to one-third of his average deliveries during the months used in computing his production history base. Similarly, a producer with a 2-year production history would have a production history base equal to two-thirds of his average daily deliveries during the applicable months of the 2-year period. Were this method adopted, it would permit a new producer to acquire production history base at the same rate that an established producer with a 3-year production history base may increase his production history base.

Representatives of all producer groups, however, generally supported a proposal which would assign substantially greater production history bases to producers having less than a 3-year production history. Permitting new dairy farmers coming on the market to earn base at an accelerated rate will reduce the incentive to such producers to acquire base by transfer and thus will tend to prevent bases from taking on an unreasonable value.

Nevertheless, in view of the current and anticipated supply-demand situation on the market, the bases assigned new dairy farmers should not be so great as to provide an incentive for substantial numbers of new dairy farmers to become producers on the market. The credit given to partial production history under the plan adopted herein, will contribute to orderly and efficient marketing conditions in that it will give reasonable opportunity for the establishment of new production units, yet will not disrupt the market for established producers.

Under this plan, a producer with a 1-year production history would receive a production history base equal to 60 percent of his average daily deliveries during the applicable months of his first year of production. A producer with a 2-year production history would receive a production history base equal to 80 percent of his average daily deliveries during the applicable months. Bases assigned to new dairy farmers who begin production after the effective date of the new plan will be subject to the further reduction of 20 percent allowed under the provisions of the Agricultural Act of 1970.

The assignment described above will relate each producer's production history base to the portion of the representative period in which he has been engaged in marketing milk as well as the volume of milk marketed. The purpose of the Class I base plan is to allow each producer to share in the Class I milk of the market in proportion to his marketings in a representative period. Thus, a new producer coming on the market should not enjoy the full benefits of the Class I base plan until he has established a full 3-year production history.

(e) *Updating production history bases.* The basic factors to be considered in updating the producer's production history base on February 1, 1972, may be divided into two categories. These are: (1) The production history base previously assigned to him on the effective date of the new plan, subject to adjustments for transfers, underdelivery, and hardship and inequity, and (2) his production during the most recent production history period.

The Act of 1970 provides that a producer may retain his previously assigned production history base although he reduces his marketings, unless the marketings fall below the level of his Class I base. In this case the production history base of a producer would be reduced in the same proportion as the amount of underdelivery bears to his Class I base.

A producer may also modify his previously assigned production history base through transfers. Thus, when under the plan herein adopted a producer disposes of Class I base by transfer, he automatically transfers a proportionate amount of the production history base associated with such Class I base. Accordingly, this amount of production history base will be subtracted from his previously assigned base in arriving at the updated production history base. Similarly, production history base associated with the acquisition of Class I base will be added to his previously assigned production history base. Also, any adjustment for hardship or inequity would be accounted for in terms of the proportionate amount of production history base.

The effect of these three factors, namely, transfers, underdelivery, and adjustment for hardship will determine how much of his previously assigned production base a producer can retain.

The additional computation which must be made for updating a producer's Class I base on February 1, 1972, will be based on his average daily deliveries of milk in the new production history period. This new period will include the months of 1971 specified for calculation of production history base and will exclude the months of 1968 which had been in the previous production history period. If the producer's average daily milk deliveries have increased over the level from which his previous Class I base had been computed, then this increased level will be credited towards an increase in production history base.

With respect to his earlier production, however, not all of it will be creditable towards new production history base if, between the effective date of the new plan and February 1, 1972, the producer has disposed of part of his Class I base by transfer. He will not receive credit in his production history for the milk deliveries from which such transferred base had been computed. The quantity of milk deliveries to be deleted (average daily basis) would be the same percentage of such deliveries as the quantity of transferred Class I base is of the Class I base held before transfer.

Similarly, if the producer underdelivered his Class I base during any year, the amount of the underdelivery will be converted by the same method to a corresponding amount of average daily deliveries which would be eliminated from his earlier production history. Because the new plan would be effective for only part of 1971, adjustments for underdelivery in 1971 would not apply.

A producer's underdelivery will be calculated by comparing his average daily deliveries during his 4 base-earning months of the year with the average Class I base effective for him on the first day of each such month. This computation recognizes that his effective Class I base may change during the year due to transfers.

After taking into account the various adjustments in the producer's production history, whether due to a change in his production level or elimination of credit for earlier milk deliveries, a new average of daily deliveries during his production history period will be computed. This will determine his new production history base only if it is larger than the alternative computation using his previously assigned production history base adjusted for transfers, underdelivery and hardships as described in earlier findings. The larger of the two will apply.

A producer who previously had been assigned a 2-year production history base would be eligible, after the additional year, for computation of a 3-year production history base. The updating of his production history base would, therefore, give him a Class I base computed in the same manner as for any other producer with a 3-year production history. He would be allowed to retain at least his previous production history base as adjusted for transfers, underdelivery, and hardship. As an alternative, his average deliveries during his new production history period (subject to any loss of credit for deliveries in the first 2 years for reasons previously described), if larger, would be his production history base.

For producers who have advanced from a 1-year to a 2-year production history, it will be necessary to treat separately those who have acquired additional base by transfer. For those whose previously assigned Class I base has not been modified by transfers or other adjustments, the computation of the new production history base will be in the same manner as on the effective date of the program, except that the resulting figure would be reduced 20 percent if the production history period began after the effective date of the new plan.

For producers who have acquired Class I base by transfer before completing 2 years of production history, the computation of their production history base will be modified. One example is that of a producer who acquired a Class I base by transfer before being assigned a production history base. By this means he acquires the production history associated with such Class I base. The acquired production history base of this producer will be updated on the date when the bases of all other producers are updated. Assuming he has gone through a 1-year production history period, he would be credited with one-third of his average daily deliveries during the base earning months. His updated production history base would then be the larger of such resulting figure or the acquired production history base.

Another example is that of a producer who acquired Class I base by transfer after he had been assigned Class I base from a 1-year production history. For such producer, the previously assigned production history base and the production history base associated with the Class I base acquired would be combined.

It is also necessary to determine whether this producer's deliveries on the market since the previous base assignment entitle him to a larger production history base. If his average daily deliveries in the latest year exceeded his previously assigned production history base, as adjusted for transfers, underdelivery or hardship, he would be credited with one-third of the excess.

(f) *New producers.* The new law also requires that a base be assigned to a new producer who comes on the market because the plant to which he has been delivering milk becomes a fully regulated plant under this order. His production history base and Class I base would be determined in the same manner as for a producer who had been on the market, depending on his average milk deliveries and his production history period. Such Class I base would be assigned to him effective on the date on which he becomes a producer as described.

A Class I base will also be assigned to a producer who in previous periods had been a producer-handler. His production history base and Class I base would be computed as if the milk of his production received at his plant had been delivered to a pool plant.

It is required under the new law that a new producer who previously delivered to a nonpool plant and comes on the market as an individual (rather than because the plant to which he had been delivering becomes regulated) shall be assigned a base within 90 days after his first delivery under the order. Such a base shall be assigned only to a producer marketing milk from the same production facilities from which he marketed milk during the representative period. Under the proposed Class I base plan, such a producer will be assigned a Class I base on the first day of the third month after the month in which he began milk deliveries under the order. He would then be assigned a production history base and a Class I base computed from his deliveries to nonpool plants and to pool plants as if all such deliveries had been to a pool plant. Producer milk delivered in the period prior to assignment of base would receive only the Class III price.

There will be some producers who enter the market without any prior production history. For such dairy farmers the law also requires that a base assignment be made within 90 days after the first regular delivery of milk. Such a producer, under the plan adopted herein, will receive the Class III price until the first day of the third month following that in which he begins deliveries of producer milk. As a step preliminary to calculation of Class I base assignment for such producer, in each month his average daily deliveries would be adjusted seasonally in relation to the change in level of daily market receipts in the current month compared to market receipts in the production history months of the preceding year. He would then be given a Class I base assignment for each month which would be 40 percent of such adjusted average daily deliveries, subject to a reduction of 20 percent, and multiplied by the Class I base percentage most recently determined by the market administrator. Such method of assignment would continue until he has a 1-year production history.

Some producers who have been assigned Class I bases may leave the market and return at a later time. If a dairy farmer ceases deliveries for more than 60 consecutive days, his previously assigned Class I base and production history base would be forfeited. Under the proposed Class I base plan, such a dairy farmer upon becoming a producer again on the market, would receive only the Class III price for his milk at least until the first day of the seventh month after leaving the market. Upon returning to the market he would be treated as a new producer to whom Class I base assignment would be made beginning on the first day of the third month following that in which he resumes deliveries, if such date is later than the first day of the seventh month after ceasing delivery. Similar treatment would apply to a producer who disposes of all of his Class I base by transfer.

Obviously, a dairy farmer who disposes of his entire Class I base by transfer does so with the knowledge that he is thereby disposing of his privilege to receive returns for his milk at either the base or excess prices under the order. He would be aware that under these circumstances he will be eligible to receive only the Class III price as long as he has no base.

He would receive, normally, a value in return for the sale of his base. If the value so obtainable by sale is substantial, and the producer could get a new base assignment without delay, there would be a strong incentive for many producers to engage in milk production solely for the returns to be obtained by the sale of Class I base. Such a situation clearly would be contrary to the purpose expressed in the Act of 1970 that bases should not take on an unreasonable value.

A similar situation exists with respect to a producer who ceases deliveries on the market for 60 days and thereby forfeits his base. Except for situations beyond his control (which are covered by the rules applicable to hardship) such cessation of deliveries may be presumed as deliberate and done for the advantage of the dairy farmer.

The Class I base plan should operate to encourage a steady and reliable supply for the market. It would not serve this purpose if a producer could, of his own free will, cease deliveries to the market for an extended period, and then return to the market with the privilege of receiving payment under the plan for Class I base milk in the same amount as before he left the market,

(g) *Allocation of Class I bases.* On the effective date of the new plan and for each February 1 thereafter Class I bases will be assigned to eligible producers. Experience in this market has demonstrated that a 20 percent reserve is necessary to assure an adequate supply for the market. The plan accordingly provides that the total of Class I bases to be assigned will be 120 percent of the Class I milk volume of handlers in the market in the preceding year. The quantity of Class I milk used in this computation would include for 1970:

(1) Total producer milk disposed of as Class I by all regulated handlers during 1970;

(2) Class I disposition of plants which were nonpool plants during part of 1970 and which were pool plants in the second month preceding the effective date of the new plan; and

(3) The Class I disposition of persons who were producer-handlers during 1970 and, in the second month preceding the effective date of the new plan, have producer status.

The total of such Class I disposition during 1970 would be multiplied by 120 percent and averaged on a daily basis. The resulting quantity would be prorated to the production history bases of individual producers. The quantity prorated to each producer will be his Class I base.

For purposes of this proration and for use in production history adjustments when needed, the relationship between Class I base and production history base will be expressed as a percentage called the "Class I base percentage." The Class I base percentage will be computed by dividing the sum of the production history bases into the total Class I base to be assigned, with the resulting ratio converted to a percentage by multiplying by 100 and rounding to the third decimal place.

Each year producers' Class I bases will be updated to reflect changes in Class I sales and production history bases. The Class I milk quantity to be used for the updating would be that disposed of by handlers in the preceding year including the Class I milk specified in the preceding findings; together with the Class I milk of any former nonpool plant which became a pool plant and held pool plant status in December preceding the February 1 on which the new bases are to be computed. The Class I sales of former producer-handlers would likewise be included if such person were a producer in December preceding the February 1 date.

(3) *Base rules.* The transfer of production history and Class I base is provided for in the Agricultural Act of 1970. Considered by proponents to be an integral part of the base plan as adopted herein, the transfer provisions should be included in this order for several reasons.

By providing an alternative to going through the steps of base building, transfers allow new producers to obtain base quickly and in a manner which will not dilute the base pool. As will become clear later, by acquiring a base by transfer a new producer actually improves the Class I base allocation of existing base holders by strengthening the Class I base percentage. Moreover, he can plan his production in accordance with his Class I base right from the beginning of his operation. A producer building base from his own production must develop a production history which will be in excess of his allotted Class I base. To reduce his production to his Class I base, such a producer would have to reduce his operation, which, after possibly investing in expensive equipment, he may be reluctant to do. Acquiring a base by transfer, therefore, will help a producer adjust his production to his share of the market in a way which can be beneficial to him as well as to existing baseholders.

Transfer of base can also help established producers to adjust the scale of their operations. An established producer can purchase Class I base to cover an increase in his milk production, thus avoiding the necessity of establishing a greater production history himself which will dilute the market's Class I base percentage. A producer desiring to decrease the scale of his operation, perhaps as a result of health or a shortage of labor, will have an incentive to do so. In the absence of transfers, such a producer may have reluctantly continued production at the same level.

While transfers are permitted, bases should not take on an "unreasonable value." Several features of the plan adopted herein should keep bases from taking on an unreasonable value. Unlike the present plan, the new plan allows a new dairy farmer to establish a production history for himself and earn a full base over a 3-year period. The present plan does not provide bases for new producers, but instead, prices a certain portion of the monthly milk of new producers at the base price. New producers share in the Class I sales of the market only if such sales exceed those of the comparable month of 1966. In avoiding the uncertainty of such monthly pricing, the new plan provides a measure of stability for new producers. A new producer is currently forced to buy a base to assure a base price for a portion of his milk production, but will be able to earn a base for himself under the plan adopted herein. Thus, there will be less incentive for a new producer to buy base when he can earn one himself.

Similarly, an established producer may increase his Class I base by building up a greater production history through his own production. Under the existing plan a producer has no recourse but to purchase base if he wishes to increase his base. With the option of earning base himself, such producer will have less incentive to buy additional base under the new plan.

The adopted base transfer provisions also differ from those in the present order in other respects. First, not only the Class I base but also the production history base will be transferable in the adopted base plan, since the Class I base is simply a percentage of the production history base. Unlike the present base plan, Class I bases will be updated annually.

A second important aspect of transfers is that one-third of the Class I base and the production history base associated with it will lapse on each transfer, except intrafamily transfers. The amount of production history base associated with Class I base will be determined by multiplying the total production history base held at the time of transfer by the percent of Class I base transferred. To illustrate, suppose a producer with a Class I base of 300 pounds and a production history base of 500 pounds transfers 150 pounds of his Class I base. The corresponding amount of production history base transferred will be 250 pounds. With a one-third lapse of base, however, the transferee producer will receive only 100 pounds of Class I base and 166⅔ pounds of production history base.

This lapse of base should mitigate any abuse of the transfer privileges and curb some of the transferring arrangements which have been common under the present plan. For example, a producer presently may decrease his production below his base and transfer all or a portion of his Class I base to another producer with the understanding that the base will be transferred back to him once his production has come up to his base. Such transfers will be discouraged in the plan adopted herein by the one-third lapse of base on each transfer.

The one-third lapse of base will be to the advantage of base-holding producers since each transfer will leave less production history to be apportioned to Class I sales in the market. On each transfer of 100 pounds of base, 33⅓ pounds will lapse, thereby strengthening the Class I base percentage used each February 1 to determine the reallocation of Class I base.

The present base plan allows transfer of Class I base in amounts of not less than 100 pounds or the entire base, whichever is smaller. This should be changed to 150 pounds or the entire base, whichever is less. With a one-third lapse of base, a transferor will then transfer 150 pounds of Class I base, but the transferee will only receive 100 pounds of it.

A time limitation on transferring base is another significant part of this new base plan. With the exception of intrafamily transfers, bases which have been computed from a less than 3-year production history period may not be transferred. Thus, a producer who has not yet completed a 3-year base-earning period, but who has received base by transfer, may not transfer base in excess of that which he has received by transfer, except if he transfers the base intrafamily.

This provision will require a producer to demonstrate his ability and willingness to supply the market's needs in a reliable fashion before he may transfer base. It will also prevent dilution of base by producers who don't intend to remain on the market.

A time limitation on transfer of base is also needed for other types of producers. In the absence of some limitation, a producer-handler can easily switch to producer status, be assigned a full Class I base, and then sell it. A 3-year time limitation on the transfer of base by a producer-handler will avert such an unwarranted sale of base. This 3-year period begins from the time the base is first allotted to the producer-handler and applies to any family member who receives this base via the intrafamily transfer provision.

The provision of the present Class I base plan which requires that a producer who desires to become a producer-handler must forfeit the maximum amount of Class I base and production history base held at any time during the preceding 12-month period before he can be designated a producer-handler, is retained in the new Class I base plan. This provision is necessary to assure that such persons do not receive a windfall by having a Class I base available for transfer and simultaneously having exemption as producer-handlers. This forfeiture should also be required if producer-handler designation is to be issued to any member of such a producer's family, any affiliate of such a producer, or any business unit of which such a producer is a part. This is necessary in order to avoid windfall benefits by subterfuge.

A producer may receive a base in this market when the plant he has been shipping to becomes a pool plant. Such a producer should have to wait 1 full year before he is allowed to transfer a base computed from a 3-year production history period. Otherwise, a plant could get a short-term contract in this market and lose it 6 months later. The producers shipping to that plant would naturally sell their allotted base, thereby receiving a windfall gain—clearly not the purpose of this base plan.

In addition to these restrictions on transferring base, certain restrictions are necessary to discourage producers from selling their bases and earning new bases. A producer who transfers his entire Class I base, therefore, should receive only the Class III price for his milk until the later of the following dates: (1) The first day of the seventh month following the month in which he transfers his base; or (2) the first day of the third month following the month in which he resumes deliveries of producer milk.

The person who sells his entire base and resumes production at a subsequent date, or who continues in production, is not a new producer in the same sense as other nonbaseholding dairy farmers. Therefore, he need not be assigned a base in the same manner or in the same time period as other dairy farmers becoming producers.

An intrafamily transfer involves the transfer of base from the baseholder to a member of his immediate family (including transfers to an estate and from an estate to a member of the family), provided that the transfer implements a continuous operation on the same farm with the same herd. The one-third lapse of base should not apply to an intrafamily transfer.

Intrafamily transfers of Class I base which have occurred under the present base plan maintained a continuous operation and the production history of that operation should, therefore, be considered representative in determining Class I base under the new plan. In addition, any production delivered by the transferor-producer during the base-earning period and prior to the effective date of the new plan shall be assumed to have been delivered by the transferee for use in computing a production history base under the new plan; and all restrictions on transferring base applicable to the transferor-producer shall also apply to the transferee.

Another special category of transfers concerns corporations. If a corporation holds base, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of base in compliance with the transfer provisions. Moreover, since corporations may control other corporations, every time controlling interest is transferred to another corporation, there will be a corresponding transfer of base in compliance with the transfer provisions. If a baseholder is the sole holder of the stock of his incorporated farm, however, and passes that stock to a member of his immediate family who continues the operation on the same farm, there will be no lapse of base involved.

Under the present base plan, a producer must notify the market administrator of his intention to transfer Class I base on or before the last day of the month in which the transfer is to be effective. To facilitate administration of the adopted plan, a base transfer request must be filed with the market administrator on or before the first day of the month in which it is to be effective. Even when a farm and herd are transferred with the base, the base transfer request must still be made on or before the first day of the month of transfer.

(4) *Provisions for alleviation of hardship and inequity.* The Agricultural Act of 1970 continues the requirement of the Food and Agriculture Act of 1965 that provision be made for the alleviation of hardship and inequity among producers.

The provisions of the present Class I base plan relating to this matter have operated satisfactorily and should be continued in their present form in the new Class I base plan.

Specifically, provision is made for the establishment of a "Producer Base Committee" to be appointed by the market administrator. This committee shall review the petitions for relief from hardship or inequity referred to it by the market administrator. Detailed guidelines to be followed by the committee are set out. These define the circumstances under which a producer may apply for relief. They represent conditions which are beyond the control of the producer such as acts of God, disease, pesticide residue or condemnation of milk. Conditions over which the producer could have exercised control through prudent precautionary measures are not a grounds for relief. These include such factors as mechanical failure of equipment, inability to obtain adequate labor and similar conditions.

Provision is also made that a producer whose application for relief is rejected may appeal the ruling of the Producer Base Committee to the Director of the Dairy Division.

Because of the modification in the computation of production history bases described above, whereby a producer's base is not reduced if his days of nondelivery in the base period of any year do not exceed 4 days' production, it is expected that there will be fewer requests for relief under the new plan.

(5) *Administrative provisions.* The present Class I base plan contains a provision whereby a base holding producer who delivers a portion of his milk to a nonpool plant shall have his base milk reduced by an amount equal to his Class I base for each day that milk was delivered to the nonpool plant.

This provision was nullified by an amendment to the definition of "producer" effective May 1, 1968 (38 F.R. 6230). As a result of this amendment a producer whose milk is delivered to a nonpool plant, except by diversion, loses his producer status for the entire month. All milk delivered to pool plants by such producer during the month is "other source milk" and not subject to pricing under the order.

The record evidence supports the continuation of the producer definition in its present form. There is no reason, therefore, to include in the base rules a method for dealing with a producer who delivers part of his milk to a nonpool plant.

Under the new plan certain categories of new producers, as described above, receive payment for their milk at the Class III price, rather than at the uniform prices for base and excess milk. The provision of the order relating to the computation of the uniform price and payments to producers are revised to reflect this.

The Agricultural Act of 1970 provides that Class I base plans issued prior to its expiration date, December 31, 1973, may be extended beyond that date but not past December 31, 1976. Such limitation accordingly applies to the proposed plan.

(6) *Continuing provisions in the event of lack of approval by producers or expiration of statutory authority for the Class I base plan.* The order should include provisions for the computation of a uniform price for all producer milk to be used in distributing returns to producers in the event producers, voting individually in a separate referendum, fail to approve the Class I base plan. Such provisions also would be necessary in the event that the statutory authority for Class I base plans should expire while the Class I base plan is in effect if incorporated in the order.

The Class I base plan contained in the current order cannot be continued in effect should the proposed Class I base plan fail to be approved in the referendum. Statutory authority for such a plan no longer exists. Authority for the plan expired on December 31, 1970. However, Congress provided that the plan could be extended for a period of not more than a year to prevent disruption of the market pending amendment of the order, and to provide for an orderly transition from the present Class I base plan to one authorized under the Agricultural Act of 1970.

Some producer witnesses, at the hearing and in their briefs, indicated their opposition to the adoption of a new Class I base plan. They urged that the order provide for payment to all producers of a uniform price for milk, regardless of the production history of the individual producers. Producer witnesses who supported the adoption of the Class I base plan testified that the order should be continued in effect even though the proposed Class I base plan should not be approved by producers voting in a separate referendum. It was the position of the latter group that, in such event, returns should be distributed to producers by means of a uniform price applicable to all producer milk.

For the reasons set forth above, it has been concluded that producers should have the opportunity to decide whether returns from the sale of their milk should be apportioned among producers through a Class I base plan. Incorporation in the order of provisions, either to effectuate a Class I base plan, or to provide for the computation of a uniform price applicable to all producer milk, will afford producers the opportunity to decide which pricing mechanism will be included in the order. It will also provide for the continued functioning of the order in the event statutory authority for the plan should expire while the plan is in effect.

RULINGS ON MOTIONS

At the beginning of the hearing, one interested party requested the Presiding Officer to postpone the hearing for an additional 60 days. This request was denied by the Presiding Officer. During the course of the hearing the same party requested the Presiding Officer to recess the hearing for a period of 60 days. This motion was likewise denied. After deviewing the record, it is concluded that the Presiding Officer ruled correctly in rejecting the motions to postpone or recess the hearing.

The same parties in their brief requested a reopening of the hearing and a further 60-day extension of time to consider further proposals. Inasmuch as such parties were afforded full opportunity at the hearing to present testimony and because of the urgency of this amendatory action, the further request is denied.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milks as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RECOMMENDED MARKETING AGREEMENT AND ORDER AMENDING THE ORDER

The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order, as hereby proposed to be amended. The following order amending the order, as amended, regulating the handling of milk in the Puget Sound marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. In § 1125.72, paragraph (a) is revised to read as follows:

§ 1125.72 Computation of uniform prices for base milk and excess milk.

* * * * *

(a) * * *

(1) The amount computed by multiplying the hundredweight of milk specified in § 1125.71(f)(2) by the weighted average price for all milk;

(2) The amount obtained by multiplying by the Class III price the total hundredweight of milk delivered by all producers described in § 1125.121 (c) and (d) for whom no base milk has been computed; and

(3) The amount computed by multiplying the hundredweight of excess milk by the Class III price for 3.5 percent milk, rounded to the nearest one-tenth cent: *Provided*, That if such result is greater than an amount computed by multiplying the hundredweight of base milk by the Class I price (for 3.5 percent milk) plus 4 cents, such amount in excess thereof shall be subtracted from the result obtained prior to this proviso;

* * * * *

1a. In § 1125.72(c), in both instances, change the reference "(a)(2)" to read "(a)(3)".

2. In § 1125.80, paragraph (a) is revised to read as follows:

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) * * *

(1) At not less than the uniform price for base milk for the quantity of base milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81;

(2) At not less than the Class III price adjusted by the butterfat differential computed pursuant to § 1125.82 for the quantity of milk received from producers described in § 1125.121 (c) and (d) for whom no base milk has been computed; and

(3) At not less than the uniform price for excess milk for the quantity of excess milk received, adjusted by the butterfat differential computed pursuant to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided*, If by such date such handler has not received full payment for such month pursuant to § 1125.85, he shall not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payment uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

* * * * *

CLASS I BASE PLAN PROVISIONS

§ 1125.110 Production history base and Class I base.

For purposes of determination and assignment of Class I base of each producer:

(a) "Production history base" means a quantity of milk in pounds per day as computed pursuant to § 1125.120 (b) or (c).

(b) "Class I base" means a quantity of milk in pounds per day as computed pursuant to § 1125.121 for which a producer may receive the base milk price.

(c) "Average daily producer milk deliveries" of a producer in any specified period used for computing production history bases means the total pounds of producer milk delivered by the producer divided by the number of days in the period rounded to the nearest whole pound: *Provided*, That if a producer is prevented from delivering milk during the production history period because of storm conditions, the number of days of nondelivery due to such cause not to exceed 4 days in any year may be deducted from the total number of calendar days in the period.

§ 1125.111 Base milk and excess milk.

(a) "Base milk" means:

(1) Milk received from a producer which is not in excess of his Class I base multiplied by the number of days in the month except that if milk is received from a producer for only part of a month, base milk shall be milk received from such producer which is not in excess of his Class I base multiplied by the number of days of production of producer milk delivered during the month; and

(2) Milk received from a producer to whom no Class I base has been issued, in the amount determined pursuant to § 1125.121 (c) or (d).

(b) "Excess milk" means milk in excess of base milk received during any designated period from a producer who during such period is delivering base milk.

§ 1125.120 Computation of production history base for each producer.

A "production history base" as defined in paragraph (b) or (c) of this section shall be determined by the market administrator for each producer eligible for such base on the effective date of this provision and on February 1 of each year thereafter. The computation of production history base shall be subject to adjustments described in paragraph (c)(1) of this section due to acquisition or disposition by transfer of Class I base or other modifications of Class I base due to hardship or loss of Class I base because of underdelivery of base. For purposes of computation of his production history base, a producer shall be considered as having been on the market during any specified period if: As a producer he delivered milk of his production during the designated period without interruption sufficient to cause forfeiture of base pursuant to § 1125.123(a); during such period (after the effective date of this provision) did not dispose of all his Class I base by transfer; and during no year of his production history period were his average daily producer milk deliveries subject to negative adjustments pursuant to paragraph (c)(1) of this section resulting in a zero quantity. If such adjustment results in a zero quantity of average daily deliveries, the producer shall have a 1 year production history period and a corresponding production history base, not subject, however, to the 20 percent reduction provided in paragraph (c)(3) of this section.

(a) "Production history period" means the period to be used for the computation of production history base for a producer. Production history periods for this purpose are as follows:

(1) The production history period for a producer who has been on the market during the 3 years (January–December) preceding the determination of his production history base shall be the 4 months of each such year during which the average daily receipts of total producer milk in the market were lowest for the year. The period described in this subparagraph shall be known as a 3-year production history period.

(2) The production history period for a producer who has been on the market for a lesser period than specified in subparagraph (1) of this paragraph but beginning on a date not later than September 1 of one of the 3 preceding years (January–December) shall be:

(i) In the first year, the months specified in subparagraph (1) of this paragraph if the producer was on the market for all of the first full month so specified, otherwise the months of September through December, of such year; and

(ii) In any other years preceding the determination of his production history base, the 4 months of each year specified in subparagraph (1) of this paragraph;

(iii) Periods described in this subparagraph shall be known as 1-year, 2-year or 3-year production history periods depending on whether deliveries began in the first, second, or third year, respectively, preceding determination of production history base;

(3) The production history period for a producer who has been on the market during a period beginning after September 1, 1970, and who delivered producer milk in each of the 7 months preceding the effective date of this provision shall be the first 4 full months of delivery on the market. Such period shall be known as a 1-year production history period. For any such producer, the milk deliveries of the same 4 months shall be used in subsequent updating of production history bases to represent the milk deliveries of such producer in 1970.

(b) The production history base for each producer on the effective date of this provision shall be determined by the market administrator as follows:

(1) If the production history period of any producer includes in any year months other than those specified pursuant to paragraph (a)(1) of this section, the average daily producer milk deliveries of such producer in the months used in his production history period shall be adjusted as follows: Multiply the producer's average daily producer milk deliveries by the ratio of average daily total producer milk in the market in the 4 months of the year specified in paragraph (a)(1) of this section to the average daily total producer milk in the market in the months used for such producer; except that for a producer described pursuant to paragraph (a)(3) of this section, the 4-month period specified in paragraph (a)(1) of this section shall be the applicable months in 1970.

(2) For a producer who was issued a Class I base pursuant to the provisions which become effective on September 1, 1967, and thus had a "production history base" which he had earned pursuant to the provisions then effective, and who has continued on the market as a producer since the issuance of such base, the production history base pursuant to this subparagraph shall be the larger of (i) the "production history base" assigned pursuant to the provisions effective September 1, 1967, reduced by the amount specified in the provision made effective September 1, 1967, in § 1125.123(f) with respect to reduction of production history base in proportion to transfer of Class I base, or (ii) such producer's production history base determined pursuant to subparagraph (3) of this section. This provision shall apply also to the production history base of a Class I effective September 1, 1967, if now held by a producer who received it from the original holder by intrafamily transfer, or through a succession of intrafamily transfers.

(3) For a producer with a 3-year production history period, the production history base shall be the sum of his average daily producer milk deliveries each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph if applicable) divided by 3.

(4) For a producer with a 1-year or 2-year production history period, the production history base shall be the sum of his average daily producer milk deliveries in each year in the specified months for production history (subject to adjustment of deliveries in any year pursuant to subparagraph (1) of this paragraph, if applicable) divided by the number of years in the production history period and multiplied by 60 percent for a 1-year production history period or by 80 percent for a 2-year production history period.

(5) A production history base shall be assigned to producers on the effective date of this provision who qualify for such base pursuant to paragraphs (d), (e), and (f) of this section.

(c) The production history base for each producer on February 1 of each year shall be determined by the market administrator as follows:

(1) In updating a production history base as described in this paragraph, adjustments to a producer's previously assigned production history base and/or average daily producer milk deliveries in prior years shall be made as follows:

(i) If a producer's average daily producer milk deliveries in the combined period of the four production history months of the preceding year is less than the average of such producer's Class I base effective on the first day of each such month, the amount of such difference shall represent a reduction in Class I base. Such reduction shall not apply, however, in the updating of bases on February 1, 1972.

(ii) The prior production history base assigned to such producer shall be adjusted in proportion to the net change in Class I base due to acquiring or disposing of Class I base by transfer, adjustment of Class I base for hardship, or because of underdelivery of Class I base.

The adjustment factor shall be determined by dividing the Class I base last held by the producer in the preceding January (after any adjustment pursuant to subdivision (i) of this subparagraph), by the amount of Class I base issued on the preceding February 1.

(iii) The average daily producer milk deliveries for which a producer will receive credit in his production history in years prior to any net disposal of Class I base by transfer or reduction due to underdelivery shall be adjusted in proportion to the net change in Class I base. The adjustment factor shall be the Class I base issued on the previous February 1 less the net amount of Class I base disposed of by transfer since February 1 and the amount of reduction of Class I base pursuant to subdivision (i) of this subparagraph, divided by the amount of Class I base issued on the preceding February 1.

(iv) If the combined effect of such adjustments is a reduction greater than the respective production history base or average daily producer milk deliveries subject to such adjustments, then the resulting amount after adjustment shall be zero and any year for which a zero amount is determined shall not be regarded as a production history period.

(2) For a producer with a 3-year production history period, the production history base shall be one-third of the sum of the amounts pursuant to subdivisions (i), (ii), and (iii) of this subparagraph, or the amount pursuant to subdivision (iv) of this subparagraph, whichever is larger:

(i) His average daily producer milk deliveries in the specified months for production history in the first year (adjusted pursuant to paragraph (b)(1) of this section, if applicable) reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(ii) His average daily producer milk deliveries in the specified months for production history in the second year of his production history period, reduced by any adjustments pursuant to subparagraph (1)(iii) of this paragraph;

(iii) His average daily producer milk deliveries in the specified months for production history in the most recent year of his production history period;

(iv) The production history base assigned to such producer on the preceding February 1 (or effective date of this provision) subject to any adjustments pursuant to subparagraph (1) of this paragraph.

(3) For a producer with a 1- or 2-year production history period who did not acquire Class I base by transfer from another producer, the production history base shall be the sum of his average daily producer milk deliveries for each year (calculated in the same manner and subject to the same type of reductions as described in subparagraph (2)(i) of this paragraph) divided by the number of years in his production history period and multiplied by 60 percent if the producer has a 1-year production history period or by 80 percent if he has a 2-year production history period. The resulting quantity shall be subject to a further reduction of 20 percent in the case of any producer who began deliveries after the effective date of this provision.

(4) For a producer who has acquired a Class I base by transfer from another producer prior to assignment of a production history base computed from deliveries of his own milk production, the production history base to be assigned on the February 1 following a 1-year production history period of such producer shall be the larger of the amounts computed pursuant to subdivision (i) or (ii) of this subparagraph, and on the February 1 following a 2-year production history period shall be the amount computed pursuant to subdivision (iii) of this subparagraph.

(i) The production history base associated with the Class I base acquired, adjusted pursuant to subparagraph (1) of this paragraph.

(ii) One-third of his average daily producer milk deliveries in the specified production history months of the preceding year (adjusted pursuant to paragraph (b)(1) of this section, if applicable).

(iii) The production history base last assigned on a February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(5) For a producer who has been assigned a production history base calculated only from deliveries of his own milk production during a one-year production history period and who since such assignment has acquired Class I base by transfer from another producer, the production history base of such producer on February 1 following such acquisition of Class I base shall be the production history base last assigned to such producer on the effective date of this provision or on the latest preceding February 1 adjusted pursuant to subparagraph (1) of this paragraph plus one-third of the excess of the producer's average daily producer milk deliveries in the four production history months of the preceding year over such adjusted production history base.

(d) For each producer not subject to § 1125.121(d) who became a producer for this market after January 1, 1968, because the plant to which he regularly delivered milk became a fully regulated plant pursuant to this order, a production history base shall be determined, if possible, pursuant to paragraph (b) or (c) of this section based on his deliveries of milk as if the nonpool plant to which he delivered were a pool plant during the 3 preceding years.

(e) A producer not described pursuant to paragraph (d) of this section who delivered milk to a nonpool plant prior to becoming a producer, and who is not subject to the provisions of § 1125.121(d), shall have a production history base effective on the first day of the 3d month after the month in which he began deliveries of producer milk to a pool plant if a production history base can be computed pursuant to paragraph (b) or (c) of this section based on deliveries of milk from the same farm on which he is now a producer as if the plant(s) to which he delivered had been a pool plant(s) during the 3 preceding years.

(f) For a producer who held producer-handler status during any part of the production history periods specified in paragraph (a) of this section, a production history base shall be calculated as prescribed in paragraph (b) or (c) of this section as though the milk of his own production received at his producer-handler plant had been received at a pool plant.

(g) With respect to computation of production history bases pursuant to this section the following rules shall apply:

(1) If a producer operated more than one farm at the same time during any specified production period, a separate computation shall be made with respect to producer milk delivered from each such farm for such period, except that only one computation shall be made with respect to milk production resources and facilities of a producer-handler specified in § 1125.14(b)(1).

(2) Only one production history base shall be allotted with respect to milk produced by one or more persons where the land, buildings, and equipment are jointly used, owned, or operated.

§ 1125.121 Computation of Class I base or base milk for each producer.

On the effective date of this provision and on February 1 of each subsequent year the market administrator shall assign a Class I base to each producer who has a production history base. Class I bases shall be assigned to producers described in paragraphs (d), (e), and (f) of § 1125.120 when they are issued production history bases. Class I bases shall be computed as follows:

(a) Compute a "Class I base percentage" as follows:

(1) Determine the sum of Class I dispositions during the preceding calendar year from the following:

(i) Class I producer milk pursuant to § 1125.46(c),

(ii) The Class I disposition of plants during the period when they were nonpool plants, if such plants were pool plants in the preceding December, and

(iii) The Class I disposition of his own production of a person who was a producer-handler during a portion of the year and who held producer status in the preceding December.

Multiply the sum by 1.20 and divide the result by the number of days in such year: *Provided*, That on the effective date of this provision, comparable Class I disposition for the year 1970 will be determined, including that of former nonpool plants and producer-handlers which in the second month preceding the effective date were, respectively, pool plants and producers.

(2) Divide the quantity computed pursuant to subparagraph (1) of this paragraph by a quantity which is the total of production history bases computed pursanut to § 1125.120. The result shall be converted to a percentage by multiplying by 100 and rounding to the third decimal place. Such percentage shall be known as the "Class I base percentage."

(b) The Class I base of each producer with a production history base shall be determined by multiplying his production history base by the "Class I base percentage."

(c) A producer, other than a producer pursuant to paragraph (d) of this section, who has no production history base shall be assigned base milk each month effective on the first day of the third month after the month in which he began deliveries of producer milk. Such base milk for each month prior to the first February 1 on which he is eligible for a Class I base shall be computed as follows:

(1) Multiply the quantity of producer milk delivered by the producer during the month by the ratio of average daily total producer milk in the market in the months of the preceding year used in the computation pursuant to § 1125.120(a)(1) to the average daily total producer milk in the market in the month of the preceding year which corresponds to the month for which the computation is being made in the current year.

(2) Multiply the quantity resulting from the computation pursuant to subparagraph (1) of this paragraph by 40 percent and by the Class I base percentage, and if such producer began production after the effective date of this provision, subtract from the resulting quantity 20 percent of such quantity.

(d) A producer who, after having forfeited or disposed of all of his Class I base, either continues as a producer on the market or discontinues deliveries to the market and returns to the market as a producer, shall be assigned base milk computed in the manner specified in paragraph (c)(1) and (2) of this section, such assignment to be effective on the later of the following dates: the first day of the third month after the month in which he recommences deliveries of producer milk on the market, or the first day of the seventh month after the month in which a producer who forfeits his base ceases deliveries or a producer disposes of his Class I base. The production history period of such producer shall begin on the later of the following dates: the date on which he first received payment for base milk or the first day of the first month eligible for use in a production history period pursuant to § 1125.120(a).

§ 1125.122 Transfer of bases.

Production history and Class I base may be transferred pursuant to the following rules and conditions:

(a) A transfer of base means the transfer of both the production history base and the Class I base associated with it at the time of transfer. The percentage of Class I base transferred shall be applied to the total production history base held at the time of transfer to determine the corresponding amount of production history transferred.

(b) The market administrator must be notified in writing by the holder of the Class I base on or before the first day of the month of transfer of the name of the person to whom the Class I base is to be transferred, the effective date of the transfer and the amount of base to be transferred if less than the entire Class I base held by the transferor.

(c) It must be established to the satisfaction of the market administrator that the conveyance of such base is bona fide and not for the purpose of evading any provision of this order, and comes within the remaining provisions of this section.

(d) A transfer may be made only to a producer (a person who is currently a producer on the market or who will become a producer under the terms of the order by the last day of the month of transfer).

(e) A transfer of Class I base may be made in amounts of not less than 150 pounds or the entire base, whichever is smaller. The amount of base credited to the transferee shall be two-thirds of the Class I base disposed of by the transferor producer.

(f) A transfer of a portion of a Class I base shall be a partial transfer and shall be effective only on the first day of a month. A transfer where the transferee producer will combine the Class I base received with Class I base already held shall be considered a partial transfer.

(g) A transfer of a complete Class I base of a producer to a person who does not hold a Class I base will be effective on the date of transfer of herd and farm, or on the first day of the month if no herd and farm is transferred, provided in either case that a base transfer request was made to the market administrator on or before the first day of the month of transfer.

(h) An intrafamily transfer (including transfers to an estate and from an estate to a member of the immediate family) will not be subject to a one-third lapse of base, provided that the transfer implements a continuous operation on the same farm with the same herd. All restrictions on transferring base applicable to the transferor producer shall also apply to the transferee.

(i) A producer who receives a base when the plant to which he ships becomes a pool plant in this market may not transfer such base, other than pursuant to paragraph (h) of this section, for 1 year from the date of receipt or such later date as provided in paragraph (k) of this section. If the base is transferred to a member of the immediate family, then such transferee may not transfer that base for 1 year from the time it was originally allotted to the transferor, except in the case of another intrafamily transfer.

(j) A producer-handler who becomes a producer and receives a base, may not transfer that base for a period of 3 years from the date of receipt, except to a member of the immediate family pursuant to paragraph (h) of this section. In the case of such a transfer, the transferee may not transfer that base for 3 years from the time it was originally allotted to the transferor, except in the case of another intrafamily transfer.

(k) A base which has been computed from a less than 3-year production history period may not be transferred, except as an intrafamily transfer pursuant to paragraph (h) of this section.

(l) If a base is held by a corporation, a change in ownership of the stock which transfers control to a new person or persons will require a transfer of bases and compliance with all base rules therein.

§ 1125.123 Miscellaneous base rules.

The following base rules shall be observed in the determination of bases:

(a) A person who discontinues deliveries of producer milk for a period of 60 consecutive days after a Class I base is issued him shall forfeit any Class I and production history base held pursuant to the provisions of this order, except that a person entering military service may retain his Class I base until 1 year after being released from active military duty.

(b) As soon as production history bases and Class I bases are computed by the market administrator, notice of the amount of each producer's production history base and Class I base shall be given by the market administrator to the producer, to the handler receiving such producer's milk, and to the cooperative association of which the producer is a member. Each handler, following receipt of such notice, shall promptly post in a conspicuous place in his plant a list or lists showing the Class I base of each producer whose milk is received at such plant.

(c) As a condition for designation as a producer-handler pursuant to § 1125.14, any person (including any member of the immediate family of such a person, any affiliate of such a person, or any business of which such a person is a part) who has held Class I base any time during the 12-month period prior to such designation shall forefit the maixmum amount of Class I and production history base held at any time during such 12-month period.

§ 1125.124 Hardship provisions.

Requests of producers for relief from hardship or inequity arising under the provisions of §§ 1125.120 through 1125.123 will be subject to the following:

(a) After bases are first issued under this plan and after bases are issued on each succeeding February 1, a producer may request review of the following circumstances because of alleged hardship or inequity:

(1) He was not issued a Class I base;

(2) His production history base is not appropriate because of unusual conditions during the base-earning period such as loss of buildings, herds, or other facilities by fire, flood or storms, official quarantine, disease, pesticide residue, condemnation of milk, or military service of the producer or his son;

(3) Loss or potential loss of Class I base pursuant to § 1125.123(a);

(4) Loss or potential loss of Class I base because of underdeliveries pursuant to § 1125.120(c)(1);

(5) Inability to transfer base due to the provisions of § 1125.122 (i), (j), or (k);

(b) The producer shall file with the market administrator a request in writing for review of hardship or inequity not later than 45 days after notice pursuant to § 1125.123(b) with respect to requests pursuant to paragraph (a) (1) or (2) of this section, or not later than 45 days after the occurrence with respect to requests pursuant to paragraph (a) (3), (4), or (5) of this section, setting forth:

(1) Conditions that caused the alleged hardship or inequity;

(2) The extent of the relief or adjustment requested;

(3) The basis upon which the amount of adjustment requested was determined; and

(4) Reasons why the relief or adjustment should be granted.

(c) One or more Producer Base Committees shall be established and function as follows:

(1) Each Producer Base Committee shall consist of five producers appointed by the market administrator.

(2) Each committee shall review the requests for relief from hardship or inequity referred to it by the market administrator at a meeting in which the market administrator or his representative serves as recording secretary and at which the applicant may appear in person if he so requests.

(3) Recommendations with respect to each such request shall be endorsed at the meeting by at least three committee members and shall:

(i) With respect to requests pursuant to paragraph (a) (1), (3), (4), or (5) of this section, grant or adjust production history bases where it appears appropriate, delay forfeiture of Class I base, restore forfeited base where appropriate, and permit transfer of base not otherwise possible under the order provisions.

(ii) With respect to requests pursuant to paragraph (a)(2) of this section, either reject the request or provide adjustment in the form of additional production history base where it appears appropriate and the effective date thereof of such adjustment. In considering such requests the loss of milk production due to the following shall not be considered a basis for hardship adjustment:

(*a*) Loss of milk due to mechanical failure of farm tank or other farm equipment; and

(*b*) Inability to obtain adequate labor to maintain milk production, except that hardship adjustment may be granted in the case of a producer or the son of a producer who entered into military service directly from employment in milk production;

(4) Recommendation of the Producer Base Committee shall:

(i) If to deny the request, the final upon notification to the producer, subject only to appeal by the producer to the Director, Dairy Division within 45 days after such notification; or

(ii) If to grant the request in whole or in part, be transmitted to the Director, Dairy Division, and shall become final unless vetoed by such Director within 15 days after transmitted.

(5) Committee members shall be reimbursed by the market administrator from the funds collected under § 1125.88 for their services at $20 per day or portion thereof, plus necessary travel and subsistence expenses incurred in the performance of their duties as committee members.

(d) The market administrator shall maintain files of all requests for alleviation of hardship and the disposition of such requests. These files shall be open to the inspection of any interested person during the regular office hours of the market administrator.

COMPUTATION OF UNIFORM PRICE FOR PRODUCER MILK

The following provisions are necessary to effectuate the continued operation of the order in the event producers voting individually in a separate referendum fail to approve the Class I base plan or if the statutory authority for such a plan is terminated while it is in effect after its incorporation in the order. In such event, the preceding order provisions shall be modified as specified below.

1. In § 1125.22, paragraphs (j)(1)(iii) and (k)(2) are revised to read as follows:

§ 1125.22 Duties.

* * * * *

(j) * * *

(1) * * *

(iii) Uniform price for producer milk.

* * * * *

(k) * * *

(2) On or before the 13th day of each month the uniform price for producer milk computed pursuant to § 1125.71 and the butterfat differential computed pursuant to § 1125.82, each applicable to milk received during the preceding month.

* * * * *

2. In § 1125.35, paragraph (a)(2) is revised by deleting the words "the pounds of base and excess milk."

3. In § 1125.71, the subheading is changed to read: "Computation of weighted average price and uniform price for producer milk." The second sentence of paragraph (g) is revised to read as follows: "The result shall be known as the uniform price for producer milk and the weighted average price for all milk."

4. Section 1125.72 is revoked.

5. In § 1125.80, paragraph (a) is revised to read as follows:

§ 1125.80 Time and method of payment to producers and to cooperative associations.

(a) On or before the 19th day after the end of each month each handler shall make payment to each producer for the milk received from such producer during such month at not less than the uniform price for producer milk adjusted by the butterfat differential computed to § 1125.82 and by any location adjustment applicable under § 1125.81: *Provided*, If by such date such handler has not received full payment for such month pursuant to § 1125.85, he should not be deemed to be in violation of this paragraph if he reduces uniformly for all producers his payments per hundredweight pursuant to this paragraph by a total amount not in excess of the reduction in payment from the market administrator; however, the handler shall make such balance of payments uniformly to those producers to whom it is due on or before the date for making payments pursuant to this paragraph next following that on which such balance of payments is received from the market administrator.

* * * * *

6. In § 1125.81, paragraph (a) is revised to read as follows:

§ 1125.81 Location adjustments to producers and on nonpool milk.

(a) In making payments to producers pursuant to § 1125.80(a), subject to the application of § 1125.12(c), deductions may be made per hundredweight of milk received from producers at the respective plant locations at the same rate per hundredweight as is specified for Class I milk in the table set forth in § 1125.53.

* * * * *

7. In § 1125.82, the words "for base milk and for excess milk" are deleted.

8. The centerhead "Class I Base Plan Provisions" following § 1125.101, and §§ 1125.110, 1125.111, 1125.120, 1125.121, 1125.122, 1125.123, and 1125.124 are revoked.

Signed at Washington, D.C., on May 6, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6557 Filed 5-10-71;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 260]

INSPECTION AND CERTIFICATION OF FISHERY PRODUCTS

Notice of Proposed Rule Making

In the FEDERAL REGISTER of March 10, 1971 (36 F.R. 4609), was published the first of a series of partial revisions of Part 260 of Title 50 CFR. This notice of proposed revisions is the second in a series of partial revisions of Part 260 of Title 50 CFR.

Notice is hereby given that pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), it is proposed to amend certain sections of Part 260—Inspection and Certification pertaining to the following subject matter:

1. Administration of regulations
2. Definitions
3. Fees and charges
4. Requirements for official establishments under fishery products inspection on a contract basis

These proposed amendments are necessary in order to reflect the transfer of fishery standards development and inspection functions, performed under the authority of Title II of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), from the Department of the Interior to the Department of Commerce. This transfer was effected by Reorganization Plan No. 4 of 1970 (35 F.R. 15627), which, among other things, abolished the Bureau of Commercial Fisheries in the Department of the Interior, and transferred its functions, including the fishery inspection function dealt with in these regulations, to the Department of Commerce.

The proposed changes relating to definitions modify some existing terms in the current regulations and define new terms which will be used in subsequent sections of the regulations.

The proposed amendments relating to fees and charges reflect current rates for inspection services with some modifications to clarify application of the fees and charges. New fees and charges are proposed for analytical services.

The proposed amendments relating to requirements for official establishments under fishery products inspection on a contract basis reflect incorporation of most of the provisions contained in the contract form currently used. Additional modifications have been made in some of the current sections by updating certain requirements to the present state of technological accomplishment.

Interested persons may submit written comments in regard to the proposed amendments to the regulations to the Director, National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Washington, D.C. 20235.

All relevant material received not later than 45 days after publication of this notice will be considered.

HOWARD W. POLLOCK,
Acting Administrator.

WILLIAM M. TERRY,
Acting Director,
National Marine Fisheries Service.

MAY 4, 1971.

ADMINISTRATION OF REGULATIONS

1. Section 260.1 *Administration of regulations* is amended as follows:

§ 260.1 Administration of regulations.

The Secretary of Commerce is charged with the administration of the regulations in this part except that he may delegate any or all of such functions to any officer or employee of the National Marine Fisheries Service of the Department in his discretion.[1]

§ 260.6 [Amended]

2. In § 260.6 *Terms defined*, the following terms are amended as follows:

Department. "Department" means the U.S. Department of Commerce.

Director. "Director" means the Director of the National Marine Fisheries Service.

Inspection service. "Inspection Service" means:

* * * * *

(d) Performance by an inspector of any related services such as to observe the preparation of the product from its raw state through each step in the entire process; or observe conditions under which the product is being harvested, prepared, handled, stored, processed, packed, preserved, transported, or held; or observe sanitation as a prerequisite to the inspection of the processed product, either on a contract basis or periodic basis; or checkload the inspected processed product in connection with the marketing of the product, or any other type of service of a consultative or advisory nature related herewith.

3. The following terms are added to § 260.6 *Terms defined:*

Establishment. "Establishment" means any premises, building, structures, facilities, and equipment (including vehicles) used in the processing, handling, transporting, and storage of fish and fishery products.

Official establishment. "Official establishment" means any establishment which have been approved by National Marine Fisheries Service, and utilizes inspection service on a contract basis.

Wholesome. "Wholesome" means the minimum basis of acceptability for human food purposes, any fish or fishery product as defined in section 402 of the Federal Food, Drug, and Cosmetic Act, as amended.

4. The term "plant" in § 260.6 *Terms defined*, is deleted.

FEES AND CHARGES

5. Section 260.69 *Payment of fees and charges*, is amended as follows:

§ 260.69 Payment of fees and charges.

Fees and charges for an inspection service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of the regulations in this part, and, if so required by the person in charge of the office of inspection serving the area where the services are to be performed, an advance of funds prior to rendering inspection service in an amount suitable to the Secretary, or a surety bond suitable to the Secretary, may be required as a guarantee of payment for the services rendered. All fees and charges for any inspection service, performed pursuant to the regulations in this part shall be paid by check, draft, or money order made payable to the National Marine Fisheries Service. Such check, draft, or money order shall be remitted to the appropriate Regional or Area office serving the geographical area in which the services are performed, within ten (10) days from the date of billing, unless otherwise specified in a contract between the applicant and the Secretary, in which latter event the contract provisions shall apply.

6. Section 260.70 *Schedule of fees*, is amended as follows:

§ 260.70 Schedule of fees.

(a) Unless otherwise provided in a written agreement between the applicant and the Secretary, the fees to be charged and collected for any inspection service performed under the regulations in this part at the request of the United States, or any other agency or instrumentality thereof, shall be in accordance with the applicable provisions of this § 260.70 and § 260.81.

(b) Unless otherwise provided in the regulations in this part, the fees to be charged and collected for any inspection service performed under the regulations in this part shall be based on the applicable rates specified in this section for the type of service performed.

(1) *Type I—Official Establishment and Product Inspection—Contract Basis.*

	Per hour
Regular time	$9.80
Overtime	11.05
Legal holidays (2-hour minimum)	20.00

The contracting party shall be charged at an hourly rate of $9.80 per hour for regular time, $11.05 per hour for overtime in excess of 40 hours per week, and $20 per hour for legal holidays for service performed by inspectors at official establishment(s) operating under Federal inspection. The contracting party shall be billed monthly for services rendered in accordance with contractual provisions at the rates prescribed in this section. At an official establishment designated in a contract, products also designated therein will be inspected during processing at the hourly rate for regular time, plus overtime, when appropriate. Products not designated in the contract will be inspected upon request on a lot inspection basis at lot inspection rates as prescribed in this section.

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[1] All functions of the Department of Agriculture which pertain to fish, shellfish, and any products thereof, now performed under the authority of Title II of the act of Aug. 14, 1946, popularly known as the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627) including but not limited to the development and promulgation of grade standards, the inspection and certification, and improvement of transportation facilities and rates for fish and shellfish and any products thereof, were transferred to the Department of the Interior by the Director of the Budget (23 F.R. 2304) pursuant to section 6(a) of the act of Aug. 8, 1956, popularly known as the Fish and Wildlife Act of 1956 (16 U.S.C. sec. 742e). Reorganization Plan No. 4 of 1970 (35 F.R. 15627) transferred, among other things, such functions from the U.S. Department of the Interior to the U.S. Department of Commerce.

(2) *Type II—Lot Inspection—Officially and Unofficially Drawn Samples.*

	Per hour
Regular time	$13.25
Overtime	16.25
Saturday, Sunday, and Holiday	20.75
Minimum fee	8.50

(i) For lot inspection services performed between the hours of 7 a.m. and 5 p.m. of any regular workday—$13.25 per hour.

(ii) For lot inspection services performed between the hours of 5 p.m. and 7 a.m. of any regular workday—$16.75 per hour.

(iii) For lot inspection services performed on Saturday, Sunday, and national legal holidays—$20.75 per hour.

(iv) The minimum service fee to be charged and collected for inspection of any lot or lots of products requiring less than 1 hour shall be $8.50.

(3) *Type III—Miscellaneous Inspection and Consultative Service.* When any inspection or related service, such as, but not limited to, initial and final establishment surveys, appeal inspection, sanitation evaluation, sampling, product evaluation, and label and product specification review rendered is such that charges based on the forgoing sections are clearly inapplicable, charges will be based on time consumed by the inspector in performance of such inspection related service at the rates set forth in subparagraph (2) of this paragraph for lot inspection.

(c) Fees to be charged and collected for lot, miscellaneous, and consultative inspection service furnished on an hourly basis shall be based on the actual time required to render such service including, but not limited to, the travel, sampling, and waiting time required of the inspector or inspectors, in connection therewith.

(d) A surcharge of two (2) percent of each monthly charge for any type of inspection service, except analytical service, will be charged to cover expenses incurred for relief and reassignment of inspectors.

(e) Analytical services: Fees for various laboratory analyses are set forth below.

Type of analysis	*Fee per individual analysis*
Hydrogen ion concentration	$2.85
Moisture (drying method)	4.60
Fat	6.90
Protein	17.10
Salt	11.50
Bacteriological plate count	4.60
Bacteriological direct count	4.60
E. coli (presumptive)	6.90
Yeast and mold count	4.60
Staphyococcus	13.80
Salmonella[1]:	
Step 1	9.20
Step 2	4.60
Step 3	9.20
Coliform	4.60
Species determination	20.00

[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron agar; Step 3—confirmatory test through biochemicals.

(1) Applicants requesting specific analysis will be charged on the basis of these fees. Charges based on these fees will be in addition to any hourly rates charged to applicants for lot miscellaneous and consultative inspection service as well as to any hourly rates charged for inspection services provided under a contract at official establishments.

(2) Fees to be charged for any analysis performed at a government laboratory not specifically shown in paragraph (d) of this section will be based on the time required to perform such analysis at an hourly rate of $11.00.

(3) A surcharge of 10 percent of the total charges for analytical services will be charged for administrative purposes.

7. Section 260.71 is deleted and is replaced by a new § 260.71, as follows:

§ 260.71 Fee for inauguration of inspection service on a contract basis.

A fee of $100 will be charged and collected from an official establishment, following completion of the final establishment survey and approval of it as an official establishment, prior to inauguration of inspection service.

§ 260.76 [Deleted]

8. Section 260.76 is deleted.

9. Section 260.80 *Charges for inspection service on a contract basis,* is amended as follows:

§ 260.80 Charges for inspection service on a contract basis.

Irrespective of fees and charges prescribed in the foregoing sections, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with any administrative agency charged with the administration of a marketing order effective pursuant to the Agricultural Marketing Agreement Act of 1937, as revised (16 U.S.C. 661 et seq.) for the making of inspections pursuant to said agreement or order on such basis as will reimburse the National Marine Fisheries Service of the Department for the full cost of rendering such inspection service as may be determined by the Secretary. Likewise, the Secretary may enter into a written memorandum of understanding or contract, whichever may be appropriate, with an administrative agency charged with the administration of a similar program operated pursuant to the laws of any State.

REQUIREMENTS FOR OFFICIAL ESTABLISHMENTS UNDER FISHERY PRODUCTS INSPECTION ON A CONTRACT BASIS[5]

10. Section 260.97 *Plant survey,* through § 260.103 *Personnel; health,* are deleted and are replaced by § 260.96 *Application for Fishery Products Inspection Service on a contract basis,* through § 260.104 *Personnel,* as follows:

§ 260.96 Application for Fishery Products Inspection Service on a contract basis at official establishments.

Any person desiring to process and pack products in an establishment under fishery products inspection service on a contract basis, must receive approval of such buildings and facilities as an official establishment prior to the inauguration of such service. An application for inspection service to be rendered in an establishment shall be approved according to the following procedure:

(a) Initial survey: When application has been filed for inspection service as aforesaid, NMFS inspector(s) shall examine the buildings, premises, and facilities according to the requirements of the fishery products inspection service and shall specify any additional facilities required for the service.

(b) Drawings and specifications shall be furnished in advance of new construction or when alterations of an official establishment are contemplated in a manner prescribed by the Director for approval.

(c) Final survey and establishment approval: Prior to the inauguration of the fishery products inspection service, a final survey of the buildings, premises, and facilities shall be made to verify that the buildings are constructed and facilities are in accordance with the approved drawings and the regulations in this part.

§ 260.97 Conditions for providing fishery products inspection service at official establishments.

(a) The determination as to the inspection effort required to adequately provide inspection service at any establishment will be made by NMFS. The manhours required may vary at different official establishments due to factors such as, but not limited to, size and complexity of operations, volume and variety of products produced, and adequacy of control systems and cooperation. The inspection effort requirement may be reevaluated when the contracting party or NMFS deems there is sufficient change in production, equipment and change of quality control input to warrant reevaluation. Inspectors will not be available to perform any of employee or management duties, however, they will be available for consultation purposes. NMFS reserves the right to reassign inspectors as it deems necessary.

(b) NMFS shall not be held responsible:

(1) For damages occurring through any act of commission or omission on the part of its inspectors when engaged in performing services.

(2) For production errors, such as processing temperatures, length of process, or misbranding of products; or

(3) For failure to supply enough inspection effort during any period of service.

(c) The contracting party will;

(1) Use only wholesome raw material which has been handled or stored under sanitary conditions and is suitable for processings; maintain the official establishment(s), designated on the contract in such sanitary condition and to employ such methods of handling raw materials for processing as may be necessary to conform to the sanitary requirements prescribed or approved by NMFS;

(2) Adequately code, as required by NMFS, each primary container and master cases of all products packaged so that it may be identifiable in the warehouse or storage area, and also after shipment is made;

(3) Not permit any labels on which reference is made to Federal inspection, to be used on any product which is not packed under fishery products inspection service nor permit any labels on which reference is made to any U.S. Grade to be used on any product which has not been officially certified as meeting the requirements of such grade; nor supply labels bearings reference to Federal inspection to another establishment unless the products to which such labels are to be applied have been packed under Federal inspection at an official establishment;

(4) Not affix any label on which reference is made to Federal inspection to any container of processed foods, produced in any designated official establishment, with respect to which the grade of such product is not certified because of adulteration due to the presence of contaminants in excess of established limits;

(5) Not, with respect to any product for which U.S. Grade Standards are in effect, affix any label on which reference is made to Federal inspection to any container of processed food which is substandard: *Provided,* That such label may be affixed to any container of such substandard quality product if such label bears a statement to indicate the substandard quality;

(6) Not, with respect to any product for which U.S. Grade Standard are not in effect, affix any label on which reference is made to the Federal inspection to containers of processed foods, except with the approval of NMFS;

(7) Furnish such reports of processing, packaging, grading, laboratory analyses, and output of products inspected, processed, and packaged at the designated official establishment(s) as may be requested by NMFS, subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942;

(8) Make available for use by inspectors, adequate office space in the designated official establishment(s) and furnish suitable desks, office equipment, and files for the proper care and storage of inspection records;

(9) Make laboratory facilities and necessary equipment available for the use of inspectors to inspect samples of processed foods and/or components thereof;

(10) Furnish and provide laundry service, as required by NMFS, for coats, trousers, smocks, and towels used by inspectors during performance of duty in official establishment(s);

(11) Furnish stenographic and clerical assistance as may be necessary in the typing of certificates and reports and the handling of official correspondence, as well as furnish the labor incident to the drawing and grading of samples and other work required to facilitate adequate inspection procedures whenever necessary;

(12) Submit to NMFS, three (3) copies of new product specifications in a manner prescribed by NMFS, and three (3) end-product samples for evaluation and/or laboratory analyses on all products for approval, for which U.S. Grade Standards are not-available, when inspection is to be applied to such products.

(13) Submit, as required by NMFS, for approval, proofs prior to printing and thereafter four (4) copies of any finished label which may or may not bear official identification marks, when such products are packed under Federal inspection on a contract basis;

(14) Not make deceptive, fraudulent, or unauthorized use in advertising, or otherwise, of the fishery products inspection service, the inspection certificates or reports issued, or the containers on which official identification marks are embossed or otherwise identified, in connection with the sale of any processed products; and submit to NMFS for approval prior to use, any proposed advertising in which reference is made to the U.S. Department of Commerce and its inspection service.

(15) Submit to NMFS, four (4) copies of each label which may or may not bear official identification marks, when such labels are to be withdrawn from inspection as when approved labels are disapproved for further use under inspection.

(16) Notify NMFS in advance of the proposed use of any labels which require obliteration of any official identification marks, and all reference to the inspection service on approved labels which have been withdrawn or disapproved for use.

(17) Accord representatives of NMFS at all times free and immediate access to establishment(s) and official establishment(s) under applicant's control for the purpose of checking codes, coded products, coding devices, coding procedures, official identification marks obliteration, and use of withdrawn or disapproved labels.

(d) Termination of inspection services:

(1) The fishery products inspection service, including the issuance of inspection reports, shall be rendered from the date of the commencement specified in the contract and continue until suspended or terminated (i) by mutual consent; (ii) by either party giving the other party sixty (60) days' written notice specifying the date of suspension or termination; (iii) by one (1) days' written notice by NMFS in the event the applicant fails to honor any invoice within ten (10) days' after date of receipt of such invoice covering the full costs of the inspection service provided, or in the event the applicant fails to maintain its designated plants in a sanitary condition or to use wholesome raw materials for processing as required by NMFS, or in the event the applicant fails to comply with any provisions of the regulations contained in this part, (iv) by automatic termination in case of bankruptcy, closing out of business, or change in controlling ownership.

(2) In case the contracting party wishes to terminate the fishery products inspection service under the terms of subparagraph (1) (i) or (ii) of this paragraph, either the service must be continued until all unused containers, labels, and advertising material on hand or in possession of his supplier bearing official identification marks, or reference to fishery products inspection service have been used, or said containers, labels, and advertising material must be destroyed, or official identification marks, and all other reference to the fishery products inspection service on said containers, labels, advertising material must be obliterated, or assurance satisfactory to NMFS must be furnished that such containers, labels, and advertising material will not be used in violation of any of the provisions of the regulations contained in the part.

(3) In case the fishery products inspection service is terminated for cause by NMFS under the terms of subparagraph (1)(iii) of this paragraph, or in case of automatic termination under terms of subparagraph (1)(iv) of this paragraph, the contracting party must destroy all unused containers, labels, and advertising material on hand bearing official identification marks, or reference to fishery products inspection service, or must obliterate official identification marks, and all reference to the fishery products inspection service on said containers, labels, and advertising material.

After termination of the fishery products inspection service, NMFS may, at such time or times as it may determine to be necessary, during regular business hours, enter the establishment(s) or other facilities in order to ascertain that the containers, labels, and advertising material have been altered or disposed of in the manner provided herein, to the satisfaction of NMFS.

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[5] Compliance with the above requirements does not excuse failure to comply with all applicable sanitary rules and regulations of city, county, State, Federal, or other agencies having jurisdiction over such establishments and operations.

§ 260.98 Premises.

The premises shall be free from conditions objectionable to food processing operations; and such conditions include, but are not limited to, the following:

(a) Strong offensive odors;

(b) Litter, waste, and refuse (e.g. garbage, offal, and damaged containers) within the immediate vicinity of the buildings or structures;

(c) Excessively dusty roads, yards, or parking lots;

(d) Poorly drained areas; and

(e) Improper storage of pallets.

§ 260.99 Buildings and structures.

The buildings and structures shall be properly constructed and maintained in a sanitary condition, including, but not limited to, the following requirements:

(a) Lighting: There shall be sufficient light (1) consistent with the use to which the particular portion of the building is devoted and (2) to provide for efficient cleaning. Belts and tables on which picking, sorting, or trimming operations are carried on shall be provided with sufficient nonglaring light to insure adequacy of the respective operation. (3) All lighting units shall be designed to prevent broken glass from falling into processing equipment and products.

(b) Ventilation: There shall be sufficient ventilation in each room and compartment thereof to prevent excessive condensation of moisture and to insure sanitary and suitable processing and operating conditions. If such ventilation does not prevent excessive condensation, the Director may require that suitable facilities be provided to prevent the condensate from coming in contact with equipment used in processing operations and with any ingredient used in the manufacture or production of a processed product.

(c) Drains and gutters: All drains and gutters shall be properly installed with approved traps and vents. The drainage and plumbing system must permit the quick runoff of all water from official establishment buildings, and surface water around buildings and on the premises; and all such water shall be disposed of in such a manner as to prevent a nuisance or health hazard. Tanks or other equipment whose drains are connected to the waste system must have such screens and vacuum breaking devices affixed so as to prevent the entrance of waste water, material, and the entrance of vermin to the processing tanks or equipment.

(d) Water supply: There shall be ample supply of both hot and cold water; and the water shall be of safe and sanitary quality with adequate facilities for its (1) distribution throughout buildings, and (2) protection against contamination and pollution. Sea water of safe suitable and sanitary quality may be used in the processing of various fishery products when approved by NMFS prior to use.

(e) Construction: Roofs shall be weathertight. The walls, ceilings, partitions, posts, doors, and other parts of all buildings and structures shall be of such materials, construction, and finish as to permit their efficient and thorough cleaning. The floors shall be constructed of tile, cement, or other equally impervious material, shall have good surface drainage, and shall be free from openings or rough surfaces which would interfere with maintaining the floors in a clean condition.

(f) Processing rooms: Each room and each compartment in which any processed products are handled, processed, or stored (1) shall be so designed and constructed as to insure processing and operating conditions of a clean and orderly character; (2) shall be free from objectionable odors and vapors; and (3) shall be maintained in a clean and sanitary condition.

(g) Prevention of animals and insects in official establishment(s): Dogs, cats, birds, and other animals (including, but not being limited to rodents and insects) shall be excluded from the rooms from which processed products are being prepared, handled, or stored and from any rooms from which ingredients (including, but not being limited to, salt, sugar, spices, flour, batter, breading, and fishery products) are handled or stored. Screens, or other devices, adequate to prevent the passage of insects shall, where practical, be provided for all outside doors and openings. The use of chemical compounds such as cleaning agents, insecticides, bactericides, or rodent poisons shall not be permitted except under such precautions and restrictions as will prevent any possibility of their contamination of the processed product. The use of such compounds shall be limited to those circumstances and conditions as approved by NMFS.

(h) Inspector's office: Furnished suitable and adequate office space, including, but not being limited to, light, heat, and janitor service shall be provided rent free in official establishments for use for official purposes by the inspector and NMFS representatives. The room or rooms designated for this purpose shall meet with the approval of NMFS and shall be conveniently located, properly ventilated and provided with lockers or cabinets suitable for the protection and storage of inspection equipment and supplies and with facilities suitable for inspectors to change clothing.

(i) Adequate parking space, conveniently located, for private or official vehicles used on connection with providing inspection services, shall be provided.

§ 260.100 Facilities.

Each official establishment shall be equipped with adequate sanitary facilities and accommodations, including, but not being limited to, the following:

(a) Containers approved for use as containers for processed products shall not be used for any other purpose.

(b) No product or material not intended for human food or which creates an objectionable condition shall be processed, handled, or stored in any room, compartment, or place where any fishery product is manufactured, processed, handled or stored.

(c) Suitable facilities for cleaning and sanitizing equipment (e.g., brooms, brushes, mops, clean cloths, hose, nozzles, soaps, detergent, sprayers) shall be provided at convenient locations throughout the plant.

§ 260.101 Lavatory accommodations.

Modern lavatory accommodations, and properly located facilities for cleaning and sanitizing utensils and hands, shall be provided.

(a) Adequate lavatory and toilet accommodations, including, but not being limited to, running hot water (135° F. or more) and cold water, soap, and single service towels, shall be provided. Such accommodations shall be in or near toilet and locker rooms and also at such other places as may be essential to the cleanliness of all personnel handling products.

(b) Sufficient containers with covers shall be provided for used towels and other wastes.

(c) An adequate number of handwashing facilities serving areas where edible products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(d) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash hands before returning to work.

(e) Toilet facilities shall be provided according to the following formula:

Number of Persons:	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	(1)3
56 to 80, inclusive	(1)4
For each additional 30 persons in excess of 80	(1)1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls required.

All toilet equipment shall be kept operative, in good repair, and in a sanitary condition.

§ 260.102 Equipment.

All equipment used for receiving, washing, segregating, picking, processing, packaging, or storing any processed products or any ingredients used in the manufacture or production thereof, shall be of such design, material, and construction as will:

(a) Enable the examination, segregation, preparation, packaging and other processing operations applicable to processed products, in an efficient, clean, and sanitary manner, and

(b) Permit easy access to all parts to insure thorough cleaning and effective bactericidal treatment. Insofar as is practicable, all such equipment shall be made of smooth impermeable corrosion-resistant material that will not adversely affect the processed product by chemical action or physical contact. Such equipment shall be kept in good repair and sanitary condition. Such equipment shall

be cleaned and sanitized at least every 4 hours or less as is necessary to maintain such equipment in a clean sanitary condition.

§ 260.103 Operations and operating procedures shall be in accordance with an effective sanitation program.

(a) All operations in the receiving, transporting, holding, segregating, preparing, processing, packaging, and storing of processed products and ingredients, used as aforesaid, shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as possible and at temperatures that will inhibit and retard the growth of bacterial and other microorganisms and prevent any deterioration or contamination of such processed products or ingredients thereof. Mechanical adjustments or practices which may cause contamination of foods by oil, dust, paint, scale, fumes, grinding materials, decomposed food, filth, chemicals, or other foreign materials shall not be conducted during any manufacturing or processing operation.

(b) All processed products, raw materials, ingredients, and components thereof shall be subject to inspection during each manufacturing or processing operation. To assure a safe, wholesome finished product, changes in processing methods and procedures as may be required by the Director shall be effectuated as soon as practicable. All processed products which are not manufactured or prepared in accordance with the requirements contained in §§ 260.96 to 260.104 or are unwholesome or otherwise not fit for human food shall be removed and segregated prior to any further processing operation.

(c) Official establishments operating under Federal inspection should have an effective quality control program as appropriate for the nature of the products and processing operations.

(d) All ingredients used in the manufacture or processing of any processed product shall be wholesome and fit for human food.

(e) The methods and procedures employed in the receiving, segregating, handling, transporting, and processing of ingredients in official establishment(s) shall be adequate to result in a satisfactory processed product. Such methods and procedures include, but are not limited to, the following requirements:

(1) Containers, utensils, pans, and buckets used for the storage or transporting of partially processed food ingredients shall not be nested unless rewashed before each use;

(2) Containers which are used for holding partially processed food ingredients shall not be stacked in such manner as to permit contamination of the partially processed food ingredients:

(3) Packages or containers for processed products shall be clean when being filled with such products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such products.

(f) Retention tags:

(1) Any equipment such as, but not limited to, conveyors, fillers, sorters, choppers, and containers which fail to meet NMFS sanitation requirements will be identified by the inspector in an appropriate and conspicuous manner with the word "Retained." Following such identification, the equipment shall not be used until the discrepancy has been resolved, the equipment reinspected and approved by the inspector and the "Retained" identification removed by the inspector.

(2) Lot(s) of processed products that may be considered to be mislabeled and/or unwholesome by reason of contaminants or which may otherwise be in such condition as to require further evaluation or testing to determine that the product is properly labeled and/or wholesome will be identified by the inspector in an appropriate and conspicuous manner with the word "Retained." Such lot(s) of product shall be held for reinspection or testing. Final disposition of the lot(s) shall be determined by NMFS and the removal of the "Retained" identification shall be performed by the inspector.

§ 260.104 Personnel.

The establishment management shall be responsible for taking all precautions to assure the following:

(a) *Disease control.* No person affected by disease in a communicable form, or while a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contamination, shall work in a food plant in any capacity in which there is a reasonable possibility of food ingredients becoming contaminated by such person, or of disease being transmitted by such person to other individuals.

(b) *Cleanliness.* All persons, while working in direct contact with food preparation, food ingredients, or surfaces coming into contact therewith shall:

(1) Wear clean light-colored outer garments, maintain a high degree of personal cleanliness, and conform to hygienic practices while on duty, to the extent necessary to prevent contamination of food products.

(2) Wash and sanitize their hands thoroughly to prevent contamination by undesirable microorganisms before starting work, after each absence from the work station, and at any other time when the hands may have become soiled or contaminated.

(3) Remove all jewelry, badges, or rings before entering processing area.

(4) If gloves are used in food handling, maintain them in an intact, clean, and sanitary condition. Such gloves shall be of an impermeable material except where their usage would be inappropriate or incompatible with the work involved.

(5) Wear hair nets, caps, masks, or other effective hair restraints. Other persons that may incidentally enter the processing areas shall comply with this requirement.

(6) Not store clothing or other personal belongings, eat food, drink beverages, chew gum, or use tobacco in any form in areas where food or food ingredients are exposed or in areas used for washing equipment or utensils.

(7) Take any other necessary precautions to prevent contamination of foods with microorganisms or foreign substances including, but not limited to perspiration, hair, cosmetics, tobacco, chemicals, and medicants.

(c) *Education and training.* Personnel responsible for identifying sanitation failures or food contamination should have a background of education or experience, or a combination thereof, to provide a level of competency necessary for production of clean, wholesome food. Food handlers and supervisors should receive appropriate training in proper food-handling techniques and food-protection principles and should be cognizant of the danger of poor personal hygiene and insantiary practices, and other vectors of contamination.

[FR Doc. 71-6549 Filed 5-10-71;8:50 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1904]

OCCUPATIONAL SAFETY AND HEALTH

Recording and Reporting Occupational Injuries and Illnesses

The Williams-Steiger Occupational Safety and Health Act of 1970, in requiring each covered employer to furnish to employees a place of employment free from recognized hazards to their safety and health, provides for the keeping of records by employers covered under the Act as necessary or appropriate for the enforcement of the Act or for developing information regarding the causes and prevention of occupational accidents and illnesses. It further provides for a program for the collection, compilation and analysis of occupational safety and health statistics.

Accordingly, under the authority of sections 8(c) (1) and (2), 8(g)(2), and 24(a) and (e) of the Occupational Safety and Health Act of 1970 (84 Stat. 1599, 1600, 1615; 29 U.S.C. 657, 673) and after consultation with the Secretary of Health, Education, and Welfare, it is proposed herein to add a new Part 1904 to Chapter XVII of Title 29 of the Code of Federal Regulations governing the manner and form for record keeping under the Act and prescribing forms for maintaining required records. The reporting provisions of the Act under sections 8(c)(2) and 24(e) are not to be implemented at this time. A notice of proposed system of reporting for statistical purposes under sections 8(c)(2) and under section 24 will be issued in the near future with opportunity for comment.

Interested persons are accorded 20 days from publication of this notice in the FEDERAL REGISTER to submit in writing, data, views, or arguments with respect to the regulation and forms to the Assistant Secretary of Labor for Occupational Safety and Health, 14th Street and Constitution Avenue NW., Washington, DC 20210.

Copies of proposed recordkeeping forms and instructions may be obtained from the Office of the Assistant Secretary, as indicated in the preceding paragraph, from the Office of the Commissioner, Bureau of Labor Statistics, U.S. Department of Labor, General Accounting Office Building, 441 G Street NW., Washington, DC 20212, and from each of the Regional offices of the Bureau of Labor Statistics and the Occupational Safety and Health Administration at the following addresses.

Mr. Wendell D. Macdonald, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 1603–A Federal Office Building, Boston, Mass. 02203; Mr. Herbert Bienstock, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 341 Ninth Avenue, New York, NY 10001; Mr. Frederick W. Mueller, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, Penn Square Building, Room 406, 1317 Filbert Street, Philadelphia, PA 19107; Mr. Brunswick A. Bagdon, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 1371 Peachtree Street NE., Atlanta, GA 30309; Mr. William E. Rice, Regional Director, U.S. Department of Labor; Bureau of Labor Statistics, 219 South Dearborn Street, Chicago, IL 60604; Mr. Jack F. Strickland, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 1100 Commerce Street, Room 6B7, Dallas, TX 75202; Mr. Elliott A. Browar, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106; Mr. Charles A. Roumasset, Regional Director, U.S. Department of Labor, Bureau of Labor Statistics, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102.

Mr. Donald A. MacKenzie, Acting Regional Administrator, OSHA, John F. Kennedy Federal Building, Government Center, 17th Floor, Boston, MA 02203; Mr. Howard J. Schulte, Acting Regional Administrator, OSHA, Kipling and Sixth Avenue, Room 21–S, Building 53, Denver Federal Center, Denver, CO 80225; Mr. Joseph G. Barkan, Acting Regional Administrator, OSHA, 341 Ninth Avenue, Room 920, New York, NY 10001; Mr. John K. Barto, Acting Regional Administrator, OSHA, Room 730–C, Mayflower Building, 411 North Akard Street, Dallas, TX 75201; Mr. Joseph S. Perzella, Acting Regional Administrator, OSHA, Penn Square Building, Room 410, Juniper and Filbert Streets, Philadelphia, PA 19107; Mr. Joseph A. Reidinger, Acting Regional Administrator, OSHA, 1906 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106; Mr. Basil Needham, Acting Regional Administrator, OSHA, 1371 Peachtree Street NE., Room 311, Atlanta, GA 30309; Mr. Warren H. Fuller, Acting Regional Administrator, OSHA, 10353 Federal Building, 450 Golden Gate Avenue, Box 36017, San Francisco, CA 94102; Mr. Edward E. Estkowski, Acting Regional Administrator, OSHA, 848 Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604; Mr. Marl Chain Robbins, Acting Regional Administrator, OSHA, 506 Second Avenue, 1804 Smith Tower Building, Seattle, WA 98104.

The proposed Part 1904 reads as follows:

PART 1904—RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

Sec.
1904.1 Purpose and scope.
1904.2 Log of occupational injuries and illnesses.
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AUTHORITY: The provisions of this Part 1904 issued under secs. 8(c) (1), (2), 8(g) (2), and 24(e), 84 Stat. 1599, 1600, 1615; 29 U.S.C. 657, 673.

§ 1904.1 Purpose and scope.

The regulations in this part implement sections 8(c) (1), (2), 8(g) (2), and 24(a) and (e) of the Occupational Safety and Health Act of 1970. These sections provide for record keeping and reporting by employers covered under the Act as necessary or appropriate for enforcement of the Act, for developing information regarding the causes and prevention of occupational accidents and illnesses, and for maintaining a program of collection, compilation, and analysis of occupational safety and health statistics.

§ 1904.2 Log of occupational injuries and illnesses.

Every employer subject to the Act shall maintain in each establishment, a log of occupational injuries and illnesses. Employers shall record on the log each recordable occupational injury and illness within 48 hours after receiving information that a recordable case has occurred. Occupational Safety and Health Administration Form OSHA No. 100[1] shall be used for this purpose and shall be completed in the form and detail provided for in the form, the instructions contained therein, and this Part 1904. The log may be maintained in another manner if approved by an Area Director of the Occupational Safety and Health Administration upon consultation with the appropriate Regional Director of the Bureau of Labor Statistics. (See § 1904.13.)

§ 1904.3 Period covered.

Logs shall be established on a fiscal year basis covering the periods July 1 through June 30 of each year. The initial log shall be established and maintained as of July 1, 1971.

§ 1904.4 Supplementary record.

In addition to the log of occupational injuries and illnesses provided for under § 1904.2, every employer subject to the Act shall maintain a supplementary record of occupational injuries and illnesses on which he shall record each recordable occupational injury or occupational illness in the detail prescribed in the instructions accompanying Occupational Safety and Health Form OSHA No. 101.[1] Workmen's compensation, insurance, or other reports are acceptable alternative records if they contain the information required by Form OSHA No. 101. If no acceptable alternative record is maintained for other purposes, Form OSHA No. 101 shall be used or the necessary information shall be otherwise maintained.

§ 1904.5 Annual summary.

(a) Every employer subject to the Act shall compile an Annual Summary of Occupational Injuries and Illnesses, based on the information contained in the Log of Occupational Injuries and Illnesses. Occupational Safety and Health Administration Form OSHA No. 102[1] shall be used for this purpose and shall be completed no later than 1 month after the close of each fiscal year in the form and detail provided for in the form, the instructions contained therein, and this Part 1904.

(b) The Summary shall be maintained at the establishment to which the Summary relates and employees or representatives of employees shall have access to the Summary upon request.

§ 1904.6 Retention of records.

Records provided for in §§ 1904.2, 1904.4, and 1904.5 shall be maintained in each establishment for 3 years following the end of the fiscal year to which they relate.

§ 1904.7 Access to records.

Records provided for in §§ 1904.2, 1904.4 and 1904.5 shall be available for inspection and copying by Compliance Safety and Health Officers of the Occupational Safety and Health Administration, U.S. Department of Labor during any occupational safety and health inspection provided for under Part 1903 of this chapter and section 8 of the Act, by any representative of the Bureau of Labor Statistics, U.S. Department of Labor, by any representative of the Secretary of Health, Education, and Welfare during any investigation under section 20(b) of the Act, or by any representative of a State accorded jurisdiction for occupational safety or health inspections or for statistical compilations under sections 18 and 24 of the Act.

§ 1904.8 Reporting of serious accidents.

Within 48 hours after any accident which is fatal to two or more employees or an accident requiring hospitalization of five or more employees at any place of employment, the employer of any employees so injured or killed shall report the accident either orally or in writing to the nearest Area Director of the Occupational Safety and Health Administration, U.S. Department of Labor. The reporting may be by telephone or telegraph. The report shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The Area Director may require a further report in writing concerning the accident.

§ 1904.9 Initials—falsification—failure to keep records or reports.

Entries in records maintained pursuant to § 1904.2 shall be signed or initialed by the official or employee making the entry. Section 17(g) of the Act provides that "Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Act shall, upon conviction, be punished by a fine of not more than $10,000, or by imprisonment for not more than 6 months or by both." Failure to maintain records or file reports required by this part, or in the details required by forms and instructions issued under this part may result in the issuance of citations and assessment of penalties as provided for in sections 9, 10, and 17 of the Act.

§ 1904.10 Recordkeeping under approved State plans.

Records maintained by an employer and reports submitted pursuant to, and in accordance with the requirements of an approved State plan under section 18 of the Act shall be regarded as compliance with this Part 1904.

§ 1904.11 New employers.

An employer who is subject to this part for only a portion of a year because the employer first becomes subject to the Act during such year, may consider such portion as the entire year in maintaining records or submitting reports under this part; however, any employer or firm whose name is changed, or who purchases, subsumes or takes over an existing business shall be obligated to maintain records and file reports based on the entire year.

§ 1904.12 Definitions.

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590 et seq., 29 U.S.C. 651 et seq.).

(b) The definitions and interpretations contained in section (2) of the Act shall be applicable to such terms when used in this Part 1904.

(c) "Recordable occupational injuries or illnesses" are any occupational injuries or illnesses which result in:

(1) Fatalities, regardless of the time between the injury and death, or the length of the illness; or

(2) Lost work-day cases, other than fatalities, that prevent the employee from performing his normal assignment during any part of his next regular, or any subsequent workday or shift; or

(3) Non-fatal, non-lost work-day cases which result in transfer to another job or termination of employment, or require medical treatment (other than first aid) or involve: Loss of consciousness or restriction of work or motion. This category also includes any diagnosed occupational illnesses which are reported to the employer but are not classified as fatalities or lost workday cases.

(d) "Medical treatment" includes treatment administered by a physician or by registered professional personnel under the standing orders of a physician. Medical treatment does not include first aid treatment even though provided by a physician or registered professional personnel.

(e) "First Aid" is any one time treatment of minor scratches, cuts, burns, splinters, and so forth, which do not ordinarily require medical care. Such one-time treatment is considered first aid even though provided by a physician or nurse.

(f) "Lost work days:" The actual number of days the employee would have worked but could not because of an occupational injury or illness.

(g) "Establishment:" A unit of one employer which comprises the entire operation of the employer or one of several units of the same employer which is essentially separate from other units because of physical location, function or other reason, and which maintains separate payroll or other personnel records.

§ 1904.13 Petitions for recordkeeping exceptions.

(a) *Submission of petitions for relief.* Any employer who for good cause wishes to maintain records in a manner other than that required in this part may submit a petition in writing to the Regional Director of the Bureau of Labor Statistics wherein the establishment involved is located, requesting such relief, setting forth the reasons therefor, and proposing alternative recordkeeping procedures.

(b) *Action on petitions.* If, on review of a petition and after completion of any necessary appropriate investigation concerning the petition, the Regional Director finds that the alternative procedure proposed, if granted, will not hamper or interfere with the enforcement of the Act and will be of equivalent usefulness in its enforcement, the Regional Director may grant the petition subject to such conditions as he may determine appropriate, and subject to revocation. Whenever any relief granted to an employer is sought to be revoked for failure to comply with the conditions of the Regional Director, the employers shall be notified in writing of the facts constituting such failure and afforded an opportunity to achieve or demonstrate compliance.

(c) *Compliance after submission of petitions.* The submission of a petition or any delay by the Regional Director upon acting upon a petition shall not relieve any employer from any obligation to comply with this part. However, the Regional Director shall give notice of the denial of any petition within a reasonable time.

(d) *Consultation.* There shall be appropriate consultation between the Area Directors of the Occupational Safety and Health Administration and the Regional Directors of the Bureau of Labor Statistics in order to insure the effective implementation of this section.

Signed at Washington, D.C., this 7th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6581 Filed 5-10-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 71–CE–6–AD]

BEECH MODELS B90 AND 65–A90 AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to Beech Models B90 and 65–A90 airplanes. There have been instances of cracks in the elevator spar web at the outboard hinge attach fitting on these model airplanes, which can result in loss of elevator control. The affected Beech Model 65–A90 airplanes are those which have been altered to incorporate the Beech Model B90 elevators. All Beach Model B90 airplanes are affected.

In order to prevent this condition, an AD is being proposed requiring within 100 hours' time in service after the effective date of the AD, a visual inspection of the elevator spar web adjacent to the outboard hinge bracket on both elevators of airplanes with 500 or more total hours time in service, and thereafter at 200 hour intervals.

In order to conduct the initial inspection, an inspection port must be provided per Beech Service Instructions 0423–133. The proposed AD further requires a one-time hinge alignment check in accordance with said service instructions. If cracks are found as a result of the inspections required by this AD, the elevator must be repaired or replaced with a serviceable part before further flight. When Part No. 50–610000–349 (left) and 50–610000–350 (right) elevators have been installed on these model airplanes, the AD will no longer apply.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Docket Number and be submitted in duplicate to the Director, Central Region, Attention: Regional Counsel, Airworthiness Rules Docket, 601 East 12th Street, Kansas City, MO 64106. All communications received within 30 days after publication of the notice in the FEDERAL REGISTER will be considered before action is taken upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness Rules Docket for examination by interested persons.

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[1] Filed as part of the original document.

In consideration of the foregoing, it is proposed to amend § 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new AD.

Beech. Applies to the following airplanes with 500 or more hours' time in service, except those airplanes on which Part No. 50-610000-340 (left) and 50-610000-350 (right) elevators have been installed: All Beech Model B90 and those 65-A90 airplanes which have had elevators installed per Beech Kits No. 90-4031 M, 90-4031-1 M or 90-4035 M.

Compliance: Required as indicated.

To prevent loss of elevator control, accomplish the following:

(A) Within 100 hours' time in service after the effective date of this AD, and thereafter at intervals not to exceed 200 hours' time in service from the date of the previous inspection, visually inspect the aft face of the elevator spar web adjacent to the outboard hinge bracket on both elevators. If cracks are found as a result of the visual inspection, the elevator must be repaired or replaced with a serviceable part prior to further flight except that the airplane may be flown in accordance with Federal Aviation Regulation 21.197 to a base where the repair or replacement can be performed.

(B) During the initial inspection required herein, incorporate an inspection port and check the alignment of the hinge points on the stabilizer in accordance with Beech Service Instructions 0423-133 or an equivalent approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 29, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-6515 Filed 5-10-71;8:47 am]

[14 CFR Part 39]

[Docket No. 71-CE-8-AD]

CESSNA 172 SERIES AIRPLANES

Advanced Notice of Proposed Airworthiness Directive

The Federal Aviation Administration is considering rulemaking action with respect to Cessna Model 172 series airplanes. This action would involve amending Part 39 of the Federal Aviation Regulations by issuing an Airworthiness Directive which would deal with a problem involving inflight engine power loss in these model airplanes.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received on or before July 7, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Regional Office for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

The FAA began receiving reports of inflight engine power loss in Cessna Model 172 airplanes in March 1967. To date approximately 66 such reports have been received, nine of which involved accidents. The typical report indicates that shortly after level cruise is established from a prolonged climb an engine power fluctuation is experienced. This condition is followed by complete loss of engine power. Agency review of these reports reveals that power losses, while occurring at various altitudes, more frequently occur between 8,000 and 10,000 feet MSL. Statistically 80 percent of the reported incidents originated in the Western States of California, Washington, Oregon, Idaho, and Arizona with 50 percent reported in California.

Both the FAA and the manufacturer have devoted considerable time and expense in the investigation of the subject matter of the reports; however, the cause of the engine power loss has not yet been fully defined. As a precautionary measure, the Agency issued a General Aviation Inspection Aids Summary alerting operators of the condition in August 1970. In addition, the manufacturer issued Cessna Service Letter SE69-26, dated December 31, 1969, advising owners that a fuel system modification kit was available at owner's expense (approximately $100), the purpose of which is to prevent the possibility of vapor formation in fuel lines when the airplane is operating at high altitudes under certain unusual conditions of temperature and humidity. This modification incorporates vent lines between the main fuel supply line and the fuel tank vent interconnect to relieve vapor. These vent lines tee into the main fuel lines just above the cabin rear door post. The manufacturer has been installing these kits on production airplanes for over a year with no reports of adverse service.

In view of the potential safety hazard created by engine power loss, but also taking into consideration the small number of reports received in ratio to the number of airplanes produced (66 reports versus 15,000 airplanes), the FAA is interested in opinions from owners and operators as to the desirability of regulatory action by the issuance of an AD to deal with this problem. In that regard the Agency is especially interested in the following:

1. For those owners and operators that have experienced the condition of engine power loss, please furnish details of the incident, including the geographic location, the date engine power loss occurred, fuel on board (gallons), the outside air temperature, the altitude at takeoff, the rate of climb to cruise altitude, airspeed during climb, approximate lapse time during climb, the altitude at which engine power loss was experienced, the altitude when engine restarted, and the action taken to regain engine power, airplane serial number and registration number.
2. Do you have any information concerning: (a) Carburetor icing symptoms; (b) vent malfunctions in the fuel system; or (c) any reports and/or tests by your aviation refuelers or his agent regarding proper octane rating, vapor pressure, or contamination content such as water, kerosene, etc.?
3. For those owners and operators that have installed the manufacturer's fuel system modification kit, please advise whether you have, subsequent to installation, experienced any engine power loss not otherwise explained.
4. Do you favor installation of the kit?
5. As an operator of these model aircraft, would you favor or oppose limiting the operation of the airplane to certain altitudes and/or geographic locations?

Since the purpose of an advance notice is to obtain public participation in the identification or selection of a course or courses of action, the Agency asks that comments contain sufficient supporting statements and data to justify all recommendations and conclusions.

This advance notice of proposed rule making was authorized under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on April 28, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-6516 Filed 5-10-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SW-18]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter

controlled airspace in the Las Vegas, N. Mex., terminal area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Southwest Region, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Air Traffic Division. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Forth Worth, Tex. An informal docket will also be available for examination at the Office of the Chief, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (36 F.R. 2055), the Las Vegas, N. Mex., control zone is amended to read:

Las Vegas, N. Mex.

Within a 5-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20'' N., long. 105°08'30'' W.), within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial extending beyond the 5-mile-radius zone to a point 11 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial extending beyond the 5-mile radius zone to a point 10 miles southwest of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the Las Vegas, N. Mex., transition area is amended to read:

Las Vegas, N. Mex.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Las Vegas Municipal Airport (lat. 35°39'20'' N., long. 105°08'30'' W.), and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 025° radial, extending beyond the 9-mile radius area to 11.5 miles northeast of the VORTAC; and within 3.5 miles each side of the Las Vegas, N. Mex., VORTAC 220° radial, extending beyond the 9-mile radius area to 11.5 miles southwest of the VORTAC.

Alteration of controlled airspace in the Las Vegas terminal area is necessary to conform to terminal instrument procedures (TERPS) criteria for aircraft executing instrument approach/departure procedures at Las Vegas Municipal Airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348) and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655 (c)].

Issued in Fort Worth, Tex., on April 29, 1971.

R. V. Reynolds,
Acting Director, Southwest Region.

[FR Doc.71-6517 Filed 5-10-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-77]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Gainesville, Fla., control zone and the Gainesville and Lakeland, Fla., transition areas.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636. Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region Room 724, 3400 Whipple Street, East Point, GA.

The Gainesville control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of Gainesville Municipal Airport (lat. 29°41'22'' N., long. 82°16'28'' W.); within 1.5 miles each side of Gainesville VORTAC 034° radial, extending from the 5-mile radius zone to the VORTAC.

The following transition areas described in § 71.181 (36 F.R. 2140) would be redesignated as:

Gainesville, Fla.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Gainesville Municipal Airport (lat. 29°41'22'' N., long. 82°16'28'' W.); excluding the portion within a 1-mile radius of Stengel Field Airport (lat. 29°37'30'' N., long. 82°23'00'' W.).

Lakeland, Fla.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Lakeland Municipal Airport (lat. 27°59'15'' N., long. 82°00'55'' W.); within 5 miles each side of Lakeland VORTAC 235° radial, extending from the 8.5-mile radius area to 9.5 miles southwest of the VORTAC.

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Gainesville and Lakeland terminals in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655 (c)).

Issued in East Point, Ga., on April 29, 1971.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6513 Filed 5-10-71;8:47 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-80]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Fitzgerald, Ga., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Fitzgerald transition area would be designated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Fitzgerald Municipal Airport (lat. 31°41'00'' N., long. 83°16'00'' W.); within 3 miles each side of the 200° bearing from Fitzgerald RBN (lat. 31°41'06'' N., long. 83°16'00'' W.), extending from the 5-mile radius area to 8.5 miles southwest of the RBN.

The proposed designation is required to provide controlled airspace protection for IFR operations at Fitzgerald Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Fitzgerald (private) Nondirectional Radio Beacon, is proposed in conjunction with the designation of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348 (a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on April 29, 1971.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6514 Filed 5-10-71;8:47 am]

ENVIRONMENTAL PROTECTION AGENCY

[45 CFR Part 1201]

NEW MOTOR VEHICLES AND ENGINES

Proposed Definition of "Useful Life" and Requirements for Maintenance Instructions

The Clean Air Amendments of 1970 (Public Law 91-604) provide that the emission standards, established under section 202(a)(1) of the Clean Air Act, for the control of air pollution from new motor vehicles and engines "shall be applicable to such vehicles or engines for their useful life." Section 202(d) of the Act directs the Administrator to by regulation define "useful life", and specifies that for light duty vehicles the period shall be 5 years or 50,000 miles, whichever first occurs. The Administrator is given the discretion to prescribe a period of greater duration or mileage for heavy duty vehicles.

The current regulations (45 CFR Part 1201) relating to the control of air pollution from new motor vehicles and engines provide for testing for a specific number of miles or for a specified number of hours to determine the average lifetime emissions of such vehicles or engines in public use. It is now proposed to amend the regulations in order to define "useful life" for the several classifications of new motor vehicles and engines. The definitions would require the same duration of testing as under the current regulations.

The proposed definition of "useful life" for light duty vehicles is that required by the Act. For gasoline fueled heavy duty engines, the same definition is proposed with the 50,000 miles being equivalent to 1,500 hours of dynamometer operation. For heavy duty diesel engines, the definition proposed is 5 years or 100,000 miles with the latter being equivalent (in terms of fuel consumption) to 1,000 hours of dynamometer operation.

It is further proposed to amend 45 CFR Part 1201 to establish a new subpart M, prescribing procedures for review and approval by the Administrator of the maintenance instructions which manufacturers are required by section 207(c)(3) of the Act to provide to the ultimate purchasers of vehicles and engines. That section requires the manufacturer to supply "such written instructions for the maintenance and use of the vehicle or engine * * * as may be reasonable and necessary to assure the proper functioning of emission control devices and systems."

This proposal would be effective on republication and would be applicable to 1972 and subsequent model year vehicles and engines. The current regulations which appear at 45 CFR Part 1201 would remain in effect for the purpose of their applicability to earlier model year vehicles and engines.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Air Pollution Control Office, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 30 days after the publication of this notice will be considered.

This notice of proposed rule making is issued under the authority of section 202(d) of Public Law 91-604 (84 Stat. 1692), and section 301(a), 42 U.S.C. 1857g(a), as amended by section 15(c)(2), Public Law 91-604 (84 Stat. 1713).

Dated: May 5, 1971.

William D. Ruckelshaus,
Administrator.

1. In § 1201.1, a new definition is proposed to be added as follows:

§ 1201.1 Definitions.

(a) * * *

(33) "Useful life" means:

(i) In the case of light duty vehicles, a period of use of 5 years or of 50,000 miles, whichever first occurs;

(ii) In the case of gasoline fueled heavy duty engines, a period of use of 5 years or of 50,000 miles of vehicle operation (or an equivalent period of 1,500 hours of dynamometer operation), whichever first occurs;

(iii) In the case of heavy duty diesel engines, a period of use of 5 years or of 100,000 miles of vehicle operation (or an equivalent period of 1,000 hours of dynamometer operation), whichever first occurs.

2. Section 1201.3(b)(2) is proposed to be revised to read as follows:

§ 1201.3 General Standards: Increase in emissions, unsafe conditions.

* * * * *

(b) * * *

(2) Every manufacturer of new motor vehicles or new motor vehicle engines subject to any of the standards imposed by this part shall, prior to taking any of the actions specified in section 203(a)(1) of the Act test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines will meet the requirements of this section for the useful life of the vehicle or engine.

3. In § 1201.12, the first sentence is proposed to be revised. As amended, § 1201.12 would read as follows:

§ 1201.12 Test Procedures.

Every manufacturer of new motor vehicles or new motor vehicle engines subject to the standard prescribed in this subpart shall, prior to taking any of the actions specified in section 203(a)(1) of the Act, test or cause to be tested motor vehicles or motor vehicle engines in accordance with good engineering practice to ascertain that such test vehicles or engines, with proper maintenance, will meet the requirements of § 1201.11 for the useful life of the vehicle or engine. * * *

4. In § 1201.92, paragraphs (a) and (b) are proposed to be revised. As amended, § 1201.92 would read as follows:

§ 1201.92 Compliance with emission standards.

(a) The exhaust and fuel evaporative emission standards in §§ 1201.21 and 1201.22 apply to the emissions of vehicles in public use for their useful life.

(b) Since emission control efficiency decreases with mileage accumulated on the vehicle, the emission level of a vehicle which has accumulated 50,000 miles will be used as the basis for determining compliance with the standards.

* * * * *

5. In § 1201.113, paragraphs (a) and (b) are proposed to be revised. As amended, § 1201.113 would read as follows:

§ 1201.113 Compliance with emission standards.

(a) The exhaust emission standards in § 1201.31 apply to the emissions of engines in public use for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,500 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

* * * * *

6. In § 1201.133, paragraphs (a) and (b) are proposed to be revised. As amended, § 1201.133 would read as follows:

§ 1201.133 Compliance with emission standards.

(a) The emission standards in § 1201.41 apply to the emissions of engines in public use for their useful life.

(b) Since emission control efficiency decreases with the accumulation of hours on the engine, the emission level of an engine which has accumulated 1,000 hours of dynamometer operation will be used as the basis for determining compliance with the standards.

* * * * *

7. A new subpart, Subpart M, is proposed to be added as follows:

Subpart M—Performance of New Motor Vehicles and New Motor Vehicle Engines in Public Use

Sec.
1201.160 Maintenance instructions.
1201.161 Review of maintenance instructions.

§ 1201.160 Maintenance instructions.

(a) The manufacturer shall furnish to the ultimate purchaser of each new motor vehicle or engine subject to any of the standards prescribed in this part, written instructions on the maintenance necessary to assure the proper functioning of emission control systems.

(1) Such instructions shall be provided for each of the vehicle or engine systems listed in Appendix F to this part, where applicable, and for any other applicable systems or components.

(2) Such instructions shall be in clear, and to the extent practicable, nontechnical language.

(3) Such instructions shall include a description of maintenance necessary to correct possible major malfunctions which could reasonably be expected to affect emissions, and a description of symptoms of such malfunctions to assist the vehicle operator in identifying such malfunctions.

(b) The maintenance instructions required by this section shall contain a description of the documentation which the manufacturer will require from the ultimate purchaser or any subsequent purchaser as evidence of compliance with the instructions.

§ 1201.161 Review of maintenance instructions.

(a) The manufacturer shall provide to the Administrator a copy of the maintenance instructions which the manufacturer proposes to supply to the ultimate purchaser in accordance with § 1201.160. For model years subsequent to the 1972 model year, this material shall be supplied no later than the submission required by § 1201.53. The Administrator will review such instructions and approve or disapprove them based on his determination as to whether they are reasonable and necessary to assure the proper functioning of the vehicle's or engine's emission control devices and systems. He will notify the manufacturer in writing of his determination and, where the proposed instructions are disapproved, such notification will specify the reasons for disapproval.

(b) No certification shall be granted under § 1201.55(a) unless a copy of the instructions required by § 1201.160 has been approved by the Administrator.

(c) Any revision to the maintenance instructions must be approved by the Administrator before being supplied to the ultimate purchaser.

8. Appendix F is proposed to be added as follows:

Appendix F—Vehicle and Engine Systems

A. Gasoline-Fueled Light-Duty Vehicles and Heavy-Duty Engines.
I. Basic Mechanical System—Engine:
1. Intake and exhaust valves.
2. Drive belts.
3. Manifold and cylinder head bolts.
4. Engine oil and filter.
5. Engine coolant.
6. Cooling system hoses and connections.
7. Vacuum fittings, hoses and connections.
II. Fuel System:
1. Carburetor—idle r.p.m., mixture ratio.
2. Choke mechanism.
3. Fuel system filter and fuel system lines and connections.
4. Choke plate and linkage.
III. Ignition System:
1. Ignition timing and advance systems.
2. Distributor breaker points.
3. Spark plugs.
4. Ignition wiring.
5. Distributor breaker points and condensor.
6. Operating parts of distributor.
IV. Crankcase Ventilation System:
1. PCV valve.
2. Ventilation hoses.
3. Oil filler breather cap.
4. Manifold inlet (carburetor spacer, etc.).
V. External Exhaust Emission Control System:
1. Secondary air injection system hoses.
2. Air system manifolds.
3. Control valves and air pump.
4. Manifold reactors.
5. Catalytic mufflers.
6. Exhaust recirculation.
7. Water injection.
VI. Evaporative Emission Control System:
1. Engine compartment hose connections.
2. Carbon storage media.
3. Fuel tank pressure-relief valve operation.
4. Fuel vapor control valves.
VII. Air Inlet System:
1. Carburetor air cleaner filter.
2. Hot air control valve.
B. Heavy-Duty Diesel Engines.
I. Engine Mechanical System:
1. Valve train.
2. Cooling system:
a. Coolant.
b. Thermostat.
c. Filter.
3. Lubrication:
a. Filter.
b. Lubricant.
II. Fuel System:
1. Fuel pump.
2. Fuel filters.
3. Injectors.
4. Governor.
III. Air Inlet System:
1. Air cleaner.
2. Inlet ducting.
IV. External Exhaust Emission Controls:
1. Rack limiting devices (aneroid, throttle delay, etc.
2. Manifold reactor.
3. Catalytic mufflers.
4. Exhaust recirculation.
5. Water injection.

[FR Doc.71-6518 Filed 5-10-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Dockets Nos. 16004, 18052; FCC 71-422]

FIELD STRENGTH CURVES AND MEASUREMENTS FOR FM AND TV BROADCAST STATIONS

Further Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-5624 appearing at page 7689 in the issue of Friday, April 23, 1971, the "Grade B" values for UHF channels in the table at the bottom of the center column on page 7689 should be transposed so that the "present" value should read "64" and the "proposed" value should read "60".

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

HAND PALLET TRUCKS FROM FRANCE

Antidumping Proceeding Notice

On March 22, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that hand pallet trucks from France are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows: The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-6556 Filed 5-10-71;8:51 am]

Internal Revenue Service

NOEL GATEWOOD DALTON

Notice of Granting of Relief

Notice is hereby given that Noel Gatewood Dalton, Route 4, Gretna, VA 24557, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 26, 1969, in the U.S. District Court for the Western District of Virginia, Danville Division, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Noel Gatewood Dalton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Noel Gatewood Dalton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Noel Gatewood Dalton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Noel Gatewood Dalton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 21st day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6523 Filed 5-10-71;8:48 am]

VINCENT D. FIORE

Notice of Granting of Relief

Notice is hereby given that Vincent D. Fiore, 634 Rosemont Place, Utica, NY 13501, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on April 28, 1961, in the Supreme Court for the county of Oneida, N.Y., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Vincent D. Fiore because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Vincent D. Fiore to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Vincent D. Fiore's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Vincent D. Fiore be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 21st day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6524 Filed 5-10-71;8:48 am]

WALTER ROBERT GOOCH

Notice of Granting of Relief

Notice is hereby given that Walter Robert Gooch, 8115 Margaret, Taylor, MI 48180, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 5, 1954, in the District Court in and for the county of Weld, Colo., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Walter R. Gooch because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Walter R. Gooch to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Walter R. Gooch's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Walter R. Gooch be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6525 Filed 5-10-71;8:48 am]

JAMES FREEMAN HULL

Notice of Granting of Relief

Notice is hereby given that James Freeman Hull, 1435 Ninth Street, Baker, OR 97814, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 12, 1967, in the Circuit Court for the State of Oregon for the County of Baker, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for James F. Hull because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for James F. Hull to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered James F. Hull's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That James F. Hull be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6526 Filed 5-10-71;8:48 am]

DENNIS H. JEWELL

Notice of Granting of Relief

Notice is hereby given that Dennis H. Jewell, 1429 North 30th Street, Milwaukee, WI 53208, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 8, 1966, in the Milwaukee County Court, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Dennis H. Jewell because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Dennis H. Jewell to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Dennis H. Jewell's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Dennis H. Jewell be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6527 Filed 5-10-71;8:48 am]

WALTER KUCHAR

Notice of Granting of Relief

Notice is hereby given that Walter Kuchar, 24356 Carlysle Street, Dearborn, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 7, 1957, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Walter Kuchar because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Walter Kuchar to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Walter Kuchar's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Walter Kuchar be, an he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6528 Filed 5-10-71;8:48 am]

PAUL A. LEACH

Notice of Granting of Relief

Notice is hereby given that Paul A. Leach, 2450 North Fratney, Milwaukee, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 24, 1961, in the Milwaukee Municipal Court, Milwaukee County, Milwaukee, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Paul A. Leach because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Paul A. Leach to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Paul A. Leach's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Paul A. Leach be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6529 Filed 5-10-71;8:48 am]

HARRY W. LILLEY

Notice of Granting of Relief

Notice is hereby given that Harry W. Lilley, Ace High Trailer Court, Space 30, 1730 Soquel Drive, Santa Cruz, CA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms, incurred by reason of his conviction on February 9, 1961, in Recorder's Court for the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harry W. Lilley because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harry W. Lilley to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harry W. Lilley's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Harry W. Lilley be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 21st day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6530 Filed 5-10-71;8:48 am]

DONALD GLEN PRICE

Notice of Granting of Relief

Notice is hereby given that Donald Glen Price, 903 16th Street, Sioux City, IA 51105, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on February 5, 1964, in and for the Northern District of Iowa, Sioux City, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Donald G. Price because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Donald G. Price to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Donald G. Price's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144; *It is ordered,* That Donald G. Price be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6531 Filed 5-10-71;8:48 am]

ARCHER HERMAN SHIVELY

Notice of Granting of Relief

Notice is hereby given that Archer Herman Shively, Ferrum, Va. 24088, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on July 9, 1935, and May 23, 1936, in the U.S. District Court, Roanoke, Va., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Archer Herman Shively because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such

convictions, it would be unlawful for Archer Herman Shively to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Archer Herman Shively's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Archer Herman Shively be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 22d day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6532 Filed 5-10-71;8:48 am]

JACK ORMAN SPACKMAN

Notice of Granting of Relief

Notice is hereby given that Jack Orman Spackman, 9333 North Lombard, Apt. No. 27, Portland, OR 97203, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on May 25, 1948, in the Oregon Circuit Court, Portland, Oreg., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Jack Orman Spackman because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Jack Orman Spackman to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Jack Orman Spackman's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Jack Orman Spackman be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 28th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6533 Filed 5-10-71;8:49 am]

JOHN EMMERT TRIESH

Notice of Granting of Relief

Notice is hereby given that John Emmert Triesh, Box 343, Mount Alto, PA 17237, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 22, 1960, in the Franklin County Court of Quarter Sessions at Chambersburg, Pa., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John Emmert Triesh because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John Emmert Triesh to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John Emmert Triesh's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That John Emmert Triesh be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 22d day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6534 Filed 5-10-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 7878]

OREGON

Notice of Proposed Withdrawal and Reservation of Lands

APRIL 30, 1971.

The Department of Agriculture, on behalf of the Forest Service, has filed application, OR 7878, for the withdrawal of the national forest lands described below, from all forms of appropriation under the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, subject to valid existing rights.

The applicant desires the lands for use as the Balm Creek Dam, Reservoir, and Recreation Area.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Post Office Box 2965 (729 Northeast Oregon Street), Portland, OR 97208.

The authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's and to reach agreement on the concurrent management of the lands and their resources.

He will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant it, a public hearing will be held at a convenient time and place which will be announced.

The lands involved in the application are:

WHITMAN NATIONAL FOREST

WILLAMETTE MERIDIAN

Balm Creek Dam, Reservoir and Recreation Area

T. 7 S., R. 42 E.,
  Sec. 1, SE¼SE¼SE¼;
  Sec. 12, E½NE¼NE¼ and NE¼SE¼NE¼.
T. 7 S., R. 43 E.,
  Sec. 6, lot 7, NW¼SE¼SW¼, S½SE¼SW¼, and S½SW¼SW¼SE¼;
  Sec. 7, lots 2, 3, and 4, W½NE¼, N½SE¼SW¼, N½NW¼SE¼, and SW¼NW¼SE¼.

The area described aggregates 383.62 acres in Baker County, Oreg.

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-6496 Filed 5-10-71;8:45 am]

[Utah 670]

UTAH

Order Providing for Classification and Opening of Public Lands

1. In exchange of land made under the provisions of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315g), as amended, the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 39 S., R. 24 E.,
  Sec. 17, S½;
  Sec. 18, SE¼;
  Sec. 20, NE¼;
  Sec. 21, NE¼, S½;
  Sec. 22, S½;
  Sec. 27, W½;
  Sec. 28, NE¼.

Containing 1,920 acres in San Juan County.

2. Minerals in these lands were not reconveyed to the United States as the minerals were previously reserved to the United States when the original patents were issued.

3. These lands are surrounded by lands withdrawn for the Navajo Indian Reservation and were acquired for the benefit of the Indians. They are located along an unnamed canyon on McCracken Mesa, 30 miles southeast of Blanding. Topography is level to undulating on the mesa and in the canyon bottom, the canyon rims and walls are rough and rocky. Two permanent springs and livestock reservoirs are located on these lands. Vegetation consists of sagebrush, blackbrush, greasewood, curly grass, cheat grass, matchweed, and scattered scrub junipers, with a grazing capacity of 15 acres per AUM. The mesa and canyon bottoms have deep sandy loam soils, the canyon rims and walls are rocky. The lands are semiarid in character and not suitable for farming.

4. Subject to valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, these lands are hereby classified under the authority of section 7 of the Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315f), as amended, as suitable for disposal by exchange or public sale under appropriate authority; and the lands are hereby opened to application only for exchange or public sale. All valid applications received at or prior to 10 a.m., June 14, 1971, shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing.

5. Publication of this notice will segregate the lands from all appropriation including location under the mining laws, except applications for exchange or public sale. Publication will not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral and vegetative resources, other than under the mining laws.

6. No application for an exchange will be accepted until it has first been determined that it is in the public interest for the United States to acquire the proposed offered lands, and that the value of the offered lands equals or exceeds that of the selected lands. Then all applications for exchange must be accompanied by a statement from the Bureau of Land Management, Monticello District Manager, that the proposal is feasible, in accordance with 43 CFR 2202.1.

7. Inquiries or comments concerning the lands should be addressed to the State Director, Bureau of Land Management, Post Office Box 11505, Salt Lake City, Utah 84111.

R. D. NIELSON,
State Director.

[FR Doc.71-6497 Filed 5-10-71;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-262]

STATES STEAMSHIP CO.

Notice of Review

Notice is hereby given that a review is being made of the existing written permission presently held by States Steamship Co. under section 805(a) of the Merchant Marine Act, 1936, as amended, which permission provides that vessels operated on States' subsidized Trade Route 29 services may carry cargo between California and Hawaii on not to exceed 26 calls westbound and 26 calls eastbound per year, as authorized by the Secretary of Commerce on July 6, 1965, extended by Maritime Subsidy Board action of March 11, 1969, and continued by Maritime Subsidy Board action of August 24, 1970.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in, and desiring to be heard on, issues pertinent to section 805(a) or desiring to submit comments or views concerning States' written permission must, by close of business on May 21, 1971, file same with the Secretary, Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no requests for hearing and petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

Dated: May 6, 1971.

By order of the Acting Assistant Secretary of Commerce for Maritime Affairs/Maritime Subsidy Board.

AARON SILVERMAN,
Assistant Secretary.

[FR Doc.71-6577 Filed 5-10-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

LICENSED BIOLOGICAL PRODUCTS

Notice is hereby given that pursuant to section 351 of the Public Health Service Act, as amended (42 U.S.C. 262), and regulations issued thereunder (42 CFR Part 73), the following establishment license and product license actions have been taken from July 1, 1970 to December 31, 1970, inclusive.

A complete listing of licensed establishments and products as of January 1, 1971, may be obtained by writing to the Division of Biologics Standards, National Institutes of Health, Bethesda, MD 20014.

ESTABLISHMENT LICENSES ISSUED

Establishment	City and State	License No.
Hoffmann-La Roche, Inc	Nutley, N.J	136
Raleigh Blood Center, Division North Carolina State Blood Centers, Inc.	Raleigh, N.C	432
"Biotest"-Serum-Institut GmbH	Frankfurt, West Germany	433

ESTABLISHMENT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Establishment	City and State	License No.
Ohio Biomedical, Inc	Cincinnati, Ohio	424
Regional Blood Components, Ltd	Los Angeles, Calif	426
St. Luke's Hospital Blood Bank	Aberdeen, S. Dak	250
Specific Serums, Inc	Hoboken, N.J	343

ESTABLISHMENT LICENSES REVOKED WITHOUT PREJUDICE AND REISSUED

Establishment	City and State	License No.	Action
Armour Pharmaceutical Co	Chicago, Ill., and Kankakee, Ill	149	Name change.
Beverly Blood Center, Inc	Chicago, Ill., and Glenview, Ill	269	Location added: Glenview, Ill.
Dow Chemical Co. (The)	Zionsville, Ind	110	Name change.
Mount Sinai Hospital Medical Center Blood Center.	Chicago, Ill	168	Do.
Pfizer Inc	New York, N.Y., and Philadelphia, Pa.	164	Do.
Porro Biological Laboratories, Inc	Tacoma, Wash	107	Do.
South Bend Medical Foundation, Inc	South Bend, Ind	248	Do.

PRODUCT LICENSES ISSUED

Product	Establishment	License No.
Anthrax Vaccine Adsorbed	Michigan Department of Public Health Bureau of Laboratories.	99
Anti-A Blood-Grouping Serum	"Biotest"-Serum-Institut G.m.b.H	433
Do	North American Biologicals, Inc	413
Anti-B Blood Grouping Serum	"Biotest"-Serum-Institut G.m.b.H	433
Antihemophilic Factor (Human)	Parke, Davis and Co	1
Anti-Human Gonadotropic Serum	Hoffmann-La Roche, Inc	136
Anti-Rh Typing Serum Anti-Rh_0'' (Anti-DE)	North American Biologicals, Inc	413
Cryoprecipitated Antihemophilic Factor (Human)	Stanford University Hospital Blood Bank	402
Factor IX Complex (Human)	Travenol Laboratories, Inc	140
Normal Serum Albumin (Human)	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Oesterreichisches Institut Fuer Haemoderivate, G.m.b.H.	258
Reagent Red Blood Cells (Human)	Abbott Laboratories	43
Do	Metabolic, Inc	415
Red Blood Cells (Human)	Coffee Memorial Blood Center, Inc	246
Do	Community Blood and Plasma Service, Inc., of Texas.	241
Do	Regional Blood Components, Ltd	426
Do	Stanford University Hospital Blood Bank	402
Rubella and Mumps Virus Vaccine, Live	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Single Donor Plasma (Human)	Coffee Memorial Blood Center, Inc	246
Single Donor Plasma (Human)	Stanford University Hospital Blood Bank	402
Tetanus Immune Globulin (Human)	Armour Pharmaceutical Co	149
Tetanus Toxoid Adsorbed	Swiss Serum and Vaccine Institute Berne	21
Whole Blood (Human)	Raleigh Blood Center, Division North Carolina Blood Centers, Inc.	432

PRODUCT LICENSES REVOKED AT THE REQUEST OF THE MANUFACTURER

Product	Establishment	License No.
Allergenic Extracts	Cutter Laboratories, Inc	8
Anti-A Blood Grouping Serum	do	8
Do	Specific Serums, Inc	343
Anti-B Blood Grouping Serum	Cutter Laboratories, Inc	8
Do	Specific Serums, Inc	343
Anti-A, B Blood Grouping Serum	do	343
Anti-Fy^a Serum (Anti-Duffy)	do	343
Antihemophilic Globulin (Human)	Cutter Laboratories, Inc	8
Antihemophilus Influenzae Type b Serum	Travenol Laboratories, Inc	140
Anti-Human Serum	Specific Serums, Inc	343
Anti-k Serum (Anti-Cellano)	do	343
Anti-K Serum (Anti-Kell)	do	343
Anti-M Serum	do	343
Anti-N Serum	do	343
Anti-Rh Typing Serums:		
Anti-Rh_0 (Anti-D)	do	343
Anti-Rh_0' (Anti-CD)	do	343
Anti-Rh_0'' (Anti-DE)	do	343
Anti-Rh_0rh'rh'' (Anti-CDE)	do	343
Anti-rh' (Anti-C)	do	343
Anti-rh'' (Anti-E)	do	343
Anti-hr' (Anti-c)	do	343
Anti-hr'' (Anti-e)	do	343
Anti-rh_w (Anti-C_w)	do	343
Bacterial Vaccines made from:		
Acne bacillus	Cutter Laboratories, Inc	8
Friedlander bacillus	do	8
Gonococcus	do	8
Influenza bacillus	do	8
Micrococcus catarrhalis	do	8
Pneumococcus	do	8
Pseudodiphtheria bacillus	do	8
Staphylococcus albus	do	8
Staphylococcus aureus	do	8
Staphylococcus citreus	do	8
Streptococcus	do	8
Cholera Vaccine	do	8
Diphtheria Antitoxin	do	8
Diphtheria Toxin for Schick Test	do	8
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Diphtheria Toxoid	Cutter Laboratories, Inc	8
Diphtheria Toxoid Alum Precipitated	Pfizer Inc	164
Diphtheria Toxoid Aluminum Hydroxide Adsorbed.	Cutter Laboratories, Inc	8
Diphtheria Toxoid Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	do	8
Diphtheria Toxoid Precipitated and Pertussis Vaccine Combined.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Diphtheria Toxoid and Pertussis Vaccine Combined.	Cutter Laboratories, Inc	8
Diphtheria and Tetanus Toxoids Combined	do	8
Diphtheria and Tetanus Toxoids Combined Alum Precipitated.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Diphteria and Tetanus Toxoids Combined Aluminum Hydroxide Adsorbed.	Cutter Laboratories, Inc	8
Diphtheria and Tetanus Toxoids Aluminum Hydroxide Adsorbed and Pertussis Vaccine Combined.	do	8
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined.	do	8

Product	Establishment	Licens No.
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Combined Alum Precipitate.	Cutter Laboratories, Inc	8
Equine Encephalomyelitis Vaccine (Eastern)	do	8
Equine Encephalomyelitis Vaccine (Western)	do	8
Fibrinogen with Antihemophilic Factor (Human)	do	8
Influenza Virus Vaccine	Pfizer Inc	164
Measles Virus Vaccine, Inactivated	do	164
Measles Virus Vaccine, Live, Attenuated	do	164
Pertussis Vaccine	Cutter Laboratories, Inc	8
Pertussis Vaccine Aluminum Hydroxide Adsorbed.	Cutter Laboratories, Inc	8
Poliomyelitis Immune Globulin (Human)	Armour Pharmaceutical Co	149
Do	Cutter Laboratories, Inc	8
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	Parke, Davis and Co	1
Do	Travenol Laboratories, Inc	140
Poliomyelitis Vaccine	Pfizer Inc	164
Reagent Red Blood Cells (Human)	Specific Serums, Inc	343
Red Blood Cells (Human)	Ohio Biomedical, Inc	424
Do	Regional Blood Components, Ltd	426
Do	Western Pennsylvania Blood Center, Inc	276
Resuspended Red Blood Cells (Human)	Belle Bonfils Memorial Blood Bank	166
Scarlet Fever Streptococcus Toxin for Dick Test	Wyeth Laboratories, Inc	3
Scarlet Fever Streptococcus Toxin for Immunization.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Schick Test Control	Cutter Laboratories, Inc	8
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Single Donor Plasma (Human)	Ohio Biomedical, Inc	424
Do	Western Pennsylvania Blood Center, Inc	276
Tetanus Antitoxin	Cutter Laboratories, Inc	8
Tetanus and Diphtheria Toxoids Combined Alum Precipitated (For Adult Use).	Pfizer Inc	164
Tetanus and Diphtheria Toxoids Combined Aluminum Hydroxide Adsorbed (For Adult Use).	Cutter Laboratories, Inc	
Tetanus Toxiod Alum Precipitated	Pfizer Inc	164
Tetanus Toxoid Aluminum Hydroxide Adsorbed	Cutter Laboratories, Inc	8
Tetanus Toxoid and Pertussis Vaccine Combined	do	8
Thrombin	do	8
Tuberculin	do	8
Typhoid Vaccine	do	8
Typhoid and Paratyphoid Vaccine	do	8
Do	Istituto Sieroterapico Vaccinogeno Toscano Sclavo	238
Typhus Vaccine	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Whole Blood (Human)	Ohio Biomedical, Inc	424
Do	Regional Blood Components, Ltd	426
Do	St. Luke's Hospital Blood Bank	250

LICENSES FOR PRODUCTS PREPARED FROM DIPHTHERIA TOXOID, TETANUS TOXOID, PERTUSSIS VACCINE, POLIOMYELITIS VACCINE, AND COMBINATIONS OF THESE PRODUCTS REVOKED WITHOUT PREJUDICE AND REISSUED UNDER NEW PROPER NAMES

Product	Establishment	License No.
Diphtheria Toxoid Adsorbed	Behringwerke AG	97
Do	Istituto Sieroterapico Vaccinogeno Toscano Sclavo	238
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Do	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Diphtheria and Tetanus Toxoids	Eli Lilly and Co	56
Do	Parke, Davis and Co	1
Diphtheria and Tetanus Toxoids Adsorbed	Dow Chemical Co. (The)	110
Do	Eli Lilly and Co	56
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories	64
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Diphtheria and Tetanus Toxoids Adsorbed	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Diphtheria and Tetanus Toxoids and Pertussis Vaccine.	Eli Lilly and Co	56
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Parke, Davis and Co	1
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.	Dow Chemical Co. (The)	110
Do	Eli Lilly and Co	56
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories	64
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed.	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Diphtheria and Tetanus Toxoids and Pertussis and Poliomyelitis Vaccines Adsorbed.	Parke, Davis and Co	1
Diphtheria and Tetanus Toxoids and Pertussis Vaccine Adsorbed and Poliomyelitis Vaccine.	Eli Lilly and Co	56
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	Parke, Davis and Co	1
Diphtheria Toxoid and Pertussis Vaccine Adsorbed.	Dow Chemical Co. (The)	110
Poliomyelitis Vaccine Adsorbed	Parke, Davis and Co	1
Tetanus Toxoid Adsorbed	Behringwerke AG	97
Do	Dow Chemical Co. (The)	110
Do	Eli Lilly and Co	56
Do	Istituto Sieroterapico Vaccinogeno Toscano Sclavo.	238
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories.	64
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	Michigan Department of Public Health Bureau of Laboratories.	99
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Parke, Davis and Co	1
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3
Tetanus and Diphtheria Toxoids Adsorbed (For Adult Use).	Eli Lilly and Co	56
Do	Lederle Laboratories Division, American Cyanamid Co.	17
Do	Massachusetts Public Health Biologic Laboratories	64
Do	Merck Sharp & Dohme, Division of Merck & Co., Inc.	2
Do	National Drug Co. (The) Division of Richardson-Merrell, Inc.	101
Do	Texas State Department of Health	121
Do	Wyeth Laboratories, Inc	3

Approved:

RODERICK MURRAY,
Director, Division of Biologics Standards, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

IRVIN J. GOLDBERG,
Director of Information, For the Director, National Institutes of Health, Public Health Service, Department of Health, Education, and Welfare.

[FR Doc.71-6435 Filed 5-10-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA Petition No. 32]

BURLINGTON NORTHERN, INC., ET AL.

Joint Petition for Exemption From Requirements for Passenger Train Movements

By petition[1] filed April 8, 1971, as perfected later, the Burlington Northern, Inc., Chicago, Milwaukee, St. Paul and Pacific Railroad Co., and AMTRAK seek relief from the requirements of the power brake rules so as to perform the interchange inspection at the Minneapolis passenger station, rather than at Daytons Bluff, St. Paul, Minn., the actual point of interchange between the Milwaukee and the Burlington Northern. The distance between the actual point of interchange at Daytons Bluff and the Minneapolis passenger station is 10.8 miles through St. Paul and Minneapolis. But there is no street or highway crossing in the 10.8-mile segment between the physical interchange point and the Minneapolis station.

No stop is scheduled for the involved passenger train at St. Paul whereas the train is scheduled to stop at Minneapolis station and 30 minutes is now allowed, in the schedule, for the inspections and tests at that station while passenger loading and unloading is also being accomplished.

Preliminary investigations and studies are convincing that the proposed interchange inspection and tests at Minneapolis station, rather than at the actual interchange point would be in the public interest and at the same time in the interest of safety. Accordingly, the sought relief should be, and it is hereby, granted, subject however to the condition that this relief is subject to further order and to an oral hearing should any interested person seek oral hearing and show good cause for further proceedings herein. And subject to the further condition that the certificate of inspection and test set forth below be accomplished at each time the inspection and test are performed at the Minneapolis station. Copies of the certificate are to be placed on the locomotive and handled administratively as otherwise directed by the Bureau of Railroad Safety.

This order shall be effective May 1, 1971, unless stayed by the Railroad Safety Board or by the Administrator.

This order shall also be subject to further handling and review at any time for good cause shown.

Dated this 29th day of April in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings and Proceedings, and Hearing Examiner.

Carrier ________________________

AIR BRAKE INSPECTION AND TEST CERTIFICATE
(FOR RUN-THROUGH TRAINS)

Place ________________ Date ___________
Train __________ Number of cars __________
Locomotive No. ____ Caboose No. ____ Train made complete ____________ Train brakes applied ____________.

I certify the train brake system of this train received an initial terminal train brake test and inspection [ ], 500-mile test and inspection [ ] as required by the Power Brake Law including each of the following checked [ ] items:

1. All air brake hoses are properly coupled and are in condition for service. ______
2. All angle cock handles are properly positioned for service. ______
3. The air brakes on each car are cut in and operative. ______
4. Brake rigging does not bind or foul and all parts of brake equipment are properly secured. ______
5. Piston travel is within prescribed limits. ______
   Initial terminal 7-9'' *
   500-mile 10'' *
   * or as indicated on car.
6. Brake pipe leakage does not exceed 5 pounds per minute. ______
7. Air brakes on each car applied from a 20-pound service brake pipe reduction. ______
8. All defective cars were repaired or set out. ______

This certificate was completed (date) ____________ (time) ____________

____
Signature

____
Title

NOTICE: This certificate is required by the Federal Railroad Administration for each initial terminal train brake test and inspection given run-through trains. It must be prepared in duplicate and signed by the supervisor when available, or other employee responsible for the train brake test and may be prepared from information supplied by employees who made the test. One copy to be retained for 1 year at the terminal where the inspection and test was made and one copy to be retained in cab of locomotive of run-through train until train arrives at final terminal. This is an official form. False execution may subject the offender to criminal prosecution under title 17, section 1001, United States Code.

[FR Doc.71-6580 Filed 5-10-71;8:51 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 1277]

COMMERCIAL AIRWAYS AGENCY, INC.

Order of Revocation

By letter dated April 9, 1971, Commercial Airways Agency, Inc., 3240 Northwest 27th Avenue, Miami, FL 33142, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 1277 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 7, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Commercial Airways Agency, Inc., has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised), section 7.04 (g) (dated 9-29-70):

It is ordered, That the Independent Ocean Freight Forwarder License of Commercial Airways Agency, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Commercial Airways Agency, Inc., be and is hereby revoked effective May 7, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Commercial Airways Agency, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-6550 Filed 5-10-71;8:50 am]

[Docket No. 71-37]

MATSON NAVIGATION CO. ET AL.

Purchase of Ships; Enlargement of Filing Dates

MAY 5, 1971.

Purchase of ships—Matson Navigation Co., Sea-Land Service, Inc., Reynolds Leasing Corp.

Upon request of counsel for Sea-Land, with which all parties concur, the following revisions are made for filing dates in this proceeding:

(1) Affidavits of fact, memoranda of law, and requests for hearing shall be filed on or before May 14, 1971.

(2) Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, on or before May 24, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6551 Filed 5-10-71;8:50 am]

[Docket No. 71-52]

SEA-FREIGHT EXPRESS, INC.

General Increases in Rates in U.S. Atlantic and Puerto Rico Trade; Order of Investigation and Suspension

Sea-Freight Express, Inc., has filed with the Federal Maritime Commission

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[1] The Director, Office of Hearings and Proceedings was given authority to handle this petition by memorandum from the Acting Administrator dated Apr. 12, 1971.

Supplement No. 1 to its Tariff FMC–F No. 1 to become effective May 9, 1971. This supplement generally increases the rates and charges in the subject trade.

Upon consideration of said supplement, the Commission is of the opinion that the above-designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing; therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and section 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 1 to Tariff FMC–F No. 1 is suspended and the use thereof deferred to and including September 8, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Freight Express, Inc., a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state the aforesaid matter is suspended and may not be used until September 9, 1971, unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Sea-Freight Express, Inc., be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein and published in the FEDERAL REGISTER; and (II) the said respondent be duly served with notice of time and place of hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6552 Filed 5-10-71;8:50 am]

[Docket No. 71-30; Special Permission No. 5336]

TRANSAMERICAN TRAILER TRANSPORT, INC.

Increases in Rates in U.S. Atlantic/Puerto Rico Trade; First Supplemental Order

By the original order in this proceeding served March 31, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including August 24, 1971, Supplement No. 8 to Tariff FMC–F No. 1. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 49, filed by Transamerican Trailer Transport, Inc., authority is sought under the provisions of section 2 of the Intercoastal Shipping Act, 1933, to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the original order in this proceeding to the extent necessary to permit the filing, upon less than statutory notice, of revised pages as enumerated, which will change tariff matter continued in effect by reason of suspension in this proceeding.

A full investigation of the matters involved in the application having been made which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the Order in Docket No. 71-30 to make the changes in rates and provisions as set forth in Special Permission Application No. 49, said changes to become effective on full statutory notice, be and it is hereby granted. The short notice authority requested by Special Permission Application No. 49, is hereby denied.

2. Publications issued and filed under this authority shall bear the following notation: "Authority to depart from the terms of the Order in I & S Docket No. 71-30 granted under Federal Maritime Commission Special Permission No. 5336."

3. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned reduced rates to become effective, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission:

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6553 Filed 5-10-71;8:50 am]

FEDERAL POWER COMMISSION

[Docket No. G-3894 etc.]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 29, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before May 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-3894........ C 4-8-71	Atlantic Richfield Co., Post Office Box 2819, Dallas, TX 75221.	Texas Eastern Transmission Corp., Tom Lyne, North Field, Live Oak County, Tex.	[1] 16.0	14.65
G-7648........ D 4-9-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	United Gas Pipe Line Co., White Point, Saxet et al. Fields, San Patricio and Nueces Counties, Tex.	Assigned	....
G-11863....... D 4-14-71	Mobil Oil Corp. (Operator) et al., (partial abandonment).	Lone Star Gas Co., Graham Area, Carter County, Okla.	Depleted	....
G-11950....... D 4-14-71	Mobil Oil Corp....................	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., San Salvador Field, Hidalgo County, Tex.	Assigned	....
G-12657....... D 4-14-71	......do......................	Texas Eastern Transmission Corp., San Manuel Field, Hidalgo County, Tex.	Assigned	....
CI63-1049...... D 4-14-71	Northern Natural Gas Producing Co., Post Office Box 1774, Houston, TX 77001.	El Paso Natural Gas Co., Basin Dakota Field, San Juan County, N. Mex.	Assigned	....
CI63-1050...... D 4-14-71	......do......................	......do......................	Assigned	....
CI63-1051...... D 4-14-71	......do......................	......do......................	Assigned	....
CI64-106....... D 2-8-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221 (partial abandonment).	Northern Natural Gas Co., Hunt-Baggett Field, Crockett County, Tex.	Depleted	....
CI64-670....... C 4-19-71	Marathon Oil Co., 539 South Main St., Findlay, OH 45840.	Arkansas Louisiana Gas Co., Wilburton Field, Haskell, Latimer, LeFlore, and Pittsburg Counties, Okla.	16.015	14.65
CI66-823....... C 4-12-71	Atlantic Richfield Co..............	El Paso Natural Gas Co., Jicarilla Field, Rio Arriba County, N. Mex.	14.0	15.025
CI68-299 [2]...... B 4-15-71	Texaco, Inc., Post Office Box 430, Bellaire, TX 77401.	South Texas Natural Gas Gathering Co., Encinitas (V-7) Field, Brooks County, Tex.	Depleted	....
CI71-219....... C 4-16-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Florida Gas Transmission Co., Jay Field, Santa Rosa County, Fla.	30.0	14.65
CI71-522....... C 4-15-71	Commonwealth Gas Corp., 801 Union Bldg., Charleston, W. Va. 25325.	United Fuel Gas Co., Ravenswood District, Jackson County, W. Va.	32.0	15.325
CI71-559....... C 4-5-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Kentland Coal & Coke No. 1 Well, Pike County, Ky.	32.0	15.325
CI71-694 [3]...... A 3-22-71 4-14-71 [4]	Schaefer Oil & Gas Co., Inc., 841 Carondelet St., New Orleans, LA 70130.	Southern Natural Gas Co., Big Point Field, St. Tammany Parish, La.	18.5 26.0	14.73
CI71-711....... (G-8816) F 3-29-71	G. E. Kadane & Sons (Operator) et al. (successor to Humble Oil & Refining Co.), Post Office Drawer 1740, Wichita Falls, TX 76307.	United Gas Pipe Line Co., Maxie Field, Forrest County, Miss.	20.0	15.025
CI71-728....... B 4-5-71	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	Kansas-Nebraska Natural Gas Co., Inc., Kirby Draw Field, Fremont County, Wyo.	Assigned	....
CI71-729....... (G-12721) 4-2-71 [5]	Anadarko Production Co. (successor to Petroleum Property Management, Inc., agent for Ambassador Oil Corp. et al.), Post Office Box 9317, Fort Worth, TX 76107.	Texas Gas Transmission Corp., South Elton Field, Jefferson Davis Parish, LA.	19.75	15.025
CI71-731....... B 4-5-71	Afroma Oil & Gas Co. Inc. (Operator). et al., c/o Keys, Russell, Watson & Seaman, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	....
CI71-732....... B 4-5-71	Ben D. Marks, c/o Keys, Russell, Keys & Watson, Corpus Christi, Tex. 78403.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan Field, San Patricio County, Tex.	Depleted	....
CI71-733....... B 4-5-71	W. J. Riley, c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	....
CI71-734....... B 4-5-71	Ben D. Marks et al., d.b.a. Tri Mark Oil Co.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem and Spartan Fields; San Patricio County, Tex.	Depleted	....
CI71-735....... B 4-5-71	W. J. Riley, d.b.a. W. J. Riley, Petroleum Co., 716 Wilson Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	....
CI71-736....... B 4-5-71	Fred Bowman,[6] Post Office Box 1391, Corpus Christi, TX 78403.	......do......................	Depleted	....
CI71-737....... B 4-5-71	Lee S. Carter (Operator) et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	......do......................	Depleted	....
CI71-738 ...... B 4-5-71	W. J. Riley, d.b.a. W. J. Riley Petroleum Co.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., North Odem Field; San Patricio County, Tex.	Depleted	....
CI71-739....... B 4-5-71	Logue and Patterson, Operator et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields; San Patricio County, Tex.	Depleted	....
C-71-740....... B 4-5-71	Ramada Oil & Gas Co., agent for B. C. Garnett et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	....
CI71-741 ...... B 4-5-71	M. E. Cassidy, Jr., trustee (Operator) et al., 1200 Vaughn Plaza, Corpus Christi, Tex. 78401.	......do......................	Depleted	....
CI71-742 ...... B 4-5-71	Minnie Belle Heep et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields; San Patricio County, Tex.	Depleted	....
CI71-743....... B 4-5-71	Frank A. Morrison, operator, c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields; San Patricio County, Tex.	Depleted	....
CI71-744....... B 4-5-71	John C. Worley,[7] 316 Wilson Tower, Corpus Christi, TX. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth and East Taft Fields; San Patricio County, Tex.	Depleted	....
CI71-745....... B 4-5-71	L. L. Logue et al., c/o Keys, Russell, Keys & Watson, Driscoll Bldg., Corpus Christi, TX. 78401.	... do......................	Depleted	....
CI71-746....... B 4-5-71	Hunter Bros. & Wallace, Inc., c/o John C. Beasley, attorney, Post Office Box 490, Beeville, TX 78102.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., West Taft, San Patricio County, Tex.	Depleted	....
CI71-747....... B 4-5-71	Huisache Operating Co. (Operator) et al., 2010 The 600 Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Plymouth-Taft Field; San Patricio County, Tex.	Depleted	....
CI71-748 B 4-5-71	Ramada Oil & Gas Co., agent for B. C. Garnett et al., Oil Industries Bldg., Corpus Christi, Tex. 78401.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Spartan and Odem Fields, San Patricio County, Tex.	Depleted	....
CI71-750 ..... A 4-9-71	Bass Enterprises Production Co., Operator et al., 12th Floor, Fort Worth National Bank Bldg., Fort Worth, Tex. 76102.	Transcontinental Gas Pipe Line Corp., Cooke and Washburn Fields, North Storey Area, La Salle County, Tex.	[8] 24.25	14.65
CI71-751 ...... A 4-8-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	United Gas Pipe Line Co., Merit Field, Simpson County, Miss.	[8] 28.0	15.025
CI71-752....... A 4-9-71	Getty Oil Co., Post Office Box 1404, Houston, TX 77001.	Tennessee Gas Pipeline Co., a division of Tenneco, Inc., East Bay City Field, Matagorda County, Tex.	25.0	14.65
CI71-753 ...... A 4-8-71	Crystal Oil Co., Operator et al., 411 Ray P. Oden Bldg., Shreveport, La. 71101.	United Gas Pipe Line Co., Bethany Field, Panola County, Tex.	17.0	14.65
CI71-754....... B 4-9-71	John W. Herndon (Operator) et al, Post Office Drewer 6160, Corpus Christi, TX 78411.	Banquete Gas Co., a division of Crestmont Oil & Gas Co., Odem and Taft Fields; San Patricio County, Tex.	Depleted	....

See footnotes at end of table

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-755 (G-13633) F 4-6-71	Texas Oil & Corp. (successor to Pennzoil Producing Co.,) Fidelity Union Tower Bldg., Dallas, Tex. 75201.	United Gas Pipe Line Co., North McFaddin Field, Victoria County, Tex.	16.9313	14.65
CI71-756 B 4-9-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Transcontinental Gas Pipe Line Corp., High Island Block 10, Offshore Jefferson, Texas.	Depleted	....
CI71-757 A 4-12-71	Davis Oil Co. et al., 340 Oil & Gas Bldg., New Orleans, La. 70112.	Tennessee Gas Pipeline Co., a division of Tenneco Inc., Bully Camp Field, Lafourche Parish, La.	28.0	15.025
CI71-758 A 4-14-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	United Fuel Gas Co., Lake Sand Field St. Mary and Iberia Parishes, La.	26.0	15.025
CI71-759 A 4-16-71	Sun Oil Co., Post Office Box 2880, Dallas, TX 75221.	Panhandle Eastern Pipe Line Co., Buffalo Wallow Area, Hemphill County, Tex.	26.0	14.65
CI71-760 A 4-14-71	Midhurst Oil Corp., Post Office Box 18695, Oklahoma City, OK 73118.	Valley Gas Transmission, Inc., South Monte Christo Field, Hidalgo County, Tex.	15.05625	14.65
CI71-761 A 4-20-71	Jack E. Webber, agent for Midstates Gas, Route No. 4, West Union, WV 26456	Equitable Gas Co., West Union, Doddridge County, W. Va.	32.0	15.325
CI71-762 A 4-19-71	Skelly Oil Co., Post Office Box 1650, Tulsa, OK 74102.	Natural Gas Pipeline Co., of America, Block 144, West Cameron Area, Offshore, Louisiana	28.0	15.025
CI71-763 A 4-19-71	Texaco, Inc., Post Office Box 2420, Tulsa, OK 74102.	Texas Eastern Transmission Corp., Wampum Field, Oktibbeha County, Miss.	29.0	15.025
CI71-764 A 4-19-71	Amoco Production Co., Post Office Box 50879, New Orleans, LA 70150.	Natural Gas Pipeline Co. of America, West Cameron Block 144 Field, Offshore, Louisiana.	28.0	15.025
CI71-766 A 4-16-71	Basin Petroleum Corp., 545 First National Bldg., Oklahoma City, OK 73102.	Northern Natural Gas Co., Section 30, Block, JT AB&M Survey, Ochiltree County, Tex.	20.5	14.65

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[1] Contract provides for total rate of 18.3779 cents per Mcf; however, applicant will accept certificate conditioned to initial rate of 16 cents.

[2] No permanent certificate issued—temporary authorization granted only.

[3] Application previously noticed Apr. 12, 1971, in Docket No. G-6437 et al., at a total initial rate of 18.5 cents per Mcf.

[4] Amendment to application filed to reflect rate of 18.5 cents per Mcf for gas produced from shallow sands and 26 cents per Mcf for gas produced from deep sands in lieu original proposed rate of 18.5 cents; and to change pressure base to read 15.025 in lieu of 14.73.

[5] Applicant proposes to continue the sale heretofore authorized in Docket No. G-12721 to be made pursuant to its FPC Gas Rate Schedule No. 125. Said sale was authorized to be abandoned in Docket No. CI71-115 due to lack of gas production. Applicant states that the subject lease is now capable of producing gas.

[6] Successor to Jenney Manufacturing Co.

[7] Successor to Wiley W. Singleton.

[8] Subject to upward and downward B.t.u. adjustment.

[9] Rate in effect subject to refund in Docket No. RI70-282.

[FR Doc.71-6387 Filed 5-10-71;8:45 am]

[Docket No. RP71-109]

FLORIDA GAS TRANSMISSION CO.

Notice of Proposed Changes in Rates and Charges

MAY 5, 1971.

Take notice that Florida Gas Transmission Co. (Florida Gas), on April 26, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on June 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $64,746 annually based on volumes for the 12-month period ended December 31, 1969, as adjusted. The proposed increase would be applicable to Florida Gas' Rate Schedules G and I.

Florida Gas states that the reason for the proposed increase is to reflect the effect of the jurisdictional portion of increases in its cost of purchased gas, resulting from increases in the rates of several of its suppliers. The cost of gas on which its proposed rates are based also reflects three producer rate decreases filed to comply with the level of South Louisiana area rates specified by the Commission in order issued December 24, 1970, in Docket No. R-394 and an adjustment to eliminate an error in the design of the company's presently effective rates in Docket No. RP71-67.

Copies of the proposed tariff changes were served on all of Florida Gas' jurisdictional customers and the Florida Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6540 Filed 5-10-71;8:49 am]

[Docket No. CP71-254]

METROPOLITAN UTILITIES DISTRICT OF OMAHA AND NORTHERN NATURAL GAS CO.

Notice of Application

MAY 4, 1971.

Take notice that on April 23, 1971, the Metropolitan Utilities District of Omaha (applicant), 1723 Harney Street, Omaha, NE 68102, filed in Docket No. CP71-254 an application pursuant to section 7(a) of the Natural Gas Act for an order of the Commission directing Northern Natural Gas Co. (respondent) to construct facilities and establish a new delivery point for the benefit of applicant, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant, the sole natural gas distributing company serving the city of Omaha and environs in Douglas, Sarpy, and Washington Counties, Nebr., obtains its entire supply of natural gas from respondent. Applicant requests that respondent be directed to construct 1.2 miles of 12-inch pipeline and provide a new delivery point to applicant at the end of this pipeline to enable it to sell natural gas to Omaha Public Power District (Public Power) for use as fuel for electric generators. Applicant states that any volumes of natural gas sold to Public Power will be on an interruptible basis during the months of May through September of each year and that these volumes will be within the amounts available under applicant's presently effective contract demand.

The estimated cost of the facilities requested herein is $131,000. Applicant states that it will reimburse respondent for the cost of this construction. Public Power will in turn reimburse applicant for this expense. The application states that the only alternative available whereby service could be brought to Public Power would require an expansion of applicant's distribution system at an estimated cost of $318,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6541 Filed 5-10-71;8:49 am]

[Docket No. CP71-255]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Notice of Application

MAY 5, 1971.

Take notice that on April 26, 1971, Natural Gas Pipeline Company of America (applicant), 122 South Michigan Avenue, Chicago, IL 60603, filed in Docket No. CP71-255 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes the construction and operation of one additional 3,500 horsepower compressor unit at its Compressor Station No. 342 located in Cameron Parish, La., and two additional 4,000 horsepower compressor units at its Compressor Station No. 3[illegible]3 located in Liberty County, Tex. Applicant states that these units are necessary to receive increased volumes of natural gas through its Louisiana extension to meet the requirements of the 1971-72 heating season. The estimated cost of the facilities proposed herein is $3,032,000, which cost applicant states will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1971, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6542 Filed 5-10-71;8:49 am]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Order Granting Hearing and Petition To Intervene and Setting Prehearing Conference

MAY 4, 1971.

On June 6, 1969, the Commission granted a license to the Power Authority of the State of New York (Authority or Licensee) to construct and operate the Blenheim-Gilboa Pumped Storage Project No. 2685 (41 FPC 712). In accordance with Article 34 of the license, the Authority filed for Commission approval exhibits showing the proposed location and design of the three 345 kv. transmission lines of the project. Notice of the application was given on December 11, 1969, and published on December 18, 1969 (34 F.R. 19838). By order of April 10, 1970, the Commission approved exhibits relating to two of the three lines. However, the Commission reserved decision as to the Gilboa-Leeds transmission line, including its route from the project switchyard in Schoharie County to the Leeds substation to be constructed near Catskill, N.Y. (43 FPC 521, 522).

The Authority filed with the Commission on December 4, 1970, two alternative proposals for routing the Gilboa-Leeds line. A notice of application, describing the two alternative routes, was issued on January 13, 1971, and published on January 22, 1971 (36 F.R. 1074). In its environmental statement, filed March 26, 1971, the Authority designates these routes as Routes A and B and points out possible modifications (Routes C, D and E).

On March 15, 1971, the town of Greenville, Greene County, N.Y. filed a petition to intervene. A petition to intervene was also filed March 12, 1971, by the Greene County Planning Board. However, the Greene County Planning Board was granted intervention as to the Gilboa-Leeds transmission line by the Commission's order of May 19, 1970.

Applicant's environmental statement was filed with the Commission on March 26, 1971, and was distributed by the Applicant to various Federal, regional, State, and local agencies with the statement that the Commission would ask for comments from such agencies. Comments by said agencies may be submitted to the Federal Power Commission by June 18, 1971.

The Commission finds:

(1) It is appropriate and in the public interest to hold a public hearing as hereafter provided.

(2) Participation by the town of Greenville, N.Y., may be in the public interest.

The Commission orders:

(A) The Town of Greenville, Greene County, N.Y., is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That participation of the intervener shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And provided, further,* That admission of the intervener shall not be construed as recognition by the Commission that intervener may be aggrieved by any order entered in this proceeding.

(B) Pursuant to the authority contained in, and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4(e), 10(a), and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held in a hearing room of the Commission at 441 G Street NW., Washington, DC, at a time to be specified by the Presiding Examiner, concerning the matters involved and the issues presented.

(C) A prehearing conference before the Presiding Examiner shall commence at 10 a.m., e.d.s.t., on June 22, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, for the purpose of defining the issues and receiving stipulations, and if necessary, prescribing the hearing procedure.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6547 Filed 5-10-71;8:50 am]

[Docket No. CP70-224]

SEA ROBIN PIPELINE CO.

Notice of Petition To Amend

MAY 5, 1971.

Take notice that on April 26, 1971, Sea Robin Pipeline Co. (petitioner), Post Office Box 1407, Shreveport, LA 71102, filed in Docket No. CP71-224 a petition to amend the Commission's order issued on June 1, 1970 (43 FPC 814), issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing the transportation of additional volumes of natural gas for United Fuel Gas Co. (United), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of June 1, 1971, authorized, inter alia, the transportation of up to 15,300 Mcf of natural gas per day for United from the outer continental shelf, offshore Louisiana, to the terminus of petitioner's pipeline near Erath, Vermilion Parish, La. Petitioner requests herein, authorization to transport up to 30,600 Mcf of natural gas per day through the facilities heretofore authorized in this proceeding.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before May 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc. 71-6543 Filed 5-10-71;8:50 am]

[Docket No. RP71-100]

TRUNKLINE GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 28, 1971.

Take notice that on April 9, 1971, Trunkline Gas Co. (Trunkline) tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1,[1] to become effective on May 13, 1971. The proposed tariff revisions provide for: (1) A single tariff sheet, Original Sheet No. 3-A, containing the rates applicable to the different rate schedules of Trunkline's FPC Gas Tariff; (2) an addition to the general terms and conditions of Trunkline's FPC Gas Tariff of two new sections, section 16, Priority in Service and section 17, Curtailment and Interruption.

Trunkline states that the first proposed change listed above is to introduce simplicity and administrative ease in subsequent proceedings involving changes of rates.

Trunkline states that the addition of the two new sections 16, and 17 described above is to bring its tariff in line with the practice generally followed in the natural gas industry to have priority of service specified in the pipeline tariff, and also to provide an established method for effecting curtailments or interuptions of gas deliveries under varying types of circumstances including force majeure, gas supply deficiency and operating or remedial conditions.

Trunkline states that copies of the above-listed tariff sheets were mailed to all customers and interested State regulatory commissions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 17, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6545 Filed 5-10-71;8:50 am]

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[1] Tenth Revised Sheet No. 1; Original Sheet No. 3-A; 13th Revised Sheet No. 4; 9th Revised Sheet No. 5-A; 12th Revised Sheet No. 6-A; 11th Revised Sheet No. 6-B; 8th Revised Sheet No. 6-C; 12th Revised Sheet No. 7; 11th Revised Sheet No. 9; 10th Revised Sheet No. 9-D; 10th Revised Sheet No. 9-F; 11th Revised Sheet No. 9-G; 9th Revised Sheet No. 9-P; 7th Revised Sheet No. 9-R; 7th Revised Sheet No. 9-AE; 5th Revised Sheet No. 9-AF; 4th Revised Sheet No. 21; Original Sheet No. 21-A; Original Sheet No. 21-B and Original Sheet No. 21-C.

[Docket No. E-7627]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Proposed Rate Schedule Changes

MAY 4, 1971.

Take notice that on April 27, 1971, Wisconsin Public Service Corp. (Wisconsin) tendered for filing proposed changes in its wholesale for resale rate schedules. The proposed changes are requested to be made effective July 1, 1971.

According to Wisconsin, the proposed changes are to increase the demand and energy charges to permit an increase in revenues of about 30 percent. Additionally, the existing coal clause is retitled "Fuel Clause" and revised to conform with the requirements of § 35.14 of our regulations under the Federal Power Act. Based on the test year 1970, the proposed changes will produce added revenues in the amount of $606,728.54.

In justification for its proposed changes, Wisconsin states that it has decreased its wholesale rates on four different occasions since 1952 and that there has been no increases in those rates during that period. In the face of rapidly rising financial and operating costs experienced in recent years, Wisconsin states that it is now unable to satisfactorily meet the cumulative effect of those increased costs.

Copies of the filing have been served on customers and interested State regulatory agencies.

Any person desiring to be heard or make protest with reference to said application should on or before May 26, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6546 Filed 5-10-71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[811-1543]

AMERICAN ENTERPRISE DEVELOPMENT CORP.

Order Granting Application for Certification

MAY 3, 1971.

American Enterprise Development Corp. (American Enterprise), 200 Berkeley Street, Boston, Mass. 02116, a closed-end nondiversified, management investment company registered under the Investment Company Act of 1940 (Act), has filed an application for an order of the Commission certifying to the Secretary of the Treasury, pursuant to section 851(e) of the Internal Revenue Code of 1954, as amended (Code), that, for the year ended December 31, 1970, American Enterprise was principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available. The certification requested is a prerequisite to qualification by American Enterprise as a "regulated investment company" under section 851(e) of the Code, pursuant to the provisions of section 851(e) thereof, for the year ended December 31, 1970.

The following table shows the composition of the total assets of American Enterprise as of the end of each of the quarters in the year 1970:

Assets	Mar. 31, 1970 (Value)	June 30, 1970 (Value)	Sept. 30, 1970 (Value)	Dec. 31, 1970 (Value)
Investments (at value) representing capital furnished:				
To corporations believed to be principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available	$16,631,320	$12,011,580	$13,506,647	$13,084,735
To other corporations believed not so engaged	1,556,801	1,956,800	1,956,800	2,156,800
Total investments	18,188,121	13,968,380	15,463,447	15,241,535
Cash awaiting permanent investment or temporarily invested:				
(Corporate short-term notes)	18,431,887	17,557,552	17,111,180	15,834,487
Other assets	332,839	482,436	562,722	437,953
Total assets	36,952,847	32,008,368	33,137,349	31,513,975

American Enterprise is a wholly owned subsidiary of American Research and Development Corp. (American Research), a closed-end, nondiversified, management investment company registered under the Act.

American Enterprise has submitted in support of its application, which incorporates by reference similar applications made by American Enterprise in 1967, 1968, and 1969 and by American Research in 1955 and subsequent years, a detailed description of each of the companies whose securities are held in its portfolio and which it alleges to be development corporations. American Enterprise represents that there has been no material change in the nature of the business of any of the presently owned portfolio companies for the purposes of this application since their businesses were described in the past applications.

On the basis of an examination of the reports and information filed by American Enterprise with the Commission pursuant to the provisions of the Act and the rules and regulations promulgated thereunder, as well as the data and information contained in the application, it appears to the Commission that, during the 12 months ending December 31, 1970, American Enterprise was principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes or products not previously generally available within the intent of section 851(e) of the Code.

It is therefore certified to the Secretary of the Treasury, or his delegate, pursuant to section 851(e) of the Internal Revenue Code of 1954, as amended, that American Enterprise Development Corporation, a closed-end, nondiversified, management investment company registered under the Investment Company Act of 1940 was, for the 12 months ending December 31, 1970, principally engaged in the furnishing of capital to other corporations which are principally engaged in the development or exploitation of inventions, technological improvements, new processes, or products not previously generally available.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6430 Filed 5-10-71;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 6]

ASSISTANT ADMINISTRATOR (COMPTROLLER)

Delegation of Financial Activities

Notice is hereby given that Delegation of Authority No. 6, 34 F.R. 6631, is hereby rescinded in its entirety without prejudice to actions taken under such delegations of authority prior to the date hereof. These delegations have been superseded by Delegation of Authority No. 7 (Rev. 2) given by the Administrator to the new position of Assistant Administrator for Administration, which replaced the positions of Assistant Administrator (Comptroller) and Assistant Administrator for Management.

Effective date: February 23, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6502 Filed 5-10-71;8:46 am]

[Delegation of Authority No. 7, Rev. 2]

ASSISTANT ADMINISTRATOR FOR ADMINISTRATION

Delegation of Administrative and Financial Activities

I. Pursuant to the authority vested in the Administrator by the Small Business Act, 72 Stat. 384, as amended; the Small Business Investment Act of 1958, 72 Stat. 689, as amended; and title IV of the Economic Opportunity Act of 1964, 78 Stat. 526, as amended; there is hereby delegated to the Assistant Administrator for Administration the following authority:

A. *Administrative services.* 1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

B. *Financial management.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

C. *Claims under the Federal Tort Claims Act.* To give final approval on actions resulting from any claims subject to the provisions of 28 U.S.C. 2672.

II. The authority delegated herein may be redelegated with the exception of Item I.C.

III. All authority delegated herein may be exercised by an SBA employee designated as Acting Assistant Administrator for Administration.

IV. All authority previously delegated by the Administrator to the Assistant Administrator for Management and the Assistant Administrator (Comptroller) is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: February 23, 1970.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6503 Filed 5-10-71;8:48 am]

[Delegation of Authority No. 9]

ASSISTANT ADMINISTRATOR FOR MANAGEMENT

Delegation of Administrative Activities

Notice is hereby given that Delegation of Authority No. 9, 34 F.R. 6632, is hereby rescinded in its entirety without prejudice to actions taken under such delegations of authority prior to the date hereof. These delegations have been superseded by Delegation of Authority No. 7 (Rev. 2) given by the Administrator to the new position of Assistant Administrator for Administration, which replaced the positions of Assistant Administrator for Management and Assistant Administrator (Comptroller).

Effective date: February 23, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6504 Filed 5-10-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 6, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42191—*Soda ash from West Lake Charles, La.* Filed by Southwestern

Freight Bureau, Agent (No. B–232), for interested rail carriers. Rates on ash, soda (other than modified soda ash), in bulk or in bulk in bags, barrels, boxes or pails, in carloads, as described in the application, from West Lake Charles, La., to specified points in Illinois.

Grounds for relief—Market competition.

Tariff—Supplement 262 to Southwestern Freight Bureau, Agent, tariff ICC 4668.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6539 Filed 5–10–71;8:49 am]

[Notice 291]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 4, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 3252 (Sub-No. 74 TA), filed April 26, 1971. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04103. Applicant's representative: Francis E. Barretty, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Bennington, Vt., to Petersburg and Johnsville, N.Y., and Williamstown, Mass., for 180 days. Supporting shipper: Paul J. Martin, Inc., Post Office Box 437, Bennington, VT 05201. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 44639 (Sub-No. 34 TA), filed April 27, 1971. Applicant: L & M EXPRESS CO., INC., 220 Ridge Road, Lynhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel* and *materials and supplies used in the manufacture of wearing apparel*, between Roxobel, N.C., on the one hand, and, on the other, Emporia, Va., and New York, N.Y., for 150 days. NOTE: Applicant states it intends to tack this authority with carrier's existing authority. Supporting shipper: Petite Frocks Inc., 85 Tenth Avenue, New York, NY 10011. Send protests to: District Supervisor Joel Morrows, Interstate Commerce Commission, Bureau of Operations, Room 902, 970 Broad Street, Newark, NJ 07102.

No. MC 59117 (Sub-No. 36 TA), filed April 26, 1971. Applicant: ELLIOTT TRUCK LINE, INC., Post Office Box 1, Vinita, OK 74301. Applicant's representative: Vincent Elliott, 101 East Excelsior, Vinita, OK 74301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, in bulk, dry, from Military, Kans., to points in Arkansas, Iowa, Nebraska, Missouri, Oklahoma, and that portion of Texas east of Interstate Highway 35 and U.S. 281, for 150 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Oil Chemicals Co., Dwight Building, Kansas City, MO 64105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 118535 (Sub-No. 44 TA), filed April 26, 1971. Applicant: JIM TIONA, JR., 111 South Prospect, Butler, MO 64730. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, from Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and that portion of Texas on and east of Route Interstate Highway 35W (via Fort Worth) to San Antonio, and U.S. Highway 281 from San Antonio to McAllen, Tex., for 150 days. Supporting shipper: Gulf Oil Chemicals Co., Agricultural Chemical Division, Dwight Building, Kansas City, MO 64105. Send protests to: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133014 (Sub-No. 3 TA), filed April 26, 1971. Applicant: WOODCREST L & S CO., 1301 West 22nd Street, Suite 509, Oakbrook, IL 60521. Applicant's representative: Arnold L. Burke, Suite 2220, Brunswick Building, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by retail mail-order houses*, between Chicago, Ill., on the one hand, and, on the other, Wisconsin and Pennsylvania, under a continuing contract or contracts with Spiegel, Inc., for 180 days. Supporting shipper: Frank J. Schultz, Spiegel, Inc., 2511 West 23rd Street, Chicago, IL 60608. Send protests to: District Supervisor William J. Gray, Jr., Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL. 60604.

No. MC 134282 (Sub-No. 3 TA), filed April 26, 1971. Applicant: ENNIS TRANSPORTATION CO., INC., Post Office Box 447, 106 Knight Hurst, Ennis, TX 75119. Applicant's representative: William D. White, Jr., 2505 Republic National Bank Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum, gypsum products*, and when moving in the same vehicle and at the same time as gypsum products, *materials used in connection with the installation of gypsum products*, from the plantsite of the Celotex Corp. 7 miles southwest of Hamlin, Fisher County, Tex., to points in Colorado and Missouri, for 180 days. Supporting shipper: The Celotex Corp., Box 22602, Tampa, FL 33622. Send protests to: District Supervisor E. K. Willis, Jr., Interstate Commerce Commission, Bureau of Operations, 1100 Commerce Street, Room 13C12, Dallas, TX 75202.

No. MC 134599 (Sub-No. 17 TA), filed April 26, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORP., Post Office Box 16407, Stockyard Station, Denver, CO 80216. Applicant's representative: Oscar Mandel (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery and advertising and promotional materials*, when moving in the same vehicle and at the same time with the aforementioned commodities, from Centralia and Ashley, Ill., to points in North Dakota, South Dakota, Minnesota, Iowa, Missouri, Arkansas, Delaware, Pennsylvania, New Jersey, and New York, for 180 days. Supporting shipper: Hollywood Brands, Inc., 836 South Chestnut Street, Centralia, IL 62801. Send protests to: District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, CO 80202.

No. MC 135541 TA, filed April 27, 1971. Applicant: C. E. LORD, doing business as LORDS AUTO SALES, 513 Urquhart Drive, Beech Island, SC 29814. Applicant's representative: John H. Lumpkin, Jr., Barringer Building, Columbia, SC 29201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used cars*, in secondary movements, between points in South Carolina, North Carolina, Virginia, Tennessee, Georgia, Florida, and Alabama, for 180 days. Supporting shipper: There are approximately 12 statements of supports attached to the application, which may be examined here at

the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: E. E. Strotheid, District Supervisor, Interstate Commerce Commission, 300 Columbia Building, Bureau of Operations, 1200 Main Street, Columbia, SC 29201.

No. MC 135543 TA, filed April 27, 1971. Applicant: ROBERT D. BOWEN, doing business as BOWEN TRUCKING, 100 16th Street NW., Watertown, SD 57201. Applicant's representative: Irving A. Hinderaker, Post Office Box 766, 25 First Avenue SW., Watertown, SD 57201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and meat products*, from Sioux City, Iowa, to Fargo, N. Dak., and from Fargo, N. Dak., to Watertown, S. Dak., for 180 days. Supporting shipper: Swift & Co., Fargo, N. Dak., J. R. Dougan, manager. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, SD 57501.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6538 Filed 5–10–71;8:49 am]

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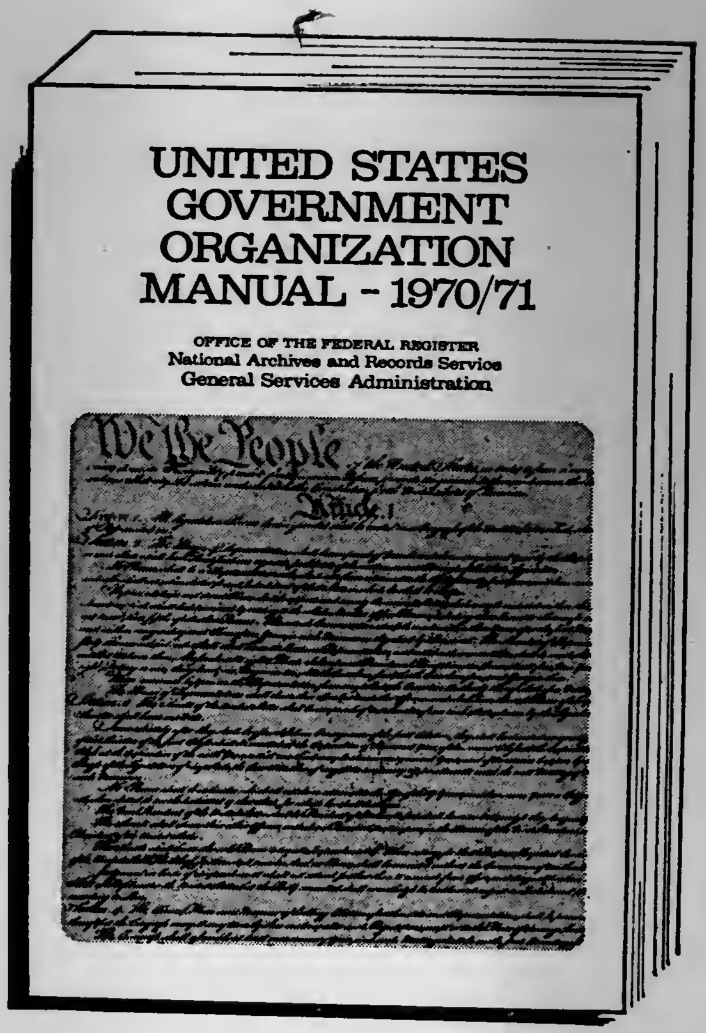
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Title 3—The President

MEMORANDUM OF APRIL 30, 1971

Automatic Data Processing Standards for Use by Federal Agencies

Memorandum for the Director, Office of Management and Budget

THE WHITE HOUSE,
Washington, April 30, 1971.

The Director of the Office of Management and Budget is hereby authorized and empowered to act finally, on behalf of the President, upon the recommendations provided for in Section 111(f)(2) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759(f)(2)), concerning the establishment of automatic data processing standards for use by Federal agencies.

If, in any particular instance, the Director deems it appropriate to do so, he may submit such recommendations for my approval.

The Federal standards approved under this authority are intended to improve the Government's effectiveness in the use of automatic data processing systems. I expect that Federal agencies will apply these standards whenever their use will lead to greater operational efficiency and reduced costs.

This memorandum shall be published in the FEDERAL REGISTER.

Richard Nixon

[FR Doc.71-6696 Filed 5-11-71;9:50 am]

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Federal Communications Commission

Section 213.3138 is amended to show that the position of Chief, Broadcast Bureau, is no longer excepted under Schedule A. Effective on publication in the FEDERAL REGISTER (5–12–71), paragraph (a) of § 213.3138 is amended as set out below.

§ 213.3138 Federal Communications Commission.

(a) The Chief of each of the following Bureaus: Common Carrier and Safety Radio Services.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6607 Filed 5–11–71;8:48 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 of Schedule C is amended to show the following title changes: from Deputy Assistant Secretary for Metropolitan Planning and Development to Deputy Assistant Secretary for Community Planning and Management; from Deputy Assistant Secretary for Model Cities to Deputy Assistant Secretary for Community Development.

Effective on publication in the FEDERAL REGISTER (5–12–71), the headnote and subparagraph (8) of paragraph (d), and the headnote and subparagraph (5) of paragraph (e) are amended as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(d) *Office of the Assistant Secretary for Community Planning and Development.* * * *

(8) Deputy Assistant Secretary for Community Planning and Development.

* * * * *

(e) *Office of the Assistant Secretary for Community Development.* * * *

(5) Deputy Assistant Secretary for Community Development.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6608 Filed 5–11–71;8:48 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

The following new sections are added to Part 1 of Title 12:

Sec.
1.307 Small Business Investment Company Debentures offered and guaranteed by the Small Business Administration.
1.308 West Chester Area Joint School Authority (Pennsylvania).
1.309 State of Florida Expressway Bonds.

AUTHORITY: §§ 1.307–1.309 issued under R.S. 324 et seq., as amended. paragraph Seventh of R. S. 5136, as amended; 12 U.S.C. 1 et seq., 24(7), unless otherwise noted.

§ 1.307 Small Business Investment Company Debentures offered and guaranteed by the Small Business Administration.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24 of $30 million Debentures due May 1, 1981, issued by small business investment companies and offered fully guaranteed as to principal and interest by the Small Business Administration.

(b) *Opinion.* (1) The Small Business Administration (SBA), an agency of the United States, proposes to acquire, through direct loans made in accordance with the Small Business Investment Act of 1958, subordinated debentures issued by small business investment companies and to sell these debentures to private investors or underwriters with a guaranty by the SBA of timely payment of principal and interest, subject to the right of SBA to substitute a similar debenture held by it for one in default held by a purchaser.

(2) In an opinion of April 14, 1971, addressed to the Administrator, Small Business Administration, the Attorney General of the United States ruled with respect to this offering that the guaranties are authorized under Federal law and would constitute general obligations of the United States secured by its full faith and credit.

(c) *Ruling.* It is our conclusion that small business investment company debentures offered and guaranteed by the Small Business Administration are obligations of the United States and are eligible for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24. (Acting Comptroller's letter dated May 3, 1971.)

§ 1.308 West Chester Area Joint School Authority (Pennsylvania).

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $5,985,000 West Chester Area Joint School Authority School Revenue Bonds, Series of 1971, for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The West Chester Area Joint School Authority is a body corporate and politic organized by the West Chester Area School District under the Municipal Authorities Act of Pennsylvania. A municipal authority organized by a school district is authorized to hold, acquire, construct, improve. operate and lease public school buildings and facilities and to issue bonds to finance such projects. The School Code provides that a school district may sell or lease school property to a municipal authority and may lease school projects from a municipal authority under a long-term lease if all obligations thereunder can be met from current revenues. These revenues include ad valorem school taxes, State reimbursements and other revenues.

(2) The Authority is issuing these bonds to finance the acquisition, construction and equipping of a new senior high school building to be known as East Senior High School.

(3) The new school will be constructed in part on land previously acquired by the Authority in connection with the construction of another school which the Authority has leased to the School District and in part on additional land which the Authority will acquire from the School District and which will be added to the property which is subject to the lease. The School District has unconditionally promised in a supplemental lease agreement to pay annual lease rentals to the Authority in amounts sufficient to provide for the payment of the principal of and interest on the bonds as well as other necessary expenses.

(4) The School District is authorized and directed under the School Code to levy an unlimited annual tax on the assessed valuation of taxable real estate to pay rentals due the Authority. The School Code also provides that if any school district fails to pay any rental payment due any municipal authority in accordance with the terms of any school lease, the State Superintendent of Public Education shall, after appropriate notice, withhold from any State appropriation due the school district an amount equal to the amount owing and shall pay such sum to the municipal authority.

(c) *Ruling.* It is our conclusion that the $5,985,000 West Chester Area Joint

Series of 1971, are general obligations of a State or a political subdivision thereof under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 4, 1971.)

§ 1.309 State of Florida Expressway Bonds.

(a) *Request.* The Comptroller of the Currency has been requested to rule on the eligibility of the $70,500,000 Expressway Bonds, Series of 1970, issued in the name of the State of Florida by the Division of Bond finance for and on behalf of the Orlando-Orange County Expressway Authority for purchase, dealing in, underwriting and unlimited holding by national banks under paragraph Seventh of 12 U.S.C. 24.

(b) *Opinion.* (1) The Constitution of the State of Florida authorizes the issuance (when authorized by law) of state bonds pledging the full faith and credit of the State to finance the acquisition and construction of roads when such bonds are primarily payable from pledged tolls and portions of certain gas taxes. Florida law has authorized the issuance of such State bonds in the name of the State by the Division of Bond Finance on behalf of any State agency.

(2) The Orlando-Orange County Expressway Authority is a body politic and corporate and an agency of the State created by Florida law with the right to acquire, hold, construct, improve, maintain, operate, own and lease in the capacity of lessor, the Orlando-Orange county expressway system; to enter into and make lease-purchase agreements with the Department of Transportation; and to borrow money and issue its bonds to finance such projects. The Authority has issued $7 million Expressway Bonds, Series of 1965, to finance an expressway project which was leased to the State Road Department (now Department of Transportation) under a lease-purchase agreement.

(3) The Division of Bond Finance is issuing these bonds on behalf of the Authority to finance the acquisition and construction of the East-West Expressway in Orange County. The completed project will be leased to the Department of Transportation under a supplemental lease-purchase agreement. Under the lease-purchase agreement of 1965 and the supplemental agreement of 1970, the principal of an interest on the Series of 1965 bonds and these bonds, will be equally secured and payable from rentals to be paid to the Authority by the Department of Transportation. The rentals will consist of revenues derived from the Expressway System (which includes the 1965 project and the 1970 project) and certain gas taxes.

(4) These bonds have been validated in accordance with Florida law by a Florida Circuit Court as fully authorized State Bonds secured by a valid pledge of the full faith and credit of the State of Florida. A validation judgment relating to similar bonds has been affirmed by the Florida Supreme Court.

(c) *Ruling.* It is our conclusion that the $70,500,000 Expressway Bonds, Series of 1970, issued in the name of the State of Florida by the Division of Bond Finance for and on behalf of Orlando-Orange County Expressway Authority, are general obligations of a State under paragraph Seventh of 12 U.S.C. 24 and accordingly are eligible for purchase, dealing in, underwriting and unlimited holding by national banks. (Acting Comptroller's letter dated May 6, 1971.)

Dated: May 6, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-6579 Filed 5-11-71;8:46 am]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71-418]

PART 545—OPERATIONS

Closing of Books by Federal Savings and Loan Associations; Correction

MAY 4, 1971.

Resolved that F.R. Doc. 71-5956, amending § 545.20 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.20), published in the issue dated April 29, 1971, at 36 F.R. 8029, is corrected by changing the figure "30" to read "31" in the first sentence.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-6584 Filed 5-11-71;8:48 am]

Title 14—AERONAUTICS AND SPACE

Chapter II—Civil Aeronautics Board

SUBCHAPTER A—ECONOMIC REGULATIONS

[Reg. ER-689; Amdt. 15]

PART 249—PRESERVATION OF AIR CARRIER ACCOUNTS, RECORDS AND MEMORANDA

Preservation of Records by Study Group Charterers and Tour Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 5th day of May 1971.

In SPR-46,[1] and SPR-45,[2] the Board inter alia, adopted certain record-retention requirements for study group charterers and tour operators in Parts 373 and 378, respectively, of the Special Regulations (14 CFR Parts 373 and 378).[3] Specifically, study group charterers and tour operators, as the case may be, will be required to retain (1) documents reflecting deposits made by tour or study group participants; (2) receipts from vendors of goods and services furnished in connection with study group charters or inclusive tours; and (3) documents reflecting payments received by retail travel agents.[4]

In the interest of uniformity, we are amending Part 249 to include the foregoing record retention requirements. Since the amended rules are identical to the requirements presently contained in § 373.8 of Part 373 and § 378.7 of Part 378, the Board finds that notice and public procedure thereon are unnecessary, and the rule will be made effective immediately.

According, the Civil Aeronautics Board hereby amends Part 249 of the Economic Regulations (14 CFR Part 249) effective May 5, 1971, as follows:[5]

1. Amend the Table of Contents by adding a title to new § 249.9. As amended, the Table of Contents will read in pertinent part:

Sec.
249.9 Period of preservation of records by tour operators and study group charterers.

2. Amend § 249.1 to read as follows:

§ 249.1 Applicability.

Except as otherwise provided in this subpart or other parts of this subchapter, the provisions of this subpart shall apply to (a) air carriers, as defined in section 101(3) of the Act, which hold certificates of public convenience and necessity, supplemental air carriers, subject to the reporting requirements of Part 241 of this subchapter and former Part 242 of this subchapter, (b) holders of a permit authorizing the navigation in the United States of foreign civil aircraft pursuant to Part 375 of this chapter (Board's special regulations), (c) foreign air carriers, as defined in section 101(19) of the Act, (d) tour operators as defined in § 378.2(d) of this chapter, and (e) study group charterers as defined in § 373.2 of this chapter.

3. Amend § 249.2 by adding definitions of "study group charterer," and "tour operator," as follows:

§ 249.2 Definitions.

For the purposes of this part:

* * * * *

"Study group charterer" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act (other than a direct air carrier), authorized under the provision of Part 373 of this chapter (14 CFR Part 373)—to engage in the formation of study groups for transportation on study group charters.

* * * * *

"Tour operator" means any citizen of the United States, as defined in section 101(13) of the Federal Aviation Act (other than a supplemental air carrier), authorized under the provision of Part 378 of this chapter to engage in the formation of groups for transportation on inclusive tours.

* * * * *

4. Add new § 249.9 to read as follows:

§ 249.9 Period of preservation of records by tour operators and study group charterers.

(a) Every tour operator conducting a tour pursuant to Part 378 of this chapter shall retain for 2 years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board.

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to, or deducted by travel agents in connection with the tour or series of tours; and

(3) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the tour or series of tours.

(b) Every study group charterer conducting a study group charter pursuant to Part 373 of this chapter shall retain for 2 years after completion of the study group charter or series of study group charters true copies of the following documents at its principal or general office in the United States and shall make them available upon request by an authorized representative of the Board.

(1) All documents which evidence or reflect deposits made by each student participant; and

(2) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the study group charter or series of study group charters.

(Secs. 204 and 407 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 766; 49 U.S.C. 1324, 1377)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6567 Filed 5-11-71;8:45 am]

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[1] Adopted Mar. 30, 1971 and effective May 8, 1971.

[2] Adopted Mar. 30, 1971 and effective May 8, 1971.

[3] In SPR-46, the Board issued new Part 373 to authorize, subject to the conditions provided therein, study group charters by direct air carriers and study group charterers.

[4] This requirement does not apply to study group charter operations wherein the travel agent acts on behalf of the direct air carrier.

[5] Appropriate implementing amendments to §§ 249.1 and 249.2 are also included.

SUBCHAPTER D—SPECIAL REGULATIONS

[Reg. SPR-47; Amdt. 3]

PART 378—INCLUSIVE TOURS BY SUPPLEMENTAL AIR CARRIERS, CERTAIN FOREIGN AIR CARRIERS, AND TOUR OPERATORS

Definition of Foreign Tour Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May 1971.

Part 378 establishes the terms and conditions governing the furnishing of inclusive tours in interstate, overseas, and foreign air transportation by supplemental air carriers, certain foreign air carriers[1] and tour operators, and, in foreign air transportation, by foreign tour operators. Section 378.2(d-1) defines "foreign tour operator" as "any person who is not a U.S. citizen (other than a direct foreign air carrier) engaging in the formation of groups for transportation on inclusive tours and over which the Board by § 378.3a has declined to exercise its jurisdiction." The declination of jurisdiction in the latter section is "over foreign tour operators with respect to inclusive tours which originate in a foreign country." Similar provisions appear in Part 378a (Bulk Inclusive Tours by Tour Operators) concerning foreign tour operators engaging in the formation of groups for transportation on bulk inclusive tours. (§§ 378a.2(b) and 378a.8.)

The Board recently, and for the first time, issued a foreign air carrier permit authorizing the holder to conduct operations within the United States as a foreign tour operator.[2] While, as noted, the term "over which the Board * * * has declined to exercise its jurisdiction" appears as a part of the definitions of foreign tour operator in Parts 378 and 378a, that term was merely descriptive of then existing such operators and does not necessarily render inapplicable to the holder of a section 402 permit the substantive portion of the definition defining a foreign tour operator as "any person who is not a U.S. citizen (other than a direct foreign air carrier) engaging in the formation of groups for transportation in inclusive tours. * * *" Moreover, there was no intent to exclude such foreign tour operators from the classification of foreign tour operators under Parts 378 or 378a or, in the case of Part 378, to prohibit the applicable direct air carriers from chartering to them. Therefore, to the extent that any ambiguity may exist concerning this matter, the definitions of "Foreign tour operator" in Parts 378 and 378a, respectively, are being amended to include persons holding permits authorizing them to engage in U.S. originated tours.

In addition, clarification of Parts 378 and 378a is desirable to specify with particularity the provisions of these parts that are applicable to foreign tour operators holding authority to engage in U.S. originating tours, since no such foreign tour operator was in existence at the time these rules were issued.[3] The Board considers it manifest that such foreign tour operators should, with respect to U.S. originating tours, be under the same restrictions as "tour operators"; i.e., persons of U.S. citizenship (other than a direct air carrier) authorized by Parts 378 or 378a to engage in the formation of groups for transportation on ITC's or BIT's, respectively. Otherwise these foreign tour operators would have an undue competitive advantage over tour operators. This interpretation of the provisions to be applicable to foreign tour operators is consistent with the Board's requirement that direct foreign air carriers holding ITC authority shall comply with Part 378 to the same extent as U.S. supplementals in order not to give undue competitive advantage to foreign carriers.[4]

Accordingly, Part 378 is being amended to add such foreign tour operators to the provisions of §§ 378.7 (Record retention), 378.10 (Procedure), 378.11 (Discrimination), 378.12 (Methods of competition), 378.13 (Tour Prospectus), 378.14 (Charter contract), 378.16 (Surety bond), 378.16a (Reporting requirements), 378.17 (Contract between tour operators and tour participants), 378.18 (Disbursements from depository account), 378.19 and 378.20 (Post tour reporting).[5]

Since the amendments herein are interpretive and clarifying in character, notice and public procedure thereon are unnecessary, and the rule will be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board hereby amends Part 378 of its special Regulations (14 CFR Part 378) effective on May 8, 1971, as follows:

1. Amend the table of contents to revise the title of § 378.17. As amended, the table of contents will read in pertinent part:

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[1] I.e., those holding permits authorizing them to perform inclusive tour charters.

[2] Kuoni Travel Limited (Switzerland), doing business as Kuoni Travel Inc., Order 71-2-121. Since then, the Board has also issued a foreign air carrier permit to Thos. Cook & Son (Continental and Overseas), Ltd. (Great Britain), doing business as Thos. Cook & Son, Inc. (United States), Order 71-4-159, authorizing the holder to conduct operations within the United States as a foreign tour operator.

[3] Kuoni's permit became effective on Feb. 25, 1971.

[4] Cf. SPR-28, Jan. 7, 1969.

[5] In addition, § 378.19 (Inclusive tours operated by U.S. supplemental carriers for foreign tour operators) is being revised to make clear that it applies only to foreign-originating tours.

Sec.

* * * * *

378.17 Contract between tour operators or foreign tour operators and tour participants.

* * * * *

2. Amend § 378.2(d–1) to read as follows:

§ 378.2 Definitions.

As used in this part, unless the context otherwise requires * * *

* * * * *

(d–1) "Foreign tour operator" means any person who is not a U.S. citizen (other than a direct foreign air carrier):

(i) Who is engaged in the formation of groups for transportation on inclusive tours which originate in a foreign country and over whom the board by § 378.3a has declined to exercise its jurisdiction; and/or

(ii) Who is engaged in the formation of groups for transportation on inclusive tours which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation. "Foreign tour operator" as used in §§ 378.7, 378.10–378.14, 378.16, 378.16a, 378.17, 378.18, and 378.20 is confined to the meaning set forth in this subparagraph.

3. Amend § 378.7 to read as follows:

§ 378.7 Record retention.[6]

(a) Every tour operator or foreign tour operator conducting a tour pursuant to this part shall retain for 2 years after completion of the tour or series of tours true copies of the following documents at its principal or general office in the United States:

(1) All receipts and statements of travel agents, and all other documents which evidence or reflect deposits made by each tour participant;

(2) All receipts and statements of travel agents, and all other documents which evidence or reflect commissions received by, paid to or deducted by travel agents in connection with the tour or series of tours;

(3) All statements, invoices, bills, and receipts from suppliers or furnishers of goods or services in connection with the tour of series of tours.

(b) Every tour operator or foreign tour operator shall make the documents listed in this section available in the United States upon request by an authorized representative of the Board and shall permit such representative to make such notes and copies thereof as he deems appropriate.

4. Amend §§ 378.10 through 378.14 to read as follows:

§ 378.10 Procedure.

(a) No inclusive tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board a Tour Prospectus satisfying the requirements of § 378.13. If a series of tours is to be operated for one tour operator or foreign tour operator pursuant to one charter contract, the Prospectus may cover the entire series, provided the elapsed time between the commencement of the first tour and the departure of the last tour shall not exceed 1 year. The Tour Prospectus shall be filed at least 60 days before commencement of the tour or tours. Late filing of the Prospectus will not be permitted except for good cause shown.

* * * * *

§ 378.11 Discrimination.

No tour operator or foreign tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatscever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 373.12 Methods of competition.

No tour operator or foreign tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators or foreign tour operators of tour prices shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378.13 Tour prospectus.

The prospectus shall include copies of the charter contract, the contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond and, where applicable, a copy of the depository agreement with a bank as provided in § 378.16(b)(2), and shall contain the following information:

(a) Name and address of the tour operator or the foreign tour operator;

(b) The proposed date and time of each flight;

(c) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(d) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(e) The tour price per passenger;

(f) The number of persons expected to participate in the tour;

(g) Charter price of the aircraft;

(h) The individually ticketed air fare, computed as provided in § 378.2(b)(4);

(i) Samples of solicitation material proposed by the tour operator or foreign tour operator (all sales advertising and solicitation materials employed by the tour operator or foreign tour operator shall state the name of the supplemental air carrier to be utilized).

§ 378.14 Charter contract.

The charter contract between the tour operator or foreign tour operator and the supplemental carrier shall evidence a binding commitment on the part of the carrier to furnish the air transportation required for the tour or tours covered by the contract.

5. Amend §§ 378.16, 378.16a, and 378.17 and the title of the latter to read as follows:

§ 378.16 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in one of the following amounts dependent upon the length of the tour: (1) For a tour of 2 weeks or less, a bond in an amount of not less than the charter price for the air transportation to be furnished in connection with such tour; (2) for a tour of more than 2 weeks but less than 4 weeks, a bond in an amount of not less than twice the charter price; and (3) for a tour of 4 weeks or more, a bond in an amount of not less than three times the charter price: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The supplemental air carrier and the prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $200,000 for a series of 20 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however,* That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The supplemental air carrier and tour operator or foreign tour operator shall enter into an agreement with a designated bank, the terms of which shall provide that all deposits by tour participants paid to tour operators or foreign tour operators and their retail travel agents shall be deposited with and maintained by the bank subject to the following conditions:

(i) On sales made to tour participants by tour operators or foreign tour operators the participant shall pay by check or money order payable to the bank; on sales made to tour participants by retail travel agents, the retail travel agent may deduct his commission and remit the balance to the designated bank by check or money order: *Provided,* That, the travel agent agrees in writing with the tour operator or foreign tour operator that if the tour is canceled, the travel agent shall remit to the bank the full amount of commission previously deducted or received within 10 days after

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[6] Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than 5 years, or both. Title 18, U.S.C. § 1001.

receipt of notification of cancellation of the tour;

(ii) The bank shall pay the supplemental air carrier the charter price for the transportation not earlier than 60 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the supplemental air carrier: *Provided,* That, in the case of a round-trip charter contract to be performed by one carrier, the total round-trip charter price shall be paid to the carrier not earlier than 60 days prior to the scheduled day of departure of the originating flight;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the supplemental air carrier notifies the bank that a tour has been canceled, the bank shall make applicable refunds directly to the tour participants;

(v) After the charter price has been paid in full to the supplemental air carrier, the bank shall pay funds from the account directly to the hotels, sightseeing enterprises, or other persons or companies furnishing surface accommodations or services in connection with the tour or series of tours upon presentation to the bank of vendors' bills and upon certification by the tour operator or foreign tour operator of the amounts payable for such surface accommodations or services and the persons or companies to whom payment is to be made: *Provided, however,* That the total amounts paid by the bank pursuant to subdivisions (ii) and (v) of this subparagraph shall not exceed 80 percent of the total deposits received by the bank less any refunds made to tour participants pursuant to subdivisions (iii) and (iv) of this subparagraph;

(vi) As used in this section, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation;

(vii) The bank shall maintain a separate accounting for each tour;

(viii) Notwithstanding any provisions above, the amount of total deposits required to be maintained in the depository account of the bank may be reduced by one or both of the following: the amount of any surety bond in the form prescribed herein in excess of the minimum bond required by paragraph (b)(1) of this section; an escrow with the designated bank of Federal, State, or municipal bonds or other negotiable securities which are publicly traded on a securities exchange: *Provided,* That such other securities shall be substituted for cash in an amount no greater than 80 percent of their market value at time of deposit in escrow with the bank: *And provided, further,* That should the valuation of such other securities decrease in an amount in excess of 20 percent of the valuation at time of original deposit, additional securities shall be placed in escrow so as to compensate for such decrease in value below 20 percent;

(ix) Except as provided in subdivisions (ii), (iii), (iv), (v), and (viii) of this subparagraph, the bank shall not pay out any funds from the account prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator, upon certification of the completion date by the supplemental air carrier.

(c) The bond required under paragraphs (a) and (b) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth following § 378.31.[7] Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the supplemental air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

§ 378.16a Reporting requirements.

If a tour operator or foreign tour operator relies upon the bond-depository option of § 378.16(b) for compliance with the requirements of that section, the following monthly reports shall be filed with the Board's Bureau of Operating Rights not later than the 10th day of the month succeeding the reporting period: (1) By the depository bank showing the total amount of deposits received and disbursed during the month; and (2) by the tour operator or foreign operator showing, for the reporting period, the total amount of customer deposits received by him or his agents, the amount of commissions deducted therefrom by said agents, the amount of commissions repaid by said agents to the depository account, as well as the amount of refunds made by the tour operator or foreign tour operator or the bank to tour participants: *Provided,* That, the depository bank may, in lieu of subparagraph (1) of this paragraph, elect to file a duplicate monthly statement of the same type it provides to depositors and, when so elected, the reporting period for the tour operator or foreign tour operator in (2) above shall correspond to the reporting period of the bank. The term "bank" shall have the meaning set forth in § 378.16. The reports shall be certified by the officer in charge of the bank's or the tour operator's or foreign tour operator's accounts, as the case may be, and the certification shall be in the following form:

CERTIFICATION[8]

I, the undersigned ______________________
(Title of officer in charge of accounts)

of the ______________________
(Full name of reporting company)

do certify that this report and all supporting documents which are submitted herewith, filed for the above indicated period, have been prepared by me or under my direction; that I have carefully examined them and declare that, to the best of my knowledge and belief, the information contained therein is complete and accurate.

____
(Signature)

____
(Bank or tour operator's or foreign tour operator's post office address)

Date ____________, 19__.

§ 378.17 Contract between tour operators or foreign tour operators and tour participants.

Where each participant in a tour receives the same accommodations, land tours, etc., the contract between the tour operator or foreign tour operator and the tour participants shall be the same. Contracts between tour operators or foreign tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change of plans;

(c) Carriers' liability limitations for passengers' baggage;

(d) Aircraft equipment substitutions;

(e) Seating accommodations; and

(f) Nonperformance of tour because

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[7] Filed as part of reissued document (SPR–40).

[8] Title 18 U.S.C. section 1001, Crimes and Criminal Procedure, makes it a criminal offense, subject to a maximum fine of $10,000 or imprisonment for not more than 5 years or both, to knowingly and willfully make or cause to be made any false or fraudulent statements or representations in any matter within jurisdiction of any agency of the United States.

of insufficient number of participants.

(g) Unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378.16(d)).

5. Amend § 378.18 to read as follows:

§ 378.18 Disbursements from depository account.

No tour operator or foreign tour operator shall cause its agents or the depository bank to make disbursements or payments from tour-participant deposits except in accordance with the provisions of this part.

6. Amend §§ 378.19 and 378.20 to read as follows:

§ 378.19 Inclusive tours operated by U.S. supplemental carriers for foreign tour operators.

(a) At last 90 days in advance of the date of departure of the proposed tour or series of tours to be operated by a U.S. supplemental air carrier for a foreign tour operator as defined in § 378.2 (d-1)(i), the supplemental carrier shall file with the Civil Aeronautics Board (Director, Bureau of Operating Rights) a Tour Prospectus which shall contain the following information:

(1) Name and address of the foreign tour operator;

(2) The proposed date and time of each flight;

(3) Equipment to be used, including the aggregate number of each type of aircraft and capacity;

(4) The tour itinerary, including hotels (name and length of stay at each), and sightseeing or other arrangements, if any;

(5) The tour price per passenger;

(6) The number of persons expected to participate in the tour;

(7) Charter price of the aircraft;

(8) The individually ticketed air fare, computed as provided in § 378.2(b)(4).

(b) A U.S. supplemental air carrier operating an inclusive tour for a foreign tour operator shall require full payment of the total charter price prior to commencement of the air transportation.

§ 378.20 Posttour reporting.

(a) Within 30 days after completion of a tour or series of tours, the supplemental air carrier and tour operator or foreign tour operator shall jointly file with the Board (Supplementary Services Division, Bureau of Operating Rights) a posttour report: *Provided*, That in the case of a series of tours which exceeds 6 months between commencement of the first tour and departure of the last tour, the supplemental air carrier and tour operator or foreign tour operator shall file a joint interim report within 30 days after the expiration of 6 months from commencement of the first tour, covering tours completed during such 6 months. The posttour and interim report shall indicate whether or not the tours authorized hereunder were, in fact, performed. To the extent that the operations differed from those described in the prospectus filed under § 378.10, such differences shall be fully detailed including the reasons therefor. However, the making of such an explanation shall not of itself operate as authority for or excuse any such deviation.

(b) The supplemental air carrier shall promptly notify the Board regarding any tours covered by a prospectus filed under § 378.10 that are later canceled.

(Secs. 204(a), 401, and 402 of the Federal Aviation Act of 1958, as amended, 72 Stat. 743, 754 (as amended), 757; 49 U.S.C. 1324, 1371, 1372)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6615 Filed 5-11-71;8:49 am]

[Reg. SPR-48; Amdt. 5]

PART 378a—BULK INCLUSIVE TOURS BY TOUR OPERATORS

Definition of Foreign Tour Operators

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May 1971.

For the reasons set forth in SPR-47, issued contemporaneously, the definition of "foreign tour operator" in § 378a.2 is being amended to include persons holding permits authorizing them to engage in U.S. originated tours. In addition Part 378a is being amended to add such foreign tour operators to the provisions of §§ 378a.10 (Procedure), 378a.11 (Discrimination), 378a.12 (Methods of competition), 378a.13 (Surety bond), 378a.14 (Contract between tour operators and tour participants), and 378a.20 (Waiver).

Since the amendments herein are interpretive and clarifying in character, notice and public procedure thereon are unnecessary, and the rule will be made effective on less than 30 days' notice.

Accordingly, the Civil Aeronautics Board amends Part 378a of its Special Regulations (14 CFR Part 378a), effective on May 8, 1971, as follows:

1. Amend the table of contents to revise the title of § 378a.14. As amended the table of contents will read in pertinent part:

Sec.

* * * * *

378a.14 Contract between tour operators or foreign tour operators and tour participants.

* * * * *

2. Amend 378a.2 to read as follows:

§ 378a.2 Definitions.

As used in this part, unless the context otherwise requires:

* * * * *

(b) "Foreign tour operator" means any person who is not a U.S. citizen (other than a direct foreign air carrier):

(1) Who is engaged in the formation of groups for transportation on bulk inclusive tours which originate in a foreign country and over whom the Board by § 378a.8 has declined to exercise its jurisdiction; and/or

(2) Who is engaged in the formation of groups for transportation on bulk inclusive tours which originate in the United States and who holds a permit issued pursuant to section 402 of the Act authorizing such transportation. "Foreign tour operator" as used in §§ 378a.10–378a.14 and 378a.20, is confined to the meaning set forth in this subparagraph.

3. Amend §§ 378a.10 through 378a.14 and 378a.20, including the title of § 378a.14, to read as follows:

§ 378a.10 Procedure.

No bulk inclusive tour or series of tours shall be operated, nor shall any tour operator or foreign tour operator sell or offer to sell, solicit, or advertise such tour or tours, unless there is on file with the Board the form of contract between the tour operator or foreign tour operator and tour participants, the tour operator's or foreign tour operator's surety bond and, where applicable, a copy of the depository agreement with a bank as provided in § 378a.13(b)(2). These documents shall be filed at least 60 days before commencement of the tour or tours and late filing will not be permitted except for good cause shown.

§ 378a.11 Discrimination.

No tour operator or foreign tour operator shall make, give, or cause any undue or unreasonable preference or advantage to any particular person, port, locality, or description of traffic in air transportation in any respect whatsoever or subject any particular person, port, locality, or description of traffic in air transportation to any unjust discrimination or any undue or unreasonable prejudice or disadvantage in any respect whatsoever.

§ 378a.12 Methods of competition.

No tour operator or foreign tour operator shall engage in unfair or deceptive practices or unfair methods of competition in air transportation or the sale thereof. Advertising by tour operators or foreign tour operators of tour prices involving bulk fares shall be limited to the total tour price without a breakdown into component parts, except that additional charges for optional services or facilities may be reflected.

§ 378a.13 Surety bond.

(a) Except as provided in paragraph (b) of this section, the tour operator or foreign tour operator shall furnish a surety bond in an amount of not less than twice the amount of the contract bulk price for the air transportation to be furnished in connection with such tour: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(b) The prospective tour operator or foreign tour operator may elect, in lieu of furnishing a surety bond as provided under paragraph (a) of this section, to comply with the requirements of subparagraphs (1) and (2) of this paragraph as follows:

(1) The tour operator or foreign tour operator shall furnish a surety bond in a minimum amount of $10,000 per flight up to a maximum amount of $100,000 for a series of 10 or more flights, for the protection of the tour participants, the bond to continue in effect until completion of the tour or series of tours: *Provided, however*, That the liability of the surety to any tour participant shall not exceed the tour price.

(2) The direct air carrier and tour operator or foreign tour operator shall enter into an ageement with a designated bank, the terms of which shall include the following:

(i) Each tour participant shall pay for his deposit and subsequent payments comprising the tour price only by check or money order payable to such bank which shall maintain a separate account for each tour: *Provided, however*, That if the tour participant makes a cash deposit, the tour operator, foreign tour operator, or travel agent who receives such cash deposit shall forthwith remit to the designated bank a check for the full amount of the deposit without deduction of commission;

(ii) The bank shall not pay the direct air carrier the price for the transportation earlier than 30 days (including day of departure) prior to the scheduled day of departure of the originating or returning flight, upon certification of the departure date by the direct air carrier;

(iii) The bank shall reimburse the tour operator or foreign tour operator for refunds made by the latter to the tour participant upon written notification from the tour operator or foreign tour operator;

(iv) If the tour operator, foreign tour operator or the direct air carrier notifies the bank that a tour has been canceled, the bank shall make the applicable refunds directly to the tour participants; and

(v) Except as provided in subdivision (iii) of the subparagraph, the bank shall not pay any funds from the account to the tour operator or foreign tour operator prior to 2 banking days after completion of each tour, when the balance in the account shall be paid to the tour operator or foreign tour operator upon certification of the completion date by the direct air carrier. As used in this subparagraph, the term "bank" includes a bank, savings and loan association, or other financial institution insured by the Federal Deposit Insurance Corporation or the Federal Savings and Loan Insurance Corporation.

(c) The bond required under paragraphs (a) and (b)(1) of this section shall insure the financial responsibility of the tour operator or foreign tour operator and the supplying of the transportation and all other accommodations, services, and facilities in accordance with the contract between the tour operator or foreign tour operator and the tour participants, and shall be in the form set forth in the appendix to this Part 378a.[1] Such bond shall be issued by a reputable and financially responsible bonding or surety company which is legally authorized to issue bonds of that type in the State in which the tour originates. For purposes of this section, the term "State" includes any territory or possession of the United States, or the District of Columbia. The Board will consider that a bonding or surety company is prima facie qualified under this section if such company's surety bonds are accepted by the Interstate Commerce Commission under 49 CFR 1084.6, and if such company is listed in Best's Insurance Reports (Fire and Casualty) with a general policyholders' rating of "A" or better. If the bond does not comply with the requirements of this section, or for any reason fails to provide satisfactory or adequate protection for the public, the Board will notify the direct air carrier and the tour operator or foreign tour operator, by registered or certified mail, stating the deficiencies of the bond. Unless such deficiencies are corrected within the time set forth in such notification, the subject tour or tours shall in no event be operated.

(d) The bond required by this section shall provide that unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant. The contract between the tour operator or foreign tour operator and the tour participant shall contain notice of this provision.

§ 378a.14 Contract between tour operators or foreign tour operators and tour participants.

Where each participant in a tour receives the same accommodation, land tours, etc., the contract between the tour operator or foreign tour operator and the tour participants shall be the same. Contracts between tour operators or foreign tour operators and tour participants shall include provisions concerning the following matters:

(a) Method of payment, e.g., installment payments;

(b) Refunds in the event of the tour's cancellation or the passenger's change in plans;

(c) Carriers' liability limitations for passengers' baggage.

(d) Nonperformance of tour because of insufficient number of participants; and

(e) Unless the tour participant files a claim with the tour operator or foreign tour operator within sixty (60) days after completion of the tour, the surety shall be released from all liability under the bond to such tour participant (see § 378a.13(d)).

§ 378a.20 Waiver.

A waiver of any of the provisions of this regulation may be granted by the Board upon its own initiative, or upon the submission by a tour operator or foreign tour operator of a written request therefor: *Provided*, That such a waiver is in the public interest and it appears to the Board that special or unusual circumstances warrant a departure from the provisions set forth herein.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended; 72 Stat. 743; 49 U.S.C. 1324)

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71 6616 Filed 5-11-71;8:49 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC-6440]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND RULE AND REGULATIONS THEREUNDER

Repeal of Certain Exemptions; Pyramiding of Investment Companies; Regulation of Fund Holding Companies

Changes in the Investment Company Act of 1940 made by the Investment Company Amendments Act of 1970 (Public Law 91-547) relating to the repeal and modification of exemptions for certain companies; the pyramiding of investment companies and the regulation of fund holding companies; and recission of Rule 11b-1 under the Investment Company Act.

This is the fourth in a series of releases on problems arising under the Investment Company Amendments Act of 1970 (1970 Act) (Public Law 91-547 (84 Stat. 1413)), enacted December 14, 1970.[1] The purpose of the release is to call to the attention of registered investment companies and other interested persons some important amendments relating to the repeal and modification of certain exemptions in the Investment Company Act of 1940 (15 U.S.C. 80a-1 et seq.) and to the pyramiding of investment companies and the regulation of fund holding companies under the Investment Company Act. The release also confirms that Rule 11b-1 (17 CFR 270.11b-1) under the Investment Company Act is superseded and thus is hereby rescinded by the Commission.

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[1] Appendix filed as part of original issuance (SPR-32).

[1] See Investment Company Act Releases Nos. 6336 (36 F.R. 2867), 6392 (36 F.R. 2867), and 6430 (36 F.R. 7896).

Repeal of exemptions for certain companies. The 1970 Act (84 Stat. 1414) deletes the exception formerly provided by section 3(c)(8) of the Investment Company Act (15 U.S.C. 80a–3(c)(8)) for a company 90 percent or more of the value of whose investment securities were represented by securities of a single issuer which is a bank, insurance company or other person enumerated in paragraphs (4), (5), or (6) of section 3(c), as amended (formerly paragraphs (5), (6), (7)), (84 Stat. 1414–1415.)

The 1970 Act (84 Stat. 1415) also modifies the exclusion provided by section 3(c)(5) of the Investment Company Act (formerly section 3(c)(6)) (15 U.S.C. 80a–3(c)(6)) to make such exclusion unavailable to real estate, factoring and other specified financing companies otherwise falling within the definition of investment company in section 3(a) of the Act (15 U.S.C. 80a–3(a)), if they issue redeemable securities.[2]

Companies which had relied upon the exception provided by section 3(c)(8) and companies issuing redeemable securities which had relied upon section 3(c)(6) before the enactment of the 1970 Act must therefore promptly register under the Investment Company Act. Also, registered investment companies should ascertain whether they have any securities of investment companies, now required to register. by the above amendments, in their portfolios in order to avoid the percentage limitations on the acquisition of investment company securities provided in section 12(d)(1), as amended by the 1970 Act (84 Stat. 1417), discussed below.

Limitations on the creation and operation of fund holding companies. The 1970 Act amends section 12(d)(1) of the Investment Company Act to impose greater limitations on the pyramiding of investment companies and on the creation and operation of fund holding companies.[3]

New Subparagraph (A) (84 Stat. 1417) of section 12(d)(1) makes it unlawful for any registered investment company[4] and the companies it controls[5] to purchase or otherwise acquire any security issued by any other investment company[6] if, as a result of such transaction, the limitations in that subparagraph would be exceeded. In addition, subparagraph (A) makes it unlawful for any investment company[7] and the companies it controls to purchase or otherwise acquire any security issued by any registered investment company if, as a result of such transaction, the limitations contained in that paragraph would be exceeded.[8]

Open-end investment companies and persons selling the shares of such companies should give special attention to new subparagraph (B) of section 12(d)(1). In addition to the prohibitions imposed by subparagraph (A) on registered investment companies and the companies they control on purchases of securities issued by other investment companies, subparagraph (B) (Public Law 91–547; 84 Stat. 1417) makes it unlawful for any registered investment company, its principal underwriter, or any broker-dealer registered under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.) knowingly to sell or otherwise to dispose of a security issued by such registered company to any other investment company if, as a result of such transactions, the limitations contained in that subparagraph would be exceeded.[9] In order to comply with this provision it will be necessary for registered open-end companies to maintain accurate and up-to-date records on all of its shareholders known to be investment companies and companies controlled by investment companies,[10] and such records must be made available to their principal underwriters. Relevant information on these matters should be made available to dealers who sell their securities. It would also be advisable for registered open-end companies, their underwriters and dealers to adopt procedures to ascertain the identity of the ultimate purchaser when any person places an order for shares in an unusually large amount.

New subparagraph (C) (84 Stat. 1417) imposes limitations, in addition to those contained in subparagraph (A), on purchases by registered and other investment companies of securities issued by registered closed-end investment companies. Since the stock of closed-end companies is usually bought and sold in secondary trading markets rather than through the issuance of new shares as in the case of open-end companies, it would be much more difficult for a seller to know how much of a closed-end company's stock is owned by investment companies generally. Therefore, subparagraph (C) makes it unlawful for any investment company and the companies it controls to purchase or otherwise acquire any security issued by a registered closed-end investment company if, as a result of the transaction, the acquiring investment company, and other investment companies having the same investment adviser, and companies controlled by such investment companies[11] own more than 10 percent of the total outstanding voting stock of such closed-end company.

Subparagraph (D) (84 Stat. 1418) retains the exceptions provided in section 12(d)(1) before enactment of the 1970 Act from the prohibitions against transfer of investment company interests for securities received as a dividend or as a result of exchange offers under section 11 and plans of reorganization other than a plan devised for the purpose of evading subparagraphs (A) through (C).

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[2] "Redeemable security" is defined by section 2(a)(32) of the Investment Company Act (84 Stat. 1413), formerly section 2(a)(31) (15 U.S.C. 80a–2(a)(31)).

[3] A fund holding company is an investment company which invests in securities issued by other investment companies.

[4] "Registered investment company" for these purposes includes a company coming within the definition of "investment company" in section 3(a) of the (Investment Company) Act, which is not excluded by section 3(b) or section 3(c) of the Act, and which is actually registered or required to register under the Act. (See S.E.C. v. Fifth Avenue Coach Lines, Inc. et al., 289 F. Supp. 3 (S.D.N.Y. 1968), aff'd C.A. 2, Nos. 137–140 80a–2(a)(9)).

[5] "Control" is defined in section 2(a)(9) of the Investment Company Act (15 U.S.C. 80a–2(a)(9)).

[6] "Any other investment company" for these purposes refers to both registered and unregistered investment companies (see footnote 4, supra) including foreign-based or offshore investment companies which are not subject to the registration requirements of the Investment Company Act.

[7] See footnote 6, supra.

[8] The limitations would be exceeded and subparagraph (A) would be violated if, immediately after such purchase or acquisition, the acquiring investment company and the companies it controls will own in the aggregate (1) more than 3 percent of the total outstanding stock of the acquired investment company; or (2) securities issued by the acquired investment company having an aggregate value in excess of 5 percent of the value of the total assets of the acquiring investment company; or (3) securities issued by the acquired investment company and all other investment companies (other than treasury stock of the acquiring investment company) having an aggregate value in excess of 10 percent of the value of the total assets of the acquiring investment company. Limitations (1) and (2) are not by their terms applicable to purchases or acquisitions by an investment company, which is not registered or required to be registered under the Investment Company Act, of a security issued by another such investment company, but only to a purchase or acquisition of a security issued by a registered investment company. However, limitation (3) would be exceeded by an investment company which is not registered or required to be registered under the Investment Company Act if, as a result of a transaction in which it or a company it controls purchases a security issued by a registered investment company, it and the companies it controls own securities issued by any investment companies which have an aggregate value in excess of 10 percent of the value of its total assets. In other words, securities of other investment companies not registered under the Act are considered for the purpose of determining whether the 10 percent limitation would be exceeded.

[9] The limitations would be exceeded and subparagraph (B) would be violated if, immediately after such sale or disposition (i) more than 3 percent of the total outstanding voting stock of the registered investment company would be owned by the acquiring investment company and any company or companies it controls; or (ii) more than 10 percent of the total outstanding voting stock of the registered investment company would be owned by the acquiring investment company and other investment companies and companies controlled by them.

[10] Section 2(a)(8) (15 U.S.C. 80a–2(a)(8)) defines "company" as a corporation, a partnership, an association, a joint-stock company, a trust, a fund, or any organized group of persons whether incorporated or not; or any receiver, trustee in bankruptcy or similar official or any liquidating agent for any of the foregoing.

[11] "Companies controlled by such investment companies" includes companies controlled by the acquiring company.

Subparagraph (E) (84 Stat. 1418) continues the exceptions provided in section 12(d)(1) for registered unit trusts issuing periodic payment plan certificates.[12] This subparagraph also extends the exception from prohibitions of amended section 12(d)(1) to an investment company security purchased or acquired by an investment company, if the depositor of or principal underwriter for such acquiring investment company is a broker or dealer registered under the Securities Exchange Act of 1934, or is a person controlled by such a broker or dealer and the investment portfolio of the acquiring company consists only of such security. In order to avail itself of the exception provided by subparagraph (E), an unregistered investment company (e.g., a foreign unit trust) must make an arrangement with underlying portfolio investment companies or such companies' principal underwriters to afford to such unregistered investment company's shareholders certain rights specified in the subparagraph regarding the voting of proxies and the substitution of other securities for the underlying securities.

Subparagraph (G) (84 Stat. 1418) provides that, for the purpose of section 12(d)(1), the value of an investment company's total assets shall be computed as of the time of purchase or acquisition, or as closely thereto as is reasonably possible.

Under the statutory pattern provided by the amendments to section 12(d)(1), subparagraphs (A), (B), and (C) impose substantial restrictions on the creation and operation of fund holding companies. However, the 1970 Act also adds a new subparagraph (F) (84 Stat. 1418) to section 12(d)(1) which would make it possible to continue to create and to operate registered fund holding companies subject to the conditions specified in that subparagraph. This new provision raises a number of problems. Also, one portion of subparagraph (F) deals with the relationship fund holding companies with their portfolio companies. Therefore, persons interested in forming fund holding companies, as well as registered investment companies which are or may become portfolio companies of fund holding companies, should be aware of the following comments which the Commission's Division of Corporate Regulation has given to existing registered fund holding companies:

1. A registered fund holding company may not offer or sell any security issued by it at a public offering price which includes a sales load of more than 1½ percent.

2. A fund holding company together with all of its affiliated persons cannot purchase or acquire in the aggregate more than 3 percent of the total outstanding stock of any other investment company. Under prior law, a holding company could purchase 5 percent of the total outstanding stock of an investment company which had a policy of concentration, or 3 percent of an investment company which did not have a policy of concentration. Since a fund holding company's ability to purchase shares of any investment company is now dependent upon the action of a broad class of persons—affiliated persons as defined in section 2(a)(3) of the Investment Company Act (15 U.S.C. 80a–2(a)(3))—procedures should be instituted to assure that a fund will be able to determine prior to making an investment the eligibility of the particular security for the fund holding company's portfolio under this restriction.

3. No investment company whose securities are owned by a fund holding company is required to redeem more than 1 percent of the former's securities during any period of less than 30 days. Previously a fund holding company had the same redemption rights as any other holder of securities issued by a registered open-end company—that is, except during those emergency periods specified in section 22(e) (15 U.S.C. 80a–22(e))—payment or satisfaction within 7 days after tender for redemption. The effect of this redemption limitation must be considered together with the obligation of the fund holding company itself to redeem its securities within 7 days as specified in section 22(e) of the Investment Company Act. Thus, while a fund holding company may purchase more than 1 percent of the total outstanding securities of the investment company, such a purchase may, unless the fund holding company contemplates redemptions in kind, impair its liquidity, substantially affecting its ability to comply wth section 22(e).

Further, investment commitments above the 1 percent limitation could result in a situation where a fund holding company would not be able to redeem a portfolio security at such time as it appears to management to be in the fund holding company's best interest to do so.

4. Investment company securities held by a fund holding company may be voted by such company only either (a) after seeking instructions from its security holders with regard to such security and then in accordance with such instructions, or (b) in the same proportion as the vote of all other holders of such security. If alternative (a) is followed, the Investment Company Act, in effect, requires the fund holding company to make an arrangement with the issuer or principal underwriter of the issuer whereby sufficient proxy solicitation or other material may be transmitted to the fund holding company's security holders so that their instructions may be obtained.

Each fund holding company's prospectus should make adequate disclosure concerning the foregoing. For example, if the company, pursuant to its investment policy, retains the freedom to purchase more than 1 percent of the total outstanding shares of one or more investment companies, the appropriate prospectus disclosure should include a discussion of the effect of any such holding on the fund holding company's liquidity and ability to change investments.

Sales charge in exchange of series shares and rescission of rule 11b–1 under the Investment Company Act. The 1970 Act (84 Stat. 1417) deletes paragraph (2) of section 11(b) of the Investment Company Act (15 U.S.C. 80a–11(b))[13] which formerly permitted registered investment companies which issue series shares or the principal underwriters of such companies to charge an additional sales load when shareholders in one series exchange their shares for shares in another series. This amendment is effective immediately and supersedes rule 11b–1, which is hereby rescinded. Series companies are therefore subject to the same treatment as other open-end investment companies with respect to offers of exchange as provided under section 11(a) of the Investment Company Act (15 U.S.C. 80a–11(a)).

Commission action. Part 270 of Chapter II of Title 17 of the Code of Federal Regulations is amended by rescinding § 270.11b–1 thereunder, effective April 6, 1971.

The Commission finds that the provisions of 17 CFR 270.11b–1 have been made obsolete by deletion of the provisions of former paragraph (2) of section 11(b) of the Act (15 U.S.C. 80a–11(b)(2)) by the provisions of section 6 of Public Law 91–547 (84 Stat. 1417), and that notice and procedures under 5 U.S.C. are unnecessary. Accordingly, the foregoing recission shall be effective on April 6, 1971.

(Secs. 6(c), 11(b), 38(a); 54 Stat. 800, 808, 841; 15 U.S.C. 80a–6(c), 80a–11(b), 80a–37(a))

By the Commission, April 6, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6602 Filed 5–11–71;8:48 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71–123]

PART 174—PROTESTS

Criteria for Further Review

MAY 3, 1971.

In formulating the circumstances in which further review of protests which the district director would otherwise deny shall be accorded, three criteria were set forth in § 174.24 of the Customs Regulations. One of these provided that further review would be accorded when the decision against which the protest was filed is alleged to be inconsistent with a prior published ruling. It now appears that this limitation is unnecessarily restrictive.

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[12] This amendment also makes it clear that the exception covers the acquisition of securities issued by two or more investment companies by a registered unit investment trust that issues two or more classes of securties each of which provides for the accumulation of shares of a different investment company.

[13] Note the conforming technical amendment made by the 1970 Act (84 Stat. 1413) in sec. 22(d) of the Investment Company Act (15 U.S.C. 80a–22(d)) which deletes the reference to clause (2) of sec. 11(b).

Accordingly, paragraph (a) of § 174.24 is hereby amended to read:

§ 174.24 Criteria for further review.

* * * * *

(a) Is alleged to be inconsistent with a ruling of the Commissioner of Customs or his designee, or with a decision made in any district with respect to the same or substantially similar merchandise;

* * * * *

(R.S. 251, as amended, secs. 515, 624, 46 Stat. 734, as amended; 759; 19 U.S.C. 66, 1515, 1624)

Since this amendment to § 174.24 expands the right of a party filing a protest to obtain further review, notice and public proceedings thereon are found unnecessary, and the amendment shall be effective upon publication in the FEDERAL REGISTER (5–12–71).

[SEAL] EDWIN F. RAINS,
Acting Commissioner of Customs.

Approved: May 3, 1971.

EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71–6578 Filed 5–11–71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

Sulfadimethoxine

Correction

In F.R. Doc. 71–5498 appearing at page 7650 in the issue for Friday, April 23, 1971, the percentage under "Grams per gallon" for the first entry of Table 1 in § 135c.13(e), now reading "0.03%", should read "0.05%".

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER A—GENERAL

[CGFR 71–30]

PART 1—GENERAL PROVISIONS

Testimony by Coast Guard Personnel in Legal Proceedings

This amendment revises the regulations applicable to testimony of Coast Guard personnel in legal proceedings to make them consistent with the regulations of the Department of Transportation in Part 9 of Title 49, Code of Federal Regulations. This amendment also delegates the authority of the Chief Counsel of the Coast Guard as the "appropriate counsel of the operating administration concerned" to the District Legal Officers.

Since this amendment relates to agency management, procedure, and practice, it is exempt from the notice and public procedure provisions of 5 U.S.C. 553 and may be made effective upon publication in the FEDERAL REGISTER.

Accordingly, Subpart 1.20 is revised to read as follows:

Subpart 1.20—Testimony by Coast Guard Personnel and Production of Records in Legal Proceedings

§ 1.20–1 Testimony by Coast Guard personnel and production of records.

(a) The regulations in 49 CFR Part 9 apply to the testimony of Coast Guard personnel, production of Coast Guard records, and service of process in legal proceedings.

(b) Except for the acceptance of service of process or pleading, the District Legal Officer of each Coast Guard District, with respect to matters arising within his District, is delegated the functions of the "appropriate counsel of the operating administration concerned" described in 49 CFR Part 9.

(c) A request for a member or employee of the Coast Guard to testify or for permission to interview a member or employee of the Coast Guard District must be made to the District Legal Officer of the Coast Guard District in which the member or employee is serving or if the member or employee is serving at Coast Guard Headquarters, to the Chief Counsel, U.S. Coast Guard.

(d) Process or pleadings in any legal proceeding concerning the Coast Guard may be served, at the option of the server, on the Chief Counsel or the Deputy Chief Counsel of the Coast Guard with the same effect as if served on the Commandant of the Coast Guard. The official accepting the service under this section acknowledges the service and takes further action as appropriate.

(80 Stat. 383, as amended, sec. 1, 33 Stat. 1022, as amended, sec. 9, 80 Stat. 944; 5 U.S.C. 552, 14 U.S.C. 632, 633, 46 U.S.C. 375, 416, 49 U.S.C. 1657 (a) and (e); 49 CFR 1.46, 49 CFR Part 9)

Effective date. This amendment is effective upon publication in the FEDERAL REGISTER (5–12–71).

Dated: May 3, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71–6587 Filed 5–11–71;8:46 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Discovery During Interference Proceedings

These rule changes are intended to provide for: (1) Consideration of action sought by a party to a patent interference proceeding outside the period prescribed therefor where the delay in seeking such action is justified; (2) the designation of a specific period for discovery and the preparation for the taking of testimony; (3) specified discovery upon request (a) during the period for preparation for testimony as to evidence and testimony to be offered by junior parties and (b) after completion of testimony in chief of the junior parties, as to evidence and testimony to be offered by senior parties; (4) the ordering of additional discovery upon motion by a party where the interest of justice so requires; and (5) sanctions by the Board of Patent Interferences where there is noncompliance with a requirement of a rule or an order by the Board.

The proposal to amend Title 37, Code of Federal Regulations, by revising §§ 1.245 and 1.251 and by adding a new § 1.287 was published in the December 31, 1970, issue of the FEDERAL REGISTER (35 F.R. 20011).

All interested persons were given an opportunity to participate in the rule-making process by submission of comments in writing and in person at an oral hearing held on February 19, 1971. The rules are being adopted after full and careful consideration of all the material submitted. The departures from the published text reflect certain of the views expressed in the submitted material.

Effective Date. This amendment shall become effective 30 days after publication in the FEDERAL REGISTER and shall apply only to those interferences in which the times for taking testimony are set on or after such effective date.

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Part 1 of Title 37, Code of Federal Regulations is hereby amended as follows:

1. Section 1.245 is revised to read as follows:

§ 1.245 Extension of time.

Extensions of time in any case not otherwise provided for may be had by stipulation of the parties, subject to approval, or on motion duly brought, sufficient cause being shown for such extension. A motion not timely made may be considered upon a showing of sufficient cause as to why such motion was not timely presented.

2. Section 1.251, paragraphs (a), (b), (c), and (d) are revised, and a new paragraph (e) is added as follows:

§ 1.251 Assignment of times for discovery and taking testimony.

(a) A period for preparation for testimony will be set in which all parties should complete discovery and other preparatory activities.

(b) Times will be assigned in which the junior party shall complete his testimony in chief, and in which the other party shall complete the testimony on his side, and a further time in which the junior party may take rebutting testimony, but he shall take no other testimony. If there be more than two parties to the interference, the times for taking testimony will be so arranged that each shall have an opportunity to prove his case against prior parties and to rebut their evidence, and also to meet the evidence of junior parties.

(c) Times for preparation of testimony, for compliance with § 1.287(a) and for taking of testimony will ordinarily be assigned in notices sent to the parties after motions under § 1.231 have been disposed of or, if no such motions have been filed, after the close of the motion period (§ 1.231).

(d) Testimony shall be taken during the times assigned in accordance with §§ 1.271 to 1.286.

(e) The date for final hearing will ordinarily be set in separate notices.

3. A new § 1.287 is added as follows:

§ 1.287 Discovery.

(a)(1) Each party who expects to take testimony must serve on each opposing party who requests service the following:

(i) A copy of each document in his possession, custody, or control and upon which he intends to rely,

(ii) A list of and a proffer of reasonable access to things in his possession, custody, or control and upon which he intends to rely, and

(iii) A list giving the names and addresses of all persons whom he intends to call as witnesses and indicating the relationship of each person to the invention in issue.

(2) Dates for compliance with subparagraph (1) of this paragraph will be set in accordance with the following:

(i) The date by which all parties may request service shall be not less than 10 days from the date of the order setting testimony times;

(ii) The date for service by all junior parties shall be not less than 30 days from the date of the order setting such times;

(iii) The date for service by the senior party shall be not less than 10 days from the date set for the close of testimony in chief of all junior parties.

(3) Where more than two parties are involved and one of the junior parties is not entitled to take testimony as to a more senior party, the requirements of subparagraphs (1) and (2) of this paragraph shall not be applicable as between such parties.

(b) The provisions of paragraph (a) of this section are without prejudice to the right of a party, where appropriate, to obtain production of documents or things during cross-examination of an opponent's witness or during his own period for rebuttal testimony.

(c) Upon motion (§ 1.243) brought by a party during the period for preparation for testimony, or thereafter as authorized under § 1.245, and upon a showing that the interest of justice so requires, the Board of Patent Interferences may order additional discovery as to matters under the control of a party within the scope of the discovery rules of the Federal Rules of Civil Procedure, specifying the terms and conditions of such additional discovery. An order by the Board granting or denying a motion under this paragraph shall not be subject to review prior to a decision awarding priority.

(d) (1) A party will not be permitted to rely on any document or thing in his possession, custody, or control, or on any witness, not listed and served by that party as required by paragraph (a) of this section, except upon a promptly filed motion accompanied by the proposed additional documents or lists together with a showing of sufficient cause as to why they were not served by the date set pursuant to paragraph (a) of this section.

(2) Any failure to comply with an order under the provisions of paragraph (c) of this section may be considered by the Board of Patent Interferences as basis for applying appropriate restrictions against the party failing to comply, for holding certain facts to have been established, and in an appropriate case for awarding priority against him, or for taking such other action as may be deemed appropriate.

(e) The parties may by agreement among themselves modify any of the foregoing requirements consistent with the schedule of times for taking testimony and filing the record. In the absence of such agreement, discovery will not be permitted prior to the period set for the preparation for testimony.

Dated: May 6, 1971.

WILLIAM E. SCHUYLER, Jr.,
Commissioner of Patents.

Approved:

JAMES H. WAKELIN, Jr.,
Assistant Secretary for Science and Technology.

[FR Doc.71–6617 Filed 5–11–71;8:49 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 16979]

PART 0—COMMISSION ORGANIZATION

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

Order Extending Time for Filing Responsive Pleadings

In the matter of regulatory and policy problems presented by the interdependence of computer and communication services and facilities.

1. The Chief, Common Carrier Bureau has under consideration a "Motion for Extension of Time to File Responsive Pleadings to Pleadings Requesting Reconsideration and Clarification" in the above-captioned proceeding (36 F.R. 8450). The request is based on the allegation that Western Union was not served with copies of many of the petitions and that it has only recently obtained such copies.

2. It appears that good cause has been shown for the extension requested and that such an extension will not unduly delay resolution of this proceeding.

3. *Accordingly, it is ordered,* That the time for filing responsive pleadings to pleadings requesting reconsideration and clarification herein is extended to May 18, 1971.

Adopted: April 30, 1971.

Released: May 3, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WILLIAM M. LESHER,
Acting Chief, Domestic Rates Division for Chief, Common Carrier Bureau.

[FR Doc.71–6585 Filed 5–11–71;8:46 am]

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 1; Amdt. 1–48]

PART 1—ORGANIZATION AND DELEGATION OF POWERS AND DUTIES

Delegation of Authority With Respect to Aircraft Emission Standards

The purpose of this amendment is to delegate, to the Federal Aviation Administrator, the authority vested in the Secretary of Transportation by section 11(a) of the Clean Air Amendments of 1970 (Public Law 91–604; 84 Stat. 1703) which added Part B—"Aircraft Emission Standards" to title II of the Clean Air Act (42 U.S.C. 1857 et seq.).

Since this amendment relates only to the internal management of the Department, notice and public procedure thereon are not required and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, effective May 6, 1971, § 1.47 of Title 49, Code of Federal Regulations, is amended by adding the following paragraph at the end thereof:

§ 1.47 Delegations to Federal Aviation Administrator.

* * * * *

(j) Carry out the functions vested in the Secretary by part B of title II of the Clean Air Act, as amended (84 Stat. 1703).

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on May 6, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

[FR Doc.71-6571 Filed 5-11-71;8:45 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Dockets No. 1-9, 1-10; Notice 4]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Exterior Protection; Passenger Cars; Correction

In F.R. Doc. 71-5234, appearing at page 7219 in the issue for April 16, 1971, a paragraph was inadvertently omitted. In the third column, the regulation is corrected by the insertion of the omitted paragraph as S7.1.5 and the renumbering of the present paragraphs S7.1.5 and S7.1.6 as S7.1.6 and S7.1.7, so that those paragraphs read as follows:

§ 571.21 Federal Motor Vehicle Safety Standards

* * * * *

MOTOR VEHICLE SAFETY STANDARDS NO. 215
EXTERIOR PROTECTION—PASSENGER CARS

S7.1.5 Move the test device away from the vehicle, then release it so that plane A remains vertical from release until the onset of rebound, and the arc described by any point on the impact line is constant, with a radius of not less than 11 feet, and lies in a plane parallel to the vertical plane through the vehicle's longitudinal centerline.

S7.1.6 Impact the front of the vehicle at 5 m.p.h. and the rear at 4 m.p.h.

S7.1.7 Perform the impacts at intervals of not less than 30 minutes.

(Secs. 103 and 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on May 6, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-6574 Filed 5-11-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 28—PUBLIC ACCESS, USE AND RECREATION

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the FEDERAL REGISTER.

§ 28.28 Special regulations, public access, use, and recreation, for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Those portions of the refuge designated for public use are open for certain recreational uses January 1, 1971, through December 31, 1971. The public use area totals approximately 22,400 acres and is delineated on maps available from the Refuge Manager, Box 448, Cache, OK 73527 and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, NM 87103. Public access, use, and recreational activity shall be subject to the following special conditions.

1. Sightseeing, nature observation, photography, and hiking are permitted except where restricted by sign.

2. Camping and picnicking are permitted in areas where refuge tables and firegrates are provided. A written permit is required for stays in excess of seven (7) days. Camp stoves and charcoal grills may be used in camp and picnic areas. Dead and down timber may be used in firegrates provided by the refuge.

3. Boating is permitted in accordance with State and Federal boating regulations on the refuge portions of Elmer Thomas Lake except in marked swimming and scuba diving areas. All other floating devices are prohibited on all refuge waters unless permitted by other Federal regulations.

4. Swimming and wading are permitted at designated beaches. Life jackets and buoyant vests may be worn while swimming. Food and beverages are prohibited on swimming beaches. Snorkeling and skin diving are restricted to designated swimming areas.

5. Scuba diving is permitted in the refuge portions of Elmer Thomas Lake. Diving areas must be marked with appropriate warning flags when outside of marked swimming areas. Flags must be removed before leaving the area. Inflatable vests may be worn when diving.

6. Leashed pets under close control are permitted except on designated swimming beaches.

7. Possession of fireworks is prohibited.

The provisions of this special regulation supplement the regulations which govern recreation on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 28, and are effective through December 31, 1971.

JULIAN A. HOWARD,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Okla.

MAY 3, 1971.

[FR Doc.71-6600 Filed 5-11-71;8:47 am]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 917]

[Docket No. AO-90 A5]

FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Further Amendment of the Marketing Agreement and Order (Partial)

Pursuant to the rules of practice and procedure as amended, governing proceedings to formulate Marketing Agreements and Orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to proposed further amendment of the marketing agreement and Order No. 917 (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in California, hereinafter referred to collectively as the "order". The order is effective pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "act".

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than 10 days after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the recommended amendment of the order was formulated was held in Fresno, Calif., on January 13, 1971, pursuant to a notice thereof which was published in the FEDERAL REGISTER on December 24, 1970 (35 F.R. 19579), and a supplemental notice published December 31, 1970 (35 F.R. 20010). The notice and supplemental notice contained amendment proposals which had been submitted to the Secretary of Agriculture by the Control Committee, and the Plum Commodity Committee, administrative agencies for the order.

Material issues. The material issues presented on the record of the hearing involve amendatory proposals to:

(1) Change the definition of fruit to extend the regulatory provisions to all varieties of peaches.

(2) Change the definition of fruit to extend the regulatory provisions to additional varieties of pears.

(3) Change the definition of grower as it applies to peaches.

(4) Realign the boundaries of certain districts.

(5) Change the provisions as to qualifications of nominees to represent the Peach Commodity Committee as grower members on the Control Committee.

(6) Change the provisions as to qualifications of nominees to represent the Pear and Plum Commodity Committees as grower members on the Control Committee.

(7) Increase the number of members on the Peach Commodity Committee, and increase the term of office of such members from 1 to 2 years.

(8) Increase the term of office of the Pear and Plum Commodity Committees from 1 to 2 years.

(9) Change the representation areas for peaches and reallocate representation on the Peach Commodity Committee among such areas.

(10) Change the quorum requirement for the Peach Commodity Committee; and increase the number of affirmative votes necessary by such committee to approve actions with respect to research and regulations.

(11) Add authority for production research for peaches.

(12) Add authority for production research for pears and plums, and for paid advertising for plums.

(13) Change the provisions on termination, with respect to peaches, to delay for 2 years the next scheduled referendum on continuance.

(14) Change the provisions on termination, with respect to pears and plums, to delay for 2 years the next scheduled referendum on continuance.

This is a partial recommended decision dealing only with the issues applicable to pears and plums. The issues pertaining to peaches were dealt with in an earlier decision.

(2) The term "fruit" should be redefined in the order as hereinafter set forth to extend the regulatory provisions of the order to additional varieties of pears.

Current provisions of the order are applicable to Bartlett, Dr. Jules Guyot (Guyot, Early Bartlett, Clapps Favorite (Hill Bartlett), Max-Red (Max-Red Bartlett, Red Bartlett), Rosired (Rosired Bartlett), Winter Bartlett, Gorham (Late Bartlett) varieties of pears. A number of similar varieties of pears have been developed. Some of these varieties mature just prior to or during the marketing season for the varieties currently subject to regulation under the order. Hence they complete with the regulated varieties. Such varieties should be subject to regulation under the order on the same basis as the varieties which are currently covered. The order should cover all varieties of pears except Beurre Hardy, Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau. These varieties are subject to regulation under the California Marketing Order for Fresh Fall and Winter Pears, and Federal Marketing Order No. 927. Therefore, "pears" in § 917.4 *Fruit* should be redefined as hereinafter set forth to include all varieties of pears except Beurre Hardy, Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

The order should provide that any variety of pears, other than those specifically excluded, should be subject to all provisions of the order. The full latitude of the regulatory provisions should be available so that differences in the characteristics and individual situations of the various varieties can be recognized in the tailoring of regulations for the different varieties. Persons familar with pears, including inspectors, can distinguish one variety of pears from another. Hence, the issuance of regulation recognizing differences in such characteristics is appropriate and practical, and would tend to effectuate the purposes of the order and the act. The evidence indicates that initially it may not be necessary to apply the full scope of regulation to varieties the production of which is relatively small. If the objectives of the act and the order can be served by the application of a minimum of regulation to some varieties, for example, container marking as to variety, it was indicated that imposition of regulations only to such extent would be favored by the industry.

Imposition of regulations on a minimum basis has been found to be practical with respect to some of the varieties currently covered, and it should be equally so with respect to the varieties proposed to be added. Consistent with this, grade and size regulations have been imposed on only three of the varieties currently subject to regulation under the order. The remainder of such varieties have been made subject only to the requirement that they be accurately marked as to variety.

(4), (6), and (8) Districts and representation areas are established in the order to provide a basis for geographic representation on the commodity committees under the order. The districts are comprised of combinations of specified delineated portions of the production area. The representation areas consist of specified districts or combinations thereof. Representation on the Commodity Committees is allocated among the representation areas principally on the basis of the relative volume of production. No changes in districts are required to accommodate the Pear and Plum Commodity Committees. However, for simplicity it is desirable that each district be the same for each commodity. It is therefore concluded that the districts specified in § 917.14(k), (q), and (r) should be redefined as hereinafter set forth. All of these districts are in the same pear and plum representation area, hence such redefinition will not change any grower's area of representation.

The order should be amended to specify a 2-year term of office for the Plum and Pear Commodity Committee members instead of a 1-year term as currently provided. Such 2-year term should end on the last day of February of odd numbered years. The evidence indicates that there is little change in the membership of these commodity committees from year to year, hence it appears that the longer term is desirable. Nomination meetings do make demands on growers time, and to the extent such meetings are unnecessary they should not be required. The evidence further indicates that the industry desires to arrange terms of office so such terms and nomination meetings under the State and Federal Marketing Orders under the same management coincide. At the time of the hearing on Janury 13, 1971, nomination meetings to fill positions on the Plum and Pear Commodity Committees had been held but appointments had not been made. Such appointments will have been made, prior to the effective time of this amendment, under current provisions of the order. The order provides that after having been selected and qualified the members and alternates of these committees shall serve for the term for which selected and until their successors have been selected and qualified. In this connection should the amendment be made effective members and alternates of such committees serving at the effective time of the amendment should continue to serve until the last day of February 1973. It is therefore concluded that the order should be amended consistent with the foregoing.

In addition to the three commodity committees representing the three fruits under the order, the order provides for a Control Committee, comprised of 12 shipper members and 13 grower members. The Control Committee performs local administration of the program in all intercommodity matters under the order, while each respective commodity committee deals with matters related specifically to its fruit. The grower members of the Control Committee are nominated by the commodity committees on the basis of an allocation to each as specified under the order. The order provides that each such grower so nominated shall be an individual person who produced fruit during the previous season. Except in rare instances, each commodity committee has nominated persons for its positions on the Control Committee from among its own membership. The order should be amended, as hereinafter set forth, to require that each person nominated by the Plum and Pear Commodity Committees to fill a grower position on the Control Committee shall be a member or alternate member of the respective Commodity Committee. Such requirement would assure that there will be among the grower membership of the Control Committee persons who are familiar with the problems of each respective fruit.

(12) The order now requires a vote equal to the quorum requirement for recommendations pursuant to §§ 917.40 through 917.43. In the case of the Plum and Pear Commodity Committees this is 8 members. Such requirement should be made to apply to recommendations pursuant to § 917.39 because as hereinafter discussed, it is proposed to add authority in the order for the committees to establish production research projects in addition to marketing research and development projects. Such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption, or efficient production of plums and pears may involve substantial expenditures. In addition, with respect to plums, authority would be added for the Plum Commodity Committee to engage in any form of promotion including paid advertising. It is highly desirable that the recommendations with respect to any such projects, as well as recommendations on regulations under the sections previously cited, have a high degree of support by the respective committee and the industry. It is therefore concluded that the order should be amended, as hereinafter set forth, to require an affirmative vote by the Plum and Pear Commodity Committees for the approval of actions and recommendations pursuant to the specified sections as indicated.

The order should be amended as hereinafter set forth to authorize the Plum and Pear Commodity Committees to establish production research projects for such fruits.

The evidence indicates that there is a number of problem areas related to the production of plums and pears on which research may prove to be beneficial. Many problems which affect the fruit in the orchard affect the quality and shelf life manifested by the fruit in marketing channels. Hence, many marketing research projects cannot be of maximum effectiveness unless the scope of study concerns itself not only with what happens to the fruit after it is picked from the tree but also how it develops prior to harvest.

The control of decay in plums has become increasingly difficult in recent years, due largely to buildup of brown rot in the orchards and subsequent spread of infection in the packinghouses. The reduction of losses from decay in the market requires integrated control measure that reduce infections in the orchard, in packinghouses, during transit, and during marketing. Research on methods of preventing infection in the orchard, and sanitation measures in the packinghouses are appropriate areas for investigation.

Pear blight was mentioned specifically as a disease affecting this fruit which currently is under study. The order does not now permit the committees to assist in financing this work from order assessments. It was indicated that since blight affects the trees which produce the fruit regulated under the order it would be appropriate to make such assistance available if necessary to progress the work.

The foregoing are examples of the kinds of problems on which the committee may wish to undertake studies. They should not be viewed as limiting the respective committees production research authority which should include any such research that is permitted under the act.

The plum industry has supported advertising and promotional activities for plums under a State marketing order since 1966. The evidence indicates that economies could be effected and it would otherwise be advantageous to the industry if such activities were carried out under the order. The order currently is managed under a management sharing arrangement in conjunction with seven other marketing programs. The sharing of overhead costs among these programs reduces the costs of operation for each program. The evidence indicates that provision for paid advertising activities for plums, and vesting authority therefor in the Plum Commodity Committee, would place the plum industry in a better position to advance the interests of growers and this would tend to effectuate provisions of the act and the order. Therefore, the order should be amended as hereinafter set forth to authorize any form of marketing promotion for plums, including paid advertising.

Production of plums is increasing. In 1970 production was up by 1,300 carloads over that produced in 1968. Data on recent plantings indicate this trend can be expected to continue. Sales of plum trees by nurseries for commercial planting indicates that trees sold a year ago would plant 1,657 acres, 2 years ago 1,787 acres, and 3 years ago 1,359 acres. Significant also is the fact that the varieties being planted are largely those which produce heavily.

The record shows that the consensus of the industry is that promotional activities for plums have been beneficial in increasing demand and should be continued. Plums compete for shelf space and retail promotion with many processed and fresh fruits, many of which are now nationally advertised and promoted. In competing for this space and attention plums should benefit from a promotional program which offers the retailer an attractive quality product which the industry helps sell with an advertising and promotional campaign. The following promotional and advertising techniques together with the relative advantages were cited as examples of techniques which may be employed under the authorization: Publicity education is a good technique to use when promotional funds

are limited, particularly if a major portion of the program is directed to newspaper food pages. Food page publicity which makes available serving suggestions, product information, stories and recipes, many of them illustrated by appetizing photographs, often will be given newspaper editorial space which, if evaluated at advertising rates, is worth many times the fee paid the publicity agency. Women look to the food pages of newspapers and magazines, radio and TV programs, and to local extension home economists and utility company personnel for guidance in meal planning. They readily accept suggestions from these sources as reliable and acceptable information. The expanded authority for promotion, including paid advertising, would enable the committee to supply plum information and publicity materials to food news editors and similar persons for appropriate distribution. It is recognized, however, that publicity education activities do have a disadvantage in that one cannot control the message. Since editorial space cannot be bought, one cannot dictate an editor's handling of a story. This disadvantage is more than offset, however, by the fact that good publicity education brings the greatest return for the dollar expended.

The second promotional and advertising technique is merchandising. The development and distribution of attractive point-of-sale material and other merchandising aids are promotional devices used by many fresh fruit industries with promotional budgets. Plums are particularly well adapted because of the numerous colorful varieties and their seasonal nature which requires that their availability be brought to the attention of consumers during their relatively short marketing season. Artistically developed pieces may serve the dual function of both attracting and informing the consumer regarding the varieties as their marketing seasons occur.

Recipe folders and varietal brochures are also useful aids, the latter not only for consumers but also for buyers and merchandisers. A varietal brochure could identify the important varieties, their ripening periods and anticipated volume. Similarly, letters and bulletins to the trade carrying this type of information as well as handling and display methods are helpful.

Essential to most merchandising programs is a field staff located in the marketing areas where activities are to be concentrated. With training and experience those men could become the plum experts in markets and the trade could look to them for information about the crop and materials with which to promote it. Their duties could include the dissemination of supply information, including pack period movement and special information concerning particular varieties, the distribution of point-of-sale material and other aids, merchandising the media program to the trade if one is purchased, and arranging for and supervising retail contests.

The third technique is paid advertising, often referred to as "media". Media is expensive but some things can be done in this field that are inexpensive and yet create an impact on the buying trade as well as the consuming public. Trade paper ads, particularly at the beginning of the season, together with the editorial suport which trade papers are willing to accord an advertiser are helpful in launching a program for a seasonal fruit such as the plum. Spot radio or TV commercials in the principal markets during peak movement periods is a possibility. It has been found in many fresh promotional programs that such spot announcements, particularly when developed with a "dealer tag" at the end of each spot, have considerable influence in triggering retail promotions. "Dealer tags" are blank spots at the end of the announcements in which the announcer refers to a local retailer as a good place to purchase the product. These spots can be merchandised in such a way as to secure extra display space, and promotional price and tie-in advertising financed by the retailer.

Since most of the food page publicity occurs in newspapers, some newspaper advertising might be indicated partly because newspapers are understandably influenced in favor of advertisers when scheduling editorial space. Such ads at the beginning of the season could take the form of announcing the seasonal availability of the fruit while later ads could elaborate upon the deliciousness of the fruit and pinpoint periods of greatest availability.

The Plum Commodity Committee should have the responsibility of developing and carrying out each season's advertising and promotional program. In developing recommendations for such program to be submitted to the Secretary for approval, the committee should consider the items enumerated in the powers and duties of the committee under § 917.35(e). The committee's authority to appoint committees to aid it in the performance of its duties as provided in § 917.35(d) should be used to the extent necessary to secure advice and assistance in the planning and conduct of the advertising and promotional program.

In this connection, the committee may wish to appoint the Plum Sales Managers Committee as an advisory committee for promotional and advertising activities since the members are familiar with plum marketing and are already acting in an advisory capacity assisting in the development of recommendations for regulations.

(14) Current provisions of the order require quadrennial referenda to ascertain whether continuance of the order as to any fruit covered thereunder is favored by growers. The next such referenda for plums and pears would be required during the period December 1, 1972–February 15, 1973. The order also provides that the Control Committee may, upon the basis of a petition from growers received prior to October 1 of any year, recommend to the Secretary that such a referendum be held. It further provides that if the Secretary receives such a recommendation not later than December 1 of the then current fiscal period, he shall conduct such referendum prior to February 15. Based on this and the fact that a referendum will be conducted to ascertain if the plum and pear growers favor this amendment, it was advanced without opposition that the next regularly scheduled referendum on continuance should be rescheduled to be required during the period beginning December 1, 1974, and ending February 15, 1975. Since ample opportunity otherwise exists for growers to express their sentiments with respect to continuance between the present time and the foregoing period, it is concluded that the order should be amended as hereinafter set forth to reschedule said referendum as it applies to plums and pears.

Except as heretofore discussed conforming changes are not required.

Rulings on proposed findings and conclusions. February 8, 1970, was fixed as the latest date for filing proposed findings and conclusions, written arguments, or briefs based upon the evidence received at the hearing. One brief was filed. Each point in such brief was fully and carefully considered along with the evidence in the record, in making the findings and conclusions herein set forth. To the extent that any suggested findings or conclusions contained in the brief are inconsistent with the findings or conclusions contained in the brief are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with this decision.

General findings. Upon the basis of the evidence adduced at such hearing, and the record thereof it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of pears, plums, and peaches grown in the State of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such regional production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in production and marketing of the fruit covered thereby; and

(5) All handling of plums grown in the production area is in the current of interstate or foreign commerce or directly

burdens, obstructs, or affects such commerce.

Recommended amendment of the marketing agreement and order. The following amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 917.4 *Fruit* is revised to read as follows:

§ 917.4 Fruit.

"Fruit" means the edible product of the following three kinds of trees (a) all varieties of plums, (b) all varieties of peaches, and (c) all varieties of pears except Beurre Hardy, Beurre D'Anjou, Bosc, Winter Nelis, Doyenne du Comice, Beurre Easter, and Beurre Clairgeau.

4. Paragraphs (k), (q), and (r) of § 917.14 *District* are amended to read as follows:

§ 917.14 District.

* * * * *

(k) "South Coast District" includes and consists of San Luis Obispo County, Santa Barbara County, and Ventura County.

* * * * *

(q) "Tehachapi District" includes and consists of that portion of Kern County not included in Kern District, and Inyo County.

(r) "Southern California District" includes and consists of San Bernardino County, Orange County, San Diego County, Imperial County, Riverside County, and Los Angeles County.

5. Paragraph (b) of § 917.18 *Nomination of grower members of the Control Committee* is revised to read as follows:

§ 917.18 Nomination of grower members of the Control Committee.

* * * * *

(b) A person nominated by any commodity committee for membership on the Control Committee shall be an individual person who produced fruit during the previous season, and who is a member or alternate member of the commodity committee which nominates him. Such persons shall have the qualifications specified in § 917.24(c). Each member of each commodity committee shall have only one vote in the selection of nominees for membership on the Control Committee.

7. Section 917.20 *Designation of members of commodity committees* is amended to read as follows:

§ 917.20 Designation of members of commodity committees.

There are hereby established a Pear Commodity Committee and a Plum Commodity Committee each consisting of 12 members, and a Peach Commodity Committee consisting of 13 members. The members of each said committees shall be selected biennially for a term ending on the last day of February of odd numbered years, and such members shall serve until their respective successors are selected and have qualified. The members of each commodity committee shall be selected in accordance with the provisions of § 917.25.

12. The introductory language and paragraph (a) of § 917.35 *Powers and duties of each commodity committee* are amended to read as follows:

§ 917.35 Powers and duties of each commodity committee.

Each commodity committee shall have the following powers and duties.

(a) With regard to the respective fruit for which it was established, to establish production research and marketing research and development projects as authorized under § 917.39, to recommend to the Secretary regulation of shipments pursuant to the provisions of this part, and to possess such other powers and exercise such other duties as will properly effectuate the purpose of this part: *Provided, however,* That the Pear and Plum Commodity Committees shall each approve actions under § 917.39 and make said recommendation pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 8 members of each said committee: *Provided further,* That the Peach Commodity Committee shall approve such actions pursuant to § 917.39 or make said recommendations pursuant to § 917.40 through § 917.43 only upon the affirmative vote of not less than 9 members of said committee.

* * * * *

12a. Section 917.39 *Market research and development* is amended to read as follows:

§ 917.39 Market research and development.

The committees, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of fruit. Such projects, with respect to plums may provide for any form of marketing promotion including paid advertising. The expenses of such projects shall be paid from funds collected pursuant to section 917.37.

14. Paragraph (e) of § 917.61 *Termination* is revised to read as follows:

§ 917.61 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part as to any fruit included in this part is favored by the growers. The Secretary shall conduct such a referendum within the same period of every fourth fiscal period thereafter.

* * * * *

Dated: May 7, 1971.

JOHN C. BLUM,
*Deputy Administrator,
Regulatory Programs.*

[FR Doc.71-6612 Filed 5-11-71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Ch. I]

LABEL DECLARATIONS ON STANDARDIZED AND NONSTANDARDIZED FOODS

Notice of Proposed Rule Making

Notice is given that a petition has been filed by Label, Inc. (Law Students Association For Buyers' Education and Labeling), Box 226, 2020 F Street NW., Washington, DC 20006, proposing amendment of the regulations setting forth definitions and standards of identity for foods in 21 CFR Subchapter B.

The petitioner proposes the issuance of new regulations requiring that: "For the purposes of promoting honesty and fair dealing in the interest of the consumer, all food manufacturers and distributors must list on the label, in the order of their predominance, all ingredients which are contained in their product."

Grounds given in support of the proposal are:

1. Adequate information as to the contents of standardized foods should be on the label to enable the consumer to make an informative choice of the food he buys.

2. The absence of the names of ingredients from the label of standardized foods does not promote honesty and fair dealing in the interest of the consumer.

3. Health and religious dietary reasons require full label disclosure of the names of all ingredients in standardized foods.

4. The absence of the names of all mandatory ingredients and nondesignated optional ingredients from the labels of standardized foods is an inadequate substitute for informative labeling and is misleading to the consumer.

The Commissioner of Food and Drugs recognizes that: (1) Some consumers desire more informative food labeling; (2) some food manufacturers and distributors have begun a program of revising their labels for standardized food to more fully inform consumers; (3) other members of the industry are considering labeling changes; and (4) the failure to reveal material information may result in food being misbranded because the labeling is misleading.

The Commissioner is aware that in its final report to the President, the White House Conference on Food, Nutrition, and Health stated that the consumer is entitled to more meaningful and useful information than is now provided by food labels.

To enable the Food and Drug Administration to determine the adequacy of present labeling for standardized and nonstandardized foods and the nature and extent of changes that are desirable in the labels of such foods, the Commissioner invites comment on the petition of Label, Inc., and suggestions on any related subjects, including but not limited to: (1) Label declarations identifying each ingredient by its common or usual name; (2) label declarations classifying ingredients by function and source; and (3) the manner of presenting label information (order of predominance, placement on label, size and type of print, contrast and legibility, etc.).

Comments are invited on whether the Food and Drug Administration has the legal authority to promulgate regulations as proposed by Label, Inc., or whether new legislation must be enacted in view of provisions of the Federal Food, Drug, and Cosmetic Act; specifically, sections 401 and 403(g) applicable to standardized foods and section 403(i) applicable to foods for which standards have not been promulgated.

Pursuant to provisions of the act (secs. 401, 403, 701; 52 Stat. 1046, 1047, 1055, as amended; 21 U.S.C. 341, 343, 371) and under authority delegated to the Commissioner (21 CFR 2.120), interested persons are invited to submit their comments in writing (preferably in quintuplicate) regarding this proposal within 60 days after its date of FEDERAL REGISTER publication. Comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, and may be accompanied by a memorandum or brief in support thereof.

The Food and Drug Administration is testing patterns of food labeling that will provide useful nutritional labeling information. When sufficient information has been developed, proposals regarding such labeling will be published for comment.

Dated: April 30, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-6570 Filed 5-11-71;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 239]

[Docket No. 23173; EDR-197A]

REPORTING DATA PERTAINING TO FREIGHT LOSS AND DAMAGE CLAIMS BY CERTAIN AIR CARRIERS AND FOREIGN ROUTE AIR CARRIERS

Supplemental Notice of Proposed Rule Making

MAY 7, 1971.

The Board, by circulation of notice of proposed rule making EDR-197 dated March 10, 1971, and publication at 36 F.R. 4882, gave notice that it had under consideration the enactment of a new part (Part 239) of the economic regulations to establish a system of reporting of freight loss and damage claims by certain air carriers and foreign route air carriers. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before May 13, 1971. Subsequent to the issuance of the proposed rule the Air Transport Association (ATA) on behalf of 20 air carriers requested an extension of time to June 30, 1971 for filing comments. ATA asserts, inter alia, that the Airline Finance and Accounting Conferences' Air Cargo Claims Committee has scheduled its annual meeting on May 12-13, 1971, and that the proposed reporting requirements should be reviewed by this committee. It is further maintained that the proposed rule would require major revisions to some carriers' air freight accounting procedures and policies and data processing program and that additional time is required to submit comprehensive and meaningful comments in the matter.

The undersigned finds that good cause has been shown for an extension of time for filing comments to June 1, 1971, but that any further extension is not warranted and would not be conducive to the proper dispatch of the Board's business.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's organization regulations, the undersigned hereby extends the time for submitting comments to June 1, 1971.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] CHARLES A. HASKINS,
*Acting Associate General Counsel,
Rules and Rates.*

[FR Doc.71-6614 Filed 5-11-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

[18 CFR Part 640]

STANDARDS OF PERFORMANCE FOR MARINE SANITATION DEVICES

Notice of Proposed Rule Making

Notice is hereby given that the Administrator of the Environmental Protection Agency proposes to amend Chapter V of Title 18, Code of Federal Regulations, by adding a new Part 640, as set forth below.

The proposed regulation would promulgate Federal standards of performance for marine sanitation devices. Section 13 of the Federal Water Pollution Control Act, as amended, 33 U.S.C. 1163, directs the Secretary of the Interior to promulgate Federal standards of performance for marine sanitation devices. The authority and functions of the Secretary of the Interior under section 13 were transferred to the Administrator of the Environmental Protection Agency by Reorganization Plan No. 3 of 1970. The proposed regulation was formulated after consultation with the Department of Transportation and after consideration of the economic costs involved and the limits of available technology.

The proposed regulation would require marine sanitation devices to provide a high level of treatment which will be approximately the equivalent of the secondary treatment standards for municipal waste facilities. Such regulation would meet the standards specified in § 640.2, for any sewage permitted to flow through.

It is recognized that appropriate flow-through devices meeting this standard may not have yet been developed for certain smaller classes of vessels covered by the proposed regulation. However, it is believed that the development of such devices prior to the effective date of the standards is within the limits of available technology. Accordingly, the performance standards proposed herein are considered to be practicable and reasonable. Holding tanks and other devices which preclude any discharge are presently on the market and are capable of providing compliance with the standards.

Under section 13(b)(1) of the Federal Water Pollution Control Act, as amended, the Secretary of Transportation has the responsibility to promulgate regulations, consistent with the standards adopted by the Administrator, governing the design, construction, installation, and operation of marine sanitation devices. In this connection, section 13(c)(2) permits the Secretary of Transportation, after consultation with the Administrator, to distinguish among classes, types, and sizes of vessels as well as between new and existing vessels, and to waive applicability of standards and regulations as necessary or appropriate for such classes, types, and sizes of vessels. The Administrator will continue to cooperate and consult with the Secretary of Transportation in connection with the discharge of the Secretary's responsibilities under section 13.

Initial standards and regulations promulgated under section 13 preempt any statute or regulation of a State or political subdivision with respect to the design, manufacture, or installation or use of any marine sanitation device on any vessel subject to section 13. However, such preemption does not take place until the effective date of the initial standards and regulations. The initial standards and regulations become effective for new vessels two years after promulgation, and for existing vessels five years after promulgation.

Under section 13(f) of the Act, any State may apply to the Administrator for issuance of a regulation prohibiting the discharge from a vessel of any sewage (whether treated or not) into certain delineated areas of waters of the State, and the Administrator shall issue such regulation where he determines that any applicable water quality standards require such prohibition. Examples of such areas which may require the issuance of such regulations could include known shellfish grounds, enclosed inland lakes, areas adjacent to or located in boating marinas, areas adjacent to public beaches, and certain critical waters in the Great Lakes States. The Administrator will welcome such applications and will consider them with dispatch. No-discharge regulations issued by the Administrator will become effective no sooner than the effective dates of the initial standards and regulations issued under section 13(b). Until such dates, the States have the authority to adopt and enforce their own statutes or regulations on this subject without Federal participation.

Interested persons are invited to submit, in triplicate, their written views, comments, and recommendations concerning the proposed standards to the Administrator, Environmental Protection Agency, 1626 K Street NW., Washington, DC. All relevant material received not later than 45 days after publication of this notice will be considered.

Dated: May 8, 1971.

William D. Ruckelshaus,
Administrator.

PART 640—MARINE SANITATION DEVICE STANDARDS

Sec.
640.1 Definitions.
640.2 Standards.
640.3 Complete prohibition.
640.4 Analytical procedures.

Authority: The provisions of this Part 640 are issued under section 13, 70 Stat. 506, as amended, 33 U.S.C. 1163. Interpret or apply section (b)(1), 84 Stat. 100, 33 U.S.C. 1163(b)(1).

§ 640.1 Definitions.

For the purpose of these standards the following definitions shall apply:

(a) "Sewage" means human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(b) "Discharge" includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping;

(c) "Marine Sanitation Device" includes any equipment for installation on board a vessel and which is designed to receive, retain, treat, or discharge sewage, and any process to treat such sewage;

(d) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the United States;

(e) "Biochemical Oxygen Demand (BOD)" means the oxygen, measured in milligrams per liter, required by bacteria while stabilizing the organic matter in a sample of sewage under aerobic conditions over a period of 5 days at 20° centigrade;

(f) "Coliform Bacteria" means all of the aerobic and facultative anaerobic, gram-negative, non-spore-forming, rod-shaped bacteria that:

(1) In the Tube-Dilution (most probable number) test, ferment lactose with gas formation within 48 hours of incubation at 35° centigrade, or

(2) In the Standard Membrane Filter Technique Test, produce a dark colony of bacteria with a metallic sheen on M-Endo Broth or Agar within 24 hours of incubation at 35° centigrade.

§ 640.2 Standards.

(a) A marine sanitation device which will prevent the discharge of untreated or inadequately treated sewage, and which will be required under these standards, is one which will prevent the discharge of an effluent containing visible floating or settleable solids; and from which the effluent, without dilution other than that normally used for flushing purposes, does not contain:

(1) Total coliform bacteria in excess of 240 per 100 ml.;

(2) Biochemical Oxygen Demand in excess of 100 mg./1; and

(3) Suspended solids in excess of 150 mg./1.

§ 640.3 Complete Prohibition

A State may make a written application to the Administrator, Environmental Protection Agency, for the issuance of a regulation completely prohibiting the discharge from a vessel of any sewage (whether treated or not) into particular waters of the State, or specified portions thereof. Such application shall specify with particularity the waters, or portions thereof, for which a complete prohibition is desired. The application shall also demonstrate that a complete prohibition is required by applicable water quality standards; and in this connection the application shall include; (a) a statement of the applicable water quality standards, (b) current data as to the condition of the waters or portions thereof which are the subject of the application, and (c) an explanation of the reasons why it is believed that the discharge of sewage from vessels may contribute to a violation of water quality standards in the waters or portions thereof which are the subject of the application. If, on the basis of the State's application and any other information available to him, the Administrator is unable to make a finding that applicable water quality standards require a complete prohibition of any discharge in the waters or portions thereof covered by the application, he shall state the reasons why he cannot make such a finding, and shall deny the application. If the Administrator makes a finding that applicable water quality standards require a complete prohibition of any discharge in all or any part of the waters or portions thereof covered by the State's application, he shall publish such finding together with a notice of proposed rule making, and then shall proceed in accordance with 5 U.S.C. 553. If the Administrator's finding that applicable water quality standards require a complete prohibition covering a more restricted or more expanded area than that applied for by the State, he shall state the reasons why his finding differs in scope from that requested in the State's application. No regulation under this section shall be issued to take effect sooner than the effective date of the initial standards and regulations issued under section 13(b)(1) of the Act.

§ 640.4 Analytical procedures.

In determining the composition and quality of effluent discharged from marine sanitation devices the procedures contained in the current "Standard Methods for the Examination of Water and Wastewater," or subsequent revisions or amendments thereto, shall be employed.

[FR Doc.71-6653 Filed 5-11-71; 8:50 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1115]

[Ex Parte No. 275]

EXPANDED DEFINITION OF TERM "SECURITIES"

Extension of Time for Filing Statements

General notice of the institution of the above-entitled proceeding has been given by publication in the Federal Register (36 F.R. 6595). The Commission's notice of the proposed rule making fixed the date of May 14, 1971, for the filing of statements by interested persons. A number of requests have been received for extending the period of time in which to file those statements and, considering the importance of the proceeding, the time is hereby extended to July 9, 1971.

[seal] Robert L. Oswald,
Secretary.

[FR Doc.71-6593 Filed 5-11-71;8:49 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4257]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

May 4, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application for the withdrawal of the land described below, subject to valid existing rights, from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws.

The land has previously been withdrawn for an administrative site in the Shasta-Trinity National Forest and as such has been open to entry under the general mining laws. The Forest Service desires the exclusion of mining activity to permit the continued use of the land for an administrative site, which use is incompatible with mineral development.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing on or before June 14, 1971, to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The land involved in the application is:

Shasta-Trinity National Forest

humboldt meridian

Hyampom Administrative Site

T. 3 N., R. 6 E.,
Sec. 22, SE¼NE¼.

The area described aggregates 40 acres in Trinity County.

Elizabeth H. Midtby,
Chief, Lands Adjudication Section.

[FR Doc.71-6601 Filed 5-11-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 8867; Docket No. FDC-D-256; NDA 8-867, etc.]

RAUWOLFIA SERPENTINA AND RAUWOLFIA ALKALOIDS

Drugs for Human Use; Drug Efficacy Study Implementation

Correction

In F.R. Doc. 71-5859 appearing at page 7984 in the issue for Wednesday, April 28, 1971, a heading reading "Reserpine" should be inserted immediately above the heading reading "Description" in the third column on page 7987.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 32]

BURLINGTON NORTHERN INC., CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD CO. AND AMTRAK

Joint Petition for Exemption for Passenger Train Movements

The order in this proceeding dated April 29, 1971 (36 F.R. 8707), should be, and it is hereby amended and supplemented to require, as a further condition, that the west bound passenger train receive the initial terminal inspection and test at its initial terminal in Chicago and that such inspection and test be certified to by the use of the certificate referred to in the initial order herein dated April 29, 1971. A copy of such certificate is to be placed on the locomotive of the west bound train and handled administratively as otherwise directed by the Bureau of Railroad Safety.

Dated this 30th day of April 1971 in Washington, D.C.

Robert R. Boyd,
Office of Hearings and Proceedings and Hearing Examiner.

[FR Doc.71-6397 Filed 5-11-71;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-89, 50-163, 50-227, 50-234, 50-240, 50-253]

GULF OIL CORP.

Notice of Amendments for Corporate Name Change of Facility Licenses

The Atomic Energy Commission has issued, effective as of the date of issuance, amendments to Facility Licenses Nos. R-38, R-67, R-100, R-104, R-105, and CX-23 to change the corporate name of the holder of these licenses to Gulf Oil Corp. The licenses were previously issued to Gulf Energy & Environmental Systems, Inc., for authorization to possess, but not to operate, the HTGR facility, and to possess, use and operate all of the other facilities, all located on the Corporation's Torrey Pines Mesa site in San Diego, Calif.

By application dated January 11, 1971, and supplement dated March 30, 1971, Gulf Oil Corp. advised that the corporate name of Gulf Energy & Environmental Systems, Inc., had been changed to Gulf Oil Corp. and requested that the Facility Licenses Nos. R-38, R-67, R-100, R-104, R-105, and CX-23 be amended to reflect the change. There are no changes to the operating staff for the facilities or in the uses which will be made of the facilities.

The Commission has found that the applications for the amendments comply with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR Chapter I. The Commission has made the findings required by the Act and the Commission's regulations which are set forth in the amendments, and has concluded that the issuance of the amendments will not be inimical to the common defense and security or to the health and safety of the public. Prior public notice of the proposed issuance of this amendments is not required since the amendments do not involve significant hazards considerations different from those previously evaluated.

Within 15 days from the date of publication of the notice in the Federal Register, the applicant may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene.

Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to these amendments, see (1) the licensee's applications for license amendments dated January 11, 1971, and supplement dated March 30, 1971, and (2) the amendments to the facility licenses which are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC. Copies of the amendments may be obtained upon request sent to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda Md., this 23d day of April 1971.

For the Atomic Energy Commission.

Richard H. Vollmer,
Acting Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-6582 Filed 5-11-71;8:46 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 23369, 22859; Order 71-5-18]

AIR WEST AND UNITED AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 6th day of May 1971.

Cancellation of 100-pound weight break on fish and sea food proposed by Air West (Hughes Air Corp., doing business as Air West) and United Air Lines, Inc., Docket 23369; domestic air freight rate investigation, Docket 22859.

By tariff revisions[1] filed April 9, and marked to become effective May 9, 1971, United Air Lines, Inc., (United) and Air West (Hughes Air Corp., doing business as Air West) propose, inter alia, to cancel joint specific commodity rates on fish and sea food from Twin Falls, Idaho, to Chicago and New York/Newark for shipments of 100-499 pounds. The carriers assert that their proposal is in line with recent tariff action taken by United and various other carriers and approved by the Board.

A complaint was filed jointly by Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc.[2] The complaint asserts, inter alia, that United failed to make any statement in its justification regarding the cancellation of rates at the 100-pound weight break; that it would be impossible for shippers to meet the new 500-pound minimum weight since no consignee could use that much fresh fish in a single day; that the instant filing is inconsistent with the action taken by United and other major trunks in excluding sea foods from the 500-pound minimum established for all other specific commodity rates; and that the proposed increases would have a significant adverse effect upon the carriers' volume and revenue through the diversion of this movement to refrigerated truck.

Upon consideration of all relevant factors, the Board finds that the proposed cancellation of the 100-pound weight break for rates on fish and sea food may be unjust, unreasonable, unjustly discriminatory, unduly preferential, or unduly prejudicial, or otherwise unlawful, and should be suspended pending investigation.[3]

The Board, by Order 71-2-119, dated February 26, 1971, suspended and set for investigation a previous proposal by Air West and United to increase rates on fish and sea food in the above markets. This action was based on the ground that the proposed rates would have involved relatively sharp increases, ranging between 25 and 51 percent, apparently resulting in significant shipper impact. The suspended rates were canceled by the carriers pursuant to special permission by the Board, leaving in effect the previous rates.

The proposed cancellation of the joint specific commodity rates would leave in effect the sum of the local general commodity rates. The result would be rate increases as high as 124 percent, considerably more than the increases that would have resulted from the rates that the Board previously suspended. Our current action is also consistent with a number of other Board decisions[4] implementing the concept that carriers should not be permitted large increases at one time, which may result in a significant shipper impact.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates and provisions (except those reading "Expires with December 31, 1971") from Twin Falls, Idaho, to Chicago, Ill., and New York, N.Y.-Newark, N.J., on Item No. 920 via Routing RW-SLC-UA for minimum weights of 500 and 1,000 pounds and cancellation of the rate for 100 pounds, on Fifth Revised Page 230 of Airline Tariff Publishers, Inc., Agent's CAB No. 158 and rules, regulations, or practices affecting such rates and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates and provisions, and rules, regulations, and practices affecting such rates and provisions;

2. Pending hearing and decision by the Board, the rates and provisions (except those reading "Expires with December 31, 1971") from Twin Falls, Idaho, to Chicago, Ill., and New York, N.Y.-Newark, N.J., on Item No. 920 via Routing RW-SLC-UA for minimum weights of 500 and 1,000 pounds and cancellation of the rate for 100 pounds, on Fifth Revised Page 230 of Airline Tariff Publishers, Inc., Agent's CAB No. 158 are suspended and their use deferred to and including August 6, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The proceeding herein, designated as Docket 23369, is assigned for hearing before an examiner of the Board, at a time and place hereafter to be designated;

4. The complaint of Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc., in Docket 23326, is dismissed, except to the extent granted herein; and

5. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., Air West (Hughes Air Corp. doing business as Air West), Thousand Springs Trout Farms, Inc., and Clear Springs Trout Co., Inc., which are hereby made parties to Docket 23369.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] **Harry J. Zink,**
Secretary.

[FR Doc.71-6568 Filed 5-11-71;8:45 am]

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[1] Revisions to Airline Tariff Publishers, Inc., Agent's Tariff CAB No. 158.

[2] The complaint was untimely as a request for suspension. In accordance with the Board's regulations in economic proceedings, Part 302.505 (14 CFR) the complaint should have been filed no later than Apr. 21, 1971. A telegraphic complaint was received on Apr. 27, followed by a formal complaint on Apr. 28, 1971.

[3] The tariffs in question are now under investigation in Docket 22859, Domestic Air Freight Rate Investigation.

[4] Order 69-5-85, Pan American's proposed increases of 40 percent and over; Order 69-2-111, Reeve Aleutian's proposal to increase specific commodity rates as much as 250 percent; Order 69-3-94, United's proposal to increase general commodity rates up to 33 percent; and Order 69-5-105, Caribair's proposal to increase general commodity rates by as much as 67 percent.

[Dockets Nos. 23296, 23080; Order 71-5-11]

WRIGHT AIR LINES, INC.

Order To Show Cause Regarding Establishment of Service Mail Rates

Issued under delegated authority, May 4, 1971.

The Postmaster General filed a notice of intent April 20, 1971, pursuant to 14 CFR, Part 298, petitioning the Board to establish for Wright Air Lines, Inc. (Wright), an air taxi operator, final service mail rates for the transportation of priority and nonpriority mail by aircraft between Cleveland, Ohio, and Detroit, Mich.

No service mail rates are currently in effect for this transportation by Wright. The Postmaster General requests that the multielement service mail rates established for priority mail by Order E-

25610, August 28, 1967, in the Domestic Service Mail Rate Investigation, and for nonpriority mail by Order 70-4-9, April 2, 1970, Nonpriority Mail Rates, be made applicable to this carriage of mail.[1] He states that the Postal Service and Wright agree that the applicable multielement rates are the fair and reasonable rates of compensation for the proposed services.

The rates established by Orders E-25610 and 70-4-9 have been open since December 12, 1970, pursuant to Order 70-12-48, December 8, 1970, instituting an investigation of the domestic service mail rates for priority and nonpriority mail. Therefore, the present domestic service rates for the transportation of priority and nonpriority mail by air are subject to such retroactive adjustment to December 12, 1970, as the final decision in the current domestic service mail rate investigation may provide.

We propose to establish service rates for the transportation by Wright of priority and nonpriority mail at the levels established in Orders E-25610 and 70-4-9, respectively. These rates and provisions will be subject to retroactive adjustment when the current domestic service mail rate investigation is concluded. Furthermore, Wright will be made a party to that proceeding.

The Board finds it in the public interest to fix, determine, and establish the fair and reasonable rates of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

The fair and reasonable service mail rates to be paid to Wright Air Lines, Inc., entirely by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between Cleveland, Ohio and Detroit, Mich. shall be:

(a) For priority mail, the multielement rates established by the Board in Order E-25610, August 28, 1967, as amended;

(b) For nonpriority mail, the multielement rates established by the Board in Order 70-4-9, April 2, 1970; and

(c) The rates and provisions of Orders E-25610 and 70-4-9 shall be applicable to Wright Air Lines, Inc., on a temporary basis, subject to such retroactive adjustment as the decision in Docket 23080 may provide.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, the Board's Regulations 14 CFR Part 302, 14 CFR Part 298, and the authority duly delegated by the Board in its organization regulations, 14 CFR 385.16(f).

It is ordered, That:

1. Wright Air Lines, Inc., the Postmaster General, Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons, are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the rates specified above, as the fair and reasonable temporary rates of compensation to be paid to Wright Air Lines, Inc., for the transportation of priority and nonpriority mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, as specified below;

3. Wright Air Lines, Inc., is hereby made a party in Docket 23080;

4. This order shall be served on Wright Air Lines, Inc., the Postmaster General, Airlift International, Inc., American Airlines, Inc., Eastern Air Lines, Inc., The Flying Tiger Line Inc., Mohawk Airlines, Inc., North Central Airlines, Inc., Northeast Airlines, Inc., Northwest Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the Federal Register.

[SEAL] **Harry J. Zink,**
Secretary.

1. Further procedures related to the attached order shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed therein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

2. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed therein and fix and determine the final rate specified therein;

3. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

[FR Doc. 71-6569 Filed 5-11-71;8:45 am]

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[1] The service mail rates established by those orders provide for terminal charges per pound of mail originated of 2.34 cents at Cleveland and at Detroit, plus line-haul charges per mail ton-mile of 24 cents for priority mail and 11.33 cents for nonpriority mail.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23371]

ALLEGHENY AIRLINES, INC., AND MOHAWK AIRLINES, INC.

Application for Approval of Merger; Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 20, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Merritt Ruhlen.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates shall be submitted by counsel for the Bureau of Operating Rights on or before May 14, 1971, and by the other parties no later than May 19, 1971.

Dated at Washington, D.C., May 6, 1971.

[SEAL] **Thomas L. Wrenn,**
Chief Examiner.

[FR Doc.71-6594 Filed 5-11-71;8:47 am]

[Docket No. 22617; Order 71-5-26]

WTC AIR FREIGHT

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 7th day of May 1971.

By Order 70-10-12, dated October 2, 1970, the Board suspended and initiated the investigation in this docket of aggregate rates proposed by WTC Air Freight. The rates proposed offer incentive discounts based upon certain conditions including a requirement of a tender of 500 pounds for two or more shipments. The investigation was directed principally to the discrimination issue involved in a reduced rate for one shipment being dependent upon the tender of another shipment or shipments. This investigation proceeded to prehearing conference before Examiner Edward T. Stodola, and information responses have been exchanged. Subsequently, WTC requested deferral of further procedural dates and filed a motion requesting, inter alia that it be permitted to amend its tariff under suspension and investigation so as to substitute a requirement of a tender of five shipments regardless of weight in lieu of the 500-pound tender requirement for two or more shipments. WTC would also exclude 11 markets from the application of the tariff. In addition, WTC requested that the investigation proceed upon the basis of the modified tariff and consented therein to a suspension of the proposed revision and committed itself to defer the effectiveness of the tariff pending disposition of the proceeding.

Special tariff permission has been granted permitting WTC to file the tariff revisions requested and such tariff was filed April 19, 1971 marked to become effective May 19, 1971. The revised requirement of a tender of five shipments leaves remaining the discrimination issue stemming from the conditioning of lower rates for one shipment upon the tender of other shipments and this matter should be placed under investigation. No objections, however, have been made to WTC's motion and the Board finds no reason why the proceeding cannot go forward on the basis of the modified tariff which will be suspended for the same reasons applying to the suspension of the original filing.

Upon consideration of all relevant matters, the Board finds that WTC's proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. Further, in view of the serious questions of discrimination, and consistent with Order 70–10–12, the Board finds that the proposed tariff should be suspended pending investigation.

WTC's motion filed January 7, 1971, will be denied except to the extent heretofore granted. In view of the basic similarity of issues, the Board will expand the investigation of WTC's aggregate rates now pending in Docket 22617 to encompass the investigation instituted herein. The Board will expect WTC to defer the effectiveness of its proposed tariffs pending final decision by the Board herein. Further procedural steps in this investigation will be established by the Hearing Examiner.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether provisions on the Second Revised Page 9–C, First Revised Page 9–D, First Revised Page 9–E, and First Revised Page 9–F of C.A.B. No. 7 issued by WTC Air Freight, and rules, regulations, or practices affecting such provisions, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provisions, and rules, regulations, or practices affecting such provisions;

2. Pending hearing and decision by the Board, the Second Revised Page 9–C, First Revised Page 9–D, First Revised Page 9–E, and First Revised Page 9–F of CAB No. 7 issued by WTC Air Freight, are suspended and their use deferred to and including August 16, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The investigation now pending in Docket 22617 is hereby expanded to encompass the investigation instituted in paragraph 1;

4. Except to the extent heretofore granted, the motion of WTC Air Freight in Docket 22617 is denied; and

5. A copy of this order shall be filed with the tariffs and served upon all parties to Docket 22617.

This order shall be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-6613 Filed 5-11-71;8:49 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF COMMERCE

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Deputy Under Secretary of Commerce.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71-6609 Filed 5-11-71;8:48 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Inter-American Social Development Institute to fill by noncareer executive assignment in the excepted service the position of Director of Resources and Research.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71-6610 Filed 5-11-71;8:48 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorized the Department of Inter-American Social Development Institute to fill by noncareer executive assignment in the excepted service the position of General Counsel, Office of the General Counsel.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71-6611 Filed 5-11-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19237, 19238]

SPRAGUE ELECTRIC CO. AND BERKSHIRE HILLS AVIATION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Sprague Electric Co., North Adams, Mass., Docket No. 19237, File No. 28–A–L–120, and Berkshire Hills Aviation, Inc., North Adams, Mass., Docket No. 19238, File No. 116–A–L–110; for aeronautical advisory station to serve Harriman Airport, North Adams, Mass.

1. The Commission's rules (§ 87.251 (a)) provide that only one aeronautical advisory station may be authorized to operate at a landing area. The above-captioned applications both seek Commission authority to operate an aeronautical advisory station at Harriman Airport, North Adams, Mass., and, therefore, are mutually exclusive. Accordingly, it is necessary to designate the applications for hearing. Except for the issues specified herein each applicant is otherwise qualified.

2. In view of the foregoing: *It is ordered*, That, pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, and § 0.331(b) (21) of the Commission rules, the above-captioned applications are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order on the following issues:

(a) To determine which applicant would provide the public with better aeronautical advisory service based on the following consideration:

(1) Location of the fixed-base operation and proposed radio station in relation to the landing area and traffic patterns;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of applicant and employees in aviation and aviation communications;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) The availability of the radio facilities to other fixed-base operators.

(b) To determine in light of the evidence adduced on the foregoing issued which, if either, of the applications should be granted.

3. *It is further ordered*, That to avail themselves of an opportunity to be heard Sprague Electric Co., and Berkshire Hills Aviation, Inc., pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order. Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Adopted: May 4, 1971.

Released: May 5, 1971.

Safety and Special Radio Services Bureau,
[SEAL] Irving Brownstein,
Deputy Chief, Safety and Special Radio Services Bureau.

[FR Doc.71-6586 Filed 5-11-71;8:46 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01029	Port City Towing Co.: M/V Lesta K.
01048	Adriatic Maritime Co., Ltd.: Cavalier of Athens.
01049	Delos Maritime Co., Ltd.: M/V Black Knight.
01086	Martalento Compania Naviera S.A. Panama: Polyvos.
01090	Wallem, Steckmest & Co., A/S: Kronviken.
01161	General Freighters Corp.: Alessandra. Nicola. Syrie.
01318	Aug. Bolten, Wm. Miller's Nachfolger: Karina.
01319	Cambridge Tankers Ltd.: Hunter Cambridge.
01341	John I. Jacobs & Co., Ltd.: Hollywood. Laurelwood. Oakwood.
01353	Rederi A. B. Fredrika: Ragunda. Gudmundra. Dorotea.
01357	Eastern Associated Terminals Co.: EAT 133. EAT 148.
01358	Orgulf Transport Co.: A. P. Boxley. J. N. Philips.
01359	The Ohio River Co.: ORT 126. ORT 121E. ORT 122. ORT 124. ORT 111.
01360	Midland Enterprises Inc.: John J. Rowe. Walter C. Beckjord. Ovec. Queen City. Robert T. Tibolt. Wm. H. Zimmer. L. Fiore. Elaine G. Helen S. Harllee Branch Jr. John Ladd Dean. Orco. Mike Creditor. Bob Benter. City of Huntington. Kenova.
01381	Shipping & Coal Co., Ltd.: Foreland.
01601	Tollana Shipping Corp.: Tollana.
01602	Efstathios Compania Naviera S.A.: Efstathios.
01719	Unterweser Reederei G.m.b.H., Bremen/Germany, Blumenthalstr: Kelkheim.
01763	The Western Pacific Railroad Co.: M/V Las Plumas.
01776	Perga Steamship Co. S.A.: Nimertis.
01780	Virgo Steamship Co., S.A.: Kapetan Georgis.
01782	Vota Steamship Co., S.A.: Aelio.
01789	Parnassos Shipping Corp.: M/V Marylisa.
01790	Rex Shipping Corp.: Alexandra Voyazides.
01829	Bayamon Tankers Corp.: Jasper.
01830	Cardon Tankers Corp.: Topaz.
01880	Victoria Shipping Co., Inc.: Van Fort.
01833	S.A.S.D.A. Societa Anonima: M/V Mario Z.
01884	Northern Barge Line Co.: NBL 1. NBL 2. NBL 3. NBL 4.
02038	Polskie Linie Oceaniczne: Stefan Batory. Wyspianski. Staszic. Sniadecki. Heweliusz. Domeyko. Romer. K. I. Galczynski. Henryk Jendza. Pawel Szwydkoj. Czacki. Boleslaw Chrobry. Boleslaw Smialy. Mieszko I. Zeromski. Sienkiewicz. Zawichost. Zawiercie. Zambrow. Zabrze. Zakopane. Zamosc. Hugo Kollataj. Krynica. Polanica. Brodnica.
02039	Gryf Szczecin, Poland: M/S Pomorze. M/S Gryf Pomorski. S/S Kaszuby. M/S Piast. M/T Likomur. M/T Kolen. M/T Korwin. M/T Lutjan. M/T Kniazik. M/T Likodyn. M/T Kanaryjka. M/T Kantar. M/T Lodowik. M/T Laskara. M/T Kulbin. S/T Kaczawa. S/T Karwia. S/T Krepina. S/T Radwa. S/T Hancza. S/T Osa. S/T Omulew. S/T Skawa. S/T Olza. S/T Opawa. S/T Sleza. S/T Slupia. S/T Skrwa. S/T Swider. S/T Szprotawa. S/T Obra. S/T Olawa. S/T Kwisa. S/T Lamienna.
02040	Odraswinoujscie: Sniardwy. Szczytno. Sejno. Gardno. Goplo. Jamno. Jasien. Foka. Finwal. Pletwal. Orka. Homar. Langusta. Narwal. Kaszalot. Sejwal. Wicko. Wigry. Morskie Oko. Morag. Mamry. Mielno. Miedwie.
02041	Dalmor Przedsiebiorstwo Polowow Dalekomorskich I Uslug Rybackich: Rawka. Pilona. Brda. Biebrza. Raba. Radomka. Rozoga. Przemsza. Brynica. Barycz. Poprad. Biala. Tanew. Tysmienica. Wierzyca. Walsza. Nidzica Gen. Rachimow. Dalmor. Pegaz. Carina. Lyra. Lepus. Lacerta. Libra. Uran. Neptun. Jowisz. Jupiter. Auriga. Aries. Feniks. Antlia.

Certificate No.	Owner/operator and vessels
	Andromeda.
	Virgo.
	Merkury.
	Apus.
	Centaurus.
	Cetus.
	Cygnus.
	Columba.
	Crater.
	Kastor.
02042---	Polskie Ratownictwo Okretowe:
	Jantar.
	Koral.
	Perkun
	Swarozyc.
02046---	Marveras Compania Naviera S.A.:
	Almar.
02047---	Amarilis Shipping Co. Ltd.:
	Amarilis.
02048---	Apollon Shipping Corp.:
	Apollon.
02049---	Astro Ascendente Compania Naviera S. A.:
	Aris.
02050---	Bluesea Corp.:
	Bluesea.
02051---	N. Michalos & Sons Maritime Co., Ltd.:
	Calliopi Michalos.
02052---	Cosmo Maritime Corp.:
	Cosmar.
02053---	Lozan Corp.:
	Lozan.
02054---	Paulcrown Compania Naviera S.A.:
	Paulcrown.
02055---	Conway Shipping Co., Ltd.:
	Victor.
02056---	West End Shipping Corp. S.A.:
	Anastasia V.
02057---	Regina Sea Transports Corp. S.A.:
	Joana.
02058---	General Maritime Concern:
	Lavender.
02134---	Viamani Compania Naviera S.A.:
	Atlantic Klif.
02135---	Armada ii Compania Naviera S.A.:
	Pacific Klif.
02181---	James L. Bryan:
	James L. Bryan.
	BBC-2002.
	BBC-2001.
02190---	Bugsier-, Reederei- und Bergungs-Aktiengesellschaft:
	M/V Weserland.
	M/V Hannoverland.
	M/V Ostfriesland.
	M/V Arctic.
	M/V Oceanic.
	M/V Seefalke.
	M/V Pacific.
	M/V Atlantic.
	M/V Albatros.
	M/V Baltic.
02191---	Manhattan Oil Transporation Corp.:
	Manoleine.
	Mantank.
	Manhunt.
	Betty K.
	Joan K.
	Supercraft.
	Starcraft.
	Ivor.
02200---	State of Washington:
	Vashon.
	M/V Kehloken.
	M/V Klahanie.
	M/V Chetzemoka.
	M/V Quinault.
	M/V Illahee.
	M/V Nisqually.
	M/V Klickitat.
	M/V Olympic.
	M/V Rhododendron.
	M/V Evergreen State.
	M/V Klahowya.
	M/V Tillikum.
	M/V Hiyu.
	M/V Kaleetan.
	M/V Yakima.
	M/V Elwha.
	M/V Kulshan.
02239---	Compagnia Marittima Carlo Cameli:
	San Giusto.
02295---	The Great Eastern Shipping Co., Ltd.:
	Jag Rekha.
02336---	Klis Compania Naviera S.A. Panama:
	Theodoros K.
02342---	Consolidated Mariners, Inc.:
	Essential.
02438---	Gefo Gesellschaft Fur Oeltransporte Mbh. & Co.:
	Gefo Sun.
02501---	Standard Oil Company of California:
	J. H. Tuttle.
	Hillyer Brown.
	Nevada Standard.
	Hawaii Standard.
	Arizona Standard.
	Washington Standard.
	Idaho Standard.
	Oregon Standard.
	H. D. Collier.
	J. L. Hanna.
	J. H. MacGaregill.
	F. S. Bryant.
	Utah Standard.
	M. E. Lombardi.
	Alaska Standard.
	S. O. Co. No. 18.
	Chevron Oiler.
	S. O. Co. No. 17.
	Standard Oiler.
	S. O. Co. No. 7.
	Chevron Tongass.
02575---	Sandra Shipping Co., Ltd.:
	Aurora.
02630---	The Offshore Co.:
	Hustler.
02713---	T. L. James & Co., Inc.:
	Clark.
	Tom James.
	BT-10.
	BT-1.
	BT-90.
	Lewis James.
	BT-51.
	Geo. D. Williams.
	BT-112.
	BT-105.
	BT-108.
	BT-109.
	BT-110.
	BT-104.
	BT-26.
	BT-79.
	BT-103.
	Bobby James.
	Gnat.
02714---	Golden Eagle Panama Inc.:
	Golden Petrel.
	Golden Condor.
	Golden Owl.
02718---	Almajor Shipping Co., Ltd.:
	Georgios Matsas.
02724---	Security Barge Line Inc.:
	Washington.
	Issaquena.
	Tunica.
02750---	H & S Transportation Co., Inc.:
	STC 2520 B.
	STC 2510.
	NBC 965.
	NBC 966.
	STC 2004.
	Christy 211.
	NBC 1452.
	Aileen Sanders.
02884---	West Africa Steamship Co., Ltd.:
	Prophet Elias.
02912---	R. & W. Marine Inc.:
	Louisiana.
	Solvay.
02913---	River Service Corp.:
	M/V 77.
	M/V 76.
	M/V 75.
02948---	Raymond International Inc.:
	Century.
	Constitution.
	Monarch.
	Colossus.
	Challenger.
	Commerce.
	Conqueror.
	California.
	S-69 Chelsea.
	S-78 Conductor.
	S-79 Cree.
	S-73 Commonwealth.
	S-74 Concord.
02959---	Kokuyo Kaiun Kabushiki Kaisha:
	Toyota Maru No. 15.
02978---	Corthian Shipping Corporation of Panama S.A.:
	Corthian.
02979---	The J. P. Porter Co., Ltd.:
	Lockeport.
03014---	Tarwave Shipping Co.:
	Tarpon Silver.
03015---	Tarspray Shipping Co.:
	Tarpon Clipper.
03016---	Tarsea Shipping Co.:
	Tarpon River.
03017---	Tarswift Shipping Co.:
	Tarpon Sea.
03047---	E. I. du Pont de Nemours & Co.:
	Chemical 704.
	Edge Moor I.
	EIDC 53.
	EIDC 54.
	EIDC 55.
	Chemical 702.
	Chemical 703.
	EIDC 6.
	Chemical 701.
	EIDC 51.
	EIDC 52.
	EIDC 7.
	Rep Acid.
	EIDC 5.
	EIDC 4.
	EIDC 3.
	Chemical 101.
	Chemical 102.
	EIDC 2.
	EIDC 1.
03070---	Coastal Towing Corp.:
	Coastal 2503.
	Coastal 2504.
	Coastal 2615.
	Coastal 2650.
	Chotin 1658.
	NBC 903.
	NBC 980.
03120---	Naves Transoceanicas Armadora S.A.:
	Aristokratis.
03122---	Santa Dodo Compania Naviera S.A. Panama:
	Stabenko.
03256---	Upper Mississippi Towing Corp.:
	Leslie Ann.
03258---	Mohawk Navigation Co., Ltd.:
	S/S Golden Hind.
	M/V Silver Isle.
	M/V Senneville.
03259---	Scott Misener Steamships Ltd.:
	M/V Ralph Misener.
	S/S J. N. McWatters.
	S/S John A. France.
	S/S Scott Misener.
	S/S John O. McKellar.
	S/S John E. F. Misener.
	S/S George M. Carl.
	S/S Royalton.
03271---	Sea-Land Service, Inc.:
	Chicago.
	New Yorker.
	Maiden Creek.
	Claiborne.
	Summit.
	Warrior.
	Wacosta.
	Afoundria.
	Arizpa.
	Gateway City.
	Raphael Semmes.
	Fairland.
	Bienville.
	Azalea City.
	Beauregard.
	Detroit.
	Ponce.
	Mayaguez.
	Baltimore.
	Philadelphia.
	Mobile.
	Portland.
	Brooklyn.
	Charleston.
	New Orleans.
	Seattle.
	Anchorage.
	Boston.
	Newark.
	Galveston.
	Tampa.
	Jacksonville.
	Houston.
	San Juan.
	Los Angeles.
	Elizabethport.
	San Francisco.
	Long Beach.
	Oakland.
	Panama.
	Trenton.
	Rose City.
	Pittsburgh.
	San Pedro.
	St. Louis.
03294---	Companhia de Navegacao Lloyd Brasileiro:
	Itapui.
03329---	Hudson Waterways Corp.:
	Seatrain Ohio.
	Seatrain Carolina.
	Seatrain Puerto Rico.
	Seatrain Maryland.
	Seatrain Florida.
	Seatrain Maine.
	Seatrain Washington.
03340---	Lloyds Africa Ltd.:
	Eastport.
	Bayport.
	Centerport.
	Greenport.
	Bellport.
	Freeport.
03372---	Compania Naviera Delagrazia S.A.:
	Agios Nicolaos IV.
03373---	Theopatoron Compania Naviera S.A.:
	Dimitris P. Lemos.
03375---	Astroneptuno Compania Naviera, S.A.:
	Dalemos.
03376---	Carnation Compania Naviera, S.A.:
	Irene S. Lemos.
03377---	Compania Naviera Avra S.A.:
	Kyrakatingo.
03378---	Compania Naviera Rimaran, S.A.:
	Marianna.
03379---	Compania Pacifica Financiera, S.A.:
	Maria P. Lemos.
03380---	Nava Strovili Compania Naviera, S.A.:
	Polydoros.
03381---	Compania Naviera Syra, S.A.:
	Rinoula.
03382---	Endeavour Compania Naviera, S.A.:
	Spalmatori Islands.
03383---	Spalmatori Compania Naviera, S.A.:
	Spalmatori Captain.
03384---	Apiganos Corp.:
	Spalmatori Engineer.
03385---	Marvigia Compania Naviera, S.A.:
	Spalmatori Seaman.
03386---	Compania Naviera Garoufalia, S.A.:
	Spyros A. Lemos.
03392---	Estralla Maritima S.A. de Navegacion y Comercio:
	Pecten.
	Kellia.
	Harvella.
	Estrella Argentina.
	Estrella Patagonica.
03410---	Pacoil Shipping Co. S.A. of Panama:
	Athenian Glory.
03411---	Athenian Shipping, Inc. S.A.:
	Athenian Lady.
03434---	Hoko Suisan K.K.:
	Hoko Maru No. 25.
03440---	Japan Kisen Kabushiki Kaisha:
	Kyokuryu Meru.
03447---	K.K. Kyokuyo:
	Kyokusei Maru.
03451---	Kowa Shosen K.K.:
	Japan Maple.
03477---	Nissui Laiun K.K.:
	Matsukaze Maru.
03502---	Shinyei Senpaku K.K.:
	Canada Maru.
03514---	Terukuni Kaiun K.K.:
	Kirishima Maru.
03569---	I/S Ringvard:
	M/S Ringvard.
03570---	I/S Ringar:
	M/S Ringar.
03571---	Ringsdals Rederi A/S and Olva Ringsdals Tankrederi A/S:
	M/S Ringstad.
03594---	Bordagain Shipping Co., Ltd.:
	Bordagain.
	Bordabarri.
	Borabekoa.
03637---	P.A. Van Es & Co. N.V.:
	Breevliet.
	Breevoort.
	Breeveld.
	Breezand.
	Breehorn.
	Bree-Helle.
	Kittiwake.
	Imber.
	Breehees.
03672---	Helena Marine Service, Inc.:
	HMS-105.
	HMS-102.
03679---	Miami Terminal Transport:
	Fred H. Billups.
	Mariam P. Billups.
	Irwin II.
	Out Islander.
	Freight Transporter.
	Mar Caribe.
	Freeport I.
03688---	The Pilots' Association for the Bay and River Delaware:
	M/V Philadelphia.
03693---	Tex-Tow, Inc.:
	George, Jr.
	David.
03695---	Wood River Harbor Service Co.:
	Bunker.
	CE-58.
	J. W. Good.
	GMC Barge.
03696---	Graham Towing Co.:
	IMS-2005.
	IMS-2006.
03857---	Jones & Laughlin Steel Corp.:
	Chem 2.
03861---	Far East Shipping Co.:
	S/S Akiko.
03938---	Liberian Virtue Transports, Inc.:
	World Pelagic.
04002---	Compagnie Des Messageries Maritimes:
	Zambeze.
	Kangourou.
	Moheli.
	Vaucluse.
	Vienne.
	Velay.
	Yang-Tse.
	Yalou.
	Oyonnax.
	Yarra.
	Tigre.
	Si-Kiang.
	Polynesie.
	Moonie.
	Le Natal.
	Kouang Si.
	Iraouaddy.
	Indus.
	Godavery.
	Gance.
	Gallieni.
	Euphrate.
	Mozambique.
	Pasteur.
04023---	Erie Sand and Gravel Co.:
	Wellston.
	M/V J. S. St. John.
04024---	Erie Sand Steamship Co.:
	M/V Niagara.
	S/S Sidney E. Smith, Jr.
	M/V Lakewood.
04065---	Altair Maritime S.A.:
	Aquila.
04066---	Taurus Shipping Co., Inc.:
	Akbar.
04084---	Ocean Messengers, Inc.:
	Seafarer.
04087---	Merichem Co.:
	ETT-104.
	ETT-105.
	MER-111.
	NMS-1304.
04098---	Hougland Barge Line, Inc.:
	WGH 9.
	WGH 10.
	JGH 33.
	WGH 14.
	RWH 43.
	WGE 15.
	WGH 11.
	WGH 12.
	WGH 16.
	WGH 21.
	WGH 31.
	Jackson Purchase.
	Pennyrile.
	WGH 47.
	Jayne Hougland.
	Frances M. Hougland.
	Warren Hougland.
	Jim Hougland.
	Walter G. Hougland.
04104---	Parkhill-Goodloe Co., Inc.:
	Dauntless.
04113---	Mon River Towing, Inc.:
	Jacob G.
	MRBL-12.
	MRBL-88.
	MRT-21.
	PO-1201.
	E-110 (Esso 110).
	Walker 24.
	GBL-4 (Hines 20).
	GBL-3 (IOC-2).
	GBL (IOT-2).
	GBL-1 (IOT-1).
	GBL-5 (IOT-5).
	GBL-6.

Certificate No.	*Owner/operator and vessels*
	GBL–7. GBL–8. GBL–9. GBL–10.
04123---	J. M. Johannesens Rederi A/S: Finse.
04129---	Missouri River Barge Lines, Inc.: M/V Vicksburg. M/V Belzoni.
04131---	Ocean Couriers, Inc.: Avenger.
04132---	Parco, Inc.: Elizabeth Turner.
04138---	Dixie Sand and Gravel Co.: Richard Hardy.
04170---	Dillingham Corp.: HTB–4. HTB–5. HTB–7. HTB–9. HTB–10. HTB–11. HTB–14. HTB–25. HTB–27. HTB–29. HTB–32. PT&S 378. Mikiona. MO I. Gaylord. C. F. Weeber. Mud Scow 2318. HD 2300.
04171---	Young Brothers Ltd.: YB–15. YB–16. YB–18. YB–19. YB–20. YB–22. YB–23. YB–24. YB–26. YB–30.
04175---	Atlantic, Gulf and Pacific Co.: 1501. Pittsburg. Barlow. Texas. Arundel (Mobile). Baltimore. Carolina. A.G. & P. Co. No. 74. A.G. & P. Co. No. 75. A.G. & P. Co. No. 62. A.G. & P. Co. No. 66. A.G. & P. Co. No. 76. SC 1099. SC 1100. A.G. & P. Co. No. 70. Florida. Peru.
04179---	Ory Bros. Marine Service, Inc.: CBL 302.
04183---	Vita Food Products, Inc.: Dipper. Viceroy.
04197---	Gulf Atlantic Towing Corp.: Manila. Caribe. GATCO 3060. GATCO 3061. GATCO 3062. GATCO 1603. GATCO 200. GATCO 165. GATCO 135. GATCO 102. GATCO 105. GATCO 106. H. G. Williams. GATCO 95. GATCO 83. GATCO 80.
04231---	Albright and Wilson Ltd.: Albright Explorer. Albright Pioneer.
04244---	Suchanan Shipping Co., Inc.: Star Clipper. Star Bay.
04245---	Breford Co., Inc.: Blankenberg.
04246---	Florida Panama Lines, Inc.: Tauros. Carlos Miguel. Loreto.
04258---	Trans World Navigation Corp., Ltd. Mandarin.
04264---	Keretis Comapnia Maritima S.A.: Capetan Costas Panou.
04269---	Vronca Compania Naviera S.A.: Kyra Katina.
04270---	Industrias Compania Naviera S.A.:. Caliopi.
04274---	Selestial Shipping Co.: Ourania.
04277---	C. W. Blakeslee & Sons, Inc.: William, P. Major.
04284---	Oil Base, Inc.: No. 324. SB–11. No. 320.
04291---	Barge Operations, Inc.: Anne Louise.
04292---	Mercury Tank Cleaning Corp.: Peter Frank.
04293---	General Marine Transport Corp.: Susan Frank.
04294---	Diversified Tansport, Corp.: Sam Berman.
04295---	Water Facilities, Inc.: Amy B.
04296---	Crystal Oil Co., Inc.: Alan Martin.
04319---	Catano Barge Corp.: Catano.
04365---	Roy Carl Furfiord: Sonya. Aleutian Fjord.
04376---	Panultra S. A.: Marietta E.
04387---	Seatankers, Inc.: Universal Conveyor. Universal Patriot. Cedros.
04406---	Alter Co.: Col. Davenport. Phyllis. Frank R. Alter.
04410---	Tenneco Oil Co.: Tenneco 150. Tenneco 128. Tenneco 125. Tenneco 160. Tenneco 161. Tenneco 170.
04444---	Mid-America Transportation Co.: Emma Bordner. Ann King.
04446---	Universal Marine, Inc.: UMI 1650. C. R. Clements. UMI 1822B. UMI 2408. UMI 2407. UMI 2223B. UMI 2222B. UMI 2521. UMI 2523. UMI 2564. UMI 2563. UMI 2550. UMI 2551. UMI 2822B. UMI 2821. UMI 2820.
04451---	Venus International Corp.: Pleias. Venus Challenger.
04454---	Satsumaru Kaiun K.K.: Satsu Maru No. 16.
04456---	Venus Maritime Corp.: Venus Argosy. Venus Bounty.
04492---	Haruki Suisan Kabushiki Kaisha: Yukonaru No. 18.
04547---	Mr. Katsujiro Yamazaki: Kotohiramaru No. 38.
04558---	Daiei Gyogyo Kabushiki Kaisha: Takuyo Maru.
04607---	The Bridgeport and Port Jefferson Steamboat Co.: Martha Vineyard.
04629---	Smit International (Antilles) N.V.: Schelde.
04631---	O. L. Schmidt Barge Lines, Inc.: No. 29. No. 28. No. 26. No. 25.
04635---	Crescent Towing & Salvage Co., Inc.: Humrick.
04641---	American Tug Boat Co.: ATB–96. ATB–97. ATB–99.
04679---	Ratnakar Shipping Co., Ltd.: Ratna Manjushree. Ratna Chandralekha. Ratna Usha. Ratna Jayshree.
04703---	Yokkaichi Gyogyo Kabushiki Kaisha: Nanseimaru No. 17. Daienmaru No. 11.
04774---	Imperial Shipping Trading Corp. Panama: Crown III.
04791---	Atlantic Navigation Ltd.: Dolphin.
04805---	Big T Towing Co., Inc.: Tennessee.
04806---	Feeder Line Towing Service, Inc.: Linda.
04807---	Williamson Marine Transport, Inc.: Ohio.
04808---	Tri-W Towing Co., Inc.: Tri-W.
04809---	Williamson Towing Co., Inc.: Greenville.
04848---	Surrendra Overseas Ltd.: APJ Priya. APJ Akash. APJ Anjli. APJ Sushma. APJ Ambika.
04882---	Compania Naviera Para Niajes Sud America S.A.: M/V Pantelis.
04883---	Bumble Bee Seafoods, A: Anne M.
04884---	Hall Corp. (Shipping) 1969 Ltd.: Inland Transport. James Transport. River Transport. Hudson Transport. Sea Transport. Cove Transport. Lake Transport. Cape Transport. Bay Transport. Halifax. Stonefax. Orefax. Maplecliffe Hall. Ottercliffe Hall. Lawencecliffe Hall. Frankcliffe Hall. Beavercliffe Hall. Hutchcliffe Hall. Northcliffe Hall. Coniscliffe Hall. Industrial Transport. Chemical Transport.
04899---	Navmachos Shipping Co.: Navmachos.
04900---	Okeanomachos Compania Naviera S.A.: Okeanomachos.
04901---	Ogden Amazon Transport, Inc.: Ogden Amazon.
04902---	Ogden Thames Transport, Inc.: Ogden Thames.
04903---	Hudson Transport, Inc.: S/S Hudson.
04907---	Jamea River Transport, Inc.: S/S James.
04917---	Wabash Transport, Inc.: S/S Ogden Wabash.
04919---	Albany River Transport, Inc.: S/S Albany.
04986---	Rederij M/V Leo Polaris: Leo Polaris.
05000---	Mullion Tankers Ltd.: Prima. Seconda.
05001---	Wenduyne Shipping Co., Ltd.: Wenduyne.
05004---	Flowers Transportation, Inc.: Glenda S.
05008---	Star-Kist Foods, Inc.: Cheryl Marie. Freedom. Apollo. Angela. Mary Antoinette. Jasna. Vida. Antonina C.
05016---	Hess Oil Virgin Islands Corp.: U 704. Hovic 4. Thatch Cay.
05042---	State of Alaska Department of Public Works: M/V Wickersham. M/V Malaspina. M/V Matanuska. M/V Taku. M/V Tustumena. M/V Bartlett.
05058---	Oriental Bulk Carriers, Inc.: Atlantic Challenge.
05083---	Marwell Caribe, Inc.: Western Warrior. Allan Judith.
05153---	William Holm Jacobsen: Christian Holm.
05204---	Steuart Transportation Co.: STC 104. STC 101. STC 102. STC 106. STC 107. STC 109. Auntie Mame. T/B Elizabeth S.
05206---	McDonough Co.: West Virginian Dredge. Joe Lucas Dredge.
05213---	Americas Navigation Co., S.A.: S/S Citizens UNA.
05232---	Diamond Drilling Co.: ST–65. ST–64.
05250---	Fleet Towing Co.: Invader. Illinois.
05276---	M/S Silur-Von Colln-Schiffahrts-kommandit-Gesellschaft: Sovereigh Jade.
05287---	CWC Fisheries, Inc.: Alaska Queen. Ocean Maid.
05289---	Connaught Tankers Corp.: Cumbernauld.
50299---	Waterways Marine of Greenville, Inc.: GWG 202.
05322---	Gloria Navigation Line Co.: Gloria Siderum.
05305---	Clio Navigation S.A. Panama: Charalambos.
05361---	Mismar Motorship Corp.: Miss Marietta.
05362---	Minimich Corp.: M/V Michalakis.
05363---	Maistros Corp.: M/V Master Petros.
05364---	Minimar Corp.: M/V Mary.
05378---	Gulf States Oil Transportation Co.: Gulf States 3000. Gulf States 1001. Gulf States 1000. Gulf Statea 3001. Gulf States 2401. Gulf States 2400.
05380---	Tridentco Shipping Ltd.: Sovereign Ruby.
05386---	Zip Corp.: S/S Cohansey.
05405---	Linea Amazonica S.A.: Atahualpa.
05432---	Lloyd Triestino-Societa: per Azioni di Navigazione: Galileo Galilei. Guglielmo Marconi.
05458---	Oceanic Freighters Corp.: M/V Lady Era.
05459---	Neptunia Inc.: M/V Theodore.
05460---	Alkman Inc.: M/V Alkman.
05461---	Oceanica Inc.: M/V Oceanic.
05462---	Atlantis Corp.: M/V Helen.
05462---	Apollo Corp.: M/V Apollo.
05464---	Pacific Corp.: M/V Christitsa.
05465---	Alcyonia Corp.: M/V Ima.
05468---	Luna IV Compania Naviera S.A. Panama: Papanicolis.
05469---	Santaroza Navigation Co., Ltd.: Katina M.
05490---	Levingston Shipbuilding Co.: Golden Rule. Helping Hand.
05492---	Nuffiels Shipping, Inc.: Independent Trader.
05494---	Moore Terminal & Barge Co., Inc.: Margaret M. Betty M. Jimmy M. Christine M. John, Jr. Betty Elizabeth. James W. Moore-100. James, Jr.
05495---	Per Hagen's Rederi: Aksvik.
05497---	Holy Co., Ltd.: M/V Holy.
05502---	Independent Pioneer Navigation (Liberia) Ltd.: Independent Pioneer.
05504---	Wavecrest Shipping Co., Ltd.: Agia Sophia.
05527---	Rancocas Steamship Co.: Coral Gem.
05530---	Consolidated Towing Co.: Melinda B.
05539---	Westgate Terminala, Inc.: Southgate. Westgate. Independence. Concho. Missouri. Westport. San Juan. United States. Carol Virginia. Mary Barbara. Lois Seaver. Larry Roe. Elsie A.
05540---	Kaiser Steel Corp.: Maddy B.
05549---	Polska Zegluga Morska: M/V Manifest Lipcowy. M/V Powstaniec Slaski. M/V Ziemia Kielecka. M/V Ziemia Szczecinska. M/V Ziemia Lubuska. M/V Ziemia Wielkopolska. M/V Ziemia Gdanska. M/V Ziemia Mazowiecka. M/V Ziema Loszalinska.
05551---	Lyra Shipping Corp.: Harp.
05555---	Potomac Sand and Gravel Co.: PS&G Arlington. PS&G Dredge No. 8. Keystone.
05557---	Astrovivo Compania Naviera S.A.: S/S Stravros.
05558---	Guadoro Compania Naviera S.A.: S/S Panagia Kounistra.
05561---	Inland Steel Co.: Wilfred Sykes. E. J. Block. Clarence B. Randall. Philip D. Block. L. E. Block. Edward L. Ryerson.
05564---	Europa Shipping Corp.: Marathonian.
05565---	Fairfield Shipping Corp.: Stephanie.
05566---	Jutland Shipping Corp.: Elisabeth
05567---	Mid-Atlantic Steamship Corp.: Sounion.
05568---	African Shipping Enterprises Ltd.: Aktion.
05577---	Far-Eastern Steamship Co.: Alexander Vermishev. Gamzat Tsadasa. Ivan Kotliarevsky. Konstantin Paustovsky. Makhtum Kuli. Alisher Navoi. Ovanes Tumanyan. Okhotsk. Ola. Otradnoe. Orsha. Ornburg. Novikov-Priboy. Gavriil Derzhavin. Sergey Essenin. Vladimir Mayadovsky. Nikolay Karamzin. Suleyman Stalsky.
05582---	Mesa Industri-Og Skipsservice A/S: Elisabeth.
05585---	Freeport Barge Lines, Inc.: Hines 32. Hines 33.
05587---	Fairplay Schieppdampfschiffs-Reederei Richard Borchard G.m.b.H.: Fairplay IX.
05593---	Interessentskapet Pacific: M/V Pacific Express.
05595---	Interessentskapet Obo: M/A Obo Prince.
05599---	Unity Maritime Corp.: Unity.
05605---	Faircape Steamship Corp.: M/V Stamatios.
05606---	Antria Shipping Co., Ltd., Monrovia: Akra Aktion.

Certificate No.	*Owner/operator and vessels*
05607---	Hannah Inland Waterways Corp.:
	No. 3102.
	No. 3101.
	No. 2903.
	No. 2902.
	Hannah 2901.
	Hannah 2004.
	Hannah 2003.
	Hannah 2002.
	Hannah 2001.
	Muskegon.
05609---	Saint Nicolas Shipping Co.:
	Mariner.
05610---	Davis Construction Co.:
	D-6521.
	D-6220.
05616---	Eastern Maritime Corp. Ltd.:
	M/V Eastern Mariner.
05617---	Maritima Del Norte, S.A.:
	Sierra Andia.
	Sierra Aramo.
	Sierra Aranzazu.
	Sierra Luna.
	Sierra Lucena.
	Sierra Fria.
	Sierra Madre.
	Sierra Maria.
05618---	Compania Naviera Unitas S.A.:
	Argolis.
05619---	Paleocrassas Brothers & Partners:
	Captaynnis.
05620---	Sociedad de Navegacion Albion S.A.:
	M/S Ekali.
05624---	P. N. Pertambangan Minjak Dan Gas Bumi Nasional (Pertamina):
	Permina 104.
	Permina 101.
	Permina 102.
	Permina 1006.
	Permina 1005.
	Permina 1003.
	Permina 1002.
	Permina 1001.
	Permina 1004.
	Permina 103.
	Permina 107.
	Permina Samudra IV.
	Permina Samudra V.
	Permina Samudra II.
	Permina Samudra I.
05625---	Maritime International Development Corp., Ltd.;
	M/V Hoi Fung.
05626---	Muhammadi Steamship Co., Ltd.:
	Al Hasan.
	Al Ahmadi.
	Al Abedin.
	Al Kulsum.
	Al Abbas.
	Al Murtaza.
05627---	Gestioni Esercizio Navi Sicilia-G.E.N.S. S.p.A.:
	Capo Noli.
05628---	Capricorn Lines (Proprietary) Ltd.:
	Safocean Auckland.
	Safocean Albany.
05629---	General Electric Co.:
	Gowanus Bay No. 1.
	Gowanus Bay No. 2.
	Gowanus Bay No. 3.
	Gowanus Bay No. 4.
05630---	Newport News Shipbuilding and Dry Dock Co.:
	Atlas.
	Tank Barge No. 25.
05635---	Mr. Masanori Yoshinoya:
	M/S Sagami Maru.
05637---	Hagimori Kaiun K.K.:
	Tenryo Maru.
	Tenkai Maru.
05641---	Maisam Shipping Co., S.A.:
	Achaika Star.
05643---	A/S Marva:
	Marva.
05644---	Hurricanesea Compania Navirera Panama:
	Alphard.
05656---	Ceylon Shipping Corp., Ltd.:
	Lanka Rani.
05658---	Naviera Guanche, S.A.:
	Guayarmina.
	Guayadeque.
05670---	Vasco Madrilena de Navegacion S.A.:
	Valle de Orozco.
	Cantonad.
	Irus.
05695---	O.K. Service Shipping Ltd.:
	O.K. Service X.
05704---	Murmansk Steamship Co.:
	Vasya Shiphskovsky.
	Stanislavsky.
	Ivan Moskvin.
	Vasiliy Kachalov.
	Nemirovich Danchenko.
	Leonid Leonidov.
	Dneproges.
	Volkhovges.
	Rionges.
	Kuibyshevges.
	Angarges.
	Tsimlyanskges.
	Navarin.
	Vasya Kotik.
	Sasha Kovalev.
	Galya Komleva.
	Indigirka.
	Zapolyarny.
	Shura Kober.
	Le A.
	Nina Kukoverovwa.
	Vasya Korobko.
	Sasha Borodulin.
	Juta Bondarovskaya.
	Murman.
	Bukhtarma.
	Olenegorsk.
	Segezha.
	Gizhiga.
05706---	Chowgule Steamships Ltd.:
	M/V Maratha Providene.
	M/V Maratha Progress.
M-02496	United States Steel Corp.:
	Vessels held for purposes of construction, scrapping or sale, but not including vessels over 1,000 gross tons.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6554 Filed 5-11-71;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ARKANSAS BANKSTOCK CORP.

Order for, and Notice of, Reconsideration

In the matter of the application of First Arkansas Bankstock Corp., Little Rock, Ark., for approval of acquisition of 80 percent or more of the voting shares of The Stephens Security Bank, Stephens, Ark.

This matter comes before the Board of Governors on Petition by First Arkansas Bankstock Corp. requesting that the Board reconsider its order dated February 22, 1971 (36 F.R. 3852), whereby the Board denied the application of First Arkansas Bankstock Corp., filed pursuant to section 3(a) of the Bank Holding Company Act of 1956, for prior approval of the acquisition of 80 percent or more of the voting shares of The Stephens Security Bank.

The Board's original action was specifically due to the enactment in Arkansas, subsequent to the filing of the application, of a statute prohibiting the formation and expansion of multibank holding companies. The petition is based upon a recently enacted Arkansas statute which exempts from the general prohibition applications in process before the Board prior to the passage of the first statute. In view thereof, the Board finds that reconsideration would be appropriate in order to reach a decision as to the merits of the application.

It is hereby ordered, That the Petition for Reconsideration of the application be and hereby is granted. In order to facilitate such reconsideration, not later than thirty (30) days after the publication of this order in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application, as amended, may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of the Governors,[1] May 4, 1971.

KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6583 Filed 5-11-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5020]

APPALACHIAN POWER CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealers in Commercial Paper and Exception From Competitive Bidding

MAY 5, 1971.

Notice is hereby given that Appalachian Power Co. (Appalachian), 40 Franklin Road, Roanoke, VA 24009, an electric utility subsidiary company of American Electric Power Co., Inc., a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Appalachian requests that from the date of the granting of this application to June 30, 1973, the exemption from the provisions of section 6(a) of the Act, afforded to it by the first sentence of section 6(b) of the Act, relating to the issue of short-term notes, be increased to the extent necessary to cover the issuance and sale of notes to banks and to dealers in commercial paper up to the maximum amounts allowable under its Articles of Association. Appalachian's Articles of Association provide among other things, that Appalachian may not incur unsecured indebtedness with maturities of less than 10 years (other than obligations to pay the purchase price of material or equipment made in the ordinary course of business) in an aggregate amount which would exceed 10 percent of the capitalization of the company, without the consent of the holders of a majority of the total number of shares of cumulative preferred stock of all series then outstanding. Pursuant to an order of the Commission dated March 30, 1971 (Holding Company Act Release No. 17070), Appalachian has proposed to the holders of the shares of cumulative preferred stock, for their consideration at a special meeting of shareholders to be held on May 19, 1971, that until January 1, 1975, the company be authorized to incur additional short-term indebtedness in excess of 10 percent, but not in excess of 20 percent (when taken together with the company's outstanding unsecured debentures), of the aggregate of the total principal amount of all bonds or other secured indebtedness of the company and the capital and surplus of the company, provided that none of such short-term debt shall mature later than June 1, 1975. As of March 31, 1971, the maximum amount of short-term indebtedness which Appalachian can incur is $73,330,000, and if the holders of the cumulative preferred stock approve the aforementioned proposal, Appalachian could incur $27,800,000 additional short-term indebtedness. Thus, Appalachian now proposes to issue short-term notes to banks and commercial paper dealers in an aggregate amount not to exceed $101,130,000 outstanding at any one time, including short-term notes presently outstanding. Increases in this amount may be authorized by supplemental order of the Commission. The notes are to be issued from time to time prior to June 30, 1973, as funds are required: *Provided,* That none of the notes will mature later than December 31, 1973.

The proceeds from the issue and sale of the notes will be used by Appalachian to reimburse its treasury for past expenditures made in connection with its construction program, to pay part of the cost of its future construction program, and for other corporate purposes. Such construction expenditures for the second half of 1971 and for the year 1972 are estimated to total $63 million and $81 million, respectively. The application states that, unless otherwise authorized by the Commission, all of the short-term debt of Appalachian will be retired by December 31, 1973, from internal cash resources, debt or equity financing, or cash capital contributions.

Each note payable to a bank to be issued by Appalachian will be dated as of the date of the borrowing which it evidences and will mature not more than 270 days after the date of issuance or renewal thereof. Each such note will bear interest no greater than the prime rate of commercial banks at the time of issuance or in effect from time to time and will be prepayable at any time without premium or penalty. Appalachian will not effect any borrowing from banks pursuant to this application until an amendment thereto has been filed setting forth the name or names of the banks from which such borrowings are to be effected and such amendment shall have been granted by order of the Commission.

The commercial paper will be in the form of promissory notes in denominations of not less than $50,000 nor more than $5,000,000 and will be of varying maturities, with no maturity more than 270 days after the date of issue; none will be prepayable prior to maturity. The commercial paper notes of Appalachian will be sold directly to not more than two dealers at a discount not in excess of the discount rate per annum prevailing at the time of issuance for commercial paper of comparable quality and maturity. No commercial paper notes will be issued having a maturity more than 90 days at an effective interest cost which exceeds the effective interest cost at which Appalachian could borrow from banks. The dealers will reoffer the commercial paper notes to not more than 100 of their customers identified and designated in a list (nonpublic) prepared in advance. It is expected that Appalachian's commercial paper notes will be held by each dealer's customers to maturity, but if the customers wish to resell prior to maturity, the dealer, pursuant to a verbal repurchase agreement, will repurchase the notes and reoffer them to others in its group of 100 customers.

Appalachian requests exception from the competitive bidding requirements of Rule 50 for the proposed issue and sale of its commercial paper pursuant to paragraph (a)(5) thereof on the grounds that it is not practicable to invite competitive bids for commercial paper and that current rates for commercial paper of prime borrowers such as Appalachian are published daily in financial publications. Appalachian also requests authority to file certificates under Rule 24 with respect to the issue and sale of commercial paper hereafter consummated pursuant to this proceeding on a quarterly basis.

The application states that expenses related to the proposed transactions are estimated not to exceed $2,500. It is further stated that the Virginia State Corporation Commission has jurisdiction over the transactions proposed by Appalachian and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 27, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6603 Filed 5-11-71;8:48 am]

[812-2782]

DANA LABORATORIES, INC.

Notice of Filing of Application for Order Authorizing Proposed Transaction

MAY 5, 1971.

Notice is hereby given that Dana Laboratories, Inc. (Dana) 500 Newport Center Drive, Newport Beach, CA 92660, a California corporation, has filed an application pursuant to section 17(b) of the Investment Company Act of 1940 (Act) for an order exempting from the provisions of section 17(a) a proposed transaction involving the purchase by Dana from, or exchange of real property between Dana and Dana's president, John F. Bishop, and his wife. All interested persons are referred to the application on file with the Commission for a full statement of the representations therein, which are summarized below.

Christiana Securities Co. (Christiana), a registered closed-end investment company, owns approximately 28 percent of the outstanding common stock of E. I. du Pont de Nemours and Co., which, in turn, owns approximately 32.7 percent of the common stock of Dana.

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[1] Voting for this action: Chairman Burns and Governors Robertson, Daane, Maisel, and Brimmer. Absent and not voting: Governors Mitchell and Sherrill.

Under sections 2(a)(3) and 2(a)(9) of the Act, Dana is presumed to be a controlled company of Christiana. Bishop is a director, chairman of the board of directors, and president of Dana and owns beneficially 10.6 percent of its common stock, of which 2.5 percent is held in trust for his minor children; under section 2(a)(3) of the Act, Bishop is an affiliated person of Dana.

Dana proposes to acquire from the Bishops, pursuant to an option, 8 acres of real property upon which certain of Dana's manufacturing facilities are located. Under the terms of the agreement between Dana and the Bishops, the Bishops shall have 18 months from the date the order of exemption is granted within which to select a parcel of real property to be acquired by Dana. If such selection is made, Dana has agreed to acquire such property and subsequently transfer it to the Bishops in exchange for the Bishops' property. In the event that the Bishops fail to select real property within the 19-month period, the parties have agreed that applicant may purchase the Bishops' property for cash, as described below. The Bishops have agreed not to select real property owned by an affiliated person of Dana, du Pont, or Christiana. Dana may reject the property within the 18-month period, the Bishops will refrain from exercising control over or influencing in any way Dana's decision to or not to purchase the property selected by the Bishops. Dana has undertaken to file with the Commission a final report on the acquisition of real property contemplated by the agreements.

Exercise of the option for a cash purchase would be at fair market value of the properties, but in no event less than $360,000 plus cost to the Bishops of buildings and other improvements. Such costs amounted to $1,025,474 for a total minimum price of $1,385,474. However, two independent appraisers have valued the property at $1,550,000, and Dana has exercised the option to purchase the properties at an amount $30,000 below the appraised fair market value of the property. Dana is to pay cash in the amount of $1,520,000 less the balance unpaid on a promissory note dated March 31, 1968, in the principal amount of $1,065,000, and assume the Bishops' remaining obligations under the promissory note.

Section 17(a) of the Act, as here pertinent, prohibits an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from a controlled company of such registered company any securities or other property unless the Commission, upon application pursuant to section 17(b), grants an exemption from the provisions of section 17(a) after finding that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of such investment company and with the general purposes of the Act.

Notice is further given that any interested person may, not later than May 25, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Dana at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6604 Filed 5-11-71;8:48 am]

[70-5018]

GEORGIA POWER CO.

Notice of Proposed Issue and Sale of First Mortgage Bonds

MAY 5, 1971.

Notice is hereby given that Georgia Power Co. (Georgia), 270 Peachtree Street NW., Atlanta, GA 30303, an electric utility subsidiary company of The Southern Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 6(b) of the Act and Rule 50 promulgated thereunder as applicable to the proposed transaction. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transaction.

Georgia proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $100 million principal amount of its First Mortgage Bonds, ------ percent Series, to mature not less than 5 years and not more than 30 years from the second day of the calendar month within which the bonds are issued. Georgia will decide on the maturity of the bonds after the date of public invitation for proposals and subsequently notify prospective bidders, but not less than 72 hours prior to the time of the bidding. The interest rate (which will be a multiple of one-eighth percent) and the price, exclusive of accrued interest, to be paid to Georgia (which will be not less than 99 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture, dated as of March 1, 1941, between Georgia and Chemical Bank, as trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated June 1, 1971, which includes a prohibition until June 1, 1976, against refunding the bonds with the proceeds of funds borrowed at a lower annual cost of money. The proceeds from the sale of the bonds will be used to finance, in part, Georgia's 1971 construction program (estimated to be $363,787,000), to repay short-term notes incurred for such purpose (both bank notes and commercial paper), to retire outstanding bonds, and for other lawful purposes.

It is stated that the Georgia Public Service Commission has expressly authorized the proposed issuance and sale of the bonds by Georgia and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction. The fees and expenses to be incurred in connection with the transaction will be supplied by amendment.

Notice is further given that any interested person may, not later than May 25, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6605 Filed 5-11-71;8:48 am]

[70-5019]

OHIO EDISON CO.

Notice of Proposed Issue and Sale of Bonds at Competitive Bidding and Issue of Bonds for Sinking Fund Purposes

MAY 5, 1971.

Notice is hereby given that Ohio Edison Co. (Ohio Edison), 47 North Main Street, Akron, OH 44308, a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

Ohio Edison proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $60 million principal amount of First Mortgage Bonds ------ percent Series of 1971 due 2001. The interest rate of the bonds (which will be a multiple of one eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to Ohio Edison (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under Ohio Edison's indenture dated as of August 1, 1930, between Ohio Edison and Bankers Trust Co., trustee, as heretofore amended and supplemented and as to be further amended and supplemented by a 20th Supplemental Indenture to be dated as of the first day of the calendar month in which the bonds are issued. The supplemental Indenture includes a prohibition until June 1, 1976, against refunding the issue with funds borrowed at a lower annual cost of money.

The proceeds from the sale of the new bonds will be used for the acquisition of property, the construction, completion, extension, renewal, or improvement of Ohio Edison's facilities or for the improvement of its service, or for repayment of unsecured short-term debt, estimated to be outstanding at the time of issue in the amount of $20 million, or for the reimbursement of its treasury for expenditures made for such purposes. Ohio Edison's construction expenditures for the year 1971 are estimated at $103,714,000.

Ohio Edison also proposes, on or about November 1, 1971, to issue an additional $427,000 principal amount of its First Mortgage Bonds 3¼ percent Series of 1955 due 1985, under the provisions of its 12th Supplemental Indenture dated as of May 1, 1955, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be identical with those authorized by the Commission on April 8, 1971 (Holding Company Act Release No. 17091), and are to be issued on the basis of property additions. Ohio Edison estimates that, after the proposed issue of the new bonds and the sinking fund bonds, unfunded net property additions will amount to approximately $92,998,000 as of December 31, 1970.

It is stated that the issuance of the new bonds and the sinking fund bonds is subject to the jurisdiction of the Public Utilities Commission of Ohio and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. The fees and expenses to be paid in connection with the sinking fund bonds are estimated at $600. The fees and expenses in connection with the new bonds are to be filed by amendment.

Notice is further given that any interested person may, not later than May 26, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6606 Filed 5-11-71;8:48 am]

DEPARTMENT OF LABOR

Office of the Secretary

[Secretary of Labor's Order 14-71]

AGE DISCRIMINATION IN EMPLOYMENT

Delegation of Authority and Assignment of Responsibility for Administration and Enforcement

1. *Purpose.* This order delegates authority and assigns responsibility for the performance of functions assigned to the Secretary of Labor pursuant to the Age Discrimination in Employment Act of 1967 (Public Law 90–202).

2. *Background.* The Age Discrimination in Employment Act of 1967 was enacted to promote employment of older persons based on their ability to prohibit arbitrary age discrimination in employment; and to help employers and workers find ways of meeting problems arising from the impact of age on employment.

3. *Delegation of authority and assignment of reseponsibilities.* a. The Assistant Secretary for Manpower is hereby delegated authority and assigned responsibility for:

(1) Undertaking studies concerning the needs and abilities of older workers, and their potentials for continued employment and contribution to the economy;

(2) Undertaking or promoting research, with a view to reducing barriers to the employment of older persons, and the promotion of measures for utilizing their skills including publishing and otherwise making available to employers, professional societies, and the various media of communication, and other interested persons the findings of research studies;

(3) Helping employers and workers find ways of meeting problems arising from the impact of age on employment other than the administrative and enforcement activities (including conciliation) delegated to the Assistant Secretary for Employment Standards;

(4) Undertaking an appropriate study of institutional and other arrangements, giving rise to involuntary retirement, and preparing for the Assistant Secretary for Employment Standards a report of findings, pursuant to section 5 of the Age Discrimination in Employment Act, and undertaking other studies and preparing appropriate recommendations to the Assistant Secretary for Employment Standards concerning the Age Discrimination in Employment Act; and,

(5) Promoting employment of older workers through the public employment service system and through cooperative effort (including regional, state, and local agencies and employers, labor organizations, and employment agencies), the

development of facilities of public and private associations for expanding the opportunities and potentials of older persons.

b. The Assistant Secretary for Employment Standards is hereby delegated authority and assigned responsibility for:

(1) Issuing interpretations, rules, and regulations on the advice of the Solicitor, and establishing reasonable exemptions to and from any or all provisions of the Age Discrimination in Employment Act;

(2) Effecting voluntary compliance and attempting to eliminate alleged discriminatory practices and barriers to employment through informal methods of conciliation, conferences, and persuasion;

(3) Carrying on a continuing program of education and information including preparing and disseminating posters, pamphlets, and other information aids to promote voluntary compliance and to assist in the enforcement of the law, and, in this connection, cooperating with regional, State, local, and other agencies and cooperating with and furnishing technical assistance to employers, labor organizations, and employment agencies;

(4) Enforcing the provisions of the Act in accordance with the applicable provisions of the Fair Labor Standards Act and the Age Discrimination in Employment Act, including making investigations and requiring the keeping of records necessary or appropriate for administration of the Age Discrimination in Employment Act;

(5) Notifying promptly all persons named as prospective defendants in a proposed civil action by an individual and seeking to eliminate any alleged unlawful practices by informal methods;

(6) Undertaking appropriate studies to evaluate and appraise the effectiveness of the Act and preparing an annual report of findings and appropriate legislative recommendations pursuant to section 13 of the Act;

(7) Preparing for the Secretary recommendations with respect to desirable measures to change the lower or upper age limits specified in the Age Discrimination in Employment Act, pursuant to section 3(b) of the Act;

(8) Representing the Department of Labor at interagency councils or committees relating to matters concerning discrimination in employment on the basis of age;

(9) Assisting States in developing laws prohibiting age discrimination and sponsoring programs to achieve that end.

c. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the Age Discrimination in Employment Act of 1967.

4. *Redelegation.* The authority delegated and responsibilities assigned by this order may be further redelegated.

5. *Reservation of authority.* The following functions are reserved to the Secretary:

a. Submission of reports and recommendations to the President and the Congress concerning the administration of the Age Discrimination in Employment Act.

b. The bringing of legal proceedings under the Age Discrimination in Employment Act, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor.

6. *Directives affected.* Secretary's Order 11–68 is hereby canceled.

7. *Effective date.* This order is effective April 28, 1971.

Signed at Washington, D.C., this 4th day of May 1971.

J. D. Hodgson,
Secretary of Labor.

[FR Doc.71-6590 Filed 5-11-71;8:47 am]

[Secretary of Labor's Order 12–71]

ASSISTANT SECRETARY FOR OCCUPATIONAL SAFETY AND HEALTH

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* This order delegates authority and assigns responsibilities of the Secretary of Labor regarding occupational safety and health functions including those set forth in the Occupational Safety and Health Act of 1970.

2. *Background.* Public Law 91–596, the Occupational Safety and Health Act of 1970, assigned major additional responsibilities to the Secretary of Labor in the field of occupational safety and health and established in the Department an Assistant Secretary for Occupational Safety and Health.

3. *Transfer of functions.* This order transfers and assigns all of the safety and health responsibilities (but not including responsibilities under the Child Labor provisions of the Fair Labor Standards Act) and related personnel, equipment and facilities, which were heretofore assigned to the Workplace Standards Administration (renamed Employment Standards Administration) to the Assistant Secretary for Occupational Safety and Health, and consolidates activities in support of these responsibilities with those assigned under the Occupational Safety and Health Act.

4. *The Occupational Safety and Health Administration* (OSHA). There is established in the Department of Labor an Occupational Safety and Health Administration which shall be headed by the Assistant Secretary for Occupational Safety and Health who reports to the Secretary of Labor.

5. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Occupational Safety and Health is hereby delegated authority and assigned responsibility for carrying out the safety and health programs and activities of the Department of Labor including the safety and health functions to be performed by the Secretary of Labor under:

(1) Occupational Safety and Health Act of 1970;

(2) Walsh-Healey Public Contracts Act of 1936, as amended;

(3) Service Contract Act of 1965;

(4) Contract Work Hours and Safety Standards Act;

(5) Maritime Safety Act of 1958;

(6) National Foundation on the Arts and Humanities Act of 1965;

(7) 5 U.S.C. 7902 and any Executive order thereunder;

(8) The responsibilities of the Secretary of Labor with respect to labor safety and health provisions of any other Federal statutes.

b. In carrying out the authority and responsibility delegated under this order, the Assistant Secretary for Occupational Safety and Health shall perform the above functions in accordance with existing Governmental and Departmental regulations, including Chapter 4–1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing, and Analyzing Planned Versus Actual Performance, and Evaluating Program Effectiveness.

c. The Assistant Secretary is delegated authority for making organizational changes within policies established by the Secretary in accordance with the provisions of Chapter 4–200 of the Manual of Administration.

d. The Assistant Secretary shall coordinate his efforts with efforts of other officials or agencies having responsibilities in the occupational safety and health area.

e. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to the Secretary and all officers of the Department relating to the administration of the statutes and Executive order listed in paragraph 5a above.

f. The Commissioner of the Bureau of Labor Statistics is hereby delegated specific authority and assigned responsibility for:

(1) Furthering the purposes of the Occupational Safety and Health Act by developing and maintaining an effective program of collection, compilation, and analysis of occupational safety and health statistics;

(2) Making grants to States or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics under sections 18, 23, and 24 of the Occupational Safety and Health Act; and

(3) Coordinating his functions with the Assistant Secretary for Occupational Safety and Health.

g. The authority and responsibility delegated to the Assistant Secretary for Occupational Safety and Health, the Solicitor of Labor and the Commissioner of the Bureau of Labor Statistics may be redelegated by them.

6. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the statutes and Executive order listed in paragraph 5a above.

(2) The bringing of legal proceedings under the statutes listed in paragraph 5a above, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor, who may appear for and represent the Secretary in civil litigation as authorized by law.

7. *Interim rules.* In the implementation of this Order and in the administration of the statutes listed in paragraph 5a above, the rules set forth in Chapter XIII of Title 29 of the Code of Federal Regulations, Part 6 of such title, and Parts 50–201 and 50–203 of Title 41, read in the light of the delegations made herein, shall be applicable until changed.

8. *Directives affected.* Secretary's Order No. 2–67 establishing the Advisory Committee on Occupational Safety remains in effect, except that the Assistant Secretary for Occupational Safety and Health shall serve as Executive Secretary and that secretarial, technical and other services shall be provided by the Occupational Safety and Health Administration.

9. *Effective date.* This order is effective April 28, 1971.

Signed at Washington, D.C., this 4th day of May 1971.

J. D. Hodgson,
Secretary of Labor.

[FR Doc.71-6588 Filed 5-11-71;8:46 am]

[Secretary of Labor's Order 13–71]

ASSISTANT SECRETARY FOR EMPLOYMENT STANDARDS

Delegation of Authority and Assignment of Responsibility

1. *Purpose.* This Order redesignates the Assistant Secretary for Workplace Standards as the Assistant Secretary for Employment Standards and delegates to the Assistant Secretary for Employment Standards the authority vested in the Secretary of Labor for employment standards programs. It also redesignates the Workplace Standards Administration as the Employment Standards Administration.

2. *Background.* Secretary's Order No. 19–70 established in the Department of Labor a Workplace Standards Administration and assigned responsibilities for the workplace standards programs and activities in the Department of Labor, including safety and health program functions to the Assistant Secretary for Workplace Standards. Subsequently, the Williams-Steiger Occupational Safety and Health Act of 1970 (Public Law 91–596) established in the Department of Labor an Assistant Secretary for Occupational Safety and Health. The safety and health responsibilities of the Department of Labor are to be performed by an Occupational Safety and Health Administration headed by the Assistant Secretary for Occupational Safety and Health. This order delegates authority and assigns responsibility for employment standards programs and activities to be performed by the Employment Standards Administration.

3. *Redesignation of the Workplace Standards Administration as the Employment Standards Administration.* The Workplace Standards Administration is hereby redesignated as the Employment Standards Administration and shall perform the functions of the Department with respect to employment standards programs. The Assistant Secretary for Workplace Standards is hereby redesignated as the Assistant Secretary for Employment Standards who shall report to the Secretary. The Employment Standards Administration shall be headed by a Deputy Assistant Secretary/Administrator who shall report to the Assistant Secretary for Employment Standards, and shall act for the Assistant Secretary in his absence.

4. *Delegation of authority and assignment of responsibility.* a. The Assistant Secretary for Employment Standards is hereby delegated authority and assigned responsibility, except as hereinafter provided, for carrying out the employment standards programs and activities of the Department of Labor, including the functions to be performed by the Secretary of Labor under:

(1) Fair Labor Standards Act of 1938, as amended, including the issuance of child labor Hazardous Occupation Orders and other regulations concerning child labor standards;

(2) The Walsh-Healey Public Contracts Act of 1936, as amended; except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(3) Service Contract Act of 1965, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(4) The Davis-Bacon Act and any laws now existing, or which may be subsequently enacted, providing for prevailing wage findings by the Secretary of Labor in accordance with or pursuant to the Davis-Bacon Act; the Copeland Act; Reorganization Plan No. 14 of 1950; and the Tennessee Valley Authority Act;

(5) Contract Work Hours and Safety Standards Act, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(6) Title III of the Consumer Credit Protection Act;

(7) Vocational Rehabilitation Act Amendments of 1965;

(8) Arts and Humanities Act of 1965, except those provisions relating to safety and health delegated to the Assistant Secretary for Occupational Safety and Health;

(9) Federal Employees' Compensation Act, as amended and extended (5 U.S.C. 8101 et seq., except 8149 as it pertains to Employees' Compensation Appeals Board);

(10) The Longshoremen's and Harbor Workers' Compensation Act, as amended and extended;

(11) The Act of 1920 establishing a Women's Bureau (Public Law 66–259);

(12) Executive Order 11126—as amended by Executive Order 11221—Status of Women;

(13) Executive Order 11136, as amended—President's Committee on Consumer Interests and Consumer Advisory Committee;

(14) Executive Order 11246, as amended by Executive Order 11375—Federal Contract Compliance;

(15) Part C of title IV (Black Lung Benefits) of the Federal Coal Mine Health and Safety Act of 1969;

(16) Such additional Federal Acts as may from time to time confer upon the Secretary of Labor duties and responsibilities similar to the Fair Labor Standards Act.

b. In carrying out the authority and responsibility delegated under this order, the Assistant Secretary for Employment Standards shall perform the above functions in accordance with existing governmental and departmental regulations, including Chapter 4–1300 of the Manual of Administration, which outlines the functions of Policy Development, Planning, Programing, Budgeting, Executing Programs, Reviewing, and Analyzing Planned Versus Actual Performance, and Evaluating Program Effectiveness.

c. The Assistant Secretary is delegated authority for making organizational changes within policies established by the Secretary in accordance with the provisions of Chapter 4–200 of the Manual of Administration.

d. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutes and Executive orders listed in paragraph 4a above.

5. *Redelegation of authority.* The authority and responsibility delegated to the Assistant Secretary may be redelegated by him.

6. *Interim rules.* Pending issuance of new rules, the Employment Standards Administration will follow the rules published in Chapter 13, Title 29, CFR, for action concerning the child labor provisions of the Fair Labor Standards Act and the compensation provisions of title IV, part C of the Federal Coal Mine Health and Safety Act of 1969.

7. *Reservation of authority.* a. The following functions are reserved to the Secretary:

(1) Submission of reports and recommendations to the President and the Congress concerning the administration of the statutes and Executive orders listed in paragraph 4a above.

(2) The bringing of legal proceedings under the statutes and Executive orders listed in paragraph 4a above, the determination in each case whether such proceedings are appropriate to be made by the Solicitor of Labor

b. The jurisdiction of the Wage Appeals Board, as presently described in Secretary of Labor's Order 24–70 (36 F.R. 306) and in its rules of practice

(29 CFR Part 7) is reserved, and the Board shall be empowered to review decisions under this order relating to the Davis-Bacon Act and its related laws within the scope of that jurisdiction.

8. *Directives affected.* a. Secretary's Order No. 19–70 is hereby canceled.

b. The following Secretary's orders remain in effect until canceled, except that the overall responsibility for the authority delegated in them is now vested in the Assistant Secretary for Employment Standards: 18–67, 21–67, 21–68, 26–68, 2–69, 3–69, 4–69, and 20–70, and except as otherwise provided in this order and in Secretary of Labor's Order No. 12–71.

9. *Effective date.* This order is effective April 28, 1971.

Signed at Washington, D.C., this 4th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6589 Filed 5-11-71;8:46 am]

[Secretary of Labor's Order 15–71]

EMPLOYMENT STANDARDS ADMINISTRATION

Redelegation of Authority and Responsibility

1. *Purpose.* This order redelegates authority and reassigns responsibility for the performance of functions assigned to the Assistant Secretary for Employment Standards by Secretary's Order No. 13–71 and Secretary's Order No. 14–71 and redelegates authority and reassigns responsibility for employment standards programs and activities to be performed by the Employment Standards Administration.

2. *Background.* Secretary's Order No. 13–71 and Secretary's Order No. 14–71 delegated authority and assigned responsibility for employment standards programs as designated therein to the Assistant Secretary for Employment Standards, with the authority to redelegate. Secretary's Order No. 13–71 also redesignated the Workplace Standards Administration as the Employment Standards Administration, and authorized the Assistant Secretary to make organizational changes. The Order further provided that the Employment Standards Administration shall be headed by a Deputy Assistant Secretary/Administrator who shall report to the Assistant Secretary for Employment Standards and shall act for the Assistant Secretary in his absence.

3. *Redelegation of authority and reassignment of responsibility.* a. The authority and responsibility for carrying out the employment sandards programs and activities which are delegated and assigned by the Secretary of Labor to the Assistant Secretary for Employment Standards by Secretary's Order No. 13–71 and Secretary's Order No. 14–71 are further redelegated and reassigned hereby, except as otherwise provided herein, to the Deputy Assistant Secretary for Employment Standards, who shall also be designated as the Administrator, Employment Standards Administration and who is also the Administrator of the Wage and Hour Division. He shall report to the Assistant Secretary. In the latter's absence, he shall act for the Assistant Secretary and report to the Under Secretary or Secretary, as appropriate.

b. The Deputy Assistant Secretary for Employment Standards/Administrator, ESA, shall—

(1) have the responsibility for assuring that public information activities and announcements are consistent with the polices of the Secretary and Assistant Secretary; and

(2) administer employment standards programs in such a manner as to be consistent with the policies of the Secretary of Labor and the Assistant Secretary for Employment Standards including policies established by staff units in the Office if the Secretary pursuant to delegations to them by the Secretary.

4. *Redelegation.* The Deputy Assistant Secretary for Employment Standards/Administrator, ESA, may redelegate authority vested in him by this order.

5. *Reservation of authority.* The submission of reports and recommendations to the Secretary concerning the administration of employment standards programs shall be reserved to the Assistant Secretary for Employment Standards.

6. *Effective date.* This order shall be effective April 28, 1971.

Signed at Washington, D.C., this 5th day of May, 1971.

ARTHUR A. FLETCHER,
Assistant Secretary,
for Employment Standards.

[FR Doc.71-6591 Filed 5-11-71;8:47 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71-993, etc.]

EDWIN L. COX ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

APRIL 30, 1971

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

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[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-993..	Edwin L. Cox........	41	4	South Texas Natural Gas Gathering Co. (Yeary Field, Kleberg County, Tex. RR. District No. 4).	$2,410	4-1-71	....	6-2-71	[19] 18.0	[1][19] 19.07125	RI65-592
RI71-994.	Getty Oil Co.........	1	[2] 17	Iroquois Gas Corp. (Sheridan Field, Colorado County, Tex., RR. District No. 3).	836	4-1-71	....	6-2-71	[2][19] 17.0	[1][2][19] 20.77367	
	.....do................	68	[3] 10	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis and Simpson Counties, Miss.).	1,100	4-1-71	5-2-71	10-2-71	[3] 20.6	[3] 22.0	
RI71-995 .	Getty Oil Co. et al....	70	[4] 7	Natural Gas Pipeline Co. of America (Shaeffer Ranch et al., Fields, Jim Wells, and DuVal Counties, Tex., RR. District No. 4).	1,711	4-1-71	....	6-2-71	[4][19] 16.0	[1][4][19] 16.56187	
RI71-996..	Logue and Patterson..	14	[5][7] 7	Florida Gas Transmission Co. (Kain Field, Matagorda County, Tex., RR. District No. 3).	261,000	1-2-71	....	6-3-71	[5][6][19] 17.0	[6][19] 24.25	
RI71-997..	Kerr-McGee Corp.....	69	[8][10] 22	Transcontinental Gas Pipe Line Corp. (Ship Shoal Blocks 28 and 32 Units, Offshore Louisiana) (Disputed Zone).	261,625	4-1-71	....	5-17-71	22.375	[8][9] 26.0	RI71-834.
RI71-998..	Union Oil Co. of California.	41	[10][11] 6	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Caillou Island Field, Lafourche Parish, Southern Louisiana).	27,115	3-31-71	....	5-16-71	22.375	[9][11] 26.0	RI71-561.
RI71-999 .	The California Co., a division of Chevron Oil Co.	58	6	South Texas Natural Gas Gathering Co. (Northeast Thompsonville Field, Jim Hogg County, RR. District No. 4).	111,117	4-6-71	....	6-7-71	[20] 19.1716	[20] 21.0	RI69-195.
RI71-1000.	Atlantic Richfield Co.	34	[10][12] 34	Texas Eastern Transmission Corp. (North Tom Lyne (Wilcox 9,350') Field Live Oak County, Tex., RR. District No. 2).	85,857	4-8-71	....	6-9-71	[12][19] 15.4377	[12][14][19] 18.3779	RI68-309.
RI71-1001	Divilyn Corp.	1	[15] 5	Sea Robin Pipeline Co. (Block 15, South Marsh Island Area, Offshore Louisiana).	15,512	4-8-71	. . .	5-24-71	[17] 17.0	[16] 21.25	
	do	2	[15] 5	Sea Robin Pipeline Co. (Block 16, South Marsh Island Area, Offshore Louisiana).	15,512	4-8-71	....	5-24-71	[17] 17.0	[16] 21.25	
RI71-1002	Phillips Petroleum Co. et al.	435	[18] 2	United Gas Pipe Line Co. (Merit Field, Simpson County, Miss.).	.....	4-8-71	5-9-71	[21] Accepted	....	..	
		435	3		74,460	4-8-71	5-9-71	10-9-71	19.0	25.0	
RI71-1003	Humble Oil & Refining Co.	409	2	Florida Gas Transmission Co. (Skipper Area, Brooks County, Tex. RR. District. No. 4).	2,781	4-9-71	......	7-2-71	[19] 16.06	[19] 17.0638	RI70-426.
RI71-1004.	Ken Blackford et al...	1	11	El Paso Natural Gas Co. (Otero Field, Rio Arriba County, N. Mex., San Juan Basin).	185	4-6-71	5-7-71	5-8-71	13.0	13.2486	
RI71-1005.	George P. Caulkins, Jr.	1	4	El Paso Natural Gas Co. (Red Wash Field, Uintah County, Utah).	410	4-6-71	.. .	6-7-71	16.384	20.5	RI66-343.

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* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.

[1] Increase to contract rate, plus applicable tax reimbursement.

[2] Applicable only to gas well gas sales from the Wilcox B, C, and D and the Yequa Q Sand Reservoirs.

[3] Applicable only to gas well gas sales from the Washita-Fredericksburg Reservoir. (Discovered February 20, 1965.)

[4] Applicable only to gas well gas sales from the Lagarto Pasture (4,770') and Lagarto Pasture (5,400') Reservoir.

[5] Permanently certificated rate.

[6] Applies only to sales from acreage added by September 21, 1970 (Supplement No. 6).

[7] As corrected.

[8] Applicable only to sales from the 9,800' and Robulus E 6 Sand Reservoirs discovered after Oct. 1, 1968.

[9] Per Opinion No. 567 and Order No. 413.

[10] Includes documents required by Opinion No. 567.

[11] Applicable only to sales from the 2,900' Sand Reservoir discovered after Oct. 1, 1968.

[12] Applicable only to sales from the Wilcox 9,350' Sand Reservoir discovered on Jan. 10, 1971.

[13] Includes 0.5-cent dehydration and gathering.

[14] Renegotiated rate is provided for by agreement dated Mar. 1, 1971, which is being reported separately.

[15] For casinghead gas only.

[16] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413, as amended.

[17] Initial certificated rate.

[18] Agreement dated Mar. 15, 1971 provides among other things for the renegotiated rates specified therein.

[19] The pressure base is 14.65 p.s.i.a.

[20] The pressure base is 14.73 p.s.i.a.

[21] Accepted, to become effective on the date shown in the "Effective Date" column, subject to the conditions prescribed elsewhere in this order.

(Discovered Feb. 20, 1965.)

The agreement filed by Phillips Petroleum Co., et al., in addition to providing for proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b–1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93)b–1, the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

The proposed increases of Kerr-McGee Corp., Union Oil Company of California and Atlantic Richfield Co. apply only to gas produced from reservoirs identified in the documents submitted in accordance with Opinion No. 567. Such documents, which are being made a part of the proposed increased rate filings, show that the reservoirs were discovered subsequent to the date of the gas sale contracts involved, and therefore the gas well gas sold from such reservoirs qualify for higher ceiling prices.

Those proposed increases of Getty Oil Co. and Phillips Petroleum Co. et al., which exceed the corresponding rate filing limitations imposed in Southern Louisiana are suspended for 5 months. The remaining increases, except as hereinafter indicated, pertaining to sales outside Southern Louisiana are suspended for 61 days from the date of filing pursuant to Order No. 423 and those relating to sales within the Southern Louisiana area are suspended for 45 days from the date of filing. However, if the contractual effective date for an increase is beyond the period described above, it is suspended or 1 day from the contractual effective date.

The proposed tax reimbursement increase of Ken Blackford et al. is a tax reimbursement increase involving the New Mexico Emergency School Tax. We believe that Ken Blackford et al. should be suspended for 1 day from the expiration of the 30-day statutory notice period consistent with Commission action on similar tax reimbursement increases.

George P. Caulkins, Jr., proposes a rate increase from 16.384 cents to 20.5 cents for a sale of gas to El Paso Natural Gas Co. in the Red Wash Field, Uintah County, Utah, where no formal ceiling rates have been announced. Since the proposed rate exceeds the 13-cent increased rate ceiling for adjacent Colorado and Wyoming and the 15.384-cent initial rate certificated in Opinion No. 359 for sales in the Red Wash Field, the proposed rate is suspended for 1 day upon termination of the 60-day notice period pursuant to Order No. 423.

Certain respondents request either waiver of notice or effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56).

[FR Doc. 71-6454 Filed 5-11-71;8:45 am]

[Dockets Nos. RI71-971, etc.]

AMOCO PRODUCTION CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 23, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

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[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-971	Amoco Production Co	155	[2] 15	Michigan Wisconsin Pipeline Co. (North Elton Field, Allen Parish, Southern Louisiana).	$3,975	3-29-71		[42] 6-2-71	[41] 24.75	[1] [41] 26.0	RI71-638.
RI71-972	Continental Oil Co. et al.	154	[3] [4] [9] 28	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (West Cameron Block 192 Field, Offshore Louisiana).	41,625	3-29-71		5-14-71	[10] [41] 21.375	[1] [41] 26.0	
RI71-973	Forest Oil Corp.	4	10	Tennessee Gas Pipeline Co., a division of Tenneco, Inc. (Kleberg-Driscoll Unit, Brayton Field, Nueces County, Tex., RR. District No. 4).		3-26-71	4-26-71	[40] Accepted			
do		4	11	do	35,813	3-26-71	4-26-71	9-26-71	[5] 17.08741	24.25	RI60-371.
RI71-974	Sun Oil Co. et al.	266	[8] 18	Transcontinental Gas Pipe Line Corp. (Egan Field, Acadia Parish, Southern Louisiana).		3-26-71	4-26-71	[40] Accepted			
RI68-424	do	266	19	do	(881) [11] 0	3-26-71		[38] 12-27-70 5-11-71	[41] 23.55	[7] [41] 22.375 [8] 26.0	RI68-424.
RI71-975	Coastal States Gas Producing Co. et al.	38	3	South Texas Natural Gas Producing Co. (Northeast Thompsonville Field, Jim Hogg County, Tex., RR. District No. 4).	33,124	3-25-71		5-26-71	15.05625	18.0675	RI70-636.
RI71-976	Cities Service Oil Co.	180	[12] [13] 21	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (East and West Cameron Area, Offshore Louisiana).	50,528	3-29-71		5-11-71	[41] 21.375	[1] [41] 26.0	RI71-677.
RI71-977	Getty Oil Co.	72	[13] [14] 25	do	41,625	3-31-71		5-16-71	[41] 21.375	[1] [41] 26.0	RI71-428.
RI71-978	Killam & Hurd, Ltd	1	7	Natural Gas Pipeline Co. of America (Northeast Thompsonville Field, Webb County, Tex., RR. District No. 4).	24,327	3-30-71	4-30-71	9-30-71	15.056	[17] 21.08725	RI70-480.
RI71-979	Humble Oil & Refining Co.	472	3	Natural Gas Pipeline Co. of America (Armstrong Field, Jim Hogg County, Tex., RR. District No. 4).	44,856	3-30-71		5-31-71	17.8	[16] 20.2020	RI71-382.
do		110	[18] 1-18	United Gas Pipeline Co. (Pistol Ridge, Maxie Fields, Forest et al., Counties, Miss.).	23,833	3-9-71		[20] 5-7-71	[19] [41] 20.0	[18] [41] 23.0	
RI71-980	Continental Oil Co.	26	2	El Paso Natural Gas Co. (Bisti Field, San Juan County, N. Mex.) (San Juan Basin).	418	3-31-71		6-1-71	[41] 14.2677	[41] 15.2869	RI64-484.
RI71-981	Getty Oil Co. et al.	105	10	Transwestern Pipeline Co. (Kermit Field, Winkler County, Tex.) (Permian Basin).	20,560	3-31-71	5-1-71	10-1-71	19.3342	27.319	RI70-81.
RI71-982	The Louisiana Land and Exploration Co.	8	1	Transwestern Pipeline Co. (acreage in Ward and Winkler Counties, Tex.) (Permian Basin).	22,687	3-29-71		5-30-71	[21] 22.0	27.5	
RI70-1581	Gulf Oil Corp. et al.	281	5	Colorado Interstate Gas Co. (Patrick Draw Area, Sweetwater County, Wyo.).	(149)	3-29-71		[38] 3-29-71	15.7325	[22] 15.6163	RI70-1581.
RI71-983	Gulf Oil Corp.	418	8	Transwestern Pipeline Co. (Kermit and South Kermit Fields, Winkler County, Tex.) (Permian Basin).	9,240	3-29-71	4-29-71	9-29-71	18.08	27.32	RI70-1692.

See footnotes at end of table

APPENDIX—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-984	Tenneco Oil Co.	193	[23] 12	El Paso Natural Gas Co. (Jalmat Field, Lea County, N. Mex.) (Permian Basin).	880	3-26-71		5-27-71	12.57	17.5	
RI71-985	Cities Service Oil Co.	341	1	El Paso Natural Gas Co. (Citgo-University No. 1 Well, Terrell County, Tex.) (Permian Basin).	8,100	3-29-71		5-30-71	[21] 22.0	26.5	
RI71-986	W. A. Moncrief et al.	1	2	El Paso Natural Gas Co. (Greater Aneth Field, San Juan County, Utah) (Aneth Area).	1,320	3-31-71	5-1-71	10-1-71	[41] 20.0	[41] 22.0	
do		1	3	do	346	3-31-71	5-1-71	10-1-71	[24] [41] 17.7	[41] 22.0	
RI71-987	Getty Oil Co. et al.	187	1	El Paso Natural Gas Co. (Toro (Ellenburger) Field, Reeves County, Tex.) (Permian Basin).	10,260	3-30-71		5-31-71	[21] 22.0	26.5	
RI71-988	Bruce L. Wilson et al.	2	[26] 13	Southern Natural Gas Co. (Carthage Field, Panola County, Tex.) (RR. District No. 6).	2,700	3-26-71		5-27-71	[25] 12.75	[25] 15.0	
RI71-989	Atlantic Richfield Co.	64	[27] 11	Arkansas Louisiana Gas Co. (Sentell Field, Bossier Parish) (Northern Louisiana).		3-30-71	4-30-71	[40] Accepted			
do		64	12	do	14,760 (30)	3-30-71		5-31-71	[41] 14.853	[28] 19.0 [29] 21.0	
RI71-644	Mobil Oil Corp. et al.	9	[31] 11	Lone Star Gas Co. (Gram Area, Carter County) (Oklahoma Other Area).	(30)	3-26-71		[33] 5-27-71	15.0	[32] 21.0	RI71-644.
RI71-990	Edwin L. Cox	30	5	Cimarron Transmission Co. (Love County, Oklahoma Other Area).	301	4-1-71		[42] 7-2-71	[34] [35] 16.0175	[34] [35] 18.0175	RI68-129.
do		35	7	do	418	4-1-71		[42] 7-2-71	[34] [35] [36] 18.7175	[34] [35] [36] 19.8175	RI70-330.
do		37	8	do	3,850	4-1-71		[42] 7-2-71	[34] [35] [36] 18.7175	[34] [35] [36] 19.8175	RI70-330.
do		53	5	do	125	4-1-71		[42] 7-2-71	[35] [37] 17.0175	[35] [37] 18.0175	RI70-330.
do		55	4	do	1,000	4-1-71		[42] 7-2-71	[35] [37] 17.0175	[35] [37] 18.0175	RI70-330.
RI71-991	Edwin L. Cox et al	75	3	do	3,770	4-1-71		[42] 7-2-71	[34] 17.0	[34] 18.0	RI70-906.

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

[1] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413, as amended.

[2] Pertains only to gas well gas produced from the 7,650′ Sand Reservoir.

[3] Includes documents required by Opinion No. 567 establishing the discovery date of new reservoirs.

[4] Applicable to reservoirs identified therein.

[5] Exclusive of a 0.21931-cent dehydration charge deducted by buyer.

[6] Agreements dated Feb. 19, 1971, and Feb. 24, 1971, provide among other things for extension of contract term and for the renegotiated rates specified therein.

[7] For gas discovered prior to Oct. 1, 1968.

[8] For gas discovered after Oct. 1, 1968.

[9] As supplemented and corrected by filings submitted on Apr. 7, 1971.

[10] Subject to B.t.u. adjustment. ESR in Docket No. RI71-833.

[11] No gas discovered after Oct. 1, 1968 presently being sold.

[12] Applicable to reservoirs identified therein and those previously submitted which qualify for third vintage rates.

[13] Includes documents required by Opinion No. 567 establishing the discovery date of the new reservoirs identified therein.

[14] Applicable to reservoirs identified in the documents shown to be qualified for third vintage prices.

[15] The purchaser, South Texas Natural Gas Producing Co., is a wholly subsidiary of Coastal States Gas Producing Co.

[16] Includes applicable B.t.u. adjustment for 1,140 B.t.u. gas.

[17] Includes 0.25 cent paid to seller for dehydration.

[18] Amends filing of Nov. 6, 1970, to provide for rate of 23 cents.

[19] Proposed rate of 24 cents suspended in Docket No. RI71-450 until May 7, 1971.

[20] The date of expiration of the suspension period in Docket No. RI71-450.

[21] Initial rate authorized by temporary certificate.

[22] Rate decrease reflecting recovery of Wyoming severance tax applicable to past production back to Jan. 1, 1968.

[23] Pertains only to high pressure gas.

[24] For sales under Supplement No. 1.

[25] Includes 1-cent gathering charge paid by buyer to seller.

[26] Applicable only to the Wilson Oil & Gas No. 1-A George Roberts Well.

[27] Letter agreement dated Feb. 11, 1971, which provides for proposed increased rates.

[28] Applicable to production down to and including the Bodcaw Sand.

[29] Applicable to production below the Bodcaw Sand.

[30] No current production.

[31] Applicable to acreage added by superseding contract dated July 1, 1970 (Supplement No. 9).

[32] Applicant filing from initial certificated rate to initial contract rate.

[33] Or 1 day from date of initial delivery from added acreage, whichever is later.

[34] Subject to upward and downward B.t.u. adjustment.

[35] Includes 0.0175-cent tax reimbursement.

[36] Includes 1.7-cent upward B.t.u. adjustment before increase and 1.8-cent upward B.t.u. adjustment after increase.

[37] Subject to downward B.t.u. adjustment.

[38] Accepted for filing to become effective as of the dates shown in the "Effective Date" column, with waiver of notice granted, subject to refund in the existing rate proceedings in Dockets Nos. RI68-424 and RI70-1581, respectively.

[39] Accepted subject to the existing suspension proceeding in Docket No. RI71-450 and remain suspended until May 7, 1971, the date of expiration of the suspension period in such docket.

[40] Accepted to become effective on the dates shown in the "Effective Date" column. The acceptance of the agreements filed by Forest Oil Corp. and Sun Oil Corp. are subject to the conditions prescribed elsewhere in this order.

[41] The pressure base is 15.025 p.s.i.a.

[42] One day from contractual effective date.

The agreements filed by Forest Oil Corp. and Sun Oil Corp. in addition to providing for proposed increased rates also provide for future escalations to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93(b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with section 154.93 (b-1), the agreements are accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage.

Sun Oil Co. is proposing a decrease from 23.55 cents, being collected subject to refund in Docket No. RI68-424, to 23.37 cents for gas discovered prior to October 1, 1968, and is simultaneously proposing an increase from 23.55 cents to 26 cents for gas discovered after October 1, 1968. The proposed decrease is accepted subject to refund in the existing suspension proceeding in Docket No. RI68-424 as of December 27, 1970, the requested effective date. The proposed increase to 26 cents is suspended until May 11, 1971, 45 days from the date of filing.

The proposed decrease of Gulf Oil Corp. reflects a decrease in the reimbursement of the Wyoming severance tax. Gulf had been collecting a double amount of the contractually due tax reimbursement to provide for reimbursement of taxes on past production back to January 1, 1968, as well as on future production. Respondent now proposes to collect the tax reimbursement on future production only. The proposed decreased rate is accepted for filing to be effective as of the date of filing subject to refund in the existing rate proceeding in Docket No. RI70-1581.

Humble Oil & Refining Co. (Humble) is amending its rate increase filed November 6, 1970, to reflect that the total rate which Humble is contractually authorized to collect is 23 cents in lieu of the previously filed 24-cent rate. Humble states that the 1-cent tax reimbursement, which was included in the 24-cent rate was not applicable under the subject contract. The amended increase is accepted, subject to the existing suspension proceeding in Docket No. RI71-450, and shall remain suspended until May 7, 1971, the date of expiration of the suspension period in that proceeding.

The proposed increases filed by Forest Oil Corp., Killam & Hurd, Ltd., Getty Oil Co., *et al.*, Gulf Oil Corp., and W. A. Moncrief are suspended for 5 months because they exceed the corresponding rate filing limitations imposed in Southern Louisiana. The remaining increases, except to the extent otherwise indicated above, pertaining to sales outside Southern Louisiana are suspended for 61 days from the date of filing pursuant to Order No. 423 and those relating to sales within the Southern Louisiana area are suspended for 45 days from the date of filing. However, if the contractual effective date for an increase is beyond the period described above, it is suspended for one day from the contractual effective date.

Certain Respondents request effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's Statement of General Policy No. 61-1, as amended (18 CFR, ch. I, Part 2, § 2.56).

[FR Doc.71-6453 Filed 5-11-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 11]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 7, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-13028 (Deviation No. 17), BONANZA BUS LINES, INC. (formerly The Short Line, Inc.), 27 Sabin Street, Post Office Box 1116, Annex Station, Providence, RI 02901, filed April 13, 1971, amended April 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From junction U.S. Highway 20 and Massachusetts Highway 32 at Palmer, Mass., over Massachusetts Highway 32 to junction Massachusetts Turnpike (Interstate Highway 90) a distance of 1 mile, thence over the Massachusetts Turnpike (Interstate Highway 90) to Interchange No. 6, a distance of 12 miles, thence over Interstate Highway 291 to downtown ramp at Springfield, Mass., and the Springfield Bus Terminal, a distance of 4 miles, thence over Main Street to junction U.S. Highway 20 a distance of one-quarter mile, thence over U.S. Highway 20 to junction Interstate Highway 91, a distance of one-quarter mile, thence over Interstate Highway 91 to junction Massachusetts Turnpike (Interstate Highway 90) at Interchange No. 4, a distance of 2 miles, and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over a pertinent service route as follows: From Providence, R.I., over U.S. Highway 44 to Putnam, Conn., thence over Connecticut Highway 171 to South Woodstock, Conn., thence over Connecticut Highway 169 to North Woodstock, Conn., thence over Connecticut Highway 197 to Quinebaug, Conn., thence over Connecticut Highway 131 to the Massachusetts-Connecticut State line, thence over Massachusetts Highway 131 to Sturbridge, Mass., thence over U.S. Highway 20 to North Wilbraham, Mass., thence over Wilbraham Road to Springfield, Mass., thence over U.S. Highway 20 to Albany, N.Y., and return over the same route.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6597 Filed 5-11-71;8:47 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 7, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 6302, filed December 2, 1971. Applicant: SKI UTAH TRANSPORTATION, INC. Applicant's representatives: C. Richard Henriksen, 320 South Fifth East Street, Salt Lake City, Utah, and Raymond W. Gee, 336 South Third East Street, Salt Lake City, Utah. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *passengers, together with ski equipment, clothing, and personal belongings,* over irregular routes from all points and places in Salt Lake County on the one hand, to all points and places in Alta, Park City, and Brighton, respectively, on the other hand. On return movements applicant proposes to engage the same operation. Intermediate and off-route points to be served are all intermediate ski resorts. Both intrastate and interstate authority sought.

HEARING: June 15, 1971; 10 a.m., at Public Service Commission of Utah Hearing Room, 330 East Fourth South Street, Salt Lake City, UT. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Public Service Commission of Utah, 330 East Fourth South Street, Salt Lake City, UT 84111 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6595 Filed 5-11-71;8:47 am]

[Notice 37]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 7, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 120028 (Sub-No. 3) (Republication), filed April 13, 1970, published in the FEDERAL REGISTER issue of May 27, 1970, under State Docket No. Case MT-1318, and republished under No. MC 120028 (Sub-No. 3) this issue. Applicant: CRAW CARTING, INC., 200 Exchange Street, Rochester, NY 14614. Applicant's representative: S. Michael Richards, 23 West Main Street, Webster, NY 14580. An order of the Commission, Operating Rights Board, dated April 26, 1971, and served April 30, 1971, finds; a certificate of registration shall be issued to applicant, unless otherwise ordered, as evidence of a right to engage in operations in interstate or foreign commerce as a common carrier by motor vehicle, transporting the commodities from, to, or between the points, over the routes, or within the territory, and in the manner described in the appendix hereto, and subject to such additional and further conditions as may be necessary to give effect to the provisions of section 206(a)(6) of the Interstate Commerce Act, as amended. Because it is possible that other parties who have relied upon the notice in the FEDERAL REGISTER of the application as originally published may have an interest in and would be prejudiced by the lack of proper notice of the grant of authority without the requested limitation set forth in the appendix hereto, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of the certificate of registration in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file an appropriate petition for leave to intervene in the proceeding setting forth in detail the precise manner in which it has been prejudiced. APPENDIX: Description of the transportation service authorized to be conducted solely within the State of New York in intrastate commerce, as a common carrier by motor vehicle, pursuant to that portion of certificate of public convenience and necessity No. 3099, authorized by order dated February 9, 1971, issued by the New York Public Service Commission: *General commodities,* as defined in section 800.1 of title 16 of the Official Compilation of Codes, *Rules and Regulations of the State of New York:* Between all points in Monroe County, on the one hand, and, on the other, all points in the counties of Genesee, Livingston, Ontario, Orleans, and Wayne.

No. MC 134445 (Republication), filed March 23, 1970, published in the FEDERAL REGISTER issue of April 23, 1970, and republished this issue. Applicant: WILLIAM D. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 4, decided December 30, 1970, and served January 12, 1971, finds; that in viewing the substance of the application, the proposed operation is that of a *common carrier*; that the present and future public convenience and necessity require operation by applicant, in interstate of foreign commerce, over irregular routes of (1) machinery, equipment, and supplies used in the manufacture and distribution of nonalcoholic beverages, from Salt Lake City, Utah, and Denver, Colo., to Worland, Wyo.; (2) nonalcoholic beverages, from Worland, Wyo., to points in Montana and South Dakota; and (3) dry animal and poultry feed and feed ingredients, agricultural cleansing and conditioning preparations, agricultural disinfectants, and agricultural and pesticides, and canned pet food, from Billings, Mont., to points in Big Horn, Park, Washakie, Hot Springs, Fremont, and Teton Counties, Wyo.; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other persons, who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described in the findings in this report, a notice of the authority actually granted will be published in the FEDERAL REGISTER and issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief setting forth in detail the precise manner in which it has been so prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 59557 (Sub-No. 11), filed March 29, 1971. Applicant: AUCLAIR TRANSPORTATION, INC., 333 March Avenue, Manchester, NH 03103. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, MA 02155. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between points in Massachusetts. NOTE: Applicant's existing authority to serve New Hampshire points will be tacked at common points in Massachusetts to provide single-line service. The instant application is a matter directly related to MC-F-11126, published in the FEDERAL REGISTER issue of April 7, 1971. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC-F-11145. (Correction) (NORTHERN PACIFIC TRANSPORT CO.—Merge—BURLINGTON TRUCK LINES, INC.), published in April 21, 1971, issue of the FEDERAL REGISTER on page 7564. The prior notice should have read: *both applicants arc wholly owned subsidiaries of BURLINGTON NORTHERN INC., which is not an applicant in this proceeding.*

No. MC-F-11160. Authority sought for purchase by CHICAGO KANSAS CITY FREIGHT LINE, INC., 1200 Power and Light Building, 14th and Baltimore, Kansas City, MO 64105, of the operating rights of PRIDE MOTORS, INC., Post Office Box 343, La Fox, IL 60147, and for acquisition by CHARLES J. HOFFMAN, also of Kansas City, Mo. 64105, of control of such rights through the purchase. Applicants' attorney: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC-121419 Sub-1, covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, and Missouri. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11161. Authority sought for purchase by FRANK L. CASTINE, INC., doing business as CASTINE MOTOR SERVICE, 1235 Chestnut Street, Athol, MA 01331, of the operating rights and property of WESTCOTT, INC., 127 Sunderland Road, North Amherst, MA 01509, and for acquisition by DONALD R. Castine, 296 North Orange Road, Athol, MA, Richard C. CASTINE, 328 North Orange Road, Athol, MA and FRANK L. CASTINE, JR., R.F.D., Orange, MA, of control of such rights and property through the purchase. Applicants' attorney and representative: Frank J. Weiner, 6 Beacon Street, Boston, MA 02108, and Alvertus J. Morse, Central Chambers, 16 Center Street, Northampton, MA 01060. Operating rights sought to be transferred: *General commodities,* excepting among others, Classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over regular routes, between Sunderland, Mass., and Springfield, Mass., serving the intermediate point of Hadley, Mass., and the off-route points of Easthampton, Holyoke, West Springfield, Chicopee, Leverett, and Polham, Mass.; *household goods,* as defined by the Commission, over irregular routes, between Amherst, Mass., and points in Massachusetts within 25 miles of Amherst, on the one hand, and, on the other, points in New Hampshire, Vermont, Maine, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia; *athletic equipment,* between Amherst, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, New York, and Connecticut; *livestock,* between Amherst, Mass., on the one hand, and, on the other, points in New Hampshire, Vermont, Maine, Connecticut, and New York. Vendee is authorized to operate as a *common carrier* in Massachusetts, New York, Vermont, New Hampshire, Connecticut, New Jersey, Rhode Island, Pennsylvania, and Maine. Application has been filed for temporary authority under section 210a(b).

No. MC-F-11162. Authority sought for control by N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, NJ 08902, of ARBOR MOTOR LINES, INC., 1410 Greenwood Drive, Piscataway, NJ 08854, and for acquisition by CARMINE LUIZZA, also of North Brunswick, N.J. 08902, of control of ARBOR MOTOR LINES, INC., through the acquisition by N & N TRANSPORTATION CO., INC., of control of such rights through the purchase. Applicants' attorney: William J. Augello, Jr., Horn Professional Center, 103 Fort Salonga Road, Northport, NY 11768. Operating rights sought to be controlled: *General commodities,* excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between New York, N.Y., on the one hand, and, on the other, Newark, Elizabeth, and New Brunswick, N.J. N & N TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in Ohio, West Virginia, Maryland, Pennsylvania, New York, New Jersey, Massachusetts, Rhode Island, Connecticut, Delaware, Virginia, and the District of Columbia and as a *contract carrier* in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, New York, Pennsylvania, Rhode Island, Maine, New Hampshire, Vermont, Ohio, West Virginia, Virginia, North Carolina, Texas, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Tennessee, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11163. Authority sought for purchase by JAMES F. HERLIHY TRUCKING CO., INC., 20 Emma Street, Binghamton, NY 13905, of a portion of the operating rights of MOTOR RAIL TRANSPORT, INC., 348 West Fayette Street, Syracuse, NY 13202, and for acquisition by JAMES F. HERLIHY, 7 Andrea Drive, Vestal, NY 13850, of control of such rights through the purchase. Applicants' attorney: Herbert M. Canter, 345 South Warren Street, Syracuse, NY 13202. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between Buffalo, Rochester, Syracuse, Utica, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York (except New York, N.Y., and points in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties). Vendee is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11164. Authority sought for purchase by GLENN E. TRIPP, doing business as SPECIAL SERVICE, 760 Lindenwood Lane, Medina, OH 44256, of a portion of the operating rights of STEVENS TRUCK LINES, INC., INTERNAL REVENUE SERVICE (Successor in Interest), 893 Ridge Road, Webster, NY 14580. Applicants' attorney: Keith F. Henley, 88 East Broad Street, Suite 1660, Columbus, OH 43215. Operating rights sought to be transferred: Salt (except in bulk), as a common carrier, over irregular routes, from Akron, Ohio, to those points in New York State on and west of a line beginning at Oswego, N.Y., thence over New York Highway 57 to Syracuse, thence over Interstate Highway 81 to Binghamton, thence over New York Highway 17 to Waverly, thence over U.S. Highway 220 to the New York-Pennsylvania State line (including all of Syracuse and Binghamton, N.Y.), with restriction. Certificate not yet issued. Vendee is authorized to operate as a *contract carrier* in New York, Ohio, Pennsylvania, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Delaware, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11165. Authority sought for purchase by WRIGHT TRUCKING, INC., 16 Main Street, Lowell, MA 01853, of a portion of the operating rights of BONDED TRUCKING & RIGGING, INC., 16 Main Street, Lowell, MA 01853, and for acquisition by HAROLD E. WRIGHT AND HAROLD E. WRIGHT, JR., both of Sherburne Road, Pelham, N.H., of control of such rights through the purchase. Applicants' attorneys: John F. Curley, 15 Court Square, Boston, MA 02108, and William H. Sullivan, 22 Shattuck Street, Lowell, MA. Operating rights sought to be transferred: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over irregular routes, between Lowell, Mass., and points within 10 miles of Lowell, on the one hand, and, on the other, points in New Hampshire on and south of a line beginning at the Maine-New Hampshire State line, and extending along U.S. Highway 202 to junction New Hampshire Highway 9, and thence along New Hampshire Highway 9 to the New Hampshire-Vermont State line, and those in Vermont on and south of Vermont Highway 9. Vendee is authorized to operate as a *common carrier* in Massachusetts, Pennsylvania, Rhode Island, New York, Connecticut, New Jersey, and Delaware. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11167. Authority sought for purchase by H. C. GABLER, INC., Rural Delivery No. 3, Chambersburg, PA 17201, of a portion of the operating rights of Stevens Truck Lines, Inc., INTERNAL REVENUE SERVICE (Successor in interest), 41 State Street, Rochester, NY 14614, and for acquisition by HAROLD C. GABLER, Montgomery Avenue, Extended, Chambersburg, PA 17201, of control of such rights through the purchase. Applicants' attorney: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Operating rights sought to be transferred: *Canned foodstuffs, frozen fruit in containers*, and *dried beans*, as a *common carrier*, over irregular routes, from Oakfield, N.Y., and points within 25 miles of Oakfield, to New York, N.Y., and points in New Jersey and Pennsylvania, except those in Potter, McKean, Warren, Crawford, Venango, Forest, Elk, and Cameron Counties, Pa., from points within 25 miles of Oakfield, N.Y., except those in Genesee and Erie Counties, N.Y., to points in the Pennsylvania Counties specified above; *burlap bags*, from New York, N.Y., and points in New Jersey, and Pennsylvania except those in the Pennsylvania Counties specified above, to Oakfield, N.Y., and points within 25 miles of Oakfield, from points in the Pennsylvania Counties specified above, to points within 25 miles of Oakfield, N.Y., except those in Genesee and Erie Counties, N.Y. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Maryland, Virginia, West Virginia, New Jersey, Iowa, Kentucky, Massachusetts, Michigan, Missouri, New Hampshire, Rhode Island, Vermont, Maine, Connecticut, Delaware, Ohio, Indiana, Illinois, North Carolina, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, Florida, Georgia, South Carolina, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIER PASSENGER

No. MC–F–11166. Authority sought for purchase by NEW HAVEN & SHORE LINE RAILWAY COMPANY, Inc., 24 Hamilton Street, New London, CT 06320, the operating rights of THAMES VALLEY TRANSPORTATION, INC., Boston, Mass., and for acquisition by M. A. SAVIN, also of New London, Conn. 06320, of control of such rights through the purchase. Applicants' attorney: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC. 20005. Operating rights sought to be transferred: Passengers and their baggage, and express and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between New London, Conn., and Worcester, Mass., with restriction, between Colchester, and Norwich, Conn., serving all intermediate points; passengers and their baggage, and express, and newspapers in the same vehicle with passengers, and baggage of passengers in a separate vehicle, between New London, Conn., and the U.S. Naval Submarine Base at or near Groton, Conn., serving no intermediate points; passengers and their baggage and express and newspapers, in the same vehicle with passengers, during the season extending from May 15 to September 15, both inclusive of each year, between Norwich, Conn., and Misquamicut Beach, R.I., serving all intermediate points between Westerly and Misquamicut Beach, including Westerly; passengers and their baggage, restricted to traffic originating and terminating at the points indicated, in special operations on round-trip sightseeing or pleasure tours, over irregular routes, from Norwich and New London, Conn., to points in that part of New York bounded by a line beginning at Troy and extending in an easterly direction along New York Highway 2 to the New York-Massachusetts State line;

Thence south along the New York-Massachusetts State line and the New York-Connecticut State line to Long Island Sound, thence in a south-easterly direction to the southernmost tip of Manhattan Island, and thence north along the east bank of the Hudson River to Troy, including points on Long Island, and points in that part of Massachusetts west of the Connecticut River, and return; passengers and their baggage, restricted to traffic originating in the territory indicated, in special operations from points in New London County, Conn., to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia, and return; passengers and their baggage, restricted to traffic originating in the territory indicated, in charter operations, from points in New London County, Conn., to points in Maine, Delaware, Maryland, Virginia, New York, New Jersey, Pennsylvania, Massachusetts, Rhode Island, Vermont, New Hampshire, and the District of Columbia, and return; passengers and their baggage, in special operations, between New London, Groton, Norwich, and Waterford, Conn., on the one hand, and, on the other, La Guardia and Kennedy International Airports, New York, N.Y., and Newark Airport, Newark, N.J.; passengers and their baggage, in special operations, in round trip service, beginning and ending at points in New London, Conn., and extending to the site of the New York World's Fair in New York, N.Y., beginning and ending at points in New London County, Conn., and extending to the Aqueduct Race Track and Yonkers Raceway, New York, N.Y., and Belmont Park Race Track, and Roosevelt Raceway, Nassau County, N.Y., with restrictions; beginning and ending at points in New London County, Conn., and extending to Yankee Stadium, and Shea Stadium, New York, N.Y.; passengers and their baggage, in special operations, between Old Saybrook, Conn., on the one hand, and, on the other, La Guardia and Kennedy International Airports, New York, N.Y., and Newark Airport, N.J., with restriction;

Passengers and their baggage, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at Westerly, R.I., Danielson, Putnam, and Old Saybrook, Conn., and points in New London County, Conn., and extending to points in New Hampshire, Vermont, New York, Massachusetts, Rhode Island, New Jersey, Pennsylvania, Ohio, Michigan, Indiana, Illinois, Missouri, Arkansas, Mississippi, Alabama, Louisiana, Kentucky, Tennessee, West Virginia, South Carolina, North Carolina, Georgia, and Florida, beginning and ending at Daniels, Putnam, and Old Saybrook, Connecticut, and Westerly, R.I., and extending to points in Maine, Delaware, Maryland, Virginia, and the District of Columbia, with restriction. Vendee is authorized to operate as a common carrier in Connecticut, New Hampshire, Maine, New York, New Jersey, Massachusetts, Rhode Island, Pennsylvania, and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6596 Filed 5-11-71;8:47 am]

[Notice 16]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 7, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–263 (Deviation No. 10), GARRETT FREIGHTLINES, INC., Post Office Box 4048, Pocatello, ID 83201, filed April 29, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Emeryville, Calif., over Interstate Highway 80 to junction Interstate Highway 505, thence over Interstate Highway 505 to junction Interstate Highway 5, thence over Interstate Highway 5 to junction U.S. Highway 97, thence over U.S. Highway 97 to junction unnumbered highway at Wasco, Oreg., thence over unnumbered highway to junction U.S. Highway 30, thence over U.S. Highway 30 to junction U.S. Highway 730, thence over U.S. Highway 730 to junction U.S. Highway 12, thence over U.S. Highway 12 to Walla Walla, Wash.; and (2) from Sacramento, Calif., over California Highway 16 to junction Interstate Highway 5, thence over the route described in (1) above to Walla Walla, Wash., and return over the same routes for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Emeryville, Calif., over U.S. Highway 40 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction U.S. Highway 20, thence over U.S. Highway 20 to junction U.S. Highway 30, thence over U.S. Highway 30 to junction Oregon Highway 11, thence over Oregon Highway 11 to the Oregon-Washington State line, thence over Washington Highway 125 to Walla Walla, Wash., and (2) from Emeryville, Calif., over U.S. Highway 40 to junction U.S. Highway 95, thence over U.S. Highway 95 to junction Oregon Highway 78, thence over Oregon Highway 78 to junction U.S. Highway 395, thence over U.S. Highway 395 to junction Oregon Highway 11, thence over Oregon Highway 11 to the Oregon-Washington State line, thence over Washington Highway 125 to Walla Walla, Wash., and return over the same routes.

No. MC–2202 (Deviation No. 116), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed April 26, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follows: (1) From Indianapolis, Ind., over Indiana Highway 37 to Bedford, Ind.; (2) from Indianapolis, Ind., over U.S. Highway 421 to Monticello, Ind.; and (3) from junction Indiana Highway 67 and Indiana Highway 57, over Indiana Highway 57 to Evansville, Ind., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Indianapolis, Ind., over U.S. Highway 31 to Seymour, Ind., thence over U.S. Highway 50 to Bedford, Ind.; (2) from Indianapolis, Ind., over U.S. Highway 31 to Peru, Ind., thence over U.S. Highway 24 to Monticello, Ind.; and (3) from junction Indiana Highways 67 and 57, over Indiana Highway 67 to Vincennes, Ind., thence over U.S. Highway 41 to Evansville, Ind., and return over the same routes.

No. MC–2202 (Deviation No. 117), ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309, filed April 28, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between McKinney, Tex., and Bonham, Tex., over Texas Highway 121, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over a pertinent service route as follows: From McKinney, Tex., over U.S. Highway 75 to Denison, Tex., thence over U.S. Highway 69 to Bells, Tex., thence over U.S. Highway 82 to Bonham, Tex., and return over the same route.

No. MC–59135 (Deviation No. 4), RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, 24–50 Wright Avenue, Auburn, NY 13021, filed April 27, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: Between Boston, Mass., and Bridgeport, Conn., over Interstate Highway 95, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Northampton, Mass., over Massachusetts, Highway 9 to Boston, Mass., (2) from Springfield, Mass., over U.S. Highway 20 to Worcester, Mass., and return over the same routes, and (3) from Springfield, Mass., across the Connecticut River to West Springfield, Mass., thence over Alternate U.S. Highway 5 to Hartford, Conn., thence over Connecticut Highway 173 to Elmwood, Conn., thence over Connecticut Highway 176A to junction Connecticut Highway 176, thence over Connecticut Highway 176 to junction Connecticut Highway 174, thence over Connecticut Highway 174 to

New Britain, Conn., thence over Connecticut Highway 71 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to Berlin, Conn., thence over Alternate U.S. Highway 5 to junction U.S. Highway 5, thence over U.S. Highway 5 to junction Alternate U.S. Highway 5, thence over Alternate U.S. Highway 5 to Meriden, Conn., thence over unnumbered highways via South Meriden and Yalesville, Conn., to Wallingford, Conn., thence over U.S. Highway 5 to North Haven, Conn., thence over Alternate U.S. Highway 5 to via Montowese, Conn., to New Haven, Conn., thence over Connecticut Highway 158 to West Haven, Conn., thence over unnumbered highway (formerly Connecticut Highway 162) to junction Connecticut Highway 162, thence over Connecticut Highway 162 to Woodmont, Conn., thence over Connecticut Highway 122 to Milford, Conn., thence over unnumbered highway (formerly U.S. Highway 1) to junction U.S. Highway 1, thence over U.S. Highway 1 to Bridgeport, Conn.; and return from Bridgeport, Conn., over Connecticut Highway 8 to Shelton, Conn., thence continuing over Connecticut Highway 8 to Waterbury, Conn., thence over Connecticut Highway 73 to Watertown, Conn., thence over U.S. Highway 6 to junction Connecticut Highway 72, thence over Connecticut Highway 72 to junction Connecticut Highway 10, thence over Connecticut Highway 10 to junction Connecticut Highway 4, thence over Connecticut Highway 4 to Hartford, Conn., and thence over the route as specified above to Springfield, Mass.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6598 Filed 5-11-71;8:47 am]

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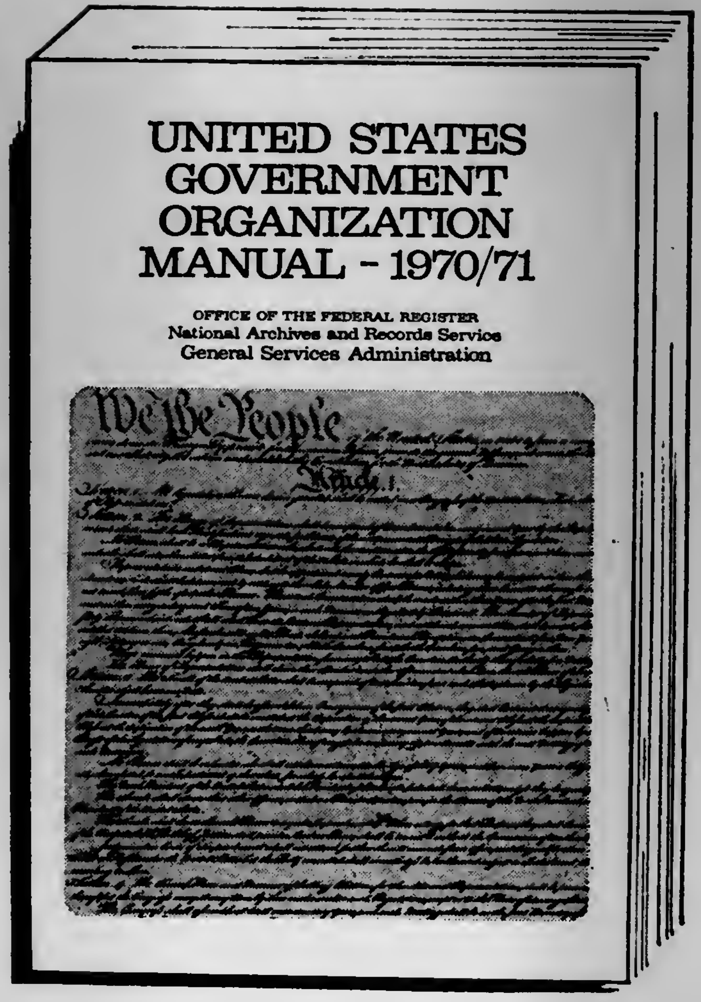

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THURSDAY, MAY 13, 1971
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1934

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Chapter I—Civil Service Commission

PART 307—TRANSITIONAL AND VETERANS READJUSTMENT APPOINTMENTS

Noncompetitive Movement

Section 307.106 is amended to authorize the noncompetitive movement of employees serving under Veterans Readjustment appointment to any position for which he meets the qualifications standards of the Commission. Promotions to positions at GS–6 or above must be made in accordance with Commission guidelines published in the Federal Personnel Manual.

Effective on publication in the FEDERAL REGISTER (5–13–71), § 307.106 is amended as set out below.

§ 307.106 Noncompetitive movement.

(a) Subject to § 335.103 of this chapter and paragraph (b) of this section, an agency may reassign, promote, or transfer an employee serving under Veterans Readjustment appointment to any position for which he meets the qualification standards of the Commission.

(b) Promotions to positions at GS–6 or above, or the equivalent, shall be made in accordance with guidelines the Commission shall establish and publish in the Federal Personnel Manual.

(c) Noncompetitive movements under this section are subject to completion of applicable training or educational programs.

(5 U.S.C. 3301, 3302, E.O. 11521, 35 F.R. 5311)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6677 Filed 5–12–71;8:50 am]

Title 7—AGRICULTURE

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 3]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Requirements, Quotas and Quota Deficits for 1971

Basis and purpose and bases and considerations. This amendment is issued pursuant to the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended), hereinafter referred to as the "Act." The purpose of this amendment to Sugar Regulation 811 (35 F.R. 18909) is to revise the determination of sugar requirements for the calendar year 1971, establish quotas, prorations, and direct-consumption limits consistent with such requirements and to determine and prorate or allocate the deficits in quotas established pursuant to the Act.

Section 201 of the Act requires that the Secretary shall revise the determination of sugar requirements at such time during the calendar year as may be necessary.

Physical deliveries of sugar during the first 4 months of 1971 have been at a seasonal rate in excess of that estimated when initial requirements were established. More sugar is needed to increase supplies in line with the current rate of deliveries and projected deliveries for the year. The increase in requirements at this time in view of the approaching period of high seasonal consumption will enable foreign countries to better plan their exportation of sugar to the United States during the balance of 1971.

Accordingly, total sugar requirements for the calendar year 1971 are herein increased by 200,000 short tons, raw value to a total of 11.1 million short tons, raw value.

Section 204(a) of the Act provides that the Secretary shall from time to time determine whether any area or country will be unable to fill its quota or proration of a quota. On the basis of the quotas established for Puerto Rico and the Virgin Islands for the calendar year 1971 in § 811.91 of this part and the supply of sugar expected to be available from those areas for marketing in the continental United States during the calendar year 1971, it is herein found that Puerto Rico will be unable to fill its quota by 785,000 short tons, raw value, and the Virgin Islands will be unable to fill its quota of 15,000 short tons, raw value. Accordingly, quota deficits of 800,000 short tons, raw value, are determined herein for Puerto Rico and the Virgin Islands.

On the basis of estimates of sugar production from the current Puerto Rican crop, that area will fail to fill its 1971 mainland sugar quota by 785,000 tons. The sugar industry of the Virgin Islands terminated production of sugar with the 1966 crop and no plans are currently in prospect for any resumption of sugar production in the future. Accordingly, quota deficits of 785,000 short tons, raw value, for Puerto Rico and 15,000 short tons, raw value, for the Virgin Islands are herein determined and are prorated and allocated to foreign countries pursuant to section 204(a) of the Act. If production exceeds the present estimates for Puerto Rico, the marketing opportunities for that area within the total mainland quota for that area will not be limited as a result of the deficit determination and proration provided herein.

The quota for Hawaii has been decreased by 70,000 short tons, raw value, pursuant to section 202(a)(2)(B) of the Act and on the basis of final data on production and marketing of Hawaiian sugar in 1970

It is hereby determined that Peru and Haiti filled 455,991 and 21,632 short tons, raw value, respectively, of their 1970 quotas and such quantities were in excess of 115 percent of their respective 1969 final quotas and accordingly, pursuant to section 202(d)(4) of the Act, the quotas established for Peru and Haiti for 1971 and future years will not be subject to reduction by reason of a deficit of 40,189 tons in the quota established for Peru and a deficit of 8,383 tons in the quota established for Haiti plus a shortfall herein determined in the final 1970 quota for Haiti of 4,544 tons.

The Republic of the Philippines. Ecuador, and Mauritius fell short of filling their 1970 quotas by 2,475 tons, 1,710 tons, and 605 tons, respectively, due to difficulties encountered in shipping individual cargoes of sugar from each country to the United States late in 1970. Such shipping difficulties are hereby determined to be force majuere, therefore the quotas for the Republic of the Philippines, Ecuador, and Mauritius for 1971 and subsequent years are not subject to reduction pursuant to section 202(d)(4) of the Act.

On the basis of evidence submitted by Panama to the Department and pursuant to section 202(d)(4) of the Act, it is hereby determined that the shortfall of 2,740 tons in the final 1970 quota for Panama was due to crop disaster and its quota for future years will not be subject to reduction by reason of such shortfall.

The Malagasy Republic and India fell short of filling their 1970 quotas by 69 tons, and 29 tons, respectively. It is hereby determined that such shortfalls in relation to the quotas of the countries are within reasonable tolerances under the circumstances which prevailed last year and hence, the quotas of these countries for 1971 and subsequent years are not subject to reduction pursuant to section 202(d)(4).

By virtue of the authority vested in the Secretary of Agriculture by the Act, Part 811 of this chapter is hereby amended by adding a new § 811.92 and by amending §§ 811.90, 811.91, and 811.93 as follows:

1. Section 811.90 is amended to read as follows:

§ 811.90 Sugar requirements, 1971.

The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1971 is hereby determined to be 11.1 million short tons, raw value.

2. Section 811.91 is amended by amending paragraph (a) to read as follows:

§ 811.91 Quotas for domestic areas.

(a) (1) For the calendar year 1971, domestic area quotas limiting the quantities of sugar which may be brought into or marketed for consumption in the continental United States are established, pursuant to section 202(a) of the Act, in column (1) and the amounts of such quotas for offshore areas that may be filled by direct-consumption sugar are established, pursuant to section 207 of the Act, in column (2) as follows:

Area	Quotas (1)	Direct-consumption limits (2)
	(Short tons, raw value)	
Domestic beet sugar	3,358,667	No limit
Mainland cane sugar	1,221,333	No limit
Hawaii	1,110,000	37,962
Puerto Rico	1,140,000	166,500
Virgin Islands	15,000	0

(2) It is hereby determined pursuant to section 204(a) of the Act that for the calendar year 1971 Puerto Rico and the Virgin Islands will be unable by 785,000 and 15,000 short tons, raw value, respectively, to fill the quotas established for such areas in subparagraph (1) of this paragraph. Pursuant to section 204(b) of the Act the determination of such deficits shall not affect the quotas established in subparagraph (1) of this paragraph.

* * * * *

3. Section 811.92 is added to read as follows:

§ 811.92 Proration and allocation of deficits and quotas in effect.

(a) The deficits in quotas determined in paragraph (a)(2) of § 811.91 of 800,000 short tons, raw value, are hereby prorated and allocated pursuant to section 204(a) of the Act, by allocating 47.22 percent or 377,760 short tons, raw value, to the Republic of the Philippines and by prorating the remaining 422,240 short tons, raw value, to West Hemisphere countries with quotas in effect as established in Sugar Regulation 811, for 1971 (35 F.R. 18909).

(b) In establishing deficit prorations herein for Western Hemisphere countries consideration has been given to the purchase of U.S. agricultural commodities by such countries, by determining that the value of U.S. agricultural exports to each such country exceeded the total net receipts f.a.s. port of shipment derived from the sale of sugar from deficit prorations imported from each such country during the most recent 12-month period for which data are available. Each foreign country which is unable to fill its quota including its deficit proration has the responsibility to notify the Secretary the extent of an reasons for such shortfall.

4. Section 811.93 is amended by amending paragraphs (b) and (c) to read as follows:

§ 811.93 Quotas for foreign countries.

* * * * *

(b) For the calendar year 1971, the quota for the Republic of the Philippines is 1,503,780 short tons, raw value, representing 1,126,020 short tons, established pursuant to section 202 of the Act and 377,760 short tons established pursuant to section 204 of the Act. Of the quantity of 1,126,020 short tons established pursuant to section 202 of the Act, only 59,920 short tons, raw value, may be filled by direct-consumption sugar pursuant to section 207(d) of the Act.

(c) For the calendar year 1971, the prorations to individual foreign countries other than the Republic of the Philippines pursuant to section 202 of the Act are shown in columns (1) and (2) of the following table. In column (3) a portion of the deficit prorations in the quotas of Puerto Rico and the Virgin Islands amounting to 422,240 short tons, raw value, are herein prorated to Western Hemisphere countries listed in section 202(c)(3)(A) of the Act, on the basis of published quotas most recently in effect. Total quotas and prorations are shown in column (4).

Countries	Basic quotas (1)	Temporary quotas and prorations pursuant to Sec. 202(d) [1] (2)	Deficit prorations (3)	Total quotas and prorations (4)
	(Short tons, raw value)			
Mexico	240,684	259,577	81,551	581,812
Dominican Republic	235,390	253,867	79,758	569,015
Brazil	235,390	253,867	79,758	569,015
Peru	187,752	202,490	63,617	453,859
British West Indies	94,032	76,407	28,080	198,519
Ecuador	34,250	36,939	11,605	82,794
French West Indies	29,580	24,036	8,833	62,449
Argentina	28,957	31,229	9,812	69,998
Costa Rica	27,711	29,886	9,389	66,986
Nicaragua	27,711	29,886	9,389	66,986
Colombia	24,909	26,864	8,440	60,213
Guatemala	23,352	25,185	7,912	56,449
Panama	17,437	18,805	5,908	42,150
El Salvador	17,125	18,469	6,802	41,396
Haiti	13,077	14,104	4,431	31,612
Venezuela	11,832	12,761	4,009	28,602
British Honduras	6,850	5,566	2,046	14,462
Bolivia	2,802	3,023	950	6,775
Honduras	2,802	3,023	950	6,775
Australia	112,091	90,434	0	202,525
Republic of China	46,704	37,681	0	84,385
India	44,836	36,174	0	81,010
South Africa	33,004	26,628	0	59,632
Fiji Islands	24,598	19,845	0	44,443
Thailand	10,275	8,290	0	18,565
Mauritius	10,275	8,290	0	18,565
Malagasy Republic	5,293	4,270	0	9,563
Swaziland	4,048	3,266	0	7,314
Ireland	5,351	0	0	5,351
Bahamas	10,000	0	0	10,000
Total	1,568,118	1,560,862	422,240	3,551,200

[1] Proration of the quotas withheld from Cuba and Southern Rhodesia.

* * * * *

(Secs. 202, 204, 403; 61 Stat. 924, as amended, 925, as amended, 932; 7 U.S.C. 1112, 1114, 1153)

Effective date. This action increases total sugar quota for the calendar year 1971 to domestic areas and foreign countries by 130,000 and 940,000 short tons, raw value, respectively. In order to promote orderly marketing, it is essential that this amendment be effective immediately so that all persons selling and purchasing sugar for consumption in the continental United States can promptly plan and market under the changed marketing opportunities. Therefore, it is hereby determined and found that compliance with the notice, procedure, and effective date requirements of 5 U.S.C. 533 is unnecessary, impracticable, and contrary to the public interest and this amendment shall be effective when filed for public inspection in the Office of the Federal Register.

Signed at Washington, D.C., May 10, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6676 Filed 5-12-71;8:50 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 348]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.648 Valencia Orange Regulation 348.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 11, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 14, 1971, through May 20, 1971, are hereby fixed as follows:

(i) District 1: 247,000 cartons;
(ii) District 2: 312,000 cartons;
(iii) District 3: 91,000 cartons.

(2) As used in this section, "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 12, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6786 Filed 5-12-71;11:22 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

Correction

In F.R. Doc. 71–6196 appearing on page 8307 in the issue of Tuesday, May 4, 1971, the second word in the ninth line of the Louisville, Ky. (Standiford Field) control zone reading "ach" should read "each".

[Docket No. 9937; Amdt. 105–5]

PART 105—PARACHUTE JUMPING

Clearance From Clouds and Flight Visibility Requirements

The purpose of this amendment to Part 105 of the Federal Aviation Regulations is to make the clearance from clouds requirements and flight visibility minimums of Part 105 more consistent with the basic VFR weather minimums of Part 91.

This amendment is based on a notice of proposed rule making, Notice 69–47, published in the FEDERAL REGISTER on October 29, 1969 (34 F.R. 17448).

In addition to the proposal upon which this amendment is based, Notice 69–47 also proposed to allow altimeters on aircraft carrying parachute jumpers to be set at zero altitude prior to takeoff, when the airport of takeoff and the jump zone are at the same location. Of the 11 comments received in response to the notice, the majority of them dealt predominantly with this proposal, and generally speaking the reaction of the commentators was mixed. However, further FAA study based on the comments received, indicates that it is not appropriate at this time to adopt this requirement. As indicated in the notice, the FAA is aware that permitting the operator of a jump aircraft to set the altimeter at zero altitude would enhance the safety of the parachute jumper because it would give a calculation-free reading of the actual height above the ground. However, while beneficial to the jumper, such a requirement could cause difficulties for the pilot and consequently could create a dangerous situation for other traffic in the vicinity of the jump. For example, several commentators favoring the proposal noted the fact that if it were adopted the jumper would be freed of a mental calculation in determining the actual height above the ground; but, the net effect of this action would be to require the pilot to make calculations to determine his proper altitude based on MSL. Such calculations by the pilot defeat the purpose of an altimeter requirement which is to apprise the pilot of his altitude by ready reference.

The FAA is cognizant of the need to improve conditions for parachute jumpers, but actions taken toward that end cannot so adversely affect the total jump operation that safety in air commerce is jeopardized. The need to increase jump safety through actual altitude information can be met by use of a jump altimeter for use by the parachutist. Use of such equipment will give the jumper the altitude information he needs while not affecting the pilot and his source of altitude information.

With regard to the second proposal made in the notice, and the subject of this amendment, the majority of commentators agreed that there is a need to make the clearance from clouds requirements and flight visibility minimums of Part 105 consistent with the basic VFR weather minimums of Part 91. As pointed out in the notice, prior to Amendment 91–51 (effective Mar. 16, 1968), the clearance requirements and flight visibility minimums of §§ 105.29 and 105.31 were consistent with, and in some cases more restrictive than the basic VFR minimums prescribed in Part 91.

It was recommended that greater clearance criteria be established by requiring 1-mile horizontal clearance from clouds rather than 2,000 feet as proposed, and that there be a 5-mile flight visibility requirement rather than 3 miles. The FAA does not consider it necessary at this time in the interest of safety to require greater clearance from clouds requirements or flight visibility minimums than those currently in effect under Part 91.

This amendment changes the format of proposed § 105.29 by setting forth the clearance and visibility requirements in chart form, similar to that used in Part 91. This change will result in greater clarity in understanding the requirements prescribed therein.

Finally, as proposed in the notice, § 105.31 is deleted inasmuch as the requirements currently contained therein will be incorporated in the amendment to § 105.29.

In consideration of the foregoing, Part 105 of the Federal Aviation Regulations is amended, effective June 12, 1971, as follows:

1. By amending § 105.29 to read as follows:

§ 105.29 Flight visibility and clearance from clouds requirements.

No person may make a parachute jump, and no pilot in command of an aircraft may allow a parachute jump to be made from that aircraft—

(a) Into or through a cloud; or

(b) When the flight visibility is less, or at a distance from clouds that is less, than that prescribed in the following table:

Altitude	Flight visibility (statute miles)	Distance from clouds
(1) 1,200 feet or less above the surface regardless of the MSL altitude.	3	500 feet below. 1,000 feet above. 2,000 feet horizontal.
(2) More than 1,200 feet above the surface but less than 10,000 feet MSL.	3	500 feet below. 1,000 feet above. 2,000 feet horizontal.
(3) More than 1,200 feet above the surface and at or above 10,000 feet MSL.	5	1,000 feet below. 1,000 feet above. 1 mile horizontal.

§ 105.31 [Deleted]

2. By deleting and reserving § 105.31.

(Secs. 307, 313(a), 601, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354, 1421; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 3, 1971.

J. H. SHAFFER,
Administrator.

[FR Doc.71-6651 Filed 5-12-71;8:48 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[21st Gen. Rev. of the Export Regs., Amdt. 21]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 374, 379, and 399 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959–1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959–1963 Comp.)

Effective date: May 7, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 374—REEXPORTS

In § 374.3, paragraph (d)(1) is amended to read as follows:

§ 374.3 How to request reexport authorization.

* * * * *

(d) *Special requirements.* In addition to the provisions of paragraphs (a), (b), and (c) of this section, the request for authorization to reexport shall include the following:

(1) *Reexports to certain countries.* If the reexport is to be made to a destination specified below, regardless of the country to which the commodities were originally shipped from the United States, the documentation set forth below in this § 374.3(d)(1) shall be furnished:

Any destination in Country Group Q, S, W, X, Y, or Z (see Supplement No. 1 to Part 370 for the countries included in each country group). The following destinations in Country Group V:

Cambodia.
Laos.
Liechtenstein.
Malaysia.
Singapore.
South Africa (Republic of).
Sweden.
Switzerland.
Thailand.
Vietnam (Republic of).
Yugoslavia.

Consignee/purchaser statement or other documentation from the new ultimate consignee that would be required by Part 375 of this chapter if the reexport were a direct export from the United States to the new country. Where this document is a Yugoslav End Use Certificate or a Swiss Blue Import Certificate, and the same document must be furnished to the export control authorities of the country from which reexport will be made, the Office of Export Control will accept a reproduced copy of the document being furnished to the country or reexport. If the required documentation cannot be obtained, waiver may be requested in accordance with the applicable provisions of the Export Control Regulations. (See § 375.1(d) of this chapter for waiver of an Import Certificate; § 375.3(c) of this chapter for waiver of a Swiss Blue Import Certificate; and § 375.4(c) of this chapter for waiver of a Yugoslav End-Use Certificate.)

* * * * *

PART 379—TECHNICAL DATA

In § 379.8, paragraphs (b) and (c) are amended as follows:

§ 379.8 Reexports of technical data and exports of the product manufactured abroad by use of U.S. technical data.

* * * * *

(b) *Permissive reexports.* * * *

(2) *Country Groups Q, W, and Y.* When the Office of Export Control has specifically authorized the export of a commodity from the United States to a destination in Country Group Q, W, or Y or the reexport of a U.S.-origin commodity from any foreign country to a destination in Country Group Q, W, or Y or the reexport of a U.S.-origin commodity from any foreign country to a destination in Country Group Q, W, or Y, technical data such as manuals, instructional sheets, or blueprints as described in, and subject to the conditions of, § 379.4(b)(1) may be sent to the same destination as part of the same transaction without separate specific authorization by the Office of Export Control.

(c) *Specific authorization to reexport.* Requests for specific authorization to reexport technical data or to export any product thereof, as applicable, shall be submitted on Form IA-1145, Request To Dispose of Commodities or Technical Data Previously Exported, to the Office of Export Control (Attention: 854), U.S. Department of Commerce, Washington, D.C. 20230. (See Supplement S-26 for facsimile of form and Supplement No. 1 to Part 374 of this chapter on instructions for completing the form.) If the request is approved, the second copy of the form will be validated and returned to the applicant. The form will bear a validity period, which may be extended upon request. If Form IA-1145 is not readily available, a request for specific authorization to reexport technical data or to export any product thereof, as applicable, may be submitted by letter. The letter shall bear the words "Technical Data Reexport Request" immediately below the heading or letterhead and contain all the information required by § 379.5(d). Authorization to reexport, if granted, will be issued with a validity period of 12 months on Form IA-1145 or by means of a letter from the Office of Export Control. Any request for extension of the validity period shall similarly be submitted by letter. Reexport authorization shall be returned promptly to the Office of Export Control upon revocation, suspension, or expiration of the validity period. Used authorizations shall be returned when fully used. Unused and partially used authorizations shall be returned when the person authorized to reexport determines that he will not make any shipment, thereunder or upon expiration of the authorization, whichever comes first. After the reexport of the technical data has been completed, the Office of Export Control shall also be given a notice in writing indicating:

(1) When the technical data were reexported or when the technical services were rendered; and

(2) Whether the reexport or service was total or partial.

In addition, if the technical data had been reexported to Country Group Q, W, or Y, the written notice shall specify:

(i) The nature of the transaction; e.g., a sale of technical data, performance of technical services, a technical licensing agreement, a technology exchange agreement, or the rendering of technical services;

(ii) The nature of the payment received, or to be received, by the U.S. exporter; e.g., pecuniary or other consideration; and

(iii) The actual or estimated price of the technical data reexported or services rendered, or the actual or estimated dollar value of any other consideration received or to be received. (This should include the payment received or to be received for engineering and for any other services when rendered, as well as for the royalty or other payment received or to be received for a design or process authorized to be used.)

* * * * *

PART 399—COMMODITY CONTROL LIST AND RELATED MATTERS

§ 399.1 [Amended]

In § 399.1, paragraph (d) is deleted.

[FR Doc.71-6660 Filed 5-12-71;8:48 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER D—TRADE REGULATION RULES

PART 424—RETAIL FOOD STORE ADVERTISING AND MARKETING PRACTICES

The Federal Trade Commission, pursuant to the Federal Trade Commission Act, as amended, 15 U.S.C. 41, et seq., and the provisions of Subpart B, Part 1 of the Commission's Procedures and Rules of Practice, 16 CFR 1.11, et seq., has conducted a proceeding for the promulgation of a trade regulation rule regarding retail foodstore advertising and marketing practices. Notice of this proceeding, including a proposed rule, was published in the FEDERAL REGISTER on November 14, 1969 (34 F.R. 18252). Interested parties were thereafter afforded opportunity to participate in the proceeding through the submission of written data, views, and arguments and to appear and orally express their views as to the proposed rule and to suggest amendments, revisions and additions thereto.

The Commission has now considered all matters of fact, law, policy, and discretion, including the data, views and arguments presented on the record by interested parties in response to the notice, as prescribed by law, and has determined that the adoption of the trade regulation rule and statement of its Basis and Purpose set forth herein is in the public interest.

STATEMENT OF BASIS AND PURPOSE

I. HISTORY OF THE PROCEEDING

In October 1967 the Commission directed the staff to undertake an investigation of the pricing practices of food chain retailers. Among these were unavailability and overpricing of items featured in food chain advertisements, which subsequently became the subjects of this proceeding. In the course of this investigation which covered the period 1967–69, the staff conducted approximately 500 pricing surveys in stores operated by the leading food chains of Washington, D.C., San Francisco, and Baltimore. During these pricing checks the staff recorded price and availability information on approximately 45,000 individual grocery items. In addition to the pricing surveys, the staff held extensive nonpublic hearings to determine the official pricing policies of the food chains, and how those policies were implemented.

In May 1969 the findings of the 1967–68 staff investigations were made public in the form of the "Economic Report on Food Chain Selling Practices in the District of Columbia and San Francisco" (R 9).[1] The results of the 1969 investigations in the Washington, D.C. and Baltimore areas have also been made a part of the public record of this proceeding. (R 41–63).

The Commission then indicated its affirmative interest in an industrywide rulemaking proceeding by publishing in the FEDERAL REGISTER on November 14, 1969 a notice (34 F.R. 18252) which included a proposed rule, and scheduled a public hearing on January 20 and 21, 1970. Subsequently, petitions were received from the National Association of Food Chains (NAFC) and the National Association of Retail Grocers of the United States (NARGUS) for an extension of time for filing written comments and for an additional public hearing. The petitions were granted by the Commission, and an additional hearing was announced for March 24 and 25. (35 F.R. 326).

II. THE PROPOSED TRADE REGULATION RULE AND ITS EFFECTS

The proposed rule which has been the subject of this proceeding is as follows:

In connection with the sale or offering for sale by food retailers of food and grocery products or other merchandise, subject to the jurisdictional requirements of sections 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and/or an unfair or deceptive act or practice to:

(1) Offer any such product for sale at a stated price, by means of any advertisement disseminated in an area served by any of its stores which do not have such products in stock, and readily available to customers in self-service areas of such stores. (If not readily available on a self-service basis, clear and adequate notice shall be provided at the point where customers would normally expect the products to be offered for sale, that the item or items are in stock and may be obtained upon request.)

Provided, however, That it shall constitute a defense to a charge under Part (1) of the Rule, supra, if the retailer maintains records to show that the advertised products were ordered and delivered to the stores in quantities sufficient to meet reasonably anticipated demands.

(2) Fail to make the advertised items conspicuously and readily available for sale at or below the advertised prices:

Unless, in each of the above cases, there is clear and conspicuous disclosure in all such advertisements as to all exceptions with respect to specific stores, products or prices otherwise included within the advertisement.

NOTE: I. General disclaimers in advertising relating to product availability will not be considered to be in compliance with the disclosure provisions of the Rule. Examples of such general disclaimers would be:

(a) "Not all items available at all stores."

(b) A statement that a particular item or group of items is "Available at most stores".

(c) "Available at stores featuring delicatessen departments." In this case the specific stores where the advertised item is either available or unavailable shall be disclosed.

NOTE: II. Some food retailers have utilized a "raincheck" policy whereby customers may subsequently purchase at the advertised prices items which were unavailable during the effective period of the advertisement. Such a system will not be considered as compliance with Part (1) of the Rule.

Part (1) of the proposed rule would require that merchandise advertised at a stated price be in stock in all of the advertiser's stores in the area wherein the advertisement was disseminated and readily available to customers in self-service areas of such stores. Part (1) also requires that if not readily available, notice shall be provided at the point where customers would normally expect the products to be offered for sale that the item or items are in stock and may be obtained upon request. This latter provision was designed to cover such situations as temporarily unstocked shelves with the products themselves in the stock room, or meat which is not displayed because it is hanging in the refrigerator awaiting cutting, etc.

The rule also contains a built-in defense to Part (1) merchandise availability requirements, provided the food retailer maintains records to show that the advertised products were ordered and delivered to the stores in quantities sufficient to meet reasonably anticipated demands.

Part (2) of the proposed rule would require the advertised items to be conspicuously and readily available at or below the advertised prices.

The proposed rule does contain a proviso that exceptions to the requirements of Parts (1) and (2) will be permitted if there is disclosure in the advertisement as to all exceptions with respect to specific stores, products, or prices otherwise included within the advertisement.

The proposed rule is also accompanied by two notes, the first of which deals with general disclaimers as to product availability, and declares that such disclaimers will not be considered to be in compliance with the disclosure provisions of the rule. Three specific examples of disclaimers are dealt with in the note.

The second note describes the "raincheck" policy which some food marketers currently employ, and advises that this system will not be considered as compliance with availability provisions of Part (1) of the rule.

III. THE NEED FOR A RULE TO REMEDY UNAVAILABILITY AND MISPRICING OF ADVERTISED ITEMS

This proceeding was initiated principally on the basis of the results of Bureau of Economics' staff investigations conducted in San Francisco and Washington, D.C. in 1967–68, and in Baltimore and Washington, D.C. in 1969.

The 1967–68 investigations are described in detail in the Bureau of Economics' staff report to the Commission titled "Economic Report on Food Chain Selling Practices in the District of Columbia and San Francisco" (R 9), which was published in July 1969. The investigation covered by this report included surveys of a total of 137 stores operated by 10 leading food chains.

The report disclosed that a total of 11 percent of the advertised items in the two cities were found to be unavailable, and only eight of the 137 stores checked had every advertised item available for the consumer. In each of the two cities considerably more items were unavailable in low-income area stores as compared to higher income area stores.

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[1] References to written comments and materials appearing in the public record are cited as (R page number), and oral testimony delivered at the public hearing is cited as (Tr. page number).

Also described in the report is the extent to which deviations existed between the prices items were advertised at and the prices appearing on the items in 99 stores. The results indicated deviations of 9 percent in Washington and 8.8 percent in San Francisco. Several chains had 10 percent or more items mispriced. In a very substantial majority of the instances of deviations, the prices marked on the items were higher than the advertised prices.

A summarization of the findings of these investigations was provided by Dr. Russell C. Parker of the Commission's Bureau of Economics, in his testimony at the public hearing. Some excerpts from that testimony are set forth as follows:

> In the course of the Commission's investigation the staff conducted approximately 500 pricing surveys in the food stores operated by the leading food chains of Washington, D.C., San Francisco, and Baltimore. During these pricing checks the staff recorded price and availability information on approximately 45,000 individual grocery items. Tr. 42
>
> The Federal Trade Commission surveys focusing on pricing and availability patterns of advertised items show that a substantial share of those items are either not available or, if available, are overpriced. In the Washington area, the surveys conducted through June 1969, show that most of the largest chains had average unavailability plus overpricing rates ranging between 21 percent and 26 percent. In the surveys conducted in August the averages were lower. Tr. 45
>
> Before discussing the change in pattern that occurred over the summer of 1969, I would like to direct attention to the wide variability found between stores of the same chain. The overall chain averages obscure this important variability. Generally, each chain had some good performing stores whose low unavailablity and overpricing rates were offset by stores that had very high unavailability and overpricing rates. Roughly, a third of the stores of leading chains included in the surveys conducted prior to August 1969 had low rates (zero to 10 percent unavailable or overpriced). In contrast, the worst third of the stores had more than 30 percent of the advertised items either unavailable or overpriced. Between 5 and 10 percent of the stores had fewer than half of the items featured in advertisements available at (or below) the prices shown in the advertisements. On the other hand, some of the best performing stores in terms of having all or nearly all of the specials available, were also consistently found to be selling a substantial share of items at prices below those appearing in advertisements. Tr. 45, 46
>
> When unavailability rates were tabulated according to the level of income served by the stores, it was found that stores located in low-income areas had unavailability-overpricing rates averaging twice as high as stores located in higher income areas. The difference was not attributed to policies designed to discriminate against poor people, however, but rather to differences in competition and size of store. The primary factor was the lack of supermarkets in the inner city low-income areas. When a supermarket faces substantial competition from supermarkets of other chains, advertised specials are usually available. Competitive stores also serve customers better in other respects. Tr. 46
>
> The pattern of unavailability-overpricing rates of Washington area chains changed significantly over the summer of 1969. Surveys made in August showed declines in the unavailability-overpricing rates of all the Washington area chains. The improvement of Safeway was especially noteworthy. Its unavailability and overpricing rate on advertised items dropped to between a fourth and a fifth of the level found in previous Washington area surveys. In the two surveys conducted, in the winter of 1967–68 and in June 1969, in which the staff believes that most Safeway supermarkets (as well as the stores of other chains surveyed) were caught by surprise, Safeway averaged combined out-of-stock and overpricing rates on advertised items of 21 percent and 26 percent, respectively. Its average in the August 1969 survey dropped to only 5 percent. Tr. 47
>
> In the staff's view this reduction in percent of advertised items found either not in stock or overpriced was due to Safeway's efforts in the interim to change its procedures in an effort to solve the problem. Tr. 47
>
> It is my belief that the results of the August 1969 surveys present persuasive evidence that unavailability and overpricing of advertised items can be avoided if the food chains are interested in taking the necessary action to solve the problem. The purpose of the rule proposed before this hearing is to encourage such action. Tr. 50

Safeway Stores, Inc. submitted a statement (R 976–1020) relative to the Commission staff surveys conducted in November 1967, June and August 1969. It is Safeway's principal contention that the results of the November 1967 and June 1969 surveys substantially overstate the incidence of unavailability and mispricing conditions in Safeway stores, chiefly because of a failure to include in the tally count a substantial number of advertised items. Safeway is not so critical concerning the results of the August 1969 survey which demonstrated a great improvement in Safeway stores in the matters of unavailability and mispricing (R 985). For other industry criticism of the survey results, see (R 574–575) and (R 586–589).

In his evaluation of the Safeway contentions (R 1023–1030), Dr. Parker takes the position that the survey results do not substantially overstate the incidence of unavailability and mispricing in Safeway stores. Dr. Parker stated, in part, that:

> Rather than involve the Commission in an item-by-item rebuttal of each of Safeway's allegations, it seems much more to the point to show that even when every challenged item is retabulated in the way Safeway claims it should be, the total change in the results is insignificant. The weight of the evidence remains, namely, that a significant number of Safeway stores still show up with 20, 30, and even 40 percent of advertised items either unavailable or overpriced. (R 1023–1024)

The results of the retabulation in accord with Safeway's contentions are shown on the record at (R 1025–1027).

In his statement, Dr. Parker has concluded that with respect to the Safeway allegations:

> The weight of the evidence of the staff surveys, which supports the need for the trade regulation rule presently being considered by the Commission, has not been reduced. (R 1030)

Consumer testimony. During the course of the public hearing 18 consumer witnesses, 13 of them representing consumer organizations, testified as to the widespread nature of unavailability and mispricing of advertised items.[2] Three of the organizations represented conducted surveys the results of which are consistent with the results of the Commission's investigation.[3] We have also received several hundred consumer complaints regarding unavailability and/or mispricing.

In addition, we have received written comments from the following local governmental agencies supportive of regulation in this area and some advising of the many complaints they receive in this area:

Hawaii Consumer Protection Office, R 24–25.
Connecticut Department of Consumer Protection, R 39–40.
North Carolina Consumer Protection Division, R 79–80.
Vermont Consumer Protection Bureau, R 90–91.
New York City Department of Consumer Affairs, R 140–141.
Pennsylvania Bureau of Consumer Protection, R 160.
Attorney General, New York State, R 212–213.
Nassau County, New York Office of Consumer Affairs, R 852.

Support for regulation was forthcoming from groups within the following universities:

University of Vermont, R 70.
Purdue, R 92.
New York State University, R 95.
Penn. State, R 100.
Cornell, R 119.
George Washington Law School (nonpublic record).

Additional support for regulation is found in the following comments:

Senator Philip A. Hart of Michigan, R 74.
Senator Edward M. Kennedy, R 73.
Congressman Benjamin Rosenthal who conducted Congressional hearings on unavailability and mispricing in 1967, Tr. 10–26.
Margaret Lana—a nationally syndicated consumer columnist who reports many complaints, R 84.
Oregon Consumer League, R 144.
Columbia-Missouri Committee on Consumer Rights, R 152.
Missouri Association of Consumers, R 170.
Detroit Consumer Research Advisory Council, R 184.
Association of California Consumers, R 351.
Chief, Assistance Standards Branch, U.S. Department of Health, Education, and Welfare, R 75.

Mrs. Virginia Knauer, Special Assistant to the President for Consumer Affairs testified as to the need for regulation. Tr. 93–104. However, although in agreement with the spirit of the proposed rule, she suggested issuing complaints against offending parties.

The U.S. Department of Commerce, in a submission received after the public record had closed, while agreeing that regulation may be necessary, nonetheless felt that the proposed rule imposed undue burdens upon retailers. Their principal recommendations are:

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[2] Tr. 28–30, 59–60, 66, 74, 76–78, 109, 129, 143–146, 148, 151, 155, 158–159, 217, 232–233, 235, 261, 333, 344.

[3] Tr. 143–146, Tr. 148, Tr. 217–224. However, we are unaware of the quality of the survey techniques, methodology and implementation with respect to these surveys.

1. Revise the defense to Part (1) to require only a showing that adequate products were ordered in sufficient quantities in adequate time for delivery, rather than "ordered and delivered."

2. Revise Part (2) to require proper pricing "with reasonable degree of accuracy," thus eliminating the per se requirement of the proposed rule.

Other reports and studies. Included in the public record are the results of four other studies relating to unavailability and mispricing of advertised grocery items.

A 1968 study conducted by the U.S. Department of Agriculture titled "Comparison of Prices Paid for Selected Foods in Chain Stores in High and Low Income Areas of Six Cities" (R11) contains a very brief reference on page 3, "Availability and Prices of Advertised Items." There it is stated, "In only six instances, out of 382 purchases of advertised items that could have been made in stores of these eight chains, were any of these items out of stock. These were equally divided among low- and high-income stores * * *. Advertised prices were paid for nine out of 10 purchases of such items."

A survey conducted in Manhattan, Kans. by the Department of Family Economics of Kansas State University in the Fall of 1969 (R 191–193) found that "* * * * 86 percent to 100 percent of items were available in the eight stores of Manhattan. The average was 96 percent * * * 24 percent to 100 percent of items were price marked; the average was 70 percent * * * most stores were in the 70–80 percent range."

A "Study of Retail Food Store Advertising and Marketing Practices in the St. Louis Area" was conducted in 1969 by a consumer group, Housewives Elect Lower Prices (R 233–242). The report concluded that "* * * 11 to 16.6 percent of the items which were advertised were not available at the time of the surveys. In addition, an 8 to 9 percent price deviation occurred between the advertised price and the marked price, and 7 to 8 percent of the items advertised were not marked."

A 1970 study (R 853–881) was conducted in Nassau County, N.Y. at the direction of County Executive Eugene H. Nickerson. The following are excerpts from the published results (R 882–886):

> Of 42 supermarkets inspected on a typical Monday (February 2), only eight had all their leading "specials" visually available for sale—and only one of the stores had all its leading specials marked with the advertised sale price, according to the Nickerson report.
>
> Inspectors from the County's Office of Consumer Affairs checked from 40 to 50 supermarkets on 4 different days of the week in response to complaints from the public concerning unavailability and incorrect pricing of items featured in heavy newspaper advertising.
>
> On a typical Friday (January 16), only 28 of 52 stores inspected had all their leading specials visually available for sale, and only 20 had all leading specials marked with the advertised sale price.
>
> "The findings show genuine cause for consumer dissatisfaction." Nickerson stated, "* * * and I am directing the Office of Consumer Affairs to provide a report to the Federal Trade Commission, to call meetings with supermarket officials, and to obtain immediate action by supermarkets to live up to their advertising".
>
> A special survey of 11 supermarkets serving low-income areas showed conditions generally consistent with conditions found throughout the county. On Monday and Tuesday, February 2 and 3, not a single store checked in a low-income area had all its leading specials visually available and properly marked.
>
> Nickerson noted that as compared to a similar survey conducted last year by the Federal Trade Commission in the Washington area, the situation in Nassau County is better with respect to availability but much worse with respect to overpricing.
>
> He said that the FTC is considering the promulgation of a Trade Regulation Rule covering foodstore advertising and marketing practices and that he would urge such a rule be issued.

IV. THE POSITION OF THE INDUSTRY

The public record contains presentations submitted by five trade associations and seven food chains, as follows:

National Association of Retail Grocers of the United States (represents approximately 40,000 local retailers ranging from small outlets to supermarkets).
National Association of Food Chains (represents 220 retailers operating from 2 to 4,000 stores, including virtually all the large chain operations).
Grocery Manufacturers' of America.
National American Wholesale Grocers' Association.
National Retail Merchants Association.
Safeway Stores, Inc.
Atlantic & Pacific Tea Co. (A&P).
Grand Union Co.
Harvest Markets, Inc.
Co-Op.
Ralphs Grocery Co.
Packmart Supermarkets.

The chain retailers, for the most part, permitted two trade associations, National Association of Retail Grocers of the United States (NARGUS) and the National Association of Food Chains (NAFC), to represent their interests in this proceeding.

The principal arguments which have been advanced against the proposed rule are as follows:

1. (a) Part (1) of the proposed rule is impossible to comply with since it represents an absolute requirement that every advertised item be in every case available in each of the approximately 150,000 foodstores which would be affected by the rule. Tr. 173, 270–273, 282, 296; R 573, 579, 956–57.

(b) The defense provided in Part (1) of the proposed rule which would hold retailers blameless provided they maintained records to show that advertised items were "ordered and delivered", is in fact no defense at all since there are so many factors beyond the retailers' control which could result in nondelivery. Tr. 183–189; R 28–30.

Industry members have pointed out that Part (1) of the proposed rule sets an inflexible standard requiring 100 percent availability of advertised items in 100 percent of the advertiser's stores. The failure of one store, for whatever reason to have a single advertised item available could expose the retailer to a technical charge of having violated the rule.

In citing the many factors beyond the retailers' control which may result in nondelivery and consequent unavailability of ordered products, industry members pointed to:

Acts of God, such as severe storms or fire, which destroy shipments en route or cause transportation tie-ups and delays.

Severe climatic changes which damage or destroy crops. Mechanical failures causing delayed truck or railroad deliveries.

Government regulations may contribute to delay of product arrival or reduction of the quantity ordered. For example, merchandise is condemned by the U.S. Department of Agriculture at shipment point; or a product is rejected at the warehouse because it does not pass State or Federal inspection; or carriers' trucks are sometimes in violation of State and ICC regulations.

2. The same argument of impossibility of performance has been made with respect to Part (2) of the proposed rule. Again, it is argued that even isolated inadvertent instances of mismarked prices on products, through employee error would leave the stores open to charges of thousands of violations. Tr. 189–192, Tr. 287–288, Tr. 274; R 573, R 595, R 581, R 957.

> There is an irreducible amount of human error that makes pricing perfection unattainable. There are the simple mistakes by the clerk marking the price on an item, mistakes by the advertising department in writing the price to be put in the advertisement, or confusion resulting from the fact that the clerks have neglected to remove all of the regular stock marked at the regular price. R 573.
>
> The Commission and the public are entitled to no less than the best efforts of every food chain to reduce the number of mistakes to the very minimum, but the Government cannot legislate errorless performance merely by adopting a rule. R 573.
>
> We do not condone mistakes, but it would be unrealistic to pretend that they can be wholly eliminated. R 579.

The record also includes the comment that:

> At any one time, Safeway has on display more than 200 million packages that have been individually price marked. A 1 percent pricing error rate would mean 1 million "high-side" pricing errors. If all "high-side" pricing errors are prohibited (the proposed rule would absolutely prohibit all such errors on advertised prices), they could be penalized at the rate of $5,000 per error per day, or $5 billion for each day of "violation". R 570

3. Part (1) of the proposed rule also contains a parenthetic requirement that "(If not readily available on a self-service basis, clear and adequate notice shall be provided at the point where customers would normally expect the products to be offered for sale, that the item or items are in stock and may be obtained upon request.)"

The industry has argued that this provision seems to assume that all grocery products are sold, or should be sold, on a self-service basis but that this is a completely erroneous impression. They then point out that many products may be and are sold either self-service or upon customer request, and that many other products are sold almost exclusively upon customer request, i.e., fish, meat, and delicatessen departments. R 655–656

4. Note I(c) of the proposed rule reads as follows:

> NOTE: I. General disclaimers in advertising relating to product availability will not be considered to be in compliance with the disclosure provisions of the rule. Examples of such general disclaimers would be:
>
> * * * * *
>
> (c) "Available at stores featuring delicatessen departments." In this case the specific stores where the advertised item is either available or unavailable shall be disclosed.

The intent of Note I(c) was to require advertising to disclose precisely by address or otherwise by location the identity of the specific stores where advertised items were either available or unavailable. Industry members have pointed out that this provision would require some chains in metropolitan areas to list the addresses of half their stores, which would mean a list of 100 to 125 store locations in a single ad. Tr. 277. It is argued by industry members that such a requirement would force the stores to enlarge the ads at a high cost, or to reduce the number of items (delicatessen, fish, pastry, etc.) advertised. It would also eliminate much of the current radio and television advertising. Tr. 192, 193, 278.

5. The National Retail Merchants Association (NRMA) in their statement (R 969–975) has pointed out that the proposed rule was clearly directed at food chains based upon the staff investigations of 10 leading food chains in Washington, San Francisco, and Baltimore. Yet, NRMA argues the proposed rule could be interpreted to cover the advertising of all products by all retailers selling food products in any quantity.

6. Complementing the foregoing industry arguments, NARGUS and NAFC have recommended that the Commission adopt the following revised rule: R 667–668, 828–829.

> In connection with the sale or offering for sale by retailers of food and grocery products, subject to the jurisdictional requirements of sections 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and/or an unfair or deceptive act or practice to:
>
> (1) Offer any such products for sale at a stated price, by means of any advertisement disseminated in any area served by any of its stores which are covered by the advertisement and do not have such products in stock and readily available to customers during the effective period of the advertisement. (If not readily available, clear and adequate notice shall be provided that the items are in stock and may be obtained upon request.):
>
> *Provided, however*, That it shall constitute a defense to a charge under Part (1) of the rule supra, if the retailer shows that he has taken reasonable good faith actions to have the advertised products readily available in the stores covered by the advertisement in quantities sufficient to meet reasonably anticipated demand during the effective period of the advertisement.
>
> NOTE: In determining whether reasonable good faith efforts have been exercised by the retailer, the Commission will consider, in addition to other appropriate factors, such circumstancea as orders of sufficient quantities to meet reasonably anticipated demand, failure of expected delivery, unexpectedly high demand depleting store inventory, media errors, failure of suppliers to fill orders, and use of rain checks. While no recordkeeping requirement is imposed under this rule, retailers would be in a better position to establish their reasonable good faith effort by maintaining appropriate records;
>
> (2) Fail to take reasonable action in good faith to make advertised food and grocery products conspicuously and readily available at or below the advertised price. When a deficiency or error appears, the retailer shall promptly initiate procedures for the purpose of preventing its repetition or continuation.
>
> Unless, in each of the above cases, there is clear and conspicuous disclosure in all such advertisements as to all exceptions with respect to stores, products or prices otherwise included within the advertisement.
>
> NOTE: I. General disclaimers in advertising relating to product availability will not be considered to be in compliance with the disclosure provisions of the rule. Examples of such disclaimers would be:
>
> (a) "Not all items available at all atores".
>
> (b) A statement that a particular item or group of items is "available at most stores".
>
> NOTE: II. Some food retailers have utilized a "raincheck" policy whereby customers may subsequently purchase at the advertised prices items which were unavailable during the effective period of the advertisement. The use of rain checks is relevant to determining a retailer's good faith reasonable action under Part (1), however, such a system will not be considered as complete compliance therewith if it appears that it is used as a substitute for such reasonable good faith action.

V. SUMMARY AND CONCLUSIONS

Food is one of the Nation's largest industries. Food consumed in 1968 had an estimated retail value of $76.05 billion. There are approximately 282,300 retail foodstores in the United States of which 46,000 are chain stores operated by 4,241 chain foodstore companies.[4] The estimated chain sales in 1968 amounted to $51.6 billion which is 67 percent of the total food sales.[5]

Food also is a necessity of life and represents a major outlay in the budgets of all consumers. For the Nation as a whole it represents 17 percent of the average consumer budget; and for families with disposable incomes of $3,000 or less per year, it represents over 40 percent.[6] Obviously, then, there exists a broad public interest in the advertising and marketing practices of the retail food industry, particularly when that industry has been the subject of numerous allegations of unfair and anticompetitive practices. It was against that background that this rulemaking proceeding was initiated.

Now, on the basis of the entire public record which has been developed in the course of the proceeding, the Commission has concluded that the issuance of a trade regulation rule with respect to the unavailability and mispricing of advertised food and grocery products is required by that record, and is in the public interest. However, the arguments set forth by the industry in opposition to certain portions of the proposed rule were found by the Commission to be persuasive and, appropriate revisions have been made in the final rule.

For example, the contentions made by industry members with respect to Parts (1) and (2) of the proposed rule can hardly be ignored. Those parts of the proposed rule would inevitably result in many technical per se violations despite any honest best efforts of industry members to insure the availability and proper pricing of advertised items.

Consequently, the final rule has been revised to include the following language:

> NOTE I: In determining whether the rule will be applied the Commission will consider (a) all circumstances surrounding nondelivery of advertised products which were actually ordered in quantities sufficient to meet reasonably anticipated demands but were not delivered due to circumstances beyond the advertiser's control, and (b) all circumstances surrounding failure to make advertised items conspicuously and readily available for sale at or below the advertised prices, but were not made available at those prices due to circumstances beyond the advertiser's control. In such cases, the availability of "rainchecks" will also be considered by the Commission as relevant. However, the existence of a "raincheck" policy, in and of itself, will not be considered as compliance with the rule.

In addition, the Commission has revised the parenthetic requirement of Part (1) of the proposed rule which stated "(If not readily available on a self-service basis, clear and adequate notice shall be provided at the point where customers would normally expect the products to be offered for sale, that the item or items are in stock and may be obtained upon request)". The Commission has concluded that this provision was based upon the faulty assumption that all grocery products are sold on a self-service basis. Such, of course, is not the case. Therefore, the requirement has been revised to read "(If not readily available, clear, and adequate notice shall be provided that the items are in stock and may be obtained upon request.)"

Note I(c) of the proposed rule read as follows:

> NOTE: I. General disclaimers in advertising relating to product availability will not be considered to be in compliance with the disclosure provisions of the rule. Examples of such general disclaimers would be:
>
> * * * * *

---

[4] A chain is considered to be a company operating two or more stores under common ownership.

[5] The data set forth is contained in the 1970 Directory of Food Chains published by Business Guides, Inc.

[6] "Marketing and Transportation Situation", August 1968, Economic Research Service, U.S. Department of Agriculture, and "Food Consumption of Households in the United States", Consumer and Food Economic Research Division, Agricultural Research Service, U.S. Department of Agriculture, Spring 1965.

> (c) "Available at stores featuring delicatessen department." In this case the specific stores where the advertised item is either available or unavailable shall be disclosed.

The Commission has excised this provision as impractical, unnecessary, and unduly burdensome to advertisers who may have a large number of stores in the area covered by an advertisement, and where a substantial percentage of such stores either do or do not carry the advertised item. The Commission has concluded that the current practice of specifying in ads that an item is available only at those stores having a particular specialty department (delicatessen, fish, pastry) is not misleading or deceptive within the purview of section 5 of the Federal Trade Commission Act. NOTE III of the final rule explicitly permits such disclosures.

The language of the proposed rule directed itself to "food retailers". The final rule directs itself to "retail food stores".

The originally proposed rule would have included a substantial number of retail establishment which offer food and grocery items among the many products they offer for sale. However, the food and grocery products represent only a minimal segment of such stores' total sales volume. Examples of such retailers would include gasoline stations and drugstores where milk and bread are sold, and large department stores having gourmet food departments. Such stores do not generally advertise the "weekly food specials" which are the principal subject of this proceeding.

It is the opinion of the Commission that explicitly restricting the application of the rule to "retail food stores" is consistent with the public record which has been developed. Any attempt to broaden the rule's application to other types of retailers who incidentally and minimally sell food and grocery products would not be supported by that record.

The question of failure to disclose quantity limitations in retail foodstore advertising has been the subject of a number of consumer complaints. The Commission has determined that such failure is clearly a false and misleading practice within the purview of section 5 of the Federal Trade Commission Act. An affirmative obligation to make such a disclosure is contained in that language of the final rule which reads as follows:

> Unless in each of the above cases, there is clear and conspicuous disclosure in all such advertisements as to all exceptions and/or limitation or restrictions with respect to stores, products or prices otherwise included within the advertisements.

Finally, with respect to the rule proposed by two industry trade associations (NAFC and NARGUS), which has been set forth previously herein, the Commission has concluded that it would not effectively cope with the factual situation which has been developed. The language of that proposal contains built-in defenses as to unavailability and mispricing of advertised products, upon a showing of "reasonable good faith efforts" by the affected parties.

It is the opinion of the Commission that "reasonable good faith efforts" is a very relative, subjective and nonspecific concept not readily adaptable to rulemaking.

VI. THE EFFECTIVE DATE OF THE RULE

The effective date of the rule will be sixty (60) days after the date of promulgation.

THE RULE AND ITS APPLICATION

Sec.
424.1 The Rule.
424.2 The application of § 424.1.

AUTHORITY: The provisions of this Part 424 issued under 38 Stat. 717, as amended; 15 U.S.C. 41–58.

§ 424.1 The Rule.

(a) The Commission, on the basis of the findings made by it in this proceeding, as set forth in the accompanying Statement of Basis and Purpose, hereby promulgates as a trade regulation rule its determination that:

(b) In connection with the sale or offering for sale by retail foodstores of food and grocery products or other merchandise, subject to the jurisdictional requirements of sections 5 and 12 of the Federal Trade Commission Act, it is an unfair method of competition and an unfair or deceptive act or practice to:

(1) (i) Offer any such products for sale at a stated price, by means of any advertisement disseminated in an area served by any of its stores which are covered by the advertisement which do not have such products in stock, and readily available to customers during the effective period of the advertisement. (If not readily available, clear and adequate notice shall be provided that the items are in stock and may be obtained upon request.)

(ii) *Provided, however*, That it shall constitute a defense to a charge under subdivision (i) of this subparagraph if the retailer maintains records sufficient to show that the advertised products were ordered in adequate time for delivery and delivered to the stores in quantities sufficient to meet reasonably anticipated demands.

(2) Fail to make the advertised items conspicuously and readily available for sale at or below the advertised prices.

Unless, in each of the above cases, there is clear and conspicuous disclosure in all such advertisements as to all exceptions and/or limitations or restrictions with respect to stores, products or prices otherwise included within the advertisements.

NOTE I: In determining whether this section will be applied the Commission will consider (a) all circumstances surrounding nondelivery of advertised products which were actually ordered in quantities sufficient to meet reasonably anticipated demands but were not delivered due to circumstances beyond the advertiser's control, and (b) all circumstances surrounding failure to make advertised items conspicuously and readily available for sale at or below the advertised prices, but were not made available at those prices due to circumstances beyond the advertiser's control. In such cases, the availability of "rainchecks" will also be considered by the Commission as relevant. However, the existence of a "raincheck" policy, in and of itself, will not be considered as compliance with this section.

NOTE II: General disclaimers in advertising relating to product availability will not be considered to be in compliance with the disclosure provisions of this section. Examples of such general disclaimers would be:

(a) "Not all items available at all stores."

(b) A statement that a particular item or group of items is "Available at most stores".

NOTE III: Specific clear and conspicuous disclaimers in advertising relating to product availability only in those stores possessing particular facilities will be considered to be in compliance with the disclosure provisions of paragraph (b)(1)(i) of this section. An example of such a disclaimer would be:

"Available only at stores featuring delicatessen departments."

§ 424.2 The application of § 424.1.

(a) The Commission has noted that the public record contains a number of suggestions that the application of a rule of this nature should be extended so as to cover all retail establishments, or to specific types of retailers such as drugstores, furniture stores, clothing stores, appliance stores. The latter suggestions were apparently generated by unhappy consumer experiences. The Commission has concluded that the public record of this proceeding would not support an extension of the applicability of § 424.1 beyond retail foodstores.

(b) However, while the applicability of § 424.1 itself is restricted to retail foodstores, the Commission wishes to take this opportunity to announce that the legal principles inherent in § 424.1 are in general applicable to the advertising of other commodities. Consequently, in the future the Commission will consider matters involving unavailability and mispricing of other advertised commodities in that spirit.

Promulgated: May 13, 1971.

Effective: July 12, 1971.

By the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6560 Filed 5-12-71;8:45 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Ipronidazole

The Commissioner of Food and Drugs has evaluated a new animal drug application (43–477V) filed by Hoffman-La Roche Inc., proposing the safe and effective use of ipronidazole in the feed of growing turkeys as an aid in the prevention of blackhead (histomoniasis). The application is approved.

Having considered the submitted data and other relevant material, the Commissioner concludes that a tolerance limitation is required to assure that edible tissues of turkeys treated with the drug are safe for human consumption.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135e and 135g are amended as follows:

1. Part 135e is amended by adding the following new section:

§ 135e.56 Ipronidazole.

(a) *Chemical name.* 2-Isopropyl-1-methyl-5-nitroimidazole.

(b) *Approvals.* Premix level containing 12.5 percent of the drug granted to Hoffmann-La Roche Inc., Nutley, N.J. 07110.

(c) *Assay limits.* Finished feed not less than 75 percent nor more than 125 percent of labeled amount. Premix not less than 98 percent nor more than 115 percent of labeled amount.

(d) *Related tolerances.* See § 135g.43 of this chapter.

(e) *Conditions of use.* It is used as follows:

	Grams per ton	Limitations	Indications for use
Ipronidazole.	56.75 (0 00625%)	Feed continuously as the sole ration to growing turkeys only; withdraw 4 days before slaughter.	An aid in the prevention of blackhead (histomoniasis).

2. Part 135g is amended by adding the following new section:

§ 135g.43 Ipronidazole.

No residues of ipronidazole (2-isopropyl-1-methyl-5-nitroimidazole) and its metabolite (1-methyl-5-nitroimidazole-2-isopropanol) are found in the uncooked edible tissues of turkeys as determined by the following method of analysis:

I. METHOD OF ANALYSIS

A. The assay procedure is suitable for the recovery and analysis of ipronidazole (1-methyl-2-isopropyl-5-nitroimidazole) and its metabolite 1-methyl-5-nitroimidabole-2-isopropanol from turkey tissue with a lower limit of 2 parts per billion using a 100-gram sample. Ipronidazole and its metabolite are extracted from muscle, liver, kidney, skin, fat, and blood with benzene in the presence of borax. The extract is purified by column chromatography on silica gel and the two compounds are determined separately by gas-liquid chromatography (GLC).

B. The following aspects of the procedure must be carefully observed to insure good recoveries and reproducible results:

1. The sample in solution must be protected from light at all times.

2. The ether eluent from the column must be shaken before division, and the division must be performed carefully to insure two equal portions.

3. No solution should be allowed to go to dryness during an evaporation step.

4. The compounds should not stand in or in contact with a basic solution or phase for any prolonged period of time.

5. The electron-capture detector should be standardized daily for both compounds.

6. For best results, the assay procedure must be completed in one working day.

II. REAGENTS

A. Sodium borate, tetra (Borax), AR.

B. Sodium chloride, AR.

C. Benzene, nanograde, Burdick & Jackson, or equivalent.

D. Ethyl ether, anhydrous, AR, Mallinckrodt, or equivalent. Open a fresh 1-pound can each day.

E. Silica gel, 100–200 mesh, Davision (Grace), or equivalent.

F. Hydrochloric acid, AR, 3N.

G. Sodium hydroxide, AR, 6N.

NOTE: Wash reagents F and G three times with an approximately equal volume of benzene. Check purity by injecting 10 microliters of the third benzene wash onto GLC column for 1-methyl-5-nitroimidazole-2-isopropanol. If necessary, repeat benzene wash until interfering peaks are no longer detected.

III. APPARATUS

A. Grinders, Hobart KitchenAid Model 5A and Intedge Model C–2, or equivalent.

B. Centrifuge, International, Model K, or equivalent.

C. Lab-Line, Super-Mixer, variable speed, or equivalent.

D. pH-Meter with combination microelectrode.

E. Virtis Homogenizer, Model 45, with 500-milliliter capacity amber flasks, or equivalent.

F. Centrifuge bottle, heavy duty, 500-milliliter, amber.

G. Centrifuge tubes, heavy duty, 50 milliliter and 15-milliliter, amber, glass-stoppered.

H. Chromatographic column, 9 millimeters I.D. x 150 millimeters long, Teflon stopcock, sintered glass disc, clamp, Teflon seal, amber.

I. Chromatographic reservoir, amber, 500-milliliter.

J. Graduated cylinder, 250-milliliter, amber.

K. Disposable Pasteur pipette connected to a 1-liter vacuum flask by means of Tygon tubing.

L. Tracor Microtek MT–220 Gas Chromatograph, or equivalent, equipped with electron capture detection (130µc Nickel-63 source) and 10-inch strip chart recorder or equivalent instrument.

M. 10-microliter syringe.

N. 4 feet of ¼-inch O.D. stainless steel tubing.

O. Anakrom ABS 90–100 mesh (Analabs, or equivalent).

P. OV–17 phenyl methyl silicone (Applied Science Laboratories, Inc., or equivalent).

Q. G.C. Peakometer (Alltek Associates, or equivalent).

R. 6 feet of ¼-inch O.D. glass U-tube column.

S. Packing: 6 percent SE–30 silicone ultraphase (Pierce Chemical Co.) on Gas-chrom Q, 80–100 mesh (Applied Science Laboratories, Inc.).

NOTE: Wash glassware with detergent (Alkonox, or equivalent) and rinse with water, distilled water, and acetone. Prior to use, rinse with ether followed by benzene and drain thoroughly.

IV. GAS-LIQUID CHROMATOGRAPHIC PROCEDURES

A. IPRONIDAZOLE

1. Preparation of GLC Column: Prepare the packing of 4.2 percent of OV–17 on Anakrom ABS 90–100 mesh using the filtration-fluidization technique (Bulletin No. 2A, Applied Science Laboratories, Inc.). The packed 4-foot x ¼-inch stainless steel column should be conditioned for 2 days at 250° C. with nitrogen flowing through it.

2. GLC Analysis: Use a 10-microliter sample for injection. Area of the peak is used for the determination and is obtained as the product of the peak width at the half height and the peak height. This is accomplished with the G.C. Peakometer or a conventional ruler. Instrument parameters for maximum sensitivity of 0.5 nanogram are shown below:

a. Column temperature: 190° C. ±1°.

b. Detector temperature: 265° C. ±1°.

c. Injection port temperature: 225° C. ±1°.

d. Carrier gas: PrePurified Nitrogen (Matheson).

e. Carrier gas flow (outlet): 60 cubic centimeters per minute.

f. Electrometer: 1×10^{-9}.

g. Attenuation setting: $10^2 \times 16$.

h. Recorder range: 1 millivolt.

i. Detector voltage: Adjusted daily according to Tracor operation and service manual to obtain the optimum voltage for operating the detector.

j. Approximate retention time: 1.5 minutes (uncorrected).

B. 1-METHYL-5-NITROIMIDAZOLE-2-ISOPROPANAL

1. Preparation of GLC Column: Prepare the packing of 6 percent SE-30 ultraphase (Pierce Chemical Co., or equivalent) on Gas-chrom Q, 80–100 mesh (Applied Science Laboratories, Inc., or equivalent) by the same method as described for the GLC column for ipronidazole. Silanizing of the inside of the 6-foot x ¼-inch O.D. glass column is recommended. Prepare a fresh solution of dimethyldichorosilane in toluene (10 percent volume for volume) and pour into the U-tube to the top of both legs. Allow the column to stand for 10 minutes, remove the solution, and rinse the column with 300 milliliters of toluene. Then fill it with methanol, leave for 5 minutes, rinse with an additional 100 to 200 milliliters of methanol, and leave to dry. The column is now ready for use. The packed column should be conditioned overnight at 300° C. with low flow rate of nitrogen.

2. GLC Analysis: Use a 10-microliter sample for injection. Area of the peak is used for the determination and is obtained as the product of the peak width at half height and the peak height. Instrument parameters for maximum sensitivity of 0.5 nanogram are shown below:

a. Column temperature: 189° C. ±1°.

b. Detector temperature: 265° C. ±1°.

c. Injection port temperature: 225° C. ±1°.

d. Carrier gas: PrePurified Nitrogen (Matheson).

e. Carrier gas flow (outlet): 60 cubic centimeters per minute.

f. Electrometer: 1×10^{-9}.

g. Attenuation setting: $10^2 \times 16$.

h. Recorder range: 1 millivolt.

i. Detector voltage: Adjusted daily according to Tracor operation and service manual to obtain the optimum voltage for operating the detector.

j. Approximate retention time: 1.95 minutes (uncorrected).

V. PREPARATION OF EXTERNAL REFERENCE STANDARD SOLUTIONS

The standard solutions for both ipronidazole and 1-methyl-5-nitroimidazole-2-isopropanol are prepared so as to be equivalent to 2 and 4 parts per billion levels of the compounds from 100-gram tissue samples. Amber glassware must be used. The stock solutions may be kept for up to 1 week in the refrigerator.

A. IPRONIDAZOLE

1. *Solution 1.* 1×10^{-4} gram per milliliter: 10 milligrams analytical standard ipronidazole in 100 milliliters of methyl alcohol (amber flask).

2. *Solution 2.* 1×10^{-6} gram per milliliter: 1.0 milliliter of stock Solution 1 in 100-milliliter amber volumetric flask to volume with glass-distilled benzene.

3. *Solution 3.* 1×10^{-7} gram per milliliter: 5 milliliters of stock Solution 2 in 50-milliliter amber volumetric flask to volume with glass-distilled benzene. Inject 10 microliters on GC column for 2 parts per billion.

4. *Solution 4.* 2×10^{-7} gram per milliliter: 5 milliliters of stock Solution 2 in 25-milliliter amber volumetric flask to volume with glass-distilled benzene. Inject 10 microliters on GC column for 4 parts per billion.

B. 1-METHYL-5-NITROIMIDAZOLE-2-ISOPROPANOL

1. *Solution 1.* 1×10^{-4} gram per milliliter: 10 milligrams analytical standard 1-methyl-5-nitroimidazole-2-isopropanol in 100 milliliters of methyl alcohol (amber flask).

2. *Solution 2.* 1×10^{-6} gram per milliliter: 1.0 milliliter of stock Solution 1 in 100-milliliter amber volumetric flask to volume with glass-distilled benzene.

3. *Solution 3.* 0.5×10^{-7} gram per milliliter: 5.0 milliliters of stock Solution 2 in 100-milliliter amber volumetric flask to volume with glass-distilled benzene. Inject 10 microliters on GC column for 2 parts per billion.

4. *Solution 4.* 1.0×10^{-7} gram per milliliter: 5.0 milliliters of stock Solution 2 in 50-milliliter amber volumetric flask to volume with glass-distilled benzene. Inject 10 microliters on GC column for 4 parts per billion.

VI. RECOVERY STUDY

For those using the method for the first time, a recovery study using fortified (spiked) tissue is recommended. The standard solutions for fortification are prepared from the basic stock solutions of ipronidazole and of 1-methyl-5-nitroimidazole-2-isopropanol with distilled water as the diluent. Amber glassware must be used. The following volumes of solutions were added to the 100-gram tissue sample prior to initial homogenization:

Spike level for ipronidazole	Milliliters of ipronidazole solution 3 (see VI, A)	Concentration per gram of tissue
2 parts per billion.	2	2×10^{-9} gram.
4 parts per billion.	4	4×10^{-9} gram.

Spike level for 1-methyl-5-nitroimidazole-2-isopropanol	Milliliters of 1-methyl-5-nitroimidaznle-2-isopropanol solution 3 (see VI, B)	Concentration per gram of tissue
2 parts per billion.	2	2×10^{-9} gram.
4 parts per billion.	4	4×10^{-9} gram.

A. IPRONIDAZOLE

1. *Solution 1.* 1×10^{-4} gram per milliliter: 10 milligrams analytical standard ipronidazole in 100 milliliters of methyl alcohol (amber flask). This is the same stock solution used for the preparation of the external standard solutions.

2. *Solution 2.* 1×10^{-6} gram per milliliter: 1.0 milliliter of stock Solution 1 in 100-milliliter amber volumetric flask to volume with distilled water.

3. *Solution 3.* 1×10^{-7} gram per milliliter: 5 milliliters of Solution 2 in 50-milliliter amber volumetric flask to volume with distilled water.

B. 1-METHYL-5-NITROIMIDAZOLE-2-ISOPROPANOL

1. *Solution 1.* 1×10^{-1} gram per milliliter: 10 milligrams analytical standard 1-methyl-5-nitroimidazole-2-isopropanol in 100 milliliters of methyl alcohol (amber flask). This is the same stock solution used for preparation of the external standard solutions.

2. *Solution 2.* 1×10^{-6} gram per milliliter: 1.0 milliliter of stock Solution 1 in 100-milliliter amber volumetric flask to volume with distilled water.

3. *Solution 3.* 1×10^{-7} gram per milliliter: 5 milliliters of Solution 2 in 50-milliliter amber volumetric flask to volume with distilled water.

VII. PREPARATION OF SILICA GEL COLUMN

A. Assemble the amber glass column according to the manufacturer's instructions and pour 1.3–1.7 grams of dry activated silica gel (dried for 1 hour at 110° C.) in the column. The silica gel column should be 3 to 4 centimeters long after gently tapping the outside of the column to insure close packing. Clamp into place the 500-milliliter amber reservoir (made from a 500-milliliter round bottom flask and a column end) and allow 35 milliliters of benzene to run through the column. If air bubbles are present, stir contents of column with a thin glass rod. The column is now ready for use and should be prepared fresh for each tissue sample

B. Purify each new batch of silica gel prior to use. Wash 20 grams of silica gel with six portions of 75 milliliters of water-saturated ether. Activate overnight at 110° C. Material not used the same day should be reactivated for 1 hour prior to use and cooled in desiccator. After filling column, wash silica gel with 70 milliliters of anhydrous ether, followed by 4 x 10 milliters of benzene. A sample column is checked out by starting with step 12 of IX, A, and proceeding directly to step 1 of IX, C, without dividing the sample.

VIII. TISSUE SAMPLE PREPARATION

A. Allow muscle, liver, or kidney tissue to come to room temperature, grossly subdivide, and grind using a meat grinder. Size of tissue sample dictates the size grinder to be used: Hobart K5A (small samples) or Intedge C–2 (large samples).

B. Grind fat and skin tissue samples in a semifrozen condition after gross subdivision of the sample.

IX. EXTRACTION PROCEDURE

A. INITIAL PROCEDURE

1. Weigh a 100-gram sample of ground tissue into a 500-milliliter amber centrifuge bottle and add 10 grams of borax and salt. Homogenize the sample with the Virtis for 1 minute to provide a homogeneous mixture.

2. Add 100 milliliters of glass-distilled benzene to the mixture and homogenize at moderate speed for 2 minutes. The use of high homogenizing speeds after benzene is added sometimes results in emulsions that are difficult to break. Special caution is needed with liver, and it may be preferable to use manual shaking only.

3. Stopper the bottle and shake by hand for 2 minutes. Centrifuge the sample for 15 minutes at 1,500 revolutions per minute. The use of a refrigerated centrifuge may be helpful in breaking emulsions.

4. Following centrifugation, decant the benzene layer into a storage 500-milliliter amber Virtis flask.

5. Add 100 milliliters of glass-distilled benzene to the tissue in the 500-milliliter bottle. Break up the compacted tissue with a spatula. Stopper the bottle and shake by hand for 2 minutes.

6. Centrifuge the mixture for 15 minutes at 1,500 revolutions per minute.

7. Following centrifugation, decant the benzene layer into the 500-milliliter storage Virtis flask and pool with the first extract.

6. Add 100 milliliters of glass-distilled benzene to the tissue in the 500-milliliter bottle. Break up the compacted tissue with a spatula. Stopper the bottle and shake by hand for 2 minutes.

9. Centrifuge the mixture for 15 minutes at 1,500 revolutions per minute.

10. Following centrifugation, decant the benzene layer into the 500-milliliter storage flask and pool with the first and second extracts. At least 270 milliliters of benzene should be recovered.

11. Transfer 250 milliliters of the total pooled benzene extract to the reservoir or the previously prepared silica gel column, allow to run through the column, follow by 20 milliliters of benzene as a wash, and discard the benzene.

12. Strip the silica gel column by the addition of 25 milliliters of water-saturated ethyl ether (prepared fresh daily using an unopened can of anhydrous ether and distilled water) and allow the ether to pass through the column. Wash column with an additional 5 milliliters of water-saturated ether. Pressurize the column using a hand bulb or nitrogen to insure that all the ether goes through the column and is caught in the 40-milliliter amber centrifuge tube.

13. Mix the combined ether eluent well and divide into two equal portions (designated A and B) in 15-milliliter amber centrifuge tubes. Portion A is used for the analysis of ipronidazole (IX, B, 1–5); portion B is used for the analysis of 1-methyl-5-nitroimidazole-2-isopropanol (IX, C, 1 6).

B. PROCEDURE FOR IPRONIDAZOLE

1. Reduce volume of ether portion A to approximately 10 milliliters in a stream of nitrogen. Add 3 milliliters of 3N·HCl to the ether, stopper, and shake for 30 seconds on a Vortex mixer.

2. Allow the layers to separate and discard the ether layer by aspiration making sure that none of the aqueous layer is removed.

3. Wash the aqueous layer with 2 x 2-milliliter portions of glass-distilled benzene. Remove benzene by aspiration. Care must be taken during this washing step that none of the aqueous layer is removed.

4. To the HCl layer, add small amount of borax and adjust the pH of the solution to approximately 8 with 6N NaOH using a pH meter. The compounds should not be left at alkaline pH any longer than necessary, each sample being extracted with benzene as soon as the pH has been adjusted (2–5 minutes).

5. Add 1 milliliter of glass-distilled benzene, shake well, and allow the layers to separate. A 10-microliter sample of the benzene layer is used for GLC analysis of ipronidazole.

C. PROCEDURE FOR 1-METHYL-5-NITROIMIDAZOLE-2-ISOPROPANOL

1. Reduce volume of ether portion B to approximately 10 milliliters in a stream of nitrogen. Add 2 milliliters of glass-distilled benzene to the ether in the 15-milliliter amber centrifuge tube.

2. Evaporate the ethyl ether from the tube using a stream of dry nitrogen at room temperature until a volume of approximately 2 cubic centimeters remains in the tube.

3. Add 1.4 milliliters of 3N·HCl to the tube, shake for 30 seconds on a Vortex mixer, and allow the layers to separate. Discard the upper benzene layer by aspiration insuring that none of the aqueous layer is removed.

4. Wash the aqueous layer with 2 x 2-milliliter portion of glass-distilled benzene. Remove the benzene by aspiration. Care must be taken that, during the washing step, none of the aqueous layer is removed.

5. To the aqueous layer, add small amount of borax and adjust the pH of the solution to approximately 8 with 6N NaOH using a pH meter. The compounds should not be left at

alkaline pH any longer than necessary, each sample being extracted with benzene as soon as the pH has been adjusted (2–5 minutes).

6. Add 2 milliliters of glass-distilled benzene, shake well, and allow the layers to separate. A 10-microliter sample of the benzene layer is used for GLC analysis of 1-methyl-5-nitroimidazole-2-isopropanol.

X. CALCULATION

A. The gas chromatograph must be calibrated daily by the repeated injection of 2 and 4 parts per billion external reference standards of both compounds and calculation of the peak areas. Recovery of compounds from spiked control tissues is calculated as follows:

$$\frac{\text{(Observed response, ng/10 mcl.) (Conversion Constant) (100)}}{\text{(Quantity spiked into 100g. tissue sample, ng.)}}=\text{Percent recovery}$$

$$\text{Observed response, ng/10 mcl.}=\frac{\text{Peak area of spiked sample}}{\text{Peak area of reference standard}}\times\text{Concentration of reference standard}$$

The conversion constant for ipronidazole is 240. It is obtained as follows:

Conversion Constant=(Volume conversion, 10 mcl. to 1 ml.) (Correction for 1:1 split of column effluent) (Extract volume aliquot 300 ml. total/250 ml. used).

$$\text{Conversion Constant}=\frac{(1\times10^{-3})}{(10\times10^{-6})}(2)\frac{(300)}{(250)}=240$$

The conversion constant for 1-methyl-5-nitroimidazole-2-isopropanol is 480. It is obtained as follows:

Conversion Constant=(Volume conversion, 10 mcl. to 2 ml.) (Correction for 1:1 split of column effluent) (Extract volume aliquot 300 ml. total/250 ml. used)

$$\text{Conversion Constant}=\frac{(2\times10^{-3})}{(10\times10^{-6})}(2)\frac{(300)}{(250)}=480$$

B. The method is capable of quantitatively determining both compounds at levels as low as 2 parts per billion. In the case of tissue samples containing either compound at levels in excess of 6 parts per billion, an appropriate dilution with glass-distilled benzene of the final solution is made prior to gas chromatography. The calculation to determine parts per billion in a tissue sample is shown below:

$$\frac{\text{(Observed response, ng./10 mcl.) (Conversion Constant) (Dilution factor, if needed)}}{\text{Weight of tissue sample}}=\text{p.p.b.}$$

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–13–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: May 3, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71–6635 Filed 5–12–71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 1—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT—EFFECTUATION OF TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Miscellaneous Amendments

The regulations to effectuate the provisions of title VI of the Civil Rights Act of 1964, published under Part 1 of Subtitle A of Title 24 of the Code of Federal Regulations (issued at 29 F.R. 16280, Dec. 4, 1964, and amended at 32 F.R. 14819, Oct. 26, 1967), are hereby further amended to effect certain changes and clarifications in such regulations and to amend Appendix A to include additional Department assistance to which this Part 1 applies.

1. Section 1.2(c) is revised to read as follows:

§ 1.2 Definitions.

* * * * *

(c) The term "responsible Department official" means the Secretary or, to the extent of any delegation of authority by the Secretary to act under this Part 1, any other Department official to whom the Secretary may hereafter delegate such authority.

* * * * *

2. Section 1.3 is revised to read as follows:

§ 1.3 Application of Part 1.

This Part 1 applies to any program or activity for which Federal financial assistance is authorized under a law administered by the Department, including any program or activity assisted under the statutes listed in Appendix A of this Part 1. It applies to money paid, property transferred, or other Federal financial assistance extended to any such program or activity after the effective date of this Part 1. This Part 1 does not apply to (a) any Federal financial assistance by way of insurance or guaranty contracts, (b) money paid, property transferred, or other assistance extended to any such program or activity before the effective date of this Part 1, (c) any assistance to any person who is the ultimate beneficiary under any such program or activity, or (d) any employment practice, under any such program or activity, of any employer, employment agency, or labor organization, except to the extent described in § 1.4(c). The fact that certain financial assistance is not listed in Appendix A shall not mean, if title VI of the Act is otherwise applicable, that such financial assistance is not covered. Other financial assistance under statutes now in force or hereinafter enacted may be added to this list by notice published in the FEDERAL REGISTER.

3. The last sentence of § 1.4(c) is revised to read as follows:

§ 1.4 Discrimination prohibited.

* * * * *

(c) *Employment practices.* * * * The requirements applicable to construction employment under such program or activity shall be those specified in or pursuant to Part III of Executive Order 11246 or any Executive order which supersedes or amends it.

* * * * *

4. Section 1.6(a) is revised to read as follows:

§ 1.6 Compliance information.

(a) *Cooperation and assistance.* The responsible Department official and each Department official who by law or delegation has the principal responsibility within the Department for the administration of any law extending financial assistance subject to this Part 1 shall to the fullest extent practicable seek the cooperation of recipients in obtaining compliance with this Part 1 and shall provide assistance and guidance to recipients to help them comply voluntarily with this Part 1.

* * * * *

5. In § 1.9, paragraphs (b) and (d)(1) are revised to read as follows:

§ 1.9 Hearings.

* * * * *

(b) *Time and place of hearing.* Hearings shall be held at the offices of the Department in Washington, D.C., at a time fixed by the responsible Department official unless he determines that the convenience of the applicant or recipient or of the Department requires that another place be selected. Hearings shall be held before the responsible Department official or, at his discretion, before a hearing examiner designated in accordance with sections 3105 and 3344 of title 5, United States Code.

* * * * *

(d) *Procedures, evidence, and record.* (1) The hearing, decision, and any administrative review thereof shall be conducted in conformity with 5 U.S.C. 554–557 and in accordance with the practice and procedure for hearings issued by the Department and published in Part 2 of this subtitle relating to the conduct of the hearing, giving of notices subsequent to those provided for in paragraph (a) of this section, taking of testimony, exhibits, arguments and briefs, requests for findings, and other related matters. Both the Department and the applicant or recipient shall be entitled to introduce all relevant evidence on the issues as stated in the notice for hearing or as determined by the officer conducting the hearing at the outset of or during the hearing.

* * * * *

6. Section 1.10(a) is revised to read as follows:

§ 1.10 Decisions and notices.

(a) *Decision by person other than the responsible Department official.* If the hearing is held by a hearing examiner, such hearing examiner shall either make an initial decision, if so authorized, or certify the entire record including his recommended findings and proposed decision to the responsible Department official for a final decision, and a copy of such initial decision or certification shall be mailed to the applicant or recipient by certified or registered mail, return receipt requested. Where the initial decision is made by the hearing examiner, the applicant or recipient may, within the period provided for in the rules of procedure issued by the Department (Part 2 of this subtitle), file with the responsible Department official his exceptions to the initial decision, with his reasons therefor. In the absence of exceptions, the responsible Department official may on his own motion within 45 days after the initial decision serve on the applicant or recipient a notice that he will review the decision. Upon the filing of such exceptions or of such notice of review the responsible Department official shall review the initial decision and issue his own decision thereon including the reasons therefor. In the absence of either exceptions or a notice of review the initial decision shall constitute the final decision of the responsible Department official, in which event a copy shall also be sent to the complainant

* * * * *

7. The second sentence of § 1.12(a) is revised to read as follows:

§ 1.12 Effect on other regulations; forms and instructions.

(a) *Effect on other regulations.* * * * Nothing in this Part 1, however, shall be deemed to supersede any of the following (including future amendments thereof): (1) Executive Orders 11246 and 11375 and regulations issued thereunder, or (2) Executive Order 11063 and regulations issued thereunder, or any other Order, regulations or instructions, insofar as such Order, regulations, or instructions prohibit discrimination on the ground of race, color, or national origin in any program or activity or situation to which this Part 1 is inapplicable, or prohibit discrimination on any other ground.

* * * * *

(Sec. 602, Civil Rights Act of 1964, Public Law 88–352, 78 Stat. 252, 42 U.S.C. 2000d–1; sec. 7(d), Public Law 89–174, 79 Stat. 670, 42 U.S.C. 3535(d); U.S. Housing Act of 1937, as amended, 42 U.S.C. 1401 et seq.)

Effective date. The foregoing amendments shall be effective upon publication in the FEDERAL REGISTER (5–13–71).

GEORGE ROMNEY,
Secretary of Housing and
Urban Development.

Approved: May 7, 1971.

RICHARD NIXON,
President of the
United States.

APPENDIX A

FEDERAL FINANCIAL ASSISTANCE OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO WHICH THIS PART 1 APPLIES

1. Advance Acquisition of Land. Sec. 704, Housing and Urban Development Act of 1965, 42 U.S.C. 3104.
2. Alaska Housing Assistance. Sec. 1004, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3371.
3. Assistance to Nonprofit Sponsors of Low and Moderate Income Housing. Sec. 106, Housing and Urban Development Act of 1968, 12 U.S.C. 1701x.
4. College Housing Program. Title IV, Housing Act of 1950, 12 U.S.C. 1749.
5. Community Disposition Program. Atomic Energy Community Act of 1955, Secs. 11–13, 21, 31–36, 41–43, 51–57, 61–66, 101–103, 111–119, 42 U.S.C. 2301; E.O. 11105, 28 F.R. 3909.
6. Comprehensive Planning Assistance and Comprehensive Planning Research and Demonstration Programs. Sec. 701, Housing Act of 1954, 40 U.S.C. 461.
7. Federal-State Training and City Planning and Urban Studies Fellowship Programs. Title VIII, Housing Act of 1964, 20 U.S.C. 801–807.
8. Home Ownership for Lower Income Families. Sec. 235, National Housing Act, 12 U.S.C. 1715z.
9. Housing for Elderly or Handicapped. Sec. 202, Housing Act of 1959, 12 U.S.C. 1701q.
10. Loan and Grant Assistance for Planning Housing Projects in Appalachia, Sec. 207, Appalachian Regional Development Act of 1965, as amended, 81 Stat. 257, 40 U.S.C. App. 207.
11. Low-Income Housing Demonstration Grant Program. Sec. 207, Housing Act of 1961, 42 U.S.C. 1436.
12. Low-Rent Public Housing Program (including housing in private accommodations) United States Housing Act of 1937, 42 U.S.C. 1401.
13. Model Cities Program. Title I, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3301.
14. National Flood Insurance Program. Title XIII, Housing and Urban Development Act of 1968, 42 U.S.C. 4001.
15. Neighborhood Facilities Grants. Sec. 703, Housing and Urban Development Act of 1965, 42 U.S.C. 3103.
16. New Communities. Title IV, Housing and Urban Development Act of 1966, 42 U.S.C. 3901.
17. New Technologies in the Development of Housing for Lower Income Families. Sec. 108, Housing and Urban Development Act of 1968, 12 U.S.C. 1701z.
18. Open-Space Land, Urban Beautification, Historic Preservation, and Demonstrations. Title VII, Housing Act of 1961, 42 U.S.C. 1500–1500e.
19. Public Facilities Liquidating Programs. See, generally, Title II of Independent Offices Appropriation Act of 1955, Public Law 83–428, 12 U.S.C. 1701g–5.
20. Public Facility Loans Program. Title II, Housing Amendments of 1955, 42 U.S.C. 1491–1497 except 1492(a)(2), Assistance for Mass Transportation Facilities and Equipment (transferred to Secretary of Transportation by Reorganization Plan No. 2 of 1968, 33 F.R. 6965).
21. Public Works Acceleration Act Program. Public Works Acceleration Act, 42 U.S.C. 2641.
22. Public Works Planning Advances. Sec. 702, Housing Act of 1954, 40 U.S.C. 462.
23. Rehabilitation Loan Program. Sec. 312, Housing Act of 1964, 42 U.S.C. 1452.
24. Rent Supplement Program. Sec. 101, Housing and Urban Development Act of 1965, 12 U.S.C. 1701s.
25. Rental and Cooperative Housing for Lower Income Families. Sec. 236, National Housing Act, 12 U.S.C. 1715z–1.
26. Special Assistance Functions. Sec. 305, National Housing Act, 12 U.S.C. 1720, including purchase of below market interest rate mortgages insured by FHA under section 221(d)(3), National Housing Act, 12 U.S.C. 1715*l*(d)(3).
27. Urban Information and Technical Assistance Services. Title IX, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3351–3356.
28. Urban Mass Transportation Programs (Research, Development and Demonstration Projects; Grants for Technical Studies; Grants for Research and Training). Sections 6(a), 9, and 11 of the "Urban Mass Transportation Act of 1964, as amended;" Reorganization Plan No. 2 of 1968, 33 F.R. 6965; 49 U.S.C. 1605(a), 1607(a), 1607(c).
29. Urban Renewal Demonstration Grant Program. Sec. 314, Housing Act of 1954, 42 U.S.C. 1452a.
30. Urban Renewal Program (Urban Renewal Projects and Neighborhood Development Programs, Code Enforcement Programs, Demolition Programs, Rehabilitation Grants, Interim Assistance Grants, and Community Renewal Programs). Title I, Housing Act of 1949, 42 U.S.C. 1450.
31. Urban Research and Technology. Title III, Housing Act of 1948, 12 U.S.C. 1701e, 1701f; sec. 602, Housing Act of 1956, 12 U.S.C. 1701d–3; and secs. 1010 and 1011, Demonstration Cities and Metropolitan Development Act of 1966, 42 U.S.C. 3372 and 3373.
32. Water and Sewer Facilities Grants. Sec. 702, Housing and Urban Development Act of 1965, 42 U.S.C. 3102.

[FR Doc.71–6711 Filed 5–12–71;8:52 am]

PART 41—RELOCATION PAYMENTS

PART 42—RELOCATION PAYMENTS AND ASSISTANCE AND REAL PROPERTY ACQUISITION UNDER THE UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Pursuant to the authority vested in him by section 7(d) of the Department of Housing and Urban Development Act (42 U.S.C. 3535(d)), the Secretary of Housing and Urban Development is amending Title 24 of the Code of Federal Regulations by adding a new Part 42, entitled "Relocation Payments and Assistance and Real Property Acquisition." This part implements the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894, Public Law 91–646, enacted January 2, 1971, and hereinafter referred to as the "Act") and is intended to insure that uniform, fair and equitable treatment is afforded to persons who are displaced or whose property is acquired in connection with any project administered by the Department under Federal financial assistance as defined in § 42.20 of these regulations.

These regulations are applicable to all acquisition and displacements occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that a State agency has furnished the Department of Housing and Urban Development with satisfactory assurances under § 42.30 of these regulations with respect to the federally assisted activity under which such acquisition or displacement takes place. The regulations on Relocation Payments appearing at 24 CFR Part 41 and at 35 F.R. 14307–14 (effective Sept. 10, 1970) will continue to apply to displacements occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that these regulations do not apply.

These regulations are divided into five subparts. Subpart A contains a number of significant provisions applicable to the entire regulation: § 42.5, "Supersedure"; § 42.10, "Statement of Policy"; § 42.15; "Statement of Applicable Law"; § 42.20, "Definitions"; § 42.25; "Applicability of Regulations"; § 42.30, "Assurances"; § 42.35, "Federal Share of Costs of Relocation Payments and Assistance"; and § 42.40, "Payments in Condemnation Proceedings and Negotiated Purchases".

Subpart B sets forth the types of relocation payments payable to displaced persons and the eligibility criteria. The basic eligibility criteria applicable to all relocation payments are delineated in § 42.55. The specific eligibility requirements for each of the relocation payments are stated in §§ 42.65 to 42.95.

Subpart C deals with relocation assistance advisory programs and the assurance of adequate replacement housing. Each State agency is required to develop and implement a relocation assistance advisory program which provides the services described in § 42.115. Section 42.120 sets forth the obligation of the State agency not to displace any person from his dwelling unless adequate replacement housing as defined therein is available.

Subpart D prescribes uniform practices governing the acquisition of real property in federally assisted projects and provides for payments to property owners for expenses incidental to the transfer of title and, in very limited situation, payments for litigation expenses.

Subpart E contains a number of provisions relating to the overall administration of these regulations.

Pending the effectiveness of these regulations, State agencies are not able to make payments pursuant to the Act to persons displaced, or whose land is acquired, by the projects administered by the Department of Housing and Urban Development. In view of the urgent and widespread need for early implementation of the Act, it is impracticable to provide notice and public procedure in accordance with the Department's policy (24 CFR Part 10), and in addition good cause exists for making these amendments effective May 13, 1971.

Accordingly, Subtitle A of Title 24 is amended by adding a new Part 42 to read as follows:

Subpart A—General

Sec.
42.1 Purpose.
42.5 Supersedure.
42.10 Statement of policy.
42.15 Statement of applicable law.
42.20 Definitions.
52.25 Applicability of regulations.
42.30 Assurances.
42.35 Federal share of costs of relocation payments and assistance.
42.40 Payments in condemnation proceedings and negotiated purchases.

Subpart B—Relocation Payments

42.45 Purpose.
42.50 Relocation payments by State agency.
42.55 Basic eligibility conditions.
42.60 Filing of claims.
42.65 Actual reasonable moving expenses.
42.70 Actual direct losses of tangible personal property.
42.75 Actual reasonable expenses in searching for a replacement business or farm.
42.80 Alternate payments — individuals and families.
42.85 Alternate payments—businesses and farm operations.
42.90 Replacement housing payments for homeowners.
42.95 Replacement housing payments for tenants and certain others.

Subpart C—Relocation Assistance Advisory Program and Assurance of Adequate Replacement Housing

42.100 Purpose.
42.105 Relocation assistance advisory program.
42.110 Eligibility for services.
42.115 Minimum requirements of relocation assistance advisory program.
42.120 Requirement of adequate replacement housing prior to displacement.
42.125 Coordination of relocation activities.

Subpart D—Real Property Acquisition

42.130 Purpose.
42.135 Real property acquisition practices.
42.140 Payments—expenses incidental to transfer of title.
42.145 Payments—litigation expenses.
42.150 Effect upon property acquisition.

Subpart E—Administration

42.155 Purpose.
42.160 Schedules of comparable replacement dwellings.
42.165 Notice to persons in project area.
42.170 Review of claims.
42.175 Prompt payment.
42.180 Agency setoff against claim.
42.185 Approval by HUD.
42.190 Appeals procedure—grievances.
42.195 Accounts and records.
42.200 Payments not to be considered as income.
42.205 Displacement in connection with more than one project.
42.210 Policies and requirements of HUD.
42.215 Waivers.

AUTHORITY: The provisions of this Part 42 issued under section 213 (b) and (c) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 190, Public Law 91–646); section 7(d) of the Department of HUD Act (42 U.S.C. 3535(d)).

Subpart A—General

§ 42.1 Purpose.

The purpose of this subpart is to set forth provisions of general applicability with respect to the regulations in this part. Such provisions relate to (a) the effect of the regulations in this part on previously issued regulations pertaining to relocation payments, (b) statements of applicable policy and law, (c) definitions of pertinent terms, (d) a description of the dates, and the entities or persons, on or to which the regulations in this part are applicable, and the assurances required in connection with such applicability, (e) the extent of Federal participation in the costs of relocation payments and assistance, and (f) the effect on payments provided under the regulations in this part of duplicate payments made in condemnation proceedings and negotiated purchases.

§ 42.5 Supersedure.

The regulations in this part supersede those currently appearing at Part 41 of this subtitle (35 F.R. 14307–14, effective Sept. 10, 1970) to the extent that the regulations issued hereunder are, under § 42.25 applicable.

§ 42.10 Statement of policy.

The purpose of the regulations in this part is to carry out the following policies of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1899; Public Law 91–646) (hereinafter referred to as the "Act"):

(a) To insure that uniform, fair, and equitable treatment be afforded persons displaced as a result of federally assisted projects in order that such persons shall not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole, and

(b) In the acquisition of real property for a federally assisted project, to encourage and expedite acquisition by agreements with owners of such property, to avoid litigation and relieve congestion in courts, to assure consistent treatment for owners of real property to be so acquired, and to promote public confidence in Federal land acquisition.

§ 42.15 Statement of applicable law.

(a) Section 210 of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1899; Public Law 91–646) (hereinafter referred to as the "Act") requires satisfactory assurances from a State agency that specified relocation payments and relocation assistance will be provided, and replacement dwellings will be available, to displaced persons as a condition to Federal approval of any grant or loan to, or contract or agreement with, such State agency under which Federal financial assistance will be made available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after the effective date of the Act.

(b) Section 305 of the Act requires satisfactory assurances from a State agency that in acquiring real property it will be guided, to the greatest extent practicable under State law, by specified land acquisition policies, and that specified payments will be made to property owners, as a condition to Federal approval of any grant or loan to, or contract or agreement with, any State agency under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the acquisition of real property on and after the effective date of the Act.

(c) Section 211(c) of the Act provides that any grant to, or contract or agreement with, a State agency executed before the effective date of the Act under which Federal financial assistance will be available to pay all or part of the cost of any program or project which will result in the displacement of any person on or after such date, shall be amended to include the cost of providing payments and services under the Act.

(d) Section 211(a) of the Act provides that the cost to a State agency of providing such payments and assistance shall be included as part of the cost of a program or project for which Federal financial assistance is available to such State agency. Section 211(a) also provides that where the Federal financial assistance is by grant or contribution, the Federal Government shall pay the full amount of the first $25,000 of the cost of such payments and assistance so provided by the State agency to a displaced person on account of any acquisition or displacement occurring prior to July 1, 1972, and where such Federal financial assistance is by loan, the Federal agency shall loan the State agency the first $25,000 of such costs.

(e) Subject to section 221(c) of the Act, section 220(a) repealed the following provisions of law: Section 114 of the Housing Act of 1949 (42 U.S.C. 1465); paragraphs (7)(b)(iii) and (8) of section 15 of the United States Housing Act of 1937 (42 U.S.C. 1415, 1415(8)), except the first sentence of paragraph (8); section 404 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3074); section 107 (b) and (c) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3307). Subject to section 221(c) of the Act, section 306 repealed sections 401, 402, and 403 of the Housing and Urban Development Act of 1965 (42 U.S.C. 3071–3073). Sections 220(b) and 306 of the Act provide that any rights or liabilities existing under prior Acts shall not be affected by such repeals.

(f) Section 221 of the Act provides that the Act shall take effect on the date of its enactment (January 2, 1971) except that until July 1, 1972, sections 210 and 305 of said Act with respect to assurances required of State agencies shall be applicable to a State only to the extent that such State is able under its laws to comply with such sections, and that certain repeals (specified in paragraph (e) of this section) made by sections 220(a) and 306 of the Act shall not apply to any State so long as sections 210 and 305 are not applicable in such State.

§ 42.20 Definitions.

For the purpose of the regulations in this part, the following terms shall mean:

(a) *Business*. Any lawful activity, excepting a farm operation, conducted primarily: (1) For the purchase, sale, lease, and rental of personal and real property, and the manufacture, processing, or marketing of products, commodities, or any other personal property; (2) for the sale of services to the public; (3) by a nonprofit organization; or (4) solely for the purposes of payments under §§ 42.65, 42.70, and 42.75, for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of an outdoor advertising display or displays, whether or not such display or displays are located on the premises on which any of the above activities are conducted.

(b) *Comparable replacement dwelling*. For the purpose of computing the amount of a replacement housing payment under §§ 42.90 and 42.95, a dwelling which is (1) decent, safe and sanitary, and comparable to the acquired dwelling with respect to number of rooms, but in any event adequate to accommodate the displaced person; (2) in an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and not generally less desirable than the acquired dwelling with respect to public utilities, public and commercial facilities and reasonably accessible to the displaced person's present or potential place of employment; (3) available on the private market to the displaced person and available to all persons regardless of race, color, religion, sex, or national origin in a manner consistent with title VIII of the Civil Rights Act of 1968; (4) to the extent practicable, and where consistent with subparagraph (1) of this paragraph, functionally equivalent and substantially the same as the acquired dwelling with respect to area of living space, age, and state of repair; and (5) within the financial means of the displaced person, provided that this subparagraph (5) shall be construed only in accordance with the intent to put such person in an equal or better position.

(c) *Decent, safe and sanitary housing*. Housing in sound, clean and weather-tight condition, in conformance with local housing codes (or in the absence of local housing codes, or where the standards contained in any such code are determined by HUD to be inadequate, in conformance with standards established by HUD) and which meets the following minimum standards:

(1) Each housekeeping unit shall include a kitchen with a fully usable sink, a stove or connection for a stove, a separate and complete bathroom, hot and cold running water in both bathroom and kitchen, an adequate and safe wiring system for lighting and other electrical services, and heating as required by climatic conditions and local codes.

(2) Each nonhousekeeping unit shall be in conformance with local code standards for boarding houses, hotels and other dwellings for congregate living. If such local codes do not include requirements relating to space and sanitary facilities in this connection, standards shall be subject to the approval of HUD.

(3) Occupancy standards shall be in conformance with local codes or HUD-approved requirements, whichever is higher.

(d) *Displaced person*. (1) An individual, family, partnership, corporation or association (herein referred to as a "person") who meets the basic eligibility requirements specified in § 42.55 and as set out in general terms below:

(i) Such person moves from real property within the project area or moves his personal property from such real property on or after the applicable date specified in paragraph (a)(1) of § 42.55, and either

(ii) Such person is displaced as a result of (*a*) acquisition of such real property in whole or in part for a project, (*b*) the receipt of a written order from the acquiring agency to vacate such property for a project or (*c*) the receipt of a written notice from the acquiring agency of its intent to acquire such property for a project, or

(iii) Such person is displaced as a result of code enforcement, voluntary rehabilitation, improvement of private property, or demolition, as provided in paragraphs (c), (d), and (e) of § 42.55, or

(2) Solely for the purpose of qualifying for the payments specified in paragraph (a)(3) of § 42.55, a person who moves from real property, or moves his personal property from real property on or after the applicable date specified in paragraph (a)(1) of § 42.55 as a result of such acquisition of or displacement from other real property on which such person conducts a business or farm operation.

(e) *Dwelling*. Any single family building, one family unit (including a nonhousekeeping unit) in a two-family or multifamily building, a unit of a condominium or cooperative housing project, a mobile home or other residential unit.

(f) *Farm operation*. Any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(g) *Federal financial assistance*. A grant, loan, or contribution (except any Federal guarantee or insurance) made by HUD, including a grant, loan or contribution specified below:

(1) A loan, a grant, or a loan and grant, for an urban renewal project under title I of the Housing Act of 1949 (63 Stat. 413, 414, 42 U.S.C. 1450);

(2) A grant for concentrated code enforcement and public improvements under section 117 of the Housing Act of 1949 (79 Stat. 478, 42 U.S.C. 1468);

(3) A grant for the demolition of unsafe structures under section 116 of the Housing Act of 1949 (79 Stat. 477, 42 U.S.C. 1467);

(4) A grant for interim assistance to slums or blighted areas under section 118 of the Housing and Urban Development Act of 1949 (82 Stat. 525, 42 U.S.C. 1468a);

(5) A loan, annual contribution, or capital grant made in connection with low-rent public housing projects under the U.S. Housing Act of 1937 (50 Stat. 888, 42 U.S.C. 1401 et seq.);

(6) A grant to acquire land for open-space use or for a historic preservation or urban beautification project under title VII of the Housing Act of 1961 (75 Stat. 183, 42 U.S.C. 1500);

(7) A grant for a neighborhood facilities program under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489, 42 U.S.C. 3101);

(8) A public facility loan under title II of the Housing Amendments of 1955 (69 Stat. 642, 42 U.S.C. 1491);

(9) A water and sewer facilities grant under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489, 42 U.S.C. 3101);

(10) A grant for advance acquisition of land under title VII of the Housing and Urban Development Act of 1965 (79 Stat. 489, 42 U.S.C. 3101);

(11) A grant for the purpose of carrying out a comprehensive city demonstration program under title I of the Demonstration Cities and Metropolitan Development Act of 1966 (80 Stat. 1255, 42 U.S.C. 3301);

(12) Loans or grants to assist educational institutions in construction of housing and other educational facilities under title I of the Housing Act of 1950 (64 Stat. 48, 77; 12 U.S.C. 1749) where such payments are made to a State agency;

(13) Loans for housing for the elderly or handicapped under section 202 of the Housing Act of 1959 (73 Stat. 654, 667, 12 U.S.C. 1701q) where such loans are made to a State agency;

(14) Where contributions are made to a State agency and the performance by such State agency, or by a private body acting on behalf of such State agency, of the undertakings necessary to enable it to receive such contributions will be the direct cause of displacement, the payments or contributions specified below:

(i) Assistance payments under section 235 and interest reduction payments under section 236 of the National Housing Act (48 Stat. 1246, 12 U.S.C. 1715z and 1715z–1),

(ii) Below market interest rates provided under section 221(d)(3) of the National Housing Act (12 U.S.C. 1715–1),

(iii) Rent supplement payments under section 101 of the Housing and Urban Development Act of 1965 (79 Stat. 451, 12 U.S.C. 1701s),

(iv) Grants under section 713(a) and loans under section 714(a) of title VII of the Housing and Urban Development Act of 1970 (Public Law 91–609, 84 Stat. 1791) to assist in financing new community development programs.

(h) *HUD*. The Secretary of Housing and Urban Development (or, prior to Nov. 9, 1965, the Housing and Home Finance Administrator) or an officer or employee duly authorized to perform the functions of the Secretary or Administrator.

(i) *Initiation of negotiations*. The initial written offer made by the acquiring agency to the owner of real property to be acquired for a project of the amount established by such agency as just compensation for such property in accordance with § 42.135(a)(3).

(j) *Mortgage*. Such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the State in which the real property is located, together with the credit instruments, if any, secured thereby.

(k) *Person*. Any individual, family, partnership, corporation, or association. For purposes of an alternate payment under § 42.80 and a replacement housing payment under §§ 42.90 and 42.95, two or more individuals (not a family) living together in, and displaced from, a single dwelling, shall be regarded as one person.

(l) *Personal property (tangible personal property)*. (1) Tangible property which is situated on the real property vacated or to be vacated by a displaced person and which is considered personal property and is noncompensable (other than for moving expenses) under the State law of eminent domain, and (2) in the case of a tenant, fixtures and equipment, and other property which may be characterized as real property under State or local law, but which the tenant may lawfully, and at his election determines to, move and for which the tenant is not compensated in the real property acquisition. In the case of an owner of real property, the determination as to whether an item of property is personal or real shall depend upon how it is identified in the acquisition appraisals and the closing or settlement statement with respect to the real property acquisitions: *Provided*, That no item of property which is compensable under State and local law to the owner of real property in the real property acquisition may be treated as tangible personal property in computing actual direct losses of tangible personal property under § 42.70.

(m) *Plan*. (1) A duly approved formal plan, as exists from time to time, for any project as defined in this part and any action program implementing such plan, or (2) in the case of a project for which no formal plan is required, the application by the State agency as approved by HUD and modified from time to time.

(n) *Project*. Any undertaking which receives Federal financial assistance and to which the Act is applicable pursuant to § 42.25.

(o) *Project area*. An area which HUD has approved for the carrying out of project activities.

(p) '*Relocation payment*. A payment specified under §§ 42.65 through 42.95.

(q) *State*. Any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any Territory or possession of the United States, the Trust Territory of the Pacific Islands, and any political subdivision thereof.

(r) *State agency*. The National Capital Housing Authority, the District of Columbia Redevelopment Land Agency, and any department, agency, or instrumentality of a State or of a political subdivision of a State or any department, agency, or instrumentality of two or more States or of two or more political subdivisions of a State or States. Unless otherwise indicated in the context of a specific provision of these regulations, the term "State agency" as used in these regulations shall mean the particular State agency to which Federal financial assistance is made available for a specific project.

(s) *Voluntary rehabilitation*. Structural or other substantial repairs to, or alterations to, or demolition of, any building or other improvement on land within a project area, undertaken by an owner in order to conform to the property rehabilitation standards or other applicable provisions set forth in the applicable Plan.

§ 42.25 Applicability of regulations.

(a) *Applicability of the regulations in this part*. The regulations in this part are applicable to all acquisition or displacement occurring on or after January 2, 1971 and prior to July 1, 1972, to the extent that a State agency has furnished HUD with satisfactory assurances under § 42.30 with respect to the federally assisted activity under which said acquisition or displacement takes place. Where, as of January 2, 1971, a State agency was not legally empowered under State law to make such assurances, to the extent that the State agency subsequently becomes so empowered and furnishes such assurances, the regulations in this part shall apply to displacement or acquisition occurring on or after the date the State agency becomes legally empowered to make such assurances.

(b) *Applicability of previously published regulations*. The regulations covering Relocation Payments appearing at Part 41 of this subtitle and at 35 F.R. 14307–14 (effective Sept. 10, 1970) shall apply to (1) displacement occurring on or after September 10, 1970, and prior to January 2, 1971, and (2) displacement occurring on or after January 2, 1971, and prior to July 1, 1972, to the extent that the regulations issued hereunder do not, pursuant to paragraph (a) of this section, apply.

(c) *Continuation of rights and liabilities*. Nothing in paragraph (a) or (b) of this section shall be deemed to affect any rights or liabilities in existence as of January 2, 1971, under any laws repealed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

§ 12.30 Assurances.

(a) *Displacement*. As a condition to any grant, contract, or agreement approved by HUD on or after January 2, 1971, under which Federal financial assistance will be available to pay all or part of the cost of any undertaking which will result in the displacement of any person on or after such date, a State agency shall to the extent it is authorized under State law, submit assurances (either separately or by contract) satisfactory to HUD that with respect to such displacement—

(1) Relocation payments shall be provided to displaced persons in accordance with §§ 42.65 through 42.95;

(2) Relocation assistance programs offering the services described in Subpart C shall be provided to such displaced persons;

(3) Within a reasonable period of time prior to displacement, decent, safe and sanitary replacement dwellings will be available to displaced persons in accordance with § 42.120;

(4) Affected persons will be adequately informed of the benefits, policies and procedures provided in these regulations; and

(5) The relocation process will be carried out in such a manner as to provide displaced persons with uniform and consistent services, and replacement housing under § 42.120 will be available and the same range of choices with respect to such housing will be offered to all displaced persons regardless of race, color, religion or national origin pursuant to title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3501 et seq.), and Executive Order 11063 (27 F.R. 11527).

An assurance with respect to displacement filed on or before the 30th day following issuance of the regulations in this part shall be deemed satisfactory notwithstanding its failure to include subparagraphs (4) and (5) of this paragraph.

(b) *Acquisition*. As a condition to any grant, contract, or agreement approved by HUD on or after January 2, 1971, under which Federal financial assistance will be available to pay all or a part of the cost of any undertaking which will result in the acquisition of real property on or after such date the State agency shall, to the extent it is authorized under State law, submit assurances (either separately or by contract) satisfactory to HUD that with respect to such acquisition:

(1) It will, to the greatest extent practicable under State law, be guided by the land acquisition policies and provisions in § 42.135;

(2) Property owners will be paid or reimbursed for necessary expenses specified in §§ 42.140 and 42.145; and

(3) Affected persons will be adequately informed of the benefits, policies and procedures provided in the regulations in this part.

An assurance with respect to acquisition filed on or before the 30th day following issuance of the regulations in this part shall be deemed satisfactory notwithstanding its failure to include subparagraph (3) of this paragraph.

§ 42.35 Federal share of costs of relocation payments and assistance.

Payments made and assistance provided in accordance with Subparts B and C of this part and §§ 42.140 and 42.145, and pursuant to a grant, loan, contract, or agreement for Federal financial assistance for a project, shall be included as a part of the cost of such project and shared in the same manner and to the same extent as other program or project costs: *Provided*, That, where such Federal financial assistance is by loan, HUD shall loan the full amount of the first $25,000 of the cost to the State agency for providing such payments and assistance to an eligible displaced person or a person from whom property is acquired, and where such Federal financial assistance is by grant or contribution HUD shall pay the first $25,000 of such costs with respect to an eligible displaced person or a person from whom property is acquired on account of displacement or acquisition occurring prior to July 1, 1972.

§ 42.40 Payments in condemnation proceedings and negotiated purchases.

No payment shall be made under the regulations in this part which would duplicate a payment received by a displaced person or owner under the State law of eminent domain, and which is included in an award in eminent domain or in the purchase price for any property acquired by negotiation, if such payment so received is determined by HUD to have the same purpose or effect as a payment under this part.

Subpart B—Relocation Payments

§ 42.45 Purpose.

The purpose of this subpart is to set forth the types of, and specific eligibility criteria for, relocation payments to displaced persons.

§ 42.50 Relocation payments by State agency.

The State agency shall make relocation payments to or on behalf of eligible displaced persons in accordance with and to the full extent permitted by §§ 42.65 through 42.95.

§ 42.55 Basic eligibility conditions.

(a) *General*. A person qualifies as a displaced person for purposes of establishing basic eligibility for a relocation payment if:

(1) Such person moves from real property within the project area or moves his personal property from such real property (i) on or after the date of the pertinent contract for Federal financial assistance for a project, or in the case of the low rent public housing program, the date of tentative site approval by HUD, if it is later, or (ii) on or after the date of HUD approval of a budget for project execution activities resulting in displacement, provided that the contract for Federal financial assistance for the contemplated project is thereafter executed, and (iii) for purposes of the model cities program, on or after the dates specified in subdivision (i) of this subparagraph or, if the displacement occurs prior to the approval of the contract for Federal financial assistance, on or after the date approved by HUD for a specific undertaking upon the request of the State agency, provided that a contract for Federal financial assistance is thereafter executed and provided further that the comprehensive city demonstration program thereafter approved identifies the undertaking as one being carried out in connection with such program, and

(2) Such person is displaced as a result of (i) the acquisition of such real property, in whole or in part, for a project as further provided in paragraph (b) of this section, or (ii) code enforcement, voluntary rehabilitation, improvement of private property, or demolition, as provided in paragraphs (c), (d), and (e) of this section; or

(3) Such person who moves from real property, or moves his personal property from real property on or after the applicable date specified in subparagraph (1) of this paragraph as a result of displacement (as specified in subparagraph (2) of this paragraph) from other real property on which such person conducts a business or farm operation: *Provided*, That such person shall be deemed a displaced person solely for the purpose of qualifying for the following payments: (i) Actual reasonable moving expenses under § 42.65, (ii) actual direct losses of personal property under § 42.70, (iii) actual reasonable expenses in searching for a replacement business or farm under § 42.75, (iv) an alternate payment for individuals and families under § 42.80, and (v) relocation advisory assistance under Subpart C of this part.

(b) *Displacement by acquisition*. Displacement as a result of the acquisition of real property includes displacement which is a result of:

(1) The obtaining by the acquiring agency of title to or the right to possession of such real property for a project;

(2) The written order of the acquiring agency to vacate such property for a project; or

(3) The receipt of a written notice from the acquiring agency of its intent to acquire the real property for such project, provided that such acquisition thereafter takes place.

Displacement as a result of acquisition of real property in the urban renewal, neighborhood development, and model cities programs shall include displacement which is a result of the acquisition of real property by a State agency other than the State agency receiving Federal financial assistance as defined in § 42.20(g), to the extent that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is not applicable to such other State agency in connection with such displacement, and if the acquisition is undertaken in accordance with the plan for the project, or, in the case of the model cities program, if the comprehensive city demonstration program identifies the acquisition as being carried out in connection with such program.

(c) *Displacement by code enforcement and voluntary rehabilitation*—(1) *Urban renewal, neighborhood development, and code enforcement programs.* A person shall be deemed displaced by code enforcement or voluntary rehabilitation under the urban renewal, neighborhood development, and code enforcement programs if the vacation of the real property is the result of code enforcement, as further specified in subparagraph (3) of this paragraph, or of voluntary rehabilitation, as further specified in subparagraph (4) of this paragraph, with respect to the property occupied and if such activities are undertaken in accordance with the plan.

(2) *Model cities program.* A person shall be deemed displaced by code enforcement or voluntary rehabilitation under the model cities program if the vacation of the real property is the result of code enforcement, as specified in subparagraph (3) of this paragraph, or of voluntary rehabilitation activities, as further specified in subparagraph (4) of this paragraph, with respect to the property occupied and if such activities are undertaken in accordance with the comprehensive city demonstration program which identifies the undertaking as being carried out in connection with such program.

(3) *Code enforcement*—(i) *Tenants.* A tenant shall be deemed to be displaced as a result of code enforcement if the vacating of real property occurs on or after:

(*a*) The receipt of a notice to vacate from the owner on the ground that code enforcement activities will be undertaken; or

(*b*) The commencement of code enforcement activities: *Provided,* That the State agency shall have concluded, in accordance with HUD policies and requirements, either:

(*1*) That the owner has increased the rent or has notified the tenant of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided,* That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the State agency for the persons' ability to pay, or

(*2*) That the code enforcement could not reasonably be undertaken without the vacation of the real property by the tenant; or

(*c*) A notice from the owner or the State agency that code enforcement activities will be required: *Provided,* That the State agency shall have concluded, in accordance with HUD policies and requirements, that such tenant has moved in reasonable anticipation of such code enforcement activities and has made either of the findings required under (*b*) (*1*) or (*2*) of this subdivision (i).

(ii) *Owners.* An owner of real property shall be deemed displaced as a result of code enforcement if the vacating of the real property occurs on or after the receipt of notice from the State agency that code enforcement will be required and the State agency concludes, in accordance with HUD policies and requirements, that (*a*) the code enforcement has been accomplished, and (*b*) the code enforcement could not reasonably have been undertaken without the vacation of the real property by the owner.

(4) *Voluntary rehabilitation*—(i) *Tenants.* A tenant shall be deemed to be displaced as a result of voluntary rehabilitation if the vacating of real property occurs on or after:

(*a*) The receipt of a notice to vacate from the owner on the ground that voluntary rehabilitation will be undertaken; or

(*b*) The commencement of voluntary rehabilitation: *Provided,* That the State agency shall have concluded in accordance with HUD policies and requirements either:

(*1*) That the owner has increased the rent or has notified the tenant of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided,* That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the State agency for the person's ability to pay, or

(*2*) That the voluntary rehabilitation could not have reasonably been undertaken without the vacation of the real property by the tenant; or

(*c*) The receipt of a notice from the owner or the State agency that voluntary rehabilitation will be required: *Provided,* That the State agency shall have concluded, in accordance with HUD policies and requirements, that such tenant has moved in reasonable anticipation of such voluntary rehabilitation and has made either of the findings required under (*b*) (*1*) or (*2*) of this subdivision (i).

(ii) *Owners.* An owner of real property shall be deemed displaced as a result of voluntary rehabilitation if the vacating of the real property occurs on or after the commencement of voluntary rehabilitation and the State agency concludes, in accordance with HUD policies and requirements, that (*a*) the voluntary rehabilitation has been accomplished, and (*b*) the voluntary rehabilitation could not reasonably have been undertaken without the vacation of the real property by the owner.

(d) *Displacement by improvement of private properties in the interim assistance program.* A person shall be deemed displaced by the improvement of private property under the interim assistance program if the vacating of the real property is the result of:

(1) Improvement with respect to the property occupied and undertaken in accordance with the plan; and

(2) Where the displaced person is a tenant, the vacating of real property occurs on or after:

(i) The receipt of a notice to vacate from the owner on the ground that such improvement will be undertaken, or

(ii) The commencement of such improvement: *Provided,* That the State agency shall have concluded, in accordance with HUD policies and requirements, either (*a*) that the owner has increased the rent or has notified the tenant of an increase in rent amounting to not less than 25 percent in the case of a business concern and not less than 10 percent in the case of an individual or family: *Provided,* That in the case of an individual or family the increase shall also result in a rent exceeding the standards established by the State agency for the person's ability to pay, or (*b*) that such improvement could not have reasonably been undertaken without the vacation of the real property by the tenant, or

(iii) A notice from the owner or the State agency that the improvement will be required: *Provided,* That the State agency shall have concluded, in accordance with HUD policies and requirements, that such tenant has moved in reasonable anticipation of such improvement and has made either of the findings required under (*a*) or (*b*) of subdivision (ii) of this subparagraph (2), or

(3) Where the displaced person is an owner, if the vacating of the real property occurs on or after the commencement of such improvement and the State agency concludes, in accordance with HUD policies and requirements, that (i) the improvement has been accomplished, and (ii) the improvement could not reasonably have been undertaken without the vacation of the real property by the owner.

(e) *Displacement by demolition.* A person shall be deemed displaced as a result of demolition if the vacating of real property is the result of demolition undertaken in accordance with the plan for a project, and occurs on or after the date on which the State agency has ordered the real property to be vacated and demolished under State and local law on the ground that it is structurally unsound or unfit for human habitation.

§ 12.60 Filing of claims.

(a) *General.* All claims shall be submitted to the State agency on the appropriate HUD form, supported by such documentation as may be required by the specific provisions of the regulations in this part applicable to the payment claimed, and by such other documentation as may be required by the State agency.

(b) *Time for filing claims.* Any claim for a payment (other than a claim for a replacement housing payment for homeowners under § 42.90) shall be submitted to the State agency within a period of 6 months after displacement of the claimant, the publication of the regulations in this part, or the filing of assurances under § 42.30, whichever is later. Any claim for a replacement housing payment for homeowners under § 42.90 shall be submitted to the State agency within a period of 18 months after the displacement of the claimant, or 6 months after the publication of the regulations in this part or the filing of assurances under § 42.30, whichever is later.

§ 42.65 Actual reasonable moving expenses.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of § 42.55 and the requirements of paragraph (b) of this section, for actual reasonable expenses specified below and determined in accordance with paragraph (c) of this section for moving himself, his family, business, farm operation or other personal property:

(1) Transportation not to exceed a distance of 50 miles from the site from which displaced, except where the State agency determines in accordance with HUD policies and requirements that relocation beyond such distance of 50 miles is justified;

(2) Packing and crating personal property;

(3) Obtaining (including advertising for) bids or estimates for such transportation, packing, and crating;

(4) Such storage of personal property, for a period generally not to exceed 6 months, as the State agency determines to be necessary in connection with relocation;

(5) Insurance of personal property while in storage or transit;

(6) Disconnecting, dismantling, removing, reassembling, reconnecting and reinstalling machinery, equipment or other personal property (including goods and inventory kept for sale) not acquired by the State agency: *Provided,* That the cost of any addition, improvement, alteration, or other physical change in or to any structure in connection with effecting such reassembly, reconnection or reinstallation shall not be included as a moving expense unless the State agency determines, with prior HUD concurrence, that such addition, improvement, alteration, or other physical change is required by law or ordinance or is necessary to the reinstallation of such personal property;

(7) The reasonable replacement value of property lost, stolen or damaged (not through the fault or negligence of the displaced person, his agent or employee) in the process of moving, where such loss, theft, or damage is not covered by insurance; and

(8) Where an item of personal property which is used in connection with any business or farm operation is not moved but is replaced with a comparable item, reimbursement in an amount not to exceed the replacement cost, minus any proceeds received from the sale, or the estimated cost of moving, whichever is less.

(b) *Requirements—Moving a business or farm operation.* Except as provided in this paragraph, no payment for actual reasonable moving expenses shall be made to a displaced person for moving his business or farm operation unless:

(1) The State agency has received, at least 30 days (or such earlier date as the State agency may determine necessary, but not earlier than 90 days) prior to the moving date, written notice from such displaced person of his intention to move or dispose of personal property used in connection with such business or farm operation (which property shall be described generally in the notice), and the date of such intended move or disposition; and

(2) The displaced person has permitted, at all reasonable times, the inspection by or on behalf of the State agency of such property at the site from which the business or farm operation is displaced. For the purpose of this subsection, "moving date" shall mean the date on which the first item of such property is intended to be moved or disposed of. The State agency may make a relocation payment notwithstanding nonreceipt of such timely notice only if the agency has determined that there was reasonable cause for the failure of the displaced person to give such notice, and the agency has adequately verified the facts pertaining to the move or disposition and the requested relocation payment.

(c) *Limitations*—(1) *Self moves.* Where the displaced person accomplishes the move himself, the amount of payment shall not exceed the estimated cost of accomplishing the move commercially, except for such satisfactorily documented claims in a greater amount as are determined by the State agency, in accordance with HUD policies and requirements, to be justified.

(2) *Temporary moves—individuals or families.* For the purposes of this section, the cost to a State agency in connection with moving a displaced person into temporary housing shall, notwithstanding any other provisions of § 42.35 with respect to the Federal share of costs of relocation payments and assistance, be included as a project cost in the same manner and to the same extent as other program or project cost: *Provided,* That if the displaced person elects, in accordance with § 42.120(c)(4), to receive an alternate payment under § 42.80 at the time of the move into temporary housing, the Federal share of the cost of such payment to the State agency shall be paid in accordance with § 42.35 and the cost to the State agency in connection with the move of such person into permanent replacement housing shall be included as a project cost in the same manner and to the same extent as other program or project costs, notwithstanding any other provision of § 42.35.

(3) *Payment not to exceed low bid—Business or farm operations.* Payment to a displaced person for moving expenses shall not exceed the amount of the low bid submitted in accordance with paragraph (d)(2) of this section unless submission of bids is not, under paragraph (d)(2), required.

(4) *Personal property of low value and high bulk—Businesses or farm operations.* Where, in the judgment of the State agency, the cost of moving any item of personal property of low value and high bulk which is used in connection with any business or farm operation would be disproportionate in relation to its value, the allowable reimbursement for the expense of moving such property shall not exceed the difference between the cost of replacing the same with a comparable item available on the market and the amount which would have been received for such property on liquidation. This subparagraph shall apply to such situations as the moving of junkyards, stockpiles, sand, gravel, minerals, and metals.

(d) *Documentation in support of a claim*—(1) *All claimants.* A claim for a payment under paragraph (a) of this section shall be supported by a bill or other evidence of expenses incurred. By prearrangement between the State agency, the site occupant, and the mover, evidenced in writing, the claimant or the mover may present an unpaid moving bill to the State agency, and the agency may pay the mover directly.

(2) *Businesses and farm operations.* Each claim in excess of $500 for the costs incurred by a displaced person for moving his business or farm operation shall be supported by a bid (unless otherwise provided in this section), submitted to the State agency at least 15 days prior to the commencement of the move, from three reputable firms covering the moving costs involved. Whenever it is not feasible to obtain three bids for any category of work, a lesser number of bids shall be submitted, together with a written justification by the displaced person; and no relocation payment shall be allowed in such cases unless the State agency has approved the justification. Where such bid requirement cannot be complied with under State law, or where estimates in an amount of less than $500 were obtained in good faith by the displaced person, such claim shall be supported by estimates in lieu of bids.

§ 42.70 Actual direct losses of tangible personal property.

(a) *General.* A State agency shall make a payment to a displaced person who satisfies the pertinent eligibility requirements of § 42.65 and the requirements of paragraph (b) of this section, for actual direct losses of tangible personal property as a result of moving or discontinuing a business or farm operation, in an amount determined by the State agency in accordance with paragraphs (c) and (d) of this section.

(b) *Requirements for payment.* No payment shall be made to a displaced person for actual direct loss of property unless such displaced person (1) complies with the requirements of § 42.65(b) with respect to actual reasonable moving expenses except as provided in said section, and (2) makes a bona fide effort to sell the personal property for which such actual direct loss is claimed.

(c) *Determining actual direct loss of property.* (1) Subject to the limitations of paragraph (d) of this section, the amount of actual direct loss of any item of property claimed shall be determined as follows:

(i) Except as provided in subparagraph (2) of this paragraph (c), the fair market value of the property for continued use at its location prior to the displacement shall be ascertained by an appraisal either secured by the claimant and concurred in by the State agency, or secured by the State agency and concurred in by the claimant.

(ii) If the value of the property for which actual direct loss is claimed does not warrant the expenses of an appraisal, then its fair market value for such continued use shall be computed as follows: The original cost of the item to the claimant (exclusive of installation) multiplied by the figure obtained by dividing the period of the remaining useful life of the property at the date of removal by the period of the normal useful life of the property at the date of its acquisition by the claimant.

(iii) The property shall be disposed of by a bona fide sale (as determined by the State agency) at the highest price offered after reasonable efforts have been made over a reasonable period of time to interest prospective purchasers. A trade-in of the property may be considered a bona fide sale, and the trade-in allowance, exclusive of any amount of discount that would be allowed on the price of the property being acquired in the absence of the trade-in, shall be the amount realized upon the sale of the property.

(iv) If the amount realized from the sale, after deducting ordinary and reasonable expenses of the sale, is less than the fair market value for such continued use, the difference between the net amount realized and the fair market value is the amount of actual direct loss of the property.

(2) If a bona fide sale is not effected because no offer is received for the property, after reasonable efforts have been made over a reasonable period of time to sell it, then its fair market value for continued use, ascertained as provided in this section, is the amount of actual direct loss of the property.

(d) *Limitations.* (1) The amount of payment for actual direct loss of any item of property shall not exceed the amount determined in accordance with paragraph (c) of this section or the estimated amount that would have been required to relocate such property, whichever is less.

(2) No payment shall be made under this section for any item of personal property sold or traded in and replaced with a substitute item. However, nothing in the preceding sentence shall preclude a payment for moving expenses, in accordance with § 42.65(a)(8), with respect to the replacement of such item.

(3) The cost of an initial appraisal to determine actual direct loss of property shall, notwithstanding any other provision of § 42.35 with respect to Federal share of costs, be included as a project cost in the same manner and to the same extent as other program or project costs. No payment shall be made under these regulations for the cost of any appraisal made subsequent to such initial appraisal.

(e) *Documentation in support of a claim.* A claim for payment under paragraph (a) of this section shall be supported by written evidence of loss of tangible property which may include appraisals, certified prices, copies of bills of sale, receipts, canceled checks, copies of advertisements, offers to sell, auction records, and such other records as may be appropriate to support the claim.

§ 42.75 Actual reasonable expenses in searching for a replacement business or farm.

A displaced person who satisfies the pertinent eligibility requirements of § 42.65 with respect to actual reasonable moving expenses, is eligible for actual reasonable expenses, in an amount not to exceed $500 unless the State agency determines that a greater amount is justified, in searching for a replacement business or farm, including expenses incurred for: (a) Transportation; (b) meals and lodging away from home; (c) time spent in searching, based on the hourly wage rate of the salary or earnings of the displaced person or his representative, but not to exceed $10 per hour; and (d) fees paid to a real estate agent or broker to locate a replacement business or farm.

§ 42.80 Alternate payments—individuals and families.

(a) *General.* A person or family, who is displaced from a dwelling who is eligible for a payment for actual reasonable moving expenses under § 42.65, may elect to receive and shall be paid, in lieu of such payment: (1) A moving expense allowance not to exceed $300 and determined in accordance with approved Federal Highway Administration schedules established by the State in which the displacement occurred, and (2) a dislocation allowance of $200.

(b) *Limitations—joint occupants of single-family dwellings.* If individuals (not a family) who are joint occupants of a single-family dwelling submit more than one claim, an eligible claimant for a payment under paragraph (a) of this section may be paid only his reasonable prorated share (as determined by the State agency) of the total payment applicable to a single individual, and the total of alternate payments made to all such claimants moving from such dwelling shall not exceed the total fixed payment applicable to a single individual.

§ 42.85 Alternate payments—businesses and farm operations.

(a) *General.* A displaced person who is displaced from his place of business or farm operation and is eligible for payments under § 42.65, § 42.70, or § 42.75 and complies with the requirements set out in paragraph (b) of this section may elect to receive and shall be paid, in lieu of such payments, a payment equal to the average annual net earnings of the business or farm operation as determined in accordance with paragraph (d) of this section, except that such payment shall be not less than $2,500 nor more than $10,000. For purposes of this section, the dollar limitation specified in the preceding sentence shall apply to a single business, regardless of whether it is carried on under one or more legal entities.

(b) *Requirements—businesses.* In the case of a business, no payment shall be made under this section unless the State agency determines that (1) the business cannot be relocated without a substantial loss of its existing patronage, based on a consideration of all pertinent circumstances including such factors as the type of business conducted, the nature of the clientele, and the relative importance to the displaced business of its present and proposed location; (2) the business is not part of a commercial enterprise having another establishment which is not being acquired for a project and which is engaged in the same or similar business; and (3) the business contributes materially to the income of the displaced owner.

(c) *Determination of number of "businesses."* In determining whether one or more legal entities constitute a single business, the following factors, among others, shall be considered:

(1) The extent to which the same premises and equipment are shared;

(2) The extent to which substantially identical or intimately interrelated business functions are pursued and business and financial affairs are commingled;

(3) The extent to which such entities are held out to the public, and to those customarily dealing with such entities, as one business; and

(4) The extent to which the same person or closely related persons own, control or manage the affairs of the entities.

(d) *Determination of "average annual net earnings."* "Average annual net earnings" for the purpose of this section shall be computed on the basis of the net earnings of the business or farm operation, before Federal, State, and local income taxes, during the 2 taxable years immediately preceding displacement (or if the business or farm was not in operation that long, such other period as may be approved by the State agency), and includes salaries, wages, or other compensation paid by the business or farm operation to the owner, his spouse or his dependents. If the State agency determines that such 2-year period is not equitable for establishing earnings, the period used for determining average annual net earnings shall be a substitute period determined by the State agency to be representative.

(e) *Determination of ownership.* The term "owner" as used in this section includes the sole proprietor in a sole proprietorship, the principal partners in a partnership, and the principal stockholders of a corporation, as determined by the State agency. For purposes of determining a principal stockholder, stock held by a husband, his wife and their dependent children shall be treated as one unit.

(f) *Documentation in support of a claim.* A claim for payment under paragraph (a) of this section shall be supported by such reasonable evidence of earnings as may be approved by HUD. If no other evidence is available, such claim shall be supported by copies of Federal income tax returns.

§ 42.90 Replacement housing payments for homeowners.

(a) *General.* A State agency shall make to a displaced person who is displaced from a dwelling and who satisfies the pertinent eligibility requirements of § 42.55 and the conditions of paragraph (b) of this section, a payment not to exceed a combined total of $15,000 for:

(1) The amount, if any, which when added to the acquisition cost of the dwelling acquired for the project equals the reasonable cost (as determined in accordance with paragraph (c)(1) of this section) of a comparable replacement dwelling: *Provided,* That such amount shall not exceed the difference between the acquisition price of the acquired dwelling and the actual purchase price of the replacement dwelling.

(2) The amount, if any, to compensate the displaced person for any increased interest costs, as determined in accordance with paragraph (c)(2) of this section, which such displaced person is required to pay for financing the acquisition of a replacement dwelling: *Provided,* That no such payment shall be made unless the dwelling acquired by the State agency was encumbered by a bona fide mortgage which was a valid lien on such dwelling for not less than 180 days prior to the initiation of negotiations for acquisition of such dwelling.

(3) Reasonable expenses, determined in accordance with paragraph (c)(3) of this section, incurred by the displaced person incident to the purchase of the replacement dwelling, but not including prepaid expenses.

(b) *Eligibility conditions.* (1) A displaced person is eligible for the payments specified in paragraph (a) of this section if such displaced person: (i) Is displaced from a dwelling acquired for a project, or demolished (in accordance with local code) in connection with a project; (ii) has actually owned and occupied such dwelling for not less than 180 days prior to the initiation of negotiations for its acquisition; (iii) purchases and occupies a replacement dwelling which is decent, safe, and sanitary within 1 year subsequent to the date on which he received final payment from the State agency of all costs of the acquired dwelling or the date on which he moves from the acquired dwelling, whichever is later.

(2) For the purpose of this paragraph (b), a person has "owned" a dwelling if he (i) held fee title, a life estate, a 99-year lease, or a lease with not less than 50 years to run from date of acquisition of the property for the project, (ii) held an interest in a cooperative housing project which includes the rights of occupancy of a dwelling unit therein, (iii) is the contract purchaser of any of the foregoing estates or interests, or (iv) has a leasehold interest with an option to purchase.

(3) In the case of demolition in connection with a project the term "initiation of negotiations" shall mean, for the purposes of this paragraph (b), the date such person vacates the dwelling.

(4) The term "Purchases", for the purpose of this paragraph (b), includes the acquisition, construction or rehabilitation of a dwelling, the purchase and rehabilitation of a substandard dwelling, the relocation or relocation and rehabilitation of an existing dwelling, or the entering into a contract to purchase, or for the construction of, a dwelling to be constructed on a site to be provided by a builder or developer or on a site which the displaced person owns or acquires for such purpose. Where completion of construction, rehabilitation, or relocation of a replacement dwelling is delayed, for reasons beyond control of the displaced person, beyond the date by which occupancy is required under this paragraph (b), the State agency may determine the date of occupancy to be the date the displaced person enters into a contract for such construction, rehabilitation, or relocation or for the purchase, upon completion, of a dwelling to be constructed or rehabilitated if, in fact, the displaced person occupies the replacement dwelling when the construction or rehabilitation is completed.

(5) Where, for reasons of hardship and beyond the control of the displaced person, such person is unable to occupy the replacement dwelling by the date by which occupancy is required under this paragraph (b), the State agency may determine the date of occupancy to be the date on which the displaced person became entitled to possession of such dwelling: *Provided,* That the displaced person occupies the replacement dwelling within such reasonable period of time as shall be determined by HUD.

(c) *Computation of replacement housing payment*—(1) *Cost of comparable replacement dwelling.* The cost of a comparable replacement dwelling for purposes of paragraph (a)(1) of this section, shall be determined by one of the following methods:

(i) *Schedule method.* In accordance with a schedule as specified in § 42.160, which establishes the reasonable acquisition cost for comparable replacement dwellings;

(ii) *Comparative method.* On a case-by-case basis by determining the sales price (together with any adjustments necessary to reflect the market sale experience) of one or more dwellings which have been selected, by the State agency or by the displaced person with the approval of the State agency, and which are most representative of the acquired dwelling unit and meet the definition of "comparable replacement housing" set out in § 42.20(b): *Provided,* That this method shall be used solely at the option of the displaced person; or

(iii) *Alternative to schedule or comparative method.* Where the State agency determines that neither the schedule or the comparative method is feasible in a given situation, by the use of such other method as may be approved by HUD.

(2) *Interest payments.* Interest payments shall be equal to the difference between (i) the aggregate interest and other debt service costs of the amount of the principal of the mortgage on the replacement dwelling, limited to the unpaid balance of the mortgage on the acquired dwelling over its remaining term at the time of acquisition, and reduced to discounted present value, and (ii) the aggregate interest and other debt service costs paid on the mortgage on the acquired dwelling. In making such computation, the aggregate interest and other debt service costs with respect to the replacement dwelling shall not exceed the prevailing interest rate currently charged by the mortgage lending institutions in the general area in which the replacement dwelling is located. The discount rate for computing the present worth of future payments of increased interest shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located. (An example of computation of payment for increased interest cost is set forth below as Appendix A to this part.)

(3) *Expenses incident to the purchase of the replacement dwelling.* Such payments shall be the amount necessary to reimburse the displaced person for actual costs incurred by him incident to the purchase of the replacement dwelling, including:

(i) Legal, closing, and related costs including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings or plats, and charges paid incident to recordation.

(ii) Lender, FHA or VA appraisal.

(iii) FHA or VA application fee.

(iv) Certification of structural soundness.

(v) Credit report.

(vi) Owner's and mortgagee's evidence or assurance of title.

(vii) Escrow agent's fee.

(viii) Sales or transfer taxes.

No reimbursement shall be made for any fee, cost, charge, or expense which is determined to be a part of the debt service or finance charge under title I of the Truth in Lending Act (Public Law 90-321), and Regulation Z issued pursuant thereto by the Board of Governors of the Federal Reserve System.

(d) *Limitation — joint owner-occupants of single-family dwellings.* The total amount of payment under this section to individuals who were joint owner-occupants of a single-family dwelling acquired as a result of the project shall be subject to the limitation of § 42.80(b).

§ 42.95 Replacement housing payments for tenants and certain others.

(a) *General.* A State agency shall make to a displaced person who satisfies the eligibility requirements of § 42.55 and the conditions of paragraph (b) of this section, a payment not to exceed $4,000 for either:

(1) An amount, computed in accordance with paragraph (c)(1) of this section, necessary to enable such displaced person to lease or rent a comparable replacement dwelling for a period not to exceed 4 years; or

(2) An amount, computed in accordance with paragraph (c)(2) of this section, necessary to enable such displaced persons to make a downpayment (including incidental expenses described in § 42.90(a)(3)) on the purchase of a comparable dwelling: *Provided*, That if such amount exceeds $2,000, such displaced person shall equally match any such amount in excess of $2,000 in making the downpayment.

(b) *Eligibility conditions.* A displaced person is eligible for the payments specified in paragraph (a) of this section if such displaced person:

(1) Has actually and lawfully occupied the dwelling from which he is displaced for a period of not less than 90 days prior to the initiation of negotiations for acquisition of such dwelling; and

(2) Is not eligible to receive a replacement housing payment for homeowners under § 42.90; and

(3) Where such displaced person was the owner of the dwelling, such dwelling is acquired for a project, or demolished (in accordance with local code) in connection with a project: *Provided*, That an owner displaced as a result of code enforcement (other than by demolition) or voluntary rehabilitation shall be entitled to a payment specified under paragraph (a)(1) of this section necessary to enable him to lease or rent a comparable dwelling for period of 3 months, or such longer period as is reasonably necessary to accomplish the code enforcement or rehabilitation, and the computation set out in paragraph (c)(1) of this section shall be adjusted accordingly.

In the case of code enforcement, voluntary rehabilitation, improvement of private property or demolition in connection with a project, the term "initiation of negotiations", for the purposes of this paragraph (b), shall mean the date such displaced person vacates the dwelling.

(c) *Computation of payments*—(1) *Rentals.* The amount of payment necessary to lease or rent a comparable replacement dwelling, as specified under paragraph (a)(1) of this section, shall be computed by subtracting 48 times the base monthly rental of the displaced person (as determined in accordance with subdivision (i) of this subparagraph (1)), from 48 times the comparable monthly rental for a replacement dwelling (as determined in accordance with subdivision (ii) of this subparagraph (1)).

(i) *Base monthly rental.* The base monthly rental shall be the average person for the 3-month period prior to initiation of negotiations: *Provided*, That the base monthly rental shall be the average monthly rental during such 3-month period for similar dwellings in an area not generally less desirable than that of the dwelling from which such person was displaced (hereinafter referred to as the economic rent) where (*a*) the average monthly rental paid by the displaced person is found by the State agency to be substantially higher or lower than the economic rent, (*b*) the displaced person was the owner of the dwelling from which he was displaced: *And provided further*, That where necessary to satisfy the definition under § 42.20(b)(6) of comparable replacement housing as being within the financial means of the displaced person, the amount of such base monthly rental shall not exceed 25 percent of such person's monthly income.

(ii) *Comparable monthly rental.* The comparable monthly rental shall be the amount of rental determined by the State agency under one of the following methods:

(*a*) *Schedule method.* In accordance with a schedule, as specified in § 42.160, which establishes the average monthly rentals for comparable replacement housing;

(*b*) *Comparative method.* On a case by case basis by determining the average month's rent for one or more dwellings which have been selected by the State agency or by the displaced person with the approval of the State agency, and which are most representative of the acquired dwelling and meet the definition of "comparable replacement housing" set out in § 42.20(b): *Provided*, That this method shall be used solely at the option of the displaced person; or

(*c*) *Alternative to schedule or comparative method.* Where the State agency determines that neither the schedule or comparative method is feasible in a given situation, by the use of such other method as may be approved by HUD.

(2) *Downpayment.* The downpayment for which a payment specified under paragraph (a)(2) of this section may be made, together with any matching share which may be required, shall not exceed (i) the amount required as a downpayment for the purchase of a comparable dwelling if such purchase was financed by a conventional loan, and (ii) expenses incident to the purchase of a replacement dwelling computed in accordance with § 42.90(c)(3): *Provided*, That if the amount specified in subdivision (i) of this subparagraph (2) is less than the amount required of the displaced person as a downpayment for the purchase of a comparable dwelling financed by other than a conventional loan, such amount shall be the amount which the Secretary of Housing and Urban Development determines to be necessary for such downpayment. The full amount of a downpayment under this section shall be applied to the purchase price of the replacement dwelling and shall be shown on the closing statement.

(d) *Limitation on payments and disbursement of payments*—(1) *Joint occupants of single-family dwellings.* The total amount of payment under this section to individuals who were joint occupants of a single family dwelling acquired for the project shall be subject to the limitation of § 42.80(b).

(2) *Rental replacement housing*—(i) *Displaced owner-occupants.* Where a displaced person is not eligible for replacement housing payment under § 42.90 because he elects to rent rather than purchase a replacement dwelling, the amount of payment under paragraph (c)(1) of this section shall not exceed the amount of payment for which such displaced person would have been eligible under § 42.90 if he had purchased a replacement dwelling.

(ii) *Disbursement.* Payments in excess of $500 shall be made annually in four equal installments: *Provided*, That prior to paying each such installment, the State agency shall verify that the displaced person (so long as he remains in the general locality) is occupying decent, safe, and sanitary housing.

Subpart C—Relocation Assistance Advisory Program and Assurance of Adequate Replacement Housing

§ 42.100 Purpose.

The purpose of this subpart is to set forth requirements with respect to the development and implementation of a relocation assistance advisory program for the provision of specified services, and to prescribe the obligation of the State agency not to displace, or cause the displacement of, any person from his dwelling without adequate notice and unless adequate replacement housing is available.

§ 42.105 Relocation assistance advisory program.

State agencies shall develop and implement a relocation assistance advisory program which satisfies the requirements of § 42.115 and of title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968. Such program shall be administered so as to provide advisory services which offer maximum assistance, to minimize the hardship of displacement, and to assure that (a) all persons displaced from their dwellings are relocated into housing meeting the criteria described in § 42.120, and (b) all persons displaced from their places of business or farm operations are assisted in reestablishing with a minimum of delay and loss of earnings.

§ 42.110 Eligibility for services.

Relocation assistance advisory services shall be available to:

(a) Any person who occupies property from which he will be displaced for a project or whose personal property will be so displaced;

(b) Any person who occupies property immediately adjacent to the project and who is determined by the State agency to be caused substantial economic injury or substantial injury or threat to his health or personal safety because of the project; and

(c) Any person who moves from real property or moves his personal property from real property, because he is displaced from other real property on which he conducts a business or farm operation.

For purposes of § 42.115, any person or persons described in paragraphs (a) through (c) of this section shall be an "eligible person."

§ 42.115 Minimum requirements of relocation assistance advisory program.

Each relocation assistance advisory program undertaken pursuant to § 42.105 shall include, at a minimum, such measures, facilities, or services as may be necessary or appropriate in order to:

(a) Fully inform eligible persons under this subpart at the earliest possible date as to the availability of relocation payments and assistance and the eligibility requirements therefor, as well as the procedures for obtaining such payments and assistance;

(b) Through direct personal interview, determine the extent of the need of each such eligible person for relocation assistance;

(c) Provide current and continuing information on the availability, prices and rentals of comparable sales and rental housing, and of comparable commercial properties and locations;

(d) Assure that, within a reasonable period of time prior to displacement, there will be available adequate replacement housing meeting the criteria described in § 42.120 equal in number to the number of, and available to, such eligible persons who will be displaced;

(e) Assist any such eligible person displaced from his business or farm operation in obtaining and becoming established in a suitable replacement location;

(f) Supply to such eligible persons information concerning Federal and State housing programs, disaster loan and other programs administered by the Small Business Administration, and other Federal or State programs offering assistance to displaced persons;

(g) Provide other advisory services to such eligible persons, such as counselling and referrals with regard to housing financing, employment, training, health, welfare, and other assistance, in order to minimize hardships to such persons;

(h) Assist each such eligible person in completing any required applications and forms;

(i) Inform all persons who are expected to be displaced by acquisition as to the eviction policies to be pursued in carrying out the project;

(j) Insure adequate inspection of all relocation housing resources utilized by displaced persons prior to and subsequent to occupancy by such persons; and

(k) Provide any services required to insure that the relocation process does not result in different or separate treatment on account of race, color, religion, or national origin.

§ 42.120 Requirement of adequate replacement housing prior to displacement.

(a) *Availability.* No person shall be required to move from his dwelling on account of a project unless within a reasonable period of time prior to displacement there are available to such person replacement dwellings which are:

(1) Decent, safe, and sanitary;

(2) Demonstrated to be open to all persons regardless of race, color, religion, sex, or national origin in a manner consistent with title VIII of the Civil Rights Act of 1968, and available without discrimination based on source of income;

(3) In an area not subjected to unreasonable adverse environmental conditions from either natural or manmade sources, and in an area not generally less desirable nor less accessible with regard to public utilities and services, schools, churches, recreation, transportation and other public and commercial facilities; and

(4) Reasonably accessible to the displaced person's place of employment or potential employment;

(5) Adequate in size, facilities, and amenities to accommodate the needs of the displaced person and his family; and

(6) Available on the market at a rental or price within the financial means of the displaced person, but not exceeding a rental equal to 25 percent of his income or a purchase price of 2 to 2½ times his annual income.

(b) *Reasonable offers of replacement housing.* The requirement in paragraph (a) of this section shall be deemed to have been satisfied if a person is offered and refuses without justification reasonable choices of specifically identified replacement dwellings which fully meet the criteria listed in paragraph (a) of this section.

(c) *Use of temporary housing*—(1) *General.* Subject to the prior approval of HUD, a person to be displaced from a dwelling for a project may be provided temporary housing (i) in cases of emergency or where such person is subject to economic hardship or conditions hazardous to his health or safety, or (ii) in extraordinary situations where in the absence of such temporary move, the progress of the project would be substantially delayed: *Provided*, That the following conditions are satisfied:

(*a*) Such temporary housing is decent, safe, and sanitary and within the financial means of such person;

(*b*) The State agency has determined that within 12 months of the date of the temporary move or such longer period as HUD may approve, replacement housing meeting the criteria specified in paragraph (a) of this section will be available for occupancy by such person;

(*c*) Prior to the temporary move, such person will be given a written assurance that (*1*) replacement housing meeting the criteria specified in paragraph (a) of this section will be available at the earliest possible time, but in any event not later than the date provided under (*b*) of this subdivision; (*2*) to the extent practicable, such replacement housing will be made available to such person on a priority basis; and (*3*) such person may, notwithstanding the provisions of paragraph (b) of this section, and without prejudicing any rights under paragraph (a) of this section with respect to available replacement housing, reject offers of replacement housing in the expectation of the availability of replacement housing by the time such person would have ordinarily been displaced in accordance with the construction or development schedule of the project.

(2) *Continuing obligations of State agency.* The State agency shall continue to furnish to all persons provided temporary housing under subparagraph (1) of this paragraph all relocation assistance provided for under this Subpart C.

(3) *Preservation of eligibility.* The eligibility of any person for a payment specified under any section of the regulations in this part shall not be affected by a move to temporary housing under subparagraph (1) of this paragraph.

(4) *Payment of moving costs.* Costs in connection with moving a person to such temporary housing shall be subject to the provisions of § 42.65(c)(2) with respect to actual reasonable moving expenses for temporary moves. Any person provided temporary housing under this section shall be entitled to actual reasonable moving expenses for which he is eligible under § 42.65 in connection with moving into both temporary and permanent housing: *Provided*, That such person may elect to receive an alternate payment under § 42.80 in lieu of actual reasonable moving expenses with respect to one of either of such moves.

(d) *Notice.* No person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required in paragraph (a) of this section is available) or to move his business or farm operation, without at least 90 days' written notice from the State agency acquiring the real property or ordering its demolition: *Provided*, That a shorter period of notice may be given when the State agency determines, with HUD concurrence, that a 90-day period is impracticable. In addition, State agencies shall simultaneously notify each individual tenant to be displaced as well as each owner. Where persons are expected to be displaced by code enforcement, voluntary rehabilitation or the improvement of private properties as defined in § 42.55 (c) and (d), the State agency shall take all reasonable steps to urge and assure that owners of real property give tenants to be displaced at least 90 days' written notice that the activities will take place or that the premises must be vacated (except where the continued occupancy of the dwelling constitutes a substantial danger to the health or safety of the occupants). This policy shall be included by the State agency in all notices served on property owners requiring that code enforcement work be done.

(e) *Waiver.* The requirement in paragraph (a) of this section may be waived only by the Secretary of Housing and Urban Development under the following circumstances:

(1) When displacement is necessitated by a major disaster as defined in section 102(1) of the "Disaster Relief Act of 1970" (84 Stat. 1745, Public Law 91-606); or

(2) During periods of Presidentially declared national emergencies; or

(3) Such other extraordinary or emergency situations where immediate possession of real property is of crucial importance.

§ 42.125 Coordination of relocation activities.

State agencies shall contact other Federal, State, and local governmental agencies to determine the extent of present and proposed governmental actions in or affecting the locality (or localities) which may affect the carrying out of their relocation assistance program and the availability of housing resources. State agencies shall be required to stage their project activities in a manner which assures the availability of a sufficient supply of adequate replacement housing meeting the requirements of § 42.120(a). Consideration shall be given to the relocation needs of other programs being carried out in a locality and the progress of construction or rehabilitation of replacement dwellings or other relocation accommodations.

Subpart D—Real Property Acquisition

§ 42.130 Purpose.

The purposes of this subpart is to set forth the practices to be followed with respect to acquisition of real property for a project, and to provide for payments to property owners for expenses incidental to transfer of title and, in limited situations, payments for litigation expenses.

§ 42.135 Real property acquisition practices.

(a) *General.* In order to carry out the purpose of the regulations in this part, as set out in § 42.10(b) with respect to the acquisition of real property, the State agency shall, to the greatest extent practicable under State law, be guided by the following policies in acquiring real property for any project:

(1) The State agency shall make every reasonable effort to acquire such real property expeditiously by negotiation;

(2) Real property shall be appraised before the initiation of negotiations, and the owner or his designated representative shall be given an opportunity, by reasonable advance notice in writing or otherwise, to accompany the appraiser during his inspection of the property;

(3) Before the initiation of negotiations for the acquisition of such real property, the State agency shall establish an amount it believes to be just compensation therefor. Such amount shall be the State agency's review appraiser's determination of the fair market value of the property, or if HUD concurrence is required for the property involved, the fair market value of the property concurred in by HUD. Any decrease or increase in the fair market value of the real property prior to the date of valuation caused by the project for which such property is acquired, or by the likelihood that the property would be acquired for such project, other than that due to physical deterioration within the reasonable control of the owner, shall be disregarded in the appraisals and in determining the compensation for the property. Promptly after the amount of just compensation is established in accordance with this paragraph, the State agency shall offer to acquire the property for the full amount so established, and shall provide the owner with a written statement of, and summary of the basis for, such amount. This summary shall include, as a minimum, identification of the real property and the estate or interest therein to be acquired, including the buildings, structures, and other improvements located upon the real property, as well as the fixtures considered to be a part of the real property. If only a portion of the real property is to be acquired, a separate statement shall be made of the estimated just compensation for such portion to be acquired and, where appropriate, of damages or benefits to the remaining real property. The date of valuation ordinarily will be the date of the appraisal review. If there is a significant delay between the date of valuation and the date of acquisition, the appraisal shall be updated or a new appraisal obtained to reflect the value as of such later date;

(4) No owner shall be required to surrender possession of real property before the State agency pays the agreed purchase price, or deposits with the court in which the State agency has instituted a condemnation proceeding for such property, for the benefit of the owner, an amount not less than the fair market value of such property, determined in accordance with subparagraph (3) of this paragraph, or the amount of the award of compensation in the condemnation proceeding for such property;

(5) Construction or development of a project shall be so scheduled that no person lawfully occupying real property shall be required to move from a dwelling (assuming a replacement dwelling as required by § 42.120(a) will be available) or to move his business or farm operation, without at least 90 days' written notice from the State agency of the date by which such move is required: *Provided,* That shorter notice may be given where HUD determines that such 90-day notice is impracticable;

(6) If the State agency permits an owner or tenant to occupy the acquired real property on a rental basis for a short term or for a period subject to termination by the State agency on short notice, the amount of rent required shall not exceed the fair rental value of the property to a short-term occupier, or 25 percent of the income of such owner or tenant, whichever is less;

(7) In no event shall the State agency either advance the time of condemnation, or defer negotiations or condemnation and the deposit of funds in court for the use of the owner, or take any other action which is coercive or misleading in nature (including the offer of payments under the regulations in this part) in order to compel or induce an agreement on the price to be paid for the property;

(8) If any interest in real property is to be acquired by exercise of the power of eminent domain, the State agency shall institute formal condemnation proceedings. No State agency shall intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property;

(9) If the acquisition of any part of a real property would leave its owner with an uneconomic remnant, the State agency shall offer to acquire the entire property; and

(10) In any case in which a notice is served by the State agency of its intention to acquire real property, initiation of negotiations shall occur within 90 days of the service of such notice of intention.

(b) *Real property acquisition practices (buildings, structures, and improvements).* In acquiring real property for any project, a State agency shall, to the greatest extent practicable under State law, be guided by the following policies:

(1) If the State agency acquires any interest in real property, it shall acquire at least an equal interest in all buildings, structures, or other improvements located thereon and which it requires to be removed from the real property or which it determines will be adversely affected by the use to which the real property will be put;

(2) For the purpose of determining just compensation to be paid for any building, structure, or other improvement required by subparagraph (1) of this paragraph to be acquired, such building, structure, or other improvement shall be deemed to be a part of the real property to be acquired notwithstanding the right or obligation of a tenant, as against the owner of any other interest in the real property, to remove such building, structure, or other improvement at the expiration of his term, and the State agency shall pay to the tenant as compensation for such building, structure, or other improvement, the greater of:

(i) The amount which the building, structure, or other improvement contributes to the fair market value of the real property to be acquired, or

(ii) The fair market value of the building, structure, or other improvement for removal from the real property;

(3) Payment under subparagraph (2) of this paragraph shall not result in duplication of any payments otherwise authorized by law. No such payment shall be made unless the owner of the real property involved disclaims all interest in the improvements of the tenant. In consideration for such payment, the tenant shall assign, transfer, and release to the State agency all his right, title, and interest in and to such improvements.

Nothing in paragraph (b) (2) or (3) of this section shall deprive the tenant of any right to reject payment thereunder and to obtain payment of just compensation for his property interests as otherwise defined and provided for by applicable law.

§ 42.140 Payments—expenses incidental to transfer of title.

(a) *General.* The State agency, as soon as practicable after the date of payment of the purchase price or the date of deposit in court of funds to satisfy the award of compensation in a condemnation proceeding to acquire real property, whichever is earlier, shall reimburse the owner, to the extent the State agency deems fair and reasonable, for expenses such owner necessarily incurred for:

(1) Recording fees, transfer taxes, and similar expenses incidental to conveying such real property to the State agency;

(2) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering such real property; and

(3) The pro rata portion of real property taxes paid which are allocable to a period subsequent to the date of vesting of title in the State agency, or the effective date of possession of such real property by the State agency, whichever is earlier.

(b) *Documentation in support of a claim.* If real property is acquired by condemnation, a claim for payment under paragraph (a) of this section shall be submitted to the State agency and supported by such documentation as may be required by the State agency. If the real property is acquired by purchase, payment shall be made at settlement of the acquisition and accounted for in the settlement statement, on the basis of such documentation as may be required by the State agency.

(c) *Time for filing claims.* Each such claim shall be submitted to the State agency within a period of 6 months after the acquisition of the property, the publication of the regulations in this part, or the filing of assurances in accordance with § 42.30, whichever is later.

§ 42.145 Payments—litigation expenses.

(a) *General.* The State agency shall reimburse the owner of any real property for the owner's reasonable costs, disbursements, and expenses of litigation, including attorney, appraisal, and engineering fees, actually incurred because of condemnation proceedings, if:

(1) In a condemnation proceeding instituted by the State agency to acquire such real property for a project, the final judgment of the court having jurisdiction over such proceeding is that the State agency cannot acquire the real property by condemnation; or

(2) Such proceeding is abandoned by the State agency other than pursuant to an agreed-upon settlement of the proposed acquisition of the property by direct purchase; or

(3) A court of competent jurisdiction renders a judgment in favor of the owner as plaintiff in an inverse condemnation proceeding or the State agency effects a settlement of such proceeding.

(b) *Limitations.* No payment under paragraph (a) of this section shall be made unless HUD is satisfied that the costs involved are reasonable and directly and necessarily related to such condemnation proceedings.

(c) *Documentation in support of a claim.* A claim for a payment under paragraph (a) of this section shall be submitted to the State agency and supported by such documentation as may be required by the State agency and HUD.

(d) *Time for filing claims.* Each claim shall be submitted to the State agency within a period of 6 months after (1) final judgment in accordance with paragraph (a) (1) or (3) of this section, or the abandonment of a condemnation proceeding by a State agency, whichever is applicable; (2) the issuance of the regulations in this part; or (3) the filing of assurances in accordance with § 42.30, whichever is later.

§ 42.150 Effect upon property acquisition.

(a) The provisions of this Subpart D create no rights or liabilities and shall not affect the validity of any property acquisitions by purchase or condemnation.

(b) Nothing in these regulations shall be construed as creating in any condemnation proceedings brought under the power of eminent domain any element of value or of damage not in existence immediately prior to January 2, 1971, the date of enactment of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

Subpart E—Administration

§ 42.155 Purpose.

The purpose of this subpart is to set forth the provisions relating to the overall administration of the regulations in this part.

§ 42.160 Schedules of comparable replacement dwellings.

The State agency shall submit for HUD approval a schedule of the average price of comparable replacement dwellings in a locality, for determining the amount of replacement housing payments under §§ 42.90(a)(1) and (c)(1) and 42.95 (a)(2) and (c)(2) and a separate schedule of average monthly rentals for comparable replacement dwellings in the locality for determining payments under § 42.95(a)(1) and (c)(1). The schedules shall be consistent with the regulations in Subpart C of this part, shall be kept current and shall, to the maximum extent possible, reflect the costs set forth in schedules used by other State agencies in the locality, and shall be available in written form to all persons in the office of the State agency. If there is an insufficient supply of comparable replacement housing meeting the definition of § 42.20(b) with respect to age or state of repair, new, rehabilitated, or more recently constructed housing, including assisted housing, shall be used in developing the schedules.

§ 42.165 Notice to persons in project area.

The State agency shall furnish, at the earliest possible date, to all persons who own or occupy property within a project area (or the area of the federally assisted activities) and who are anticipated to be displaced, a notice or information statement advising them of (a) the availability of payments under these regulations to eligible persons, (b) the office where the conditions under which such payments will be made are available for inspection, and (c) the earliest date on which such persons may move and still qualify as a displaced person. The State agency shall take reasonable steps to publicize this information in language(s) and in a fashion most likely to be understood by the persons to be affected, such as by using the local media, posters in public places, and other forms of public communication.

§ 42.170 Review of claims.

The State agency is initially responsible for determining the eligibility of a claim for, and the amount of, any payment under the regulations in this part and shall maintain in its files complete and proper documentation supporting the determination. The determination on each claim shall be made or approved either by the governing body of the agency or by the principal executive officer of the agency or his duly authorized designee.

§ 42.175 Prompt payment.

A payment shall be made by the State agency as promptly as possible after a person's eligibility has been determined in accordance with the regulations in this part. Advance payments may be made in hardship cases where the State agency determines such advances to be appropriate under the regulations in this part.

§ 42.180 Agency setoff against claim.

The State agency may set off against the claim of an otherwise eligible person any financial claim the agency may have against the person arising out of the use of the real property, subject to the qualification set forth below. Before taking any setoff action ,the State agency shall notify the displaced person of its intention to setoff the claim and shall advise the person that he may within 30 days file a statement denying or disputing the claim. If such statement is filed by the person, the State agency may tentatively set off the claim if it institutes within 30 days and diligently prosecutes a judicial action to obtain a judgment for the claim. Once the State agency obtains a judgment for the claim, the setoff will be deemed final. If judicial proceedings are instituted and the State agency is denied a judgment or if the State agency does not institute and prosecute proceedings as set forth above, the State agency shall pay the full amount of the relocation claim if otherwise eligible.

§ 42.185 Approval by HUD.

No claim for a payment (other than a replacement housing payment) in excess of $10,000 shall be paid without the prior concurrence of HUD.

§ 42.190 Appeals procedure—grievances.

Any person aggrieved by a determination as to eligibility for, or the amount of, a payment under the regulations in this part may have his claim reviewed or reconsidered by the head of the State agency or his authorized designee, in accordance with such procedures as the State agency shall have established for such review or reconsideration. Where such person is not satisfied by such review or redetermination, he is entitled to redetermination of his claim by HUD. Any person or class of persons may similarly seek review and revision of any schedules with respect to payments under the regulations in this part.

§ 42.195 Accounts and records.

Accounts and records shall be subject to inspection or audit at all reasonable times by HUD. Records pertaining to eligibility for payments, including all claims, receipted bills, or other documentation in support of a claim, and records pertaining to action on a claim, shall be retained by the State agency for not less than 3 years after the completion of the project. Timely and complete reports shall be submitted in accordance with HUD requirements.

§ 42.200 Payments not to be considered as income.

No payment received under these regulations by a displaced person shall be considered as income for the purposes of the Internal Revenue Code of 1954; or for the purposes of determining the eligibility or the extent of eligibility of any person for assistance under the Social Security Act or any other Federal law.

§ 42.205 Displacement in connection with more than one project.

No person shall be entitled to more than one payment under each of §§ 42.65–42.95 and §§ 42.140 and 42.145 on account of a single displacement or a single acquisition, notwithstanding that the displacement or acquisition is in connection with more than one Federal or federally assisted project.

§ 42.210 Policies and requirements of HUD.

All determinations or other actions by the State agency provided for under the regulations in this part shall be undertaken in accordance with the policies and requirements of HUD as issued from time to time.

§ 42.215 Waivers.

A waiver of any section of these regulations not required by law, may be authorized only with respect to a particular claim and by the Secretary of Housing and Urban Development or his his authorized designee after such claim has been reviewed by HUD: *Provided*, That the limitations provided in § 42.60 with respect to the time of filing of claims may be waived by the State agency for good cause with HUD concurrence.

Effective date. These regulations are effective as of May 13, 1971.

GEORGE ROMNEY,
Secretary of Housing and Urban Development.

APPENDIX A—EXAMPLE OF COMPUTATION OF PAYMENT FOR INCREASED INTEREST COST UNDER § 42.90(c)(2)[1]

DWELLING TO BE ACQUIRED	
Acquisition price	$12.000.00
Existing mortgage:	
Interest rate (percent)	6
Remaining term (years)	10
Remaining principal balance	$7,295.93
Monthly principal and interest payment	$81.02
Owner's equity	$4,704.07
AVAILABLE COMPARABLE DECENT, SAFE, AND SANITARY DWELLING	
Price	$15,000.00
Prevailing interest rate (percent)	8
Supplemental payment for replacement housing cost differential	$3,000.00
Payment for increased interest cost	$700.00
COMPUTATION OF PAYMENT FOR INCREASED INTEREST COST	
Monthly principal and interest cost for new mortgage of $7,295.93—for 10 years at 8 percent interest	$88.57
Monthly principal and interest cost for existing mortgage of $7,295.93—for 10 years at 6 percent interest	$81.02
Monthly interest difference	$7.55
Present worth of $7.55 monthly interest difference for 10 years, discounted at the assumed interest rate paid on savings deposits, at 5 percent	$700.00
Increased interest cost payment due property owner	$700.00

[FR Doc.71-6693 Filed 5-12-71;8:51 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7113]

PART 245—BEER

Miscellaneous Amendments

On March 5, 1971, a notice of proposed rule making to amend 26 CFR Part 245, was published in the FEDERAL REGISTER (36 F.R. 4398). In accordance with this notice, interested persons were afforded an opportunity to submit written comments or suggestions pertaining thereto. No comments or suggestion were received within the 30-day period prescribed in the notice, and after further consideration, the amendments as published in the FEDERAL REGISTER are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. Paragraph 3 is changed to make it clear that the loading facilities which are referred to in § 245.11 are not limited to use for loading cases only.

PAR. 2. Paragraph 6 is changed to delete § 245.19.

PAR. 3. Paragraph 8 is changed by amending § 245.32.

PAR. 4. Paragraph 24 is changed as follows:

A. In § 245.225, paragraph (c) is amended by adding immediately before the closing "." the phrase "and any returned therefrom".

B. In § 245.225, subparagraph (3) of the text immediately following paragraph (n) is amended by deleting the phrase "of beer transferred".

PAR. 5. Paragraph 27 is changed as follows:

A. Section 245.251 is amended to clarify the applicability of Subpart Q of this part.

B. The first sentence of § 245.252(b) is amended by inserting the word "current" immediately before the word "authorization".

C. The second sentence of § 245.254 is amended by deleting the words "tax value" and inserting in lieu thereof the words "potential tax liability".

D. The heading of § 245.257 and the text of § 245.257(c) are amended.

Because this Treasury decision implements and effectuates changes made in Chapter 51 of the Internal Revenue Code by Public Law 91–673, 84 Stat. 2056, which becomes effective May 1, 1971, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitations of 5 U.S.C. 553(d). Accordingly, this Treasury decision shall become effective May 1, 1971.

(Sec. 7805, Internal Revenue Code, 68 Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: May 11, 1971.

EDWIN S. COHEN,
Assistant Secretary of the Treasury.

In order to implement the provisions of Public Law 91–673 which amended the Internal Revenue Code by (a) permitting credit or refund of tax if beer is returned to another brewery of the same brewer and permitting offsets or deductions from taxable removals if beer is returned to the same brewery from which it was removed, (b) permitting credit or refund of tax in the case of beer lost by theft or rendered unmerchantable, (c) permitting removals of beer without payment of tax for use in research, development, or testing, (d) permitting the bonding requirements to be met by certifying the continuation of an existing bond in place of the present requirement that a new bond be secured, (e) permitting certain facilities of the brewery to be near the main facilities, rather than requiring them to adjoin the main facilities, (f) eliminating the requirement for separate facilities for the bottling of beer and cereal beverages, and (g) authorizing the establishment of pilot brewing plants; and to delete obsolete requirements, the regulations in 26 CFR Part 245 are amended as follows:

PARAGRAPH 1. Section 245.1 is amended to include reference to pilot brewing plants. As amended, § 245.1 reads as follows:

§ 245.1 Beer.

The regulations in this part relate to beer and cereal beverages and cover the location, construction, equipment, and operations of breweries and pilot brewing plants and the qualification of such establishments including the ownership, control, and management thereof.

PAR. 2. Section 245.5 is amended by revising the definitions of "Brewery" and "Removed for consumption or sale," adding, in alphabetical order, a definition for "Package and packaging," and deleting the statutory citation after the definition of "Bottle and bottling." As amended, § 245.5 reads as follows:

§ 245.5 Meaning of terms.

* * * * *

Bottle and bottling. "Bottle" shall mean a bottle, can, or similar container, and "bottling" shall mean the filling of bottles, cans, and similar containers.

* * * * *

Brewery. "Brewery" shall mean the land and buildings described as such in the brewer's notice on Form 27–C, where beer is to be produced and packaged.

(72 Stat. 1389, as amended; 26 U.S.C. 5402, 5411)

* * * * *

Package and packaging. "Package" shall mean a bottle, can, keg, barrel, or other original consumer container, and "packaging" shall mean the filling of any package.

(72 Stat. 1390, as amended; 26 U.S.C. 5416)

* * * * *

Removed for consumption or sale. "Removed for consumption or sale" (except when used with respect to beer removed without payment of tax as authorized by law) shall mean (a) the sale and transfer of possession of beer for consumption at the brewery or (b) any removal of beer from the brewery.

(72 Stat. 1333, as amended; 26 U.S.C. 5052)

* * * * *

PAR. 3. Section 245.11 is amended to provide for case packing, loading, or storing facilities located within reasonable proximity to the brewery packaging facilities to be approved as a part of the brewery. As amended, § 245.11 reads as follows:

§ 245.11 Continuity of brewery.

The continuity of the brewery must be unbroken except where separated by public passageways, streets, highways, waterways, or carrier rights-of-way, or partitions; and if parts of the brewery are so separated they must abut on the dividing medium and be adjacent to each other. Notwithstanding the preceding sentence, facilities under the control of the brewer for loading, or for case packing or storing, which are located within reasonable proximity to the brewery packaging facilities may be approved by the assistant regional commissioner as a part of the brewery if the revenue will not be jeopardized thereby.

(72 Stat. 1389, as amended; 26 U.S.C. 5402)

PAR. 4. Section 245.12 is amended to expand the authorized purposes for which the brewery may be used and to delete the requirement that all bottling of beer be conducted in the brewery bottling house. As amended, § 245.12 reads as follows:

§ 245.12 Use of brewery.

The brewery shall be used exclusively, except as provided herein, for the purposes of (a) producing, packaging, and storing beer, cereal beverages containing less than one-half of 1 percent of alcohol by volume, vitamins, ice, malt, malt sirup, and other byproducts and soft drinks and other nonalcoholic beverages; (b) processing spent grain, carbon dioxide, and yeast; and (c) storing packages and supplies necessary or incidental to all such operations. If the brewer desires to use the brewery for other purposes, not involving the production of alcoholic beverages, which (1) require the use of byproducts or wastage from the production of beer, or utilize buildings, rooms, areas, or equipment not fully employed in the production or packaging of beer. (2) are reasonably necessary to realize the maximum benefit from the premises and equipment and to reduce the overhead of the plant, (3) are in the public interest because of emergency conditions, or (4) involve experiments or research projects related to equipment, materials, processes, products, byproducts, or wastage of the brewery, he may submit an application, in triplicate, so to do to the Director, Alcohol and Tobacco Tax Division, through the assistant regional commissioner. The Director, Alcohol and Tobacco Tax Division, will approve such application where he finds that such use will not jeopardize the revenue, will not impede the effective administration of this part, and is not contrary to the specific provisions of law.

(72 Stat. 1389, as amended; 26 U.S.C. 5411)

PAR. 5. Section 245.13 is amended to provide cross reference to § 245.157 concerning storage of taxpaid beer and to delete reference to the brewery bottling house. As amended, § 245.13 reads as follows:

§ 245.13 Storage of beer.

(a) *Taxpaid beer.* Beer on which the tax has been paid or determined shall not be stored in the brewery except as provided in § 245.157.

(b) *Untaxpaid beer.* Packaged beer on which tax has not been paid or determined may be stored in any suitable location in the brewery.

(72 Stat. 1389, as amended; 26 U.S.C. 5411)

§ 245.19 [Deleted]

PAR. 6. Section 245.19 is deleted.

PAR. 7. Section 245.30 is amended to delete reference to beer to be bottled. As amended, § 245.30 reads as follows:

§ 245.30 Metering systems required.

Brewers shall be required to provide at their own expense, approved meters for measuring beer to be packaged.

(72 Stat. 1395; 26 U.S.C. 5552)

PAR. 8. Sections 245.31, 245.32, and 245.33 are amended because of and to conform to the new definition of "package and packaging." As amended, §§ 245.31, 245.32, and 245.33 read as follows:

§ 245.31 Notice of acquisition of meter.

When the brewer receives a meter from the manufacturer or from another source he shall notify the assistant regional commissioner of the region wherein the brewery is located. The notice shall be submitted in duplicate, and shall state the make, model, and serial number of the meter, and the source and date of acquisition. The meter shall not be used for measuring beer to be packaged until it has been tested for accuracy and proper functioning.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.32 Location and installation.

Beer meters shall be located and installed so that all beer to be packaged shall (except as provided in § 245.36) pass through the respective meters and so that they will be readily accessible for examination by internal revenue officers. The meter installations, including piping, valves, and electrical circuitry (where required) shall be so arranged that the testing equipment and procedures approved by the assistant regional commissioner may be readily accommodated.

(72 Stat. 1395; 26 U.S.C. 5552)

§ 245.33 Meter test approval.

Brewers shall provide such tests, adjustments, and repairs as may be required to maintain meters in such a manner that they accurately and reliably measure and record beer metered for packaging. The frequency of meter tests, and the equipment used and procedures employed in testing meters, shall be subject to approval by the assistant regional commissioner. The brewer shall submit a letterhead application, in triplicate, which shall describe, in detail, the method by which he proposes to maintain the accuracy and reliability of each metering system to be used for the measurement of beer to be packaged and list the make, model, and serial number of each meter to be used by him for such purpose. The assistant regional commissioner shall, after satisfying himself as to the adequacy of the proposed method, indicate his approval on all copies of the application and return the original to the brewer who shall keep it on file on the brewery premises available for examination by internal revenue officers.

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[1] The example of computation of payment for increased interest cost set out above appears on page 10 of H. Rept. No. 91–1656, 91st Cong., second session (Report of the Committee on Public Works, House of Representatives accompanying S.1, the proposed Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970).

(72 Stat. 1395; 28 U.S.C. 5552)

PAR. 9. Section 245.41 is amended to include reference to continuation certificate, to delete reference to the brewery bottling house and to show the use of bottling lines, and to require a statement of process for products to be marketed under a name other than "beer," "ale," "porter," or "stout." As amended, § 245.41 reads as follows:

§ 245.41 Data for notice.

Form 27–C shall include the following information:

(a) The serial number.

(b) The purpose stated as (1) to give notice of the brewer's intention to engage in the business of brewing; or (2) to give notice of the brewer's intention to continue business under a new bond or a continuation certificate; or (3) to amend or supplement previously furnished information as set forth in items ________, ____________, and ____________.

(c) Name of brewer.

(d) Business address of brewer.

(e) Address of brewery affected by the notice (if other than the business address).

(f) Character of brewer, i.e., sole proprietorship, partnership, corporation, or other, supported by copies, in triplicate, of articles and amended articles of incorporation (and including the certificate of incorporation), partnership, or association, etc.

(g) Description of brewery, including (1) each tract of land comprising the brewery and (2) brewery buildings, referring to each building by its designated number or letter and giving the approximate ground dimensions and the purposes for which ordinarily used. Description of land shall be by courses and distances, in feet and hundredths thereof or inches, with the particularity required in conveyances of real estate.

areas, or equipment not fully employed in the production or packaging of beer, (2) are reasonably necessary to realize the maximum benefit from the premises

(h) A list of (1) mash tubs, brewkettles, fermenting tanks, storage tanks, and similar tanks to be used in the production of beer and (2) tanks and bottling lines to be used in the bottling of beer. The list shall show as to tanks, the quantity (number) of each type, their capacities in barrels, and the designated number or letter of the building in which located; and as to bottling lines, the number of lines and the designated number or letter of the building in which located.

(i) A list of the trade names which the brewer is using or intends to use in doing business or in packaging, and the offices where such names are registered, supported by copies, in triplicate, of any certificates or other documents filed or issued in respect to such names.

(j) A statement of process for any fermented beverage which the brewer intends to produce and market under a name or description other than "beer," "ale," "porter," or "stout." The statement shall show the name or other designation of the product, the kinds and quantities of materials to be used, the method of manufacture, and the approximate alcohol content of the finished product.

(k) The name and address of the owner of the fee and of any mortgagee or other encumbrancer of the land, buildings, or equipment comprising the brewery (except when an encumbrance on equipment is held by, or the equipment is leased from, the manufacturer thereof or his representative or franchised distributor).

(l) A statement setting forth the authorized, the issued, the classifications, and the par value of the capital stock or other evidence of ownership of a corporate brewer, or, in the case of an individual owner or partnership, a statement giving the name of every person interested in the brewery, whether such interest appears in the name of the interested party or in the name of another for him.

(m) A list of the names and addresses of all stockholders and other persons having an interest of not less than 10 percent in the corporation or similar legal entity and the nature and amount of the stockholding or other interest of each, whether such interest appears in the name of the interested party or in the name of another for him; also, a list of officers and directors, showing their residence and business addresses.

(n) The date of the notice and name and signature of the brewer. The name of the brewer, if an individual, must be typed or written, preceded by the trade name, if any, and followed either by the signature of the brewer and the words "sole owner" or by the signature of a duly empowered attorney in fact and his title as such. In the case of a partnership, the trade name of the firm shall be typed or written, followed by the word "By" and the signatures of all partners, or of any partner duly authorized to sign in behalf of the firm, or of a duly empowered attorney in fact. If a corporation, the form will be executed in the corporate name immediately followed by the signature and title of the person duly authorized to act in its behalf. If the brewer is any other entity, the notice shall be signed by such person or persons as are duly authorized and empowered so to do.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 10. Section 245.44, the heading of Subpart H, and § 245.45 are amended to include reference to continuation certificates. As amended, § 245.44, the heading of Subpart H, and § 245.45 read as follows:

§ 245.44 Supplemental and superseding notices.

The brewer shall file an amended or supplemental Form 27–C, as provided in Subpart L of this part, where there is any change with respect to items of information recorded on the active Forms 27–C on file. Such amended or supplemental notices may be in skeleton form. The brewer shall file a new and complete notice, superseding those previously filed, once every 4 years, which new notice will become effective on the date of renewal of the brewer's bond or the effective date of the brewer's continuation certificate as provided in § 245.45: *Provided*, That where the information and documents required by § 245.41 (f), (g), (h), (i), (j), (l), and (m) are on file as an attachment to a previously filed and approved Form 27–C and reflect current data, such information and documents may be incorporated by reference in, and be made a part of, the new and complete notice. Where a brewer files a new bond before expiration of the usual 4-year period, as provided in § 245.49, the assistant regional commissioner may require the filing of a new and complete notice, which supersedes those previously filed and which may incorporate information and documents contained in a previously filed and approved Form 27–C and reflecting current data, as provided in this section. The new notice will become effective on the effective date of the new bond, or the assistant regional commissioner may postpone the filing of such new notice until such time as the new bond is renewed or superseded.

Subpart H—Bonds, Continuation Certificates, and Consents of Surety

§ 245.45 General.

Every person intending to commence the business of a brewer shall, in connection with filing his notice, Form 27–C, file a bond, Form 1566, in accordance with the provisions of this subpart. Every brewer intending to continue the business of a brewer shall, once every 4 years (or as provided in § 245.49) execute and file with the assitant regional commissioner a new bond in accordance with the provisions of this subpart, or a continuation certificate as provided in § 245.45a. Such bond or continuation certificate shall be in lieu of any former bond or bonds, or former continuation certificate or certificates, of the brewer in respect to all liabilities accruing after approval of the new bond or continuation certificate. Consents of surety to a change in the terms of any bond filed under this part shall be manifested on Form 1533 by the principal and by the surety on the bond with the same formality and proof of authorization as required for the execution of the bond. No person shall continue or commence the business of a brewer until he receives notice from the assistant regional commissioner of the approval of the bond, continuation certificate, or consent of surety required by this part.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 11. A new section, § 245.45a, is added immediately following § 245.45 to prescribe the conditions under which a continuation certificate may be submitted. As added, § 245.45a reads as follows:

§ 245.45a Continuation Certificate, Form 1566–A.

If the contract of surety between the brewer and the surety on an expiring bond or continuation certificate is continued in force between the brewer and surety for a succeeding period of not less than 4 years from the expiration date of such bond or continuation certificate, the brewer may submit, in lieu of a new bond, a continuation certificate on Form 1566–A, executed under the penalties of perjury, by the brewer and the surety attesting to continuation of the bond. Each continuation certificate shall constitute a bond and all provisions of law and regulations applicable to bonds on Form 1566 given pursuant to this part, including the disapproval of bonds, shall be applicable to continuation certificates prescribed by this section.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 12. Section 245.47 is amended to add additional conditions to the brewer's bond with respect to brewers and proprietors of pilot brewing plants, and to change "free of tax" to "without payment of tax". As amended, § 245.47 reads as follows:

§ 245.47 Conditions of bond.

The brewer's bond shall be conditioned that the principal shall pay, or cause to be paid, to the United States according to the laws of the United States and this part, the taxes, including penalties and interest, for which (a) the brewer shall become liable, on all beer, including all beer removed for transfer to the brewery from other breweries owned by the brewer, all beer removed without payment of tax for export or removed for use as supplies on vessels or aircraft, which is not exported or otherwise accounted for, and all beer removed without payment of tax for use in research, development, or testing, and (b) the proprietor of a pilot brewing plant shall become liable, on all beer brewed, produced, or received on the pilot brewing plant; and shall in all respects comply without fraud or evasion with all requirements of law and this part relating to the production and sale of beer.

(72 Stat. 1388, as amended, 84 Stat. 2057; 28 U.S.C. 5401, 5417)

PAR. 13. Section 245.67 is amended to delete reference to the brewery bottling house. As amended, § 245.67 reads as follows:

§ 245.67 Depiction of brewery.

The plat shall show, in a manner reflecting the brewer's description on Form 27–C, the outer boundaries of the brewery. The plat shall also contain an accurate depiction of all brewery buildings and any driveway, public passageway, street, highway, waterway, or carrier right-of-way adjacent thereto or connecting therewith. If the parts of the brewery are separated as provided in § 245.11, the different parts shall be depicted individually. If two or more buildings are used, the designated name or use of each (including its alphabetical or numerical designation, if any) shall be indicated and all connecting pipelines used for the conveyance of beer between the same shall be depicted. All pipelines and other connections for the conveyance of beer between brewery buildings or between the brewery and other premises shall be indicated on the plat and identified as to use. The conduit or pipeline used for the transfer of beer for bottling shall be shown in red, and the location of meters shall also be shown. The direction of flow of beer through pipelines shall be indicated by arrows.

PAR. 14. Sections 245.87 and 245.95 are amended to include reference to continuation certificates. As amended, §§ 245.87 and 245.95 read as follows:

§ 245.87 Fiduciary.

If the brewery is to be operated by an administrator, executor, receiver, trustee, assignee, or other fiduciary, the fiduciary may in lieu of filing a new notice, bond, and plat, file an amended or supplemental notice, furnish a consent of surety extending the terms of his predecessor's bond or continuation certificate, and adopt the plat of such predecessor. The fiduciary shall also furnish certified copies, in triplicate, of the court order or other pertinent documents, showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary shall be the same as the date of the order, or the date specified therein, for him to assume control. If the fiduciary was not appointed by the court the date of his appointment shall coincide with the effective date of the qualifying documents filed by him.

§ 245.95 Change in location.

Where there is a change in the location of the brewery, the brewer shall file an amended Form 27–C and a new plat and bond, except that in lieu of filing a new bond, Form 1566, the brewer may furnish a consent of surety, Form 1533, in accordance with § 245.45 extending the terms of the bond or continuation certificate given for the former location to cover operation of the brewery at the new location. The new location may not be used for the business of brewing until the documents required by this part are approved by the assistant regional commissioner.

(72 Stat. 1388, as amended; 26 U.S.C. 5401)

PAR. 15. Section 245.96 is amended to delete reference to the brewery bottling house. As amended, § 245.96 reads as follows:

§ 245.96 Changes in premises.

Where the brewery is to be extended or curtailed, the brewer shall file with the assistant regional commissioner an amended Form 27–C and amended plat. The additional facilities covered by an extension may not be used for the proposed purposes, and the portion to be excluded by a curtailment may not be used for other than the previously approved purposes, prior to approval of Form 27–C.

(72 Stat. 1388, as amended; 28 U.S.C. 5401)

PAR. 16. Section 245.116 is amended to prescribe the method for determining the amount of tax due on beer removed on any business day. As amended, § 245.116 reads as follows:

§ 245.116 Time of tax determination and payment.

The tax on beer shall be determined at the time of its removal for consumption or sale, and shall be paid by return as provided in this part. In determining the amount of tax due on beer so removed on any business day, the quantity of beer returned to the same brewery from which removed for consumption or sale shall be taken as an offset against or deduction from the total quantity of beer removed for consumption or sale from that brewery on the business day that such beer is returned.

(72 Stat. 1334, 1335, as amended; 26 U.S.C. 5054, 5056, 5061)

§ 245.116a [Deleted]

PAR. 17. Section 245.116a is deleted.

PAR. 18. Section 245.117a is amended with respect to the preparation and filing of semimonthly returns, Form 2034. As amended, § 245.117a reads as follows:

§ 245.117a Semimonthly return.

(a) *General.* The tax on beer shall (unless prepaid) be paid by semimonthly return on Form 2034, which shall be filed, with remittance, for the full amount of tax due as shown on the return. The quantities of keg and bottled beer removed daily for consumption or sale during the period covered by the return and the aggregate quantity thereof, and the quantities of beer returned daily to the brewery from which removed for consumption or sale and the aggregate quantity thereof, shall be reported in the tax return. Form 2034 shall be filed as a semimonthly return regardless of whether tax has been prepaid as provided in § 245.117c during the return period. The brewer shall include for payment on his return the full amount of tax required to be determined (and which has not been prepaid) on all beer removed for consumption or sale during the period covered by the return. Prepayments made by the brewer during the semimonthly period shall be separately shown on the return. A return, Form 2034, shall be filed covering each return period even though no beer was removed for consumption or sale during the period.

* * * * *

(c) *Time for filing returns and paying tax.* The semimonthly tax return, Form 2034, for each return period, shall be filed, with remittance, not later than the close of the last full calendar day of the return period next succeeding that period.

(d) *Timely filing.* Where the semimonthly return and remittance are delivered by U.S. mail to the office of the district director, the date of the official postmark of the U.S. Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery of such return and remittance: *Provided*, That where the postmark on the cover is illegible, the burden of proving when the postmark was made will be on the brewer: *Provided further*, That where the return and remittance are sent by registered mail, the date of registry, or where the return and remittance are sent by certified mail, the date of the postmark on the sender's receipt, shall be treated as the postmark date of the return and remittance.

(72 Stat. 1335; 26 U.S.C. 5061)

Par. 19. Section 245.141 is amended to delete reference to the brewery bottling house. As amended, § 245.141 reads as follows:

§ 245.141 Kinds of containers.

Beer may be transferred without payment of tax from one brewery to another brewery belonging to the same brewer (a) in the brewer's hogsheads or packages or (b) in tanks, tank cars, tank trucks, tank ships, barges, or deep tanks of vessels, subject to such limitations and conditions as may be imposed by the assistant regional commissioner. All such containers shall be marked, branded, or labeled as provided in Subpart O of this part.

(72 Stat. 1389; 26 U.S.C. 5414)

Par. 20. Subpart S relating to beer returned to the brewery is amended to read as follows:

Subpart S—Beer Returned to Brewery or Voluntarily Destroyed

Sec.
245.155 Beer returned to brewery.
245.156 Beer returned to brewery from which removed.
245.157 Beer returned to a brewery other than that from which removed.
245.158 Beer voluntarily destroyed without return to brewery.

Authority: The provisions of this Subpart S issued under sec. 7805, Internal Revenue Code, 68 Stat. 917; 26 U.S.C. 7805.

Subpart S—Beer Returned to Brewery or Voluntarily Destroyed

§ 245.155 Beer returned to brewery.

(a) *General.* Beer, produced in the United States, on which the brewer has paid or determined the tax may be returned to any brewery of the brewer. Upon return of the beer the brewer shall determine the actual quantity of beer received, expressed in barrels. The burden of proof of establishing the correct quantity of beer returned is on the brewer and where kegs or cases containing less than the original contents are involved, the actual quantity of beer shall be determined by weight unless the assistant regional commissioner has authorized the use of another method.

(b) *Disposition of returned beer.* Beer returned to the brewery under the provisions of this subpart may be disposed of in any manner prescribed for beer which has never left the brewery. If such returned beer is again removed for consumption or sale, the tax shall be determined and paid without respect to the tax which was paid or determined at the time of prior removal of the beer.

(c) *Records.* The brewer's daily records required by § 245.225 shall show as to beer returned to the brewery under the provisions of this subpart:

(1) The date;

(2) The quantity of beer returned;

(3) If the title to the beer has passed, the name and address of the person returning the beer; and

(4) If the beer was returned to a brewery other than the one from which removed, the name and address of the brewery from which the beer was removed.

The records of returned beer shall be supported by credits against loading slips, credit memorandums, or other commercial papers, and shall differentiate between beer returned to the brewery after removal therefrom and beer returned to the brewery after removal from another brewery owned by the brewer.

(72 Stat. 1334, 1335, as amended, 1390; 26 U.S.C. 5054, 5056, 5415)

§ 245.156 Beer returned to brewery from which removed.

Where beer on which the brewer has paid or determined the tax is returned to the same brewery from which removed, the quantity of beer so returned shall, as provided in § 245.116, be taken as an offset against or deduction from the total quantity of beer removed for consumption or sale from the brewery on the business day of such return.

(72 Stat. 1335, as amended, 1390; 26 U.S.C. 5056, 5415)

§ 245.157 Beer returned to a brewery other than that from which removed.

Where beer on which the brewer has paid or determined the tax is returned to a brewery owned by him but other than the brewery from which removed, refund or credit of the tax on such beer may be claimed by the brewer, or if the tax has not been paid he may be relieved of the liability therefor, in accordance with the provisions of Subpart T. If the brewer is required under the provisions of § 245.161 to file a notice of intention to return beer to the brewery, he may bring such beer onto the brewery premises prior to filing the notice; however, such beer shall be segregated from all other beer, shall be clearly identified as beer returned from another brewery, and shall be retained intact for inspection by internal revenue officers until the notice relating to such beer has been filed and disposition of the beer is authorized.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.158 Beer voluntarily destroyed without return to brewery.

Beer on which the brewer has paid or determined the tax may be destroyed at a location other than that of any of his breweries and refund or credit of tax may be claimed by him upon compliance with the provisions of Subpart T.

(72 Stat. 1335 as amended; 26 U.S.C. 5056)

Par. 21. Subpart T relating to refund and credit of tax or relief from liability is amended to read as follows:

Subpart T—Refund and Credit of Tax or Relief From Liability

Sec.
245.160 Refund or credit of tax on returned beer.
245.161 Notice by brewer.
245.162 Supervision.
245.163 Beer lost by fire, theft, casualty, or act of God.
245.164 Claims for refund of tax.
245.165 Claims for allowance of credit for tax.

Authority: The provisions of this Subpart T issued under sec. 7805, Internal Revenue Code, 68 Stat. 917; 26 U.S.C. 7805.

Subpart T—Refund and Credit of Tax or Relief From Liability

§ 245.160 Refund or credit of tax on returned beer.

The tax paid by a brewer on beer produced in the United States and returned to any brewery of the brewer may be refunded or credited to him (without interest) or, if the tax has not been paid, he may be relieved of liability therefor: *Provided,* That no such refund, credit, or relief shall be allowed on beer for which an offset against or deduction from removals has been taken as provided in § 245.116. Similar refund, credit, or relief may be allowed the brewer in respect of the tax paid or determined on beer voluntarily destroyed as provided in this subpart.

(72 Stat. 1335 (as amended; 26 U.S.C. 5056)

§ 245.161 Notice of brewer.

(a) *Beer to be destroyed.* When a brewer possesses beer on which he has paid or determined the tax and which he desires to destroy elsewhere than in any of his breweries, he shall give written notice of his intention, in triplicate, to the assistant regional commissioner of the region in which the beer is to be destroyed: *Provided,* That such notice may be submitted directly to an inspector at any of his breweries if the place of destruction and the brewery are in the same region. The notice, which shall be serially numbered, shall be executed under penalties of perjury as defined in § 245.5. The notice shall specify the date on which the beer is to be destroyed, which date shall not be less than 12 days from the date of the notice. If, before the date specified in the notice, an internal revenue officer has not supervised destruction of the beer, or the assistant regional commissioner has not advised the brewer to the contrary, the brewer may destroy the beer on the date and in the manner stated in the notice. Where the notice is given to an inspector at the brewery, the inspector may supervise the transaction or transmit the notice to the assistant regional commissioner. The notice shall contain the following information:

(1) The number and sizes of kegs and the actual quantity of beer contained therein expressed in barrels; or the number of cases, the number and size in ounces of the bottles comprising the cases, and the actual quantity of beer

contained therein expressed in barrels. (The burden of proof of establishing the correct quantity of beer is on the brewer and where kegs or cases containing less than the original contents are involved, the actual quantity of beer shall be determined by weight unless the assistant regional commissioner has authorized the use of another method.)

(2) The date on which the beer was received for destruction.

(3) A statement that the tax on the beer has been fully paid or determined.

(4) If the title to the beer has passed, the name and address of the person returning the beer.

(5) The location at which the brewer desires to accomplish destruction and the reason for not returning the beer to the brewery.

(b) *Additional notice requirements.* The assistant regional commisioner may, where he deems it necessary, require a brewer who desires to return beer on which he has paid or determined the tax to any of his breweries other than the brewery from which removed, to give written notice in the same manner as is required by paragraph (a) of this section with respect to beer which is to be destroyed elsewhere than in any of his breweries.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.162 Supervision.

On receipt of the brewer's notice, the assistant regional commissioner shall, if he considers it necessary for the protection of the revenue, assign an inspector to verify the statements therein and, to the extent the assistant regional commissioner deems necessary, to witness the destruction of the beer or to verify the quantity of beer returned to the brewery. The assistant regional commissioner may require that the destruction of the beer be delayed, and that returned beer remain segregated, pending arrangement of a convenient time for supervision. If the place of destruction is not readily accessible to an inspector, the assistant regional commissioner may require that the beer be moved to a more convenient location.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.163 Beer lost by fire, theft, casualty, or act of God.

(a) *General.* In accordance with the provisions of this part the tax paid by any brewer on beer produced in the United States may be refunded or credited (without interest), or, if the tax has not been paid, the brewer may be relieved of liability therefor if, before transfer of title thereto to any other person, such beer is lost, whether by theft or otherwise, or is destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God. In any case in which beer is rendered unmerchantable by fire, casualty, or act of God, refund or credit, or relief from liability of tax shall not be allowed unless the brewer proves to the satisfaction of the assistant regional commissioner that such beer cannot be salvaged and returned to the market for consumption or sale. In any case in which beer is lost or destroyed, whether by theft or otherwise, the assistant regional commissioner may require the brewer to file a claim for relief from the tax and submit proof as to the cause of such loss. In every case where it appears that the loss was by theft, the tax shall be collected unless the brewer proves to the satisfaction of the assistant regional commissioner that such theft occurred before removal from the brewery and occurred without connivance, collusion, fraud, or negligence on the part of the brewer, consignor, consignee, bailee, or carrier, or the employees or agents of any of them.

(b) *Claims.* A brewer who sustains a loss of beer before transfer of title thereto to another person and desires to file a claim for refund or credit, or for relief from liability of tax, shall, on learning of such loss, immediately notify the assistant regional commissioner of the region in which the loss occurred of the nature, cause, and extent of the loss, and the place where such loss occurred. Statements of witnesses or other supporting documents should be furnished, if available. When such notice, and supporting documents where furnished, are received by the assistant regional commissioner, he will examine the reasons for the described loss and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary for use in connection with the claim when it is submitted. The tax liability on excessive losses of beer from transfers between breweries of the same ownership may be remitted as provided in § 245.143.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.164 Claims for refund of tax.

Claims for refund of tax shall be filed on Form 843. Such claims, if for refund of tax on beer returned to a brewery of the brewer or voluntarily destroyed at a location other than the brewery, shall show (a) the name and address of the brewer filing the claim, the address of the brewery from which the beer was removed, and the address of the brewery to which the beer was returned, as applicable, (b) the quantity of beer covered by the claim, (c) the amount of tax for which the claim is filed, (d) the reason for return or voluntary destruction of the beer and the facts relating thereto, (e) whether the brewer is indemnified by insurance or otherwise in respect of the tax, and, if so, the nature of such indemnification, (f) the claimant's reasons for believing that the claim should be allowed, and (g) the date on which the beer was returned to the brewery (where applicable), the name of the person from whom the beer was received, and a statement that the tax has been fully paid or determined. If the claim is for refund of tax on beer lost, whether by theft or otherwise, or destroyed or otherwise rendered unmerchantable by fire, casualty, or act of God, it shall contain the information specified in paragraphs (a), (b), (c), (e), and (f) of this section, and a statement of the circumstances surrounding the loss, and, where applicable, the reason that the beer rendered unmerchantable cannot be salvaged and returned to the market for consumption or sale. The claim shall also show the date of the loss, and, if lost in transit, the name of the carrier. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in claims. Claims covering losses shall be supported, whenever possible, by affidavits of persons having knowledge of the loss, unless such affidavits are contained in the notice given under § 245.163. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. Any claim on Form 843 shall be filed with the assistant regional commissioner of the region in which the beer was returned, lost, destroyed, or rendered unmerchantable, within 6 months after the date of such return, loss, destruction, or rendering unmerchantable. Such claims will not be allowed if filed after the prescribed time or if the claimant was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

§ 245.165 Claims for allowance of credit for tax.

In lieu of filing a claim for refund of tax as provided in § 245.164, a brewer may file with the assistant regional commissioner of the region in which the beer was returned, lost, destroyed, or rendered unmerchantable, a claim on Form 2635 for allowance of credit for the tax paid. Any claim for credit filed on Form 2635 shall include all of the information required under § 245.164 with respect to a claim for refund on Form 843. Notices required under §§ 245.161 and 245.163 shall be incorporated, by reference, in such claims. The brewer shall not anticipate allowance of a credit or make an adjusting entry therefor in a tax return pending consideration and action on the claim by the assistant regional commissioner. When written notification of allowance of the credit or any part thereof is received from the assistant regional commissioner, the brewer may make a proper adjusting entry and explanatory statement in the next subsequent beer tax return (or returns) to the extent necessary to exhaust the credit. The assistant regional commissioner may require the submission of additional evidence in support of any claim filed under this section when deemed necessary for proper action on the claim. A claim for allowance of credit for tax paid on beer must be filed within 6 months after the date the beer was returned, lost, destroyed, or rendered unmerchantable. A claim will not be allowed if filed after the prescribed time or if the brewer was indemnified by insurance or otherwise in respect of the tax.

(72 Stat. 1335, as amended; 26 U.S.C. 5056)

Par. 22. Section 245.211 is amended to delete reference to "bottles" and "bottled" in the first and second sentences. As amended, § 245.211 reads as follows:

§ 245.211 Production and removal of cereal beverage.

Brewers who produce cereal beverage may remove such beverage in packages without payment of tax. The method of production must be such that the alcohol content of the product will not increase while in the original container after being removed from the brewery. Cereal beverage shall be kept separate from beer and when it is to be packaged shall pass through the appropriate beer meters. Beer kegs or barrels may be used for packaging cereal beverage if the sides are durably painted at each end with a white stripe not less than 4 inches in width and the heads are durably painted in a solid color, with conspicuous lettering in a contrasting color reading: "Nontaxable under section 5051 I.R.C." The word "nontaxable" shall be not less than 1 inch high and of proportionate width, the remaining words shall be not less than one-half inch high and of proportionate width. The name or trade name and the address of the brewer must also be legibly marked on the package. Bottle labels shall show the name or trade name and address of the brewer, the distinctive name of the beverage, if any, and the legend "Nontaxable under section 5051 I.R.C." Other information, which is not inconsistent with the requirements of this section, may be shown on such labels. Cases or other shipping containers shall be marked to show the nature of the product contained therein, and the name or trade name and address of the brewer.

(72 Stat. 1389, as amended, 1395; 26 U.S.C. 5411, 5552)

PAR. 23. Subpart Y relating to removals for analysis is amended to read as follows:

Subpart Y—Removals for Analysis, Research, Development, or Testing

Sec.
245.215 Analytical purposes.
245.216 Research, development, or testing purposes.
245.217 Application.
245.218 Consent of surety.
245.219 Containers and marks.

AUTHORITY: The provisions of this Subpart Y issued under sec. 7805, Internal Revenue Code, 68 Stat. 917; 26 U.S.C. 7805.

Subpart Y—Removals for Analysis, Research, Development, or Testing

§ 245.215 Analytical purposes.

A brewer may remove beer, without payment of the tax thereon, to a laboratory for analytical purposes to determine the character or quality of the product. The brewer shall make daily entries in his records of all such removals showing the person to whom such beer was delivered, the location where delivered, the means of delivery, and the purpose of the analysis. The total quantity removed each month shall be reported on Form 103.

(72 Stat. 1334, as amended; 26 U.S.C. 5053)

§ 245.216 Research, development, or testing purposes.

The assistant regional commissioner may authorize the brewer to remove beer without payment of tax for use in research, development, or testing (other than consumer testing or other market analysis) of processes, systems, materials, or equipment relating to beer or brewery operations.

(72 Stat. 1334, as amended; 26 U.S.C. 5053)

§ 245.217 Application.

A brewer who desires to remove beer without payment of tax under the provisions of § 245.216 shall, for each such removal, submit a letter application, in triplicate (in quadruplicate if the consignee is in another region), to the assistant regional commissioner of the region in which the brewery is located. The application shall specify:

(a) The name and address of the brewer;

(b) The name and address of the consignee;

(c) The kind and quantity of beer to be removed;

(d) The type of container in which the beer will be removed;

(e) The nature of the research, development, or testing to be conducted;

(f) The manner of disposing of the beer after completion of the operations. The brewer shall submit with his application:

(1) A new bond, Form 1566, conditioned as provided in § 245.47, or a consent of surety, Form 1533, as provided in §245.218, extending the terms of his existing bond, Form 1566, unless the bond then in force is so conditioned;

(2) A written statement, executed under the penalties of perjury by the consignee, agreeing that he will maintain records of the receipt, use, and disposition of all beer received by him and that such records will be available during regular business hours for inspection by internal revenue officers.

One copy of the approved application will be returned to the brewer as his authority to remove the beer from his brewery, and one copy will be sent to the consignee as his authority to use the beer for the purposes stated in the approved application. The brewer shall report the total quantity of beer removed under the provisions of § 245.216 on his monthly report, Form 103, appropriately identified as to the purpose of the removal.

(72 Stat. 1334, as amended; 26 U.S.C. 5053)

§ 245.218 Consent of surety.

Each consent of surety on Form 1533 given under the provisions of § 245.217 shall identify the particular bond, Form 1566, to which it applies and shall contain a statement of purpose as follows:

> To continue in effect and extend the terms and conditions of said bond, including all extensions or limitations of such terms and conditions previously consented to and approved, to cover the tax, for which the principal shall become liable, on all beer removed by him, from time to time, without payment of tax for use in research, development, or testing of processes, systems, materials, or equipment relating to beer or brewery operations, and which is not so used or otherwise lawfully disposed of or accounted for.

§ 245.219 Containers and marks.

Beer may be removed, as authorized by § 245.216, in packages and, when approved by the assistant regional commissioner, in other containers. Each barrel, keg, case, or shipping container shall be plainly marked with the name and address of the brewer and the consignee; the identification of the product and the quantity thereof; and the words "Not for Consumption or Sale." If beer is to be so removed in a bulk conveyance, the marks shall be placed on the route board of such conveyance.

PAR. 24. Section 245.225 is amended to delete reference to the brewery bottling house and to provide for additional data to be recorded in the brewer's records. As amended, § 245.225 reads as follows:

§ 245.225 Records.

The brewer shall maintain, at his brewery, daily records which will accurately and clearly reflect by quantity the following:

(a) Each kind of material received and used in the production of beer and cereal beverage (including, in the case of wort and concentrated wort, the balling thereof and the quantity and kind of each material used in the production thereof).

(b) Beer and cereal beverage produced (including water added after production is ascertained).

(c) Beer and cereal beverage transferred for bottling and racking and any returned therefrom.

(d) Beer and cereal beverage bottled and racked.

(e) Cereal beverage removed from the brewery.

(f) Beer removed for consumption or sale and beer removed without payment of tax, showing with respect to each removal the date of removal, the identity of the person to whom the beer was shipped or delivered (not required in the case of sales in quantities of one-half barrel or less for delivery at the brewery), and the quantities of beer removed in kegs and bottles: *Provided*, That where the brewer keeps, at the brewery, copies of invoices or other commercial records containing the information required as to each such removal, such copies may be used in lieu of any other record required by this paragraph if they are maintained in such manner that the assistant regional commissioner is satisfied that the information may be readily ascertained therefrom by internal revenue officers.

(g) Beer consumed at the brewery.

(h) Beer returned to the brewery after removal therefrom.

(i) Beer returned to the brewery after removal from another brewery owned by the brewer.

(j) Beer reconditioned, used as material, or destroyed.

(k) Beer received from other breweries or received from pilot brewing plants.

(l) Brewing materials, beer and cereal beverage in process, and finished beer and cereal beverage on hand.

(m) Beer and cereal beverage lost due to breakage, theft, casualty, or other unusual cause.

(n) Brewing materials sold or transferred to pilot brewing plants (including the name and address of the person to whom shipped or delivered) and brewing materials used in the manufacture of wort, wort concentrate, malt sirup, and malt extract for sale or removal.

The brewer shall also maintain a record reflecting shortages and overages of beer and cereal beverage disclosed by physical inventories taken at least once each calendar month: *Provided*, That a physical inventory taken on a Saturday or Sunday next succeeding the last day of any calendar month, or on a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located) falling within the first 7 days of the next calendar month, shall be deemed to be a physical inventory taken during the calendar month immediately preceding such Saturday or Sunday or legal holiday. The brewer shall maintain a record of the ballings of the wort produced, and of the ballings and the alcohol content of beer and cereal beverage transferred (1) for bottling and racking, (2) between breweries in bulk conveyances, and (3) to pilot brewing plants. The records reflecting ballings and alcohol content need not be consolidated and averaged daily unless the brewer so desires. The brewer's records shall include all supplemental and auxiliary records of individual operations and transactions of the brewery needed for compilation purposes and for verification by internal revenue officers. The daily totals of transactions and operations of the brewery shall be recorded on Form 2051 unless alternate records showing the information required thereby are used by the brewer as provided herein. Specimen copies of Form 2051 will be furnished brewers by assistant regional commissioners. Form 2051, if maintained, will be provided by brewers at their own expense. Assistant regional commissioners may authorize brewers to modify Form 2051 to adapt its use to tabulating or other data processing equipment, or to the brewer's special operations, or to provide additional information, where such modifications are not inconsistent with the general requirements of accuracy and clarity. Where a brewer's records show the required information in any other form of record or combination of records, the brewer may use such records in lieu of maintaining Form 2051. The Director, Alcohol and Tobacco Tax Division, may require the maintenance of Form 2051 by any brewer when the interests of the United States so demand. All entries in the records required by this part shall be made not later than the close of the business day next succeeding the day on which the transactions occur: *Provided*, That when the last day for making such entries falls on Saturday, Sunday, or a legal holiday (of the particular State or of the District of Columbia wherein the brewery is located), such entries shall be considered timely if they are made on the next succeeding day which is not a Saturday, Sunday, or a legal holiday (of the particular State or District of Columbia wherein the brewery is located).

(72 Stat. 1390; 1395; 26 U.S.C. 5415, 5555)

PAR. 25. Section 245.230 relating to disposition of unsalable beer is amended to read as follows:

§ 245.230 Disposition of unsalable beer.

A brewer having unsalable beer in packages or tanks in his brewery, may destroy, recondition, or use such beer as material. The brewer shall report the quantity of such beer destroyed, reconditioned, or used as material, in his daily records and on Form 103. If the unsalable beer consists of rejects from the packaging operations, such beer may be destroyed without being included in the packaging production records, and, when so destroyed, shall be so reported in the brewer's daily records and on Form 103. When reject bottled beer is to be consumed at the brewery or sold to brewery employees, or is cased or otherwise accumulated pending other disposition, the quantity thereof must be included in the packaging production and be so reported in the brewer's daily records and on Form 103.

(72 Stat. 1389, as amended, 1390, 1395; 26 U.S.C. 5411, 5415, 5555)

PAR. 26. Section 245.242 is amended to delete reference to the brewery bottling house and racking room. As amended, § 245.242 reads as follows:

§ 245.242 Operations.

The operations incident to the production of concentrate and the reconstitution of beer therefrom shall be conducted in the brewery. Each tank, vat, cask, or other container used or intended for use as a receptacle for concentrate shall meet the requirements of § 245.25. Such receptacles shall be identified as containers of concentrate. Concentrate produced shall be identified and accounted for by the serial number of Form 3019 under which it was produced and shall not be mingled with unconcentrated beer. The brewer shall accurately measure the quantity and determine the balling and alcohol content of all (a) beer entered into the concentration process, (b) concentrate produced, (c) concentrate transferred to other breweries belonging to the same brewer, (d) concentrate removed for export, (e) concentrate received, (f) concentrate used in reconstituting beer, and (g) beer reconstituted. Containers of concentrate transferred to other breweries belonging to the same brewer, and containers of concentrate removed for export shall be marked, branded, and labeled in the same manner as is prescribed for containers of beer in Subpart O of this part and shall be clearly marked as containers of concentrate. Barrels, kegs, and bottles containing reconstituted beer shall show by label or otherwise the statement "Produced From ____________ Concentrate"; the blank to be filled in with the appropriate class designation of the beer (beer, lager beer, ale, stout, etc.) from which the concentrate was made. Such statement shall be conspicuous and readily legible and, in the case of bottled beer, shall appear in direct conjunction with, and as a part of, the class designation of the reconstituted beer. All parts of the class designation shall appear in lettering of substantially the same size and kind.

PAR. 27. Subpart CC relating to experimental breweries is amended to read as follows:

Subpart CC—Pilot Brewing Plants

Sec.
245.251 General.
245.252 Application.
245.253 Action on application.
245.254 Bond.
245.255 Special tax.
245.256 Operations and records.
245.257 Transfers from a pilot brewing plant.
245.258 Discontinuance of operations.

AUTHORITY: The provisions of this Subpart CC issued under sec. 7805, Internal Revenue Code, 68 Stat. 917; 26 U.S.C. 7805.

Subpart CC—Pilot Brewing Plants

§ 245.251 General.

A pilot brewing plant may be established and operated off the brewery premises for specific and limited periods of time for research, analytical, experimental, or developmental purposes with regard to beer or brewery operations. Such plants shall be established and operated as provided in this subpart. Notwithstanding the implications of any other section of this part, beer may be removed from such plant only for analysis and/or organoleptic examination. Beer may be transferred to the pilot brewing plant from a brewery of the same ownership in accordance with the provisions of Subpart Q of this part except that, in lieu of the provisions of § 245.146 or § 245.147 which require that Form 2035 be submitted to the assistant regional commissioner with the Form 103 for the month during which the beer was received, the proprietor of a pilot brewing plant shall forward Form 2035 to the appropriate assistant regional commissioner not later than the close of the business day next succeeding the business day during which the beer was received. Subject to the provisions of § 245.257, beer may be transferred without payment of tax from the pilot brewing plant to a brewery of the same ownership. The provisions of Subparts A, B, J, K, N, and Z of this part and of § 245.10 shall be applicable to pilot brewing plants established under this subpart. Also, the provisions of § 245.45 relating to consents of surety, §§ 245.45a, 245.48–245.61, 245.86, 245.91, 245.93, 245.94, and 245.95 relating to bonds, continuation certificates, and consents of surety, and §§ 245.97–245.100, shall be applicable to bonds, continuation certificates and consents of surety given, and to changes in the proprietorship, location, and premises of pilot brewing plants established under this subpart.

(84 Stat. 2057; 26 U.S.C. 5417)

§ 245.252 Application.

(a) *Original.* Any person who desires to establish a pilot brewing plant under the provisions of this subpart shall file an application therefor with the assistant regional commissioner. The application shall be in writing, in triplicate, and shall state (1) the name and address of the applicant; (2) a description of the premises and equipment to be used in the operations of such plant; (3) the nature, purpose, and extent of the operations; and (4) that the applicant agrees to comply with all provisions of this part applicable to operations to be conducted. The assistant regional commissioner may authorize the operation of a pilot brewing plant if he determines that such plant will be operated solely for one or more of the purposes specified in § 245.251 and that the operations will be such that the revenue will not be jeopardized. Such authorization will expire on the last day of the period specified therein, but in no case shall such period exceed 4 years. The assistant regional commissioner may at any time before or after approval of an application require the submission of such additional information as he considers necessary for administration of the applicable provisions of this part or for the protection of the revenue. Authorization to operate a pilot brewing plant may be withdrawn whenever in the judgment of the assistant regional commissioner the revenue would be jeopardized by the operations of such plant.

(b) *Renewal of authorization.* Any person who desires to continue the operation of a pilot brewing plant after the expiration of his current authorization shall file a new and complete application and a new bond, Form 1566, or continuation certificate, Form 1566–A, as applicable: *Provided,* That in any case where the existing bond or continuation certificate has not expired or has not been terminated, a new bond or continuation certificate will not be required until the expiration of the existing bond or continuation certificate. The new application, which shall supersede those previously filed, shall conform to the requirements of paragraph (a) of this section. Operation of a pilot brewing plant shall not continue until the new application required by this section has been approved by the assistant regional commissioner.

(84 Stat. 2057; 26 U.S.C. 5417)

§ 245.253 Action on application.

If the assistant regional commissioner approves the application, he will so note each copy and forward one copy to the applicant. The applicant shall file his copy of the approved application at his premises, available for inspection by internal revenue officers.

§ 245.254 Bond.

Any person requesting authorization to establish a pilot brewing plant as provided in § 245.252 shall also execute and file bond on Form 1566. Notwithstanding the provisions of § 245.46 relating to penal sum of bonds, the penal sum of the bond covering the premises amount equal to the potential tax liability of the maximum quantity of beer on hand, in transit to the plant, and unaccounted for at any one time, computed by multiplying such quantity expressed in barrels by the rate of tax prescribed by section 5051, I.R.C.: *Provided,* That the penal sum of any such bond (or total penal sum if original and strengthening bonds are filed) shall not exceed $50,000 nor be less than $500. The operation of the pilot brewing plant shall not commence until the applicant receives notice from the assistant regional commissioner of the approval of such bond. Such operation may continue only so long as an approved bond (or continuation certificate) is in effect. The bond shall be conditioned that the operator of the pilot brewing plant shall pay, or cause to be paid, to the United States according to the laws of the United States and the provisions of this part, the taxes, including penalties and interest for which he shall become liable, on all beer brewed, produced, or received on the premises.

§ 245.255 Special tax.

The special tax imposed on a brewer by section 5091, I.R.C., shall be paid in accordance with Subpart K of this part.

§ 245.256 Operations and records.

On receipt of the approved application and bond, operations may commence. Monthly reports of operations need not be filed with the assistant regional commissioner, but records which are, in the opinion of the assistant regional commissioner, appropriate to the type of operation being conducted shall be maintained, available for inspection by internal revenue officers. Such records shall include information sufficient to fully account for the receipt, production, and disposition of all beer received or produced on the premises, and the receipt (and disposition, if removed) of all brewing materials.

§ 245.257 Transfers from a pilot brewing plant.

(a) *Application.* The proprietor of a pilot brewing plant who desires to remove beer, without payment of tax, from his plant for transfer to a brewery of the same ownership shall, for each such removal, make application to and receive the approval of the assistant regional commissioner of the region in which such brewery is located. before any beer is so removed for transfer. The application shall be filed in duplicate and shall specify:

(1) The purpose for which filed;

(2) The name and address of the pilot brewing plant;

(3) The name and address of the brewery to which the beer is to be transferred;

(4) The approximate quantity to be transferred; and

(5) If the product to be transferred is a fermented beverage which the brewer intends to market under a name or designation other than "beer," "ale," "porter," or "stout," the name or other designation of the product, the kinds and quantities of materials used, the method of manufacture, and the approximate alcohol content of the finished product. The assistant regional commissioner may require that samples of the beer or fermented beverage to be removed for transfer be submitted to him for analysis before taking action on any application. If the application is approved, a copy will be returned to the applicant as his authority to remove the beer for transfer.

(b) *Consent required.* Each application to remove beer from the pilot brewing plant for transfer to a brewery of the same ownership shall be accompanied by a Consent of Surety, Form 1533, extending the terms of the bond or continuation certificate of the consignee brewer to cover the transportation and receipt of the beer. The consent of surety shall identify the particular bond, Form 1566, or continuation certificate, Form 1566–A, to which it applies and shall contain a statement of purpose as follows:

> To continue in effect and extend the terms and conditions of said bond or continuation certificate, including all extensions or limitations of such terms and conditions previously consented to and approved, to cover the tax, for which the principal shall become liable, on the quantity of beer to be removed for transfer to such brewery from a pilot brewing plant owned by him.

(c) *Applicable procedure.* The provisions of Subpart Q of this part shall be applicable to approved transfers of beer without payment of tax from a pilot brewing plant to a brewery of the same ownership: *Provided,* That, where the ownership: *Provided,* That, in lieu of the provisions of § 245.146 or § 245.147 which require that Form 2035 be submitted by the consignor with his Form 103 covering the month during which the beer was shipped, the proprietor of the pilot brewing plant shall forward Form 2035 to his assistant regional commissioner not later than the close of the business day next succeeding the business day during which the beer was transferred.

§ 245.258 Discontinuance of operations.

When operations are to be discontinued, the proprietor shall notify the assistant regional commissioner in writing, in triplicate, stating therein the purpose of the notice and giving the date of the discontinuance. When operations have been completed and all beer on the premises has been disposed of and appropriately accounted for, the assistant regional commissioner will note his approval on the notice and return one copy to the proprietor.

[FR Doc.71-6703 Filed 5-12-71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5052]

[Arizona 6124]

ARIZONA

Revocation of Executive Order No. 2295 of January 1, 1916

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

The Executive Order No. 2295 of January 1, 1916, withdrawing the following described lands and reserving them for use as a rifle range by the Tucson Rifle Club and the University of Arizona Rifle Club, is hereby revoked:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 13 E.,
  Sec. 9, N½, N½S½;
  Sec. 10, NW¼NW¼.

The areas described aggregate 520 acres in Pima County.

The lands have been patented under the Recreation and Public Purposes Act of June 14, 1926, 44 Stat. 471, as amended, 43 U.S.C. sec. 869 et seq. (1964).

HARRISON LOESCH,
Assistant Secetary of the Interior.

MAY 7, 1971.

[FR Doc. 71-6639 Filed 5-12-71;8:47 am]

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 33—SPORT FISHING

Necedah National Wildlife Refuge, Wis.

The following special regulation is effective on date of publication in the FEDERAL REGISTER (5-13-71).

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

WISCONSIN

NECEDAH NATIONAL WILDLIFE REFUGE

Sport fishing on the Necedah National Wildlife Refuge, Wis., is permitted only on the Sprague-Mather Pool. The open area, approximately 2,000 acres is delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Sport fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Fishing permitted June 1, 1971 through September 30, 1971.

(2) The use of boats without motors is permitted.

The provisions of this special regulation supplement the regulations which govern fishing on wildlife areas generally, which are set forth in Title 50, Code of Federal Regulations, Part 33, and are effective through September 30, 1971.

GERALD H. UPDIKE,
Refuge Manager, Necedah National Wildlife Refuge, Necedah, Wis.

MAY 7, 1971.

[FR Doc.71-6652 Filed 5-12-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INCOME TAX

Rules for Determining Unrelated Business Taxable Income of Certain Organizations

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 14, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 14, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 106, 501(c)(2), and 512(a)(3) of the Internal Revenue Code of 1954, to reflect the changes made by section 121(b)(1) of the Tax Reform Act of 1969 (83 Stat. 537), such regulations are amended as follows:

PARAGRAPH 1. Section 1.106–1 is amended to read as follows:

§ 1.106–1 Contributions by employer to accident and health plans.

(a) *In general.* The gross income of an employee does not include contributions which his employer makes to an accident or health plan for compensation (through insurance or otherwise) to the employee for personal injuries or sickness incurred by him, his spouse, or his dependents, as defined in section 152. The employer may contribute to an accident or health plan either by paying the premium (or a portion of the premium) on a policy of accident or health insurance covering one or more of his employees, or by contributing to a separate trust or fund (including a fund referred to in section 105(e)) which provides accident or health benefits directly or through insurance to one or more of his employees.

(b) *Trusts or funds providing other benefits.* However, if such insurance policy, trust, or fund provides other benefits in addition to accident or health benefits, section 106 applies only to the portion of the employer's contribution which is allocable to accident or health benefits. In such cases, the amount allocable to accident and health benefits must be clearly identified. Thus, for example, if the contribution is made to an organization exempt from taxation under section 501(c)(9) (a voluntary employees' beneficiary association), the contribution will be excluded from the employee's gross income only if the organization sets aside such contributions, specifically to pay accident or health benefits, consistent with the provisions of section 512(a)(3)(B)(ii) of the Code and § 1.512(a)–3(c)(3).

(c) *Cross reference.* See paragraph (d) of § 1.104–1 and §§ 1.105–1 through 1.105–5, inclusive, for regulations relating to exclusion from an employee's gross income of amounts received through accident or health insurance and through accident or health plans. For rules requiring the employer to withhold tax in cases where the contribution is not excluded from the employee's gross income, see chapter 24 of the Code and the regulations thereunder (sections 3401 et. seq.).

PAR. 2. Paragraph (a) of § 1.501(c)(2)–1 is amended to read as follows:

§ 1.501(c)(2)–1 Corporations organized to hold title to property for exempt organizations.

(a) A corporation described in section 501(c)(2) and otherwise exempt from tax under section 501(a) is taxable upon its unrelated business taxable income if the income is payable to an organization which is itself subject to the tax imposed by section 511 or if the income is payable to a church or to a convention or association of churches. See Part II (section 511 and following), subchapter F, chapter 1 of the Code, and the regulations thereunder.

* * * * *

PAR. 3. Section 1.512(a) is amended to read as follows:

§ 1.512(a) Statutory provisions; unrelated business taxable income; definition.

SEC. 512. *Unrelated business taxable income*—(a) *Definition.* For purposes of this title—

(1) *General rule.* Except as otherwise provided in this subsection, the term "unrelated business taxable income" means the gross income derived by any organization from any unrelated trade or business (as defined in section 513) regularly carried on by it, less the deductions allowed by this chapter which are directly connected with the carrying on of such trade or business, both computed with the modifications provided in subsection (b).

(2) *Special rule for foreign organizations.* In the case of an organization described in section 511 which is a foreign organization, the unrelated business taxable income shall be—

(A) Its unrelated business taxable income which is derived from sources within the United States and which is not effectively connected with the conduct of a trade or business within the United States, plus

(B) Its unrelated business taxable income which is effectively connected with the conduct of a trade or business within the United States.

(3) *Special rules applicable to organizations described in section 501(c) (7) or (9)*—(A) *General rule.* In the case of an organization described in section 501(c) (7) or (9), the term "unrelated business taxable income" means the gross income (excluding any exempt function income), less the deductions allowed by this chapter which are directly connected with the production of the gross income (excluding exempt function income), both computed with the modifications provided in paragraphs (6), (10), (11), and (12) of subsection (b).

(B) *Exempt function income.* For purposes of subparagraph (A), the term "exempt function income" means the gross income from dues, fees, charges, or similar amounts paid by members of the organization as consideration for providing such members or their dependents or guests goods, facilities, or services in furtherance of the purposes constituting the basis for the exemption of the organization to which such income is paid. Such term also means all income (other than an amount equal to the gross income derived from any unrelated trade or business regularly carried on by such organization computed as if the organization were subject to paragraph (1)), which is set aside—

(i) For a purpose specified in section 170(c)(4), or

(ii) In the case of an organization described in section 501(c)(9), to provide for the payment of life, sick, accident, or other benefits,

including reasonable costs of administration directly connected with a purpose described in clause (i) or (ii). If during the taxable year, an amount which is attributable to income so set aside is used for a purpose other than that described in clause (i) or (ii), such amount shall be included, under subparagraph (A), in unrelated business taxable income for the taxable year.

(C) *Applicability to certain corporations described in section 501(c)(2).* In the case of a corporation described in section 501(c)(2), the income of which is payable to an organization described in section 501(c) (7) or (9), subparagraph (A) shall apply as if such corporation were the organization to which the income is payable. For purposes of the preceding sentence, such corporation shall be treated as having exempt function income for a taxable year only if it files a consolidated return with such organization for such year.

(D) *Nonrecognition of gain.* If property used directly in the performance of the exempt function of an organization described in section 501(c) (7) or (9) is sold by such organization, and within a period beginning 1 year before the date of such sale, and ending 3 years after such date, other property is purchased and used by such organization directly in the performance of its exempt function, gain (if any) from such sale shall be recognized only to the extent that such organization's sales price of the old property exceeds the organization's cost of purchasing the other property. For purposes of this subparagraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, shall be treated as the sale of such property, and rules similar to the rules provided by subsections (b), (c), (e), and (j) of section 1034 shall apply.

* * * * *

[Sec. (a) as amended by sec. 104(g), Foreign Investors Tax Act 1966 (80 Stat. 1559); sec. 121(b)(1), Tax Reform Act 1969 (83 Stat. 537, 538)]

PAR. 4. There is inserted immediately after § 1.512(a)–2 the following new section.

§ 1.512(a)–3 Special rules applicable to organizations described in section 501(c) (7) or (9).

(a) *Scope and purpose of section 512(a)(3)*—(1) *General rule.* For taxable years beginning after December 31, 1969, organizations described in section 501(c)(7) (referred to in this section as "social clubs") and section 501(c)(9) (referred to in this section as "employees' associations") are subject to the unrelated business tax imposed by section 511. Section 512(a)(3) sets forth special rules for determining the unrelated business taxable income of social clubs and employees' associations. In general, section 512(a)(3) is designed to impose a tax on all income from nonmember sources. Income derived from dues, fees, charges or similar amounts paid by members is not subject to the tax. Moreover, the passive income of a social club or an employees' association will generally not be taxed if it is set aside to be used for religious, charitable, scientific, literary, or educational purposes or for the prevention of cruelty to children or animals. In the case of an employees' association, passive income is generally not taxed if it is set aside to provide for the payment of life, sick, accident, or other benefits. To accomplish this result, subparagraph (A) of section 512(a)(3) provides that the unrelated business taxable income of a social club or an employees' association includes all gross income, less all allowable deductions directly connected with the production of that income, except that gross income for this purpose does not include any "exempt function income." "Exempt function income" is defined in subparagraph (B) of section 512(a)(3) as gross income from dues, fees, charges, or similar amounts paid by members in connection with the purposes constituting the basis for the exemption of the organization. "Exempt function income" also includes income set aside for the purposes referred to above. However, income derived from an unrelated trade or business may not be set aside and thus cannot be exempt function income. Subparagraph (B) of section 512(a)(3) provides for the inclusion in income of any amounts which have been set aside if such amounts are subsequently expended for other purposes. Special rules are provided in subparagraph (C) of section 512(a)(3) for a corporation described in section 501(c)(2) which pays its income to a social club or an employees' association, and in subparagraph (D) for the nonrecognition of gain on the sale of property used in the performance of an organization's exempt function.

(2) *General computation.* The effect of the rules set forth in this paragraph may be illustrated by the following example:

Example—(a) *Facts.* S, a social club, derived income from only three sources for the calendar year 1971: gross income from members, gross income from debt-financed property, and gross income from investments (which income did not enter into the computation of unrelated business taxable income under section 512(a)(1) of the Code). S had no net operating loss deduction and no deduction under section 170. S had items of income and deductions for 1971 as follows:

Gross income from:	
Members	$225,000
Debt-financed property	6,500
Investments	3,000
Total	234,500
Deductions directly connected with gross income from:	
Members	250,000
Debt-financed property	4,000
Investments	200
Total	254,200

For 1971 S made a net set aside under section 512(a)(3)(B) of $2,000.

(b) *Computation of unrelated business taxable income.* (1) From the total gross income of $234,500 and total deductions of $254,200, S excludes $225,000 and $250,000 respectively as gross income from members and the deductions directly connected therewith.

(2) S has net profit from the debt-financed property of $2,500 ($6,500 – $4,000).

(3) S has investment income before reductions for set asides of $2,800 ($3,000 – $200).

(4) After reduction for the set aside, S has investment income of $800 ($2,800 – $2,000).

(5) S has unrelated business taxable income of $2,300, determined as follows:

Net profit from debt-financed property	$2,500
Unrelated investment income (after reduction for set aside)	800
Total	3,300
Less specific deduction allowed by section 512(b)(12)	1,000
Unrelated business taxable income	2,300

(3) *Scope of paragraph.* For more precise rules for computing the unrelated business taxable income of a social club or an employees' association, see paragraphs (b) through (e) of this section.

(b) *In general*—(1) *Definition.* The "unrelated business taxable income" of a social club or an employees' association is its gross income (excluding exempt function income) less those deductions allowed by this chapter which are directly connected with the production of gross income (excluding exempt function income), as modified by paragraphs (6), (10), (11), and (12) of section 512(b). The gross income of a social club or an employees' association is determined by reference to section 61 but does not include those items of income excluded by part III of subchapter B of chapter 1 (sections 101 through 124). To be deductible in computing unrelated business taxable income, expenses, depreciation, and similar items not only must qualify as deductions under chapter 1 of the Code, but also must be directly connected with the production of gross income (excluding exempt function income).

(2) *Directly connected*—(i) *In general.* An item of deduction otherwise allowable under chapter 1 of the Code will be allowed as a deduction for purposes of computing unrelated business taxable income only if it is both directly connected with the income and incurred in the production of such income. Such determination must be based on all the facts and circumstances. The dividends received deductions otherwise allowed by sections 243, 244, and 245 are not allowable for purposes of computing unrelated business taxable income under this section since they are not expenses incurred in the production of such income.

(ii) *Example.* The provisions of subdivision (i) of this subparagraph may be illustrated by the following example:

Example. S, a social club, sold its golf course and club house for $300,000, and purchased new, similar facilities further from the city for $400,000. In payment for its old facilities, S received a down payment of $100,000 and a purchase money mortgage in the amount of $200,000, bearing interest at 6 percent per annum. In payment for the new facilities, S gave the seller $100,000 in cash plus a note for $300,000, bearing interest at 7 percent per annum. At the time S gave its note for $300,000 the fair market value of the purchase money mortgage was $200,000. During 1971, S had interest income from the purchase money mortgage of $12,000 (6 percent of $200,000) and paid interest on the note given to purchase the new property of $21,000 (7 percent of $300,000). Since the fair market value of the purchase money mortgage was $200,000 at the time that S incurred indebtedness with respect to its new facilities, the interest attributable to $200,000 of such indebtedness is directly connected with the production of the interest income from the purchase money mortgage. Thus, S has a directly connected interest expense of $14,000 (7 percent of $200,000).

(3) *Income from more than one source.* In the case of a social club or an employees' association which derives gross income (excluding exempt function income) from two or more sources, its unrelated business taxable income is computed by aggregating its gross income from all such sources and by aggregating its deductions allowed with respect to such gross income.

(4) *Expenses attributable solely to unrelated business taxable income.* Expenses, depreciation, and similar items attributable solely to items of gross income (excluding exempt function in-

come) are directly connected with such income and shall be allowable as a deduction in computing unrelated business taxable income to the extent that they qualify as deductions under chapter 1 of the Code.

(5) *Dual use of facilities or personnel.* Where facilities or personnel are used both for the exempt purpose and for the production of gross income (excluding exempt function income), expenses, depreciation, and similar items attributable to such facilities or personnel (for example, items of overhead) shall be allocated between the two uses on a reasonable basis. The portion of any such item so allocated to the production of gross income (excluding exempt function income) is directly connected with such income and shall be allowable as a deduction in computing unrelated business taxable income to the extent that it qualifies as a deduction under chapter 1 of the Code. Thus, for example, assume that X, a social club, pays its manager a salary of $10,000 a year and that it derives gross income other than exempt function income. If the manager devotes 10 percent of his time during the year to deriving X's gross income (other than exempt function income), a deduction of $1,000 (10 percent of $10,000) would be allowable for purposes of computing X's unrelated business taxable income.

(c) *Exempt function income*—(1) *General rule.* For purposes of section 512(a)(3)(A) of the Code and paragraph (b) of this section, the term "exempt function income" means the sum of an organization's gross income from members and its set-aside income.

(2) *Gross income from members*—(i) *In general.* The term "gross income from members" means gross income from dues, fees, charges, or similar amounts paid by members of the organization as consideration for providing goods, facilities, or services to such members, their dependents, or guests in furtherance of the purposes constituting the basis for the exemption of the organization. The term "gross income from members" also includes, in the case of an employees' association, amounts paid by members as consideration for providing life, sick, accident, or other benefits to the members, their dependents, or designated beneficiaries. For purposes of this subparagraph, the member's spouse shall be treated as a member.

(ii) *Amounts paid by nonmembers.* "Gross income from members" does not include any amount paid to an organization by any person who is not a member, even though paid as consideration for providing goods, facilities, or services. However, amounts paid by a member's employer directly to a social club or an employees' association, or amounts paid gratuitously for the benefit of a member, are considered to have been paid by the member. Similarly, the fact that a member is reimbursed by his employer or a gratuitous donor for amounts paid to a social club or an employees' association will not prevent the amounts so paid from being considered to have been paid by the member.

(iii) *Definitions*—(*a*) *Dependent.* The determination of whether an individual is a dependent of a member is made by reference to section 152.

(*b*) *Guest.* An individual is a guest of a member only if the charges incurred by the guest are borne by the member. Charges paid gratuitously to, or on behalf of, a member are treated as having been borne by the member. For example, where a member and her friends make use of her club and her father pays the charges as a gratuitous benefit to his daughter, such payment will be considered as having been made by the daughter. Similarly, the employee-member may be reimbursed by his employer, or the employer may pay the club directly, for the expenses incurred by the guest without destroying the host-guest relationship if the guest is present due to some personal or social purpose of the employee-member, or to some direct business objective or relationship of the employee-member in his work for the employer, as opposed to a purpose or objective of the employer which is primarily unrelated to the activities of the particular employer-member. In all other cases, however, if a member is reimbursed by anyone, whether directly or indirectly, for expenses incurred by the would-be guest, no true host-guest relationship exists. For example, assume that an employer has a party for all its employees at the employee-member's club and that the employer pays all the expenses of the party. Under these circumstances, the persons invited are not guests of a member because their presence is not related to a direct objective or relationship of the particular employee-member.

(*c*) *Employee and employer.* For purposes of this subparagraph, a partner of a partnership shall be considered to be an employee and the partnership shall be considered to be an employer.

(*d*) *Gratuitous payments.* A payment is gratuitous only if it is excludable from the member's gross income under section 102(a) and the regulations thereunder. Thus, a payment is gratuitous if it is made through detached and disinterested generosity. However, if the payor has reason to believe that he will benefit from the payment, or if he receives some or all the benefit for which he paid, the payment is normally not gratuitous.

(iv) *Illustration.* The provisions of this subparagraph may be illustrated by the following example:

Example. S, a social club, operates a restaurant and bar for members and their guests. Nonmembers are admitted to the restaurant and bar only if accompanied by a member. S is supported by annual dues and amounts received in consideration for food and beverages. S does not normally receive payment for food and beverages at the time they are furnished but, rather, bills its members monthly for such items. Because some members prefer not to be billed, S has facilities for receiving cash payments. Although most cash payments are made by the members and include all expenses incurred by themselves and their guests, some nonmembers insist on paying their own expenses. S did not set aside any amounts under section 512(a)(3)(B) in 1971. In 1971, S received the following amounts of gross income:

Dues	$55,000
Receipts from members from sale of food and beverages	195,000
Receipts from nonmembers from sale of food and beverages	5,000
Interest	500
Total	255,500

S incurred expenses in 1971 of $180,000 from the operation of the restaurant and bar and $72,000 from the performance of other exempt function activities. The portion of the expenses directly connected with the furnishing of food and beverages to nonmembers who pay their own bills was $4,500. No expenses were incurred with respect to the interest income. S computes its unrelated business taxable income as follows:

Gross income		$255,500
Reduced by exempt function income: gross income from members ($55,000+$195,000)		250,000
Gross income (excluding exempt function income)		5,000
Less:		
Expenses directly connected therewith	$4,500	
Specific deduction allowed by section 512(b)(12)	1,000	5,500
Unrelated business taxable income		0

(3) *Set aside income*—(i) *General rule.* For purposes of this section, the term "set aside income" means the net income of a social club or an employees' association which is set aside for the purposes described in subdivision (iii) of this subparagraph. However, a social club or an employees' association may not set aside gross income from members or income that would enter into the computation of unrelated business taxable income (including income from debt-financed property) if the organization were subject to section 512(a)(1). Amounts may be set aside without regard to the limitation imposed by section 512(b)(10). Although set aside income may be accumulated, any accumulation which is unreasonable in amount or duration is evidence that the income was not accumulated for the purposes set forth in subdivision (iii) of this subparagraph. However, income which has been set aside may be invested temporarily, pending the action contemplated by the set aside, without being regarded as having been used for other purposes.

(ii) *Computation.* A social club or an employees' association which wishes to set aside income must first compute its total gross income other than (*a*) "gross income from members" and (*b*) gross income that would enter into the computation of unrelated business taxable income (including income from debt-financed property) if the organization were subject to section 512(a)(1). The remaining gross income must then be reduced by the deductions allowed by this chapter which are directly connected with the production of such remaining gross income. The difference, referred to in this section as "net investment income", may be set aside, in whole or in part, by a social club or employees' association. Deductions directly connected with the production of income which has been set aside are allowable in computing unrelated business taxable income.

(iii) *Purposes for which income may be set aside.* Income may be set aside for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. In the case of a national organization of college fraternities or sororities, income may be set aside for scholarships, student loans, loans on local chapter housing, leadership and citizenship schools and services, and similar purposes. In the case of an employees' association, income may be set aside to provide for the payment of life, sick, accident, or other benefits. Income also may be set aside to pay any reasonable costs of administration which are directly connected with the disbursement or other handling of income which is set aside. If a social club or an employees' association expends an amount for a purpose described in section 512(a)(3)(B), such amount may be treated as though it had been first set aside, and then expended, for such purposes. For example, assume that during the year a social club has $1,000 of net investment income and $5,000 of net income from an unrelated trade or business. If the social club contributes $3,000 during the year to a charitable organization, it may wish to treat $1,000 of the contribution as a set aside while treating the remaining $2,000 as a direct charitable contribution. Amounts treated as exempt function income by reason of being set aside are not deductible under section 170 or any other section.

(iv) *Illustration.* The principles of subdivision (iii) of this subparagraph may be illustrated by the following example:

Example. O, a national organization of college fraternities, received the following gross income in 1971:

Dues	$465,000
Investment income	20,000
Total	485,000

In the same year O incurs management expenses of $2,000 directly connected with the investment activity. On November 10, 1971, O's Board of Directors votes to set aside $13,500 and to place that amount in a fund to be used for "educational purposes" as that phrase is used in section 170(c)(4) of the Code. No part of O's investment income is income which would enter into the computation of unrelated business taxable income under section 512(a)(1) of the Code. O computes its unrelated business taxable income for 1971 as follows:

Gross income		$485,000
Reduced by exempt function income:		
Gross income from members	$465,000	
Set aside income	13,500	478,500
Gross income (excluding exempt function income)		6,500
Less:		
Deductions allowable under this section	$2,000	
Specific deduction allowed by section 512(b)(12)	1,000	3,000
Unrelated business taxable income		3,500

(v) *Requirements for set aside.* Net income set aside for a purpose enumerated in subdivision (iii) of this subparagraph must be specifically earmarked as such or placed in a separate account or fund. Thus, something more than a bookkeeping entry is required before income will be considered to have been set aside. Any action describing the income set aside and indicating that it is to be used for one of the designated purposes is sufficient. Income that is set aside need not be permanently committed to such use either under State law or by contract. Thus, for example, it is not necessary that the organization place these funds in an irrevocable trust.

(vi) *Withdrawals of amounts which are set aside.* If an organization withdraws any amount from its set aside fund or account, for any purpose other than those specified in subdivision (iii) of this subparagraph, such amount shall be included in unrelated business taxable income for the year in which it is withdrawn, to the extent that such amounts were previously excluded from gross income. Amounts will be considered withdrawn from a set aside if they are used in any manner—such as security for a loan—which is inconsistent with the purposes enumerated in subdivision (iii) of this subparagraph. Previously excluded amounts withdrawn from a set aside fund or account for a purpose enumerated in subdivision (iii) of this subparagraph are not deductible under section 170 or any other section of the Code. To the extent that the set aside account contains amounts which have previously been included in unrelated business taxable income or amounts which were excluded as gross income from members, withdrawals for other than the enumerated purposes will be considered to be made first out of such amounts. Such withdrawals are not includible in the organization's unrelated business taxable income.

(vii) *Time within which set asides must be made.* Income will generally be excluded from gross income only if it is set aside in the taxable year in which it is includible in gross income. However, income set aside on or before the date prescribed for filing the Exempt Organization Business Income Tax Return (Form 990–T) for the taxable year (including any extension of time) may, at the election of the taxpayer, be treated as having been set aside in such taxable as having been set aside in such taxable year to the extent attributable to amounts that would have been includible in gross income for such year.

(4) *Example.* The provisions of this paragraph may be illustrated by the following example:

Example. T, a social club, is a calendar year taxpayer and had the following items of gross income in 1971:

Gross income from members	$753,000
Gross income from debt-financed property	13,000
Interest income	4,000
Total	770,000

T incurred deductible expenses directly connected with the production of the income from the debt-financed property of $10,000 and deductible expenses directly connected with the production of the interest income of $100. The income from the debt-financed property was income which would have been taxable under section 512(a)(1) if T had been subject to that provision. During 1971, T's Board of Directors resolved to place $5,000 in a special bank account to be used for charitable purposes. Pursuant to that resolution, a special account was opened with a savings and loan association and $5,000 deposited therein. T computes its unrelated business taxable income for 1971 as follows:

Gross income		$770,000
Reduced by exempt function income:		
Gross income from members	$753,000	
Set aside income: Limited to an amount equal to the net interest income	3,900	756,900
Gross income (excluding exempt function income)		13,100
Less:		
Deductions allowable under this section	$10,100	
Specific deduction allowed by section 512(b)(12)	1,000	11,100
Unrelated business taxable income		2,000

Of the $5,000 deposited in the set aside account, $1,100 ($5,000−$3,900) was previously included in unrelated business taxable income and may be withdrawn for a purpose not specified in § 1.512(a)–3(c)(3)(iii) without being again included in unrelated business taxable income. See § 1.512(a)–3(c)(3)(vi).

(d) *Applicability to certain corporations described in section 501(c)(2)*—(1) *General rule.* In the case of a corporation described in section 501(c)(2) referred to in this paragraph as a "section 501(c)(2) corporation"), the income of which is payable to a social club or an employees' association (referred to in this paragraph as a "payee organization"), the section 501(c)(2) corporation shall be treated as though it were the payee organization. Thus, if the income of a section 501(c)(2) corporation is payable to a social club or an employees' association, the section 501(c)(2) corporation will be subject to tax as if it were a social club or an employees' association. However, the section 501(c)(2) corporation shall not be treated as having exempt function income unless it files a consolidated return with the payee organization. See subparagraph (3) of this paragraph for rules applicable where a consolidated return is filed.

(2) *Example.* The principles of subparagraph (1) of this paragraph may be illustrated by the following example:

Example. All the income of S, a section 501(c)(2) corporation, is payable to P, a social club. P and S file separate returns on a calendar year basis for 1971. In 1971 S receives $105,000 in rent from an office building, and incurs expenses directly connected therewith of $85,000. Since S's income is payable to P, the rental income is included in S's unrelated business income pursuant to subparagraph (A) of section

512(a)(3). S can have no exempt function income. Therefore, S is subject to tax on $19,000 of unrelated business taxable income ($105,000 less the $85,000 of directly connected expenses and the $1,000 specific deduction allowed by section 512(b)(12)).

(3) *Consolidated returns.* Where the section 501(c)(2) corporation files a consolidated return with a payee organization, the computation of unrelated business taxable income, including exempt function income, shall be computed on a consolidated basis.

(4) *Illustration.* The principle of subparagraph (3) of this paragraph may be illustrated by the following example:

Example. All the income of S, a section 501(c)(2) corporation, is payable to P, a golf club exempt from taxation under section 501(c)(7). Among the properties held by S are small dressing cabanas which it rents to members on an annual basis. Each member is responsible for the care and maintenance of his own cabana. S and P file a consolidated return on a calendar year basis. In 1971, S has the following items of gross income:

Interest	$32,000
Receipts from rental of cabanas	1,000
Other rental income	7,000
Total	40,000

P has $865,000 of gross income in 1971 (excluding amounts paid by S to P), all of which is gross income from members. S incurred deductible expenses directly connected with the production of its income of $8,000. S incurred no expenses with respect to the rental of the cabanas. During 1971, P made a proper set aside of $2,000. The group computes its unrelated business taxable income as follows:

Gross income ($865,000+$40,000)		$905,000
Reduced by exempt function income:		
Gross income from members ($865,000 +$1,000)	$866,000	
Set aside income	2,000	868,000
Gross income (excluding exempt function income)		37,000
Less:		
Deductions allowable under this section	$8,000	
Specific deduction allowed by section 512 (b)(12)	1,000	9,000
Unrelated business taxable income		$28,000

(e) *Nonrecognition of gain*—(1) *General rule.* If a social club or an employees' association (or a corporation described in section 501(c)(2) which files a consolidated return with, and the income of which is payable to, a social club or an employees' association) sells property which was used directly in the performance of the exempt function of the social club or employees' association and, within a period beginning 1 year before the date of such sale and ending 3 years after such date, other property is purchased and used by such organization directly in the performance of the exempt function, gain (if any) from such sale shall be recognized only to the extent that the sales price of the old property exceeds the cost of purchasing the other property. The other property need not be similar in nature or in use to the old property.

(2) *Definitions.* For purposes of this paragraph—

(i) *Old property.* The term "old property" means any property which a social club or an employees' association used directly in the performance of its exempt function and which was sold by such organization or by a section 501(c)(2) corporation holding title to such property;

(ii) *Other property.* The term "other property" means property purchased by a social club, an employees' association, or a section 501(c)(2) corporation holding title to such property and used directly in the performance of the exempt function of the social club or employees' association;

(iii) *Cost of purchasing other property.* The term "cost of purchasing other property" means the aggregate of the amounts which are attributable to the acquisition, construction, reconstruction, and improvements constituting capital expenditures made with respect to the other property and made during the period beginning 1 year before the date of the sale of the old property and ending 3 years after such date;

(iv) *Sales price.* The term "sales price" means the amount realized (as defined in subdivision (v) of this subparagraph), reduced by the aggregate of the expenses incurred for work performed on the old property in order to assist in its sale (as defined in subdivision (vi) of this subparagraph);

(v) *Amount realized.* The term "amount realized" has the same meaning as in section 1001(b) and the regulations thereunder;

(vi) *Expenses incurred to assist in its sale.* Expenses incurred for work performed on the old property in order to assist in its sale are the aggregate of all such expenses provided that such expenses—

(*a*) Are incurred for work performed during the 90-day period ending on the day of sale of the old property,

(*b*) Are paid on or before the 30th day after the date of sale of the old property, and

(*c*) Are neither allowable as a deduction in computing taxable income under section 63(a) nor taken into account in computing the amount realized from the sale of the old property.

(3) *Property used directly in the performance of the exempt function.* For purposes of section 512(a)(3)(D) and this paragraph, property shall be considered to be used directly in the performance of the exempt function only to the extent it is used exclusively for a purpose which is substantially related to the purpose for which exemption was granted the organization. If property is not used exclusively for such a purpose, only that part of the gain allocable to the portion of the property used for such purpose is not to be recognized. Further, only that part of the amount realized upon sale need be reinvested in other property used for such purpose in order to avoid recognition with respect to such part of the gain. If the amount realized upon sale is reinvested in property which is used only partly for the exempt purpose, an allocation must be made to determine the portion of the reinvested proceeds that is actually used for a purpose substantially related to the exempt purpose.

(4) *Destruction, theft, seizure, requisition, or condemnation.* For purposes of section 512(a)(3)(D) and this paragraph, the destruction in whole or in part, theft, seizure, requisition, or condemnation of property used in whole or in part in the performance of the exempt function shall be treated as a sale of such property.

(5) *Sales and purchase of property.* For purposes of section 512(a)(3)(D) and this paragraph—

(i) *Exchanges.* An exchange of old property for other than cash consideration shall be treated as a sale of the old property. The acquisition of other property for other than cash consideration shall be treated as a purchase of such other property.

(ii) *Construction or reconstruction.* Property, any part of which was constructed or reconstructed by a social club, an employees' association, or a section 501(c)(2) corporation holding title to the property, shall be treated as property which was purchased. In determining the cost of purchasing such property, there shall be included only that portion of the cost which is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account and which are made during the period beginning 1 year before the date of sale of the old property and ending 3 years after such date.

(iii) *Purchase and sale of other property prior to the sale of the new property.* If property is purchased and is subsequently sold or otherwise disposed of before the date of the sale of the old property, the property so purchased shall not qualify as other property.

(6) *Basis.* In cases where section 512(a)(3)(D) and this paragraph require nonrecognition of gain, the adjusted basis in the other property shall be reduced by an amount equal to the amount of the gain which was not recognized upon the sale of the old property.

(7) *Statute of limitations.* Whenever an organization makes a sale of property and does not recognize gain on such sale on the basis that section 512(a)(3)(D) is applicable, the statutory period prescribed in section 6501(a) for the assessment of a deficiency attributable to any part of such gain shall not expire prior to the expiration of 3 years from the date of notification as hereinafter provided. Such notification will be deemed to occur on receipt by the internal revenue official with whom the return was filed for the taxable year or years in which the gain from the sale of the property was realized and was not recognized, of a written notice from the organization of—

(i) The organization's cost of the other property which the organization claims results in nonrecognization of any part of such gain,

(ii) The organization's subsequent decision not to purchase other property within the period when such a reinvestment would result in nonrecognition of any part of such gain, or

(iii) The organization's failure to make a purchase within such period.

Any gain from the sale of property which is required to be recognized shall be included in gross income for the taxable year or years in which such gain was realized. Any deficiency attributable to any portion of such gain may be assessed before the expiration of the 3-year period described in this paragraph, notwithstanding the provisions of any law or rule of law which might otherwise bar such assessment. The notification required by the preceding subparagraph shall contain all pertinent details in connection with the sale of the old property and, where applicable, the purchase price of the new property. The notification shall be in the form of a written statement and shall be accompanied, where appropriate, by an amended return for the year in which the gain from the sale of the old property was realized, in order to reflect the inclusion in gross income for that year of gain required to be recognized in connection with such sale.

(8) *Illustration.* The principles of this paragraph may be illustrated by the following example:

Example. N, a social club, purchased a building and land for use as a golf course in 1950 for $100,000. On April 1, 1971, N sold the entire tract, in one transaction, for $250,000 and purchased another tract for $120,000. N then spent $105,000 constructing a golf course and club house on the new tract. Construction was completed in 1972. Between February 1, 1971, and April 1, 1971, N incurred $4,000 of expenses in negotiating the sale of its old property and $1,000 of noncapital expenses for work performed on the old property to assist in its sale. The club computes its recognizable gain from the sale of the property as follows:

Proceeds from sale of old property	$250,000
Less: selling expenses	4,000
Amount realized	246,000
Less: basis	100,000
Gain realized	146,000
Amount realized	246,000
Less: fixing-up expenses	1,000
Adjusted sales price	245,000
Cost of purchasing other property	225,000
Gain recognized	20,000
Gain realized but not recognized	126,000

N computes its adjusted basis in the other property as follows:

Cost of purchasing other property	225,000
Less: gain realized but not recognized	126,000
Adjusted basis of other property	99,000

[FR Doc.71-6704 Filed 5-12-71;8:51 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 50]

NATIONAL CAPITAL PARKS

Applicability of Regulations; Place of Trial; Collateral Schedule

Notice is hereby given that pursuant to the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the Act of March 17, 1948 (62 Stat. 81), section 4 of the Act of August 18, 1970 (84 Stat. 827), and 245 DM1 (34 F.R. 13879), it is proposed to amend paragraphs (b) and (c) of § 50.4 and to delete §§ 50.6 and 50.101.

The effect of the amendments to § 50.4 is to reflect the expanded definition of "environs of the District of Columbia" contained in section 4 of the Act of August 18, 1970, as it extends the applicability of Part 50 to certain Federal reservations in Loudoun, Prince William, and Stafford Counties in Virginia and Charles County in Maryland.

In addition, it is proposed to delete § 50.6 pertaining to place of trial, and § 50.101 containing a schedule of minimum collateral, since these are no longer considered proper subjects for regulatory material.

It is the policy of the Department of the Interior, whenever practicable to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Office of National Capital Parks, National Park Service, 1100 Ohio Drive SW., Washington, DC 20242, within 30 days of the publication of this notice.

Section 50.4 is amended as follows:

§ 50.4 Definitions.

* * * * *

(b) The term "other Federal reservations" means Federal areas, which are not under the administrative jurisdiction of the Department of the Interior, located in Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the city of Alexandria in Virginia and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of such areas by the U.S. Park Police is specifically requested by the Secretary of Defense or his designee.

(c) The term "environs of the District of Columbia" embraces Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the city of Alexandria in Virginia and Prince Georges, Charles, Anne Arundel, and Montgomery Counties in Maryland.

* * * * *

§ 50.6 [Deleted]

Section 50.6 is deleted.

§ 50.101 [Deleted]

Section 50.101 is deleted.

Dated: May 3, 1971.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

[FR Doc.71-6641 Filed 5-12-71;8:47 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1903]

INSPECTIONS, CITATIONS, AND PROPOSED ASSESSMENT OF PENALTIES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-6275 appearing at page 8376 in the issue of Wednesday, May 5, 1971, the fifth line of § 1903.4 should read as follows: "be given in the following situations: (a) In cases of apparent imminent danger to enable the em-".

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 121]

[Docket No. 10562; Reference Notice No. 70-35]

FLIGHT ATTENDANTS

Notice of Public Hearing

The Federal Aviation Administration will hold a public hearing at 9:30 a.m. on July 29, 1971, at Federal Building 10A, 800 Independence Avenue SW., Washington, DC, to receive the views of all interested persons concerning Notice 70-35 which proposes to amend the flight attendant requirements of § 121.391(a) of the Federal Aviation Regulations. Notice 70-35 was published in the FEDERAL REGISTER on September 11, 1970 (35 F.R. 14327).

Subpart M of Part 121 prescribes airman and crewmember requirements for Part 121 certificate holders. Section 121.391(a) thereof reads as follows:

> *§ 121.391 Flight attendants.* (a) Each certificate holder shall provide at least the following flight attendants on each passenger-carrying airplane used:
>
> (1) For airplanes having a seating capacity of more than nine but less than 45 passengers—one flight attendant.
>
> (2) For airplanes having a seating capacity of more than 44 but less than 100 passengers—two flight attendants.
>
> (3) For airplanes having a seating capacity of more than 99 passengers—two flight attendants plus one additional flight attendant for each unit (or part of a unit) of 50 passenger seats above a seating capacity of 99 passengers.

* * * * *

As proposed in Notice 70-35, § 121.391(a)(1) would be amended to increase from 44 to 50 the seating capacity for which one flight attendant is required on passenger-carrying airplanes in operations under Part 121. This change would also affect the requirements in paragraphs (a) (2) and (3) of § 121.391 by increasing the numerical limits prescribed therein. This amendment has been proposed largely in response to the increased effectiveness of the FAA's crashworthiness program.

Based upon a request from the Air Line Pilots Association, the FAA has decided that it would be in the public interest to give all interested parties an opportunity to comment on the need for changes to current flight attendant requirements. The hearing will be conducted by a designated representative of the Administrator under 14 CFR 11.33. Because the hearing is not of the evidentiary or judicial type, there will be no cross-examination of persons presenting statements (5 U.S.C. sec. 553).

An FAA spokesman will make an opening statement presenting, in brief, the history of § 121.391(a). Interested persons will then have an opportunity to present their initial oral statements. These statements should be responsive to Notice 70–35.

After all initial statements have been completed, persons wishing to make rebuttal statements will be given an opportunity to do so in the same order in which initial statements were made.

Interested persons are invited to attend the hearing and present oral or written statements on the matters set forth herein. Such statements will be made a part of the record of the hearing. Any person who wishes to make an oral statement at the hearing should notify the FAA by July 8, 1971, stating the amount of time requested for his initial statement. In addition, any person who is unable to attend the hearing may submit relevant written comments. Such written comments should be received by the FAA by July 8, 1971, so that they may be made a part of the hearing record. All communications concerning this hearing should be addressed to the Office of the General Counsel, Rules Docket, GC–24, Federal Aviation Administration, Department of Transportation, Washing, D.C. 20590, marked "Attention: Presiding Officer, Public Hearing on Notice 70–35."

A transcript of the hearing will be made and anyone may purchase a copy of the transcript from the reporter.

This notice is issued under the authority of sections 313 (a) and (c), 601, and 604 of the Federal Aviation Act of 1958 (49 U.S.C. 1354 (a) and (c), 1421, 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 6, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-6674 Filed 5-12-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–1]

POLICY AND PROCEDURES APPLICABLE TO DRUG PRODUCTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new § 3–1.352 under Subpart 3–1.3, General Policies.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Division of Procurement and Materiel Management, OASAM–OGS, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment will establish the policy that Federal funds will not be expended for purchasing drug products classified "ineffective" or "possibly effective" by the Food and Drug Administration, with certain exceptions, for use in the Department's direct care programs and contract care programs under the direct care programs.

As proposed, the new § 3–1.352 would read as follows:

§ 3–1.352 Drug products—effectiveness.

§ 3–1.352–1 General.

(a) The National Academy of Sciences/National Research Council, after a review of the clinical data of drug products approved by the FDA, may classify some drug products "ineffective" and some "possibly effective." Notices concerning these drugs are published in the FEDERAL REGISTER by the FDA after a review and concurrence with the NAS–NRC findings.

(b) In arriving at its decision in determining the effectiveness of a drug product, the judgments of the NAS–NRC Panel are based on the following criteria:

(1) Factual information that is freely available in the scientific literature.

(2) Factual information that is available from the FDA, from the manufacturer or other sources, or

(3) On the experience and informed judgment of the members of the Panels.

§ 3–1.352–2 Definitions.

The indications referred to in these definitions corresponds with the reference that is made in the law to "the effect the drug purports or is represented to have under the conditions of use prescribed, recommended or suggested in the proposed labeling." This is to say that the indications are the claims that are cited in the labeling of a given drug.

(a) *Category A—Effective.* For the presented indication, the drug is effective on the basis of the criteria stated in § 3–1.352–1(b).

(b) *Category B—Probably effective.* For the indication presented, effectiveness of the drug is probable on the basis of the criteria stated in § 3–1.352–1(b), but additional evidence is required before it can be assigned to Category A.

(c) *Category C—Possibly effective.* In relation to the indication in question, there is little evidence of effectivenes under any of the criteria stated in § 3–1.352–1(b). The possibility that additional supporting evidence might be developed should not be ruled out, however.

(d) *Category D—Ineffective.* In relation to the indication in question, there is no acceptable evidence under any of the criteria stated in § 3–1.352–1(b) to support a claim of effectiveness.

§ 3–1.352–3 Policy.

(a) It is the policy of the Department that Federal funds will not be expended for purchasing drug products classified "ineffective" or "possibly effective" for use in its direct care programs (refer to § 103–25.358 of this title) and its contract care programs under the direct care programs with the following two exceptions:

(1) Federal funds may be expended to purchase "ineffective" and "possibly effective" drug products for use in the pursuit of approved clinical research projects.

(2) Federal funds may be expended to purchase a "possibly effective" drug product when no alternate means of therapy with drug products in the "probably effective" or "effective" classification are available.

(b) This policy also applies to similar drug products marketed by the same or other firms.

(c) Drug products listed as "ineffective" have been classified as "ineffective" for all indications or an unfavorable benefit to risk ratio exists. Drug products listed as "possibly effective" have been classified as either "ineffective" or "possibly effective" for each indication.

§ 3–1.352–4 Distribution of information.

(a) The Office of the Pharmacy Liaison Representative, Public Health Service has responsibility for distributing information on the effectiveness of drug products to the head of the procuring activity or his designee. The head of the procuring activity or his designee will be advised by telephone of drug products classified as "ineffective" or "possibly effective" prior to publication in the FEDERAL REGISTER, and will be provided a list of such drug products monthly following publication in the FEDERAL REGISTER.

(b) The head of the procuring activity shall establish a procedure for the distribution of information on the effectiveness of drug products and implement such other controls as may be necessary to assure compliance with the policy set forth in § 3–1.352–3.

§ 3–1.352–5 Procedure.

(a) Prior to taking purchase action on any request for drug products, the contracting officer shall ensure that the items are screened against current lists of products identified by the Office of the Pharmacy Liaison Representative, and notation that such action has been taken, bearing the initials of the individual actually doing the screening, entered on the request.

(b) In those instances when purchase is requested of an item which is allowable due to either of the two exceptions set

forth in § 3–1.352–3(a), appropriate justification, signed by the responsible program official, shall be provided and made a part of the purchase file.

(c) When the demand for a restricted product cannot be resolved by the substitution of a satisfactory item, the request shall be processed in the same manner as a deviation (see § 3–1.108).

Dated: May 7, 1971.

NORMAN B. HOUSTON,
Deputy Assistant Secretary
for Administration.

[FR Doc.71-6673 Filed 5-12-71;8:49 am]

Public Health Service

[42 CFR Part 72]

ETIOLOGIC AGENTS

Notice of Proposed Rule Making

Notice is hereby given that the Administrator, Health Services and Mental Health Administration, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend § 72.25 of Part 72 by revising the list of etiologic agents and by simplifying and strengthening packaging requirements for interstate transportation of such agents.

Written comments, suggestions, or objections may be submitted in triplicate to the Director, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333. All relevant material received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

Notice is also given that it is proposed to make any amendments that are adopted effective 30 days after publication in the FEDERAL REGISTER.

Section 72.25 would be amended to read as follows:

§ 72.25 Etiologic agents.

(a) *Definitions.* (1) For purposes of this section, an etiologic agent means a viable micro-organism or its toxin which causes human disease.

(2) For purposes of this section, a diagnostic specimen means any human or animal material including, but not limited to, excreta, secreta, blood and its components, tissue, and tissue fluids.

(b) *Transportation.* No person shall transport or cause to be transported in interstate commerce in any way, directly or indirectly, any material (including diagnostic specimens) containing or suspected of containing, an etiologic agent, unless such material is packaged in accordance with the requirements specified in this section.

(c) *Applicability.* The requirements specified in this section shall be applicable to the packaging of materials containing, or suspected of containing, the following etiologic agents:

(1) Bacterial agents:

Actinobacillus—all species.
Actinomyces—all species.
Arizona hinshawii—all serotypes.
Bacillus anthracis.
Bartonella—all species.
Brucella—all species.
Clostridium botulinum, Cl, chauvoei, Cl. haemolyticum, Cl. histolyticum, Cl. novyi, Cl. septicum, Cl. tetani.
Corynebacterium diphtheriae, C. equi, C. haemolyticum, C. pseudotuberculosis, C. pyogenes, C. renale.
Diplococcus pneumoniae.
Erysipelothrix insidiosa.
Escherichia coli, all enteropathogenic serotypes.
Franciscella (Pasteurella) tularensis.
Haemophilus ducreyi, H. gallinarum, H. influenzae.
Herellea vaginicola.
Klebsiella—all species and all serotypes.
Leptospira interrogans—all serotypes.
Listeria—all species.
Mima polymorpha.
Moraxella—all species.
Mycobacteria—all species.
Mycoplasma—all species.
Neisseria gonnorrhoeae.
Neisseria meningitidis.
Pasteurella—all species.
Pseudomonas pseudomallei.
Salmonella—all species and all serotypes.
Shigella—all species and all serotypes.
Sphaerophorus necrophorus.
Staphylococcus aureus.
Streptobacillus moniliformis.
Streptococcus pyogenes, and *Str. pneumoniae.*
Treponema careteum, T. pallidum, and *T. pertenue.*
Vibrio fetus, V. comma, including biotype El Tor, and *V. parahemalyticus.*
Yersenia (Pasteurella) pestis.

(2) Fungal agents:

Blastomyces dermatitidis.
Coccidioides immitis.
Cryptococcus neoformans.
Histoplasma capsulatum.
Paracoccidioides brasiliensis.

(3) Viral and rickettsial agents:

Adenoviruses—human—all types.
Arboviruses.
Coxsackie A and B viruses—all types.
Echoviruses—all types.
Encephalomyocarditis virus (EMC).
Hemorrhagic fever agents, including *Crimean hemorrhagic fever (Congo), Junin,* and *Machupo viruses,* and others as yet undefined.
Hepatitis associated antigen materials.
Herpesvirus—all members.
Infectious bronchitis-like virus.
Influenza viruses—all types.
Lassa virus.
Lymphocytic choriomeningitis virus (LCM).
Lymphogranuloma venereum virus.
Marburg virus.
Measles virus.
Mumps virus.
Parainfluenza viruses—all types.
Polioviruses—all types.
Poxviruses—all members.
Psittacosis-Ornithosis group of viruses.
Rabies virus—all strains.
Reoviruses—all types.
Respiratory syncytial virus.
Rhinoviruses—all types.
Rickettsia—all species.
Rubella virus.
Simian viruses—all types.
Tick-borne encephalitis virus complex, including *Russian spring-summer, louping ill, Kyasanur Forest disease, Omsk hemorrhagic fever,* and *Central European encephalitis viruses.*
Trachoma virus.

(d) *Packaging requirements; general.*[1] Material shall be packaged to withstand, without leakage of contents, all shocks, pressure changes, or other conditions incident to ordinary handling in transportation.

(e) *Packaging requirements; volume less than 50 ml.* Packaging of material in volumes of less than 50 ml. shall be subject to the requirements of paragraph (d) of this section. In addition, it shall be placed in a watertight container (primary container) which shall be enclosed in a second, durable, watertight container (secondary container). Several primary containers may be enclosed in a single, secondary container, if the total volume of all the primary containers so enclosed does not exceed 50 ml. The space at the top, bottom, and sides between the primary and secondary containers shall contain sufficient nonparticulate adsorbent material to absorb the entire contents of the primary container in case of breakage or leakage. Each set of primary and secondary containers shall then be enclosed in an outer shipping container constructed of corrugated fiber board, cardboard, wood, or other material of equivalent strength.

(f) *Packaging requirements; volume 50 ml. or greater.* Packaging of material in volumes of 50 ml. or greater shall be subject to the requirements of paragraphs (d) and (e) of this section. In addition, a shock absorbent material, in volume at least equal to that of the absorbent material between the primary and secondary containers, shall be provided at the top, bottom, and sides between the secondary container and the outer shipping container. However, two or more primary containers whose combined volumes do not exceed 500 ml. may be placed in a single, secondary container. Not more than eight secondary shipping containers may be enclosed in a single outer shipping container. The maximum amount of etiologic agent which may be enclosed within a single outer shipping container shall not exceed 3,785 ml. (1 gallon).

(g) *Dry Ice; use in packaging.* If Dry Ice is used as a refrigerant, it must be placed outside the secondary container(s). If Dry Ice is used between the secondary container and the outer shipping container, the shock absorbent material shall be so placed that the secondary container does not become loose inside the outer shipping container as the Dry Ice sublimates. The outer shipping container shall be vented.

(h) *Labels, shipping documents, identification.* (1) A shipping document or manifest shall accompany shipments of etiologic agents and shall include a statement that the shipment contains etiologic agents.

(2) The outer shipping container shall bear a label with the following legend:

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[1] The requirements of this paragraph are in addition to and not in lieu of any other packaging or labeling requirements for the interstate shipment of etiologic agents established by other Federal agencies.

Biomedical material. In case of damage or leakage notify Director, CDC, Atlanta, GA (404) 633-3311.
Perishable. Protect from Heat.
DO NOT OPEN IN TRANSIT.

(3) Shipment shall be by registered mail or an equivalent system which requires or provides for notification of shipper upon delivery.

(i) *Exceptions and variations.* (1) Only the requirements of paragraph (d) of this section shall be applicable to the packaging of materials containing (i) diagnostic specimens; and containing or suspected of containing (ii) bacterial, fungal, viral, and rickettsial agents other than those specified in paragraph (c) of this section.

(2) The requirements of this section shall not be applicable to finished biological products for human or veterinary use bearing the U.S. Government license number of the manufacturer, or to finished biological products shipped prior to licensing for developmental or investigational purposes in compliance with the requirements of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. sec. 301 et seq.) and rules and regulations promulgated thereunder.

(3) The Administrator may approve variations from the requirements of this section if upon review and evaluation he finds that such variation and the required attendant changes in packaging, handling, and shipment procedures will provide protection at least equivalent to that provided by compliance with the requirements specified in this section.

(j) *Lost or damaged packages.* (1) When notice of delivery of agents listed in paragraph (c) of this section is not received by the shipper within 5 days following anticipated delivery of the package, the shipper shall promptly notify the Director, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333.

(2) Carriers transporting packages identified pursuant to the provisions of paragraph (a) of this section shall promptly, upon discovery of damage to the package that indicates damage to the primary container, isolate the package and notify the Director, Center for Disease Control, 1600 Clifton Road NE., Atlanta, GA 30333 (404) 633-3311.

(Sec. 361, 58 Stat. 703; 42 U.S.C. 264)

Dated: April 30, 1971.

VERNON E. WILSON,
Administrator, Health Services and Mental Health Administration.

Approved: May 6, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-6672 Filed 5-12-71;8:49 am]

Social and Rehabilitation Service

[45 CFR Part 903]

AREAWIDE MODEL PROJECTS ON AGING

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations relate to the program of grants or contracts to State agencies on aging for areawide projects, authorized under Title III of the Older Americans Act. Related amendments are made to existing regulations. In addition, under 45 CFR 903.20(f) and 903.23, the dates for completion of the study and report on aging are changed from July 1, 1971 to December 31, 1971.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are submitted in writing to the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within a period of 15 days from date of publication of this notice in the FEDERAL REGISTER.

Dated: April 30, 1971.

JOHN D. TWINAME,
Administrator, Social and Rehabilitation Service.

Approved: May 11, 1971.

ELLIOT L. RICHARDSON,
Secretary.

PART 903—GRANTS FOR STATE AND COMMUNITY PROGRAMS FOR THE AGING

Part 903 of Chapter IX, Title 45 of the Code of Federal Regulations is amended as set forth below.

1. Sections 903.1—903.49 are designated as "Subpart A—The State Plan."

2. Section 903.6 is revised to read as follows:

§ 903.6 Withholding of funds.

Whenever the Secretary, after reasonable notice and opportunity for hearing to the State agency administering or supervising the administration of a State plan approved under Title III of the Act, finds that (a) the State plan no longer complies with the provisions of the Act, or (b) in the administration of the plan there is a failure to comply substantially with any such provision, the Secretary shall notify such State agency that no further payments will be made to the State in connection with the State plan under Title III of the Act (or in his discretion, that further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied no further payments shall be made to such State in connection with the State plan under Title III of the Act (or payments shall be limited to programs under or portions of the State plan not affected by such failure).

3. Section 903.17 is revised to read as follows:

§ 903.17 Fiscal administration.

The State plan shall provide for such accounting systems and procedures as are adequate to control and support all fiscal activities carried on in connection with the State plan under Title III of the Act. The State plan shall provide for the maintenance by the State agency, and all community project grantees, of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed to lie against the allotments to the States.

§§ 903.20, 903.23 [Amended]

4. In §§ 903.20(f) and 903.23, the dates for completion of the Study of Status and Needs and Report on Aging are changed from "July 1, 1971" to "December 31, 1971."

5. A new Subpart B is added to Part 903 to read as follows:

Subpart B—Areawide Model Projects on Aging

§ 903.70 General.

Through grants to or contracts with State agencies as designated under § 903.10, the Commissioner is authorized to pay not more than 75 per centum of the cost of the development and operation of statewide, regional, metropolitan area, county, city, or other areawide model projects for carrying out the purpose of. Title III of the Act to be conducted by State agencies either directly or through contractual arrangements. Sections 903.71—903.82 deal with grants and § 903.83 with contracts.

§ 903.71 Program objective.

The objective of the Areawide Model Project on Aging program is to determine in geographic areas of high priority the needs of the elderly citizens, to satisfy these needs on a priority basis, and to change those conditions which either directly or indirectly pose significant barriers to those older persons who desire to live independently in the community and to participate in a full and meaningful way in community life.

§ 903.72 Conditions for approval of awards.

(a) Each application under this subpart submitted by a State agency shall include only one Areawide Model Project.

(b) Consideration will be given under this subpart only to those applications submitted by State agencies which:

(1) Establish that the area chosen for the conduct of the project contains large numbers of older persons, including a high percentage of individuals of low income;

(2) Provide for the designation of a suitable local agency of general purpose government, a local private nonprofit agency, or other local agency or entity approved by the Administration on Aging to conduct the project if the project is not to be conducted directly by the State agency, and set forth the contractual arrangement between the State agency and the local agency with respect to the conduct of the project. Such local agency must have the capacity to achieve the objective of the project throughout the area;

(3) Provide for the formation of a task force comprised of older persons and representatives of the major public and private agencies of the area having programs affecting the elderly; and for quartering of such task force in or by the local agency designated for the project, if any. Such task force shall assist in the development and implementation of the project which shall include the following functions:

(i) Identification of or updating data on the specific needs of the elderly of the area, and listing such needs in order of priority;

(ii) Planning on behalf of the elderly on an ongoing basis;

(iii) Development of a plan of action containing innovative program designs or alternative solutions, with special emphasis on cooperative and combined agency activity and joint funding arrangements, for meeting the objectives of the Areawide Model Project program and the highest priority needs of the elderly identified; and

(iv) Implementation of the plan developed on behalf of all older persons of the area having need for such services or activities specified in the plan.

(4) Propose to utilize to a maximum extent the existing public and private resources of the area to meet the needs and problems of the elderly which have been identified;

(5) Contain commitments from public and private agencies for joint and cooperative activities by such agencies to a maximum extent possible in the planning and implementation of the plan, including joint funding;

(6) Contain recognition for the project from the major political jurisdiction of the area;

(7) Provide for the use of State financial resources, wherever available, for meeting part of the cost of the project;

(8) Provide for the interrelationship of the project proposed with other related comprehensive planning or service delivery efforts of the area (if any);

(9) Provide for the employment by the State agency of a qualified staff person who will work full time, in providing leadership, technical assistance, and support to the Areawide Model Projects in the State;

(10) Provide that there will be a qualified staff person employed full time at the project level by the State agency or by the designated local agency, if any, to coordinate the activities of the task force and to direct the implementation of the plan developed under subparagraph (3)(iii) of this paragraph, and the employment of such additional staff members as may be necessary to operate the project; and

(11) Set forth a budget containing proposed estimated expenditures for a budget period covering 12 months of project operations.

§ 903.73 Categories of older persons.

The plan proposed under § 903.72 must have as its goal that services or activities of the project be available and accessible to all older persons of the project area having need for such services or activities. Provision must be made for special efforts to reach low income older persons having need for such services.

§ 903.74 Eligible applicants and review of applications.

(a) Any State agency designated under § 903.10 may file an application for an Areawide Model Project on Aging with the Commissioner. Such application shall be submitted in writing and in accordance with guidelines issued by the Commissioner. The application shall be executed by an individual authorized to act for the applicant agency and to assume the obligations imposed by the terms and conditions of any award, including the regulations of this subpart.

(b) Applicants may be requested to submit additional information while a project application is being considered by the Administration on Aging. All applications which meet the legal requirements for an award will be considered for funding. The Commissioner will determine the action to be taken with respect to each application and notify the applicant accordingly in writing.

§ 903.75 Awards.

Within the limits of funds available for such purpose, the Commissioner will award a grant to those applicants whose proposed projects will, in his judgment, best promote the purposes of title III of the Act and the objectives set forth in this subpart. All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support within the project period, grantees must make separate application in accordance with the guidelines established.

§ 903.76 Project revisions.

Projects shall be conducted in accordance with the provisions of the application as it is approved. A project grantee shall request in writing that a project be revised whenever it is proposed that the approved plan of operation or method of financing will be materially changed. The request for revision shall be submitted for approval in the same manner as the original application. Project revisions may be initiated by the Commissioner, if, on the basis of reports, it appears that the project is ineffective, or if changes are made in Federal appropriations, laws, regulations, or policies governing Areawide Model Projects.

§ 903.77 Program evaluation.

The plan developed under an Areawide Model Project must propose a feasible plan, including participation in a national evaluation of the Areawide Model Project program, to evaluate the extent to which the objectives set forth under this subpart are being met, and the impact of the program on the lives of the elderly in the project area.

§ 903.78 Payments.

The Commissioner shall from time to time make payments to a grantee of all or a portion of any grant award either in advance or by way of reimbursement for expenses to be incurred or incurred in the project period, to the extent he determines such payments necessary to promote prompt initiation and advancement of the approved project. All such payments shall be recorded by the grantee in accounting records separate from all other fund accounts, including funds derived from other grant awards. Amounts paid shall be available for expenditure by the grantee in accordance with the regulations of this subpart throughout the project period subject to such limitations as the Commissioner may prescribe.

§ 903.79 Termination.

A grant may be terminated in whole or part at any time at the discretion of the Commissioner. Noncancelable obligations properly incurred prior to the receipt of the notice of termination will be honored. The grantee shall be promptly notified of such termination in writing and given the reasons therefor.

§ 903.80 Reports.

The grantee shall make such reports to the Commissioner including reports of findings and results of evaluation, in such form and containing such information as may reasonably be necessary to enable him to perform his functions under this subpart and shall keep such records and afford such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

§ 903.81 Expenditures.

Grants under this subpart will be available to pay not to exceed 75 per centum of the costs of the project necessary to carry out the objectives set forth under this subpart and in keeping with policies set forth in Bureau of the Budget Circular A-87, or its revision.

§ 903.82 Audits.

All fiscal transactions by a grantee relating to grants under section 305 of the Act are subject to audit by the Department to determine whether expenditures have been made in accordance with the Act and this subpart.

§ 903.83 Contracts.

(a) *Eligibility.* Subject to applicable provisions in this subpart, the Commissioner is authorized to make contracts with State agencies designated under § 903.10 to carry out the purposes of Title III and section 305 of the Act.

(b) *Provisions.* Any contract under this subpart shall be entered into in accordance with, and shall conform to all applicable laws, regulations and Department policy.

(c) *Payments.* Payments under any contract under this subpart may be made in advance or by way of reimbursement and in such installments and on such conditions as the Commissioner may determine.

[FR Doc.71-6771 Filed 5-12-71;10:09 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C–12823]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 6, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C–12823, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for the Redfeather Experimental Forest.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019, Federal Building, 1961 Stout Street, Denver, CO 80202.

The Department's regulations (43 CFR 2311.1–3(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN

ROOSEVELT NATIONAL FOREST

T. 9 N., R. 72 W.,
  Sec. 7, lots 1, 2, NW¼NE¼, E½NW¼, N½NE¼SW¼.
T. 10 N., R. 74 W.,
  Sec. 26, W½W½W½; and
  Sec. 27, E½.
T. 10 N., R. 75 W.,
  Sec. 13, SW¼NE¼, W½SE¼NE¼, S½NW¼, SW¼, NW¼NE¼SE¼, N½NW¼SE¼, SW¼NW¼SE¼, W½SW¼SE¼;
  Sec. 20, S½N½S½, S½S½.
  Sec. 24, W½NW¼NE¼, N½NW¼; and
  Sec. 29, N½.

The areas described aggregate approximately 1,645 acres.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals Program Management and Land Office.

[FR Doc.71-6637 Filed 5-12-71;8:46 am]

WASHINGTON

Notice of Filing of Plat of Survey

MAY 6, 1971.

1. The plat of survey of the following described lands, will be officially filed in the Land Office, Portland, Oreg.; effective at 10 a.m. June 11, 1971.

WILLAMETTE MERIDIAN

T. 36 N., R. 3 W.,
  Sec. 5, Gull Rock;
  Sec. 6, Little Cactus Island;
  Sec. 24, Bird Rocks Light, Unnamed Island northwest of McConnell Island, Nob Island, Unnamed rock southwest of Nob Island, Low Island; and
  Sec. 25, Unnamed Island.

The area described aggregates 6.34 acres of public land.

2. The islands described above are situated within the San Juan Channel. The area of the islands ranges from barren with little soil and no vegetation to considerable soil with dense brush, grass and some trees. Some of the islands are submerged or awash at high tide.

3. The following islands:

Gull Rock.
Unnamed Island northwest of McConnell Island.
Nob Island.
Low Island.

are embraced in leases issued to the State of Washington under the Recreation and Public Purposes Act.

IRVING W. ANDERSON,
Chief, Division of Lands and Minerals Program Management and Land Office.

[FR Doc.71-6638 Filed 5-12-71;8:46 am]

Bureau of Reclamation

POTENTIAL BRANTLEY PROJECT, N. MEX.

Notice of Availability of Draft Environmental Statement

Notice is hereby given that a draft of document entitled "Environmental Statement on Brantley Project, N. Mex., Pursuant to section 102(2) (C) of the National Environmental Policy Act of 1969" dated March 1971 has been prepared as required by the Act and is being placed for public examination in offices of the Bureau of Reclamation in Washington, D.C., Amarillo, Tex., and Albuquerque, N. Mex. Persons wishing to examine a copy of the document may do so at any of the following offices:

Office of Information, Bureau of Reclamation, Room 7646, Department of the Interior, C Street between 18th and 19th Streets NW., Washington, DC 20240, telephone (202) 343-4662;

Office of the Regional Director, Bureau of Reclamation, Post Office Box 1609, Amarillo, TX 79105, Herring Plaza, 317 East Third Street, telephone (806) 376-5151;

Office of the Area Engineer, Bureau of Reclamation, Post Office Box 252, Albuquerque, NM 87103, 500 Gold Avenue SW., telephone (505) 843-29272.

Single copies of the draft statement may be obtained on request to any of the above offices.

Dated: May 4, 1971.

ELLIS L. ARMSTRONG,
Commissioner of Reclamation.

[FR Doc.71-6640 Filed 5-12-71;8:47 am]

National Park Service

GLACIER BAY NATIONAL MONUMENT

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20); public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Glacier Bay Lodge, Inc., authorizing it to provide concession facilities and services for the public at Glacier Bay National Monument, for a period of 20 years from January 1, 1972, through December 31, 1991.

The foregoing concessioner has performed its obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 29, 1971.

EDWARD A. HUMMEL,
Acting Director,
National Park Service.

[FR Doc.71-6642 Filed 5-12-71;8:47 am]

ROCKY MOUNTAIN NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5 of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20), public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Rocky Mountain Park Co. authorizing it to provide concession facilities and services for the public at Rocky Mountain National Park, Colo., for a period of 20 years from January 1, 1971, through December 31, 1990.

The foregoing concessioner has performed its obligations under an existing contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: April 29, 1971.

EDWARD A. HUMMEL,
Acting Director,
National Park Service.

[FR Doc. 71-6643 Filed 5-12-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

INTERNATIONAL COMMERCIAL EXCHANGE, INC.

Designation as Contract Market for Frozen Pork Bellies

Pursuant to the authorization and direction contained in the Commodity Exchange Act (7 U.S.C. 1 et seq., 1964 ed., as amended, Supp. V, 1970), I hereby designate the International Commercial Exchange, Inc., of New York, N.Y., as a contract market for frozen pork bellies effective on this date, as shown below. The said exchange has applied for and has otherwise complied with the requirements imposed by the said Act as a condition precedent to such designation.

The designation is subject to suspension or revocation in accordance with the provision of said Act. For the purpose of any such suspension or revocation, this designation and the order issued by the Secretary of Agriculture on April 9, 1970, designating the said exchange as a contract market for the commodities specified in such order, may constitute either a single designation or several designations.

Issued this 10th day of May 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6656 Filed 5-12-71;8:48 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[File: 26(70)-8]

HERTZ RESEARCH LABORATORY AND D. K. CHAN

Order Temporarily Denying Export Privileges

In the matter of Hertz Research Laboratory and D. K. Chan, Sincere Insurance Building, 17th Floor, West Wing, 4 Hennessy Road, Hong Kong, B.C.C., respondents.

The Director, Investigations Division, Office of Export Control, Bureau of International Commerce, pursuant to § 388.11 of the Export Control Regulations, has applied to the Compliance Commissioner for an order against the above respondents temporarily denying all U.S. export privileges. The Compliance Commissioner has reviewed the application and the evidence and has recommended that the application be granted.

On February 19, 1971, effective as of February 25, 1971 (36 F.R. 3476), an order was issued against the above respondents denying U.S. export privileges for an indefinite period. Said order was issued because respondents failed to answer interrogatories and furnish records as required by § 388.15 of the Export Control Regulations, without good cause being shown for such failure. The respondents have now answered the interrogatories responsively. Accordingly, pursuant to said § 388.15, the indefinite denial order is hereby terminated.

The evidence presented shows that Hertz Research Laboratory was established in December 1968 as an importer and distributor of electronic and scientific instruments and components; the firm has a place of business in Hong Kong; Mrs. Ekila S. Chan, wife of the respondent D. K. Chan, also known as Damon K. Chan, is the registered proprietor of the firm; the respondent D. K. Chan is the active manager of the firm.

On the basis of the evidence presented there is reasonable basis to believe that during the years 1969–70 the respondent firm, acting through the respondent Chan, ordered and received strategic equipment from U.S. suppliers having an aggregate value of approximately $30,000; that in addition to the commodities received by respondents they ordered additional strategic commodities from U.S. suppliers, having an aggregate value of approximately $30,000; that the commodities received by respondents were knowingly disposed of contrary to the provisions of the U.S. Export Control Regulations; that the respondents intended to dispose of the commodities they ordered, but which were not received, contrary to the provisions of said regulations; that in the course of the investigation regarding the disposition and intended disposition of the aforementioned commodities the respondents made false and misleading statements and representations to and concealed material facts from, duly authorized representatives of the Office of Export Control.

It is expected that within the next 30 days the Director, Investigations Division will issue a charging letter against the respondents charging them with violations of the Export Control Regulations.

I find that it is reasonably necessary to protect the public interest pending final disposition of the proceedings that an order be issued against respondents temporarily denying all U.S. export privileges, the said order to be effective until the completion of administrative compliance proceedings.

Accordingly, it is hereby ordered:

I. This order supersedes the indefinite denial order issued against the above respondents on February 19, 1971, and published in the FEDERAL REGISTER on February 25, 1971 (36 F.R. 3476).

II. The respondents, their assigns, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported from the United States, in whole or in part, or to be exported, or which are otherwise subject to the Export Control Regulations. Without limitation of the generality of the foregoing, participation prohibited in any such transaction, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to any validated export license application; (b) in the preparation or filing of any export license application or reexportation authorization, or any document to be submitted therewith; (c) in the obtaining or using of any validated or general export license or other export control document; (d) in the carrying on of negotiations with respect to or in the receiving, ordering, buying, selling, delivering, storing, using, or disposing of any commodities or technical data in whole or in part exported or to be exported from the United States; and (e) in the financing, forwarding, transporting, or other servicing of such commodities or technical data.

III. Such denial of export privileges shall extend not only to the respondents, but also to their agents and employees and to any person, firm, corporation, or business organization with which they now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of trade or services connected therewith. This order is also applicable to Eckila S. Chan, registered proprietor of the respondent Hertz Research Laboratory.

IV. This order shall become effective forthwith and shall remain in effect until the completion of administrative compliance proceedings which will be instituted against the respondents.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Bureau of International Commerce, shall do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondents, or whereby the respondents may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States, by, to, or for any respondent, or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any exportation, reexportation, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

VI. A copy of this order shall be served on respondents.

VII. In accordance with the provisions of § 388.11(c) of the Export Control Regulations, the respondents may move at any time to vacate or modify this temporary denial order by filing with the Compliance Commissioner, Bureau of International Commerce, U.S. Department of Commerce, Washington, D.C. 20230, an appropriate motion for relief, supported by substantial evidence, and may also request an oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner, at Washington, D.C., at the earliest convenient date.

Dated: May 4, 1971.

RAUER H. MEYER,
Director,
Office of Export Control.

[FR Doc.71-6659 Filed 5-12-71;8:48 am]

National Oceanic and Atmospheric Administration

[Loan Case No. S-471]

B & H FISHERIES, INC.

Notice of Transfer of Fishery

MAY 6, 1971.

B & H Fisheries, Inc., Route 2, Box 74-24, Ruddell Road, Olympia, WA 98500, owner of the vessel "Point Omega" purchased with the aid of a Fisheries Loan to engage in the fishery for Dungeness crab, king crab, Tanner crab, shrimp, albacore tuna and salmon by hook and line, have requested permission to extend their fishing operations to engage in the fishery for Dungeness crab, king crab, Tanner crab, shrimp, albacore tuna, salmon by hook and line, and sablefish.

Notice is hereby given that the above request is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6621 Filed 5-12-71;8:45 am]

[Docket No. G-498]

ROY P. ROCK

Notice of Loan Application

MAY 6, 1971.

Roy P. Rock, Post Office Box 425, Port Isabel, TX 78578, has applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a used 56.1-foot registered length wood vessel to engage in the fishery for shrimp.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6622 Filed 5-12-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

AMERICAN HOECHST CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2672) has been filed by American Hoechst Corp., Somerville, N.J. 08876, proposing that § 121.1179 *Coatings on fresh citrus fruit* (21 CFR 121.1179) be amended to provide for the safe use of formulations comprised of polyhydric alcohol diesters of oxidatively refined (Gersthoffen process) montan wax acids and the adjuvants petroleum naphtha, morpholine, and salts of fatty acids as coatings on fresh citrus fruits.

Dated: April 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6629 Filed 5-12-71;8:46 am]

AMWAY CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2627) has been filed by Amway Corp., 7575 East Fulton Road, Ada, Mich. 49301, proposing that § 121.1225 *Adjuvants for pesticide use dilutions* (21 CFR 121.1225) be amended to provide for the safe use of the following adjuvants in emulsifier blends that are added to the herbicide atrazine by a grower or applicator prior to application to the growing corn:

1. A diethanolamide condensate based on a mixture of saturated and unsaturated fatty acids (C_{16}–C_{18}); a diethanolamide condensate based on stripped coconut fatty acids; and α-(C_{10}–C_{16})-*omega*-hydroxypoly(oxyethylene), the poly(oxyethylene) content averaging 3–20 moles, as surfactants; and

2. Ethylenediamine-tetraacetic acid tetrasodium salt as a sequestrant.

Dated: April 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6630 Filed 5-12-71;8:46 am]

BORDEN, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2674) has been filed by Borden, Inc., 650 Madison Avenue, New York, N.Y. 10017, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of glycine as a flavor agent in flavoring compounds.

Dated: April 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6631 Filed 5-12-71;8:46 am]

DIAMOND CRYSTAL SALT CO.

Notice of Withdrawal of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b), 72 Stat. 1786; 21 U.S.C. 348(b)), the following notice is issued:

In accordance with § 121.52 *Withdrawal of petitions without prejudice of* the procedural food additive regulations (21 CFR 121.52), Diamond Crystal Salt Co., Packet Products Division, 10 Burlington Avenue, Wilmington, Mass. 01887, has withdrawn its petition (FAP 1A2579), notice of which was published in the FEDERAL REGISTER of September 1, 1970 (35 F.R. 13853), proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of glycine as a diluent and flavor-masking agent for saccharin in sugar substitutes for table use.

Dated: May 6, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6636 Filed 5-12-71;8:46 am]

E. I. DU PONT DE NEMOURS & CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2676) has been filed by E. I. du Pont de Nemours & Co., 1007 Market Street, Wilmington, Del. 19898, proposing that § 121.2514 *Resinous and polymeric coatings* (21 CFR 121.2514) be amended to provide for the safe use of methacrylonitrile grafted polybutadiene copolymers as components of resinous and polymeric coatings used as food-contact surfaces of articles intended for use in producing, manufacturing, packaging, transporting, or holding food.

Dated: April 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6632 Filed 5-12-71;8:46 am]

EASTMAN CHEMICAL PRODUCTS, INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1A2675) has been filed by Eastman Chemical Products, Inc., Kingsport, Tenn. 37662, proposing the issuance of a regulation (21 CFR Part 121) to provide for the safe use of glycine as a stabilizer in monoglycerides and diglycerides prepared by the glycerolysis of edible fats or oils.

Dated: April 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6633 Filed 5-12-71;8:46 am]

ONYX CHEMICAL CO.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2652) has been filed by Onyx Chemical Co., 190 Warren Street, Jersey City, N.J. 07302, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use of a sanitizing solution containing equal amounts of *n*-alkyl dimethyl benzyl ammonium chloride and *n*-alkyl dimethyl ethylbenzyl ammonium chloride as an udder wash prior to milking operations.

Dated: April 30, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6634 Filed 5-12-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ASSISTANT SECRETARY FOR EQUAL OPPORTUNITY AND ASSISTANT SECRETARY FOR HOUSING MANAGEMENT

Delegation of Authority

SECTION A. *Assistant Secretary for Equal Opportunity.* The Assistant Secretary for Equal Opportunity is authorized to act as the responsible Department official in all matters relating to the carrying out of the requirements of title VI of the Civil Rights Act of 1964 as such authority is set forth in HUD's regulations and procedures promulgated thereunder and published in 24 CFR Parts 1 and 2, except with respect to the approval of tenant selection and assignment plans of local housing authorities pursuant to 24 CFR 1.4(b)(2)(ii) and except that no procedure for effecting compliance with 24 CFR Part 1 pursuant to 24 CFR 1.8 shall be initiated by the Assistant Secretary for Equal Opportunity without the concurrence of the Secretary.

SEC. B. *Assistant Secretary for Housing Management.* The Assistant Secretary for Housing Management is hereby delegated the authority to act as the responsible Department official with respect to the approval of tenant selection and assignment plans of local housing authorities as such authority is set forth in 24 CFR 1.4(b)(2)(ii).

Effective date. These delegations of authority shall be effective as of May 13, 1971.

GEORGE ROMNEY,
Secretary of Housing
and Urban Development.

[FR Doc.71-6712 Filed 5-12-71;8:52 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-255]

CONSUMERS POWER CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and to the Atomic Energy Commission's regulations in 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on Environmental Considerations Related to the Proposed Issuance of an Operating License to the Consumers Power Company for the Palisades Plant" by the U.S. Atomic Energy Commission is being placed in the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in Suite 201, Kalamazoo City Hall, 241 West South Street, Kalamazoo, MI, where it will be available for public inspection. Appended to the statement are the applicant's environmental report and the comments of various Federal and state agencies. Single copies of the statement may be obtained by writing to the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 6th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6620 Filed 5-12-71;8:45 am]

[Docket No. 50-309]

MAINE YANKEE ATOMIC POWER CO.

Notice of Consideration of Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to the Maine Yankee Atomic Power Co. (Maine Yankee) which would authorize Maine Yankee to possess, use, and operate the Maine Yankee Atomic Power Station (the facility) at steady state power levels not to exceed 2,440 megawatts (thermal), in accordance with the provisions of the license and appended Technical Specifications. The facility is a pressurized water reactor, and is located in Wiscasset, Maine. Construction of this facility was authorized by Provisional Construction Permit No. CPPR-55 issued by the Commission on October 21, 1968.

No such operating license will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation for the facility by the AEC Division of Reactor Licensing, and findings by the Commission that the application for the facility license (as amended) comply with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter I.

Prior to issuance of an operating license for the facility, it will be inspected by the Commission to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR–55. The license for the facility will not be issued until the Commission has made the findings, reflecting its review of that application, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of any license, Maine Yankee will be required to execute an indemnity agreement, as appropriate, as required by section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction of the facility has not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial fuel loading and low power testing for that facility prior to the issuance of the full power license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER Maine Yankee may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of parctice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Prior to issuance of an operating license for the facility, the Commission will issue a detailed environmental statement. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to matters under consideration see (1) the Maine Yankee application for the facility license dated September 26, 1967, as amended, and as they become available, (2) the report of the Advisory Committee on Reactor Safeguards on the application for this facility, (3) the proposed facility operating license, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating license, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (3) and (5) may be obtained when available upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545. Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 10th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6695 Filed 5-12-71;8:52 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE ARMY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Army to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Assistant Secretary of the Army (I&L) for Planning, Office, Secretary of the Army.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6678 Filed 5-12-71;8:50 am]

DEPARTMENT OF COMMERCE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Commerce to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Under Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6679 Filed 5-12-71;8:50 am]

DEPARTMENT OF DEFENSE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Defense to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the ASD (M&RA) for Drug Abuse Control, Office of Assistant Secretary of Defense (Manpower and Reserve Affairs).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6680 Filed 5-12-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Director, Office of Special Concerns, Office of the Assistant Secretary for Planning and Evaluation, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6682 Filed 5-12-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Community Development/Director, Center for Community Planning, Office of the Assistant Secretary for Community and Field Services, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6683 Filed 5-12-71;8:50 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Health, Education, and Welfare to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner, Office of Education.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6684 Filed 5-12-71;8:50 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Solicitor for Procurement and Patents, Office of the Solicitor.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6685 Filed 5-12-71;8:51 am]

DEPARTMENT OF THE INTERIOR

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Associate Solicitor, Water Resources and Procurement.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6686 Filed 5-12-71;8:51 am]

DEPARTMENT OF JUSTICE

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Attorney General, Civil Division.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6687 Filed 5-12-71;8:51 am]

DEPARTMENT OF JUSTICE

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Executive Assistant, Civil Division, Office of the Assistant Attorney General.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6688 Filed 5-12-71;8:51 am]

DEPARTMENT OF LABOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Labor to fill by noncareer executive assignment in the excepted service in the position of Deputy Director, Office of Federal Contract Compliance, Office of the Assistant Secretary for Workplace Standards.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6689 Filed 5-12-71;8:51 am]

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Administrator for Research and Environmental Assessment, Office of Assistant Administrator for Research and Monitoring.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6681 Filed 5-12-71;8:50 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Legal Services, Office of Legal Services.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6690 Filed 5-12-71;8:51 am]

OFFICE OF ECONOMIC OPPORTUNITY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Office of Economic Opportunity to fill by noncareer executive assignment in the excepted service the position of Associate Director for Congressional, Governmental and Private Sector Relations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6691 Filed 5-12-71;8:51 am]

SMALL BUSINESS ADMINISTRATION

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Small Business Administration to fill by noncareer executive assignment in the excepted service the position of Associate General Counsel, Finance.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-6692 Filed 5-12-71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. E–7560]

DELMARVA POWER & LIGHT CO.

Order Regarding Rate Schedule Changes

MAY 6, 1971.

Order granting motion in part, permitting rate schedule changes during suspension period, accepting for filing those rate schedule changes, permitting those rate schedule changes to become effective as hereinafter ordered, and waiving the filing of certain statements.

Delmarva Power & Light Co. and its Maryland and Virginia subsidiary companies (Delmarva), public utilities subject to the jurisdiction of this Commission, on September 18, 1970, tendered for filing proposed rate schedule changes. By order issued November 27, 1970, the Commission, among other things, rejected Delmarva's filing as it pertained to the city of Dover, Del., and suspended the remainder of the filing until May 1, 1971. The order further provided that the rate schedules for service to rural electric cooperatives should not take effect until the expiration of their present contracts with Delmarva on October 1, 1971.

Interventions were granted by Commission order issued February 22, 1971, and by further Commission order issued March 2, 1971, Delmarva was permitted to make certain changes in its present rate schedules during the period of suspension.

On January 22, 1971, Delmarva filed a motion for leave to change the fuel adjustment clause set forth in its currently effective rates, the requested change to be effective March 1, 1971. In addition, the motion requested leave to change the fuel adjustment clause set forth in its suspended rates filed September 18, 1970, that change to become effective on May 1, 1971 .

On February 24, 1971, Delmarva filed a motion requesting withdrawal of the tendered filing of January 22, 1971, and requested leave to substitute in lieu thereof a revised fuel adjustment clause proposing to amend the same rate schedules as of the same dates requested in its tendered filing of January 22, 1971.

The motion requests the substitution of the fuel clause adjustment tendered for filing on February 24, 1971, in the following rate schedules:

(1) Presently effective rate schedules and tariffs.

(2) Rate Schedules and tariffs which were not covered by the Commission's order issued November 27, 1970.

(3) Rate Schedules and tariffs suspended by the Commission's order issued November 27, 1970.

The motion requests the waiver of the following requirements of the Commission's regulations:

(4) Waiver of filing statements A through O otherwise required by the Commission's § 35.13(b)(4).

(5) Waiver of filing statements comparing sales and services and revenues therefrom, by months and for the year, as they apply to items (1) and (2) above, as otherwise required by § 35.13(b)(1) of the Commission's regulations.

(6) Waiver of prior notice to purchasers otherwise required by § 35.13(b)(4)(i) and if applicable § 35.3 of the Commission's regulations.

It is requested that the filing be made effective March 1, 1971, as it applies to items (1) and (2) above. With regard to item (3) above, it is requested that the substitution be accepted as an original part of Delmarva's September 18, 1970, filing and effective of that date subject to the Commission's order issued November 27, 1970. Finally, Delmarva's motion requests consolidation of filings permitted by this order with the presently pending proceeding.

The municipalities of Dover, Newark, and Seaford, Del., and Cooperatives, all parties to this proceeding, filed supplemental protests to Delmarva's tendered filing.

Dover, Del., and the Cooperatives contend that the tendered fuel clause adjustment filing should be rejected as it applies to them, on the ground that it cannot legally be filed at this time. In addition, interveners contend that the tendered fuel adjustment clause is improperly structured due to the method of calculating the "Base Cost of Fuel", and that the dollar impact of the fuel adjustment clause does not warrant the waiver of the Commission's regulations to allow the proposed fuel adjustment clause amending currently effective rates to become effective on March 1, 1971, and in addition contend that the proposed amendment be suspended for 5 months.

As was the case with respect to Delmarva's initial rate increase filing, the tendered fuel adjustment clause as it pertains to the city of Dover, Del., must be rejected. The city of Dover's contract with Delmarva does not expire until July 1, 1972, and does not provide for unilateral filing of rate changes. Delmarva has failed to show, as required by § 35.13(a) of our regulations (18 CFR 35.13(a)), that all requisite agreement to the proposed change has in fact been obtained. Such rejection is without prejudice to a refiling upon Delmarva's obtaining and showing such requisite agreement on the part of the city of Dover.

Although Delmarva's tendered filng is proposed to become effective March 1, 1971, with respect to its currently effective rates, and May 1, 1971, with respect to its now suspended rates, the proposed tariffs providing for service to the Cooperatives would not apply until the contracts incorporated in present rate schedules have been replaced by executed service agreements under the tariffs. In this connection, pursuant to the contracts involved, Delmarva has given 12 months notice to the Cooperatives of its intent to terminate the presenly applicable rate schedules as of October 1, 1971.

The Commission has not found sufficient cause for allowing amendment of Delmarva's currently effective rates by the proposed fuel adjustment clause to be effective as of March 1, 1971. The Commission would have accepted the proposed amendment to existing rates effective as of May 1, 1971, subject to refund. Since, however, Delmarva's suspended rates go into effect May 1, 1971, pursuant to our order issued November 27, 1970, acceptance of an amendment to the now effective rates, to be applied as of May 1, 1971, is unnecessary since those rates will be superceded on that same day by Delmarva's now suspended rate schedules.

The Commission further finds:

(1) Good cause exists for permitting Delmarva to change its proposed rate schedule supplements, identified in Appendix A attached hereto, during the suspension period and to accept for filing the tendered fuel adjustment clause subject to all of the terms and conditions of the Commission's order issued November 27, 1970, as supplemented and amended by orders issued February 22, 1971, and March 2, 1971.

(2) It is necessary and appropriate that the tendered fuel clause proposing to amend rate schedule supplements for service to the city of Dover, Del., be rejected for filing.

(3) It is necessary and appropriate for purposes of the Federal Power Act, particularly sections 205, 206, 301, 307, 308, and 309 thereof, and the Commission's rules and regulations thereunder, that the Commission enter upon a hearing concerning the lawfulness of the rate changes accepted for filing by this order, in accordance with the procedures set forth below.

The Commission orders:

(A) Delmarva is hereby permitted to withdraw its proposed fuel adjustment clause, tendered for filing on January 22, 1971.

(B) Delmarva is hereby permitted to change its now suspended rate schedule supplements during the period of suspension, and its tendered filing of a fuel adjustment clause on February 24 1971, as an amendment to the suspended rate schedule supplements (identified in Appendix A) is accepted for filing.

(C) The acceptance for filing of the fuel adjustment clause as an amendment to Delmarva's suspended rate schedules is expressly made subject to all the terms and conditions of the Commission's order issued November 27, 1970, as amended and supplemented by orders issued February 22, 1971, and March 2, 1971, in this proceeding.

(D) The tendered fuel adjustment clause as it amends rate schedule supplements pertaining to service to the city of Dover, Del., is rejected for filing and returned to Delmarva. One copy will be retained in the Commission's files for information purposes only.

(E) Pending the hearing and decision thereon, the tendered fuel adjustment clause, as it amends the suspended rate schedules, designated in Appendix A attached hereto, is likewise suspended until May 1, 1971. On that date those filings shall take effect in the manner, prescribed by the Federal Power Act, and Delmarva, subject to further orders of the Commission, shall change and collect the increased rates and charges set forth in that filing for all power sold and delivered thereunder. *Provided, however,* That the fuel adjustment clause as it amends rate schedules for service to the rural electric Cooperatives shall not take effect until the expiration of their present contracts with Delmarva.

(F) Delmarva shall refund at such times and in such manner as may be required by final order of the Commission the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 7 percent per annum, from the date of payment until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all the amounts received by reason of the increased rates and charges effective as of May 1, 1971, for each billing period; and shall report (original and one copy) in writing and under oath, to the Commision monthly, for each billing period, the billing determinants of electric energy sold and delivered under the subject rate schedules, and the revenues resulting therefrom as computed under the rates in effect immediately prior to May 1, 1971, and under the rates and charges made effective by this order, together with the differences in the revenues so computed.

(G) All requests for relief in Delmarva's motion of February 24, 1971, not specifically granted by this order are hereby denied.

(H) The filing requirement with respect to Statements A through O as required by § 35.13(b)(4) of the Commission's regulations under the Federal Power Act is hereby waived.

(I) Unless otherwise ordered by the Commission, Delmarva shall not change the terms or provisions of the suspended rate schedules or of its presently effective rate schedules until this proceeding has been terminated or until the period of suspension has expired.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

DELMARVA POWER & LIGHT CO. AND SUBSIDIARIES

Designations of Instruments Effecting Revision of Fuel Clause

A. Proposed changes in Tariff rates for municipal and private company customers.

Delmarva Power & Light Co. Second Revised Sheet No. 7 to FPC Electric Tariff Volume No. 2 (Supersedes First Revised Sheet No. 7).

Delmarva Power & Light Company of Maryland. Second Revised Sheet No. 7 to FPC Electric Tariff Volume No. 2 (Supersedes First Revised Sheet No. 7).

B. Proposed changes in new tariffs intended to replace present rate schedules covering service to cooperative customers.

Delmarva Power & Light Co. First Revised Sheet No. 6 to FPC Electric Tariff Volume No. 3 (Supersedes Original Sheet No. 6).

Delmarva Power & Light Company of Maryland. First Revised Sheet No. 6 to FPC Electric Tariff Volume No. 3 (Supersedes Original Sheet No. 6).

Delmarva Power & Light Company of Virginia. First Revised Sheet No. 6 to FPC Electric Tariff Volume No. 1 (Supersedes Original Sheet No. 6).

[FR Doc.71-6662 Filed 5-12-71;8:49 am]

[Docket No. CP61-92]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

MAY 6, 1971.

Take notice that on April 26, 1971, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP61-92 a petition to amend the Commission's order issued January 11, 1965 (33 FPC 34), as amended, granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing the construction and operation of certain pipeline and related facilities to enable petitioner to exchange with and deliver additional volumes of natural gas to Northern Natural Gas Co. (Northern), all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of January 11, 1965, as amended, authorized the construction and operation of certain facilities and the delivery of natural gas to Northern, by petitioner, on an exchange basis, at certain designated points in Ochiltree County, Tex. Petitioner states that it has additional quantities of natural gas available from the Cotton Petroleum-Jines No. 1 well located in Ochiltree County and seeks herein authorization to construct and operate approximately 5,210 feet of 4½-inch pipeline and related facilities to connect this source of natural gas to Northern's system and to deliver natural gas produced therefrom to Northern, on an exchange basis.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6667 Filed 5-12-71;8:49 am]

[Docket No. CP71-256]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 10, 1971.

Take notice that on April 26, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71-256 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval of the Commission to abandon certain natural gas compression facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specfically, applicant seeks permission and approval to abandon, by removal and salvage, three 165 horsepower compressor units located at its Beaver Compressor Station in Beaver County, Okla. Applicant states that these three units were installed pursuant to authorization granted by the Commission in Docket No. G-17849, and that they have not been operated since 1968. Applicant states further that gathering system pressures are continually declining and that it has installed additional compressor facilities pursuant to budget-type authorizations to replace the three 165 horsepower units which are no longer suitable or sufficient for operation at the Beaver Compressor Station. No change in daily deliverability capacity of the station is proposed.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protest filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's Rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6668 Filed 5-12-71;8:49 am]

[Project No. 176]

ESCONDIDO MUTUAL WATER CO.

Notice of Application for New License for Constructed Project

MAY 3, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a, 825r) by Escondido

Mutual Water Co. (correspondence to: Richard S. Harper, Secretary, Escondido Mutual Water Co., 620 North Ash Street, Escondido, CA 92025) for constructed Lake Wohlford Project No. 176 located on San Luis Rey River and Escondido Creek in San Diego County, Calif. The project affects lands of the United States, including lands within the reservations of the LaJolla, Rincon, and San Pasqual Bands of Mission Indians. The present license for the project expires June 24, 1974.

The project consists of a concrete diversion dam about 16 feet high on San Luis Rey River; a conduit about 15 miles in length consisting of tunnels, canals, a syphon and flumes conveying the flow into Bear Valley Creek which discharges into Lake Wohlford; Lake Wohlford Reservoir having a maximum storage capacity of 6,900 acre-feet with a surface area of 224 acres; Lake Wohlford Dam on Escondido Creek, a combination rock fill and hydraulic fill structure with maximum height of 100 feet; outlet works connected to a pipeline 3,400 feet in length and penstock 830 feet long extending to the Bear Valley powerhouse, containing 3 generating units totaling 520 kilowatts, operating under a head of 490 feet; the Rincon powerhouse which utilizes water from the conduit at a point 6 miles below the San Luis Rey River diversion dam where it is diverted through a 2,100-foot long penstock extending to the powerhouse, containing 2 generating units totaling 240 kilowatts, operating under a head of 820 feet; two operator's cottages, one at Rincon powerhouse and one at the diversion dam; telephone lines, powerlines, access roads and trails necessary to operate and maintain project works; and other facilities and interests appurtenant to the project.

According to the application about 95 percent of the project power is sold to San Diego Gas & Electric Co. and about 5 percent is sold to the Rincon Indians for pumping purposes.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6654 Filed 5-12-71;8:48 am]

[Docket No. E-7561]

HOLYOKE WATER POWER CO. ET AL.

Order Instituting Investigation, Consolidating Proceedings, and Directing That Hearing Be Held

MAY 10, 1971.

On January 19, 1971, the Massachusetts Division of Fisheries and Game, the Connecticut Board of Fisheries and Game, the New Hampshire Fish and Game Department, and the Vermont Fish and Game Department filed a petition requesting a hearing concerning restoration of runs of American shad and Atlantic salmon on the Connecticut River at Project No. 2004 of the Holyoke Water Power Co., Project No. 1889 of the Western Massachusetts Electric Co., and Projects Nos. 1855, 1892, and 1904 of the New England Power Co. Petitioners request, inter alia, that this Commission order that fish passage facilities be installed at the above projects, appending a letter to this Commission from the Secretary of the Interior requesting the staged installation of such facilities.

Licensees, Holyoke Water Power Co. and Western Massachusetts Electric Co., in their answer, of March 22, 1971, to the petition, concurred in the request for a hearing, while indicating reservations as to the appropriate time schedule and type of fish facility. New England Power Co., on April 15, 1971, filed an answer in opposition to the petition. It is contended by New England Power Co. that it has not been demonstrated by the successful operation of fish passage facilities at a downstream dam that such facilities at its upstream dams are necessary, and it objects to a hearing at this time and to the installation of fish passage facilities at its dams until such time as it has been demonstrated that anadromous fish runs can be successfully established above these respective dams in the Connecticut River.

The restoration of runs of the anadromous American shad and the Atlantic salmon on the Connecticut River and appropriate measures to be taken at licensed projects appear to be matters of concern under the licenses for Projects Nos. 1855, 1889, 1892, 1904, and 2004, sections 4, 10, 14, 15, 18, 306, 307, 308, 309, and 311 of the Federal Power Act, and the Anadromous Fish Conservation Act, 16 U.S.C.A., sec. 757(a) et seq., the Fish and Wildlife Coordination Act, 16 U.S.C.A., sec. 661 et seq., the Federal Water Pollution Control Act, 31 U.S.C.A., sec. 1151 et seq.; and the National Environmental Policy Act, 42 U.S.C.A., sec. 1321 et seq.

The Commission further finds: It is appropriate for the purposes of the Federal Power Act, particularly sections 4, 10, 14, 15, 18, 306, 307, 308, 309, and 311 thereof to institute an investigation into the matters raised in the above-mentioned petition and responses, and to consolidate the proceedings and order a public hearing respecting these matters.

The Commission orders:

(A) An investigation is hereby instituted into the matters referred to above.

(B) The proceeding upon the petition of the Massachusetts Division of Fisheries and Game, the Connecticut Board of Fisheries and Game, the New Hampshire Fish and Game Department, and the Vermont Fish and Game Department and the investigation ordered herein are hereby consolidated for a public hearing which shall be held at a time and place to be designated by the Presiding Examiner respecting the matters involved and questions presented in this proceeding, including those raised in the answers to the petition.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6663 Filed 5-12-71;8:49 am]

[Docket No. E-7625]

MISSISSIPPI POWER CO.

Notice of Proposed Rate Schedule Changes

APRIL 28, 1971.

Take notice that on April 19, 1971, Mississippi Power Co. (Mississippi) tendered for filing its proposed MRA-11 rate schedule applicable to wholesale electric power service to any Cooperative Electric Power Association for distribution and resale directly and only to ultimate consumers. The rate schedule filing is in response to the Commission's Opinion No. 593 issued February 18, 1971, in Mississippi Power Company, Docket No. E-7112. The proposed rate schedule will increase Mississippi's revenues by approximately $900,000 over the revenues received for its jurisdictional sales to the Cooperatives during 1970.

In its submittal, Mississippi stated that it has not had sufficient time to compile and prepare all of the data required by Part 35 of the Commission's regulations under the Federal Power Act. It anticipates that the balance of the supporting data required by the regulations will be tendered for filing on or before August 15, 1971, and therefore proposes that its MRA-11 rate schedule be made effective 60 days after such tender. In the meantime, Mississippi stated that it considers the surcharge or "dual rate" provision of its MRA-9 rate schedule to be inoperative and does not propose to apply such provision to service on and after February 18, 1971. Mississippi considers its MRA-9 rate applicable to its wholesale service to the cooperatives and that that rate will remain in effect until its tendered MRA-11 rate, or some other rate, will become effective for such service.

Copies of the filing have been served on Mississippi's customers.

Any person desiring to be heard or make protest with reference to said application should on or before May 26,

1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein, must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6655 Filed 5-12-71;8:48 am]

[Docket No. RP71-107]

NORTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

MAY 3, 1971.

Take notice that on April 26, 1971, Northern Natural Gas Co. (Northern) tendered for filing proposed changes in its FPC Gas Tariff,[1] Third Revised Volume No. 1, to become effective May 27, 1971. The proposed tariff revisions would increase charges for jurisdictional sales and services by approximately $18,323,823 annually, based on sales for the 12-month period ended December 31, 1970, as adjusted.

The increase in rates is proposed to be recovered in the commodity component of the rate schedules. The proposed commodity charges of all rate schedules, except WPS-1, are increased by 2.67 cents per Mcf and Rate Schedule WPS-1 by 17.67 cents per Mcf.

Northern states that the principal reasons for the proposed rate increase are increases in the (1) cost of gas supplies; (2) income, property and payroll taxes; and (3) cost of construction, wages and supplies expenses; and advance payments required to obtain a new source of gas supply from Canada and Montana. The claimed rate of return sought is 9 percent.

Northern's filing consists of two alternate sets of revised tariff sheets, the first of which contains a proposed new section to be included in the general terms and conditions of the tariff providing for monthly billing adjustments to reflect current changes in Northern's unit cost of purchased gas. Northern asks that the Commission waive the provisions of the regulations to the extent necessary for purposes of accepting for filing proposed tariff sheets incorporating such proposed purchased gas adjustment provisions. In the event the Commission will not waive such regulations for such purposes, then Northern requests that the Commission accept for filing the alternate set of revised tariff sheets, which does not contain a purchased gas adjustment provision.

The tariff sheets as submitted propose, among other things, the following: (1) A limitation in the applicability provision of the CD-1 Rate Schedule which would restrict Northern's customers from consuming gas in their own plants or reselling it to large-volume consumers if the total fuel input requirements of such plants or large-volume consumers are in excess of 25,000 Mcf per day equivalent; (2) changes in penalty provisions which would be as much as $20 per Mcf for takes of unauthorized overrun gas in excess of 5 percent of the contract demand; (3) revisions in Northern's PL-1 Rate Schedule to incorporate some of the changes to be made in the CD-1 Rate Schedule; (4) a notice of cancellation of Northern's R-1 Rate Schedule and the filing of a proposed AOS-1 Rate Schedule providing for the sale of any interruptible overrun gas which may become available on the basis of the ratio that each purchaser's contract demand bears to the total contract demand of the customers to whom overrun gas may be offered in a given operational area; (5) the filing of a proposed EG-1 Rate Schedule which would permit the sale of excess gas, when available, to customers for meeting the requirements of large-volume consumers whose total fuel input requirements exceed 25,000 Mcf per day equivalent, such gas to be offered in the ratio that each customer's interruptible industrial plant requirements for excess gas bears to the total of such requirements of all customers desiring to purchase such gas in a given operational area; (6) a notice of cancellation of the PO-1 Rate Schedule which provided for the sale of interruptible pipeline overrun service; (7) a notice of cancellation of the IPS-1 Rate Schedule which provided for initial period service for newly certificated communities; and (8) a large number of changes to the general terms and conditions of Northern's tariff, including revisions of paragraph 9 to state clearly that Northern shall have the right to reduce the delivery of gas below the contract demand during the months of April to October, both inclusive, to facilitate the annual replenishment of underground storage by permitting Northern to curtail down to 85 percent of the contract demand in the months of April and October and down to 70 percent of the contract demand in the months of May through September.

The proposed new curtailment provisions in Paragraph 9, permitting curtailment of contract demand down to 70 percent, would become effective under the proposed new tariff sheets, only after sales to large-volume consumers using more than 25,000 Mcf per day have been discontinued, unless, and to the extent, there is an outstanding certificate of public convenience and necessity issued by the Commission specifically authorizing the sale of gas on a firm basis to such a large-volume consumer (First Revised Sheet No. 15).

Northern states that copies of its filing have been mailed to all of its customers and to the State Commissions of Illinois, Iowa, Kansas, Michigan, and Wisconsin, and to the Suburban Rate Authority of Minneapolis, Minn.

Any person desiring to be heard or to make any protest with reference to the said application should on or before May 18, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[F.R. Doc. 71-6656 Filed 5-12-71; 8:48 am]

[Docket No. CP71-267]

NUECES INDUSTRIAL GAS CO.

Notice of Application

MAY 10, 1971.

Take notice that on May 6, 1971, Nueces Industrial Gas Co. (applicant), Post Office Drawer 521, Corpus Christi, Tex. 78403, filed in Docket No. CP71-267 an application pursuant to section 7(c) of the Natural Gas Act and pursuant to Order No. 431 in Docket No. R-418 for a limited-term certificate of public convenience and necessity, with pregranted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has been advised by Transco that the latter has an existing gas supply emergency on its system and that unless Transco receives emergency gas supplies of the type proposed herein, it will be required to employ procedures for curtailment of firm service.

Applicant seeks a limited-term certificate with pregranted abandonment to sell up to a maximum daily volume of 250,000 Mcf of natural gas to Transco for a one-year period commencing May 11, 1971, or as soon thereafter as the requisite certificate authorization is issued herein. Gas will be sold at a rate of 33.5 cents per Mcf.

Applicant will make this emergency sale to Transco at an existing point of connection between the two companies' systems upstream of Transco's Station 05 in Bee County, Tex., and such other points as may be mutually agreeable and as required for Transco to receive the gas into its existing system.

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[1] The 41 tariff sheets tendered for filing consists of Original Sheets Nos. 4a, 6a, 29a, 29b, 29c, 29d, 30a, 30b, and 67 through 72, and First Revised Sheets Nos. 1, 15 through 21, 23 through 26, 28, 34, 37 through 40, 59 through 61, 63 through 66, 75 and 79.

Applicant states that its business is restricted entirely to intrastate operations (Texas), except for the emergency deliveries herein proposed, and that it will be solely intrastate in character upon the expiration of such emergency deliveries. Therefore, it requests that the certificate requested herein be issued expressly subject to the following conditions:

(1) The certificate issued herein be limited to authorization of the proposed sale to Transco and facilities necessary to make such sale;

(2) The Commission waive its accounting and other reporting requirements with respect to applicant for the term of the limited-term certificate sought herein. Applicant will be willing to report the volume sold to Transco pursuant to the requested authorization;

(3) The jurisdictional status of the facilities and operations of independent producers and other suppliers from whom applicant purchases gas and the sales by independent producers and other suppliers be not affected during the term of the limited-term certificate;

(4) With the exception of the sale to be certificated herein, all of applicant's existing facilities, its operation of such facilities, and its sales from its system are and will continue to be exempt from Commission regulation, and the nonjurisdictional status of all of applicant's existing and proposed purchases of natural gas, and the nonjurisdictional status of applicant's existing sales from its system, will not be rendered jurisdictional or otherwise affected by Commission regulation by the certificate issued for the sale contemplated herein.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6669 Filed 5-12-71;8:49 am]

[Project No. 553]

CITY OF SEATTLE, WASH.

Notice of Application for Amendment of License

MAY 6, 1971.

Notice is hereby given that on December 17, 1970, the city of Seattle, Wash. (Seattle), filed an Application for Amendment of License for Project No. 553. Seattle supplemented its application on February 12, 1971. The application affects lands of the United States.

Project No. 553 is located in Whatcom County, Wash., near the towns of Newhalem and Diablo, and consists primarily of three developments on the Skagit River, i.e., Ross, Diablo, and Gorge developments. The initial license issued October 27, 1927, was amended pursuant to Commission orders dated July 23, 1937, and June 9, 1942, to authorize the construction of Ross Dam (then called Ruby Dam) in steps; step one going to 1,280 feet m.s.l., step two going to 1,500 feet m.s.l., "and with provision for its incorporation in a higher dam which may ultimately be constructed to elevation 1,725 feet."

Seattle seeks to amend its license for the following purposes:

1. Permit the raising of Ross Dam from its present height of 540 feet to about 661 feet, to a new roadway crest elevation of 1,736 feet m.s.l. The gated spillways would also be raised so that their fixed crests would be at elevation 1,704.5 feet m.s.l. with top of gates at elevation 1,725 feet m.s.l., the new normal full lake level of Ross Reservoir.
2. Permit modification of existing intake structures, turbine runners, broome gates, and butterfly valves to accommodate the higher reservoir level.
3. Approve Revised Exhibits K, L, and M to reflect appropriate modifications within the project boundary, changes in structural design plans, and changes in the general description of the electrical and mechanical equipment.
4. Approve Exhibits R and S to depict proposed public recreational use of project lands and waters, and proposed measures to be undertaken for the protection and enhancement of fish and wildlife resources. All lands and waters affected by this project which are in the United States lie entirely within the recently created Ross Lake National Recreation Area. The licensee is consulting and cooperating with the National Park Service to implement the Services Master Plan for recreational development of the area.

Ross Reservoir water surface level is presently operated at a high head of 397.5 feet (Elevation 1,602.5 feet m.s.l.) and a low head of 270 feet (Elevation 1,475 feet m.s.l.) for a drawdown in the lake level of 127.5 feet. At the new lake operating level of 1,725 feet m.s.l., the high head would be 520 feet and the low head would be 463.8 feet (Elevation 1,668.8 feet m.s.l.) for a drawdown of 56.2 feet, or a reduction of fluctuation in the lake levels of 71.3 feet. The present storage draft of 1,052,000 acre-feet would remain unchanged. The new high head turbine runners would allow present generators to be operated so as to gain 291,000 kilowatts of capacity during the critical energy period of the system.

At the new reservoir level, approximately 5,200 acres of Canadian lands within the Province of British Columbia would be flooded. The 1,725 feet m.s.l. elevation of Ross Reservoir was authorized by the International Joint Commission on January 27, 1942, subject to a compensatory indemnification agreement between the city of Seattle and the Province of British Columbia. Said agreement was reached in January of 1967, for a term of 99 years.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6666 Filed 5-12-71;8:49 am]

[Docket No. CP71-266]

UNION LIGHT, HEAT AND POWER CO.

Notice of Application

MAY 10, 1971.

Take notice that on May 6, 1971, the Union Light, Heat and Power Co. (applicant), Post Office Box 960, Cincinnati, OH 45201, filed in Docket No. CP71-266 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of liquefied natural gas (LNG) in interstate commerce to the Fort Hill Natural Gas Authority (Fort Hill), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization for the sale, during the calendar year 1971, of 160,000 gallons of LNG (equivalent to approximately 13,333 Mcf of vaporous gas) to Fort Hill for resale and distribution in Easley, S.C., and environs. Applicant also seeks authorization to sell, thereafter, between 100,000 and 400,000 gallons of LNG (approximately equivalent to between 8,333 Mcf and 33,332 Mcf of vaporous gas) annually to Fort Hill. Applicant states that the proposed sale will be made pursuant to its FPC Rate Schedule LNG-1 and that Fort Hill will furnish its own transportation for the LNG from applicant's plant to Easley, S.C.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1971, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6670 Filed 5-12-71;8:49 am]

[Project No. 703]

UTAH POWER & LIGHT CO.

Notice of Application for New License for Constructed Project

MAY 6, 1971.

Public notice is hereby given that application for a new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791(a)-825(r)) by Utah Power & Light Co. (correspondence to: S. G. Baucom, Post Office Box 899, Salt Lake City, UT 84110) for its constructed Paris Project No. 703, located on Paris Creek in Bear Lake County, Idaho, and affecting lands of the United States, including lands within the Cache National Forest. The original license for the project expired June 30, 1970.

The Paris Project consists of: (1) A timber crib, rock filled dam with concrete intake and two slide gates; (2) an open canal jointly used by applicant and an irrigation company conveying water to (3) a small forebay; (4) a steel penstock; (5) a masonry and brick powerhouse containing a 650 kw generator; and (6) appurtenant facilities.

According to the application: (1) Power produced by the project will be sold to applicant's customers; (2) the project also conveys water for irrigation purposes; and (3) applicant's property does not lend itself to any recreation use, and the Forest Service campground near the head of Paris Creek probably has the only recreational potential in the area.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6671 Filed 5-12-71;8:49 am]

FEDERAL RESERVE SYSTEM

FEDERAL OPEN MARKET COMMITTEE

Continuing Authority Directive With Respect to Domestic Open Market Operations

In accordance with § 271.5 of its Rules Regarding Availability of Information, notice is given that, by vote of all available members (a majority) on January 22, 1971, ratified by action at its meeting on February 9, 1971, the Committee suspended the provision of paragraph 1(A) of the continuing authority directive that limits exchanges with the Treasury of securities held in the System Open Market Account to maturing issues, to the extent of enabling the Account Manager to prerefund $4 billion of System Account holdings of the 7¾ percent note of November 1971 in the then current Treasury financing.

NOTE: For paragraph 1 of the directive, see 32 F.R. 9584; for paragraph 2, see 35 F.R. 9297; for paragraph 3, see 35 F.R. 447; and for the remainder, see 32 F.R. 9584.

By order of the Federal Open Market Committee, May 3, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-6624 Filed 5-12-71;8:45 am]

FEDERAL OPEN MARKET COMMITTEE

Current Economic Policy Directive

In accordance with § 271.5 of its Rules Regarding Availability of Information, there is set forth below the Committee's Current Economic Policy Directive issued at its meeting held on February 9, 1971.[1]

The information reviewed at this meeting suggests that real output of goods and services, which declined in the fourth quarter of 1970, is rising in the current quarter primarily because of the resumption of higher automobile production. The unemployment rate remained high in January. Wage rates in most sectors are continuing to rise at a rapid pace, and recent increases in some major price measures have been relatively large. Interest rates have fallen considerably further in recent weeks despite continued heavy demands for funds in capital markets, and differentials between interest rates in the United States and those in major foreign countries have widened further. Federal Reserve discount rates were reduced by an additional one-quarter of a percentage point to 5 percent. Bank credit increased considerably further in January, as business loan demands strengthened somewhat and banks made substantial further additions to their holdings of securities. The money stock narrowly defined grew modestly in January following a stronger December rise, but money more broadly defined expanded sharply further as a result of continued rapid growth in consumer-type time and savings deposits. The overall balance of payments deficit in the fourth quarter was about as large as in the third quarter on the liquidity basis; on the official settlements basis the deficit increased further from the very high third-quarter level as banks continued to repay Euro-dollar liabilities. More recently, the issuance of a special Export-Import Bank security to foreign branches of U.S. banks helped to moderate the flow of dollars to foreign central banks. In light of the foregoing developments, it is the policy of the Federal Open Market Committee to foster financial conditions conducive to the resumption of sustainable economic growth, while encouraging an orderly reduction in the rate of inflation and the attainment of reasonable equilibrium in the country's balance of payments.

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[1] The Record of Poly Actions of the Committee for the meeting of Feb. 9, 1971, is filed as part of the original document. Copies are available on request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551.

To implement this policy, System open market operations until the next meeting of the Committee shall be conducted with a view to maintaining prevailing money market conditions while accommodating additional downward movements in longterm rates: *Provided*, That money market conditions shall promptly be eased somewhat further if it appears that the monetary aggregates are falling short of the growth path desired.

By order of the Federal Open Market Committee, May 3, 1971.

ARTHUR L. BROIDA,
Deputy Secretary.

[FR Doc.71-6623 Filed 5-12-71;8:45 am]

CONTINENTAL BANCOR, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Continental Bancor, Inc., Phoenix, Ariz., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 68.77 percent of the voting shares of Continental Bank, Phoenix, Ariz.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of San Francisco.

By order of the Board of Governors, May 6, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6625 Filed 5-12-71;8:45 am]

TRUST COMPANY OF GEORGIA

Order Approving Application for Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

In the matter of the application of Trust Company of Georgia, Atlanta, Ga., for approval of acquisition of assets and assumption of liabilities of Trust Company of Georgia Bank of De Kalb, Atlanta, Ga.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Trust Company of Georgia, Atlanta, Ga. (Trust Company), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Trust Company of Georgia Bank of De Kalb, Atlanta, Ga. (De Kalb Bank), by means of the purchase of assets and assumption of liabilities of De Kalb Bank. As an incident to the merger, the three offices of De Kalb Bank would become branches of Trust Company. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Trust Company (deposits $475 million) and six banks (aggregate deposits $284 million) which it controls through its wholly owned subsidiary registered bank holding company, hold about 11 percent of deposits held by commercial banks in Georgia and constitute the second largest banking organization in the State. (All banking data are as of June 30, 1970 and reflect applications approved by the Board to date, with the exception of the application to merge Peachtree Bank and Trust Co., Chamblee, which was approved by Board Order on February 22, 1971, and consummation of which was stayed by Board Order dated March 19, 1971.)

Trust Company operates 20 offices within the city limits of Atlanta and one office in Sandy Springs, Fulton County. De Kalb Bank operates its three offices in unincorporated areas of De Kalb County, all within relatively short distances of branch offices of Applicant. Trust Company has been affiliated with De Kalb Bank since 1954 when its subsidiary, Trust Company of Georgia Associates (Associates) acquired 85 percent of De Kalb Bank's capital stock; it presently owns 89.69 percent. Executive officers and employees have been and are being furnished by Trust Company to De Kalb Bank, as well as data processing and correspondent bank services. In view of the affiliation, and the fact that disaffiliation appears unlikely, it is concluded that present and potential competition would neither be foreclosed by approval of the application nor encouraged by its denial.

In light of the above, the Board concludes that consummation of the proposal would not have an adverse effect on competition in any relevant area. Considerations relating to the financial and managerial resources and prospects of the banks involved are regarded as consistent with approval. Considerations relating to the convenience and needs of the customers served by De Kalb Bank lend some weight toward approval in that such customers will have more convenient access to banking services not presently offered by De Kalb Bank. Based upon the foregoing, it is the Board's judgment that consummation of the proposal would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided*, That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] May 6, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6626 Filed 5-12-71;8:45 am]

UNITED BANCORP OF MAINE

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Bancorp of Maine, which is a bank holding company located in Portland, Maine, for prior approval by the Board of Governors of the acquisition by applicant of at least 25 percent of the voting shares of Central National Bank, Waterville, Maine, a proposed new bank.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Boston.

By order of the Board of Governors, May 7, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6628 Filed 5-12-71;8:45 am]

UNITED BANKSHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by United Bankshares, Inc., Green Bay, Wis., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 80 percent or more of the outstanding voting shares of West Bank and Trust, Green Bay, Wis.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

By order of the Board of Governors, May 6, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-6627 Filed 5-12-71;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5022]

ALABAMA POWER CO.

Notice of Proposed Issue of First Mortgage Bonds for Sinking Fund Purposes

MAY 7, 1971.

Notice is hereby given that Alabama Power Co. (Alabama), 600 North 18th Street, Birmingham, AL 35202, a public-utility subsidiary company of the Southern Co., a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 thereof as applicable to the proposed transaction. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transaction.

Alabama proposes, on or prior to June 1, 1971, to issue $5,805,000 principal amount of its First Mortgage Bonds, 3½ percent Series due 1985, under the provisions of its Indenture dated as of January 1, 1942, between Alabama and Chemical Bank, as trustee, as amended and supplemented, and to surrender such bonds to the trustee in accordance with the sinking fund provisions. The bonds are to be issued on the basis of property additions, thus making available for construction and other purposes cash which would otherwise be required to satisfy the sinking fund requirements or to purchase bonds for such purpose.

The fees and expenses to be paid by Alabama in connection with the issuance of the bonds are estimated at $1,750, including $750 for charges of the trustee and counsel fee of $500. It is stated that the issuance of the sinking fund bonds has been authorized by the Alabama Public Service Commission. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than May 27, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulation promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6647 Filed 5-12-71;8:47 am]

[812-2925]

GENERAL AMERICAN LIFE INSURANCE CO. AND GENERAL AMERICAN SEPARATE ACCOUNT NO. 2

Notice of Application

MAY 7, 1971.

Notice is hereby given that General American Life Insurance Co. (General American) and General American Separate Account No. 2 of General American Life Insurance Co. (Account No. 2), 1501 Locust Street, St. Louis, MO 63103 (collectively called Applicants), have filed an application pursuant to section 6(c) and 17(f) of the Investment Company Act of 1940 (Act) for an order exempting

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[1] Voting for this action: Chairman Burns and Governors Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson, Mitchell, and Daane.

Applicants from the provisions of sections 17(f), 22(d), and 27(c)(2) of the Act and Rule 17f–2 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

General American established Account No. 2 on October 22, 1970, pursuant to the Missouri Insurance Law to allocate to Account No. 2 purchase payments, after certain deductions, received under Tax Sheltered Deferred Variable Annuity Contracts, Tax Sheltered Group Variable Annuity Contracts, Individually Purchased Deferred Variable Annuity Contracts and Individually Purchased Single Payment Immediate Variable Annuity Contracts (collectively, Contracts). The Contracts are designed to provide retirement payments to employees of public school systems and certain other tax-exempt organizations under annuity purchase arrangements meeting the requirements of section 403(b) of the Internal Revenue Code and also to provide retirement benefits for individuals who are not entitled to tax sheltered treatment. Account No. 2 is an open-end, diversified management investment company registered under the Act.

Applicants request exemption from the following provisions of the Act, to the extent stated below.

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and similar investments in its own custody, but only in accordance with such rules and regulations or orders as the Commission may from time to time prescribe for the protection of investors. Rule 17f–2(b) requires, that such assets be deposited in the safekeeping of a bank or other company whose functions and physical facilities are supervised by Federal or State authority. Rule 171–2(d) provides in pertinent part that no more than five officers or responsible employees of the investment company shall have access to such investments.

Applicants request an exemption from the provisions of 17(f) and Rule 17f–2 thereunder to the extent necessary to permit access to the securities and other investments of Account No. 2, which will be held pursuant to a safekeeping agreement with the First National Bank in St. Louis, by duly authorized representatives of the Insurance Division of Missouri and by duly authorized officers and employees of General American. Pursuant to a resolution of the Management Committee of Account No. 2, no more than six officers and employees will be so authorized at any one time and access to the securities and other investments of Account No. 2 shall be had only by two or more of such officers and employees acting jointly. In all other respects, applicants state that they will comply with the terms and conditions of Rule 17f–2.

Section 22(d) provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus. Applicants request an exemption from section 22(d) of the Act for the following:

1. To permit the distribution of divisible surplus with respect to the Contracts to be offered in connection with Account No. 2, each of which is to be issued on a participating basis. If any surplus is realized by General American from the aggregate deductions and charges made by it under the Contracts during the accumulation period, General American may determine that a distribution of divisible surplus shall become payable under the Contracts. Such distributions are commonly referred to as "dividends" and may be made by the crediting of additional accumulation units to Contract owners on a nondiscriminatory basis without deductions of a sales charge.

2. To permit the sale without any deductions for sales charges when the purchase payments represent: (a) The proceeds under conventional insurance and annuity contracts issued by General American which are applied to provide single premium immediate or deferred variable annuities; (b) amounts payable to a beneficiary of an individual covered under the Contracts issued under Account No. 2 when such beneficiary elects to have such amounts applied to a variable annuity; (c) accumulated amounts transferred from the fixed account either upon the annuity commencement date or upon the termination of participation prior to the annuity commencement date; and (d) amounts becoming available under a group variable annuity which are applied to provide an individual variable annuity.

3. To permit the usual decreasing sales charges on purchases of single payment immediate or deferred contracts to be based upon the total amount of the payment made on the contract and not just on the amount of the payment allocated to Account No. 2 where the contract calls for an allocation of the purchase payment between the fixed and variable accounts.

4. To permit a variation in sales deduction between the individual and group contracts. The individual contracts will be offered to individuals, under annuity purchase agreements, qualified for special tax benefits under section 403(b) of the Internal Revenue Code and other individual contracts will be offered to individuals for whom no such special tax treatment is available. The deduction for sales expenses under these individual contracts is 8 percent of the first $5,000 and 3.25 percent for the portion of a payment in excess of $5,000. The group contracts will be sold only to groups which qualify for special tax treatment under section 403(b) of the Internal Revenue Code. Such group contracts will provide for a deduction for sales expenses of 4.75 percent.

Applicants assert that no unfair discrimination would result from elimination or variation of sales charges under the foregoing circumstances. In each instance, a sales charge will have been previously deducted under the Contract or under another contract issued by General American. Applicants agree that any exemption from section 22(d) granted by an order of the Commission issued pursuant to this application will not exempt any transaction from section 11 of the Act.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments, other than the sales load, are deposited with a bank as trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by section 26(a) (2) and (3) for a unit investment trust. Section 26 (a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust and places certain restrictions on charges which may be made against the trust income and corpus and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter other than a fee, not exceeding such reasonable amount as the Commission may prescribe for performing bookkeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants request an exemption from section 27(c)(2) to permit the proceeds of all payments under the Contracts to be held by General American and state that under Missouri law a separate account of an insurance company may not be organized under a trust indenture thus making it impossible for Applicants to comply with the requirements of section 27(c)(2). Applicants represent that in its dealings with contract holders, General American is subject to extensive and detailed supervision and inspections by the Missouri Division of Insurance which eliminates the necessity to impose the requirements of section 27(c)(2). Applicants represent that General American had a surplus of approximately $37 million as of December 31, 1969; that General American is required to submit annual statements of its operations, including financial statements, in the form prescribed by the National Association of Insurance Commissioners, to the insurance departments of the various jurisdictions in which it does business; and that its books and accounts are subject to review by the Division of Insurance of the State of Missouri and examiners representing other State insurance departments.

Applicants have consented that the requested exemption may be made subject to the conditions (1) that the charges to variable annuity contract owners for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved for such purpose, and (2) that the payment of sums and charges out of the assets of Account No. 2 shall not be deemed to be exempted from regulations by the Commission by reason of the requested order, provided that the Applicants' consent to this condition shall not

be deemed to be a concession to the Commission of authority to regulate the payments of sums and charges out of such assets other than charges for administrative services, and Applicants reserve the right in any proceeding before the Commission or in any suit or action in any court to assert that the Commission has no authority to regulate the payment of such other sums or charges.

Section 6(c) authorizes the Commission to exempt any person, security, or transactions or any class or classes of persons, securities, or transactions, from the provisions of the Act and rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested persons may, not later than May 28, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6648 Filed 5–12–71;8:47 am]

[812–2916]

GREAT NORTHWEST INDUSTRIES, INC.

Notice of Filing of Application for Order Declaring That Company Is Not an Investment Company or in the Alternative for Order Exempting Company

MAY 5, 1971.

Notice is hereby given that Great Northwest Industries, Inc. (Applicant), 423 Great Falls National Bank Building, Great Falls, MT 59401, a Delaware corporation, has filed an application for an order of the Commission pursuant to section 3(b)(2) of the Investment Company Act of 1940 (Act) declaring that Applicant is primarily engaged, through a controlled company, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, or, in the alternative, for an order pursuant to section 6(c) of the Act exempting Applicant from all provisions of the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations therein, which are summarized below.

From the date of its incorporation in 1963, and until 1970, Applicant asserts it was engaged in the business of banking and insurance through two banks and an insurance agency which Applicant controlled.

In April of 1970, Applicant began purchasing substantial amounts of the stock of the Montana Corp., Inc., (Montana) in order to acquire working control of that company. Applicant now owns 26.4 percent of the stock of Montana and Applicant asserts that it plans to continue purchasing Montana's stock until it owns approximately 33 percent thereof. No other shareholder or group owns as much as 1 percent of Montana's stock, with the exception of Montana's individual directors, whose holdings total approximately 2 percent of Montana's stock.

Montana itself is engaged through wholly owned subsidiaries in the banking, title insurance, land development and consumer finance businesses. Montana has not registered under the Act as an investment company in reliance upon section 3(b)(1) or 3(c)(6) thereof. Applicant's holdings of Montana's stock now comprise approximately 93 percent of Applicant's assets.

The application states that Applicant is primarily engaged in the business of Montana and that it has actual working control of Montana. Four of Applicant's directors are members of Montana's Board of Directors, which is composed of 13 members. Those four directors are also Montana's principal operating personnel. Applicant represents that all of its directors which are on Montana's Board have had extensive experience in the businesses in which Montana is engaged and two of them have been officers and directors of Montana for more than 5 years. Applicant further asserts that it exercises control over the management and policies of Montana.

Applicant states that it has no intention to sell or otherwise dispose of its shares of Montana and that it intends to engage in the business of Montana indefinitely. Applicant also states that its policy is not, and has never been, to hold or invest in securities without engaging in the operations of the company it holds.

Section 3(b)(2) provides that, notwithstanding section 3(a)(3), an issuer is not an investment company if the Commission finds, and by order declares it to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through majority-owned subsidiaries or through controlled companies conducting similar types of businesses.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision of the Act, or of any rule or regulation thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 26, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6649 Filed 5–12–71;8:47 am]

[31–711]

INDUSTRIAL LEASING CORP.

Notice of Filing of Application for Order Declaring Applicant Not To Be an Electric Utility Company

MAY 7, 1971.

Notice is hereby given that Industrial Leasing Corp. (Industrial), 111 Westminster Street, Providence, RI 02903, has filed an application for an order declaring that it will not become "an electric utility company" within the meaning of section 2(a)(3) of the Public Utility Holding Company Act of 1935 (Act) as a result of the transactions set forth in the application. All interested persons are referred to the application, which is summarized below, for a complete statement of the facts.

Industrial is a business corporation organized under the laws of the State of Rhode Island, whose principal business activity is the owning and leasing to others of personal property. All of its outstanding capital stock is owned by Industrial National Corp., a Rhode Island corporation and a one-bank holding company. Neither Industrial nor its parent corporation is presently a "holding company" or a "subsidiary company" of a "holding company," each as defined in the Act. If Industrial were to become an electric utility company for purposes of the Act as a result of the proposed transactions described below, both Industrial and its parent corporation would in the absence of an appropriate exemption become subject to regulation under the Act.

Orange and Rockland Utilities, Inc. (O&R) is an electric utility company organized under the laws of the State of New York and is subject to the jurisdiction of the Public Service Commission of New York under the Public Service Law of New York. It is stated that O&R is not a "holding company" or a "subsidiary company" of a "holding company," each as defined in the Act.

O&R has entered into a purchase agreement (the "Purchase Agreement") with a manufacturer to supply to O&R two gas turbine generating units and accessory equipment (the "Generators") for an aggregate purchase price of approximately $6,400,000, and Industrial purchased the Generators from the manufacturer on March 8, 1971, and entered into an assignment with O&R whereby O&R assigned to Industrial its rights and interest in the Purchase Agreement. If the proposed transaction is consummated Industrial would assign its rights and interest in the Purchase Agreement to United States Trust Company of New York, acting as trustee (the "Trustee") for the benefit of Industrial and of the institutional investors referred to below, whereupon, the Trustee would acquire the Generators. The Trustee would then lease the Generators to O&R under a lease (the "Lease") having an initial term of approximately 25 years. O&R would have the right to extend the Lease for one term of 10 years and to buy the Generators at the end of such term for their then fair market value. The Trustee would borrow approximately 80 percent of the funds required to purchase the Generators from institutional investors, who would receive Equipment Trust Notes bearing a fixed rate of interest and maturing at the end of the initial term of the Lease. The Equipment Trust Notes would be obligations of the Trustee, payable solely out of the proceeds of the Lease and would be secured by a security interest in the Generators and the Lease. The remaining 20 percent of the purchase price would be advanced to the Trustee by Industrial as an investment in the beneficial ownership of the Generators.

The Lease would be a net lease under which O&R would be responsible for maintaining, repairing, and insuring the Generators and for paying substantially all taxes, assessments and other costs arising from the possession and use thereof. The rentals to be paid by O&R to the Trustee during the initial term of the Lease would be calculated to provide funds sufficient to pay the principal of and interest on the Equipment Trust Notes and to return Industrial's equity investment. After the initial term has expired, Industrial would be entitled to receive any proceeds realized from leasing or selling the Generators to O&R or to others.

The application states that although Industrial will be the beneficial owner of the Generators, it is primarily engaged in the leasing business and that since Industrial will not operate the generating facilities and will not receive any revenue from the sale of electric energy generated by the Generators and since Industrial's only financial interest in the transaction will be to receive payments from rentals and other proceeds as described above and to receive certain tax benefits, it is a company primarily engaged in one or more businesses other than the business of an electric utility company. Industrial therefore requests an order under section 2(a)(3) of the Act declaring that it will not be an electric utility company as a result of the proposed transactions.

O&R has been authorized by the New York Public Service Commission to enter into the Lease.

Notice is further given that any interested person may, not later than June 2, 1971, request in writing that a hearing be held in respect of the request for exemption, stating the nature of his interest and the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, DC 20549. At any time after said date the Commission may grant the exemption requested, or take such other action as it deems appropriate.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6650 Filed 5-12-71;8:48 am]

[File No. 500-1]

SATELLITE SYSTEMS CORP.

Order Suspending Trading

MAY 6, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Satellite Systems Corp., formerly Prudential Industries, Inc., 80 Central Park West, New York, NY 10023, and all other securities of Satellite Systems Corp, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 6, 1971, 2 p.m., e.s.t., through May 15, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6646 Filed 5-12-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

BANCAP CORP.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On April 7, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 6668) stating that BanCap Corp., 420 Lexington Avenue, New York, NY 10017, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business April 17, 1971, to submit their written comments to SBA. Notice is hereby given that, having considered the application and all other pertinent information, including comments, SBA has issued License No. 02/02-5287 to BanCap Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: May 3, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-6644 Filed 5-12-71;8:47 am]

[License No. 03/04-5111]

MINORITY INVESTMENTS, INC.

Notice of Application for License as Minority Enterprise Small Business Investment Company

Notice is hereby given concerning the filing of an application with the Small Business Administration (SBA) pursuant to § 107.102 of the regulations governing small business investment companies (13 CFR Part 107; 33 F.R. 326) under the name of Minority Investments, Inc., 1200 U Street SE., Washington, DC 20020, for a license to operate in the Washington, D.C., area as a minority enterprise small business investment company (MESBIC), under the provisions of the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act).

The proposed officers, directors and principal shareholders are as follows:

James A. Jordon, 3005 Doeg Indian Court, Alexandria, VA, President.
Darryl A. Hill, 300 M Street SW., Washington, DC, Vice President and Secretary.
Joseph D. Jackson, 800 4th Street SW., Washington, DC, Vice President and Treasurer.
Justin D. Bowersock, 4201 Cathedral Avenue NW., Washington, DC, Director.
Sterlyn B. Carroll, 2415 Savannah Street SE., Washington, DC, Director.
Joseph P. Yeldell, 1727 S Street SE., Washington, DC, Director.

	Percent Class B common
The Riggs National Bank of Washington, D.C	31
American Security & Trust Co., Washington, D.C	25
The National Bank of Washington	16

The applicant, a Delaware corporation, will begin operations with $168,000 of paid-in capital and surplus consisting of 16,800 shares of Class B common stock issued at $10 per share. The MESBIC is also authorized to issue Class A shares which can entitle the holders to elect 60 percent of the company's Board of Directors.

As a MESBIC, the company's investment policy is that its investments will be made solely to small business concerns which will contribute to a well-balanced national economy by facilitating the acquisition or maintenance of ownership in such small business concerns by persons whose participation in the free enterprise system is hampered because of social or economic disadvantages. The applicant will not concentrate its investments in any particular industry but will invest in diversified enterprises.

Matters involved in SBA's consideration of the application include the general business reputation and character of the management, and the probability of successful operations of the new company under their management, including adequate profitability and financial soundness, in accordance with the Act and regulations.

Notice is further given that any interested persons may not later than 10 days from the date of publication of this notice, submit to SBA in writing, relevant comments on the proposed company. Any communications should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

A copy of this notice shall be published in a newspaper of general circulation in Washington, D.C.

Dated: May 4, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-6645 Filed 5-12-71;8:47 am]

INTERSTATE COMMERCE COMMISSION

[Notice 38]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

MAY 7, 1971.

The following applications are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER, issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the Special Rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER, issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 200 (Sub-No. 248), filed April 19, 1971. Applicant: RISS INTERNATIONAL CORP., 100 West 10th Street, Wilmington, DE. Applicant's representative: Ivan E. Moody, 12th Floor Temple Building, 903 Grand Avenue, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Worcester, Mass., as an intermediate point, and Framingham, Mass., as an off-route point in connection with applicant's regular route authority to and from Boston, Mass., for the purpose of interlining freight and interchanging equipment with other carriers only. NOTE: If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 3083 (Sub-No. 40), filed April 6, 1971. Applicant: WELLS FARGO ARMORED SERVICE CORP., 277 Monroe Street, Memphis, TN 38101. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coin*, between Culpeper, Va., on the one hand, and, on the other, Atlanta, Ga., Baltimore, Md., Birmingham, Ala., Boston, Mass., Buffalo, N.Y., Charlotte, N.C., Chicago, Ill., Cincinnati, Ohio, Cleveland, Ohio, Dallas, Tex., Denver, Colo., Detroit, Mich., El Paso, Tex., Helena, Mont., Houston, Tex., Jacksonville, Fla., Kansas City, Mo., Little Rock, Ark., Los Angeles, Calif., Louisville, Ky., Miami, Fla., Memphis, Tenn., Minneapolis, Minn., Nashville, Tenn., New Orleans, La., New York, N.Y., Oklahoma City, Okla., Omaha, Nebr., Philadelphia, Pa., Pittsburgh, Pa., Portland, Oreg., St. Louis, Mo., Salt Lake City, Utah, San Antonio, Tex., San Francisco, Calif., Seattle, Wash., and the District of Columbia, under contract with General Services Administration on behalf of Bureau of the Mint. NOTE: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 7640 (Sub-No. 27), filed April 22, 1971. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building products*, from the plantsite and storage facilities of Union Camp Corp., located in the Isle of Wight County, Va., to points in the United States east of a line including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Wilson, N.C., or Washington, D.C.

No. MC 7640 (Sub-No. 28), filed April 19, 1971. Applicant: BARNES TRUCK LINE, INC., 506 Mayo Street, Wilson, NC 27893. Applicant's representative: Harry J. Jordan, 1000 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood fiberboard, wood fiberboard faced of finished with decorative and/or protective material, and accessories and supplies* used in installation thereof (except commodities in bulk), from Moncure, N.C., to points in Connecticut, Georgia, New Jersey, South Carolina, and Virginia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Wilson, N.C., or Washington, D.C.

No. MC 7860 (Sub-No. 7), filed April 28, 1971. Applicant: M. G. ROUX TRUCKING CORP., 400 Amboy Avenue, Metuchen, NJ 08840. Applicant's representative: Arthur Sinett (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Roof deck and joists and accessories and supplies*, used for the installation of roof deck and joists, between South Plainfield, N.J., on the one hand, and, on the other, points in New York, Connecticut, and Pennsylvania (except points within 150 miles of the city hall, New York, N.Y.), Massachusetts, Rhode Island, Maine, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia, and (2) *Hydraulic support systems and shores and forms and equipment, parts, and accessories* used in the installation and operation of hydraulic support systems, shores and forms, between points in New York, Connecticut, New Jersey, and Pennsylvania (except points within 150 miles of the city hall, New York, N.Y.), Maine, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 11220 (Sub-No. 121), filed April 19, 1971. Applicant: GORDONS TRANSPORTS, INC., 185 West McLemore Avenue, Memphis, TN 38102. Applicant's representative: Robert E. Joyner, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except automobiles set up on wheels, dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, serving Coal City, Ill., as an off-route point in connection with carrier's regular route operation from and to Chicago, Ill. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111231 (Sub-No. 172), filed April 12, 1971. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, AR 72764. Applicant's representative: B. J. Wiseman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except classes A and B explosives, livestock and commodities in bulk), between Springdale, Ark., and Wichita, Kans., from Springdale, Ark., over Arkansas Highway 68 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Kansas Highway 15, thence over Kansas Highway 15 to Wichita, and return over the same route, as an alternate route for operating convenience only, in connection with applicant's regular route operation as authorized in MC 111231 Sub 30, and paragraphs 10 and 11 of applicant's Certificate of Public Convenience and Necessity, serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Little Rock, Ark., or Kansas City, Mo.

No. MC 19105 (Sub-No. 33), filed April 20, 1971. Applicant: FORBES TRANSFER CO., INC., Post Office Box 3544, South Goldsboro Street Extension, Wilson, NC 27893. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration and meat rails, (1) from the plantsite and storage facilities utilized by Swift at Wilson, N.C., to points in South Carolina and Virginia, restricted to shipments originating at the plantsite of Swift & Co. at Wilson, N.C., and destined to South Carolina and Virginia, and (2) from Kingston, N.C., to points in Massachusetts and Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 19227 (Sub-No. 152), filed April 19, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representative: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, and parts* used in the construction, assembly servicing, and operation of *boats, ships, and submarines*, the transportation of which, because of size or weight requires the use of special equipment; and (2) *equipment, parts, and supplies* which do not require the use of special equipment when moving in connection with (1) above, between Pascagoula, Miss., on the one hand, and, on the other, points in Alabama, Arizona, California, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 21866 (Sub-No. 66), filed April 19, 1971. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), (1) between the Allentown-Bethlehem-Easton Airport, Hanover Township, Lehigh County, Pa., on the one hand, and, on the other, points in Berks, Chester, Montgomery, and Schuylkill Counties, Pa.; and (2) between the Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, points in Lehigh and Schuylkill Counties, Pa. Restriction: The operations authorized herein are restricted to the transportation of shipment having an immediately prior or subsequent movement by aircraft. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant

requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 30089 (Sub-No. 5), filed April 20, 1971. Applicant: FRANK LILLY, Post Office Box 111, Turtle Creek, PA 15145. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Pallets*, from Harrison, N.J., to the plants, warehouses, or other facilities of H. J. Heinz Co., located in Allegheny County, Pa., under contract with H. J. Heinz Co. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 30844 (Sub-No. 356), filed April 14, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as above) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery*, from Bethlehem, Pa., to Dallas, Tex., Denver, Colo., Chicago, Ill., and Minneapolis, Minn. Note: Applicant states it intends to tack with base certificate at Chicago to points in Iowa and from Iowa to points in Missouri, Nebraska, Kansas, Arkansas, Oklahoma, and Texas. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 30844 (Sub-No. 357), filed April 21, 1971. Applicant KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicant's representatives: Paul Rhodes (same address as applicant) and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat pies, meat rolls, and frozen meats*, from Salisbury, Pittsburgh, Erie, and North East, Pa., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin, restricted to shipments originating at the plantsites and warehouses used by Jiffy Steak Corp. at the named origin points. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 34227 (Sub-No. 5), filed April 9, 1971. Applicant: PACIFIC INLAND TRANSPORTATION CO., a corporation, 15 South Broadway, Cortez, CO 81321. Applicant's representative: A. Jack Hamilton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by grocery and food business houses*, from points in California to points in New Mexico and Colorado, under contract with Associated Grocers of Colo., Inc., and Jafar Brokerage Co. Note: If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 35890 (Sub-No. 40), filed April 20, 1971. Applicant: BLODGETT FURNITURE SERVICE, INC., 3801 36th Street SE., Grand Rapids, MI 49508. Applicant's representative: Kenneth T. Johnson and Ronald W. Malin, Bank of Jamestown Building, Jamestown, NY 14701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture*, from points in Massachusetts, Connecticut, and Rhode Island, to points in Ohio. Note: Applicant states the purpose of this application is to remove the restriction in its Sub 6 authority (new and used uncrated furniture) since it has no restriction in its Sub 37 authority. It further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 40915 (Sub-No. 46), filed April 19, 1971. Applicant: BOAT TRANSIT, INC., Post Office Box 1403, Newport Beach, CA 92663. Applicant's representative: David R. Parker, 605 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lighting fixtures*, from Philadelphia, Pa., to Phoenix and Tucson, Ariz., San Francisco and Los Angeles, Calif.; Denver, Colo.; Miami, Fla.; Boise, Idaho; Minneapolis, Minn.; Great Falls and Billings, Mont.; Albuquerque, N. Mex.; Reno and Las Vegas, Nev.; Cincinnati, Ohio; Portland, Oreg.; Dallas, Tex.; Salt Lake City, Utah; and Seattle, Wash. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 46280 (Sub-No. 70), filed April 22, 1971. Applicant: KEY LINE FREIGHT, INC., 15 Andre Street SE., Grand Rapids, MI 49507. Applicant's representative: Robert A. Sullivan, 1800 Buhl Building, Detroit, MI 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Detroit, Mich., on the one hand, and, on the other, Omaha, Nebr.; Louisville, Ky.; St. Louis, Mo.; Evansville and Vincennes, Ind., those in Iowa and east of U.S. Highway 65; those in Minnesota on, east, and south of a line beginning at the Iowa-Minnesota State line and extending along U.S. Highway 65 to Minneapolis, Minn., and from Minneapolis along U.S. Highway 12 to Minnesota-Wisconsin State line. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 61231 (Sub-No. 58) (Amendment), filed February 25, 1971, published in the Federal Register issue of March 25, 1971, and republished, as amended, this issue. Applicant: ACE LINES, INC., 4143 East 43rd Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from St. Louis, Mo., to points in Iowa and Nebraska, restricted to traffic originating at the plantsite, storage, and processing facilities utilized by Granite City Steel Co., at St. Louis, Mo. Note: The sole purpose of this republication is to reflect a change in the point of origin. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 61592 (Sub-No. 206) (correction), filed March 5, 1971, published in the Federal Register, issue of April 8, 1971, and republished this issue. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettenford, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry milk replacer*; (2) *animal, poultry, and pet foods or feed supplics*, and (3) *materials ingredients, equipment, and supplies* used in the manufacture, processing, and distribution of the commodities named in (1) and (2), between Muscatine, Iowa, and points in the United States (except Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to include (2) and (3) above, which was inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 212), filed April 19, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete panels, slabs, beams, and accessories* used in erection thereof, from Oshkosh, Wis., to points in Illinois, Indiana, Michigan, and Ohio. Note. Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 67200 (Sub-No. 36), filed April 21, 1971. Applicant: THE FURNITURE

TRANSPORT, CO., INC., Post Office Box 392, Furniture Row, Milford, CT 07470. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wheel goods, baby and doll carriages and parts, carriage hardware and parts, children's vehicles, including, but not limited to, bicycles and tricycles*, from Mahwah, N.J., to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or New York, N.Y.

No. MC 69116 (Sub-No. 136), filed April 20, 1971. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, IL 60606. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board and related materials* used in the installation thereof, and (2) *materials, supplies, equipment, and accessories* used in the manufacture of composition board, between the plant and warehouse sites of Abitibi Corp. at Alpena, Mich., and points in Arkansas, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Wisconsin, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 78228 (Sub-No. 30), filed April 26, 1971. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, PA 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pig iron, silvery pig iron, Moose Mountain iron-ore pellets*, between Buffalo and North Tonawanda, N.Y., on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland (except Baltimore, Md.), Massachusetts, Michigan, New Hampshire, Rhode Island, Vermont, and Virginia. Note: Applicant states it intends to tack the requested authority with its existing authority under MC 78228. Tacking would be accomplished at Buffalo and North Tonawanda, N.Y., so as to provide service to and from points in Ohio and portions of New York, Pennsylvania, West Virginia, and Kentucky. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 79135 (Sub-No. 48), filed March 29, 1971. Applicant: COSSITT MOTOR EXPRESS, INC., 63 West Kendrick Avenue, Hamilton, NY 13346. Applicant's representative: Joseph E. McCue (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Paper and paper articles*, between Rome and Oneida, N.Y., over Route 365. Note: If a hearing is deemed necessary, applicant requests it be held at Syracuse, N.Y.

No. MC 83835 (Sub-No. 77) (Clarification), filed February 1, 1971, published in the Federal Register, issue of February 25, 1971, and, republished as clarified, this issue. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6168, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel silos, loading and unloading devices, waste storage tanks, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems*, and, *parts and accessories* for the above, from Kankakee, Eureka, Ill., and Elkhorn, Wis., to points in Colorado, Illinois, Kansas, Missouri, Nebraska, Arizona, Oklahoma, Arkansas, Texas, Louisiana, New Mexico, and Utah. Note: The purpose of this republication is to redescribe the points of origin. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 83835 (Sub-No. 80), filed April 19, 1971. Applicant: WALES TRANSPORTATION, INC., Post Office Box 6186, Dallas, TX 75222. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pumps, pump parts, and motors* and (2) *Equipment, material, and supplies* used in connection with the installation, operation, removal, repair, and maintenance of the commodities described in (1) above, between Tulsa, Okla., on the one hand, and, on the other, points in the United States (except Hawaii). Note: Applicant states that the requested authority can be tacked wherever feasible, joinder would take place at Tulsa. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Tulsa, Okla., or Dallas, Tex.

No. MC 87720 (Sub-No. 106), filed April 19, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic and rubber articles*, from Nixon, N.J., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, Ohio, and the District of Columbia; (2) *materials, supplies, and equipment* used in connection with the manufacture, production, sale, and distribution of the aforementioned commodities from the above-described destination territory to Nixon, N.J.; and (3) between Nixon, N.J., Upper Newton Falls, Mass., and Arlington Heights, Ill., in interplant operations, under contract with Tenneco Chemicals, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 95540 (Sub-No. 804), filed April 19, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite or storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Delaware, District of Columbia, Maine, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and Virginia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 100666 (Sub-No. 187), filed April 19, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, LA 71107. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112, and Paul Caplinger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantside and storage facilities of Duraflake South, Inc., at or near Simsboro, La., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, restricted to traffic originating at the named origin and destined to the named destination States. Note: If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 103993 (Sub-No. 630), filed April 13, 1971. Applicant: MORGAN

DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani and Ralph H. Miller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobile in initial movements, from points in Washington County, Va., to points in the United States (except Alaska and Hawaii); and (2) *buildings and sections of buildings*, from points in Washington and Franklin Counties, Va., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Roanoke, Va.

No. MC 105984 (Sub-No. 12), filed March 29, 1971. Applicant: JOHN B. BARBOUR, doing business as JOHN B. BARBOUR TRUCKING CO., Post Office Box 577, Iowa Park, TX 76367. Applicant's representative: James W. Hightower, 136 Wynnewood Professional Building, Dallas, TX 75224. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiberglass/epoxy pipe and fittings*, from Burkburnett, Tex., to points in California. Note: Applicant states that the requested authority cannot be tacked with its existing authority. No duplicate authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Fort Worth, Tex.

No. MC 107012 (Sub-No. 115), filed April 12, 1971. Applicant: NORTH AMERICAN VAN LINES, INC., Lincoln Highway East and Meyer Road, Post Office Box 988, Fort Wayne, IN 46801. Applicant's representative: Donald C. Lewis, Post Office Box 988, Fort Wayne, IN 46801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor covering*, uncrated, from Monticello, Ark., to Minneapolis, Minn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 107064 (Sub-No. 83), filed April 22, 1971. Applicant: STEERE TANK LINES, INC., Post Office Box 2998, 2808 Fairmount Street, Dallas TX 75201. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, between points in New Mexico and those in Texas on and west of U.S. Highway 83, on the one hand, and, on the other, points in Arizona, New Mexico, Colorado, Texas, Oklahoma, and Kansas. Note: Applicant states it will tack on liquid feed in MC 107064 (Sub 70) wherein it holds authority to operate from points in Texas to points in Arkansas, Louisiana, Oklahoma, and Texas. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 107295 (Sub-No. 508), filed April 21, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Structural floor supports, and accessories therefor*, and *tubular products*, from Seville, Ohio, to points in Texas, Oklahoma, Nebraska, South Dakota, North Dakota, New Mexico, Wyoming, Montana, North Carolina, South Carolina, Virginia Maryland, Delaware, New Jersey, West Virgina, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio.

No. MC 107515 (Sub-No. 750), filed April 21, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Yarn*, from Rome, Ga., to points in Oklahoma. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 751), filed April 21, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 398, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Furniture in boxes or cartons*, from Altavista and Rocky Mount, Va., to points in Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Iowa, Kansas, Missouri, Oklahoma, Texas, Colorado, New Mexico, California, Arizona, and Nevada. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107515 (Sub-No. 752), filed April 21, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308 Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electric circuit breakers or switches, or parts thereof;* (2) *electric switch boxes*, steel with fittings but without switches; (3) *electric meter sockets*, steel or aluminum with or without interior fittings; (4) *electrollers or controllers parts;* (5) *heaters*, wall insert or baseboard type, electric without blowers or fans not glazed; (6) *heaters*, electric with blowers or fans; and (7) *buss bars*, from Charlotte, N.C., to Minneapolis, Minn., and points in California and Texas, restricted against the transportation of commodities which because of size or weight requires the use of special equipment or handling. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107544 (Sub-No. 101), filed April 26, 1971. Applicant: LEMMON TRANSPORT CO., INC., Post Office Box 580, Marion, VA 24354. Applicant's representatives: Daryl J. Henry (same address as applicant) and Harry C. Ames, Jr., 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Knox County, Tenn., to points in Ohio on or south of U.S. Highway 40 and points in West Virginia. Note: Applicant states at the present time, there are no tacking possibilities. It is authorized under MC 113959 and subs, to operate as a contract carrier; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Richmond, Va.

No. MC 107839 (Sub-No. 147), filed April 22, 1971. Applicant: DENVER-ALBUQUERQUE MOTOR TRANSPORT, INC., 770 East 51st Avenue, Denver, CO 80216. Applicant's representative: Edward T. Lyons, Jr., 420 Denver Club Building, Denver, CO 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from Gallup, N. Mex., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming. Note: Applicant states that tacking possibilities with existing authorities do exist, but it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or Albuquerque, N. Mex.

No. MC 107882 (Sub-No. 22), filed April 14, 1971. Applicant: ARMORED MOTOR SERVICE CORP., 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Herbert Alan Dubin, 1819 H Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Coins*, between Culpeper, Va., on the one hand, and, on the other, Boston, Mass., New York and Buffalo, N.Y., Philadelphia, Pa., Cleveland and Cincinnati, Ohio, Pittsburgh, Pa., Baltimore, Md., Charlotte, N.C., Atlanta, Ga., Birmingham, Ala., Jacksonville, Fla., Nashville, Tenn., New Orleans, La., Chicago, Ill., Detroit, Mich., St. Louis, Mo., Little Rock, Ark., Louisville, Ky., Memphis, Tenn., Minneapolis, Minn., Helena, Mont., Kansas City, Mo., Denver, Colo., Oklahoma City, Okla., Omaha, Nebr., Dallas, El Paso, Houston, and San Antonio, Tex., San Francisco, and Los Angeles, Calif., Portland, Oreg., Salt Lake City, Utah, Seattle, Wash., Washington, D.C., and Miami, Fla., under contract with General Services Administration. Note: Applicant is authorized to operate as a common carrier under MC 125729; therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 109397 (Sub-No. 255), filed April 12, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Special nuclear, radioactive and byproduct materials, related reactor equipment and associated materials*, between Nuclear Generating Station, located at or near Monticello, Minn., and Two Rivers, Wis., on the one hand, and, on the other, nuclear waste sites located at or near Morehead, Ky., and Sheffield, Ill. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 110420 (Sub-No. 636), filed April 26, 1971. Applicant: QUALITY CARRIERS, INC., Post Office Box 186, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting *Liquid plastic*, in bulk, from Midland, Mich., to Rhinelander, Wis. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 110563 (Sub-No. 63), filed April 22, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg or fruit ingredients, other than frozen, from the Armour-Dial, Inc., plant located at Fort Madison, Iowa, to points in New York, Connecticut, and Pennsylvania. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 110563 (Sub-No. 64), filed April 22, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible boneless beef*, from plants in Norfolk, Ainsworth, Brunswick, and Gering, Nebr., to Allen Products Co. located at Crete, Nebr., and Cleveland, Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 111375 (Sub-No. 48), filed April 19, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., Post Office Box 3358, Madison, WI 53704. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Fort Atkinson, Wis., to points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Washington, Utah, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111375 (Sub-No. 49), filed April 19, 1971. Applicant: PIRKLE REFRIGERATED FREIGHT LINES, INC., 3567 East Barnard Avenue, Cudahy, WI 53110. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Mount Madison, Iowa to points in Arizona, California, Colorado, Oregon, and Utah. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 111729 (Sub-No. 315), filed April 15, 1971. Applicant: AMERICAN COURIER CORP., 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records, and audit, and accounting media of all kinds*, (a) between Newport News and Roanoke, Va., on the one hand, and, on the other, Frederick and Hagerstown, Md.; Durham, Kinston, Raleigh, Wilson, and Winston Salem, N.C.; Charleston, Columbia, Florence, and Spartanburg, S.C.; (b) between Pottsville (Schuylkill County), Pa., on the one hand, and, on the other, points in Mercer and Union Counties, N.J., and New York, N.Y.; (c) from Newark and Paterson, N.J., Garden City and New York, N.Y., to Horseheads, N.Y., (d) between Philadelphia, Pa., on the one hand, and, on the other, Horseheads, Painted Post and Poughkeepsie, N.Y., and Somerville, N.J.; and (e) between Roanoke, Va., and points in North Carolina; (2) *cut flowers and decorative greens*, between Minneapolis, Minn., on the one hand, and, on the other, points in South Dakota; (3) *exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theatre and television exhibition), (a) between Roanoke, Va., on the one hand, and, on the other, points in North Carolina; and (b) between Philadelphia, Pa., on the one hand, and, on the other, Horseheads and Troy, N.Y.; (4) *proofs, cuts, copy, manuscripts, advertising poster material, and matters pertaining thereto*, between Salem, Va., on the one hand, and, on the other, points in North Carolina; and (5) *ophthalmic goods and audit and accounting media moving therewith*, between Pennsauken, N.J., on the one hand, and, on the other, New York, N.Y., and points in Nassau and Westchester County, N.Y., Dauphin and Lehigh County, Pa., New Castle County, Del., Baltimore County, and the city of Baltimore, Md., and the District of Columbia. Note: Applicant holds contract carrier authority under MC 112750 and subs thereunder; therefore dual operations and common control may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 111812 (Sub-No. 422), filed April 20, 1971. Applicant: MIDWEST COAST TRANSPORT, INC., 405½ East Eighth Street, Post Office Box 1233, Sioux Falls, SD 57101. Applicant's representative: Donald L. Stern, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Periodicals, books, magazines, newspapers, pamphlets, catalogues, and parts and supplements thereof*, (a) from Philadelphia, Pa., Kokomo, Ind., and Cambridge, Mass., to points in Arizona, California, Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Utah, Washington, Wyoming, and Wisconsin; (b) from Milwaukee, Wis., to the destination States named above (except Wisconsin); and (c) from Bridgeport, Conn., to points in Arizona, California, Colorado, Idaho, Indiana, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 112713 (Sub-No. 131), filed April 9, 1971. Applicant: YELLOW FREIGHT SYSTEM, INC., Box 8462, 92d at State line, Kansas City, MO 64114. Applicant's representative: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring the use of special equipment), serving the site of the Big O tire stores of Louisville, Inc., at Lake Louisville, Ky., as an off-route point in connection with applicant's authorized regular route authority to and from Louisville, Ky., serving no intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Indianapolis, Ind.

No. MC 112822 (Sub-No. 192), filed April 22, 1971. Applicant: BRAY LINES INC., 1401 North Little (Post Office Box 1191), Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, cooked, cured, or preserved*, with or without vegetables, milk, eggs, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Arizona and Texas. Note: Applicant states there may be tacking possibilities, however, none are intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 113362 (Sub-No. 209), filed April 19, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 E. Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue, NE., Austin, MI 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as defined in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Swift & Co. at or near Marshalltown, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia. Restrictions: The authority sought herein is restricted to the transportation of traffic originating at the plant and warehouse facilities of Swift & Co., at Marshalltown, Iowa, and destined to points in the above-named destination States. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 113362 (Sub-No. 210), filed April 19, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins, and commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Bookey Packing Co. at Des Moines, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to the transportation of traffic originating at the plant and warehouse facilities of Bookey Packing Co. at Des Moines, Iowa, and destined to points in the above-named destination States. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Minneapolis, Minn., or Des Moines, Iowa.

No. MC 113362 (Sub-No. 211), filed April 23, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk), from the plantsite and storage facilities of National Beef Packing Co., located at or near Liberal, Kans., to points in Connecticut, Delaware, Maine, Maryland, Minnesota, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to the transporation of traffic originating at the plantsite and warehouse facilities of National Beef Packing Co., located at or near Liberal, Kans., and destined to points in the above-named destination States. Note: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Kans., or Kansas City, Mo.

No. MC 113382 (Sub-No. 14), filed April 22, 1971. Applicant: NELSEN BROS., INC., Post Office Box 613, Nebraska City, NE 68410. Applicant's representative: J. Max Harding, 605 South 14th Street (Post Office Box 82028), Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats*, from points in Arizona, Arkansas, California, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming, to the plantsite and warehouse facilities of Thomas J. Lipton, Inc., its divisions and affiliates, at or near Nebraska City, Nebr., under contract with Morton House Kitchens, Inc., a wholly owned subsidiary of Thomas J. Lipton, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113828 (Sub-No. 189), filed April 28, 1971. Applicant: O'BOYLE TANK LINES, INC., Post Office Box 30006, Washington, DC 20014. Applicant's representatives: John F. Grimm (same address as applicant) and William P. Sullivan, 1819 H Street NW., Federal Bar Building West, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry sugar*, in bulk, from Baltimore, Md., to points in Pennsylvania north of a line beginning at the intersection of U.S. Highway 22 and the Pennsylvania-West Virginia border and extenting along U.S. Highway 22 to the intersection with Pennsylvania Highway 61 thence south on Pennsylvania Highway 61 to the intersection of Pennsylvania Highway 724, thence southeast along Pennsylvania Highway 724 to Birdsboro, Pa., thence south on Pennsylvania Highway 82 to the Pennsylvania-Delaware State line. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at the District of Columbia.

No. MC 114457 (Sub-No. 109), filed April 19, 1971. Applicant: DART TRANSIT CO., 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food dispensing and merchandising equipment and supplies*, from Minneapolis, Minn., to points in Iowa, Nebraska, South Dakota, North Dakota, Kansas, Missouri, Arkansas, Louisiana, Oklahoma, Texas, and Mississippi. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 114632 (Sub-No. 40), filed April 22, 1971. Applicant: APPLE LINES, INC., Post Office Box 670, Madison, SD 57042. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, commodities in bulk, and tank vehicles), from the plantsite and/or warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Missouri, Kansas, Oklahoma, Nebraska, Iowa, North Dakota, South Dakota, Minnesota, Arkansas, and Colorado. Note: Applicant holds contract carrier authority under MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 114632 (Sub-No. 41), filed April 22, 1971. Applicant: APPLE LINES, INC., Post Office Box 670, Madison, SD 57042. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C, of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Sioux Falls, S. Dak., and Spencer and Hartley, Iowa, to points in Illinois. Note: Applicant holds contract carrier authority under MC 129706, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn., or Omaha, Nebr.

No. MC 115841 (Sub-No. 408), filed April 15, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway (Post Office Box 10327), Birmingham AL 35202. Applicant's representative: C. E. Wesley (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, dairy products, and articles distributed by meat packinghouses*, as described in sections A, B, and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 (except in bulk), from Nashville, Tenn., to points in Florida. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 115841 (Sub-No. 409), filed April 15, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway (Post Office Box 10327), Birmingham AL 35202. Applicant's representative: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Foodstuffs, frozen and nonfrozen*, and (2) *Meats, meat products, and meat byproducts* unfit for human consumption (except in bulk), in vehicles with mechanical refrigeration, from points in North Carolina and South Carolina, to points in Kentucky, Tennessee, Ohio, Indiana, Illinois, the Lower Peninsula of Michigan, Iowa, Missouri, Wisconsin, Texas, Oklahoma, Arkansas, Alabama, Louisiana, Georgia, and Florida. Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no *present* intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116073 (Sub- No. 164), filed April 19, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Building materials*, except in bulk, from Washtenaw County, Mich., to points in the United States (including Alaska, but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 116544 (Sub-No. 125), filed April 8, 1971. Applicant: WILSON BROTHERS TRUCK LINE, INC., 700 East Fairview Avenue, Post Office Box 636, Carthage, MO 64836. Applicant's representative: Robert Wilson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, and hides), from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, Texas, and Memphis, Tenn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 116821 (Sub-No. 6), filed April 15, 1971. Applicant: FURNITURE DELIVERY, INC., Box 374, Columbia, OH 44408. Applicant's representative: Richard H. Brandon, 79 East State Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New funiture*, from Salem, Ohio, to points in Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont, under contract with Ort Furniture Manufacturing Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117815 (Sub-No. 173), filed April 26, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients (other than frozen), from the plantsite and storage facilities of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Illinois, Minnesota, and Missouri. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118180 (Sub-No. 11), filed April 16, 1971. Applicant: GOVAN EXPRESS, INC., 3202 Conflans Street, Irving, TX 75060. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, TX 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from the plantsite of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Dallas or Fort Worth, Tex.

No. MC 118263 (Sub-No. 46), filed April 21, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38,

Clarksville, IN 47131. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Swift & Co. located at Marshalltown, Iowa, to Boone, Cook, DeKalb, DuPage, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, Ill., and Lake and Porter Counties, Ind. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118866 (Sub-No. 4), filed April 16, 1971. Applicant: PAUL L. ZAMBERLAN & SONS, INC., Lewis Run, PA 16738. Applicant's representative: H. Ray Pope, Jr., 10 Grant Street, Clarion, PA 16214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Brick and clay products*, from Lewis Run, McKean County, Pa., to points in Illinois, North Carolina, South Carolina, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 45500, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Buffalo, N.Y.

No. MC 119767 (Sub-No. 267), filed April 19, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooked, cured, and prepared meats*, with or without vegetable, milk, egg, or fruit ingredients (except frozen), from the plantsite and warehouse facilities of Armour-Dial, Inc., at Fort Madison, Iowa, to points in Minnesota and Ohio. Note: Common control may be involved. Applicant states that the requested authority can be tacked to serve other destinations; however, tacking is not proposed to serve the shipper. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119777 (Sub-No. 208), filed April 5, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representative: William G. Thomas (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Board, board faced, or finished with decorative or protective material*, and (2) *Accessories, materials, and supplies* used in the sale, manufacture, installation, and distribution of the commodities in (1) above between Murfreesboro, N.C., and points in North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas, and all States east thereof. Note: Applicant holds contract carrier authority under MC 129670, dual operations and common control may be involved. Applicant states that the requested authority can be tacked with its Subs 38, 80, 133, and 154 to serve points in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Nashville, Tenn.

No. MC 119777 (Sub-No. 211), filed April 19, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Drawer L, Madisonville, KY 42431. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and William G. Thomas (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and storage facilities of Duraflake South, Inc., at or near Simsboro, La., to points in the United States in and east of the States of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, restricted to traffic originating at the named origin and destined to the named destination States. Note: Applicant now holds contract carrier authority under No. MC 126970 Subs 1 and 3, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Memphis, Tenn.

No. MC 119777 (Sub-No. 212), filed April 26, 1971. Applicant: LIGON SPECIALIZED HAULER, INC., Post Office Box L, Madisonville, KY 24431. Applicant's representatives: William G. Thomas (same address as applicant) and Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper, paper articles, paper products, and woodpulp*, from points in McMinn County, Tenn., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia, and (2) *pulpboard*, from West Point, Va., to points in McMinn County, Tenn. Note: Applicant holds contract carrier authority under MC 129670 (Subs 1 and 3), therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chattanooga or Nashville, Tenn., or Atlanta, Ga.

No. MC 119789 (Sub-No. 65), filed April 9, 1971. Applicant: CARAVAN REFRIGERATED CARGO, INC., Post Office Box 6188, Dallas, TX 75222. Applicant's representative: James T. Moore (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Food products*, other than frozen, and *supplies and ingredients* used in the manufacture of food products, from Columbus, Ohio, and Sturgis, Mich., to Mitchell, S. Dak.; and (2) *food products*, other than frozen, from Mitchell, S. Dak., to Los Angeles, Oakland, and San Francisco, Calif.; Salt Lake City, Utah; Seattle, Wash.; Oklahoma City, Okla.; Phoenix, Ariz.; Portland, Oreg.; and El Paso, San Antonio, Ft. Worth, and Houston, Tex. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio, Dallas, Tex., or Washington, D.C.

No. MC 119908 (Sub-No. 10), filed April 22, 1971. Applicant: WESTERN LINES, INC., Post Office Box 1145, 77001, 3523 McCarty Avenue, Houston, TX 77029. Applicant's representative: Austin L. Hatchell, 1102 Perry Brooks Building, Austin, TX 78701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from the plantsite and storage facilities of Duraflake South, Inc., at or near Simsboro, La., to points in the United States in and east of North Dakota, South Dakota, Nebraska, Colorado, and New Mexico, restricted to traffic originating at the named origin and destined to the named destination territory. Note: Applicant holds contract carrier authority under MC 110814 and subs, therefore, common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 119974 (Sub-No. 35), filed April 26, 1971. Applicant: L. C. L. TRANSIT COMPANY, a corporation, 949 Advance Street, Post Office Box 949, Green Bay, WI 54305. Applicant's representative: Charles E. Dye (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, dairy byproducts, and manufactured and prepared foods and material, supplies and equipment* used or useful in the production thereof, from points in Wisconsin, to Albany, Melrose, and Watkins, Minn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Chicago, Ill.

No. MC 119988 (Sub-No. 43), filed April 13, 1971. Applicant: GREAT WESTERN TRUCKING CO., INC., 811½ North Timberline Street, Post Office Box 1384, Lufkin, TX 75902. Applicant's representative: Bennie W. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Printed matter*, from the plantsite and warehouse facilities of Mid-America Webpress, Inc., at or near Lincoln, Nebr., to points in California, Louisiana, New York City, N.Y., Oregon, Philadelphia, Pa., Texas, and Washington; and (2) *paper*, in rolls, from the plantsite or warehouse facilities of U.S. Champion Plywood Co., at or near Houston, Tex., to the plant and storage facilities of Mid-America Webpress, Inc., at or near Lincoln, Nebr. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston or Dallas, Tex.

No. MC 123048 (Sub-No. 189), filed April 13, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Hardwood flooring systems; hardwood flooring; lumber and lumber products, and accessories and supplies* used in the installation thereof, and (2) *materials, equipment, and supplies* used in the manufacture and distribution of the commodities in (1) above, (1) from the plant and warehouse sites of Robbins Flooring Co., located at or near Ishpeming, Mich., and White Lake, Wis., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Minnesota, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and those in Nebraska on and east of U.S. Highway 183, and the District of Columbia, and (2) from the above-named destination States to the plant and warehouse facilities of Robbins Flooring Co., located at or near Ishpeming, Mich., and White Lake, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123048 (Sub-No. 190), filed April 16, 1971. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, WI 53401. Applicant's representatives: Paul C. Gartzke, 121 West Doty Street, Madison, WI 53703, and Paul L. Martinson, 1919 Hamilton Avenue, Racine, WI 53401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Synthetic plastic composition*, (2) *facing*, (3) *floor covering*, (4) *felt base*, asphalted, plain, painted, or decorated, and (5) *materials, accessories, and supplies* used in the installation of items (1) through (4) above, from the plant and warehouse facilities of Robbins Flooring Co., at or near Lisbon, Maine, to points in the United States (except Alaska and Hawaii), and (6) *materials, equipment, and supplies* used in the manufacturing and distribution of items (1) through (5) above, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 123314 (Sub-No. 14), filed April 19, 1971. Applicant: JOHN F. WALTER, INC., Box 175, Newville, PA 17241. Applicant's representative: Eugene T. Liipfert, Suite 1100, 1660 L Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, and pet foods* (except frozen foods and commodities in bulk), and *advertising matter, displays, and premiums* in mixed loads with food stuffs or pet foods, from the plantsite and storage facilities operated by the Quaker Oats Co., at or near Shiremanstown, Pa., to Florence, Burlington County, N.J., with transportation on return movements of *returned or rejected merchandise and empty pallets*. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124078 (Sub-No. 481), filed March 5, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils and blends thereof*, from Dothan and Headland, Ala., to points in Alabama, Florida, Georgia, Illinois, Kentucky, Maryland, North Carolina, New York, Ohio, Pennsylvania, South Carolina, Tennessee, and Virginia. Note: Applicant states tacking is possible but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Atlanta, Ga.

No. MC 126539 (Sub-No. 5), filed April 15, 1971. Applicant: KATUIN BROS. INC., 102 Terminal Street, Dubuque, IA 52001. Applicant's representative: Carl E. Munson, 469 Fischer Building, Dubuque, IA 52001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer*, in bulk, from Dubuque, Iowa, to points in Illinois, Minnesota, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Madison, Wis., or Des Moines, Iowa.

No. MC 127042 (Sub-No. 82), filed April 22, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office Box 98 Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from Omaha, Nebr., to points in Illinois and Wisconsin, and (2) *cheese, cheese products, supplies, and materials*, from Newman Groves, Nebr., to Fond du Lac, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa, or Omaha, Nebr., or Chicago, Ill.

No. MC 127342 (Sub-No. 6), filed April 7, 1971. Applicant: WILBUR McLAUGHLIN, doing business as TONICA TRANSIT COMPANY, Post Office Box 77, Tonica, IL 61370. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Suite 2220, Chicago, IL 60602. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Brick*, from Sheffield, Ill., to points in Missouri, under a continuing contract, or contracts with Sheffield Brick Co.; (2) *brick*, between Lowell, Ill., on the one hand, and, on the other, points in Wisconsin, Michigan, Indiana, Missouri, and Iowa, under a continuing contract, or contracts with Ristokrat Clay Products Co.; and (3) *brick*, between Peoria, Ill., on the one hand, and, on the other, points in Wisconsin, Indiana, and Illinois, under a continuing contract, or contracts with Peoria Brick & Tile Co. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 127777 (Sub-No. 13), filed April 26, 1971. Applicant: MOBILE HOME EXPRESS, INC., Post Office Box 547, Wausau, WI 54401. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue, Suite 1100, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automoblies, in initial movements, from points in Iron County, Wis. (except Hurley, Wis.), to all points in the United States (except Hawaii); (2) *trailers* designed to be drawn by passenger automobiles, in initial movements, from points in Outagamie County, Wis., to all points in the United States (except Hawaii); and (3) *trailers* designed to be drawn by passenger vehicles, in initial movements and *buildings*, complete or in sections, mounted on wheeled undercarriages, in initial movements, from points in Humboldt County, Iowa, to all points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be

tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 128273 (Sub-No. 95), filed April 22, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, products produced or distributed by manufacturers and converters of paper and paper products*, and (2) *materials and supplies* used in the manufacture and distribution of paper and paper products, between Snowflake, Ariz., on the one hand, and, on the other, points in New Mexico, Colorado, Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Missouri, Illinois, Oklahoma, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix, Ariz., or Washington, D.C.

No. MC 129187 (Sub-No. 1), filed April 19, 1971. Applicant: CLAY PRODUCTS TRANSPORT, INC., Post Office Box 429, Dover, OH 44622. Applicant's representative: Earl N. Merwin, 85 East Gay Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and related supplies* used in the manufacture of iron and steel articles, between Dover, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, West Virginia, and Wisconsin, under a continuing contract with Reeves-Bowman Division of Cyclops Corp. Note: Applicant holds common carrier authority under MC 87532 and subs thereunder, therefore common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 133231 (Sub-No. 5), filed April 19, 1971. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, NJ 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Organs, benches, books, and materials, equipment and supplies* used or useful in the manufacturing and sale of organs, between the facilities of Magnus Organ Corp., located at Woodbridge and Linden, N.J., on the one hand, and, on the other, Wingdale, N.Y., under contract with Magnus Organ Corp., at Linden, N.J. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 133566 (Sub-No. 11), filed April 26, 1971. Applicant: ROBERT GANGLOFF AND ROBERT DOWNHAM, a partnership, doing business as, GANGLOFF AND DOWNHAM, Post Office Box 676, Logansport, IN 46947. Applicant's representative: Jack H. Blanshan, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk) as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and warehouse facilities utilized by Wilson Sinclair Co., at or near Monmouth, Ill., to points in Indiana, Michigan, and Ohio, restricted to the transportation of traffic originating at the above-named origin and destined to the above-named destinations. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 133755 (Sub-No. 11), filed April 19, 1971. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis., to Chanhassen, Minn.; and *empty cooperage*, on return, under contract with Leding Distributing Co., Inc. Note: Applicant states it does not seek authority to transport commodities in bulk or in tank vehicles. If a hearing is deemed necessary, applicant requests it be held at Madison or Eau Claire, Wis.

No. MC 134610 (Sub-No. 2), filed April 21, 1971. Applicant: JACK R. CLARK, doing business as CLARK TRUCKING SERVICE, Post Office Box 118, Niota, TN 37826. Applicant's representative: Robert E. Tate, Post Office Box 517, Evergreen, AL 36401. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Newsprint, groundwood papers, printing paper, and woodpulp* (except in bulk); from the plantsite of Bowaters Southern Paper Corp. at Calhoun, Tenn., to points in Alabama (south of U.S. Highway 80); Georgia (south of U.S. Highway 280 to junction with U.S. Highway 80 and U.S. Interstate Highway 16 and thence south of U.S. Highway 80); North Carolina (east of U.S. Highway 1); South Carolina (east of U.S. Highway 1); Mississippi; Virginia; Washington, D.C.; and Florida (on and north of Florida Highway 50); (2) *paper core tubes, equipment, materials, or supplies used in the manufacture of newsprint, groundwood papers, printing paper, and woodpulp* (except in bulk); from points in Alabama (south of U.S. Highway 80); Georgia (south of U.S. Highway 280 to junction with U.S. Highway 80 and U.S. Interstate Highway 16 and thence south of U.S. Highway 80); North Carolina (east of U.S. Highway 1); South Carolina (east of U.S. Highway 1); Mississippi; Virginia; Washington, D.C.; and Florida (on and north of Florida Highway 50) to the plantsite of Bowaters Southern Paper Corp. at Calhoun, Tenn., under contract with Bowaters Southern Paper Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Chattanooga, Tenn., or Birmingham, Ala.

No. MC 134777 (Sub-No. 11), filed April 22, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Texas. Note: Applicant now holds contract carrier authority in MC 87088 Sub-1, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 134911 (Sub-No. 1), filed April 26, 1971. Applicant: KENNETH H. THOMAS, doing business as THOMAS TRUCKING COMPANY, Route No. 3, St. Joseph, MO 64506. Applicant's representative: Errol D. Taylor, 1208 Corby Building, St. Joseph, MO 64501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel and sand*, in bulk, in dump vehicles, from plant of Holliday Sand and Gravel Co. at St. Joseph, Mo., to points in Atchison, Brown, Doniphan, and Nemaha Counties, Kans. Note: If a hearing is deemed necessary, applicant requests it be held at St. Joseph or Kansas City, Mo.

No. MC 135185 (Sub-No. 3), filed April 16, 1971. Applicant: COLUMBINE CARRIERS, INC., 4971 South Emporia, Englewood, CO 80110. Applicant's representative: David R. Parker, 605 South 14th Street (Post Office 82028), Lincoln NE 68502. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as defined in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and storage facilities of Spencer Foods, Inc., located at Spencer, Iowa, Schuyler, Nebr., Sioux Falls, S. Dak., and Hartley, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia, under contract with Spencer Foods, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Sioux City, Iowa.

No. MC 135197 (Sub-No. 3), filed April 28, 1971. Applicant: LEESER TRANSPORTATION, INC., Post Office Box 545, Taylor, MO 63471. Applicant's representative: Leonard A. Jackiewicz, 1730 M Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and poultry feed and feed ingredients*, from the plant of American Cyanamid Co. at South River, Mo., to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New York, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Wisconsin, and Wyoming; (2) *dry ammonium nitrate*, from the plant of American Cyanamid Co. at South River, Mo., to points in Kentucky. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135248 (Sub-No. 3), filed April 26, 1971. Applicant: WILLIAM H. DEES, doing business as DEES TRANSPORTATION, Post Office Box 446, Worland, WY 82401. Applicant's representative: Robert S. Stauffer, 3539 Boston Road, Cheyenne, WY 82001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Machinery, equipment, materials, and supplies*, used in or in connection with the manufacture, production, and distribution of nonalcoholic beverages, including advertising materials, from Ogden, Utah, Missoula, Great Falls, and Butte, Mont., Idaho Falls and Pocatello, Idaho, to Worland, Wyo.; and (2) *nonalcoholic beverages*, between points in Colorado, Idaho, Nevada, North Dakota, Utah, and Wyoming. NOTE: Applicant states no duplicate authority is being sought. It further states that the requested authority cannot be tacked with its existing authority. Applicant has contract carrier application pending under MC 134445, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at (1) Billings, Mont., (2) Denver, Colo., or (3) Casper, Wyo.

No. MC 135260 (Sub-No. 1), filed March 4, 1971. Applicant: GENERAL TRANSFER, INC., doing business as GENERAL TRANSFER AND STORAGE, a corporation, Highway 8 at 70th Street, La Mesa, CA 92041. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles, Orange, Riverside, Imperial, San Bernardino, and San Diego Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers, and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such shipments. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 135460 (Sub-No. 2), filed April 21, 1971. Applicant: SOUTHERN TRANSPORT, INC., 1200 West Hillsboro (Post Office Box 488), El Dorado, AR 71730. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from the terminals, storage and loading facilities utilized or operated by Mobil Oil Corp. at El Dorado, Ark., to points in Louisiana, under a continuing contract with Mobil Oil Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135491, filed April 2, 1971. Applicant: LLOYD A. COX, doing business as COX FREIGHT LINE, Post Office Box 92, Jordan, MT 59337. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, bulk feeds, bulk petroleum, bulk cement, other commodities in bulk and commodities requiring special equipment), between Billings and Jordan, Mont., from Billings over U.S. Highway 87 to junction Montana Highway 244, thence over Montana Highway 244 to junction Montana Highway 200, thence over Montana Highway 200 to Jordan, serving the intermediate and off-route points of Winnett, Cat Creek (Petroleum County), and Mosby (Garfield County), Mont. NOTE: If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., any part of Montana, or the western half of North or South Dakota.

No. MC 135501, filed April 12, 1971. Applicant: COOK TRANSPORTS, INC., 303 East Orleans, Street, Box 153, Paxton, IL 60957. Applicant's representative: Charles R. Young, 4 West Seminary Street, Danville, IL 61832. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia, liquid fertilizer solutions* (including aqua ammonia solutions and nitrogen fertilizer solutions) in tank-type vehicles and *dry fertilizer* in bag and bulk, (1) between points in Illinois and Indiana; and (2) from Danville, Ill., to Cleveland, Cairo, Washington Court House, and Wellington, Ohio. NOTE: If a hearing is deemed necessary, applicant requests it be held at Springfield or Chicago, Ill.

No. MC 135506 (Sub-No. 2), filed April 19, 1971. Applicant: OREGON TRAIL CARTAGE, INC., Post Office Box 553, Scottsbluff, NE 69361. Applicant's representative: John H. Lewis, The 1650 Grant Street Building, Denver, CO. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as described in section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicle), from Grand Island, Scottsbluff, and Gering, Nebr., and Denver, Colo., to Cheyenne and Laramie, Wyo., and points in Larimer, Boulder, Adams, Jefferson, Arapahoe, Douglas, Denver, El Paso, Weld, and Pueblo Counties, Colo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 135530, filed April 15, 1971. Applicant: LAKE CENTER INDUSTRIES TRANSPORTATION, INC., 111 Market Street, Winona, MN 55987. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobile and vehicle parts, electrical and electronic goods, electrical and electrical appliances and instruments and parts thereof, electrical and electronic supplies, equipment, fittings and accessories, metals and metal articles, wire and wire products, and wire stripping machines*, (a) from the plantsites of Lake Center Switch Co. in Winona, Minn., Rush Products Co. in Lewiston and Rushford, Minn., Deco Products Co. in Decorah, Iowa, and Gale Products Co. in Galesville, Wis., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Texas, Virginia, West Virginia, Kansas, Nebraska, Oklahoma, and the District of Columbia; (b) from the plantsites of Lakes Center Switch Co. in Winona, Minn., and Rush Products Co. in Lewiston and Rushford, Minn., to points in Iowa and Wisconsin; (c) from the plantsite of Deco Products Co. in Decorah, Iowa, to points in Minnesota and Wisconsin; and (d) from the plantsite of Gale Products Co. in Galesville, Wis., to points in Iowa and Minnesota; (2) *equipment, materials, and supplies* used in manufacturing, processing, or repairing of the commodities described in (1), above, (a) from points in the 18 destination States named in (1) (a), above, to the five plantsites named in (1) (a), above, on return, (b) from points in Iowa and Wisconsin to the plantsites of Lake Center Switch Co. in Winona, Minn., and Rush Products Co. in Lewiston and Rushford, Minn.; (c) from points in Minnesota and Wisconsin to the plantsite of Deco Products Co. in Decorah, Iowa; and (d) from points in Iowa and Minnesota to the plantsite of Gales Products Co. in Galesville, Wis., all under contract with Lake Center Switch Co., Winona, Minn.; Rush Products Co., Lewiston and Rushford, Minn., Deco Products Co., Decorah, Iowa, and Gale Products Co., Galesville, Wis. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn., or Winona, Minn.

No. MC 135532, filed April 14, 1971. Applicant: J. B. LEVIN, INC., 61 Pearce Street, Fall River, MA 02720. Applicant's representative: Sherwin & Gottlieb, 56 North Main Street, Fall River, MA 02722. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New household furniture and new household furnishings*, from Fall River, Bristol County, Mass., to points in Massachusetts, Rhode Island, and Connecticut; and *returned shipments of above-named commodities*, on return, under contract with Bassett Furniture Industries. NOTE: If a hearing is deemed necessary, applicant requests it be held at Providence, R.I., or Boston, Mass.

No. MC 135539, filed April 20, 1971. Applicant: FARM SERVICE & SUPPLIES, INC., Post Office Box 5351, Evansville, IN 47715. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grain dryers, prefabricated grain bins and tanks, fans, heaters, and accessories* when moving at the same time and in the same vehicle, from the plantsites of Chicago Eastern Corp. at Marengo, Ill., to points in the United States (except Vermont, New Hampshire, Connecticut, Maine, Rhode Island, Massachusetts, Arizona, Utah, Nevada, New Mexico, and Wyoming), under contract with Chicago Eastern Corp., restricted to traffic originating at said plantsites and destined to the States requested. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 135542, filed April 21, 1971. Applicant: TIMOTHY D. SHAW, Rural Delivery 1, Sweet Valley, PA 18621. Applicant's representative: Kenneth R. Davis, 999 Union Streets, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, from Wyoming, Pa., to points in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Maryland, Delaware, and the District of Columbia, and *supplies, materials, and equipment* used or useful in the manufacture of new furniture, on return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 135544, filed April 19, 1971. Applicant: HARLEY-DAVIDSON OF MIAMI AND ORLANDO, INC., 38 North Orange Blossom Trail, Orlando, FL. Applicant's representatives: James E. Wharton and Gregory A. Presnell, 506 First National Bank Building, Post Office Box 321, Orlando, FL 32802. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Harley-Davidson motorcycles, golf cars, parts, accessories, and lubricants*, from Milwaukee, Wis., to points in Florida. NOTE: If a hearing is deemed necessary, applicant requests it be held at Orlando, or Miami, Fla.

MOTOR CARRIER OF PASSENGERS

No. MC 48315 (Sub-No. 5), filed April 21, 1971. Applicant: HOPKINS MOTOR COACH, INC., 127 North State Street, Dover, DE 19901. Applicant's representative: Theodore Polydoroff, 1140 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, from points in Kent and Sussex Counties, Del., to points in the United States (except Hawaii) and return. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dover, Del.

APPLICATION FOR FREIGHT FORWARDER

No. FF-279 (Sub-No. 1) (MID-PACIFIC FORWARDING CO., INC.—EXTENSION—SAN FRANCISCO), filed April 23, 1971. Applicant: MID-PACIFIC FORWARDING CO., INC., doing business as HAWAIIAN CARGO EXPEDITERS, 5760 Ferguson Drive, Los Angeles, CA. Applicant's representative: James W. Wade, 729 Citizens National Bank Building, 453 South Spring Street, Los Angeles, CA 90013. Authority sought under section 410, Part IV of the Interstate Commerce Act., for a permit to extend operation as a freight forwarder, in interstate or foreign commerce, through use of the facilities of common carriers by motor vehicle and water in the transportation of *general commodities*, with shipments moving under refrigeration of temperature control, between points in Hawaii and San Joaquin, Sacramento, Santa Clara, Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Solano, and Sonoma Counties, Calif.

APPLICATION OF WATER CARRIER

No. W-497 (Sub-No. 7) (Correction), filed February 22, 1971, published in the FEDERAL REGISTER, issue of March 4, 1971, and republished in part as corrected, this issue. Applicant: UNITED STATES LINES, INC., 1 Broadway, New York, NY. Applicant's representative: Russell T. Weil, 900 17th Street NW., The Farragut Building, Washington, DC 20006. The purpose of this partial republication is to reflect the applicant's representative correct address as 900 17th Street NW., The Farragut Building, Washington, DC 20006. The rest of the application remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6592 Filed 5-12-71;8:45 am]

[Notice 292]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 7, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC-30114 (Sub-No. 4 TA), filed April 29, 1971. Applicant: MITCHKO TRUCKING, INC., 650 Myrtle Avenue, Boonton, NJ 07005. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming compound, water treating compounds, boiler cleaning compounds, softening compounds, washing and cleaning compounds, fuel oil treating compounds, laundry compounds and rust preventative compounds* (except in bulk), from Newark, Kearny, Edgewater, Edison, and Raritan, N.J., to points in New York, in east and south of Allegany, Livingston, Ontario, Wayne, Cayuga, Oswego, Lewis, Herkimer, Hamilton, Warren, and Washington Counties, points in Pennsylvania, in and east of Potter, Cameron, Clearfield, Blair, Huntingdon, and Fulton Counties, points in Maryland, except those in Garrett, Allegany, St. Mary's, and Charles Counties, and points in Delaware, for 180 days. Supporting shipper: Drew Chemical Corp., 701 Hefferson Road, Parsippany, NJ 07054. Send protests to: District Supervisor Joel Morrows, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 34689 (Sub-No. 14 TA), filed April 29, 1971. Applicant: H. MAYNARD GOULD CO., Union Street, East Walpole, MA 02032. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products*, from Mansfield, Mass., to Boston, Mass., and points in Connecticut, Rhode Island, Vermont, New Hampshire, and points in Saratoga, Rensselaer, Washington, Albany, Schenectady, Columbia, Dutchess, Putnam, Westchester, Greene, Ulster and Orange Counties, N.Y., and points in York, Cumberland, Oxford, Androscoggin, Sagadahoc, Franklin, Kennebec, Waldo, Lincoln, Knox, Penobscot, Hancock, and Somerset Counties, Maine, and (2) *paper products and wastepaper*, from Waterville, Maine, to Mansfield, Mass., for 180 days. Supporting shipper: Hoerner Waldorf Corp., 2250 Wabash Avenue, Post Office Box

3260, St. Paul, MN 55101. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J.F.K. Federal Building, Room 2211–B, Government Center, Boston, MA 02203.

No. MC 52579 (Sub-No. 129 TA), filed April 29, 1971. Applicant: GILBERT CARRIER CORP., 1 Gilbert Drive, Secaucus, NJ 07094. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel*, loose, on hangers, from Miami and Hialeah, Fla., to Roanoke, Va., for 150 days. Supporting shipper: Jaree Classics, Inc., 1350 Broadway, New York, NY 10018. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 104430 (Sub-No. 35 TA) (Amendment), filed April 19, 1971, published Federal Register, April 27, 1971, amended and republished as amended, this issue. Applicant: CAPITAL TRANSPORT COMPANY, INC., Highway 24 West (Post Office Box 408), McComb, MS 39648. Applicant's representative: Donald B. Morrison, Deposit Guaranty Bank Building, Jackson, MS 39201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Kenner, La., to points in Mississippi, for 150 days. Supporting shippers: Sheel Oil Co., Melrose Building, Post Office Box 2099, Houston, TX 77001, Continental Oil Co., Box 36235, Houston, TX 77036. Send protests to: Alan C. Tarrant, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 212, 145 East Amite Building, Jackson, MS 39201. Note: The purpose of this republication is to include the restriction, *in bulk, in tank vehicles*.

No. MC 108449 (Sub-No. 324 TA), filed April 29, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representative: W. A. Myllenbeck (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum oxide*, in bulk, from St. Paul, Minn., to Prairie Du Chien, Wis., for 180 days. Supporting shipper: Minnesota Mining and Manufacturing Co., St. Paul, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 114284 (Sub-No. 50 TA), filed April 29, 1971. Applicant: FOX-SMYTHE TRANSPORTATION CO., 1700 South Portland Ave., Post Office Box 82307, Stockyards Station, Oklahoma City, OK 73108. Applicant's representative: Carl Smythe (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles* distributed by meat packinghouses, as described in Appendix I, to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Los Angeles, Calif., to Shreveport and New Orleans, La., Tulsa, Okla., Little Rock, Ark., Dallas, Houston, and Fort Worth, Tex., for 180 days. Supporting shipper: Frank Perry, Kansas City Meat Co., 2826 East First Street, Los Angeles, CA 90033. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 121525 (Sub-No. 4 TA), filed April 29, 1971. Applicant: SNIDER TRUCKING SERVICE, INC., 110 East Fifth Street, Ritzville, WA 99169. Applicant's representative: Milton P. Sackmann, 210 West Main, Ritzville, WA 99169. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry fertilizers*, from points in Spokane, Franklin, and Benton Counties, Wash., to points in Montana in and west of Petroleum, Phillips, Musselshells, Stillwater, and Carbon Counties; points in Idaho in and north of Idaho County and points in Oregon, and (2) *anhydros ammonia* (NH_3), from points in Franklin and Benton Counties, Wash., to points in Idaho in and north of Idaho County and to points in Oregon in and east of Hood River, Wasco, Jefferson, Deschutes, and Klamath Counties, for 150 days. Supporting shippers: Collier Carbon and Chemical Corp., Post Office Box 60455; Cominco-American, Inc., West 818 Riverside Avenue, Spokane, WA 99201; Northwest Nitro Chemicals Sales, Ltd., 1828 Soo Line Building, Minneapolis, MN, and C. F. Industries, Inc., 17331 Southeast Stark, Portland, OR 97233. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

No. MC 123613 (Sub-No. 10 TA), filed April 29, 1971. Applicant: CLAREMONT MOTOR LINES, INC., Post Office Box 296, Highways 64 and 70 East, Claremont, NC 28610. Applicant's representative: Bill R. Davis, 1208 Gas Light Tower, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Catawba and Alexandria Counties, N.C., to Illinois, Indiana, and Kentucky, for 180 days. Supporting shippers: There are approximately 18 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 125826 (Sub-No. 9 TA), filed April 29, 1971. Applicant: BARTLESON BROTHERS, INC., Courses Landing Road, Penns Grove, NJ 08069. Applicant's representative: Morton E. Keil, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbon dioxide, solidified*, from Deepwater, N.J., to New York, N.Y., for 150 days. Supporting shipper: Dry Ice Distributors, Inc., 300 12th Avenue, New York, NY 10001. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 127141 (Sub-No. 5 TA), filed April 29, 1971. Applicant: ERNEST FALEN, Route No. 6, Caldwell, ID 83605. Applicant's representative: Kenneth G. Bergquist, Post Office Box 1775, Boise, ID 83701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wine*, from Modesto, Mission San Jose, Los Gatos, and San Jose, Calif., to Bend and Pendleton, Oreg., (2) *beer*, from Van Nuys and San Francisco, Calif., to Bend and Pendleton, Oreg., and (3) *agricultural commodities*, the transportation of which is partially exempt from regulation under section 203(b)(6) of the Act when transported in the same vehicle and at the same time in (1) and (2) above, for 180 days. Note: Applicant does not intend to tack or interline. Supporting shipper: La Grande Fruit Co., Post Office Box 458, La Grande, OR 97850. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise ID 83702.

No. MC 127527 (Sub-No. 6 TA), filed April 29, 1971. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 Tallmadge Road, Rural Delivery No. 6, Ravenna, OH 44266. Applicant's representative: Robert N. Krier, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and other pipe* (except iron and steel) *and attachments, parts, and fittings therefor*, from the plantsite of the Flintkote Co., Pipe Products Group, located at or near Ravenna, Ohio, in Rootstown Township, Portage County, Ohio, to points in Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Virginia, Kentucky, Illinois, Wisconsin, Indiana, and the District of Columbia and return of damaged or rejected shipments, for 180 days. Supporting shipper: The Flintkote Co., Pipe Products Group, Ravenna, Ohio. Send protests to: District Supervisor, G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 127719 (Sub-No. 2 TA), filed April 29, 1971. Applicant: A. J. BENINATO & SONS, INC., 5618 Virginia Beach

Boulevard, Norfolk, VA 23502. Applicant's representative: ALAN F. WOHLSTETTER, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Norfolk, Newport News, Hampton, Virginia Beach, Wight, James City, Namesmond, Sussex, Surry, Prince George, Charles City, New Kent, Henrico, Southampton, Greenville, Essex, Gloucester, Mathews, Middlesex, King William, King and Queen, Accomack, Northampton, Richard, Lancaster, and Northumberland Counties, Va., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance and pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: CTI-Container Transport International, Inc., 17 Battery Place, New York, NY 10004, and Door to Door International, Inc., 308 Northeast 72d Street, Seattle, WA 98115. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

No. MC 134401 (Sub-No. 2 TA), filed April 29, 1971. Applicant: SHERWOOD W. HUME, doing business as HUME EQUIPMENT COMPANY, 141 Bell Street, Milton, ON, Canada. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors* (except those with vehicle beds, bed frames, or fifth wheels), *attachments for and equipment* designed for use with the foregoing articles, when moving in mixed loads with such articles, from the United States-Canada boundary line at or near Detroit, and Port Huron, Mich., Alexandria Bay, Buffalo, Lewiston, and Niagara Falls, N.Y., to points in the United States except points in the States of Alaska, Arizona, California, Colorado, Hawaii, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, for 180 days. Note: Applicant, of course, intends to joinder this authority with its Ontario authority. Supporting shipper: White Farm Equipment, a division of White Motor Corp. of Canada Ltd., Brantford, Ontario. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 134472 (Sub-No. 2 TA), filed April 29, 1971. Applicant: RICHARD KUSTERMANN, doing business as KUSTERMANN TRUCK SERVICE, Rural Route 2, Highland, IL 62249. Applicant's representative: Robert T. Lawley, 306–308 Reisch Building, Springfield, IL 62701. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cakes, meats, potatoes, apple turnovers, fish, catsup, pickles, mustard, mayonnaise products, tarter bases, syrups, cola, cups, lids, napkins, straws, cheese, bags, sugar packets, salt packets, shortening*, all in containers, in refrigerated vehicles, for the account of P. F. D. Supply Corp., from Granite City, Ill., to Columbia and Jefferson City, Mo., for 180 days. Supporting shipper: P. F. D. Supply Corp., 1800 Adams Street, Granite City, IL 62040. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 135468 (Sub-No. 1 TA), filed April 29, 1971. Applicant: N. S. TRUCKING, INC., 58–53, 246th Crescent, Douglaston, NY 11363. Applicant's representative: Hylan Cooper, 450 Seventh Avenue, New York, NY 10001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Textiles*, between the office and warehouse facilities of Sacks Woolen Co., Inc., at East Hills, Long Island, N.Y., on the one hand, and, on the other, points in the New York, N.Y., commercial zone, on traffic having a prior or subsequent out-of-State movement, for 180 days. Supporting shipper: Sacks Woolen Co., Inc., 200 Forest Drive, East Hills, Long Island, N.Y. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 135469 (Sub-No. 1 TA), filed April 4, 1971. Applicant: HAWKEYE TRANSPORT CO., 601 East Ront Street, Stanwood, IA 52337. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia and nitrogen solutions*, in bulk, in tank vehicles, from Clinton, Iowa, to points in Illinois, for 180 days. Supporting shipper: Hawkeye Chemical Co., Post Office Box 899, Clinton, IA. Send protests to: J. P. Werthmann, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 135546 TA, filed April 29, 1971. Applicant: ALL-STATES MOVING AND STORAGE COMPANY, 330 West Mountain Drive, Fayetteville, NC 28306. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, and containerization, or unpacking, uncrating, or decontainerization of such shipments, for 180 days. Supporting shipper: Getz Bros. & Co. (US), 640 Sacramento Street, San Francisco, CA 94111. Send protests to: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 26896, Raleigh, NC 27611.

No. MC 135547 TA, filed April 29, 1971. Applicant: ROBERT N. CODY, doing business as WESTERN EXPRESS STORAGE & TRANSIT, 1815 Massachusetts Avenue, Riverside, CA 92507. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Riverside, San Bernardino, Orange, Los Angeles, and San Diego Counties, Calif., restricted to shipments having a prior or subsequent movement beyond said points in containers and further restricted to pickup and delivery services incidental to and in connection with packing, crating, containerization, or unpacking, uncrating, and decontainerization of such shipments, for 180 days. Supporting shippers: Astron Forwarding Co., Post Office Box 181, Oakland, CA 94604; Burnham World Forwarders, Inc., 1632 Second Avenue, Columbus, GA 31901; Columbia Export Packers, Inc., 19000 South Vermont Avenue, Torrance, CA 90502; Garrett Forwarding Co., Post Office Box 4048, Pocatello, ID 83201; Interstate World Forwarders, Inc., Subsidiary of Interstate System, 134 Grandville Avenue Southwest, Grand Rapids, MI 49502; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109; Trans-American Van Service, Inc., 7540 South Western Avenue, Chicago, IL 60620; Vanpac Carriers, Inc., 2114 MacDonald Avenue, Richmond, CA 94801. Send protests to: District Supervisor Philip Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708, Federal Building, 300 Los Angeles Street, Los Angeles, CA 90012.

MOTOR CARRIER OF PASSENGERS

No. MC 134303 (Sub-No. 1 TA), petition for modification of temporary authority, filed April 13, 1971. Applicant: O'HARA WISCONSIN LIMOUSINE SERVICE, INC., 530 South Michigan Avenue, Chicago, IL 60605. Applicant's representative: Axelrod, Goodman, Steiner & Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority to operate as a *common carrier*, by motor vehicle, transporting: *Passengers and their baggage*, in the same vehicle with passengers, over irregular routes, between O'Hara International Airport, Chicago, Ill., on the one hand, and, on the other, Delavan, Fontana, and Lake Geneva, Wis., and the Abbey at Fontana, the Playboy Club-Hotel near Lake Geneva, and Lake Lawn Lodge near Delavan, Wis. Restriction: The Limousine service provided herein is limited to 12 passengers, in addition to the driver. The above-described authority has been granted by the Motor Carrier Board by order dated May 20, 1970, and extended indefinitely pending final determination of applicant's corresponding permanent authority application in No. MC 134303 (Sub-No. 2). This republication is to show that applicant requests deletion of the restriction contained in the said order of May 20, 1970. Send protests to: William E. Gallagher, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1086 U.S. Courthouse and Federal Office Building, 219 South Dearborn Street, Chicago, IL 60604.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6675 Filed 5-12-71;8:50 am]

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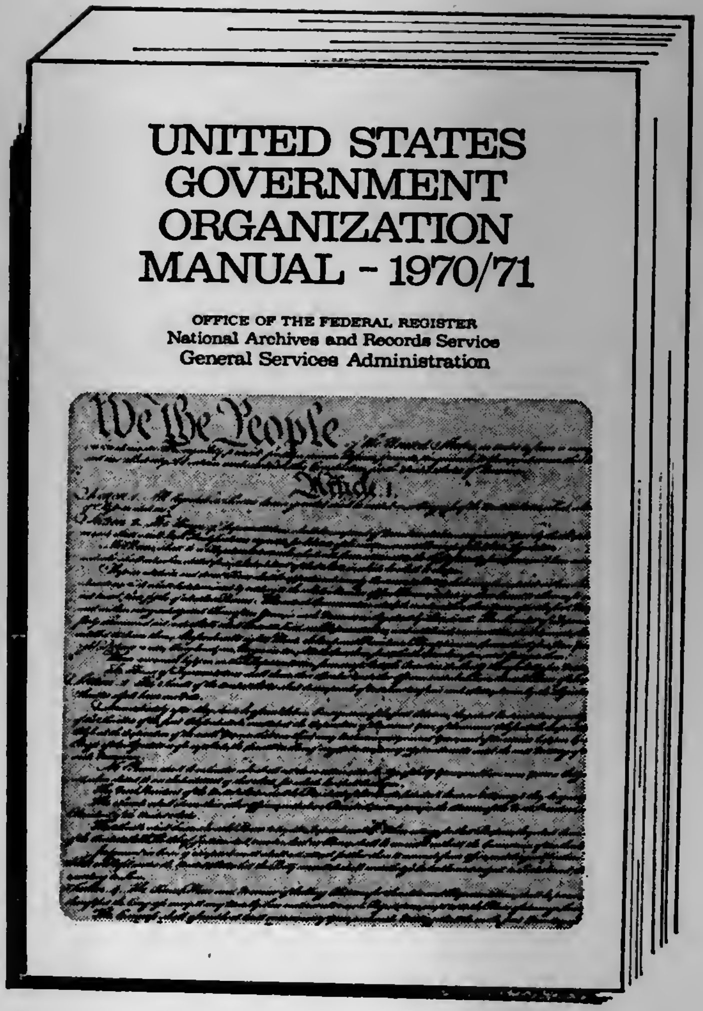
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UNITED STATES GOVERNMENT ORGANIZATION MANUAL 1970/71

presents essential information about Government agencies (updated and republished annually). Describes the creation and authority, organization, and functions of the agencies in the legislative, judicial, and executive branches. This handbook is an indispensable reference tool for teachers, students, librarians, researchers, businessmen, and lawyers who need current official information about the U.S. Government. The United States Government Organization Manual is the official guide to the functions of the Federal Government, published by the Office of the Federal Register, GSA.

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Title 3—The President

PROCLAMATION 4053

Voluntary Overseas Aid Week and Human Development Month

By the President of the United States of America

A Proclamation

During this month of May 1971, we take grateful note of the twenty-five years of constructive leadership provided by the Advisory Committee on Voluntary Foreign Aid.

United States voluntary agencies, working in close association with the Advisory Committee, have through the years given needed assistance to promote economic and social development in over one hundred countries of the world.

The International Walk for Development, which has recently taken place, focused on the need to continue humanitarian assistance and economic development through voluntary action.

It is fitting that we commend the good will of the people of our country, manifested by our overseas programs of development and relief, and the humanitarian work and interest of these nonprofit service organizations.

To this end, the Congress has requested the President to designate the week beginning May 9, 1971, as Voluntary Overseas Aid Week and the month of May 1971 as Human Development Month.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning May 9, 1971, as Voluntary Overseas Aid Week and the month of May 1971 as Human Development Month.

I request the appropriate agencies of the Federal Government, and I urge all our people, to observe that week and month with activities which will give merited prominence to the significant contributions which our voluntary agencies are making to the well-being of peoples in other lands.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord nineteen hundred and seventy-one, and of the Independence of the United States of America the one hundred and ninety-fifth.

Richard Nixon

[FR Doc.71-6860 Filed 5-13-71;10:33 am]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-556]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of Feburay 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e) (7) relating to the State of North Carolina, subdivision (ii) relating to Sampson County is deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Sampson County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded area, but will continue to apply to the quarantined areas described in § 76.2 (e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of May 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6745 Filed 5-13-71;8:51 am]

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Administrative Instructions Prescribing Commuted Travel Time Allowances

Pursuant to the authority conferred upon the Director of the Animal Health Division by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1971 ed.), as amended January 22, 1971 (36 F.R. 1038) and April 3, 1971 (36 F.R. 6413), prescribing the commuted travel time that shall be included in each period of overtime or holiday duty, are hereby amended by adding to or deleting from the respective "lists" therein as follows:

OUTSIDE METROPOLITAN AREA

TWO HOURS

Add: Port of Cleveland, Ohio (when served from Columbus, Ohio).

THREE HOURS

Add: Port of Ashtabula, Ohio (when served from Columbus, Ohio).

(64 Stat. 561, 7 U.S.C. 2260)

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal Health Division.

It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Effective date. The foregoing amendments shall become effective upon publication in the FEDERAL REGISTER. (5-14-71).

Done at Hyattsville, Maryland, this 11th day of May 1971.

R. S. SHARMAN,
Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-6746 Filed 5-13-71;8:51 am]

Title 10—ATOMIC ENERGY

Chapter I—Atomic Energy Commission

PART 50—LICENSING OF PRODUCTION AND UTILIZATION FACILITIES

Authorization of Low Power Operation

On October 28, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER proposed amendments to 10 CFR Part 2, Rules of Practice, and 10 CFR Part 50, Licensing of Production and Utilization Facilities (35 F.R. 16687). The purpose of the proposed amendments was to define the extent of preoperational activities which could be conducted prior to the issuance of an operating license for a nuclear power reactor (§ 50.35), to provide for authorization, by atomic safety and licensing boards, of low-power testing and operation under specified conditions (§ 50.57) and to provide for immediate effectiveness of initial decisions authorizing issuance of operating licenses (§ 2.764).

All interested persons were invited to submit written comments and suggestions for consideration in connection with the proposed amendments within 60 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. All comments have been carefully considered. Upon consideration of the comments and other factors involved, the Commission has adopted the amendment to § 50.57 with the changes described below. The proposed amendment to § 2.764 providing for the immediate effectiveness of initial decisions authorizing the issuance of operating licenses was adopted and published by the Commission in the FEDERAL REGISTER on January 19, 1971 (36 F.R. 828).

The proposed amendment to § 50.35 pertaining to fuel loading under the construction permit has not been adopted. The comments received and further study by the Commission indicated that authority to load fuel under the construction permit would have little effect in reducing the time required for the completion of the licensing process and, further, that the authorization of fuel loading under the construction permit might result in complications with respect to AEC licensing procedures.

The proposed amendment to § 50.57 to provide for authorization by atomic safety and licensing boards of low-power testing under specified conditions has been revised to provide specifically for authorization of operation below full power but going beyond low-power testing, defined as operation at not more than 1 percent of full power, and to make editorial changes. As in the case of low-power testing, atomic safety and licensing boards have had authority to grant such authorization in the past. Thus the change would merely clarify existing authority.

Some of the comments objected to the provision for authorizing low-power testing on the grounds (1) that the authorization would enable such testing to be done without opportunity for objection on the part of members of the public, and (2) that, if the completion of a preoperational testing program is to be the basis of the board's decision authorizing low-power operation, its nature, timing, duration and monitoring should be specified in the regulations, and the results be made available to all parties and members of the public.

The objection is based on a misconception of the intent and effect of the proposed regulation. Under the provisions of the Atomic Energy Act, the Commission is required to publish in the FEDERAL REGISTER a notice of intent to issue an operating license for a power reactor, testing facility, or fuel reprocessing plant. Such a notice would usually be published in connection with a full power license. If, pursuant to such notice, no hearing is requested by an interested party, the Commission may issue an operating license for the facility upon making the requisite findings under §§ 50.56 and 50.57 of 10 CFR Part 50. If a hearing is requested and held, no license to operate the facility at any power may be granted over the objection of any party unless the atomic safety and licensing board has made the required findings and issued an appropriate initial decision. Persons objecting either to low-power testing of a facility or to operation at full power may, if their interest is shown to be affected, be admitted as a party to the proceeding. The intent of the proposed amendment to § 50.57 is to provide explicitly for early consideration of facility testing in the event of a contested hearing on the issuance of a license for full power operation. Far from permitting the authorization of low-power operations without public knowledge or participation, the amendment of § 50.57 makes clear that such authorization is subject to a full review at a public hearing, with all legal rights and protections afforded to any party to the proceeding.

It should be noted that under AEC licensing procedures, preoperational testing is required to be completed before any operating license is issued, whether for low-power testing or full-power operation. The preoperational testing program is described in the final safety analysis report submitted by the applicant, a document on file for public inspection, and the results of such program are fully reviewed by the regulatory staff prior to the issuance of any license.

Some of the comments suggested, as an alternative to the proposed provision of authorization of low-power testing, that every applicant be required to have completed 6 months of low-power testing prior to issuance of the final operating license, such testing to be authorized at some point of time prior to the application for the operating license. Other comments suggested that the Commission expressly reserve the right to authorize low-power operations before the appointment of a hearing board. The Commission believes that, under the present statutory structure, low-power testing should be conducted under an operating license and that no operating license should be issued before a hearing is held if a request for a hearing by a person whose interest may be affected by the proceeding has been made.

Concern was also expressed that the effect of the proposed amendment to § 50.57 would be to permit the authorization of low-power testing without the consideration of environmental matters under the National Environmental Policy Act of 1969 (NEPA) as implemented by Appendix D of Part 50. Appendix D provides that in most cases the Detailed Statements at the operating license stage will be prepared only in connection with the first licensing action that authorizes full power operation of the facility. This provision is consistent with the requirements of NEPA that a Detailed Statement be prepared in connection with "major Federal actions significantly affecting the quality of the human environment." In any event the Detailed Statement required by the NEPA would be expected to be prepared by the time a hearing commences in a proceeding for the issuance of a facility operating license.

Pursuant to the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of title 5 of the United States Code, the following amendment of Title 10, Chapter 1, Code of Federal Regulations, Part 50 is published as a document subject to codification, to be effective 30 days after publication in the FEDERAL REGISTER.

A new paragraph (c) is added to § 50.57 to read as follows:

§ 50.57 Issuance of operating license.

* * * * *

(c) An applicant may, in a case where a hearing is held in connection with a pending proceeding under this section, make a motion in writing for an operating license authorizing low-power testing (operation at not more than 1 percent of full power for the purpose of testing the facility), and further operations short of full power operation.[1] Action on such a motion by the presiding officer shall be taken with due regard to the rights of the parties to the proceeding, including the right of any party to be heard to the extent that his contentions are relevant to the activity to be authorized. Prior to taking any action on such a motion which any party opposes, the presiding officer shall make findings on the matters specified in paragraph (a) of this section in the form of an initial decision with respect to the contested activity sought to be authorized. If no party opposes the motion, the presiding officer will issue an order pursuant to § 2.730(e) of this chapter, authorizing the Director of Regulation to make appropriate findings on the matters specified in paragraph (a) of this section and to issue a license for the requested operation.

(Sec. 161, 68 Stat. 948, as amended; 42 U.S.C. 2201)

Dated at Germantown, Md., this 3d day of May 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-6694 Filed 5-13-71;8:45 am]

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[1] The Commission expects that the presiding officer will expeditiously consider and act upon requests for such authorizations when they are made.

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 71-SW-15; Amdt. 39-1206]

PART 39—AIRWORTHINESS DIRECTIVES

Aerostar Models 600 and 601 Airplanes

On some Aerostar Models 600 and 601 airplanes there have been reports of the overvoltage relays not being grounded, and in at least one case extensive damage was done to the electrical/electronic equipment onboard the airplane because the relay did not acuate and clear the overvoltage condition. Since this condition is likely to exist on other airplanes of the same type design an airworthiness directive is being issued to require an inspection to assure the overvoltage relays are properly grounded.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), section 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

AEROSTAR. Applies to all Model 600 and 601 airplanes certificated in all categories.

Compliance required within the next 10 hours' time in service after the effective date of this AD, unless already accomplished.

To assure all overvoltage relays are properly grounded, accomplish the following:

A. *On S/N 61-0001 and 60-0001 through 60-0005:*

(1) Inspect each overvoltage relay installation and assure that the overvoltage relay base and the aircraft structure are in direct contact.

(2) If the installation appears satisfactory from the inspection, use an ohmmeter to determine that low resistance continuity of less than one (1) ohm exists between the base of each overvoltage relay and the airplane structure.

(3) If a satisfactory ohmmeter indication is not achieved, ground the overvoltage relay base to the aircraft structure using good aircraft grounding practice.

B. *On all others:*

(1) Inspect each installation of the crimp wire terminal which connects to the overvoltage relay base and assure that the crimp terminal and relay base are in contact.

(2) If the results of the inspection are not satisfactory, rearrange the components as follows:

(a) Install the nylon bearing from the bottom side of the overvoltage relay base so that it isolates the overvoltage relay base from the aircraft structure.

(b) Install the crimp wire terminal over the nylon bearing so that it is in electrical contact with the overvoltage relay base.

(c) Install the AN960 washer over the nylon bearing so it is in contact with the crimp wire terminal.

(d) Install the two nylon washers on top of the AN960 washer and insert the NAS221 screw through the two nylon washers and the nylon bearing, and tighten the screw into the nut-plate provided.

(e) Assure that the nylon bearing is seated properly to prevent electrical contact of the crimp wire terminal, the AN960 washer, and the overvoltage relay base with the NAS221 screw and the aircraft structure.

(f) Repeat the above procedure for the opposite side of each overvoltage relay except for elimination of the crimp wire terminal.

(3) Using an ohmmeter, determine that low resistant continuity of one (1) ohm or less exists between the base of each overvoltage relay and the airplane structure with the respective alternator switch in the "on" position. Low resistance continuity should not exist with the respective alternator switch in the "off" position.

(4) If the existing installation of either overvoltage relay will not give a satisfactory check and cannot be changed as described above, accomplish an equivalent FAA approved modification.

If Aerostar Aircraft Corp. Service Bulletin No. S.B. 600-24 dated November 23, 1970, or a later FAA-approved revision, has been complied with and an appropriate entry made in the airplane's permanent maintenance record, the requirements of this AD will be considered satisfied.

This amendment becomes effective on May 14, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Fort Worth, Tex., on May 4, 1971.

R. V. REYNOLDS,
Acting Director, Southwest Region.

[FR Doc.71-6734 Filed 5-13-71;8:50 am]

[Airspace Docket No. 71-SO-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On March 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5709), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Tuskegee, Ala., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

TUSKEGEE, ALA.

That airspace extending upward from 700 feet above the surface within a 5.5-mile radius of Moton Field (lat. 32°27'50" N., long. 85°40'45" W.); within 3 miles each side of Tuskegee VOR 025° radial, extending from the 5.5-mile-radius area to 8.5 miles northeast of the VOR.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 3, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6698 Filed 5-13-71;8:45 am]

[Airspace Docket No. 71-SO-43]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5709), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Cedartown, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Cedartown, Ga., transition area is amended to read:

CEDARTOWN, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Cornelius Moore Field (lat. 34°01'20" N., long. 85°08'50" W.); within 3 miles each side of Rome, Ga., VOR 009° and 189° radials, extending from the 8.5-mile-radius area to 8.5 miles north of the VOR; excluding the portion within Rome, Ga., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 3, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-6699 Filed 5-13-71;8:45 am]

[Airspace Docket No. 71-SO-85]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Miami, Fla. (International Airport, Opa Locka Airport, and Tamiami Airport), Homestead, Fla., and Fort Lauderdale, Fla. (Executive Airport), control zones.

The above-named control zones are described in § 71.171 (36 F.R. 2055).

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria and the geographic coordinate refinements, it is necessary to alter the above-named control zone descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

MIAMI, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Miami International Airport (lat. 25°47'34" N. long. 80°17'10" W.); within 2 miles each side of Miami VORTAC 139° radial, extending from the 5-mile-radius zone to 10 miles southeast of the VORTAC; within 1.5 miles each side of Runway 9L ILS localizer west course, extending from the 5-mile-radius zone to 1 mile east of Portland RBN; within 1.5 miles each side of Runway 27L ILS localizer east course, extending from the 5-mile-radius zone to 1 mile west of Orange RBN; within 1.5 miles each side of Runday 27L ILS localizer west course, extending from the 5-mile-radius zone to 1 mile east of Miami VORTAC 161° radial.

HOMESTEAD, FLA.

Within a 5-mile radius of Homestead AFB (lat. 25°19'50'' N., long. 80°23'00'' W.); within 2 miles each side of the ILS localizer southwest course, extending from the 5-mile-radius zone to 1.5 miles northeast of the OM; within 1.5 miles each side of Homestead TACAN 055° radial, extending from the 5-mile-radius zone to 5 miles northeast of the TACAN.

In § 71.171 (36 F.R. 2055), the Miami, Fla. (Opa Locka Airport and Tamiami Airport), and Fort Lauderdale, Fla. (Executive Airport), control zones are amended as follows:

Miami, Fla. (Opa Locka Airport): "* * * lat. 25°54'55'' N., long. 80°16'40'' W. * * *" is deleted and "* * * lat. 25°54'26'' N., long. 80°15'48'' W. * * *" is substituted therefor.

Miami, Fla. (Tamiami Airport): "* * * lat. 25°38'49'' N. * * *" is deleted and "* * * lat. 25°38'51'' N. * * *" is substituted therefor.

Fort Lauderdale, Fla. (Executive Airport): "* * * lat. 26°04'15'' N. * * *" is deleted and "* * * lat. 26°04'26'' N. * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 4, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6700 Filed 5-13-71;8:45 am]

[Airspace Docket No. 71-SO-86]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Kinston, N.C., control zone.

The Kinston control zone is described in § 71.171 (36 F.R. 2055) and is currently operational on a part-time basis from 0600 to 0030 hours, local time, daily.

Due to anticipated minor time variations in Piedmont Air Lines' operations at Kinston, it is necessary to alter the control zone description to permit flexibility in designating the effective hours of the control zone. Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Kinston, N.C., control zone is amended to read:

KINSTON, N.C.

Within a 5-mile radius of Stallings Field (lat. 35°19'36'' N., long. 77°37'02'' W.). This control zone is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 4, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6701 Filed 5-13-71;8:45 am]

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1950—DEVELOPMENT AND PLANNING GRANTS FOR OCCUPATIONAL SAFETY AND HEALTH

Chapter XVII of Title 29, Code of Federal Regulations, is hereby amended by adding thereto a new part designated Part 1950. The new Part 1950 sets forth the procedures of the Secretary of Labor for applying section 23 of the Williams-Steiger Occupational Safety and Health Act of 1970 as it relates to grants to the several States under the provisions of subsections (a) and (b) thereof relating to grants for certain development and planning purposes with regard to occupational safety and health.

Since the rules involve the making of grants, the notice and public procedure requirements of 5 U.S.C. 553 do not apply. Moreover, it is considered in the public interest to have rules of procedure available as soon as possible to permit the States to begin taking steps to apply for the grants involved under section 23, particularly for the development of plans for submission under section 18 of the Act, as provided in section 23(a)(2). However, interested persons are encouraged to petition for any amendments to the rules which they may consider appropriate.

The new Part 1950 shall be effective upon publication in the FEDERAL REGISTER (5-14-71).

The new Part 1950 reads as follows:

Sec.
1950.1 Purpose and scope.
1950.2 Definitions.
1950.3 Manner of submitting application.
1950.4 Where to submit application.
1950.5 Action upon application.
1950.6 Federal share; matching requirements.
1950.7 Priorities in grant awards; criteria for unequal grants.
1950.8 Grant agreements.
1950.9 General conditions.
1950.10 Nondiscrimination.
1950.11 Records, reports and audits.
1950.12 Termination of grants.
1950.13 Delegation of authority.

AUTHORITY: The provisions of this Part 1950 issued under secs. 8(g), 23, 84 Stat. 1600, 1613.

§ 1950.1 Purpose and scope.

(a) The rules in this part contain the procedures for making grants to the several States for the purposes listed in section 23(a) (1), (2), and (3) and section 23(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) Under section 23(a) of the Act, the Secretary is authorized to make grants to the States which have designated a State agency under section 18 of the Act to assist them—

(1) In identifying their needs and responsibilities in the area of occupational safety and health;

(2) In developing State plans under section 18; or

(3) In developing plans for—

(i) Establishing systems for the collection of information concerning the nature and frequency of occupational injuries and diseases;

(ii) Increasing the expertise and enforcement capabilities of their personnel engaged in occupational safety and health programs; or

(iii) Otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of the Act.

(c) Under section 23(b) of the Act, the Secretary is authorized to make grants to the States for experimental and demonstration projects consistent with the objectives set forth in section 23(a).

§ 1950.2 Definitions.

As used in this part and in grant instruments entered into pursuant to this part:

(a) "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands.

(b) "Assistant Secretary" means the Assistant Secretary for Occupational Safety and Health.

(c) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970.

§ 1950.3 Manner of submitting application.

(a) An application for a grant under this part shall be submitted in such manner and at such time as the Secretary may prescribe.[1] The application shall contain a budget and narrative plan of the manner in which the applicant intends to carry out the planning or development project and to carry out the provisions of this part, as more particularly described in the instructions for a grant.[1]

(b) An application must be submitted by a State agency designated by the Governor of a State.

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[1] Instructions may be obtained from the Regional Administrators of the Occupational Safety and Health Administration or the Regional Directors of the Bureau of Labor Statistics.

(c) Applications must be submitted before May 1, 1973.

§ 1950.4 Where to submit applications.

(a) Applications for grants under section 23(a)(3)(A) of the Act for the development of plans to establish systems for the collection of information concerning the nature and frequency of occupational injuries and diseases shall be submitted to the Commissioner of the Bureau of Labor Statistics, U.S. Department of Labor, Washington, D.C. 20210.

(b) Applications for grants for the remaining purposes of section 23(a) must be submitted to the Assistant Secretary for Occupational Safety and Health, U.S. Department of Labor, Washington, D.C. 20210. These include applications for grants to assist the States—

(1) In identifying their needs and responsibilities in the area of occupational safety and health;

(2) In developing State plans under section 18 of the Act;

(3) In developing plans (i) to increase the expertise and enforcement capabilities of the State's personnel engaged in occupational safety and health programs; or (ii) otherwise improving the administration and enforcement of State occupational safety and health laws, including standards thereunder, consistent with the objectives of the Act.

(c) Applications for grants under section 23(b) of the Act for experimental and demonstration projects consistent with the objectives of section 23(a)(3)(A) of the Act shall be submitted to the Commissioner of the Bureau of Labor Statistics. Applications for grants under section 23(b) of the Act for experimental and demonstration projects consistent with the objectives of the remainder of the provisions of section 23(a) shall be submitted to the Assistant Secretary for Occupational Safety and Health.

§ 1950.5 Action upon application.

(a) The Assistant Secretary or the Commissioner, as the case may be, shall proceed to pass upon each application for a grant within a reasonable time following its receipt. In passing upon each application, the Assistant Secretary or the Commissioner, as the case may be, shall consult with a representative of the Secretary of Health, Education, and Welfare designated for this purpose. Any recommendations of such representative as to approval or disapproval of an application shall be reduced to writing, and due regard shall be given to any such recommendations. In addition, the Commissioner shall from time to time consult with the Assistant Secretary to assure uniform application of section 23 of the Act and the provisions of this part.

(b) The applicant shall be notified of action taken on the application. The notice shall be accompanied by a brief statement of the grounds for any denial, except where there is an affirmation of a previous denial. In the event of a denial, the applicant may within a reasonable time request the Assistant Secretary or the Commissioner to reconsider his application. Such request shall be in writing. The request shall be considered with reasonable dispatch by the Assistant Secretary or the Commissioner. In his discretion the Commissioner or the Assistant Secretary may afford the applicant an opportunity for informal oral presentation concerning the request for reconsideration.

(c) It is the policy of the Secretary of Labor to encourage the submission of applications. To the extent practicable, the Commissioner and the Assistant Secretary shall provide technical assistance to any applicant in the preparation of an application and in the correction of any defective application.

(d) If a grant is made, the initial award shall set forth the amount of funds granted, and shall specify the period for which it is contemplated. It may provide that additional funds will be added at a later time, provided the activity is satisfactorily carried out and appropriations are available. Grantees may also be required to make separate application for continued support.

(e) Neither the approval of any project nor a grant award shall commit or obligate the Commissioner or the Assistant Secretary in any way to make any additional, supplemental, continuation or other award with respect to an approved project or portion thereof. But this provision shall not preclude the Commissioner or the Assistant Secretary from making upward adjustments to actual costs as to amounts awarded on a provisional basis, as provided in paragraph (d) of this section.

§ 1950.6 Federal share; matching requirements.

(a) Federal funds will be granted on the basis of project applications, and may be used to meet not more than 90 percent of the cost of the project.

(b) The non-Federal participation may be derived from a variety of sources, including (1) new State appropriations, and (2) existing funds and time of personnel used by the grantee agency for the project. Voluntary services or space donated to the State or the project by a third party may not be included as a grantee contribution. Grantee funds or services derived from other Federal funds may not be used to match the Federal funds available for the objectives in subsections (a) and (b) of section 23 of the Act.

§ 1950.7 Priorities in grant awards; criteria for unequal grants.

(a) In the award of grants under subsections (a) and (b) of section 23 of the Act, priority shall be assigned to grants under section 23(a)(2) for the development of State plans under section 18 of the Act.

(b) In the event the Federal share for each grant under section 23(a) or section 23(b) of the Act for all States is not the same, the differences among the States shall be on the basis of objective criteria which may be relevant to the type of grant involved, such as the population of a State, its civilian labor force, or costs in developing State standards for which there is an urgent need on the basis of priorities similar to those required of Federal standards under section 6(g) of the Act. The criteria which are used shall be described briefly in the making of the grant.

§ 1950.8 Grant agreement.

Each agreement shall be evidenced by a written notice of the grant awarded. The notice and any appendices thereto shall contain a statement of the objectives of the grant and the specific conditions applicable thereto. The notice of the application for the grant and the provisions of this part shall comprise the grant agreement.

§ 1950.9 General conditions.

(a) None of the funds granted by the Secretary or the matching funds of the State shall be used for any purpose inconsistent with the grant agreement.

(b) The State agency shall be considered to have an equitable obligation to administer the grant in the manner consistent with its objectives and conditions.

(c) The grant shall be administered in a manner consistent with the Intergovernmental Cooperation Act of 1968 (42 U.S.C. 4201-4233).

(d) In no case shall a grant agreement permit payment of the following:

(1) Cost of construction of buildings;

(2) Depreciation of existing buildings;

(3) Dues to societies, organizations, or federations;

(4) Entertainment costs;

(5) Consultants or other personnel paid from other Federal grant funds.

§ 1950.10 Nondiscrimination.

The State shall comply with the requirements of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d) which provides that no person in the United States shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance and to the implementing rules issued by the Secretary of Labor with the approval of the President (29 CFR Part 31).

§ 1950.11 Records, reports and audits.

The State agency shall maintain records and submit reports to the Regional Administrator in a manner consistent with the pertinent instructions.[1] Representatives of the Secretary and the Comptroller General of the United States may conduct audits and inspections of State agencies receiving Federal funds under this part.

§ 1950.12 Termination of grants.

(a) Whenever the Assistant Secretary or the Commissioner finds that a State agency has failed in a material respect to comply with the terms of the grant agreement, he may, on reasonable notice and opportunity for hearing to the State agency, withhold further payments, and take such other action, including the termination of the grant agreement, as he finds appropriate to carry out the purposes of the Act. Noncancellable obligations of the State agency properly incurred prior to the receipt of any notice of termination will be honored. The State agency shall be promptly notified of such termination in writing and given the reasons therefor.

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[1] Instructions may be obtained from the Regional Administrators of the Occupational Safety and Health Administration.

(b) A notice of hearing under this section shall be published in the FEDERAL REGISTER and the period of time between such publication and the date fixed for the hearing shall be not less than 20 days. The nature of the hearing shall be dependent upon the issues involved. When "adjudicatory" facts are in issue, an evidentiary hearing shall be provided. The notice of hearing shall prescribe the rules of the proceeding.

§ 1950.13 Delegation of authority.

The Assistant Secretary is delegated the general authority of the Secretary under section 23 of the Act and is empowered to subdelegate that authority to such officers and employees as he deems appropriate. The delegation to the Assistant Secretary includes the power to issue, amend, and repeal rules under this part. The Commissioner of the Bureau of Labor Statistics is delegated (and is empowered to subdelegate) the authority to approve grants under section 23(a)(3)(A) of the Act for the development of plans to establish systems for the collection of information concerning the nature and frequency of occupational injuries and diseases and to approve grants for experimental and demonstration projects consistent with the objectives of the aforementioned section 23(a)(3)(A). The Commissioner shall from time to time consult with the Assistant Secretary concerning the performance of the duties delegated to him to assure uniform application of section 23 of the Act and the provisions of this part.

Signed at Washington, D.C., this 10th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-6732 Filed 5-13-71;8:50 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

Gulf Intracoastal Waterway

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), § 207.180 governing the use, administration, and navigation of all waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande is hereby amended in its entirety, effective 30 days after publication in the FEDERAL REGISTER, as follows:

§ 207.180 All waterways tributary to the Gulf of Mexico (except the Mississippi River, its tributaries, South and Southwest Passes and the Atchafalaya River) from St. Marks, Fla., to the Rio Grande; use, administration, and navigation.

(a) The regulations in this section shall apply to:

(1) *Waterways.* All navigable waters of the U.S. tributary to or connected by other waterways with the Gulf of Mexico between St. Marks, Fla., and the Rio Grande, Tex. (both inclusive), and the Gulf Intracoastal Waterway; except the Mississippi River, its tributaries, South and Southwest Passes, and the Atchafalaya River above its junction with the Morgan City-Port Allen Route.

(2) *Locks and floodgates.* All locks, floodgates, and appurtenant structures in the waterways described in subparagraph (1) of this paragraph.

(3) *Bridges, wharves, and other structures.* All bridges, wharves, and other structures in or over these waterways.

(4) *Vessels.* The term "vessels" as used in this section includes all floating craft other than rafts.

(5) *Rafts.* The term "raft" as used in this section includes any and all types of assemblages of floating logs or timber fastened together for support or conveyance.

(b) Authority of District Engineers: The use, administration, and navigation of the waterways and structures to which this section applies shall be under the direction of the officers of the Corps of Engineers, U.S. Army, in charge of the respective districts, and their authorized assistants. The location of these Engineer Districts, and the limits of their jurisdiction, are as follows:

(1) *U.S. District Engineer, Mobile, Ala.* The St. Marks River, Fla., to and including the Pearl River, Mississippi and Louisiana; and the Gulf Intracoastal Waterway from Apalachee Bay, Fla., to mile 36.4 east of Harvey Lock.

(2) *U.S. District Engineer, New Orleans, La.* From Pearl River, Mississippi and Louisiana, to Sabine River, Louisiana and Texas; and the Gulf Intracoastal Waterway from mile 36.4 east of Harvey Lock, to mile 266 west of Harvey Lock.

(3) *U.S. District Engineer, Galveston, Tex.* The Sabine River, Louisiana and Texas, to the Rio Grande, Tex.; and the Gulf Intracoastal Waterway from mile 266 west of Harvey Lock, to Brownsville, Tex.

(c) Commercial statistics: Owners, agents, masters, or clerks of vessels using the waterways to which this section applies shall submit a report on vessel movements and the cargo carried. The report is required by section 11 of the River and Harbor Act of September 22, 1922 (42 Stat. 1043; 33 U.S.C. 555). The required information may be submitted on ENG Forms 3925 and 3925B. These forms will be furnished free of charge to the operators by any of the U.S. Engineer Districts listed in paragraph (b) of this section. If the operators choose not to submit the required information on these forms, they should contact the District Engineers to determine the information required.

(d) Locks and floodgates:

(1) The term "lock" as used in this section shall include locks, floodgates, and appurtenant structures, and the area designated as the lock area including the lock approach channels.

(2) Authority of lockmasters: The term "lockmaster" as used in this section means the official in charge of operating a lock or floodgate. The lockmaster is responsible for the immediate management and control of the lock and lock area and for the enforcement of all laws, rules, and regulations for the use of the lock. He is authorized to give all necessary and appropriate orders and instructions to every person in the lock area, whether navigating the lock or not; and no one shall cause any movement of any vessel within the lock area unless instructed to do so by the lockmaster or his duly authorized assistants. The lockmaster may refuse passage through the lock to any vessel which, in his judgment, fails to comply with the regulations of this section.

(3) Sound signals: Vessels desiring passage through a lock shall notify the lockmaster by three long and distinct blasts of a horn, whistle, or calls through a megaphone, when within a reasonable distance from the lock. When the lock is ready for entrance, the lockmaster shall reply with three long blasts of a horn, whistle, or calls through a megaphone. When the lock is not ready for entrance, the lockmaster shall reply by four or more short, distinct blasts of a horn, whistle, or calls through a megaphone (danger signal). Permission to leave the lock shall be indicated by the lockmaster by one long blast.

(4) Visual signals: Signal lights and discs shall be displayed at all locks as follows:

(i) From sunset to sunrise: One green light shall indicate the lock is open to approaching navigation; one red light shall indicate the lock is closed to approaching navigation.

(ii) From sunrise to sunset: Large discs, identical in color and number to the light signals prescribed in subdivision (i) of this subparagraph will be displayed from a mast on or near the lock wall.

(5) Radiophone: Locks will monitor continuously VHF–Channel 16 ("Safety and Calling" Channel) and/or AM–2738 kHz for initial communication with vessels. Upon arrival at a lock, a vessel equipped with a radiophone will immediately advise the lock by radio of its arrival so that the vessel may be placed on proper turn. Information transmitted or received in these communications shall in no way affect the requirements for use of sound signals or display of visual signals, as provided in subparagraphs (3) and (4) of this paragraph.

(6) Precedence at locks: The order of precedence for locking is:

(i) U.S. Government vessels, passenger vessels, commercial vessels, rafts, and pleasure craft.

(ii) The vessel arriving first at a lock will be locked through first. When vessels approach simultaneously from opposite directions, the vessel approaching at the same elevation as the water in the lock chamber will be locked through first. In order to achieve the most efficient utilization of the lock, the lockmaster is authorized to depart from the normal order of locking precedence, stated in subdivision (i) of this subparagraph, as in his judgment is warranted.

(iii) The lockage of pleasure boats, houseboats, or like craft may be expedited by locking them through with commercial craft (other than vessels carrying dangerous cargoes, as described in 46 CFR Part 146). If, after the arrival of such craft, no combined lockage can be made within reasonable time, not to exceed three other lockages, then separate lockage shall be made.

(7) Entrance to and exits from locks: No vessel or tow shall enter or exit from a lock before being signaled to do so. While awaiting turn, vessels or tows must not obstruct navigation and must remain at a safe distance from the lock, taking position to the rear of any vessel or tows that precede them; and rearranging the tow for locking in sections, if necessary. Masters and pilots of vessels or tows shall enter or exit from a lock with reasonable promptness after receiving the proper signal. Appropriate action will be taken to insure that the lock approaches are not obstructed by sections of a tow either awaiting lockage or already locked through. Masters of vessels shall provide sufficient men to assist in the locking operation when deemed necessary by the lockmaster. Care shall be taken to insure prompt and safe passage of the vessel without damage to the structure.

(8) Lockage and passage of vessels: Vessels or tows shall enter and exit from locks under sufficient control to prevent damage to the lock, gates, guide walls, fenders, or other parts of the structure. Vessels shall be equipped with and use suitable fenders and adequate lines to protect the lock and to insure safe mooring during the locking operation. Vessels shall not meet or pass anywhere between the gate walls or fender system or in the approaches to locks.

(9) Vessels prohibited from locks: The following vessels shall not be permitted to enter locks or approach channels:

(i) Vessels in a sinking condition.

(ii) Vessels leaking or spilling cargo.

(iii) Vessels not having a draft of at least three (3) inches less than the depth over the sills or breast walls.

(iv) Vessels having projection or cargo loaded in such a manner that is liable to damage the structure.

(v) Vessels having chains, links, or drags either hanging over the sides or ends or dragging on the bottom for steering or other purposes.

(vi) Vessels containing flammable or dangerous cargo must have the hatch covers in place and securely fastened.

(10) Number of lockages: Tows locking in sections will generally be allowed only two consecutive lockages if other vessels are waiting for lockage unless otherwise decided by the lockmaster. If other tows are waiting above and below a lock, lockages will be made both ways alternately whenever practicable.

(11) Mooring in locks:

(i) When in a lock, vessels and tows shall be moored where directed by the lockmaster by bow, stern, and spring lines to the snubbing posts or hooks provided for that purpose, and lines shall not be let go until the signal is given for the vessel to exit. Tying to the lock ladders is prohibited.

(ii) Mooring near the approaches to locks is prohibited except when the vessels or tows are awaiting lockage.

(12) Lock operating personnel: Vessels and tows using the locks may be required to furnish personnel to assist in locking through; however, the operation of the structure is the responsibility of the lockmaster, and personnel assisting in the lockage of the vessels and tows will follow the direction of the appropriate official on duty at the lock. No gates, valves or other accessories or controls will be operated unless under his direction.

(13) Waterway traffic data: To meet requirements for current data on waterway traffic and the trend of such traffic, all vessels transiting locks shall furnish such information as prescribed by the District Engineer. ENG Form 3102 for submitting this data can be obtained at any Federally operated lock.

(14) Lockage of rafts: Rafts shall be locked through as directed by the lockmaster. No raft will be locked that is not constructed in accordance with the requirements stated in paragraph (f) of this section. The person in charge of a raft desiring lockage shall register with the lockmaster immediately upon arriving at the lock and receive instructions for locking.

(15) Claiborne and Millers Ferry Locks, Alabama River: Claiborne Lock and Millers Ferry Lock will be operated eight (8) hours per day from 7 a.m. to 3 p.m., seven (7) days per week, until traffic volume increases require additional hours of operation. These locks will also be operated for passage of vessels and tows during off-duty hours when the lockmaster is given six (6) hours advance notice of the arrival of the vessel at the lock. Insofar as possible, vessels should schedule arrival at the locks during the operating hours.

(e) Waterways:

(1) A clear channel shall at all times be left open to permit free and unobstructed navigation by all types of vessels and tows normally using the various waterways covered by the regulations of this section.

(2) Fairway: The District Engineer may specify the width of the fairway required in the various waterways under his charge.

(3) Anchoring or mooring:

(i) Vessels or tows shall not anchor or moor in any of the land cuts or other narrow parts of the waterway, except in an emergency, or with permission of the District Engineer. Whenever it becomes necessary for a vessel or tow to stop in any such portions of the waterway, it shall be securely fastened to one bank and as close to the bank as possible. This shall be done only at such a place and under such conditions as will not obstruct or prevent the passage of other vessels or tows. Stoppages shall be only for such periods as may be necessary.

(ii) When tied up individually, all vessels and tows shall be moored by bow and stern lines. Tows shall be secured at sufficiently frequent intervals to insure their not being drawn away from the bank by winds, currents, or the suction of passing vessels. Lines shall be shortened so that the various barges in a tow will be as close together as possible.

(iii) Lights shall be displayed in accordance with provisions of the Federal Rules of the Road.

(iv) Whenever any vessel or tow is moored to the bank (subdivision (i) of this subparagraph) at least one crew member shall always remain on board to see that proper signals are displayed and that the vessel or tow is properly moored at all times.

(v) No vessel, regardless of size, shall anchor in a dredged channel or narrow portion of a waterway for the purpose of fishing if navigation is obstructed thereby.

(4) Speed: Speeding in narrow sections is prohibited. Official signs indicating limiting speeds shall be obeyed. Vessels shall reduce speed sufficiently to prevent damage when passing other vessels or structures in or along the waterway.

(5) Size, assembly, and handling of tows:

(i) On waterways 150 feet wide or less, tows which are longer than 1,180 feet, including the towing vessel, but excluding the length of the hawser, or wider than one-half the bottom width of the channel or 55 feet, whichever is less, will not be allowed, except when the District Engineer has given special permission or the waterway has been exempted from these restrictions by the District Engineer. Before entering any narrow section of the Gulf Intracoastal Waterway, tows in excess of one-half the channel width, or 55 feet, will be required to stand by until tows which are less than one-half the channel width or 55 feet wide have cleared the channel. When passing is necessary in narrow channels, overwidth tows shall yield to the maximum. Separate permission must be received from the District Engineer for each overlength or overwidth movement. In addition, the following exceptions are allowed:

(ii) Algiers Canal between the Mississippi River and Bayou Barataria, La., and on Harvey Canal, Gulf Intracoastal Waterway, mile 0 to mile 6 WHL, tows 74 feet in width will be allowed. Tows in excess of 55 feet wide desiring to move over Algiers Canal or Harvey Canal will obtain clearance from the lockmaster at Algiers Lock or Harvey Lock, respectively, before entering the canal. Overwidth tows will report clearing Algiers or Harvey Canal to the respective lockmaster and will rearrange tows to conform to prescribed dimensions immediately upon leaving the canal. The lockmaster will withhold permission for additional tows over 55 feet wide until all previously authorized tows moving in the opposite direction have cleared the waterway.

(iii) Gulf Intracoastal Waterway—Between mile 6.2 EHL (Inner Harbor Navigation Canal Lock) and mile 33.6 EHL tows of 78 feet in width will be allowed.

(iv) Gulf Intercoastal Waterway—Between mile 33.6 EHL and the Mobile Bay Ship Channel, tows of 108 feet in width will be allowed if under 750 feet in length including the towboat but excluding the length of the hawser.

(v) Gulf Intracoastal Waterway—Mobile Bay Ship Channel to St. Marks, Fla., for tows made up of empty barges on the off or shallow side, a width of 75 feet will be allowed.

(vi) All vessels pulling tows not equipped with rudders in restricted channels and land cuts shall use two towlines, or a bridle on one towline, shortened as much as safety of the towing vessel permits, so as to have maximum control at all times. The various parts of a tow shall be securely assembled with the individual units connected by lines as short as practicable. In open water, the towlines and fastenings between barges may be lengthened so as to accommodate the wave surge. In the case of lengthy or cumbersome tows, or tows in restricted channels, the District Engineer may require that tows be broken up, and may require the installation of a rudder or other approved steering device on the tow in order to avoid obstructing navigation or damaging the property of others. Pushing barges with towing vessel astern, towing barges with towing vessel alongside, or pushing and pulling barges with units of the tow made up both ahead and astern of the towing vessel are permissible provided that adequate power is employed to keep the tows under full control at all times. No tow shall be drawn by a vessel that has insufficient power or crew to permit ready maneuverability and safe handling.

(vii) Vessels or tows shall not navigate through a drawbridge until the movable span is fully opened.

(6) Projections from vessels: Vessels or tows carrying a deck load which overhangs or projects over the side, or whose rigging projects over the side, so as to endanger passing vessels, wharves, or other property, shall not enter or pass through any of the narrow parts of the waterway without prior approval of the District Engineer.

(7) Meeting and passing: Passing vessels shall give the proper signals and pass in accordance with the Federal Rules of the Road. At certain intersections where strong currents may be encountered, sailing directions may be issued through navigation bulletins or signs posted on each side of the intersection.

(f) Rafts: The navigation regulations in this paragraph shall apply fully to the movement of rafts.

(1) Rafts will be permitted to navigate a waterway only if properly and securely assembled. Each raft shall be so secured as to prevent the loss or sinking of logs.

(2) All rafts shall carry sufficient men to enable them to be managed properly. It will be the responsibility of the owner to remove logs from the waterway that have broken loose from the raft.

(3) Building, assembling, or breaking up of a raft within a waterway may be permitted; however, the work must be done in an area that will not restrict the use of the waterway by other users. The work area must be cleared of loose logs so that they will not enter the waterway and become a hazard to navigation.

(g) Damage: Should any damage be done to a revetment, lock, floodgates, bridge, or other federally owned or operated structure, the master of the vessel shall report the accident to the nearest lockmaster or bridgetender as soon as possible after the accident. Damage to aids to navigation and to nonfederally owned bridges must be reported to the Commander, Eighth Coast Guard District, New Orleans, La.

(h) Marine accidents: Masters, mates, pilots, owners, or other persons using the waterways covered by this section shall report to the District Engineer at the earliest possible date any accident on the waterway which causes any vessel to become an obstruction to navigation. The information to be furished the District Engineer shall include the name of the vessel, its location, and the name and address of the owner. The owner of a sunken vessel shall properly mark the vessel as soon as practicable after sinking.

(i) Trespass on U.S. property:

(1) Trespass on or injury to waterway property of the United States is prohibited. No business, trading, or landing of freight, will be allowed on Government property without permission of the District Engineer.

(2) The District Engineer may establish policy pertaining to mooring, exchanging crews, loading and unloading supplies, and making emergency repairs in the vicinity of locks so long as navigation is not impeded thereby.

(j) Liability: The regulations of this section will not affect the liability of the owners and operators of vessels for any damage caused by their operations to the waterway or to the structures therein.

[Regs., Apr. 19, 1971, 1522-01—(Gulf Intracoastal Waterway)—ENGCW-ON] (Sec. 7, 40 Stat. 266; 33 U.S.C. 1)

For the Adjutant General.

R. B. Belnap,
Special Advisor to TAG.

[FR Doc.71-6714 Filed 5-13-71;8:49 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter II—Copyright Office, Library of Congress

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Deposit for Registration of Motion Pictures

Section 202.15 of Chapter II of Title 37 of the Code of Federal Regulations is amended by adding new paragraphs (c) and (d) reading as follows:

§ 202.15 Motion pictures (Classes L–M).

* * * * *

(c) *Deposit copies of motion pictures.* In the case of published motion pictures submitted for registration in Classes L or M, the requirement for deposit of "two complete copies of the best edition thereof then published" will be satisfied by the deposit of identical copies of that edition of the motion picture, from among any two or more editions in existence, that in the opinion of the Register of Copyrights most closely conforms to the established criteria of the Library of Congress with respect to the acquisition and retention of copies of motion pictures for its collections, as expressed in the Library of Congress acquisitions policy statement in effect at the time of the deposit. The Copyright Office will furnish to any person concerned, upon request, a copy of the pertinent Library of Congress acquisitions policy statement then in effect.

(d) *Videotape copies.* If otherwise qualified as a motion picture, a work published in the form of videotape copies may be registered in Class L or M. If a motion picture is published in both videotape and film copies, the requirement for deposit of "two complete copies of the best edition thereof then published" will be satisfied by the deposit of two identical film copies in accordance with paragraph (c) of this section. If a motion picture is published solely in the form of videotape copies, the deposit requirement will be satisfied by the deposit of two identical videotape copies accompanied by a set of photographic reproductions of portions of the videotape copies showing the title of the work, the copyright notice, the production, performance and other creativity credits, and two or more scenes from different sections of the work.

(Sec. 207, 61 Stat. 666; 17 U.S.C. 207)

Effective date. This amendment shall become effective on the date of its publication in the Federal Register (5-14-71).

Abraham L. Kaminstein,
Register of Copyrights.

Approved:

L. Quincy Mumford,
Librarian of Congress.

[FR Doc.71-6710 Filed 5-13-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER G—TRANSPORTATION AND MOTOR VEHICLES

PART 101-38—MOTOR EQUIPMENT MANAGEMENT

Use of Official U.S. Government Tags and Other Identification

This amendment provides a new agency code designation for the Office of Economic Opportunity and a revision of the requirement for display of U.S. Government tags to include two-wheeled vehicles. The unlimited exemptions from the requirement to display Government tags and other identification in § 101-38.602 are amended to (1) include motor vehicles of the Office of the Inspector General, Department of Agriculture; (2) delete the Bureau of Narcotics and the Intelligence Division of the U.S. Coast Guard from the Department of the Treasury as these organizational units have been transferred to other agencies; (3) include the motor vehicles operated by the Bureau of Narcotics and Dangerous Drugs in the Department of Justice; (4) include the motor vehicles operated by the Intelligence Staff of the U.S. Coast Guard in the Department of Transportation; and (5) show the current title of the Office of Emergency Preparedness. The limited exemptions from the requirement to display Government tags and other identification in § 101-38.603 are amended for motor vehicles of the Department of the Interior and the Federal Communications Commission to reflect current organizational titles. The reporting requirements for exempted vehicles are revised to provide for reports on an as required basis in lieu of periodic reports.

Subpart 101-38.3—Official Government Tags

1. Section 101-38.304-1 is amended by the deletion of code designation "JC" for the Office of Economic Opportunity and the addition of the following agency code designation:

§ 101-38.304-1 Code designations.

* * * * *

Economic Opportunity, Office of------ OEO

* * * * *

2. Section 101-38.305-1 is revised to read as follows:

§ 101-38.305-1 Display.

Each motor vehicle acquired for official purposes (except vehicles exempted by Subpart 101-38.6) shall display official U.S. Government tags mounted on the front and rear of the vehicle except two-wheeled vehicles which require rear tags only. Motor vehicles of the Department of Defense shall be governed by Subpart 101-38.5.

Subpart 101-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

1. Section 101-38.602 is amended by revising §§ 101-38.602 (b), (f), (h), and (k) and adding new § 101-38.602(l) as follows:

§ 101-38.602 Unlimited exemptions.

* * * * *

(b) *Department of Agriculture.* Motor vehicles which the Forest Service, Agricultural Research Service, Consumer and Marketing Service, Packers and Stockyards Administration, and the Office of the Inspector General use in the conduct of investigative or law enforcement activities. These include designated agency-owned vehicles and vehicles obtained from the Interagency Motor Pool System.

* * * * *

(f) *Department of Justice.* All motor vehicles operated by the Bureau of Narcotics and Dangerous Drugs; the Federal Bureau of Investigation; the Border Patrol; and those vehicles operated in undercover law enforcement activities or investigative work by the Immigration and Naturalization Service, by the Bureau of Prisons and Jail Inspectors, and by the U.S. Marshals.

* * * * *

(h) *Department of the Treasury.* All motor vehicles operated by the U.S. Secret Service; the Intelligence Division, the Alcohol and Tobacco Tax Division, and Internal Security Division of the Internal Revenue Service; and the Office of Investigations of the Bureau of Customs.

* * * * *

(k) *Office of Emergency Preparedness.* Those motor vehicles which the Office of Emergency Preparedness uses in the conduct of security operations.

(l) *Department of Transportation.* All motor vehicles operated by the Intelligence Staff of the U.S. Coast Guard.

2. Sections 101-38.603(a)(1) and (3) are revised to read as follows:

§ 101-38.603 Limited exemptions.

(a) * * *

(1) *Department of the Interior.* Special officers of the Bureau of Indian Affairs, and the Division of Investigations, Office of Survey and Review, Office of the Assistant Secretary for Administration.

* * * * *

(3) *Federal Communications Commission.* Field Engineering Bureau.

* * * * *

3. Section 101-38.607 is revised to read as follows:

§ 101-38.607 Report of exempted motor vehicles.

Periodic reports of exempted motor vehicles under §§ 101-38.602 through 101-38.605 are not required; however, the head of each agency shall submit upon request a report in triplicate to the General Services Administration (TMM), Washington, DC 20405, showing the total number of motor vehicles exempted pursuant to Subpart 101-38.6.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. These regulations are effective upon publication in the Federal Register (5-14-71).

Dated: May 7, 1971.

Robert L. Kunzig,
Administrator of General Services.

[FR Doc.71-6716 Filed 5-13-71;8:49 am]

Title 42—PUBLIC HEALTH

Chapter I—Public Health Service, Department of Health, Education, and Welfare

SUBCHAPTER C—MEDICAL CARE AND EXAMINATIONS

PART 37—SPECIFICATIONS FOR MEDICAL EXAMINATIONS OF UNDERGROUND COAL MINERS

Autopsies of Coal Miners

On March 5, 1971, notice of proposed rule making was published in the Federal Register (36 F.R. 4420) to amend Part 37 of Title 42, Code of Federal Regulations by adding a new subpart. As proposed, the subpart set forth the conditions under which the Secretary will pay qualified pathologists for autopsies performed on underground miners. Section 203(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 843(d)) provides that upon the death of any active or inactive underground coal miner, the Secretary of Health, Education, and Welfare, after proper consent has been obtained, is authorized to pay for an autopsy to be performed on such a miner.

Interested persons were afforded the opportunity to participate in the rule making through the submission of comments. A number of comments were received and due consideration has been given to all material presented.

In light of the comments, a number of revisions have been made in the rules as proposed. Section 37.203(a)(2) provides that all measurements shall be in the metric system and specifies the technique for measuring the thicknesses of the ventricles. In addition, § 37.202(a) has been revised to provide that the pathologist who performs the autopsy under this program may not receive any payment from the miner's widow, his family, his estate, or from any Federal agency other than this Department. This revision clarifies that pathologists who receive general payment from a hospital for performing routine autopsies will be permitted to participate in the program. Finally, because the "Autopsy Manual" of the Armed Forces Institute of Pathology is out of print and in such limited supply, ALFORD will, on request, lend, rather than supply, pathologists with a copy.

In accordance with the reference to the effective date specified in the notice of proposed rule making, the regulations, as set forth below, are hereby adopted effective on the date of their publication in the FEDERAL REGISTER (5-14-71).

Dated: May 10, 1971.

ELLIOT L. RICHARDSON,
Secretary.

Part 37 is amended by adding a new subpart as follows:

Sec.
37.200 Scope.
37.201 Definitions.
37.202 Payment for autopsy.
37.203 Autopsy specifications.
37.204 Procedure for obtaining payment.

AUTHORITY: The provisions of this subpart issued under the authority of sec. 508, 83 Stat. 803; 30 U.S.C. 957.

Subpart—Autopsies

§ 37.200 Scope.

The provisions of this subpart set forth the conditions under which the Secretary will pay pathologists to obtain results of autopsies performed by them on miners.

§ 37.201 Definitions.

As used in this subpart:

(a) "Secretary" means the Secretary of Health, Education, and Welfare.

(b) "Miner" means any individual who during his life was employed in any underground coal mine.

(c) "Pathologist" means (1) a physician certified in anatomic pathology or pathology by the American Board of Pathology or the American Osteopathic Board of Pathology, (2) a physician who possesses qualifications which are considered. "Board eligible" by the American Board of Pathology or American Osteopathic Board of Pathology, or (3) an intern, resident, or other physician in a training program in pathology who performs the autopsy under the supervision of a pathologist as defined in subparagraph (1) or (2) of this paragraph.

(d) "ALFORD" means the Appalachian Laboratory for Occupational Respiratory Diseases, Public Health Service, Department of Health, Education, and Welfare, Post Office Box 4257, Morgantown, WV 26505.

§ 37.202 Payment for autopsy.

(a) The Secretary will pay up to $200 to any pathologist who, after the effective date of the regulations in this part and with legal consent.

(1) Performs an autopsy on a miner and submits the findings and other materials to ALFORD in accordance with this subpart; and

(2) Receives no other specific payment, fee, or reimbursement in connection with the autopsy from the miner's widow, his family, his estate, or any other Federal agency.

(b) The Secretary will pay to any pathologist entitled to payment under paragraph (a) of this section and additional $10 if the pathologist can obtain and submits a good quality copy or original of a chest roentgenogram (posteroanterior view) made of the subject of the autopsy within 5 years prior to his death together with a copy of any interpretation made.

§ 37.203 Autopsy specifications.

(a) Every autopsy for which a claim for payment is submitted pursuant to this part:

(1) Shall be performed consistent with standard autopsy procedures such as those, for example, set forth in the "Autopsy Manual" prepared by the Armed Forces Institute of Pathology, July 1, 1960. (Technical Manual No. 8-300. NAVMED P-5065, Air Force Manual No. 160-19.) Copies of this document may be borrowed from ALFORD.

(2) Shall include:

(i) Gross and microscopic examination of the lungs, pulmonary pleura, and tracheobronchial lymph nodes;

(ii) Weights of the heart and each lung (these and all other measurements required under sec. 37.203(a)(2) shall be in the metric system);

(iii) Circumference of each cardiac valve when opened;

(iv) Thickness of right and left ventricles; these measurements shall be made perpendicular to the ventricular surface and shall not include trabeculations or pericardial fat. The rigrt ventricle shall be measured at a point midway between the tricuspid valve and the apex, and the left ventricle shall be measured directly above the insertion of the anterior papillary muscle;

(v) Size, number, consistency, location, description and other relevant details of all lesions of the lungs;

(vi) Level of the diaphragm;

(vii) From each type of suspected pneumoconiotic lesion, representative microscopic slides stained with hematoxylin eosin or other appropriate stain, and one formalin fixed, paraffin-impregnated block of tissue; a minimum of three stained slides and three blocks of tissue shall be submitted. When no such lesion is recognized, similar material shall be submitted from three separate areas of the lungs selected at random; a minimum of three stained slides and three formalin fixed, paraffin-impregnated blocks of tissue shall be submitted.

(b) Needle biopsy techniques shall not be used.

§ 37.204 Procedure for obtaining payment.

Every claim for payment under this subpart shall be submitted to ALFORD and shall include:

(a) An invoice (in duplicate) on the pathologist's letterhead or billhead indicating the date of autopsy, the amount of the claim and a signed statement that the pathologist is not receiving any other specific compensation for the autopsy from the miner's widow, his surviving next-of-kin, the estate of the miner, or any other source.

(b) Completed PHS Consent, Release and History Form (See Fig. 1). This form may be completed with the assistance of the pathologist, attending physician, family physician, or any other responsible person who can provide reliable information.

(c) Report of autopsy:

(1) The information, slides, and blocks of tissue required by this subpart.

(2) Clinical abstract of terminal illness and other data that the pathologist determines is relevant.

(3) Final summary, including final anatomical diagnoses, indicating presence or absence of simple and complicated pneumoconiosis, and correlation with clinical history if indicated.

FIGURE 1

U.S. DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE

PUBLIC HEALTH SERVICE—NATIONAL COAL
WORKERS' AUTOPSY STUDY

Consent, Release, and History Form Federal Coal Mine Health and Safety Act of 1969

I, --------------------------, ------------
(Name) (Relationship)
of -------------------------, do hereby au-
(Name of deceased miner)
thorize the performance of an autopsy
(---------------------------) on said de-
(Limitation, if any, on autopsy)
ceased. I understand that the report and certain tissues as necessary will be released to the United States Public Health Service and to ----------------------------------
(Name of Physician securing autopsy)
I understand that any claims in regard to the deceased for which I may sign a general release of medical information will result in the release of the information from the Public Health Service. I further understand that I shall not make any payment for the autopsy.

Occupational and Medical History

1. Date of Birth of Deceased -------------.
(Month, Day, Year)

2. Social Security Number of Deceased
------ ---- -------.

3. Date and Place of Death -------------,
(Month, Day, Year)
--------------------------.
(City, County, State)

4. Place of Last Mining Employment:
Name of Mine --------------------------------
Name of Mining Company ------------------
Mine Address --------------------------------

5. Last Job Title at Mine of Last Employment --.
(e.g., Continuous Miner Operator, motorman, foreman, etc.)

6. Job Title of Principal Mining Occupation (that job to which miner devoted the most number of years) ---------------------.
(e.g., Same as above)

7. Smoking History of Miner:

(a) Did he ever smoke cigarettes? Yes ---- No -------.

(b) If yes, for how many years? ------ Years.

(c) If yes, how many cigarettes per day did he smoke on the average? -----------
(Number of)
Cigarettes per day.

(d) Did he smoke cigarettes up until the time of his death? Yes ------ No ------

(e) If no to (d), for how long before he died had he not been smoking cigarettes?

8. Total Years in Surface and Underground Employment in Coal Mining, by State (If known) ------, -------------.
(Years) (State)

9. Total Years in *Underground* Coal Mining Employment, by State (If known) ------,
(Years)
-------------.
(State)

(Signature)

(Address)

(Date)

Interviewer:

[FR Doc.71-6730 Filed 5-13-71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[FCC 71-487]

PART 0—COMMISSION ORGANIZATION

Field Engineering Bureau

Order. 1. The Commission has before it for consideration certain procedural changes in §§ 0.311(a) (6) and (10), 0.314, 0.316, and 0.318 of the rules, applicable to the operation of the Field Engineering Bureau. These changes, when implemented, will simplify the workload, eliminate duplication and make the rules conform with the practice.

2. At present, the following delegated authority is granted the Chief, Field Engineering Bureau, pursuant to § 0.311(a) of the Rules:

(6) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in Puerto Rico and vicinity, and to issue licenses bearing appropriate restrictions to those applicants found qualified. and

(10) To act on requests for waiver of the written examination requirements of §§ 13.21 and 13.22 of this chapter and to authorize oral examination in lieu thereof.

3. The initial request for waiver in each instance is filed with the Engineer in Charge at the District Office, and the same is in turn forwarded to the Bureau Chief with a recommendation. Since the proposal made by the Engineer in Charge is based on the necessary inquiry and/or examination conducted at the District Office, the Bureau Chief with rare exception adopts the recommendation, and orders the granting of the appropriate relief by directing the Engineer in Charge to grant the license. Under the circumstances, the reassigning of these two delegations to the Engineers in Charge would in the first instance eliminate the duplication now present, but more important permit the applicant to receive the license in question without any unnecessary or unwarranted delay. The above two subparagraphs will therefore be deleted from § 0.311 of the rules and added as paragraphs (p) and (q) to § 0.314—Authority delegated to the Engineer in Charge. Section 0.316(b) will likewise be amended to afford the Marine Supervisors at Tampa, Fla., and San Pedro, Calif., delegated authority to waive the written examination as indicated in the newly added paragraph (q).

4. Section 0.318 of the rules now authorizes the operator examiner at the examination office in Gettysburg, Pa., to act on requests for waiver of the waiting time requirement for applicants who have failed a previous examination for amateur radio operator licenses. By Order released September 1, 1970, the amateur operator examining function of the Gettysburg Office was discontinued as of September 4, 1970, rendering obsolete the provisions of § 0.318 of the rules. The latter section will, therefore, be deleted.

5. The above amendments relate to internal Commission operation and hence, the prior notice, procedure, and effective date provisions of 5 U.S.C. 553 are not applicable. Authority for the adoption of the amendments is contained in sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended.

6. *Accordingly, it is ordered,* Effective May 20, 1971, §§ 0.311, 0.314, 0.316, and 0.318 are amended as indicated below.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; 47 U.S.C. 154, 155, 303)

Adopted: May 5, 1971.

Released: May 10, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

Part 0 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

§ 0.311 [Amended]

1. In § 0.311(a), the text of subparagraphs (6) and (10) is deleted and the word [Reserved]" is substituted therefor.

2. Section 0.314 is amended by adding paragraphs (p) and (q) to read as follows:

§ 0.314 Authority delegated to the Engineers in Charge.

* * * * *

(p) To act on requests for a waiver of the English language provisions of §§ 13.22 and 13.23 of this chapter in the case of Spanish-speaking applicants in and around Puerto Rico and Miami, Fla., and to issue licenses bearing appropriate restrictions to those applicants found qualified.

(q) To act on requests for waiver of the written examination requirements of §§ 13.21 and 13.22 of this chapter and to authorize oral examination in lieu thereof.

3. Section 0.316(b) is amended by adding a reference to § 0.314(q) and reads as follows:

§ 0.316 Authority delegated to Marine Supervisors at marine offices, to engineers engaged in ship inspection duties at radio district offices, and to radio engineers at suboffices.

* * * * *

(b) The Marine Supervisor at the marine office of the Field Engineering Bureau at Tampa, Fla., is delegated authority to act upon matters set forth in § 0.314 (a), (d), (e), (g), (j), (k), (o), and (q). The Marine Supervisor at the marine office of the Field Engineering Bureau at San Pedro, Calif., is delegated authority to act upon matters set forth in § 0.314 (e), (g), (j), (k), (o), and (q), and to act upon applications for restricted radio-telephone operator permits and requests for provisional radio operator certificates related thereto.

* * * * *

§ 0.318 [Deleted]

4. Section 0.318 is deleted.

[FR Doc.71-6750 Filed 5-13-71;8:52 am]

[Docket No. 18940; FCC 71-502]

PART 74—EXPERIMENTAL, AUXILIARY, SPECIAL BROADCAST, AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Operation of Low Power Relay Stations in Instructional Television Fixed Stations

Report and Order. 1. The Commission has before it for consideration its Notice of Proposed Rule Making, adopted August 5, 1970 (FCC 70-858) proposing to amend its rules so as to provide for the operation of low-power relay stations in the Instructional Television Fixed Service (ITFS). The Notice was based on petitions filed by the Jerrold Electronics Corp. (Jerrold) and the Solid State Division, Micro-Link Products (Micro-Link) of Varian Associates, respectively (RM-1599 and RM-1613).

2. Jerrold proposed the use of a low-power repeater or booster station to relay the ITFS signal while Micro-Link proposed the use of a low-power translator. Both petitioners stated that there is an urgent need for such low power relay stations to relay the ITFS signals to receiving locations that are shielded from direct reception by intervening obstructions, natural or manmade. Both alleged that this occurs frequently even though the receiving locations are located within the normal range of the ITFS transmitter. The use of tall towers is not feasible in most instances because of local ordinances, physical limitations, safety hazards, or financial considerations.

3. The notice, among other things, proposed that the ITFS rules provide for the use of either low-power boosters or low-power translators so that the ITFS licensee would have the choice of either technique to meet his needs; equipment with an output of 50 milliwatts or less would not need to be equipped with automatic gain control (AGC) circuitry but should be designed so that the rated output could not be exceeded; relay equipment could be used that would relay up to four channels; and each individual channel would not have to be turned off when unused, but the unit must be turned off when the last channel leaves the air. Comments were received from

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[1] Commissioners Robert E. Lee and Wells absent.

(1) the Secretary of Education, Commonwealth of Pennsylvania (Penn.); (2) the Joint Council on Educational Telecommunications (JCET); (3) National Association of Educational Broadcasters (NAEB); (4) Varian's Solid State Division, Micro-Link Products; (5) Jerrold Electronics Corp.; and (6) the Chairman, Southeastern Wisconsin Committee for the Full Utilization of ITFS (Committee).

4. Penn., JCET, and Committee filed brief supporting comments stating that the proposed changes in the rules to permit the use of low-power relay stations would aid an ITFS licensee to provide a usable signal to receiving sites where presently the signal is either very low or nonexistant. NAEB supports the proposed rule making, but it feels that the 50 milliwatts per channel limit is too low. See paragraph 7, infra.

5. Jerrold states that it is now more optimistic about its capability of producing a low-cost device since the automatic shutoff need not apply until the last channel used leaves the air. Jerrold also suggests that the Commission consider for these low power relay stations the complete elimination of application procedures or a notification procedure, i.e., the licensee of an ITFS station would notify the Commission a number of days in advance of its intention to use a low power relay station(s). Jerrold urges that, since the addition of a relay station(s) would not change the channel(s) the licensee is already authorized and would not have the characteristics of a new or independent station, it would, among other things, ease the administrative load on both the licensee and the Commission.

6. Micro-Link supports the proposed rule making. It is concerned about the possibility of oscillation in a booster type of repeater where the input and the output are on the same frequency. It contends that from this standpoint the translator type repeater is safer, since it cannot oscillate and will not retransmit noise or weak signals below the threshold of the circuitry provided for automatic shutdown. Micro-Link is also concerned about the requirement that the equipment be designed so that the authorized output power of the transmitter cannot be exceeded by an increase in the input signal; it urges that the increase should be based on the rated output power of the unit, not on the maximum authorized power as was proposed in the notice. It is suggested that the output shall not rise more than 3 db above the rated output power (see paragraph 8, infra).

7. NAEB, as noted above, suggested that 50 milliwatts may not be sufficient power for the low-power translator or booster transmitter, as this limits the range to approximately a mile distance. This would result in continuous requests for exceptions where this type of equipment would be used. We do not agree; the reasoning behind this proposal was to provide a very low power relay station to relay the signals of an ITFS station around or over an obstruction where the receiving point was not visible from a radio frequency viewpoint, and not to relay the signal distances approaching that of the primary ITFS station. Further, if a licensee finds that he needs to relay the signals a greater distance in unusual cases, and, therefore, needs greater power, the rules presently allow higher power relay stations. Accordingly, we adhere to the 50 milliwatts per channel limitation as proposed in the notice of proposed rule making.

8. Micro-Link's assertion that the possibility of oscillation is greater in a booster type of relay station as opposed to the translator type is probably correct, if the input and output circuits are not carefully isolated. This is why the notice included the requirement that the isolation between the input and output circuits of the booster, including the receiving and transmitting antenna systems, shall be at least 20 db greater than the maximum overall gain of the booster amplifier. We believe that, if this requirement is adhered to, little trouble will result. However, if this proves to be a problem after practical use the question can then be taken up. Micro-Link suggests that the proposed requirement that the equipment be so designed that the authorized output power of the transmitter cannot be exceeded by an increase in the input signal (§ 74.950(f)(4)) should be based on the rated power of the equipment and not on the maximum power allowed to be used. Micro-Link argues that, if based on the authorized power, any relay device designed for a lower power than the maximum power could increase its output power when the input signal was raised over a very great range, but if the amount of power increase is based on the rated power of the equipment, a constant factor or tolerance could be used. It suggests that 3 db be used as the amount of permissible increase. We agree; the rule as adopted provides that the power output cannot increase more than 3 db above the rated power if the input signal is increased.

9. Jerrold supports the proposed rule making. As already noted, it suggests that the Commission consider substantial simplification or elimination of the application procedures which a prospective user of these low-power relay stations would ordinarily be required to follow; it urges a notification procedure whereby the licensee of an ITFS station would notify the Commission a number of days in advance of its intention to use the low-power relay station, since in most cases, the stations area already licensed, the channels are already authorized, and that the points of reception have been designated. It also observes that in most cases the areas needing the help of the low-power relay station would not be discovered until after the system has been authorized, and that the assistance of the low-power relay station would be needed on an emergency basis.

10. A mere notification procedure cannot be used because of two basic reasons: under section 301 of the Communications Act of 1934, as amended, the Commission is required to license the use of all transmitters; and Part 17's requirements in connection with antenna towers as possible hazards to air navigation. In the latter respect there will be cases when the height of an existing structure will be increased or a new structed be erected to provide antenna support for these relay stations receiving and transmitting antenna and the Federal Aviation Administration must be notified and Part 17 of the Commission's rules must be met. In the circumstances, the Commission must have more control than a mere notification procedure. However, the Commission also desires as simple a procedure as possible for licensing procedures in order to impose as little a burden as possible on both the prospective licensee and the Commission staff. Accordingly, we have concluded that it woud be desirable to handle the authorizations of the low-power relay stations in the same manner as the response stations for this service. We are modifying FCC Form 330P to add a "section VII," which will be used to list the site of the low-power relay station with the necessary associated information. A vertical plan view of each relay installation showing the pertinent tower, receiving and transmitting antenna heights will be attached. A new applicant will file the complete Form 330P, as modified, while an existing licensee will merely apply to modify his present license by filing sections I, III, and VII. One copy of section VII will be returned to the applicant as the authorization with the appropriate antenna markings requirements where necessary. This is to be kept at the main ITFS station; a photocopy of the appropriate page of section VII shall be posted at the relay station location to indicate that the transmitter is authorized. The provisions of §§ 74.967 and 74.981(a)(5) concerning antenna tower painting, and lighting requirements, and logging requirements, shall apply to low-power relay stations when applicable.

11. In the view above, it appears that there is a need for the use of simple low-power relay stations (translators or boosters) to relay the signals of an ITFS station to receiving locations which are shielded from direct reception by intervening obstructions. Therefore, we are amending our rules to permit the use of these low-power stations.

12. Editorial changes are being made in §§ 74.933(a)(2) and 74.934(a)(5) so that these sections will refer to the correct renumbered section of the rules.

13. Form 330P, revised along the lines indicated above, is approved by the Commission at this time and forwarded to the Office of Management and Budget for its required review and approval. It will then be duplicated and will be generally available in the fairly near future.

14. *Accordingly, it is ordered,* That effective June 22, 1971, and pursuant to authority contained in sections 4(i) and 303 (g) and (r) of the Communications Act of 1934, as amended, subpart I of part 74 of the Commission's rules and regulations is amended as set forth below.

15. *It is further ordered,* That this proceeding is terminated.

(Secs. 4, 303, 48 Stat., as amended, 1066, 1082; 47 U.S.C. 154, 303)

Adopted: May 5, 1971.

Released: May 10, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

1. In § 74.932, paragraph (c) is amended to read:

§ 74.932 Eligibility and licensing requirements.

* * * * *

(c) An application for a new instructional television fixed station or for changes in the facilities of an existing station shall specify the location of the transmitter, all proposed receiving installations, response transmitters, and any relay transmitters which will be under the control of or will be equipped for reception by the applicant. If reception is also intended at unspecified locations, i.e., if power is deliberately radiated to locations or areas so that voluntary reception will be possible, the applications shall include a complete statement as to the purpose of such additional reception.

2. In § 74.933, paragraph (a)(2) is amended to read:

§ 74.933 Remote control operation.

(a) * * *

(2) An operator meeting the requirements of § 74.966 shall be on duty at the remote control position and in actual charge thereof at all times when the station is in operation.

* * * * *

3. In § 74.934, paragraph (a)(5) is amended to read:

§ 74.934 Unattended operation.

(a) * * *

(5) Where the antenna supporting structure of an unattended station is required to have aeronautical hazard markings pursuant to the provisions of Part 17 of this chapter, the licensee shall provide for inspection and logging of observations of such markings as required by §§ 17.47 and 17.49 of this chapter.

* * * * *

4. In § 74.950, paragraph (f) is amended to read:

§ 74.950 Equipment performance and installation.

* * * * *

(f) Transmitting apparatus (translators and boosters) used solely for relaying signals received from other ITFS stations and operating in the manner described in § 74.934(a)(2) shall meet the following requirements before being type accepted by the Commission.

(1) The frequency converter and associated amplifiers shall be so designed that the electrical characteristics of a standard television signal introduced into the input terminals will not be significantly altered by passage through the apparatus except as to frequency and amplitude. The overall response of the apparatus within its assigned channel when operating at its rated power output and measured at the output terminals, shall provide a smooth curve, varying within limits separated by no more than 4 decibels: *Provided, however,* That means may be provided to reduce the amplitude of the aural carrier below those limits, if necessary to prevent intermodulation which would mar the quality of the retransmitted picture or result in emissions outside of the assigned channel.

(2) The suppression of emissions appearing outside of the assigned channel shall comply with § 74.936 (b) and (c).

(3) The local oscillator employed in the frequency converter shall maintain its operating frequency within 0.02 percent of its rated frequency when subjected to variations in ambient temperature between minus 30° and plus 50° centigrade and variations in powerline voltage between 85 percent and 115 percent of the rated supply voltage.

(4) The apparatus shall contain automatic circuits which will maintain peak visual power output constant within 2 decibels when the strength of the input signal is varied over a range of 30 decibels and which will not permit the peak visual power output to exceed the maximum rated power output under any conditions. If a manual adjustment is provided to compensate for different average signal intensities, provision shall be made for determining the proper setting for the control. If improper adjustment of the control could result in improper operation a label bearing a suitable warning shall be affixed at the adjustment control: *Provided, however,* That apparatus with an output of 50 milliwatts peak visual power per channel or less need not comply with this paragraph, provided the equipment is so designed that the rated output power of the transmitter cannot be exceeded by more than 3 dB by an increase in the input signal.

(5) The apparatus shall be equipped with automatic controls which will place it in a nonradiating condition when no signal is being received on the input channel, either due to absence of a transmitted signal or failure of the receiving portion of the relay transmitter. In the case of equipment (translators or boosters) of 50 milliwatts peak visual power per channel or less relaying more than one channel it shall be turned off in the absence of the last signal to be relayed. The automatic control may include a time delay feature to prevent interruptions in the operation of the relay transmitter caused by fading or other momentary failures of the incoming signal.

(6) The tube(s) or transistor(s) employed in the final radio frequency amplifier shall be of the appropriate power rating to provide the rated power output of the relay transmitter. The normal operating constants for operation at the rated power output shall be specified. The apparatus shall be equipped with suitable meters or meter jacks so that appropriate voltage and current measurements may be made while the apparatus is in operation.

(7) Booster's used in this service shall comply with all the provisions of this paragraph except with subparagraph (3). However, in addition, the isolation between the input and output circuits of the booster, including the receiving and transmitting antenna systems shall be at least 20 decibels greater than the maximum overall gain of the booster amplifier. Boosters may use opposite antenna polarization of the input and output antennas.

5. In § 74.982, paragraph (e) is amended to read:

§ 74.982 Station identification.

* * * * *

(e) Where an instructional television fixed station is operating as a relay for signals originating at a station operated by some other licensee, its call sign may be transmitted by the originating station, if suitable arrangements can be made with the other licensee, or means shall be provided for the transmission of the call sign by the relay transmitter itself. Low power relay stations, authorized by § 74.950(f)(4) will not be assigned individual call signs. Station identification will be accomplished by the retransmission of the call sign of the primary station.

[FR Doc.71-6751 Filed 5-13-71;8:52 am]

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[1] Commissioners Robert E. Lee and Wells absent.

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[Docket No. 11017; Amdt. 7C-3]

PART 7—PUBLIC AVAILABILITY OF INFORMATION

Appendix C—Federal Aviation Administration

ADDITION OF ADDRESSES OF NEW REGIONAL OFFICES

The purpose of this amendment to Appendix C of Part 7 of the regulations of the Office of the Secretary of Transportation (49 CFR Part 7) is to add the names and addresses of the four new regional offices established recently.

Effective April 2, 1971, four new FAA regions were established in conformance with the President's objective for establishing uniform boundaries among Federal agencies. Correspondence and inquiries related to services and activities transferred to the New England, Great Lakes, Rocky Mountain, and Northwest Regions should be addressed as designated in Appendix C to Part 7 as supplemented by this amendment.

The establishment and realignment of the new FAA regions was accomplished by a notice from the Administrator (36

F.R. 5928) which also clarifies the realignment of regional boundaries.

Notice and public procedure hereon are not required since these amendments relate to agency organization and management and merely reflect the addition of regional offices to facilitate the means by which the public may make requests for identifiable records.

In consideration of the foregoing, paragraph 2 of Appendix C of Part 7 of the regulations of the Office of the Secretary of Transportation is amended effective May 14, 1971, to read as follows:

APPENDIX C—FEDERAL AVIATION ADMINISTRATION

* * * * *

2. *Document inspection facilities.* * * *

New England Region, 154 Middlesex Street, Burlington, MA 01803.
Great Lakes Region, 3166 Des Plaines Avenue, Des Plaines, IL 60018.
Rocky Mountain Region, 10255 East 25th Avenue, Aurora, CO 80010.
Northwest Region, FAA Building, Boeing Field, Seattle, WA 98108.

* * * * *

(Sec. 9, Department of Transportation Act, 49 U.S.C. 1657, 5 U.S.C. 552; § 7.1(c) of the regulations of the Office of the Secretary of Transportation, 49 CFR 7.1(c))

Issued in Washington, D.C., on May 5, 1971.

C. W. WALKER,
Acting Administrator.

[FR Doc.71-6697 Filed 5-13-71;8:45 am]

Title 50—WILDLIFE AND FISHERIES

Chapter II—National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce

SUBCHAPTER F—AID TO FISHERIES

PART 250—FISHERIES LOAN FUND PROCEDURES

Pursuant to authority vested in the Secretary of Commerce by section 4 of the Fish and Wildlife Act of 1956, as amended (84 Stat. 829; 16 U.S.C. 742c), and Reorganization Plan No. 4 of 1970, Fisheries Loan Fund Procedures are revised.

This revision effects appropriate changes in organization references necessitated by enactment of Reorganization Plan No. 4 of 1970. This revision effects no other changes.

This Part 250 will be more readily understood if revised in its entirety.

This revision is exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 553). This revision strictly reflects reorganizational changes and is not of a restricting nature. There is, therefore, no practical reason to publish a notice of proposed rulemaking.

This revision is effective upon publication in the FEDERAL REGISTER (5-14-71).

Issued at Washington, D.C., pursuant to authority delegated to me by the Secretary of Commerce on October 24, 1970 (35 F.R. 208).

HOWARD W. POLLOCK,
Acting Administrator.

APRIL 29, 1971.

Sec.
250.1 Definition of terms.
250.2 Purposes of loan fund.
250.3 Interpretation of loan authorization.
250.4 Qualified loan applicants.
250.5 Basic limitations.
250.6 Purchase or construction loans.
250.7 Applications.
250.8 Processing of loan applications.
250.9 Approval of loans.
250.10 Interest.
250.11 Maturity.
250.12 Security.
250.13 Books, records, and reports.
250.14 Insurance required.
250.15 Penalties on default.

AUTHORITY: The provisions of this Part 250 issued under 70 Stat. 1121, as amended; 16 U.S.C. 742c, as amended, and Reorganization Plan No. 4 of 1970.

§ 250.1 Definition of terms.

For the purposes of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary.* The Secretary of Commerce or his authorized representative.

(b) *Person.* Individual, association, partnership or corporation, any one or all as the context requires.

(c) *State.* Any State, the territories and possessions of the United States, the Commonwealth of Puerto Rico, and the District of Columbia.

(d) *Fishery.* A segment of the commercial fishing industry engaged in the catching of a single species or a group of species of fish or shellfish. Any species other than those comprising the fishery must be caught incidentally while fishing for and using gear designed for the capture of the species comprising the fishery.

(e) *No economic hardship to efficient vessel operators.* The determination that operation of a proposed vessel will not cause economic hardship to efficient vessel operators already operating in that fishery shall be made by the Secretary, taking into consideration the condition of the fishery, the efficiency of the commercial fishing vessels and gear being operated in that fishery compared with the proposed commercial fishing vessel, the prospects of the market for the species comprising the fishery and the degree and duration of any anticipated economic hardship.

(f) *Act.* The Fish and Wildlife Act of 1956, as amended.

§ 250.2 Purposes of loan fund.

The broad objective of the fisheries loan fund created by the Fish and Wildlife Act of 1956, as amended, is to provide financial assistance which will aid the commercial fishing industry to bring about a general upgrading of the condition of both commercial fishing vessels and gear thereby contributing to more efficient and profitable fishing operations.

(a) Under section 4 of the Act, the Secretary is authorized, among other things:

(1) To make loans for financing and refinancing of the cost of purchasing, constructing, equipping, maintaining, repairing or operating new or used commercial fishing vessels or gear.

(2) Subject to the specific limitations in this section, to consent to the modification, with respect to the rate of interest, time of payment of any installment of principal, or security, of any loan.

(b) All financial assistance granted by the Secretary must be for one or more of the purposes set forth in paragraph (a) of this section.

§ 250.3 Interpretation of loan authorization.

The terms used in the Act to describe the purposes for which loans may be granted are construed to be limited to the meanings ascribed in this section.

(a) *Commercial fishing vessel or gear.* The words "commercial fishing vessel or gear" mean vessels (documented under the flag of the United States, if required) or gear of any size or type used for the catching of fish or shellfish for commercial purposes such as marketing or processing the catch.

(b) *Purchasing new or used commercial fishing vessels or gear.* The words "purchasing new or used commercial fishing vessels or gear" mean the purchase of commercial fishing vessels or gear.

(c) *Constructing new or used commercial fishing vessels or gear.* The words "constructing new or used commercial fishing vessels or gear" mean the construction of new commercial fishing vessels or gear or reconstruction of used vessels or gear for commercial fishing.

(d) *Equipping new or used commercial fishing vessels or gear.* The words "equipping new or used commercial fishing vessels or gear" mean the purchase or installation of parts, machinery, or other items incident to outfitting of commercial fishing vessels or gear.

(e) *Maintaining new or used commercial fishing vessels or gear.* The words "maintaining new or used commercial fishing vessels or gear" mean the normal and routine upkeep of commercial fishing vessels or gear.

(f) *Repairing new or used commercial fishing vessels or gear.* The words "repairing new or used commercial fishing vessels or gear" mean the restoration or replacement of any worn or damaged part of commercial fishing vessels or gear.

(g) *Operating new or used commercial fishing vessels or gear.* The words "operating new or used commercial fishing vessels or gear" mean all phases of activity directly related to the operation of commercial fishing vessels or gear in catching of fish or shellfish.

§ 250.4 Qualified loan applicants.

(a) Any citizen or national residing or conducting business in any State shall be deemed to be a qualified applicant for such financial assistance if such citizen or national:

(1) Owns, operates, or will own a commercial fishing vessel or gear used, or to be used, directly in the conduct of fishing operations, irrespective of the type, size, power, or other characteristics of such vessel or gear and can demonstrate

to the satisfaction of the Secretary that he has the ability, experience, resources and other qualifications necessary for successful operation of the commercial fishing vessel or gear which he proposes to operate; or

(2) Is a fishery marketing cooperative engaged in marketing all catches of fish or shellfish by its members pursuant to contractual or other enforceable arrangements which empower the cooperative to exercise full control over the conditions of sale of all such catches and disburse the proceeds from all such sales.

(b) Applications for financial assistance cannot be considered if the loan is to used for:

(1) Any phase of a shore operation.

(2) Refinancing (i) existing loans that are not secured by a commercial fishing vessel or gear, or (ii) debts which are not maritime liens within the meaning of subsection P of the Ship Mortgage Act of 1920, as amended (46 U.S.C. 971).

(3) Refinancing (i) existing mortgages or secured loans on commercial fishing vessels or gear, or (ii) debts secured by maritime liens, except in those instances where the Secretary deems such refinancing to be desirable in carrying out the purpose of the Act.

(4) Repair or purchase of commercial fishing vessels or gear where such commercial fishing vessels or gear are not offered as collateral for the loan by the applicant.

(5) Financing a new business venture in which the controlling interest is owned by a person or persons who are not currently engaged in commercial fishing.

§ 250.5 Basic limitations.

Applications for financial assistance may be considered only where there is evidence that the credit applied for is not otherwise available on reasonable terms (a) from applicant's bank of account, (b) from the disposal at a fair price of assets not required by the applicant in the conduct of his business or not reasonably necessary to its potential growth, (c) through use of the personal credit and/or resources of the owner, partners, management, affiliates, or principal stockholders of the applicant, or (d) from other known sources of credit. The financial assistance applied for shall be deemed to be otherwise available on reasonable terms unless it is satisfactorily demonstrated that proof of refusal of the desired credit has been obtained from the applicant's bank: *Provided,* That if the amount of the loan applied for is in excess of the legal lending limit of the applicant's bank or in excess of the amount that such bank normally lends to any one borrower, then proof of refusal should be obtained from a correspondent bank or from any other lending institution whose lending capacity is adequate to cover the loan applied for. Proof of refusal of the credit applied for must contain the date, amount, and terms requested. Bank refusals to advance credit will not be considered the full test of unavailability of credit and, where there is knowledge or reason to believe that credit is otherwise available on reasonable terms from sources other than such banks, the loan applied for cannot be granted notwithstanding the receipt of written refusals from such banks.

§ 250.6 Purchase or construction loans.

When the Secretary determines that an application is eligible on its face for the purchase or construction of a new or used commercial fishing vessel that will not replace an existing commercial fishing vessel, a notice shall be published in the FEDERAL REGISTER that such application is being considered and giving all interested parties a period of 30 days to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery. If such evidence is received, the Secretary will evaluate it along with such other evidence as may be available to him before making a determination that the contemplated operation of the vessel will or will not cause such economic injury or hardship. The foregoing procedure shall not apply in cases where the applicant seeks to replace a commercial fishing vessel lost or destroyed within 2 years of the date of the application.

§ 250.7 Applications.

(a) Any person desiring financial assistance from the fisheries loan fund shall make application to the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, DC 20235, on a loan application form furnished by that Service except that, in the discretion of the Secretary, an application made other than by use of the prescribed form may be considered if the application contains information deemed to be sufficient. Such application shall indicate the purposes for which the loan is to be used, the period of the loan, and the security to be offered.

(b) The amount of loan requested in an application may be limited from time to time in order to prevent the exhaustion of funds available for loans and to assure that these funds will assist the largest number of applicants possible. Until further notice, no applications for loans from the Fisheries Loan Fund will be accepted for more than $40,000.

§ 250.8 Processing of loan applications.

If it is determined, on the basis of a preliminary review, that the application is complete and appears to be in conformity with established rules and procedures, a field examination shall be made. Following completion of the field investigation the application will be forwarded with an appropriate report to the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235.

§ 250.9 Approval of loans.

The Secretary will evidence his approval of the loan by issuing a loan authorization covering the terms and conditions relating to the loan. Documents executed in connection with a loan shall be in a form and substance approved by the Secretary. Any modification of the terms and conditions of a loan following its execution must be agreed to in writing by the borrower and the Secretary.

§ 250.10 Interest.

The rate of interest on all loans which may be granted is fixed at 8 percent per annum.

§ 250.11 Maturity.

The period of maturity of any loan which may be granted shall be determined and fixed according to the circumstances but in no event shall the date of maturity so fixed exceed a period of 10 years except in the case where a loan is for all or part of the costs of constructing a new commercial fishing vessel in which event the maturity may be 14 years.

§ 250.12 Security.

Loans shall be approved only upon the furnishing of such security or other reasonable assurance of repayment as the Secretary may require. The proposed collateral for a loan must be of such a nature that, when considered with the integrity and ability of the management, and the applicant's past and prospective earnings, repayment of the loan will be reasonably assured.

§ 250.13 Books, records, and reports.

The Secretary shall have the right to inspect such books and records of the applicant as the Secretary may deem necessary and to request periodic reports.

§ 250.14 Insurance required.

(a) If insurance of any type is required on property under the terms of a loan authorization or mortgage it must be in a form approved by the Secretary and obtained from an underwriter, satisfactory to the Secretary, which meets at least one of the following requirements:

(1) An underwriter licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(2) A foreign insurance company or club operating in the United States that has deposited funds in an amount and manner satisfactory to the Secretary in a bank chartered under the laws of a State or the United States of America, or in a trust fund satisfactory to the Secretary, which funds are solely for the payment of insurance claims of U.S. vessels.

(3) A reciprocal or interinsurance exchange licensed by an insurance regulatory agency of a State to write the particular form of insurance being written.

(4) An insurance pool composed entirely of owners and operators of commercial fishing vessels.

(b) Any underwriter (including a company, club, or pool) writing such insurance shall furnish reasonable financial or operating data as the Secretary may require to determine the standing and responsibility of said underwriter.

§ 250.15 Penalties on default.

Unless otherwise provided in the loan documents, failure on the part of a borrower to conform to the terms and conditions of any of the loan documents will be deemed grounds upon which the Secretary may cause any one or all of the following steps to be taken:

(a) Discontinue any further disbursements from the escrow funds.

(b) Take possession of any or all collateral given as security for the loan including the commercial fishing vessel or gear for which the funds were borrowed.

(c) Take legal action against the borrower or the security, including foreclosure.

(d) Declare the entire amount of the loan immediately due and payable.

[FR Doc.71-6715 Filed 5-13-71;8:49 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peach Reg. 1]

PART 918—FRESH PEACHES GROWN IN GEORGIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 918, as amended (7 CFR Part 918), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this regulation will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) The recommendation of the Industry Committee embodies its appraisal of the crop and the marketing outlook for 1971. Restrictions should be made effective on May 14, 1971, to prevent peaches smaller than 1¾ inches in diameter from being marketed. Some of the earlier maturing varieties are now reaching maturity and such peaches are generally smaller than later varieties. Commencing May 24, 1971, the size restrictions should prevent the shipment of peaches smaller than 1⅞ inches in diameter, in that, other varieties of peaches which normally attain a larger size will be maturing and will be available for market. The regulation with respect to grade is designed to provide consumers with good quality fruit consistent with the overall general quality of the crop. Hence, the regulation specifies a minimum of 85 percent U.S. No. 1 grade, except for peaches marketed in adjacent markets. The exception with respect to peaches in bulk shipped to destinations in adjacent markets follows the custom and pattern of prior years and is designed to provide those markets with peaches of lower grade, size, and quality without requiring inspection thereof, as contemplated by the provisions of said marketing agreement and order providing for such exceptions.

(3) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 14, 1971. The committee held an open meeting on May 6, 1971, after giving due notice thereof, to consider supply and market conditions for fresh peaches grown in Georgia, and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such peaches. Shipments of the early varieties of the current crop of peaches are expected to begin on or about May 14, 1971, and this regulation should be applicable, insofar as practicable, to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 918.313 Peach Regulation 1.

(a) Order. (1) During the period May 14, 1971, through August 31, 1971, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which do not grade at least 85 percent U.S. No. 1 quality: *Provided*, That peaches with well healed hail marks, split pits that are not scored as serious damage, and not more than 1 percent decay may be shipped if they otherwise meet the requirements of this subparagraph.

(2) During the period May 14, 1971, through May 23, 1971, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1¾ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1¾ inches in diameter.

(3) During the period May 24, 1971, through August 31, 1971, no handler shall ship (except peaches in bulk to destinations in the adjacent markets) any peaches which are smaller than 1⅞ inches in diameter, except that not more than 10 percent, by count, of such peaches in any bulk lot or any lot of packages, and not more than 15 percent, by count, of such peaches in any container in such lot, may be smaller than 1⅞ inches in diameter.

(b) The inspection requirement contained in § 918.64 of this part shall not be applicable to any shipment of peaches in bulk to destinations in the adjacent markets during the period specified in paragraph (a) (1) of this section.

(c) The maturity regulations contained in § 918.400 of this part are hereby suspended with respect to shipments of peaches to destinations other than in the adjacent markets during the period specified in paragraph (a)(1) of this section.

(d) When used herein, the terms "handlers," "adjacent markets," "peaches," "peaches in bulk," and "ship" shall have the same meaning as when used in the aforesaid amended marketing agreement and order, and the terms "U.S. No. 1" and "diameter" shall have the same meaning as when used in the revised U.S. Standards for Peaches (7 CFR 51.1210-51.1223).

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated: May 12, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6831 Filed 5-13-71;8:58 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Alaska	Kenai Peninsula Borough.	Remainder				May 14, 1971.
California	Los Angeles	Hawaiian Gardens.	I 06 037 1552 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Hawaiian Gardens City Hall, 12134 Tilbury St., Hawaiian Gardens, CA 90716.	Do.
Do.	Ventura	Port Hueneme				Do.
Colorado	Boulder	Unincorporated areas.				Do.
Florida	Pinellas	Belleair	I 12 103 0200 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Town of Belleair Town Hall, 901 Ponce de Leon Rd., Belleair, Clearwater, FL 33516.	Do.
Do.	do	Belleair Beach	I 12 103 0201 02	do	Municipal Building, City of Belleair Beach, 444 Causeway Blvd., Belleair Beach, FL 33535.	Do.
Do.	do	Belleair Shore	I 12 103 0202 02	do	Office of the Mayor-Commissioner, 1740 Gulf Blvd., Belleair Shore, FL 33535.	Do.
Do.	do	Dunedin	I 12 103 0860 03 I 12 103 0860 04	do	Planner's Office, City Hall, 750 Milwaukee Ave., Dunedin, FL 33528.	Do.
Do.	do	North Redington Beach.	I 12 103 2236 02	do	Municipal Office Bldg., 190 173d Ave., St. Petersburg, FL 33708.	Do.
Do.	do	Safety Harbor	I 12 103 2680 03 I 12 103 2680 04	do	Office of the City Clerk, City Hall, 700 Main St., Safety Harbor, FL 33572.	Do.
Do.	do	St. Petersburg Beach.	I 12 103 2740 02	do	Municipal Bldg., 7701 Boca Ciega Dr., St. Petersburg, FL 33706.	Do.
Do.	do	South Pasadena	I 12 103 2873 02	do	Town Hall, Town of South Pasadena, South Pasadena, FL 33707.	Do.
Do.	do	Tarpon Springs	I 12 103 2960 02	do	City Manager's Office, Post Office Box 715, Tarpon Springs, FL 33589.	Do.
Do.	Volusia	Unincorporated areas.				Do.
Do.	do	Holly Hill				Do.
Do.	do	New Smyrna Beach				Do.
Idaho	Blaine	Unincorporated areas.				Do.
Illinois	Rock Island	do				Do.
Iowa	Woodbury	Sioux City				Do.
Minnesota	Mower	Austin	I 27 099 0290 06 through I 27 099 0290 10	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, MN. 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Office of the City Engineer, Municipal Bldg., 500 Northeast 4th Ave., Austin, MN 55912.	Do.
Oklahoma	Canadian	El Reno				Do.
Pennsylvania	Cumberland	Carlisle				Do.
Do.	Washington	Monongahela				Do.
Texas	Orange	Unincorporated areas.	I 48 361 0000 02 through I 48 361 0000 12	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Engineer, Room 107, Courthouse, Orange, Tex. 77630.	Do.
Wisconsin	Ozaukee	do				Do.
Do.	Trempealeau	do				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408-410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001-4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 14, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6762 Filed 5-13-71;8:47 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
***	***	***	***	***	***	***
Alaska	Kenai Peninsula Borough.	Remainder				May 14, 1971.
California	Los Angeles	Hawaiian Gardens.	H 06 037 1552 02	Department of Water Resources, Post Office Box 388, Sacramento, CA 95802. California Insurance Department, 107 South Broadway, Los Angeles, CA 90012, and 1407 Market St., San Francisco, CA 94103.	Hawaiian Gardens City Hall, 12134 Tilbury St., Hawaiian Gardens, CA 90716.	Sept. 25, 1970.
Do	Ventura	Port Hueneme				May 14, 1971.
Colorado	Boulder	Unincorporated areas.				Do.
Florida	Pinellas	Belleair	H 12 103 0200 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Town of Belleair Town Hall, 901 Ponce de Leon Rd., Belleair, Clearwater, FL 33516.	July 17, 1970.
Do	do	Belleair Beach	H 12 103 0201 02	do	Municipal Bldg., City of Belleair Beach, 444 Causeway Blvd., Belleair Beach, FL 33535.	June 27, 1970.
Do	do	Belleair Shore	H 12 103 0202 02	do	Office of the Mayor-Commissioner, 1740 Gulf Blvd., Belleair Shore, FL 33535.	Aug. 11, 1970.
Do	do	Dunedin	H 12 103 0860 03 H 12 103 0860 04	do	Planner's Office, City Hall, 750 Milwaukee Ave., Dunedin, FL 33528.	Oct. 13, 1970.
Do	do	North Redington Beach.	H 12 103 2236 02	do	Municipal Office Bldg., 190 173d Ave., St. Petersburg, FL 33708.	May 22, 1970.
Do	do	Safety Harbor	H 12 103 2680 03 H 12 103 2680 04	do	Office of the City Clerk, City Hall, 700 Main St., Safety Harbor, FL 33572.	Aug. 27, 1970.
Do	do	St. Petersburg Beach.	H 12 103 2740 02	do	Municipal Bldg., 7701 Boca Ciega Dr., St. Petersburg, FL 33706.	May 22, 1970.
Do	do	South Pasadena	H 12 103 2873 02	do	Town Hall, Town of South Pasadena, South Pasadena, Fla 33707.	June 16, 1970.
Do	do	Tarpon Springs	H 12 103 2960 02	do	City Manager's Office, Post Office Box 715, Tarpon Springs, FL 33589.	Aug. 6, 1970.
Do	Volusia	Unincorporated areas.				May 14, 1971.
Do	do	Holly Hill				Do.
Do	do	New Smyrna Beach.				Do.
Idaho	Blaine	Unincorporated areas.				May 14, 1971.
Illinois	Rock Island	do				Do.
Iowa	Woodbury	Sioux City				Do.
Minnesota	Mower	Austin	H 27 099 0290 06 through H 27 099 0290 10	Division of Waters, Soils, and Minerals, Minnesota Conservation Department, 345 Centennial Bldg., St. Paul, Minn. 55101. Minnesota Insurance Department, R-210 State Office Bldg., St. Paul, MN 55101.	Office of the City Engineer, Municipal Bldg., 500 Northeast 4th Ave., Austin, MN 55912.	Sept. 25, 1970.
Oklahoma	Canadian	El Reno				May 14, 1971.
Pennsylvania	Cumberland	Carlisle				Do.
Do	Washington	Monongahela				Do.
Texas	Orange	Unincorporated areas.	H 48 361 0000 02 through H 48 361 0000 12	Texas Water Development Board, 301 West 2d St., Austin, TX 78711. Texas State Board of Insurance, 1110 San Jacinto St., Austin, TX 78701.	Office of the County Engineer, Room 107, Courthouse, Orange, Tex. 77630.	Nov. 6, 1970.
Wisconsin	Ozaukee	do				May 14, 1971.
Do	Trempealeau	do				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91-152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 14, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-6763 Filed 5-13-71;8:47 am]

Proposed Rule Making

POST OFFICE DEPARTMENT

[39 CFR Ch. I]

INTERNATIONAL POSTAL SERVICE

Proposed Changes in Rates and Fees

In a notice published in the daily issue of May 4, 1971 (36 F.R. 8331) the Department announced changes in certain postal rates and fees effective May 16, 1971.

In addition to changes in various domestic rates of postage and fees for domestic services, changes were announced in rates for the categories of international mail and in fees for the international services shown in Tables F–I and F–II in that notice. These changes were made in order to preclude international postage rates and charges from falling below domestic rates for corresponding mail categories and services. That notice also noted that subsequent revisions of international rates attributable to provisions of the Universal Postal Union Convention would be announced at a later date.

The Universal Postal Union (UPU) Convention adopted at the Congress in Tokyo in November, 1969 becomes effective July 1, 1971. It prescribes a new rate structure for surface UPU mail and contains provisions allowing further international rate and fee increases.

To the extent that the proposed rate and fee revisions are not directly required by the UPU Convention, or to keep international rates at a level not below domestic rates and fees for corresponding domestic rate categories and services, they are designed to produce revenues necessary to provide adequate cost coverages for the various categories of international mail and international services.

The Postal Service proposes to change postal rates and fees for the categories of international mail and for the international services in the tables set out below to the levels shown therein, effective July 1, 1971.

To allow a better understanding of certain changes in rates there are also set out below under the heading "Miscellaneous Changes" certain other matters relating to international mail categories that will become effective July 1, 1971 pursuant to the UPU Convention.

Changes in rates and fees pursuant to 39 U.S.C. 505, and the international conventions and bilateral agreements entered into pursuant thereto, involve a foreign affairs function within the meaning of 5 U.S.C. 553, and 5 U.S.C. 553 likewise will not apply to establishment of international postal rates and fees by the U.S. Postal Service when it commences operations July 1, 1971. Nevertheless, the Post Office Department desires to receive the written data, views, and arguments of interested persons on the proposed changes. Such materials should be submitted to the Director, Office of Postal Rates, Finance and Administration Department, Post Office Department, Washington, D.C. 20260 on or before June 2, 1971.

PROPOSED RATES AND FEES AND MISCELLANEOUS CHANGES

I. *Canada and Mexico*—A. *Regular surface rates.*

1. Letter mail. 8 cents per ounce up to 12 ounces; eighth zone priority mail rates for heavier weights.

2. Small packets. 8 cents for the first 2 ounces and 2 cents for each additional ounce.

3. Parcel post. $1.20 for the first 2 pounds and 35 cents for each additional pound or fraction.

B. *Exceptional surface rates.*

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.03	$0.05
4	.14	.05	.07
8	.14	.08	.11
16	.17	.13	.20
32	.21	.21	.34
64	.36	.36	.58
Each additional 32 ounces.	.18	.18	.29

C. *Air mail.* Air parcel post (to Mexico only).—$1.23 first 4 ounces; 24 cents each additional 4 ounces or fraction.

II. *Countries other than Canada and Mexico*—A. *Regular surface rates.*

1. Letter mail, printed matter and small packets.

Ounces	Letter mail	Printed matter	Small packets
1	$0.15[1]	$0.08	$0.15
2	.26	.08	.15
4	.34	.12	.15
8	.76	.19	.29
16	1.44	.33	.48
32	2.40	.57	.86
64	3.84	.96	
Each additional 32 ounces		.48	

[1] Post and postal cards 10 cents.

2. Parcel post.

(i) Central America, the Caribbean Islands, Bahamas, Bermuda, and St. Pierre and Miquelon: $1.20 for the first 2 pounds and 35 cents for each additional pound or fraction.

(ii) All other countries: $1.30 for the first 2 pounds and 40 cents for each additional pound or fraction.

B. *Exceptional surface rates.* 1. Postal Union of the Americas and Spain (PUAS) Countries.

Ounces	Books and sheet music[1]	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.03	$0.05
4	.14	.05	.07
8	.14	.08	.11
16	.17	.13	.20
32	.21	.21	.34
64	.36	.36	.58
Each additional 32 ounces	.18	.18	.29

[1] Except Spain and Spanish possessions.

2. All other countries.

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.04	$0.07
4	.14	.06	.01
8	.14	.10	.10
16	.17	.17	.24
32	.28	.28	.35
64	.48	.48	.58
Each additional 32 ounces	.24	.24	.29

C. *Air Mail.* 1. Letter Mail.

(i) Central America, South America, the Caribbean islands, Bahamas, Bermuda, and St. Pierre and Miquelon: 17 cents per half ounce.

(ii) All other countries: 21 cents per half ounce.

2. Aerogrammes and Post Cards.—15 cents each.

3. Parcel Post. Individual country rates increased 10 percent.

III. *Special service fees*—A. *Customs clearance and delivery.* The fee on dutiable postal union mail other than small packets will be increased to 35 cents. The fee on dutiable small packets and parcel post will be increased to 70 cents.

B. *Return receipts for registered or insured mail.* The fee will be increased to 20 cents if the receipt is requested at time of mailing and to 40 cents if it is requested after mailing.

C. *Request for recall or change of address.* The fee will be increased to 60 cents.

D. *Inquiries.* The fee will be increased to 30 cents.

IV. *Miscellaneous changes.* A. "The Samples of Merchandise" class of postal union mail will be discontinued. Articles formerly transmitted under that classification must be mailed as "Small Packets," or they may be mailed in "Letter Packages" or as parcel post. In conjunction with the discontinuance of "Samples of Merchandise, Combination Packages, and Grouped Articles" are likewise being discontinued.

B. The maximum weight limit for printed matter to P.U.A.S. countries is being established at 22 pounds, and the minimum weight limit for direct sacks of prints addressed to one addressee lowered to 22 pounds to all countries.

C. The "8-ounce merchandise package" service to Canada is being discontinued.

(5 U.S.C. 301, 39 U.S.C. 501, 505; CF. 39 U.S.C. 101(d), 401, 403, 404(2), and 407)

DAVID A. NELSON,
General Counsel.

[FR Doc.71-6828 Filed 5-13-71;8:53 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1036]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Notice of Proposed Suspension of Certain Provisions of Order

Correction

In F.R. Doc. 71-6426 appearing on page 8524 in the issue of Friday, May 7, 1971, the second provision proposed to be suspended should read as follows:

2. § 1036.41(c)(6)(vii), "and bulk cream"; and

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-WE-31]

CONTROL ZONE

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Sacramento, Calif. (Mather AFB) control zone.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

Due to the decommissioning of the Mather AFB TVOR and LOM, the control zone extension described on the 055° T (037° M) bearing of the Mather LOM is no longer required.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.171 (36 F.R. 2055) the description of the Sacramento, Calif. (Mather AFB), control zone is amended to read as follows:

SACRAMENTO, CALIF. (MATHER AFB)

Within a 5-mile radius of Mather AFB (latitude 38°33'10" N., longitude 121°18'05" W.) within 2 miles each side of the Mather TACAN 048° radial, extending from the 5-mile radius zone to 7 miles northeast of the TACAN, excluding the portion subtended by a chord drawn between the points of intersection of the Mather AFB 5-mile radius zone with the Sacramento, Calif. (McClellan AFB) 5-mile radius zone.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on May 4, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71-6702 Filed 5-13-71;8:45 am]

[14 CFR Part 139]

[Docket No. 10607; Notice 71-14]

AIRPORT OPERATING CERTIFICATES

Notice of Proposed Rule Making

The Federal Aviation Administration is considering the issue of regulations to provide for the issue of airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board, and minimum safety standards for the operation of these airports. The rules now proposed would be placed in a new Part 139 of the Federal Aviation Regulations that would apply to airports that regularly serve scheduled air carriers operating large aircraft (other than helicopters).

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, GC-24, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before July 13, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

As stated in the advance notice of proposed rule making (Notice 70-39, issued Sept. 23, 1970; 35 F.R. 15022), section 51 of the Airport and Airway Development Act of 1970 added to the Federal Aviation Act of 1958 a new section 612 that authorizes the Administrator to issue airport operating certificates to airports serving air carriers certificated by the Civil Aeronautics Board, and to establish minimum safety standards for the operation of those airports. Under section 612 such terms, conditions, and limitations as are reasonably necessary to assure safety in air transportation must be prescribed, including those relating to the installation, operation, and maintenance of adequate air navigation facilities, and to the operation and maintenance of adequate safety equipment. Any person desiring to operate an airport of the kind involved may apply to the Administrator for an airport operating certificate, and the Administrator is directed to issue the certificate if he finds, after investigation, that that person is properly and adequately equipped to conduct a safe operation. The 1970 Act also added to section 610(a) of the Federal Aviation Act of 1958 a provision prohibiting any person from operating an airport of the kind involved without an airport operating certificate, or in violation of the terms of the certificate. This prohibition is effective May 21, 1972.

The FAA has met three times with representatives of the airport industry and associations of persons using airports as air carriers and flight crewmembers, twice before and once after issuing Notice 70-39, to discuss the minimum safety standards that should be established for the operation of the airports involved. At those conferences a number of airport elements, conditions, equipment, and activities were discussed, for which specific minimum safety standards appeared to be necessary for the proper implementation of FAA's responsibilities under section 612 of the Act.

Approximately 40 comments were received in response to Notice 70-39. Due consideration has been given to all of these comments.

General and certification. This notice proposes, in Subpart A, provisions on applicability, inspection authority of the Administrator, and amendment of certificates and operations manuals.

In response to Notice 70-39, comments were submitted concerning the application of the proposed rule to such airports as alternate or military airports serving air carriers certificated by the Civil Aeronautics Board, and to airports serving charter flights made by those air carriers that usually operate in air transportation on a regular basis. Some commentators asserted that the rules should be applied only to airports serving "scheduled air carriers," or to airports with "regularly

scheduled air carrier service," or to "scheduled interstate air carrier airports." However, there is no statutory basis for excluding any "airports serving air carriers certificated by the Civil Aeronautics Board," and the exception of any of such airports from the requirements to be imposed rests upon a showing of the existence of reasons why granting an exception would be in the public interest, and either why the exception would not adversely affect safety in air transportation or how action to be taken by the airport would provide a level of safety equal to that provided by the rules of general applicability.

In the light of all these considerations, the rules proposed for this part apply only to airports that regularly serve scheduled air carriers operating large aircraft (aircraft of more than 12,500 pounds, maximum certificated takeoff weight), other than helicopters. Further rules will be developed, as soon as possible and in such depth as will comply with the legislative mandate, as to all other airports serving air carriers certificated by the Civil Aeronautics Board. In addition, action will be taken to amend Parts 121 and 127 of the Federal Aviation Regulations to prohibit operations by air carriers, after May 20, 1972, into airports that do not hold airport operating certificates.

Although the FAA intends to issue separate regulations covering its aviation security program, the FAA recognizes that it may be necessary to reevaluate some of the safety requirements proposed herein (§ 139.67—Public Protection) in the light of broad overall studies now being made concerning the effects of certain security deficiencies on airport safety.

Subpart B would provide appropriate provisions stating who is entitled to an airport operating certificate; the contents, required accompanying documents, and place of submission of an application for a certificate; the contents of a certificate; duration of a certificate—without time limit; waivers where the Administrator finds that they would be in the public interest and that an equivalent level of safety in air transportation would be provided by alternate means; deviations in emergencies; and qualified personnel required.

Operations manual. In response to Notice 70-39, a number of commentators stated their views as to a document—now called "operations manual"—in which the airport operator would show the FAA how it complies with the certification eligibility standards prescribed by the regulations. These commentators uniformly endorsed the concept, with such suggestions as that the procedure should be used to classify airports, that the rules themselves should be tailored to airports on an individual basis, or even that the airport should develop its own standards and methods for compliance and place these in the manual.

Now proposed is a Subpart C, whose rules would require each applicant to prepare and submit, with its application for a certificate, an operations manual. The manual would identify the means and procedures the applicant would use to meet the proposed certification and operations rules, as well as the duties and responsibilities of operations personnel in conducting the operations of the airport. Appropriate provisions would cover the required contents of the operations manual, and would require the certificate holder to keep the manual current at all times, as well as to maintain a copy that would be available for inspection by the Administrator.

Certification: eligibility. Most of the comments submitted concerned the 18 airport elements, conditions, equipment, and activities in Notice 70-39 for which the views of all interested persons were solicited on what minimum safety standards should be established. The thrust of the comments, and the course of action now proposed for certification purposes on each item (Subpart D), as a result of these comments, the meetings mentioned above, and further consideration of the matter, are as follows:

1. *Pavement areas.* The bulk of the commentators favored rule making as to (a) cleanliness, and as to (b) identifying and marking unserviceable and construction areas and closing them to operations. Some opposition to rule making as to (c) serviceability and effectiveness of pavement areas for braking action involved questions on whether measurement standards for braking action would be involved, and what would be the relation between subitems (c) and (d)—provision for a measurement of coefficient of friction, in view of the fact that weather conditions can change rapidly and alter braking action quickly. Actually, the intended thrust of (c) was to require removal of pavement contaminants such as rubber, soot, snow, and slush as promptly as possible to preserve a good braking surface.

A number of commentators opposed a requirement for a measurement of coefficient of friction, asserting that the FAA should make the measurements; the requirement is not needed for nonhub and small hub locations; and there is no satisfactory device, and the requirement is not appropriate before such a device is developed. However, it is considered that measurement of runway slipperiness is essential, and that information thereon will be valuable for defining not only day-to-day slipperiness characteristics but also those associated with changing weather conditions. This requirement of periodic measurement and reporting is therefore now proposed, as an operations rule, although the standard is limited for application to airports serving turbojet powered aircraft. However, this action would not be required until FAA-approved equipment for measuring is available.

Most of the commentators strongly opposed a requirement for antihydroplaning runway surfaces, on the grounds that it would be very expensive to groove runways; flyovers (overflights) may be a better alternative than grooving; grooving may not be the only methodology available; this would not be required on every size airport; and a number of locations have limited rainfall and seldom (if ever) have hydroplaning conditions. In the light of these considerations this requirement is not presently being proposed in this notice. However, airport conditions that lead to aircraft skidding will be carefully evaluated, and in appropriate instance a requirement to provide antihydroplaning surfaces may be developed for particular locations.

Subitem (b) under item 1—identifying and marking unserviceable and construction areas and closing them to operations, was also referred to or implicit in item 2—safety areas, and item 3—marking and lighting of runways, taxiways, and aprons, in Notice 70-39. This matter is now proposed as an individual item, for the sake of clarity and emphasis and to preclude redundancy.

Notice 70-39 identified (item 10) drainage systems to minimize ponding of water on operating surfaces, safety areas, and extended runway safety areas. Several of the commentators suggested that drainage could concurrently be combined with the items on pavement areas and safety areas. This suggestion has been adopted. Other commentators agreed with the need to limit ponding, but believed it would be difficult to state a standard. In this notice, the matter of ponding is treated as precisely and concisely as possible in the certification rules on both pavement areas (§ 139.43) and safety areas (§ 139.45), as well as in the additional operating rule on the former (§ 139.83).

As proposed, the certification rules for pavement areas (§ 139.43) would require a showing of compliance with specified standards concerned with pavement roughness, stone aggregate used for top course of surface treatment, and elevation of pavement lips.

2. *Safety areas.* Most of the comments received on this item favored rule making. Some commentators suggested that safety areas should be properly defined or standardized. Other commentators suggested confining the rules in this area to draining and erosion, or limiting required marking to landing strips. In addition to defining safety areas, this notice proposes requiring a showing (§ 139.45) of absence of ruts and other variations from normal grade exceeding 6 inches; absence of unneeded objects; and presence of an adequate storm sewer system or capability of the topography to allow direct runoff of water. The proposed additional operations rules (§ 139.85) would require appropriate moving of snowdrifts and placing of snow banks.

3. *Marking and lighting of runways, taxiways, and aprons.* The majority of the commentators favored rule making on this item. One commentator assumed that the installation of standby power would be necessary to obtain lighting reliability. Actually, most of the larger airports have some type of standby power, and the FAA has established standby

power requirements for key airport facilities. Another commentator asserted that pilots need training to recognize the different elements of marking. However, this is a matter of airman certification. Other commentators requested that the standard not be related to candela measurement and that lighting requirements be related to a specific number of night operations. However, numbers are considered irrelevant in this regard—facilities must be as well maintained for one flight as for many. Several commentators recommended consideration of the number of lights that may be extinguished at any one time, and a distinction between VFR and IFR lighting. However, in airport certification it must be recognized that aircraft operations and limitations thereon are considered in other rules; thus, these recommendations are addressed elsewhere.

Under proposed § 139.47, it would be necessary to show that any of the listed kinds of lights is in operable condition; the existence of a sufficient supply of emergency lights for any main runway lighting; the operable condition of any guidance lights installed with taxiway lighting systems; and design, adjustment, or shielding of surface lighting so as not to blind or hinder air traffic control or aircraft operations.

4. *Fire and rescue facilities, and extinguishing agents.* The commentators, recognizing the legislative mandate on firefighting and rescue equipment, stressed such factors as making the rules flexible in their specifications or tailored to individual airports; keeping the rules within narrow limits, especially for nonhub airports; considering neighborhood capabilities; and treating the matter in advisory circulars instead of in the rules. Most of the commentators expressed concern for the costs associated with purchasing, operating, and manning firefighting and rescue equipment, particularly at the smaller airports. Commentators also exhibited basic disagreement as to the demonstrated worth of firefighting and rescue systems in terms of both actual number of verified success missions (lives saved) and situations that were potentially catastrophic but were never reported as anything more than incidents because of prompt and effective response. In the light of all of the relevant considerations, a firefighting and crash rescue study contract was entered into for the purpose of acquiring pertinent information and recommendations from an independent professional organization.

The minimum safety standards now proposed have been developed from an extensive study of existing firefighting and rescue equipment at airports, industry data, National Fire Protection Association publications, a 1967 FAA comprehensive test program conducted at 32 airports serving air carriers, the British airport licensing standards, recommendations of the ICAO Rescue and Fire Fighting Panel, crashworthiness developments in aircraft, and the information and recommendations of the independent contractor mentioned above. These standards, proposed in § 139.49, would require firefighting and rescue equipment classified into five "Index" levels based upon length of the aircraft (that is in general related to the number of occupants) served by the particular airport, and numbers of scheduled departures. Also required would be sufficient, trained personnel to man the firefighting and rescue equipment, and a 3-minute response-time capability of all required equipment to reach each relevant portion of the airport. Additional provisions would concern marking and lighting vehicles, and their protection against freezing temperatures.

5. *Handling and storage of dangerous material.* As included in Notice 70–39, this item was intended to include the control, storage, and handling of fuels. A majority of the commentators asserted that rule making in this area was unnecessary, or that other controls—specifically Part 103 of the Federal Aviation Regulations—cover the matter. However, Part 103 prescribes rules for loading and carrying dangerous articles. It does not regulate ground handling of hazardous materials. Proposed rule making (§ 139.51), now under the heading "Handling and storing hazardous articles and materials", separately covers handling of hazardous materials that are aircraft cargo and handling of other hazardous materials.

6. *Traffic and wind direction indicators.* Some of the commentators felt that these items were needed at small or noncontrolled airports only, or not needed at all. Other commentators approved of their inclusion in the rule making. It is considered that traffic and wind direction indicators should be an airport responsibility. It is therefore proposed (§ 139.53) that there must be wind direction indicators, and also segmented circle traffic pattern indicators where the airport has no air traffic control tower.

7. *Emergency plan.* Most of the commentators favored the concept of having an emergency plan if kept as simple as possible, particularly for smaller airports or limited according to numbers of operations and types of aircraft using the airport. Now proposed is an emergency plan (§ 139.55) sufficiently detailed to provide adequate guidance to all concerned, that provides instructions for response to aircraft incidents and accidents, bomb incidents, structural fires, natural disasters, sabotage and other unlawful interference with operations, and radiological incidents or nuclear attack. The plan would be required to provide also for medical services, crowd control, removal of disabled aircraft, emergency alarm systems, mutual aid, and a description of control tower functions relating to emergency actions. In addition, the applicant would need to show it has coordinated its emergency plan, in writing, with law enforcement and all other interested persons, and that all airport personnel having duties and responsibilities under its emergency plan are familiar with their assignments and are properly trained.

8. *Self-inspection program.* Most of the commentators favored a self-inspection program. It is proposed in this notice (§ 139.57) that the applicant for certification must show it is equipped and capable of conducting routine daily safety inspections of the airport, and additional inspections in case of the existence of unusual conditions such as during periods of construction and immediately after any incident or accident. The applicant also would be required to show that it has qualified inspection personnel, and operative communications system, and a reporting system to insure prompt corrective actions for unsafe conditions on the airport. In addition, operations rules (§ 139.91) are proposed that would require conducting safety inspections, and maintaining (and keeping for at least 2 years) a record of each of these inspections.

9. *Ground vehicles.* Most of the commentators favored requiring communications between emergency vehicles and control tower, and guidance for operation of airport maintenance and other authorized vehicles on and in the vicinity of aircraft movement areas. However, some objection was stated against requiring two-way radio communications for all vehicles. It is proposed (§ 139.59) that the applicant must show that it has appropriate procedures for the orderly operation of ground vehicles on the airport; that there must be two-way radio communications between tower and all ground vehicles operating on usable runways and taxiways (or escort vehicles with that communication capability, for maintenance or service vehicles without it, when operating on runways, taxiways, aprons, parking areas, or safety areas); and adequate other procedures for other vehicles when operating on aprons, parking areas, or safety areas. On airports with control towers, there must be means by which the firefighting and rescue personnel may be promptly alerted, as well as provisions for continuing communications with vehicles after they leave the fire station. Prearranged signals would be required where there is no tower.

10. *Drainage systems.* As stated above, this item listed in Notice 70–39 is now proposed as a part of the rules concerned with items on pavement areas and safety areas.

11. *Control tower visibility.* Commentators generally opposed the inclusion of this item, asserting that it would create a duplication of effort or that it might lead to moving towers—something that the FAA should pay for. However, it is considered that the matter has sufficient importance to justify rule making. Proposed § 139.61 accordingly would require an applicant for an airport operating certificate for an airport with a control tower to show (a) that the final approaches to each runway, and all parts of the traffic pattern and aircraft landing areas, have clear line of sight from the tower; and (b) that each taxiway connecting with a usable runway is directly and sufficiently visible from the tower to allow positive control of all traffic

thereon at all times. Provision would be made that when an applicant cannot comply with item (a) acceptability of an obstructed condition would be determined through an FAA aeronautical study.

12. *Airport lights.* This item is now proposed as a part of the rules concerned with marking and lighting of runways, thresholds, and taxiways (§ 139.47). The comments generally favored the inclusion of this item.

13. *Obstructions.* The commentators largely asserted the need to confine any rule making to obstructions located on the airport, and a feeling that it was the responsibility of the FAA alone to handle the obstructions problem. However, it is considered that the airport operator has the responsibility of showing that each object on the airport that is identified as an obstruction in Part 77 of the Federal Aviation Regulations is adequately lighted and marked.

14. *Air navigation facilities on airport.* Some commentators felt that this is not a proper item for certification purposes, or that rule making should be confined to inspection to see if navaids work, or that the matter should be one for the FAA. Other commentators favored rule making with assertions that it should be confined to such matters as on-airport interference or "normal security." It is proposed (§ 139.65) that the applicant be required to show that it has procedures for preventing the construction of facilities on the airport that would derogate the signal generated by a navaid thereon, and that is has established protection for all navaids on the airport against vandalism and theft. In this connection, it should be noted that Part 171 of the Federal Aviation Regulations also includes provisions for the maintenance and security of privately owned navaids.

15. *Line of sight along and between runways.* Most of the commentators asserted that this item was unnecessary, properly a matter of airport design only, or a matter that would require substantial use of waiver procedures. After further consideration, the FAA has determined that this matter need not be proposed for rule making at the present time. It is covered for new runways by new airport design standards. It can be solved as an operational problem by air carrier personnel at airports without air traffic control towers. The matter of line of sight on existing runways at airports with air traffic control towers is handled by the controllers.

16. *Security fencing:* Some commentators opposed this item, asserting that the cost is prohibitive, or that in any event fencing could not be made deer-proof in some places without causing obstruction. Other commentators were in favor of this item, especially if the measures required were related to the airport involved or to places where needed. It is proposed (§ 139.67—Public protection) that the applicant for an airport operating certificate must show that it has on the airport adequate devices in operable condition, and procedures, for protection against inadvertent or unauthorized entry of persons or animals into aircraft operations areas.

17. *Smoke control.* Most of the commentators opposed this item, asserting that smoke control is unachievable, especially if the source is beyond the airport. Similarly, the commentators who did favor this item asserted that the matter must be confined to control of smoke originating on the airport. It has been determined that it would be unreasonable to expect airport operators to attempt to provide controls concerned with smoke originating off the airport. Furthermore, this is basically a pollution problem handled under other programs. Accordingly, the item has been dropped as an item for rule making at the present time.

18. *Bird hazard control.* Several commentators favored this item generally with the suggestion that it should be confined to airports where actually needed. Other commentators opposed the item on the grounds that there is no presently known method of control, especially as to migratory birds. However, it is considered appropriate to require (§ 139.69) that the applicant show it has established instructions and procedures for the prevention or removal of factors on the airport that attract or may attract birds to the airport or its vicinity, and for notification of bird hazards to the air carrier users of the airport. Provision would be made to relieve the applicant of this burden if the Administrator finds that a bird hazard does not exist or is not likely to exist.

19. *Airport condition assessment and reporting.* As a result of the meetings with the airport industry and associations of persons using airports, the public comments received in response to Notice 70–39, and further consideration of the matter, an item on airport condition assessment and reporting (actually first covered by item 8 of Notice 70–39) is now proposed (§ 139.71). This provision would require the applicant to show it has appropriate procedures for identifying, assessing, and disseminating information to air carrier users of the airport concerning conditions on and in the vicinity of the airport that affect or may affect the safe operation of aircraft. These procedures would cover construction or maintenance work on pavement or safety areas; rough or wavy portions of pavement or safety areas; the presence and depth of snow, slush, ice, or water on runways or taxiways; the presence of snow drifted or piled on or next to those areas; the presence of parked aircraft or other objects on or next to those areas; the failure or irregular operation of all or part of the airport lighting system; and coefficient of friction measurements. The requirements on disseminating information to air carrier users of the airport would not in any way affect the existing NOTAM procedures.

20. *Identifying, marking, and reporting construction and other unserviceable areas.* As stated under item 1 above, this matter is now proposed as an individual item for rule making. As proposed (§ 139.73), the applicant would be required to show it has procedures for conspicuously identifying all construction areas and other unserviceable pavement and safety areas by marking and lighting them; for routing, marking, and lighting all construction equipment and construction roadways; and for warning air carrier users of the airport as to the existence of closed deceptive, or hazardous construction areas or other unserviceable areas.

The areas now proposed for certification eligibility therefore fall into 16 areas, and each of these is treated separately for certification purposes, in proposed Subpart D—Certification: Eligibility.

Operations rules. In addition to the rules of proposed Subpart D for certification eligibility, a Subpart E—Operations, is also proposed. Section 139.81 would require each person operating an airport for which an airport operating certificate has been issued under Subpart C to operate, maintain, and provide personnel, facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of its airport operating certificate for that airport. In addition, the operator would be required to comply with the additional operations rules of Subpart E. The latter, in §§ 139.83 through 139.93, contain additional rules (respectively as to pavement areas, safety areas, cleaning and replacing lighting items, airport firefighting and rescue equipment and service, self-inspection, and maintenance of approach and other imaginary surfaces) for required action by the airport operator after certification.

Thus, as to pavement areas (§ 139.83), the operator would be required to promptly repair specified cracks, holes, or rough areas; remove snow and other foreign substances and deposits; clean after the use of chemical solvents; use salt-free sand, if any; and prevent ponding of a specified character. In addition, the operator of an airport serving turbojet powered aircraft would be required, at least once each 3 months, to measure runway slipperiness characteristics, and report its findings to each air carrier user of the airport with that kind of aircraft. Similar evaluation and reporting would be required as to any significant change of coefficient of friction or slipperiness characteristics caused by resurfacing, accumulation of rubber deposits, repair, or other circumstances. As to measurement of coefficient of friction, however, as stated above it is anticipated that any final rule issued pursuant to this notice will require this action only after the FAA has approved the type of equipment for measurement.

As to safety areas (§ 139.85), the operator would be required to take the stated appropriate action as to snowdrifts and positioning of snow banks.

As to lighting items (§ 139.87), the operator would be required to clean or replace each item of lighting, as shown necessary upon self-inspections.

As to airport firefighting and rescue service (§ 139.89), the operator would be required to provide the prescribed firefighting and rescue equipment and service during all periods of scheduled aircraft operations; provide cover against freezing for equipment; and take certain prescribed action when required vehicles become inoperable.

As to self-inspection (§ 139.91), the operator would be required to continuously review its self-inspection program; conduct safety inspections at least once each day whenever else needed, as specified; and maintain (and keep for at least 2 years) a record of each required inspection.

As to approach and other imaginary surfaces described in Part 77 of the Federal Aviation Regulations (§ 139.93), the operator would be required to insure, by controlling the construction of objects on the airport, that those surfaces are maintained at least to the condition existing at the time of certification of the airport, except to the extent that further penetration of any of those surfaces is determined to be acceptable to the Administrator through an FAA aeronautical study.

Several commentators on Notice 70–39 suggested that airport managers should be certificated, as well as airports. However, this matter is not an essential factor in the rule making now proposed.

Commentators on Notice 70–39 and at the industry meetings also proposed several additional items, that have not been included in this notice for the following reasons:

1. *Standards for length, width, and strength of runways.* Principal considerations throughout the development of the airport certification program have been that airport design standards would provide safety for the airports covered by this notice, through the controls of the airport development aid program (ADAP); and that aircraft operational controls would assure that their operations are matched to the capacity of the airport. In the light of these considerations, in the judgment of the FAA, the airport certification program need not include standards for length, width, and strength of runways.

2. *Runway overrun and underrun criteria.* Paved overruns and underruns are not considered to be the practical and economical answer to the problem of an aircraft's inadvertently leaving the runway. Runway length and surface texture should provide for aircraft operation within the runway limits. Airport standards call for cleared, graded, and compacted areas extending beyond the ends of runways, rather than paved areas. The FAA encourages the development of this extended safety area at the end of both new and existing runways. In each instance, the project carries a high Federal grant aid priority. Also, operations rules are designed to match the performance of aircraft with the dimensions of the airport used. These rules require that performance data be provided to show the limit that must be proposed upon the operating weight of an aircraft to insure that aircraft operations can be accomplished safely within the effective length of a given runway.

3. *Requirement for airport traffic control tower, ILS at each airport, or, a VASI and REILS for runways without ILS.* The criteria for each of these items are based on operational requirements at the individual airports. Establishment of the items normally is the responsibility of the Federal Government, not that of the airport operator, and Federal programs provide the funds for them, with their scheduling primarily dependent upon the availability of funds.

4. *Noise zoning.* Noise control is covered by other FAA programs.

5. *Secondary airport electric power source.* A high degree of safety in this regard is provided by the Continuous Power Airports Program, the voluntary providing of standby power for many facilities at other airports, and the availability of alternate airports. Since power problems at an airport can be safely met by limiting operations at that airport or closing the airport during a power emergency, and notifying the users, it appears that regularity of aircraft operations, rather than safety, is the basis for any further standby power requirements.

6. *Adequate snow removal equipment.* The requirement of removal of snow from pavement areas and safety areas is proposed by this notice. The type of equipment remains the responsibility of the airport operator, since provisions of a realistic minimum level of adequacy can not be specifically established.

This rule-making action is proposed under the authority of sections 313(a), 609, 610(a), and 612 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1429, 1430; Public Law 91–258, 84 Stat. 234, 235).

In consideration of the foregoing, it is proposed to amend Title 14 of the Code of Federal Regulations by adding the following new Part 139.

Issued in Washington, D.C., on May 10, 1971.

CHESTER G. BOWERS,
Director, Airports Service, AS–1.

PART 139—CERTIFICATION AND OPERATIONS: AIRPORTS SERVING CAB-CERTIFICATED SCHEDULED AIR CARRIERS OPERATING LARGE AIRCRAFT (OTHER THAN HELICOPTERS)

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Subpart A—General

§ 139.1 Applicability.

(a) This part prescribes rules governing the certification and operation of airports regularly serving scheduled air carriers that hold certificates of public convenience and necessity issued by the Civil Aeronautics Board and operate large aircraft (other than helicopters).

(b) As used in this part:

(1) "Air carrier user" means a scheduled air carrier holding a certificate of public convenience and necessity issued by the Civil Aeronautics Board and operating large aircraft (other than helicopters).

(2) "Certificated airport" means an airport that has been certificated under Subpart B of this part.

§ 139.3 Certification: general.

After May 20, 1972, no person may operate an airport serving CAB-certificated air carriers in any State of the United States, the District of Columbia, or any territory or possession of the United States, without or in violation of an airport operating certificate for that airport, or in violation of this part or the approved operations manual for that airport.

§ 139.5 Inspection authority.

Each applicant for an airport operating certificate, and each certificate holder for or operator of a certificated airport, shall allow the Administrator, at any time, to make any inspection or test to determine its compliance with the Federal Aviation Act of 1958, the Federal Aviation Regulations, the certificate, and the approved operations manual, and the eligibility of the certificate holder to continue to hold its certificate.

§ 139.7 Amendment of certificate.

(a) The Administrator may amend any airport operating certificate issued under this part—

(1) Upon application by the certificate holder, if the Administrator determines that safety in air transportation and the public interest allows the amendment; or

(2) Under section 609 of the Federal Aviation Act of 1958 (49 U.S.C. 1429) and Part 13 of this chapter if the Administrator determines that safety in air transportation and the public interest requires the amendment.

(b) An applicant for an amendment to an airport operating certificate must file its application with the FAA Airport field office in whose area the airport is located, at least 15 days before the proposed effective date of that amendment, unless a shorter filing period is allowed by that office.

(c) At any time within 30 days after receiving from the appropriate FAA Airport field office a notice of refusal to approve the application for amendment, the certificate holder may petition the Administrator personally to reconsider the refusal to amend.

§ 139.9 Amendment of operations manual.

(a) The Administrator may amend any operations manual issued under this part—

(1) Upon application by the certificate holder, if the Administrator determines that safety in air transportation and the public interest allows the amendment; or

(2) If the Administrator determines that safety in air transportation and the public interest requires the amendment.

(b) In the case of an amendment under paragraph (a)(2) of this section, the Administrator notifies the certificate holder, in writing, fixing a reasonable period (but not less than 7 days) within which the certificate holder may submit written information, views, and arguments on the amendment. After considering all relevant material presented, the Administrator notifies the certificate holder of any amendment adopted, or rescinds the notice. The amendment becomes effective not less than 30 days after the certificate holder receives notice of it, unless the certificate holder petitions the Administrator personally to reconsider the amendment, in which case its effective date is stayed pending a decision by the Administrator. If the Administrator finds that there is an emergency requiring immediate action with respect to safety in air transportation, that makes the procedure in this paragraph impracticable or contrary to the public interest, he may issue an amendment, effective without stay, on the date the holder receives notice of it. In such a case, the Administrator incorporates the finding, and a brief statement of the reasons for it, in the notice of the amended certificate or operations manual to be adopted.

(c) An applicant for an amendment to its operations manual must file its application with the appropriate FAA Airport field office in whose area the airport is located, at least 15 days before the proposed effective date of that amendment unless a shorter filing period is allowed by that office.

(d) At any time within 30 days after receiving from the appropriate FAA Airport field office a notice of refusal to approve the application for amendment, the certificate holder may petition the Administrator personally to reconsider the refusal to amend.

Subpart B—Certification

§ 139.11 Issue of certificate.

An applicant for the issue of an airport operating certificate under this subpart is entitled to a certificate if—

(a) It regularly serves air carrier users; and

(b) The Administrator, after investigation, finds that the applicant is properly and adequately equipped and able to conduct a safe operation in accordance with this part, and approves the operations manual submitted with the application.

§ 139.13 Application for certificate.

(a) Each applicant for the issue of an airport operating certificate under this subpart must submit its application on a form and in the manner prescribed by the Administrator, accompanied by its operations manual prescribed by Subpart C of this part, to the appropriate FAA Airport field office in whose area the applicant proposes to establish or has established its airport. Each applicant whose airport is in operation before (effective date of this part) must submit its application no later than (60 days after effective date of this part). Each applicant whose airport is not in operation before (effective date of this part) must submit its application at least 90 days before the date of intended operations.

(b) Each application submitted under paragraph (a) of this section must contain a signed statement showing—

(1) The name and address of the airport;

(2) The name and address of the owner of the airport; and

(3) The name and address of the operator of the airport.

(c) Each operations manual submitted under paragraph (a) of this section must be prepared in accordance with and contain the information prescribed by, §§ 139.31 and 139.33, respectively, of this Part.

§ 139.15 Contents of certificate.

Each airport operating certificate issued under this subpart contains—

(a) The names of the airport and of the owner and operator of the airport:

(b) The kinds of operations authorized for use by the certificate;

(c) Airport limitations; and

(d) Any other item that the Administrator determines is necessary to cover a particular situation.

§ 139.17 Duration of certificate.

(a) An airport operating certificate issued under this subpart is effective until it is surrendered or the Administrator suspends, revokes, or otherwise terminates it.

(b) The Administrator may suspend or revoke an airport operating certificate under section 609 of the Federal Aviation Act of 1958 and the applicable procedures of Part 13 of this chapter for any cause that, at the time of suspension or revocation, would have been grounds for denying an application for a certificate.

§ 139.19 Waivers and deviations.

(a) The Administrator may by an appropriate provision in or amendment to the operations manual waive, in whole or in part, compliance with any requirement of Subpart D or E of this part if—

(1) Application for the waiver is filed at least 30 days before operations under the waiver are proposed; and

(2) The Administrator finds that the waiver is in the public interest and that an equivalent level of safety in air transportation will be provided by alternate means proposed by the applicant or certificate holder.

(b) In emergency conditions the Administrator may authorize deviations for operations if those conditions require the transportation of persons or supplies for the protection of life or property and he finds that a deviation is necessary for the expeditious conduct of the operation.

§ 139.21 Personnel required.

Each applicant for an airport operating certificate under this subpart must show that it has sufficient qualified personnel employed by it to provide the highest degree of safety in its operations.

Subpart C—Operations Manual

§ 139.31 Preparation and maintenance.

(a) Each applicant for an airport operating certificate must prepare and submit for approval by the Administrator, with its application for a certificate, its operations manual identifying—

(1) The means and procedures the applicant uses to meet the certification and operations rules prescribed by this part; and

(2) The duties and responsibilities of operations personnel in conducting the operations of the airport.

(b) Each certificate holder shall keep its operations manual current at all times after it is approved.

(c) Each certificate holder shall maintain at least one complete copy of its approved operations manual at its principal operations office, and shall make it available for inspection upon the reasonable request of the Administrator.

§ 139.33 Contents.

(a) Each operations manual required by § 139.31 must—

(1) Include all of the information necessary to show the means and procedures, in detail, used to comply with each certification and operations rule prescribed by Subpart D or E of this part;

(2) Include instructions and information necessary to allow the personnel concerned with operating the airport to perform their duties and responsibilities with the highest degree of safety;

(3) Include operational lines of succession;

(4) Include airport familiarization, such as gridmaps, terrain features, traffic patterns, runway identification, obstructions, and taxiways;

(5) Include separate descriptions of aircraft operations areas and other areas;

(6) Include appropriate references to Federal Aviation Regulations;

(7) Include a current utility layout plan for the airport, and procedures for avoidance of interruption or failure of utility facilities or navaids during construction work;

(8) Be in a form that is easy to revise;

(9) Have the date of the last revision on each page concerned; and

(10) Not be contrary to any Federal regulation or the applicable airport operating certificate.

(b) The operator of each certificated airport shall require its airport personnel to comply with the operations manual prescribed by paragraph (a) of this section in the performance of their duties and responsibilities.

Subpart D—Certification: Eligibility

§ 139.41 Eligibility requirements: general.

To be eligible for an airport operating certificate, an applicant must—

(a) Comply with the applicable requirement of Subparts A, B, and C of this part; and

(b) Comply with each applicable section of this subpart.

§ 139.43 Pavement areas.

The applicant for an airport operating certificate must show that, for runway pavement areas on its airport—

(a) Runway pavement roughness does not vary more than one inch when measured with a 16-foot straight edge parallel to or at right angles to centerlines;

(b) Stone aggregate used for top course of surface treatment or seal coat of runway pavement does not exceed one-quarter inch in size; and

(c) Pavement lips do not exceed 3 inches difference in elevation between full strength pavement (runway, taxiway, or apron) and adjacent shoulders.

§ 139.45 Safety areas.

(a) The applicant for an airport operating certificate must show that on its airport—

(1) No safety area has any rut, depression, hump, or variation from the normal grade exceeding 6 inches;

(2) No object is located in a safety area, except objects that must be maintained in safety areas because of their functions and that are constructed on frangibly mounted supporting structures of minimum practical height; and

(3) To prevent ponding, it has a storm sewer system sufficient to adequately handle the drainage or the topography of the airport allows direct runoff of water.

(b) As used in this section, "safety areas" are the following:

(1) "Runway safety area" a cleared, drained, graded, and (usually) turfed area abutting the edges of the usable runway and a symmetrical rectangle located about and extending at least 200 feet beyond the runway.

(2) "Taxiway safety area" a cleared, drained, graded, and (usually) turfed area abutting the edges of the taxiway and symmetrically located about the taxiway.

(3) "Extended runway safety area" where provided, a rectangular area along the extended runway centerline, that begins 200 feet outward from the end of the usable runway.

§ 139.47 Marking and lighting runways, thresholds, and taxiways.

(a) The applicant for an airport operating certificate must show that any items of runway, taxiway, and threshold lighting listed in this paragraph that it has on its airport are in operable condition.

(1) Runway and taxiway items:

(i) Elevated runway and taxiway lights.

(ii) Apron edge taxiing lights.

(iii) Category II and Category III lighting (when approved and installed).

(iv) Taxiway centerline lights.

(2) Rotating airport beacon.

(3) Obstruction lights.

(4) Approach aid lighting owned by the applicant: SAVASI, REILS, and VASI–2, each properly aimed; and MALS giving proper guidance to the user.

An airport lighting item is considered inoperable if, during periods of use, it fails to adequately illuminate its area or creates a lighting effect that misleads or confuses the user.

(b) The applicant must also show that it has on its airport a sufficient supply of emergency lights, conveniently available for installation on at least the main runway (if lighted) in case of failure of the primary lighting system.

(c) The applicant must also show that any taxiway lights and guidance signs installed on its airport are in operable condition.

(d) The applicant must also show that all surface apron, vehicle parking, roadway, and building illumination lighting on its airport is so designed, adjusted, or shielded as not to blind or hinder air traffic control or aircraft operations.

(e) The applicant must also show that any of the following marking on its airport is clearly visible and in good condition:

(1) Runway centerline, threshold, touchdown zone, and designation marking.

(2) Taxiway centerline marking.

(3) Markings indicating ILS critical areas.

(4) Holding lines for Category II operations and for taxiways.

§ 139.49 Airport firefighting and rescue equipment and service.

The applicant for an airport operating certificate must show that it has on its airport, during air carrier user operations, at least the firefighting and rescue equipment with the vehicle response-time capability and trained personnel prescribed in this section.

(a) The applicant must show that it has at least the required firefighting and rescue equipment assigned to the appropriate following index. Each index applies to the departure of at least one large aircraft operated by an air carrier user. However, if the applicant shows that it serves, or expects to serve, fewer than an average of five scheduled departures per day of such aircraft, the required firefighting and rescue equipment assigned to the next lower index applies, except as provided in the flush paragraph in paragraph (a) (1) of this section.

(1) *Index No. I: aircraft no more than 90 feet long.* One light weight vehicle providing at least either 500 pounds of dry chemical extinguishing agents, or 450 pounds of dry chemical and 50 gallons of water for aqueous film forming foam (AFFF) production.

However, when at the time of application the applicant shows that it serves or expects to serve Index No. II turbine engine powered aircraft, but fewer than an average of five scheduled departures per day, a light weight vehicle providing at least 500 gallons of water and 300 pounds of dry chemical is required for an Index No. I airport.

(2) *Index No. II: aircraft more than 90 and not more than 126 feet long.* One light weight vehicle with the dry chemical requirement for Index No. I, and one additional self-propelled fire extinguishing vehicle. The total quantity of water for foam production required for this Index is 1,500 gallons.

(3) *Index No. III: aircraft more than 126 and not more than 160 feet long.* One light weight vehicle with the dry chemical requirement for Index No. I, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for foam production required for this Index is 3,000 gallons.

(4) *Index No. IV: aircraft more than 160 and not more than 200 feet long.* One light weight vehicle and the dry chemical requirement for Index No. I, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for foam production required for this Index is 4,000 gallons.

(5) *Index No. V: aircraft more than 200 feet long.* One light weight vehicle with the dry chemical requirement for Index No. I, and two additional self-propelled fire extinguishing vehicles. The total quantity of water for foam production required for this index is 6,000 gallons.

(b) Except as provided in paragraph (a) (1) of this section, when at the time of application the applicant shows that it serves or expects to serve fewer than an average of five scheduled departures per day, the required firefighting and rescue equipment assigned to the next lower index applies. However, the requirements may not fall below those prescribed in paragraph (a) (1) for Index No. I.

(c) The quantity of water specified in paragraph (a)(1), or in subparagraph (2), (3), (4), or (5) of paragraph (a) of this section is exclusive of any foam concentrate. The quantity may be reduced by one-third when used in conjunction with aqueous film forming foam (AFFF).

(d) Each firefighting and rescue vehicle carrying under 4,000 gallons of water and used at Indexes II through V airports must be capable of discharging one complete charge of agent in not less than 1¾ minutes nor more than 2¼ minutes with all discharge orifices open. Each vehicle carrying 4,000 or more gallons of water must be capable of discharging at a minimum rate of at least 1,800 gallons per minute.

(e) An airport in Index No. II, III, IV, or V may replace up to 30 percent of the water specified with additional dry chemical above the basic amount specified for each index. Two and eight-tenths pounds of dry chemical is considered the equivalent of 1 gallon of water for this purpose.

(f) The applicant must show by a demonstration run that the firefighting and rescue vehicles required by the applicable Index can as a group reach any portion of the airport used for landing, takeoff, or surface maneuvering of aircraft within 3 minutes from the time of the alarm to the time of initial agent application.

(g) The applicant must show that each item of required firefighting and rescue equipment is appropriately marked and lighted to insure rapid and positive identification. Each emergency vehicle used on an aircraft operations area must have either a flashing red or a flashing red and white beacon. The color of each vehicle must insure contrast with the background environment for easy identification.

(h) The applicant must show that it has the capability to—

(1) Operate and maintain all required firefighting and rescue equipment in operable condition;

(2) Provide cover for all required firefighting and rescue equipment if the airport is located in a geographical area subject to prolonged temperature below 33° Fahrenheit; and

(3) Alert and maintain communications with firefighting and rescue personnel of any existing or impending emergency that requires, or might require, their use.

(i) The applicant must show that it has in its employ, provided with appropriate protective clothing, sufficient qualified firefighting and rescue personnel to insure at least 85 percent of the required maximum agent discharge rate of its firefighting equipment, and to perform any rescue services that may be required.

(j) The applicant must show that its firefighting and rescue personnel are sufficiently trained to insure that the personnel are familiar with the operation of the firefighting and rescue equipment and understand the basic principles of firefighting, rescue techniques, and first aid treatment.

§ 139.51 Handling and storing hazardous articles and materials.

(a) The applicant for an airport operaating certificate must show that it (or its tenant on the airport), as the cargo handling agent, has adequate controls and procedures listed herein to protect property and persons on the airport during the handling and storing of hazardous articles and materials that are or are intended to be aircraft cargo while they are on the airport. These articles and materials include flammable liquids and solids, corrosive liquids, compressed gases, and magnetized or radioactive materials. The following controls and procedures are required:

(1) Designated personnel to receive and handle hazardous articles and materials.

(2) Assurance from the shipper that the cargo can be handled safely, including any special handling procedures required for safety.

(3) Provision of special areas for storage while on the airport.

(b) The applicant for an airport operating certificate must show that it (or its tenant), as the fueling agent, has a sufficient number of trained personnel and procedures for safely storing, dispensing, and otherwise handling fuel, lubricants, and oxygen on the airport (other than articles and materials that are or are intended to be aircraft cargo), including—

(1) Grounding and fire protection;

(2) Public protection;

(3) Control of access to storage areas; and

(4) Marking and labeling storage tanks and tank trucks, including identification of specific types and fuel octane designations.

§ 139.53 Traffic and wind direction indicators.

The applicant for an aircraft operating certificate must show that it has on the airport the following:

(a) Wind direction indicators, including wind tees or wind socks, lighted and installed to provide appropriate wind direction information.

(b) Segmented circle traffic pattern indicators, if the airport has no air traffic control tower.

§ 139.55 Emergency plan.

(a) The applicant for an airport operating certificate must show that it has an emergency plan that insures immediate response to all emergencies and other unusual conditions in order to minimize the possibility and extent of personal and property damage on the airport. The plan must be sufficiently detailed to provide adequate guidance to all concerned.

(b) The emergency plan must provide for the following:

(1) Instructions for response to—

(i) Aircraft incidents and accidents;

(ii) Bomb incident procedures including designated parking areas for the aircraft involved;

(iii) Structural fires;

(iv) Natural disasters;

(v) Sabotage and other unlawful interference with operations; and

(vi) Radiological incidents or nuclear attack.

(2) Medical services.

(3) Crowd control.

(4) Removal of disabled aircraft.

(5) Emergency alarm systems.

(6) Mutual assistance with other local safety and security agencies.

(7) A description of control tower functions relating to emergency actions.

(c) The applicant must show that before applying it has coordinated its emergency plan, in writing, with law enforcement and firefighting and rescue agencies, medical resources, the principal tenants at the airport, and all other interested persons.

(d) The applicant must show that all airport personnel having duties and responsibilities under its emergency plan are familiar with their assignments and properly trained.

§ 139.57 Self-inspection program.

The applicant for an airport operating certificate must show that—

(a) It is equipped and capable of conducting safety inspections of its airport daily, and additionally when unusual conditions exist thereon such as during periods of construction and immediately after any incident or accident;

(b) It has qualified inspection personnel to make the inspections;

(c) It has an operative communications system to insure reliable and rapid communications between its airport personnel and users; and

(d) It has a reporting system to insure prompt corrective actions for unsafe conditions on the airport.

§ 139.59 Ground vehicles.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures and arrangements for the orderly operations of ground vehicles on the airport covering vehicles, operator licenses, visible identification, speed, passenger occupancy, right-of-way, parking, and training for operators of vehicles.

(b) The applicant also must show that it provides the applicable following communications system in operable condition:

(1) For an airport with an air traffic control tower—

(i) Except as provided in subdivision (ii) of this subparagraph, two-way radio communications between the tower and all ground vehicles operating on usable runways or taxiways;

(ii) Escort vehicles equipped with two-way radio communications with the tower, to accompany a maintenance or service ground vehicle without those communications, when operating on runways or taxiways;

(iii) Adequate other procedures to govern the movement of all ground vehicles when operating on aprons, parking areas, or safety areas, and;

(iv) Prearranged signals for the movement of ground vehicles operated on any other area where aircraft operations take place.

(2) For an airport without an air traffic control tower, adequate procedures to control ground vehicles through prearranged signs or signals.

§ 139.61 Control tower visibility.

(a) Except as provided in paragraph (b) of this section, the applicant for an airport operating certificate for an airport with an air traffic control tower must show that—

(1) The final approaches to each runway, and all parts of the traffic pattern and aircraft landing areas, are within clear line of sight from the tower; and

(2) Each taxiway connecting with a usable runway is within sufficiently clear line of sight from the tower to allow postive control of all traffic thereon at all times.

(b) Where an applicant cannot comply with paragraph (a) (1) or (2) of this section the acceptability, to the Administrator, of an obstruction condition is determined through an FAA aeronautical study.

§ 139.63 Obstructions.

The applicant for an airport operating certificate must show that each object in any area within its authority that is identified as an obstruction in Part 77 of this chapter, is adequately lighted and marked.

§ 139.65 Protection of navaids.

The applicant for an airport operating certificate must show that—

(a) It has procedures for preventing the construction of facilities on its airport that would derogate the signal generated by a navaid thereon; and

(b) It has established protection of all navaids on its airport against vandalism and theft.

§ 139.67 Public protection.

The applicant for an airport operating certificate must show that it has on the airport adequate devices in operable condition and procedures for protection against inadvertent or unauthorized entry of persons or animals into any area where aircraft are operated.

§ 139.69 Bird hazard reduction.

The applicant for an airport operating certificate must show that it has established instructions and procedures for—

(a) The prevention or removal of factors on the airport that attract, or may attract, birds to the airport or its vicinity; and

(b) Notification of bird hazards to the air carrier users of the airport.

However, the applicant need not show that it has established the instructions and procedures required by this section if the Administrator finds that a bird hazard does not exist and is not likely to exist.

§ 139.71 Airport condition assessment and reporting.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for identifying, assessing, and disseminating information to air carrier users of the airport, in addition to Notices to Airmen, concerning conditions on and in the vicinity of its airport that affect, or may affect, the safe operation of aircraft.

(b) The procedures prescribed by paragraph (a) of this section must cover the following conditions:

(1) Construction or maintenance work on pavement or safety areas.

(2) Rough or wavy portions of pavement or safety areas.

(3) The presence and depth of snow, slush, ice, or water on runways or taxiways.

(4) The presence of snow drifted or piled on, or next to, runways or taxiways.

(5) The presence of parked aircraft or other objects on, or next to, runways or taxiways.

(6) The failure or irregular operation of all or part of the airport lighting system, including the approach, threshold, runway, taxiway, and obstruction lights operated by the operator of the airport.

(7) Coefficient of friction measurements.

§ 139.73 Identifying, marking, and reporting construction and other unserviceable areas.

(a) The applicant for an airport operating certificate must show that it has appropriate procedures for the following:

(1) Conspicuously identifying all construction areas and other unserviceable pavement and safety areas by marking and lighting them.

(2) Routing, marking, and lighting all construction equipment and construction roadways.

(3) Identifying and marking any area made unserviceable by interruption or failure of utility facilities or navaids.

(b) The applicant must show that it has procedures for warning air carrier users of the airport, by appropriate communications, as to the existence of closed, deceptive, or hazardous construction areas or other unserviceable areas or facilities.

Subpart E—Operations

§ 139.81 Operations rules: general.

Each person operating an airport for which an airport operating certificate has been issued under Subpart B of this part shall—

(a) Operate, maintain, and provide personnel, facilities, equipment, systems, and procedures at least equal in condition, quality, and quantity to the standards currently required for the issue of the airport operating certificate for that airport; and

(b) Comply with the additional rules of this subpart.

§ 139.83 Pavement areas.

(a) The operator of each certificated airport shall—

(1) Promptly repair each crack, hole, or rough area in a runway pavement area on the airport that exceeds 3 inches measured in width or depth;

(2) Promptly, and as completely as practical, remove from runway pavement areas on the airport all snow, ice, slush, standing water, mud, dust, sand, loose aggregate, rubber deposits, or other contaminents;

(3) Clean the chemical solvents off any runway pavement area on the airport immediately after the solvent is used to remove a rubber deposit;

(4) Where sand is used on ice on a runway pavement area on the airport, use only salt-free sand that adheres to the snow or ice sufficiently to minimize aircraft engine ingestion of the sand;

(5) Promptly prevent any ponding exceeding 2 inches in depth on a runway pavement area caused by draining along runway edges; and

(6) Promptly prevent ponding, on paved taxiways and aprons, that has a depth or other dimension that would obscure markings so as to mislead traffic thereon.

(b) The operator of each certificated airport serving turbojet powered aircraft shall measure runway slipperiness characteristics for normally expected seasonal variations of runway conditions including dry, wet, flooded, or snow-, slush-, or ice-covered runways.

(1) The operator shall take these measurements for each usable runway at least once in each 3-month period.

(2) The operator shall report its findings after each measurement to each air carrier user of the airport operating turbojet powered aircraft.

(3) The operator shall promptly evaluate, and report its findings to each air carrier user of the airport operating turbojet powered aircraft, as to any deterioration of coefficient of fraction or slipperiness characteristics caused by resurfacing, accumulation of rubber deposits, repair, or other circumstance.

§ 139.85 Safety areas.

The operator of each certificated airport shall move any drifted snow and position any snow bank off usable runway surfaces, in height so regulated that all aircraft propellers, engine pods, and wingtips will clear snowdrifts and snowbanks when the aircraft's most critical landing gear is located at any point along the full strength edge of the runway, taxiway, or apron area.

§ 139.87 Cleaning and replacing lighting items.

The operator of each certificated airport shall clean or replace each item of lighting on its airport as shown necessary upon self-inspections.

§ 139.89 Airport firefighting and rescue equipment and service.

(a) The operator of each certificated airport shall at all times comply with the following:

(1) It shall provide its required firefighting and rescue equipment and service during all periods of scheduled aircraft operations.

(2) It shall provide cover for all required firefighting equipment when the airport is located in a geographical area subject to prolonged temperature below 33° F.

(3) When any required firefighting or rescue vehicle becomes inoperable, it shall provide appropriate replacement equipment within 8 hours thereafter. However, if appropriate replacement equipment is not available within that period, it shall promptly issue a Notice to Airmen. When a Notice to Airmen is issued, and the service level is not restored within 72 hours after the vehicle becomes inoperable, the operator shall, until that service level is restored, limit the air carrier user operations on the airport to the requirements of the index (no lower than Index No. I) prescribed in § 139.49 that provides the protection capability of the remaining equipment and promptly notify the air carrier users accordingly.

(b) If the operator serves or expects to serve any large aircraft operated by an air carrier user that falls within a higher Index, it shall operate and maintain the required firefighting equipment assigned to that higher index prescribed in § 139.49 of this part.

(c) If the operator serves or expects to serve fewer than an average of five scheduled departures per day of large aircraft within an index, operated by air carrier users, it may operate and maintain the required firefighting equipment assigned to the next lower index prescribed in § 139.49.

§ 139.91 Self-inspection.

(a) The operator of each certificated airport shall continuously review its self-inspection program to insure that prompt and accurate corrective action is taken to eliminate unsafe conditions on the airport.

(b) The operator shall—

(1) Conduct a safety inspection of the airport at least once each day; and

(2) Conduct an additional safety inspection whenever required by the circumstances, pertinent to construction, to rapidly changing meteorological conditions, to and immediately after any incident or accident, or to any other unusual condition of the airport.

(c) The operator shall maintain, and keep for at least two years, a record of each inspection prescribed by paragraph (b) of this section that shows the conditions found and any corrective action taken.

§ 139.93 Maintenance of approach and other imaginary surfaces.

The operator of each certificated airport shall, by controlling the construction of objects in any area within its authority, insure that the approach and other imaginary surfaces described in Part 77 of this chapter are maintained at least to the condition existing at the time of certification of the airport, except to the extent that further penetration of any of those surfaces is determined to be acceptable to the Administrator through an FAA aeronautical study.

[F.R. Doc. 71-8709 Filed 5-13-71; 8:46 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Ch. X]

[Ex Parte No. 266 (Sub-No. 1)]

INVESTIGATION INTO THE SCOPE OF FREIGHT FORWARDER TERMINAL AREAS

Notice of Proposed Rule Making

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 29th day of April 1971.

This proceeding is directed to an examination into and consideration of the scope of the terminal areas within which motor vehicle transfer, collection, or delivery services may be performed by or on behalf of freight forwarders subject to part IV of the Interstate Commerce Act, which motor vehicle service would be exempt from economic regulation under part II of the statute pursuant to the provisions of section 202(c) of the Act, with a view toward determining whether the territorial extent of such terminal areas should be extended with or without the imposition of appropriate terms, conditions, or limitations. In Ex Parte No. 266, Investigation into the Status of Freight Forwarders, decided January 19, 1971, we considered in detail the condition of the forwarding industry and concluded that the time had come to alter certain traditional concepts relative to this mode of transportation. Thus, in our major finding, we indicated our support of proposed legislation that would enable freight forwarders to enter into negotiated rate arrangements with railroads. It was also recognized that another way in which forwarding as a mode of transportation might be revitalized would be by a general expansion of the terminal areas within which they perform transfer, collection, or delivery services.

Freight forwarders assemble the small shipments of many shippers and consolidate them into carload, truckload, or other volume lots at so-called concentration points. They then ship this consolidated traffic by common carrier to the general vicinity of its ultimate destination, where the truckload or carload lots are broken down and the individual shipments are delivered to the ultimate consignees. The forwarder makes its profit on the spread between the higher less-than-carload or less-than-truckload rate it charges its customers and the lower truckload or carload rate it pays the underlying carrier performing the actual movement of the goods.

Except to the limited extent indicated below, the Interstate Commerce Act does not allow forwarders to use their own equipment to perform any transportation services. Rather, they must rely upon the service of for-hire common carriers by rail, motor, and water subject respectively to parts I, II, and III of the Act. Thus, traditionally, the forwarders use for-hire motor carriers for the assembly and distribution of individual shipments, and employ the more efficient and economical volume services of rail carriers for the line-haul movement of the consolidated traffic. The single exception to the above rule is that, within their terminal area, the forwarders may operate their own equipment, or hire the services of another as their agent or under contractual arrangement, for the performance of collection, delivery, or transfer services. See section 202(c) of the Act, 49 U.S.C. 302(c). The forwarders have always complained, however, of the high cost of using for-hire motor transportation, especially for assembly and distribution. The authority to negotiate lower rates for such services (section 409 of the Act, 49 U.S.C. 1009) appears to have improved this situation only slightly. The result has been that forwarders have limited the territories which they serve principally to those areas in and around major production and consumption centers, largely to the exclusion of many outlying points.

Our report in Ex Parte No. 266 (pp. 139–145 of the preliminary print) considered the possible advantages of allowing forwarders to operate their own equipment within wider territories. Initially, it would appear that their expenses would be reduced and that they could therefore offer their services to outlying points within a broader territory and to more shippers. The result might be improved services to the public with concomitant increases in forwarders' (and through them, railroads') participation in the transportation of small shipments traffic.

Our report noted, however, that many of those who might be most directly, and adversely, affected by an expansion of freight forwarder terminal areas were not parties to Ex Parte No. 266 and might not have received adequate notice that such action might result. Therefore, in order to accord all interested parties an opportunity to express their positions and to protect their interests, and to allow us to consider in depth all possible ramifications of such action, it was determined that the issues relating to the territorial expansion of forwarder terminal areas should be considered in a separate proceeding. It is for this purpose that the instant investigation and rulemaking proceeding is instituted.

It is ordered, That based upon the foregoing explanation and good cause appearing therefor, a proceeding be, and it is hereby, instituted under the authority of parts II and IV of the Interstate Commerce Act, and more specifically sections 202(c) (1) and (2), 204(a) (1), (6), and (7), and 403 (a) and (e) thereof, and 5 U.S.C. 553 and 559 (the Administrative Procedure Act), to inquire into the scope of the terminal areas within which motor vehicle transfer, collection, and delivery services may be performed by or on behalf of freight forwarders subject to part IV of the Act, which motor vehicle services would be exempt from economic regulation under part II of the statute pursuant to the provisions of section 202(c) of the Act, with a view toward determining whether the territorial extent of such terminal areas should be extended with or without the imposition of appropriate terms, conditions, or limitations.

It is further ordered, That no oral hearings be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that carriers or any other interested persons may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subjects mentioned above, or any other subjects pertinent to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify this Commission, by filing with the Secretary, Interstate Commerce Commission, Washington, D.C. 20423, on or before June 10, 1971, the original and one copy of a statement of his intention to participate; that this Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of the service of the service list this Commission will fix the time within which initial statements and replies must be filed.

And it is further ordered, That a copy of this notice and order be served upon all parties to the original proceeding in Ex Parte No. 266, and mailed to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation; that a copy be posted in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and that a copy be delivered to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER as notice to all interested persons.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6705 Filed 5-13-71;8:45 am]

Notices

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amdt. 13]

SALES OF CERTAIN COMMODITIES

Monthly Sales List

The CCC Monthly Sales List for the fiscal year ending June 30, 1971, published in 35 F.R. 10922, is amended as follows:

1. Section 33 entitled "Linseed Oil (Raw) Unrestricted Use Sales", is amended by the insertion of the following sentence after the first sentence:

For May the price will be $0.1120 per pound.

Signed at Washington, D.C., on May 6, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6747 Filed 5-13-71;8:51 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. Sub-B-13]

BAY STATE TRAWLER CORP.

Notice of Hearing, Transfer of Fishery

MAY 11, 1971.

Bay State Trawler Corp., has applied for permission to transfer the operations of the 124-foot length overall fishing vessel "Bay State", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), herring, and lobsters.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entiled proceedings will be held on June 17, 1971, at 11 a.m., d.s.t., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6764 Filed 5-13-71;8:47 am]

[Docket No. Sub-B-12]

BOAT CAMDEN, INC.

Notice of Hearing Transfer of Fishery

MAY 11, 1971.

Boat Camden, Inc., has applied for permission to transfer the operations of the 83-foot 9½-inch length overall fishing vessel "Navigator" constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), flounders, scallops, and lobsters.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 17, 1971, at 11 a.m., d.s.t., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6765 Filed 5-13-71;8:47 am]

[Docket No. Sub-B-6]

BOSTON FISHING BOAT CO., INC.

Notice of Hearing Transfer of Fishery

MAY 11, 1971.

Boston Fishing Boat Co., Inc., has applied for permission to transfer the operations of the 124-foot length overall fishing vessel "Massachusetts", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), herring, and lobsters.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 17, 1971, at 11 a.m., d.s.t., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set forth the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6766 Filed 5-13-71;8:47 am]

[Docket No. Sub-B-2]

JACOBSEN FISHING CO., INC.

Notice of Hearing Transfer of Fishery

MAY 11, 1971.

Jacobsen Fishing Co., Inc., has applied for permission to transfer the operations of the 94-foot 5-inch length overall fishing vessel "Poseidon", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), flounders, scallops, and lobsters.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 17, 1971, at 11 a.m., d.s.t., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6767 Filed 5-13-71;8:47 am]

[Docket No. Sub-B-1]

THOMAS B. LARSEN

Notice of Hearing Transfer of Fishery

MAY 11, 1971.

Thomas B. Larsen has applied for permission to transfer the operations of the 73-foot 7-inch length overall fishing vessel "Venus", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), flounders, and lobsters.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 17, 1971, at 11 a.m., d.s.t., in Hearing Room B, 11th floor, Balston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6768 Filed 5-13-71;8:47 am]

[Docket No. Sub-B-7]

STAGAN CORP.

Notice of Hearing Transfer of Fishery

MAY 11, 1971.

Stagan Corp., has applied for permission to transfer the operations of the 79-foot 2-inch length overall fishing vessel "Commonwealth", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), flounders, and lobsters.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 17, 1971, at 11 a.m., d.s.t., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6759 Filed 5-13-71;8:47 am]

[Docket No. Sub-B-11]

ST. NICHOLAS, INC.

Notice of Hearing Transfer of Fishery

MAY 11, 1971.

St. Nicholas, Inc., has applied for permission to transfer the operations of the 90-foot 4-inch length overall fishing vessel "St. Nicholas", constructed with the aid of a fishing vessel construction-differential subsidy, from the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), to the fishery for groundfish (cod, cusk, haddock, hake, pollock, and ocean perch), whiting, and shrimp.

Notice is hereby given pursuant to the provisions of the U.S. Fishing Fleet Improvement Act, as amended (46 U.S.C. 1401 et seq.) and Notice and Hearing on Subsidies (50 CFR Part 257) and Reorganization Plan No. 4 of 1970, that a hearing in the above-entitled proceedings will be held on June 17, 1971, at 9:30 a.m., d.s.t., in Hearing Room B, 11th floor, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA. Any person desiring to intervene must file a petition of intervention with the Director, National Marine Fisheries Service, Interior Building, Washington, DC 20235, as prescribed in 50 CFR Part 257 at least 10 days prior to the date set for the hearing. If such petition of intervention is granted, the place of the hearing may be changed to a field location. Telegraphic notice will be given to the parties in the event of such a change along with the new location.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6770 Filed 5-13-71;8:00 am]

[Docket No. C-348]

CARL C. BURLESCI

Notice of Loan Application

MAY 10, 1971.

Carl C. Burlesci, Box 331-B, Route 2, Fort Bragg, CA 95437, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction and equipping of a new 54-foot length overall steel vessel to engage in the fishery for salmon, albacore, Dungeness crab, and sablefish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6737 Filed 5-13-71;8:51 am]

[Docket No. C-347]

PAUL VINCENT DUENSING

Notice of Loan Application

MAY 10, 1971.

Paul Vincent Duensing, 2075 33d Avenue, San Francisco, CA 94116, has applied for a loan from the Fisheries Loan Fund to aid in financing the construction and equipping of a new 40-foot length overall steel vessel to engage in the fishery for salmon, albacore, and Dungeness crab.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-6736 Filed 5-13-71;8:51 am]

Office of the Secretary

[Department Organization Order 1-1; Amdt. 1]

MISSION AND ORGANIZATION

This material amends the material appearing at 35 F.R. 19704 of December 29, 1970.

The attached chart shall be substituted for the chart attached to Department Organization Order 1-1, dated December 15, 1970. (A copy of the organization

chart is on file with the original of this document with the Office of the Federal Register.)

Effective date: May 3, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-6706 Filed 5-13-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

COMMISSIONER OF FOOD AND DRUGS

Redelegation by the Assistant Secretary for Health and Scientific Affairs

The Redelegation of Authority to the Commissioner of Food and Drugs published at 35 F.R. 606-607, January 16, 1970, and 35 F.R. 3000-3001, February 13, 1970, is amended to delete the function relating to the interstate transportation of etiologic agents, which is being transferred to the Health Services and Mental Health Administration.

Accordingly, paragraph 3 is amended to read as follows:

3. Functions pertaining to sections 301, 311, 314, and 361 of the Public Health Service Act (42 U.S.C. 241, 243, 246, and 264) which relate to pesticides, product safety, interstate travel sanitation (except interstate transportation of etiologic agents under 42 CFR 72.25), milk and food service sanitation, shellfish sanitation, and poison control.

Effective date. This order is effective on the date of publication in the FEDERAL REGISTER (5-14-71).

Approved: May 5, 1971.

ROGER O. EGEBERG, M.D.,
Assistant Secretary for
Health and Scientific Affairs.

Authorized for publication: May 10, 1971.

RONALD BRAND,
Deputy Assistant Secretary
for Management.

[FR Doc.71-6707 Filed 5-13-71;8:46 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 3 (Health Services and Mental Health Administration), of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare (33 F.R. 15953, Oct. 30, 1968 et seq.) is hereby amended with regard to section 3-C, *Delegations of Authority,* as follows:

After the subparagraph numbered (13) of the paragraph entitled *Specific delegations,* add a new subparagraph reading:

(14) The functions under the Public Health Service Regulations (42 CFR 72.25) relating to the interstate transportation of etiologic agents.

Approved: May 5, 1971.

ROGER O. EGEBERG,
Assistant Secretary
for Health and Scientific Affairs.

Authorized for publication: May 10, 1971.

RONALD BRAND,
Deputy Assistant Secretary
for Management.

[FR Doc.71-6708 Filed 5-13-71;8:46 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

CERTAIN HUD EMPLOYEES IN REGION IV (ATLANTA)

Designation as Contracting Officer and Redelegation of Authority for Disaster Relief Functions

Each of the following named employees of the Department of Housing and Urban Development, Region IV (Atlanta), is hereby designated a contracting officer and authorized to enter into and administer procurement contracts required within the region, and make related determinations, except determinations under section 302(c) (11), (12), and (13) of the Federal Property Administrative Services Act (41 U.S.C. 252(c) (11), (12), and (13)), and except contracting for mobile homes, with respect to major-disaster relief functions assigned to the Department by the Director, Office of Emergency Preparedness, pursuant to the Disaster Relief Act of 1970 (84 Stat. 1744), Executive Order 11575, and OEP regulations codified in 32 CFR Parts 1709, 1710, and 1715:

1. Robert J. Ingram, Sr.
2. Thomas F. Murphy

(Delegation of authority by the Assistant Secretary for Renewal and Housing Management effective Aug. 3, 1970, 36 F.R. 1549, Feb. 2, 1971)

Effective date: This redelegation shall be effective as of February 22, 1971, for Robert J. Ingram, Sr., and as of March 8, 1971, for Thomas F. Murphy.

CHAS. C. ADAMS,
Acting Regional Administrator,
Region IV (Atlanta).

[FR Doc.71-6713 Filed 5-13-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-366]

GEORGIA POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Georgia Power Co., 270 Peachtree Street NW., Atlanta, GA 30303, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated July 24, 1970, for authorization to construct and operate a boiling water nuclear power reactor at the Edwin I. Hatch site on the south side of the Altamaha River in northwestern Appling County, about 11 miles north of Baxley, Ga.

The proposed reactor, designated by the applicant, as the Edwin I. Hatch Nuclear Plant Unit 2 is designated for initial operation at approximately 2,436 megawatts thermal with a gross electrical output of approximately 817 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after April 30, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Office of the Appling County Commissioners, County Courthouse, Baxley, GA.

Dated at Bethesda, Md., this 17th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-5668 Filed 4-29-71;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Pennsylvania Power and Light Co., 901 Hamilton Street, Allentown, PA 18101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated March 23, 1971, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Salem Township, Luzerne County, Pa. The proposed site consists of 1,522 acres and is located on the west bank of the Susquehanna River, approximately 15 miles southwest of Wilkes-Barre, Pa.

Each unit of the proposed nuclear facility, designated by the applicant as the Susquehanna Steam Electric Station, Units 1 and 2, is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 7, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street

NW., Washington, DC, and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA.

Dated at Bethesda, Md., this 30th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6319 Filed 5-7-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23382; Order 71-5-46]

AIRBORNE FREIGHT CORP.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of May 1971.

By tariff revisions[1] filed April 12, 1971, and marked to become effective May 13, 1971, Airborne Freight Corp. (Airborne), an airfreight forwarder, proposes to reduce its airport-to-airport specific commodity rates on automobile, tractor, and truck parts from Detroit to Los Angeles and San Francisco, subject to minimum weights of 5,000, 10,000, and 12,500 pounds. The proposed rates effect reductions ranging from 6 to 18 percent of Airborne's currently applicable specific commodity rate subject to a minimum weight of 3,000 pounds.

A complaint requesting suspension and investigation has been filed by United Air Lines, Inc. (United). The complaint variously asserts, inter alia, that the forwarder has presented no justification; that the proposed rates would undercut the direct carrier rates or leave insufficient margins of profit; and that Airborne intends to use chartered aircraft for the proposed movements, thus injuring scheduled carriage, which is now in difficulty.

The rates proposed would be as much as 14 percent below United's lowest applicable rate, and according to the latter, would result in subjecting to "diversionary rate-cutting" nearly 8 million pounds of this type of traffic, earning $1.5 million of gross revenues annually. In the foregoing circumstances and upon consideration of all relevant factors, the Board finds that the proposed rates may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and should be investigated. Airborne has submitted no support of its filing and consequently the Board has no basis upon which to reach a different conclusion.

We shall, however, permit the rates to become effective pending investigation. The yields from the proposal would range between 17.1 and 20.1 cents per ton-mile. While the proposal would effect reductions below United's rate, the Board does not conclude that the reductions would be of such a magnitude as to warrant suspension.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the rates subject to the minimum weights of 5,000 pounds, 10,000 pounds, and 12,500 pounds applicable to Commodity Group Number 140 from Detroit, Mich., to Los Angeles, Calif., and from Detroit, Mich., to San Francisco, Calif., on 36th and 37th Revised Pages 38-A and 10th and 11th Revised Pages 38-C of Airborne Freight Corp.'s CAB No. 9, including subsequent revisions and reissues thereof, and rules, regulations, and practices affecting such rates, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, rules, regulations, and practices affecting such rates;

2. The proceeding herein, Docket 23382, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated;

3. The complaint of United Air Lines, Inc. in Docket 23308 is dismissed, except to the extent granted herein; and

4. Copies of this order shall be served upon Airborne Freight Corp. and United Air Lines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6740 Filed 5-13-71;8:51 am]

[Docket No. 23256]

FLYING TIGER LINE, INC.

Notice of Prehearing Conference

Various rate changes proposed by the Flying Tiger Line, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 1, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

Requests for information and evidence, proposed statements of issues, proposed procedural dates shall be submitted by counsel for the Bureau of Economics on or before May 24, 1971, and by the parties named in order 71-4-17 on or before May 28, 1971.

Dated at Washington, D.C., May 10, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6739 Filed 5-13-71;8:51 am]

[Docket No. 22392]

PIEDMONT AVIATION, INC.

Notice of Prehearing Conference

Piedmont application for deletion of Blacksburg - Radford - Pulaski, Virginia.

Notice is hereby given that a prehearing conference in the above-mentioned matter is assigned to be held on June 3, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC., before Examiner Joseph L. Fitzmaurice.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates shall be submitted by counsel for the Bureau of Operating Rights on or before May 24, 1971, and by other parties on or before May 28, 1971.

Dated at Washington, D.C., May 10, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6738 Filed 5-13-71;8:51 am]

[Docket No. 23282; Order 71-5-5]

SOUTHERN AVIATION, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, May 4, 1971.

The Postmaster General filed a notice of intent April 13, 1971,[1] pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 49.89 cents per great circle aircraft mile for the transportation of mail by aircraft between Kansas City, Mo., and Lawton, Okla., via Tulsa and Oklahoma City, Okla., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmasted General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[2] to include the following findings and conclusions:

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[1] Revisions to Airborne Freight Corp.'s Tariff CAB No. 9 (Pacific Air Freight, Inc. series).

[1] Notice of service on Braniff Airways, Inc., was filed Apr. 19, 1971.

[2] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

The fair and reasonable final service mail rate to be paid to Southern Aviation, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 49.89 cents per great circle aircraft mile between Kansas City, Mo., and Lawton, Okla., via Tulsa and Oklahoma City, Okla., based on five roundtrips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Southern Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Southern Aviation, Inc;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Southern Aviation, Inc., the Postmaster General, American Airlines, Inc., Braniff Airways, Inc., Continental Air Lines, Inc., Frontier Airlines, Inc., Ozark Air Lines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6741 Filed 5-13-71;8:51 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 16495]

APPLICATIONS FOR DOMESTIC COMMUNICATIONS SATELLITE FACILITIES ACCEPTED FOR FILING FOR CONSIDERATION; CORRECTION

APRIL 28, 1971.

The FCC Public Notice entitled as set forth above, dated April 13, 1971, and published at 36 F.R. 8083, is corrected with respect to the entries listed below:

SPACE STATIONS

17-DSS-P-71, 18-DSS-P-71—Western Tele-Communications, Inc. (New).

The second sentence is corrected to read, "Each satellite will have six transponders with receive frequencies in the 5925-6425 MHz band and transmit frequencies in the 3700-4200 MHz band; * * *."

EARTH STATIONS

6-DSE-P-71—American Telephone & Telegraph Co. (New) (Hawley, Pa.).

Reference to "two 95-105 foot antennas" is corrected to "three 95-105 foot antennas."

9-DSE-P-71—American Telephone & Telegraph Co. (New) (Brazos, Tex.)

The second sentence is corrected to read, "Parameters same as 6-DSE-P-71 except for only two 95-105 foot antennas."

10-DSE-P-71—American Telephone & Telegraph Co. (New) (Woodbury, Ga.).

The second sentence is corrected to read, "Parameters same as 6-DSE-P-71 except for only two 95-105 foot antennas."

61-DSE-P-71 — Western Tele-Communications, Inc. (New) (Sleepy Hollow, Calif.).

In the last sentence of the first paragraph, "20.3 dBw/4kHz" is corrected to read "−1.7 dBw/4kHz."

In the second paragraph, "17.6 dBw/4kHz" is corrected to read "−4.4 dBw/4kHz."

62-DSE-P-71 — Western Tele-Communications, Inc. (New) (Morrison, Colo.).

In the second sentence, "19.3 dBw/4kHz" is corrected to read, "—2.7 dBw/4kHz" and "15.6 dBw/4kHz" is corrected to read, "−6.4 dBw/4kHz."

63-DSE-P-71 — Western Tele-Communications, Inc. (New) (Marengo, Ill.).

In the second sentence, "20.3 dBw/4kHz" is corrected to read "−1.7 dBw/4kHz" and "18.6 dBw/4kHz" is corrected to read "−3.4 dBw/4kHz."

64-DSE-P-71 — Western Tele-Communications, Inc. (New) (Sugar Loaf, N.Y.).

In the second sentence, "31.3 dBw/4kHz" is corrected to read "+9.3 dBw/4kHz" and "24.6 dBw/4kHz" is corrected to read "+2.6 dBw/4kHz."

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6749 Filed 5-13-71;8:52 am]

[Docket Nos. 19068-19070; FCC 71R-148]

EDWARD G. ATSINGER III, ET AL.

Memorandum Opinion and Order Enlarging Issues

In regard applications of Edward G. Atsinger III, Owensboro, Ky., Docket No. 19068, File No. BP-18067; Gary H. Latham and Wells T. Lovett, doing business as L and L Broadcasting Co., Owensboro, Ky., Docket No. 19069, File No. BP-18475; Bayard Harding Walters, trading as Hancock County Broadcasters, Hawesville, Ky., Docket No. 19070, File No. BP-18490; for construction permits.

1. The above-captioned mutually exclusive applications were designated for consolidated hearing under various issues by Commission Order, FCC 70-1133, 35 F.R. 17004, published November 4, 1970. Owensboro-On-The-Air, Inc. (WVJS), licensee of Station WVJS, Owensboro, Ky., was made a party to the proceeding. Presently before the Review Board are two petitions to enlarge issues, filed concurrently on November 19, 1970, and supplemental petitions to enlarge issues, filed November 24 and December 11, 1970,[1] by WVJS against Edward G. Atsinger III (Atsinger) and Gary H. Latham and Wells T. Lovett, doing business as L and L Broadcasting Co. (L & L).[2] Petitioner requests the addition of §§ 1.526, 1.522(a), 1.580(c), diligence and financial qualifications issues against Atsinger, and site availability issues against Atsinger and L & L.

RULE 1.526 ISSUE

2. Petitioner first requests an issue to determine whether Atsinger has failed to maintain a full and complete public file of its application, as required by § 1.526 of the Commission's rules.[3] In support, WVJS attaches the affidavit of Carl T. Davis who states that his inspection of the Atsinger application revealed that four (4) amendments on file with the Commission were not included in the applicant's public file. Included among those amendments not on file were the applicant's revised programing proposal and his ascertainment of community problems showing, as originally filed and updated. Atsinger's failure to include the foregoing amendments in its file, argues petitioner, effectively precluded public

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[1] Petitioner concedes the untimeliness of its Dec. 11, 1970, supplemental petition but claims newly uncovered information and reasonable diligence in support of its plea for acceptance. In the absence of objection to the acceptance of the petition and for good cause shown, the Board will consider the supplemental petition on its merits.

[2] Also before the Review Board for consideration are: (a) opposition, filed Jan. 8, 1971, by Atsinger; (b) opposition, filed Jan. 8, 1971, by L & L; (c) comments, filed Jan. 8, 1971, by the Broadcast Bureau; and (d) replies, filed Feb. 17, 1971, by WVJS.

[3] Section 1.526 requires all applicants for new broadcast facilities to maintain for public inspection a file in the community to which the station is proposed to be licensed.

scrutiny of the applicant's proposal and constitutes a violation of § 1.526.

3. In opposition, Atsinger attaches the affidavit of Ruth M. Cheatham, a secretary in the Owensboro law office where Atsinger's public file is located. She states that, through an "oversight", certain portions of the Atsinger application were placed in a file other than that made available for public inspection. Atsinger suggests that had Mr. Davis only commented on the missing amendments and requested assistance, a search could have been undertaken and the amendments discovered and made available. In any event, argues Atsinger, such an oversight is best characterized as "minor" and insufficient to warrant an enlargement of issues. In its comments, the Broadcast Bureau urges the addition of a § 1.526 issue, concluding that the missing amendments constituted "very material information" and, under the circumstances, the public would have been unable adequately to inform itself as to Atsinger's efforts to ascertain and program for the community's needs. In reply, WVJS notes that Atsinger does not deny that the questioned amendments were missing from the public file. Moreover, WVJS characterizes as immaterial and irrelevant Mr. Davis' failure to request assistance concerning the missing amendments; in limiting his search to the public file, Mr. Davis was reviewing the station proposal as would an average member of the public who is without information as to the number and nature of amendments that should be on file.

4. In light of the undisputed facts summarized above, we will grant petitioner's request to add a § 1.526 issue against Atsinger. Initially, the Board notes the Atsinger's attached affidavit admits that "several days subsequent" to Mr. Davis' visit the "misplaced Amendments" were "discovered" and moved "from the private file of Atsinger to the public file * * *." Thus, the violation of § 1.526 was patent and incontrovertible. Atsinger's reliance on Louis Vander Plate, 15 FCC 2d 285, 14 RR 2d 760 (1968), in mitigation is misplaced; that case, unlike the instant situation, concerned the notice requirements of Rule 1.594 rather than the file content requirements of § 1.526(a)(1). Furthermore, in Vander Plate, the entire file was unavailable for inspection at either the office indicated in the public notice or where the applicant allegedly kept the public file. Consequently, Vander Plate never faced the issue of an available but incomplete file, and in no way suggested, as does Atsinger, that a member of the public, once provided with the applicant's presumably complete file, has a duty to inquire whether amendments not in the public file may yet exist and be available elsewhere. Furthermore, the Board is unwilling to characterize Atsinger's failure as "minor." Cf. Media, Inc., 22 FCC 2d 875, 18 RR 2d 1175 (1970). On the contrary, the Board agrees with WVJS and the Bureau that the material concededly missing from the applicant's public file was of a material and significant nature. See Report and Order, Records of Broadcast Licensees, 30 F.R. 4543, 4544, 4 RR 2d 1664, 1669 (1965). Therefore, the Board will add an issue to determine whether Atsinger's complete application was on public file as required by Rule 1.526. See Centreville Broadcasting Company —— FCC 2d ——, ——, 21 RR 2d 216, 226–227 (1971); North American Broadcasting Company, Inc., 15 FCC 2d 984, 15 RR 2d 367 (1969). Although the Board does not regard this isolated violation as significant enough to warrant inquiry regarding Atsinger's requisite qualifications (see Media, Inc., supra), the Board nevertheless will add an issue to determine the effect of Atsinger's violation, if any, on his comparative qualifications. See Jacksonville Broadcasting Co., 26 FCC 2d 929, 20 RR 2d 626 (1970), reconsideration dismissed FCC 71R–138, released May 3, 1971.

Rule 1.522(a) Issue

5. WVJS contends that Atsinger violated § 1.522(a) by failing to serve petitioner or its legal counsel with copies of two amendments (dated May 8, 1969, and September 30, 1970) after WVJS filed its petition to deny in this proceeding.[4] In its comments, the Broadcast Bureau urges that the service requirements of § 1.522(a) not be disregarded, and that a waiver of noncompliance not be considered, in the absence of a very strong showing of extenuating circumstances. In opposition, Atsinger argues that there is reasonable assurance that the amendments, in fact, were served on counsel for WVJS. In support, Atsinger attaches the affidavit of Elizabeth Jatman, a secretary in the office of Atsinger's legal counsel, attesting to the ordinary business practice of counsel to "always" serve petitioners with amendments to any application; and with respect to the September 30, 1970, amendment, Miss Jatman, under oath, specifically recalls mailing two copies to counsel for WVJS. Atsinger admits that it cannot prove service in this instance, but notes that its other amendments were received by WVJS and concludes that there is reasonable assurance that the two amendments in question also were served. In reply, WVJS notes that, unlike Atsinger's other amendments, the two amendments in question apparently were submitted by Atsinger without a cover letter from counsel certifying service on counsel for WVJS. Accordingly, petitioner reiterates its claim of failure of service and urges that the factual controversy be resolved in hearing.

6. Petitioner's request for the addition of a § 1.522(a) issue will be denied. It does not appear that serious prejudice has resulted from the alleged failure to serve the above-mentioned amendments: WVJS, by virtue of its independent examination of the Atsinger application on file with the Commission, admits that it is aware of the contents of the September 30, 1970, amendment updating the applicant's financial proposal; and, regarding the allegedly unserved May 8, 1969 amendment concerning the applicant's proposal to install an auxiliary power generator, the Board is of the opinion that it is of such minor and insubstantial effect on the overall engineering proposal as to be of no serious prejudice to petitioner. Furthermore, assuming the validity of petitioner's allegation, it is not improbable that the failure to serve copies of the two amendments was an inadvertent and isolated incident. In this connection, the affidavit of Elizabeth Jatman (paragraph 5, supra) indicates that the amendments could have been lost in the mail. Accordingly, the Board concludes that the violation alleged, even if true, was without serious prejudice to petitioner; was isolated and apparently inadvertent; and, therefore, does not warrant adding the issue requested. Martin Lake Broadcasting Co., 23 FCC 2d 199, 19 RR 2d 24 (1970).[5]

Rule 1.580(c) Issue

7. In support of its requested § 1.580(c) issue, petitioner alleges that Atsinger's initial notice of application, published February 23, and March 1, 1968, in the Owensboro Messenger and Inquirer, failed to comply with the requirement that an applicant filing any application or amendment shall cause to be published a notice of such filing at least twice a week for 2 consecutive weeks within the 3-week period immediately following the tendering for filing of such application or amendment; furthermore, argues petitioner, Atsinger's republication of such notice on March 27, 29, and April 3 and 5, 1968, was untimely and failed to conform with the requirements of the Commission's rule.

8. In its comments, the Broadcast Bureau urges denial of the requested issue on the grounds that Atsinger's initial noncompliance with § 1.580(c) was insubstantial since no harm to the public has been shown and, moreover, Atsinger's republication sufficiently obviates the need for an issue. In opposition, Atsinger attaches a copy of his February 13, 1968, letter instructing the Owensboro newspaper to publish a notice of the Atsinger filing twice a week for 2 consecutive weeks. According to Atsinger, the newspaper failed to publish the notice as instructed, publishing it twice for 1 week instead of 2. When this fact was brought to his attention, Atsinger explains, he sent instructions to

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[4] Section 1.522(a) provides in pertinent part:
* * * any application may be amended as a matter of right prior to the adoption date of an order designating such application for hearing, merely by filing the appropriate number of copies of the amendment in question duly executed * * *. If a petition to deny (or to designate for hearing) has been filed, the amendment shall be served on petitioner.

[5] WVJS urges the Board to rely on Marvin C. Hanz, 22 FCC 2d 147, 18 RR 2d 830 (1970), where the Board added a § 1.522 issue. However, in Hanz, the noncompliance was admitted, repeated, and recurred despite specific warnings to the applicant; while, in the instant situation, it is contested, isolated, and ostensibly inadvertent. In the Board's opinion, therefore, petitioner's reliance on Hanz is misplaced.

have the newspaper rerun the notice according to § 1.580(c) requirements, resulting in republication of the notice on March 27, 29, and April 3 and 5, 1968. In reply, petitioner alleges that Atsinger's letter of instruction to the newspaper, dated 1 week after the application was filed, was sent too late to obtain publication pursuant to § 1.580(c) requirements, even if Atsinger's instructions had been followed. In any event, argues petitioner, Atsinger patently did not comply with the requirements of the rule; consequently, an appropriate issue should be added.[6]

9. The Board can find no injury caused by Atsinger's conduct either to the petitioner or to the public. Moreover, the Board can find no wrongdoing in Atsinger's conduct regarding the public notice of the filing of his application; on the contrary, Atsinger promptly had the notice republished when informed that his earlier instructions had not been followed. The Board is of the opinion, then, that the notice given was adequate to apprise the public of Atsinger's filing and in substantial compliance with § 1.580(c); therefore, the requested issue will not be added. See James B. Childress, FCC 65–210, 4 RR 2d 764 (1965); Royal Broadcasting Co., Inc. (KHAI), 4 FCC 2d 857, 8 RR 2d 639 (1966). Cf. Reeves Broadcasting Corp., 8 FCC 2d 448, 10 RR 2d 259 (1967).

Diligence Issue

10. Based on its allegations requesting §§ 1.526, 1.522(a), and 1.580(c) issues against Atsinger, WVJS urges the Review Board to add an issue to determine whether Atsinger's conduct demonstrates such a pattern of carelessness or disregard for Commission regulations that he lacks the requisite qualifications to be a Commission licensee. Provided the Review Board enlarges the issues previously requested by petitioner, the Broadcast Bureau would support the addition of requisite and/or comparative qualifications issues. Atsinger opposes the addition of a qualifications issue, relying on his discussion and affidavits opposing the addition of §§ 1.526, 1.522(a), and 1.580(c) issues to demonstrate the absence of any basis upon which to make a qualifications inquiry. In reply, WVJS reiterates its characterization of Atsinger's conduct as careless and susceptible of a basic qualifications inquiry.

11. Petitioner's requested issue, based on Atsinger's alleged lack of diligence or ineptness, will be denied. It is well established that diligence or ineptness issues will be added only where an applicant's conduct has concerned relevant matters of major significance, and where the conduct was disclosed a pattern of carelessness and inadvertence. See Folkways Broadcasting Co., Inc., 26 FCC 2d 175, 20 RR 2d 528 (1970). The Review Board's addition of a Rule 1.526 issue (and the concomitant denial of requested §§ 1.522 and 1.580 issues) does not indicate that there has been a "pattern" or carelessness and inability on the part of Atsinger to observe Commission regulations; nor is it of such "major significance" as to require the addition of a disqualifying issue. See North American Broadcastng Co., Inc., supra. Furthermore, petitioner's request may be characterized as one for a cumulative disqualifying issue based on a combination of any or all of the foregoing matters; therefore, it is inappropriate where only a single issue has been added and will be denied as merely a repetitive request. See National Broadcasting Co., Inc. (KNBC), 21 FCC 2d 195, 18 RR 2d 74 (1970). Cf. Hanz, supra.

Financial Qualifications Issue

12. In his financial amendment filed September 30, 1970, Atsinger estimates his total first-year costs to be $67,043. Atsinger proposes to meet this requirement with $11,000 in net existing capital, $50,000 in loans (including a $35,000 loan from Charles C. and Viola A. Knagenhelm), and $8,207 in deferred credit. WVJS, in its petition, questions the availability of the Knagenhelm loan and further alleges that Atsinger's available net existing capital is substantially less than the $11,000 indicated. In support of its allegation regarding the Knagenhelm loan, petitioner avers that, in addition to the instant $35,000 commitment, the Knagenhelms committed themselves previously to lend Atsinger $35,000 to construct an AM station (WKBQ) at Garner, N.C. (BP–16631, Docket No. 17176). Thus, the Knagenhelms' commitment to Atsinger totals $70,000, and, since their financial statement allegedly fails to specify its liabilities as current or long term, petitioner argues that the addition of a financial issue is warranted to determine whether the Knagenhelms have sufficient liquid assets to meet their commitment. Regarding the applicant's "existing capital," petitioner claims that, aside from $6,000 in cash, Atsinger's anticipated retirement annuities, inter alia, cannot be considered as readily available sources of funds and, absent substantiation, do not meet the Commission's definition of liquid and current assets. Petitioner concludes that Atsinger's available net existing capital totals $3,386.01 ($6,000 in cash less $2,613.99 in short-term liabilities), rather than $11,000, and, therefore, Atsinger's proposal is underfinanced. The Broadcast Bureau concludes that, aside from $6,000 in cash, Atsinger's other assets do not meet the Commission's definition of liquid and current, and, furthermore, the Knagenhelms' failure to earmark assets or set priorities between its two loan commitments, and their failure to specify whether liabilities are current or long term, warrant the addition of the requested financial issue.

13. In opposition, Atsinger attaches separate affidavits of himself, his wife, and two retirement system managers, Arthur J. Wiedel of the Los Angeles Unified School District, and Thomas L. Stevens of the Los Angeles Community College District, indicating that retirement annuity funds in excess of $6,000 belonging to Atsinger and his wife will be withdrawn upon grant of the Atsinger application. In response to the challenged availability of the Knagenhelm Loan, Atsinger attests that the earlier loan to construct WKBQ has been made and partially repaid; that no further money is required since WKBQ is operating at a profit; that while the Knagenhelms also cosigned a lease agreement for Atsinger as security for another loan, the outstanding balance is only $16,000; and that the Knagenhelm balance sheet shows more than sufficient liquid assets to cover both the $16,000 balance secured by the lease agreement and the instant $35,000 commitment.[7] In reply, petitioner concedes that Atsinger has shown the availability of $9,386.01 in net existing capital ($12,000 in cash and retirement annuities, less $2,613.99 in short-term liabilities), and total available funds of $67,693.01 to meet anticipated first-year expenses of $67,043.00 for an apparent cushion of $650.01. Nevertheless, petitioner renews its request for a financial issue, based on the "thinness" of Atsinger's financial cushion.[8] Furthermore, petitioner contends that the Knagenhelms have not yet provided personally a breakdown as to current and long-term liabilities; consequently, petitioner concludes that it is not possible to determine whether there is sufficient liquidity to finance the $35,000 loan commitment, as well as to cover the $16,000 lease agreement, if necessary.

14. It is well settled that, where an applicant has shown that he will have funds available in excess of the amount required to construct and operate, a financial issue will not be added. Cleveland Broadcasting, Inc., 2 FCC 2d 139, 6 RR 2d 879 (1965). Petitioner concedes that Atsinger has shown the availability of cash and retirement annuities sufficient to provide $9,386.01 in net existing capital. Although this amount is less than the $11,000 indicated in the applicant's proposal, petitioner has submitted no information to support its allegation that the lesser amount of existing capital results in Atsinger's proposal being underfinanced; on the contrary, petitioner concedes that Atsinger's proposal shows a financial cushion of $650.01.

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[6] Petitioner's further allegation, raised initially in its supplemental pleading and repeated in its reply, that Atsinger failed to comply with the notice requirements of § 1.594 (a) and (g), has been rendered moot by the Hearing Examiner's waiver thereof in an Order, FCC 70M–1788, released Jan. 5, 1971.

[7] Parenthetically, Atsinger claims that the Knagenhelm liability of $51,182 in favor of California Federal Savings is long term rather than short term.

[8] Petitioner's allegation that Atsinger's loans payable to teacher's credit unions should not be considered "Long Term," even though designated as such, will not be considered by the Board since it is raised for the first time in a reply pleading. See § 1.294(c) of the Commission's rules; and Lorenzo W. Milam & Jeremy D. Lansman, FCC 64R–561, 4 RR 2d 463, 466, and the cases cited therein. In any event, petitioner's allegation is based on surmise and suspicion, totally without factual or evidential support, and inadequate on its merits.

Accordingly, no substantial question regarding Atsinger's financial proposal is raised. Petitioner's attack on the availability of the Knagenhelm loan is correspondingly infirm. The Review Board cannot accept petitioner's conclusion that, on the basis of the Knagenhelms' financial statement, it is impossible to determine whether their statement shows sufficient liquidity to meet their commitments. Assuming the Knagenhelms' liabilities to be current rather than long-term (a fact denied by Atsinger in his opposition pleading) their balance sheet still shows net assets in excess of $155,000 (including $75,044.25 in stocks), which are more than adequate to accommodate the Knagenhelms' commitments to the applicant.[9] In view of all the foregoing circumstances, the addition of a financial issue is not warranted.

SITE AVAILABILITY ISSUES

15. In support of its requested site availability issues against Atsinger and L & L, petitioner attaches the affidavits of Robert M. Hoskins, Secretary-Treasurer of the Owensboro (Daviess County) Metropolitan Planning Commission, and Jerry Chapman, Planning Director of the city of Owensboro, who claim that local zoning regulations restrict towers in the locations proposed by Atsinger and L & L to a height of 72 feet, and that, in Mr. Hoskins' opinion, under no circumstances could an applicant obtain authorization to construct a tower exceeding that height. Since Atsinger and L & L propose tower heights of 221 feet and 197 feet, respectively, and since a member of the Metropolitan Planning Commission has indicated that waiver or variance of the mentioned zoning regulations will not be authorized, petitioner contends that "reasonable assurance" does not exist that the tower sites proposed by Atsinger and L & L are adequate. Although petitioner claims that the issue is warranted on this ground alone, WVJS contends that yet another zoning regulation bars construction of the tower proposed by L & L. According to petitioner, L & L's proposed site is located 16,700 feet from the Owensboro-Daviess County Airport and, therefore, within the jurisdiction of the Kentucky Airport Zoning Commission whose regulations would restrict L & L's tower height to no more than 190.5 feet. In support thereof, petitioner attaches the notarized statement of John E. O'Brien, consulting engineer.

16. The Broadcast Bureau, Atsinger, and L & L oppose the addition of the requested issues. The Bureau argues that the opinion of one member of the Planning Commission is no indication of what the full Planning Commission might decide and, citing Big Chief Broadcasting Co. of Lawton, Inc., 20 FCC 2d 127, 17 RR 2d 620 (1969), the Bureau submits that precedent and policy dictate that zoning questions be left to local zoning authorities, absent a reasonable showing that the applicant will be unable to obtain approval of his site location. With respect to the L & L application, the Bureau also rejects petitioner's second contention, i.e., the alleged violation of the Kentucky Airport Zoning Commission's regulations. The Bureau asserts that no statement of the Airport Commission's disapproval has been submitted and, even if it were, L & L could reduce its antenna height up to 15 feet (well within the required height of 190.5 feet) without any significant effect on its proposed coverage.

17. In his opposition, Atsinger attaches the affidavit of Garland W. Howard, an attorney formerly with the Owensboro-Daviess County Zoning Commission, claiming that, in his opinion, the applicant can be reasonably assured that a waiver of the 72 foot height restriction can be obtained, and that the opinion of Mr. Hoskins, a member of the Planning Commission for only 3 months, is in no way conclusive of the final judgment of the full 10-member Commission. Relying on the Review Board's policy of leaving zoning questions to local zoning authorities (citing El Camino Broadcasting Corp., 12 FCC 2d 329, 330, 12 RR 2d 1057, 1059 (1968)), Atsinger submits that the conflicting affidavits reflect merely a difference of opinion and, in such circumstances, the Review Board consistently has refused to add site availability issues, citing Lester H. Allen, 20 FCC 2d 478, 17 RR 2d 914 (1969).

18. L & L characterizes the Hoskins affidavit as hastily prepared, lacking in specificity, and in no way determinative of the full Planning Commission's ultimate conclusion. L & L expresses confidence that the full Planning Commission, when presented with the facts, will approve L & L's proposed site. In support, L & L directs the Board's attention to the affidavit of Charles J. Kamuf, attorney for the Owensboro-Daviess County Metropolitan Planning Commission, which states that some members of the Planning Commission, after being informed of the nature of the Hoskins affidavit, expressed disapproval of individual members issuing such statements and directed the execution of an affidavit by Mr. Kamuf clarifying the Commission's position that no prejudgment had been made concerning any application which might be filed in the future regarding the construction of a radio tower on land located in the area proposed by L & L. Regarding petitioner's allegations concerning the Airport Commission's regulations, L & L argues that Federal law preempts the field of air navigation hazards and that L & L's FAA clearance of May 27, 1969, constitutes adequate approval of its site and is dispositive of that question. In any event, and without abandoning its contention of Federal preemption, L & L claims that its proposed tower will conform fully with requirements of the Kentucky Airport Zoning Commission. As evidence of such conformity, L & L attaches an Airport Commission notice, dated December 14, 1970, ostensibly constituting approval by such commission of the L & L proposed site. In reply, WVJS maintains that it has made a reasonable showing that Atsinger and L & L will be unable to secure zoning approval to construct its proposed towers; accordingly, petitioner renews its requests for site availability issues.

19. The Review Board will deny petitioner's requests for site availability issues. The Commission consistently has held that it does not require absolute assurance of the availability of a proposed site; rather it requires only that an applicant have "reasonable assurance" that its proposed site will be available. See Marvin C. Hanz, 21 FCC 2d 420, 18 RR 2d 310 (1970). It is also well established that zoning questions should be left to local zoning authorities and that issues inquiring into such matters will not be specified, absent a reasonable showing that the applicant will be unable to obtain approval of his plans from the local authorities. See Lester H. Allen, supra; Big Chief Broadcasting Co. of Lawton, Inc., supra. In the Board's opinion, petitioner's affidavits expressing the opinion of one of a 10-member zoning commission do not constitute a "reasonable showing" that Atsinger and L & L will be unable to obtain zoning approval of their proposed sites. Manifestly so where, as here, L & L has attached an affidavit indicating that Hoskins' opinion does not represent the full Commission's judgment. At best, there is simply a difference of opinion between petitioner and the applicants as to the probable action of the local zoning authority. The Review Board repeatedly has held that such a difference of opinion is insufficient to warrant the addition of a site availability issue. See, e.g., Ward L. Jones, 7 FCC 2d 831, 9 RR 2d 1062 (1967). In light of L & L's attached, and unchallenged, FAA clearance and Kentucky Airport Zoning Commission approval, the Board believes that petitioner's second ground also fails to constitute a "reasonable showing" that L & L will be unable to obtain zoning approval for its proposed site.

20. *Accordingly, it is ordered,* That the petition to enlarge issues and the supplemental petition to enlarge issues, filed November 19 and December 11, 1970, respectively, by Owensboro-On-The-Air, Inc. (WVJS), are granted to the extent indicated, and are denied in all other respects; and

21. *It is further ordered,* That the petition to enlarge issues and the supplement to petition to enlarge issues, filed November 19 and November 24, 1970, by Owensboro-On-The-Air, Inc. (WVJS), are denied; and

22. *It is further ordered,* That the issues in this proceeding are enlarged to include the following issue: To determine whether Edward G. Atsinger III has made available for public inspection a complete copy of his application pursuant to § 1.526(a)(1) of the rules and, if not, the effect thereof on the applicant's comparative qualifications to be a Commission licensee; and

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[9] Regarding the Knagenhelm loan to Atsinger to construct Station WKBQ, the Review Board notes that Atsinger's claim that such loans has been made and partially repaid has been neither challenged nor contradicted by the petitioner. WKBQ's license was granted by the Commission on Feb. 13, 1968.

23. *It is further ordered,* That the burden of proceeding with the introduction of the evidence under the issue added herein shall be on Owensboro-On-The-Air, Inc. (WVJS), and the burden of proof shall be on Edward G. Atsinger, III.

Adopted: May 7, 1971.

Released: May 11, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[10]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6752 Filed 5-13-71;8:52 am]

[Docket No. 18369 etc.; FCC 71R-147]

HOWARD L. BURRIS ET AL.

Memorandum Opinion and Order Modifying Issues

In regard applications of Howard L. Burris, Warren, Ohio, Docket No. 18369, File No. BP-17574; Eugene J. Davis, doing business as Davis Enterprises, Parma, Ohio, Docket No. 19114, File No. BP-18611; North East Communications Corp., Parma, Ohio, Docket No. 19115, File No. BP-18612; for construction permits.

1. This proceeding, involving the mutually exclusive applications of Howard L. Burris (Burris) for a new standard broadcast station in Warren, Ohio, and Davis Enterprises (Davis)—and North East Communications Corp. (North East) for a new standard broadcast station in Parma, Ohio, was designated for hearing by Commission Order, 27 FCC 2d 290, 36 F.R. 637, published January 15, 1971. Among the issues specified were financial issues against Burris and Davis to determine the sources of additional funds, and against Burris alone to determine how much of the $80,000 listed as available resources is still available. Presently before the Review Board is a petition to enlarge issues, filed February 16, 1971, by North East, requesting the addition of cost estimate issues against both Burris and Davis, and an availability of funds issue against Davis.[1]

DAVIS

2. In support of its request for a cost estimate issue against Davis, North East first points out that Davis' estimated cost of construction and operation, originally set at $39,900 have jumped to $87,385, out of which $3,500 has been budgeted for "other items". However, North East insists there are other expenses which Davis may incur: since Davis proposes an elaborate directional array, it must obtain a proof of performance which might run up to $10,000[2]; it must pay a grant fee; and it must pay hearing, travel, and transcript costs. Nowhere in its application, asserts petitioner, is it apparent that Davis considered such items. Next, as the basis for an availability of funds issue, petitioner states that since September 1969, Davis has represented that he has available a $20,000 bank loan and $40,000 in cash while his assets consist only of the $40,000, and personal and real property valued at $50,000. Petitioner alleges that to meet the costs Davis has already incurred, it may have spent part of the $40,000; therefore, contends North East, there is reason to believe that Davis does not now possess the full $40,000. Petitioner thus urges the addition of an issue to determine whether the $40,000 is in fact still available.

3. Davis opposes the petition to enlarge issues on the grounds that the petition was filed more than 2 weeks late and does not include a demonstration of good cause; and because the petition is not sufficiently supported by affidavits. The Broadcast Bureau, in its comments, expresses the view that petitioner's allegations are "totally void of substance", and asserts that petitioner makes only general allegations regarding costs. Therefore, it also urges denial of petitioner's request. In reply, North East explains that the filing of its petition was late because it had been misled into believing that an extension of time had been requested on its behalf by counsel for Burris; immediately after being notified that such request was not made, North East states, it filed the instant petition. Returning to the substance of its petition, North East submits the affidavit of its consulting engineer wherein he verifies the estimated cost of $10,000 for the proof of performance. North East therefore concludes that its requested issues are warranted.

4. Initially, the Review Board is of the opinion that good cause exists for the late filing of the petition. The petition was apparently filed immediately after North East realized that an extension of time had not been requested, and no prejudice to other parties has been alleged. Nevertheless, we find North East's allegations devoid of merit. First, regarding Davis' cost of construction estimates, we agree with the Broadcast Bureau that petitioner's allegations are general and unsupported, except with regard to the proof of performance, and there is no indication that Davis' cost estimates are insufficient to cover that item. Next, North East's assertion that Davis has failed to adequately provide for other items such as the grant fee and travel costs is purely speculative and unsupported by affidavits. See WPIX, Inc., 22 FCC 2d 960, 18 RR 2d 1196 (1970). Finally, with respect to the request for an availability of funds issue, petitioner has failed to demonstrate that the source of funds heretofore expended was the $40,000 in cash. Therefore, in view of the foregoing, North East's petition, as it applies to Davis, will be denied.

BURRIS

5. In support of its request for a financial issue against Burris, North East points out that Burris, in his application which was filed in 1966, listed $80,000 as available resources and estimated $62,197 for construction costs and $48,000 for first-year operating costs for his proposed station. However, petitioner asserts that Burris has altered his engineering proposal to such a degree that his estimated cost of construction must also have increased[3]; nevertheless, in spite of this greater cost, contends North East, Burris has not changed his estimated expenses. Further, North East claims that Burris appears not to have considered in his estimated $5,000 for "other items" the increased costs since the filing of his application, which was initially uncontested. These costs, North East states, include the newly instituted grant fee and the increased legal and engineering expenses over those expected. Therefore, North East insists, an issue must be added to determine the basis for the estimated costs of construction and first-year operation and the adequacy of such estimations.

6. The Broadcast Bureau, in its comments, states that while it does not believe that Burris' engineering amendment constitutes a "drastic change" in his proposal, the proposed new equipment will considerably increase the cost of construction. Therefore, the Bureau supports North East's request and suggests an enlargement of the already specified financial issue directed against Burris. However, the Bureau expresses the view that the remaining allegations regarding extra costs incurred by Burris are without merit, and therefore it urges denial of this request.

7. Regarding the request for a financial issue based on Burris' alleged increased cost of construction, the Review Board is of the opinion that Burris' failure to detail the cost of such equipment warrants inquiry at hearing. Thus, the facts that Burris' costs were formulated in 1966, and that his engineering proposal has been substantially altered without any change of his estimated costs raise a substantial question as to the validity of the estimates.[4] North American Broadcasting Co., 15 FCC 2d 984, 15 RR 2d 367, 374 (1969). However, we do not believe that the cost estimates issue should include an inquiry into Burris' estimated costs of "other items". North East's assertions that such costs have increased are unsupported by affidavits of persons having personal knowledge of the facts as required by § 1.229(c) of the Commission's rules; and we have no basis on which to assume the rise of such costs. See Aimardon Incorporated of Florida, 16 FCC 2d 395, 15 RR 2d 600 (1969). Therefore, in view of the

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[10] Board member Nelson absent.

[1] Also before the Board for consideration are: (a) Comments, filed Feb. 26, 1971, by the Broadcast Bureau; (b) opposition, filed Mar. 2, 1971, by Davis; and (c) reply, filed Mar. 10, 1971, by North East.

[2] A grant of Davis' application is conditioned upon successful proof of performance.

[3] North East alleges that examples of the increased costs are a phase monitor, which will cost approximately $5,000, and Austin transformers rather than normal lighting chokes.

[4] The Board notes that in the affidavit attached to North East's reply to Davis' opposition, petitioner's consulting engineer avers that the alleged cost of the phase monitor was supplied by him.

foregoing, the Board will add a cost estimate issue against Burris relating solely to alleged increased costs of construction.

8. *Accordingly, it is ordered*, That the petition to enlarge issues, filed February 16, 1971, by North East Communications Corp., is granted to the extent indicated herein, and is denied in all other respects; and

9. *It is further ordered*, That existing Issue 6 in this proceeding is modified to include the following:

(a) To determine the basis of the applicant's estimated equipment costs, and whether these costs are reasonable;

10. *It is further ordered*, That existing Issues 6(a), 6(b), and 6(c), as originally designated, are renumbered to read 6(b), 6(c), and 6(d).

Adopted: May 7, 1971.

Released: May 11, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6753 Filed 5-13-71;8:52 am]

[Dockets Nos. 11227, 17588; FCC 71-484]

CITY OF NEW YORK MUNICIPAL BROADCASTING SYSTEM

Memorandum Opinion and Order Enlarging and Revising Issues

In regard application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., for special service authorization to operate additional hours from 6 a.m., e.s.t., to sunrise New York, N.Y., and from sunset Minneapolis, Minn., to 10 p.m., e.s.t., Docket No. 11227, File No. BSSA-226; In regard application of City of New York Municipal Broadcasting System (WNYC), New York, N.Y., for construction permit, Docket No. 17588, File No. BP-16148.

1. The Commission has before it for consideration: An application, filed February 7, 1968, by Midwest Radio-Television, Inc., licensee of Station WCCO, Minneapolis, Minn., for review of a Review Board Memorandum Opinion and Order (FCC 68R-21, 11 FCC 2d 287) modifying the issues in the above-captioned proceeding; oppositions thereto filed February 19, 1968, by the City of New York Municipal Broadcasting System, licensee of Station WNYC, New York City, N.Y., and by the Broadcast Bureau, respectively; and WCCO's reply to oppositions filed March 1, 1968. The Commission also has before it a partial opposition to the application for review filed February 12, 1968, by Strauss Broadcasting Group, Inc., licensee of Station WMCA, New York City, N.Y., and reply thereto filed February 20, 1968, by WCCO.

2. Station WCCO is the dominant class I-A station operating on the clear channel frequency 830 kc., with 50 kw. of power, unlimited time. Station WNYC is a class II limited time station licensed to operate on the frequency 830 kc., with 1 kw. of power, during the period from sunrise in New York City to sunset in Minneapolis, Minn., using directional antenna. WNYC has also had a Special Service Authorization (SSA) since 1943 to operate additional hours from 6 a.m. (e.s.t.) to sunrise New York City, and from sunset Minneapolis to 10 p.m. (e.s.t.). This proceeding involves an application by WNYC for extension of its SSA (BSSA-226) and an application by it for construction permit to increase power from 1 to 50 kw., change transmitter site, directionalize antenna array, and operate specified hours from 6 a.m. (e.s.t.) to 10 p.m. (e.s.t.) (BP-16148).

3. By Memorandum Opinion and Order (FCC 67-825, adopted July 12, 1967, 8 FCC 2d 1047) we designated WNYC's 50 kw. application for hearing in the pending proceeding on its application for extension of SSA (Docket No. 11227) and modified the issues in that proceeding by specifying 11 substantially new issues involving both applications.

4. As the result of a petition filed by WCCO with the Review Board requesting the addition, revision and deletion of issues, the Review Board[1] by Memorandum Opinion and Order (11 FCC 2d 287) added an ascertainment of needs (Suburban Broadcasters) issue to determine whether WNYC has adequately ascertained the needs and interests of the new areas proposed to be served by its 50 kw. application; added an issue to determine whether and to what extent WNYC-FM can be utilized to meet presunrise and postsunset needs and requirements of the areas proposed to be served by WNYC's 50 kw. proposal; denied WCCO's request for an alternate facilities issue to inquire into the question of possible use of lower power and/or alternative transmitter sites and the question of possible use of alternative frequencies; denied WCCO's request for deletion of issue 7 (programing issue), or, in the alternative revision of that issue; and revised issue 4 in this proceeding to include a determination whether WNCY's 50 kw. proposal would seriously prejudice future consideration of the 830 kc. class I-A channel, as well as the 820 and 840 kc. class I-A channels specified by the Commission.

5. In its application for review, WCCO requests that the Commission review the Board's action regarding the following issues: utilization of FM; alternative facilities; programing issue 7; and ascertainment of needs.

UTILIZATION OF WNYC-FM ISSUE

6. WCCO contends that the FM utilization issue should have been drafted broadly enough to include both the 1 kw. SSA application as well as the 50 kw. application. WCCO notes that in discussing the appropriateness of an FM issue, the Board said that, in light of the unusual nature of the "subject applications", an issue would be added to determine whether and the extent to which WNYC-FM could be utilized to meet the presunrise and postsunset needs of the areas proposed to be served by the WNYC "AM operations", and that the issue as drafted was limited only to WNYC's 50 kw. proposal, without any explanation as to why the language should be so limited. WCCO contends that the FM utilization issue has direct pertinency to the 1 kw. SSA application since the application seeks an extension of authority to operate WNYC additional hours presunrise and postsunset, and since the issue specified by the Board is directed to whether WNYC-FM can meet the "presunrise and postsunset needs and requirements".

7. In its opposition, WNYC incorporates the arguments advanced by it before the Review Board, wherein it contended that there is a fundamental difference between AM and FM services and that FM service is not an adequate substitute for AM service; and that since the Commission has specified issues on which to determine the AM application on its merits, any issue or evidence relative to FM is irrelevant. The Broadcast Bureau contends that there is no need for an FM issue because the issues specified (3, 7, and 8) are sufficiently broad to permit the adduction of evidence to determine whether WNYC-FM could be used to meet whatever needs exist for additional hours of operation for WNYC's AM facility, but that if the Board's premise for adding the FM issue is accepted as correct, there is no basis for restricting the inquiry solely to the 50 kw. proposal.

8. The Commission believes that the availability of WNYC-FM as a possible alternative means of meeting whatever needs may exist for additional presunrise and postsunset hours of operation for WNYC is a proper matter for consideration in this proceeding with respect to both the application for extension of SSA and the application for regular authority to operate with 50 kw. during the additional hours in question. In our decision in the WOI case,[2] we expressly considered the availability of WOI-FM as an alternative means of presenting presunrise programing. In that case evidence as to FM service was allowed without a special issue. In this case, however, since the Board has ordered a limited FM issue, we shall leave that issue standing, and enlarge the issue to include the WNYC SSA extension application.

ALTERNATIVE FACILITIES

9. WCCO contends that one of the major areas in which the Review Board split 2 to 2 was on the question whether the issues should be enlarged to permit consideration of whether the particular 50 kw. proposal submitted by WNYC was the best and most efficient way in which it might operate full time, or whether there are alternative modes of operation for that station which would better fulfill the objectives of section 307(b) of the Act and the Commission's report and order in the Clear Channel case.

10. WCCO contends that the Board erred in denying its request for an alternative facilities issue which would inquire into the question of possible lower power and/or alternative transmitter sites and the question of possible alternative frequencies. The Board denied the requested alternative transmitter issue because it felt that the question of alternative transmitter sites and lower power had been specifically considered by us in paragraph 10 of our designation order (8 FCC 2d at 1050). The Board denied the requested alternative frequencies issue on the basis of the Commission's consistent policy of not allowing hypothetical alternatives to be injected into hearing procedures. We find that the Board committed no reversible error in denying the requested alternative facilities issue on the grounds stated.

11. WCCO claims that an alternative facilities issue should be added in this case because the case is one involving both rulemaking and adjudication, and, therefore, broader issues and greater flexibility of proof are required. WCCO relies primarily on the KOB case.[3] WCCO contends that the KOB case stands for the proposition that both alternative frequencies and alternative antenna design proposals may be considered in an appropriate case and that the instant proceeding is such a case. WCCO further contends that while the Commission has been narrowing the Beaumont[4] doctrine generally so as to limit the alternate proposals which may be considered in the ordinary adjudicatory case, this is not an ordinary case since it involves rulemaking as well as adjudication.

12. We believe that WCCO misconceives the nature of this proceeding. This proceeding does not involve both rulemaking and adjudication. The KOB case involves a proceeding to determine which of several modes of operation on one of two frequencies, namely 770 kc. and 1030 kc., would best serve the public interest, as a permanent operating assignment for Station KOB, and the designation order contained a specific issue to determine whether § 3.25 (now § 73.25) of the Commission's rules should be amended so as to permit the operation of Station KOB in a manner contemplated by the issues (16 RR 765, 766-69). That case obviously involved both rulemaking and adjudication.

13. In the instant proceeding, however, no amendment of the rules is involved. Section 3.25 (now § 73.25) was amended by the Commission in the clear channel rulemaking proceeding in Docket No. 6741, by adding Note 2 to that section in order to permit the filing of an application for presunrise and postsunset hours of operation on 830 kc. in New York City on a regular basis, depending on the outcome of the adjudicatory proceeding on the WNYC SSA application in Docket No. 11227. As stated by the Commission on its designation order in this proceeding (paragraph 16), "In adopting note 2 to § 73.25 (then § 3.25) the Commission sought to provide for an ultimate regularization, one way or another, of WNYC's operating schedule." (8 FCC 2d at 1051).

14. It is urged that, because of the unique status of 830 kc. and the type of assignment proposed by WNYC, WNYC should be required to make a showing that there are no other sites available from which it could provide service to New York City, afford greater protection to WCCO, and operate with a power and a directional antenna pattern which would have minimum impact upon the future use of 830 kc. both day and night. (See additional views of Board Member Slone (11 FCC 2d at 305, 308-9) and statement of Board Member Kessler concurring and dissenting in part (11 FCC 2d 303).)

15. As stated in our memorandum opinion and order accepting WNYC's 50 kw. application for filing, we found that the engineering data submitted in support of the application indicated that the 50 kw. directional proposed operation during presunrise and postsunset hours would not increase radiation (above present SSA values) during nighttime hours toward the 0.5 mv/m 50 percent secondary service area of WCCO, and that, since WNYC had met the test of no increase in interference to WCCO, consideration would be given to the proposal on the merits. We also found that the proposed daytime operation involved no increase in radiation toward the 0.1 mv/m groundwave contour of WCCO. We said that we had examined the contentions made by WNYC for proposing a 50 kw. daytime operation from the proposed site and believed them to be accurate, and we found, therefore, that the public interest would be served by consideration of the proposal on the merits. (1 FCC 2d 1370, at 1373-4). In designating the application for hearing, we said: "The issues specified in this order have been designed to give WCCO full opportunity to submit evidence, in hearing, as to the alleged undesirability of a grant of the WNYC daytime proposal." (8 FCC 2d at 1050-51.)

16. Since the WNYC 50 kw. proposals have been found acceptable for consideration on their merits, we believe it desirable to adhere to our consistent policy of considering the proposals made "without regard to possible superior proposals which might have been advanced." (WKYR, Inc., 1 RR 2d 314, 317.) As stated in the WKYR case, supra, "The introduction of a standard which requires comparison of hypothetical alternatives would impose upon our processes a burden of impossible magnitude." (1 RR 2d at 317.)

PROGRAMING ISSUE

17. WCCO requests the Review Board to delete issue 7 (programing issue) or, in the alternative, to revise the last portion thereof seeking to determine "whether and to what extent WCCO's programing, during the hours of interference to it from WNYC, would meet special needs and interests of those areas in which such interference would occur." The Board denied the request on the ground that the matter had been considered by the Commission in its designation order (paragraph 11), and that it did not have the authority to undo what the Commission had done. Board Member Kessler dissented, stating that she would delete the last portion of the issue as being inconsistent with the role of a clear channel station in providing a program reception service to its broad secondary service area. Board Member Slone concurred in her views.

18. We do not agree with WCCO that programing should not be considered in this proceeding. However, in view of the circumstance of this case, we shall reexamine the appropriateness of the programing issue as presently framed. Regarding the need for revision of the issue, WCCO contends that by definition a class I-A station is one designed to render a primary and secondary service over an extended area and at relatively long distances (§ 73.21(a)(1) of the rules); that the basic "need" which a clear channel station is supposed to serve is that of providing a reception service at night to underserved rural populations which generally live at considerable distance from the city in which the class I-A station is located; that, in view of this, it is wrong to frame an issue which assumes that the class I-A station can, or should, cater to the "special needs and interests" of this distant secondary service area; and that such phraseology implies that the class I-A station can and should ascertain what are the special (local) needs of the many communities and states within its secondary service area and should evolve a program service to meet both the transmission and reception needs of each.

19. Upon review and reexamination of this matter, we believe the last portion of issue 7 as presently framed does not properly reflect the function of a class I-A clear channel station in rendering a skywave program reception service to its broad secondary area. We believe that the issue as to WCCO's program service to the areas and populations affected by interference from WNYC should be restored to the form in which it was first specified in issue 3 of the Commission's original designation order in this proceeding (FCC 54-1463, released Dec. 6, 1954), namely, "to determine the nature and character of the program service now being rendered by Station WCCO to such areas and populations." This will make the WCCO program issue

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[5] Board Member Nelson absent.

[1] Board Member Berkemeyer dissenting to the addition of any ascertainment of needs issue since these questions are encompassed within the existing issues; Board Member Slone issuing statement of additional views; Board Member Kessler concurring and dissenting in part with statement; Board Member Nelson not participating.

[2] Iowa State University of Science and Technology (WOI), 19 FCC 2d 36, at 48 (1969).

[3] Albuquerque Broadcast Co. (KOB), 16 RR 765 (1958).

[4] Beaumont Broadcasting Corp. v. FCC, 202 F 2d 306, 7 RR 2149 (1952).

in this case consistent with the KFI program issue specified in the WOI case, supra, which sought to determine the "nature and character" of the program service being rendered by clear channel station KFI to the areas and populations affected by interference from the presunrise operation of station WOI.[5] Issues 2 and 7 will be so revised.

20. The ultimate issue in this proceeding (issue 11) is to determine, in the light of the evidence adduced with respect to the other issues, which, if either, of the WNYC applications should be granted. This is not a comparative hearing between WNYC and WCCO. WCCO is not an applicant. WNYC is the applicant, and as such, properly has the burden of establishing that its proposed presunrise and postsunset program service would serve special needs and requirements of the populations and areas proposed to be served by it and, further that the public interest would be served by such proposed program service, in the light of the nature and character of WCCO's program service to the areas and populations affected by interference from WNYC.[6] Paragraph 11 of our Memorandum Opinion and Order (8 FCC 2d at 1050) is modified accordingly.

ASCERTAINMENT OF NEEDS

21. WCCO contends that the Board correctly added an ascertainment of needs issue with regard to WNYC's 50 kw. proposal, but erred in not adding a similar issue with regard to the 1 kw. SSA application because there is no logical basis for distinguishing between the two applications. The Board said that in view of the fact the applicant had made a prior survey to effectuate its current programing; that its proposed programing was essentially the same as its present programing; and that it had constantly and continually maintained contact with various phases of New York life through the operation of the station, no Suburban Broadcasters question was raised as to the present SSA areas covered and no issue would be added.

22. Contrary to WCCO's contention, we believe that there is a logical basis for distinguishing between the SSA and the 50 kw. applications. WNYC's special service authorization was originally granted and thereafter extended on the basis of an unusual and temporary need. An application for extension of the special service authorization (filed on FCC Form 317) obviously does not require an ascertainment of community problems, needs and interests in the usual sense contemplated by our Primer.[7] It should be noted that our designation order contains a specific issue (issue 8) to determine whether or not there is any unusual or temporary need for the requested special service authorization, and if there is, the nature and extent thereof. Under the circumstances, we find no merit in WCCO's request for an ascertainment of needs issue regarding the SSA extension application.

23. In paragraph 79 of our above Report and Order adopting the Primer, we stated that, "applicants in pending hearing cases may amend their applications if deemed necessary in view of our action here, within ninety (90) days of the release of the Report and Order or such further time as the presiding tribunal may allow for cause shown." In view of the ascertainment of needs issue added by the Board with regard to the new areas proposed to be served by WNYC's 50 kw. application, WNYC will be allowed a period of 90 days from the release date of this Memorandum Opinion and Order in which to amend its application if such amendment is deemed necessary or warranted.

PARTIAL OPPOSITION OF WMCA

24. The partial opposition to WCCO's application for review, which was filed by Strauss Broadcasting Group, Inc., licensee of station WMCA, New York City, will be dismissed on the ground that WMCA is not a party to this proceeding, and therefore, lacks standing to file such document.

25. *Accordingly, it is ordered:*

(1) That the application for review filed February 7, 1968, by Midwest Radio-Television, Inc. (WCCO), is granted to the extent indicated, but is denied in all other respects; and that the partial opposition to the application for review filed February 12, 1968, by Strauss Broadcasting Group (WMCA), is dismissed;

(2) That issue (b) added by the Review Board in its Memorandum Opinion and Order (11 FCC 2d 287, at 303), is enlarged as follows:

(b) To determine whether and to what extent WNYC-FM can be utilized to meet presunrise and postsunset needs and requirements of the areas proposed to be served by its 50 kw. proposal and by the proposal contained in its application for extension of SSA.

(3) That issue 2 specified in our designation order (8 FCC 2d 1047, at 1053) is revised as follows:

2. To determine whether the proposals of the city of New York Municipal Broadcasting System would cause objectionable interference to station WCCO, or any other existing standard broadcast stations, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary and secondary service to such areas and populations, and the nature and character of the program service now being rendered by station WCCO to such areas and populations.

(4) That issue 7 specified in our designation order (8 FCC 2d 1047, at 1054) is revised as follows:

7. To determine the type and character of the program service proposed to be rendered by Station WNYC and whether and to what extent WNYC's daytime and nighttime proposed programing would serve special needs and requirements of the populations and areas proposed to be served.

(5) That, in accordance with the provisions of paragraph 79 of our Report and Order adopting the Primer on Ascertainment of Community Problems (FCC 71-176, released Feb. 23, 1971), WNYC shall have 90 days from the release date of this Memorandum Opinion and Order in which to amend its 50 kw. application (BP-16148, Docket No. 17588).

Adopted: May 5, 1971.

Released: May 11, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[8]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6754 Filed 5-13-71;8:52 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 328]

ALBERT F. MAURER CO.

Order of Revocation

By letter dated April 6, 1971, Albert F. Maurer Co. (Anna E. Kaegi d.b.a) 353 Bourse Building, Philadelphia, PA, was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 328 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before May 5, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Albert F. Maurer Co. (Anna E. Kaegi d.b.a) has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised sec. 7.04(g) (dated 9-29-70).

It is ordered, That the Independent Ocean Freight Fordwarder License of Albert F. Maurer Co. (Anna E. Kaegi d.b.a) be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Albert F. Maurer Co. (Anna E. Kaegi d.b.a) be and is hereby revoked effective May 5, 1971.

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[5] See Issue No. 3 in the WOI case, 19 FCC 2d 36, at 42 (1969).

[6] See WOI case, 19 FCC 2d 36, at 45-50 (1969).

[7] Report and Order, Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71-176, released Feb. 23, 1971.

[8] Commissioners Robert E. Lee and Wells absent; Commissioner Johnson concurring in the result.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Albert F. Maurer Co. (Anna E. Kaegi d.b.a).

AARON W. REESE,
Managing Director.

[FR Doc.71-6755 Filed 5-13-71;8:52 am]

BOARD OF COMMISSIONERS OF THE PORT OF NEW ORLEANS AND PUBLIC GRAIN ELEVATOR OF NEW ORLEANS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Cyrus C. Guidry, Port Counsel, Board of Commissioners of the Port of New Orleans, Post Office Box 60046, New Orleans, LA 70160.

Agreement No. T-590-4, between the Board of Commissioners of the Port of New Orleans (Port) and the Public Grain Elevator of New Orleans, Inc. (Elevator), modifies the basic agreement which provides for the lease of the Public Grain Elevator at New Orleans. The purpose of the modification is to renew and extend the basic lease, as modified, under the same rental terms and to make certain minor changes. The changes cover (1) advance notice for canceling the agreement, (2) liability for damages, and (3) insurance coverage.

Dated: May 11, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6756 Filed 5-13-71;8:52 am]

FAIRSEA SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 C.F.R. Part 540):

Fairsea Shipping Corp. and Sitmar Cruises, Inc., c/o Shipping Management, S.A.M., 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 10, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6758 Filed 5-13-71;8:52 am]

FAIRSEA SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Application for Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Fairsea Shipping Corp. and Sitmar Cruises, Inc., c/o Shipping Management, S.A.M., 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 10, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6757 Filed 5-13-71;8:52 am]

FAIRWIND SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Application for Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89-777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Fairwind Shipping Corp. and Sitmar Cruises, Inc., c/o Shipping Management, S.A.M., 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 10, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6759 Filed 5-13-71;8:52 am]

FAIRWIND SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Application for Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following persons have applied to the Federal Maritime Commission for a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89-777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Fairwind Shipping Corp. and Sitmar Cruises, Inc. c/o Shipping Management, S.A.M. 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 10, 1971.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6760 Filed 5-13-71;8:52 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RI71-1009, etc.]

CONTINENTAL OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund[1]

MAY 6, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A below.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

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[1] Does not consolidate for hearing or dispose of the several matters herein.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-1009..	Continental Oil Co.....	332	2	El Paso Natural Gas Co. (acreage in San Juan County, N. Mex.) (San Juan Basin).	$320	4-9-71	....	6-10-71	13.0	14.0	
	.....do.................	334	2	El Paso Natural Gas Co. (Blanco Field, San Juan County, N. Mex.) (San Juan Basin).	380	4-9-71	....	6-10-71	13.0	14.0	
RI71-1010..	Mobil Oil Corp.........	470	1	Transwestern Pipeline Co. (Barstow (Fusselman) Field, Ward County, Tex., Permian Basin).	24,926	4-8-71	....	6-9-71	[13] 22.0	[15] 26.6159	
RI71-1011..	Chevron Oil Co., Western Division.	34	5	Northern Natural Gas Co. (Yates Field, Pecos County, Tex., Permian Basin).	1,178	4-13-71	....	7-2-71	[14] 15.0	[15] 16.0240	RI69-684.
RI71-1012..	Humble Oil & Refining Co.	130	[1] 8	Transcontinental Gas Pipe Line Corp. (Thibodaux Field, Lafourche Parish) (Southern Louisiana).	13,231	4-12-71	....	5-28-71	22.375	[2] 26.0	RI71-700.
RI71-1013..	American Petrofina Co. of Texas et al.	48	[6] 17	Transcontinental Gas Pipe Line Corp. (Greta Field, Refugio County, Tex., RR. District No. 2).	....	4-9-71	5-10-71	[16] Accepted	....	....	
	.....do.................	48	18	.....do.....................	7,533	4-9-71	....	[10] 6-10-71 [10] 6-10-71	11.04125	[3] 19.0 [4] 21.0	
	.....do.................			.....do.....................		4-9-71	[12] 5-10-71	[10] 10-10-71	....	[5] 25.0	
RI71-1014..	Bass Enterprises Production Co. et al.	1	3	Southern Natural Gas Co. (Gwinville Field, Jefferson Davis and Simpson Counties, Miss.).	33,400	4-14-71	5-15-71	10-15-71	[8] [9] 20.0	[7] 22.0	RI60-280.
RI71-1015..	Continental Oil Co.....	138	30	Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (West Delta Area, Offshore Louisiana) (Disputed and State).	94,825	4-14-71	....	5-30-71	[11] 19.5 20.5	[2] 22.375	RI71-833.
RI71-1016..	Roy R. Gardner, et al..	3	2	Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (Bruce Field, Mata Gorda County, Tex., RR. District No. 3).	18,068	4-12-17	....	6-13-71	[13] [15] 16.22928	[13] [15] 18.23678	RI70-732.
RI71-1017	Signal Oil & Gas Co....	34	1	Lone Star Gas Co. (Carter and Love Counties, Oklahoma Other Area).	39,600	4-7-71	....	6-8-71	[15] 16.75	[14] [15] 18.4	RI70-1661.

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* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.

[1] Applicable to gas from reservoirs discovered on or after Oct. 1, 1968.

[2] Increase resulting from termination of moratorium in Southern Louisiana pursuant to Order No. 413, as amended.

[3] For gas from reservoirs discovered prior to Sept. 28, 1960.

[4] For gas from reservoirs discovered from Sept. 28, 1960, to June 17, 1970.

[5] For gas from reservoirs discovered on or after June 17, 1970.

[6] Agreement dated Dec. 31, 1970, provides among other things for extension of contract term and for renegotiated rates specified therein.

[7] Based on the assumption that all gas will be sold at 19 cents, which may or may not be true as the gas may be sold at one, two, or three rates.

[8] The effective rate and proposed rate for low pressure gas is 19.5 cents, respectively.

[9] For high pressure gas.

[10] With respect to the increases to 19 cents and 21 cents. A 5-month suspension from May 10, 1971, is applicable to the proposed increase to 25 cents.

[11] Pertains to gas produced from the West Delta Blocks 44, 45, and 54 under the basic contract.

[12] Expiration of statutory notice period.

[13] Includes 0.21931 cent reimbursement to seller for seller's cost of dehydration.

[14] Filing from initial certified rate to initial contract rate.

[15] The pressure base is 14.65 p.s.i.a.

[16] Accepted to become effective on the date shown in the "Effective Date" column. The acceptance of the agreement filed by American Petrofina Co. of Texas et al. is subject to the conditions prescribed elsewhere in this order.

The agreement filed by American Petrofina in addition to providing for the proposed increased rate involved here also provides for future escalation to any higher area ceiling or settlement rate prescribed by the Commission. The provisions relating to the area rate do not conform with § 154.93 (b-1) of the Commission's regulations. Consistent with Commission action taken on similar filings not in conformity with § 154.93(b-1), the agreement is accepted for filing upon expiration of statutory notice with the condition that the provisions relating to the area rate will only apply upon the Commission's approval of a just and reasonable rate, or settlement rate, in an applicable area rate proceeding, for gas of comparable quality and vintage. Additionally such agreement is accepted for filing only insofar as it pertains to the reserves specified therein and the increase is limited to gas produced from such reserves. Also, respondent is advised that the acceptance of such agreement does not constitute any authorization to abandon any acreage covered by the original contract which is not covered by this agreement.

All of the Southern Louisiana increases are suspended for a period ending 45 days from the respective dates of filing or 1 day from the requested or contractually due dates, whichever is later, consistent with prior Commission action on Southern Louisiana increase exceeding the area rates set forth in Opinions Nos. 546 and 546-A. The proposed increased rates in areas outside southern Louisiana which exceed the corresponding rate limitation for increased rates in southern Louisiana are suspended for 5 months upon expiration of statutory notice period. All of the other increases are suspended for periods ending 61 days from the respective dates of filings or for 1 day from the requested or contractually due dates, whichever is later.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56).

[FR Doc.71-6664 Filed 5-13-71;8:45 am]

[Docket No. RI71-1018]

HOUSTON NATURAL GAS PRODUCTION CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

MAY 6, 1971.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A below.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission

enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf* Rate in effect	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in dockets Nos.
RI71-1018..	Houston Natural Gas Production Co. et al.	11	[1] 8	Texas Eastern Transmission Corp. (Yoward Field, Bee County, Tex., RR. District No. 2).	....	4-7-71	5-8-71	[3] Accepted	....	....	
	.....do..................		9	.....do.....................	$794	4-7-71	....	6-7-71	10.96821	[2] 16.0	

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* The pressure base is 14.65 p.s.i.a.

[1] Letter agreement dated Mar. 5, 1971, which provides for extension of contract term and for a price of 14 cents from Apr. 1, 1971, to Feb. 5, 1976 and 15 cents thereafter, service agreement dated Mar. 5, 1971, whereby Texa Easterns agrees to pay Houston Natural 2 cents per Mcf for compression.

[2] Increase to contract rate. This rate is reduced by 5.90 cents per Mcf for compression and gathering services performed by third party.

[3] Accepted to become effective upon expiration of the statutory notice period.

The proposed increased rate exceeds the applicable area price level for increased rates set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Chapter I Part 2 § 2.56). Pursuant to Order No. 423 the proposed rate is suspended for 61 days from the date of filing.

[FR Doc.71-6665 Filed 5-13-71;8:45 am]

[Docket No. CP71-258]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 10, 1971.

Take notice that on April 27, 1971, Alabama-Tennessee Natural Gas Co. (applicant), Post Office Box 918, Florence, AL 35630, filed in Docket No. CP71-258 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain pipeline and metering facilities for the sale and delivery of natural gas on an interruptible basis to Tennessee Valley Authority (TVA), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate 1.04 miles of 16-inch pipeline and 0.95 mile of 10¾-inch pipeline extending from a point adjacent to the Delta-Portland line of Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Tennessee), to a gas turbine powerplant under construction by the TVA in Colbert County, Ala., and to operate said facilities to sell and deliver natural gas to TVA. Applicant states that the proposed sale to TVA will not require an increase in the presently authorized maximum daily quantity of natural gas purchased from Tennessee. The estimated cost of the facilities proposed herein is $395,000, which cost applicant states will be financed from funds on hand and short-term bank loans.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervenc is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6717 Filed 5-13-71;8:49 am]

[Docket No. CP71-80]

ATLANTIC SEABOARD CORP.

Notice of Petition To Amend

MAY 11, 1971.

Take notice that on April 27, 1971, Atlantic Seaboard Corp. (petitioner), Post Office Box 1273, Charleston, WV 25325, filed in Docket No. CP71-80 a petition to amend the Commission's order issued January 6, 1971 (45 FPC ——), as amended, issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing the construction and operation of certain natural gas compressor and pipeline facilities, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of January 6, 1971, authorized, inter alia, the construction and operation of 7.9 miles of 36-inch pipeline loop in Randolph County, W. Va., and the addition of a 3,165 horsepower compressor unit at the Loudoun Compressor Station in Loudoun County, Va. Petitioner states that the construction of 7.9 miles of 36-inch loop as an extension of 6.5 miles of 36-inch loop immediately downstream from the Cleveland Compressor Station in Upshur County, W. Va., in lieu of the previously authorized loop line, will provide identical pipeline capacity without opposition from landowners. Petitioner also proposes to install two 1,100 horsepower compressor units at the Loudoun Compressor Station in lieu of the 3,165 horsepower unit previously authorized. Petitioner states that it has been unable to locate a 3,165 horsepower unit which would be compatible with the performance of the existing 1,100 horsepower units at said station and that the two 1,100 horsepower units proposed as a substitute will generate sufficient capacity to meet petitioner's peak day requirements for the 1971-72 heating season.

Any person desiring to be heard or to make any protest with reference to said erating certificate must show that it has June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.17-6718 Filed 5-13-71;8:49 am]

[Docket No. CP71-164]

CITY OF DE QUEEN, ARK., AND LOUISIANA-NEVADA TRANSIT CO.

Notice of Extension of Time

MAY 5, 1971.

On April 20, 1971, Louisiana-Nevada Transit Co. (Louisiana-Nevada) filed a motion requesting an extension of time within which to submit case-in-chief evidence, and a postponement of the hearing. On April 23, 1971, Ideal Basic Industries, Inc., an intervenor, filed a telegram concurring in the motion. On April 27, 1971, the city of De Queen, Ark. (De Queen), filed an answer stating that counsel for De Queen and Louisiana-Nevada have agreed, subject to Commission approval, that all parties be given until May 25, 1971, to file their respective case-in-chief, and that the hearing be postponed to June 15, 1971.

Upon consideration, notice is hereby given that the time is extended to and including May 25, 1971, within which each party shall file with the Commission and serve on all other parties and Commission staff the proposed evidence comprising its case-in-chief including any prepared testimony of witnesses and exhibits. The hearing is postponed, to commence at 10 a.m., e.d.s.t., on June 15, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6719 Filed 5-13-71;8:49 am]

[Docket No. E-7477]

KANSAS CITY POWER & LIGHT CO.

Notice of Application

MAY 10, 1971.

Take notice that on March 10, 1971, Kansas City Power & Light Co. (applicant) filed a supplemental application seeking authority pursuant to section 204 of the Federal Power Act to increase to $50 million the amount of short-term, unsecured promissory notes authorized to be issued under the Commission's order of June 13, 1969, in Docket No. E-7477, of which aggregate amount a maximum of $25 million may be in the form of commercial paper, and to extend to not later than December 31, 1972, the final maturity date of said notes. In that order, the Commission authorized applicant to issue up to $40 million short-term promissory notes, of which aggregate amount up to $20 million could be in the form of commercial paper, with final maturities not later than December 31, 1971.

Applicant is incorporated under the laws of the State of Missouri with its principal business office at Kansas City, Mo., and authorized to do business in the State of Kansas.

The interest rate applicable to the promissory notes will be, in the case of demand notes issued to commercial bank, the prime rate in effect at the time of issuance; in the case of notes issued to commercial paper dealers, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity sold to commercial paper dealers; and in the case of commercial paper placed directly with regular purchasers of such commercial paper for their own accounts, the market rate (or discount rate) at the date of issuance for commercial paper of comparable quality and of the particular maturity placed directly by the issuer thereof. The applicant contemplates the issuance of promissory notes, including the "roll-over" of commercial paper promissory notes, without further application of this Commission, at any time and from time to time, each of such notes to have a maturity date of not later than December 31, 1972.

The proceeds will be used to finance in part applicant's construction program to December 31, 1972. The increase in authorization to $50 million and the extension of 1 year to December 31, 1972, will allow applicant more freedom in selecting the appropriate times under market conditions to fund its short-term debt.

Any person desiring to be heard or to make any protest with reference to the application should, on or before May 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6720 Filed 5-13-71;8:49 am]

[Docket No. RP71-112]

MICHIGAN-WISCONSIN PIPE LINE CO.

Notice of Proposed Changes in Rates and Charges

MAY 11, 1971.

Take notice that on April 29, 1971, Michigan-Wisconsin Pipe Line Co. (Michigan-Wisconsin) tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, and First Revised Volume No. 2, to become effective June 1, 1971. The proposed rate changes, which are reflected in all of the rate schedules, would increase charges for jurisdictional sales and services by approximately $40,061,069 annually, based on sales for the 12 months ended January 31, 1971, as adjusted.

Michigan-Wisconsin has submitted two sets of proposed tariff sheets to its Second Revised Volume No. 1: (1) Revised Tariff Sheets, which contain a purchased gas adjustment clause under which increases and decreases in its cost of purchased gas would automatically be reflected in periodic adjustments to its resale rates and (2) Alternate Revised Tariff Sheets, which do not contain such a clause. Michigan-Wisconsin requests waiver of § 154.38(d) of the Commission's regulations to permit the Revised Tariff Sheets containing the purchased gas adjustment clause to become effective. If the Commission does not grant such waiver, Michigan-Wisconsin requests that the Alternate Revised Tariff Sheets be accepted for filing, and that a hearing be specifically provided for this issue.

Michigan-Wisconsin states that the proposed changes are necessary because of increases in its cost of embedded debt, purchased gas, labor, supplies, and other operating expenses, and because of its proposed return to normalized accounting with liberalized depreciation. Michigan-Wisconsin further states that because it does not propose to change its historic revenue pattern, the rate increase is applied pro rata to each component of the presently effective rate schedule. The proposed rates include a claimed rate of return of 8¾ percent.

Copies of the filing were served on Michigan-Wisconsin's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 24, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426. petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6721 Filed 5-13-71;8:49 am]

[Docket No. CP71-267]

NUECES INDUSTRIAL GAS CO.

Notice of Application

MAY 10, 1971.

Take notice that on May 6, 1971, Nueces Industrial Gas Co. (applicant), Post Office Drawer 521, Corpus Christi, TX 78403, filed in Docket No. CP71-267 an application pursuant to section 7(c) of the Natural Gas Act and pursuant to Order No. 431 in Docket No. R-418 for a limited-term certificate of public convenience and necessity, with pregranted abandonment, authorizing the operation of certain facilities for the sale of emergency gas to Transcontinental Gas Pipe Line Corp. (Transco), all as more fully set forth in the application on file with the Commission and open to public inspection.

Applicant states that it has been advised by Transco that the latter has an existing gas supply emergency on its system and that unless Transco receives emergency gas supplies of the type proposed herein, it will be required to employ procedures for curtailment of firm service.

Applicant seeks a limited-term certificate with pregranted abandonment to sell up to a maximum daily volume of 250,000 Mcf of natural gas to Transco for a 1-year period commencing May 11, 1971, or as soon thereafter as the requisite certificate authorization is issued herein. Gas will be sold at a rate of 33.5 cents per Mcf.

Applicant will make this emergency sale to Transco at an existing point of connection between the two companies' systems upstream of Transco's Station 05 in Bee County, Tex., and such other points as may be mutually agreeable and as required for Transco to receive the gas into its existing system.

Applicant states that its business is restricted entirely to intrastate operations (Texas), except for the emergency deliveries herein proposed, and that it will be solely intrastate in character upon the expiration of such emergency deliveries. Therefore, it requests that the certificate requested herein be issued expressly subject to the following conditions:

(1) The certificate issued herein be limited to authorization of the proposed sale to Transco and facilities necessary to make such sale;

(2) The Commission waive its accounting and other reporting requirements with respect to applicant for the term of the limited-term certificate sought herein. Applicant will be willing to report the volumes sold to Transco pursuant to the requested authorization;

(3) The jurisdictional status of the facilities and operations of independent producers and other suppliers from whom applicant purchases gas and the sales by such independent producers and other suppliers be not affected during the term of the limited-term certificate;

(4) With the exception of the sale to be certificated herein, all of applicant's existing facilities, its operation of such facilities, and its sales from its system are and will continue to be exempt from Commission regulation, and the nonjurisdictional status of all of applicant's existing and proposed purchases of natural gas, and the nonjurisdictional status of applicant's existing sales from its system, will not be rendered jurisdictional or otherwise affected by Commission regulation by the certificate issued for the sale contemplated herein.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6722 Filed 5-13-71;8:49 am]

[Docket No. CP71-259]

TEXAS GAS TRANSMISSION CORP.

Notice of Application

MAY 11, 1971.

Take notice that on April 29, 1971, Texas Gas Transmission Corp. (applicant), Post Office Box 1160, Owensboro, KY 42301, filed in Docket No. CP71-259 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain loop line facilities in Lafayette Parish, La., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate 8.12 miles of 30-inch loop pipeline on its Eunice-Thibodaux supply line in Southern Louisiana. Applicant states that this proposed loop will complete the looping of its line from the Lafayette Compressor Station in Lafayette Parish, La., to the Eunice Compressor Station in Acadia Parish, La., and will give greater flexibility in meeting emergencies and declines in deliverability in Northern Louisiana. The estimated cost of the facilities proposed herein is $2,152,600. Applicant states that no new sales or service are proposed as a result of the authorization sought herein.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commissions rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-6724 Filed 5-13-71;8:49 am]

[Docket No. RP71-100]

TRUNKLINE GAS CO.

Order Providing for Hearing and Suspending Proposed Tariff Sheets

May 10. 1971.

Trunkline Gas Co. (Trunkline) on April 9, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1[1] to become effective on May 13, 1971.[2] The proposed tariff sheets provide for: (1) A single tariff sheet, Original Sheet No. 3-A, containing the rates applicable to the different rate schedules of Trunkline's FPC Gas Tariff; (2) An addition to the General Terms and Conditions of Trunkline's FPC Gas Tariff of two new sections, section 16, Priority in Service and section 17, Curtailment and Interruption.

The first proposed change listed above is to introduce simplicity and administrative ease in subsequent proceedings involving changes of rates. Presently, Trunkline's FPC Gas Tariff is structured so that the particular rate applicable to each rate schedule is stated on the tariff sheets that constitute the rate schedule. The proposed change provides for statement of rates applicable to each rate schedule on a single tariff sheet and will permit Trunkline to modify all or any number of its rates by the filing of a single tariff.

The second proposed change listed above would add two new sections, to provide for priority of service and a method for effecting curtailments or interruptions of gas deliveries under varying types of circumstances including force majeure, gas supply deficiency and operating or remedial conditions.

Proposed section 16, Priority of Service, provides when in Trunkline's judgment it is necessary to curtail or discontinue deliveries from its system to one or more of its customers, the ascending order of priorities shall be as follows unless conditions existing at the time make the same impracticable: (1) Interruptible Service rendered by Trunkline; (2) Large Volume Firm Service consisting of deliveries under the P-1, P-2, G-1, G-2 Rate Schedules and any firm direct industrial service rendered by Trunkline; and (3) Small Volume Firm Service consisting of deliveries to customers whose contract demand is 4,000 Mcf or less under the SG-1 and SG-2 Rate Schedules.

Proposed section 17, Curtailment and Interruption provides for curtailment or discontinuance of deliveries by Trunkline under force majeure, gas supply deficiency, and operating and remedial situations, all of which situations and the manner of curtailment under each are defined therein. In addition section 17 provides for billing procedures in the event of compliance as well as in the event of noncompliance by its customers to a curtailment order by Trunkline made pursuant to the proposed tariff provisions.

The proposed sections 16 and 17 providing for priority of service and curtailment and interruption present complicated issues which may require development in evidentiary procedings. The proposed additions to the general terms and conditions of the tariff in their particulars have not been shown to be justified and their operation may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The proposed revised tariff sheets[3] providing for the statement of rates applicable to each rate schedule on a single tariff sheet propose a change wholly ministerial in nature and one which presents no substantive issues under the provisions of the Natural Gas Act.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed Fourth Revised Sheet No. 21 and Original Sheets Nos. 21-A, 21-B, and 21-C of the General Terms and Conditions of Trunkline's FPC Gas Tariff and that such tariff sheets be suspended and the use thereof be deferred as herein provided.

The Commission orders:

. Pending hearing and decision thereon, Trunkline's proposed Fourth Revised Sheet No. 21 and Original Sheets Nos. 21-A, 21-B, and 21-C, are hereby suspended and the use thereof is deferred for 60 days, until July 12, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

By the Commission.

[SEAL] Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6725 Filed 5-13-71;8:50 am]

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[1] 10th Revised Sheet No. 1; Original Sheet No. 3-A; 13th Revised Sheet No. 4; 9th Revised Sheet No. 5-A; 12th Revised Sheet No. 6-A; 11th Revised Sheet No. 6-B; 8th Revised Sheet No. 6-C; 12th Revised Sheet No. 7; 11th Revised Sheet No. 9; 10th Revised Sheet No. 9-D; 10th Revised Sheet No. 9-F; 11th Revised Sheet No. 9-G; 9th Revised Sheet No. 9-P; 7th Revised Sheet No. 9-R; 7th Revised Sheet No. 9-AE; 5th Revised Sheet No. 9-AF; 4th Revised Sheet No. 21; Original Sheet No. 21-A; Original Sheet No. 21-B, and Original Sheet No. 21-C.

[2] By letter filed with the Commission on May 3, 1971, Trunkline requested an effective date of June 12, 1971.

[3] 10th Revised Sheet No. 1; Original Sheet No. 3-A; 13th Revised Sheet No. 4; 9th Revised Sheet No. 5-A; 12th Revised Sheet No. 6-A; 11th Revised Sheet No. 6-B; 8th Revised Sheet No. 6-C; 12th Revised Sheet No. 7; 11th Revised Sheet No. 9; 10th Revised Sheet No. 9-D; 10th Revised Sheet No. 9-F; 11th Revised Sheet No. 9-G; 9th Revised Sheet No. 9-P; 7th Revised Sheet No. 9-R; 7th Revised Sheet No. 9-AE; 5th Revised Sheet No. 9-AF.

[Docket No. CP71-266]

UNION LIGHT, HEAT AND POWER CO.

Notice of Application

May 10, 1971.

Take notice that on May 6, 1971, The Union Light, Heat & Power Co. (applicant), Post Office Box 960, Cincinnati, OH 45201, filed in Docket No. CP71-266 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of liquefied natural gas (LNG) in interstate commerce to the Fort Hill Natural Gas Authority (Fort Hill), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant requests authorization for the sale, during the calendar year 1971, of 160,000 gallons of LNG (equivalent to approximately 13,333 Mcf of vaporous gas) to Fort Hill for resale and distribution in Easley, S.C., and environs. Applicant also seeks authorization to sell, thereafter, between 100,000 and 400,000 gallons of LNG (approximately equivalent to between 8,333 Mcf and 33,332 Mcf of vaporous gas) annually to Fort Hill. Applicant states that the proposed sale will be made pursuant to its FPC Rate Schedule LNG-1 and that Fort Hill will furnish its own transportation for the LNG from applicant's plant to Easley, S.C.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before May 21, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6727 Filed 5-13-71;8:50 am]

[Project No. 696]

UTAH POWER & LIGHT CO.

Notice of Application for New License for Constructed Project

May 11, 1971.

Public notice is hereby given that application for new license has been filed under section 15 of the Federal Power Act (16 U.S.C. 791a, 825r) by Utah Power & Light Co. (correspondence to: S. G. Baucom, Post Office Box 899, Salt Lake City, UT 84110) for its constructed American Fork Project No. 696 located on American Fork Creek in Utah County, Utah. The project affects lands of the United States within the Uinta National Forest. The original license expired June 30, 1970, and the project is presently operating under an annual license.

The constructed project consists of: (1) A concrete overflow type diversion dam controlled by flashboards; (2) an intake structure with a tainter gate; (3) a steel pipe conduit from the intake structure to the powerhouse; (4) a brick powerhouse with concrete foundation containing one 950 kw. generating unit; (5) a 12.5 kv. transmission line from the powerhouse to a point near the former Lower Fork Plant, where it connects to the applicant's interconnected distribution system, and a 110-volt control line from the plant to the intake for automatic operation; and (6) appurtenant facilities.

According to the application, the project is located entirely on National Forest lands, the U.S. Forest Service has developed picnic and camp areas upstream from the project, and the applicant does not have any plans for development of recreation facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 28, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.17-6726 Filed 5-13-71;8:50 am]

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE

Order Designating an Additional Member

May 10, 1971.

The Federal Power Commission by orders issued April 6, 1971, established an Executive Advisory Committee of the National Gas Survey.

1. Membership. An additional member to the Executive Advisory Committee, as selected by the Chairman of the Commission with the approval of the Commission, is as follows:

Richard L. O'Shields, President, Panhandle Eastern Pipe Line Co.

By the Commission.

[SEAL] Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6728 Filed 5-13-71;8:50 am]

[Docket No. E-7629]

PACIFIC POWER & LIGHT CO.

Notice of Application

May 11, 1971.

Take notice that on April 27, 1971, Pacific Power & Light Co. (applicant), a corporation organized under the laws of the State of Maine and qualified to transact business in the States of Oregon, Wyoming, Washington, California, Montana, and Idaho, with its principal business office at Portland, Oreg., filed an application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking an order authorizing the issuance of not to exceed $105 million in principal amount at any one time outstanding of unsecured promissory notes (1) pursuant to a credit agreement with certain banks ($45 million), (2) pursuant to a Line of Credit ($20 million), and (3) in the form of Commercial Paper ($40 million).

(1) Notes in the sum of not to exceed $45 million in aggregate principal amount at any one time outstanding would be issued under a Credit Agreement dated as of June 30, 1971 (Credit Agreement), between applicant and the 14 banks listed in section 1 thereof. Under such Credit Agreement applicant would have the right to make borrowings and reborrowings from each bank and each bank would be obligated to make loans to applicant from time to time during the period from June 30, 1971, to December 31, 1972. Each note so issued would be dated the date of the borrowing evidenced thereby, mature 11 months after its date or on December 31, 1972, whichever is earlier, and bear interest at a rate per annum equivalent to the prime commercial rate of interest charged by the respective banks from time to time. In consideration of the commitment of the several banks to make loans, applicant would pay to each bank on the last day of each quarter beginning with September 30, 1971, and ending with December 31, 1972, an amount computed at the rate of one-half of 1 percent per annum on the daily average unused amount which such bank was obligated to lend during the calendar quarter then ended. Applicant reserves the right to surrender all or any part of the credit extended by the banks under the Credit Agreement and to prepay, without penalty, the whole or any part of notes outstanding thereunder, any partial payments to be in an aggregate amount of not less than $1 million.

(2) Unsecured promissory notes in an aggregate principal amount of not to exceed $20 million at any one time outstanding would be issued by applicant to evidence borrowings under lines of credit extended by the 14 banks named in section 1 of the Credit Agreement. Each note so issued would be dated the date of issuance, have a maturity of not more than 90 days from the date thereof, and all notes issued pursuant to said Line of Credit would mature not later than June 30, 1972.

(3) Unsecured promissory notes in an aggregate principal amount of not to exceed $40 million at any one time outstanding would be issued and sold by applicant to one or more commercial paper dealers. Each note issued as commercial paper would be dated the date of issuance, have a maturity of not more than 270 days from the date thereof and be discounted at the rate prevailing at the time of issuance for commercial paper of comparable quality and maturity.

Proceeds from the borrowings to be made under the Credit Agreement, the Line of Credit, and in the form of Commercial Paper would be used (1) in the further financing of applicant's construction expenditures for 1971, now estimated at approximately $120 million and (2) to pay installments of $5 million each due June 30, 1971, and December 31, 1971, under applicant's $35 million term Credit Agreement dated April 1, 1968. The balance of funds required for construction is expected to come from internally generated cash. Further permanent financing in addition to Serial Preferred Stock having an aggregate par value of $30 million to be issued in June of 1971 is to be undertaken late in 1971 or early in 1972, but the amounts and types of securities and the exact timing of issuance have not yet been determined.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 20, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-6723 Filed 5-13-71;8:49 am]

NATIONAL GAS SURVEY COORDINATING COMMITTEE

Order Establishing Committee and Designating Its Membership and Chairmanship

May 10, 1971.

The Federal Power Commission hereby determines that the establishment of the National Gas Survey Coordinating Committee is in the public interest and establishes this committee in accordance with the provisions of the Commission's order issued February 23, 1971, 36 F.R. 3851.

1. Purpose. The Coordinating Committee shall perform a liaison function between the National Gas Survey, as constituted by Commission staff members, and advisory committees which are now established or may hereafter be established. In this capacity, the Coordinating Committee shall (a) assist in the implementation of requests for information or studies recommended by the National Gas Survey, the Executive Advisory Committee, the various Technical Advisory Committees and such other committees as may be established, (b) establish such work schedule priorities as it considers necessary for the implementation of such requests, (c) initiate assignments to the various committee or committees for the collection of information and (d) assist in such other ways as it may from time to time be called upon to act in a liaison capacity.

In accordance with the provisions of section 6(e) of Executive Order No. 11007 (27 F.R. 1875), neither the Executive Advisory Committee, the respective Technical Advisory Committees, the Coordinating Committee, nor such other committee or committees as may be established shall be permitted to receive, compile or discuss data or reports showing the current or projected nonpublic commercial operations of identified business enterprises. Data or reports of a nonpublic nature that are requested from identified business enterprises shall be submitted directly to the Director of the National Gas Survey, or to such person on his staff as designated by the Director, and such data or reports will be composited with that submitted by other identified business enterprises and reported on a composite basis and the provisions of section 8(b) of the Natural Gas Act (15 U.S.C. 717(g)) and the Freedom of Information Act (5 U.S.C. 552(b)(4)) shall apply.

2. Membership. The Chairman, Secretary, and other members of the Coordinating Committee, as selected by the Chairman of the Commission with the approval of the Commission, are designated in the appendix hereto.

3. The following paragraphs of the aforementioned Order issued February 23, 1971 are hereby incorporated by reference:

"3. Conduct of Meetings.
"4. Minutes.
"5. Secretary of the Committee.
"6. Location and Time of Meetings.
"7. Advice and Recommendations Offered by the Committee.
"8. Duration of the Committee."

The Secretary of the Commission shall cause prompt publication of this order to be made in the Federal Register in accordance with the provisions of the Office of Management and Budget Circular No. A-63.

By the Commission.

[SEAL] **Kenneth F. Plumb,**
Acting Secretary.

Appendix—National Gas Survey Coordinating Committee

Chairman—Thomas H. Jenkins, Director, National Gas Survey.

Secretary—Stephen A. Wakefield, Federal Power Commission.

Members:

1. William M. Elmer, Chairman—EAC.*
2. Richard C. Young, Deputy to Mr. Elmer.
3. James F. Simes, Secretary—EAC.
4. Myron A. Wright, Member—EAC, Vice Chairman—Supply—TAC.**
5. William T. Slick, Jr., Deputy to Mr. Wright.
6. Paul J. Root, FPC Survey Coordinating Representative and Secretary—Supply—TAC.
7. Willis A. Strauss, Member—EAC, Vice Chairman—Transmission—TAC.
8. Ferdinand Gagne, Deputy to Mr. Strauss.
9. Thomas H. Jenkins, Acting FPC Survey Coordinating Representative and Secretary—Transmission—TAC.
10. George J. Tankersley, Member—EAC, Vice Chairman—Distribution—TAC.
11. Ralbern H. Murray, Deputy to Mr. Tankersley.
12. Kenneth B. Lucas, FPC Survey Coordinating Representative and Secretary—Distribution—TAC.

[FR Doc.71-6729 Filed 5-13-71;8:50 am]

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* Executive Advisory Committee.
** Technical Advisory Committee.

FEDERAL RESERVE SYSTEM

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southwest Bancshares, Inc., Houston, Tex., for approval of acquisition of more than 51 percent of the voting shares of The Village National Bank, Houston, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of Southwest Bancshares, Inc., Houston, Tex. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of more than 51 percent of the voting shares of The Village National Bank, Houston, Tex. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the Federal Register on March 26, 1971 (36 F.R. 5754), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and mangerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant directly or indirectly controls two subsidiary banks and has an interest of less than 25 percent of the voting shares in six other Texas banks.[1] Applicant's two subsidiary banks control total deposits of $602 million, which constitutes 11.3 percent of total bank deposits in the Houston SMSA and 2.6 percent of State deposits. The total group of banks in which Applicant has an interest control 12.9 percent of total deposits in the SMSA and Applicant is the third largest banking organization in the market. Applicant's acquisition of a proposed new bank would have no immediate effect on concentration of banking resources.

Applicant's two closest affiliated banks are located 8 and 9 miles from Bank's proposed site. There are four banks located within Bank's proposed service area, all of them more than 3 miles from Bank's proposed location. No existing competition would be eliminated by consummation of the proposal, nor would significant potential competition be foreclosed or would there be adverse effects on any competing banks.

The financial and managerial resources and prospects of Applicant and the banks within its group are satisfactory and consistent with approval of the application. Considerations concerning convenience and needs of the communities to be served lend some weight toward approval, due to the benefits to be derived from the existence of an additional banking facility in the community. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized

above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order: *And provided further*, That (c) The Village National Bank shall be opened for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority.

By order of the Board of Governors,[2] May 10, 1971.

[SEAL] **Elizabeth L. Carmichael,**
Assistant Secretary.

[FR Doc.71-6735 Filed 5-13-71;8:50 am]

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[1] All banking data are as of June 30, 1970.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson and Daane.

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.3-A for Disaster No. 802]

DISASTER COORDINATOR

California Earthquake Disaster

I. Pursuant to the authority delegated by the Administrator to the Associate Administrator for Financial Assistance in Delegation of Authority No. 4, Revision 2 (35 F.R. 13234), as amended (35 F.R. 16759, 36 F.R. 653, and 36 F.R. 8537), there is hereby redelegated to the Disaster Coordinator for the California Earthquake Disaster, Disaster No. 802, the following authority:

A. *Administrative Services (for purpose of disaster operations only)*:

1. To contract for supplies, materials and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the heads of executive agencies.

II. The authority delegated herein may be redelegated.

III. All authority delegated hereon may be exercised by any Small Business Administration employee designated as acting disaster coordinator, California Earthquake Disaster.

Effective date: April 19, 1971.

Jack Eachon, Jr.
Associate Administrator for Financial Assistance.

[FR Doc.71-6761 Filed 5-13-71;8:53 am]

DEPARTMENT OF LABOR

Office of the Secretary

ADVISORY COUNCIL ON EMPLOYEE WELFARE AND PENSION BENEFIT PLANS

Recommendations for Appointment

Section 14 of the Welfare and Pension Plans Disclosure Act Amendments of 1962 (76 Stat. 40, 41, 29 U.S.C. 308e) provides for the establishment of an "Advisory Council on Employee Welfare and Pension Benefit Plans" which is to consist of 13 members to be appointed as follows: One from the insurance field, one from the corporate trust field, two from management, four from labor, and two from other interested groups, all of whom are to be appointed by the Secretary from among persons recommended by organizations in the respective groups. The additional three representatives are to be appointed from the general public by the Secretary. The prescribed duties of the Council are to advise the Secretary with respect to the carrying out of his functions under the Welfare and Pension Plans Disclosure Act, as amended, and to submit to the Secretary recommendations with respect thereto. The Council is required to meet at least twice each year and at such other times as the Secretary requests.

To assure continuity in the handling of the business of the Council, a rotation system is provided whereby the 2-year terms of approximately half the members expire each year. The groups represented by the members whose terms expire on June 30, 1971, are as follows: Labor (2), the insurance field (1), management (1), the public (1), and other interested groups (1). Appointments of new members will be for terms beginning July 1, 1971.

Accordingly, notice is hereby given that any organization desiring to recommend persons for appointment to the "Advisory Council on Employee Welfare and Pension Benefit Plans" may submit recommendations to the Secretary of Labor, 14th and Constitution Avenue NW., Washington, DC 20210, on or before June 15, 1971. The recommendation may be in the form of a letter, resolution, or petition, signed by an authorized official of the organization. Each recommendation shall identify the candidate by name, occupation, or position, and address. It shall specify the field or group which he would represent for purposes of section 14 of the Act, and whether he is available and would accept.

Signed at Washington, D.C., this 10th day of May 1971.

W. J. Usery, Jr.,
Assistant Secretary for Labor-Management Relations.

[FR Doc.71-6731 Filed 5-13-71;8:50 am]

INTERSTATE COMMERCE COMMISSION

[Notice 689]

MOTOR CARRIER TRANSFER PROCEEDINGS

May 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72527. By order of May 7, 1971, the Motor Carrier Board, on reconsideration, approved the transfer to Pease & Keifer, Inc., doing business as Rojo Limited, Gardena, Calif., of Certificate No. MC-42473, issued to Aall Quote Industries, Inc., Poco Rivera, Calif., authorizing the transportation of: General commodities, with exceptions between specified points and areas in California. R. Y. Schureman, attorney, 1545 Wilshire Boulevard, Los Angeles, CA 90017.

[SEAL] **Robert L. Oswald,**
Secretary.

[FR Doc.71-6742 Filed 5-13-71;8:51 am]

[Notice 689-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

May 11, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 279), appear below:

As provided in the Commission's general rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 30 days from the date of service of the order. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

XUM

No. MC–FC–72733. By order of May 7, 1971, Division 3, acting as an Appellate Division approved the transfer to Christie's Warehouse & Transfer, Incorporated, Hartford, Conn., of a portion of the operating rights in certificate No. MC–32571 issued May 20, 1943, to S. Rashba & Sons, Inc., New Haven, Conn., authorizing the transportation of machinery between New Haven, Conn., and points in Connecticut within 40 miles thereof, on the one hand, and, on the other, New York, N.Y., Boston, Mass., and Providence, R.I. Thomas W. Murrett, 342 North Main Street, West Hardford, CT 06117, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6743 Filed 5–13–71;8:51 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 11, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42196—*Barley and oats from specified points in Montana.* Filed by North Pacific Coast Freight Bureau, Agent (No. 71–3), for interested rail carriers parties to its tariff ICC 1117. Rates on barley, feed grade, or oats, feed grade, in carloads, as described in the application, from specified points in Montana, to Hermiston and Hinkle, Oreg., and Midvale and Walla Walla, Wash.

Grounds for relief—Private motor competition.

AGGREGATE OF INTERMEDIATES

FSA No. 42197—*Barley and oats from specified points in Montana.* Filed by North Pacific Coast Freight Bureau, Agent (No. 71–4), for interested rail carriers parties to Uniform Freight Classification 10, ICC No. 6, and its tariff ICC 1117. Rates on barley, feed grade, or oats, feed grade, in carloads, as described in the application, from specified points in Montana, to Hermiston and Hinkle, Oreg., and Midvale and Walla Walla, Wash.

Grounds for relief—Maintenance of depressed rates published to meet private truck competition without use of such rates as factors in constructing combination rates.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6744 Filed 5–13–71;8:51 am]

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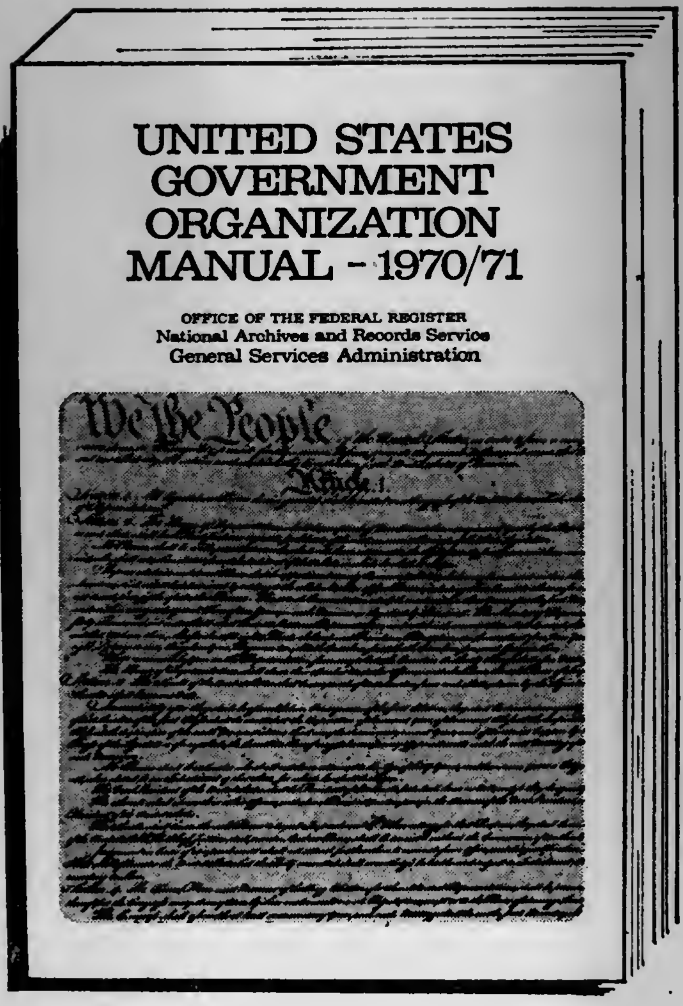

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EXECUTIVE ORDER 11593

Protection and Enhancement of the Cultural Environment

By virtue of the authority vested in me as President of the United States and in furtherance of the purposes and policies of the National Environmental Policy Act of 1969 (83 Stat. 852, 42 U.S.C. 4321 et seq.), the National Historic Preservation Act of 1966 (80 Stat. 915, 16 U.S.C. 470 et seq.), the Historic Sites Act of 1935 (49 Stat. 666, 16 U.S.C. 461 et seq.), and the Antiquities Act of 1906 (34 Stat. 225, 16 U.S.C. 431 et seq.), it is ordered as follows:

SECTION 1. *Policy*. The Federal Government shall provide leadership in preserving, restoring and maintaining the historic and cultural environment of the Nation. Agencies of the executive branch of the Government (hereinafter referred to as "Federal agencies") shall (1) administer the cultural properties under their control in a spirit of stewardship and trusteeship for future generations, (2) initiate measures necessary to direct their policies, plans and programs in such a way that federally owned sites, structures, and objects of historical, architectural or archaeological significance are preserved, restored and maintained for the inspiration and benefit of the people, and (3), in consultation with the Advisory Council on Historic Preservation (16 U.S.C. 470i), institute procedures to assure that Federal plans and programs contribute to the preservation and enhancement of non-federally owned sites, structures and objects of historical, architectural or archaeological significance.

SEC. 2. *Responsibilities of Federal agencies*. Consonant with the provisions of the acts cited in the first paragraph of this order, the heads of Federal agencies shall:

(a) no later than July 1, 1973, with the advice of the Secretary of the Interior, and in cooperation with the liaison officer for historic preservation for the State or territory involved, locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places.

(b) exercise caution during the interim period until inventories and evaluations required by subsection (a) are completed to assure that any federally owned property that might qualify for nomination is not inadvertently transferred, sold, demolished or substantially altered. The agency head shall refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion on the National Register of Historic Places. The Secretary shall consult with the liaison officer for historic preservation for the State or territory involved in arriving at his opinion. Where, after a reasonable period in which to review and evaluate the property, the Secretary determines that the property is likely to meet the criteria prescribed for listing on the National Register of Historic Places, the Federal agency head shall reconsider the proposal in light of national environmental and preservation policy. Where, after such reconsideration, the Federal agency head proposes to transfer, sell, demolish or substantially alter the property he shall not act with respect to the property until the Advisory Council on Historic Preservation shall have been provided an opportunity to comment on the proposal.

(c) initiate measures to assure that where as a result of Federal action or assistance a property listed on the National Register of Historic Places is to be substantially altered or demolished, timely steps be taken to make or have made records, including measured drawings, photographs and maps, of the property, and that copy of such records then be deposited in the Library of Congress as part of the Historic American Buildings Survey or Historic American Engineering Record for future use and reference. Agencies may call on the Department of the Interior for advice and technical assistance in the completion of the above records.

(d) initiate measures and procedures to provide for the maintenance, through preservation, rehabilitation, or restoration, of federally owned and registered sites at professional standards prescribed by the Secretary of the Interior.

(e) submit procedures required pursuant to subsection (d) to the Secretary of the Interior and to the Advisory Council on Historic Preservation no later than January 1, 1972, and annually thereafter, for review and comment.

(f) cooperate with purchasers and transferees of a property listed on the National Register of Historic Places in the development of viable plans to use such property in a manner compatible with preservation objectives and which does not result in an unreasonable economic burden to public or private interests.

SEC. 3. *Responsibilities of the Secretary of the Interior.* The Secretary of the Interior shall:

(a) encourage State and local historic preservation officials to evaluate and survey federally owned historic properties and, where appropriate, to nominate such properties for listing on the National Register of Historic Places.

(b) develop criteria and procedures to be applied by Federal agencies in the reviews and nominations required by section 2(a). Such criteria and procedures shall be developed in consultation with the affected agencies.

(c) expedite action upon nominations to the National Register of Historic Places concerning federally owned properties proposed for sale, transfer, demolition or substantial alteration.

(d) encourage State and Territorial liaison officers for historic preservation to furnish information upon request to Federal agencies regarding their properties which have been evaluated with respect to historic,

architectural or archaeological significance and which as a result of such evaluations have not been found suitable for listing on the National Register of Historic Places.

(e) develop and make available to Federal agencies and State and local governments information concerning professional methods and techniques for preserving, improving, restoring and maintaining historic properties.

(f) advise Federal agencies in the evaluation, identification, preservation, improvement, restoration and maintenance of historic properties.

(g) review and evaluate the plans of transferees of surplus Federal properties transferred for historic monument purposes to assure that the historic character of such properties is preserved in rehabilitation, restoration, improvement, maintenance and repair of such properties.

(h) review and comment upon Federal agency procedures submitted pursuant to section 2(e) of this order.

Richard Nixon

THE WHITE HOUSE,
May 13, 1971.

[FR Doc.71-6951 Filed 5-14-71;12:18 pm]

NOTE: For the text of a Presidential statement issued in connection with E.O. 11593 above, see Weekly Comp. of Pres. Docs., Vol. 7, issue of May 17, 1971.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 480]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.780 Lemon Regulation 480.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the Act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 11, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 16, 1971, through May 22, 1971, are hereby fixed as follows:

(i) District 1: 1,000 cartons;
(ii) District 2: 275,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 13, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6908 Filed 5-14-71;8:51 am]

PART 928—PAPAYAS GROWN IN HAWAII

Order Regulating Handling

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AUTHORITY: The provisions of this Part 928 issued under secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674.

§ 928.0 Findings and determinations.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held in Hilo, Hawaii, September 21, 1970, and continued at Honolulu, Hawaii, on September 24, 1970, upon a proposed marketing agreement and a proposed marketing order regulating the handling of papayas grown in Hawaii. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The order, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order regulates the handling of papayas grown in the production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said order is limited in its application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of papayas grown in the production area which make necessary different terms and provisions applicable to different parts of such areas; and

(5) All handling of papayas grown in the production area, as defined in said order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this order effective upon publication in the FEDERAL REGISTER. The provisions of this order would authorize regulations to limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area. As soon as practicable after such effective time, and prior to imposition of regulations, it will be necessary for the Secretary to select members and their alternates for the Papaya Administrative Committee, the agency charged with local administration of the program, and to initiate and complete various actions of both organizational and regulatory natures including the formulation and promulgation of rules and regulations to govern operations of the committee under the program. Shipments of papayas normally extend throughout the calendar year, shipments are currently being made, and the period of seasonally heavy shipments is imminent. Hence, for the program to be of maximum benefit the order should be made effective on the earliest practicable date. The provisions of the order are well known to handlers of papayas since the public hearing held in connection with the order was completed on September 24, 1970, and the recommended decision and the Secretary's decision were published in the FEDERAL REGISTER on January 28, 1971 (36 F.R. 1341), and April 1, 1971 (36 F.R. 5995), respectively. Copies of the regulatory provisions of this order were made available to all interested parties; such provisions do not place any restrictions on handlers until regulations are issued thereunder and shipments of papayas occur, therefore, compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant thereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of fresh papayas grown in Hawaii, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the papayas covered by this order) who, during the period January 1, 1970, through December 31, 1970, handled not less than 50 percent of the volume of fresh papayas covered by this order; and

(2) The issuance of this order is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period January 1, 1970, through December 31, 1970, were engaged, within the production area specified in this order, in the production of fresh papayas for market, such producers having also produced for market at least two-thirds of the volume of fresh papayas represented in such referendum.

It is, therefore ordered, That, on and after the effective date hereof, all handling of papayas grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of this order; and such terms and conditions are as follows:

DEFINITIONS

§ 928.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may thereafter be delegated, to act in his stead.

§ 928.2 Act.

"Act" means public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (46 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 928.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 928.4 Papayas.

"Papayas" means any and all varieties of papayas grown in the production area.

§ 928.5 Production area.

"Production area" means the State of Hawaii.

§ 928.6 Fiscal year.

"Fiscal year" means the 12-month period beginning January 1 of each year, or such other period that may be approved by the Secretary pursuant to a recommendation by the committee: *Provided,* That the initial fiscal year shall begin on the effective date of this part.

§ 928.7 Committee.

"Committee" means the Papaya Administrative Committee established pursuant to § 928.20.

§ 928.8 Grower.

"Grower" is synonymous with "producer" and means any person who produces papayas for market, and who has a proprietary interest therein.

§ 928.9 Handler.

"Handler" is synonymous with "shipper" and means any person (except a common or contract carrier transporting papayas owned by another person) who handles papayas in fresh form or causes papayas to be handled.

§ 928.10 Handle.

"Handle" or "ship" are synonymous and mean to sell, consign, deliver, or transport papayas or cause papayas to be sold, consigned, delivered, or transported within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include: (a) The sale of papayas on the tree; (b) the transportation of papayas from the location where grown to a packinghouse within the production area for the purpose or having such papayas prepared for market; or (c) the sale of papayas at retail by a person in his capacity as a retailer.

§ 928.11 District.

"District" means the applicable one of the following described subdivisions of the production area, or such other subdivisions as may be prescribed pursuant to § 928.31(n):

(a) District 1 shall include the island of Hawaii.

(b) District 2 shall include the county of Maui which consists of the islands of Maui, Molokai, Lanai, and Kahoolawe, and Kalawao County.

(c) District 3 shall include the county of Kauai which consists of the islands of Kauai and Niihau.

(d) District 4 shall include the county of Honolulu which includes all of the island of Oahu.

§ 928.12 Export.

"Export" means to ship papayas to any point outside the State of Hawaii.

ADMINISTRATIVE BODY

§ 928.20 Establishment and membership.

There is hereby established a Papaya Administrative Committee consisting of thirteen (13) members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Ten (10) of the members and their respective alternates shall be growers and are referred to as "growers" members of the committee. Seven of the ten grower members and their respective alternates shall be producers of papayas in District 1, one grower member and his alternate shall be producers of papayas in District 2, one grower member and his alternate shall be producers of papayas in District 3, and one grower member and his alternate shall be producers of papayas in District 4. No grower organization shall be permitted to have more than three (3) members on the committee. The three (3) handler members and their respective alternates shall be selected from the production area at large. No handler organization shall be permitted to have more than (1) handler member on the committee.

§ 928.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning January 1 and ending on the second succeeding December 31 or such other dates as the Secretary may establish pursuant to a recommendation of the committee: *Provided,* That the term of office of the initial members and their alternates shall end December 31, 1972. Members and alternates members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

§ 928.22 Nomination.

(a) *Initial members.* Nominations for each of the initial members of the committee, together with nominations for the initial alternate members for each position, may be submitted to the Secretary by individual growers and handlers. Such nomination may be made by means of a meeting of handlers, and group meetings of growers concerned in each district. Such nominations, if made, shall be filed with the Secretary no later than the effective date of this part. In the event nominations for the initial members are not filed pursuant to, and within the time specified in this section, the Secretary may select such initial members and alternate members without regard to nominations, but selection shall be on the basis of the representation provided for in § 928.23.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than November 15 of each even numbered year, separate meetings of growers in each district and a meeting of handlers for the purpose of designating nominees for successor members and alternate member of the committee, which shall be publicized and open to all growers and handlers. At each grower meeting, a chairman and a secretary shall be selected by growers eligible to participate therein. The chairman shall announce at the meeting the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a complete report concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary. At each handler meeting, a chairman and a secretary may be selected by the handlers eligible to participate therein. If a chairman is elected he shall announce the number of votes cast for each person nominated for member or alternate member and shall submit promptly to the committee a report concerning such meeting. If a chairman is not elected some person shall be designated to file a report with the committee concerning such meeting. The committee shall, in turn, promptly submit a copy of each such report to the Secretary.

(2) Only growers, including duly authorized officers or employees of growers, who are present at such nomination meetings may participate in the nomination and election of nominees for grower members and their alternates. Each grower shall be entitled to cast only one vote for each nominee to be elected in the district in which he produces papayas. No grower shall participate in the election of nominees in more than one district in any one fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

(3) Only handlers, including duly authorized officers or employees of handlers, who are present at such nomination meetings may participate in the nomination and election of nominees for handler members and their alternates. Each handler shall be entitled to cast only one vote, which vote shall be weighted by the volume of papayas handled by such handler during the then current fiscal year. If a person is both a grower and a handler of papayas, such person may vote either as a grower or as a handler but not as both.

§ 928.23 Selection.

(a) *Initial members.* From the nominations made pursuant to § 928.22(a), or from other qualified persons, the Secretary shall select the initial members of the committee and an alternate for each such member on the basis of the representation provided for in § 928.20.

(b) *Successor members.* From the nominations made pursuant to § 928.22, or from other qualified persons, the Secretary shall select the 10 grower members of the committee, the three handler members of the committee, and an alternate for each such member.

§ 928.24 Failure to nominate.

If nominations are not made within the time and in the manner prescribed in § 928.22 the Secretary may, without regard to nominations, select the members and alternate members of the committee on the basis of the representation provided for in § 928.20.

§ 928.25 Acceptance.

Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 928.26 Vacancies.

To fill any vacancy occasioned by the failure of any person selected as a member or as an alternate of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any member or alternate member of the committee, a successor for the unexpired term of such member or alternate member of the committee shall be nominated and selected in the manner specified in §§ 928.22 and 928.23. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of representation provided for in § 928.20.

§ 928.27 Alternate members.

An alternate member of the committee, during the absence or at the request of the member for whom he is an alternate, shall act in the place and stead of such member and perform such other duties as assigned. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor for such member is selected and has qualified.

§ 928.30 Powers.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part;

(c) To make and adopt rules and regulations to effectuate the terms and provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 928.31 Duties.

The committee shall have, among others, the following duties:

(a) To select a chairman and such other officers as may be necessary, and to define the duties of such officers; and to select sub-committees, advisory committees or other committees and define the duties of each;

(b) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the compensation and to define the duties and procedures of each;

(c) To submit to the Secretary prior to each fiscal year a budget for such fiscal year, including a report in explanation of the items appearing therein and a recommendation as to the rate of assessment for such fiscal year;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the committee and which shall be subject to examination by the Secretary;

(e) To prepare a statement of the financial operations of the committee and to make copies of each such statement available to growers and handlers for examination at the office of the committee;

(f) To require adequate fidelity bonds for all persons handling funds;

(g) To cause its books to be audited by a competent public accountant at least once each fiscal year, and at such other times as the Secretary may request;

(h) To act as intermediary between the Secretary and any grower or handler;

(i) To provide an adequate system for estimating the total season crop of papayas and to make such determinations, as it may deem necessary, or as may be prescribed by the Secretary, in connection with the administration of this part;

(j) To investigate the growing, handling, and marketing conditions with respect to papayas, and to assemble data in connection therewith;

(k) To engage in such research relating to the determination of maturity and grade standards for papayas as may be approved by the Secretary;

(l) To submit to the Secretary such available information, including verified reports, as he may request;

(m) To notify producers and handlers of meetings of the committee to consider recommendations for regulation;

(n) To investigate compliance with the provisions of this part; and

(o) With the approval of the Secretary to redefine the districts into which the production area is divided, and to reapportion the representation of any district on the committee: *Provided*, That any such changes shall reflect, insofar as practicable, shifts in papaya production within the districts and the production area.

§ 928.32 Procedure.

(a) A majority of the committee, including alternates acting for members, shall constitute a quorum; and any action of the committee shall require at least seven concurring votes;

(b) The committee may vote by telegraph, telephone, or other means of communication, and any vote so cast shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

(c) All meetings of the committee held for the purpose of formulating a marketing policy, for formulating recommendations for regulations, or for consideration of matters pertaining to production research, marketing research and development projects, including paid advertising shall be open to the growers and handlers. The committee shall give notice to each grower and handler who has requested such notice and has filed his name and address with the committee.

§ 928.33 Expenses and compensation.

The members of the committee and alternates when acting as members, or when requested by the committee to attend a committee meeting or to perform another committee function, may be reimbursed for expenses necessarily incurred by them in the performance of their duties under this part.

§ 928.34 Annual report.

The committee may, as soon as practicable after the end of the fiscal year, prepare and mail an annual report to the Secretary and make a copy available to each handler and grower who requests a copy of the report. This annual report shall contain at least: (a) A complete review of the regulatory operations during the fiscal year; (b) an appraisal of the effect of such regulatory operations upon the papaya industry; and (c) any recommendations for changes in the program.

Expenses and Assessments

§ 928.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning and to enble it to exercise its powers and perform its duties in accordance with the provisions of this part during each fiscal year. The funds to cover such expenses shall be acquired by the levying of assessments as prescribed in § 928.41.

§ 928.41 Assessments.

(a) Each person who first handles papayas shall, with respect to the papayas so handled by him, pay to the committee upon demand such person's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee during each fiscal year. Each such person's share of such expenses shall be equal to the ratio between the total quantity of papayas handled by him as the first handler thereof during the applicable fiscal year and the total quantity of papayas so handled by all persons during the same fiscal year. The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) The Secretary shall fix the rate of assessment to be paid by each such person. At any time during or after the fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such expenses shall be applied to all papayas handled during the applicable fiscal year. In order to provide funds for the administration of the provisions of this part during the first part of a fiscal year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose. If a handler does not pay his assessment within the time prescribed by the committee, the unpaid assessment may be subject to an interest charge at rates prescribed by the committee, with the approval of the Secretary.

§ 928.42 Accounting.

(a) If, at the end of a fiscal year the assessments collected are in excess of expenses incurred, such expenses shall be accounted for as follows:

(1) Except as provided in subparagraphs (2) and (3) of this paragraph, each person entitled to a proportionate refund of any excess assessment shall be credited with such refund against the operation of the following fiscal year unless such person demands payment thereof, in which event it shall be paid to him: *Provided*, That any sum paid by a person in excess of this pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years, an operating monetary reserve in an amount not to exceed approximately 1 fiscal year's operational expense. Upon approval by the Secretary, funds in such reserve shall be available for use by the committee for all expenses pursuant to § 928.40.

(3) Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided*, That to the extent practical, such funds will be returned pro rata to the persons from whom such funds were collected.

(b) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part and shall be accounted for in the manner provided in this part. The Secretary may at any time require the committee and its members to account for all receipts and disbursements.

(c) Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds in his possession to his successor in office and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor full title to all of the property, funds and claims vested in such member pursuant to this part.

Research

§ 928.45 Production research, marketing research and development.

(a) The committee, with the approval of the Secretary may establish or provide for the establishment of production research, marketing research, and development projects designed to assist, improve, or promote the production, marketing, distribution, and consumption of papayas. Such projects may provide for any form of marketing promotion including paid advertising. The expense of such projects shall be paid by funds collected pursuant to § 928.41.

(b) In recommending projects pursuant to this section, the committee shall give consideration to the following factors:

(1) The expected supply of papayas in relation to market requirements;

(2) The supply situation among competing areas and commodities;

(3) The need for production or marketing research with respect to any production or marketing development activity.

(c) If the committee should conclude that a program of production or marketing research or development should be undertaken or continued pursuant to this section in any fiscal year, it shall submit the following for the approval of the Secretary:

(1) Its recommendation as to funds to be obtained pursuant to the applicable provisions of this part and the rate of assessment required to obtain such funds;

(2) Its recommendation as to any production research or marketing research projects; and

(3) Its recommendation as to promotion activity and paid advertising.

Regulation

§ 928.50 Marketing policy.

(a) Each season prior to making any recommendations pursuant to § 928.51, the committee shall submit to the Secretary a report setting forth its marketing policy for the season. Such marketing policy report shall contain information relative to:

(1) The estimated total production of papayas within the production area;

(2) The estimated utilization of the crop, showing the quantity and percentages of the crop expected to be marketed through fresh fruit channels within the State of Hawaii, within the continent of North America, and within the balance of the markets of the world; and showing the quantity and percent of the crop expected to be marketed through byproduct channels, together with quantities otherwise to be disposed of;

(3) Available supplies of competitive papayas in all producing areas of the United States and other competitive producing areas;

(4) Trend and level of consumer income;

(5) Other factors having a bearing on the marketing of papayas; and

(6) The type of regulations expected to be recommended during the season.

(b) In the event that it becomes advisable to substantially modify such marketing policy the committee shall submit to the Secretary a revised marketing policy setting forth the information as required in this section. The committee shall transmit a copy of each marketing policy report or revision thereof to the Secretary. Copies of all such reports shall be maintained in the office of the committee where they shall be available for examination by growers and handlers. The committee shall announce the contents of each marketing policy report, including each revised marketing policy report.

§ 928.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of papayas in the manner provided in § 928.52 it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply and demand for papayas during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.

§ 928.52 Issuance of regulations.

(a) The Secretary shall regulate, in the manner specified in this section, the handling of papayas whenever he finds, from the recommendations and information submitted by the committee, or from other available information, that such regulation will tend to effectuate the declared policy of the act. Such regulation may:

(1) Limit, during any period or periods, the shipment of any particular grade, size, quality, maturity, or pack, or any combination thereof, of any variety or varieties of papayas grown in the production area;

(2) Limit the shipment of papayas by establishing, in term of grades, sizes, or both, minimum standards of quality and maturity during any period when season average prices are expected to exceed the parity level;

(3) Fix the size, capacity, weight, dimension, or pack of the container, or containers, which may be used in the packaging or handling of papayas;

(4) Prescribe requirements, as provided in this paragraph, applicable to exports of any variety of papayas which are different from those applicable to the handling of the same variety to other destinations.

(b) The committee shall be informed immediately of any such regulation issued by the Secretary, and the committee shall promptly give notice thereof, to growers and handlers.

§ 928.53 Modification, suspension, or termination of regulations.

(a) In the event the committee at any time finds that, by reason of changed conditions, any regulations issued pursuant to § 928.52 should be modified, suspended, or terminated, it shall so recommend to the Secretary.

(b) Whenever the Secretary finds from the recommendation and information submitted by the committee or from other available information, that a regulation should be modified, suspended, or terminated with respect to any or all shipments of papayas in order to effectuate the declared policy of the act, he shall modify, suspend, or terminate such regulation. On the same basis and in like manner the Secretary may terminate any such modification or suspension.

§ 928.54 Special purpose and minimum quantity shipments.

(a) Except as otherwise provided in this section, any person may, without regard to the provisions of §§ 928.41, 928.52, 928.53 and 928.55, and the regulations issued thereunder, handle papayas (1) for consumption by charitable institutions; (2) for distribution by relief agencies; or (3) for commercial processing into products.

(b) Upon the basis of recommendations and information submitted by the committee, or from other available information, the Secretary may relieve from any or all requirements under or established pursuant to §§ 928.41, 928.52, 928.53, and 928.55, the handling of papayas in such minimum quantities, in such types of shipments, or for such specified purposes (including shipments to facilitate the conduct of marketing research and development projects established pursuant to § 928.45) as the committee, with the approval of the Secretary, may prescribe.

(c) The committee shall, with the approval of the Secretary, prescribe such rules, regulations, and safeguards as it may deem necessary to assure compliance with this section. Such rules, regulations, and safeguards may include the requirements that handlers shall file applications and receive approval from the committee for authorization to handle papayas pursuant to this section, and that such application be accompanied by certification by the intended purchaser or receiver that the papayas will not be used for any purpose not authorized by this section.

§ 928.55 Inspection and certification.

(a) Whenever the handling of any variety of papayas is regulated pursuant to § 928.52 or § 928.53, each handler who handles papayas shall, prior thereto, cause such papayas to be inspected by the Federal or Federal-State Inspection Service, and certified by it as meeting the applicable requirements of such regulation: *Provided*, That inspection and certification shall be required for papayas which previously have been so inspected and certified only if such papayas have been regraded, resorted, repackaged, or in any other way further prepared for market. Promptly after inspection and certification, each such handler shall submit or cause to be submitted to the committee a copy of the certificate of inspection issued with respect to such papayas.

(b) The committee may enter into an agreement with the inspection agency with respect to the costs of inspection required by paragraph (a) of this section, and may collect from handlers their respective pro rata shares of such costs.

Reports

§ 928.60 Reports.

(a) Upon request of the committee, made with the approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, reports of papayas received and disposed of and such other information as may be necessary for the committee to perform its duties under this part.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers are authorized, subject to the prohibition of disclosure of individual handler's identities or operations.

(c) Each handler shall maintain for at least 2 succeeding fiscal years such records of the papayas received and of papayas disposed of by such handler as may be necessary to verify reports pursuant to this section.

(d) Verification of reports: For the purpose of assuring compliance and checking and verifying the reports filed by handlers, the Secretary and the Committee, through its duly authorized agents, shall have access to any fumises where applicable records are maintained, where papayas are handled, and, at any time during reasonable business hours, shall be permitted to inspect such handlers' premises and any and all records of such handlers with respect to matters within the purview of this part.

MISCELLANEOUS PROVISIONS

§ 928.61 Compliance.

Except as provided in this part, no person shall handle papayas, the shipment of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle papayas except in conformity with the provisions and the regulations issued under this part.

§ 928.62 Right of the Secretary.

The members of the committee (including successors and alternates), and any agents, employees, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance thereon or in accordance therewith prior to such disapproval by the Secretary.

§ 928.63 Effective time.

The provisions of this part and of any amendments thereto shall become effective at such time as the Secretary may declare above his signature, and shall continue in force until terminated in one of the ways specified in § 928.64.

§ 928.64 Termination.

(a) The Secretary may at any time terminate the provisions of this part by giving at least 1 day's notice by means of a press release or in any other manner in which he may determine.

(b) The Secretary shall terminate or suspend the operation of any and all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this part at the end of any fiscal year whenever he finds by a referendum or otherwise that continuance is not favored by the majority of producers who, during a representative period determined by the Secretary, were engaged in the production area in the production of papayas for market: *Provided*, That such majority has produced for market during such period more than 50 percent of the volume of papayas produced in the production area; but such termination shall be effective only if announced on or before December 15 of the then current fiscal year.

(d) Upon recommendation of the committee, received not later than October 1 of an even-numbered year, the Secretary shall conduct a referendum prior to December 1 of such year to ascertain whether continuance of this part is favored by the growers.

(e) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 928.65 Proceedings after termination.

(a) Upon the termination of the provisions of this part, the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination.

(b) The said trustees shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (3) upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person, full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 928.66 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this part or any regulation issued under this part, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any violation.

§ 928.67 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.

§ 928.68 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 928.69 Derogation.

Nothing contained in the provisions of this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 928.70 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee, or agent, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 928.71 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

Issued at Washington, D.C., this 12th day of May 1971, to become effective upon publication in the FEDERAL REGISTER (5–15–71).

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–6834 Filed 5–14–71;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Dry Edible Bean Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Dry Edible Bean Loan and Purchase Program

Correction

In F.R. Doc. 71–6177 appearing at page 8291 in the issue of Tuesday, May 4, 1971, the basic county support rate for "Area V—Washington" reading "5.67" under § 1421.143(a) should read "5.97".

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–558]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(7) relating to the State of North Carolina, subdivision (v) relating to Duplin County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Duplin County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area. No areas in Duplin County, N.C., remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 11th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71–6835 Filed 5–14–71;8:50 am]

[Docket No. 71–559]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(7) relating to the State of North Carolina, subdivision (v) relating to Greene County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes a portion of Greene County, N.C., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded area.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C. this 11th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71–6836 Filed 5–14–71;8:51 am]

[Docket No. 71–560]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(7) relating to the State of North Carolina, a new subdivision (ix) relating to Bladen and Pender Counties is added to read:

(7) *North Carolina.* * * *

(ix) The adjacent portions of Bladen and Pender Counties bounded by a line beginning at the junction of State Highway 53 and Secondary Road 1539 in Bladen County; thence, following State Highway 53 in an easterly direction to State Highway 210; thence, following State Highway 210 in a generally northerly direction to Secondary Road 1550; thence, following Secondary Road 1550 in a southeasterly direction to the Black River; thence, following the west bank of the Black River in a generally southeasterly direction to State Highway 210 in Pender County; thence, following State Highway 210 in a southwesterly direction to Secondary Road 1103; thence, following Secondary Road 1103 in a southeasterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a southwesterly; then northwesterly direction to Secondary Road 1105; thence, following Secondary Road 1105 in a southwesterly direction to Secondary Road 1539 in Bladen County; thence, following Secondary Road 1539 in a northwesterly direction to its junction with State Highway 53.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines portions of Bladen and Pender Counties in North Carolina, because of the existence of hog cholera. This action is deemed necessary to prevent further spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portions of such counties.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6837 Filed 5-14-71;8:51 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter III—Bureau of International Commerce, Department of Commerce

SUBCHAPTER B—EXPORT REGULATIONS

[22d Gen. Rev. of the Export Regs., Amdt. 22]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Parts 371, 374, and 376 of the Code of Federal Regulations are amended as set forth below.

(Sec. 3, 63 Stat. 7; 50 U.S.C. App. 2023; E.O. 10945, 26 F.R. 4487, 3 CFR 1959-1963 Comp.; E.O. 11038, 27 F.R. 7003, 3 CFR 1959-1963 Comp.)

Effective date: May 7, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

PART 371—GENERAL LICENSES

1. In § 371.9 the introductory text of paragraph (a)(1) and paragraph (b)(1) and (3) are amended to read as follows:

§ 371.9 General license ship stores.

(a) *Scope.* * * *

(1) The commodities listed below may be exported, subject to the conditions set forth in paragraph (b) of this section, for use or consumption on board a vessel of any registry, during the outgoing and immediate return voyage, except a vessel registered in, owned or controlled by, or under charter or lease to North Vietnam, North Korea, or Cuba or a national of any of these countries.

* * * * *

(b) *Restrictions on petroleum and petroleum products*—(1) *North Vietnam and North Korea.* No export of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (4) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at a port under the control of North Vietnam or North Korea during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at a port under the control of North Vietnam or North Korea within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days any commodities known by the owner, master, or agent to be destined, directly or indirectly, to these ports, unless the commodities are covered by an export license issued by an agency of the U.S. Government; or (iv) meets the registery restrictions in subparagraph (3) of this paragraph.

* * * * *

(3) *Registry restrictions.* No export of petroleum or petroleum products (including those used as bunker fuel) listed in subparagraph (4) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States, for use on board such vessel, if the vessel is registered in, owned or controlled by, or under charter or lease to North Vietnam or North Korea or a national of these countries. No such export may be made on a foreign vessel, regardless of tonnage, if the vessel is registered in, owned or controlled by, or under charter or lease to a Cuban national.

* * * * *

2. In § 371.10 the introductory text of paragraph (a)(1) and paragraph (b) are amended to read as follows:

§ 371.10 General license plane stores.

(a) *Scope.* * * *

(1) The following commodities may be exported subject to the conditions set forth in paragraph (b) of this section, for use or consumption on board an aircraft of any registry, during the outgoing and immediate return flight, except an aircraft registered in, owned or controlled by, or under charter or lease to North Vietnam or North Korea or a national of these countries.

* * * * *

(b) *Restrictions on petroleum and petroleum products for use on aircraft.* No export of petroleum or petroleum products (including those used as fuel) listed in § 371.9(b)(4) may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft, if the aircraft (1) has called at any point under the control of North Vietnam or North Korea during the 30 days immediately preceding the date on which such commodities are to be taken aboard the aircraft, (2) will call at any point under the control of North Vietnam or North Korea control within 30 days after the date such commodities are laden aboard the aircraft, (3) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to any point under the control of North Vietnam or North Korea, unless the commodities so carried are covered by an export license issued by an agency of the U.S. Government, or (4) is registered in, owned or controlled by, or under charter or lease to North Vietnam or North Korea or a national of these countries.

PART 374—REEXPORTS

3. In § 374.2, paragraph (a) is amended to read as follows:

§ 374.2 Permissive reexports.

* * * * *

(a) Reexports of any commodity that at the time of reexport:

(1) May be exported directly from the United States to the new country of destination under General License G-DEST or GTE;

(2) Are valued at an amount that does not exceed the GLV value on the Commodity Control List for the new country of destination; or

(3) May be supplied under General License Ship Stores or Plane Stores to a vessel or aircraft under the same registry, ownership, control, lease, or charter when such carrier is departing from a U.S. port; except that the equipment and spare parts described in §§ 371.9(a)(2) and 371.10(a)(2) of this subchapter may not be included in such reexport.

* * * * *

PART 376—SPECIAL COMMODITY POLICIES AND PROVISIONS

4. In § 376.9(c), subparagraph (4) is amended to read as follows:

§ 376.9 Ship stores, plane stores, supplies, and equipment.

* * * * *

(c) *Exports of petroleum and petroleum products, including bunker fuel, for use on vessels and aircraft departing from the United States.* * * *

(4) *Commodity description and ports of call*—(i) *Ports visited.* In addition to a description of the commodities to be exported, list for each of the carrier's calls at any point under the control of North Vietnam or North Korea within 180 days prior to the date of application (or 30 days in the case of aircraft), the dates of each call, and a statement, or a copy of the manifest, showing the cargo loaded or discharged. (If the carrier was in ballast, so state.)

(ii) *Proposed ports of call.* Also submit the carrier's proposed calls at any point under the control of North Vietnam or North Korea for the next 120 days in the case of vessels (30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States. If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to future destinations and areas of operation shall be submitted. If the carrier (*a*) will call at a point under the control of North Vietnam or North Korea within the next 120 days in the case of vessels (30 days in the case of aircraft) from the date of departure, or (*b*) is registered in North Vietnam, North Korea, or Cuba, or (*c*) is under charter to, or under control of, a national of a state whether any commodities identified by

the code letter "A," "B," "C," or "M" following the Export Control Commodity Number on the Commodity Control List (§ 399.1 of this subchapter), included on the U.S. Munitions List (see Supplement No. 2 to Part 370 of this subchapter), or subject to the Atomic Energy Act (§ 370.10(e) of this subchapter) are carried on board the vessel or aircraft and destined directly or indirectly to any point under the control of North Vietnam or North Korea. If the answer is in the affirmative, indicate where such commodities will be discharged.

* * * * *

[FR Doc.71-6805 Filed 5-14-71;8:48 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5147, 34-9164, 35-17121, 39-293, IC-6512, IAA-285]

PART 201—RULES OF PRACTICE

Suspension or Disbarment From Appearance or Practice Before the Commission

The Securities and Exchange Commission has amended Rule 2(e) of the Commission's rules of practice, 17 CFR 201.2(e), to provide for the suspension from appearing or practicing before it of any attorney, accountant, engineer, or other professional or expert who by name (1) has been permanently enjoined by any court of competent jurisdiction by reason of his misconduct in an action brought by the Commission from violating or aiding and abetting the violation of any provision of the federal securities laws (15 U.S.C. secs. 77a to 80b-20) or the rules and regulations adopted by the Commission thereunder, or (2) has been found by any court of competent jurisdiction in an action brought by the Commission to which he is a party, or by this Commission in any administrative proceeding to which such person is a party, to have violated or to have aided and abetted the violation of any such provision, rule or regulation, unless the violation was expressly found not to have been willful. Under the amendment, a temporary suspension effected by order of the Commission will become permanent after 30 days unless a petition to lift the suspension is filed within that time; when a petition is filed, the Commission may lift the suspension or, after prompt opportunity for hearing, may censure the petitioner or may temporarily or permanently suspend him from appearing or practicing before the Commission. In any hearing that may be conducted, after the Commission's staff has demonstrated that an injunction has been entered or findings have been made, which make the amendment applicable, the burden will be upon the petitioner to show cause why he should not be censured or temporarily or permanently disqualified, and he will not be permitted to litigate factual questions that he litigated or, but for his consent, might have litigated in the earlier judicial or administrative proceeding. Moreover, a person will be presumed to have been enjoined by reason of misconduct alleged in the complaint where he has consented to entry of an injunction without making any admission.

In Securities Act Release No. 5088[1] the Commission gave notice that it had under consideration a proposal to amend Rule 2(e) to restrict practice before the Commission by persons found to have violated or to have participated in violations of the securities laws and by persons who have been permanently enjoined from violating the securities laws, whether or not a finding of past violation has been made; public coment on the proposal was invited.[2] After review of the comments received and after reconsideration of the question when and how suspension of professionals and experts should be effected, the Commission has decided to adopt the amendment in a form somewhat different from that originally proposed.

As noted above, under the amendment adopted today a permanent injunction against securities-laws violations or a finding of securities-laws violations will provide a basis upon which the Commission may initiate proceedings to censure or temporarily or permanently disqualify an attorney, accountant, engineer, or other professional or expert from appearing and practicing before the Commission. For this purpose no distinction will be made between injunctions and findings which have been contested and those which have been entered upon consent. Consequently, it will be incumbent upon any person who may be affected by the amended Rule who does not wish to waive a hearing on the question of misconduct to avail himself of the opportunity for hearing provided in the action or proceeding in which a securities-laws injunction has been sought or in which securities-laws violations have for other purposes been alleged; the Commission will afford a hearing only to consider mitigating or other factors why neither censure nor temporary or permanent disqualification should be imposed.

The rule applies only to attorneys, accountants, engineers, and other professionals or experts who are "by name" enjoined or the subject of a finding and not to partnerships (or corporations) of which they might be members, although a firm may itself be enjoined "by name" and thus come within the terms of the rule. Partners of a disqualified individual may not permit such person to participate to any extent in matters coming before the Commission, to participate in profits from their Commission business or to hold himself out as entitled to practice before the Commission. Partners and associates of a disqualified firm, of course, may not practice before the Commission so long as they remain members of or associated with the firm.

The amendment also adds a new subparagraph (4) to Rule 2(e), relating to applications for reinstatement. The provisions formerly contained in subparagraph (2)(ii), which afford a hearing to persons suspended by operation of what is now subparagraph (2) (formerly subparagraph (2)(i)), have in a slightly modified form, been joined with a new provision relating to applications with respect to suspensions under subparagraph (1) and new subparagraph (3), which permits a hearing before the Commission on the question of reinstatement only in the Commission's discretion.

The overall purpose of the new amendment is to prevent situations in which the investing public places its trust in, or reliance upon, attorneys, accountants, engineers, and other professionals or experts who have demonstrated an unwillingness or inability to comply with the requirements of the Federal securities laws, while assuring that such professionals and experts will have a fair opportunity to show why the interests of the investing public will not materially be jeopardized if they are permitted to continue to appear and practice before the Commission.

The new amendments are contained in subparagraphs designated (3), (4), and (7) of Rule 2(e); the subparagraphs of the Rule that were previously designated as subparagraphs (3) and (4) have been renumbered as subparagraphs (5) and (6).

Commission action. Pursuant to authority contained in section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940 and section 211 of the Investment Advisers Act of 1940, the Securities and Exchange Commission hereby amends paragraph (e) of § 201.2 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

§ 201.2 Appearance and practice before the Commission.

* * * * *

(e) *Suspension and disbarment.* (1) The Commission may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to any person who is found by the Commission after notice of and opportunity for hearing in the matter (i) not to possess the requisite qualifications to represent others, or (ii) to be lacking in character or integrity or to have engaged in unethical or improper professional conduct, or (iii) to have willfully violated, or willfully aided and abetted the violation of any provision of the Federal securities laws (15 U.S.C. secs. 77a to 80b–20), or the rules and regulations thereunder.

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[1] Issued also as Securities Exchange Act Release No. 8983, Public Utility Holding Company Act Release No. 16836, Trust Indenture Act Release No. 280, Investment Company Act Release No. 6192, and Investment Advisers Act Release No. 273 (35 F.R. 15440, Oct. 3, 1970).

[2] In addition to giving notice of these further amendments, in Securities Act Release No. 5088 the Commission also amended Rule 2(e) to provide for the automatic suspension from appearance or practice before the Commission of any person who (1) has had his license to practice suspended or revoked by any State, Territory, District, Commonwealth, or Possession or (2) has been convicted of any felony, or misdemeanor involving moral turpitude, or (3) has been suspended or disbarred by a court of the United States or in any State, Territory, District, Commonwealth, or Possession.

(2) Any attorney who has been suspended or disbarred by a Court of the United States or in any State, Territory, District, Commonwealth, or Possession, or any person whose license to practice as an accountant, engineer or other expert has been revoked or suspended in any State, Territory, District, Commonwealth, or Possession, or any person who has been convicted of a felony, or of a misdemeanor involving moral turpitude, shall be forthwith suspended from appearing or practicing before the Commission. A disbarment, suspension, revocation or conviction within the meaning of this subparagraph (2) shall be deemed to have occurred when the disbarring, suspending, revoking or convicting agency or tribunal enters its judgment or order, regardless of whether appeal is pending or could be taken, and includes a judgment or order on a plea of nolo contendere.

(3)(i) The Commission, with due regard to the public interest and without preliminary hearing, may by order temporarily suspend from appearing or practicing before it any attorney, accountant, engineer, or other professional or expert who, on or after July 1, 1971, has been by name:

(*a*) Permanently enjoined by any court of competent jurisdiction by reason of his misconduct in an action brought by the Commission from violation or aiding and abetting the violation of any provision of the Federal securities laws (15 U.S.C. secs. 77a to 80b–20) or of the rules and regulations thereunder; or

(*b*) Found by any court of competent jurisdiction in an action brought by the Commission to which he is a party or found by this Commission in any administrative proceeding to which he is a party to have violated or aided and abetted the violation of any provision of the Federal securities laws (15 U.S.C. secs. 77a to 80b–20) or of the rules and regulations thereunder (unless the violation was found not to have been willful).

An order of temporary suspension shall become effective when served by certified or registered mail directed to the last known business or residence address of the person involved. No order of temporary suspension shall be entered by the Commission pursuant to this subdivision (i) more than three months after the final judgment or order entered in a judicial or administrative proceeding described in (*a*) or (*b*) of this subdivision (i) has become effective upon completion of review or appeal procedures or because further review or appeal procedures are no longer available.

(ii) Any person temporarily suspended from appearing and practicing before the Commission in accordance with subdivision (i) of this subparagraph (3) may, within thirty days after service upon him of the order of temporary suspension, petition the Commission to lift the temporary suspension. If no petition has been received by the Commission within 30 days after service of the order by mail the suspension shall become permanent.

(iii) Within 30 days after the filing of a petition in accordance with subdivision (ii) of this subparagraph (3), the Commission shall either lift the temporary suspension or set the matter down for hearing at a time and place to be designated by the Commission or both, and after opportunity for hearing, may censure the petitioner or may disqualify the petitioner from appearing or practicing before the Commission for a period of time or permanently. In every case in which the temporary suspension has not been lifted, every hearing held and other action taken pursuant to this subparagraph (3) shall be expedited in every way consistent with the Commission's other responsibilities.

(iv) In any hearing held on a petition filed in accordance with subdivision (ii) of this subparagraph (3), the staff of the Commission shall show either that the petitioner has been enjoined as described in subdivision (i)(*a*) of this subparagraph or that the petitioner has been found to have committed or aided and abetted violations as described in subdivision (i)(*b*) of this subparagraph and that showing, without more, may be the basis for censure or disqualification; that showing having been made, the burden shall be upon the petitioner to show cause why he should not be censured or temporarily or permanently disqualified from appearing and practicing before the Commission. In any such hearing the petitioner shall not be heard to contest any findings made against him or facts admitted by him in the judicial or administrative proceeding upon which the proceeding under this subparagraph (3) is predicated, as provided in subdivision (i) of this subparagraph. A person who has consented to the entry of a permanent injunction as described in subdivision (i)(*a*) of this subparagraph (3) without admitting the facts set forth in the complaint shall be presumed for all purposes under this subparagraph (3) to have been enjoined by reason of the misconduct alleged in the complaint.

(4) (i) An application for reinstatement of a person permanently suspended or disqualified under subparagraph (1) or (3) of this paragraph (e) may be made at any time, and the applicant may, in the Commission's discretion, be afforded a hearing; however, the suspension or disqualification shall continue unless and until the applicant has been reinstated by the Commission for good cause shown.

(ii) Any person suspended under subparagraph (2) of this paragraph (e) shall be reinstated by the Commission, upon appropriate application, if all the grounds for application of the provisions of that subparagraph are subsequently removed by a reversal of the conviction or termination of the suspension, disbarment or revocation. An application for reinstatement on any other grounds by any person suspended under subparagraph (2) of this paragraph (e) may be filed at any time and the applicant shall be accorded an opportunity for a hearing in the matter; however, such suspension shall continue unless and until the applicant has been reinstated by order of the Commission for good cause shown.

(5) Any person appearing or practicing before the Commission who has been the subject of an order, judgment, decree, or finding as set forth above shall promptly file with the Secretary of the Commission a copy thereof (together with any related opinion or statement of the agency or tribunal involved). Failure to file any such paper shall not impair the operation of any other provision of this paragraph (e).

(6) Any proceeding brought under any of the above subparagraphs shall not preclude a proceeding under any other subparagraph.

(7) All hearings held under this paragraph (e) shall be nonpublic unless the Commission on its own motion or the request of a party otherwise directs.

* * * * *

The foregoing revision of Rule 2(e) of the Commission's rules of practice is adopted pursuant to section 23(a) of the Securities Exchange Act of 1934, 15 U.S.C. section 78w(a), which provides in pertinent part that the Commission shall have "power to make such rules and regulations as may be necessary for the execution of the functions invested in [it] * * * by this title." Similar power to make and amend rules and regulations is contained in the other statutes administered by the Commission. See, section 19(a) of the Securities Act of 1933, 15 U.S.C. section 77s(a), section 38(a) of the Investment Company Act of 1940, 15 U.S.C. section 80a–37(a). The foregoing action shall be effective on July 1, 1971.

(Sec. 19(a), 48 Stat. 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b–11)

By the Commission, May 10, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6815 Filed 5-14-71;8:49 am]

[Releases Nos. 33-5145, 34-9151]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

Size of Type Used in Prospectuses and Other Documents

The Securities and Exchange Commission has adopted certain amendments to its rules under the Securities Act of 1933 and the Securities Exchange Act of 1934. Notice of the proposed amendments was published November 23, 1970, in Securities Act Release No. 5112 (35 F.R. 18679) together with a statement of the reasons for the proposed action.

The amendments provide that notes to financial statements and other tabular data shall be set forth in 10-point type, which is the size of type prescribed for the body of prospectuses, proxy statements and other documents filed with the Commission or sent to security holders. The amendments leave unchanged the provision that financial statements and other tabular data, including tabular data in notes, may be set forth in 8-point type.

It should be noted that the amended rules require that printed material filed with the Commission or sent to security holders pursuant to the Commission's rules must be in type at least as large and as legible as roman (not italic), modern type of the size specified. Thus the rules do not specify a particular type face so long as the one used meets the standards set forth in the rules. This enables issuers to choose from a variety of type faces in deciding which one to use for a particular type of document.

The following rules are the ones affected by the amendments:

Rule 256(d) of Regulation A (17 CFR 230.256(d)) under the Securities Act of 1933 establishes requirements for the size of type to be used in printed offering circulars filed with the Commission pursuant to the provisions of that regulation.

Rule 420 (17 CFR 230.420) under the Securities Act of 1933 specifies the size of type to be used in printed prospectuses relating to securities registered under that Act.

Rule 12b–12(c) of Regulation 12B (17 CFR 240.12b–12(c)) under the Securities Exchange Act of 1934 specifies the size of type to be used in printed registration statements and reports filed pursuant to section 12, 13, or 15(d) of that Act.

Rule 14a–3(b) of Regulation 14A (17 CFR 240.14a–3(b)) under the Securities Exchange Act of 1934 specifies the requirements for financial statements included in the annual reports required to be sent to security holders pursuant to that rule.

Rule 14a–5(d) of Regulation 14A (17 CFR 240.14a–5(d)) and Rule 14c–4(c) of Regulation 14C (17 CFR 240.14c–14(c)) specify the size of the type to be used in proxy and information statements filed pursuant to those regulations.

Commission action. Parts 230 and 240 of Chapter II of Title 17 of the Code of Federal Regulations have been amended as indicated below:

I. Paragraph (d) of § 230.256 is amended to read as follows:

§ 230.256 Filing and use of the offering circular.

* * * * *

(d) The offering circular may be printed, mimeographed, lithographed, or typewritten or prepared by any similar process which will result in clearly legible copies. If printed, the body of the offering circular and all notes to financial statements and other tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be set in type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

* * * * *

II. Section 230.420 is amended to read as follows:

§ 230.420 Legibility of prospectuses.

The body of all printed prospectuses and all notes to financial statements and other tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

III. Paragraph (c) of § 240.12b–12 is amended to read as follows:

§ 240.12b–12 Requirements as to paper, printing, and language.

* * * * *

(c) The body of all printed statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

* * * * *

IV. Paragraph (b)(1) of § 240.14a–3 is amended to read as follows:

§ 240.14a–3 Information to be furnished to security holders.

* * * * *

(b) If the solicitation is made on behalf of the management of the issuer and relates to an annual meeting of security holders at which directors are to be elected, each proxy statement furnished pursuant to paragraph (a) of this section shall be accompanied or preceded by an annual report to such security holders as follows:

(1) The report shall contain, in comparative columar form, such financial statements for the last 2 fiscal years, prepared on a consistent basis, as will in the opinion of the management adequately reflect the financial position of the issuer at the end of each such year and the results of operations for each such year: *Provided, however,* That investment companies registered under the Investment Company Act of 1940 need include such financial statements only for the last fiscal year. Consolidated financial statements of the issuer and its subsidiaries shall be included in the report if they are necessary to reflect adequately the financial position and results of operations of the issuer and its subsidiaries, but in such case the individual statements of the issuer may be omitted even though they are required to be included in reports to the Commission. Such financial statements, other than the notes thereto, shall be in roman type at least as large and as legible as 8-point modern type. All notes to such financial statements shall be in roman type at least as large and as legible as 10-point modern type. All such type shall be leaded at least 2 points. The Commission may upon the request of the issuer, permit the omission of financial statements for the earlier of such 2 fiscal years upon a showing of good cause therefor.

* * * * *

V. Paragraph (d) of § 240.14a–5 is amended to read as follows:

§ 240.14a–5 Presentation of information in proxy statement.

* * * * *

(d) All printed proxy statements shall be in roman type at least as large and as legible as 10-point modern type, except that to the extent necessary for convenient presentation financial statements and other tabular data, but not the notes thereto, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leading at least 2 points.

VI. Paragraph (c) of § 240.14c–4 is amended to read as follows:

§ 240.14c–4 Presentation of information in information statement.

* * * * *

(c) All printed information statements shall be in roman type at least as large and as legible as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other tabular data, but not the notes thereto, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

The foregoing action has been taken pursuant to the Securities Act of 1933, particularly sections 6, 7, 10, and 19(a) thereof, and the Securities Exchange Act of 1934, particularly sections 12, 13, 14, 15(d), and 23(a) thereof.

The foregoing action shall be effective with respect to any of the abovementioned printed matter filed with the Commission or sent to security holders on or after July 1, 1971.

(Secs. 6, 7, 10, 19(a), 48 Stat. 78, 81, 85; secs. 205, 209, 48 Stat. 906, 908; sec. 8, 68 Stat. 685, 15 U.S.C. 77f, 77g, 77j, 77s(a); secs. 12, 13, 14, 15(d), 23(a), 48 Stat. 892, 894, 895, 901; sec. 203(a), 49 Stat. 704; secs. 1, 3, 8, 49 Stat. 1375, 1377, 1379; sec. 2, 52 Stat. 1075; sec. 202, 68 Stat. 686; sec. 3, 4, 5, 6, 10, 78 Stat. 565, 569, 570, 580; secs. 1, 2, 3, 82 Stat. 454, 456; secs. 1, 2, 3, 4, 5, Public Law 91-567, 15 U.S.C. 78*l*, 78m, 78n, 78o(d), 78w(a))

By the Commission, April 30, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6816 Filed 5-14-71;8:49 am]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 1—CLAIMS FOR COMPENSATION AND ADMINISTRATIVE PROCEDURE

PART 2—FURNISHING OF MEDICAL TREATMENT

Miscellaneous Amendments

Parts 1 and 2 of Subchapter B of Title 20, Code of Federal Regulations, are hereby amended in the manner indicated below.

The provisions of 5 U.S.C. 553 which require notice of proposed rule making, opportunity for public participation, and delay in the effective date are not applicable because these rules relate to agency personnel matters. Further, I do not believe such procedures would serve a useful purpose here. Accordingly, the amendments shall become effective immediately.

The provisions of these Parts 1 and 2 are issued under section 32, 39 Stat. 749, as amended; 5 U.S.C. 8145, 8149; 1946 Reorg. Plan No. 2, section 3, 3 CFR 1943-1948 Comp., page 1064; 60 Stat. 1095; 1950 Reorg. Plan No. 19, section 1, 3 CFR, 1949-1953 Comp., page 1010; 64 Stat. 1271.

Title 20, Code of Federal Regulations, is amended as follows:

1. Paragraph (c) of § 1.1 is revised and a new paragraph (f) is added to said section as follows:

§ 1.1 General provisions; definitions.

* * * * *

(c) All employees of the United States and other persons who may claim or be entitled to claim benefits under the said act, and the official superiors of all such persons, shall be bound by the regulations in this subchapter and shall conform to the procedure prescribed in said act and in the regulations under this subchapter. The term "official superior," as used in this subchapter, includes all officers and employees having responsible supervision, direction or control of civil employees, others employed in the service of the Federal Government or the government of the District of Columbia, and other persons performing service for the United States within the purview of said act and all acts in amendments, substitution or extension thereof. For the purposes of the regulations in this subchapter the term "employee" as used in this subchapter shall include all civil officers and employees of all branches of the Government of the United States (including officers and employees of instrumentalities of the United States wholly owned by the United States), employees of the government of the District of Columbia (except members of the Police and Fire Departments of the District of Columbia), members of the Reserve Officers' Training Corps, an individual appointed to the staff of a former President, Civil Air Patrol volunteers, Peace Corps volunteers, Job Corps enrollees, Youth Conservation Corps enrollees, Volunteers in Service to America, members of the National Teachers' Corps, members of the Neighborhood Youth Corps, student employees as defined in 5 U.S.C. 5351, employees of the Canal Zone and the Alaskan Railroad, law enforcement officers not employees of the United States killed or injured under certain circumstances involving a crime against the United States, and other persons performing service for the United States within the purview of said act and all acts in amendments, substitution or extension thereof.

* * * * *

(f) In the case of employees of the Canal Zone Government and the Panama Canal Company, the Federal Employees' Compensation Act is administered by the Governor of the Canal Zone; and inquiries pertaining to such coverage and eligibility should be directed to the Governor of the Canal Zone.

2. Section 1.2 is revised in heading and text as follows:

§ 1.2 Notice of injury.

(a) Whenever any injury is sustained by an employee of the United States while in the performance of his duty, he shall immediately give written notice to his official superior. If the injured employee is unable to give such notice, it may be given by someone in his behalf. Form CA-1 and 2 (Front), Employee's Notice of Injury and Occupational Disease, is provided by the Bureau for this purpose. Unless written notice of injury is given within 48 hours or unless the immediate superior has actual knowledge of the injury within that time, compensation may be refused. For reasonable cause the Bureau may accept written notice of injury given later than 48 hours, but not later than 1 year after the injury. (See § 1.13 for waiver of limitation provision.)

(b) Whenever such an injury comes to the knowledge of the injured employee's official superior, a record of the cause, nature, and extent of the injury shall be made by the official superior, who shall call to the attention of the employee or his immediate family (if the employee is unable to do so) the necessity of submitting, within 48 hours, or as soon after injury as practicable, a Notice of Injury or Occupational Disease on Form CA-1 and 2 (Front). The official superior shall complete the receipt on the bottom of the instruction sheet attached to the Form CA-1 and 2, and give the receipt to the employee. He also shall secure the signed statements of witnesses to the occurrence and shall retain the Form CA-1 and 2 until the injury is reported to the Bureau as required in § 1.3.

3. Section 1.3 is revised in heading and text as follows:

§ 1.3 Reports by official superiors and physicians.

(a) The official superior is required to promptly submit to the Bureau a written report of every injury or occupational disease when it is likely to (1) result in a medical charge against the Bureau, (2) result in disability for work beyond the day of injury, (3) require prolonged treatment, (4) result in future disability, or (5) result in permanent disability. Form CA-1 and 2 (Back), Official Superior's Report of Injury, is provided for this purpose. The report may be withheld until the employee returns to work when it appears he will not be absent for more than 3 days. The official superior shall also furnish the Bureau with a report of any investigation made and any other statements or data which may properly relate to the circumstances of the injury. If the injury need not be reported to the Bureau, the Form CA-1 and 2 shall be retained as a permanent record in the employee's personnel folder.

(b) In all cases reported, the Bureau shall be furnished with an immediate medical report from the attending physician. This report may be made: (1) On Part B of Form CA-16, Revised; (2) on Form CA-20, Attending Physician's Report; or (3) by narrative report on the physician's letterhead stationery.

(c) Other reports shall be submitted by the official superior and attending physician as described elsewhere in this part or at other times as may be required by the Bureau.

4. Section 1.4 is revised as follows:

§ 1.4 Claim for compensation for disability.

(a) Compensation for disability will not be paid unless written claim therefor is made by the employee or by someone in his behalf within the time limit prescribed by the Act. If such claim is not submitted within 60 days after the injury, an explanation of the delay must accompany the claim. For any reasonable cause shown the Bureau may allow claim for compensation for disability to be made at any time within 1 year. (For further waiver of limitation provision see § 1.13.) For purposes of this subsection, a claim means any written document containing, or purporting to contain, words indicating an intent to claim compensation benefits under this Act. Claim may be filed by delivering it to the offices of the Bureau, or to any person designated by the Bureau to receive it. The employee's official superior is so designated to receive claims on behalf of the Bureau, and the injured employee should submit his claim to him for transmission to the Bureau unless special circumstances require a different procedure.

(b) Notwithstanding the filing of any document provided for by paragraph (a) of this section, no disability compensation shall be payable unless the employee completes the front of a Form CA-4 and submits it to his official superior. The employee and his official superior shall complete the Form CA-4. The official superior also shall complete items 1-4 on the front of the attached Form CA-20 and insert the appropriate Bureau office address on the back thereof, and then detach the Form CA-20 and send it to the attending physician for completion and submission to the Bureau. The official superior shall promptly forward the completed Form CA-4 to the appropriate Bureau office. Unless otherwise specified, the appropriate Bureau office is that to which the Form CA-1 and 2 was submitted pursuant to § 1.2 and 1.3.

(c) Whenever an employee, as a result of an injury in the performance of duty, is disabled with loss of pay for more than 3 days his official superior shall furnish to him Form CA-4 for the purpose of claiming compensation, and shall advise him of his rights under the Act.

(d) Claims for compensation for permanent disability which involve the loss, or loss of use, of a member or function of the body as listed in 5 U.S.C. 8107, shall be filed on Form CA-4 which the official superior shall furnish.

(e) Claims for serious disfigurement of the face, head, or neck shall be made on Form CA-4 (which shall be furnished by the official superior) and supplemented by Form CA-4B (which shall be furnished by the Bureau). If any compensation has been paid or is payable for any such prior disfigurement the date of such prior injury, the amount of compensation and the source thereof shall be stated in the said CA-4, or as supplemented by Form CA-4B.

(f) Form CA-4 shall be filed with the Bureau upon termination of disability if the duration of disability should be less than 10 days, or at the expiration of 10 days from the date pay stops if disability continues beyond that date.

(g) A valid claim for disability compensation may be filed within the time limit specified by the Act by someone acting on behalf of the employee or his estate.

(h) An employee may decide to take sick and/or annual leave in order to avoid possible interruption of income. If he does and his claim for compensation on Form CA-4 is subsequently approved, he may arrange with his employing establishment to "buy back" the leave used and have it reinstated to his account. The compensation to which he is entitled would pay a part of the "buy back" cost and the employee would have to pay the balance. The amount the employee will be required to pay will depend on several factors such as length of the period of disability and the amount of Federal income tax which is withheld from his leave pay. The establishment can help the employee determine how much the "buy back" cost will be in his case. If an employee uses leave and decides to buy it back, he may file a claim for compensation on Form CA-4 while still in leave status. In the interim, the Bureau will consider and resolve any points at issue. No compensation payments may be paid, however, while the employee is still in leave status. Arrangements to "buy back" leave must be made with the employing establishment. The establishment may make arrangements to have compensation paid directly to its account for the part of the "buy back" cost which is covered.

5. Paragraph (a) of § 1.5 is revised as follows:

§ 1.5 Application for augmented compensation for disability.

(a) While the disabled employee has one or more dependents as defined in 5 U.S.C. 8110, his basic compensation for disability shall be augmented as provided in said section. The Bureau's Form CA-4 includes an application for such augmented compensation.

* * * * *

6. Section 1.6 is revised as follows:

§ 1.6 Report of termination of disability or return to work.

In all cases reported to the Bureau the official superior is required to notify the Bureau immediately when the injured employee returns to work or when his disability ceases. Form CA-3, Report of Termination of Total or Partial Disability, is provided for this purpose. It shall be used unless a report of termination of disability is made to the Bureau on Form CA-1 and 2, or CA-4, or in some other manner.

7. Section 1.7 is revised as follows:

§ 1.7 Recurrence of disability for work.

(a) The official superior shall notify the Bureau if, after the employee returns to work, the same injury causes him to stop work again. This report shall be made on Form CA-2a, Notice of Recurrence of Disability. If the injured employee does not return to duty prior to the date this form is submitted to the Bureau, an additional report shall be made on Form CA-3 or in a similar manner when he either returns to work or his disability ceases.

(b) If the employee wishes to claim compensation as a result of the recurrence, a Form CA-4 is required, whether or not one was submitted following the original injury. All parts of the Form CA-4, plus a medical report on Form CA-20 (or in narrative form), must be completed.

8. Section 1.8 is revised in heading and text as follows:

§ 1.8 Claims for continued compensation for disability.

Form CA-8, Claim for Continuance of Compensation on Account of Disability, is provided to claim compensation for additional periods of time after Form CA-4 is submitted to the Bureau. While disability continues, claim on this form shall be submitted every 2 weeks until the employee is otherwise instructed by the Bureau. The injured employee shall complete and sign the face of the form and his attending physician shall complete the medical certificate on the reverse side of the form. The form must then be delivered to the official superior who will complete the Certificate of Employee's Official Superior which also appears on the reverse side of the form. The form shall then be sent to the Bureau.

9. Section 1.10 is revised as follows:

§ 1.10 Affidavit or report by employee of employment and earnings.

The Bureau may require a partially disabled employee to submit an affidavit or other report as to his earnings either from employment or self-employment. If such individual, when required, fails to submit such affidavit or report or if in such affidavit or report the employee knowingly omits or understates any part of such earnings or remuneration he shall forfeit his right to compensation with respect to any period for which such affidavit or report was required to be made, and any compensation already paid may be recovered by deducting the amount thereof from compensation payable to him or otherwise according to law. Earnings from employment referred to in this section or elsewhere in this part means gross earnings or wages before any deductions whatsoever have been taken out of such wages, and include the value of subsistence, quarters, or other advantages received in kind as part of the wage or remuneration.

10. Section 1.12 is revised as follows:

§ 1.12 Report of death.

When an employee dies because of a personal injury sustained while in the performance of duty or disease contracted as a result of the employment, the official superior shall immediately report the fact to the Bureau by telegraph or telephone. Also, the official superior shall promptly send the Bureau a Report of Death on Form CA-3 (see lower portion of that form). This shall be accompanied by the Official Superior's Report of Injury on Form CA-1 and 2 (Back) if that report was not previously submitted. The official superior shall also complete items 1 through 6 on the front of Form CA-1 and 2 to insure identification of the decedent.

§ 1.20 [Revoked]

11. Section 1.20 is revoked in its entirety.

12. Section 2.1 is revised as follows:

§ 2.1 Medical treatment, hospital services, transportation, etc.

(a) All medical services, appliances, drugs, and supplies which in the opinion of the Bureau of Employees' Compensation (hereinafter referred to as the Bureau) are necessary for treatment of an injury as provided by 5 U.S.C. 8103 shall be furnished to employees of the United States and to others entitled by law to medical and other benefits by or upon the order of U.S. medical officers and hospitals, when available and practicable, for injuries sustained while in the performance of duty, including diseases proximately caused by the conditions of employment, whether resulting in loss of time or not, as well as the necessary means of transportation incident to the securing of such services, appliances, drugs, and supplies. An injured employee will be furnished transportation or be reimbursed for transportation expense, and shall be reimbursed for expenses incident to the securing of services, appliances and supplies necessary in the treatment of an injury related condition, when authorized by the Bureau or by his official superior. If there should be no U.S. medical officer or hospital available, medical services shall be furnished by private physicians designated by the Bureau.

(b) The Bureau's Pamphlet BEC–576, Medical Facilities, lists the U.S. medical officers and hospitals and designated physicians normally available for the care of BEC beneficiaries. Also, the medical facilities of the Army, Navy, Air Force, and Veterans Administration may be used when previous arrangements have been made on a case-by-case basis with the director of the hospital or clinic.

(c) Federal health service units or other occupational health service facilities established under the provisions of the Act of August 8, 1946, as amended (5 U.S.C. 7901), are not U.S. medical officers and hospitals as used in this part. Under criteria established by the Bureau of the Budget (now Office of Management and Budget) in Circular No. A–72 of June 18, 1965, these health service units or occupational health service facilities can only provide emergency diagnosis and first (initial) treatment of injury or illness that become necessary during working hours and that are within the competence of the professional staff and facilities of the health service unit or facility [see paragraph 4.a of OMB Circular]. Any other treatment and medical care by these units or facilities in instances of injury or illness sustained in the performance of duty must be specifically authorized by a physician providing medical care under the specific authorization of the Bureau of Employees' Compensation [see paragraph 4.d of OMB Circular].

(d) In localities where there are no U.S. medical officers and hospitals available, or their use is not practicable, the injured employee shall be referred to one of the designated physicians in the locality as listed in Pamphlet BEC–576 (when authorizing the services of a designated physician the official superior shall give the injured employee an opportunity to select the designated physician to whom he wishes to be referred). In localities where U.S. medical officers and hospitals or designated physicians are not available or their use is not practicable, or in medical emergencies, any qualified physician in the area shall be authorized to provide medical care as appropriate. Mere convenience or personal preference of the injured employee may not be considered sufficient explanation for the selection of nondesignated physicians in those localities where U.S. medical officers and hospitals and/or designated physicians are available.

(e) The attending physician shall arrange for necessary hospital care at semiprivate rates (unless the nature of the case requires care in a private room), special nursing services, X-ray examinations, and consultations by specialists. In cases of an emergency nature or cases involving unusual circumstances the Bureau may in the exercise of its discretion authorize treatment otherwise than as provided for in this part, or it may approve payment for medical expenses incurred otherwise than as authorized in this part.

(f) The term "physician" includes surgeons and osteopathic physicians within the scope of their practice as defined by State law. Chiropractors, naturopaths, podiatrists (chiropodists), psychologists, optometrists, faith healers, and other practitioners of the healing arts are not recognized as physicians as used in this part.

(g) The term "medical, surgical, and hospital services and supplies" as used in this part includes services and supplies by osteopathic physicians and hospitals within the scope of their practice as defined by State law.

13. Section 2.2 is revised in heading and text as follows:

§ 2.2 Official authorization for treatment.

(a) When an employee sustains an injury by accident under circumstances entitling him to compensation or medical treatment, his official superior shall promptly issue to him a request for examination and/or treatment on Form CA–16. The employee shall carry the Form CA–16, where practical for him to do so, from his place of employment to the medical officer or physician. Form CA–16 shall be used solely for an injury sustained by accident. In all instances of disease or illness, the official superior shall contact the proper office of the Bureau for instructions on authorizing treatment. In emergency situations, the office should be contacted by telephone.

(b) An injured employee does not have authority to issue an authorization for examination and/or treatment on his own behalf.

14. Section 2.3 is revised in heading and text as follows:

§ 2.3 Emergency treatment.

In cases of injury by accident where emergency treatment is necessary any qualified local physician may render initial treatment. If oral authorization for such treatment is given by the official superior, Form CA–16 shall be issued within 48 hours thereafter. Animal bites and eye injuries are considered medical emergencies and medical care by the nearest qualified physician is permissible. Further treatment, is necessary, shall be obtained as soon as practicable from a U.S. medical officer or hospital or local designated physician, if available. It is the duty of the official superior to authorize initial medical treatment for acute injuries, exclusive of disease or illness, and to transfer the employee to the care of a local U.S. medical officer or hospital or designated physician, when available, for any subsequent treatment needed. If unable to comply promptly with this requirement, the official superior shall communicate with the appropriate district office of the Bureau for instructions.

15. Section 2.4 is revised as follows:

§ 2.4 Medical treatment for recurrence of disability.

If an injured employee complains of a recurrence of disability (whether or not he is disabled for work), after having recently been discharged from medical treatment, on account of an injury by accident recognized as compensable by the Bureau, under circumstances from which it may reasonably be inferred that such disability is the result of such injury, and the place of employment is the same as at the time of such injury, the official superior in his discretion may issue a Form CA–16 as provided by §§ 2.1 and 2.2: *Provided*, That not more than 6 months shall have elapsed since the final action of the Bureau upon the case. In any case in which the employee complains of a recurrence of disability with respect to which there may be doubt that the disability is the result of the injury or in any case in which the final action of the Bureau shall have been taken more than 6 months prior to complaint, the official superior shall communicate with the Bureau and request instructions, stating all of the pertinent facts in his communication. In all other cases the employee shall communicate with the Bureau and request such treatment.

16. Section 2.10 is revised as follows:

§ 2.10 Recording and submission of medical reports.

(a) Medical officers, designated physicians, other physicians and hospitals shall keep adequate records of all cases treated by them sufficient to supply the Bureau with a history of the employee's accident, the exact description, nature, location, and extent of injury, the X-ray findings if X-ray examination has been made, the nature of the treatment rendered, and the degree of impairment arising from the injury.

(b) Form CA–16 provides for the furnishing of the initial medical report. Form CA–20 may also be used for the initial report and for subsequent report. The medical report on the back of Form CA–8 is to be utilized in instances where continued compensation is claimed on such form. These reports shall be forwarded promptly to the Bureau.

(c) Detailed supplementary reports in narrative form shall be made by the physician at approximately monthly intervals in all cases of serious injury, especially injuries of the head and back, and including all cases requiring hospital treatment or prolonged care. The supplementary report shall show the date the employee was first examined or treated, the patient's complaint, the condition found on examination, the diagnosis, medical opinion as to any relationship between the impairment and the injury alleged, report as to any other impairments found not due to injury, the treatment given or recommended for the injury alleged, the extent of impairment affecting the employment as a result of the injury, the actual degree of loss of active or passive motion of an injured member, the amount of atrophy or deformity in a member, the decrease, if any, in strength, the disturbance of sensation, the prognosis for recovery, and all other material facts. If the services of a specialist are required in the examination or treatment of the employee, a report of his findings upon examination, his diagnosis, his opinion as to the relationship between the impairment and the injury, the medical rationale for his opinion, the treatment recommended by him, a statement of the extent of impairment as a result of the injury and the prognosis shall be forwarded to the Bureau for consideration in conjunction with other reports. The requirement of this section or of any section in this part with respect to the form of medical, dental, hospital or other reports may be waived by the Bureau.

(5 U.S.C. 8145, 8149)

Signed at Washington, D.C., this 11th day of May 1971.

JOHN M. EKEBERG,
Director,
Bureau of Employees' Compensation.

[FR Doc.71-6787 Filed 5-14-71;8:46 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

Use of Impact-Resistant Lenses in Eyeglasses and Sunglasses

In the FEDERAL REGISTER of October 2, 1970 (35 F.R. 15402), a notice was published in which the Commissioner of Food and Drugs proposed that Part 3 be amended by adding a statement of general policy regarding the use of impact-resistant lenses in eyeglasses and sunglasses. The notice provided for the filing of comments within 30 days, and this time period was extended to January 30, 1971, by a document published in the FEDERAL REGISTER of November 3, 1970 (35 F.R. 16937). An announcement was published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17116), advising interested parties that the effective date of the proposal when adopted would be December 31, 1971.

Comments were received from more than 600 representatives of the ophthalmic community and from interested individuals, principally as follows:

A. The American Committee on Optics and Visual Physiology, American Optometric Association, Defense Medical Material Board, Guild of Prescription Opticians of America, National Society for the Prevention of Blindness, Optical Wholesalers Association, Optical Manufacturers Association, and the Sunglass Association of America recommend jointly that:

1. Any heat-treating of prescription lenses to impart impact resistance should be permitted to be accomplished after all grinding, edging, and polishing is completed. This could be done in certain instances at the wholesale level and in certain instances at the retail level. It is presently technically impossible to accomplish such heat treating of prescription lenses at the manufacturing level. This is not the case with sunglasses and ready-made eyeglasses as the heat treating of these glasses is done at the manufacturing level.

2. Any FDA regulation should incorporate the American National Standards Institute standards, rather than set forth a specific test. By incorporating the American National Standards Institute's standards, FDA will permit the professions and industry to continue efforts to develop new and better materials and testing procedures to the benefit of the consuming public.

3. It is essential that the government, the ophthalmic professions, and industry insure that any regulation that may be promulgated does not imply to the public that impact-resistant lenses are shatter-proof, break-proof, or provide an unbreakable shield against eye injury.

B. In addition to the joint comments described under A above, the American Optometric Association commented that:

1. The proposed statement of policy should be modified to eliminate all aspects of the policy with respect to prescription eyewear dispensed by optometrists or physicians or dispensed on prescriptions written by optometrists or physicians.

2. Patients should not be deprived of the benefits of ordinary glass lenses, and optometrists should be permitted to prescribe them without any restrictions being imposed by FDA.

3. They agree that a lens should be as impact-resistant as possible. The FDA noted that only 25 percent of the prescription lenses being dispensed are plastic or heat-treated glass; the American Optometric Association believes that the trend toward a wider use of impact-resistant lenses needs to be encouraged. However, the American Optometric Association believes that a proper emphasis on safety can be achieved without governmental regulation on prescription lenses.

4. To accelerate the trend toward a wider use of impact-resistant lenses, the American Optometric Association proposes that dispensors of prescription spectacles certify to each patient the impact resistance level of the lenses supplied. Furthermore, to relieve optical laboratories and dispensing opticians of the responsibility of making decisions about impact resistance, the prescribing optometrist or ophthalmologist could specify the impact resistance level to be used in filling a prescription.

5. The American Optometric Association believes claims of serious eye injuries caused by prescription lens breakage are grossly exaggerated and that these allegations ignore the basic impact resistance protection provided by prescription lenses. Furthermore, they feel the claims of superiority of impact-resistant lenses over ordinary glass lenses are also exaggerated.

6. The American Optometric Association is concerned with the effect the proposed regulation would have on research and development of new lenses which could be superior to any existing impact-resistant lenses. More emphasis should be given to high priority programs for further development of spectacle lenses with optimum impact resistance. Research and development is urgently needed in procedures for testing impact-resistant lenses with emphasis on protection against primary missiles to which eyes are exposed and which can produce injury.

C. In addition to the joint comments described under A above, the Sunglass Association of America, Inc., commented that:

1. There are three primary factors influencing the resistance of glass lenses to impact: Glass formulation, heat treating, and thickness. Much work has been done by manufacturers to increase the effectiveness of the first two. Recent developments have increased the effectiveness of the first two. Recent developments have increased the effectiveness of heat treating. This enables plano lenses 1.2–1.7 millimeters thick to withstand an impact which a lens 2 millimeters thick, treated by methods which are not as effective, could not withstand. Thus, a minimum thickness requirement would prevent the use of a superior lens by limiting one of the variable factors in impact resistance without considering the ultimate impact resistance of the lens. It is submitted that, if impact resistance is to be regulated, it should be done in a manner which will permit the manufacturer to achieve the necessary degree of impact resistance by any means possible, whether it be by glass formulation, by heat-treating, or by thickness.

2. As many prescription and nonprescription lenses differ markedly in the extent to which heat treating effects their resistance to impact and in their production, marketing, and use, it is strongly urged that prescription and

nonprescription lenses be treated as separate products for the purposes of any Federal regulation.

3. To provide a basis for an informed decision on a regulation in this area, additional studies are needed on the nature and cause of eye injuries as well as on the ability of various lenses to prevent them.

4. Additional factors which must be considered in any decision on regulations to be adopted are the cost to the consumer and the results of an increase in cost.

D. In addition to the joint comments described under A above, the National Society for the Prevention of Blindness, Inc., commented that:

1. They are of the opinion that the Food and Drug Administration proposal is one of the most important advances in the promotion of eye safety to date.

2. The finalization of this proposal would definitely augment the reduction of eye injuries among the thousands of people in this country who wear prescription glasses or sunglasses.

E. The National Association of Optometrist and Opticians Inc., commented that:

1. There is a lack of available data in this field. They recommend that a full investigation be conducted before making a final decision.

2. The collective best interests of consumers would not seem to require that all of them need impact-resistant lenses.

F. The American Association of Ophthalmology commented that:

1. They are in accord with the concept of preventing eye injuries through the wearing of impact-resistant lenses, regardless of the type of lens material used to provide impact resistance.

2. Although preventable ocular injuries occur through the shattering of ordinary optical glass lenses, the true rate and incidence of ocular injuries to individuals wearing various types of lenses is unknown. The American Association of Ophthalmology is undertaking a survey of 9,500 ophthalmologists in the United States in an effort to provide the FDA with more valid statistics regarding the rate and incidence of ocular injuries than are presently available. Developing these statistics will require a period of several months.

3. In the event that the FDA should issue a regulation regarding impact-resistant lenses prior to receiving this information, the Association would recommend that eyeglasses and sunglasses delivered to the public be fitted with impact-resistant lenses made of any material which meets the definitions, specifications, test procedures, and tolerances for impact resistance and any exceptions provided for in the American National Standards Institute's industry standards, as amended, except in those cases where a physician prescribes otherwise.

G. The Committee on Conservation of Vision, Oregon Medical Association, commented that:

1. A person wearing a standard glass lens has more eye protection than a person with no lens at all.

2. The hazard of the standard glass lens as presented to FDA has apparently been grossly exaggerated.

3. Impact-resistant lenses are definitely indicated for many persons, and their increased use in appropriate circumstances should be encouraged.

4. Impact-resistant lenses do have serious disadvantages for some persons.

5. In overall use impact-resistant lenses cost much more than the simple cost of hardening a lens. For example, changing and reedging of the lens to fit another frame cannot be done on a tempered lens.

6. Plastic lens sources, at least in this area, are inadequate to handle the demand that would be required by this regulation.

7. If the need to improve eye safety demands action, there is as much reason to require all citizens to wear impact-resistant lenses as to require this of people who wear prescription glasses and sunglasses.

H. The Utah Optometric Association, Inc., commented that:

1. The public would have to understand that tempered lenses will still break.

2. Additional research needs to be done to see if injuries from eyeglasses can be avoided simply by heat treating lenses.

3. Visual care will be more expensive if this regulation is finalized.

4. The decision to use tempered or plastic lenses should be left to the discretion of the optometrist or physician and the patient involved.

I. New York State Optical Retailers Association, Inc., commented that:

1. All of the available scientific information indicates that heat-treated lenses offer inferior protection when contrasted with unhardened lenses. Although the lenses described in the proposed statement of policy must meet a performance test, there has been no demonstrated relationship between the ability of the lenses to withstand that test and their ability to offer protection against the more common missiles causing eye injury.

2. The data on the incidence of preventable traumatic eye injury is at best sparse and not subject to any scientific or statistical evaluation.

3. The Association raises the jurisdictional question as to whether the Food and Drug Administration has the statutory authority to proceed with the proposed statement of policy affecting the manufacture and sale of eyeglass lenses.

J. The National Research Council, Committee on Vision, commented that:

1. There are important gaps in our knowledge that must be filled before the safety characteristics of spectacle lenses intended for general use can be adequately specified. The committee therefore recommends strongly that research on this problem be supported.

2. More definitive data are needed on ocular injuries and lens breakage that injures eyes so that protection criteria can be made relevant to actual situations.

3. Determination of the validity of the dropped-ball test and ballistic test as a definition of the safety afforded by lenses is required and must necessarily parallel the understanding of failure characteristics of lenses as they vary with power, thickness, and curvature.

4. The committee recognizes that new materials and new technology may result in a lens which provides more ideal safety features for eyewear.

K. The Ophthalmic Optics Branch Committee of the European Federation of Optical and Precision Mechanics Industries commented that:

1. The committee agrees with the necessity of public protection but cannot agree with the requirements of the proposed statement of policy which specifies a minimum thickness of 2 millimeters for sunglass lenses. In the field of sunglass heat treatment, today's technology makes it possible to heat treat lenses less than 2 millimeters thick and still meet the required impact test.

2. It is essential that a sufficient period of time be allowed to dispose of existing inventories and to set up heat-treating equipment.

L. Letters endorsing the proposal were received from over 500 individuals, most of whom are engaged in occupations dealing with industrial or public safety.

M. Letters endorsing the proposal were received from 20 physicians including seven heads of Departments of Ophthalmology at medical schools and the editor of "American Journal of Ophthalmology."

N. Over 75 requests for an additional 1- to 5-year delay of the effective date were received primarily from individuals engaged in the manufacture or distribution of sunglasses.

The Commissioner of Food and Drugs, having considered the comments, finds that:

1. Examination of the available data on the safety characteristics of eyeglass and sunglass lenses serves only to illustrate the need for further research in this area. However, based on the weight of opinion expressed by the ophthalmic community, it is clear that requiring lenses to meet the standards of the impact resistance test as described in the proposal will afford greater protection to the average wearer of eyeglasses and sunglasses than is currently being provided.

2. The Food and Drug Administration's policy in this area is based on present American National Standards Institute specifications. It is intended that the policy will be appropriately revised in accordance with the Institute's standards when such standards are amended: *Provided*, That the amendments are in the best interest of the public.

3. The goal of this policy statement is to establish certain standards of performance. Therefore, we see no need for the establishment of a minimum thickness requirement as long as it can be demonstrated that the lenses will meet the impact resistance test described in the statement of policy. To accomplish this it will be necessary to subject each finished impact-resistant glass lens (including each impact-resistant laminated glass lens) for prescription use to the impact test. To demonstrate that all other types of impact-resistant lenses are capable of withstanding the impact test, the manufacturer of such lenses shall be required to subject to the impact test a statistically significant sampling of lenses from each production batch as set forth below in the statement of policy being added to Part 3 (21 CFR Part 3) by this order.

4. The proposed statement of policy has been revised:

(a) To include other methods of improving the impact resistance of glass as well as heat tempering.

(b) To include the weight of the ⅝-inch steel ball (approximately 0.56 ounce) to be used in the impact resistance test and to include a more detailed description of the test procedure.

(c) To permit the use of other methods of testing impact resistance, provided it can be shown that the alternate method is equal to or superior to the prescribed method.

(d) To eliminate the minimum thickness requirement.

(e) To include records and inspections provisions and lens production batch identification requirements.

5. The Food and Drug Administration recognizes the necessity of informing the public that impact-resistent lenses are not shatterproof or break-proof. The eyeglass wearer must be informed that impact-resistant lenses meeting the requirements of this statement of policy will afford him greater protection than is currently being provided but will not provide an unbreakable shield against eye injury. The Food and Drug Administration is requesting assistance from the ophthalmic community, the National Safety Council, and the National Society for the Prevention of Blindness in bringing this message to the public.

6. The Food and Drug Administration agrees that the ophthalmic community should take steps to accelerate the trend toward wider use of impact-resistant lenses. However the FDA does not agree that this can be accomplished effectively without the promulgation of this statement of policy. This proposal has already served to stimulate interest in the use of impact-resistant lenses and in the development of safer eyewear. The FDA believes that the finalization of the proposal will have a further stimulating effect.

7. The Food and Drug Administration recognizes the necessity for allowing an adequate amount of time for the industry to shift to impact-resistant lenses. The statement of policy provides for an adequate period of time to permit an orderly transition.

8. A public hearing on this proposal is unnecessary and would serve only to delay the implementation of this policy. Essentially all of the objectors agree with the basic concept of the proposal, i.e., the prevention of eye injuries through the wearing of impact-resistant lenses. The only issue is how best to assure the use of impact-resistant lenses. This statement of policy provides for a means of insuring a necessary measure of protection and will be revised when necessary to keep abreast with technological improvements.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502(j), 701(a), 52 Stat. 1051, 1055; 21 U.S.C. 352(j), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 3 is amended by adding thereto the following new section:

§ 3.84 Use of impact-resistant lenses in eyeglasses and sunglasses.

(a) Examination of data available on the frequency of eye injuries resulting from the shattering of ordinary crown glass lenses indicate that the use of such lenses constitutes an avoidable hazard to the eye of the wearer.

(b) The consensus of the ophthalmic community is that the number of eye injuries would be substantially reduced by the use in eyeglasses and sunglasses of either plastic lenses, heat-treated crown glass lenses, or lenses made impact-resistant by other methods.

(c) To protect the public more adequately from potential eye injury, eyeglasses and sunglasses must be fitted with impact-resistant lenses, except in those cases where the physician or optometrist finds that such lenses will not fulfill the visual requirements of the particular patient, directs in writing the use of other lenses, and gives written notification thereof to the patient.

(d) The physician or optometrist shall have the option of ordering heat-treated glass lenses, plastic lenses, laminated glass lenses, or glass lenses made impact resistant by other methods; however, all such lenses must be capable of withstanding an impact test in which a ⅝-inch steel ball weighing approximately 0.56 ounce is dropped from a height of 50 inches upon the horizontal upper surface of the lens. The ball shall strike within a ⅝-inch diameter circle located at the geometric center of the lens. The ball may be guided, but not restricted, in its fall by being dropped through a tube extending to within approximately 4 inches of the lens. In order to pass the test, the lens must not fracture (for the purpose of this section, a lens will be considered to have fractured if it cracks through its entire thickness and across a complete diameter into two or more separate pieces or if any lens material visible to the naked eye becomes detached from the ocular surface). The test shall be conducted with the lens supported by a tube (1-inch inside diameter, 1¼-inch outside diameter, and approximately 1-inch high) affixed to a rigid iron or steel base plate. The tube shall be made of rigid acrylic plastic, steel, or other suitable substance and shall have on the top edge a ⅛- by ⅛-inch neoprene gasket having a hardness of 40±5, as determined by ASTM Method D 1415; a minimum tensile strength of 1,200 pounds, as determined by ASTM Method D 412; and a minimum ultimate elongation of 400 percent, as determined by ASTM Method D 412. The diameter and/or contour of the lens support may be modified as necessary so that the ⅛- by ⅛-inch neoprene gasket supports the lens at its periphery. Each finished impact-resistant glass lens (including each impact-resistant laminated glass lens) for prescription use shall be subjected to the impact test prescribed by this paragraph. To demonstrate that all other types of impact-resistant lenses are capable of withstanding this impact test, the manufacturer of such lenses shall subject to the impact test a statistically significant sampling of lenses from each production batch, and the lenses so tested shall be representative of the finished forms as worn by the wearer (including finished forms that are of minimal lens thickness and that have been subjected to any treatment used to impart impact resistance). This statement of policy will be appropriately amended to provide for use of alternate methods of testing the impact resistance of lenses if it can be shown that the alternate method is equal to or superior to the method prescribed in this paragraph.

(e) In addition to the invoice(s) and shipping document(s), all packages and/or shipping containers of impact-resistant lenses, other than impact-resistant glass lenses (including impact-resistant laminated glass lenses) for prescription use, shall bear a code or mark in a form or manner that will permit future identification of any given production batch by the manufacturer.

(f) The manufacturer of the lenses shall make, keep, and maintain for 3 years records of sale, distribution, and the results of tests conducted in accordance with paragraph (d) of this section. The manufacturer shall make such records available upon request at all reasonable hours by any officer or employee of the Food and Drug Administration or by any other officer or employee acting on behalf of the Secretary of Health, Education, and Welfare and shall permit such officer or employee to inspect and copy such records, to make such inventories of stock as he deems necessary, and otherwise to check the correctness of such inventories.

(g) For the purpose of this section, the term "manufacturer" includes an importer for resale. Such importer may have the tests required by paragraph (d) of this section conducted in the country of origin; however, such importer of impact-resistant lenses is subject to and must comply with the records and inspections provisions of paragraph (f) of this section.

(h) The transition to impact-resistant lenses must start immediately and be completed as promptly as possible; however, to provide for the development of an adequate supply of impact-resistant lenses and to facilitate an orderly change over to these lenses, the effective date of this statement of policy will be December 31, 1971. After that date eyeglasses and sunglasses must be fitted with impact-resistant lenses, except when the physician or optometrist finds that impact-resistant lenses will not fulfill the visual requirements of a particular patient.

(i) This statement of policy does not apply to contact lenses.

(Secs. 502(j), 701(a). 52 Stat. 1051, 1055; 21 U.S.C. 352(j), 371(a))

Dated: May 11, 1971.

Charles C. Edwards,
Commissioner of Food and Drugs.

[FR Doc.71-6802 Filed 5-14-71;8:47 am]

Title 24—HOUSING AND HOUSING CREDIT

Subtitle A—Office of the Secretary, Department of Housing and Urban Development

PART 7—EQUAL EMPLOYMENT OPPORTUNITY; POLICY AND PROCEDURES

Appeals and Grievances

These amendments are made to conform Part 7 to amendments which the Civil Service Commission has promulgated to its Equal Opportunity regulations in 5 CFR Part 713 (35 F.R. 14917). The amendments to Part 7 provide that if an allegation of discrimination is made in the course of an appeal under Subpart B of 5 CFR Part 771—Administrative Appeals, it shall be processed under that subpart and appropriate Department procedures, and if an allegation of discrimination is made in the course of a grievance under Subpart C of 5 CFR Part 771—Employee Grievances, it shall be processed under Subpart A of Part 7 and HUD Handbook 771.2, Employee Grievances.

Since these amendments relate to Department personnel and procedures, notice and public procedure and a deferred effective date are unnecessary. These amendments shall therefore be made effective April 1, 1971, the effective date of the amendments to 5 CFR Part 713.

1. Section 7.33(a) is amended to read as follows:

§ 7.33 Acceptability.

(a) The EEO Officer shall determine whether the complaint comes within the purview of this subpart and shall advise the complainant and his representative in writing of the acceptance, rejection, or cancellation of his complaint. A complaint may be rejected, with the concurrence of the Director or Deputy Director of EEO, because it was not filed within the required time limits or because it is not within the purview of this subpart. It may be canceled because of a failure of the complainant to prosecute the complaint or because of a separation of the complainant from the Department for reasons not related to his complaint.

* * * * *

2. Section 7.37 is revised to read as follows:

§ 7.37 Relationship to other HUD appellate procedures.

(a) Except as provided in paragraphs (b) and (c) of this section, when a complainant makes a written allegation of discrimination because of race, color, religion, sex, or national origin in connection with an action that would otherwise be processed under the grievance or appeals procedure of the Department, the Department may process the allegation of discrimination under its grievance or appeals procedure when that procedure meets the prniciples and requirements in §§ 7.25 through 7.38. However, with regard to the issue of discrimination (as distinguished from other aspects of the action), the Director or Deputy Director of EEO shall make the decision of the Department as provided in § 7.39. That decision shall be incorporated in and become a part of the decision on the grievance or the appeal.

(b) An allegation of discrimination made in connection with an appeal under Subpart B of 5 CFR Part 771 and appropriate Department procedures shall be processed under that subpart and said procedures.

(c) An allegation of discrimination made in connection with a grievance under Subpart C of 5 CFR Part 771 and HUD Handbook 771.2, Employee Grievances, shall be processed under this subpart.

3. Section 7.38(a) is amended to read as follows:

§ 7.38 Avoidance of delay.

(a) The complaint shall be resolved promptly. To this end, both the complainant and the Department shall proceed with the complaint without undue delay so that the complaint is resolved, except in unusual circumstances, within 60 calendar days after its receipt by the appropriate EEO officer, exclusive of time spent in the processing of the complaint by the appeals examiner. When the complaint has not been resolved within this time limit, the complainant may appeal to the Civil Service Commission for a review of the reasons for the delay. Upon review of this appeal, the Commission may require the Department to take special measures to insure the prompt processing of the complaint, or the Commission may accept the appeal for consideration pursuant to §§ 7.45 through 7.49.

* * * * *

(Sec. 7(d), 79 Stat. 670; 42 U.S.C. 3535(d); E.O. 11478, Aug. 8, 1969, 34 F.R. 12985; 42 U.S.C. 2000e note; 5 CFR Part 713)

Effective date. These amendments are effective April 1, 1971.

George Romney,
Secretary of Housing and
Urban Development.

[FR Doc.71-6838 Filed 5-14-71;8:51 am]

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Correction

In F.R. Doc. 71-6362 appearing at page 8566 in the issue of Saturday, May 8, 1971, the "Effective date of identification of areas which have special flood hazards" for Treasure Island, Fla., now reading "June 27, 1971" should read "June 27, 1970".

Title 50—WILDLIFE AND FISHERIES

Chapter I—Bureau of Sport Fisheries and Wildlife, Fish and Wildlife Service, Department of the Interior

PART 32—HUNTING

Clarence Cannon National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on date of publication in the Federal Register (5-15-71).

§ 32.22 Special regulations; upland game; for individual wildlife refuge areas.

MISSOURI

CLARENCE CANNON NATIONAL WILDLIFE REFUGE

Public hunting of squirrels on the Clarence Cannon National Wildlife Refuge is permitted only on the area designated by signs as open to hunting. This open area, comprising 3,746 acres, is delineated on a map available from the refuge headquarters and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, MN 55111. Hunting shall be in accordance with all applicable State regulations concerning the hunting of squirrels subject to the following conditions:

(1) The open season for hunting squirrels on the refuge is from May 30, 1971, through September 30, 1971, inclusively.

The provision of this special regulation supplements the regulations which govern hunting on wildlife refuges generally, which are set forth in Title 50, Code of Federal Regulations, Part 32, and are effective through September 30, 1971.

James F. Gillett,
Refuge Manager, Clarence Cannon National Wildlife Refuge,
Annada, Mo.

May 10, 1971.

[FR Doc.71-6782 Filed 5-14-71;8:46 am]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER G—PROCUREMENT

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

Title 32, Chapter V, Subchapter G, is amended as follows:

PART 591—GENERAL PROVISIONS

1. Section 591.108 (a) through (d) are amended and new paragraphs (e) and (f) are added; § 591.108-50 is added; §§ 591.113 and 591.113-1(a) are revised; § 591.113-2 is added; in § 591.150(b)(7) an addressee is inserted; § 591.329-51 is added; §§ 591.330 and 591.330-6 are revoked; § 591.354 is added; §§ 591.402-50 (a), 591.403-52(e)(1), 591.403-54 (a) and (b), and 591.450-11(a) are amended; § 591.452-6(b) is revised; § 591.608-3 is added; §§ 591.1002 and 591.1002-6 are revoked; § 591.2100-5(c) (4) and (5) is revised and a new subparagraph (6) is added; in § 591.5102(b) (1) and (4) is amended; and the appendix to § 591.5102 is revoked in its entirety and revised, as follows:

§ 591.108 Departmental procurement instructions and ASPR and APP implementations.

(a) Heads of procuring activities, their subordinate commands or purchasing offices shall not issue regulations, directives, instructions (including SOP's), or implementations of ASPR and APP which repeat or paraphrase ASPR and APP coverage or which are intended to amplify, clarify, or interpret the coverage in ASPR and APP. Whenever improvements in coverage in ASPR and APP are deemed necessary, proposed amendments thereto shall be forwarded in accordance with § 591.105.

(b) Heads of procuring activities may publish implementations of ASPR and APP only to the extent that—

(1) ASPR or APP paragraphs by the wording therein require implementation at head of procuring activitiy level;

(2) Implementation is essential to performance of the assigned procurement mission and meets the criteria in § 1.108 (a) and (b) of this title.

(3) Implementations are identified as Procurement Instructions and are numbered in the 715 series;

(4) Section, part, and paragraph numbers are keyed to the ASPR or APP section, part, or paragraph being implemented; and

(5) Sections, parts, and paragraphs of ASPR or APP shall not be cited when there is no implementation thereof.

(c) The authority in paragraph (b) of this section shall extend to heads of procuring activities subordinate to Headquarters, U.S. Army Materiel Command, or Headquarters, U.S. Continental Army Command, only if approved by the appropriate Headquarters.

(d) Heads of procuring activities may publish procurement instructions of a temporary nature in Circulars numbered in the 715 series, provided the instructions meet the criteria in § 1.108 (a) and (b) of this title. Each circular shall indicate the date upon which it shall expire.

(e) Purchasing offices may issue SOP's for use within the purchasing office itself or within the installations/activities served by the purchasing office, provided the coverage in the SOP's is in accord with paragraph (a) of this section.

(f) Implementations and instructions referenced in paragraphs (b), (d), and (e) of this section are official publications of Department of the Army activities and shall be authenticated in accordance with instructions in AR 310-1.

§ 591.108-50 Distribution of HPA procurement instructions.

One copy of each procurement regulation, directive, instruction, circular, or other procurement publication issued by a head of procuring activity shall be forwarded at the time of issuance to the addressee in § 591.150(b)(6) (see § 591.150(d)).

§ 591.113 Standards of conduct.

§ 591.113-1 Government personnel.

(a) Purchasing offices shall retain a copy of AR 600-50 on file at all times and shall make the regulation readily available to individuals directly concerned with procurement. Installation/activity commanders shall take appropriate action to bring the standards of conduct to the attention of all personnel directly or indirectly concerned with any phase of procurement or related activities at least semiannually.

* * * * *

§ 591.113-2 Organizational conflicts of interest.

Contracting officers shall forward through the cognizant head of procuring activity to the addressee in § 591.150(b)(6) at time of issuance copies of all solicitation notices and clauses incorporated in contracts pursuant to § 1.113-2 of this title (see § 591.150(d)).

§ 591.150 Procurement channels and mailing addresses.

* * * * *

(b) * * *

(7) Chief of Engineers, Forrestal Building, Washington, DC 20314.

* * * * *

§ 591.329-1 Release of intelligence material to contractors.

AR 380-9(C) establishes Department of the Army policy and procedures with respect to release of intelligence material to contractors in support of Department of the Army programs.

§ 591.330 [Revoked]

§ 591.330-6 [Revoked]

§ 591.354 Procurements using nonappropriated funds.

(a) AR 230-1 prescribes the policies and procedures for making procurements using nonappropriated funds.

(b) Under the provisions of AR 230-1, the fund custodian is the contracting officer for the nonappropriated fund. However, any contracting officer appointed for the purpose of obligating appropriated funds [see § 591.405] may be appointed by the fund custodian as a nonappropriated fund contracting officer for the purpose of negotiating, awarding, and administering any nonappropriated fund contract or procurement transaction; provided, the installation commander approves the appointment, and the nonappropriated fund procurement workload will not interfere with or delay the accomplishment of appropriated fund procurements.

(c) Appropriated fund contracting officers generally will be appointed as nonappropriated fund contracting officers only for processing nonappropriated fund contracts or procurement transactions estimated to be $2,500 or more; however, nonappropriated fund contracts or procurement transactions estimated to be less than $2,500 may be processed by such contracting officers at the discretion of the installation commander.

(d) Appropriated fund contracting officers will provide advice and assistance to nonappropriated fund custodians for all nonappropriated fund procurements estimated to be in excess of $1,000.

§ 591.402-50 Responsibilities of contracting officers.

(a) A contracting officer has primary responsibility for—

(1) Knowing and observing the scope and limitations of his authority and not exceeding the authority conferred upon him;

(2) Safeguarding the interests of the United States in contractual relationships;

(3) Determining facts relating to contracts, where necessary;

(4) Maintaining vigilance to ensure that contractors fully comply with the terms of their contracts; and

(5) The legal, technical, and administrative sufficiency of any contract which he executes (§ 591.451).

* * * * *

§ 591.403-52 Review of contracts and modifications.

* * * * *

(e) * * *

(1) Contracts for utilities services (see § 591.450-6), contracts for employing personnel in Army dependent schools, contracts for contract surgeons, and modifications thereto;

* * * * *

§ 591.403-54 Departmental preaward review and secretarial notation.

(a) Proposed awards to be reviewed at Department of the Army level for notation by the office of the Assistant Secretary of the Army (Installations and Logistics) shall consist of— * * *

(b) Proposed awards to be reviewed at Department of the Army level for notation by the office of the Assistant Secretary of the Army (Research and Development) shall consist of— * * *

* * * * *

§ 591.450–11 Automatic data processing equipment (ADPE).

(a) In connection with the award of contracts for acquisition or use of ADPE, see § 3.1100 of this title, § 593.1100 of this chapter, and AR 18–1 and 18–2.

*   *   *   *   *

§ 591.452–6 Other individuals authorized to make purchases.

*   *   *   *   *

(b) Individuals in paragraph (a) (1) through (3) of this section shall prepare and submit information for procurement reporting purposes to the contracting officer in the manner specified by him.

§ 591.608–3 Addresses and copies of reports.

(a) When all of the information required by § 1.608–2 of this title is not immediately available, the report shall be prepared and forwarded with the information at hand. Failure to include in the initial report any of the items in § 1.608–2 of this title shall be explained. The additional information, any changes to information furnished, and information on all developments in the matter shall be promptly forwarded as it becomes available.

(b) Three complete copies of each report shall be forwarded to the addressee in § 591.150(b) (2) through procurement channels (see § 591.150(d)). Forwarding correspondence shall contain the recommendations of each successive echelon and shall be signed by one of the officials designated in § 591.150(c).

(c) The reports required by § 1.608 of this title are exempt from reports control under paragraph 7–2n, AR 335–15.

§ 591.1002 [Revoked]

§ 591.1002–6 [Revoked]

§ 591.2100–5 Approval.

*   *   *   *   *

(c) * * *

(4) A discussion of the appropriateness of conducting a "Should Cost" study;

(5) If procurement is to be sole source—

(i) A discussion of component breakout regardless of first time procurement or not, and

(ii) An impact statement should the plan be disapproved; and

(6) If procurement is not for a usable end item, explanation of how the other components will be acquired regardless of dollar value of contracts.

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§ 591.5102 Delegations of authority.

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(b) * * *

(1) SAOSA–71–1—Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals.

*   *   *   *   *

(4) SAOSA–71–6—Delegation of Authority to Lease Personal Property.

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APPENDIX TO § 591.5102 DELEGATIONS OF AUTHORITY

Ref. No.: SAOAS–71–1 NOVEMBER 5, 1970.

DELEGATION OF AUTHORITY TO APPROVE THE PUBLICATION OF ADVERTISEMENTS, NOTICES OR PROPOSALS

1. Pursuant to Title 5, United States Code, Section 302(b) (2), and Section IV Part 8 of the Armed Services Procurement Regulation, I hereby delegate, without authority to redelegate further except as stated below, the authority to approve the publication of advertisements, notices or proposals in newspapers, subject to the limitations in 44 United States Code 321, 322, and 324, to:

Heads of Procuring Activities with authority to redelegate to their Deputies, Principal Assistants Responsible for Procurement, or installation/activity commanders.
The Adjutant General.
Director of Civilian Personnel, U.S. Army.
Director of Personnel and Training, U.S. Army Material Command.
Chief, U.S. Army Audit Agency.
Chief, Personnel Administration, Office of the Chief of Engineers.
Commanding General, U.S. Army Recruiting Command.
Division Engineers, Corps of Engineers.
Commander, U.S. Army Safeguard System Evaluation Agency.

2. Procedures prescribed in Section IV Part 8 of the Armed Services Procurement Regulation shall be used in actions taken pursuant to this delegation of authority.

3. The foregoing delegation of authority becomes effective on December 1, 1970, and, as of that date, Delegation of Authority SAOAS–68–1, June 20, 1968, subject: Delegation of Authority to Approve the Publication of Advertisements, Notices or Proposals, is superseded without prejudice to any action taken pursuant thereto.

J. RONALD FOX,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS–67–2 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO LEASE QUARTERS

1. I consider that it is advantageous to the United States to lease quarters under the control of the Department of the Army, not for the time needed for the public use, and not excess property (as defined by Title 40, United States Code, Section 472), to the States for use as quarters for State-paid employees of the National Guard upon the terms stated in paragraph 3 below, which I consider will promote the national defense or be in the public interest.

2. Under Title 10, United States Code, Section 2667, I hereby delegate to the Chief of Engineers, with the authority to redelegate further, the authority to lease, by negotiation, quarters within the scope of the considerations in paragraph 1 above.

3. Each lease under this delegation:

a. May not be for more than 5 years;

b. Shall permit the Secretary of the Army to revoke the lease at any time;

c. Shall provide that the lessee will pay a fair monetary rental;

d. Shall provide that the leased property will be used only as quarters for State-paid employees of the National Guard employed at the installation at which the quarters are located;

e. Shall provide that the lessee will maintain the leased property in good condition and will return it at the expiration or termination of the lease in as good condition as that existing at the commencement thereof, or as subsequently improved under the terms of the lease, less ordinary wear and tear or within specified tolerance limits;

f. Shall provide that the lessee shall make no changes or alterations in the leased property except with the consent of the Government;

g. Shall provide that, if and to the extent that the leased property is later made taxable by State and local governments under an act of Congress, the lease shall be renegotiated; and

h. Shall recite that it is executed under the authority of Title 10, United States Code, Section 2667.

4. Leases of quarters not conforming to the above terms shall, prior to execution, be submitted to the Assistant Secretary of the Army (Installations and Logistics) for approval.

5. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E1A–63–2, July 12, 1962, subject: Delegation of Authority to Lease Quarters Pursuant to Title 10, United States Code, Section 2667, is superseded without prejudice to any action taken pursuant thereto:

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS–67–4 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO SETTLE PATENTS AND TECHNICAL INFORMATION CLAIMS

1. Under Section 606(b) of the Foreign Assistance Act of 1961 (75 Stat. 440; 22 U.S.C. 2356(b)) and Department of Defense Directive 2000.3, March 11, 1959, as amended, subject: International Interchange of Patent Rights and Technological Information, I hereby delegate to the Commanding Generals, U.S. Army Materiel Command and U.S. Army Strategic Communications Command, and to the Chief of Engineers, the authority to enter into agreements with claimants in full settlement and compromise of any claim against the United States under Section 606 (a) of the Foreign Assistance Act of 1961, subject to the requirements of Section IX, Army Procurement Procedure, and such other rules and regulations as higher echelons may promulgate from time to time.

2. The authority delegated in paragraph 1 may not be redelegated, except that the Commanding General, U.S. Army Materiel Command, may redelegate to the Commanders of his major subordinate commands only.

3. The foregoing delegation of authority becomes effective on 1 December 1966, and as of that date, Delegation of Authority, Ref.

No.: LOG/E1A–63–4, July 12, 1962, subject: Delegation of Authority Under Section 606 (b) of the Foreign Assistance Act of 1961 and Predecessors (Section 506 of the Mutual Security Act of 1954 (68 Stat. 852) and Section 517 of Mutual Security Act of 1951 (65 Stat. 382; 22 U.S.C. 1668(c)), is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOSA–71–6 NOVEMBER 5, 1970.

DELEGATION OF AUTHORITY TO LEASE PERSONAL PROPERTY

1. I consider that it is advantageous to the United States to lease personal property under the control of the Department of the Army, not for the time needed for the public use, and not excess property (as defined by Title 40, United States Code, Section 472), upon the terms stated in paragraph 3 below, which I consider will promote the national defense or be in the public interest.

2. Under Title 10, United States Code, Section 2667, I hereby delegate to each Head of Procuring Activity, with authority to redelegate to a principal assistant of each such Head, without authority to redelegate further, the authority to lease personal property within the scope of the considerations in paragraph 1 above, provided that no Department of Defense owned production equipment (defined in Defense Mobilization Order 8555.1, July 15, 1968, 33 CFR 10143) may be leased for non-defense production without there first being obtained the approval of the Office of Emergency Planning for the lease of such equipment.

3. Each lease under this delegation:

a. May not be for more than 5 years;

b. Shall permit the Secretary of the Army to revoke the lease at any time;

c. Shall, with regard to all property subject to Part 6, Section XIII, Armed Services Procurement Regulations, be governed by the provisions thereof. With regard to all other personal property, each lease shall provide that the lessee will pay a fair monetary rental. Fair monetary rental shall be determined on the basis of prevailing commercial rates or computed in accordance with sound commercial accounting practices for the fixing of rental on such property including a return on capital investment and administrative cost as well as depreciation. Single or multiple shift operations as proposed by the lessee will be considered in establishing fair monetary rental. The rental shall, in any event, be such as to prevent the lessee from obtaining an unfair competitive advantage over competitors by reason thereof;

d. Shall provide that the lessee shall bear the expense of removing, packing, and shipping of the leased property and also the expense of returning and reinstalling the property or processing it for extended storage upon expiration or termination of the lease;

e. Shall provide that the lessee will maintain the leased property in good operating condition and will return it upon the expiration or termination of the lease in as good condition as that existing at the commencement thereof, as subsequently improved, or as it should have been improved under the terms of the lease, less ordinary wear and tear or within specified tolerance limits. However, leases of railway equipment may provide for assumption of maintenance responsibility by the lessor, provided also that mileage earnings shall be retained by the Government;

f. Shall provide that the lessee will make no changes or alterations in the leased property except with the consent of the Government;

g. Shall provide that, if and to the extent that the leased property is later made taxable by State or local governments under an act of Congress, the lease shall be renegotiated; and

h. Shall recite that it is executed under the authority of Title 10, United States Code, Section 2667.

4. Leases of personal property not conforming to the terms above shall, prior to execution, be submitted to the Assistant Secretary of the Army (Installations and Logistics) for approval.

5. The foregoing delegation of authority becomes effective on December 1, 1970 and, as of that date, Delegation of Authority, Ref. No.: SAOAS–67–6, October 28, 1966, subject: Delegation of Authority to Lease Personal Property, is superseded without prejudice to any action taken pursuant thereto.

J. RONALD FOX,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS–67–7 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO CONTRACT FOR PUBLIC UTILITY SERVICES (POWER, GAS, WATER, AND COMMUNICATIONS) FOR PERIODS NOT EXCEEDING 10 YEARS

1. Under Department of Defense Directive 5100.32, November 9, 1962, subject: Delegation of Authority with Respect to Contracts for the Procurement of Public Utility Services, I hereby delegate (i) to the Chief of Engineers as the Department of the Army Power Procurement Officer, the authority to enter into contracts for public utility services (power, gas, and water), and (ii) to the Commanding Generals, U.S. Army Strategic Communications Command and U.S. Continental Army Command, the authority to enter into contracts for communications services, for periods extending beyond a current fiscal year but not exceeding 10 years under one or more of the following circumstances:

a. Where there are obtained lower rates, larger discounts, or more favorable conditions of service than those available under contracts the firm term of which would not extend beyond a current fiscal year.

b. Where connection or special facility charges payable under contracts the firm term of which would not extend beyond a current fiscal year are eliminated or reduced.

c. Where the utility company refuses to render the desired service except under a contract the firm term of which extends beyond a current fiscal year.

2. The authority delegated in paragraph 1 above may be redelegated (i) with respect to contracts for power, gas, and water, to the Deputy Department of the Army Power Procurement Officer, and (ii) with respect to contracts for communications services to duly authorized representatives of the Commanding Generals, U.S. Army Strategic Communications Command and U.S. Continental Army Command.

3. This authority shall be exercised strictly in accordance with the applicable provisions of the "Statement of Areas of Understanding Between the Department of Defense and General Services Administration" entitled "Procurement of Utility Services (Power, Gas, Water)," 15 F.R. 8227 (1950), and "Procurement of Communication Services," 15 F.R. 8226 (1950).

4. Unless distribution thereof is inadvisable for reasons of security, copies of contracts executed under the authority of this delegation and other pertinent data and information with respect thereto shall be furnished to the General Services Administration.

5. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: SAOAS–64–7, March 24, 1964, subject: Authority to Contract for Public Utility Services (Power, Gas, Water, and Communications) for Periods Not Exceeding 10 Years, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS–67–8 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO DENY REQUESTS FOR CONTRACTUAL ADJUSTMENT, TO APPROVE REQUESTS IN MISTAKE AND INFORMAL COMMITTMENT CASES NOT IN EXCESS OF $50,000, AND TO REFER REQUESTS TO THE ARMY CONTRACT ADJUSTMENT BOARD

1. Under the Act of August 28, 1958 (Public Law 85–804, 72 Stat. 972; 50 U.S.C. 1431–1435); Executive Order No. 10789, November 14, 1958, 23 F.R. 8897; and Section XVII of the Armed Services Procurement Regulation, I hereby delegate to each Head of Procuring Activity, with authority to redelegate to a principal assistant of each such Head and no further:

a. Authority to deny any request for contractual adjustment within the scope of Part 2, Section XVII, Armed Services Procurement Regulation;

b. Authority to make all determinations and findings required by the Act, Executive Order, and Regulation, and to approve, authorize and direct appropriate action, in those cases set forth as examples within the categories of mistake and informal commitment in paragraphs 17–204.3 and 17–204.4 of the Armed Services Procurement Regulation, subject to the limitations set forth in paragraph 17–205 thereof; and, where necessary to the exercise of this authority, authority to modify or release unaccrued obligations of any sort and to extend delivery and performance dates;

c. Authority to refer to the Army Contract Adjustment Board any case in which the Head of Procuring Activity (or any principal assistant to whom he has delegated the authority described in subparagraphs a and b above) determines that an appropriate contractual adjustment is justified but does not, under subparagraph b above, have authority to make the adjustment; and

d. Authority to refer to the Army Contract Adjustment Board for its determination, any doubtful or unusual cases under subparagraps a or b above.

2. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E1A–63–8, July 12, 1962, subject: Delegation of Authority to Deny Requests for Adjustment, to Approve Requests in Mistake and Informal Commitment Cases Under $50,000, and to Refer Requests to the Army Contract Adjustment Board, is superseded without prejudice to any action taken pursuant thereto.

ROBERT A. BROOKS,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS–67–10 OCTOBER 28, 1966.

DELEGATION OF AUTHORITY TO SELL GOVERNMENT PROPERTY TO CONSTRUCTION CONTRACTORS, IN CANADA, GREENLAND, ICELAND, THE AZORES, JOHNSTON ISLAND AND THE TRUST TERRITORY OF THE PACIFIC ISLANDS

1. Under the Act of August 28, 1958 (Public Law 85–804, 72 Stat. 972; 50 U.S.C. 1431–1435); Executive Order No. 10789, November 14, 1958, 23 F.R. 8897; and Section XVII of the Armed Services Procurement Regulation, I hereby delegate to the Chief of Engineers, without authority to redelegate further, the authority to approve contracts not in excess of $50,000 for the sale of Government-owned construction material, equipment, and supplies to contractors under fixed-price military construction contracts in Canada, Greenland, Iceland, the Azores, Johnston Island, and the Trust Territory of the Pacific Islands, at cost to the Government plus transportation cost, if any, to the site, less an equitable reduction for depreciation in the case of used property.

2. A contract, or amendment or modification thereof, shall be entered into under paragraph 1 hereof only upon a written finding that the sale is made in connection with and will facilitate or expedite performance of a specific contract or work order for Defense procurement.

3. A contract, or amendment or modification thereof, shall be entered into under this delegation only if:

a. The approving authority:

(1) Finds that the action will facilitate the national defense;

(2) Deems that other legal authority in the Department to accomplish the sale is lacking or inadequate; and

(3) Deems that the use of the authority herein delegated is necessary and appropriate under all circumstances; and

b. The requirements of Part 3, Section XVII, Armed Services Procurement Regulation, are otherwise met.

4. This authority does not apply to the sale of property subject to priorities or allocation under the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062), except where such sale is authorized under that Act or applicable regulations or orders thereunder.

5. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E1A-63-10, July 12, 1962, subject: Delegation of Authority to Sell Government Property to Construction Contractors in Canada, Greenland, Iceland, the Azores, and to Construction Contractors on Johnston Island and the Trust Territory of the Pacific Islands Under Public Law 85-804 and Executive Order No. 10789, is superseded without prejudice to any action taken pursuant thereto.

Robert A. Brooks,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-14 October 28, 1966.

Delegation of Authority To Procure Alcohol Free of Tax and Specially Denatured Alcohol

1. Under Title 26, Code of Federal Regulations, Sections 211.231 and 213.142 (1961), I hereby delegate to the Commanding General, U.S. Army Materiel Command; The Surgeon General; such of their principal assistants as may be named by them; and the Chief of Engineers, the authority to sign applications to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, for permits to procure Alcohol, Free of Tax, Form 1444, and Specially Denatured Alcohol, Form 1486.

2. The Director, Alcohol and Tobacco Division, Internal Revenue Service, is being advised of the above delegation. The names of any principal assistants named by the Commanding General, U.S. Army Materiel Command or by The Surgeon General shall be furnished in writing to the Director, Alcohol and Tobacco Division, Internal Revenue Service, Washington, D.C. 20224.

3. The foregoing delegation of authority becomes effective December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E1A-63-14, July 12, 1962, subject: Authority to Procure Alcohol Free of Tax and Specially Denatured Alcohol, is superseded without prejudice to any action taken pursuant thereto.

Robert A. Brooks,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-16 October 28, 1966.

Delegation of Priorities and Allocations Authority: DO Ratings and Allotments

1. Under Department of Defense Instruction 4405.11, January 6, 1964, as amended, subject: Delegation of Priorities and Allocations Authority: DO Ratings and Allotments, and in accordance with the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062); and Business and Defense Services Administration (BDSA) Delegation 1, I hereby delegate to the Deputy Chief of Staff for Logistics with authority to redelegate further, the authority:

a. To apply or assign to others the right to apply DO ratings to contracts and delivery orders to meet Department of Defense (DOD) programs authorized for priorities support by the Office of Emergency Planning (OEP) or designated by OEP as eligible for priorities support through DOD.

b. To assign the right to apply DO ratings to certain prime contractors or subcontractors on orders for delivery of production equipment specifically required to support authorized programs of the DOD or of such other specially designated programs.

c. To assign the right to apply DO ratings to certain contractors on orders for delivery of construction equipment for use on construction in Alaska, Hawaii, or outside of the United States.

d. To make allotments of controlled materials, and to apply or assign to others the right to apply allotment numbers to rateable contracts and delivery orders within the allotment jurisdiction of the Department of the Army.

2. The conditions for the use of this delegation are:

a. Authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, recordkeeping and reporting requirements as may be issued from time to time by the Assistant Secretary of Defense (Installations and Logistics) (ASD(I&L)).

b. The exercise of this authority shall conform to the terms of the regulations and orders of BDSA and to such priorities and allocations policy directions and procedures as may be issued in the DOD Priorities and Allocations Manual (PAM).

c. The authority delegated in paragraph 1 above may be redelegated only within the Department of the Army. Any other redelegation shall require the prior written approval of ASD(I&L).

d. Allotment authorities in support of the Aircraft (A-1) Program shall be exercised jointly by procuring departments through a joint activity.

3. The Office of the Deputy Chief of Staff for Logistics is designated as the office responsible for administering the priorities and allocations functions within the Department of the Army and shall be responsible for ensuring compliance by all Department of the Army components in the use of priorities and allocations authority which are delegated to them.

4. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of authority Ref. No.: LOG/E2-63-16, July 12, 1962, subject: Delegation of Priorities and Allocations Authority: DO Ratings and Allotments, is superseded without prejudice to any action taken pursuant thereto.

Robert A. Brooks,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-17 October 28, 1966.

Delegation of Priorities and Allocations Authority: DX Ratings and Allotments

1. Under Department of Defense Instruction 4405.12, January 6, 1964, as amended, subject: Delegation of Priorities and Allocations Authority: DX Ratings and Allotments, and in accordance with the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062); and Business and Defense Services Administration (BDSA) Delegation 1, I hereby delegate to the Deputy Chief of Staff for Logistics with authority to redelegate further, the authority to apply or assign to others the right to apply DX ratings and allotment numbers to contracts and delivery orders for programs approved by the Office of Emergency Planning (OEP) as of the highest national priority.

2. The conditions for use of this delegation are:

a. The DX program rating and allotment authority is limited to:

(1) Contracts and orders identifiable to programs of the highest national priority, as listed in the Department of Defense Master Urgency List.

(2) Contracts and orders to which rating and allotment numbers may be applied or assigned under the Delegation of Priorities and Allocations Authority: DO Ratings and Allotments.

b. Authority shall be exercised within the limits of such allocation determinations or other quantitative restrictions as may be established, and in accordance with such instructions, conditions, record-keeping and reporting requirements as may be issued from time to time by the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)).

c. The exercise of this authority shall conform to the terms of the regulations and orders of the BDSA and to such priorities and allocations policy directives and procedures as may be issued in the DOD Priorities and Allocations Manual (PAM).

d. The authority delegated in paragraph 1 above may be redelegated only within the Department of the Army. Any other redelegation shall require the prior written approval of ASD (I&L).

3. The Office of the Deputy Chief of Staff for Logistics is designated as the office responsible for ensuring compliance by all Department of the Army components in the use of the DX authority delegated to them.

4. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E2-63-17, July 12, 1962, subject: Delegation of Priorities and Allocations Authority: DX Ratings and Allotments, is superseded without prejudice to any action taken pursuant therto.

Robert A. Brooks,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-67-18 October 28, 1966.

Delegation of Priorities and Allocations Authority: Rescheduling Deliveries

1. Under Department of Defense Instruction 4405.13, May 24, 1960, as amended, subject: Delegation of Priorities and Allocations Authority: Rescheduling Deliveries, and in accordance with the Defense Production Act of 1950, as amended (64 Stat. 798; 50 U.S.C. App. 2062); and Business and Defense Services Administration (BDSA) Delegation 1, I hereby delegate to the Deputy Chief of Staff for Logistics with authority to redelegate further, the authority to reschedule deliveries of materials which are required in support of the Aircraft (A-1) and Tank Automotive (A-4) Programs.

2. The conditions for use of this delegation are as follows:

a. The authority delegated in paragraph 1 above shall be limited to rescheduling deliveries on rated orders or authorized controlled materials orders:

(1) Bearing the A-1 or the A-4 Program identification, and

(2) Issued by or pursuant to the authority of the Department of the Army, or, if not, that the rescheduling is requested or concurred in by the Department or associated agency under whose authority they were issued.

b. Rescheduling of delivery may be directed only if it requires no change in the production schedule of the person making the delivery.

c. The rescheduling authority shall be so exercised as to support decisions on relative urgencies reflected in the Department of Defense Master Urgency List, based on realistic needs to meet approved schedules.

d. The exercise of this authority shall conform to the terms of the regulations and orders of BDSA and to such priorities and allocations policy directives and procedures as may be issued in the DOD Priorities and Allocations Manual (PAM).

e. The authority delegated in paragraph 1 above may be redelegated only within the Department of the Army and only to that activity within the Department of the Army which is to act as its central delivery rescheduling unit for a program. Any other redelegation shall require the prior written approval of the Assistant Secretary of Defense (Installations and Logistics) (ASD (I&L)).

3. The Office of the Deputy Chief of Staff for Logistics is designated as the office responsible for ensuring compliance by all Department of the Army components in the use of the rescheduling authority delegated to them.

4. The foregoing delegation of authority becomes effective on December 1, 1966, and, as of that date, Delegation of Authority, Ref. No.: LOG/E2-63-16, July 12, 1962, subject: Delegation of Priorities and Allocations Authority: Rescheduling Deliveries, is superseded without prejudice to any action taken pursuant thereto.

Robert A. Brooks,
Assistant Secretary of the Army,
Installations and Logistics.

SAOSA-69-19 June 27, 1969.

Delegation of Authority on Labor Relations Matters, Military Functions

1. Under Part 5, Subtitle A, Title 29, Code of Federal Regulations, and paragraphs 18-704.2(a)(5) and 18-704.16, Armed Services Procurement Regulation, I hereby delegate to the Chief of Engineers:

a. Authority to submit a written request to the Solicitor of Labor for an extension of the expiration date of a wage determination when, due to unavoidable circumstances, a wage determination expires after bid opening but before award and upon the delegee finding that an extension is in the public interest to prevent injustice, undue hardship, or serious impairment of the conduct of Government business.

b. Authority to recommend to the Solicitor of Labor that liquidated damages in excess of $100 be waived or adjusted upon the delegee finding that such liquidated damages administratively determined to be due the Government under section 104(a) of the Contract Work Hours Standards Act are incorrect or that the violation by the contractor or subcontractor of the Contract Work Hours Standards Act was nonwillful or inadvertent and occurred notwithstanding the exercise of due care by the contractor or subcontractor.

c. Authority to waive or adjust liquidated damages of $100 or less upon the delegee finding that such liquidated damages administratively determined to be due the Government under section 104(a) of the Contract Work Hours Standards Act are incorrect or that the violation by the contractor or subcontractor of the Contract Work Hours Standards Act was nonwillful or inadvertent and occurred notwithstanding the exercises of due care by the contractor or subcontractor.

2. The Chief of Engineers may redelegate the authority in a. and b. above to a designee at a level no lower than the Head of Procuring Activity and may redelegate the authority in c. above to a designee at a level no lower than a District Engineer.

3. The foregoing delegation of authority becomes effective on August 1, 1969, and, as of that date, Delegation of Authority on Labor Relations Matters, Military Functions, SAOAS-67-19, August 16, 1967, is superseded without prejudice to any action taken pursuant thereto.

J. Ronald Fox,
Assistant Secretary of the Army,
Installations and Logistics.

Ref. No.: SAOAS-68-20 September 11, 1968.

Delegation of Authority To Certify as Just and Reasonable Indemnification Claims Not Exceeding $50,000.00

Pursuant to the authority contained in the Act of August 28, 1958 (Public Law 85-804, 50 U.S.C. 1431) and Executive Order No. 10789, dated November 14, 1958, and under Section XVII of the Armed Services Procurement Regulation, I hereby delegate to the Commander in Chief, United States Army, Pacific, without authority to redelegate further, the authority to certify as just and reasonable payments of amounts not to exceed $50,000.00 for claims received from contractors in the Republic of Vietnam which have been submitted pursuant to the indemnification clause of their contracts.

Robert A. Brooks,
Assistant Secretary of the Army,
Installations and Logistics.

PART 592—PROCUREMENT BY FORMAL ADVERTISING

2. Section 592.406-3(b) is revised, as follows:

§ 592.406-3 Other mistakes.

* * * * *

(b) Authority is delegated to the individuals names in § 2.406-3(b)(1) of this title to make determinations described in § 2.406-3(a)(2), (3), and (4) of this title. Contracting officers shall submit cases for determination by the Deputy or Assistant Deputy for Procurement, OASA (I&L), directly to the addressee in § 591.150(b)(6) of this chapter, concurrently furnishing the cognizant head of procuring activity an information copy.

* * * * *

PART 593—PROCUREMENT BY NEGOTIATION

3. Sections 593.213-2(e) and 593.213-5 are amended; and § 593.1150 is added, as follows:

§ 593.213-2 Application.

* * * * *

(e) When redesign or redesignation of a standardized model will not affect interchangeability of parts of the new and old models, the standardization file of the cognizant head of procuring activity and the Director of Requirements and Procurement, U.S. Army Materiel Command, shall reflect a revision of the original standardization approval, supported by a determination of the head of procuring activity that cancellation of standardization is not warranted. When, for any reason, the head of procuring activity or the Director of Requirements and Procurement conclude that an approved standardization should be canceled, written notification shall be given promptly to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d)). Consideration shall be given to cancellation when, after standardization, the quantity in the Army supply system of one or more of the selected suppliers falls below 15 percent, but cancellation is not required unless it reasonably appears that in future negotiated procurements such supplier(s) will not be able to offer effective competition. Nevertheless, when the quantity of one or more of the selected supplies falls below 15 percent, standardization shall not be continued beyond one procurement except for the most compelling reasons.

* * * * *

§ 593.213-5 Records and reports.

The Director of Requirements and Procurement, U.S. Army Materiel Command, is responsible for maintaining records pursuant to § 3.213-5 of this title.

§ 593.1150 Distribution of solicitation documents and orders.

(a) Under the provisions of Public Law 89-306, the General Services Administration has been authorized and directed to coordinate and provide for the economic and efficient purchase, lease, and maintenance of ADPE by Federal agencies. Pursuant to this responsibility and authority, GSA has directed that copies of all solicitation documents and purchase/delivery orders or contracts issued for the aquisition of ADPE, software, or maintenance services, be forwarded to

Director, ADP Procurement Division, Office of Automated Data Management Services—FTP, Federal Supply Service, General Services Administration, Washington, DC 20405.

(b) Two copies of the solicitation document and any subsequent amendments thereto, shall be forwarded as soon as available but in no event later than the date of issuance to industry.

(c) One copy of the purchase/delivery order or contract shall be forwarded upon issuance.

PART 594—SPECIAL TYPES AND METHODS OF PROCUREMENT

4. The table of contents to Part 594 is changed to reflect the addition of new Subpart H, and new Subpart H is added, as follows:

Subpart H—Paid Advertisements in Newspapers, Magazines, Trade Journals, and Any Other Media (Including Radio and Television)

Sec.
594.602 Authority and delegation to place advertisements.
594.802-1 Authority and delegation.
594.802-2 Request for authority to place advertisement.
594.850 Advertisements for recruitment of civilian personnel.

Authority: The provisions of this Subpart H issued under secs. 2301-2314, 3012, 70A Stat. 127-133, 157; 10 U.S.C. 2301-2314, 3012.

Subpart H—Paid Advertisements in Newspapers, Magazines, Trade Journals, and Any Other Media (Including Radio and Television)

§ 594.802 Authority and delegation to place advertisements.

§ 594.802–1 Authority and delegation.

The Assistant Secretary of the Army (Installations and Logistics) has delegated to heads of procuring activities and to certain other delegates, the authority to approve the publication of paid advertisements in newspapers (see § 591.5102 of this chapter).

§ 594.802–2 Request for authority to place advertisement.

Within the Department of the Army DD Form 1535 is not required as authority to place advertisements in media other than newspapers.

§ 594.850 Advertisements for recruitment of civilian personnel.

Policies with respect to use of paid advertising in recruitment of civilian personnel are contained in Subchapter 1, Federal Personnel Manual [FPM] 332 and are implemented in Department of the Army Civilian Personnel Regulation [CPR] 332, Subchapter 1.

PART 597—CONTRACT CLAUSES

5. Section 597.1651 is amended, as follows:

§ 597.1651 Commercial warehousing and related services.

(a) Chapter 10, DOD Regulation 4500.34–R, governs the commercial warehousing and related services for household goods for military and civilian personnel (see § 606.551 of this chapter).

(b) Ordering officers may be appointed pursuant to § 591.452 of this chapter to place service orders under such contracts. Instructions in Chapter 10, DOD Regulation 4500.34–R, shall be followed in placing service orders and ordering officers shall not be authorized to change terms and conditions of contracts in any way.

PART 598—TERMINATION OF CONTRACTS

6. Section 598.202 is amended, as follows:

§ 598.202 Prior clearance of significant contract terminations.

Reports Control Symbol SAOSA–62 has been assigned the reporting requirement in § 8.202 of this title for purchasing offices within the Department of the Army. This report does not apply to overseas contracts.

PART 599—PATENTS, DATA, AND COPYRIGHTS

7. Sections 599.107 and 599.107–4 are added, as follows:

§ 599.107 Patent rights under contracts for research and development.

§ 599.107–4 Procedures.

Requests for approval of patents policies of universities and nonprofit institutions, pursuant to § 9.107–4(c)(2) of this title, shall be forwarded to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d)).

PART 600—BONDS, INSURANCE, AND INDEMNIFICATION

8. Subpart A is revised, as follows:

Subpart A—Bonds

Sec.	
600.105	Other types of bonds.
600.105–1	Advance payment bonds.
600.112	Substitution of surety bonds.
600.113	Execution and administration of bonds and consents of surety.

Authority: The provisions of this Subpart A issued under secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012.

Subpart A—Bonds

§ 600.105 Other types of bonds.

§ 600.105–1 Advance payment bonds.

A requirement for an advance payment bond shall be established only in the most exceptional circumstances. When a head of procuring activity considers an advance payment bond desirable, a recommendation to that effect with justification as to the penal sum thereof shall be forwarded to the addressee in § 591.150(b)(5) of this chapter (see § 591.150(d)).

§ 600.112 Substitution of surety bonds.

Requests for approval of acceptance of a new surety bond for a bond previously approved shall be forwarded to The Judge Advocate General, Attention: Bonds Branch, Department of the Army, Washington, D.C. 20310.

§ 600.113 Execution and administration of bonds and consents of surety.

(a) The original of all surety bonds, except those listed in paragraph (d) of this section shall be forwarded immediately after execution to the addressee in § 600–110. If the bond was required in support of a contract or modifiation thereof, the original signed bond shall be attached to the original signed contract or modification, as appropriate. If it is not practicable to forward the original contract or modification, a signed duplicate or an authenticated copy thereof shall be attached to the original bond.

(b) The Judge Advocate General shall examine each bond as to legal sufficiency, including proper form and execution, the authority of corporate officials who execute bonds on behalf of corporate sureties, and compliance by individual sureties with § 10.201–2 of this title. The Judge Advocate General shall then forward the bond, together with any attached contract or modification thereof which it supports, to the proper office for filing. The duplicate bond shall be retained and filed in the office to which it pertains or which authorized its acceptance. See § 600.202 for use of options in lieu of sureties.

(c) Consents of surety shall be handled in the same manner as bonds, except that, for more expeditious handling, they may be forwarded without the surety's signature to The Judge Advocate General for execution under the Expediter Plan and for approval.

(d) The following bonds should be reviewed at local level and shall not be forwarded to The Judge Advocate General—

(1) Payment and performance bonds for contracts not exceeding $20,000;

(2) Blanket fidelity and forgery bonds;

(3) Bid bonds (except annual bid bonds);

(4) Subcontractor bonds;

(5) Permit bonds; and

(6) Nonappropriated fund activity bonds (except payment and performance bonds for construction contracts exceeding $20,000).

PART 602—LABOR

9. Sections 602.105 and 602.105–3 are revoked; a new Subpart H is added as follows:

§ 602.105 [Revoked]

§ 602.105–2 [Revoked]

Subpart H—Equal Employment Opportunity

§ 602.805 Exemptions.

Requests for exemption from the Equal Opportunity clause made pursuant to § 12.805 (d)(2) and (e)(4) of this title shall be forwarded, together with detailed justification therefor, through the cognizant head of procuring activity, to the addressee in § 591.150(b)(6) of this chapter (see § 591.150(d)). Each intervening level of authority through which the request for exemption is forwarded shall add its recommendation in the matter.

PART 606—PROCUREMENT FORMS

10. Section 606.551 is amended, as follows:

§ 606.551 Commercial warehousing and related services for household goods.

(a) DD Form 1162, Basic Agreement for Storage of Household Goods and Related Services, shall be used in accordance with instructions in Chapter 10, DOD Regulation 4500.34–R.

(b) DD Form 1164, Service Order for Household Goods, shall be used to place orders under Basic Agreements in accordance with instructions in Chapter 10, DOD Regulation 4500.34–R (see also §§ 591.452–1 and 597.1651 of this chapter).

[Rev. 5, Mar. 1, 1971] (secs. 2301–2314, 3012, 70A Stat. 127–133, 157; 10 U.S.C. 2301–2314, 3012)

For the Adjutant General.

R. B. Belnap,
Special Advisor to TAG.

[FR Doc.71–6791 Filed 5–14–71;8:47 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 5—LABOR STANDARDS PROVISIONS APPLICABLE TO CONTRACTS COVERING FEDERALLY FINANCED AND ASSISTED CONSTRUCTION (ALSO LABOR STANDARDS PROVISIONS APPLICABLE TO NONCONSTRUCTION CONTRACTS SUBJECT TO THE CONTRACT WORK HOURS AND SAFETY STANDARDS ACT)

Variation of Labor Standards on Veterans' Administration Contracts With Nursing Homes for Care of Veteran-Patients

On page 3472 of the Federal Register of February 25, 1971, there was published a proposed amendment to 29 CFR 5.14 providing for a variation of the Contract Work Hours and Safety Standards Act provisions in Veterans' Administration contracts with nursing homes for care of veteran-patients. Interested persons were given 30 days in which to submit written data, views, or arguments relative to the proposal.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

As this variation from the overtime provisions of the Contract Work Hours and Safety Standards Act is necessary in the public interest to avoid the serious impairment of the conduct of Government business, this amendment shall be effective on publication in the Federal Register (5–15–71).

This amendment also reflects—in the heading and in the text—the change in the name of the Act as amended by section 2 of Public Law 91–54 (August 9, 1969) by inserting "and Safety" after "Hours".

Signed at Washington, D.C., this 10th day of May 1971.

Horace E. Menasco,
Administrator of Employment Standards.

Part 5 of Title 29, Code of Federal Regulations, is amended by adding a new subparagraph (3) of § 5.14(d), reading as follows:

§ 5.14 Limitations, variations, tolerances, and exemptions under the Contract Work Hours and Safety Standards Act.

* * * * *

(d) *Variations* * * *

(3) In the performance of any contract entered into pursuant to the provisions of 38 U.S.C. 620 to provide nursing home care of veterans, no contractor or subcontractor under such contract shall be deemed in violation of section 102 of the Contract Work Hours and Safety Standards Act by virtue of failure to pay the overtime wages required by such section for work in excess of 8 hours in any calendar day or 40 hours in the workweek to any individual employed by an establishment which is an institution (other than a hospital) primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises, if such individual receives compensation for employment in excess of 48 hours in any workweek at a rate not less than 1½ times the regular rate at which he is employed, computed in accordance with the requirements of the Fair Labor Standards Act of 1938, as amended. This variance is found necessary and proper and in the public interest to avoid serious impairment of the conduct of Government business.

(Sec. 105, 76 Stat. 359; 40 U.S.C. 331, S.O. Order No. 20–70, 36 F.R. 305)

[FR Doc.71–6733 Filed 5–14–71;8:45 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5053]

[ES 6149]

ARKANSAS

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

Ouachita National Forest

FIFTH PRINCIPAL MERIDIAN

T. 2 S., R. 23 W.,
  Sec. 23, E½;
  Sec. 24, N½, N½S½, SE¼SW¼;
  Sec. 25, NE¼NW¼;
  Sec. 26, NW¼NE¼.

The lands described aggregate 920 acres in Montgomery County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

Harrison Loesch,
Assistant Secretary of the Interior.

May 7, 1971.

[FR Doc.71–6777 Filed 5–14–71;8:46 am]

[Public Land Order 5054]

[Utah 12146]

UTAH

Addition to National Forest

By virtue of the authority vested in the President by section 24 of the Act of March 3, 1891, 26 Stat. 1103, 16 United States Code section 471 (1964), section 1 of the Act of June 4, 1897, 30 Stat. 34, 36, 16 U.S.C. section 473 (1964), and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

Subject to valid existing rights, the boundaries of the Wasatch National Forest are hereby extended to include the following described acquired lands, which shall become subject to all laws and regulations applicable to the Wasatch National Forest, upon the completion of the transfer of the jurisdiction thereof from the Department of Defense to the Department of Agriculture:

Salt Lake Meridian

T. 1 S., R. 1 E.,
  Sec. 2, SE¼SW¼, S½SE¼.

The areas described aggregate 120 acres in Salt Lake County.

Harrison Loesch,
Assistant Secretary of the Interior.

May 7, 1971.

[FR Doc.71–6778 Filed 5–14–71;8:46 am]

[Public Land Order 5055]

[Sacramento 4056]

CALIFORNIA

Withdrawal for National Forest Recreation Area

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

Six Rivers National Forest

HUMBOLDT MERIDIAN

Red Cap Recreation Area

T. 10 N., R. 5 E.,
  Sec. 14, N½NW¼SW¼NE¼, SW¼NW¼SW¼NE¼, S½NE¼SW¼NW¼, SW¼SW¼NW¼, N½SE¼SW¼NW¼, S½NW¼SE¼NW¼, N½SW¼SE¼NW¼, NE¼SE¼NW¼, N½SE¼SE¼NW¼, NW¼NW¼NW¼SW¼;
  Sec. 15, SE¼SE¼NE¼, N½NE¼NE¼SE¼.

The areas described aggregate approximately 70 acres in Humboldt County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

Harrison Loesch,
Assistant Secretary of the Interior.

May 7, 1971.

[FR Doc.71–6779 Filed 5–14–71;8:46 am]

[Public Land Order 5056]

[Arizona 031694]

ARIZONA

Partial Revocation of Reclamation Withdrawals

By virtue of the authority contained in section 3 of the Act of June 17, 1902, as amended and supplemented, 32 Stat. 388, 43 U.S.C. sec. 416 (1964), it is ordered as follows:

The departmental order of March 14, 1929, and any other order or orders which withdrew lands for reclamation purposes, are hereby revoked so far as they affect the following described land:

GILA AND SALT RIVER MERIDIAN

T. 8 S., R. 16 W.,
Sec. 10, S½SE¼.

The area described aggregates 80 acres in Yuma County.

Title to the land is vested in the State of Arizona.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 7, 1971.

[FR Doc.71-6780 Filed 5-14-71;8:48 am]

[Public Land Order 5057]

[New Mexico 12226]

NEW MEXICO

Correction of Public Land Order No. 5032

The land description in Public Land Order No. 5032 of March 19, 1971, appearing in 36 F.R. 5849–50 of the issue of March 30, 1971, partially revoking a stock driveway withdrawal, so far as it refers to "T. 13 N., R. 4 L.", in paragraph 2 of said order, is hereby corrected to read "T. 13 N., R. 4 E.".

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 7, 1971.

[FR Doc.71-6781 Filed 5-14-71;8:46 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 119—FEDERAL FINANCIAL ASSISTANCE FOR STRENGTHENING STATE DEPARTMENTS OF EDUCATION

Miscellaneous Amendments

The following amendments to Part 119 are issued to reflect the amendments to the Elementary and Secondary Education Act of 1965 (Public Law 89-10), Part A, Title V, which are contained in Public Law 91-230.

1. In § 119.1, paragraph (h) is revoked and paragraph (i) is amended to read as follows:

§ 119.1 Definitions.

* * * * *

(h) [Revoked]

(i) "Project period" means the total period of time for which a special project is approved for support with funds under Title V–A of the Act.

* * * * *

(20 U.S.C. 885)

2. In § 119.2, paragraphs (a) and (b) are amended to read as follows:

§ 119.2 State applications.

(a) *Purpose and content.* The principal condition for a basic grant of Federal funds apportioned to a State under title V–A of the Act is the submission by the State through the State educational agency of an application to the Commissioner. Any State desiring to receive a basic grant shall submit an application for each fiscal year on such date as the Commissioner may fix, and in accordance with such procedures as the Commissioner may prescribe.

(b) *Submission and approval.* An application and all amendments thereto shall be submitted to the Commissioner for his approval by a duly authorized officer of the State educational agency. The application shall indicate the official or officials authorized to submit application material. If found by the Commissioner to be in conformity with the provisions and purposes of the Act and the regulations in this part, the application for that fiscal year will be approved subject to the limits of available appropriations. The Commissioner will not finally disapprove an application, or any modification thereof, except after reasonable notice and opportunity for a hearing has been afforded to the State educational agency. An approved application shall form the basis for making payments to a State under title V–A of the Act.

* * * * *

(20 U.S.C. 864, 869)

3. In § 119.5, paragraph (b) is amended to read as follows:

§ 119.5 Supplementation of State effort.

* * * * *

(b) In determining whether the assurance referred to in paragraph (a) of this section is adequate, the Commissioner may request additional data from the applicant such as: (1) The amount of State funds (including, in the case of programs supported by Federal funds, the State share of all expenditures pursuant to such programs) to be expended by the State educational agency for activities which meet the conditions of section 503 of the Act and §§ 119.2 and 119.3 as compared with (2) the amount of State funds expended by the State educational agency in the preceding fiscal year or years, as appropriate, for such activities, with allowances for unusual capital expenditures, such as the acquisition of data processing or other major items of equipment, and adjustments to reflect changes in the scope of the responsibilities of the State educational agency.

(20 U.S.C. 864)

4. Section 119.6 is amended to read as follows:

§ 119.6 State fiscal management.

The application shall set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State pursuant to the application, including any such funds paid by the State to agencies, institutions, and organizations for the purpose of carrying out activities under title V–A of the Act. Subject to the provisions of § 119.44, such fiscal management shall be in accordance with applicable State laws, policies, and procedures. Accounts and supporting documents relating to any application involving Federal financial participation shall be adequate to permit an accurate and expeditious audit.

(20 U.S.C. 864)

5. Section 119.7 is amended to read as follows:

§ 119.7 Reports.

The application shall provide that the State educational agency will periodically consult with the Commissioner, make such reports to the Commissioner, at such time, and in such form, and containing such information, as he may consider reasonably necessary to perform his duties under the Act, and comply with such provisions as the Commissioner may find reasonably necessary to assure the correctness and verification of such reports. Such reports shall include, but not be limited to, a report from each State for each fiscal year of such State's participation in title V–A of the Act, which report provides information on all programs (including but not limited to title V–A activities) conducted by the State educational agency during that fiscal year.

(20 U.S.C. 864)

6. In § 119.8, the first paragraph is amended to read as follows:

§ 119.8 Federal payments.

Subject to the authority of the Commissioner to make reapportionments or to transfer apportionments pursuant to section 502(b) of the Act and §§ 119.9 and 119.10, and subject also to any withholding of payments by the Commissioner pursuant to section 551(b) of the Act and § 119.46(a), the Federal Government will pay from each State apportionment the sums expended by each State educational agency in accordance with title V–A of the Act, the regulations in this part, and its approved application. Such payments will be made in installments in advance on the basis of estimated expenditures or by way of reimbursement of actual costs incurred, with appropriate adjustments for underpayments or overpayments for actual

expenditures in any prior period. Such payments will be made available to the States after:

* * * * *

(20 U.S.C. 869, 1232d)

7. In § 119.9, paragraph (a) is amended to read as follows:

§ 119.9 Reapportionment.

Pursuant to section 502(b)(1) of the Act:

(a) The amount apportioned to any State for any fiscal year under section 502(a) of the Act which the Commissioner determines will not be required for that year shall be available for reapportionment, on such dates during that year as the Commissioner may fix, to other States in proportion to the amounts originally apportioned to such other States for that year, but with the proportionate amount for any of the other States being reduced to the extent it exceeds the sum the Commissioner determines the State needs or will be able to use for that year.

* * * * *

(20 U.S.C. 862)

8. Section 119.24 is amended to read as follows:

§ 119.24 Payment procedures.

Payments pursuant to special project grants may be made available in installments, and in advance on the basis of estimated expenditures, or by way of reimbursement of actual costs incurred in carrying out the approved project, with appropriate adjustments for underpayments or overpayments in any prior period.

(20 U.S.C. 1232d)

9. Section 119.27 is amended to read as follows:

§ 119.27 Publications.

Material produced as a result of any special project supported with grants under title V–A of the Act may be published without prior review by the Commissioner. Such published material, however, shall include an acknowledgment of Federal assistance through such grants. Copies of any material so produced shall be furnished to the Commissioner.

(20 U.S.C. 865)

10. Section 119.40 is amended to read as follows:

§ 119.40 Minor deviations.

Minor deviations from the approved application are permitted without the necessity for an approved amendment or revision where (a) they do not result in expenditures in excess of the total amount granted, (b) there is not any material change in the content or the administration of the approved application, (c) expenditures are otherwise made in accordance with, and for kinds of expenditures authorized in, the approved application, and (d) such deviations will not cause a more than 15 percent variation in the total amounts for any line or column total in the approved budget.

(20 U.S.C. 863)

11. Section 119.41 is amended to read as follows:

§ 119.41 Effective date of application, amendment or revision.

The effective date of any approved application, amendment or revision shall not be earlier than the date on which it is received by the Commissioner in substantially approvable form. No funds under title V–A of the Act may be used for the payment of obligations incurred prior to the effective date of the approved application, amendment, or revision.

(20 U.S.C. 864)

12. Paragraphs (a) and (c) of § 119.42 are amended to read as follows:

§ 119.42 Period for which an application will be approved.

(a) *Basic grants.* Since a project application is approved only for a period covering a fiscal year, funds granted to a State pursuant to §§ 119.2, 119.9, and 119.10 shall be available only for expenditures for which the application was approved and which are made during the fiscal year for which such funds are made available, except as otherwise specifically permitted by statute.

* * * * *

(c) *Obligations and payments.* The approval of the application pursuant to § 119.2 or § 119.23 will be regarded as an obligation of the Government of the United States in the amount of the approved application. Except as otherwise specifically permitted by statute, Federal funds so obligated will remain available for expenditure by grantees during the fiscal year for which the Federal grant funds are made available or, in the case of special projects, for the period for which the application is approved. All payments made with respect to the grant shall remain available for such a period. In the case of a special project grant, such a period may be extended by revision of the project application pursuant to § 119.25.

(20 U.S.C. 1225(b), 31 U.S.C. 200)

13. Section 119.44 is amended to read as follows:

§ 119.44 Expenditures by grantees.

The expenditure of funds under title V–A of the Act will be deemed to have occurred at the entering into of binding commitments for the acquisition of goods or property or for the performance of work, except that the use of funds for personal services, for services performed by public utilities, for travel, and for rental of equipment and facilities shall be deemed to have occurred at the time such services were rendered, such travel was performed, and such rented equipment and facilities were used, respectively.

(31 U.S.C. 200)

14. Section 119.45 is amended to read as follows:

§ 119.45 Liquidation of obligations.

Obligations entered into by a grantee and payable out of funds under title V–A of the Act shall be liquidated within one year following the fiscal period for which such funds are made available for use by such grantee unless the Commissioner extends the time for so liquidating obligations on the basis of a request from the State agency. Such request must be made prior to the end of the initial period for liquidating obligations.

(31 U.S.C. 200)

15. Section 119.47 is amended to read as follows:

§ 119.47 Arrangements with individuals or other organizations.

(a) In carrying out activities under title V–A of the Act, the grantee may not transfer to others responsibility in whole or in part for the use of grant funds or for the conduct of such activities, but may enter into contracts or arrangements with others for carrying out a portion of any such activity. Such contracts or arrangements shall (1) be in writing, (2) incorporate by reference all requirements of the Act, the regulations in this part, the approved application of the grantee, and the grant conditions, (3) constitute a reasonable and prudent use of grant funds, (4) provide that funds received pursuant to title V–A of the Act and paid by the grantee to the other party to the contract or arrangement will be used only for costs incurred by such other party in carrying out its portion of an activity, and (5) provide that such other party will account to the grantee for all grant funds received from the grantee.

(b) In applying for a grant under title V–A of the Act, the applicant shall indicate in the application for such grant any intention it may have of entering into contracts or other arrangements with individuals or organizations to conduct a portion of any activity proposed in the application. The grantee shall not enter into any such contract or arrangement unless the intention to do so is included in the approved application or an approved amendment or revision thereto.

(20 U.S.C. 863)

16. Section 119.48 is amended to read as follows:

§ 119.48 Fiscal audits and program reviews.

(a) To assist the grantee in adhering to statutory requirements and to the substantive legal and administrative provisions of the approved application, the Commissioner will conduct periodic reviews of the grantee's administrative and programmatic activities under title V–A of the Act.

(b) The Secretary of Health, Education, and Welfare and the Comptroller General of the United States or any of their duly authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records of the grantee that are pertinent to the grant received under title V–A of the Act.

(20 U.S.C. 869, 1232c)

17. In § 119.49, paragraph (a) is amended to read as follows:

§ 119.49 Records management.

(a) *General rule.* The grantee shall provide for keeping intact and accessible to the Secretary of Health, Education, and Welfare and the Comptroller General of the United States all records supporting claims for funds under title V–A of the Act or relating to the accountability of the grantee for expenditures of such funds for 3 years after the end of the period for which such funds were made available for expenditure. If, by the end of that 3 years, an audit by or on behalf of the Department has not occurred, the records must be retained until audit or until 5 years following the end of the period for which such funds were made available, whichever is earlier.

* * * * *

(20 U.S.C. 864, 1232c)

18. Section 119.50 is amended to read as follows:

§ 119.50 Grantee accountability.

In accordance with procedures established by the Commissioner, a grantee receiving a grant under Title V–A of the Act shall, upon the expiration of title V–A of the Act or upon termination of any such grant, render a full accounting of all grant funds paid to it and refund to the Commissioner any overpayment which might have been made, as determined by such an accounting.

(20 U.S.C. 864, 1232d)

19. Section 119.51 is amended to read as follows:

§ 119.51 Allowable expenditures.

Federal funds granted under title V–A of the Act may be used for such reasonable and otherwise allowable expenditures as are necessary to carry out the activities for which the grants are made. Such expenditures may include: (a) Salaries, travel, and other expenses of professional personnel and supporting staff for time spent on activities reasonably related to the activities for which the grants are made, including payments for leave and employers' contributions to retirement, workmen's compensation, and other welfare funds, which are available under applicable laws to one or more general classes of the State agency or the grantee employees; (b) fees and approved expenses of consultants, advisory committees, and other persons or groups acting in an advisory capacity to the grantee in carrying out such activities; (c) acquisition, maintenance and repair of equipment (including minor remodeling), and acquisition of supplies and materials to the extent they are directly used or consumed in carrying out such activities; and (d) other expenses (except those for the acquisition of land or the acquisition, construction, or alteration of buildings) to the extent that they are directly attributable to such activities. Allowable expenses shall be computed in accordance with plans submitted by the State and approved by the Department pursuant to Office of Management and Budget Circular No. A–87 and implementing instructions of the Department.

(20 U.S.C. 863)

20. Section 119.52 is amended to read as follows:

§ 119.52 Copyrights.

Any material of a copyrightable nature produced through a project approved by the Commissioner under title V–A of the Act shall not be copyrighted, but shall be placed in the public domain unless, at the request of the grantee and upon a showing that it will result in more effective development or dissemination of the material and would otherwise be in the public interest, the Commissioner authorizes arrangements for the copyright of the material for a limited period of time.

(20 U.S.C. 2)

In accordance with section 421 of the General Education Provisions Act (20 U.S.C. 1232), the foregoing amendments will become effective 30 days following the date of their publication in the FEDERAL REGISTER.

Dated: March 23, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: May 6, 1971.

ELLIOT L. RICHARDSON,
*Secretary of Health,
Education, and Welfare.*

[FR Doc.71-6804 Filed 5-14-71;8:48 am]

PART 140—FEDERAL ASSISTANCE FOR IMPROVEMENT OF STATISTICAL SERVICES OF STATE EDUCATIONAL AGENCIES

Revocation

In view of the expiration of legislative authority under section 1009 of the National Defense Education Act (20 U.S.C. 589) for Federal assistance for improvement of statistical services of State educational agencies, Part 140 of Chapter I of Title 45 of the Code of Federal Regulations is revoked.

Dated: April 12, 1971.

S. P. MARLAND, Jr.,
Commissioner of Education.

Approved: May 10, 1971.

ELLIOT L. RICHARDSON,
*Secretary of Health,
Education, and Welfare.*

[FR Doc.71-6803 Filed 5-14-71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1073]

PART 1033—CAR SERVICE

Soo Line Railroad Co. Authorized To Operate Over Certain Trackage of Burlington Northern, Inc.

At a session of the Interstate Commerce Commission, Railroad Service Board, held at its office in Washington, D.C., on the 10th day of May 1971.

It appearing, that the Burlington Northern Inc., in Finance Docket No. 21478, was required to admit the Soo Line Railroad Co. to the use of its Allouez iron ore docks and yards, together with necessary trackage of the Burlington Northern Inc., between these docks and a point of connection between these companies at Saunders, all in the vicinity of Superior, Wis.; that the iron ore docks of the former Northern Pacific Railway Co., now part of Burlington Northern Inc., and formerly used by the Soo Line Railroad Co., are no longer in an operating condition; that the Commission is of the opinion that there is need for the railroad services of the Soo Line Railroad Co. in transporting iron ore to docks on Lake Superior at Superior, Wis., for transloading to lake vessels; that use by the Soo Line Railroad Co. of these iron ore docks and of this trackage is necessary to provide for the uninterrupted movement of iron ore shipped by mines located on the Soo Line Railroad Co. in the interest of the public and the commerce of the people, pending final disposition of the application of the Soo Line Railroad Co. for permanent authority; that notice and public procedure herein are impractical and contrary to the public interest; and that good cause exists for making this order effective upon less than 30 days' notice:

It is ordered, That:

§ 1033.1073 Service Order No. 1073.

(a) *Soo Line Railroad Co. authorized to operate over certain trackage of Burlington Northern Inc.* The Soo Line Railroad Co. be, and it is hereby authorized to use Allouez iron ore docks and yards of Burlington Northern Inc., together with necessary trackage of the Burlington Northern Inc., between these docks and point of connection between these companies at Saunders, all in the vicinity of Superior, Wis.

(b) *Application.* The provisions of this order shall apply to intrastate and foreign traffic, as well as to interstate traffic.

(c) *Rules and regulations suspended.* The operation of all rules and regulations, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Effective date.* This order shall become effective at 12:01 a.m., May 12, 1971.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., November 30, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17 (2). Interprets or applies secs. 1 (10–17); 15 (4), and 17(2), 40 Stat., 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 71-6827 Filed 5-14-71;8:50 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A–1—GENERAL

PART 5A–16—PROCUREMENT FORMS

Miscellaneous Amendments

Parts 5A–1 and 5A–16 of Chapter 5A of Title 41 are amended as follows:

Subpart 5A–1.3—General Policies

Section 5A–1.311 is revised to read as follows:

§ 5A–1.311 Priorities, allocations, and allotments.

(a) Guidelines and procedures for the application of DO priority ratings to FSS contracts and delivery orders are set forth in GSA Order FSS 2800.13C, dated April 1, 1971. When the contract or any delivery order thereunder is to be priority rated, the appropriate rating symbol (DO K-1, DO D-7, etc.) or notation "see delivery order", shall be entered in Block 3 of SF 33, Solicitation, Offer, and Award, and the following clause shall be included in each solicitation:

PRIORITIES, ALLOCATIONS, AND CONTROLLLED MATERIALS

If this contract or any delivery order thereunder is rated and certified for national defense use (see Block 3 on the face of Standard Form 33), the Contractor shall follow the provisions of DPS Regulation 1 (formerly BDSA Regulation 2) and/or DMS Regulation 1 in obtaining controlled materials and other products and materials needed to fulfill the requirements of this contract.

(b) Criteria and procedures for requesting assistance from the U.S. Department of Commerce, Bureau of Domestic Commerce (BDC), (formerly Business and Defense Services Administration (BDSA)), under the Defense Materials System, are set forth in GSA Order FSS 2800.21, dated April 26, 1968.

The table of contents for Part 5A–16 is amended to include the following new and revised entries:

Sec.	
5A–16.950–103	GSA Form 103(FL), Transmittal of Award of Contract and GSA Form 72.
5A–16.950–2166	GSA Form 2166, Service Contract Act of 1965.

NOTE: Copies of the above forms are filed with the original document. Copies may be obtained from General Services Administration Region 3, Office of Administration, Printing and Publications Division (3BRD), Washington, D.C. 20407.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective June 15, 1971, but may be observed earlier.

Dated: May 6, 1971.

L. E. SPANGLER,
*Acting Commissioner,
Federal Supply Service.*

[FR Doc.71-6814 Filed 5-14-71;8:49 am]

Chapter 8—Veterans Administration

PART 8–16—PROCUREMENT FORMS

Contract Formats

1. In § 8–16.9503–1, paragraph c is added to read as follows:

§ 8–16.9503–1 Use of appendixes in exchange of use of specialized medical resources contracts.

* * * * *

c. The factors involved and the formula for arriving at such costs are set forth in Manuals M–1, Part I, and DM&S Supplement, MP–4, Part V.[1]

2. Section 8–16.9503–2 is revised to read as follows:

§ 8–16.9503–2 Format for appendixes to exchange of use of specialized medical resources contracts.

EXCHANGE OF USE OF SPECIALIZED MEDICAL RESOURCES BETWEEN THE VETERANS ADMINISTRATION HOSPITAL, WASHINGTON, D.C. AND THE WASHINGTON HOSPITAL CENTER, WASHINGTON, D.C.

RESOURCES TO BE FURNISHED BY THE WASHINGTON HOSPITAL CENTER

Resource	Estimated quantity	Cost
1. Maintenance Hemodialysis. Treatments for end-stage renal failure consisting of one or more weekly dialysis as indicated.	10 patients per month.	Per patient per treatment.[1]
2. Special Laboratory Procedures. Complex tests required to thoroughly evaluate VA patients with suspected or proven Endocrine Disease. To include, but not be limited to the following:	30 procedures per month.	Per patient per procedure.[1]
Urine:		
17-hydroxycorticosteroids (Porter-Silber).		
17-ketosteroids.		
Aldosterone.		
Pregnanedial.		
Pregnanetrial.		
Estrogens (total estrogens and one dial and trial).		
Gonadotropins, total.		
Blood:		
17-hydroxycorticosteroids (Porter-Silber).		
Cortisone.		
Testosterone.		
Aldosterone.		
Progesterone.		
3. Radiation Therapy.		
a. Deep radiation therapy including cobalt and cesium	12 patients per month.	Per patient per treatment.[1]
b. Surface therapy including (1) interstitial bore, (2) intracavitary radiation, and (3) categories, which include gold seeds, radium seeds, applicators, etc., each per treatment program.	do	Do.

RESOURCES TO BE FURNISHED BY VA HOSPITAL, WASHINGTON, D.C.

Resource	Estimated quantity	Cost
1. Cardiac Catheterization. To include (1) the recording of intravascular pressures, (2) the measurement of oxygen content and saturation of blood samples taken from the chambers of the heart, (3) the measurement of cardiac output by the Fick principle, (4) the recording of indicator dilution curves, and (5) selective angiocardiographic studies.		
(a) With large angio film	5 patients per month.	Per patient per procedure.[1]
(b) Without large angio film	do	Do.[1]
2. Special Laboratory Procedure. Thyroxine in blood by displacement (Murphy-Pattee Method) and resin sponge uptake of T3. This is an isotope procedure available in the VA radioisotope laboratory.	20 patients per month.	Do.[1]
3. Esophageal Motility Procedures. The VA Hospital has a well-staffed and equipped laboratory for the study of pressures in the pharynx and esophagus and the response of these organs to swallowing. Tests are very helpful in patients complaining of dysphagia, substernal pain and heartburn related to gastric reflux. It is useful in evaluation, preoperatively as well as postoperatively, in patients with hiatal hernia. Its importance to both veteran and nonveteran patients is enormous when related to the fact that it is helpful in the diagnosis of a variety of patients with problems in such fields as gastroenterology, cardiology, rheumatology and dermatology. Each procedure includes physician interpretation, technician and supplies.	15 patients per month.	Do.[1]

[1] Enter cost which has been negotiated.

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[1] Available in any Veterans' Administration station.

3. Sections 8–16.9503–3, 8–16.9503–4, and 8–16.9503–5 are added to read as follows:

§ 8–16.9503–3 Mutual use of specialized medical resources provided to a VA hospital.

The ------------------------[1] (hereinafter called the Contractor) agrees, in accordance with the terms and conditions of this contract, to permit the VA Hospital, ------------------------,[2] (hereinafter called the VA) to utilize the specialized medical resources of the Contractor as specified in the appendixes attached to and made a part of this contract. The initial listing of resources shall be identified as "Appendix A" and each succeeding appendix as "Appendix B," "Appendix C," etc.

1. *Resources.* a. The resources specified in any of the attached appendixes may be added to or terminated by written amendment to this contract. The amendment will be prepared by the VA Contracting Officer and, prior to becoming effective, shall be approved by the VA Chief Medical Director or his designee and the Contracting Officer of the Contractor.

b. The resources specified in the appendixes to this contract shall be furnished to the VA by the Contractor when requested by means of an individual written request which has been authorized by -----------------[3] or his (their) authorized designee(s).

2. *Period covered.* This contract when accepted by the Contractor and the VA Contracting Officer shall be effective from ------------[4] through ------------.[4]

3. *Termination.* This contract will remain in force during the period stated unless terminated at the request of either party after thirty (30) days' notice in writing. To the extent that this contract is so terminated, the VA will be liable only for payment in accordance with the payment provisions of this contract for services rendered prior to the effective date of termination.

4. *Payment.* a. The VA agrees to reimburse the Contractor on a unit basis for resources furnished at the prices listed in the appendixes to this contract.

b. Sums due the Contractor will be paid ------[5] upon receipt of a properly prepared invoice submitted by the Contractor.

c. Bills rendered by the Contractor to the VA for services furnished a VA beneficiary under the terms of this contract shall be in full. Neither the beneficiary, his insurer nor any other third party shall be billed.

5. *Qualifications.* The physicians furnishing services under this contract must be licensed to practice in a State, Territory, or Commonwealth of the United States or the District of Columbia.

6. *Medical records.* Clinical or other medical records of VA beneficiaries treated by the Contractor will be forwarded to the VA.

7. *Officials not to benefit.* No member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

8. *Equal opportunity.* a. The Contractor agrees to furnish the resources specified in the appendixes hereto without regard to the race, color, religion, sex, or natonal origin of the VA beneficiary.

NOTE: When it is determined by the VA Contracting Officer that the funds to be expended under this contract will exceed $10,000, the following clauses shall be included in the contract.

b. VA Form 07–2135, Equal Opportunity Clause for Government Contracts, is attached to and made a part of this contract.

c. Certification of Nonsegregated Facilities.

The Contractor certifies that he does not, and will not maintain or provide for his employees at any of his establishments, facilities which are segregated on the basis of race, color, religion, or national origin. The term "segregated facilities" as used herein means those facilities specified in 41 CFR 1–12.803–10(d)(1).

NOTE: When it is determined by the VA Contracting Officer that the funds to be expended by the VA under this contract will exceed $50,000 and that the Contractor has in his employ 50 or more employees, the following clause shall be included in the contract.

d. Affirmative Action Compliance Program.

(1) The Contractor shall develop and maintain, within 120 days after award of this contract, a separate written affirmative action compliance program for each of his establishments. He shall require each Subcontractor having 50 or more employees to whom a subcontract, amounting to $50,000 or more, is awarded to develop and maintain, within 120 days after the award of such subcontract, a separate written affirmative action compliance program for each of the Subcontractor's establishments.

(2) Each affirmative action program shall be developed in conformity with the rules and regulations of the Office of Federal Contract Compliance, U.S. Department of Labor (Title 41, Part 60–2, Chapter 60, Code of Federal Regulations). Each program shall be maintained at the local office responsible for personnel matters of the particular establishment and shall be made available for inspection by representatives of the Office of Federal Contract Compliance, or such agency as may be designated as the Compliance Agency, upon request.

(3) The offeror certifies by completing whichever of the following is appropriate that he regularly employs:

(i) ☐ Less than 50 employees.

(ii) ☐ 50 or more employees and maintains a written affirmative action program for each of his establishments in accordance with Title 41, Part 60–2, Chapter 60 of the Code of Federal Regulations.

(iii) ☐ 50 or more employees and agrees to develop, within 120 days after award of this contract, a written affirmative action program for each of his establishments in accordance with Title 41, Part 60–2, Chapter 60 of the Code of Federal Regulations.

9. *Disputes.* a. Except as otherwise provided in this contract, any dispute concerning a question of fact arising under this contract which is not disposed of by agreement shall be decided by the VA Contracting Officer, who shall reduce his decision to writing and mail or otherwise furnish a copy thereof to the Contractor. The decision of the Contracting Officer shall be final and conclusive unless, within 30 days from the date of receipt of such copy, the Contractor mails or otherwise furnishes to the Contracting Officer a written appeal addressed to the Administrator of Veterans Affairs. The decision of the Administrator, or his duly authorized representative for the determination of such appeal, shall be final and conclusive, unless determined by a court of competent jurisdiction to have been fraudulent, capricious, arbitrary or so grossly erroneous as necessarily to imply bad faith or not supported by substantial evidence. In connection with any appeal proceeding under this clause, the Contractor shall be afforded an opportunity to be heard and to offer evidence in support of his appeal. Pending final decision of a dispute hereunder, the Contractor shall proceed diligently with the performance of the contract and in accordance with the Contracting Officer's decision.

b. This "Disputes" clause does not preclude consideration of questions of law in connection with decisions provided for in paragraph a above: *Provided*, That nothing in this contract shall be construed as making final the decision of any administrative official, representative, or board on a question of law.

10. *Contingent fee.* The Contractor warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Contractor for the purpose of securing business. For breach or violation of this warranty, the Government shall have the right to annul this contract without liability, or, in its discretion, to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

11. *Contractor represents.* The Contractor represents that he ☐ has, ☐ has not, participated in a previous contract or subcontract subject to the Equal Opportunity Clause herein and Executive Order No. 11246, dated September 24, 1965; and he ☐ has, ☐ has not, filed all required compliance reports; and that the representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained prior to subcontract awards.

12. *Examination of records.* The following clause shall be included in all contracts in which the cost to the VA will exceed $2,500.

EXAMINATION OF RECORDS

The Contractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until the expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR, Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of the Contractor involving transactions related to this contract.

13. *Authority.* This contract is entered into under the authority of 38 U.S.C. 5053 (a)(1) and is negotiated under the authority of § 1–3.204 of the Federal Procurement Regulations.

Approved and accepted for:

By ------------------------------------

(Title) (Date)

Approved and accepted for Veterans' Administration:

By ------------------------------------

(Title) (Date)

§ 8–16.9503–4 Use of appendixes in contracts for mutual use of specialized medical resources provided to a VA hospital.

a. The initial services and the cost of such services to be rendered by the Contractor will be listed in the format illustrated in § 8–16.9503–5, designated "Appendix A" and made a part of the contract. Each succeeding listing which either adds to or deletes from the initial or subsequent listings will be designated "Appendix B," "Appendix C," etc.

b. In negotiating the cost to be paid by the VA for each resource of the Contractor that is utilized, Contracting Officers will assure themselves that the prices charged are equitable and just and not in excess of those charged in the community for similar or equal services.

§ 8–16.9503–5 Format for appendixes for contracts for mutual use of specialized medical resources provided to a VA hospital.

MUTUAL USE OF SPECIALIZED MEDICAL RESOURCES PROVIDED TO THE VA HOSPITAL, WASHINGTON, D.C. BY THE GEORGE WASHINGTON UNIVERSITY HOSPITAL, WASHINGTON, D.C.

Resource	Estimated quantity	Cost
1. Maintenance Hemodialysis. Treatments for end-stage renal failure consisting of one or more weekly dialysis as indicated.	30 patients per month.	Per patient per treatment.[1]
2. Radiation Therapy.		
a. Deep radiation therapy including cobalt and cesium	20 patients per month.	Do.
b. Surface therapy including (1) interstitial bore, (2) intracavitary radiation, and (3) categories, which include gold seeds, radium seeds, applicators, etc., each per treatment program.	do	Do.

[1] Enter cost which has been negotiated.

4. In § 8–16.9504, the headnote is amended to read as follows:

§ 8–16.9504 Mutual use of specialized medical resources provided by a VA hospital.

* * * * *

5. In § 8–16.9504–1, the headnote and paragraph b are amended to read as follows:

§ 8–16.9504–1 Use of appendixes in contracts for mutual use of specialized medical resources provided by a VA hospital.

* * * * *

b. In negotiating the cost to be paid by the Contractor for the use of these resources, Contracting Officers will be guided by the provisions of 38 U.S.C. 5053(b) and the factors involved and formula for arriving at such costs as set forth in § 8–16.9503–1.

6. In § 8–16.9504–2, the headnote is amended to read as follows:

§ 8–16.9504–2 Format for appendixes for contracts for mutual use of specialized medical resources provided by a VA hospital.

* * * * *

(Sec. 205(c), 63 Stat. 309, as amended, 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective June 17, 1971.

Approved: May 11, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–6801 Filed 5–14–71;8:47 am]

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[1] Enter name and complete address of Hospital, University Medical School, or Medical Installation.

[2] Enter address of VA Hospital.

[3] Enter name(s) of authorizing official(s).

[4] Enter beginning and ending dates.

[5] Enter frequency, i.e., monthly, quarterly, etc.

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[43 CFR Part 1810]

DISASTER RELIEF

Timber Sales Contracts for Public Lands

The purpose of this amendment is to provide procedures for obtaining relief from damages caused by a major disaster to roads or other development facilities built under timber sale contracts. Such relief was provided for by section 242(a) (b) of the Disaster Relief Act of 1970 (84 Stat. 1744), which repealed the Disaster Relief Act of 1966 (42 U.S.C. 1855aa–1855ii) and the Disaster Relief Act of 1969 (42 U.S.C. 1855ccc).

It is the policy of this Department, whenever practicable, to afford the public an opportunity to participate in the rule-making process. Accordingly, interested parties may submit written comments, suggestions, or objections with respect to the proposed rules to the Director (210), Bureau of Land Management, Washington, D.C. 20240, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

Subpart 1815 is revised to read as follows:

Subpart 1815—Disaster Relief

§ 1815.0–3 Authority.

Disaster Relief Act of 1970 (84 Stat. 1744).

§ 1815.0–5 Definitions.

"Major disaster" means any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake, drought, fire, or other catastrophe in any part of the United States, which, in the determination of the President, is or threatens to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement the efforts and available resources of States, local governments, and relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby, and with respect to which the Governor of any State in which such catastrophe occurs or threatens to occur certifies the need for Federal disaster assistance and gives assurance of the expenditure of a reasonable amount of the funds of such State, its local governments, or other agencies for alleviating the damage, loss, hardship or suffering resulting from such catastrophe.

§ 1815.1 Timber sale contracts.

§ 1815.1–1 Relief granted.

(a) Where an existing timber sale contract does not provide relief to the timber purchaser from major physical change, not due to negligence of the purchaser, prior to approval of construction of any section of specified road or other specified development facility and, as a result of a major disaster, a major physical change results in additional construction work in connection therewith, the United States will bear a share of the increased construction costs. The United States' share will be determined by the authorized officer as follows:

(1) For sales of less than 1 million board feet, costs over $1,000;

(2) For sales of from 1 to 3 million board feet, costs over the sum of $1 per thousand board feet;

(3) For sales of over 3 million board feet, costs over $3,000.

(b) Where the authorized officer determines that the damages caused by such major physical change are so great that restoration, reconstruction, or construction is not practical under this cost-sharing arrangement, he may cancel the timber sale contract notwithstanding any provisions thereof.

§ 1815.1–2 Applications.

(a) *Place of filing.* The application for relief shall be filed in the office which issued the contract.

(b) *Form of application.* No special form of application is necessary.

(c) *Contents of application.* (1) The date of issuance of the contract and any identification number.

(2) The particular disaster and its effect upon contract performance.

(3) An estimate of the damages suffered.

(4) A statement of the relief requested.

(5) An estimate of time which will be needed to overcome the delay in performance caused by the disaster.

ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 10, 1971.

[FR Doc.71-6812 Filed 5-14-71;8:48 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Proposed Limitation of Shipments

Consideration is being given to the issuance of the limitation of shipments regulation, hereinafter set forth, which was recommended by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953) regulating the handling of Irish potatoes grown in the designated counties of Virginia and North Carolina. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal may file the same in four copies with the Hearing Clerk, Room 112, U.S. Department of Agriculture, Washington, D.C. 20250, not later than May 23. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposed regulation is as follows:

§ 953.311 Limitation of shipments.

During the period June 1 through July 31, 1971, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing," livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appears in the act as amended February 20, 1970, and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing." All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports.* Pursuant to section 608e–1 of the act and § 980.1 *Import regulations* (§ 980.1 of this chapter), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity, requirements specified in paragraph (a) of this section.

Dated: May 12, 1971.

PAUL A. NICHOLSON,
Acting Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6832 Filed 5-14-71;8:50 am]

[7 CFR Part 1036]

[Docket No. AO-179-A34]

MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Decision on Proposed Amendments to Marketing Agreement and to Order

A public hearing was held upon proposed amendments to the marketing agreement and the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice (7 CFR Part 900), at Parma, Ohio, on March 12, 1971, pursuant to notice thereof issued on March 1, 1971 (36 F.R. 4297).

Opon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs, on April 8, 1971 (36 F.R. 7069; F.R. Doc. 71-5171) filed with the Hearing Clerk, U.S. Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and are set forth in full herein with the following modifications:

1. Under the heading "1. *Partial payments to producers.*", the first, fifth, sixth, and 11th paragraphs are changed.
2. Under the heading "2. *Timing of amendments.*", the first and second paragraphs are changed and the fourth paragraph is deleted.

The material issues on the record of the hearing relate to:

1. Partial payments to producers; and
2. Timing of amendments.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Partial payments to producers.* The order should provide that all handlers be required to make partial payments to producers, or to cooperative associations that collect for their members, for producer milk delivered during the first 15 days of the month. Such payments to individual producers should be made by the last day of the month. Payments to cooperative associations should be made 2 days earlier. The rate of payment should be not less than the Class III price for the preceding month, less any proper deductions authorized by the producer.

Under the present order, partial payments are optional with the producer or cooperative. Handlers are required to make such payments only if requested to do so by the producer or the cooperative collecting for the producer. Final settlement for producer deliveries during the month is not required until about the middle of the following month.

A group of 10 proprietary handlers proposed that partial payments for producer milk delivered during the first 15 days of the month be mandatory for all handlers. Proponents pointed out that the option under the order for partial payments was invoked recently for the first time by a cooperative association in the market. As a result of this payment request, some handlers are being required to make partial payments for producer milk while others are not. Proponents contended that this results in inequities among handlers since those not making such payments have a greater amount of time to accumulate sufficient funds for their milk purchases. It was claimed that handlers making partial payments are competitively disadvantaged relative to handlers not making such payments because of the considerably different cash flow required.

This proposal was supported at the hearing by two major cooperative associations in the marketing area, one of which recently invoked the optional partial payments.

Opposition to the proposal was voiced by a proprietary handler. The handler contended that delayed payments for milk by his customers would make it difficult for him to have sufficient funds available by the end of the month to make the proposed partial payments to producers. The handler testified that if mandatory partial payments are adopted, such payments should be instituted on a graduated basis, i.e., for the first year the partial payment to a producer should be 25 percent of the regular partial payment otherwise required, 50 percent of the regular payment the second year, 75 percent the third year, and 100 percent thereafter. This procedure, he claimed, would give handlers a period of time to accommodate their financial arrangements to this change in producer payments.

Presently, there is a mixture of payment practices in the Eastern Ohio-Western Pennsylvania market. Final payments by handlers for all deliveries of producer milk during the month are due by the 18th day of the following month (16th day if payments are to a cooperative). Partial payments for the first 15 days' deliveries are being requested under the terms of the order of a limited number of handlers in Ohio. In the Pennsylvania portion of the market, where over half of the handlers in the market are located, partial payments are mandatory for all handlers pursuant to the regulations of the Pennsylvania Milk Marketing Board. Handlers located in this portion of the marketing area thus make partial payments regardless of the optional payment provision of the Eastern Ohio-Western Pennsylvania order.

Although the optional payment provision has been in the order for many years, it was involked only recently by a cooperative association representing over 50 percent of the producers supplying the market. Consequently, certain handlers in Ohio are being required to make partial payments to producers while others in the State with whom they compete are not.

The cooperative's request for partial payments stems from changes now being made in their producer payment and accounting procedures. Such changes were prompted by the recent merger of several cooperative associations, including one Pennsylvania-based association, into the present organization. Since the merger, over half the members of the present cooperative have been receiving partial payments pursuant to Pennsylvania regulations. In an attempt to provide uniform payment procedures for all its members and to facilitate the use of automatic data processing, the cooperative intends to request partial payments of all handlers receiving milk from its members. Under this change-over, such payments have been requested thus far only of handlers in the Cleveland metropolitan area.

Under this mixture of payment practices, handlers in the market are not subject to the same payment schedules. Because of the different cash flow required, the financial position of a milk processor is affected by the different payment requirements. This can affect his competitive position in the marketplace. Handlers in this market who are being required to make partial payments are in competition with those handlers who have a greater length of time to accumulate the necessary funds for their purchases of milk. Greater equity among all handlers and among all producers can be achieved by requiring mandatory partial payments for producer milk.

It is not unreasonable to require a handler to make partial payments for milk that he has received from producers. If only a final settlement for the milk is required, payable by the middle of the next month, a handler has use of the milk for approximately 15 to 45 days without any payment. The application of partial payments will reduce the period a producer must wait to receive some payment. Such partial payment still would be less than the full value of the milk by the amount of the difference between the price for the lowest-use class and the uniform price (disregarding adjustments for butterfat test and plant location). During 1970, this difference averaged $1.30 per hundredweight.

The rate of partial payments should be not less than the Class III price for the preceding month. No adjustment should be made for butterfat content or plant location. This rate is the same as in the current order for the optional payments. The proposal to institute any mandatory partial payments on a graduated scale—25 percent the first year, 50 percent the second year, 75 percent the third year, and 100 percent thereafter—should not be adopted. Although proponent envisioned that such a reduction would be implemented by applying the Class III price to a percentage of the producer's deliveries during the first half of the month, the producer would be receiving in effect less than the Class III price for all of the milk he had delivered during the first 15 days of the month. The Class III price represents the lowest use value that can apply to producer milk and a lower payment rate should not apply.

The partial payments should be reduced by the amount of any proper deductions authorized by a producer. It is not unusual for a producer to have assignments or other deductions made against the payments for his milk. This provision will accomodate such circumstances and allow these deductions to be made from the partial as well as the final payments for milk.

As under the present optional payment provisions, a handler should be required to make partial payment only to a producer who has not discontinued delivery of milk to the handler as of the end of the month. Due to previous assignments made against a producer's milk deliveries, partial payment might possibly result in an overpayment to a producer who stops delivery to a handler prior to the end of the month. This requirement will minimize the possibility of overpayments.

The order should provide that partial payments to a cooperative association collecting for its members be made at least 2 days prior to the last day of the month, rather than by the 27th day of the month as at present. The period of time between the 27th day and the end of the month can vary from 1 to 4 days. A minimum fixed period should be provided so that the individual members of the cooperative can receive such payments by the same time as producers receiving payment directly from handlers. Two days should be adequate for this purpose.

2. *Timing of amendments*. The amendments adopted herein should be made effective as soon as practicable.

The proponent handlers requested that their proposal be made effective on January 1, 1972, and that the present provisions for optional partial payments be suspended until such date. Proponents claimed that the delayed effective date would provide sufficient time for handlers to adjust their operations to the proposed change in producer payments. They stated that the suspension action for the interim period would remove the inequities among handlers that are being experienced currently.

Postponement until January 1972 of the amendments adopted herein would not tend to effectuate the declared policy of the Act. Partial payments to producers are justified on a marketwide basis and should be made uniformly by all handlers regulated under the order. Many of the handlers in the market are making partial payments at the present time. Those handlers not now making such payments to producers many need to make some adjustment in their financial arrangements to accommodate the new payment procedure. This should be minimal, though, since under the present terms of the order such handlers not now making partial payments must be prepared to do so upon 12 days' notice. An extended delay in the effective date of the amendments adopted herein is not warranted.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

GENERAL FINDINGS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) The tentative marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The tentative marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

MARKETING AGREEMENT AND ORDER

Annexed hereto and made a part hereof are two documents, a marketing agreement regulating the handling of milk, and an order amending the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area which have been decided upon as the detailed and appropriate means of effecting the foregoing conclusions.

It is hereby ordered, That this entire decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreement are identical with those contained in the order as hereby proposed to be amended by the attached order which is published with this decision.

DETERMINATION OF PRODUCER APPROVAL AND REPRESENTATIVE PERIOD

March 1971 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order, as amended and as hereby proposed to be amended, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area is approved or favored by producers, as defined under the terms of the order, as amended and as hereby proposed to be amended, and who, during such representative period, were engaged in the production of milk for sale within the aforesaid marketing area.

Signed at Washington, D.C. on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

Order[1] amending the order, regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings*. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the order, as amended, and as hereby amended, as follows:

The provisions of the proposed marketing agreement and order amending the order contained in the recommended decision issued by the Deputy Administrator, Regulatory Programs, on April 8, 1971, and published in the FEDERAL REGISTER on April 14, 1971 (36 F.R. 7069; F.R. Doc. 71-5171), shall be and are the terms and provisions of this order, amending the order, and are set forth in full herein with the following modification: Section 1036.70(b) (1) (iv) is changed.

§ 1036.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the last day of the month, to each producer who has not discontinued delivery of milk to such handler, not less than the amount determined by multiplying the pounds of producer milk received from such producer during the first 15 days of the month by the Class III price for the preceding month, without adjustment for butterfat content, less proper deductions authorized by the producer; and

(2) On or before the 18th day after the end of the month, to each producer not less than the amount determined by multiplying the pounds of producer milk received from such producer during the month by the uniform price as adjusted pursuant to §§ 1036.71 and 1036.72, less the following amounts:

(i) The payment made pursuant to subparagraph (1) of this paragraph for such month;

(ii) Proper deductions authorized by the producer;

(iii) Any marketing service deduction pursuant to § 1036.76; and

(iv) If before such date the handler has not received full payment from the market administrator pursuant to § 1036.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this subparagraph next following after receipt of the balance due from the market administrator.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association for producer milk received from such members an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) or (2), as the case may be, of paragraph (a) of this section. Such payment shall be made on or before the second day prior to the date specified in such applicable subparagraph. Payments under this paragraph shall be subject to the following conditions:

(1) Each handler shall submit to the cooperative association with such payments written information which shows for each such producer:

(i) The total pounds of milk received from him during the period for which the payment applies;

(ii) With respect to the payment described in paragraph (a)(2) only of this section, the total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amount of any deductions authorized by the producer;

(2) Payments to a cooperative association and the submission of information by handlers pursuant to this paragraph shall be made with respect to that milk of each producer whom the cooperative association certifies is a member which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding the receipt of a notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(3) A copy of each such request, promise to reimburse, and certified list, of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) On or before the 15th day after the end of the month, each handler shall pay a cooperative association at not less than the class prices applicable pursuant to § 1036.51 for milk he receives:

(1) By transfer or diversion from a pool plant operated by such cooperative association; or

(2) From such cooperative association in its capacity as a handler pursuant to § 1036.13(d), if such cooperative association also operates a pool plant.

[FR Doc.71-6833 Filed 5-14-71;8:50 am]

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 727]

[Administrative Order No. 619]

SUGARCANE INDUSTRY IN PUERTO RICO

Dissolution of Certain Industry Committee

By Administrative Order No. 610 dated October 28, 1969, published at 34 F.R. 17732 on November 1, 1969, I appointed Industry Committee No. 89–B to hold a hearing on December 8, 1969, to consider the question of minimum rates of wages to be fixed for the sugarcane farming industry in Puerto Rico under the provisions of 29 CFR Part 511. Prior to the December 8, 1969, hearing, the three employee members of the committee submitted their resignations to Committee No. 89–B, which thereupon canceled the December 8, 1969, hearing and adjourned subject to recall by the Administrator of the Wage and Hour Division. The Administrator does not intend to recall the Committee.

Accordingly, pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205), Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and 29 CFR 511.5, I hereby dissolve Industry Committee No. 89–B for the Sugarcane Farming Industry in Puerto Rico.

Signed at Washington, D.C., this 10th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–6813 Filed 5–14–71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED

Qualifications of Physical Therapists

Notice is hereby given that the amendments set forth below are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments would provide that a physical therapist who was licensed or registered prior to January 1, 1970, may qualify for Medicare purposes upon achieving a satisfactory grade on an examination conducted by or under the sponsorship of the Public Health Service; and a physical therapist who was licensed or registered prior to January 1, 1966, and is currently licensed, would qualify for Medicare purposes if, prior to January 1, 1970, he had 15 years of full-time experience in the treatment of illness or injury through a practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians.

These proposed amendments are identical with regulations published on June 27, 1970 (35 F.R. 10510, 10516). Prior to the publication of these amendments, the provisions relating to qualifying as a physical therapist if graduated from an approved physical therapy curriculum had been published in notices of proposed rule making on February 15, 1966 (Subpart J, 31 F.R. 2748), and May 14, 1966 (Subpart K, 31 F.R. 7131, and Subpart L, 31 F.R. 7143). The provisions relating to qualifications acquired prior to January 1, 1966, or acquired outside the United States, had been published in a notice of proposed rule making on November 27, 1968 (Subpart Q, 33 F.R. 17691). The amendments proposed herewith, along with the related provisions previously published, are being republished in this notice of proposed rule making to provide interested parties the opportunity to submit data, comments, and arguments.

Formulation of these amendments was underaken pursuant to the expectation of the Senate Finance Committee as expressed in its Report on the Social Security Amendments of 1967, as follows:

> Pursuant to present law, the Secretary of Health, Education, and Welfare establishes various health and safety criteria as conditions for the participation of providers of services and independent laboratories in the medicare program. In setting these standards, it was necessary to establish criteria for judging the professional competency and the qualifications of key professional personnel in these health facilities. Membership in or registration or certification by certain specialty or professional organizations is the principal accepted means of establishing professional qualifications in health fields. Medicare regulations go beyond these usual tests of qualifications by providing that individuals meeting alternative training and experience requirements may be found to be qualified personnel.
>
> While the committee agrees that the Secretary's health and safety requirements are intended to safeguard the welfare of patients, it is concerned that the reliance placed on specific formal education, training, or membership in private professional organizations might sometimes serve to disqualify people whose work experience and training may make them equally or better qualified than those who meet the existing requirements. Failure to make possible the fullest use of properly trained health personnel is of particular concern because of the shortage of skilled health personnel in several fields.
>
> While the committee recognizes the difficulties involved in determining the qualifications of persons in some of these health professions, it also believes and expects that the Secretary should engage in consultation with appropriate professional health organizations and State health agencies and, to the extent feasible, explore, develop, and apply appropriate means of determining the proficiency of health personnel disqualified under the present regulations. Moreover, the Secretary should encourage and assist programs designed to upgrade the capabilities of those who are not now sufficiently skilled to qualify in health occupations now in short supply, but who could perform adequately with relatively little additional training. S. Rep. No. 744, 90th Cong., First sess. 89–90 (1967).

Accordingly, an expert review panel was established to consider the problem, to meet with representatives of interested organizations, and to advise the Community Health Service of the U.S. Public Health Service, which had been assigned the responsibility for the study. The panel included three physicians, four physical therapists (one an educator), the Director of the Department of Allied Health Professions and Services of the American Medical Association, and a medical care administrator. The panel consulted with representatives of the American Physical Therapy Association, the National Association of Physical Therapists, the California Physical Therapists Association and the Massachusetts Society of Registered Physical Therapists. The review panel concluded that, because of the wide variations in educational background of physical therapists who were unable to meet the Medicare standards of qualification then in effect, it could not recommend that State licensure alone be accepted as an adequate criterion of competence for Medicare purposes. The panel recommended, however, that in light of health manpower shortages, efforts should be made to utilize for Medicare purposes the services of those physical therapists who could establish proficiency at an adequate level of quality. The panel recommended that licensed physical therapists who were unable to meet the then existing requirements for participation in the Medicare program be permitted to qualify upon achieving a satisfactory grade on an examination to be conducted under the sponsorship of the U.S. Public Health Service. It was also believed by the Department, however, that further consideration needed to be given to those physical therapists whose experience had been concentrated in health oriented settings for such extended periods of time as could be considered sufficient to constitute a reliable and objective measure providing reasonable assurance that they had attained proficiency at an adequate level of quality. Accordingly, an additional alternative is contained in the proposed amendments, based on State licensure and long experience in the treatment of illness or injury through the practice of physical therapy in which the services were rendered upon the order of and under the direction of attending and referring physicians.

These recommendations were subsequently the subject of consultations with the Health Insurance Benefits Advisory Council (see section 1867 of the Social Security Act, 42 U.S.C. 1395dd), with appropriate State agencies, and with national recognized accrediting agencies, pursuant to section 1863 of the Act (42 U.S.C. 1395z). Also, in addition to the physical therapy associations mentioned above, consultations were conducted with representatives of the New Jersey Physical Therapy Society.

The two new alternative methods of qualification in the amendments thus proposed would together take their place as only one group of four alternative groups of approaches available to physical therapists seeking to qualify for Medicare purposes, as follows:

(1) Graduation from a physical therapy curriculum approved by any of the three accrediting agencies which successively have been recognized universally; or

(2) Having achieved prior to January 1, 1966 (the year in which the Medicare program went into effect), membership in the American Physical Therapy Association or registration in the American Registry of Physical Therapists, or graduation from a State-approved 4-year collegiate physical therapy curriculum; or

(3) Parallel standards for foreign-trained physical therapists; or

(4) If licensed or registered prior to January 1, 1970 (the year in which the alternatives provided in this provision were first made available), having achieved a satisfactory grade on an examination conducted by or under the sponsorship of the U.S. Public Health Service, or having attained by then 15-years' full-time experience in a physical therapy practice in which services were rendered upon a physician's prescription (provided, in the latter case, the individual had also achieved licensure or registration by Jan. 1, 1966, the year in which the Medicare program went into effect).

These standards are designed to enable physical therapists to demonstrate levels of proficiency which provide reasonable assurance that minimum standards of competence are being maintained. As such, the amendments proposed herewith complement the educational and professional criteria already in effect. The latter are expressed in two parts, of which the first is graduation from an accredited curriculum. The American Physical Therapy Association was the recognized accrediting agency for physical therapy curricula from 1928 to 1936. The Council on Medical Education and Hospitals of the American Medical Association was the recognized accrediting agency from 1936 to 1960. Currently and since 1960, the Council on Medical Education of the American Medical Association, in collaboration with the American Physical Therapy Association, has been recognized as the professional accrediting agency for the physical therapy curricula.

The second part of this two-part set of educational and professional criteria is expressed in terms of membership in the American Physical Therapy Association or registration by the American Registry of Physical Therapists. Since it was founded in 1921, the American Physical Therapy Association required graduation from recognized schools of physical therapy as a prerequisite to active membership, and, since 1928, only the schools accredited by the agencies listed in the first part of the regulation have been recognized for this purpose. Similarly, the American Registry of Physical Therapists was organized under the aegis of the Congress of Physical Rehabilitation and Medicine, the association of medical physiatrists affiliated with the American Medical Association. Prerequisites to registration in the Registry were not only the successful completion of a written examination but also graduation from a school approved by the accrediting agencies listed in the first part of the regulation. Thus, membership in either the American Physical Therapy Association, or registration by the American Registry of Physical Therapists, is evidentiary of meeting the educational requirements of the organized physical therapy profession at any given time before the advent of the Medicare program, standards which are nationally recognized throughout the health professions.

Prior to the final adoption of the proposed amendments, consideration will be given to any data, comments, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, DC 20201, within a period of 30 days from the date of publication of this notice in the FEDERAL REGISTER.

The proposed amendments are to be issued under the authority contained in sections 1102, 1861, 1863, 1864, and 1871; 49 Stat. 647, as amended; 79 Stat. 314; 42 U.S.C. 1302, 1395, et seq.

Dated: April 12, 1971.

ROBERT M. BALL,
Commissioner of Social Security.

Approved: May 11, 1971.

ELLIOT L. RICHARDSON,
Secretary of Health, Education, and Welfare.

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as follows:

1. Paragraph (d)(3) of § 405.1031 is revised to read as follows:

§ 405.1031 Condition of participation—complementary departments.

* * * * *

(d) *Standard; rehabilitation, physical therapy, and occupational therapy department.* * * *

(3) If physical therapy services are offered, the services are given by or under the supervision of a qualified physical therapist. A qualified physical therapist is one who:

(i) Has graduated from a physical therapy curriculum approved by—

(*a*) The American Physical Therapy Association; or

(*b*) The Council on Medical Education and Hospitals of the American Medical Association; or

(*c*) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(ii) Prior to January 1, 1966—

(*a*) Has been admitted to membership by the American Physical Therapy Association; or

(*b*) Has been admitted to registration by the American Registry of Physical Therapists; or

(*c*) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(iii) If currently licensed or registered to practice physical therapy pursuant to State law:

(*a*) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(*b*) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(iv) If trained outside the United States—

(*a*) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(*b*) Is a member of a member organization of the World Confederation for Physical Therapy; and

(*c*) Has completed 1-year's experience under the supervision of an active member of the American Physical Therapy Association; and

(*d*) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

2. Paragraph (c)(1) of § 405.1126 is revised to read as follows:

§ 405.1126 Condition of participation—restorative services.

* * * * *

(c) *Standard; therapy services.* * * *

(1) Physical therapy is given or supervised by a therapist who meets one of the following requirements:

(i) He has graduated from a physical therapy curriculum approved by—

(*a*) The American Physical Therapy Association; or

(*b*) The Council on Medical Education and Hospitals of the American Medical Association; or

(*c*) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(ii) Prior to January 1, 1966—

(*a*) Has been admitted to membership by the American Physical Therapy Association; or

(*b*) Has been admitted to registration by the American Registry of Physical Therapists; or

(*c*) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(iii) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(*a*) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(*b*) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(iv) If trained outside the United States—

(*a*) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(*b*) Is a member of a member organization of the World Confederation for Physical Therapy; and

(*c*) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(*d*) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

3. Paragraph (b) of § 405.1229 is revised to read as follows:

§ 405.1229 Condition of participation—physical therapy.

* * * * *

(b) *Physical therapist—qualifications.* A physical therapist:

(1) Has graduated from a physical therapy curriculum approved by—

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966—

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If currently licensed or registered to practice physical therapy pursuant to State law:

(i) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(ii) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(4) If trained outside the United States—

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation for Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

4. Paragraph (e) of § 405.1720 is revised to read as follows:

§ 405.1720 Condition of participation—physical therapy services.

* * * * *

(e) *Standard; physical therapists.* Physical therapy is given or supervised by a therapist who meets one of the following requirements:

(1) He has graduated from a physical therapy curriculum approved by:

(i) The American Physical Therapy Association; or

(ii) The Council on Medical Education and Hospitals of the American Medical Association; or

(iii) The Council on Medical Education of the American Medical Association in collaboration with the American Physical Therapy Association; or

(2) Prior to January 1, 1966:

(i) Has been admitted to membership by the American Physical Therapy Association; or

(ii) Has been admitted to registration by the American Registry of Physical Therapists; or

(iii) Has graduated from a physical therapy curriculum in a 4-year college or university approved by a State department of education, is licensed or registered as a physical therapist, and where appropriate, has passed a State examination for licensure as a physical therapist; or

(3) If he is currently licensed or registered to practice physical therapy pursuant to State law, he:

(i) Was licensed or registered prior to January 1, 1970, and has achieved a satisfactory grade through the examination conducted by or under the sponsorship of the Public Health Service; or

(ii) Was licensed or registered prior to January 1, 1966, and prior to January 1, 1970, had 15 years of full-time experience in the treatment of illness or injury through the practice of physical therapy in which he rendered services upon the order of and under the direction of attending and referring physicians; or

(4) If trained outside United States:

(i) Has graduated since 1928 from a physical therapy curriculum approved in the country in which the curriculum was located and in which there is a member organization of the World Confederation for Physical Therapy; and

(ii) Is a member of a member organization of the World Confederation of Physical Therapy; and

(iii) Has completed 1 year's experience under the supervision of an active member of the American Physical Therapy Association; and

(iv) Has successfully completed a qualifying examination as prescribed by the American Physical Therapy Association.

[FR Doc.71-6774 Filed 5-14-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 110]

[CGFR 71-30]

BARBERS POINT, HAWAII

Tank Vessel Anchorage Ground

The Coast Guard is considering amending the anchorage ground regulations by adding an additional tank vessel anchorage ground at Barbers Point, Island of Oahu, Hawaii. This anchorage ground will provide mooring and loading facilities for tank vessels for the use of the State of Hawaii's Foreign Trade Subzone Refinery, operated by Hawaiian Independent Refinery. The use of this anchorage will not restrict nor prohibit the operation of military aircraft over or near the anchorage, or the operation of naval vessels or other craft in the vicinity.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Fourteenth Coast Guard District, 677 Ala Mona, Honolulu, HI 96813. Each person submitting comments should include his name and address, identifying the notice (CGFR 71-30), and give any reasons for any recommended change in the proposal. Copies of all written submissions received will be available for examination by interested persons at the office of the Commander, Fourteenth Coast Guard District.

The Commander, Fourteenth Coast Guard District, will forward any comments received before June 15, 1971, with his recommendations to the Chief, Office of Operations, U.S. Coast Guard Headquarters, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that § 110.237 be revised to read as follows:

§ 110.237 Pacific Ocean off Barbers Point, Island of Oahu, Hawaii.

(a) *The anchorage grounds*—(1) *Anchorage A.* The waters of the Pacific Ocean within an area described as follows: A circle of 1,000 feet radius centered at latitude 21°17'55" N., longitude 158°07'46" W.

(2) *Anchorage B.* The waters of the Pacific Ocean contained with a rectangle formed by the coordinates:

Latitude	*Longitude*
21°16'31.5" N.	1580°5'09.0" W.
21°16'03.9" N.	158°05'16.9" W.
21°16'11.1" N.	158°05'45.8" W.
21°16'38.8" N.	158°05'37.9" W.

(b) *The regulations.* (1) No vessel may anchor, moor or navigate in Anchorages A or B, except—

(i) Tank vessels laden with, loading or unloading oil;

(ii) Public vessels of the United States; or

(iii) Commercial tugs, lighters, barges, and launches necessary to the loading or unloading of oil on tank vessels in this anchorage.

(2) Tank vessels conducting loading or unloading operations in these anchorage grounds shall display a red flag (International Code Flag "B") at the masthead. Any vessel over 100 tons displacement passing within one-half mile of an anchorage ground shall reduce its speed to six (6) knots over the ground when a red flag is displayed by a tank vessel in an anchorage ground.

(3) The owner of any tank vessel destined for an anchorage ground shall notify the Captain of the Port, Honolulu, Hawaii and the Commanding Officer, U.S. Naval Air Station, Barbers Point, Hawaii, at least twenty-four (24) hours in advance of actual occupancy of the anchorage ground by the tank vessel. Such notification must include the maximum height above the water line of the uppermost portion of the tank vessel's masts and a description of the masts' lighting including height of the highest anchor light and any aircraft warning lights that will be displayed by the vessel at night.

(4) When, in the opinion of the Captain of the Port, Honolulu, Hawaii, or his duly authorized representative, the use of these anchorage grounds for the transfer of oil could jeopardize the safety of vessels or facilities in the area, including undue risk of pollution, the use of the anchorage grounds shall be terminated until such time as he determines that the danger has subsided.

(5) Tank vessels may not clean their tanks during occupancy of the anchorage grounds.

(6) Vessels occupying the anchorage grounds may not discharge oily bilge water or oily ballast to the sea.

(7) Permanent mooring buoys may be installed within these anchorage grounds if Corps of Engineers' permits are obtained for the installations.

(8) Nothing in this section shall be construed as relieving the owner or person in charge of any vessel from complying with the rules of the road and safe navigation practices.

(9) The regulations of this section shall be enforced by the Captain of the Port, Honolulu or his duly authorized representative.

(Sec. 7, 38 Stat. 1053, as amended, sec. 6(g)(1)(A), 80 Stat. 937; 33 U.S.C. 471, 49 U.S.C. 1655(g)(1)(A); 49 CFR 1.46(c)(1) (35 F.R. 4959), 33 CFR 1.05-1(c)(1) (35 F.R. 8279))

Dated: May 10, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-6811 Filed 5-14-71;8:48 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-73]

FEDERAL AIRWAY

Proposed Extension

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would extend VOR Federal airway No. 188 from Wilkes-Barre, Pa., to Sparta, N.J.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All comunications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to extend V-188 airway from Wilkes-Barre via the intersection of Wilkes-Barre 094° T (104° M) and Sparta 290° T (301° M) radials; to Sparta.

This extended airway segment would be utilized by IFR traffic operating between Newark, N.J., and Wilkes-Barre.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 6, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6788 Filed 5-14-71;8:47 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 19185]

LICENSING OF AUDITORY TRAINING DEVICES FOR THE PARTIALLY DEAF

Order Extending Time for Filing Comments

In the matter amendment of the Commission's rules and regulations to provide for the licensing of auditory training devices for the partially deaf in the bands 72-73 and 75.4-76 MHz; Docket No. 19185.

1. The Commission has before it a petition by Zenith Radio Corp. filed on April 22, 1971, requesting an extension of time in which to file comments in the above-described proceeding. Specifically, Zenith has requested that the time period for submitting comments " * * * be extended for sixty (60) days, i.e., from April 28, 1971, to June 28, 1971, for the filing of comments, and from May 10, 1971, to July 9, 1971, for the filing of reply comments."

2. In its petition, Zenith has asserted that it has commenced, but not completed, technical studies involving complex questions regarding frequency utilization and potential interference from these devices. Zenith contends that further study and comments can substantially assist the Commission and afford interested parties opportunity to carefully analyze the proposals.

3. In addition to the foregoing petition, the Commission has received a number of letters from institutions concerned with deaf education which indicate an interest in an extended time period in which to evaluate the Commission's proposals for auditory training devices within the totality of deaf education.[1] In this connection, the Commission would be highly pleased with the full and active participation of those institutions, groups, and individuals whose expertise in this field would undoubtedly assist the Commission in assessing the needs of the deaf. In light of the fact that the purpose of this proceeding is evaluation of the needs of auditory instruction, facilitation of such participation should be afforded.

4. *Accordingly, it is ordered,* That, pursuant to § 1.46 of the Commission's rules and regulations, the petition for extension of sixty (60) days time in which parties may file comments in the above described proceeding filed on April 22, 1971, by Zenith Radio Corp., is granted.

Adopted: April 28, 1971.

Released: April 28, 1971.

[SEAL] RICHARD E. WILEY,
General Counsel.

[FR Doc.71-6807 Filed 5-14-71;8:48 am]

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[1] Requests for additional time in which to study and participate in this matter have come from the Florida School for the Deaf and Blind, St. Augustine, Fla.; Florida Speech and Hearing Association; Central Institute for the Deaf, St. Louis, Mo.; The Council for Exceptional Children, Arlington, Va.; The Clarke School for the Deaf, Northampton, Mass.; and Gallaudet College, Washington, D.C.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

GEORGE HENRY BERTRAND

Notice of Granting of Relief

Notice is hereby given that George Henry Bertrand, Post Office Box B, Clearwater, WA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on January 10, and 12, 1950, and February 9, 1950, in the Criminal Court of Record for Dade County, Fla., and on December 16, 1955, in the Multnomah County Superior Court, Oreg., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for George H. Bertrand because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for George H. Bertrand to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered George H. Bertrand's application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That George H. Bertrand be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 5th day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6795 Filed 5-14-71;8:47 am]

THEODORE DENT

Notice of Granting of Relief

Notice is hereby given that Theodore Dent, 234 Alfred Street, No. 30, Detroit, MI 48211, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 10, 1944, in the Recorder's Court for the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Theodore Dent because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition. and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968. as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Theodore Dent to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Theodore Dent's application and:

(1) I have found that the convition was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Theodore Dent be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April, 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6796 Filed 5-14-71;8:47 am]

BOBBY LEE DUNCAN

Notice of Granting of Relief

Notice is hereby given that Bobby Lee Duncan, Route 1, Box 33, New Canton, VA, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 12, 1967, in Buckingham County, Va., Circuit Court, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Bobby Lee Duncan because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Bobby Lee Duncan to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Bobby Lee Duncan's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Bobby Lee Duncan be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6797 Filed 5-14-71;8:47 am]

HARVEY RICHARD JERGENS

Notice of Granting of Relief

Notice is hereby given that Harvey Richard Jergens, Box 3, Gilmore City, IA 50541, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms,

incurred by reason of his conviction on September 20, 1961, in Black Hawk County District Court, Waterloo, Iowa, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Harvey Richard Jergens because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Harvey Richard Jergens to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Harvey Richard Jergens' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Harvey Richard Jergens be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6798 Filed 5-14-71;8:47 am]

HENRY SMITH

Notice of Granting of Relief

Notice is hereby given that Henry Smith, 24 Michigan Street, Pontiac, MI 48058, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 12, 1936, in the U.S. District Court, Eastern District of Louisiana, Baton Rouge, La., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Henry Smith because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Henry Smith to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Henry Smith's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That Henry Smith be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 29th day of April 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6799 Filed 5-14-71;8:47 am]

JOHN NICK SOAVE

Notice of Granting of Relief

Notice is hereby given that John Nick Soave, 9183 Boleyn, Detroit, MI 48224, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on June 1, 1961, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for John N. Soave because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for John N. Soave to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered John N. Soave's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered*, That John N. Soave be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 3d day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-6800 Filed 5-14-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F-13200]

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 10, 1971.

The Alaska Railroad, Department of Transportation, has filed an application, Serial No. F-13200, for withdrawal of the lands described herein from all forms of appropriation, including the mining and mineral leasing laws. The applicant desires the land for use as a gravel source for the maintenance of the Alaska Railroad in the greater Fairbanks area. Long-range plans include use of the land as a terminal area. The railroad requires the gravel on its main line in interior Alaska due to the permafrost condition of the land. The applicant states that the gravel at this site is superior to other gravel in the vicinity of Fairbanks. Mining and mineral leasing activities would not be compatible with the proposed use of the land.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2350.4(c), provides that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as required by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in this application are described as follows:

FAIRBANKS MERIDIAN

T. 1 S., R. 1 W., NE¼NE¼ and lot 4, sec. 30.

Containing 90.97 acres, located approximately 4 miles southwest of Fairbanks.

T. G. BINGHAM,
Acting State Director.

[FR Doc.71-6776 Filed 5-14-71;8:45 am]

CHIEF, BRANCH OF LANDS AND MINERALS OPERATIONS, DIVISION OF TECHNICAL SERVICES, WYOMING STATE OFFICE

Redelegation of Authority

APRIL 23, 1971.

1. Pursuant to the authority contained in Part I, section 1.1(a) of Bureau Order No. 701 of July 23, 1964, as amended, I hereby redelegate to the Chief, Branch of Lands and Minerals Operations, in the Division of Technical Services, authority to take action on the matters listed in Part II-A.

2. The Chief, Division of Technical Services may, in his discretion, personally exercise any authority hereby delegated to the Chief, Branch of Lands and Minerals Operations.

3. The Chief, Branch of Lands and Minerals Operations may redelegate that authority vested in him by this delegation to any qualified employee under his jurisdiction. Any order of redelegation must specify the extent of and limitations on the grant of authority, be approved by the State Director and published in the FEDERAL REGISTER.

4. The Chief, Branch of Lands and Minerals Operations may, by written order, designate any qualified employee of the Branch to perform the functions of his position in his absence. Such order will be approved by the Chief, Division of Technical Services.

5. *Effective date.* This redelegation will become effective May 17, 1971.

DANIEL P. BAKER,
State Director.

Approved: May 10, 1971:
JOHN O. CROW,
Associate Director.

[FR Doc.71-6794 Filed 5-14-71;8:47 am]

Office of Hearings and Appeals

[Docket No. M 71-15]

BARBARA KAY COAL, INC.

Petition for Modification of Interim Mandatory Safety Standard

In the matter of the petition of Barbara Kay Coal, Inc., for modification of interim mandatory safety standard; section 305(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 801 et seq.); Docket No. M 71-15.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, notice is hereby given that Barbara Kay Coal, Inc., an Illinois corporation (Petitioner), has filed a petition to modify the application of section 305(d) of the Act with respect to its No. 1 Mine, located at Marion, Ill.

Section 305(d) provides:

> All power-connection points, except where permissible connection units are used, outby the last open crosscut shall be in intake air.

Petitioner proposes in effect that the designated mine be excepted from the application of section 305(d) of the Act, for the reasons that there never has been evidence of excessive methane or explosive or dangerous gases in quantity which could reasonably be considered to be dangerous to employees in this mine; that there is not in this mining operation excessive coal dust that would reasonably be considered dangerous or explosive; that there are no other dangerous physical conditions that could be related to diminution of safety; and that reversal of the air flow in the main air courses of the coal mine operation would create dangerous conditions specified in the petition. The petition states that the mining operation is comparatively a small one; so located that it is not subject to the hazards intended to be prevented by section 305(d) of the Act; and that it will produce evidence at a hearing to warrant the relief sought.

A copy of the petition is available for inspection at the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 6, 1971.

[FR Doc.71-6783 Filed 5-14-71;8:46 am]

[Docket No. M 71-14]

HARRISBURG COAL CO., INC.

Petition for Modification of Interim Mandatory Safety Standard

In the matter of the petition of Harrisburg Coal Co., Inc., for modification of interim mandatory safety standard; section 305(d) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. sec. 801 et seq.); Docket No. M 71-14.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, notice is hereby given that Harrisburg Coal Co., Inc., an Illinois corporation (Petitioner) has filed a petition to modify the application of section 305(d) of the Act with respect to its No. 1 Mine, located at Marion, Ill.

Section 305(d) provides:

> All power-connection points, except where permissible connection units are used, outby the last open crosscut shall be in intake air.

Petitioner proposes in effect that the designated mine be excepted from the application of section 305(d) of the Act, for the reasons that there never has been evidence of excessive methane or explosive or dangerous gases in quantity which could reasonably be considered to be dangerous to employees in this mine; that there is not in this mining operation excessive coal dust that would reasonably be considered dangerous or explosive; that there are no other dangerous physical conditions that could be related to diminution of safety; and that reversal of the airflow in the main air courses of the coal mine operation would create dangerous conditions specified in the Petition. The Petition states that the mining operation is comparatively a small one; so located that it is not subject to the hazards intended to be prevented by section 305(d) of the Act; and that it will produce evidence at a hearing to warrant the relief sought.

A copy of the Petition is available for inspection at the Hearings Division, Office of Hearings and Appeals, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 6, 1971.

[FR Doc.71-6784 Filed 5-14-71;8:46 am]

[Docket No. M 71-19]

KERR-McGEE CORP.

Petition for Modification of Mandatory Safety Standard

In regard petition of Kerr-McGee Corp., for modification of mandatory safety standard (section 303(y)(1)); Docket No. M 71-19.

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. sec. 801 et seq., notice is hereby given that Kerr-McGee Corp. (petitioner) has filed a petition to modify the application of section 303(y)(1) of the Act with respect to its Choctaw Coal Facility Mine located in Haskell County, Okla.

Section 303(y)(1) of the Act provides:

> In any coal mine opened after the operative date of this title, the entries used as intake and return aircourses shall be separated from belt haulage entries, and each operator of such mine shall limit the velocity of the air coursed through belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane, and such air shall not be used to ventilate active working places. Whenever an authorized representative of the Secretary finds, in the case of any coal mine opened on or prior to the operative date of this title which has been developed with more than two entries, that the conditions in the entries, other than belt haulage entries, are such as to permit adequately the coursing of intake or return air through such entries, (1) the belt haulage entries shall not be used to ventilate, unless such entries are necessary to ventilate, active working places, and (2) when the belt haulage entries are not necessary to ventilate the active working places, the operator of such mine shall limit the velocity of the air coursed through the belt haulage entries to the amount necessary to provide an adequate supply of oxygen in such entries, and to insure that the air therein shall contain less than 1.0 volume per centum of methane.

Petitioner proposes to use a two-entry system for longwall development at said mine, with return air passing through the entry containing the belt conveyor. It contends that its proposed system will guarantee no less than the same protection afforded by the safety standard provided in section 303(y)(1) of the Act; and contends, further, that the application of said statutory standard to its Choctaw Coal Facility Mine will reseult in a diminution of the safety protection of the miners.

Persons interested in this petition should file their answer or comments with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, Ballston Tower No. 3, 4015 Wilson Boulevard, Arlington, VA 22203, within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of the petition are available for inspection at the same address.

JAMES M. DAY,
Director,
Office of Hearings and Appeals.

MAY 6, 1971.

[FR Doc.71-6785 Filed 5-14-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-292; NDA 8-928]

ROCHE LABORATORIES

Combination Drug Containing Nicotinyl Alcohol and Aminophylline; Notice of Withdrawal of Approval of New-Drug Application

A notice was published in the FEDERAL REGISTER of February 18, 1971 (35 F.R. 3150), extending to Roche Laboratories, Division of Hoffman-La Roche, Inc., 340 Kingsland Street, Nutley, New Jersey 07110, holder of new-drug application No. 8-928, and to any interested person who may be adversely affected, an opportunity for hearing on the proposal of the Commissioner of Food and Drugs to issue an order withdrawing approval of the new-drug application, and all amendments and supplements thereto for Roniacol with Aminophylline Tablets (NDA 8-928), containing nicotinyl alcohol and aminophylline.

Neither the applicant nor any interested person filed a written appearance of election within the 30 days provided by said notice. The failure to file such an appearance is construed as an election by such persons not to avail themselves of an opportunity for hearing.

The Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505(e), 52 Stat. 1053, as amended; 21 U.S.C. 355(e)) and under the authority delegated to him (21 CFR 2.120), finds that on the basis of new information before him with respect to such drug, evaluated together with the evidence available to him when the application was approved, there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling thereof.

Therefore, pursuant to the foregoing finding, approval of the above-listed new-drug application and all amendments and supplements applying thereto is withdrawn effective on the date of signature of this document.

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-6775 Filed 5-14-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[FRA-Petition-No. 33]

WARREN AND OUACHITA VALLEY RAILWAY CO.

Petition for Exemption From 14 Hours-of-Service-Limitation

By petition filed April 12, 1971, Warren and Ouachita Valley Railway Co. seeks an exemption from the 14 hours-of-service-limitation in Public Law 91-169. The petition indicates that it has only one operating crew and thus would qualify as having fewer than 15 operating employees.

Interested persons are invited to give their views. Comments should be submitted in triplicate to the Docket Clerk, Office of Hearings and Proceedings, Federal Railroad Administration, Attention: FRA-Petition-No. 33, 400 Seventh Street SW., Washington, DC 20591, prior to June 14, 1971.

Dated this 11th day of May 1971 in Washington, D.C.

ROBERT R. BOYD,
Director, Office of Hearings
and Proceedings, and Hearing Examiner.

[FR Doc.71-6790 Filed 5-14-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Dockets Nos. 20935, 20934; Order 71-5-44]

AIR WEST

Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 11th day of May 1971.

Application of Hughes Air Corp. doing business as Air West, for an exemption, Docket 20935. Application of Hughes Air Corp. doing business as Air West, for a certificate amendment and a petition for a show cause order, Docket 20934.

Hughes Air Corp. doing business as Air West (Air West), has filed an application, in Docket 20934, requesting the amendment of its certificate of public convenience and necessity for route 76 to permit subsidy-ineligible nonstop turnaround service between Boise, on the one hand, and Portland, Seattle, and Salt

Lake City, on the other hand.[1] Air West has contemporaneously filed a petition requesting the same authority by show cause procedures and, in the alternative, has filed an application, in Docket 20935, requesting the same authority by exemption. Air West presently has an exemption which is due to expire on May 28, 1971, to provide turnaround service in the above markets.[2]

No answers to Air West's applications and petition have been filed.

Upon consideration of the pleadings and all the relevant facts we have decided to issue an order to show cause proposing to and amend Air West's certificate as requested. We tentatively find and conclude that the public convenience and necessity require amendment of Air West's certificate for route 76 to permit Boise-Salt Lake City and Boise-Portland/Seattle turnaround service on a subsidy-ineligible basis.

In support of our ultimate finding, we tentatively find and conclude as follows: [3] That the grant of Boise-Salt Lake City and Boise-Portland/Seattle turnaround authority to Air West will enable the carrier to overnight aircraft at Boise and thereby to provide a well-balanced pattern of service including early morning departures from Boise to Portland/Seattle and to Salt Lake City; that grant of the requested authority will provide Air West with an opportunity for increased operational flexibility and equipment rotation; that no carrier will suffer any meaningful diversion by reason of the grant of the requested authority; and that there is no affirmative need for the retention of the restriction prohibiting Air West from providing turnaround service.[1]

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to direct their objections, if any, to specific markets and to support such objections with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending Hughes Air Corp. doing business as Air West's certificate of public convenience and necessity for route 76 so as to permit the carrier to provide nonstop turnaround service between Boise, on the one hand, and Portland, Seattle, and Salt Lake City, on the other hand, on a subsidy-ineligible basis;

2. Any interested person having objection to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons made parties to this proceeding a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. A copy of this order shall be served upon Alaska Airlines, Inc.; American Airlines, Inc.; Braniff Airways, Inc.; Continental Air Lines, Inc.; Eastern Air Lines, Inc.; The Flying Tiger Line, Inc.; Frontier Airlines, Inc.; Northwest Airlines, Inc.; Pan American World Airways, Inc.; Texas International Airlines, Inc.; United Air Lines, Inc.; Western Air Lines, Inc.; the city of Portland; the city of Seattle; the city of Boise; Salt Lake City; and the city of Twin Falls, Idaho.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6821 Filed 5-14-71;8:49 am]

[Dockets Nos. 21604, 21695]

ALOHA AIRLINES, INC., AND HAWAIIAN AIRLINES, INC.

Enforcement Proceeding; Notice of Hearing

Aloha Airlines, Inc., v. Hawaiian Airlines, Inc., Docket 21604; Hawaiian Airlines, Inc., v. Aloha Airlines, Inc., Docket 21695.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled matters is assigned to be held on June 15, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC., before Examiner Milton H. Shapiro.

Dated at Washington, D.C., May 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6818 Filed 5-14-71;8:49 am]

[Docket No. 22118]

HAWAIIAN SERVICE INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on July 20, 1971, at 10 a.m., e.d.s.t. in Room 805, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Milton H. Shapiro.

Requests for information and evidence, proposed statements of issues, and procedural dates shall be filed by counsel for the Bureau of Air Operations on or before June 28, 1971, and by Aloha and Hawaiian Airlines, and any other parties, on or before July 12, 1971.

Dated at Washington. D.C., May 12. 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6819 Filed 5-14-71;8:49 am]

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[1] Boise, Portland, Seattle, and Salt Lake City are points common to segments 4 and 13 on Air West's certificate of public convenience and necessity for route 76. Air West may not provide turnaround service on segment 13 because restriction 11, a long-haul restriction, provides "[a]ll flights on segment 13 shall serve Seattle, Wash., or Portland, Oreg., on the one hand, and Salt Lake City, Utah, on the other hand." On segment 4, Air West may operate only on a multistop basis between Boise, on the one hand, and Portland, Seattle, and Salt Lake City, on the other hand. See condition 4(c).

[2] Order 69-5-134, dated May 28, 1969. In view of our action in the present order we will take no action at this time on Air West's exemption application, Docket 20935. If the present show cause order in made final, we will dismiss the exemption application as moot. Nevertheless, Air West's present exemption authority will continue to be effective pursuant to 5 U.S.C. section 558 until final Board action on Docket 20935.

[3] While Air West's present exemption authority to provide turnaround service is conditioned on the carrier providing at least three daily round trips to Twin Falls, Idaho, we tentatively find that this condition should not be included in Air West's certificate. The condition was originally imposed to assure the continuation of existing service at this intermediate point at a time when Air West's predecessor (West Coast) did not have certificate authority to provide Boise-Salt Lake City nonstop service. Order E-25819, dated October 11, 1967. Subsequently in the Reopened Pacific Northwest-Southwest Service Investigation, Docket 15459, Air West was awarded permanent Boise-Salt Lake City nonstop authority, albeit on a long-haul basis, which is not subject to the requirement of three daily round trips to Twin Falls. Furthermore, Air West persently serves Twin Falls with five flights per day. OAG, QRE, April 1, 1971. In these circumstances, we do not find any need to impose a condition requiring a specified volume of service at Twin Falls.

[1] We further tentatively find that Air West is a citizen of the United States within the meaning of the Act and is fit, willing, and able properly to perform the transportation herein authorized to be performed and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

[Docket No. 20993; Order 71-5-42]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 10, 1971.

By Order 71-4-145, dated April 22, 1971, action was deferred, with a view toward eventual approval, on an agreement adopted by the International Air Transport Association (IATA), relating to specific commodity rates. In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action.

No petitions have been received within the filing period, and the tentative conclusions in Order 71-4-145 will herein be made final.

Accordingly, it is ordered, That:

Agreement CAB 22332, R-3 and R-4, be and hereby is, approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6822 Filed 5-14-71;8:49 am]

[Docket No. 19923, etc.]

LIABILITY AND CLAIM RULES AND PRACTICES INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on June 24, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner John E. Faulk.

Requests for information and evidence, proposed statements of issues, and procedural dates shall be submitted by counsel for the Bureau of Economics on or before June 7, 1971, and by other parties on or before June 18, 1971.

Dated at Washington, D.C., May 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6820 Filed 5-14-71;8:49 am]

[Docket No. 23328; Order 71-5-24]

SIZER AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority May 6, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 55 cents per great circle aircraft mile for the transportation of mail by aircraft between Fargo, N.D., and Minneapolis/St. Paul, Minn., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order [1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sizer Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 55 cents per great circle aircraft mile between Fargo, N.D., and Minneapolis/St. Paul, Minn., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Sizer Airways, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sizer Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Sizer Airways, Inc., the Postmaster General, North Central Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6823 Filed 5-14-71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report 543]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

MAY 10, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

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[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

APPLICATIONS ACCEPTED FOR FILING

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

6033-C2-TC-71—Southern Telephone Co. Consent to transfer of control from Norman C. Gibbons, Transferor, to: Allied Telephone Co., Transferee, Station KAH665, Purdy, Mo.

6112-C2-P-71—Business Communications Inc. (KAA888), C.P. to add frequency 454.275 MHz at location No. 1: 4466 West Pine Boulevard, St. Louis, MO.

6146-C2-P-71—Mobile Telephone Co. of New Jersey (KRS620), C.P. to add frequency 454.250 MHz at station located at Cuthbert Builders, East Cuthbert Boulevard and MacArthur Boulevard, Westmont, NJ.

6157-C2-P-71—Haywood & Stevens (KLF491), C.P. to add frequency 152.21 MHz at station located at 1865 Jacksonville Road, Ocala, FL.

6232-C2-P-71—Mobilfone, Inc. (KMB309), C.P. for additional control facilities to operate on frequency 72.42 MHz at location No. 3: John Poole Building, Mount Wilson, Calif.

6235-C2-P-71—Kidd's Communications. Inc. (KMA257), C.P. to change antenna system, power and replace transmitter operating on 152.09 MHz at location No. 6 LaCima, Kettleman Hills, 3.5 miles east of Avenal, Calif.

6236-C2-P-71—The Chesapeake & Potomac Telephone Co. (KGC405), C.P. to change antenna system, power and replace transmitters for ground frequencies 454.675 MHz (signaling) and 454.950 MHz (base) at 1420 Columbia Road NW., Washington, DC.

6237-C1/C2-AL-(6)-71—Greenwood-United Telephone Co. Consent to assignment of licenses from Greenwood-United States Telephone Co., Inc., Assignor, to United Telephone Co. of the Carolinas, Inc., Assignee (Pro forma). Stations: KIA954, Verdery, S.C., KIA961, Greenwood, S.C.

4887-C2-R-71—The Chesapeake & Potomac Telephone Co. (KWA641). Renewal of Developmental license expiring May 14, 1971. Term: May 14, 1971 to May 14, 1972.

RURAL RADIO SERVICE

6101-C1-P/ML-71—Delta Valley Radiotelephone Co., Inc. (KOA82), C.P. and modification of license to add frequency 459.325 MHz and (15 units) to operate in any temporary fixed location within the territory of the grantee.

6102-C1-P/L-71—Mobile Radio Communication Service (New), C.P. and license for a new rural subscriber station to operate on frequency 158.52 MHz with (10 units) in any temporary location within the territory of the applicant.

6125-C1-P-71—Western States Telephone Co., Inc. (New), C.P. for a new rural subscriber station to be located at the Hunt Building Mart, Sunrise Park, Ariz., to operate on frequency 157.89 MHz.

6126-C1-P-71—Western States Telephone Co., Inc. (New), Same as above, except, to be located at Chevelon Lumber Camp, Ariz.

6127-C1-P-71—Western States Telephone Co., Inc. (New), Same, except, to be located at Forest Lake Estates, Ariz.

6128-C1-P-71—Western States Telephone Co., Inc. (New), Same, except, to be located at Chevelon Ranger Station, Ariz.

6148-C1-P/L-71—Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 35 miles north-northwest of Bill, Wyo., to operate on frequency 157.80 MHz.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6035-C1-P-71—South Central Bell Telephone Co. (KLK82), C.P. to add frequency 6130.5 MHz toward West Point, Miss. Station location: 1002 Main Street, Columbus, MS.

6036-C1-P-71—South Central Bell Telephone Co. (KLT63), C.P. to add frequency 6397.4 MHz toward Columbus, Miss. Station location: 22 South Division Street, West Point, MS.

6037-C1-P-71—The Pacific Telephone & Telegraph Co. (KMQ41), C.P. to add frequency 3930 MHz toward Pine Hill, Calif. Station location: Wolf Creek, 6 miles southwest of Grass Valley, Calif.

6038-C1-P-71—The Pacific Telephone & Telegraph Co. (KMU52), C.P. to add frequency 3890 MHz toward Wolf Creek, Calif., and toward Jackson, Calif. Station location: Pine Hill, 10 miles west of Placerville, Calif.

6039-C1-P-71—The Pacific Telephone & Telegraph Co. (KMU53), C.P. to add frequency 3930 MHz toward Pine Hill, Calif., and 3930 and 4010 MHz toward Lodi, Calif. Station location: 1.1 miles northwest of Jackson, Calif.

6040-C1-P-71—The Pacific Telephone & Telegraph Co. (KNL75), C.P. to add frequencies 3890 and 3970 MHz toward Jackson, Calif. Station location: 1.2 miles west-northwest of Lodi, Calif.

6041-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJG91), C.P. to add frequency 3930 MHz toward Round Oak, Ga. Station location: 787 Cherry Street, Macon, GA.

6042-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJG92), C.P. to add frequency 3970 MHz toward Gordon and 3890 MHz toward Macon, Ga. Station location: 0.25 mile south of Round Oak, Ga.

6043-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJL24), C.P. to add frequency 4010 MHz toward Round Oak, Ga., and Nickelsville, Ga. Station location: 2.5 miles south of Gordon, Ga.

6044-C1-P-71—Southern Bell Telephone & Telegraph Co. (KJL23), C.P. to add frequency 3970 MHz toward Gordon, Ga. Station location: 4.2 miles southeast of Nickelsville, Ga.

6045-C1-P-71—American Telephone & Telegraph Co. (KEE60), C.P. to add frequencies 3750 and 3830 MHz toward Campbell Hall, N.Y. Station location: 2.5 miles northwest of Colesville, N.J.

6046-C1-P-71—American Telephone & Telegraph Co. (KTQ68), C.P. to add frequencies 3710 and 3790 MHz toward Colesville, N.J. and toward Putnam Valley, N.Y. Station location: 2 miles east of Campbell Hall, N.Y.

6047-C1-P-71—American Telephone & Telegraph Co. (KTQ67), C.P. to add frequencies 3750 and 3830 MHz toward Campbell Hall, N.Y. Station location: Putnam Valley, 3.9 miles east of Cold Spring, N.Y.

American Telephone & Telegraph Co. Eight C.P. applications to construct one additional pair of Western Electric Type TH channels between New York and Putnam Valley, N.Y., and one additional pair of Western Electric Type TD-3 channels between Stamford and Durham, Conn.

6048-C1-P-71—American Telephone & Telegraph Co. (KEL79), Add frequency 6093.5 MHz toward Roslyn Harbor, N.Y. Station location: 811 10th Avenue, New York, N.Y.

6049-C1-P-71—American Telephone & Telegraph Co. (KYS89), C.P. to add frequency 6345.5 MHz toward New York, N.Y., and Stamford, Conn. Station location: 0.1 mile northeast of Roslyn, N.Y.

6050-C1-P-71—American Telephone & Telegraph Co. (KYS88), C.P. to add frequency 6093.5 MHz toward Roslyn Harbor, N.Y., and 6093.5 and 4070 MHz toward South Salem, N.Y. Station location: Intersection of Catoona and Mayno Lane, Stamford, Conn.

6051-C1-P-71—American Telephone & Telegraph Co. (KYS87), C.P. to add frequencies 6345.5 and 4030 MHz toward Stamford, Conn., and toward Putnam Valley, N.Y. Station location: 1.4 miles southeast of South Salem, N.Y.

6052-C1-P-71—American Telephone & Telegraph Co. (KTO67), C.P. to add frequencies 6093.5 and 4070 MHz toward South Salem, N.Y., and 3990 MHz toward New Fairfield, Conn. Station location: 3.9 miles east of Cold Spring, N.Y.

6053-C1-P-71—American Telephone & Telegraph Co. (KTQ66), C.P. to add frequency 3950 MHz toward Putnam Valley, N.Y., and 3950 MHz toward Bethany, Conn. Station location: 1.9 miles southwest of New Fairfield, Conn.

POINT-TO-POINT MICROWAVE RADIO SERVICE

6054-C1-P-71—American Telephone & Telegraph Co. (KTQ65), C.P. to add frequency 3990 MHz toward New Fairfield, Conn., and toward Durham, Conn. Station location: 1.2 miles south of Bethany, Conn.

6055-C1-P-71—American Telephone & Telegraph Co. (KCD68), C.P. to add frequency 3950 MHz toward Bethany, Conn. Station location: 3.4 miles northeast of Durham, Conn.

6056-C1-P-71—American Telephone & Telegraph Co. (KYJ62), C.P. to add frequencies 3770, 3850, and 4190 MHz toward Marion, Wis., a new point of communication. Station location: 2.0 miles east-northeast of Hortonville, Wis.

6057-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 4.75 miles south of Marion, Wis. Frequencies: 3730, 3810, and 4198 MHz toward Hortonville, Wis., and toward Eland, Wis.

6058-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 1 mile north of Eland, Wis. Frequencies: 3770, 3850, and 4190 MHz toward Marion, Wis., and 3770, 3850, and 4198 MHz toward Rib Hill Junction, Wis.

6059-C1-P-71—American Telephone & Telegraph Co. (KSJ43), C.P. to add frequencies 3730, 3810, and 4190 MHz toward Eland, Wis., a new point of communication. Station location: Rib Hill Junction 2.5 miles southwest of Wausau, Wis.

6103-C1-P-71—Golden West Telephone Co. (KMZ74), C.P. to change frequency 6395 MHz to 3810 and 3890 MHz toward Oregon Mountain, Calif. Station location: 221 Main Street, Weaverville, Calif.

6104-C1-P-71—Golden West Telephone Co. (KMQ42), C.P. to change frequency 6235 MHz to 4070 and 4150 MHz toward Horse Mountain, Calif., and 6275 MHz to 4090 and 4170 MHz toward Weaverville, Calif. Station location: Oregon Mountain, 2.5 miles southwest of Weaverville, Calif.

6105-C1-P-71—Golden West Telephone Co. (KMZ75), C.P. to change frequency 6355 MHz to 3790 and 3870 MHz toward Oregon Mountain, Calif., and change 6275 MHz to 3810 and 3890 MHz toward Willow Creek, Calif., via passive reflector, and change coordinates for station and passive reflector at Willow Creek to latitude 40°52'29" N., longitude 123°43'55" W., for station and passive toward Willow Creek to latitude 40°57'12" N., longitude 123°39'30" W.

6106-C1-P-71—Golden West Telephone Co. (KMZ76), C.P. to change frequencies to 4090 and 4170 MHz toward Horse Mountain, Calif., via passive reflector, and station coordinates to latitude 40°56'26" N., longitude 123°37'53" W.; passive reflector coordinates to latitude 40°57'12" N., longitude 123°39'30" W. Station location: Willow Creek, Calif.

6113-C1-P-71—American Telephone & Telegraph Co. (KYO63), C.P. to add frequency 3990 MHz toward Waldorf, Md. Station location: 900 South Walter Reed Drive, Arlington, VA.

6114-C1-P-71—American Telephone & Telegraph Co. (KGH26), C.P. to add frequency 3950 MHz toward Arlington, Va. Station location: 1.1 mile south-southeast of Waldorf, Md.

6116-C1-P-71—Southwestern Bell Telephone Co. (KYJ47), C.P. to add frequencies 6323.1, 6204.7, 11,405, and 11,565 MHz toward High Point, Ark. Station location: 715 Louisiana, Little Rock, AR.

6117-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at High Point Mountain, 2.4 miles northwest of Roland, Ark. Frequencies: 6071.2 and 10,955 MHz toward Little Rock, Ark., 6056.4 and 10,755 MHz toward Cadron Ridge, Ark., and 5937.8 and 10,915 MHz toward Morrilton, Ark., and 5952.6 and 11,115 MHz toward Little Rock, Ark.

6118-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at Cadron Ridge, 3.7 miles west-northwest of Conway, Ark. Frequencies: 6308.4 and 11,685 MHz toward High Point, Ark., and 6323.3 and 11,405 MHz toward Bee Branch, Ark.

6119-C1-P-71—Southwestern Bell Telephone Co. (KLS71), C.P. to change frequencies 10,755 and 10,995 MHz to 6056.4 and 10,755 MHz toward Botkinburg, Ark., change frequencies and point of communication toward Greenbrier, Ark., to 6071.2 and 10.955 MHz toward Cadron Ridge, Ark. Station location: Bee Branch, 2.5 miles northwest of Bee Branch, Ark.

6120-C1-P-71—Southwestern Bell Telephone Co. (KLS72), C.P. to change frequency 11,645 MHz toward Marshall, Ark., to 6323.3 MHz and frequency 11,445 MHz to Bee Branch, Ark. Station location: Botkinburg, 2.25 miles north of Botkinburg, Ark.

6121-C1-P-71—Southwestern Bell Telephone Co. (KLS73), C.P. to change frequencies and point of communication at St. Joe, Ark.; to 6056.4 and 10.755 MHz toward Boat Mountain, Ark. Change frequency 10.715 MHz to 6071.2 MHz toward Botkinburg, Ark. Station location: 1.75 miles south of Marshall, Ark.

6122-C1-P-71—Southwestern Bell Telephone Co. (KLS75), C.P. to change frequencies 10,755 and 10,995 MHz toward Harrison, Ark., to 6323.3 and 11,405 MHz. Change frequencies and point of communication toward St. Joe, Ark., to 6308.4 and 11,685 MHz toward Marshall, Ark. Station location: Boat Mountain, 4 miles west of Western Grove, Ark.

6123-C1-P-71—Southwestern Bell Telephone Co. (KLS76), C.P. to change frequencies and point of communication toward Western Grove, Ark., to 6071.2 and 10,955 MHz toward Boat Mountain, Ark. Station location: 105 South Pine Street, Harrison, AR.

6124-C1-P-71—Southwestern Bell Telephone Co. (New), C.P. for a new station to be located at 609 South Moose, Morrilton, Ark. Frequencies: 6189.8 and 11,365 MHz toward High Point, Ark.

6129-C1-P-71—American Telephone & Telegraph Co. (New), C.P. for a new station to be located at 221 West Fourth Street, Pueblo, Colo. Frequencies: 4050 and 4130 MHz toward Cedarwood, Colo.

6130-C1-P-71—American Telephone & Telegraph Co. (KAS85), C.P. to add frequencies 4090 and 4170 MHz toward Pueblo, Colo., a new point of communication. Station location: 8.9 miles northeast of Cedarwood, Colo.

6147-C1-P/ML-71—The Chesapeake and Potomac Telephone Co. of Virginia (KIP50), C.P. and modification of license to add frequencies 2110-2130 MHz; 2160-2180 MHz; 3700-4200 MHz; 5925-6425 MHz; 10,700-11,700 MHz. (110 units) In any temporary fixed location within the territory of the grantee.

6149-C1-P-71—American Telephone & Telegraph Co. (KID63), C.P. to add frequency 6004.5 MHz toward Sawnee Mountain, Ga. Station location: 51 Ivy Street, Atlanta, GA.

6150-C1-P-71—American Telephone & Telegraph Co. (KID64), C.P. to add frequency 6226.9 MHz toward Atlanta, Ga., and 6256.5 MHz toward Dahlonega, Ga. Station location: 2 miles northwest of Cumming, Ga.

6151-C1-P-71—American Telephone & Telegraph Co. (KRS93). C.P. to add frequency 5974.8 MHz toward Sawnee Mountain, Ga. Station location: 5 miles east-southeast of Dahlonega, Ga.

6152-C1-P-71—American Telephone & Telegraph Co. (KEM66), C.P. to add frequencies 3710 and 4110 MHz toward Paterson West, N.J. Station location: 75 Passaic Street, Rochelle Park, NJ.

6153-C1-P-71—American Telephone & Telegraph Co. (KEM65), C.P. to add frequencies 3750 and 4150 MHz toward Rochelle Park, N.J., and 3830 MHz toward Alpine, N.J. Station location: Paterson-Hamburg Turnpike near Benwell Avenue, Wayne Township, N.J.

6154-C1-P-71—American Telephone & Telegraph Co. (KEM67), C.P. to add frequency 3790 MHz toward Paterson West, N.J., and toward White Plains, N.Y. Station location: 2.2 miles north-northeast of Alpine, N.J.

6155-C1-P-71—American Telephone & Telegraph Co. (KED51), C.P. to add frequency 3830 MHz toward Alpine, N.J. Station location: 400 Hamilton Avenue, White Plains, NY.

American Telephone & Telegraph Co. Thirty-nine C.P. applications to construct Type TD-2, TD-3A, and Type TH radio relay channels on existing routes.

6159-C1-P-71—American Telephone & Telegraph Co. (KEL79), Add frequencies 3770, 3850, 3930, and 4170 MHz toward Iselin, N.J. Station location: 811 10th Avenue, New York, NY.

6160-C1-P-71—American Telephone & Telegraph Co. (KEA76), Add frequencies 3730, 3810, 3890, and 4130 MHz toward New York, N.Y., and Cherryville, N.J. Station location: 0.85 mile west of Iselin, N.J.

6161-C1-P-71—American Telephone & Telegraph Co. (KEA77), Add frequencies 3770, 3850, 3930, and 4170 MHz toward Iselin, N.J., and 4090 and 4170 MHz toward Lanark, Pa. Station location: 0.8 mile north of Cherryville, N.J.

6162-C1-P-71—American Telephone & Telegraph Co. (KGN36), Add frequencies 4050 and 4130 MHz toward Cherryville, N.J., and 3790 MHz toward Centerport, Pa. Station location: Lanark, 3 miles southeast of Allentown, Pa.

6163-C1-P-71—American Telephone & Telegraph Co. (KGO74), Add frequency 3830 MHz toward Lanark and 3910 MHz toward Cornwall, Pa. Station location: 1.6 miles south of Centerport, Pa.

6164-C1-P-71—American Telephone & Telegraph Co. (KGO75), Add frequency 3870 MHz toward Centerport and Freysville, Pa. Station location: 2.7 miles southeast of Cornwall, Pa.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6165–C1–P–71—American Telephone & Telegraph Co. (KGO76), Add frequency 3910 MHz toward Cornwall and Hanover, Pa. Station location: 0.7 mile southeast of Freysville, Pa.

6166–C1–P–71—American Telephone & Telegraph Co. (KGO77), Add frequency 3870 MHz toward Freysville and Cashtown, Pa. Station location: 4.6 miles north-northeast of Hanover, Pa.

6167–C1–P–71—American Telephone & Telegraph Co. (KGO79), Add frequency 3910 MHz toward Hanover and McConnellsburg, Pa. Station location: 3.6 miles west of Casshtown, Pa.

6168–C1–P–71—American Telephone & Telegraph Co. (KGO80), Add frequency 3870 MHz toward Cashtown and Chaneysville, Pa. Station location: 2.5 miles southeast of McConnellsburg, Pa.

6169–C1–P–71—American Telephone & Telegraph Co. (KGO81), Add frequency 3910 MHz toward McConnellsburg, Pa., and Salisbury, Pa. Station location: 2.9 miles west of Chaneysville, Pa.

6170–C1–P–71—American Telephone & Telegraph Co. (KGO84), Add frequency 3870 MHz toward Chaneysville and Fairchance, Pa. Station location: 5.5 miles northwest of Salisbury, Pa.

6171–C1–P–71—American Telephone & Telegraph Co. (KGO85), Add frequency 3910 MHz toward Salisbury and Sycamore, Pa. Station location: 3 miles southeast of Fairchance, Pa.

6172–C1–P–71—American Telephone & Telegraph Co. (KGO83), Add frequency 3870 MHz toward Fairchance, Pa., and 3790, 3870, 4030, and 4110 MHz toward Bridgeport, Ohio, and 6256.5 and 6375.2 MHz toward Layton, Pa.

6173–C1–P–71—American Telephone & Telegraph Co. (KGP82), Add frequencies 6004.5 and 6123.1 MHz toward Sycamore and Jennerstown, Pa. Station location: Layton, 4.9 miles west of Scottdale, Pa.

6174–C1–P–71—American Telephone & Telegraph Co. (KGH33), Add frequencies 6256.5 and 6375.2 MHz toward Layton, Pa. Station location: 3.5 miles northwest of Jennerstown, Pa.

6175–C1–P–71—American Telephone & Telegraph Co. (KQE49), Add frequencies 3830, 3910, 4070, and 4150 MHz toward Sycamore, Pa. Station location: 1.3 miles south of Bridgeport, Ohio.

6176–C1–P–71—American Telephone & Telegraph Co. (KQO64), Add frequency 4030 MHz toward Bridgeport, Ohio. Station location: 1.6 miles west-northwest of Malaga, Ohio.

6177–C1–P–71—American Telephone & Telegraph Co. (KQO65), Add frequency 4070 MHz toward Malaga, Ohio. Station location: 3.2 miles south of Pleasant City, Ohio.

6178–C1–P–71—American Telephone & Telegraph Co. (KQO66), Add frequency 4030 MHz toward Pleasant City, Ohio. Station location: 2.7 miles east of McConnelsville, Ohio.

6179–C1–P–71—American Telephone & Telegraph Co. (KQO67), Add frequency 4070 MHz toward McConnelsville, Ohio. Station location: 3.5 miles south-southwest of New Lexington, Ohio.

6180–C1–P–71—American Telephone & Telegraph Co. (KQO68), Add frequency 4030 MHz toward New Lexington, Ohio, and 6315.9 and 3870 MHz toward Frankfort, Ohio. Station location: 3 miles northeast of Amanda, Ohio.

6181–C1–P–71—American Telephone & Telegraph Co. (KQO33), Add frequencies 6063.8 and 3910 MHz toward Amanda and Washington Court House, Ohio. Station location: 4.4 miles east of Frankfort, Ohio.

6182–C1–P–71—American Telephone & Telegraph Co. (KQO72), Add frequencies 6315.9 and 3870 MHz toward Frankfort and Wilmington, Ohio. Station location: 3.2 miles northeast of Washington Court House, Ohio.

6183–C1–P–71—American Telephone & Telegraph Co. (KQO73), Add frequencies 6063.8 and 3910 MHz toward Washington Court House, Ohio, and toward Blue Ball, Ohio. Station location: 4 miles north of Wilmington, Ohio.

6184–C1–P–71—American Telephone & Telegraph Co. (KQO32), Add frequencies 6315.9 and 3870 MHz toward Wilmington and Shandon, Ohio. Station location: 1.2 miles southeast of Blue Ball, Ohio.

6185–C1–P–71—American Telephone & Telegraph Co. (KQO34), Add frequencies 6063.8 and 3910 MHz toward Blue Ball, Ohio, and Lawrenceburg, Ind. Station location: 2.7 miles north-northeast of Shandon, Ohio.

6186–C1–P–71—American Telephone & Telegraph Co. (KSP69), Add frequencies 6315.9 and 3870 MHz toward Shandon, Ohio, and 6315.9 MHz toward Versailles, Ind. Station location: 3.3 miles north-northwest of Lawrenceburg, Ind.

POINT-TO-POINT MICROWAVE RADIO SERVICE—continued

6187–C1–P–71—American Telephone & Telegraph Co. (KSP70), Add frequency 6063.8 MHz toward Lawrenceburg and Paris Crossing, Ind. Station location: 3.1 miles south-southwest of Versailles, Ind.

6188–C1–P–71—American Telephone & Telegraph Co. (KSP71), Add frequency 6315.9 MHz toward Versailles and Henryville, Ind. Station location: 2 miles east of Paris Crossing, Ind.

6189–C1–P–71—American Telephone & Telegraph Co. (KSP72), Add frequency 6063.8 MHz toward Paris Crossing and Hardinsburg, Ind. Station location: 5 miles west of Henryville, Ind.

6190–C1–P–71—American Telephone & Telegraph Co. (KSP73), Add frequency 6315.9 MHz toward Henryville and Birdseye, Ind. Station location: 1.2 miles southeast of Hardinsburg, Ind.

6191–C1–P–71—American Telephone & Telegraph Co. (KSP75), Add frequency 6063.8 MHz toward Hardinsburg and Stendal, Ind. Station location: 1.9 miles southwest of Birdseye, Ind.

6192–C1–P–71—American Telephone & Telegraph Co. (KSP76), Add frequency 6315.9 MHz toward Birdseye and Fort Branch, Ind. Station location: 0.35 mile north of Stendal, Ind.

6193–C1–P–71—American Telephone & Telegraph Co. (KSP77), Add frequency 6063.8 MHz toward Stendal, Ind., and Crossville, Ill. Station location: 0.7 mile southeast of Fort Branch, Ind.

6194–C1–P–71—American Telephone & Telegraph Co. (KSP79), Add frequency 6315.9 MHz toward Fort Branch, Ind., and toward McLeansboro, Ill. Station location: 2.8 miles east of Crossville, Ill.

6195–C1–P–71—American Telephone & Telegraph Co. (KSP80), Add frequency 6063.8 MHz toward Crossville and Valier, Ill. Station location: 4 miles south-southwest of McLeansboro, Ill.

6196–C1–P–71—American Telephone & Telegraph Co. (KSP81), Add frequency 6315.9 MHz toward McLeansboro and Oakdale, Ill. Station location: 2.3 miles north-northeast of Valier, Ill.

6197–C1–P–71—American Telephone & Telegraph Co. (KSP32), Add frequency 6063.8 MHz toward Valier, Ill. Station location: 4.9 miles east of Oakdale, Ill.

6199–C1–P–71—General Telephone Co. of the Southwest (New), C.P. for a new station to be located at 601 Denver Avenue, Dalhart, Tex. Frequencies: 5974.8 and 6093.5 MHz toward Hartley, Tex.

86–C1–R–71—Hawaiian Telephone Co. (KUQ93), Renewal of station license expiring May 23, 1971. Term: May 23, 1971 to May 23, 1972. (Developmental)

6229–C1–P/ML–71—Hawaiian Telephone Co. (KUQ93), C.P. and Modification of license to add frequencies 3700–4200 MHz. Station location: In any temporary fixed location within the territory of the grantee. (Developmental)

6230–C1–P–71—United Telephone Co. of the Carolinas, Inc. (KJK32), C.P. to add frequencies 6034.2 and 6152.8 MHz toward Laurel Bay, S.C. Station location: 1413 Prince Street, Beaufort, S.C. Correct coordinates to read: Latitude 32°26'07'' N., longitude 80°40'42'' W.

6231–C1–P–71—United Telephone Co. of the Carolinas, Inc. (New), C.P. for a new station to be located at 0.1 mile north of Highway 116, Laurel Bay, S.C. Frequencies: 6286.2 and 6404.8 MHz toward Beaufort, S.C.

6237–C1/C2–AL–(6)–71—Greenwood-United Telephone Co., Inc. Consent to assignment of license from Greenwood-United Telephone Co., Inc., Assignor to United Telephone Co. of the Carolinas, Inc., Assignee. Stations: (Pro forma) KIC29, Greenwood, S.C.; KIJ98, Troy, S.C.; KIT51, Ware Shoals, S.C.; KG36, Saluda, S.C.

Major Amendment

3577–C1–P–71—American Telephone & Telegraph Co. (KAN24), Change frequencies to 3750 and 3830 MHz toward Watson, Mo.

3578–C1–P–71—American Telephone & Telegraph Co. (KAO51), Change frequencies to 3710 and 3790 MHz. Location: 7 miles north-northeast of Watson, Mo.

3579–C1–P–71—American Telephone & Telegraph Co. (KAO50), Change frequencies to 3750 and 3830 MHz. Location: 5 miles north-northwest of Humboldt, Nebr.

3580–C1–P–71—American Telephone & Telegraph Co. (KAO49), Change frequencies to 3710 and 3790 MHz. Location: 6 miles north of Beattie, Kans.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

3581–C1–P–71—American Telephone & Telegraph Co. (KAO48), Change frequencies to 3750 and 3830 MHz. Location: 4.5 miles southeast of Linn, Kans.

3582–C1–P–71—American Telephone & Telegraph Co. (KAO47), Change frequencies to 3710 and 3790 MHz toward Linn, Kans., and to 3750 and 3830 MHz toward Minneapolis, Kans.

(All other particulars same as reported in Public Notice dated Jan. 18, 1971.)

POINT-TO-POINT MICROWAVE RADIO SERVICE: (NONTELEPHONE)

6097–C1–P–71—United Video, Inc. (New), C.P. for a new station 1.6 miles north of Coffeyville, Kans., latitude 37°04'05.5'' N., longitude 95°38'24'' W. Frequencies: 11,225 and 11,385 MHz on azimuth 219°17'.

6098–C1–P–71—United Video, Inc. (New), C.P. for a new station 0.5 mile northeast of Bartlesville, Okla., at latitude 36°45'40'' N., longitude 95°57'06'' W. Frequencies 10,775 and 11,095 MHz on azimuth 219°46'.

6099–C1–P–71—United Video, Inc. (New), C.P. for a new station 6 miles south of Barnsdall, Okla., at latitude 36°29'49'' N., longitude 96°13'25'' W. Frequencies: 11,225 and 11,285 MHz on an azimuth of 268°43'.

6100–C1–P–71—United Video, Inc. (New), C.P. for a new station 2.5 miles southwest of Ralston, Okla., at latitude 36°29'09'' N., longitude 96°48'18'' W. Frequencies: 10,775 and 11,095 MHz on azimuth 210°11'.

(INFORMATIVE: Applicant proposes to provide the television signals of Stations KCIT–TV and KBMA of Kansas City, Mo., to Bartlesville Video, Inc., in Bartlesville, Okla., and to Frontier Cablevision, Inc., in Stillwater, Okla.)

6109–C1–MP–71—(KPJ37), Modification of C.P. to change frequency to 10,895 MHz on azimuth 85°55'. Location: Bozeman Bass, 12 miles west of Livingston, Mont., at latitude 45°38'54'' N., longitude 110°48'04'' W.

6110–C1–MP–71—(KQO42), Modification of C.P. to change frequency to 6271.4 MHz on azimuths 253°32' and 339°04'. Location: 19 miles northeast of Greycliff, Mont., at latitude 45°55'35'' N., longitude 109°29'44'' W.

6131–C1–MP–71—Mountain Microwave Corp. (KPP88), Modification of C.P. to change frequencies to 5945.2, 5974.8, 6004.5, and 6093.5 MHz on azimuth 105°57'. Location: 15 miles northwest of Helper, Utah, at latitude 39°48'37'' N., longitude 111°05'55'' W.

6132–C1–MP–71—Mountain Microwave Corp. (KPP89), Modification of C.P. to change frequencies, to 6226.9, 6256.5, 6345.5, and 6197.2 MHz on azimuth of 48°14' and to 6197.2 and 6256.5 MHz on azimuth 102°52', and to 6197.2 and 6256.5 MHz on azimuth 286°11'. Location: Bruin Point, 7 miles north-northeast of Dragerton, Utah, at latitude 39°38'40'' N., longitude 110'20'50'' W.

6133–C1–P–71—Mountain Microwave Corp. (KPP90), Modification of C.P. to change frequencies to 5945.2 and 6004.5 MHz on azimuth 130° and 18' and to 6034.2 and 6152.8 MHz on azimuth 283°15'. Location: Roan Cliffs, 24.5 miles north of Westwater, Utah, at latitude 39°26'10'' N., longitude 109°10'12'' W.

6134–C1–MP–71—Mountain Microwave Corp. (KVD95), Modification of C.P. to change frequency to 6404.8 MHz on azimuths 310°39', and 43°48'. Location: 2.5 miles southwest of Grand Junction, Colo., at latitude 39°03'31'' N., longitude 108°36'04'' W.

6156–C1–MP–71—Eastern Microwave, Inc. (KEM58), Modification of C.P. to change location of Queensbury, N.Y. receiving site to latitude 43°18'58'' N., longitude 73°37'18'' W., and extend required date of completion to 6 months after date of grant. Frequencies: 5960.0, 6019.3, and 6078.6 MHz on azimuth 22°27'. Location: Helderberg Mountain, 1.75 miles northwest of New Salem, N.Y.

6198–C1–P–71—Video Service Co. (KSP64), C.P. to add frequency 6301.0 MHz and replace transmitter operating on 6360.3 MHz on azimuth 198°04'. Location: 0.8 mile northwest of Monticello, Ind., at latitude 40°45'00'' N., longitude 86°47'03.2'' W.

(INFORMATIVE: Applicant proposes to provide the television signal of WTTW–TV of Chicago to Purdue University in West Lafayette, Ind.)

6200–C1–P–71—Pacific Telatronics, Inc. (KTG38), C.P. to power split frequency 6145.3 MHz on azimuth 68°01'. Location: Shasta Bally, 13 miles west of Redding, Calif., at latitude 40°36'09'' N., longitude 122°39'01'' W.

(INFORMATIVE: Applicant proposes to provide the television signal of KEET to TV Service Club in Burney, Calif.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

The following applicants propose to establish omnidirectional facilities for the provision of common carrier "Subscriber-Programmed" television service.

6233–C1–P–71—World Ventures, Inc. (New), C.P. for a new station to be located at Atlantic Richfield Building, Figueroa and Sixth Streets, Los Angeles, Calif. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and frequencies 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

6234–C1–P–71—World Ventures, Inc. (New), C.P. for a new station to be located at Wells Fargo Building, Post and Montgomery Streets, San Francisco, Calif. Frequencies: 2152.325 MHz (visual) and 2150.20 MHz (aural) toward various receiving points of system and frequencies 2158.50 MHz (visual) and 2154.00 MHz (aural) toward various receiving points of system.

LOCAL TELEVISION TRANSMISSION SERVICE MOBILE-TV-PICKUP

6158–C1–P/ML–71—The Southern New England Telephone Co. (KA9704), C.P. and modification of license to delete transmitters (7) RCA TTR–1B (4) RCA TVT–1A (4) RCA TVT–1–BX. Add transmitters (8) RCA TVT–1BX–F (2) Microwave Associates, MA–7A–1. Frequencies: 6425–6525. Location: In the territory served by this company.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

Major Amendment

3483–C1–P–71—Mountain Microwave Corp. (KBI22), Application amended to change frequencies 11,015, 11,095, 11,815, and 11,855 MHz to 11,015, 11,095, 10,815, and 10,855 MHz on azimuth 348°18' toward Colorow, Colo. Station location: Almagre Mountain, Colo., latitude 38°46'25'' N., longitude 104°59'30'' W.

United Video, Inc. (New), Change frequency from 11,135 MHz to 10,815 MHz toward Kearney, Mo. Station location: Shelton, Mo., latitude 40°47'43'' N., longitude 98°46'08'' W. All other particulars same as reported in Public Notice dated Feb. 1, 1971.

United Video, Inc. (New), Application amended to delete frequencies 10,895 MHz and 10,975 MHz toward Fairbury, Ill., on azimuth 270°57'. Station location: 1 mile north of Onarga, Ill.

5199–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,385 MHz and 11,465 MHz toward Bloomington, Ill., on azimuth of 237°37'. Station location: 0.7 mile south of Fairbury, Ill.

2205–C1–P–71—United Video, Inc., (New), Application amended (a) to delete frequencies 11,505 MHz and 11,585 MHz toward Decatur and Paris, Ill., on azimuths 272°04' and 111°41', respectively; and (b) to add (reinstate) frequency 11,665 MHz toward Mattoon, Ill., on azimuth 192°13'. Station location: 0.1 mile northeast of Tuscola, Ill.

2206–C1–P–71—United Video, Inc. (New), Application amended (a) to delete frequencies 11,055 MHz and 11,135 MHz toward Effingham, Ill., on azimuth 198°17'; and (b) to add (reinstate) frequency 10,735 MHz toward Charleston, Ill., on azimuth 97°07'. Station location: 0.27 mile northeast of Mattoon, Ill.

4781–C1–P–71—United Video, Inc. (New), Application amended (a) to add (reinstate) frequency 11,225 MHz toward Flora, Ill., on azimuth 180°06'; and (b) to change such frequency 11,225 MHz to 11,545 MHz toward Flora, Ill., and toward Mattoon, Ill., on azimuth of 18°15'. Station location: 1 mile east of Effingham, Ill.

4780–C1–P–71—United Video, Inc. (New), Application amended to add (reinstate) frequency 11,135 MHz toward Mount Vernon, Ill., on azimuth 224°26'. Station location: 1.6 miles west of Flora, Ill.

2410–C1–P–67—United Video, Inc. (New), Application amended to delete frequencies 11,465 MHz and 11,545 MHz toward Mount Carmel and Robinson, Ill., on azimuths of 142°40' and 41°04', respectively. Station location: 0.5 mile north of Olney, Ill.

4900–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,545 MHz and 11,625 MHz toward Johnson City, Ill., on azimuth 177°07'. Station location: 2.2 miles northwest of Mount Vernon, Ill.

4901–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,055 MHz and 11,135 MHz toward Carbondale, Ill., on azimuth 252°06'. Station location: 2.6 miles southeast of Johnston City, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)—continued

2624–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 10,975 MHz and 11,055 MHz toward Terre Haute, Ind., on azimuth 130°37′. Station location: 0.5 mile northeast of Paris, Ill.

2622–C1–P–66—United Video, Inc. (New), Application amended to delete frequencies 11,095 MHz and 11,175 MHz toward Lincoln and Springfield, Ill., on azimuths of 314°09′ and 266°51′, respectively. Station location: Decatur, Ill.

(INFORMATIVE: These amendments, in conjunction with previous amendments (Public Notice 3–22–71), have the effect of severing United's original proposal for a microwave system in the State of Illinois into two separate proposals. Proposal No. 1, bearing Files Nos. 2618, 2619, 6587, 6588, 2621, 2623, 4898, 4899, and 4902–C1–P–66, would deliver two Chicago television signals to subscribers in Charleston, Effingham, and Vandalia, Ill. Proposal No. 2, bearing Files Nos. 2622 and 2624–C1–P–66, 4900/01–C1–P–66, 5199 and 5202–C1–P–66, 2410–C1–P–67, 2204 through 2206–C1–P–71, and 4780/81–C1–P–71, would deliver, where applicable, various television signals from Chicago, Ill., St. Louis, Mo., and Terre Haute, Ind., to subscribers in Bloomington, Carbondale, Charleston, Decatur, Effingham, Johnston City, Lincoln, Mount Carmel, Mount Vernon, Olney, Paris, Robinson, Springfield, and Urbana, all in Illinois, and Terre Haute, Ind. These amendments do not involve any changes relating to identity of signal to be carried or customers to be served that have not previously appeared on Public Notice. (However, note reinstatement of several previously deleted frequency paths.)

[FR Doc.71–6748 Filed 5–14–71;8:45 am]

[FCC 71–500]

UHF TRANSLATORS TO BE OPERATED ON CERTAIN UNASSIGNED CHANNELS

MAY 6, 1971.

As the result of the reallocation of UHF channels 70–83 (806–890 MHz) to the land mobile radio services in Docket No. 18262 (First Report and Order and Second Notice of Inquiry, 19 RR 2d 1663), the Commission, on May 21, 1970, released a Notice of Proposed Rule Making in Docket No. 18861 (RR 54:231), proposing, among other things, to permit television translator stations to operate on Channels 14 through 69 (470–806 MHz) which are not allocated in the Television Table of Assignments (referred to herein as unassigned channels). On July 8, 1970, the Commission delegated to the Chief, Broadcast Bureau, authority to accept and act upon applications for new UHF translators which specified Channels 21 through 69 (512–806 MHz), inclusive, provided that such applications were consistent with all Commission rules and policies except with respect to the frequency specified. The procedure was to be effective until a final decision was made in Docket No. 18861. On July 9, 1970, a public notice was issued advising prospective applicants of this action and inviting such applications (FCC 70–749).

In connection with the rule-making proceeding in Docket No. 18861, the Broadcast Bureau has under study a plan to limit UHF translators operating on unassigned channels to frequencies from 716–806 MHz (channels 55 through 69). Although this plan has not yet been submitted to the Commission for consideration, the Commission believes that it would be in the best interests of all applicants and prospective applicants for UHF translators to urge them to specify a UHF channel which would be consistent with the plan under study. Otherwise, applications may be granted for channels below 55, only to have the permittees be required to change channels in the near future. For this reason, the Commission gives notice that, effective upon release of this notice, the authority delegated to the Chief, Broadcast Bureau, to accept and act upon applications for UHF translators to operate on unassigned channels from 21 through 69, is hereby revised to the extent of limiting that authority to applications which specify channels from 55 through 69, inclusive.

Applications for UHF translators to operate on channels from 70–83 (806–890 MHz) will continue to be accepted and acted upon during the pendency of the rule-making proceeding in Docket No. 18861; applications for UHF translators on unassigned channels below 55 will be acted upon, on a case-by-case basis, by the Commission.

Action by the Commission May 5, 1971.[1]

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71–6806 Filed 5–14–71;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[H.C. No. 98]

FIRST S & L SHARES, INC.

Notice of Receipt of Application for Approval of Acquisition of Control of Rocky Mountain Savings and Loan Association

MAY 11, 1971.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from First S & L Shares, Inc., Denver, Colo., a multiple savings and loan holding company, for approval of acquisition of control of the Rocky Mountain Savings and Loan Association, Glenwood Springs, Colo., an insured institution, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and § 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by an exchange of stock of First S & L Shares, Inc., for stock of Rocky Mountain Savings and Loan Association.

Comments on the proposed acquisition should be submitted to the Director, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552, within 30 days of the date this notice appears in the FEDERAL REGISTER.

[SEAL] JACK CARTER,
Secretary,
Federal Home Loan Bank Board.

[FR Doc.71–6772 Filed 5–14–71;8:45 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71–54]

PACIFIC WESTBOUND CONFERENCE

Application To Extend Exclusive Patronage (Dual Rate) Contract System; Order of Investigation and Hearing

The Commission has before it the application of the Pacific Westbound Conference to expand the scope of its approved form of exclusive patronage contract to include the Conference's Overland Common Point territory. This application (57DR–4) has been filed for approval under section 14b of the Shipping Act, 1916.

Various parties, denominated as petitioners in Appendix A below, have filed comments and/or requests for hearing.

It is ordered, That pursuant to sections 14b and 22 of the Shipping Act, 1916, as amended, an investigation and hearing be instituted to determine what transportation circumstances necessitated the filing of 57DR–4 and whether the expansion of the Pacific Westbound Conference's approved form of exclusive patronage contract would be justified in the circumstances; whether 57DR–4 should be approved, disapproved, or modified pursuant to section 14b of the Shipping Act, 1916; and whether Article 2(b) (the natural routing clause) should be modified to clearly reflect shippers' rights and obligations under the contract; and

It is further ordered, That the lines listed as Respondents in Appendix A below are hereby made respondents in this proceeding; and

It is further ordered, That those parties listed as Petitioners in Appendix A below, are hereby made parties to this proceeding; and

It is further ordered, That this matter be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and place to be determined and announced by the presiding examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER and that a copy thereof and notice of hearing be served upon respondents and petitioners; and

It is further ordered, That any person, other than respondents, petitioners, and Hearing Counsel who desires to become a party to this proceeding and participate therein, shall file a petition to intervene promptly with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copy to parties.

And it is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

I. RESPONDENTS

Pacific Westbound Conference, 635 Sacramento Street, San Francisco, CA 94111.
American Mail Line, Ltd., 1010 Washington Building, Seattle, WA 98101.
American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.
Barber Lines, A/S, c/o Overseas Shipping Co., Agents, One California Street, San Francisco, CA 94111.
Japan Line, Ltd., c/o Japan Line (USA), Ltd., One Wilshire Building, Los Angeles, CA 90017.
Kawasaki Kisen Kaisha, Ltd., c/o Kerr Steamship Co., Inc., Agents, One California Street, San Francisco, CA 94111.
Knutsen Line, c/o Bakke Steamship Corp., Agents, 650 California Street, San Francisco, CA 94108.
A.P. Moller-Maersk Line, c/o The East Asiatic Co., Agents, 650 California Street, San Francisco, CA 94108.
Maritime Company of the Philippines, c/o North American Maritime Agencies, 214 Front Street, San Francisco, CA 94111.
Mitsui-O.S.K. Lines, Ltd., c/o Williams, Diamond & Co., Agents, 215 Market Street, San Francisco, CA 94105.
Nippon Yusen Kaisha, c/o Transmarine Navigation Corp., Agents, 555 California Street, San Francisco, CA 94104.
Pacific Far East Line, Inc., 141 Battery Street, San Francisco, CA 94111.
Showa Shipping Co., Ltd., c/o Transmarine Navigation Corp., Agents, 555 California Street, San Francisco, CA 94104.
States Marine Lines, 90 Broad Street, New York, NY 10004.
States Steamship Co., 320 California Street, San Francisco, CA 94104.
The Shipping Corp. of India, Ltd., c/o Olympic Steamship Co., Inc., Agents, 425 California Street, San Francisco, CA 94104.
Scindia Steams Navigation Co., Ltd., c/o Interolsen Agencies, Inc., Agents, 160 Sansome Street, San Francisco, CA 94133.
Transportacion Maritima Mexicana, S.A., c/o Williams, Diamond & Co., Agents, 215 Market Street, San Francisco, CA 94105.
Peninsular and Oriental Steam Navigation Co., c/o Williams, Dimond & Co., Agents, 215 Market Street, San Francisco, CA 94105.
United Philippine Lines, c/o General Steamship Corp., Ltd., Agents, 400 California Street, San Francisco, CA 94104.
United States Lines, Inc., One Broadway, New York, NY 10004.
Waterman Steamship Corp., 140 Broadway, New York, NY 10005.
Weyerhaeuser Lines; Broadway Terrace Building, Tacoma, WA 98401.
Yamshita-Shinnihon Steamship Co., Ltd., c/o Lilly Shipping Agencies, Agents, One California Street, San Francisco, CA 94111.

II. PETITIONERS

Allis-Chalmers (International Division), Milwaukee, Wis. 53201.
American Cotton Shippers Association, 1707 L Street NW., Washington, DC 20036.
The Port of New York Authority, c/o Paul M. Donovan, Esq., La Roe, Winn & Moerman, Investment Building, Washington, DC 20005.
Minnesota Mining and Manufacturing Co., c/o Terrence D. Jones, Esq., Billig & Jones, 1108 16th Street NW., Washington, DC 20036.
Orient Overseas Container Lines, c/o Richard W. Kurras, Esq., Kurras & Jacobi, 2000 K Street NW., Washington, DC 20006.
Caterpillar Tractor Co., Peoria, Ill. 61602.
American Hoist & Derrick Co., 63 South Robert Street, St. Paul, MN 55107.

[FR Doc.71–6810 Filed 5–14–71;8:48 am]

[Docket No. 71–53]

SEA-LAND SERVICE, INC.

General Increases in Rates in U.S. Pacific/Puerto Rico Trade; Order of Investigation and Suspension

Sea-Land Service, Inc., has filed with the Federal Maritime Commission Supplement No. 11 to its Tariffs FMC–F No. 19 to become effective May 16, 1971. This supplement generally increases rates and charges in the subject trade.

In Sea-Land Service, Inc.—Increases in Rates in the U.S. Pacific Coast/Puerto Rico Trade (Dockets Nos. 70–1 and 70–1 (Sub 1)), Sea-Land has effectuated a series of selective rate increases with the stated intention of eventually, step-by-step, achieving a single overall general rate increase. However, with the filing of the supplement in question herein, Sea-Land has abandoned its stated intention and instituted an overall general rate increase applying to those tariff items which already were subjected to selective rate increases as well as various other tariff items. The effect appears to be twofold:

1. When considered standing alone, the supplement in question herein constitutes a single overall general rate increase in lieu of another selective rate increase on a step-by-step basis, and
2. When considered in the context of Sea-Land Service, Inc.—Increases in Rates in the U.S. Pacific Coast/Puerto Rico Trade (Dockets Nos. 70–1 and 70–1 (Sub 1)), the supplement in question constitutes the second increases on selected tariff items while, at the same time, only the first increases on various other tariff items. Thus, it appears that the supplement in question herein not only serves to raise the overall revenues of Sea-Land, but serves to distribute the burden of its rates and charges among its tariff items in a manner different than heretofore prevailing.

Upon consideration of said supplement and protests filed theretofore, the Commission is of the opinion that the above-designated tariff matter may be unjust, unreasonable, or otherwise unlawful and that a public investigation and hearing should be instituted to determine its lawfulness under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933. This investigation and hearing shall be separate from the investigation under Sea-Land Service Inc.—Increases in Rates in the U.S. Pacific Coast/Puerto Rico Trade (Dockets Nos. 70–1 and 70–1 (Sub 1)). And good cause appearing, therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended or reissued, such matter will be included in this investigation;

It is further ordered, That pursuant to section 3, Intercoastal Shipping Act, 1933, Supplement No. 11 to Tariff FMC–F No. 19 is suspended and the use thereof deferred to and including September 15, 1971, unless otherwise ordered by this Commission;

It is further ordered, That there shall be filed immediately with the Commission by Sea-Land Service, Inc. a consecutively numbered supplement to the aforesaid tariff which supplement shall bear no effective date, shall reproduce the portion of this order wherein the suspended matter is described and shall state that the aforesaid matter is suspended and may not be used until September 16, 1971 unless otherwise authorized by the Commission; and the rates and charges heretofore in effect, and which were to be changed by the suspended matter shall remain in effect during the period of suspension, and neither the matter suspended, nor the matter which is continued in effect as a result of such suspension, may be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission;

It is further ordered, That copies of this order shall be filed with the said tariff schedules in the Bureau of Compliance of the Federal Maritime Commission;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Sea-Land Service be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

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[1] Commissioners Burch (Chairman), Bartley, Johnson, H. Rex Lee and Houser.

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the petitioners listed in the attached appendix and published in the FEDERAL REGISTER; and (II) the said respondent and petitioners be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rules 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX

Edward Schmeltzer, Esq., Mario F. Escudero, Esq., Edward J. Sheppard IV, Esq., Morgan, Lewis & Bockius, 1140 Connecticut Avenue, NW., Washington, DC 20036, attorneys for The Commonwealth of Puerto Rico.

Charles E. Duroni, Esq., H. J. Heinz Co., Post Office Box 57, Pittsburgh, PA 15230 (For Star-Kist Foods, Inc. a wholly owned subsidiary).

[FR Doc.71-6809 Filed 5-14-71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CS71-24, etc.]

B. M. BRITAIN ET AL.

Finding and Order

MAY 5, 1971.

Findings and order after statutory hearing issuing small producer certificates of public convenience and necessity, terminating certificates, amending orders issuing certificates, canceling FPC gas rate schedules, terminating rate proceedings, and canceling docket number.

Each applicant herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for small producer certificates of public convenience and necessity authorizing sales of natural gas in interstate commerce, all as more fully set forth in the applications and the appendix hereto.

Applicants, Herbert L. Coppock and Stanley Coppock, Jr., do not presently have any certificate or rate schedule on file with the Commission. All other Applicants are presently authorized to sell natural gas pursuant to FPC gas rate schedules on file with the Commission. Certain sales by these applicants have been made at rates in effect subject to refund. The certificates authorizing said sales will be terminated and the related rate schedules will be canceled. The proceedings in which increased rates collected subject to refund by any of these applicants were equal to or below area ceiling rates will be terminated.

The Commission's staff has reviewed the applications and recommends each action ordered as consistent with all substantive Commission policies and required by the public convenience and necessity.

After due notice by publication in the FEDERAL REGISTER, no petition to intervene, notice of intervention or protest to the granting of the applications has been filed.

At a hearing held on April 28, 1971, the Commission on its own motion received and made a part of the record in this proceeding all evidence, including the applications submitted in support of the authorizations sought herein, and upon consideration of the record,

The Commission finds:

(1) Each applicant is or will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption subject to the jurisdiction of the Commission and is, therefore, a "natural-gas company" or will be when the initial delivery is made, within the meaning of the Natural Gas Act.

(2) The sales of natural gas hereinbefore described, as more fully described in the applications herein, will be made in interstate commerce subject to the jurisdiction of the Commission, and such sales by applicants are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Applicants are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(4) Each applicant is an independent producer of natural gas which is not affiliated with a natural gas pipeline company and whose total jurisdictional sales on a nationwide basis, together with sales of affiliated producers, were not in excess of 10,000,000 Mcf at 14.65 p.s.i.a. during the preceding calendar year.

(5) The sales of natural gas by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are required by the public convenience and necessity, and small producer certificates of public convenience and necessity therefor should be issued as hereinafter ordered and conditioned.

(6) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the certificates of public convenience and necessity heretofore issued to applicants should be terminated or that the orders issuing said certificates should be amended by deleting therefrom authorization to make the sales which will be continued pursuant to small producer certificates and that the related FPC gas rate schedules should be canceled.

The Commission orders:

(A) Small producer certificates of public convenience and necessity are issued upon the terms and conditions of this order authorizing the sale for resale and delivery of natural gas in interstate commerce by applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, all as hereinbefore described and as more fully described in the applications in this proceeding.

(B) The certificates granted in paragraph (A) above are not transferable and shall be effective only so long as applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations, and orders of the Commission and particularly:

(1) The subject certificates shall be applicable only to all small producer sales as defined in § 157.40(a)(3) of the regulations under the Natural Gas Act; and

(2) Applicants shall file annual statements pursuant to § 154.104 of the regulations under the Natural Gas Act.

(C) The certificates granted in paragraph (A) above shall remain in effect for small producer sales until the Commission on its own motion or on application terminates said certificates because applicants no longer qualify as small producers or fail to comply with the requirements of the Natural Gas Act, the regulations thereunder, or the terms of the certificates. Upon such termination applicants will be required to file separate certificate applications and individual rate schedules for future sales. To the extent compliance with the terms of this order is observed, the small producer certificates will still be effective as to sales already included thereunder.

(D) The grant of the certificates in paragraph (A) above shall not be construed as a waiver of the requirements of section 7 of the Natural Gas Act or Part 157 of the regulations thereunder and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceedings now pending or hereafter instituted by or against applicants. Further, our action in this proceeding shall not foreclose any future proceedings or objections relating to the operation of any price or related provisions in the gas purchase contracts herein involved. The grant of the certificates aforesaid for service to the particular customers involved shall not imply approval of all of the terms of the contracts, particularly as to the cessation of service upon the termination of said contracts as provided by section 7(b) of the Natural Gas Act. The grant of the certificates aforesaid shall not be construed to preclude the imposition of any sanctions pursuant to the provisions of the Natural Gas Act for the unauthorized commencement of any sales subject to said certificates.

(E) The certificates heretofore issued to applicants for sales proposed to be continued under small producer certificates are terminated or the orders issuing said certificates are amended by deleting therefrom authorization to make the sales which will be continued pursuant to small producer certificates and the related FPC gas rate schedules are canceled as indicated in the appendix hereto.

(F) The proceedings in which applicants' increased rates have not been made effective or have been made effective subject to refund and are less than the applicable area rate base are terminated as indicated in the appendix hereto.

(G) Docket No. CS71-36 is canceled.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
CS71-24 10-16-70	B. M. Britain et al	1	G-2681	RI71-49.
	do	2	G-4116 G-9818	RI70-1473.
	do	3	G-14540	
	do	4	G-16014	RI71-49.
CS71-25 10-19-70	Producer's Gas Co	1	CI69-434	
CS71-26 10-19-70	Lear Petroleum Corp. (Operator) et al	1	CI69-447	
	do	2	CI70-291	
	do	3	CI67-11	
	do	4	CI70-516 [1]	
	do	5	CI71-359 [1]	
CS71-27 10-19-70	Cecil L. Lauler et al	1	CI66-555	
	do	2	CI70-356	
CS71-28 10-20-70	Coral Gas & Oil, Inc., formerly Crown Petroleum, Inc.	1	CI69-263	
	do	2	CI69-331	
	do	3	CI69-844	RI70-567.
	do	4	CI69-1034	RI70-567.
	do	5	CI70-761	
	do	6	CI70-925	
	do	7	CI71-137 [1]	
	do	8	CI71-162 [1]	RI65-549.[3] RI70-267.[3]
CS71-29 10-21-70	Rimrock Exploration Co., agent (Operator) et al	1	CI70-998	
CS71-32 10-23-70	Philcon Development Co. (Operator) et al	1	CI68-899	RI71-11.
	do	2	CI69-808	RI70-616.
	do	3	CI70-547	
	do	4	CI71-521 [1]	
CS71-33 10-22-70	J. M. Hawley et al	1	G-19709	RI67-228. RI70-537.
	do	[2] 2	CI67-10	
CS71-34 10-22-70	Jane Clayton Russell (Operator) et al.[3b]	1	G-19712	RI67-229. RI70-540.
	do	[3a] 3	G-19708 [3a]	
CS71-35 10/22/70	W. H. Taylor Estate et al	1	G-19711	RI67-233. RI70-538.
CS71-37 10/22/70	Helen J. Clayton et al	[4] 4	G-6091	RI67-231. RI70-537.
CS71-38 10/22/70	Earl Clayton and J. M. Hawley, individually and as independent executor and trustee of the estate of W. H. Taylor, deceased.	[4] 3	CI67-857	RI67-437.
CS71-39 10/22/70	Martha Clayton Estes (Operator) et al	2	G-19710	RI67-230. RI70-539.
CS71-40 10/22/70	Earl Clayton et al	[4] 1	G-19713	RI67-231.
CS71-41 10/26/70	Kingwood Oil Co	4	G-15426	RI60-456. RI68-71.
	do	6	G-19221	RI65-379. RI70-1496.[6]
	do	7	G-19798	
	do	9	CI60-536	
	do	10	CI60-744	
	do	11	CI61-267	
	do	12	CI61-1297	
	do	14	CI62-139	RI64-800. RI70-1497.
	do	15	CI63-1492	RI70-241.
	do	16	CI64-479	RI70-1398.
	do	17	CI66-1253	
	do	18	CI66-1288	RI68-362.
	do	19	CI67-291	RI68-362.
	do	20	CI68-586	
	do	21	CI68-586	RI61-48.[7] RI64-728.[7]
	do	22	CI68-586	RI64-152.[8]
	do	23	CI68-643	RI68-501.
	do	24	CI70-844	
CS71-42 10-27-70	Kirkpatrick Oil & Gas Co. (Operator) et al	1	G-17108	
	do	2	CI60-2	RI68-482.
	do	3	CI66-705	
	do	4	CI66-886	
	do	5	CI68-658	
	do	6	CI68-772	
	do	7	CI68-802	
	do	8	CI68-1324	
	do	9	CI69-676	
CS71-46 10-28-70	Rip C. Underwood et al	5	G-18585	RI65-640. RI70-507.[9]
	do	6	CI61-766	
	do	7	CI62-905	RI67-315.
CS71-48 10-29-70	Glen S. Söderstrom (Operator) et al	1	CI70-99	
CS71-49 10-29-70	Frank F. DuBose	2	G-12385	RI64-779.
	do	5	G-6535	
	do	6	CI64-1335	
CS71-50 10-29-70	Nathan Appleman, d.b.a. N. Appleman Co. (Operator) et al.	1	G-4375	
	do	2	G-4457	RI62-286.
	do	5	G-12219	RI65-455.
	do	6	G-13725	RI62-285.
	do	7	G-4374	RI61-412.
	do	8	G-4478	
	do	9	CI66-1107	
CS71-51 10-29-70	Calvert Exploration Co. (Operator) et al	2	CI63-393	
	do	3	CI63-1165	RI68-440.
	do	4	CI64-1284	RI69-814.
	do	5	CI62-366	RI68-195.
	do	6	CI62-1377	RI68-195. RI68-615.
	do	7	CI63-444	RI68-542.
	do	8	CI65-1004	RI68-195.
	do	10	CI64-593	RI63-409.[10] RI68-195. RI68-615.

Docket No. and filing date	Applicant	Canceled FPC gas rate schedule	Terminated certificate docket No.	Terminated rate increase docket No.
	Calvert Exporation Co. (Operator) et al	11	CI65-30	RI68-701.
	do	[11] 1	CI66-10	RI68-700.
	do	[11] 2	CI67-664	
	do	[11] 3	CI67-1685 [12]	RI68-705.
	do	[11] 4	CI67-1793	
	do	[11] 5	CI68-142 [12] [13]	
	do	[11] 6	CI69-449 [13]	
	do	[14] 1	CI68-1215 [13]	
CS71-52 10-30-70	Herbert L. Coppock and Stanley Coppock, Jr			
CS71-53 10-30-70	Sam K. Viersen, Jr.	1	CI63-392	
CS71-54 10-30-70	Sam K. Viersen	1	CI62-90	
CS71-58 10-30-70	E. J. Dunigan, Jr., Trustee	1	CI62-409	RI64-586. RI70-984.
CS71-60 11-2-70	Mull Drilling Co., Inc. (Operator) et al.	2	G-13649	RI60-128.
	do	3	G-14710	RI60-128. RI67-278. RI70-299.
	do	4	G-17758	RI60-128. RI67-278. RI70-299.
	do	5	G-17827	RI60-128. RI65-13. RI69-736.
	do	8	CI65-89	
CS71-61 11-2-70	Lonita, Inc. (Operator) et al	[15] 1	CI63-811	
	do	[15] 2	CI67-1048	
CS71-63 11-2-70	Ozark-Mahoning Co	1	CI60-584	RI65-391. RI70-298.[16]
	do	2	CI60-712	
	do	3	CI60-711	
	do	4	CI61-314	
	do	5	CI63-685	RI70-298.[16]
	do	7	CI64-66	RI70-298.[16]
	do	8	CI64-777	RI70-298.[16]
	do	9	CI66-587 [17]	
	do	10	CI67-28	
	do	11	CI68-1021	RI70-298.[16]
CS71-64 11-2-70	Grady L. Fox et al	1	CI60-565	
CS71-65 11-2-70	Richome Oil & Gas Co., a.k.a. Richome Oil Co. (Operator) et al.	[18] 1	CI67-265	
		[19] 1	G-17974	
CS71-66 11-2-70	L. H. Puckett (Operator) et al	1	G-7359	RI61-386. RI66-233. RI71-655.
	do	2	CI69-317	
CS71-67 11-2-70	A. W. Moursund	1	CI71-189	RI67-402.[20]
	do	2	CI71-328	
CS71-72 11-2-70	J. A. Mull, Jr. (Operator) et al	1	CI61-509	RI67-279. RI70-300.
	do	2	CI61-1322	RI67-279. RI70-300.
	do	3	CI65-91	RI70-909.
CS71-76 11-2-70	J. Lee Youngblood (Operator) et al.	1	G-15298	
	do	2	CI63-986	RI68-642.
	do	3	CI63-826	RI65-570. RI70-1127.
	do	5	CI68-791	
CS71-80 11-2-70	Sharples & Co., Properties (Operator) et al	1	G-10031	RI62-34. RI67-61.
	do	1	G-6078	
CS71-111 11-4-70	Joe A. Humphrey	1	CI63-1519	
CS71-210 2-16-71	Barnett Oil Co. et al	1	CI68-960	
	do	2	CI70-802	

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[1] Temporary certificate.

[2] Rate schedule on file as J. M. Hawley, doing business as Hawley Oil Co.

[3] Terminated only insofar as it pertains to sales made pursuant to Crown Petroleum, Inc., FPC Gas Rate Schedule No. 8.

[3a] Certificate and rate schedule on file as Jane Clayton Oakes et al.

[3b] Applicant also filed an application in Docket No. CS71-36, which number is canceled herein.

[4] Rate schedule on file as J. M. Hawley (Operator) et al.

[5] Rate schedule on file as J. M. Hawley, Trustee (Operator) et al.

[6] Terminated only insofar as it pertains to sales made pursuant to Kingwood Oil Co. FPC Gas Rate Schedule No. 6.

[7] Terminated only insofar as it pertains to sales made pursuant to Kingwood Oil Co. FPC Gas Rate Schedule No. 21.

[8] Terminated only insofar as it pertains to sales made pursuant to Kingwood Oil Co. FPC Gas Rate Schedule No. 22.

[9] Terminated only insofar as it pertains to sales made pursuant to Rip C. Underwood FPC Gas Rate Schedule No. 5.

[10] Terminated only insofar as it pertains to Calvert Exploration Co. FPC Gas Rate Schedule No. 10.

[11] Rate schedule on file as Calvert-Mid America, Inc.

[12] Certificate terminated only insofar as it pertains to Calvert-Mid America, Inc.

[13] Temporary certificate.

[14] Rate schedule on file as Calvert Funds, Inc.

[15] Rate schedules on file as Lonita Oil Corp., Inc.

[16] Terminated only insofar as it pertains to sales made pursuant to Ozark-Mahoning Co. FPC Gas Rate Schedules Nos. 1, 5, 7, 8, and 11.

[17] Certificate terminated only insofar as it pertains to Ozark-Mahoning Co.

[18] Rate schedule on file as Richome Oil & Gas Co. FPC Gas Rate Schedule No. 1.

[19] Rate schedule on file as Richome Oil Co. FPC Gas Rate Schedule No. 1.

[20] Terminated only insofar as it pertains to sales made pursuant to A. W. Moursund FPC Gas Rate Schedule No. 1.

[FR Doc.71-6661 Filed 5-14-71;8:45 am]

FEDERAL RESERVE SYSTEM

FOURTH NATIONAL CORP.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by The Fourth National Corp., Tulsa, Okla., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of the successor by merger to The Fourth National Bank of Tulsa, Tulsa, Okla.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Kansas City.

By order of the Board of Governors, May 10, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6773 Filed 5-14-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.; Temporary Reg. E-15]

ADP SOFTWARE

Procurement

To heads of Federal agencies.

1. *Purpose.* This regulation eliminates the option of agencies to make unrestricted procurement of ADP software, without GSA approval, after determining that there is not a readily identifiable and substantial use for the software elsewhere in the Government.

2. *Effective date.* This regulation is effective July 1, 1971.

3. *Applicability.* The provisions of this regulation apply to all Federal agencies.

4. *Background.* As a result of a conference on the management of computer systems in the Federal Government sponsored by the Office of Management and Budget, it was determined that the provisions of FPMR 101-32.403-2, relating to procurement authority for software, did not provide an effective base for coordinating the acquisition and use of commercial software products. As stipulated in the cited regulation, GSA review and approval is required only if, in the judgment of the agency, the software has the potential for substantial use elsewhere in the Government. It was concluded at the conference that removing the judgment factor would bring under management the review of all proposed software procurements of sufficient value to warrant a coordinated approach to extend the utility of software and reduce its costs.

5. *Procurement of software.* Agencies may procure software for use with automatic data processing equipment without prior approval of GSA when:

a. The procurement will occur by placing a purchase/delivery order against an applicable Federal Supply Schedule contract under the terms of the contract; or

b. The total procurement for the specific software package does not exceed $7,500 annual lease cost, excluding maintenance, or $10,000 purchase cost.

6. *Expiration date.* This regulation expires December 31, 1971, unless sooner revised or superseded. Prior to this expiration date, this regulation will be codified, as appropriate, in the permanent regulations of GSA appearing in Title 41, CFR, Public Contracts and Property Management.

7. *Agency comments.* Comments concerning the effect or impact of this regulation on agency operations or programs should be submitted to General Services Administration (FTP), Washington, DC 20406, no later than October 31, 1971, for consideration and possible incorporation into the permanent regulation.

Dated: May 14, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6919 Filed 5-14-71;9:49 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

MAY 10, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 11, 1971, through May 20, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-6817 Filed 5-14-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 7, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42192—*Chlorine to Emco and Listerhill, Ala.* Filed by Southwestern Freight Bureau, agent (No. B-226), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Emco and Listerhill, Ala.

Grounds for relief—Market competition.

Tariffs—Supplements 262 and 156 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4773, respectively.

FSA No. 42193—*Chlorine to Hamilton, Miss.* Filed by Southwestern Freight Bureau, agent (No. B-224), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Hamilton, Miss.

Grounds for relief—Market competition and rate relationship.

Tariffs—Supplements 262 and 156 to Southwestern Freight Bureau, agent, tariffs ICC 4668 and 4773, respectively.

FSA No. 42194—*Peanuts between points in Arkansas, Oklahoma, and Texas.* Filed by Southwestern Freight Bureau, agent (No. B-229), for interested rail carriers. Rates on peanuts, unshelled, raw, in bulk or in sacks, in boxes or in barrels, in carloads, as described in the application, between points in Arkansas, on the one hand, and points in Oklahoma and Texas, on the other.

Grounds for relief—Market competition, revision of minimum weights.

Tariff—Supplement 90 to Southwestern Freight Bureau, agent, tariff ICC 4737.

FSA No. 42195—*Liquefied carbon dioxide from Hopewell, Va.* Filed by O. W. South, Jr., agent (No. A6252), for interested rail carriers. Rates on carbon dioxide, liquefied, in tank carloads, as described in the application, from Hopewell, Va., to Ormewood Station, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 205 to Southern Fregiht Association, agent, tariff ICC S-517.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6828 Filed 5-14-71;8:50 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 12, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42198—*Salt from Stafford, Tex.* Filed by Southwestern Freight Bureau, agent (No. B-237), for interested rail carriers. Rates on salt, common (sodium chloride), in carloads, as described in the application, from Stafford, Tex., to points in southwestern territory, also Natchez, Vicksburg, Miss., and Memphis, Tenn.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 109 to Southwestern Freight Bureau, agent, tariff ICC 4819.

FSA No. 42199—*Pulpboard or fiberboard from Schilling, Mont.* Filed by Trans-Continental Freight Bureau, agent (No. 466), for interested rail carriers. Rates on pulpboard or fiberboard, NOIBN, in carloads, as described in the application, from Schilling, Mont., to points in various territories.

Grounds for relief—Market competition, modified short-line distance formula and grouping.

Tariff—Supplement 119 to Trans-Continental Freight Bureau, agent, tariff ICC 1785.

FSA No. 42200—*Cinnamon flavored sugar and beet or cane sugar from* *points in Louisiana and Texas.* Filed by Southwestern Freight Bureau, agent (No. B–230), for interested rail carriers. Rates on cinnamon flavored sugar, in packages, in mixed carloads with beet and cane sugar, as described in the application, from points in Louisiana and Texas, to points in Illinois, southwestern and western-trunk-line territories, and Memphis, Tenn., also returned shipments in the reverse direction.

Grounds for relief—Market competition, returned movement of commodities.

Tariff—Supplement 32 to Southwestern Freight Bureau, agent, tariff ICC 4886.

FSA No. 42201—*Isobutane from Pascagoula, Miss.* Filed by O. W. South, Jr., agent (No. A6254), for interested rail carriers. Rates on isobutane, suitable only for further refining or blending in tank carloads, as described in the application, from Pascagoula, Miss., to Canton, Ohio.

Grounds for relief—Market competition.

Tariff—Supplement 89 to Southern Freight Association, agent, tariff ICC S–775.

FSA No. 42202—*Chlorine to Camp Croft, S.C.* Filed by O. W. South, Jr., agent (No. A6253), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from Brunswick, Ga., and Acme, N.C., to Camp Croft, S.C.

Grounds for relief—Market competition.

Tariffs—Supplements 38 and 206 to Southern Freight Association, agent, tariffs ICC S–936 and S–517, respectively.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6829 Filed 5–14–71;8:50 am]

[Notice 293]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 10, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 1824 (Sub-No. 55TA), filed May 3, 1971. Applicant: PRESTON TRUCKING COMPANY, INC., 151 Easton Boulevard, Preston, MD 21655. Applicant's representative: Frank V. Klein (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Foodstuffs,* frozen or not frozen, in vehicles equipped with mechanical refrigeration, from Salem, Ohio, to Garden City, N.Y., for 180 days. Supporting shipper: Carl L. Haderer, Assistant to the G.T.M., The Great Atlantic & Pacific Tea Co., Inc., National Traffic and Transportation Department, 90 Delaware Avenue, Paterson, NJ 07503. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, MD 21801.

No. MC 4705 (Sub-No. 1 TA), filed April 29, 1971. Applicant: LAWRENCE F. NEPPL, Halbur, Iowa 51444. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Linseed meal and linseed pellets,* from Minneapolis, Minn., and its commercial zone, to points in Carroll and Calhoun Counties, Iowa, for 150 days. Supporting shipper: Collison Bros., Arcadia, Iowa (Carroll County). Send protests to: Carroll Russell, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 304 Post Office Building, Sioux City, IA 51101.

No. MC 18121 (Sub-No. 13 TA), filed April 29, 1971. Applicant: ADVANCE TRANSPORTATION COMPANY, 2115 South First Street, Milwaukee, WI 53207. Applicant's representative: Robert M. Kaske, 2017 Wisteria Road, Rockford, IL 61107. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods, commodities in bulk and requiring special equipment), between points in Chicago, Ill., and the commercial zone, and, points in Racine and Kenosha Counties, Wis., for 180 days. Supporting shippers: Rubber Rollers Mfg., Union Grove, Wis.; Keystone Ferrule & Nut Corp., Burlington, Wis.; Lavelle Rubber Manufacturing Corp., Burlington, Wis.; Bardon Rubber Products Co., Inc., Union Grove, Wis.; and Grave Gear Corp., Union Grove, Wis. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 22229 (Sub-No. 68 TA), filed April 29, 1971. Applicant: TERMINAL TRANSPORT CO., INC., 248 Chester Avenue SE., Atlanta, GA 30316 (Post Office Box 1918, 30301). Applicant's representative: L. Harold Kerlin (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* between Atlanta, Ga., and Detroit, Mich., from Atlanta over U.S. Highway 41 to Chattanooga, Tenn., thence over U.S. Highway 27 to junction Interstate Highway 75 near Lexington, Ky., thence over Interstate Highway 75 to Cincinnati, Ohio, thence over U.S. Highway 25 (also Interstate Highway 75) to Detroit, Mich., and return over the same routes, for 180 days. NOTE: Service is authorized at the intermediate point of Cincinnati, Ohio, for the purpose of joinder only with carrier's authorized operations in No. MC 22229 and sub numbers thereunder. Supporting shipper: Applicant supports its own statement. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 51146 (Sub-No. 216 TA), filed April 28, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Paper and paper products,* from Montgomery and Elk Grove Village, Ill., to points in Minnesota, for 180 days. Supporting shipper: Western Kraft Corp., by B. M. Fischer and Associates, 174 Hale Street, Elmhurst, IL 60126. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 72442 (Sub-No. 33 TA), filed May 3, 1971. Applicant: AKERS MOTOR LINES, INC., Post Office Box 579, Gastonia, NC 28052. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission), (1) between Greensboro, N.C., and Thomasville, Ga., serving all intermediate points, from Greensboro over U.S. Highway 29 and Alternate U.S. Highway 29 via Charlotte, N.C., Spartanburg and Greenville, S.C., Athens and Atlanta, Ga., to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga. (also from Greenville over U.S. Highway 123 to Easley, S.C., thence over South Carolina Highway 93 to junction U.S. Highway 123 near Clemson, S.C., thence over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta and thence over Georgia Highway 85 to

Columbus), thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany (also from Athens over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 41 to Cordele, Ga., and thence over Georgia Highway 257 to Albany), and thence over Georgia Highway 3 to Thomasville (also from Albany over Georgia Highway 133 to Moultrie, Ga., and thence over U.S. Highway 319 to Thomasville), and return over the same route;

(2) Between Raleigh, N.C., and Charlotte, N.C., serving all intermediate points; (a) from Raleigh over U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 421 to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 21 to junction North Carolina Highway 115, thence over North Carolina Highway 115 to junction U.S. Highway 21 near Charlotte, N.C., thence over U.S. Highway 21 to Charlotte, N.C., and return over the same route; (b) from Raleigh over U.S. Highway 64 to Asheboro, N.C., thence over North Carolina Highway 49 to Charlotte and return over the same route; (c) from Raleigh over U.S. Highway 1 to Sanford, N.C., thence over U. S. Highway 15 to Carthage, N.C., thence over North Carolina Highway 27 to Charlotte and return over the same route; (3) between Statesville, N.C. and Hazelwood, N.C., serving all intermediate points, from Statesville over U.S. Highway 70 and Alternate U.S. Highway 70 via Conover to Asheville, N.C., thence over U.S. Highway 23 to Hazelwood and return over the same route; (4) between Kings Mountain, N.C., and Asheville, N.C., serving all intermediate points, from Kings Mountain over U.S. Highway 74 via Shelby N.C., to Forest City, N.C. (also from Shelby over North Carolina Highway 150 to Boiling Springs, N.C., thence over unnumbered highway to Cliffside, N.C., thence over Alternate U.S. Highway 221 to Forest City), thence over U.S. Highway 74 to Asheville and return over the same routes;

(5) Between Conover, N.C., and Monroe, N.C., serving all intermediate points, from Conover over North Carolina Highway 16 to Newton, N.C. (also from Conover over U.S. Highway 321 to Newton, N.C.), thence over U.S. Highway 321 to Lincolnton, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 74 to Monroe, and return over the same route; (6) between Salisbury, N.C., and Albemarle, N.C., serving all intermediate points, from Salisbury over U.S. Highway 52 via New London, N.C., to Albemarle (also from New London over North Carolina Highway 740 to Badin, N.C., thence over unnumbered highway to Albemarle) and return over the same routes; (7) between Asheville, N.C., and junction U.S. Highway 25 and South Carolina Highway 121 near Trenton, S.C., serving all intermediate points, from Asheville over U.S. Highway 25 to junction South Carolina Highway 121 near Trenton, and return over the same route; (8) between Hendersonville, N.C., and Whitmire, S.C., serving all intermediate points, from Hendersonville over U.S. Highway 176 to Whitmire and return over the same route; (9) between Charlotte, N.C., and Albany, Ga., serving all intermediate points, from Charlotte over U.S. Highway 521 to Pineville, N.C., thence over North Carolina Highway 51 to junction U.S. Highway 21, thence over U.S. Highway 21 via Columbia, S.C., to Salkehatchie, S.C., thence over Alternate U.S. Highway 17 to Pocataligo, S.C., thence over U.S. Highway 17 to Savannah, Ga. (also from Pineville over U.S. Highway 21 to the North Carolina-South Carolina State line, thence over South Carolina Highway 72 via Rock Hill, S.C., to Chester, S.C., thence over U.S. Highway 321 to Savannah), thence over U.S. Highway 17 via Midway, Ga., to Brunswick, Ga., thence over U.S. Highway 84 to Waycross, Ga. (also from Midway over U.S. Highway 82 to Waycross), thence over U.S. Highway 82 to Albany and return over the same route;

(10) Between Concord, N.C., and Augusta, Ga., serving all intermediate points, from Concord over U.S. Highway 601 to Kershaw, S.C., thence over U.S. Highway 521 to Camden, S.C., thence over U.S. Highway 1 to Augusta and return over the same route; (11) between Gastonia, N.C., and Augusta, Ga., serving all intermediate points, from Gastonia over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 72 to Whitmire, S.C., thence over U.S. Highway 176 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 25 near Trenton, S.C., thence over U.S. Highway 25 to Augusta and return over the same route; (12) between North Augusta, S.C., and Fairfax, S.C., serving all intermediate points, from North Augusta over U.S. Highway 278 to Fairfax and return over the same route; (13) between Camden, S.C., and Charleston, S.C., serving all intermediate points, from Camden over U.S. Highway 521 to Sumter, S.C., thence over U.S. Highway 15 to Wells, S.C., thence over U.S. Highway 176 to Charleston and return over the same route; (14) between Columbia, S.C., and Sumter, S.C., serving all intermediate points, from Columbia over U.S. Highway 76 to Sumter and return over the same route; (15) between junction U.S. Highways 176 and 21 near Sandy Run, S.C., and Wells, S.C., serving all intermediate points, from junction U.S. Highways 176 and 21 over U.S. Highway 176 to Wells and return over the same route; (16) between Pineville, N.C., and Kershaw, S.C., serving all intermediate points, from Pineville over U.S. Highway 521 to Kershaw and return over the same route;

(17) between Chester, S.C., and Lancaster, S.C., serving all intermediate points, from Chester over South Carolina Highway 9 to Lancaster and return over the same route; (18) between Spartanburg, S.C., and Laurens, S.C., serving all intermediate points, from Spartanburg, over U.S. Highway 221 to Laurens and return over the same route; (19) between Greenville, S.C., and Newberry, S.C., serving all intermediate points, from Greenville over U.S. Highway 276 to junction South Carolina Highway 417, thence over South Carolina Highway 417 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Laurens, S.C., thence over U.S. Highway 76 to Newberry and return over the same route; (20) between Greenville, S.C., and Calhoun Falls, S.C., serving all intermediate points, from Greenville over South Carolina Highway 81 to Calhoun Falls and return over the same route; (21) between Clemson, S.C., and Laurens, S.C., serving all intermediate points, from Clemson over U.S. Highway 76 to Laurens and return over the same route; (22) between Whitmire, S.C., and Athens, Ga., serving all intermediate points, from Whitmire over South Carolina Highway 72 to the South Carolina-Georgia State line, thence over Georgia Highway 72 to Athens and return over the same route; (23) between Seneca, S.C., and Monroe, Ga., serving all intermediate points, from Seneca over South Carolina Highway 59 to the South Carolina-Georgia State line, thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Monroe and return over the same route;

(24) Between Atlanta, Ga., and Augusta, Ga., serving all intermediate points, from Atlanta over U.S. Highway 78 via Athens, Ga., to Thompson, Ga. (also from Atlanta over U.S. Highway 278 to Thompson), thence over U.S. Highway 78 to Augusta and return over the same routes; (25) between Atlanta, Ga., and Jesup, Ga., serving all intermediate points, from Atlanta over U.S. Highway 41 to junction Georgia Highway 3, thence over Georgia Highway 3 to junction U.S. Highway 41 near Griffin, Ga., thence over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over U.S. Highway 23 to Forsyth), thence over U.S. Highway 41 to Macon, Ga., thence over U.S. Highway 23 to Hazlehurst, Ga., thence over U.S. Highway 341 to Jesup and return over the same routes; (26) between Echeconnee, Ga., and Albany, Ga., serving all intermediate points, from Echeconnee over Georgia Highway 49 to Americus, Ga., thence over U.S. Highway 19 to Albany and return over the same route; (27) between Cordele, Ga., and Valdosta, Ga., serving all intermediate points, from Cordele over U.S. Highway 41 to Valdosta and return over the same route; (28) between Madison, Ga., and Woodbury, Ga., serving all intermediate points; from Madison over Georgia Highway 83 to Monticello, Ga., thence over Georgia Highway 16 to Griffin, Ga., thence over U.S. Highway 19 to Zebulon, Ga., thence over Georgia Highway 18 to Woodbury and return over the same route; (29) between Zebulon, Ga., and Barnesville, Ga., serving all intermediate points, from Zebulon over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 36 to Barnesville and return over the same route;

(30) Between Fort Valley, Ga., and Eastman, Ga., serving all intermediate points, from Fort Valley, Ga., over U.S. Highway 341 via Perry, Ga., and Hawkinsville, Ga. to Eastman, Ga., and return over the same route; (31) between Camilla, Ga., and Moultrie, Ga., serving all intermediate points, from Camilla over Georgia Highway 37 to Moultrie and return over the same route; (32) between Gray, Ga., and Warrenton, Ga., serving all intermediate points, from Gray over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton and return over the same route; (33) between Macon, Ga., and Eastman, Ga., serving all intermediate points, from Macon over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway 319 to junction Georgia Highway 117 thence over Georgia Highway 117 to Eastman and return over the same route; (34) serving the following off-route points in connection with routes described hereinabove: Cooleemee, Eden (Leaksville-Spray), Norwood, and Mount Gilead, N.C., and points in North Carolina within 25 miles of Gastonia, N.C.; Cateechee, Cherokee Falls, Kings Creek, Pickens, Walhalla, Buffalo, Lockhart, Hampton, Fort Jackson, and Parris Island, S.C., points within 15 miles of Spartanburg, S.C. and points within 15 miles of Greenville, S.C.; Bainbridge, Clarkesville, Clayton, Clyatteville, Claxton, Douglas, Habersham, Hawkinsville, Juliette, Millen, Milstead, Porterdale, Potterville, Warm Springs, Warner Robins, and Woodland, Ga.

Restriction: The service sought hereinabove is subject to the following conditions: Service at authorized points in South Carolina (other than those in Anderson, Oconee, Pickins, Greenville, Spartanburg, Cherokee, Laurens, Union, York, Greenwood, and Abbeville Counties) is restricted to traffic moving to or from points north of the North Carolina-Virginia State line. Service at authorized points in Georgia, except for the pickup of cotton piece goods, is restricted to traffic moving from, to, or through (a) points in 11 South Carolina counties named above; (b) Gastonia, N.C., and points in North Carolina within 25 miles of Gastonia; and (c) points north of the North Carolina-Virginia State line, serving the commercial zones of all authorized points; for 150 days. NOTE: The authority sought in this proceeding duplicates the routes authorized in Part C of the certificate issued to applicant in MC 72442 (Sub-No. 4). The change in the authority sought here in that authorized in Part C of Sub 4 relates to the restriction set forth in the second restricting paragraph of Part C. As here material that restriction limits Georgia traffic to shipments originating at or destined to 11 specified South Carolina counties and Gastonia, N.C., and points within 25 miles thereof and points which would be north of the North Carolina-Virginia State line. The sole purpose of this application is to modify that restriction so that it would be restricted to traffic moving from, to, or through the described territory. Supporting shippers: There are approximately 104 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

No. MC 77340 (Sub-No. 3 TA), filed April 29, 1971. Applicant: E. J. DICKIE TRUCKING COMPANY, Post Office Box 265, 521 Bogart Street, Bagdad, AZ 86321. Applicant's representative: Richard Minne, 609 Luhrs Building, Phoenix, AZ 85003. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Copper precipiates*, in bulk, from the plantsite of Shields Development Co., Ltd., near Milford, Utah, to Bagdad, Ariz., for 180 days. Supporting shipper: Bagdad Copper Corp., Bagdad, Ariz. 86321. Send protests to: Andrew V. Baylor, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 107295 (Sub-No. 511 TA), filed May 3, 1971. Applicant: PRE-FAB TRANSIT CO., 100 South Main Street, Post Office Box 146, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Floor jacks, floor jack screws, posts, stanchions, anchor bolts and accessories used in the installation thereof*, from the plantsite of Akron Products Co. at Seville, Ohio, to points in Delaware, Maryland, New Jersey, West Virginia, Virgina (except Roanoke, Va.), North Carolina, South Carolina, and the District of Columbia, for 180 days. Supporting shipper: Chester R. Marshall, Vice President, The Akron Products Co., Seville, Ohio 44273. Send protests to: Harold C. Jolliff, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 476, 325 West Adams Street, Springfield, IL 62704.

No. MC 107882 (Sub-No. 23 TA), filed May 3, 1971. Applicant: ARMORED MOTOR SERVICE CORPORATION, 160 Ewingville Road, Trenton, NJ 08638. Applicant's representative: Russell Parkerson (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Precious metal coils*, from Plainville, Mass., to San Francisco, Calif.; and (2) *precious metal scrap*, from San Francisco, Calif., to Plainville, Mass., and Newark, N.J., for 180 days. Supporting shipper: Englehard Industries Division, Englehard Minerals & Chemicals Corp., 430 Mountain Avenue, Murray Hill, NJ 07974. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 112750 (Sub-No. 281 TA), filed May 3, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments and business records* (except currency and negotiable securities), as are used in the business of banks and banking institutions, between Sturgis, Mich., and Fremont, Ohio, for 150 days. Supporting shipper: Financial Computer Services, Inc., 2201 Commerce Drive, Fremont, OH 43420. Send protests to: Anthony Chiusano, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 113843 (Sub-No. 169 TA), filed May 3, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, from Cheriton, Va., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, North Dakota, Ohio, Oklahoma, Pennsylvania (except points east of the Susquehanna River), Rhode Island, South Dakota, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: G. L. Webster Co., Inc., Cheriton, Va. 23316. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Federal Building, Room 2211–B, Government Center, Boston, MA 02203.

No. MC 113974 (Sub-No. 46 TA), filed May 3, 1971. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., 211 Washington Avenue, Post Office Box 67, Dravosburg, PA 15034. Applicant's representative: W. H. Schlottman (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products and materials and supplies used in the installation and distribution thereof*, from Buchanan (Westchester County), N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, for 150 days. Supporting shipper: Georgia-Pacific Corp., 1062 Lancaster Avenue, Rosemont, PA 19010. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 114725 (Sub-No. 48 TA), filed May 3, 1971. Applicant: WYNNE TRANSPORT SERVICE INC., 2606 North 11th Street, Omaha, NE 68110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Inedible animal fat* (tallow), from St. Joseph, Mo., to Nebraska City, Nebr., for 150 days. Supporting shipper: I. S. Joseph Co., Flour Exchange Building, Minneapolis, MN 53415. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 705 Federal Office Building, Omaha, NE 68102.

No. MC 117304 (Sub-No. 21 TA), filed May 3, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, North, Lewiston, ID 83501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Waste or scrap paper, and paper products* for recycling and reuse, from the paper mill of Potlatch Forests, Inc., near Lewiston, Idaho, to points in California, Oregon, and Washington, for 180 days. Supporting shipper: Potlatch Forests, Inc., Lewiston, Idaho 83501. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 117565 (Sub-No. 36 TA), filed May 3, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Post Office Box 417, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Utility trailers*, in initial movements, from Oskaloosa, Iowa, to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Ideal Manufacturing Co., 1107 South Seventh Street, Oskaloosa, IA 52577. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Bureau of Operations, Columbus, OH 43215.

No. MC 119619 (Sub-No. 53 TA), filed May 3, 1971. Applicant: DISTRIBUTORS SERVICE CO., 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Suite 1515, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in vehicles equipped with mechanical refrigeration, from St. Paul, Minn., Eau Claire, Portage, and Monroe, Wis., to points in Ohio, Pennsylvania, New Jersey, New York, Maryland, Virginia, West Virginia, Delaware, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, and the District of Columbia, for 180 days. Supporting shipper: Armour and Co., 17th Floor, 111 East Wacker Drive, Chicago, IL 60609. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 119908 (Sub-No. 11 TA), filed April 29, 1971. Applicant: WESTERN LINES, INC., Post Office Box 1145, 3523 McCarty, Houston, TX 77001. Applicant's representative: Paul E. Robertson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Particleboard*, from Lillie, La., to points in Arkansas, Kansas, Missouri, Mississippi, New Mexico, Oklahoma, and Texas, for 180 days. NOTE: Applicant does not intend to tack with existing authority. Supporting shipper: Olinkraft, Inc. (H. T. Nichols, Traffic Manager) Post Office Box 488, West Monroe, LA 71291. Send protests to: District Supervisor John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 61212, Houston, TX 77061.

No. MC 129630 (Sub-No. 1 TA); filed May 3, 1971. Applicant: TANGLEN BROS., INC., Post Office Box 18, Crane, MT 59217. Applicant's representative: Paul H. Cresap, Post Office Box 953, Sidney, MT 59270. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemical fertilizer*, in bags, or in bulk, from East Fairview, N. Dak., to points in Daniels, Sheridan, Valley, Roosevelt, Garfield, McCone, Richland, Prairie, Dawson, Wibaux, Custer, and Fallon Counties, Mont., for 180 days. Supporting shipper: Clominco American Inc., East Fairview, N. Dak. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, MT 59101.

No. MC 133065 (Sub-No. 15 TA), filed May 1971. Applicant: ECKLEY TRUCKING AND LEASING, INC., Post Office Box 156, Mead, NE 68041. Applicant's representative: Gailyn L. Larsen, 521 South 14th Street, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salvage rail track, salvage switches, salvage plates, salvage ties, salvage spikes, and related salvage materials*, (1) from storage facilities utilized by A & K Railroad Ties, Inc., at or near Ayer, Wash., and Starbuck, Wash., to jobsites at or near Kremmling, Colo., and Ogden, Utah, and (2) from storage facilities utilized by A & K Railroad Ties, Inc., at or near Billings, Mont., to jobsites at or near Heber City, Utah., under continuing contract with A & K Railroad Ties, Inc., for 180 days. Supporting shipper: Morris Kulmer, General Manager A & K Railroad Ties, Inc., Freeport Center, Clearfield, Utah, 80416. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building and Courthouse, Lincoln, NE 68508.

No. MC 133231 (Sub-No. 6 TA), filed April 29, 1971. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, NJ 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Organs, benches, books, and materials, equipment, and supplies* used or useful in the manufacturing and sale of organs, between the facilities of Magnus Organ Corp., located at Woodbridge and Linden, N.J., on the one hand, and, on the other, Wingdale, N.Y., under contract with Magnus Organ Corp., Linden, N.J., for 150 days. Supporting shipper: Magnus Organ Corp., 1600 West Edgar Road, Linden, NJ 07036. Send protests to: District Supervisor Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street Newark, NJ 07102.

No. MC 133231 (Sub-No. 7 TA), filed May 3, 1971. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, NJ 08830. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes*, except in bulk in tank vehicles, between New Brunswick and Newark, N.J., on the one hand, and, on the other, Morrisville, Pa., and Baltimore, Md., for 150 days. Supporting shipper: Patterson Sargent/Vita-Var. Division of Textron, Post Office Box 494, New Brunswick, NJ. Send protests to: District Supervisor, Robert S. H. Vance, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135457 (Sub-No. 1 TA), filed April 29, 1971. Applicant: COMMERCIAL CARTAGE CO., 3900 Reavis Barracks, St. Louis, MO 63125. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the plantsite of Williams Brothers Pipe Line Co. at or near St. Charles, Columbia and Palmyra, Mo., to Kansas City, Kans., for 180 days. Supporting shipper: William Brothers Pipe Line Co., Post Office Drawer 3448, Tulsa, OK 74101. Send protests to: District Supervisor J. P. Werthmann, Bureau of Operations, Interstate Commerce Commission, Room 1465, 210 North 12th Street, St. Louis, MO 63101.

No. MC 135524 (Sub-No. 1 TA), filed May 3, 1971. Applicant: G. F. TRUCKING CO., 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing conduit, fittings and accessorics*, from Sharon and Wheatland, Pa., to points in Minnesota, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and points in Michigan on and north of U.S. Highway 21, for 180 days. Supporting shippers: Sawhill Tubular Division, Cyclops Corp., Box 11, Sharon, PA 16146; Wheatland Tube Co., Independence Square, Public Ledger Building, Philadelphia, PA 19106. Send protests to: District Supervisor G. J. Baccei, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199.

No. MC 135548 TA, filed April 29, 1971. Applicant: J. C. CROW, Route 2, Box 65, Russellville, AR 72801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Feed*, in bags, and in bulk; and (2) *Calcium carbonate*, in bags, from Memphis, Tenn., to points in Arkansas, for 180 days. Supporting shippers: Cargill Nutrena Feed Division, Center Valley Road, Highway 124, Russellville, AR 72801; Double H Farm, Inc., Box 72, Centerville, AR 72829. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 135549 TA, filed April 29, 1971. Applicant: BERNIE'S TRUCKING CO., INC., 310 North 32d Street, Philadelphia, PA 19104. Applicant's representative: Alan Kahn, Suite 1920, Two Penn Center Plaza, John F. Kennedy Boulevard at 15th Street, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe and pipe fittings*, between the facilities of Capitol Pipe & Steel Products, Inc., at Lewes, Del., on the one hand, and, on the other, Philadelphia and Williamsport, Pa., the New York, N.Y., commercial zone as defined by the Commission, and Newark, and Somerville, N.J., for 180 days. Supporting shipper: Capitol Pipe & Steel Products, Inc., 301 City Line Avenue, Bala-Cynwyd, PA 19004. Send protests to: Ross A. Davis, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6824 Filed 5-14-71;8:49 am]

[Notice 294]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 11, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 20916 (Sub-No. 9 TA), filed May 5, 1971. Applicant: JOHN T. SISK, Route 2, Box 182B, Culpeper, VA 22701. Applicant's representative: Frank B. Hand, Jr., 740 15th Street, NW., Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood chips*, from Richmond, Va., to Spring Grove, Pa., for 150 days. Supporting shipper: Koppers Co., Inc., Pittsburgh, Pa. 15219. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC. 20423.

No. MC 47791 (Sub-No. 2 TA), filed May 5, 1971. Applicant: HAMILTON TRUCKING COMPANY, INC., 106 Carpenter Street, Blossburg, PA 16912. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, PA 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal*, from points in Tioga County, Pa., to points in New York, for 150 days. Supporting shipper: Jones & Brague Mining Co., Blossburg, Pa. 16912. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

No. MC 59640 (Sub-No. 22 TA), filed May 5, 1971. Applicant: PAULS TRUCKING CORPORATION, 3 Commerce Drive, Cranford, NJ 07016. Applicant's representative: Charles J. Williams, 47 Lincoln Park, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery, and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, for the account of Supermarkets General Corp., from Parkesburg, Pa., to Woodbridge Township, N.J., for 150 days. Supporting shipper: Supermarkets General Corp., 3 Commerce Drive, Cranford, NJ 07016. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 111729 (Sub-No. 317 TA), filed May 3, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Business papers, records and audit and accounting media of all kinds, and advertising material moving therewith*, (a) between Litchfield, Mich., on the one hand, and, on the other, Edgerton and Edon, Ohio, and Fremont, Ind.; (b) between Litchfield, Mich., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line located at or near Detroit, Mich.; (c) between Minneapolis, Minn., on the one hand, and, on the other, points in Lincoln, Rock, and Washington Counties, Wis.; (d) between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Hamilton Square and Trenton, N.J., on traffic having an immediately prior or subsequent movement by air; (e) between La Guardia Airport, N.Y., on the one hand, and, on the other, Trumbull, Conn., on traffic having an immediately prior or subsequent movement by air; (f) between Great Neck, N.Y., on the one hand, and, on the other, Beltsville, Md., Carbondale, Pa., and Nashua, N.H.; (2) *Small production machine repair parts* restricted against the transportation of packages or articles weighing in the aggregate more than 95 pounds from one consignor to one consignee on any one day, (a) between Litchfield, Mich., on the one hand, and, on the other, Edgerton and Edon, Ohio, and Fremont, Ind.; (b) between Litchfield, Mich., on the one hand, and, on the other, the port of entry on the United States-Canada boundary line located at or near Detroit, Mich.;

(3) *Exposed and processed film and prints, complimentary replacement film, incidental dealer handling supplies, and advertising material moving therewith* (excluding motion picture film used primarily for commercial theater and television exhibition), (a) between Philadelphia International Airport, Philadelphia, Pa., on the one hand, and, on the other, Hamilton Square and Trenton, N.J., on traffic having an immediately prior or subsequnt movement by air; (b) between La Guardia Airport, N.Y., on the one hand, and, on the other, Trumbull, Conn., on traffic having an immediately prior or subsequent movement by air; (4) *Proofs, cuts, copy, advertising poster material, and material related thereto*, restricted to traffic having an immediately prior or subsequent movement by air, (a) between South Bend, Ind., on the one hand, and, on the other, points in Michigan on and south of Michigan Highway 55; (b) between South Bend, Ind., on the one hand, and, on the other, points in Indiana; (c) between South Bend, Ind., on the one hand, and, on the other, points in Cook, Du Page, Lake, and Will Counties, Ill.; (5) *Small parts used in the manufacture of kitchen cabinets*, restricted to the transportation of packages or articles weighing in the aggregate less than 100 pounds from one consignor to one consignee on any one day, between Great Neck, N.Y., on the one hand, and, on the other, Beltsville, Md., Carbondale, Pa., and Nashua, N.H.; (6) *Computer parts, business machine parts, assemblies and supplies pertaining thereto*, restricted against the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, between Des Moines, Iowa, on the one hand, and, on the other, points in Iowa and Nebraska, having an immediately prior or subsequent movement by air;

(7) *Small replacement and repair parts for tractors, farm machinery and industrial, and material handling equipment*, restricted to articles or packages weighing in the aggregate more than 100 pounds from one consignor to one consignee on any one day, (a) between Troy, Mich., on the one hand, and, on the other, points in Indiana; Ohio and points in Kentucky on and east of Interstate Highway 65, (b) between Troy, Mich., on the one hand, and, on the other, Bloomington, Caledonia, Danville, Des Plaines, Dundee, Evanston, Manteno, Mattoon, Mendota, Milford, Mokena, Monee, Onarga, Orland Park, Ottawa, Pontiac, Thomasboro, Warrensville, and Waukegan, Ill., (c) between Troy, Mich., on the one hand, and, on the other, Cameron, Huntington, Parkersburg, St. Albans, and Wheeling, W. Va., (d) between Troy, Mich., on the one hand, and, on the other, points in Allegheny, Armstrong, Butler, Cambria, Crawford, Erie, Fayette, Greene, Indiana, Mercer, Somerset, and Washington Counties, Pa.; and (8) *Ophthalmic goods and business papers and records moving therewith*, (a) between Jacksonville, Tampa, Miami, and Orlando, Fla., on the one hand, and, on the other, Jacksonville, Tampa, St. Petersburg, West Palm Beach, Sarasota, North Miami Beach, and Orlando, Fla., on traffic having a prior or subsequent movement by air and (b) between Atlanta, Ga., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Mississippi, North Carolina, South Carolina, and Tennessee, for 180 days. Supporting shippers: Triangle Pacific Cabinets, Inc., 9 Park Place, Great Neck, NY 11021; International Business Machines, 5075 Wayzata Boulevard, Minneapolis, MN 55416; Simpson Industries, Inc., Litchfield, Mich. 49252; Salkin & Linoff, Inc., 7400 Excelsior Boulevard, Minneapolis, MN 55426; Photo Service, Inc., 933 Meadow Gold Lane, Cincinnati, OH 45203; Graphic Arts Market Place, Inc., 2617 South Michigan Street, South Bend, IN 46613; Ford Motor Co., The American Road, Dearborn, MI 48121, and American Optical Corp., Southbridge, Mass. 01550. Send protests to: Anthony Chiusano, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 112016 (Sub-No. 7 TA) (Correction), filed April 22, 1971, and published Federal Register issue May 4, 1971, and republished in part as corrected this issue. Applicant: BENMAR TRANSPORT & LEASING CORP., 405 Third Avenue, Brooklyn, NY 11215. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Note: The purpose of this partial republication is to include the State of Indiana as a destination point, which was inadvertently omitted in previous publication. The rest of the notice remains the same.

No. MC 113843 (Sub-No. 168 TA), filed May 3, 1971. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, MA 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food and food products*, from Chelsea, Mich., to Baltimore, Landover, and Hagerstown, Md., Norfolk, Richmond, and Salem, Va., Benning and Washington, D.C., for 180 days. Supporting shipper: Chelsea Milling Co., Chelsea, Mich. Send protests to: John B. Thomas, District Supervisor, Interstate Commerce Commission, Bureau of Operations, J. F. K. Federal Building, Room 2211-B Government Center, Boston, MA 02203.

No. MC 117765 (Sub-No. 122 TA), filed May 3, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal and charcoal products*, from the plantsite of Cupples Co., Salem, Mo., to points in Oklahoma, for 150 days. Supporting shipper: Bill Schraad. Schraad and Associates, 4515 North Santa Fe, Oklahoma City, OK 73118. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117815 (Sub-No. 172) (Correction), filed April 12, 1971, published Federal Register issue April 21, 1971, and republished in part as corrected this issue. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Note: The purpose of this partial republication is to include the State of Missouri as a destination point which was inadvertently omitted in previous publication. The rest of the application remains the same.

No. MC 135494 (Sub-No. 1 TA), filed May 3, 1971. Applicant: L. E. BARNES, doing business as L. E. BARNES DISTRIBUTING CO., 1304 Sixth Avenue, Post Office Box 386, Safford, AZ 85546. Applicant's representative: A. Michael Bernstein, Suite 1327, United Bank Building, 3550 North Central Avenue, Phoenix, AZ 85012. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bottle and canned beer and alcoholic beverages*, in vehicles equipped with mechanical refrigeration, from San Francisco, Fresno, and Los Angeles, Calif., to the warehouse facility of Pueblo Sales, Inc. located in Tucson, Ariz., (2) *Alcoholic beverages*, from St. Louis, Mo., and Frankfort, Ky., to the warehouse facility of Pueblo Sales, Inc. located in Tucson, Ariz., for 180 days. Supporting shipper: Pueblo Sales, Inc., 3400 East 34th Street, Tucson, AZ 85713. Send protests to: Andrew V. Baylor, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 3427, Federal Building, 230 North First Avenue, Phoenix, AZ 85025.

No. MC 135558 TA, filed May 3, 1971. Applicant: GRIMMER TRANSFER AND STORAGE, INC., 127 East Augusta Avenue, Spokane, WA 99205. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, in containers, having a prior or subsequent movement, between points in Spokane County, Wash., for 180 days. Note: Applicant states it will interline with other carriers at Spokane, Wash. Supporting shippers: Mollerup Freight Forwarding Co., 2900 South Maine Street, Salt Lake City, UT 84115; American Ensign Van Service, Inc., Post Office Box 2270, Wilmington, CA 90744; Perfect Pak Co., 1001 Westlake Avenue North, Seattle, WA 98109. Send protests to: Interstate Commerce Commission, Bureau of Operations, 401 U.S. Post Office, Spokane, WA 99201.

MOTOR CARRIER OF PASSENGERS

No. MC 134361 (Sub-No. 2 TA), filed May 3, 1971. Applicant: WILDERNESS BOUND LTD., Rural Delivery 1, Box 365, Highland, NY 12528. Applicant's representative: John J. Brady, 75 State Street, Albany, NY 12207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, youth groups composed of persons between the ages of 14 and 17 inclusive accompanied by chaperons, in vehicles with capacity not exceeding 11 passengers, not including the driver, in special round trip camping tours, from June 15, 1971, to September 1, 1971, beginning and ending in Poughkeepsie, Dutchess County, N.Y., and extending to points in New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Nebraska, Colorado, Utah, Nevada, California, Oregon, Washington, Idaho, and Wyoming. The *baggage* of said persons and camping and mountain climbing equipment provided by applicant will be transported in trailers hitched to the vehicles used to transport the passengers, for 79 days. Supporting shippers: Mrs. Fusaye Nagasaki, 3 Larch Drive, Hyde Park, NY; Thomas Scheuer, 174 Wood Hollow Lane, New Rochelle, NY; Melvin Stier, 64 Mill-Rock Road, New Paltz, NY; William T. Dean, Rural Delivery 1, Box 365, Highland, NY; Martin Leyton, 34 Bradford Road, Scarsdale, NY; Mrs. Guy Preuss, Route 9, Hyde Park, NY; Donald Fainberg, Roscoe, NY; Mrs. John Munschauer, 105 Comstock Road, Ithaca, NY; John F. Hoffert, Mountain View Road, Staasburg, NY. Send protests to: Charles F. Jacobs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Building, Albany, NY 12207.

No. MC 134410 (Sub-No. 2 TA), filed May 3, 1971. Applicant: INTERNATIONALE BEGEGNUNGSFAHRTEN, doing business as ROTEL TOURS (Tittling, Germany), c/o Karl Hardach Travel Service, 500 Fifth Avenue, Room 3622, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers, and their baggage,* in the same vehicle in special operations, beginning and ending in New York, N.Y., extending to points in the United States (except Alaska and Hawaii), for 150 days. Supporting shipper: Internationale Begegnungsfahrten, Tittling, Germany, c/o Karl Hardach Travel Service, 500 Fifth Avenue, Room 3622, New York, NY 10036. SEND PROTESTS TO: Stephen P. Tomany. District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807, New York, NY 10007.

No. MC 135354 (Sub-No. 1 TA), filed May 5, 1971. Applicant: STATESVILLE MOTOR COACH CO., INC., 109 Winston Avenue, Statesville, NC 28677. Applicant's representative: C. Ephraim, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in charter operations; (1) from points in Iredell County, N.C., to points in Florida, Georgia, South Carolina, Tennessee, Virginia, West Virginia, the District of Columbia, and points in Maryland, within 20 miles of the District of Columbia; and (2) from points in North Carolina (other than those in Iredell County), to the District of Columbia and points in Maryland, within 20 miles of the District of Columbia, and return from the destinations specified to the origins specified, for 180 days. Supporting shippers: North Carolina State University, County Extension Office, Raleigh, N.C. (S/Wayne Smith); North Carolina State University, County Extension Office, Raleigh, N.C. (/S/Jas. Weaver); Statesville City Schools, Statesville, N.C.; Statesville Grenadier Band Fans, Inc., Statesville, N.C.; Mitchell College, Statesville, N.C.; United Steelworkers of America, Local 6512, Statesville, N.C.; Mooresville High School, Mooresville, N.C.; Iredell County Republican Party, Statesville, N.C.; Mrs. T. Frank Parlier, 543 Saint Cloud Drive, Statesville, NC. Send protests to: Jack K. Huff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 316 East Morehead, Suite 417 (BSR Building), Charlotte, NC 28202.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6825 Filed 5-14-71;8:50 am]

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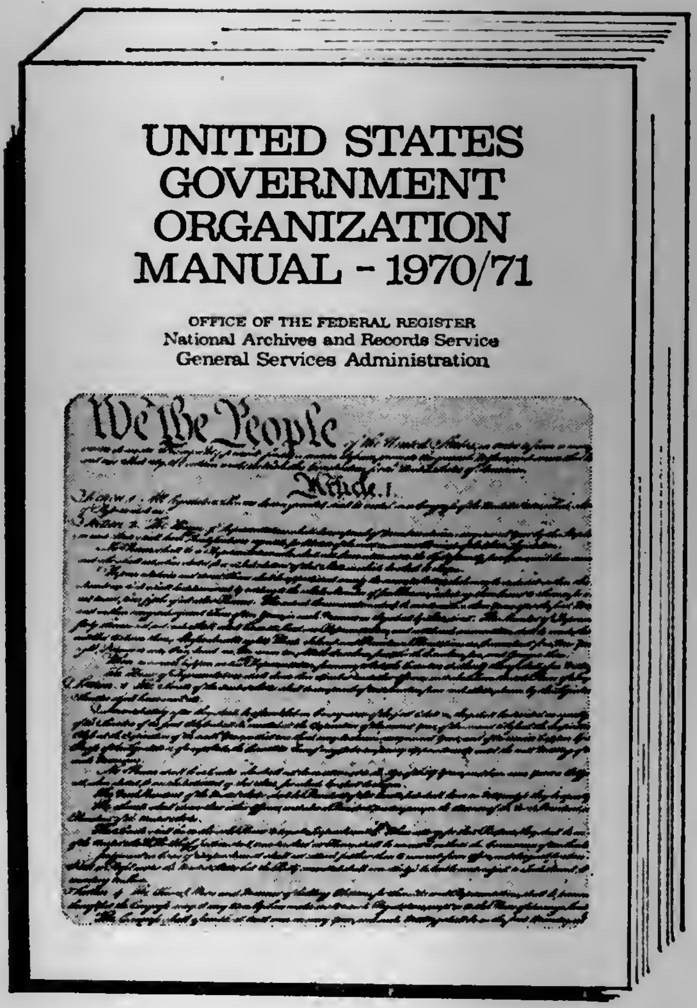

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Title 3—The President

EXECUTIVE ORDER 11594

Providing for the Use of Transportation Priorities and Allocations During the Current Railroad Strike

WHEREAS the current railroad strike threatens to halt virtually all transportation of persons and things by rail, and the remaining transportation facilities of the nation will be unable to handle all the essential traffic requirements put upon them; and

WHEREAS section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)) provides that:

> "The President is hereby authorized (1) to require that performance under contracts or orders (other than contracts of employment) which he deems necessary or appropriate to promote the national defense shall take priority over performance under any other contract or order, and, for the purpose of assuring such priority, to require acceptance and performance of such contracts or orders in preference to other contracts or orders by any person he finds to be capable of their performance, and (2) to allocate materials and facilities in such manner, upon such conditions, and to such extent as he shall deem necessary or appropriate to promote the national defense."

and

WHEREAS the foregoing powers of the President have been delegated to certain officers of the Government by and pursuant to Executive Order No. 10480 of August 14, 1953, as amended:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States and Commander-in-Chief of the armed forces, including the authority conferred upon me by the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), it is hereby ordered as follows:

SECTION 1. This order shall constitute a finding in pursuance of section 101(b) of the Defense Production Act of 1950, as amended, with respect to the exercise, as directed by section 2 of this order, of the powers vested in me by section 101(a) of that Act.

SEC. 2. The officers of the Government in whom are vested (by or pursuant to Executive Order No. 10480, as amended), the allocation and priorities powers of the Defense Production Act of 1950, as amended, shall exercise those powers to accomplish the transportation and delivery of such persons and things as they deem necessary or proper to promote the national defense, including the accomplishment of military requirements, governmental functions, defense production and measures essential to the public health and safety.

SEC. 3. Notwithstanding any other provision of this order or any other order:

(1) The Secretary of Transportation is directed to determine, with the concurrence of the Director of the Office of Emergency Preparedness,

the proper overall apportionment and allocation of available transportation capacity.

(2) The Secretary of Transportation, subject to the general policy guidance of the Director of the Office of Emergency Preparedness, shall exercise centralized direction in the use of transportation priorities to accomplish the purposes of this order.

(3) The Secretary of Transportation shall provide the organization, procedures and redelegations to carry out the functions under the foregoing provisions of this section.

SEC. 4. This order takes effect at once and shall remain effective until the resumption of rail service makes it unnecessary but in no event more than fifteen days after the termination of the current railroad strike.

Richard Nixon

THE WHITE HOUSE,
May 17, 1971.

[FR Doc.71-7019 Filed 5-17-71;11:50 am]

NOTE: For Presidential message to Congress requesting legislation extending railroad labor-industry negotiations, see Weekly Comp. of Pres. Docs., Vol. 7, No. 21, issue of May 24, 1971.

Rules and Regulations

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 37, Amdt. 4]

PART 909—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIF.; AND IN THAT PART OF RIVERSIDE COUNTY, CALIF., SITUATED SOUTH AND EAST OF WHITE WATER, CALIF.

Limitation of Shipments

Findings. (1) Pursuant to marketing Order No. 909, as amended (7 CFR Part 909; 35 F.R. 13875), regulating the handling of grapefruit grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendation of the Administrative Committee reflects its appraisal of the current grapefruit crop and the current and prospective market conditions. Information received by the Department on May 11, 1971, revealed that the minimum size requirement, recommended by the committee and transmitted as a count-per-container, differed slightly from the minimum size measurement as specified in Amendment 3 of Grapefruit Regulation 37. The discrepancy arose from different mathematical interpretations by the committee and by the Department for size 56 grapefruit. As a result, said amendment permits the shipment of grapefruit slightly smaller than the minimum size intended by the committee and this amendment will eliminate that difference.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and, good cause exists for making the provisions hereof effective not later than May 17, 1971. Shipments of California-Arizona grapefruit are currently regulated pursuant to Grapefruit Regulation 37 as amended (35 F.R. 15980; 36 F.R. 1087; 36 F.R. 3516; 36 F.R. 8671). The Administrative Committee held a meeting on April 30, 1971, to consider recommendation for regulation; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting; necessary supplemental economic and statistical information upon which this recommended amendment is based were received April 30, 1971 and May 11, 1971; information regarding the provisions of the regulation recommended by the committee has been disseminated to shippers of grapefruit, grown as aforesaid; this amendment is identical with the recommendation of the committee; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective on the date hereinafter set forth; and, compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed on or before the effective date hereof.

Order. In § 909.337 (Grapefruit Reg. 37; 35 F.R. 15980; 36 F.R. 1087; 36 F.R. 3516; 36 F.R. 8671), the provisions of paragraph (a)(1) which precede subdivision (i) and of paragraph (a)(2) are amended to read as follows:

§ 909.337 Grapefruit Regulation 37.

(a) *Order.* (1) Except as otherwise provided in subparagraph (2) of this paragraph, during the period May 17, 1971, through September 30, 1971, no handler shall handle from the State of California or the State of Arizona to any point outside thereof:

* * * * *

(2) Subject to the requirements of subparagraph (1)(i) of this paragraph, any handler may, but only as the initial handler thereof, handle grapefruit smaller than $3\frac{6}{16}$ inches in diameter directly to a destination in Zone 6, Zone 5, Zone 4, Zone 3, or Zone 2; and if the grapefruit is so handled directly to Zone 4, Zone 3, or Zone 2, the grapefruit does not measure less than $3\frac{4}{16}$ inches in diameter, except that a tolerance of 5 percent, by count, for grapefruit smaller than $3\frac{4}{16}$ inches shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the revised U.S. Standards for Grapefruit (California-Arizona), §§ 51.925–51.955 of this title: *Provided,* That in determining the percentage of grapefruit in any lot which are smaller than $3\frac{4}{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size $3\frac{11}{16}$ inches in diameter and smaller.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 14, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-6976 Filed 5-14-71;4:16 pm]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Barley Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Barley Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363, and any amendments thereto, and the 1970 and Subsequent Crops Barley Loan and Purchase Program regulations, published at 35 F.R. 11166, and any amendments to such regulations, are further supplemented for the 1971 crop of barley. The material previously appearing in these sections under centerhead "1970 Crop Barley Loan and Purchase Program" remain in full force and effect as to the crop to which it was applicable.

Sec.
1421.72 Availability.
1421.73 Warehouse charges.
1421.74 Maturity of loans.
1421.75 Support rates and discounts.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.72 Availability.

A producer desiring a price support loan must request a loan on his eligible barley on or before April 30, 1972, on barley stored in Alaska, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and on or before March 31, 1972, on barley stored in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement

(Form CCC–614), indicating the approximate quantity of 1971 crop barley he will sell to CCC, on or before May 31, 1972, for barley stored in the States named in this section and on or before April 30, 1972, for barley stored in all other States.

§ 1421.73 Warehouse charges.

Subject to the provisions of § 1421.56, the schedules of deductions set forth in this section shall apply to barley stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

Schedule of Deductions for Storage Charges by Maturity Dates

Maturity date of April 30, 1972	Deduction (cents per bushel)	Maturity date of May 31, 1972
[1]		[1]
Prior to May 25, 1971	14	Prior to June 29, 1971.
May 25–June 21	13	June 29–July 23.
June 22–July 17	12	July 24–Aug. 17.
July 18–Aug. 11	11	Aug. 18–Sept. 11.
Aug. 12–Sept. 5	10	Sept. 12–Oct. 6.
Sept. 6–Sept. 30	9	Oct. 7–Oct. 31.
Oct. 1–Oct. 25	8	Nov. 1–Nov. 25.
Oct. 26–Nov. 19	7	Nov. 26–Dec. 20.
Nov. 20–Dec. 14	6	Dec. 21, 1971–Jan. 14, 1972.
Dec. 15, 1971–Jan. 8, 1972.	5	Jan. 15–Feb. 8.
Jan. 9–Feb. 2	4	Feb. 9–Mar. 4.
Feb. 3–Feb. 27	3	Mar. 5–Mar. 29.
Feb. 28–Mar. 23	2	Mar. 30–Apr. 23.
Mar. 24–Apr. 30, 1972	1	Apr. 24–May 31, 1972.

---

[1] Date storage charges start, all dates inclusive.

§ 1421.74 Maturity of loans.

Loans mature on demand but not later than: May 31, 1972, on barley stored in the States of Alaska, Idaho, Minnesota, Montana, North Dakota, South Dakota, Oregon, Washington, Wisconsin, and Wyoming and April 30, 1972, on barley stored in all other States.

§ 1421.75 Support rates and discounts.

(a) *Basic support rates (counties).* Basic county support rates (marketing area rates in Alaska) for loan and settlement purposes are established for barley (except Mixed Barley) grading U.S. No. 2 or better and are as follows:

Alabama

County	*Rate per bushel*
All counties	$0.82

Alaska

County	*Rate per bushel*	*County*	*Rate per bushel*
Delta	$0.94	Kenai-Sold	$1.06
Fairbanks	.91	Palmer	1.12
Glenallen	1.02	Talkeetna	1.12
Homer	.98		

Arizona

Apache	$0.74	Mohave	$0.79
Cochise	.87	Navajo	.74
Coconino	.74	Pima	.90
Gila	.74	Pinal	.93
Graham	.79	Santa Cruz	.89
Greenlee	.74	Yavapai	.74
Maricopa	.92	Yuma	.94

Arkansas

All Counties $0.83

California

County	*Rate per bushel*	*County*	*Rate per bushel*
Alameda	$1.09	Riverside	$1.04
Alpine	.93	Sacramento	1.09
Amador	1.05	San Benito	1.02
Butte	1.00	San Bernardino	1.04
Calaveras	1.05	San Diego	1.09
Colusa	1.03	San Francisco	1.09
Contra Costa	1.06	San Joaquin	1.09
El Dorado	1.05	San Luis Obispo	1.01
Fresno	1.02	San Mateo	1.06
Glenn	1.02	Santa Barbara	1.01
Humboldt	.91	Santa Clara	1.04
Imperial	1.04	Santa Cruz	1.03
Inyo	.91	Shasta	.91
Kern	1.04	Sierra	.91
Kings	1.02	Siskiyou	.91
Lake	.99	Solano	1.06
Lassen	.91	Sonoma	1.03
Los Angeles	1.09	Stanislaus	1.06
Madera	1.04	Sutter	1.03
Marin	1.06	Tehama	.96
Mariposa	1.03	Tulare	1.01
Mendocino	.94	Tuolumne	1.03
Merced	1.04	Ventura	1.04
Modoc	.91	Yolo	1.06
Monterey	1.01	Yuba	1.03
Napa	1.03		
Orange	1.09		
Placer	1.02		
Plumas	.93		

Colorado

All counties $0.77

Connecticut

All counties $0.83

Delaware

All counties $0.83

Florida

All counties $0.85

Georgia

All counties $0.85

Idaho

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.81	Gem	$0.81
Adams	.81	Gooding	.81
Bannock	.80	Idaho	.87
Bear Lake	.79	Jefferson	.79
Benewah	.88	Jerome	.81
Bingham	.79	Kootenai	.87
Blaine	.80	Natah	.88
Boise	.81	Lemhi	.78
Bonner	.84	Lewis	.87
Bonneville	.79	Lincoln	.81
Boundary	.82	Madison	.79
Butte	.79	Minidoka	.81
Camas	.80	Nez Perce	.88
Canyon	.81	Oneida	.80
Caribou	.79	Owyhee	.81
Cassia	.81	Payette	.81
Clark	.79	Power	.80
Clearwater	.87	Shoshone	.75
Custer	.79	Teton	.79
Elmore	.81	Twin Falls	.81
Franklin	.80	Valley	.81
Fremont	.79	Washington	.81

Illinois

Alexander	$0.89	St. Clair	$0.88
Cook	.84	All other counties	.81
Madison	.88		

Indiana

All counties $0.79

Iowa

Pottawatamie	$0.85	All other counties	$0.81

Kansas

County	*Rate per bushel*	*County*	*Rate per bushel*
Allen	$0.83	Linn	$0.86
Anderson	.85	Logan	.74
Atchison	.86	Lyon	.83
Barber	.78	McPherson	.79
Barton	.78	Marion	.80
Bourbon	.85	Marshall	.83
Brown	.85	Meade	.74
Butler	.80	Miami	.86
Chase	.81	Mitchell	.79
Chautauqua	.81	Montgomery	.83
Cherokee	.83	Morris	.81
Cheyenne	.75	Morton	.71
Clark	.74	Nemaha	.83
Clay	.81	Neosho	.83
Cloud	.80	Ness	.77
Coffey	.84	Norton	.78
Comanche	.76	Osage	.84
Cowley	.80	Osborne	.79
Crawford	.84	Ottawa	.80
Decatur	.77	Pawnee	.78
Dickinson	.80	Phillips	.78
Doniphan	.85	Pottawatomie	.83
Douglas	.86	Pratt	.78
Edwards	.78	Rawlins	.76
Elk	.81	Reno	.79
Ellis	.78	Republic	.80
Ellsworth	.79	Rice	.79
Finney	.74	Riley	.83
Ford	.76	Rooks	.78
Franklin	.86	Rush	.78
Geary	.81	Russell	.78
Gove	.76	Saline	.79
Graham	.77	Scott	.75
Grant	.73	Sedgwick	.80
Gray	.75	Seward	.73
Greeley	.73	Shawnee	.85
Greenwood	.82	Sheridan	.77
Hamilton	.73	Sherman	.75
Harper	.79	Smith	.79
Harvey	.80	Stafford	.78
Haskell	.74	Stanton	.72
Hodgeman	.77	Stevens	.73
Jackson	.85	Sumner	.80
Jefferson	.86	Thomas	.76
Jewell	.79	Trego	.77
Johnson	.86	Wabaunsee	.83
Kearny	.73	Wallace	.73
Kingman	.79	Washington	.81
Kiowa	.78	Wichita	.74
Labette	.83	Wilson	.83
Lane	.76	Woodson	.83
Leavenworth	.86	Wyandotte	.86
Lincoln	.79		

Kentucky

All counties $0.80

Louisiana (Parishes)

East Baton Rouge	$0.99	West Baton Rouge	$0.99
Jefferson	.99	All other counties	.82
Orleans	.99		
St. Charles	.99		

Maine

All counties $0.83

Maryland

Baltimore City	$1.01	All other counties	$0.83

Massachusetts

All counties $0.83

Michigan

All counties $0.73

Minnesota

Aitkin	$0.87	Brown	$0.88
Anoka	.90	Carlton	.80
Becker	.79	Carver	.90
Beltrami	.81	Cass	.83
Benton	.87	Chippewa	.86
Big Stone	.82	Chisago	.89
Blue Earth	.89	Clay	.78

Minnesota—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Clearwater	0.78	Nobles	$0.82
Cottonwood	.87	Norman	.77
Crow Wing	.84	Olmsted	.89
Dakota	.90	Otter Tail	.81
Dodge	.89	Pennington	.76
Douglas	.83	Pine	.90
Faribault	.88	Pipestone	.82
Fillmore	.87	Polk	.77
Freeborn	.88	Pope	.85
Goodhue	.89	Ramsey	.90
Grant	.81	Red Lake	.77
Hennepin	.90	Redwood	.88
Houston	.86	Renville	.87
Hubbard	.81	Rice	.89
Isanti	.89	Rock	.79
Itasca	.86	Roseau	.76
Jackson	.85	St. Louis	.90
Kanabec	.88	Scott	.90
Kandiyohi	.88	Sherburne	.89
Kittson	.75	Sibley	.89
Koochiching	.86	Stearns	.87
Lac Qui Parle	.83	Steele	.89
Lake of the Woods	.81	Stevens	.83
Le Sueur	.89	Swift	.85
Lincoln	.83	Todd	.83
Lyon	.86	Traverse	.81
McLeod	.89	Wabash	.89
Mahnomen	.77	Wadena	.82
Marshall	.76	Waseca	.89
Martin	.88	Washington	.90
Meeker	.89	Watonwan	.88
Mille Lacs	.88	Wilkin	.79
Morrison	.85	Winona	.88
Mower	.88	Wright	.90
Murray	.85	Yellow Medicine	.84
Nicollet	.89		

Mississippi

All Counties $0.82

Missouri

Buchanan	$0.86	St. Louis	$0.88
Clay	.86	All other counties	.83
Jackson	.86		

Montana

Beaverhead	$0.70	Madison	$0.76
Big Horn	.63	Madison	.76
Blaine	.62	Meagher	.71
Broadwater	.74	Mineral	.78
Carbon	.68	Missoula	.78
Carter	.65	Musselshell	.67
Cascade	.70	Park	.74
Chouteau	.68	Petroleum	.66
Custer	.64	Phillips	.60
Daniels	.62	Pondera	.69
Dawson	.64	Powder River	.63
Deer Lodge	.76	Powell	.76
Fallon	.65	Prairie	.64
Fergus	.68	Ravalli	.75
Flathead	.80	Richland	.64
Gallatin	.76	Roosevelt	.65
Garfield	.63	Rosebud	.63
Glacier	.69	Sanders	.78
Golden Valley	.68	Sheridan	.64
Granite	.75	Silver Bow	.76
Hill	.65	Stillwater	.68
Jefferson	.74	Sweet Grass	.71
Judith Basin	.67	Teton	.69
Lake	.75	Toole	.68
Lewis and Clark	.69	Treasure	.65
Liberty	.67	Valley	.61
Lincoln	.80	Wheatland	.69
McCone	.64	Wibaux	.65
McCone	$0.64	Yellowstone	.68

Nebraska

Adams	$0.79	Boyd	$0.78
Antelope	.82	Brown	.76
Arthur	.74	Buffalo	.79
Banner	.73	Burt	.84
Blaine	.76	Butler	.84
Boone	.82	Cass	.84
Box Butte	.73		

Nebraska—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Cedar	$0.82	Knox	$0.82
Chase	.74	Lancaster	.84
Cherry	.74	Lincoln	.75
Cheyenne	.73	Logan	.76
Clay	.80	Loup	.78
Colfax	.84	McPherson	.75
Cuming	.84	Madison	.83
Custer	.77	Merrick	.82
Dakota	.83	Morrill	.73
Dawes	.72	Nance	.82
Dawson	.77	Nemaha	.83
Deuel	.74	Nuckolls	.80
Dixon	.82	Otoe	.84
Dodge	.84	Pawnee	.83
Douglas	.85	Perkins	.74
Dundy	.74	Phelps	.78
Fillmore	.82	Pierce	.83
Franklin	.78	Platte	.83
Frontier	.76	Polk	.83
Furnas	.77	Red Willow	.75
Gage	.83	Richardson	.83
Garden	.73	Rock	.77
Garfield	.79	Saline	.83
Gosper	.77	Sarpy	.84
Grant	.73	Saunders	.84
Greeley	.80	Scotts Bluff	.73
Hall	.80	Seward	.84
Hamilton	.81	Sheridan	.73
Harlan	.78	Sherman	.79
Hayes	.74	Sioux	.72
Hitchcock	.74	Stanton	.84
Holt	.79	Thayer	.81
Hooker	.74	Thomas	.75
Howard	.80	Thurston	.83
Jefferson	.82	Valley	.79
Johnson	.83	Washington	.84
Kearney	.78	Wayne	.83
Keith	.74	Webster	.79
Keya Paha	.76	Wheeler	.81
Kimball	.73	York	.82

Nevada

All counties $0.85

New Hampshire

All counties $0.83

New Jersey

All counties $0.83

New Mexico

All counties $0.80

New York

Albany	$1.01	All other counties	$0.83
New York City	1.01		

North Carolina

All counties $0.86

North Dakota

Adams	$0.67	McLean	$0.70
Barnes	.76	Mercer	.69
Benson	.72	Morton	.69
Billings	.67	Mountrail	.68
Bottineau	.69	Nelson	.74
Bowman	.66	Oliver	.69
Burke	.67	Pembina	.73
Burleigh	.71	Pierce	.71
Cass	.77	Ramsey	.73
Cavalier	.72	Ransom	.76
Dickey	.75	Renville	.68
Divide	.66	Richland	.78
Dunn	.68	Rolette	.70
Eddy	.73	Sargent	.77
Emmons	.70	Sheridan	.71
Foster	.74	Sioux	.69
Golden Valley	.65	Slope	.67
Grand Forks	.76	Stark	.68
Grant	.68	Steele	.76
Griggs	.75	Stutsman	.75
Hettinger	.68	Towner	.71
Kidder	.72	Traill	.76
La Moure	.74	Walsh	.74
Logan	.72	Ward	.68
McHenry	.70	Wells	.72
McIntosh	.72	Williams	.66
McKenzie	.64		

Ohio

County	*Rate per bushel*	*County*	*Rate per bushel*
All counties			$0.79

Oklahoma

Adair	$0.79	Le Flore	$0.76
Alfalfa	.79	Lincoln	.80
Atoka	.80	Logan	.80
Beaver	.78	Love	.81
Beckham	.80	McClain	.80
Blaine	.80	McCurtain	.76
Bryan	.79	McIntosh	.80
Caddo	.80	Major	.79
Canadian	.80	Marshall	.80
Carter	.80	Mayes	.82
Cherokee	.80	Murray	.80
Choctaw	.76	Muskogee	.80
Cimarron	.79	Noble	.79
Cleveland	.80	Nowata	.84
Coal	.80	Okfuskee	.80
Comanche	.80	Oklahoma	.80
Cotton	.80	Okmulgee	.80
Craig	.83	Osage	.80
Creek	.80	Ottawa	.83
Custer	.79	Pawnee	.79
Delaware	.82	Payne	.80
Dewey	.79	Pittsburg	.80
Ellis	.79	Pontotoc	.80
Garfield	.80	Pottawatomie	.80
Garvin	.80	Pushmatah	.76
Grady	.80	Roger Mills	.79
Grant	.79	Rogers	.82
Greer	.80	Seminole	.80
Harmon	.80	Sequoyah	.78
Harper	.78	Stephens	.80
Haskell	.76	Texas	.79
Hughes	.80	Tillman	.80
Jackson	.80	Tulsa	.81
Jefferson	.80	Wagoner	.81
Johnston	.80	Washington	.83
Kay	.79	Washita	.80
Kingfisher	.80	Woods	.78
Kiowa	.80	Woodward	.79
Latimer	.78		

Oregon

Baker	$0.88	Lake	$0.87
Benton	.92	Lane	.88
Clackamas	.96	Lincoln	.92
Clatsop	.99	Linn	.91
Columbia	.99	Malheur	.81
Coos	.82	Marion	.94
Crook	.90	Morrow	.93
Curry	.82	Multnomah	.99
Deschutes	.90	Polk	.93
Douglas	.85	Sherman	.95
Gilliam	.93	Tillamook	.96
Grant	.89	Umatilla	.91
Harney	.78	Union	.89
Hood River	.98	Wallowa	.87
Jackson	.84	Wasco	.96
Jefferson	.93	Washington	.96
Josephine	.84	Wheeler	.92
Klamath	.88	Yamhill	.94

Pennsylvania

Philadelphia City	$1.01	All other counties	$0.83

Rhode Island

All counties $0.83

South Carolina

Charleston	$1.01	All other counties	$0.86

South Dakota

Aurora	$0.74	Clark	$0.77
Beadle	.77	Clay	.76
Bennett	.69	Codington	.78
Bon Homme	.75	Corson	.68
Brookings	.80	Custer	.67
Brown	.75	Davison	.75
Brule	.74	Day	.77
Buffalo	.75	Deuel	.81
Butte	.65	Dewey	.69
Campbell	.69	Douglas	.74
Charles Mix	.74	Edmunds	.75

SOUTH DAKOTA—Continued

County	Rate per bushel	County	Rate per bushel
Fall River	$0.67	Meade	$0.66
Faulk	.76	Mellette	.72
Grant	.79	Miner	.76
Gregory	.74	Minnehaha	.76
Haakon	.71	Moody	.79
Hamlin	.79	Pennington	.68
Hand	.76	Perkins	.65
Hanson	.75	Potter	.75
Harding	.65	Roberts	.78
Hughes	.74	Sanborn	.75
Hutchinson	.75	Shannon	.68
Hyde	.75	Spink	.77
Jackson	.70	Stanley	.74
Jerauld	.75	Sully	.75
Jones	.72	Todd	.72
Kingsbury	.79	Tripp	.73
Lake	.76	Turner	.75
Lawrence	.65	Union	.76
Lincoln	.76	Walworth	.73
Lyman	.74	Washabaugh	.70
McCook	.75	Yankton	.75
McPherson	.72	Ziebach	.68
Marshall	.76		

TENNESSEE

Shelby	$0.89	All other Counties	$0.83

TEXAS

County	Rate per bushel	County	Rate per bushel
Anderson	$0.94	Eastland	$0.86
Angelina	.96	Ector	.81
Archer	.82	Edwards	.81
Armstrong	.82	Ellis	.90
Atascosa	.91	El Paso	.71
Austin	.99	Erath	.87
Bailey	.82	Falls	.94
Bandera	.90	Fannin	.86
Baylor	.82	Fayette	.97
Bee	.98	Fisher	.82
Bell	.93	Floyd	.82
Bexar	.92	Foard	.82
Blanco	.93	Fort Bend	.99
Borden	.82	Franklin	.89
Bosque	.91	Freestone	.93
Bowie	.86	Gaines	.82
Brazoria	.99	Galveston	1.01
Brazos	.97	Garza	.82
Brewster	.72	Gillespie	.89
Brisco	.82	Goliad	.95
Brown	.87	Gonzales	.96
Burleson	.97	Gray	.82
Burnet	.91	Grayson	.86
Callahan	.84	Gregg	.90
Cameron	.92	Grimes	.98
Camp	.89	Guadalupe	.93
Carson	.82	Hale	.82
Cass	.87	Hall	.82
Castro	.82	Hamilton	.89
Chambers	1.01	Hansford	.81
Cherokee	.93	Hardeman	.82
Childress	.82	Hardin	.98
Clay	.84	Harris	1.01
Cochran	.82	Harrison	.89
Coke	.82	Hartley	.81
Coleman	.85	Haskell	.82
Collin	.89	Hays	.94
Collingsworth	.82	Hemphill	.81
Comal	.93	Henderson	.92
Comanche	.87	Hidalgo	.92
Concho	.87	Hill	.92
Cooke	.86	Hockley	.82
Coryell	.92	Hood	.87
Cottle	.82	Hopkins	.86
Crane	.77	Houston	.96
Crockett	.76	Howard	.82
Crosby	.82	Hudsepth	.72
Culberson	.72	Hunt	.87
Dallam	.81	Hutchinson	.81
Dallas	.90	Irion	.76
Dawson	.82	Jack	.85
Deaf Smith	.82	Jackson	.96
Delta	.88	Jasper	.96
Denton	.87	Jeff Davis	.72
De Witt	.95	Jefferson	1.01
Dickens	.82	Jim Wells	.98
Dimmit	.89	Johnson	.90
Donley	.82	Jones	.82

TEXAS—Continued

County	Rate per bushel	County	Rate per bushel
Karnes	$0.93	Red River	$0.85
Kaufman	.89	Reeves	.73
Kendall	.89	Roberts	.81
Kenedy	.95	Robertson	.94
Kent	.82	Rockwall	.87
Kerr	.89	Runnels	.84
Kimble	.87	Rusk	.91
King	.82	Sabine	.93
Kinney	.85	San Augustine	.93
Knox	.82	San Jacinto	.99
Lamar	.85	San Patricio	1.01
Lamb	.82	San Saba	.87
Lampasas	.91	Schleicher	.77
Leon	.95	Scurry	.82
Liberty	.99	Shackelford	.84
Limestone	.94	Shelby	.93
Lipscomb	.81	Sherman	.81
Live Oak	.98	Smith	.91
Llano	.91	Somervell	.87
Loving	.73	Starr	.89
Lubbock	.82	Stephens	.85
Lynn	.82	Sterling	.79
McCulloch	.87	Stonewall	.82
McLennan	.93	Sutton	.76
Madison	.97	Swisher	.82
Marion	.89	Tarrant	.90
Martin	.81	Taylor	.83
Mason	.87	Terrell	.76
Maverick	.86	Terry	.82
Medina	.90	Throckmorton	.84
Menard	.87	Titus	.89
Midland	.81	Tom Green	.82
Milam	.95	Travis	.94
Mills	.90	Trinity	.97
Mitchell	.82	Tyler	.96
Montague	.85	Upshur	.89
Montgomery	.99	Upton	.77
Moore	.81	Uvalde	.88
Morris	.89	Val Verde	.82
Motley	.82	Van Zandt	.90
Nacogdoches	.93	Victoria	.95
Navarro	.92	Walker	.98
Newton	.95	Waller	.99
Nolan	.82	Ward	.77
Nueces	1.01	Washington	.97
Ochiltree	.81	Wharton	.98
Oldham	.82	Wheeler	.82
Orange	.98	Wichita	.83
Palo Pinto	.86	Wilbarger	.82
Panola	.92	Willacy	.92
Parker	.88	Williamson	.94
Parmer	.82	Wilson	.92
Pecos	.73	Winkler	.80
Polk	.97	Wise	.87
Potter	.82	Wood	.89
Presidio	.72	Yoakum	.82
Rains	.90	Young	.85
Randall	.82		
Reagan	.76		

UTAH

All counties $0.82

VERMONT

All counties $0.83

VIRGINIA

Chesapeake (Norfolk)	$1.01	All other counties	$0.83

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Adams	$0.90	Jefferson	$0.88
Asotin	.88	King	.99
Benton	.92	Kitsap	.96
Chelan	.94	Kittitas	.94
Clallam	.84	Klickitat	.94
Clark	.99	Lewis	.96
Columbia	.91	Lincoln	.89
Cowlitz	.99	Mason	.92
Douglas	.90	Okanogan	.88
Ferry	.86	Pacific	.92
Franklin	.91	Pend Oreille	.84
Garfield	.91	Pierce	.99
Grant	.90	San Juan	.88
Grays Harbor	.92	Skagit	.91
Island	.92	Skamania	.96

WASHINGTON—Continued

County	Rate per bushel	County	Rate per bushel
Snohomish	$0.94	Walla Walla	$0.91
Spokane	.88	Whatcom	.88
Stevens	.85	Whitman	.89
Thurston	.96	Yakima	.92
Wahkiakum	.96		

WEST VIRGINIA

All counties $0.83

WISCONSIN

Douglas	$0.90	All other counties	$0.85

WYOMING

All counties $0.75

(b) *Discounts.* The basic support rate shall be adjusted as applicable by discounts as follows:

	Discount (cents per bushel)
Reason:	
Class—Mixed Barley	2
Grade:	
U.S. No. 3	3
U.S. No. 4	6
U.S. No. 5	15
Total damage (percent): [1]	
10.1–11	1
11.1–12	2
12.1–13	3
13.1–14	4
14.1–15	5
15.1–16	6
16.1–17	7
17.1–18	8
18.1–19	9
19.1 and above	10
Garlicky	10
Weed Control Law (where required by § 1421.25)	10

[1] Not applicable to barley of the class Western Barley.

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of the barley, such as (but not limited to) thin barley, moisture, foreign material, test weight, heat damage, musty, sour, smutty, stained, weevily, ergoty, and bleached. Such discounts will be established not later than the time delivery of barley to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately 1 month prior to the loan maturity date.

NOTE: Discounts are cumulative except only one grade discount shall be applied. The discounts for total damage in excess of 10 percent are in addition to the discount of 15 cents for barley grading U.S. No. 5. For the purpose of applying discounts, factors which cause barley of the subclass Malting Barley or Blue Malting Barley to have a lower numerical grade than if the barley were graded under a different subclass shall be disregarded.

Effective date: Upon publication in the FEDERAL REGISTER (5–18–71).

Signed at Washington, D.C., on May 11, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6867 Filed 5-17-71;8:47 am]

[CCC Grain Price Support Regs., 1970 and Subsequent Crops Dry Edible Bean Supp., Amdt. 1]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1970 and Subsequent Crops Dry Edible Bean Loan and Purchase Program

WAREHOUSE RECEIPTS, CHARGES, AND PACKAGING

Correction

In F.R. Doc. 71-6284 appearing on page 8362 in the issue of Wednesday, May 5, 1971, the figure "Sn-1" in the sixth line of § 1421.126(b)(3)(iii) should read "SSn-1".

[CCC Texas Flaxseed Bulletin, 1971 Supplement]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971-Texas Flaxseed Purchase Program

PURCHASE PRICE, PREMIUMS, AND DISCOUNTS

A special purchase program has been authorized for 1971 crop flaxseed produced in designated Texas counties. This subpart contains provisions applicable to the 1971 program and together with the provisions contained in CCC Texas Flaxseed Bulletin (26 F.R. 3979, 29 F.R. 6245) constitutes the 1971 Texas Flaxseed Purchase Program.

§ 1421.643 Purchase prices, premiums, and discounts.

(a) *1971 basic county purchase prices.* Basic purchase prices per bushel for flaxseed grading U.S. No. 1 and containing from 9.1 to 9.5 percent moisture produced in the counties listed below are as follows:

TEXAS

County	Rate per bushel	County	Rate per bushel
Atascosa	$2.36	Hidalgo	$2.32
Bee	2.45	Jackson	2.36
Bell	2.29	Jim Wells	2.44
Bexar	2.35	Karnes	2.42
Caldwell	2.33	Lamar	2.19
Calhoun	2.38	Live Oak	2.43
Comal	2.33	McMullen	2.38
De Witt	2.37	Matagorda	2.37
Dimmit	2.25	Nueces	2.47
Duval	2.39	Refugio	2.46
Frio	2.32	San Patricio	2.47
Goliad	2.43	Victoria	2.40
Gonzales	2.35	Wharton	2.39
Guadalupe	2.34	Wilson	2.39

(b) *Application of basic purchase prices*—(1) *Deliveries to country locations.* The basic purchase price for flaxseed deliveries by truck to authorized dealers at country locations shall be the price established for the county where the flaxseed is delivered.

(2) *Deliveries by truck to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by truck to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding 7 cents per bushel to the basic purchase price established for Nueces County, Tex.

(3) *Deliveries by rail to Corpus Christi terminal market.* The basic purchase price for flaxseed delivered by rail to an authorized dealer located within the switching limits of the Corpus Christi, Tex., terminal market shall be determined by adding to the basic purchase price for the county from which the flaxseed was shipped, the amount of freight per bushel actually paid in plus the current Uniform Grain Storage Agreement truck receiving and rail loading out charges of 8½ cents per bushel.

(c) *Premium for low-moisture content.* A premium of 1 cent per bushel shall be applied to eligible flaxseed which grades U.S. No. 1 or U.S. No. 2 and contains 9 percent or less moisture.

(d) *Grade discounts.* The following discounts shall be applied to eligible flaxseed which grades U.S. No. 2 or U.S. Sample Grade:

(1) U.S. No. 2—6 cents per bushel.

(2) U.S. Sample Grade—6 cents per bushel plus the following discounts, as applicable:

(i) *Moisture.*

Percent:	*Cents*
9.6–10.0	1
10.1–10.5	2
10.6–11.0	3
Above 11.0	[1] 3

[1] Plus 1 cent for each one-tenth percent of moisture in excess of 11.0 percent.

(ii) *Test weight.* 3 cents for each one-half pound or fraction thereof of test weight below 47 pounds.

(iii) *Other factors.* Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of flaxseed, such as (but not limited to) heat damage, musty, and sour. Such discounts will be established not later than the time delivery of flaxseed to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at ASCS county offices.

(Sec. 4, 62 Stat. 1070, as amended; sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1447, 1421)

Effective date: Upon publication in the FEDERAL REGISTER (5–18–71).

Signed at Washington, D.C., on May 11, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-6915 Filed 5-17-71;8:52 am]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

PART 248—CHANGE OF NONIMMIGRANT CLASSIFICATION

Miscellaneous Amendments

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

Subparagraph (15) of paragraph (e) of § 103.1 is amended to read as follows:

§ 103.1 Delegations of authority.

* * * * *

(e) *Regional commissioners.* * * *

(15) Decisions on applications for change of nonimmigrant status, as provided in § 248.3(d) of this chapter.

Part 248 is amended to read as follows:

Sec.
248.1 Eligibility.
248.2 Ineligible classes.
248.3 Application.
248.4 Change of nonimmigrant classification to that under section 101(a)(15)(H) or 101(a)(15)(L) of the Immigration and Nationality Act.

AUTHORITY: The provisions of this Part 248 issued under sec. 103, 66 Stat. 173; 8 U.S.C. 1103. Interpret or apply secs. 101, 247, 248, 66 Stat. 167, as amended, 218, as amended; 8 U.S.C. 1101, 1257, 1258.

§ 248.1 Eligibility.

(a) *General.* Except for those classes enumerated in § 248.2, any alien lawfully admitted to the United States as a nonimmigrant, including an alien who acquired such status pursuant to section 247 of the Act, who is continuing to maintain his nonimmigrant status, may apply to have his nonimmigrant classification changed to any nonimmigrant classification other than that of a fiancee or fiance under section 101(a)(15)(K) of the Act.

(b) *Maintenance of status.* In determining whether an applicant has continued to maintain his nonimmigrant status, the district director shall consider whether the alien has remained in the United States for a longer period than that authorized by the Service, and shall consider any conduct by the applicant relating to his maintenance of the status from which the applicant is seeking a change. An applicant may not be considered as having maintained his nonimmigrant status within the meaning of this section if he failed to submit his application for change of nonimmigrant classification before his authorized temporary stay in the United States had expired, unless the district director in his discretion is satisfied that the failure to file a timely application was excusable, that the alien has not otherwise violated his nonimmigrant status and is a bona fide nonimmigrant, and the alien is not the subject of deportation proceedings under Part 242 of this chapter. A nonimmigrant applying for a change to classification as a student under section 101(a)(15)(F) of the Act shall not be considered ineligible for such change solely because he may have started attendance at school before his application was submitted. An alien shall be considered prima facie ineligible for change of nonimmigration classification as one who is no longer maintaining his nonimmigrant status, upon the introduction in Congress of a private bill seeking to confer upon him the status of a lawful permanent resident of the United States.

§ 248.2 Ineligible classes.

An alien admitted in immediate and continuous transit through the United States without a visa pursuant to section 238(d) of the Act, or an alien classified as a nonimmigrant under section 101(a)(15) (D) or (K) of the Act is not eligible for any change of nonimmigrant classification under section 248 of the Act. An alien classified as a nonimmigrant under section 101(a)(15) (C) or (J) of the Act is not eligible for any change of nonimmigrant classification other than a change to classification under section 101(a)(15)(A) or (G) of the Act.

§ 248.3 Application.

(a) *General.* Application for change of nonimmigrant classification shall be made on Form I-506. The application shall be accompanied by documentary evidence establishing that the applicant is eligible for the change of classification being requested and shall be filed with the district director having jurisdiction over the applicant's place of temporary sojourn in the United States.

(b) *Application and fee not required.* When an alien, whose status has been changed to a classification under section 101(a)(15) (A), (E), (F), (G), (H), (I), (J), or (L) of the Act, has a nonimmigrant spouse or nonimmigrant child in the United States, their status may also be changed to the classification of the spouse or child of such alien, if appropriate, without an application or fee. Neither an application nor fee is required of an alien who seeks reclassification from that of a visitor for pleasure under section 101(a)(15)(B) of the Act to that of a visitor for business under the same section; from classification as a student under section 101(a)(15)(F)(i) of the Act to classification as an accompanying spouse or minor child under section 101(a)(15)(F)(ii) of the Act or vice versa; from any classification within section 101(a)(15)(H) of the Act to any other classification within section 101(a)(15)(H) provided requisite Form I-129B visa petition has been filed and approved; or from classification as a participant under section 101(a)(15)(J) of the Act to classification as an accompanying spouse or minor child under that section, or vice versa. No fee shall be required in connection with any request for change to classification under section 101(a)(15) (A) or (G) of the Act. No fee shall be required when a change to exchange alien status under section 101(a)(15)(J) of the Act is requested by an agency of the U.S. Government; Form DSP-66, Certificate of Eligibility for Exchange-Visitor Status, submitted by such agency together with its request will be accepted in lieu of Form I-506. An alien classified as a visitor for business under section 101(a)(15)(B) of the Act need not request a change of classification to remain in the United States temporarily as a visitor for pleasure.

(c) *Approval of application.* If the application is granted, the applicant shall be notified of the decision and granted a new period of time to remain in the United States without the requirement of filing a separate application and paying a separate fee for an extension of stay. The applicant's nonimmigrant status under his new classification shall be subject to the terms and conditions applicable generally to such classification and to such other additional terms and conditions, including exaction of bond, which the district director deems appropriate to the case.

(d) *Denial of application.* When the application is denied, the applicant shall be notified of the decision and of the reasons therefor and of his right to appeal in accordance with the provisions of Part 103 of this chapter.

§ 248.4 Change of nonimmigrant classification to that under section 101(a)(15) (H) or (L) of the Immigration and Nationality Act.

Notwithstanding any other provisions of this Part, a request for a change of an alien's nonimmigrant classification to that described in section 101(a)(15 (H) or (L) of the Act shall be accompanied by a petition on Form I-129B made by the alien's prospective employer or trainer.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall be effective on the date of its publication in the FEDERAL REGISTER (5-18-71). Compliance with the provisions of section 553 of title 5 of the United States Code (80 Stat. 383), as to notice of proposed rule making and delayed effective date, is unnecessary in this instance and would serve no useful purpose because the amendments to §§ 103.1(e), 248.1, and 248.2 are editorial in nature; the amendments to § 248.3 are editorial in nature and confer benefits on persons affected thereby; and the amendment to § 248.4 relates to agency procedure.

Dated: May 12, 1971.

RAYMOND F. FARRELL,
Commissioner of
Immigration and Naturalization.

[FR Doc.71-6873 Filed 5-17-71;8:48 am]

PART 299—IMMIGRATION FORMS

Prescribed Forms

The title and description of Form I-601 listed in § 299.1 *Prescribed forms* of the order of the Immigration and Naturalization Service appearing in 36 F.R. 8505-7 of the issue of May 7, 1971, is hereby corrected to read: "I-601 (10-1-70) Application for Waiver on Grounds of Excludability under section 212 (g), (h), or (i) of the Immigration and Nationality Act."

Dated: May 12, 1971.

RAYMOND F. FARRELL,
Commissioner,
Immigration and Naturalization.

[FR Doc.71-6866 Filed 5-17-71;8:47 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

SUBCHAPTER A—MEAT INSPECTION REGULATIONS

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Kentucky Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consulation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Kentucky that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Kentucky has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Kentucky which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited.

Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. George Harner, Director, 127 West Hargett Street, Second Floor, Raleigh, NC 27601, Telephone: Area Code 919, 828-9561.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Kentucky	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5-18-71).

Done at Washington, D.C., on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6911 Filed 5-17-71;8:51 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Massachusetts Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Massachusetts that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Massachusetts has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Massachusetts which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited. Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. C. F. Diehl, Director, 1421 Cherry Street, Seventh Floor, Philadelphia, PA 19102, Telephone: Area Code 215, 597-4216.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Massachusetts	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5-18-71).

Done at Washington, D.C., on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-6912 Filed 5-17-71;8:51 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Oregon Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State 1 additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the State of Oregon that the State would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the State the additional period of time for this purpose. However, the Secretary has now determined that Oregon has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Oregon which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited. Therefore, the operator of each such establishment who desires to continue such operations after designation of the State becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. E. M. Christopherson, Director, 630 Sansome Street, Room 825, Appraisers Building, San Francisco, CA 94111, Telephone: Area Code 415, 556–8622.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Oregon	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5–18–71).

Done at Washington, D.C., on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc. 71–6913 Filed 5–17–71;8:52 am]

PART 331—SPECIAL PROVISIONS FOR DESIGNATED STATES AND TERRITORIES; AND FOR DESIGNATION OF ESTABLISHMENTS WHICH ENDANGER PUBLIC HEALTH AND FOR SUCH DESIGNATED ESTABLISHMENTS

Notice of Designation of Puerto Rico Under the Federal Meat Inspection Act

Statement of considerations. Paragraph 301(c) of the Federal Meat Inspection Act (21 U.S.C. 661(c)) required the Secretary of Agriculture to designate promptly after December 15, 1969, any State[1] as one in which the requirements of titles I and IV of said Act shall apply to intrastate operations and transactions, and to persons, firms, and corporations engaged therein, with respect to meat products and other articles and animals subject to the Act, if he determined after consultation with the Governor of the State, or his representative, that the State involved had not developed and activated requirements, at least equal to those under titles I and IV, with respect to establishments within the State at which cattle, sheep, swine, goats, or equines are slaughtered, or their carcasses, or parts or products thereof, are prepared for use as human food, solely for distribution within such State. However, if the Secretary had reason to believe that the State would activate the necessary requirements within an additional year, he could allow the State one additional year in which to activate such requirements.

The Secretary had reason to believe, after consultation with the Governor of the Commonwealth of Puerto Rico that the Commonwealth would develop and activate the prescribed requirements by December 15, 1970, and accordingly allowed the Commonwealth the additional period of time for this purpose. However, the Secretary has now determined that Puerto Rico has not developed and activated the prescribed requirements. Therefore, notice is hereby given that the Secretary of Agriculture designates said State under paragraph 301(c) of the Act. Upon the expiration of 30 days after publication of this notice in the FEDERAL REGISTER, the provisions of titles I and IV of said Act shall apply to intrastate operations and transactions in said State and persons, firms, and corporations engaged therein, to the same extent and in the same manner as if such operations and transactions were conducted in or for "commerce" within the meaning of the Act, and any establishment in Puerto Rico which conducts any slaughtering or preparation of carcasses or parts or products thereof as described above must have Federal inspection or cease its operations, unless it qualifies for an exemption under paragraph 23(a) or 301(c) of the Act. The exemption provisions of the Act are very limited. Therefore, the operator of each such establishment who desires to continue such operations after designation of the Commonwealth becomes effective should immediately communicate with the Regional Director for Meat and Poultry Inspection, as listed below, for information concerning the requirements and exemptions under the Act and application for inspection and survey of the establishment:

Dr. N. B. Isom, Acting Director, 1795 Peachtree Road NE., Room 206, Atlanta, GA 30309, Telephone: Area Code 404, 526–3911.

Accordingly, § 331.2 of the regulations under the Federal Meat Inspection Act is amended pursuant to said Act by adding the following State name (in alphabetical order) and effective date of designation to the list set forth in said section:

State:	*Effective date of designation*
Puerto Rico	June 18, 1971

This amendment of the regulations is necessary to reflect the determination of the Secretary of Agriculture under paragraph 301(c) of the Federal Meat Inspection Act. It does not appear that public participation in this rulemaking proceeding would make additional information available to the Secretary. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public procedure is impracticable and unnecessary and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

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[1] As used in section 301 of the Act, the term "State" means any State of the United States, the Commonwealth of Puerto Rico, or any organized territory of the United States.

This amendment and the notice given hereby shall become effective upon publication in the FEDERAL REGISTER (5–18–71).

Done at Washington, D.C. on May 12, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–6914 Filed 5–17–71;8:52 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airworthiness Docket No. 70–WE–43–AD; Amdt. 39–1213]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 747 Series Airplanes

Amendment 39–1128 (35 F.R. 19170), AD 70–26–1, requires inspections and modifications of the passenger evacuation system on Boeing Model 747 Series Airplanes. Due to reports of malfunctions and service experience, the agency was studying additional inspections and/or modifications to the evacuation system while Amendment 39–1128 was being issued. The manufacturers were developing inspections and modifications for FAA-approved service bulletins. At a meeting on December 2, 1970, at the FAA Western Regional Office, with representatives of the Air Transport Association, various operators, The Boeing Co., and FAA personnel, an extensive review of the B–747 evacuation system inspection and modification program was made. Thereafter, the first part of the overall program was incorporated into AD 70–26–1. Coordination with the ATA, the operators, and the manufacturers was effected as additional service bulletins were approved, scheduling and parts availability problems reviewed.

The agency has determined that further inspections and/or modifications of the passenger evacuation system are necessary to substantially reduce the possibility of malfunctions and improve the overall reliability of the passenger evacuation system. Therefore, Amendment 39–1128, AD 70–26–1, is being amended to require additional inspections and/or modifications.

Since a situation exists that requires immediate adoption of the regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days. In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations, Amendment 39–1128 (35 F.R. 19170), AD 70–26–1, is amended by adding the following paragraphs:

(c) Within the next 500 hours' time in service after the effective date of this amendment to AD 70–26–1, and thereafter at intervals not to exceed 500 hours' time in service from the last determination, until the guide arm elbow pin is modified in a manner approved by the Chief, Aircraft Engineering Division, FAA Western Region, adjust the torque of nut P/N 69B11101–1, –2, or –3, located within the guide arm of the 10 passenger cabin doors, to 125–150 inch-pounds, or equivalent procedures approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(d) Within the next 500 hours' time in service after the effective date of this amendment to AD 70–26–1, unless already accomplished, inspect the 10 passenger cabin doors per Part I of Boeing Service Bulletin 25–2092, Revision 3, dated April 30, 1971, or later FAA approved revisions, or an equivalent inspection procedure approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(1) If this inspection per Part I establishes either that the overall distance between the stop tabs on the floor attachment fittings is within the limits of Figure 1, View AA, or that the overlap between the forward face of the slider barlock and forward floor attachment bracket is 0.25 inch or greater, no further action is required.

(2) If neither of the two conditions described in (d)(1), above, is established by the inspection per Part I of the Service Bulletin, accomplish the modification described in Parts II or III of the Service Bulletin or later FAA approved revisions, within 500 hours' time in service from the effective date of this amendment to AD 70–26–1, unless already accomplished, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(3) If the operator elects to perform Part II, and thereafter the operator modifies, alters, repairs, or replaces a girt bar, a floor fitting, or floor fitting support, repeat Part I and, if necessary, Part II, prior to further flight or within 500 hours' time in service from the effective date of this amendment to AD 70–26–1, whichever occurs later. Alternately, the operator may elect to perform Part III at this time as terminating action.

(4) If the operator elects to perform Part III rather than Part II, as described in (d)(2), above, the Part III modification must be accomplished within 500 hours' time in service from the effective date of this amendment to AD 70–26–1.

(5) If the operator elects to perform Part II, per (d)(2), above, and further, if an adequate control procedure is approved by an FAA Principal Maintenance Inspector, Part III must be accomplished within 9,000 hours' time in service after the effective date of this amendment to AD 70–26–1. This control procedure must assure that Part I and, if necessary, Part II are accomplished before further flight if the girt bar, a floor fitting or the floor fitting support is modified, altered, repaired or replaced. This control procedure may be discontinued when Part III is accomplished. Part III, whenever accomplished, constitute terminating action.

(e) Within the next 2,000 hours' time in service after the effective date of this amendment to AD 70–26–1, unless already accomplished, modify the passenger evacuation system in accordance with the following service bulletins, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Boeing Service Bulletin 52–2022, dated Oct. 1, 1970.

Boeing Service Bulletin 52–2024, Rev. 1, dated Mar. 5, 1971.

Boeing Service Bulletin 52–2043, dated Dec. 15, 1970.

(f) Within the next 3,000 hours' time in service after the effective date of this amendment to AD 70–26–1, unless already accomplished, modify the passenger evacuation system in accordance with the following service bulletins, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region:

Boeing Service Bulletin 25–2133, dated Jan. 26, 1971.

B. F. Goodrich Service Bulletin 25–018, dated Jan. 22, 1971.

(g) Within the next 5,000 hours' time in service after the effective date of this amendment to AD 70–26–1, unless already accomplished, modify the passenger evacuation system in accordance with the following service bulletin, or later FAA-approved revisions, or equivalent modifications approved by the Chief, Aircraft Engineering Division, FAA Western Region:

B. F. Goodrich Service Bulletin 25–016, dated Dec. 1, 1970.

The amendment becomes effective May 18, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c) of the Department of Transportation Act, 49 U.S.C. 1655 (c))

Issued in Los Angeles, Calif. on May 6, 1971.

LEE E. WARREN,
Acting Director, Western Region.

[FR Doc.71–6897 Filed 5–17–71;8:50 am]

[Docket No. 71–EA–17; Admt. 39–1212]

PART 39—AIRWORTHINESS DIRECTIVES

DeHavilland Aircraft

The Federal Aviation Administration is amending § 39.13 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to DeHavilland DHC–6 type aircraft.

There has been a determination that certain electrical wiring circuits were deficient in that they were susceptible to overloading under fault conditions. Since the foregoing deficiency could exist or develop in other aircraft of similar type design, an airworthiness directive is being issued which will require an increase in circuit wire sizes, changes in or installation of circuit breakers.

Since a situation exists that requires expeditious adoption of this regulation, it is found that notice and public procedure hereon are impracticable and good cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

DEHAVILLAND AIRCRAFT OF CANADA, LTD. Applies to DeHavilland Model DHC–6 Airplanes certificated in all categories.

Compliance required within the next 500 hours time in service after the effective date of this AD unless already accomplished.

To provide adequate protection for particular circuit wires, accomplish the following in accordance with the instructions contained in DHC Service Bulletin No. 6/245 dated October 9, 1970:

(a) Alter airplanes, S/Ns 6 through 289, except S/Ns 176, 221, 233, 268, and 286, by incorporating DHC Modification No. 6/1369;

(b) Alter airplanes, S/Ns 1 through 289, except S/Ns 176, 233, 268, and 286, by incorporating DHC Modification No. 6/1370;

(c) Alter airplanes, S/Ns 6 through 289, except S/Ns 176, 221, 233, 268, and 286, by incorporating RHC Modification No. 6/1371. Modification No. 6/1371 is applicable only to those airplanes in which DHC Modification No. 6/1053 has been incorporated;

(d) Alter airplanes, S/Ns 136 through 289, except S/Ns 176, 221, 233, 268, and 286, by incorporating DHC Modification No. 6/1372;

(e) Alter airplanes, S/Ns 136 through 289, by incorporating DHC Modification No. 6/1389.

Equivalent alterations may be used provided they are approved by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

Upon request with substantiation data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA Eastern Region.

This amendment is effective May 19, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6898 Filed 5-17-71; 8:50 am]

[Docket No. 71-EA-57; Amdt. 39-1209]

PART 39—AIRWORTHINESS DIRECTIVES

Fairchild Hiller Aircraft

The Federal Aviation Administration is amending Section 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Fairchild Hiller FH-1100 type helicopters.

There has been a report of a failure of an extended stabilizer in flight. Because of a need for immediate corrective action, an airmail letter dated March 9, 1971 amended by airmail letter of March 25, 1971, was dispatched to all known owners and operators of FH-1100 type helicopters making this airworthiness directive effective immediately. The same need for corrective action still exists.

Since expeditious publication is required, notice and public procedure hereon are impracticable and cause exists for making this amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

1. A. Before the next flight, install the following placard in the cockpit in full view of the pilot: "VNE NOT TO EXCEED 80 MPH IAS".

B. Remove placard "VNE NOT TO EXCEED 80 MPH IAS" on helicopters with stabilizers modified in accordance with 2 below.

2. Within the next 100 hours' time in service after receipt of this message, unless already accomplished, modify stabilizers, P/N 24 62001 and P/N 24 62001 31, in accordance with section 2 of Fairchild Hiller Service Bulletin FH 1100 62 6 dated March 18, 1971, or later approved revision or an equivalent modification approved by Chief, Engineering and Manufacturing Branch, Eastern Region.

This amendment is effective May 19, 1971, and was effective for all recipients of the airmail letter of March 9, 1971, and amending airmail letter of March 25, 1971, upon receipt.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423, sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6899 Filed 5-17-71;8:50 am]

[Docket No. 71-EA-66; Amdt. 39-1208]

PART 39—AIRWORTHINESS DIRECTIVES

Lycoming Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Lycoming Model IO-360A and C series aircraft engines.

There have been reports of exhaust valve failures which have been attributed to the use of P/N 76290 tappet plunger assemblies. Since this is a deficiency which can exist or develop in similar type design engines, an airworthiness directive is being issued which will require the replacement of such assemblies.

Since the foregoing situation requires the expeditious adoption of the amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

AVCO LYCOMING. Applies to all IO-360-A and -C series engines with serial numbers 1734-51A through 4412-51A and all such series engines remanufactured between September 1, 1965, and October 11, 1967.

Compliance required as indicated, unless already accomplished.

To prevent exhaust valve failures replace the hydraulic tappet plunger assembly P/N 76290 with P/N 78290 at the time in service specified below:

(a) Engines with less than 400 hours in service on P/N 76290 as of the effective date of this AD, shall comply prior to the accumulation of 450 hours in service.

(b) Engines with 400 or more hours in service on P/N 76290 as of the effective date of this AD shall comply within the next 50 hours in service.

(NOTE: Lycoming Service Bulletin No. 328 covers this subject).

This amendment is effective May 19, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c)

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc. 71-6901 Filed 5-17-71;8:50 am]

[Docket No. 71-EA-58; Amdt. 39-211]

PART 39—AIRWORTHINESS DIRECTIVES

Pratt & Whitney Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 71-6-3 applicable to Pratt & Whitney JT4A type airplane engines.

The purpose of this amendment is to add additional serial numbers to the existing airworthiness directive. Because of the need for immediate corrective action, a telegram dated March 12, 1971, was dispatched to all known owners and operators of aircraft incorporating the type engine, making this airworthiness directive immediately effective. The need for corrective action still exists and this airworthiness directive is being published in the FEDERAL REGISTER.

Since expeditious publication is required, notice and public procedure hereon are impractical and cause exists for making the amendment effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 71-6-3 as follows:

1. Insert in the applicability statement the following additional serial numbers and a following parenthetical note.

5F7645
5F7646
5F8544 through 5F8547
5F8550 through 5F8553
5F8558
5F8576
5F8577
5F8581 through 5F8584
5F8587
5F8588
5F8695
6F7206
6F7207
6F7210
6F7214
6F7218
6F7501
6F7502
6F7504
6F7949
6F8168
6F8198
6F8362
6F9707
6F9739
6F9751
6F9753 through 6F9759
6F9760 through 6F9765
6F9846
6F9853
6F9861
6F9866
7F0156
7F0480
7F0556

Pratt & Whitney Aircraft telegram PSE/RS/1-3-10-1 covers this same subject.

This amendment is effective May 19, 1971, and was effective for all recipients of the telegram dated March 12, 1971, which contained this amendment.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6900 Filed 5-17-71;8:50 am]

[Docket No. 71-EA-81; Amdt. 39-1207]

PART 39—AIRWORTHINESS DIRECTIVES

Wood Electric

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD70-22-4, applicable to Wood Electric Circuit Breakers.

Through inadvertence, two service bulletins found in the parenthetical statement were printed in error and this amendment will correct the errors. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD70-22-4 by deleting references to Service Bulletin 2963 and 24-1010 and inserting in lieu thereof Service Bulletin 2693 and 24-1019 respectively.

This amendment is effective May 19, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act 49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6903 Filed 5-17-71;8:51 am]

[Docket No. 71-EA-80; Amdt. 39-1210]

PART 39—AIRWORTHINESS DIRECTIVES

Wright Aircraft Engines

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to amend AD 60-8-5 applicable to Wright TC18DA and TC18EA aircraft engines.

AD 60-8-5 was published at a time when the TC18 type engine was used primarily in transport category aircraft and, therefore, the inspecton required could be phased with the mandatory overhaul times of the air carrier's manual. Since that time, the engine appears primarily in general aviation usage and, therefore, without the benefit of a mandatory maintenance manual. This AD will, therefore, change the criteria to a basic hourly repetitive inspection.

Because the foregoing concerns an inspection which concerns itself with an unairworthy feature, cause exists for expeditious adoption of the amendment and, therefore, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by amending AD 60-8-5 as follows:

1. In paragraph (a) delete the words "regular periodic inspection" and insert therefor "100 hours' time in service".

2. In paragraph (d) delete the words "some interval between regular periodic inspections" and insert therefor "50 hours after every inspection required in paragraph (a)".

3. Add the following paragraph (e): "Upon submission of substantiating data through an FAA Maintenance Inspector, the Chief, Engineering and Manufacturing Branch, Eastern Region, may adjust the inspection intervals.

This amendment is effective May 19, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-6902 Filed 5-17-71;8:51 am]

[Docket No. 11019; Amdt. 756]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260-3, 8260-4, or 8260-5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97-696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ-405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

Section 97.23 is amended by establishing, revising, or canceling the following VOR-VOR/DME SIAPs, effective June 10, 1971:

Detroit Lakes, Minn.—Detroit Lakes Municipal Airport; VOR Runway 13, Original; Established.
Fort Wayne, Ind.—Municipal (Baer Field) Airport; VOR Runway 4, Amdt. 9; Revised.
Frankfort, Ky.—Capital City Airport; VOR Runway 6, Amdt. 1; Revised.
Liberty, Tex.—Municipal Airport; VOR-A, Original; Established.
Middleton Island, Alaska.—Middleton Island Airport; VOR Runway 19, Amdt. 4; Revised.
New Haven, Conn.—Tweed-New Haven Airport; VOR Runway 2, Amdt. 12; Revised.
Plattsburgh, N.Y.—Clinton County Airport; VOR-A, Amdt. 11; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; VOR Runway 13, Amdt. 8; Revised.
Warsaw, Ind.—Warsaw Municipal Airport; VOR-1, Amdt. 1; Canceled.
Warsaw, Ind.—Warsaw Municipal Airport; VOR Runway 18, Original; Established.
Warsaw, Ind.—Warsaw Municipal Airport; VOR Runway 36, Original; Established.
Wellsboro, Pa.—Grand Canyon State Airport; VOR-A, Amdt. 2; Revised.

2. Section 97.25 is amended by establishing, revising, or canceling the following LOC-LDA SIAPs, effective June 10, 1971:

Fort Wayne, Ind.—Municipal (Baer Field) Airport; LOC Runway 4, Amdt. 1; Revised.
Middletown, Pa.—Olmsted State Airport; LOC (BC) Runway 31, Amdt. 2; Revised.
Sitka, Alaska—Sitka Airport; LOC/DME Runway 11, Amdt. 3; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; LOC (BC) Runway 4, Original; Established.

3. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective June 10, 1971:

Denton, Tex.—Denton Municipal Airport; NDB Runway 17, Original; Eestablished.
Moen Island, Trust Territory—Truk Airport; NDB-A, Original; Established.
Quakertown, Pa.—Upper Bucks County Airport; NDB Runway 29, Amdt. 5; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; NDB Runway 22, Amdt. 1; Revised.
Youngstown, Ohio—Lansdowne Airport; NDB-A, Amdt. 2; Revised.

4. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 10, 1971:

Keene, N.H.—Dillant-Hopkins Airport; ILS Runway 2, Amdt. 4; Revised.
Lancaster, Pa.—Lancaster Airport; ILS Runway 8, Amdt. 1; Revised.
Middletown, Pa.—Olmsted State Airport; ILS Runway 13, Amdt. 3; Revised.
Panama City, Fla.—Panama City-Bay County Airport; ILS Runway 14, Amdt. 3; Revised.
Texarkana, Ark.—Texarkana Municipal/Webb Field; ILS Runway 22, Amdt. 1; Revised.

5. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 10, 1971:

Fort Wayne, Ind.—Municipal (Baer Field) Airport; Radar-1, Amdt. 7; Revised.
Middletown, Pa.—Olmsted State Airport; Radar-1, Amdt. 1; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 5, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) May 12, 1969.

[FR Doc.71-6789 Filed 5-17-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 2—NONADJUDICATIVE PROCEDURES

Subpart A—Investigations

CHANGE IN DESIGNATION OF FIELD OFFICES

The Commission announces the following amendments in Part 2 of Chapter I of Title 16 of the Code of Federal Regulations. These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (5-18-71).

§ 2.1 [Amended]

In § 2.1, the second sentence, reading "The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Attorneys in Charge and Assistant Attorneys in Charge of the Commission's field offices, without power of redelegation, limited authority to initiate investigations", is amended to read as follows: "The Commission has delegated to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, without power of redelegation, limited authority to initiate investigations."

Section 2.7 (a) and (b) of Subpart A of Part 2 are amended to read as follows:

§ 2.7 Subpoenas in investigations.

(a) The Commission or any member thereof may issue a subpoena, directing the person named therein to appear before a designated representative at a designated time and place to testify or to produce documentary evidence, or both, relating to any matter under investigation by the Commission. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, also may issue investigational subpoenas, and, for good cause shown, may extend the time prescribed for compliance with subpoenas issued during the investigation of any matter. The Director, Assistant Director, Regional Director, or Assistant Regional Director, who issues any subpoena under this section is authorized to negotiate and approve the terms of satisfactory compliance therewith.

(b) Any motion to limit or quash any investigational subpoena shall be filed with the Secretary of the Commission within ten (10) days after service of the subpoena, or, if the return date is less than ten (10) days after service of the subpoena, within such other time as may be allowed. All motions to limit or quash any investigational subpoenas shall be ruled upon by the Commission itself, but the above-designated Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash any investigational subpoenas.

Section 2.11 (a) and (b) of Subpart A of Part 2 are amended to read as follows:

§ 2.11 Orders requiring access.

(a) The Commission may issue an order requiring any corporation being investigated to grant access to files for the purpose of examination and the right to copy any documentary evidence. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring access issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring access shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring access shall be ruled upon by the Commission itself, but the above-designated Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring access.

Section 2.12 (a) and (b) of Subpart A of Part 2 are amended to read as follows:

§ 2.12 Reports.

(a) The Commission may issue an order requiring a corporation to file a report or answers in writing to specific questions relating to any matter under investigation. The Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, pursuant to delegation of authority by the Commission, without power of redelegation, are authorized, for good cause shown, to extend the time prescribed for compliance with orders requiring reports or answers to questions issued during the investigation of any matter.

(b) Any motion to limit or quash an order requiring a report or answers to specific questions shall be filed with the Secretary of the Commission within ten (10) days after service of the order, or, if the date for compliance is less than ten (10) days after service of the order, within such other time as may be allowed. All motions to limit or quash orders requiring reports or answers to qustions shall be ruled upon by the Commission itself, but the above-designated Directors, Assistant Directors, Regional Directors and Assistant Regional Directors are delegated, without power of redelegation, the authority to rule upon motions for extensions of time within which to file motions to limit or quash orders requiring reports or answers to questions.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6861 Filed 5-17-71;8:47 am]

PART 3—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart G—Reports of Compliance

DELEGATION OF AUTHORITY

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the FEDERAL REGISTER (5-18-71).

1. In § 3.61, paragraphs numbered (b), (c), (d), and (e) are renumbered as (c), (d), (e), and (f).

2. New paragraph (b) is added to § 3.61, reading as follows:

§ 3.61 Reports of compliance.

* * * * *

(b) The Commission has delegated to the Directors of the Bureaus of Competition and Consumer Protection, without power of redelegation, the authority to approve compliance reports, reject compliance reports, and to close compliance investigations. This delegation does not apply to compliance with orders involving section 7 of the Clayton Act, to any matter which has received previous Commission consideration as to compliance or in which the Commission or any Commissioner has expressed an interest, any matter proposed to be closed by reason of expense of investigation or testing, or any matter involving substantial questions as to the public interest, Commission policy or statutory construction, in each of which type of case a report with recommendation will be made to the Commission. The approvals, rejections, and closings shall not be effective until the file relating to the subject matter has been transmitted to the Secretary and he shall have advised the Commission of the Bureau Director's determination and no one member within five (5) working days thereafter shall have objected to such determination. If upon the expiration of such 5-day period no Commissioner shall have objected, the Secretary shall enter upon the records of the Commission the determination of the matter and take such other action as is required.

* * * * *

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6862 Filed 5-17-71;8:47 am]

PART 4—MISCELLANEOUS RULES

Public Records

The Commission announces the following amendments to Chapter I of Title 16 of the Code of Federal Regulations. These amendments are effective on the date of their publication in the FEDERAL REGISTER (5-18-71).

Section 4.9 (e)(13) and (g) are amended to read as follows:

§ 4.9 Public records.

* * * * *

(e) * * *

(13) Requests for advice concerning proposed mergers and applications for approval of proposed divestitures, acquisitions, or similar transactions subject to Commission review under outstanding orders, together with supporting materials and communications with respect to such proposed transactions received by any member of the Commission and any employee involved in the decisional process, to the extent that such requests, applications, and materials are made public under §§ 1.4(b) and 3.61(f) of this chapter; objections or comments with respect thereto which are filed for the public record; and any advice or response given and made public under §§ 1.4(b) and 3.61(f) of this chapter, together with a statement of supporting reasons.

* * * * *

(g) Reports of compliance and supplemental materials filed in connection with Commission orders requiring divestitures or establishment of business enterprises or facilities, save those otherwise specifically dealt with in § 3.61(f) of this chapter and paragraph (e)(13) of this section, shall be confidential until the last such divestiture or establishment of a business enterprise or facility, as required by a particular order, has been finally approved by the Commission. At the time each such report is submitted the filing party may request continuing confidentiality in whole or in part and submit satisfactory reason therefor, and the Commission with due regard for statutory restrictions, its rules and the public interest will pass upon such request.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46)

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6863 Filed 5-17-71;8:47 am]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 71-130]

PART 153—ANTIDUMPING

Clear Plate and Float Glass From Japan

MAY 7, 1971.

The Secretary of the Treasury makes public a finding of dumping with respect to clear plate and float glass from Japan. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that clear plate and float glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 332, F.R. Doc. 71-283)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on April 7, 1971, it notified the Secretary of the Treasury, that an industry in the United States is being, or is likely to be, injured or prevented from being established by reason of the importation of clear plate and float glass from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of April 17, 1971 (36 F.R. 7330, F.R. Doc. 71-5355)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to clear plate and float glass from Japan.

Section 153.4 3of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Clear plate and float glass	Japan	71-130

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6905 Filed 5-17-71;8:51 am]

[T.D. 71-129]

PART 153—ANTIDUMPING

Ceramic Wall Tile From United Kingdom

MAY 6, 1971.

The Secretary of the Treasury makes public a finding of dumping with respect to ceramic wall tile from the United Kingdom. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that ceramic wall tile from the United Kingdom is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 331, F.R. Doc. 71-282))

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on April 7, 1971, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of ceramic wall tile from the United Kingdom sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of April 13, 1971 (36 F.R. 736, F.R. Doc. 71-5111))

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to ceramic wall tile from the United Kingdom.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Ceramic wall tile	United Kingdom	71-129

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6906 Filed 5-17-71;8:51 am]

[T.D. 71-131]

PART 153—ANTIDUMPING

Clear Sheet Glass From Japan

MAY 7, 1971.

The Secretary of the Treasury makes public a finding of dumping with respect to clear sheet glass from Japan. Section 153.43, Customs Regulations, amended.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to such authority the Secretary of the Treasury has determined that clear sheet glass from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of January 9, 1971 (36 F.R. 333, F.R. Doc. 71-321)).

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the U.S. Tariff Commission responsibility for determination of injury or likelihood of injury. The U.S. Tariff Commission has determined, and on April 7, 1971, it notified the Secretary of the Treasury that an industry in the United States is being, or is likely to be, injured or prevented from being established by reason of the importation of clear sheet glass from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921. as amended. (Published in the FEDERAL REGISTER of April 17, 1971 (36 F.R. 7330, F.R. Doc. 71-5355)).

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to clear sheet glass from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Clear sheet glass	Japan	71-131

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173)

[SEAL] EUGENE T. ROSSIDES,
Assistant Secretary of the Treasury.

[FR Doc.71-6907 Filed 5-17-71;8:51 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 25—DRESSINGS FOR FOOD

French Dressing Identity Standard; Order Listing Xanthan Gum as Optional Ingredient

In the matter of amending the standard of identity for french dressing (21 CFR 25.2) to permit the use of xanthan gum as an optional emulsifying ingredient:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of January 19, 1971 (36 F.R. 829), based on a petition submitted jointly by Anderson Clayton Foods, 3333 North Central Expressway, Richardson, Tex. 75080; The Kroger Co., 1240 State Avenue, Cincinnati, Ohio 45204; Leslie Foods, Inc., 575 Independent Road, Oakland, Calif. 94566; Thomas J. Lipton, Inc., 800 Sylvan Avenue, Englewood Cliffs, N.J. 07632; and Kelco Co. 1010 Second Avenue, San Diego, Calif. 92101.

The only comment received in response to the proposal favored it.

On the basis of information submitted in the petition, the comment received, and other relevant information, the Commissioner concludes that adopting the proposal will promote honesty and fair dealing in the interest of consumers.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered,* That § 25.2(c)(1) be revised to read as follows:

§ 25.2 French dressing; identity; label statement of optional ingredients.

* * * * *

(c) * * *

(1) Gum acacia (also called gum arabic), carob bean gum (also called locust bean gum), guar gum, gum karaya, gum tragacanth, extract of Irish moss, pectin, propylene glycol ester of alginic acid, xanthan gum complying with the requirements of § 121.1224 of this chapter, sodium carboxymethylcellulose (cellulose gum), methylcellulose U.S.P. (methoxy content not less than 27.5 percent and not more than 31.5 percent on a dry-weight basis), hydroxypropyl methylcellulose, or any mixture of two or more of these, or any of the foregoing with calcium carbonate or sodium hexametaphosphate, or both.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing and such objections must be supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in six copies.

Effective date. This order shall become effective 60 days after its date of publication in the FEDERAL REGISTER, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371)

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6843 Filed 5-17-71;8:45 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7116]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PART 13—TEMPORARY INCOME TAX REGULATIONS UNDER THE TAX REFORM ACT OF 1969

Amortization of Pollution Control Facilities

On December 29, 1970, there was published in the FEDERAL REGISTER (35 F.R. 19672) a notice of proposed rule making with respect to the amendment of the Income Tax Regulations (26 CFR Part 1) to conform such regulations to section 169 of the Internal Revenue Code of 1954, relating to amortization of pollution control facilities, as added by section 704 of the Tax Reform Act of 1969 (Public Law 91-172, 83 Stat. 667). After consideration of all such relevant matters as were presented by interested persons regarding the rules proposed, the amendment to the regulations as proposed is hereby adopted, subject to the changes set forth below. Section 1.169-4 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 169(b) of the Code, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. Section 1.169-1 as set forth in paragraph 2 of the notice of proposed rule making is changed by revising subparagraph (6) of paragraph (a), by adding subparagraph (7) to paragraph (a), and by revising example (1) of paragraph (b).

PAR. 2. Section 1.169-2, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising paragraph (a), by revising subparagraph (1) of paragraph (b), by revising subparagraph (2) of paragraph (b) by revising subdivision (ii) thereof, by deleting subdivision (iii) thereof, by redesignating subdivision (iv) thereof as subdivision (iii) and revising so much of such subdivision redesignated as (iii) as precedes (*a*) thereof, by redesignating subdivision (v) as subdivision (iv) and revising so much of such subdivision redesignated as (iv) as precedes (*a*) thereof, by revising so much of paragraph (c) (1) as precedes subdivision (i) thereof, by revising subparagraphs (1) (ii) and (2) of paragraph (c), and by revising paragraph (d).

PAR. 3. Section 1.169-3 as set forth in paragraph (2) of the notice of proposed rule making, is changed by revising paragraph (a), by revising subparagraph (1) of paragraph (b), by revising paragraphs (c) and (d), by redesignating the example in paragraph (e) as example (1) and revising it, and by adding example (2) to paragraph (e).

PAR. 4. Section 1.169-4, as set forth in paragraph 2 of the notice of proposed rule making, is changed by revising subparagraphs (1) and (2) of paragraph (a) and by revising subparagraph (1) of paragraph (b).

(Sec. 7805, Internal Revenue Code of 1954, 68A Stat. 917; 26 U.S.C. 7805)

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: May 13, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

PARAGRAPH 1. Section 1.169 is amended by deleting section 169 and adding a new section 169 and a historical note to read as follows:

§ 1.169 Statutory provisions; amortization of pollution control facilities.

Sec. 169. *Amortization of pollution control facilities*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis of any certified pollution control facility (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the amortizable basis of the pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such amortizable basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any month shall be in lieu of the depreciation deduction with respect to such pollution control facility for such month provided by section 167. The 60-month period shall begin, as to any pollution control facility, at the election of the taxpayer, with the month following the month in which such facility was completed or acquired, or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the facility is completed or acquired, or with the taxable year succeeding the taxable year in which such facility is completed or acquired, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided in subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such pollution control facility.

(d) *Definitions.* For purposes of this section—

(1) *Certified pollution control facility.* The term "certified pollution control facility" means a new identifiable treatment facility which is used, in connection with a plant or other property in operation before January 1, 1969, to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and which—

(A) The State certifying authority having jurisdiction with respect to such facility has certified to the Federal certifying authority as having been constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for abatement or control of water or atmospheric pollution or contamination; and

(B) The Federal certifying authority has certified to the Secretary or his delegate (i) as being in compliance with the applicable regulations of Federal agencies and (ii) as being in furtherance of the general policy of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq.), or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(2) *State certifying authority.* The term "State certifying authority" means, in the case of water pollution, the State water pollution control agency as defined in section 13(a) of the Federal Water Pollution Control Act and, in the case of air pollution, the air pollution control agency as defined in section 302(b) of the Clean Air Act. The term "State certifying authority" includes any interstate agency authorized to act in place of a certifying authority of the State.

(3) *Federal certifying authority.* The term "Federal certifying authority" means, in the case of water pollution, the Secretary of the Interior and, in the case of air pollution, the Secretary of Health, Education, and Welfare.

(4) *New identifiable treatment facility.* For purposes of paragraph (1), the term "new identifiable treatment facility" includes only tangible property (not including a building and its structural components, other than a building which is exclusively a treatment facility) which is of a character subject to the allowance for depreciation provided in section 167, which is identifiable as a treatment facility, and which—

(A) Is property—

(i) The construction, reconstruction, or erection of which is completed by the taxpayer after December 31, 1968, or

(ii) Acquired after December 31, 1968, if the original use of the property commences with the taxpayer and commences after such date, and

(B) Is placed in service by the taxpayer before January 1, 1975.

In applying this section in the case of property described in clause (i) of subparagraph (A), there shall be taken into account only that portion of the basis which is properly attributable to construction, reconstruction, or erection after December 31, 1968.

(e) *Profitmaking abatement works, etc.* The Federal certifying authority shall not certify any property under subsection (d) (1)(B) to the extent it appears that by reason of profits derived through the recovery of wastes or otherwise in the operation of such property, its costs will be recovered over its actual useful life.

(f) *Amortizable basis*—(1) *Defined.* For purposes of this section, the term "amortizable basis" means that portion of the adjusted basis (for determining gain) of a certified pollution control facility which may be amortized under this section.

(2) *Special rules.*—

(A) If a certified pollution control facility has a useful life (determined as of the first day of the first month for which a deduction is allowable under this section) in excess of 15 years, the amortizable basis of such facility shall be equal to an amount which bears the same ratio to the portion of the adjusted basis of such facility, which would be eligible for amortization but for the application of this subparagraph, as 15 bears to the number of years of useful life of such facility.

(B) The amortizable basis of a certified pollution control facility with respect to which an election under this section is in effect shall not be increased, for purposes of this section, for additions or improvements after the amortization period has begun.

(g) *Depreciation deduction.* The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not the amortizable basis.

(h) *Investment credit not to be allowed.* In the case of any property with respect to which an election has been made under subsection (a), so much of the adjusted basis of the property as (after the application of subsection (f)) constitutes the amortizable basis for purposes of this section shall not be treated as section 38 property within the meaning of section 48(a).

(i) *Life tenant and remainderman.* In the case of property held by one person for life with remainder to another person, the deduction under this section shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant.

(j) *Cross reference.* For special rule with respect to certain gain derived from the disposition of property the adjusted basis of which is determined with regard to this section, see section 1245.

[Sec. 169 as added by sec. 704, Tax Reform Act 1969 (83 Stat. 667)]

PAR. 2. Sections 1.169–1 through 1.169–8 are amended by deleting them and adding new §§ 1.169–1, 1.169–2, 1.169–3, and 1.169–4 to read as follows:

§ 1.169–1 Amortization of pollution control facilities.

(a) *Allowance of deduction*—(1) *In general.* Under section 169(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the amortizable basis (as defined in § 1.169–3) of any certified pollution control facility (as defined in § 1.169–2), based on a period of 60 months. Under section 169(b) and paragraph (a) of § 1.169–4, the taxpayer may further elect to begin such 60-month period either with the month following the month in which the facility is completed or acquired or with the first month of the taxable year succeeding the taxable year in which such facility is completed or acquired. Under section 169(c), a taxpayer who has elected under section 169(b) to take the amortization deduction provided by section 169(a) may, at any time after making such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period in the manner prescribed in paragraph (b)(1) of § 1.169–4. In addition, if on or before May 18, 1971, an election under section 169(a) has been made, consent is hereby given to revoke such election without the consent of the Commissioner in the manner prescribed in (b)(2) of § 1.169–4.

(2) *Amount of deduction.* With respect to each month of such 60-month period which falls within the taxable year, the amortization deduction shall be an amount equal to the amortizable basis of the certified pollution control facility at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. The amortizable basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to a certified pollution control facility for a taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year. If a certified pollution control facility is sold or exchanged or otherwise disposed of during 1 month, the amortization deduction (if any) allowable to the original holder in respect of such month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the facility was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 169 with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allowable under section 167 or a deduction in lieu of depreciation which would otherwise be allowable under paragraph (b) of § 1.162–11 for such month.

(ii) If the adjusted basis of such facility as computed under section 1011 for purposes other than the amortization deduction provided by section 169 is in excess of the amortizable basis, as computed under § 1.169–3, such excess shall be recovered through depreciation deductions under the rules of section 167. See section 169(g).

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179–1 and paragraph (b)(2) of § 1.169–3 for additional first-year depreciation in respect of a certified pollution control facility.

(4) *Investment credit not to be allowed.* In the case of any property with respect to which an election has been made under section 169(a), so much of the adjusted basis of the property as constitutes the amortizable basis, as computed under § 1.169–3, shall not be treated as section 38 property within the meaning of section 48(a). See section 169(h).

(5) *Special rules.* (i) In the case of a certified pollution control facility held by one person for life with the remainder to another person, the amortization deduction under section 169(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(ii) If the assets of a corporation which has elected to take the amortization deduction under section 169(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the distributor or transferor corporation for purposes of this section.

(iii) For the right of estates and trusts to amortize pollution control facilities see section 642(f) and § 1.642(f)–1. For the allowance of the amortization deduction in the case of pollution control facilities of partnerships, see section 703 and § 1.703–1.

(6) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* A taxpayer which elects in the manner prescribed under paragraph (b)(1) of § 1.169–4 to discontinue amortization deductions or under paragraph (b)(2) of § 1.169–4 to revoke an election under section 169(a) with respect to a certified pollution control facility is entitled, if such facility is of a character subject to the allowance for depreciation provided in section 167, to a deduction for depreciation (to the extent allowable) with respect to such facility. In the case of an election to discontinue an amortization deduction, the deduction for depreciation shall begin with the first month as to which such amortization deduction is not applicable and shall be computed on the adjusted basis of the property as of the beginning of such month (see section 1011 and the regulations thereunder). Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility as determined, as of the first day of the first month as of which the amortization deduction is not applicable. If the taxpayer so elects to discontinue the amortization deduction under section 169(a), such taxpayer shall not be entitled to any further amortization deduction under this section and section 169(a) with respect to such pollution control facility. In the case of a revocation of an election under section 169(a), the deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 169(a). See paragraph (b)(2) of § 1.169–4 for rules as to filing amended returns for years for which amortization deductions have been taken.

(7) *Definitions.* Except as otherwise provided in § 1.169–2, all terms used in section 169 and the regulations thereunder shall have the meaning provided by this section and §§ 1.169–2 through 1.169–4.

(b) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, completes the installation of a facility all of which qualifies as a certified pollution control facility within the meaning of paragraph (a) of § 1.169–2. The cost of the facility is $120,000 and the period referred to in paragraph (a)(6) of § 1.169–2 is 10 years in accordance with the rules set forth in paragraph (a) of § 1.169–4, on its income tax return filed for 1970, X elects to take amortization deductions under section 169(a) with respect to the facility and to begin the 60-month amortization period with October 1970, the month following the month in which it was completed. The amortizable basis at the end of October 1970 (determined without regard to the amortization deduction under section 169(a) for that month) is $120,000. The allowable authorization deduction with respect to such facility for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 (that is, $120,000 minus $2,000) divided by 59	2,000
December: $116,000 (that is, $118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the facility as of June 1, 1972, is $80,000, computed as follows:

Yearly amortization deductions:	
1970 (as computed in example (1))	$6,000
1971 (computed in accordance with example (1))	24,000
1972 (for the first 5 months of 1972 computed in accordance with example (1))	10,000
Total amortization deductions for 20 months	40,000

Adjusted basis as beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

(a) *Certified pollution control facility*—(1) *In general.* Under section 169(d), the term "certified pollution control facility" means a facility which—

(i) The Federal certifying authority certifies, in accordance with the rules prescribed in paragraph (c) of this section, is a "treatment facility" described in subparagraph (2) of this paragraph, and

(ii) Is "a new identifiable facility" (as defined in paragraph (b) of this section).

For profitmaking abatement works limitation, see paragraph (d) of this section.

(2) *Treatment facility.* For purposes of subparagraph (1)(i) of this paragraph, a "treatment facility" is a facility which (i) is used to abate or control water or atmospheric pollution or contamination by removing, altering, disposing, or storing of pollutants, contaminants, wastes, or heat and (ii) is used in connection with a plant or other property in operation before January 1, 1969. Determinations under subdivision (i) of this subparagraph shall be made solely by the Federal certifying authority. See subparagraph (3) of this paragraph. For meaning of the phrases "plant or other property" and "in operation before January 1, 1969," see subparagraphs (4) and (5), respectively, of this paragraph.

(3) *Facilities performing multiple functions or used in connection with several plants, etc.* (i) If a facility is designed to perform or does perform a function in addition to abating or controlling water or atmospheric pollution or contamination by removing, altering, disposing or storing pollutants, contaminants, wastes, or heat, such facility shall be a treatment facility only with respect to that part of the cost thereof which is certified by the Federal certifying authority as attributable to abating of controlling water or atmospheric pollution or contamination. For example, if a machine which performs a function in addition to abating water pollution is installed at a cost of $100,000 in, and is used only in connection with, a plant which was in operation before January 1, 1969, and if the Federal certifying authority certifies that $30,000 of the cost of such machine is allocable to its function of abating water pollution, such $30,000 will be deemed to be the adjusted basis for purposes of determining gain for purposes of paragraph (a) of § 1.169–3.

(ii) If a facility is used in connection with more than one plant or other property, and at least one such plant or other property was not in operation before January 1, 1969, such facility shall be a treatment facility only to the extent of that part of the cost thereof certified by the Federal certifying authority as attributable to abating or controlling water or atmospheric pollution in connection with plants or other property in operation before January 1, 1969. For example, if a machine is constructed after December 31, 1968, at a cost of $100,000 and is used in connection with a number of plants only some of which were in operation before January 1, 1969, and if the Federal certifying authority certifies that $20,000 of the cost of such machine is allocable to its function of abating or controlling water pollution in connection with the plants or other property in operation before January 1, 1969, such $20,000 will be deemed to be the adjusted basis for purposes of determining gain for purposes of paragraph (a) of § 1.169–3. In a case in which the Federal certifying authority certifies the percentage of a facility which is used in connection with plants or other property in operation before January 1, 1969, the adjusted basis for the purposes of determining gain for purposes of paragraph (a) of § 1.169–3 of the portion of the facility so used shall be the adjusted basis for determining gain of the entire facility multiplied by such percentage.

(4) *Plant or other property.* As used in subparagraph (2) of this paragraph, the phrase "plant or other property" means any tangible property whether or not such property is used in the trade or business or held for the production of income. Such term includes, for example, a papermill, a motor vehicle, or a furnace in an apartment house.

(5) *In operation before January 1, 1969.* (i) For purposes of subparagraph (2) of this paragraph and section 169(d), a plant or other property will be considered to be in operation before January 1, 1969, if prior to that date such plant or other property was actually performing the function for which it was constructed or acquired. For example, a papermill which is completed in July 1968, but which is not actually used to produce paper until 1969 would not be considered to be in operation before January 1, 1969. The fact that such plant or other property was only operating at partial capacity prior to January 1, 1969, or was being used as a standby facility prior to such date, shall not prevent its being considered to be in operation before such date.

(ii) (*a*) A piece of machinery which replaces one which was in operation prior to January 1, 1969, and which was a part of the manufacturing operation carried on by the plant but which does not substantially increase the capacity of the plant will be considered to be in operation prior to January 1, 1969. However, an additional machine that is added to a plant which was in operation before January 1, 1969, and which represents a substantial increase in the plant's capacity will not be considered to have been in operation before such date. There shall be deemed to be a substantial increase in the capacity of a plant or other property as of the time its capacity exceeds by more than 20 percent its capacity on December 31, 1968.

(*b*) In addition, if the total replacements of equipment in any single taxable year beginning after December 31, 1968, represent the replacement of a substantial portion of a manufacturing plant which had been in operation before such date, such replacement shall be considered to result in a new plant which was not in operation before such date. Thus, if a substantial portion of a plant which was in existence before January 1, 1969, is subsequently destroyed by fire and such substantial portion is replaced in a taxable year beginning after that date, such replacement property shall not be considered to have been in operation before January 1, 1969. The replacement of a substantial portion of a plant or other property shall be deemed to have occurred if, during a single taxable year, the taxpayer replaces manufacturing or production facilities or equipment which comprises such plant or other property and which has an adjusted basis (determined without regard to the adjustments provided in section 1016(a) (2) and (3)) in excess of 20 percent of the adjusted basis (so determined) of such plant or other property determined as of the first day of such taxable year.

(6) *Useful life.* For purposes of section 169 and the regulations thereunder, the terms "useful life" and "actual useful life" shall means the shortest period authorized under section 167 and the regulations thereunder if an election were not made under section 169.

(b) *New identifiable facility*—(1) *In general.* For purposes of paragraph (a)(1)(ii) of this section, the term "new identifiable facility" includes only tangible property (not including a building and its structural components referred to in subparagraph (2)(i) of this paragraph, other than a building and its structural components which under subparagraph (2)(ii) of this paragraph is exclusively a treatment facility) which—

(i) Is of a character subject to the allowance for depreciation provided in section 167.

(ii)(*a*) Is property the construction, reconstruction, or erection (as defined in subparagraph (2)(iii) of this paragraph) of which is completed by the taxpayer after December 31, 1968, or

(*b*) Is property acquired by the taxpayer after December 31, 1968, if the original use of the property commences with the taxpayer and commences after such date (see subparagraph (2)(iii) of this paragraph), and

(iii) Is placed in service (as defined in subparagraph (2)(v) of this paragraph) prior to January 1, 1975.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1) of this paragraph, the terms "building" and "structural component" shall be construed in a manner consistent with the principles set forth in paragraph (e) of § 1.48–1. Thus, for example, the following rules are applicable:

(*a*) The term "building" generally means any structure or edifice enclosing a space within its walls, and usually covered by a roof, the purpose of which

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is, for example, to provide shelter or housing, or to provide working, office, parking, display, or sales space. The term includes, for example, structures such as apartment houses, factory and office buildings, warehouses, barns, garages, railway or bus stations, and stores. Such term includes any such structure constructed by, or for, a lessee even if such structure must be removed, or ownership of such structure reverts to the lessor, at the termination of the lease. Such term does not include (*1*) a structure which is essentially an item of machinery or equipment, or (2) an enclosure which is so closely combined with the machinery or equipment which it supports, houses, or serves that it must be replaced, retired, or abandoned contemporaneously with such machinery or equipment, and which is depreciated over the life of such machinery or equipment. Thus, the term "building" does not include such structures as oil and gas storage tanks, grain storage bins, silos, fractioning towers, blast furnaces, coke ovens, brick kilns, and coal tipples.

(*b*) The term "structural components" includes, for example, chimneys, and other components relating to the operating or maintenance of a building. However, the term "structural components" does not include machinery or a device which serves no function other than the abatement or control of water or atmospheric pollution.

(ii) For purposes of subparagraph (1) of this paragraph, a building and its structural components will be considered to be exclusively a treatment facility if its only function is the abatement or control of air or water pollution. However, the incidental recovery of profits from wastes or otherwise shall not be deemed to be a function other than the abatement or control of air or water pollution. A building and its structural components which serve no function other than the treatment of wastes will be considered to be exclusively a treatment facility even if it contains areas for employees to operate the treatment facility, rest rooms for such workers, and an office for the management of such treatment facility. However, for example, if a portion of a building is used for the treatment of sewage and another portion of the building is used for the manufacture of machinery, the building is not exclusively a treatment facility. The Federal certifying authority will not certify as to what is a building and its structural components within the meaning of subdivsion (i) of this subparagraph.

(iii) For purposes of subparagraph (1) (ii) (*a*) and (*b*) of this paragraph (relating to construction, reconstruction, or erection after December 31, 1968, and original use after December 31, 1968) and paragraph (b)(1) of § 1.169–3 (relating to definition of amortizable basis), the principles set forth in paragraph (a) (1) and (2) of § 1.167(c)–1 and in paragraphs (b) and (c) of § 148–2 shall be applied. Thus, for example, the following rules are applicable:

(*a*) Property is considered as constructed, reconstructed, or erected by the taxpayer if the work is done for him in accordance with his specifications.

(*b*) The portion of the basis of property attributable to construction, reconstruction, or erection after December 31, 1968, consists of all costs of construction, reconstruction, or erection allocable to the period after December 31, 1968, including the cost or other basis of materials entering into such work (but not including, in the case of reconstruction of property, the adjusted basis of the property as of the time such reconstruction is commenced).

(*c*) It is not necessary that materials entering into construction, reconstruction or erection be acquired after December 31, 1968, or that they be new in use.

(*d*) If construction or erection by the taxpayer began after December 31, 1968, the entire cost or other basis of such construction or erection may be taken into account for purposes of determining the amortizable basis under section 169.

(*e*) Construction, reconstruction, or erection by the taxpayer begins when physical work is started on such construction, reconstruction, or erection.

(*f*) Property shall be deemed to be acquired when reduced to physical possession or control.

(*g*) The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. For example, a reconditioned or rebuilt machine acquired by the taxpayer after December 31, 1968, for pollution control purposes will not be treated as being put to original use by the taxpayer regardless of whether it was used for purposes other than pollution control by its previous owner. Whether property is reconditioned or rebuilt property is a question of fact. Property will not be treated as reconditioned or rebuilt merely because it contains some used parts.

(iv) For purposes of subparagraph (1) (iii) of this paragraph (relating to property placed in service prior to January 1, 1975), the principles set forth in paragraph (d) of § 1.46–3 are applicable. Thus, property shall be considered placed in service in the earlier of the following taxable years:

(*a*) The taxable year in which, under the taxpayer's depreciation practice, the period for depreciation with respect to such property begins or would have begun; or

(*b*) The taxable year in which the property is placed in a condition or state of readiness and availability for the abatement or control of water or atmospheric pollution.

Thus, if property meets the conditions of (*b*) of this subdivision in a taxable year, it shall be considered placed in service in such year notwithstanding that the period for depreciation with respect to such property begins or would have begun in a succeeding taxable year because, for example, under the taxpayer's depreciation practice such property is or would have been accounted for in a multiple asset account and depreciation is or would have been computed under an "averaging convention" (sec. § 1.167(a)–10), or depreciation with respect to such property would have been computed under the completed contract method, the unit of production method, or the retirement method. In the case of property acquired by a taxpayer for use in his trade or business (or in the production of income), property shall be considered in a condition or state of readiness and availability for the abatement or control of water or atmospheric pollution if, for example, equipment is acquired for the abatement or control of water or atmospheric pollution and is operational but is undergoing testing to eliminate any defects. However, materials and parts acquired to be used in the construction of an item of equipment shall not be considered in a condition or state of readiness and availability for the abatement or control of water or atmospheric pollution.

(c) *Certification*—(1) *In general.* For purposes of paragraph (a)(1) of this section, a facility is certified in accordance with the rules prescribed in this paragraph if—

(i) The State certifying authority (as defined in subparagraph (2) of this paragraph) having jurisdiction with respect to such facility has certified to the Federal certifying authority (as defined in subparagraph (3) of this paragraph) that the facility was constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for the abatement or control of water or atmospheric pollution or contamination applicable at the time of such certification, and

(ii) The Federal certifying authority has certified such facility to the Secretary or his delegate as (*a*) being in compliance with the applicable regulations of Federal agencies (such as, for example, the Atomic Energy Commission's regulations pertaining to radiological discharge (10 CFR Part 20)) and (*b*) being in furtherance of the general policy of the United States for cooperation with the States in the prevention and abatement of water pollution under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151–1175) or in the prevention and abatement of atmospheric pollution and contamination under the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(2) *State certifying authority.* The term "state certifying authority" means—

(i) In the case of water pollution, the State water pollution control agency as defined in section 23(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1173(a)),

(ii) In the case of air pollution, the air pollution control agency designated pursuant to section 302(b)(1) of the Clean Air Act, as amended (42 U.S.C. 1857h(b)), and

(iii) Any interstate agency authorized to act in place of a certifying authority of a State. See section 23(a) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1173(b)) and section 302(c) of the Clean Air Act, as amended (42 U.S.C. 1857h(c)).

(3) *Federal certifying authority.* The term "Federal certifying authority" means the Administrator of the Environmental Protection Agency (see Reorganization Plan No. 3 of 1970, 35 F.R. 15623).

(d) *Profitmaking abatement works, etc.*—(1) *In general.* Section 169(e) provides that the Federal certifying authority shall not certify any property to the extent it appears that by reason of estimated profits to be derived through the recovery of wastes or otherwise in the operation of such property its costs will be recovered over the period referred to in paragraph (a)(6) of this section for such property. The Federal certifying authority need not certify the amount of estimated profits to be derived from such recovery of wastes or otherwise with respect to such facility. Such estimated profits shall be determined pursuant to subparagraph (2) of this paragraph. However, the Federal certifying authority shall certify—

(i) Whether, in connection with any treatment facility so certified, there is potential cost recovery through the recovery of wastes or otherwise, and

(ii) A specific description of the wastes which will be recovered, or the nature of such cost recovery if otherwise than through the recovery of wastes.

For effect on computation of amortizable basis, see paragraph (c) of § 1.169–3.

(2) *Estimated profits.* For purpose of this paragraph, the term "estimated profits" means the estimated gross receipts from the sale of recovered wastes reduced by the sum of the (i) estimated average annual maintenance and operating expenses, including utilities and labor, allocable to that portion of the facility which is certified as a treatment facility pursuant to paragraph (a)(1)(i) of this section which produces the recovered waste from which the gross receipts are derived and (ii) estimated selling expenses. However, in determining expenses to be subtracted neither depreciation nor amortization of the facility is to be taken into account. Estimated profits shall not include any estimated savings to the taxpayer by reason of the taxpayer's reuse or recycling of wastes or other items recovered in connection with the operation of the plant or other property served by the treatment facility.

(3) *Special rules.* The estimates of cost recovery required by subparagraph (2) of this paragraph shall be based on the period referred to in paragraph (a) (6) of this section. Such estimates shall be made at the time the election provided for by section 169 is made and shall also be set out in the application for certification made to the Federal certifying authority. There shall be no redetermination of estimated profits due to unanticipated fluctuations in the market price for wastes or other items, to an unanticipated increase or decrease in the costs of extracting them from the gas or liquid released, or to other unanticipated factors or events occurring after certification.

§ 1.169–3 Amortizable basis.

(a) *In general.* The amortizable basis of a certified pollution control facility for the purpose of computing the amortization deduction under section 169 is the adjusted basis of such facility for purposes of determining gain (see part II (section 1011 and following) subchapter O, chapter 1 of the Code), as modified by paragraphs (b), (c), and (d) of this section. For the adjusted basis for purposes of determining gain (computed without regard to such modifications) of a facility which performs a function in addition to pollution control, or which is used in connection with more than one plant or other property, or both, see paragraph (a)(3) of § 1.169–2. For rules as to additions and improvements to such a facility, see paragraph (f) of this section.

(b) *Limitation to post-1968 construction, reconstruction, or erection.* (1) If the construction, reconstruction, or erection was begun before January 1, 1969, there shall be included in the amortizable basis only so much of the adjusted basis of such facility for purposes of determining gain (referred to in paragraph (a) of this section) as is properly attributable under the rules set forth in paragraph (b)(2)(iii) of § 1.169–2 to construction, reconstruction, or erection after December 31, 1968. See section 169 (d)(4). For example, assume a certified pollution control facility for which the shortest period authorized under section 167 is 10 years has a cost of $500,000, of which $450,000 is attributable to construction after December 31, 1968. Further, assume such facility does not perform a function in addition to pollution control and is used only in connection with a plant in operation before January 1, 1969. The facility would have an amortizable basis of $450,000 (computed without regard to paragraphs (c) and (d) of this section). For depreciation of the remaining portion ($50,000) of the cost, see section 169(g) and paragraph (a)(3)(ii) of § 1.169–1. For the definition of the term "certified pollution control facility" see paragraph (a) of § 1.169–2.

(2) If the taxpayer elects to begin the 60-month amortization period with the first month of the taxable year succeeding the taxable year in which such facility is completed or acquired and a depreciation deduction is allowable under section 167 (including an additional first-year depreciation allowance under section 179) with respect to the facility for the taxable year in which it is completed or acquired, the amount determined under subparagraph (1) of this paragraph shall be reduced by an amount equal to (i) the amount of such allowable depreciation multiplied by (ii) a fraction the numerator of which is the amount determined under subparagraph (1) of this paragraph, and the denominator of which is its total cost. The additional first-year allowance for depreciation under section 179 will be allowable only for the year in which the facility is completed or acquired and only if the taxpayer elects to begin the amortization deduction under section 169 with the taxable year succeeding the taxable year in which such facility is completed or acquired. See paragraph (e)(1)(ii) of § 1.179–1.

(c) *Modification for profitmaking abatement works, etc.* If it appears that by reason of estimated profits to be derived through the recovery of wastes, or otherwise (as determined by applying the rules prescribed in paragraph (d) of § 1.169–2) a portion or all of the total costs of the certified pollution control facility will be recovered over the period referred to in paragraph (a)(b) of § 1.169–2, its amortizable basis (computed without regard to this paragraph and paragraph (d) of this section) shall be reduced by an amount equal to (1) its amortizable basis (so computed) multiplied by (2) a fraction the numerator of which is such estimated profits and the denominator of which is its adjusted basis for purposes of determining gain. See section 169(e).

(d) *Cases in which the period referred to in paragraph (a)(6) of § 1.169–2 exceeds 15 years.* If as to a certified pollution control facility the period referred to in paragraph (a)(6) of § 1.169–2 exceeds 15 years (determined as of the first day of the first month for which a deduction is allowable under the election made under the section 169(b) and paragraph (a) of § 1.169–4), the amortizable basis of such facility shall be an amount equal to (1) its amortizable basis (computed without regard to this paragraph) multiplied by (2) a fraction the numerator of which is 15 years and the denominator of which is the number of years of such period. See section 169(f)(2)(A).

(e) *Examples.* This section may be illustrated by the following example:

Example (1). The X Corporation, which uses the calendar year as its taxable year, began the installation of a facility on November 1, 1968, and completed the installation on June 30, 1970, at a cost of $400,000. All of the facility qualifies as a certified pollution control facility within the meaning of paragraph (a) of § 1.169–2. $40,000 of such cost is attributable to construction prior to January 1, 1969. The X Corporation elects to take amortization deductions under section 169 (a) with respect to the facility and to begin the 60-month amortization period with January 1, 1971. The corporation takes a depreciation deduction under sections 167 and 179 of $10,000 (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 6 months of 1970. It is estimated that over the period referred to in paragraph (a)(6) of §1.169–2 (20 years) as to such facility, $80,000 in profits will be realized from the sale of wastes recovered in its operation. The amortizable basis of the facility for purposes of computing the amortization deduction as of January 1, 1971, is $210,600, computed as follows:

(1) Portion of $400,000 cost attributable to post-1968 construction, reconstruction, or erection ---------------------- $360,000

(2) Reduction for portion of depreciation deduction taken for the taxable year in which the facility was completed:		
(a) $10,000 depreciation deduction taken for last 6 months of 1970 including $2,000 for additional first year depreciation under section 179	$10,000	
(b) Multiplied by the amount in line (1) and divided by the total cost of the facility ($360,000/$400,000)	0.9	$9,000
(3) Subtotal		$351,000
(4) Modification for profit making abatement works: Multiply line (3) by estimated profits through waste recovery ($80,000) and divide by the adjusted basis for determining gain of the facility ($400,000)		
(5) Reduction		$70,200
(6) Subtotal		$280,800
(7) Modification for period referred to in paragraph (a)(6) of § 1.169–2 exceeding 15 years: Multiply by 15 years and divide by such period (determined in accordance with paragraph (d) of this section) (20 years)		0.75
(8) Amortizable basis		$210,600

Example (2). Assume the same facts as in example (1) except that the facility is used in connection with a number of separate plants some of which were in operation before January 1, 1969, that the Federal certifying authority certifies that 80 percent of the capacity of the facility is allocable to the plants which were in operation before such date, and that all of the waste recovery is allocable to the portion of the facility used in connection with the plants in operation before January 1, 1969. The amortizable basis of such facility, for purposes of computing the amortization deduction as of January 1, 1971, is $157,950 computed as follows:

(1) Adjusted basis for purposes of determining gain: Multiply percent certified as allocable to plants in operation before January 1, 1969 (80 percent) by cost of entire facility ($400,000)		$320,000
(2) Portion of adjusted basis for determining gain attributable to post-1968 construction, reconstruction, or erection: Multiply line (1) by portion of total cost of facility attributable to post-1968 construction, reconstruction, or erection ($360,000) and divide by the total cost of the facility ($400,000)		$280,000
(3) Reduction for portion of depreciation deduction taken for the taxable year in which the facility was completed:		
(a) $10,000 depreciation deduction taken for last 6 months of 1970 including $2,000 for additional first year depreciation under section 170	$10,000	
(b) Multiplied by the the amount in line (2) and divided by the total cost of the facility ($288,000/$400,000)	0.72	$7,200
(4) Subtotal		$280,800
(5) Modification for profit making abatement works; Multiply line (4) by estimated profits through waste recovery ($80,000) and divide by the amount in line (1) ($320,000):		
(6) Reduction		$70,200
(7) Subtotal		$210,600
(8) Modification for period referred to in paragraph (a)(6) of § 1.169–2 exceeding 15 years: Multiply by 15 years and divide by such period (determined in accordance with paragraph (d) of this section) (20 years)		0.75
(9) Amortizable basis		$157,950

(f) *Additions or improvements.* (1) If after the completion or acquisition of a certified pollution control facility further expenditures are made for additional construction, reconstruction, or improvements, the cost of such additions or improvements made prior to the beginning of the amortization period shall increase the amortizable basis of such facility, but the cost of additions or improvements made after the amortization period has begun, shall not increase the amortizable basis. See section 169(f)(2)(B).

(2) If expenditures for such additional construction, reconstruction, or improvements result in a facility which is new and is separately certified as a certified pollution control facility as defined in section 169(d)(1) and paragraph (a) of § 1.169–2, and, if proper election is made, such expenditures shall be taken into account in computing under paragraph (a) of this section the amortizable basis of such new and separately certified pollution control facility.

§ 1.169–4 Time and manner of making elections.

(a) *Election of amortization*—(1) *In general.* Under section 169(b), an election by the taxpayer to take an amortization deduction with respect to a certified pollution control facility and to begin the 60-month amortization period (either with the month following the month in which the facility is completed or acquired, or with the first month of the taxable year succeeding the taxable year in which such facility is completed or acquired) shall be made by a statement to that effect attached to its return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information (if not otherwise included in the documents referred to in subdivision (ix) of this subparagraph):

(i) A description clearly identifying each certified pollution control facility for which an amortization deduction is claimed;

(ii) The date on which such facility was completed or acquired (see paragraph (b)(2)(iii) of § 1.169–2);

(iii) The period referred to in paragraph (a)(6) of § 1.169–2 for the facility as of the date the property is placed in service;

(iv) The date as of which the amortization period is to begin;

(v) The date the plant or other property to which the facility is connected began operating (see paragraph (a)(5) of § 1.169–2);

(vi) The total costs and expenditures paid or incurred in the acquisition, construction, and installation of such facility;

(vii) A description of any wastes which the facility will recover during the course of its operation, and a reasonable estimate of the profits which will be realized by the sale of such wastes whether pollutants or otherwise, over the period referred to in paragraph (a)(6) of § 1.169–2 as to the facility. Such estimate shall include a schedule setting forth a detailed computation illustrating how the estimate was arrived at including every element prescribed in the definition of estimated profits in paragraph (d)(2) of § 1.169–2;

(viii) A computation showing the amortizable basis (as defined in § 1.169–3) of the facility as of the first month for which the amortization deduction provided for by section 169(a) is elected; and

(ix) (*a*) A statement that the facility has been certified by the Federal certifying authority, together with a copy of such certification, and a copy of the application for certification which was filed with and approved by the Federal certifying authority or (*b*), if the facility has not been certified by the Federal certifying authority, a statement that application has been made to the proper State certifying authority (see paragraph (c)(2) of § 1.169–2) together with a copy of such application and a copy of the application filed or to be filed with the Federal certifying authority.

If subdivision (ix)(*b*) of this subparagraph applies, within 90 days after receipt by the taxpayer, the certification from the Federal certifying authority shall be filed by the taxpayer with the district director, or with the director of the internal revenue service center, with whom the return referred to in this subparagraph was filed.

(2) *Special rule.* If the return for the taxable year in which falls the first month of the 60-month amortization period to be elected was filed before May 18, 1971, or is filed within 60 days after such date, then on or before the 90th day after such date (or if there is no State certifying authority in existence on such date, on or before the 90th day after such authority is established) the election may be made by a statement in an amended income tax return for the taxable year in which falls the first month of the 60-month amortization period so elected. Amended income tax returns or claims for credit or refund must also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph should be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 169(a) other than that prescribed in this section shall be permitted on or after May 18, 1971. A taxpayer which does not elect in the manner prescribed in this section to take amortization deductions with respect to a certified pollution control facility shall not be entitled to such deductions. In the case of a taxpayer which elects prior to [such date], the statement required by subparagraph (1) of this paragraph shall be attached to its income tax return for its taxable year in which [such date] occurs.

(b) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* An election to discontinue the amortization deduction provided by section 169(c) and paragraph (a)(1) of § 1.169–1 shall be made by a statement in writing filed with the district director, or with the director of the internal revenue service center, with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions. Unless the election to discontinue amortization is one to which subparagraph (2) of this paragraph applies, such statement shall be filed before the beginning of the month specified therein. In addition, such statement shall contain a description clearly identifying the certified pollution control facility with respect to which the taxpayer elects to discontinue the amortization deduction, and, if a certification has previously been issued, a copy of the certification by the Federal certifying authority. If at the time of such election a certification has not been issued (or if one has been issued it has not been filed as provided in paragraph (a)(1) of this section), the taxpayer shall file, with respect to any taxable year or years for which a deduction under section 169 has been taken, a copy of such certification within 90 days after receipt thereof. For purposes of this paragraph, notification to the Secretary or his delegate from the Federal certifying authority that the facility no longer meets the requirements under which certification was originally granted by the State or Federal certifying authority shall have the same effect as a notice from the taxpayer electing to terminate amortization as of the month following the month such facility ceased functioning in accordance with such requirements.

(2) *Revocation of elections made prior to May 18, 1971.* If on or before May 18, 1971, an election under section 169(a) has been made, such election may be revoked (see paragraph (a)(1) of § 1.169–1) by filing on or before August 16, 1971, a statement of revocation of an election under section 169(a) in accordance with the requirements in subparagraph (1) of this paragraph for filing a notice to discontinue an election. If such election to revoke is for a period which falls within one or more taxable years for which an income tax return has been filed, amended income tax returns shall be filed for any such taxable years in which deductions were taken under section 169 on or before August 16, 1971.

PAR. 3. Paragraph (e)(1) of §1.179–1 is amended to read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * *

(ii) In the case of property which the taxpayer elects to amortize under any provision listed in subdivision (iii) of this subparagraph and which property also qualifies as section 179 property, the additional first-year depreciation allowance is not available (except as provided in this subdivision) unless the taxpayer elects under the applicable provision to begin the amortization deductions under such provision with the succeeding taxable year. If the taxpayer elects to begin the amortization deductions with the month following the month in which the property was completed or acquired or was placed in service (as the case may be), and the property qualifies as section 179 property, the additional first-year allowance is available only with respect to that portion of the property which is not amortizable under the applicable provision. If 100 percent of the property is amortizable under the applicable provision, and if the taxpayer elects under the applicable provision to begin the amortization deductions under such provision with such following month, no additional first-year allowance is available with respect to any portion of the property.

(iii) The provisions of subdivision (ii) of this subparagraph shall apply in the case of the following:

(*a*) An emergency facility which the taxpayer elects to amortize under the provisions of section 168.

(*b*) A certified pollution control facility which the taxpayer elects to amortize under the provisions of section 169.

* * * * *

PAR. 4. Section 1.642(f) is amended by revising section 642(f), and by adding a historical note. These amended and added provisions read as follows:

§ 1.642(f) Statutory provisions; estates and trusts; special rules for credits and deductions; amortization deductions.

SEC. 642. *Special rules for credits and deductions.* * * *

(f) *Amortization deductions.* The benefit of the deduction for amortization provided by sections 168, 169, 184, and 187 shall be allowed to estates and trusts in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary or his delegate.

[Sec. 642(f) as amended by sec. 704(b)(2), Tax Reform Act 1969 (83 Stat. 669)]

PAR. 5. Section 1.642(f)–1 is amended to read as follows:

§ 1.642(f)–1 Amortization deductions.

An estate or trust is allowed amortization deductions with respect to an emergency facility as defined in section 168(d), with respect to a certified pollution control facility as defined in section 169(d), with respect to qualified railroad rolling stock as defined in section 184(d), and with respect to certified coal mine safety equipment as defined in section 187(d), in the same manner and to the same extent as in the case of an individual. However, the principles governing the apportionment of the deductions for depreciation and depletion between fiduciaries and the beneficiaries of an estate or trust (see sections 167(h) and 611(b) and the regulations thereunder) shall be applicable with respect to such amortization deductions.

PAR. 6. Section 1.1082 is amended by revising subparagraph (B) of section 1082(a)(2) and by adding a historical note. These revised and added provisions read as follows:

§ 1.1082 Statutory provisions; basis of property acquired in exchanges and distributions made in obedience to orders of the Securities and Exchange Commission.

SEC. 1082. *Basis for determining gain or loss*—(a) *Exchanges generally.* * * *

(2) *Exchanges subject to the provisions of section 1081(b).* * * *

(B) Property (not described in subparagraph (A)) with respect to which a deduction for amortization is allowable under sections 168, 169, 184, 185, or 187;

* * * * *

[Sec. 1082 as amended by sec. 704(b)(3), Tax Reform Act, 1969 (83 Stat. 669)]

[FR Doc.71-6918 Filed 5-17-71;8:52 am]

[T.D. 7114]

INCREASE IN AMOUNT OF DEDUCTION ALLOWED FOR PERSONAL EXEMPTIONS

On December 17, 1970, notice of proposed rule making, relating to the amendment of the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) to conform them to the amendments to the Internal Revenue Code of 1954 made by sections 801 and 941(b) of the Tax Reform Act of 1969 (83 Stat. 675, 726), was published in the FEDERAL REGISTER (35 F.R. 19112). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendment of regulations as proposed, except for the amendment made by paragraph 1 of the notice, is hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: May 13, 1971.
JOHN S. NOLAN,
Assistant Secretary of the Treasury.

In order to conform the Income Tax Regulations (26 CFR Part 1), the Employment Tax Regulations (26 CFR Part 31), and the Regulations on Procedure and Administration (26 CFR Part 301) to the amendments to sections 151 and 6013(b)(3)(A) of the Internal Revenue Code of 1954 by sections 801 and 941(b) of the Tax Reform Act of 1969 (83 Stat. 675, 726), such regulations are amended as follows:

SUBCHAPTER A—INCOME TAX

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARAGRAPH 1. Paragraph (a) of § 1.4–1 is revised to read as follows:

§ 1.4–1 Number of exemptions.

(a) For the purpose of determining the optional tax imposed under section 3, the taxpayer shall use the number of exemptions allowable to him as deductions under section 151. See sections 151, 152, and 153, and the regulations thereunder. In general, one exemption is allowed for the taxpayer; one exemption for his spouse if a joint return is made, or if a separate return is made by the taxpayer and his spouse has no gross income for the calendar year in which the taxable year of the taxpayer begins and is not the dependent of another taxpayer for such calendar year; and one exemption for each dependent whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than the applicable amount determined pursuant to § 1.151–2. No exemption is allowed for any dependent who has made a joint return with his spouse for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins. The taxpayer may, in certain cases, be allowed an exemption for a dependent child of the taxpayer notwithstanding the fact that such child has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins. The requirements for the allowance of such an exemption are set forth in paragraph (c) of § 1.152–1. See paragraphs (c) and (d) of § 1.151–1 with respect to additional exemptions for a taxpayer or spouse who has attained the age 65 years and for a blind taxpayer or blind spouse

* * * * *

PAR. 2. The example contained in paragraph (e)(4) of § 1.72–17 is revised to read as follows:

§ 1.72–17 Special rules applicable to owner-employees.

* * * * *

(e) *Penalties applicable to certain amounts received by owner-employees.* * * *

(4) * * *

Example. B, a sole proprietor and a calendar-year basis taxpayer, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during 1973 when he was 55 years old and not disabled and for which, without regard to the distribution, he had a net operating loss and for which he is allowed under section 151 a deduction for one personal exemption. The portion of the distribution includible in B's gross income is $25,750. In addition, B had a net operating loss for 1972. The other 3 taxable years involved in the computation under subparagraph (2)(i) of this paragraph were years of substantial income. For purposes of determining B's increase in tax attributable to the receipt of the $25,750 (before the application of the provisions of subparagraph (2)(i)(b) of this paragraph), B's taxable income for the year he received the $25,750 is treated, under subparagraph (3)(ii) of this paragraph, as being $25,000 ($25,750 minus $750, the amount of the deduction allowed for each personal exemption under section 151 for 1973). For purposes of determining whether 110 percent of the aggregate increase in taxes which would have resulted if 20 percent of the amount of the withdrawal had been included in B's gross income for the year of receipt and for each of the 4 preceding taxable years is greater (and thus is the amount of his increase in tax attributable to the receipt of the $25,750), B's taxable income for the taxable year of receipt, and for the immediately preceding taxable year, is treated, under subparagraph (3)(i) of this paragraph, as being $5,150 ($25,750 divided by 5).

* * * * *

PAR. 3. The example contained in paragraph (d)(2) of § 1.72–18 is revised to read as follows:

§ 1.72–18 Treatment of certain total distributions with respect to self-employed individuals.

* * * * *

(d) *Computation of tax.* * * *
(2) * * *

Example. B, a sole proprietor and a calendar-year basis taxpayer, established a qualified pension trust to which he made annual contributions for 10 years of 10 percent of his earned income. B withdrew his entire interest in the trust during 1973, for which year, without regard to the distribution, he had a net operating loss and is allowed under section 151 a deduction for one personal exemption. At the time of the withdrawal, B was 64 years old. The amount of the distribution that is includible in his gross income is $25,750. Because of B's net operating loss, the tax attributable to the distribution is determined under the rule of subparagraph (1)(ii) of this paragraph. For purposes of determining the tax attributable to the $25,750, B's taxable income for 1973 is treated, under subparagraph (1)(ii) of this paragraph, as being 20 percent of $25,000 ($25,750 minus $750, the amount of the deduction allowed for each personal exemption under section 151 for 1973). Thus, under subparagraph (1) of this paragraph, the tax attributable to the $25,750 would be 5 times the increase which would result if the taxable income of B for the taxable year he received such amount equaled $5,000. B has had no amounts withheld from wages and thus is not entitled to reduce the increase in taxes by the credit against tax provided in section 31 and may not reduce the increase in taxes by any other credits against tax.

PAR. 4. Section 1.151 is amended by revising section 151 (b), (c), (d) (1) and (2), and so much of section 151(e)(1) as precedes subparagraph (B), and by adding a historical note. These amended and added provisions read as follows:

§ 1.151 Statutory provisions; allowance of deductions for personal exemptions.

SEC. 151. *Allowance of deductions for personal exemptions.* * * *

(b) *Taxpayer and spouse.* An exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer; and an additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31. 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(c) *Additional exemption for taxpayer or spouse aged 65 or more*—(1) *For taxpayer.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer if he has attained the age of 65 before the close of his taxable year.

(2) *For spouse.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse has attained the age of 65 before the close of such taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer.

(d) *Additional exemption for blindness of taxpayer or spouse*—(1) *For taxpayer.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the taxpayer if he is blind at the close of his taxable year.

(2) *For spouse.* An additional exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for the spouse of the taxpayer if a separate return is made by the taxpayer, and if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. For purposes of this paragraph, the determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer; except that if the spouse dies during such taxable year such determination shall be made as of the time of such death.

* * * * *

(e) *Additional exemption for dependents*—(1) *In general.* An exemption of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] for each dependent (as defined in section 152)—

(A) Whose gross income for the calendar year in which the taxable year of the taxpayer begins is less than [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971], or

* * * * *

[Sec. 151 as amended by secs. 801 and 941(b), Tax Reform Act 1969 (83 Stat. 675, 726)]

PAR. 5. Paragraphs (b), (c)(1), and (d) (1) and (2) of § 1.151–1 are revised to read as follows:

§ 1.151–1 Deductions for personal exemptions.

* * * * *

(b) *Exemptions for individual taxpayer and spouse (so-called personal exemptions).* Section 151(b) allows an exemption for the taxpayer and an additional exemption for the spouse of the taxpayer if a joint return is not made by the taxpayer and his spouse, and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. Thus, a husband is not entitled to an exemption for his wife on his separate return for the taxable year beginning in a calendar year during which she has any gross income (though insufficient to require her to file a return). Since, in the case of a joint return, there are two taxpayers (although under section 6013 there is only one income for the two taxpayers on such return, i.e., their aggregate income), two exemptions are allowed on such return, one for each taxpayer spouse. If in any case a joint return is made by the taxpayer and his spouse, no other person is allowed an exemption for such spouse even though such other person would have been entitled to claim an exemption for such spouse as a dependent if such joint return had not been made.

(c) *Exemptions for taxpayer attaining the age of 65 and spouse attaining the age of 65 (so-called old-age exemptions).* (1) Section 151(c) provides an additional exemption for the taxpayer if he has attained the age of 65 before the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if a joint return is not made by the taxpayer and his spouse and if the spouse has attained the age of 65 before the close of the taxable year of the taxpayer and, for the calendar year in which the taxable year of the taxpayer begins, the spouse has no gross income and is not the dependent of another taxpayer. If a husband and wife make a joint return, an old-age exemption will be allowed as to each taxpayer spouse who has attained the age of 65 before the close of the taxable year for which the joint return is made. The exemptions under section 151(c) are in addition to the exemptions for the taxpayer and spouse under section 151(b).

* * * * *

(d) *Exemptions for the blind.* (1) Section 151(d) provides an additional exemption for the taxpayer if he is blind at the close of his taxable year. An additional exemption is also allowed to the taxpayer for his spouse if the spouse is blind and, for the calendar year in which the taxable year of the taxpayer begins, has no gross income and is not the dependent of another taxpayer. The determination of whether the spouse is blind shall be made as of the close of the taxable year of the taxpayer, unless the spouse dies during such taxable year, in which case such determination shall be made as of the time of such death.

(2) The exemptions for the blind are in addition to the exemptions for the taxpayer and spouse under section 151 (b) and are also in addition to the exemptions under section 151(c) for taxpayers and spouses attaining the age of 65 years. Thus, a single individual who has attained the age of 65 before the close of his taxable year and who is blind at the close of his taxable year is entitled, in addition to the so-called personal exemption, to two further exemptions, one by reason of his age and the other by reason of his blindness. If a husband and wife make a joint return, an exemption for the blind will be allowed as to each taxpayer spouse who is blind at the close of the taxable year for which the joint return is made.

* * * * *

PAR. 6. Section 1.151–2 is revised to read as follows:

§ 1.151–2 Additional exemptions for dependents.

(a) Section 151(e) allows to a taxpayer an exemption for each dependent (as defined in section 152) whose gross income (as defined in section 61) for the calendar year in which the taxable year of the taxpayer begins is less than the amount provided in section 151(e)(1)(A) applicable to the taxable year of the taxpayer, or who is a child of the taxpayer and who—

(1) Has not attained the age of 19 at the close of the calendar year in which the taxable year of the taxpayer begins, or

(2) Is a student, as defined in paragraph (b) of § 1.151–3.

No exemption shall be allowed under section 151(e) for any dependent who has made a joint return with his spouse under section 6013 for the taxable year beginning in the calendar year in which the taxable year of the taxpayer begins. The amount provided in section 151(e)(1)(A) is $750 in the case of a taxable year beginning after December 31, 1972; $700 in the case of a taxable year beginning after December 31, 1971, and before January 1, 1973; $650 in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972; $625 in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971; and $600 in the case of a taxable year beginning before January 1, 1970. For special rules in the case of a taxpayer whose taxable year is a fiscal year ending after December 31, 1969, and beginning before January 1, 1973, see section 21(d) and the regulations thereunder.

(b) The only exemption allowed for a dependent of the taxpayer is that provided by section 151(e). The exemptions provided by section 151(c) (old-age exemptions) and section 151(d) (exemptions for the blind) are allowed only for the taxpayer or his spouse. For example, where a taxpayer provides the entire support for his father who meets all the requirements of a dependent, he is entitled to only one exemption for his father (section 151(e)), even though his father is over the age of 65.

PAR. 7. Immediately after § 1.151–3 the following new section is added:

§ 1.151–4 Amount of deduction for each exemption under section 151.

The amount allowed as a deduction for each exemption under section 151 is (a) $750 in the case of a taxable year beginning after December 31, 1972; (b) $700 in the case of a taxable year beginning after December 31, 1971, and before January 1, 1973; (c) $650 in the case of a taxable year beginning after December 31, 1970, and before January 1, 1972; (d) $625 in the case of a taxable year beginning after December 31, 1969, and before January 1, 1971; and (e) $600 in the case of a taxable year beginning before January 1, 1970. For special rules in the case of a fiscal year ending after December 31, 1969, and beginning before January 1, 1973, see section 21(d) and the regulations thereunder.

PAR. 8. Paragraph (c) of § 1.152–1 is revised to read as follows:

§ 1.152–1 General definition of a dependent.

* * * * *

(c) In the case of a child of the taxpayer who is under 19 or who is a student, the taxpayer may claim the dependency exemption for such child provided he has furnished more than one-half of the support of such child for the calendar year in which the taxable year of the taxpayer begins, even though the income of the child for such calendar year may be equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to such calendar year. In such a case, there may be two exemptions claimed for the child: One on the parent's (or stepparent's) return, and one on the child's return. In determining whether the taxpayer does in fact furnish more than one-half of the support of an individual who is a child, as defined in paragraph (a) of § 1.151–3, of the taxpayer and who is a student, as defined in paragraph (b) of § 1.151–3, a special rule regarding scholarships applies. Amounts received as scholarships, as defined in paragraph (a) of § 1.117–3, for study at an educational institution shall not be considered in determining whether the taxpayer furnishes more than one-half the support of such individual. For example, A has a child who receives a $1,000 scholarship to the X college for 1 year. A contributes $500, which constitutes the balance of the child's support for that year. A may claim the child as a dependent, as the $1,000 scholarship is not counted in determining the support of the child. For purposes of this paragraph, amounts received for tuition payments and allowances by a veteran under the provisions of the Servicemen's Readjustment Act of 1944 (58 Stat. 284) or the Veterans' Readjustment Assistance Act of 1952 (38 U.S.C. ch. 38) are not amounts received as scholarships. See also § 1.117–4. For definetion of the terms "child", "student", and "educational institution", as used in this paragraph, see § 1.151–3.

PAR. 9. Paragraph (a)(3)(i) of § 1.213–1 is revised to read as follows:

§ 1.213–1 Medical, dental, etc., expenses.

(a) *Allowance of deduction.* * * *

(3) (i) For medical expenses paid (including expenses paid for medicine and drugs) to be deductible, they must be for medical care of the taxpayer, his spouse, or a dependent of the taxpayer and not be compensated for by insurance or otherwise. Expenses paid for the medical care of a dependent, as defined in section 152 and the regulations thereunder, are deductible under this section even though the dependent has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins. Where such expenses are paid by two or more persons and the conditions of section 152(c) and the regulations thereunder are met, the medical expenses are deductible only by the person designated in the multiple support agreement filed by such persons and such deduction is limited to the amount of medical expenses paid by such person.

* * * * *

PAR. 10. Paragraph (d)(2)(iii) of § 1.214–1 is revised to read as follows:

§ 1.214–1 Expenses for the care of certain dependents.

* * * * *

(d) *Dependents.* * * *

(2) *Special rules.* * * *

(iii) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child or stepchild under the age of 13 years (for taxable years beginning before Jan. 1, 1964, under the age of 12 years) whom the taxpayer supports are deductible even though the child or stepchild has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of § 1.151–2 is not met.

* * * * *

PAR. 11. Section 1.6013 is amended by revising subsection (b)(3)(A) (ii) and (iii) of section 6013 and the historical note to read as follows:

§ 1.6013 Statutory provisions; joint returns of income tax by husband and wife.

SEC. 6013. *Joint returns of income tax by husband and wife.* * * *

(b) *Joint return after filing separate return.* * * *

(3) *When return deemed filed*—(A) *Assessment and collection.* * * *

(ii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] of gross income ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of [$750 for taxable years beginning after Dec 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] or more ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such joint return.

* * * * *

[Sec. 6013 as amended by sec. 73, Technical Amendments Act 1958 (72 Stat. 1660); sec. 801, Tax Reform Act 1969 (83 Stat. 675)]

SUBCHAPTER C—EMPLOYMENT TAXES

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

PAR. 12. Paragraph (d)(3)(iii) of § 31.3402(f)(1)–1 is revised to read as follows:

§ 31.3402(f)(1)–1 Withholding exemptions.

* * * * *

(d) *Withholding exemptions to which an employee is entitled in respect of dependents.* * * *

(3) * * *

(iii) Either (*a*) reasonably be expected to have gross income of less than the amount determined pursuant to § 1.151–2 of this chapter (Income Tax Regulations) applicable to the calendar year in which the taxable year of the taxpayer begins, or (*b*) be a child (son, stepson, daughter, stepdaughter, adopted son, or adopted daughter) of the employee who (*1*) will not have attained the age of 19 at the close of the calendar year or (*2*) is a student as defined in section 151.

* * * * *

SUBCHAPTER F—PROCEDURE AND ADMINISTRATION

PART 301—PROCEDURE AND ADMINISTRATION

PAR. 13. Section 301.6013 is amended by revising subsection (b)(3)(A)(ii) and (iii) of section 6013 and the historical note to read as follows:

§ 301.6013 Statutory provisions; joint returns of income tax by husband and wife.

SEC. 6013. *Joint returns of income tax by husband and wife.* * * *

(b) *Joint return after filing separate return.* * * *

(3) *When return deemed filed*—(A) *Assessment and collection.* * * *

(ii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had less than [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable yeara beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] of gross income ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such separate return (but not earlier than the last date prescribed by law for the filing of such separate return); or

(iii) Where only one spouse filed a separate return prior to the making of the joint return, and the other spouse had gross income of [$750 for taxable years beginning after Dec. 31, 1972; $700 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $650 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $625 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] or more ([$1,500 for taxable years beginning after Dec. 31, 1972; $1,400 for taxable years beginning after Dec. 31, 1971, and before Jan. 1, 1973; $1,300 for taxable years beginning after Dec. 31, 1970, and before Jan. 1, 1972; $1,250 for taxable years beginning after Dec. 31, 1969, and before Jan. 1, 1971] in case such spouse was 65 or over) for such taxable year—on the date of the filing of such joint return.

* * * * *

[Sec. 6013 as amended by sec. 73, Technical Amendments Act, 1958 (72 Stat. 1660); sec. 801, Tax Reform Act 1969 (83 Stat. 675)]

[FR Doc.71-6916 Filed 5-17-71;8:52 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER C—AIDS TO NAVIGATION

[CGFR 71-8]

PART 62—U.S. AIDS TO NAVIGATION SYSTEM

PART 74—CHARGES FOR COAST GUARD AIDS TO NAVIGATION WORK

Charges to Federal Agencies Other Than the Armed Forces

This amendment revises the regulations regarding charges to Federal agencies other than the Armed Forces for the establishment and maintenance of aids to navigation to allow the Commandant to waive or reduce charges to Federal agencies. This amendment makes possible a more efficient use of the Coast Guard Aids to Navigation capabilities.

Since this amendment relates to internal management, procedure, and practice of the Coast Guard, notice and public procedure thereon are not required by 5 U.S.C. 553 and it may be made effective in less than 30 days after publication in the FEDERAL REGISTER.

Accordingly, Subchapter C of Chapter I of Title 33 of the Code of Federal Regulations is amended as follows:

1. By revising § 62.01–10 of Part 62 as follows:

§ 62.01–10 Federal Agencies other than the Armed Forces.

* * * * *

(b) The Coast Guard may establish and maintain aids to navigation for the primary benefit of a Federal agency other than the Armed Forces on a reimbursable basis. The charges for establishing and maintaining such aids shall be in accordance with Subpart 74.15 of this subchapter.

* * * * *

2. By revising Subpart 74.15 of Part 74 to read as follows:

Subpart 74.15—Charges to Federal Agencies Other Than the Armed Forces

§ 74.15–1 Charges.

(a) The charges for establishing and maintaining an aid to navigation that is for the primary benefit of a Federal agency other than the Armed Forces under the provisions of § 62.01–10(b) of this subchapter are as follows:

(1) For establishing a permanent aid, the actual cost of construction;

(2) For maintaining a permanent aid, including servicing time, the charges determined under Subpart 74.20 of this part; and

(3) For both establishing and maintaining temporary aids, the charges determined under Subpart 74.20 of this part.

(b) The Commandant may waive or reduce any of the charges in paragraph (a) of this section.

(80 Stat. 383, sec. 1, 63 Stat. 500, 501, 503, 504, 545, as amended, sec. 1, 38 Stat. 1084, as amended, sec. 6(b), 80 Stat. 937; 5 U.S.C. 553, 14 U.S.C. 81, 83, 86, 92, 93, 633, 31 U.S.C. 686, 49 U.S.C. 1655(b); 49 CFR 1.46(b) (35 F.R. 4959))

Effective date. This amendment becomes effective upon June 15, 1971.

Dated: May 7, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard,
Commandant.

[FR Doc.71-6859 Filed 5-17-71;8:47 am]

Title 35—PANAMA CANAL

Chapter I—Canal Zone Regulations

SUBCHAPTER E—EMPLOYMENT AND COMPENSATION IN THE CANAL ZONE

PART 253—REGULATIONS OF THE SECRETARY OF THE ARMY

Subpart A—General Provisions

EXCLUSIONS

Effective upon publication in the FEDERAL REGISTER (5-18-71), paragraph (c) of § 253.8 is amended by adding a new subparagraph (12), reading as follows:

§ 253.8 Exclusions.

* * * * *

(c) * * *

(12) Positions of mess attendant which are designated by the commander of the employing military command for occupancy of San Blas (Cuna) Indians pursuant to agreements with the San Blas Tribal Chieftain.

* * * * *

(2 CZC 142, 155, 76A Stat. 16, 19; 35 CFR 251.2)

Dated: May 6, 1971.

STANLEY R. RESOR,
Secretary of the Army.

[FR Doc.71-6840 Filed 5-17-71;8:45 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

NONDUPLICATION; FEDERAL PROGRAMS

Section 21.4025 is revised to read as follows:

§ 21.4025 Nonduplication; Federal programs.

(a) *Chapter 35.* Payment of educational assistance allowance and special training allowance are prohibited to an otherwise eligible person:

(1) For a program of education pursued while on active duty; or

(2) For a unit course or courses which are paid for in whole or in part by the United States under the Government Employees' Training Act during any period that full salary is being paid him as an employee of the United States.

(b) *Chapter 34.* Payment of educational assistance allowance is prohibited to an otherwise eligible veteran:

(1) For a unit course or courses which are being paid for in whole or in part by the Armed Forces during any period he is on active duty; or

(2) For a unit course or courses which are being paid for in whole or in part by the Department of Health, Education, and Welfare during any period that he is on active duty in the Public Health Service; or

(3) For a unit course or courses which are being paid for in whole or in part by the United States under the Government Employees' Training Act during any period that full salary is being paid him as an employee of the United States. (38 U.S.C. 1701(d), 1781; Public Law 91–219, 84 Stat. 76)

(72 Stat. 1114; 38 U.S.C. 210)

This VA Regulation is effective March 26, 1970.

Approved: May 12, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-6871 Filed 5-17-71;8:46 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101–47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Subpart 101–47.49—Illustrations

STANDARD FORMS 118, 118a, 118b, and 118c

Sections 101–47.4902–4 (a), (g), (j), and (l) are revised to require that the original and first four copies, rather than the original and first two copies, of Standard Forms 118, 118a, 118b, and 118c, shall be filed with the regional office of the General Services Administration for the region in which the excess property is located.

Sections 101–47.4902–4 (a), (g), (j), and (l) are revised to provide updated instructions.

NOTE: The instructions in §§ 101–47.4902–4 (a), (g), (j), and (l) are filed as part of the original document.

(Sec. 205(c), 63 Stat. 390; U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5–18–71).

Dated: May 11, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–6904 Filed 5–17–71;8:51 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5058]

[Arizona 329]

ARIZONA

Withdrawal for National Forest Roadside and Streamside Zones

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

PRESCOTT NATIONAL FOREST

GILA AND SALT RIVER MERIDIAN

Walker Road, Roadside Zone

A strip of land 300 feet on each side of the centerline of Walker Road through the following legal subdivisions:

T. 13 N., R. 1 W.,
  Sec. 5, W½;
  Sec. 6, NE¼;
  Sec. 8, N½N½NW¼.

Lynx Creek, Streamside Zone

T. 12½ N., R. 1 W.,
  Sec. 20, lots 1, 2, 3, and 4, that part of unpatented Mineral Survey 4532 lying outside patented land;
  Sec. 21, that part of unpatented Mineral Survey 4532 lying outside patented land.
T. 13 N., R. 1 W.,
  Sec. 5, lots 9, 12, 13, W½SE¼, SE¼SE¼;
  Sec. 8, N½NE¼;
  Sec. 16, lot 1 (except west 10 chains), lot 4, the NE¼ of lot 5, and E½SE¼SW¼;
  Sec. 21, lots 2, 3, and lot 4 (except west 10 chains), E½NW¼SW¼NE¼, E½SW¼NE¼, SW¼SE¼NE¼, E½W½SE¼, W½E½SE¼;
  Sec. 28, E½W½NE¼, W½E½NE¼, NE¼NW¼SE¼, NW¼NE¼SE¼, S½NW¼SE¼, SW¼SE¼;
  Sec. 32, lot 15;
  Sec. 33, lots 8, 9, 11, 12, 15, 16, and SE¼SW¼, excluding patented mining claims.

The areas described aggregate approximately 1,025.43 acres in Yavapai County.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Secretary of the Interior.

MAY 12, 1971.

[FR Doc.71–6874 Filed 5–17–71;8:48 am]

Title 49—TRANSPORTATION

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. MC–78]

PART 1047—EXEMPTIONS

Vehicles Employed Solely in Transporting Schoolchildren and Teachers

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 4th day of May 1971.

It appearing, that this proceeding was instituted by a notice of proposed rulemaking, an order entered in this proceeding on October 1, 1969, under authority of 5 U.S.C. 553 and 559 (the Administrative Procedure Act), and sections 203(b)(1), 204(a)(1), 204(a)(6), and 206 of the Interstate Commerce Act to inquire into the operational practices and the manner of operation of common carriers of passengers by motor vehicle operating pursuant to the exemption in section 203(b)(1) of the Interstate Commerce Act, with a view toward determining whether there should be adopted a rule or rules interpreting the phrase "motor vehicles employed solely" appearing in that section, and to take such other and further action as the facts may justify or require.

It further appearing, that the said notice of proposed rulemaking invited carriers or any other interested persons to participate by submitting for consideration written statements of facts, views, and arguments with the Commission at its office in Washington; and that notice to all interested persons was given through publication of the said notice in the FEDERAL REGISTER of October 16, 1969 (34 F.R. 16559); and

It further appearing, that various parties submitted their views and suggestions regarding a proposed rule, and the Commission has considered such representations and, on the date hereof, has made and filed its report setting forth its conclusions and findings and its reasons therefor, which report is hereby referred to and made a part hereof:

It is ordered, That the motion to strike filed on behalf of the Chartered Bus Service, Inc., be, and it is hereby, granted, for the reasons given in said report;

It is further ordered, That Part 1047 of Chapter X, of Title 49 of the Code of Federal Regulations be, and it is hereby, amended by adding thereto § 1047.2 reading as follows:

§ 1047.2 Motor vehicles employed solely in transporting school children and teachers to or from school.

The exemption set forth in section 203(b)(1) of the act shall not be construed as being inapplicable to motor vehicles being used at the time of operation in the transportation of schoolchildren and teachers to or from school, even though such motor vehicles are employed at other times in transportation beyond the scope of the exemption.

It is further ordered, That this order shall become effective on July 2, 1971, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the office of the secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

(Secs. 203, 204, and 206, 49 Stat. 544, 546, and 551, all as amended; 49 U.S.C. 303, 304, and 306; 5 U.S.C. 553 and 559)

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6878 Filed 5–17–71;8:48 am]

[Ex Parte No. MC–82]

PART 1104—PROCEDURES TO BE FOLLOWED IN MOTOR CARRIER REVENUE PROCEEDINGS

Denial of Petitions for Extension of Time

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 11th day of May 1971.

Upon consideration of the record herein including our decision served on April 9, 1971, 339 I.C.C. 324, prescribing new procedures to be followed in motor carrier general rate increase proceedings, effective 30 days after publication thereof in the FEDERAL REGISTER, which publication occurred on April 15, 1971 (36 F.R. 7134, and therefore the effective date would be May 15, 1971); of a petition filed on April 23, 1971, by the Rocky Mountain Motor Tariff Bureau, Inc., for postponement of the effective date of those procedures (1) because they are unable to comply with respect to general increases expected to be filed with an

effective date of July 1, 1971, and (2) to allow additional time to comment thereon; of a joint petition filed on April 28, 1971, by eight tariff publishing bureaus, namely, the Central and Southern Motor Freight Tariff Association, The Eastern Central Motor Carriers Association, Inc., Middle Atlantic Conference, Middlewest Motor Freight Bureau, Inc., The New England Motor Rate Bureau, Inc., Pacific Inland Tariff Bureau, Inc., Southern Motor Carriers Rate Conference, and Southwestern Motor Freight Bureau, Inc. (including a supplemental petition of the Middle Atlantic Conference for stay of the effective date, filed May 3, 1971), for postponement of the effective date (1) because they are unable to comply as indicated by Rocky Mountain, and (2) to allow time for disposition of petitions for reconsideration and modification of the prescribed procedures; and of a petition filed on April 28, 1971, by Central States Motor Freight Bureau, Inc., seeking the same relief and for the same reasons as the said joint petition; and of replies thereto filed by various shipper interests; and

It appearing, that the petitioner, Rocky Mountain, while indicating that it desires to comment on other matters also, urges that the requirement that the frame of traffic study carriers shall include all Instruction 27 carriers participating in one of the motor carrier industry's Continuing Traffic Studies and which derive 5 percent or more of their system annual operating revenues from the traffic affected by the proposed increase, would exclude certain large carriers in its region which earn among the highest revenues from the traffic;

It further appearing, that the eight joint petitioners, and Central States, urge that they cannot possibly file statements of justification by May 15, 1971, for general rate increases now anticipated to be sought to become effective on or about July 1, 1971, in accordance with the requirement that the evidentiary support must be filed at the same time as the schedules and 45 days prior to the published effective date, because they cannot comply with the procedures in the following particular respects:

(1) To determine the Instruction 27 carriers which derive 5 perecnt or more of their total system revenues from the issue traffic;

(2) To derive operating ratios and revenue-to-cost comparisons directly from sample data without adjustment to annual report data; present computer programs are not designed to produce data in the form required;

(3) To credit certain kinds of accessorial revenue to the traffic which produced it, and other kinds as reductions in terminal expense; the present computer program treats all such revenue in the latter manner;

(4) To update cost levels for individual carriers which formerly had been on a group basis; and

(5) To disclose sampling errors for derived characteristics of the traffic;

It further appearing, that the petitioners allege that some additional time may be needed to comply with some of the required changes in methods and procedures of producing and validating traffic and cost studies;

It further appearing, that the eight joint petitioners state that, to the extent possible, they will submit evidence in conformity with the new procedures, and that we may expect the others to do likewise;

And it further appearing, that, considering the objectives of this proceeding as set forth in the said report, particularly the improvement of the quality of the evidence to be presented in revenue proceedings, the petitions herein have not shown adequate justification for extension of the compliance date;

It is ordered, That the petitions be, and they are hereby, denied, without prejudice, however, to the presentation of data and information in support of the carriers' announced general rate increase to be published to be effective on or about July 1, 1971, in conformity with the new procedures to the extent possible, and to the extent that it may be impossible, that adequate explanation thereof is submitted.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6879 Filed 5–17–71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

INTEGRATION OF QUALIFIED PLANS WITH SOCIAL SECURITY ACT

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 18, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 18, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 401 of the Internal Revenue Code of 1954 to reflect the Social Security Amendments of 1969 (title X, Public Law 91–172, 83 Stat. 737) and the Social Security Amendments of 1971 (title II, Public Law 92–5, 85 Stat. 6), such regulations are amended as follows:

Paragraph (e) of § 1.401–3 is amended by revising subparagraph (1), by revising subdivisions (i), (ii), (iv), and (v) of subparagraph (2), and by adding a new subdivision (c) at the end of subdivision (iii) of subparagraph (2). These revised and added provisions read as follows:

§ 1.401–3 Requirements as to coverage.

* * * * *

(e)(1) Section 401(a)(5) contains a provision to the effect that a classification shall not be considered discriminatory within the meaning of section 401 (a)(3)(B) merely because all employees whose entire annual remuneration constitutes "wages" under section 3121(a) (1) (for purposes of the Federal Insurance Contributions Act, chapter 21 of the Code) are excluded from the plan. A reference to section 3121(a)(1) for years after 1954 shall be deemed a reference to section 1426(a)(1) of the Internal Revenue Code of 1939 for years before 1955. This provision, in conjunction with section 401(a)(3)(B), is intended to permit the qualification of plans which supplement the old-age, survivors, and disability insurance benefits under the Social Security Act (42 U.S.C. ch. 7). Thus, a classification which excludes all employees whose entire remuneration constitutes "wages" under section 3121(a)(1), will not be considered discriminatory merely because of such exclusion. Similarly, a plan which includes all employees will not be considered discriminatory solely because the contributions or benefits based on that part of their remuneration which is excluded from wages under section 3121(a)(1) differ from the contributions or benefits based on that part of their remuneration which is not so excluded. However, in making his determination with respect to discrimination in classification under section 401(a)(3)(B), the Commissioner will consider whether the total benefits resulting to each employee under the plan and under the Social Security Act, or under the Social Security Act only, establish an integrated and correlated retirement system satisfying the tests of section 401(a). If, therefore, a classification of employees under a plan results in relatively or proportionately greater benefits for employees earning above any specified salary amount or rate than for those below any such salary amount or rate, it may be found to be discriminatory within the meaning of section 401 (a)(3)(B). If, however, the relative or proportionate differences in benefits which result from such classification are approximately offset by the old-age, survivors, and disability insurance benefits which are provided by the Social Security Act and which are not attributable to employee contributions under the Federal Insurance Contributions Act, the plan will be considered to be properly integrated with the Social Security Act and will, therefore, not be considered discriminatory.

(2)(i) For purposes of determining whether a plan is properly integrated with the Social Security Act, the amount of old-age, survivors, and disability insurance benefits which may be considered as attributable to employer contributions under the Federal Insurance Contributions Act is computed on the basis of the following:

(*a*) The rate at which the maximum monthly old-age insurance benefit is provided under the Social Security Act is considered to be the average of (*1*) the rate at which the maximum benefit currently payable under the Act (i.e., in 1971) is provided to an employee retiring at age 65, and (*2*) the rate at which the maximum benefit ultimately payable under the Act (i.e., in 2010) is provided to an employee retiring at age 65. The resulting figure is 43 percent of the average monthly wage on which such benefit is computed.

(*b*) The total old-age, survivors, and disability insurance benefits with respect to an employee is considered to be 162 percent of the employee's old-age insurance benefits. The resulting figure is 70 percent of the average monthly wage on which it is computed.

(*c*) In view of the fact that social security benefits are funded through equal contributions by the employer and employee, 50 percent of such benefits is considered attributable to employer contributions. The resulting figure is 35 percent of the average monthly wage on which the benefit is computed.

Under these assumptions, the maximum old-age, survivors, and disability insurance benefits which may be attributed to employer contributions under the Federal Insurance Contributions Act is an amount equal to 35 percent of the earnings on which they are computed. These computations take into account all amendments to the Society Security Act through the Social Security Amendments of 1971 (85 Stat. 6). It is recognized, however, that subsequent amendments to this Act may increase the percentages described in (*a*) or (*b*) of this subdivision (i), or both. If this occurs, the method used in this subparagraph for determining the integration formula may result in a figure under (*c*) of this subdivision (i) which is greater than 35 percent and a plan could be amended to adopt such greater figure in its benefit formula. In order to minimize future plan amendments of this nature, an employer may anticipate future changes in the Social Security Act by immediately utilizing such a higher figure, but not in excess of 37½ percent, in developing its benefit formula.

(ii) Under the rules provided in this subparagraph, a classification of employees under a noncontributory pension or annuity plan which limits coverage to employees whose compensation exceeds the applicable integration level under the plan will not be considered discriminatory within the meaning of section 401 (a)(3)(B), where:

(*a*) The integration level applicable to an employee is his covered compensation, or is (*1*) in the case of an active employee, a stated dollar amount uniformly applicable to all active employees which is not greater than the covered compensation of any active employee, and (*2*) in the case of a retired employee, an amount which is not greater than his covered compensation. (For rules relating to determination of an employee's covered compensation, see subdivision (iv) of this subparagraph.)

(*b*) The rate at which normal annual retirement benefits are provided for any employee with respect to his average annual compensation in excess of the plan's integration level applicable to him does not exceed 37½ percent.

(*c*) Average annual compensation is defined to mean the average annual compensation over the highest 5 consecutive years.

(*d*) There are no benefits payable in case of death before retirement.

(*e*) The normal form of retirement benefits is a straight life annuity; and if there are optional forms, the benefit payments under each optional form are actuarially equivalent to benefit payments under the normal form.

(*f*) In the case of any employee who reaches normal retirement age before completion of 15 years of service with the employer, the rate at which normal annual retirement benefits are provided for him with respect to his average annual compensation in excess of the plan's integration level applicable to him does not exceed 2½ percent for each year of service.

(*g*) Normal retirement age is not lower than age 65.

(*h*) Benefits payable in case of retirement or any other severance of employment before normal retirement age cannot exceed the actuarial equivalent of the maximum normal retirement benefits, which might be provided in accordance with (*a*) through (*g*) of this subdivision (ii), multiplied by a fraction, the numerator of which is the actual number of years of service of the employee at retirement or severance, and the denominator of which is the total number of years of service he would have had if he had remained in service until normal retirement age. A special disabled life morality table shall not be used in determining the actuarial equivalent in the case of severance due to disability.

(iii) * * *

(*c*) If a plan was properly integrated with old-age and survivors insurance benefits on [the day before the date of publication of this notice of proposed rule making], notwithstanding the fact that such plan does not satisfy the requirements of subdivision (ii) of this subparagraph, it will continue to be considered properly integrated with such benefits until January 1, 1972.

(iv) For purposes of this subparagraph, an employee's covered compensation is the amount of compensation with respect to which old-age insurance benefits would be provided for him under the Social Security Act (as in effect at any uniformly applicable date occurring before the employee's separation from the service) if for each year until he attains age 65 his annual compensation is at least equal to the maximum amount of earnings subject to tax in each such year under the Federal Insurance Contributions Act. A plan may provide that an employee's covered compensation is the amount determined under the preceding sentence rounded to the nearest whole multiple of a stated dollar amount which does not exceed $600.

(v) In the case of an integrated plan providing benefits different from those described in subdivision (ii) or (iii) (whichever is applicable of this subparagraph, or providing benefits related to years of service, or providing benefits purchasable by stated employer contributions, or under the terms of which the employees contribute, or providing a combination of any of the foregoing variations, the plan will be considered to be properly integrated only if, as determined by the Commissioner, the benefits provided thereunder by employer contributions cannot exceed in value the benefits described in subdivision (ii) or (iii) (whichever is applicable) of this subparagraph. Similar principles will govern in determining whether a plan is properly integrated if participation therein is limited to employees earning in excess of amounts other than those specified in subdivision (iv) of this subparagraph, or if it bases benefits or contributions on compensation in excess of such amounts, or if it provides for an offset of benefits otherwise payable under the plan on account of old-age, survivors, and disability insurance benefits. Similar principles will govern in determining whether a profit-sharing or stock bonus plan is properly integrated with the Social Security Act.

[FR Doc.71-6987 Filed 5-17-71;8:51 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 1030]

[Docket No. AO-361-A2-RO2]

MILK IN CHICAGO REGIONAL MARKETING AREA

Notice of Extension of Time for Filing Exceptions to the Revised Partial Recommended Decision on Proposed Amendments to Tentative Marketing Agreement and to Order

Notice is hereby given that the time for filing exceptions to the recommended decision with respect to the proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Chicago Regional Marketing area which was issued April 27, 1971 (36 F.R. 8155) is hereby extended to June 5, 1971.

This notice is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

Signed at Washington, D.C., on May 12, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-6868 Filed 5-17-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 121]

DIOCTYL SODIUM SULFOSUCCINATE

Notice of Proposed Rule Making

A notice was published in the FEDERAL REGISTER of November 6, 1970 (35 F.R. 17137), proposing that § 121.1137 *Dioctyl sodium sulfosuccinate* (21 CFR 121. 1137) be amended:

1. By inserting the abbreviated name of the additive, "DSS," immediately after "dioctyl sodium sulfosuccinate" in the heading and introductory sentence to permit exposure over a period of time and ultimate acceptance of the abbreviation as the common or usual name of the additive.

2. By deleting the requirement in the introductory sentence that the additive met the specifications in "The National Formularly," which is no longer applicable since specifications for the additive have been dropped from "The National Formulary."

In recognition of the recent admittance of this additive to the "United States Pharmacopeia," the petitioner also proposed that the additive meet specifications in such drug compendium as well as the "Food Chemicals Codex."

The Commissioner of Food and Drugs, having considered the data in the petition, and other relevant material, concludes that § 121.1137 should be amended as proposed except that specifications in a drug compendium need not apply since the "Food Chemicals Codex" adequately defines the purity requirements for food grade dioctyl sodium sulfosuccinate.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (c), (d), 72 Stat. 1786–87; 21 U.S.C. 348(c), (d)) and under authority delegated to the Commissioner (21 CFR 2.120), it is proposed that the heading and introductory sentence to § 121. 1137 be revised to read as follows:

§ 121.1137 Dioctyl sodium sulfosuccinate (DSS).

The food additive dioctyl sodium sulfosuccinate (DSS) which meets the specifications of the "Food Chemicals Codex" may be safely used in food in accordance with the following prescribed conditions:

Interested persons may, within 30 days after publication hereof in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Md. 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof.

Dated: May 7, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-6844 Filed 5-17-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 71–CE–10–AD]

MARVEL SCHEBLER CARBURETORS

Proposed Airworthiness Directive

The Federal Aviation Administration is considering rule making action with respect to Marvel Schebler MA–3, MA–4, MA–4–5, and HA–6 series carburetors used on various Teledyne Continental, Franklin and Lycoming model engines. This action would involve amending Part 39 of the Federal Aviation Regulations by issuing an Airworthiness Directive which would deal with a problem involving looseness or separation of the throttle arm from the throttle stop on these model carburetors.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for the early institution of public rule making proceedings. An "advance" notice is issued when it is found that the resources of the FAA and reasonable inquiry outside of the FAA do not yield a sufficient basis to identify and select a tentative course or alternate courses of action, or where it would be helpful to invite public participation in the identification and selection of a course or alternative courses of action with respect to a particular rule making problem. The subject matter of this notice involves a situation contemplated by that policy.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Regional Counsel, 1548 Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received on or before July 17, 1971, will be considered by the Administrator before taking action upon the proposed rule. All comments will be available, both before and after the closing date for comments, in the Regional Office for examination by interested persons. If it is determined to be in the public interest to proceed further, after consideration of the available data and comments received in response to this notice, a notice of proposed rule making will be issued.

There are approximately 65,000 Marvel Schebler MA–3, MA–4, MA–4–5, and HA–6 series carburetors installed on various Teledyne Continental, Franklin, and Lycoming model engines. Since 1967 the FAA has received approximately 36 reports of looseness or separation of the throttle arms on these carburetors resulting in loss of engine power control. Seven of these reports involved accidents. While data surrounding these reports was sometimes incomplete a review thereof indicated that in a number of cases some maintenance had been recently accomplished on the airplane or engine in which these carburetors were installed which may have involved loosening or moving the carburetor throttle arm and/or readjusting the throttle control linkage. There was a marked increase of reports involving this problem with respect to Piper PA–28 series airplanes during 1970. On the other hand, there was a noticeable lack of reports on the Cessna 150 series airplane and some models of the Cessna 172 series airplanes having these carburetors installed. Analysis of the information received suggests several possible causative factors contributing to the problem which are as follows: (1) Personnel error in installation of the throttle arm and the throttle stop and/or rigging of the throttle control system; (2) Design of the aircraft throttle control system; (3) Ability of the existing design throttle arm to resist rotation on the throttle stop; and (4) Effectiveness of the existing clamping screw locking means.

In view of the potential safety hazard created by separation of the throttle arm and the throttle stop, the FAA is interested in opinions from owners, operators, maintenance personnel and other interested parties as to the desirability of regulatory action by the issuance of an AD to deal with this problem. In that regard the agency is especially interested in the following information:

(1) What procedures are used to inspect the throttle arm attachment for indications of separation or looseness, proper torquing of the clamping screw, and the presence and effectiveness of the clamping screw safety wiring?

(2) Are the airframe manufacturer's throttle control system rigging instructions correct and adequate, and if so, does the throttle control rigging comply with these instructions? If inadequate, what revisions are suggested?

(3) Is sufficient clamping force applied by a properly torqued screw to assure security of the throttle arm on the throttle stop during normal operation of the throttle control system?

(4) Does the design of the throttle control system allow application of unnecessary and excessive force tending to rotate the throttle arm on the throttle shaft?

(5) Do any specific aircraft installations impose more severe operating conditions or difficulty in maintenance than do other installations?

(6) In view of the foregoing, do you feel we need airworthiness action against the carburetor or its throttle arm, the engines on which it is installed, or on specific aircraft makes and models using these engines, or is other action necessary?

Since the purpose of an advance notice is to obtain public participation in the identification or selection of a course or courses of action, the agency asks that comments contain sufficient supporting statements and data to justify all recommendations and conclusions. When documenting cases or instances to support your answers, please give details on all incidents including, when available, aircraft registration number, serial number, carburetor model, engine and aircraft make and model, total times, time since overhaul, and time since last inspection.

This advance notice of proposed rule making was authorized under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, and 1423), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 6, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71–6896 Filed 5–17–71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71–WA–7]

LOS ANGELES, CALIF., TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering the adoption of a Group I terminal control area for Los Angeles, Calif., rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Worldway Postal Center, Post Office Box 92007, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Also, the proposed rule places no requirements on foreign aircraft operating in international airspace.

Since these actions involve, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Exexecutive Order 10854.

In determining the original airspace configuration, the FAA held a public meeting in Los Angeles to discuss the TCA concept. Following this, an additional meeting was held with user representatives in the local area to consider the problems associated specifically with the Los Angeles TCA configuration. Appropriate suggestions were adopted and the original airspace configuration was the result of working directly with the Los Angeles aviation community. However, since some segments of the aviation community have been highly critical of the complexity of TCA airspace configurations, the FAA attempted to simplify the original TCA plan for Los Angeles; however, only minor changes were feasible and these changes are reflected in this proposal.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 F.R. 7782) it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group 1 terminal control areas.

LOS ANGELES, CALIF., TERMINAL CONTROL AREA

BOUNDARIES

Area A. That airspace extending upward from the surface to 2,500 feet MSL and from 5,000 feet MSL to and including 7,000 feet MSL bounded on the north by Bolona Creek, on the east by the San Diego Freeway, on the south by Imperial Boulevard, and on the west by the Pacific Ocean shoreline.

Area B. That airspace extending upward from the surface to and including 7,000 feet MSL east of Los Angeles Airport bounded on the east by the Los Angeles, Calif., VORTAC 10-mile-radius arc, on the south by the Los Angeles VORTAC 091° T (076° M) radial, on the west by the San Diego Freeway and on the north by the Los Angeles VORTAC 061° T (046° M) radial; and that airspace west of Los Angeles Airport bounded on the east by the Pacific Ocean shoreline, on the southeast by the Los Angeles VORTAC 207° T (192° M) radial, on the west by the Los Angeles VORTAC 11-mile-radius arc, and on the north by the Santa Monica VOR 270° T (255° M) radial and the Ventura, Calif., VORTAC 107° T (092° M) radial.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL east of Los Angeles between the 10- and 15-mile radii of the Los Angeles VORTAC bounded on the north by the Los Angeles VORTAC 061° T (046° M) radial and on the south by the Santa Monica VOR 112° T (097° M) radial; and that airspace west of Los Angeles bounded on the east by the Los Angeles VORTAC 11-mile-radius arc and the Los Angeles VORTAC 207° T (192° M) radial, on the south by the Seal Beach, Calif., VORTAC 266° T (251° M) radial, on the west by the Los Angeles VORTAC 20-mile-radius arc, and on the north by the Santa Monica VOR 270° T (255° M) radial.

Area D. That airspace extending upward from 2,500 feet MSL to and including 7,000 feet MSL east and northeast of Los Angeles Airport bounded by a line beginning at the intersection of the Los Angeles VORTAC 061° T (046° M) radial and the San Diego Freeway, thence northwest along the San Diego Freeway to and northeast along the Los Angeles VORTAC 024° T (009° M) and the Santa Monica VOR 057° T (042° M) radials to and east along the Ontario, Calif., VORTAC 288° T (273° M) and the Pomona VORTAC 266° T (251° M) radials to and south along the Los Angeles VORTAC 20-mile-radius arc to and west along the Ontario VORTAC 268° T (253° M) radial to and north along the Los Angeles VORTAC 15-mile-radius arc to and southwest along the Los Angeles VORTAC 061° T (046° M) radial to the point of beginning.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL east of Los Angeles bounded on the east by the Los Angeles VORTAC 25-mile-radius arc, on the south by the Ontario VORTAC 268° T (253° M) radial, on the west by the Los Angeles VORTAC 20-mile-radius arc, and on the north by the Pomona VORTAC 266° T (251° M) radial; that airspace bounded on the east by the Los Angeles VORTAC 180° T (165° M) radial, on the south by the Seal Beach VORTAC 266° T (251° M) radial, and on the northwest by the Los Angeles VORTAC 207° T (192° M) radial; and that airspace northwest of Los Angeles bounded on the northeast by the Los Angeles VORTAC 320° T (305° M) radial, on the south by the Santa Monica VOR 270° T (255° M) radial and the Ventura VORTAC 107° T (092° M) radial, on the west by the Los Angeles VORTAC 20-mile-radius arc, and on the north by the Ventura VORTAC 090° T (075° M) radial.

Area F. That airspace extending upward from 5,000 feet MSL to and including 7,000 feet MSL north of Los Angeles bounded by a line beginning at the intersection of the Ventura VORTAC 090° T (075° M) radial and the Santa Monica VOR 057° T (042° M) radial, thence southwest along the Santa Monica VOR 057° T (042° M) radial to the Los Angeles VORTAC 024° T (009° M) radial, thence southwest along the Los Angeles VORTAC 024° T (009° M) radial to Bolona Creek, thence southwest along Bolona Creek to the Pacific Ocean shoreline, thence northwest along the Los Angeles VORTAC 320° T (305° M) radial to the Ventura 090° T (075° M) radial, thence east along the Ventura 090° T (075° M) radial to the point of beginning; and that airspace southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 12-mile-radius arc, on the south by the Seal Beach VORTAC 266° T (251° M) radial, on the west by the Los Angeles VORTAC 180° T (165° M) radial and on the north by areas A, B, and C.

Area G. That airspace extending upward from 6,000 feet MSL to and including 7,000 feet MSL southeast of Los Angeles bounded on the southeast by the Los Angeles VORTAC 25-mile-radius arc, on the southwest by the Seal Beach VORTAC 330° T/150° T (315° M/135° M) radials, and on the north by the Ontario 268° (253° M) radial.

This amendment is proposed under the authority of sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1971.

WILLIAM M. FLENER,
Director, Air Traffic Service.

[FR Doc.71–6946 Filed 5–17–71;8:52 am]

[14 CFR Part 71]

[Airspace Docket No. 71–WA–6]

NEW YORK, N.Y., TERMINAL CONTROL AREA

Notice of Proposed Rule Making

The Federal Aviation Administration (FAA) is considering the adoption of a Group I terminal control area for New York, N.Y. Rules for the control and segregation of all aircraft operated within terminal control areas are contained in Part 91, §§ 91.70 and 91.90 of the Federal Aviation Regulations.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal nation at the office of the Regional Air Traffic Division Chief.

As parts of this proposal relate to the navigable airspace outside the United

States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting state, derived from ICAO, wherein air traffic services are provided and also whenever a contracting state accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting state accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting state, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft. Also, the proposed rule places no requirements on foreign aircraft operating in international airspace.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

In determining the original airspace configuration for the New York TCA, the FAA held a public meeting in New York on June 4, 1970 to discuss the TCA concept. Following this, an additional meeting was held with user representatives in the local area to consider the problems associated specifically with the New York TCA configuration. Appropriate suggestions were adopted and the original airspace configuration was the result of working directly with the New York aviation community. Since Newark was a Group II TCA candidate, it was not included in the original plan.

The recent mid-air collision near Newark Airport focused attention on the need for early implementation of the TCA concept for the three major airports in the New York metropolitan area. In addition, some segments of the aviation community were highly critical of the original TCA airspace configuration, stating that it was extremely complicated, and difficult to understand and chart. Therefore, the FAA developed a simplified TCA airspace configuration to include Kennedy, La Guardia, and Newark airports.

This simplified configuration, basically three circles around each of the three airports, was discussed at another local user meeting in New York on April 9, 1971. Again, considerable opposition was expressed because it was felt the configuration seriously affected the interests of many general aviation users, police, fire, and Coast Guard rescue activities, helicopter operators, and seaplane operators. There was also general disagreement with the terminal control area concept and a fear that even properly equipped general aviation aircraft would not be able to obtain ATC clearance to transit the TCA.

To explore these definite problem areas, 25 to 30 local user representatives were invited to participate in a working group session to discuss how the various operations could best be accommodated in the TCA airspace under consideration. This meeting was held during the week of April 19, 1971. While some groups still basically oppose terminal control areas, or had certain reservations, the representatives mutually agreed to a compromise TCA airspace plan that they all felt to be a workable solution at this time.

The changes recommended by the working group included: (a) A secondary circle around Newark Airport which would exclude the airspace below 500 feet MSL generally between the 4- and 6.5-nautical-mile radii of Newark Airport. The purpose of this exclusion is to allow for operation free of TCA airspace to and from the eight helipads in that area; (b) a broader exclusion at 800 feet MSL and below to allow for easier egress and ingress to Linden Airport; (c) raising of the TCA floor from 3,000 to 4,000 feet MSL over a portion of Long Island in the area of Grumman-Bethpage, Republic and Zahns Airports; (d) raising of the TCA floor from 1,500 to 1,800 feet MSL northwest, north, and northeast of Newark Airport to provide easier transit and better access in the area over and near the Teterboro and Morristown Airports; (e) providing an area below 500 feet MSL for entry and exit from the Evers Seaplane base northeast of La Guardia Airport; (f) raising of a part of the areas around Newark Airport and La Guardia Airport to 1,100 feet MSL in the Hudson River and East River areas to provide some free access; and, (g) redescribing some of the circular areas so that the airspace will coincide with and closely follow prominent terrain and landmarks. All of these suggested changes are included in the airspace proposed hereinafter.

As stated before, one of the important questions of general aviation users, particularly those on Long Island, was whether properly equipped and operated aircraft would be accommodated through the TCA airspace. We consider it appropriate to reiterate agency policy stated in previous notices, advisory circulars, meetings, etc., that clearances to fly through the area will be issued on a traffic-permitting basis if the aircraft meet the equipment requirements of the rule.

In consideration of the foregoing and for reasons stated in Docket No. 9880 (35 F.R. 7782) it is proposed to amend Part 71 of the Federal Aviation Regulations by adding the following to § 71.401(a) Group I terminal control areas.

New York, N.Y., Terminal Control Area

PRIMARY AIRPORTS

Kennedy International Airport (lat. 40°38'20'' N., long. 73°47'10'' W.).

La Guardia Airport (lat. 40°46'30'' N., long. 73°52'20'' W.).

Newark Airport (lat. 40°41'34'' N., long. 74°10'24'' W.).

BOUNDARIES

That airspace up to and including 7,000 feet MSL.

Area A. That airspace extending upward from the surface to and including 7,000 feet MSL within an 8-mile-radius circle of Kennedy (JFK) VORTAC; within a 4-mile-radius circle centered at lat. 40°31'30'' N., long. 74°10'00'' W.; and within a 6-mile-radius circle of La Guardia (LGA) VORTAC; excluding the airspace within and below Areas B, C, D, and E hereinafter described.

Area B. That airspace extending upward from 500 feet MSL to and including 7,000 feet MSL within an 8-mile-radius circle of JFK VORTAC south of a line beginning at the intersection of the JFK VORTAC 248° M radial and the Atlantic Ocean shoreline, thence east along the shoreline to its intersection with the JFK VORTAC 5-mile DME fix, thence north along the 5-mile DME arc to and east along the JFK VORTAC 105° M radial to the 8-mile-radius circle of JFK VORTAC; that airspace within a 6-mile-radius circle of LGA VORTAC bounded by a line beginning at the intersection of the 6-mile-radius circle and the LGA VORTAC 065° M radial, thence counterclockwise via the 6-mile arc to and southwest along the LGA VORTAC 050° M radial to the LGA VORTAC 4-mile DME fix, thence direct to the intersection of the 4-mile DME fix and the LGA VORTAC 065° M radial, thence northeast along the LGA VORTAC 065° M radial to the point of beginning; and that airspace between the 4-mile and the 6.5-mile radii of a circle centered at lat. 40°41'30'' N., long. 74°10'00'' W.; excluding the airspace within and below Areas C and D hereinafter described.

Area C. That airspace extending upward from above 800 feet MSL to and including 7,000 feet MSL within a 6.5-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., southwest of a line 4 miles southwest of the approach end of Newark Airport Runway 4R and perpendicular to the Runway 4R ILS localizer course.

Area D. That airspace extending upward from above 1,100 feet MSL to and including 7,000 feet MSL within the 6-mile-radius circle of LGA VORTAC west of the east bank of the Hudson River; that airspace between the east and west banks of the East River southwest of the JFK VORTAC 325° M radial; and that airspace within the 6.5-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., east of the Colts Neck VORTAC 025° M radial.

Area E. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within the area bounded by a line beginning at the intersection of the 20-mile-radius circle of JFK VORTAC and the JFK VORTAC 219° M radial, thence counterclockwise along the 20-mile arc to its intersection with the Long Island shoreline, thence southwest along the Long Island shoreline to and counterclockwise along the 13-mile-radius circle of JFK VORTAC to and counterclockwise along the 10-mile-radius circle of LGA VORTAC to the LGA VORTAC 002° M radial, thence direct to the LGA VORTAC 295° M radial at the LGA VORTAC 17-mile DME fix, thence counterclockwise along a 10-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., to its intersection with the Colts Neck VORTAC 016° M radial, thence direct to the intersection of the Colts Neck VORTAC 045° M radial and the New Jersey shoreline at Sandy Hook, thence south along the New Jersey shoreline to the point of beginning; and that airspace within a 6-mile-radius circle of LGA VORTAC east of a line bounded by the LGA VORTAC 082° M radial, the JFK VORTAC 351° M radial, and the LGA VORTAC 115° M radial; excluding the airspace within Areas A, B, C, and D previously described; and excluding the airspace within and below Area F hereinafter described.

Area F. That airspace extending upward from 1,800 feet MSL to and including 7,000 feet MSL within an area bounded by a line beginning at the intersection of the LGA VORTAC 331° M radial and the Hackensack River, thence south along the Hackensack River to the LGA VORTAC 310° M radial, thence direct to the intersection of the 6-mile radius circle of LGA VORTAC and the LGA VORTAC 275° M radial, thence south along the west bank of the Hudson River to its intersection with, then counterclockwise along the 6.5-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., to and southwest along New Jersey Highway Route No. 22 to and clockwise along a 10-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., to LGA VORTAC 295° M radial, thence direct to the point of beginning.

Area G. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile-radius circle centered at lat. 40°41'30'' N., long. 74°10'00'' W., within a 20-mile-radius circle of JFK VORTAC; and within a 20-mile-radius circle of LGA VORTAC, excluding the airspace within Areas A, B, C, D, E, and F previously described and excluding the airspace within and below Area H hereinafter described.

Area H. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 13- and 20-mile radii circles of JFK VORTAC bounded on the north by the JFK VORTAC 061° M radial and on the south by the Long Island shoreline.

This amendment is proposed under the authority of Sections 307(a) and 1110 of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 F.R. 9565); and Section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1971.

William M. Flener,
Director, Air Traffic Service.

[FR Doc.71-6947 Filed 5-17-71;8:52 am]

[14 CFR Part 93]

[Docket No. 9974; Notice No. 71-15]

HIGH DENSITY TRAFFIC AIRPORTS

Notice of Proposed Rule Making

The FAA is considering amending Part 93 of the Federal Aviation Regulations to extend for 1 year the special air traffic rule for High Density Traffic Airports which would otherwise expire on October 25, 1971, and to suspend the allocation and reservation requirements for operation into and out of Kennedy International Airport, New York, N.Y., and O'Hare International Airport, Chicago, Ill., in addition to the present suspension of those requirements at the Newark Airport, Newark, N.J.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel: Attention Rules Docket GC-24, 800 Independenec Avenue SW., Washington, DC 20590. All communications received on or before June 15, 1971, will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments in the Rules Docket for examination by interested persons.

Initially, the High Density Traffic Airports Rule was adopted in order to provide immediate relief from the major air congestion that existed at five airports designated as High Density Traffic Airports under that rule. The five airports designated as High Density Traffic Airports were the John F. Kennedy, La Guardia, Newark, O'Hare, and Washington National Airports. Since the adoption of the original rule (Amdt. 93-13; 33 F.R. 17896) the rule has been extended with minor amendments so that it now will expire on October 25, 1971. The most recent amendment (Amdt. 93-21; 35 F.R. 16591) which was adopted on October 23, 1970, not only extended the expiration date of the rule to October 25, 1971, but it also suspended the allocation and reservation requirement at the Newark Airport, Newark, N.J. In that amendment the FAA took the position that despite the continued improvement in the traffic picture at all five High Density Traffic Airports it was still necessary to extend the rule for an additional year, because of the many variables that could occur which could have an immediate effect upon the efficient use of the airspace. However, because the traffic demand at the Newark Airport was well below the capacity of that airport the Administrator determined that the efficient use of the airspace would not be affected if the requirements for allocations and reservations at the Newark Airport were suspended. In the preamble to that rule, the aviation public was also reminded that the FAA would continue to evaluate the situation at those remaining airports looking toward the suspension of the allocation and reservation requirements of the rule at the other airports subject to the rule.

At this time the FAA does not have complete assurance that if the rule were permitted to expire on October 25, 1971, that the presently existing traffic picture at all of the five airports will remain at an acceptable level. Accordingly, it is proposed herein to extend this rule for an additional year from the expiration date of October 25, 1971. However, as proposed herein § 93.133 would except the Newark, Kennedy, and O'Hare Airports from the allocation and reservation requirements of the rule.

The proposed suspension of the allocation and reservation requirements at Newark, Kennedy, and O'Hare Airports is based upon a continuous study and analysis of the amount of traffic and delay factors at these airports. It is still the judgment of the FAA that the allocation and reservation requirements should remain suspended at the Newark Airport. It also appears that the traffic loads at both Kennedy and O'Hare have levelled off to more manageable proportions. This element of manageability has been the result of a lesser demand by the operators of general aviation aircraft, and a most significant reduction in air carrier and air taxi operations. More specifically in a recent sampling of IFR hourly operations, the traffic volume as related to quota use at both Kennedy and O'Hare Airports indicated that the peak period percentage of quotas used by air carriers (scheduled and supplemental) was only 75 percent at Kennedy and 88 percent at O'Hare. The percentage of quota use by air taxis during the peak period was only 45 percent at Kennedy and approximately 90 percent at O'Hare. In the case of General Aviation, the use of IFR reservations was down to 35 percent at Kennedy and 70 percent at O'Hare.

The combined effect of these factors has resulted in decreases in both operations and delays. Because of this continuous improved air traffic picture, the FAA believes that the airspace at those airports may be used without the quota and reservation requirements.

Even though there may be some summer buildup in the volume of air carrier operations, the FAA does not anticipate that it will result in a significant increase in air carrier schedules at these airports. Moreover, while suspension of the quota rule does necessarily involve some risk of future delays, the FAA believes that because of its ability to control delays through flow control procedures, that any risk is minimal. Finally, it should be noted that in the event the suspension of the allocation and reservation requirements does result in significant traffic buildup and that buildup again causes unnecessary and unacceptable traffic delays, the Administrator will, as stated in § 93.130, reinstate the allocations and reservation requirements of that rule at these airports. To provide for such action, it appears desirable that the various scheduling committees continue to maintain published schedules to meet the requirements of the rule, even though the rule would, if adopted, suspend the allocation and reservation requirements at 3 of the airports involved.

The FAA proposes to retain all quota and reservation requirements at the Washington National and the La Guardia Airports. In the case of the Washington National Airport, while there has been some reduction in the traffic during the past winter, it is anticipated that traffic will increase during the summer months. It is, therefore, deemed advisable to wait and observe what effect if any the expected traffic buildup will have upon the efficiency of airspace before relaxing the rule at the Washington National Airport.

At the La Guardia Airport there has been a slight increase in traffic volume during the winter months. Since there exists no certain standard to measure whether this trend will continue, and, if so, the effect this traffic growth may have on the overall traffic situation in the New York complex, the FAA proposes to maintain the allocation and reservation restrictions to the La Guardia Airport until some future time.

In consideration of the foregoing, it is proposed that Part 93 of the Federal Aviation Regulations be amended as follows:

1. By amending § 93.131 to read as follows:

§ 93.131 Termination date.

The provisions of §§ 93.121–93.131 and 93.133 of this subpart terminate October 25, 1972.

2. By amending § 93.133 to read as follows:

§ 93.133 Exceptions.

Except as provided in § 93.130, the provisions of § 93.123, § 93.125 (a) and (b) do not apply to the following airports:

(a) Newark Airport, Newark, N.J.

(b) Kennedy International Airport, New York, N.Y.

(c) O'Hare International Airport, Chicago, Ill.

This amendment is proposed under the authority of sections 103, 307 (a), (b), and (c), 313, and 601 of the Federal Aviation Act of 1958 (49 U.S.C. 1303, 1348, 1354, and 1421); section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)); and § 1.4(b) of the regulations of the Office of the Secretary (49 U.S.C. 14(b)).

Issued in Washington, D.C., on May 14, 1971.

William M. Flener,
Director, Air Traffic Service.

[FR Doc.71-6963 Filed 5-17-71;8:52 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 23307; EDR-199A]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Supplemental Notice of Proposed Rule Making

May 14, 1971.

Realignment of lease accounting and reporting and provision for quarterly statements related to funds and financial commitments.

The Board, by circulation of notice of proposed rule making EDR-199 dated April 22, 1971, and publication at 36 F.R. 8052, gave notice that it had under consideration proposed amendments to Part 241 of its economic regulations (14 CFR Part 241) which would realign the carrier rent account and the treatment of long-term leases for accounting and reporting, and would provide for quarterly statements of sources and applications of funds and impending financial commitments. Interested persons were invited to participate by submission of twelve (12) copies of written data, views, or arguments pertaining thereto to the Docket Section of the Board on or before June 1, 1971.

Subsequent to the issuance of the proposed rule, two certificated combination air carriers requested an extension of time for 90 days for the filing of comments. It is asserted, inter alia, that a scheduled meeting of the Corporate Account Committee of the Air Transport Association will take place on May 27–28 at which the proposed rule will be considered in detail preparatory to the contemplated submission of industry comments to the Board. It is also maintained that additional time is required to review the implications which may ensue from the proposed rule's requirement for forecasted expenditures as well as additional actual data.

The undersigned finds that good cause has been shown for an extension of time for filing comments to July 15, 1971, but that any further extension is not warranted and would not be conducive to the proper dispatch of the Board's business.

Accordingly, pursuant to the authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for submitting comments to July 15, 1971.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324)

[SEAL] Charles A. Haskins,
Acting Associate General Counsel, Rules and Rates.

[FR Doc.71-6880 Filed 5-17-71;8:49 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

WOOL AND POLYESTER/WOOL WORSTED FABRICS FROM JAPAN

Antidumping Proceeding Notice

May 14, 1971.

On March 31, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs regulations (19 CFR 153.26, 153.27), indicating a possibility that wool and polyester/wool worsted fabrics from Japan are being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs regulations (19 CFR 153.30).

[SEAL] Edwin F. Rains,
Acting Commissioner of Customs.

[FR Doc.71-6962 Filed 5-17-71;8:52 am]

Office of the Secretary

HIGH VOLTAGE PORCELAIN INSULATORS FROM JAPAN

Notice of Intent To Discontinue Antidumping Investigation

May 13, 1971.

Information was received on June 21, 1968, that high voltage porcelain insulators manufactured by NGK Insulators, Ltd., Nagoya, Japan, were being sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended (19 U.S.C. 160 et seq.) (referred to in this notice as the "Act"). This information was the subject of an "Antidumping Proceeding Notice" which was published in the Federal Register of September 27, 1968, on page 14550.

I hereby announce an intent to discontinue the antidumping investigation of high voltage porcelain insulators manufactured by NGK Insulators, Ltd., Nagoya, Japan.

Statement of reasons on which this notice of intent to discontinue antidumping investigation is based. Sales to United States purchasers were made to related parties within the meaning of section 207 of the Act (19 U.S.C. 166).

Such or similar merchandise was found to be sold in sufficient quantities in the home market to furnish a basis of comparison.

Accordingly, exporter's sales price was compared with the adjusted home market price of similar merchandise.

Exporter's sales price was computed by deducting from the resale price to the U.S. purchasers by a related firm ocean freight and insurance, U.S. duty, clearance charges, the applicable U.S. selling expenses, commission charges, warehouse charges and the inland shipping charges incurred both in Japan and the United States.

Adjusted home market price of similar merchandise was computed on the basis of the weighted average delivered prices. From such prices were deducted, as applicable, inland freight charges, differences in credit terms and advertising costs, technical services, and selling expenses. Adjustments were made for a production cost differential, and for any differences in packing costs.

The comparisons made revealed some instances where exporter's sales price was lower than adjusted home market price of similar merchandise. However, these were determined to be minimal in terms of the volume of sales involved.

Subsequently, formal assurances were received from the manufacturer that he would make no future sales at less than fair value within the meaning of the Act.

The facts recited above constitute evidence warranting the discontinuance of the investigation.

Interested parties may present written views or arguments, or request in writing that the Secretary of the Treasury afford an opportunity to present oral views. Any such written views, arguments, or requests should be addressed to the Commissioner of Customs, 2100 K Street NW., Washington, DC 20226, in time to be received by his office not later than 10 calendar days from the date of publication of this notice in the Federal Register.

Unless persuasive evidence or argument to the contrary is presented pursuant to the preceding paragraph, a final notice will be published discontinuing the investigation.

This notice of intent to discontinue an antidumping investigation is published pursuant to § 153.15(b) of the Customs regulations (19 CFR 153.15(b)).

[SEAL] Eugene T. Rossides,
Assistant Secretary of the Treasury.

[FR Doc.71-6992 Filed 5-17-71;9:27 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WILLIAM ANGUS DAVIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of May 4, 1971.

Dated: May 4, 1971.

William Angus Davis.

[FR Doc.71-6848 Filed 5-17-71;8:46 am]

FRANK DRAKE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 30, 1971.

Dated: May 5, 1971.

Frank Drake.

[FR. Doc.71-6849 Filed 5-17-71;8:46 am]

EDWARD GLASS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 29, 1971.

Dated: April 29, 1971.

E. C. GLASS.

[FR Doc.71-6850 Filed 5-17-71;8:46 am]

DONALD B. GREGG

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 14, 1971.

Dated: April 30, 1971.

DONALD B. GREGG.

[FR Doc.71-6851 Filed 5-17-71;8:46 am]

ERNEST H. HILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) No change.
(3) No change.
(4) No change.

This statement is made as of April 28, 1971.

Dated: April 28, 1971.

ERNEST H. HILL.

[FR Doc.71-6852 Filed 5-17-71;8:46 am]

EVAN W. JAMES

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) Title now—Senior Vice President, Power Generation and Engineering, Wisconsin Public Service Corp.

(2) Obtain ownership of—Wisconsin Electric Power Co. preferred stock; Lord Abbott Bond Debenture Fund stock.

(3) No change.
(4) No change.

This statement is made as of April 30, 1971.

Dated: April 30, 1971.

E. W. JAMES.

[FR Doc.71-6853 Filed 5-17-71;8:46 am]

JACK P. LEWIS

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Add: Marine Midland Banks.
(3) No change.
(4) No change.

This statement is made as of April 28, 1971.

Dated: April 28, 1971.

JACK P. LEWIS.

[FR Doc.71-6854 Filed 5-17-71;8:46 am]

WILLIAM K. PENCE

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.
(2) Delete Computer Sciences Corp.
(3) No change.
(4) No change.

This statement is made as of May 4, 1971.

Dated: May 4, 1971.

WILLIAM K. PENCE.

[FR Doc.71-6855 Filed 5-17-71;8:46 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) No change.

(2) Delete: Master Lock Corp. Add: American Brands, Data Packaging, Hughes Supply, Aldrich Chemical, CAMCO, Premier Industrial, Standard Oil of California, and Texaco.

(3) No change.
(4) No change.

This statement is made as of May 5, 1971.

Dated: May 4, 1971.

NICHOLAS A. RICCI.

[FR Doc.71-6856 Filed 5-17-71;8:46 am]

JOHN A. ROLFING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past 6 months:

(1) None.
(2) None.
(3) None.
(4) None.

This statement is made as of April 30, 1971.

Dated: April 30, 1971.

JOHN A. ROLFING, Jr.

[FR Doc.71-6857 Filed 5-17-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

OKLAHOMA

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Oklahoma natural disasters have caused a general need for agricultural credit:

OKLAHOMA

Alfalfa.
Beaver.
Beckham.
Blaine.
Bryan.
Caddo.
Canadian.
Carter.
Cimarron.
Cleveland.
Comanche.
Cotton.
Custer.
Dewey.
Ellis.
Garfield.
Garvin.
Grady.
Grant.
Greer.
Harmon.
Harper.
Hughes.
Jackson.
Jefferson.
Johnson.
Kingfisher.
Kiowa.
Logan.
Love.
Major.
Marshall.
McClain.
Murray.
Noble.
Pawnee.
Pontotoc.
Pottawatomie.
Roger Mills.
Seminole.
Stephens.
Texas.
Tillman.
Washita.
Woods.
Woodward.

Emergency loans will not be made in the above-named counties under this designation after June 30, 1972, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 12th day of May 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-6909 Filed 5-17-71;8:51 am]

TEXAS

Designation of Areas for Emergency Loans

For the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) and section 232 of the Disaster Relief Act of 1970 (Public Law 91-606), it has been determined that in the following counties in the State of Texas natural disasters have caused a general need for agricultural credit:

TEXAS

Anderson.
Andrews.
Angelina.
Aransas.
Archer.
Armstrong.
Atascosa.
Austin.
Bailey.
Bandera.
Bastrop.
Baylor.
Bee.
Bell.
Bexar.
Blanco.
Borden.
Bosque.
Bowie.
Brazoria.
Brazos.
Brewster.
Briscoe.
Brooks.
Brown.
Burleson.
Burnet.
Caldwell.
Calhoun.
Callahan.
Cameron.
Carson.
Castro.
Chambers.
Childress.
Clay.
Cochran.
Coke.
Coleman.
Collin.
Collingsworth.
Colorado.
Comal.
Comanche.
Concho.
Cooke.
Coryell.
Cottle.
Crane.
Crockett.
Crosby.
Culberson.
Dallam.
Dawson.
Deaf Smith.
Delta.
Denton.
DeWitt.
Dickens.
Dimmit.
Donley.
Duval.
Eastland.
Ector.
Edwards.
Ellis.
El Paso.
Erath.
Falls.
Fannin.
Fayette.
Fisher.
Floyd.
Foard.
Fort Bend.
Freestone.
Frio.
Gaines.
Galveston.
Garza.
Gillespie.
Glasscock.
Goliad.
Gonzales.
Gray.
Grimes.
Grayson.
Guadalupe.
Hale.
Hall.
Hamilton.
Hansford.
Hardeman.
Hardin.
Harris.
Hartley.
Haskell.
Hays.
Hemphill.
Hidalgo.
Hill.
Hockley.
Hood.
Hopkins.
Houston.
Howard.
Hudspeth.
Hunt.
Hutchinson.
Irion.
Jack.
Jackson.
Jasper.
Jeff Davis.
Jefferson.
Jim Hogg.
Jim Wells.
Johnson.

TEXAS

Jones.
Karnes.
Kaufman.
Kendall.
Kenedy.
Kent.
Kerr.
Kimble.
King.
Kinney.
Kleberg.
Knox.
LaMar.
Lamb.
Lampasas.
LaSalle.
Lavaca.
Lee.
Leon.
Liberty.
Limestone.
Lipscomb.
Live Oak.
Llano.
Loving.
Lubbock.
Lynn.
McCulloch.
McLennan.
McMullen.
Madison.
Martin.
Mason.
Matagorda.
Maverick.
Medina.
Menard.
Midland.
Milam.
Mills.
Mitchell.
Montague.
Montgomery.
Moore.
Motley
Nacogdoches.
Navarro.
Newton.
Nolan.
Nueces.
Ochiltree.
Oldham.
Orange.
Palo Pinto.
Parker.
Parmer.
Pecos.
Polk.
Potter.
Presidio.
Rains.
Randall.
Reagan.
Real.
Reeves.
Refugio.
Roberts.
Robertson.
Runnels.
Sabine.
San Augustine.
San Jacinto.
San Patricio.
San Saba.
Schleicher.
Scurry.
Shackleford.
Shelby.
Sherman.
Somervell.
Starr.
Stephens.
Sterling.
Stonewall.
Sutton.
Swisher.
Tarrant.
Taylor.
Terrell.
Terry.
Throckmorton.
Tom Green.
Travis.
Trinity.
Tyler.
Upton.
Uvalde.
Val Verde.
Victoria.
Walker.
Waller.
Ward.
Washington.
Webb.
Wharton.
Wheeler.
Wichita.
Wilbarger.
Willacy.
Williamson.
Wilson.
Winkler.
Wise.
Yoakum.
Young.
Zapata.
Zavala

Emergency loans will not be made in the above-named counties under this designation after June 30, 1972, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C. this 12th day of May, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-6910 Filed 5-17-71;8:51 am]

Packers and Stockyards Administration

WEDDLES SALE BARN ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below, it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the Act, as amended (7 U.S.C. 202), and notice was given to the owners and to the public by posting notices at the stockyards as required by said section 302.

Name, location of stockyard, and date of posting

MISSOURI

Weddles Sale Barn, Bethany, Apr. 4, 1971.

NEVADA

Stardust Horseman's Park Horse Auction, Las Vegas, Mar. 16, 1971.

NORTH DAKOTA

Edgeley Livestock Sales, Inc., Edgeley, Mar. 22, 1971.

OHIO

Producers Livestock Association, Marysville, Mar. 22, 1971.

WISCONSIN

Midwest Livestock Producers Cooperative, Ettrick, Apr. 14, 1971.
Midwest Livestock Producers Cooperative, Shullsburg, Apr. 15, 1971.

Done at Washington, D.C., this 12th day of May 1971.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71-6869 Filed 5-17-71;8:48 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 25-1, Amdt. 1]

U.S. TRAVEL SERVICE

Organization and Functions

The following amendment to the order was issued by the Acting Secretary of Commerce on May 5, 1971. This material amends the material appearing at 35 F.R. 18887 of December 11, 1970.

Department Organization Order 25-1 of November 12, 1970 is hereby amended as follows: In sec. 4 Staff Offices, paragraph .02 is revised to read:

.02 The Office of Research and Analysis shall assist in planning long-range travel promotion programs and servicing private business with travel data useful in marketing international travel by improved qualitative analysis of travel statistics and development of information on travel markets. Specifically, the Office shall study the patterns of international travel and the economic effects of tourism; *develop statistical data to measure and project foreign tourism in the States and political subdivisions of the United States;* conduct and interpret market research to measure results of the promotional program; evaluate the effect of legislation and regulator decisions on international travel; prepare and coordinate position papers for inter-governmental and international travel meetings; and develop measures for evaluating programs of the Service. The Office shall also assist the Visitor Services Division in the administration of the matching grant program by reviewing and analyzing grant applications.

Effective date: May 5, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-6839 Filed 5-17-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

DIAMOND FRUIT GROWERS, INC.

Canned Light Sweet and Dark Sweet Cherries, Blueberries, Red Raspberries, and Strawberries Deviating From Identity Standards; Temporary Permit for Market Testing

Pursuant to § 10.5 (21 CFR 10.5) concerning temporary permits to facilitate market testing of foods deviating from the requirements of standards of identity promulgated pursuant to section 401 (21 U.S.C. 341) of the Federal Food, Drug, and Cosmetic Act, notice is given that a temporary permit has been issued to Diamond Fruit Growers, Inc., Hood River, Oreg. 97031. This permit covers limited interstate marketing tests of canned light sweet and dark sweet cherries, blueberries, red raspberries, and strawberries that deviate from their respective standards of identity (21 CFR 27.30 and 27.35) in that each will be packed in a medium of single strength pear juice.

The principal display panel of the label on each container will bear the statement "packed in pear juice."

This permit expires July 1, 1973.

Dated: May 7, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6845 Filed 5-17-71;8:45 am]

ENRG INTERNATIONAL CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 1A2644) has been filed by ENRG International Corp., 4570 West 77th Street, Minneapolis, Minn. 55435, proposing the issuance of a food additive regulation (21 CFR Part 121) to provide for the safe use as a protein supplement of partially delactosed whey prepared by passing through a molecular sieve resin consisting of purified dextrans cross-linked with epichlorohydrin.

Dated: May 11, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-6846 Filed 5-17-71;8:45 am]

[DESI 8548]

CERTAIN MYDRIATIC-CYCLOPLEGIC DRUGS

Drugs for Human Use; Drug Efficacy Study Implementation

In a notice (DESI 8548) published in the FEDERAL REGISTER of May 13, 1970 (35 F.R. 7462), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drugs cyclopentolate hydrochloride and tropicamide. The announcement stated that these drugs were regarded as effective for mydriasis and cycloplegia for diagnostic purposes; and possibly effective for use in iritis, iridocyclitis, and keratitis (to inhibit inflammatory spasm), choroiditis, and lenticular adhesions (to prevent formation of or to remove synechiae).

The indications for which the drugs were regarded as possibly effective were allowed to be used for 6 months following the publication date (May 13, 1970) of the announcement to allow additional time for the submission of data supporting the efficacy of the drugs for those indications.

The time for submission of additional evidence has expired, and no additional evidence has been submitted in support of the possibly effective indications. Schieffelin and Co., the holder of NDA 8-548 (cyclopentolate hydrochloride), and Alcon Laboratories, Inc., holder of NDA 12-111 (tropicamide), have supplemented their respective new drug applications to delete all indications other than the effective indications.

Accordingly, the Commissioner of Food and Drugs finds that there is a lack of substantial evidence that cyclopentolate hydrochloride or tropicamide is effective for use in iritis, iridocyclitis, and keratitis (to inhibit inflammatory spasm), choroiditis, and lenticular adhesions (to prevent formation of or to remove synechiae). Therefore, these indications are no longer acceptable in labeling.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-6847 Filed 5-17-71;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR EQUAL OPPORTUNITY, REGION X (SEATTLE)

Designation

The officials appointed to the following listed positions in Region X (Seattle) are hereby designated to serve as Acting Assistant Regional Administrator for Equal Opportunity, Region X during the absence of the Assistant Regional Administrator for Equal Opportunity with all the powers, functions, and duties delegated or assigned to the Assistant Regional Administrator for Equal Opportunity: *Provided,* That no official is authorized to serve as Acting Assistant Regional Administrator unless all other officials whose titles precede his in this designation are unable to act by reason of absence:

1. Title VI Complaint and Compliance Review Officer;
2. Equal Housing Opportunity Officer.

This designation supersedes all previous designations.

(Sec. 7(d), Department of HUD Act, 42 U.S.C. 3535(d); delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969))

Effective date: November 8, 1970.

OSCAR PEDERSON,
Regional Administrator.

[FR Doc.71-6888 Filed 5-17-71;8:49 am]

ACTING ASSISTANT REGIONAL ADMINISTRATOR FOR HOUSING MANAGEMENT AND COMMUNITY SERVICES, REGION IX (SAN FRANCISCO)

Designation

The official named below in Region IX (San Francisco) is hereby designated to serve as Acting Assistant Regional Administrator for Housing Management and Community Services, Region IX (San Francisco) during the absence of the Assistant Regional Administrator for Housing Management and Community Services, with all the powers, functions, and duties redelegated or assigned to the Assistant Regional Administrator for Housing Management and Community Services:

Arthur L. Chladek.

This designation supersedes the designation effective February 1, 1969 (34 F.R. 6709, Apr. 19, 1969).

(Delegation and redelegation of authority to take final action with respect to certain positions and employees effective as of May 4, 1969)

Effective date: September 21, 1970.

ANDREW J. BELL III,
Acting Regional Administrator, Region IX.

[FR Doc.71-6889 Filed 5-17-71;8:49 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23315]

DELTA AIR LINES, INC., AND NORTHEAST AIRLINES, INC.; MERGER

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 28, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Arthur S. Present.

Requests for information and evidence, proposed statements of issues, and proposed procedural dates shall be submitted by counsel for the Bureau of Operating Rights on or before May 21, 1971, and by the applicants and other interested parties on or before May 26, 1971.

Dated at Washington, D.C., May 12, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6881 Filed 5-17-71;8:49 am]

[Docket No. 23394; Order 71-5-56]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1971.

By tariff revision[1] marked to become effective May 16, 1971, American Airlines, Inc. (American), proposes to eliminate assessment of ferry charges on single entity charters, while retaining such charges for other types of charters. The carrier submitted no justification with its filing beyond a statement describing its proposal.

No complaints have been filed.

Upon consideration of the tariff proposal and other relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential or unduly prejudicial or otherwise unlawful and should be investigated. The Board further concludes that the tariff in question should be suspended pending investigation.

As indicated, American provided no justification in support of its proposal to distinguish between different types of charters for ferry mileage purposes, and we are not aware of any reasons which would justify the distinction. To the extent ferry mileages are involved, some compensation to cover the ensuing costs to the carrier would appear warranted, whatever the nature of the charter.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a), 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the provision "(Not applicable to single entity charters.)" in paragraph B.2. on 23d Revised Page 5 of American Airlines, Inc.'s CAB No. 65, and rules, regulations, or practices affecting such provision are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful provision and rules, regulations, and practices affecting such provision;
2. Pending hearing and decision by the Board, the provision "(Not applicable to single entity charters.)" in paragraph B.2. on 23d Revised Page 5 of American Airlines, Inc.'s CAB No. 65, is suspended and its use deferred to and including August 13, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;
3. This investigation be assigned for hearing before an Examiner of the Board at a time and place hereafter to be designated; and
4. A copy of this order be filed with the above-named tariff and served upon American Airlines, Inc., which is hereby made a party to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6882 Filed 5-17-71;8:49 am]

[Docket No. 23393; Order 71-5-53]

AIRLIFT INTERNATIONAL, INC., AND UNIVERSAL AIRLINES, INC.

Order of Investigation

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of May 1971.

By tariff revision[1] filed April 13, and marked to become effective May 13, 1971, Universal Airlines, Inc. (Universal), a supplemental air carrier, proposes to establish a one-way cargo charter charge of $7,500 from Los Angeles or San Francisco to New York. This charge is applicable only to transportation commencing between 9:01 a.m. and 6 p.m., Monday through Friday on DC-8-61F aircraft. In addition, intermediate stops will be made at Oakland/San Francisco or Los Angeles, California, and/or Chicago, Ill., at the request of the charterer at no additional charge.

Complaints were submitted by American Airlines, Inc. (American), The Flying Tiger Line Inc. (Tiger), and United Air Lines, Inc. (United). The complaints filed by American and Tiger were untimely as requests for suspension and will be considered as requests for investigation only. Tiger first filed a timely telegraphic complaint, but this did not indicate that an emergency has prevented the timely filing of a formal complaint. 14 CFR 302.505.

The complaints variously assert, inter alia, that Universal's proposed charge was filed without adequate justification, is below costs submitted by Universal in Docket 22098, is below that determined by using the standard mileage-based charter rates, will cause further erosion of scheduled service, and may be preferential or prejudicial as regards the permissive character of the additional stop provision.

In support of its proposal, Universal states that it was filed to meet the current charge of $6,500 in the same markets in effect for Airlift International, Inc. (Airlift). Universal also declares that the application of its charge to the hours between 9:01 a.m. and 6 p.m. will significantly reduce its attractiveness; that the cost data advanced by complainants are misleading or otherwise overstate the actual costs; that the charter service to which the proposal applies is a backhaul and should be properly costed on an added-cost basis, which would indicate that the charge would be economic; that no complainants had even made a prima facie showing of diversion; that there is no legal requirement for additional charges for extra stops; and that charter services should not be subject to the same restraints as scheduled services.

The charter charge proposed by Universal would produce a yield ranging between $2.56 and $3.03 per aircraft mile, depending upon the routing. This is significantly less than the carrier's general charter rate of $4 per aircraft mile for general application. Furthermore, the proposal does not give any consideration to any ferry mileage that might be required, for which Universal's rate is $3.50 per mile, neither does it provide for additional charges for extra stops on route.

Based upon Universal's submission in Docket 22098, Universal Airlines, Inc. Cargo Charter Charges involving such charges between Detroit and the West Coast, its average operating expenses for the period April-November 1970, both eastbound and westbound, were $3.25 per total aircraft mile, and operating expenses plus return on investment $3.32 per aircraft mile. These figures exceed the yields to be earned by Universal's proposed charges.

Universal did not submit any cost support with its transmittal. In its answer to the complaints, the carrier claims that the proposal may properly be costed on an added-cost basis, which it contends would make the proposal economic. Universal does not, however, show that the proposed charter would be a backhaul.

The low level of the proposed charge, and the issues presented as to the appropriate costs to be considered, raise serious questions as to the lawfulness of the proposal. In consideration of the foregoing, the complaints, and answer, and all other relevant factors, the Board finds that Universal's proposed charter charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board, however, has concluded not to suspend the proposal pending investigation. The Board notes Universal's assertion that the proposal filed exceeds the charge of $6,500 currently in effect in the same markets for similar type aircraft by Airlift. In addition, Universal also has in effect $6,900 weekend charter charge from Los Angeles/Ontario or Oakland/San Francisco to New York or Newark. We will not, without investigation, preclude the use of the proposed charter rates in consideration of all of the circumstances.

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[1] Revision to American Airlines, Inc., Tariff CAB No. 65, filed Apr. 16, 1971.

[1] Universal Airlines, Inc., Tariff, CAB No. 3.

These currently effective charter charges with yields ranging as low as $2.51 per mile present questions of lawfulness similar to those raised by the instant proposal. Accordingly, the Board finds that Universal's $6,990 weekend charter charge and Airlift's $6,500 charter charge may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated.

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether the charges in Table II from San Francisco, Calif., or Los Angeles, Calif., to New York, N.Y., on Fourth Revised Page 7–G of Airlift International, Inc.'s CAB No. 2 (Riddle Airlines, Inc. series), including subsequent revisions and reissues thereof; charges in section 9 on Fourth Revised Page 10 of Universal Airlines, Inc.'s CAB No. 3, and charges in section 10 on Fourth Revised Page 10 of Universal Airlines, Inc.'s CAB No. 3, including subsequent revisions and reissues thereof; and rules, regulations, or practices affecting such charges, are or will be, unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful charges, and rules, regulations, or practices affecting such charges;

2. The complaints of American Airlines, Inc., in Docket 23322, The Flying Tiger Line Inc., in Docket 22324, and United Air Lines, Inc., in Docket 23319, are hereby dismissed except to the extent granted herein;

3. The proceeding herein designated as Docket 23393, be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

4. A copy of this order shall be served upon Airlift International, Inc., American Airlines, Inc., The Flying Tiger Line Inc., United Air Lines, Inc., and Universal Airlines, Inc., which are hereby made parties to Docket 23393.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-6883 Filed 5-17-71;8:49 am]

[Docket No. 20993; Order 71-5-31]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 7, 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of Traffic Conference 1 of the International Air Transport Association (IATA). The agreement, which has been assigned the above-designated CAB agreement number, was adopted by the 28th Meeting of the TC1 Specific Commodity Rates Board held in New York on March 16, 1971.

The agreement would amend the specific commodity rate structure currently applicable within the Western Hemisphere. As applicable in air transportation and as reflected in Attachment A,[1] these revisions include (1) reduced rates under new commodity descriptions and (2) the cancellation, amendment, or naming of new rates between additional points under existing commodity descriptions. Also, the agreement would make certain changes in commodity descriptions, and these are set forth in Attachment B.[1]

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That:

Action on Agreement CAB 22390 be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulation 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-6884 Filed 5-17-71;8:49 am]

[Docket No. 23327; Order 71-5-23]

KEYSTONE AERONAUTICS CORP.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority May 6, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 92 cents per great circle aircraft mile for the transportation of mail by aircraft between Pittsburgh and Philadelphia, Pa., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 99 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefore, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusion:

The fair and reasonable final service mail rate to be paid to Keystone Aeronautics Corp. in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 92 cents per great circle aircraft mile between Pittsburgh and Philadelphia, Pa., based on five round trips per week flown with Beechcraft 99 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Keystone Aeronautics Corp., the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Keystone Aeronautics Corp.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Keystone Aeronautics Corp., the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-6885 Filed 5-17-71;8:49 am]

[Docket No. 23329; Order 71-5-22]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, May 6, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 65.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Dickinson and Fargo, via Bismarck and Jamestown, N. Dak., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 65.5 cents per great circle aircraft mile between Dickinson and Fargo, via Bismarck and Jamestown, N. Dak., based on five round trips per week flown with Beechcraft 18 aircraft.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, North Central Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-6886 Filed 5-17-71;8:49 am]

[Docket No. 23330; Order 71-5-25]

SEDALIA, MARSHALL, BOONVILLE STAGE LINE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority May 7, 1971.

The Postmaster General filed a notice of intent April 27, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 65.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Williston and Fargo, via Minot and Devil's Lake, N. Dak., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Sedalia, Marshall, Boonville Stage Line, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 65.5 cents per great circle aircraft mile between Williston and Fargo, via Minot and Devil's Lake, N. Dak., based on five round trips per week flown with Beechcraft 18 aircraft.

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[1] Filed as part of the original document.

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., North Central Airlines, Inc., Northwest Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Sedalia, Marshall, Boonville Stage Line, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Sedalia, Marshall, Boonville Stage Line, Inc., the Postmaster General, Frontier Airlines, Inc., North Central Airlines, Inc., and Northwest Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6887 Filed 5-17-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

DEPUTY ASSISTANT ADMINISTRATOR FOR PESTICIDES PROGRAMS

Delegation of Authority for Establishment of Pesticide Tolerances

Section 2(a)(4) of Reorganization Plan No. 3 of 1970 (35 F.R. 15623) transferred from the Secretary of Health, Education, and Welfare to the Administrator of the Environmental Protection Agency the functions under 21 U.S.C. 346, 346a, and 348 for establishing tolerances for pesticides chemicals.

Pursuant to the authority vested in the Administrator of the Environmental Protection Agency by section 3 of Reorganization Plan No. 3 of 1970, the Deputy Assistant Administrator for Pesticides Programs, or, in his absence, the official authorized to act in his behalf, is hereby authorized to exercise the authority of the Administrator of the Environmental Protection Agency under the provisions of section 406, 408, and 409 of the Federal Food, Drug and Cosmetic Act, as amended (21 U.S.C. 346, 346a, and 348) for establishing tolerances for pesticide chemicals.

Effective date. This delegation of authority shall become effective on the date of its publication in the FEDERAL REGISTER (5-18-71), and shall supersede the delegation appearing in 36 F.R. 1228.

Dated: May 13, 1971.

THOMAS E. CARROLL,
Acting Administrator.

[FR Doc.71-6870 Filed 5-17-71;8:48 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01125	N. V. Ubem S.A. (Union Belge D'Enterprises Maritimes): Charleroi.
01170	Fratelli D'Amico-Armatori: Mare Placido. Mare Tranquillo. Mare Adrigum.
01172	H. Clarkson & Co., Ltd.: Avon Bridge.
01278	Leonhardt & Blumberg: Luise Leonhardt.
01279	Compania Thessalia de Navegacion S.A.: Katina.
01294	Elvapores Inc.: Marilyn L.
01317	Sociedad Tropica de Carga S.A.: Triton.
01331	Poling Transportation Corp.: Captain Sam.
01424	Ellerman's Wilson Line, Ltd.: Rapallo.
01498	Vessel Operations, Inc.: Marilyn M II. Harriet M. Lea Mae. B&M 902. B&M 903. B&M 904. B&M 905. B&M 906. B&M 907. B&M 907. B&M 908. Albert M. B&M 1051 DS. B&M 1052 DS. B&M 1201. B&M 1202. B&M 901 DS. B&M 1303. B&M 1401. B&M 1402. B&M 1001 DS. B&M 1002 DS. B&M 1303 DS. B&M 1301 DS. B&M 1901. B&M 2101. B&M 2102. B&M 2103. B&M 2402. B&M 2201.
01506	Maritima Mexicana S.A.: M/V Saltillo. M/V Son Lorenzo.
01720	Marship Corp.: Nicolas Maris.
01728	Occidental Maritima S.A. Panama: Messiniali Areti.
01729	Essar Shipping Corporation of Monrovia: Ivo Logger.
01730	Rosador Compania Naviera S.A. Panama: Ioanna.
01731	Maridola Navegacion S.A. Panama: Aristillos.
01733	Lucero Compania Naviera S.A. Panama: Ken Trikon.
01734	Castletown Compania Naviera S.A. Panama: Aristaios.
01735	Laurence Compania Naviera S.A. Panama: Aristokleidis.
01736	Medomia Compania Naviera S.A. Panama: Aristanax.
01738	Aguila Galante Navegacion S.A. Panama: Messiniaki Andreia.
01739	Varloza Compania Naviera S.A. Panama: Messiniaki Anagennisis.
01741	Marnuestro Compania Naviera S.A. Panama: Aristogenis.
01742	Beaconsfield Compania Naviera S.A. Panama: Roula.
01743	Polestar Compania Naviera S.A. Panama: Maritsa.
01744	Valida Compania Naviera S.A. Panama: Taxiarchis.
01745	Eversley Compania Naviera S.A. Panama: Ketty.
01746	Ikanmel Compania Naviera S.A. Panama: Erato.
01747	Marirtud Navegacion S.A. Panama: Gordian.
10749	Iludoscot Compania Naviera S.A. Panama: Michail A. Kragerorgis.
01750	Astro Marion Navegacion S.A. Panama: Numerian.
01751	Simbolo Maritimo Navegacion S.A. Panama: Aristonikos.
01752	Fomento Maritimo Navegacion S.A. Panama: Messiniaki Armonia.
01753	Oceanica Central Navegacion S.A. Panama: M/V Aristofilos.
01773	Giara Steamship Co., S.A.: Kymo.
01774	Mara Steamship Co., S.A.: Crinis.
01787	Lisa Maritime Corp.: S/S Suerte.
01788	Naxos Shipping Corp.: Corfu Island.
01909	Gulf Didision—Lone Star Cement Corp.: Dredge No. 9.
01910	Deutsche Dampfschifffahrts-Gesellschaft "Hansa": M/V Stolzenfels.
01947	Transportes Armadora S.A.: Historic Colocotronis.
01948	Leyena Atlantica Navegacion S.A. of Panama: Intrepid Colocotronis.
01949	Marquerido Cia., Nav. S.A. of Panama: John Colocotronis.
01950	E. M. J. Colocotronis C/O J. Colocotronis & Others: Katingo.
01951	Astromandato Cia. Nav. S.A. of Panama: Leader Colocotronis.
01952	Akmis Cia. Nav., S.A. of Panama: Mitera Vassiliki.
01953	Estrella Manna Nav. S.A. of Panama: Majestic Colocotronis.
01986	Aktiebolaget Transmarin: Tenos.
01995	Rederi Ab Disa: Nordic Wasa.
02151	Anchor Line, Ltd.: Kirriemoor. Star Acadia. Eucadia. Glenmoor. Hazelmoor.
02174	Chandris America Lines S.A.: Atlantis.
02195	Welsh Ore Carriers, Ltd.: Welsh Minstrel. Welsh Herakd.
02327	Weser - Schiffffahrts - Agentur G.m.b.H.: Weser-Carrier.
02330	Oriental Shipping Corp.: Eurymedon. Euryalus. Zenlin Glory. Midas Arrow. Oriental Shy. Oriental Light.
02428	The Kinsman Marine Transit Co.: S/S Peter Robertson. Harry L. Allen.
02437	(a) Alexander Shipping Co., Ltd.: (b) Houlder Brothers & Co., Ltd.: Tenbury.
02439	Bereederungs-Alliance Flensburg G.m.b.H.: Ulsnis. Lindaunis. Kekenis. Ekenis. Gisela Vennmann. Grimsnis. Cap Delgado. Cap Castillo. Birk. Bockholm. Arnis. Rinkenis. Habernis. Holnis. Gerda Schnell. Hans Christophersen.
02461	Puget Sound Freight Lines: Indian. F. E. Lovejoy. Dungeness. Skagit. Swinomish.
02477	American Dredging Co.: American. Pennsylvania. Philadelphia. Herrick. Delaware Valley. State of Maryland. No. 137. No. 138. No. 139. No. 151. No. 153. No. 155. No. 134. No. 135. No. 136. President. No. 156. No. 157. No. 158. No. 159. Ranger. Titan. Camden. Gulfport. Convoy. Commodore. Hudson River. Maryland. Baltic. Delaware No. 2. New York. Oil Barge No. 29. Scow Loading Barge No. 1 Tacony. Drill Boat No. 1. Ozark. Arkansas.
02479	Greenville Towing Co., Inc.: GTC 2900. GTC 1950.
02492	Interstate Oil Transport Co.: Diana H. Graham. R.T.C. No. 51. Argoil 105. Interstate No. 1. Interstate No. 8. M/V Chesapeake. Chem Ten. Argoil 130. Argoil 160. Argoil 150. Interstate No. 17. Interstate No. 12 Interstate No. 19. Argoil 185. Interstate 18. M V Yorktown. CBC 795. Offshore 2401. Interstate No. 30. Interstate No. 32. Interstate No. 34. Interstate No. 40. Interstate No. 48. Interstate No. 42. Interstate No. 50. Interstate No. 53. Interstate No. 52. Ocean 80. Ocean 90. Ocean 96. Ocean 115. Ocean 135. Ocean 250.
02543	Societe Anonyme de Gerance et D'Armement: Cap D'Antibes. Cap Martin.
02649	Schiffahrtsgesellschaft Friesecke K.G.: Helga Friesecke.
02681	Partenreederei MS "Emssuipper": Emssuipper.
02715	Allied Towing Corp.: New Bucket. Kelly. ACS-L. Hot Oil No. 17. Michael. AC No. 1. AC No. 2. Bruce. Gregory. Gregory. ATC 133. SC 206. SC 207. Brazos. SC 90. DZ 55. DZ 56. D 70. RT No. 1 SC 3. Salt 103. Salt 104.
02831	Ednasa Co. Ltd.: Lisana. Lindana. Lamaria. Louisiana. Lorina.
02894	Mavim Shipping Co. S.A., Panama: M/V Elleros.
02917	Scherkate Sahami Keschtfrani Melli Arya: Arya Naz. Arya Dad. Arya Gam. Arya Pey.
02931	Diapool Compania Nav. S.A.: Athen.
02949	Valley Towing Service Inc.: TS-87. TS-86. TS-85. V-885. V-884. V-883. V-882. V-881. V-880. Mama Lere. City of Greenville. Ole Miss.
02950	Tony Barge Co., Inc.: TBC-1.
02954	Maritime & Commercial Corp., Inc.: Aubade.
02976	Arthur-Smith Corp.: AS 50. AS 1301. AS 1302. AS 3012. AS 3011. AS 3030. PS 101.
02982	The Shipping Corporation of India, Ltd.: Vishva Kaushal. Vishva Tilak. S/O Tamilnafu. Desh Sewak. Desh Alok. Desh Deep.
02983	Avemaria Compania Naveria S.A. Panama: Georgios A. Georgilis.

Certificate No.	Owner/operator and vessels
02984	Maremar Compania Naviera S.A. Panama R.P.: Maria G. Georgilis.
03112	Astro Exito Navegacion S.A. Panama: Messiniari.
03113	Marnuestro Transportes S.A. Panama: Aristogeiton.
03114	Soberano Delmar Navegacion S.A. Panama: Aristagelos.
03116	Madita Compania Naviera S.A. Panama: Stakara.
03117	Marfianza Compania Naviera S.A. Panama: Stawanda.
03123	Marvuelo Compania Naviera S.A. Panama: Stamenis.
03255	Port Line, Ltd.: Port Victor.
03314	Gulf Oil Corporation: Gulf Chem II. Gulf Chem I.
03322	Daiichi Chuo Kisen Kabushiki Kaisha: Niihama Maru.
03324	Compania De Navegacion Penelope S.A.: Michael E.
03328	Mid-Ohio Towing, Inc.: M/V Alton Zephyr.
03374	Adelphotis Compania Naviera, S.A.: Sea Rider.
03413	Baba-Daiko Shosen K.K.: Taio Maru.
03518	Tokoyo Senpaku K.K.: Zen Koren Maru No. 7.
03534	Nederlandse Norness Scheepvaart Maatschappij N.V.: Anco Norness.
03597	Felicitas Riskmers-Linie Kommanditgesellschaft & C.: Etha.
03657	Overseas Bulktank Corp. N.Y.: Overseas Arctic. Overseas Audrey.
03964	Regent Lotus Shipping, Inc.: Pams 1201.
03740	Lake Charles Dredging Towing Co., Inc.: H. A. Sawyer.
03964	Regent Lotus Shipping, Iic.: Regent Lotus.
03967	Compagnie Maritime des Chargeurs Reunis: Delfin.
03986	Caribbean Barge Corp.: Caribbean.
04006	National Steel Corp.—Steamship Division: George R. Fink. Paul H. Carnahan. Leon Falk, Jr. Thomas E. Millsop.
04014	Del Monte Corp.: Arctic Maid.
04015	Sultana Fishing Co., Inc.: Caribbean.
04016	Mayaguez Fishing Co., Inc.: Hornet. Lexington.
04033	The Oceanic Freighters Corp. Monrovia: Padus.
04039	Parker Brothers & Co., Inc.: WB 425. PB I. Trinity II. John P. Dearasaugh. Trinity I.
04115	Washington Barge Co.:
04126	Jugoslavenska Linijska Plovidba, Griffson. Rijeka: Pula. Kraljevica. Kastav. Zvir. Goran Kovacic. Tuhobic. Klek. Visevica. Zadar.
04134	Peruana de Navegacion S.A.: Chimu. Chavin.
04148	Ariana Shipping Co. Kalliopi Antonatos.
04152	Seamaster Corp.: Bertie Michaels.
04168	Dillingham Line, Inc.: Makahani.
04180	Rose Barge Line, Inc. M/V Memphis Zephyr. M/V American Beauty. M/V Crimson Glory.
04184	M G Transport Services, Inc.: Barge W-2. Harewood. Foremost. Polo II. Barge Wisconsin. J. Page Hayden. Midland. Barge M G-11. Barge W-1.. Barge Intercity No. 21. Barge Intercity No. 24. Barge SB-30. Barge-40. Barge BA-2020. Barge BA-2016. Barge UM-562. Barge ABL-501. Barge OBL-4. Barge AT-705. Barge OBL-5. Barge UM-551. Barge ABL-89. Barge Chippewa. Barge Eau Claire. Mark Eastin.
04253	Marine Tankers, Inc.: Nepco Energy.
04254	Transoceanic Tankers, Inc.: Nepco Advance.
04255	Nepco Dauntless Corp.: Nepco Dauntless.
04275	Intercountry Construction Corp.: Steel Deck Barge. Steel Deck Barge. Steel Hull Deck Scow. Steel Hull Deck Scow.
04289	Dixie Carriers, Inc.: Barge Z-122.
04356	Pacific Far East Line, Inc.: Pacific Bear. Golden Bear. Thomas E. Cuffe.
04357	Koninklijke Nedlloyd N.V. "M.V.": Nedlloyd Kingston.
04364	Jamaica Banana Producers' Steamship Co., Ltd.: Jamaica Producer. Jamaica Planter.
04366	Pentas Shipping Co. S.A.: Giannis N.
04368	Seaswift Maritime Co., Ltd.: Toula N.
04369	Platsani Limitada S.A.: Maria N.
04370	Seabird Navigation Co. S.A.: Teti N.
04371	Firgounes S.A.: Dimitris N.
04374	Rio Pardo Compania Naviera S.A.: Aghios Nicolaos.
04378	Maritimos Universal de Vapores Ltda.: Marpessa.
04379	Airbil Motorship Corp.: Machitis.
04380	Motonaves de Panama S.A.: Mimina.
04381	Phopan S.A.: Matrozos.
04382	Motores Maritimos CIA. Ltda.: Master Daskalos.
04383	Motornaves Ltda.: Manes.
04401	Todd Shipyard Corp.: Be-Lo-Ha. Popeye.
04412	Carsten Rehder: John M. Rehder. Anna Rehder.
04437	Lebeouf Bros. Towing Co., Inc.: BB 7. LBTCO 22. W. P. Lebeouf. TM-113. Burton 20. Burton 18. Husky 853. Husky 852. BB 8. Husky 854. BBL 103. BB 6. NBC 541. MS 4. LBTCO 9. LBTCO 6. LBTCO 5. LBTCO 4. NBC 536. NBC 535. OC 604. OC 603. OC 602. LBTCO 12. LBTCO 8. LBTCO 7. Charles Milby. Peggy Coyle. Supertest No. 2. IOC 6. LBTCO 15. BBL 106. LTC 61. LTC 60. LBTCO 10. LBTCO 14. REB 2402. LBTCO 16. B 217. NMS 1502. LBTCO 18. LBTCO 17. LBTCO 11. ZMS-C-12-0. ZMS-B-20-1. ZMS-B-20-0. F 15. E 15. D 15. C 15. B 15. A 15. Z 2501. Z 2500. B 102. B 101. LBTCO 13. LBTCO 76. ZMA-B-20-3. ZMS-B-20-2. G 15. B 100

Cert. No.	Owner/operator and vessels
04468	Lotoshiromaru Gyogyo Kabushiki Kaisha: Kotoshirimaru No. 7.
04488	Fukuju Kigyo Kabushiki Kaisha: Fukujumaru No. 7.
04504	Sumiyoshi Gyogyo Kabushiki Kaisha: Sumiyoshi Maru No. 73.
04556	Nihon Hogei Kabushiki Kaisha: Nanyo Maru.
04560	Constants, Ltd.: Lyminge. Lottinge. Susan Constant.
04600	Stauffer Chemical Co., Inc.: CCI-75. SCC-95. SCC-101. SCC-102. SCC-90. SCC-100. SCC-803. SCC-804. SCC-804. SCC-806. SCC-800. SCC-70. SCC-801. SCC-802. SCC-1351. SCC-65. SCC-103. SCC-55. SCC-60. SCC-50. SCC-80.
04636	Naviera Salvadorena, S.A.: San Salvador.
04637	McAllister Brothers, Inc.: Russell 100. Westco I. Triton. Placco 2. McAllister 105. McAllister 103. McAllister 100. McAllister 107. Russell 24. McAllister 106. McAllister 56. Nepco 60.
04638	McAllister Brothers, Inc.: McAllister 21. Marine 12.
04639	New London Freight Lines, Inc.: Orient. Gay Head. Plum Island.
04640	McAllister Lighterage Line, Inc.: Lighter No. 3. Pioneer. Popsie. Ira. Andrew F. Bradley. Frank E. Guy. Nana. Silas. Sheridan. Lincoln. Steel Weld. Warrior. Manhattan No. 59. McAllister No. 5. McAllister No. 4. McAllister No. 3. McAllister No. 2. McAllister No. 1. War Chief. Stanwood B. Venus. Sculptor. Saturn. Planet. Pictor. Mars. Spartan. YC702-McAllister 135. McAllister No. 131. McAllister Bros. No. 90. McAllister Bros. No. 89. McAllister 381. McAllister 171. McAllister 170. Daniel A. Cobb. McAllister 156. McAllister 155. McAllister 154. McAllister 153. McAllister 152. McAllister 151. McAllister 150.
04659	Big Star Barge & Boat Co., Inc.: Star J-DI.
04679	Ratnakar Shipping Co., Ltd.: Ratna Jyoti.
04771	Texaco, Inc.: Texaco Chief. Texaco Brave.
04782	Karfas Shipping Corporation, Monrovia: Belloria.
04802	Logan Charter Service, Inc.: Hilman Logan.
04878	Leland Bowman: BZ-58.
04895	Efkrisia Compania Naviera S.A.: Efploia.
04896	Eternity Shipping Corp.: Hellas in Eternity.
04897	Fraternity Shipping Corp.: Fraternity.
04894	Seguridad Compania Naviera S.A.: Mparmpa Christos.
04956	Partenreederei MV. "Lienersand": M/V Lienersand.
0495E	Partenreederei MV. "Glozwardersand": M/V Golzwardersand.
05002	Alderminster Shipping Co., Ltd.: Alderminster.
05006	Petrolaro Shipping Co., Ltd.: Oroutsa. Orosol. Brigitte. Queen Solica. Orico.
05046	Magnolia Marine Transport: Waring. Quin. Levi. MM II. MM I.
05053	Wakefield Fisheries: Akutan.
05088	Deepsea Miner, Inc.: Deepsea Miner.
05104	Teh Hu Steamships Co., Ltd.: S/S New Teh Hu.
05105	Alvin Maritime S.A.: S/S Alvin.
05106	Compania de Sevenseas S.A.: M/V Sevenseas.
05107	Righteous Navigation, Inc.: M/V Righteous.
05108	Compania Naviera Pearl, S.A.: S/S Amelia. M/V Amos. M/V Billy. S/S Suying.
05109	Compania de Navegacion Victoria Neptuno, S.A.: S/S Amita.
05116	Marinero Venturoso Navegacion S.A.: Amalia Colocotroni.
05117	Otter Shipping Co., Ltd.: Nestor.
05118	Dart Shipping Co., Ltd., of Liberia: Neptun D.
05154	Duquesne Sand Co.: Admiral.
05177	Keva Corp.: Keva Ideal.
05195	"Pacific"-Reederei Hans Beilken KG: Pacific.
05230	Transoil and Navigation Co., Inc.: Sirocco.
05232	Diamond M Drilling Co.: S-25.
05247	Beneficial Shipping, S.A.: T/S Benefina.
05249	Superb Mariners, S.A.: T/S Superina.
05266	St. Louis-San Francisco Railway Co.: Pinto. Blakeley.
05331	Northland Shipping (1962) Co., Ltd.: Northern Prince II.
05373	Trans-Sea Shipping Corp.: Grangefield. Apolo II.
05275	N.V. Rederij H. Boon: Mitropa.
05426	Owens-Illinois, Inc.: Parris Island. Linden. Pulpwood No. 2. Pulpwood No. 1.
05449	General Cargo Corp.: Spitfire.
05450	Maimonides Transportation Corp.: Rambam.
05451	Sudatlantica Navegacion S.A.: Aegis Destiny.
05452	Krete Compania Naviera S.A.: Aegis Era.
05453	Destino Naegacion S.A.: Aegis Glory.
05479	Union-Partenreederei MS "Elsfleth": M/S Elsfleth.
05480	Union-Partenreederei MS "Nienburg": M/S Nienburg.
05481	Union-Partenreederei MS "Vegeack": M/S Vegesack.
05482	Union-Partenreederei MS "Minden": M/S Minden.
05483	Union-Partenreederei MS "Wesermunde": M/S Wesermunde.
05484	Union-Partenreederei MS Bremerhaven": M/S Bremerhaven.
05485	Union-Partenreederei MS "Nordenham": M/S Nordenham.
05491	Bingo Kyodo Kisen K.K.: Harima Maru.
05496	Heron Navigation Co., Ltd.: Atsuta. Izumo.
05517	Nacional Navegacion S.A.: Torero.
05524	Carena Fuerte Shipping Co. S.A., Panama: Acni.
05525	Franks Dredging Co.: Seattle.
05532	Silver Star Shipping Co., S.A., Panama: Silver Star.
05546	Silver Crest Shipping Co. S.A., Panama: Silver Crest.
05552	Dutra & Son, Inc.: California.
05556	Norfolk & Western Railway Co.: Windsor. Manitowoc. Roanoke. Detroit. R. C. Cassidy.

Cert. No.	Owner/operator and vessels
05560	Gann Enterprises, Inc.: M/V Captain Vincent Gann. M/V Anna Maria. M/V City of Panama. M/V Bold Venture. M/V Cape San Vincent. M/V Pacific Queen. M/V Polaris. M/V San Juan. M/V City of San Diego. M/V Cape Cod.
05569	Tropic Shipping Enterprises, Ltd.: Tainaron.
05570	Oy Keppo AB: M/S Keppo.
05572	Lafarge Concrete, Ltd.: L'Etoile. Plymouth.
05573	Companhia de Navegacao Carrigadores Acoreanos: Acores.
05576	Aeas Compania Naviera S.A.: Aeas.
05583	Scheepvaartbedrijf Vlieland: Oost-Vlieland. West-Vlieland.
05584	Oficina Naviera Comercial-Ministerio de Marina: B.A.P. Pimentel. B.A.P. Zorritos. B.A.P. Parinas. B.A.P. Mollendo. B.A.P. Lobitos.
05600	Compania de Navigacion Leonamar S.A.: Captain Ottavic.
05604	Geraldine Transport Corp.: Nicoline.
05608	Th. F. Fekete & Co.: A. C. Christensen. Tommy Wiborg. F. Wiborg Fekete.
05614	Heriof Andersens Rederi A/S: M/S Herland.
05633	Empagadora Del Norte S.A.: M/V San Expedito.
05634	Ventura Shipping Corp.: M/S Venturer. M/V Buena Ventura.
05636	Takashiromaru Kaiun Kabushiki Kaisha: M/S Takashiro Maru No. 15.
05638	Productos Marinos Central Corp.: Seiho-Maru No. 2.
05639	Goshi Gaisha Uehara Suisan: Kanryu Maru No. 7.
05653	Halcyon Steamship Co., Inc.: Halcyon Panther.
05662	Rio Fuel & Supply, Inc.: T.G. 201.
05668	Brady-Hamilton Stevedore Co.: Titan. Zeus. Samson. Goliath. SS 7.
05677	Wood River Towing Co., Inc.: Dan C.
05679	South Texas Shipping & Towing, Inc.: LRL–111. T–700.
05680	Seal Boat, Inc.: Hawaii.
05689	Gelesia S.P.A.: Gelesiae.
05693	Korea Exchange Bank: Anyung No. 3.
05694	Loei Gyogyo Kabushiki Kaisha: Koei Maru No. 7.
05698	Dorica Compania Naviera S.A.: Artemidi II.
05699	South Atlantic Transport Corp.: Kavodoro.
05700	The Trans Oceanic Steamship Co., Ltd.: M/V Ocean Endeavour.
05701	Liberian Hawk Transports, Inc.: Asia Hawk.
05702	Loyd W. Richardson Construction Corp.: B–19. LWR 19. Burton 17. Patgo II.
05703	Mardestino Compania Naviera S.A.: Kavo Akritas.
05708	Peterson & Alpers: Hamburg.
05709	Naviera Vicente Suarez S.A.: Valfragroso. Valrosal.
05710	Shinmei Suisan Kabushiki Kaisha: Shinmei Maru No. 20.
05711	Kamekichi Tada: Takatori Maru No. 12.
05713	W. B. Enterprises, Inc.: W–7.
05714	Adelfoi Companmia Naviera S.A.: Adelfoi.
05719	Hong Long Pacific Shipping Co., Ltd.: Aplichau.
05720	United International Shipping Co., Ltd.: Dona Anita.
05722	Obo Shipping Corp.: Hexagram.
05723	K/S A/S Bas & Co.: M/T Bruce Ruthi.
05724	Marcos Shipping Co., Ltd.: Marco.
05725	Efmariners Co., Ltd.: Kaptastamati.
05726	Irene Compania Naviera S.A.: Antonis P. Lemos.
05730	Trade Tankers, Inc.: Trade Endeavor.
05735	Solstad Rederi A/S Skips A/S Solhav & Co., Skips A/S Saltun & Co., Skips A/S Solnes & Co., Skips A/S Solborg & Co.: Solek. Sol Tulla. Scandia Falcon. Solsyn. Solmich. Sol Pemko. Sol Laila. Soldrott.
05747	Point Adams Packing Co.: Northgate.
05758	Sunrise Shipping Co.: Olaga.
05776	Erich Hanisch: Flut.
05777	Aeakos Compania Naviera S.A.: Aegis Loyal.
05778	Sun Schiffahrtsgesellschaft M.B.H. & Co. KG, C. E. Morris: S/S Southern Sun.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6808 Filed 5–17–71;8:45 am]

FARRELL LINES, INC., AND BLACK STAR LINE, LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Hans Unterwiener, Manager, Freight Documentation and Inward Freight, Farrell Lines Inc., One Whitehall Street, New York, NY 10004.

Agreement No. 9947, between Farrell Lines Inc. and Black Star Line Ltd., covers a through billing arrangement in the trade between the Liberian ports of Harbel, Buchanan, Sinoe, and Cape Palmas, and U.S. Great Lakes ports, with transshipment at Monrovia, Liberia, under which the applicable rates shall be those in the tariffs of the U.S. Great Lakes and St. Lawrence River Ports/West Africa Agreement, in accordance with the terms and conditions set forth in the agreement. Agreement No. 9947 will supersede and cancel Transshipment Agreement No. 9458.

Dated: May 13, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6893 Filed 5–17–71;8:50 am]

[Docket No. 71–55]

IDESCO FORWARDING CO.

Independent Ocean Freight Forwarder License Application; Order of Investigation and Hearing

Idesco Forwarding Co. (Idesco), Post Office Box 1345, Newark, NJ 07101, filed an application for a license as an independent ocean freight forwarder on August 12, 1970.

The Commission has information indicating that Manuel C. Reis, materially misrepresented the extent of his experience both on the application and in the course of interviews with the Commission investigator. Our investigation also reveals that Mr. Reis may lack the financial responsibility to properly discharge the duties and responsibilities of an independent ocean freight forwarder. Moreover, his past employment with other independent ocean freight forwarders does not demonstrate the degree of fitness to conform to the provisions of the Shipping Act, 1916, as required by section 44(b) of said Act.

In a certified letter dated March 18, 1971, the Commission advised Idesco that it intended to deny its application for an independent ocean freight forwarder license on the grounds set forth above.

Manuel C. Reis has requested a hearing to show that the denial of the application is unwarranted. He has further requested that his hearing be held in New York so that he may be able to present witnesses on his behalf.

Therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821 and 841(b) that a proceeding is hereby instituted to determine whether in view of the information disclosed above, Manuel and Dulce F. L. Reis, doing business as Idesco Forwarding Co. is fit, willing, and able to carry on the business of forwarding and conform to the Shipping Act, 1916 and whether the application should be granted or denied.

It is further ordered, That Manuel and Dulce F. L. Reis, doing business as Idesco Forwarding Co. be made respondent in this hearing and that the matter be assigned for a hearing before an Examiner of the Commission's Office of Hearing Examiners on a date and at a place to be announced.

It is further ordered, That a notice of this order be published in the FEDERAL REGISTER and that a notice of hearing be served on the respondent.

It is furthered ordered, That any person other than the respondent who desires to become a party to this proceeding and participate therein shall file a petition to intervene with the Secretary of the Federal Maritime Commission, Washington, D.C. 20573 with a copy to the respondent.

It is further ordered, That all future notices issued by or on behalf of this Commission in this proceeding, including the time and place of hearing or prehearing conference shall be mailed directly to all parties of record.

By the Federal Maritime Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6892 Filed 5–17–71;8:50 am]

[Docket No. 71–36]

PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Postponement of Filing Dates

MAY 12, 1971.

Tariff Rule 1(c), Local Tariff No. 15—FMC No. 4; Tariff Rule 1(d), Overland Freight Tariff No. 16.

Respondents, Pacific Coast Australasian Tariff Bureau and its member lines have moved to hold proceedings in this matter in abeyance pending the outcome of proceedings in Dockets 70–11, Pacific Coast European Conference—Rules 10 and 12, Tariff No. FMC 14, and 70–19, Intermodal Service To Portland, Oreg.

Filing dates in this proceeding are postponed until further notice to enable the Commission to timely dispose of respondents motion to hold in abeyance.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6891 Filed 5–17–71;8:50 am]

SHOWA SHIPPING CO., LTD., AND HEUNG-A SHIPPING CO., LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. M. Kishi, Manager, Container Operations Section, Liner Department, Showa Shipping Co., Ltd., Muromachi Building, 1, 4-Chome, Nihonbashi-Muromachi, Chuo-ku, Tokyo, Japan.

Agreement No. 9946 is a transshipment arrangement between the two carriers listed above relating to the transportation of cargo between Heung-A Shipping's ports of call in Korea to Showa Shipping's ports of call along the Pacific Coast of the United States with transshipment at Japan.

Dated: May 13, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-6894 Filed 5–17–71;8:50 am]

FEDERAL RESERVE SYSTEM

T G BANCSHARES CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by T G Bancshares Co., which is a bank holding company located in St. Louis, Mo., for prior approval by the Board of Governors of the acquisition by Applicant of an additional 46,861 shares (53.6 percent) or more of the voting shares of Bank of House Springs, House Springs, Mo.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of St. Louis.

By order of the Board of Governors. May 12, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6841 Filed 5-17-71;8:45 am]

PHMFG CORP.

Order Granting Modifications of Order Exempting Certain Loans by Banks From Securities Credit Regulations

In the matter of the application of PHMFG Corp., Washington, D.C., for an exemption from Securities Credit Regulations in connection with certain bank loans for the purpose of acquiring all the assets of F. I. duPont, Glore Forgan & Co.

There has come before the Board of Governors, pursuant to section 7(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78g(d)) and §§ 207.1(f)(3) of the Federal Reserve Regulation G (12 CFR 207.1(f)(3)) and 221.2(l) of Federal Reserve Regulation U (12 CFR 221.2(l)), the application of PHMFG Corp., Washington, D.C. (Applicant), a corporation organized and existing under the laws of the District of Columbia, for modifications of the Board's order dated April 2, 1971, exempting from securities credit regulations certain bank loans for the purpose of providing capital to the corporate successor to the business of F. I. duPont, Glore Forgan & Co., a registered broker/dealer and member firm of the New York Stock Exchange. Such successor is referred to herein as "duPont".

On the basis of the information set forth in the application, or otherwise available, the Board finds that:

(1) Applicant's proposed investment in duPont may consist of up to $65 million rather than $30 million as provided for in the original order;

(2) Applicant is in the process of concluding a loan agreement with a group of banks pursuant to which it will either borrow or guarantee in the aggregate amount of up to $50 million and in addition certain of the banks will commit to issue a $15 million letter of credit for the ultimate benefit of duPont;

(3) Applicant and the banks have agreed that, although Applicant will be the borrower, a limited partnership to be organized under the laws of the State of Texas, in which Messrs. H. Ross Perot, Morton H. Meyerson, and Milledge A. Hart, III will be general partners owning approximately 80 percent of the partnership interests, may succeed to the position of Applicant, in which event Applicant will become wholly owned by such partnership.

(4) A substantial portion of the loan or loans will be drawn down immediately and additional monies will be drawn down as needed following the completion of an audit of duPont as of April 30, 1971.

Upon consideration of all the circumstances, the Board concludes that the Order dated April 2, 1971, shall be modified as follows:

(1) The maximum amount of the loan or loans described in such order shall not exceed $65 million in the aggregate and when any transaction or transactions occur that result in a net withdrawal of capital from duPont by Applicant or by such limited partnership the proceeds of such withdrawal less the net amount of Federal, State, and local income tax directly attributable to such transaction or transactions shall be used to reduce or retire said loan or loans;

(2) Applicant or such limited partnership described hereinabove or a successor controlled by Mr. H. Ross Perot or his estate shall become and remain a controlling person of duPont as long as all or any portion of the said loan or loans other than any portion attributable to such income tax is outstanding;

(3) This order shall expire upon repayment of all the said loan or loans to the banks, including any portion or portions thereof, but in no event later than May 11, 1979.

(4) The agreement with the banks relating to said loan or loans shall be consummated and a substantial portion thereof drawn down within 90 calendar days following the date of the Board's order dated April 2, 1971, and the remaining portions of such loan or loans shall be drawn down as needed following completion of the audit of duPont described hereinabove but in no event later than 6 months prior to May 11, 1979;

(5) All of the provisions of the order of April 2, 1971, not modified herein shall remain unaffected.

Dated at Washington, D.C., this 11th day of May 1971.

By order of the Board of Governors.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6842 Filed 5-17-71;8:45 am]

FEDERAL TRADE COMMISSION

CERTAIN OFFICIALS

Delegation of Authority

The Federal Trade Commission on April 8, 1971, redesignated its field offices as Regional Offices and Attorneys-in-Charge and Assistant Attorneys-in-Charge thereof as Regional Directors and Assistant Regional Directors.

The following delegations made under authority of Reorganization Plan No. 4 of 1961 (26 F.R. 6191) and appearing at 35 F.R. 10627 are amended to accord with the above redesignations:

1. *In regard: Initiation of investigations.* The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition and Consumer Protection, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, severally and without power of redelegation, the authority to initiate investigations of alleged or suspected violations of any law, or provision thereof, which the Commission is empowered or directed to enforce; or the manner and form of compliance with final orders issued by the Commission.

2. *In regard: The issuance of investigational subpoenas and extensions of time prescribed (a) for compliance with demands for access, subpoenas, or orders issued during the investigation of any matter, and (b) for the filing of motions to limit or quash such subpoenas, demands for access, or orders.* The Commission delegates to the Directors and Assistant Directors of the Bureaus of Competition, Consumer Protection, and Economics, and the Regional Directors and Assistant Regional Directors of the Commission's regional offices, severally and without power of redelegation, the authority to issue investigational subpoenas; the authority, for good cause shown, to extend the time prescribed for compliance with any investigational subpoenas, demands for access, or orders issued during the investigation of any matter; and the authority to rule upon motions for extensions of time within which to file motions to limit or quash any such investigational subpoenas, demands for access, or orders.

Effective upon publication in the FEDERAL REGISTER.

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6864 Filed 5-17-71;8:47 am]

STATEMENT OF ORGANIZATION

Change in Designation of Field Offices

Notice is hereby given that (1) section 9 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627) as amended July 23, 1970 (35 F.R. 11827); (2) paragraphs (a) and (b) of section 10 of the Statement of Organization, published March 13, 1971 (36 F.R. 4918); and (3) section 18 of the Statement of Organization, published June 30, 1970 (35 F.R. 10627) as amended July 23, 1970 (35 F.R. 11827), are amended: to redesignate the field offices of the Commission as Regional Offices; to redesignate the Attorneys-in-Charge thereof as Regional Directors; and to issue a current listing of the Regional Offices and Field Stations.

Section 9 is amended to read as follows:

SEC. 9. *Organization structure.* The Federal Trade Commission is comprised of the following principal units:

Office of the Executive Director,
Office of the General Counsel,
Office of the Secretary,
Office of Policy Planning and Evaluation,
Office of Hearing Examiners,
Bureau of Competition,
Bureau of Consumer Protection,
Bureau of Economics,
The Regional Offices.

In section 10, paragraphs (a) and (b) are amended to read as follows:

SEC. 10. *Office of the Executive Director.* * * *

(a) The Assistant Executive Director for Legal Coordination functions as advisor and principal assistant to the Executive Director on all substantive legal matters pertaining to Commission programs; assists the Executive Director in planning, coordinating, and reviewing the full range of antitrust and consumer protection functions performed by the operating bureaus and regional offices; and acts for the Executive Director in coordinating the legal case work of the Bureau of Consumer Protection, Bureau of Competition, Bureau of Economics and FTC regional offices.

(b) The Assistant Executive Director for Field Management functions as staff advisor to the Executive Director in the effective and efficient management of the Commission's regional offices; functions as principal assistant to the Executive Director in all matters concerning supervision and line management of the eleven regional offices, guides and directs the activities of the regional offices in the fields of antitrust law, consumer protection and consumer education, including investigations, trial of cases and industry and consumer counseling.

* * * * *

Section 18 is amended to read as follows:

SEC. 18. *The Regional Offices.* (a) These offices are investigatory arms of the Commission, and, with respect to matters of a regional nature, have responsibility for investigational, trial, compliance, and consumer educational activities as delegated by the Commission. Each regional office has general responsibility for its own activities and for the smaller offices, designated as field stations, located in its area of responsibility. They are under the general supervision of the Office of the Executive Director, and clear their activities through the appropriate operating bureaus.

(b) The addresses of the respective regional offices, and of the field stations located in the area of each are as follows:

(1) Atlanta Regional Office: Federal Trade Commission, Room 720, 730 Peachtree Street NE., Atlanta, GA 30308. Field stations: Federal Trade Commission, Room 206, 623 East Trade Street, Charlotte, NC 28202; Federal Trade Commission, Room 931, New Federal Building, 51 Southwest First Avenue, Miami, FL 33130; Federal Trade Commission, Room G-209, Federal Office Building, Post Office Box 568, Oak Ridge, TN 37830.

(2) Boston Regional Office: Federal Trade Commission, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

(3) Chicago Regional Office: Federal Trade Commission, Room 486, Everette M. Dirksen Office Building, 219 South Dearborn Street, Chicago, IL 60604.

(4) Cleveland Regional Office: Federal Trade Commission, Room 1339, Federal Office Building, 1240 East Ninth Street, Cleveland, OH 44199. Field stations: Federal Trade Commission, 121 Ellicott Street, Buffalo, NY 14205; Federal Trade Commission, 333 Mount Elliott Avenue, Detroit, MI 48207; Federal Trade Commission, Post Office Box 996, 107 High Street, Morgantown, WV 26505.

(5) Kansas City Regional Office: Federal Trade Commission, Room 2806, Federal Office Building, 911 Walnut Street, Kansas City, MO 64106. Field station: Federal Trade Commission, 18013 Federal Office Building, 1961 Stout Street, Denver, CO 80202; Federal Trade Commission, Room 1302, 210 North Broadway, St. Louis, MO 63102.

(6) Los Angeles Regional Office: Federal Trade Commission, Room 13209, 11000 Wilshire Boulevard, Los Angeles, CA 90024.

(7) New Orleans Regional Office: Federal Trade Commission, 1000 Masonic Temple Building, 333 St. Charles Street, New Orleans, LA 70130. Field stations: Federal Trade Commission, Room 13-B-2, 1100 Commerce Street, Dallas, TX 75202; Federal Trade Commission, 417 U.S. Post Office and Courthouse, 615 Houston Street, San Antonio, TX 78206.

(8) New York Regional Office: Federal Trade Commission, 22d Floor, Federal Building, 26 Federal Plaza, New York, NY 10007.

(9) San Francisco Regional Office: Federal Trade Commission, 450 Golden Gate Avenue, Box 36005, San Francisco, CA 94102. Field station: Federal Trade Commission, Room 508, First Federal Savings and Loan Building, 843 Fort Street Mall, Honolulu, HI 96813.

(10) Seattle Regional Office: Federal Trade Commission, Suite 908, Republic Building, 1511 Third Avenue, Seattle, WA 98101. Field station: Federal Trade Commission, 231 U.S. Courthouse, Portland, OR 97205.

(11) Washington Regional Office: Federal Trade Commission, Sixth Floor, 2120 L Street NW., Washington, DC 20037. Field stations: Federal Trade Commission, 633 Indiana Avenue NW., Washington, DC 20004; Federal Trade Commission, 53 Long Lane, Upper Darby, PA 19082.

(c) Each of the regional offices is supervised by a Regional Director, who is available for conferences with attorneys, consumers, and other members of the public on matter relating to the Commission's activities.

Effective upon publication in the FEDERAL REGISTER (5-18-71).

By direction of the Commission dated May 12, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-6865 Filed 5-17-71;8:47 am]

OFFICE OF EMERGENCY PREPAREDNESS

KENTUCKY

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 10, 1971, the President declared a major disaster as follows:

> I have determined that the damages in those areas of the State of Kentucky, adversely affected by tornadoes beginning on or about April 27, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606. I therefore declare that such a major disaster exists in the State of Kentucky. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91-606) I hereby appoint Mr. William H. Hollaway, Regional Director, OEP Region 3 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Kentucky to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 10, 1971:

The counties of:

Adair.
Butler.
Green.
Muhlenberg.
Ohio.
Pulaski.
Russell.
Warren.

Dated: May 13, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71-6872 Filed 5-17-71;8:48 am]

PANAMA CANAL

CANAL ZONE POSTAL SERVICE POSTAGE RATES AND FEES

Temporary Changes

The Canal Zone Government hereby gives notice of increased postage rates and fees for postal services as set out in the schedule below. These rates and fees will govern during the period that the temporary postage rates and fees which have been prescribed by the U.S. Post Office Department, to become effective May 16, 1971, continue in effect (36 F.R. 8331-8333, May 4, 1971).

A. DOMESTIC POSTAGE RATES

To Canal Zone, United States, its territories and possessions and Commonwealth of Puerto Rico.

FIRST CLASS (12 OUNCES OR LESS)

Letters—8 cents per ounce.
Cards—6 cents each.

AIRMAIL (8 OUNCES OR LESS) (NO SERVICE IN CANAL ZONE)

Letters—11 cents per ounce.
Cards—9 cents each.

PRIORITY MAIL (FIRST CLASS OVER 12 OUNCES AND AIRMAIL OVER 8 OUNCES)

Postage rate unit pounds	Zones	
	Local, 1, 2 and 3[1]	8[2]
1	$1.00	$1.00
1½	1.20	1.50
2	1.40	1.77
2½	1.60	2.16
3	1.80	2.54
3½	2.00	2.93
4	2.20	3.31
4½	2.40	3.70
5	2.60	4.08
Each additional pound	0.48	0.80

[1] Zones 1, 2, and 3 rates are applicable to priority mail destined to the Canal Zone or the Republic of Panama.

[2] Zone 8 rates are applicable for United States, its territories and possessions and Commonwealth of Puerto Rico delivery.

Exception. Parcels weighing less than 10 pounds, measuring over 84 inches but not exceeding 100 inches in length and girth combined, are chargeable with a minimum rate equal to that for a pound parcel for the zone to which addressed.

In-county: *Cents*

SECOND CLASS

		Cents
In-county:		
Pound-rate matter	Per pound	1.5
	Minimum per piece	0.2
	Per piece charge	0.06
Per copy-rate matter	Per copy.	1.1 or 2.1

Outside county:

		Zones	
		1 *and* 2[3]	8[4]
		Cents	*Cents*
Nonprofit publications:			
Editorial	Per pound	2.4	2.4
Advertising	do	4.4	9.7
	Minimum per piece.	0.2	0.2
	Per piece charge	0.04	0.04
Classroom publications:			
Editorial	Per pound	2.3	2.3
Advertising	do	3.6	11.1
	Minimum per piece.	0.8	0.8
	Per piece charge	0.1	0.1
Regular publications:			
Editorial	Per pound	4.0	4.0
Advertising	do	6.0	17.8
	Minimum per piece.	1.3	1.3
	(5,000 copy minimum) Per piece charge (In addition to foregoing).	0.2	0.2
Transient	First 2 ounces	6.0	6.0
	Each additional ounce.	1.0	1.0

CONTROLLED CIRCULATION

	Cents
Per pound	15.0
Minimum per piece	4.0

THIRD CLASS

Single piece	First 2 ounces	8.0
	Each additional ounce.	2.0
Keys and identification devices.	First 2 ounces	14.0
	Each additional 2 ounces.	8.0
Bulk rate:		
Regular		
Circulars, etc	Per pound	23.0
	Minimum per piece	4.0
Books, catalogs, etc	Per pound	17.0
	Minimum per piece	4.0
Nonprofit		
Circulars, etc	Per pound	11.0
	Minimum per piece	1.7
Books, catalogs, etc	Per pound	8.0
	Minimum per piece	1.7

FOURTH CLASS

Special rate (educational)	First pound	14.0
	Each additional pound.	7.0
Library rate	First pound	6.0
	Each additional pound.	2.0

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[3] Zones 1 and 2 rates are applicable to second class mail destined to the Canal Zone.

[4] Zone 8 rates are applicable for United States, its territories and possessions and Commonwealth of Puerto Rico delivery.

b. Special Mail Fees

REGISTERED MAIL

Registry Fees (in addition to postage). (1) To Canal Zone and United States, its territories and possessions, and Commonwealth of Puerto Rico.

Declared value	Fees	Postal liability
$00.00 to $100.00	$0.95	Without other insurance-declared value according to fee paid, $1,000 maximum. With other insurance-declared value according to fee paid or prorated, $1,000 maximum.
$100.01 to $200.00	1.25	
$200.01 to $400.00	1.55	
$400.01 to $600.00	1.85	
$600.01 to $800.00	2.15	
$800.01 to $1000.00	2.45	
$1000.01 to $1,000,000.	$2.45 plus handling charge of 20 cents per $1,000 or fraction over first $1,000.	$1,000 maximum.
$1,000,000.01 to $15,000,000.	$202.25 plus handling charge of 13 cents per $1,000 or fraction over first $1,000,000.	$1,000 maximum.
Over $15,000,000	Additional charges may be applied based on consideration of weight, space and value.	

For shipments valued in excess of $1,000,000 refer to Director of Posts before acceptance.

(2) To foreign countries. Canada only.

Declared value	Fees	Postal liability
$00.00 to $100.00	$0.95	Declared value according to fee paid, $200 maximum.
$100.00 to $200.00	1.25	
All other countries actual value.	.95	$8.17 (Postal Union articles).

SPECIAL DELIVERY

Special Delivery Fees (in addition to postage). (1) To United States, its territories and possessions and Commonwealth of Puerto Rico.

Class of mail	Weight	Fees
First class, airmail, and priority mail.	Up to 2 pounds	$0.60
	Over 2 up to 10 pounds.	0.75
	Over 10 pounds	0.90
All other classes	Up to 2 pounds	0.80
	Over 2 up to 10 pounds.	0.90
	Over 10 pounds	1.05

(2) To foreign countries.

Class of mail	Weight	Fees
Letters, letter packages, post cards, and airmail, other articles.	Up to 2 pounds	$0.60
	Over 2 up to 10 pounds.	0.75
Surface, other articles	Over 10 pounds	0.90
	Up to 2 pounds	0.80
	Over 2 up to 10 pounds.	0.90
	Over 10 pounds	1.05

c. International Postage Rates

Mail class	Postage rate unit	Postage rate
Airmail:		
To Panama:		*Cents*
Letters, letter packages, and Postal Union "Other Articles."	Per ½ oz	11.0
Cards	Each	9.0
Aerograms	Each	11.0
Surface:		
To all foreign countries:		
Printed matter regular.	First 2 ounces	8.0
	Each additional 2 ounces.	4.0
Books and sheet music.		
PUAS[5] countries	First 12 ounces	18.0
	Each additional 2 ounces.	1.0
Other countries	First 12 ounces	18.0
	Each additional 2 ounces.	1.5
Samples of merchandise.	First 2 ounces	8.0
	Each additional 2 ounces.	4.0
	Minimum charge	13.0

[5] Postal Union of the Americas and Spain.

d. International Reply Coupons

International reply coupons of the Universal Postal Union, which are printed in blue ink and bear the caption "Coupon-Response International" issued in the United States and Panama are exchangeable for Canal Zone postage stamps at the rate of 8 cents each.

Effective date: The changes in postal rates and fees provided in this order shall become effective on May 16, 1971.

(2 C.Z.C. 1131–1133, 76A Stat. 38–39)

Date signed: May 11, 1971.

[SEAL] David S. Parker,
Governor.

[FR Doc.71–6895 Filed 5–17–71;8:50 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24SF–3470]

TABBY'S INTERNATIONAL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

May 12, 1971.

I. Tabby's International, Inc. (Tabby's), 1551 Northeast 167 Street North Miami Beach, FL, was incorporated under the laws of Florida on January 24, 1969. On June 25, 1969, Tabby's filed with the Commission's San Francisco Regional Office a notification and offering circular pursuant to Regulation A, for the sale of 150,000 shares of its common stock at $2 per share. Tabby's is a Florida-based corporation. It represented it would open various enterprises in the San Francisco Region. The offering circular for Tabby's became effective on October 15, 1969, and the issuer's Form 2–A, filed April 6, 1970, reported the issue was completed on November 19, 1969.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

(1) The failure to disclose that prior to completion of the offering, J. M. Kelsey & Co., Inc., underwriter, repurchased shares of Tabby's which had been sold pursuant to the Regulation A at prices higher than the Regulation A offering price.

(2) The failure to disclose financial inducements offered to brokers and dealers to promote Tabby's stock.

(3) The failure to disclose that the underwriter of this offering would attempt to give the impression that the offering was closed by transferring shares of Tabby's to nonexistent nominees.

(4) The failure to disclose the correct aggregate offering price of the Tabby's Regulation A offering.

B. The terms and conditions of Regulation A have not been complied with in that:

(1) The Notification failed to disclose all other present or proposed offerings of securities as is required by Item 10.

(2) The aggregate public offering price of the securities and the aggregate gross proceeds actually received from their sale to the public exceeded $300,000 (the maximum amount then available under Regulation A).

(3) The offering circular failed to disclose the correct underwriting discounts or commissions as required by sections 3 and 4 of Schedule I.

(4) The offering circular failed to disclose the method by which the shares of Tabby's were to be offered as required by section 5 of Schedule I.

(5) Issuer's Form 2–A filed on April 6, 1970 contains false and misleading information relating to the completion date of the offering, the gross proceeds received from the sale to the public, the underwriter's discount, and the ultimate public offering price.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, by reason of the activities described above.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of Tabby's International, Inc., under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice that the issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission, for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that, if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will promptly be given by the Commission.

By the Commission.

[SEAL] Theodore L. Humes,
Associate Secretary.

[FR Doc.71–6858 Filed 5–17–71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC–64; General Temporary Order 6]

TRANSPORTATION OF PASSENGERS OR PROPERTY BY MOTOR VEHICLE

Order Granting Temporary Authority

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D.C., on the 17th day of May 1971.

The Interstate Commerce Commission having under consideration the urgent need for motor carrier services due to the cessation of normal railroad transportation occasioned by work stoppages, the national transportation policy, the public interest, and, among others, sections 202(a), 204(a)(6), and 210a(a) of the Interstate Commerce Act, and

It appearing, that due to a labor dispute, the common carriers by railroad are unable to transport passengers and property tendered to them; and that an emergency exists in all sections of the United States requiring immediate action on the part of the Commission to make provision for adequate transportation service in the interest of the public and the national defense;

It further appearing, that there exists an immediate and urgent need for additional motor carrier service to supplement temporarily the transportation facilities of the Nation for the movement of military and other freight, and passengers;

And it further appearing, that the present transportation emergency and immediate need for maximum utilization of motor carrier facilities, equipment, and service have made it necessary for the Commission to provide and authorize a more flexible method whereby motor carriers, and other persons, may obtain temporary authorizations to render the required motor service necessary in the public interest and to the national defense;

It is ordered, That pursuant to section 210a(a) of the Interstate Commerce Act (49 U.S.C. 310a(a)), all persons who shall apply to any regional director, assistant regional director, or district supervisor of the Commission's Bureau of Operations are hereby granted temporary authority to transport passengers or property by motor vehicle for a period of not more than 30 days to the extent and scope that such regional director or district supervisor shall certify that due to the existing transportation emergency, there is an immediate and urgent need for the service applied for, and there is no available carrier service capable of meeting such need;

It is further ordered, That the grant of such temporary authority be, and it is hereby, conditioned upon satisfying the said regional director, assistant regional director, or district supervisor of full compliance by the grantee with all applicable statutory and Commission requirements concerning tariff publications, evidence of security for the protection of the public, and designation of agents for service of process, and further conditioned upon such tariff publications quoting rates, fares, and charges no lower than those of existing rail, water, or motor carriers in the territory in which the operations are to be authorized;

It is further ordered, That temporary authority granted pursuant to this order shall expire as of the first midnight after rail carrier service shall have been reinstituted, except as to passengers or property, the transportation of which was begun prior to that time;

It is further ordered, That this order shall become effective on the 17th day of May 1971;

And it is further ordered, That notice of this order shall be given to motor carriers, other parties of interest, and to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.71–7003 Filed 5–17–71;10:07 am]

[Notice 295]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

May 12, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 69901 (Sub-No. 24 TA), filed May 5, 1971. Applicant: COURIER-NEWSOM EXPRESS, INC., Post Office Box 270, 2830 National Road, Columbus, IN 47201. Applicant's representative: Carl Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment; (1) between Madison and Columbus, Ind., over Indiana Highway 7; and (2) between Louisville, Ky., and Madison, Ind., from Louisville over I–65 to junction Indiana Highway 62, thence over Indiana Highway 62 to Madison and return over the same route, for 150 days. NOTE: Applicant proposes to tack said authority with its existing authority at both Louisville, Ky., and Columbus, Ind. Applicant also proposes service to the commercial zone of Madison, Ind. Supporting shippers: McCubbin Ford, Inc., 319–321 East Main Street, Madison, IN 47250; The Grote Manufacturing Co., State Route No. 7, Post Office Box 766, Madison, IN. 47250; and Rex Chainbelt, Inc., U.S. Highway 421, North of Highway 107, Madison, IN 47250. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 802 Century Building, 3 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 95920 (Sub-No. 22 TA), filed May 5, 1971. Applicant: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, OR 97223. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soda ash and soda bicarbonate, talc, bentonite*, from Three Forks, Mont., Green River, Westvaco, Upton, and Alchem, Wyo., to points in Idaho and Washington, for 180 days. Supporting shipper: Van Waters & Rogers, 4000 First Avenue South, Seattle WA 98134. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 101474 (Sub-No. 16 TA), filed May 5, 1971. Applicant: RED TOP TRUCKING COMPANY INCORPORATION, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Harris De Young (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt mix storage tanks and asphalt mix conveyors and parts thereof*, from Glasgow, Mo., and Leavenworth, Kans., to points in the United States except Alaska and Hawaii, for 180 days. Supporting shipper: Standard Havens Systems, Inc., Glasgow, Mo. 65254. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, Room 204, 345 West Wayne Street, Fort Wayne, IN 46802.

No. MC 113784 (Sub-No. 41 TA), filed May 5, 1971. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton 21, ON Canada. Applicant's representative: William J. Hirsch, 43 Niagara Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk, in tank vehicles, from those ports of entry on the international boundary line between the United States and Canada on the Niagara River, to the facilities of Concrete Delivery Co., Inc., at Lackawanna, N.Y., for interline, for 150 days. NOTE: Applicant proposes to interline with Concrete Delivery Co., Inc., in connection with that carrier's Certificate No. MC–124069. Supporting shipper: Northeast Cement Co., State Tower Building, Syracuse, N.Y. Send protests to: George M. Parker, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 518 Federal Office Building, 121 Ellicott Street, Buffalo, NY 14203.

No. MC 116492 (Sub-No. 1 TA), filed May 5, 1971. Applicant: JOHN T. HARRIGER AND RUTH B. HARRIGER, a partnership, doing business as T. C. HARRIGER TRUCKING, 66 Main Street, Falls Creek, PA 15840. Applicant's representative: William J. Lavelle, 23 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, in containers, and *related advertising material* moving therewith, from Columbus, Ohio, and Detroit, Mich., to Mill Hall, Ridgway, Bradford, Warren, Oil City, Curwensville, Meadville, and Falls Creek, Pa.; and (2) *empty malt beverage containers*, from Mill Hall, Ridgway, Bradford, Warren, Oil City, Curwensville, Meadville, and Falls Creek, Pa., to Columbus, Ohio, and Detroit, Mich., for 150 days. Supporting shippers: C & C Beverage, 125 Hogan Boulevard, Mill Hall, PA; John J. Errigo, Jr., doing business as Errigo Distributing Co., 408 North Third Street, Curwensville, PA; Francis P. Conway, doing business as Crescent Distributors, Warren, Pa.; Chas E. Stubler, T/A Peter C. Stubler Dist., Oil City, Pa.; Bonini Tobacco Co., Inc., Ridgway, Pa.; Meadville Bottling, Inc., Meadville, Pa.; and Bradford City Beers, Inc., Bradford, Pa. Send protests to: Frank L. Calvary, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 116821 (Sub-No. 7 TA), filed May 5, 1971. Applicant: FURNITURE DELIVERY, INC., 10 Prospect Street, Post Office Box 374, Columbiana, OH 44408. Applicant's representative: Richard H. Brandon, 810 Hartman Building, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from Salem, Ohio, to points in Connecticut, Massachusetts, Maine, Rhode Island, New Hampshire, and Vermont, for the account of Ort Furniture Manufacturing Co., Salem, Ohio, for 180 days. Supporting shipper: Ort Furniture Manufacturing Co., 275 Elm Avenue, Salem, OH 44460. Send protests to: Joseph A. Niggemyer, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 416 Old Post Office Building, Wheeling, WV 26003.

No. MC 118263 (Sub-No. 47 TA), filed May 5, 1971. Applicant: COLDWAY CARRIERS, INC., Post Office Box 38, State Highway No. 131, 47131, Clarksville, IN 47130. Applicant's representative: Paul M. Daniell, Suite 1600, First Federal Building, Atlanta, GA 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and articles distributed by meat packinghouses* as described in sections A and C, appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facility of Swift & Co., located at Marshalltown, Iowa, to points in Boone, Cook, De Kalb, Du Page, Kane, Kankakee, Kendall, Lake, McHenry, and Will Counties, Ill., and points in Lake and Porter Counties, Ind., restricted to traffic originating at and destined to the points named, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

No. MC 120673 (Sub-No. 3 TA), filed May 5, 1971. Applicant: ACME TRANSPORT COMPANY, City Park Road, Post Office Box 605, Oelwein, IA 50662. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solutions and anhydrous ammonia*, in bulk, in tank vehicles, from the plantsite of Hawkeye Chemical Co., at or near Clinton, Iowa, to points in Illinois, Minnesota, Wisconsin, and Missouri, for 180 days. Supporting shipper: Hawkeye Chemical Co., Post Office Box 899, Clinton, IA. Send protests to: Herbert W. Allen, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 332 Federal Building, Davenport, IA 52801.

No. MC 125168 (Sub-No. 17 TA), filed May 5, 1971. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Applicant's representative: James Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Petroleum oils*, in bulk, in tank vehicles: (a) from Pettys Island, N.J., to Rouseville, Pa.; (b) from Paulsboro, N.J., to Rouseville and Reno, Pa., and Falling Rock, W. Va.; (c) from Reno, Pa., to Jersey City, N.J.; (d) from Falling Rock, W. Va., to Clifton, Jersey City, Newark, and Sewaren, N.J.; and (e) from Rouseville, Pa., to North Bergen, Paterson, Pennsauken, Pettys Island, Piscataway, and Sewaren, N.J.; Falling Rock, W. Va.; Baltimore, and Beltsville, Md.; and (2) *Petroleum wax*, in bulk, in tank vehicles from Rouseville, Pa., to Bayonne, Brainards, Harrison, Kenvil, and Parlin, N.J., and Falling Rock, W. Va. The operations authorized herein are limited to a transportation service to be performed under a continuing contract with Pennzoil United, Inc., for 180 days. Supporting shipper: Pennzoil United, Inc., Drake Building, Oil City, PA 16301. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 125168 (Sub-No. 18 TA), filed May 5, 1971. Applicant: OIL TANK LINES, INC., Box 190, Darby, PA 19023. Applicant's representative: James Stiverson, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum oils*, in bulk, in tank vehicles; (1) from Bradford and Karns City, Pa., to the Pennsylvania Refining Co., plant at or near North Bergen, N.J.; and (2) from Paulsboro and Pettys Island, N.J., to Karns City, Pa. The operations, authorized herein are limited to a transportation service to be performed under a continuing contract with the Pennsylvania Refining Co., for 180 days. Supporting shipper: Pennsylvania Refining Co., Union National Bank Building, Butler, PA 16001. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 129732 (Sub-No. 2 TA), filed May 5, 1971. Applicant: EMPIRE FUEL & TRANSFER CO., 920 Newmark, Coos Bay, OR 97420. Applicant's representative: David C. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Authority sought to operate as a *common carrier*, by motor vericle, over irregular routes, transporting: *Linerboard*, from points within the commercial zone terminal area of Gardiner, Oreg., to Coos Bay and North Bend, Oreg., for 180 days. Supporting shipper: Kanematsu-Gosho (U.S.A.) Inc., 707 Southwest Washington Street, Portland, OR 97205. Send protests to: A. E. Odoms, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Multnomah Building, Portland, OR 97204.

No. MC 129972 (Sub-No. 2 TA), filed May 5, 1971. Applicant: GERALD D. WRIGHT, 1303 10th Street SE., Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Alcoholic beverages and alcoholic liquids* (except beer or malt beverages and commodities in bulk), from Chicago and Pekin, Ill., Lawrenceburg, Ind., Allen Park, Mich., and Louisville and Clermont, Ky., to Bismarck and Fargo, N. Dak., for 180 days. Supporting shipper: Congress, Inc., 601 North 15th Street, Fargo, ND 58102. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 133072 (Sub-No. 4 TA), filed May 5, 1971. Applicant: VITO PALUMBO, doing business as WILLIAM PALUMBO TRUCKING, 67 Greenwich Street, New York, NY 10006. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms*, from warehouse of Duplex Products, Inc., Fairfield, N.J., to New York, N.Y., for 150 days. Supporting shipper: Duplex Products, Inc., Post Office Box No. 236, Wayne, NJ 07470. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, Room 1807. New York. NY 10007.

No. MC 135448 (Sub-No. 1 TA), filed May 5, 1971. Applicant: JERRY SIDEBOTTOM AND LOUIS WAIDELICH, doing business as FAMCO, 4111 156th Street NE., Redmond, WA 98052. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cartons, paper, pulpboard* or *strawboard, and labels*, printed, from Redmond, Wash., to points in California, under a continuing contract with Ridgway Lithograph Co., Redmond, Wash.; and (2) *materials, supplies, and equipment* used by medical laboratories and hospitals, from points in California to Redmond, Wash., under a continuing contract with American Hospital Supply, Division of American Hospital Supply Corp., Redmond, Wash., for 180 days. Supporting shippers: Ridgway Lithograph Co., 4111 156th Avenue NE., Redmond, WA 98052, and American Hospital Supply, Division of American Hospital Supply Corp., Redmond, Wash. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135562 TA, filed May 5, 1971. Applicant: O.C.C., Inc., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Joseph O. Earp, 411 Lyon Building, Seattle, WA 98104. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Spring brakes*, from Compton, Calif., to points in Texas, Kansas, Oklahoma, Colorado, Nebraska, Missouri, Louisiana, Mississippi, Alabama, Georgia, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, Maryland, District of Columbia, Pennsylvania, New York, New Jersey, Ohio, Michigan, Indiana, Kentucky, Illinois, and Iowa, under a continuing contract with Royal Industries, Anchorlok Division, for 180 days. Supporting shipper: Royal Industries, Anchorlok Division, 2910 East Ana, Compton, CA 90221. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 135563 TA, filed May 5, 1971. Applicant: HOLLOWAY TRANSPORT, INC., 12213 Ledges Drive, Post Office Box 43177, Middletown, KY 40243. Applicant's representative: James S. Holloway (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum crude oil*, from points in Scott County, Tenn., to the pipeline terminal at Greensburg, Ky., for 180 days. Supporting shipper: Chester C. Loving, Traffic Manager, Ashland Oil, Inc., Post Office Box 391 Ashland, KY 41101. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 135565 TA, filed, May 5, 1971. Applicant: VITO J. RODINO, doing business as RODINO TRUCKING, Box 217, Haddock, Hazleton, PA 18201. Authority sought to operate as a *common carrier*; by motor vehicle, over irregular routes, transporting: *Slag*, from Allentown, Pa., to South Plainfield, N.J., for 180 days. Supporting shipper: Fer-Bee Slag Co., Inc., Canal Road, Allentown, Pa. Send protests to: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, PA 18503.

Motor Carrier of Passengers

No. MC 135564 TA, filed May 5, 1971. Applicant: EDWARD TAYLOR, doing business as KAMPER KARAVANS, Bellefonte Apartments, Scranton, PA 18505. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in vehicles equipped with camping facilities, from Albany, N.Y., and Scranton, Pa., to all points in continental United States and return, for 180 days.

Supporting shippers: Irving Weissberger, 912 Olive Street, Scranton, PA 18510; H. Thomas, 324 Chestnut Street, Peckville, PA 18452; Arthur L. Weiner, Bellefonte Apartments, Scranton, PA 18505. Send protests to: Paul J. Kenworthy; District Supervisor, Interstate Commerce Commission, Bureau of Operations, 309 U.S. Post Office Building, Scranton, PA 18503.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6876 Filed 5-17-71;8:48 am]

[Notice 296]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 13, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 647 (Sub-No. 5 TA), filed May 5, 1971. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, PA 15136. Applicant's representative: Stephen T. Wardzinski, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meat and frozen fish, frozen poultry,* in mixed shipments with frozen meat, from the facility of Allegheny Cold Storage Co., Inc., Pittsburgh, Allegheny County, Pa., to Westernport, Oakland, and Cumberland, Md., and Kingwood, W. Va., for 180 days. Supporting shipper: Fox Grocery Co., Box 29, Rehoboth Valley, Belle Vernon, PA 15012. Send protests to: John J. England, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 2111 Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222.

No. MC 89940 (Sub-No. 2 TA), filed May 5, 1971. Applicant: WALL CARTAGE CO., INC., 1191 South Little Creek Road, Dover, DE 19901. Applicant's representative: Lawrence J. Anzalone (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crated household goods and personal effects,* between Dover Del., on the one hand, and, on the other, Baltimore and Laurel, Md., and Washington, D.C., for 180 days. NOTE: Applicant intends to tack with Docket No. MC 89940 at Baltimore, Md., Washington, D.C., and Laurel, Md. Supporting shippers: Baltimore Shipping Co., Inc., 1010 American Building, Baltimore, MD 21202; Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502; Imperial Household Shipping Co., Inc., 9675 Fourth Street, North, Post Office Box 20124, St. Petersburg, FL 33702; Roadway Express, Inc., 1077 Gorge Boulevard, Post Office Box 471, Akron, OH 44309. Send protests to: Paul J. Lowry, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 227 Old Post Office Building, Salisbury, MD 21801.

No. MC 116967 (Sub-No. 14 TA), filed May 5, 1971. Applicant: WONDAAL TRUCKING CO., INC., 2857 Ridge Road, Lansing, IL 60438. Applicant's representative: Samuel Ruff, Jr., 2109 Broadway, East Chicago, IN 46312. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Brick* in dump vehicle or flat-bed trailers, between Chicago, Ill., and Brazil, Martinsville, and Cayuga, Ind., and return transportation from said destinations of brick for compensation, limited to a restricted contract with American Brick Co., Inc., of Munster, Ind., for 150 days. Supporting shipper: American Brick Co., Inc., 9401 Calumet Avenue, Munster, IN 46321. Send protests to: District Supervisor Robert G. Anderson, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 117765 (Sub-No. 124 TA), filed May 5, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials,* dry, from Military, Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and the portion of Texas east of Interstate Highway 35 and U.S. Highway 281, for 150 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Oil Chemicals Co., Dwight Building, Kansas City, MO 64105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 117565 (Sub-No. 37 TA), filed May 5, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Post Office Box 417, Coshocton, OH 43812. Applicant's representative: John R. Hafner (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings,* in sections, and *materials and special devices* used in the unloading of building sections, from Madisonville, Ky.; (1) to points in Indiana, Illinois, Missouri, Ohio, Pennsylvania, Tennessee, and West Virginia; (2) *materials special devices and special purpose carriers,* used in the transportation and unloading of the commodity described above, from the States in (1) above to Madisonville, Ky., for 180 days. Supporting shipper: Munday Homes, Inc., Post Office Box 26, Madisonville, KY 42431. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 121303 (Sub-No. 2 TA), filed May 5, 1971. Applicant: O. K. WAREHOUSE CO., INC., 2829 Bryan Avenue, Fort Worth, TX 76104. Applicant's representative: C. J. Stinson, Sr. (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Household goods,* between points in Texas; restricted to transportation of shipments of household goods contained in specially designed containers having a prior or subsequent movement in interstate or foreign commerce, for 180 days. NOTE: Applicant does intend to tack the authority in MC 121303. Supporting shippers: Columbia Export Packers, Inc., 19032 South Vermont Avenue, Torrance, CA 90502; Express Forwarding & Storage Co., Inc., 17 Battery Place, New York, NY 10004; Jet Forwarding Inc., 200 West Central Avenue, Santa Ana, CA 92707. Send protests to: H. C. Morrison, Transportation Specialist, Interstate Commerce Commission, Bureau of Operations, 9A27 Federal Building, 819 Taylor Street, Fort Worth, TX 76102.

No. MC 127539 (Sub-No. 20 TA) (Correction), filed April 1, 1971, and published FEDERAL REGISTER issue April 14, 1971, and republished in part as corrected this issue. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. NOTE: The purpose of this partial republication is to include Seattle, Wash, as a destination point, which was inadvertently omitted in previous publication. The rest of the application remains as previously published on April 14, 1971.

No. MC 129576 (Sub-No. 3 TA), filed May 5, 1971. Applicant: HORNER TRUCK INCORPORATED, 301 Lewis Street, Post Office Box 45, Canton, MO 63435. Applicant's representative: Ernest

A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63101. Authority sought to operates as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and phosphatic fertilizer solutions,* in bulk, from the plantsite of Occidental Chemical Co. at Helton, Mo., to points in Illinois, Iowa, and Missouri, for 120 days. Supporting shipper: Occidental Chemical Co., 4671 Southwest Freeway, Post Office Box 1185, Houston, TX 77001. Send protests to: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1100 Federal Office Building, 911 Walnut Street, Kansas City, MO 64106.

No. MC 133755 (Sub-No. 12 TA), filed May 5, 1971. Applicant: MILLIS BROS. TRANSFER, INC., Post Office Box 112, Black River Falls, WI 54615. Applicant's representative: Eric F. Stutz, 104 Main Street, Black River Falls, WI 54615. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages,* from La Crosse, Wis., to Chanhassen, Minn., for 180 days. NOTE: Applicant does intend to tack the authority in MC 133755 Sub-No. 6 from Sheboygan and Milwaukee, Wis., to Chanhassen, Minn., supporting shipper: Leding Distributing Co., Inc., Post Office Box 428, Chanhassen, MN 55317. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6877 Filed 5-17-71;8:48 am]

[Notice 690]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 13, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72601. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Gene P. Watson, doing business as Orchards Truck and Auto Towing, 10412 Northeast Fourth Plain Road, Vancouver, WA 98662, of the operating rights in certificate No. MC-94899, issued January 21, 1969, to William Morrison and Larry Miller, a partnership, doing business as Emergency Towing, 1009 Columbia Street, Vancouver, WA 98662, authorizing the transportation of disabled motor vehicles between points in Oregon and Washington.

No. MC-FC-72717. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Donald L. Droste, doing business as Don Droste Trucking, Portage, Wis., of a portion of the operating rights in permit No. MC-81349 and all of the operating rights in permit No. MC-81349 (Sub-No. 5), issued April 6, 1956, and July 7, 1966, respectively, to W. C. Fullmer Transfer, Inc., Baraboo, Wis., authorizing the transportation of metal water control gates, metal sheets and piling, metal cattle passes, metal guardrails, corrugated metal pipe and fittings, and commodities used in the installation of such commodities, from the plantsite of Armco Drainage and Metal Products, Inc., near Portage, Wis., to points in the Upper Peninsula of Michigan, those in Illinois on and north of U.S. Highway 6, including those in the Chicago, Ill., commercial zone as defined by the Commission and points in Iowa on and east of U.S. Highway 63; and between the plantsites of Armco Steel Corp. at South Bend, Ind., Minneapolis, Minn, and near Portage, Wis. Nancy J. Johnson, 111 South Fairchild Street, Madison, WI 53703, attorney for applicants.

No. MC-FC-72781. By order of May 10, 1971, the Motor Carrier Board approved the transfer to James Livesay, doing business as Golden Bay Freight Lines, South San Francisco, Calif., of certificate of registration No. MC-120708 (Sub-No. 1), issued March 6, 1964, to Portola Drayage Co., a corporation, San Francisco, Calif., evidencing a right to engage in transportation in interstate commerce as described in Certificate No. 60839 dated October 4, 1960, issued by the Public Utilities Commission of California. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-72808. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Olsen Transfer Co., Inc., Bellwood, Ill., of certificate of registration No. MC-99968 (Sub-No. 1) issued November 5, 1963, to Warren A. Olsen, doing business as W. Olsen Transfer, Bellwood, Ill., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 12211MC dated December 22, 1954, issued by the Illinois Commerce Commission. Harold E. Marks, 208 South La Salle Street, Chicago, IL 60604, attorney for applicants.

No. MC-FC-72811. By order of May 10, 1971, the Motor Carrier Board approved the transfer to M & M Freight Lines, Inc., Muskogee, Okla., of the certificate of registration in No. MC-99602 (Sub-No. 1) issued February 6, 1964, to Leo H. Grace, doing business as M & M Freight Line, Muskogee, Okla., evidencing a right to engage in transportation in interstate or foreign commerce corresponding to the grant of authority in certificate No. A-810 dated December 20, 1955, issued and amended by the Corporation Commission of Oklahoma. A. Camp Bonds, 444 Court Street, Muskogee, OK 74401, attorney for applicants.

No. MC-FC-72826. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Tri-State Dump Truck Service, Inc., Wheeling, W. Va. of the operating rights in certificate No. MC-41700, issued December 18, 1957, to Steel City Truck Service, Inc., Triadelphia, W. Va., authorizing the transportation of building materials and such commodities as are transported in dump vehicles between specified points in West Virginia and Pennsylvania. D. L. Bennett, 129 Edington Lane, Wheeling, WV 26003, representative of applicants.

No. MC-FC-72844. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Anding Transit, Inc., Arena, Wis., of the operating rights in certificates Nos. MC-55709 (Sub-No. 1) and MC-55709 (Sub-No. 3) issued May 20, 1960, and April 22, 1963, respectively, to Alfred E. Anding, Arena, Wis., authorizing the transportation of butter, empty containers, agricultural insecticides, farm machinery and implements, agricultural commodities, feed, seed, fertilizer, fencing materials, corrugated culverts, coal, livestock, and carbonated beverages, from and to, and between, specified points in Iowa, Illinois, Michigan, Minnesota, Missouri, North Dakota, South Dakota, Ohio, and Wisconsin. Edward Solie, 100 Executive Building, 4513 Vernon Boulevard, Madison, WI 53705, attorney for applicants.

No. MC-FC-72851. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Kimbel Trucking Co., a corporation, Seminole, Okla., of the operating rights in certificate No. MC-14454 issued August 1, 1951, to Earl Edward Kimbel, Seminole, Okla., authorizing the transportation of machinery, equipment, materials, and supplies, used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipelines, including the stringing and picking up thereof, between points in Oklahoma, Kansas, and Texas. Rufus H. Lawson, Post Office Box 75124, Oklahoma City, OK 73107, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6875 Filed 5-17-71;8:48 am]

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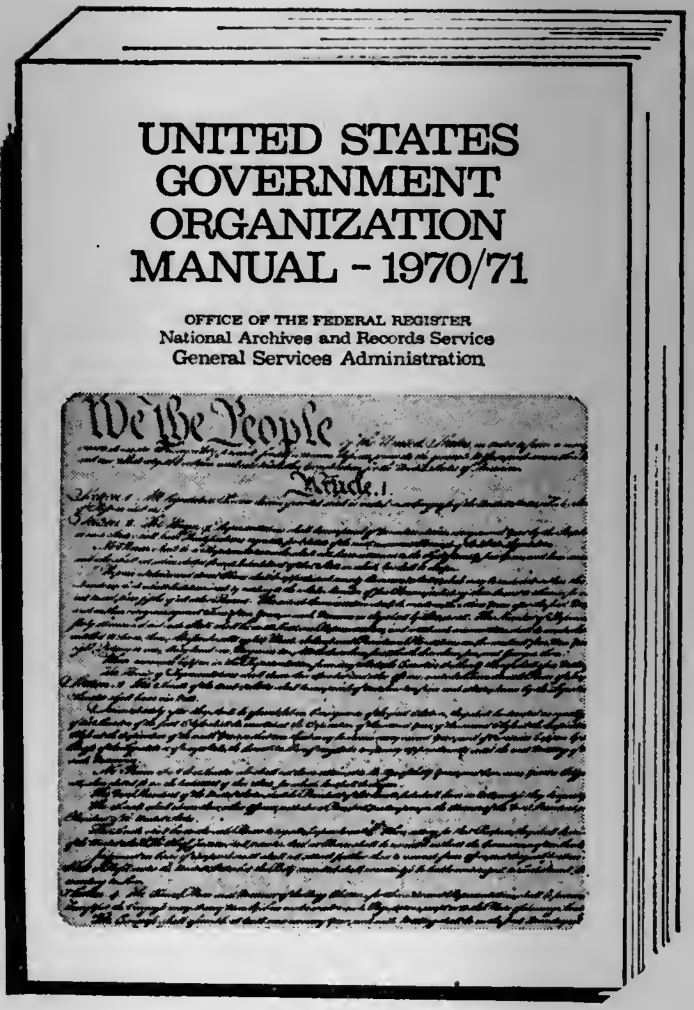

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FEDERAL REGISTER
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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades for Sweet Cherries

Correction

In F.R. Doc. 71-6399 appearing at page 8502 in the issue for Friday, May 7, 1971, the word "and" in the fourth line of § 51.2657 should read "any".

Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Flag Smut

REMOVAL OF ETHYL MERCURY PHOSPHATE DUST AS APPROVED TREATMENT

Pursuant to sections 5 and 7 of the Plant Quarantine Act of 1912 (7 U.S.C. 159, 160), § 319.59-4 of the regulations relating to the Flag Smut Quarantine 59 (7 CFR 319.59) is amended to read as follows to remove ethyl mercury phosphate dust as an approved treatment.

§ 319.59-4 Treatment.

As a condition of entry, all products subject to § 319.59-3(a)(2) and their containers shall be treated upon their arrival in the United States by the application of one of the treatment methods currently approved administratively[1] by the Agricultural Quarantine Inspection Division as effective in eliminating flag smut infection; or shall be processed or utilized as authorized by the inspector in a manner to destroy such infection, at an approved mill or plant under an agreement similar to that provided for in § 319.8-8(a)(2). The schedule of treatment or method of processing or utilization of products under this section shall be according to a method selected by the inspector from administratively authorized procedures known to be effective under the conditions and with due recognition of any health hazards involved. Neither the Department of Agriculture nor the inspector shall be deemed responsible for any adverse effects of any such treatment. Treated seeds should be planted without delay in order to avoid reduced germination. All costs of such treatments, other than the services of an inspector during regularly assigned hours of duty and at the usual places of duty, shall be paid by the importer.

(Secs. 5 and 7, 37 Stat. 316, 317, 7 U.S.C. 159, 160; 7 CFR 319.59; 29 F.R. 16210, as amended)

This amendment shall become effective upon publication in the FEDERAL REGISTER (5-19-71).

The purpose of this amendment is to remove the approval of the specified chemical treatment for purposes of the regulations in the subpart concerning flag smut because registration of this substance has been suspended under the Federal Insecticide, Fungicide and Rodenticide Act on the basis that the suspension is necessary to prevent an imminent hazard to the public. The amendment must be made effective promptly to coordinate the provisions of the regulations with the requirements under said Act. Therefore, under the administrative procedure provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 14th day of May 1971.

[SEAL] F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-6979 Filed 5-18-71;8:49 am]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER F—DETERMINATION OF NORMAL YIELDS AND ELIGIBILITY FOR ABANDONMENT AND CROP DEFICIENCY PAYMENTS

[Supp. 10]

PART 845—MAINLAND CANE SUGAR AREA

Approved Local Areas for 1970 Crop

Pursuant to the provisions of section 303 of the Sugar Act of 1948, as amended, § 845.12 is added to read as follows:

§ 845.12 Approved local areas for the 1970 crop.

For purposes of considering eligibility of farms for abandonment and crop deficiency payments on 1970 crop sugarcane pursuant to paragraph (c) of § 845.2, as amended (23 F.R. 9255), the local parish ASC committees in Louisiana and the Glades County ASC Committee in Florida have determined that the extent of crop damage as specified and provided in subparagraph (1)(iii) of paragraph (c) of § 845.2 has occurred in the following local producing areas:

LOUISIANA

Parishes approved in their entirety:

Avoyelles.
Iberville.
Pointe Coupee.
St. Charles.
St. Mary.

Individual local producing areas approved:

Lafayette: Area 3.
St. James: Area 1; Area 4; Area 5.
St. Landry: Area 2.
St. Martin: Area 2; Area 3.
Terrebonne: Area 2.
West Baton Rouge: Area 1; Area 7.
West Feliciana: Area 1.

FLORIDA

All of Florida.

Statement of bases and considerations. This supplement provides public notice of the local producing areas in Louisiana and Florida where due to drought, flood, storm, freeze, disease, or insects, the 1970 sugarcane crop has been damaged to the extent that farms located in whole or in part therein will be considered (as to location) for abandonment and deficiency payments. Producers on these farms who have not filed application for Sugar Act payments with respect to acreage abandonment or crop deficiencies for which they may otherwise be eligible should apply for such payments before December 31, 1972, as provided in 7 CFR 892.7 (32 F.R. 8413).

(Secs. 303, 403, 61 Stat. 930, 932; 7 U.S.C. 1133, 1153)

Effective date: Date of publication (5-19-71).

Signed at Washington, D.C.. on May 13, 1971.

CHAS. M. COX,
Acting Deputy Administrator,
State and County Operations,
Agricultural Stabilization and
Conservation Service.

[FR Doc.71-6977 Filed 5-18-71;8:49 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Order Amending Order, as Amended, Regulating Handling

§ 910.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

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[1] For information concerning currently approved treatment methods write: Agricultural Quarantine Inspection Division, Federal Center Building, Room 557, Hyattsville, MD 20782.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, Calif., on May 13–16, 1970, upon proposed amendments to the marketing agreement, as amended, and to Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of lemons grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in, the marketing agreement and order upon which hearings have been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act;

(4) The said order, as amended and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of lemons; and

(5) All handling of lemons grown in the designated production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The marketing agreement, as amended, regulating the handling of lemons grown in designated production area, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period August 1, 1969, through July 31, 1970, handled not less than 80 percent of the lemons covered by said order, as amended, and as hereby further amended;

(2) The issuance of this order, amending the aforesaid order, is favored or approved by at least three-fourths of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (August 1, 1969, through July 31, 1970) were engaged within the area in the production for market of the lemons covered by the said order, as amended, and as hereby further amended; and

(3) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced for market within the designated production area.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended, and as hereby further amended as follows:

1. Sections 910.9 and 910.10 are revised to read as follows:

§ 910.9 Carton.

"Carton" means standard container number 58 as defined in section 43615 of the Agricultural Code of California, as amended, of a capacity of approximately 38 pounds of lemons, or such other container and capacity as may be established by the committee, with the approval of the Secretary, or the equivalent thereof.

§ 910.10 Fiscal year.

"Fiscal year" means the twelve-month period beginning on August 1 of each year and ending July 31 of the following year, except that the fiscal year ending July 31, 1971, shall begin on November 1, 1970.

§ 910.12 [Deleted]

2. Section 910.12 *Lemons available for current shipment* is deleted.

3. Sections 910.20, 910.21, 910.22, and 910.23 are revised to read as follows:

§ 910.20 Establishment and membership.

(a) There is hereby established a Lemon Administrative Committee consisting of 13 members. For each member there shall be an alternate member, and for each grower member an additional alternate, and the provisions of §§ 910.20 through 910.26, unless they specifically provide otherwise, shall apply to members and alternate members and additional alternates in like manner. Further, references to "member" therein shall be deemed to include alternates and additional alternates unless the context indicates otherwise. Eight of the members shall be growers and shall be referred to in this part as "grower" members; four of the members shall be handlers or employees of handlers or employees of central marketing organizations and shall be referred to in this part as "handler" members. One member of the committee shall be a person who shall not be a grower or handler, or an employee, agent, or representative of a grower or handler (other than an educational institution which is a grower or handler), or of a central marketing organization. Such person shall be referred to in this part as a "nonindustry" member.

(b) Except as otherwise provided pursuant to § 910.22(h), the grower members of the committee shall be nominated, by prorate district and group, in accordance with the following schedule:

	Co-op more than 60 percent	Other co-ops	Independents
District 1 (1)......	1	0	0
District 2 (4)......	2	2	0
District 3 (3)......	1	1	1

(c) Each alternate grower member and each additional alternate grower member shall be from the same group as the member but need not be from the same district.

§ 910.21 Term of office.

The term of office of committee members shall be a period of 2 years beginning on August 1 of each even-numbered year, except that the term ending on July 31, 1972, shall begin on the date designated by the Secretary. Members shall serve in such capacities for the portion of the term of office for which they are selected and qualify and until their respective successors are selected and have qualified.

§ 910.22 Nominations.

(a) The time and manner of nominating members of the Lemon Administrative Committee shall be prescribed by the Secretary.

(b) Any cooperative marketing organization or the growers affiliated therewith which markets more than 60 percent of the total volume of lemons during the fiscal year during which nominations for members are submitted shall nominate, in conformity with § 910.20, four grower members and two handler members.

(c) All cooperative marketing organizations or the growers affiliated therewith which market lemons and which are not qualified under paragraph (b) of this section shall nominate, in conformity with § 910.20, three grower members and one handler member.

(d) All growers of the group identified as independents in § 910.20 who are not affiliated with a cooperative marketing organization which markets lemons shall nominate, in conformity with § 910.20, one grower member and one handler member.

(e) When voting for nominees each grower shall be entitled to one vote only which shall be cast on behalf of himself, his agents, subsidiaries, affiliates, and representatives. Votes of marketing organizations voting pursuant to paragraph (c) of this section shall be weighted in accordance with the volume of lemons handled during the current fiscal year to the end of the month preceding the month in which such nominations are made.

(f) The members of the Lemon Administrative Committee selected by the Secretary pursuant to § 910.23 shall, by concurring vote of at least seven members, nominate the nonindustry member.

(g) The grower members nominated under paragraphs (b), (c), and (d) of this section shall be in such number and from such districts and groups as provided pursuant to § 910.20.

(h) The Secretary, upon recommendation of the Lemon Administrative Committee, or other information, may reapportion the number of grower members or handler members, or both, to be nominated pursuant to § 910.22 and may realign the number of grower members in any district. Any such change shall be based, insofar as practicable, upon the proportionate amounts of lemons handled by the respective groups and production within any district: *Provided,* That each district shall be entitled to at least one grower member and each marketing group described in § 910.22 shall be entitled to at least one handler member and one grower member, and no district shall have more than four grower members.

§ 910.23 Selection.

The Secretary shall select members of the Lemon Administrative Committee from persons nominated pursuant to § 910.22 or, at his discretion, from other qualified persons.

§ 910.27 [Amended]

4. Section 910.27 *Alternate members* is amended by inserting at the end of the first sentence, the following: "If another alternate member is not so designated by a grower member, his alternate shall act for the member and, in the absence of such alternate, the additional alternate shall so act."

§ 910.28 [Amended]

5. Paragraph (a) of § 910.28 *Procedure* is amended by deleting the second sentence thereof.

6. Section 910.29 *Expenses and compensation* is revised to read as follows:

§ 910.29 Expenses and compensation.

The members of the committee, and their respective alternates when acting as members, or when in attendance pursuant to committee authorization, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under § 910.30, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $25 for each day, or portion thereof, spent in attending meetings of the committee.

7. Paragraph (k) of § 910.31 *Duties* is revise dto read as follows:

§ 910.31 Duties.

* * * * *

(k) With the approval of the Secretary, to reapportion pursuant to § 910.22 (h) the number of members on the Lemon Administrative Committee who are nominated pursuant to § 910.22.

8. Section 910.40 *Expenses* is revised to read as follows:

§ 910.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of the committee under this subpart during each fiscal year. The funds to cover such expenses shall be acquired by levying assessments as provided in § 910.41.

§ 910.41 [Amended]

9. Paragraph (a) of § 910.41 *Assessments* is amended as follows:

A. The first sentence is revised to read: "Each handler who first handles lemons shall, with respect to the lemons so handled by him, pay to the committee upon demand, such handler's pro rata share of the expenses which the Secretary finds are reasonable and likely to be incurred by the committee for its maintenance and functioning, during each fiscal year, including the accumulation and maintenance of a reserve fund equal to approximately one-half of 1 fiscal year's expenses."

B. The following sentence is added at the end thereof: "If a handler does not pay his assessment within the time prescribed by the committee, the assessment may be subject to an interest charge at a rate prescribed by the committee with the approval of the Secretary.

10. Paragraph (a) of § 910.42 *Accounting* is revised to read as follows:

§ 910.42 Accounting.

(a) If, at the end of the fiscal year, the assessments collected are in excess of expenses incurred, such excess shall be accounted for in accordance with one of the following:

(1) If such excess is not retained in a reserve, as provided in subparagraph (2) of this paragraph, or used to defray necessary expenses of liquidation, it shall be refunded proportionately to the persons from whom it was collected: *Provided,* That any sum paid by a person in excess of his pro rata share of the expenses during any fiscal year may be applied by the committee at the end of such fiscal year to any outstanding obligations due the committee from such person.

(2) The committee, with the approval of the Secretary, may establish and maintain during one or more fiscal years an operational monetary reserve in an amount not to exceed approximately one-half of a fiscal year's operational expenses. Upon approval of the Secretary, funds in such reserve shall be available for use by the committee (i) for all expenses authorized pursuant to § 910.40 and (ii) to cover necessary expenses of liquidation in the event of termination of this part. Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate: *Provided,* That to the extent practical, such funds shall be returned pro rata to the persons from whom such funds were collected.

* * * * *

11. Section 910.53 *Prorate bases* is revised to read as follows:

§ 910.53 Prorate bases.

(a) As used in this section, "handler" means the person who is, or proposes to be, the person who handles lemons as the first handler thereof; and each such handler shall submit to the committee, at such time and in such manner as may be designated by the committee, and upon forms made available by it, a written application for a prorate base and for allotments as provided in this section and § 910.56, such application to be substantiated by such information as the committee may require.

(b) The committee shall determine the accuracy of the information submitted pursuant to this section. Whenever the committee finds that there is an error, omission, or inaccuracy in any such information, it shall correct the same and may make such compensating adjustments as are appropriate or necessary, and shall give the person who submitted the information a reasonable opportunity to discuss with the committee the factors considered in making the correction.

(c) Each week the committee shall compute a prorate base or bases for each handler who has made application in accordance with the provisions of this section.

(d) Each prorate base for a handler of lemons shall be computed as follows:

(1) Compute the total quantity of lemons grown in a particular prorate district which has been picked and delivered to the handler, hereinafter at times referred to as "pick," during the applicable prorate base period immediately preceding the week in which the prorate base is computed. The applicable number of weeks in the prorate base period for a prorate district shall be as provided in paragraph (e) of this section. Such quantities of lemons picked and so delivered in such period shall then be divided by the number of weeks in the applicable prorate base period for the purpose of arriving at an average weekly pick.

(2) For any handler of lemons produced in District 1 or 3, for the initial number of consecutive weeks after the beginning of such handler's new season, equal to the number of weeks in the applicable prorate base period, the average weekly pick computed for the first week of picks and succeeding weeks shall be computed as follows:

(i) The total quantity picked and delivered to the handler in the first week;

(ii) The total quantity picked and delivered to the handler in the first and second weeks divided by 2.

(iii) The total quantity picked and delivered to the handler in the first 3 weeks and succeeding weeks (until such number of weeks equals the total weeks in such handler's applicable prorate base period) divided by the total weeks so included.

On the basis of the computation of the handler's average weekly pick, the committee shall fix a prorate base for each handler who is entitled thereto. Each such prorate base shall represent the ratio between the average weekly pick for each applicant handler and the total of such average weekly picks for all applicant handlers.

(e) In recognition of the differences between the several prorate districts in production and marketing conditions, the number of weeks in a prorate base period shall be specified by district and such respective base periods shall apply to lemons produced in such district, even though packed or handled in another district. Until changed in the manner provided in paragraph (h) of this section, the prorate base periods for the several districts shall be: District 1, 8 weeks; District 2, 16 weeks; and District 3, 4 weeks.

(f) (1) At the request of any handler of lemons produced in Districts 1 or 3, the committee shall adjust the average weekly pick of such handler by increasing it in the amount requested by the handler, but not exceeding 50 percent of such average. Such adjustment may be requested for any one or more weeks, not to exceed 8 weeks, during the period beginning with the first week of the initial prorate base period of a season for which such handler's average weekly pick is computed and ending not later than the middle week of such handler's picking season, as determined by the committee, based upon the historical picking performance of such handler. Any adjustment so added shall be deducted from such handler's average weekly picks as computed for subsequent weeks beginning in the week following such middle week and continuing in successive weeks to assure full repayment of all prior upward adjustments. To the extent practicable, the amounts and sequences of repayments shall conform to the amounts and sequences in which upward adjustments were effected: *Provided, however*, That if the committee determines that an accelerated rate of repayment is necessary to effect full repayment, or the handler requests an accelerated rate of repayment, actions to effect repayment on such basis shall be in accordance with rules and regulations prescribed by the committee with the approval of the Secretary. Adjusted average weekly picks shall be used in lieu of the average weekly picks in computing the handler's prorate base as provided in paragraph (d) of this section. If the handler fails to receive sufficient allotment during the balance of the season to offset the upward adjustment, deductions from allotment received in the following season shall not be required to effect such repayment.

(2) Any handler of lemons produced in District 2 whose picks are interrupted for a period of 8 successive weeks or more, may upon application to the committee begin a new prorate base period with the initial week of picks after such interruption, and with the average weekly picks being computed in accordance with the applicable provisions of paragraph (d) of this section for the initial number of consecutive weeks in such new prorate base period. Any such handler upon application to the committee shall also receive adjustments of a character similar to those described in subparagraph (1) of this paragraph (f), subject to such conditions with respect to dates and periods of upward adjustment and payback as may be necessary or appropriate to avoid or mitigate undue hardship and to preserve equity among handlers.

(3) During the first 2 consecutive weeks beginning with the first picks of a new season for handlers of lemons produced in District 1 and for handlers of lemons produced in District 3 and with the first week of picks for a handler of lemons produced in District 2 authorized to begin a new prorate base period as provided in subparagraph (2) of this paragraph, a handler may upon application to the committee be granted allotment to handle such lemons in anticipation of future allotments based on such picks, subject to such future allotments being reduced by the amount equal to such allotment.

(g) Any handler of lemons produced in any district under production or marketing conditions substantially differing from those generally prevailing in the same district, may apply to the committee for a different prorate base period, shorter or longer, than that specified for the district, but in no event less than 4 weeks nor more than 16 weeks. Such application shall be granted to the extent necessary or appropriate to give due recognition to such differences.

(h) The committee, with the approval of the Secretary, may change the number of weeks in the several time periods, the dates referred to in this § 910.53, and the percentage of adjustment specified in subparagraph (1) of paragraph (f) of this section; and in like manner may establish rules and regulations to effectuate the provisions of this section and may modify the method or manner of making the prescribed computations.

12. Section 910.50 *Marketing policy* is amended to read as follows:

§ 910.50 Marketing policy.

Each year not later than August 15 of the fiscal year (or such later date as the committee may establish with the approval of the Secretary) the committee shall hold a marketing policy meeting and shall thereafter submit to the Secretary its marketing policy for such fiscal year, to continue in force until revised, or superseded by the adoption of a new marketing policy. The marketing policy shall contain the following information: (a) The available supplies of lemons in each prorate district, including estimated quality and composition of sizes; (b) the estimated utilization of the crop, showing the quantity and percentages of the crop that will be marketed in domestic, export, and byproduct channels, together with quantities otherwise to be disposed of; (c) a schedule of estimated weekly shipments to be recommended to the Secretary during the fiscal year; (d) level and trend of consumer income; (e) estimated supplies of competitive citrus commodities; and (f) any other pertinent factors bearing on the marketing of lemons. In the event that it becomes advisable to substantially modify the marketing policy the committee shall submit to the Secretary a revised marketing policy or a new marketing policy setting forth the information as required in this section.

§ 910.51 [Amended]

13. Section 910.51 *Recommendations for regulations* is amended by deleting from the end of the second sentence of § 910.51(a) the words "in each district defined in § 910.64."

§ 910.52 [Amended]

14. Section 910.52 *Issuance of regulations* is amended by deleting "in each district, as aforesaid" and "in each such district" in the first sentence of the section.

§ 910.56 [Amended]

15. Section 910.56 *Allotments* is amended by deleting the phrase "in a district" from the first sentence, and deleting the phrase "in such district" from the second sentence.

§ 910.57 [Amended]

16. Section 910.57 *Overshipments* is amended as follows:

A. By inserting the following after the first proviso of such section: "*And provided further*, That if allotment is forfeited with respect to lemons grown in any prorate district during such week, such forfeiture shall be used to reduce the amount of maximum permissible overshipments made during such week unless the forfeiting handler shall have made a bona fide and timely offer to the committee to lend his undershipment, and such forfeitures shall be first applied to permissible overshipments of handlers of lemons grown in the district with respect to which the forfeiture occurred and second to permissible overshipments of handlers of lemons grown in the other districts. Allocation of forfeiture credit to handlers who have overshipped shall be made in proportion to, but not in excess of, the quantity overshipped by each such handler. However, no handler who has overshipped more than the maximum permissible under this section shall participate in the credits allowed by this provision."

B. By adding the following at the end of such section: "*Provided*, That any overshipments outstanding at the end of a season in District 1 or 3 shall not be required to be offset by deductions from allotments issued in the following season. The committee, with the approval of the Secretary, shall adopt procedural rules and regulations to effectuate the provisions of this section."

17. Section 910.59 *Allotment loans* is revised to read as follows:

§ 910.59 Allotment loans.

(a) A handler for whom a prorate base has been established may lend allotment to other handlers: *Provided*, That such loan is reported to the committee not later than 48 hours after the loan agreement has been entered into, and provides for repayment within 1 year of the date of the loan. If on the date of repayment specified in the loan agreement the borrower has insufficient allotment to repay such loan, he shall repay such loan as soon after such date as he has allotment available to him for that purpose.

(b) Allotments shall be loaned only during the week in which such allotments are issued and can be used by the borrower only during the week in which the loan is secured. Handlers securing repayment of allotment loans shall use such allotments only during the week in which the repayment is made.

(c) A handler desiring to loan all or part of his allotment to other handlers of lemons produced within the same district may do so direct or may request the committee to act in his behalf. A handler desiring to loan allotment to handlers of lemons produced in another district shall request the committee to arrange the loan on his behalf with the committee first offering the loan to handlers of lemons grown within the same district who have previously filed requests for such loans; and failing to so arrange may then offer the loan to handlers of lemons grown in other districts in an equitable manner.

(d) No allotment which has been loaned may again be loaned by the borrower, or by the lender after repayment thereof.

(e) The committee may, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this § 910.59.

18. Section 910.61a *Early availability allotments* is deleted and a new section is inserted in lieu thereof reading as follows:

§ 910.61a Off-bloom allotment.

Notwithstanding the provisions in § 910.53 and elsewhere in this part applicable to allotments, the committee may, prior to the time lemons generally are available in District 1 or District 3, issue special allotments to handlers for handling lemons which result from an off-bloom condition existing in such district or districts. Such handlers may apply to the committee, not later than 30 days prior to the anticipated picking of such off-bloom lemons, on forms prescribed by the committee, and shall furnish to the committee such information as it may require to certify the off-bloom condition. On the basis of all available information and after consideration of all of the factors enumerated in § 910.51(b), the committee shall certify the quantity of each handler's off-bloom lemons and determine the extent to which off-bloom allotment shall be granted. Such allotments shall be allocated to all handlers who have certified off-bloom in proportion to the respective quantities so certified. Any off-boom allotment may be loaned only to other handlers to whom off-bloom allotments have been allocated. The total quantity of a handler's certified off-bloom lemons picked for handling pursuant to off-bloom allotment shall not be used in the computation of such handler's average weekly pick pursuant to § 910.53(d)(1). The committee shall, with the approval of the Secretary, adopt procedural rules and regulations to effectuate the provisions of this section.

19. Section 910.64 *Districts* is revised to read as follows:

§ 910.64 Districts.

For the purpose of administration of this part and in recognition of the fact that there are general differences in maturity and keeping quality of lemons produced in different geographical sections of the production area, the production area is divided into three prorate districts as follows:

(a) "District 1" shall include that part of the State of California which is south of a line drawn due east and west through the present post office in Turlock, Calif., and north of a line drawn due east and west through the present post office in Gorman, Calif., and west of the extension of a line drawn due north and south through the present post office in White Water, Calif., but excluding San Luis Obispo and Santa Barbara Counties.

(b) "District 2" shall include that part of the State of California west of a line drawn due north and south through the present post office in White Water, Calif., and south of a line drawn due east and west through the present post office in Gorman, Calif., but including San Luis Obispo and Santa Barbara Counties.

(c) "District 3" shall include the State of Arizona and that part of the State of California east of a line drawn due north and south through the present post office in White Water, Calif.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 13, 1971, to become effective July 1, 1971, except for §§ 910.12, 910.28, 910.40, 910.41, 910.42, 910.50, 910.51, 910.52, 910.56, 910.57, 910.59, 910.61a, and 910.64, which are to become effective August 1, 1971.

RICHARD E. LYNG,
Assistant Secretary.

MAY 13, 1971.

[FR Doc.71-6949 Filed 5-18-71;8:49 am]

Title 12—BANKS AND BANKING

Chapter I—Bureau of the Comptroller of the Currency, Department of the Treasury

PART 1—INVESTMENT SECURITIES REGULATION

Securities Eligible for Underwriting and Unlimited Holding

Correction

In F.R. Doc. 71–6579 appearing at page 8723 in the issue for Wednesday, May 12, 1971, the following words should be added immediately after the second line of § 1.308(c): "School Authority School Revenue Bonds,".

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 70–CE–100]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 12, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4788) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the International Falls, Minn., transition area.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140) "International Falls, Minn." is amended to read:

> That airspace extending upward from 700 feet above the surface within 4½ miles northeast and 9½ miles southwest of the International Falls VORTAC 140° and 320° radials, extending from 6 miles southeast to 18½ miles northwest of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls VORTAC 129° and 309° radials extending from 6 miles northwest to 18½ miles southeast of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 20-mile radius of the International Falls VORTAC; and within 4½ miles southwest and 9½ miles northeast of the International Falls ILS southeast localizer course extending from the 20-mile-radius area to 18½ miles southeast of the outer marker, excluding the portions outside the United States.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 7, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6929 Filed 5-18-71;8:47 am]

[Airspace Docket No. 70–EA–44]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Extension of Federal Airways; Correction

On March 26, 1971, F.R. Doc. 71–4180 was published in the FEDERAL REGISTER (36 F.R. 5676) effective May 27, 1971.

This document amended Part 71 of the Federal Aviation Regulations in part by realigning VOR Federal airway No. 139 segment from the Skipper, Mass., intersection to Kennebunk, Maine.

Inadvertently, this amendment retained in the description of V–139, the intersection of Manchester 130° and Boston 015° radials, whereas it should have deleted this intersection. Accordingly, action is taken herein to delete this intersection from the airway description.

Since this amendment is editorial in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, effective upon publication in the FEDERAL REGISTER (5–19–71), F.R. Doc. 71–4180 (36 F.R. 5676) is amended as hereinafter set forth.

In Item 1. "INT Manchester 117° and Boston 015° radials." is deleted and "INT Manchester 130° and Boston, Mass, 015° radials; INT Manchester 117° and Boston 015° radials." is substituted therefor.

(Secs. 307(a), 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348(a), 1510; Executive Order 10854, 24 F.R. 9565; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 6, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6930 Filed 5-18-71;8:47 am]

[Airspace Docket No. 71–SO–40]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 30, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5855), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Vidalia, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Vidalia, Ga., transistion area is amended to read:

VIDALIA, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Vidalia Municipal Airport (lat. 32°11'45" N., long. 82°22'15" W.).

(Sec. 370(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, (49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 5, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6932 Filed 5-18-71;8:47 am]

[Airspace Docket No. 71–SO–90]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tampa, Fla. (International Airport), MacDill AFB, Fla., and St. Petersburg, Fla. (Albert-Whitted Airport), control zones.

The above-named control zones are described in § 71.171 (36 F.R. 2055).

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of this revised criteria, it is necessary to alter the above-named control zone descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

TAMPA, FLA. (INTERNATIONAL AIRPORT)

Within a 5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); excluding the portion within St. Petersburg control zone and the portion southeast of a line 2 miles north of and parallel to MacDill AFB ILS localizer northeast course.

MACDILL AFB, FLA.

Within a 5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 1.5 miles each side of MacDill AFB TACAN 216° radial, extending from the 5-mile-radius zone to 6 miles southwest of the TACAN; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.); excluding the portion within Tampa, Fla. (International Airport), control zone.

In § 71.171 (36 F.R. 2055), the St. Petersburg, Fla. (Albert-Whitted Airport) control zone is amended as follows: "* * * lat. 27°45'51" N. long. 82°37'46" W. * * *" is deleted and "* * * lat. 27°45'53" N., long. 82°37'39" W. * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 10, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6933 Filed 5-18-71;8:47 am]

[Airspace Docket No.71–SO–92]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field and Municipal Airport), control zone.

The above-named control zones are described in § 71.171 (36 F.R. 2055).

U.S. Standards for Terminal Instrument Procedures (TERPs), issued after extensive consideration and discussion with Government agencies concerned and affected industry groups, are now being applied to update the criteria for instrument approach procedures. The criteria for the designation of controlled airspace protection for these procedures were revised to conform to TERPs and achieve increased and efficient utilization of airspace.

Because of these revised criteria, it is necessary to alter the above-named control zone descriptions.

In consideration of the foregoing, notice and public procedure hereon are unnecessary and Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Pensacola, Fla. (NAS Pensacola-Forrest Sherman Field and Municipal Airport), control zones are amended to read:

PENSACOLA NAS, FLA.

Within a 5-mile radius of Forrest Sherman Field (lat. 30°20'53" N., long. 87°19'04" W.); within 3 miles each side of the 134° bearing from NAS Pensacola LF RBN, extending from the 5-mile-radius zone to 8.5 miles Southeast of the RBN; within 3 miles each side of the 174° bearing from NAS Pensacola UHF RBN, extending from the 5-mile-radius zone to 8.5 miles south of the RBN; within 1.5 miles each side of NAS Pensacola TACAN 214° and 235° radials, extending from the 5-mile-radius zone to 6.5 miles Southwest of the TACAN.

PENSACOLA, FLA.

Within a 5-mile radius of Pensacola Municipal Airport (lat. 30°28'25" N., long. 87°11'20" W.); within 3 miles each side of the ILS localizer south course, extending from the 5-mile-radius zone to 8.5 miles south of Pickens LOM, and within the portion of a 4-mile radius of NAS Ellyson Field (lat. 30°31'30" N., long. 87°12'00" W.), extending clockwise from a line 2 miles northeast of and parallel to the 331° bearing from Brent LOM to the 5-mile-radius zone.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 5, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-6934 Filed 5-18-71;8:47 am]

[Airspace Docket No. 71–WE–19]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On March 26, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5708) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Hanksville, Utah, transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 7, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Hanksville, Utah, transition area is amended to read as follows:

HANKSVILLE, UTAH

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Hanksville (FAA Site 54) Airport (latitude 38°25'01" N., longitude 110°41'57" W.), and within 3.5 miles each side of the Hanksville VORTAC 106° radial, extending from the 5-mile radius area to 11.5 miles east of the VORTAC; that airspace extending upward from 1,200 feet above the surface within 6 miles north and 9.5 miles south of the Hanksville VORTAC 236° and 106° radials, extending from 7.5 miles west to 18.5 miles east of the VORTAC.

[FR Doc.71-6935 Filed 5-18-71;8:47 am]

[Airspace Docket No. 71–WE–10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6436) stating that the Federal Aviation Administration was considering amendments to Part 71 of the Federal Aviation Regulations that would alter the descriptions of the Douglas, Arizona, control zone and transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendments are hereby adopted without change.

Effective date. These amendments shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 11, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Douglas, Ariz., control zone is amended to read as follows:

DOUGLAS, ARIZ.

Within a 5-mile radius of Bisbee-Douglas International Airport (latitude 31°28'00" N., longitude 109°36'10" W.) and within 2 miles each side of the Douglas VORTAC 333° radial, extending from the 5-mile-radius zone to 11.5 miles northwest of the VORTAC.

In § 71.181 (36 F.R. 2140) the description of the Douglas, Ariz., transition area is amended to read as follows:

DOUGLAS, ARIZ.

That airspace extending upward from 700 feet above the surface within 4.5 miles southwest and 9.5 miles northeast of the Douglas VORTAC 333° radial extending from the VOR to 18.5 miles northwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface within a 9-mile radius of the Douglas VORTAC, within a 23-mile radius of the Douglas VORTAC extending clockwise from the southwest edge of V–66 to the southeast edge of V–66, and within 5 miles east and 8.5 miles west of the Douglas VORTAC 347° radial extending from the 23-mile-radius area to the Cochise VORTAC, excluding the portion within the Cochise, Ariz., transition area.

[FR Doc.71-6936 Filed 5-18-71;8:48 am]

[Airspace Docket No. 71–WE–21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6437) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Denver, Colorado, control zone.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 10, 1971.

LEE E. WARREN,
Acting Director, Western Region.

In § 71.171 (36 F.R. 2055) the description of the Denver, Colo., control zone is amended to read as follows:

DENVER, COLO.

Within a 9-mile-radius of Stapleton International Airport (latitude 39°46'30" N., longitude 104°52'40" W.), within a 9-mile-radius of Buckley ANGB Airport (latitude 39°42'05" N., longitude 104°45'10" W.), and within 4 miles each side of the Buckley ANGB VOR 152° radial extending from the 9-mile-radius zone to 14 miles southeast of the VOR, excluding the portion within a 1-mile-radius of Skyline Airport (latitude 39°46'37" N., longitude 104°36'57" W.).

[FR Doc.71-6937 Filed 5-18-71;8:48 am]

[Airspace Docket No. 71–NE–1]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 73—SPECIAL USE AIRSPACE

Alteration of Continental Control Area and Restricted Area

The purpose of these amendments to Parts 71 and 73 of the Federal Aviation Regulations is to alter the Continental Control Area and the No Man's Land Island, Mass., Restricted Area R–4105.

The Department of the Navy has requested that the designated altitude of R–4105 be lowered from 20,000 feet MSL to 18,000 feet MSL. This would eliminate the need to include R–4105 in the Continental Control Area. Accordingly, action is taken herein to show these changes.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary, and good cause exists for making these amendments effective on less than 30 days' notice.

In consideration of the foregoing, Parts 71 and 73 of the Federal Aviation Regulations are amended, effective upon publication in the FEDERAL REGISTER (5–19–71), as hereinafter set forth.

1. In § 71.151 (36 F.R. 2045) Restricted Area R–4105 is revoked.

2. Section 73.41 (36 F.R. 2345) is amended as follows: In R–4105 No. Man's Land Island, Mass., the phrase "Surface to 20,000 feet MSL." is deleted and the phrase "Surface to but not including 18,000 feet MSL." is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a), sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 6, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-6931 Filed 5-18-71;8:47 am]

Title 22—FOREIGN RELATIONS

Chapter I—Department of State

[Departmental Reg. 108.637]

PART 51—PASSPORTS

Subpart F—Procedures for Review of Adverse Action

APPEARANCE AT HEARINGS

Foreign attorneys are now permitted to represent U.S. citizens abroad. Accordingly, § 51.84 is amended to read as follows:

§ 51.84 Appearance at hearing.

The person adversely affected may appear at the hearing in person or with his attorney, or by his attorney. The attorney must possess the qualifications prescribed for practice before the Board of Appellate Review or be admitted to practice before the courts of the country in which the hearing is to be held.

(Sec. 1, 44 Stat. 887; sec. 4, 63 Stat. 111, as amended; 22 U.S.C. 211a, 2658; E.O. 11295; 3 CFR, 1966 Comp.)

Effective date. This revision shall be effective upon publication in the FEDERAL REGISTER (5–19–71).

For the Secretary of State.

BARBARA M. WATSON,
Administrator, Bureau of Security and Consular Affairs.

MAY 5, 1971.

[FR Doc.71-6986 Filed 5-18-71;8:50 am]

Title 29—LABOR

Chapter XIV—Equal Employment Opportunity Commission

PART 1601—PROCEDURAL REGULATIONS

Subpart C—Notices to Employees, Applicants for Employment and Union Members

NOTICES TO BE POSTED

By virtue of the authority vested in it by section 713(a) of title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e–12(a), 78 Stat. 265, the Equal Employment Opportunity Commission hereby amends Title 29, Chapter XIV, Subpart C, § 1601.27 of the Code of Federal Regulations.

Because the amendments herein adopted are procedural in nature, the provisions of section 4 of the Administrative Procedure Act, 5 U.S.C. section 1003, for public notice and delay in effecitve date are inapplicable. This amendment shall become effective immediately and shall be applicable with respect to charges presently pending before or hereafter filed with the Equal Employment Opportunity Commission.

Section 1601.27(a) is revised to read as follows:

§ 1601.27 Notices to be posted.

(a) Every employer, employment agency, labor organization, and joint labor-management committee controlling an apprenticeship or other training program, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, members, and trainees are customarily posted the following notice:

EQUAL EMPLOYMENT OPPORTUNITY
is the Law

DISCRIMINATION IS PROHIBITED

By The Civil Rights Act of 1964
And By Executive Order Number 11246

Title VII of the Civil Rights Act of 1964—Administered by The Equal Employment Opportunity Commission Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin By Employers with 25 or more employees, by Labor Organizations with a hiring hall of 25 or more members, by Employment Agencies, and by Joint Labor-Management Committees for Apprenticeship or Training.

ANY PERSON
who believes he or she has
been discriminated against
SHOULD CONTACT

The Equal Employment Opportunity Commission, 1800 G Street NW., Washington, DC 20506.

OR ANY OF ITS
FIELD OFFICES

Executive Order Number 11246[1]—Administered by The Office of Federal Contract Compliance Prohibits discrimination because of Race, Color, Religion, Sex, or National Origin, and requires affirmative action to ensure equality of opportunity in all aspects of employment. By all Federal Government Contractors and Subcontractors, and by Contractors and Subcontractors Performing Work Under a Federally Assisted Construction Contract, regardless of the number of employees in either case—

ANY PERSON
who believes he or she has
been discriminated against
SHOULD CONTACT

The Office of Federal Contract Compliance, U.S. Department of Labor, Washington, DC 20210.

* * * * *

(Sec. 713, 78 Stat. 265, 42 U.S.C. sec. 2000e–12)

Effective date: Date of publication (5–19–71).

Signed at Washington, D.C., this 13th day of May 1971.

[SEAL] WILLIAM H. BROWN III,
Chairman.

[FR Doc.71-6950 Filed 5-18-71;8:49 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-28; Amdts. 173-41A, 177-15A]

PART 173—SHIPPERS

PART 177—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

Removal of Label Exemption

On January 30, 1970, amendments to the Hazardous Materials Regulations of the Department of Transportation were published in the FEDERAL REGISTER (Docket No. HM-28; Amendments Nos. 173–41, 177–15, 36 F.R. 1473), concerning the removal of certain exemptions from the requirements for labeling of packages containing specified classes of hazardous materials. The preamble to these amendments explained the Board's reasons for removing the exemptions.

In accordance with 49 CFR 170.35, the Compressed Gas Association and the National LP-Gas Association, representing more than 2,000 member companies, have petitioned the Board for reconsideration of the amendments as they pertain to shipments of compressed gasses by motor vehicle. In their petitions, the Associations recommended that the Board adopt an alternate proposal for shipments of compressed gases by highway. The proposals appear to have considerable merit as they would pertain to contract and private motor carriage.

Essentially, the Associations proposed a standardized marking system that would consist of a red or green diamond centered within a marking area having a contrasting white background. The marking area to the left would be designated for marking the name of contents as listed in § 172.5. The marking area to the right, designated and outlined by a dotted line would be reserved for proprietary and precautionary information as desired by the shipper and would not be a mandatory part of the standard.

Included in the diamond would be the word "flammable" or "nonflammable", as appropriate. The most practical manner to apply the marking would be the use of decals of durable quality. The Compressed Gas Association has identified its standard as "CGA Pamphlet C–7, Appendix A," dated May 15, 1971.

The Board member representing the Federal Highway Administration believes that provision for this alternative system is warranted in the private and contract motor carriage sector, where personnel are more experienced in handling the materials they carry than are the handling personnel and drivers of common carriers. In the common carrier sector, even when truckload lots are involved, it is essential that a uniform and consistent labeling system be maintained in order to assure its maximum effectiveness. Also, there are occurrences which necessitate the "breaking up" of truckload lots even though not intended at the time of shipment. The petitioners' request that truckload quantities by common carriers be included in this amendment are hereby denied.

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[1] As amended by Executive Order 11375.

The alternative marking system is responsive to the statement made in the earlier amendment concerning the degree of hazard of the gas contained in the cylinder. The Board stated that the cylinder itself signifies to some degree the presence of a hazard. This system distinguishes between flammable and nonflammable compressed gases. Another convincing contention is the likelihood that the alternative markings will be maintained on cylinders more than labels following delivery, and will thus improve safety in many sectors perhaps not subject to the Department's regulations.

Additional time will be needed to apply the alternative markings to millions of cylinders. Therefore, the effective date of these amendments as they apply to the transportation of compressed gases classed as "flammable" or "nonflammable" by contract and private motor carriage, is extended to October 1, 1971. Otherwise, the amendments are effective on June 10, 1971, as specified in the earlier amendment. Only those portions of amendments 173–41 and 177–15 pertaining to transportation of compressed gases by contract and private motor carrier are being amended. However, to avoid confusion, all amendments made under Docket No. HM–28 are set forth in this document.

In consideration of the foregoing, amendments 173–41 and 177–15, originally published in the FEDERAL REGISTER January 30, 1971 are amended as follows:

I. Part 173:

(A) In § 173.402, paragraph (c) is amended; paragraph (d) is added; paragraph (e) is canceled, as follows:

§ 173.402 Labeling of hazardous materials.

* * * * *

(c) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(d) Labels are not required on cylinders containing compressed gases classed as flammable or nonflammable when the cylinders—

(1) Are carried by private and contract motor carriers,

(2) Are not overpacked, and

(3) Are durably and legibly marked in accordance with CGA Pamphlet C–7,[1] Appendix A, dated May 15, 1971 entitled "A Guide for the Preparation of Precautionary Markings for Compressed Gas Containers."

(e) [Canceled]

(B) In § 173.404, paragraph (h) is canceled as follows:

§ 173.404 Labels.

* * * * *

(h) [Canceled]

II. Part 177:

In § 177.815, paragraphs (a) and (b) are amended; paragraph (c) is added; paragraph (d) is canceled, as follows:

§ 177.815 Labels.

(a) Labels prescribed in §§ 173.402 through 173.414 of this chapter must have been applied to packages by the shipper, unless exempted from the labeling requirements, the exemption being noted on the shipping papers.

(b) Labels are not required on packages containing hazardous materials when the packages are—

(1) Loaded and unloaded under the supervision of Department of Defense personnel, and

(2) Under escort by Department of Defense personnel in a separate vehicle.

(c) Labels are not required on cylinders containing compressed gases classed as flammable or nonflammable when the cylinders—

(1) Are carried by private and contract motor carriers,

(2) Are not overpacked, and

(3) Are durably and legibly marked in accordance with CGA Pamphlet C–7,[1] Appendix A, dated May 15, 1971, entitled "A Guide for the Preparation of Precautionary Markings for Compressed Gas Containers."

(d) [Canceled]

* * * * *

(Secs. 831–835, Title 18, United States Code; sec. 9, Department of Transportation Act (49 U.S.C. 1657))

Issued in Washington, D.C., on May 14, 1971.

KENNETH L. PIERSON,
Acting Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-6989 Filed 5-18-71;8:50 am]

Chapter II—Federal Railroad Administration, Department of Transportation

[Docket No. FRA-LI-3; Notice 1]

PART 230—LOCOMOTIVE INSPECTION

Reporting and Recordkeeping Requirements

On March 31, 1971, the Federal Railroad Administration published a proposed amendment to Part 230 (36 F.R. 5919) to remove certain reporting and recordkeeping requirements for locomotive specifications that are no longer considered necessary to administer the Locomotive Inspection Act, as amended (45 U.S.C. 22–34).

Interested parties were invited to submit written data, views, or arguments. No comments on the proposed amendment have been received.

In consideration of the foregoing, Part 230 is amended as follows:

Sections 230.328 and 230.449 are revoked and the entries for these sections in the table of contents are deleted.

(Secs. 2 and 5, 36 Stat. 913, 914; 45 U.S.C. 23, 28; sec. 6 (e) and (f), 80 Stat. 939, 940; 49 U.S.C. 1655)

Effective date. This amendment is effective 30 days after publication in the FEDERAL REGISTER.

Issued in Washington, D.C., on May 13, 1971.

CARL V. LYON,
Acting Administrator.

[FR Doc.71-6988 Filed 5-18-71;8:50 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends Motor Vehicle Safety Standard No. 108 to delete the 300-candlepower limitation on motorcycle amber rear turn signals, to adopt an interlamp spacing of 9 inches for motorcycle rear turn signal lamps, and to extend to January 1, 1973, the effective date by which passenger cars and vehicles less than 80 inches in overall width must be manufactured with self-canceling turn-signal units.

In response to petitions for reconsideration of Motor Vehicle Safety Standard No. 108 (35 F.R. 16840), certain amendments to the standard were published on February 3, 1971 (36 F.R. 1896). Action was deferred on other petitions pending further reconsideration. The National Highway Traffic Safety Administration has concluded its review of these petitions and is further amending Standard No. 108. General Motors, Japan Automobile Manufacturers Association, Inc., and Kawasaki Motors Corp. objected that the 300-candlepower limitation on motorcycle amber rear turn signals is unduly restrictive. Since the candlepower limitation would not have become effective until January 1, 1973, and since the Administration has not proposed similar restrictions on amber rear turn signals for other motor vehicles, these petitions are granted, and S4.1.1.11 is deleted. The NHTSA will address the overall problem of candlepower limitations, along with that of rear turn signal color, in a proposal currently under formulation.

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[1] Copies of CGA Pamphlet C–7, Appendix A, may be obtained from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036, and the National LP-Gas Association, 79 West Monroe Street, Chicago, IL 60603.

[1] Copies of CGA Pamphlet C–7, Appendix A, may be obtained from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036, and the National LP-Gas Association, 79 West Monroe Street, Chicago, IL 60603.

Motorcycle Industry Council, Harley-Davidson, and Kawasaki objected to the spacing requirements for motorcycle turn signal lamps and requested that the spacing recommended by the SAE, 9 inches front and rear, be adopted instead. The Administration has decided to grant the petitions insofar as they concern spacing of rear turn signals. Petitioners are concerned about the durability and injury potential of turn signal lamps spaced 12 inches apart at the rear of a motorcycle. While it appears true that wider spacing of turn signals at the rear create a greater likelihood of damage to the units should the motorcycle fall, this is not considered significant justification for spacing less than 12 inches. Rather, the crash injury problem appears of greater importance. While spacing of rear turn signal lamps at 12 inches does not appear to present a significant injury threat to pedestrians, it may present a hazard to operators and passengers when the vehicle is involved in a collision or falls over. This agency intends to evaluate motorcycle rear turn signal lamp spacing for injury potential in its motorcycle crash injury research program for the current fiscal year, and to reinstate the 12-inch requirement if such spacing does not appear to present a significant potential hazard. Table IV is hereby amended to specify 9 inches as the minimum horizontal separation distance for motorcycle turn signal lamps at the rear.

The motorcycle industry has also expressed its concern about the durability and injury potential of front turn signal lamps spaced 16 inches apart, as well as whether the spacing is justified by available data. Tests conducted by the Road Research Laboratory and SAE provide adequate support, not only for the 16-inch spacing at the front but also for the 12-inch spacing at the rear. Since front turn signal lamps are generally protected by handlebars and durability and injury potential do not appear to be significant, the Administration has decided to retain the 16-inch spacing for motorcycle front turn signal lamps.

In addition, Citroen has brought to the attention of the Administration the facts that its vehicles exported to the United States are not equipped with, and are not currently designed to be equipped with, self-canceling turn signals. Because of the modifications required in the panel control, dashboard, and steering column, it avers that it cannot comply until January 1, 1973, and has petitioned that the effective date of S4.1.1.5 be extended. Since virtually all other motor vehicle manufacturers presently comply with this requirement, the granting of this petition would not cause a significant degradation of motor vehicle safety, and S4.1.1.5 is amened accordingly.

Finally, the word "red" inadvertently was included in the first sentence of S4.1.1.7 and is hereby deleted.

In consideration of the foregoing, § 571.21 is amended as follows:

1. S4.1.1.5 is amended to read:

S4.1.1.5 The turn signal operating unit on each passenger car, and multipurpose passenger vehicle, truck, and bus less than 80 inches in overall width manufactured on or after January 1, 1973, shall be self-canceling by steering wheel rotation and capable of cancellation by a manually operated control.

2. In S4.1.1.7 the word "red" appearing between "Class A" and "turn signal lamps" is deleted.

3. S4.1.1.11 is deleted, in S4.1.1 the reference to "S4.1.1.16" is changed to "S4.1.1.15," and S4.1.1.12, S4.1.1.13, S4.1.1.14, S4.1.1.15, and S4.1.1.16 are renumbered S4.1.1.11, S4.1.1.12, S4.1.1.13, S4.1.1.14, and S4.1.1.15 respectively.

4. In Table IV, under Motorcycles Column 3 for turn signal lamps, the dimension "2 inches" for turn signals at or near the rear is changed to "9 inches."

Effective date: January 1, 1972.

(Secs. 103, 119, National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407); delegation of authority from the Secretary of Transportation to the National Highway Traffic Safety Administrator (49 CFR 1.51))

Issued on May 13, 1971.

Douglas W. Toms,
Acting Administrator.

[FR Doc.71-6944 Filed 5-18-71;8:48 am]

Chapter X—Interstate Commerce Commission

PART 1202—ELECTRIC RAILWAYS

PART 1208—MARITIME CARRIERS

Correction

May 14, 1971.

The Water-line Operating and Expense Statement properly appearing in Part 1208 of Chapter X at page 419 of the 1971 Code of Federal Regulations, was inadvertently reproduced in Part 1202 at page 129 of said publication.

This statement should be stricken from Part 1202 and copies of the Code of Federal Regulations corrected accordingly.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.71-6970 Filed 5-18-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 22]

FOREIGN-BUILT JET AIRCRAFT ENGINES PROCESSED IN UNITED STATES WITH IMPORTED MERCHANDISE

Proposed Drawback Regulations

Section 313 of the Tariff Act of 1930, as amended (19 U.S.C. 1313), was further amended by section 3(a) of Public Law 91-692, approved January 12, 1971, to redesignate subsections (h), (i), and (j) as (i), (j), and (k), respectively, and to add a new subsection (h).

Subsection (h) of section 313 provides that upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, the duties paid thereon shall be refunded in amounts not less than $100. Refund is conditioned upon satisfactory proof that such imported merchandise has been so used.

Notice is hereby given that under the authority of section 313 of the Tariff Act of 1930, as amended, it is proposed to prescribe regulations applicable to drawback entries filed under subsection (h) of said section 313.

The amendments are set forth in tentative form as follows:

Part 22 is amended to add a new centerhead and section to read:

Foreign-Built Jet Aircraft Engines Processed in the United States

§ 22.26a Drawback allowance.

(a) Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100.[11a]

(b) Drawback entries shall be filed on Customs Form 7575-A appropriately modified to show that the entry covers jet aircraft engines processed under section 1313(h), Tariff Act of 1930, as amended. The entry shall show the country in which each engine was manufactured and describe the processing performed thereon in the United States.

(c) Drawback of duties found due shall be refunded in aggregate amounts of not less than $100 in accordance with the regulations in this part covering manufactured articles except that there shall be no deduction of 1 percent from the amount of the duties paid.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U.S.C. 1313, 1624)

Prior to the issuance of the proposed amendment, consideration will be given to any relevant data, views, or arguments which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington, D.C. 20226, and received not later than 30 days from the date of publication of this notice in the Federal Register. No hearing will be held.

[SEAL] Myles J. Ambrose,
Commissioner of Customs.

Approved: May 10, 1971.

Eugene T. Rossides,
Assistant Secretary of the Treasury.

[FR Doc.71-6984 Filed 5-18-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 814]

1971 SUGAR QUOTA FOR MAINLAND CANE SUGAR AREA

Notice of Hearing on Proposed Allotment

Pursuant to the authority contained in the Sugar Act of 1948, as amended (61 Stat. 922, as amended), and in accordance with the applicable rules of practice and procedure (7 CFR 801.1 et seq.) the Secretary of Agriculture has, after due notice (35 F.R. 17953) and hearing, found that allotment of the 1971 sugar quota for the Mainland Cane Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons an equitable opportunity to market sugar, and has established preliminary allotments of a portion of such quota, until the date allotments of the 1971 calendar year sugar quota for the Mainland Cane Sugar Area are prescribed on the basis of a subsequent hearing.

Notice is hereby given that a public hearing will be held in Pensacola, Fla., at Rodeway Inn, Palafox and Cervantes on June 9, 1971, at 10 a.m., e.d.t., for the purpose of receiving evidence to enable the Secretary of Agriculture to make a fair, efficient and equitable distribution of the above-mentioned quota for the entire calendar year 1971 among persons who process and market sugar produced from surgarcane grown in the Mainland Cane Sugar Area. It will be appropriate at the hearing to present evidence on the basis of which the Secretary may affirm, modify, or change the finding which has been made with respect to necessity for allotment and make or withhold allotment of any such quota in accordance therewith.

In addition, the subjects and issues of this hearing include (1) the manner in which consideration should be given to the statutory factors as well as the need for establishing allotments as may be necessary to avoid unreasonable carry-over of sugar, as provided in section 205(a) of the Act; (2) the manner in which marketings within allotments shall be restricted; and (3) a provision for the transfer of allotments.

Notice also is given hereby that it will be appropriate at the hearing to present evidence on the basis of which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) alloting any increase or decrease in the quota; (2) prorating any deficit in the allotment for any allottee; and (3) substituting revised estimates or final data for estimates of such data wherever estimates are used in the formulation of an allotment of the quota.

Signed at Washington, D.C., on May 13, 1971.

Carl C. Farrington,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-6978 Filed 5-18-71;8:49 am]

Consumer and Marketing Service

[7 CFR Part 911]

LIMES GROWN IN FLORIDA

Limitation of Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of limes grown in Florida by establishing grades and sizes, pursuant to § 911.52 *Issuance of regulations*, which was recommended by the Florida Lime Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 911, as amended (7 CFR Part 911), regulating the handling of limes grown in Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674).

[11a] "(h) Upon the exportation of jet aircraft engines manufactured or produced abroad that have been overhauled, repaired, rebuilt, or reconditioned in the United States with the use of imported merchandise, including parts, there shall be refunded, upon satisfactory proof that such imported merchandise has been so used, the duties which have been paid thereon, in amounts not less than $100." (Subsection (h), section 313, Tariff Act of 1930, as amended (19 U.S.C. 1313(h).)

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Florida Lime Administrative Committee reflect its appraisal of the Florida lime crop and the current and prospective market conditions. While shipments of limes for the current season are currently underway a heavier volume of shipments is expected to begin on or about June 1, 1971. The size and grade requirements specified herein are necessary to prevent the handling, on and after June 1, 1971, of limes that are of a lower grade or smaller size so as to provide consumers with good quality fruit, consistent with the overall quality of the crop, while maximizing returns to the producers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 911.332 Lime Regulation 30.

(a) Order: During the period June 1, 1971, through April 30, 1972, no handler shall handle:

(1) Any limes of the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 grade for Persian (Tahiti) limes, except as to color;

(2) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Turning: *Provided*, That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply; or

(3) Any limes of the group known as large-fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided*, That no individual container of limes having a net weight of more than 4 pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirements.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) Limes (§§ 51.1000–51.1016 of this title).

Dated: May 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7013 Filed 5-17-71;12:35 pm]

DEPARTMENT OF COMMERCE

Bureau of Domestic Commerce

[32A CFR Ch. VI]

COPPER AND COPPER-BASE ALLOYS

Proposed Domestic Refined Copper Set-Aside

Notice is hereby given that the Director, Bureau of Domestic Commerce, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended (50) U.S.C. App. 2154), and Executive Order 10480, as amended, is proposing the issuance of a Direction to DMS Order 4 (formerly BDSA Order M-11A) Copper and Copper-Base Alloys for the establishment of set-asides on domestic refined copper.

Interested persons who desire to file written views or comments on the proposed direction should file them, in triplicate, with the Director, Bureau of Domestic Commerce, Attention: Executive Secretary, U.S. Department of Commerce, Washington, D.C. 20230, within 30 days from date of publication of this notice in the FEDERAL REGISTER.

The proposed direction is presented below:

Section 1 What this direction does.

This direction applies to producers of domestic refined copper. It contains rules pertaining to the opening of order books, the acceptance and rejection of rated orders, and establishes a set-aside for the required acceptance of such orders by producers of domestic refined copper on an equitable basis.

Sec. 2 Definitions.

As used in this direction:

(a) "Person" means any individual, corporation, partnership, association, or other organized group of persons, and includes any agency of the U.S. Government or any other government.

(b) "BDC" means the Bureau of Domestic Commerce of the U.S. Department of Commerce.

(c) "Domestic refined copper" means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis, electrowinning, or firerefining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powdermill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal.

(d) "Producer of domestic refined copper" means any person who produces domestic refined copper for his own account in his own facility or who contracts for its production elsewhere from his own raw materials for his account under toll arrangements.

(e) "Controlled material" means steel, copper, aluminum, and nickel alloys, in the forms and shapes specified in Schedule I of DMS Reg. 1, as amended.

(f) "Controlled material producer" means any person who produces a controlled material. For purposes of this direction only, the term "controlled material producer" includes a producer of an intermediate shape as such shape is defined in section 2(m)(11) of DMS Order 4, as amended.

(g) "Rated order" means any purchase order, contract, or other form of procurement for materials or services bearing an authorized rating and the certification required by DPS Reg. 1 (formerly BDSA Reg. 2), DMS Reg. 1 or any other applicable regulation or order of BDC.

(h) "Mandatory acceptance order" means any authorized controlled material order, rated order, or any other purchase or delivery order, which a person is required to accept pursuant to any regulation or order of BDC, or pursuant to a specific authorization or directive of BDC.

(i) "Average monthly production of domestic refined copper" means the monthly average quantity of domestic refined copper produced by a producer of domestic refined copper in calendar year 1970, including any domestic refined copper produced for his account by another person under toll arrangements.

Sec. 3 Use of rated orders for domestic refined copper.

A controlled material producer (as defined in section 2(f) of this direction) must use the rating DO-D1 or DX-D1, as the case may be, to obtain domestic refined copper needed to fill mandatory acceptance orders or to replace in inventory domestic refined copper used by him to fill such orders: *Provided*, That such ratings shall not be used to obtain a quantity of domestic refined copper in excess of the quantity of copper contained in the controlled material or intermediate shape produced or to be produced therefrom.

Sec. 4 Leadtime requirements for the acceptance of rated orders for domestic refined copper.

Notwithstanding the provisions of any BDC regulation or order, a producer need not accept a rated order for domestic refined copper which he receives less than 40 days before the beginning of the month in which delivery is called for in such order: *Provided however*, That this limitation shall not apply to DX rated orders nor to directives issues by BDC requiring acceptance after that date.

Sec. 5 Acceptance of rated orders.

(a) Each producer of domestic refined copper shall, after receipt of any rated order tendered to him, promptly accept or reject such order. Receipt of a rated order shall not be deemed to have occurred until the order is received at the place where the producer usually processes such an order. Upon such acceptance or rejection, he shall promptly notify, by letter or telegram, the person who tendered the order, of such acceptance or rejection. For the purpose of this paragraph, the word "promptly" shall mean as soon as possible, but in no event later than 5 consecutive calendar days after receipt.

(b) Each producer of domestic refined copper must comply with such production and other directives as may be issued from time to time by BDC and with the provisions of DPS Reg. 1 and of all other applicable regulations and orders of BDC.

Sec. 6 Rejection of rated orders.

A producer of domestic refined copper must accept all mandatory acceptance orders: *Provided, however*, He may reject rated orders in the following cases, but he shall not discriminate among customers in rejecting or accepting such orders:

(1) If the order is received from a person other than a controlled material producer.

(2) If the order is received after the 40th day preceding the month of delivery requested in the order: *Provided*, That a DX order must be accepted without regard to this provision unless it is impracticable for him to make delivery within the required delivery month, in which event, he must accept such order for the earliest practicable delivery date: *Provided further*, That acceptance of a DX order by a producer of domestic refined copper prior to the date he opens his order books shall not effect an opening of his books so as to require acceptance of other orders for domestic refined copper.

(3) If the order is one for less than 20,000 pounds.

(4) If the person seeking to place the order is unwilling or unable to meet such producer's regularly established prices and terms of sale or payment.

(5) If the order calls for delivery of a quantity of domestic refined copper which, together with the quantity of that material for which he had previously accepted rated orders for delivery during the same month, would exceed the quantity of that material which he is required to reserve pursuant to section 8 of this direction: *Provided, however*, That a DX order must be accepted even though the set-aside has been or will be exceeded by such acceptance.

Sec. 7 Priority status of delivery orders.

Each producer of domestic refined copper who accepts rated orders for domestic refined copper pursuant to this direction shall make delivery pursuant to such orders in preference to any other delivery order for domestic refined copper which is not a rated order. However, a delivery order for domestic refined copper pursuant to a directive issued by BDC shall take precedence over any other delivery order (including rated orders) previously or subsequently received.

Sec. 8 Reserved portion of production (set-aside).

From the date of opening his books for the acceptance of rated orders for domestic refined copper for shipment in any month, each producer of domestic refined copper shall reserve at least 13 percent of his average monthly production of domestic refined copper (as defined in section 2(i) of this direction) for the acceptance of such rated orders until the quantity of domestic refined copper for which he has accepted such rated orders is equal to at least the quantity thereof he is required to reserve, as indicated above: *Provided, however*, That DX rated orders must be accepted in accordance with the provisos contained in section 6 (2) and (5) above.

Sec. 9 Records and reports.

(a) Producers of domestic refined copper shall make and preserve for at least 3 years thereafter, accurate and complete records of production, receipts, sales, and deliveries of domestic refined copper. Such records shall include, but shall not be limited to, all rated orders received by such producers. Records shall be maintained in sufficient detail to permit the determination after audit whether each transaction involving rated orders complies with the provisions of this direction. This direction does not specify any particular accounting method and does not require alteration of the system of records customarily used, provided the records required herein are maintained. Records may be retained in the form of microfilm, or other photographic copies or in the storage devices of automatic data processing equipment, instead of the originals by the producer of domestic refined copper who, at the time such microfilm or other photographic copies or magnetic tapes are made, maintains such types of record information in the regular and usual course of business.

(b) All records required by this direction shall be made available for inspection and audit by duly authorized representatives of the Bureau of Domestic Commerce at the usual place of business where maintained.

(c) Producers of domestic refined copper subject to this direction shall make such records and submit such reports to BDC as it shall require subject to the terms of the Federal Reports Act of 1942 (5 U.S.C. 139-139f).

Sec. 10 Communications.

All communications concerning this direction shall be addressed to the Bureau of Domestic Commerce, Washington, D.C. 20230. Ref: DMS Order 4.

BUREAU OF DOMESTIC COMMERCE,
HUDSON B. DRAKE,
Director.

[FR Doc.71-6952 Filed 5-18-71;8:49 am]

[32A CFR Ch. VI]

BASIC RULES OF THE PRIORITIES SYSTEM

Notice of Proposed Rule Making

Notice is hereby given that the Director, Bureau of Domestic Commerce, pursuant to section 704 of the Defense Production Act of 1950, as amended and extended (50 U.S.C. App. 2154), and Executive Order 10480, as amended, is proposing to amend the provisions of DPS Reg. 1, Amendment 5, by excluding domestic refined copper from the category of items not subject to ratings, thereby making domestic refined copper subject to ratings.

Interested persons who desire to file written views or comments on the proposed amendment should file them, in triplicate, with the Director, Bureau of Domestic Commerce, Attention: Executive Secretary, U.S. Department of Commerce, Washington, D.C. 20230, within 30 days of publication of this notice in the FEDERAL REGISTER.

The proposed amendment is presented below:

Item 1 of List A of DPS Regulation 1 is hereby amended to read as follows:

1. The following items are not presently subject to ratings issued by or under the authority of BDC, and therefore no rating shall be effective to obtain any of them:

Communications services.
Copper raw materials as that term is defined in DMS Order 4 (formerly BDSA M-11A), except intermediate shapes (as defined in that order), and domestic refined copper (which means copper metal made from ores mined in the continental United States which has been refined by any process of electrolysis, electrowinning or fire-refining to a grade and in a form suitable for fabrication, such as cathodes, wire bars, ingot bars, ingots, cakes, billets, or other refined shapes. It does not include copper-base alloy ingot, brass mill castings, intermediate shapes, anodes, powdermill products, copper wire mill products, brass mill products, or foundry copper or copper-base alloy products, or refined copper produced from secondary metal).
Crushed stone.
Gravel.
Sand.
Scrap.
Slag.
Steam heat, central.
Waste paper.
Wood pulp.

Item 2 of List A of DPS Reg. 1 (formerly BDSA Reg. 2) is hereby amended by changing paragraph (e) thereunder to read as follows:

(e) Radioisotopes, stable isotopes, source, and fissionable materials, produced by Government-owned plants or facilities operated by or for the Atomic Energy Commission.

and by deleting footnote 2 therefrom.

BUREAU OF DOMESTIC COMMERCE,
HUDSON B. DRAKE,
Director.

[FR Doc.71-6953 Filed 5-18-71;8:49 am]

National Oceanic and Atmospheric Administration

[50 CFR Part 258]

FISHERMEN'S PROTECTIVE ACT PROCEDURES

Notice of Proposed Rule Making

May 14, 1971.

Pursuant to the authority contained in section 7 of the Fishermen's Protective Act of 1967 (Public Law 90–482; 22 U.S.C. 1977), and Reorganization Plan No. 4 of 1970, appearing in 35 F.R. 15627 (1970), it is proposed to amend the Fishermen's Protective Act Procedures to reflect the provisions of Reorganization Plan No. 4 of 1970 and to provide for new fee schedules and procedures in connection therewith.

Section 7 of the Fishermen's Protective Act of 1967 and Reorganization Plan No. 4 of 1970, among other things, authorized the Secretary of Commerce to set fees to be charged for the furnishing of a guarantee agreement. The Fishermen's Protective Act Procedures, which became effective February 9, 1969, established fees, based on anticipated losses, to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the Fishermen's Protective Fund. Experience to date in the payment of claims under this program indicates that a change in the existing fee schedule is not warranted at this time. However, to allow for (i) adjustment of fees for guarantee agreements executed on or after July 1, 1971, and (ii) credits for fees paid on guarantee agreements executed after January 1, 1971, certain revisions in the regulations are required.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed procedures to the Director, National Marine Fisheries Service, Attention: Chief, Division of Financial Assistance (F224), 1801 North Moore Street, Arlington, VA 22209, within 30 days of the date of publication of this notice in the Federal Register.

Sec.
258.1 Definition of terms.
258.2 Purposes of Fishermen's Protective Fund.
258.3 Eligibility.
258.4 Applications.
258.5 Fees.
258.6 Insurance required.
258.7 Approval of applications.
258.8 Payment of claims.
258.9 Records.

Authority: The provisions of this Part 258 issued under section 7 of the Fishermen's Protective Act of 1967 (Public Law 90–482; 22 U.S.C. 1977) and Reorganization Plan No. 4 of 1970.

§ 258.1 Definition of terms.

For the purpose of this part, the following terms shall be construed, respectively, to mean and to include:

(a) *Secretary*. The Secretary of Commerce or his authorized representative.

(b) *Owner*. The registered owner or owners of a commercial fishing vessel, or a bareboat charterer of a commercial fishing vessel.

(c) *Act*. The Fishermen's Protective Act of 1967 (22 U.S.C. 1971–1977, as amended).

(d) *Fishermen's Protective Fund*. The account established in the Treasury of the United States under the provisions of section 7(c) of the Act.

(e) *Commercial fishing vessel*. A vessel licensed or enrolled and licensed as a fishing vessel of the United States engaged in catching, or catching and processing, fish and/or shellfish.

(f) *Seized*. Placed under arrest and detained by a foreign country for alleged illegal fishing.

§ 258.2 Purposes of Fishermen's Protective Fund.

The broad objective of the Fishermen's Protective Fund is to provide for reimbursement of losses and costs (other than fines, license fees, registration fees, and other direct costs which are reimbursable through the Secretary of State) incurred as a result of the seizure of a U.S. commercial fishing vessel by a foreign country on the basis of rights or claims in territorial waters or on the high seas which are not recognized by the United States.

§ 258.3 Eligibility.

Any Owner of a commercial fishing vessel documented or certified in the United States is eligible to apply for an agreement with the Secretary providing for a guarantee in accordance with section 7(a) of the Act.

§ 258.4 Applications.

Any Owner desiring to enter into an agreement with the Secretary under the authority of section 7(a) of the Act shall make application to the National Marine Fisheries Service, Attention: Chief, Division of Financial Assistance (F224), 1801 North Moore Street, Arlington, VA 22209, upon application form furnished by that Service. The application shall be accompanied by a fee in the amount prescribed in the paragraph immediately below.

§ 258.5 Fees.

(a) The fees are established to provide for payment of the administrative costs and at least one-third of the estimated claims to be paid from the fund. They are set on the basis of anticipated losses and prior experience. The fees may be adjusted from time to time by amendment to this part at any time, after appropriate notice, in order to meet the requirements of the Act.

(b) Fees to be paid by an applicant for guarantee agreements terminating on June 30, 1972, shall be as follows: For each vessel $60 plus $1.80 per gross ton as listed on the vessel's documents. Fractions of a ton are not included.

(c) Any applicant covered by a guarantee agreement executed between January 1 and March 31, 1971, desiring to execute a new guarantee agreement, shall be entitled to a credit of $15 for each vessel plus $0.45 per gross ton as listed on the vessel's documents. Fractions of a ton are not included. To obtain such credit the application and balance of fee must be received as herein prescribed prior to September 1, 1971.

(d) Any applicant covered by a guarantee agreement executed between April 1 and June 30, 1971, desiring to execute a new guarantee agreement, shall be entitled to a credit of $45 for each vessel plus $1.35 per gross ton as listed on the vessel's documents. Fractions of a ton are not included. To obtain such credit the application and balance of fee must be received as herein prescribed prior to September 1, 1971.

(e) No return of a fee or portion of a fee will be made after a guarantee agreement is executed by the Secretary. Failure to pay increased fees within 30 days of adjustment shall constitute a basis for termination of the guarantee agreement.

(f) A guarantee agreement may, with the consent of the Secretary, be assigned to a new Owner of a vessel if the ownership of the vessel is transferred during the period in which the agreement is in force.

§ 258.6 Insurance required.

In order to qualify for an agreement executed under this part, the vessel must be insured during the period of the agreement with hull and machinery insurance and protection and indemnity insurance in an amount and form satisfactory to the Secretary.

§ 258.7 Approval of applications.

The approval of an application shall be evidenced by the execution of the agreement by the Secretary and the agreement shall be in effect from the time of its effective date.

§ 258.8 Payment of claims.

(a) In case of a cost or loss resulting in a claim under an agreement, the claim shall be filed in duplicate with the Director, National Marine Fisheries Service, Attention: Chief, Division of Financial Assistance (F224), 1801 North Moore Street, Arlington, VA 22209. The Director will obtain verification of certain essential facts regarding the seizure from the Department of State. Payments shall be made as promptly as practicable but may at times be delayed pending appropriation of necessary funds.

(b) The burden of proving all damages shall be upon the guaranteed party.

(c) No payment shall be made on a claim caused by negligence of the owner, captain or crew.

(d) No payment shall be made on a claim unless all fees due have been paid in full.

(e) Each claim filed shall contain an authorization to all International, Federal, State, or local government agencies to furnish the National Marine Fisheries Service with any data or information relating to the operation of the vessel involved in the claim which the Secretary deems necessary for adjudication of the claim.

(f) No claim shall be paid unless the vessel involved and covered by a guarantee agreement is properly documented as a vessel of the United States at the time of the seizure.

(g) No claim of any crew member who is not a citizen or an alien legally domiciled in the United States will be considered.

(h) In case of the loss or confiscation of a vessel or gear resulting in a claim, the value of the vessel or gear for the purpose of settling the claim shall be the market value as determined by the Secretary.

(i) The value used in determining claims involving the catch of the vessel will be that paid in the port and on the date of the first arrival of the vessel in the United States as determined by the Secretary. If the vessel does not return to a port of the United States, the value used will be determined by the Secretary after consideration of the circumstances involved.

(j) Original documents or certified copies of receipts and other documents required as verification of losses must be provided.

(k) All assureds shall pursue any claim under commercial insurance covering identical loss or losses as the Secretary may determine to be necessary prior to application for payment under this part.

§ 258.9 Records.

The Secretary shall have the right to inspect such books and records of the owner as the Secretary may deem necessary in processing a claim under this part.

Philip M. Roedel,
Director.

[FR Doc.71–7035 Filed 5–18–71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71–EA–71]

FEDERAL AIRWAY SEGMENTS

Proposed Alteration

The Federal Aviation Administration (FAA) is considering amendments to Part 71 of the Federal Aviation Regulations that would alter segments of VOR Federal airway Nos. 12, 37, and 276.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes the following airspace actions:

1. Realign V–12 segment from Newcomerstown, Ohio, direct Allegheny, Pa.; direct Johnstown, Pa.
2. Realign V–37 segment from Morgantown, W. Va., via the intersection of Morgantown 337° T (342° M) and Ellwood City, Pa., 177° T (182° M) radials; Ellwood City; direct to Erie, Pa.
3. Extend V–276 airway from Clarion, Pa., via Franklin, Pa., to Erie, Pa.

The proposed realignments of V–12 and V–37 segments will provide a basic airway structure for instrument flight rule air traffic overflying the Pittsburgh area. The proposed extension of V–276 will provide a replacement route for V–37 presently designated between Clarion and Erie.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C. on May 12, 1971.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–6938 Filed 5–18–71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 79–SO–81]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Hopkinsville, Ky., control zone and transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 21 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Hopkinsville control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

> Within a 5-mile radius of Campbell AAF (lat. 36°40'23'' N., long. 87°29'27'' W.); within 1.5 miles each side of Campbell TACAN 053° radial, extending from the 5-mile-radius zone to 5.5 miles northeast of the TACAN; within 1.5 miles each side of the 224° bearing from Campbell RBN, extending from the 5-mile-radius zone to 0.5 mile southwest of the RBN; within a 5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15'' N., long. 87°24'52'' W.); within 3 miles each side of Clarksville VOR 171° radial, extending from the 5-mile radius zone to 8.5 miles south of the VOR.

The Hopkinsville transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

> That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Campbell AAF (lat. 36°40'23'' N., long. 87°29'27'' W.); within 3 miles each side of the 044° bearing from Campbell RBN, extending from the 8.5-mile-radius area to 8.5 miles northeast of the RBN; within an 8.5-mile radius of Outlaw Field, Clarksville, Tenn. (lat. 36°37'15'' N., long. 87°24'52'' W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations at Campbell AAF and Outlaw Field in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

The Commander, Campbell Army Air Field, to eliminate the requirement for excessively long control zone and transition area extensions, has agreed to revise the following:

1. AL–679 NDB(ADF)–1 Runway 22 Instrument Approach Procedure to eliminate the holding pattern approach by establishing a procedure turn within 10 nautical miles of the NDB at 2,100 feet MSL.
2. JAL–679 NDB(ADF)–2 Runway 22 Instrument Approach Procedure to raise the altitude over the NDB on final approach to 2,100 feet MSL.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 7, 1971.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[FR Doc.71–6939 Filed 5–18–71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71–SO–82]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Raleigh, N.C., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the Federal Register may be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Raleigh transition area described in § 71.181 (36 F.R. 2140) would be amended as follows: "* * * 18.5 miles southwest of the VORTAC * * *." would be deleted and "* * * 18.5 miles southwest of the VORTAC; within a 5-mile radius of Raleigh Municipal Airport (lat. 35°44'05" N., long. 78°39'23" W.) * * *." would be substituted therefor.

The proposed alteration is required to provide controlled airspace protection for IFR operations at Raleigh Municipal Airport. A prescribed instrument approach procedure to this airport, utilizing the Raleigh-Durham VORTAC, is proposed in conjunction with the alteration of this transition area.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 5, 1971.

Gordon A. Williams, Jr.,
Acting Director, Southern Region.

[FR Doc.71–6940 Filed 5–18–71;8:48 am]

[14 CFR Parts 71, 73]

[Airspace Docket No. 71–SW–9]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Parts 71 and 73 of the Federal Aviation Regulations that would alter Restricted Area R–2403 and the Continental Control Area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Post Office Box 1689, Fort Worth, TX 76101. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

Restricted Area R–2403 at Little Rock, Ark., presently encompasses an area 6¼ by 4¼ statute miles, from the surface to 6,000 feet MSL.

Because of a requirement to establish an acceptable degree of realism for high angle artillery firing training, the existing R–2403 no longer meets the needs of the Arkansas Army National Guard. In conjunction with this, alleviation of restrictions on air traffic in the Little Rock terminal area is also a requirement.

This proposal would expand the southern boundary of the present area by one-fourth NM and increase the altitude from 6,000 feet MSL to 16,000 feet MSL. Also, the area will be divided into two areas, identified as R–2403A and R–2403B. Use of the combined A and B areas will be required approximately three to four weekends annually. Other weekends will require only the northern portion of the area (R–2403A) thus releasing the southern portion (R–2403B) for air traffic use.

If the proposal contained in this docket is adopted, R–2403 would be altered and renumbered as follows:

R–2403A Little Rock, Ark.

Boundaries: Beginning at lat. 34°57'00" N., long. 92°15'00" W.; to lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to lat. 34°57'00" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: 0700 Saturday to 1700 Sunday.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

R–2403B Little Rock, Ark.

Boundaries: Beginning at lat. 34°54'52" N., long. 92°15'00" W.; to lat. 34°51'45" N., long. 92°15'00 W.; to lat. 34°51'45" N., long. 92°19'30" W.; to lat. 34°54'08" N., long. 92°19'30" W.; to point of beginning.

Designated altitudes: Surface to 16,000 feet MSL.

Time of designation: 0700 Saturday to 1700 Sunday. Activated only by NOTAM 24 hours in advance.

Controlling agency: Federal Aviation Administration, Memphis ARTC Center.

Using agency: Arkansas Army National Guard.

The Continental Control Area would be altered by adding the Little Rock, Ark., Restricted Areas R–2403 A and B.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 6, 1971.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–6941 Filed 5–18–71;8:48 am]

[14 CFR Parts 71, 75]

[Airspace Docket No. 71–WE–7]

FEDERAL AIRWAYS AND JET ROUTES

Proposed Alterations and Designation

The Federal Aviation Administration is considering amendments to Parts 71 and 75 of the Federal Aviation Regulations that would provide shorter, more direct and alternate routes and provide greater flexibility in the handling of air traffic arriving/departing the Phoenix, Ariz., area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Western Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, 5651 West Manchester Avenue, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendments. The proposals contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

To implement these amendments, the following actions would be taken:

1. Redesignate VOR Federal airway No. 190 segment to include a north alternate from Phoenix to St. Johns, Ariz., via the intersection of Phoenix 051° T (037° M) and St. Johns 263° T (249° M) radials.
2. Realign VOR Federal airway No. 264 segment from Prescott, Ariz., to St. Johns via Winslow, Ariz.
3. Extend J–102 from Alamosa, Colo., to Phoenix via Gallup, N. Mex.
4. Designate J–161 from Phoenix via the intersection of Phoenix 066° T (052° M) and Gallup 214° T (200° M) radials; Gallup to Farmington, N. Mex.
5. Designate J–157 from St. Johns to Alamosa.
6. Designate J–163 from St. Johns to Farmington via Gallup.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 12, 1971.

H. B. Helstrom,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–6942 Filed 5–18–71;8:48 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Parts 545, 555]

[No. 71–448]

FEDERAL SAVINGS AND LOAN SYSTEM

Servicing of Loans by Federal Savings and Loan Associations for Others

May 13, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Parts 545 and 555 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR Parts 545, 555) for the purposes of adding specific regulatory provisions governing the servicing of loans by Federal savings and loan associations and rescinding a ruling relating thereto. Accordingly, the Federal Home Loan Bank Board proposes to amend said Parts 545 and 555 as follows:

1. Amend Part 545 by adding a new § 545.11, immediately after § 545.10 thereof, to read as follows:

§ 545.11 Servicing of loans.

A Federal association may service any loan which it owns and any loan in which it has a participation interest. In addition, a Federal association may service for others any loan in which—

(a) Such association has owned any interest at any time;

(b) The Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association has owned any interest at any time;

(c) A member of such association owns any interest; or

(d) An institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation owns any interest if such loan was originated or purchased pursuant to any of the provisions of § 563.9(a) of this chapter.

§ 555.4 [Amended]

2. Amend Part 555 by rescinding paragraph (b) of § 555.4 thereof.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by June 7, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] Jack Carter,
Secretary.

[FR Doc.71–6985 Filed 5–18–71;8:50 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[A 6208]

ARIZONA

Notice of Proposed Withdrawal and Reservation of Lands

The Post Office Department, Denver, Colo., has filed an application, Serial No. A 6208, for the withdrawal of certain land near Bullhead City, Ariz., from all forms of location, sale, or entry under the mineral and nonmineral public land laws, subject to valid existing rights. The lands have been continuously withdrawn for Reclamation purposes since October 16, 1931.

The Post Office Department desires the land to construct a post office near Bullhead City, Ariz.

Any person wishing to submit comments, suggestions, or objections in connection with the proposed withdrawal may present his views in writing to the State Director of the Bureau of Land Management, Department of the Interior, 3022 Federal Building, Phoenix, AZ 85025, until June 21, 1971.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 20 N., R. 22 W.,
  Sec. 20, N. 140′ of W. 290′ (except W. 50′) of the S½NW¼;

The area described aggregates approximately 0.77 of an acre.

JOE T. FALLINI,
State Director.

MAY 12, 1971.

[FR Doc.71-6958 Filed 5-18-71;8:45 am]

[OR 7308 (Wash)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands; Correction

MAY 12, 1971.

In F.R. Doc. 71-6236 of the issue for Wednesday, May 5, 1971, page 8408, under Cene Rock Pit No. 2765–0.0, the following change should be made so that the land description reads: "sec. 18" instead of "sec. 16."

VIRGIL O. SEISER,
Chief, Branch of Lands.

[FR Doc.71-6971 Filed 5-18-71;8:46 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

PAWNEE NATIONAL GRASSLANDS, COLO.

Transfer of Administration of Certain Lands From Forest Service to Agricultural Research Service

Pursuant to the authority vested in me by section 32(c) of title III of the Bankhead-Jones Farm Tenant Act (7 U.S.C. 1011), as amended, and the delegation of authority and assignment of functions by the Secretary of Agriculture dated November 27, 1964 (29 F.R. 16210), the SW¼NW¼ of sec. 28, T. 10 N., R. 65 W., 6th Principal Meridian, Pawnee National Grasslands, Colo., is transferred from the Forest Service to the Agricultural Research Service for use, administration or disposition in connection with the Central Plains Experimental Range.

Effective date. This order shall become effective on the date of its publication in the FEDERAL REGISTER (5-19-71).

T. K. COWDEN,
Assistant Secretary.

MAY 14, 1971.

[FR Doc.71-6980 Filed 5-18-71;8:50 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Organization Order 30-3B]

PATENT OFFICE

Organization and Functions

This material supersedes the material appearing at 35 F.R. 18553 of December 5, 1970.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of functions within the Patent Office.

SEC. 2. *Organization Structure.* The principal organization structure and line of authority of the Patent Office shall be as depicted in the attached organization chart. (A copy of the Organization Chart is on file with the original of this document with the Office of the Federal Register.)

SEC. 3. *Office of the Commissioner.* The Commissioner determines the policies and directs the programs of the Patent Office and is responsible for the conduct of all activities of the Patent Office. He is principally assisted by five Assistant Commissioners who shall have the main duties as specified below:

a. The Deputy Commissioner (First Assistant Commissioner under 35 U.S.C. 3) shall assist the Commissioner in the direction of the Patent Office and shall perform the duties and functions of the Commissioner in the latter's absence.

b. The Assistant Commissioner for Patent Examining (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy direction to the patent examining operations which consist of the organizational elements enumerated in section 5. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

c. The Assistant Commissioner for Appeals, Legislation, and Trademarks (an assistant commissioner under 35 U.S.C. 3) shall provide administrative and policy directions to the Board of Appeals, the Office of Legislation and International Affairs, the Trademark Trial and Appeal Board, and the Trademark Examining Operation.

d. The Assistant Commissioner for Search Systems Development shall provide technical, administrative, and policy direction to the Office of Research and Development and the Office of Search Systems and Documentation. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

e. The Assistant Commissioner for Administration shall provide administrative and policy direction to certain administrative, public and internal support services which consist of the organizational elements enumerated in section 8. This Assistant Commissioner shall be assisted by a Deputy Assistant Commissioner who, among other duties, shall perform the functions of this Assistant Commissioner during the latter's absence.

SEC. 4. Offices reporting to the Commissioner. .01 The Director of Planning, Budget, Evaluation, and Forecast shall be the principal assistant and advisor to the Commissioner in planning and developing the major programs of the Patent Office, in formulating and executing budgetary and fiscal policies, appraising the effectiveness of operations in attaining program objectives, and in assessing and forecasting technological activities and invention developments in the United States and other nations. He shall direct the activities of the following offices:

a. The Office of Planning shall develop and recommend major plans and programs for accomplishing the objectives of the Patent Office; direct and coordinate the development and maintenance of internal program planning for support of officewide objectives; and analyze proposed programs for consistency and effective integration with organization responsibility, for pertinence to goals and objectives, for measurability of accomplishment, and validity and usefulness of workload parameters as indicators of expected accomplishment.

b. The Office of Budget shall formulate, interpret, and execute budgetary and fiscal policies; establish and maintain a comprehensive Planning-Programming-Budgeting System collaborating with operating officials in developing budget and fiscal plans; develop and present budget requests; allocate and maintain budgetary control of available funds; and maintain external liaison in budgetary matters.

c. The Office of Evaluation shall review and evaluate the performance of operating units to determine their effectiveness in accomplishing previously established goals and objectives; review and evaluate cost/benefit and cost/effectiveness analyses of alternatives for program accomplishment; and conduct or initiate the submission of such studies as needed for evaluation purposes.

d. The Office of Technology Assessment and Forecast shall continually assess the status of technological activity in all countries, compare inventive activity in the United States relative to other nations, and forecast technological developments on a worldwide basis.

.02 The Office of the Solicitor shall comprise the Solicitor, who is the chief legal officer for the Patent Office, and his professional associates. This Office shall handle all litigation to which the Commissioner is a party and provide other legal services, including drafting of legislation and advice and assistance on legislative matters. Other than in connection with the issuance of patents or the registration of trademarks, the Office shall be subject to the overall authority of the Department's General Counsel, as provided in Department Organization Order 10-6.

.03 The Office of Information Services shall advise and represent the Commissioner on information matters; conduct programs fostering public understanding of the American patent system and the functions, services and administrative publications of the Patent Office; develop publication policies; provide direction and assistance in developing new and revised publications; and assure conformity with policies, regulations, and standards concerning publications and publication practices.

.04 The Office of Data Systems shall be responsible for providing data processing services to other elements of the Patent Office. This shall include the conduct of systems analysis and equipment evaluation studies directly related to the design and development of systems and programs for applications of computer techniques, except systems for printing patents; preparation or procurement and testing of computer programs and supplemental data processing services; operation of all general purpose ADP equipment, except that which may be approved for use within another organization unit as an integral part of its operations; and maintenance of a comprehensive library of programs, including those developed or procured by other organizational units.

.05 The Office of Government Inventions and Patents shall administer Executive Order 10096, as amended by Executive Order 10930 and related regulations, including the rendering of final decisions on the ownership of patents and the rights to inventions made by Government employees, and advise the Commissioner on matters involving the Committee on Government Patent Policy (of the Federal Council for Science and Technology). It shall also conduct research, liaison, and coordinative functions needed to carry out Executive Order 10096 and to advise the Commissioner on Committee matters; provide executive secretariat support to the Committee; and assist in the development and formulation, to the extent appropriate, of a uniform Government-wide patent policy.

SEC. 5. *Offices reporting to the Assistant Commissioner for Patent Examining.* .01 The Board of Patent Interferences shall conduct patent interference proceedings and make final determination in the Patent Office as to priority of invention. The Board shall also decide questions concerning property rights in inventions in the atomic energy and space fields brought before it under the provisions of 42 U.S.C. 2182 and 2457 (d) and (e).

.02 The Office of Examining and Documentation Control shall develop procedures, quality and quantity standards relating to the conduct of the examination and documentation functions; evaluate compliance with examination and documentation standards; and train new examiners in patent practice and procedure.

.03 The Office of Support Services shall provide direct administrative and clerical support to the Examining Groups in the examination of patent applications and attend to the processing of applications both in advance of examination and after allowance by the examiners for patent issuance. Its duties include the review of incoming applications for compliance in matters of form; the origination and maintenance of application inventory documentation and status; preparation, routing, movement, and maintenance of files; liaison with other organization units in obtaining and processing documents; and the provision of other logistical and administrative support.

.04 The Examining Groups, specified below, shall examine applications for patent to ascertain if the applicants are entitled to patents under the law and grant patents to those so entitled. Each examining group shall perform this function for patent applications falling within the generic category indicated by the title of the group. The Examining Groups are:

General Chemistry and Petroleum Chemistry;
General Organic Chemistry;
High Polymer Chemistry, Plastics and Molding;
Coating and Laminating, Bleaching, Dyeing and Photography;
Specialized Chemical Industries and Chemical Engineering;
Industrial Electronics and Related Elements;
Security and Designs;
Information Transmission, Storage and Retrieval;
Electronic Component Systems and Devices;
Physics;
Handling and Transportation Media;
Material Shaping, Article Manufacturing, Tools;
Amusement, Husbandry, Personal Treatment, Information;
Heat Power and Fluid Engineering; and
Constructions, Supports, Textiles, and Cleaning.

SEC. 6. *Offices reporting to the Assistant Commissioner for Appeals, Legislation and Trademarks.* .01 The Board of Appeals shall conduct hearings and render decisions on appeals from adverse decisions of examiners rejecting claims in patent applications.

.02 The Office of Legislation and International Affairs shall make studies and advise the Commissioner on policy and action concerning matters which may require legislation and on international patent and trademark matters; develop and direct the implementation of related programs; maintain liaison with the Office of the Secretary, the Department of State, and appropriate congressional committees; and conduct negotiations in technical patent and trademark matters in establishing or implementing international agreements.

.03 The Trademark Trial and Appeal Board shall be responsible for hearing and deciding adversary proceedings involving interfering applications, oppositions to registration, cancellation petitions, and concurrent use proceedings; and for hearing and deciding appeals from final refusals of the trademark examiners to allow the registration of trademarks.

.04 The Trademark Examining Operation shall be responsible for the classification and examination of applications for the registration of trademarks and service marks and the maintenance of the principal and supplemental registers of trademarks.

SEC. 7. *Offices reporting to the Assistant Commissioner for Search Systems Development.* .01 The Office of Research and Development shall identify areas of needed research, formulate approaches to research problems, and conduct research (or monitor research carried out under contract); and design and install experimental systems, new equipment, or other products of research, and evaluate their effectiveness after installation. Major research and development efforts are aimed at development of automated search and retrieval systems and more effective dissemination of stored information to Patent Office examiners, the patent profession, and the scientific community.

.02 The Office of Search Systems and Documentation shall develop, improve, and maintain subject matter classification systems; improve and maintain the examiner's search file; develop, improve, and maintain operational search systems both manual and electronic, for the storage and identification of patents and patent related literature so that examiners and the public may readily retrieve particular technical information.

SEC. 8. *Offices reporting to the Assistant Commissioner for Administration.* .01 The Office of Finance shall develop and maintain the financial accounting system of the Patent Office; perform accounting operations for the revenue, trust funds, and appropriation of the Patent Office, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, audit and certification of vouchers for payment, issuance of deposit account statements, initiation of action to collect amounts due the Patent Office, and administration of the payroll system and related employee accounts; and provide financial advice and opinions.

.02 The Office of Personnel shall administer activities relating to recruitment, placement, employee relations, training and career development, incentive awards, performance rating, position classification and wage administration, group-management relations and various employee benefit programs.

.03 The Office of Administrative Services shall provide officewide services including the procurement and supply of equipment, furnishings, and consumable items; space and facilities management; communications; travel and transportation services; mail, messenger, and general correspondence services; and procurement and supply of graphic services and administrative printing, including office forms and publications. This Office shall also be responsible for carrying out a comprehensive paperwork management program in the Patent Office, embracing forms, reports, directives and records.

.04 The Office of Public Services shall provide the materials and services offered directly to the public many of which are provided on a fee basis. These shall include recording instruments that transfer property rights to patents and trademarks; furnishing copies of patents and office records; providing drafting services; and maintaining collections of pertinent technical and scientific information such as United States and foreign patents, periodicals, books, and other publications for use by patent and trademark examiners and the public.

.05 The Office of Patent Publications shall schedule and manage the processing and movement of allowed patent application files in procuring the creation of full patent text machine language data base and the composition and printing of weekly patent issues and related announcements in the Official Gazette; monitor the quality of performance by contributing sources; provide technical direction and advice in contract administration; and maintain close liaison with the U.S. Government Printing Office; and prepare and issue patent grants.

.06 The Office of Organization and Systems Analysis shall plan and conduct studies designed to improve organization, methods, procedures, workflow, managerial techniques, resource utilization, or otherwise increase efficiency, effectiveness and economy of operations; participate in implementing approved recommendations; counsel and assist program managers in developing and instituting systems changes to enhance effectiveness in meeting operational objectives, but not including computer systems; have responsibility for design and development of systems for printing patents, whether computerized or not, including reproduction subsystems; have responsibility for design and development of micrographic systems; provide data research and statistical analytical services, including mathematical modeling; develop and manage a system for the issuance of internal administrative orders and instructions; promote development of the Patent Office management improvement program and coordinate the collection, review, and submission of reportable plans and accomplishments thereon; maintain a program for the management and control of reports; and make special studies as required.

Effective date: May 4, 1971.

LARRY A. JOBE,
Assistant Secretary
for Administration.

[FR Doc.71-6957 Filed 5-18-71;8:45 am]

NEW YORK STATE MUSEUM AND SCIENCE SERVICE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 70-00682-88-74000. Applicant: New York State Museum and Science Service—Geological Survey, Room 973, State Education Building Annex, Albany, NY 12224. Article: Portable seismograph, shot box, battery recharger, and cable reel, Models FS-3. Manufacturer: Huntec, Ldt., Canada.

Intended use of article: The article will be used for a continuing study of the preglacial drainage patterns in the Hudson-Mohawk Lowlands. The study attempts to locate buried stream and river channels beneath glacial overburden. A network of points in the area has been established and seismic bedrock data has been obtained. For the next two seasons, the buried preglacial drainage systems in the Hudson Basin will be traced.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 69-00633-88-74000 which was denied without prejudice to resubmission on January 23, 1970. In the notice of denial without prejudice to resubmission, the applicant was informed that the Model GT-2B seismograph manufactured by the Geo Space, Inc. (Geo Space), should have been compared with the foreign article as the most closely comparable domestic instrument. In the captioned application, the applicant states that a number of experiments will be conducted in places that are close to schools, factories, or farmyards. In such areas, the use of blasting caps is precluded for safety reasons. Instead, the signal is produced by a hammer blow. We are advised by the National Bureau of Standards (NBS) in its memorandum of August 14, 1970, that the Geo Space Model GT-2B is considered to be superior to the foreign article when using blasting caps. When using hammer blows to generate signals, however, the domestic instrument would require more highly specialized technical skills than would be needed when the foreign article is used for recording hammer-blow generated signals. In this connection, the applicant alleges: "The use of an assistant with the more specialized skills necessary to use the converted GT-2B for hammer use would require a higher personnel budget than we've traditionally needed." The applicant further alleges that the Model GT-2B, when used with hammer-blow generated signals, posed to one skilled and one unskilled workers and one skilled worker as opposed to one skilled and one unskilled worker when using the foreign article.

Section 602.1(b)(7) in defining "pertinent specifications", provides in part: "* * * The term does not extent to such characteristics as size, durability, complexity or ease of operation, ease of maintenance and versatility, unless the applicant can demonstrate that they are necessary for accomplishing the purposes for which the article is intended to be used." The applicant's allegations regarding the complexity of the domestic instrument as opposed to the simplicity of the foreign article are based on budgetary savings. The budgetary savings resulting from the use of the foreign article, however, are not pertinent to the intended purposes for which the article is intended to be used. Thus, the applicant has not demonstrated that the intended purposes of the article cannot be accomplished with the Model GT-2B.

For the foregoing reasons, we find that the Geo Space Model GT-2B is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-6921 Filed 5-18-71;8:46 am]

UNIVERSITY OF CHICAGO

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, DC.

Docket No. 70-00633-75-77040. Applicant: University of Chicago, Operator of Argonne National Laboratory, 9700 South Cass Avenue, Argonne, IL 60439. Article: Mass spectrometer, Model CH7. Manufacturer: Varian MAT, West Germany.

Intended use of article: The primary application of the article is for identification of failed nuclear reactor fuel assemblies. This is accomplished by tagging each fuel assembly with xenon gas comprised of a mixture of stable xenon isotopes in a unique combination whose isotopic ratios are accurately known at the time of fuel fabrication. Other studies include determination of trace amounts of oxygen in sodium and analysis of gas samples.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 69-00364-75-77040 which was denied without prejudice to resubmission on August 18, 1969 due to informational deficiencies. In the captioned application, the applicant alleged that the foreign article has the following pertinent specifications: (1) dual collector for precise isotopic measurement, (2) resolution in excess of 2,500 using the 10 percent valley definition, (3) mass range of 1 through 3,600 and (4) versatile input system permitting the use of three thermally independent parts; none of which, the applicant alleged, were possessed by the domestic instrument which the applicant compared with the foreign article. The domestic instrument that the applicant compared with the article was the same domestic model considered in the initial application. In that application, manufacturers of other comparable domestic instruments, such as the Nuclide Corp. (Nuclide), were not contacted. Instead the applicant alleged that "No other manufacturers are known that are capable of producing an instrument to meet our specifications." However, the National Bureau of Standards (NBS) advised in its memorandum dated April 15, 1969, relating to the initial application, that there were several domestic instruments, including Nuclide's Model 12-90G mass spectrometer, which had all of the specifications described above. The applicant was accordingly advised in the notice of denial without prejudice to resubmission of the existence of the models cited by NBS in its review of the initial application, as well as the relevant capabilities of these instruments. In addition, the applicant was informed, in the notice that such instruments should be considered in determining the availability of domestic instruments of equivalent scientific value to the foreign article. The captioned application, however, does not provide any basis for the allegation that the additional models cited in the denial without prejudice to resubmission could not meet the applicant's technical requirements. Instead the applicant alleged "The Department of Commerce letter dated August 18, 1969, referenced certain additional models for consideration. We have relied on the manufacturers to quote on their model which will most closely fulfill our needs. Consideration was not given to models which were not quoted." Section 602.1(e) of the regulations provides in pertinent part:

> If the Administrator finds that at least one domestic instrument or reasonable combination of domestic instruments does possess all the pertinent specifications of the foreign article, he shall find that there is being manufactured in the United States an instrument of equivalent scientific value to the foreign instrument for such purposes as described in the response to Question 7 of form BDSAF-768.

We note that the domestic Nuclide Model 12-90G mass spectrometer has the following pertinent specifications:

Dual Collector. The dual collector capability of the Nuclide Model 6-60 RMS mass spectrometer (see 6-60 RMS specifications dated March 1965) can be incorporated into the 12-90G. (See 6-60/12-90G brochure received by the Department of Commerce Apr. 11, 1966.)

Resolution. The 12-90G has a guaranteed resolving power of 3,000 using the 10 percent valley definition. (See 12-90G specifications dated January 1967.)

Mass Range. The 12-90G has a mass range of 1-6500. (See 12-90G specifications dated January 1967.)

Inlet system. In the 1290G, four inlets can be connected to the source for simultaneous use. This provision for the simultaneous connection of a wide variety of inlet systems to the ion source permits such operations as switching between modes of sample introduction and provides such features as a convenient means of simultaneously introducing a calibrating gas with a gas-liquid chromatography sample for mass determinations and/or sensitivity calibrations. In addition, samples can be introduced without breaking the vacuum. Inlet systems offered include the Model 150S single or 150D dual inlet systems for the quantitative and qualitative analysis of gases, liquids and volatile solids with continuously variable temperature from ambient to 150° C.; the all glass Model 350G high temperature inlet system for the quantitative analysis of low volatility liquids or solids; the Model CP-2 direct insertion crucible probe for the study of high viscous liquids or low volatility solids with continuously variable temperature control to 500° C. and the Model GLC-N2 chromatograph inlet and detection system. All of these systems can be modified to increase capabilities by the addition of optional features and accessories, e.g., the variable temperature range of the crucible probe system can be extended to 1,000° C.

In its recommendation of June 23, 1970, NBS refers to its memorandum of April 15, 1969, relating to the initial application. The cited memorandum concurs in the above comparison of the Nuclide 12-90G mass spectrometer with the foreign article.

For the foregoing reasons, we find that the Nuclide 12-90G mass spectrometer is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-6920 Filed 5-18-71;8:46 am]

UNIVERSITY OF TENNESSEE

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No.: 70-00524-89-43000. Applicant: The University of Tennessee, Knoxville, Tenn. 37916. Article: Portable magnetometer, Model GM-102. Manufacturer: Barringer Research Ltd., Canada.

Intended use of article: The article will be used for instructing students in the Geography Department in geophysical surveys. Students will use this instrument in the field for locating anomalies in the earth's magnetic field.

Comments: No comments have been received with respect to this application.

Decision: Application denied. An instrument of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The captioned application is a resubmission of Docket No. 70–00301–89–4300 which was denied without prejudice to resubmission. In the notice of denial without prejudice to resubmission dated May 5, 1970, the applicant was advised that the Model G806 portable proton magnetometer manufactured in the United States by Geometrics, Palo Alto, Calif., was comparable to the foreign article in regard to its pertinent characteristics. In the captioned application, the applicant omitted any reference to the cited domestic instrument. In reply to Question 13 the applicant listed the following as pertinent characteristics of the foreign article: (1) It is not required to level the article which results in considerable savings in labor; (2) the article measures the external magnetic field only; and (3) the article measures the absolute value of the magnetic field rather than the change relative to some reference point. The National Bureau of Standards (NBS) advised in a memorandum dated May 18, 1970 that for the applicant's intended purposes, the ability to measure the total magnetic field and absolute value of the total magnetic field are pertinent characteristics. NBS also advised that the Geometrics Model G806 is a portable proton magnetometer with a standard sensitivity of plus or minus one gamma. This domestic instrument also has the capability for measuring the total magnetic field and provide an absolute value of the total magnetic field. In regard to these characteristics, NBS advised that the domestic instrument is of equivalent scientific value to the foreign article for such purposes as the article is intended to be used. With respect to the leveling characteristic, we find that this is not pertinent to the purposes for which the foreign article is intended to be used.

For the foregoing reasons, we find that the Geometric Model G806 portable proton magnetometer is of equivalent scientific value to the foreign article for such purposes as this article is intended to be used.

SETH M. BODNER,
Director,
Office of Import Programs.

[FR Doc.71-6922 Filed 5-18-71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Hazardous Materials Regulations Board

SPECIAL PERMITS ISSUED

MAY 13, 1971.

Pursuant to Docket No. HM-1, Rule-making Procedures of the Hazardous Materials Regulations Board, issued May 22, 1968 (33 F.R. 8277) 49 CFR Part 170, following is a list of new DOT Special Permits upon which Board action was completed during April 1971:

Special permit No.	Issued to—Subject	Mode or modes of transportation
6421	Shippers registered with this Board for shipments of fissile and large quantities of radioactive materials in package identified as the Analytical Sample Cask, Model No. CMB-14.	Rail, Highway Cargo-only Aircraft.
6425	Shippers registered with this Board for shipments of large quantities of radioactive materials, n.o.s. in package identified as Model No. TSC-ND-1 Cask.	Rail, Highway, Water, Cargo-only Aircraft.
6426	Gulf Cryogenics, Incorporated to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6428	Rhodia, Incorporated to ship arsenic acid in proposed DOT specification 115A60W tank cars.	Rail.
6429	E. I. du Pont de Nemours & Co. to ship high explosives with no liquid explosive ingredient in DOT-12H fiberboard boxes each having a polyethylene bag in lieu of specification 2L liner.	Rail, Highway.
6430	Irish Welding Supply Corporation to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6431	U.S. Department of Defense to ship hand signal devices comingled with other articles in the same package.	Rail, Highway.
6432	Chemetron Corporation to ship pressurized liquid nitrogen or argon in non-DOT specification cryogenic cargo tanks made of aluminum.	Highway.
6433	Shippers registered with this Board for shipment of whiskey in non-DOT specification steel portable tanks having nominal water capacity of 6,000 gallons.	Rail, Highway, Water.
6434	Shippers registered with this Board for shipments of organic phosphate compound mixtures, dry, containing not more than 12% by weight active ingredients in non-DOT specification 5-ply paper bags of extensible kraft construction.	Rail, Highway.
6435	Lubbock Equipment and Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6438	Rite-Weld Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.
6441	Shippers registered with this Board for shipments of fissile radioactive materials in package identified as the DIG power unit shipping container.	Rail, Highway.
6442	United States Department of Defense to ship explosive projectiles containing a corrosive liquid.	Rail, Highway.
6443	Montana Sulphur and Chemical Co. to ship hydrogen sulfide in a specification MC-331 cargo tank under specified operating conditions.	Highway.
6444	Christy's Welding Supply Co. to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6446	Welders Supply and Equipment to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6447	Ohio Welding Products, Incorporated to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10-year hydrostatic retest.	Rail, Highway.
6448	General Fire Extinguisher, Inc. to ship fire extinguisher cylinders made to DOT specification 3A and 3AA but with prescribed testing performed outside the United States at the company's plant in Canada. The permit is issued pending resolution of certain questions raised in Docket No. HM-74 (36 F.R. 838) and expires December 31, 1971.	Rail, Highway, Water.
6449	Shippers registered with this Board to ship sulfur dioxide in spec. 105A-500W tank cars made of TC-128, Grade B steel with steel insulation jackets 0.1196 inch thick.	Rail.
6450	Shell Oil Company to ship liquefied petroleum gas in two tank cars having safety relief valves overdue for retest.	Rail.
6451	American Oil Company to ship propane in a tank car having safety relief valve overdue for retest.	Rail.
6453	Shippers registered with this Board to ship compressed air or nitrogen in Non-DOT specification cylinders made of specification K-55 or 1035 steel tubing and equipped with a gas generating device containing smokeless powder.	Highway.
6454	National Compressed Gases, Inc., to ship certain compressed gases in DOT-3A, 3AA cylinders having a 10 year hydrostatic retest.	Rail, Highway.

ALAN I. ROBERTS, *Secretary.*

[FR Doc.71-6943 Filed 5-18-71;8:48 am]

Office of the Secretary

CURRENT RAIL STRIKE

Notice of Delegation of Authority and Allocations and Priorities for Transportation

Notice is hereby given that the Secretary of Transportation, in carrying out the directions of the President in Executive Order 11594 of May 17, 1971 (36 F.R. 8995), dealing with the transportation emergency created by the current rail strike, has made certain requests of, and delegation of authority to, the Secretary of Commerce, the Chairman of the Interstate Commerce Commission, and the Chairman of the Civil Aeronautics Board. The requests and delegations are set forth in the following documents.

This notice is issued under the authority of section 101(a) of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2071(a)); Executive Order 10480; Executive Order 11594; and section 4(a) of the Department of Transportation Act (80 Stat. 933).

Issued in Washington, D.C., on May 17, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

TRANSPORTATION PRIORITY LIST

In the event of a nationwide rail shutdown the following categories of essential items are designated to receive transportation priority. The list has been prepared as guidance and instructions to Federal agencies, to shippers and to carriers during the first few days of a transportation shortage. There is no significance in the order of listing.

Food or kindred products, canned, preserved or otherwise prepared, including fresh, frozen or chilled meats and poultry; fresh eggs and milk; fresh or frozen fruits and vegetables; fresh or frozen fish and shell fish; feeds for animals and fowls.

Fuels required for the production of electric power and those used directly for heating residences and institutions essential for the public welfare.

Hospital and sick room supplies and equipment, including diagnostic devices and essential support utilities.

Pharmaceuticals, biologicals, surgical textiles and instruments.

Electrical power and communication systems repair materials and equipment required for the supply of essential electric power and communications.

Medical laboratory supplies and equipment.

Professional dental supplies and equipment.

Material moving on Government or commercial bills of lading specifically certified as essential by defense or atomic energy contract administrators.

All material moving on Government bills of lading issued by transportation officers of the military services.

U.S. Mail in accordance with emergency orders issued by the Postmaster General.

Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate or iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

Items necessary to the continued smooth functioning of the financial system, i.e., movement of checks, currency and coins.

Essential personnel travelling on Government Transportation Requests, and personnel traveling in support of items contained in this priority list.

Hon. MAURICE H. STANS,
Secretary of Commerce,
Washington, D.C. 20230.

MAY 17, 1971.

DEAR MR. SECRETARY: I enclose a copy of Executive Order 11594, signed today by the President to deal with the transportation emergency created by the current rail strike. Pursuant to section 2 of the Order and section 201(a)(4) of Executive Order 10480, the Secretary of Commerce is expected to carry out the functions delegated with respect to maritime transportation and to implement the priorities established pursuant to section 3 of Executive Order 11594.

This Department and the Office of Emergency Preparedness have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated Carl V. Lyon, Acting Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency. I request that you report to Mr. Lyon your activities pursuant to Executive Order 11594, as well as such information as he may require to carry out the functions of this Department pursuant to that Order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

JOHN A. VOLPE.

Hon. SECOR D. BROWNE,
Chairman,
Civil Aeronautics Board,
Washington, D.C. 20428.

MAY 17, 1971.

DEAR MR. CHAIRMAN: In view of the current railroad strike, the President has today issued Executive Order 11594, a copy of which is enclosed. Pursuant to this Order and further pursuant to section 201(a)(4) of Executive Order 10480, as modified by the assignment of responsibility to this Department under section 4(a) of the Department of Transportation Act of 1966 and the transfer of functions to this Department pursuant to that Act, the Chairman of the Civil Aeronautics Board is hereby delegated authority for the effective duration of Executive Order 11594 to exercise the allocation and priorities powers of the Defense Production Act of 1950, as amended, vested in the Secretary of Transportation with respect to air transport.

This Department and the Office of Emergency Preparedness have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. Pursuant to section 3 of Executive Order 11594, enclosed, I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated Carl V. Lyon, Acting Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency I request that you report to Mr. Lyon your activities pursuant to Executive Order 11594, as well as such information as he may require to carry out the functions of this Department pursuant to that Order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

JOHN A. VOLPE.

Hon. GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission,
Washington, D.C. 20423.

MAY 17, 1971.

DEAR MR. CHAIRMAN: I enclose a copy of Executive Order 11594, signed today by the President to deal with the transportation emergency created by the current rail strike. Pursuant to section 2 of the Order, the Commissioner of the Interstate Commerce Commission referred to in section 201(a)(3) of Executive Order 10480 is expected to carry out the functions delegated and to implement the priorities established pursuant to section 3 of Executive Order.

This Department and the Office of Emergency Preparedness have established a list of categories of materials and passengers to be accorded priority movement on the operating transportation facilities within your jurisdiction. This list has been prepared with the concurrence of the Department of Defense and the other interested Executive Departments. I request that you take the necessary steps to assure the prompt and efficient movement of these priority categories.

Materials and passengers not included in the enclosed list may be moved on a space-available basis after all priority items have been accommodated; however, nonpriority materials and passengers once loaded should not be displaced by priority movements, nor should allowable nonpriority baggage accompanying passengers be displaced by priority cargo.

I have designated Carl V. Lyon, Acting Federal Railroad Administrator, to coordinate this Department's efforts during the present emergency. I request that you report to Mr. Lyon your activities pursuant to Executive Order 11594, as well as such information as he may require to carry out the functions of this Department pursuant to that Order.

I assure you that this Department will support your efforts in this emergency and will work with and assist you to the fullest extent of our abilities.

Sincerely,

JOHN A. VOLPE

[FR Doc.71-7041 Filed 5-18-71;10:52 am]

CIVIL AERONAUTICS BOARD

[Order 71-5-68]

CERTAIN UNAUTHORIZED INDIRECT AIR CARRIERS

Order Granting Temporary Relief To Perform Household Goods Services for Department of Defense

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 13th day of May 1971.

At the request of the Department of Defense (DOD), the Board, by Orders 69-10-60, October 13, 1969, 70-10-45, October 8, 1970, and 71-2-82, February 17, 1971, granted temporary relief from provisions of the Federal Aviation Act of 1958 (the Act) to permit 25 unauthorized indirect air carriers[1] to transport by air used household goods[2] of Department of Defense personnel. The relief will expire October 14, 1971.

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[1] American Ensign Van Service, Inc., Asiatic Forwarders, Inc., CTI—Container Transport International, Inc., Four Winds Forwarding, Inc., HC&D Moving & Storage, Imperial Household Shipping Co., Inc., International Sea Van, Inc., North American Van Lines, Inc., Aero Mayflower Transit Co., Inc., Allied Van Lines, Inc., Astron Forwarding Company, Davidson Forwarding Company, Fernstorm Storage and Van Co., Home-Pack Transport, Inc., King Van Lines, Inc., Richardson Transfer & Storage Co., Inc., Smyth Worldwide Movers, Inc., Air Van Lines., Burnham Van Service, Inc., Suddath Van Lines, Inc., United Van Lines, Inc., Von der Ahe Van Lines, Inc., Door to Door International, Inc., Republic Van & Storage Co., Inc., and Trans-American Van Service, Inc.

By letter lated April 20, 1971, the Department of the Army, acting on behalf of DOD, stated that, in addition to the 25 carriers already exempted, it now has a requirement for the services of three additional unauthorized indirect air carriers and requests that those three carriers be similarly relieved from the requirements of the Act, such relief to terminate no later than October 14, 1971. The carriers whose services are requested by DOD are listed in Appendix A hereto.[3]

In view of the foregoing circumstances, the Board finds that it is in the public interest to temporarily relieve from the provisions of the Act those carriers whose services have been requested by DOD to transport by air used household goods of personnel of DOD.

Accordingly, it is ordered:

1. That pursuant to sections 101(3) and 204 of the Federal Aviation Act of 1958, as amended, the persons listed in Appendix A are hereby relieved from the provisions of title IV and section 610(a)(4) of the Act to the extent necessary to transport by air used household goods of personnel of DOD upon tender by that Department;
2. That the relief granted herein shall expire October 14, 1971, unless sooner terminated by the Board;
3. That this order may be amended or revoked at any time in the discretion of the Board, without hearing, and
4. That copies of this order shall be served on the Military Traffic Management and Terminal Service, U.S. Army, and all persons listed in Appendix A.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6983 Filed 5-18-71;8:50 am]

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[2] The term "used household goods" means personal effects (including unaccompanied baggage) and property used or to be used in a dwelling, when a part of the equipment or the supply of such dwelling, but specifically excludes (1) furniture, fixtures, equipment, and the property of stores, offices, museums, institutions, hospitals, or other establishments, when a part of the stock, equipment, or supply of such stores, offices, museums, institutions, hospitals, or other establishments, and (2) objects of art (other than personal effects), displays and exhibits.

[3] Appendix A filed as part of original document.

[Docket No. 20398]

MINIMUM CHARGES PER SHIPMENT OF AIR FREIGHT

Notice of Postponement of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding now assigned for May 19, 1971, is postponed to June 2, 1971, 10 a.m., e.d.s.t., Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., before the Board.

Dated at Washington, D.C., May 13, 1971.

[SEAL] THOMAS L. WRENN,
Chief Examiner.

[FR Doc.71-6981 Filed 5-18-71;8:50 am]

[Docket No. 22908; Order 71-5-68]

TRANS WORLD AIRLINES, INC., ET AL.

Order Regarding Capacity Reduction Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1971.

By Order 71-3-71, March 11, 1971, the Board authorized TWA and other interested carriers to conduct preliminary discussions to identify the markets in which multilateral reductions of capacity might be achieved. Such discussions were held in Washington, D.C., on March 22, 1971, as a result of which applications have been presented to the Board for approval of further discussions regarding 18 specific city-pair markets as follows:

Market	*Carrier*
New York-Los Angeles [0][1]	American, United, and TWA.
New York-San Francisco [0][1][2a]	American, United, and TWA.
Chicago-Los Angeles [0][1]	American, United, TWA, and Continental.
Chicago-San Francisco [0][1][2a]	American, United, and TWA.
Washington/Baltimore-Los Angeles [0][1]	American, United, and TWA.
New York-Chicago [0][1]	American, United, and TWA.
Philadelphia-Los Angeles [0][1]	American, United, and TWA.
Boston-Los Angeles [0][1]	American, United, and TWA.
Los Angeles-Hawaii [0][1][2]	United, TWA, Continental, and Pan American.
San Francisco-Hawaii [0][2][2a]	United and Pan American.
New York-San Juan [0][1][2]	American, Pan American, and Eastern.
New York-Miami [0][1][2]	Eastern, National, and Northeast.
Dallas-Los Angeles [0]	American and Continental.
Boston-Miami [0]	Eastern.
Philadelphia-Miami [0][2]	Eastern.
Chicago-Miami [0][2]	Eastern.
Seattle-Hawaii [2]	Pan American.
Miami-Los Angeles [2]	Northeast.

[0] Opposed by Braniff.

[1] Opposed by Northwest.

[2] Opposed by Department of Justice in whole or in part.

[2a] Opposed by city of San Jose if meant to include it.

Comments have been filed wholly or partially opposing the applications by Braniff, Northwest, Department of Justice, and the city of San Jose. Comments supporting the applications have been filed by the Port of New York Authority (PONYA) and the Southern Florida Hotel and Motel Association (SFHMA). The National Air Carrier Association (NACA), and Puget Sound Traffic Association have requested that they be made parties to the proceeding and that they be permitted to participate to the same degree as any other party. The SFHMA requests additionally that it be allowed to make its views known at any discussions granted, and that it be allowed to offer appropriate proposals for the airlines' consideration. Delta requests that as a certificated air carrier, it be authorized to participate in all discussions respecting any market, whether served by Delta or not, in order that Delta might submit suggestions therein regarding unleashed capacity.

We have decided to grant the carriers' requests for further discussions pertaining to the following markets: New York-Los Angeles, New York-San Francisco, Chicago-Los Angeles, Chicago-San Francisco, Washington/Baltimore-Los Angeles, New York-Chicago, Philadelphia-Los Angeles, Boston-Los Angeles, Los Angeles-Hawaii, San Francisco-Hawaii, New York/Newark-Miami/Fort Lauderdale, Dallas-Los Angeles, and New York/Newark-San Juan.

These 13 markets conform with the Board's previous statements that such markets be of substantial size, be served by three or more carriers, be characterized by low load factors, and be subject of the showing that excessive, unneeded capacity is presently being offered and projected to continue. In terms of revenue passenger miles all but the Dallas-Los Angeles market rank in the top 12 domestic markets; and that market ranks 28th.[3] Based on the requesting carriers' figures, for most of these markets the average load factors during 1970 ranged from 37 to 51 percent.[4] Each market is authorized to receive service from at least three carriers. And in such markets the carriers who have requested permission to discuss capacity reduction have demonstrated that there is room for capacity reduction. Of course, we are not yet dealing with the actual service reductions affecting such markets which may result from any agreements produced by such discussions. We expect to give careful scrutiny to any such agreements to assess their impact on the traveling public and other affected persons.

Of these 13 markets the Department of Justice does not oppose further discussions except in the following markets: New York-San Juan, New York-Miami, Los Angeles-Honolulu, and San Francisco-Honolulu. We take a different view.

In the New York/Newark-Miami/Fort Lauderdale market, Northeast and Eastern reported average 1971 load factors of 43 percent and 61 percent. National did not report, contending that the strike it suffered during the first half of 1970 precluded the accumulation of meaningful statistics.[5] This market ranked second among domestic city-pair markets for 1969, and receives a substantial amount of service. Adjustments in the ratio of seats to traffic in this market, if properly accomplished, may provide meaningful economic benefits to the carriers who serve it without depriving the public of needed service.

The New York/Newark-San Juan and the Los Angeles- and San Francisco-Hawaii markets pose a much closer question. Although DOJ does not oppose discussions affecting service at Hilo, it feels that service to Honolulu is not an appropriate subject for such discussions. The markets in question are of substantial size (ranking sixth and seventh in terms of revenue passenger miles for 1969), and receive service from numerous carriers. Average 1970 load factors for the proposed discussants (United and Pan American) in the San Francisco-Hawaii markets were respectively 58 and 66 percent; in the Los Angeles-Hawaii market, TWA, United, Pan American, and Continental had respective average load factors of 62 percent, 55 percent, 66 percent, and 50 percent. However, these averages are in most instances substantially higher than the carriers' monthly figures for the last quarter of 1970. For example, in the Los Angeles-Hawaii markets, TWA, United, Pan America, and Continental recorded November load factors of 52 percent, 40 percent, 38 percent, and 36 percent, respectively. In the San Francisco-Hawaii markets, the November load factors of United and Pan American were 45 percent and 54 percent.

Analagous circumstances exist in the New York/Newark-San Juan market. The load factors of Eastern, Trans Caribbean (now American) and Pan American, while very high at peak months, sank dramatically in off-peak months (e.g., from an average 82 percent in July to 47 percent in October). In view of the low yields in this market (see footnote 4, supra) we believe that room may exist for some meaningful capacity reductions which can aid the carriers without prejudicing the adequacy of service.

Recapitulating, we view all of the above-mentioned California-Hawaii markets, and the New York-Miami and New York-San Juan markets as appropriate for capacity reduction discussions. The California-Hawaii and New York-San Juan markets, especially, have noticeable peaks and valleys, which somewhat belie the average load-factor figures. While capacity reduction discussions may be of little utility or desirability in terms of relieving needed peak traffic capacity, the low traffic valleys do significantly affect the carriers' financial fortunes and yet appear to offer flexibility for capacity reductions without depriving the public of needed services. Moreover, these are all markets in which wide-bodied 747 aircraft have been and will continue to be introduced into service, thereby infusing substantial capacity increases. For these reasons, we conclude that the considerations advanced by DOJ as to these markets' characteristics are more appropriately indicative of the close scrutiny which any resultant agreements should be given, and that the above-mentioned markets are appropriate subjects for further discussions.

We note that of these 13 authorized markets there are four in which some but not all carriers providing nonstop service have requested a second round of discussions. These markets and the nonrequesting or opposing carriers are as follows: New York-Chicago (Northwest); Los Angeles-Hawaii (Northwest, Braniff and Western); San Francisco-Hawaii (Northwest and Western); and Dallas-Los Angeles (Delta).[6] Since we have concluded that these are markets for which based upon the Board's previous stated guidelines further discussions appear to be appropriate, we do not regard the absence of some of the carriers as being a sufficient ground for denying the remaining carriers' request to attempt to reach an agreement. The carriers who have submitted requests to discuss are major competitors in the markets they seek to talk about. Thus, if through their discussions they can reach agreement then such agreements may achieve the benefits sought despite the absence of other carriers. However, in order that the other authorized carriers' rights may be fully protected, we shall not exclude from any of the discussions authorized herein those carriers who are certificated to provide single-plane service in the markets under discussion but who have not filed a specific request to discuss capacity reductions in such markets.[7]

In reaching our determination we have recognized the merit of many of the specific objections and have taken them into account in determining the specific markets in which further discussions may be held and in establishing the ground rules and climate under which such discussions will be held and agreements submitted. Thus, for example, we have determined that no discussions should be authorized in such markets as Miami-Boston, Philadelphia, Chicago, and Los Angeles; and Seattle-Hawaii. In such markets only one carrier has made the specific request contemplated in Order 71-3-71. This being the case, we perceive no need for, or useful purpose served by, present authorization for discussions as to these markets; the individual carrier requests will therefore be dismissed without prejudice.

Furthermore, we note the concern of several parties about the use of freed resources in other markets. While this is not a matter for agreement, we expect that the carriers will exercise restraint in the use of freed equipment. For the carriers to do otherwise would be contrary to the purposes of the Board's action herein, and would furnish a basis for reconsideration of the Board's approval. In addition, for the reasons stated in Order 70-11-35, we do not contemplate that any such agreements will effect a reduction of services at satellite airports.[8]

Finally, we recognize that there is some merit in the assertions expressed, e.g., by Braniff, Northwest, and the Department of Justice, that the authorization of further discussions would tend to discourage an individual carrier from taking its own steps toward reducing its own excess capacity. Nevertheless, we think that this possibility is outweighed by the hard reality that the industry still faces a severe slump in both traffic and revenues. It does not appear likely that most of the carriers can or will effect self-help in the form of scheduling restraint in competitive markets in order to pull out of the adverse financial circumstances they experience. Although our recent fare decisions provide one avenue of relief, we are unwilling to foreclose the carriers from seeking other solutions. Thus, in our view, the necessity for hewing capacity more closely to demand in these major competitive markets warrants the discussions which we are authorizing.[9]

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[3] Origin-Destination Survey of Domestic Airlines' Passenger Traffic, Fourth Quarter 1969. New York/Newark-San Juan is not included in that summary, but would rank second.

[4] The Los Angeles and San Francisco-Hawaii markets averaged 59 percent. The New York/Newark-San Juan market averaged 68 percent. However, for such markets, the bare load-factor figure does not tell the complete story. These markets have substantially lower fares on a per mile basis than the others for which we are authorizing discussions. In these lower-yield markets, over capacity as it relates to carrier profitability is a function of the difference between the break-even load factor for the flight and the actual load factor (rather than the actual load factor standing alone without qualification). Despite the relatively high load factors achieved, the New York-San Juan market, for example, because of its low fares, has been less profitable than many low-load factor domestic markets. Accordingly, to assure that fares can remain as low as possible, we will allow capacity discussions in low-fare markets even though these have experienced higher load factors than the higher fare markets. We would expect that any agreements reached as to such markets contain data along the above lines as part of the necessary support and justification.

[5] Presumably this strike also caused an inflation of Eastern's and Northeast's figures. For whatever reason, both Eastern and Northeast reported substantially reduced load factors for the second half of 1970.

[6] Delta has indicated that it wishes to participate in discussions in any authorized market, but it does not affirmatively seek authority to do so and accordingly has not filed any supporting data. We do not treat Delta's pleading as an affirmative request in accordance with Order 71-3-71 for the purposes of determining the markets in which discussions will be authorized.

Northwest and Braniff oppose such discussions. Western has not indicated any view.

[7] We do not find it necessary to expand the scope of the discussants to include persons other than the scheduled air carriers authorized to provide single plane service between each market under discussion. Other interested persons will be allowed to attend such discussion in the role of observer, to purchase a copy of the transcript of such discussion, and to file comments on any agreement ultimately reached and submitted to the Board. By so doing, we believe that we accommodate the need of the involved air carriers for speedy, uncomplicated discussions and the need for those affected by those discussions to be aware of the substance of the discussions and to make their views on resulting agreements known to the Board. We shall therefore dismiss the requests of such persons, e.g., as the City of Chicago, to participate in the discussions.

[8] The subject of some comments, i.e., such matters as notice, service, observers, etc. is dealt with in the various ordering paragraphs below.

Accordingly, it is ordered, That:

1. Applications for approval of discussions regarding capacity reductions in the below-specified city pairs[10] be and they hereby are approved subject to the following conditions:

(a) Discussions shall be held in Washington, D.C.; each city-pair market shall be discussed consecutively, the hour and date of such meetings to be determined by the carriers involved in each particular market. A notice of such meetings shall be served upon the Civil Aeronautics Board and the persons stated in ordering paragraph 2 at least 7 calendar days prior to such meetings;

(b) Participation in each city-pair discussion shall be limited to carriers certificated to provide single-plane scheduled service in the market under discussion;

(c) Representatives of the Civil Aeronautics Board and any other local, State, or Federal Government agency; civic, trade, or consumer association, group or representative; or air carrier expressing an interest shall be permitted to attend and view the discussions as observers;

(d) A full transcript shall be maintained of all meetings, at the expense of the carriers, and a copy of said transcript shall be filed with the Board within 10 days after the conclusion of each day's meeting, and shall be available for purchase by any person;

(e) Any agreement reached as a result of the discussions authorized herein shall be filed with the Board for approval under section 412 of the Act within 15 days of consummation thereof, accompanied by an explanatory statement and a statement of justification, and shall be served on the persons listed in ordering paragraph 2 within the same period: *Provided*, That no agreement shall be implemented without having been previously approved by the Board: *And provided further*, That where the same carriers have, in the separate discussions, agreed upon capacity reductions in more than one market pair, such agreements may be consolidated into one document for filing purposes;

(f) Comments pertaining to any agreements filed pursuant to subparagraph (e) shall be filed within 15 days from the date of the filing of such agreements with the Board: *Provided*, That a consolidated comment may be filed as to more than one agreement if such comment is filed within 15 days after the filing of the latest filed agreement to which it is directed, and no later than 30 days after the filing of the first filed agreement to which it is directed;

(g) Comments in reply to any previously filed document authorized to be filed in subparagraphs (e) and (f) shall be filed within 10 days of the date of filing of such document;

(h) The relief granted herein shall expire within 90 days of the date of this order and may be revoked or amended at any time in the discretion of the Board; and

(i) This authorization does not extend to discussions of rates, fares, charges, or inflight or other services pertaining to air transportation;

2. Copies of this order shall be served on the persons named in the attached appendix;[11] and

3. To the extent not granted herein all outstanding requests be and they hereby are dismissed without prejudice.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[12]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-6982 Filed 5-18-71;8:50 am]

DELAWARE RIVER BASIN COMMISSION

[Docket No. D-62-2]

KITTATINNY MOUNTAIN PUMPED STORAGE ELECTRIC POWER PROJECT

Notice of Availability of Draft Environmental Statement

In accordance with the National Environmental Policy Act of 1969 and the Delaware River Basin Commission's rules of practice and procedure (section 2-3.5.2), notice is hereby given of the availability of a draft statement dated March 19, 1971, which discusses the environmental impact of the proposed Kittatinny Mountain project, a pumped storage electric generating facility in Warren County, N.J. The draft environmental statement has been prepared jointly by Jersey Central Power & Light Co., New Jersey Power & Light Co., and Public Service Electric & Gas Co., as part of an amended application filed with the Commission for approval of the proposed Kittatinny Mountain project pursuant to the provisions of Public Law 91-282 and the Delaware River Basin Compact.

The subject project would be located at Tocks Island Dam on the Delaware River and Kittatinny Mountain. It would consist of a single set of underground hydroelectric facilities to develop the pumped storage power potential of Tocks Island Reservoir project and Kittatinny Mountain and the conventional power potential of the Tocks Island Reservoir project. The pumped storage feature would be an extension of the existing pumped storage development on Kittatinny Mountain, and would produce 1.3 million kilowatts of electricity.

Copies of the amended application (including the draft environmental statement as a part thereof) may be examined in the library at the office of the Delaware River Basin Commission, 25 State Police Drive, West Trenton, NJ; in the offices of the Water Resources Association of the Delaware River Basin, 21 South 12th Street in Philadelphia; and in the offices of the Tocks Island Regional Advisory Council, 612 Monroe Street, Stroudsburg, PA. Copies of the application and draft environmental statement are available for distribution to persons or agencies upon request.

Comments on the subject draft environmental statement may be submitted to the Delaware River Basin Commission by public or private agencies or individuals concerned with environmental quality. In order to be considered by the Commission, comments must be submitted no later than June 18, 1971.

W. BRINTON WHITALL,
Secretary.

MAY 7, 1971.

[FR Doc.71-6923 Filed 5-18-71;8:46 am]

ENVIRONMENTAL PROTECTION AGENCY

INTERIOR BOARD OF CONTRACT APPEALS

Designation To Hear and Determine Appeals Under EPA Contracts

1. The Interior Board of Contract Appeals is hereby designated the authorized representative of the Administrator of the Environmental Protection Agency in hearing, considering, and determining as fully and finally as might the Administrator, appeals by contractors from decisions on disputed questions taken pursuant to the provisions of contracts requiring the determination of such appeals by the Administrator or his duly authorized representative or Board.

2. In acting under this designation, the Interior Board of Contract Appeals will follow such rules and procedures as it follows and as are or may be prescribed for the determination of the Department of the Interior contract appeals cases (43 CFR Part 4).

3. The General Counsel of the Environmental Protection Agency will assure representation of the interest of the Government in proceedings before the Interior Board of Contract Appeals.

4. All officers and employees of the Environmental Protection Agency will cooperate with the Interior Board of Contract Appeals and Government counsel in the processing of appeals so as to assure their speedy and just determination.

5. This designation will apply to all appeals pending under contracts let by the Environmental Protection Agency and not finally determined by the Administrator as of its date and to all appeals which may thereafter arise under Environmental Protection Agency contracts.

THOMAS E. CARROLL,
Acting Administrator.

MAY 14, 1971.

[FR Doc.71-6990 Filed 5-18-71;8:51 am]

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[9] We continue to believe that agreements of 6-month duration, or at most 1-year upon proper justification, are all that should be countenanced.

[10] The authorized city pairs are: New York/Newark-Los Angeles, New York/Newark-San Francisco, Chicago-Los Angeles, Chicago-San Francisco, Washington / Baltimore - Los Angeles, New York/Newark-Chicago, Philadelphia-Los Angeles, Boston-Los Angeles, Los Angeles-Hawaii, San Francisco-Hawaii, New York/Newark-Miami/Fort Lauderdale, Dallas-Los Angeles, and New York/Newark-San Juan.

[11] Appendix filed as part of original document.

[12] Concurring and dissenting statement of Members Minetti and Murphy filed as part of original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19223; FCC 71-488]

TRA-MAR COMMUNICATIONS, INC.

Memorandum Opinion and Order Designating Application for Hearing on Stated Issues

In the matter of application of Tra-Mar Communications, Inc. for a license for a new public coast Class III-B radiotelephone station to be located at Alpine, N.J.; Docket No 19223, File No. 493-M-P-69.

1. The above-captioned application seeks a license for a new Class III-B public coast station to be located at Alpine, N.J. This class of station provides ship-shore radiotelephone common carrier service, primarily of a local character, on VHF channels. The applicant seeks authority to serve the Hudson River from the George Washington Bridge to Kingston, N.Y.

2. The New York Telephone Co. (New York) has filed a petition to deny the subject application alleging inter alia substantial and unnecessary duplication with its existing station, KEA693, in New York City. The applicant has filed an opposition to the petition to deny.

3. Except for the issues otherwise specified herein, the applicant is qualified to become a licensee of the Commission. On the basis of its status as the licensee of KEA693, New York is found to be a party in interest. The Safety and Special Radio Services Bureau and the Common Carrier Bureau of the Federal Communications Commission are parties to this proceeding.

4. It is evident from an analysis of the application and pleadings that overlap in service areas will be substantial if the Tra-Mar application is granted. In addition, the application and associated pleadings do not conclusively establish whether, or to what extent, there is now an unfilled need for public radio maritime communication service facilities to serve the area here involved. In view of these substantial and material questions of fact, the Commission is unable to make a determination that it would be in the public interest to grant the application; therefore, an evidentiary hearing is required to resolve the questions of fact and to determine if the public interest would be served by the grant of this application.

5. *Accordingly, it is ordered*, That the above-captioned application of Tra-Mar Communications, Inc. is designated for hearing at a time and place to be specified in a subsequent order on the following issues:

a. To determine the facts with respect to the proposed facility, rates, practices, and services of the applicant, including areas to be served.

b. To determine the nature, source, and amount of traffic to be handled by the proposed facility.

c. To determine whether unnecessary duplication of service with KEA693 would result from the grant of the application.

d. To determine if there is a need for the proposed facility, taking into account existing stations.

e. To determine, in light of the evidence adduced on all the foregoing issues, whether the public interest, convenience and necessity will be served by the grant of any or all of the subject applications.

6. *It is further ordered*, That the petition to deny, discussed herein by New York Telephone Co., is granted to the extent indicated herein and is otherwise denied.

7. *It is further ordered*, That coverage areas will be computed on the basis of the information in Commission Notice of Proposed Rule Making, Docket No. 18944.

8. *It is further ordered*, That the burden of proof and the burden of proceeding with the introduction of evidence on issue (c) is on New York Telephone Co. and on the applicant with respect to all other issues except issue (e) which is conclusory.

9. *It is further ordered*, That to avail themselves of an opportunity to be heard, Tra-Mar Communications, Inc. and New York Telephone Co., pursuant to § 1.221(c) of the rules of the Commission, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission in triplicate a written appearance stating an intention to appear on the date set for hearing and present evidence on the issues specified in this order.

Adopted: May 5, 1971.

Released: May 12, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-6954 Filed 5-18-71;8:49 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Revoked

Notice is hereby given that the following vessel owners and/or operators have requested voluntary revocation of their Certificates of Financial Responsibility (Oil Pollution) which had been issued by the Federal Maritime Commission, covering the below-indicated vessels, pursuant to Part 542 of Title 46 CFR and section 11(p)(1) of the Federal Water Pollution Control Act, as amended.

Certificate No.	*Owner/Operator and Vessels*
01895	Victoria Maritime & Shipping Co., Inc.: Judy K.
03451	Kowa Shosen K.K.: Eiwa Maru.
01344	Reeder Union Ag: Cap Colorado.
04391	Columbia Steamship Co., Inc.: Columbia Fox. Columbia Owl.
01755	Hugo Stinnes Zweigniederlassung Hamburg: Barbara.
01074	Firm of Sigval Bergesen & Associated Co.: Stolt Vestfonn.
03438	Inui Kisen Kabushiki Kaisha: Hoyo-Maru.
02959	Kokuyo Kaiun Kabushiki Kaisha: Malacca.
02262	Ocean Marine, Ltd.: Gold Star.
02338	Central Gulf Steamship Corp.: Green Cove.
01343	Hamburg-Sudamerikanische Dampfschifffahrts Geisellschaft Eggert & Amsinck: Cap Blanco.
02458	The China Navigation Co., Ltd.: Yunnan.
02122	Wolsey Shipping Co.: World Unity.
05103	Imperial Oil, Ltd.: I.O.L. No. 6.
01108	Hvalfangeraktieselskapet "Rosshavet" & "Vestfold" ("Rosshavet" Whaling C). Ltd. & "Vestfold" Whaling Co., Ltd.: Ross Mount.
01910	Deutsche Dampfschifffahrts-Gesellschaft "Hansa": Stahleck.
01055	Farrell Lines, Inc.: African Rainbow.
03661	Overseas Carriers Corp., New York: Overseas Dinny. Overseas Natalie. Oversea Eva.

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[1] Commissioners Robert E. Lee and Wells absent.

Certificate No.	Owner/Operator and Vessels
02163---	Rederiet "Ocean" A/S, Copenhagen: Perla Dan.
03139---	Offshore Marine, Ltd.: West Shore.
01574---	Fearnley & Eger: Ferncastle.
01754---	Blue Peter Steamships, Ltd.: Blue Trader.
04597---	Hobart Shipping Co., Ltd.: Ore Regent.
04219---	Allied Tankers, Inc.; Hans Isbrandtsen.
03468---	Nihonkai Kisen Kabushiki Kaisha: Port Louis Maru.
03534---	Nederlandse Norness Scheepvaart Maatschapij N.V.: Carbo Tiger.
05048---	F. Laeisz: Pongal.
03331---	Japan Line, K.K.: Japan Maple.
03632---	A/S Turid: Hovin.
03501---	Osaka Shosen Mitsui Senpauku K.K.: Taio Maru.
04186---	Flensburger Dampfercompagnie: Glucksburg. Ratzeburg.
04077---	Fritzen Schiffsagentur und Berecderungs-G.M.B.H.: Darius.
02889---	Showa Kaiun K.K.: Hirstsuka Maru.
03889---	Iron Ore Transport Co., Ltd.: Sept Isles.
05147---	Arne Presthus Rederi A/S: Anna Presthus.
04776---	International Cruising Co., Ltd.: Elmdale. Grovedale. Westdale. Pinedale. Nordale.
02590---	Veivientos Compania Naviera S.A.: Ulysses.
03720---	Global Marine: Western Explorer. Wychem 107. Wychem 108. Wychem 109. Wychem 110. Wychem 111. Wychem 112. Wychem 113. Wychem 114. Wychem 115. Wychem 116. Wychem 117. Wychem 118. Wychem 119.
02858---	Intermarine, Inc.: Henna.
04289---	Dixie Carriers, Inc.: APW–101.
05158---	Kyrispring Corp.: Kyrka.
05160---	Astra Carriers Corporation Monrovia: Narcea. Nervion.
03487---	Sanwa Kisen K.K.: Asahigawa Maru.
03508---	Taiyo Cyogyo K.K.: Hayashikane Maru No. 2. Edogawa Maru. Tonegawa Maru. Kakogawa Maru. Abugawa Maru. Tamagawa Maru. Taiyo Gyogyo K.K.
02829---	Sociedad Naviera Pan-Europea, S.A.: Folaga.
03733---	Great Lakes Dredge & Dock Co.: No. 30. G.L. 3. G.L. 1. B–29. No. 29. G.L. 15. G.L. 2.
03057---	British India Steam Navigation Co., Ltd.: Juna.
04357---	Koninklijke Nedlloyd N.V.: Arendskerk. Senegalkust. Congokust.
03730---	Brown & Root, Inc.: Carl Burkhart. Sheik No. 1.
03919---	Mobil Tankers, Ltd.: Mobil Enterprise.
03920---	Nocos Tankers, Inc.: Mobil Aladdin.
03627---	Igert (a corporation): Arkansas.
02022---	C. T. Gogstad & Co.: Stolt Lady.
02332---	Lykes Bros. Steamship Co., Inc.: Almeria Lykes.
05036---	Companhia Nacional de Navegacao: Angoche. Chinde.
03294---	Companhia de Navegacao Lloyd Brasileiro: Marolia.
01306---	Shaw Savill & Albion Co., Ltd.: Saracen.
03322---	Daiichi Chuo Kisen Kabushiki Kaisha: Alaska Maru.
02546---	Service Shipping S.A.: North River Ex Thunderbird.
03076---	M. L. Crochet Towing Co., Inc.: Eau Claire.
01464---	Christian Salvesen, Ltd.: Salmeda.
03945---	Liberian Distance Transports, Inc.: World Standard.
02282---	Park Steamships, Ltd.: Holland Park.
04936---	Alaska Steamship Co.: Tataline.
02870---	Isthmian Lines, Inc.: Steel Age.
02594---	Transeas Tankers, Inc.: Sirius.
01935---	Interessentskab Mellem Aktieselskabet Dampskibsselskabet Svendborg & Damp AF 1912 Aktieselskab: Nicoline Maersk.
01465---	Scottish Ship Management, Ltd.: Cape Rodney.
02445---	Random, Ltd.: Leslie Conway. Elizabeth Conway.
02275---	Marsud Compania di Navigazione Per Azioni: Potestas.
02273---	Tito Campanella Navigazione S.P.A.: Ninny Figari.
05047---	PPG Industries, Inc.: PPG–10. PPG–11. PPG–150. PPG–151. PPG–152. PPG–153. PPG–155. PPG–156. PPG–157. PPG–158. CSCC 200. CSCC 201. CSCC 202. PPG–205. PPG–227. PPG–226. CSCC 301. PPG–400. PPG–401. PPG–402. PPG–403. PPG–404. PPG–405. PPG–406. ATLAS 329. ATLAS 703. ABL 294. ABL 296. ABL 319.
01305---	Royal Mail Lines, Ltd.: Pacific Envoy.
01330---	Shell, Tankers (U.K.) Ltd.: Lidia. Gena.
04833---	Warren Petroleum Corp.: Cities Service Barge No. 1.
04007---	Egon Oldendorff: Imme Oldendorff. Anna Oldendorff.
02444---	Cosmopolitan Tankers, Inc.: Nelson Conway.
02851---	West Pacific Steamship Co.: Pacrobin.
03841---	American Export Isbrandtsen Lines, Inc.: Flying Hawk.
01185---	Aksjeselskapet Kosmos: Kosmos IV.
01716---	Achille Lauro—Napoli: Napoli.
05488---	Chung Shek Enterprises Co., Ltd.: Purple Dolphin.
01054---	Wilhelm Wilhelmsen: Trafalgar.
01305---	Royal Mail Lines, Ltd.: Pacific Reliance. Loch Loyal.
03301---	Skipsreder Kristian Ravn: Newberry Victory.
03219---	Whitwill, Cole & Co. Ltd.: Baltic Ore.
04460---	International Gas Shipping. S.A.: Arquimedes.
01425---	Johnston Warren Lines, Ltd.: African Prince.
01318---	Aug. Bolten, Wm. Miller's Nachfolger: Steinberg.
04770---	Texaco Panama, Inc.: Texaco Caribbean.
02370---	Arginusae Maritime Corp. Panama S.A.: Stavros T.
04451---	Venus International Corp.: Pheras.
03501---	Osaka Shosen Mitsui Senpaku K.K.: Suez Maru.
03914---	Mobil Carrier, Ltd.: Mobil Libya.
04564---	Yamashita-Shinnihon Kisen Kaisha: Yamaharu Maru.
03478---	Nitta Kisen K.K.: Chiyokawa Maru.
02129---	Ore Carriers, Ltd.: Oredian. Orepton. Orelia. Oreosa.
01353---	Rederi A.B. Fredrika: Gudmundra.
01995---	Rederi Ab Disa: Lisa Brodin.
03593---	Socoa Shipping Co., Ltd.: Sokorri.
04605---	Glory Shipping Corp.: Oriental Glory.
03137---	The Cunard Steam-Ship Co., Ltd.: Matra.
01894---	Miramar Shipping Co., Inc.: Dagny K.
02355---	Van Nievelt, Goudriaan & Co. S. Stoomvaart Maatschappij N.V.: Beyerland. Bellatrix.
02901---	Dominion Navigation Co., Ltd.: Francis Drake. George Anson.
01860---	Insco Lines, Ltd.: Insco Producer.
03430---	Hasshin Senpaku Yugen Kaisha: Shin-Ei Maru No. 8.
05298---	Erich Drescher: Ede Wilstorf.
03611---	Villain & Fassio E Compagnia Internazionale Di Genova Societa Riunite Di Navigazione S.p.A.: Novia.
03473---	Nippon Shoun K.K.: Tohnanmaruno 8.
01730---	Rosador Compania Naviera S.A. Panama: Soanna.
03530---	Yashima Kaiun K.K.: Oshima Maru.
03915---	Mobil Oil Corp.: Mobil New York. Barge Mobil 128.
03340---	Lloyds Africa, Ltd.: Centerport.
03057---	British India Steam Navigation Co., Ltd.: Bamora. Warina.
01600---	Theodossios Compania Naviera S.A.: Theo.
02448---	Rederiaktiebolaget Nordstjernan: Guayana.
02659---	Partenreederei MS "Erato" Korrespondentreeder Hans Kruger G.m.b.H.: Erato.
05509---	Samsa Compania Naviera S.A.: Prodromas.
01014---	Robert Bornhofen Reederei: Mia Maurer.
02439---	Bereederungs—Alliance Flensburg G.m.b.H.: Gisela Vennmann.

By the Commission.

Francis C. Hurney,
Secretary.

[F.R. Doc.71-6890 Filed 5-18-71;8:45 am]

[Docket No. 71-58; Independent Ocean Freight Forwarder License 626]

COLAMERICA CO., INC.

Order of Investigation and Hearing

Colamerica Co., Inc., was issued independent ocean freight forwarder license No. 626 by the Federal Maritime Commission on June 11, 1970. Colamerica Co., Inc., is a successor in interests to Edward Currea doing business as Colamerica Co., Inc., the previous licensee under FMC No. 626. An application for transfer of the license issued in the name of Edward Currea doing business as Colamerica Co., was received from Colamerica Co., Inc., on April 9, 1970 by the Commission. The application indicates that Colamerica Co., Inc., was incorporated under the laws of the State of New York on September 16, 1969.

It has come to the attention of the Commission that Colamerica Co., Inc., is not promptly paying over to the ocean-going common carrier, sums advanced it by its principals as required by § 510.23 (f) of the Commission's General Order 4. That section provides that "each licensee shall promptly pay over to the oceangoing common carrier or its agent within seven (7) days after the receipt thereof, * * * or written five (5) days after departure of the vessel from each port of loading * * * whichever is later, all sums advanced the licensee by its principal for freight and transportation charges, * * *. The licensee appears to be in violation of that section.

It further appears that Colamerica no longer qualifies as an independent ocean freight forwarder. According to Colamerica Co., Inc.'s, application of April 6, 1970, two persons listed therein qualified it from the standpoint of experience to properly carry out the business of forwarding as one of the requirements for licensing. Subsequent to the filing of the application it appears that both of these parties have left that corporation. No other qualifying employee or officer has replaced those persons. Section 510.9(f) of General Order 4, provides that a license may be revoked after notice and hearing for "change of circumstances whereby the licensee no longer qualifies as an independent ocean freight forwarder." It appears that the remaining officers and/or employees of Colamerica do not have the qualifying experience to properly engage in the business of an ocean freight forwarder.

Now, therefore, it is ordered, Pursuant to sections 22 and 44 of the Shipping Act, 1916 (46 U.S.C. 821, 841(b)), that a proceeding is hereby instituted to determine whether: (1) Colamerica Co., Inc., in failing to properly pay over to the ocean going common carrier within the period stipulated under § 510.23(f) has violated such section of General Order 4; and (2) Colamerica Co., Inc.'s, circumstances have so changed that it no longer qualifies as an independent ocean freight forwarder.

It is further ordered, That this proceeding determine whether, because of the foregoing violations the Federal Maritime Commission's independent ocean freight forwarder license No. 626, issued to Colamerica Co., Inc., should be revoked.

It is further ordered, That Colamerica Co., Inc., 136 Liberty Street, New York, N.Y., be named respondent in this proceeeding and that the matter be assigned for a hearing before an Examiner in the Commission's Office of Hearing Examiners at a date and place to be announced by the presiding examiner.

It is further ordered, That this order be published in the Federal Register and a copy of the order and notice of hearing be served upon respondent.

It is further ordered, That any person other than respondent, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, with copies to respondent.

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] Francis C. Hurney,
Secretary.

[FR Doc.71-6973 Filed 5-18-71;8:46 am]

[Docket Nos. 69-23, 71-49]

GULF-PUERTO RICO LINES, INC.

General Increases in Rates in U.S. Gulf/Puerto Rico Trades; Order of Remand and Consolidation

On April 30, 1971, the Commission served its Order of Investigation and Suspension in Docket No. 71-49, directed toward the examination of the lawfulness of general increases in rates in the U.S. Gulf/Puerto Rico trade proposed by Gulf-Puerto Rico Lines, Inc. (GPRL). These increases will be in addition to those placed under investigation by the Commission in Docket No. 69-23, which was instituted to investigate the reasonableness of GPRL's prior general increase of approximately 10 percent. An Initial Decision was rendered in Docket No. 69-23 on December 7, 1970, based upon GPRL's breakbulk vessel services, in which the Examiner concluded that GPRL's 10 percent general rate increase was just and reasonable. However, since GPRL's operation is being converted to a containerized one, and since in fact it has at this time actually instituted container operations in the subject trade, it appears that the determination of the reasonableness of GPRL's rate increase must realistically be based upon factors other than those which were before the Examiner at the time of the hearing. Furthermore, actual operating experience in 1970, which is now available, indicates substantially different results with respect to costs than that projected in Docket No. 69-23.

Therefore, it is ordered, That Docket No. 69-23 is remanded for a determination of the reasonableness of the rate increases there under investigation; and

It is further ordered, That Docket No. 69-23 be and it hereby is consolidated for hearing and decision with Docket No. 71-49.

By the Commission.

[SEAL] Francis C. Hurney,
Secretary.

[FR Doc.71-6974 Filed 5-18-71;8:46 am]

[Docket No. 71-59]

SEATRAIN LINES, CALIFORNIA

General Increases in Rates in U.S. Pacific Coast/Hawaiian Trade; Order of Investigation

Seatrain Lines, California, has filed with the Federal Maritime Commission various Revised Pages (see appendix)[1] to its Tariff FMC–F No. 1 to become effective May 15, 1971. These revised pages increase rates and charges in the subject trade.

Upon consideration of said revised pages and protest filed thereto, the Commission is of the opinion that the above designated tariff matter should be placed under investigation to determine whether they are unjust, unreasonable, or otherwise unlawful under section 18(a) of the Shipping Act, 1916, and/or sections 3 and 4 of the Intercoastal Shipping Act, 1933; and good cause appearing therefore:

It is ordered, That pursuant to the authority of section 22 of the Shipping Act, 1916, and sections 3 and 4 of the Intercoastal Shipping Act, 1933, an investigation is hereby instituted into the lawfulness of said increased rates and charges with a view to making such findings and orders in the premises as the facts and circumstances warrant. In the event the matter hereby placed under investigation is further changed, amended, or reissued, such matter will be included in this investigation;

It is further ordered, That the provisions of Rule 12 of the Commission's rules of practice and procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived;

It is further ordered, That Seatrain Lines, California, be named as respondent in this proceeding;

It is further ordered, That this proceeding be assigned for public hearing before an examiner of the Commission's Office of Hearing Examiners and that the hearing be held at a date and a place to be determined and announced by the presiding examiner;

It is further ordered, That (I) a copy of this order shall forthwith be served on the respondent herein, the petitioner, State of Hawaii, and published in the FEDERAL REGISTER; and (II) the said respondent and petitioner be duly served with notice of time and place of the hearing.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to intervene therein, should notify the Secretary of the Commission promptly and file petitions for leave to intervene in accordance with Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) with a copy to all parties to this proceeding.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–6975 Filed 5–18–71;8:46 am]

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[1] Appendix filed as part of original document.

[Docket No. 71–57; Agreement 8760–5]

WEST COAST UNITED STATES & CANADA/INDIA, PAKISTAN, BURMA & CEYLON RATE AGREEMENT

Order of Approval and Investigation and Hearing Regarding Modification

The Commission has been requested to approve, pursuant to section 15 of the Shipping Act, 1916, Federal Maritime Commission Agreement No. 8760–5, between members of the West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement.

Agreement No. 8760–5 amends the basic agreement (No. 8760–4) by (1) incorporating therein specific grants of authority with respect to overland rates, brokerage, equalization and absorption, and transshipment arrangements;[1] (2) clarifying the parties' ratemaking authority; and (3) updating the terms of the self-policing system under the agreement to conform to the requirements of the Commission's General Order 7 (Revised).

Based upon the information and data submitted by the members with respect to point (1) above,[2] the Commission is unable to approve, disapprove, or modify Agreement No. 8760–5 pursuant to section 15, nor is it able to determine whether, and to what extent, the members have been operating beyond the scope of authority of their approved agreement.

Now therefore, by virtue of the authority vested in the Commission:

It is ordered, That Article 2(a) clarifying the members' ratemaking authority, and Article 5 conforming to General Order 7 (Revised), are hereby approved pursuant to section 15 of the Shipping Act, 1916; and

It is further ordered, That pursuant to sections 15 and 22 of the Shipping Act, 1916 (46 U.S.C. 814 and 821), that an investigation be hereby instituted to determine:

(1) Whether the Preamble and Article 2(b) (1), (2), and (3) of Agreement No. 8760–5 should be approved, disapproved, or modified pursuant to section 15 of the Shipping Act, 1916; and

(2) Whether, and to what extent the carriers' activities, as reflected in their tariffs, with respect to overland rates, brokerage, equalization, and absorption, and transshipment arrangements are beyond the authority granted by the presently approved agreement and therefore in violation of section 15; and

It is further ordered, That the carriers comprising the membership of the West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, as listed below, be made respondents in this proceeding; and

It is further ordered, That a public hearing be held before an examiner of the Commission's Office of Hearing Examiners at a date and place to be hereafter determined and announced by the presiding Examiner; and

It is further ordered, That notice of this order be published in the FEDERAL REGISTER, and that a copy thereof and notice of hearing be served upon respondents; and

It is further ordered, That any person other than respondents named below, who desires to become a party to this proceeding and participate therein, shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

And it is further ordered, That all future notices, orders and/or decisions issued by or on behalf of the Commission in this proceeding, including notice of the time and place of hearing or prehearing conference, shall be mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX

H. P. Blok, Secretary, West Coast United States & Canada/India, Pakistan, Burma & Ceylon Rate Agreement, 417 Montgomery Street, San Francisco, CA 94104.
American Mail Line, Ltd., 601 California Street, San Francisco, CA 94108.
American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.
Great Eastern Shipping Co., Ltd., General Steamship Corp., Ltd., General Agents, 400 California Street, San Francisco, CA 94104.
Nedlloyd & Hoegh Lines, Nedlloyd Lines, Inc., General Agents, 30 Church Street, New York, NY 10007.
The Shipping Corporation of India, Ltd., Norton Lilly & Co., Inc., General Agents, 90 West Street, New York, NY 10006.
The Scindia Steam Navigation Co., Ltd., United States Navigation Inc., General Agents, 17 Battery Place, New York, NY 10004.

[FR Doc.71–6972 Filed 5–18–71;8:46 am]

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[1] Preamble to Agreement No. 8760–5 and Article 2(b) (1), (2), and (3).

[2] Agreement No. 8760–5, Article 2(a) clarifying members' ratemaking authority, and Article 5 conforming to General Order 7 (Revised) may be approved without being made subject of an evidentiary proceeding.

FEDERAL POWER COMMISSION

[Docket No. CP71–257]

EL PASO NATURAL GAS CO.

Notice of Application

MAY 11, 1971.

Take notice that on April 26, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71–257 an application pursuant to section 7(b) of the Natural Gas Act for an order of the Commission permitting and approving the abandonment of certain facilities and deliveries of natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Pursuant to authorization granted in Docket No. CP61–92, applicant constructed and operated facilities for the exchange with and delivery of natural gas to Northern Natural Gas Co. (Northern). Applicant states that the J. W. Daniel "B" Unit No. 1 well, located in Ochiltree County, Tex., was used for a portion of this delivery of natural gas to Northern and that this well is no longer capable of production. Accordingly, applicant seeks permission and approval to abandon the facilities previously employed to take gas from this well and the service rendered thereby.

Pursuant to authorization granted in Docket No. G–15243, applicant constructed and operated facilities for the exchange with and delivery of natural gas to Northern in the Vinegarone area of Val Verde County, Tex. Among the wells employed to meet this delivery were the Western A. Cauthorn 1, the Western A. Cauthorn 2, and the Humble H. Whitehead 2 wells. Each of these wells are no longer capable of production and have been abandoned. Accordingly, applicant seeks permission and approval to abandon the facilities previously employed to take gas from these wells and the service rendered thereby.

Pursuant to budget-tvpe authorization granted in Docket No. CP69–54, applicant constructed certain facilities for the sale and delivery of natural gas to Arizona Public Service Co. (Arizona) for resale and distribution to the Calvin Wright Trailer Park located in Yuma County, Ariz. Applicant states that the facilities for service to the trailer park were never placed in operation and that the park has ceased to exist. Accordingly, applicant seeks permission and approval to abandon the facilities installed for this service to Arizona.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–6961 Filed 5–18–71;8:45 am]

[Docket No. RP71–31]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Motion for Approval of Amendment to Agreement as to Rates

MAY 11, 1971.

Take notice that on April 29, 1971, Transcontinental Gas Pipe Line Corp. (Transco), filed a motion for approval of an amendment to its presently effective "Agreement As To Rates of Transcontinental Gas Pipe Line Corporation", which was approved by Commission order December 30, 1970 in Docket No. RP70–31.

Transco states that the purpose of the proposed amendment is to permit Transco, from time to time prior to January 1, 1972, to file and place into effect increases in jurisdictional rates to give effect to inclusion in rate base of advance payments. Transco further states that the amendment is necessary in order to allow Transco to compete effectively with other pipeline companies, which are currently making such advance payments and including such advance payments in their rate bases.

Copies of the filing were served on Transco's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 24, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–6960 Filed 5–18–71;8:45 am]

FEDERAL RESERVE SYSTEM

AMERICAN BANCSHARES, INC.

Order Approving Action To Become Bank Holding Company

In the matter of the application of American Bancshares, Inc., North Miami, Fla., for approval of action to become a bank holding company through the acquisition of 80 percent or more of the voting shares of The Second National Bank of North Miami, North Miami; Second National Bank of North Miami Beach, North Miami Beach; and The National Bank of St. Petersburg, St. Petersburg, all in Florida.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by American Bancshares, Inc., North Miami, Fla., for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 80 percent or more of the voting shares of each of three banks in Florida: The Second National Bank of North Miami, North Miami; Second National Bank of North Miami Beach, North Miami Beach; and The National Bank of St. Petersburg, St. Petersburg.

As required by section 3(b) of the Act, the Board gave written notice to the Comptroller of the Currency of receipt of the application and requested his views and recommendation. The Acting Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 13, 1971 (36 F.R. 4917), which provided an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta.

By order of the Board of Governors,[2] May 13, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6924 Filed 5-18-71;8:46 am]

COMMERCIAL TRUST COMPANY OF NEW JERSEY

Order Approving Application for Acquisition of Assets and Assumption of Liabilities Under Bank Merger Act

In the matter of the application of Commercial Trust Company of New Jersey, Jersey City, N.J., for approval of acquisition of assets and assumption of liabilities of Bergen County National Bank of Hackensack, Hackensack, N.J.

There has come before the Board of Governors, pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), an application by Commercial Trust Company of New Jersey, Jersey City, N.J. (Commercial Trust), a member State bank of the Federal Reserve System, for the Board's prior approval of the merger of that bank with Bergen County National Bank of Hackensack, Hackensack, N.J. (Bergen Bank), by means of the purchase of assets and assumption of liabilities of Bergen Bank; as an incident to the merger, the present office of Bergen Bank would become a branch of Commercial Trust. Notice of the proposed merger, in form approved by the Board, has been published as required by said Act.

In accordance with the Act, the Board requested reports on the competitive factors involved from the Attorney General, the Comptroller of the Currency, and the Federal Deposit Insurance Corporation. The Board has considered all relevant material contained in the record in the light of the factors set forth in the Act, including the effect of the proposal on competition, the financial and managerial resources and prospects of the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Commercial Trust ($175 million deposits) operates six offices in Jersey City and five additional offices elsewhere in Hudson County. During 1970 Commercial Trust opened three branch offices in Bergen County. The principal area served by Commercial Trust is Jersey City and the southeastern part of Hudson County from which it derives over 90 percent of its deposits, and wherein it ranks as the second largest of the 12 area banks, controlling approximately 17 percent of area deposits. (All banking data are as of June 30, 1970).

Bergen Bank ($24 million deposits) maintains its sole office, and is the smallest of four banks, in the city of Hackensack (Bergen County). Commercial Trust holds 5.5 percent of the deposits in the combined Hudson-Bergen County area. Its share of such deposits would increase to 6.3 percent upon consummation of the proposed merger. Approval of the proposed transaction would not increase substantially the concentration of banking resources in any area.

The competitive effect of this proposal would be confined principally to the city of Hackensack. Commercial Trust has recently opened three offices in Bergen County that are situated 9, 7, and 5 miles from Hackensack in areas which serve mainly as a base for those who commute to New York City for employment. Neither Bergen Bank nor Commercial Trust derives any significant portion of its business from the areas served by the other bank, and the banks serve essentially separate banking markets. Consequently, there is no substantial existing competition between Commercial Trust and Bergen Bank. Moreover, it does not appear that significant potential competition would be eliminated by consummation of this proposal since under the home office protection afforded by State law Commercial Trust could not be permitted to branch de novo into the city of Hackensack. Bergen Bank is not an aggressive competitor to the three larger Hackensack banks, and consummation of this merger could serve to enhance the ability of the resulting banking office to compete in the area.

On the basis of the foregoing, the Board concludes that consummation of the proposal would not eliminate significant existing or potential competition. Considerations pertaining to the financial and managerial resources and future prospects of the banks are consistent with approval of the application.. Although the banking needs of the residents of Hackensack are being adequately served at the present time by many banking offices of large corporations, it appears that the proposed acquisition would replace a conservatively operated institution with a more aggressive competitor in the Hackensack area, enlarge present services offered to Bergen Bank's customers, and provide another source of specialized services now being offered only by the larger Hackensack banks. Therefore, convenience and needs considerations are consistent with and lend some support to approval of the application. It is the Board's judgment that consummation of the proposed merger would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the findings summarized above, that said application be and hereby is approved: *Provided,* That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of New York pursuant to delegated authority.

By order of the Board of Governors,[1] May 13, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc. 71-6925 Filed 5-18-71;8:47 am]

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Cape Girardeau, Cape Girardeau, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Union, Inc., St. Louis, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of Cape Girardeau, Cape Girardeau, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 18, 1971 (36 F.R. 5259), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant, the third largest banking organization and third largest bank holding company in Missouri, has six subsidiary banks with aggregate deposits of $778 million, representing 7.6 percent of the total commercial bank deposits in the State. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions and formations approved by the Board through Apr. 30, 1971.) Consummation of the proposal herein would increase Applicant's share of commercial bank deposits in the State to 7.8 percent, and Applicant would become the State's second largest banking organization and its second largest bank holding company.

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[2] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

Bank ($24 million deposits), located in the southeast portion of Cape Girardeau County, 125 miles south of St. Louis, is the second largest of the nine banks in the Cape Girardeau banking market, which is approximated by Cape Girardeau County and the northern half of Scott County, and holds 25.9 percent of that market's deposits. It does not appear that Bank occupies a dominant position in its market; Bank's rate of deposit growth during the last 5 years has been the slowest of the nine banks in the market. Affiliation with Applicant should improve Bank's ability to compete more effectively. Applicant's subsidiary closest to Bank is located 90 miles northwest, and neither it nor any other of Applicant's subsidiaries compete with Bank to a significant extent. Moreover, in light of the distances separating Bank from Applicant's subsidiaries and Missouri's restrictive branching law, the development of such competition appears unlikely. Consequently, it does not appear that existing competition would be eliminated, or significant potential competition foreclosed, by consummation of Applicant's proposal, or that there would be undue adverse effects on any bank in the area involved.

Based upon the foregoing, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial and managerial resources and future prospects of Applicant, its subsidiaries, and Bank are regarded as consistent with approval of the application. Although the present banking needs of the Cape Girardeau area appear to be adequately served by the existing banking institutions, the area is expected to experience continued economic growth. In order to make Bank more responsive to the needs of the area, Applicant plans to expand and to improve many of Bank's services, including its lending program. These considerations relating to the convenience and needs of the area lend some weight toward approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, On the basis of the Board's findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period shall be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

By order of the Board of Governors,[1] May 13, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6926 Filed 5-18-71;8:47 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. F-102]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Virginia State Corporation Commission in a proceeding (Case No. 18965) involving rates for telecommunciations services provided by The Chesapeake and Potomac Telephone Company of Virginia.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 13, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[F.R. Doc.71-6956 Filed 5-18-71;8:45 am]

[Federal Property Management Regs.;
Temporary Reg. F-103]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Rhode Island Public Utilities Commission in a regulatory proceeding involving intrastate rates for telecommunications services provided by the New England Telephone and Telegraph Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 13, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-6955 Filed 5-18-71;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

HAZEL DELL COAL CORP.

Application for Renewal Permit; Notice of Opportunity for Public Hearing

Application for Renewal Permit for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 has been received as follows:

(1) ICP Docket No. 3045 000, Hazel Dell Coal Corp., USBM ID NO. 11 00567 0, New Windsor, Mercer County, Ill., ICP Permit No. 3045 008 [Dooley Bros. Drill Coal, Ser. No. 20 (welded on)].

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91-173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 12, 1971.

[FR Doc.71-6945 Filed 5-18-71;8:48 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

ISLAND CREEK COAL CO.

Applications for Renewal Permits; Notice of Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard specified in the Federal Coal Mine Health and Safety Act of 1969 have been received as follows:

(1) ICP Docket No. 3048 000, Island Creek Coal Co., North Branch Mine, USBM ID No. 46 01309 0, Bayard, Grant County, W. Va.:

ICP Permit No. 3048 001 (Galis Manufacturing Co. Roof Bolter, Serial No. 1).

ICP Permit No. 3048 008 (Lee Norse Continuous Miner, Serial No. 4476).

ICP Permit No. 3048 009 (Lee Norse Continuous Miner, Serial No. 4265).

ICP Permit No. 3048 010 (Lee Norse Continuous Miner, Serial No. 4477).

ICP Permit No. 3048 011 (Acme Roof Bolter, Serial No. 5).

ICP Permit No. 3048 012 (Acme Roof Bolter, Serial No. 1032).

ICP Permit No. 3048 013 (Acme Roof Bolter, Serial No. 1033).

In accordance with the provisions of section 305(a)(7) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Public Law 91–173), notice is hereby given that requests for public hearing as to an application for renewal may be filed within 15 days after publication of this notice. Requests for public hearing must be completed in accordance with 30 CFR Part 505 (35 F.R. 11296, July 15, 1970), copies of which may be obtained from the Panel on request.

Copies of renewal applications are available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Eighth Floor, 1730 K Street NW., Washington, DC 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

MAY 14, 1971.

[FR Doc.71–6948 Filed 5–18–71;8:49 am]

SECURITIES AND EXCHANGE COMMISSION

[70–5016]

COLUMBIA HYDROCARBON CORP. AND COLUMBIA GAS SYSTEM, INC.

Notice of Proposed Issue and Sale of Installment Notes to Holding Company and Retirement of Common Stock by Subsidiary Company

MAY 13, 1971.

Notice is hereby given that The Columbia Gas System, Inc. (Columbia), 20 Montchanin Road, Wilmington, DE 19807, a registered holding company, and its wholly owned subsidiary company, Columbia Hydrocarbon Corp. (Hydrocarbon), have filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6, 7, 9, 10, and 12 of the Act and Rules 42 and 43 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Hydrocarbon is engaged in the fractionation of a mixed stream of liquid hydrocarbons purchased from United Fuel Gas Co., another wholly owned subsidiary of Columbia, into its component heavier hydrocarbons (natural gasoline, normal butane, propane, and iso-butane) and the sale of such components. It is proposed that Hydrocarbon acquire, for cancellation, 110,000 shares of its common stock, $25 par value, from Columbia in consideration of the issuance of Hydrocarbon of $600,000 principal amount of 8.4 percent installment promissory notes to Columbia and a cash payment of $2,150,000. The notes are to be unsecured, nonregistered, and will be dated as of the date of their issue. The principal amounts will be due in 25 equal annual installments on May 31 of each of the years 1973 to 1997, inclusive, and interest is to be paid semiannually. The interest rate of 8.4 percent per annum is approximately equal to the cost of money to Columbia with respect to its last sale of debentures, and such interest will accrue from the date of issuance.

It is stated that consummation of the proposed transactions, together with a contemplated payment by Hydrocarbon of a special dividend of $1,150,000, will bring Hydrocarbon's capital ratio in line with the capital ratios of the Columbia System, eliminate excess cash not required by Hydrocarbon in future years, and decrease Hydrocarbon's share of System Federal income taxes. As of December 31, 1970, the capitalization ratio of the System on a consolidated basis was approximately 55-percent debt and 45-percent equity. As of the same date, Hydrocarbon's capitalization consisted of $1,036,000 principal amount of long-term debt securities (excluding current maturities) and $5,146,245 of common stock and retained earnings, or a ratio of approximately 17-percent debt and 83-percent equity. It is anticipated that cash generated by Hydrocarbon from depreciation will exceed current estimates of cash requirements for construction and debt maturities and that Hydrocarbon will accumulate excess cash even though dividends are paid equivalent to its net income.

It is stated that the expenses to be incurred in connection with the proposed transactions are estimated at $150 for Columbia and $350 for Hydrocarbon. It is further stated that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 7, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6927 Filed 5–18–71;8:47 am]

[812–2550]

COMRESS, INC.

Notice of Filing of Application for Order Declaring Company Is Not an Investment Company

MAY 13, 1971.

Notice is hereby given that Comress, Inc. (Comress), Two Research Court, Route 70S and Shady Grove Road, Rockville, Md. 20850, a Maryland corporation, has filed an application pursuant to Section 3(b)(2) of the Investment Company Act of 1940 (Act) for an order of the Commission declaring that it is primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities, either directly or through majority-owned subsidiaries, or through controlled companies conducting similar types of business. All interested persons are referred to the application on file with the Commission for a statement of the representations therein which are summarized below.

A summary of Comress' assets as of December 31, 1970, on the basis of the values assigned by Comress, is set forth in Table I below:

TABLE I

	Percent of voting securities owned	Comress' assets	
		Amount	Percent
Securities of wholly owned and majority owned subsidiaries:			
Commed, Inc	100	$25,000	0.3
Complex Systems, Inc	80	639,175	7.4
Data Art Corp	76	128,921	1.5
Total wholly owned and majority-owned subsidiaries		793,096	9.2
Securities of Companies less than majority-owned:			
Comcet, Inc	43	2,511,309	29.0
Computer Intelligence, Inc	43	42,218	.5
Computer Microtechnology, Inc	13	480,000	5.6
Computer Network Corp	4	444,445	5.1
Total Companies less than majority-owned		3,477,972	40.2
Assets other than securities, cash, and cash items (current and fixed assets, computer programs, and miscellaneous assets)		4,373,799	50.6
Total assets less Government securities and cash items		8,644,867	100.0
Government securities and cash items		682,184	....

Section 3(a)(3) of the Act defines as an investment company any issuer which is engaged, or proposes to engage, in the business of investing, reinvesting, owning, holding, or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Table I indicates that investment securities represented by Comress' holdings of less than majority-owned subsidiaries aggregate $3,477,972 or slightly more than 40 percent of its total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Accordingly, it appears that Comress is an investment company as defined in section 3(a)(3) of the Act.

Section 3(b)(2) of the Act, however, excepts from the definition of an investment company in section 3(a)(3) any issuer which the Commission finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or (a) through majority-owned subsidiaries or (b) through controlled companies conducting similar types of businesses. Comress contends that it is entitled to an order of exemption under section 3(b)(2) of the Act.

Comress states that it is primarily engaged in the following businesses: computer technology directly and through Comcet; and in developing computer programs through Complex Systems, Inc., and Data Art Corp.

Notice is further given that any interested person may, not later than June 1, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Comress at the address set forth above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon the application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–6928 Filed 5–18–71;8:47 am]

TARIFF COMMISSION

[TEA–W–92, etc.]

D'ANTONIO SHOE CORP. ET AL.

Workers' Petitions for Determination of Eligibility To Apply for Adjustment Assistance; Notice of Investigations

On the basis of petitions filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers of—

TEA–W–92	D'Antonio Shoe Corp., New York, N.Y.
TEA–W–93	Knapp King Size Corp., Brockton, Mass.
TEA–W–94	Bernardo Sandals, Inc., New York, N.Y.
TEA–W–95	Commonwealth Shoe & Leather Co., Inc., Whitman, Mass.

the U.S. Tariff Commission, on the 13th day of May 1971, instituted investigations under 301(c)(2) of the said act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear produced by the aforementioned firms are being imported into the United States in such increased quantities as to cause, or to threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firms.

The petitioners have not requested a public hearing. A hearing will be held on request of any other party showing a proper interest in the subject matter of the investigations, provided such request is filed within 10 days after publication of the notice in the FEDERAL REGISTER.

The petitions filed in this case are available for inspection at the Office of the Secretary, U.S. Tariff Commission, Eighth and E Streets NW., Washington, DC, and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: May 14, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71–6991 Filed 5–18–71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice 39]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 14, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 126514 (Sub-No. 25) (Republication), filed June 30, 1970, published in the FEDERAL REGISTER issue of July 23, 1970, republished this issue. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. The modified procedure has been followed in this proceeding and a report and order of the Commission, Review Board No. 1, decided April 28, 1971, and served May 10, 1971, finds; that the present and future public convenience and necessity require operation by applicants, in interstate or foreign commerce, as a common carrier by motor vehicle, over irregular routes, of envelopes (1) from New York, N.Y., to Knoxville, Tenn., and (2) from Knoxville, Tenn., to Los Angeles, San Francisco, and Livermore, Calif.; Indianapolis, Ind.; Detroit, Mich.; Minneapolis, Minn.; St. Louis and Kansas City, Mo.; Portland, Oreg.; Dallas, Tex.; and Seattle, Wash. Because it is possible that other persons who may have relied upon notice of the application as published, may have an interest in and would be prejudiced by lack of proper notice of the authority actually granted herein, a notice of the authority actually granted to applicant will be published in the FEDERAL REGISTER and issuance of a certificate herein will be withheld for a period of 30 days from the date of such publication, during which period any proper party in interest may file a petition to reopen or for other appropriate relief, setting forth in detail the precise manner in which it has been prejudiced.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 109633 (Sub-No. 16), filed April 21, 1971. Applicant: ARBET TRUCK LINES, INC., 222 East 135th Place, Chicago, IL 60637. Applicant's representative: Arnold L. Burke, 69 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over regular/irregular routes, transporting: Irregular route: (1) *Machinery*, between points in Illinois; Regular routes: (2) *General commodities*, between Morris and Chicago, Ill., over U.S. Highway 6 to Joliet; alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same route, serving all intermediate points; and (3) *general commodities*, between Morris and Chicago, Ill., over Illinois Highway 47 to junction U.S. Highway 52, thence over U.S. Highway 52 to junction U.S. Highway 66, thence over U.S. Highway 66 to Chicago, and return over the same routes, serving all intermediate points. NOTE: This matter is directly related to MC-F-11065, published in the FEDERAL REGISTER issue of January 27, 1971. Applicant states that it intends to tack its irregular route authority with its existing authority. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-11135. (Correction) (ALAN MOTOR LINES, INC.—Purchase (Portion)—WILLIAM S. RIGGS) (LILLIAN RIGGS—ADMINISTRATRIX), published in the April 14, 1971, issue of the FEDERAL REGISTER, on page 7089. Prior notice should exclude *pipe and machinery over irregular routes, between Philadelphia, Pa., on the one hand, and, on the other, Wilmington, Del., Baltimore, Md., and points in New Jersey and the District of Columbia.*

No. MC-F-11168. Authority sought for merger into HALL'S MOTOR TRANSIT COMPANY, 6060 Carlisle Pike, Mechanicsburg, PA 17055, of the operating rights and property of ACCELERATED TRANSPORT—PONY EXPRESS, INC., also of Mechanicsburg, PA 17055, and for acquisition by JOHN N. HALL, RAYMOND BUCH, SONDELL COLEMAN, and W. LEROY HALL, all of Mechanicsburg, Pa. 17055, of control of such rights and property through the transaction. Applicants' attorneys: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17101, and Russell R. Sage, 421 King Street, Alexandria, VA 22314. Operating rights sought to be merged: *General commodities*, with specified exceptions as a *common carrier*, over regular routes, between Hagerstown, Md., and Washington, D.C., serving all intermediate points, and the off-route points of State Sanatorium, Silver Spring, Libertytown, Mount Airy, Camp Ritchie, Cascade, Motters, Le Gore, Graceham, Rocky Ridge, and Walkersville, Md., and Rosslyn and Alexandria, Va., between Hagerstown, Md., and Gettysburg, Pa., serving all intermediate points, and the off-route points of Greenstone and Fairfield, Pa., between Hagerstown, Md., and Baltimore, Md., serving all intermediate points, and the off-route points of Blue Ridge Summit, Greenstone, Fairplay, and Greencastle, Pa., and Towson, Cavetown, Smithsburg, Williamsport, Boonsboro, Tilghamton, Ringgold, Eldersburg, Downsville, Reid, Sykesville, Silver Run, and Funkstown, Md., between Washington, D.C., and Baltimore, Md., serving no intermediate points, except that trucks may be dispatched with or without lading, from either of the said termini to the other for pickup or delivery of traffic moving to or from Hagerstown, Md., between Waynesboro, Pa., and New York, N.Y., serving the intermediate points of Passaic, Patterson, Jersey City. Newark, and Harrison, N.J., those between Waynesboro and Gettysburg, Pa., not including Gettysburg, those between Gettysburg, Pa., and Harrisburg, Pa., not including Gettysburg and Harrisburg, and the off-route point of Hagerstown, Md., and those in Maryland and Pennsylvania within 10 miles of Waynesboro, Pa., not including Greencastle, Pa., with restriction;

Between Berkeley Springs, W. Va., and Hagerstown, Md., serving the intermediate and off-route points of Clear Springs and Hancock, Md., and Great Cacapon, W. Va., unrestricted and Paw Paw, W. Va., restricted against the transportation of livestock, from New Market, Va., to Winchester, Va., serving all intermediate points, and the off-route points of Harrisonburg and Shenandoah, Va., and Middleway, W. Va., between Hagerstown, Md., and New Market, Va., serving all intermediate points, and the off-route points of Harrisonburg and Shenandoah, Va., and Middleway, W. Va., between Winchester, Va., and Berkeley Springs, Harpers Ferry, and Burlington, W. Va., serving all intermediate points, and the off-route points of Moorefield, Petersburg, and Middleway, W. Va. between Gettysburg, Pa., and Taneytown, Md., serving all intermediate points, between Schuylkill Haven, Pa., and Lancaster, Pa., serving no intermediate points, between Reading, Pa., and Downingtown, Pa., serving no intermediate points, between Harper's Ferry, W. Va., and Frederick, Md., for operating convenience only, serving no intermediate points, from Newville, Pa., to Winchester, Va., serving no intermediate points, from Winchester, Va., to Newville, Pa., serving no intermediate points, between Baltimore, Md., and Philadelphia, Pa., serving no intermediate points, from Washington, D.C., to Winchester, Va., for operating convenience only, serving no intermediate points, nor the termini, from Winchester, Va., to Washington, D.C., for operating convenience only, serving no intermediate points, nor the termini, with restriction, between Washington, D.C., and Trenton, N.J., serving the intermediate points of Baltimore, Md., and Camden, N.J., between junction U.S. Highway 11 and West Virginia Highway 9 at or near Martinsburg, W. Va., and Berkeley Springs, W. Va., serving no intermediate points, between Hancock, Md., and Huntington, W. Va., serving the intermediate point of Charleston, W. Va., between Charleston, W. Va., and Parkersburg, W. Va., serving no intermediate points, between Winchester, Va., and Parkersburg, W. Va., serving the intermediate point of Clarksburg, W. Va., with restriction, between Clarksburg, W. Va., and junction West Virginia Highways 20 and 2, serving no intermediate points, and serving the junction of West Virginia Highways 20 and 2 for the purposes of joinder only;

General commodities, with specified exceptions, over irregular routes, from New York, N.Y., to Martinsburg, W. Va., and Winchester, Va., from Greenstone, Pa., to Wilmington, Del., Asbury Park and Camden, N.J., and Allentown, Bethlehem, Chester, Harrisburg, Lansdale, Norristown, Reading, and Scranton, Pa., from Hightstown, N.J., to Hagerstown, Md., from Swedesboro, N.J., to Hagerstown, Md., from Hagerstown, Md., to Camden, N.J., from Hagerstown, Md., to Martinsburg, W. Va., from Hagerstown, Md., to Broad Top, Harrisburg and Lock Haven, Pa., Cumberland, Md., and Riverton, Va., from Hagerstown, Md., to Riverton, Va., between Hagerstown, Md., and Middletown, Pa., between Frederick, Md., and points in Maryland within 10 miles of Frederick, on the one hand, and, on the other, Frederick, Md., and points in that part of Maryland, Pennsylvania, and West Virginia within 50 miles of Frederick, from Harrisburg, Lancaster, and York, Pa., to Frederick and Walkersville, Md., from Pottsville and Six Mile Run, Pa., and points in Pennsylvania within 10 miles of each, to points in Frederick County, Md., from points in Jefferson and Berkeley Counties, W. Va., to Bellaire, Cincinnati, Orville, and W. Va., to points in North Carolina, from points in North Carolina to Halltown, W. Va., from Berryville and Winchester, Va., to New York, N.Y., and points in Maryland and Pennsylvania, between points in Berkeley and Jefferson Counties, W. Va., and Hagerstown, Md., on the one hand, and, on the other, points in Maryland, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia;

Between points in New Jersey, on the one hand, and, on the other, New York, N.Y., points in Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster, and Westchester Counties, N.Y., and those in Bucks, Carbon, Chester, Lancaster, Lebanon, Lehigh, Montgomery, Northampton, and Schuylkill Counties, Pa., except that the commodities specified immediate above shall not be transported between points in Atlantic, Cape May, Cumberland, Gloucester, and Salem Counties, N.J., on the one hand, and, on the other, New York, N.Y., with restriction, between Hagerstown, Md., on the one hand, and, on the other, points in Pennsylvania and West Virginia within 100 miles of Hagerstown, between points within 5 miles of Parkersburg, W. Va., on the one hand, and, on the other, points in Pennsylvania, from Parkersburg, W. Va., and points within 5 miles of Parkersburg, to points in Pennsylvania, from Newark, N.J., to Chambersburg, Pa., from Peach Glen, Pa., to Winchester, Va., and Atlantic City, N.J., from Harrisburg, Pa., to Highfield, Leitersburg, Ringgold, and Smithsburg, Md., from New York, N.Y., to Baltimore, Md., Chambersburg, Pa., and Thomas, W. Va., from Vineland, N.J., to Hagerstown. Md., from Hagerstown, Md., to Martinsburg, W. Va., Winchester, Va., and Camp Hill, Carlisle, Chambersburg, Greencastle, Harrisburg, Mechanicsburg, Mercersburg, and New Cumberland, Pa., between Hagerstown, Md., New York, N.Y., and Bayway, Irvington, and Warners, N.J., on the one hand, and, on the other, Bridgeton and Moorestown, N.J., Boyertown, Chambersburg, Doylestown, Hershey, Johnstown, Leesport, Newton, Shamokin, Shippensburg, Tunkhannock, and Weatherly, Pa., Cumberland, Hancock, and Tonoloway, Md., Dry Run, Hedgesville, Inwood, Martinsburg, Mount Vernon, Paw Paw, Piedmont, and Sleepy Creek, W. Va., and Winchester, Va., except that the commodities specified immediately above shall not be transported between New York, N.Y., and Bridgeton, N.J., with restriction, between points within 8 miles of Fairview, on the one hand, and, on the other, points in Maryland and Pennsylvania within 50 miles of Fairview. HALL's MOTOR TRANSIT COMPANY, is authorized to operate as a *common carrier* in Pennsylvania, New York, Virginia, Connecticut, New Jersey, Ohio, Maryland, Delaware, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11169. Authority sought for purchase by INTERNATIONAL CARTAGE, INC., 1020 18th Street, Detroit, MI 48216, of a portion of the operating rights of MOHAWK MOTOR, INC., 3399 East McNichols Road, Detroit, MI 48212, and for acquisition by INDUSTRIAL CARTAGE COMPANY, INC., and in turn by MARY L. SHEARER, WILLIAM T. SHEARER, ROBERT B. SHEARER, MARY CHRISTINE SCHOOLENBERG, and EVON A. ADAMS all of Detroit, Mich. 48216, of control of such rights through the purchase. Applicants' attorneys: Robert A. Sullivan and Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226 and Jack Goodman, 39 South La Salle Street, Chicago, IL 60603. Operating rights sought to be transferred: *General commodities*, except those of unusual value, dangerous explosives, livestock, furs, household goods as defined in Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a *common carrier* over regular routes, between Toledo, Ohio, and Fort Wayne, Ind., between Cleveland, Ohio, and Tiffin, Ohio, between Tiffin, Ohio, and Toledo, Ohio, between Toledo, Ohio, and Detroit, Mich., between Clyde, Ohio, and Toledo, Ohio, serving the site of the Ford Motor Co. plant, in Brownhelm Township, Lorain County, Ohio, near the intersection of U.S. Highway 6 and Baumhart Road, as an off-route point in connection with carrier's regular route operations between Cleveland, Ohio, and Detroit, Mich., serving the site of the Brush Beryllium plant located about 4.5 miles east of Elmore, Ohio, in Harris Township, Ottawa County, Ohio, as an off-route point in connection with carrier's regular route operations between Cleveland, Ohio, and Detroit, Mich. INTERNATIONAL CARTAGE, INC., holds no authority from this Commission. However, it is affiliated with INTERNATIONAL CARTAGE, LIMITED, 712 Huron Line, Windsor, ON Canada, which is authorized to operate as a *common carrier* in Michigan. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-11170. Authority sought for control by HYMAN FREIGHTWAYS, INC., 2690 Prior Avenue North, St. Paul, MN 55113, of TRI-D TRUCK LINE, INC., 450 Professional Building, Kansas City, MO 64106, and for acquisition by EUGENE PIKOVSKY, also of St. Paul, Minn. 55113, of control of TRI-D TRUCK LINE, INC., through the acquisition by HYMAN FREIGHTWAYS, INC. Applicants' attorney: William S. Rosen, 630 Osborn Building, St. Paul, MN 55102. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier*, over regular routes, between Nortonville, Kans., and Kansas City, Mo., serving the intermediate and off-route points of Winchester, Easton, Kansas City, and Potter, Kans., between Winchester, Kans., and St. Joseph, Mo., serving the intermediate and off-route points of Potter, Easton, and Nortonville, Kans.; *livestock*, over irregular routes, between Easton, Kans., and points in Kansas within 20 miles of Easton, on the one hand, and on the other, Kansas City, Kans., and Kansas City and St. Joseph. Mo. HYMAN FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in South Dakota, Minnesota, North Dakota, Iowa, Wisconsin, Illinois, Nebraska, and Missouri. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F-11159. Authority sought for purchase by SOUTHERN KANSAS GREYHOUND LINES, INC., 124 North Cheyenne Street, Tulsa, OK 74103, of a portion of the operating rights of ARKOMO COACH LINES, INC., also of Tulsa, Okla. 74103, and for acquisition by CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX 75207 and GREYHOUND LINES, INC., 10 South Riverside Plaza, Chicago, IL 60606, of control of such rights through the purchase. Applicants' attorney: C. Zimmerman, Post Office Box 730, Wichita, KS 67201. Operating rights sought to be transferred: Passengers and their baggage, and express, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Tulsa, Okla., and junction U.S. Highway 66 and Oklahoma Highway 33, between junction U.S. Highway 66 and Oklahoma Highway 33, approximately 10 miles east of Tulsa, Okla., and Gravette, Ark., between Gravette, Ark., and Rogers, Ark., between Grove, Okla., and Jay, Okla., between Rogers, Ark., and Fayetteville, Ark., between Tulsa, Okla., and Springdale, Ark., serving all intermediate points; incidental chartered party service from all points on the above described routes, except Rogers, Ark. Vendee is authorized to operate as a common carrier in Missouri, Oklahoma, and Kansas. Application has not been filed for temporary authority under section 210a(b). NOTE: Applicant requests that this matter be handled concurrently with MC-109780 Sub 66.

No. MC-F-11158. Authority sought for purchase by CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX 75207, of a portion of the operating rights of ARKOMO COACH LINES, INC., 124 North Cheyenne Avenue, Tulsa, OK 74103, and for acquisition by TCO INDUSTRIES, INC., 1500 Jackson Street, Dallas, TX 75201, of control of such rights through the purchase.

Applicants' attorney: C. Zimmerman, Post Office Box 730, Wichita, KS 67201. Operating rights sought to be transferred: Passengers and their baggage, and express, and newspapers in the same vehicle with passengers, as a common carrier over regular routes, between Springfield, Mo., and the Missouri-Arkansas State line, between Rogers, Ark., and the Missouri-Arkansas State line, serving all intermediate points; incidental chartered party service from all points on the above described routes, except Rogers, Ark. Vendee is authorized to operate as a common carrier in Illinois, Missouri, Kansas, California, Texas, Utah, Arizona, New Mexico, Colorado, Nebraska, Oklahoma, Arkansas, Iowa, and Louisiana. Application has not been filed for temporary authority under section 210a(b).

NOTE: Applicant requests that this matter be handled concurrently with MC-109780 Sub. 66.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6966 Filed 5-18-71;8:45 am]

[Notice 41]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 14, 1971.

The following publications are governed by the new Special Rule 1.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC-99695 (Sub-No. 6) (Clarification), filed March 15, 1971, published in the FEDERAL REGISTER of April 15, 1971, and republished in part in this issue: Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, AR 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, TN 38103. "Applicant further states that the instant application seeks to convert the certificate of registration under MC-99695 Subs 1 and 2 into a certificate of public convenience and necessity." The word "solely" was omitted because Route No. 25 is an extension between Magnolia, Ark., and Cullen, La.

HEARING: Remains assigned June 14, 1971, in Room 978, New Federal Building, Memphis, Tenn., before a hearing examiner to be later designated.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6967 Filed 5-18-71;8:45 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

MAY 14, 1971.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. 7.530 M, Route No. 134, filed April 29, 1971. Applicant: ANDREW J. PRICE, doing business as PRICE TRUCK LINE, 312 South Mosley, Wichita, Kans. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, dangerous explosives, household goods as defined by Interstate Commerce Commission and commodities injurious or contaminating to other lading, between Wichita, Kans., and Strother Field, Kans., serving Wichita and Strother Field and a 4-mile radius thereof, and serving the intermediate points of Augusta, Douglas, Rock, Akron and Winfield, Kans., and a 4-mile radius thereof, and serving the off-route point of Rose Hill, Kans., and a 4-mile radius thereof; from Wichita over U.S. Highway 54 to Augusta, Kans., thence south over U.S. Highway 77 to Strother Field and return over the same route; also, as an alternate route for operating convenience only, from Wichita over Kansas Highway 15 to Udall, thence east on Kansas Highway 55 6 miles to U.S. Highway 77, thence south to Strother Field and return over the same route. Both intrastate and interstate authority sought.

HEARING: Monday, June 28, 1971 and Tuesday, June 29, 1971, at Holiday Inn, 1000 North Broadway, Wichita, KS. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State Corporation Commission, Fourth Floor, State Office Building, Topeka, KS 66612, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71-63-MF/A, filed February 19, 1971. Applicant: PARCEL DELIVERY & TRANSFER, INC., 1300 Post Road, Anchorage, AK 99501. Applicant's representative: John M. Stern, Jr., Post Office Box 1672, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, between points in Zone 2 as defined by the Alaska Transportation Commission, and between points in Zone 2 on the one hand, and all points in Alaska on the other. Zone 2 is defined as that portion of Alaska: All of Alaska lying west of imaginary line commencing at the mouth of the Susitna River, thence northerly to Tanana and continuing to the north coast of Alaska to Barrow. Both intrastate and interstate authority sought.

HEARING: Time and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71-72-MP/0, filed March 10, 1971. Applicant: INSIDE ALASKA TOURS, INC., doing business as American Sightseeing of Alaska, 1001 Southwest Fifth Avenue, Portland, OR 97204. Applicant's representative: Andrew E. Hoge, 921 West Sixth Avenue, Anchorage, AK 99501. Certificate of public convenience and necessity sought to operate a bus service as follows: Transportation of *passengers and their baggage;* (a) interurban common carrier by bus service between Anchorage, Alaska, and a 10-mile radius thereof on the one hand, and Alyeska or Portage, Alaska on the other hand, in closed door service; (b) charter service between points in the State of Alaska; (c) sightseeing in or within a 40-mile radius of the cities of Valdez, Alaska, and Seward, Alaska; (d) tour service along the following routes: East of a line extending from Barrow to the mouth of the Susitna River, including Cordova, along State Highways Nos. 1, 2, 3, 4, 5, 6, 8, 9, and 10, or any combination thereof, originating at or destined to any point on the regular highway system north of Cordova, including Cordova, and including the new Anchorage-Fairbanks Highway, Route 3, but excluding the State highway system west of a line drawn from Barrow to the mouth of the Susitna River, but including any highway system in or connected to Mount McKinley National Park; and (e) limousine service transporting passengers and their baggage between the Anchorage International Airport, ferry terminals, and railroad terminals, on the one hand, and within a 20-mile radius of Anchorage, Alaska, including Anchorage, Alaska, on the other hand. Both intrastate and interstate authority sought.

Hearing: Time and place unknown. Requests for procedural information including the time for filing protests concerning this application should be addressed to the State of Alaska Department of Commerce, Alaska Transportation Commission, 750 Mackay Building, 338 Denali Street, Anchorage, AK 99501, and should not be directed to the Interstate Commerce Commission.

State Docket No. MC-4479 (Sub-No. 11), filed by May 3, 1971. Applicant: KNOXVILLE-MARYVILLE MOTOR EXPRESS, INC., 1910 University Avenue, Knoxville, TN. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, TN 37219. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except those of unusual value, household goods, commodities in bulk, and those requiring special equipment, between Knoxville and Jellico, Tenn., over U.S. Highway 25W, and also over Interstate Highway 75, serving all intermediate points on both routes not presently authorized. Said authority to be used in conjunction with all of applicant's other authority. No duplicating authority sought. Both intrastate and interstate authority sought.

HEARING: June 17, 1971, 9:30 a.m., at the Holiday Inn., Caryville, Tenn. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Tennessee Public Service Commission, Cordell Hull Building, Nashville, TN 37219, and should not be directed to the Interstate Commerce Commission.

State Docket No. 71204-CCT (amendment), filed April 20, 1971, published in the FEDERAL REGISTER issue of May 5, 1971 and republished as amended this issue. Applicant: YOUNGLOVE TRANSFER COMPANY, INC., 4803 Hesperides, Tampa, FL 33614. Applicant's attorney: John W. McWhiter, Jr., Cason, McWhiter, Henderson & Stokes, Post Office Box 2150, Tampa, FL 33601. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities*, except the following: Commodities in bulk; cement; salt; fertilizer and fertilizer material in bags; petroleum products in packages, cases, cans or drums; class A explosives; household goods; malt beverages; beer; sodium; hypochlorite; building and construction materials and supplies in truckload lots; sugar in truckload lots; empty glass containers and bottles and closures therefor; and lumber; on regular routes and regular schedules between Tampa, all points in Pinellas County, all points in Pasco, Hernando, Citrus, and Sumter Counties, west of Interstate 75 and along U.S. Highways 19, 41, and 98, and State Highways No. 50, 44, 490, 491, 495, and 488; applicant also seeks to serve Ocala and all points south and west of Ocala along State Roads 40, 200, and 484 using Interstate 75 as an alternate close door route between Tampa and Ocala NOTE: The purpose of this republication is to change east of Interstate Highway 75 to west of Interstate Highway 75. Both intrastate and interstate authority sought.

HEARING: 1 p.m., Wednesday, May 26, 1971, at State Office Building, 800 Twigg Street, Tampa, FL. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Florida Public Service Commission, Tallahassee, Fla. 32304 and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6965 Filed 5-18-71;8:45 am]

[Notice 691]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72794. By order of May 12, 1971, the Motor Carrier Board approved the transfer to Carolina Dispatching Service, Inc., Post Office Box 552, Charleston, SC 29402, of the operating rights in certificates Nos. MC-35719, and MC-35719 (Sub-No. 1), issued July 1, 1955, and December 17, 1969, respectively, to Ace Van & Storage Co., Inc., 821 Howard Road SE., Washington, DC 20020, authorizing the transportation of household goods, between Washington, D.C., on the one hand, and, on the other, points in New York, New Jersey, Pennsylvania, Delaware, West Virginia, Maryland, and Virginia; and between points in the New York, N.Y., commercial zone, as defined by the Commission in 1 M.C.C. 665, on the one hand, and, on the other, points in New York, Connecticut, Maryland, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6968 Filed 5-18-71;8:45 am]

[Notice 691-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 14, 1971.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72862. By application filed May 13, 1971, DEPENDABLE TRANSPORT, INC., 114 Bell Street, Post Office Box FF, Warner Robins, GA 31093, seeks temporary authority to lease the operating rights of GRANTHAM TRUCKING COMPANY, 301 Pine Valley Drive, Warner Robins, GA 31093, under section 210a(b). The transfer to DEPENDABLE TRANSPORT, INC., of the operating rights of GRANTHAM TRUCKING COMPANY, is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-6969 Filed 5-18-71;8:45 am]

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PART II

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

■

National Poultry and Turkey Improvement Plans and Auxiliary Provisions

■

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

[9 CFR Parts 145, 147]

NATIONAL POULTRY AND TURKEY IMPROVEMENT PLANS AND AUXILIARY PROVISIONS

Notice of Proposed Rule Making

Notice is hereby given, under the administrative procedure provisions of 5 U.S.C. 553, that the Department of Agriculture has under consideration proposed amendments of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions recommended by the 1970 Conference of representatives of the State agencies cooperating in the administration of the Plans, and by the General Conference Committee, and that, pursuant to section 101(b) of the Department of Agriculture Organic Act of 1944, as amended (7 U.S.C. 429), it is proposed to revise Parts 145, 146, and 147 of Title 9, Chapter I, Subchapter F, Code of Federal Regulations, to incorporate such recommended amendments and to make incidental changes for clarity and consistency.

The recommendations included the general revision of Parts 145, 146, and 147 into one Plan, with the consolidation of the general provisions applicable to all classes of fowl and providing for special provisions applicable to problems and conditions peculiar to particular classes of fowl. To comply with these recommendations, it is proposed to consolidate the general requirements for participation and administration of the National Poultry Improvement Plan (Part 145) and the National Turkey Improvement Plan (Part 146) in Subpart A, and to transfer the special provisions for four classes of fowl: (1) Egg type chickens, (2) meat type chickens, (3) turkeys, and (4) waterfowl, exhibition poultry, and game birds to Subparts B, C, D, and E, respectively, of Part 145, which would be designated as National Poultry Improvement Plan. The procedures for conducting random sample performance tests would be transferred to Part 147, which would be designated as Auxiliary Provisions of the National Poultry Improvement Plan. Said Subchapter F, Poultry Improvement, would be revised to read as follows:

PART 145—NATIONAL POULTRY IMPROVEMENT PLAN

Subpart A—General Provisions

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145.2 Administration.
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Subpart B—Special Provisions for Egg Type Chicken Breeding Flocks and Products

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145.31 Definitions.
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Subpart D—Special Provisions for Turkey Breeding Flocks and Products

145.41 Definitions.
145.42 Participation.
145.43 Terminology and classification.

Subpart E—Special Provisions for Waterfowl, Exhibition Poultry, and Game Bird Breeding Flocks and Products

145.51 Definitions.
145.52 Participation.
145.53 Terminology and classification.

Subpart A—General Provisions

§ 145.1 Definitions.

Words used in this part in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. Except where the context otherwise requires, for the purposes of this part the following terms shall be construed, respectively, to mean:

(a) *Plan.* The provisions of the National Poultry Improvement Plan contained in this part.

(b) *Person.* A natural person, firm, or corporation.

(c) *Department.* The U.S. Department of Agriculture.

(d) *ASR Division.* The Animal Science Research Division of the Agricultural Research Service of the Department.

(e) *State.* Any State, the District of Columbia, or Puert Rico.

(f) *Official State Agency.* The State authority recognized by the Department to cooperate in the administration of the Plan.

(g) *State Inspector.* Any person employed or authorized under § 145.11(b) to perform functions under this part.

(h) *Authorized Agent.* Any person designated under § 145.11(a) to perform functions under this part .

(i) *Affiliated flockowner.* A flockowner who is participating in the Plan through an agreement with a participating hatchery.

(j) *Flock*—(1) *As applied to breeding.* All poultry of one kind of mating (breed and variety or combination of stocks) and of one classification on one farm;

(2) *As applied to disease control.* All of the poultry on one farm except that, at the discretion of the Official State Agency, any group of poultry which is segregated from another group and has been so segregated for a period of at least 21 days may be considered as a separate flock.

(k) *Hatchery.* Hatchery equipment on one premises operated or controlled by any person for the production of baby poultry.

(l) *Poultry.* Domesticated fowl, including chickens, turkeys, waterfowl, and game birds, except doves and pigeons, which are bred for the primary purpose of producing eggs or meat.

(m) *Domesticated.* Propagated and maintained under the control of a person.

(n) *Products.* Poultry breeding stock and hatching eggs, baby poultry, and started poultry.

(o) *Baby poultry.* Newly hatched poultry (chicks, poults, ducklings, goslings, keets, etc.) that have not been fed or watered.

(p) *Started poultry.* Young poultry (chicks, pullets, cockrels, capons, poults, ducklings, goslings, keets, etc.) that have been fed and watered and are less than 6 months of age.

(q) *Strain.* Poultry breeding stock bearing a given name produced by a breeder through at least five generations of closed flock breeding.

(r) *Stock.* A term used to identify the progeny of a specific breeding combination within a species of poultry. These breeding combinations may include pure strains, strain crosses, breed crosses, or combinations thereof.

(s) *Primary breeding flock.* A flock composed of one or more generations that is maintained for the purpose of establishing, continuing, or improving parent lines.

(t) *Multiplier breeding flock.* A flock that originated from a primary breeding flock and is intended for the production of hatching eggs used for the purpose of producing progeny for commercial egg or meat production or for other nonbreeding purposes.

(u) *Trade name or number.* A name or number compatible with State or Federal laws and regulations applied to a specific stock or product thereof.

(v) *Franchise breeder.* A breeder who normally sells products under a specific strain or trade name and who authorizes other hatcheries to produce and sell products under this same strain or trade name.

(w) *Franchise hatchery.* A hatchery which has been authorized by a franchise breeder to produce and sell products under the breeder's strain or trade name.

(x) *Pullorum Disease or Pullorum.* A disease of poultry caused by Salmonella pullorum.

(y) *Fowl Typhoid or Typhoid.* A disease of poultry caused by Salmonella gallinarum.

(z) *S. Typhimurium Infection or Typhimurium.* A disease of poultry caused by Salmonella typhimurium or S. typhimurium var. copenhagen.

§ 145.2 Administration.

(a) The Department cooperates through a Memorandum of Understanding with Official State Agencies in the administration of the Plan.

(b) The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding. An Official State Agency may accept for participation an affiliated flock located in another State under a mutual understanding and agreement, in writing, between the two Official State Agencies regarding conditions of participation and supervision.

(c) The Official State Agency of any State may, except as limited by § 145.3(d), adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan.

§ 145.3 Participation.

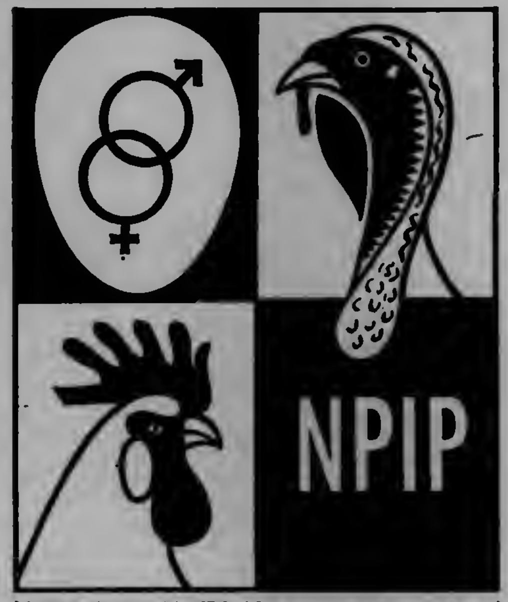
(a) Any person producing or dealing in poultry products may participate in the Plan when he has demonstrated, to the satisfaction of the Official State Agency, that his facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan, and has signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 145.2. Affiliated flockowners may participate without signing an agreement with the Official State Agency.

(b) Each participant shall comply with the Plan throughout the operating year of the Official State Agency, or until released by such Agency.

(c) A participant in any State shall participate with all of his poultry hatching egg supply flocks and hatchery operations within such State.

(d) No person shall be compelled by the Official State Agency to qualify products for any of the other classifications described in § 145.10 as a condition of qualification for the U.S. Pullorum-Typhoid Clean classification.

(e) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced below:



NATIONAL POULTRY IMPROVEMENT PLAN
FIGURE 1.

§ 145.4 General provisions for all participants.

(a) Records of purchases and sales and the identity of products handled shall be maintained in a manner satisfactory to the Official State Agency.

(b) Products, records of sales, and purchase of products, and material used to advertise products shall be subject to inspection by the Official State Agency at any time.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of the Official State Agency and the Federal Trade Commission. A participant advertising products as being of any official classification may include in his advertising reference to associated or franchised hatcheries only when such hatcheries produce the same kind of products of the same classification.

(d) Participants may not buy or receive for any purpose products from nonparticipants, or sell products of nonparticipants, except with the permission of the Official State Agency for use in breeding flocks or for experimental purposes.

(e) Each shipment of products to points outside the United States and its territories and possessions shall be accompanied by a properly executed NPIP Form 15F, Report of Sales of Hatching Eggs, Chicks, and Poults (For Shipment Outside the United States).

§ 145.5 Specific provisions for participating flocks.

(a) Poultry equipment, and poultry houses, and the land in the immediate vicinity thereof, shall be kept in sanitary condition, and the participating flock, its eggs, and all equipment used in connection with the flock shall be separated from nonparticipating flocks, in a manner acceptable to the Official State Agency. The procedures outlined in §§ 147.21 and 147.22 (a) and (e) of this chapter shall be considered as a guide in determining compliance with this provision.

(b) All flocks shall consist of healthy, normal individuals characteristic of the breed, variety, cross, or other combination which they are stated to represent.

(c) A flock shall be deemed to be a participating flock at any time only if, within the past 12 months, it has qualified for the U.S. Pullorum-Typhoid Clean classification, as prescribed in Subpart B, C, D, or E of this part.

(d) Each bird shall be identified with a sealed and numbered band obtained through or approved by the Official State Agency: *Provided,* That exception may be made at the discretion of the Official State Agency.

§ 145.6 Specific provisions for participating hatcheries.

(a) Hatcheries, including brooder rooms, shall be kept in sanitary condition, acceptable to the Official State Agency. The procedures outlined in §§ 147.22 through 147.25 of this chapter shall be considered as a guide in determining compliance with this provision. The minimum requirements with respect to sanitation shall include the following:

(1) Incubator walls, floors, and trays shall be kept free from broken eggs and eggshells.

(2) Tops of incubators and hatchers shall be kept clean (not used for storage).

(3) Entire hatchery, including sales room, shall be kept in a neat, orderly condition, and free from accumulated dust.

(4) Hatchery residue, such as eggshells, infertile eggs, and dead germs, shall be disposed of promptly and in a manner satisfactory to the Official State Agency.

(5) Hatchers and hatching trays shall be cleaned and fumigated or disinfected after each hatch, preferably using the procedures outlined in §§ 147.24(b) and 147.25(e) of this chapter.

(b) A hatchery which keeps started poultry must keep such poultry separated from the incubator room in a manner satisfactory to the Official State Agency.

(c) All baby and started poultry offered for sale under Plan terminology shall be normal and typical of the breed, variety, cross, or other combination represented.

(d) Eggs incubated shall be sound in shell, typical for the breed, variety, strain, or cross thereof, and reasonably uniform in shape. Hatching eggs shall be trayed and the baby poultry boxed with a view to uniformity of size.

(e) All hatcheries within a State which are operated under the ownership or management of the same person or persons or related corporations, or in which the same person or persons have a substantial financial interest as partners or otherwise, shall participate in the Plan if any of them are to participate.

§ 145.7 Specific provisions for participating dealers.

Dealers in poultry breeding stock, hatching eggs, or baby or started poultry shall comply with all provisions in this part which apply to their operations.

§ 145.8 Terminology and classification: general.

(a) The official classification terms defined in §§ 145.9 and 145.10 and the various designs illustrative of the official classifications reproduced in § 145.10 may be used only by participants and to describe products that have met all the specific requirements of such classifications.

(b) Products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by or consigned to nonparticipants.

(c) Participating flocks, their eggs, and the baby and started poultry produced from them may be designated by their strain or trade name. When a breeder's trade name or strain designation is used, the participant shall be able by records to substantiate that the products so designated are from flocks that are composed of either birds hatched from eggs produced under the direct supervision of the breeder of such strain, or stock multiplied by persons designated and so reported by the breeder to each Official State Agency concerned.

§ 145.9 Terminology and classification; hatcheries and dealers.

Participating hatcheries and dealers shall be designated as "National Plan Hatchery" and "National Plan Dealer", respectively. Each participating hatchery or dealer may be assigned a permanent approval number by the ASR Division. This number may appear on each invoice and shipping label for each separate sale of products. The approval number shall be withdrawn when the hatchery or dealer no longer qualifies for participation in the Plan. All Official State Agencies shall be notified by the ASR Division of additions, withdrawals, and changes in classification.

§ 145.10 Terminology and classification: flocks and products.

Participating flocks, and the products produced from them, which have met the respective requirements specified in Subpart B, C, D, or E of this part may be designated by the following terms or illustrative designs:

(a) *U.S. Record of Performance.* (See § 145.23(a).)

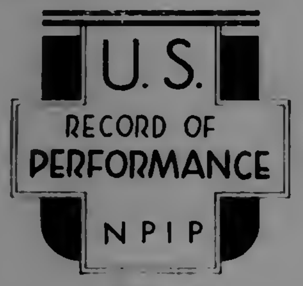


FIGURE 2.

(b) *U.S. Performance Tested Parent Stock.* (See §§ 145.23(b) and 145.33(a).)

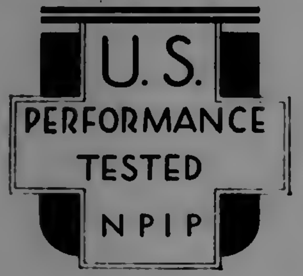


FIGURE 3.

(c) *U.S. Certified for Eggs.* (See § 145.23(c).)

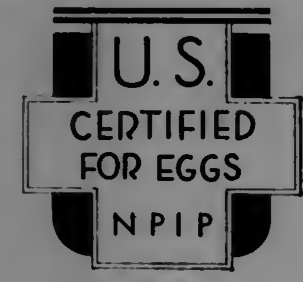


FIGURE 4.

(d) *U.S. Certified for Meat.* (See § 145.33(b).)

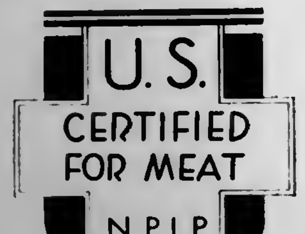


FIGURE 5.

(e) *U.S. Approved.* (See §§ 145.23(d), 145.33(c), 145.43(a), and 145.53(a).)

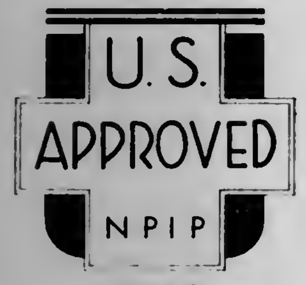


FIGURE 6.

(f) *U.S. Pullorum-Typhoid Clean.* (See §§ 145.23(e), 145.33(d), 145.43(b), and 145.53(b).)

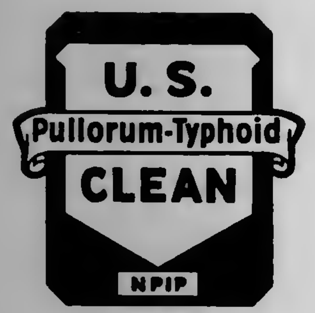


FIGURE 7.

(g) *U.S. M. Gallisepticum Clean.* (See §§ 145.23(f), 145.33(e), 145.43(c), and 145.53(c).)

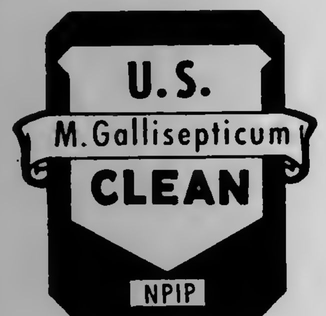


FIGURE 8.

(h) *U.S. Typhimurium Controlled.* (See § 145.43(d).)

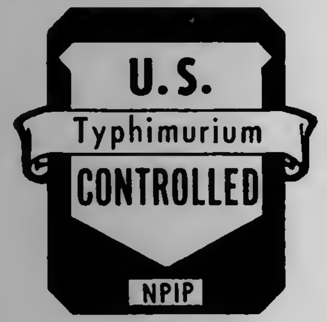


FIGURE 9.

§ 145.11 Supervision.

(a) The Official State Agency may designate qualified persons as Authorized Agents to do the blood collecting and blood testing provided for in §§ 145.5 and 145.14, and the selecting required for the U.S. approved classification provided for in § 145.10(e).

(b) The Official State Agency shall employ or authorize qualified persons as State Inspectors to perform or supervise the performance of the selecting and testing of participating flocks, and to perform the official inspections necessary to verify compliance with the requirements of the Plan.

§ 145.12 Inspections.

(a) Each participating hatchery shall be inspected a sufficient number of times each year to satisfy the Official State Agency that the operations of the hatchery are in compliance with the provisions of the Plan.

(b) Each year at least 15 percent of the flocks selected or tested by each Authorized Agent shall be inspected by a State Inspector. This must include the inspection of some flocks of each hatchery. Each flock inspection shall include the examination of a sufficient number of males and females and, in flocks qualified for participation by the whole-blood test, the blood testing of a sufficient number of birds to determine whether the work of the Authorized Agent was satisfactory and that the flock is qualified for participation.

§ 145.13 Debarment from participation.

Noncompliance with the provisions of the Plan, or regulations of the Official State Agency under § 145.2, not corrected within the time specified by the Official State Agency, shall be grounds for the Official State Agency to bar a participant from further participation for a period to be determined in each case by the Official State Agency. Such action shall not be taken until a thorough investigation has been made by the Official State Agency and the participant has been given an opportunity for a hearing.

§ 145.14 Blood Testing.

Blood samples for official tests shall be drawn by an Authorized Agent or State Inspector and tested by an authorized laboratory, except that the stained-antigen, rapid whole-blood test for pullorum-typhoid may be conducted by an Authorized Agent or State Inspector.

(a) *For Salmonella.* (1) The Official blood tests for pullorum-typhoid shall be the standard tube agglutination test or the rapid serum test for all classes of poultry, or the stained-antigen, rapid whole-blood test for all classes of poultry except turkeys. The recommended procedures for conducting such tests are described in §§ 147.1, 147.2, and 147.3 of this chapter. Each lot of antigen used for the whole-blood test shall be approved by the Department and shall be of the polyvalent type.

(2) The official blood test for typhimurium shall be the standard tube agglutination test as described in § 147.4 of this chapter: *Provided,* That, if the following conditions are fulfilled, the tests for pullorum-typhoid and typhimurium may be combined:

(i) The flock is located in a State where an adequate surveillance program for pullorum-typhoid and typhimurium exists;

(ii) A single combination antigen composed of equal quantities of pullorum antigen and typhimurium antigen is used in a screening test in accordance with the procedures described in § 147.1 of this chapter;

(iii) All serum showing suspicious and positive reactions to the combination antigen are reset with individual antigens. Final determination of the status of each flock is determined by bacteriological examination of representative birds showing suspicious or positive reactions;

(iv) If the flock is found to be infected with S. pullorum, S. gallinarum, or S. typhimurium on the basis of bacteriological examinations, retests of the flock are made with separate antigens (pullorum and typhimurium antigens) until the flock is qualified or eliminated.

(3) There shall be an interval of at least 21 days between any official blood test and any previous test with Salmonella antigen.

(4) Turkeys must be more than 4 months of age and chickens and other poultry more than 5 months of age when tested.

(5) The official blood test shall include the testing of a sample of blood from each bird in the flock: *Provided,* That under specified conditions (see applicable provisions of §§ 145.23, 145.33, 145.43, and 145.53) the testing of a portion or sample of the birds may be used in lieu of testing each bird. When partial or sample testing is specified, the birds tested shall be a random or representative sample drawn on a pro rata basis from all pens or units of the flock. When reactors are found in any flock, or S. pullorum or S. gallinarum isolations are made from baby poultry or fluff samples, the flock may qualify for participation with two consecutive official negative tests. Qualification of this flock, or any other flock on the same premises during the next 12 months, shall be based on the testing of all birds, except that when the flock involved is turkeys, the period during which all birds must be tested shall be 2 years. Such testing shall be conducted by or directly supervised by a State Inspector.

(6) All domesticated fowl, except waterfowl, on the farm of the participant shall either be properly tested to meet the same standards as the participating flock or these birds and their eggs shall be separated from the participating flock and its eggs.

(7) All tests with Salmonella antigens of flocks participating in or candidates for participation in the Plan shall be reported to the Official State Agency within 10 days following the completion of such tests. All reactors shall be considered in determining the classification of the flock.

(8) (i) Reactors shall be submitted to a laboratory for autopsy and bacteriological examination. The laboratory and the number of reactors to be submitted shall be designated by the Official State Agency: *Provided,* That for turkey flocks, all reactors, if four or less, and a minimum of four, if there are more than four, shall be submitted. The recommended minimum procedure for bacteriological examination is described in § 147.11 of this chapter.

(ii) When reactors are submitted within 10 days from date of reading the test and the bacteriological examination fails to demonstrate infection of the serotype for which the test was conducted, the flock shall be deemed to have had no reactors to the specified test. If other members of the Salmonella group or paracolons are isolated, the Official State Agency may disqualify the flock for participation, or require such other action as is deemed necessary with respect to the infection.

(9) Any drug, for which there is scientific evidence of masking the test reaction or hindering the bacteriological recovery of Salmonella organisms, shall not be fed or administered to poultry within 3 weeks prior to a test or bacteriological examination upon which a Salmonella classification is based.

(10) When suitable evidence, as determined by the Official State Agency or the State Animal Disease Control Official, indicates that baby or started poultry produced by participating hatcheries are infected with organisms for which the parent flock received an official control classification and this evidence indicates egg transmission, the Official State Agency may, at its discretion, require additional testing of the flock involved. If infection is found in the parent flock, its classification shall be suspended until the flock is requalified under the requirements for the classification. Furthermore, the Official State Agency may require that the hatching eggs from such flocks be removed from the incubator and destroyed prior to hatching. When Salmonella or Arizona organisms are isolated from a specimen which originated in a participating hatchery, the Official State Agency shall attempt to locate and eliminate the source of the infection. The results of the investigation shall be reported by the Official State Agency to the ASR Division.

(b) *For M. gallisepticum.* (1) The official blood test for M. gallisepticum shall be either the serum plate agglutination test, the tube agglutination test, the hemagglutination inhibition (HI) test, or a combination of two or more of these tests. The HI test shall be used to confirm the results of other serological tests.

(2) The tests shall be conducted using M. gallisepticum antigen approved by the Department or the Official State Agency and shall be performed in accordance with the recommendations of the producer of the antigen.

(3) When reactors are submitted to a laboratory as prescribed by the Official State Agency, the following criteria shall be used to determine if the flock is negative for M. gallisepticum: (i) Active air sac lesions; (ii) recovery of M. gallisepticum; and (iii) supplemental serological tests. If all of these tests are negative, the flock shall be deemed to have had no M. gallisipticum reactors. If M. gallisepticum is recovered, the the flock shall be considered infected. If any of the other tests (subdivision (i) or (iii) of this subparagraph) is positive, the flock shall be considered suspicious, and additional laboratory tests shall be conducted before the final disposition of the flock is determined.

Subpart B—Special Provisions for Egg Type Chicken Breeding Flocks and Products

§ 145.21 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Egg type chicken breeding flocks.* Flocks that are composed of stock that has been developed for egg production and are maintained for the principal purpose of producing chicks for the ultimate production of eggs for human consumption.

(b) *Baby chicks.* Chicks that have not been fed or watered.

(c) *Started chickens.* Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

(d) *USROP or ROP.* U.S. Record of Performance.

(e) *ROP Supervisor.* The person employed or authorized to perform functions under § 145.23(a).

§ 145.22 Participation.

Participating flocks of egg type chickens, and the eggs and chicks produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart B.

(a) The minimum weight of hatching eggs sold shall be $1\frac{11}{12}$ ounces each, except as otherwise specified by the purchaser of the eggs.

(b) Mediterranean breed eggs shall be reasonably free from tints.

(c) All eggs should be fumigated at the hatchery as described in § 147.25 (a) or (b) or (c) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.25(d) of this chapter.

(d) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

§ 145.23 Terminology and classification.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) *U.S. Record of Performance.* The ROP classification may be attained through trapnesting and pedigree breeding under the supervision of an Official State Agency.

(1) Females may qualify as ROP females when they have been trapnested for a period of at least 6 months, and records of egg production and egg weight are maintained by the breeder.

(2) A male may qualify as an ROP male when his pedigree record, maintained by the breeder, shows he was produced from a single-male mating of an ROP female and the son of an ROP female.

(3) When products are sold or offered for sale under the ROP classification, the breeder shall have on file evidence that such products are from single-male matings of ROP males and ROP females.

(4) The ROP Supervisor shall represent the Official State Agency in its supervision of ROP participation. He shall visit and inspect the work of each breeder periodically.

(b) *U.S. Performance Tested Parent Stock*. The Performance Tested Parent Stock classification may be attained by stock represented by an entry in a random sample egg production test for which the records have been included in a combined summary published by the ASR Division. (See §§ 147.31, 147.32, and 147.34 of this chapter.) Application for the classification shall be made to the Official State Agency by the breeder of the parent stock. Such application, if acceptable to the Official State Agency, shall be submitted to the ASR Division.

(1) A stock may qualify as Performance Tested Parent Stock for egg production when the regressed mean of the stock for income above feed and chick cost per pullet housed, as published in the combined summary, exceeds the overall mean for all entries in all tests or is not significantly different, at the 5-percent level of probability, from the stock with the highest regressed mean.

(2) Qualification for the U.S. Performance Tested Parent Stock classification shall be determined by the ASR Division from records published in the combined summary, and that Division shall notify each applicant and his Official State Agency of his qualification or failure to qualify.

(3) Stock classified as Performance Tested Parent Stock may retain that classification for 1 year after qualification, provided the stock is maintained under the supervision of the qualifying breeder and is mated in the same combination, and for 1 more year when, in addition, the stock has been continuously represented by an entry for which the test results have been included in the combined summary. When the entry on which qualification is based is the progeny of a combination of two stocks which are distributed commercially under different strain or trade names, each stock may be designated as Performance Test Parent Stock, but this interrelationship shall be specified when the classification of either stock is referred to in advertising or certification.

(4) When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are qualified for this classification.

(c) *U.S. Certified for Eggs*. All males ROP or all males and females from Performance Tested Parent Stock for egg production mated in the same combination as used in the qualifying parent flock.

(d) *U.S. Approved*. All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(e) *U.S. Pullorum-Typhoid Clean*. A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated.

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors, or its progeny has been subjected to an approved 10-day chick mortality bacteriological examination monitoring program and bacteriological examination of a fluff sample from selected hatches as prescribed by the Official State Agency: *Provided*, That when the blood testing procedure is used, the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year.

(3) It is a multiplier breeding flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the ASR Division that:

(i) All hatcheries, except turkey hatcheries, within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision.

(ii) All hatchey supply flocks, except turkey flocks, within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of product other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations from poultry are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a) (5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, except turkeys, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks, other than turkey flocks, within or originating within the State shall be grounds for revocation of the determination. Such action shall not be taken until a thorough investigation has been made by the ASR, Division and the Official State Agency has been given an opportunity for a hearing.

(4) It is a multiplier breeding flock located in a State which has been determined to be in compliance with the provisions of § 145.23(e) (3), and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks, other than turkey flocks, within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provision of § 145.23 (e) (4), and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the ASR Division may be used in lieu of blood testing.

(f) *U.S. M. Gallisepticum Clean*. (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from M. gallisepticum has been demonstrated by one of the following procedures:

(i) All birds have been tested as provided in § 145.14(b) when more than 5 months of age: *Provided*, That to retain this classification a random sample of at least 10 percent of the flock shall be tested at intervals of not more than 60 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks, and samples comprising at least 10 percent of the birds in the flock have been tested, as provided in § 145.14(b), twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a random sample of at least 5 percent of the flock shall be tested; or

(*b*) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(*c*) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old chicks produced from the flock shall be examined for M. gallisepticum antibodies.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under subdivision (i) of subparagraph (1) of this paragraph are set.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in clean, disinfected trucks.

Subpart C—Special Provisions for Meat Type Chicken Breeding Flocks and Products

§ 145.31 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Meat type chicken breeding flocks*. Flocks that are composed of stock that has been developed for meat production and are maintained for the principal purpose of producing chicks for the ultimate production of meat.

(b) *Baby chicks*. Chicks that have not been fed or watered.

(c) *Started chickens*. Young chickens (chicks, pullets, cockerels, capons) which have been fed and watered and are less than 6 months of age.

§ 145.32 Participation.

Participating flocks of meat-type chickens, and the eggs, and chicks produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart C.

(a) The minimum weight of hatching eggs sold shall be $1\frac{10}{12}$ ounce each, except as otherwise specified by the purchaser of the eggs.

(b) All eggs should be fumigated at the hatchery as described in § 147.25 (a) or (b) or (c) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.25(d) of this chapter.

(c) Started chickens shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

§ 145.33 Terminology and classification.

Participating flocks, and the eggs and chicks produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10:

(a) *U.S. Performance Tested Parent Stock*. The Performance Tested Parent Stock classification may be attained by a stock represented by an entry in a random sample meat production test for which the records have been included in a combined summary published by the ASR Division. (See §§ 147.31, 147.33, and 147.34 of this chapter.) Application for the classification shall be made to the Official State Agency by the breeder of the parent stock. Such application, if acceptable to the Official State Agency, shall be submitted to the ASR Division.

(1) A stock may qualify as Performance Tested Parent Stock for meat production when the regressed mean of the stock for rate of growth (average live weight at completion of test) and for rate of egg production on a hen-housed basis, as published in the combined summary, exceeds the overall mean for all entries in all tests or is not significantly different, at the 5-percent level of probability, from the stock with the highest regressed mean.

(2) Qualification for the U.S. Performance Tested Parent Stock classification shall be determined by the ASR Division from records published in the combined summary, and that Division shall notify each applicant and his Official State Agency of his qualification or failure to qualify.

(3) Stock classified as Performance Tested Parent Stock may retain that classification for 1 year after qualification, provided the stock is maintained under the supervision of the qualifying breeder and is mated in the same combination, and for 1 more year when, in addition, the stock has been continuously represented by an entry for which the test results have been included in the combined summary. When the entry on which qualification is based is the progeny of a combination of two stocks which are distributed commercially under different strain or trade names, each stock may be designated as Performance Tested Parent Stock, but this interrelationship shall be specified when the classification of either stock is referred to in advertising or certification.

(4) When products are sold or offered for sale as Performance Tested Parent Stock, the breeder shall be able to substantiate by records filed with the Official State Agency that such products are qualified for this classification.

(b) *U.S. Certified for Meat*. All males and females from Performance Tested Parent Stock for meat production mated in the same combination as used in the qualifying parent flock.

(c) *U.S. Approved*. All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(d) *U.S. Pullorum-Typhoid Clean*. A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.)

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors, or its progeny has been subjected to an approved 10-day chick mortality bacteriological examination monitoring program and bacteriological examination of a fluff sample from selected hatches as prescribed by the Official State Agency: *Provided*, That when the blood testing procedure is used, the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year.

(3) It is a multiplier breeding flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision and is located in a State in which it has been determined by the ASR Division that:

(i) All hatcheries, except turkey hatcheries, within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks, except turkey flocks, within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is located;

(v) All reports of S. pullorum or S. gallinarum isolations from poultry are promptly followed by investigation by the Official State Agency to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested following the procedure for reacting flocks as contained in § 145.14(a) (5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, except turkeys, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks, other than turkey flocks, within or originating within the State shall be grounds for revocation of the determination. Such action shall not be taken until a thorough investigation has been made by the ASR Division and the Official State Agency has been given an opportunity for a hearing.

(4) It is a multiplier breeding flock located in a State which has been determined to be in compliance with the provisions of § 145.33(d)(3) and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks, other than turkey flocks, within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provision of § 145.33 (d)(4), and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the ASR Division may be used in lieu of blood testing.

(e) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from M. gallisepticum has been demonstrated by one of the following procedures:

(i) All birds have been tested as provided in § 145.14(b) when more than 5 months of age: *Provided*, That to retain this classification, a random sample of at least 10 percent of the flock shall be tested at intervals of not more than 60 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean chicks from primary breeding flocks, and samples comprising of at least 10 percent of the birds in the flock have been tested, as provided in § 145.14(b), twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests. *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a random sample of at least 5 percent of the flock shall be tested; or

(*b*) At intervals of not more than 30 days, a sample of 25 cull chicks produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(*c*) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old chick produced from the flock shall be examined for M. gallisepticum antibodies.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to be Official State Agency: *Provided*, That U.S. M. Gallisepticum Clean chicks from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under subdivision (i) of subparagraph (1) of this paragraph are set.

(3) U.S. M. Gallisepticum Clean chicks shall be boxed in clean boxes and delivered in clean, disinfected trucks.

Subpart D—Special Provisions for Turkey Breeding Flocks and Products

§ 145.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Baby poults.* Poults that have not been fed or watered.

(b) *Broad-breasted.* A term used to describe a type of turkey which, at the time of selection and no later than 30 weeks of age, has a breast width at a point 1¾ inches above the keel of at least 3½ inches, for both toms and hens.

§ 145.42 Participation.

Participating turkey flocks, and the eggs and poults produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart D.

(a) All flocks shall consist of birds that have been selected for health, vigor, and freedom from physical deformities of economic importance by an Authorized Agent or State Inspector.

(b) The minimum weight of turkey hatching eggs shipped interstate shall be 2 ounces each for small varieties and 2½ ounces each for other varieties, unless otherwise specified by the purchaser of the eggs.

(c) All eggs set should have been fumigated as described in § 147.25(a) of this chapter, and should be refumigated as described in § 147.25(c) of this chapter or they should be fumigated as soon as possible (preferably within 12 hours) after setting as described in § 147.25(b) of this chapter. All eggs should be refumigated after transfer to the hatcher as described in § 147.25(d) of this chapter.

§ 145.43 Terminology and classification.

Participating flocks, and the eggs and poults produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10.

(a) *U.S. Approved.* All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarium is isolated;

(ii) The flock is composed entirely of birds that originated from flocks that qualified as U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent blood testing requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors: *Provided*, That the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, 100 the fifth year; or

(3) It is a multiplier breeding flock composed entirely of birds that originated from flocks qualified as U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent blood testing requirements under official supervision, and is located in a State in which it has been determined by the ASR Division that:

(i) All chicken and turkey hatcheries within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All chicken and turkey hatchery supply flocks within the State are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for blood testing under official supervision;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations are promptly followed by an Official State Agency investigation to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or subsequently blood tested and all birds in such flocks fail to demonstrate pullorum or typhoid infection;

(vii) All chickens and turkeys going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition; and

(viii) A monitoring program, including official blood tests of at least 25 percent of the birds in the hatchery supply flocks in the State, is systematically conducted each year. The samples tested are selected to be representative of all hatchery supply flocks in the State. The minimum requirements as to the percentage of birds tested in the monitoring program may be reduced by 5 percent of the total number of birds in all flocks following each year in which no infected birds are detected.

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in accordance with the conditions and procedures described in § 147.26 of this chapter, and in which no reactors are found when a random sample of at least 10 percent of the birds in the flock is tested when more than 4 months of age, in accordance with the procedures described in § 145.14(b).

(2) A flock qualified as U.S. M. Gallisepticum Clean may retain the classification for 1 year, provided it is maintained in isolation and no evidence of M. gallisepticum infection is revealed. Each flock and premises shall be inspected at least once during the laying period by an Authorized Agent of the Official State Agency or the State Animal Disease Control Official. If a flock proves to be infected with M. gallisepticum, it shall be eliminated as a breeding flock under the supervision of the Official State Agency or the State Animal Disease Control Official.

(3) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled by the participant must be of this classification.

(d) *U.S. Typhimurium Controlled.* (1) A flock meeting the following requirements:

(i)(*a*) All birds have been officially blood tested within 12 months for S. typhimurium as provided in § 145.14(a) (2) and no reactors were found on the first test; or

(*b*) All birds are located on premises and originated from premises where U.S. Typhimurium Controlled flocks, tested in accordance with § 145.43(d) (1) (i) (*a*), were maintained for a 2-year period with no evidence of S. typhimurim infection, and no subsequent evidence of infection found. Flocks must be located within a State in which all isolations of S. typhimurium are reported promptly to both the Official State Agency and the State Animal Disease Control Official.

(ii) The flock is maintained in compliance with the provisions of § 147.21 of this chapter, and the hatching eggs are handled in compliance with the provisions of § 147.22 of this chapter in a manner satisfactory to the Official State Agency. All eggs used for hatching shall be visibly clean and fumigated as described in § 147.25(a) of this chapter as soon as possible after collection. Each flock and premises shall be inspected at least once during the egg production season by a State Inspector to ascertain that these provisions are being followed. The Official State Agency shall immediately terminate the U.S. Typhimurium Controlled classification of flocks found to be in noncompliance with these provisions.

(2) In order to sell hatching eggs or poults of this classification, all hatching eggs and poults handled must meet the requirements for this classification.

(3) Hatcheries producing products of this classification shall be maintained in compliance with the provisions of §§ 147.23, 147.24, and 147.25 of this chapter in a manner satisfactory to the Official State Agency.

Subpart E—Special Provisions for Waterfowl, Exhibition Poultry, and Game Bird Breeding Flocks and Products

§ 145.51 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Waterfowl.* Domesticated fowl that normally swim, such as ducks and geese.

(b) *Exhibition poultry.* Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

(c) *Game birds.* Domesticated fowl such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

§ 145.52 Participation.

Participating flocks of waterfowl, exhibition poultry, and game birds, and the eggs and baby poultry produced from them, shall comply with the applicable general provisions of Subpart A of this part and the special provisions of this Subpart E.

(a) All eggs should be fumigated at the hatchery as described in § 147.25(a) or (b) or (c) of this chapter. All eggs should be refumigated after transfer to the hatchery as described in § 147.25(d) of this chapter.

(b) Started poultry shall lose their identity under Plan terminology when not maintained by Plan participants under the conditions prescribed in § 145.5(a).

§ 145.53 Terminology and classification.

Participating flocks, and the eggs and baby poultry produced from them, which have met the respective requirements specified in this section may be designated by the following terms and the corresponding designs illustrated in § 145.10.

(a) *U.S. Approved.* All males and females selected by Authorized Agents or State Inspectors according to standards prescribed by the Official State Agency or the State College of Agriculture.

(b) *U.S. Pullorum-Typhoid Clean.* A flock in which freedom from pullorum and typhoid has been demonstrated by one of the following criteria (See § 145.14 relating to the official blood test.):

(1) It has been officially blood tested within the past 12 months with no reactors.

(2) It is a multiplier breeding flock meeting the following specifications:

(i) The flock is located in a State where all persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(ii) The flock is composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision; and

(iii) A sample comprised of at least 25 percent of the birds in the flock has been officially blood tested within the past 12 months with no reactors, or its progeny has been been subjected to an approved 10-day poultry mortality bacteriological examination monitoring program and bacteriological examination of a fluff sample from selected hatches as prescribed by the Official State Agency: *Provided*, That when the blood testing procedure is used, the percentage of the flock included in the sample may be reduced by 5 percentage points following each year in which there is no evidence of infection on the premises: *And provided further*, That the sample tested for the qualification of a flock under this subparagraph shall include at least 500 birds the first year, 400 the second year, 300 the third year, 200 the fourth year, and 100 the fifth year.

(3) It is a multiplier breeding flock composed entirely of birds that originated from U.S. Pullorum-Typhoid Clean primary breeding flocks or from flocks that met equivalent requirements under official supervision, and is located in a State in which it has been determined by the ASR Division that:

(i) All hatcheries, except turkey hatcheries, within the State are qualified as "National Plan Hatcheries" or have met equivalent requirements for pullorum-typhoid control under official supervision;

(ii) All hatchery supply flocks, except turkey flocks, within the State, are qualified as U.S. Pullorum-Typhoid Clean or have met equivalent requirements for pullorum-typhoid control under official supervision: *Provided*, That if other domesticated fowl are maintained on the same premises as the participating flock, freedom from pullorum-typhoid infection shall be demonstrated by an official blood test of each of these fowl;

(iii) All shipments of products other than U.S. Pullorum-Typhoid Clean, or equivalent, into the State are prohibited;

(iv) All persons performing poultry disease diagnostic services within the State are required to report to the Official State Agency within 48 hours the source of all poultry specimens from which S. pullorum or S. gallinarum is isolated;

(v) All reports of S. pullorum or S. gallinarum isolations from poultry are promptly followed by an investigation by the Official State Agency to determine the origin of the infection;

(vi) All flocks found to be infected with pullorum or typhoid are quarantined until marketed or destroyed under the supervision of the Official State Agency, or until subsequently blood tested, following the procedure for reacting flocks as contained in § 145.14(a)(5), and all birds fail to demonstrate pullorum or typhoid infection;

(vii) All poultry, except turkeys, going to public exhibition come from U.S. Pullorum-Typhoid Clean or equivalent flocks, or have had a negative pullorum-typhoid test within 90 days of going to public exhibition;

(viii) Discontinuation of any of the conditions or procedures described in subdivisions (i), (ii), (iii), (iv), (v), (vi), and (vii) of this subparagraph, or the occurrence of repeated outbreaks of pullorum or typhoid in poultry breeding flocks, other than turkey flocks, within or originating within the State shall be grounds for revocation of the determination. Such action shall not be taken until a thorough investigation has been made by the ASR Division and the Official State ~~Agency~~ has been given an opportunity for a hearing.

(4) It is a multiplier breeding flock located in a State which has been determined to be in compliance with the provisions of § 145.53(b)(3), and in which pullorum disease or fowl typhoid is not known to exist nor to have existed in hatchery supply flocks, other than turkey flocks, within the State during the preceding 24 months.

(5) It is a primary breeding flock located in a State determined to be in compliance with the provision of § 145.53 (b)(4), and in which a sample of 300 birds from flocks of more than 300, and each bird in flocks of 300 or less, has been officially tested for pullorum-typhoid within the past 12 months with no reactors: *Provided*, That a bacteriological examination monitoring program acceptable to the Official State Agency and approved by the ASR Division may be used in lieu of blood testing.

(c) *U.S. M. Gallisepticum Clean.* (1) A flock maintained in compliance with the provisions of § 147.26 of this chapter and in which freedom from M. gallisepticum has been demonstrated by one of the following procedures:

(i) All birds have been tested as provided in § 145.14(b) when more than 5 months of age: *Provided*, That to retain this classification, a random sample of at least 10 percent of the flock shall be tested at intervals of not more than 60 days; or

(ii) It is a multiplier breeding flock which originated as U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks, and samples comprising at least 10 percent of the birds in the flock have been tested, as provided in § 145.14(b), twice between the ages of 8 weeks and 22 weeks, with an interval of not less than 60 days between the two tests: *Provided*, That to retain this classification, the flock shall be subjected to one of the following procedures:

(*a*) At intervals of not more than 90 days, a random sample of at least 5 percent of the flock shall be tested; or

(*b*) At intervals of not more than 30 days, a sample of at least 25 cull baby poultry produced from the flock shall be subjected to approved laboratory procedures for the detection and recovery of M. gallisepticum; or

(*c*) At intervals of not more than 60 days, serum samples obtained from at least 100-day-old baby poultry produced from the flock shall be examined for M. gallisepticum antibodies.

(2) A participant handling U.S. M. Gallisepticum Clean products shall keep these products separate from other products in a manner satisfactory to the Official State Agency: *Provided*, That U.S. M. Gallisepticum Clean baby poultry from primary breeding flocks shall be produced in incubators and hatchers in which only eggs from flocks qualified under subdivision (i) of subparagraph (1) of this paragraph are set.

(3) U.S. M. Gallisepticum Clean baby poultry shall be boxed in clean boxes and delivered in clean, disinfected trucks.

PART 147—AUXILIARY PROVISIONS OF THE NATIONAL POULTRY IMPROVEMENT PLAN

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Subpart A—Blood Testing Procedures

§ 147.1 The standard tube agglutination test.[1]

(a) The blood samples should be collected and delivered as follows:

(1) The blood samples should be taken by properly qualified and authorized persons only, and in containers provided by the laboratory. The containers should be stoutwalled test tubes, preferably ⅜ inch by 3 inches, without lip, or small well-selected medicine vials, which have been throughly cleaned and dried in a hot-air drying oven. If stoppers are used, they should be thoroughly cleaned and dried.

(2) Sufficient blood should be procured by making a small incision in the large median wing vein with a small sharp lancet and allowing the blood to run into the tube, or by the use of a small syrings (with 20- or 21-gage needle) which is properly cleansed between bleedings with physiological saline solution. To facilitate the separation of the serum, the tubes should be placed in a slanted position until the blood has solidified. After the blood has completely clotted, they should be packed and shipped by mail (special delivery), rapid express, or by messenger, to the laboratory. All labeling must be clear and permanent, and may be done with a suitable pencil on etched portions of the tube, or by means of fast-gum labels.

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[1] The procedure described is a modification of the method reported in the Proceedings of the United States Live Stock Sanitary Association, Nov. 30 to Dec. 2, 1932, pp. 487 to 491.

(3) The blood samples must reach the laboratory in a fresh and unhemolyzed condition. Hemolyzed samples should be rejected. It is imperative, therefore, to cool the tubes immediately after slanting and clotting, and unless they reach the laboratory within a few hours, to pack them with ice in special containers, or use some other cooling system which will insure their preservation during transportation. In severe cold seasons, extreme precautions must be exercised to prevent freezing and consequent laking. The samples must be placed in cold (5° to 10° C.) storage, immediately upon arrival at the laboratory.

(b) The antigen shall consist of representative strains of S. pullorum which are of known antigenic composition, high agglutinability, but are not sensitive to negative and nonspecific sera. The stock cultures may be maintained satisfactorily by transferring to new sloped agar at least once a month and keeping at 18° to 25° C. (average room temperature) in a dark closet or chest, following incubation for from 24 to 36 hours at 37° C. The antigenic composition and purity of the stock cultures should be checked consistently.

(c) A medium which has been used satisfactorily has the following composition:

Water	1,000 cc.
Difco beef extract	4 gm. (0.4 percent).
Difco Bacto-peptone	10 gm. (1.0 percent).
Difco dry-granular agar.	20 gm. (2.0 percent).
Reaction—pH 6.8 to 7.2.	

(d) Large 1-inch test tubes, Kolle flasks, or Blake bottles should be streaked liberally over the entire agar surface with inoculum from 48-hour slant agar cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 48 hours at 37° C., and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(e) Thiosulfate-Glycerin (TG) medium may be used as an alternate medium for the preparation of tube agglutination antigen. The TG medium, formerly used for the preparation of stained, whole-blood antigen, is described in more detail in the article by MacDonald, A.D., Recent Developments in Pullorum Antigen for the Rapid, Whole-Blood Test, Report of the Conference of the National Poultry Improvement Plan, pages 122–127, 1941. This medium provides a tube antigen of excellent specificity and greatly increases the yield of antigen from a given amount of medium. The TG medium has the following composition:

Beef infusion	1,000 cc.
Difco Bacto-peptone	20 gm. (2.0 percent).
Sodium thiosulfate	5 gm. (0.5 percent).
Ammonium chloride	5 gm. (0.5 percent).
Glycerin, U.S.P. (95 percent)	20 cc. (2.0 percent).
Difco dry-granular agar	30 gm. (3.0 percent).
Reaction—pH 6.8 to 7.2.	

Large 1-inch test tubes, Kolle flasks, Blake bottles, or Erlenmeyer flasks should be seeded over the entire agar surface with inoculum from 24-hour beef infusion broth cultures prepared from the stock cultures of the selected strains. The antigen-growing tubes or bottles should be incubated 96 hours at 37° C., and the surface growth washed off with sufficient phenolized (0.5 percent) saline (0.85 percent) solution to make a heavy suspension. The suspension should be filtered free of clumps through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. The antigen then should be centrifuged. The mass of bacteria should be removed from the centrifuge tubes or bowl and resuspended in saline (0.85 percent) solution containing 0.5 percent phenol. After the bacterial mass has been uniformly suspended in the diluent, it should be again passed through a cotton pad in a Buchner funnel without the aid of suction. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

(f) The diluted antigen to be used in the routine testing should be prepared from the stock antigen by dilution of the latter with physiological (0.85 percent) saline solution containing 0.25 percent of phenol to a turbidity corresponding to 0.75–1.00 on the McFarland nephelometer scale. The hydrogen-ion concentration of the diluted antigen should be corrected to pH 8.2 to 8.5 by the addition of dilute sodium hydroxide. New diluted antigen should be prepared each day and kept cold. The diluted anitgen may be employed in 2 cc. quantities in 4- by ½-inch test tubes, or 1 cc. quantities in smaller tubes, in which the final serum-antigen mixtures are made and incubated. The distribution of the antigen in the tubes may be accomplished by the use of long burettes, or special filling devices made for the purpose.

(g) The maximum serum dilution employed must not exceed 1:50 for chickens, nor 1:25 for turkeys. The available data indicate that 1:25 dilution is the most efficient. In all official reports on the blood test, the serum dilutions shall be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum-delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(h) The results shall be recorded as:

N, or — (negative) when the serum-antigen mixture remains uniformly turbid.
P, or + (positive) when there is a distinct clumping of the antigen, and the liquid between the agglutinated particles is clear.
S, or ? (suspicious) when the agglutination is only partial or incomplete.
M, or missing, when samples listed on the original record sheet are missing.
H, or hemolyzed, when blood samples are hemolyzed and cannot be tested.
B, or broken, when sample tubes are broken and no serum can be obtained.

(Some allowances must always be made for the difference in sensitiveness of different antigens and different setups, and therefore, a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

§ 147.2 The rapid serum test.[2]

(a) The procedure for the collection and delivery of blood samples in the rapid serum test is the same as that described in § 147.1(a).

(b) The selection and maintenance of suitable strains of S. pullorum and the composition of a satisfactory medium are described in § 147.1 (b) and (c).

(c) Large 1-inch test tubes, Kolle flasks, or Blake bottles are streaked liberally from 48-hour slant-agar cultures prepared from stock cultures of the selected strains.

(d) The antigen-growing tubes or bottles should be incubated 48 hours at 37° C., and the surface growth washed off with a very slight amount of 12 percent solution of sodium chloride containing 0.25 to 0.5 percent phenol, filtered through lightly packed sterile absorbent cotton placed in the apex of a sterile funnel.

(e) The washings should be adjusted (using 12 percent sodium chloride containing 0.25 to 0.5 percent phenol) so that the turbidity is 50 times greater than tube 0.75 of McFarland's nephelometer, or to a reading of 7 mm. by the Gates nephelometer.

(f) The individual strain antigens should be tested with negative sera for their insensitivity and with positive sera for high agglutinability in comparison with known satisfactory antigen. The antigens of the separate strains should be combined in equal volume-density and stored in the refrigerator (5° to 10° C.) in tightly stoppered bottles.

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[2] The procedure described is a modification of the method reported by Runnels, Coon, Farley, and Thorpe, Amer. Vet. Med. Assoc. Jour. 70 (N.S. 23): 660–662 (1927).

(g) The tests should be conducted on a suitable, smooth plate. The serum-antigen dilution should be made so that the dilution will not exceed 1:50 when compared to the standard tube agglutination test. When testing turkey blood samples, it is desirable to use a serum-antigen dilution equivalent to the 1:25 in the tube method. The serum should be added to the antigen and mixed thoroughly by use of the tip of the serum pipette. Most strong positive reactions will be plainly evident within 15 to 20 seconds. The final reading should be made at the end of 2 or 3 minutes. Heating the plate at approximately 37° C. will hasten agglutination. Before reading, the plate should be rotated several times.

(h) The results shall be recorded in § 147.1(h).

§ 147.3 The stained-antigen, rapid, whole-blood test.[3]

(a) The description of the preparation of antigen is not herein included because the antigen is a proprietary product produced only under license from the Secretary of Agriculture.

(b) A loop for measuring the correct quantity of blood can usually be obtained from the manufacturer of the antigen. A satisfactory loop may be made from a piece of No. 20 gage nichrome wire, 2½ inches long, at the end of which is fashioned a loop three-sixteenths of an inch in diameter. Such a loop, when filled with blood so that the blood appears to bulge, delivers 0.02 cc. A medicine dropper whose tip is adjusted to deliver 0.05 cc. is used to measure the antigen. A glass plate about 15-inches square, providing space for 48 tests, has proved satisfactory for this work. The use of such a plate enables the tester to have a number of successive test mixtures under observation without holding up the work to wait for results before proceeding to the next bird.

(c) A drop of antigen should be placed on the testing plate. A loopful of blood should be taken up from the wing vein. When submerged in the blood and then carefully withdrawn, the loop becomes properly filled. On looking down edgewise at the filled loop, one observes that the blood appears to bulge. The loopful of blood then should be stirred into the drop of antigen, and the mixture spread to a diameter of about 1 inch. The loop then should be rinsed in clean water and dried by touching it to a piece of clean blotting paper, if necessary. The test plate should be rocked from side to side a few times to mix the antigen and blood thoroughly, and to facilitate agglutination. The antigen should be used according to the directions of the producer.

(d) Various degrees of reaction are observed in this as in other agglutination tests. The greater the agglutinating ability of the blood, the more rapid the clumping and the larger the clumps. A positive reaction consists of a definite clumping of the antigen surrounded by clear spaces. Such reaction is easily distinguished against a white background. A somewhat weaker reaction consists of small but still clearly visible clumps of antigen surrounded by spaces only partially clear. Between this point and a negative or homogeneous smear, there sometimes occurs a very fine granulation barely visible to the naked eye; this should be disregarded in making a diagnosis. The very fine marginal clumping which may occur just before drying up is also regarded as negative. In a nonreactor, the smear remains homogeneous. (Allowance should be made for differences in the sensitiveness of different antigens and different setups, and therefore, a certain amount of independent, intelligent judgment must be exercised at all times. Also, the histories of the flocks require consideration. In flocks where individuals show a suspicious agglutination, it is desirable to examine representative birds bacteriologically to determine the presence or absence of S. pullorum.)

§ 147.4 The tube agglutination test for S. typhimurium.

(a) The procedure for the collection and delivery of blood samples in the tube agglutination test for S. typhimurium is the same as that described in § 147.1(a).

(b) The "O" antigen should be prepared as follows:

(1) The antigen shall consist of a representative nonmotile strain of S. typhimurium which is of known antigenic composition and high agglutinability but is not sensitive to negative and nonspecific sera. Strain P 10 meets these requirements.

(2) The stock culture is maintained on 1 percent nutrient agar deeps, which have been incubated for 18–24 hours at 37° C. They are stored at room temperature.

(3) A satisfactory medium used for growing the organism is veal infusion agar (Difco). It is dispensed in 50 ml. amounts into 500 ml. medicine bottles, with screw caps, and sterilized at 15 pounds pressure for 20 minutes. The bottles are then laid flat upon an even surface until the medium has solidified.

(4) The inoculum used for preparation of "O" antigen is a nonmotile strain of S. Typhimurium. The organism is grown in veal infusion broth (Difco) for 18–24 hours at 37° C.; then plated, for single colony isolation, on veal infusion agar plates. These plates are incubated for 18–24 hours at 37° C. After incubation, single colonies are picked and transferred to veal infusion agar slants, which are incubated for 18–24 hours at 37° C. After this, the cultures are tested for smoothness by using a 1:500 dilution of acriflavine.

(5) Smooth cultures are inoculated into flasks containing veal or beef infusion broth which is incubated for 18–24 hours at 37° C. The incubated broth suspension of organisms is dispensed into the antigen bottles containing veal infusion agar. The suspension is distributed evenly over the agar surface by gently tilting the bottles from side to side. The inoculated bottles are then laid flat, agar side down, for 10–20 minutes. They are subsequently incubated, agar side upward, for 24–48 hours at 37° C. before harvesting.

(6) The harvesting of the organism consists of washing the growth from each antigen bottle with 0.5 percent phenolized physiological saline. The bacterial suspension from each bottle is filtered through sterile milk pad filters into a large sterile container or through a thin layer of absorbent cotton in a Buchner funnel with the aid of suction. To each 100 ml. of the bacterial suspension is added additional phenol to make the final concentration 0.5 percent. The concentrated antigen is tested for sterility at intervals after 24 hours. After sterility is proved, the stock antigen is standardized to determine the density according to the McFarland nephelometer scale.

(7) The diluted antigen to be used in routine testing is prepared from stock antigen, by diluting with 0.25 percent phenolized saline, and is standardized to a turbidity corresponding to 0.75–1.00 of the McFarland nephelometer scale.

(c) The maximum serum dilution employed for the "O" antigen tube test must not exceed 1:25. In all official reports on the blood test, the serum dilutions should be indicated. The sera should be introduced into the agglutination tubes in the desired amounts with well-cleaned serological pipettes or special serum delivery devices which do not permit the mixing of different sera. The antigen and serum should be well mixed before incubation. The serum and antigen mixture must be incubated for at least 20 hours at 37° C.

(d) The results shall be recorded as described in § 147.1(h).

Subpart B—Bacteriological Examination Procedure

§ 147.11 Laboratory procedure recommended for the bacteriological examination of reactors.

(a) The pericardial sac, peritoneum, oviduct, and any visibly pathological tissues should be cultured on beef extract agar or tryptose agar by means of sterile swabs. Sterile technique should be followed. (Primary culture of these organs in a suitable nutrient broth and transfer to a suitable nutrient agar is optional.)

(b) The following organs should be aseptically collected for culture:

(1) Heart (apex, pericardial sac, and contents if present);

(2) Liver (portions exhibiting lesions or, in grossly normal organs, the drained gall bladder and adjacent liver tissues);

(3) Ovary-Testes (entire inactive ovary or testes, but if ovary is active, use own judgment and include any atypical ova);

(4) Oviduct (if active, include any debris and dehydrated ova);

(5) Pancreas; and

(6) Spleen.

(c) A composite sample of the organs listed in § 147.11(b) should be ground in a sterile mortar or suitable blender. Individual organs may be used if desired. Nutrient broth should be added as a

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[3] The procedure described is a modification of the method reported by Schaffer, MacDonald, Hall, and Bunyea, Jour. Amer. Vet. Med. Assoc. 79 (M.S. 32); 236–240 (1931).

diluent. Ten cc. of this suspension should be inoculated into 100 cc. of either Selenite F broth or Tetrathionate broth, and into 100 cc. of a suitable noninhibitory nutrient broth.

(d) After 24 hours incubation at 37° C., a loopful of the broth cultures from each flask should be streaked on a suitable noninhibitory solid medium, such as tryptose agar, and one of the following selective media: Salmonella-Shigella (SS), MacConkey, Brilliant Green, Bismuth Sulfite, or Desoxycholate Citrate Lactose Sucrose (D.C.L.S.) agar. (All of these media may be obtained in dehydrated form.) If no suspicious colonies are observed after 24 hours incubation, the enrichment broths should be restreaked on solid media.

(e) A portion of the crop wall and intestine to include the cecal tonsils are put into either Selenite F or Tetrathionate broth and incubated for 24 hours at 37° C. Transfers should be made from the broth onto agar plates as indicated in § 147.11(d).

(f) Suspicious single colonies should be subcultured on nutrient agar or triple sugar iron agar slants and incubated for 24 hours at 37° C.

(g) Cultures should be transferred to the following fermentable media for identification: dextrose, lactose, sucrose (saccharose), mannite (mannitol), maltese, dulcite (dulcitol), and salicin broths. Suitable tests also should be conducted for the detection of indole, hydrogen sulfide, acetylmethylcarbinol, and urease production. Motility or nonmotility is demonstrated by inoculation of a suitable semisolid medium. For the Gram stain, a 24-hour nutrient agar slant culture should be used.

(h) All Salmonella cultures isolated should be serologically typed.

Subpart C—Sanitation Procedures

§ 147.21 Flock sanitation.

To aid in the maintenance of healthy flocks, the following procedures should be practiced:

(a) Baby poultry should be started in a clean brooder house and maintained in constant isolation from older birds and other animals. Personnel that are in contact with older birds and other animals should take precautions, including disinfection of footwear and change of outer clothing, to prevent the introduction of infection through droppings that may adhere to the shoes, clothing, or hands. (See § 147.24(a).)

(b) Range used for growing young stock should not have been used for poultry the preceding year. Where broods of different ages must be kept on the same farm, there should be complete depopulation of brooder houses and other premises following infection of such premises by any contagious disease.

(c) Poultry houses should be screened and proofed against free-flying birds. An active rodent eradication campaign is an essential part of the general sanitation program. The area adjacent to the poultry house should be kept free from accumulated manure, rubbish, and unnecessary equipment. Dogs, cats, sheep, cattle, horses, and swine should never have access to poultry operations. Visitors should not be admitted to poultry areas, and authorized personnel should take the necessary precautions to prevent the introduction of disease.

(d) Poultry houses and equipment should be thoroughly cleaned and disinfected prior to use for a new lot of birds. (See § 147.24(a).) Feed and water containers should be situated where they cannot be contaminated by droppings and should be frequently cleaned and disinfected. Dropping boards or pits should be constructed so birds do not have access to the droppings.

(e) Poultry house floors, other than slats or wire, should be well covered with an absorbent type of litter. Frequent stirring of the litter may be necessary to reduce excess moisture and prevent surface accumulation of droppings. Slat or wire floors should be constructed so as to permit free passage of droppings and to prevent the birds from coming in contact with the droppings. Nesting areas should be kept clean and, where appropriate, filled with clean nesting material.

(f) When an outbreak of disease occurs in a flock, dead or sick birds should be taken, by private carrier, to a diagnostic laboratory for complete examination. All Salmonella and Arizona cultures isolated should be typed serologically, and complete records maintained by the laboratory as to types recovered from each flock within an area. Records on isolations and serological types should be made available to Official State Agencies or other animal disease control regulatory agencies in the respective States for followup of foci of infection. Such information is necessary for the development of an effective Salmonella control program.

(g) Introduction of started or mature birds should be avoided to reduce the possible hazard of introducing infectious diseases. If birds are to be introduced, the health status of both the flock and introduced birds should be evaluated.

(h) In rearing broiler or replacement stock, a sound and adequate immunization program should be adopted. Since different geographic areas may require certain specific recommendations, the program recommended by the State experiment station or other State agencies should be followed.

§ 147.22 Hatching egg sanitation.

Hatching eggs should be collected from the nests at frequent intervals and, to aid in the prevention of contamination with disease causing organisms, the following practices should be observed:

(a) Cleaned and disinfected containers should be used in collecting the eggs, and precautions taken to prevent contamination from organisms that may be present on the hands or clothing of the person making the collection.

(b) Dirty eggs should not be used for hatching purposes and should be collected in a separate container from hatching eggs. Slightly soiled eggs may be dry cleaned by hand or motor driven buffer.

(c) The visibly clean eggs should be fumigated as described in § 147.25(a) as soon as possible after collection.

(d) The fumigated eggs should be stored in a cool place. Eggs should be stored no longer than necessary before setting. Packs used for storing eggs should be properly cleaned and disinfected.

(e) New or clean, fumigated cases should be used to transport eggs to the hatchery. Soiled egg case fillers should be destroyed.

§ 147.23 Hatchery sanitation.

An effective program for the prevention and control of Salmonella and other infections should include the following measures:

(a) The hatchery building should be arranged so that separate rooms, with separate ventilation, are provided for each of the four operations: Egg receiving, incubation and hatching, holding of baby poultry, and disposal of offal and cleaning of trays. These rooms should be placed under isolation so that admission is granted only to specifically authorized personnel who have taken proper precautions to prevent introduction of disease.

(b) The hatchery rooms, and tables, racks, and other equipment in them should be thoroughly cleaned and disinfected frequently. All hatchery wastes and offal should be burned or otherwise properly disposed of, and the containers used to remove such materials should be cleaned and sterilized after each use.

(c) The hatching compartments of incubators, including the hatching trays, should be thoroughly cleaned and fumigated after each hatch.

(d) Only clean eggs should be used for hatching purposes. All eggs set should be fumigated prior to setting or as soon as possible (preferably within 12 hours) after they are placed in the incubator. They should also be fumigated after transfer to a separate hatcher. (See § 147.25(d).)

(e) Only new or clean, fumigated egg cases should be used for transportation of hatching eggs. Soiled egg case fillers should be destroyed.

(f) Day-old chicks, poults, or other newly hatched poultry should be distributed in clean, new boxes. All crates and vehicles used for transporting started or adult birds should be cleaned and disinfected after each use.

§ 147.24 Cleaning and disinfecting.

(a) In the poultry houses and hatchery rooms:

(1) Settle dust by spraying lightly with the disinfectant to be used.

(2) Remove all litter and droppings to an isolated area where there is no opportunity for dissemination of any infectious disease organisms that may be present.

(3) Scrub the walls, floors, and equipment with a hot soapy water solution. Rinse to remove soap.

(4) Spray with a cresylic disinfectant, such as liquor cresolis saponatus,

4 ounces to the gallon of water, or sodium orthophenylphenate, 1⅓ ounces (1 heaping tablespoonful) to a gallon of hot water.

(b) In the hatchers:

(1) Remove trays and all controls and fans for separate cleaning. The ceiling, walls, and floors should be thoroughly wetted with a stream of water; then scrubbed with a hard bristle brush. Rinse until there is no longer any deposit on the walls, particularly near the fan opening.

(2) Replace the cleaned fans and controls. Replace the trays, preferably still wet from cleaning, and bring the incubator to normal operating temperature.

(3) The hatcher should be fumigated as described in § 147.25(e) prior to the transfer of the eggs.

(c) If the same machine is used for incubating and hatching, the entire machine should be cleaned after each hatch. A vacuum cleaner should be used to remove dust and down from the egg trays; then the entire machine should be vaccumed, mopped, and fumigated according to the procedures described in § 147.25(b) (3), (4), and (5).

§ 147.25 Fumigation.

Fumigation is recommended for sanitizing eggs and hatchery equipment as an essential part of a sanitation program.

(a) Fumigation of clean eggs after collection should be done as follows:

(1) Provide a room or cabinet proportionate to the number of eggs to be handled. The room should be relatively tight and must be equipped with a fan to circulate the gas during fumigation and to expel it after fumigation.

(2) The eggs should be placed on wire racks, in wire baskets, or on cup-type egg flats stacked outside of the egg cases (to permit air circulation), and exposed to circulating formaldehyde gas.

(3) Formaldehyde gas is provided by mixing 0.6 gram of potassium permanganate with 1.2 cc. of formalin (37.5 percent) for each cubic foot of space in the room. The ingredients should be mixed in an earthenware or enamelware container having a capacity at least ten times the volume of the total ingredients.

(4) Circulate the gas within the room for 20 minutes; then expel.

(5) The temperature in the cabinet during fumigation should be at least 70° F., and the relative humidity above 70 percent.

(b) Eggs should be fumigated at the hatchery prior to setting or as soon as possible after setting (preferably within 12 hours). Single or repeated fumigation of eggs in the setter may be practiced, but the fumigation schedule should be such that no eggs are fumigated during the period from the 24th to the 84th hour of incubation. The following procedure should be used:

(1) Determine the size of the incubator by multiplying the length times the width times the height.

(2) After setting the eggs and allowing temperature and humidity to regain normal operating levels, release formaldehyde gas into the incubator.

(3) For each cubic foot of space in the incubator, use 0.4 grams of potassium permanganate and 0.8 cc. of formalin (37.5 percent). For mixing the fumigant, use an earthenware or enamelware container having the capacity of at least 10 times the volume of the total ingredients.

(4) Close vents and doors but keep circulating fan operating, and continue fumigation for 20 minutes with normal operating temperature and humidity.

(5) After 20 minutes of fumigation, the vents should be opened to the normal operating positions to release the gas.

(c) Eggs which have not been fumigated in the hatchery as described in paragraph (b) of this section should be fumigated after the 84th hour of incubation. The procedure described in paragraph (b) of this section should be followed.

(d) All eggs should be fumigated after transfer to a separate hatcher, preferably as soon as the temperature and humidity regain normal operating levels. The procedure described in paragraph (b) of this section should be followed.

(e) Empty hatchers should be fumigated between each hatch. After the interior of the hatcher has been thoroughly cleaned and the cleaned trays returned, the following procedure should be followed:

(1) After temperature and humidity are brought to normal operating levels, use 0.6 grams of potassium permanganate and 1.2 cc. of formalin (37.5 percent) per cubic foot of space in the hatcher.

(2) Close the doors and vents and leave closed at least 3 hours, preferably overnight.

(f) The cheesecloth method of fumigation described in this paragraph may be used in lieu of the chemical method described in paragraph (b) of this section, using 0.6 cc. of formalin (37.5 percent) per cubic foot of space in the incubator, or paragraph (e) of this section, using 0.9 cc. of formalin (37.5 percent) for each cubic foot of space in the empty hatcher.

(1) Enough cheesecloth should be used to absorb all of the formalin that is to be used for the fumigation.

(2) The formalin-saturated cheesecloth should be hung in the cabinet in such a manner as to permit the circulating air to evaporate all the formalin. This will require longer than 20 minutes.

(3) Care should be taken to prevent the cheesecloth from blocking the air movement created by the fans.

(4) The cheesecloth method is not suitable for still air machines.

§ 147.26 Procedures for establishing isolation and maintaining sanitation and good management practices for the control of Mycoplasma gallisepticum.

(a) Required procedures:

(1) Allow no visitors except under controlled conditions;

(2) Maintain breeder flocks on farms free from market birds, or follow proper isolation procedures as approved by the Official State Agency;

(3) Eliminate other domesticated fowl from breeder farm;

(4) Dispose of all dead birds by burning, deep burial, or by putting them into special disposal pits.

(b) Recommended procedures:

(1) Avoid the introduction of Mycoplasma gallisepticum infected poultry;

(2) Prevent indirect transmission from outside sources through contaminated equipment, footwear, clothing, vehicles, or other mechanical means;

(3) Provide adequate isolation of breeder flocks to avoid airborne transmission from infected flocks;

(4) Minimize contact of breeder flocks with free-flying birds;

(5) Keep the rodent population and other pests under control;

(6) Tailor vaccination programs to needs of farm and area;

(7) Clean and disinfect equipment after each use;

(8) Provide clean footwear and provide an adequate security program;

(9) Clean and disinfect houses before introducing a new flock;

(10) Use well-drained range;

(11) Use clean, dry litter free of mold;

(12) Keep accurate records of death losses;

(13) Seek services of veterinary diagnostician if abnormal losses or signs of disease occur;

(14) Adopt and maintain a clean-egg program.

§ 147.27 Procedures recommended to prevent the spread of disease by artificial insemination of turkeys.

(a) The vehicle transporting the insemination crew shall be left as far as practical from the turkey pens.

(b) The personnel of the insemination crew should observe personal cleanliness, including the following sanitary procedures:

(1) Outer clothing shall be changed between visits to different premises so that clean clothing is worn upon entering each premises. The used apparel shall be kept separate until laundered. This also applies to gloves worn while handling turkeys;

(2) Boots or footwear shall be cleaned and disinfected between visits to different premises;

(3) Disposable caps shall be provided and discarded after use on each premises.

(c) The use of individual straw or similar technique is highly recommended. Insemination equipment which is to be reused shall be cleaned and disinfected before reusing. Equipment used for the convenience of the workers shall not be moved from premises to premises.

(d) No obviously diseased flock shall be inseminated. If evidence of active disease is noted after insemination is begun, operations should be stopped and the hatchery notified.

(e) Care should be taken during the collection of semen to prevent fecal contamination. If fecal material is present, it should be wiped off with a piece of cotton before the semen is collected. Likewise, care should be taken not to introduce fecal material into the oviduct of the hen.

Subpart D—Random Sample Performance Testing Procedures

§ 147.31 Random sample tests; general.

(a) The tests shall obtain specified performance data on representative samples of the stocks of two or more breeders, maintained under equal treatment with respect to housing, feeding, and management, at each test location.

(b) The tests shall be conducted by an impartial public agency.

(c) Samples shall be taken, preferably under the supervision of the Official State Agency, in accordance with the following procedures:

(1) The number and location of all flocks within the State supplying eggs of the grade to be tested shall be determined from Official State Agency records. By a process of drawing at random names or assigned numbers, determination shall be made from which of these flocks the sample is to be taken. The flock or flocks from which the sample is taken must include at least 1,000 birds.

(2) The eggs shall be taken from the nests, the farm egg room, or cases of hatching eggs or setting trays in the hatchery, in proportion to the number of birds in each flock represented.

(3) The sample shall not include eggs which, in the opinion of the sample taker, are unsuitable for hatching.

(4) The sample shall be placed in an appropriate container, and the container sealed with a distinctive seal or sealing tape by the sample taker.

(5) The sample taker shall furnish the Official State Agency and the test supervisor with a detailed report of the procedures followed in obtaining each sample.

(d) Entries shall be maintained in two or more replicates, and the performance of the replicates recorded separately.

(e) Pen assignments shall be made at random to reduce to a minimum any bias in results due to pen location.

§ 147.32 Random sample egg production tests.

(a) A minimum of 50 pullet chicks, hatched from the egg sample, shall be started for each entry.

(b) Records shall be kept on the performance of each entry until the birds reach 500 days of age.

(c) At the end of the test, and no later than November 1, the Supervisor shall submit to the ASR Division, for analysis and publication, a summary for each entry covering the following items:

(1) Name and address of entrant and the source of the sample;

(2) Breed or cross of breeds entered (indicating if entry is a pure strain, line cross, strain cross, breed cross, incross, incrossbred, or synthetic);

(3) Strain or trade name:

(4) Percent mortality to 150 days of age or subsequent age at housing;

(5) Percent laying house mortality computed from 150 days of age, or subsequent age at housing, to 500 days of age;

(6) Days of age to 50-percent production, calculated from the first day of the first 2 consecutive days of 50-percent production for living birds in the entry at that time;

(7) Number of eggs per pullet housed to 500 days of age;

(8) Percent hen-day production from the time the birds reached 50-percent production to 500 days of age:

(9) Income over feed and chick cost per pullet housed, with chick cost in 1,000 lots at hatch date adjusted for mortality (accidental deaths, sexing errors, and missing chicks not included);

(10) Pounds of feed per pound of eggs produced (weight of eggs produced shall be computed from production and egg weight records (bulk weighing) for each 2-week period throughout the test);

(11) Average annual egg weight, computed from bulk weighings at least every 2 weeks or 2 days a month at equal intervals;

(12) Percent large and extra large eggs, computed from all eggs laid 1 day each week per entry;

(13) Body weight at 150 days of age or subsequent age at housing, and at the end of test;

(14) Albumen quality—Haugh units measured on 1 day's eggs per quarter or every 3 months, at equal intervals, broken-out basis;

(15) Percentage of eggs with large blood spots, one-eighth inch or more, computed from at least 3 days' eggs per quarter, broken-out basis;

(16) Percentage of eggs with small blood spots, less than one-eighth inch, computed from at least 3 days' eggs per quarter, broken-out basis;

(17) Percentage of eggs with large colored meat spots, one-eighth inch or more, computed from at least 3 days' eggs per quarter, broken-out basis;

(18) Percentage of eggs with small colored meat spots, less than one-eighth inch, computed from at least 3 days' eggs per quarter, broken-out basis;

(19) Specific gravity score as determined from 1 day's eggs per quarter.

§ 147.33 Random sample meat production test.

(a) For the growing phase:

(1) An entry shall consist of at least 200 chicks hatched from a sample of eggs obtained as prescribed in § 147.31 or from an entry of the stock in the laying phase:

(2) Records shall be kept on the performance of each entry for a period determined by the test management;

(3) At the end of the test and no later than February 1, the Supervisor shall submit to the ASR Division, for analysis and publication, a summary for each entry covering the following items:

(i) Name and address of the entrant and the source of the sample;

(ii) Breed and strain or trade name of stock entered (including, for entries involving a cross of stocks, the identification of the stocks represented by the males and females in the parent flock);

(iii) Viability of chicks started to completion of test;

(iv) Average live weight of all pullets at completion of test;

(v) Average live weight of all cockerels at completion of test;

(vi) Percent eviscerated yield, by sexes, based on the live and eviscerated weights of all birds, or at least 50 birds of each sex selected at random, at the completion of the test;

(vii) Percent weight distribution in each U.S. Grade, by sexes, based on U.S. Classes, Standards and Grades for Poultry, as contained in 7 CFR Part 70, Subpart C (all factors considered except handling and dressing defects);

(viii) Feed conversion expressed as the pounds of feed required to produce a pound of live weight to the completion of test: and

(b) For the laying phase:

(1) An entry shall consist of a mating, including at least 50 pullets, representative of the stock entered. The birds in the entry shall be produced from a sample of eggs obtained as prescribed in § 147.31:

(2) Records shall be kept on the performance of each entry for a growing period of at least 150 days and an egg production period of 240 days;

(3) At the end of the test and no later than January 1, the Supervisor shall submit to the ASR Division, for analysis and publication, a summary for each entry covering the following items:

(i) Name and address of the entrant and the source of the sample;

(ii) Breed and strain or trade name of the stock entered and, for entries comprised of males of one and females of a different stock, the identification of each stock;

(iii) Percent mortality to 150 days of age or to subsequent age at housing:

(iv) Percent mortality from 150 days of age, or subsequent age at housing, to end of the 240-day period:

(v) Number of eggs per pullet housed to end of the 240-day period;

(vi) Percent hen-day production from the time the birds reached 50 percent production to end of the 240-day period. (The time of reaching 50 percent production shall be the first day of the first 2 consecutive days of 50 percent production for living birds in the entry at that time);

(vii) Average egg weight as computed from bulk weighings of all eggs laid at least 1 day a month;

(viii) Percent hatchability of all eggs set;

(ix) Body weight of females at end of test;

(x) Pounds of feed consumed during the 240-day period per dozen of eggs produced.

§ 147.34 Random sample tests; combined summary.

(a) The combined summary published by the ASR Division shall include the results of all acceptable tests, combined by stocks, with adjustments for test differences, and the use of other accepted statistical procedures.

(b) The provisions specified in § 147.31 and either § 147.32 or § 147.33 shall be used by the ASR Division as a guide for determining acceptability of test results for inclusion in the combined summary.

Subpart E—Procedure for Changing National Poultry Improvement Plan

§ 147.41 Definitions.

Except where the context otherwise requires, for the purposes of this subpart the following terms shall be construed, respectively, to mean:

(a) *Plan or NPIP*. The National Poultry Improvement Plan.

(b) *Plan Conference*. A meeting convened for the purpose of recommending changes in the provisions of the Plan.

(c) *Department*. The U.S. Department of Agriculture.

(d) *ASR Division*. The Animal Science Research Division of the Agricultural Research Service of the Department.

(e) *State*. Any State, the District of Columbia, or Puerto Rico.

(f) *Egg type chickens*. Chickens bred for the primary purpose of producing eggs for human consumption.

(g) *Meat type chickens*. Chickens bred for the primary purpose of producing meat.

(h) *Waterfowl*. Domesticated fowl that normally swim, such as ducks and geese.

(i) *Exhibition poultry*. Domesticated fowl which are bred for the combined purposes of meat or egg production and competitive showing.

(j) *Game birds*. Domesticated fowl, such as pheasants, partridge, quail, grouse, and guineas, but not doves and pigeons.

§ 147.42 General.

Changes in this subchapter shall be made in accordance with the procedure described in this subpart: *Provided*, That the Department reserves the right to make changes in this subchapter without observance of such procedure when such action is deemed necessary in the public interest.

§ 147.43 General Conference Committee.

(a) The General Conference Committee shall consist of the Poultry Coordinator in Charge, National Poultry Improvement Plan, ASR Division, and one member to be elected, as provided in paragraph (b) of this section, from each of the following regions:

(1) North Atlantic: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

(2) East North Central: Ohio, Indiana, Illinois, Michigan, and Wisconsin.

(3) West North Central: Minnesota, Iowa, Missouri, North Dakota, South Dakota, Nebraska, and Kansas.

(4) South Atlantic: Delaware, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and Puerto Rico.

(5) South Central: Kentucky, Tennessee, Alabama, Mississippi, Arkansas, Louisiana, Oklahoma, and Texas.

(6) Western: Montana, Idaho, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, and Hawaii.

(b) The committee members will be elected by the official delegates of the respective regions. One alternate member shall also be elected from each region. There shall be at least two nominees for each position, and the voting shall be by secret ballot.

(c) Three members shall be elected at each NPIP Conference. Each member shall serve for a period of 4 years, subject to the continuation of the committee by the Secretary of Agriculture, and may not succeed himself.

(d) The duties of the General Conference Committee are as follows:

(1) Determine whether new proposals (i.e., proposals that have not been submitted as provided in § 147.44) may be considered. New proposals will be considered only with the unanimous consent of the committee.

(2) During the interim between conferences, the committee shall represent the cooperating States in:

(i) Reviewing and giving recommendations regarding the Department's report of changes and editing of this subchapter to include the changes.

(ii) Serving in an advisory capacity with respect to administrative procedures and interpretations of the provisions of this subchapter.

(iii) Recommending to the Secretary of Agriculture such administrative changes in the requirements of the Plan as may be necessitated by unforeseen conditions when postponement until the next conference would seriously impair the operation of the program. Such changes shall remain in effect only until confirmed or rejected by the next NPIP Conference, or until sooner rescinded by the committee;

(iv) Assisting the ASR Division in formulating plans for the next conference.

§ 147.44 Submitting, compiling, and distributing proposed changes.

(a) Changes in this subchapter may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.

(b) Except as provided in § 147.43(d)(1), proposed changes shall be submitted in writing so as to reach the ASR Division not later than 150 days prior to the opening date of the Plan Conference, and participants in the Plan shall submit their proposed changes through their Official State Agency.

(c) The name of the proponent shall be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.

(d) The ASR Division will notify all persons on the NPIP mailing lists concerning the dates and general procedure of the conference. Hatchery and dealer participants will be reminded of their privilege to submit proposed changes and to request copies of all the published proposed changes.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by the ASR Division and issued in processed form. When two or more similar changes are submitted, the ASR Division will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to officials of the Official State Agencies cooperating in the NPIP. Additional copies will be made available for meeting individual requests.

§ 147.45 Official delegates.

Each cooperating State shall be entitled to one official delegate for each of the programs described in Subparts B, C, D, and E of Part 145 of this chapter in which it has one or more participants at the time of the conference. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended but not required that the official delegates be Plan participants. Each official delegate shall endeavor to obtain, prior to the conference, the recommendations of industry members of his State with respect to each proposed change.

§ 147.46 Committee consideration of proposed changes.

(a) The following five committees shall be established to give preliminary consideration to the proposed changes falling in their respective fields:

(1) Egg Type Chickens.
(2) Meat Type Chickens.
(3) Turkeys.
(4) Waterfowl, Exhibition Poultry, and Game Birds.
(5) General and Auxiliary Provisions.

(b) Each official delegate shall be appointed a voting member in one of the committees specified in paragraph (a) of this section.

(c) Since several of the proposals may be interrelated, the committees shall consider them as they may relate to others, and feel free to discuss related proposals with other committees.

(d) The committees shall make recommendations to the conference as a whole concerning each proposal. The committee report shall show any proposed change in wording and the record of the vote on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chairman of the conference, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal.

(e) The committee meetings shall be open to any interested person. Advocates for or against any proposal should feel free to appear before the appropriate committee and present their views.

§ 147.47 Conference consideration of proposed changes.

(a) The chairman of the conference shall be a representative of the Department.

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and the five committee chairmen shall sit at the speaker's table and assist the chairman of the conference.

(c) Each committee chairman shall present the proposals which his committee approves or recommends for adoption as follows: "Mr. Chairman. The committee on General and Auxiliary Provisions recommends the adoption of Proposal No. ______, for the following reasons (stating the reasons): I move the adoption of Proposal No. ______." A second will then be called for. If the recommendation is seconded, discussion and a formal vote will follow.

(d) Each committee chairman shall present the proposals which his committee does not approve as follows: "Mr. Chairman. The committee on General and Auxiliary Provisions does not approve Proposal No. ______." The chairman will then ask if any official delegate wishes to move for the adoption of the proposal. If moved and seconded, the proposal is subject to discussion and vote. If there is no motion for approval, or if moved but not seconded, there can be no discussion or vote.

(e) Discussion on any motion must be withheld until the motion has been properly seconded, except that the delegate making the motion is privileged, if he desires, to give reasons for his motion at the time of making it. To gain the floor for a motion or for discussion on a motion, the official delegate in the case of a motion, or anyone in case of discussion on a motion, shall rise, address the chair, give his name and State, and be recognized by the chair before proceeding further. While it is proper to accept motions only from official delegates and to limit voting only to such delegates, it is, however, equally proper to accept discussion from anyone interested. To conserve time, discussion should be pointed and limited to the pertinent features of the motion.

(f) Proposals that have not been submitted in accordance with § 147.44 will be considered by the conference only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the conference.

(g) Voting will be by States, and each official delegate, as determined by § 147.45, will be allowed one vote on each proposal pertaining to the program prescribed by the subpart which he represents.

(h) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman.

(i) All motions on proposed changes shall be for adoption.

(j) Proposed changes shall be adopted by a majority vote of the official delegates present and voting.

(k) The conference shall be open to any interested person.

§ 147.48 Approval of conference recommendations by the Department.

Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the NPIP. The Department reserves the right to approve or disapprove the recommendations of the conference as an integral part of its sponsorship of the National Poultry Improvement Plan.

Any person who wishes to submit written data, views, or arguments concerning the proposed revision of the National Poultry and Turkey Improvement Plans and Auxiliary Provisions may do so by filing them with the Director, Animal Science Research Division, Agricultural Research Center, Beltsville, MD 20705, within 30 days after publication hereof in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Done at Washington, D.C., this 11th day of May 1971.

GEORGE W. IRVING, Jr.,
Administrator,
Agricultural Research Service.

[FR Doc.71-6793 Filed 5-18-71;8:45 am]

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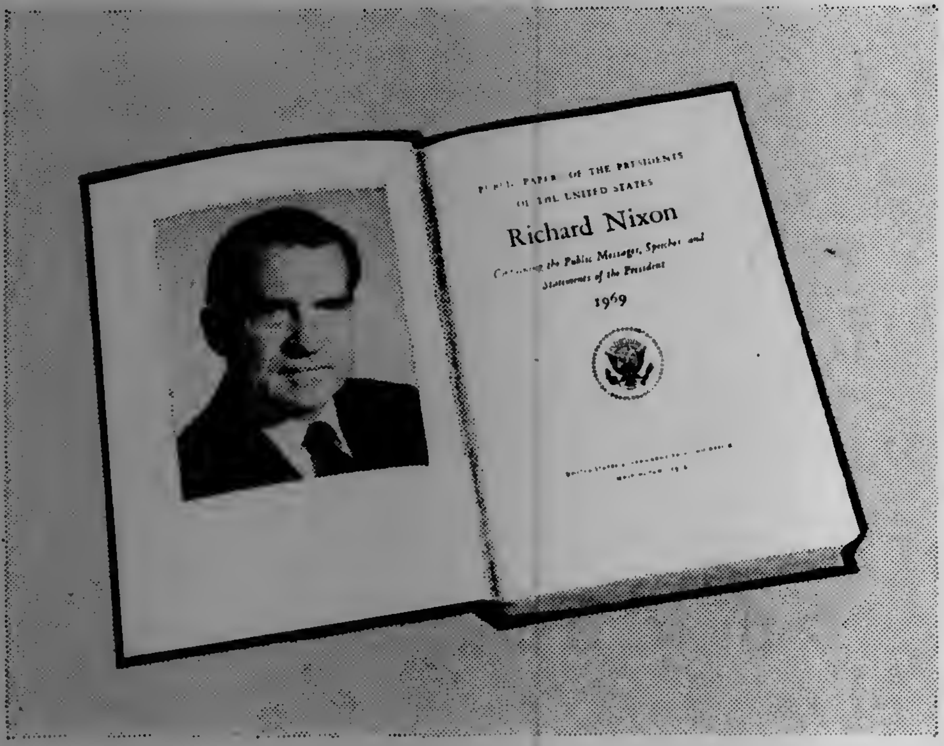

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Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

Subpart—U.S. Standards for Grades of Table Grapes (European or Vinifera Type) [1]

On April 8, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6755) regarding the revision of U.S. Standards for Grades of Table Grapes (European or Vinifera type) (7 CFR, §§ 51.880–51.912). These grade standards are issued under authority of the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U.S.C. 1621–1627), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers and consumers. Official grading services are also provided under this act upon request of any financially interested party and upon payment of a fee to cover the cost of such services.

Statement of considerations leading to the revision of the grade standards. Following publication in the FEDERAL REGISTER, copies of the proposed standards were distributed to industry organizations and committees, national consumer organizations and individuals for comment. The period for submission of comments ended May 10.

Most of the 21 letters and telegrams submitted in response to publication of the proposal were favorable. These were from growers, shippers and industry organizations handling a majority of the shipments of table grapes from Arizona and California. Four comments from receivers and retailers protested lowering the standards, one grower-shipper opposed higher standards. Three other comments, two from grower-shippers favored a public hearing on the proposal. Two of these also opposed the changes and one urged that the changes be delayed. Several of those registering favorable opinion in general requested certain deletions or other exceptions.

Most of the criticism was directed at the proposed changes in maturity requirements, conforming them to the requirements for the State in which the grapes are produced, in effect on the date the proposal was issued. Some California growers and shippers object to this because it will result in soluble solids requirements for certain varieties being lower for Arizona than for the California desert area, disregarding the fact that requirements for the same varieties vary within California according to areas of production. Arizona representatives asked that changes in their State regulations, effective after April 7, be recognized. This cannot be done until there is again opportunity for giving public notice of a proposed change in the standards.

The retailer comments which detailed specific objections indicated that customers are alienated by lowered maturity standards. One shipper also strongly advocated maintaining high maturity requirements as an aid in marketing grapes.

There was objection on the part of shippers to requiring U.S. Fancy Export grapes to be uniform in appearance inasmuch as this requirement is optional in the U.S. Fancy Table grade. There was also a request for liberalization of proposed color requirements for Cardinal grapes in the U.S. Fancy grade and for an additional tolerance for undersize bunches.

It would be desirable to have U.S. maturity requirements the same in all production areas. However, until agreement is achieved among all segments of the grape industry on such requirements, basing U.S. maturity requirements upon applicable State requirements is preferable to the confusion and misunderstanding that has existed in recent years because of the differences between State and Federal requirements. The maturity requirements, as well as other requirements and tolerenaces, will be under continual review. It is suggested that growers, shippers, and retailers cooperate in initiating consumer preference studies to obtain data needed for evaluation of the maturity requirements.

The "statement of considerations" published with the proposed standards included summaries of the Arizona and California maturity requirements. In addition to specific citations of the applicable State laws and regulations, the Arizona maturity requirements are quoted in the revised grade standards. Although its use is not specified, the hydrometer has been used by the Inspection Service in making these determinations in Arizona and the revised standards provide that it shall be used in testing Arizona grapes. The summaries of both Arizona and California requirements are not a part of the standards but are printed below as a convenience to users of the standards.

Arizona requires: Minimum soluble solids:

Thompson Seedless	16 percent.
Cardinal Robin Perlette	15 percent.
Exotic	14 percent.

OR

For all varieties, sugar/acid ratio of at least 18:1.

California requires: Minimum soluble solids (determined by refractometer) 16.5 percent, with some exceptions including:

Emperor Ribier Delight Perlette	15.5 percent.
Ladyfinger, Olivette Blanche, Other similar varieties	14.5 percent.
Exotic	14 percent.
Thompson Seedless grown north and west of San Gorgonio Pass	17 percent.
Beauty Seedless grown south and east of San Gorgonio Pass	15.5 percent.
Cardinal and Robin grown north and west of San Gorgonio Pass	15.5 percent.
Cardinal and Robin grown south and east of San Gorgonio Pass	14.5 percent.

OR

Thompson Seedless and Perlette having at least 15 percent and 14 percent soluble solids, respectively, and other varieties without regard to percentage of soluble solids, when having sugar/acid ratio of at least 20:1.

Changes relating to Cardinal color and to uniform appearance in the U.S. Fancy Export grade are made as requested. The U.S. Standards for Sawdust Pack Grapes will continue in effect until May 1, 1972. There is no duplication of grade designations between the "sawdust pack" and "table grape" standards. There is insufficient information available to justify an additional tolerance for undersize bunches. Observations will be made on this factor during the next season.

After consideration of all relevant matters presented by interested persons, the revision as so proposed is hereby adopted, subject to the following changes:

1. In § 51.883 the last three lines are changed to read "in addition meet the packaging requirements set forth in § 51.911".

2. Section 51.887 is changed.

3. In Table IV under heading "Red varieties", line 7, the words "Tokay variety" are changed to read "Tokay and Cardinal varieties".

It is hereby found that good cause exists for not postponing the effective date of this revision beyond the date of publication hereof in the FEDERAL REGISTER, in that: (1) The 1971 packing season for Table Grapes is scheduled to begin about May 20 and it is in the interest of the public and the industry that this revision be placed in effect at the earliest possible date; and (2) no special preparation is required for compliance with this revision on the part of members of the Table Grape industry or of others.

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[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Accordingly this revision shall become effective upon publication in the FEDERAL REGISTER.

Dated: May 18, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

GRADES

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51.880 U.S. Extra Fancy Table.
51.881 U.S. Extra Fancy Export.
51.882 U.S. Fancy Table.
51.883 U.S. Fancy Export.
51.884 U.S. No. 1 Table.

TOLERANCES

51.885 Tolerances.

APPLICATION OF TOLERANCES

51.886 Application of Tolerances.

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51.887 Maturity requirements.
51.888 Well developed grapes.
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51.901 Fairly well filled.
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51.905 Well developed and strong.
51.906 Diameter.
51.907 Serious damage.
51.908 Materially shriveled at capstem.
51.909 Straggly.
51.910 Container.
51.911 Export.

METRIC CONVERSION TABLE

51.912 Metric conversion table.

AUTHORITY: The provisions of this subpart issued under sections 203, 205, 60 Stat. 1087, as amended, 1090 as amended; 7 U.S.C. 1622, 1624.

GRADES

§ 51.880 U.S. Extra Fancy Table.

"U.S. Extra Fancy Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are uniform in appearance, well colored, and which meet the following requirements:

(a) Basic requirements for berries:

(1) Mature;

(2) Firm;

(3) Firmly attached to capstem;

(4) Not weak;

(5) Not shriveled at capstem;

(6) Not shattered;

(7) Not split or crushed;

(8) Not wet.

(b) Basic requirements for bunches:

(1) Fairly well filled;

(2) Not excessively tight for the variety.

(c) Basic requirements for stems:

(1) Well developed and strong;

(2) Not dry and brittle;

(3) At least yellowish-green in color except for Cardinal, Robin, Exotic, and Beauty Seedless varieties.

(d) Berries free from:

(1) Decay;

(2) Waterberry;

(3) Sunburn;

(4) Almeria Spot.

(e) Stems free from:

(1) Mold;

(2) Decay.

(f) Berries not damaged by:

(1) Any other cause.

(g) Bunches not damaged by:

(1) Shot berries;

(2) Dried berries;

(3) Other defective berries;

(4) Trimming away of defective berries;

(5) Any other cause.

(h) Stems not damaged by:

(1) Freezing;

(2) Any other cause.

(i) Size:

(1) For berries: Exclusive of shot berries and dried berries, not less than 90 percent, by count. of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:

(i) Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties thirteen-sixteenths of an inch.

(ii) Other varieties eleven-sixteenths of an inch.

(2) For bunches:

(i) Not less than one-half pound.

(j) For tolerances see § 51.885.

§ 51.881 U.S. Extra Fancy Export.

"U.S. Extra Fancy Export" consists of grapes which meet the requirements for U.S. Extra Fancy Table and, in addition, meet the packaging requirements set forth in § 51.911.

§ 51.882 U.S. Fancy Table.

"U.S. Fancy Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least reasonably well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

(a) Basic requirements for berries:

(1) Mature;

(2) Firm;

(3) Firmly attached to capstem;

(4) Not weak;

(5) Not shriveled at capstem;

(6) Not shattered;

(7) Not split or crushed;

(8) Not wet.

(b) Basic requirements for bunches:

(1) Fairly well filled;

(2) Not excessively tight for the variety.

(c) Basic requirements for stems:

(1) Well developed and strong;

(2) Not dry and brittle.

(d) Berries free from:

(1) Decay;

(2) Waterberry;

(3) Sunburn;

(4) Almeria Spot.

(e) Stems free from:

(1) Mold;

(2) Decay.

(f) Berries not damaged by:

(1) Any other cause.

(g) Bunches not damaged by:

(1) Shot berries;

(2) Dried berries;

(3) Other defective berries;

(4) Trimming away of defective berries;

(5) Any other cause.

(h) Stems not damaged by:

(1) Freezing;

(2) Any other cause.

(i) Size:

(1) For berries: Exclusive of shot berries and dried berries, the following percentages, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:

(i) For Ribier, Cardinal, Robin, Exotic, Queen, Italia Muscat, and other similar varieties, 90 percent shall be at least twelve-sixteenths of an inch;

(ii) For Thompson Seedless, Perlette, Delight, and Beauty Seedless varieties, 75 percent shall be at least ten-sixteenths of an inch; and,

(iii) For other varieties 90 percent shall be at least ten-sixteenths of an inch.

(2) For bunches:

(i) Not less than one-fourth pound.

(j) For tolerances see § 51.885.

§ 51.883 U.S. Fancy Export.

"U.S. Fancy Export" consists of grapes which meet the requirements for U.S. Fancy Table, except that bunches shall weigh not less than one-half pound, and in addition meet the packaging requirements set forth in § 51.911.

§ 51.884 U.S. No. 1 Table.

"U.S. No. 1 Table" consists of bunches of well developed grapes of one variety, except when designated as assorted varieties, which are at least fairly well colored, uniform in appearance when so specified in connection with the grade, and which meet the following requirements:

(a) Basic requirements for berries:

(1) Mature;

(2) Firm;

(3) Firmly attached to capstem;

(4) Not weak;

(5) Not materially shriveled at capstem;

(6) Not shattered;

(7) Not split or crushed;

(8) Not wet.

(b) Basic requirements for bunches:

(1) Not straggly.

(c) Basic requirements for stems:

(1) Not weak, or dry and brittle.

(d) Berries free from:

(1) Decay;

(2) Waterberry;

(3) Sunburn.

(e) Stems free from:

(1) Mold;

(2) Decay.

(f) Berries not damaged by:

(1) Any other cause.

(g) Bunches not damaged by:

(1) Shot berries;

(2) Dried berries;

(3) Other defective berries;

(4) Trimming away of defective berries;

(5) Any other cause.

(h) Stems not damaged by:

(1) Freezing;

(2) Any other cause.

(i) Size:

(1) For berries: Exclusive of shot berries and dried berries, 75 percent, by count, of the berries on each bunch shall have the minimum diameters indicated for varieties as follows:

(i) Thompson Seedless, Perlette, Delight, and Beauty Seedless nine-sixteenths of an inch.

(ii) Other varieties ten-sixteenths of an inch.

(2) For bunches:

(i) Not less than one-fourth pound.

(j) For tolerances see § 51.885.

TOLERANCES

§ 51.885 Tolerances.

(a) No tolerances are provided in these standards for grapes which fail to meet the applicable maturity requirements other than the allowances specified in § 51.887 or in the sampling and testing procedures of State maturity regulations.

(b) In order to allow for variations incident to proper grading and handling in each of the foregoing grades, tolerances, by weight, other than for maturity, are provided as set forth in Tables I and II.

TABLE I—TOLERANCES AT SHIPPING POINT [1]

Factor	U.S. Extra Fancy table	U.S. Fancy table	U.S. No. 1 table
	Percent	*Percent*	*Percent*
(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For undersize bunches [2] and for bunches and berries failing to meet the remaining requirements for the grade	8	8	8
Including in (D):			
(a) For serious damage	2	2	2
And, including in (a):			
(i) For decay	½ of 1	½ of 1	½ of 1

TABLE II—TOLERANCES EN ROUTE OR AT DESTINATION

Factor	U.S. Extra Fancy table	U.S. Fancy table	U.S. No. 1 table
(A) For bunches failing to meet color requirements	10	10	10
(B) For bunches failing to meet requirements for minimum diameter of berries	10	10	10
(C) For bunches failing to meet stem color requirements	10		
(D) For undersize bunches [2] and for bunches and berries failing to meet the remaining requirements of the grade	12	12	12
Including in (D):			
(a) For permanent defects	8	8	8
(b) For serious damage	4	4	4
And, including in (b):			
(i) For serious damage by permanent defects	2	2	2
(ii) For decay	1	1	1

[1] Shipping point, as used in these standards, means the point of origin of the shipment in the producing area or at port of loading for ship stores or overseas shipment, or, in the case of shipments from outside the continental United States, the port of entry into the United States.

[2] When in packages containing 5 pounds or less, not more than 25 percent of the bunches may weigh less than the minimum weight specified for the grade, in addition to other defects which may be present.

APPLICATION OF TOLERANCES

§ 51.886 Application of tolerances.

The contents of the individual packages in any lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(a) For tolerances of 10 percent or more, individual packages may contain not more than one and one-half times the specified tolerance.

(b) For a tolerance of less than 10 percent, individual packages may contain not more than double the specified tolerance.

MATURITY REQUIREMENTS

§ 51.887 Maturity requirements.

(a) "Mature" means that the grapes in any lot meet the maturity requirements for the variety as set forth in the Agricultural Laws and Regulations of the State in which the grapes are produced, in effect on April 7, 1971. See Agricultural Code of California, Chapter 21, Article 4, §§ 47691–47696 and California Administrative Code, Chapter 8, Subchapter 1, Group 4, §§ 1426–1427. See also California Administrative Register 71, No. 2—1-9-71.[2] The applicable Arizona maturity requirements set forth in Arizona Fruit and Vegetable Standardization Laws, Rule 13, A and B,[3] are as follows:

As Applied to Grapes:

A. "Mature" means that each bunch of grapes of the varieties known as Cardinals, Robins, and Perlettes, shall test not less than 15 percent soluble solids. Thompson Seedless variety shall be considered mature if they test 16 percent soluble solids and the Exotic variety shall be considered as mature if they test 14 percent soluble solids; however, all varieties shall be considered mature if the juice contains soluble solids equal to, or in excess of, 18 parts to every part of acid contained in the juice (the acidity of the juice to be calculated as tartaric acid without water of crystallization).

B. The maturity of varieties named in this regulation shall be determined by testing the juice from entire bunches representative of the least mature grapes in any container and constituting not less than 10 percent by weight of the contents of the container; however, no lot of grapes shall be considered as failing to meet the maturity requirements of this section because the sample of grapes from one container fails to meet the required test.

The soluble solids content of grapes produced in Arizona shall be determined by hydrometer.

(b) Grapes produced in States other than California and Arizona, and in countries other than the United States, shall meet the minimum percentage of soluble solids set forth in Table III as determined by use of a standard hand refractometer.

TABLE III

Variety	*Percent of soluble solids*
Muscat	17.5
All varieties not listed in this table	16.5
Cardinal, Emperor, Perlette, Ribier Olivette Blanche, Rish Baba, Red Malaga, and similar varieties	15.5

(1) The minimum percentage of soluble solids for any lot shall be determined from the juice of at least 10 percent, by weight, of whole bunches of the least mature grapes in that container which appears to have the least mature grapes. No lot shall be considered as failing to meet these requirements unless samples from two containers which appear to have the least mature grapes test below the required percentage of soluble solids.

DEFINITIONS

§ 51.888 Well developed grapes.

"Well developed grapes" means grapes which are not abnormally small for the variety.

§ 51.889 One variety.

"One variety" means that the grapes show similar varietal characteristics.

§ 51.890 Uniform in appearance.

"Uniform in appearance" means that not more than one-tenth of the containers in any lot show sufficient variation in color or size of berries to materially detract from the appearance of the contents of the individual container, and that the stems are well developed and strong.

§ 51.891 Color terms.

The color terms "well colored", "reasonably well colored", and "fairly well colored" are defined in Table IV.

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[2] Reprints of these publications may be purchased from the Cashier, California Department of Agriculture, 1220 N Street, Sacramento, CA 95814.

[3] Authority, Arizona Revised Statutes § 3-516.

TABLE IV

Color terms	Black varieties	Red varieties	White varieties
Well colored (U.S. Extra Fancy).	Each bunch shall have not less than 95 percent, by count, of berries showing good characteristic color.[1]	Each bunch shall have not less than 75 percent, by count, of berries showing good characteristic color.[1]	No requirement.
Reasonably well colored (U.S. Fancy).	Each bunch shall havo not ess than 85 percent, by count, of berries showing good characteristic color.[1]	Each bunch shall have not less than 66⅔ percent, by count, of berries showing good characteristic color [1] except the Tokay ann Cardinal varieties shall have not less than 75 percent, by count, of berries showing characteristic color.[2]	No requirement.
Fairly well colored (U.S. No. 1).	Each bunch shall have not less than 75 percent, by count, of berries showing characteristic color.[2]	Each bunch shall have not less than 60 percent, by count, of berries showing characteristic color.[2]	No requirement.

[1] Good characteristic color for black varieties means purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing purple to black color.

For red varieties good characteristic color means at least two-thirds of the surface of the berry is light red through dark red color; except, for the Tokay variety pink through dark red, and for the Cardinal variety light red through purple shall be permitted.

[2] Characteristic color for black varieties means reddish-purple to black except that Ribier or similar varieties of grapes shall have at least two-thirds of the surface of the berry showing reddish-purple to black color.

For red varieties characteristic color means at least two-thirds of the surface of the berry is pink to dark red; except, for the Tokay variety light pink through dark red and for the Cardinal variety light pink through purple color shall be permitted.

§ 51.892 Firm.

"Firm" means that the berry does not yield more than slightly to moderate pressure and is not flabby or wilted.

§ 51.893 Weak.

"Weak" means that individual berries are somewhat translucent, watery and soft, may have relatively low sugar content, inferior flavor, or are of poor keeping quality.

§ 51.894 Shriveled at capstem.

"Shriveled at capstem" means that the berry shows more than slight wrinkling of the skin surrounding the capstem.

§ 51.895 Shattered.

"Shattered" means that the berry is separated from the bunch and may or may not have the capstem attached.

§ 51.896 Wet.

"Wet" means that the grapes are wet from moisture from crushed, leaking, or decayed berries or from rain. Grapes which are moist from dew or other moisture condensation such as that resulting from removing grapes from a refrigerator car or cold storage to a warmer location shall not be considered as wet.

§ 51.897 Decay.

"Decay" means any soft breakdown of the flesh or skin of the berry resulting from bacterial or fungus infection. Slight surface development of green mold (Cladosporium) shall not be considered decay.

§ 51.898 Waterberry.

"Waterberry" means a watery, soft, or flabby condition of the berry. Affected berries are low in sugar content, have tender skins, and are easily crushed. This is an advanced or more pronounced stage of the condition referred to as "weak".

§ 51.899 Sunburn.

"Sunburn" means injury to the berry caused by exposure to the sun, including "sulphur burn," usually occurring as a sunken and discolored or dried area on the exposed surface.

§ 51.900 Damage.

(a) "Damage" means any specific defect described in this section; or an equally objectionably variation of any one of these defects, or any other defect, or any combination of defects which materially detracts from the appearance, or the edible or marketing quality of the individual berry, the appearance of the bunch as a whole, or the marketing quality of the stems. The following shall be considered as damage to the individual berry:

(1) Scarring such as that caused by thrips, mildew, rubs, and similar injuries when materially detracting from the appearance of the berry;

(2) Discoloration when any light brown, tan, or darker discoloration of the skin materially detracts from the appearance of the berry: *Provided*, That "sunkissed" berries of the white Malaga variety which show discoloration of amber or light brown color shall not be considered as damaged. "Buckskin" berries of the Tokay variety, and similar injury to other varieties, shall be considered as damaged by discoloration;

(3) Heat when the flesh of the berry is affected;

(4) Almeria Spot when any spot is distinctly sunken or dark in color;

(5) Mildew when active powdery mildew is present;

(6) Freezing when the berry is frozen or when the flesh of the berry is affected by freezing;

(7) Insect injury when penetrating the skin of the berry or when there is noticeable insect infestation on the bunch; when mealybug residue or aphis honeydew are present in noticeable amounts; or when leafhopper residue materially detracts from the appearance of the individual berry or of the bunch.

(b) The following shall be considered as "damage" to stems:

(1) Active powdery mildew or any other disease when present on the stems to the extent that it detracts from the appearance of the bunch or when scars caused by mildew or other disease constrict or weaken any part of the main or lateral stems; and,

(2) Freezing when the stems are frozen or the capstems are swollen or dried, or when the main or lateral stems are water-soaked and limp, or dried, as a result of freezing.

§ 51.901 Fairly well filled.

"Fairly well filled" means that the berries are reasonably closely spaced on main and lateral stems and that the bunch is not very loose or stringy.

§ 51.902 Excessively tight.

"Excessively tight" means that the berries are so wedged together that the bunch is extremely compact for the variety and resulting distorted berries materially detract from the appearance of the bunch.

§ 51.903 Shot berries.

"Shot berries" means very small berries resulting from insufficient pollination, usually seedless in those varieties which normally develop seeds.

§ 51.904 Dried berries.

"Dried berries" means berries which are dry and shriveled to the extent that practically no moisture is present.

§ 51.905 Well developed and strong.

"Well developed and strong" means that the main and lateral stems are firm, fibrous, and pliable; not distinctly immature or spindly or threadlike at time of packing.

§ 51.906 Diameter.

"Diameter" means the greatest dimension of the berry taken at right angles to a line running from the stem to the blossom end.

§ 51.907 Serious damage.

"Serious damage" means any defect or any combination of defects which seriously detracts from the appearance, or the edible or marketing quality of the grapes and includes berries which are split, crushed, wet, affected by decay or waterberry, or affected by heat or freezing. Grapes which show healed cracks at the blossom and shall not be considered as seriously damaged.

§ 51.908 Materially shriveled at capstem.

"Materially shriveled at capstem" means that the skin of the berry is definitely wrinkled adjacent to the capstem and the surface is materially sunken.

§ 51.909 Straggly.

"Straggly" means that the berries are so widely spaced on main and lateral stems that the bunch is distinctly open or very stemmy or stringy in structure.

§ 51.910 Container.

"Container" as used in these standards shall, for the purpose of determining maturity of grapes in packages containing 5 pounds or less, mean the master container in which the individual packages are packed for shipment; for determining other factors of grade it shall mean the individual package.

§ 51.911 Export.

When designated as Export, grapes shall be packed with any of the customary protective materials such as cushions, liners, or wraps, or properly packed in sawdust or granulated cork. The so-called "semi-sawdust packs" which are cushioned and/or covered with sawdust are not approved as protective packaging for export.

METRIC CONVERSION TABLE

§ 51.912 Metric conversion table.

Inches	Millimeters (mm)
8/16 equals	12.7
9/16 equals	14.3
10/16 equals	15.9
11/16 equals	17.5
12/16 equals	19.1
13/16 equals	20.6
14/16 equals	22.2
15/16 equals	23.8
1 equals	25.4
Pounds	*Grams*
¼ equals	113.4
½ equals	226.8
¾ equals	340.2
1 equals	453.6
2 equals	907.2
3 equals	1,360.8
4 equals	1,814.4
5 equals	2,268.0
10 equals	4,536.0

[FR Doc.71-7065 Filed 5-18-71;12:35 pm]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 69, Amdt. 5]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Act is insufficient; and this amendment relieves restrictions on the handling of white seedless grapefruit and seeded grapefruit grown in Florida.

(a) *Order*. In § 905.525 (Grapefruit Reg. 69, 35 F.R. 14499, 17937, 19245; 36 F.R. 5904, 7509), the provisions of (a)(1)(i), (ii), (iii), and (iv) are amended to read as follows:

§ 905.525 Grapefruit Regulation 69.

(a) * * *

(1) * * *

(i) Any seeded grapefruit, grown in the production area, which do not grade at least U.S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the production area, which are smaller than $3\frac{12}{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Grapefruit;

(iii) Any seedless grapefruit, grown in Regulation Area I, which do not grade at least U.S. No. 2 Russet;

(iv) Any seedless grapefruit, grown in Regulation Area II, which do not grade at least U.S. No. 2 Russet; or

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 14, 1971, to become effective May 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7014 Filed 5-19-71;8:46 am]

[Orange Reg. 67, Amdt. 9]

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 905, as amended (7 CFR Part 905), regulating the handling of oranges, grapefruit, tangerines, and tangelos grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of oranges, except Navel, Temple, and Murcott Honey oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restrictions on the handling of varieties of oranges grown in Florida.

Order. In § 905.529 (Orange Reg. 67; 35 F.R. 18741, 19245, 19246; 36 F.R. 1522, 2860, 3194, 3460, 3884, 5494, 6493), the provisions of paragraph (a)(2)(i) are amended to read as follows:

§ 905.529 Orange Regulation 67.

(a) * * *

(2) * * *

(i) Any oranges, except Navel, Temple, and Murcott Honey oranges, grown in the production area, which do not grade at least U.S. No. 1;

* * * * *

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 14, 1971, to become effective May 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7015 Filed 5-19-71;8:46 am]

[Valencia Orange Reg. 349]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.649 Valencia Orange Regulation 349.

(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set

forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this regulation, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this regulation effective during the period herein specified; and compliance with this regulation will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 21, 1971, through May 27, 1971, are hereby fixed as follows:

(i) District 1: 270,000 cartons;
(ii) District 2: 382,000 cartons;
(iii) District 3: 98,000 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 19, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7157 Filed 5–19–71;11:29 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–EA–18]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On Page 4708 of the FEDERAL REGISTER for March 11, 1971, the Federal Aviation Administration published proposed regulations which would alter the Latrobe, Pa., control zone (36 F.R. 2097) and transition area (36 F.R. 2218).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., June 24, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on April 29, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., control zone and insert the following in lieu thereof:

"Within a 5-mile radius of the center," 40°16'39" N., 79°24'14" W. of Latrobe Airport, Latrobe, Pa.; within 2 miles each side of the Latrobe Airport localizer northeast course extending from the 5-mile-radius zone to 1.5 miles southwest of the Latrobe RBN 40°22'32" N., 79°16'19" W.; and within 1.5 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius zone to 17.5 miles southwest of the Latrobe RBN. This control zone shall be effective from 0700 to 2300 hours, local time, daily.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Latrobe, Pa., transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the center, 40°16'39" N., 79°24'14" W., of Latrobe Airport, Latrobe, Pa.; within the arc of an 8.5-mile-radiua circle centered on Latrobe Airport, extending clockwise from a 270° bearing from the center of the airport to a 360° bearing from the center of the airport; within 2 miles each side of the 226° bearing from the Latrobe RBN 40°22'32" N., 79°16'19" W., extending from the 5-mile-radius area to the RBN; within 4 miles each side of the 046° bearing from the Latrobe RBN, extending from the RBN to 11.5 miles northeast of the RBN; within 5 miles each side of the 213° bearing from the Latrobe RBN, extending from the RBN to 3 miles southwest of the RBN; within 2 miles each side of the Latrobe Airport localizer southwest course extending from the 5-mile-radius area to 17 miles southwest of the Latrobe RBN and within 3.5 miles each side of the Latrobe Airport localizer southwest course, extending from 17 miles southewst of the Latrobe RBN to 27 miles southwest of the RBN.

[FR Doc.71–7007 Filed 5–19–71;8:46 am]

[Airspace Docket No. 71–EA–49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Transition Area

The Federal Aviation Administration is amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Leesburg, Va. (36 F.R. 2219) and Washington, D.C. (36 F.R. 2290) transition areas.

The Washington, D.C., and Leesburg, Va., 700-foot-floor transition areas are described, in part, by reference to the Poolesville, Md., radio beacon (RBN). It is planned to decommission the RBN and thus we are substituting the geographical coordinates of the RBN.

Since the foregoing amendment is editorial in nature, notice and public procedure hereon are unnecessary and the amendment may be made effective upon publication in the FEDERAL REGISTER.

In view of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective upon publication in the FEDERAL REGISTER as follows:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Leesburg, Va., 700-foot-floor transition area and substitute the following:

LEESBURG, VA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of the center, 39°04'31" N., 77°33'25" W. of Leesburg Municipal (Godfrey) Airport and within 2 miles each side of a line bearing 079° from a point 39°05'32" N., 77°27'30" W. extending from the 6-mile-radius area to 8 miles east of said point excluding that portion within the Washington, D.C., transition area.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Washington, D.C., 700-foot-floor transition area as follows:

In the text, delete, "to the Poolesville, Md., RBN;" and substitute, therefor, "to a point 39°05'32" N., 77°27'30" W.".

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y. on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71–7008 Filed 5–19–71;8:46 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. IC–6506]

PART 271—INTERPRETATIVE RELEASES RELATIVE TO THE INVESTMENT COMPANY ACT OF 1940 AND RULES AND REGULATIONS THEREUNDER

Miscellaneous Amendments Regarding Investment Companies

Changes in the Investment Company Act of 1940 made by the Investment Company Amendments Act of 1970 (Public Law 91–547) relating to investment

policies of a registered investment company; the ineligibility of certain persons to serve as employees of a registered company; legal standards for investment company reorganizations; substitution of underlying investments of unit investment trusts; and the filing of certain legal documents with the commission.

This is the fifth in a series of releases on problems arising under the Investment Company Amendments Act of 1970 (1970 Act) (Public Law 91–547 (84 Stat. 1413)), enacted December 14, 1970.[1] The purpose of this release is to call to the attention of registered investment companies and other interested persons some important amendments made by the 1970 Act in the Investment Company Act of 1940 which will require such companies and their managements to take certain actions.

Investment Policies Changeable Only by Shareholder Vote. The 1970 Act amends 8(b)(2) of the Investment Company Act (15 U.S.C. 80a–8(b)(2)) to require a registered investment company to make a recital in its registration statement of investment policies not enumerated in section 8(b)(1) of the Act (15 U.S.C. 80a–8(b)(1)), "which are changeable only if authorized by shareholder vote." Also, the 1970 Act amends section 13(a) of the Investment Company Act (15 U.S.C. 80a–13(a)) to prohibit a registered investment company, unless authorized by shareholder vote, from deviating from any investment policy which is changeable only if authorized by shareholder vote.[2] Registered investment companies should, in connection with filing posteffective amendments to their Securities Act of 1933 registration statements, revise their prospectuses to the extent necessary to disclose all investment policies which are changeable only by shareholder vote.

Ineligibility of Certain Persons to Serve as an Employee of a Registered Investment Company. The 1970 Act amends section 9(a) of the Act (84 Stat. 1415) to bar a person convicted of certain crimes or enjoined by reason of any misconduct specified in that section from serving as an employee of any registered investment company in addition to the other capacities already specified in that section. Therefore, any such person who presently serves a registered investment company in such capacity must sever his relationship with the company. However, if the facts warrant, a person made ineligible by this amendment may file with the Commission an application pursuant to section 9(c) (84 Stat. 1415) (formerly section 9(b)) for an exemption from the provisions of section 9(a).[3]

Legal Standards for Investment Company Reorganizations. The 1970 Act amends section 25(c) of the Investment Company Act (84 Stat. 1424) to impose a stricter legal standard by which courts are to determine whether to enjoin the consummation of a plan of reorganization of a registered investment company. Amended section 25(c) provides that a Federal district court may, upon proceedings instituted by the Commission, enjoin the consummation of any such plan of reorganization if the court finds that any such plan is not "fair and equitable to all security holders."[4]

In view of this amendment, it is particularly important that the documents relating to plans of reorganization of any investment company be filed with the Commission as required by section 25(a) (15 U.S.C. 80a–25(a)). In this connection, it should be noted that the definition of "reorganization" provided by section 2(a)(33) (84 Stat. 1413) (formerly section 2(a)(32)) of the Investment Company Act is very broad and includes transactions which may not be considered reorganizations under state law.

Substitution of Underlying Investments of a Unit Investment Trust. The 1970 Act adds a new section 26(b) to the Investment Company Act (84 Stat. 1424) which makes it unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute underlying securities without Commission approval. New section 26(b) further provides that the Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Investment Company Act. Most prospectuses for unit trusts presently disclose the prior and continuing obligation, imposed by section 26(a)(4)(B) (of the Act, 15 U.S.C. 80a–26(a)(4)(B)), of the depositor or its agent to notify investors of substitution of underlying securities. Therefore, depositors and trustees of such registered unit trusts, as soon as possible, should update their prospectuses to disclose the new requirement to their investors. Also, depositors and trustees should consider the advisability of amending their trust agreements to reflect this new requirement.

Filing of Documents with Commission in Certain Civil Actions. The 1970 Act amends section 33 of the Investment Company Act (15 U.S.C. 80a–33; 84 Stat. 1428) to require prompt filing with the Commission of copies of all pleadings, verdicts, and judgments filed with courts or served in connection with certain actions or claims, and all proposed settlements, compromises, or discontinuances of any such actions. These documents, unless already so filed, must be filed by any registered investment company which is a party and every affiliated person of such company who is a party defendant to any action or claim by a registered investment company or security holder thereof in a derivative or representative capacity against an officer, director, investment adviser, trustee, or depositor of such company. These requirements must be met promptly as to any documents which were filed prior to December 14, 1970, in connection with actions pending on and after that date. Thereafter, such documents, if delivered to such company or party defendant, must be filed with the Commission not later than 10 days after receipts thereof, or, if filed in such court or delivered by such company or party defendant, not later than 5 days after such filing or delivery.

It should be noted that amended section 33 provides, in effect, that a document need not be filed by any person if it has been filed by another person. In order to avoid duplicative filings in cases involving more than one defendant, the Commission suggests that such defendants agree to designate one among them to meet the requirements of amended section 33: *Provided,* That the defendant so designated informs the Commission of such agreement in writing.

In order to make it possible for the Commission's staff and the public to have adequate access to the documents filed under this section, the Commission requests that persons subject to section 33 send five copies of each document required to be filed.

In addition, amended section 33 requires such an investment company or party defendant to file with the Commission copies of any motions, transcripts and certain other documents if requested in writing by the Commission.

By the Commission, May 5, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–7005 Filed 5–19–71;8:46 am]

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[1] See Investment Company Act Release Nos. 6338, 6392, 6430, and 6440 (36 F.R. 2867, 36 F.R. 5840, 36 F.R. 7897, 36 F.R. 8729).

[2] The 1970 Act also inserts a new section 8(b)(3) of the Investment Company Act (84 stat. 1415) which incorporates the requirement of former section 8(b)(2) of a recital of policy regarding matters, other than those enumerated in sections 8(b) (1) and (2), which are deemed matters of fundamental policy by the registrant. Section 13(a)(3) of the Act (15 U.S.C. 80a–13(a)(3)) both before and after the amendment made it unlawful for a registered investment company to deviate from a policy deemed fundamental by the registrant.

[3] In this conection, it should be noted that the 1970 Act adds a new section 9(b) (84 Stat. 1415) to the Investment Company Act which authorizes the Commission, after notice and opportunity for hearing, to bar an individual, either permanently or for such period of time as may be appropriate, from serving or acting as an employee, officer, director, member of an advisory board, investment adviser or depositor of, or principal underwriter for a registered investment company or affiliated person of such investment adviser, depositor, or principal underwriter, if such person violates the federal securities laws. The legislative history indicates that the Commission may bring administrative proceedings under new section 9(b) based on violations which occured before Dec. 14, 1970. See Senate Report No. 91–184, 91st Cong., first session (1969), p. 35 and House Report No. 91–1382, 91st Cong., second session (1970), pp. 20–21.

[4] Prior to this amendment, a court could issue an injunction only if it determined any such plan to be "grossly unfair or to constitute gross misconduct or gross abuse of trust on the part of the officers, directors or investment advisers of such registered company or other sponsors of such plan."

Title 29—LABOR

Chapter I—National Labor Relations Board

ART 101—STATEMENTS OF PROCEDURE, SERIES 8

PART 102—RULES AND REGULATIONS, SERIES 8

Miscellaneous Amendments

Parts 101 and 102 of Title 29 are amended as follows:

Subpart F—Jurisdictional Dispute Cases Under Section 10(k) of the Act

Sections 101.33 and 101.36 are amended to read as follows:

§ 101.33 Initiation of formal action; settlement.

If, after investigation, it appears to the regional director that the Board should determine the dispute under section 10 (k) of the act, he issues a notice of hearing which includes a simple statement of issues involved in the jurisdictional dispute and which is served on all parties to the dispute out of which the unfair labor practice is alleged to have arisen. The hearing is scheduled for not less than 10 days after service of the notice of the filing of the charge, except that in cases involving the national defense, agreement will be sought for scheduling of hearing on less notice. If the parties present to the regional director satisfactory evidence that they have adjusted the dispute, the regional director withdraws the notice of hearing and either permits the withdrawal of the charge or dismisses the charge. If the parties submit to the regional director satisfactory evidence that they have agreed upon methods for the voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if issued. The parties may agree on an arbitrator, a proceeding under section 9(c) of the act, or any other satisfactory method to resolve the dispute. If the agreed-upon method for voluntary adjustment results in a determination that employees represented by a charged union are entitled to perform the work in dispute, the regional director dismisses the charge against that union irrespective of whether the employer complies with that determination.

§ 101.36 Compliance with determination; further proceedings.

After the issuance of determination by the Board, the regional director in the region in which the proceeding arose communicates with the parties for the purpose of ascertaining their intentions in regard to compliance. Conferences may be held for the purpose of working out details. If the regional director is satisfied that the parties are complying with the determination, he dismisses the charge. If the regional director is not satisfied that the parties are complying, he issues a complaint and notice of hearing, charging violation of section 8(b) (4) (D) of the act, and the proceeding follows the procedure outlined in sections 101.8 to 101.15, inclusive. However, if the Board determines that employees represented by a charged union are entitled to perform the work in dispute, the regional director dismisses the charge against that union irrespective of whether the employer complies with the determination.

These amendments are effective upon publication in the FEDERAL REGISTER (5–20–71).

Subpart B—Procedure Under Section 10(a) to (i) of the Act for the Prevention of Unfair Labor Practices

Sections 102.24, 102.25, 102.26, 102.33 (d), and 102.35(h) are amended to read as follows:

§ 102.24 Motions: where to file; contents; service on other parties; promptness in filing and response.

All motions under §§ 102.16, 102.22, and 102.29 made prior to hearing shall be filed in writing with the regional director issuing the complaint. All motions for summary judgment made prior to hearing shall be filed in writing with the Board pursuant to the provisions of § 102.50. All other motions prior to hearing shall be filed in writing with the chief trial examiner in Washington, D.C., or with the associate chief trial examiner in San Francisco, Calif., as the case may be. All motions made at the hearing shall be made in writing to the trial examiner or stated orally on the record. All motions filed subsequent to the hearing, but before the transfer of the case to the Board pursuant to 102.45, shall be filed with the trial examiner, care of the chief trial examiner in Washington, D.C., or associate chief trial examiner, San Francisco, Calif., as the case may be. All motions made subsequent to transfer of the case to, and while it is pending before, the Board shall be filed with the executive secretary of the Board in Washington, D.C., as provided in § 102.47. Motions shall briefly state the order or relief applied for and the grounds therefor. All motions prior to transfer of the case to the Board shall be filed by the moving party in an original and four copies and a copy thereof shall be immediately served on the other parties. Unless otherwise provided in these rules, motions and responses thereto shall be filed promptly and within such time as not to delay the proceeding.

§ 102.25 Ruling on motions.

A trial examiner designated by the chief trial examiner, or by the associate chief trial examiner in San Francisco, Calif., shall rule on all prehearing motions (except as provided in §§ 102.16, 102.22, 102.29, and 102.50), and all such rulings and orders shall be issued in writing and a copy served on each of the parties. The trial examiner designated by the chief trial examiner, or by the associate chief trial examiner in San Francisco, Calif., to conduct the hearing shall rule on all motions after opening of the hearing (except as provided in § 102.47), and any orders in connection therewith, if announced at the hearing, shall be stated orally on the record; in all other cases the trial examiner shall issue such rulings and orders in writing and shall cause a copy of the same to be served on each of the parties, or shall make his ruling in his decision. Whenever the trial examiner has reserved his ruling on any motion, and the proceeding is thereafter transferred to and continued before the Board pursuant to § 102.50, the Board shall rule on such motion.

§ 102.26 Motions; rulings and orders part of the record; rulings not to be appealed directly to Board without special permission; requests for special permission to appeal.

All motions, rulings, and orders shall become part of the record, except that rulings on motions to revoke subpenas shall become a part of the record only upon the request of the party aggrieved thereby, as provided in § 102.31. Unless expressly authorized by the rules and regulations, rulings by the regional director or by the trial examiner on motions and by the trial examiner on objections, and orders in connection therewith, shall not be appealed directly to the Board except by special permission of the Board, but shall be considered by the Board in reviewing the record, if exception to the ruling or order is included in the statement of exceptions filed with the Board, pursuant to § 102.46. Requests to the Board for special permission to appeal from such rulings of the regional director or the trial examiner shall be filed promptly, in writing, and shall briefly state the grounds relied on. The moving party shall immediately serve a copy thereof on each other party, and if the request involves a ruling by a trial examiner, upon that trial examiner.

§ 102.33 Transfer of charge and proceeding from region to region; consolidation of proceedings in same region; severance.

* * * * *

(d) Motions to consolidate or sever proceedings after issuance of complaint shall be filed as provided in § 102.24 and ruled upon as provided in § 102.25, except that the regional director may consolidate or sever proceedings prior to hearing upon his own motion. Rulings by the trial examiner upon motions to consolidate or sever may be appealed to the Board as provided in § 102.26.

§ 102.35 Duties and powers of trial examiners.

* * * * *

(h) To dispose of procedural requests, motions or similar matters, including motions referred to the trial examiner by the regional director and motions for summary judgment or to amend pleadings; also to dismiss complaints or portions thereof; to order hearings reopened; and upon motion order proceedings consolidated or severed prior to issuance of trial examiner decisions;

* * * * *

These amendments are effective June 1, 1971.

Subpart C—Procedure Under Section 9(c) of the Act for the Determination of Questions Concerning Representation of Employees and for Clarification of Bargaining Units and for Amendment of Certifications Under Section 9(b) of the Act

Sections 102.65 (a) and (e) (1), (2), and (3) and 102.67(b) are amended to read as follows:

§ 102.65 Motions; interventions.

(a) All motions, including motions for intervention pursuant to paragraphs (b) and (e) of this section, shall be in writing or, if made at the hearing, may be stated orally on the record and shall briefly state the order or relief sought and the grounds for such motion. An original and two copies of written motions shall be filed and a copy thereof immediately shall be served on the other parties to the proceeding. Motions made prior to the transfer of the case to the Board shall be filed with the regional director, except that motions made during the hearing shall be filed with the hearing officer. After the transfer of the case to the Board, all motions shall be filed with the Board. Such motions shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies of typewritten matter shall not be filed and if submitted will not be accepted. Eight copies of such motions shall be filed with the Board. The regional director may rule upon all motions filed with him, causing a copy of said ruling to be served on the parties, or he may refer the motion to the hearing officer: *Provided,* That if the regional director prior to the close of the hearing grants a motion to dismiss the petition, the petitioner may obtain a review of such ruling in the manner prescribed in § 102.71. The hearing officer shall rule, either orally on the record or in writing, upon all motions filed at the hearing or referred to him as hereinabove provided, except that all motions to dismiss petitions shall be referred for appropriate action at such time as the entire record is considered by the regional director or the Board, as the case may be.

* * * * *

(e) (1) A party to a proceeding may, because of extraordinary circumstances, move after the close of the hearing for reopening of the record, or move after the decision for reconsideration or rehearing, except that no motion for reconsideration or rehearing wil be entertained pursuant to this paragraph by the regional director with respect to any matter which can be raised before the Board pursuant to any other section of the rules in this part, or by the Board with respect to any matter which could have been but was not raised before it pursuant to any other section of the rules in this part. A motion for reconsideration shall state with particularity the material error claimed and with respect to any finding of material fact shall specify the page of the record relied on. A motion for rehearing shall specify the error alleged to require a hearing de novo and the prejudice to the movant alleged to result from such error. A motion to reopen the record shall state briefly the additional evidence sought to be adduced, why it was not presented previously, and what result it would require, if adduced and credited. Only newly discovered evidence, evidence which has become available only since the close of the hearing, or evidence which the regional director or the Board believes should have been taken at the hearing, will be taken at any further hearing.

(2) Any motion pursuant to this paragraph shall be filed within 10 days, or such further period as may be allowed, after the service of the decision, except that a motion for leave to adduce additional evidence shall be filed promptly on discovery of such evidence. Any request for an extension of time must be received 3 days prior to the due date and copies thereof shall be served promptly on the other parties.

(3) The filing and pendency of a motion under this provision shall not unless so ordered operate to stay the effectiveness of any action taken or directed to be taken, except that if the motion states with particularity that the granting thereof will affect the eligibility to vote of specific employees, the ballots of such employees shall be challenged and impounded in any election conducted while such motion is pending. A motion for reconsideration or rehearing need not be filed to exhaust administrative remedies.

§ 102.67 Proceedings before the regional director; further hearing; briefs; action by the regional director; appeals from action by the regional director; statement in opposition to appeal; transfer of case to Board; proceedings before the Board; Board action.

* * * * *

(b) A decision by the regional director upon the record shall set forth his findings, conclusions, and order or direction. The decision of the regional director shall be final: *Provided, however,* That within 10 days after service thereof any party may file eight copies of a request for review with the Board in Washington, D.C. Such request shall be printed or otherwise legibly duplicated: *Provided, however,* That carbon copies shall not be filed and if submitted will not be accepted. Simultaneously therewith; copies thereof shall be served on all other parties to the proceeding and the regional director, and a statement of such service filed with the Board. The filing of such request shall not, unless otherwise ordered by the Board, operate as a stay of any action taken or directed by the regional director: *Provided, however,* That the regional director, in the absence of a waiver, may issue a notice of election but shall not conduct any election or open and count any challenged ballots until the Board has ruled upon any request for review which may be filed.

* * * * *

These amendments are effective June 1, 1971.

Subpart F—Procedure To Hear and Determine Disputes Under Section 10(k) of the Act

Sections 102.91 and 102.93 are amended to read as follows:

§ 102.91 Compliance with determination; further proceedings.

If, after issuance of the determination by the Board, the parties submit to the regional director satisfactory evidence that they have complied with the determination, the regional director shall dismiss the charge. If no satisfactory evidence of compliance is submitted, the regional director shall proceed with the charge under paragraph (4) (D) of section 8(b) and section 10 of the act and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern: *Provided, however,* That if the Board determination is that employees represented by a charged union are entitled to perform the work in dispute, the regional director shall dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

§ 102.93 Alternative procedure.

If, either before or after service of the notice of hearing, the parties submit to the regional director satisfactory evidence that they have adjusted the dispute, the regional director shall dismiss the charge and shall withdraw the notice of hearing if notice has issued. If, either before or after issuance of notice of hearing, the parties submit to the regional director satisfactory evidence that they have agreed upon methods for the voluntary adjustment of the dispute, the regional director shall defer action upon the charge and shall withdraw the notice of hearing if notice has issued. If it appears to the regional director that the dispute has not been adjusted in accordance with such agreed-upon methods and that an unfair labor practice within the meaning of section 8(b) (4) (D) of the act is occurring or has occurred, he may issue a complaint under § 102.15, and the procedure prescribed in §§ 102.9 to 102.51, inclusive, shall, insofar as applicable, govern; and §§ 102.90 to 102.92, inclusive, are inapplicable: *Provided, however,* That if an agreed-upon method for voluntary adjustment results in a determination that employees represented by a charged union are entitled to perform the work in dispute, the regional director shall dismiss the charge as to that union irrespective of whether the employer has complied with that determination.

These amendments are effective upon publication in the FEDERAL REGISTER (5–20–71).

Subpart I—Service and Filing of Papers

Section 102.112 is amended to read as follows:

§ 102.112 Same; by parties; proof of service.

Service of papers by a party on other parties shall be made by registered mail, or by certified mail, or in any manner provided for the service of papers in a civil action by the law of the State in which the hearing is pending. Service on all parties shall be made in the same manner as that utilized in filing the paper with the Board, or in a more expeditious manner; however, when filing with the Board is accomplished by personal service the other parties shall be promptly notified of such action by telephonic communication, followed by service of a copy by mail or telegraph. When service is made by registered mail, or by certified mail, the return post office receipt shall be proof of service. When service is made in any manner provided by the law of a State, proof of service shall be made in accordance with such law.

This amendment is effective June 1, 1971.

OGDEN W. FIELDS,
Executive Secretary.

[FR Doc.71-7018 Filed 5-19-71;8:47 am]

Chapter V—Wage and Hour Division, Department of Labor

PART 697—INDUSTRIES IN AMERICAN SAMOA

Wage Order

Pursuant to sections 5, 6, and 8 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205, 206, and 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), and by means of Administrative Order No. 616 (35 F.R. 16090), the Secretary of Labor appointed and convened Special Industry Committee No. 9 for American Samoa, referred to the Committee the question of the minimum wage rate or rates to be paid under section 6(a)(3) of the Fair Labor Standards Act of 1938 to employees in American Samoa subject thereto, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to matters referred to it.

Accordingly, pursuant to section 6(a)(3) and section 8(d) of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950 and § 511.18 of Title 29, Code of Federal Regulations, the recommendations of Special Industry Committee No. 9 for American Samoa are hereby published as an amendment of section 697.1, effective as set forth in § 697.3. In addition the Industry Committee recommended pursuant to section 8 of the Act separate classifications for the Wholesaling and Warehousing Industry, and the Finance and Insurance Industry. For the purposes of this part, these two classifications are treated as separate industries.

1. As amended, § 697.1 reads as follows:

§ 697.1 Wage rates.

Every employer shall pay to each of his employees in American Samoa, who in any workweek is engaged in commerce or in the production of goods for commerce, or is employed in any enterprise engaged in commerce or in the production of goods for commerce, as these terms are defined in section 3 of the Fair Labor Standards Act of 1938, wages at a rate not less than the minimum rate or rates of wages prescribed in this section for the industries and classifications in which such employee is engaged.

(a) *Fish canning and processing and can manufacturing industry.* (1) The minimum wage for this industry is $1.23 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.28 and hour thereafter.

(2) This industry shall include the canning, freezing, preserving, and other processing of any kind of fish, shellfish, and other aquatic forms of animal life, the manufacture of any byproduct thereof, and the manufacture of cans and related activities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(b) *Shipping and transportation industry.* The classifications of this industry shall include the transportation of passengers and cargo by water or by air, and all activities in connection therewith, including the operation of air terminals, piers, wharves, and docks, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus and of travel and ticket agencies: *Provided, however,* That this industry shall not include bunkering of petroleum products: *Provided, further,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(1) *Classification A (seafaring).* (i) The minimum wage for this classification is 60 cents an hour for a period of 1 year following the effective date specified in § 697.3 and 70 cents an hour thereafter.

(ii) This classification of the shipping and transportation industry shall include all activities engaged in by seamen on American vessels which are documented or numbered under the laws of the United States, which operate exclusively between points in the Samoan Islands, and which are not in excess of 350 tons net capacity.

(2) *Classification B.* (i) The minimum wage for this classification is $1.25 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.30 an hour thereafter.

(ii) This classification shall include all activities in the shipping and transportation industry other than those included in the seafaring classification of the industry.

(c) *Petroleum marketing industry.* (1) The minimum wage for this industry is $1.30 an hour, effective the date specified in § 697.3.

(2) This industry shall include the wholesale marketing and distribution of gasoline, kerosene, lubricating oils, diesel and marine fuels, and other petroleum products, bunkering operations in connection therewith, and repair and maintenance of petroleum storage facilities: *Provided, however,* That this industry shall not include any activity brought within the purview of section 6 of the Fair Labor Standards Act of 1938 by the Fair Labor Standards Amendments of 1966.

(d) *Construction industry.* (1) The minimum wage for this industry is $1 an hour for a period of 1 year following the effective date specified in § 697.3, and $1.08 an hour thereafter.

(2) This industry shall include all construction, reconstruction, structural renovation and demolition, on public or private account, of buildings, housing, highways and streets, catchments, dams, and any other structure.

(e) *Hospitals and educational institutions industry.* (1) The minimum wage for this industry is 80 cents an hour for the period ending June 30, 1971, 90 cents an hour for the period beginning July 1, 1971; and ending June 30, 1972, and $1 an hour thereafter.

(2) This industry shall include all activities performed in connection with the operation of a hospital, defined as an institution primarily engaged in the care of the sick, the aged, or the mentally ill or defective who reside on the premises of such institution, a school for the mentally or physically handicapped or the gifted children, an elementary or secondary school, or an institution of higher education (regardless of whether or not such hospital, institution, or school is public or private, or operated for profit or not for profit): *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendment of 1966.

(f) *Hotel industry.* (1) The minimum wage for this industry is 85 cents an hour for a period of 1 year following the effective date specified in § 697.3, and 95 cents an hour thereafter.

(2) This industry shall include all activities in connection with the operation of hotels, motels, apartment hotels, and tourist courts engaged in providing lodging, with or without meals, for the general public: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(g) *Retail trade industry.* (1) The minimum wage for this industry is $1 an hour for a period of 1 year following the effective date specified in § 697.3 and $1.10 an hour thereafter.

(2) This industry shall include all activities in connection with the selling of goods or services at retail, including the operation of retail stores and other retail establishments: *Provided, however,* That this industry shall not include any activity to which the Fair Labor Standards Act of 1938 would have applied prior to the Fair Labor Standards Amendments of 1966.

(h) *Laundry and Dry Cleaning Industry.* (1) The minimum wage for this industry is 85 cents an hour for the period ending one year from the date specified in § 697.3, and 90 cents an hour thereafter.

(2) The Laundry and Dry Cleaning Industry is that industry which is engaged in laundering, cleaning, pressing or repairing clothing or fabrics, except such activities as are engaged in by a hotel or motel on its own linens or on articles of its guests.

(i) *The Bottling Industry.* (1) The minimum wage for this industry is $1 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.10 an hour thereafter.

(2) The Bottling Industry is that industry which is engaged in the bottling, sale, or distribution at wholesale of soft drinks in bottles or cans.

(j) *The Printing and Publishing Industry.* (1) The minimum wage for this industry is $1 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.10 an hour thereafter.

(2) The Printing and Publishing Industry is that industry which is engaged in printing, job printing, duplicating and publishing, other than the publishing of a weekly, semiweekly or daily newspaper with a circulation of less than 4,000, the major part of which circulation is within the county where published or counties contiguous thereto.

(k) *The Wholesaling and Warehousing Industry.* (1) The minimum wage for this industry is $1.10 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.20 an hour thereafter.

(2) The Wholesaling and Warehousing Industry includes wholesaling and warehousing, and other distribution of commodities, including but without limitation the wholesaling, warehousing and other distribution activities of jobbers, importers, and exporters, manufacturers' sales branches and sales offices engaged in the distributing of products manufactured outside of American Samoa, industrial distributors, mail order establishments, brokers and agents, and public warehouses and retail selling establishments other than those included within the definition of Retail Trade Industry.

(l) *The Finance and Insurance Industry.* (1) The minimum wage for this industry is $1.10 an hour for the period of 1 year following the effective date specified in § 697.3, and $1.20 an hour thereafter.

(2) The Finance and Insurance Industry includes all banks and trust companies, credit agencies other than banks, holding companies, other investment companies, collection agencies, brokers and dealers in securities and commodity contracts, as well as carriers of all types of insurance, and insurance agents and brokers.

(m) *Miscellaneous industry.* (1) The minimum wage for this industry is $1.05 an hour, effective the date specified in § 697.3.

(2) This industry shall include every activity not included in any other industry defined in this § 697.1.

2. As amended, § 697.3 reads as follows:

§ 697.3 Effective date.

The wage rates specified in § 697.1 shall be effective June 2, 1971.

(Secs. 6 and 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 206, 208)

Signed at Washington, D.C., this 13th day of May 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-6997 Filed 5-19-71;8:45 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of Transportation

SUBCHAPTER B—MILITARY PERSONNEL

[CGFR 71-2]

PART 40—CADETS OF THE COAST GUARD

Appointment as Cadet, U.S. Coast Guard

This amendment to Part 40 of Title 33 of the Code of Federal Regulations requires that before admission to the U.S. Coast Guard Academy, a cadet must sign a Statement of Obligation in which he agrees to complete the course of instruction at the Coast Guard Academy and to serve as an officer in the Coast Guard for 5 years upon graduation. He also must agree that, if he fails to complete the prescribed course of instruction or refuses to accept an appointment as an officer in the Coast Guard, he may be transferred to the Coast Guard Reserve and ordered to active duty for a period of not more than 4 years. This amendment implements 14 U.S.C. 182.

Since this is a matter relating to agency personnel, it is excepted from notice and public procedure thereon by 5 U.S.C. 553 and the amendment may be made effective in less than 30 days.

In consideration of the foregoing, § 40.13 is amended by revising paragraph (d) to read as follows:

§ 40.13 Appointment as Cadet, U.S. Coast Guard.

* * * * *

(d) Each candidate must sign and submit the following Statement of Obligation to the Superintendent of the Academy before taking the oath of office as a Cadet, U.S. Coast Guard:

STATEMENT OF OBLIGATION

Upon taking the oath of office of a Cadet, U.S. Coast Guard, I agree to complete the course of instruction at the Coast Guard Academy and to serve at least 5 years as an officer in the Coast Guard after graduation from the Coast Guard Academy, if my services are so long required.

In accordance with section 182 of title 14, United States Code, I agree that if I do not complete the course of instruction or if I do not accept an appointment as an officer in the Coast Guard, that I may be transferred to the Coast Guard Reserve in an appropriate enlisted grade or rating to be determined by the Commandant and notwithstanding section 651 of title 10, United States Code, may be ordered to active duty to serve in that grade or rating for such a period of time, not to exceed 4 years.

(Sec. 182, 63 Stat. 508, as amended, sec. 632, 63 Stat. 545, as amended, sec. 6(b)(1), 80 Stat. 937; 14 U.S.C. 182, 632, 49 U.S.C. 1655 (b)(1); 49 CFR 1.46(b) (35 F.R. 4959))

Effective date. This amendment is effective on May 20, 1971.

Dated: May 12, 1971.

C. R. BENDER,
Admiral, U.S. Coast Guard, Commandant.

[FR Doc.71-7040 Filed 5-19-71;8:48 am]

Title 43—PUBLIC LANDS: INTERIOR

Chapter II—Bureau of Land Management, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 5059]

[Montana 16312]

MONTANA

Withdrawal for National Forest Lookout Sites

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described national forest lands are hereby withdrawn from appropriation under the mining laws (30 U.S.C., Ch. 2), but not from leasing under the mineral leasing laws, in aid of programs of the Department of Agriculture:

LOLO NATIONAL FOREST

PRINCIPAL MERIDIAN

East Spread Lookout

T. 16 N., R. 12 W.,
Sec. 12, W½NW¼SE¼NE¼, E½NE¼SW¼NE¼.

Williams Peak Lookout

T. 14 N., R. 25 W.,
Sec. 24, SE¼SW¼NE¼, NE¼NW¼SE¼.

Stark Mountain Lookout

T. 15 N., R. 24 W.,
Sec. 1, SE¼SW¼NE¼.

Mormon Peak Lookout

T. 11 N., R. 20 W.,
Sec. 7, SE¼SW¼SW¼NW¼, SW¼SE¼SW¼NW¼, NE¼NW¼NW¼SW¼, NW¼NE¼NW¼SW¼.

Thompson Peak Lookout

T. 16 N., R. 26 W.,
Sec. 5, SW¼ of lot 1, NW¼SE¼NE¼.

Blue Mountain Lookout

T. 12 N., R. 21 W.,
Sec. 12, SW¼SW¼NE¼NW¼, SE¼SE¼NW¼NW¼, NE¼NE¼SW¼NW¼, NW¼NW¼SE¼NW¼.

Edith Peak Lookout

T. 16 N., R. 21 W.,
Sec. 34, S½SW¼NW¼NW¼, N½NW¼SW¼NW¼.

West Fork Butte Lookout

Unsurveyed but which probably will be when surveyed:

T. 11 N., R. 22 W.,
Sec. 6, E½NW¼SE¼SW¼, W½NE¼SE¼SW¼.

Plateau Mountain Lookout

T. 14 N., R. 23 W.,
Sec. 4, SE¼SW¼NW¼.

Morrell Mountain Lookout

T. 17 N., R. 14 W.,
Sec. 34, SW¼SE¼NE¼NE¼, SE¼SW¼NE¼NE¼, NE¼NW¼SE¼NE¼, NW¼NE¼SE¼NE¼.

Sliderock Mountain Lookout

T. 10 N., R. 16 W.,
Sec. 25, SE¼NE¼SW¼.

Landowner Mountain Lookout

T. 15 N., R. 26 W.,
Sec. 30, W½W½SE¼SW¼, E½E½ of lot 7.

The areas described aggregate approximately 150 acres in Granite, Missoula, Powell, and Mineral Counties.

2. The withdrawal made by this order does not alter the applicability of those public land laws governing the use of the national forest lands under lease, license, or permit or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 13, 1971.

[FR Doc.71-7010 Filed 5-19-71;8:46 am]

[Public Land Order 5060]

[Wyoming 17259]

WYOMING

Withdrawal for Administrative Site

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public land, which is under the jurisdiction of the Secretary of the Interior, is hereby withdrawn from all forms of appropriation under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, and reserved for the Rock Springs Administrative Site:

SIXTH PRINCIPAL MERIDIAN

T. 19 N., R. 105 W.,
Sec. 14, a tract of land within lot 5 described as follows:
Beginning at a point 816.55 feet N. 17°56'40'' E. of the quarter corner common to secs. 14 and 15; thence N. 12°22' E., a distance of 513.7 feet; theence S. 89°41' E., a distance of 902.92 feet; thence S. 2°16' E., a distance of 779.4 feet; thence N. 74°54'30'' W., a distance of 1,080 feet to the point of beginning.

The area described contains 14.43 acres in Sweetwater County.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the land under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 13, 1971.

[FR Doc.71-7011 Filed 5-19-71;8:46 am]

[Public Land Order 5061]

[Colorado 12185]

COLORADO

Withdrawal for Recreation Sites and Protection of Endangered Species of Wildlife

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952 (17 F.R. 4831), it is ordered as follows:

1. Subject to valid existing rights, the following described public lands which are under the jurisdiction of the Secretary of the Interior, are hereby withdrawn from all forms of appropriations under the public land laws, including the mining laws (30 U.S.C., ch. 2), but not from leasing under the mineral leasing laws, for protection of their public recreation values, and for protection of endangered species of wildlife:

SIXTH PRINCIPAL MERIDIAN

CATAMOUNT CREEK RECREATION SITE

T. 2 S., R. 84 W.,
Sec. 8, SW¼SW¼.

LYONS GULCH RECREATION SITE

T. 4 S., R. 86 W.,
Sec. 18, lot 14.

GREATER PRAIRIE CHICKEN RANGE

T. 3 N., R. 43 W.,
Sec. 24, NE¼NE¼;
Sec. 25, NE¼SE¼.

The areas described aggregate approximately 137 acres in Eagle and Yuma Counties.

2. The withdrawal made by this order does not alter the applicability of the public land laws governing the use of the lands under lease, license, or permit, or governing the disposal of their mineral or vegetative resources other than under the mining laws. However, leases, licenses or permits will be issued only if the proposed use of the lands will not interfere with the primary use for which they are withdrawn.

HARRISON LOESCH,
Assistant Secretary of the Interior.

MAY 13, 1971.

[FR Doc.71-7012 Filed 5-19-71;8:46 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Commission

[General Emergency Transport Order 1-71]

PREFERENCE AND PRIORITY FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHT NECESSARY TO THE NATIONAL DEFENSE, HEALTH, AND SAFETY

Pursuant to Title 1 of the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061, et seq.), Executive Order 10480, as amended, and Executive Order 11594 dated May 17, 1971, and it being deemed necessary in the public interest and to promote the national defense, health, and safety by reason of the short supply of domestic transportation equipment, facilities, and service due to the current nationwide cessation of railroad service, to regulate, allocate, and promote the use of motor and inland water carrier equipment, facilities, and service, for the preferential transportation of passengers and property necessary to the national defense, health, and safety, and is being impractical to consult with industry representatives due to the necessity of immediate action: *It is hereby ordered,* That:

Section 1. Transportation of military and other freight necessary to promote the national defense, health, and safety.

Every motor and inland water carrier engaged in the transportation of property shall give preference and priority over all other traffic to the transportation of:

Food or kindred products, canned, preserved, or otherwise prepared, including fresh, frozen, or chilled meats and poultry; fresh eggs and milk; fresh or frozen fruits and vegetables; fresh or frozen fish and shell fish; feeds for animals and fowls.

Fuels required for the production of electric power and those used directly for heating residences and institutions essential for the public welfare.

Hospital and sick room supplies and equipment, including diagnotic devices and essential support utilities.

Pharmaceutical, biologicals, surgical textiles, and instruments.

Electrical power and communication systems repair materials and equipment required for the supply of essential electric power and communications.

Medical laboratory supplies and equipment.

Professional dental supplies and equipment.

Material moving on Government or commercial bills of lading specifically certified as essential by defense or atomic energy contract administrators.

All material moving on government bills of lading issued by transportation officers of the military services.

U.S. Mail in accordance with emergency orders issued by the Post Master General.

Water and sewage processing and handling supplies and equipment, including chlorine, alum, lime, sulphate of iron, soda ash, and similar chemicals and equipment essential to the continuity of operation of water and sewage installations.

Items necessary to the continued smooth functioning of the financial system, i.e., movement of checks, currency and coins.

Where necessary to accord such preference and priority, said carriers shall limit or restrict the amount of other freight transported on any motor vehicle or vessel operated by it.

Sec. 2. Transportation of essential Government personnel.

Every motor carrier engaged in the transportation of passengers shall give preference and priority over all other traffic to the transportation of essential Government personnel, including military passengers, traveling on Government Travel Requests, and personnel traveling in support of items contained in this priority list.

Sec. 3. Applicability.

The provisions of this order shall apply to all for-hire motor and inland water carriers engaged in intrastate, interstate, and foreign commerce within the United States, including the District of Columbia, but excluding the States of Alaska and Hawaii, and the territories and possessions of the United States.

Sec. 4. Definitions.

As used in this order:

(a) The term "motor carrier" means any person who engages in the transportation of passenger or property by motor vehicle for compensation;

(b) The term "inland water carrier" means any person who engages in the transportation of property by vessel for compensation.

(c) The term "motor vehicle" means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof; and

(d) The term "vessel" means any watercraft or other artificial contrivance of whatever description which is used, or is capable of being, or is intended to be, used as a means of transportation by water.

Sec. 5. Communications.

Communications concerning this order should refer to "General Emergency Transport Order 1-71" and should be addressed to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

This General Emergency Transport Order 1-71 shall become effective May 17, 1971, and shall remain in full force and effect during the current emergency and until further order.

Issued at Washington, D.C., this 17th day of May 1971.

[SEAL] GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission.

[FR Doc.71-7113 Filed 5-19-71;10:35 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

APPRECIATED PROPERTY USED TO REDEEM STOCK

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, by June 21, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 21, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to the provisions of section 905 of the Tax Reform Act of 1969 (83 Stat. 713), such regulations are amended as follows:

PARAGRAPH 1. Section 1.301 is amended by revising subsections (b)(1)(B)(ii) and (d)(2)(B) of section 301 and the historical note to read as follows:

§ 1.301 Statutory provisions; distributions of property.

Sec. 301. *Distributions of property.* * * *

(b) *Amount distributed*—(1) *General rule.* * * *

(B) *Corporate distributees.* * * *

(ii) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of the other property received, increased in the amount of gain to the distributing corporation which is recognized under subsection (b), (c), or (d) of section 311, under section 341(f), or under section 617(d)(1), 1245(a), 1250(a), 1251(c), or 1252(a).

* * * * *

(d) *Basis.* * * *

(2) *Corporate distributees.* * * *

(B) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property, increased in the amount of gain to the distributing corporation which is recognized under subsection (b), (c), or (d) of section 311, under section 341(f), or under section 617 (d)(1), 1245(a), 1250(a), 1251(c), or 1252 (a).

* * * * *

[Sec. 301 as amended by secs. 5 (a) and (b), and 13(f)(2), Rev. Act 1962 (76 Stat. 977, 1035); sec. 231(b)(2), Rev. Act 1964 (78 Stat. 105); sec. 1(b)(1), Act of Aug. 22, 1964 (Public Law 88-484, 78 Stat. 597); sec. 1(b) (2), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); secs. 211(b) (1) and (2), and 905(b)(2), Tax Reform Act of 1969 (83 Stat. 570, 714)]

PAR. 2. Section 1.301-1 is amended by revising paragraph (d), paragraph (h)(2)(ii)(*b*), paragraph (j)(1), and paragraph (n)(2). These revised provisions read as follows:

§ 1.301-1 Rules applicable with respect to distributions of money and other property.

* * * * *

(d) *Distributions of property to corporate shareholders.* If property (other than money and other than the obligations of the distributing corporation) is distributed in kind to a shareholder which is a corporation and the fair market value of such property is greater than the adjusted basis in the hands of the distributing corporation, only the adjusted basis of such property (determined immediately before the distribution and increased for any gain recognized to the distributing corporation under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)) shall be taken into account under section 301(c). Thus, in such a case, the amount of such a dividend in kind under section 301(c)(1) may not exceed such adjusted basis. Similarly, in such cases where the distribution is not out of earnings and profits, the amount of the reduction in basis of the shareholder's stock and the amount of any gain resulting from such distribution are determined by reference to the adjusted basis of the property distributed. If the property distributed is money, the amount of the distribution shall be the amount of such money. If the property distributed consists of the obligations of the distributing corporation, or stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b), the amount of such distribution shall be an amount equal to the fair market value of such obligations, stock, or rights. For special rules as to distributions by a foreign corporation of property (other than money, the obligations of the distributing corporation, stock of the distributing corporation treated as property under section 305(b), or rights to acquire such stock treated as property under section 305(b)) after December 31, 1962, to a shareholder which is a corporation, see section 301(b)(1)(C) and paragraph (n) of this section.

* * * * *

(h) *Basis.* * * *

(2) * * *

(ii) * * *

(*b*) The adjusted basis (in the hands of the distributing corporation immediately before the distribution) of such property increased in the amount of gain to the distributing corporation which is recognized under section 311(b) (relating to distributions of LIFO inventory), section 311(c) (relating to distributions of property subject to liabilities in excess of basis), section 311(d) (relating to appreciated property used to redeem stock), section 341(f) (relating to certain sales of stock of consenting corporations), section 617(d) (relating to gain from dispositions of certain mining property), section 1245(a) or 1250(a) (relating to gain from dispositions of certain depreciable property), section 1251(c) (relating to gain from disposition of farm recapture property), or section 1252(a) (relating to gain from disposition of farm land);

* * * * *

(j) *Transfers for less than fair market value.* * * *

(1) Where the fair market value of the property equals or exceeds its adjusted basis in the hands of the distributing corporation the amount of the distribution shall be the excess of the adjusted basis (increased by the amount of gain recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a) to the distributing corporation) over the amount paid for the property;

* * * * *

(n) *Distributions of certain property by foreign corporations to corporate shareholders.* * * *

(2) If any deduction is allowable to the recipient under section 245 with respect to a distribution of property described in subparagraph (1) of this paragraph and if the fair market value of the property exceeds its adjusted basis in the hands of the distributing corporation (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)), then the amount taken into account under section 301(c) shall be determined under subparagraph (3) of this paragraph.

In order to determine such amount—

(i) First, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)) which is out of earnings and profits of the taxable year (within the meaning of section 316(a)(2)).

(ii) Second, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251 (c), or 1252(a)) which is out of earnings and profits accumulated during the portion of the uninterrupted period described in section 245(a) which ends at the beginning of the taxable year.

(iii) Third, compute the portion, if any, of the adjusted basis of the property (increased by any gain to the distributing corporation recognized under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251(c), or 1252(a)) which is out of sources other than earnings and profits of the taxable year and earnings and profits accumulated during the uninterrupted period described in section 245(a).

(iv) Fourth, with respect to each of the portions computed under subdivisions (i), (ii), and (iii) of this subparagraph, determine the proportionate part of the fair market value of the property attributable to such portion. The proportionate part of the fair market value attributable to each portion shall be such fair market value multiplied by the ratio which such portion bears to the sum of all portions.

* * * * *

PAR. 3. Sec. 1.311 is amended by revising subsection (a) of, and adding a new subsection (d) to, section 311, and by inserting a historical note. These revised and added provisions read as follows:

§ 1.311 Statutory provisions; taxability of corporation on distribution.

Sec. 311. *Taxability of corporation on distribution*—(a) *General rule.* Except as provided in subsections (b), (c), and (d) of this section and section 453(d), no gain or loss shall be recognized to a corporation on the distribution with respect to its stock, of—

(1) Its stock (or rights to acquire its stock), or

(2) Property.

* * * * *

(d) *Appreciated property used to redeem stock.*

(1) *In general*—If

(A) A corporation distributes property (other than an obligation of such corporation) to a shareholder in a redemption (to which subpart A applies) of part or all of his stock in such corporation, and

(B) The fair market value of such property exceeds its adjusted basis (in the hands of the distributing corporation),

then [a]gain [sic] shall be recognized to the distributing corporation in an amount equal to such excess as if the property distributed had been sold at the time of the distribution. Subsections (b) and (c) shall not apply to any distribution to which this subsection applies.

(2) *Exceptions and limitations.* Paragraph (1) shall not apply to—

(A) A distribution in complete redemption of all of the stock of a shareholder who, at all times within the 12-month period ending on the date of such distribution, owns at least 10 percent in value of the outstanding stock of the distributing corporation, but only if the redemption qualifies under section 302(b)(3) (determined without the application of section 302(c)(2)(A)(ii));

(B) A distribution of stock or an obligation of a corporation—

(i) Which is engaged in at least one trade or business,

(ii) Which has not received property constituting a substantial part of its assets from the distributing corporation, in a transaction to which section 351 applied or as a contribution to capital, within the 5-year period ending on the date of the distribution, and

(iii) At least 50 percent in value of the outstanding stock of which is owned by the distributing corporation at any time within the 9-year period ending 1 year before the date of the distribution;

(C) A distribution before December 1, 1974, of stock of a corporation substantially all of the assets of which the distributing corporation (or a corporation which is a member of the same affiliated group (as defined in section 1504(a)) as the distributing corporation) held on November 30, 1969, if such assets constitute a trade or business which has been actively conducted throughout the 1-year period ending on the date of the distribution;

(D) A distribution of stock or securities pursuant to the terms of a final judgment rendered by a court with respect to the distributing corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1-7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12-27), or both, to which the United States is a party, but only if the distribution of such stock or securities in redemption of the distributing corporation's stock is in furtherance of the purposes of the judgment;

(E) A distribution to the extent that section 303 (a) (relating to distributions in redemption of stock to pay death taxes) applies to such distribution;

(F) A distribution to a private foundation in redemption of stock which is described in section 537(b)(2) (A) and (B); and

(G) A distribution by a corporation to which part I of subchapter M (relating to regulated investment companies) applies, if such distribution is in redemption of its stock upon the demand of the shareholder.

[Sec. 311 as amended by sec. 905 (a) and (b)(1), Tax Reform Act 1969 (83 Stat. 713, 714)]

PAR. 4. Sec. 1.311-1 is amended by revising paragraphs (a), (b), and (d) to read as folows:

§ 1.311-1 General.

(a) Except as provided in subsections (b), (c), and (d) of section 311 and section 453(d) (relating to installment obligations) no gain or loss recognized to a corporation on the distribution, with respect to its stock, of stock, or rights to acquire its stock, or property (regardless of the fact that such property may have appreciated or depreciated in value since its acquisition by the corporation). However, the proceeds of the sale of property in form made by a shareholder receiving such property in kind from the corporation may be imputed to the corporation if, in fact, the corporation made the sale. Moreover, where property is distributed by a corporation, which distribution is in effect an anticipatory assignment of income, such income may be taxable to the corporation. The term "distributions with respect to its stock" includes distributions made in redemption of stock (other than distributions in complete or partial liquidation). See, however, paragraph (e) of this section for distributions to which section 311 does not apply. For the rule respecting the taxation of a corporation making a distribution of property in partial or complex liquidation, see section 336.

(b) In any case in which a corporation distributes with respect to its stock assets which have been part of an inventory, the value of which has been computed for income tax purposes under the method provided in section 472 (relating to last-in, first-out inventories), such corporation shall—

(1) Compute the amount of its inventory under the method provided in section 472 immediately prior to the distribution and immediately after such distribution;

(2) Compute the difference between the two amounts described in subparagraph (1) of this paragraph;

(3) Compute the amount of its inventory under the method authorized by section 471 (relating to general rule for inventories) immediately prior to the distribution and immediately after such distribution;

(4) Compute the difference between the two amounts determined under subparagraph (3) of this paragraph.

If the amount computed under subparagraph (4) of this paragraph is in excess of the amount computed under subparagraph (2) of this paragraph, then such excess shall, under section 311(b), be included in the income of the corporation for the year in which such distribution occurs. In any case in which a corporation distributes assets which have been a part of an inventory whose value has been computed for income tax purposes under the method provided in section 472, such corporation shall on the date of distribution record a specific statement of the amount of its inventory under each of the applicable methods for use in the determination of the amount of income includible under section 311. Section 311(b) and this paragraph do not apply to any distribution which, is governed by section 311(d)(1).

* * * * *

(d) Section 311(c) provides in general for the inclusion in the income of a corporation, on a distribution of property by such corporation to its shareholders, of an amount equal to the excess of a liability over the basis of the property distributed. Thus, section 311(c) applies where the property distributed is subject to a liability or where the shareholder assumes a liability of the corporation in connection with the distribution. For example, if property which is a capital asset having an adjusted basis to the distributing corporation of $100 and a fair market value of $1,000 (but subject to a liability of $900) is distributed to a shareholder, such distribution is taxable (as long-term or short-term gain, as the case may be) to the corporation to the extent of the excess of the liability ($900) over the adjusted basis ($100) or $800. However, if in the preceding example the fair market value of the property distributed were $800, the amount taxable to the corporation is limited to the excess of the fair market value of the property ($800) over its adjusted basis ($100) or $700. If the property subject to a liability were not a capital asset in the hands of the distributing corporation, the gain would be taxable as gain from the sale of a noncapital asset. The holding period of assets so distributed shall be determined as if such property were sold on the date of the distribution. Section 311(c) and this paragraph do not apply to any distribution which is governed by section 311(d)(1).

* * * * *

PAR. 5. The following new section is added immediately after 1.311–1 to read as follows:

§ 1.311–2 Appreciated property used to redeem stock.

(a) *In general.* (1) Section 311(d)(1) provides, in general, that gain is recognized to a corporation which distributes appreciated property (other than an obligation of such corporation) to its shareholders after November 30, 1969, in a redemption (as defined in section 317(b) of its stock to which subpart A, part I, subchapter C, chapter 1 of the Code applies, regardless of whether the redemption is treated as a distribution of property to which section 301 applies. Paragraphs (b) through (i) of this section contain exceptions and limitations provided by section 311(d)(2) and section 905(c) of the Tax Reform Act of 1969 to the application of section 311(d)(1). These exceptions and limitations prevent the recognition of gain to a corporation upon a distribution of appreciated property, but do not broaden the general nonrecognition provisions of section 311(a). Thus, for example, if the proceeds of the sale of property in form made by a shareholder, who received such property from a corporation, are imputed to the corporation (see § 1.311–1(a)), the exceptions and limitations of section 311(d)(2) would have no application.

(2) Section 311(d) applies only where there is an actual redemption of stock as a result of the distribution. Thus, section 311(d) does not apply where there is a distribution of appreciated property pro rata among all shareholders and such shareholders do not transfer any of their stock to the distributing corporation in exchange for such property even though the effect of the transaction would have been the same if there had been actual redemptions. Section 311(d) applies where an acquisition of stock by a corporation is treated under section 304 as a distribution in redemption of the stock of either the acquiring or issuing corporation. Section 311(d)(1) does not apply to a distribution in partial or complete liquidation of a corporation (see sections 331 through 346). In general, the section does not apply to a distribution pursuant to a reorganization to which part III or IV of subchapter C applies or to a distribution of stock or securities of a controlled corporation to which section 355 (or so much of section 356 as relates to section 355) applies. However, if the effect of the distribution is primarily a redemption, section 311(d) will apply. Thus, if one class of shareholders exchanges preferred stock for a lesser amount of new preferred stock (having similar rights and privileges) and for other property, the transaction will be considered a redemption for purposes of section 311(d) rather than a distribution pursuant to a reorganization to which part III or IV of subchapter C would apply.

(3) For purposes of this section, the term "appreciated property" means any property whose fair market value on the date of distribution exceeds its adjusted basis in the hands of the distributing corporation. For purposes of determining the amount of gain which will be recognized under this section, gain realized from the distribution of appreciated property shall not be offset by any loss realized from the distribution of property whose adjusted basis exceeds its fair market value. The amount and nature of gain recognized to a corporation which distributes appreciated property shall be determined as if such property were sold for its fair market value on the date of distribution. The nature of such gain shall be determined by reference to all applicable provisions of law, including section 1245.

(b) *Complete redemption of a 10-percent shareholder.* (1) Section 311(d)(2)(A) provides that section 311(d)(1) shall not apply to a distribution in complete redemption of all the stock of a "10-percent shareholder," provided such distribution qualifies as a redemption in complete termination of such shareholder's interest under section 302(b)(3). Sales and redemptions of stock which are substantially contemporaneous in time and pursuant to a single plan shall be treated as having occurred simultaneously for purposes of determining whether a complete redemption has occurred and whether the distributee is a "10-percent shareholder". For purposes of this paragraph, section 318(a)(1) shall not apply with respect to a distribution described in section 302(b)(3) where section 302(c)(2)(B) does not apply and where immediately after the distribution the distributee has no interest in the corporation (including an interest as an officer, director, or employee) other than an interest as a creditor.

(2) A "10-percent shareholder," for purposes of this paragraph, is a person who, at all times within the 12-month period ending on the date of distribution, owned, without regard to section 318 (relating to constructive ownership of stock), at least 10 percent of the fair market value of all the outstanding stock of the distributing corporation. For purposes of the preceding sentence, a person shall be considered to have owned stock during the period he was considered to have held the stock by reason of the application of section 1223. Where, under the provisions of subpart E, part I, subchapter J, of the Code, any person is treated as the owner of any portion of a trust, stock owned by such trust shall not be considered as owned by such person.

(c) *Distribution of stock of controlled corporation.* (1) Section 311(d)(2)(B) provides that section 311(d)(1) shall not apply to a distribution of stock of a controlled corporation—

(i) Which is engaged in at least one trade or business, and

(ii) Which has not received property (including money) constituting a substantial part of its assets from the distributing corporation, in a transaction to which section 351 applied or as a contribution to capital, within the 5-year period ending on the date of distribution.

For purposes of this paragraph, a corporation is a "controlled corporation" if at least 50 percent of the fair market value of its outstanding stock was owned by the distributing corporation at any time within the 9-year period ending 1 year before the date of distribution. A distribution of stock of a controlled corporation does not qualify for treatment under section 311(d)(2)(B) if the trade or business of such corporation was acquired for the purpose of qualifying the distribution for treatment under that section. However, a trade or business which was acquired more than 1 year before the date of distribution will be presumed not to have been acquired for such a purpose.

(2) (i) In determining, for purposes of subparagraph (1)(ii) of this paragraph, whether property received from the distributing corporation within the 5-year period ending on the date of distribution constitutes a substantial part of the controlled corporation's assets, the amount of money received within such period plus the total fair market value (determined on the date of distribution) of the items of property specified in subdivisions (ii), (iii), and (iv) of this subparagraph shall be compared with the total fair market value of all the controlled corporation's assets on the date of distribution.

(ii) Property other than money received from the distributing corporation shall be taken into account, provided it is held or owned by the controlled corporation on the date of distribution.

(iii) If money is transferred from the distributing corporation to the controlled corporation and then is used, pursuant to a plan of the distributing corporation existing at the time of transfer, to acquire property which the controlled corporation holds or owns on the date of distribution, then the acquired property, in lieu of the money transferred, shall be taken into account.

(iv) If property (other than money) received from the distributing corporation (or property acquired pursuant to plan with money received from the distributing corporation) is exchanged for other property in a transaction in which gain or loss is not recognized in whole or in part to the controlled corporation, the property received in the exchange shall be taken into account, provided it is held or owned by the controlled corporation on the date of distribution.

(3) The principles of this paragraph may be illustrated by the following examples:

Example (1). Corporation M, a toy manufacturer, is a controlled corporation of corporation N. On June 1, 1970, N contributes $200,000 to M's capital. On January 1, 1971, N contributes real estate with a fair market value of $50,000 to M's capital. On February 1, 1975, when N distributes M stock to its shareholders in redemption of its own stock, such real estate, still owned by M, has a fair market value of $100,000. On the date of distribution the total fair market value of all M's assets is $10 million. The distribution meets the requirements of section 311(d)(2)(B) and therefore no gain is recognized to N under section 311(d)(1).

Example (2). Corporation R is a controlled corporation of corporation S. On April 1, 1970, S contributes $500,000 to R which, pursuant to a plan of S existing at the time of the contribution, R uses to purchase certain securities. On July 1, 1970, S contributes an office building to R. On December 1, 1972, such building is exchanged for another building in a transaction to which section 1031 (relating to exchange of property held for productive use or investment) applies. On February 1, 1975, when S distributes R stock to its shareholders in redemption of its own stock, both the purchased securities and the building received in the exchange are owned by R. On such date, the building and the securities each has a fair market value of $2 million. The total value of contributed property for purposes of subparagraph (1)(ii) of this paragraph is $4 million. On the date of distribution the total fair market value of all R's assets is $8 million. The distribution fails to meet the requirements of section 311(d)(2)(B) since S contributed to R's capital a substantial part of R's assets within the 5-year period ending on the date of distribution.

(d) *Certain distributions made before December 1, 1974.* Section 311(d)(2)(C) provides that section 311(d)(1) shall not apply to a distribution before December 1, 1974, of stock of a corporation substantially all of the assets of which the distributing corporation (or a corporation which is a member of the same affiliated group (as defined in section 1504(a)) as the distributing corporation) held on November 30, 1969, if such assets constitute a trade or business which has been actively conducted throughout the one-year period ending on the date of distribution. The term "active conduct of a trade or business" shall have the same meaning in this paragraph as in paragraph (c) of § 1.355–1.

(e) *Distributions pursuant to antitrust judgments.* Section 311(d)(2)(D) provides that section 311(d)(1) shall not apply to a distribution of stock or securities pursuant to the terms of a final judgment rendered by a court with respect to the distributing corporation in a court proceeding under the Sherman Act (26 Stat. 209; 15 U.S.C. 1–7) or the Clayton Act (38 Stat. 730; 15 U.S.C. 12–27), or both, to which the United States is a party, but only if the distribution of such stock or securities in redemption of the distributing corporation's stock is in furtherance of the purposes of the judgment. A distribution in redemption of the distributing corporation's stock will be considered in furtherance of the purposes of the judgment if the court finds that such distribution is necessary or appropriate to effectuate the policies of the Sherman Act, or the Clayton Act, or both. Absent such a finding by the court, it is a question of fact in each case whether the distribution is in furtherance of the purposes of the judgment.

(f) *Distributions in redemption of stock to pay death taxes.* Section 311(d)(2)(E) provides that section 311(d)(1) shall not apply to a distribution to the extent that section 303(a) (relating to distributions in redemption of stock to pay death taxes) applies to such distribution. If a corporation distributes both appreciated property and other property in a single distribution and if the total distribution exceeds the amount which qualifies for treatment under section 303, then for purposes of applying section 311(d)(2)(E) and this paragraph, the appreciated property shall be considered as distributed before such other property and to be in redemption of stock described in section 303(a) to the extent thereof.

(g) *Distributions to private foundations.* Section 311(d)(2)(F) provides that section 311(d)(1) shall not apply to a distribution to a private foundation (as defined in section 509) in redemption of stock described in section 537(b)(2) (A) and (B) and the regulations thereunder. If a coporation distributes to a private foundation both appreciated property and other property in a single distribution and if the total distribution exceeds the amount which qualifies for treatment under section 537(b)(2) (A) and (B), then for purposes of applying section 311(d)(2)(F) and this paragraph, the appreciated property shall be considered as distributed before such other property and to be in redemption of stock described in section 537(b)(2) (A) and (B), to the extent thereof.

(h) *Distribution by regulated investment company.* Section 311(d)(2)(G) provides that section 311(d)(1) shall not apply to a distribution by a corporation to which part I, subchapter M, chapter 1 of the Code (relating to regulated investment companies) applies, provided such distribution is in redemption of a redeemable security (as defined in section 2(a)(31) of the Investment Company Act of 1940 (54 Stat. 790; 15 U.S.C. 80a–2(a)(31))).

(i) *Transitional Rules.* Section 311(d) does not apply to—

(1) A distribution before April 1, 1970, pursuant to the terms of—

(i) A written contract which was binding on the distributing corporation on November 30, 1969, and at all times thereafter before the distribution,

(ii) An offer made by the distributing corporation before December 1, 1969,

(iii) An offer made in accordance with a request for a ruling filed by the distributing corporation with the Internal Revenue Service before December 1, 1969, or

(iv) An offer made in accordance with a registration statement filed with the Securities and Exchange Commission before December 1, 1969.

For purposes of subdivisions (ii), (iii), and (iv) of this subparagraph, an offer shall be treated as an offer only if it was in writing and not revocable by its express terms.

(2) A distribution by a corporation of specific property in redemption of stock outstanding on November 30, 1969, if—

(i) Every holder of such stock on such date had the right to demand redemption of his stock in such specific property, and

(ii) The corporation had such specific property on hand on such date in a quantity sufficient to redeem all of such stock.

For purposes of the preceding sentence, stock shall be considered to have been outstanding on November 30, 1969, if it could have been acquired on such date through the exercise of an existing right of conversion contained in other stock held on such date.

(3) A distribution by a corporation of property (held on December 1, 1969, by the distributing corporation or a corporation which was a wholly owned subsidiary of the distributing corporation on such date) in redemption of stock outstanding on November 30, 1969, which is redeemed and canceled before July 31, 1971, if—

(i) Such redemption is pursuant to a resolution adopted before November 1, 1969, by the Board of Directors authorizing the redemption of a specific amount of stock constituting more than 10 percent of the outstanding stock of the corporation at the time of the adoption of such resolution; and

(ii) More than 40 percent of the stock authorized to be redeemed pursuant to such resolution was redeemed before December 30, 1969, and more than one-half of the stock so redeemed was redeemed with property other than money.

(4) A distribution of stock by a corporation organized prior to December 1, 1969, for the principal purpose of providing an equity participation plan for employees of the corporation whose stock is being distributed (hereinafter referred to as the "employer corporation") if—

(i) The stock being distributed was owned by the distributing corporation on November 30, 1969,

(ii) The stock being redeemed was acquired before January 1, 1973, pursuant to such equity participation plan by the shareholder presenting such stock for redemption (or by a predecessor of such shareholder),

(iii) The employment of the shareholder presenting the stock for redemption (or the predecessor of such shareholder) by the employer corporation commenced before January 1, 1971,

(iv) At least 90 percent in value of the assets of the distributing corporation on November 30, 1969, consisted of common stock of the employer corporation, and

(v) At least 50 percent of the outstanding voting stock of the employer corporation is owned by the distributing corporation at any time within the 9-year period ending 1 year before the date of such distribution.

PAR. 6. Section 1.312 is amended by revising section 312(c)(3) and the historical note to read as follows:

§ 1.312 Statutory provisions; effect on earnings and profits.

SEC. 312. *Effect on earnings and profits.* * * *

(c) *Adjustment for liabilities, etc.* * * *

(3) Any gain to the corporation recognized under subsection (b), (c), or (d) of section 311, under section 341(f), or under section 617(d)(1), section 1245(a), 1250(a), 1251(c), or 1252(a).

* * * * *

(Sec. 312 as amended by sec. 13(f)(3), Rev. Act 1962 (76 Stat. 1035); sec. 231(b)(3), Rev. Act 1964 (78 Stat. 105); sec. 1(b)(1), Act of Aug. 22, 1964 (Public Law 88-484, 78 Stat. 597); sec. 1(b)(3), Act of Sept. 12, 1966 (Public Law 89-570, 80 Stat. 762); secs. 211(b)(3) and 905(b)(2), Tax Reform Act 1969 (83 Stat. 570, 714))

PAR. 7. Section 1.312–3 is amended to read as follows:

§ 1.312–3 Liabilities.

The amount of any reductions in earnings and profits described in section 312 (a) or (b) shall be (a) reduced by the amount of any liability to which the property distributed was subject and by the amount of any other liability of the corporation assumed by the shareholder in connection with such distribution, and (b) increased by the amount of gain recognized to the corporation under section 311 (b), (c), or (d), or under section 341(f), 617(d), 1245(a), 1250(a), 1251 (c), or 1252(a).

[FR Doc.71-7050 Filed 5-19-71;8:49 am]

[26 CFR Part 1]

CAPITALIZATION OF COSTS ON PLANNING AND DEVELOPING ALMOND GROVES

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 21, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request in writing, to the Commissioner by June 21, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under section 278 of the Internal Revenue Code of 1954 to the Act of January 12, 1971 (Public Law 91-680, 84 Stat. 2064), such regulations are amended as follows:

PARAGRAPH 1. Section 1.278 is amended to read as follows:

§ 1.278 Statutory provisions; capital expenditures incurred in planting and developing citrus and almond groves.

SEC. 278. *Capital expenditures incurred in planting and developing citrus and almond groves*—(a) *General rule.* Except as provided in subsection (b), any amount (allowable as a deduction without regard to this section), which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted, shall be charged to capital account. For purposes of the preceding sentence, the portion of a citrus or almond grove planted in 1 taxable year shall be treated separately from the portion of such grove planted in another taxable year.

(b) *Exceptions.* Subsection (a) shall not apply to amounts allowable as deductions (without regard to this section), and attributable to a citrus or almond grove (or part thereof) which was:

(1) Replanted after having been lost or damaged (while in the hands of the taxpayer), by reason of freeze, disease, drought, pests, or casualty, or

(2) Planted or replanted before—

(A) December 30, 1969, in the case of a citrus grove, or

(B) December 30, 1970, in the case of an almond grove.

[Sec. 278 as added by sec. 216, Tax Reform Act 1969 (83 Stat. 373); as amended by Act of January 12, 1971 (Public Law 91-680, 84 Stat. 2064)]

PAR. 2. Section 1.278-1 is amended by revising the title thereof, by revising paragraph (a)(1)(i), by revising subdivisions (ii) and (iii) of paragraph (a)(2), by renumbering subdivisions (ii) and (iii) of paragraph (a)(2) as (iii) and (iv) respectively and adding a new subdivision (ii) to paragraph (a)(2), by revising paragraph (a)(3)(i), by revising paragraph (b)(1), and by revising paragraph (b)(2)(i). These amended and added provisions read as follows:

§ 1.278–1 Capital expenditures incurred in planting and developing citrus and almond groves.

(a) *General rule.* (1)(i) Except as provided in subparagraph (a)(iii) of this paragraph and paragraph (b) of this section, there shall be charged to capital account any amount (allowable as a deduction without regard to section 278 or this section) which is attributable to the planting, cultivation, maintenance, or development of any citrus or almond grove (or part thereof), and which is incurred before the close of the fourth taxable year beginning with the taxable year in which the trees were planted. For purposes of section 278 and this section, such an amount shall be considered as "incurred" in accordance with the taxpayer's regular tax accounting method used in reporting income and expenses connected with the citrus or almond grove operation. For purposes of this paragraph, the portion of a citrus or almond grove planted in 1 taxable year shall be treated separately from the portion of such grove planted in another taxable year. The provisions of section 278 and this section apply to taxable years beginning after December 31, 1969, in the case of a citrus grove, and to taxable years beginning after January 12, 1971, in the case of an almond grove.

* * * * *

(2) * * *

(ii) For purposes of section 278 and this section, an "almond grove" is defined as one or more amygdalaceous trees.

(iii) An amount attributable to the cultivation, maintenance, or development of a citrus or almond grove (or part thereof) shall include, but shall not be limited to, the following developmental or cultural practices expenditures: Irrigation, cultivation, pruning, fertilizing, management fees, frost protection, spraying, and upkeep of the citrus or almond grove. The provisions of section 278(a) and this paragraph shall apply to expenditures for fertilizer and related materials notwithstanding the provisions of section 180, but shall not apply to expenditures attributable to real estate taxes or interest, to soil and water conservation expenditures allowable as a dededuction under section 175, or to expenditures for clearing land allowable as a deduction under section 182. Further, the provisions of section 278(a) and this paragraph apply only to expenditures allowable as deductions without regard to section 278 and have no application to expenditures otherwise chargeable to capital account, such as the cost of the land and preparatory expenditures incurred in connection with the citrus or almond grove.

(iv) For purposes of section 278 and this section, a citrus or almond tree shall be considered to be "planted" on the

date on which the tree is placed in the permanent grove from which production is expected.

(3) (i) The period during which expenditures described in section 278(a) and this paragraph are required to be capitalized shall, once determined, be unaffected by a sale or other disposition of the citrus or almond grove. Such period shall, in all cases, be computed by reference to the taxable years of the owner of the grove at the time that the citrus or almond trees were planted. Therefore, if a citrus or almond grove subject to the provisions of section 278 or this paragraph is sold or otherwise transferred by the original owner of the grove before the close of his fourth taxable year beginning with the taxable year in which the trees were planted, expenditures described in section 278(a) or this paragraph made by the purchaser or other transferee of the citrus or almond grove from the date of his acquisition until the close of the original holder's fourth such taxable year are required to be capitalized.

* * * * *

(b) *Exceptions.* (1) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section) and attributable to a citrus or almond grove (or part thereof) which is replanted by a taxpayer after having been lost or damaged (while in the hands of such taxpayer) by reason of freeze, disease, drought, pests, or casualty.

(2) (i) Paragraph (a) of this section shall not apply to amounts allowable as deductions (without regard to section 278 or this section), and attributable to a citrus grove (or part thereof) which was planted or replanted prior to December 30, 1969, or to an almond grove (or part thereof) which was planted or replanted prior to December 30, 1970.

* * * * *

[FR Doc.71-7049 Filed 5-19-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-EA-29]

CONTROL ZONE AND TRANSITION AREAS

Proposed Alteration and Revocation

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Youngstown, Ohio, Transition Area (36 F.R. 2140) and Control Zone (36 F.R. 2055) and revoke the Youngstown, Ohio (Lansdowne Airport) Transition Area (36 F.R. 2140) and Youngstown, Ohio (Youngstown Executive Airport) Transition Area (36 F.R. 2140).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Youngstown, Ohio, control zone and transition area to provide controlled airspace to protect aircraft executing the instrument approach procedures for Youngstown Municipal Airport. In addition, the Youngstown, Ohio (Lansdowne Airport), transition area and the Youngstown, Ohio (Youngstown Executive Airport), transition area will be revoked and the controlled airspace required to protect aircraft executing the instrument approaches to these airports will be included in the proposed alteration of the Youngstown, Ohio, transition area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Youngstown, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Youngstown, Ohio, control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 41°15'28" N., 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within 2 miles each side of the extended centerline of Runway 5, extended from the 5-mile radius zone to 6 miles northeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 14, extended from the 5-mile radius zone to 5.5 miles southeast of the center of the airport; within 2 miles each side of the extended centerline of Runway 23, extended from the 5-mile radius zone to 5.5 miles southwest of the center of the airport and within 1 mile each side of the Youngstown Municipal Airport localizer northwest course, extended from the 5-mile radius zone to 5.5 miles northwest of the center of the airport.

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to:

(a) Delete the description of the Youngstown, Ohio, transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the center, 41°15'28" N., 80°40'34" W. of Youngstown Municipal Airport, Youngstown, Ohio; within a 7-mile radius of the center, 41°03'33" N., 80°49'55" W. of Youngstown Executive Airport, Youngstown, Ohio; within a 5.5 mile radius of the center, 41°07'45" N., 80°37'15" W. of Lansdowne Airport, Youngstown, Ohio; within 3.5 miles each side of the Youngstown VORTAC 358° radial, extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the Youngstown VORTAC; within 3.5 miles each side Youngstown Municipal Airport ILS localizer southeast course, extending from the OM to 11.5 miles southeast of the OM; within 4.5 miles each side of the Youngstown VORTAC 203° radial, extending from 9 miles southwest of the VORTAC to 15.5 miles southwest of the VORTAC; within 5 miles each side of the 023° radial of the Youngstown VORTAC extending from the Youngstown Municipal Airport 9-mile radius area to 11.5 miles north of the VORTAC.

(b) Revoke the Youngstown, Ohio (Lansdowne Airport) transition area.

(c) Revoke the Youngstown, Ohio (Youngstown Executive Airport) transition area.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348, and section 6(c) of the DOT Act, 49 U.S.C. 1655(c).

Issued in Jamaica, N.Y., on May 4, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7009 Filed 5-19-71;8:48 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 270, 274]

[Release No. IC-6527]

CONTRACTUAL PLANS FOR MUTUAL FUND SHARES AND VARIABLE ANNUITIES

Notice of Public Conference

On April 29, 1971, the Commission published for comment Investment Company Act Release No. 6493, published in the FEDERAL REGISTER for May 4, 1971 at 36 F.R. 8319, notice of proposals under the Investment Company Act of 1940 to (a) adopt rules 27d–1, 27e–1, 27f–1, 27g–1, 27h–1, and Forms N–27D–1, N–27E–1, N–27F–1, N–27F–2, and N–27F–3 with respect to reserve, notice and refund requirements in connection with the sale of periodic payment plan certificates, and (b) amend rules 27a–1, 27a–2, 27a–3, and 27c–1. Interested persons have been given until May 28, 1971 to comment upon the proposals. Requests for a conference with the Commission have been received from a number of persons in order to permit them to express orally their views concerning those proposals to the Commission.

In view of these requests the Commission has determined to hold a Public Conference at 10 a.m. on May 28, 1971. Any person who wishes to be heard should, on or before May 24, 1971, write to the Securities and Exchange Commission, Washington, D.C. 20549 setting forth the persons or associations which he represents and suggesting the time desired to present his views. Only those persons who have submitted a written presentation at least 2 days prior to the date of the public conference will be heard. At the opening of the conference the Chairman will allot the time among the persons requesting to be heard.

By the Commission, May 17, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7101 Filed 5-19-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Proposal To Establish Definition of Small Business for Forestry Services for Purpose of Government Procurement

Pursuant to authority contained in section 3 of the Small Business Act (15 U.S.C. 632), notice is hereby given that the Small Business Administration proposes to establish a definition of small business for Standard Industrial Classification Industry No. 0851, Forestry Services, for the purpose of Government procurement.

Section 121.3-8 of the Regulation provides that, if no standard is set forth in § 121.3-8 for a particular industry, field of operation or activity, the applicable size standard is 500 employees.

No separate size standard has been established for SIC Industry No. 0851 above, and therefore currently the applicable size standard for the purpose of procurement of a service classified in such industry is 500 employees.

Government data reveals that 97 percent of the businesses engaged in forestry and providing forestry services, have annual receipts under $1 million, and together account for 78 percent of total receipts. Under these circumstances, it is believed that $1 million in annual receipts is a more appropriate definition of small business than 500 employees which apparently includes substantially all concerns engaged in these activities.

Accordingly it is proposed to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding new § 121.3-8(h) to read as follows:

§ 121.3-8 Definition of small business for Government procurement.

* * * * *

(h) *Forestry services.* Any concern bidding on a contract for forestry services (Standard Industry Classification Industry No. 0851) is classified as small if its average annual receipts for its preceding three (3) fiscal years do not exceed $1 million.

Interested parties may file with the Small Business Administration within 30 days of publication of this proposal in the FEDERAL REGISTER, written statements of facts, opinions or arguments concerning the proposal.

All correspondence shall be addressed to:

Associate Administrator for Procurement and Management Assistance, Small Business Administration, 1441 L Street NW., Washington, DC 20416. Attention: Size Standards Staff.

Dated: May 12, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7004 Filed 5-19-71;8:46 am]

Notices

DEPARTMENT OF STATE

Agency for International Development

OFFICES OF INTERNATIONAL TRAINING AND PUBLIC SAFETY

Redelegation of Authority Regarding Contracting Functions

Pursuant to the authority delegated to me by Delegation of Authority No. 17 from the Administrator of the Agency for International Development, dated March 13, 1969 (34 F.R. 6446), I hereby redelegate to the incumbents of the positions in the Office of International Training (OIT) and the Office of Public Safety (OPS) designated on the table which appears following paragraph 4 of this delegation, and within the limits stated for each position in the table, authority to sign or approve the documents specified therein for purposes related to the participant training program.

1. The authorities herein delegated are to be exercised in accordance with regulations, procedures, and policies now or hereafter established or modified and promulgated within A.I.D.

2. Any actions taken prior to the effective date hereof by officers duly authorized pursuant to superseded delegations are hereby continued in effect according to their terms until modified, revoked, or superseded by action of the officers to whom relevant authority has been delegated in this delegation.

3. Nothing herein shall be construed to derogate from the authority of the Chief, Contract Services Division, and the Contracting Officers of the Contract Operations Branch, Contract Services Division, Office of Procurement, in their discretion, at any time to exercise any of the functions herein delegated.

4. The authorities delegated herein may not be redelegated, but may be exercised by persons who are performing the functions of the designated officers in an "Acting" capacity.

OFFICERS AUTHORIZED TO OBTAIN GOODS AND SERVICES RELATIVE TO THE PARTICIPANT TRAINING PROGRAM

Director, and his Deputy; Assistant Director for Program, and his Deputy, OIT. Director, and his Deputy; Chief Training Division, and his Deputy, OPS.	Assistant Director for Administration; Head, Contract Office, OIT/AD	Chiefs, Program Division Training Branches, OIT/PD	Development Training Specialists, OIT/PD	
$50,000	Nil	$3,500	Nil	Task Orders Against Basic Ordering Agreements with universities or other educational institutions (including firms and organizations engaged in training) for participant training costs.
$50,000	Nil	$3,500	Nil	Contracts with universities or educational institutions for participant training costs based on published catalog tuition prices or other published mediums by which the institutions announce terms and conditions for enrollment.
$7,500	$7,500	Nil	Nil	Interpreting (including translating) services contracts and field program manager contracts.
$2,500	$2,500	$1,000	[1] $1,000	Purchase Orders to effect purchases related to the participant training program in accordance with procedures set forth in Federal Procurement Regulations Subpart 1 3.

[1] This authority may also be executed by Field Program Managers, OIT.

5. This Redelegation of Authority supersedes in its entirety the Redelegation of Authority to the Incumbents, Offices of International Training and Public Safety, dated August 24, 1970 (35 F.R. 13801).

6. This Redelegation of Authority shall be effective immediately.

Dated: May 12, 1971.

LANE DWINELL,
Assistant Administrator for Administration.

[FR Doc.71-7021 Filed 5-19-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[C-12867]

COLORADO

Notice of Proposed Withdrawal and Reservation of Lands

MAY 13, 1971.

The Forest Service, U.S. Department of Agriculture, has filed an application, Serial No. C-12867, for the withdrawal of the lands described below, from prospecting, location and entry under the General Mining Laws only, subject to valid existing rights.

The applicant desires the lands for public recreation areas.

Until June 22, 1971, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Colorado Land Office, Room 15019 Federal Building, 1961 Stout Street, Denver, CO 80202.

The Department's regulations (43 CFR 2311.1-3(o)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

GUNNISON NATIONAL FOREST

NEW MEXICO PRINCIPAL MERIDIAN

Tomichi Creek Picnic Ground

T. 48 N., R. 5 E.,
 Sec. 30, lots 5, 10, S½NE¼NE¼, N½SE¼NE¼.

Snowblind Campground

T. 49 N., R. 5 E.,
 Sec. 9, lots 4, 5, W½SW¼NE¼.

Middle Quartz Campground

T. 50 N., R. 5 E.,
 Sec. 4, W½SW¼, NW¼;
 Sec. 5, SE¼NE¼, N½NE¼SE¼.

Mesa Campground

T. 49 N., R. 6 W.,
 Sec. 27, S½SW¼SE¼.

SIXTH PRINCIPAL MERIDIAN

Timberline Overlook

T. 14 S., R. 81 W.
 Sec. 11, E½NW¼NE¼SW¼, E½NE¼SW¼.

Cottonwood Pass Observation Site

T. 14 S., R. 81 W.,
 Sec. 14, SE¼NW¼SE¼.

Avery Peak Campground

T. 12 S., R. 86 W.,
 Protraction Diagram No. 15 dated 5-10-65.
 Sec. 33, NW¼NE¼.

The areas described aggregate approximately 350 acres.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals Program Management and Land Office.

[FR Doc.71-6996 Filed 5-19-71;8:45 am]

[Colorado 0123957]

COLORADO

Notice of Partial Termination of Proposed Withdrawal and Reservation of Lands

Notice of a Bureau of Reclamation, U.S. Department of the Interior Application, Colorado 0123957, for withdrawal and reservation of lands for reclamation purposes in connection with the White Water Unit, Colorado River Storage Project, was published as F.R. Doc. 64-10234, on pages 13909 and 13910 of the issue of October 8, 1964. The applicant agency has cancelled its application insofar as it affects the following described lands:

UTE MERIDIAN, COLORADO

T. 2 S., R. 1 E.,
 Sec. 4, W½SW¼NW¼, containing 20 acres.

Therefore, pursuant to the regulations contained in 43 CFR, Part 2311, such lands, at 10 a.m., on June 17, 1971, will be relieved of the segregative effect of the above-mentioned application.

J. ELLIOTT HALL,
Chief, Division of Lands and Minerals, Program Management and Land Office.

[FR Doc.71-7020 Filed 5-19-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

HUMANELY SLAUGHTERED LIVESTOCK

Identification of Carcasses; Changes in Lists of Establishments

Pursuant to section 4 of the Act of August 27, 1958 (7 U.S.C. 1904), and the statement of policy thereunder in 9 CFR 381.1, the lists (36 F.R. 3205, 4710, and 7025) of establishments which are operated under Federal inspection pursuant to the Federal Meat Inspection Act (21 U.S.C. 601 et seq.) and which use humane methods of slaughter and incidental handling of livestock are hereby amended as indicated in the following table listing species at additional establishments and additional species at previously listed establishments that have been reported as being slaughtered and handled humanely.

ESTABLISHMENTS SLAUGHTERING HUMANELY

Name of establishment	Establishment No.	Cattle	Calves	Sheep	Goats	Swine	Horses	Mules
Miller Abattoir Co	179		(*)					
Missouri Beef Packers, Inc	473B	(*)						
Castle Brands, Ind	816					(*)		
Winchester Packing Co	5500	(*)				(*)		
Lewis Meats	6175	(*)	(*)	(*)		(*)		
Sixty Six Packing Co	7023	(*)	(*)	(*)		(*)		
Kentucky Sausage Co., Inc	7300					(*)		
Bowman Locker Plant	7620	(*)				(*)		
New establishments reported: 8.								
Armour & Co	211T		(*)					
City Custom Packing Co., Inc	387			(*)	(*)			
Meats, Inc	899		(*)					
Pony Express Ranch	2398		(*)					
Schwartzman Packing Co	7003		(*)					
Kachino Packing Co	7040					(*)		
Fred Born	7648					(*)		
Species Added: 8.								

Done at Washington, D.C., on May 14, 1971.

KENNETH M. MCENROE,
Deputy Administrator, Meat and Poultry Inspection Program.

[FR Doc.71-7017 Filed 5-19-71;8:47 am]

Office of the Secretary

TOBACCO INSPECTION AND PRICE SUPPORT SERVICES

Notice of Public Hearings Regarding Applications

Notice is hereby given of public hearings to be held upon the applications of the following designated tobacco markets for additional inspection and price support services to cover one additional sale on each market:

Mullins Warehouse Association, Mullins, S.C., by J. L. Dew, President. The hearing upon this application will be held May 25, 1971, at the County Agricultural Building in Mullins, S.C., beginning at 9:30 a.m., e.d.t.

Farmville Tobacco Board of Trade, Farmville, N.C., by Robert P. Pierce, President. The hearing upon this application will be held May 26, 1971, in the Courtroom, Municipal Building, Farmville, N.C., beginning at 9:30 a.m., e.d.t.

Danville Tobacco Association, Danville, Va., by W. N. Terry, Jr., President. The hearing upon this application will be held May 27, 1971, in the Federal Courtroom, U.S. Post Office Building, Danville, Va., beginning at 9:30 a.m., e.d.t.

The aforesaid public hearing will be conducted and evidence received pursuant to the joint policy statement and regulations governing the extension of tobacco inspection and price support services to new markets and to additional sales on designated markets, as amended, effective September 10, 1969 (7 CFR Part 29, Subpart A, 34 F.R. 14461).

Done at Washington, D.C., this 18th day of May 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-7066 Filed 5-19-71;8:49 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. S-555]

HENRY C. AND SARA M. VESSELL

Notice of Loan Application

MAY 17, 1971.

Henry C. Vessell and Sara M. Vessell, 827 Pioneer Road, Brookings, OR 97415, have applied for a loan from the Fisheries Loan Fund to aid in financing the purchase of a new 46-foot length overall wood vessel to engage in the fisheries for salmon, albacore, shrimp, Dungeness crab, and bottomfish.

Notice is hereby given, pursuant to the provisions of 16 U.S.C. 742c, Fisheries Loan Fund Procedures (50 CFR Part 250, as revised), and Reorganization Plan No. 4 of 1970, that the above entitled application is being considered by the National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Department of Commerce, Interior Building, Washington, D.C. 20235. Any person desiring to submit evidence that the contemplated operation of such vessel will cause economic hardship or injury to efficient vessel operators already operating in that fishery must submit such evidence in writing to the Director, National Marine Fisheries Service, within 30 days from the date of publication of this notice. If such evidence is received it will be evaluated along with such other evidence as may be available before making a determination that the contemplated operation of the vessel will or will not cause such economic hardship or injury.

JAMES F. MURDOCK,
Chief,
Division of Financial Assistance.

[FR Doc.71-7036 Filed 5-19-71;8:48 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-227]

GULF OIL CORP.

Notice of Proposed Issuance of Amended Facility License

The Atomic Energy Commission (the Commission) is considering the issuance of an amendment to Facility License No. R-100 to Gulf Oil Corp. The amendment would authorize Gulf to: (1) Use an improved type of fuel element, (2) increase the steady-state power level from 1.5 megawatts (thermal) to 2 megawatts (thermal), (3) increase the amount of uranium-235 from 10 kilograms to 30 kilograms that the licensee may receive, possess, and use, and (4) to irradiate simultaneously up to 10 direct conversion devices in the TRIGA Mark III reactor located at Torrey Pines Mesa near San Diego, Calif. The amendment would also restate the license in its entirety to delete from the license the requirements for reports and recordkeeping (these requirements will be incorporated in the Technical Specifications), and to incorporate all of the applicable amendments previously issued. Gulf was authorized by CPRR-109, dated June 26, 1970, to make certain structural changes to the TRIGA Mark III facility which would permit the use of either the standard TRIGA fuel elements or the new FLIP fuel elements. Amendment No. 2 to Facility License No. R-100, issued September 2, 1970, authorized the operation of the modified reactor with the standard TRIGA fuel elements.

The Commission has found that the application for the amendment, as amended, complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations published in 10 CFR Chapter I. The amendment will be issued after the Commission makes the findings required by the Act and the Commission's regulations, which are set forth in the proposed amendment, and concludes that the issuance of the amendment will not be inimical to the common defense and security or to the health and safety of the public.

Within 15 days from the date of publication of this notice in the FEDERAL REGISTER, the applicant may file a request for a hearing, and any person whose interest may be affected by the issuance of this amendment may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's rules of practice, 10 CFR Part 2. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order.

For further details with respect to the proposed issuance, see (1) the application dated January 29, 1970, and supplements thereto, (2) the related Safety Evaluation prepared by the Division of Reactor Licensing, (3) the proposed amended facility license, and (4) the proposed Technical Specifications, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

Dated at Bethesda, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

DONALD J. SKOVHOLT,
Assistant Director for Reactor Operations, Division of Reactor Licensing.

[FR Doc.71-7038 Filed 5-19-71;8:48 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23385; Order 71-5-69]

NACA FACILITIES AND SERVICE CORP.

Order Authorizing Discussions and Approving Agreements

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 14th day of May 1971.

NACA Facilities and Service Corp. (FASCO)[1] requests authority from the Board for the conduct of joint discussions among United States and foreign supplemental airlines using the North Passenger Terminal Complex (NPT), consisting of Buildings 197 and Hangar 11 at John F. Kennedy Airport. The purpose of such discussions is to resolve the problem posed by a request of the Port of New York Authority (PNYA) which was made of FASCO to coordinate, for the heavy summer travel season, the scheduling of arrivals and departures of all carriers using NPT. FASCO states that it and PNYA are concerned about the possibility of serious overcrowding of terminal facilities by passengers and their guests, and as well about the overcrowding and delays of aircraft at the limited number of gate positions available. PNYA by telegram dated May 11, 1971, supports the FASCO request, and urges that discussions be authorized "to avoid repetition of the serious crowding that has occurred in the past."[2]

Upon consideration of the matter, we have decided to grant FASCO's request for multicarrier discussions, subject to the restrictions set forth below. The instant circumstances are very similar to those which caused us to authorize discussions relating to congestion at the International Arrivals Building, Kennedy Airport, Order 71-1-55, January 12, 1971. As was there the case, the congestion caused by large numbers of simultaneously arriving or departing passengers and their entourage at NPT presents extraordinary circumstances which warrant the affected carriers' collective consideration. Accordingly, we find that the public interest in reducing the NPT congestion problem warrants a grant of approval for discussions and joint arrangements among affected airlines. However, we also find that the public interest requires the imposition of the restrictions hereinafter stated.

To begin with, the area of concern presently before the Board involves departure or arrival of passengers only at NPT. For this reason, the parties eligible to enter into discussions and joint arrangements for the adjustment of passenger departures and arrivals at NPT will be limited to those United States and foreign air carriers that transport passengers for departure from or arrival at Kennedy Airport's NPT and the discussions will be limited to the facilities congestion problem at NPT. On the other hand, the discussions need not be limited to the movement of aircraft utilizing NPT, but may extend to consideration of such factors, for example, as types and characteristics of aircraft carrying passengers to or from NPT, load factors on such aircraft, the number of passengers actually being transported, time of arrivals, and proposed remedies for or accommodation to the facilities congestion problem.

Our approval of the carriers' discussions and arrangements also extends to resultant agreements among the discussants for the adjustment of flight movements at NPT, to further PNYA and FASCO's needs. Such prior approval is being granted out of recognition of the need for expedition relating to the discussions and plans for the 1971 peak action. The reporting and filing conditions and our retention of jurisdiction will provide us with the means for taking any further action on such agreements as may be in the public interest.

The procedures to be followed in conducting the discussions will be left to the discretion of the parties involved. However, we will require that adequate notice of any meeting be given[3] and that a Board observer be permitted to attend each meeting as well as any representatives designated by PNYA, and other interested Federal, State or local departments and inspection agencies. In addition, we will require the carriers to file within 5 days of each meeting a full and complete report of each NPT carrier meeting summarizing the inter-carrier discussions and detailing the arrangements made in and resulting from those discussions. Such detail shall include explanation of how such arrangements will cause flight operations to be conducted differently than if no such collective arrangements existed. Since the Board is granting prior approval to the holding of the NPT carriers' discussions and arrangements, these reports will enable the Board to determine whether any subsequent Board action is necessary. Further, our approval shall extend to October 24, 1971, the present expiration date of analagous authorizations.[4]

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[1] By Order 71-1-5, Jan. 4, 1971, the Board approved the creation by various supplemental air carriers of FASCO for the purpose of operating, managing, developing, and constructing airport terminal facilities and other related activities.

[2] Trans International Airlines, Inc. has joined in the request.

Accordingly, it is ordered, That:

1. FASCO and Trans International Airlines, Inc., be and they hereby are authorized to hold discussions and enter into joint arrangements with other United States and foreign supplemental air carriers providing interstate, overseas, or foreign air transportation to New York City at NPT, John F. Kennedy Airport, to alleviate the facility congestion for passenger arrivals and departures at such terminal, subject to the following conditions:

(a) The purpose of the discussions shall be to facilitate the voluntary adjustments in passenger arrivals and departures so that the total of such arrivals will not exceed the limitations of NPT's facilities as agreed upon by PNYA, the carriers, and FASCO;

(b) Discussions and arrangements shall be limited to the matters affecting passenger arrival and departure facilities congestion proglems only at NPT, John F. Kennedy Airport in New York City;

(c) The authorization also constitutes approval pursuant to section 412 of the Federal Aviation Act of any agreement for the adjustment of flight operations which may be made among the discussants stemming solely from activities in conformity with this order;

(d) Eligibility to participate in the activities authorized herein shall extend to all certificated supplemental air carriers authorized to provide services at John F. Kennedy Airport, New York City, and all foreign air carriers holding permits authorizing charter foreign air transportation as defined in § 214.2(a) of the Board's economic regulations; *Provided*, That service by such carriers at the John F. Kennedy Airport is in fact provided at NPT;

(e) A notice of any meeting called pursuant to this order shall be filed with the Board in this docket and mailed to all carriers referred to in subparagraph (d), supra, and agencies and authorities referred to in paragraph 4, infra, at least 7 calendar days prior to such meeting; a detailed report (or complete and accurate minutes) of all discussions, and details of all arrangements entered into, will be made, and copies thereof shall be served on each of the above persons upon whom a meeting notice must be mailed within 14 days after the conclusion of each meeting, and two copies thereof shall be filed with the Board within 5 working days after the conclusion of each meeting or at the same time that copies are served upon the carriers, whichever is earlier;

(f) Representatives of the Board and all interested Federal, State, or local departments and agencies; of all carriers dscribed in subparagraph (d), above; of the Port of New York Authority; and of any civic, trade, or consumer association or group, shall be permitted to attend the meetings;

(g) The discussants shall not discuss operations in particular city pairs or submit information concerning their proposed services or schedules in such a fashion as to indicate the city pairs or chartering parties involved;

(h) The authorizations and approvals herein shall not be construed as authorizing discussions of rates, fares, charges, or inflight and other services in connection with air transportation; and

(i) FASCO shall file with the Board a report in triplicate containing any information submitted to it by the carriers in advance of the discussions showing the respective carriers' proposed operations, or any report received from or sent by it to the discussants pertaining to such discussions; such report shall be filed with the Board at the same time that it is transmitted to the carriers, or in the case of reports received by FASCO, within five days after receipt;

2. The authorization granted herein shall expire on October 24, 1971, and this order may be earlier revoked or amended at any time at the discretion of the Board;

3. The Board reserves the right to disapprove or modify any arrangements resulting from the discussions herein authorized; and

4. A copy of this order shall be served upon all U.S. supplemental air carriers and all carriers holding permits from the Board which provide foreign air service to NPT, John F. Kennedy Airport; the Departments of the Treasury, Transportation and Justice; the Federal Aviation Administration; and the Port of New York Authority.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7037 Filed 5-19-71;8:48 am]

CIVIL SERVICE COMMISSION

LICENSED PRACTICAL NURSE; WEST HAVEN, CONN. AND BOSTON SMSA AND BROCKTON, MASS.

Notice of Establishment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-621 LICENSED PRACTICAL NURSE

Geographic Coverage: West Haven, Conn.

Effective date: First day of the first pay period beginning on or after May 16, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3	$6,411	$6,628	$6,812	$6,996	$7,180	$7,364	$7,518	$7,732	$7,916	$8,100
GS-4	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272	8,479	8,686
GS-5	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248

GS-621 LICENSED PRACTICAL NURSE

Geographic Coverage: Boston SMSA[1] and Brockton, Mass.

Effective date: First day of the first pay period beginning on or after May 16, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-3	$6,411	$6,628	$6,812	$6,996	$7,180	$7,364	$7,518	$7,732	$7,916	$8,100
GS-4	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272	8,479	8,686
GS-5	7,169	7,400	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248

All new employees in the specified occupational level will be hired at the new minimum rates.

[1] (Boston Standard Metropolitan Statistical Area includes Essex County (part), Middlesex County (part), Norfolk County (part), Plymouth County (part), and Suffolk County).

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[3] See Orders 71-1-55 and 70-11-112, respectively authorizing discussions pertaining to passenger congestion at the JAB, Kennedy Airport, and to operation of the FAA's High Density Rule at certain airports.

[4] We are already advised in the application that if it is approved, the subject discussions will be held on May 17, 1971 at 0930 at the Hotel Riviera, North Conduit Road, Jamaica, NY. In these circumstances, the notice provision in ordering paragraph 1(e) shall not be deemed to apply to the May 17 meeting.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7083 Filed 5-19-71;8:49 am]

FEDERAL POWER COMMISSION

[Dockets Nos. RP71-6, RP71-57]

TENNESSEE GAS PIPELINE CO.

Order Regarding Tariff Sheets

MAY 11, 1971.

Order permitting filing of substitute tariff sheets, requiring filing of undertaking to assure refund of excess charges under tariff sheets made effective by motion and consolidating proceedings.

Tennessee Gas Pipeline Co. (Tennessee) on September 1, 1970, tendered for filing in Docket No. RP71-6 revised tariff sheets to its FPC Gas Tariff, Eighth Revised Volume No. 1 and Fifth Revised Volume No. 2, to become effective October 17, 1970. The proposed rate change would increase Tennessee's jurisdictional revenues by $108,396,100 annually, based on volumes for the 12-month period ended May 31, 1970, as adjusted. The Commission by its order issued October 13, 1970 suspended the proposed tariff sheets until March 17, 1971.

On December 10, 1970, Tennessee filed revised tariff sheets in Docket No. RP71-57 tracking supplier rate increases, filed by producers in Southern Louisiana as a result of Order No. 413, issued October 27, 1970 in Docket No. R-394. On January 15, 1971, the Commission authorized this tracking increase to become effective as of January 10, 1971. Subsequently Tennessee on February 12, 1971, filed substitute revised tariff sheets[1] in Docket No. RP71-6 which reflect the increase in rates which became effective in Docket No. RP71-57.

Tennessee requests waiver of section 154 of the Commission's regulations and Part 2 of the Commission's rules so that the proposed substitute tariff sheets may become effective March 17, 1971.

Section 4(e) of the Natural Gas Act provides in part:

> If the proceeding has not been concluded and an order made at the expiration of the suspension period, on motion of the natural-gas company making the filing, the proposed change of rate, charge, classification or service shall go into effect.

The instant proceeding has not been concluded nor any order made, and the suspension period has expired.

The Commission finds:

(1) Tennessee having filed a motion on February 12, 1971, in accordance with the provisions of section 4(e) of the Natural Gas Act, to make the increased rates and charges effective on March 17, 1971, such increased rates and charges became effective on that date, subject to refund and to further orders of the Commission in these proceedings.

(2) It is appropriate and necessary in carrying out the provisions of the Natural Gas Act to require Tennessee to file an undertaking with respect to the increased rates and charges made effective on March 17, 1971, as hereinafter ordered and conditioned.

(3) Since Tennessee's rates are presently the subject of proceedings in Docket No. RP71-6, it appears appropriate that the proceedings in Docket No. RP71-57 be consolidated therewith.

The Commission orders:

(A) Section 154.66(b) of the Commission's regulations under the Natural Gas Act and Part 2 of the Commission's rules of practice and procedure are hereby waived to permit filing of the above listed tariff sheets, to be effective March 17, 1971, subject to any orders heretofore issued in Docket No. RP71-6, and such orders which hereafter may be issued in these consolidated proceedings.

(B) Docket No. RP71-56 is hereby consolidated with Docket No. RP71-6 for purposes of hearing and decision.

(C) Tennessee, subject to further orders of the Commission, shall charge and collect the increased rates and charges set forth in the above-described revised tariff sheets, for all gas sold and delivered under the rate schedules contained therein on or after March 17, 1971.

(D) Tennessee shall refund at such times and in such manner as may be required by final order of the Commission, the portion of the increased rates and charges found by the Commission in this proceeding not justified, together with interest at the rate of 5½ percent per annum from the date of payment to Tennessee until refunded; shall bear all cost of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates or charges effective as of March 17, 1971, for each billing period, and shall report (original and one copy) in writing and under oath, to the Commission monthly, for each billing period, by customer, the billing determinants of natural gas sold and delivered under the above-described revised tariff sheets, and the revenues resulting therefrom as computed under the rates in effect immediately prior to March 17, 1971, and under the rates and charges declared by this order to have become effective, together with the differences in the revenues so computed.

(E) Within 15 days from the date of issuance of this order, Tennessee shall execute and file with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) above, signed by a responsible officer of the corporation, evidenced by proper authority from the Board of Directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule as follows:

Agreement and undertaking of Tennessee Gas Pipeline Co. to comply with the terms and conditions of the order issued by the Federal Power Commission ____________, 1971, in Docket No. RP71-6 et al.

In conformity with the requirements of the order issued in Docket No. RP71-6 et al., Tennessee Gas Pipeline Co. hereby agrees and undertakes to comply with the terms and conditions of said order and has caused this agreement and undertaking to be executed and sealed in its name by its officer, thereupon duly authorized in accordance with the terms of the resolution of its Board of Directors, a certified copy of which is appended hereto this____________day of____________, 1971.

TENNESSEE GAS PIPELINE COMPANY.
By________________________

Attest:
____

(F) Unless notified to the contrary by the Secretary of this Commission within 30 days from the date of filing, such agreement and undertaking shall be deemed to be satisfactory and to have been accepted for filing.

(G) If Tennessee in conformity with the terms and conditions of paragraph (D) of this order, makes the refunds, if any, as required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7023 Filed 5-19-71;8:47 am]

[Projects Nos. 746, 2598]

CITY OF AUGUSTA AND GEORGIA POWER CO.

Order Vacating Order Issuing License and Accepting Surrender of Minor Part License

MAY 12, 1971.

On November 17, 1970, the City Council of Augusta, Georgia and Georgia Power Co. (applicants) filed a joint application to vacate the Commission's order of December 22, 1969, issuing a major license for the proposed redeveloped Augusta Canal Project No. 2598. That order also accepted surrender of the minor part license held by the city of Augusta for the existing Augusta Canal Project No. 746 which was issued for a period of 50 years from June 24, 1929.

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[1] Eighth Revised Volume No. 1: Substitute Original Sheets Nos. 11A, 41A, 66G, 66H, 80A, 92A, 143A; 1st Revised Sheet No. 3A; Substitute 1st Revised Sheets Nos. 10, 11, 66E, 66F, 80, 92, 115, 123, 132A, 132L, 132M, 132N, 132O, 133, 135, 138; Substitute 2d Revised Sheets Nos. 132H, 132I; Substitute 3d Revised Sheets Nos. 1, 132F, 132G, 143; Substitute 4th Revised Sheets Nos. 7, 9, 12, 41, 67, 132B; Substitute 5th Revised Sheets Nos. 37, 42; Substitute 6th Revised Sheet No. 39; Substitute 7th Revised Sheet No. 2; Substitute 9th Revised Sheets Nos. 3, 114B, Substitute 10th Revised Sheet No. 103; Substitute 11th Revised Sheets Nos. 8, 38, 79, 81, 91, 93, 120; Substitute 12th Revised Sheet No. 40. 5th Revised Volume No. 2: Substitute 1st Revised Sheets Nos. 11, 25, 41, 42.

Under the proposed scheme of redevelopment, a new outdoor powerhouse was to be constructed containing one unit developing 12,000 kw. and utilizing the flows available from the existing canal. On January 23, 1970, applicants filed an application for reconsideration and amendment of the license for Project No. 2598. Subsequently, several extensions of time within which to return to the Commission the acknowledgment of acceptance of a license for Project No. 2598 were obtained. Applicants now report that, as a result of a change in allocation of water between the proposed project and the city's water supply pumping station, the water available now makes the proposed power redevelopment uneconomic.

Public notice of the filing of the application has been given. No petitions to intervene, notices of intervention or protests have been filed.

Under these circumstances, we believe it appropriate to vacate our order of December 22, 1969, thereby reinstating the minor part license for existing Project No. 746.

The Commission finds:

It is appropriate for the purpose of the Federal Power Act to vacate the Commission's order of December 22, 1969, as hereinafter provided.

The Commission orders:

The Commission's order of December 22, 1969, issuing major license and accepting surrender of minor part license in Projects Nos. 2598 and 746 is hereby vacated and the proceeding in Project No. 2598 is terminated.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7024 Filed 5-19-71;8:47 am]

[Docket No. CP71-261]

EAST TENNESSEE NATURAL GAS CO.

Notice of Application

MAY 13, 1971.

Take notice that on April 29, 1971, East Tennessee Natural Gas Co. (applicant), Post Office Box 10245, Knoxville, TN 37919, filed in Docket No. CP71-261 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval for the abandonment of a portion of its Morristown lateral, located near Morristown, Tenn., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it owns and operates a lateral of approximately 16,605 feet of 4½-inch pipeline which is used to make deliveries of natural gas to United Cities Gas Co. (United Cities), for resale and distribution in the city of Morristown, Tenn. Applicant proposes herein to abandon by sale to United Cities 7,353 feet of said lateral located downstream from the Morristown Measuring Station. This abandonment by sale is at the request of United Cities which proposes to expand its distribution system by the employment of this pipeline. The application further states that the abandonment of facilities proposed herein will not affect the level of service provided by applicant to United Cities at Morristown.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7025 Filed 5-19-71;8:47 am]

[Docket No. RP71-113]

LAWRENCEBURG GAS TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MAY 12, 1971.

Take notice that Lawrenceburg Gas Transmission Corp. (Lawrenceburg), on April 28, 1971, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1, to become effective on June 1, 1971. The proposed rate changes would increase charges for jurisdictional sales by approximately $34,357 annually based on volumes for the 12-month period ended June 30, 1969. The proposed increase would be applicable to Lawrenceburg's two jurisdictional rate schedules, CDS-1 and EX-1.

Lawrenceburg states that the reason for the proposed increase is occasioned solely by, and will compensate Lawrenceburg only for, an increase in its cost of purchased gas which will result from a rate filing which its supplier, Texas Gas Transmission Corp., intends to file with the Commission, to become effective June 1, 1971. In case of suspension of the proposed rate increase, Lawrenceburg requests that the increased rates be suspended to a date no later than the date on which the rates to be filed by Texas Gas become effective.

Copies of the filing were served on Lawrenceburg's customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 25, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7026 Filed 5-19-71;8:47 am]

[Docket No. G-6088 etc.]

MAPCO INC.

Notice of Petition To Amend

MAY 13, 1971.

Take notice that on April 15, 1971, MAPCO Inc. (petitioner), 1437 South Boulder Avenue, Tulsa, OK 74119, filed in Docket No. G-6086 et al., a petition to amend the certificates of public convenience and necessity heretofore issued to MAPCO Production Co. pursuant to section 7(c) of the Natural Gas Act by authorizing petitioner to continue the sales of natural gas heretofore authorized to be made in said dockets, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

Petitioner states that it has merged MAPCO Production Co., its subsidiary, and that it proposes to continue without change the sales of natural gas in interstate commerce authorized to be made by MAPCO Production Co.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 11, 1971, file with the Federal Power Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7027 Filed 5-19-71;8:47 am]

[Docket No. RP71-114]

WESTERN TRANSMISSION CORP.

Notice of Proposed Changes in Rates and Charges

MAY 12, 1971.

Take notice that on May 3, 1971, Western Transmission Corp. (Western) tendered for filing proposed tariff changes in its FPC Gas Tariff, Original Volume No. 1, to become effective June 30, 1971. The proposed rate change would increase the charge to Colorado Interstate Gas Co. as set forth in Western's Rate Schedule F from 21 cents to 26 cents per Mcf. Western states that such rate change would result in increased jurisdictional revenue of $115,887 from present facilities or $159,300 from contemplated increased facilities, based on sales for the 12-month period ended December 31, 1970, as adjusted.

Western states that the proposed change is necessary to alleviate the losses presently being incurred in its pipeline operations and to enable Western to offer competitive gas purchase agreements to producers in order to stimulate exploration and development of gas reserves in Western's supply area. The proposed rates include a claimed rate of return of 11 percent.

Copies of the filing were served on Colorado Interstate Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7028 Filed 5-19-71;8:48 am]

[Project No. 733]

WESTERN COLORADO POWER CO.

Notice of Issuance of Annual License

MAY 12, 1971.

On February 27, 1969, Western Colorado Power Co., licensee for Ouray Project No. 733 located in the vicinity of Ouray County, Colo., on the Uncompahgre River filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on November 13, 1969.

The license for Project No. 733 was issued effective April 13, 1960, for a period ending April 12, 1970. Since that time, the project has been operated under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to Western Colorado Power Co. for continued operation and maintenance of Project No. 733.

Take notice that an annual license is issued to Western Colorado Power Co. (licensee) under section 15 of the Federal Power Act for the period April 13, 1971, to April 12, 1972, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Ouray Project No. 733, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7029 Filed 5-19-71;8:48 am]

[Project No. 2244]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Notice of Application for Amendment of License for Constructed Project

MAY 12, 1971.

Public notice is hereby given that application for amendment of license has been filed under the Federal Power Act (16 U.S.C. 791a-825r) by Washington Public Power Supply System (correspondence to: Owen W. Hurd, Managing Director, Washington Public Power Supply System, Box 6510, 130 Vista Way, Kennewick, WA 99336) for its constructed Packwood Hydroelectric Project No. 2244 located on Lake Creek and Packwood Lake in Lewis County, Wash. The project affects lands of the United States within the Gifford Pinchot National Forest.

Licensee seeks amendment to the license to:

(1) Incorporate a memorandum of agreement dated November 2, 1967, signed by the licensee and the U.S. Forest Service, Bureau of Sports Fisheries and Wildlife, Bureau of Commercial Fisheries, Washington Department of Fisheries, and Washington Game Commission in accordance with Article 39 and providing for minimum fishwater releases into Lake Creek and maintenance of stream improvements; (2) amend Article 37 to establish the minimum operating pool at elevation 2,849 during the period September 16 through April 30, in lieu of minimum elevation 2,850.5 now prescribed, to allow a full 8-foot of drawdown during winter critical hydro period; (3) authorize adoption of rule curve to permit pool levels ranging from elevations 2,854 to 2,857.0±0.5 from May 1 to June 18 depending on prediction of runoff, to minimize hardships in obtaining the prescribed May 1 elevation 2,857 in dry years and enhance operating pool control during peak runoff periods in years of heavy flows; (4) discontinue the requirement for duplicated U.S.G.S. gauging facilities below the drop structure.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 30, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7030 Filed 5-19-71;8:48 am]

FEDERAL RESERVE SYSTEM

SOUTHWEST BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Southwest Bancshares, Inc., Houston, Tex., for approval of acquisition of more than 51 percent of the voting shares of The First National Bank of Longview, Longview, Tex.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Southwest Bancshares, Inc, Houston, Tex., a registered bank holding company, for the Board's prior approval of the acquisition of more than 51 percent of the voting shares of The First National Bank of Longview, Longview, Tex. Applicant, through a wholly owned subsidiary, presently controls 22.1 percent of the voting shares of The National Bank of Longview.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency, and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 11, 1971 (36 F.R. 2882), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30 calendar day following the date of this order, or (b) later than 3 months after the date of this order, unless such time shall be extended for good cause by the Board, or by the Federal Reserve Bank of Dallas pursuant to delegated authority, and provided further that (c) applicant divest itself of its interest in voting shares of The Kilgore National Bank, Kilgore, Tex., within 2 years of the date of this order.

By order of the Board of Governors,[2] May 14, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-6995 Filed 5-19-71;8:45 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THE REPUBLIC OF KOREA

Entry or Withdrawal From Warehouse for Consumption

MAY 14, 1971.

On January 9, 1971, there was published in the FEDERAL REGISTER (36 F.R. 338), a letter dated December 31, 1970, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs, establishing levels of restraint applicable to certain specified categories of cotton textiles and cotton textile product produced or manufactured in the Republic of Korea and exported to the United States during the 6-month period beginning January 1, 1971. As set forth in that letter, the levels of restraint are subject to adjustment pursuant to paragraph 7 of the bilateral cotton textile agreement of December 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea, which provides that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent. The aforementioned letter also provided that any such adjustment in the levels of restraint would be made to the Commissioner of Customs by letter from the Chairman of the Interagency Textile Administrative Committee.

Accordingly, at the request of the Government of the Republic of Korea and pursuant to the provision of the bilateral agreement referred to above, there is published below a letter of May 14, 1971, from the Chairman of the Interagency Textile Administrative Committee to the Commissioner of Customs amending the levels of restraint applicable to cotton textiles in Categories 45, 46, 49, 50, 52, 53, and 55 for the 6-month period which began on January 1, 1971.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee and Deputy Assistant Secretary for Resources.

ASSISTANT SECRETARY OF COMMERCE

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 14, 1971.

DEAR MR. COMMISSIONER: On December 31, 1970, the Chairman of the President's Cabinet Textile Advisory Committee, directed you to prohibit entry of cotton textiles and cotton textile product in certain specified categories, produced or manufactured in the Republic of Korea, and exported to the United States on or after January 1, 1971, in excess of the designated levels of restraint. The Chairman further advised you that in the event that there were any adjustments[1] in the levels of restraint you would be so informed by letter from the Chairman of the Interagency Textile Administrative Committee.

Under the terms of the Long-Term Arrangement Regarding International Trade in Cotton Textiles done at Geneva on February 9, 1962, pursuant to paragraph seven (7) of the bilateral cotton textile agreement of December 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea, in accordance with Executive Order 11052 of September 28, 1962, as amended by Executive Order 11214 of April 7, 1965, and under the terms of the aforementioned directive of December 31, 1970, the levels of restraint provided in that directive for cotton textile products in Categories 45, 46, 49, 50, 52, 53, and 55 produced or manufactured in the Republic of Korea and exported from the Republic of Korea to the United States, for the period beginning January 1, 1971, and extending through June 30, 1971, are hereby amended as follows, to be effective as soon as possible:

Category		*Amended 6-month level of restraint*[2]
45	dozen	19,145
46	do	15,315
49	do	15,954
60	do	26,802
52	do	19,144
53	do	6,077
55	do	6,077

[2] These levels have not been adjusted to reflect entries made on or after Jan. 1, 1971.

The actions taken with respect to the Government of the Republic of Korea and with respect to imports of cotton textiles and cotton textile products from the Republic of Korea have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965–69). This letter will be published in the FEDERAL REGISTER.

Sincerely yours,

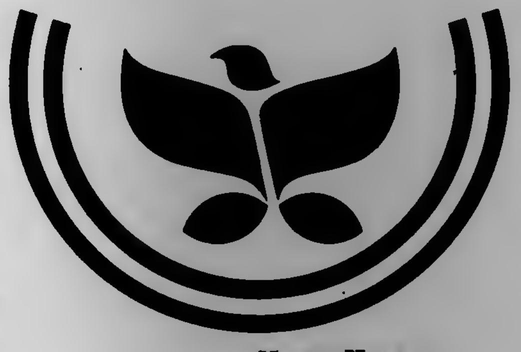
STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-7022 Filed 5-19-71;8:47 am]

NATIONAL ENDOWMENT FOR THE ARTS

ESTABLISHMENT OF IDENTIFICATION DEVICE

The following device is hereby established as the official identifying device of the National Endowment for the Arts, effective April 30, 1971. This device will generally be used on stationary, program announcements, brochures and other publications of the National Endowment for the Arts.



NANCY HANKS,
Chairman, National Endowment for the Arts.

[FR Doc.71-7046 Filed 5-19-71;8:49 am]

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Dallas. Statement of Governor Robertson concurring in part and dissenting in part also filed as part of the record and available upon request.

[2] Voting for this action: Chairman Burns and Governors Daane, Maisel, and Sherrill. Concurring in part and dissenting in part: Governor Robertson. Absent and not voting: Governors Mitchell and Brimmer.

[1] The term "adjustments" refers to those provisions of the bilateral cotton textile agreement of Dec. 11, 1967, as amended and extended, between the Governments of the United States and the Republic of Korea which provide in part that within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than five (5) percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

SECURITIES AND EXCHANGE COMMISSION

[811-923]

CONSOLIDATED FINANCIAL CORP.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 14, 1971.

Notice is hereby given that Consolidated Financial Corp., Suite 2200, 208 South La Salle Street, Chicago, IL 60604 (Applicant), registered as a nondiversified, closed-end investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Applicant was incorporated under the corporation law of Florida on November 3, 1902, and was named Consolidated Naval Stores Co. until March 23, 1961, when the present name was adopted. Applicant registered under the Act on January 22, 1960 as a nondiversified, closed-end investment company.

On January 27, 1971, the respective boards of directors of Applicant and of Baker, Fentress & Co. (Baker Fentress), a Delaware corporation registered under the Act since November 23, 1970 as a nondiversified, closed-end investment company, adopted resolutions approving an agreement of merger of Applicant into Baker Fentress. The agreement of merger was entered into and was adopted by the required affirmative vote of the holders of a majority of the outstanding shares of each corporation at the annual meetings of the stockholders of Applicant and Baker Fentress held on March 16 and 17, 1971, respectively. On March 30, 1971, the Commission issued an order (Investment Company Act Release No. 6428) pursuant to section 17(b) of the Act exempting the merger from the provisions of section 17(a) of the Act.

The merger of Applicant into Baker Fentress became effective on March 31, 1971, and thereupon in accordance with the terms of the agreement of merger Baker Fentress succeeded to all of the property, assets, rights, liabilities, and obligations of Applicant, and the existence of Applicant as a separate corporation ceased.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 4, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7006 Filed 5-19-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

EQUITABLE LIFE COMMUNITY ENTERPRISES CORP.

Notice of Issuance of a License To Operate as a Minority Enterprise Small Business Investment Company

On April 20, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 7488) stating that The Equitable Life Community Enterprises Corp., 1285 Avenue of the Americas, New York, NY 10019, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations Governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business April 30, 1971, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5286 to The Equitable Life Community Enterprises Corp., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: May 7, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-7002 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 826 (Class B)]

IOWA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the city of Conway, IA;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the aforesaid city of Conway, Iowa, suffered damage or destruction resulting from a tornado occurring on May 5, 1971.

OFFICE

Small Business Administration District Office,
210 Walnut Street, Des Moines, IA 50309.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 7, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7001 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 824 (Class B)]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of certain disasters, damage resulted to residences and business property located in Jasper County, Mo.;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Jasper County, Mo. and adjacent areas suffered damage or destruction resulting from a tornado occurring on May 5, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. A temporary office will be established in City Hall, Joplin, Mo.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 7, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6999 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 825 (Class B)]

MISSOURI

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, 1971, because of the effects of certain disasters, damage resulted to residences and business property located in the State of Missouri;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Linn County, Mo., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on May 5, 1971.

OFFICE

Small Business Administration Regional Office, 911 Walnut Street, Kansas City, MO 64106.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 7, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7000 Filed 5-19-71;8:45 am]

[Declaration of Disaster Loan Area 827 (Class B)]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Tennessee;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Carroll County, Tenn., and adjacent areas, suffered damage or destruction resulting from a tornado occurring on May 7, 1971.

OFFICE

Small Business Administration District Office, 500 Union Street, Nashville, TN 37219.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 12, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-6998 Filed 5-19-71;8:45 am]

TARIFF COMMISSION

[AA1921-76]

GLASS FROM TAIWAN

Postponement of Hearing Date

Notice is hereby given that the hearing in Investigation No. AA1921-76, scheduled to be held in the Tariff Commission's Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, DC, beginning at 10 a.m., e.d.s.t., on June 8, 1971, has been rescheduled for 10 a.m., e.d.s.t., on June 9, 1971.

The hearing is being held in connection with a Commission investigation under the provisions of section 201(a) of the Antidumping Act, 1921, as amended, to determine whether an industry in the United States is being or is likely to be injured, or is prevented from being established, by reason of the importation of glass from Taiwan which the Assistant Secretary of the Treasury has determined is being, or is likely to be, sold at less than fair value. Notice of the investigation was published in the FEDERAL REGISTER of April 30, 1971 (36 F.R. 8177).

Issued: May 17, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-7047 Filed 5-19-71;8:49 am]

DEPARTMENT OF LABOR

Office of the Secretary

RCA CORP. AND EMERSON TELEVISION AND RADIO CO.

Notice of Investigation Regarding Certification of Eligibility of Workers To Apply for Adjustment Assistance

After reviewing the Tariff Commission's reports on its investigations of 2 petitions for adjustment assistance filed on behalf of workers formerly employed by the following firms, under section 301(c)(2) of the Trade Expansion Act of 1962, and in which reports the Commission being equally divided, made no finding, the President decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended, to consider the findings of those Commissioners who found in the affirmative as the findings of the Commission. Accordingly, he has advised the Secretary of Labor that he may certify as eligible to apply for adjustment assistance the involved groups of workers.

TEA-W-70—RCA Corp., Memphis, Tenn.
TEA-W-77—Emerson Television and Radio Co., Jersey City, N.J.

In view of the Tariff Commission reports, the President's authorization, and the responsibilities delegated to the Secretary of Labor under section 8 of Executive Order 11075 (28 F.R. 473), the Director, Office of Foreign Economic Policy, Bureau of International Labor Affairs, has instituted investigations, as provided in 29 CFR 90.5 and this notice. The investigations relate to the determination of whether any of the groups of workers covered by the Tariff Commission reports should be certified as eligible to apply for adjustment assistance, provided for under Title III, Chapter 3, of the Trade Expansion Act of 1962, including the determinations of related subjects and matters, such as the date unemployment or underemployment began or threatened to begin and the subdivisions of the firms involved to be specified in any certifications to be made, as more specifically provided in Subpart B of 29 CFR Part 90.

Interested persons should submit written data, views, or arguments relating to the subjects of investigations to the Director, Office of Foreign Economic Policy, U.S. Department of Labor, Washington, D.C. 20210, on or before May 24, 1971.

Signed at Washington, D.C., this 14th day of May 1971.

EDGAR I. EATON,
Director, Office of Foreign Economic Policy.

[FR Doc.71-7045 Filed 5-19-71;8:49 am]

INTERSTATE COMMERCE COMMISSION

[Notice 40]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

MAY 14, 1971.

The following applications are governed by Special Rule 100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 340 (Sub-No. 18), filed April 27, 1971. Applicant: QUERNER TRUCK LINES, INC., 1131-33 Austin Street, San Antonio, TX 78208. Applicant's representative: M. Ward Bailey, 2412 Continental Life Building, Fort Worth, TX 76102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, from points in Wisconsin, to points in Texas; and to Springfield, Mo.; Decatur, Ga.; Memphis, Tenn.; Little Rock, Ark.; Kansas City and Wichita, Kans.; New Orleans, La.; Los Angeles and San Francisco, Calif.; Phoenix, Ariz.; Denver, Colo.; and Oklahoma City, Okla. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

No. MC 1117 (Sub-No. 10), filed April 30, 1971. Applicant: M.G.M. TRANSPORT CORPORATION, 70 Maltese Drive, Totowa, NJ 07512. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, from ports of entry on the international boundary line between the United States and Canada located in New York and Vermont, to New York, N.Y., point in New Jersey in and north of Ocean and Mercer Counties, those in Orange, Rockland, Suffolk, Ulster, Dutchess, Nassau, Putnam, Sullivan, and Westchester Counties, N.Y., those in Connecticut, Massachusetts, Rhode Island, and Vermont, and *returned shipments* in the opposite direction. NOTE: Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories that can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 6078 (Sub-No. 68), filed May 4, 1971. Applicant: D. F. BAST, INC., 1425 North Maxwell Street, Allentown, PA 18001. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Concrete products, concrete pipe and materials, supplies and equipment* used in the manufacture, construction, production, and distribution of concrete products, but not including liquids, in bulk in tank vehicles, between Kenvil, N.J., on the one hand, and, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, and Vermont on the other; and (2) *rejected, damaged, and returned shipments* in the reverse direction. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 7555 (Sub-No. 65), filed April 28, 1971. Applicant: TEXTILE MOTOR FREIGHT, INC., Post Office Box 70, Ellerbe, N.C. 28338. Applicant's representative: Jacob P. Billig, 1108 16th Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, candy, cough drops, and chewing gum*, from plantsites of Beech-Nut Life Savers at Canajoharie, N.Y., to points in North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, and Louisiana. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 19227 (Sub-No. 153), filed May 5, 1971. Applicant: LEONARD BROS. TRUCKING CO., INC., 2595 Northwest 20th Street, Miami, FL 33152. Applicant's representatives: William O. Turney, 2001 Massachusetts Avenue NW., Washington, DC 20036, and J. Fred Dewhurst (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Pollution control systems and pollution control system parts;* (2) *machinery, equipment, material, and supplies* incidental to, used in, or in connection with, the manufacture, installation, removal, operation, repair, servicing, and maintenance of pollution control systems and pollution control systems parts, between points in the United States (except Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex.

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

No. MC 30114 (Sub-No. 5), filed April 26, 1971, Applicant: MITCHKO TRUCKING, INC., 650 Myrtle Avenue, Boonton, NJ 07005. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Defoaming compound, water treating compounds, boiler cleaning compounds, softening compounds, washing and cleaning compounds, fuel oil treating compounds, laundry compounds, and rust preventative compounds* (except in bulk), from Newark, Kearny, Edgewater, Edison, and Raritan, N.J., to points in New York in, east, and south of Allegany, Livingston, Ontario, Wayne, Cayuga, Oswego, Lewis, Herkimer, Hamilton, Warren, and Washington Counties, points in Pennsylvania in and east of Potter, Cameron, Clearfield, Blair, Huntingdon, and Fulton Counties, points in Maryland, except those in Garrett, Allegany, St. Mary's, and Charles Counties, and points in Delaware. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 32948 (Sub-No. 18), filed April 23, 1971. Applicant: P.A.K. TRANSPORT, INC., Meadow Road, Newport, NH 03773. Applicant's representative: Robert A. Peirce (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefabricated marinas, docks, floats, wharves, and launching ramps*, and in connection therewith, *component parts and materials* incidental to the manufacture, assembly, delivery, launching, completion, and maintenance of such marinas, docks, floats, wharves, and launching ramps, between points in Windsor County, Vt., on the one hand, and, on the other, points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 21945 and Subs thereunder, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Concord, N.H., or Montpelier, Vt.

No. MC 35286 (Sub-No. 2), filed April 14, 1971. Applicant: TRUCK LINE DISTRIBUTION SYSTEMS, INC., 1905 South Belmont, Indianapolis, IN 46221. Applicant's representative: Warren C. Moberly, 777 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carrier of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Shelbyville and points in Shelby County, Ind., and Indianapolis, Ind., from Shelbyville over Indiana Highway 9 to junction Interstate Highway 74, thence over Interstate Highway 74 to Indianapolis, and return over the same route, serving all intermediate points. Note: If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill..

No. MC 41404 (Sub-No. 97), filed April 22, 1971. Applicant: ARCO-COLLIER TRUCK LINES CORPORATION, Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses* as described in appendix I to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Dubuque Packing Co., Dubuque, Iowa, to points in Illinois. Restriction: Transportation restricted to that which originates at the plantsite and warehouse facilities of Dubuque Packing Co., Dubuque, Iowa. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Des Moines, Iowa, or St. Louis, Mo.

No. MC 41404 (Sub-No. 98), filed April 30, 1971. Applicant: ARGO-COLLIER TRUCK LINES CORPORATION Post Office Box 440, Fulton Highway, Martin, TN 38237. Applicant's representative: Tom D. Copeland (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in Appendix I to the report in *Description of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Krey Packing Company located at St. Louis, Mo., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., Louisville, Ky., or Nashville, Tenn.

No. MC 44639 (Sub-No. 35) filed April 23, 1971. Applicant: L. & M. EXPRESS CO., INC., 220 Ridge Road, Lyndhurst, NJ 07071. Applicant's representative: Herman B. J. Weckstein, 60 Park Place, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wearing apparel and materials and supplies* used in the the manufacturing of wearing apparel, between Roxobel, N.C., on the one hand, and, on the other, Emporia, Va., and New York, N.Y. Note: Applicant states it will tack at Crewe and Emporia, Va., to provide through service to points in New Jersey and New York. If a hearing is deemed necessary, applicant requests it be held at Wilson, N.C., or Washington, D.C.

No. MC 59117 (Sub-No. 37), filed April 23, 1971. Applicant: ELLIOTT TRUCK LINE, INC., 101 East Excelsior, Post Office Box 1, Vinita, OK 74301. Applicant's representative: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry chemicals*, including fertilizer and fertilizer materials, in bulk or packages, from Military and Hallowell, Kans., to points in Arkansas, Colorado, Iowa, Missouri, Nebraska, Oklahoma, and Texas; and (2) *fertilizer and fertilizer materials*, dry, in bulk or in packages, insecticides, fungicides, and herbicides (except liquid in bulk), including these commodities in mixed shipments with manufactured fertilizer and fertilizer materials, from points on the Arkansas and Verdigris Rivers in Oklahoma, to points in Arkansas, Colorado, Illinois, Iowa, Kansas, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Oklahoma City, Okla.

No. MC 67996 (Sub-No. 5), filed April 29, 1971. Applicant: DISTILLERY TRANSFER SERVICE, INC., Box 516, Bardstown, KY 40004. Applicant's representative: Robert H. Kinker, Post Office Box 464, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Bardstown, Ky., as an off-route points in connection with applicant's presently held regular-route operations. Note: If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 72442 (Sub-No. 32), filed April 30, 1971. Applicant: AKERS MOTOR LINES, INC., Post Office Box 579, Gastonia, NC 28052. Applicant's

representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, tobacco, liquor, commodities in bulk, commodities requiring special equipment and household goods as defined by the Commission); (1) between Greensboro, N.C., and Thomasville, Ga., serving all intermediate points, from Greensboro over U.S. Highway 29 and Alternate U.S. Highway 29 via Charlotte, N.C., Spartanburg and Greenville, S.C., Athens and Atlanta, Ga., to La Grange, Ga., thence over Georgia Highway 219 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, Ga. (also from Greenville over U.S. Highway 123 to Easley, S.C., thence over South Carolina Highway 93 to junction U.S. Highway 123 near Clemson, S.C., thence over U.S. Highway 123 to Cornelia, Ga., thence over U.S. Highway 23 to Atlanta and thence over Georgia Highway 85 to Columbus), thence over U.S. Highway 280 to Richland, Ga., thence over Georgia Highway 55 to Dawson, Ga., thence over U.S. Highway 82 to Albany (also from Athens over U.S. Highway 129 to Macon, Ga., thence over U.S. Highway 41 to Cordele, Ga., and thence over Georgia Highway 257 to Albany) and thence over Georgia Highway 3 to Thomasville (also from Albany over Georgia Highway 133 to Moultrie, Ga., and thence over U.S. Highway 319 to Thomasville), and return over the same route;

(2) Between Raleigh, N.C., and Charlotte, N.C., serving all intermediate points; (a) from Raleigh over U.S. Highway 70 to Greensboro, N.C., thence over U.S. Highway 421 to Winston-Salem, N.C., thence over U.S. Highway 158 to Mocksville, N.C., thence over U.S. Highway 64 to Statesville, N.C., thence over U.S. Highway 21 to junction North Carolina Highway 115, thence over North Carolina Highway 115 to junction U.S. Highway 21 near Charlotte, N.C., thence over U.S. Highway 21 to Charlotte, N.C., and return over the same route; (b) from Raleigh over U.S. Highway 64 to Asheboro, N.C., thence over North Carolina Highway 49 to Charlotte and return over the same route; (c) from Raleigh over U.S. Highway 1 to Sanford, N.C., thence over U.S. Highway 15 to Carthage, N.C.; thence over North Carolina Highway 27 to Charlotte and return over the same route; (3) between Statesville, N.C., and Hazelwood, N.C., serving all intermediate points, from Statesville over U.S. Highway 70 and Alternate U.S. Highway 70 via Conover to Asheville, N.C., thence over U.S. Highway 23 to Hazelwood and return over the same route; (4) between Kings Mountain, N.C., and Asheville, N.C., serving all intermediate points, from Kings Mountain over U.S. Highway 74 via Shelby, N.C., to Forest City, N.C. (also from Shelby over North Carolina Highway 150 to Boiling Springs, N.C., thence over unnumbered highway to Cliffside, N.C., thence over Alternate U.S. Highway 221 to Forest City), thence over U.S. Highway 74 to Asheville and return over the same routes; (5) between Conover, N.C., and Monroe, N.C., serving all intermediate points, from Conover over North Carolina Highway 16 to Newton, N.C. (also from Conover over U.S. Highway 321 to Newton, N.C.), thence over U.S. Highway 321 to Lincolnton, N.C., thence over North Carolina Highway 27 to Charlotte, N.C., thence over U.S. Highway 74 to Monroe, and return over the same route;

(6) Between Salisbury, N.C., and Albemarle, N.C., serving all intermediate points, from Salisbury over U.S. Highway 52 via New London, N.C., to Albemarle (also from New London over North Carolina Highway 740 to Badin, N.C., thence over unnumbered highway to Albemarle) and return over the same routes; (7) between Asheville, N.C., and junction U.S. Highway 25 and South Carolina Highway 121 near Trenton, S.C., serving all intermediate points, from Asheville over U.S. Highway 25 to junction South Carolina Highway 121 near Trenton, and return over the same route; (8) between Hendersonville, N.C., and Whitmire, S.C., serving all intermediate points, from Hendersonville over U.S. Highway 176 to Whitmire and return over the same route; (9) between Charlotte, N.C., and Albany, Ga., serving all intermediate points, from Charlotte over U.S. Highway 521 to Pineville, N.C., thence over North Carolina Highway 51 to junction U.S. Highway 21, thence over U.S. Highway 21 via Columbia, S.C., to Salkehatchie, S.C., thence over Alternate U.S. Highway 17 to Pocataligo, S.C., thence over U.S. Highway 17 to Savannah, Ga., (also from Pineville over U.S. Highway 21 to the North Carolina-South Carolina State line, thence over South Carolina Highway 72 via Rock Hill, S.C., to Chester, S.C., thence over U.S. Highway 321 to Savannah), thence over U.S. Highway 17 via Midway, Ga., to Brunswick, Ga., thence over U.S. Highway 84 to Waycross, Ga. (also from Midway over U.S. Highway 82 to Waycross), thence over U.S. Highway 82 to Albany and return over the same route; (10) between Concord, N.C., and Augusta, Ga., serving all intermediate points, from Concord over U.S. Highway 601 to Kershaw, S.C., thence over U.S. Highway 521 to Camden, S.C., thence over U.S. Highway 1 to Augusta and return over the same route; (11) between Gastonia, N.C., and Augusta, Ga., serving all intermediate points, from Gastonia over U.S. Highway 321 to Chester, S.C., thence over South Carolina Highway 72 to Whitmire, S.C., thence over U.S. Highway 176 to junction South Carolina Highway 121, thence over South Carolina Highway 121 to junction U.S. Highway 25 near Trenton, S.C., thence over U.S. Highway 25 to Augusta and return over the same route;

(12) Between North Augusta, S.C., and Fairfax, S.C., serving all intermediate points, from North Augusta over U.S. Highway 278 to Fairfax and return over the same route; (13) between Camden, S.C., and Charleston, S.C., serving all intermediate points, from Camden over U.S. Highway 521 to Sumter, S.C., thence over U.S. Highway 15 to Wells, S.C., thence over U.S. Highway 176 to Charleston and return over the same route; (14) between Columbia, S.C., and Sumter, S.C., serving all intermediate points, from Columbia over U.S. Highway 76 to Sumter and return over the same route; (15) between junction U.S. Highways 176 and 21 near Sandy Run, S.C., and Wells, S.C., serving all intermediate points, from junction U.S. Highways 176 and 21 over U.S. Highway 176 to Wells and return over the same route; (16) between Pineville, N.C., and Kershaw, S.C., serving all intermediate points, from Pineville over U.S. Highway 521 to Kershaw and return over the same route; (17) between Chester, S.C., and Lancaster, S.C., serving all intermediate points, from Chester over South Carolina Highway 9 to Lancaster and return over the same route; (18) between Spartanburg, S.C., and Laurens, S.C., serving all intermediate points, from Spartanburg, over U.S. Highway 221 to Laurens and return over the same route; (19) between Greenville, S.C., and Newberry, S.C., serving all intermediate points, from Greenville over U.S. Highway 276 to junction South Carolina Highway 417, thence over South Carolina Highway 417 to junction South Carolina Highway 14, thence over South Carolina Highway 14 to Laurens, S.C., thence over U.S. Highway 76 to Newberry and return over the same route;

(20) Between Greenville, S.C., and Calhoun Falls, S.C., serving all intermediate points, from Greenville over South Carolina Highway 81 to Calhoun Falls and return over the same route; (21) between Clemson, S.C., and Laurens, S.C., serving all intermediate points, from Clemson over U.S. Highway 76 to Laurens and return over the same route; (22) between Whitmire, S.C., and Athens, Ga., serving all intermediate points, from Whitmire over South Carolina Highway 72 to the South Carolina-Georgia State line, thence over Georgia Highway 72 to Athens and return over the same route; (23) between Seneca, S.C., and Monroe, Ga., serving all intermediate points, from Seneca over South Carolina Highway 59 to the South Carolina-Georgia State line, thence over Georgia Highway 59 to Commerce, Ga., thence over Georgia Highway 15 to Jefferson, Ga., thence over Georgia Highway 11 to Monroe and return over the same route; (24) between Atlanta, Ga., and Augusta, Ga., serving all intermediate points, from Atlanta over U.S. Highway 78 via Athens, Ga., to Thompson, Ga. (also from Atlanta over U.S. Highway 278 to Thompson), thence over U.S. Highway 78 to Augusta and return over the same routes; (25) between Atlanta, Ga., and Jesup, Ga., serving all intermediate points, from Atlanta over U.S. Highway 41 to junction Georgia Highway 3, thence over Georgia Highway 3

to junction U.S. Highway 41 near Griffin, Ga., thence over U.S. Highway 41 to Forsyth, Ga. (also from Atlanta over U.S. Highway 23 to Forsyth), thence over U.S. Highway 41 to Macon, Ga., thence over U.S. Highway 23 to Hazlehurst, Ga., thence over U.S. Highway 341 to Jesup and return over the same routes;

(26) Between Echeconnee, Ga., and Albany, Ga., serving all intermediate points, from Echeconnee over Georgia Highway 49 to Americus, Ga., thence over U.S. Highway 19 to Albany and return over the same route; (27) between Cordele, Ga., and Valdosta, Ga., serving all intermediate points, from Cordele over U.S. Highway 41 to Valdosta and return over the same route; (28) between Madison, Ga., and Woodbury, Ga., serving all intermediate points; from Madison over Georgia Highway 83 to Monticello, Ga., thence over Georgia Highway 16 to Griffin, Ga., thence over U.S. Highway 19 to Zebulon, Ga., thence over Georgia Highway 18 to Woodbury and return over the same route; (29) between Zebulon, Ga., and Barnesville, Ga., serving all intermediate points, from Zebulon over U.S. Highway 19 to Thomaston, Ga., thence over Georgia Highway 36 to Barnesville and return over the same route; (30) between Fort Valley, Ga., and Eastman, Ga., serving all intermediate points, from Fort Valley, Ga., over U.S. Highway 341 via Perry, Ga., and Hawkinsville, Ga., to Eastman, Ga., and return over the same route; (31) between Camilla, Ga., and Moultrie, Ga., serving all intermediate points, from Camilla over Georgia Highway 37 to Moultrie and return over the same route; (32) between Gray, Ga., and Warrenton, Ga., serving all intermediate points, from Gray over Georgia Highway 22 to Sparta, Ga., thence over Georgia Highway 16 to Warrenton and return over the same route; (33) between Macon, Ga., and Eastman, Ga., serving all intermediate points, from Macon over U.S. Highway 80 to Dublin, Ga., thence over U.S. Highway 319 to junction Georgia Highway 117, thence over Georgia Highway 117 to Eastman and return over the same route;

(34) Serving the following off-route points in connection with routes described hereinabove: Cooleemee, Eden (Leaksville-Spray), Norwood and Mount Gilead, N.C., and points in North Carolina within 25 miles of Gastonia, N.C.; Cateechee, Cherokee Falls, Kings Creek, Pickens, Walhalla, Buffalo, Lockhart, Hampton, Fort Jackson, and Parris Island, S.C., points within 15 miles of Spartanburg, S.C., and points within 15 miles of Greenville, S.C.; Bainbridge, Clarkesville, Clayton, Clyattville, Claxton, Douglas, Habersham, Hawkinsville, Juliette, Millen, Milstead, Porterdale, Potterville, Warm Springs, Warner Robins, and Woodland, Ga. Restriction: The service sought hereinabove is subject to the following conditions: Service at authorized points in South Carolina (other than those in Anderson, Oconee, Pickins, Greenville, Spartanburg, Cherokee, Laurens, Union, York, Greenwood, and Abbeville Counties) is restricted to traffic moving to or from points north of the North Carolina-Virginia State line. Service at authorized points in Georgia, except for the pickup of cotton piece goods, is restricted to traffic moving from, to, or through (a) points in 11 South Carolina counties named above; (b) Gastonia, N.C., and points in North Carolina within 25 miles of Gastonia; and (c) points north of the North Carolina-Virginia State line, serving the commercial zones of all authorized points. NOTE: The authority sought in this proceeding duplicates the routes authorized in Part C of the certificate issued to applicant in MC 72442 (Sub-No. 4). The change in the authority sought here in that authorized in Part C of Sub 4 relates to the restriction set forth in the second restricting paragraph of Part C. As here material that restriction limits Georgia traffic to shipments originating at or destined to eleven specified South Carolina counties and Gastonia, N.C.. and points within 25 miles thereof and points which would be north of the North Carolina-Virginia State line. The sole purpose of this application is to modify that restriction so that it would be restricted to traffic moving from, to, or through the described territory. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., and Charlotte, N.C.

No. MC 73165 (Sub-No. 292), filed April 23, 1971. Applicant: EAGLE MOTOR LINES, INC., 830 North 33d Street, Post Office Box 11086, Birmingham, AL 35202. Applicant's representative: Robert M. Pearce, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machinery and related machinery tools, parts, and supplies*, from Columbus, Ohio, to points in New Mexico, Colorado, Nevada, Utah, Wyoming, California, and Arizona. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn.

No. MC 76264 (Sub-No. 28), filed May 5, 1971. Applicant: WEBB TRANSFER LINE, INC., Box 231, Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood*, from the plantsite of General Plywood Corp., at New Albany, Ind., to points in Arkansas, Kansas, Michigan, Minnesota, Missouri, Oklahoma, and Texas. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant now holds contract carrier authority under its No. MC 117606, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky.

No. MC 82841 (Sub-No. 82), filed April 26, 1971. Applicant: HUNT TRANSPORTATION, INC., 801 Livestock Exchange Building, Omaha, NE 68107. Applicant's representative: Donald L. Stern, 530 Univac Building, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1)(a) *Tractors* (except those with vehicle beds, bed frames and fifth wheels); (b) *equipment* designed for use in conjunction with tractors; (c) *agricultural, industrial, and construction machinery and equipment;* (d) *trailers* designed for the transportation of the *above-described commodities* (*except* those trailers designed to be drawn by passenger automobiles); (e) *attachments* for the above described commodities; (f) *internal combustion engines;* and (g) *parts* of the above-described commodities when moving in mixed loads with such commodities, from the plants, warehouse sites, and experimental farms of Deere & Co. in Blackhawk, Dubuque, Polk, and Wapello Counties, Iowa, and Rock Island County, Ill., to points in Nebraska, South Dakota and Wyoming; and (2) returned or rejected shipments, from the destination States named above to the named plants, warehouse sites, and experimental farms of Deere & Co. Restriction: The authority in (1) above is restricted to traffic originating at the plants, warehouse sites, and experimental farms of Deere & Co. and the authority in (2) above is restricted to traffic destined to such facilities of Deere & Co. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 85465 (Sub-No. 35), filed April 30, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic flatware* (knives, forks, and spoons), from the plantsite of Clear Shield Plastics, Inc., at Leominster, Mass., to points in California, Georgia, Florida, Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, North Carolina, Oregon, South Carolina, Tennessee, Texas, Washington, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 89723 (Sub-No. 61), filed April 19, 1971. Applicant: MISSOURI PACIFIC TRUCK LINES, INC., 210 North 13th Street, St. Louis, MO 63103. Applicant's representative: Robert S. Davis, 210 North 13th Street, St. Louis, MO 63103. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, between points in Arkansas as presently authorized in applicant's certificate MC 89723 (Sub-No. 14), in service auxiliary to and supplemental of rail service of Missouri Pacific Railroad Co. NOTE: The instant application seeks solely to modify Texarkana, Ark., as a key point in said certificate so as to hereafter apply only on traffic from or via Little Rock, Ark., on the one hand, and to or via Dallas, Tex., on the other hand (or vice-versa), interchanged between Missouri Pacific Railroad Co. and the Texas & Pacific Railway Co. at Texarkana; but subject to the remaining key points and all other restrictions in said certificate. No new routes or points are sought to be served. Applicant states it is a wholly owned subsidiary of the Missouri Pacific Railroad Co. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 94350 (Sub-No. 288), filed April 19, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representatives: Mitchell King, Jr. (same address as applicant) and Ames, Hill & Ames, 666 11th Street NW., Suite 705, McLachlen Bank Building, Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles in initial shipments, from points in Gaston County, N.C., to points in the United States, east of the Mississippi River, including Louisiana and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Charlotte, N.C.

No. MC 94350 (Sub-No. 289), filed April 30, 1971. Applicant: TRANSIT HOMES, INC., Haywood Road, Post Office Box 1628, Greenville, SC 29602. Applicant's representative: Mitchell King, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles in initial shipments, from Caldwell Parish, La., to points in the United States (including Alaska and Hawaii). NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Monroe, La.

No. MC 95084 (Sub-No. 81), filed April 30, 1971. Applicant: HOVE TRUCK LINE, Stanhope, Iowa 50246. Applicant's representative: Kenneth F. Dudley, 611 Church Street, Post Office Box 279, Ottumwa, IA 52501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements, and agricultural machinery and implement parts and attachments*, from Kewanee, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia, (2) *spring steel parts*, from East Alton, Ill., to points in Alabama, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Oklahoma, Tennessee, and Wisconsin and (3) *agricultural machinery and implements, agricultural machinery and implement parts and attachments, and iron and steel panelling*, from Galva and Sandwich, Ill., to points in the United States (except Alaska, Arizona, California, Hawaii, Idaho, Nevada, Oregon, Utah, and Washington). NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Louis, Mo.

No. MC 96615 (Sub-No. 8), filed April 5, 1971. Applicant: SEATTLE-ANCHORAGE-FAIRBANKS EXPRESS, INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: Richard J. Howard, White-Henry-Stuart Building, Seattle, Wash. 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Seattle, Wash., and ports of entry on the international boundary line between the United States and Canada located at or near Blaine and Sumas, Wash., from Seattle over Interstate Highway 5 to the port of entry at or near Blaine (also from the junction of Interstate Highway 5 and Washington Highway 542 to Bellingham, Wash., over Washington Highway 9 to the port of entry at or near Sumas), and return over the same routes, serving no intermediate points, as alternate routes for operating convenience only, in connection with applicant's presently held regular route authority. NOTE: Applicant states that the authority sought is restricted to traffic moving to or from the State of Alaska through Canada. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 100666 (Sub-No. 188), filed April 23, 1971. Applicant: MELTON TRUCK LINES, INC., Post Office Box 7666, Shreveport, La. 71107. Applicant's representatives: Wilburn L. Williamson, Suite 280, National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and Paul Caplinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Antipollution systems equipment and parts; environmental control and protective systems equipment and parts; and equipment, materials, and supplies* used in the construction or installation of antipollution and environmental control and protective systems, from the plantsite and warehouse facilities utilized by Defiance Co. located at or near Picayune, Miss., to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Shreveport, La.

No. MC 101474 (Sub-No. 15), filed April 19, 1971. Applicant: RED TOP TRUCKING COMPANY, INCORPORATED, 7020 Cline Avenue, Hammond, IN 46323. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated iron and steel, fabricated iron and steel articles, and iron and steel nuts, bolts and rivets*, from South Charleston. W. Va., to points in Illinois, Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, South Carolina, Virginia, Tennessee, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Chicago, Ill.

No. MC 105045 (Sub-No. 30), filed April 26, 1971. Applicant: R. L. JEFFRIES TRUCKING CO., INC., 1020 Pennsylvania Street, Evansville, IN 47701. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, MO 63124. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Elevators, escalators, moving stairways, and parts and attachments for elevators, escalators, and moving stairways*, between Hazlehurst, Ga., on the one hand, and, on the other, points in Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New York, Ohio, Rhode Island, Texas, and Wisconsin. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105997 (Sub-No. 11), filed April 23, 1971. Applicant: OIL-WAYS CO., a corporation, 201 Bloomfield Avenue, Nutley, NJ 07110. Applicant's representative: Robert DeKroyft, 24 Branford Place, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Alcohol, solvents and vinyl acetate* in bulk, in tank trucks, and *Polyethelene* in packages, or in bulk, from Newark, Carlstadt, Bayonne, and Edgewater, N.J., to points in Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, North Carolina and South Carolina, under contract with U.S. Industrial Chemicals Co. Division National Distillers & Chemicals Corp. and

Commercial Solvents Corp. Note: If a hearing is deemed necessary, applicant requests it be held at Newark, N.J., or New York City, N.Y.

No. MC 106398 (Sub-No. 541), filed April 30, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representative: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Chickasaw County, Miss., to points in the United States (except Alaska and Hawaii). Note: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107295 (Sub-No. 509), filed April 26, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representative: Dale L. Cox (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asbestos-cement pipe and conduit fittings and accessories necessary for the installation thereof*, from Cheektowaga, N.Y., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y., or Washington, D.C.

No. MC 107295 (Sub-No. 510), filed April 26, 1971. Applicant: PRE-FAB TRANSIT CO., a corporation, 100 South Main Street, Farmer City, IL 61842. Applicant's representatives: Dale L. Cox and Mack Stephenson (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Panels, insulated panels and accessories, metal building parts and accessories, insulation and accessories, and wall sections and accessories*, from Pine Bluff, Ark., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 107515 (Sub-No. 749), filed April 21, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Altanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Garden tractors, and lawn mowers and parts, attachments and accessories* therefor, from Lexington, S.C., to points in Missouri, Minnesota, Ohio, Indiana, Texas, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is being sought. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107515 (Sub-No. 753), filed April 28, 1971. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, Forest Park, GA 30050. Applicant's representative: Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), in vehicles equipped with mechanical refrigeration, from points in El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Val Verde, Kinney, Maverick, Webb, Zapata, Starr, Nueces, Titus, Hidalgo, Cameron, Willacy, Bexar, Dallas, Tarrant, San Patricio, and Smith Counties, Tex., to points in Alabama, Georgia, Florida, Tennessee (except Memphis and its commercial zone), South Carolina, North Carolina, Kentucky, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at San Antonio or Corpus Christi, Tex.

No. MC 108340 (Sub-No. 22), filed April 26, 1971. Applicant: HANEY TRUCK LINE, 2219 Cedar Street, Forest Grove, OR. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, between points in Washington County, Oreg., on the one hand, and, on the other, points in Washington. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 108393 (Sub-No. 46) (correction), filed March 18, 1971, published in the Federal Register issue of April 29, 1971, and republished in part as corrected, this issue. Applicant: SIGNAL DELIVERY SERVICE, INC., 930 North York Road, Hinsdale, IL 60521. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, OH 44114. Note: The purpose of this partial republication is to reflect the correct docket number as MC 108393 (Sub-No. 46) in lieu of MC 10839, which was erroneously shown in previous publication. The rest of the application remains as previously published.

No. MC 108449 (Sub-No. 325), filed April 26, 1971. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul, MN 55113. Applicant's representatives: W. A. Myllenbeck (same address as applicant) and Adolph J. Bieberstein, 121 West Doty Street, Madison, WI 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* in bulk, having an immediate prior or subsequent movement over the lines of the Soo Line Railroad Co., between points in Illinois, the Upper Peninsula of Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories that could be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 108859 (Sub-No. 54), filed April 28, 1971. Applicant: CLAIRMONT TRANSFER CO., a corporation, 1803 Seventh Avenue North, Escanaba, MI 49829. Applicant's representative: Elmer J. Wery (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Aluminum Specialty Co. plantsite at or near Seymour, Wis., as an off-route point in connection with carrier's authorized regular route operations in Wisconsin, Michigan, Illinois, Indiana, Kentucky, and Ohio. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison or Milwaukee, Wis.

No. MC 109677 (Sub-No. 39), filed April 29, 1971. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, NY 12828. Applicant's representative: Harold G. Hernly, 2030 North Adams Street, Arlington, VA 22201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Plattsburgh, N.Y., to points in Vermont bounded on the south by U.S. Highway 4 and on the east by U.S. Highway 5, at the junction of U.S. Highways 4 and 5 northerly to West Burke, continuing in a northerly direction on Vermont Highway 5–A to Derby Center, thence on U.S. Highway 5 to the Quebec-Vermont border, and bounded on the north by said Quebec-Vermont border, and on the west by Lake Champlain. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 109994 (Sub-No. 43), filed April 22, 1971. Applicant: SIZER TRUCKING, INC., Post Office Box 97, Rochester, MN 55901. Applicant's representative: K. O. Petrick (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fiber and molded products*, from Bridgeport, Pa., to Chicago, Ill.; Noblesville, Ind.; Milwaukee, Wis.; Minneapolis and St. Paul, Minn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 110563 (Sub-No. 65), filed April 23, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Post Office Box 747, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Baltimore, Md., New York, N.Y., and Port Newark, N.J., to Cleveland, Ohio, restricted to traffic originating at and destined to the above-named points. Note: If a hearing is deemed necessary, applicant requests it be held at Cleveland or Columbus, Ohio.

No. MC 110563 (Sub-No. 66), filed April 30, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and/or storage facilities utilized by Spencer Foods, Inc., located at or near Cherokee, Hartley, and Spencer, Iowa; Worthington, Minn.; Fremont and Schuyler, Nebr.; and Sioux Falls, S. Dak.; to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to traffic originating at the above-named plantsites and warehouse facilities. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Washington, D.C.

No. MC 110589 (Sub-No. 6), filed April 21, 1971. Applicant: J. E. LAMMERT TRANSFER, INC., 317 North Oak Street, Grand Island, NE 68801. Applicant's representative: Donn K. Bieber, Box 311, Schuyler, NE 68661. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and other articles distributed by meat packinghouses*, from Gibbon, Nebr., to points in Illinois, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 110988 (Sub-No. 266), filed April 26, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representatives: David A. Petersen (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry chemicals*, in bulk, in hopper-type vehicles, from Joliet, Ill., to points in Illinois, Indiana, Michigan, Ohio, Kentucky, Missouri, Iowa, Minnesota, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 111045 (Sub-No. 80), filed April 26, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, 7809 Pal River Road, Tampa, FL 33601. Applicant's representatives: J. V. McCoy, Post Office Box 426, Tampa, FL 33601, and J. Douglas Harris, 409–12 Bell Building, Montgomery, AL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Molten sulphur*, in bulk, from points in Santa Rosa County, Fla., and Le-Moyne, Ala. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 111045 (Sub-No. 81), filed April 23, 1971. Applicant: REDWING CARRIERS, INC., Post Office Box 426, Tampa, FL 33601. Applicant's representatives: J. V. McCoy (same address as above) and J. Douglas Harris, 409–412 Bell Building, Montgomery, AL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt and asphalt products*, in bulk, from New Orleans, La., to points in Alabama and Mississippi. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Washington, D.C.

No. MC 111170 (Sub-No. 160), filed April 26, 1971. Applicant: WHEELING PIPE LINE, INC., Post Office Box 1718, El Dorado, AR 71730. Applicant's representative: Don A. Smith, Post Office Box 43, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, from points in Jefferson County, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Note: Applicant states that the requested authority cannot be tacked with the existing authority. No duplicate authority is sought. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Memphis, Tenn.

No. MC 111729 (Sub-No. 316), filed April 22, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant), and Russell Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cut flowers decorative greens, and florist supplies*, between points in Alabama; between points in Arkansas; between points in California; between points in Connecticut; between points in Delaware; between points in Florida; between points in Georgia; between points in Kansas; between points in Louisiana; between points in Maine; between points in Maryland; between points in Massachusetts; between points in Mississippi; between points in Missouri; between points in Nebraska; between points in New Hampshire; between points in New Jersey; between points in New York; between points in North Carolina; between points in North Dakota; between points in Oregon; between points in Pennsylvania; between points in Rhode Island; between points in South Carolina; between points in South Dakota; between points in Tennessee; between points in Texas; between points in Vermont; and between points in West Virginia, restricted to traffic having an immediately prior or subsequent movement by air. Note: Common control and dual operations may be involved. Applicant states that a portion of the requested authority could be tacked with certain existing authorities but indicates that it has no present intention to tack and therefore does no identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112694 (Sub-No. 4), filed April 21, 1971. Applicant: JAMES J. GALLERY, INC., 73 Stanley Avenue, Watertown, MA 02172. Aplicant's representative: Kenneth B. Williams, 111

State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, tranporting: *Frozen foods, and foodstuffs*, moving under refrigeration, not included in frozen foods, between Watertown, Mass.; Portsmouth, Dover, Rochester, Somersworth, and Keene, N.H.; York, North Berwick, Wells, Sanford, Biddeford, Saco, and Westbrook, Maine. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 112750 (Sub-No. 280), filed April 19, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representative: John M. Delany (same address as applicant) and Russell S. Bernhard, 1625 K Street, NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions; (a) between Augusta and Savannah, Ga., on the one hand, and, on the other, Charlotte, N.C., (b) between Danville, Lynchburg, Martinsville, and Roanoke, Va., on the one hand, and, on the other, Charlotte and Raleigh, N.C., under contract with banks and banking institutions. Note: Applicant now holds common carrier authority under No. MC 111729 Sub-26 and other subs, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112822 (Sub-No. 193), filed April 28, 1971. Applicant: BRAY LINES, INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal litter and pet supplies, bleaching, cleaning, laundry, and scouring compounds, and materials and supplies* (except commodities in bulk), from Oakland, Calif., to points in Montana, Oregon, Utah, Washington, and Wyoming. Note: Applicant states that the requested anthority can be tacked with its existing authority, but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Oakland, Calif., or San Francisco, Calif.

No. MC 112822 (Sub-No. 194), filed April 30, 1971. Applicant: BRAY LINES, INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, fittings, and supplies*, from points in Alabama, Indiana, Bay St. Louis, Miss., and Chattanooga, Tenn., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Kansas City, Mo.

No. MC 112822 (Sub.-No. 195), filed April 30, 1971. Applicant: BRAY LINES, INCORPORATED, 1401 North Little Street, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Thos. Lee Allman, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in containers; supplies, materials, ingredients, containers, machinery, and advertising materials used in the manufacturing, packing and distribution of foodstuffs, between points in Fresno County, Calif., and points in Grayson County, Tex., and points in Morgan County, Ill: Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Fort Worth or Houston, Tex.

No. MC 113267 (Sub-No. 263), filed April 14, 1971. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, IL 62232. Applicant's representative: Lawrence A. Fischer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Candy and confectionery products*, from St. Louis, Mo., to Memphis, Tenn., Jacksonville, Fla., Atlanta, Ga., Dallas, Tex., and St. Paul, Minn. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 113362 (Sub-No. 205) (Correction), filed March 22, 1971, published in the Federal Register issue of April 22, 1971, corrected and republished as corrected, this issue. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove, IA 50533. Applicant's representative: Milton D. Adams, 1105½ Eighth Avenue NE., Austin, MN 55912. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plant and warehouse facilities of Needham Packing Co., Inc., West Fargo and Fargo, N. Dak., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Note: The sole purpose of this republication is to include Fargo as an origin point, inadvertently omitted from previous publication. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 113362 (Sub-No. 212), filed April 26, 1971. Applicant: ELLSWORTH FREIGHT LINES, INC., 310 East Broadway, Eagle Grove IA 50533. Applicant's representative: James Ellsworth, 4500 North State Line Road, Texarkana, AR 75501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and/or cold storage facilities of Swift & Co., at or near Guymon, Okla., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to products originating at or destined to the named points. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Oklahoma City, Okla.

No. MC 113666 (Sub-No. 55), filed April 28, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington. DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fluxing compounds;* and (2) *rimming agents*, from New Kensington, Pa., to points in New York, Ohio, Pennsylvania, Maryland, Kentucky, Indiana, Illinois, Michigan, New Jersey, and West Virginia, and materials and supplies used in the production of fluxing compounds and rimming agents, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113666 (Sub-No. 56), filed May 5, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pulverized limestone*, from points in Mercer Township, Butler County, Pa., to points in West Virginia and Ohio. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 421), filed May 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat byproducts, and articles distributed by meat packinghouses*, from Butler and Milwaukee, Wis., to points in Arizona, California, Utah, Oregon, Washington, Idaho, Colorado, Wyoming, Montana, North Dakota, South Dakota, New Mexico, Oklahoma, Nebraska, Texas, Missouri, Kansas, Iowa, Illinois, Georgia, Kentucky, Tennessee, Indiana, and Florida. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Omaha, Nebr.

No. MC 113678 (Sub-No. 422), filed May 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, from the plantsite of Peter Eckrich & Sons, Inc., located at or near Fort Wayne, Ind.; Fremont, Ohio and Kalamazoo, Mich., to points in Arizona, California, Colorado, Idaho, Illinois, Oklahoma, Oregon, Texas, Utah, Washington, Wisconsin, and Wyoming. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 113974 (Sub-No. 45), filed April 26, 1971. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a corporation, 211 Washington Avenue, Dravosburg, PA 15034. Applicant's representative: W. H. Schlottman (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and gypsum products, and materials and supplies* used in the distribution thereof, from Buchanan (Westchester County), N.Y., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; and *returned shipments* of the above-described commodities, from the above-named destination points to the above-named origin point, on return. Note: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114004 (Sub-No. 99), filed April 29, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and buildings, in sections, mounted on undercarriages, in initial movements, from Gaston County, N.C., to points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114004 (Sub-No. 100), filed April 30, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, in sections, mounted on undercarriages, in initial movements, from points in Union County, N.C., to points in the United States excluding Hawaii. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C.

No. MC 114004 (Sub-No. 101), filed April 30, 1971. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, AR 72209. Applicant's representative: W. G. Chandler (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers* designed to be drawn by passenger automobiles, in initial movements, from Lexington, Miss., to points in Georgia, Kentucky, Illinois, Indiana, Missouri, Oklahoma, Kansas, South Carolina, North Carolina, Virginia, and Florida; and (2) *buildings*, in sections, mounted on undercarriages, in initial movements, from Lexington, Miss., to points in Kansas, Oklahoma, Texas, Missouri, Arkansas, Louisiana, Illinois, Indiana, Kentucky, Tennessee, Alabama, Florida, Georgia, North Carolina, South Carolina, and Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 114019 (Sub-No. 214), filed April 28, 1971. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, IL 60629. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Iowa, Wisconsin, Minnesota, North Dakota, South Dakota, Nebraska, Colorado, Kansas, Missouri, and Kentucky, restricted to traffic originating at the named origin and destined to the named territory. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114045 (Sub-No. 353), filed April 26, 1971. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 58[illegible]2, Dallas, TX 75222. Applicant's representative: J. B. Stuart (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, perfume and related articles, advertising materials and display racks*, in vehicles equipped with mechanical refrigeration, from Jonesboro Township, Lee County, N.C., to Santa Ana, Calif.; Dallas and Grand Prairie, Tex. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 114273 (Sub-No. 88), filed April 22, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski, Post Office Box 68, Cedar Rapids, IA 52406 and Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue NE., Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk in tank vehicles), from the plantsite and storage facilities of Dubuque Packing, Inc., at or near Dubuque, Iowa, to points in Virginia, West Virginia, Maryland, Delaware, New Jersey, Pennsylvania, New York, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, Ohio, Indiana, Michigan, Illinois, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 114290 (Sub-No. 57), filed April 30, 1971. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James T. Johnson, 1610 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, (1) from Seattle, Wash., to points in Washington, Oregon, Idaho, and Montana; and (2) from points in California to La Grande, Oreg. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Portland, Oreg.

No. MC 115092 (Sub-No. 17), filed April 19, 1971. Applicant: WEISS TRUCKING, INC., Post Office Box 0, Vernal, UT 84078. Applicant's representative: William S. Richards, 900 Walker Bank Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Barite*, from the plantsite of Oilfield Products, Division Dresser Industries, Inc., at Battle Mountain, Nev., to points in New Mexico, Colorado, Utah, Wyoming, Montana, and North Dakota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 115162 (Sub-No. 225), filed April 28, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition building board, and parts, materials, and accessories* incidental to the installation thereof, from Mobile, Ala., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. Note: Applicant states that the requested auhority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Mobile, Ala.

No. MC 115841 (Sub-No. 407), filed April 14, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as applicant) and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Carpets, carpet materials, rugs, and floor coverings*, from points in Whitfield County, Ga., to points in Colorado, California, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Michigan, Missouri, Nebraska, Oklahoma, Oregon, Texas, Washington, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta. Ga., or Birmingham, Ala.

No. MC 116073 (Sub-No. 165), filed April 28, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, 1819 Fourth Avenue South, Kegel Plaza, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, and *buildings*, complete, knocked down or in sections, from points in Michigan to points in the United States, including Alaska (excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich.

No. MC 116492 (Sub-No. 2), filed April 30, 1971. Applicant: JOHN T. HARRIGER AND RUTH B. HARRIGER, a partnership, doing business as T. C. HARRIGER TRUCKING, 66 Main Street, Falls Creek, PA 15840. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, PA 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *related advertising material*, moving therewith, (a) from Columbus, Ohio, and Detroit, Mich., to points in Pennsylvania on and west of U.S. Highway 15 and on and north of U.S. Highway 22 (except points in Allegheny County, Pa.); and (b) from Du Bois, Pa., to points in South Carolina, Georgia, Florida, Indiana, Illinois, Michigan, and Wisconsin and *empty malt beverage containers*, on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 116519 (Sub-No. 12), filed April 28, 1971. Applicant: FREDERICK TRANSPORT LIMITED, Rural Route 6, Chatham, ON Canada. Applicant's representative: S. Harrison Kahn, Suite 733, Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors*, from ports of entry on the international boundary line between the United States and Canada located in Michigan and New York to points in the United States (except Alaska, Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Hawaii, Oregon, Utah, Washington, and Wyoming), restricted to traffic originating at the plant, warehouse, or distribution facilities of White Farm Equipment, a division of White Motor Corp. of Canada, Ltd. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 117565 (Sub-No. 38), filed May 4, 1971. Applicant: MOTOR SERVICE COMPANY, INC., 237 South Fifth Street, Coshocton, OH 43812. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor homes*, from points in Newport, County, R.I., Tulare County, Calif., and Livingston County, Mich., to points in the United States (except Hawaii); (2) *trailers* designed to be drawn by passenger automobiles in initial movements; from points in McNairy County, Tenn., to points in the United States (except Hawaii); (3) *all terrain vehicles, parts, accessories, and attachments* for terrain vehicles, between Cleveland and Iberia, Ohio, and New Castle, Pa., on the one hand, and, on the other, points in the United States (except Hawaii); and (4) *boats*, from New Castle, Pa., and Iberia, Ohio, to points in the United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Cleveland, Ohio.

No. MC 117574 (Sub-No. 200), filed April 30, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as applicant) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Tractors* (except those with vehicle beds, bed frames, and fifth wheels); (2) *equipment designed for use in conjunction with tractors;* (3) *agricultural, industrial, and construction machinery, and equipment;* (4) *trailers*, designed for the transportation of the above-described commodities (except trailers designed to be drawn by passenger automobiles); (5) *attachments* for the above-described commodities; (6) *internal combustion engines;* and (7) *parts* of the above-described commodities when moving in mixed loads with such commodities, between Grand Island, Nebr., on the one hand, and, on the other, points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Common control may be involved. Applicant states that the authority herein sought can be tacked with its existing authority, however, it does not intend to tack at present, therefore, the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117574 (Sub-No. 201), filed April 30, 1971. Applicant: DAILY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as above) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems;* (2) *sewage, water, and refuse treatment systems;* (3) *environmental control and protective systems;* (4) *air, liquid, and gas cleaning, heating, cooling, condensing, conditioning, humidifying, equalizing, and moving equipment; and* (5) *components, parts, tools, materials, accessories, supplies, and other general commodities* used in connection with the erection, construction or operation of the items in (1), (2), (3), and (4) above, between Milwaukee, Wis., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the authority sought herein can be tacked with its existing authority, however, it has no present intention to tack, therefore, the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. No duplicate authority is being sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 117765 (Sub-No. 123), filed April 23, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages* in containers and *related advertising matter*, from Memphis, Tenn., to points in Oklahoma; and (2) *paper and paper products*, from Port of Tulsa, Rogers County, Okla., to points in Kansas; that portion of Missouri on and south of U.S. Highway 54 beginning at the Kansas-Missouri State line and extending to Preston, Mo., at junction U.S. Highway 65; thence on and west of U.S. Highway 65 to the Arkansas-Missouri State line; Oklahoma; and that portion of Texas on and north of U.S. Highway 82. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 117799 (Sub-No. 11), filed May 6, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representatives: Patrick M. Porritt (same address as applicant) and Andrew Clark, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Macaroni, noodles, spaghetti, or vermicelli*, prepared with or without cheese, meat, vegetables or sauce; (2) *milk products, powdered milk and blends thereof;* and (3) *nuts, dates, shredded coconut, spices, and herbs*, from Bongards and Minneapolis, Minn., to points in Arizona, California, Montana, New Mexico, Oregon, and Washington. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Omaha, Nebr.

No. MC 117883 (Sub-No. 155), filed April 26, 1971. Applicant: SUBLER TRANSFER, INC., 791 East Main Street, Versailles, OH 45380. Applicant's representative: Edward J. Subler, Post Office Box 62, Versailles, OH 45380. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsites and storage facilities utilized by Dubuque, Iowa, to points in Indiana, Ohio, Michigan, Pennsylvania, New York, Maine, New Hampshire, Rhode Island, Vermont, Massachusetts, Connecticut, New Jersey, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia. Restriction: Restricted to traffic originating at the above origins and destined to the named destinations. Note: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 118159 (Sub-No. 114), filed April 26, 1971. Applicant: EVERETT LOWRANCE, INC., 4916 Jefferson Highway, Post Office 10216, New Orleans, LA 70121. Applicant's representative: David D. Brunson, 419 Northwest Sixth, Oklahoma City, OK 73102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in Arkansas, Iowa, Missouri, Kansas, Nebraska (except Omaha and Lincoln), and Oklahoma. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., Washington, D.C., Dallas, Tex., Oklahoma City, Okla., or Tampa, Fla.

No. MC 118570 (Sub-No. 2), filed April 8, 1971. Applicant: DeFAZIO EXPRESS, INC., 1028 Springbrook Avenue, Moosic, PA 18507. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose materials and products; cellulose materials and products joined to or combined with paper, plastics, synthetics, or cloth; sanitary paper and paper products; sanitary paper and paper products joined to or combined with paper, plastics, synthetics, or cloth; pulp; and related premium and advertising materials; and paper mill machinery and parts thereof;* (2) *Materials, equipment, and supplies used or useful in the production, manufacture, and distribution of the commodities described in paragraph (1) above;* (A) from the plantsite and warehouses of the Procter & Gamble Co. and its subsidiaries in the township of Washington, Wyoming County, Pa., and from its warehouses and rail sidings in the counties of Luzerne and Lackawanna, Pa., to points in New York and New Jersey within 25 miles of New York, N.Y., including New York, N.Y. and to points in Massachusetts and Connecticut; and (B) from points in New York and New Jersey within 25 miles of New York, N.Y., including New York, N.Y., and from points in Massachusetts and Connecticut to the plantsite and warehouses of the Procter & Gamble Co. and its subsidiaries in the township of Washington, Wyoming County, Pa., and to its warehouses and rail sidings in the counties of Luzerne and Lackawanna, Pa., under contract with the Procter & Gamble Co. Restriction: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts with the Procter & Gamble Co. and its subsidiaries. Note: Applicant states that it is willing that its authority at MC 44302 and 44302, Sub. 1, be amended by the addition of the following: "Restriction: The authority herein contained is restricted against the transportation of property originating at or destined to the plantsite and warehouses of the Procter & Gamble Co. and its subsidiaries in the township of Washington, Wyoming County, Pa., and its warehouses and rail sidings in the counties of Luzerne and Lackawanna, Pa." Note: Applicant holds authority as a common carrier under MC 44302 and subs, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Harrisburg, Pa.

No. MC 119192 (Sub-No. 6) (Correction), filed March 26, 1971, published in the Federal Register Issue of March 29, 1971, and republished in part as corrected this issue. Applicant: EASTERN DELIVERY SERVICE, INC., 80 Central Avenue, Bridgeport, CT. Applicant's representative: Morton E. Kiel, 140 Cedar Street, New York, NY 10006. Note: The sole purpose of this partial republication is to include the State of Connecticut in the destination territory, which State was inadvertently omitted in the previous publication. The rest of the application remains as previously published.

No. MC 119619 (Sub-No. 52), filed April 21, 1971. Applicant: DISTRIBUTORS SERVICE CO., a corporation, 2000 West 43d Street, Chicago, IL 60609. Applicant's representative: Arthur J. Piken, One Lefrak City Plaza, Flushing, NY 11368. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsites and storage facilities utilized by Swift & Co. at Guymon, Okla., to points in Illinois, Wisconsin, Minnesota, Indiana, Michigan, Ohio, Pennsylvania, New York, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, New Jersey, Maryland, Delaware, Virginia, West Virginia, District of Columbia, and Louisville, Ky., restricted to shipments originating at the plantsite of Swift Fresh Meats Co., Guymon, Okla., and destined to the above-named States. NOTE: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119767 (Sub-No. 268), filed May 6, 1971. Applicant: BEAVER TRANSPORT CO., a corporation, Bristol, Wis., Post Office Box 188, Pleasant Prairie, WI 53158. Applicant's representative: Allan B. Torhorst, Post Office Box 186, Pleasant Prairie, WI 53158. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk), from the plantsite and warehouse facilities of H. J. Heinz Co. located at or near Iowa City, Iowa, to points in Minnesota (except Minneapolis - St. Paul), North Dakota, South Dakota, and Missouri. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Milwaukee, Wis.

No. MC 119872 (Sub-No. 8), filed April 30, 1971. Applicant: GULF TRANSPORT, LTD., a corporation, 61 St. Peters Road, Charlottetown, PE Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02109. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen apples and berries*, from points on the international boundary between the United States and Canada at or near Houlton and Calais, Maine, to points in Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania; and (2) *frozen and pickled meats*, from points in Connecticut, Massachusetts, and New Hampshire, to points on the international boundary between the United States and Canada at or near Houlton and Calais, Maine. Restricted to shipments moving to or from points in Canada. NOTE: No duplicating authority is sought. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 123061 (Sub-No. 59), filed April 23, 1971. Applicant: LEATHAM BROTHERS, INC., 46 Orange Street, Salt Lake City, UT 84104. Applicant's representative: Harry D. Pugsley, 400 Elpaso Gas Building, Salt Lake City, UT 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products, materials, and supplies* used in the agricultural, water treatment, food processing, wholesale grocery, and institutional supply industries, in mixed loads with salt and salt products, with authority to provide stop-off and split delivery service, from Saltair, Utah, to points in Colorado (except Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montrose, Montezuma, Ouray, Pitkin, Rio Blanco, Routt, San Miguel, and San Juan Counties, Colo.). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Denver, Colo.

No. MC 124069 (Sub-No. 11), filed April 23, 1971. Applicant: CONCRETE DELIVERY CO., INC., 7 North Steelawanna Avenue, Lackawanna, NY 14218. Applicant's representative: William J. Hirsch, 35 Court Street, Suite 444, Buffalo, NY 14202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from those ports of entry on the international boundary line between the United States and Canada located on the St. Lawrence River, to points in New York (except points in Kings, Queens, Nassau, and Suffolk Counties, N.Y.), and points in Pennsylvania. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant further states that no duplicating authority is sought. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. MC 124078 (Sub-No. 486), filed May 5, 1971. Applicant: SCHWERMAN TRUCKING CO., a corporation, 611 South 28th Street, Milwaukee, WI 53246. Applicant's representative: James R. Ziperski (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fly ash*, in bulk, from Louisville, Ky., to the construction site of Farley Nuclear Plant near Columbia, Ala. NOTE: *Common control may be involved*. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 124211 (Sub-No. 184), filed April 23, 1971. Applicant: HILT TRUCK LINE, INC., Post Office Drawer 988 D.T.S., Omaha, NE 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins and commodities in bulk, in tank vehicles), from the plantsites and storage facilities utilized by Swift Fresh Meats Co. at Grand Island, Nebr., and Sioux City, Iowa, to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, restricted to the transportation of shipments originating at the above-named plantsites and storage facilities and destined to points in the named destination States; and (2); *canned or preserved foodstuffs*, from Omaha, Nebr., to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, and the District of Columbia. NOTE: Applicant states that it may provide all of the proposed services by tacking and/or interlining existing authorities. The purpose of this application is to eliminate existing gateways and interlines. Applicant further states it may tack the authority sought in Part (2) herein with existing authority at Omaha, Nebr., with MC 124211 and various subs, however, tacking is not intended at this time. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 124377 (Sub-No. 21), filed April 20, 1971. Applicant: REFRIGERATED FOODS, INC., 3200 Blake Street, Post Office Box 1018, Denver, CO 80201. Applicant's representative: Truman A. Stockton, Jr., The 1650 Grant Street, Building, Denver CO 80203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ceramic and mosiac tile, resilient flooring, and supplies and equipment* used in connection therewith, from San Diego, Los Angeles, San Francisco, and Oakland, Calif., to that part of the United States west of and including Wisconsin, Illinois, Missouri, Arkansas, and Louisiana, under contract with Color Tile Supermarts. NOTE: If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 124621 (Sub-No. 4), filed April 29, 1971. Applicant: CLEMENT RISBERG, doing business as RISBERG TRUCK SERVICE, 2339 Southeast Grand Avenue, Portland, OR 97214. Applicant's representative: John G. McLaughlin, 726 Blue Cross Building, Portland, OR 97201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, in tank vehicles, commodities requiring special equipment, and household goods), between points in Oregon, Washington, Idaho, and Montana, under contract with Fred Meyer, Inc., Roundup Co., and Ready Foods, Inc. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 125216 (Sub-No. 4), filed May 5, 1971. Applicant: OWENS TRUCKMEN, INC., 183 Concord Street, Brooklyn, NY 11201. Applicant's representative: Blanton P. Bergen, 137 East 36th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores (except new furniture in residential deliveries) and *materials, supplies, and equipment* used in the conduct of such business, and return of *rejected, damaged, or returned merchandise*, between points in the New York, N.Y., commercial zone, Manhasset, Garden City, Hempstead, Carle Place, Huntington, Babylon, and Smithtown, N.Y.; Paramus and Woodbridge, N.J.; and points in Bergen, Essex, Hudson, Middlesex, Morris, Passaic, Somerset, and Union Counties, N.J., under a continuing contract with Abraham & Straus, Division of Federated Department Stores, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 125433 (Sub-No. 26), filed April 26, 1971. Applicant: F-B TRUCK LINE COMPANY, a corporation, 1891 West 2100 South Street, Salt Lake City, UT 84119. Applicant's representatives: Duane W. Acklie, 521 South 14th Street, Lincoln, NE 68501, and David J. Lister (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, as described in Ex Parte No. MC-45, *Descriptions in Motor Carrier Certificates*, Appendix V (61 M.C.C. 276) (except mining and construction materials and supplies), between points in California, on the one hand, and, on the other, points in Idaho, Montana, and Utah. NOTE: Applicant states that it presently holds authority to transport mining and construction materials, equipment, and supplies, between the entire area here involved and that the specific authority held by applicant was interpreted in MC-C-3559, Interstate Motor Lines, Inc. v. Interwest Truck Lines, and applicant believes that it now holds substantially all of the authority that it is requesting in the involved application. Applicant further states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, Los Angeles or San Francisco, Calif., or Boise, Idaho.

No. MC 125699 (Sub-No. 2) (Amendment) filed March 24, 1971, published in the FEDERAL REGISTER issue of April 22, 1971, and republished as amended, this issue. Applicant: WILLARD E. DURBIN, doing business as DURBIN AUTO SERVICE, 421 South Mulberry Street, Hagerstown, MD 21740. Applicant's representative: Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Wrecked, disabled, inoperative, stolen, abandoned, and repossessed motor vehicles and cargo trailers* with or without cargo and *replacement motor vehicles and cargo trailers* with or without cargo and *repair parts* therefor, in truckaway or towaway service, between Berkeley, Morgan, and Kanawha Counties, W. Va.; Washington, Allegheny, and Garrett Counties, Md.; and Cumberland County, Pa., on the one hand, and, on the other, points in Pennsylvania, Maryland, Virginia, Delaware, West Virginia, New Jersey, Ohio, New York, North Carolina, South Carolina, and the District of Columbia. NOTE: The purpose of this republication is to reflect a change in the commodity discription. If a hearing is deemed necessary, applicant requests it be held at Hagerstown, Md.

No. MC 127361 (Sub-No. 6), filed April 30, 1971. Applicant: FAIRCHILD GENERAL FREIGHT, INC., 19 West Washington, Avenue, Yakima, WA 98902. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Glass bottles and jars, and covers, stoppers, and tops* for glass bottles and jars, from Portland, Oreg., to points in Idaho and Montana, under contract with Owens-Illinois Glass Co. NOTE: Applicant holds common carrier authority under MC 339 9, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or Seattle, Wash.

No. MC 127812 (Sub-No. 12), filed April 29, 1971. Applicant: TYSON TRUCK LINES, INC., 185 Fifth Avenue SW., New Brighton, MN 55112. Applicant's representative: Richard L. Tyson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Minneapolis-St. Paul, Minn., to Superior, Wis. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 128273 (Sub-No. 94), filed April 22, 1971. Applicant: MIDWESTERN EXPRESS, INC., Box 189, Fort Scott, KS 66701. Applicant's representative: Danny Ellis (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products* (except commodities in bulk); (a) from the plantsites and storage facilities of Sterling Pulp & Paper Co., at Eau Claire, Wis., Flambeau Paper Co. at Park Falls, Wis., Thilmany Pulp & Paper at Kaugauna, Wis., Charmin, Division of Proctor & Gamble at Green Bay, Wis., to points in California, Nevada, Utah, Colorado, Wyoming, Idaho, Oregon, Washington, Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, Rhode Island, Maine, New Hampshire, Massachusetts, Connecticut, and points in Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Memphis, Tenn.; and West Memphis, Ark.; and their respective commercial zones; (b) from Consolidated Paper Co. at Wisconsin Rapids, Wis., to points in North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, Rhode Island, Maine, New Hampshire, Massachusetts, Connecticut, and points in Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Memphis, Tenn.; and West Memphis, Ark.; and their respective commercial zones; (c) from Badger Paper Mills at Peshtigo, Wis., to points in Colorado, Idaho, Oregon, Washington, Montana, North Dakota, South Dakota, Minnesota, Iowa, Illinois, Indiana, Michigan, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Georgia, Florida, Maryland, Delaware, New Jersey, Pennsylvania, New York, Vermont, Maine, New Hampshire, Massachusetts, Connecticut, and points in Louisville, Ky.; Cincinnati, Ohio; Kansas City, Mo.; Kansas City, Kans.; St. Louis, Mo.; Memphis, Tenn.; and West Memphis, Ark.; and their respective commercial zones. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Washington, D.C.

No. MC 129387 (Sub-No. 9), filed April 29, 1971. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, SD 57350. Applicant's representative: Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, SD 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Missouri, Illinois, and Minnesota. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority.

If a hearing is deemed necessary, applicant requests it be held at Huron, S. Dak.; Sioux Falls, S. Dak.; or Sioux City, Iowa.

No. MC 129413 (Sub-No. 7), filed April 9, 1971. Applicant: C.B. TRANSPORTATION, INC., 1400 Grand Avenue, Post Office Box 3072, Sioux City, IA 51102. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dried beet pulp*, from Chaska, Crookston, and East Grand Forks, Minn., to points in Iowa, Nebraska, and South Dakota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Omaha, Nebr.

No. MC 129631 (Sub-No. 17), filed April 29, 1971. Applicant: PACK TRANSPORT, INC., Post Office Box 17233, Salt Lake City, UT. Applicant's representative: Max Eliason, Post Office Box 2602, Salt Lake City, UT 84110. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber mill products, and boards or sheets composed of wood particles, glue and resin*, from Idaho and Montana to points in Arizona and from points in Coconino, Navajo, Apache, and Yavapai Counties, Ariz., to points in Utah; and (2) *roofing, decking, and building materials*, from points in Coconino, Navajo, Apache, and Yavapai Counties, Ariz., to points in Utah (except commodities requiring special equipment), in connection with (1) and (2) above. Note: Applicant states that tacking possibilities exist with its base certificate MC 129631, but not intended. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant now holds contract carrier authority under its No. MC 101741 (Sub-No. 8), therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Phoenix, Ariz.

No. MC 133072 (Sub-No. 3), filed April 23, 1971. Applicant: VITO PALUMBO, doing business as WILLIAM PALUMBO TRUCKING, 67 Greenwich Street, New York, NY 10006. Applicant's representative: William D. Traub, 10 East 40th Street, New York, NY 10016. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Business forms*, from site of warehouse of Duplex Products, Inc., Fairfield, N.J., to New York, N.Y., under contract with Duplex Products, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 133547 (Sub-No. 1), filed April 6, 1971. Applicant: WESTERN STORAGE & WAREHOUSE, INC., 2410 Vinewood Street, Detroit, MI 48216. Applicant's representative: William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Department store merchandise, and supplies* used in conducting retail department store business, from Detroit, Mich., to points in the Lower Peninsula of Michigan located on and south of Michigan Highway 21 extending from Port Huron to St. John's, Mich., and on and east of U.S. Highway 27 from St. John's and extending to the Indiana-Michigan State line, Columbus, Ohio, and points in that portion of Ohio located on and north of U.S. Highway 36, and *damaged or traded-in merchandise*, from points in the above described destinations to Detroit, Mich., under contract with Interstate Stores, Inc., Note: If a hearing is deemed necessary, applicant requests it be held at Lansing or Detroit, Mich.

No. MC 133689 (Sub-No. 16), filed April 23, 1971. Applicant: OVERLAND EXPRESS, INC., 651 First Street SW., New Brighton, MN 55112. Applicant's representative: James F. Sexton, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, and other commodities distributed by dairies* (except commodities in bulk), from the plantsites, warehouse, storage, and production facilities utilized by Land O'Lakes, Inc., at Chicago, Ill., and points in the Chicago, Ill., commercial zone, as defined by the Commission, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 76025 and subs thereto. If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 133775 (Sub-No. 9), filed April 20, 1971. Applicant: REEFER TRANSIT LINE, INC., 55 East Washington Boulevard, Chicago, IL 60602. Applicant's representative: Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Ohio and New York. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 134323 (Sub-No. 15), filed April 30, 1971. Applicant: JAY LINES, INC., Post Office Box 1644, 720 North Grand Avenue, Amarillo, TX 79105. Applicant's representative: Duane Acklie, 521 South 14th Street, Post Office Box 806, Lincoln, NE 63501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described by the Commission, from the plantsite of Missouri Beef Packers, Inc., at or near Friona, Tex., to points in Florida, North Carolina, South Carolina, Alabama, and Georgia, under contract with Missouri Beef Packers, Inc. Note: Applicant holds temporary common authority under MC 135070. If a hearing is deemed necessary, applicant requests it be held at Amarillo or Dallas, Tex., or Lincoln, Nebr.

No. MC 134341 (Sub-No. 3) (Correction), filed December 2, 1970, published in the Federal Register issue of December 30, 1970, and republished as corrected, this issue. Applicant: CHARLES R. STROP, doing business as STROP TRANSPORTATION, Rural Route 1, Hastings, Nebr. 68901. Applicant's representatives: Charles R. Strop (same address as applicant) and Donald L. Stern, Suite 530 Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), (1) from the plantsite and storage facilities of Minden Beef Co., at or near Minden, Nebr., to points in Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin, and the District of Columbia; and (2) from the plantsite and storage facilities of Pawnee Packing Co., at or near Hastings, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Ohio, and Wisconsin, restricted to the transportation of traffic originating at the above-named origin points and destined to the above-named destination points. Note: The purpose of this republication is to reflect the name of Mr. Donald L. Stern as a representative of applicant and to reflect part No. (2) above. If a hearing is deemed necessary, applicant requests it be held at Omaha or Lincoln, Nebr.

No. MC 134653 (Sub-No. 2), filed March 15, 1971. Applicant: STERRITT TRUCKING, INC., Post Office Box 367, West Coxsackie, NY 12192, Applicant's representative: Alfred C. Purello, 451 State Street, Albany, NY 12203. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Precast, prestress structural concrete products*, (1) from Pittsfield, Mass., to Cobleskill, N.Y.; and (2) from Pittsfield, Mass., to points in New York, New Jersey, Rhode Island, Connecticut, Massachusetts, Vermont, New Hampshire, and Maine for the account of Unistress Corp., Pittsfield, Mass. Note: If a hearing is deemed necessary, applicant requests it be held at Albany or Syracuse, N.Y.

No. MC 134777 (Sub-No 12), filed April 26, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representatives: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and Dale Waymire (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk) from Emporia, Kans.; West Point and Dakota City, Nebr.; Denison, Fort Dodge, LeMars and Mason City, Iowa; and Luverne, Minn., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia. Note; Applicant now holds contract carrier authority in MC 87088 Sub-1, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Washington, D.C.

No. MC 134777 (Sub-No. 13), filed April 26, 1971. Applicant: SOONER EXPRESS, INC., Post Office Box 219, Madill, OK 73446. Applicant's representatives: Wilburn L. Williamson, Suite 280 National Foundation Life Center, 3535 Northwest 58th, Oklahoma City, OK 73112 and Dale Waymire (same address as above), Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat products, meats, and meat byproducts and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., West Point and Dakota City, Nebr., Denison, Fort Dodge, LeMars, and Mason City, Iowa, and Luverne, Minn., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Mississippi, Louisiana, Tennessee, and Kentucky, Note: Applicant now holds contract carrier authority in MC 87088 (Sub-No. 1), therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., Sioux City, Iowa, or Washington, D.C.

No. MC 135502, filed April 12, 1971. Applicant: BROWN TRUCKING CO., Route 2, Box 4B, Marshall, Harrison County, TX 75670. Applicant's representative: Tim Timmins, 2271 First National Bank Building, Dallas, TX 75202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sawdust, wood chips, and dry wood shavings*, (1) from Marshall, Tex., to Lillie, La., and (2) from Marshall, Tex., to Springhill, La., under contract with Snider Bros., Lumber Co., Marshall, Tex. Note: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tyler, or Austin, Tex.

No. MC 135242 (Sub-No. 1), filed April 26, 1971. Applicant: HIGGINS CONTRACT CARRIER, INC., Post Office Box 206, Shelby, NE 68662. Applicant's representative: David R. Parker, 605 South 14th Street, Post Office Box 82028, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, (1) from Schuyler, Nebr., to points in Iowa, Kansas, and Colorado, under a continuing contract with F. J. Higgins Milling Co.; and (2) from Schuyler, Columbus, David City, Central City, and Fremont, Nebr., to points in Iowa, Kansas, and Colorado, under a continuing contract with Three Dehy Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 135355 (Sub-No. 2), filed April 30, 1971. Applicant: JACK H. LOBDELL, doing business as LOBDELL TRUCKING, 216 West 16th Street, South Sioux City, NE 68776. Applicant's representative: Jack H. Lobdell (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, from Sioux City, Iowa, to points in Nebraska, under a continuing contract with Ralston Purina Co. Note: If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135359 (Sub-No. 2), filed April 23, 1971. Applicant: BERNARD BAILEY, Bushwood, Md. 20618. Applicant's representative: Charles E. Creagar, Suite 523, 816 Easley Street, Silver Spring, MD 20910. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, related advertising paraphernalia, and used malt beverage containers*, between Newark, N.J., and Williamsburg, Va., on the one hand, and, on the other, points in St. Marys County, Md., under contract with Guy Distributing Co., Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 135482 (Sub-No. 1), filed April 19, 1971. Applicant: H. A. BEYER AND ROBERT A. BEYER, a partnership, doing business as H. A. BEYER & SON, 325 Third Avenue NW., Valley City, ND 58072. Applicant's representative: Gene P. Johnson, 5200 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Duluth, Minn., to points in North Dakota, under contract with Beyer's Cement, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak.

No. MC 135524, filed April 26, 1971. Applicant: G. F. TRUCKING CO., a corporation, 1528 Albert Street, Youngstown, OH 44505. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel pipe, tubing, conduit, fittings, and accessories*, from Sharon and Wheatland, Pa., to points in Minnesota, Iowa, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and points in Michigan on and north of U.S. Highway 21. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., Columbus, Ohio, or Washington, D.C.

No. MC 135550, filed April 26, 1971. Applicant: PHILLIP BLOCH, doing business as PHIL'S TRUCK SERVICE, Post Office Box 1163, Elko, NV. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission and petroleum products in bulk, in tank vehicles), between Elko, Nev., on the one hand, and, on the other, Twin Falls, Idaho, serving the intermediate points of Wells, Contact, Wilkins, and Jackpot, Nev., and return over the same route. Note: If a hearing is deemed necessary, applicant requests it be held at Elko or Carson City, Nev.

No. MC 135551, filed April 15, 1971. Applicant: PACIFIC STORAGE, INC., 440 East 19th Street, Tacoma, WA 984216. Applicant's representative: George H. Hart, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Telephone equipment, materials, and supplies* between Tacoma, Wash., on the one hand, and, on the other, points in King, Pierce, Thurston, Mason, Clallam, Jefferson, Kitsap, Grays Harbor, Lewis, Pacific, and Cowlitz Counties, Wash., under contract with Western Electric Co., Inc. Note: Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash.

No. MC 135556, filed April 28, 1971. Applicant: RAYMOND R. CARPENTER AND JAMES R. CARPENTER, a partnership, doing business as CARPENTER BROS. TRUCKING, Route 2, Box 5, Bucyrus, OH 44820. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Room 606, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dry ammonia nitrate*, between points in Crawford and Seneca Counties, Ohio, on the one hand, and, Terre Haute, Ind., on the other, under contract with Crawford Farm Bureau Cooperative Association, and Seneca County Farm Bureau Cooperative Association, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Bucyrus, Toledo, and Columbus, Ohio.

No. MC 135557, filed April 28, 1971. Applicant: FLORIDA MOVING & STORAGE OF JACKSONVILLE, INC., 678 North Edgewood Avenue, Jacksonville, FL 32205. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Florida on and north of Florida Highway 40 and on and east of U.S. Highway 19 and points in Georgia on and east of U.S. Highway 19 and on and south of U.S. Highway 84. Restriction: Prior or subsequent movement in containers, beyond points authorized and further restricted to performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 135558 (Sub-No. 1), filed April 30, 1971. Applicant: GRIMMER TRANSFER AND STORAGE INC., 127 East Augusta Avenue, Spokane, WA 99205. Applicant's representative: Don Steen, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Spokane County, Wash., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pick up and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic from or to points or areas located within Spokane County, Wash. NOTE: If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 135559, filed April 20, 1971. Applicant: JOHN A. JAMES AND CALVIN OUTLAW, JR., a partnership, doing business as O–J TRANSPORT CO., 2739 Sturtevant, Detroit, MI 48206. Applicant's representative: Martin D. Lesham, Suite 420, 24700 Northwestern Highway, Southfield, MI 48075. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising material*, from Schlitz Brewery, located in Milwaukee, Wis., to Sky-Pac Enterprises, Inc., Detroit, Mich., and *empty containers*, on return, under contract with Sky-Pac Enterprises, Inc. NOTE: If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 135560, filed April 23, 1971. Applicant: MOBERG TRANSPORT, INC., Post Office Box 495, Marshall, MN 56258. Applicant's representative: Charles E. Nieman, 1160 Northwestern Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the pipeline terminal of Champlin Refining Co. near Rock Rapids, Iowa, to points in Martin, Pipestone, Murray, Watonwan, Lincoln, Lyon, Redwood, and Yellow Medicine Counties, Minn. NOTE: If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul or Mankato, Minn.

MOTOR CARRIER OF PASSENGERS

No. MC 1002 (Sub-No. 23), filed April 26, 1971. Applicant: ASBURY PARK-NEW YORK TRANSIT CORPORATION, 401 Lake Avenue, Asbury Park, NJ 07712. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and newspapers and express* in the same vehicle as passengers; (1) between the Borough of Little Silver, N.J., and the Borough of Red Bank, N.J., from the Borough of Little Silver, N.J., over Rumson Road to its junction with Avenue of Two Rivers, in the Borough of Rumson, N.J., thence over Avenue of Two Rivers to its junction with Ridge Road, thence over Ridge Road to its junction with River Road, thence over River Road to River Avenue, thence over River Avenue to River Road at the Borough of Rumson, N.J., and Borough of Fair Haven, N.J., municipal boundary, thence over River Road to the Borough of Red Bank, N.J., and return over the same route; (2) between the Borough of Rumson, N.J., and the Borough of Fair Haven, N.J., from the junction of Rumson Road and Fair Haven Road, in the Borough of Rumson, N.J., over Fair Haven Road to its junction with River Road in the Borough of Fair Haven, N.J., and return over the same route; and (3) between the Borough of Rumson, N.J., and the township of Middletown, N.J., from the junction of River Avenue and Bingham Avenue, in the Borough of Rumson, N.J., over Bingham Avenue to Oceanic Bridge, thence over Oceanic Bridge to the township of Middletown, N.J., and return over the same route and serving all intermediate points in 1 through 3 above. NOTE: Applicant states it proposes to provide service to and from New York, N.Y., by joining the proposed routes with its existing regular route authority. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

No. MC 109780 (Sub-No. 66), filed April 28, 1971. Applicant: CONTINENTAL TRAILWAYS, INC., 315 Continental Avenue, Dallas, TX. Applicant's representative: C. Zimmerman, Post Office Box 730, 300 South Broadway Avenue, Wichita, KS 67201. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Rogers, Ark., and Fayetteville, Ark., over U.S. Highway 71, serving all intermediate points. NOTE: Applicant requests handling concurrently with MC–F–11158 and MC–F–11159, published in the FEDERAL REGISTER issue of May 19, 1971. If a hearing is deemed necessary, applicant requests it be held at Wichita, Kans., or Tulsa, Okla.

No. MC 125399 (Sub-No. 1), filed April 27, 1971. Applicant: CARR'S DE-LUXE COACHES LIMITED, a corporation, 260 10th Street East, Owen Sound, ON Canada. Applicant's representative: S. Harrison Kahn, 733 Investment Building, Washington, DC 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round trip sightseeing and pleasure tours, from ports of entry on the international boundary line between the United States and Canada to points in the United States including Alaska, but excepting Hawaii, and return. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Detroit, Mich.

No. MC 135412, filed March 5, 1971. Applicant: GOLDEN ARROW EXPRESS LIMITED, 617 Mowat Avenue, Fort Frances, Canada. Applicant's representative: Clarence Harvey Wright (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, from the port of entry on the international boundary line between the United States and Canada located near Rainy River, Ontario, and Fort Frances, Ontario, Canada, to points in Minnesota, Wisconsin, Illinois, Michigan, and North Dakota, and return. NOTE: Applicant states that the proposed operations will begin, for furtherance to the said ports of entry on the international boundary, thence for furtherance to the destination States named above, and return. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn., or Bismarck, N. Dak.

No. MC 135552, filed March 24, 1971. Applicant: ALLIED UNDERWRITERS, INC., doing business as SCENIC TRAILS, 1807 Jackson, La Crosse, WI 54601. Applicant's representative: Irvin L. Hougom Route No. 3, Box 130, La Crosse, WI 54601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage, and express, mail, and newspapers* in the same vehicle with passengers; (1) between La

Crosse, Wis., and Dubuque, Iowa: From La Crosse over Wisconsin Highway 35 to junction U.S. Highway 18 at Prairie du Chien, Wis., thence over U.S. Highway 18 to junction U.S. Highway 61 at Fenmore, Wis., thence over U.S. Highway 61 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Platteville, thence over U.S. Highway 151 to Dubuque and return over the same route, serving all intermediate points; and (2) between La Crosse, Wis., and Dubuque, Iowa: From La Crosse over Wisconsin Highway 33 to junction U.S. Highway 27 at Cashton, Wis., thence over Wisconsin Highway 27 to junction U.S. Highway 61 at Westby, Wis., thence over U.S. Highway 61 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Platteville, thence over U.S. Highway 151 to Dubuque, and return over the same route, serving all intermediate points. NOTE: If a hearing is deemed necessary, applicant requests it be held at (1) La Crosse, Wis., (2) Madison, Wis., and (3) Minneapolis, Minn.

APPLICATION FOR WATER CARRIER

No. W–1235 (Sub-No. 1) (SECURITY BARGE LINE, INC., Extension—Removal of Restriction), filed May 4, 1971. Applicant: SECURITY BARGE LINE, INC., Lake Ferguson, Post Office Box 4927, Greenville, MS 38701. Applicant's representative: J. Raymond Clark, Suite 600, 1250 Connecticut Avenue NW., Washington, DC 20036. Applicant herein seeks revision of its present certificate of public convenience and necessity under W–1235, so as to authorize operation as a common carrier by water, in interstate or foreign commerce, by non-self-propelled vessels with the use of separate towing vessels in the transportation of *general commodities*, and by towing vessels in the performance of general towage as follows: Between ports and points along the Arkansas-Verdigris Waterway, the Illinois Waterway, including points along Lake Michigan between Chicago, Ill., and Burns Harbor, Ind., both inclusive, the Minnesota River below Shakopee, Minn., the Mississippi River below Minneapolis, Minn., and the St. Croix River below Stillwater, Minn., including the points named.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–6964 Filed 5–19–71;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

MAY 17, 1971.

Protests to the granting of an application must be prepared in accordance with § 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42203—*Liquid caustic soda to Foley, Fla.* Filed by Southwestern Freight Bureau, agent (No. B–236), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from specified points in Louisiana and Texas, to Foley, Fla.

Grounds for relief—Rate relationship.

Tariffs—Supplements 264 and 157 to Southwestern Freight Bureau, Agent, tariffs ICC 4668 and 4773, respectively.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7044 Filed 5–19–71;8:48 am]

[Notice 692]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 17, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72641. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Leo H. Searles, South Worcester, N.Y., of the operating rights in certificate No. MC–119304 issued July 15, 1960, to Gordon Mead, Roxbury, N.Y., authorizing the transportation of agricultural lime, in bulk, from Lee and West Stockbridge, Mass., to points in Delaware and Schoharie Counties, N.Y., Harold C. Vrooman, 140 Main Street, Oneonta, NY 13820, attorney for applicants.

No. MC–FC–72764. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Earl K. Robinson, Lebo, Kans., of certificate No. MC 70214 issued to Jake Sattler, Reading, Kans., authorizing the transportation of: Livestock, and various agricultural products, hardware, etc., between Lebo, Kans., and Kansas City, Mo. Elvin D. Perkins, Attorney, Post Office Box 609, Emporia, KS 66801.

No. MC–FC–72797 (Corrected).[1] By order of April 16, 1971, the Motor Carrier Board approved the transfer to William C. Harshman, Sr., doing business as Harshman & Sons, Southington, Ohio, of that portion of the operating rights in certificate No. MC–110943 (Sub-No. 1) issued July 9, 1964, to Thomas R. Hogarth, doing business as Hogarth's Towing Service, Twinsburg, Ohio, authorizing the transportation of wrecked or disabled motor vehicles, and replacement or repair parts or equipment for wrecked or disabled motor vehicles, between points in Geauga, Trumbull, Mahoning, and Columbiana Counties, Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New York, Pennsylvania, Virginia, and West Virginia. Edwin C. Reminger, 731 Leader Building, Cleveland, OH 44114, attorney for applicants.

No. MC–FC–72841. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Ashton-Damron Towing Co., a Michigan corporation, Detroit, Mich., of the operating rights in certificates Nos. MC–95840 (Sub-No. 1) and MC–95840 (Sub-No. 2) issued September 25, 1961, and November 15, 1963, respectively, to Grayson Damron doing business as Ashton-Damron Towing Co., Detroit, Mich., authorizing the transportation of wrecked and disabled automobiles, trucks, trailers, and buses, in truckaway service, and used tractors or used trailers to be used as replacements for wrecked or disabled tractors or trailers, in truckaway service, between Detroit, Mich., and points in that part of Michigan and Ohio within 100 miles of Detroit, on the one hand, and, on the other, points in Illinois, Indiana, Ohio, Pennsylvania, New York, Wisconsin, Kentucky, West Virginia, and Tennessee; and wrecked, disabled, and repossessed motor vehicles, by use of wrecker equipment only, and replacement vehicles for wrecked and disabled motor vehicles, between points in Michigan, on the one hand, and on the other, points in the above destination States. William B. Elmer, 22644 Gratiot Avenue, East Detroit, MI 48021, attorney for applicants.

No. MC–FC–72843. By order of May 13. 1971, the Motor Carrier Board approved the transfer to Pat's Van Lines, Inc., Kansas City, Mo., of certificate No. MC 104758 and MC 104758 (Sub No. 1) issued to C. W. Maxwell, Tonganoxie, Kans., authorizing the transportation of: Livestock, various agricultural commodities, and used farm machinery, and building materials and household goods, between specified points and areas in Kansas and Missouri. Donald J. Quinn, attorney, 1012 Baltimore, Kansas City, MO 64105.

No. MC–FC–72846. By order of May 13. 1971, the Motor Carrier Board approved the transfer to Steel Transport, Inc., Cleveland, Ohio, of certificate of registration No. MC–58561 (Sub No. 1) issued to The Shawnee Cartage Co., a corporation, Cleveland, Ohio, authorizing transportation in interstate or foreign commerce between specified points and areas in Ohio. A. Charles Tell, attorney, 100 East Broad Street, Columbus, OH 43215.

No. MC–FC–72862. By order of May 12, 1971, the Motor Carrier Board approved the transfer to Dependable Transport, Inc., Warner Robins, Ga., of the operating rights in permits Nos. MC–128696 (Sub-No. 1) and MC–128696 (Sub-No. 4) issued February 13, 1968, and November 24, 1969, respectively, to Grantham Trucking Co., a corporation, Warner Robins, Ga., authorizing the transportation of steel pressure tanks, from the plantsite of Delta Tank Manufacturing Co., Inc., at Macon, Ga., to points in Alabama, Arkansas, Delaware, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin. Archie B. Culbreth, Suite 417, 1252 West Peachtree Street NW., Atlanta, GA 30309, attorney for applicants.

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[1] The notice in the FEDERAL REGISTER dated Apr. 27, 1971, inadvertently showed the name of the attorney as Edwin C. Meminger.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7042 Filed 5-19-71;8:48 am]

[Notice 297]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 17, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 110988 (Sub-No. 267 TA), filed May 7, 1971. Applicant: SCHNEIDER TANK LINES, INC., 200 West Cecil Street, Neenah, WI 54956. Applicant's representative: David A. Petersen (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Monoisoprophylbiphenyl*, liquid, in bulk, in tank vehicles, from the plantsite of Dixie Chemical Co., at or near Baytown, Tex., to the plantsite of National Cash Register Co. in Dayton, Ohio, and Portage, Wis., for 180 days. Supporting shipper: The National Cash Register Co., Dayton, Ohio 45409 (Donald V. Lindamood, Distribution Analyst). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 112963 (Sub-No. 19 TA), filed April 26, 1971. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, MA 01866. Applicant's representative: Leonard Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal feed ingredients*, dry, in bulk, in tank vehicles, (1) from ports of entry on the United States-Canadian border at or near Alexandria Bay, Massena, Niagara Falls, and Ogdensburg, N.Y., to Woburn, Mass., and *refused and rejected shipments*, on return; (2) from Baldwinsville, N.Y., to Woburn, Mass., and (3) from Decatur, Ill., to Woburn, Mass., for 180 days. Supporting shipper: Lipton Pet Foods, Inc., 209 New Boston Street, Woburn, MA 01801. Send protests to: James F. Martin, Jr., Assistant Regional Director, Interstate Commerce Commission, Bureau of Operations, John F. Kennedy Building, Boston, Mass. 02203.

No. MC 117606 (Sub-No. 1 TA), filed May 7, 1971. Applicant: WEBB TRANSFER LINE, INC., Post Office Box 231, U.S. Highway 60 E., Shelbyville, KY 40065. Applicant's representative: Robert H. Kinker, Mail: Post Office Box 464, 711 McClure Building, Frankfort, KY 40601. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except livestock, classes A and B explosives, articles of unusual value, redried tobacco, empty tobacco containers, knocked down or assembled, tobacco handling and testing equipment and agricultural products, commodities, in bulk, and those which, because of size or weight, require the use of special equipment) restricted to those declared surplus commodities by an agency of the U.S. Government, from U.S. Government installations and holding agencies for U.S. Government property in California, Florida, Kansas, Louisiana, Minnesota, Mississippi, Oklahoma, South Dakota, Texas, Utah, and Wisconsin, to points in Kentucky. Restriction: The above-described operations are limited to a transportation service to be performed, under a continuing contract, or contracts, with the Commonwealth of Kentucky, Department of Education, Division of Surplus Property, for 180 days. Supporting shipper: Edward L. Palmer, Director, Commonwealth of Kentucky, Department of Education, Division of Surplus Property, Frankfort, Ky. 40601. Send protests to: Wayne L. Merilatt, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 426 Post Office Building, Louisville, KY 40202.

No. MC 128866 (Sub-No. 22 TA), filed May 7, 1971. Applicant: B & B TRUCKING, INC., Post Office Box 128, 9 Brady Lane, Cherry Hill, NJ 08034. Applicant's representative: J. Michael Farrell, Federal Bar Building, Washington, D.C. 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum food containers*, from the plantsite of Penny Plate, Inc., at Cherry Hill, N.J., and Searcy, Ark., to the plantsite of First National Stores, East Hartford, Conn., and Grimes Poultry Processing Corp., Fredericksburg, Pa., for 150 days. Supporting shipper: Penny Plate, Inc., Post Office Box 458, Haddonfield, NJ 08034. Send protests to: Raymond T. Jones, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 129732 (Sub-No. 3 TA), filed May 7, 1971. Applicant: EMPIRE FUEL & TRANSFER CO., 920 Newmark, Coos Bay, OR 97420. Applicant's representative: Earle V. White, Portland, Oreg. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp and paper pulp*, in bales, from points within the commercial zone-terminal area of Coos Bay, Oreg., to points in Cowlitz County, Wash., for 180 days. Supporting shipper: Coos Bay Timber Co., Post Office Box 750, Coos Bay, OR 97420. Send protests to: A. E. Odoms, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, Portland, Oreg. 97204.

No. MC 129809 (Sub-No. 6 TA), filed May 7, 1971. Applicant: A & H, INC., 324 Old Highway 11, Box 346, Footville, WI 3587. Applicant's representative: David J. MacDougall, One East Milwaukee Street, Janesville, WI 53545. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Food stuffs*, from points in Wisconsin to points in Massachusetts, New York, Pennsylvania, Connecticut, New Jersey, and Rhode Island, with no transportation for compensation on return except as otherwise authorized, for 180 days. Supporting shipper: Universal Foods Corp., 433 East Michigan, Milwaukee, WI 53203. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 134670 (Sub-No. 1 TA), filed May 7, 1971. Applicant: CABS UNLIMITED, INC., 997 Dana Street, Mountain View, CA 94040. Applicant's representative: Sanford H. Sanger (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Radiopharmaceuticals, and radioactive chemicals* in packages, not to exceed 700 pounds and restricted against the transportation of packages or articles weighing in the aggregate more than 2,000 pounds from one consignor to one consignee on any one day, between points in Alameda, Colusa, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, and Yolo Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement by air, for 180 days. Supporting shipper: Domestic Air Express, Inc., 335 Valencia Street, San Francisco, CA 94103. Send protests to: Claud W. Reeves, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 134922 (Sub-No. 8 TA), filed May 7, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AK 72118. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk food products*, liquid and powdered, from Mitchell, S. Dak., to Seattle, Wash., Milwaukie and Portland, Oreg., Salt Lake City, Utah, Butte, Mont., Denver, Colo., Los Angeles, San Francisco, and Oakland, Calif., Phoenix, Ariz., Oklahoma City, Okla., Little Rock, Ark., and El Paso, San Antonio, Houston, and Fort Worth, Tex., for 180 days. Supporting shipper: Ross Laboratories, Division of Abbott Laboratories, Columbus, Ohio. Send protests to: District Supervisor, William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AK 72201.

No. MC 135404 (Sub-No. 2 TA), filed May 7, 1971. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Post Office Box 430, Goshen, NY 10924. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers, container ends and accessories, materials, and supplies* used in connection with the manufacture and the distribution thereof, from the town of Wallkill, Orange County, N.Y., to Paterson, N.J., and (2) *Returned, refused, and rejected merchandise* of the same description, *pallets, shrouds, separators, and frames*, from Paterson, N.J., to the town of Wallkill, Orange County, N.Y., for 180 days. Supporting shipper: Reynolds Aluminum, Reynolds Metals Co., Richmond, Va. 23261. Send protests to: Charles F. Jacobs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 518 Federal Building, Albany, NY 12207.

No. MC 135553 (Sub-No. 1 TA), filed May 7, 1971. Applicant: ANDERSEN, INC., 1618 College Avenue, Fredericksburg, VA 22401. Applicant's representative: William Henry Andersen (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen bacon*, in vehicles equipped with mechanical refrigeration, from the plant site of White Packing Co. located at or near Dogue, Va., to Canton, Ohio, and Detroit, Mich.; and (2) *fresh and frozen pork bellies*, in vehicles equipped with mechanical refrigeration, from Detroit, Mich., and Sandusky, Ohio, to the plantsite of White Packing Co., located at or near Dogue, Va., for 180 days. Supporting shipper: White Packing Co., 2011 Eighth Street, North Bergen, NJ 07047. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, VA 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7043 Filed 5-19-71;8:48 am]

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PART II

DEPARTMENT OF TRANSPORTATION

■

Relocation Assistance and Land Acquisition under Federal and Federally-Assisted Programs

Title 49—TRANSPORTATION

Subtitle A—Office of the Secretary of Transportation

[OST Docket No. 29]

PART 25—RELOCATION ASSISTANCE AND LAND ACQUISITION UNDER FEDERAL AND FEDERALLY ASSISTED PROGRAMS

This amendment adds a new Part 25 to the Regulations of the Office of the Secretary of Transportation to implement the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" and applies to the Office of the Secretary and each of the operating administrations of the Department.

The purpose of the Act is to provide uniform and equitable land acquisition policies and relocation assistance for displaced persons in connection with Federal or federally assisted programs. Section 213 of the Act authorizes the heads of Federal agencies to establish regulations that are necessary to carry out the purpose of the Act and directs them to consult together to insure uniform implementation and administration of the Act.

Pursuant to section 213 of the Act and a memorandum from the President to all agency heads, dated January 4, 1971, interim guidelines for the issuance of regulations were developed by an interagency task force in conjunction with the Office of Management and Budget. The guidelines call for all Federal agencies within the executive branch to promptly issue interim regulations and to prepare final regulations to become effective not later than December 31, 1971. Part 25 is being adopted in accordance with those requirements.

Because of the large number of qualified persons awaiting payments and services under this part, additional delays attendant to notice and public procedures would not serve the public interest. I therefore find that good cause exists for making this part effective in less than 30 days.

At the same time, the Department invites all interested persons who desire to submit written comments or suggestions in connection with this part to submit them in duplicate to the Docket Clerk, Office of General Counsel, Department of Transportation, 400 Seventh Street SW., Washington, DC 20590, by October 31, 1971. Consideration will be given to such submissions with a view to possible amendments. Copies of the submissions will be available for examination by interested persons in Room 10100, Nassif Building, 400 Seventh Street SW., Washington, DC, upon their receipt.

Part 25 is composed of nine subparts. Subpart A sets forth the policy of the Department, defines terms used in the part, provides for administrative implementation of the part by the operating administrations of the Department, and authorizes each operating administration of the Department to publish separate regulations consistent with Part 25 and the Act. Section 25.11, which prescribes the qualifications for a "displaced person," makes it clear that a person who moves from real property in response to certain official actions looking to its acquisition may qualify as a "displaced person" even though he moves before the actual acquisition takes place.

Subpart B prescribes the determinations required to be made by operating administrations of the Department concerning relocation assistance and land acquisition activities with respect to Federal projects which they carry out.

Subpart C prescribes requirements applicable to State agencies carrying out projects receiving Federal financial assistance from the Department or one of its operating administrations.

Subpart D describes the relocation assistance program and services to be provided by the State agency or operating administration of the Department actually carrying out a project.

Subpart E sets forth amounts and limitations for moving expense payments to persons displaced by Federal or federally assisted projects.

Subpart F provides for payment of moving expenses on the basis of a fixed schedule in lieu of payments computed under Subpart E at the option of the displaced persons concerned.

Subpart G sets forth the eligibility requirements and limitations applicable to relocation housing payments to persons displaced by Federal or federally assisted projects.

Subpart H authorizes operating administrations of the Department and State agencies to carry out required relocation assistance activities through other agencies.

Subpart I sets forth the requirements and limitations applicable to the acquisition of real property in connection with a Federal or federally assisted project.

Appendix A describes the records to be kept by operating administrations of the Department and State agencies with respect to their relocation activities under the part.

In consideration of the foregoing, effective on June 1, 1971, Subtitle A of Title 49, Code of Federal Regulations is amended by adding a new Part 25, "Relocation Assistance and Land Acquisition Under Federal and Federally Assisted Programs."

Issued in Washington, D.C., on May 13, 1971.

JOHN A. VOLPE,
Secretary of Transportation.

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AUTHORITY: The provisions of this Part 25 issued under sec. 213, 84 Stat. 1900, unless otherwise noted.

Subpart A—General

§ 25.1 Purpose and policy.

(a) This part implements the Uniform Relocation Assistance and Land Acquisition Policies Act of 1970 which provides for the uniform and equitable treatment of persons displaced from their homes, businesses, or farms by Federal and federally assisted programs and establishes uniform and equitable land acquisition policies for Federal and federally assisted programs.

(b) In implementing the Act, it is the policy of the Department of Transportation to deal consistently and fairly with all persons whose property is taken for public projects and all persons who are displaced from their homes, businesses, or farms.

§ 25.3 Definitions.

As used in this part—

"Agency concerned" means the operating administration within the Department of Transportation or the State agency responsible for carrying out the project concerned, or the Office of the Secretary of Transportation in the case of a project being carried out by that office.

"Appropriate DOT official" means an official of the Department of Transportation to whom the Secretary of Transportation has delegated authority to carry out this part and includes any person to whom that official has redelegated that authority.

"Business" means a lawful activity, other than a farm operation, conducted primarily—

(1) For the purchase, sale, lease, or rental of personal and real property, and the manufacture, processing or marketing of products, commodities, or other personal property;

(2) For the sale of services to the public; or

(3) By a nonprofit organization.

"Dwelling" includes a single-family house, a single-family unit in a multifamily building, a unit of a condominium or cooperative housing project, a mobile home, or any other residential unit.

"Economic rent" means the amount of rent a tenant or homeowner would have to pay for a dwelling similar to the acquired dwelling in a comparable area on the private market.

"Farm operation" means a lawful activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use and customarily producing those products or commodities in sufficient quantity to be capable of providing at least one-third of the operator's income, however, in instances where such operation is obviously a farm operation it need not contribute one-third to the operation's income for him to be eligible for relocation payments.

"Federal agency" means a department, agency or instrumentality in the Executive Branch of Government (except the National Capital Housing Authority), any wholly owned Government corporation (except the District of Columbia Redevelopment Land Agency), and the Architect of the Capitol, the Federal Reserve Banks and branches thereof.

"Federal financial assistance" means a grant, loan, or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Federally assisted" means assisted by a grant, loan or contribution by the United States, other than a Federal guarantee or insurance or an annual payment or capital loan to the District of Columbia.

"Homeowner" means an individual or family who owns a dwelling.

"Initiation of negotiations" means the date the agency concerned makes its first personal contact with the owner of real property, or his representative, to discuss price of the property to be acquired.

"Mortgage" means a lien commonly given to secure an advance on, or the unpaid purchase price of, real property under the laws of the State in which real property is located, together with any credit instruments secured thereby.

"Own" means holding any of the following interests in a dwelling or a contract to purchase one of those interests:

(1) A fee title.

(2) A life estate.

(3) A 99-year lease.

(4) A lease with at least 50 years to run from the date of acquisition of the property.

(5) An interest in a cooperative housing project which includes the right to occupy a dwelling.

"Person" includes a partnership, company, corporation, or association as well as an individual.

"State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, a territory or possession of the United States, the trust territories of the Pacific Islands, or a political subdivision of any of those jurisdictions.

"State agency" means a department, public body, agency or instrumentality of a State or of a political subdivision of a

State, or any department, agency or instrumentality of two or more States or of two or more political subdivisions of a State or States, the National Capital Housing Authority and the District of Columbia Redevelopment Land Agency.

"Tenant" means an individual or family who rents, or is temporarily in lawful possession of a dwelling, including a sleeping room.

§ 25.5 Applicability.

This part applies to projects which are part of a Federal or federally assisted program administered by the Department of Transportation and which, after January 1, 1971, cause the displacement of persons or the acquisition of real property, including acquisition by a State agency without Federal financial assistance.

§ 25.7 Delegations of authority.

(a) Except as provided in § 25.153, the functions, powers, and duties of the Secretary of Transportation with respect to the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" are delegated to—

(1) The Assistant Secretary for Administration with respect to programs administered directly by the Office of the Secretary; and

(2) The head of each of the following operating administrations with respect to programs administered by their respective organizations:

(i) U.S. Coast Guard.

(ii) Federal Aviation Administration.

(iii) Federal Highway Administration.

(iv) Federal Railroad Administration.

(v) Urban Mass Transportation Administration.

(vi) National Highway Traffic Safety Administration.

(vii) St. Lawrence Seaway Development Corporation.

(b) Each officer to whom authority is delegated by paragraph (a) of this section may redelegate and authorize successive redelegations of that authority within the organization under his jurisdiction.

§ 25.9 Regulations.

(a) Each officer to whom authority is delegated by § 25.7 may prepare, and submit to the Assistant Secretary for Environment and Urban Systems for approval, regulations that—

(1) Implement the requirements of the "Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970" (84 Stat. 1894) and this part; and

(2) Prescribe additional procedures and requirements that are appropriate to the particular programs administered by the preparing officer's organization and are not inconsistent with the Act or this part.

(b) After the Assistant Secretary for Environment and Urban Systems approves the regulations, the preparing officer shall submit them to the FEDERAL REGISTER for publication.

(c) Regulations issued under this section are effective only after approval by the Assistant Secretary for Environment and Urban Systems and publication in the FEDERAL REGISTER.

(d) This section applies to each amendment of regulations issued under this section.

(e) Regulations issued under this section shall be revised, as necessary, to conform to any amendments that may be made to this part.

§ 25.11 Displaced person; qualifications.

(a) Subject to the requirements of paragraphs (c), (d), and (e) of this section, a person qualifies as a displaced person for the purposes of this part if after January 1, 1971, he moves from real property, or moves his personal property from real property, on which he resides or conducts a business or farm operation, and the move is a direct result of—

(1) The initiation of negotiations for the real property;

(2) A written notice from the agency concerned of its intent to acquire the real property by a definite date; or

(3) A written order from the agency concerned to vacate the real property;

for a project undertaken by the Department of Transportation or a State agency receiving Federal financial assistance from the Department.

(b) A person may qualify as a displaced person, regardless of—

(1) Whether the property is acquired by a Federal or State agency;

(2) The method of acquisition;

(3) The name or status of the person who acquires or holds fee title to the property; or

(4) Whether Federal funds contribute directly to the payment for the property, if the property must be acquired for a Federal or federally assisted program or project, and the end result is to serve or be considered to serve in the public interest.

(c) A person does not qualify as a displaced person under paragraph (a) (1) or (2) of this section until—

(1) The agency concerned becomes entitled to possession of the real property under an agreement or a court order in a condemnation proceeding for acquiring the property;

(2) The owner conveys title to the real property to the agency concerned; or

(3) The owner and the agency concerned enter into a contract for the purchase of the real property, but only if the real property is not to be reoccupied before the agency is to acquire title or the right to possession.

(d) A person, other than the former owner or tenant, who enters into rental occupancy of real property after its ownership passes to the agency concerned, does not qualify as a displaced person for the purposes of this part.

(e) A person who enters into occupancy of real property after the initiation of negotiations for that property or the issuance of a notice of intent to acquire that property by a given date, as the case may be, does not qualify as a displaced person for the purposes of this part.

§ 25.13 Notices of intent to acquire real property.

The agency concerned may not issue written notices of intent to acquire real property by a definite date until—

(a) The beginning of any project phase which will cause the displacement of persons who are to receive the written notices; and

(b) The appropriate DOT official has approved the issuance of the written notices.

§ 25.15 Comparable replacement dwelling; requirements.

A dwelling is a comparable replacement dwelling for the purposes of this part if it is—

(a) Decent, safe, and sanitary;

(b) Functionally equivalent and substantially the same as the dwelling being acquired with respect to—

(1) Number of rooms;

(2) Area of living space;

(3) Age; and

(4) State of repair;

(c) In an area not generally less desirable than the dwelling being acquired with respect to—

(1) Public utilities; and

(2) Public and commercial facilities;

(d) Reasonably accessible to the place of employment of the head of the displaced family or the displaced individual, as the case may be;

(e) Adequate to accommodate the displaced family or individual;

(f) In an equal or better neighborhood;

(g) Available on the market; and

(h) Within the financial means of the displaced family or individual.

§ 25.17 Decent, safe, and sanitary dwelling; requirements.

(a) A dwelling is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Has a continuing and adequate supply of potable safe water;

(3) Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and properly connected to a sewage disposal system;

(4) Has a stove and refrigerator in good operating condition, if required by local code, ordinance, or custom or, if not so required, utility service connections and adequate space for these installations in the kitchen or area set aside for kitchen use;

(5) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order capable of maintaining a minimum temperature of 70° F. in the living area (not including the bedrooms) under local outdoor design temperature conditions;

(6) Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system;

(7) Has an electrical wiring system in each room;

(8) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(9) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a multidwelling building, access from each dwelling unit directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a multidwelling building of more than two stories, at least two means of egress from the common corridor on each story;

(10) Has sleeping, living, cooking, and dining floor space (exclusive of such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries, unfurnished attics, foyers, storage spaces, cellars, utility rooms (or similar spaces)) which—

(i) Measures at least 150 square feet for the first occupant and 100 square feet (70 square feet in the case of a mobile home) for each additional occupant;

(ii) Is subdivided into adequately ventilated rooms sufficient to accommodate the occupants;

(11) Is reasonably convenient to community services including schools, stores, and public transportation; and

(12) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(b) If the applicable local housing code does not conform to all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the appropriate DOT official for approval as acceptable standards for decent, safe, and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) (1)-(11) of this section.

§ 25.19 Decent, safe, and sanitary rental sleeping rooms; requirements.

(a) A rental sleeping room is decent, safe, and sanitary for the purposes of this part if it—

(1) Meets the applicable State or local building, plumbing, electrical, housing, and occupancy codes or similar ordinances or regulations for existing structures;

(2) Except in a geographical area where it is not normally included in new housing, has an adequate heating system in good working order which will maintain a minimum temperature of 70° F. under local outdoor design temperature conditions;

(3) Has an electrical wiring system;

(4) Is structurally sound, clean, weathertight, and in good repair and adequately maintained;

(5) Has a safe, unobstructed means of egress leading to a safe open space at ground level and, in the case of a rooming house, access from each sleeping room directly or through a common corridor to a means of egress to a safe open space at ground level and, in the case of a rooming house of more than two stories, at least two means of egress from the common corridor on each story;

(6) Is reasonably convenient to community services such as stores and public transportation;

(7) Has at least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant; and

(8) Has use of a bathroom, well lighted and ventilated and affording privacy to a person within it, including a door that can be locked if the facilities are separate from the sleeping room, containing a lavatory and a bathtub or shower stall, properly connected to an adequate supply of hot and cold running water, and a flush toilet, all in good working order and properly connected to a sewage disposal system.

(9) Open to all persons regardless of race, color, religion, sex, or national origin and consistent with the requirements of title VIII of the Civil Rights Act of 1968.

(b) If the applicable local housing code does not meet all the requirements of paragraph (a) of this section but is reasonably comparable, the agency providing relocation assistance may submit a copy of the local code to the appropriate DOT official for approval as acceptable standards for decent, safe and sanitary housing.

(c) In case of extreme hardship or other similar extenuating circumstances involving a displaced individual or family, the agency concerned may, with the concurrence of the appropriate DOT official, waive any requirement of paragraph (a) (1)-(8) of this section.

§ 25.21 Appeals.

(a) An applicant for a payment under this part who is aggrieved by an agency's determination as to the applicant's eligibility for payment or the amount of the payment may appeal that determination in accordance with the procedures established by the agency concerned under paragraph (b) of this section.

(b) Each agency concerned shall establish procedures for reviewing appeals by aggrieved applicants for payments under this part. The procedures shall insure that—

(1) Each appellant applicant has the opportunity for oral presentation;

(2) Each appeal will be decided promptly;

(3) Each appeal decision will include a statement of the reasons upon which it is based;

(4) The agency retains all documents associated with each appeal; and

(5) Each appellant applicant has a right of final appeal to the head of the agency concerned.

§ 25.23 Records.

Each agency concerned shall maintain relocation records in accordance with the requirements of Appendix A and make them available during regular business hours of inspection by appropriate DOT officials. The records shall be retained by the agency for at least 3 years after completion of a project.

Subpart B—Requirements for Federal Projects

§ 25.31 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a Federal program administered by the Department of Transportation.

§ 25.33 Determinations; displacement of persons.

(a) No DOT official may approve a Federal project to which this part applies which will result in the displacement of any person until he determines that—

(1) Fair and reasonable relocation payments will be provided to displaced persons as required by Subparts E, F, and G of this part;

(2) Relocation assistance programs offering the services described in Subpart D of this part will be provided for displaced persons;

(3) The public was or will be adequately informed of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, within a reasonable period of time before any person is displaced.

(b) No DOT official may proceed with any phase of a Federal project if that phase will cause the displacement of any person until he determines that—

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement; and

(2) Adequate provisions have been made to provide orderly, timely, and efficient relocation or displaced individuals and families to decent, safe, and sanitary housing available to persons without regard to race, color, religion, or national origin with minimum hardship to those affected.

§ 25.35 Determinations; acquisition of real property.

No DOT official may approve a Federal project to which this part applies and which will result in the acquisition of real property until he determines that adequate provisions have been made to—

(1) Fully comply with the requirements of Subpart I, of this part; and

(2) Inform the public of the acquisition policies, requirements, and payments which will apply to the project.

§ 25.37 State agency provides real property for a Federal project.

(a) Whenever a State agency is obligated to provide the necessary real property incident to a Federal project, no DOT official may accept that real property until he determines that the State agency has carried out all the requirements of this subpart. However, until July 1, 1972, this section is applicable to a State agency only to the extent that agency is able to meet the requirements of this subpart under State law.

(b) The cost to a State agency of providing the payments and services required by this subpart shall be paid in the same manner and to the same extent as the cost of the real property acquired for the project. However, until July 1, 1972, the Department of Transportation will pay a State agency the full amount of the first $25,000 of the cost of providing payments and services for any displaced person.

Subpart C—Requirements for Federally Assisted Projects

§ 25.51 Scope.

This subpart prescribes requirements governing the administration of real property acquisition and relocation assistance for displaced persons for projects which are part of a federally assisted program administered by the Department of Transportation.

§ 25.53 Preliminary requirements.

(a) Before a State agency begins a federally assisted project to which this part applies, it shall make preliminary investigations to determine—

(1) The approximate number of individuals, families, businesses, and farm operations that will be displaced; and

(2) The probable availability of comparable replacement dwellings.

(b) Before it holds any public hearings concerning the project, the State agency shall submit to the appropriate DOT official a statement of the basis for the findings required by paragraph (a) of this section and a statement of the displacement problems involved at each identifiable location, along with possible solutions.

§ 25.55 Relocation plan required.

No DOT official may authorize a State agency to proceed with any phase of a federally assisted project to which this part applies until the State agency has submitted a relocation plan to him for approval. The plan shall include:

(a) An inventory of the characteristics and needs of persons to be displaced. This inventory may be based upon a representative sampling process rather than a complete occupancy survey.

(b) An estimated inventory of currently available comparable replacement dwellings. The inventory shall set forth for each dwelling the type of house or building, state of repair, number of rooms, type of neighborhood, proximity of public transportation, schools, and commercial shopping areas, and distance to any pertinent social institutions, such as religious and community facilities.

(c) An analysis of the information required by paragraphs (a) and (b) of this section which—

(1) Discusses relocation problems and possible solutions;

(2) Provides an analysis of Federal, State, and community programs currently in operation in the project area which will affect the availability of housing;

(3) Provides detailed information on concurrent displacement and relocation by other governmental agencies or private concerns;

(4) Describes the methods to be used to relocate displaced persons; and

(5) Explains the amount of lead time necessary to carry out a timely, orderly, and humane relocation program.

§ 25.57 Assurances required; displacement of persons.

(a) Except as provided in paragraph (c) of this section, no DOT official may approve a grant, contract, or agreement for a federally assisted project to which this part applies and which will result in the displacement of any person until the head of the State agency provides that official with satisfactory written assurance that—

(1) It will provide fair and reasonable relocation payments to displaced persons as required by Subparts, E, F, and G of this part;

(2) It will provide relocation assistance programs for displaced persons offering the services described in Subpart D of this part;

(3) It will adequately inform the public of the relocation payments and services which will be available under Subparts D, E, F, and G of this part; and

(4) Comparable replacement dwellings will be available, or provided if necessary, within a reasonable period of time before any person is displaced.

(b) Except as provided in paragraph (c) of this section, no DOT official may authorize a State agency to proceed with any phase of a project if that phase will cause the displacement of any person until that official receives satisfactory, written assurance from the head of the State agency that—

(1) Based on a current survey and analysis of available replacement housing and in consideration of competing demands for that housing, comparable replacement dwellings will be available within a reasonable period of time prior to displacement, equal in number to the displaced persons who require them; and

(2) The State agency relocation program is realistic and is adequate to provide orderly, timely, and efficient relocation of displaced individuals and families to decent, safe, and sanitary housing available to persons without regard to race, color, religion, or national origin with minimum hardship to those affected.

(c) Until July 1, 1972, the requirements of paragraphs (a) and (b) of this section are applicable to a State agency only to the extent that agency is able to comply with those paragraphs under State law. However, no DOT official may authorize construction for a federally assisted project which will result in the displacement of any person unless adequate replacement housing is available, or provided if necessary.

(d) If a State agency maintains that it is legally unable to provide the assurances required by paragraphs (a) and (b) of this section, it shall give the appropriate DOT official a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 25.59 Assurances required; acquisition of real property.

(a) No DOT official may approve a grant, contract, or agreement for a Federally assisted project to which this part applies and which will result in the acquisition of real property until the head of the State agency concerned provides the appropriate DOT official with satisfactory assurances that it will—

(1) Fully comply with the requirements of Subpart I of this part; and

(2) Adequately inform the public of the acquisition policies, requirements, and payments which will apply to the project.

However, until July 1, 1972, the requirements of this paragraph are applicable to a State agency only to the extent that agency is able to comply with this paragraph under State law.

(b) If a State agency maintains that it is legally unable to provide the assurances required by paragraph (a) of this section, it shall give the appropriate DOT official a statement specifying any provisions of the relocation assistance assurances required by this section which it is unable to provide in whole or in part, under the laws of that State, and an opinion of its chief legal official discussing the issues involved and citing legal authorities in support of the conclusions for each representation of legal inability to provide any part of the required assurances.

§ 25.61 Required information concerning State agency policy and procedure.

(a) Before beginning any project phase which will cause the displacement

of any person, the State agency shall submit the following information to the appropriate DOT official:

(1) A functional description of the office in the State agency which has responsibility for implementing relocation programs and the name of the individual in charge of that office.

(2) The estimated number and job titles of personnel having responsibilities for providing relocation payments and services in the central office and in any field offices showing to whom they report and their relationship to the central office.

(3) Job classifications, descriptions, and qualifications for all relocation assistance supervisory and field personnel.

(b) Before beginning any project phase which will cause the displacement of any person, the State agency shall submit to the appropriate DOT official a complete statement explaining the procedures it will follow in furnishing relocation services and making payments. The statement shall include:

(1) The citation and effective date of any applicable law.

(2) A declaration of understanding that the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 is applicable to federally assisted projects including those projects on which real property acquisition is financed by State money, but where Federal financial assistance will be used in construction.

(3) A description of the extent to which relocation assistance offices, including project or field offices, will be used, their office hours, the type of lists, maps, and other information to be maintained, and the measure of accessibility to displaced persons.

(4) A description of when and by whom personal contacts with displaced persons will be made.

(5) A description of the personnel, timing, methods, and procedures to be used in advance of real property negotiations to determine—

(i) An inventory of comparable replacement dwellings;

(ii) The approximate number of displaced persons;

(iii) The needs of displaced persons for available housing; and

(iv) A relocation plan for the project.

(6) A description of procedures to be used to provide public information through brochures, public hearings, newspapers, radio, television, and other means of available assistance and payments to displaced persons. A copy of brochures shall be appended.

(7) A description of the moving expense payments to which displaced persons are entitled and the methods employed in determining the amount of entitlement. Schedules shall be appended where applicable.

(8) A description of the procedures to be followed in making replacement housing payments to homeowners and tenants; indicating who is responsible for determining replacement housing payments, the time limits and methods of applying for payments, and the eligibility requirements.

(9) A description of the incidental transfer expenses that are payable. A copy of a typical closing statement indicating those payments shall be appended.

(10) A description of the appeal procedures that are available to displaced persons.

(11) A copy of all forms developed to carry out the relocation program shall be appended.

(c) In the case of a project phase which began before June 1, 1971, and will cause the displacement of any person after July 31, 1971, the State agency shall submit the information and statement required by paragraphs (a) and (b) of this section to the appropriate DOT official not later than July 31, 1971.

§ 25.63 Use of Federal financial assistance.

(a) Federal financial assistance may not be used for relocation and acquisition costs unless—

(1) The federally assisted project concerned has been approved and authorized to proceed;

(2) The relocation and acquisition costs are lawfully incurred; and

(3) The project agreement has been executed for the particular project involved.

(b) The type of interest acquired in real property does not affect the eligibility of related relocation costs for Federal financial assistance provided the interest is sufficient to cause displacement.

(c) Federal financial assistance may not be used to pay a relocated person for any loss that is due to his negligence.

(d) Federal financial assistance may not be used for any payment under this part to a displaced person if that person receives a separate payment which is—

(1) Required by the State law of eminent domain;

(2) Determined by the appropriate DOT official to have substantially the same purpose and effect as a payment under this part; and

(3) Otherwise included as a project cost for which Federal financial assistance is available.

§ 25.65 Federal share of costs.

(a) The cost to a State agency of providing the payments and services required by this part, shall be included as part of the cost of the federally assisted project and, except as provided in paragraphs (b) and (c) of this section, the State agency is eligible for Federal financial assistance with respect to those costs in the same manner and to the same extent as other project costs.

(b) If Federal financial assistance is by grant or contribution, the Department of Transportation will pay a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(c) If Federal financial assistance is by loan, the Department of Transportation will loan a State agency the full amount of the first $25,000 of the cost of providing the payments and services described in this part for any displaced person because of any acquisition or displacement occurring before July 1, 1972.

(d) If Federal financial assistance is authorized for relocation payments made by a State agency under a law enacted before January 2, 1971, those funds may continue to be used for those payments on a pro rata basis in accordance with that law until July 1, 1972.

Subpart D—Relocation Assistance Advisory Programs

§ 25.71 Scope.

This subpart prescribes requirements for relocation assistance advisory programs for persons displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.73 Extension of services to adjacent occupants.

Each agency concerned shall provide the relocation assistance advisory services described in this subpart to all displaced persons. The agency may also offer those services to any person occupying property immediately adjacent to the real property being acquired who, in the agency's opinion, will suffer substantial economic injury.

§ 25.75 Relocation programs: general requirements.

Each agency concerned shall carry out a relocation assistance advisory program. The program shall provide for—

(a) Explaining to displaced persons the relocation assistance and payments that are available;

(b) Assisting displaced persons to complete applications required for payments;

(c) Determining the needs of displaced persons for relocation assistance;

(d) Informing displaced persons as to the availability and costs of comparable replacement dwellings and comparable locations for displaced businesses and farm operations;

(e) Assisting each displaced person to obtain and move to a comparable replacement dwelling;

(f) Informing displaced persons as to Federal and State housing programs; and

(g) Providing counsel and advice to displaced persons that will minimize the hardships associated with adjusting to a new location.

§ 25.77 Organizational requirements.

The organization and procedures of the agency concerned for carrying out a relocation assistance advisory program shall include provisions for:

(a) Assigning at least one person whose primary responsibility is to provide relocation assistance for one or more projects.

(b) Establishing a local relocation office for each project where the agency determines that the volume of work or the needs of the displaced persons so require.

(c) Maintaining and providing the following information for each project:

(1) Lists of replacement dwellings available to persons without regard to race, color, religion, or national origin drawn from various sources, suitable in price, size, and condition for displaced persons.

(2) Current information as to security deposits, closing costs, typical down payments, interest rates, and terms for residential real property in the area.

(3) Maps showing the location of schools, parks, playgrounds, shopping, and public transportation routes in the area.

(4) Schedules and costs of public transportation in the area.

(5) Copies of the agency's brochure explaining its relocation program, local ordinances pertaining to housing, building codes, open housing, consumer education literature on housing, shelter costs, and family budgeting.

(6) Subscriptions for apartment directory services, neighborhood and metropolitan newspapers, and where available, multiple listing services.

§ 25.79 Local relocation office.

(a) A determination of whether or not to establish a local relocation office shall be made whenever any phase of a project causes the displacement of any person and submitted to the appropriate DOT official for approval.

(b) The office shall be established at a place reasonably convenient to public transportation or within walking distance of the project and shall be open during hours (including evening hours when necessary) convenient to the persons being displaced.

(c) In the employment of persons in the local relocation office, consideration should be given to those who are familiar with the problems of the area.

§ 25.81 Coordination with other agencies.

(a) Each agency concerned shall coordinate its relocation assistance activities with the local officials of the Federal Housing Administration and Veterans Administration responsible for making properties acquired by those agencies available for direct sale to persons to be relocated as a result of governmental action.
action.

(b) The person assigned by the agency to provide relocation assistance for a particular project shall maintain personal contact and exchange information with welfare agencies, urban renewal agencies, redevelopment authorities, public housing authorities, the Federal Housing Administration, the Veterans Administration, the Small Business Administration and other agencies providing services to displaced persons. He shall also collect and maintain information on private replacement properties in the area of the project through personal contact with real estate brokers, real estate boards, property managers, apartment owners and operators, and home building contractors.

§ 25.83 Public information; general.

(a) To insure public awareness of its relocation assistance advisory program, the agency concerned shall provide an opportunity for presentation of information and discussion of relocation services and payments at public hearings, prepare a relocation brochure, and give full and adequate public notice of the relocation program for each project to which this part applies.

(b) In areas where a language other than English is predominant, public information shall be published in the predominant language as well as in English, unless the appropriate DOT official finds that publication in a language other than English is unnecessary.

§ 25.85 Public information; hearings.

The information to be presented at a public hearing shall include—

(a) Eligibility requirements, payment procedures, and limitations for moving expenses and replacement housing;

(b) A description of the expenses incidental to transfer of property that will be paid;

(c) Appeal procedures;

(d) A description of how relocation assistance and services will be provided;

(e) The address and telephone number of the local office of the State agency and the name of the relocation officer in charge;

(f) The identity, local address, and telephone number of any other cooperating agency;

(g) An estimate of the number of individuals or families, businesses, and farm operations to be relocated;

(h) The estimated number of dwelling units presently available to meet the replacement housing needs; and

(i) An estimate of the time necessary for relocation and the number of comparable replacement dwellings that will become available during that period.

The extent of the presentation should depend on the comprehensiveness of the brochure. If the brochure covers a particular item in detail, it is sufficient to merely highlight what the brochure contains. If a particular item is not applicable to the project, it is not necessary to discuss the item in detail.

§ 25.87 Public information; brochure.

The agency concerned shall prepare a brochure which fully describes its relocation assistance advisory program, including information on payments for replacement housing and moving expenses. The brochure shall be distributed free of charge at all public hearings and given to any displaced person upon request. The brochure shall state where copies of any regulations implementing the relocation assistance program may be obtained.

§ 25.89 Public information; announcements.

The agency concerned shall provide brief public announcements of the relocation services, payments, and where the brochure describing the relocation program can be obtained, unless the appropriate DOT official finds that public announcements are not necessary because only a small number of persons will be displaced. Public announcements shall be made over any type of mass media that is familiar to persons who will be displaced by the project, such as local newspapers, radio, television, or posted advertisements.

§ 25.91 Public information; notices.

Within 15 days after approval to begin any phase of a project which will cause the displacement of any person, the agency concerned shall post notices of acquisition in adequate numbers and in places accessible to occupants of dwellings to be taken for the project. In addition, an adequate number of advertisements shall be run in newspapers normally read by occupants of dwellings to be taken. The posted notices and newspaper advertisements shall—

(a) State the date approval was given for that phase of the project;

(b) Define the area of the project;

(c) Advise occupants of the area of the eligibility requirements for receiving moving and replacement housing payments;

(d) Advise occupants to notify the agency before moving to insure eligibility for moving and replacement housing payments;

(e) Advise homeowners that to be eligible for relocation benefits they must sell to the agency; and

(f) State where the brochure describing the relocation program may be obtained.

§ 25.93 Information for displaced persons.

(a) The agency concerned shall deliver to each displaced person either in person or by certified mail, return receipt requested—

(1) A brochure explaining the relocation assistance advisory program; and

(2) If it is not included in the brochure, a notice stating the eligibility requirements for payments for replacement housing and moving expenses.

(b) In addition to the information furnished under paragraph (a) of this section, the agency concerned shall deliver to each displaced homeowner or tenant, either in person or by certified mail, return receipt requested, a written statement setting forth the optional types and the actual amount of replacement housing payments to which they are entitled.

(c) The information required by paragraphs (a) and (b) of this section shall be furnished—

(1) To homeowners not later than the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(2) To tenants within 7 days after the initiation of negotiations for the property or the issuance of a written notice of

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intent to acquire the property by a definite date, as the case may be.

(d) The agency concerned shall notify each displaced person of his right of appeal under § 25.21.

Subpart E—Moving and Related Expenses

§ 25.111 Scope.

This subpart prescribes the requirements governing the payment of moving and related expenses of persons displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.113 Eligibility not dependent on length of occupancy.

A displaced person's eligibility for payment of moving and related expenses is not affected by the length of time that he occupied the real property from which he is displaced.

§ 25.115 Payment limited to one move; exception.

(a) Except as provided by paragraph (b) of this section, payment of a displaced person's moving and related expenses may not be made for more than one move in connection with a particular project.

(b) If the appropriate DOT official considers it to be in the public interest he may authorize payment of a displaced person's moving and related expenses for additional moves.

§ 25.117 Noneligibility notice to rental occupants required.

If an agency rents out real property acquired in connection with a project to which this part applies, it shall notify the tenant and state in the rental agreement that the tenant will not be eligible for payment of displacement, moving, and related expenses under this subpart.

§ 25.119 Moving expenses; application and payment.

(a) Upon application by a displaced person for payment of moving and related expenses, the agency concerned shall—

(1) Pay those expenses in accordance with this subpart; or

(2) If the applicant elects to receive it, pay him a fixed allowance in accordance with Subpart F of this part.

(b) The application shall be in writing and filed with the agency concerned within 1 year after the date of acquisition of the dwelling by the agency or the date the applicant vacated the dwelling, whichever is later. The application shall include an itemization of the expenses involved and, except as provided in paragraphs (d) and (e) of this section, shall be supported by receipts and such other evidence as the agency concerned may require.

(c) A displaced person may not be paid for his moving expenses in advance of the actual move unless the agency concerned finds that a hardship would otherwise result.

(d) If a displaced person, his mover, and the agency concerned agree by prearrangement in writing, the displaced person may submit an unpaid bill for moving expenses for direct payment.

(e) If the agency concerned contracts with independent movers on a schedule basis and provides a displaced person with a list of movers he may choose from to move his personal property, payment shall be made directly to the mover.

(f) In the case of a self-move by a displaced person who conducts a business or farm operation the amount of payment for actual reasonable moving expenses is negotiable but may not be more than the lower of two firm bids or estimates received by the agency concerned.

§ 25.121 Exclusions.

A displaced person is not entitled to be paid for—

(a) Additional expenses incurred because of living in a new location;

(b) Cost of moving structures or other improvements to real property which are reserved by the displaced person;

(c) Improvements to the replacement site, except when required by law;

(d) Interest on loans to cover moving expenses;

(e) Loss of good will;

(f) Loss of profits;

(g) Loss of trained employees;

(h) Personal injury;

(i) Cost of preparing the application for moving and related expenses; or

(j) Modification of personal property to adapt it to replacement site, except when required by law.

§ 25.123 Moving expenses; individuals and families.

(a) Except as provided in § 25.121, a displaced individual or family is entitled to actual reasonable expenses for—

(1) Transporting themselves and their personal property from the displacement site to a replacement site, but not more than 50 miles unless the agency concerned finds that the individual or family cannot relocate within that distance;

(2) Packing, crating, and, if the agency concerned finds it necessary, storing their personal property for not more than 6 months;

(3) If the agency concerned finds it necessary, advertising for packing, crating, storing, or transporting their personal property;

(4) Insuring against loss or damage of their personal property while in storage or transit; and

(5) Removing and reinstalling a household appliance, including reconnecting utilities, if—

(i) It is not acquired by the agency concerned as real property;

(ii) The individual or family agrees in writing that the appliance is personal property and releases the agency concerned from paying for it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site.

(b) A displaced individual or family is entitled to be reimbursed for uninsurable loss or damage of their personal property while in the process of moving, if the loss or damage was not a result of their fault or negligence.

§ 25.125 Moving expenses: businesses and farm operations.

(a) Except as provided in § 25.121, a displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to actual reasonable expenses for—

(1) Transporting his personal property from the displacement site to a replacement site, but not more than 50 miles, unless, in the case of relocation, the agency concerned finds that the business or farm operation cannot be relocated within that distance;

(2) Packing, crating, and, if the agency concerned finds it necessary, storing his personal property for not more than 6 months;

(3) If the agency concerned finds it necessary, advertising for packing, crating, storing, or transporting his personal property;

(4) Insuring against loss or damage of his personal property while in storage or transit;

(5) Removing and reinstalling machinery and equipment including reconnecting utilities, if—

(i) It is not acquired by the agency concerned as real property;

(ii) The displaced person agrees in writing that the machinery or equipment is personal property and releases the agency concerned from paying it; and

(iii) Unless otherwise required by law, it is not a real property improvement to the location site; and

(6) Searching for a replacement business or farm operation, to the extent those expenses meet the requirements of § 25.133.

(b) A displaced person who conducts a business or farm operation which is discontinued or relocated is entitled to the actual direct losses of personal property resulting from the discontinuation or move, to the extent those losses meet the requirements of § 25.131.

(c) A displaced person who conducts a business or farm operation which is relocated is entitled to be reimbursed for uninsurable loss or damage of his personal property while in the process of moving, if the loss or damage is not the result of his fault or negligence.

§ 25.127 Moving expenses; advertising businesses.

A displaced person who conducts a lawful activity primarily for assisting in the purchase, sale, resale, manufacture, processing, or marketing of products, commodities, personal property, or services by the erection and maintenance of outdoor advertising displays, whether or not the displays are located on the premises on which any of those activities are conducted, is entitled to the moving expenses described in § 25.125.

§ 25.129 Low value, high bulk property; businesses and farm operations.

In the case of low value, high bulk personal property, such as junk, stockpiled sand, gravel, minerals, metals, or similar items, used in connection with a relocated business or farm operation, payment for actual reasonable moving expenses may not be more than the cost of replacing that property at the relocation site less the amount for which it could be sold at the displacement site.

§ 25.131 Actual direct losses; businesses and farm operations.

(a) Subject to the requirements and limitations in paragraphs (b) through (f) of this section, a displaced person who conducts a business or farm operation is entitled to payment for actual direct losses of personal property that is used in connection with the business or farm operation but is—

(1) No longer needed because the business or farm operation is being discontinued; or

(2) Not being moved to a relocation site because it is not suitable for use there.

(b) If a business or farm operation is relocated, payment for actual direct losses of personal property may not be more than the amount the agency concerned determines the reasonable moving expenses would be for moving that property to the relocation site.

(c) A displaced person who conducts a business or farm operation shall make a bona fide effort to sell personal property he does not move.

(d) If a displaced person relocates a business or farm operation and sells an item of personal property that he does not move and promptly replaces it with a comparable item, payment for actual direct loss of the original item may not be more than the replacement cost less its sale price, or the cost of moving the original item, whichever is less.

(e) If a displaced person discontinues a business or farm operation and sells an item of personal property, payment for actual direct loss of that item may not be more than the inplace value of the item less its sale price, or the cost of moving it, whichever is less.

(f) If a displaced person who conducts a business or farm operation abandons an item of personal property after making a bona fide effort to sell that property, payment for the actual direct loss of that item may not be more than the inplace value of the item less what its sale price would have been, or the cost of moving it, whichever is less.

§ 25.133 Expenses in searching for replacement business or farm operation.

(a) Except as provided in paragraph (b) of this section, a displaced person who conducts a business or farm operation is entitled to not more than $500, or such higher amount as the agency concerned considers justified under the circumstances, for actual reasonable expenses in searching for a replacement business or farm operation including—

(1) Cost of travel;

(2) Cost for meals and lodging;

(3) An amount for time spent searching, based on the salary or earnings of the displaced person from the business or farm operation, but not more than $10 per hour; and

(4) If the agency concerned considers it desirable, the cost of a broker or realtor to locate a replacement site.

(b) A displaced person who conducts an advertising business described in § 25.127, is entitled to not more than $100, or if the agency concerned considers it justified under the circumstances not more than $500, for actual reasonable expenses in searching for a replacement outdoor advertising display site.

Subpart F—Fixed Allowance in Lieu of Moving and Related Expenses

§ 25.151 Scope.

This subpart prescribes the requirements governing payment of dislocation and moving expense allowances to displaced persons who are eligible for payment of their actual moving and related expenses under Subpart E of this part, but elect to receive a fixed allowance in lieu thereof.

§ 25.153 Schedule of moving expense allowances; individuals and families.

The Federal Highway Administrator shall establish and maintain a schedule of moving expense allowances applicable to individuals and families displaced by projects to which this part applies for each State. The schedule shall cover every locality in the State and shall be based on current local moving costs. The allowance for any individual or family may not be more than $300.

§ 25.155 Dislocation and moving expense allowances; individuals and families.

(a) Except as provided in paragraph (b) of this section, a displaced individual or family who elects to receive fixed dislocation and moving expense allowances in lieu of payment of actual moving and related expenses is entitled to—

(1) A dislocation allowance of $200; and

(2) The applicable moving expense allowance specified in the schelule of moving expense allowances maintained under § 25.153 for the locality concerned.

(b) Two or more individuals, not a family, who occupy the same dwelling, are considered to be a single family for the purposes of this section.

§ 25.157 Fixed allowance; businesses.

(a) A displaced person who conducts a business and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the business, computed in accordance with § 25.161, but not less than $2,500 or more than $10,000, if that business—

(1) Substantially contributes to the income of the displaced person;

(2) Cannot, in the opinion of the agency concerned, be relocated without substantial loss of existing patronage taking into consideration—

(i) The type of the business;

(ii) The nature of its clientele; and

(iii) The relative importance of the displacement and proposed relocation sites to the business; and

(3) Is not part of a commercial enterprise having at least one other establishment engaged in the same or similar business which is not being acquired by a State agency or the United States.

§ 25.159 Fixed allowance; farm operation.

(a) A displaced person who conducts a farm operation and elects to receive a fixed allowance in lieu of actual moving and related expenses is entitled to a fixed amount equal to the average annual net income of the farm operation, computed in accordance with § 25.161, but not less than $2,500 or more than $10,000.

(b) In the case of a partial acquisition and displacement of a farm operation, the fixed allowance described in paragraph (a) of this section may be paid only if the agency concerned finds that—

(1) The displaced activity was a farm operation before the acquisition of the displacement site; and

(2) The property remaining after acquisition is not an economic unit.

§ 25.161 Computing average annual net income; businesses and farm operations.

(a) For the purposes of this subpart, the average annual net income of a business or farm operation is its average annual net earnings before Federal, State, and local income taxes during the 2 tax years immediately preceding the tax year in which it is displaced. Net earnings include compensation obtained from the business or farm operation by its owner, his spouse, or dependents, or in the case of a corporate owner, by the holder of a majority of the common stock, his spouse, or dependents.

(b) For the purpose of determining majority ownership, stock held by an individual, his spouse, and his dependents shall be treated as a unit.

(c) If the agency concerned finds that the 2 tax years immediately preceding displacement are not representative, or if the business or farm operation has not been in operation that long, it may, with the concurrence of the appropriate DOT official, prescribe some other time period for computing average annual net income.

(d) If a displaced person who conducts a business or farm operation elects to receive a fixed payment under this subpart, he shall provide proof of his earnings from the business or farm operation to the agency concerned. Proof of earnings may be established by income tax

returns, certified financial statements, or other similar evidence.

Subpart G—Replacement Housing Payments

§ 25.171 Scope.

This subpart prescribes the requirements governing payment for replacement housing for individuals and families displaced by projects which are part of a Federal or federally assisted program administered by the Department of Transportation.

§ 25.173 Purchase of a decent, safe, and sanitary dwelling.

A displaced tenant or homeowner "purchases" a dwelling within the meaning of this subpart when he—

(a) Acquires an existing dwelling;

(b) Rehabilitates a substandard dwelling which he owns or acquires;

(c) Relocates a dwelling which he owns or acquires;

(d) Relocates and rehabilitates a substandard dwelling which he owns or acquires;

(e) Constructs a new dwelling on a site which he owns or acquires;

(f) Contracts to purchase a dwelling on a site provided by a builder; or

(g) Contracts for the construction of a dwelling on a site provided by a builder or on a site which he owns or acquires.

§ 25.175 Occupancy.

(a) A displaced tenant or homeowner "occupies" a dwelling within the meaning of this subpart only if the dwelling is his permanent place of residence.

(b) If a tenant or homeowner contracts for the construction or rehabilitation of a replacement dwelling, and for reasons not within his control the construction or rehabilitation is delayed beyond the date occupancy is required, the agency concerned may extend the period of eligibility for a replacement housing payment until the tenant or homeowner occupies the replacement dwelling.

§ 25.177 Inspection of replacement dwelling required.

(a) Before making a replacement housing payment to a displaced homeowner or tenant, or releasing a payment from escrow, as the case may be, the agency concerned shall inspect the replacement dwelling to determine whether or not it meets the criteria for decent, safe, and sanitary dwellings. The agency concerned may use the services of any public agency ordinarily engaged in housing inspection to conduct the inspection required by this section.

(b) A determination by the agency concerned that a dwelling meets the criteria for decent, safe, and sanitary housing is solely for the purpose of this subpart and is not a representation for any other purpose.

§ 25.179 Application and payment.

(a) Upon application by a displaced homeowner or tenant who meets the requirements of this subpart for a replacement housing payment, the agency concerned shall—

(1) If he has purchased or rented, and occupied a decent, safe, and sanitary dwelling, make the payment directly to him, or, at his option, to the seller or lessor of the decent, safe, and sanitary dwelling; or

(2) If he has purchased or rented, but not yet occupied a decent, safe, and sanitary dwelling, upon his request make the payment into an escrow account.

(b) The application shall be in writing and filed with the agency concerned within 18 months after the date the applicant was required to vacate an acquired dwelling or 6 months after final adjudication of a condemnation proceeding, whichever is later.

§ 25.181 Eligibility.

(a) A displaced homeowner is eligible for a replacement housing payment under § 25.183 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 180 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Purchases and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(b) A displaced homeowner is eligible for a replacement housing payment under § 25.185 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually owned and occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he receives final payment for the acquired dwelling, or 1 year after the date he is required to move from the acquired dwelling, whichever is later.

(c) A displaced tenant is eligible for a replacement housing payment under § 25.185 if he—

(1) Qualifies as a displaced person under § 25.11;

(2) Actually occupied the acquired dwelling for at least 90 consecutive days immediately before the initiation of negotiations for the property or the issuance of a written notice of intent to acquire the property by a definite date, as the case may be; and

(3) Rents or purchases, and occupies a decent, safe, and sanitary dwelling within 1 year after the date he is required to move from the acquired dwelling.

(d) For the purpose of paragraphs (a)(2) and (b)(2) of this section, if a homeowner inherits an interest in a dwelling by devise or operation of law, his tenure of ownership includes the tenure of the preceding homeowner.

§ 25.183 Replacement housing payment: purchase price.

A displaced homeowner who qualifies under § 25.181(a) is entitled to a replacement housing payment of not more than $15,000. Within that limitation the payment shall include the following amounts:

(a) If the reasonable cost of a comparable replacement dwelling is more than the acquisition price of the acquired dwelling, the difference between them.

(b) If there was a bona fide mortgage which constituted a valid lien on the acquired dwelling for at least 180 days before the initiation of negotiations for the acquired dwelling and if the cost of financing the purchase of a replacement dwelling includes increased interest costs, an amount to compensate for that increase.

(c) An amount necessary to cover incidental expenses on the purchase of a replacement dwelling, but not including prepaid expenses.

§ 25.185 Replacement housing payments; rent and down payments.

A displaced homeowner who qualifies under § 25.181(b) or a displaced tenant who qualifies under § 25.181(c), is entitled to a replacement housing payment of not more than $4,000. Within that limitation the payment shall be that amount necessary for the homeowner or tenant to—

(a) Rent a comparable replacement dwelling for a period of not more than 4 years; or

(b) Make the down payment required for a conventional loan and cover the incidental expenses on the purchase of a comparable replacement dwelling.

§ 25.187 Rules for considering land values.

In determining the amount of a replacement housing payment under § 25.183(a) the following rules apply:

(a) If the dwelling is located on a tract typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the value of the acquired property.

(b) If the dwelling is located on a tract larger than typical for residential use in the area, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for the area less the estimated value of the dwelling assuming it was located on a tract typical for the area.

(c) If the dwelling is located on a tract that has a use higher and better than residential, the amount payable is the probable selling price of a comparable replacement dwelling on a tract typical for residential use in the area less the estimated value of the dwelling assuming it was located on a tract typical for residential use in the area.

§ 25.189 Limitations; payment for purchase price.

(a) The price established as the reasonable cost of a comparable replacement dwelling sets the upper limit of the differential amount payable under § 25.183(a). To qualify for the full amount, the homeowner must purchase and occupy a decent, safe, and sanitary dwelling higher in value than the acquired dwelling.

(b) If the homeowner voluntarily purchases and occupies a decent, safe, and sanitary dwelling at a price less than the reasonable cost established for a comparable replacement dwelling, the amount payable under § 25.183(a) is that amount required to pay the difference between the acquisition price of the acquired dwelling and the actual purchase price of the decent, safe, and sanitary dwelling.

§ 25.191 Reasonable cost of comparable replacement dwelling.

(a) In determining the reasonable cost of a comparable replacement dwelling available on the private market, the agency concerned shall use one of the following methods:

(1) It may establish a schedule of reasonable acquisition costs for the various types of comparable replacement dwellings which are available. If more than one agency is administering a project causing displacements in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area. The schedule must be based on a current analysis of the market to determine a reasonable cost for each type of dwelling to be purchased. In large urban areas this analysis may be confined to one area of the city, or may cover several different areas if they are comparable and equally accessible to public services and places of employment. To assure the greatest comparability of dwellings in any analysis, the analysis shall be divided into classifications of the type of construction, number of rooms, and price ranges.

(2) It may determine the reasonable cost of a comparable replacement dwelling by examining the probable selling prices of at least three comparable replacement dwellings which are available. Selection of the dwellings must be made by a qualified employee of the agency concerned who is familiar with real property values and current real estate transactions.

(3) If it finds that the methods described in subparagraphs (1) and (2) of this paragraph are not feasible for determining the reasonable cost of a comparable replacement dwelling, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

§ 25.193 Owner retention.

(a) If a displaced homeowner elects to retain and move his dwelling, the amount payable under § 25.183(a) is the difference between the acquisition price of the acquired dwelling and the sum of—

(1) The moving and restoration expenses;

(2) The cost of correcting decent, safe, and sanitary deficiencies, if any; and

(3) The estimated selling price of a comparable relocation site.

(b) The amount computed in accordance with paragraph (a) of this section is subject to the limitations prescribed in § 25.189.

§ 25.195 Increased interest costs.

(a) The amount payable for increased interest costs under § 25.183(b) is—

(1) The present value of the difference in interest costs and other debt service costs charged for refinancing an amount not more than the balance of the mortgage on the acquired dwelling at the time of acquisition over a period not more than the remaining term of that mortgage; or

(2) An amount based on a schedule prescribed or approved by the appropriate DOT official and computed in accordance with this section.

(b) For purposes of computing increased interest costs, the following rules apply:

(1) The interest charge on the new mortgage may not exceed the prevailing interest rate currently charged by mortgage lending institutions in the area.

(2) The present value of the increased interest cost shall be computed at the prevailing interest rate paid on savings deposits by commercial banks in the area.

§ 25.197 Incidental expenses.

(a) The incidental expenses payable under § 25.183(c) or § 25.185(b) is the amount necessary to compensate the homeowner or tenant for actual costs incurred incident to the purchase of a decent, safe, and sanitary dwelling, including the following:

(1) Legal closing costs, including title search, preparing conveyance contracts, notary fees, surveys, preparing drawings of plots, and charges incident to recordation.

(2) Lender, FHA, or VA appraisal fees.

(3) FHA or VA application fee.

(4) Certification of structural soundness when required by the lender, FHA, or VA.

(5) Credit report.

(6) Title policies or abstract of title.

(7) Escrow agent's fee.

(8) State revenue stamps or sale or transfer taxes.

(b) An incidental expense which is part of a finance charge under the Truth in Lending Act, Title I, Public Law 90–321, and Regulation "Z" issued thereunder by the Board of Governors of the Federal Reserve System, may not be reimbursed.

§ 25.199 Computation of rental payments; tenants.

(a) The amount payable to a displaced tenant, other than a tenant of the agency concerned, for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling, less 48 times the average month's rent paid by the displaced tenant for the last 3 months before initiation of negotiations for the acquired dwelling if that rent was reasonable, and if not reasonable 48 times the monthly economic rent for the dwelling unit as established by the agency concerned.

(b) The amount payable to a displaced tenant of the agency concerned for rent under § 25.185(a) is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent.

§ 25.201 Computation of rental payments; homeowners.

The amount payable to a displaced homeowner is 48 times the reasonable monthly rent for a comparable replacement dwelling less 48 times the monthly economic rent, but not more than the homeowner would receive if he were eligible for a payment under § 25.183.

§ 25.203 Determining reasonable monthly rent.

In determining the reasonable monthly rent for a comparable replacement dwelling for the purposes of §§ 25.199 and 25.201, the agency concerned shall use one of the following methods:

(a) It may establish a schedule of monthly rents for each type of dwelling required. The schedule shall be based on an analysis of the available private market. If more than one agency is administering a project causing displacement in the area, it shall cooperate with those agencies in establishing a uniform schedule for the area.

(b) It may determine a reasonable rent by examining the rent of at least three comparable replacement dwellings available on the private market.

(c) If it finds that the methods described in paragraphs (a) and (b) of this section are not feasible, it may propose what it considers to be a feasible method to the appropriate DOT official for approval.

§ 25.205 Rental payments; method of payment.

If a rental payment under § 25.185(a) is more than $500, it shall be made in four equal annual installments. Before making an annual payment, the agency concerned shall verify that the tenant still occupies a decent, safe, and sanitary dwelling.

§ 25.207 Computation of down payments.

The amount payable to a displaced homeowner or tenant for a down payment under § 25.185(b) is the full amount of the first $2,000 of the required down payment plus one-half of any amount required over $2,000. However, the homeowner or tenant must provide the other half of any amount required over $2,000.

§ 25.209 Down payments.

A displaced homeowner or tenant shall apply the full amount of the payment to which he is entitled under § 25.185(b) to the down payment and the incidental expenses described in the closing statement.

§ 25.211 Provisional payment pending condemnation.

If the exact amount of a replacement housing payment cannot be determined because of a pending condemnation suit, the agency concerned may make a provisional replacement housing payment to the displaced homeowner based on the agency's maximum offer for the property, but only if the homeowner enters into an agreement with the agency that—

(a) Upon final adjudication of the condemnation suit the replacement housing payment will be recomputed on the basis of the acquisition price determined by the court;

(b) If the acquisition price as determined by the court is greater than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be refunded to the agency; and

(c) If the acquisition price as determined by the court is less than the agency's maximum offer upon which the provisional replacement housing payment is based, the difference shall be paid to the homeowner.

§ 25.213 Combined payments.

(a) If a homeowner is eligible for payment under § 25.183, but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received shall be deducted from any amount that he receives under § 25.183.

(b) If a homeowner or tenant is eligible for a down payment under § 25.185(b), but has previously received a rental payment under § 25.185(a), the amount of rental payment previously received shall be deducted from the amount of any down payment that he receives under § 25.185(b).

§ 25.215 Partial use of home for business or farm operation.

(a) In the case of a displaced homeowner or tenant who has allocated part of his dwelling for use in connection with a displaced business or farm operation, a replacement housing payment may not be paid for that part of the property which is allocated to the business or farm operation.

(b) The eligibility of a person to receive a payment under § 25.125 is not affected by this section.

§ 25.217 Multiple occupants of a single dwelling.

(a) If two or more families, or an individual and a family, occupy the same dwelling, each individual or family that elects to relocate separately is entitled to a separately computed replacement housing payment.

(b) If two or more individuals, not a family, occupy the same dwelling, they shall be treated as a single family in computing a replacement housing payment.

§ 25.219 Multifamily dwelling.

In the case of a displaced homeowner who is required to move from a one-family unit of a multifamily building which he owns, the replacement housing payment shall be based on the cost of a comparable one-family unit in a multifamily building or a single-family structure, without regard for the number of units in the building being acquired.

§ 25.221 Certificate of eligibility pending purchase of replacement dwelling.

Upon request by a displaced homeowner or tenant who has not yet purchased and occupied a comparable replacement dwelling, but who is otherwise eligible for a replacement housing payment under this subpart, the agency concerned shall certify to any interested party, financial institution, or lending agency, that the displaced homeowner or tenant will be eligible for the payment of a specific sum if he purchases and occupies a decent, safe, and sanitary dwelling within the time limits prescribed by § 25.181(a)(3), (b)(3), or (c)(3), as the case may be.

Subpart H—Relocation Assistance Functions Carried Out Through Other Agencies

§ 25.231 Authority to carry out relocation assistance through other agencies.

To prevent unnecessary expenses and duplication of activities, an agency concerned that is required to provide relocation services or make relocation payments under this part may carry out any of those functions through the facilities, personnel, and services of any Federal, State, or local governmental or private agency having an established organization for conducting relocation assistance programs.

§ 25.233 Information to be furnished to DOT.

If an agency concerned elects to provide relocation services or make relocation payments through another agency, the agency shall furnish the appropriate DOT official with the following information concerning the other agency:

(a) The name and location of the agency.

(b) An analysis of the agency's present workload and of its ability to perform the requirements of this subpart.

(c) The estimated number and the job titles of relocation personnel of the agency that will provide the relocation assistance for the project.

§ 25.235 Interagency agreement required.

If an agency concerned elects to provide relocation services or make relocation payments through another agency, it shall enter into a written agreement with that agency. The agreement must be approved by the appropriate DOT official and contain the following:

(a) An obligation on the part of the other agency to perform the services and make the relocation payments in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, and this part.

(b) A requirement that the records required by § 25.23 be retained by the other agency or turned over to the agency concerned and that they be retained for a period of at least 3 years after payment of the final voucher on each project, regardless of which agency retains them.

(c) A requirement that the records required by § 25.23 be available for inspection by representatives of the Department of Transportation at any reasonable business hour.

(d) If the contract is with a public agency administering another Federal or federally assisted program, a description of the financial responsibilities of each program to finance the relocation program required by this part.

(e) A provision acknowledging that only those costs directly chargeable to the Federal or federally assisted project are eligible for Federal funds.

(f) The clauses set forth in Appendix A of the Civil Rights Assurances and the requirements of Part 21 of this subtitle.

(g) A provision for negotiation of major changes that become necessary in the scope, character, or estimated total cost of the work to be performed.

§ 25.237 Amendment of existing agreements required.

Each agreement between an agency concerned and another agency for carrying out relocation assistance functions through the other agency that is in effect on June 1, 1971, shall be amended or supplemented as necessary to include the requirements of § 25.235. The agency concerned shall furnish the appropriate DOT official with a copy of the amended agreement or the existing agreement and the supplement, as the case may be.

Subpart I—Acquisition of Real Property

§ 25.251 Scope.

This subpart prescribes requirements for the acquisition of real property in a Federal or federally assisted program administered by the Department of Transportation.

§ 25.253 Real property acquisition practices.

(a) In acquiring real property, each agency concerned shall to the greatest extent practicable—

(1) Make every reasonable effort to acquire real property expeditiously through negotiation;

(2) Before the initiation of negotiations have the real property appraised and give the owner or his representative an opportunity to accompany the appraiser during inspection of the property;

(3) Before the initiation of negotiations, establish an amount which it believes to be just compensation for the real property, and make a prompt offer to acquire the property for that amount;

(4) Before requiring any owner to surrender possession of real property—

(i) Pay the agreed purchase price;

(ii) Deposit with the court, for the benefit of the owner, an amount not less than the agency's approved appraisal of the fair market value of the property;

(iii) Or pay the amount of the award of compensation in a condemnation proceeding for the property;

(5) If interest in real property is to be acquired by exercise of the power of eminent domain, institute formal condemnation proceedings and not intentionally make it necessary for an owner to institute legal proceedings to prove the fact of the taking of his real property; and

(6) If the acquisition of only part of a property would leave its owner with an uneconomic remnant, offer to acquire that remnant.

(b) In acquiring real property, to the greatest extent practicable an agency may not—

(1) Schedule the construction or development of a public improvement that will require any person lawfully occupying real property to move from a dwelling, or to move his business or farm operation, without giving that person at least 90 days' written notice of the date he is required to move;

(2) If it rents acquired real property to the former owner or tenant for short term or subject to termination by the agency on short notice, charge rent that is more than the fair rental value of the property to a short-term occupant;

(3) Advance the time of condemnation;

(4) Defer negotiations, condemnation, or the deposit of funds in court for use of the owner; or

(5) Take any coercive action to compel an owner to agree to a price for his property.

§ 25.255 Statement of just compensation to owner.

At the time it makes an offer to purchase real property, the agency concerned shall provide the owner of that property with a written statement of the basis for the amount estimated to be just compensation. The statement shall include the following:

(a) An identification of the real property and the particular interest being acquired.

(b) A certification, where applicable, that any separately held interest in the real property is not being acquired in whole or in part.

(c) An identification of buildings, structures, and other improvements, including fixtures, removable building equipment, and any trade fixtures which are considered to be part of the real property for which the offer of just compensation is made.

(d) An identification of any real property improvements, including fixtures, not owned by the owner of the land.

(e) An identification of the types and approximate quantity of personal property located on the premises that is not being acquired.

(f) A declaration that the agency's determination of just compensation—

(1) Is based on the fair market value of the property;

(2) Is not less than the approved appraised value of the property;

(3) Disregards any decrease or increase in the fair market value caused by the project for which the property is being acquired; and

(4) In the case of separately held interests in the real property, includes an apportionment of the total just compensation for each of those interests.

(g) The amount of damages to any remaining real property.

§ 25.257 Equal interest in improvements to be acquired.

In acquiring any interest in real property each agency concerned shall acquire at least an equal interest in all buildings, structures, or other improvements located on that real property which will be removed or which will be adversely affected by the completed project.

§ 25.259 Payments to tenants for improvements.

(a) In the case of a building, structure, or other improvement owned by a tenant on real property acquired for a project to which this part applies, the agency concerned shall, subject to paragraph (b) of this section, pay the tenant the larger of—

(1) The fair market value of the improvement, assuming its removal from the property; or

(2) The enhancement to the fair market value of the real property.

(b) A payment may not be made to a tenant under paragraph (a) this section unless—

(1) The tenant, in consideration for the payment, assigns, transfers, and releases to the agency concerned all his right, title, and interest in the improvement;

(2) The owner of the land involved disclaims all interest in the improvement; and

(3) The payment is not duplicated by any payment otherwise authorized by law.

§ 25.261 Expenses incidental to transfer of title.

As soon as possible after real property has been acquired, the agency concerned shall reimburse the owner for—

(a) Recording fees, transfer taxes, and similar expenses incidental to conveying the real property to the agency;

(b) Penalty costs for prepayment of any preexisting recorded mortgage entered into in good faith encumbering the real property; and

(c) The pro rata portion of any prepaid real property taxes which are allocable to a period subsequent to the date of vesting title in the agency or the effective date of possession of the real property by the agency, whichever is the earlier.

§ 25.263 Litigation expenses.

(a) In any condemnation proceeding brought by the agency concerned to acquire real property, it shall reimburse the owner of any right, title, or interest in the real property for his reasonable costs, disbursements, and expenses, including attorney, appraisal, and engineering fees, actually incurred because of the proceeding, if—

(1) The final judgment is that the agency concerned cannot acquire the real property by condemnation; or

(2) The proceeding is abandoned by the agency concerned.

(b) In any inverse condemnation proceeding where the owner of any right, title, or interest in real property receives an award of compensation by judgment or settlement, the agency concerned shall reimburse the plaintiff for his reasonable costs, disbursements, and expenses, including reasonable attorney, appraisal, and engineering fees, actually incurred because of the proceeding.

APPENDIX A—RECORDS

The following list sets forth relocation information which an agency concerned shall maintain for each Federal or federally assisted project that it administers.

I. *General.* The agency concerned shall keep a record of the following general information concerning the project:

(1) Project and parcel identification.

(2) Name and address of each displaced person; his new address and telephone number if available.

(3) Dates of all personal contacts made with each displaced person.

(4) Date each displaced person is given notice of relocation payments and services.

(5) Name of agency employee who offers relocation assistance.

(6) Whether the offer of assistance is declined or accepted, and the name of the individual who accepts or declines the offer.

(7) Date each displaced person is required to move.

(8) Date of actual relocation, and whether relocation was accomplished with the assistance of the agency concerned, other agencies, or without assistance.

(9) Type of tenure held by each displaced person before and after relocation.

II. *Displacements from dwellings.* The agency concerned shall keep a record of the following information concerning each individual or family displaced from a dwelling in connection with the project:

(1) Number in family, or number of individuals.

(2) Type of dwelling.

(3) Fair market value, or monthly rent.

(4) Number of rooms.

III. *Displaced businesses.* The agency concerned shall keep a record of the following information concerning each business displaced in connection with the project:

(1) Type of business.

(2) Whether or not relocated.

(3) If relocated, distance moved.

(4) Data supporting a determination that a business cannot be relocated without a substantial loss of its existing patronage and that it is not part of a commercial enterprise having at least one other establishment not being acquired by a State agency or the United States.

IV. *Moving expenses.* The agency concerned shall keep a record of the following information concerning each payment of moving and related expenses in connection with the project:

(1) The date personal property is moved, and the original and new locations of the personal property.

(2) If personal property is stored temporarily—

(a) The place of storage;

(b) The duration of storage; and

(c) A statement of why storage is necessary.

(3) An account of all moving expenses that are supported by receipted bills or similar evidence of expense;

(4) Amount of reimbursement claimed, amount allowed, and an explanation of any difference.

(5) In the case of a business or farm operation that receives a fixed allowance in lieu of moving expenses, data underlying the computation of such payment.

V. *Replacement housing payments.* The agency concerned shall keep a record of the following information concerning each relocation housing payment made in connection with the project:

(1) The date application for payment is received.

(2) The date application for payment is approved or rejected.

(3) Data substantiating the amount of payment.

(4) If replacement housing is purchased, a copy of the closing statement indicating the purchase price, down payment, and incidental expenses.

(5) Whenever a rental payment is made by annual installment, a statement confirming that the tenant still occupies a decent, safe, and sanitary dwelling.

(6) A copy of the Truth in Lending Statement, or other data, including computations, that confirms the increased interest payment.

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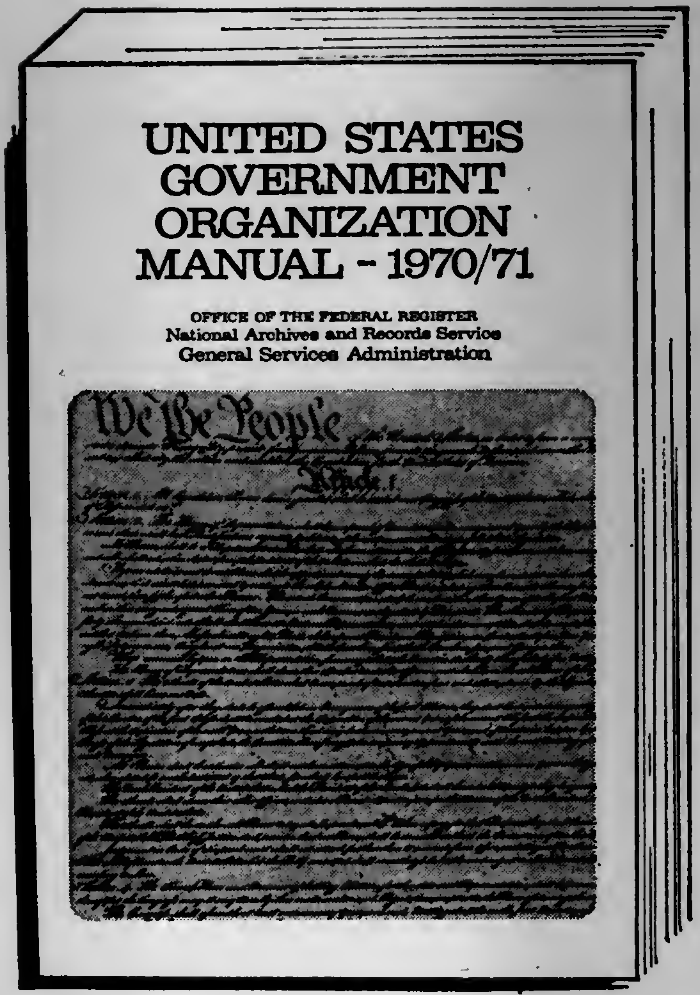
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PROCLAMATION 4054

Father's Day, 1971

By the President of the United States of America

A Proclamation

The fabric of American society is woven around the family and at the center of the family is the father.

Fatherhood can be one of the most enriching and most satisfying experiences in a man's life. But the role of the father is not an easy one. Often, his sacrifices are taken for granted, and—even at the times of greatest stress—he must always stand steady, providing the strength and stability on which a sound family life depends.

A man does not need to be applauded or given a citation for being a good father. Fatherhood is its own reward. But it is appropriate that the Nation pause every so often to recognize the contributions which the fathers of America have made to their families, their communities, and their country.

To that end, the Congress, by a joint resolution approved December 28, 1970, designated the third Sunday in June of 1971 as Father's Day and requested the President to issue a proclamation calling for its observance.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby request that Sunday, June 20, 1971, be observed as Father's Day. I direct Government officials to display the flag of the United States on all Government buildings on that day, and I urge all citizens to display the flag at their homes and other suitable places.

I invite the governments of the States and communities to observe Father's Day with appropriate ceremonies and I urge our people to offer public and private expressions on that day of the abiding love and gratitude which they bear for the fathers of our land.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of May, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-7238 Filed 5-20-71;11:00 am]

Rules and Regulations

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER C—EMPLOYMENT TAXES

[T.D. 7115]

PART 31—EMPLOYMENT TAXES; APPLICABLE ON AND AFTER JANUARY 1, 1955

Rates of Income Tax Withholding; Marital Status for Purposes of Withholding

On February 13, 1971, notice of proposed rule making with respect to the amendment of the Employment Tax Regulations (26 CFR Part 31) under sections 3402 and 6051 of the Internal Revenue Code of 1954 to reflect the changes made by section 101 (a), (b), (c), and (d) of the Tax Adjustment Act of 1966 (80 Stat. 38, 41, 59); section 102(c) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 256); section 2(a) of the Act of June 30, 1969 (Public Law 91–36, 83 Stat. 42); section 6(a) of the Act of August 7, 1969 (Public Law 91–53, 83 Stat. 96); and section 805 (a), (b), and (c) of the Tax Reform Act of 1969 (83 Stat. 686, 704, 705) was published in the FEDERAL REGISTER (36 F.R. 2975). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as proposed are hereby adopted.

(Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

Approved: May 13, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

In order to conform the Employment Tax Regulations (26 CFR Part 31) under sections 3402 and 6051 of the Internal Revenue Code of 1954 to section 101 (a), (b), (c), and (d) of the Tax Adjustment Act of 1966 (80 Stat. 38, 41, 59); section 102(c) of the Revenue and Expenditure Control Act of 1968 (82 Stat. 256); section 2(a) of the Act of June 30, 1969 (Public Law 91–36, 83 Stat. 42); section 6(a) of the Act of August 7, 1969 (Public Law 91–53, 83 Stat. 96); and section 805 (a), (b), and (c) of the Tax Reform Act of 1969 (83 Stat. 686, 704, 705), such regulations are amended as follows:

PARAGRAPH 1. Section 31.3402(a) is amended by revising section 3402(a) and the historical note to read as follows:

§ 31.3402(a) Statutory provisions; income tax collected at source; requirement of withholding.

SEC. 3402. *Income tax collected at source*—(a) *Requirement of withholding.* Every employer making payment of wages shall deduct and withhold upon such wages (except as otherwise provided in this section) a tax determined in accordance with the following tables. For purposes of applying such tables, the term "the amount of wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table in subsection (b)(1):

(1) In the case of wages paid after December 31, 1969, and before July 1, 1970:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $33	21% of excess over $21.
Over $33 but not over $52	$2.52 plus 27% of excess over $33.
Over $52 but not over $88	$7.65 plus 18% of excess over $52.
Over $88 but not over $177	$14.13 plus 21% of excess over $88.
Over $177 but not over $212	$32.82 plus 26% of excess over $177.
Over $212	$41.92 plus 31% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $48	21% of excess over $21.
Over $48 but not over $88	$5.67 plus 16% of excess over $48.
Over $88 but not over $177	$12.07 plus 18% of excess over $88.
Over $177 but not over $346	$28.09 plus 21% of excess over $177.
Over $346 but not over $423	$63.58 plus 26% of excess over $346.
Over $423	$83.60 plus 31% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $65	21% of excess over $42.
Over $65 but not over $104	$4.83 plus 27% of excess over $65.
Over $104 but not over $177	$15.36 plus 18% of excess over $104.
Over $177 but not over $354	$28.50 plus 21% of excess over $177.
Over $354 but not over $423	$65.67 plus 26% of excess over $354.
Over $423	$83.61 plus 31% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $96	21% of excess over $42.
Over $96 but not over $177	$11.34 plus 16% of excess over $96.
Over $177 but not over $354	$24.30 plus 18% of excess over $177.
Over $354 but not over $692	$56.16 plus 21% of excess over $354.
Over $692 but not over $846	$127.14 plus 26% of excess over $692.
Over $846	$167.18 plus 31% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $71	21% of excess over $46.
Over $71 but not over $113	$5.25 plus 27% of excess over $71.
Over $113 but not over $192	$16.59 plus 18% of excess over $113.
Over $192 but not over $383	$30.81 plus 21% of excess over $192.
Over $383 but not over $458	$70.92 plus 26% of excess over $383.
Over $458	$90.42 plus 31% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $104	21% of excess over $46.
Over $104 but not over $192	$12.18 plus 16% of excess over $104.
Over $192 but not over $383	$26.26 plus 18% of excess over $192.
Over $383 but not over $750	$60.64 plus 21% of excess over $383.
Over $750 but not over $917	$137.71 plus 26% of excess over $750.
Over $917	$181.13 plus 31% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $142	21% of excess over $92.
Over $142 but not over $225	$10.50 plus 27% of excess over $142.
Over $225 but not over $383	$32.91 plus 18% of excess over $225.
Over $383 but not over $767	$61.35 plus 21% of excess over $383.
Over $767 but not over $917	$141.99 plus 26% of excess over $767.
Over $917	$180.99 plus 31% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $208	21% of excess over $92.
Over $208 but not over $383	$24.36 plus 16% of excess over $208.
Over $383 but not over $767	$52.36 plus 18% of excess over $383.
Over $767 but not over $1,500	$121.48 plus 21% of excess over $767.
Over $1,500 but not over $1,833	$275.41 plus 26% of excess over $1,500.
Over $1,833	$361.99 plus 31% of excess over $1,833.

TABLE 5.—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $425	21% of excess over $275.
Over $425 but not over $675	$31.50 plus 27% of excess over $425.
Over $675 but not over $1,150	$99.00 plus 18% of excess over $675.
Over $1,150 but not over $2,300	$184.50 plus 21% of excess over $1,150.
Over $2,300 but not over $2,750	$426.00 plus 26% of excess over $2,300.
Over $2,750	$543.00 plus 31% of excess over $2,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $625	21% of excess over $275.
Over $625 but not over $1,150	$73.50 plus 16% of excess over $625.
Over $1,150 but not over $2,300	$157.50 plus 18% of excess over $1,150.
Over $2,300 but not over $4,500	$364.50 plus 21% of excess over $2,300.
Over $4,500 but not over $5,500	$826.50 plus 26% of excess over $4,500.
Over $5,500	$1,086.50 plus 31% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $850	21% of excess over $550.
Over $850 but not over $1,350	$63 plus 27% of excess over $850.
Over $1,350 but not over $2,300	$198 plus 18% of excess over $1,350.
Over $2,300 but not over $4,600	$369 plus 21% of excess over $2,300.
Over $4,600 but not over $5,500	$852 plus 26% of excess over $4,600.
Over $5,500	$1,086 plus 31% of excess over $5,500

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $1,250	21% of excess over $550.
Over $1,250 but not over $2,300	$147 plus 16% of excess over $1,250.
Over $2,300 but not over $4,600	$315 plus 18% of excess over $2,300.
Over $4,600 but not over $9,000	$729 plus 21% of excess over $4,600.
Over $9,000 but not over $11,000	$1,653 plus 26% of excess over $9,000.
Over $11,000	$2,173 plus 31% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $1,700	21% of excess over $1,100.
Over $1,700 but not over $2,700	$126 plus 27% of excess over $1,700.
Over $2,700 but not over $4,600	$396 plus 18% of excess over $2,700.
Over $4,600 but not over $9,200	$738 plus 21% of excess over $4,600.
Over $9,200 but not over $11,000	$1,704 plus 26% of excess over $9,200.
Over $11,000	$2,172 plus 31% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $2,500	21% of excess over $1,100.
Over $2,500 but not over $4,600	$294 plus 16% of excess over $2,500.
Over $4,600 but not over $9,200	$630 plus 18% of excess over $4,600.
Over $9,200 but not over $18,000	$1,458 plus 21% of excess over $9,200.
Over $18,000 but not over $22,000	$3,306 plus 26% of excess over $18,000.
Over $22,000	$4,346 plus 31% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $4.70	21% of excess over $3.00.
Over $4.70 but not over $7.40	$0.36 plus 27% of excess over $4.70.
Over $7.40 but not over $12.60	$1.09 plus 18% of excess over $7.40.
Over $12.60 but not over $25.20	$2.02 plus 21% of excess over $12.60.
Over $25.20 but not over $30.10	$4.67 plus 26% of excess over $25.20.
Over $30.10	$5.94 plus 31% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $6.80	21% of excess over $3.00.
Over $6.80 but not over $12.60	$0.80 plus 16% of excess over $6.80.
Over $12.60 but not over $25.20	$1.73 plus 18% of excess over $12.60.
Over $25.20 but not over $49.30	$3.99 plus 21% of excess over $25.20.
Over $49.30 but not over $60.30	$9.06 plus 26% of excess over $49.30.
Over $60.30	$11.92 plus 31% of excess over $60.30.

(2) In the case of wages paid after June 30, 1970, and before January 1, 1971:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $33	21% of excess over $21.
Over $33 but not over $52	$2.52 plus 25% of excess over $33.
Over $52 but not over $88	$7.27 plus 17% of excess over $52.
Over $88 but not over $177	$13.39 plus 21% of excess over $88.
Over $177 but not over $212	$32.08 plus 25% of excess over $177.
Over $212	$40.83 plus 30% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $21	0.
Over $21 but not over $48	21% of excess over $21.
Over $48 but not over $88	$5.67 plus 15% of excess over $48.
Over $88 but not over $177	$11.67 plus 17% of excess over $88.
Over $177 but not over $346	$26.80 plus 20% of excess over $177.
Over $346 but not over $423	$60.60 plus 25% of excess over $346.
Over $423	$79.85 plus 30% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYER IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $65	21% of excess over $42.
Over $65 but not over $104	$4.83 plus 25% of excess over $65.
Over $104 but not over $177	$14.58 plus 17% of excess over $104.
Over $177 but not over $354	$26.99 plus 21% of excess over $177.
Over $354 but not over $423	$64.16 plus 25% of excess over $354.
Over $423	$81.41 plus 30% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $96	21% of excess over $42.
Over $96 but not over $177	$11.34 plus 15% of excess over $96.
Over $177 but not over $354	$23.49 plus 17% of excess over $177.
Over $354 but not over $692	$53.58 plus 20% of excess over $354.
Over $692 but not over $846	$121.18 plus 25% of excess over $692.
Over $846	$159.68 plus 30% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $71	21% of excess over $46.
Over $71 but not over $113	$5.25 plus 25% of excess over $71.
Over $113 but not over $192	$15.75 plus 17% of excess over $113.
Over $192 but not over $383	$29.18 plus 21% of excess over $192.
Over $383 but not over $458	$69.29 plus 25% of excess over $383.
Over $458	$88.04 plus 30% of excess over $458.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $46	0.
Over $46 but not over $104	21% of excess over $46.
Over $104 but not over $192	$12.18 plus 15% of excess over $104.
Over $192 but not over $383	$25.38 plus 17% of excess over $192.
Over $383 but not over $750	$57.85 plus 20% of excess over $383.
Over $750 but not over $917	$131.25 plus 25% of excess over $750.
Over $917	$173.00 plus 30% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $142	21% of excess over $92.
Over $142 but not over $225	$10.50 plus 25% of excess over $142.
Over $225 but not over $383	$31.25 plus 17% of excess over $225.
Over $383 but not over $767	$58.11 plus 21% of excess over $383.
Over $767 but not over $917	$138.75 plus 25% of excess over $767.
Over $917	$176.25 plus 30% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $92	0.
Over $92 but not over $208	21% of excess over $92.
Over $208 but not over $383	$24.36 plus 15% of excess over $208.
Over $383 but not over $767	$50.61 plus 17% of excess over $383.
Over $767 but not over $1,500	$115.89 plus 20% of excess over $767.
Over $1,500 but not over $1,833	$262.49 plus 25% of excess over $1,500.
Over $1,833	$345.74 plus 30% of excess over $1,833.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $425	21% of excess over $275.
Over $425 but not over $675	$31.50 plus 25% of excess over $425.
Over $675 but not over $1,150	$94.00 plus 17% of excess over $675.
Over $1,150 but not over $2,300	$174.75 plus 21% of excess over $1,150.
Over $2,300 but not over $2,750	$416.25 plus 25% of excess over $2,300.
Over $2,750	$528.75 plus 30% of excess over $2,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $275	0.
Over $275 but not over $625	21% of excess over $275.
Over $625 but not over $1,150	$73.50 plus 15% of excess over $625.
Over $1,150 but not over $2,300	$152.25 plus 17% of excess over $1,150.
Over $2,300 but not over $4,500	$347.75 plus 20% of excess over $2,300.
Over $4,500 but not over $5,500	$787.75 plus 25% of excess over $4,500.
Over $5,500	$1,037.75 plus 30% of excess over $5,500.

Table 6—If the Payroll Period With Respect to an Employee Is Semiannual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $850	21% of excess over $550.
Over $850 but not over $1,350	$63.00 plus 25% of excess over $850.
Over $1,350 but not over $2,300	$188.00 plus 17% of excess over $1,350.
Over $2,300 but not over $4,600	$349.50 plus 21% of excess over $2,300.
Over $4,600 but not over $5,500	$832.50 plus 25% of excess over $4,600.
Over $5,500	$1,057.50 plus 30% of excess over $5,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $550	0.
Over $550 but not over $1,250	21% of excess over $550.
Over $1,250 but not over $2,300	$147.00 plus 15% of excess over $1,250.
Over $2,300 but not over $4,600	$304.50 plus 17% of excess over $2,300.
Over $4,600 but not over $9,000	$695.50 plus 20% of excess over $4,600.
Over $9,000 but not over $11,000	$1,575.50 plus 25% of excess over $9,000.
Over $11,000	$2,075.50 plus 30% of excess over $11,000.

Table 7—If the Payroll Period With Respect to an Employee Is Annual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $1,700	21% of excess over $1,100.
Over $1,700 but not over $2,700	$126 plus 25% of excess over $1,700.
Over $2,700 but not over $4,600	$376 plus 17% of excess over $2,700.
Over $4,600 but not over $9,200	$699 plus 21% of excess over $4,600.
Over $9,200 but not over $11,000	$1,665 plus 25% of excess over $9,200.
Over $11,000	$2,115 plus 30% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,100	0.
Over $1,100 but not over $2,500	21% of excess over $1,100.
Over $2,500 but not over $4,600	$294 plus 15% of excess over $2,500.
Over $4,600 but not over $9,200	$609 plus 17% of excess over $4,600.
Over $9,200 but not over $18,000	$1,391 plus 20% of excess over $9,200.
Over $18,000 but not over $22,000	$3,151 plus 25% of excess over $18,000.
Over $22,000	$4,151 plus 30% of excess over $22,000.

Table 8—If the Payroll Period With Respect to an Employee Is a Daily Payroll Period or a Miscellaneous Payroll Period

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $4.70	21% of excess over $3.00.
Over $4.70 but not over $7.40	$0.36 plus 25% of excess over $4.70.
Over $7.40 but not over $12.60	$1.03 plus 17% of excess over $7.40.
Over $12.60 but not over $25.20	$1.92 plus 21% of excess over $12.60.
Over $25.20 but not over $30.10	$4.56 plus 25% of excess over $25.20.
Over $30.10	$5.79 plus 30% of excess over $30.10.

Table 8—If the Payroll Period With Respect to an Employee Is a Daily Payroll Period or a Miscellaneous Payroll Period—Continued

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $3.00	0.
Over $3.00 but not over $6.80	21% of excess over $3.00.
Over $6.80 but not over $12.60	$0.80 plus 15% of excess over $6.80.
Over $12.60 but not over $25.20	$1.67 plus 17% of excess over $12.60.
Over $25.20 but not over $49.30	$3.81 plus 20% of excess over $25.20.
Over $49.30 but not over $60.30	$8.63 plus 25% of excess over $49.30.
Over $60.30	$11.36 plus 30% of excess over $60.30.

(3) In the case of wages paid after December 31, 1970, and before January 1, 1972:

Table 1—If the Payroll Period With Respect to an Employee Is Weekly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $20	0.
Over $20 but not over $31	14% of excess over $20.
Over $31 but not over $50	$1.54 plus 17% of excess over $31.
Over $50 but not over $100	$4.77 plus 20% of excess over $50.
Over $100 but not over $135	$14.77 plus 18% of excess over $100.
Over $135 but not over $212	$21.07 plus 21% of excess over $135.
Over $212	$37.24 plus 24% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $20	0.
Over $20 but not over $42	14% of excess over $20.
Over $42 but not over $77	$3.08 plus 17% of excess over $42.
Over $77 but not over $163	$9.03 plus 16% of excess over $77.
Over $163 but not over $269	$22.79 plus 19% of excess over $163.
Over $269 but not over $385	$42.93 plus 21% of excess over $269.
Over $385	$67.29 plus 25% of excess over $385.

Table 2—If the Payroll Period With Respect to an Employee Is Biweekly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $40	0.
Over $40 but not over $62	14% of excess over $40.
Over $62 but not over $100	$3.08 plus 17% of excess over $62.
Over $100 but not over $200	$9.54 plus 20% of excess over $100.
Over $200 but not over $269	$29.54 plus 18% of excess over $200.
Over $269 but not over $423	$41.96 plus 21% of excess over $269.
Over $423	$74.30 plus 24% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $40	0.
Over $40 but not over $85	14% of excess over $40.
Over $85 but not over $154	$6.30 plus 17% of excess over $85.
Over $154 but not over $327	$18.03 plus 16% of excess over $154.
Over $327 but not over $538	$45.71 plus 19% of excess over $327.
Over $538 but not over $769	$85.80 plus 21% of excess over $538.
Over $769	$134.31 plus 25% of excess over $769.

Table 3—If the Payroll Period With Respect to an Employee Is Semimonthly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $44	0.
Over $44 but not over $67	14% of excess over $44.
Over $67 but not over $108	$3.22 plus 17% of excess over $67.
Over $108 but not over $217	$10.19 plus 20% of excess over $108.
Over $217 but not over $292	$31.99 plus 18% of excess over $217.
Over $292 but not over $458	$45.49 plus 21% of excess over $292.
Over $458	$80.35 plus 24% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $44	0.
Over $44 but not over $92	14% of excess over $44.
Over $92 but not over $167	$6.72 plus 17% of excess over $92.
Over $167 but not over $354	$19.47 plus 16% of excess over $167.
Over $354 but not over $583	$49.39 plus 19% of excess over $354.
Over $583 but not over $833	$92.90 plus 21% of excess over $583.
Over $833	$145.40 plus 25% of excess over $833.

Table 4—If the Payroll Period With Respect to an Employee Is Monthly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $88	0.
Over $88 but not over $133	14% of excess over $88.
Over $133 but not over $217	$6.30 plus 17% of excess over $133.
Over $217 but not over $433	$20.58 plus 20% of excess over $217.
Over $433 but not over $583	$63.78 plus 18% of excess over $433.
Over $583 but not over $917	$90.78 plus 21% of excess over $583.
Over $917	$160.92 plus 24% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $88	0.
Over $88 but not over $183	14% of excess over $88.
Over $183 but not over $333	$13.30 plus 17% of excess over $183.
Over $333 but not over $708	$38.80 plus 16% of excess over $333.
Over $708 but not over $1,167	$98.80 plus 19% of excess over $708.
Over $1,167 but not over $1,667	$186.01 plus 21% of excess over $1,167.
Over $1,667	$291.01 plus 25% of excess over $1,667.

Table 5—If the Payroll Period With Respect to an Employee Is Quarterly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $263	0.
Over $263 but not over $400	14% of excess over $263.
Over $400 but not over $650	$19.18 plus 17% of excess over $400.
Over $650 but not over $1,300	$61.68 plus 20% of excess over $650.
Over $1,300 but not over $1,750	$191.68 plus 18% of excess over $1,300.
Over $1,750 but not over $2,750	$272.68 plus 21% of excess over $1,750.
Over $2,750	$482.68 plus 24% of excess over $2,750.

Table 5—If the Payroll Period With Respect to an Employee Is Quarterly—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $263	0.
Over $263 but not over $550	14% of excess over $263.
Over $550 but not over $1,000	$40.18 plus 17% of excess over $550.
Over $1,000 but not over $2,125	$116.68 plus 16% of excess over $1,000.
Over $2,125 but not over $3,500	$296.68 plus 19% of excess over $2,125.
Over $3,500 but not over $5,000	$557.93 plus 21% of excess over $3,500.
Over $5,000	$872.93 plus 25% of excess over $5,000.

Table 6—If the Payroll Period With Respect to an Employee Is Semiannual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $525	0.
Over $525 but not over $800	14% of excess over $525.
Over $800 but not over $1,300	$38.50 plus 17% of excess over $800.
Over $1,300 but not over $2,600	$123.50 plus 20% of excess over $1,300.
Over $2,600 but not over $3,500	$383.50 plus 18% of excess over $2,600.
Over $3,500 but not over $5,500	$545.50 plus 21% of excess over $3,500.
Over $5,500	$965.50 plus 24% of excess over $5,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $525	0.
Over $525 but not over $1,100	14% of excess over $525.
Over $1,100 but not over $2,000	$80.50 plus 17% of excess over $1,100.
Over $2,000 but not over $4,250	$233.50 plus 16% of excess over $2,000.
Over $4,250 but not over $7,000	$593.50 plus 19% of excess over $4,250.
Over $7,000 but not over $10,000	$1,116.00 plus 21% of excess over $7,000.
Over $10,000	$1,746.00 plus 25% of excess over $10,000.

Table 7—If the Payroll Period With Respect to an Employee Is Annual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,050	0.
Over $1,050 but not over $1,600	14% of excess over $1,050.
Over $1,600 but not over $2,600	$77 plus 17% of excess over $1,600.
Over $2,600 but not over $5,200	$247 plus 20% of excess over $2,600.
Over $5,200 but not over $7,000	$767 plus 18% of excess over $5,200.
Over $7,000 but not over $11,000	$1,091 plus 21% of excess over $7,000.
Over $11,000	$1,931 plus 24% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,050	0.
Over $1,050 but not over $2,200	14% of excess over $1,050.
Over $2,200 but not over $4,000	$161 plus 17% of excess over $2,200.
Over $4,000 but not over $8,500	$467 plus 16% of excess over $4,000.
Over $8,500 but not over $14,000	$1,187 plus 19% of excess over $8,500.
Over $14,000 but not over $20,000	$2,232 plus 21% of excess over $14,000.
Over $20,000	$3,492 plus 25% of excess over $20,000.

Table 8—If the Payroll Period With Respect to an Employee Is a Daily Payroll Period or a Miscellaneous Payroll Period

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.90	0.
Over $2.90 but not over $4.40	14% of excess over $2.90.
Over $4.40 but not over $7.10	$0.21 plus 17% of excess over $4.40.
Over $7.10 but not over $14.20	$0.67 plus 20% of excess over $7.10.
Over $14.20 but not over $19.20	$2.09 plus 18% of excess over $14.20.
Over $19.20 but not over $30.10	$2.99 plus 21% of excess over $19.20.
Over $30.10	$5.28 plus 24% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.90	0.
Over $2.90 but not over $6.00	14% of excess over $2.90.
Over $6.00 but not over $11.00	$0.43 plus 17% of excess over $6.00.
Over $11.00 but not over $23.30	$1.28 plus 16% of excess over $11.00.
Over $23.30 but not over $38.40	$3.25 plus 19% of excess over $23.30.
Over $38.40 but not over $54.80	$6.12 plus 21% of excess over $38.40.
Over $54.80	$9.57 plus 25% of excess over $54.80.

(4) In case of wages paid after December 31, 1971, and before January 1, 1973:

Table 1—If the Payroll Period With Respect to an Employee Is Weekly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $38	14% of excess over $19.
Over $38 but not over $58	$2.66 plus 17% of excess over $38.
Over $58 but not over $87	$6.06 plus 19% of excess over $58.
Over $87 but not over $135	$11.57 plus 20% of excess over $87.
Over $135 but not over $221	$21.17 plus 21% of excess over $135.
Over $221	$39.23 plus 24% of excess over $221.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $48	14% of excess over $19.
Over $48 but not over $183	4.06 plus 16% of excess over $48.
Over $183 but not over $269	$25.66 plus 19% of excess over $183.
Over $269 but not over $365	$42.00 plus 21% of excess over $269.
Over $365 but not over $442	$62.16 plus 24% of excess over $365.
Over $442	$80.64 plus 28% of excess over $442.

Table 2—If the Payroll Period With Respect to an Employee Is Biweekly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $77	14% of excess over $38.
Over $77 but not over $115	$5.46 plus 17% of excess over $77.
Over $115 but not over $173	$11.92 plus 19% of excess over $115.
Over $178 but not over $269	$22.94 plus 20% of excess over $173.
Over $269 but not over $442	$42.14 plus 21% of excess over $269.
Over $442	$78.47 plus 24% of excess over $442.

Table 2—If the Payroll Period With Respect to an Employee Is Biweekly—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $96	14% of excess over $38.
Over $96 but not over $365	$8.12 plus 16% of excess over $96.
Over $365 but not over $538	$51.16 plus 19% of excess over $365.
Over $588 but not over $731	$84.03 plus 21% of excess over $538.
Over $731 but not over $885	$124.56 plus 24% of excess over $731.
Over $885	$161.52 plus 28% of excess over $885.

Table 3—If the Payroll Period With Respect to an Employee Is Semimonthly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $83	14% of excess over $42.
Over $83 but not over $125	$5.74 plus 17% of excess over $83.
Over $125 but not over $188	$12.88 plus 19% of excess over $125.
Over $188 but not over $292	$24.85 plus 20% of excess over $188.
Over $292 but not over $479	$45.65 plus 21% of excess over $292.
Over $479	$84.92 plus 24% of excess over $479.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $104	14% of excess over $42.
Over $104 but not over $396	$8.68 plus 16% of excess over $104.
Over $396 but not over $583	$55.40 plus 19% of excess over $396.
Over $583 but not over $792	$90.93 plus 21% of excess over $583.
Over $792 but not over $958	$134.82 plus 24% of excess over $792.
Over $958	$174.66 plus 28% of excess over $958.

Table 4—If the Payroll Period With Respect to an Employee Is Monthly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $167	14% of excess over $83.
Over $167 but not over $250	$11.76 plus 17% of excess over $167.
Over $250 but not over $375	$25.87 plus 19% of excess over $250.
Over $375 but not over $583	$49.62 plus 20% of excess over $375.
Over $583 but not over $958	$91.22 plus 21% of excess over $583.
Over $958	$169.97 plus 24% of excess over $958.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $208	14% of excess over $83.
Over $208 but not over $792	$17.50 plus 16% of excess over $208.
Over $792 but not over $1,167	$110.94 plus 19% of excess over $792.
Over $1,167 but not over $1,583	$182.19 plus 21% of excess over $1,167.
Over $1,583 but not over $1,917	$269.55 plus 24% of excess over $1,583.
Over $1,917	$349.71 plus 28% of excess over $1,917.

Table 5—If the Payroll Period With Respect to an Employee Is Quarterly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $500	14% of excess over $250.
Over $500 but not over $750	$35.00 plus 17% of excess over $500.
Over $750 but not over $1,125	$77.50 plus 19% of excess over $750.
Over $1,125 but not over $1,750	$148.75 plus 20% of excess over $1,125.
Over $1,750 but not over $2,875	$273.75 plus 21% of excess over $1,750.
Over $2,875	$510.00 plus 24% of excess over $2,875.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $625	14% of excess over $250.
Over $625 but not over $2,375	$52.50 plus 16% of excess over $625.
Over $2,375 but not over $3,500	$332.50 plus 19% of excess over $2,375.
Over $3,500 but not over $4,750	$546.25 plus 21% of excess over $3,500.
Over $4,750 but not over $5,750	$808.75 plus 24% of excess over $4,750.
Over $5,750	$1,048.75 plus 28% of excess over $5,750.

Table 6—If the Payroll Period With Respect to an Employee Is Semiannual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,000	14% of excess over $500.
Over $1,000 but not over $1,500	$70.00 plus 17% of excess over $1,000.
Over $1,500 but not over $2,250	$155.00 plus 19% of excess over $1,500.
Over $2,250 but not over $3,500	$297.50 plus 20% of excess over $2,250.
Over $3,500 but not over $5,750	$547.50 plus 21% of excess over $3,500.
Over $5,750	$1,020.00 plus 24% of excess over $5,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,250	14% of excess over $500.
Over $1,250 but not over $4,750	$105.00 plus 16% of excess over $1,250.
Over $4,750 but not over $7,000	$665.00 plus 19% of excess over $4,750.
Over $7,000 but not over $9,500	$1,092.50 plus 21% of excess over $7,000.
Over $9,500 but not over $11,500	$1,617.50 plus 24% of excess over $9,500.
Over $11,500	$2,097.50 plus 28% of excess over $11,500.

Table 7—If the Payroll Period With Respect to an Employee Is Annual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,000	14% of excess over $1,000.
Over $2,000 but not over $3,000	$140 plus 17% of excess over $2,000.
Over $3,000 but not over $4,500	$310 plus 19% of excess over $3,000.
Over $4,500 but not over $7,000	$595 plus 20% of excess over $4,500.
Over $7,000 but not over $11,500	$1,095 plus 21% of excess over $7.000.
Over $11,500	$2,040 plus 24% of excess over $11,500.

Table 7—If the Payroll Period With Respect to an Employee Is Annual—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,500	14% of excess over $1,000.
Over $2,500 but not over $9,500	$210 plus 16% of excess over $2,500.
Over $9,500 but not over $14,000	$1,330 plus 19% of excess over $9,500.
Over $14,000 but not over $19,000	$2,185 plus 21% of excess over $14,000.
Over $19,000 but not over $23,000	$3,235 plus 24% of excess over $19,000.
Over $23,000	$4,195 plus 28% of excess over $23,000.

Table 8—If the Payroll Period With Respect to an Employee Is a Daily Payroll Period or a Miscellaneous Payroll Period

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $5.50	14% of excess over $2.70.
Over $5.50 but not over $8.20	$0.39 plus 17% of excess over $5.50.
Over $8.20 but not over $12.30	$0.85 plus 19% of excess of $8.20.
Over $12.30 but not over $19.20	$1.63 plus 20% of excess over $12.30.
Over $19.20 but not over $31.50	$3.01 plus 21% of excess over $19.20.
Over $31.50	$5.59 plus 24% of excess over $31.50.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $6.80	14% of excess over $2.70.
Over $6.80 but not over $26.00	$0.57 plus 16% of excess over $6.80.
Over $26.00 but not over $38.40	$3.65 plus 19% of excess over $26.00.
Over $38.40 but not over $52.10	$6.00 plus 21% of excess over $38.40.
Over $52.10 but not over $63.00	$8.88 plus 24% of excess over $52.10.
Over $63.00	$11.50 plus 28% of excess over $63.00.

(5) In the case of wages paid after December 31, 1972:

Table 1—If the Payroll Period With Respect to an Employee Is Weekly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $38	14% of excess over $19.
Over $38 but not over $58	$2.66 plus 17% of excess over $38.
Over $58 but not over $96	$6.06 plus 19% of excess over $58.
Over $96 but not over $183	$13.28 plus 20% of excess over $96.
Over $183 but not over $221	$30.68 plus 21% of excess over $183.
Over $221	$38.66 plus 23% of excess over $221.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $19	0.
Over $19 but not over $38	14% of excess over $19.
Over $38 but not over $96	$2.66 plus 15% of excess over $38.
Over $96 but not over $183	$11.36 plus 16% of excess over $96.
Over $183 but not over $288	$25.28 plus 19% of excess over $183.
Over $288 but not over $442	$45.23 plus 22% of excess over $288.
Over $442	$79.11 plus 27% of excess over $442.

Table 2—If the Payroll Period With Respect to an Employee Is Biweekly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $77	14% of excess over $38.
Over $77 but not over $115	$5.46 plus 17% of excess over $77.
Over $115 but not over $192	$11.92 plus 19% of excess over $115.
Over $192 but not over $365	$26.55 plus 20% of excess over $192.
Over $365 but not over $442	$61.15 plus 21% of excess over $365.
Over $442	$77.32 plus 23% of excess over $442.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $38	0.
Over $38 but not over $77	14% of excess over $38.
Over $77 but not over $192	$5.46 plus 15% of excess over $77.
Over $192 but not over $365	$22.71 plus 16% of excess over $192.
Over $365 but not over $577	$50.39 plus 19% of excess over $365.
Over $577 but not over $885	$90.67 plus 22% of excess over $577.
Over $885	$158.43 plus 27% of excess over $885.

Table 3—If the Payroll Period With Respect to an Employee Is Semimonthly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $83	14% of excess over $42.
Over $83 but not over $125	$5.74 plus 17% of excess over $83.
Over $125 but not over $208	$12.88 plus 19% of excess over $125.
Over $208 but not over $396	$28.65 plus 20% of excess over $208.
Over $396 but not over $479	$66.25 plus 21% of excess over $396.
Over $479	$83.68 plus 23% of excess over $479.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $42	0.
Over $42 but not over $83	14% of excess over $42.
Over $83 but not over $208	$5.74 plus 15% of excess over $83.
Over $208 but not over $396	$24.49 plus 16% of excess over $208.
Over $396 but not over $625	$54.57 plus 19% of excess over $396.
Over $625 but not over $958	$98.08 plus 22% of excess over $625.
Over $958	$171.34 plus 27% of excess over $958.

Table 4—If the Payroll Period With Respect to an Employee Is Monthly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $167	14% of excess over $83.
Over $167 but not over $250	$11.76 plus 17% of excess over $167.
Over $250 but not over $417	$25.87 plus 19% of excess over $250.
Over $417 but not over $792	$57.60 plus 20% of excess over $417.
Over $792 but not over $958	$132.60 plus 21% of excess over $792.
Over $958	$167.46 plus 23% of excess over $958.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $83	0.
Over $83 but not over $167	14% of excess over $83.
Over $167 but not over $417	$11.76 plus 15% of excess over $167.
Over $417 but not over $792	$49.26 plus 16% of excess over $417.
Over $792 but not over $1,250	$109.26 plus 19% of excess over $792.
Over $1,250 but not over $1,917	$196.28 plus 22% of excess over $1,250.
Over $1,917	$343.02 plus 27% of excess over $1,917.

Table 5—If the Payroll Period With Respect to an Employee Is Quarterly

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $500	14% of excess over $250.
Over $500 but not over $750	$35.00 plus 17% of excess over $500.
Over $750 but not over $1,250	$77.50 plus 19% of excess over $750.
Over $1,250 but not over $2,375	$172.50 plus 20% of excess over $1,250.
Over $2,375 but not over $2,875	$397.50 plus 21% of excess over $2,375.
Over $2,875	$502.50 plus 23% of excess over $2,875.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $250	0.
Over $250 but not over $500	14% of excess over $250.
Over $500 but not over $1,250	$35.00 plus 15% of excess over $500.
Over $1,250 but not over $2,375	$147.50 plus 16% of excess over $1,250.
Over $2,375 but not over $3,750	$327.50 plus 19% of excess over $2,375.
Over $3,750 but not over $5,750	$588.75 plus 22% of excess over $3,750.
Over $5,750	$1,028.75 plus 27% of excess over $5,750.

Table 6—If the Payroll Period With Respect to an Employee Is Semiannual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,000	14% of excess over $500.
Over $1,000 but not over $1,500	$70.00 plus 17% of excess over $1,000.
Over $1,500 but not over $2,500	$155.00 plus 19% of excess over $1,500.
Over $2,500 but not over $4,750	$345.00 plus 20% of excess over $2,500.
Over $4,750 but not over $5,750	$795.00 plus 21% of excess over $4,750.
Over $5,750	$1,005.00 plus 23% of excess over $5,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $500	0.
Over $500 but not over $1,000	14% of excess over $500.
Over $1,000 but not over $2,500	$70.00 plua 15% of excess over $1,000.
Over $2,500 but not over $4,750	$295.00 plus 16% of excess over $2,500.
Over $4,750 but not over $7,500	$655.00 plus 19% of excess over $4,750.
Over $7,500 but not over $11,500	$1,177.50 plus 22% of excess over $7,500.
Over $11,500	$2,057.50 plus 27% of excess over $11,500.

Table 7—If the Payroll Period With Respect to an Employee Is Annual

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,000	14% of excess over $1,000.
Over $2,000 but not over $3,000	$140 plus 17% of excess over $2,000.
Over $3,000 but not over $5,000	$310 plus 19% of excess over $3,000.
Over $5,000 but not over $9,500	$690 plus 20% of excess over $5,000.
Over $9,500 but not over $11,500	$1,590 plus 21% of excess over $9,500.
Over $11,500	$2,010 plus 23% of excess over $11,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $1,000	0.
Over $1,000 but not over $2,000	14% of excess over $1,000.
Over $2,000 but not over $5,000	$140 plus 15% of excess over $2,000.
Over $5,000 but not over $9,500	$590 plus 16% of excess over $5,000.
Over $9,500 but not over $15,000	$1,310 plus 19% of ejcess over $9,500.
Over $15,000 but not over $23,000	$2,355 plus 22% of excess over $15,000.
Over $23,000	$4,115 plus 27% of excess over $23,000.

Table 8—If the Payroll Period With Respect to an Employee Is a Daily Payroll Period or a Miscellaneous Payroll Period

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $5.50	14% of excess over $2.70.
Over $5.50 but not over $8.20	$0.39 plus 17% of excess over $5.50.
Over $8.20 but not over $13.70	$0.85 plus 19% of excess over $8.20.
Over $13.70 but not over $26.00	$1.90 plus 20% of excess over $13.70.
Over $26.00 but not over $31.50	$4.36 plus 21% of excess over $26.00.
Over $31.50	$5.51 plus 23% of excess over $31.50.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be:
Not over $2.70	0.
Over $2.70 but not over $5.50	14% of excess over $2.70.
Over $5.50 but not over $13.70	$0.39 plua 15% of excess over $5.50.
Over $13.70 but not over $26.00	$1.62 plus 16% of excess over $13.70.
Over $26.00 but not over $41.10	$3.59 plus 19% of excess over $26.00.
Over $41.10 but not over $63.00	$6.46 plus 22% of excess over $41.10.
Over $63.00	$11.28 plus 27% of excess over $63.00.

[Sec. 3402(a) as amended by sec. 2(a), Act of Aug. 9, 1955 (Public Law 306, 84th Cong., 69 Stat. 605); sec. 302(a), Rev. Act 1964 (78 Stat. 140); sec. 313(d)(3), Social Security Amendments 1965 (79 Stat. 384); sec. 101(a), Tax Adjustment Act 1966 (80 Stat. 38); sec. 102(c)(1), Revenue and Expenditure Control Act 1968 (82 Stat. 256); sec. 2(a) (1) and (2), Act of June 30, 1969 (Public Law 91-36, 83 Stat. 42); sec. 6(a) (1) and (2), Act of Aug. 7, 1969 (Public Law 91-53, 83 Stat. 96); sec. 805(a), Tax Reform Act 1969 (83 Stat. 686)]

PAR. 2. Section 31.3402(a)-1 is amended by revising paragraph (a) to read as follows:

§ 31.3402(a)-1 Requirement of withholding.

(a) Section 3402 provides alternative methods, at the election of the employer, for use in computing the amount of income tax to be collected at source on wages. Under the percentage method of withholding (see § 31.3402(b)-1), the employer is required to deduct and withhold a tax computed in accordance with the provisions of section 3402(a). Under the wage bracket method of withholding (see § 31.3402(c)-1), the employer is required to deduct and withhold a tax determined in accordance with the provisions of section 3402(c). The employer may elect to use the percentage method, the wage bracket method, or certain other methods (sec § 31.3402(h)(4)-1). Different methods may be used by the employer with respect to different groups of employees.

* * * * *

PAR. 3. Section 31.3402(a)-2 is amended to read as follows:

§ 31.3402(a)-2 Amount of tax to be withheld under percentage method of withholding.

(a) *Wages paid after December 31, 1969.* With respect to wages paid after December 31, 1969, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined in accordance with the tables set forth in section 3402(a). Each of the paragraphs of such section provides tables applicable to wages paid during a specified period after such date.

(b) *Wages paid after April 30, 1966, and before January 1, 1970.* With respect to wages paid after April 30, 1966, and before January 1, 1970, the amount of tax to be deducted and withheld under the percentage method of withholding shall be determined in accordance with the following tables instead of in accordance with the tables set forth in section 3402(a). For purposes of applying such tables, the term "the amount of the wages" means the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table contained in paragraph (a)(1) of § 31.3402(b)-2:

(1) In the case of wages paid after July 13, 1968, and before January 1, 1970:

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $13	14% of excess over $4.
Over $13 but not over $23	$1.26 plus 15% of excess over $13.
Over $23 but not over $85	$2.76 plus 19% of excess over $23.
Over $85 but not over $169	$14.54 plus 22% of excess over $85.
Over $169 but not over $212	$33.02 plus 28% of excess over $169.
Over $212	$45.06 plus 33% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $23	14% of excess over $4.
Over $23 but not over $58	$2.66 plus 15% of excess over $23.
Over $58 but not over $169	$7.91 plus 19% of excess over $58.
Over $169 but not over $340	$29.00 plus 22% of excess over $169.
Over $340 but not over $423	$66.62 plus 28% of excess over $340.
Over $423	$89.86 plus 33% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $27	14% of excess over $8.
Over $27 but not over $46	$2.66 plus 15% of excess over $27.
Over $46 but not over $169	$5.51 plus 19% of excess over $46.
Over $169 but not over $338	$28.88 plus 22% of excess over $169.
Over $338 but not over $423	$66.06 plus 28% of excess over $338.
Over $423	$89.86 plus 33% of excess over $423.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $46	14% of excess over $8.
Over $46 but not over $115	$5.32 plus 15% of excess over $46.
Over $115 but not over $338	$15.67 plus 19% of excess over $115.
Over $338 but not over $681	$58.04 plus 22% of excess over $338.
Over $681 but not over $846	$133.50 plus 28% of excess over $681.
Over $846	$179.70 plus 33% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $29	14% of excess over $8.
Over $29 but not over $50	$2.94 plus 15% of excess over $29.
Over $50 but not over $183	$6.09 plus 19% of excess over $50.
Over $183 but not over $367	$31.36 plus 22% of excess over $183.
Over $367 but not over $458	$71.84 plus 28% of excess over $367.
Over $458	$97.32 plus 33% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $50	14% of excess over $8.
Over $50 but not over $125	$5.88 plus 15% of excess over $50.
Over $125 but not over $367	$17.13 plus 19% of excess over $125.
Over $367 but not over $738	$63.11 plus 22% of excess over $367.
Over $738 but not over $917	$144.73 plus 28% of excess over $738.
Over $917	$194.85 plus 33% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $58	14% of excess over $17.
Over $58 but not over $100	$5.74 plus 15% of excess over $58.
Over $100 but not over $367	$12.04 plus 19% of excess over $100.
Over $367 but not over $733	$62.77 plus 22% of excess over $367.
Over $733 but not over $917	$143.29 plus 28% of excess over $733.
Over $917	$194.81 plus 33% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $100	14% of excess over $17.
Over $100 but not over $250	$11.62 plus 15% of excess over $100.
Over $250 but not over $733	$34.12 plus 19% of excess over $250.
Over $733 but not over $1,475	$125.89 plus 22% of excess over $733.
Over $1,475 but not over $1,833	$289.13 plus 28% of excess over $1,475.
Over $1,833	$389.37 plus 33% of excess over $1,833.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	0.
Over $50 but not over $175	14% of excess over $50.
Over $175 but not over $300	$17.50 plus 15% of excess over $175.
Over $300 but not over $1,100	$36.25 plus 19% of excess over $300.
Over $1,100 but not over $2,200	$188.25 plus 22% of excess over $1,100.
Over $2,200 but not over $2,750	$430.25 plus 28% of excess over $2,200.
Over $2,750	$584.25 plus 33% of excess over $2,750.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	0.
Over $50 but not over $300	14% of excess over $50.
Over $300 but not over $750	$35.00 plus 15% of excess over $300.
Over $750 but not over $2,200	$102.50 plus 19% of excess over $750.
Over $2,200 but not over $4,425	$378.00 plus 22% of excess over $2,200.
Over $4,425 but not over $5,500	$867.50 plus 28% of excess over $4,425.
Over $5,500	$1,168.50 plus 33% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	0.
Over $100 but not over $350	14% of excess over $100.
Over $350 but not over $600	$35.00 plus 15% of excess over $350.
Over $600 but not over $2,200	$72.50 plus 19% of excess over $600.
Over $2,200 but not over $4,400	$376.50 plus 22% of excess over $2,200.
Over $4,400 but not over $5,500	$860.50 plus 28% of excess over $4,400.
Over $5,500	$1,168.50 plus 33% of excess over $5,500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	0.
Over $100 but not over $600	14% of excess over $100.
Over $600 but not over $1,500	$70.00 plus 15% of excess over $600.
Over $1,500 but not over $4,400	$205.00 plus 19% of excess over $1,500.
Over $4,400 but not over $8,850	$758.00 plus 22% of excess over $4,400.
Over $8,850 but not over $11,000	$1,735.00 plus 28% of excess over $8,850.
Over $11,000	$2,337.00 plus 33% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	0.
Over $200 but not over $700	14% of excess over $200.
Over $700 but not over $1,200	$70 plus $15% of excess over $700.
Over $1,200 but not over $4,400	$145 plus 19% of excess over $1,200.
Over $4,400 but not over $8,800	$753 plus 22% of excess over $4,400.
Over $8,800 but not over $11,000	$1,721 plus 28% of excess over $8,800.
Over $11,000	$2,337 plus 33% of excess over $11,000.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	0.
Over $200 but not over $1,200	14% of excess over $200.
Over $1,200 but not over $3,000	$140 plus 15% of excess over $1,200.
Over $3,000 but not over $8,800	$410 plus 19% of excess over $3,000.
Over $8,800 but not over $17,700	$1,512 plus 22% of excess over $8,800.
Over $17,700 but not over $22,000	$3,470 plus 28% of excess over $17,700.
Over $22,000	$4,674 plus 33% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL OR A MISCELLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	0.
Over $0.50 but not over $1.90	14% of excess over $0.50.
Over $1.90 but not over $3.30	$0.20 plus 15% of excess over $1.90.
Over $3.30 but not over $12.10	$0.41 plus 19% of excess over $3.30.
Over $12.10 but not over $24.10	$2.08 plus 22% of excess over $12.10.
Over $24.10 but not over $30.10	$4.72 plus 28% of excess over $24.10.
Over $30.10	$6.40 plus 33% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	0.
Over $0.50 but not over $3.30	14% of excess over $0.50.
Over $3.30 but not over $8.20	$0.39 plus 15% of excess over $3.30.
Over $8.20 but not over $24.10	$1.13 plus 19% of excess over $8.20.
Over $24.10 but not over $48.50	$4.15 plus 22% of excess over $24.10.
Over $48.50 but not over $60.30	$9.52 plus 28% of excess over $48.50.
Over $60.30	$12.82 plus 33% of excess over $60.30.

(2) In the case of wages paid after April 30, 1966, and before July 14, 1968.

TABLE 1—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS WEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $13	14% of excess over $4.
Over $13 but not over $23	$1.26 plus 15% of excess over $13.
Over $23 but not over $85	$2.76 plus 17% of excess over $23.
Over $85 but not over $169	$13.30 plus 20% of excess over $85.
Over $169 but not over $212	$30.10 plus 25% of excess over $169.
Over $212	$40.85 plus 30% of excess over $212.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $4	0.
Over $4 but not over $23	14% of excess over $4.
Over $23 but not over $85	$2.66 plus 15% of excess over $23.
Over $85 but not over $169	$11.96 plus 17% of excess over $85.
Over $169 but not over $340	$26.24 plus 20% of excess over $169.
Over $340 but not over $423	$60.44 plus 25% of excess over $340.
Over $423	$81.19 plus 30% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $27	14% of excess over $8.
Over $27 but not over $46	$2.66 plus 15% of excess over $27.
Over $46 but not over $169	$5.51 plus 17% of excess over $46.
Over $169 but not over $338	$26.42 plus 20% of excess over $169.
Over $338 but not over $423	$60.22 plus 25% of excess over $338.
Over $423	$81.47 plus 30% of excess over $423.

TABLE 2—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS BIWEEKLY—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $46	14% of excess over $8.
Over $46 but not over $169	$5.32 plus 15% of excess over $46.
Over $169 but not over $338	$23.77 plus 17% of excess over $169.
Over $338 but not over $681	$52.50 plus 20% of excess over $338.
Over $681 but not over $846	$121.10 plus 25% of excess over $681.
Over $846	$162.35 plus 30% of excess over $846.

TABLE 3—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIMONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $29	14% of excess over $8.
Over $29 but not over $50	$2.94 plus 15% of excess over $29.
Over $50 but not over $183	$6.09 plus 17% of excess over $50.
Over $183 but not over $367	$28.70 plus 20% of excess over $183.
Over $367 but not over $456	$65.50 plus 25% of excess over $367.
Over $458	$88.25 plus 30% of excess over $458.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $8	0.
Over $8 but not over $50	14% of excess over $8.
Over $50 but not over $183	$5.88 plus 15% of excess over $50.
Over $183 but not over $367	$25.83 plus 17% of excess over $183.
Over $367 but not over $738	$57.11 plus 20% of excess over $367.
Over $738 but not over $917	$131.31 plus 25% of excess over $738.
Over $917	$176.06 plus 30% of excess over $917.

TABLE 4—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS MONTHLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $58	14% of excess over $17.
Over $58 but not over $100	$5.74 plus 15% of excess over $58.
Over $100 but not over $367	$12.04 plus 17% of excess over $100.
Over $367 but not over $733	$57.43 plus 20% of excess over $367.
Over $733 but not over $917	$130.63 plus 25% of excess over $733.
Over $917	$176.63 plus 30% of excess over $917.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $17	0.
Over $17 but not over $100	14% of excess over $17.
Over $100 but not over $367	$11.62 plus 15% of excess over $100.
Over $367 but not over $733	$51.67 plus 17% of excess over $367.
Over $733 but not over $1,475	$113.89 plus 20% of excess over $733.
Over $1,475 but not over $1,833	$262.29 plus 25% of excess over $1,475.
Over $1,833	$351.79 plus 30% of excess over $1,833.

TABLE 5—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS QUARTERLY

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	0.
Over $50 but not over $175	14% of excess over $50.
Over $175 but not over $300	$17.50 plus 15% of excess over $175.
Over $300 but not over $1,100	$36.25 plus 17% of excess over $300.
Over $1,100 but not over $2,200	$172.25 plus 20% of excess over $1,100.
Over $2,200 but not over $2,750	$392.25 plus 25% of excess over $2,200.
Over $2,750	$529.75 plus 30% of excess over $2,750.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $50	0.
Over $50 but not over $300	14% of excess over $50.
Over $300 but not over $1,100	$35.00 plus 15% of excess over $300.
Over $1,100 but not over $2,200	$155 plus 17% of excess over $1,100.
Over $2,200 but not over $4,425	$342 plus 20% of excess over $2,200.
Over $4,425 but not over $5,500	$787 plus 25% of excess over $4,425.
Over $5,500	$1,055.75 plus 30% of excess over $5,500.

TABLE 6—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS SEMIANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	0.
Over $100 but not over $350	14% of excess over $100.
Over $350 but not over $600	$35.00 plus 15% of excess over $350.
Over $600 but not over $2,200	$72.50 plus 17% of excess over $600.
Over $2,200 but not over $4,400	$344.50 plus 20% of excess over $2,200.
Over $4,400 but not over $5,500	$784.50 plus 25% of excess over $4.400.
Over $5.500	$1,059.50 plus 30% of excess over $5.500.

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $100	0.
Over $100 but not over $600	14% of excess over $100.
Over $600 but not over $2,200	$70 plus 15% of excess over $600.
Over $2,200 but not over $4,400	$310 plus 17% of excess over $2,200.
Over $4,400 but not over $8,850	$684 plus 20% of excess over $4,400.
Over $8,850 but not over $11,000	$1,574 plus 25% of excess over $8,850.
Over $11,000	$2,111.50 plus 30% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL

(a) Single Person—Including Head of Household:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	0.
Over $200 but not over $700	14% of excess over $200.
Over $700 but not over $1,200	$70 plus 15% of excess over $700.
Over $1,200 but not over $4,400	$145 plus 17% of excess over $1,200.
Over $4,400 but not over $8,800	$689 plus 20% of excess over $4,400.
Over $8,800 but not over $11,000	$1,569 plus 25% of excess over $8,800.
Over $11,000	$2,119 plus 30% of excess over $11,000.

TABLE 7—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS ANNUAL—Continued

(b) Married Person:

If the amount of wages is:	The amount of income tax to be withheld shall be:
Not over $200	0.
Over $200 but not over $1,200	14% of excess over $200.
Over $1,200 but not over $4,400	$140 plus 15% of excess over $1,200.
Over $4,400 but not over $8,800	$620 plus 17% of excess over $4,400.
Over $8,800 but not over $17,700	$1,368 plus 20% of excess over $8,800.
Over $17,700 but not over $22,000	$3,148 plus 25% of excess over $17,700.
Over $22,000	$4,223 plus 30% of excess over $22,000.

TABLE 8—IF THE PAYROLL PERIOD WITH RESPECT TO AN EMPLOYEE IS A DAILY PAYROLL PERIOD OR A MISCXLLANEOUS PAYROLL PERIOD

(a) Single Person—Including Head of Household:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	0.
Over $0.50 but not over $1.90	14% of excess over $0.50.
Over $1.90 but not over $3.30	$0.20 plus 15% of excess over $1.90.
Over $3.30 but not over $12.10	$0.41 plus 17% of excess over $3.30.
Over $12.10 but not over $24.10	$1.91 plus 20% of excess over $12.10.
Over $24.10 but not over $30.10	$4.31 plus 25% of excess over $24.10..
Over $30.10	$5.81 plus 30% of excess over $30.10.

(b) Married Person:

If the amount of wages divided by the number of days in the payroll period is:	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such period:
Not over $0.50	0.
Over $0.50 but not over $3.30	14% of excess over $0.50.
Over $3.30 but not over $12.10	$0.39 plus 15% of excess over $3.30.
Over $12.10 but not over $24.10	$1.71 plus 17% of excess over $12.10.
Over $24.10 but not over $48.50	$3.75 plus 20% of excess over $24.10.
Over $48.50 but not over $60.30	$8.63 plus 25% of excess over $48.50.
Over $60.30	$11.58 plus 30% of excess over $60.30.

(c) *Wages paid before May 1, 1966.* With respect to wages paid before May 1, 1966, instead of determining the amount of tax to be deducted and withheld in accordance with the tables set forth in section 3402(a), the amount of tax to be deducted and withheld under the percentage method of withholding shall be equal to—

(1) 14 percent with respect to wages paid after March 4, 1964, and before May 1, 1966, and

(2) 18 percent with respect to wages paid before March 5, 1964,

of the amount by which the wages exceed the number of withholding exemptions claimed, multiplied by the amount of one such exemption as shown in the table contained in paragraph (a)(2) of § 31.3402(b)-2.

PAR. 4. Section 31.3402(b) is amended by revising paragraph (1) of section 3402(b) and adding a historical note to read as follows:

§ 31.3402(b) Statutory provisions; income tax collected at source; percentage method of withholding.

SEC. 3402. *Income tax collected at source.* * * *

(b) *Percentage method of withholding.*

(1) The table referred to in subsection (a) is as follows:

PERCENTAGE METHOD WITHHOLDING TABLE

[Effective with respect to wages paid after December 31, 1969, and before July 1, 1970]

Payroll period:	*Amount of one withholding exemption:*
Weekly	$11.50
Biweekly	23.00
Semimonthly	25.00
Monthly	50.00
Quarterly	150.00
Semiannual	300.00
Annual	600.00
Daily or miscellaneous (per day of such period)	1.60

[Effective with respect to wages paid after June 30, 1970, and before January 1, 1972]

Payroll period:	*Amount of one withholding exemption:*
Weekly	$12.50
Biweekly	25.00
Semimonthly	27.10
Monthly	54.20
Quarterly	162.50
Semiannual	325.00
Annual	650.00
Daily or miscellaneous (per day of such period)	1.80

[Effective with respect to wages paid during 1972]

Payroll period:	*Amount of one withholding exemption:*
Weekly	$13.50
Biweekly	26.90
Semimonthly	29.20
Monthly	58.30
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day of such period)	1.90

[Effective with respect to wages paid after 1972]

Payroll period:	*Amount of one withholding exemption:*
Weekly	$14.40
Biweekly	28.80
Semimonthly	31.30
Monthly	62.50
Quarterly	187.50
Semiannual	375.00
Annual	750.00
Daily or miscellaneous (per day of such period)	2.10

* * * * *

[Sec. 3402(b) as amended by sec. 101(b), Tax Adjustment Act 1966 (80 Stat. 41); sec. 805(b), Tax Reform Act 1969 (83 Stat. 704)]

PAR. 5. Section 31.3402(b)-1 is amended by revising paragraphs (a) (1) and (2), (b), (c), and (d)(1) and the example in paragraph (d)(2) to read as follows:

§ 31.3402(b)-1 Percentage method of withholding.

(a) *In general.* (1) With respect to wages paid after December 31, 1969, the percentage method of computing the amount of tax to be withheld makes use of the percentage method withholding table contained in section 3402(b)(1). This table shows with respect to each of the designated payroll periods the amount allowable for one withholding exemption. The amount of the withholding excmption allowable with respect to a particular payroll period depends upon the number of withholding exemptions claimed. The term "payroll period" is defined in section 3401(b) (see § 31.3401(b)-1). The term "number of withholding exemptions claimed" is defined in section 3401(e) (see § 31.3401 (e)-1). For tables relating to wages paid before January 1, 1970, see paragraph (a) of § 31.3402(b)-2.

(2) The steps in computing the tax under the percentage method of withholding with respect to wages paid after December 31, 1969, are summarized as follows:

Step 1. Determine the amount of one withholding exemption for the particular payroll period from the applicable percentage method withholding table in section 3402(b)(1).

Step 2. Multiply the amount determined in Step 1 by the number of exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Compute the income tax to be withheld by applying to the amount determined in Step 3 the amounts shown in the appropriate table in section 3402(a).

For steps in computing the tax on wages paid before January 1, 1970, see paragraph (b) of § 31.3402(b)-2.

Example. On May 14, 1971, an employee who has a weekly payroll period is paid $150. He has in effect a withholding exemption certificate claiming three withholding exemptions and indicating that he is married. His employer, using the percentage method, computes the tax to be withheld as follows.

Step 1. Amount of one withholding exemption	$12.50
Step 2. Multiplied by number of exemptions claimed on Form W-4	X3
Total withholding exemption	$37.50
Step 3. Total wage payment	$150.00
Less amount determined in Step 2	$37.50
Balance subject to tax	$112.50
Step 4. Tax on $77 (from table 1(b) in section 3402(a)(3))	$9.03
Tax on $35.50 (at 16 percent as determined by such table 1(b))	$5.68
Total to be withheld	$14.71

* * * * *

(b) *Established payroll periods, other than daily or miscellaneous, as shown in percentage method withholding table.* The amount of one withholding exemption and the amount of tax to be withheld, with respect to each of the established payroll periods other than daily or miscellaneous, is determined, respectively, by reference to the line in the percentage method withholding table in section 3402(b)(1) (paragraph (a) of § 31.3402(b)–2, in the case of wages paid before January 1, 1970) which is applicable to the payroll period and to the applicable table set forth in section 3402(a) (paragraph (b) of § 31.3402(a)–2, in the case of wages paid after April 30, 1966, and before January 1, 1970) which is applicable to the payroll period and without reference to the time the employee is actually engaged in the performance of services during the payroll period.

Example (1). Employee A has a semimonthly payroll period. The number of withholding exemptions claimed by A is two. A's wages are determined at the rate of $2 per hour. During a certain payroll period he works only 24 hours and earns $48, which he is paid on April 30, 1971. Although A worked only 24 hours during the semimonthly payroll period, the applicable withholding exemption is $27.10, and the amount of two withholding exemptions, or $54.20, is allowable. Since the amount of the wages paid for the semimonthly payroll period is less than the amount allowed for two withholding exemptions for such period, the employer is not required to withhold any tax.

Example (2). Employee B has a weekly payroll period. He has in effect a withholding exemption certificate claiming two withholding exemptions and indicating that he is married. B's wages are determined at the rate of $3 per hour. During a certain payroll period B works 24 hours and earns $72, which he is paid on April 30, 1971. Although B worked only 24 hours during the weekly payroll period, the applicable withholding exemption is $12.50, and the amount of two withholding exemptions, or $25, is allowable. The amount of tax to be withheld on the balance of $47, determined in accordance with the applicable table 1(b) in section 3402(a)(3), is $3.93.

(c) *Periods to which the daily or miscellaneous table and withholding exemption are applicable*—(1) *In general.* The tables designated "Table 8" in section 3402(a) and paragraph (b) of § 31.3402(a)–2 show for a daily or miscellaneous payroll period for employees who are to be withheld from as single persons and for employees who are to be withheld from as married persons the amount of tax to be withheld with respect to an amount of wages subject to withholding for one day. The percentage method withholding table shows for a daily or miscellaneous payroll period the amount of one withholding exemption allowable with respect to one day. For the purpose of determining the amount of tax to be withheld with respect to wages paid for a particular miscellaneous payroll period (see paragraph (c) of § 31.3401(b)–1), the amount of one withholding exemption shown in the table for 1 day of such period and the wages paid for the period must be placed on a comparable basis. With respect to wages paid after December 31, 1969, the amount of tax to be withheld shall be determined by the following method:

Step 1. Divide the wages paid to the employee for the period by the number of days (including Sundays and holidays) in the period.

Step 2. Multiply the amount per day shown in the applicable percentage method withholding table by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the amount determined in Step 1.

Step 4. Compute the income tax to be withheld for one day on the amount determined in Step 3 from the applicable table designated Table 8 ((a) or (b), depending on the marital status of the employee indicated on the withholding exemption certificate in effect).

Step 5. Multiply the amount determined in Step 4 by the number of days (including Sundays and holidays) in the period.

See paragraph (c) of § 31.3402(b)–2 for the steps in computing the tax on wages paid before January 1, 1970.

(2) *Period not a payroll period.* If wages are paid for a period which is not a payroll period, the amount to be deducted and withheld under the percentage method shall be the amount applicable in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) in the period with respect to which such wages are paid.

Example. An individual performs services for a contractor in connection with a construction project. He has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. Wages have been fixed at the rate of $36 per day, to be paid upon completion of the project. The project is completed before July 1, 1971, in 12 consecutive days, at the end of which period the individual is paid wages of $360 for 10 days' services performed during the period. Under the percentage method the amount of tax to be withheld is determined as follows:

Step 1. Wages per day ($360 divided by 12)	$30.00
Step 2. Amount deducted for withholding exemptions (2 x $1.80)	3.60
Step 3. Balance per day subject to tax	26.40
Step 4. Tax per day	3.84
Step 5. Total tax to be withheld ($3.84 x 12)	46.08

(3) *Wages paid without regard to any period.* If wages are paid to an employee without regard to any particular period, as, for example, commissions paid to a salesman upon consummation of a sale, the amount of tax to be deducted and withheld shall be determined in the same manner as in the case of a miscellaneous payroll period containing a number of days (including Sundays and holidays) equal to the number of days (including Sundays and holidays) which have elapsed, beginning with the latest of the following days:

(i) The first day after the last payment of wages to the employee by the employer in the calendar year, or

(ii) The date on which the individual's employment with the employer began in the calendar year, or

(iii) January 1 of the calendar year, and ending with (and including) the date on which the wages are paid.

Example. On April 2, 1971, C is employed by the X Real Estate Co. to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. C has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. On May 22, 1971, C receives a commission of $300, his first commission since April 2, 1971. Again, on June 19, 1971, C receives a commission of $420. Under the percentage method, the amount of tax to be deducted and withheld in respect of the commission paid on May 22, is $9.10, which amount is obtained by multiplying $0.182 (tax per day under table 8(a) in section 3402(a)(3) on wages per day subject to tax of $4.20) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 19 is $52.92 which amount is obtained by multiplying $1.89 (tax per day under such table 8(a) on wages per day subject to tax of $13.20) by 28 (number of days elapsed).

(d) *Period or elapsed time less than 1 week.* (1) It is the general rule that if wages are paid for a payroll period or other period of less than 1 week, the tax to be deducted and withheld under the percentage method shall be the amount computed for a daily payroll period, or for a miscellaneous payroll period containing the same number of days (including Sundays and holidays) as the payroll period, or other period, for which such wages are paid. In the case of wages paid without regard to any period, if the elapsed time computed as provided in paragraph (c) of this section is less than 1 week, the same rule is applicable.

Example (1). On May 14, 1971, an employee who has a daily payroll period is paid wages of $20 per day. The employee has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. The amount of each such daily wage payment subject to withholding is $18.20 ($20 —$1.80). The amount of tax to be deducted and withheld from each such payment of wages is $2.81.

Example (2). An employee works for a certain employer on 4 consecutive days, for which he is paid wages totalling $60 on July

25, 1971. The employee has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. The amount of tax to be deducted and withheld under the percentage method is $5.38 (4 x $1.344).

(2) * * *

Example. An employee works for a certain employer on 4 consecutive days, for which he is paid wages totalling $60 on July 25, 1971. The employee has in effect a withholding exemption certificate claiming two withholding exemptions and indicating that he is married. The employer elects to use the weekly withholding exemption after securing the proper statement from the employee. In such case, the amount of the withholding exemption allowable is $25 (2 x $12.50). The amount of tax to be deducted and withheld is $2.10.

* * * * *

PAR. 6. The following new section is added immediately after § 31.3402(b)–1:

§ 31.3402(b)–2 Wages paid before January 1, 1970.

With respect to wages paid before January 1, 1970—

(a) *Percentage method withholding tables*—(1) *Table applicable to wages paid after April 30, 1966, and before January 1, 1970.* With respect to wages paid after April 30, 1966, and before January 1, 1970, the following table shall be used instead of that set forth in section 3402(b)(1):

PERCENTAGE METHOD WITHHOLDING TABLE

Payroll period:	*Amount of one withholding exemption*
Weekly	$13.50
Biweekly	26.90
Semimonthly	29.20
Monthly	58.30
Quarterly	175.00
Semiannual	350.00
Annual	700.00
Daily or miscellaneous (per day or such period)	1.90

(2) *Table applicable to wages paid before May 1, 1966.* With respect to wages paid before May 1, 1966, the following table shall be used instead of that set forth in section 3402(b)(1):

PERCENTAGE METHOD WITHHOLDING TABLE

Payroll period:	*Amount of one witholding exemption*
Weekly	$13.00
Biweekly	26.00
Semimonthly	28.00
Monthly	56.00
Quarterly	167.00
Semiannual	333.00
Annual	667.00
Daily or miscellaneous (per day of such period)	1.80

(b) *Steps in computing tax.* The total tax to be withheld from wages shall be determined in accordance with the method set forth in paragraph (a)(2) of § 31.3402(b)-1 except that in applying Step 1 the table set forth in paragraph (a) of this section shall be used and that in lieu of Step 4 the amount of tax to be withheld shall be determined by multiplying the amount determined in Step 3 by the applicable percentage figure set forth in paragraph (c) of § 31.3402(a)-2.

(c) *Periods to which the daily or miscellaneous table and withholding exemption are applicable.* (1) The total tax to be withheld from wages paid with respect to a period to which the daily or miscellaneous table and withholding exemption are applicable may be determined in accordance with the method set forth in paragraph (c)(1) of § 31.3402(b)–1 except that in applying Step 1 the table set forth in paragraph (a) of this section shall be used and that in lieu of Step 4 the amount of tax per day to be withheld shall be determined by multiplying the amount determined in Step 3 by the applicable percentage figure set forth in paragraph (c) of § 31.3402(a)–2.

(2) In lieu of the method described in the preceding subparagraph, the following method for determining the amount of tax to be withheld on wages paid with respect to a period to which the daily or miscellaneous table and withholding exemption are applicable may be used:

Step 1. Multiply the amount shown in the percentage method withholding table as applicable per day of a miscellaneous payroll period by the number of days (including Sundays and holidays) in such period.

Step 2. Multiply the amount determined in Step 1 by the number of withholding exemptions claimed by the employee.

Step 3. Subtract the amount determined in Step 2 from the employee's wages.

Step 4. Multiply the difference by the applicable percentage figure under paragraph (c) of § 31.3402(a)–2.

PAR. 7. Section 31.3402(c) is amended by revising paragraph (1) of section 3402(c), adding a new paragraph (6) immediately after paragraph (5) of such section, and revising the historical note. The amended and added provisions read as follows:

§ 31.3402(c) Statutory provisions; income tax collected at source; wage bracket withholding.

SEC. 3402. *Income tax collected at source.* * * *

(c) *Wage bracket withholding.* (1) At the election of the employer with respect to any employee, the employer shall deduct and withhold upon the wages paid to such employee a tax (in lieu of the tax required to be deducted and withheld under subsection (a)) determined in accordance with tables prescribed by the Secretary or his delegate in accordance with paragraph (6).

* * * * *

(6) In the case of wages paid after December 31, 1969, the amount deducted and withheld under paragraph (1) shall be determined in accordance with tables prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts set forth as amounts of wages and amounts of income tax to be deducted and withheld shall be computed on the basis of table 7 contained in paragraphs (1), (2), (3), (4), or (5) (whichever is applicable) of subsection (a).

[Sec. 3402(c) as amended by sec. 302(b), Rev. Act 1964 (78 Stat. 140); sec. 101(c), Tax Adjustment Act 1966 (80 Stat. 41); sec. 102(c)(2), Revenue and Expenditure Control Act 1968 (82 Stat. 259); sec. 2(a)(3), Act of June 30, 1969 (Public Law 91–36, 83 Stat. 42); sec. 6(a)(3), Act of Aug. 7, 1969 (Public Law 91–53, 83 Stat. 96); sec. 805(c), Tax Reform Act 1969 (83 Stat. 705)]

PAR. 8. Section 31.3402(c)–1 is amended by revising paragraphs (a)(1), (b), (c)(1) and the examples in paragraphs (c)(2) and (3) and (d)(1), to read as follows:

§ 31.3402(c)–1 Wage bracket withholding.

(a) *In general.* (1) The employer may elect to use the wage bracket method provided in section 3402(c) instead of the percentage method with respect to any employee. The tax computed under the wage bracket method shall be in lieu of the tax required to be deducted and withheld under section 3402(a). With respect to wages paid after July 13, 1968, the correct amount of withholding shall be determined under the applicable wage bracket withholding table contained in the Circular E (Employer's Tax Guide) issued for use with respect to the period in which such wages are paid. For tables relating to wages paid before July 14, 1968, see § 31.3402(c)–2.

* * * * *

(b) *Established payroll periods, other than daily or miscellaneous, covered by wage bracket withholding tables.* The wage bracket withholding tables contained in Circular E (§ 31.3402(c)–2, in the case of wages paid before July 14, 1968) for established periods other than daily or miscellaneous should be used in determining the tax to be withheld for any such period without reference to the time the employee is actually engaged in the performance of services during such payroll period.

Example (1). On June 30, 1971, employee A is paid wages for a semimonthly payroll period. A has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. A's wages are determined at the rate of $2 per hour. During a certain payroll period he works only 24 hours and earns $48. Although A worked only 24 hours during the semimonthly payroll period, the applicable wage bracket withholding table contained in Circular E for a semimonthly payroll period for an employee who is married should be used in determining the tax to be withheld. Under this table it will be found that no tax is required to be withheld from a wage payment of $48 when two withholding exemptions are claimed.

Example (2). On May 14, 1971, employee B is paid wages for a weekly payroll period. B has in effect a withholding exemption certification indicating that he claims one withholding exemption and that he is single. B's wages are determined at the rate of $2 per hour. During a certain payroll period B works 18 hours and earns $36. Although B worked only 18 hours during the weekly payroll period the applicable wage bracket withholding table for a weekly payroll period for an employee who is single should be used in determining the tax to be withheld. Under this table it will be found that $0.50 is the amount of tax to be withheld from a wage payment of $36 when one withholding exemption is claimed.

(c) *Periods to which the tables for a daily or miscellaneous payroll period are applicable*—(1) *In general.* The tables applicable to a daily or miscellaneous payroll period show the tax for employees who are to be withheld from as single persons and for employees who are to be withheld from as married persons on the amount of wages for one day. Where the withholding is computed under the rules applicable to a miscellaneous payroll period, the wages and the amounts shown in the applicable table must be placed on a comparable basis. This may be accomplished by reducing the wages paid for the period to a daily basis by dividing the total wages by the number of days (including Sundays and holidays) in the period. The amount of the tax shown in the applicable table as the tax required to be withheld from the wages, as so reduced to a daily basis, should then be multiplied by the number of days (including Sundays and holidays) in the period.

(2) *Period not a payroll period.* * * *

Example. An individual performs services for a contractor in connection with a construction project. He has in effect a withholding exemption certificate indicating that he claims two withholding exemptions and that he is married. Wages have been fixed at the rate of $36 per day, to be paid upon completion of the project. The project is completed before July 1, 1971, in 12 consecutive days, at the end of which period the individual is paid wages of $360 for 10 days' services performed during the period. Under the wage bracket method the amount to be deducted and withheld from such wages is determined by dividing the amount of the wages ($360) by the number of days in the period (12), the result being $30. The amount of tax required to be withheld is determined under the appropriate table applicable to a miscellaneous payroll period for an employee who is married. Under this table the tax required to be withheld is $47.40 (12 x $3.95).

(3) *Wages paid without regard to any period.* * * *

Example. On April 2, 1971, C is employed by the X Real Estate Company to sell real estate on a commission basis, commissions to be paid only upon consummation of sales. C has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. On May 22, 1971, C receives a commission of $300, his first commission since April 2, 1971. Again on June 19, 1971, C receives a commission of $420. Under the wage bracket method, the amount of tax to be deducted and withheld in respect of the commission paid on May 22, is $10, which amount is obtained by multiplying $0.20 (tax per day under the appropriate wage bracket table applicable to a daily or miscellaneous payroll period for an employee who is not married where wages are at least $6 but less than $6.25 a day) by 50 (number of days elapsed); and the amount of tax to be withheld with respect to the commission paid on June 19 is $54.60, which amount is obtained by multiplying $1.95 (tax under the appropriate wage bracket table for a daily or miscellaneous payroll period where wages are at least $15 but less than $15.50 a day) by 28 (number of days elapsed).

(d) *Period of elapsed time less than 1 week.* (1) * * *

Example (1). On May 14, 1971, an employee who has a daily payroll period is paid wages of $15 per day. The employee has in effect a withholding exemption certificate indicating that he claims one withholding exemption and that he is not married. Under the applicable table for a daily payroll period for an employee who is not married, the amount of tax to be deducted and withheld from each such payment of wages is $1.95.

Example (2). An employee works for a certain employer on 4 consecutive days for which he is paid wages totalling $60 on July 25, 1971. The employee has in effect a withholding exemption certificate claiming two withholding exemptions and indicating that he is married. The amount of tax to be deducted and withheld under the wage bracket method is $5.60 (4 x $1.40).

* * * * *

PAR. 9. Section 31.3402(c)-2 is amended by revising so much of such section as precedes the tables to read as follows:

§ 31.3402(c)-2 Wages paid before July 14, 1968.

(a) With respect to wages paid after April 30, 1966, and before July 14, 1968, the following tables shall be used:

If the payroll period with respect to an employee is weekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$4	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$4	$5	.10	0	0	0	0	0	0	0	0	0	0
$5	$6	.20	0	0	0	0	0	0	0	0	0	0
$6	$7	.40	0	0	0	0	0	0	0	0	0	0
$7	$8	.50	0	0	0	0	0	0	0	0	0	0
$8	$9	.70	0	0	0	0	0	0	0	0	0	0
$9	$10	.80	0	0	0	0	0	0	0	0	0	0
$10	$11	.90	0	0	0	0	0	0	0	0	0	0
$11	$12	1.10	0	0	0	0	0	0	0	0	0	0
$12	$13	1.20	0	0	0	0	0	0	0	0	0	0
$13	$14	1.40	0	0	0	0	0	0	0	0	0	0
$14	$15	1.50	0	0	0	0	0	0	0	0	0	0
$15	$16	1.70	0	0	0	0	0	0	0	0	0	0
$16	$17	1.80	0	0	0	0	0	0	0	0	0	0
$17	$18	2.00	0	0	0	0	0	0	0	0	0	0
$18	$19	2.10	.20	0	0	0	0	0	0	0	0	0
$19	$20	2.30	.30	0	0	0	0	0	0	0	0	0
$20	$21	2.40	.40	0	0	0	0	0	0	0	0	0
$21	$22	2.60	.60	0	0	0	0	0	0	0	0	0
$22	$23	2.70	.70	0	0	0	0	0	0	0	0	0
$23	$24	2.90	.90	0	0	0	0	0	0	0	0	0
$24	$25	3.00	1.00	0	0	0	0	0	0	0	0	0
$25	$26	3.20	1.10	0	0	0	0	0	0	0	0	0
$26	$27	3.40	1.30	0	0	0	0	0	0	0	0	0
$27	$28	3.50	1.40	0	0	0	0	0	0	0	0	0
$28	$29	3.70	1.60	0	0	0	0	0	0	0	0	0
$29	$30	3.90	1.70	0	0	0	0	0	0	0	0	0
$30	$31	4.10	1.90	0	0	0	0	0	0	0	0	0
$31	$32	4.20	2.00	.10	0	0	0	0	0	0	0	0
$32	$33	4.40	2.20	.20	0	0	0	0	0	0	0	0
$33	$34	4.60	2.30	.40	0	0	0	0	0	0	0	0
$34	$35	4.70	2.50	.50	0	0	0	0	0	0	0	0
$35	$36	4.90	2.60	.70	0	0	0	0	0	0	0	0
$36	$37	5.10	2.80	.80	0	0	0	0	0	0	0	0
$37	$38	5.20	3.00	.90	0	0	0	0	0	0	0	0
$38	$39	5.40	3.10	1.10	0	0	0	0	0	0	0	0
$39	$40	5.60	3.30	1.20	0	0	0	0	0	0	0	0
$40	$41	5.80	3.50	1.40	0	0	0	0	0	0	0	0
$41	$42	5.90	3.60	1.50	0	0	0	0	0	0	0	0
$42	$43	6.10	3.80	1.70	0	0	0	0	0	0	0	0
$43	$44	6.30	4.00	1.80	0	0	0	0	0	0	0	0
$44	$45	6.40	4.10	2.00	0	0	0	0	0	0	0	0
$45	$45	6.60	4.30	2.10	.20	0	0	0	0	0	0	0
$46	$47	6.80	4.50	2.30	.30	0	0	0	0	0	0	0
$47	$48	6.90	4.70	2.40	.50	0	0	0	0	0	0	0
$48	$49	7.10	4.80	2.60	.60	0	0	0	0	0	0	0
$49	$50	7.30	5.00	2.70	.70	0	0	0	0	0	0	0
$50	$51	7.50	5.20	2.90	.90	0	0	0	0	0	0	0
$51	$52	7.60	5.30	3.00	1.00	0	0	0	0	0	0	0
$52	$53	7.80	5.50	3.20	1.20	0	0	0	0	0	0	0
$53	$54	8.00	5.70	3.40	1.30	0	0	0	0	0	0	0
$54	$55	8.10	5.80	3.60	1.40	0	0	0	0	0	0	0
$55	$56	8.30	6.00	3.70	1.60	0	0	0	0	0	0	0
$56	$57	8.50	6.20	3.90	1.70	0	0	0	0	0	0	0
$57	$58	8.60	6.40	4.10	1.90	0	0	0	0	0	0	0
$58	$59	8.80	6.50	4.20	2.00	.10	0	0	0	0	0	0
$59	$60	9.00	6.70	4.40	2.20	.30	0	0	0	0	0	0
$60	$62	9.20	6.90	4.70	2.40	.50	0	0	0	0	0	0
$62	$64	9.60	7.30	5.00	2.70	.70	0	0	0	0	0	0
$64	$66	9.90	7.60	5.30	3.10	1.00	0	0	0	0	0	0
$66	$68	10.30	8.00	5.70	3.40	1.30	0	0	0	0	0	0
$68	$70	10.60	8.30	6.00	3.70	1.60	0	0	0	0	0	0
$70	$72	10.90	8.60	6.40	4.10	1.90	0	0	0	0	0	0
$72	$74	11.30	9.00	6.70	4.40	2.20	.30	0	0	0	0	0
$74	$76	11.60	9.30	7.00	4.80	2.50	.50	0	0	0	0	0
$76	$78	12.00	9.70	7.40	5.10	2.80	.80	0	0	0	0	0
$78	$80	12.30	10.00	7.70	5.40	3.10	1.10	0	0	0	0	0
$80	$82	12.60	10.30	8.10	5.80	3.50	1.40	0	0	0	0	0
$82	$84	13.00	10.70	8.40	6.10	3.80	1.70	0	0	0	0	0
$84	$86	13.30	11.00	8.70	6.50	4.20	2.00	.10	0	0	0	0
$86	$88	13.70	11.40	9.10	6.80	4.50	2.30	.30	0	0	0	0
$88	$90	14.10	11.70	9.40	7.10	4.80	2.60	.60	0	0	0	0
$90	$92	14.50	12.00	9.80	7.50	5.20	2.90	.90	0	0	0	0

If the payroll period with respect to an employee is weekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$92	$94	$14.90	$12.40	$10.10	$7.80	$5.50	$3.20	$1.20	$0	$0	$0	$0
$94	$96	15.30	12.70	10.40	8.20	5.90	3.60	1.50	0	0	0	0
$96	$98	15.70	13.10	10.80	8.50	6.20	3.90	1.80	0	0	0	0
$98	$100	16.10	13.40	11.10	8.80	6.50	4.30	2.10	.10	0	0	0
$100	$105	16.80	14.10	11.70	9.40	7.10	4.80	2.60	.60	0	0	0
$105	$110	17.80	15.10	12.60	10.30	8.00	5.70	3.40	1.30	0	0	0
$110	$115	18.80	16.10	13.40	11.10	8.80	6.50	4.30	2.10	.10	0	0
$115	$120	19.80	17.10	14.40	12.00	9.70	7.40	5.10	2.80	.80	0	0
$120	$125	20.80	18.10	15.40	12.80	10.50	8.20	6.00	3.70	1.50	0	0
$125	$130	21.80	19.10	16.40	13.80	11.40	9.10	6.80	4.50	2.30	.40	0
$130	$135	22.80	20.10	17.40	14.80	12.20	9.90	7.70	5.40	3.10	1.10	0
$135	$140	23.80	21.10	18.40	15.80	13.10	10.80	8.50	6.20	3.90	1.80	0
$140	$145	24.80	22.10	19.40	16.80	14.10	11.60	9.40	7.10	4.80	2.50	.60
$145	$150	25.80	23.10	20.40	17.80	15.10	12.50	10.20	7.90	5.60	3.30	1.30
$150	$160	27.30	24.60	21.90	19.30	16.60	13.90	11.50	9.20	6.90	4.60	2.40
$160	$170	29.30	26.60	23.90	21.30	18.60	15.90	13.20	10.90	8.60	6.30	4.00
$170	$180	31.60	28.60	25.90	23.30	20.60	17.90	15.20	12.60	10.30	8.00	5.70
$180	$180	34.10	30.80	27.90	25.30	22.60	19.90	17.20	14.50	12.00	9.70	7.40
$190	$200	36.60	33.30	29.90	27.30	24.60	21.90	19.20	16.50	13.80	11.40	9.10
$200	$210	39.10	35.80	32.40	29.30	26.60	23.90	21.20	18.50	15.80	13.10	10.80
$210	$220	41.80	38.30	34.90	31.50	28.60	25.90	23.20	20.50	17.80	15.10	12.50
$220	$230	44.80	40.80	37.40	34.00	30.70	27.90	25.20	22.50	19.80	17.10	14.40
$230	$240	47.80	43.80	39. 0	36.50	33.20	29.90	27.20	24.50	21.80	19.10	16.40
$240	$250	50.80	46.80	42.70	39.00	35.70	32.30	29.20	26.50	23.80	21.10	18.40
$250	$260	53.80	49.80	45.70	41.70	38.20	34.80	31.40	28.50	25.80	23.10	20.40
$260	$270	56.80	52.80	48.70	44.70	40.70	37.30	33.90	30.60	27.80	25.10	22.40
$270	$280	59.80	55.80	51.70	47.70	43.60	39.80	36.40	33.10	29.80	27.10	24.40
$280	$290	62.80	58.80	54.70	50.70	46.60	42.60	38.90	35.60	32.20	29.10	26.40
$290	$300	65.80	61.80	57.70	53.70	49.60	45.60	41.60	38.10	34.70	31.30	28.40
$300	$310	68.80	64.80	60.70	56.70	52.60	48.60	44.60	40.60	37.20	33.80	30.50
$310	$320	71.80	67.80	63.70	59.70	55.60	51.60	47.60	43.50	39.70	36.30	33.00
$320	$330	74.80	70.80	66.70	62.70	58.60	54.60	50.60	46.50	42.50	38.80	35.50
$330	$340	77.80	73.80	69.70	65.70	61.60	57.60	53.60	49.50	45.50	41.40	38.00
$340	$350	80.80	76.80	72.70	68.70	64.60	60.60	56.60	52.50	48.50	44.40	40.50
$350	$360	83.80	79.80	75.70	71.70	67.60	63.60	59.60	55.50	51.50	47.40	43.40
		30 percent of the excess over $360 plus—										
$360 and over		85.30	81.30	77.20	73.20	69.10	65.10	61.10	57.00	53.00	48.90	44.90

If the payroll period with respect to an employee is weekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$1	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$4	$5	.10	0	0	0	0	0	0	0	0	0	0
$5	$6	.20	0	0	0	0	0	0	0	0	0	0
$6	$7	.40	0	0	0	0	0	0	0	0	0	0
$7	$8	.50	0	0	0	0	0	0	0	0	0	0
$8	$9	.70	0	0	0	0	0	0	0	0	0	0
$9	$10	.80	0	0	0	0	0	0	0	0	0	0
$10	$11	.90	0	0	0	0	0	0	0	0	0	0
$11	$12	1.10	0	0	0	0	0	0	0	0	0	0
$12	$13	1.20	0	0	0	0	0	0	0	0	0	0
$13	$14	1.40	0	0	0	0	0	0	0	0	0	0
$14	$15	1.50	0	0	0	0	0	0	0	0	0	0
$15	$16	1.60	0	0	0	0	0	0	0	0	0	0
$16	$17	1.80	0	0	0	0	0	0	0	0	0	0
$17	$18	1.90	0	0	0	0	0	0	0	0	0	0
$18	$19	2.10	.20	0	0	0	0	0	0	0	0	0
$19	$20	2.20	.30	0	0	0	0	0	0	0	0	0
$20	$21	2.30	.40	0	0	0	0	0	0	0	0	0
$21	$22	2.50	.60	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is weekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$22	$23	$2.60	$0.70	$0	$0	$0	$0	$0	$0	$0	$0	$0
$23	$24	2.80	.90	0	0	0	0	0	0	0	0	0
$24	$25	2.90	1.00	0	0	0	0	0	0	0	0	0
$25	$26	3.10	1.10	0	0	0	0	0	0	0	0	0
$26	$27	3.20	1.30	0	0	0	0	0	0	0	0	0
$27	$28	3.40	1.40	0	0	0	0	0	0	0	0	0
$28	$29	3.50	1.60	0	0	0	0	0	0	0	0	0
$29	$30	3.70	1.70	0	0	0	0	0	0	0	0	0
$30	$31	3.80	1.80	0	0	0	0	0	0	0	0	0
$31	$32	4.00	2.00	.10	0	0	0	0	0	0	0	0
$32	$33	4.10	2.10	.20	0	0	0	0	0	0	0	0
$33	$34	4.30	2.30	.40	0	0	0	0	0	0	0	0
$34	$35	4.40	2.40	.50	0	0	0	0	0	0	0	0
$35	$36	4.60	2.50	.70	0	0	0	0	0	0	0	0
$36	$37	4.70	2.70	.80	0	0	0	0	0	0	0	0
$37	$38	4.90	2.80	.90	0	0	0	0	0	0	0	0
$38	$39	5.00	3.00	1.10	0	0	0	0	0	0	0	0
$39	$40	5.20	3.10	1.20	0	0	0	0	0	0	0	0
$40	$41	5.30	3.30	1.40	0	0	0	0	0	0	0	0
$41	$42	5.50	3.40	1.50	0	0	0	0	0	0	0	0
$42	$43	5.60	3.60	1.60	0	0	0	0	0	0	0	0
$43	$44	5.80	3.70	1.80	0	0	0	0	0	0	0	0
$44	$45	5.90	3.90	1.90	0	0	0	0	0	0	0	0
$45	$46	6.10	4.00	2.10	.20	0	0	0	0	0	0	0
$46	$47	6.20	4.20	2.20	.30	0	0	0	0	0	0	0
$47	$48	6.40	4.30	2.30	.50	0	0	0	0	0	0	0
$48	$49	6.50	4.50	2.50	.60	0	0	0	0	0	0	0
$49	$50	6.70	4.60	2.60	.70	0	0	0	0	0	0	0
$50	$51	6.80	4.80	2.80	.90	0	0	0	0	0	0	0
$51	$52	7.00	4.90	2.90	1.00	0	0	0	0	0	0	0
$52	$53	7.10	5.10	3.10	1.20	0	0	0	0	0	0	0
$53	$54	7.30	5.20	3.20	1.30	0	0	0	0	0	0	0
$54	$55	7.40	5.40	3.40	1.40	0	0	0	0	0	0	0
$55	$56	7.60	5.50	3.50	1.60	0	0	0	0	0	0	0
$56	$57	7.70	5.70	3.70	1.70	0	0	0	0	0	0	0
$57	$58	7.90	5.80	3.80	1.90	0	0	0	0	0	0	0
$58	$59	8.00	6.00	4.00	2.00	.10	0	0	0	0	0	0
$59	$60	8.20	6.10	4.10	2.10	.30	0	0	0	0	0	0
$60	$62	8.40	6.40	4.30	2.30	.50	0	0	0	0	0	0
$62	$64	8.70	6.70	4.60	2.60	.70	0	0	0	0	0	0
$64	$66	9.00	7.00	4.90	2.90	1.00	0	0	0	0	0	0
$66	$68	9.30	7.30	5.20	3.20	1.30	0	0	0	0	0	0
$68	$70	9.60	7.60	5.50	3.50	1.60	0	0	0	0	0	0
$70	$72	9.90	7.90	5.80	3.80	1.90	0	0	0	0	0	0
$72	$74	10.20	8.20	6.10	4.10	2.10	.30	0	0	0	0	0
$74	$76	10.50	8.50	6.40	4.40	2.40	.50	0	0	0	0	0
$76	$78	10.80	8.80	6.70	4.70	2.70	.80	0	0	0	0	0
$78	$80	11.10	9.10	7.00	5.00	3.00	1.10	0	0	0	0	0
$80	$82	11.40	9.40	7.30	5.30	3.30	1.40	0	0	0	0	0
$82	$84	11.70	9.70	7.60	5.60	3.60	1.70	0	0	0	0	0
$84	$86	12.00	10.00	7.90	5.90	3.90	1.90	.10	0	0	0	0
$86	$88	12.30	10.30	8.20	6.20	4.20	2.20	.30	0	0	0	0
$88	$90	12.70	10.60	8.50	6.50	4.50	2.50	.60	0	0	0	0
$90	$92	13.00	10.90	8.80	6.80	4.80	2.80	.90	0	0	0	0
$92	$94	13.30	11.20	9.10	7.10	5.10	3.10	1.20	0	0	0	0
$94	$96	13.70	11.50	9.40	7.40	5.40	3.40	1.50	0	0	0	0
$96	$98	14.00	11.80	9.70	7.70	5.70	3.70	1.70	0	0	0	0
$98	$100	14.40	12.10	10.00	8.00	6.00	4.00	2.00	.10	0	0	0
$100	$105	15.00	12.70	10.60	8.50	6.50	4.50	2.50	.60	0	0	0
$105	$110	15.80	13.50	11.30	9.30	7.30	5.30	3.20	1.30	0	0	0
$110	$115	16.70	14.40	12.10	10.00	8.00	6.00	4.00	2.00	.10	0	0
$115	$120	17.50	15.20	12.90	10.80	8.80	6.80	4.70	2.70	.80	0	0
$120	$125	18.40	16.10	13.80	11.50	9.50	7.50	5.50	3.50	1.50	0	0
$125	$130	19.20	16.90	14.60	12.30	10.30	8.30	6.20	4.20	2.20	.40	0
$130	$135	20.10	17.80	15.50	13.20	11.00	9.00	7.00	5.00	3.00	1.10	0
$135	$140	20.90	18.60	16.30	14.00	11.80	9.80	7.70	5.70	3.70	1.80	0
$140	$145	21.80	19.50	17.20	14.90	12.60	10.50	8.50	6.50	4.50	2.50	.60
$145	$150	22.60	20.30	18.00	15.70	13.50	11.30	9.20	7.20	5.20	3.20	1.30
$150	$160	23.90	21.60	19.30	17.00	14.70	12.40	10.40	8.30	6.30	4.30	2.30
$160	$170	25.60	23.30	21.00	18.70	16.40	14.10	11.90	9.80	7.80	5.80	3.80
$170	$180	27.50	25.00	22.70	20.40	18.10	15.80	13.60	11.30	9.30	7.30	5.30
$180	$190	29.50	26.80	24.40	22.10	19.80	17.50	15.30	13.00	10.80	8.80	6.80

If the payroll period with respect to an employee is weekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$190	$200	$31.50	$28.80	$26.10	$23.80	$21.50	$19.20	$17.00	$14.70	$12.40	$10.30	$8.30
$200	$210	33.50	30.80	28.10	25.50	23.20	20.90	18.70	16.40	14.10	11.80	9.80
$210	$220	35.50	32.80	30.10	27.40	24.90	22.60	20.40	18.10	15.80	13.50	11.30
$220	$230	37.50	34.80	32.10	29.40	26.70	24.30	22.10	19.80	17.50	15.20	12.90
$230	$240	39.50	36.80	34.10	31.40	28.70	26.00	23.80	21.50	19.20	16.90	14.60
$240	$250	41.50	38.80	36.10	33.40	30.70	28.00	25.50	23.20	20.90	18.60	16.30
$250	$260	43.50	40.80	38.10	35.40	32.70	30.00	27.30	24.90	22.60	20.30	18.00
$260	$270	45.50	42.80	40.10	37.40	34.70	32.00	29.30	26.60	24.30	22.00	19.70
$270	$280	47.50	44.80	42.10	39.40	36.70	34.00	31.30	28.60	26.00	23.70	21.40
$280	$290	49.50	46.80	44.10	41.40	38.70	36.00	33.30	30.60	27.90	25.40	23.10
$290	$300	51.50	48.80	46.10	43.40	40.70	38.00	35.30	32.60	29.90	27.20	24.80
$300	$310	53.50	50.80	48.10	45.40	42.00	40.00	37.30	34.60	31.90	29.20	26.50
$310	$320	55.50	52.80	50.10	47.40	44.70	42.00	39.30	36.60	33.90	31.20	28.50
$320	$330	57.50	54.80	52.10	49.40	46.70	44.00	41.30	38.60	35.90	33.20	30.50
$330	$340	59.50	56.80	54.10	51.40	48.70	46.00	43.30	40.60	37.90	35.20	32.50
$340	$350	61.70	58.80	56.10	53.40	50.70	48.00	45.30	42.60	39.90	37.20	34.50
$350	$360	64.20	60.80	58.10	55.40	52.70	50.00	47.30	44.60	41.90	39.20	36.50
$360	$370	66.70	63.30	60.10	57.40	54.70	52.00	49.30	46.60	43.90	41.20	38.50
$370	$380	69.20	65.80	62.50	59.40	56.70	54.00	51.30	48.60	45.90	43.20	40.50
$380	$390	71.70	68.30	65.00	61.60	58.70	56.00	53.30	50.60	47.90	45.20	42.50
$390	$400	74.20	70.80	67.50	64.10	60.70	58.00	55.30	52.60	49.90	47.20	44.50
$400	$410	76.70	73.30	70.00	66.60	63.20	60.00	57.30	54.60	51.90	49.20	46.50
$410	$420	79.20	75.80	72.50	69.10	65.70	62.40	59.30	56.60	53.90	51.20	48.50
$420	$430	81.80	78.30	75.00	71.60	68.20	64.90	61.50	58.60	55.90	53.20	50.50
$430	$440	84.80	80.80	77.50	74.10	70.70	67.40	64.00	60.60	57.90	55.20	52.50
$440	$450	87.80	83.80	80.00	76.60	73.20	69.90	66.50	63.10	59.90	57.20	54.50
$450	$460	90.80	86.80	82.70	79.10	75.70	72.40	69.00	65.60	62.30	59.20	56.50
$460	$470	93.80	89.80	85.70	81.70	78.20	74.90	71.50	68.10	64.80	61.40	58.50
$470	$480	96.80	92.80	88.70	84.70	80.70	77.40	74.00	70.60	67.30	63.90	60.50
$480	$490	99.80	95.80	91.70	87.70	83.60	79.90	76.50	73.10	69.80	66.40	63.00
$490	$500	102.80	98.80	94.70	90.70	86.60	82.60	79.00	75.60	72.30	68.90	65.50
$500	$510	105.80	101.80	97.70	93.70	89.60	85.60	81.60	78.10	74.80	71.40	68.00
$510	$520	108.80	104.80	100.70	96.70	92.60	88.60	84.60	80.60	77.30	73.90	70.50
$520	$530	111.80	107.80	103.70	99.70	95.60	91.60	87.60	83.50	79.80	76.40	73.00
$530	$540	114.80	110.80	106.70	102.70	98.60	94.60	90.60	86.50	82.50	78.90	75.50
$540	$550	117.80	113.80	109.70	105.70	101.60	97.60	93.60	89.50	85.50	81.40	78.00
$550	$560	120.80	116.80	112.70	108.70	104.60	100.60	96.60	92.50	88.50	84.40	80.50
$560	$570	123.80	119.80	115.70	111.70	107.60	103.60	99.60	95.50	91.50	87.40	83.40
		30 percent of the excess over $570 plus—										
$570 and over		125.30	121.30	117.20	113.20	109.10	105.10	101.10	97.00	93.00	88.90	84.9

If the payroll period with respect to an employee is biweekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.20	0	0	0	0	0	0	0	0	0	0
$10	$12	.50	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	1.00	0	0	0	0	0	0	0	0	0	0
$16	$18	1.30	0	0	0	0	0	0	0	0	0	0
$18	$20	1.60	0	0	0	0	0	0	0	0	0	0
$20	$22	1.90	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.40	0	0	0	0	0	0	0	0	0	0
$26	$28	2.70	0	0	0	0	0	0	0	0	0	0
$28	$30	3.00	0	0	0	0	0	0	0	0	0	0
$30	$32	3.30	0	0	0	0	0	0	0	0	0	0
$32	$34	3.60	0	0	0	0	0	0	0	0	0	0
$34	$36	3.90	.10	0	0	0	0	0	0	0	0	0
$36	$38	4.20	.30	0	0	0	0	0	0	0	0	0
$38	$40	4.50	.60	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is biweekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$40	$42	$4.80	$0.90	$0	$0	$0	$0	$0	$0	$0	$0	$0
$42	$44	5.10	1.20	0	0	0	0	0	0	0	0	0
$44	$46	5.40	1.50	0	0	0	0	0	0	0	0	0
$46	$48	5.70	1.70	0	0	0	0	0	0	0	0	0
$48	$50	6.10	2.00	0	0	0	0	0	0	0	0	0
$50	$52	6.40	2.30	0	0	0	0	0	0	0	0	0
$52	$54	6.70	2.60	0	0	0	0	0	0	0	0	0
$54	$56	7.10	2.90	0	0	0	0	0	0	0	0	0
$56	$58	7.40	3.20	0	0	0	0	0	0	0	0	0
$58	$60	7.80	3.50	0	0	0	0	0	0	0	0	0
$60	$62	8.10	3.80	0	0	0	0	0	0	0	0	0
$62	$64	8.40	4.10	.20	0	0	0	0	0	0	0	0
$64	$66	8.80	4.40	.50	0	0	0	0	0	0	0	0
$66	$68	9.10	4.70	.80	0	0	0	0	0	0	0	0
$68	$70	9.50	5.00	1.00	0	0	0	0	0	0	0	0
$70	$72	9.80	5.30	1.30	0	0	0	0	0	0	0	0
$72	$74	10.10	5.60	1.60	0	0	0	0	0	0	0	0
$74	$76	10.50	5.90	1.90	0	0	0	0	0	0	0	0
$76	$78	10.80	6.20	2.20	0	0	0	0	0	0	0	0
$78	$80	11.20	6.60	2.40	0	0	0	0	0	0	0	0
$80	$82	11.50	6.90	2.70	0	0	0	0	0	0	0	0
$82	$84	11.80	7.30	3.00	0	0	0	0	0	0	0	0
$84	$86	12.20	7.60	3.30	0	0	0	0	0	0	0	0
$86	$88	12.50	7.90	3.60	0	0	0	0	0	0	0	0
$88	$90	12.90	8.30	3.90	.10	0	0	0	0	0	0	0
$90	$92	13.20	8.60	4.20	.40	0	0	0	0	0	0	0
$92	$94	13.50	9.00	4.50	.60	0	0	0	0	0	0	0
$94	$96	13.90	9.30	4.80	.90	0	0	0	0	0	0	0
$96	$98	14.20	9.60	5.10	1.20	0	0	0	0	0	0	0
$98	$100	14.60	10.00	5.40	1.50	0	0	0	0	0	0	0
$100	$102	14.90	10.30	5.70	1.80	0	0	0	0	0	0	0
$102	$104	15.20	10.70	6.10	2.00	0	0	0	0	0	0	0
$104	$106	15.60	11.00	6.40	2.30	0	0	0	0	0	0	0
$106	$108	15.90	11.30	6.80	2.60	0	0	0	0	0	0	0
$108	$110	16.30	11.70	7.10	2.90	0	0	0	0	0	0	0
$110	$112	16.60	12.00	7.40	3.20	0	0	0	0	0	0	0
$112	$114	16.90	12.40	7.80	3.50	0	0	0	0	0	0	0
$114	$116	17.30	12.70	8.10	3.80	0	0	0	0	0	0	0
$116	$118	17.60	13.00	8.50	4.10	.20	0	0	0	0	0	0
$118	$120	18.00	13.40	8.80	4.40	.50	0	0	0	0	0	0
$120	$124	18.50	13.90	9.30	4.80	.90	0	0	0	0	0	0
$124	$128	19.20	14.60	10.00	5.40	1.50	0	0	0	0	0	0
$128	$132	19.80	15.30	10.70	6.10	2.00	0	0	0	0	0	0
$132	$136	20.50	15.90	11.40	6.80	2.60	0	0	0	0	0	0
$136	$140	21.20	16.60	12.00	7.50	3.20	0	0	0	0	0	0
$140	$144	21.90	17.30	12.70	8.10	3.80	0	0	0	0	0	0
$144	$148	22.60	18.00	13.40	8.80	4.40	.50	0	0	0	0	0
$148	$152	23.20	18.70	14.10	9.50	5.00	1.10	0	0	0	0	0
$152	$156	23.90	19.30	14.80	10.20	5.60	1.60	0	0	0	0	0
$156	$160	24.60	20.00	15.40	10.90	6.30	2.20	0	0	0	0	0
$160	$164	25.30	20.70	16.10	11.50	7.00	2.80	0	0	0	0	0
$164	$168	26.00	21.40	16.80	12.20	7.60	3.40	0	0	0	0	0
$168	$172	26.70	22.10	17.50	12.90	8.30	4.00	.10	0	0	0	0
$172	$176	27.50	22.70	18.20	13.60	9.00	4.60	.70	0	0	0	0
$176	$180	28.30	23.40	18.80	14.30	9.70	5.20	1.20	0	0	0	0
$180	$184	29.10	24.10	19.50	14.90	10.40	5.80	1.80	0	0	0	0
$184	$188	29.90	24.80	20.20	15.60	11.00	6.50	2.30	0	0	0	0
$188	$192	30.70	25.50	20.90	16.30	11.70	7.10	2.90	0	0	0	0
$192	$196	31.50	26.10	21.60	17.00	12.40	7.80	3.50	0	0	0	0
$196	$200	32.30	26.90	22.20	17.70	13.10	8.50	4.10	.30	0	0	0
$200	$210	33.70	28.30	23.40	18.90	14.30	9.70	5.20	1.20	0	0	0
$210	$220	35.70	30.30	25.10	20.60	16.00	11.40	6.80	2.60	0	0	0
$220	$230	37.70	32.30	26.90	22.30	17.70	13.10	8.50	4.10	.30	0	0
$230	$240	39.70	34.30	28.90	24.00	19.40	14.80	10.20	5.60	1.70	0	0
$240	$250	41.70	36.30	30.90	25.70	21.10	16.50	11.90	7.30	3.10	0	0
$250	$260	43.70	38.30	32.90	27.50	22.80	18.20	13.60	9.00	4.60	.70	0

If the payroll period with respect to an employee is biweekly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$260	$270	$45.70	$40.30	$34.90	$29.50	$24.50	$19.90	$15.30	$10.70	$6.20	$2.10	$0
$270	$280	47.70	42.30	36.90	31.50	26.20	21.60	17.00	12.40	7.90	3.60	0
$280	$290	49.70	44.30	38.90	33.50	28.10	23.30	18.70	14.10	9.60	5.10	1.10
$290	$300	51.70	46.30	40.90	35.50	30.10	25.00	20.40	15.80	11.30	6.70	2.50
$300	$320	54.70	49.30	43.90	38.50	33.10	27.70	23.00	18.40	13.80	9.20	4.80
$320	$340	58.70	53.30	47.90	42.50	37.10	31.70	26.40	21.80	17.20	12.60	8.10
$340	$360	63.20	57.30	51.90	46.50	41.10	35.70	30.30	25.20	20.60	16.00	11.50
$360	$380	68.20	61.50	55.90	50.50	45.10	39.70	34.30	29.00	24.00	19.40	14.90
$380	$400	73.20	66.50	59.90	54.50	49.10	43.70	38.30	33.00	27.60	22.80	18.30
$400	$420	78.20	71.50	64.80	58.50	53.10	47.70	42.30	37.00	31.60	26.20	21.70
$420	$440	83.60	76.50	69.80	63.00	57.10	51.70	46.30	41.00	35.60	30.20	25.10
$440	$460	89.60	81.50	74.80	68.00	61.30	55.70	50.30	45.00	39.60	34.20	28.80
$460	$480	95.60	87.50	79.80	73.00	66.30	59.70	54.30	49.00	43.60	38.20	32.80
$480	$500	101.60	93.50	85.40	78.00	71.30	64.60	58.30	53.00	47.60	42.20	36.80
$500	$520	107.60	99.50	91.40	83.30	76.30	69.60	62.80	57.00	51.60	46.20	40.80
$520	$540	113.60	105.50	97.40	89.30	81.30	74.60	67.80	61.10	55.60	50.20	44.80
$540	$560	119.60	111.50	103.40	95.30	87.30	79.60	72.80	66.10	59.60	54.20	48.80
$560	$580	125.60	117.50	109.40	101.30	93.30	85.20	77.80	71.10	64.40	58.20	52.80
$580	$600	131.60	123.50	115.40	107.30	99.30	91.20	83.10	76.10	69.40	62.70	56.80
$600	$620	137.60	129.50	121.40	113.30	105.30	97.20	89.10	81.10	74.40	67.70	60.90
$620	$640	143.60	135.50	127.40	119.30	111.30	103.20	95.10	87.00	79.40	72.70	65.90
$640	$660	149.60	141.50	133.40	125.30	117.30	109.20	101.10	93.00	85.00	77.70	70.90
$660	$680	155.60	147.50	139.40	131.30	123.30	115.20	107.10	99.00	91.00	82.90	75.90
$680	$700	161.60	153.50	145.40	137.30	129.30	121.20	113.10	105.00	97.00	88.90	80.90
$700	$720	167.60	159.50	151.40	143.30	135.30	127.20	119.10	111.00	103.00	91.90	86.80
		30 percent o the excess over $720 plus—										
$720 and over		170.60	162.50	154.40	146.30	138.30	130.20	122.10	114.00	106.00	97.90	89.80

If the payroll period with respect to an employee is biweekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.20	0	0	0	0	0	0	0	0	0	0
$10	$12	.50	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	1.00	0	0	0	0	0	0	0	0	0	0
$16	$18	1.30	0	0	0	0	0	0	0	0	0	0
$18	$20	1.60	0	0	0	0	0	0	0	0	0	0
$20	$22	1.90	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.40	0	0	0	0	0	0	0	0	0	0
$26	$28	2.70	0	0	0	0	0	0	0	0	0	0
$28	$30	3.00	0	0	0	0	0	0	0	0	0	0
$30	$32	3.30	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.80	.10	0	0	0	0	0	0	0	0	0
$36	$38	4.10	.30	0	0	0	0	0	0	0	0	0
$38	$40	4.40	.60	0	0	0	0	0	0	0	0	0
$40	$42	4.70	.90	0	0	0	0	0	0	0	0	0
$42	$44	4.90	1.20	0	0	0	0	0	0	0	0	0
$44	$46	5.20	1.50	0	0	0	0	0	0	0	0	0
$46	$48	5.50	1.70	0	0	0	0	0	0	0	0	0
$48	$50	5.80	2.00	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is biweekly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$50	$52	$6.10	$2.30	$0	$0	$0	$0	$0	$0	$0	$0	$0
$52	$54	6.40	2.60	0	0	0	0	0	0	0	0	0
$54	$56	6.70	2.90	0	0	0	0	0	0	0	0	0
$56	$58	7.00	3.10	0	0	0	0	0	0	0	0	0
$58	$60	7.30	3.40	0	0	0	0	0	0	0	0	0
$60	$62	7.60	3.70	0	0	0	0	0	0	0	0	0
$62	$64	7.90	4.00	.20	0	0	0	0	0	0	0	0
$64	$66	8.20	4.30	.50	0	0	0	0	0	0	0	0
$66	$68	8.50	4.50	.80	0	0	0	0	0	0	0	0
$68	$70	8.80	4.80	1.00	0	0	0	0	0	0	0	0
$70	$72	9.10	5.10	1.30	0	0	0	0	0	0	0	0
$72	$74	9.40	5.40	1.60	0	0	0	0	0	0	0	0
$74	$76	9.70	5.70	1.90	0	0	0	0	0	0	0	0
$76	$78	10.00	6.00	2.20	0	0	0	0	0	0	0	0
$78	$80	10.30	6.30	2.40	0	0	0	0	0	0	0	0
$80	$82	10.60	6.60	2.70	0	0	0	0	0	0	0	0
$82	$84	10.90	6.90	3.00	0	0	0	0	0	0	0	0
$84	$86	11.20	7.20	3.30	0	0	0	0	0	0	0	0
$86	$88	11.50	7.50	3.60	0	0	0	0	0	0	0	0
$88	$90	11.80	7.80	3.80	.10	0	0	0	0	0	0	0
$90	$92	12.10	8.10	4.10	.40	0	0	0	0	0	0	0
$92	$94	12.40	8.40	4.40	.60	0	0	0	0	0	0	0
$94	$96	12.70	8.70	4.70	.90	0	0	0	0	0	0	0
$96	$98	13.00	9.00	5.00	1.20	0	0	0	0	0	0	0
$98	$100	13.30	9.30	5.20	1.50	0	0	0	0	0	0	0
$100	$102	13.60	9.60	5.50	1.80	0	0	0	0	0	0	0
$102	$104	13.90	9.90	5.80	2.00	0	0	0	0	0	0	0
$104	$106	14.20	10.20	6.10	2.30	0	0	0	0	0	0	0
$106	$108	14.50	10.50	6.40	2.60	0	0	0	0	0	0	0
$108	$110	14.80	10.80	6.70	2.90	0	0	0	0	0	0	0
$110	$112	15.10	11.10	7.00	3.20	0	0	0	0	0	0	0
$112	$114	15.40	11.40	7.30	3.40	0	0	0	0	0	0	0
$114	$116	15.70	11.70	7.60	3.70	0	0	0	0	0	0	0
$116	$118	16.00	12.00	7.90	4.00	.20	0	0	0	0	0	0
$118	$120	16.30	12.30	8.20	4.30	.50	0	0	0	0	0	0
$120	$124	16.80	12.70	8.70	4.70	.90	0	0	0	0	0	0
$124	$128	17.40	13.30	9.30	5.30	1.50	0	0	0	0	0	0
$128	$132	18.00	13.90	9.90	5.80	2.00	0	0	0	0	0	0
$132	$136	18.60	14.50	10.50	6.40	2.60	0	0	0	0	0	0
$136	$140	19.20	15.10	11.10	7.00	3.20	0	0	0	0	0	0
$140	$144	19.80	15.70	11.70	7.60	3.70	0	0	0	0	0	0
$144	$148	20.40	16.30	12.30	8.20	4.30	.50	0	0	0	0	0
$148	$152	21.00	16.90	12.90	8.80	4.80	1.10	0	0	0	0	0
$152	$156	21.60	17.50	13.50	9.40	5.40	1.60	0	0	0	0	0
$156	$160	22.20	18.10	14.10	10.00	6.00	2.20	0	0	0	0	0
$160	$164	22.80	18.70	14.70	10.60	6.60	2.80	0	0	0	0	0
$164	$168	23.40	19.30	15.30	11.20	7.20	3.30	0	0	0	0	0
$168	$172	24.00	19.90	15.90	11.80	7.80	3.90	.10	0	0	0	0
$172	$176	24.70	20.50	16.50	12.40	8.40	4.40	.70	0	0	0	0
$176	$180	25.30	21.10	17.10	13.00	9.00	5.00	1.20	0	0	0	0
$180	$184	26.00	21.70	17.70	13.60	9.60	5.60	1.80	0	0	0	0
$184	$188	26.70	22.30	18.30	14.20	10.20	6.20	2.30	0	0	0	0
$188	$192	27.40	22.90	18.90	14.80	10.80	6.80	2.90	0	0	0	0
$192	$196	28.10	23.50	19.50	15.40	11.40	7.40	3.50	0	0	0	0
$196	$200	28.70	24.20	20.10	16.00	12.00	8.00	4.00	.30	0	0	0
$200	$210	29.90	25.40	21.10	17.10	13.10	9.00	5.00	1.20	0	0	0
$210	$220	31.60	27.10	22.60	18.60	14.60	10.50	6.50	2.60	0	0	0
$220	$230	33.30	28.80	24.20	20.10	16.10	12.00	8.00	4.00	.30	0	0
$230	$240	35.00	30.50	25.90	21.60	17.60	13.50	9.50	5.40	1.70	0	0
$240	$250	36.70	32.20	27.60	23.10	19.10	15.00	11.00	6.90	3.10	0	0
$250	$260	38.40	33.90	29.30	24.70	20.60	16.50	12.50	8.40	4.50	.70	0
$260	$270	40.10	35.60	31.00	26.40	22.10	18.00	14.00	9.90	5.90	2.10	0
$270	$280	41.80	37.30	32.70	28.10	23.60	19.50	15.50	11.40	7.40	3.50	0
$280	$290	43.50	39.00	34.40	29.80	25.20	21.00	17.00	12.90	8.90	4.90	1.10
$290	$300	45.20	40.70	36.10	31.50	26.90	22.50	18.50	14.40	10.40	6.40	2.50
$300	$320	47.80	43.20	38.60	34.00	29.50	24.90	20.70	16.70	12.70	8.60	4.60
$320	$340	51.20	46.60	42.00	37.40	32.90	28.30	23.70	19.70	15.70	11.60	7.60
$340	$360	54.90	50.00	45.40	40.80	36.30	31.70	27.10	22.70	18.70	14.60	10.60
$360	$380	58.90	53.50	48.80	44.20	39.70	35.10	30.50	25.90	21.70	17.60	13.60
$380	$400	62.90	57.50	52.20	47.60	43.10	38.50	33.90	29.30	24.80	20.60	16.60
$400	$420	66.90	61.50	56.20	51.00	46.50	41.90	37.30	32.70	28.20	23.60	19.60
$420	$440	70.90	65.50	60.20	54.80	49.90	45.30	40.70	36.10	31.60	27.00	22.60

If the payroll period with respect to an employee is biweekly and he is married—

At lease—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$440	$460	$74.90	$69.50	$64.20	$58.80	$53.40	$48.70	$44.10	$39.50	$35.00	$30.40	$25.80
$460	$480	78.90	73.50	68.20	62.80	57.40	52.10	47.50	42.90	38.40	33.80	29.20
$480	$500	82.90	77.50	72.20	66.80	61.40	56.00	50.90	46.30	41.80	37.20	32.60
$500	$520	86.90	81.50	76.20	70.80	65.40	60.00	54.60	49.70	45.20	40.60	36.00
$520	$540	90.90	85.50	80.20	74.80	69.40	64.00	58.60	53.20	48.60	44.00	39.40
$540	$560	94.90	89.50	84.20	78.80	73.40	68.00	62.60	57.20	52.00	47.40	42.80
$560	$580	98.90	93.50	88.20	82.80	77.40	72.00	66.60	61.20	55.80	50.80	46.20
$580	$600	102.90	97.50	92.20	86.80	81.40	76.00	70.60	65.20	59.80	54.50	49.60
$600	$620	106.90	101.50	96.20	90.80	85.40	80.00	74.60	69.20	63.80	58.50	53.10
$620	$640	110.90	105.50	100.20	94.80	89.40	84.00	78.60	73.20	67.80	62.50	57.10
$640	$660	114.90	109.50	104.20	98.80	93.40	88.00	82.60	77.20	71.80	66.50	61.10
$660	$680	118.90	113.50	108.20	102.80	97.40	92.00	86.60	81.20	75.80	70.50	65.10
$680	$700	123.40	117.50	112.20	106.80	101.40	96.00	90.60	85.20	79.80	74.50	69.10
$700	$720	128.40	121.70	116.20	110.80	105.40	100.00	94.60	89.20	83.80	78.50	73.10
$720	$740	133.40	126.70	120.20	114.80	109.40	104.00	98.60	93.20	87.80	82.50	77.10
$740	$760	138.40	131.70	124.90	118.80	113.40	108.00	102.60	97.20	91.80	86.50	81.10
$760	$780	143.40	136.70	129.90	123.20	117.40	112.00	106.60	101.20	95.80	90.50	85.10
$780	$800	148.40	141.70	134.90	128.20	121.50	116.00	110.60	105.20	99.80	94.50	89.10
$800	$820	153.40	146.70	139.90	133.20	126.50	120.00	114.60	109.20	103.80	98.50	93.10
$820	$840	158.40	151.70	144.90	138.20	131.50	124.70	118.60	113.20	107.80	102.50	97.10
$840	$860	163.60	156.70	149.09	143.20	136.50	129.70	123.00	117.20	111.80	106.50	101.10
$860	$880	169.60	161.70	154.90	148.20	141.50	134.70	128.00	121.30	115.80	110.50	105.10
$880	$900	175.60	167.50	159.90	153.20	146.50	139.70	133.00	126.30	119.80	114.50	109.10
$900	$920	181.60	173.50	165.40	158.20	151.50	144.70	138.00	131.30	124.50	118.50	113.10
$920	$940	187.60	179.50	171.40	163.30	156.50	149.70	143.00	136.30	129.50	122.80	117.10
$940	$960	193.60	185.50	177.40	169.30	161.50	154.70	148.00	141.30	134.50	127.80	121.10
$960	$980	199.60	191.50	183.40	175.30	167.30	159.70	153.00	146.30	139.50	132.80	126.10
$980	$1,000	205.60	197.50	189.40	181.30	173.30	165.20	158.00	151.30	144.50	137.80	131.10
$1,000	$1,020	211.60	203.50	195.40	187.30	179.30	171.20	163.10	156.30	149.50	142.80	136.10
$1,020	$1,040	217.60	209.50	201.40	193.30	185.30	177.20	169.10	161.30	154.50	147.80	141.10
$1,040	$1,060	223.60	215.50	207.40	199.30	191.30	183.20	175.10	167.00	159.50	152.80	146.10
$1,060	$1,080	229.60	221.50	213.40	205.30	197.30	189.20	181.10	173.00	165.00	157.80	151.10
$1,080	$1,100	235.60	227.50	219.40	211.30	203.30	195.20	187.10	179.00	171.00	162.90	156.10
$1,100	$1,120	241.60	233.50	225.40	217.30	209.30	201.20	193.10	185.00	177.00	168.90	161.10
$1,120	$1,140	247.60	239.50	231.40	223.30	215.30	207.20	199.10	191.00	183.00	174.90	166.80
		30 percent of the excess over $1,140 plus—										
$1,140 and over		250.60	242.50	234.40	226.30	218.30	210.20	202.10	194.00	186.00	177.90	169.80

If the payroll period with respect to an employee is semimonthly and he is not married—

At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.10	0	0	0	0	0	0	0	0	0	0
$10	$12	.40	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	.90	0	0	0	0	0	0	0	0	0	0
$16	$18	1.20	0	0	0	0	0	0	0	0	0	0
$18	$20	1.50	0	0	0	0	0	0	0	0	0	0
$20	$22	1.80	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.30	0	0	0	0	0	0	0	0	0	0
$26	$28	2.60	0	0	0	0	0	0	0	0	0	0
$28	$30	2.90	0	0	0	0	0	0	0	0	0	0
$30	$32	3.20	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.80	0	0	0	0	0	0	0	0	0	0
$36	$38	4.10	0	0	0	0	0	0	0	0	0	0
$38	$40	4.40	.20	0	0	0	0	0	0	0	0	0
$40	$42	4.70	.50	0	0	0	0	0	0	0	0	0
$42	$44	5.00	.80	0	0	0	0	0	0	0	0	0
$44	$46	$5.30	$1.10	$0	$0	$0	$0	$0	$0	$0	$0	$0
$46	$48	5.60	1.30	0	0	0	0	0	0	0	0	0
$48	$50	5.90	1.60	0	0	0	0	0	0	0	0	0
$50	$52	6.20	1.90	0	0	0	0	0	0	0	0	0
$52	$54	6.60	2.20	0	0	0	0	0	0	0	0	0
$54	$56	6.90	2.50	0	0	0	0	0	0	0	0	0
$56	$58	7.20	2.70	0	0	0	0	0	0	0	0	0
$58	$60	7.60	3.00	0	0	0	0	0	0	0	0	0
$60	$62	7.90	3.30	0	0	0	0	0	0	0	0	0
$62	$64	8.30	3.60	0	0	0	0	0	0	0	0	0
$64	$66	8.60	3.90	0	0	0	0	0	0	0	0	0
$66	$68	8.90	4.20	0	0	0	0	0	0	0	0	0
$68	$70	9.30	4.50	.30	0	0	0	0	0	0	0	0
$70	$72	9.60	4.80	.60	0	0	0	0	0	0	0	0
$72	$74	10.00	5.10	.90	0	0	0	0	0	0	0	0
$74	$76	10.30	5.40	1.20	0	0	0	0	0	0	0	0
$76	$78	10.60	5.70	1.40	0	0	0	0	0	0	0	0
$78	$80	11.00	6.00	1.70	0	0	0	0	0	0	0	0
$80	$82	11.30	6.40	2.00	0	0	0	0	0	0	0	0
$82	$84	11.70	6.70	2.30	0	0	0	0	0	0	0	0
$84	$86	12.00	7.00	2.60	0	0	0	0	0	0	0	0
$86	$88	12.30	7.40	2.80	0	0	0	0	0	0	0	0
$88	$90	12.70	7.70	3.10	0	0	0	0	0	0	0	0
$90	$92	13.00	8.10	3.40	0	0	0	0	0	0	0	0
$92	$94	13.40	8.40	3.70	0	0	0	0	0	0	0	0
$94	$96	13.70	8.70	4.00	0	0	0	0	0	0	0	0
$96	$98	14.00	9.10	4.30	.20	0	0	0	0	0	0	0
$98	$100	14.40	9.40	4.60	.40	0	0	0	0	0	0	0
$100	$102	14.70	9.80	4.90	.70	0	0	0	0	0	0	0
$102	$104	15.10	10.10	5.20	1.00	0	0	0	0	0	0	0
$104	$106	15.40	10.40	5.50	1.30	0	0	0	0	0	0	0
$106	$108	15.70	10.80	5.80	1.60	0	0	0	0	0	0	0
$106	$110	16.10	11.10	6.20	1.80	0	0	0	0	0	0	0
$110	$112	16.40	11.50	6.50	2.10	0	0	0	0	0	0	0
$112	$114	16.80	11.80	6.80	2.40	0	0	0	0	0	0	0
$114	$116	17.10	12.10	7.20	2.70	0	0	0	0	0	0	0
$116	$118	17.40	12.50	7.50	3.00	0	0	0	0	0	0	0
$118	$120	17.80	12.80	7.90	3.30	0	0	0	0	0	0	0
$120	$124	18.30	13.30	8.40	3.70	0	0	0	0	0	0	0
$124	$128	19.00	14.00	9.00	4.30	.10	0	0	0	0	0	0
$128	$132	19.60	14.70	9.70	4.90	.70	0	0	0	0	0	0
$132	$136	20.30	15.40	10.40	5.50	1.30	0	0	0	0	0	0
$136	$140	21.00	16.00	11.10	6.10	1.80	0	0	0	0	0	0
$140	$144	21.70	16.70	11.80	6.80	2.40	0	0	0	0	0	0
$144	$148	22.40	17.40	12.40	7.50	2.90	0	0	0	0	0	0
$148	$152	23.00	18.10	13.10	8.20	3.50	0	0	0	0	0	0
$152	$156	23.70	18.80	13.80	8.80	4.10	0	0	0	0	0	0
$156	$160	24.40	19.40	14.50	9.50	4.70	.50	0	0	0	0	0
$160	$164	25.10	20.10	15.20	10.20	5.30	1.10	0	0	0	0	0
$164	$168	25.80	20.80	15.80	10.90	5.90	1.70	0	0	0	0	0
$168	$172	26.40	21.50	16.50	11.60	6.60	2.20	0	0	0	0	0
$172	$176	27.10	22.20	17.20	12.20	7.30	2.80	0	0	0	0	0
$176	$180	27.80	22.80	17.90	12.90	8.00	3.40	0	0	0	0	0
$180	$184	28.50	23.50	18.60	13.60	8.60	4.00	0	0	0	0	0
$184	$188	29.20	24.20	19.20	14.30	9.30	4.60	.40	0	0	0	0
$188	$192	30.00	24.90	19.90	15.00	10.00	5.20	.90	0	0	0	0
$192	$196	30.80	25.60	20.60	15.60	10.70	5.80	1.50	0	0	0	0
$196	$200	31.60	26.20	21.30	16.30	11.40	6.40	2.10	0	0	0	0
$200	$210	33.00	27.40	22.50	17.50	12.60	7.60	3.00	0	0	0	0
$210	$220	35.00	29.20	24.20	19.20	14.30	9.30	4.50	.40	0	0	0
$220	$230	37.00	31.20	25.90	20.90	16.00	11.00	6.00	1.80	0	0	0
$230	$240	39.00	33.20	27.60	22.60	17.70	12.70	7.70	3.20	0	0	0
$240	$250	41.00	35.20	29.40	24.30	19.40	14.40	9.40	4.70	.50	0	0
$250	$260	43.00	37.20	31.40	26.00	21.10	16.10	11.10	6.20	1.90	0	0
$260	$270	45.00	39.20	33.40	27.70	22.80	17.80	12.80	7.90	3.30	0	0
$270	$280	47.00	41.20	35.40	29.50	24.50	19.50	14.60	9.60	4.80	.60	0
$280	$290	49.00	43.20	37.40	31.60	26.20	21.20	16.20	11.30	6.30	2.00	0
$290	$300	51.00	45.20	39.40	33.50	27.90	22.90	17.90	13.00	8.00	3.40	0
$300	$320	54.00	48.20	42.40	36.50	30.70	25.50	20.60	15.50	10.60	5.70	1.40
$320	$340	58.00	52.20	46.40	40.50	34.70	28.90	23.90	18.90	14.00	9.00	4.30
$340	$360	62.00	56.20	50.40	44.50	38.70	32.90	27.30	22.30	17.40	12.40	7.50
$360	$380	66.20	60.20	54.40	48.50	42.70	36.90	31.00	25.70	20.80	15.80	10.90

If the payroll period with respect to an employee is semimonthly and he is not married—

At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$380	$400	71.20	64.20	58.40	52.50	46.70	40.90	35.00	29.20	24.20	19.20	14.30
$400	$420	76.20	68.90	62.40	56.50	50.70	44.90	39.00	33.20	27.60	22.60	17.70
$420	$440	81.20	73.90	66.60	60.50	54.70	48.90	43.00	37.20	31.40	26.00	21.10
$440	$460	86.20	78.90	71.60	64.50	58.70	52.90	47.00	41.20	35.40	29.50	24.50
$460	$480	91.80	83.90	76.60	69.30	62.70	56.90	51.00	45.20	39.40	33.50	27.90
$480	$500	97.80	89.00	81.60	74.30	67.00	60.90	55.00	49.20	43.40	37.50	31.70
$500	$520	103.80	95.00	86.60	79.30	72.00	64.90	59.00	53.20	47.40	41.50	35.70
$520	$540	109.80	101.00	92.30	84.30	77.00	69.80	63.00	57.20	51.40	45.50	39.70
$540	$560	115.80	107.00	98.30	89.50	82.00	74.80	67.50	61.20	55.40	49.50	43.70
$560	$580	121.80	113.00	104.30	95.50	87.00	79.80	72.50	65.20	59.40	53.50	47.70
$580	$600	127.80	119.00	110.30	101.50	92.80	84.80	77.50	70.20	63.40	57.50	51.70
$600	$620	133.80	125.00	116.30	107.50	98.80	90.00	82.50	75.20	67.90	61.50	55.70
$620	$640	139.80	131.00	122.30	113.50	104.80	96.00	87.50	80.20	72.90	65.60	59.70
$640	$660	145.80	137.00	128.30	119.50	110.80	102.00	93.30	85.20	77.90	70.60	63.70
$660	$680	151.80	143.00	134.30	125.50	116.80	108.00	99.30	90.50	82.90	75.60	68.30
$680	$700	157.80	149.00	140.30	131.50	122.80	114.00	105.30	96.50	87.90	80.60	73.30
$700	$720	163.80	155.00	146.30	137.50	128.80	120.00	111.30	102.50	93.80	85.60	78.30
$720	$740	169.80	161.00	152.30	113.50	134.80	126.00	117.30	108.50	99.80	91.00	83.30
$740	$760	175.80	167.00	158.30	149.50	140.80	132.00	123.30	114.50	105.80	97.00	88.30
		30 percent of the excess over $760 plus—										
$760 and over		178.80	170.00	161.30	152.50	143.80	135.00	126.30	117.50	108.80	100.00	91.30

If the payroll period with respect to an employee is semimonthly and he is married—

At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$8	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$8	$10	.10	0	0	0	0	0	0	0	0	0	0
$10	$12	.40	0	0	0	0	0	0	0	0	0	0
$12	$14	.70	0	0	0	0	0	0	0	0	0	0
$14	$16	.90	0	0	0	0	0	0	0	0	0	0
$16	$18	1.20	0	0	0	0	0	0	0	0	0	0
$18	$20	1.50	0	0	0	0	0	0	0	0	0	0
$20	$22	1.80	0	0	0	0	0	0	0	0	0	0
$22	$24	2.10	0	0	0	0	0	0	0	0	0	0
$24	$26	2.30	0	0	0	0	0	0	0	0	0	0
$26	$28	2.60	0	0	0	0	0	0	0	0	0	0
$28	$30	2.90	0	0	0	0	0	0	0	0	0	0
$30	$32	3.20	0	0	0	0	0	0	0	0	0	0
$32	$34	3.50	0	0	0	0	0	0	0	0	0	0
$34	$36	3.70	0	0	0	0	0	0	0	0	0	0
$36	$38	4.00	0	0	0	0	0	0	0	0	0	0
$38	$40	4.30	.20	0	0	0	0	0	0	0	0	0
$40	$42	4.60	.50	0	0	0	0	0	0	0	0	0
$42	$44	4.90	.80	0	0	0	0	0	0	0	0	0
$44	$46	5.10	1.10	0	0	0	0	0	0	0	0	0
$46	$48	5.40	1.30	0	0	0	0	0	0	0	0	0
$48	$50	5.70	1.60	0	0	0	0	0	0	0	0	0
$50	$52	6.00	1.90	0	0	0	0	0	0	0	0	0
$52	$54	6.30	2.20	0	0	0	0	0	0	0	0	0
$54	$56	6.60	2.50	0	0	0	0	0	0	0	0	0
$56	$58	6.90	2.70	0	0	0	0	0	0	0	0	0
$58	$60	7.20	3.00	0	0	0	0	0	0	0	0	0
$60	$62	7.50	3.30	0	0	0	0	0	0	0	0	0
$62	$64	7.80	3.60	0	0	0	0	0	0	0	0	0
$64	$66	8.10	3.90	0	0	0	0	0	0	0	0	0
$66	$68	8.40	4.10	0	0	0	0	0	0	0	0	0
$68	$70	8.70	4.40	.30	0	0	0	0	0	0	0	0
$70	$72	9.00	4.70	.60	0	0	0	0	0	0	0	0
$72	$74	9.30	5.00	0.90	0	0	0	0	0	0	0	0
$74	$76	9.60	5.30	1.20	0	0	0	0	0	0	0	0
$76	$78	$9.90	$5.50	$1.40	$0	$0	$0	$0	$0	$0	$0	$0
$78	$80	10.20	5.80	1.70	0	0	0	0	0	0	0	0
$80	$82	10.50	6.10	2.00	0	0	0	0	0	0	0	0
$82	$84	10.80	6.40	2.30	0	0	0	0	0	0	0	0
$84	$86	11.10	6.70	2.60	0	0	0	0	0	0	0	0
$86	$88	11.40	7.00	2.80	0	0	0	0	0	0	0	0
$88	$90	11.70	7.30	3.10	0	0	0	0	0	0	0	0
$90	$92	12.00	7.60	3.40	0	0	0	0	0	0	0	0
$92	$94	12.30	7.90	3.70	0	0	0	0	0	0	0	0
$94	$96	12.60	8.20	4.00	0	0	0	0	0	0	0	0
$96	$98	12.90	8.50	4.20	.20	0	0	0	0	0	0	0
$98	$100	13.20	8.80	4.50	.40	0	0	0	0	0	0	0
$100	$102	13.50	9.10	4.80	.70	0	0	0	0	0	0	0
$102	$104	13.80	9.40	5.10	1.00	0	0	0	0	0	0	0
$104	$106	14.10	9.70	5.40	1.30	0	0	0	0	0	0	0
$106	$108	14.40	10.00	5.60	1.60	0	0	0	0	0	0	0
$108	$110	14.70	10.30	5.90	1.80	0	0	0	0	0	0	0
$110	$112	15.00	10.60	6.20	2.10	0	0	0	0	0	0	0
$112	$114	15.30	10.90	6.50	2.40	0	0	0	0	0	0	0
$114	$116	15.60	11.20	6.80	2.70	0	0	0	0	0	0	0
$116	$118	15.90	11.50	7.10	3.00	0	0	0	0	0	0	0
$118	$120	16.20	11.80	7.40	3.20	0	0	0	0	0	0	0
$120	$124	16.60	12.30	7.90	3.70	0	0	0	0	0	0	0
$124	$128	17.20	12.90	8.50	4.20	.10	0	0	0	0	0	0
$128	$132	17.80	13.50	9.10	4.80	.70	0	0	0	0	0	0
$132	$136	18.40	14.10	9.70	5.30	1.30	0	0	0	0	0	0
$136	$140	19.00	14.70	10.30	5.90	1.80	0	0	0	0	0	0
$140	$144	19.60	15.30	10.90	6.50	2.40	0	0	0	0	0	0
$144	$148	20.20	15.90	11.50	7.10	2.90	0	0	0	0	0	0
$148	$152	20.80	16.50	12.10	7.70	3.50	0	0	0	0	0	0
$152	$156	21.40	17.10	12.70	8.30	4.10	0	0	0	0	0	0
$156	$160	22.00	17.70	13.30	8.90	4.60	.50	0	0	0	0	0
$160	$164	22.60	18.30	13.90	9.50	5.20	1.10	0	0	0	0	0
$164	$168	23.20	18.90	14.50	10.10	5.70	1.70	0	0	0	0	0
$168	$172	23.80	19.50	15.10	10.70	6.30	2.20	0	0	0	0	0
$172	$176	24.40	20.10	15.70	11.30	6.90	2.80	0	0	0	0	0
$176	$180	25.00	20.70	16.30	11.90	7.50	3.30	0	0	0	0	0
$180	$184	25.60	21.30	16.90	12.50	8.10	3.90	0	0	0	0	0
$184	$188	26.30	21.90	17.50	13.10	8.70	4.50	.40	0	0	0	0
$188	$192	27.00	22.50	18.10	13.70	9.30	5.00	.90	0	0	0	0
$192	$196	27.60	23.10	18.70	14.30	9.90	5.60	1.50	0	0	0	0
$196	$200	28.30	23.70	19.30	14.90	10.50	6.20	2.10	0	0	0	0
$200	$210	29.50	24.70	20.30	16.00	11.60	7.20	3.00	0	0	0	0
$210	$220	31.20	26.30	21.80	17.50	13.10	8.70	4.40	.40	0	0	0
$220	$230	32.90	28.00	23.30	19.00	14.60	10.20	5.80	1.80	0	0	0
$230	$240	34.60	29.70	24.80	20.50	16.10	11.70	7.30	3.20	0	0	0
$240	$250	36.30	31.40	26.40	22.00	17.60	13.20	8.80	4.60	.50	0	0
$250	$260	38.00	33.10	28.10	23.50	19.10	14.70	10.30	6.00	1.90	0	0
$260	$270	39.70	34.80	29.80	25.00	20.60	16.20	11.80	7.50	3.30	0	0
$270	$280	41.40	36.50	31.50	26.50	22.10	17.70	13.30	9.00	4.70	.60	0
$280	$290	43.10	38.20	33.20	28.20	23.60	19.20	14.80	10.50	6.10	2.00	0
$290	$300	44.80	39.90	34.90	29.90	25.10	20.70	16.30	12.00	7.60	3.40	0
$300	$320	47.40	42.40	37.50	32.50	27.50	23.00	18.60	14.20	9.80	5.50	1.40
$320	$340	50.80	45.80	40.90	35.90	30.90	26.00	21.60	17.20	12.80	8.50	4.20
$340	$360	54.20	49.20	44.30	39.30	34.30	29.40	24.60	20.20	15.80	11.50	7.10
$360	$380	57.70	52.60	47.70	42.70	37.70	32.80	27.80	23.20	18.80	14.50	10.10
$380	$400	61.70	56.00	51.10	46.10	41.10	36.20	31.20	26.30	21.80	17.50	13.10
$400	$420	65.70	59.80	54.50	49.50	44.50	39.60	34.60	29.70	24.80	20.50	16.10
$420	$440	69.70	63.80	58.00	52.90	47.90	43.00	38.00	33.10	28.10	23.50	19.10
$440	$460	73.70	67.80	62.00	56.30	51.30	46.40	41.40	36.50	31.50	26.50	22.10
$460	$480	77.70	71.80	66.00	60.20	54.70	49.80	44.80	39.90	34.90	29.90	25.10
$480	$500	81.70	75.80	70.00	64.20	58.30	53.20	48.20	43.30	38.30	33.30	28.40
$500	$520	85.70	79.80	74.00	68.20	62.30	56.90	51.60	46.70	41.70	36.70	31.80
$520	$540	89.70	83.80	78.00	72.20	66.30	60.50	55.00	50.10	45.10	40.10	35.20
$540	$560	93.70	87.80	82.00	76.20	70.30	64.50	58.70	53.50	48.50	43.50	38.60
$560	$580	97.70	91.80	86.00	80.20	74.30	68.50	62.70	56.90	51.90	46.90	42.00
$580	$600	101.70	95.80	90.00	84.20	78.30	72.50	66.70	60.80	55.30	50.30	45.40
$600	$620	105.70	99.80	94.00	88.20	82.30	76.50	70.70	64.80	59.00	53.70	48.80
$620	$640	109.70	103.80	98.00	92.20	86.30	80.50	74.70	68.80	63.00	57.20	52.20
$640	$660	113.70	107.80	102.00	96.20	90.30	84.50	78.70	72.80	67.00	61.20	55.60
$660	$680	117.70	111.80	106.00	100.20	94.30	88.50	82.70	76.80	71.00	65.20	59.30
$680	$700	121.70	115.80	110.00	104.20	98.30	92.50	86.70	80.80	75.00	69.20	63.30

If the payroll period with respect to an employee is semimonthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$700	$720	$125.70	$119.80	$114.00	$108.20	$102.30	$96.50	$90.70	$84.80	$79.00	$73.20	$67.30
$720	$740	129.70	123.80	118.00	112.20	106.30	100.50	94.70	88.80	83.00	77.20	71.30
$740	$760	134.30	127.80	122.00	116.20	110.30	104.50	98.70	92.80	87.00	81.20	75.30
$760	$780	139.30	132.00	126.00	120.20	114.30	108.50	102.70	96.80	91.00	85.20	79.30
$780	$800	144.30	137.00	130.00	124.20	118.30	112.50	106.70	100.80	95.00	89.20	83.30
$800	$820	149.30	142.00	134.70	128.20	122.30	116.50	110.70	104.80	99.00	93.20	87.30
$820	$840	154.30	147.00	139.70	132.40	126.30	120.50	114.70	108.80	103.00	97.20	91.30
$840	$860	159.30	152.00	144.70	137.40	130.30	124.50	118.70	112.80	107.00	101.20	95.30
$860	$880	164.30	157.00	149.70	142.40	135.10	128.50	122.70	116.80	111.00	105.20	99.30
$880	$900	169.30	162.00	154.70	147.40	140.10	132.80	126.70	120.80	115.00	109.20	103.30
$900	$920	174.30	167.00	159.70	152.40	145.10	137.80	130.70	124.80	119.00	113.20	107.30
$920	$940	180.00	172.00	164.70	157.40	150.10	142.80	135.50	128.80	123.00	117.20	111.30
$940	$960	186.00	177.20	169.70	162.40	155.10	147.80	140.50	133.30	127.00	121.20	115.30
$960	$980	192.00	183.20	174.70	167.40	160.10	152.80	145.50	138.30	131.00	125.20	119.30
$980	$1,000	198.00	189.20	180.50	172.40	165.10	157.80	150.50	143.30	136.00	129.20	123.30
$1,000	$1,020	204.00	195.20	186.50	177.70	170.10	162.80	155.50	148.30	141.00	133.70	127.30
$1,020	$1,040	210.00	201.20	192.50	183.70	175.10	167.80	160.50	153.30	146.00	138.70	131.40
$1,040	$1,060	216.00	207.20	198.50	189.70	181.00	172.80	165.50	158.30	151.00	143.70	136.40
$1,060	$1,080	222.00	213.20	204.50	195.70	187.00	178.20	170.50	163.30	156.00	148.70	141.40
$1,080	$1,100	228.00	219.20	210.50	201.70	193.00	184.20	175.50	168.30	161.00	153.70	146.40
$1,100	$1,120	234.00	225.20	216.50	207.70	199.00	190.20	181.50	173.30	166.00	158.70	151.40
$1,120	$1,140	240.00	231.20	222.50	213.70	205.00	196.20	187.50	178.70	171.00	163.70	156.40
$1,140	$1,160	246.00	237.20	228.50	219.70	211.00	202.20	193.50	184.70	176.00	168.70	161.40
$1,160	$1,180	252.00	243.20	234.50	225.70	217.00	208.20	199.50	190.70	182.00	173.70	166.40
$1,180	$1,200	258.00	249.20	240.50	231.70	223.00	214.20	205.50	196.70	188.00	179.20	171.40
$1,200	$1,220	264.00	255.20	246.50	237.70	229.00	220.20	211.50	202.70	194.00	185.20	176.50
		30 percent of the excess over $1,220 plus—										
$1,220 and over		267.00	258.20	249.50	240.70	232.00	223.20	214.50	205.70	197.00	188.20	179.50

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$16	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$16	$20	.20	0	0	0	0	0	0	0	0	0	0
$20	$24	.70	0	0	0	0	0	0	0	0	0	0
$24	$28	1.30	0	0	0	0	0	0	0	0	0	0
$28	$32	1.90	0	0	0	0	0	0	0	0	0	0
$32	$36	2.40	0	0	0	0	0	0	0	0	0	0
$36	$40	3.00	0	0	0	0	0	0	0	0	0	0
$40	$44	3.50	0	0	0	0	0	0	0	0	0	0
$44	$48	4.10	0	0	0	0	0	0	0	0	0	0
$48	$52	4.70	0	0	0	0	0	0	0	0	0	0
$52	$56	5.20	0	0	0	0	0	0	0	0	0	0
$56	$60	5.80	0	0	0	0	0	0	0	0	0	0
$60	$64	6.40	0	0	0	0	0	0	0	0	0	0
$64	$68	7.00	0	0	0	0	0	0	0	0	0	0
$68	$72	7.60	0	0	0	0	0	0	0	0	0	0
$72	$76	8.20	0	0	0	0	0	0	0	0	0	0
$76	$80	8.80	.40	0	0	0	0	0	0	0	0	0
$80	$84	9.40	1.00	0	0	0	0	0	0	0	0	0
$84	$88	10.00	1.50	0	0	0	0	0	0	0	0	0
$88	$92	10.60	2.10	0	0	0	0	0	0	0	0	0
$92	$96	11.20	2.70	0	0	0	0	0	0	0	0	0
$96	$100	11.80	3.20	0	0	0	0	0	0	0	0	0
$100	$104	12.40	3.80	0	0	0	0	0	0	0	0	0
$104	$108	13.10	4.30	0	0	0	0	0	0	0	0	0
$108	$112	13.80	4.90	0	0	0	0	0	0	0	0	0
$112	$116	14.50	5.50	0	0	0	0	0	0	0	0	0
$116	$120	15.10	6.00	0	0	0	0	0	0	0	0	0
$120	$124	15.80	6.60	0	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$124	$128	$16.50	$7.20	$0	$0	$0	$0	$0	$0	$0	$0	$0
$128	$132	17.20	7.80	0	0	0	0	0	0	0	0	0
$132	$136	17.90	8.40	.10	0	0	0	0	0	0	0	0
$136	$140	18.50	9.00	.70	0	0	0	0	0	0	0	0
$140	$144	19.20	9.60	1.20	0	0	0	0	0	0	0	0
$144	$148	19.90	10.20	1.80	0	0	0	0	0	0	0	0
$148	$152	20.60	10.80	2.30	0	0	0	0	0	0	0	0
$152	$156	21.30	11.40	2.90	0	0	0	0	0	0	0	0
$156	$160	21.90	12.00	3.50	0	0	0	0	0	0	0	0
$160	$164	22.60	12.70	4.00	0	0	0	0	0	0	0	0
$164	$168	23.30	13.40	4.60	0	0	0	0	0	0	0	0
$168	$172	24.00	14.10	5.10	0	0	0	0	0	0	0	0
$172	$176	24.70	14.70	5.70	0	0	0	0	0	0	0	0
$176	$180	25.30	15.40	6.30	0	0	0	0	0	0	0	0
$180	$184	26.00	16.10	6.90	0	0	0	0	0	0	0	0
$184	$188	26.70	16.80	7.50	0	0	0	0	0	0	0	0
$188	$192	27.40	17.50	8.10	0	0	0	0	0	0	0	0
$192	$196	28.10	18.10	8.70	.30	0	0	0	0	0	0	0
$196	$200	28.70	18.80	9.30	.90	0	0	0	0	0	0	0
$200	$204	29.40	19.50	9.90	1.40	0	0	0	0	0	0	0
$204	$208	30.10	20.20	10.50	2.00	0	0	0	0	0	0	0
$208	$212	30.80	20.90	11.10	2.60	0	0	0	0	0	0	0
$212	$216	31.50	21.50	11.70	3.10	0	0	0	0	0	0	0
$216	$220	32.10	22.20	12.30	3.70	0	0	0	0	0	0	0
$220	$224	32.80	22.90	13.00	4.20	0	0	0	0	0	0	0
$224	$228	33.50	23.60	13.70	4.80	0	0	0	0	0	0	0
$228	$232	34.20	24.30	14.40	5.40	0	0	0	0	0	0	0
$232	$236	34.90	24.90	15.00	5.90	0	0	0	0	0	0	0
$236	$240	35.50	25.60	15.70	6.50	0	0	0	0	0	0	0
$240	$248	36.60	26.60	16.70	7.40	0	0	0	0	0	0	0
$248	$256	37.90	28.00	18.10	8.60	.30	0	0	0	0	0	0
$256	$264	39.30	29.40	19.50	9.80	1.40	0	0	0	0	0	0
$264	$272	40.60	30.70	20.80	11.00	2.50	0	0	0	0	0	0
$272	$280	42.00	32.10	22.20	12.30	3.60	0	0	0	0	0	0
$280	$288	43.40	33.40	23.50	13.60	4.80	0	0	0	0	0	0
$288	$296	44.70	34.80	24.90	15.00	5.90	0	0	0		0	0
$296	$304	46.10	36.20	26.30	16.30	7.10	0	0	0	0	0	0
$304	$312	47.40	37.50	27.60	17.70	8.30	0	0	0	0	0	0
$312	$320	48.80	38.90	29.00	19.10	9.50	1.10		0	0	0	0
$320	$328	50.20	40.20	30.30	20.40	10.70	2.20	0	0	0	0	0
$328	$336	51.50	41.60	31.70	21.80	11.90	3.30	0	0	0	0	0
$336	$344	52.90	43.00	33.10	23.10	13.20	4.40	0	0	0	0	0
$344	$352	54.20	44.30	34.40	24.50	14.60	5.60	0	0	0	0	0
$352	$360	55.60	45.70	35.80	25.90	15.90	6.70	0	0	0	0	0
$360	$368	57.00	47.00	37.10	27.20	17.30	7.90	0	0	0	0	0
$368	$376	58.50	48.40	38.50	28.60	18.70	9.10	.70	0	0	0	0
$376	$384	60.10	49.80	39.90	29.90	20.00	10.30	1.90	0		0	0
$384	$392	61.70	51.10	41.20	31.30	21.40	11.50	3.00	0	0	0	0
$392	$400	63.30	52.50	42.60	32.70	22.70	12.80	4.10	0	0	0	0
$400	$420	66.10	54.90	45.00	35.00	25.10	15.20	6.10	0	0	0	0
$420	$440	70.10	58.40	48.40	38.40	28.50	18.60	9.10	.70	0	0	0
$440	$460	74.10	62.40	51.80	41.80	31.90	22.00	12.10	3.50	0	0	0
$460	$480	78.10	66.40	55.20	45.20	35.30	25.40	15.50	6.30	0	0	0
$480	$500	82.10	70.40	58.80	48.60	38.70	28.80	18.90	9.30	.90	0	0
$500	$520	86.10	74.40	62.80	52.00	42.10	32.20	22.30	12.40	3.70	0	0
$520	$540	90.10	78.40	66.80	55.40	45.50	35.60	25.70	15.80	6.60	0	0
$540	$560	94.10	82.40	70.80	59.10	48.90	39.00	29.10	19.20	9.60	1.20	0
$560	$580	98.10	86.40	74.80	63.10	52.30	42.40	32.50	22.60	12.70	4.00	0
$580	$600	102.10	90.40	78.80	67.10	55.70	45.80	35.90	26.00	16.10	6.80	0
$600	$640	108.10	96.40	84.80	73.10	61.40	50.90	41.00	31.10	21.20	11.30	2.80
$640	$680	116.10	104.40	92.80	81.10	69.40	57.80	47.80	37.90	28.00	18.00	8.60
$680	$720	124.10	112.40	100.80	89.10	77.40	65.80	54.60	44.70	34.80	24.80	14.90
$720	$760	132.40	120.40	108.80	97.10	85.40	73.80	62.10	51.50	41.60	31.60	21.70
$760	$800	142.40	128.40	116.80	105.10	93.40	81.80	70.10	58.40	48.40	38.40	28.50
$800	$840	152.40	137.80	124.80	113.10	101.40	89.80	78.10	66.40	55.20	45.20	35.30
$840	$880	162.40	147.80	133.30	121.10	109.40	97.80	86.10	74.40	62.80	52.00	42.10
$880	$920	172.40	157.80	143.30	129.10	117.40	105.80	94.10	82.40	70.80	59.10	48.90
$920	$960	183.60	167.80	153.30	138.70	125.40	113.80	102.10	90.40	78.80	67.10	55.70
$960	$1,000	195.60	178.10	163.30	148.70	134.10	121.80	110.10	98.40	86.80	75.10	63.40
$1,000	$1,040	207.60	190.10	173.30	158.70	144.10	129.80	118.10	106.40	94.80	83.10	71.40
$1,040	$1,080	219.60	202.10	184.60	168.70	154.10	139.50	126.10	114.40	102.80	91.10	79.40
$1,080	$1,120	231.60	214.10	196.60	179.10	164.10	149.50	134.90	122.40	110.80	99.10	87.40

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$1,120	$1,160	$243.60	$226.10	$208.60	$191.10	$174.10	$159.50	$144.90	$130.40	$118.80	$107.10	$95.40
$1,160	$1,200	255.60	238.10	220.60	203.10	185.60	169.50	154.90	140.30	126.80	115.10	103.40
$1,200	$1,240	267.60	250.10	232.60	215.10	197.60	180.10	164.90	150.30	135.80	123.10	111.40
$1,240	$1,280	279.60	262.10	244.60	227.10	209.60	192.10	174.90	160.30	145.80	131.20	119.40
$1,280	$1,320	291.60	274.10	256.60	239.10	221.60	204.10	186.60	170.30	155.80	141.20	127.40
$1,320	$1,360	303.60	286.10	268.60	251.10	233.60	216.10	198.60	181.10	165.80	151.20	136.60
$1,360	$1,400	315.60	298.10	280.60	263.10	245.60	228.10	210.60	193.10	175.80	161.20	146.60
$1,400	$1,440	327.60	310.10	292.60	275.10	257.60	240.10	222.60	205.10	187.60	171.20	156.60
$1,440	$1,480	339.60	322.10	304.60	287.10	269.60	252.10	234.60	217.10	199.60	182.10	166.60
$1,480	$1,520	351.60	334.10	316.60	299.10	281.60	264.10	246.60	229.10	211.60	194.10	176.60
		30 percent of the excess over $1,520 plus—										
$1,520 and over		357.60	340.10	322.60	305.10	287.60	270.10	252.60	235.10	217.60	200.10	182.60

If the payroll period with respect to an employee is monthly and he is married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$0	$16	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$16	$20	.20	0	0	0	0	0	0	0	0	0	0
$20	$24	.70	0	0	0	0	0	0	0	0	0	0
$24	$28	1.30	0	0	0	0	0	0	0	0	0	0
$28	$32	1.90	0	0	0	0	0	0	0	0	0	0
$32	$36	2.40	0	0	0	0	0	0	0	0	0	0
$36	$40	3.00	0	0	0	0	0	0	0	0	0	0
$40	$44	3.50	0	0	0	0	0	0	0	0	0	0
$44	$48	4.10	0	0	0	0	0	0	0	0	0	0
$48	$52	4.70	0	0	0	0	0	0	0	0	0	0
$52	$56	5.20	0	0	0	0	0	0	0	0	0	0
$56	$60	5.80	0	0	0	0	0	0	0	0	0	0
$60	$64	6.30	0	0	0	0	0	0	0	0	0	0
$64	$68	6.90	0	0	0	0	0	0	0	0	0	0
$68	$72	7.50	0	0	0	0	0	0	0	0	0	0
$72	$76	8.00	0	0	0	0	0	0	0	0	0	0
$76	$80	8.60	.40	0	0	0	0	0	0	0	0	0
$80	$84	9.10	1.00	0	0	0	0	0	0	0	0	0
$84	$88	9.70	1.50	0	0	0	0	0	0	0	0	0
$88	$92	10.20	2.10	0	0	0	0	0	0	0	0	0
$92	$96	10.80	2.70	0	0	0	0	0	0	0	0	0
$96	$100	11.40	3.20	0	0	0	0	0	0	0	0	0
$100	$104	12.00	3.80	0	0	0	0	0	0	0	0	0
$104	$108	12.60	4.30	0	0	0	0	0	0	0	0	0
$108	$112	13.20	4.90	0	0	0	0	0	0	0	0	0
$112	$116	13.80	5.50	0	0	0	0	0	0	0	0	0
$116	$120	14.40	6.00	0	0	0	0	0	0	0	0	0
$120	$124	15.00	6.60	0	0	0	0	0	0	0	0	0
$124	$128	15.60	7.10	0	0	0	0	0	0	0	0	0
$128	$132	16.20	7.70	0	0	0	0	0	0	0	0	0
$132	$136	16.80	8.30	.10	0	0	0	0	0	0	0	0
$136	$140	17.40	8.80	.70	0	0	0	0	0	0	0	0
$140	$144	18.00	9.40	1.20	0	0	0	0	0	0	0	0
$144	$148	18.60	9.90	1.80	0	0	0	0	0	0	0	0
$148	$152	19.20	10.50	2.30	0	0	0	0	0	0	0	0
$152	$156	19.80	11.10	2.90	0	0	0	0	0	0	0	0
$156	$160	20.40	11.50	3.50	0	0	0	0	0	0	0	0
$160	$164	21.00	12.20	4.00	0	0	0	0	0	0	0	0
$164	$168	21.60	12.80	4.60	0	0	0	0	0	0	0	0
$168	$172	22.20	13.40	5.10	0	0	0	0	0	0	0	0
$172	$176	22.80	14.00	5.70	0	0	0	0	0	0	0	0
$176	$180	23.40	14.60	6.30	0	0	0	0	0	0	0	0
$180	$184	24.00	15.20	6.80	0	0	0	0	0	0	0	0
$184	$188	24.60	15.80	7.40	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$188	$192	$25.20	$16.40	$7.90	$0	$0	$0	$0	$0	$0	$0	$0
$192	$196	25.80	17.00	8.50	.30	0	0	0	0	0	0	0
$196	$200	26.40	17.60	9.10	.90	0	0	0	0	0	0	0
$200	$204	27.00	18.20	9.60	1.40	0	0	0	0	0	0	0
$204	$208	27.60	18.80	10.20	2.00	0	0	0	0	0	0	0
$208	$212	28.20	19.40	10.70	2.60	0	0	0	0	0	0	0
$212	$216	28.80	20.00	11.30	3.10	0	0	0	0	0	0	0
$216	$220	29.40	20.60	11.90	3.70	0	0	0	0	0	0	0
$220	$224	30.00	21.20	12.50	4.20	0	0	0	0	0	0	0
$224	$228	30.60	21.80	13.10	4.80	0	0	0	0	0	0	0
$228	$232	31.20	22.40	13.70	5.40	0	0	0	0	0	0	0
$232	$236	31.80	23.00	14.30	5.90	0	0	0	0	0	0	0
$236	$240	32.40	23.60	14.90	6.50	0	0	0	0	0	0	0
$240	$248	33.30	24.50	15.80	7.30	0	0	0	0	0	0	0
$248	$256	34.50	25.70	17.00	8.40	.30	0	0	0	0	0	0
$256	$264	35.70	26.90	18.20	9.60	1.40	0	0	0	0	0	0
$264	$272	36.90	28.10	19.40	10.70	2.50	0	0	0	0	0	0
$272	$280	38.10	29.30	20.60	11.80	3.60	0	0	0	0	0	0
$280	$288	39.30	30.50	21.80	13.00	4.80	0	0	0	0	0	0
$288	$296	40.50	31.70	23.00	14.20	5.90	0	0	0	0	0	0
$296	$304	41.70	32.90	24.20	15.40	7.00	0	0	0	0	0	0
$304	$312	42.90	34.10	25.40	16.60	8.10	0	0	0	0	0	0
$312	$320	44.10	35.30	26.60	17.80	9.20	1.10	0	0	0	0	0
$320	$328	45.30	36.50	27.80	19.00	10.40	2.20	0	0	0	0	0
$328	$336	46.50	37.70	29.00	20.20	11.50	3.30	0	0	0	0	0
$336	$344	47.70	38.90	30.20	21.40	12.70	4.40	0	0	0	0	0
$344	$352	48.90	40.10	31.40	22.60	13.90	5.60	0	0	0	0	0
$352	$360	50.10	41.30	32.60	23.80	15.10	6.70	0	0	0	0	0
$360	$368	51.30	42.50	33.80	25.00	16.30	7.80	0	0	0	0	0
$368	$376	52.60	43.70	35.00	26.20	17.50	8.90	.70	0	0	0	0
$376	$384	53.90	44.90	36.20	27.40	18.70	10.00	1.90	0	0	0	0
$384	$392	55.30	46.10	37.40	28.60	19.90	11.20	3.00	0	0	0	0
$392	$400	56.70	47.30	38.60	29.80	21.10	12.30	4.10	0	0	0	0
$400	$420	59.00	49.40	40.70	31.90	23.20	14.40	6.10	0	0	0	0
$420	$440	62.40	52.50	43.70	34.90	26.20	17.40	8.90	.70	0	0	0
$440	$460	65.80	55.90	46.70	37.90	29.20	20.40	11.70	3.50	0	0	0
$460	$480	69.20	59.30	49.70	40.90	32.20	23.40	14.70	6.30	0	0	0
$480	$500	72.60	62.70	52.80	43.90	35.20	26.40	17.70	9.10	.90	0	0
$500	$520	76.00	66.10	56.20	46.90	38.20	29.40	20.70	11.90	3.70	0	0
$520	$540	79.40	69.50	59.60	49.90	41.20	32.40	23.70	14.90	6.50	0	0
$540	$560	82.80	72.90	63.00	53.10	44.20	35.40	26.70	17.90	9.30	1.20	0
$560	$580	86.20	76.30	66.40	56.50	47.20	38.40	29.70	20.90	12.20	4.00	0
$580	$600	89.60	79.70	69.80	59.90	50.20	41.40	32.70	23.90	15.20	6.80	0
$600	$640	94.70	84.80	74.90	65.00	55.10	45.90	37.20	28.40	19.70	11.00	2.80
$640	$680	101.50	91.60	81.70	71.80	61.90	52.00	43.20	34.40	25.70	16.90	8.40
$680	$720	108.30	98.40	88.50	78.60	68.70	58.80	49.20	40.40	31.70	22.90	14.20
$720	$760	115.30	105.20	95.30	85.40	75.50	65.60	55.60	46.40	37.70	28.90	20.20
$760	$800	123.30	112.00	102.10	92.20	82.30	72.40	62.40	52.50	43.70	34.90	26.20
$800	$840	131.30	119.70	108.90	99.00	89.10	79.20	69.20	59.30	49.70	40.90	32.20
$840	$880	139.30	127.70	116.00	105.80	95.90	86.00	76.00	66.10	56.20	46.90	38.20
$880	$920	147.30	135.70	124.00	112.60	102.70	92.80	82.80	72.90	63.00	53.10	44.20
$920	$960	155.30	143.70	132.00	120.30	109.50	99.60	89.60	79.70	69.80	59.90	50.20
$960	$1,000	163.30	151.70	140.00	128.30	116.70	106.40	96.40	86.50	76.60	66.70	56.80
$1,000	$1,040	171.30	159.70	148.00	136.30	124.70	113.20	103.20	93.30	83.40	73.50	63.60
$1,040	$1,080	179.30	167.70	156.00	144.30	132.70	121.00	110.00	100.10	90.20	80.30	70.40
$1,080	$1,120	187.30	175.70	164.60	152.30	140.70	129.00	117.30	106.90	97.00	87.10	77.20
$1,120	$1,160	195.30	183.70	172.00	160.30	148.70	137.00	125.30	113.70	103.80	93.90	84.00
$1,160	$1,200	203.30	191.70	180.00	168.30	156.70	145.00	133.30	121.70	110.60	100.70	90.80
$1,200	$1,240	211.30	199.70	188.00	176.30	164.70	153.00	141.30	129.70	118.00	107.50	97.60
$1,240	$1,280	219.30	207.70	196.00	184.30	172.70	161.00	149.30	137.70	126.00	114.30	104.40
$1,280	$1,320	227.30	215.70	204.00	192.30	180.70	169.00	157.30	145.70	134.00	122.30	111.20
$1,320	$1,360	235.30	223.70	212.00	200.30	188.70	177.00	165.30	153.70	142.00	130.30	118.70
$1,360	$1,400	243.30	231.70	220.00	208.30	196.70	185.00	173.30	161.70	150.00	138.30	126.70
$1,400	$1,440	251.30	239.70	228.00	216.30	204.70	193.00	181.30	169.70	158.00	146.30	134.70
$1,440	$1,480	259.30	247.70	236.00	224.30	212.70	201.00	189.30	177.70	166.00	154.30	142.70
$1,480	$1,520	268.60	255.70	244.60	232.30	220.70	209.00	197.30	185.70	174.00	162.30	150.70
$1,520	$1,560	278.60	264.00	252.00	240.30	228.70	217.00	205.30	193.70	182.00	170.30	158.70
$1,560	$1,600	288.60	274.00	260.00	248.30	236.70	225.00	213.30	201.70	190.00	178.30	166.70
$1,600	$1,640	298.60	284.00	269.40	256.30	244.70	233.00	221.30	209.70	198.00	186.30	174.70
$1,640	$1,680	308.60	294.00	279.40	264.80	252.70	241.00	229.30	217.70	206.00	194.30	182.70
$1,680	$1,720	318.60	304.00	289.40	274.80	260.70	249.00	237.30	225.70	214.00	202.30	190.70
$1,720	$1,760	328.60	314.00	299.40	284.80	270.30	257.00	245.30	233.70	222.00	210.30	198.70

If the payroll period with respect to an employee is monthly and he is not married—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$1,760	$1,800	338.60	$324.00	$309.40	$294.80	$280.30	$265.70	$253.30	$241.70	$230.00	$218.30	$206.70
$1,800	$1,840	348.60	334.00	319.40	304.80	290.30	275.70	261.30	249.70	238.00	226.30	214.70
$1,840	$1,880	359.90	344.00	329.40	314.80	300.30	285.70	271.10	257.70	246.00	234.30	222.70
$1,880	$1,920	371.90	354.40	339.40	324.80	310.30	295.70	281.10	266.50	254.00	242.30	230.70
$1,920	$1,960	383.90	366.40	349.40	334.80	320.30	305.70	291.10	276.50	262.00	250.30	238.70
$1,960	$2,000	395.90	378.40	360.90	344.80	330.30	315.70	301.10	286.50	271.90	258.30	246.70
$2,000	$2,040	407.90	390.40	372.90	355.40	340.30	325.70	311.10	296.50	281.90	267.30	254.70
$2,040	$2,080	419.90	402.40	384.90	367.40	350.30	335.70	321.10	306.50	291.90	277.30	262.80
$2,080	$2,120	431.90	414.40	396.90	379.40	361.90	345.70	331.10	316.50	301.90	287.30	272.80
$2,120	$2,160	443.90	426.40	408.90	391.40	373.70	356.40	341.10	326.50	311.90	297.30	282.80
$2,160	$2,200	455.90	438.40	420.90	403.40	385.90	368.40	351.10	336.50	321.90	307.30	292.80
$2,200	$2,240	467.90	450.40	432.90	415.40	397.90	380.40	362.90	346.50	331.90	317.30	302.80
$2,240	$2,280	479.90	462.40	444.90	427.40	409.90	392.40	374.90	357.40	341.90	327.30	312.80
$2,280	$2,320	491.90	474.40	456.90	439.40	421.90	404.40	386.90	369.40	351.90	337.30	322.80
$2,320	$2,360	503.90	486.40	468.90	451.40	433.90	416.40	398.90	381.40	363.90	347.30	332.80
$2,360	$2,400	515.90	498.40	480.90	463.40	445.90	428.40	410.90	393.40	375.90	358.40	342.80
$2,400	$2,440	527.90	510.40	492.90	475.40	457.90	440.40	422.90	405.40	387.90	370.40	352.90
		30 percent of the excess over $2,440 plus—										
$2,440 and over		533.90	516.40	498.90	481.40	463.90	446.40	428.90	411.40	393.90	376.40	358.90

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period and he is not married—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such periods—										
$0	$0.75	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$.75	$1.00	.05	0	0	0	0	0	0	0	0	0	0
$1.00	$1.25	.10	0	0	0	0	0	0	0	0	0	0
$1.25	$1.50	.10	0	0	0	0	0	0	0	0	0	0
$1.50	$1.75	.15	0	0	0	0	0	0	0	0	0	0
$1.75	$2.00	.20	0	0	0	0	0	0	0	0	0	0
$2.00	$2.25	.20	0	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.25	0	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.30	0	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.35	.05	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.35	.10	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.40	.15	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.45	.15	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.50	.20	0	0	0	0	0	0	0	0	0
$4.00	$4.25	.55	.25	0	0	0	0	0	0	0	0	0
$4.25	$4.50	.60	.25	0	0	0	0	0	0	0	0	0
$4.50	$4.75	.60	.30	.05	0	0	0	0	0	0	0	0
$4.75	$5.00	.65	.35	.05	0	0	0	0	0	0	0	0
$5.00	$5.25	.70	.40	.10	0	0	0	0	0	0	0	0
$5.25	$5.50	.75	.45	.15	0	0	0	0	0	0	0	0
$5.50	$5.75	.80	.45	.15	0	0	0	0	0	0	0	0
$5.75	$6.00	.85	.50	.20	0	0	0	0	0	0	0	0
$6.00	$6.25	.90	.55	.25	0	0	0	0	0	0	0	0
$6.25	$6.50	.90	.60	.30	0	0	0	0	0	0	0	0
$6.50	$6.75	.95	.65	.30	.05	0	0	0	0	0	0	0
$6.75	$7.00	1.00	.70	.35	.10	0	0	0	0	0	0	0
$7.00	$7.25	1.05	.70	.40	.10	0	0	0	0	0	0	0
$7.25	$7.50	1.10	.75	.45	.15	0	0	0	0	0	0	0
$7.50	$7.75	1.15	.80	.50	.20	0	0	0	0	0	0	0
$7.75	$8.00	1.20	.85	.55	.20	0	0	0	0	0	0	0
$8.00	$8.25	1.20	.90	.55	.25	0	0	0	0	0	0	0
$8.25	$8.50	1.25	.95	.60	.30	0	0	0	0	0	0	0
$8.50	$8.75	1.30	1.00	.65	.35	.05	0	0	0	0	0	0
$8.75	$9.00	1.35	1.00	.70	.35	.10	0	0	0	0	0	0
$9.00	$9.25	1.40	1.05	.75	.40	.15	0	0	0	0	0	0
$9.25	$9.50	$1.45	$1.10	$.80	$.45	$.15	$0	$0	$0	$0	$0	$0
$9.50	$9.75	1.45	1.15	.80	.50	.20	0	0	0	0	0	0
$9.75	$10.00	1.50	1.20	.85	.55	.25	0	0	0	0	0	0
$10.00	$10.50	1.60	1.25	.95	.60	.30	0	0	0	0	0	0
$10.50	$11.00	1.65	1.35	1.00	.70	.35	.10	0	0	0	0	0
$11.00	$11.50	1.75	1.40	1.10	.75	.45	.15	0	0	0	0	0
$11.50	$12.00	1.85	1.50	1.20	.85	.55	.25	0	0	0	0	0
$12.00	$12.50	1.95	1.60	1.25	.95	.60	.30	.05	0	0	0	0
$12.50	$13.00	2.05	1.70	1.35	1.05	.70	.40	.10	0	0	0	0
$13.00	$13.50	2.15	1.75	1.45	1.10	.80	.45	.15	0	0	0	0
$13.50	$14.00	2.25	1.85	1.50	1.20	.85	.55	.25	0	0	0	0
$14.00	$14.50	2.35	1.95	1.60	1.30	.95	.65	.30	.05	0	0	0
$14.50	$15.00	2.45	2.05	1.70	1.35	1.05	.70	.40	.10	0	0	0
$15.00	$15.50	2.55	2.15	1.80	1.45	1.15	.80	.45	.20	0	0	0
$15.50	$16.00	2.65	2.25	1.85	1.55	1.20	.90	.55	.25	0	0	0
$16.00	$16.50	2.75	2.35	1.95	1.60	1.30	.95	.65	.35	.05	0	0
$16.50	$17.00	2.85	2.45	2.05	1.70	1.40	1.05	.75	.40	.10	0	0
$17.00	$17.50	2.95	2.55	2.15	1.80	1.45	1.15	.80	.50	.20	0	0
$17.50	$18.00	3.05	2.65	2.25	1.90	1.55	1.25	.90	.55	.25	0	0
$18.00	$18.50	3.15	2.75	2.35	2.00	1.65	1.30	1.00	.65	.35	.05	0
$18.50	$19.00	3.25	2.85	2.45	2.10	1.70	1.40	1.05	.75	.40	.15	0
$19.00	$19.50	3.35	2.95	2.55	2.20	1.80	1.50	1.15	.85	.50	.20	0
$19.50	$20.00	3.45	3.05	2.65	2.30	1.90	1.55	1.25	.90	.60	.30	0
$20.00	$21.00	3.60	3.20	2.80	2.45	2.05	1.70	1.35	1.05	.70	.40	.10
$21.00	$22.00	3.80	3.40	3.00	2.65	2.25	1.85	1.55	1.20	.90	.55	.25
$22.00	$23.00	4.00	3.60	3.20	2.85	2.45	2.05	1.70	1.40	1.05	.75	.40
$23.00	$24.00	4.20	3.80	3.40	3.05	2.65	2.25	1.90	1.55	1.25	.90	.55
$24.00	$25.00	4.40	4.00	3.60	3.25	2.85	2.45	2.10	1.70	1.40	1.05	.75
$25.00	$26.00	4.65	4.20	3.80	3.45	3.05	2.65	2.30	1.90	1.55	1.25	.90
$26.00	$27.00	4.90	4.40	4.00	3.65	3.25	2.85	2.50	2.10	1.75	1.40	1.10
$27.00	$28.00	5.15	4.65	4.20	3.85	3.45	3.05	2.70	2.30	1.90	1.60	1.25
$28.00	$29.00	5.40	4.90	4.45	4.05	3.65	3.25	2.90	2.50	2.10	1.75	1.40
$29.00	$30.00	5.65	5.15	4.70	4.25	3.85	3.45	3.10	2.70	2.30	1.90	1.60
$30.00	$31.00	5.90	5.40	4.95	4.45	4.05	3.65	3.30	2.90	2.50	2.10	1.75
$31.00	$32.00	6.20	5.65	5.20	4.70	4.25	3.85	3.50	3.10	2.70	2.30	1.95
$32.00	$33.00	6.50	5.95	5.45	4.95	4.50	4.05	3.70	3.30	2.90	2.50	2.15
$33.00	$34.00	6.80	6.25	5.70	5.20	4.75	4.25	3.90	3.50	3.10	2.70	2.35
$34.00	$35.00	7.10	6.55	5.95	5.45	5.00	4.50	4.10	3.70	3.30	2.90	2.55
$35.00	$36.00	7.40	6.85	6.25	5.70	5.25	4.75	4.30	3.90	3.50	3.10	2.75
$36.00	$37.00	7.70	7.15	6.55	6.00	5.50	5.00	4.50	4.10	3.70	3.30	2.95
$37.00	$38.00	8.00	7.45	6.85	6.30	5.75	5.25	4.75	4.30	3.90	3.50	3.15
$38.00	$39.00	8.30	7.75	7.15	6.60	6.00	5.50	5.00	4.55	4.10	3.70	3.35
$39.00	$40.00	8.60	8.05	7.45	6.90	6.30	5.75	5.25	4.80	4.30	3.90	3.55
$40.00	$41.00	8.90	8.35	7.75	7.20	6.60	6.05	5.50	5.05	4.55	4.10	3.75
$41.00	$42.00	9.20	8.65	8.05	7.50	6.90	6.35	5.75	5.30	4.80	4.35	3.95
$42.00	$43.00	9.50	8.95	8.35	7.80	7.20	6.65	6.05	5.55	5.05	4.60	4.15
$43.00	$44.00	9.80	9.25	8.65	8.10	7.50	6.95	6.35	5.80	5.30	4.85	4.35
$44.00	$45.00	10.10	9.55	8.95	8.40	7.80	7.25	6.65	6.10	5.55	5.10	4.60
$45.00	$46.00	10.40	9.85	9.25	8.70	8.10	7.55	6.95	6.40	5.80	5.35	4.85
$46.00	$47.00	10.70	10.15	9.55	9.00	8.40	7.85	7.25	6.70	6.10	5.60	5.10
$47.00	$48.00	11.00	10.45	9.85	9.30	8.70	8.15	7.55	7.00	6.40	5.85	5.35
$48.00	$49.00	11.30	10.75	10.15	9.60	9.00	8.45	7.85	7.30	6.70	6.15	5.60
$49.00	$50.00	11.60	11.05	10.45	9.90	9.30	8.75	8.15	7.60	7.00	6.45	5.85
		30 percent of the excess over $50 plus—										
$50 and over		11.75	11.20	10.60	10.05	9.45	8.90	8.30	7.75	7.15	6.60	6.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period and he is married—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of income tax to be withheld shall be the following amount multiplied by the number of days in such periods—										
$0	$0.75	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$0.75	$1.00	.05	0	0	0	0	0	0	0	0	0	0
$1.00	$1.25	.10	0	0	0	0	0	0	0	0	0	0
$1.25	$1.50	.10	0	0	0	0	0	0	0	0	0	0
$1.50	$1.75	.15	0	0	0	0	0	0	0	0	0	0
$1.75	$2.00	.20	0	0	0	0	0	0	0	0	0	0
$2.00	$2.25	.20	0	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.25	0	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.30	0	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.35	.05	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.35	.10	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.40	.15	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.45	.15	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.45	.20	0	0	0	0	0	0	0	0	0
$4.00	$4.25	.50	.25	0	0	0	0	0	0	0	0	0
$4.25	$4.50	.55	.25	0	0	0	0	0	0	0	0	0
$4.50	$4.75	.60	.30	.05	0	0	0	0	0	0	0	0
$4.75	$5.00	.60	.35	.05	0	0	0	0	0	0	0	0
$5.00	$5.25	.65	.35	.10	0	0	0	0	0	0	0	0
$5.25	$5.50	.70	.40	.15	0	0	0	0	0	0	0	0
$5.50	$5.75	.75	.45	.15	0	0	0	0	0	0	0	0
$5.75	$6.00	.75	.50	.20	0	0	0	0	0	0	0	0
$6.00	$6.25	.80	.50	.25	0	0	0	0	0	0	0	0
$6.25	$6.50	.85	.55	.30	0	0	0	0	0	0	0	0
$6.50	$6.75	.90	.60	.30	.05	0	0	0	0	0	0	0
$6.75	$7.00	.90	.65	.35	.10	0	0	0	0	0	0	0
$7.00	$7.25	.95	.65	.40	.10	0	0	0	0	0	0	0
$7.25	$7.50	1.00	.70	.40	.15	0	0	0	0	0	0	0
$7.50	$7.75	1.05	.75	.45	.20	0	0	0	0	0	0	0
$7.75	$8.00	1.05	.80	.50	.20	0	0	0	0	0	0	0
$8.00	$8.25	1.10	.80	.55	.25	0	0	0	0	0	0	0
$8.25	$8.50	1.15	.85	.55	.30	0	0	0	0	0	0	0
$8.50	$8.75	1.20	.90	.60	.35	.05	0	0	0	0	0	0
$8.75	$9.00	1.20	.95	.65	.35	.10	0	0	0	0	0	0
$9.00	$9.25	1.25	.95	.70	.40	.15	0	0	0	0	0	0
$9.25	$9.50	1.30	1.00	.70	.45	.15	0	0	0	0	0	0
$9.50	$9.75	1.35	1.05	.75	.45	.20	0	0	0	0	0	0
$9.75	$10.00	1.35	1.10	.80	.50	.25	0	0	0	0	0	0
$10.00	$10.50	1.45	1.15	.85	.55	.30	0	0	0	0	0	0
$10.50	$11.00	1.50	1.20	.95	.65	.35	.10	0	0	0	0	0
$11.00	$11.50	1.60	1.30	1.00	.70	.45	.15	0	0	0	0	0
$11.50	$12.00	1.65	1.35	1.10	.80	.50	.25	0	0	0	0	0
$12.00	$12.50	1.75	1.45	1.15	.85	.60	.30	.05	0	0	0	0
$12.50	$13.00	1.80	1.50	1.25	.95	.65	.35	.10	0	0	0	0
$13.00	$13.50	1.90	1.60	1.30	1.00	.75	.45	.15	0	0	0	0
$13.50	$14.00	2.00	1.65	1.40	1.10	.80	.50	.25	0	0	0	0
$14.00	$14.50	2.05	1.75	1.45	1.15	0.90	0.60	0.30	0.05	0	0	0
$14.50	$15.00	2.15	1.85	1.55	1.25	.95	.65	.40	.10	0	0	0
$15.00	$15.50	2.25	1.90	1.60	1.30	1.05	.75	.45	.20	0	0	0
$15.50	$16.00	2.35	2.00	1.70	1.40	1.10	.80	.55	.25	0	0	0
$16.00	$16.50	2.40	2.10	1.75	1.45	1.20	.90	.60	.30	.05	0	0
$16.50	$17.00	2.50	2.15	1.85	1.55	1.25	.95	.70	.40	.10	0	0
$17.00	$17.50	2.60	2.25	1.95	1.60	1.35	1.05	.75	.45	.20	0	0
$17.50	$18.00	2.65	2.35	2.00	1.70	1.40	1.10	.85	.55	.25	0	0
$18.00	$18.50	2.75	2.45	2.10	1.75	1.50	1.20	.90	.60	.35	.05	0
$18.50	$19.00	2.85	2.50	2.20	1.85	1.55	1.25	1.00	.70	.40	.15	0
$19.00	$19.50	2.90	2.60	2.25	1.95	1.65	1.35	1.05	.75	.50	.20	0
$19.50	$20.00	3.00	2.70	2.35	2.05	1.70	1.40	1.15	.85	.55	.25	0
$20.00	$21.00	3.15	2.80	2.50	2.15	1.85	1.55	1.25	.95	.65	.40	.10
$21.00	$22.00	$3.30	$3.00	$2.65	$2.35	$2.00	$1.70	$1.40	$1.10	$0.80	$0.55	$0.25
$22.00	$23.00	3.45	3.15	2.80	2.50	2.15	1.85	1.55	1.25	.95	.70	.40
$23.00	$24.00	3.65	3.30	3.00	2.65	2.35	2.00	1.70	1.40	1.10	.85	.55
$24.00	$25.00	3.85	3.50	3.15	2.85	2.50	2.20	1.85	1.55	1.25	1.00	.70
$25.00	$26.00	4.05	3.65	3.35	3.00	2.70	2.35	2.05	1.70	1.40	1.15	.85
$26.00	$27.00	4.25	3.85	3.50	3.20	2.85	2.50	2.20	1.85	1.55	1.30	1.00
$27.00	$28.00	4.45	4.05	3.65	3.35	3.00	2.70	2.35	2.05	1.70	1.45	1.15
$28.00	$29.00	4.65	4.25	3.85	3.50	3.20	2.85	2.55	2.20	1.90	1.60	1.30
$29.00	$30.00	4.85	4.45	4.05	3.70	3.35	3.05	2.70	2.40	2.05	1.75	1.45
$30.00	$31.00	5.05	4.65	4.25	3.90	3.55	3.20	2.90	2.55	2.25	1.90	1.60
$31.00	$32.00	5.25	4.85	4.45	4.10	3.70	3.35	3.05	2.70	2.40	2.05	1.75
$32.00	$33.00	5.45	5.05	4.65	4.30	3.90	3.55	3.20	2.90	2.55	2.25	1.90
$33.00	$34.00	5.65	5.25	4.85	4.50	4.10	3.70	3.40	3.05	2.75	2.40	2.10
$34.00	$35.00	5.85	5.45	5.05	4.70	4.30	3.90	3.55	3.25	2.90	2.60	2.25
$35.00	$36.00	6.05	5.65	5.25	4.90	4.50	4.10	3.75	3.40	3.10	2.75	2.40
$36.00	$37.00	6.25	5.85	5.45	5.10	4.70	4.30	3.90	3.55	3.25	2.90	2.60
$37.00	$38.00	6.45	6.05	5.65	5.30	4.90	4.50	4.10	3.75	3.40	3.10	2.75
$38.00	$39.00	6.65	6.25	5.85	5.50	5.10	4.70	4.30	3.95	3.60	3.25	2.95
$39.00	$40.00	6.85	6.45	6.05	5.70	5.30	4.90	4.50	4.15	3.75	3.45	3.10
$40.00	$41.00	7.05	6.65	6.25	5.90	5.50	5.10	4.70	4.35	3.95	3.60	3.25
$41.00	$42.00	7.25	6.85	6.45	6.10	5.70	5.30	4.90	4.55	4.15	3.75	3.45
$42.00	$43.00	7.45	7.05	6.65	6.30	5.90	5.50	5.10	4.75	4.35	3.95	3.60
$43.00	$44.00	7.65	7.25	6.85	6.50	6.10	5.70	5.30	4.95	4.55	4.15	3.80
$44.00	$45.00	7.85	7.45	7.05	6.70	6.30	5.90	5.50	5.15	4.75	4.35	4.00
$45.00	$46.00	8.05	7.65	7.25	6.90	6.50	6.10	5.70	5.35	4.95	4.55	4.20
$46.00	$47.00	8.25	7.85	7.45	7.10	6.70	6.30	5.90	5.55	5.15	4.75	4.40
$47.00	$48.00	8.45	8.05	7.65	7.30	6.90	6.50	6.10	5.75	5.35	4.95	4.60
$48.00	$49.00	8.65	8.25	7.85	7.50	7.10	6.70	6.30	5.95	5.55	5.15	4.80
$49.00	$50.00	8.90	8.45	8.05	7.70	7.30	6.90	6.50	6.15	5.75	5.35	5.00
$50.00	$51.00	9.15	8.65	8.25	7.90	7.50	7.10	6.70	6.35	5.95	5.55	5.20
$51.00	$52.00	9.40	8.90	8.45	8.10	7.70	7.30	6.90	6.55	6.15	5.75	5.40
$52.00	$53.00	9.65	9.15	8.65	8.30	7.90	7.50	7.10	6.75	6.35	5.95	5.60
$53.00	$54.00	9.90	9.40	8.90	8.50	8.10	7.70	7.30	6.95	6.55	6.15	5.80
$54.00	$55.00	10.15	9.65	9.15	8.70	8.30	7.90	7.50	7.15	6.75	6.35	6.00
$55.00	$56.00	10.40	9.90	9.40	8.95	8.50	8.10	7.70	7.35	6.95	6.55	6.20
$56.00	$57.00	10.65	10.15	9.65	9.20	8.70	8.30	7.90	7.55	7.15	6.75	6.40
$57.00	$58.00	10.90	10.40	9.90	9.45	8.95	8.50	8.10	7.75	7.35	6.95	6.60
$58.00	$59.00	11.15	10.65	10.15	9.70	9.20	8.75	8.30	7.95	7.55	7.15	6.80
$59.00	$60.00	11.40	10.90	10.40	9.95	9.45	9.00	8.50	8.15	7.75	7.35	7.00
$60.00	$61.00	11.65	11.15	10.65	10.20	9.70	9.25	8.75	8.35	7.95	7.55	7.20
$61.00	$62.00	11.95	11.40	10.90	10.45	9.95	9.50	9.00	8.55	8.15	7.75	7.40
$62.00	$63.00	12.25	11.65	11.15	10.70	10.20	9.75	9.25	8.75	8.35	7.95	7.60
$63.00	$64.00	12.55	11.95	11.40	10.95	10.45	10.00	9.50	9.00	8.55	8.15	7.80
$64.00	$65.00	12.85	12.25	11.70	11.20	10.70	10.25	9.75	9.25	8.80	8.35	8.00
$65.00	$66.00	13.15	12.55	12.00	11.45	10.95	10.50	10.00	9.50	9.05	8.55	8.20
$66.00	$67.00	13.45	12.85	12.30	11.70	11.20	10.75	10.25	9.75	9.30	8.80	8.40
$67.00	$68.00	13.75	13.15	12.60	12.00	11.45	11.00	10.50	10.00	9.55	9.05	8.60
$68.00	$69.00	14.05	13.45	12.90	12.30	11.75	11.25	10.75	10.25	9.80	9.30	8.85
$69.00	$70.00	14.35	13.75	13.20	12.60	12.05	11.50	11.00	10.50	10.05	9.55	9.10
$70.00	$71.00	14.65	14.05	13.50	12.90	12.35	11.75	11.25	10.75	10.30	9.80	9.35
$71.00	$72.00	14.95	14.35	13.80	13.20	12.65	12.05	11.50	11.00	10.55	10.05	9.60
$72.00	$73.00	15.25	14.65	14.10	13.50	12.95	12.35	11.80	11.25	10.80	10.30	9.85
$73.00	$74.00	15.55	14.95	14.40	13.80	13.25	12.65	12.10	11.50	11.05	10.55	10.10
$74.00	$75.00	15.85	15.25	14.70	14.10	13.55	12.95	12.40	11.80	11.30	10.80	10.35
$75.00	$76.00	16.15	15.55	15.00	14.40	13.85	13.25	12.70	12.10	11.55	11.05	10.60
$76.00	$77.00	16.45	15.85	15.30	14.70	14.15	13.55	13.00	12.40	11.85	11.30	10.85
$77.00	$78.00	16.75	16.15	15.60	15.00	14.45	13.85	13.30	12.70	12.15	11.55	11.10
$78.00	$79.00	17.05	16.45	15.90	15.30	14.75	14.15	13.60	13.00	12.45	11.85	11.35
$79.00	$80.00	17.35	16.75	16.20	15.60	15.05	14.45	13.90	13.30	12.75	12.15	11.60
		30 percent of the excess over $80 plus—										
$80 and over		17.50	16.90	16.35	15.75	15.20	14.60	14.05	13.45	12.90	12.30	11.75

(b) With respect to wages paid after March 4, 1964, and before May 1, 1966, the following tables shall be used:

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$13	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$1.90	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.00	.20	0	0	0	0	0	0	0	0	0
$15	$16	2.20	.40	0	0	0	0	0	0	0	0	0
$16	$17	2.30	.50	0	0	0	0	0	0	0	0	0
$17	$18	2.50	.70	0	0	0	0	0	0	0	0	0
$18	$19	2.60	.80	0	0	0	0	0	0	0	0	0
$19	$20	2.70	.90	0	0	0	0	0	0	0	0	0
$20	$21	2.90	1.10	0	0	0	0	0	0	0	0	0
$21	$22	3.00	1.20	0	0	0	0	0	0	0	0	0
$22	$23	3.20	1.40	0	0	0	0	0	0	0	0	0
$23	$24	3.30	1.50	0	0	0	0	0	0	0	0	0
$24	$25	3.40	1.60	0	0	0	0	0	0	0	0	0
$25	$26	3.60	1.80	0	0	0	0	0	0	0	0	0
$26	$27	3.70	1.90	.10	0	0	0	0	0	0	0	0
$27	$28	3.90	2.10	.30	0	0	0	0	0	0	0	0
$28	$29	4.00	2.20	.40	0	0	0	0	0	0	0	0
$29	$30	4.10	2.30	.50	0	0	0	0	0	0	0	0
$30	$31	4.30	2.50	.70	0	0	0	0	0	0	0	0
$31	$32	4.40	2.60	.80	0	0	0	0	0	0	0	0
$32	$33	4.60	2.80	1.00	0	0	0	0	0	0	0	0
$33	$34	4.70	2.90	1.10	0	0	0	0	0	0	0	0
$34	$35	4.80	3.00	1.20	0	0	0	0	0	0	0	0
$35	$36	5.00	3.20	1.40	0	0	0	0	0	0	0	0
$36	$37	5.10	3.30	1.50	0	0	0	0	0	0	0	0
$37	$38	5.30	3.50	1.70	0	0	0	0	0	0	0	0
$38	$39	5.40	3.60	1.80	0	0	0	0	0	0	0	0
$39	$40	5.50	3.70	1.90	.10	0	0	0	0	0	0	0
$40	$41	5.70	3.90	2.10	.30	0	0	0	0	0	0	0
$41	$42	5.80	4.00	2.20	.40	0	0	0	0	0	0	0
$42	$43	6.00	4.20	2.40	.60	0	0	0	0	0	0	0
$43	$44	6.10	4.30	2.50	.70	0	0	0	0	0	0	0
$44	$45	6.20	4.40	2.60	.80	0	0	0	0	0	0	0
$45	$46	6.40	4.60	2.80	1.00	0	0	0	0	0	0	0
$46	$47	6.50	4.70	2.90	1.10	0	0	0	0	0	0	0
$47	$48	6.70	4.90	3.10	1.30	0	0	0	0	0	0	0
$48	$49	6.80	5.00	3.20	1.40	0	0	0	0	0	0	0
$49	$50	6.90	5.10	3.30	1.50	0	0	0	0	0	0	0
$50	$51	7.10	5.30	3.50	1.70	0	0	0	0	0	0	0
$51	$52	7.20	5.40	3.60	1.80	0	0	0	0	0	0	0
$52	$53	7.40	5.60	3.80	2.00	.20	0	0	0	0	0	0
$53	$54	7.50	5.70	3.90	2.10	.30	0	0	0	0	0	0
$54	$55	7.60	5.80	4.00	2.20	.50	0	0	0	0	0	0
$55	$56	7.80	6.00	4.20	2.40	.60	0	0	0	0	0	0
$56	$57	7.90	6.10	4.30	2.50	.70	0	0	0	0	0	0
$57	$58	8.10	6.30	4.50	2.70	.90	0	0	0	0	0	0
$58	$59	8.20	6.40	4.60	2.80	1.00	0	0	0	0	0	0
$59	$60	8.30	6.50	4.70	2.90	1.20	0	0	0	0	0	0
$60	$62	8.50	6.70	5.00	3.20	1.40	0	0	0	0	0	0
$62	$64	8.80	7.00	5.20	3.40	1.60	0	0	0	0	0	0
$64	$66	9.10	7.30	5.50	3.70	1.90	.10	0	0	0	0	0
$66	$68	9.40	7.60	5.80	4.00	2.20	.40	0	0	0	0	0
$68	$70	9.70	7.90	6.10	4.30	2.50	.70	0	0	0	0	0
$70	$72	9.90	8.10	6.40	4.60	2.80	1.00	0	0	0	0	0
$72	$74	10.20	8.40	6.60	4.80	3.00	1.20	0	0	0	0	0
$74	$76	10.50	8.70	6.90	5.10	3.30	1.50	0	0	0	0	0
$76	$78	10.80	9.00	7.20	5.40	3.60	1.80	0	0	0	0	0
$78	$80	11.10	9.30	7.50	5.70	3.90	2.10	.30	0	0	0	0
$80	$82	11.30	9.50	7.80	6.00	4.20	2.40	.60	0	0	0	0
$82	$84	11.60	9.80	8.00	6.20	4.40	2.60	.90	0	0	0	0
$84	$86	11.90	10.10	8.30	6.50	4.70	2.90	1.10	0	0	0	0
$86	$88	12.20	10.40	8.60	6.80	5.00	3.20	1.40	0	0	0	0
$88	$90	12.50	10.70	8.90	7.10	5.30	3.50	1.70	0	0	0	0
$90	$92	12.70	10.90	9.20	7.40	5.60	3.80	2.00	.20	0	0	0
$92	$94	$13.00	$11.20	$9.40	$7.60	$5.80	$4.00	$2.30	$0.50	$0	$0	$0
$94	$96	13.30	11.50	9.70	7.90	6.10	4.30	2.50	.70	0	0	0
$96	$98	13.60	11.80	10.00	8.20	6.40	4.60	2.80	1.00	0	0	0
$98	$100	13.90	12.10	10.30	8.50	6.70	4.90	3.10	1.30	0	0	0
$100	$105	14.40	12.60	10.80	9.00	7.20	5.40	3.60	1.80	0	0	0
$105	$110	15.10	13.30	11.50	9.70	7.90	6.10	4.30	2.50	.70	0	0
$110	$115	15.80	14.00	12.20	10.40	8.60	6.80	5.00	3.20	1.40	0	0
$115	$120	16.50	14.70	12.90	11.10	9.30	7.50	5.70	3.90	2.10	.30	0
$120	$125	17.20	15.40	13.60	11.80	10.00	8.20	6.40	4.60	2.80	1.00	0
$125	$130	17.90	16.10	14.30	12.50	10.70	8.90	7.10	5.30	3.50	1.70	0
$130	$135	18.60	16.80	15.00	13.20	11.40	9.60	7.80	6.00	4.20	2.40	.60
$135	$140	19.30	17.50	15.70	13.90	12.10	10.30	8.50	6.70	4.90	3.10	1.30
$140	$145	20.00	18.20	16.40	14.60	12.80	11.00	9.20	7.40	5.60	3.80	2.00
$145	$150	20.70	18.90	17.10	15.30	13.50	11.70	9.90	8.10	6.30	4.50	2.70
$150	$160	21.70	19.90	18.10	16.30	14.50	12.70	10.90	9.10	7.30	5.50	3.80
$160	$170	23.10	21.30	19.50	17.70	15.90	14.10	12.30	10.50	8.70	6.90	5.20
$170	$180	24.50	22.70	20.90	19.10	17.30	15.50	13.70	11.90	10.10	8.30	6.60
$180	$190	25.90	24.10	22.30	20.50	18.70	16.90	15.10	13.30	11.50	9.70	8.00
$190	$200	27.30	25.50	23.70	21.90	20.10	18.30	16.50	14.70	12.90	11.10	9.40
		14 percent of the excess over $200 plus—										
$200 and over		28.00	26.20	24.40	22.60	20.80	19.00	17.20	15.40	13.60	11.80	10.10

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$3.80	.20	0	0	0	0	0	0	0	0	0
$28	$30	4.10	.50	0	0	0	0	0	0	0	0	0
$30	$32	4.30	.80	0	0	0	0	0	0	0	0	0
$32	$34	4.60	1.00	0	0	0	0	0	0	0	0	0
$34	$36	4.90	1.30	0	0	0	0	0	0	0	0	0
$36	$38	5.20	1.60	0	0	0	0	0	0	0	0	0
$38	$40	5.50	1.90	0	0	0	0	0	0	0	0	0
$40	$42	5.70	2.20	0	0	0	0	0	0	0	0	0
$42	$44	6.00	2.40	0	0	0	0	0	0	0	0	0
$44	$46	6.30	2.70	0	0	0	0	0	0	0	0	0
$46	$48	6.60	3.00	0	0	0	0	0	0	0	0	0
$48	$50	6.90	3.30	0	0	0	0	0	0	0	0	0
$50	$52	7.10	3.60	0	0	0	0	0	0	0	0	0
$52	$54	7.40	3.80	.20	0	0	0	0	0	0	0	0
$54	$56	7.70	4.10	.50	0	0	0	0	0	0	0	0
$56	$58	8.00	4.40	.80	0	0	0	0	0	0	0	0
$58	$60	8.30	4.70	1.10	0	0	0	0	0	0	0	0
$60	$62	8.50	5.00	1.40	0	0	0	0	0	0	0	0
$62	$64	8.80	5.20	1.60	0	0	0	0	0	0	0	0
$64	$66	9.10	5.50	1.90	0	0	0	0	0	0	0	0
$66	$68	9.40	5.80	2.20	0	0	0	0	0	0	0	0
$68	$70	9.70	6.10	2.50	0	0	0	0	0	0	0	0
$70	$72	9.90	6.40	2.80	0	0	0	0	0	0	0	0
$72	$74	10.20	6.60	3.00	0	0	0	0	0	0	0	0
$74	$76	10.50	6.90	3.30	0	0	0	0	0	0	0	0

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$76	$78	$10.80	$7.20	$3.60	$0	$0	$0	$0	$0	$0	$0	$0
$78	$80	11.10	7.50	3.90	.30	0	0	0	0	0	0	0
$80	$82	11.30	7.80	4.20	.60	0	0	0	0	0	0	0
$82	$84	11.60	8.00	4.40	.90	0	0	0	0	0	0	0
$84	$86	11.90	8.30	4.70	1.10	0	0	0	0	0	0	0
$86	$88	12.20	8.60	5.00	1.40	0	0	0	0	0	0	0
$88	$90	12.50	8.90	5.30	1.70	0	0	0	0	0	0	0
$90	$92	12.70	9.20	5.60	2.00	0	0	0	0	0	0	0
$92	$94	13.00	9.40	5.80	2.30	0	0	0	0	0	0	0
$94	$96	13.30	9.70	6.10	2.50	0	0	0	0	0	0	0
$96	$98	13.60	10.00	6.40	2.80	0	0	0	0	0	0	0
$98	$100	13.90	10.30	6.70	3.10	0	0	0	0	0	0	0
$100	$102	14.10	10.60	7.00	3.40	0	0	0	0	0	0	0
$102	$104	14.40	10.80	7.20	3.70	.10	0	0	0	0	0	0
$104	$106	14.70	11.10	7.50	3.90	.30	0	0	0	0	0	0
$106	$108	15.00	11.40	7.80	4.20	.60	0	0	0	0	0	0
$108	$110	15.30	11.70	8.10	4.50	.90	0	0	0	0	0	0
$110	$112	15.50	12.00	8.40	4.80	1.20	0	0	0	0	0	0
$112	$114	15.80	12.20	8.60	5.10	1.50	0	0	0	0	0	0
$114	$116	16.10	12.50	8.90	5.30	1.70	0	0	0	0	0	0
$116	$118	16.40	12.80	9.20	5.60	2.00	0	0	0	0	0	0
$118	$120	16.70	13.10	9.50	5.90	2.30	0	0	0	0	0	0
$120	$124	17.10	13.50	9.90	6.30	2.70	0	0	0	0	0	0
$124	$128	17.60	14.10	10.50	6.90	3.30	0	0	0	0	0	0
$128	$132	18.20	14.60	11.00	7.40	3.80	.30	0	0	0	0	0
$132	$136	18.80	15.20	11.60	8.00	4.40	.80	0	0	0	0	0
$136	$140	19.30	15.70	12.10	8.60	5.00	1.40	0	0	0	0	0
$140	$144	19.90	16.30	12.70	9.10	5.50	1.90	0	0	0	0	0
$144	$148	20.40	16.90	13.30	9.70	6.10	2.50	0	0	0	0	0
$148	$152	21.00	17.40	13.80	10.20	6.60	3.10	0	0	0	0	0
$152	$156	21.60	18.00	14.40	10.80	7.20	3.60	0	0	0	0	0
$156	$160	22.10	18.50	14.90	11.40	7.80	4.20	.60	0	0	0	0
$160	$164	22.70	19.10	15.50	11.90	8.30	4.70	1.10	0	0	0	0
$164	$168	23.20	19.70	16.10	12.50	8.90	5.30	1.70	0	0	0	0
$168	$172	23.80	20.20	16.60	13.00	9.40	5.90	2.30	0	0	0	0
$172	$176	24.40	20.80	17.20	13.60	10.00	6.40	2.80	0	0	0	0
$176	$180	24.90	21.30	17.70	14.20	10.60	7.00	3.40	0	0	0	0
$180	$184	25.50	21.90	18.30	14.70	11.10	7.50	3.90	.40	0	0	0
$184	$188	26.00	22.50	18.90	15.30	11.70	8.10	4.50	.90	0	0	0
$188	$192	26.60	23.00	19.40	15.80	12.20	8.70	5.10	1.50	0	0	0
$192	$196	27.20	23.60	20.00	16.40	12.80	9.20	5.60	2.00	0	0	0
$196	$200	27.70	24.10	20.50	17.00	13.40	9.80	6.20	2.60	0	0	0
$200	$210	28.70	25.10	21.50	17.90	14.30	10.80	7.20	3.60	0	0	0
$210	$220	30.10	26.50	22.90	19.30	15.70	12.20	8.60	5.00	1.40	0	0
$220	$230	31.50	27.90	24.30	20.70	17.10	13.60	10.00	6.40	2.80	0	0
$230	$240	32.90	29.30	25.70	22.10	18.50	15.00	11.40	7.80	4.20	.60	0
$240	$250	34.30	30.70	27.10	23.50	19.90	16.40	12.80	9.20	5.60	2.00	0
$250	$260	35.70	32.10	28.50	24.90	21.30	17.80	14.20	10.60	7.00	3.40	0
$260	$270	37.10	33.50	29.90	26.30	22.70	19.20	15.60	12.00	8.40	4.80	1.20
$270	$280	38.50	34.90	31.30	27.70	24.10	20.60	17.00	13.40	9.80	6.20	2.60
$280	$290	39.90	36.30	32.70	29.10	25.50	22.00	18.40	14.80	11.20	7.60	4.00
$290	$300	41.30	37.70	34.10	30.50	26.90	23.40	19.80	16.20	12.60	9.00	5.40
$300	$320	43.40	39.80	36.20	32.60	29.00	25.50	21.90	18.30	14.70	11.10	7.50
$320	$340	46.20	42.60	39.00	35.40	31.80	28.30	24.70	21.10	17.50	13.90	10.30
$340	$360	49.00	45.40	41.80	38.20	34.60	31.10	27.50	23.90	20.30	16.70	13.10
$360	$380	51.80	48.20	44.60	41.00	37.40	33.90	30.30	26.70	23.10	19.50	15.90
$380	$400	54.60	51.00	47.40	43.80	40.20	36.70	33.10	29.50	25.90	22.30	18.70
		14 percent of the excess over $400 plus—										
$400 and over		56.00	52.40	48.80	45.20	41.60	38.10	34.50	30.90	27.30	23.70	20.10

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$4.10	.20	0	0	0	0	0	0	0	0	0
$30	$32	4.30	.50	0	0	0	0	0	0	0	0	0
$32	$34	4.60	.70	0	0	0	0	0	0	0	0	0
$34	$36	4.90	1.00	0	0	0	0	0	0	0	0	0
$36	$38	5.20	1.30	0	0	0	0	0	0	0	0	0
$38	$40	5.50	1.60	0	0	0	0	0	0	0	0	0
$40	$42	5.70	1.90	0	0	0	0	0	0	0	0	0
$42	$44	6.00	2.10	0	0	0	0	0	0	0	0	0
$44	$46	6.30	2.40	0	0	0	0	0	0	0	0	0
$46	$48	6.60	2.70	0	0	0	0	0	0	0	0	0
$48	$50	6.90	3.00	0	0	0	0	0	0	0	0	0
$50	$52	7.10	3.30	0	0	0	0	0	0	0	0	0
$52	$54	7.40	3.50	0	0	0	0	0	0	0	0	0
$54	$56	7.70	3.80	0	0	0	0	0	0	0	0	0
$56	$58	8.00	4.10	.20	0	0	0	0	0	0	0	0
$58	$60	8.30	4.40	.50	0	0	0	0	0	0	0	0
$60	$62	8.50	4.70	.80	0	0	0	0	0	0	0	0
$62	$64	8.80	4.90	1.00	0	0	0	0	0	0	0	0
$64	$66	9.10	5.20	1.30	0	0	0	0	0	0	0	0
$66	$68	9.40	5.50	1.60	0	0	0	0	0	0	0	0
$68	$70	9.70	5.80	1.90	0	0	0	0	0	0	0	0
$70	$72	9.90	6.10	2.20	0	0	0	0	0	0	0	0
$72	$74	10.20	6.30	2.40	0	0	0	0	0	0	0	0
$74	$76	10.50	6.60	2.70	0	0	0	0	0	0	0	0
$76	$78	10.80	6.90	3.00	0	0	0	0	0	0	0	0
$78	$80	11.10	7.20	3.30	0	0	0	0	0	0	0	0
$80	$82	11.30	7.50	3.60	0	0	0	0	0	0	0	0
$82	$84	11.60	7.70	3.80	0	0	0	0	0	0	0	0
$84	$86	11.90	8.00	4.10	.20	0	0	0	0	0	0	0
$86	$88	12.20	8.30	4.40	.50	0	0	0	0	0	0	0
$88	$90	12.50	8.60	4.70	.80	0	0	0	0	0	0	0
$90	$92	12.70	8.90	5.00	1.10	0	0	0	0	0	0	0
$92	$94	13.00	9.10	5.20	1.40	0	0	0	0	0	0	0
$94	$96	13.30	9.40	5.50	1.60	0	0	0	0	0	0	0
$96	$98	13.60	9.70	5.80	1.90	0	0	0	0	0	0	0
$98	$100	13.90	10.00	6.10	2.20	0	0	0	0	0	0	0
$100	$102	14.10	10.30	6.40	2.50	0	0	0	0	0	0	0
$102	$104	14.40	10.50	6.60	2.80	0	0	0	0	0	0	0
$104	$106	14.70	10.80	6.90	3.00	0	0	0	0	0	0	0
$106	$108	15.00	11.10	7.20	3.30	0	0	0	0	0	0	0
$108	$110	15.30	11.40	7.50	3.60	0	0	0	0	0	0	0
$110	$112	15.50	11.70	7.80	3.90	0	0	0	0	0	0	0
$112	$114	15.80	11.90	8.00	4.20	.30	0	0	0	0	0	0
$114	$116	16.10	12.20	8.30	4.40	.50	0	0	0	0	0	0
$116	$118	16.40	12.50	8.60	4.70	.80	0	0	0	0	0	0

If the payroll period with respect to an employee is semimonthly—

And the wages are— At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$118	$120	$16.70	$12.80	$8.90	$5.00	$1.10	$0	$0	$0	$0	$0	$0
$120	$124	17.10	13.20	9.30	5.40	1.50	0	0	0	0	0	0
$124	$128	17.60	13.80	9.90	6.00	2.10	0	0	0	0	0	0
$128	$132	18.20	14.30	10.40	6.50	2.60	0	0	0	0	0	0
$132	$136	18.80	14.90	11.00	7.10	3.20	0	0	0	0	0	0
$136	$140	19.30	15.40	11.50	7.70	3.80	0	0	0	0	0	0
$140	$144	19.90	16.00	12.10	8.20	4.30	.40	0	0	0	0	0
$144	$148	20.40	16.60	12.70	8.80	4.90	1.00	0	0	0	0	0
$148	$152	21.00	17.10	13.20	9.30	5.40	1.60	0	0	0	0	0
$152	$156	21.60	17.70	13.80	9.90	6.00	2.10	0	0	0	0	0
$156	$160	22.10	18.20	14.30	10.50	6.60	2.70	0	0	0	0	0
$160	$164	22.70	18.80	14.90	11.00	7.10	3.20	0	0	0	0	0
$164	$168	23.20	19.40	15.50	11.60	7.70	3.80	0	0	0	0	0
$168	$172	23.80	19.90	16.00	12.10	8.20	4.40	.50	0	0	0	0
$172	$176	24.40	20.50	16.60	12.70	8.80	4.90	1.00	0	0	0	0
$176	$180	24.90	21.00	17.10	13.30	9.40	5.50	1.60	0	0	0	0
$180	$184	25.50	21.60	17.70	13.80	9.90	6.00	2.10	0	0	0	0
$184	$188	26.00	22.20	18.30	14.40	10.50	6.60	2.70	0	0	0	0
$188	$192	26.60	22.70	18.80	14.90	11.00	7.20	3.30	0	0	0	0
$192	$196	27.20	23.30	19.40	15.50	11.60	7.70	3.80	0	0	0	0
$196	$200	27.70	23.80	19.90	16.10	12.20	8.30	4.40	.50	0	0	0
$200	$210	28.70	24.80	20.90	17.00	13.10	9.30	5.40	1.50	0	0	0
$210	$220	30.10	26.20	22.30	18.40	14.50	10.70	6.80	2.90	0	0	0
$220	$230	31.50	27.60	23.70	19.80	15.90	12.10	8.20	4.30	.40	0	0
$230	$240	32.90	29.00	25.10	21.20	17.30	13.50	9.60	5.70	1.80	0	0
$240	$250	34.30	30.40	26.50	22.60	18.70	14.90	11.00	7.10	3.20	0	0
$250	$260	35.70	31.80	27.90	24.00	20.10	16.30	12.40	8.50	4.60	.70	0
$260	$270	37.10	33.20	29.30	25.40	21.50	17.70	13.80	9.90	6.00	2.10	0
$270	$280	38.50	34.60	30.70	26.80	22.90	19.10	15.20	11.30	7.40	3.50	0
$280	$290	39.90	36.00	32.10	28.20	24.30	20.50	16.60	12.70	8.80	4.90	1.00
$290	$300	41.30	37.40	33.50	29.60	25.70	21.90	18.00	14.10	10.20	6.30	2.40
$300	$320	43.40	39.50	35.60	31.70	27.80	24.00	20.10	16.20	12.30	8.40	4.50
$320	$340	46.20	42.30	38.40	34.50	30.60	26.80	22.90	19.00	15.10	11.20	7.30
$340	$360	49.00	45.10	41.20	37.30	33.40	29.60	25.70	21.80	17.90	14.00	10.10
$360	$380	51.80	47.90	44.00	40.10	36.20	32.40	28.50	24.60	20.70	16.80	12.90
$380	$400	54.60	50.70	46.80	42.90	39.00	35.20	31.30	27.40	23.50	19.60	15.70
$400	$420	57.40	53.50	49.60	45.70	41.80	38.00	34.10	30.20	26.30	22.40	18.50
$420	$440	60.20	56.30	52.40	48.50	44.60	40.80	36.90	33.00	29.10	25.20	21.30
$440	$460	63.00	59.10	55.20	51.30	47.40	43.60	39.70	35.80	31.90	28.00	24.10
$460	$480	65.80	61.90	58.00	54.10	50.20	46.40	42.50	38.60	34.70	30.80	26.90
$480	$500	68.60	64.70	60.80	56.90	53.00	49.20	45.30	41.40	37.50	33.60	29.70
		14 percent of the excess over $500 plus—										
$500 and over		70.00	66.10	62.20	58.30	54.40	50.60	46.70	42.80	38.90	35.00	31.10

If the payroll period with respect to an employee is monthly—

And the wages are— At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	14% of wage	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$8.10	.30	0	0	0	0	0	0	0	0	0
$60	$64	8.70	.90	0	0	0	0	0	0	0	0	0
$64	$68	9.20	1.50	0	0	0	0	0	0	0	0	0
$68	$72	9.80	2.00	0	0	0	0	0	0	0	0	0
$72	$76	10.40	2.60	0	0	0	0	0	0	0	0	0
$76	$80	10.90	3.10	0	0	0	0	0	0	0	0	0
$80	$84	11.50	3.70	0	0	0	0	0	0	0	0	0
$84	$88	12.00	4.30	0	0	0	0	0	0	0	0	0
$88	$92	12.60	4.80	0	0	0	0	0	0	0	0	0
$92	$96	13.20	5.40	0	0	0	0	0	0	0	0	0
$96	$100	13.70	5.90	0	0	0	0	0	0	0	0	0
$100	$104	14.30	6.50	0	0	0	0	0	0	0	0	0
$104	$108	14.80	7.10	0	0	0	0	0	0	0	0	0
$108	$112	15.40	7.60	0	0	0	0	0	0	0	0	0
$112	$116	16.00	8.20	.40	0	0	0	0	0	0	0	0
$116	$120	16.50	8.70	1.00	0	0	0	0	0	0	0	0
$120	$124	17.10	9.30	1.50	0	0	0	0	0	0	0	0
$124	$128	17.60	9.90	2.10	0	0	0	0	0	0	0	0
$128	$132	18.20	10.40	2.60	0	0	0	0	0	0	0	0
$132	$136	18.80	11.00	3.20	0	0	0	0	0	0	0	0
$136	$140	19.30	11.50	3.80	3	0	0	0	0	0	0	0
$140	$144	19.90	12.10	4.30	0	0	0	0	0	0	0	0
$144	$148	20.40	12.70	4.90	0	0	0	0	0	0	0	0
$148	$152	21.00	13.20	5.40	0	0	0	0	0	0	0	0
$152	$156	21.60	13.80	6.00	0	0	0	0	0	0	0	0
$156	$160	22.10	14.30	6.60	0	0	0	0	0	0	0	0
$160	$164	22.70	14.90	7.10	0	0	0	0	0	0	0	0
$164	$168	23.20	15.50	7.70	0	0	0	0	0	0	0	0
$168	$172	23.80	16.00	8.20	.50	0	0	0	0	0	0	0
$172	$176	24.40	16.60	8.80	1.00	0	0	0	0	0	0	0
$176	$180	24.90	17.10	9.40	1.60	0	0	0	0	0	0	0
$180	$184	25.50	17.70	9.90	2.10	0	0	0	0	0	0	0
$184	$188	26.00	18.30	10.50	2.70	0	0	0	0	0	0	0
$188	$192	26.60	18.80	11.00	3.30	0	0	0	0	0	0	0
$192	$196	27.20	19.40	11.60	3.80	0	0	0	0	0	0	0
$196	$200	27.70	19.90	12.20	4.40	0	0	0	0	0	0	0
$200	$204	28.30	20.50	12.70	4.90	0	0	0	0	0	0	0
$204	$208	28.80	21.10	13.30	5.50	0	0	0	0	0	0	0
$208	$212	29.40	21.60	13.80	6.10	0	0	0	0	0	0	0
$212	$216	30.00	22.20	14.40	6.60	0	0	0	0	0	0	0
$216	$220	30.50	22.70	15.00	7.20	0	0	0	0	0	0	0
$220	$224	31.10	23.30	15.50	7.70	0	0	0	0	0	0	0
$224	$228	31.60	23.90	16.10	8.30	.50	0	0	0	0	0	0
$228	$232	32.20	24.40	16.60	8.90	1.10	0	0	0	0	0	0
$232	$236	32.80	25.00	17.20	9.40	1.60	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly—

And the wages are— At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of income tax to be withheld shall be—										
$236	$240	$33.30	$25.50	$17.80	$10.00	$2.20	$0	$0	$0	$0	$0	$0
$240	$248	34.20	26.40	18.60	10.80	3.00	0	0	0	0	0	0
$248	$256	35.30	27.50	19.70	11.90	4.20	0	0	0	0	0	0
$256	$264	36.40	28.60	20.80	13.10	5.30	0	0	0	0	0	0
$264	$272	37.50	29.70	22.00	14.20	6.40	0	0	0	0	0	0
$272	$280	38.60	30.90	23.10	15.30	7.50	0	0	0	0	0	0
$280	$288	39.80	32.00	24.20	16.40	8.60	.90	0	0	0	0	0
$288	$296	40.90	33.10	25.30	17.50	9.80	2.00	0	0	0	0	0
$296	$304	42.00	34.20	26.40	18.70	10.90	3.10	0	0	0	0	0
$304	$312	43.10	35.30	27.60	19.80	12.00	4.20	0	0	0	0	0
$312	$320	44.20	36.50	28.70	20.90	13.10	5.40	0	0	0	0	0
$320	$328	45.40	37.60	29.80	22.00	14.20	6.50	0	0	0	0	0
$328	$336	46.50	38.70	30.90	23.10	15.40	7.60	0	0	0	0	0
$336	$344	47.60	39.80	32.00	24.30	16.50	8.70	.90	0	0	0	0
$344	$352	48.70	40.90	33.20	25.40	17.60	9.80	2.10	0	0	0	0
$352	$360	49.80	42.10	34.30	26.50	18.70	11.00	3.20	0	0	0	0
$360	$368	51.00	43.20	35.40	27.60	19.80	12.10	4.30	0	0	0	0
$368	$376	52.10	44.30	36.50	28.70	21.00	13.20	5.40	0	0	0	0
$376	$384	53.20	45.40	37.60	29.90	22.10	14.30	6.50	0	0	0	0
$384	$392	54.30	46.50	38.80	31.00	23.20	15.40	7.70	0	0	0	0
$392	$400	55.40	47.70	39.90	32.10	24.30	16.60	8.80	1.00	0	0	0
$400	$420	57.40	49.60	41.80	34.10	26.30	18.50	10.70	3.00	0	0	0
$420	$440	60.20	52.40	44.60	36.90	29.10	21.30	13.50	5.80	0	0	0
$440	$460	63.00	55.20	47.40	39.70	31.90	24.10	16.30	8.60	.80	0	0
$460	$480	65.80	58.00	50.20	42.50	34.70	26.90	19.10	11.40	3.60	0	0
$480	$500	68.60	60.80	53.00	45.30	37.50	29.70	21.90	14.20	6.40	0	0
$500	$520	71.40	63.60	55.80	48.10	40.30	32.50	24.70	17.00	9.20	1.40	0
$520	$540	74.20	66.40	58.60	50.90	43.10	35.30	27.50	19.80	12.00	4.20	0
$540	$560	77.00	69.20	61.40	53.70	45.90	38.10	30.30	22.60	14.80	7.00	0
$560	$580	79.80	72.00	64.20	56.50	48.70	40.90	33.10	25.40	17.60	9.80	2.00
$580	$600	82.60	74.80	67.00	59.30	51.50	43.70	35.90	28.20	20.40	12.60	4.80
$600	$640	86.80	79.00	71.20	63.50	55.70	47.90	40.10	32.40	24.60	16.80	9.00
$640	$680	92.40	84.60	76.80	69.10	61.30	53.50	45.70	38.00	30.20	22.40	14.60
$680	$720	98.00	90.20	82.40	74.70	66.90	59.10	51.30	43.60	35.80	28.00	20.20
$720	$760	103.60	95.80	88.00	80.30	72.50	64.70	56.90	49.20	41.40	33.60	25.80
$760	$800	109.20	101.40	93.60	85.90	78.10	70.30	62.50	54.80	47.00	39.20	31.40
$800	$840	114.80	107.00	99.20	91.50	83.70	75.90	68.10	60.40	52.60	44.80	37.00
$840	$880	120.40	112.60	104.80	97.10	89.30	81.50	73.70	66.00	58.20	50.40	42.60
$880	$920	126.00	118.20	110.40	102.70	94.90	87.10	79.30	71.60	63.80	56.00	48.20
$920	$960	131.60	123.80	116.00	108.30	100.50	92.70	84.90	77.20	69.40	61.60	53.80
$960	$1,000	137.20	129.40	121.60	113.90	106.10	98.30	90.50	82.80	75.00	67.20	59.40
		14 percent of the excess over $1,000 plus—										
$1,000 and over		140.00	132.20	124.40	116.70	108.90	101.10	93.30	85.60	77.80	70.00	62.20

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are— At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$0	$2.00	14% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	$.30	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.35	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.35	.10	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.40	.15	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.45	.20	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.45	.20	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.50	.25	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.55	.30	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.60	.30	.05	0	0	0	0	0	0	0	0
$4.25	$4.50	.60	.35	.10	0	0	0	0	0	0	0	0
$4.50	$4.75	.65	.40	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.70	.45	.15	0	0	0	0	0	0	0	0
$5.00	$5.25	.70	.45	.20	0	0	0	0	0	0	0	0
$5.25	$5.50	.75	.50	.25	0	0	0	0	0	0	0	0
$5.50	$5.75	.80	.55	.30	0	0	0	0	0	0	0	0
$5.75	$6.00	.80	.55	.30	.05	0	0	0	0	0	0	0
$6.00	$6.25	.85	.60	.35	.10	0	0	0	0	0	0	0
$6.25	$6.50	.90	.65	.40	.15	0	0	0	0	0	0	0
$6.50	$6.75	.95	.65	.40	.15	0	0	0	0	0	0	0
$6.75	$7.00	.95	.70	.45	.20	0	0	0	0	0	0	0
$7.00	$7.25	1.00	.75	.50	.25	0	0	0	0	0	0	0
$7.25	$7.50	1.05	.80	.50	.25	0	0	0	0	0	0	0
$7.50	$7.75	1.05	.80	.55	.30	.05	0	0	0	0	0	0
$7.75	$8.00	1.10	.85	.60	.35	.10	0	0	0	0	0	0
$8.00	$8.25	1.15	.90	.65	.35	.10	0	0	0	0	0	0
$8.25	$8.50	1.15	.90	.65	.40	.15	0	0	0	0	0	0
$8.50	$8.75	1.20	.95	.70	.45	.20	0	0	0	0	0	0
$8.75	$9.00	1.25	1.00	.75	.50	.20	0	0	0	0	0	0
$9.00	$9.25	1.30	1.00	.75	.50	.25	0	0	0	0	0	0
$9.25	$9.50	1.30	1.05	.80	.55	.30	.05	0	0	0	0	0
$9.50	$9.75	1.35	1.10	.85	.60	.30	.05	0	0	0	0	0
$9.75	$10.00	1.40	1.15	.85	.60	.35	.10	0	0	0	0	0
$10.00	$10.50	1.45	1.20	.90	.65	.40	.15	0	0	0	0	0
$10.50	$11.00	1.50	1.25	1.00	.75	.50	.25	0	0	0	0	0
$11.00	$11.50	1.60	1.30	1.05	.80	.55	.30	.05	0	0	0	0
$11.50	$12.00	1.65	1.40	1.15	.90	.60	.35	.10	0	0	0	0
$12.00	$12.50	1.70	1.45	1.20	.95	.70	.45	.20	0	0	0	0
$12.50	$13.00	1.80	1.55	1.25	1.00	.75	.50	.25	0	0	0	0
$13.00	$13.50	1.85	1.60	1.35	1.10	.85	.60	.30	.05	0	0	0
$13.50	$14.00	1.95	1.65	1.40	1.15	.90	.65	.40	.15	0	0	0
$14.00	$14.50	2.00	1.75	1.50	1.25	.95	.70	.45	.20	0	0	0
$14.50	$15.00	2.05	1.80	1.55	1.30	1.05	.80	.55	.30	0	0	0
$15.00	$15.50	2.15	1.90	1.60	1.35	1.10	.85	.60	.35	.10	0	0
$15.50	$16.00	2.20	1.95	1.70	1.45	1.20	.95	.65	.40	.15	0	0
$16.00	$16.50	2.30	2.00	1.75	1.50	1.25	1.00	75	.50	.25	0	0
$16.50	$17.00	2.35	2.10	1.85	1.60	1.30	1.05	.80	.55	.30	.05	0
$17.00	$17.50	2.40	2.15	1.90	1.65	1.40	1.15	.90	.65	.35	.10	0
$17.50	$18.00	2.50	2.25	1.95	1.70	1.45	1.20	.95	.70	.45	.20	0
$18.00	$18.50	2.55	2.30	2.05	1.80	1.55	1.30	1.00	.75	.50	.25	0
$18.50	$19.00	2.65	2.35	2.10	1.85	1.60	1.35	1.10	.85	.60	.30	.05
$19.00	$19.50	2.70	2.45	2.20	1.95	1.65	1.40	1.15	.90	.65	.40	.15
$19.50	$20.00	2.75	2.50	2.25	2.00	1.75	1.50	1.25	1.00	.70	.45	.20
$20.00	$21.00	2.85	2.60	2.35	2.10	1.85	1.60	1.35	1.10	.80	.55	.30
$21.00	$22.00	3.00	2.75	2.50	2.25	2.00	1.75	1.50	1.20	.95	.70	.45
$22.00	$23.00	3.15	2.90	2.65	2.40	2.15	1.85	1.60	1.35	1.10	.85	.60
$23.00	$24.00	3.30	3.05	2.80	2.50	2.25	2.00	1.75	1.50	1.25	1.00	.75
$24.00	$25.00	3.45	3.15	2.90	2.65	2.40	2.15	1.90	1.65	1.40	1.15	.85
$25.00	$26.00	3.55	3.30	3.05	2.80	2.55	2.30	2.05	1.80	1.50	1.25	1.00
$26.00	$27.00	3.70	3.45	3.20	2.95	2.70	2.45	2.20	1.90	1.65	1.40	1.15
$27.00	$28.00	3.85	3.60	3.35	3.10	2.85	2.55	2.30	2.05	1.80	1.55	1.30
$28.00	$29.00	4.00	3.75	3.50	3.20	2.95	2.70	2.45	2.20	1.95	1.70	1.45
$29.00	$30.00	4.15	3.85	3.60	3.35	3.10	2.85	2.60	2.35	2.10	1.85	1.55
		14 percent of the excess over $30 plus—										
$30 and over		4.20	3.95	3.70	3.45	3.20	2.90	2.65	2.40	2.15	1.90	1.65

(c) With respect to wages paid before March 5, 1964, the following tables shall be used:

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$13	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$13	$14	$2.40	.10	0	0	0	0	0	0	0	0	0
$14	$15	2.60	.30	0	0	0	0	0	0	0	0	0
$15	$16	2.80	.50	0	0	0	0	0	0	0	0	0
$16	$17	3.00	.70	0	0	0	0	0	0	0	0	0
$17	$18	3.20	.80	0	0	0	0	0	0	0	0	0
$18	$19	3.30	1.00	0	0	0	0	0	0	0	0	0
$19	$20	3.50	1.20	0	0	0	0	0	0	0	0	0
$20	$21	3.70	1.40	0	0	0	0	0	0	0	0	0
$21	$22	3.90	1.60	0	0	0	0	0	0	0	0	0
$22	$23	4.10	1.70	0	0	0	0	0	0	0	0	0
$23	$24	4.20	1.90	0	0	0	0	0	0	0	0	0
$24	$25	4.40	2.10	0	0	0	0	0	0	0	0	0
$25	$26	4.60	2.30	0	0	0	0	0	0	0	0	0
$26	$27	4.80	2.50	.20	0	0	0	0	0	0	0	0
$27	$28	5.00	2.60	.30	0	0	0	0	0	0	0	0
$28	$29	5.10	2.80	.50	0	0	0	0	0	0	0	0
$29	$30	5.30	3.00	.70	0	0	0	0	0	0	0	0
$30	$31	5.50	3.20	.90	0	0	0	0	0	0	0	0
$31	$32	5.70	3.40	1.10	0	0	0	0	0	0	0	0
$32	$33	5.90	3.50	1.20	0	0	0	0	0	0	0	0
$33	$34	6.00	3.70	1.40	0	0	0	0	0	0	0	0
$34	$35	6.20	3.90	1.60	0	0	0	0	0	0	0	0
$35	$36	6.40	4.10	1.80	0	0	0	0	0	0	0	0
$36	$37	6.60	4.30	2.00	0	0	0	0	0	0	0	0
$37	$38	6.80	4.40	2.10	0	0	0	0	0	0	0	0
$38	$39	6.90	4.60	2.30	0	0	0	0	0	0	0	0
$39	$40	7.10	4.80	2.50	.20	0	0	0	0	0	0	0
$40	$41	7.30	5.00	2.70	.40	0	0	0	0	0	0	0
$41	$42	7.50	5.20	2.90	.50	0	0	0	0	0	0	0
$42	$43	7.70	5.30	3.00	.70	0	0	0	0	0	0	0
$43	$44	7.80	5.50	3.20	.90	0	0	0	0	0	0	0
$44	$45	8.00	5.70	3.40	1.10	0	0	0	0	0	0	0
$45	$46	8.20	5.90	3.60	1.30	0	0	0	0	0	0	0
$46	$47	8.40	6.10	3.80	1.40	0	0	0	0	0	0	0
$47	$48	8.60	6.20	3.90	1.60	0	0	0	0	0	0	0
$48	$49	8.70	6.40	4.10	1.80	0	0	0	0	0	0	0
$49	$50	8.90	6.60	4.30	2.00	0	0	0	0	0	0	0
$50	$51	9.10	6.80	4.50	2.20	0	0	0	0	0	0	0
$51	$52	9.30	7.00	4.70	2.30	0	0	0	0	0	0	0
$52	$53	9.50	7.10	4.80	2.50	.20	0	0	0	0	0	0
$53	$54	9.60	7.30	5.00	2.70	.40	0	0	0	0	0	0
$54	$55	9.80	7.50	5.20	2.90	.60	0	0	0	0	0	0
$55	$56	10.00	7.70	5.40	3.10	.80	0	0	0	0	0	0
$56	$57	10.20	7.90	5.60	3.20	.90	0	0	0	0	0	0
$57	$58	10.40	8.00	5.70	3.40	1.10	0	0	0	0	0	0
$58	$59	10.50	8.20	5.90	3.60	1.30	0	0	0	0	0	0
$59	$60	10.70	8.40	6.10	3.80	1.50	0	0	0	0	0	0
$60	$62	11.00	8.70	6.40	4.10	1.70	0	0	0	0	0	0
$62	$64	11.30	9.00	6.70	4.40	2.10	0	0	0	0	0	0
$64	$66	11.70	9.40	7.10	4.80	2.50	.20	0	0	0	0	0
$66	$68	12.10	9.80	7.40	5.10	2.80	.50	0	0	0	0	0
$68	$70	12.40	10.10	7.80	5.50	3.20	.90	0	0	0	0	0
$70	$72	12.80	10.50	8.20	5.90	3.50	1.20	0	0	0	0	0
$72	$74	13.10	10.80	8.50	6.20	3.90	1.60	0	0	0	0	0
$74	$76	13.50	11.20	8.90	6.60	4.30	2.00	0	0	0	0	0
$76	$78	13.90	11.60	9.20	6.90	4.60	2.30	0	0	0	0	0
$78	$80	14.20	11.90	9.60	7.30	5.00	2.70	.40	0	0	0	0
$80	$82	14.60	12.30	10.00	7.70	5.30	3.00	.70	0	0	0	0
$82	$84	14.90	12.60	10.30	8.00	5.70	3.40	1.10	0	0	0	0
$84	$86	15.30	13.00	10.70	8.40	6.10	3.80	1.50	0	0	0	0
$86	$88	15.70	13.40	11.00	8.70	6.40	4.10	1.80	0	0	0	0
$88	$90	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0	0	0	0
$90	$92	16.40	14.10	11.80	9.50	7.10	4.80	2.50	.20	0	0	0
$92	$94	16.70	14.40	12.10	9.80	7.50	5.20	2.90	.60	0	0	0
$94	$96	17.10	14.80	12.50	10.20	7.90	5.60	3.30	.90	0	0	0

If the payroll period with respect to an employee is weekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$96	$98	$17.50	$15.20	$12.80	$10.50	$8.20	$5.90	$3.60	$1.30	$0	$0	$0
$98	$100	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70	0	0	0
$100	$105	18.50	16.10	13.80	11.50	9.20	6.90	4.60	2.30	0	0	0
$105	$110	19.40	17.00	14.70	12.40	10.10	7.80	5.50	3.20	.90	0	0
$110	$115	20.30	17.90	15.60	13.30	11.00	8.70	6.40	4.10	1.80	0	0
$115	$120	21.20	18.80	16.50	14.20	11.90	9.60	7.30	5.00	2.70	.40	0
$120	$125	22.10	19.70	17.40	15.10	12.80	10.50	8.20	5.90	3.60	1.30	0
$125	$130	23.00	20.60	18.30	16.00	13.70	11.40	9.10	6.80	4.50	2.20	0
$130	$135	23.90	21.50	19.20	16.90	14.60	12.30	10.00	7.70	5.40	3.10	.80
$135	$140	24.80	22.40	20.10	17.80	15.50	13.20	10.90	8.60	6.30	4.00	1.70
$140	$145	25.70	23.30	21.00	18.70	16.40	14.10	11.80	9.50	7.20	4.90	2.60
$145	$150	26.60	24.20	21.90	19.60	17.30	15.00	12.70	10.40	8.10	5.80	3.50
$150	$160	27.90	25.60	23.30	21.00	18.70	16.40	14.10	11.70	9.40	7.10	4.80
$160	$170	29.70	27.40	25.10	22.80	20.50	18.20	15.90	13.50	11.20	8.90	6.60
$170	$180	31.50	29.20	26.90	24.60	22.30	20.00	17.70	15.30	13.00	10.70	8.40
$180	$190	33.30	31.00	28.70	26.40	24.10	21.80	19.50	17.10	14.80	12.60	10.20
$190	$200	35.10	32.80	30.50	28.20	25.90	23.60	21.30	18.90	10.60	14.30	12.00
		18 percent of the excess over $200 plus—										
$200 and over		36.00	33.70	31.40	29.10	26.80	24.50	22.20	19.80	17.50	15.20	12.90

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$26	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$26	$28	$4.90	.20	0	0	0	0	0	0	0	0	0
$28	$30	5.20	.60	0	0	0	0	0	0	0	0	0
$30	$32	5.60	1.00	0	0	0	0	0	0	0	0	0
$32	$34	5.90	1.30	0	0	0	0	0	0	0	0	0
$34	$36	6.30	1.70	0	0	0	0	0	0	0	0	0
$36	$38	6.70	2.00	0	0	0	0	0	0	0	0	0
$38	$40	7.00	2.40	0	0	0	0	0	0	0	0	0
$40	$42	7.40	2.80	0	0	0	0	0	0	0	0	0
$42	$44	7.70	3.10	0	0	0	0	0	0	0	0	0
$44	$46	8.10	3.50	0	0	0	0	0	0	0	0	0
$46	$48	8.50	3.80	0	0	0	0	0	0	0	0	0
$48	$50	8.80	4.20	0	0	0	0	0	0	0	0	0
$50	$52	9.20	4.60	0	0	0	0	0	0	0	0	0
$52	$54	9.50	4.90	.30	0	0	0	0	0	0	0	0
$54	$56	9.90	5.30	.70	0	0	0	0	0	0	0	0
$56	$58	10.30	5.60	1.00	0	0	0	0	0	0	0	0
$58	$60	10.60	6.00	1.40	0	0	0	0	0	0	0	0
$60	$62	11.00	6.40	1.70	0	0	0	0	0	0	0	0
$62	$64	11.30	6.70	2.10	0	0	0	0	0	0	0	0
$64	$66	11.70	7.10	2.50	0	0	0	0	0	0	0	0
$66	$68	12.10	7.40	2.80	0	0	0	0	0	0	0	0
$68	$70	12.40	7.80	3.20	0	0	0	0	0	0	0	0
$70	$72	12.80	8.20	3.50	0	0	0	0	0	0	0	0
$72	$74	13.10	8.50	3.90	0	0	0	0	0	0	0	0
$74	$76	13.50	8.90	4.30	0	0	0	0	0	0	0	0
$76	$78	13.90	9.20	4.60	0	0	0	0	0	0	0	0
$78	$80	14.20	9.60	5.00	.40	0	0	0	0	0	0	0

If the payroll period with respect to an employee is biweekly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$80	$82	$14.60	$10.00	$5.30	$0.70	$0	$0	$0	$0	$0	$0	$0
$82	$84	14.90	10.30	5.70	1.10	0	0	0	0	0	0	0
$84	$86	15.30	10.70	6.10	1.50	0	0	0	0	0	0	0
$86	$88	15.70	11.00	6.40	1.80	0	0	0	0	0	0	0
$88	$90	16.00	11.40	6.80	2.20	0	0	0	0	0	0	0
$90	$92	16.40	11.80	7.10	2.50	0	0	0	0	0	0	0
$92	$94	16.70	12.10	7.50	2.90	0	0	0	0	0	0	0
$94	$96	17.10	12.50	7.90	3.30	0	0	0	0	0	0	0
$96	$98	17.50	12.80	8.20	3.60	0	0	0	0	0	0	0
$98	$100	17.80	13.20	8.60	4.00	0	0	0	0	0	0	0
$100	$102	18.20	13.60	8.90	4.30	0	0	0	0	0	0	0
$102	$104	18.50	13.90	9.30	4.70	.10	0	0	0	0	0	0
$104	$106	18.90	14.30	9.70	5.10	.40	0	0	0	0	0	0
$106	$108	19.30	14.60	10.00	5.40	.80	0	0	0	0	0	0
$108	$110	19.60	15.00	10.40	5.80	1.20	0	0	0	0	0	0
$110	$112	20.00	15.40	10.70	6.10	1.50	0	0	0	0	0	0
$112	$114	20.30	15.70	11.10	6.50	1.90	0	0	0	0	0	0
$114	$116	20.70	16.10	11.50	6.90	2.20	0	0	0	0	0	0
$116	$118	21.10	16.40	11.80	7.20	2.60	0	0	0	0	0	0
$118	$120	21.40	16.80	12.20	7.60	3.00	0	0	0	0	0	0
$120	$124	22.00	17.30	12.70	8.10	3.50	0	0	0	0	0	0
$124	$128	22.70	18.10	13.40	8.80	4.20	0	0	0	0	0	0
$128	$132	23.40	18.80	14.20	9.60	4.90	.30	0	0	0	0	0
$132	$136	24.10	19.50	14.90	10.30	5.70	1.00	0	0	0	0	0
$136	$140	24.80	20.20	15.60	11.00	6.40	1.80	0	0	0	0	0
$140	$144	25.60	20.90	16.30	11.70	7.10	2.50	0	0	0	0	0
$144	$148	26.30	21.70	17.00	12.40	7.80	3.20	0	0	0	0	0
$148	$152	27.00	22.40	17.80	13.20	8.50	3.90	0	0	0	0	0
$152	$156	27.70	23.10	18.50	13.90	9.30	4.60	0	0	0	0	0
$156	$160	28.40	23.80	19.20	14.60	10.00	5.40	.70	0	0	0	0
$160	$164	29.20	24.50	19.90	15.30	10.70	6.10	1.50	0	0	0	0
$164	$168	29.90	25.30	20.60	16.00	11.40	6.80	2.20	0	0	0	0
$168	$172	30.60	26.00	21.40	16.80	12.10	7.50	2.90	0	0	0	0
$172	$176	31.30	26.70	22.10	17.50	12.90	8.20	3.60	0	0	0	0
$176	$180	32.00	27.40	22.80	18.20	13.60	9.00	4.30	0	0	0	0
$180	$184	32.80	28.10	23.50	18.90	14.30	9.70	5.10	.50	0	0	0
$184	$188	33.50	28.90	24.20	19.60	15.00	10.40	5.80	1.20	0	0	0
$188	$192	34.20	29.60	25.00	20.40	15.70	11.10	6.50	1.90	0	0	0
$192	$196	34.90	30.30	25.70	21.10	16.50	11.80	7.20	2.60	0	0	0
$196	$200	35.60	31.00	26.40	21.80	17.20	12.60	7.90	3.30	0	0	0
$200	$210	36.90	32.30	27.70	23.10	18.40	13.80	9.20	4.60	0	0	0
$210	$220	38.70	34.10	29.50	24.90	20.20	15.60	11.00	6.40	1.80	0	0
$220	$230	40.50	35.90	31.30	26.70	22.00	17.40	12.80	8.20	3.60	0	0
$230	$240	42.30	37.70	33.10	28.50	23.80	19.20	14.60	10.00	5.40	.80	0
$240	$250	44.10	39.50	34.90	30.30	25.60	21.00	16.40	11.80	7.20	2.60	0
$250	$260	45.90	41.30	36.70	32.10	27.40	22.80	18.20	13.60	9.00	4.40	0
$260	$270	47.70	43.10	38.50	33.90	29.20	24.60	20.00	15.40	10.80	6.20	1.50
$270	$280	49.50	44.90	40.30	35.70	31.00	26.40	21.80	17.20	12.60	8.00	3.30
$280	$290	51.30	46.70	42.10	37.50	32.80	28.20	23.60	19.00	14.40	9.80	5.10
$290	$300	53.10	48.50	43.90	39.30	34.60	30.00	25.40	20.80	16.20	11.60	6.90
$300	$320	55.80	51.20	46.60	42.00	37.30	32.70	28.10	23.50	18.90	14.30	9.60
$320	$340	59.40	54.80	50.20	45.60	40.90	36.30	31.70	27.10	22.50	17.90	13.20
$340	$360	63.00	58.40	53.80	49.20	44.50	39.90	35.30	30.70	26.10	21.50	16.80
$360	$380	66.60	62.00	57.40	52.80	48.10	43.50	38.90	34.30	29.70	25.10	20.40
$380	$400	70.20	65.60	61.00	56.40	51.70	47.10	42.50	37.90	33.30	28.70	24.00
		18 percent of the excess over $400 plus—										
$400 and over		72.00	67.40	62.80	58.20	53.50	48.90	44.30	39.70	35.10	30.50	25.80

If the payroll period with respect to an employee is semimonthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$28	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$28	$30	$5.20	.20	0	0	0	0	0	0	0	0	0
$30	$32	5.60	.60	0	0	0	0	0	0	0	0	0
$32	$34	5.90	.90	0	0	0	0	0	0	0	0	0
$34	$36	6.30	1.30	0	0	0	0	0	0	0	0	0
$36	$38	6.70	1.70	0	0	0	0	0	0	0	0	0
$38	$40	7.00	2.00	0	0	0	0	0	0	0	0	0
$40	$42	7.40	2.40	0	0	0	0	0	0	0	0	0
$42	$44	7.70	2.70	0	0	0	0	0	0	0	0	0
$44	$46	8.10	3.10	0	0	0	0	0	0	0	0	0
$46	$48	8.50	3.50	0	0	0	0	0	0	0	0	0
$48	$50	8.80	3.80	0	0	0	0	0	0	0	0	0
$50	$52	9.20	4.20	0	0	0	0	0	0	0	0	0
$52	$54	9.50	4.50	0	0	0	0	0	0	0	0	0
$54	$56	9.90	4.90	0	0	0	0	0	0	0	0	0
$56	$58	10.30	5.30	.30	0	0	0	0	0	0	0	0
$58	$60	10.60	5.60	.60	0	0	0	0	0	0	0	0
$60	$62	11.00	6.00	1.00	0	0	0	0	0	0	0	0
$62	$64	11.30	6.30	1.30	0	0	0	0	0	0	0	0
$64	$66	11.70	6.70	1.70	0	0	0	0	0	0	0	0
$66	$68	12.10	7.10	2.10	0	0	0	0	0	0	0	0
$68	$70	12.40	7.40	2.40	0	0	0	0	0	0	0	0
$70	$72	12.80	7.80	2.80	0	0	0	0	0	0	0	0
$72	$74	13.10	8.10	3.10	0	0	0	0	0	0	0	0
$74	$76	13.50	8.50	3.50	0	0	0	0	0	0	0	0
$76	$78	13.90	8.90	3.90	0	0	0	0	0	0	0	0
$78	$80	14.20	9.20	4.20	0	0	0	0	0	0	0	0
$80	$82	14.60	9.60	4.60	0	0	0	0	0	0	0	0
$82	$84	14.90	9.90	4.90	0	0	0	0	0	0	0	0
$84	$86	15.30	10.30	5.30	.30	0	0	0	0	0	0	0
$86	$88	15.70	10.70	5.70	.70	0	0	0	0	0	0	0
$88	$90	16.00	11.00	6.00	1.10	0	0	0	0	0	0	0
$90	$92	16.40	11.40	6.40	1.40	0	0	0	0	0	0	0
$92	$94	16.70	11.70	6.70	1.70	0	0	0	0	0	0	0
$94	$96	17.10	12.10	7.10	2.10	0	0	0	0	0	0	0
$96	$98	17.50	12.50	7.50	2.50	0	0	0	0	0	0	0
$98	$100	17.80	12.80	7.80	2.80	0	0	0	0	0	0	0
$100	$102	18.20	13.20	8.20	3.20	0	0	0	0	0	0	0
$102	$104	18.50	13.50	8.50	3.50	0	0	0	0	0	0	0
$104	$106	18.90	13.90	8.90	3.90	0	0	0	0	0	0	0
$106	$108	19.30	14.30	9.30	4.30	0	0	0	0	0	0	0
$108	$110	19.60	14.60	9.60	4.60	0	0	0	0	0	0	0
$110	$112	20.00	15.00	10.00	5.00	0	0	0	0	0	0	0
$112	$114	20.30	15.30	10.30	5.30	.30	0	0	0	0	0	0
$114	$116	20.70	15.70	10.70	5.70	.70	0	0	0	0	0	0
$116	$118	21.10	16.10	11.10	6.10	1.10	0	0	0	0	0	0

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$118	$120	$21.40	$16.40	$11.40	$6.40	$1.40	$0	$0	$0	$0	$0	$0
$120	$124	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0	0
$124	$128	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0	0
$128	$132	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0	0
$132	$136	24.10	19.10	14.10	9.10	4.10	0	0	0	0	0	0
$136	$140	24.80	19.80	14.80	9.80	4.80	0	0	0	0	0	0
$140	$144	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0	0
$144	$148	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0	0
$148	$152	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0	0
$152	$156	27.70	22.70	17.70	12.70	7.70	2.70	0	0	0	0	0
$156	$160	28.40	23.40	18.40	13.40	8.40	3.40	0	0	0	0	0
$160	$164	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0	0
$164	$168	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0	0
$168	$172	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0	0
$172	$176	31.30	26.30	21.30	16.30	11.30	6.30	1.30	0	0	0	0
$176	$180	32.00	27.00	22.00	17.00	12.00	7.00	2.00	0	0	0	0
$180	$184	32.80	27.80	22.80	17.80	12.80	7.80	2.80	0	0	0	0
$184	$188	33.50	28.50	23.50	18.50	13.50	8.50	3.50	0	0	0	0
$188	$192	34.20	29.20	24.20	19.20	14.20	9.20	4.20	0	0	0	0
$192	$196	34.90	29.90	24.90	19.90	14.90	9.90	4.90	0	0	0	0
$196	$200	35.60	30.60	25.60	20.60	15.60	10.60	5.60	.60	0	0	0
$200	$210	36.90	31.90	26.90	21.90	16.90	11.90	6.90	1.90	0	0	0
$210	$220	38.70	33.70	28.70	23.70	18.70	13.70	8.70	3.70	0	0	0
$220	$230	40.50	35.50	30.50	25.50	20.50	15.50	10.50	5.50	.50	0	0
$230	$240	42.30	37.30	32.30	27.30	22.30	17.30	12.30	7.30	2.30	0	0
$240	$250	44.10	39.10	34.10	29.10	24.10	19.10	14.10	9.10	4.10	0	0
$250	$260	45.90	40.90	35.90	30.90	25.90	20.90	15.90	10.90	5.90	.90	0
$260	$270	47.70	42.70	37.70	32.70	27.70	22.70	17.70	12.70	7.70	2.70	0
$270	$280	49.50	44.50	39.50	34.50	29.50	24.50	19.50	14.50	9.50	4.50	0
$280	$290	51.30	46.30	41.30	36.30	31.30	26.30	21.30	16.30	11.30	6.30	1.30
$290	$300	53.10	48.10	43.10	38.10	33.10	28.10	23.10	18.10	13.10	8.10	3.10
$300	$320	55.80	50.80	45.80	40.80	35.80	30.80	25.80	20.80	15.80	10.80	5.80
$320	$340	59.40	54.40	49.40	44.40	39.40	34.40	29.40	24.40	19.40	14.40	9.40
$340	$360	63.00	58.00	53.00	48.00	43.00	38.00	33.00	28.00	23.00	18.00	13.00
$360	$380	66.60	61.60	56.60	51.60	46.60	41.60	36.60	31.60	26.60	21.60	16.60
$380	$400	70.20	65.20	60.20	55.20	50.20	45.20	40.20	35.20	30.20	25.20	20.20
$400	$420	73.80	68.80	63.80	58.80	53.80	48.80	43.80	38.80	33.80	28.80	23.80
$420	$440	77.40	72.40	67.40	62.40	57.40	52.40	47.40	42.40	37.40	32.40	27.40
$440	$460	81.00	76.00	71.00	66.00	61.00	56.00	51.00	46.00	41.00	36.00	31.00
$460	$480	84.60	79.60	74.60	69.60	64.60	59.60	54.60	49.60	44.60	39.60	34.60
$480	$500	88.20	83.20	78.20	73.20	68.20	63.20	58.20	53.20	48.20	43.20	38.20
		18 percent of the excess over $500 plus—										
$500 and over		90.00	85.00	80.00	75.00	70.00	65.00	60.00	55.00	50.00	45.00	40.00

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$0	$56	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$56	$60	$10.40	.40	0	0	0	0	0	0	0	0	0
$60	$64	11.20	1.20	0	0	0	0	0	0	0	0	0
$64	$68	11.90	1.90	0	0	0	0	0	0	0	0	0
$68	$72	12.60	2.60	0	0	0	0	0	0	0	0	0
$72	$76	13.30	3.30	0	0	0	0	0	0	0	0	0
$76	$80	14.00	4.00	0	0	0	0	0	0	0	0	0
$80	$84	14.80	4.80	0	0	0	0	0	0	0	0	0
$84	$88	15.50	5.50	0	0	0	0	0	0	0	0	0
$88	$92	16.20	6.20	0	0	0	0	0	0	0	0	0
$92	$96	16.90	6.90	0	0	0	0	0	0	0	0	0
$96	$100	17.60	7.60	0	0	0	0	0	0	0	0	0
$100	$104	18.40	8.40	0	0	0	0	0	0	0	0	0
$104	$108	19.10	9.10	0	0	0	0	0	0	0	0	0
$108	$112	19.80	9.80	0	0	0	0	0	0	0	0	0
$112	$116	20.50	10.50	.50	0	0	0	0	0	0	0	0
$116	$120	21.20	11.20	1.20	0	0	0	0	0	0	0	0
$120	$124	22.00	12.00	2.00	0	0	0	0	0	0	0	0
$124	$128	22.70	12.70	2.70	0	0	0	0	0	0	0	0
$128	$132	23.40	13.40	3.40	0	0	0	0	0	0	0	0
$132	$136	24.10	14.10	4.10	0	0	0	0	0	0	0	0
$136	$140	24.80	14.80	4.80	0	0	0	0	0	0	0	0
$140	$144	25.60	15.60	5.60	0	0	0	0	0	0	0	0
$144	$148	26.30	16.30	6.30	0	0	0	0	0	0	0	0
$148	$152	27.00	17.00	7.00	0	0	0	0	0	0	0	0
$152	$156	27.70	17.70	7.70	0	0	0	0	0	0	0	0
$156	$160	28.40	18.40	8.40	0	0	0	0	0	0	0	0
$160	$164	29.20	19.20	9.20	0	0	0	0	0	0	0	0
$164	$168	29.90	19.90	9.90	0	0	0	0	0	0	0	0
$168	$172	30.60	20.60	10.60	.60	0	0	0	0	0	0	0
$172	$176	31.30	21.30	11.30	1.30	0	0	0	0	0	0	0
$176	$180	32.00	22.00	12.00	2.00	0	0	0	0	0	0	0
$180	$184	32.80	22.80	12.80	2.80	0	0	0	0	0	0	0
$184	$188	33.50	23.50	13.50	3.50	0	0	0	0	0	0	0
$188	$192	34.20	24.20	14.20	4.20	0	0	0	0	0	0	0
$192	$196	34.90	24.90	14.90	4.90	0	0	0	0	0	0	0
$196	$200	35.60	25.60	15.60	5.60	0	0	0	0	0	0	0
$200	$204	36.40	26.40	16.40	6.40	0	0	0	0	0	0	0
$204	$208	37.10	27.10	17.10	7.10	0	0	0	0	0	0	0
$208	$212	37.80	27.80	17.80	7.80	0	0	0	0	0	0	0
$212	$216	38.50	28.50	18.50	8.50	0	0	0	0	0	0	0
$216	$220	39.20	29.20	19.20	9.20	0	0	0	0	0	0	0
$220	$224	40.00	30.00	20.00	10.00	0	0	0	0	0	0	0
$224	$228	40.70	30.70	20.70	10.70	.70	0	0	0	0	0	0
$228	$232	41.40	31.40	21.40	11.40	1.40	0	0	0	0	0	0
$232	$236	42.10	32.10	22.10	12.10	2.10	0	0	0	0	0	0
$236	$240	42.80	32.80	22.80	12.80	2.80	0	0	0	0	0	0
$240	$248	43.90	33.90	23.90	13.90	3.90	0	0	0	0	0	0
$248	$256	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0	0
$256	$264	46.80	36.80	26.80	16.80	6.80	0	0	0	0	0	0
$264	$272	48.20	38.20	28.20	18.20	8.20	0	0	0	0	0	0
$272	$280	49.70	39.70	29.70	19.70	9.70	0	0	0	0	0	0
$280	$288	51.10	41.10	31.10	21.10	11.10	1.10	0	0	0	0	0
$288	$296	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0	0
$296	$304	54.00	44.00	34.00	24.00	14.00	4.00	0	0	0	0	0
$304	$312	55.40	45.40	35.40	25.40	15.40	5.40	0	0	0	0	0
$312	$320	56.90	46.90	36.90	26.90	16.90	6.90	0	0	0	0	0
$320	$328	58.30	48.30	38.30	28.30	18.30	8.30	0	0	0	0	0
$328	$336	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0	0
$336	$344	61.20	51.20	41.20	31.20	21.20	11.20	1.20	0	0	0	0
$344	$352	62.60	52.60	42.60	32.60	22.60	12.60	2.60	0	0	0	0
$352	$360	64.10	54.10	44.10	34.10	24.10	14.10	4.10	0	0	0	0
$360	$368	65.50	55.50	45.50	35.50	25.50	15.50	5.50	0	0	0	0
$368	$376	67.00	57.00	47.00	37.00	27.00	17.00	7.00	0	0	0	0
$376	$384	68.40	58.40	48.40	38.40	28.40	18.40	8.40	0	0	0	0
$384	$392	69.80	59.80	49.80	39.80	29.80	19.80	9.80	0	0	0	0
$392	$400	71.30	61.30	51.30	41.30	31.30	21.30	11.30	1.30	0	0	0
$400	$420	73.80	63.80	53.80	43.80	33.80	23.80	13.80	3.80	0	0	0

If the payroll period with respect to an employee is monthly—

And the wages are—		And the number of withholding exemptions claimed is—										
At least—	But less than—	0	1	2	3	4	5	6	7	8	9	10 or more
		The amount of tax to be withheld shall be—										
$420	$440	$77.40	$67.40	$57.40	$47.40	$37.40	$27.40	$17.40	$7.40	$0	$0	$0
$440	$460	81.00	71.00	61.00	51.00	41.00	31.00	21.00	11.00	1.00	0	0
$460	$480	84.60	74.60	64.60	54.60	44.60	34.60	24.60	14.60	4.60	0	0
$480	$500	88.20	78.20	68.20	58.20	48.20	38.20	28.20	18.20	8.20	0	0
$500	$520	91.80	81.80	71.80	61.80	51.80	41.80	31.80	21.80	11.80	1.80	0
$520	$540	95.40	85.40	75.40	65.40	55.40	45.40	35.40	25.40	15.40	5.40	0
$540	$560	99.00	89.00	79.00	69.00	59.00	49.00	39.00	29.00	19.00	9.00	0
$560	$580	102.60	92.60	82.60	72.60	62.60	52.60	42.60	32.60	22.60	12.60	2.60
$580	$600	106.20	96.20	86.20	76.20	66.20	56.20	46.20	36.20	26.20	16.20	6.20
$600	$640	111.60	101.60	91.60	81.60	71.60	61.60	51.60	41.60	31.60	21.60	11.60
$640	$680	118.80	108.80	98.80	88.80	78.80	68.80	58.80	48.80	38.80	28.80	18.80
$680	$720	126.00	116.00	106.00	96.00	86.00	76.00	66.00	56.00	46.00	36.00	26.00
$720	$760	133.20	123.20	113.20	103.20	93.20	83.20	73.20	63.20	53.20	43.20	33.20
$760	$800	140.40	130.40	120.40	110.40	100.40	90.40	80.40	70.40	60.40	50.40	40.40
$800	$840	147.60	137.60	127.60	117.60	107.60	97.60	87.60	77.60	67.60	57.60	47.60
$840	$880	154.80	144.80	134.80	124.80	114.80	104.80	94.80	84.80	74.80	64.80	54.80
$880	$920	162.00	152.00	142.00	132.00	122.00	112.00	102.00	92.00	82.00	72.00	62.00
$920	$960	169.20	159.20	149.20	139.20	129.20	119.20	109.20	99.20	89.20	79.20	69.20
$960	$1,000	176.40	166.40	156.40	146.40	136.40	126.40	116.40	106.40	96.40	86.40	76.40
		18 percent of the excess over $1,000 plus—										
$1,000 and over		180.00	170.00	160.00	150.00	140.00	130.00	120.00	110.00	100.00	90.00	80.00

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At least—	But less than—	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$0	$2.00	18% of wages	$0	$0	$0	$0	$0	$0	$0	$0	$0	$0
$2.00	$2.25	$0.40	.05	0	0	0	0	0	0	0	0	0
$2.25	$2.50	.45	.10	0	0	0	0	0	0	0	0	0
$2.50	$2.75	.45	.15	0	0	0	0	0	0	0	0	0
$2.75	$3.00	.50	.20	0	0	0	0	0	0	0	0	0
$3.00	$3.25	.55	.25	0	0	0	0	0	0	0	0	0
$3.25	$3.50	.60	.30	0	0	0	0	0	0	0	0	0
$3.50	$3.75	.65	.30	0	0	0	0	0	0	0	0	0
$3.75	$4.00	.70	.35	.05	0	0	0	0	0	0	0	0
$4.00	$4.25	.75	.40	.10	0	0	0	0	0	0	0	0
$4.25	$4.50	.80	.45	.15	0	0	0	0	0	0	0	0
$4.50	$4.75	.85	.50	.15	0	0	0	0	0	0	0	0
$4.75	$5.00	.90	.55	.20	0	0	0	0	0	0	0	0
$5.00	$5.25	.90	.60	.25	0	0	0	0	0	0	0	0
$5.25	$5.50	.95	.65	.30	0	0	0	0	0	0	0	0
$5.50	$5.75	1.00	.70	.35	.05	0	0	0	0	0	0	0
$5.75	$6.00	1.05	.75	.40	.05	0	0	0	0	0	0	0
$6.00	$6.25	1.10	.75	.45	.10	0	0	0	0	0	0	0
$6.25	$6.50	1.15	.80	.50	.15	0	0	0	0	0	0	0
$6.50	$6.75	1.20	.85	.55	.20	0	0	0	0	0	0	0
$6.75	$7.00	1.25	.90	.60	.25	0	0	0	0	0	0	0
$7.00	$7.25	1.30	.95	.60	.30	0	0	0	0	0	0	0
$7.25	$7.50	1.35	1.00	.65	.35	0	0	0	0	0	0	0
$7.50	$7.75	1.35	1.05	.70	.40	.05	0	0	0	0	0	0
$7.75	$8.00	1.40	1.10	.75	.45	.10	0	0	0	0	0	0
$8.00	$8.25	1.45	1.15	.80	.50	.15	0	0	0	0	0	0
$8.25	$8.50	1.50	1.20	.85	.50	.20	0	0	0	0	0	0
$8.50	$8.75	1.55	1.20	.90	.55	.25	0	0	0	0	0	0

If the payroll period with respect to an employee is a daily payroll period or a miscellaneous payroll period—

And the wages divided by the number of days in such period are—		And the number of withholding exemptions claimed is—										
		0	1	2	3	4	5	6	7	8	9	10 or more
At lest—	But less than—	The amount of tax to be withheld shall be the following amount multiplied by the number of days in such period—										
$8.75	$9.00	$1.60	$1.25	$0.95	$0.60	$0.30	$0	$0	$0	$0	$0	$0
$9.00	$9.25	1.65	1.30	1.00	.65	.35	0	0	0	0	0	0
$9.25	$9.50	1.70	1.35	1.05	.70	.35	0	0	0	0	0	0
$9.50	$9.75	1.75	1.40	1.05	.75	.40	.10	0	0	0	0	0
$9.75	$10.00	1.80	1.45	1.10	.80	.45	.15	0	0	0	0	0
$10.00	$10.50	1.85	1.50	1.20	.85	.55	.20	0	0	0	0	0
$10.50	$11.00	1.95	1.60	1.30	.95	.60	.30	0	0	0	0	0
$11.00	$11.50	2.05	1.70	1.35	1.05	.70	.40	.05	0	0	0	0
$11.50	$12.00	3.10	1.80	1.45	1.15	.80	.15	0	0	0	0	0
$12.00	$12.50	2.20	1.90	1.55	1.20	.90	.55	.25	0	0	0	0
$12.50	$13.00	2.30	1.95	1.65	1.30	1.00	.65	.30	0	0	0	0
$13.00	$13.50	2.40	2.05	1.75	1.40	1.05	.75	.40	.10	0	0	0
$13.50	$14.00	2.50	2.15	1.80	1.50	1.15	.85	.50	.15	0	0	0
$14.00	$14.50	2.55	2.25	1.90	1.60	1.25	.90	.60	.25	0	0	0
$14.50	$15.00	2.65	.235	2.00	1.65	1.35	1.00	.70	.35	0	0	0
$15.00	$15.50	2.75	2.40	2.10	1.75	1.45	1.10	.75	.45	.10	0	0
$15.50	$16.00	2.85	2.50	2.20	1.85	1.50	1.20	.85	.55	.20	0	0
$16.00	$16.50	2.95	2.60	2.25	1.95	1.60	1.30	.95	.60	.30	0	0
$16.50	$17.00	3.00	2.70	2.35	2.05	1.70	1.35	1.05	.70	.40	.05	0
$17.00	$17.50	3.10	2.80	2.45	2.10	1.80	1.45	1.15	.80	.45	.15	0
$17.50	$18.00	3.20	2.85	2.45	2.20	1.90	1.55	1.20	.90	.55	.25	0
$18.00	$18.50	3.30	2.95	2.65	2.30	1.95	1.65	1.30	1.00	.65	.35	0
$18.50	$19.00	3.40	3.05	2.70	2.40	2.05	1.75	1.40	1.05	.75	.40	.10
$19.00	$19.50	3.45	3.15	2.80	2.50	2.15	1.80	1.50	1.15	.85	.50	.20
$19.50	$20.00	3.55	3.25	2.90	2.55	2.25	1.90	1.60	1.25	.90	.60	.25
$20.00	$21.00	3.70	3.35	3.05	2.70	2.35	2.05	1.70	1.40	1.05	.75	.40
$21.00	$22.00	3.85	3.55	3.20	2.90	2.55	2.25	1.90	1.55	1.25	.90	.60
$22.00	$23.00	4.05	3.70	3.40	3.05	2.75	2.40	2.10	1.75	1.40	1.10	.75
$23.00	$24.00	4.25	3.90	3.55	3.25	2.90	2.60	2.25	1.95	1.60	1.25	.95
$24.00	$25.00	4.40	4.10	3.75	3.40	3.10	2.75	2.45	2.10	1.80	1.45	.10
$25.00	$26.00	4.60	4.25	3.95	3.60	3.25	2.95	2.60	2.30	1.95	1.65	1.30
$26.00	$27.00	4.75	4.45	1.40	3.80	3.45	3.15	2.80	2.45	2.15	1.80	1.50
$27.00	$28.00	4.95	4.60	4.30	3.95	3.65	3.30	3.00	2.65	2.30	2.00	1.65
$28.00	$29.00	5.15	4.80	4.45	4.15	3.80	3.50	3.15	2.85	2.50	2.15	1.85
$29.00	$30.00	5.30	5.00	4.65	4.30	4.00	3.65	3.35	3.00	2.70	2.35	2.00
		18 percent of the excess over $30 plus—										
$30.00 and over		5.40	5.05	4.75	4.40	4.10	3.75	3.45	3.10	2.75	2.45	2.10

Par. 10. Section 31.3402(f)(1)–1 is amended by revising paragraph (c)(2) to read as follows:

§ 31.3402(f)(1)–1 Withholding exemptions.

* * * * *

(c) *Withholding exemptions to which an employee is entitled in respect to his spouse.* * * *

(2) In determining the number of withholding exemptions to which an employee is entitled for himself and his spouse on any day, the employee's status as a single persons or a married person and, if married, whether a withholding exemption is claimed by his spouse, shall be determined as of such day. However, in the case of an employee whose spouse dies in the taxable year of the employee which begins in, or with, the calendar year in which the spouse dies, any withholding exemption which would be allowable to the employee in respect of such spouse, if living and not an employee receiving wages, may be claimed by the employee for that portion of the calendar year which occurs after his spouse's death. For provisions applicable in the case of an employee whose taxable year is not a calendar year, and whose spouse dies in that portion of the calendar year which precedes the first day of the taxable year of the employee which begins in the calendar year, see paragraph (b) of § 31.3402(f)(2)–1. An employee legally separated from his spouse under a decree of divorce or of separate maintenance or an employee who is a surviving spouse (as defined in section 2 and the regulations thereunder) shall not be entitled to any withholding exemptions in respect of his spouse.

* * * * *

Par. 11. Paragraph (c) of § 31.3402(f)(3)–1 is amended to read as follows:

§ 31.3402(f)(3)–1 When withholding exemption certificate takes effect.

* * * * *

(c) A withholding exemption certificate furnished the employer pursuant to section 3402(f)(2)(C) (see paragraph (c) of § 31.3402(f)(2)–1 or paragraph (b)(2)(ii) of § 31.3402(l)–1) which effects a change for the next calendar year, shall not take effect, and may not be made effective, with respect to the calendar year in which the certificate is furnished. A withholding exemption certificate furnished the employer by an employee who determines his income tax liability on a basis other than a calendar-year basis, as required by paragraph (b)(4) of § 31.3402(f)(2)–1, which effects a change for the employee's next taxable year, shall not take effect, and may not be made effective, with respect to the taxable year of the employee in which the certificate is furnished.

* * * * *

Par. 12. The following sections are added immediately after § 31.3402(k)–1:

§ 31.3402(l) Statutory provisions; income tax collected at source; determination and disclosure of marital status.

Sec. 3402. *Income tax collected at source.* * * *

(l) *Determination and disclosure of marital status*—(1) *Determination of status by employer.* For purposes of applying the tables in subsections (a) and (c) to a payment of wages, the employer shall treat the employee as a single person unless there is in effect with respect to such payment of wages a withholding exemption certificate furnished to the employer by the employee after the date of the enactment of this subsection indicating that the employee is married.

(2) *Disclosure of status by employee.* An employee shall be entitled to furnish the employer with a withholding exemption certificate indicating he is married only if, on the day of such furnishing, he is married (determined with the application of the rules in paragraph (3)). An employee whose marital status changes from married to single shall, at such time as the Secretary or his delegate may by regulations prescribe, furnish the employer with a new withholding exemption certificate.

(3) *Determination of marital status.* For purposes of paragraph (2), an employee shall on any day be considered—

(A) As not married, if (i) he is legally separated from his spouse under a decree of divorce or separate maintenance, or (ii) either he or his spouse is, or on any preceding day within the calendar year was, a nonresident alien; or

(B) As married, if (i) his spouse (other than a spouse referred to in subparagraph (A)) died within the portion of his taxable year which precedes such day, or (ii) his spouse died during one of the 2 taxable years immediately preceding the current taxable year and, on the basis of facts existing at the beginning of such day, the employee reasonably expects, at the close of his taxable year, to be a surviving spouse (as defined in section 2(b)).

[Sec. 3402(l) as added by sec. 101(d), Tax Adjustment Act 1966 (80 Stat. 59)]

§ 31.3402(l)–1 Determination and disclosure of marital status.

(a) *Determination of status by employer.* An employer in computing the tax to be deducted and withheld from an employee's wages paid after April 30, 1966, shall apply the applicable percentage method or wage bracket method withholding table (see section 3402 (a), (b), and (c) and the regulations thereunder) for the pertinent payroll period which relates to employees who are single persons, unless there is in effect with respect to such payment of wages a withholding exemption certificate furnished to the employer by the employee after March 15, 1966, indicating that the employee is married in which case the employer shall apply the applicable table relating to employees who are married persons.

(b) *Disclosure of status by employee.* (1) An employee shall be entitled to furnish the employer with a withholding exemption certificate indicating he is married only if, on the day of such furnishing, he is married (determined by application of the rules in paragraph (c) of this section). Thus, an employee who is contemplating marriage may not, prior to the actual marriage, furnish the employer with a withholding exemption certificate indicating that he is a married person.

(2) (i) If, on any day during the calendar year, the marital status (as determined by application of the rules in paragraph (c) of this section) of an employee who has in effect a withholding exemption certificate indicating that he is a married person, changes from married to single, the employee must within 10 days after the change occurs furnish the employer with a new withholding exemption certificate indicating that the employee is a single person.

(ii) If an employee who has in effect a withholding exemption certificate indicating that he is a married person, is considered married solely because of the application of subparagraph (2)(ii) of paragraph (c) of this section, and his spouse died during the taxable year which precedes by 2 years the current taxable year, the employee must, on or before December 1 of the current taxable year, furnish the employer with a new withholding exemption certificate indicating that he is a single person. Such certificate shall not, however, become effective until the next calendar year (see paragraph (c) of § 31.3402(f)(3)–1).

(3) If, on any day during the calendar year, the marital status (as determined by application of the rules in paragraph (c) of this section) of an employee who has in effect a withholding exemption certificate indicating that he is a single person changes from single to married, the employee may furnish the employer with a new withholding exemption certificate indicating that the employee is a married person.

(c) *Determination of marital status.* For the purposes of section 3402(l)(2) and paragraph (b) of this section, the following rules shall be applied in determining whether an employee is a married person or a single person—

(1) An employee shall on any day be considered as a single person if—

(i) He is legally separated from his spouse under a decree of divorce or separate maintenance, or

(ii) Either he or his spouse is, or on any preceding day within the same calender year was, a nonresident alien.

(2) An employee shall on any day be considered as a married person if—

(i) His spouse (other than a spouse referred to in subparagraph (1) of this paragraph) died within the portion of his taxable year which precedes such day, or

(ii) His spouse died during one of the two taxable years immediately preceding the current taxable year and, on the basis of facts existing at the beginning of such day, he reasonably expects, at the close of his taxable year, to be a surviving spouse as defined in section 2 and the regulations thereunder.

Par. 13. Section 31.6051–1 is amended by revising so much of paragraph (a)(1)(i) as precedes (*a*) to read as follows:

§ 31.6051–1 Statements for employees.

(a) *Requirement if wages are subject to withholding of income tax*—(1) *General rule.* (i) Every employer, as defined in section 3401(d), required to deduct and withhold from an employee a tax under section 3402, or who would have been required to deduct and withhold a tax under section 3402 (determined without regard to section 3402(n)) if the employee had claimed no more than one withholding exemption, shall furnish to each such employee, in respect of the remuneration paid by such employer to such employee during the calendar year, the tax return copy and the employee's copy of a statement on Form W–2. For example, if the wage bracket method of withholding provided in section 3402(c)(1) is used, a statement on Form W–2 must be furnished to each employee whose wages during any payroll period are equal to or in excess of the smallest wage from which tax must be withheld in the case of an employee claiming one exemption. If the percentage method is used, a statement on Form W–2 must be furnished to each employee whose wages during any payroll period, reduced by the amount of one withholding exemption, are equal to or in excess of the smallest amount of wages from which tax must be withheld. See section 3402 (a) and (b) and the regulations thereunder. Each statement on Form W–2 shall show the following:

* * * * *

[FR Doc.71–6917 Filed 5–20–71;8:45 am]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 of Schedule C is amended to reflect the following title change: From Special Assistant to the Secretary to Assistant to the Secretary (Congressional Liaison).

Effective on publication in the Federal Register (5–21–71), subparagraphs (2) and (26) of paragraph (a) of § 213.3312 are amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(2) Six Special Assistants to the Secretary.

* * * * *

(26) Two Assistants to the Secretary (Congressional Liaison).

* * * * *

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71–7091 Filed 5–20–71;8:49 am]

PART 213—EXCEPTED SERVICE

Environmental Protection Agency

Section 213.3318 is amended to show that one position of Confidential Assistant to the Assistant Administrator for Field Coordination is excepted under Schedule C.

Effective on publication in the Federal Register (5–21–71), paragraph (p) is added to § 213.3318 as set out below.

§ 213.3318 Environmental Protection Agency.

* * * * *

(p) One Confidential Assistant to the Assistant Administrator for Field Coordination.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71–7090 Filed 5–20–71;8:48 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Private Secretary for Interdepartmental Activities, Office of the Assistant Administrator for Congressional and Public Affairs, is no longer excepted under Schedule C.

Effective on publication in the Federal Register (5–21–71), paragraph (r) of § 213.3332 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71–7093 Filed 5–20–71;8:49 am]

PART 213—EXCEPTED SERVICE

Office of Economic Opportunity

Section 213.3373 is amended to show that (1) the position of Human Rights Officer is no longer excepted under Schedule C; (2) the title of the position of Confidential Staff Assistant to the Human Rights Officer has been changed to Confidential Staff Assistant to the Director, Human Rights Division; and (3) one position of Confidential Staff Assistant to the Associate Director for Legal Services is excepted under Schedule C.

Effective on publication in the Federal Register (5–21–71), subparagraph (21) is revoked and subparagraph (22) of paragraph (a) is amended, and paragraph (g) is added to § 213.3373 as set out below.

§ 213.3373 Office of Economic Opportunity.

(a) *Office of the Director.* * * *

(21) [Revoked]

(22) One Confidential Staff Assistant to the Director, Human Rights Division.

* * * * *

(g) *Office of the Associate Director for Legal Services.* (1) One Confidential Staff Assistant to the Associate Director.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71–7092 Filed 5–20–71;8:49 am]

PART 771—EMPLOYEE GRIEVANCES AND ADMINISTRATIVE APPEALS

Miscellaneous Amendments

Part 771 is amended to (1) reflect a change in the appeals system regulations to exclude from adverse action coverage National Guard Technicians and (2) to exclude from the coverage of agency grievance systems Foreign Service personnel appointed under chapter 14A and chapter 32 of title 22, United States Code.

Effective on publication in the Federal Register (5–21–71), subparagraph (4) of paragraph (b) of § 771.202 and subparagraph (5) of paragraph (b) of § 771.301 are amended as set out below:

§ 771.202 Adverse action coverage.

* * * * *

(b) *Actions not covered.* This subpart does not apply to:

* * * * *

(4) An action taken under section 7532 of title 5, United States Code, or any other statute which authorizes an agency to take an adverse action covered by Subpart B or C of Part 752 of this chapter without regard to section 7501 of that title or any other statute; or

* * * * *

§ 771.301 Employee coverage.

* * * * *

(b) *Employees not covered.* This subpart does not apply to:

* * * * *

(5) A Foreign Service officer, Foreign Service Reserve Officer, Foreign Service Information officer, and staff officers and employees appointed under chapter 14, chapter 14A, or chapter 32 of title 22, United States Code.

* * * * *

(5 U.S.C. 1302, 3301, 3302, E.O. 105; 773 CFR 1954–58 Comp., p. 218, E.O. 10987; 3 CFR 1959–63 Comp., p. 519)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71–7094 Filed 5–20–71;8:49 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Grapefruit Reg. 11, Amdt. 3]

PART 944—FRUIT; IMPORT REGULATIONS

Grapefruit

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), the provisions of paragraph (a) of Grapefruit Regulation 11 (§ 944.107, 35 F.R. 14537, 36 F.R. 5964, 7597) are hereby amended to read as follows:

§ 944.107 Grapefruit Regulation 11.

(a) On and after May 17, 1971, the importation into the United States of any grapefruit is prohibited unless such grapefruit is inspected and meets the following requirements:

(1) Seeded grapefruit shall grade at least U.S. No. 2 Russet and be of a size not smaller than 3$^{12}/_{16}$ inches in diameter except that a tolerance of 10 percent, by count, of seeded grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances specified in the U.S. Standards for Florida Grapefruit;

(2) Seedless grapefruit shall grade at least U.S. No. 2 Russet; and

(3) Seedless grapefruit shall be not smaller than 3$^{7}/_{16}$ inches in diameter, except that a tolerance of 10 percent, by count, of seedless grapefruit smaller than such minimum size shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances as specified in the U.S. Standards for Florida Grapefruit.

* * * * *

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective time of this amendment beyond that hereinafter specified (5 U.S.C. 553) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), which makes such regulation mandatory; (b) such regulation imposes the same restrictions on imports of all grapefruit as the grade and size restrictions being made applicable to the shipment of all grapefruit grown in Florida under amended Grapefruit Regulation 69 (§ 905.525); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; and (d) this amendment relieves restrictions on the importation of grapefruit.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 14, 1971, to become effective May 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7068 Filed 5–20–71;8:46 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Oat Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Oat Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops, published at 35 F.R. 7363 and the 1970 and Subsequent Crop Oats Loan and Purchase Program regulations published at 35 F.R. 8340, and any amendments to such regulations, are further supplemented for the 1971 crop of oats. The material previously appearing in these sections under centerhead 1970 Crop Oat Loan and Purchases Program remains in full force and effect as to the 1970 crop to which it was applicable.

Sec.
1421.270 Purpose.
1421.271 Availability.
1421.272 Maturity of loans.
1421.273 Deduction of storage charges.
1421.274 Support rates.

AUTHORITY: The provisions of this subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c; 7 U.S.C. 1421, 1441.

§ 1421.270 Purpose.

This supplement contains additional program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops, the 1970 and Subsequent Crop Oats Loan and Purchase Program regulations, and any amendments thereto, apply to price support loans on and purchases of the 1971 crop of oats.

§ 1421.271 Availability.

A producer desiring price support must request a loan on his 1971 crop of eligible oats on or before April 30, 1972, in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, and by March 31, 1972, in all other States. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1971 crop oats he will sell to CCC, on or before May 31, 1972, in the States named in this section and on or before April 30, 1972, in all other States.

§ 1421.272 Maturity of loans.

Unless demand is made earlier, loans on oats stored in Alaska, Idaho, Maine, Michigan, Minnesota, Montana, North Dakota, Oregon, South Dakota, Washington, Wisconsin, and Wyoming, mature on May 31, 1972, and loans on oats stored in all other States mature on April 30, 1972.

§ 1421.273 Deduction of storage charges.

Subject to the provisions of § 1421.252, the following schedules of deductions shall apply to oats stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

Maturity date Apr. 30, 1972	Deduction (cents per bushel)	Maturity date May 31, 1972
(1)		(1).
Prior to May 26, 1971	11	Prior to July 1, 1971.
May 26–July 1, 1971	10	July 1–Aug. 1, 1971.
July 2–Aug. 2, 1971	9	Aug. 2–Sept. 2, 1971.
Aug. 3–Sept. 3, 1971	8	Sept. 3–Oct. 4, 1971.
Sept. 4–Oct. 5, 1971	7	Oct. 5–Nov. 5, 1971.
Oct. 6–Nov. 6, 1971	6	Nov. 6–Dec. 7, 1971.
Nov. 7–Dec. 8, 1971	5	Dec. 8, 1971–Jan. 8, 1972.
Dec. 9, 1971–Jan. 9, 1972.	4	Jan. 9–Feb. 9, 1972.
Jan. 10–Feb. 10, 1972	3	Feb. 10–Mar. 12, 1972
Feb. 11–Mar. 13, 1972	2	Mar. 13–Apr. 13, 1972
Mar. 14–Apr. 30, 1972	1	Apr. 14–May 31, 1972

[1] Dates storage charges start, all dates inclusive.

§ 1421.274 Support rates.

(a) *Basic support rates.* County support rates for oats and the schedule of premiums and discounts are shown below. The term "county" as used in this subpart with reference to the State of Alaska shall mean "marketing area". Marketing areas in Alaska shall be the areas established under the State Small Grain Incentive Program. Farm stored loans will be made at the basic support rate of the county where the grain is stored, adjusted only for the weed control discount where applicable. The support rate for warehouse stored oat loans shall be the basic support rate for the county where the oats are stored, adjusted by the premiums and discounts shown in this section. Notwithstanding § 1421.23 (c) settlement for oats delivered from other than approved warehouse storage shall be based (1) on the basic support rate for the county in which the producer's customary delivery point is located, and (2) on the quality and quantity delivered as shown on the warehouse receipts and accompanying documents issued by an approved warehouse to which delivery is made, or if applicable, the quality and quantity delivered as shown on a form prescribed by CCC for this purpose. The basic county support rate applies to oats grading U.S. No. 3, having moisture not in excess of 14 percent.

ALABAMA

County	*Rate per bushel*
All counties	$0.65

ALASKA[1]

County	*Rate per bushel*	*County*	*Rate per bushel*
Delta	$0.63	Kensai-Soldotna	$0.71
Fairbanks	.62	Palmer	.75
Glenallen	.69	Talkeetna	.75
Homer	.66		

ARIZONA

County	*Rate per bushel*
All counties	$0.74

ARKANSAS

County	*Rate per bushel*
All counties	$0.63

CALIFORNIA

County	*Rate per bushel*	*County*	*Rate per bushel*
Alameda	$0.69	Placer	$0.66
Alpine	.67	Plumas	.65
Amador	.67	Riverside	.69
Butte	.66	Sacramento	.67
Calaveras	.67	San Benito	.68
Colusa	.67	San Bernardino	.69
Contra Costa	.69	San Diego	.69
Del Norte	.65	San Francisco	.69
El Dorado	.67	San Joaquin	.68
Fresno	.68	San Luis Obispo	.68
Glehn	.66	San Mateo	.69
Humboldt	.67	Santa Barbara	.68
Imperial	.69	Santa Clara	.69
Inyo	.69	Santa Cruz	.68
Kern	.69	Shasta	.64
Kings	.68	Sierra	.65
Lake	.67	Siskiyou	.63
Lassen	.64	Solano	.69
Los Angeles	.70	Sonoma	.68
Madera	.68	Stanislaus	.68
Marin	.69	Sutter	.67
Mariposa	.68	Tehama	.65
Mendocino	.67	Trinity	.67
Merced	.68	Tulare	.68
Modoc	.63	Tuloumne	.67
Mono	.68	Ventura	.69
Monterey	.68	Yolo	.68
Napa	.68	Yuba	.66
Nevada	.65		
Orange	.69		

COLORADO

County	*Rate per bushel*
All counties	$0.61

CONNECTICUT

County	*Rate per bushel*
All counties	$0.62

DELAWARE

County	*Rate per bushel*
All counties	$0.63

FLORIDA

County	*Rate per bushel*
All counties	$0.68

GEORGIA

County	*Rate per bushel*
All counties	$0.65

IDAHO

County	*Rate per bushel*	*County*	*Rate per bushel*
Ada	$0.61	Gem	$0.61
Adams	.59	Gooding	.60
Bannock	.59	Idaho	.58
Bear Lake	.59	Jefferson	.57
Benewah	.59	Jerome	.60
Bingham	.57	Kootenai	.59
Blaine	.59	Latah	.60
Boise	.61	Lemhi	.57
Booner	.57	Lewis	.59
Bonneville	.57	Lincoln	.60
Boundary	.57	Madison	.57
Butte	.57	Minidoka	.60
Camas	.60	Nez Perce	.60
Canyon	.61	Oneida	.59
Caribou	.58	Owyhee	.61
Cassia	.60	Payette	.61
Clark	.57	Power	.59
Clearwater	.59	Shoshone	.57
Custer	.57	Teton	.57
Elmore	.61	Twin Falls	.60
Franklin	.59	Valley	.59
Fremont	.57	Washington	.60

ILLINOIS

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.57	Brown	$0.57
Alexander	.60	Bureau	.57
Bond	.58	Calhoun	.58
Boone	.57	Carroll	.57

ILLINOIS—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Cass	$0.57	McHenry	$0.57
Champaign	.57	McLean	.57
Christian	.57	Macon	.57
Clark	.58	Macoupin	.58
Clay	.59	Madison	.59
Clinton	.59	Marion	.59
Coles	.57	Marshall	.57
Cook	.59	Mason	.57
Crawford	.59	Massac	.60
Cumberland	.58	Menard	.57
De Kalb	.57	Mercer	.57
De Witt	.57	Monroe	.60
Douglas	.57	Montgomery	.58
Du Page	.57	Morgan	.57
Edgar	.57	Moultrie	.57
Edwards	.60	Ogle	.57
Effingham	.58	Peoria	.57
Fayette	.58	Perry	.60
Ford	.57	Platt	.57
Franklin	.60	Pike	.57
Fulton	.57	Pope	.61
Gallatin	.61	Pulaski	.60
Greene	.58	Putnam	.57
Grundy	.57	Randolph	.60
Hamilton	.60	Richland	.59
Hancock	.57	Rock Island	.57
Hardin	.61	St. Clair	.60
Henderson	.57	Saline	.61
Henry	.57	Sangamon	.57
Iroquois	.57	Schuyler	.57
Jackson	.60	Scott	.57
Jasper	.59	Shelby	.57
Jefferson	.60	Stark	.57
Jersey	.58	Stephenson	.57
Jo Daviess	.57	Tazewell	.57
Johnson	.60	Union	.60
Kane	.57	Vermilion	.57
Kankakee	.57	Wabash	.60
Kendall	.57	Warren	.57
Knox	.57	Washington	.60
Lake	.58	Wayne	.60
La Salle	.57	White	.60
Lawrence	.59	Whiteside	.57
Lee	.57	Will	.58
Livingston	.57	Williamson	.60
Logan	.57	Winnebago	.57
McDonough	.57	Woodford	.57

INDIANA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.58	Jasper	$0.57
Allen	.58	Jay	.58
Bartholomew	.59	Jefferson	.61
Benton	.57	Jennings	.61
Blackford	.58	Johnson	.58
Boone	.58	Knox	.60
Brown	.60	Kosciusko	.58
Carroll	.58	Lagrange	.59
Cass	.58	Lake	.58
Clark	.60	La Porte	.59
Clay	.58	Lawrence	.60
Clinton	.58	Madison	.58
Crawford	.60	Marion	.58
Daviess	.60	Marshall	.58
Dearborn	.61	Martin	.60
Decatur	.59	Miami	.58
De Kalb	.58	Monroe	.60
Delaware	.58	Montgomery	.58
Dubois	.60	Morgan	.58
Elkhart	.59	Newton	.57
Fayette	.58	Noble	.58
Floyd	.60	Ohio	.61
Fountain	.57	Orange	.60
Franklin	.60	Owen	.58
Fulton	.58	Parke	.57
Gibson	.60	Perry	.60
Grant	.58	Pike	.60
Greene	.60	Porter	.58
Hamilton	.58	Posey	.60
Hancock	.58	Pulaski	.58
Harrison	.60	Putnam	.58
Hendricks	.58	Randolph	.58
Henry	.58	Ripley	.61
Howard	.58	Rush	.58
Huntington	.58	St. Joseph	.59
Jackson	.60	Scott	.61

INDIANA—Continued

County	*Rate per bushel*	*County*	*Rate per bushel*
Shelby	$0.58	Vermillion	$0.57
Spencer	.60	Vigo	.58
Starke	.58	Wabash	.58
Steuben	.59	Warren	.57
Sullivan	.59	Warrick	.60
Switzerland	.61	Washington	.60
Tippecanoe	.58	Wayne	.58
Tipton	.58	Wells	.58
Union	.58	White	.58
Vanderburgh	.60	Whitley	.58

IOWA

County	*Rate per bushel*	*County*	*Rate per bushel*
Adair	$0.57	Jefferson	$0.57
Adams	.57	Johnson	.57
Allamakee	.56	Jones	.57
Appanoose	.57	Keokuk	.57
Audubon	.56	Kossuth	.55
Benton	.57	Lee	.57
Black Hawk	.57	Linn	.57
Boone	.56	Louisa	.57
Bremer	.57	Lucas	.57
Buchanan	.57	Lyon	.53
Buena Vista	.56	Madison	.57
Butler	.56	Mahaska	.57
Calhoun	.56	Marion	.57
Carroll	.56	Marshall	.56
Cass	.57	Mills	.57
Cedar	.57	Mitchell	.55
Cerro Gordo	.56	Monona	.55
Cherokee	.55	Monroe	.57
Chickasaw	.57	Montgomery	.57
Clarke	.57	Muscatine	.57
Clay	.56	O'Brien	.55
Clayton	.57	Osceola	.53
Clinton	.57	Page	.57
Crawford	.55	Palo Alto	.56
Dallas	.56	Plymouth	.54
Davis	.58	Pocahontas	.56
Decatur	.57	Polk	.56
Delaware	.57	Pottawattamie	.57
Des Moines	.57	Poweshiek	.56
Dickinson	.54	Ringgold	.57
Dubuque	.57	Sac	.56
Emmet	.54	Scott	.57
Fayette	.57	Shelby	.56
Floyd	.56	Sioux	.54
Franklin	.56	Story	.56
Fremont	.57	Tama	.56
Greene	.56	Taylor	.57
Grundy	.56	Union	.57
Guthrie	.56	Van Buren	.57
Hamilton	.56	Wapello	.57
Hancock	.56	Warren	.57
Hardin	.56	Washington	.57
Harrison	.56	Wayne	.57
Henry	.57	Webster	.56
Howard	.56	Winnebago	.55
Humboldt	.56	Winneshiek	.56
Ida	.55	Woodbury	.55
Iowa	.57	Worth	.55
Jackson	.57	Wright	.56
Jasper	.56		

KANSAS

County	*Rate per bushel*	*County*	*Rate per bushel*
Allen	$0.60	Dickinson	$0.60
Anderson	.60	Doniphan	.60
Atchison	.60	Douglas	.60
Barber	.63	Edwards	.61
Barton	.61	Elk	.61
Bourbon	.61	Ellis	.60
Brown	.59	Ellsworth	.60
Butler	.62	Finney	.62
Chase	.61	Ford	.62
Chautauqua	.62	Franklin	.60
Cherokee	.62	Geary	.60
Cheyenne	.60	Gove	.61
Clark	.63	Graham	.60
Clay	.59	Grant	.62
Cloud	.59	Gray	.62
Coffey	.60	Greeley	.61
Comanche	.63	Greenwood	.61
Cowley	.62	Hamilton	.62
Crawford	.61	Harper	.63
Decatur	.59	Harvey	.61

[1] In Alaska loan rates are for marketing areas.

Kansas—Continued

County	Rate per bushel	County	Rate per bushel
Haskell	$0.62	Phillips	$0.58
Hodgeman	.61	Pottawatomie	.59
Jackson	.60	Pratt	.62
Jefferson	.60	Rawlins	.60
Jewell	.58	Reno	.61
Johnson	.61	Republic	.58
Kearny	.62	Rice	.61
Kingman	.62	Riley	.59
Kiowa	.62	Rooks	.59
Labette	.62	Rush	.61
Lane	.61	Russell	.60
Leavenworth	.61	Saline	.60
Lincoln	.59	Scott	.61
Linn	.60	Sedgwick	.62
Logan	.61	Seward	.63
Lyon	.60	Shawnee	.60
McPherson	.61	Sheridan	.60
Marion	.61	Sherman	.60
Marshall	.59	Smith	.58
Meade	.63	Stafford	.61
Miami	.60	Stanton	.62
Mitchell	.59	Stevens	.63
Montgomery	.62	Sumner	.63
Morris	.60	Thomas	.60
Morton	.63	Trego	.60
Nemaha	.59	Wabaunsee	.60
Neosho	.61	Wallace	.61
Ness	.61	Washington	.58
Norton	.59	Wichita	.61
Osage	.60	Wilson	.61
Osborne	.59	Woodson	.60
Ottawa	.59	Wyandotte	.61
Pawnee	.61		

Kentucky

All counties $0.65

Louisiana

All parishes $0.65

Maine

All counties $0.62

Maryland

All counties $0.64

Massachusetts

All counties $0.62

Michigan

County	Rate per bushel	County	Rate per bushel
Alcona	$0.57	Ingham	$0.58
Alger	.59	Ionia	.58
Allegan	.59	Iosco	.57
Alpena	.57	Iron	.58
Antrim	.58	Isabella	.58
Arenac	.57	Jackson	.58
Baraga	.58	Kalamazoo	.59
Barry	.59	Kalkaska	.58
Bay	.57	Kent	.59
Benzie	.58	Keweenaw	.58
Berrien	.58	Lake	.59
Branch	.58	Lapeer	.57
Calhoun	.58	Leelanau	.58
Cass	.58	Lenawee	.59
Charlevoix	.58	Livingston	.58
Cheboygan	.58	Luce	.59
Chippewa	.59	Mackinac	.59
Clare	.58	Macomb	.58
Clinton	.58	Manistee	.59
Crawford	.57	Marquette	.58
Delta	.58	Mason	.59
Dickinson	.58	Mecosta	.58
Eaton	.58	Menominee	.58
Emmet	.58	Midland	.57
Genesee	.57	Missaukee	.58
Gladwin	.57	Monroe	.59
Gogebic	.58	Montcalm	.58
Grand Traverse	.58	Montmorency	.57
Gratiot	.58	Muskegon	.59
Hillsdale	.59	Newaygo	.59
Houghton	.58	Oakland	.58
Huron	.57	Oceana	.59
		Ogemaw	.57
Ontonagon	$0.58	St. Joseph	$0.58
Osceola	.58	Sanilac	.57
Oscoda	.57	Schoolcraft	.59
Otsego	.58	Shiawassee	.57
Ottawa	.59	Tuscola	.57
Presque Isle	.57	Van Buren	.59
Roscommon	.57	Washtenaw	.58
Saginaw	.57	Wayne	.58
St. Clair	.58	Wexford	.59

Minnesota

County	Rate per bushel	County	Rate per bushel
Aitkin	$0.53	Marshall	$0.47
Anoka	.55	Martin	.53
Becker	.49	Meeker	.53
Beltrami	.49	Mille Lacs	.53
Benton	.53	Morrison	.52
Big Stone	.50	Mower	.54
Blue Earth	.54	Murray	.51
Brown	.53	Nicollet	.54
Carlton	.55	Nobles	.52
Carver	.54	Norman	.47
Cass	.51	Olmsted	.54
Chippewa	.51	Otter Tail	.50
Chisago	.55	Pennington	.47
Clay	.48	Pine	.54
Clearwater	.49	Pipestone	.51
Cook	.55	Polk	.47
Cottonwood	.52	Pope	.51
Crow Wing	.52	Ramsey	.55
Dakota	.55	Red Lake	.47
Dodge	.54	Redwood	.52
Douglas	.51	Renville	.52
Faribault	.54	Rice	.54
Fillmore	.55	Rock	.52
Freeborn	.54	Roseau	.47
Goodhue	.54	St. Louis	.55
Grant	.50	Scott	.54
Hennepin	.55	Sherburne	.54
Houston	.55	Sibley	.53
Hubbard	.50	Stearns	.52
Isanti	.54	Steele	.54
Itasca	.53	Stevens	.50
Jackson	.53	Swift	.51
Kanabec	.54	Todd	.51
Kandiyohi	.52	Traverse	.49
Kittson	.46	Wabasha	.54
Koochiching	.50	Wadena	.51
Lac Qui Parle	.51	Waseca	.55
Lake	.55	Washington	.55
Lake of the Woods	.48	Watonwan	.53
Le Sueur	.54	Wilkin	.49
Lincoln	.51	Winona	.55
Lyon	.51	Wright	.54
McLeod	.53	Yellow Medicine	.51
Mahnomen	.48		

Mississippi

All counties $0.64

Missouri

County	Rate per bushel	County	Rate per bushel
Adair	$0.59	Clark	$0.57
Andrew	.59	Clay	.61
Atchinson	.58	Clinton	.61
Audrain	.58	Cole	.61
Barry	.62	Cooper	.61
Barton	.61	Crawford	.61
Bates	.60	Dade	.60
Benton	.60	Dallas	.61
Bollinger	.61	Daviess	.60
Boone	.60	De Kalb	.60
Buchanan	.61	Dent	.61
Butler	.61	Douglas	.62
Caldwell	.61	Dunklin	.61
Callaway	.60	Franklin	.61
Camden	.61	Gasconade	.61
Cape Girardeau	.60	Gentry	.59
Carroll	.60	Greene	.61
Carter	.61	Grundy	.59
Cass	.60	Harrison	.59
Cedar	.60	Henry	.60
Chariton	.60	Hickory	.60
Christian	.62	Holt	.59
		Howard	.60
Howell	$0.58	Phelps	$0.61
Iron	.61	Pike	.57
Jackson	.60	Platte	.61
Jasper	.61	Polk	.60
Jefferson	.60	Pulaski	.61
Johnson	.60	Putnam	.59
Knox	.58	Ralls	.57
Laclede	.61	Randolph	.59
Lafayette	.60	Ray	.61
Lawrence	.61	Reynolds	.61
Lewis	.57	Ripley	.62
Lincoln	.59	St. Charles	.59
Linn	.60	St. Clair	.60
Livingston	.60	St. Genevieve	.60
McDonald	.62	St. Francois	.61
Macon	.59	St. Louis	.60
Madison	.61	Saline	.60
Maries	.61	Schuyler	.59
Marion	.57	Scotland	.58
Mercer	.60	Scott	.60
Miller	.61	Shannon	.61
Mississippi	.60	Shelby	.58
Moniteau	.61	Stoddard	.61
Monroe	.58	Stone	.62
Montgomery	.60	Sullivan	.59
Morgan	.61	Taney	.62
New Madrid	.61	Texas	.61
Newton	.61	Vernon	.60
Nodaway	.58	Warren	.60
Oregon	.62	Washington	.61
Osage	.61	Wayne	.61
Ozark	.62	Webster	.61
Pemiscot	.61	Worth	.58
Perry	.60	Wright	.61
Pettis	.61		

Montana

County	Rate per bushel	County	Rate per bushel
Beaverhead	$0.56	Madison	$0.54
Big Horn	.50	McCone	.45
Blaine	.47	Meagher	.51
Broadwater	.52	Mineral	.56
Carbon	.51	Missoula	.55
Carter	.48	Musselshell	.49
Cascade	.51	Park	.52
Chouteau	.49	Petroleum	.48
Custer	.47	Phillips	.46
Daniels	.44	Pondera	.50
Dawson	.44	Powder River	.49
Deer Lodge	.54	Powell	.54
Fallon	.45	Prairie	.46
Fergus	.49	Ravalli	.55
Flathead	.54	Richland	.44
Gallatin	.52	Roosevelt	.43
Garfield	.48	Rosebud	.48
Glacier	.51	Sanders	.56
Golden Valley	.50	Sheridan	.43
Granite	.55	Silver Bow	.54
Hill	.48	Stillwater	.51
Jefferson	.53	Sweet Grass	.51
Judith Basin	.50	Teton	.50
Lake	.55	Toole	.50
Lewis and Clark	.53	Treasure	.49
Liberty	.49	Valley	.45
Lincoln	.56	Wheatland	.50
		Wilbaux	.45
		Yellowstone	.51

Nevada

All counties $0.71

New Hampshire

All counties $0.62

New Jersey

All counties $0.63

New Mexico

All counties $0.68

New York

All counties $0.64

North Carolina

County	Rate per bushel
All counties	$0.65

North Dakota

County	Rate per bushel	County	Rate per bushel
Adams	$0.45	McKenzie	.43
Barnes	.46	McLean	.42
Benson	.44	Mercer	.42
Billings	.43	Morton	.44
Bottineau	.42	Mountrail	.42
Bowman	.45	Nelson	.45
Burke	.42	Oliver	.43
Burleigh	.44	Pembina	.46
Cass	.47	Pierce	.43
Cavalier	.45	Ramsey	.45
Dickey	.46	Ransom	.47
Divide	.42	Renville	.42
Dunn	.42	Richland	.48
Eddy	.45	Rolette	.43
Emmons	.45	Sargent	.47
Foster	.45	Sheridan	.43
Golden Valley	.44	Sioux	.45
Grand Forks	.46	Slope	.44
Grant	.44	Stark	.43
Griggs	.45	Steele	.46
Hettinger	.44	Stutsman	.46
Kidder	.45	Towner	.44
La Moure	.46	Traill	.46
Logan	.45	Walsh	.46
McHenry	.42	Ward	.42
McIntosh	.45	Wells	.44
		Williams	.42

Nebraska

County	Rate per bushel	County	Rate per bushel
Adams	$0.56	Jefferson	$0.57
Antelope	.53	Johnson	.58
Arthur	.54	Kearney	.56
Banner	.54	Keith	.55
Blaine	.53	Keya Paha	.52
Boone	.54	Kimball	.55
Box Butte	.54	Knox	.53
Boyd	.52	Lancaster	.57
Brown	.53	Lincoln	.55
Buffalo	.55	Logan	.54
Burt	.55	Loup	.53
Butler	.56	McPherson	.54
Cass	.57	Madison	.54
Cedar	.54	Merrick	.54
Chase	.57	Morrill	.54
Cherry	.53	Nance	.54
Cheyenne	.55	Nemaha	.58
Clay	.56	Nuckolls	.57
Colfax	.55	Otoe	.57
Cuming	.55	Pawnee	58
Custer	.54	Perkins	.56
Dakota	.55	Phelps	.56
Dawes	.54	Pierce	.53
Dawson	.55	Platte	.54
Deuel	.55	Polk	.55
Dixon	.55	Red Willow	.57
Dodge	.56	Richardson	.58
Douglas	.57	Rock	.53
Dundy	.58	Saline	.57
Fillmore	.56	Sarpy	.57
Franklin	.57	Saunders	.57
Frontier	.56	Scotts Bluff	.54
Furnas	.57	Seward	.56
Gage	.58	Sheridan	.54
Garden	.54	Sherman	.54
Garfield	.53	Sioux	.54
Gosper	.56	Stanton	.54
Grant	.53	Thayer	.57
Greeley	.54	Thomas	.53
Hall	.55	Thurston	.55
Hamilton	.55	Valley	.54
Harlan	.57	Washington	.56
Hayes	.57	Wayne	.54
Hitchcock	.58	Webster	.57
Holt	.53	Wheeler	.53
Hooker	.53	York	.55
Howard	.54		

Ohio

County	Rate per bushel	County	Rate per bushel
Adams	$0.62	Athens	$0.63
Allen	.60	Auglaize	.60
Ashland	.61	Belmont	.64
Ashtabula	.63	Brown	.62
Butler	$0.60	Madison	$0.61
Carroll	.63	Mahoning	.63
Champaign	.61	Marion	.61
Clark	.61	Medina	.62
Clermont	.62	Meigs	.63
Clinton	.62	Mercer	.58
Columbiana	.63	Miami	.60
Coshocton	.62	Monroe	.64
Crawford	.61	Montgomery	.60
Cuyahoga	.62	Morgan	.63
Darke	.59	Morrow	.61
Defiance	.59	Muskingum	.62
Delaware	.61	Noble	.63
Erie	.61	Ottawa	.61
Fairfield	.61	Paulding	.59
Fayette	.61	Perry	.62
Franklin	.61	Pickaway	.61
Fulton	.60	Pike	.62
Gallia	.63	Portage	.62
Geauga	.62	Preble	.59
Greene	.61	Putnam	.60
Guernsey	.63	Richland	.61
Hamilton	.61	Ross	.62
Hancock	.60	Sandusky	.61
Hardin	.60	Scioto	.62
Harrison	.63	Seneca	.61
Henry	.60	Shelby	.60
Highland	.62	Stark	.62
Hocking	.62	Summit	.62
Holmes	.62	Trumbull	.63
Huron	.61	Tuscarawas	.62
Jackson	.62	Union	.61
Jefferson	.64	Van Wert	.59
Knox	.61	Vinton	.62
Lake	.62	Warren	.61
Lawrence	.62	Washington	.64
Licking	.61	Wayne	.62
Logan	.61	Williams	.60
Lorain	.62	Wood	.60
Lucas	.60	Wyandot	.61

Oklahoma

All counties $0.63

Oregon

County	Rate per bushel	County	Rate per bushel
Baker	$0.60	Lake	$0.62
Benton	.65	Lane	.64
Clackamas	.65	Lincoln	.65
Clatsop	.65	Linn	.64
Columbia	.65	Malheur	.60
Coos	.64	Marion	.65
Crook	.63	Marrow	.62
Curry	.64	Multnomah	.65
Deschutes	.63	Polk	.65
Douglas	.64	Sherman	.63
Gilliam	.63	Tillamook	.65
Grant	.62	Umatilla	.61
Harney	.61	Union	.61
Hood River	.65	Wallowa	.60
Jackson	.64	Wasco	.63
Jefferson	.63	Washington	.65
Josephine	.64	Wheeler	.63
Klamath	.62	Yamhill	.65

Pennsylvania

All counties $0.64

Rhode Island

All counties $0.62

South Carolina

All counties $0.65

South Dakota

County	Rate per bushel	County	Rate per bushel
Aurora	$0.49	Clark	$0.48
Beadle	.49	Clay	.53
Bennett	.49	Codington	.49
Bon Homme	.51	Corson	.46
Brookings	.50	Custer	.50
Brown	.47	Davison	.49
Brule	.49	Day	.48
Buffalo	.49	Deuel	.50
Butte	.47	Dewey	.47
Campbell	.46	Douglas	.50
Charles Mix	.50	Edmunds	.47
Fall River	$0.50	Meade	$0.47
Faulk	.47	Mellette	.49
Grant	.50	Miner	.49
Gregory	.49	Minnehaha	.51
Haakon	.48	Moody	.50
Hamlin	.49	Pennington	.48
Hand	.48	Perkins	.46
Hanson	.49	Potter	.47
Harding	.46	Roberts	.48
Hughes	.48	Sanborn	.49
Hutchinson	.51	Shannon	.50
Hyde	.48	Spink	.48
Jackson	.48	Stanley	.48
Jerauld	.49	Sully	.48
Jones	.48	Todd	.49
Kingsbury	.49	Tripp	.49
Lake	.49	Turner	.52
Lawrence	.47	Union	.53
Lincoln	.52	Walworth	.47
Lyman	.48	Washabaugh	.49
McCook	.50	Yankton	.52
McPherson	.48	Ziebach	.47
Marshall	.47		

Tennessee

All counties $0.65

Texas

All counties $0.66

Utah

All counties $0.66

Vermont

All counties $0.62

Virginia

All counties $0.64

Washington

County	Rate per bushel	County	Rate per bushel
Adams	$0.60	Lewis	$0.65
Asotin	.60	Lincoln	.60
Benton	.62	Mason	.65
Chelan	.63	Okanogan	.63
Clallam	.65	Pacific	.65
Clark	.65	Pend Oreille	.58
Columbia	.60	Pierce	.65
Cowlitz	.65	San Juan	.65
Douglas	.62	Skagit	.65
Ferry	.61	Skamania	.65
Franklin	.60	Snohomish	.65
Garfield	.60	Stevens	.59
Grant	.61	Spokane	.59
Grays Harbor	.65	Thurston	.65
Island	.65	Wahkiakum	.65
Jefferson	.65	Walla Walla	.60
King	.65	Whatcom	.65
Kitsap	.65	Whitman	.59
Kittitas	.63	Yakima	.63
Klickitat	.63		

West Virginia

All counties $0.65

Wisconsin

County	Rate per bushel	County	Rate per bushel
Adams	$0.57	Iowa	$0.59
Ashland	.57	Iron	.58
Barron	.55	Jackson	.57
Bayfield	.56	Jefferson	.58
Brown	.56	Juneau	.57
Buffalo	.55	Kenosha	.59
Burnett	.55	Kewaunee	.56
Calumet	.56	La Crosse	.56
Chippewa	.56	Lafayette	.59
Clark	.56	Langlade	.57
Columbia	.57	Lincoln	.57
Crawford	.57	Manitowoc	.56
Dane	.58	Marathon	.57
Dodge	.57	Marinette	.58
Door	.56	Marquette	.57
Douglas	.55	Menominee	.57
Dunn	.56	Milwaukee	.59
Eau Claire	.56	Monroe	.57
Florence	.58	Oconto	.57
Fond du Lac	.56	Oneida	.58
Forest	.58	Outagamie	.56
Grant	.58	Ozaukee	.58
Green	.58	Pepin	.55
Green Lake	.57	Pierce	.55

WISCONSIN—Continued

County	Rate per bushel	County	Rate per bushel
Polk	$0.55	Taylor	$0.57
Portage	.57	Trempealeau	.56
Price	.57	Vernon	.56
Racine	.59	Vilas	.58
Richland	.58	Walworth	.58
Rock	.58	Washburn	.55
Rusk	.56	Washington	.58
St. Croix	.55	Waukesha	.59
Sauk	.58	Waupaca	.57
Sawyer	.56	Waushara	.57
Shawano	.57	Winnebago	.56
Sheboygan	.57	Wood	.57

WYOMING

All counties	$0.58

(b) *Premiums and discounts.*

	Cents per bushel
Premiums:[1]	
Grade U.S. No. 2 or better	1
Test weight:	
Heavy	1
Extra heavy	2
Discounts:	
Grade U.S. No. 4 on the factor of test weight only but otherwise U.S. No. 3 or better	3
Grade U.S. No. 4 because of being "badly stained or materially weathered"	7
Grade U.S. No. 4 on the factor of test weight and because of being "badly stained or materially weathered"	10
Garlicky	3
Weed control discount (where required by § 1421.25)	10
Other factors:	
Amounts determined by CCC to represent discounts for quality factors not specified above which affect the value of the oats, such as (but not limited to) low test weight, foreign material, heat damage, percent of sound cultivated oats, wild oats, moisture, sour, stones, musty, ergoty, weevily, smutty, and bleached. Such discounts will be established not later than the time delivery of oats to CCC begins and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts at county ASCS offices approximately one month prior to the loan maturity date.	

Effective date: Upon publication in the FEDERAL REGISTER (5-21-71).

Signed at Washington, D.C., on May 13, 1971.

CARL C. FARRINGTON,
Acting Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-7016 Filed 5-20-71;8:45 am]

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[1] Premiums shall not be applicable to "badly stained or materially weathered oats.

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-561]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraph (e) (10) relating to the State of Texas is amended to read:

(10) *Texas.* (i) All of Collin, Harris, Galveston, Liberty, Montgomery, San Jacinto, and Tom Green Counties.

(ii) That portion of the State of Texas comprised of all of Bell, Bosque Callahan, Comanche, Eastland, Ellis, Erath, Hill, Hood, Johnson, McLennan, Somervell, Tarrant and Williamson Counties and portions of Brown, Coleman, Coryell, Falls, Hamilton, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, and Taylor Counties, and bounded by a line beginning at the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Dallas-Ellis County line in an easterly direction to the junction of the Dallas-Ellis-Kaufman County lines; thence, following the Kaufman-Ellis County line in a southeasterly direction to the junction of the Kaufman-Ellis Henderson County lines; thence, following the Ellis-Henderson County line in a southeasterly direction to the junction of the Ellis-Henderson-Navarro County lines; thence, following the Ellis-Navarro County line in a southwesterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to the Navarro-Freestone County line; thence, following the Navarro-Freestone County line in a southwesterly direction to the junction of the Navarro-Freestone-Limestone County lines; thence, following the Limestone-Freestone County line in a southeasterly direction to State Highway 14 in Limestone County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to the Bell-Falls County line; thence, following the Bell-Falls County line in a southeasterly direction to the junction of the Bell-Milam-Falls County lines; thence, following the Bell-Milam County line in a southwesterly direction to the junction of the Bell-Milam-Williamson County lines; thence, following the Williamson-Milam County line in a southeasterly direction to the junction of the Williamson-Milam-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the junction of the Williamson-Lee-Bastrop County lines; thence, following the Williamson-Bastrop County line in a generally northwesterly direction to the junction of the Williamson-Travis-Burnet County lines; thence, following the Williamson-Burnet County line in a northeasterly direction to the junction of the Williamson-Burnet-Bell County lines; thence, following the Bell-Burnet County line in a northwesterly direction to the junction of the Bell-Burnet-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the junction of the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to State Highway 67 in Stephens County; thence, following State Highway 67 in a northeasterly direction to Farm to Market Road 717 in Stephens County; thence, following Farm to Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to Farm to Market Road 920 in Parker County; thence, following Farm to Market Road 920 in a northwesterly direction to Farm to Market Road 1885 in Parker County; thence, following Farm to Market Road 1885 in a northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the junction of the Parker-Palo Pinto-Jack County lines; thence, following the Parker-Jack County line in an easterly direction to the junction of the Parker-Jack-Wise County lines; thence, following the Parker-Wise County line in an easterly direction to the junction of the Parker-Tarrant-Wise County lines; thence, following the Tarrant-Wise County line in an easterly direction to the junction of the Tarrant-Wise-Denton County lines; thence, following the Tarrant-Denton County line in an easterly direction to the junction of the Tarrant-Denton-Dallas County lines; thence, following the Tarrant-Dallas County line in a southerly direction to its junction with the Ellis County line.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of Denton, Freestone, and Wise Counties in Texas, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Denton, Freestone, or Wise Counties in Texas remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 18th day of May 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-7121 Filed 5-20-71;8:51 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-11-AD; Amdt. 39-1214]

PART 39—AIRWORTHINESS DIRECTIVES

Beech Model 18 Airplanes

AD 67-16-1, as amended, requires repetitive inspections at four locations of the elliptical front spar lower cap of the wing center section on certain Beech model airplaines. A recent incident involved a spar failure on a Beech model E18S airplane at a location not presently covered by the inspection requirements of AD 67-16-1. Subsequent investigation indicates that three additional locations inboard of the point of failure are also susceptible to similar failures. Because of the possible wing failures at these locations, an unsafe condition exists which requires the adoption of an Airworthiness Directive specifying repetitive inspections at these four new locations on the Beech model airplanes listed below.

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

BEECH. Applies to Models C18S, AT-11, C-45, C-45A, UC-45B, UC-45F, AT-7, AT-7A, AT-7B, AT-7C, JRB-1, JRB-2, JRB-3, JRB-4, SNB-1, SNB-2, SNB-2C, D18S, D18C, C-45G, TC-45G, C-45H, TC-45H, TC-45J (SNB-5), JRB-6, E18S, E18S-9700, G18S, H18 (Aircraft Serial Nos. BA-580, BA-618 through BA-730), 3N, 3NM, 3TM and RC-45J (SNB-5P) airplanes and to aircraft of the above models subsequently redesignated under a supplemental type certificate, except those modified under STC SA1192WE, STC SA1533WE, STC SA2000WE, STC SA832SW, STC SA643CE, or any other airplane which has been modified in accordance with an STC which specifically exempts said aircraft from the requirements of this AD.

To prevent possible wing failure, for airplanes with 1,500 or more total hours' time in service on the effective date of this AD or airplanes that subsequently accumulate 1,500 total hours' time in service after that date, in order to detect cracks in the elliptical front spar lower cap of the wing center section, accomplish the following within the next 50 hours' time in service after the effective date of this AD and thereafter at intervals not to exceed 500 hours' time in service from the date of the last inspection:

(A) Modify the lower wing skin in accordance with Figure A[1] or an FAA-approved

(B) Inspect the elliptical front lower spar cap of the wing center section by visual, X-ray, and magnetic particle methods at each side of the two tube clusters located at 16⅝ inches inboard and 33⅛ inches inboard, respectively, from the centerline of the wheel well tube cluster. (Wing stations 60.9 and 44.4 respectively.) Inspection of the upper half of the spar cap will suffice where there is no access to the lower half.
equivalent to facilitate the inspections specified in paragraph B.

(C) If as a result of such inspections, cracks are found in the lower spar cap, before further flight, either replace the affected part with an airworthy part or repair it in accordance with a method approved by the Chief, Engineering and Manufacturing Branch, FAA, Central Region.

(D) Notification in writing must be sent to the Chief, Engineering and Manufacturing Branch, FAA, Central Region, stating the location and length of any cracks found during inspections required by this AD and the total time on the aircraft when the crack was discovered. (Reporting approved by the Bureau of the Budget under BOB No. 04-RO174.)

NOTE: Beech Service Bulletins 64-15, 64-16 and 64-17 do not cover the inspection locations specified in this AD. However, general procedures of the visual, X-ray, and magnetic particle inspections specified in said Bulletins are applicable to the new locations and should be followed.

This amendment becomes effective May 28, 1971.

(Sec. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7058 Filed 5-20-71;8:46 am]

[Docket No. 71-CE-12-AD; Amdt. 39-1215]

PART 39—AIRWORTHINESS DIRECTIVES

Continental Models IO-346-A, -B, IO-520-B, -C and TSIO-520-B, -E AND -J Engine Oil Filter Adapter

Amendment 39-905 (35 F.R. 306, 307), AD 69-26-7, effective January 3, 1970, as amended by Amendment 39-1018 (35 F.R. 10754), effective July 2, 1970, requires repetitive inspections of Continental P/N 631645 oil filter adapter on Continental Models IO-346-A, -B, IO-520-B, -C and TSIO-520-B, -E, and -J engines for evidence of radial cracks inward from the outer edge until replaced by strengthened Teledyne Continental P/N 631645 oil filter adapter identified by one-half inch tall raised letter "A" cast on the adapter between the two bottom attach bolts. Subsequent to the issuance of AD-69-26-7, as amended, cracks have continued to occur in the oil filter adapter. Also instances of extrusion of the gasket between the filter base plate and the adapter have been reported. These conditions may result in loss of engine oil and inflight fires. Since these conditions are likely to exist or develop in other engines of the same type design, an airworthiness directive is being issued superseding AD 69–26–7 which requires replacement on these model engines of the original P/N 631645 oil filter adapter with the strengthened adapter and replacement of the original base plate having a wedge shaped gasket retaining seat with an improved base plate having a rectangular shaped gasket retaining seat.

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[1] Figure A filed as part of original document.

Since immediate action is required in the interest of safety, compliance with the notice and public procedures provision of the Administrative Procedure Act is impracticable and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD:

CONTINENTAL. Applies to Models IO–346–A, IO–520–B and –C and TSIO–520–B, –E and –J engines having Continental P/N 631645 oil filter adapter installed, used with AC OF –9–A oil filter assembly.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of engine oil, within the next 100 hours time in service after the effective date of this AD, accomplish the following:

(A) Replace Continental P/N 631645 oil filter adapter with strengthened Teledyne Continental P/N 631645 or AC P/N 5579663 (Package Number 6437861) oil filter adapter identified with one-half inch tall raised letter "A" cast on the adapter between the two bottom attach bolts.

(B) Inspect the base plate to determine whether the gasket retaining seat is wedge shaped or rectangular. If the gasket seat is wedge shaped, replace this part with improved Teledyne Continental P/N 633750 or AC P/N 6437508 (Package No. 6436627) base plate having a rectangular shaped gasket retaining seat.

Continental Service Bulletin M66–6, dated April 28, 1966, refers to this subject.

NOTE: The required base plate can be identified by the presence of a thin sheet metal square shouldered retaining ring spot welded around the gasket groove to hold the gasket in place. This AD supersedes AD 69–26–7 as amended.

This amendment becomes effective May 25, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)))

Issued in Kansas City, Mo., on May 13, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7059 Filed 5-20-71;8:46 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter I—Federal Power Commission

[Docket No. R–408]

SCHEDULE OF FEES FOR PUBLIC UTILITIES AND NATURAL GAS COMPANIES

Order Denying Rehearing

MAY 14, 1971.

On November 25, 1970, we issued a notice of proposed rule making in this proceeding (35 F.R. 18234, Dec. 2, 1970) proposing to amend the general rules and regulations under the Federal Power Act and the Natural Gas Act to revise the schedule of fees proposed in connection with the filing of certain applications by natural gas companies and to establish new schedules of fees to be applicable to electric utility companies and natural gas companies.

We invited the submission of comments and suggestions by December 16, 1970, but pursuant to requests for additional time the return date was twice extended ultimately to February 5, 1971. Responses on the merits were timely received from 62 companies and two industry associations raising questions as to the meaning of various proposed revisions of our regulations, suggesting modifications for clarification or in the policy underlying the proposed changes in fee requirements, and objecting on various grounds to the imposition of fees or assessments generally or as to specific items. The comments and recommendations were considered by the Commission and were in substantial part discussed in Order No. 427, which we issued on March 18, 1971 (36 F.R. 5593), amending our regulations.

Two industry associations, Edison Electric Institute (EEI) and Independent Natural Gas Association of America (INGAA), and four companies, Montana Power Co. (Montana), New England Power Co. (New England), Southern California Edison Co. (Southern California), and Tennessee Gas Pipeline Co. (Tennessee), have filed a petition and applications for rehearing, three of them, EEI, Montana, Southern California, on the ground that a conference which the notice of proposed rulemaking stated could be requested was not provided. That notice did not state that a conference would be afforded responsive parties but invited "[s]ubmissions to the Commission [of data, views, comments, and suggestions, in writing] * * * and whether the person filing them requests a conference at the Federal Power Commission to discuss the proposed amendments." It stated also that the "Commission shall consider all such written proposals before acting on the matters herein proposed."

Neither the Administrative Procedure Act, 5 U.S.C. 553, nor our rules, nor the statutory authority upon which this action was taken require that conferences be held in connection with rulemaking proceedings of this kind. The only requirement relevant here is that after notice of proposed rulemaking, "the agency shall give interested persons an opportunity to participate in the rulemaking through submission of written data, views, or arguments with or without opportunity for oral presentation * * *". 5 U.S.C. 553(c).

It is our announced procedure that the Secretary or staff counsel upon the approval of the General Counsel and the Office or Bureau involved may call a public conference at which all parties who filed comments are invited to participate. As we show, the grounds in sum urged by these three responding parties were in substance previously asserted in their comments or in the comments of other responding parties and were considered by the Commission when the order was adopted. In these circumstances, we find no basis for holding that the staff abused its discretion in not scheduling a conference to discuss their objections.

EEI's application essentially amounted to a reiteration of the same grounds contained in the comments it had previously submitted and of which the Commission was apprised and which it considered when the order was issued. Its statement that it would have filed more comprehensive comments had it anticipated that a conference would not be held carries no weight since the purpose of a conference is to discuss the issues previously raised in the comments submitted in response to an invitation therefor in the notice of proposed rulemaking.

The contention (INGAA, New England, Southern California and Tennessee) that the amended regulations constitute a revenue measure and are violative of the Appropriation Act and Budget Circular A–25 on which they were based does not raise issues which were not fully considered when Order No. 427 was adopted, nor do the allegations of these petitioners suggest valid grounds for rehearing or reconsideration.

Montana and Southern California raise contentions regarding the fairness of the assessment of fees and charges on jurisdictional public utilities and licensees and upon nonjurisdictional revenues and further contend such fees and charges will be unlawfully borne by customers for services not subject to the Commission's jurisdiction. We initially proposed to collect fees and assessments for all the costs of administering Parts II and III of the Federal Power Act upon jurisdictional utilities, in part for specific services rendered in connection with prescribed applications and filings, and in remainder on the basis of the proportion that the gross revenues of each regulated company bears to the total gross revenues of all such companies. As a result of the comments and suggestions submitted we agreed that such allocation would be inequitable since the nature of our administrative activities regarding utility regulation and those concerned with coordination and reliability could not both be fairly attributed to gross revenues.

In the first place, the costs of our administrative activities properly allocable to municipal and other nonregulated systems for either group of programs should not and will not be charged to jurisdictional utilities; secondly, the balance of the costs of administering the regulatory functions (after deductions of fees obtained for specific applications and filings) will more equitably be based on transfers of jurisdictional energy since the quantum of our services more nearly varies with the sales and deliveries of such energy; and, finally, the costs incurred in the promotion of greater coordination and reliability, being system wide and beneficial to a utility without regard to its jurisdictional business, are fairly allocable on a gross revenue basis.

However, New England asserts that as compared to a vertically integrated public utility which normally sells a large percentage of its (nonjurisdictional) kilowatt hours to customers for consumption, the regulation adopted unfairly penalizes a generation and transmission company which supplies the entire (jurisdictional) kilowatt hour needs of its associate companies principally for distribution. We considered the objection submitted by New England to the allocation of all costs of electric administration on the basis of gross revenues in response to our invitation for comments and in acknowledgment of the unfairness of the provision made appropriate revision, as described above, to avoid making annual charges to cover the costs of public utility regulation on the basis of gross revenues.

We think further revision is not required. Where the associated companies are solely in the business of distributing electric energy not subject to Commission jurisdiction, no fees or other charges will be required of them and where they may have a limited amount of jurisdictional business the duplicative charges will be of little significance. In cases where jurisdiction attaches the services rendered which are subject to the specific fee schedules set out in § 36.2 will not be charged to utilities under the assessment provisions of § 36.1. As to the remainder of the administrative costs of the regulatory programs (less that applicable to nonjurisdictional electric systems), the Commission's programs involve rate surveillance, accounting matters and formal proceedings including rulemaking matters. These activities are conducted for all jurisdictional utilities and we can think of no more equitable method of allocating those charges than on the basis of jurisdictional sales and deliveries of electric energy.

The jurisdiction conferred by the Federal Power Act is based on the transmission and sale at wholesale of electric energy in interstate commerce and were we to make allocations on a basis which exempted this applicant and others having the same corporate arrangement from their proportionate shares of the charges, such action would not be consistent with our responsibilities under that Act.

New England's contention that the inclusion of the costs of electric utility regulation will add to the cost of power which is interchanged and hence discourage coordination among utilities is recognized. However, we believe it will have no significant effect in view of the benefits accorded electric systems by the advantages interconnection provides in enhancing the reliability of service.

INGAA, Tennessee, and New England rely on dicta of the Commission in its notice of proposed rulemaking that culminated in the adoption of Order No. 317, as amended by Order 317–A, 31 F.R. 430, 4890, which added Part 159 to the regulations under the Natural Gas Act, as indicative of the Commission's lack of authority to broaden the scope of its charges to provide for the recoupment of certain costs of administration by assessment methods. We were mindful of these views but do not consider them binding upon us. These regulations, as our order pointed out, are predicated on the benefits accorded public utilities and natural gas companies by the creation of regulatory agencies at the Federal level and the exercise of the powers delegated to them by the Congress which in our opinion satisfy the statutory requirements for the imposition of these charges.

INGAA's and Tennessee's objection to assessing pipelines for the cost of producer regulation is much too broadly put. The assessment is limited to only one of the various producer programs: The certification of producer sales which plainly benefit pipelines through the Commission's control of the initial prices they are required to pay producers for gas purchases. The Commission's activities in this connection which provide clear benefits to pipelines through regulatory action include the issuance of temporary certificates to expedite deliveries, the elimination of indefinite price escalation provisions, and the control over the quality of natural gas to be delivered and the length of the period in which supplies may be delivered where advance payments are made by the pipelines.

Both Tennessee and INGAA challenge the fairness of allocating charges on the basis of jurisdictional deliveries. One objection is that no part of the assessments are based on direct sales by pipelines to industrial customers which are nonjurisdictional. We point out that the entire costs of administering the pipeline programs are not assessed on the basis of jurisdictional deliveries since a substantial part thereof are made up by certificate application fees filed in connection with the construction of pipeline facilities. In this way, a significant portion of expenses of administering the pipeline programs will be made up by payments for the installation of facilities to serve nonjurisdictional customers.

Another objection is that the method of allocation is unfair because it includes deliveries of natural gas between pipelines which, it is argued, sometimes involve double or triple counting of the same volumes of gas. While our method of allocation is somewhat imperfect, we think it is a reasonable method of allocating the portion of pipeline administration costs not obtained from certification of facilities and that it does not work a hardship on the pipelines. The fees paid in this connection by the pipelines form part of their lawful operating costs each pipeline may recover from the purchaser of their gas. More importantly, where several pipelines are involved seriatim in the delivery of the same volumes of gas, the regulatory responsibilities of the Commission are correspondingly increased.

Several of the applicants seek rehearing on the ground that there is no way to approximate the extent of the costs of regulation each utility or gas company will be obligated to pay. We do not think these objections meritorious. The basis for determining the fees to be charged in connection with miscellaneous matters, specified applications and filings, and assessments relating to new gas supplies are clearly set forth in §§ 3.102(b), 36.2, 159.1, and 159.2a(b) of the regulations. The remaining assessments predicated on the costs incurred in each fiscal year can be readily approximated from these sources: Published data supplied by the Commission annually to the Congress in support of its request for appropriations which show the allocation to be made for each electric and gas program and information published by the Commission showing the gross revenues and sales and deliveries of electric energy by electric systems and jurisdictional sales of natural gas companies.

The Commission finds: The assignments of error and grounds for rehearing and reconsideration set forth in the applications of EEI, INGAA, New England, southern California, and Tennessee and in the petition of Montana which were filed in this proceeding present no facts or legal principles which were not fully considered by us, or which now being reconsidered by us would warrant any change or modification of the Commission's Order No. 427, issued March 18, 1971.

The Commission orders: The petition and applications for rehearing and reconsideration of Order No. 427 are denied.

By the Commission.[1]

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7098 Filed 5-20-71;8:49 am]

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[1] Dissenting statement of Commissioner Carver filed as part of original document.

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Penicillin With Streptomycin; Final Order Ruling on Objections and Requests

An order was published in the FEDERAL REGISTER of June 13, 1969 (34 F.R. 9333), amending Parts 141a and 146a of the antibiotic drug regulations by deleting provisions for certification of certain penicillin-streptomycin combination products for injectable administration in man.

Objections were filed and the effective date of the order was stayed until 30 days after the objections were ruled on. In July 1970, after the Upjohn, Panalba decision, all objections were withdrawn, except that American Home Products Corp. (Wyeth Laboratories, Inc.) proposed revised labeling for Wycillin SM–600 containing; in each 2 cc., 600,000 units of procaine penicillin G and 0.5 gm. of streptomycin base, as the sulfate, to restrict it to hospital use for a period not to exceed 7 days for prophylaxis against and treatment of mixed surgical infections. Accordingly, an order was published on June 23, 1970 (35 F.R. 10211), to become effective in 30 days, amending Parts 141a and 146a of the antibiotic drug regulations by repealing provisions for certification and revoking outstanding certificates of safety and effectiveness issued under those regulations, and allowing time for recall of all outstanding stocks of the affected drugs. That order provided that the Commissioner of Food and Drugs would rule on Wyeth Laboratories' objection when evaluation of the proposed revised labeling was completed.

FINDINGS AND CONCLUSIONS

The Commissioner finds as follows:

I. *Composition of the drug.* Wycillin SM–600 contains: Procaine penicillin G 600,000 units and streptomycin sulfate 0.5 gm. per vial.

II. *Rationale and claims.* The rationale for the combination of penicillin and streptomycin is that the antibiotics may be synergistic in action, that the combination may be expected to be effective against a wide range of both gram negative and gram positive organisms, and that the drug is indicated primarily when the invading organism is more susceptible to the combination than either antibiotic alone.

III. *Labeling claims.* In the revised product labeling, the indication for the use of Wycillin SM–600 is limited to hospital use for 7 days only for the treatment of mixed surgical infections, including peritonitis, involving both susceptible gram positive and gram negative organisms, such as Escherichia Coli, Proteus Sp., Streptococcus Fecalis, and penicillin sensitive staphylococci. Dosage recommended is 2 cc., I. M. q 6 or 12 hours, depending on severity of infection and/or the susceptibility of the infecting organisms to penicillin and streptomycin.

IV. *Additional data submitted in support of proposed relabeling.* Wyeth asserts that the affidavits, exhibits C through H, submitted as supporting data for the proposed relabeling, demonstrate that Wycillin SM–600 is safe and effective in the treatment of certain important surgical infections.

Although the attached affidavits assert that Wycillin SM–600 is effective, no statements are made to indicate that the fixed combination is more effective than the individual component parts administered in proper dosage. There are no well-controlled studies cited in the affidavits and none of the references listed cite controlled studies providing substantial evidence that the combination form is more effective than either component alone. The affidavits do little more than indicate the combination form is convenient and timesaving.

Two of the references discussed in Wyeth's attached affidavits in support of the proposed new labeling, the Goosenberg Report and the Collins Report, bear only on the prophylactic use of penicillin and streptomycin, which is not indicated in the proposed relabeling.

Wyeth objects that the NAS-NRC panels were in error in evaluating Wycillin SM–600 ineffective as a fixed combination in the treatment of mixed surgical infections. It is the position of Wyeth that the studies of the effectiveness of Wycillin SM–600 in the treatment of urinary and respiratory tract infections may be considered as supportive evidence for the use of the combination product in the treatment of mixed surgical infections, since the bacteria are often the same, or more severe. Although this may or may not be true, none of the studies cited were controlled studies providing substantial evidence that the therapeutic effect of penicillin and streptomycin in a fixed combination is any greater than either of the components alone.

It is also Wyeth's position that a greatly enhanced bacterisidal rate can be achieved with this penicillin-streptomycin combination against a mixed flora of organisms in the mixed surgical infections, as well as an increase of the overall antimicrobial action. Authority for this is reference to the studies listed in the appendix attached to the objections. Wyeth further asserts that the published clinical and laboratory data (listed in the appendix) demonstrates the efficacy of a penicillin-streptomycin combination in the treatment of peritonitis when caused by susceptible organsims. In particular, they cite D. Schaff et al., treatment of peritonitis with parenteral streptomycin and penicillin, (Am. J. Sur. 77: 63–67, 1949).

The following comments relate to the studies in the appendix attached to Wyeth's objections.

1. Goosenberg, J., et al.; Prophylactic Antibiotics in Vaginal Hysterectomy, American Journal of Obstetrics and Gynecology, 105: p. 503–506, 1969. This is a three part study of patients undergoing a vaginal hysterectomy at Philadelphia General Hospital. Part One is a retrospective review of morbidity data for a year (1964–65). Part Three is also a 1-year retrospective review (1966–67), during which all "high-risk" patients received prophylactic penicillin and streptomycin. Part Two is a prospective 1-year study (1965–66) of three patient groups, 40 patients in each group. One group received procaine penicillin 600,000 units I. M. q6 hours and streptomycin, 1 gm. initially, then 0.5 gm. q12 hours starting the day before surgery and going through the fifth postoperative day. The second group received chloramphenicol, 0.5 gm. q6 hours orally or I. V., during the same days. The third, control group received no antibiotics. Morbidity, as defined by the authors (fever of 100.4° after the first 48 hours and pyuria or purulent vaginal discharge), was markedly different in the three groups: 7.5 percent in the first, 52.5 percent in the second, and 77.5 percent in the third. There is no mention of bacteriologic cultures. At no time was a fixed combination used in the Goosenberg study. The two drugs were not necessarily given simultaneously.

Dr. Emich, in his affidavit states the patients received "a combination of penicillin and streptomycin in doses equivalent to those contained in Wycillin SM–600." This is not true. The Philadelphia patients received a daily dose of 2,400,000 units of penicillin and 1 gm. of streptomycin. If they had received 2,400,000 units of penicillin in Wycillin SM–600 they would have received 2 gm. of streptomycin, thus doubling the dosage of streptomycin and increasing the risk of adverse reaction.

He further states that the current practice at Philadelphia General Hospital is to administer Wycillin SM–600 twice daily and a single dose of 600,000 units of penicillin once a day. There is no advantage in a fixed combination when it is necessary to give the patient additional amounts of one of the components.

Moreover, because bacteriology was not mentioned, it is impossible to determine whether "morbidity", as defined in the protocol, represents infection.

An even more serious defect of the Goosenberg Report is that there is no analysis comparison of the use of penicillin or streptomycin alone with the two in a fixed combination form.

2. Almikov, J. R. and Hansen, A. E.: Successful Treatment of C. Diphtheriae Subacute Bacterial Endocarditis with Penicillin and Streptomycin, Pediatrics 5: 437–442, 1950. This is a case report of an 8-year-old girl with C. diphtheriae bacterial endocarditis, who improved when streptomycin 0.5 gm. q^{6}h was added to her pervious regime of penicillin, 200,000 units I. M. q^{3}h.

In this study no fixed combination was used. No susceptibility studies were mentioned. The dose of penicillin used for bacterial endocarditis was low, by today's standard, and in no way relates to the dosage of Wycillin SM–600.

3. Hagen, A. D., et al.: Acute Streptococcal Thyroiditis, J. A.M.A., 202: 282–283, 1967. This is a case report of a 20-year-old man with beta hemolytic streptococcal abcess of the thyroid. He was treated with 1.2 million units of penicillin I. M. twice daily and streptomycin 1 gm. twice daily for 3 days, and he recovered. There was no statement which made it clear whether a fixed combination was used for the first 3 days. The susceptibility of the streptococcal strain was not recorded, but penicillin alone presumably would have controlled this infection. Once again, there was no attempt made in this report to compare results with penicillin or streptomycin administered separately.

4. Pines, A. et al.: Cephaloridine Compared with Penicillin and Streptomycin in Chronic Purulent Bronchitis. Brit. J. of Dis. of the Chest (1966), 61, 101–110. In this article, the authors conducted three separate comparative studies on groups of over 60 patients with chronic bronchitis, in each case comparing intramuscular cephaloridine with penicillin and streptomycin intramuscularly given twice daily in the dose of 2 million units penicillin with 0.5 gm. streytomycin. No cultures were done. The cephaloridine dose was increased in each study. The authors concluded that when the cephaloridine was given in high doses, clinical results were superior to those produced by penicillin with streptomycin. At no time in this study was a dosage equivalent to Wycillin SM–600 given.

5. Pines, A. et al.: Antibiotic Regimens in Severe and Acute Purulent Exacerbations of Chronic Bronchitis, Brit. Med. J., June 20, 1968, p. 735–738.

This is a report of 186 patients with chronic bronchitis treated randomly with three different therapeutic agents; ampicillin, lymecycline, or penicillin (3 million units) accompanied by streptomycin (0.5 gm.) twice daily. Bacteriologic examination of the sputums was done, but not reported except that H. influenzae was found in the initial examination of 29 percent of the patients. Sensitivity studies were not done. The group receiving penicillin with streptomycin showed the greatest clinical improvement. Three patients receiving penicillin with streptomycin developed rashs and three who were over 70 years developed vertigo; treatment had to be changed in all six patients. No fixed combination of penicillin-streptomycin that contains such high doses of penicillin is available. It is apparent that by administering 3 million units of penicillin the dosage of streptomycin found in Wycillin SM–600 would exceed the amounts recommended in its accompanying literature.

6. Collins, C. D. et al.: Chest Complications After Upper Abdominal Surgery: Their Anticipation and Prevention, Brit. Med. Journal, February 17, 1968, pp. 401–406.

This is a report on a study involving 132 patients, about to undergo abdominal surgery, who were divided into groups, to assess therapy. Only a single group received antibiotics prophylactically; these patients received penicillin and streptomycin. The group receiving antibiotics had the least chest complications.

There were no single antibiotic controls in this study. There is no way to determine whether either penicillin or streptomycin alone would have produced the beneficial effect. The study did not involve a dosage of penicillin and streptomycin as found in the combination form of Wycillin SM–600.

7. Crofton, J. W. et al.: Ampicillin in the Treatment of Pneumonia-Cooperative Controlled Trial, Brit. Med. Journal, May 28, 1966, pp. 1329–1333.

This is a report of a comparison of the treatment of cases of pneumonia with oral ampicillin for 7 or 14 days and cases treated with a combination of penicillin and streptomycin intramuscularly for 7 days and, if needed, penicillin for an additional 7 days. The conclusion was that the ampicillin was as effective as the combination. The article did not state that a fixed combination was used.

8. Brandt, A. A. et al.: Acute Suppurative Arthritis Due to Escherichia Coli Septicemia, Medical Service and Department of Laboratories, February 4, 1955, pp. 1031, 1036.

This is a case report of a woman with E. coli septicemia complicated by suppurative arthritis of the right knee. She was treated with 600,000 units of penicillin daily without benefit. Then E. coli was cultured from the blood and shown to be sensitive to streptomycin, so 1 gram of streptomycin twice daily was added to her therapy. The penicillin was discontinued on the 11th day; streptomycin was continued 6 more days and the patient recovered.

No fixed combination was used. The patient's recovery appears to be attributable to the streptomycin given.

9. Bliss, E. A. et. al.: Studies of Combinations of Antibiotics In Vitro and In Experimental Infections in Mice, Bull. Johns Hopkins Hospital 1952, 90: 159–169. This is a report on test tube activity of certain combinations of antibiotics against bacteria and on the treatment of experimental infections in mice with these combinations. There were no clinical studies conducted.

10. Cameron, et al.: Aspiration Pneumonia—A Clinical and Experimental Review, Journal of Surgical Research, January 1967, Vol. 7, No. 1.

This is a review article of the general subject of aspiration pneumonia wherein streptomycin or penicillin are mentioned in the article. Combination antibiotics are not discussed.

11. Speck, R. S., et al.: Antibiotic Synergism and Antagonism in Subacute Experimental Streptococcus Infection in Mice, American Medical Science, 1952, 223: 280–285. This is the study of effect of certain antibiotic combinations in experimental animal infections. The use of a fixed combination of these antibiotics is not discussed or advocated, nor is human clinical experience presented.

12. Pelkowitz D.: Proteus Infections Successfully Treated in General Practice with Bicillin and Streptomycin. South African Medical Journal, 1959, 33: 267–268. In this study eight cases of B. proteus systemic infection, six in adult women, two in children, are described. All were treated with daily injections of Bicillin for 2 weeks; in four cases, streptomycin injection was added. This is not a controlled study. The streptomycin, when used, was given in dosage which was apparently individually determined for the patient. Thus, no evidence is supplied for the efficacy of a fixed penicillin-streptomycin combination.

13. Rush: Maxillofacial Injuries, Annals of Surgery, 1955, Vol. 135, No. 2. In this study a military surgical procedure for handling their injuries in wartime is described. The routine involved the administration of 1 gram of streptomycin and 300,000 units of penicillin twice daily combined with local treatment.

There were no controlled studies, the 166 cases listed had had a variety of initial antibiotic treatment and no figures were provided on the final outcome. Once again, the report lacks any reports of the use of a combination in the same proportion as found in Wycillin SM–600.

14. Sandres, A. et al.: Recent Advances in Chemotherapy of Surgical Infections. Surgical Clinics of North America, 1949, p. 431–447.

In this study there is no discussion of clinical use of any fixed combinations. The study further states that it is still important to determine the organism causing the infection under treatment and also to know to which of the available antibiotic drugs the bacterial strain is most susceptible. This article thus seems to argue against the use of fixed combinations.

15. Schaff, et al.: Treatment of Peritonitis with Parenteral Streptomycin and Penicillin, Am. J. of Surg., 1949, 37: 63–67.

This article deals with the treatment of five cases of peritonitis with penicillin 100,000 units I.M. every 3 hours and streptomycin 2 grams daily. This was not a fixed combination product nor was any comparison made with the individual component drugs of penicillin or streptomycin administred separately.

16. The following references cited by Wyeth in support of the revised labeling are all in vitro studies of the effect of streptomycin and penicillin alone or in combination on certain bacteria. The use of a fixed combination of these agents is not discussed or advocated nor is clinical material presented. Reports of in vitro studies cannot be extrapolated to clinical use, and thus do not provide a basis on which can reasonably be concluded that the combination drug will have the effectiveness claimed.

(a) Sonne M. et al.: Comparison of the Action of Ampicillin and Benzyl Penicillin on Enterococci in vitro, Applied

Microbiology, April 1968, Vol. 16, No. 4, p. 645–648.

(b) Plotz, P. H. et al.: Synergism Between Streptomycin and Penicillin: A Proposed Mechanism, Science 135, p. 1067–68, 1962.

(c) Hewitt, W. L. et al.: Kinetics and Mechanism of the Synergistic Activity of Penicillin and Streptomycin and Penicillin and Kanamycin on Enterococci. Antimicrobial agents and chemotherapy—1965, p. 278–282.

(d) Jawetz, E. et. al.: The Combination Action of Penicillin with Streptomycin or Chloromycetin on Enterococci In Vitro. Science iii; 254–256 (1950).

(e) Nichols, A. C.: Bactericidal Action of Streptomycin-Penicillin Mixtures In Vitro, Proc. Soc. Exp. Biol. and Med. 69: 477–8 (1948).

(f) Miles, C. P. et al.: Antibiotic Synergism Required Simultaneous Presence of Both Members of Synergistic Drug Pair. Proc. Soc. Exp. Biol. Med., 1951, 78: 738–741.

(g) Moellering R. et al.: Studies on the Synergism of Penicillin and Streptomycin Against Group D Streptococci, Abstract-Ninth Interscience on Antimicrobial Agents and Chemotherapy, October 27–29, 1969, p. 70.

In addition to the studies contained in Wyeth's attached appendix, Dr. George H. Warren, in his affidavit cites the following four studies in support of Wyeth's proposed relabeling.

17. Pulaski, E. J. et al.: Influence of Antibiotics on Experimental Endogenous Peritonitis. Surg. Gynec. Obstet. 99: 341–358, 1954.

This study concerned experimental peritonitis not just in dogs as Dr. Warren states, but in rats. In dogs, I. V. tetracycline gave better survival rates than either I. V. oxytetracycline or penicillin and streptomycin. In rats, I. V. chlortetracycline produced the highest survival rates. When combined I. M. or I. V./intraperitoneal routes were used, penicillin and streptomycin gave the best results (such combined routes are not generally used in humans).

The relationship of this article to the effectiveness of Wycillin SM–600 is only peripheral, although the experimental techniques may be valid.

18. Artz, C. P. et al.: Further Studies Concerning the Pathogenesis and Treatment of Peritonitis. Ann. Surg. 155: 756–766, 1962.

This involved studies in dogs; no fixed combination was used. When penicillin and streptomycin were given in combination, a million units of penicillin was given each dog, but the streptomycin dose was weight dependent.

19. Babcock, J. R. et al.: Acute Appendicitis; An Analysis of 1662 Consecutive Cases. Ann. Surg. 150: 131–141, 1959.

As Dr. Warren admits, fixed dose combinations of penicillin-streptomycin were not discussed or advocated in this article.

20. Altemeier, W. A.: The Treatment of Acute Peritonitis. J.A.M.A. 139: 347–353, 1949.

This was a review of 598 cases of acute septic peritonitis secondary to acute appendicitis, perforated peptic ulcers and penetrating wounds of the abdomen. This is not a controlled study, as the cases listed had a variety of initial antibiotic treatment including penicillin, sulfadiazine, and streptomycin. The article lacks any reports of the use of a combination in the same proportion as found in Wycillin SM–600 or in fact the use of any fixed combination.

V. *Findings*. The Commissioner, based on the review of the medical documentation offered to support the revised labeling and supplemental information as filed by Wyeth, finds that Wyeth has failed to present substantial evidence of effectiveness for Wycillin SM–600. In recognition of the known hazards associated with the use of each component of this combination, e.g., deafness from streptomycin and allergenicity from penicillin, the regulations for certification of antibiotic drugs should be amended to delete Wycillin SM–600, from the list of drugs acceptable for certification. The Commissioner further finds that the certificate of safety and effectiveness heretofore issued for Wycillin SM–600 should be revoked and the proposed amendments thereto denied on the basis of a lack of substantial evidence of effectiveness and an unwarranted hazard from this fixed combination antibiotic therapy.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 701, 52 Stat. 1050–53, as amended, 59 Stat. 463, as amended, 76 Stat. 785–787; 21 U.S.C. 352, 257, 371) and under authority delegated to the Commissioner (21 CFR 2.120) notice is given that, the order of June 13, 1969 (34 F.R. 9333), insofar as it relates to Wycillin SM–600, will become effective 30 days after the date of publication hereof in the FEDERAL REGISTER to allow time for recall of all outstanding stocks of the affected drug. Certification of new stocks has been discontinued. (Secs. 502, 507, 701, 52 Stat. 1050–53, 59 Stat. 463, 76 Stat. 785–787; 21 U.S.C. 352, 357, 371).

Dated: May 3, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71–7052 Filed 5–20–71;8:45 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Pinellas	Gulfport	I 12 103 1250 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	City Hall, 2401 53d St. South, Gulfport, FL 33707.	May 21, 1971.
Do	do	Indian Rocks Beach, South Shore.	I 12 103 1481 02	do	Municipal Office, 19305 Gulf Blvd., Indian Rocks Beach, South Shore, FL 33535.	Do.
Do	do	Oldsmar	I 12 103 2310 06 through I 12 103 2310 10	do	Office of the Mayor, Oldsmar, Fla. 33557.	Do.
Georgia	Chatham	Savannah	I 13 051 4910 03 through I 13 051 4910 06	State Planning and Programing Bureau, 270 Washington St. SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	Department of Inspections, Post Office Box 1027, Savannah, GA 31402.	Do.
Indiana	Lake	Highland				Do.
Missouri	Clay	Smithville	I 29 047 7370 02 I 29 047 7370 03	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Department of Business and Administration, Post Office Box 690, Jefferson City, MO 65101.	Smithville City Hall, 108 South Bridge St., Smithville, MO 64089.	May 21, 1971.
Do	St. Louis	Maplewood				Do.
New Jersey	Morris	Pequannock Township.	I 34 027 2567 02	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, NJ 08625.	Office of the Township Clerk, Township of Pequannock, Municipal Bldg., 530 Turnpike, Pompton Plains, NJ 07444.	Do.
New York	Suffolk	Ocean Beach	I 36 103 4400 02	New York State Department of Conservation, State Campus, Albany, NY 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Bay Walk, Ocean Beach, NY 11770.	Do.
North Carolina	New Hanover	Carolina Beach				Do.
Nebraska	Platte	Columbus				Do.
Ohio	Franklin	Columbus				Do.
Tennessee	Campbell	Jacksboro				Do.
Wisconsin	Buffalo	Alma				Do.
Do	Manitowoc	Manitowoc				Do.
Do	Crawford	Steuben				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 21, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-7031 Filed 5-20-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Florida	Pinellas	Gulfport	H 12 103 1250 02	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	City Hall, 2401 53d St., South, Gulfport FL 33707.	Aug. 6, 1970.
Do	do	Indian Rocks Beach, South Shore.	H 12 103 1481 02	do	Municipal Office, 19305 Gulf Blvd., Indian Rocks Beach, South Shore, FL 33535.	May 22, 1970.
Do	do	Oldsmar	H 12 103 2310 06 through H 12 103 2310 10	do	Office of the Mayor, Oldsmar, Fla. 33557.	Sept. 8, 1970.
Georgia	Chatham	Savannah	H 13 051 4910 03 through H 13 051 4910 06	State Planning and Programing Bureau, 270 Washington St., SW., Atlanta, GA 30334. Georgia Insurance Department, State Capitol, Atlanta, GA 30334.	Department of Inspections, Post Office Box 1027, Savannah, GA 31402.	Sept. 18, 1970.
Indiana	Lake	Highland				May 21, 1971.
Missouri	Clay	Smithville	H 29 047 7370 02 H 29 047 7370 03	Water Resources Board, Post Office Box 271, Jefferson City, MO 65101. Division of Insurance, Department of Business and Administration, Post Office Box 690, Jefferson City, MO 65101.	Smithville City Hall, 108 South Bridge St., Smithville, MO 64089.	June 5, 1970 and May 21, 1971.
Do	St. Louis	Maplewood				May 21, 1971.
New Jersey	Morris	Pequannock Township.	H 34 027 2567 02	New Jersey Department of Environmental Protection, Division of Water Resources, Box 1390, Trenton, NJ 08625. Department of Banking and Insurance, State House Annex, Trenton, N.J. 08625.	Office of the Township Clerk, Township of Pequannock, Municipal Bldg., 530 Turnpike, Pompton Plains, NJ 07444.	July 17, 1970.
New York	Suffolk	Ocean Beach	H 36 103 4400 02	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village Office, Bay Walk, Ocean Beach, N.Y. 11770.	May 5, 1970.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina.	New Hanover	Carolina Beach				May 21, 1971.
Nebraska	Platte	Columbus				Do.
Ohio	Franklin	do				Do.
Tennessee	Campbell	Jacksboro				Do.
Wisconsin	Buffalo	Alma				Do.
Do	Manitowoc	Manitowoc				Do.
Do	Crawford	Steuben				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 21, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[F.R. Doc.71-7032 Filed 5-20-71;8:45 am]

Title 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 7—SPECIAL REGULATIONS, AREAS OF THE NATIONAL PARK SYSTEM

Glacier National Park, Mont.; Fishing

A proposal was published at page 5851 of the FEDERAL REGISTER of March 30, 1971, to amend paragraphs (a), (b), and (c) of § 7.3 of Title 36 of the Code of Federal Regulations. The effect of the amendment is to further insure the protection and preservation of populations of native fishes and natural aquatic environments, to retain quality angling for wild fish in natural environments as part of the visitors' total park experience, and to simplify the fishing season by establishing one opening and closing date for all but four park waters.

Interested persons were given 30 days within which to submit written comments, suggestions, or objections with respect to the proposed amendment. No comments, suggestions, or objections have been received and the proposed amendments are hereby adopted without change and set forth below. Due to the pressing need for the regulations before the opening of the season, these amendments shall take effect on the date of publication in the FEDERAL REGISTER (5-21-71).

(5 U.S.C. 553; 39 Stat. 535; 16 U.S.C. 3)

Paragraphs (a), (b), and (c) of § 7.3 are amended, as follows:

§ Glacier National Park.

(a) *Fishing: open season.* All waters in the park shall be open to fishing from 12:01 a.m. on June 5 and end at 12 midnight on October 15, except as otherwise provided by the following restrictions:

(1) That portion of Waterton Lake that is in the park shall be open to fishing in conformance with the seasons established by Canada for this lake.

(2) Kintla Creek between Kintla Lake and Upper Kintla Lake, Bowman Creek for its entire length above Bowman Lake, Logging Creek between Logging Lake and Grace Lake, and Ole Creek, Park Creek, Muir Creek Coal Creek and Nyack Creek for their entire length; Fish Creek for its entire length, Upper McDonald Creek from McDonald Falls to Lake McDonald shall be closed to fishing.

(3) The North Fork of the Flathead River, except for its tributaries, and Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River, shall be open to fishing in conformance with the seasons and regulations established by the State of Montana for this river.

(4) That portion of Lower Two Medicine Lake that is in the park shall be open in conformance with the seasons established for the Blackfeet Indian Reservation for this lake.

(5) [Deleted]

(6) [Deleted]

(7) [Deleted]

(b) *Fishing; daily limit of catch and possession limit.* (1) Sport fish are herein defined as cutthroat trout, rainbow trout, brook trout, lake trout, Dolly Varden, Kokanee salmon, grayling mountain whitefish, lake whitefish, northern pike, and burbot (ling). All other species are defined as nonsport fish and may not be kept or killed.

(2) A person must cease fishing immediately when he has in his possession or has taken into his possession a total of five (5) sport fish that day, except that a person shall cease fishing as soon as he has in his possession or has taken into his possession a total of three (3) of the following sport fish that day: Cutthroat trout, Dolly Varden trout, lake trout, grayling. However:

(i) The daily limit of catch and possession in the North Fork of the Flathead River, except for its tributaries, and Lower McDonald Creek from the Quarter Circle Bridge to its confluence with the Middle Fork of the Flathead River, shall be in conformance with the regulations established by the State of Montana for this river;

(ii) The daily limit of catch and possession in that portion of Waterton Lake, located within the park, shall be in conformance with the limits established by Canada for this lake;

(iii) The daily limit of catch and possession in that portion of Lower Two Medicine Lake, located within the park, shall be in conformance with the regulations established for the Blackfeet Indian Reservation for this lake;

(iv) Fish caught in Lower McDonald Creek from the Quarter Circle Bridge and upstream, extending into Lake McDonald for a radius of 300 feet, shall be handled carefully and released immediately to the stream. No fish of any size may be in possession at any time along this stream.

(c) *Fishing: restriction on use of bait and lures.* (1) Only artificial flies, with a single hook, may be used as lures in Rogers Lake, Trout Lake, Arrow Lake, Camas Lake, Lake Evangeline, Ruger Lake, and those sections of Camas Creek interconnecting these lakes.

(2) Only artificial flies and lures, with a single hook, may be used as lures in the catch and release fishing waters of Lower McDonald Creek from the Quarter Circle Bridge and upstream, extending into Lake McDonald for a radius of 300 feet.

* * * * *

J. LEONARD VOLZ,
Director, Midwest Region.

[FR Doc.71-7071 Filed 5-20-71;8:47 am]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 2—DELEGATIONS OF AUTHORITY

Chiefs of Station Fiscal Activities

Section 2.88 is revised to read as follows:

§ 2.88 Chiefs of Station Fiscal Activities are delegated authority to compromise certain claims not exceeding $1,000 representing charges for medical services when there has been a prior denial of waiver and to terminate or suspend collection action on certain debts incurred in connection with the Veterans Administration medical program.

This delegation of authority is identical to § 17.96a of this chapter.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-7082 Filed 5-20-71;8:48 am]

PART 13—DEPARTMENT OF VETERANS BENEFITS, CHIEF ATTORNEYS

Compromise Offers

1. In § 13.201, that portion preceding paragraph (a) is amended to read as follows:

§ 13.201 Jurisdiction.

The Central Office Board and field station Committees are authorized, except as to determinations under § 2.6(e)(4)(i) of this chapter where applicable, to consider and determine as limited in §§ 13.200 through 13.217, questions of school liability, compromise, and waiver concerning the following debts and overpayments:

* * * * *

2. In § 13.202, paragraphs (b)(1)(ii) and (c)(2) are amended to read as follows:

§ 13.202 Board and Committee authority.

* * * * *

(b) *Field station Committee*—(1) *Decisions.* On matters covered in § 13.201, the field station Committee is authorized to determine the following issues:

* * * * *

(ii) *Compromises*—(*a*) *Loan program debts.* (*1*) Accept a compromise offer when the debt is $2,500 or less exclusive of interest.

(*2*) Reject a compromise offer irrespective of the amount of the debt.

(*b*) *Other than loan program debts.* (*1*) Accept a compromise offer on a debt which exceeds $1,000 but which is not over $2,500 (both amounts exclusive of interest).

(*2*) Reject a compromise offer on a debt which exceeds $1,000 but which is not over $200,000 (both amounts exclusive of interest).

(*3*) Accept or reject a compromise offer of a debt of $1,000 or less, exclusive of interest, where there has not been a prior denial of waiver.

* * * * *

(c) *Fiscal officer.* The Chief of the Fiscal activity has authority to:

* * * * *

(2) Accept or reject a compromise offer for other than loan program debts of $1,000 or less, exclusive of interest, where there has been a prior denial of waiver.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: May 17, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-7102 Filed 5-20-71;8:49 am]

PART 17—MEDICAL

Compromise Settlement Offers

1. In § 17.64(a), subparagraph (1) is amended so that paragraph (a) reads as follows:

§ 17.64 Referrals of compromise settlement offers.

Any offer to compromise or settle any charges or claim for $20,000 or less asserted by the Veterans Administration in connection with the medical program shall be referred as follows:

(a) *To Chiefs of Fiscal activities.* If the debt represents charges made under § 17.62(a), the compromise offer shall be referred to the Chief of the Fiscal activity of the station for application of the collection standards in § 1.900 et seq. of this chapter, pursuant to authority delegated in § 17.96a, provided:

(1) The debt does not exceed $1,000, and

(2) There has been a previous denial of waiver of the debt by a field station Committee on Waivers and Compromises.

* * * * *

2. Section 17.96a is revised to read as follows:

§ 17.96a Authority to compromise claims and terminate or suspend collection action.

The Chief of the Fiscal activity at a Veterans Administration hospital or any other Veterans Administration field station is delegated authority to compromise claims not exceeding $1,000 representing charges made under § 17.62(a) in which there has been a prior denial or waiver by a field station Committee on Waivers and Compromises. Such officers are further delegated authority to terminate or suspend collection action of claims not over $20,000 representing charges made under § 17.62(a) or (b). In exercising this authority, the standards in § 1.900 et seq. of this chapter are to be applied. The authority under this section further involves the responsibility to comply with all reporting procedures which may be required by the VA Controller and the Comptroller General of the United States. Any action, other than a completed compromise settlement, of any Chief of the Fiscal activity of any field station under the exclusive jurisdiction of the Department of Medicine and Surgery is subject to reversal by the Department of Medicine and Surgery Board on Collections and Compromises.

(72 Stat. 1114; 38 U.S.C. 210)

These VA regulations are effective the date of approval.

Approved: May 17, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71-7103 Filed 5-20-71;8:50 am]

Title 45—PUBLIC WELFARE

Chapter I—Office of Education, Department of Health, Education, and Welfare

PART 142—LOANS TO PRIVATE NONPROFIT SCHOOLS FOR STRENGTHENING INSTRUCTION IN ACADEMIC SUBJECTS

Minor Remodeling; Correction

In F.R. Doc. 71-1927, published in the FEDERAL REGISTER, Vol. 36, No. 29, Thursday, February 11, 1971, page 2869, several words were inadvertently omitted from subparagraph (1) of § 142.2(k). This subparagraph should read as follows:

§ 142.2 Definitions.

As used in this part:

* * * * *

(k)(1) "Minor remodeling" means those minor alterations in a previously completed building in space used or to be used as a laboratory or classroom for education in academic subjects which are needed to make effective use of equipment in providing education in such subjects. The term also includes those minor alterations in a previously completed building which are needed to make effective use of the items referred to in subparagraphs (5) and (6) of paragraph (i) of this section. The term may also include the extension of utility lines, such as for water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of such previously completed building, to the extent needed to make effective use of equipment. The term does not include building construction, structural alterations to buildings, building maintenance, repair, or renovation.

* * * * *

(20 U.S.C. 403, 445)

Dated: May 17, 1971.

RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

[FR Doc.71-7063 Filed 5-20-71;8:46 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 19001; RM-1509]

PART 89—PUBLIC SAFETY RADIO SERVICES

Regular Use in Local Government Radio Services of Certain Reserved Frequencies for Purpose of Operating Highway Emergency Radio Communication System; Correction

The Commission's Report and Order FCC 71-334, in the above entitled proceeding, adopted April 8, 1971, and published in the FEDERAL REGISTER on April 20, 1971 (36 F.R. 7424) is corrected in the following respects: The amended § 89.259 (f) and (g), as set forth in instruction number two, is corrected to read as follows:

§ 89.259 Frequencies available to the Local Government Radio Service.

* * * * *

(f) * * *

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
453.025	Central control, fixed	5, 11
453.050	Base and mobile	5
453.075	Central control, fixed	5, 11
453.100	Base and mobile	5
453.125	Central control, fixed	5, 11
453.150	Base and mobile	5
453.175	Central control, fixed	5, 11
* * *	* * *	* * *
458.025	Radio call boxes, fixed	11
458.050	Mobile only	4
458.075	Radio call boxes, fixed	11
458.100	Mobile only	4
458.125	Radio call boxes, fixed	11
458.150	Mobile only	4
458.175	Radio call boxes, fixed	11
* * *	* * *	* * *

(g) * * *

(5) For two-frequency systems, separation between transmit frequencies is 5MHz; however, a mobile station may be assigned the frequency of an associated base station. (Such operation may, however, subject the single frequency system to interference that would not occur to a two frequency system.)

* * * * *

(11) Available for the class of stations designated for communications related to safety on highways in accordance with the provisions of § 89.102(b).

Released: May 17, 1971.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-7105 Filed 5-20-71;8:50 am]

Proposed Rule Making

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 211, 242]

ALIEN REGISTRATION RECEIPT CARDS AND ORDERS TO SHOW CAUSE

Notice of Proposed Rule Making

Pursuant to section 553 of title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed issuance of the following rules pertaining to the invalidation and surrender of Alien Registration Receipt Cards in certain instances and to the issuance of orders to show cause. In accordance with section 553, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 757, 119 D Street NE., Washington, DC 20536, written data, views, or arguments, in duplicate, relative to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the date of publication of this notice will be considered.

PART 211—DOCUMENTARY REQUIREMENTS; IMMIGRANTS; WAIVERS

1. Subparagraph (1) *Form I-151 Alien Registration Receipt Card* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended by adding the following sentence at the end thereof to read as follows: "Form I-151 shall be invalid when presented in lieu of an immigrant visa or reentry permit by an alien who has departed for and seeks reentry from any foreign place and who, prior to his departure, was served with an order to show cause and in whose case deportation proceedings are pending."

2. Subparagraph (2) *Reentry permit* of paragraph (b) *Aliens returning to an unrelinquished lawful permanent residence* of § 211.1 *Visas* is amended by adding the following sentence at the end thereof to read as follows: "A reentry permit shall be invalid when presented by an alien who has departed for and seeks reentry from any foreign place and who, prior to his departure, was served with an order to show cause and in whose case deportation proceedings are pending."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. Paragraph (b) *Statement of nature of proceeding* of § 242.1 *Order to show cause and notice of hearing* is amended by inserting the following two sentences between the existing first and second sentences to read as follows: "If the respondent was lawfully admitted for permanent residence, the order to show cause shall contain an averment to that effect. Orders to show cause shall bear the legend 'EMPLOYMENT AUTHORIZED'."

2. Paragraph (c) *Service* of § 242.1 *Order to show cause and notice of hearing* is amended by adding the following two sentences at the end thereof to read as follows: "Upon delivery of the order to show cause, the respondent shall surrender any evidence of alien registration (including his Alien Registration Receipt Card, Form I-151) and any reentry permit which has been issued to him by the Service. If delivery is accomplished by certified or registered mail, the respondent shall personally surrender such documents at the time the deportation hearing is initially scheduled."

(Secs. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: May 17, 1971.

RAYMOND F. FARRELL,
Commissioner of Immigration and Naturalization.

[FR Doc.71-7095 Filed 5-20-71;8:49 am]

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

PETRIFIED FOREST NATIONAL PARK

Visitor Use of Wilderness

Notice is hereby given that pursuant to the authority contained in section 1 of the Act of March 28, 1958 (72 Stat. 69, 16 U.S.C. 119), section 3 of the Act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), section 5 of the Act of October 23, 1970 (84 Stat. 1108), section 4 of the Act of September 3, 1964 (78 Stat. 892; 16 U.S.C. 1133), 245 DM1 (27 F.R. 6395) as amended, National Park Service Order No. 58 (36 F.R. 5627), it is proposed to amend Part 7 of Title 36 of the Code of Federal Regulations to add § 7.87 as set forth below.

The purpose of the amendment is to establish special regulations for visitor use in that area within the park which has been set aside for administration as a part of the national wilderness preservation system.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections regarding the proposed amendment to the Superintendent, Petrified Forest National Park, Holbrook, Ariz. 86025, within 30 days of the publication of this notice in the FEDERAL REGISTER.

Section 7.87 is added as follows:

§ 7.87 Petrified Forest National Park.

(a) *Wilderness.* A map of the park portion designated as wilderness may be inspected in the Office of the Superintendent. Except in emergencies involving the health and safety of persons within the area, the following special regulations apply in the designated wilderness area:

(1) The possession or use of a motor vehicle, snowmobile, portable motor, or engine-driven equipment or machine is prohibited.

(2) The possession or use of any device, moved by animal or by human power on one or more wheels or skids, in, upon or by which any person or property is or may be transported or drawn on land, is prohibited.

FRANK F. KOWSKI,
Director, Southwest Region.

[FR Doc.71-7072 Filed 5-20-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 717]

HOLDING OF REFERENDA

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended, the Department proposes to amend the regulations governing the holding of referenda.

The purpose of these amendments is to (1) delete provisions previously applicable only to upland cotton and wheat, (2) designate certain provisions as applicable to extra long staple cotton, (3) extend voting eligibility, in cases where the commodity on a farm was not actually planted but was regarded as planted under applicable regulations, to persons on the farm who would have had an interest in the commodity as a producer if the commodity had actually been planted (Under present regulations, only the owner and operator are eligible to vote under these circumstances.), (4) clarify the manner of voting by mail ballot with respect to voting by proxy, and (5) change the reference to "county office manager", in every instance where it appears in this part, to read "county executive director".

Prior to the issuance of these amendments, any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Commodity Programs Division, Agricultural Stabilization and Conservation Service, Washington, DC 20250, will be given consideration provided such submissions are postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

It is proposed that Part 717—Holding of Referenda (33 F.R. 18345), as amended, be amended as follows:

1. Section 717.3 be amended by deleting paragraphs (a) (5) and (7) and (d) and (h) thereof.

2. Section 717.3 be further amended by inserting the words "extra long staple" immediately preceding the word "cotton" in the first sentence of paragraph (b) thereof and by revising paragraph (a)(6), the second sentence of paragraph (b), and paragraph (i) to read as follows:

§ 717.3 Voting eligibility.

(a) * * *

(6) *Extra long staple cotton quotas.* Not later than December 15 following the proclamation of a national quota for extra long staple cotton there shall be a referendum under section 343 of the Act of farmers engaged in the production of extra long staple cotton in the calendar year in which the referendum is held to determine whether such farmers are in favor of or opposed to the quota for the next marketing year. If more than one-third of the farmers voting in the referendum oppose the quota, such quota shall not be in effect.

* * * * *

(b) * * * In addition, the phrase "farmers engaged in the production of a commodity" also includes each person who it is determined would have had an interest as a producer in the commodity on a farm for which a farm allotment for the crop of the commodity was established and no acreage of the crop was planted but an acreage of the crop was regarded as planted for history acreage purposes under the applicable commodity regulations.

* * * * *

(i) *Interpretation.* In the case of any commodity on a farm where no acreage of the commodity is actually planted but an acreage of the commodity is regarded as planted under applicable regulations of the Department, persons on the farm who it is determined would have had an interest in the commodity as a producer if an acreage of the commodity had been actually planted shall be eligible to vote in the referendum.

3. Section 717.6 be amended by revising the last sentence thereof to read as follows:

§ 717.6 Place of balloting.

* * * Subject to the provisions of § 717.9(c) for absentee ballots, a farmer or producer eligible to vote, shall vote only at a polling place designated for the referendum community in which he was engaged in the production of the commodity for which the referendum is held.

4. Section 717.19 be revised to read as follows:

§ 717.19 Manner of voting.

(a) *Voting procedure.* Each person to whom a ballot is issued by mail or in person may vote in the referendum by marking the ballot so as to indicate clearly how he votes, placing the ballot in a plain envelope, sealing the plain envelope, inserting it in a postage paid envelope which shall be marked clearly with the voter's name and return address, signing the certification on such envelope or making his mark thereto (which mark shall be witnessed), sealing the postage paid envelope, and delivering or mailing it to the office of the county committee for the county in which he is eligible to vote.

(b) *Voting by proxy prohibited.* There shall be no voting by proxy or agent except as provided in § 717.3.

5. The reference to "county office manager", in each instance where it appears in this part, be changed to read "county executive director."

Signed at Washington, D.C., on May 17, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-7122 Filed 5-20-71;8:51 am]

Consumer and Marketing Service

[7 CFR Part 919]

PEACHES GROWN IN MESA COUNTY, COLO.

Handling

Notice is hereby given that the Department is considering additions, as hereinafter set forth, to the rules and regulations (Subpart—Rules and Regulations), pursuant to § 919.23 and other applicable provisions of the marketing agreement, as amended, and Order No. 919, as amended (7 CFR Part 919; 35 F.R. 16788), regulating the handling of peaches grown in the county of Mesa in the State of Colorado, effective under applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). The additional rules and regulations were proposed by the Administrative Committee, established under said amended marketing agreement and order as the agency to administer the terms and provisions thereof.

The proposal would provide for the reapportionment of the cooperative handler membership of the committee. Under the amended marketing agreement and order, the cooperative associations are entitled to three of the four handler members and alternates on the committee. Currently, the cooperative handler representation on the committee is divided between the two cooperative associations which qualified as handlers during the fiscal period which began November 1, 1969. Recently, one of these cooperative associations was dissolved and its assets were absorbed by the remaining cooperative association. Therefore, to provide for continued equitable cooperative handler representation on the committee, the rules and regulations of the amended marketing agreement and order should be amended to provide for the nomination of three handler members and their alternates by the remaining cooperative association which handles peaches.

The proposed addition to the rules and regulations is as follows:

ADMINISTRATIVE COMMITTEE

§ 919.110 Modification of the procedure for nominating and selecting cooperative members pursuant to § 919.23(e).

If only one cooperative association qualifies as a handler during a fiscal year, the cooperative association shall be entitled to nominate three members and three alternate members of the committee for the ensuing fiscal year, and nominations shall be made in such manner as its members may designate.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposal may file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after publication of the notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated May 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7069 Filed 5-20-71;8:47 am]

[7 CFR Part 953]

IRISH POTATOES GROWN IN SOUTHEASTERN STATES

Expenses and Rate of Assessment

Consideration is being given to the approval of the expenses and rate of assessment, hereinafter set forth, which were unanimously recommended by the Southeastern Potato Committee established pursuant to Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953). This marketing order program regulates the handling of Irish potatoes grown in certain designated counties of Virginia and North Carolina effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with these proposals shall file the same, in four copies, with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)). The proposals are as follows:

§ 953.208 Expenses and rate of assessment.

(a) The expenses the Secretary finds may be necessary to be incurred by the Southeastern Potato Committee, established pursuant to Marketing Agreement No. 104, as amended and this part, to enable such [illegible]mmittee to carry out its functions pursuant to provisions of the aforesaid amended marketing agreement and order, during the fiscal period ending March 31, 1972, will amount to $11,125.

(b) The rate of assessment to be paid by each handler in accordance with the amended Marketing Agreement and this part shall be one-fourth of 1 cent ($0.0025) per hundredweight of potatoes handled by him as the first handler thereof during the said fiscal period: *Providing,* That potatoes for canning, freezing, and "other processing" as defined in the February 20, 1970, amendment to the act (Public Law 91–196) shall be exempt.

(c) Unexpended income in excess of expenses for the fiscal period may be carried over as a reserve.

(d) Terms used in this section shall have the same meaning as when used in the said amended marketing agreement and this part.

Dated: May 17, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7070 Filed 5-20-71;8:47 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of the Secretary

[41 CFR Part 3–16]

GENERAL PROVISIONS APPLICABLE TO NEGOTIATED COST-PLUS-FIXED FEE CONTRACTS

Notice of Proposed Rule Making

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR Chapter 3 by adding a new § 3–16.950 under Subpart 3–16.9, Illustration of Forms.

Any person who wishes to submit written data, views, or comments pertaining to the proposed amendment may do so by filing them in duplicate with the Director, Division of Procurement and Materiel Management, OASAM–OGS, Room 3340, HEW North Building, Department of Health, Education, and Welfare, 330 Independence Avenue SW., Washington, DC 20201, within 30 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment will illustrate the revised form HEW–316, General Provisions (Negotiated Cost-Plus-Fixed Fee Contract). Major changes in the form, which was last revised in August 1964, are reflected in clauses entitled "Limitation of Cost," "Allowable Cost and Fixed Fee," "Inspection and Reports," and "Subcontracting." New clauses are to be added, entitled "Accounts, Audit and Records," "Publication and Publicity," "Key Personnel," "Litigation of Claims," "Foreign Travel," "Questionnaires and Surveys," "Printing," "Services of Consultants," and "Consultant or Other Comparable Employment Services of Contractor Employees." Minor changes are made in clauses entitled "Definitions," "Negotiated Overhead Rates," "Payment," "Examination of Records," "Government Property," "Notice to the Government of Delays," "Rights In Data," "Reporting of Royalties," "Patent Rights," "Required Insurance," and "Overtime." No change is made in the clauses entitled "Changes," and "Authorization and Consent." The General Provisions will include certain clauses prescribed by Federal Procurement Regulations (41 CFR Ch. 1). These clauses are not being repeated here, but are identified by an appropriate cross-reference to the applicable FPR section.

As proposed, the new § 3–16.950 would read as follows:

§ 3–16.950 HEW forms.

HEW forms are illustrated in this section to show their text, format, and arrangement and to provide a ready source of reference. The subsection numbers in this section correspond with the HEW form numbers.

§ 3–16.950–316 Form HEW–316, General Provisions (Negotiated Cost-Plus-Fixed Fee Contract).

GENERAL PROVISIONS

(NEGOTIATED COST-PLUS-FIXED FEE CONTRACT)

1. DEFINITIONS

As used throughout this contract, the following terms shall have the meanings set forth below:

(a) The term "Secretary" means the Secretary, the Under Secretary, or any Assistant Secretary of the Department of Health, Education, and Welfare; and the term "his duly authorized representative" means any person, persons, or board (other than the Contracting Officer) authorized to act for the Secretary.

(b) The term "Contracting Officer" means the person executing this contract on behalf of the Government, and any other officer or employee who is properly designated Contracting Officer; and the term includes, except as otherwise provided in this contract, the authorized representative of the Contracting Officer acting within the limits of his authority.

(c) The term "Project Officer" means the person representing the Government for the purpose of technical direction of contract performance. The Project Officer is not authorized to issue any instructions or directions which effect any increase or decrease in the cost of this contract or which change the period of performance of this contract.

(d) The term "Department" means the Department of Health, Education, and Welfare.

(e) Except as otherwise provided in this contract, the term "subcontract" includes purchase orders under this contract.

2. DISPUTES

(Text of this clause is set forth in FPR 1–7.101–12.)

3. LIMITATION OF COST

(a) *Limitation of cost to Government.* The obligation of the Government under this contract is represented by the sum of the estimated cost and the fixed fee. The Government shall not be obligated to reimburse the Contractor for costs incurred in excess of the estimated cost.

(b) *Notice of costs approaching estimate and substantial increases or decreases therefrom.* The Contractor agrees to perform all work under this contract within the estimated cost. If at any time the Contractor has reason to believe that the costs which it expects to incur in the performance of this contract in the next succeeding 60 days, when added to all costs previously incurred, will exceed 75 percent of the estimated cost set forth in the contract, or, if at any time the Contractor has reason to believe that the total cost to the Government, exclusive of any fixed-fee, for the performance of this contract, will be substantially greater or less than the estimated cost thereof, the Contractor shall promptly notify the Contracting Officer in writing to that effect, giving, where applicable, its revised estimate of such total cost for the performance of this contract.

(c) *Contractor excused pending notice of increase when estimate reached.* The Contractor shall not be required to continue performance under the contract or to incur costs in excess of the estimated cost when the total cost incurred by the Contractor in the performance of the contract equals the estimated cost unless and until the Contracting Officer shall have notified the Contractor in writing that such estimated cost has been increased and shall have specified in such notice a revised estimated cost which shall thereupon constitute the estimated cost of performance of the contract. When and to the extent that the estimated cost has been increased by the Contracting Officer in writing, any costs incurred by the Contractor in excess of such estimated cost prior to such increase shall be allowable to the same extent as if such costs had been incurred after such increase in estimated cost. No notice, communication, or representation in any other form or from any person other than the Contracting Officer shall affect the estimated cost of this contract.

(d) *Government's right to terminate not affected.* The provisions of this clause, including, but not limited to the giving of notice by either party hereunder, shall not be construed to waiver, impair, or limit in any way the rights of the Government to terminate this contract under the clause entitled "Termination for Default or for the Convenience of the Government."

4. ALLOWABLE COST AND FIXED FEE

(a) *Compensation for Contractor's services.* Payment for the allowable cost as herein defined, and of the fixed fee, if any, set forth in this contract shall constitute full and complete compensation for the performance of the work under this contract.

(b) *Allowable cost.* The allowable cost of performing the work under this contract shall be the costs actually incurred by the Contractor, either directly incident or properly allocable to the contract, in the performance of this contract in accordance with its terms. The allowable cost, direct and indirect, including acceptability of cost allocation methods, shall be determined by the Contracting Officer in accordance with:

(1) Subpart 1–15.2 of Part 1–15 of the Federal Procurement Regulations (41 CFR 1–15.2), as in effect on the effective date of this contract: *Provided, however,* That costs of the Contractor's independent research and development, including their appropriate share of indirect and administrative costs, shall be unallowable unless otherwise expressly provided in the contract; and

(2) The terms of this contract.

5. NEGOTIATED OVERHEAD RATES

(a) Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Fixed Fee," the allowable indirect costs under this contract shall be obtained by applying negotiated overhead rates to bases agreed upon by the parties, as specified below.

(b) The Contractor, as soon as possible but not later than 90 days after the expiration of his fiscal year, or such other period as may be specified in the contract, shall submit to the Contracting Officer, with a copy to the cognizant audit activity, a proposed final overhead rate or rates for that period based on the Contractor's actual cost experience during that period, together with supporting cost data. Negotiation of overhead rates by the Contractor and the Contracting Officer shall be undertaken as promptly as practicable after receipt of the Contractor's proposal.

(c) Allowability of costs and acceptability of cost allocation methods shall be determined in accordance with paragraph (b) of the clause of this contract entitled "Allowable Cost and Fixed Fee."

(d) The results of each negotiation shall be set forth in a modification to this contract, which shall specify (1) the agreed final rates, (2) the bases to which the rates apply, and (3) the periods for which the rates apply.

(e) Pending establishment of final overhead rates for any period, the Contractor shall be reimbursed either at negotiated provisional rates as provided in the contract, or at billing rates acceptable to the Contracting Officer, subject to appropriate adjustment when the final rates for that period are established. To prevent substantial over or under payment, and to apply either retroactively or prospectively, (1) provisional rates may, at the request of either party, be revised by mutual agreement, and (2) billing rates may be adjusted at any time by the Contracting Officer. Any such revision or negotiated provisional rates provided in the contract shall be set forth in a modification to this contract.

(f) Any failure by the parties to agree on any final rates under this clause shall be considered a dispute concerning a question of fact for decision by the Contracting Officer within the meaning of the "Disputes" clause of this contract.

(g) If this contract is with a nonprofit organization, submission of proposed provisional and/or final overhead rates, together with appropriate data in support thereof, to the Secretary or his duly authorized representative, and agreements on provisional and/or final overhead rates entered into between the Contractor and the Secretary or his duly authorized representative, as evidenced by Negotiated Overhead Rate Agreements signed by both parties, shall be deemed to satisfy the requirements of (b), (d), and (e) above.

6. PAYMENT

(a) *Payment on account of allowable costs.* Once each month (or at more frequent intervals if approved by the Contracting Officer) the Contractor may submit to the Contracting Officer, in such form and reasonable detail as may be required, an invoice or voucher supported by a statement of costs incurred by the Contractor in the performance of this contract and claimed to constitute allowable costs. Promptly after receipt of each invoice or voucher the Government shall, subject to the provisions of (c) below, make payment thereon as approved by the Contracting Officer.

(b) *Payment on account of fixed-fee.* Unless otherwise provided in this contract, payment of the fixed-fee, if any, shall be made in periodic installments based on the ratio of costs incurred to the total estimated cost set forth in the contract. In making such periodic payments there shall be withheld 15 percent from each payment. Amounts so withheld shall be paid upon execution and delivery of a release by the Contractor as provided in paragraph (f) below.

(c) *Audit adjustments.* At any time or times prior to settlement under this contract the Contracting Officer may have invoices or vouchers and statements of cost audited. Each payment theretofore made shall be subject to reduction for amounts included in the related invoice or voucher which are found by the Contracting Officer, on the basis of such audit, not to constitute allowable cost. Any payment may be reduced for overpayments, or increased for underpayments, on preceding invoices or vouchers.

(d) *Completion voucher.* On receipt and approval of the invoice or voucher designed by the Contractor as the "completion invoice" or "completion voucher" and upon compliance by the Contractor with all the provisions of this contract (including, without limitation, the provisions relating to patents and provisions of (e) below) the Government shall promptly pay to the Contractor any balance of allowable cost, and any part of the fixed-fee which has been withheld pursuant to (b) above or otherwise not paid to the Contractor. The completion invoice or voucher shall be submitted by the Contractor promptly following completion of the work under this contract but in no event later than 6 months (or such longer period as the Contracting Officer may in his discretion approve in writing) from the date of such completion.

(e) *Applicable credits.* The Contractor agrees that any refunds, rebates, credits, or other amounts (including any interest thereon) accruing to or received by the Contractor or any assignee under this contract shall be paid by the Contractor to the Government, to the extent that they are properly allocable to costs for which the Contractor has been reimbursed by the Government under this contract. Reasonable expenses incurred by the Contractor for the purpose of securing such refunds, rebates, credits, or other amounts shall be allowable costs hereunder when approved by the Contracting Officer.

(f) *Financial settlement.* Prior to final payment under this contract, the Contractor and each assignee under this contract whose assignment is in effect at the time of final payment under this contract shall execute and deliver:

(1) An assignment to the Government in form and substance satisfactory to the Contracting Officer, of refunds, rebates, credits, or other amounts (including any interest thereon) property allocable to costs for which the Contractor has been reimbursed by the Government under this contract; and

(2) A release discharging the Government, its officers, agents, and employees from all liabilities, obligations, and claims arising out of or under this contract, subject only to the following exceptions:

(i) Specified claims in stated amounts or in estimated amounts where the amounts are not susceptible of exact statement by the Contractor;

(ii) Claims, together with reasonable expenses incidental thereto, based upon liabilities of the Contractor to third parties arising out of the performance of this contract: *Provided,* That such claims are not known to the Contractor on the date of the execution of the released: *And provided further,* That the Contractor gives notice of such claims in writing to the Contracting Officer not more than 6 years after the date of the release or the date of any notice to the Contractor that the Government is prepared to make final payment, whichever is earlier; and

(iii) Claims for reimbursement of costs (other than expenses of the Contractor by reason of its indemnification of the Government against patent liability), including reasonable expenses incidental thereto, incurred by the Contractor under the provisions of this contract relating to patents.

7. ACCOUNTS, AUDIT AND RECORDS

(a) The Contractor shall maintain books, records, documents, and other evidence, accounting procedures, and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The Contractor's plant(s), or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Contracting Officer or his authorized representatives.

(c) The Contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or the time periods for the particular records specified in 41 CFR Part 1–20, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement.

(ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract to which exception has been taken by the Contracting Officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been disposed of.

(d) The Contractor shall insert the substance of this clause, including this paragraph (d), in each subcontract hereunder that is not firm fixed-price or fixed-price with escalation. When so inserted, changes shall be made to designate the higher-tier subcontractor at this level involved in place of the Contractor; to add "of the Government prime contract" in place of "this contract" in (B) of subparagraph (c) (ii) above.

8. EXAMINATION OF RECORDS

(a) The Contractor agrees that the Comptroller General of the United States and the

Secretary, or any of their duly authorized representatives, shall, until expiration of 3 years after final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, document papers, and records of the Contractor involving transactions related to this contract.

(b) The Contractor further agrees to include in all his subcontracts hereunder a provision to the effect that the subcontractor agrees that the Comptroller General of the United States or any of his duly authorized representatives shall, until expiration of 3 years after final payment under the subcontract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations (41 CFR Part 1–20), whichever expires earlier, have access to and the right to examine any directly pertinent books, documents, papers, and records of such subcontractor, involving transactions related to the subcontract. The term "subcontract" as used in this clause excludes (1) purchase orders not exceeding $2,500 and (2) subcontracts or purchase orders for public utility services at rates established for uniform applicability to the general public.

9. INSPECTION AND REPORTS

(a) *Inspection of work.* The Government shall have the right to inspect the work and activities under this contract, including, without limitation, premises where any Government property may be located, at such reasonable times and in such manner as it may deem appropriate and the Contractor shall afford the Government proper facilities and assistance for such inspection.

(b) *Reports.* The Contractor shall furnish such progress reports, schedules, financial, and cost reports, and other reports concerning the work under this contract as the Contracting Officer may require or as specified elsewhere in this contract. Cost and other financial data and projections furnished pursuant to this paragraph (b) shall not relieve the Contractor of the requirements for furnishing notice specified in the clause of this contract entitled "Limitation of Cost."

10. SUBCONTRACTING

(a) *Prior approval required.* Except as provided in (c) below, the Contractor shall not enter into any subcontract or purchase order not otherwise expressly authorized elsewhere in this contract without the prior written approval of the Contracting Officer and subject to such conditions as the Contracting Officer may require. The Contractor shall use such special and directed procurement sources as may be expressly required by the Contracting Officer.

(b) *Request for approval.* The Contractor's request for approval to enter into a subcontract pursuant to this clause shall include: (1) a description of the supplies or services to be called for by the subcontract; (2) identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the degree of competition obtained; (3) the proposed subcontract price, together with the Contractor's cost or price analysis thereof; (4) identification of the type of subcontract to be used; (5) a copy or draft of the proposed subcontract, if available; and (6) any other information which the Contracting Officer may require.

(c) *Certain purchases of property and services.* Prior written approval shall not be required for firm fixed-price subcontracts for the purchase or rental of items of personal property having a unit acquisition cost of less than $100 or for subcontracts in a total amount less than $1,000, unless otherwise specified elsewhere in this contract: *Provided, however,* That advance notification shall be given by the Contractor of any subcontract which exceeds in dollar amount 5 percentum of the total estimated cost of this contract.

(d) *Contractor's procurement system.* The Contractor shall use methods, practices or procedures in subcontracting or purchasing (hereinafter referred to as the Contractor's "procurement system") acceptable to the Contracting Officer. The Contracting Officer may, at any time during the performance of this contract, require the Contractor to provide information concerning its procurement system.

(e) *Effect of subcontracting.* Subcontracts shall be made in the name of the Contractor and shall not bind nor purport to bind the Government. The making of subcontracts hereunder shall not relieve the Contractor of any requirement under this contract (including, but not limited to, the duty to properly supervise and coordinate the work of subcontractors, and the duty to maintain and account for property pursuant to the clause of this contract entitled "Government Property"). Approval of the provisions of any subcontract by the Contracting Officer shall not be construed to constitute a determination of the allowability of any cost under this contract, unless such approval specifically provides that it constitutes a determination of the allowability of such cost. In no event shall approval of any subcontract by the Contracting Officer be construed as effecting any increase in the estimated cost set forth in this contract. No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(f) *Procurements from contractor-controlled sources.* Procurement or transfer of equipment, materials, supplies, or services from a contractor-controlled source (any division or other organizational component of the prime contractor, exclusive of the contracting component, and any subsidiary or affiliate of the Contractor under a common control) shall be considered a subcontract for the purposes of this clause.

11. GOVERNMENT PROPERTY

(a) *Government-Furnished Property.* (1) The Government reserves the right to furnish any property or services required for the performance of the work under this contract.

(2) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described elsewhere in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-Furnished Property"). In the event that Government-Furnished Property is not delivered to the Contractor by such time or times as stated, in sufficient time to enable the Contractor to meet such delivery or performance dates under this contract, such event shall constitute an excuseable delay pursuant to the clause of this contract entitled "Excuseable Delays" and the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor, and make appropriate equitable adjustments to any contractual provisions affected by any such delay in accordance with the provisions of the clause of this contract entitled "Changes." In the event that Government-Furnished Property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, immediately upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return or otherwise dispose of such property, or (ii) effect repairs or modifications thereto. Upon completion of (i) or (ii) above, the Contracting Officer, upon timely written request of the Contractor, shall make appropriate equitable adjustments to any contractual provisions affected thereby in accordance with the provisions of the clause of this contract entitled "Changes." The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-Furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) *Title.* (1) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, the cost of which the Contractor is entitled to be reimbursed as a direct item of cost under this Contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is reimbursable to the Contractor under this contract, shall pass and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government in whole or in part, whichever first occurs. All Government-Furished Property, together with all property acquired by the Contractor title to which vests in the Government under this paragraph, are subject to the provisions of this clause and hereinafter collectively referred to as "Government Property."

(2) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(c) *Use of Government Property.* Government Property shall, unless otherwise provided herein or approved by the Contracting Officer, be used only for the performance of this contract.

(d) *Property management and control.* The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection, and preservation, control of, and accountability for, Government Property so as to assure its full availability and usefulness for the performance of this contract. The Contractor agrees to promptly receipt for all Government Property in a form and manner as prescribed by the Contracting Officer. The Contractor further agrees to take all reasonable steps to comply with all directions or instructions which the Contracting Officer may prescribe regarding the management and control of Government Property.

(e) *Risk of loss.* (1) The Contractor shall not be liable for any loss of or damage to Government Property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who have supervision or direction of (A) all or substantially all of the Contractor's operations at any one plant, laboratory or separate location in which this contract is being performed, or (B) a separate and complete major organization, industrial or otherwise, in connection with the performance of this contract;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers or other representatives mentioned in subparagraph (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection, and preservation of Government property as required by paragraph (d) hereof, or (B) to take all reasonable steps to comply with any appropriate written direction of the Contracting Officer under paragraph (d) hereof;

(iii) For which the Contractor is otherwise responsible under the express terms of this contract;

(iv) Which results from a risk expressly required to be insured under this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided*, That if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) If the Contractor transfers Government Property to the possession and control of a subcontractor, the transfer shall not affect the liability of the Contractor for loss or destruction of or damage to Government Property as set forth in (1), above. The Contractor shall require the subcontractor to assume the risk of and be responsible for any loss or destruction of or damage to Government Property while in the latter's possession or control, and the subcontract shall contain appropriate provisions requiring the return of all Government Property in as good condition as when received (except for reasonable wear and tear or for the utilization of the property in accordance with the provisions of this contract): *Provided, however*, That the subcontractor may be relieved from such liability only to the extent that the subcontract, with the prior approval of the Contracting Officer, so provides.

(3) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance or any provision for a reserve, covering the risk of loss of or damage to the Government Property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(4) Upon the happening of loss or destruction of or damage to the Government Property, the Contractor shall notify the Contracting Officer thereof, and shall take all reasonable steps to protect the Government Property from futher damage, separate the damaged and undamaged Government Property, put all the Government Property in the best order, and furnish the Contracting Officer a statement of (i) the lost, destroyed, and damaged Government Property, (ii) the time and origin of the loss, destruction, or damage, (iii) all known interests in commingled property of which the Government Property is a part, and (iv) the insurance, if any, covering any part of or interest in such commingled property. The Contractor shall make repairs and renovations of the damaged Government Property or take such other action, as the Contracting Officer directs.

(5) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government Property, it shall use the proceeds to repair, renovate or replace the Government Property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery. In addition, where a subcontractor has not been relieved from liability for any loss or destruction of or damage to Government Property, the Contractor shall enforce the liability of the subcontractor for such loss or destruction of or damage to the Government Property for the benefit of the Government.

(f) *Disposition of Government Property.* (1) During the period of performance of this contract, the Contractor shall promptly and regularly report to the Contracting Officer, in such form and manner as the Contracting Officer may direct, concerning the status of Government Property under the contract, including all Government Property in the Contractor's possession which is not in use or which is excess to the needs of the contract. The Contractor shall ma'.e such disposition of Government Property as the Contracting Officer may direct. The Contractor shall in no way be relieved of responsibility for Government Property without the prior written approval of the Contracting Officer.

(2) Upon completion or expiration of this contract, or at such earlier date as may be fixed by the Contracting Officer, the Contractor shall render an accounting, as prescribed by the Contracting Officer, of all Government Property which had come into the possession or custody of the Contractor under this contract. Such accounting shall include inventory schedules covering all items of Government Property not consumed in the performance of this contract, or not theretofore delivered to the Government, or for which the Contractor has not otherwise been relieved of responsibility. The Contractor shall deliver or make other disposition of Government Property covered in such inventory schedules as the Contracting Officer may direct.

(3) The net proceeds of any disposition of Government Property, in accordance with (1) and (2), above, shall be credited to the cost of the work covered by the contract or shall be paid in such manner as the Contracting Officer may direct.

(g) *Restoration of premises.* Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by removal of any Government Property.

12. CHANGES

The Contracting Officer may at any time, by a written order, and without notice to the sureties, if any, make changes, within the general scope of this contract, in any one or more of the following: (a) drawings, designs, or specifications; (b) method of shipment or packing; (c) place of inspection, delivery, or acceptance; and (d) the amount of Government-Furnished Property. If any such change causes an increase or decrease in the estimated cost of, or the time required for performance of this contract, or otherwise affects any other provisions of this contract, whether changed or not changed by any such order, an equitable adjustment shall be made (a) in the estimated cost or delivery schedule, or both, (b) in the amount of any fee to be paid to the Contractor, and (c) in such other provisions of the contract as may be so affected, and the contract shall be modified in writing accordingly. Any claim by the Contractor for adjustment under this clause must be asserted within thirty (30) days from the date of receipt by the Contractor of the notification of change: *Provided, however*, That the Contracting Officer, if he decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to final payment under this contract. Where the cost of property made obsolete or excess as a result of a change is included in the Contractor's claim for adjustment, the Contracting Officer shall have the right to prescribe the manner of disposition of such property. Failure to agree to any adjustment shall be a dispute concerning a question of fact within the meaning of the clause of this contract entitled "Disputes." However, nothing in this clause shall excuse the Contractor from proceeding with the contract as changed.

13. NOTICE TO THE GOVERNMENT OF DELAYS

Whenever the Contractor has knowledge that any actual or potential situation, including, but not limited to, labor disputes, is delaying or threatens to delay the timely performance of the work under this contract, the Contractor shall immediately give written notice thereof, including all relevant information with respect thereto, to the Contracting Officer.

14. EXCUSABLE DELAYS

(Text of this clause is set forth in FPR 1–8.708.)

15. TERMINATION FOR DEFAULT OF FOR CONVENIENCE OF THE GOVERNMENT

(Text of this clause is set forth in FPR 1–8.702.)

16. RIGHTS IN DATA

(a) *Subject Data.* As used in this clause, the term "Subject Data" means writings, sound recordings, pictorial reproductions, drawings, designs or other graphic representations, procedural manuals, forms, diagrams, workflow charts, equipment descriptions, data files and data processing or computer programs, and works of any similar nature (whether or not copyrighted or copyrightable) which are specified to be delivered under this contract. The term does not include financial reports, cost analyses, and similar information incidental to contract administration.

(b) *Government rights.* Subject only to the proviso of (c) below, the Government may use, duplicate or disclose in any manner and for any purpose whatsoever, and have or permit others to do so, all Subject Data delivered under this contract.

(c) *License to copyrighted data.* In addition to the Government rights as provided in (b) above, with respect to any subject data which may be copyrighted the Contractor agrees to and does hereby grant to the Government a royalty-free, nonexclusive and irrevocable license throughout the world to use, duplicate or dispose of such data in any manner and for any purpose whatsoever, and to have or permit others to do so: *Provided, however*, That such license

shall be only to the extent that the Contractor now has, or prior to completion or final settlement of this contract may acquire, the right to grant such license without becoming liable to pay compensation to others solely because of such grant.

(d) *Relation to patents.* Nothing contained in this clause shall imply a license to the Government under any patent or be construed as affecting the scope of any license or other right otherwise granted to the Government under any patent.

(e) *Marking and identification.* The Contractor shall mark all Subject Data with the number of this contract and the name and address of the contractor or subcontractor who generated the data. The Contractor shall not affix any restrictive markings upon any Subject Data, and if such markings are affixed, the Government shall have the right at any time to modify, remove, obliterate, or ignore any such markings.

(f) *Subcontractor data.* Whenever any Subject Data is to be obtained from a subcontractor under this contract, the Contractor shall use this same clause in the subcontract, without alteration, and no other clause shall be used to enlarge or diminish the Government's rights in that subcontractor Subject Data.

(g) *Deferred ordering and delivery of data.* The Government shall have the right to order, at any time during the performance of this contract, or within 2 years from either acceptance of all items (other than data) to be delivered under this contract or termination of this contract, whichever is later, any Subject Data and any data not called for in the schedule of this contract but generated in performance of the contract, and the Contractor shall promptly prepare and deliver such data as is ordered. The Government's right to use data delivered pursuant to this paragraph (g) shall be the same as the rights in Subject Data as provided in (b) above. The Contractor shall be relieved of the obligation to furnish data pertaining to an item obtained from a subcontractor upon the expiration of 2 years from the date he accepts such items. When data, other than Subject Data, is delivered pursuant to this paragraph (g), payment shall be made, by equitable adjustment or otherwise, for converting the data into the prescribed form, reproducing it or preparing it for delivery.

17. AUTHORIZATION AND CONSENT

The Government hereby gives its authorization and consent for all use and manufacture of any invention described in and covered by a patent of the United States in the performance of this contract or any part hereof or any amendment hereto or any subcontract hereunder (including any lower-tier subcontract).

18. NOTICE AND ASSISTANCE REGARDING PATENT AND COPYRIGHT INFRINGEMENT

(Text of this clause is set forth in FPR 1–7.101–13.)

19. REPORTING OF ROYALTIES

If this contract involves any royalty payments in excess of $250 or if the amount of any royalty payment in excess of $250 is reflected in the estimated cost, the Contractor shall report in writing to the Contracting Officer, as soon as practicable during the performance of this contract, the amount of any royalties paid or to be paid by it directly to others in connection with the performance of this contract, together with: (a) The names and addresses of licensors to whom such payments are made; (b) The patent numbers or patent application serial numbers (with filing dates) involved or other identification of the basis of such royalties; and (c) Information concerning the manner of computation of such royalties.

20. PATENT RIGHTS

(a) *Definitions.* As used in this clause, the term (1) "Invention" or "Invention or discovery" includes any art, machine, manufacture, design, or composition of matter, or any new and useful improvement thereof, or any variety of plant, which is or may be patentable under the Patent Laws of the United States; and (2) "Made," when used in relation to any invention or discovery, means the conception or first actual or constructive reduction to practice of such invention.

(b) *Disclosure.* Whenever an invention or discovery is made by the Contractor or its employees in the course of or under this contract, the Contractor shall immediately give the Contracting Officer written notice thereof and shall promptly thereafter furnish the Contracting Officer with complete information thereon, including as a minimum (1) a complete written disclosure of each such invention, and (2) information in writing, as soon as practicable, concerning the date and identity of any public use, sale, or publication of such invention made by or known to the Contractor.

(c) *Determination of rights.* The Secretary, or his duly authorized representative, shall have the sole and exclusive power to determine whether or not and where a patent application shall be filed and to determine the disposition of all rights in any invention made under this contract, including title to and rights under any patent application or patent which may issue thereon. The Secretary, or his duly authorized representative, may, upon the request of the Contractor, determine to exercise his option to waive rights to any such invention in foreign countries. The determination of the Secretary, or his duly authorized representative, on all these matters shall be accepted as final and the provisions of the clause of this contract entitled "Disputes" shall not apply. The Contractor agrees that it will, and warrants that all of its employees who may be the inventors of any such invention will, execute all documents and do all things necessary or proper to effectuate the determination of the Secretary, or his duly authorized representative, or to vest in the Government the rights granted to it under this clause and to enable the Government to apply for and prosecute any patent application, in any country, covering such invention where the Government has the right under this clause to file such application.

(d) *Contractor employees and subcontractors.* The Contractor shall:

(1) Obtain patent agreements to effectuate the provisions of this clause from all persons who perform any part of the work under this contract, except such clerical and manual labor personnel as will have no access to technical data.

(2) Insert in each subcontract having experimental, developmental or research work as one of its purposes, a provision making this clause applicable to the subcontractor and its employees.

(e) *Reports.* The Contractor shall furnish the Contracting Officer, in addition to the information called for in paragraph (b) of this clause:

(1) Interim reports on the first anniversary of the contract, where extended or renewed, and every year thereafter listing all inventions made during the period, whether or not previously reported, or certifying that no inventions were made during the applicable period; and

(2) A final report, prior to final settlement of this contract, listing all such inventions made in the course of or under this contract, including all those previously listed in interim reports, or certifying that there are no such unreported inventions.

(f) *Withholding payment for failure to comply.* At any time during the performance of this contract, the Contracting Officer may direct that payment be withheld in the amount of 10 percent of the total amount obligated by the Government with respect to this contract or $10,000, whichever is less, if the Contracting Officer determines that the Contractor has failed to furnish any of the written notices, disclosures, or reports required by paragraphs (b) and (e) above, until such time as the Contracting Officer determines that the Contractor shall have corrected such failure. The withholding of any amount, or subsequent payment thereof to the Contractor, or the failure to withhold any amount shall not be construed as a waiver of any rights accruing to the Government under the contract. This paragraph shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) *Acknowledgement.* With respect to any patent application on any invention made in the course of or under this contract, the Contractor shall incorporate in the first paragraph of the patent specification, and prominently in any patent issued thereon, the following statement:

"The invention described herein was made in the course of or under a contract with the U.S. Department of Health, Education, and Welfare."

21. PUBLICATION AND PUBLICITY

(a) Unless otherwise specified in this contract, the Contractor is encouraged to publish and make available through accepted channels the results of its work under this contract. A copy of each article submitted by the Contractor for publication shall be promptly sent to the Project Officer. The Contractor shall also inform the Project Officer when the article or other work is published and furnish a copy of it as finally published.

(b) The Contractor shall acknowledge the support of the Department of Health, Education, and Welfare whenever publicizing the work under this contract in any media. To effectuate the foregoing, the Contractor shall include in any publication resulting from work performed under this contract an acknowledgement substantially as follows:

"The work upon which this publication is based was performed pursuant to Contract (insert number) with the (insert name of constituent agency), Department of Health, Education, and Welfare."

22. KEY PERSONNEL

Where "key personnel" have been identified in this contract, it has been determined that such named personnel are necessary for the successful performance of this contract; and the Contractor agrees to assign such persons to the performance of the work under this contract, and shall not reassign or remove any of them without the consent of the Contracting Officer. Whenever, for any reason, one or more of the aforementioned personnel is unavailable for assignment for work under the contract, the Contractor shall immediately notify the Contracting Officer to that effect and shall, subject to the approval of the Contracting Officer without formal modification to the contract, replace such personnel with personnel of substantially equal ability and qualifications.

23. LITIGATION AND CLAIMS

The Contractor shall give the Contracting Officer immediate notice in writing of (a) any action, including any proceeding before an administrative agency, filed against the Contractor arising out of the performance of this contract, including, but not limited to, the performance of any subcontract hereunder; and (b) any claim against the Contractor the cost and expense of which is allowable under the clause entitled, "Allowable Cost and Fixed Fee." Except as otherwise directed by the Contracting Officer, the Contractor shall furnish immediately to the Contracting Officer copies of all pertinent papers received by the Contractor with respect to such action or claim. To the extent not in conflict with any applicable policy or insurance, the Contractor may, with the Contracting Officer's approval, settle any such action or claim. If required by the Contracting Officer, the Contractor shall (a) effect an assignment and subrogation in favor of the Government of all the Contractor's rights and claims (except those against the Government) arising out of any such action or claim against the Contractor; and (b) authorize representatives of the Government to settle or defend any such action or claim and to represent the Contractor in, or to take charge of, any action. If the settlement or defense of an action or claim is undertaken by the Government, the Contractor shall furnish all reasonable assistance in effecting a settlement or asserting a defense. Where an action against the Contractor is not covered by a policy of insurance, the Contractor shall, with the approval of the Contracting Officer, proceed with the defense of the action in good faith. The Government shall not be liable for the expense of defending any action to the extent that the Contractor would have been compensated by insurance which was required by law or regulation or by written direction of the Contracting Officer, but which the Contractor failed to secure through its own fault or negligence.

24. REQUIRED INSURANCE

(a) The Contractor shall procure and maintain such insurance as is required by law or regulation, including, but not limited to, the requirements of Subpart 1–10.5 of the Federal Procurement Regulations (41 CFR 1–10.5), or by the written direction of the Contracting Officer. Prior written approval of the Contracting Officer shall be required with respect to any insurance policy the premiums for which the Contractor proposes to treat as a direct cost under this contract and with respect to any proposed qualified program of self-insurance. The terms of any other insurance policy shall be submitted to the Contracting Officer for approval upon request.

(b) Unless otherwise authorized in writing by the Contracting Officer, the Contractor shall not procure or maintain for its own protection any insurance covering loss or destruction of or damage to Government Property.

25. OVERTIME

Unless otherwise provided in this contract, the Contractor shall not perform overtime work under or in connection with this contract for which premium compensation is required to be paid, without specific written approval from the Contracting Officer.

26. FOREIGN TRAVEL

Foreign travel shall not be performed without the prior written approval of the Contracting Officer. As used in this clause, "Foreign Travel" means travel outside the United States, its Territories and Possessions, and Canada.

27. QUESTIONNAIRES AND SURVEYS

In the event the performance of this contract involves the collection of information upon identical items from 10 or more persons, other than Federal employees, the Contractor shall obtain written approval from the Contracting Officer, prior to the use thereof, of any forms, schedules, questionnaires, survey plans or other documents, and any revisions thereto, intended to be used in such collection.

28. PRINTING

(a) *Printing prohibited.* Unless otherwise specified in this contract, the Contractor shall not engage in or subcontract for any printing in connection with the performance of work under this contract.

(b) *Printing defined.* (1) Subject to the provisions of subparagraph (2) below, as used in this clause the term "Printing" shall be construed to include and apply to:

(i) The processes of composition (including typesetting or preparation of final copy by any method used as a substitute for typesetting, or any method used in the production of printing or a printing plate), platemaking, presswork, and binding; and

(ii) Duplicating material by any method or device utilizing reusable contact negatives and/or positives prepared with a camera requiring a darkroom.

"Binding" means affixing by any method other than stapling or loose-leaf attachment.

(2) Printing does not include reproduction or duplication by use of:

(i) Flexowriters, automatic copy-processing machines, addressing machines, addressing and mailing machines, and similar single-unit devices; and

(ii) Stencils, masters, and plates, other than by such methods or devices described in (ii) of subparagraph (b) (1) above, of:

(A) 5,000 or less units of a single page item; or

(B) 25,000 or less total units of a multipage item; or,

(C) In the alternative, 225 copies or less of a single document.

29. SERVICES OF CONSULTANTS

(a) *Contractor employees excluded.* Notwithstanding the provisions of the clause of this contract entitled "Allowable Cost and Fixed-Fee" no employee of the Contractor may be reimbursed as a "consultant" under this contract.

(b) *Prior approval required.* Notwithstanding the provisions of the clause of this contract entitled "Subcontracting," the Contractor will not utilize the services of any consultant at a fee which exceeds a daily rate of $100, exclusive of actual travel costs, or where the aggregate of the fees, exclusive of actual travel costs, to be paid to such consultant for services under this contract will exceed $1,000 without the prior written approval of the Contracting Officer. The Contractor will verify that fees paid to any consultant whose services are utilized under this contract do not exceed the lowest fee charged by such consultant to others for performing consultant services of a similar nature; and the Contractor will furnish information to that effect to all cases requiring the prior written approval of the Contracting Officer.

30. CONSULTANT OR OTHER COMPARABLE EMPLOYMENT SERVICES OF CONTRACTOR EMPLOYEES

The Contractor shall require all employees who are receiving 50 percent or more of their regular annual compensation under the terms of this contract to disclose to the Contractor all consultant or other comparable employment services which the employees propose to undertake for others. The Contractor shall advise the Contracting Officer of all information obtained from such disclosures (which information shall be treated with confidentiality by the Contracting Officer); and shall advise the Contracting Office of the nature and extent of any work such employees are undertaking under any other contract the Contractor may be performing for the Department. With respect to any employee who will be employed on a full-time annual basis on the work under this contract, the Contractor will require, as a condition of his employment on such work, that the employee will not perform consultant or other comparable employment services for another contractor under a cost-reimbursement type contract with the Department, except with the prior approval of the Contractor who shall notify the Contracting Officer of such approval.

31. ASSIGNMENT OF CLAIMS

(Text of this clause is set forth in FPR 1–30.703.)

32. CONTRACT WORK HOURS STANDARDS ACT—OVERTIME COMPENSATION

(Text of this clause is set forth in FPR 1–12.303.)

33. WALSH-HEALEY PUBLIC CONTRACT ACT

(Text of this clause is set forth in FPR 1–12.605.)

34. EQUAL OPPORTUNITY

(Text of this clause is set forth in FPR 1–12.803–2.)

35. CONVICT LABOR

(Text of this clause is set forth in FPR 1–12.203.)

36. OFFICIALS NOT TO BENEFIT

(Text of this clause is set forth in FPR 1–7.101–19.)

37. COVENANT AGAINST CONTINGENT FEES

(Text of this clause is set forth in FPR 1–1.503.)

38. BUY AMERICAN ACT SUPPLY AND SERVICE CONTRACTS

(Text of this clause is set forth in FPR 1–6.104–5.)

39. UTILIZATION OF SMALL BUSINESS CONCERNS

(Text of this clause is set forth in FPR 1–1.710–3(a).)

40. UTILIZATION OF LABOR SURPLUS AREA CONCERNS

(Text of this clause is set forth in FPR 1–1.805–3(a).)

Dated: May 14, 1971.

NORMAN B. HOUSTON,
Deputy Assistant Secretary for Administration.

[FR Doc.71–7064 Filed 5–20–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 75]

[Airspace Docket No. 71–WA–16]

AREA HIGH ROUTES

Proposed Designation

The Federal Aviation Administration (FAA) is considering an amendment to Part 75 of the Federal Aviation Regulations that would designate area high routes in the United States.

Amendments to Parts 71 and 75 of the Federal Aviation Regulations were published in the FEDERAL REGISTER (35 F.R. 10653) which established regulatory bases for the designation of specific area high and low routes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received within 60 days after publication of this notice will be considered by the Administrator before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, SW., Washington, D. C. 20590. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The FAA proposes to amend Part 75 of the Federal Aviation Regulations by designating area high routes as follows:

J–926R DENVER, COLO., TO LOS ANGELES, CALIF.

Denver, Colo., 240° M/30 NM, lat. 39°42'46" N., long. 105°22'19" W.;
Gunnison, Colo., 322.5° M/37.8 NM, lat. 39°01'48" N., long. 107°21'42" W.;
Dove Creek, Colo., 320.5° M/35 NM, lat. 38°20'07" N., long. 109°14'58" W.;
Bryce Canyon, Utah, 168° M/35 NM, lat. 37°06'22" N., long. 112°20'29" W.;
Peach Springs, Ariz., 308.1° M/36.6 NM, lat. 36°06'47" N., long. 113°59'46" W.;
Hector, Calif., 254.2° M/117.1 NM, lat. 34°03'11" N., long. 117°11'48" W.

J–933R DALLAS, TEX., TO LOS ANGELES, CALIF.

Mineral Wells, Tex., 074.1° M/48.7 NM, lat. 32°49'10" N., long. 97°02'28" W.;
Mineral Wells, Tex., 329.5° M/81.2 NM, lat. 33°59'14" N., long. 98°35'35" W.;
Amarillo, Tex., 220.6° M/75.9 NM, lat. 34°29'42" N., long. 102°50'21" W.;
Las Vegas, N. Mex., 170° M/62.3 NM, lat. 34°37'10" N., long. 105°12'02" W.;
Gallup, N. Mex., 183° M/47 NM, lat. 34°43'28" N., long. 109°08'57" W.;
Gallup, N. Mex., 234° M/103.6 NM, lat. 34°48'42" N., long. 110°48'56" W.;
Prescott, Ariz., 335° M/15 NM, lat. 34°56'54" N., long. 112°32'15" W.;
Parker, Calif., 255.3° M/102.5 NM, lat. 34°05'40" N., long. 116°44'17" W.

J–971R SAN ANTONIO, TEX., TO DALLAS, TEX.

Austin, Tex., 248° M/40 NM, lat. 30°14'02" N., long. 98°26'56" W.;
Acton, Tex., 327.5° M/50.4 NM, lat. 32°26'04" N., long. 97°39'49" W.

J–972R DALLAS, TEX., TO SAN ANTONIO, TEX.

Mineral Wells, Tex., 140.6° M/73.7 NM, lat. 31°39'44" N., long. 97°16'08" W;
San Antonio, Tex., 032.6° M/59.6 NM, lat. 30°23'11" N., long. 97°41'56" W.

J–973R SEATTLE, WASH., TO SALT LAKE CITY, UTAH

Yakima, Wash., 283.9° M/72.5 NM, lat. 47°15'12" N., long. 121°53'53" W.;
Pendleton, Oreg., 200.7° M/6.8 NM, lat. 45°36'45" N., long. 119°02'30" W.;
Boise, Idaho, 023.8° M/11.6 NM, lat. 43°42'36" N., long. 116°03'35" W.;
Malad City, Idaho, 188.1° M/48.2 NM, lat. 41°28'18" N., long. 112°54'14" W.

J–974R WASHINGTON, D.C., TO LOS ANGELES, CALIF.

Front Royal, Va., 155.7° M/31.2 NM, lat. 38°38'28" N., long. 77°51'57" W.;
Charleston, W. Va., 077.5° M/76.1 NM, lat. 38°40'45" N., long. 80°12'31" W.;
Charleston, W. Va., 000.4° M/17 NM, lat. 38°37'60" N., long. 81°47'11" W.;
Louisville, Ky., 354° M/19.8 NM, lat. 38°25'58" N., long. 85°36'50" W.;
Farmington, Mo., 347.1° M/20.7 NM, lat. 38°00'54" N., long. 90°17'37" W.;
Butler, Mo., 162.5° M/46.9 NM, lat. 37°30'10" N., long. 94°18'35" W.;
Wichita, Kans., 158.7° M/42.6 NM, lat. 37°01'58" N., long. 97°15'53" W.;
Amarillo, Tex., 036.3° M/111.5 NM, lat. 36°32'14" N., long. 99°56'38" W.;
Las Vegas, N. Mex., 032.4° M/30.3 NM, lat. 36°00'45" N., long. 104°41'29" W.;
Gallup, N. Mex., VORTAC, lat. 35°28'34" N., long. 108°52'19" W.;
Prescott, Ariz., 345° M/15 NM, lat. 34°56'40" N., long. 112°33'30" W.;
Parker, Calif., 337.2° M/36.7 NM, lat. 34°42'34" N., long. 114°46'58" W.;
Ontario, Calif., 031.6° M/46.9 NM, lat. 34°27'17" N., long. 116°50'34" W.

J–975R DALLAS, TEX., TO EL PASO, TEX.

Acton, Tex., 327.6° M/50.4 NM, lat. 32°26'04" N., long. 97°39'49" W.;
San Angelo, Tex., 345.9° M/55 NM, lat. 32°17'28" N., long. 100°31'52" W.;
Fort Stockton, Tex., 343.6° M/63.4 NM, lat. 32°06'20" N., long. 103°06'05" W.;
El Paso, Tex., VORTAC, lat. 31°48'03" N., long. 106°17'17" W.

J–976R SEATTLE, WASH., TO MINNEAPOLIS, MINN.

Seattle, Wash., 005° M/20 NM, lat. 47°43'56" N., long. 122°05'03" W.;
Ephrata, Wash., 342.1° M/17 NM, lat. 47°39'42" N., long. 119°23'60" W.;
Mullan Pass, Idaho, VORTAC, lat. 47°27'25" N., long. 115°38'42" W.;
Great Falls, Mont., 165.3° M/5.2 NM, lat. 47°21'50" N., long. 111°25'15" W.;
Miles City, Mont., 352.2° M/37.2 NM, lat. 46°59'51" N., long. 105°50'24" W.;
Dupree, S. Dak., 357.4° M/86.6 NM, lat. 46°29'51" N., long. 101°20'11" W.;
Aberdeen, S. Dak., 002.9° M/37.9 NM, lat. 46°01'58" N., long. 98°09'59" W.;
Minneapolis, Minn., VORTAC, lat. 45°08'45" N., long. 93°22'23" W.

J–977R PORTLAND, OREG., TO CHICAGO, ILL.

Yakima, Wash., 220.9° M/102.2 NM, lat. 45°44'53" N., long. 122°35'25" W.;
McCall, Idaho, 340.4° M/67.7 NM, lat. 45°53'43" N., long. 116°12'05" W.;
Dillon, Mont., 344.6° M/35 NM, lat. 45°49'58" N., long. 112°30'32" W.;
Billings, Mont., 167.8° M/10.1 NM, lat. 45°38'29" N., long. 108°38'39" W.;
Miles City, Mont., 179.1° M/58 NM, lat. 45°26'40" N., long. 106°17'16" W.;
Rapid City, S. Dak., 356° M/69.3 NM, lat. 45°06'59" N., long. 102°45'08" W.;
Aberdeen, S. Dak., 182.3° M/52.7 NM, lat. 44°33'32" N., long. 98°37'56" W.;
Aberdeen, S. Dak., 116.8° M/127.7 NM, lat. 44°07'06" N., long. 96°00'04" W.;
Dubuque, Iowa, 91.3° M/107.2 NM, lat. 42°12'39" N., long. 88°18'52" W.

J–978R CHICAGO, ILL., TO PORTLAND, OREG.

O'Hare, Ill., VORTAC, lat. 41°59'16" N., long. 87°54'17" W.;
Dubuque, Iowa, 248° M/73 NM, lat. 42°00'53" N., long. 92°15'40" W.;
Fort Dodge, Iowa, 314° M/117.3 NM, lat. 44°07'06" N., long. 96°00'04" W.;
Aberdeen, S. Dak., 182.3° M/52.7 NM, lat. 44°33'32" N., long. 98°37'56" W.;
Rapid City, S. Dak., 356° M/69.3 NM, lat. 45°06'59" N., long. 102°45'08" W.;
Miles City, Mont., 179.1° M/58 NM, lat. 45°26'40" N., long. 106°17'16" W.;
Billings, Mont., 167.8° M/10.1 NM, lat. 45°38'29" N., long. 108°38'38" W.;
Dillon, Mont., 344.6° M/35 NM, lat. 45°49'58" N., long. 112°30'32" W.;
McCall, Idaho, 340.4° M/67.7 NM, lat. 45°53'43" N., long. 116°12'05" W.;
Yakima, Wash., 220.9° M/102.2 NM, lat. 45°44'53" N., long. 122°35'25" W.

J–979R DALLAS, TEX., TO PHOENIX, ARIZ.

Acton, Tex., 327.6° M/50.4 NM, lat. 32°26'04" N., long. 97°39'49" W.;
San Angelo, Tex., 346.3° M/55.8 NM, lat. 32°18'20" N., long. 100°31'34" W.;
Fort Stockton, Tex., 010° M/79.1 NM, lat. 32°11'04" N., long. 102°25'04" W.;
El Paso, Tex., 049° M/42 NM, lat. 32°08'20" N., long. 105°34'01" W.;
El Paso, Tex., 300° M/40 NM, lat. 32°14'48" N., long. 106°52'20" W.;
San Simon, Ariz., 002.7° M/32.9 NM, lat. 32°47'55" N., long. 109°05'11" W.;
Gila Bend, Ariz., 040.1° M/48.7 NM, lat. 33°25'53" N., long. 111°53'17" W.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on May 14, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71–7060 Filed 5–20–71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19161; RM–1528, RM–1540]

FM BROADCAST STATIONS

Table of Assignments; Order Extending Time for Filing Comments and Reply Comments

In the matter of amendment of § 73.202(b) of the Commission's rules, the FM Table of Assignments (West Allis, Berlin, Hartford, Neenah-Menasha, Shawano, Watertown and Waupun, Wis., and Escanaba, Mich.; Coal City, Dwight or Marseilles, Ill.; St. Charles and St. Louis, Mo.; Muncie, Ind., and Celina, Fostoria, and Lima, Ohio; Anamosa and Iowa City, Iowa; Terrell and Corsicana, Tex.; Sullivan, Bedford, and Paoli, Ind.; Orangeburg, S.C.; Danville, Ind.; Decatur or Paris, Ill.; Manning and Kingstree, S.C.); Docket No. 19161; RM–1476, RM–1489, RM–1523, RM–1524, RM–1528, RM–1540, RM–1552, RM–1554, RM–1559, RM–1561, RM–1563, RM–1566, RM–1571, RM–1626, RM–1660.

1. This proceeding was begun by notice of proposed rule making (FCC 71-192) adopted February 24, 1971, released March 1, 1971 and published in the FEDERAL REGISTER, March 3, 1971, 36 F.R. 4064. The dates presently designated for filing comments and reply comments are May 13 and May 24, 1971, respectively.

2. Eliot A. Keller, individually and acting on behalf of others, has filed a petition to extend the time for filing comments in RM-1540 to and including May 26, 1971. In support thereof, it is stated that Mr. Keller and others are in the process of forming a new Corporation Communicators, Inc., for the purpose of applying for a construction permit for a new FM station on Channel 230 at Iowa City, Iowa, which is the subject of RM-1540; that it is therefore essential that petitioner have an opportunity to comment in that proceeding; that petitioner only recently became aware of the pendency of this proceeding; and, although it acted with dispatch thereafter in obtaining legal and engineering counsel to prepare comments, petitioner needs additional time in which to file comments.

3. The Latin American Corp. has filed a petition requesting that the time for filing comments and reply comments in RM-1476 and RM-1528 be extended to May 27, 1971, and June 7, 1971, respectively. Petitioner states that it wishes to obtain an FM channel in Milwaukee or elsewhere in southeastern Wisconsin for use by a station serving the particular needs and interest of the area, with specific reference to the Spanish speaking residents and migrant workers. It also says that Channel 285A, proposed for assignment to Hartford and to West Allis in RM-1528 and RM-1476, respectively, appears to be the only channel which can be assigned to serve the aforementioned area, and requests the additional time in which to prepare comments.

4. It appears that the requested extensions of time are warranted and would serve the public interest. *Accordingly, it is ordered*, That the petitions for extension of time filed by Eliot A. Keller and by the Latin American Corp. are granted, and that the time for filing comments and reply comments in RM-1540 and RM-1528, only, are extended to and including May 27, 1971 and June 9, 1971.

5. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281(d)(8) of the Commission's rules.

Adopted: May 13, 1971.

Released: May 17, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71-7106 Filed 5-20-71;8:50 am]

FEDERAL MARITIME COMMISSION

[46 CFR Part 543]

[Docket No. 71-22]

SCHEDULE OF FEES AND CHARGES

Further Enlargement of Time to Comment

MAY 18, 1971.

Notice is hereby given that time within which views or comments may be submitted in response to the notice of proposed rule making in this proceeding (March 20, 1971; 36 F.R. 5369) is enlarged to and including June 7, 1971.

Comments should be filed with the Secretary, Federal Maritime Commission, Washington, D.C. 20573, and should be submitted in an original with 15 copies.

All suggestions for changes in text of the proposed rules should be accompanied by drafts of the language thought necessary to accomplish the desired change.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7123 Filed 5-20-71;8:51 am]

FEDERAL TRADE COMMISSION

[16 CFR Part 240]

GUIDES FOR ADVERTISING ALLOWANCES AND OTHER MERCHANDISING PAYMENTS AND SERVICES

Notice of Extension of Time for Filing Written Comments

The Commission published proposed amendments to the Guides for Advertising Allowances and other Merchandising Payments and Services on April 6, 1971, 36 F.R. 6524.

Pursuant to requests received indicating a need for additional time in which to submit comments and views on the proposed amendments, the Commission has extended the time for filing written comments from May 21 to June 30, 1971.

Approved: May 19, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-7192 Filed 5-20-71;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-9173]

DEDUCTION FROM "NET CAPITAL" OF BROKERS AND DEALERS FOR FUNDS IN "SEGREGATED TRUST ACCOUNTS"

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to amend Rule 15c3-1 (17 CFR 240.15c3-1) (the "net capital" rule) under the Securities Exchange Act of 1934 (the "Act"). The net capital rule imposes specified financial responsibility requirements on brokers and dealers with the object of requiring a broker or dealer to have at all times sufficient liquid assets to cover current indebtedness.[1]

On April 28, 1971, the Commission published its proposals under the Investment Company Act of 1940 (Investment Company Act) for the adoption, among other provisions, of Rule 27d-1 (17 CFR 270.27d-1) which would provide that every depositor of or principal underwriter for a periodic payment plan certificate sold subject to section 27(d) or 27(f) of the Investment Company Act, or both, shall deposit and maintain funds in a "segregated trust account", in accordance with the provisions of Rule 27d-1 under the Investment Company Act. (Investment Company Act Release No. 6493, also published in the FEDERAL REGISTER for May 4, 1971 (36 F.R. 8319).) Those persons who are required to maintain such a segregated trust account are brokers and dealers who may be subject to the net capital rule. Accordingly, consideration must be given to the application of the requirements of Proposed Rule 27d-1, with respect to the computation of "aggregate indebtedness" and "net capital" under the net capital rule.

Any approach to this subject must take into account that any such broker or dealer will have to establish, maintain, and include in its books and records a liability reserve consisting of estimates based on actual experience in effecting refunds under sections 27(d) and 27(f) of the Investment Company Act. Such liability reserves would be established by brokers and dealers independent of the requirements of proposed Rule 27d-1 under the Investment Company Act of 1940 which requires a segregated trust account as the statutory reserve to satisfy the refund obligations of these sections.

On the subject of the computation of net capital, the following must be considered. To the extent that liability reserves have been established, maintained, and included in the books and records of the broker or dealer to reflect its estimate and experience pursuant to the refund requirement, such liability will be reflected in computing the net worth of the broker or dealer. It will accordingly serve to reduce net worth before the broker or dealer makes appropriate adjustments in accordance with the rule in the computation of net capital. Moreover, the amount on deposit in the segregated trust account would be available almost exclusively for the refunding of sales charges as provided for by sections 27(d) and 27(f) of the Investment Company Act and can be withdrawn from such account only as set forth in Proposed Rule 27d-1 under the Investment Company Act.[2] Within the context of the net capital rule, therefore, such funds, being restricted as to their use, are not readily convertible into cash, and would accordingly be ordinarily deducted from net worth in computing net capital.[3] However, in light of the fact that the liability reserves will have already been included in the reduction of net worth and, consequently, will have effected a corresponding reduction of net capital, it does not appear appropriate to require, as an additional deduction in the computation of net capital, the full amount of the segregated trust account; rather it would appear appropriate in the circumstances to provide for a deduction from net worth of only so much of the amount in the segregated trust account as exceeds the liability reserves which have been established, maintained, and included in the books and records of the broker or dealer. It is accordingly proposed that subparagraph (B) of Rule 15c3-1(c)(2) be amended to include such a provision.

With regard to the aggregate indebtedness of such a broker or dealer, the proposed amendments to Rule 15c3-1 would include a new subparagraph (J) of subsection (c)(1) of that rule which would exclude from aggregate indebtedness the amounts on deposit in the segregated trust account, but only to the extent that such amounts do not exceed the amount of liability reserve established and maintained to give effect to sections 27(d) and (f) of the Investment Company Act. This treatment would be consistent with similar deductions from aggregate indebtedness provided for in the rule in comparable situations.[4]

Commission action. The Commission proposes to amend paragraph (c) of § 240.15c3-1 of Chapter II of Title 17 of the Code of Federal Regulations, by adding a new subdivision (x) at the end of subparagraph (1), and by adding a new clause at the end of subdivision (ii) of subparagraph (2) thereof, and as so amended, said paragraph (c) would read as set forth below.

§ 240.15c3-1 Net capital requirements for brokers and dealers.

* * * * *

(c) Definitions: For the purpose of this section:

(1) * * *

(x) Amounts on deposit in a "segregated trust account" in accordance with § 270.27d-1 of this chapter, but only to the extent that such amounts do not exceed the liability reserves established and maintained for refunds of charges required by sections 27(d) and 27(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-27(d), 80a-27(f)).

(2) * * *

(ii) Deducting fixed assets and assets which cannot be readily converted into cash (less any indebtedness secured thereby) including, among other things, real estate; furniture and fixtures; exchange memberships; prepaid rent, insurance and expenses; good will; organization expenses; all unsecured advances and loans; customers' unsecured notes and accounts; deficits in customers' accounts, except in bona fide cash accounts within the meaning of section 4(c) of Regulation T of the Board of Governors of the Federal Reserve System (12 CFR 220.4(c)); and the funds on deposit in a "segregated trust account" in accordance with § 270.27d-1 of this chapter, but only to the extent that the amounts on deposit in such segregated trust account exceed the amount of liability reserves established and maintained for refunds of charges required by sections 27(d) and 27(f) of the Investment Company Act of 1940 (15 U.S.C. 80a-27(d), 80a-27(f)).

* * * * *

(Secs. 15(c)(3), 23(a), 48 Stat. 895, 901; secs. 3, 8, 49 Stat. 1377, 1379; sec. 2, 52 Stat. 1075, 15 U.S.C. 78o(c)(3), 78w(a); sec. 27, 54 Stat. 829; sec. 16, 84 Stat. 1424, 15 U.S.C. 80a-27)

All interested persons are invited to submit views and comments on the above proposal in writing to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 14, 1971. All such communications will be available for public inspection.

By the Commission, May 12, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7054 Filed 5-20-71;8:45 am]

[17 CFR Parts 249, 274]

[Releases Nos. 34-9169, IC-6514]

DISCLOSURE OF CHANGES IN ACCOUNTING FIRMS OR IN ACCOUNTING PRACTICES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its Form 8-K (17 CFR 249.308) under the Securities Exchange Act of 1934 (Exchange Act) and its Form N-1Q (17 CFR 274.106) under the Exchange Act and the Investment Company Act of 1940 (Investment Company Act).

Form 8-K is used for reporting pursuant to sections 13 and 15(d) of the Exchange Act, of certain specified events. A report on Form 8-K must be filed within 10 days after the end of any month in which any of the specified events occurs. Form N-1Q is used by management investment companies registered under the Investment Company Act for reporting, pursuant to section 30(b) of that Act and section 13 or 15(d) of the Exchange Act, of certain specified events. A report on Form N-1Q must be filed within 30 days after the end of any calendar quarter in which any of the specified events occurs.

The General Instructions to Form 8-K would be amended to require the filing of the same number of copies of reports on the form as are required for registration statements and reports on other forms. (That number of copies is already required by the General Instructions to Form N-1Q.)

Item 10(a) of Form 8-K presently calls for information with respect to any material revaluation of assets involving a writeup, writedown, or abandonment. It is proposed to expand the coverage of this item to require information, not only as to such revaluations, but also as to any material charge or credit of an unusual nature. This information would also be required by a new Item 9(b) of Form N-1Q, and the present item with that number would become Item 9(c).

A new Item 12 would be added to Form 8-K, and a new Item 10 to Form N-1Q, requiring information regarding the circumstances surrounding the replacement of the registrant's independent accountants by a new firm. The item would require the registrant to request the replaced firm to furnish to the Commission, and the registrant to file as an exhibit to the report, a letter setting forth the firm's understandings of the reasons for the change and indicating any problems encountered if the current year's audit had already begun by that firm. The disclosure made in answer to this item should be meaningful. If in any case it appears that the answer is unresponsive or inadequate, the Commission may call for a more explicit response.

A new Item 13 would be added to Form 8-K, and a new Item 11 to Form N-1Q, calling for information as to any changes in the accounting principles or practices followed by the registrant, or any change in the method of applying any such accounting principles or practices, which will materially affect the financial statements filed or to be filed with the Commission. The item would require that the registrant file as an exhibit to the report a letter from the independent accounting approving the change.

NOTE: The Commission is considering as an alternative whether any or all of the information called for by the proposed amendments to the items of Form 8-K should be reported on a quarterly basis on Form 10-Q (17 CFR 249.308a), with the fourth quarter reported in the annual report on Form 10-K (17 CFR 249.310). Another alternative being considered would be to require information concerning a change of accountants to be reported within 10 days of such change. The Commission is further considering whether the registrant's statement of the reason for a change of accountants and the letter from the former independent accountant should be made public or should be treated as nonpublic information. Interested persons are invited to submit comments on these matters. The Commission would not renotice the proposal for further comment if upon consideration of such comments it determines to adopt these proposals on a form as indicated above other than on Form 8-K or N-1Q.

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[1] Securities Exchange Act Release No. 8024 (Accounting Release No. 107) Part I, A, Introduction, also published in the FEDERAL REGISTER for January 25, 1967 (32 F.R. 856).

[2] Paragraph (g) of Proposed Rule 27d-1 under the Investment Company Act provides in substance that withdrawals are generally to be confined to the making of refunds to customers as provided for by sections 27(d) and 27(f) of the Investment Company Act.

[3] See Rule 15c3-1(c)(2)(B).

[4] See e.g. subparagraphs (G) and (F) of Rule 15c3-1(c)(1).

The text of the proposed amendments are set forth in Release 34-9169, copies of which have been filed as part of this document with the Office of the Federal Register. Additional copies of this release are available upon request at the Securities and Exchange Commission, Washington, D.C. 20549.

The proposed amendments to Form 8-K would be adopted pursuant to sections 13, 15(d), and 23(a) of the Exchange Act. The proposed amendments to Form N-1Q would be adopted pursuant to those sections of the Exchange Act and sections 30, 38, 45(a) of the Investment Company Act. All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to Charles J. Sheppe, Chief, Branch of Forms, Rules, Regulations and Legislative Matters, Division of Corporation Finance, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 14, 1971. All such communications should refer to Securities Exchange Act Release No. 9169, and they will be available for public inspection.

By the Commission, May 6, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7053 Filed 5-20-71;8:45 am]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[T.D. 71-133]

IMPORTED BALISONG KNIVES

Notice of Court Decision Regarding Admissibility

MAY 14, 1971.

In United States v. 1,044 Balisong Knives, Civil No. 70-110 (decided September 28, 1970), an action to condemn and forfeit imported Balisong knives of various blade lengths, the U.S. District Court for the District of Oregon found as fact that although a person with the requisite skill can rapidly open a Balisong knife with one hand, the knives do not have blades which open automatically by operation of inertia, gravity or both. The court's conclusion of law held that the defendant knives are not switchblade knives within the meaning of 15 U.S.C. 1241.

The Balisong knife, a design native to the Philippines, closes so that the blade is covered on each side and at the point by two metal guards attached to the base of the blade. When opened, the metal guards fold back to form a handle for the blade.

The Department of Justice, with the concurrence of the Department of the Treasury, determined that the facts of the case did not warrant Government appeal of the decision. However, pending further judicial interpretation of the Switchblade Knife Act, 15 U.S.C. 1241 et seq., relative to its application to Balisong knives, the Bureau holds to the opinion that imported Balisong knives are subject to Customs treatment as inadmissible to entry under that Act. The Department of Justice has communicated that it concurs.

Pending further judicial expression on the issue, the decision in the captioned litigation shall be limited to the merchandise which was the subject of the proceeding before the court in that case. Accordingly, all other importations of Balisong knives offered to entry shall remain subject to Customs detention and seizure under provisions of the Act and section 545, title 18, United States Code, as importations contrary to law, for disposition in accordance with section 618 of the Tariff Act of 1930 (19 U.S.C. 1618) and applicable Customs Regulations.

[SEAL] MYLES J. AMBROSE,
Commissioner of Customs.

[FR Doc.71-7073 Filed 5-20-71;8:47 am]

Internal Revenue Service

VICTOR BROOKS

Notice of Granting of Relief

Notice is hereby given that Victor Brooks, 161 York Street, Stoughton, MA 02072, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his convictions on July 3, 1942, in the Brockton District Court, Brockton, Mass.; on October 5, 1950, in the Stoughton District Court, Stoughton, Mass.; and, on October 21, 1960, in the Norfolk Superior Court, Dedham, Mass., of crimes punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Victor Brooks because of such convictions, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such convictions, it would be unlawful for Victor Brooks to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Victor Brooks' application and:

(1) I have found that the convictions were made upon charges which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the convictions and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Victor Brooks be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the convictions hereinabove described.

Signed at Washington, D.C., this 11th day of May 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner
of Internal Revenue.

[FR Doc.71-7074 Filed 5-20-71;8:47 am]

KYLES BUTTS

Notice of Granting of Relief

Notice is hereby given that Mr. Kyles Butts, 16531 Woodingham Drive, Detroit, MI 48221, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 18, 1928, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Kyles Butts because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Kyles Butts to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Kyles Butts' application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Kyles Butts be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-7075 Filed 5-20-71; 8:47 am]

BOOKER T. DARNELL

Notice of Granting of Relief

Notice is hereby given that Booker T. Darnell, 2481 Fullerton Street, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on July 1, 1937, in the Recorder's Court of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Booker T. Darnell because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Booker T. Darnell to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Booker T. Darnell's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Booker T. Darnell be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 11th day of May 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-7076 Filed 5-20-71;8:47 am]

SAMUEL JOSEPH GRAZIANO

Notice of Granting of Relief

Notice is hereby given that Samuel Joseph Graziano, Post Office Box 952, Hammond, LA 70401, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on December 6, 1968, in the U.S. District Court, Eastern District of Louisiana, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Samuel J. Graziano because of such conviction, to ship, transport or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Samuel J. Graziano to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Samuel J. Graziano's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered*, That Samuel J. Graziano be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C. this 12th day of May 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-7077 Filed 5-20-71;8:47 am]

EARL FISHER HOOD

Notice of Granting of Relief

Notice is hereby given that Earl Fisher Hood, 14578 Cloverlawn, Detroit, MI 48238, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 19, 1954, in the Recorders Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Earl F. Hood because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code, as a firearms or ammunition importer, manufacturer, dealer or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Earl F. Hood to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Earl F. Hood's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Earl F. Hood be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-7078 Filed 5-20-71;8:47 am]

LAMAR THEODORE STRATTON

Notice of Granting of Relief

Notice is hereby given that Lamar Theodore Stratton, Route 8, Box 45, Jacksonville, FL, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on April 6, 1960, in the U.S. District Court, Southern District of Florida, of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Lamar T. Stratton because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18,

United States Code, as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Lamar T. Stratton to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Lamar T. Stratton's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code, and delegated to me by 26 CFR 178.144: *It is ordered,* That Lamar T. Stratton be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 6th day of May 1971.

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

[FR Doc.71-7079 Filed 5-20-71;8:47 am]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1971 Among Producers Located in Guam and the Virgin Islands

CROSS REFERENCE: For documents issued jointly by the Department of Commerce and the Department of the Interior regarding allocation of duty-free quotas of watches and watch movements for the calendar year 1971 among producers located in Guam and the Virgin Islands, see F.R. Doc. 71-7080 and F.R. Doc. 71-7081, Department of Commerce, *infra*.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Docket No. SH-294]

MAINLAND CANE SUGAR AREA

Notice of Hearing on Proportionate Shares for 1972 Crop

Notice is hereby given that the Secretary of Agriculture, acting pursuant to the Sugar Act of 1948, as amended, is preparing to conduct a public hearing to receive views and recommendations from all interested persons on the need for establishing proportionate shares for the 1972 sugarcane crop in the Mainland Cane Sugar Area (Louisiana and Florida). The hearing will be conducted at the Rodeway Inn, Palafox and Cervantes Streets, Pensacola, FL, on June 9, 1971, beginning at 1:30 p.m., e.d.t.

In accordance with the provisions of paragraph (1), subsection (b) of section 302 of the Sugar Act of 1948, as amended, the Secretary must determine for each crop year whether the production of sugar from any crop of sugarcane in the area will, in the absence of proportionate shares, be greater than the quantity needed to enable the area to meet its quota and provide a normal carryover inventory, as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar from such crop normally would be marketed. Such determination may be made only after due notice and opportunity for an informal public hearing.

Views and recommendations are desired on all phases of the proportionate share program. They may be submitted in writing in triplicate, at the hearing, or may be mailed to the Director, Sugar Division, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, Washington, D.C. 20250, so as to be received not later than June 30, 1971. Interested persons will be given the opportunity at the hearing to appear and submit orally, data, views, and arguments in regard to the establishment of proportionate shares.

All written submissions made pursuant to this notice will be made available for public inspection at such times and places and in a manner convenient to the public business (7 CFR 1.27(b)).

Signed at Washington, D.C., on May 17, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71-7067 Filed 5-20-71;8:46 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1971 Among Producers Located in Guam

On November 18, 1970, the Departments of the Interior and Commerce published a joint notice announcing the formula to be used by the Departments in the allocation of 1971 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in Guam (35 F.R. 17750). This notice provided that annual quotas for calendar year 1971 would be allocated as soon as practicable after April 1, 1971, on the basis of the number of units assembled by each firm in Guam and entered by it duty-free into the customs territory of the United States during calendar year 1970, and the total dollar amount of wages subject to FICA taxes paid by such firm in Guam during calendar year 1970 to persons whose pay was attributable to its headnote 3(a) watch assembly operation. In making allocations under this formula, equal weight was assigned to production and shipment history and to wages subject to FICA taxes.

As a temporary measure, pending announcement of final statistics to be issued by the U.S. Tariff Commission on total apparent U.S. watch consumption during 1970 and the verification of data submitted in support of individual quota applications, initial 1971 calendar year quotas were allocated to eligible producers that had received duty-free watch quotas for calendar year 1970.

Representatives of the Departments visited each quota holder in Guam during March 1971 to verify the data submitted in support of individual quota applications. The verification indicated that firms had been generally accurate in reporting the number of units which were entered into the customs territory of the United States during calendar year 1970. However, there were some inconsistencies in reporting wages subject to FICA taxes paid during calendar year 1970 to persons whose pay was attributable to headnote 3(a) watch assembly operations in Guam. These inconsistencies were largely due to the inclusion of wages in excess of the maximum $7,800 taxable as FICA wages.

The number of watches and watch movements authorized for shipment on or after January 1, 1971 under initial quotas previously allocated by the Departments are to be applied against the following allocations which are issued for the full calendar year 1971. Adjustments have been made reflecting verification of the data submitted by individual applicants. The annual quotas announced herein are subject to possible reduction or revocation in the case of those firms which failed to enter into the customs territory of the United States at least 30 percent of their initial quota on or prior to April 1, 1971. Such firms will be notified in the near future of any action the Departments propose to take based on their failure to meet this requirement.

Name of firm	*Number of units*
1. Hallmark Watch Factory, Inc	61,479
2. Jun-Lau Watch Corp	23,172
3. Maro Watch Co., Inc	95,360
4. Phoenix Industries, Inc	25,150
5. Stratton Watch Corp	131,186
6. Westminster Time Corp	84,568

Assigned quotas may be adjusted at any time during this calendar year in the event it becomes apparent that shipments through December 31, 1971 by any firm will be less than 90 percent of the number of units allocated to it.

Dated: May 17, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, Department of Commerce.

ORME LEWIS, Jr.,
Acting Assistant Secretary for Public Land Management, Department of the Interior.

[FR Doc.71-7080 Filed 5-20-71;8:48 am]

WATCHES AND WATCH MOVEMENTS

Allocation of Duty-Free Quotas for Calendar Year 1971 Among Producers Located in the Virgin Islands

On November 18, 1970, the Departments of the Interior and Commerce published a joint notice announcing the formula to be used by the Departments in the allocation of 1971 calendar year quotas for duty-free entry into the customs territory of the United States of watches and watch movements assembled in the Virgin Islands (35 F.R. 17750). This notice provided that annual quotas for calendar year 1971 would be allocated as soon as practicable after April 1, 1971, on the basis of:

(1) The number of units assembled by each firm in the territory and entered by it duty-free into the customs territory of the United States during calendar year 1970;

(2) The total dollar amount of wages subject to FICA taxes paid by such firm in the territory during calendar year 1970 to persons whose pay was attributable to its headnote 3(a) watch assembly operation; and

(3) The total combined net dollar amount of income taxes, gross receipts taxes, trade and excise taxes, and customs duties (on imports into the territory of watch parts and watch components, attributable to its headnote 3(a) watch assembly operation) applicable to its calendar year 1970 headnote 3(a) watch assembly operation, irrespective of whether such taxes are partially or fully exempt by the territorial government.

In making allocations under this formula, an equal weight of 40 percent was assigned to production and shipment history, and to wages subject to FICA taxes; and a weight of 20 percent was assigned to the combined net dollar amount of the four above stated taxes applicable to calendar year 1970 headnote 3(a) watch assembly operations.

As a temporary measure, pending announcement of final statistics to be issued by the U.S. Tariff Commission on total apparent U.S. watch consumption during 1970 and the verification of data submitted in support of individual quota applications, initial 1971 calendar year quotas were allocated to eligible producers that had received duty-free watch quotas for calendar year 1970.

Representatives of the Departments visited each quota holder in the Virgin Islands during March and April 1971 to vertify the data submitted in support of individual quota applications. The vertification indicated that firms had been generally accurate in reporting the number of units which were entered into the customs territory of the United States during calendar year 1970. However, a number of errors and discrepancies were found on some applications in reporting either wages subject to FICA taxes paid during calendar year 1970 to persons whose pay was attributable to headnote 3(a) watch assembly operations in the territory, or the amount of income taxes, gross receipts taxes, trade and excise taxes, and customs duties applicable to calendar year 1970 headnote 3(a) watch assembly operations.

The number of watches and watch movements authorized for shipment on or after January 1, 1971 under initial quotas previously allocated by the Departments are to be applied against the following allocations which are issued for the full calendar year 1971. Adjustments have been made reflecting vertification of the data submitted by individual applicants. The annual quotas announced herein are subject to possible reduction or revocation in the case of those firms which failed to enter into the customs territory of the United States at least 30 percent of their initial quota on or prior to April 1, 1971. Such firms will be notified in the near future of any action the Departments propose to take based on their failure to meet this requirement.

Name of firm	*Number of units*
1. Admiral Time Inc	162,653
2. Antilles Industries, Inc	602,504
3. Atlantic Time Products Corp	698,023
4. Belair Time Corp	113,354
5. Belmont Industries	52,955
6. Master Time Co., Ltd	252,590
7. Quality Products Co., Inc	385,358
8. Roza Watch Corp	350,046
9. R. W. Summers Time Corp	143,221
10. Standard Time Co. (formerly Standard Time Corp.)	359,153
11. Sussex Watch Corp	103,915
12. TMX, Ltd. (formerly Virgo Corp.)	292,488
13. Unitime Corp	575,693
14. Virgiline Watch Co., Inc	18,894
15. Watches, Inc	230,528

The above allocations do not include 80,000 units tentatively set aside for new entrants, pursuant to section 4 of the rules for allocating the Virgin Islands watch quota for calendar year 1971, which were published by the Departments on November 18, 1970 (35 F.R. 17750).

Assigned quotas may be adjusted at any time during this calendar year in the event it becomes apparent that shipments through December 31, 1971 by any firm will be less than 90 percent of the number of units allocated to it.

Dated: May 17, 1971.

STANLEY NEHMER,
Deputy Assistant Secretary for Resources, Department of Commerce.

ORME LEWIS, Jr.,
Acting Assistant Secretary for Public Land Management, Department of the Interior.

[FR Doc.71-7081 Filed 5-20-71;8:48 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-71-108]

ADVERTISING GUIDELINES FOR FAIR HOUSING

Notice of Proposed Statement of Policy

In order to facilitate and promote compliance with the requirements of title VIII of the Civil Rights Act of 1968, and particularly section 804(c) thereof (42 U.S.C. 3601, 3604(c)) regarding advertising acts and practices, the Department of Housing and Urban Development has prepared guidelines to indicate materials, both graphic and written, that are appropriate for the preparation, publishing, and general use of advertising matter with respect to the sale or rental of a dwelling as defined by the Act. These guidelines, and an explanatory discussion of them, are set forth below in a proposed policy statement being issued by the Assistant Secretary for Equal Opportunity under authority delegated to him by the Secretary of Housing and Urban Development (35 F.R. 6877, April 30, 1970).

Interested persons are invited to submit such written comments and suggestions concerning the proposed statement as they may desire. Communications should identify the subject matter by the above title and should be submitted in triplicate to the Office of Equal Opportunity, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410. All communications received on or before June 21, 1971, will be considered before taking action on the proposal. The proposals contained in this notice may be changed in light of comments received. A copy of each submittal will be available for public inspection during business hours, both before and after the closing dates set forth above, in the HUD Information Center at the above address.

This document is issued pursuant to section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).

The proposed Statement of Policy reads as follows:

PUBLICATION GUIDELINES FOR COMPLIANCE WITH TITLE VIII OF THE CIVIL RIGHTS ACT OF 1968

POLICY STATEMENT

Section 804(c) of title VIII of the Civil Rights Act of 1968, 42 U.S.C. 3604(c), makes it unlawful to make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling (any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence by one or more families, and any vacant land which is offered for sale or lease for the construction or location thereof of any such building, structure, or portion thereof) that indicates any preference, limitation, or discrimination based on race, color, religion, or national origin, or an intention to make any such preference, limitation, or discrimination.

These advertising guidelines are being issued by the Assistant Secretary for Equal Opportunity who has been delegated the power vested in the Secretary of Housing and Urban Development with respect to the administration of title VIII of the Civil Rights Act of 1968, for the purpose of assisting the newspaper industry and all persons who use advertising to make, print, or publish or cause to be made, printed or published any classified or display advertisement with respect to the sale or rental of a dwelling to comply with these provisions of title VIII.

A. *The use of words, phrases, and sentences which control discriminatory response.* The following words, phrases, symbols, and forms are those most typically used in residential real estate advertising to convey either overt or tacit discriminatory intent. In considering a complaint under title VIII, the Assistant Secretary will normally consider the use of such words, phrases, symbols, and forms to indicate possible violation of the title and to establish a need for seeking resolution of the complaint, unless it is apparent from the context of their usage that discrimination within the meaning of the title is not involved.

1. *Words descriptive of dwelling, landlord, and tenant.* White private home; Colored home; Jewish home; Black man seeks apartment.

2. *Words indicative of race, color, religion, or national origin.* Negro, Hispano, Mexican, Indian, Oriental, Black, White, WASP, Hebrew Irish, Italian, European, etc.

3. *Catch words.* Restricted, ghetto, disadvantaged, and also words such as "private", and "traditional" when used in a discriminatory context.

4. *Symbols or logotypes.* Symbols or logotypes which imply or suggest race, color, religion, or national origin.

5. *Colloquialisms.* Locally accepted words or phrases which imply or suggest race, color, religion, or national origin.

6. *Directions (maps or written instructions).* Use of racially significant landmarks such as an existing black development (signal to Blacks) or existing development known for its exclusion of minorities (signal to Whites). Specific directions from racially significant areas.

B. *Use of human models.* The use of human models in photographs, drawings, or other graphic techniques indicating race, color, religion, or national origin may violate the provisions of the Act relating to discriminatory advertising. For example, if black models were used alone in display advertising, the possibility of discriminatory intent is immediately raised. The models, if used, should indicate to the general public that the housing is open and available to all persons regardless of race, color, religion, or national origin, and not for the exclusive use of one such group. If models are used in display advertisements the models should reasonably represent both blacks and whites and other appropriate minority groups in the community.

C. *Policy and practice guidelines.* The following guidelines are offered as suggested methods of assuring equal opportunity in real estate advertising. Conformance with these guidelines will be considered in evaluating compliance with title VIII in connection with investigations by the Assistant Secretary of advertising policies and practices under the title.

1. *Guideline for use of logotype or slogan.* All advertising of residential real estate for sale or rent can contain an Equal Housing Opportunities logotype or slogan as a means of educating the homeseeking public, particularly nonwhite buyers or renters, that the property is available to all persons irrespective of race, color, religion, or national origin. Table 1 (see appendix) indicates the suggested size of logotype that can be used. In all space advertising which is less than 4 column inches of a page in size, the EHO slogan can be used. The advertisement may be grouped with other advertisements under a caption which states that the housing is available to all without regard to race, color, religion, or national origin.

Table 2 (see appendix) contains copies of the suggested EHO logotype, statement and slogan.

2. *Guidelines for notification of Fair Housing Policy—*(a) *Employees.* All publishers of advertisements should provide a printed copy of their nondiscrimination policy to each employee and officer of the firm.

(b) *Clients.* All publishers of advertisements should post a copy of their nondiscrimination policy in a conspicuous place so that it is readily apparent to prospective advertisers and provide a copy to all firms and persons using their advertising services.

SAMUEL J. SIMMONS,
Assistant Secretary for Equal Opportunity.

APPENDIX

The following two tables may serve as a guide for the use of the Equal Housing Opportunities Logotype, Statement and Slogan for display advertising:

TABLE I

A simple formula can guide the real estate advertiser in using the Equal Housing Opportunities Logotype, Statement, or Slogan or a combination of these. If other logotypes are used in the advertisement, then the Equal Housing Opportunities Logotype should be of a size equal to the largest of the other logotypes; if no other logotypes are used, then the following guidelines can be used.

Approximate size of advertisement	Size of logotype (square inch)	Approximate point size of type to be used	
		Statement	Slogan
½ page or larger	2	Same as newspaper editorial matter.	(1)
¼ to ½ page	1	do	(1)
⅛ to ¼ page	½	do	(1)
4 column inches to ⅛ page.	½	(1)	(1)
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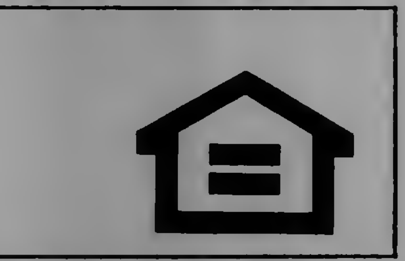
[1] Do not use.

TABLE II—ILLUSTRATIONS OF LOGOTYPE, STATEMENT AND SLOGAN

Equal Housing Opportunities Logotype:



Equal Housing Opportunities Statement: "We are pledged to the letter and spirit of U.S. policy for the achievement of equal housing opportunities throughout the Nation. We encourage and support an affirmative advertising and marketing program in which there are no barriers to obtaining housing because of race, color, religion, or national origin."

Equal Housing Opportunities Slogan: "EQUAL HOUSING OPPORTUNITIES"

[FR Doc.71-7034 Filed 5-20-71;8:45 am]

ADMINISTRATIVE OFFICER, OFFICE OF ASSISTANT SECRETARY FOR RESEARCH AND TECHNOLOGY

Designation as Termination Contracting Officer and Redelegation of Authority With Respect to Low-Income Housing Demonstration Program

SECTION A. *Designation.* The Administrative Officer, Office of the Assistant Secretary for Research and Technology is designated as Termination Contracting Officer for Low-Income Housing Demonstration grant contracts for which a final audit has been requested or received, or for which the grantee has given notice that no further work will be performed thereunder with respect to the Low-Income Housing Demonstration Program under section 207 of the Housing Act of 1961 (42 U.S.C. 1436).

SEC. B. *Redelegation of authority.* The Termination Contracting Officer is authorized to:

1. Execute grant contract amendments.
2. Approve requisitions for funds in connection with project close-outs, third party contracts and budget amendments.
3. Make determinations and findings with respect to grant contract terminations or settlement agreements.

SEC. C. *Termination of designation of authority.* The designation of authority of Termination Contracting Officer in section A is self-terminating as of the date of termination of all grant contracts made pursuant to the Low-Income Housing Demonstration Program under section 207 of the Housing Act of 1961 (42 U.S.C. 1436).

SEC. D. *Revocation.* The redelegation of authority by the Assistant Secretary for Research and Technology to the Director, Low-Income Housing Demonstration Program, published at 34 F.R. 8304, May 29, 1969, is hereby revoked, with respect to grant contracts for which an audit has been requested or received or for which notice has been given by the grantee that no further work will be done pursuant to the contract.

(Secretary's delegation to Assistant Secretary for Research and Technology, effective Mar. 1, 1971 (36 F.R. 5008, Mar. 18, 1971))

Effective date. This redelegation of authority shall be effective as of May 21, 1971.

HAROLD B. FINGER,
Assistant Secretary for Research and Technology.

[FR Doc.71-7120 Filed 5-20-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

AIR TRAFFIC CONTROL TOWER AT CUYAHOGA COUNTY AIRPORT, CLEVELAND, OHIO

Notice of Commissioning

Notice is hereby given that an Air Traffic Control Tower will be commissioned at Cuyahoga County Airport, Cleveland, Ohio, on or about May 16, 1971. It will provide for the safe and expeditious movement of terminal general aviation aircraft traffic. Communications to the Air Traffic Control Tower should be addressed as follows:

Chief, Air Traffic Control Tower, Department of Transportation, Federal Aviation Administration, Cuyahoga County Airport, 355 Richmond Road, Cleveland, OH 44124.

(Sec. 313(a), 72 Stat. 752; 49 U.S.C. 1354)

Issued in Des Plaines, Ill., on May 11, 1971.

LYLE K. BROWN,
Director, Great Lakes Region.

[FR Doc.71-7061 Filed 5-20-71;8:46 am]

National Transportation Safety Board

[Docket No. SA-424]

AIRCRAFT ACCIDENT AT ONTARIO, CALIF.

Notice of Investigation Hearing

In the matter of investigation of accident involving Western Air Lines, Inc., Boeing 720B, of U.S. Registry N3166, which occurred at Ontario, Calif., March 31, 1971.

Notice is hereby given that an Accident Investigation Hearing on the above matter will be held commencing at 9:30 a.m., P.d.t., on June 8, 1971, at the Hacienda Hotel, 525 North Sepulveda, El Segundo, CA.

Dated this 17th day of May 1971.

[SEAL] ROBERT L. ALLARD,
Senior Hearing Officer.

[FR Doc.71-7062 Filed 5-20-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

The Cincinnati Gas & Electric Co. (Cincinnati), Fourth and Main Streets, Cincinnati, OH 45202; Columbus & Southern Ohio Electric Co. (Columbus), 215 North Front Street, Columbus, OH 43215; and The Dayton Power & Light Co. (Dayton), 25 North Main Street, Dayton, OH 45401, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application dated April 6, 1970, for construction permits and facility licenses to authorize construction and operation of two single cycle, forced circulation, boiling water nuclear reactors on a site on the east shore of the Ohio River, just north of Moscow and about 24 miles southeast of Cincinnati, in Washington Township, Clermont County, Ohio. In a subsequent amendment to the application, dated December 15, 1970, the applicants amended the application to reflect a single unit.

The proposed reactor, designated by the applicants as the Wm. H. Zimmer Nuclear Power Station Unit 1 (Zimmer Station), is designed for initial operation at approximately 2,436 megawatts (thermal), with a net electrical output of approximately 807 megawatts.

Cincinnati, Columbus, and Dayton will share undivided ownership of the proposed Zimmer Station as tenants in common, and will share in the engineering and construction costs in proportion to their ownership interests as set forth in the application. Cincinnati, acting for itself and as agent for Columbus and Dayton, will have responsibility for the design, construction, and operation of Zimmer Station.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 21, 1971.

A copy of the application, including amendments, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Clermont County Library, Third and Broadway, Batavia, OH.

Dated at Bethesda, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-7039 Filed 5-20-71;8:45 am]

[Docket No. 50-366]

GEORGIA POWER CO.

Notice of Receipt of Application for Construction Permit and Facility License; Time for Submission of Views on Antitrust Matters

Georgia Power Co., 270 Peachtree Street NW., Atlanta, GA 30303, pursuant to the Atomic Energy Act of 1954, as amended, has filed an application dated July 24, 1970, for authorization to construct and operate a boiling water nuclear power reactor at the Edwin I. Hatch site on the south side of the Altamaha River in northwestern Appling County, about 11 miles north of Baxley, Ga.

The proposed reactor, designated by the applicant, as the Edwin I. Hatch Nuclear Plant Unit 2 is designated for initial operation at approximately 2,436 megawatts thermal with a gross electrical output of approximately 817 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after April 30, 1971.

A copy of the application and the amendments thereto are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and at the Office of the Appling County Commissioners, County Courthouse, Baxley, GA.

Dated at Bethesda, Md., this 17th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-5668 Filed 4-29-71;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Pennsylvania Power and Light Co., 901 Hamilton Street, Allentown, PA 18101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated March 23, 1971, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Salem Township, Luzerne County, Pa. The proposed site consists of 1,522 acres and is located on the west bank of the Susquehanna River, approximately 15 miles southwest of Wilkes-Barre, Pa.

Each unit of the proposed nuclear facility, designated by the applicant as the Susquehanna Steam Electric Station, Units 1 and 2, is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 7, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA.

Dated at Bethesda, Md., this 30th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6319 Filed 5-6-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23409]

AIR WEST

Notice of Application for Amendment of Certificate of Public Convenience and Necessity

MAY 17, 1971.

Notice of application for amendment of certificate of public convenience and necessity under Subpart M of Part 302 of the Board's procedural regulations.

Notice is hereby given that the Civil Aeronautics Board on May 17, 1971, received an application, Docket 23409, from Hughes Air Corp., doing business as Air West for amendment of its certificate of public convenience and necessity for route 76 to provide nonstop service between Phoenix, Ariz. and San Jose, Calif. The applicant requests that its application be processed under the expedited procedures set forth in Subpart M of Part 302 (14 CFR Part 302).

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7115 Filed 5-20-71;8:50 am]

[Docket No. 23406; Order 71-5-74]

EASTERN AIR LINES, INC.

Order of Suspension Regarding Proposed Round-Trip Youth Excursion Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 17th day of May 1971.

By tariff[1] marked to become effective June 1, 1971, Eastern Air Lines, Inc., (Eastern) proposes to establish round trip excursion fares for youths 12 through 21 years of age in the Boston-New York and New York-Washington Air Shuttle markets. The fares are 50 percent of the regular coach fare, require a minimum stay of 1 day and a maximum of 60 days, and are blacked out from 2:55 p.m. to 7:55 p.m. on Fridays and Sundays. The fares are marked to expire October 31, 1971.

In support of its proposal, Eastern alleges that it is continuing to lose youth-fare traffic to competing surface transportation modes, and that such traffic will not be recaptured until a competitive fare is offered. The carrier further asserts that 85 percent of the traffic in these markets is business-oriented travel and not price elastic, but that the ongoing recession and parental reluctance to spend suggests that youth traffic is at this point in time price sensitive. Eastern believes that because of this price sensitivity its fare discount should result in significant traffic generation.

American Airlines, Inc. (American), National Airlines, Inc. (National), and Northeast Airlines, Inc. (Northeast), have filed complaints against Eastern's proposal.[2] The complaints assert that there is no essential difference between Eastern's instant proposal and its youth-fare proposal filed several months ago which the Board suspended;[3] that the proposal is contrary to the Examiner's findings in the discount-fare phase of the Domestic Passenger-Fare Investigation, Docket 21866 (and is ill-timed in view of the pendency of a Board decision in that phase); and that the fare is substantially below cost.

In answer to the complaints Eastern, asserts that the proper basis for testing the reasonableness of this promotional fare is whether the additional revenue generated exceeds revenue diversion and the added cost of carrying the newly generated passengers. It alleges that no added cost is involved in carrying additional passengers on the Air Shuttle since the shuttle is a committed, nonreservation operation. Eastern further alleges that no one discount level is necessarily appropriate for all markets and that this is particularly true in the instant case because of the unique competitive problems involved, and the differences between Air Shuttle and normal reserved seat service.

Upon consideration of all relevant matters, the Board finds that the proposal may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful. There is no substantial difference between the proposed youth fares and those under consideration in Phase 5 (Discount Fares) of the Domestic Passenger-Fare Investigation,[4] and the instant proposal is within the scope of that investigation. We further conclude that the tariff in question should be suspended pending completion of Phase 5 of the ongoing passenger-fare investigation.

We are not convinced that fare levels 50 percent below regular fares are economically sound in these short-haul markets which we have found have higher-than-average cost levels due to airport and airway congestion. Earlier this year we found a very similar proposal by Eastern to be unacceptable and we do not find that the facts have changed to any discernible degree in the interim. Finally, we have some reservation regarding the merits of attempting to compete with surface transportation modes on the basis of price in relatively high-cost short-haul markets. As a general matter, we do not see that carriers gain by seeking to promote markets in which the traveler is apparently unwilling to pay a price which is reasonably related to the cost and inherent value of the service offered.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. Pending hearing and decision by the Board, Eastern Air Lines, Inc.'s CAB Nos. 333 and 342 and National Airlines, Inc.'s CAB Nos. 135 and 139 are suspended and their use deferred to and including August 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaints of American Airlines, Inc., in Docket 23346, National Airlines, Inc., in Docket 23353, and Northeast Airlines, Inc., in Docket 23337 are hereby dismissed; and

3. Copies of this order be filed with the aforesaid tariffs and be served upon American Airlines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., and Northeast Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[5]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7119 Filed 5-20-71;8:51 am]

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[1] Eastern Air Lines, Inc., Tariff CAB No. 342.

[2] National has filed a defensive tariff matching Eastern's proposal.

[3] Order 71-1-92.

[4] The fact that Eastern has filed the proposed fares in a new and separate tariff does not in our view remove such fares from the ambit of the Domestic Passenger-Fare Investigation.

[5] Dissenting statement of members Minetti and Murphy filed as part of original document.

[Docket No. 20993; Order 71-5-78]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 17, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates; Docket 20993, Agreement CAB 22332.[1]

By Order 71-4-109, dated April 16, 1971, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted by the 11th Meeting of the Joint Specific Commodity Rates Board. As it applies in air transportation, the subject portion of the agreement relates to transpacific commodity rate matters. Several specific commodity rates previously approved by the Board would be extended for a further period of effectiveness; the agreement also names a few rates under existing commodity descriptions, proposes several reduced rates under new commodity descriptions, and amends a few commodity descriptions.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-4-109 will herein be made final.

Accordingly, it is ordered, That:

The subject portion of Agreement CAB 22332 be and it hereby is approved; *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7118 Filed 5-20-71;8:51 am]

[Docket No. 23072]

LUFTVERKEHRSUNTERNEHMEN ATLANTIS A.G.

Notice of Hearing

Notice is hereby given pursuant to the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding is assigned to be held on July 13, 1971, at 10 a.m., e.d.s.t., in Room 805, Universal Building, Connecticut and Florida Avenues NW., Washington, DC, before the undersigned examiner.

Dated at Washington, D.C., May 17, 1971.

[SEAL] JOSEPH L. FITZMAURICE,
Hearing Examiner.

[FR Doc.71-7116 Filed 5-20-71;8:50 am]

[Docket No. 23040]

TAMPA-MEXICO CITY NONSTOP SERVICE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a hearing in the above-entitled proceeding will be held on May 25, 1971, at 10 a.m., e.d.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Richard M. Hartsock.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the prehearing conference report served on April 15, 1971, and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 17, 1971.

[SEAL] RICHARD M. HARTSOCK,
Hearing Examiner.

[FR Doc.71-7117 Filed 5-20-71; 8:50 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by executive assignment in the excepted service the position of Director, Bureau of Sport Fisheries and Wildlife.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7085 Filed 5-20-71;8:48 am]

DEPARTMENT OF THE INTERIOR

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by noncareer executive assignment in the excepted service the position of Assistant to the Commissioner—Geothermal Resources, Bureau of Reclamation, Office of the Commissioner.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7086 Filed 5-20-71;8:48 am]

DEPARTMENT OF THE TREASURY

Notice of Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of the Treasury to fill by noncareer executive assignment in the excepted service the position of Special Assistant to the Secretary (Secret Service), Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7087 Filed 5-20-71;8:48 am]

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

Notice of Grant of Authroity To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Inter-American Social Development Institute to fill by noncareer executive assignment in the excepted service the position of Deputy Director for Planning and Programing, Office of Operations.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7084 Filed 5-20-71;8:48 am]

PROGRAM ANALYST, NATIONAL INSTITUTES OF HEALTH

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. section 5723, the Civil Service Commission found a manpower shortage on April 23, 1971, for the single position of Program Analyst, GS-345-14, Division of Physician and Health Professions Education, Bureau of Health Manpower Education, National Institutes of Health, Bethesda, Md. The finding is self-canceling when the position is filled.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7088 Filed 5-20-71;8:48 am]

SUPERVISORY ELECTRONICS TECHNICIAN, DEPARTMENT OF THE ARMY

Manpower Shortage; Notice of Listing

Under the provisions of 5 U.S.C. sec. 5723, the Civil Service Commission found a manpower shortage on May 11, 1971, for the single position of Supervisory Electronics Technician, GS-856-12, Aupora Facility, Harry Diamond Laboratories, Department of the Army, Washington, D.C. The finding is self-canceling when the position is filed.

Assuming other legal requirements are met, an appointee to this position may be paid for the expense of travel and transportation to first post of duty.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7089 Filed 5-20-71;8:48 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 19224, 19225; FCC 71-498]

RADIO STATION WINI AND SUNSHINE BROADCASTING CORP.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of Ralph A. Dunn, James E. Dunn, Marion A. Dunn, and Dale W. Adkins, doing business as Radio Station WINI, Murphysboro, Ill., Docket No. 19224, File No. BPH-7250, requests: 104.9 mc., No. 285; 3 kw.; 120 feet; and Sunshine Broadcasting Corp., Murphysboro, Ill., Docket No. 19225, File No. BPH-7260, requests: 104.9 mc., No. 285; 2.44 kw.; 198.3 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application Radio Station WINI would require $19,200 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement applicant relies on cash on hand and aged accounts receivable, which equal $4,980 and partnership contributions of $5,000. It also relies on a loan from Dunn Enterprises but the ability to provide the loan has not been shown. Since the amounts available fall short of its needs, a financial issue will be specified.

3. Radio Station WINI proposes approximately two-thirds duplication of its companion AM station's programing while Sunshine Broadcasting proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

4. Section 73.210(a)(2) of the Commission's rules specifies that the main studio of an FM station is to be located within the community of license. It also provides that upon sufficient showing, it may be located at the FM transmitter site outside the community. Both applicants propose main studio locations at their transmitter sites which are outside the city limits of Murphysboro. The proposed main studio locations are convenient to Murphysboro and raise no possible question of de facto change in station location. Under these circumstances, we believe that adequate justification has been provided for use of the proposed studio locations if either of the applications is granted.

5. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

6. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Radio Station WINI has available the additional $9,220 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.
2. To determine which of the proposals would, on a comparative basis, better serve the public interest.
3. To determine in the light of the evidence adduced pursuant to the foregoing issues, which of the applications for construction permit should be granted.

7. *It is further ordered*, That, in the event of a grant of either application, the permittee shall be authorized to use the studio location here proposed which is outside the limits of Murphysboro, Ill.

8. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

9. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 5, 1971.

Released: May 12, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-7108 Filed 5-20-71;8:50 am]

[Dockets Nos. 19111, 19112; FCC 71R-144]

RANTOUL BROADCASTING CO. AND REGIONAL RADIO SERVICE

Order Amending Issues

In regard applications of Rantoul Broadcasting Co., Rantoul, Ill., Docket No. 19111, File No. BPH-7166; and William R. Brown and Donald R. Williams, doing business as Regional Radio Service, Rantoul, Ill., Docket No. 19112, File No. BPH-7243; for construction permits.

1. The Review Board having before it for consideration the motion to enlarge and delete issues, and the supplement thereto, filed on Januray 13, 1971, and February 17, 1971, respectively, by Regional Radio Service, and responsive pleadings thereto;

2. It appearing, that for reasons described in paragraph 9 of the Broadcast Bureau's comments filed on February 3, 1971, the motion should be granted to the extent that it requests deletion of Issue No. 2 (air menace issue), and that because of the pendency before the Hearing Examiner of the Joint Request for Approval of Agreement and Dismissal of Application (providing for dismissal of the application of Rantoul Broadcasting Co.), filed on March 19, 1971, by the above-captioned parties, it would be conducive to the orderly and efficient conduct of the Commission's business to conditionally dismiss the remainder of the motion, which requests enlargement of issues as to Rantoul Broadcasting Co.;

3. *Accordingly, it is ordered*, That the motion to enlarge, modify and delete issues, filed on January 13, 1971, by Regional Radio Service, is granted to the extent that Issue No. 2 herein is deleted, and is dismissed in all other respects conditional upon favorable action on the

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[1] Excluding matters relating to North Atlantic specific commodity rates.

[1] Commissioners Robert E. Lee and Wells absent.

pending request for approval of agreement and dismissal of the Rantoul Broadcasting Co. application.

Adopted: May 5, 1971.

Released: May 6, 1971.

Federal Communications Commission,[1]
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-7107 Filed 5-20-71;8:50 am]

[Dockets Nos. 19226-19229; FCC 71-516]

WABB, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In regard applications of WABB, Inc., Mobile Ala., Docket No. 19226, File No. BPH-7022, requests: 92.9 mc., No. 225; 100 kw.; 270 feet; Gospel Voice, Inc., Mobile, Ala., Docket No. 19227, File No. BPH-7100, requests: 92.9 mc., No. 225; 100 kw.(H); 100 kw.(V); 348.6 feet; Trio Broadcasters, Inc., Mobile Ala., Docket No. 19228, File No. BPH-7197, requests: 92.9 mc., No. 225; 100 kw.(H); 100 kw.(V); 469 feet; Hartzog Broadcasting, Inc., Mobile, Ala., Docket No. 19229, File No. BPH-7251, requests: 92.9 mc., No. 225; 100 kw.(H); 100 kw.(V); 373.8 feet; for construction permits.

1. The Commission has under consideration the above-captioned and described applications which are mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference.

2. According to its application, Gospel Voice would require $72,035 to construct and operate its proposed station for 1 year without reliance on revenues. To meet this requirement, applicant relies on sale of debentures and contributions, but no showing of the latter's availability has been provided. As to the sale of debentures, only $12,500 has thus far been realized. Accordingly, a financial issue will be specified.

3. In Suburban Broadcasters, 30 FCC 951 (1961), our Public Notice of August 22, 1968, FCC 68-847, 13 RR 2d 1903, City of Camden (WCAM), 18 FCC 2d 412 (1969), our Primer on Ascertainment of Community Problems by Broadcast Applicants, FCC 71-176, released February 23, 1971, we indicated that applicants were expected to provide full information on their awareness of and responsiveness to local community needs and interests. In this case, none of the applicants has satisfactorily provided the necessary data. WABB, Inc., has not provided a complete description of the community and has not shown that it has contacted a representative cross section of community leaders and members of the general public. In addition, it has failed to list the time, frequency and duration of the programs proposed in response to community problems. Gospel Voice has not shown that it has contacted a cross section of community leaders or any contacts at all with members of the public. It has also failed to show the time, frequency and duration of the programs it proposes in response to community problems or how the programs would be responsive to the problems. Trio Broadcasters has not provided a description of the community or, apparently, contacted any members of the general public. The programs it proposes do not have their times, frequencies or durations listed, nor is it clear how they would be responsive to community problems. Hartzog Broadcasting has not provided a description of the community so we are not able to tell whether it has contacted a representative cross section of leaders and members of the public. In all cases, the applicants have provided adequate comments from the individuals that have been contacted. Because of these matters, we are unable to determine whether any of the applicants are aware of and responsive to the needs of the area and as a result, Suburban issues are required.

4. Gospel Voice is a religiously oriented organization and proposes substantial amounts of religious programming. Since it has not indicated whether it would provide for the presentation of views by other religious groups, an issue on this matter will be specified.

5. All of the applicants except Gospel Voice propose substantial amounts of duplicated programing. Gospel Voice, however, proposes independent operation. Therefore, evidence regarding program duplication will be admissible under the standard comparative issue. When duplicated programing is proposed, the showing permitted under the standard comparative issue will be limited to evidence concerning the benefits and detriments to be derived from the proposed duplication, and a full comparison of the applicants' program proposals will not be permitted in the absence of a specific programing inquiry—Jones T. Sudbury, 8 FCC 2d 360, FCC 67-614 (1967).

6. A comparison of the programing proposals is warranted when one or more applicants propose predominantly specialized programing and the others, general market programing—Ward L. Jones, FCC 67-82 (1967); Policy Statement on Comparative Broadcast Hearings, 1 FCC 2d 393, footnote 9 at 397 (1965). Similar treatment is required when the applicants propose differing specialized programing. In this case, Gospel Voice proposes religiously oriented programing and Trio Broadcasters, Black oriented programing, while the other applicants would offer general market programing. Therefore, the need for specialized programing as against the need for general market programing, may be compared under the comparative issue.

7. Except as indicated by the issues specified below, the applicants are qualified to construct and operate as proposed. However, because the proposals are mutually exclusive, they must be designated for hearing in a consolidated proceeding on the issues specified below.

8. *It is ordered*, That, pursuant to section 309(e) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Gospel Voice has available the additional $59,535 required for construction and first-year operation of its proposed station without reliance on revenues to thus demonstrate its financial qualifications.

2. To determine the efforts made by WABB, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

3. To determine the efforts made by Gospel Voice, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

4. To determine the efforts made by Trio Broadcasters, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

5. To determine the efforts made by Hartzog Broadcasting, Inc., to ascertain the community needs and interests of the area to be served and the means by which the applicant proposes to meet those needs and interests.

6. To determine whether Gospel Voice would make time available for the presentation of views by other, including non-Christian, religious groups.

7. To determine which of the proposals would, on a comparative basis, best serve the public interest.

8. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications for construction permit should be granted.

9. *It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.221 (c) of the Commission's rules, in person or by attorney shall, within twenty (20) days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

10. *It is further ordered*, That the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: May 12, 1971.

Released: May 18, 1971.

Federal Communications Commission,[1]
[SEAL] Ben F. Waple,
Secretary.

[FR Doc.71-7109 Filed 5-20-71;8:50 am]

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[1] Review Board Member Nelson absent.

[Report 544]

COMMON CARRIER SERVICES INFORMATION [1a]

Domestic Public Radio Services Applications Accepted for Filing [2]

May 17, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30 (b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60 day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public raido services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

Applications Accepted for Filing

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File Number applicant, call sign, nature of application

6220-C2-ML-71—Whidbey Telephone Co. (KOP303), Modification of license to change base frequency from 35.62 MHz to 35.30 MHz located at 2.5 miles southwest of Langley, Wash.

6261-C2-P-71—Vegas Valley Associates, Inc. (New), C.P. for a new 1-way station to be located at 1111 Las Vegas Boulevard, Las Vegas, NV, to operate on frequency 158.70 MHz.

6262-C2-P-71—Colgan-Communications, Inc. (KLF585), C.P. to change the antenna system operating on 152.15 MHz and relocate facilities to Oak Street, 0.4 mile north of Route No. 6, Barnstable, Mass.

6313-C2-P-71—Air Page (KEC515), C.P. for additional facilities to operate on frequency 35.58 MHz at a new site described as location No. 2: Bald Mountain, 4 miles northeast of Troy, N.Y.

6314-C2-P-71—Central Telephone Co. (KOH273), C.P. to add frequency 152.69 MHz at station located at 5th and Carson Streets, Las Vegas, NV.

6315-C2-P-71—Radiofone (KLF616), C.P. to add frequencies 35.58 and 43.22 MHz at station located at O'Keefe and Howard Streets, New Orleans, LA.

6298-C2-AL-(2)71—Liberty Communications, Inc., Consent to assignment of license from Liberty Communications, Inc., Assignor to Phone Depots of Connecticut, Inc., doing business as Liberty Communications, Inc., Assignee. Stations: KCC485 Bridgeport, Conn., KCI310 Bridgeport, Conn. (1-way).

6320-C2-P-71—L. C. McCall (KIM900), C.P. to add frequency 152.21 MHz at location No. 1: Dug Gap Mountain, approximately 4 miles southwest of Dalton, Ga.

6321-C2-P-(2)71—Kidd's Communications, Inc. (KLF642), C.P. to add control facilities to operate on 75.66 MHz at location No. 2: 215 East 18th Street, Bakersfield, CA, and add a base channel to operate on 152.24 MHz at a new site described as location No. 3: Paleto Hill, Calif.

6322-C2-P-(6)71—Kidd's Communications, Inc. (KMA257), C.P. to add control facilities to operate on 75.62 and 75.68 MHz at location No. 2: 215 East 18th Street, Bakersfield, CA, and add base facilities to operate on 454.150 and 454.325 MHz and repeater facilities to operate on 72.10 and 72.20 MHz at location No. 4: Paleto Hill, Calif.

3024-C2-P-71—Charles L. Slocum (KGI770), C.P. to add frequency 454.275 MHz at location No. 1: 2.5 miles south of Corry, Pa., and facilities to operate on 152.06 MHz at a new site described as location No. 2: Coal Bed Road, Elk Township, 6 miles northeast of Warren, Pa.

6326-C2-P-71—Radio Paging Co. (New), C.P. for a new 1-way station to be located atop Monte Sano Mountain, Huntsville, Ala., to operate on 158.700 MHz.

6330-C2-AP/AL-(2)71—Mobilfone of Baton Rouge, Consent to assignment of license from Charles F. Read, doing business as Mobilfone of Baton Rouge, Assignor, to CFR Corp., Assignee. Stations: KKX707 Baton Rouge, La., KSV898 Baton Rouge, La. (1-way).

6331-C2-MP-71—Airsignal International of Pittsburgh, Pa., Inc. (KGA805), Modification C.P. to change frequency from 43.220 MHz to 325.220 MHz at location No. 1: 1715 Grandview Avenue, Pittsburgh, PA.

6332-C2-P-71—Southern Bell Telephone & Telegraph Co. (KIG298), C.P. to change the antenna system operating on 152.51 MHz located at the corner of North Elm and West Market Streets, Greensboro, NC.

RURAL RADIO SERVICE

6263-C1-P/L-71—Mountain States Telephone & Telegraph Co. (New), C.P. and license for a new rural subscriber station to be located at 29.8 miles west-northwest of Bill, Wyo., to operate on frequency 157.77 MHz communicating with station KPQ20, Casper, Wyo.

6264-C1-ML-71—Mountain States Telephone & Telegraph Co. (KPQ20), Modification of license to add point of communication: Continental Oil Co., Wyo. Frequency: 152.51 MHz.

6316-C1-P-71—Continental Telephone Company of California (New), C.P. for a new rural subscriber station to be located at 17 miles south of Boron, Calif., to operate on 157.80 MHz communicating with station KMN664 Boron, Calif.

6317-C1-P/L-71—Hawaiian Telephone Co. (New), C.P. and license for a new rural subscriber station to be located on Hana Highway, south of Hauoli Road, Hana, Hawaii, to operate on 157.92 MHz.

6405-C2-P-71—Hawaiian Telephone Co. (KUR91), C.P. to change the antenna system operating on 100.18 MHz located at 0.5 mile northwest of Hanamaulu, Kalepa, Hawaii.

6406-C1-P-71—Hawaiian Telephone Co. (KUR92), C.P. to change the antenna system operating on 82.93 MHz located at 6.3 miles east-southeast Waianae Post Office, Mauna Kapu-South, Honolulu, Hawaii.

6407-C1-P-71—Hawaiian Telephone Co. (KXR52), C.P. to change the antenna system operating on 107.14 and 101.74 MHz located at Kukuiolono, 0.9 mile south of Kalaheo, Hawaii.

6408-C1-P-71—Hawaiian Telephone Co. (KXR53), C.P. to change the antenna system operating on 78.18 and 87.18 MHz located at Mount Kaala, 4.3 miles south of Waialua, Oahu, Hawaii.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

The Ohio Bell Telephone Co., Thirteen (13) C.P. applications for additional channels.

6300-C1-P-71—The Ohio Bell Telephone Co. (KQN68), Add frequency 3930 MHz toward Baltic, Ohio. Station location: Brinker Road, 2 miles east-southeast of Navarre, Ohio.

6301-C1-P-71—The Ohio Bell Telephone Co. (KQN72), Add 3890 MHz toward Dresden and Navarre, Ohio. Station location: 3.4 miles east-southeast of Baltic, Ohio.

6302-C1-P-71—The Ohio Bell Telephone Co. (KQN73), Add frequency 3930 MHz toward Baltic and Brownsville, Ohio. Station location: 7.4 miles east-northeast of Dresden, Ohio.

6303-C1-P-71—The Ohio Bell Telephone Co. (KQN74), Add frequency 3890 MHz toward Dresden and Carroll, Ohio. Station location: County Road, 312, 2.9 miles north-northwest of Brownsville, Ohio.

6304-C1-P-71—The Ohio Bell Telephone Co. (KQN77), Add frequency 3930 MHz toward Brownsville and Sterling, Ohio. (Mt.) Station location: 2.8 miles southwest of Carroll, Ohio.

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[1] Commissioners Bartley, Robert E. Lee, and H. Rex Lee absent.

[1a] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6305–C1–P–71—The Ohio Bell Telephone Co. (KQN79), Add frequency 3890 MHz toward Carroll and Jamestown, Ohio. Station location: 4.8 miles northwest of Mt. Sterling, Ohio.
6306–C1–P–71—The Ohio Bell Telephone Co. (KQN80), Add frequency 3930 MHz toward Mt. Sterling and Springboro, Ohio. Station location: 3.9 miles east of Jamestown, Ohio.
6307–C1–P–71—The Ohio Bell Telephone Co. (KQN81), Add frequency 3890 MHz toward Jamestown, Ohio, and 6219.5 MHz and 11,445 MHz toward Roachester, Ohio. Station location: 2.8 miles northeast of Springboro, Ohio.
6308–C1–P–71—The Ohio Bell Telephone Co. (KQN82), C.P. to add frequencies 6056.4 and 5937.8 MHz toward Springfield, Ohio. Station location: 215 West Second Street, Dayton, OH.
6309–C1–P–71—The Ohio Bell Telephone Co. (KQN83), Add frequencies 5967.4 and 10995 MHz toward Springboro, Ohio, and 5982.3 and 10715 MHz toward Owensville, Ohio. Station location: 3.4 miles northeast of Rochester, Ohio.
6310–C1–P–71—The Ohio Bell Telephone Co. (KQO58), Add frequencies 6026.7 and 6145.3 MHz toward Columbus, Ohio, and 5962.3 and 6041.6 MHz toward Springfield, Ohio. Station location: 2 miles east-northeast of Catawba, Ohio.
6311–C1–P–71—The Ohio Bell Telephone Co. (KQO59), Add frequencies 6234.3 and 6293.6 MHz toward Catawba, Ohio, and 6308.4 and 6189.8 MHz toward Dayton, Ohio. Station location: 2.5 miles southwest of Springfield, Ohio.
6312–C1–P–71—The Ohio Bell Telephone Co. (KVI38), Add frequencies 6278.8 and 6397.4 MHz toward Catawba, Ohio. Station location: 111 North Fourth Street, Columbus, OH.
6318–C1–P–71—South Central Bell Telephone Co. (KLK84), C.P. to add frequencies 6226.9 and 6345.5 MHz toward New Iberia, La., a new point of communication. Station location: 530 South Buchanan Street, Lafayette, LA.
6319–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 201 Center Street, New Iberia, LA. Frequencies: 5974.8 and 6093.5 MHz toward Lafayette, La.
6324–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPV32), C.P. to add frequencies 6256.5 and 6375.2 MHz toward Twin Falls, Idaho. Station location: 4.5 miles east of Jerome, Idaho.
6325–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPT31), C.P. to add frequencies 6123.1 and 6004.5 MHz toward Flat Top Butte, Idaho. Station location: 121 Third Avenue East, Twin Falls, ID.
6333–C1–P/L–71—Eastern Nebraska Telephone Co. (KYO34), C.P. and License for Reinstatement of License. Station location: Carroll, Nebr. Frequency: 6004.5 MHz toward Norfolk, Nebr.
6394–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPX43), C.P. to add frequencies 6011.9 and 6130.5 MHz toward Moran, Wyo., Central Office Radio Terminal via passive reflector. Station location: 26 East Pearl Street, Jackson, WY.
6395–C1–P–71—The Mountain States Telephone & Telegraph Co. (New), C.P. to add frequencies 6264.0 and 6382.6 MHz toward Jackson Central Office Radio Terminal via passive reflector. Station location: Moran, 1200 feet east of the Jackson Lake Lodge, Wyo.
6396–C1–P–71—Illinois Bell Telephone Co. (WAD89), C.P. to add frequencies 5937.8 and 11,365 MHz toward St. Rose, Ill. Station location: 211 North Oak Street, Centralia, Ill.
6397–C1–P–71—Illinois Bell Telephone Co. (KVU30), C.P. to add frequencies 6177.5 and 10,915 MHz toward Centralia, Ill., and 6137.9 and 11,115 MHz toward Collinsville, Ill. Station location: 0.5 miles north-northwest of St. Rose, Ill.
6398–C1–P–71—Illinois Bell Telephone Co. (KVU31), C.P. to add frequencies 6330.7 and 11,565 MHz toward St. Rose, Ill. Station location: 203 Goethe Avenue, Collinsville, Ill.
6399–C1–P–71—American Telephone & Telegraph Co. (KEA77), C.P. to add frequency 3990 MHz toward Netcong, N.J., and 6004.5 MHz toward Hope, N.J. Station location: 0.8 mile north of Cherryville, N.J.
6400–C1–P–71—American Telephone & Telegraph Co. (KEM64), C.P. to add frequency 3950 MHz toward Cherryville, N.J. Station location: 2.6 miles south of Netcong, N.J.
6401–C1–P–71—American Telephone & Telegraph Co. (KTQ69), C.P. to add frequency 6256.5 MHz toward Cherryville and Colesville, N.J. Station location: 2 miles east of Hope, N.J.
6402–C1–P–71—American Telephone & Telegraph Co. (KEE60), C.P. to add frequency 6004.5 MHz toward Hope, N.J. Station location: 2.5 miles northwest of Colesville, N.J.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6411–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPH60), C.P. to add frequencies 10,875 and 11,115 MHz toward Missoula, Mont. Station location: Mount Sentinel, 3.5 miles southeast of Missoula, Mont.
6412–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPS61), C.P. to add frequency 11,325 and 11,565 MHz toward Sentinel, Mont. Station location: 201 North Pattee Street, Missoula, Mont.

Correction

5673–C1–P–71—Southwestern Bell Telephone Co. (KCL85), Correct applicant to read: New England Telephone and Telegraph Co. All other terms in exact accordance with Report No. 540, dated April 19, 1971.
5674–C1–P–71—Southwestern Bell Telephone Co. (KZI59), Correct applicant to read: New England Telephone and Telegraph Co. All other terms in exact accordance with Report No. 540, dated April 19, 1971.

Major Amendment

863–C1–P–71—Western Tele-Communications, Inc. (New), Major Amendment: Change frequencies to 6034.2 and 6152.8 MHz toward Bruin Point, Utah.
864–C1–P–71—Western Tele-Communications, Inc. (New), Change frequencies to 6286.2 and 6404.8 MHz toward Jones Ridge, Utah, and Roan Cliffs, Utah.
865–C1–P–71—Western Tele-Communications, Inc. (New), Change frequencies to 6004.5 and 5945.2 MHz toward Bruin Point, Utah, and to 6034.2 and 6152.8 MHz toward Grand Junction, Colo.
866–C1–P–71—Western Tele-Communications, Inc. (New), Change frequencies to 6286.2 and 6375.2 MHz toward Roan Cliffs, Utah. (All other particulars same as reported in Public Notice dated August 17, 1970.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (NON-TELEPHONE)

6238–C1–MP–71—Eastern Microwave, Inc. (KEL89), Modification of construction permit (6130–C1–P–70) to drop one additional channel (6181.5 MHz) of service to Walton, N.Y.

(INFORMATIVE: Applicant proposes to provide the television signal of station WOR–TV, New York, N.Y., to Walton Community Antenna System, Inc., in Walton, N.Y.)

6327–C1–ML–71—Andrews Tower Rentals, Inc. (KLN79), Modification of license to convert the standby channel to full time use on frequency 5934.5 MHz and correct equipment to Collins, Type 552A–1A. Location: Comanche, Tex.
6328–C1–ML–71—Andrews Tower Rentals, Inc. (KLN78), Modification of license to convert the standby channel to full time use on frequency 6009.5 MHz and correct equipment to Collins, Type 552A–1A.
6329–C1–ML–71—Andrews Tower Rentals, Inc. (KLP96), C.P. to add frequency 6034.2 MHz on azimuth 285°00′. Location: 1.9 miles west of Brownwood, Tex., at latitude 31°43′33″ N., longitude 99°00′54″ W.

(INFORMATIVE: Applicant proposes to provide the television signal of station KDTV of Dallas to Brownwood Television Cable Service, Inc., in Brownwood, Tex., and to Coleman TV Cable Co., Inc., in Coleman, Tex. The FM programing of KWXI–FM will also be delivered to Coleman, Tex. Applicant requests a waiver of section 21.701(i) with regard to the use of 6 GHz frequencies.)

6393–C1–MP–71—Western Telecommunications, Inc. (KPQ44), Modification of C.P. to add a point of communications at KFBB–TV in Great Falls, Mont. Frequency: 6182.5 MHz on azimuth 290°32′. Location: Highwood, 8.2 miles northeast of Raynesford, Mont., at latitude 47°22′25″ N., longitude 110°38′20″ W.

(INFORMATIVE: Applicant is rerouting a previously authorized service.)

Correction

6109–C1–MP–71—(KPJ37), Correct to add Applicant: Western Telecommunications, Inc. All other terms are in exact accordance with Report No. 543, dated May 10, 1971.
6110–C1–MP–71—(KEQ42), Correct to add Applicant: Western Telecommunications, Inc. All other terms are in exact accordance with Report No. 543, dated May 10, 1971.

Major Amendment

United Video, Inc. (New), Correct to add file Number 3936–C1–P–71, also correct State of station location and receive point to Nebraska. All other terms same as indicated in Report No. 543, dated May 10, 1971.
United Video, Inc. (New), Correct to add file Number 2204–C1–P–71. All other terms same as indicated in Report No. 543 dated May 10, 1971.

[FR Doc.71–7110 Filed 5–20–71;8:50 am]

FEDERAL MARITIME COMMISSION

[Docket No. 71–43 Special Permission No. 5341]

SEATRAIN LINES, INC.

General Increases in Rates in U.S. Atlantic and Puerto Rico Trade; First Supplemental Order

By the original order in this proceeding served April 22, 1971, the Commission placed under investigation a general rate increase of the subject carrier, and suspended to and including August 24, 1971, various supplements and revised pages to Tariffs FMC–F No. 1 and FMC–F No. 3. The Commission's order prohibits changes in tariff matter held in effect by reason of suspension, during the period of suspension, unless otherwise ordered by the Commission.

By Special Permission Application No. 211 authority is sought to depart from the terms of Rule 20(c) of Tariff Circular No. 3 and the terms of the Original Order in this proceeding to permit the filing, upon full statutory notice of 30 days, certain revised pages which will change tariff matter continued in effect by reason of suspension in this proceeding. Authority is further sought to obtain continuing special permission to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates and charges.

A full investigation of the matters involved in the application having been made, which application is hereby referred to and made a part hereof:

It is ordered, That:

1. Authority to depart from Rule 20(c) of Tariff Circular No. 3 and the terms of the order in Docket No. 71–43 to make the changes in rates and provisions as set forth in exhibits in Special Permission Application No. 211, said changes to become effective on full statutory notice. is hereby granted.

2. Authority is further granted to Seatrain Lines, Inc. to depart from the terms of Rule 20(c) of the Commission's Domestic Tariff Circular No. 3 and the terms of the original order in I & S Docket No. 71–43 to make changes in rates and provisions held in effect by reason of suspension in said docket, upon lawful notice, but only to the extent that such changes will result in a reduction in rates or charges, unless otherwise authorized by the Commission. This authority extends to and including August 24, 1971.

3. The authority granted hereby does not prejudice the right of this Commission to suspend any publications submitted pursuant thereto, either upon receipt of protest or upon the Commission's own motion under section 3 of the Intercoastal Shipping Act, 1933.

4. Publications issued and filed under this authority shall bear the following notation: "Issued under authority of First Supplemental Order in Docket No. 71–43 and Federal Maritime Commission Special Permission No. 5341."

5. This special permission does not modify any outstanding formal orders of the Commission except insofar as it allows the aforementioned changes and permits the statutory filing of reduced rates, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71–7124 Filed 5–20–71;8:51 am]

FEDERAL POWER COMMISSION

[Docket No. RP71–105]

COLORADO INTERSTATE GAS CO.

Order Providing for Hearing and Suspending Proposed Tariff Sheets

MAY 14, 1971.

Colorado Interstate Gas Co. (CIG) on March 31, 1971, filed a proposed Rate Schedule S–1, First Revised Volume No. 1, Original Sheets No. 21E and 21F, to be effective May 15, 1971. The Company filed the proposed tariff as an initial rate schedule providing a limited term firm service available only to the Company's G–1 and P–1 customers for resale to irrigation or seasonal industrial buyers from April 15 through October 15 of each year for a 3-year period. The S–1 sales would be firm during the months indicated and would be made at the rate of 26 cents per Mcf. CIG states that Rate Schedule S–1 as proposed will enable continuation of service to certain off-peak firm customers who have traditionally been served under Rate Schedule IS–2, in the past. Rate Schedule IS–2, which is an interruptible service, is currently available to all customers at 22.63 cents per Mcf. CIG indicates that little, if any, gas will be available under Schedule IS–2 once service is instituted under the proposed S–1 schedule.

Kansas-Nebraska Natural Gas Co. (Kansas-Nebraska) filed a petition to intervene on April 19, 1971, stating that CIG's proposed S–1 schedule is not an initial tariff but a tariff superseding IS–2 and that they are being unduly discriminated against in that they are not allowed to purchase under the proposed schedule. CIG responds that Schedule S–1 offers a firm as opposed to interruptible service and that it was not filed in place of IS–2. CIG further responds that Kansas-Nebraska's gas supply situation is superior to CIG's other customers and that since the proposed filing was an initial tariff it was not subject to suspension.

We are of the view that the proposed Schedule S–1 constitutes a change in offpeak service currently being provided under Schedule IS–2 and may also amount to a rate increase to those customers who have traditionally been served under IS–2. The filing and petition to intervene raise factual questions which require suspension and an evidentiary hearing as hereinafter provided.

The Commission finds:

(1) It is necessary and appropriate in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in CIG's proposed tariff, and that First Revised Volume No. 1, Original Sheets No. 21E and 21F be suspended, and the use thereof be deferred as herein provided.

(2) The participation of Kansas-Nebraska Natural Gas Co. in this proceeding may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations Under the Natural Gas Act (18 CFR Ch. I), a public hearing be held, upon a date to be fixed by notice from the Presiding Examiner in a hearing room of the Federal Power Commission. 441 G Street NW. Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in CIG's FPC Gas Tariff as proposed herein.

(B) Pending such hearing and decision thereon, CIG's tariff sheets, First Revised Volume No. 1, Original Sheets Nos. 21E and 21F, are hereby suspended and the use thereof deferred until October 15, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Pursuant to § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before the Presiding Examiner shall commence at 10 a.m. (e.d.t.), on July 31, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

(D) Kansas-Nebraska Natural Gas Co. is hereby permitted to intervene in the present proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervener shall be limited to matters affecting asserted rights and interest specifically set forth in the petition to intervene; *And provided, further*, That the admission of such intervener shall not be construed as recognition by the Commission that the said intervener might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7100 Filed 5-20-71;8:49 am]

[Docket No. RP71-116]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Existing Curtailment Procedures

MAY 14, 1971.

Take notice that on May 10, 1971, Granite State Gas Transmission, Inc. (Granite State) filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that it does not except in the near future to encounter any deficiency in the volumes of gas required to meet its customers' requirements.

Granite State avers that its existing FPC Gas Tariff on file with the Commission provides for curtailment of gas deliveries in the event such a program should be required for any reason. Original Sheet No. 32 of the General Terms and Conditions provides in section XVII that firm service shall have priority over all other services and that all interruptible service shall first be curtailed in the event demands for firm service shall exceed available supplies. Original Sheet No. 29 of the General Terms and Conditions states:

> *Proration of Impaired Deliveries.* If due to any cause whatsoever the capacity for deliveries from Seller's transmission line is impaired so that Seller is unable to deliver to Buyer the total volume of natural gas provided in the firm gas sales or transportation contract between Seller and Buyer, then Buyer shall be entitled to such proportion of the total impaired deliveries from such line as said total contract volume bears to the total quantities of gas delivered from such line (including deliveries into Seller's other lines and its compressor station) immediately prior to such impairment; provided, however, that service priority shall be granted for resale to residential and commercial customers and that any such apportionment of available gas shall be subject to the valid laws, orders, rules and regulations of duly constituted authorities having jurisdiction.

Third Revised Sheet No. 9 of Granite State's Rate Schedule I provides that interruptible service is "* * * subject to such curtailment or interruption as Seller, in its sole judgment, deems necessary."

Although Granite State's existing curtailment policy is on file with the Commission and is not expected to be implemented within the foreseeable future, any person desiring to be heard or to make any protest with respect to Granite State's existing tariff provisions governing curtailment of service should on or before June 7, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules and practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The report, pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7097 Filed 5-20-71;8:49 am]

[Docket No. CP71-89]

UNITED GAS PIPE LINE CO.

Order Fixing Date of Hearing, Granting Interventions, and Scheduling Dates for Receipt of Evidence

MAY 14, 1971.

On October 1, 1970, United Gas Pipe Line Co. (United) filed an application requesting the issuance of a certificate of public convenience and necessity, pursuant to section 7(c) of the Natural Gas Act (Act), authorizing it to continue operating certain facilities and to continue rendering certain services heretofore treated as local or intrastate in character, all as more fully described in the aforementioned application.

This Commission in its Opinion No. 401, issued on August 26, 1963, in the proceeding entitled United Gas Pipe Line Co., in Docket No. CP62-161, reported at 30 FPC 560, and its opinion denying rehearing, issued May 11, 1964, reported at 31 FPC 1152, held that United's sales in the Florida Parishes of Louisiana were made in interstate commerce and were subject to its jurisdiction. The Commission's order was subsequently affirmed on appeal, Louisiana Public Service Commission, et al. v. Federal Power Commission, et al., 359 F. 2d 525, cert. denied 385 U.S. 833 (1966).

United points out in its application that the issue giving rise to the Commission's Opinion No. 401 was the jurisdictional status of United's sales in the Florida Parishes. It further indicates that it makes additional sales and operates certain facilities that, under the reasoning of Opinion No. 401, would fall within the jurisdiction of the Federal Power Commission rather than under the jurisdiction of the States of Louisiana and Texas.

Petitions to intervene in this proceeding were timely filed by the following parties:

Party	*Date*
Texas Gas Transmission Corp	Nov. 5, 1970
Laclede Gas Co	Nov. 8, 1970
Gulf States Utilities Co	Nov. 6, 1970
Mid-Louisiana Gas Co	Nov. 6, 1970

The following petitions to intervene were filed after the closing date fixed for such petitions in the Notice of Application issued on October 15, 1970:

Party	*Date*
New York State Public Service Commission	Dec. 18, 1970
Louisiana Power & Light Co	Feb. 17, 1971
Louisiana Gas Service Co	Feb. 25, 1971
Monsanto Co	Mar. 15, 1971
National Gypsum Co	Mar. 15, 1971
Scott Paper Co	Mar. 15, 1971
Stauffer Chemical Co	Mar. 15, 1971
Shell Oil Co	Mar. 23, 1971
Mobile Gas Service Corp	Mar. 24, 1971
Mississippi Valley Gas Co	Mar. 24, 1971
Clarke-Mobile Counties Gas District	Mar. 24, 1971
Consolidated Gas Supply Corp	Mar. 30, 1971
Texas Eastern Transmission Corp	Apr. 2, 1971
United Gas, Inc	Apr. 6, 1971
Ohio Fuel Gas Co	Apr. 12, 1971
Manufacturers Light & Heat Co	Apr. 12, 1971
New Orleans Public Service, Inc	Apr. 16, 1971
Southern Natural Gas Co	Apr. 27, 1971

Notices of intervention were filed by the Louisiana Public Service Commission and the city of New Orleans on November 16, 1970, and April 29, 1971, respectively.

In the numerous petitions that were filed late by the noted petitioners seeking permission to intervene herein, it is generally alleged that they are currently participants in the hearing in the proceeding entitled United Gas Pipe Line Co. in Docket No. RP71-29, and it was through their participation in that hearing that they first became aware of the substantial impact that outcome of the instant certificate proceeding might have upon their operations. In addition, other petitioners allege that the Commission does not have jurisdiction over certain transactions that are reflected in United's application and that they intend to demonstrate that these transactions are beyond he Commission's jurisdiction under existing law. The Commission is of the opinion that the forementioned petitioners have shown good cause for their late filings.

The Commission will set this matter down for an early hearing in which it will require that resolution of the jurisdictional status of the facilities involved herein be accorded the highest order of priority, as well as whether the present and future public convenience and necessity requires permanent authorization of any or all of the deliveries, in whole or in part.

The Commission will therefore require that United serve its direct case on all parties to this proceeding on or before May 24, 1971, and that cross-examination thereon commence on June 7, 1971. Any answering testimony that any of the parties hereto desire to submit with respect to the above-mentioned direct presentation shall be served on all parties on or prior to June 7, 1971.

The Commission finds:

(1) It appears that the participation in this proceeding by all petitioners that have filed petitions to intervene may be in the public interest.

(2) It appears that it is in the public interest to set down the above-styled proceeding for formal hearing as expeditiously as possible.

The Commission orders:

(A) A hearing be convened in the proceeding entitled United Gas Pipeline Co., Docket No. CP71-89, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC., on June 7, 1971, at 10 a.m., e.d.s.t. The Chief Examiner will designate an appropriate officer of the Commission to preside at the formal hearing of these matters, pursuant to the Commission's Rules of Practice and Procedure.

(B) United Gas Pipeline Co., the applicant, is to serve its direct case on all of the parties to this proceeding on or before May 24, 1971, as heretofore indicated. Cross-examination is to commence on June 7, 1971.

(C) All parties desiring to submit testimony with respect to the direct case served upon them by United Gas Pipeline Co. shall serve their answering testimony upon all of the parties to this proceeding no later than June 7, 1971.

(D) Each of the above-mentioned petitioners is hereby permitted to intervene in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests specifically set forth in petitions to intervene: *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved by any order or orders entered in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7099 Filed 5-20-71;8:49 am]

FEDERAL RESERVE SYSTEM

COMMERCE BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Commerce Bancshares, Inc., Kansas City, Mo., for approval of acquisition of more than 80 percent of the voting shares of The Willard Bank, Willard, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Commerce Bancshares, Inc., Kansas City, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of more than 80 percent of the voting shares of The Willard Bank, Willard, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Finance of the State of Missouri, and requested his views and recommendation. The Commissioner indicated that he had no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 13, 1971 (36 F.R. 4917), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's Statement[1] of this date, that said application be and hereby is approved; *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[2] May 14, 1971.

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

[FR Doc.71-7051 Filed 5-20-71;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

NOTICE OF ESTABLISHMENT

Effective April 28, 1971, the Occupational Safety and Health Act, Public Law 91-596, 84 Stat. 1590 (hereinafter referred to as the Act), established the Occupational Safety and Health Review Commission. The Commission's function is to carry out adjudicatory functions under the Act. It is empowered to consider and decide enforcement actions initiated by the Secretary of Labor under the Act which are contested by employers, employees, or representatives of employees. The following functions, powers, and duties shall be exercised by the Occupational Safety and Health Review Commission:

(1) Conduct adjudicatory hearings in accordance with section 5 of the Administrative Procedures Act on actions initiated by the Secretary of Labor which are contested by employers or employees or employee representatives.

(2) Prescribe such rules as are necessary for the orderly transaction of its proceedings.

(3) Administer oaths and affirmations; order and hear testimony; require persons to appear to depose and to produce documentary evidence.

(4) Determine the appropriateness of proposed penalties and the reasonableness of the proposed periods of time fixed in citations for abatement of violations.

(5) Provide that all hearings and records of hearings be open to the public.

(6) Issue orders, based on findings of fact, affirming, modifying, or vacating the Secretary of Labor's citations, proposed penalties, or proposed time for abating violations.

(7) Assess all civil penalties provided in section 17 of the Act, giving due consideration to the appropriateness of penalties with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.

(8) File records of proceedings in U.S. Courts of Appeal when Commission cases are appealed to such Courts.

For the purpose of any proceeding before the Commission, the provisions of section 11 of the National Labor Relations Act (29 U.S.C. 161) are made applicable by the Act to the jurisdiction and powers of the Commission.

All communications on any matters covered by this notice should be directed to the Occupational Safety and Health Review Commission, 1825 K Street NW., Washington, DC 20006.

This order is effective April 28, 1971.

ROBERT D. MORAN,
Chairman, Occupational Safety and Health Review Commission.

[FR Doc.71-7114 Filed 5-20-71;8:51 am]

SECURITIES AND EXCHANGE COMMISSION

[811-2012]

FORTUNE CAPITAL FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

MAY 17, 1971.

Notice is hereby given that Fortune Capital Fund, Inc. (Applicant), 419 Park Avenue South, New York, NY 10016, a management open-end diversified investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein which are summarized below.

Applicant registered under the Act on January 26, 1970. Applicant represents that as of April 15, 1971, all of its outstanding securities are beneficially owned by 22 persons. Applicant also represents that it is not now making and does not propose to make any public offering of its securities.

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Kansas City. Dissenting Statement of Governor Robertson also filed as part of the record and available upon request.

[2] Voting for this action: Chairman Burns and Governors Daane, Maisel, and Sherrill. Voting against this action: Governor Robertson. Absent and not voting: Governors Mitchell and Brimmer.

Section 3(c)(1) of the Act excepts from the definition of an investment company any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not presently propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may not later than June 8, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter herein may be issued by the Commission upon the basis of the information stated in the application, unless an order for hearing upon said proposal shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7055 Filed 5-20-71;8:45 am]

[70-5023]

WEST PENN POWER CO.

Notice of Proposed Issue and Sale at Competitive Bidding of First Mortgage Bonds and Preferred Stock and Amendment of Charter

MAY 17, 1971.

Notice is hereby given that West Penn Power Co. (West Penn), an electric utility subsidiary company of Allegheny Power System, Inc., a registered holding company, has filed an application-declaration with this Commission, pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act and Rule 50 promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

West Penn proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, $40 million principal amount of its First Mortgage Bonds, Series Z, ______ percent due July 1, 2001. The interest rate of the bonds (which will be a multiple of one-eighth of 1 percent) and the price, exclusive of accrued interest, to be paid to West Penn (which will be not less than 100 percent nor more than 102¾ percent of the principal amount thereof) will be determined by the competitive bidding. The bonds will be issued under the indenture dated March 1, 1916, between West Penn and The Chase Manhattan Bank, as Trustee, as heretofore supplemented and as to be further supplemented by a supplemental indenture to be dated as of July 1, 1971, which includes a 5-year prohibition against redemption with or in anticipation of moneys borrowed at lower interest costs.

West Penn also proposes to issue and sell, subject to the competitive bidding requirements of Rule 50 under the Act, 100,000 shares of its $______ Preferred Stock, Series G, par value $100 per share. The dividend rate (which will be a multiple of 4 cents) and the price (exclusive of accrued dividends) to be paid to West Penn (which will be not less than $100 nor more than $102.75 per share) will be determined by the competitive bidding. In connection with the issue and sale of the preferred stock, West Penn proposes to amend its charter to increase the authorized number of shares of its preferred stock from 647,077 to 747,077.

The net proceeds realized from the sale of the bonds and the preferred stock will be used to finance, in part, the construction program of West Penn and its subsidiary companies, including payment of $45,500,000 of short-term notes incurred therefor. Construction expenditures for 1971 and 1972 are presently estimated at $91 million and $78 million, respectively.

It is stated that registration by the Pennsylvania Public Utility Commission of securities certificates with respect to the bonds and preferred stock is required for their issue and sale, that such securities certificates are being filed with that Commission, and that a copy of the order of that Commission will be filed by amendment. It is further stated that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

The fees and expenses to be incurred in connection with the transactions are estimated at $63,000 for the bonds and $29,000 for the preferred stock, including legal fees of $12,500 for the bonds and $7,500 for the preferred stock. The fees of counsel for the successful bidders, estimated at $10,500 with respect to the bonds and $7,000 with respect to the preferred stock, are to be paid by such bidders.

Notice is further given that any interested person may, not later than June 10, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant-declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7056 Filed 5-20-71;8:46 am]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 261; Special Permission No. 70-275]

TRANSPORTATION OF PROPERTY BETWEEN UNITED STATES AND FOREIGN COUNTRIES

Tariffs Containing Joint Rates and Through Routes

MAY 14, 1971.

In the matter of tariffs containing joint rates and through routes for the transportation of property between points in the United States and points in foreign countries.

On May 5, 1971, the Commission voted to grant requests for oral argument in the above captioned proceeding.

June 16, 1971, has been assigned as the date for oral argument. Parties desiring to participate in the argument must notify the Office of the Secretary in accordance with the provisions of rule 98(b) of the Commission's general rules of practice (49 CFR 1100.98(b)).

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7112 Filed 5-20-71;8:51 am]

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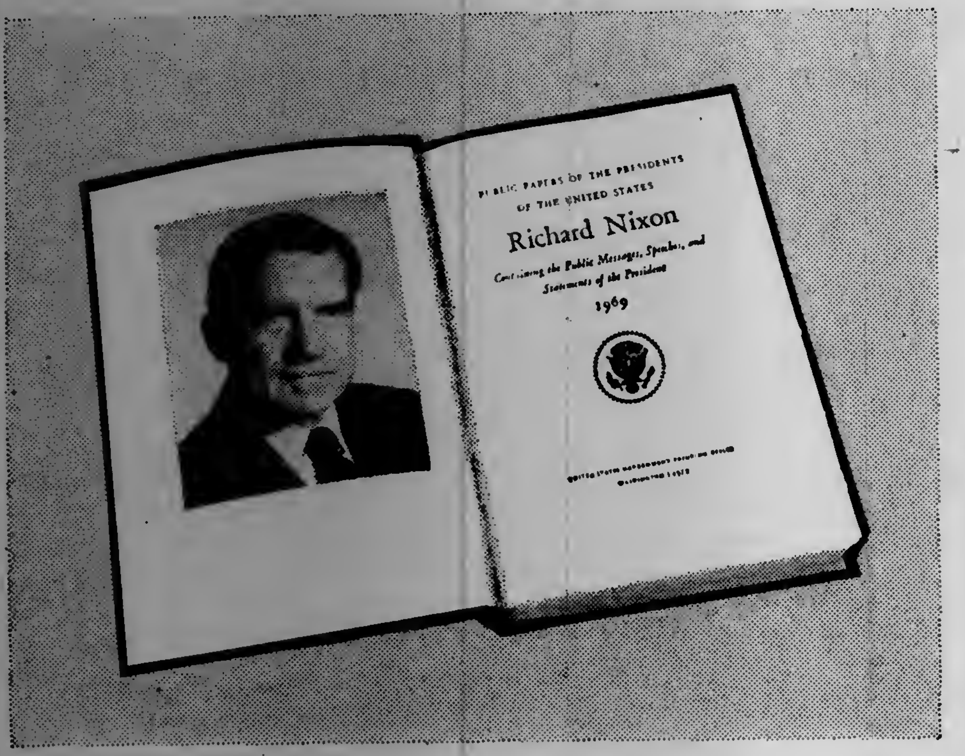
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[Valencia Orange Reg. 348, Amdt. 1]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; and this amendment relieves restriction on the handling of Valencia oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i), (ii), and (iii) of § 908.648 (Valencia Reg. 348, 36 F.R. 9774) during the period May 14, 1971, through May 21, 1971, are hereby amended to read as follows:

§ 908.648 Valencia Orange Regulation 348.

* * * * *

(b) * * *

(1) * * *

(i) District 1: 285,000 cartons;

(ii) District 2: 360,000 cartons;

(iii) District 3: 105,000 cartons.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 19, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7193 Filed 5-21-71;8:49 am]

[Lemon Reg. 481]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.781 Lemon Regulation 481.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 18, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 23, 1971, through May 29, 1971, are hereby fixed as follows:

(i) District 1: 1,000 Cartons;

(ii) District 2: 250,000 Cartons;

(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2;" "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 20, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7263 Filed 5-21-71;8:51 am]

PART 916—FRESH NECTARINES GROWN IN CALIFORNIA

Order Amending the Order Regulating Handling

§ 916.0 Findings and determinations.

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the order and of the previously issued amendment thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Fresno, Calif., on January 13, 1971, upon proposed amendments to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in the State of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said order, as amended and as hereby further amended, regulates the handling of nectarines grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of commercial or industrial activity specified in the marketing agreement and order upon which the hearing has been held;

(3) The said order, as amended and as hereby further amended, is limited in its application to the smallest regional production area that is practicable consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of nectarines grown in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of nectarines grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings*. It is hereby found, on the basis hereinafter indicated, that good cause exists for making the provisions of this amendatory order effective upon publication in the Federal Register and that it would be contrary to the public interest to postpone such effective time until 30 days after such publication (5 U.S.C. 553). The provisions of this order would authorize production research projects for nectarines. Shipment of nectarines will begin early in June. Therefore, this order should become effective as soon as practicable so that such research projects as may be indicated by the circumstances may be developed in accordance with such provisions. The provisions of this order are well known to producers and handlers. The hearing was held at Fresno, California, on January 13, 1971, and the recommended decision and final decision was re published in the Federal Register on March 3, 1971 (36 F.R. 4055), and April 3, 1971 (36 F.R. 6432), respectively. Copies of the text of the amended order have been made available to all known producers and handlers; the provisions of this order do not impose any restrictions on handlers until regulations in accordance therewith are issued; and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective time of such regulations.

(c) *Determinations*. It is hereby determined that:

(1) The "Marketing Agreement, as Amended, Regulating the Handling of Fresh Nectarines Grown in California," upon which the aforesaid public hearing was held, has been executed by handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the fruit covered by this order) who, during the period March 1, 1970, through October 31, 1970, handled not less than 50 percent of the volume of fresh nectarines covered by the said order as hereby amended; and

(2) The issuance of this order, amending the aforesaid amended order, is favored or approved by at least two-thirds of the producers who participated in a referendum on the question of its approval and who, during the determined representative period (March 1, 1970, through October 31, 1970) were engaged, within the production area specified in the aforesaid amended order, in the production for market of nectarines; such producers having also produced for market at least two thirds of the volume of nectarines represented in said referendum.

It is, therefore, ordered, That, on and after the effective date hereof, all handling of nectarines grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the said order, as amended and as hereby further amended as follows:

1. Section 916.21 *Term of office* is amended to read as follows:

§ 916.21 Term of office.

The term of office of each member and alternate member of the committee shall be for 2 years beginning on March 1 of an odd numbered year and ending on the last day of February of an odd numbered year. Members and alternate members shall serve in such capacities for the portion of the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

2. Paragraph (b)(1) of § 916.22 *Nomination* is revised to read as follows:

§ 916.22 Nomination.

* * * * *

(b) *Successor members*. (1) The committee shall hold or cause to be held, not later than February 15 of each odd numbered year, a meeting or meetings of growers in each district for the purpose of designating nominees for successor members and alternate members of the committee. These meetings shall be supervised by the committee which shall prescribe such procedure as shall be reasonable and fair to all persons concerned.

* * * * *

3. Paragraphs (a) and (b) of § 916.37 *Shippers' Advisory Committee* are revised to read as follows:

§ 916.37 Shippers' Advisory Committee.

(a) A Shippers' Advisory Committee, consisting of five members and their respective alternates who shall be handlers, or employees of handlers, selected by the handlers in accordance with the provisions of this section, is hereby established. The members and their respective alternates shall be selected biennially for a term ending on the last day of February of odd numbered years. An alternate member shall, in the event of the member's absence from a meeting of the committee, act in the place and stead of such member, and, in the event of a vacancy in the office of such member, shall act in the place and stead of such member until a successor for the unexpired term of such member has been selected.

(b) The members and alternate members of the Shippers' Advisory Committee shall be elected by handlers at a general meeting of all handlers and shall serve in such capacities during the marketing seasons subsequent to such election. Such meeting shall be supervised by the Nectarine Administrative Committee which may prescribe such rules and procedures as may be necessary to assure a membership representative of all shippers.

* * * * *

4. Section 916.45 *Marketing research and development* is amended to read as follows:

§ 916.45 Marketing research and development.

The committee, with the approval of the Secretary, may establish or provide for the establishment of production research, marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption or efficient production of nectarines. Such projects may provide for any form of marketing promotion including paid advertising. The expense of such projects shall be paid by funds collected pursuant to § 916.41.

5. Paragraph (e) of § 916.64 *Termination* is revised to read as follows:

§ 916.64 Termination.

* * * * *

(e) The Secretary shall conduct a referendum within the period beginning December 1, 1974, and ending February 15, 1975, to ascertain whether continuance of this part is favored by the growers. The Secretary shall conduct such referendum within the same period of every fourth fiscal period thereafter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 19, 1971, to become effective upon publication in the Federal Register (5–22–71).

Richard E. Lyng,
Assistant Secretary.

[FR Doc.71–7194 Filed 5–21–71;8:49 am]

[966.308 Amdt. 2]

PART 966—TOMATOES GROWN IN FLORIDA

Limitation of Shipments

Notice of rule making with respect to a proposed amendment to the limitation of shipments regulation, to be made effective under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), regulating the handling of tomatoes grown in the Florida production area, was published in the Federal Register of May 1, 1971 (36 F.R. 8262). Subsequently, it became apparent that shipments of Florida tomatoes were running above earlier prospects and heavier supplies were expected to be available the latter part of May. Hence, the Florida Tomato Committee recommended more restrictive minimum size requirements. These were published as an amendment to the notice on May 11, 1971 (36 F.R. 8677). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than May 17, 1971.

Data, views, and arguments were filed by three interested parties both in favor of and opposed to the proposals.

The Florida seasonal shipping pattern for the past several years shows that shipments of tomatoes generally have been at peak volume beginning about mid-May. Based on planted acreage and production estimates for the spring-producing areas of Florida, greatly increased supplies of Florida tomatoes are expected in late May, and extending into June.

Florida acreage for harvest during the remainder of the current season is below a year earlier. However, yields per acre in Florida this spring are estimated to be 45 percent above those of a year ago. Thus, Florida supplies in late May are likely to be double April levels. Additional supplies will be available in coming weeks from foreign countries and other domestic sources. Imports from Mexico are expected to show the usual seasonal decline through June, but as of mid-May were running above year earlier levels. Harvest is underway in south Texas, California, Louisiana, and the greenhouse area of Ohio; all areas expect large supplies in late May. Unless checked, the increased supplies of Florida tomatoes together with continuing imports and increasing volume from other domestic areas are likely to result in a total supply close to that of a year earlier when it was necessary to restrict Florida shipments to prevent depressed prices.

The proposal published in the May 11 notice specified larger minimum size requirements for vine ripe tomatoes than for mature greens inasmuch as vine ripe tomatoes are larger than mature green tomatoes because of different cultural practices. It is necessary to require different minimum size requirements for different maturities to equalize the burden of withholding between producers of each type in Florida when harvest of both types is active. However, harvest of Florida vine ripe tomatoes is declining seasonally. Only light supplies of this maturity are expected in coming weeks. Although average sizes of vine ripe tomatoes are expected to continue to exceed those for mature greens, the difference is likely to be much smaller than usual due to the advanced stage of most vine ripe acreages. Therefore, a more restrictive minimum size requirement for vine ripe tomatoes at this time would cause a disproportionate withholding burden on vine ripe producers. Under these circumstances a uniform minimum size requirement of $2\frac{9}{32}$ inches in diameter for both mature green and vine ripe tomatoes should reduce supplies sufficiently to stabilize prices and is the most equitable alternative available.

After consideration of all relevant matters presented, including the comments filed and the proposals set forth in the aforesaid notice, which were recommended by the Florida Tomato Committee, established pursuant to said marketing agreement and order, it is hereby found and determined that this amendment will tend to effectuate the declared policy of the act.

It is hereby further found that good cause exists for not postponing the effective date of this amendment until 30 days after its publication in the Federal Register (5 U.S.C. 553) in that (1) tomatoes grown in the production area are now being marketed and greatly increased volume of shipments is expected beginning on or about the effective date hereof; (2) unless this amendment becomes effective in time for the anticipated increased shipments, returns to producers could be greatly depressed; (3) compliance with this amendment will not require any special preparation by handlers which cannot be completed by the effective date; and (4) notice of proposed restrictions has been made available to interested persons by adequate publicity and by publication in the Federal Register of May 11, 1971.

Regulation, as amended: In § 966.308 (35 F.R. 16628; 36 F.R. 5285), paragraph (a) is hereby amended to read as follows:

§ 966.308 Limitation of shipments.

* * * * *

(a) *Minimum size and size classification requirements*—(1) *Minimum size requirements*. (i) Over $2\frac{9}{32}$ inches in diameter;

(ii) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(2) *Size classifications*. (i) No person shall handle any lot of tomatoes unless they are sized on one or more of the following ranges of diameters (expressed in terms of minimum and maximum). Measurement of minimum and maximum diameter shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

Size classification:	*Diameter (inches)*
6 x 7	Over $2\frac{9}{32}$ to $2\frac{17}{32}$, inclusive
6 x 6	Over $2\frac{17}{32}$ to $2\frac{28}{32}$, inclusive
5 x 6 and large	Over $2\frac{28}{32}$

(ii) Tomatoes of designated sizes may not be commingled unless they are over $2\frac{17}{32}$ inches in diameter and each container shall be marked to indicate the designated size.

(iii) To allow for variations incident to proper sizing, not more than a total of ten (10) percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter or larger than the maximum diameter.

* * * * *

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 20, 1971, to become effective May 24, 1971.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7242 Filed 5–21–71;8:50 am]

PART 980—VEGETABLES: IMPORT REGULATIONS

Tomatoes

Findings. (a) Notice of rule making regarding proposed restrictions on importation of tomatoes into the United States was published in the May 1, 1971, Federal Register (36 F.R. 8262). An amendment to the notice was published May 11, 1971 (36 F.R. 8677) changing the proposed minimum sizes and extending the time for filing comments to May 17, 1971. Data, views, and arguments were filed by three interested parties.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the written comments, and other available information, it is hereby found that the regulation should be as hereinafter set forth. The minimum size requirement is the same as that being made effective under Marketing Order No. 966, as amended (7 CFR Part 966), to shipments of tomatoes grown in the Florida production area. This regulation is subject to amendment with reasonable notice.

(b) It is hereby further found that good cause exists for not postponing the effective date of this regulation beyond the time specified (5 U.S.C. 553) in that (1) the requirements established by this regulation are mandatory under section 8e–1 of the act; (2) all known tomato importers were notified of proposed requirements; and (3) such notice is in excess of the minimum required by the act, and is determined to be reasonable.

§ 980.205 Tomato import regulation.

Except as otherwise provided, during the period May 26, 1971, through June 30, 1971, no person may import fresh tomatoes, except pear shaped, cherry, hydroponic, and greenhouse tomatoes, as defined herein, unless they are inspected and meet the requirements of this section.

(a) *Minimum size requirements*. (1) Over 2 9/32 inches in diameter;

(2) Not more than 10 percent, by count, in any lot may be smaller than the specified minimum diameter.

(b) *Minimum quantity exemption*. Any importation which in the aggregate does not exceed 60 pounds may be imported without regard to the provisions of this section.

(c) *Plant quarantine.* Provisions of this section shall not supersede the restrictions or prohibitions on tomatoes under the Plant Quarantine Act of 1912.

(d) *Designation of governmental inspection service.* The Federal or the Federal-State Inspection Service, Fruit and Vegetable Division, Consumer and Marketing Service, U.S. Department of Agriculture, and the Fruit and Vegetable Division, Production and Marketing Branch, Canada Department of Agriculture, are designated as governmental inspection services for certifying the grade, size, quality, and maturity of tomatoes that are imported into the United States under the provisions of section 8e–1 of the act.

(e) *Inspection and official inspection certificates.* (1) An official inspection certificate certifying the tomatoes meet the U.S. import requirements for tomatoes under section 8e–1 (7 U.S.C. 608e–1), issued by a designated governmental inspection service and applicable to a specified lot is required on all imports of fresh tomatoes.

(2) Inspection and certification by the Federal or Federal-State Inspection Service will be available and performed in accordance with the rules and regulations governing certification of fresh fruits, vegetables and other products (Part 51 of this title). Each lot shall be made available and accessible for inspection as provided therein. Cost of inspection and certification shall be borne by the applicant.

(3) Since inspectors may not be stationed in the immediate vicinity of some smaller ports of entry, importers should make advance arrangements for inspection by ascertaining whether or not there is an inspector located at their particular port of entry. For all ports of entry where an inspection office is not located, each importer must give the specified advance notice to the applicable office listed below prior to the time the tomatoes will be imported.

Ports	Office	Advance notice
All Texas points	W. T. McNabb, Post Office Box 310, Austin, TX 78767 (Phone—512–385–5385).	1 day.
All Arizona points.	B. O. Morgan, Post Office Box 1614, Nogales, AZ 85621 (Phone—602–287–2902).	Do.
All California points.	D. P. Thompson, 294 Wholesale Terminal Bldg. 784 South Central Ave., Los Angeles, CA 90021 (Phone—213–622–8756).	3 days.
All Hawaii points.	Stevenson Ching, 1428 South King St., Honolulu, HI 96814 (Phone—808–941–3071).	1 day.
New York City	Edward J. Beller, Room 28A Hunts Point Market, Bronx, NY 10474 (Phone—212–991–7669 and 7668).	Do.
New Orleans	Pascal J. Lamarca, 5027 Federal Office Bldg., 701 Loyola Ave., New Orleans, LA 70113 (Phone—504–527–6741 and 6742).	Do.
All other points	D. S. Matheson, Fruit and Vegetable Division, Consumer and Marketing Service, Washington, D.C. 20250 (Phone—202–388–5870).	3 days.

(4) Inspection certificates shall cover only the quantity of tomatoes that is being imported at a particular port of entry by a particular importer.

(5) Each inspection certification issued with respect to any tomatoes to be imported into the United States shall set forth, among other things:

(i) The date and place of inspection;

(ii) The name of the shipper or applicant;

(iii) The commodity inspected;

(iv) The quantity of the commodity covered by the certificate;

(v) The principal identifying marks on the containers;

(vi) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and

(vii) The following statement, if the facts warrant: Meets import requirements of 7 U.S.C. 608e–1.

(f) *Reconditioning prior to importation.* Nothing contained in this part shall be deemed to preclude any importer from reconditioning prior to importation any shipment of tomatoes for the purpose of making its eligible for importation.

(g) *Definitions.* For the purpose of this section, "Importation" means release from custody of the U.S. Bureau of Customs. "Cherry tomatoes" means cerasiform types commonly referred to as "cherry tomatoes". "Pear shaped tomatoes" means elongated types, commonly referred to as pear shaped or paste tomatoes and include San Marzano, Red Top, and Roma varieties. "Hydroponic tomatoes" means tomatoes grown in solution without soil. "Greenhouse tomatoes" means tomatoes grown indoors. Measurement of the diameter of tomatoes shall be in accordance with the methods prescribed in the U.S. Standards for Grades of Fresh Tomatoes (§§ 51.1855 to 51.1877 of this title).

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 20, 1971 to become effective May 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7241 Filed 5–21–71;8:50 am]

Title 12—BANKS AND BANKING

Chapter II—Federal Reserve System

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. Y]

PART 222—BANK HOLDING COMPANIES

Acquisition of Shares Eligible for Investment by National Banks

In its notice of proposed rule making published in the FEDERAL REGISTER on January 29, 1971 (36 F.R. 1430), the Board of Governors indicated that it was considering limiting the scope of acquisitions by bank holding companies that may be made on the basis of section 4(c)(5) of the Act. Under that section, the prohibition against holding companies acquiring interests in nonbanking organizations does not apply to shares of the kinds and amounts eligible for investment by national banks under the provisions of section 5136 of the Revised Statutes.

As indicated in that notice, under section 4(c)(8) of the Act as amended by the 1970 amendments the Board is required to consider acquisitions by a bank holding company on the basis of that section not only from the standpoint of whether the activities of the company to be acquired are closely related to banking, but also from the standpoint of antitrust and related public interest considerations.

In view of that responsibility, the Board believes that it should exercise its general regulatory authority over holding companies under § 5 of the Act to limit the scope of activities that may be engaged in on the basis of section 4(c)(5). In January the Board indicated that it was considering limiting the permissible activities of all subsidiaries established in the future under secton 4(c)(5) to those engaged in lending and fiduciary activities commenced de novo, except where the shares involved are of the kinds and amounts explicitly eligible for investment by a national bank under Federal statute law.

The Board has reexamined this matter in the light of comments received and concluded as follows:

(1) The Board should not at this time apply restrictions to subsidiaries of banks. This decision is believed warranted by considerations of equity between banks that are and are not members of bank holding companies and by the absence of evidence that acquisitions by holding company banks are resulting in evasions of the purposes of the Act. The merits of this decision will be reviewed by the Board from time to time in the light of its experience in administering the Act.

(2) The Board should limit the acquisitions that may be made on the basis of section 4(c)(5) by holding companies and their subsidiaries that are not banks or subsidiaries of banks to shares of the kinds and amounts explicitly eligible for investment by a national bank under Federal statute law. This decision will facilitate the orderly administration of the Act by avoiding to the extent possible the need for interpretations of the scope of section 4(c)(5) relating to permissible activities, permissible locations, and applicable limitations as to borrowing and lending powers.

To implement these decisions, the Board has adopted the following amendment to § 222.4 of its Regulation Y:

§ 222.4 Nonbanking activities.

* * * * *

(e) *Activities of companies in which national banks may invest.* No bank holding company or subsidiary thereof that is not a bank or subsidiary of a bank may, after June 30, 1971, acquire shares on the basis of section 4(c)(5) of the Act unless such shares are of the kinds and amounts explicitly eligible by Federal statute for investment by a national bank. A national bank or a subsidiary thereof may acquire or retain shares on the basis of section 4(c)(5) in accordance with the rules and regulations of the Comptroller of the Currency. So far as Federal law is concerned, a State-chartered bank or a subsidiary thereof may (1) acquire or retain shares on the basis of section 4(c)(5) if such shares are of the kinds and amounts explicitly eligible by Federal statute for investment by a national bank and (2) acquire or retain all (but, except for directors' qualifying shares, not less than all) of the shares of a company that engages solely in activities in which the parent bank many engage, at locations at which the bank may engage in the activity, and subject to the same limitations as if the bank were engaging in the activity directly.

Effective date: July 1, 1971.

By order of the Board of Governors,

[SEAL] ELIZABETH L. CARMICHAEL,
Assistant Secretary.

MAY 13, 1971.

[FR Doc.71–7130 Filed 5–21–71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 11066; Amdt. 757]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5, and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified.

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective June 17, 1971:

Cedar City, Utah—Cedar City Municipal Airport; VOR–1, Amdt. 5; Revised.

2. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective June 17, 1971:

Cross City, Fla.—Cross City Airport; VOR Runway 31, Amdt. 13; Revised.
Lexington, Ky.—Blue Grass Airport; VOR Runway 33, Amdt. 10; Revised.
McGrath, Alaska—McGrath Airport; VOR–A, Amdt. 5; Revised.
Newark, Ohio—Licking County Airport; VOR–A, Amdt. 4; Revised.
Philipsburg, Pa.—Mid State Airport; VOR Runway 24, Amdt. 9; Revised.

3. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective June 17, 1971:

Islip, N.Y.—Long Island-MacArthur Airport; LOC (BC) Runway 24, Amdt. 1; Revised.
Lexington, Ky.—Blue Grass Airport; LOC (BC) Runway 22, Amdt. 8; Revised.
Reading, Pa.—General Carl A. Spaatz Field; LOC (BC) Runway 18, Orig.; Canceled.

4. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective June 17, 1971:

Islip, N.Y.—Long Island-MacArthur Airport; NDB Runway 6, Amdt. 10; Revised.
Lexington, Ky.—Blue Grass Airport; NDB Runway 4, Amdt. 8; Revised.
Philipsburg, Pa.—Mid State Airport; NDB Runway 16, Amdt. 2; Revised.
Reading, Pa.—General Carl A. Spaatz Field; NDB Runway 36, Amdt. 13; Revised.

5. Section 97.29 is amended by establishing, revising, or canceling the following ILS SIAPs, effective June 17, 1971:

Eugene, Oreg.—Mahlon-Sweet Field; ILS Runway 16, Amdt. 23; Revised.
Islip, N.Y.—Long Island-MacArthur Airport; ILS Runway 6, Amdt. 11; Revised.
Lexington, Ky.—Blue Grass Airport; ILS Runway 4, Amdt. 1; Revised.
Reading, Pa.—General Carl A. Spaatz Field; ILS Runway 36, Amdt. 17; Revised.

6. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 17, 1971:

Albany, N.Y.—Albany County Airport; Radar–1, Amdt. 4; Revised.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 12, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71–7057 Filed 5–21–71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 1—GENERAL PROCEDURES

Subpart H—Administration of the Fair Credit Reporting Act

Part 1 of the Commission's Procedures and Rules of Practice is amended by adding a new Subpart H. The purpose of these rules is to set forth the Commission's procedures for administration of the Fair Credit Reporting Act, which became effective April 25, 1971. These rules provide for informal staff guidance as well as the procedure for obtaining an advisory interpretation of a provision of the Act that will be rendered by the Commission itself.

Sec.
1.71 Administration.
1.72 Examination, counseling and staff advice.
1.73 Interpretations.

AUTHORITY: The provisions of this Subpart H issued under 83 Stat. 1128, 15 U.S.C. 1681 et seq.

§ 1.71 Administration.

The general administration of the Fair Credit Reporting Act (title VI of the Consumer Credit Protection Act of 1968; enacted October 26, 1970; Public Law 91–508, 82 Stat. 146, 15 U.S.C. 1601 et seq.) is carried out by the Bureau of Consumer Protection, Division of Special Projects. Any interested person may obtain copies of the Act and these procedures and rules of practice upon request to the Secretary of the Commission, Washington, D.C. 20580.

§ 1.72 Examination, counseling and staff advice.

The Commission maintains a staff to carry out on-the-scene examination of records and procedures utilized to comply with the Fair Credit Reporting Act and to carry out industry counseling. Requests for staff interpretation of the Fair Credit Reporting Act should be directed to the Division of Special Projects, Bureau of Consumer Protection. Such interpretations represent informal staff opinion which is advisory in nature and is not binding upon the Commission as to any action it may take in the matter. Administrative action to effect correction of minor infractions on a voluntary basis is taken in those cases where such procedure is believed adequate to effect immediate compliance and protect the public interest.

§ 1.73 Interpretations.

(a) *Nature and purpose.* (1) The Commission issues and causes to be published in the FEDERAL REGISTER interpretations of the provisions of the Fair Credit Reporting Act on its own initiative or pursuant to the application of any person when it appears to the Commission that guidance as to the legal requirements of the Act would be in the public interest and would serve to bring about more widespread and equitable observance of the Act.

(2) The interpretations are not substantive rules and do not have the force or effect of statutory provisions. They are guidelines intended as clarification of the Fair Credit Reporting Act, and, like industry guides, are advisory in nature. They represent the Commission's view as to what a particular provision of the Fair Credit Reporting Act means for the guidance of the public in conducting its affairs in conformity with that Act, and they provide the basis for voluntary and simultaneous abandonment of unlawful practices by members of industry. Failure to comply with such interpretations may result in corrective action by the Commission under applicable statutory provisions.

(b) *Procedure.* (1) Requests for Commission interpretations should be submitted in writing to the Secretary of the Federal Trade Commission stating the nature of the interpretation requested and the reasons and justification therefor. If the request is granted, as soon as practicable thereafter, the Commission will publish a notice in the FEDERAL REGISTER setting forth the text of the proposed interpretation. Comments, views, or objections, together with the grounds therefor, concerning the proposed interpretation may be submitted to the Secretary of the Commission within thirty (30) days of public notice thereof. The proposed interpretation will automatically become final after the expiration of sixty (60) days from the date of public notice thereof, unless upon consideration of written comments submitted as hereinabove provided, the Commission determines to rescind, revoke, modify, or withdraw the proposed interpretation, in which event notification of such determination will be published in the FEDERAL REGISTER.

(2) The issuance of such interpretations is within the discretion of the Commission and the Commission at any time may conduct such investigations and hold such conferences or hearings as it may deem appropriate. Any interpretation issued pursuant to this chapter is without prejudice to the right of the Commission to reconsider the interpretation, and where the public interest requires, to rescind, revoke, modify, or withdraw the interpretation, in which event notification of such action will be published in the FEDERAL REGISTER.

(c) *Applicability of Interpretations.* Interpretations issued pursuant to this subpart may cover all applications of a particular statutory provision, or they may be limited in application to a particular industry, as appropriate.

Effective upon publication in the FEDERAL REGISTER (5-22-71).

By direction of the Commission dated May 11, 1971.

CHARLES A. TOBIN,
Secretary.

[FR Doc.71-7165 Filed 5-21-71;8:47 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO AND OTHER EXCISE TAXES

[T.D. 7113]

PART 245—BEER

Miscellaneous Amendments

Correction

In F.R. Doc. 71-6703 appearing at page 8798 in the issue for Thursday, May 13, 1971, the following changes should be made:

1. In the fourth line of § 245.32 the word "respective" should be deleted.
2. In § 245.41(g) the last four lines should be deleted.
3. The words "of a pilot brewing plant shall be in an" should be inserted between the seventh and eighth lines of § 245.254.
4. The sixth line of § 245.257(c), reading "ownership: *Provided,* That, where the", should be deleted.

Title 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 615—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 99-A for the Men's and Boys' Clothing and Related Products Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 99-A are hereby published, to be effective June 4, 1971, in this order amending § 615.2 of Title 29, Code of Federal Regulations.

As amended, § 615.2 reads as follows:

§ 615.2 Wage rates.

* * * * *

(a) * * *

(1) *The work clothing and separate trousers classification.* (i) The minimum wage for this classification is $1.52 an hour.

* * * * *

(2) *The military-style hats and caps classification.* (i) The minimum wage for this classification is $1.60 an hour.

* * * * *

(3) *The general classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(b) *1961 coverage classification.* (i) The minimum wage for this classification is $1.40 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064 as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 17th day of May 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-7168 Filed 5-21-71;8:47 am]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 190—DOD STANDARD PREPRODUCTION BASIC TEST AND EVALUATION OF FIREFIGHTING VEHICLES

Discontinuance of Part

Codification of Part 190 is discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71-7184 Filed 5-21-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 14—Department of the Interior

PART 14-1—GENERAL

Regulation System

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301, Part 14-1 of Chapter 14, Title 41 of the Code of Federal Regulations and specifically § 14-1.010 is hereby approved as set forth below.

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However because this section is largely a general statement of Departmental policy and internal procedure, the rulemaking process will be waived and this section will become effective upon publication in the FEDERAL REGISTER (5-22-71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

MAY 17, 1971.

Subpart 14-1.0—Regulation System

§ 14-1.010 Interior Procurement Regulations Committee.

For the purpose of developing and proposing policies and procedures designed to implement and supplement the Federal Procurement Regulations, a committee, to be known as the Interior Procurement Regulations Committee and to be chaired by the Office of Survey and Review, is hereby established. Its personnel shall be comprised of representatives of the following bureaus and offices:

Office of the Solicitor.
National Park Service.
Geological Survey.
Bureau of Indian Affairs.
Bureau of Land Management.
Bureau of Mines.
Bureau of Reclamation.
Office of Survey and Review.

[FR Doc.71-7167 Filed 5-21-71;8:47 am]

PART 14-51—AUDIT

Pursuant to the authority of the Secretary of the Interior, contained in 5 U.S.C. 301, Part 14-51 of Chapter 14, Title 41 of the Code of Federal Regulations is hereby approved as set forth below:

It is the general policy of the Department of the Interior to allow time for interested parties to take part in the public rulemaking process. However, because this part is largely a general statement of Departmental policy and internal procedure the rulemaking process will be waived and this part will become effective upon publication in the FEDERAL REGISTER (5-22-71).

RICHARD R. HITE,
Deputy Assistant Secretary for Administration.

MAY 17, 1971.

Chapter 14 is amended by adding Part 14-51, as follows:

Sec.
14-51.000 Scope of part.

Subpart 14-51.1—Audit of Contractor's Records

14-51.101 Audit responsibility.
14-51.102 Purpose of audit.
14-51.103 Types of contracts subject to audit.
14-51.104 Contract clauses.
14-51.104-1 Examination of Records by the Secretary of the Interior.
14-51.104-2 Audit of contract changes or modifications.
14-51.104-3 Examination of contract changes or modifications records clause.
14-51.105 Payments under contracts subject to audit.
14-51.105-1 Submission and processing of invoices or vouchers.
14-51.105-2 Action upon receipt of an audit report.
14-51.105-3 Suspension and disapprovals of amounts claimed.
14-51.106 Waiver.

AUTHORITY: The provisions of this Part 14-51 issued under 5 U.S.C. 301.

§ 14-51.000 Scope of part.

This part prescribes policies and procedures to be followed by Office of Survey and Review in fulfilling their contract audit responsibilities.

Subpart 14-51.1—Audit of Contractor's Records

§ 14-51.101 Audit responsibility.

The Director, Office of Survey and Review, through Audit Operations conducts audits of contractors' records to the extent that such audits are required by law, regulation, or sound business judgment. Such audits include the conduct of periodic or requested audits of contractors as are warranted by such factors as the amount of the contract, the financial condition, integrity, and reliability of the contractor, prior audit experience, and the adequacy of the contractor's accounting system and other internal controls. The audits also include reviews of cost or pricing data for contractors' proposals for negotiated contracts (see § 1-3.809 of this title). In order that the Government may benefit to the maximum extent from such audits, a coordinated and cooperative effort shall be made by contracting officers, technical specialists, and finance and audit personnel. It is the responsibility of the contracting officer to have an audit clause inserted in all contracts subject to audit pursuant to § 14-51.103.

§ 14-51.102 Purpose of audit.

In addition to the provisions of § 1-3.809 of this title, Contract audit as a pricing aid, audits are conducted to advise and make recommendations to the contracting officer concerning the:

(a) Propriety of amounts paid, or to be paid, to contractors where such amounts are based on a cost (including modifications or change orders for all types of contracts) or time determination or on variable features related to the results of contractors' operations;

(b) Adequacy of measures taken by contractors regarding the use and safeguarding of Government assets under their custody or control;

(c) Compliance by contractors with contractual provisions having financial implications, such as progress payments, advance payments, guaranteed loans, cash return provisions, and price adjustments;

(d) Reasonableness of contractors' settlement proposals in termination of contracts;

(e) Compliance with contract provisions; and

(f) Contractors' financial condition and ability to perform or to continue to perform under Government contracts.

§ 14-51.103 Types of contracts subject to audit.

(a) The following types of contracts estimated to cost in excess of $25,000 shall include the Examination of Records by the Secretary clause (§ 14-51.104):

(1) Cost-reimbursement type contracts (see §§ 1-3.405 and 1-3.814-2(e) of this title);

(2) Advertised or negotiated contracts involving the use or disposition of Government-furnished property;

(3) Where advance payments, progress payments based on costs, or guaranteed loans are to be made;

(4) Contracts for supplies or services containing a price warranty or price reduction clause;

(5) Contracts or leases involving income to the Government where the income is based on operations that are under the control of the contractor or lessee;

(6) Fixed-price contracts with escalation (see §§ 1-2.104-3 and 1-3.404-3 of this title), incentives (see §§ 1-3.404-4 and 1-3.407 of this title), and redetermination (see §§ 1-3.404-5 and 1-3.404-7 of this title);

(7) Requirements and indefinite quantity (call-type) contracts (see §§ 1-2.104-4 and 1-3.409 of this title);

(8) Time and materials and labor-hour contracts (see §§ 1-3.406-1 and 1-3.406-2 of this title); and

(9) Leases (i) where the rental is subject to adjustment (such as for a change in real estate taxes or service costs) or (ii) where the rental is dependent upon actual costs.

(b) In some of the contracts listed in paragraph (a) of this section, it may be appropriate to contractually define the scope or extent of any audit, such as with respect to (1) the use or disposition of Government-furnished property or (2) variable or other special features of the contract, e.g., price escalation, and compliance with the price warranty or price reduction clauses. In such cases, the contract clause in § 14–51.104 may be appropriately modified with the concurrence of the Office of Survey and Review.

(c) Inclusion of the contract clause in § 14–51.104 (whether or not modified) in contracts does not affect in any way the requirements for (1) use of the Examination of Records clause permitting review of contractor books and records by the Comptroller General (see § 1–3.814–2(e) of this title) or (2) the clauses on Audit and Records pertaining to the verification of cost or pricing data (see § 1–3.814–2 of this title).

(d) A notice for each contract, change order, or modification entered into of the types described in paragraph (a) of this section and § 14–51.104–2 shall be forwarded to the Director, Audit Operations, Office of Survey and Review, within 15 days after the effective date of the contract. The notice shall include the following information:

(1) Contract identifying number,

(2) Contractor's name and address,

(3) A brief description of the work involved,

(4) Effective date of the document,

(5) Completion date (estimated) of the work involved,

(6) Estimated dollar amount.

In addition, a copy of a notice of termination of contracts of the types described in this § 14–51.103 shall be forwarded to the Director, Audit Operations, Office of Survey and Review, within 15 days after effective date of termination. Such notice shall contain the contract number and the contractor's name and address and the estimated dollar amount of the costs incurred by the contractor as of the effective date of termination.

§ 14–51.104 Contract clauses.

The following contract clauses are prescribed for use as indicated in this § 14–51.104.

§ 14–51.104–1 Examination of records by the Secretary of the Interior.

The following contract clause is prescribed for use in contracts listed in § 14–51.103(a).

EXAMINATION OF RECORDS BY THE SECRETARY OF THE INTERIOR

(a) The contractor shall maintain books, records, documents, and other evidence and accounting procedures and practices, sufficient to reflect properly all direct and indirect costs of whatever nature claimed to have been incurred and anticipated to be incurred for the performance of this contract. The foregoing constitute "records" for the purposes of this clause.

(b) The contractor's plants, or such part thereof as may be engaged in the performance of this contract, and his records shall be subject at all reasonable times to inspection and audit by the Secretary or his authorized representatives. In addition, the Secretary, or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations, whichever expires earlier, have the right to examine those books, records, documents, papers, and other supporting data which involve transactions related to this contract along with the computations and projections used therein.

(c) The contractor shall preserve and make available his records (1) until the expiration of 3 years from the date of final payment under this contract, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations, whichever expires earlier, and (2) for such longer period, if any, as is required by applicable statute, or by other clauses of this contract, or by (i) or (ii) below.

(i) If this contract is completely or partially terminated, the records relating to the work terminated shall be preserved and made available for a period of 3 years from the date of any resulting final settlement. (ii) Records which relate to (A) appeals under the "Disputes" clause of this contract, (B) litigation or the settlement of claims arising out of the performance of this contract, or (C) costs and expenses of this contract as to which exception has been taken by the contracting officer or any of his duly authorized representatives, shall be retained until such appeals, litigation, claims, or exceptions have been resolved.

(d) The contractor shall insert the substance of clause, including the whole of this paragraph (d), in each subcontract hereunder. When so inserted, changes shall be made to designate the higher-tier subcontractor at the level involved in place of the contractor; to add "of the Government prime contract" after "contracting officer"; and to substitute "the Government prime contract" in place of "this contract" in (B) of paragraph (c) above.

§ 14–51.104–2 Audit of contract changes or modifications.

The following clause shall be included in all contracts, which are estimated to exceed $100,000, except those listed in § 14–51.103:

AUDIT OF CHANGES OR MODIFICATIONS

The "Examination by the Secretary of the Interior of Records of Contract Changes or Modifications" clause contained in the Interior Procurement Regulations at § 14–51.104–3 shall be included in every change order or modification under this contract which results in a net price adjustment (increase or decrease) in excess of $100,000.

§ 14–51.104–3 Examination of contract changes or modifications records clause.

The following clause is prescribed for use in contract changes or modifications which result in a net price adjustment (increase or decrease) in excess of $100,000 in accordance with the "Audit of Changes or Modifications" in § 14–51.104–2:

EXAMINATION BY THE SECRETARY OF THE INTERIOR OF RECORDS OF CONTRACT CHANGES OR MODIFICATIONS

(a) For the purpose of verifying that the cost or pricing data submitted in conjunction with this contract change or modification were accurate, complete and current, the Secretary of the Interior or his authorized representatives, shall, until the expiration of 3 years from the date of final payment under the contract of which this change or modification is a part, or of the time periods for the particular records specified in Part 1–20 of the Federal Procurement Regulations, whichever expires earlier, have the right to examine those books, records, documents, papers and other supporting data which involve transactions related to this change or modification or which will permit adequate evaluation of the cost or pricing data submitted, along with the computations and projections used therein.

(b) If the contract of which this change or modification is a part is completely or partially terminated and the work so terminated is included in this change or modification the records relating thereto shall be preserved and made available for 3 years from the date of any resulting final settlement.

(c) If the records concerning this change or modification relate to (1) appeals under the contracts "Disputes" clause, (2) litigation or settlement arising out of the performance of the contract, or (3) costs and expenses of the contract to which the contracting officer or his authorized representative have taken exception, they shall be retained until such time as such appeals, litigation, claims, or exceptions have been resolved.

§ 14–51.105 Payments under contracts subject to audit.

§ 14–51.105–1 Submission and processing of invoices or vouchers.

(a) Contractors shall be required to submit invoices or vouchers as directed by the contract provisions. The processing of invoices or vouchers prior to payment for work or services rendered shall include a review by the contracting officer, or his designated representative, to determine that the nature of items and amounts claimed are in consonance with the contract terms, represent prudent business transactions, and are within any stipulated contractual limitations. If the contractor has not deducted from his claim amounts which are questionable or which are required to be withheld, the contracting officer shall make the required deduction, except as provided in § 14–51.105–2.

(b) Provisional approval by the contracting officer of any payment, including any specific approval as to the nature or amount of a cost shall be noted on (or attached to) the invoice or voucher (see, for example, § 1–15.107 of this title regarding advance understandings on particular cost items). The invoice or voucher shall be forwarded to the appropriate accounting center and retained therein after certification and scheduling to a disbursing office for payment.

§ 14–51.105–2 Action upon receipt of an audit report.

Audit reports shall be furnished to the contracting officer. Upon receipt of an audit report, the contracting officer shall, pursuant to contract terms, determine the allowability of all costs covered by audit, giving full consideration to the auditor's recommendations. Where the contracting officer is in doubt or questions the recommendations of the auditor, deductions need not be made from invoices or vouchers for provisional payments. The contracting officer in such cases, however, shall confer with the auditor and other appropriate Government personnel (such as a price specialist or legal counsel) to determine what further action should be taken regarding the items of cost in question. If the contracting officer disagrees with the audit recommendations, the contracting officer shall prepare a statement for the contract file to support and justify his decision and for informational purposes shall forward a copy of such statement to the Director, Audit Operations, Office of Survey and Review. (See also § 1–3.811 of this title.)

§ 14–51.105–3 Suspensions and disapprovals of amounts claimed.

The contracting officer shall notify the appropriate certifying officer in writing when amounts claimed for payment are (a) suspended tentatively, (b) disapproved as not being allowable according to contract terms, or (c) not reasonably incident or allocable to performance of the contract. Such notice by the contracting officer shall be the basis for the issuance by the certifying officer of a statement to be attached to each copy of the invoice or voucher from which the deduction has been made, explaining the reasons for the deduction.

§ 14–51.106 Waiver.

The contracting officer and the Director, Office of Survey and Review, may agree to limit the application of specific contract audit requirements in individual cases such as where the possible cost/benefits ratio of the audit do not warrant the assignment of audit resources or where audit resources are unavailable; provided, that the stated urgency of a proposed procurement or other contract action shall not alone be justification for such a waiver and provided the waiver is made within the terms of the Federal Procurement Regulations. As much time as possible should be allowed by contracting officers for the audit work. Except under unusual circumstances, at least 30 days should be allowed for the review of the contractors' proposals pursuant to § 1–3.809 of the Federal Procurement Regulations in this title.

[FR Doc.71–7166 Filed 5–21–71;8:47 am]

Title 32A—NATIONAL DEFENSE, APPENDIX

Chapter VIII—Transport Mobilization Staff, Interstate Commerce Commission

[General Emergency Transport Order 1–71]

PREFERENCE AND PRIORITY FOR THE TRANSPORTATION OF PASSENGERS AND FREIGHT NECESSARY TO THE NATIONAL DEFENSE, HEALTH, AND SAFETY

Termination of Order

The above captioned General Emergency Transport Order 1–71, issued by Chairman George M. Stafford, and made effective May 17, 1971, served May 18, 1971, and published at 36 F.R. 9136, is terminated and shall be of no further force and effect as of 11:59 p.m., May 18, 1971.

[SEAL] GEORGE M. STAFFORD,
Chairman,
Interstate Commerce Commission.

[FR Doc.71–7276 Filed 5–21–71;10:13 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Parts 1, 13]

CHARITABLE CONTRIBUTIONS TO CERTAIN ORGANIZATIONS

Notice of Hearing on Proposed Regulations

Proposed amendments to the regulations under section 170(b)(1)(A) of the Internal Revenue Code of 1954, relating to section 170(b)(1)(A) organizations, appear in this issue of the FEDERAL REGISTER.

A public hearing on the provisions of these proposed regulations will be held on Monday, June 28, 1971, at 10 a.m., e.d.s.t., in Room 3313, Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20224. This hearing will be consolidated with the public hearing on the provisions of the proposed regulations under section 509 relating to the definition of private foundation which appeared in the FEDERAL REGISTER on November 20, 1970 (35 F.R. 17845). The announcement of the public hearing on the proposed regulations under section 509 appeared in the FEDERAL REGISTER on May 8, 1971 (36 F.R. 8585) and the hearing is scheduled to be held at the same time and place. If necessary the hearing will be continued through Tuesday, June 29, 1971.

The rules of § 601.601(a)(3) of the Statement of Procedural Rules (26 CFR Part 601) shall apply with respect to such public hearing. Copies of these rules will be furnished on request. Under such § 601.601(a)(3), persons who desire to present oral comments (in addition to having submitted written comments or suggestions within the time prescribed in the notice of proposed rule making) should by June 14, 1971, submit an outline of the topics and the time they wish to devote to each topic. Such outline should be submitted to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224.

Persons who desire a copy (furnished only at the above address) of such written comments or suggestions or outlines should notify the Commissioner, at the above address or telephone (Washington, D.C.) 202-964-3935 by June 21, 1971.

K. MARTIN WORTHY,
Chief Counsel.

[FR Doc.71-7126 Filed 5-21-71;8:45 am]

[26 CFR Parts 1, 13]

CHARITABLE CONTRIBUTIONS TO CERTAIN ORGANIZATIONS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 21, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 21, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to section 201(a) of the Tax Reform Act of 1969 (83 Stat. 549) relating to charitable contributions, such regulations are amended to read as follows. Temporary Treasury Regulation § 13.15, T.D. 7094, 36 F.R. 4872 (1971), is superseded.

Immediately after § 1.170A-8, insert the following section:

§ 1.170A-9 Definition of section 170(b)(1)(A) organization.

The term "section 170(b)(1)(A) organization" as used in the regulations under section 170 means any organization described in paragraph (a) through (i) of this section, effective with respect to taxable years beginning after December 31, 1969, except as otherwise provided. Section 1.170-2(b) shall continue to be applicable with respect to taxable years beginning prior to January 1, 1970. The term "one or more organizations described in section 170(b)(1)(A) (other than in clauses (vii) and (viii))" as used in sections 507 and 509 of the Code and the regulations thereunder means one or more organizations described in paragraphs (a) through (e) of this section, except as modified by the regulations under part II of subchapter F of chapter I or under chapter 42.

(a) *Church or a convention or association of churches.* An organization is described in section 170(b)(1)(A)(i) if it is a church or a convention or association of churches. Generally, religious organizations, including religious orders, if not themselves churches or associations or conventions of churches, and all other organizations which are organized or operated under church auspices, are not churches, whether or not they engage in religious, education, or charitable activities approved by a church. To determine whether such organizations are "integrated auxiliaries" of a church for purposes of sections 508(c)(1)(A) and 6033(a)(2)(A)(i), see the regulations under those sections. However, the term "church" includes a religious order or a religious organization if such order or organization:

(1) Is an integral part of a church, and

(2) Is engaged primarily in carrying out the religious functions of a church. whether as a civil law corporation or otherwise. In determining whether a religious order or organization is an integral part of a church (within the meaning of subparagraph (1) of this paragraph), consideration will be given to the degree to which it is connected with, and controlled by, such church. In determining whether a religious order or organization is engaged primarily in carrying out the religious functions of a church (within the meaning of subparagraph (2) of this paragraph), the principal consideration will be whether the duties of such order or organization include the ministration of sacerdotal functions and the conduct of religious worship. What constitutes the conduct of religious worship or the ministration of sacerdotal functions depends on the tenets and practices of a particular religious body constituting a church. If a religious order or organization does not meet the requirements of subparagraphs (1) and (2) of this paragraph, then it is not a church whether or not it engages in religious, education, or charitable activities approved by a church. Such organization may, however, constitute an "integrated auxiliary" of a church for purposes of sections 508(c)(1)(A) and 6033(a)(2)(A)(i) and the regulations thereunder.

(b) *Educational organization and organizations for the benefit of certain State and municipal colleges and universities*—(1) *Educational organization.* An educational organization is described in section 170(b)(1)(A)(ii) if its primary function is the presentation of formal instruction and it normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on. The term includes institutions such as primary, secondary, preparatory, or high schools, and colleges and universities. It includes Federal, State, and other public-supported schools which otherwise come within the definition. It does not include organizations engaged in both educational and noneducational activities unless the latter are merely incidental to and growing out of the educational activities. A recognized university which incidentally operates a museum or sponsors concerts is an educational organization within the meaning of section 170(b)(1)(A)(ii). However, the operation of a school by a museum does not necessarily qualify the museum as an educational organization within the meaning of this subparagraph.

(2) *Organizations for the benefit of certain State and municipal colleges and universities.* (i) An organization is described in section 170(b)(1)(A)(iv) if it meets the support requirements of subdivision (ii) of this subparagraph and is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of a college or university which is an organization described in subdivision (iii) of this subparagraph. The phrase "expenditures to or for the benefit of a college or university" includes expenditures made for any one or more of the normal functions of colleges and universities (for example, for the acquisition and maintenance of real property comprising part of the campus area; for the erection of, or participation in the erection of, college or university buildings; or for scholarships, libraries, student loans, and the acquisition and maintenance of equipment and furnishings used for, or in conjunction with, normal functions of colleges and universities).

(ii) To qualify under section 170(b)(1)(A)(iv), the organization receiving the contribution must normally receive a substantial part of its support from the United States or any State or political subdivision thereof or from direct or indirect contributions from the general public, or from a combination of two or more of such sources. For such purposes, the term "support" does not include income received in the exercise or performance by the organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). An example of an indirect contribution from the public is the receipt by the organization of its share of the proceeds of an annual collection campaign of a community chest, community fund, or united fund. In determining the amount of support received by such organization in respect of a contribution of property which is subject to reduction under section 170(e), the fair market value of the property shall be taken into account.

(iii) The college or university (including a land grant college or university) to be benefited must be an educational organization referred to in section 170(b)(1)(A)(ii) and subparagraph (1) of this paragraph which is an agency or instrumentality of a State or political subdivision thereof, or which is owned or operated by a State or political subdivision thereof or by an agency or instrumentality of one or more States or political subdivisions.

(c) *Hospitals and medical research organizations*—(1) *Hospitals.* An organization (other than one described in subparagraph (2) of this paragraph) is described in section 170(b)(1)(A)(iii) if:

(i) It is a hospital, and

(ii) Its principal purpose or functions are the providing of medical or hospital care or medical education or medical research.

The term "hospital" includes (*a*) Federal hospitals and (*b*) State, county, and municipal hospitals which are instrumentalities of governmental units referred to in section 170(c)(1) and otherwise come within the definition. A rehabilitation institution or an outpatient clinic may qualify as a "hospital" within the meaning of subdivision (i) of this subparagraph if its principal purpose or functions are the providing of hospital or medical care. An organization, all the accommodations of which qualify as being part of an "extended care facility" within the meaning of 42 U.S.C. 1395x(j), may qualify as a "hospital" within the meaning of subdivision (i) of this subparagraph if its principal purpose or functions are the providing of hospital or medical care. The term "hospital" does not, however, include convalescent homes or homes for children or the aged, nor does the term include institutions the principal purpose or functions of which are to train handicapped individuals to pursue some vocation. An organization the principal purpose or functions of which are the providing of medical education or medical research will not be considered a "hospital" within the meaning of subdivision (i) of this subparagraph, unless it is also actively engaged in providing medical or hospital care to patients on its premises or in its facilities, on an inpatient or outpatient basis, as an integral part of its medical education or medical research functions. See, however, subparagraph (2) of this paragraph with respect to certain medical research organizations.

(2) *Certain medical research organizations*—(i) *General rule.* An organization (other than one described in subparagraph (1) of this paragraph) is described in section 170(b)(1)(A)(iii) if:

(*a*) The principal purpose or function of such organization is to engage in medical research;

(*b*) It is directly engaged within the meaning of subdivision (ii) of this subparagraph in the continuous active conduct of medical research in conjunction with a hospital which is (*1*) described in section 501(c)(3), (*2*) a Federal hospital, or (*3*) an instrumentality of a governmental unit referred to in section 170(c)(1); and

(*c*) During the calendar year in which a contribution under section 170(b)(1)(A)(iii) is made or treated as made, such organization is committed within the meaning of subdivision (iii) of this subparagraph to spend such contribution for such active conduct of medical research before January 1 of the fifth calendar year beginning after the date the contribution is made.

Medical research means the conduct of investigations, experiments, and studies to discover, develop, or verify knowledge relating to the causes, diagnosis, treatment, prevention, or control of physical or mental diseases and impairments of man. To qualify as a medical research organization, the organization must have the appropriate equipment and professional personnel necessary to carry out its principal function.

(ii) *Active conduct of medical research.* The organization must, at the time of the contribution, be directly engaged in the continuous active conduct of medical research in conjunction with a hospital described in subdivision (i)(*b*) of this subparagraph. The organization need not be formally affiliated with a hospital to be considered engaged in the active conduct of medical research in conjunction with a hospital, but it must be physically connected, or closely associated, with a hospital. In any case, there must be a joint effort on the part of the research organization and the hospital pursuant to an understanding that the two organizations will maintain continuing close cooperation in the active conduct of medical research. For example, the necessary joint effort will normally be found to exist if the activities of the medical research organization are carried on in space located within, or adjacent to, a hospital, provided that the organization is permitted to utilize the facilities (including equipment ,case studies, etc.) of the hospital on a continuing basis in the active conduct of medical research. A medical research organization which is closely associated in such manner with a particular hospital or particular hospitals may be considered to be pursuing research in conjunction with a hospital if the necessary joint effort is supported by substantial evidence of the close cooperation of the members of the research organization and the staff of the particular hospital or hospitals. The active participation in medical research by the staff of the particular hospital or hospitals will be considered as evidence of the requisite joint effort. An organization will not be considered to be "directly engaged in the continuous active conduct of medical research" within the meaning of this subdivision unless it satisfies the requirements of either:

(*a*) Section 4942(j)(3)(B)(i) and the regulations thereunder by devoting substantially more than half of its assets directly to the continuous active conduct of its medical research; or

(*b*) Section 4942(j)(3)(B)(ii) and the regulations thereunder by normally making qualifying distributions (within the meaning of section 4942(g) (1) or (2)) directly for the continuous active conduct of its medical research activities in an amount not less than two-thirds of its minimum investment return (as defined in section 4942(e)).

In any event, if the organization's primary purpose is to disburse funds to other organizations for the conduct of research by them or to extend research grants or scholarships to others, it is not directly engaged in the active conduct of medical research.

(iii) *Commitment to spend contributions.* The organization's commitment that the contribution will be spent within the prescribed time only for the prescribed purposes must be legally enforceable. A promise in writing to the donor in consideration of his making a contribution that such contribution will be so spent within the prescribed time will constitute a commitment. The expenditure of contributions received for plant, facilities, or equipment, used solely for medical research purposes, shall ordinarily be considered to be an expenditure for medical research. If a contribution is made in other than money, it shall be considered spent for medical research if the funds from the proceeds of a disposition thereof are spent by the organization within the 5-year period for medical research; or, if such property is of such a kind that it is used on a continuing basis directly in connection with such research, it shall be considered spent for medical research in the year in which it is first so used. A medical research organization will be presumed to have made the commitment required under this subdivision with respect to any contribution if its governing instrument or bylaws require that every contribution be spent for medical research before January 1 of the fifth year which begins after the date such contribution is made.

(d) *Governmental unit.* A governmental unit is described in section 170(b)(1)(A)(v) if it is referred to in section 170(c)(1).

(e) *Definition of section 170(b)(1)(A)(vi) organization*—(1) *In general.* An organization is described in section 170(b)(1)(A)(vi) if it is:

(i) A corporation, trust, or community chest, fund, or foundation, referred to in section 170(c)(2) (other than an organization specifically described in paragraphs (a) through (d) of this section), and

(ii) A "publicly supported" organization.

For purposes of this paragraph, an organization is "publicly supported" if it normally receives a substantial part of its support from a governmental unit referred to in section 170(c)(1) or from direct or indirect contributions from the general public. An organization will be treated as being "publicly supported" if it meets the requirements of either subparagraph (2) or subparagraph (3) of this paragraph. Types of organizations which, subject to the provisions of this paragraph, generally qualify under section 170(b)(1)(A)(vi) as "publicly supported" organizations are publicly or governmentally supported museums of history, art, or science, libraries, community centers to promote the arts, organizations providing facilities for the support of an opera, symphony orchestra, ballet, or repertory drama or for some other direct service to the general public, and organizations such as the American Red Cross or the United Givers Fund.

(2) *Determination whether an organization is publicly supported"; 33⅓ percent-of-support test.* An organization will be treated as a "publicly supported" organization if the total amount of support which the organization "normally" (as defined in subparagraph (4) of this paragraph) receives from governmental units referred to in section 170(c)(1), from contributions made directly or indirectly by the general public, or from a combination of these sources, equals at least 33⅓ percent of the total support normally" received by the organization. See subparagraphs (6), (7), and (8) of this paragraph for the definition of "support". The application of this test is illustrated by Example (1) of subparagraph (9) of this paragraph.

(3) *Determination whether an organization is "publicly supported"; organizations failing to meet 33⅓ percent-of-support test.* Even if an organization fails to meet the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph, it will be treated as a "publicly supported" organization if it normally receives a substantial part of its support from governmental units, from direct or indirect contributions from the general public, or from a combination of these sources, and meets the other requirements of this subparagraph. In order to satisfy this subparagraph, an organization must meet the requirements of subdivisions (i) and (ii) of this subparagraph in order to establish, under all the facts and circumstances, that it normally receives a substantial part of its support from governmental units or from direct or indirect contributions from the general public, and it must be in the nature of a "publicly supported" organization, taking into account the factors described in subdivisions (iii) through (vii) of this subparagraph. The requirements and factors referred to in the preceding sentence with respect to "publicly supported" organization (other than one described in subparagraph (2) or (10) of this paragraph) are:

(i) *Ten percent-of-support limitation.* The percentage of support "normally" (as defined in subparagraph (4) of this paragraph) received by an organization from governmental units, from contributions made directly or indirectly by the general public, or from a combination of these sources, must be "substantial". For purposes of this subparagraph, an organization will not be treated as "normally" receiving a "substantial" amount of governmental or public support unless the total amount of governmental and public support "normally" received equals at least 10 percent of the total support "normally" received by such organization. See subparagraphs (6), (7), and (8) of this paragraph for the definition of "support".

(ii) *Attraction of public support.* An organization must be so organized and operated as to attract new and additional public or governmental support on a continuous basis. An organization will be considered to meet this requirement if it maintains a continuous and bona fide program for solicitation of funds from the general public, community, or membership group involved, or if it carries on activities designed to attract support from governmental units or other organizations described in section 170(b)(1)(A) (i) through (vi). In determining whether an organization maintains a continuous and bona fide program for solicitation of funds from the general public or community, consideration will be given to whether the scope of its fund raising activities is reasonable in light of its charitable activities.

In addition to the requirements set forth in subdivisions (i) and (ii) of this subparagraph which must be satisfied, the following factors will be taken into consideration in determining whether an organization is "publicly supported" within the meaning of subparagraph (1) of this paragraph. However, an organization is not generally required to satisfy all of the factors in subdivisions (iii) through (vii) of this subparagraph. The factors relevant to each case and the weight accorded to any one of them may differ depending upon the nature and purpose of the organization and the length of time it has been in existence.

(iii) *Percentage of financial support.* Where an organization normally receives at least 10 percent, but less than 33⅓ percent, of its total support from public or governmental sources, the percentage of support received from such sources will be taken into consideration in determining whether an organization is "publicly supported". The higher the percentage of support from public or governmental sources within this range, the lesser will be the burden of establishing the publicly supported nature of the organization through other factors described in this subparagraph; while the lower the percentage, the greater will be the burden. If the percentage of the organization's support from public or governmental sources is low because it receives a high percentage of its total support from investment income on its endowment funds, such fact will be treated as evidence of compliance with this subdivision if such endowment funds were originally contributed by a governmental unit or by the general public. However, if such endowment funds were originally contributed by a few individuals or members of their families, such fact will increase the burden on the organization of establishing compliance with the other factors described in this subparagraph.

(iv) *Sources of support.* Where an organization normally receives at least 10 percent, but less than 33⅓ percent, of its total support from public or governmental sources, the fact that it receives such support from governmental units or directly or indirectly from a representative number of persons, rather than receiving almost all of its support from the members of a single family, will be taken into consideration in determining whether an organization is "publicly supported".

In determining what is a "representative number of persons", consideration will be given to the type of organization involved, the length of time it has been in existence, and whether it limits its activities to a particular community or region or to a special field which can be expected to appeal to a limited number of persons.

(v) *Representative governing body.* The fact that an organization has a governing body which represents the broad interests of the public, rather than the personal or private interests of a limited number of donors (or persons standing in a relationship to such donors which is described in section 4946(a)(1)(C) through (G)), will be taken into account in determining whether an organization is "publicly supported". An organization will be treated as meeting this requirement if it has a governing body (whether designated in the organization's governing instrument or bylaws as a Board of Directors, Board of Trustees, etc.) which is comprised of public officials acting in their capacities as such; of individuals selected by public officials acting in their capacities as such; of persons having special knowledge or expertise in the particular field or discipline in which the organization is operating; of community leaders, such as elected or appointed officials, clergymen, educators, civic leaders, or other such persons representing a broad cross-section of the views and interests of the community; or, in the case of a membership organization, of individuals elected pursuant to the organization's governing instrument or bylaws by a broadly based membership.

(vi) *Availability of public facilities or services; public participation in programs or policies.* (*a*) The fact that an organization is of the type which generally provides facilities or services directly for the benefit of the general public on a continuing basis (such as a museum which holds open its building to the public, a symphony orchestra which gives public performances, or an old age home which provides domiciliary or nursing services for members of the general public) will be considered evidence that such organization is "publicly supported".

(*b*) The fact that an organization is an educational or research institution which regularly publishes scholarly studies that are widely used by colleges and universities or by members of the general public will also be considered evidence that such organization is "publicly supported".

(*c*) Similarly, the following factors will also be considered evidence that an organization is "publicly supported":

(*1*) The participation in, or sponsorship of, the programs of the organization by members of the public having special knowledge or expertise, public officials, or civic or community leaders;

(*2*) The maintenance of a definitive program by an organization to accomplish its charitable work in the community, such as slum clearance or developing employment opportunities; and

(*3*) The receipt of a significant part of its funds from a public charity or governmental agency to which it is in some way held accountable as a condition of the grant, contract, or contribution.

(vii) *Additional factors pertinent to membership organizations.* The following are additional factors to be considered in determining whether a membership organization is "publicly supported":

(*a*) Whether the solicitation for dues-paying members is designed to enroll a substantial number of persons in the community or area, or in a particular profession or field of special interest (taking into account the size of the area and the nature of the organization's activities);

(*b*) Whether membership dues for individual (rather than institutional) members have been fixed at rates designed to make membership available to a broad cross-section of the interested public, rather than to restrict membership to a limited number of persons; and

(*c*) Whether the activities of the organization will be likely to appeal to persons having some broad common interest or purpose, such as educational or musical activities in the case of literary or symphony societies or alumni associations, or civic affairs in the case of parent-teacher associations.

See Examples (2) through (5) in subparagraph (9) of this paragraph for the application of this subparagraph.

(4) *Definition of "normally"; general rule.* (i) For purposes of subparagraph (2) of this paragraph, an organization will be considered as "normally" meeting the 33⅓ percent-of-support test for its current taxable year and the taxable year immediately succeeding its current year, if, for the four taxable years, immediately preceding the current taxable year, the organization meets the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph on an aggregate basis.

(ii) For purposes of subparagraph (3) of this paragraph, an organization will be considered as "normally" meeting the requirements of subparagraph (3) of this paragraph for its current taxable year and the taxable year immediately succeeding its current year, if, for the 4 taxable years immediately preceding the current taxable year, the organization meets the requirements of subparagraph (3) (i) and (ii) of this paragraph on an aggregate basis and satisfies a sufficient combination of the factors set forth in subparagraph (3) (iii) through (vii) of this paragraph. In the case of subparagraph (3) (iii) and (iv) of this paragraph, facts pertinent to years preceding 4 taxable years immediately preceding the current taxable year may also be taken into consideration. The combination of factors set forth in subparagraph (3) (iii) through (vii) of this paragraph which an organization "normally" must meet does not have to be the same for each 4-year period so long as there exists a sufficient combination of factors to show compliance with subparagraph (3) of this paragraph.

(iii) The fact that an organization has "normally" met the requirements of subparagraph (2) of this paragraph for a current taxable year, but is unable "normally" to meet such requirements for a succeeding taxable year, will not in itself prevent such organization from meeting the requirements of subparagraph (3) of this paragraph for such succeeding taxable year.

(iv) The application of subdivisions (i), (ii), and (iii) of this subparagraph may be illustrated by the following example:

Example. X, an organization described in section 170(c)(2), meets the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph in taxable year 1975 on the basis of support received during taxable years 1971, 1972, 1973, and 1974. It therefore "normally" meets the requirements of subparagraph (2) of this paragraph for 1975 and 1976, the taxable year immediately succeeding 1975 (the current taxable year). For the taxable year 1976, X is unable to meet the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph on the basis of support received during taxable years 1972, 1973, 1974, and 1975. If X can meet the requirements of subparagraph (3) of this paragraph on the basis of taxable years 1972, 1973, 1974, and 1975, X will meet the requirements of subparagraph (3) of this paragraph for 1977 (the taxable year immediately succeeding 1976, the current taxable year) under subdivision (ii) of this subparagraph. However, if for the taxable year 1976, X fails to meet the requirements of subparagraph (3) of this paragraph on the basis of all of the facts and circumstances pertinent to the taxable years 1972 through 1975, X will not meet the requirements of subparagraph (3) of this paragraph for 1977, the taxable year immediately succeeding its current taxable year, on the basis of taxable years 1972, 1973, 1974, and 1975. It will not be disqualified as a section 170(b)(1)(A)(vi) organization for taxable year 1976, because it "normally" met the requirements of subparagraph (2) of this paragraph for 1975, unless the provisions of subdivision (v) of this subparagraph become applicable.

(v)(*a*) The rules prescribed in subdivisions (i) and (ii) of this subparagraph shall not be treated as satisfied by an organization with respect to its current taxable year if there are substantial and material changes in the organization's character, purposes, methods of operation, or sources of support in such year, or with respect to the immediately succeeding taxable year if such changes occur in the current taxable year or in such succeeding year, unless such rules are satisfied in accordance with (*b*) of this subdivision.

(*b*) If (*a*) of this subdivision applies, then the current taxable year shall be considered as part of the period described in subdivision (i) or (ii) of this subparagraph, and the determination whether an organization "normally" meets the requirements of subparagraph (2) or (3) of this paragraph will be made on the basis of the current taxable year and the four immediately preceding taxable years (rather than solely on the basis of the 4-year period described in subdivision (i) or (ii) of this subparagraph). For example, if the organization described in the example in subdivision

(iv) of this subparagraph has substantial and material changes in its methods of operation in taxable year 1975, the determination whether it "normally" meets the requirements of subparagraph (2) or (3) of this paragraph for 1975 will be made on the basis of taxable years 1971 through 1975, rather than taxable years 1971 through 1974.

(vi) If subdivision (v) of this subparagraph applies and, as a result thereof, an organization is able to meet the requirements of neither subparagraph (2) nor subparagraph (3) of this paragraph for its current taxable year, the status (with respect to a grantor or contributor under sections 170, 507(b)(1)(A), 4942, and 4945) of contributions made to such organization during such current taxable year and the immediately succeeding taxable year will not be affected until notice of change of status under section 170(b)(1)(A)(vi) (or section 509(a)(1)) is made to the public (such as by publication in the Internal Revenue Bulletin). The preceding sentence shall not apply, however, if the grantor or contributor (or any person standing in a relationship to such grantor or contributor which is described in section 4946(a)(1) (C) through (G)) was in part responsible for, or was aware of, the substantial and material change described in subdivision (v)(*a*) of this subparagraph, or acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from classification as a section 170(b)(1)(A)(vi) (or section 509(a)(1)) organization.

(vii) If an organization has been in existence for at least 1 taxable year, but fewer than 5 taxable years, the number of years for which the organization has been in existence immediately preceding each current taxable year being tested will be substituted for the 4-year period described in subdivision (i) or (ii) of this subparagraph to determine whether the organization "normally" meets the requirements of subparagraph (2) or (3) of this paragraph. See subparagraph (5)(iii) of this paragraph as to the status of an organization which:

(*a*) Has not received a ruling or determination letter pursuant to subparagraph (5)(i) of this paragraph; and

(*b*) Has not met the requirements of subparagraph (2) or (3) of this paragraph for its first taxable year.

(5) *Definition of "normally"; newly created organizations; procedure for advance ruling*—(i) *Special rule.* A ruling or determination letter that an organization is described in section 170(b)(1)(A)(vi) (or 509(a)(1)) will not be issued to a newly created organization. However, such organization may request a ruling or determination letter that it will be treated as a section 170(b)(1)(A)(vi) (or 509(a)(1)) organization for its first 2 taxable years if it can reasonably be expected to meet the requirements of subparagraph (2) or (3) of this paragraph during the period consisting of its first 2 taxable years. The issuance of a ruling or determination letter will be discretionary with the Commissioner. The information to be submitted for this purpose shall consist of all pertinent facts and circumstances relating to the requirements and factors set forth in subparagraph (3) of this paragraph. All evidence of prior contributions, as well as of anticipated contribution, grants and other expected sources of support (and the extent thereof, if known) shall be submitted in lieu of the actual financial information and other data required under the applicable subdivisions of subparagraph (3) of this paragraph.

(ii) *Effect of ruling or determination letter.* (*a*) If an organization receives a ruling or determination letter described in subdivision (i) of this subparagraph, such ruling or determination letter shall be applicable with respect to the organization, as well as with respect to grantors and contributors thereto, until such organization has met the tests described in either subparagraph (2) or subparagraph (3) of this paragraph for its first 2 taxable years. Such ruling or determination letter may, however, be terminated by notification by the Commission prior to the expiration of such period. For purposes of sections 170, 507(b)(1)(A), 4942, and 4945, the status of grants or contributions with respect to grantors or contributors to such organization will not be affected until notice of change of status of such organization is made to the public (such as by publication in the Internal Revenue Bulletin). The preceding sentence shall not apply, however, if the grantor or contributor (or any person standing in a relationship to such grantor or contributor which is described in section 4946(a)(1) (C) through (G)) was in part responsible for, or was aware of, the act or failure to act that resulted in the organization's loss of classification under section 170(b)(1)(A)(vi) (or 509(a)(1)) or acquired knowledge that the Internal Revenue Service had given notice to such organization that it would be deleted from such classification. In cases in which it is doubtful whether the making of a particular grant or contribution will constitute an act that results in an organization's loss of section 170(b)(1)(A)(vi) status, the grantee organization may, upon making full disclosure of all pertinent and material facts, request a ruling or determination letter which clarifies the effect of such grant or contribution. The issuance of such ruling or determination letter will, however, be discretionary with the Commissioner.

(*b*) An organization which has received a ruling or determination letter pursuant to subdivision (i) of this subparagraph will be considered as "normally" meeting the requirements of subparagraph (2) or (3) of this paragraph if it satisfies either of such subparagraphs for its first 2 taxable years on an aggregate basis computed over such two-year period. Once an organization has met the requirements of subparagraph (2) or (3) of this paragraph for such 2-year period, the ruling received pursuant to subdivision (i) of this subparagraph shall no longer apply, and such organization must "normally" meet the requirements of subparagraph (2) or (3) of this paragraph for the period described in subparagraph (4) (i), (ii), or (vii) of this paragraph, whichever is applicable.

(*c*) An organization which:

(*1*) Has received a ruling or determination letter under subdivision (i) of this subparagraph;

(*2*) Has not been notified by the Commissioner or his delegate prior to the expiration of its first 2 taxable years that it will no longer be considered as "normally" being a "publicly supported" organization; and

(*3*) Has satisfied neither subparagraph (2) nor subparagraph (3) of this paragraph within such 2-year period,

will not be considered to be an organization described in section 170(b)(1)(A)(vi):

(*4*) As of the first day of its third taxable year for purposes of making any determination under the internal revenue laws (other than sections 507(d) and 4940), and

(*5*) As of the first day of its first taxable year for purposes of sections 507(d) and 4940,

with respect to such organization or any grantor or contributor thereto.

(iii) *New organizations failing to receive ruling or determination letter.* (*a*) A newly created organization which fails to receive a ruling or determination letter pursuant to subdivision (i) of this subparagraph will be treated as "normally" meeting the requirements of subparagraph (2) or (3) of this paragraph if it subsequently meets such requirements for its first taxable year, or for its first 2 taxable years on an aggregate basis computed for such 2-year period.

(*b*) However, if a newly created organization which fails to receive a ruling or determination letter pursuant to subdivision (i) of this subparagraph satisfies neither subparagraph (2) nor subparagraph (3) of this paragraph at the end of its first taxable year, it shall be treated as a private foundation for such year (unless it satisfies the requirements of section 170(b)(1)(A) (i) through (v) or 509(a) (2), (3), or (4) for such year) for all purposes other than those of section 508(e). Such organization (or an organization which has received a ruling or determination letter pursuant to subdivision (i) of this subparagraph) shall not be treated as a private foundation for purposes of section 508(e) unless and until it is established that it can satisfy neither subparagraph (2) nor subparagraph (3) of this paragraph and cannot satisfy the requirements of section 170(b)(1)(A) (i) through (v) or 509(a) (2), (3), or (4) for its first 2 taxable years. If it fails to meet such requirements at the end of its first taxable year, but does meet such requirements at the end of its second taxable year, any tax imposed under chapter 42 for its first taxable year shall be abated and section 509(b) shall not be deemed to apply for its first taxable year.

(*c*) Once an organization has met the requirements of subparagraph (2) or (3) of this paragraph at the end of its first 2 taxable years, it will be considered as "normally" meeting such requirements for a current taxable year if it satisfies either of such subparagraphs in accordance with subparagraph (4) (i), (ii), or (vii) of this paragraph, whichever is applicable.

(6) *Definition of support; meaning of general public*—(i) *In general.* In determining whether the 33⅓ percent-of-support test described in subparagraph (2) of this paragraph or the 10 percent-of-support limitation described in subparagraph (3)(i) of this paragraph is "normally" met, contributions by an individual, trust, or corporation shall be taken into account as "support" from direct or indirect contributions from the general public only to the extent that the total amount of the contributions by any such individual, trust, or corporation during the 4-year period described in subparagraph (4) (i) or (ii) of this paragraph, or the period described in subparagraph (4)(vii) of this paragraph, does not exceed 2 percent of the organization's total support for such period, except as provided in subdivision (ii) of this subparagraph. Therefore, any contribution by one individual will be included in full in the denominator of the fraction determining the 33⅓ percent-of-support or the 10 percent-of-support limitation, but will only be includible in the numerator of such fraction to the extent that such amount does not exceed 2 percent of the denominator. In applying the 2 percent limitation, all contributions made by a donor and by any person or persons standing in a relationship to the donor which is described in section 4946(a)(1) (C) through (G) and the regulations thereunder shall be treated as made by one person. The 2 percent limitation shall not apply to support received from governmental units referred to in section 170(c)(1) or to contributions from organizations described in section 170(b)(1)(A)(vi), except as provided in subdivision (iv) of this subparagraph. A national organization which carries out its purposes through local chapters with which it has an identity of aims and purposes may, for purposes of determining whether the organization and the local chapters meet the 33⅓ percent-of-support test in subparagraph (2) of this paragraph or the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph, make the computations on an aggregate basis. For purposes of subparagraphs (2), (3)(i), and (7)(ii)(*b*) of this paragraph, the term "indirect contributions from the general public" includes contributions received by the organization from organizations (such as section 170(b)(1)(A)(vi) organizations) which normally receive a substantial part of their support from direct contributions from the general public, except as provided in subdivision (iv) of this subparagraph. See the examples in subparagraph (9) of this paragraph for the application of this subdivision.

(ii) *Exclusion of unusual grants.* For purposes of applying the 2 percent limitation described in subdivision (i) of this subparagraph to determine whether the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph is satisfied, one or more contributions may be excluded from both the numerator and the denominator of the fraction determining the 10 percent-of-support limitation if such contributions meet the requirements of subdivision (iii) of this subparagraph. The exclusion provided by this subdivision is generally intended to apply to substantial contributions or bequests from disinterested parties which contributions or bequests:

(*a*) Are attracted by reason of the publicly supported nature of the organization;

(*b*) Are unusual or unexpected with respect to the amount thereof; and

(*c*) Would, by reason of their size, adversely affect the status of the organization as normally being publicly supported for the applicable period described in subparagraph (4) or (5) of this paragraph.

In the case of a grant (as defined in § 1.509(a)-3(g)) which meets the requirements of this subdivision, if the terms of the granting instrument require that the funds be paid to the recipient organization over a period of years, the amount received by the organization each year pursuant to the terms of such grant may be excluded for such year.

(iii) *Factors to determine the exclusion of unusual grants.* In determining whether a particular contribution may be excluded under subdivision (ii) of this subparagraph, all pertinent facts and circumstances, including the following factors, will be taken into consideration:

(*a*) Whether the contribution was made by any person (or persons standing in a relationship to such person which is described in section 4946(a)(1) (C) through (G)) who created the organization, previously contributed a substantial part of its support or endowment, or stood in a position of authority, such as a foundation manager (within the meaning of section 4946(b)), with respect to the organization. It is unlikely that such contribution will be excluded.

(*b*) Whether the contribution was a bequest or an inter vivos transfer. A bequest will be given more favorable consideration than an inter vivos transfer.

(*c*) Whether the contribution was in the form of cash, readily marketable securities, or assets which further the exempt purposes of the organization, such as a gift of a painting to a museum.

(*d*) Whether, prior to the receipt of the particular contribution, the organization carried on an active program of public solicitation and exempt activities.

(*e*) Whether, prior to the year in which the particular contribution was received, the organization met the requirements of either subparagraph (2) or subparagraph (3)(i) of this paragraph without the benefit of subdivision (ii) of this subparagraph.

As to the status of contributors of contributions which result in substantial and material changes in the organization (as described in subparagraph (4)(v)(*a*) of this paragraph) and which fail to meet the requirements for exclusion under subdivision (ii) of this subparagraph, see the rules prescribed in subparagraph (4)(vi) of this paragraph.

(iv) *Grants from public charities.* Pursuant to subdivision (i) of this subparagraph, contributions received from a governmental unit or from a section 170(b)(1)(A)(vi) organization are not subject to the 2 percent limitation described in that subdivision unless such contributions represent amounts which have been expressly or impliedly earmarked by a donor to such governmental unit or section 170(b)(1)(A)(vi) organization as being for, or for the benefit of, the particular organization claiming section 170(b)(1)(A)(vi) status. See § 1.509(a)—3(j)(3) for examples illustrating the rules of this subdivision.

(7) *Definition of support; special rules and meaning of terms*—(i) *Definition of support.* For purposes of this paragraph, the term "support" shall be as defined in section 509(d) (without regard to section 509(d)(2)). The term "support" does not include:

(*a*) Any amounts received from the exercise or performance by an organization of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a). In general, such amounts include amounts received from any activity the conduct of which is substantially related to the furtherance of such purpose of function (other than through the production of income), or

(*b*) Contributions of services for which a deduction is not allowable.

For purposes of the 33⅓ percent-of-support test in subparagraph (2) of this paragraph and the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph, all amounts received which are described in (*a*) or (*b*) of this subdivision are to be excluded from both the numerator and the denominator of the fractions determining compliance with such tests, except as provided in subdivision (ii) of this subparagraph.

(ii) *Organizations dependent primarily on gross receipts from related activities.* Notwithstanding the provisions of subdivision (i) of this subparagraph, an organization will not be treated as satisfying the 33⅓ percent-of-support test in subparagraph (2) of this paragraph or the 10 percent-of-support limitation in subparagraph (3)(i) of this paragraph if it receives:

(*a*) Almost all of its support (as defined in section 509(d)) from gross receipts from related activities; and

(*b*) An insignificant amount of its support from governmental units (without regard to amounts referred to in subdivision (i)(*a*) of this subparagraph) and contributions made directly or indirectly by the general public.

For example, X, an organization described in section 501(c)(3), is controlled by A, its president. X received $500,000 during the 4 taxable years immediately preceding its current taxable year under a contract with the Department of Transportation, pursuant to which X has engaged in research to improve a particular vehicle used primarily by the Federal Government. During this same period, the only other support received by X consisted of $5,000 in small contributions primarily from X's employees and business associates. The $500,000 amount constitutes support under section 509(d)(2) and (*a*) of this subdivision. Under these circumstances, X meets the conditions of (*a*) and (*b*) of this subdivision and will not be treated as meeting the requirements of either subparagraph (2) or subparagraph (3) of this paragraph. As to the rules applicable to organizations which fail to qualify under section 170(b)(1)(A)(vi) because of the provisions of this subdivision, see section 509(a)(2) and the regulations thereunder. For the distinction between gross receipts (as referred to in section 509(d)(2)) and gross investment income (as referred to in section 509(d)(4)), see § 1.509(a)–3(m).

(iii) *Membership fees.* For purposes of this subparagraph, the term "support" shall include "membership fees" within the meaning of § 1.509(a)–3(h) (that is, if the basic purpose for making a payment is to provide support for the organization rather than to purchase admissions, merchandise, services, or the use of facilities).

(8) *Support from a governmental unit.* (i) For purposes of subparagraphs (2) and (3)(i) of this paragraph, the term "support from a governmental unit" includes any amounts received from a governmental unit, including donations or contributions and amounts received in connection with a contract entered into with a governmental unit for the performance of services or in connection with a Government research grant. However, such amounts will not constitute "support from a governmental unit" for such purposes if they constitute amounts received from the exercise or performance of the organization's exempt functions as provided in subparagraph (7)(i)(*a*) of this paragraph.

(ii) For purposes of subdivision (i) of this subparagraph, any amount paid by a governmental unit to an organization is not to be treated as received from the exercise or performance of its charitable, educational, or other purpose or function constituting the basis for its exemption under section 501(a) (within the meaning of subparagraph (7)(i)(*a*) of this paragraph) if the purpose of the payment is primarily to enable the organization to provide a service to, or maintain a facility for, the direct benefit of the public (regardless of whether part of the expense of providing such service or facility is paid for by the public), rather than to serve the direct and immediate needs of the payor. For example:

(*a*) Amounts paid for the maintenance of library facilities which are open to the public,

(*b*) Amounts paid under Government programs to nursing homes or homes for the aged in order to provide health care or domiciliary services to residents of such facilities, and

(*c*) Amounts paid to child placement or child guidance organizations under government programs for services rendered to children in the community,

are considered payments the purpose of which is primarily to enable the recipient organization to provide a service or maintain a facility for the direct benefit of the public, rather than to serve the direct and immediate needs of the payor.

(9) *Examples.* The application of subparagraphs (1) through (8) of this paragraph may be illustrated by the following examples:

Example (*1*). (*a*) M is an organization referred to in section 170(c)(2). For the years 1970 through 1973 (the applicable period with respect to the taxable year 1974 under subparagraph (4) of this paargraph), M received support (as defined in subparagraphs (6) through (8) of this paragraph) of $600,000 from the following sources:

Investment income	$300,000
City Y (a governmental unit referred to in section 170(c)(1)	40,000
United Fund (an organization referred to in section 170(b)(1)(A)(vi))	40,000
Contributions	220,000
Total support	600,000

(*b*) With respect to the taxable year 1974, M "normally" received in excess of 33⅓ percent of its support from a governmental unit referred to in section 170(c)(1) and from direct and indirect contributions from the general public (as defined in subparagraph (6) of this paragraph) computed as follows:

33⅓ percent of total support	$200,000
Support from a governmental unit referred to in section 170(c)(1)	40,000
Indirect contributions from the general public (United Fund)	40,000
Contributions by various donors (no one having made contributions which total in excess of $12,000—2 percent of total support)	50,000
6 contributions (each in excess of $12,000—2 percent of total support) 6 × $12,000	72,000
	202,000

(*c*) Since the amount of X's support from governmental units referred to in section 170(c)(1) and from direct and indirect contributions from the general public with respect to the taxable year 1974 "normally" exceeds 33⅓ percent of M's total support for the applicable period (1970–73), X meets the 33⅓ percent-of-support test under subparagraph (2) of this paragraph and is therefore treated as satisfying the requirements for classification as a "publicly supported" organization under subparagraph (2) of this paragraph for the taxable years 1974 and 1975 (there being no substantial and material changes in the organization's character, purposes, methods of operation, or sources of support in these years).

Example (*2*). N is an organization referred to in section 170(c)(2). It was created to maintain public gardens containing botanical specimens and displaying statuary and other art objects. The facilities, works of art, and a large endowment were all contributed by a single contributor. The members of the governing body of the organization are unrelated to its creator. The gardens are open to the public without charge and attract a substantial number of visitors each year. For the 4 taxable years immediately preceding the current taxable year, 95 percent of the organization's total support was received from investment income from its original endowment. N also maintains a membership society which is supported by members of the general public who wish to contribute to the upkeep of the gardens by paying a small annual membership fee. Over the 4-year period in question, these fees from the general public constituted the remaining 5 percent of the organization's total support for such period. Under these circumstances, N does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph for its current taxable year. Furthermore, since only 5 percent of its total support is, with respect to the current taxable year, normally received from the general public, N does not satisfy the 10 percent-of-support limitation described in subparagraph (3)(i) of this paragraph and cannot therefore be classified as "publicly supported" under subparagraph (3) of this paragraph. For its current taxable year, N therefore is not an organization described in section 170(b)(1)(A)(vi). Since N has failed to satisfy the 10 percent-of-support limitation under subparagraph (3)(i) of this paragraph, none of the other requirements or factors set forth in subparagraph (3)(iii) through (vii) of this paragraph can be considered in determining whether N qualifies as a "publicly supported" organization.

Example (*3*). (*a*) O, an art museum, is an organization referred to in section 170(c)(2). In 1930, O was founded in Y City by the members of a single family to collect, preserve, interpret, and display to the public important works of art. O is governed by a Board of Trustees which originally consisted almost entirely of members of the founding family. However, since 1945, members of the founding family or persons standing in a relationship to the members of such family described in section 4946(a)(1)(C) through (G) have annually constituted less than one-fifth of the Board of Trustees. The remaining board members are citizens of Y City from a variety of professions and occupations who represent the interests and views of the people of Y City in the activities carried on by the organization rather than the personal or private interests of the founding family. O solicits contributions from the general public and for each of its four most recent taxable years has received total contributions (in small sums of less than $100, none of which exceeds 2 percent of O's total support for such period) in excess of $10,000. These contributions from the general public (as defined in subparagraph (6) of this paragraph) represent 25 percent of the organization's total support for such 4-year period. For this same period, investment income from several large endowment funds has constituted 75 percent of its total support. O expends substantially all of its annual income for its exempt purposes and thus depends upon the funds it annually solicits from the public as well as its investment income in order to carry out its activities on a normal and continuing basis and to acquire new works of art. O has, for the entire period of its existence, been open to the public and more than 300,000 people (from Y City and elsewhere) have visited the museum in each of its four most recent taxable years.

(*b*) Under these circumstances, O does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph for its current year since it has received only 25 percent of its total support for the applicable 4-year period from the general public. However, under the facts set forth above, O has met the 10 percent-of-support limitation under subparagraph (3)(i), as well as the requirements of subparagraph (3)(ii), of this paragraph. Under all of the facts set forth in this example, O is considered as meeting the requirements of subparagraph (3) of this paragraph on the basis of satisfying subparagraph (3)(i) and (ii) of this paragraph and the factors set forth in subparagraph (3)(iii), (iv), (v), and (vi) of this paragraph, and is therefore classified as a "publicly supported organization" under subparagraph (1) of this paragraph for its current taxable year and the immediately succeeding taxable year (there being no substantial and material changes in the organization's character, purposes, methods of operation, or sources of support in these years).

Example (*4*). (*a*) In 1960, the P Philharmonic Orchestra was organized in Z City through the combined efforts of a local music society and a local women's club to present to the public a wide variety of musical programs intended to foster music appreciation in the community. P is an organization referred to in section 170(c)(2). The orchestra is, composed of professional musicians who are paid by the association. Twelve performances open to the public are scheduled each year. A small admission charge is made for each of these performances. In addition, several performances are staged annually without charge. During its four most recent taxable years, P has received separate contributions of $200,000 each from A and B (not members of a single family) and support of $120,000 from the Z Community Chest, a public federated fundraising organization operating in Z City. P depends on these funds in order to carry out its activities and will continue to depend on contributions of this type to be made in the future. P has also begun a fundraising campaign in an attempt to expand its activities for the coming years. P is governed by a Board of Directors comprised of five individuals. A faculty member of a local college, the president of a local music society, the head of a local banking institution, a prominent doctor, and a member of the governing body of the local Chamber of Commerce currently serve on the Board and represent the interests and views of the community in the activities carried on by P.

(*b*) With respect to P's current taxable year, P's sources of support are computed on the basis of the 4 immediately preceding years, as follows:

Contributions	$520,000
Receipts from performances	100,000
Total support	620,000
Less:	
Receipts from performances (excluded under subparagraph (7)(i)(*a*) of this paragraph)	100,000
Total support for purposes of subpararaphs (2) and (3)(i) of this paragraph	520,000

(*c*) For purposes of subparagraphs (2) and (3)(i) of this paragraph, P's support is computed as follows:

Z Community Chest (indirect support from the general public)	$120,000
Two contributions (each in excess of $10,400—2 percent of total support) 2 × $10,400	20,800
Total	140,800

(*d*) P's support from the general public, directly and indirectly, does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph (140,800/520,000 equals 27 percent of total support). However, since P receives 27 percent of its total support from the general public, it meets the 10 percent-of-support limitation under subparagraph (3)(i) of this paragraph. P also meets the requirements of subparagraph (3)(ii) of this paragraph. As a result of satisfying these requirements and the factors set forth in subparagraph (3)(iii), (iv), (v), and (vi) of this paragraph, P is considered as meeting the requirements of subparagraph (3) of this paragraph and is therefore considered to be a "publicly supported" organization under subparagraph (1) of this paragraph.

(*e*) If, instead of the above facts, P were a newly created organization, P could obtain a ruling pursuant to subparagraph (5)(i) of this paragraph by reason of its purposes, organizational structure and proposed method of operation. Even if P had initially been founded by the contributions of a few individuals, such fact would not, in and of itself, disqualify P from receiving a ruling under subparagraph (5)(i) of this paragraph.

Example (*5*). (*a*) Q is an organization referred to in section 170(c)(2). It is a philanthropic organization founded in 1965 by A for the purpose of making annual contributions to worthy charities. A created Q as a charitable trust by the transfer of $500,000 worth of appreciated securities to Q. Pursuant to the trust agreement, A and two other members of his family are the sole trustees and are vested with the right to appoint successor trustees. In each of its four most recent taxable years, Q received $15,000 in investment income from its original endowment. Each year Q makes a solicitation for funds by operating a charity ball at A's residence. Guests are invited and requested to make contributions of $100 per couple. During the 4-year period involved, $15,000 was received from the proceeds of these events. A and this family have also made contributions to Q of $25,000 over the course of the organization's four most recent taxable years. Q makes disbursements each year of substantially all of its net income to the public charities chosen by the trustees.

(*b*) With respect to Q's current taxable year, Q's sources of support are computed on the basis of the 4 immediately preceding years as follows:

Investment income	$60,000
Contributions	40,000
Total support	100,000

(*c*) For purposes of subparagraphs (2) and (3)(i) of this paragraph, Q's support is computed as follows:

Contributions from the general public	$15,000
One contribution (in excess of $2,000—2 percent of total support) 1 × $2,000	2,000
Total	17,000

(*d*) Q's support from the general public does not meet the 33⅓ percent-of-support test under subparagraph (2) of this paragraph (17,000/100,000 equals 17 percent of total support). Thus, Q's classification as a "publicly supported" organization depends on whether it meets the requirements of subparagraph (3) of this paragraph. Even though it satisfies the 10 percent-of-support limitation under subparagraph (3)(i) of this paragraph, its method of solicitation makes it questionable whether Q satisfies the requirements of subparagraph (3)(ii) of this paragraph. Because of its method of operating, Q also has a greater burden of establishing its publicly supported nature under subparagraph (3)(iii) of this paragraph. Based upon the foregoing and upon Q's failure to receive favorable consideration under the factors set forth in subparagraph (3)(iv), (v), and (vi) of this paragraph, Q does not satisfy the requirements of subparagraph (3) of this paragraph as a "publicly supported" organization.

(*e*) If, instead of the above facts, Q were a newly created organization, Q would not be able to receive a ruling pursuant to subparagraph (5)(i) of this paragraph. Its purposes, organizational structure, and method of operation would be insufficient to establish that Q could reasonably be expected to meet the requirements of subparagraph (2) or (3) of this paragraph for its first 2 taxable years.

(10) *Community trusts; general rules.* [Reserved.]

(f) *Private operating foundation.* An organization is described in section 170(b)(1)(A)(vii) and (E)(i) if it is a private "operating foundation" as defined in section 4942(j)(3) and the regulations thereunder.

(g) *Private nonoperating foundation distributing amount equal to all contributions received*—(1) *In general.* (i) An organization is described in section 170(b)(1)(A)(vii) and (E)(ii) if it is a private foundation which, not later than the 15th day of the third month after the close of its taxable year in which any contributions are received, distributes an amount equal in value to 100 percent of all contributions received in such year. Such distributions must be qualifying distributions (as defined in section 4942(g) without regard to paragraph (3) thereof) which are treated, after the application of section 4942(g)(3), as distributions out of corpus in accordance with section 4942(h). Qualifying distributions, as defined in section 4942(g) without regard to paragraph (3) thereof, cannot be made to (i) an organization controlled directly or indirectly by the foundation or by one or more disqualified persons (as defined in section 4946) with respect to the foundation or (ii) a private foundation which is not an operating foundation (as defined in section 4942(j)(3)). The phrase "after the application of section 4942(g)(3)" means that every contribution described in section 4942(g)(3) received by a private foundation described in this subparagraph in a particular taxable year must be distributed (within the meaning of section 4942(g)(3)(A)) by such foundation not later than the 15th day of the third month after the close of such taxable year in order for any other distribution by such foundation to be counted toward the 100-percent requirement described in this subparagraph.

(ii) In order for an organization to meet the distribution requirements of subdivision (i) of this subparagraph, it must, not later than the 15th day of the third month after the close of its taxable year in which any contributions are received, distribute (within the meaning of subdivision (i) of this subparagraph) an amount equal in value to 100 percent of all contributions received in such year and have no remaining undistributed income for such year.

(iii) The provisions of this subparagraph may be illustrated by the following examples:

Example (1). X is a private foundation on a calendar year basis. As of January 1, 1971, X had no undistributed income for 1970. X's distributable amount for 1971 was $600,000. In July 1971, A, an individual, contributed $500,000 (fair market value determined at the time of the contribution) of appreciated property to X (which, if sold, would give rise to long-term capital gain). X did not receive any other contribution in either 1970 or 1971. During 1971, X made qualifying distributions of $700,000 which were treated as made out of the undistributed income for 1971 and $100,000 out of corpus. X will meet the requirements of section 170(b)(1)(E)(ii) for 1971 if it makes additional qualifying distributions of $400,000 out of corpus by March 15, 1972.

Example (2). Assume the facts as stated in Example (1), except that as of January 1, 1971, X had $100,000 of undistributed income for 1970. Under these circumstances, the $700,000 distributed by X in 1971 would be treated as made out of the undistributed income for 1970 and 1971. X would therefore have to make additional qualifying distributions of $500,000 out of corpus between January 1, 1972, and March 15, 1972, in order to meet the requirements of section 170(b)(1)(E)(ii) for 1971.

(2) *Special rules*. In applying subparagraph (1) of this paragraph—

(i) For purposes of section 170(b)(1)(A)(vii), an organization described in section 170(b)(1)(E)(ii) must distribute all contributions received in any year, whether of cash or property. However, solely for purposes of section 170(e)(1)(B)(ii), an organization described in section 170(b)(1)(E)(ii) is required to distribute only all contributions of property received in any year. Contributions for purposes of this subdivision do not include bequests, legacies, devises, or transfers within the meaning of section 2055 or 2106(a)(2) with respect to which a deduction was not allowed under section 170.

(ii) Any distributions made by a private foundation pursuant to subparagraph (1) of this paragraph with respect to a particular taxable year shall be treated as made first out of contributions of property and then out of contributions of cash received by such foundation in such year.

(iii) A private foundation is not required to trace specific contributions of property, or amounts into which such contributions are converted, to specific distributions.

(iv) The fair market value of contributed property, determined on the date of the contribution, is required to be used for purposes of determining whether an amount equal in value to 100 percent of the contributions received has been distributed.

(v) A private foundation may satisfy the requirements of subparagraph (1) of this paragraph for a particular taxable year by electing (pursuant to section 4942(h)(2) and the regulations thereunder) to treat a portion or all of one or more distributions, made not later than the 15th day of the third month after the close of such year, as made out of corpus.

(3) *Transitional rules*—(i) *Taxable years beginning before January 1, 1970, and ending after December 31, 1969*. In order for an organization to meet the distribution requirements of subparagraph (1)(i) of this paragraph for a taxable year which begins before January 1, 1970, and ends after December 31, 1969, it must, not later than the 15th day of the third month after the close of such taxable year, distribute (within the meaning of subparagraph (1)(i) of this paragraph) an amount equal in value to 100 percent of all contributions (other than contributions described in section 4942(g)(3)) which are received between January 1, 1970, and the last day of such year. Because the organization is not subject to the provisions of section 4942 for such year, the organization need not satisfy subparagraph (1)(ii) of this paragraph or the phrase "after the application of section 4942(g)(3)" for such year.

(ii) *Extension of period*. For purposes of section 170 (b)(1)(A)(vii) and (e)(1)(B)(ii), in the case of a taxable year ending in either 1970 or 1971, the period referred to in section 170(b)(1)(E)(ii) for making distributions shall not expire before the 30th day after (insert date on which final regulations under section 170 (b)(1)(E)(ii) are filed by the FEDERAL REGISTER).

(4) *Adequate records required*. A taxpayer claiming a deduction under section 170 for a charitable contribution to a foundation described in subparagraph (1) of this paragraph must obtain adequate records or other sufficient evidence from such foundation showing that the foundation made the required qualifying distributions within the time prescribed. Such records or other evidence must be attached to the taxpayer's return for the taxable year for which the charitable contribution deduction is claimed. If necessary, an amended income tax return or claim for refund may be filed in accordance with § 301.6402-2 and § 301.6402-3 of this chapter (Procedure and Administration Regulations).

(h) *Private foundation maintaining a common fund*—(1) *Designation by substantial contributors*. An organization is described in section 170(b)(1) (A)(vii) and (E)(iii) if it is a private foundation all of the contributions to which are pooled in a common fund and which would be described in section 509(a)(3) but for the right of any donor who is a substantial contributor or his spouse to designated annually the recipients, from among public charities, of the income attributable to the donor's contribution to the fund and to direct (by deed or by will) the payment, to public charities, of the corpus in the common fund attributable to the donor's contribution. For purposes of this paragraph, the private foundation is to be treated as meeting the requirements of section 509(a)(3) (A) and (B) even though donors to the foundation, or their spouses, retain the right to, and in fact do, designate public charities to receive income or corpus from the fund.

(2) *Distribution requirements*. To qualify under subparagraph (1) of this paragraph, the private foundation described therein must be required by its governing instrument to distribute, and it must in fact distribute—

(i) All of the adjusted net income (as defined in section 4942(f)) of the common fund to one or more public charities not later than the 15th day of the third month after the close of the taxable year in which such income is realized by the fund, and

(ii) All the corpus attributable to any donor's contribution to the fund to one or more public charities not later than 1 year after the donor's death or after the death of his surviving spouse if she has the right to designate the recipients of such corpus.

(3) *Failure to designate*. A private foundation will not fail to qualify under this paragraph merely because a substantial contributor or his spouse fails to exercise his right to designate the recipients of income or corpus of the fund, provided that the income and corpus attributable to his contribution are distributed as required by subparagraph (2) of this paragraph.

(4) *Definitions*. For purposes of this paragraph—

(i) The term "substantial contributor" is as defined in section 507(d)(2) and the regulations thereunder.

(ii) The term "public charity" means an organization described in section 170 (b)(1)(A) (i) through (vi). If an organization is described in section 170(b)(1)(A) (i) through (vi), and is also described in section 170(b)(1)(A)(viii), it shall be treated as a public charity for purposes of this paragraph.

(iii) The term "income attributable to" means the income earned by the fund which is properly allocable to the contributed amount by any reasonable and consistently applied method. See, for example, § 1.642(c)-5(c).

(iv) The term "corpus attributable to" means the portion of the corpus of the fund attributable to the contributed amount. Such portion may be determined by any reasonable and consistently applied method.

(v) The term "donor" means any individual who makes a contribution (whether of cash or property) to the private foundation, whether or not such individual is a substantial contributor.

(i) *Section 509(a) (2) or (3) organization*. An organization is described in section 170(b)(1)(A)(viii) if it is described in section 509(a) (2) or (3), and the regulations thereunder.

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DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 55]

INSPECTION AND GRADING OF EGG PRODUCTS

Notice of Proposed Rule Making

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1627), the U.S. Department of Agriculture hereby proposes a new title (Regulations Governing the Voluntary Inspection and Grading of Egg Products), recodification and revision of the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55).

STATEMENT OF CONSIDERATIONS

The Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056) and the regulations issued pursuant thereto for egg products will become effective on July 1, 1971. Egg products plants presently using the voluntary inspection service under regulations of this part (7 CFR Part 55), will be inspected under the provisions of the Egg Products Inspection Act. However, there will be a need for a voluntary program for certain types of inspections and for the use of official USDA inspection identification for some products containing eggs as an ingredient. Some of these types of inspections are:

1. The use of Department personnel or laboratories for certain laboratory tests and analyses;
2. Sampling or inspection functions which are requested outside the official egg products plant;
3. Inspections, certifications, examinations, or specification-type gradings, and other inspections which may be requested by an egg products plant, which are in addition to the normal inspection requirements for the processing or production of a wholesome egg product;
4. A voluntary inspection program and official identification of certain categories of foods containing eggs which are exempted as an egg product requiring inspection under the Egg Products Inspection Act;
5. Test weighing or organoleptic examination of products outside the official plant when requested by interested persons.

The major changes being proposed in this regulation are the deletion of many of the provisions which dealt strictly with egg product processing and inspection requirements. These provisions will be covered by referencing the applicable provisions of the regulations issued pursuant to the Egg Products Inspection Act. Other proposed changes are administrative in nature or for the sake of simplification and clarification.

All persons who desire to submit written data, views, or arguments in connection with the proposal shall file the same in triplicate with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, no later than 10 days after publication in the FEDERAL REGISTER.

The proposed revised Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55) are as follows:

Subpart A—Inspection and Grading of Egg Products

DEFINITIONS

§ 55.1 Meaning of words.

Under the regulations in this part, words in the singular shall be deemed to import the plural and vice versa, as the case may demand.

§ 55.2 Terms defined.

For the purpose of the regulations in this part, unless the context otherwise requires, the following terms shall be construed, respectively:

"Act" means the applicable provisions of the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U.S.C. 1621 et seq.), or any other Act of Congress conferring like authority.

"Administrator" means the Administrator of the Consumer and Marketing Service (C&MS) of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Applicant" means any interested party who requests any grading or inspection service, or appeal grading or appeal inspection, with respect to any product.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, species, or method of processing.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability; or any condition, including, but not being limited to, the processing, handling, or packaging which affects such product.

"Department" means the U.S. Department of Agriculture.

"Inspection/Grading" means (1) the act of determining, according to the regulations, the class, quality, quantity, or condition of any product by examining each unit thereof or a representative sample drawn by a grader; (2) the act of issuing a certificate; or (3) the act of identifying, when requested by the applicant, any product by means of official identification pursuant to the Act and this part.

"Inspection and grading certificate" or "certificate" means a statement, either written or printed, issued by a grader or inspector pursuant to the Act and this part, relative to the class, quality, quantity, and condition of products.

"Inspector/Grader" means any employee of the Department authorized by the Secretary, or any other person to whom a license has been issued by the Secretary, to investigate and certify, in accordance with the Act and this part, to shippers of products and other interested parties the class, quality, quantity, and condition of such products.

"Interested party" means any person financially interested in a transaction involving any grading, inspection, or appeal grading or inspection of any product.

"National Supervisor" means (1) the officer in charge of the service of C&MS, and (2) such other employee of C&MS as may be designated by him.

"Office of grading" means the office of any grader or inspector.

"Official plant" means any plant in which the facilities and methods of operation therein have been found by the Administrator to be suitable and adequate for grading service or inspection in accordance with this part and in which such service is carried on.

"Person" means any individual, partnership, association, business trust, corporation, or any organized group persons, whether incorporated or not.

"Product" or "products" means eggs (whether liquid, frozen, or dried), egg products and any food product which is prepared or manufactured and contains eggs as an ingredient.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regional supervisor" means any employee of the Department in charge of the service in a designated geographical area.

"Regulations" means the provisions in this part.

"Sampling" means the act of taking samples of any product for grading or inspection.

"Secretary" means the Secretary of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated, the authority to act in his stead.

"Service" means (1) any grading or inspection, in accordance with the Act and the regulations, of any product, (2) supervision, in any official plant, of the preparation or packaging of any product, or (3) any appeal grading or appeal inspection of any previously graded or inspected product.

"Shell eggs" means the shell eggs of the domesticated chicken, turkey, duck, goose, and guinea.

§ 55.5 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

Subsection 203(h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said Act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the sampling, inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting or sampling under this part and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark or symbol formulated pursuant to the regulations in this part, stating that the product was graded or inspected, or for the purpose of maintaining the identity of the product.

(d) "Official Identification" means any United States (U.S.) standard designation of class, grade, quality, size, quantity, or condition specified in this part or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, size, quantity, or condition of the product approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a printed label, or other method as approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

ADMINISTRATION

§ 55.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act and this part. The Administrator is authorized to waive for a limited period any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations.

GENERAL

§ 55.20 Kinds of service available.

The regulations in this part provide for the following kinds of service:

(a) Inspection of processing products containing eggs in official plants.

(b) Sampling and laboratory analysis of products.

(c) Quantity and condition inspection of products.

(d) Laboratory analysis of samples (with or without added ingredients) of products which are submitted to the laboratory by the applicant.

§ 55.22 Where service is offered.

Any product may be graded or inspected wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

§ 55.24 Basis of service.

(a) Products shall be graded or inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. All service shall be subject to supervision at all times by the applicable State supervisor, egg products supervisor, regional supervisor, and National Supervisor. Whenever the supervisor of a grader or inspector has evidence that such grader or inspector incorrectly graded or inspected a product, such supervisor shall take such action as is necessary to correct the grading or inspection and to cause any improper official identification which appears on the product or containers thereof to be corrected prior to shipment of the product from the place of the initial grading or inspection.

(b) Whenever service is performed on a sample basis, such sample shall be drawn in accordance with the instructions as issued by the Administrator.

PERFORMANCE OF SERVICES

§ 55.30 Licensed graders and inspectors.

(a) Any person who is a Federal or State employee or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may be licensed by the Secretary as a grader or inspector.

(b) All licenses issued by the Secretary are to be counter-signed by the officer-in-charge of the service of the Consumer and Marketing Service or by any other official of C&MS designated by such officer.

(c) No person may be licensed to grade or inspect any product in which he is financially interested.

§ 55.40 Suspension of license; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform service may, whenever he deems such action necessary to assure that any grading or inspection services are properly performed, suspend any license to perform grading or inspection service issued pursuant to this part, by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons, the licensee may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license to perform grading or inspection service is revoked.

§ 55.50 Cancellation of license.

Upon termination of his services as a grader or inspector, each licensee shall surrender his license immediately for cancellation.

§ 55.60 Surrender of license.

Each license which is canceled, suspended, or revoked shall immediately be surrendered by the licensee to the office of the service in the region in which he is located.

§ 55.70 Identification.

All graders, inspectors, and supervisors shall have in their possession at all times while on duty and present upon request the means of identification furnished by the Department to such person.

§ 55.80 Political activity.

All graders and inspectors are forbidden during the period of their respective appointments or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate is prohibited, except as authorized by law or regulation of the Department. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay. Wilful violation of this section will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 55.90 Authority and duties of inspectors performing service on a resident inspection basis.

(a) Each inspector is authorized:

(1) To make such observations and inspections as he deems necessary to enable him to certify that products have been prepared, processed, stored, and otherwise handled in conformity with the regulations in this part;

(2) To supervise the marking of packages containing products which are eligible to be identified with official identification;

(3) To retain in his custody, or under his supervision, labels with official identification, marking devices, samples, certificates, seals, and reports of inspectors;

(4) To deface or remove, or cause to be defaced or removed under his personal supervision, any official identification from any package containing products whenever he determines that such products were not processed in accordance with the regulations or are not fit for human food;

(5) To issue a certificate upon request on any product processed in the official plant; and

(6) To use retention tags or other devices and methods as may be approved by the Administrator for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of any of the regulations. No product equipment, utensil, room or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector or grader.

(b) Each inspector shall prepare such reports and records as may be prescribed by the officer in charge of the service.

§ 55.95 Facilities to be furnished for use of graders and inspectors in performing service on a resident inspection basis.

(a) Facilities for proper sampling, weighing, and examination of products shall be furnished by the official plant for use by inspectors and graders. Such facilities shall include a candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with an eleven-sixteenths inch or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen product, a nonbreakable thermometer, and a satisfactory test kit for determining the bactericidal strength.

(b) Furnished office space and equipment, including but not being limited to, a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors and graders to change clothing. Such space and equipment must meet the approval of the State supervisor.

APPLICATION FOR SERVICE

§ 55.100 Who may obtain service.

(a) An application for service may be made by any interested person, including, but not being limited to, the United States, any State, county, municipality, or common carrier, and any authorized agent of the foregoing.

(b) Where service is offered: Any product may be graded or inspected, wherever a grader or inspector is available and the facilities and the conditions are satisfactory for the conduct of the service.

§ 55.120 Authority of applicant.

Proof of the authority of any person applying for any service may be required at the discretion of the Administrator.

§ 55.130 How application for service may be made; conditions of resident service.

(a) *On a fee basis.* An application for any service may be made in any office of grading, or with any grader or inspector at or nearest the place where the service is desired. Such application for service may be made orally (in person or by telephone), in writing or by telegraph. If an application for grading service is made orally, the office of grading, grader or inspector with whom such application is made, or the Administrator may require that the application be confirmed in writing.

(b) *On a resident inspection basis.* An application for inspection on a resident inspection basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator. Such forms may be obtained at the national, regional, or State grading office. In making application, the applicant agrees to comply with the terms and conditions of the regulations (including, but not being limited to, such instructions governing grading and inspection of products as may be issued from time to time by the Administrator). No member of, or delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from such service unless derived through service rendered a corporation for its general benefit.

(c) *Form of application.* Each application for grading or inspecting a specified lot of any product shall include such information as may be required by the Administrator in regard to the product and the premises where such product is to be graded or inspected.

§ 55.140 Application for inspection in official plants; approval.

Any person desiring to process and pack products under inspection service must receive approval of such plant and facilities as an official plant prior to the rendition of such service. An application for inspection service to be rendered in an official plant shall be approved according to the following procedure:

(a) *Initial survey.* When an application for inspection in a plant has been filed, the Regional Supervisor or his assistant serving the region in which the plant is located will make a survey and inspection of the premises and plant to determine whether the facilities and methods of operation therein are suitable and adequate for service in accordance with (1) the regulations and (2) such other administrative instructions as may be issued, from time to time, by C&MS and which are in effect at the time of the aforesaid survey and inspection.

(b) *Drawings and specifications to be furnished.* Three copies of drawings properly drawn to scale shall be submitted to the National Supervisor. The drawings shall consist of floor plans of space to be included in the official plant, the locations of such features as the principal pieces of equipment, floor drains, hand washing facilities, hose connections for cleanup purposes, the cardinal points of the compass, and the name and address (specific location) of the plant.

(1) The official plant shall include product processing rooms and areas, storage rooms, toilet and dressing rooms, storerooms for supplies used in the operation under this service, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the buildings comprising the official plant.

(2) Specifications covering the height of ceilings, types of principal pieces of equipment, character of walls, floors, and ceilings, lighting, ventilation including intake and exhaust facilities, water supply and drainage, and such other notations as may be required shall accompany the drawings. Upon approval of the drawings and specifications the application for service may be approved.

(c) *Final survey and plant approval.* Prior to the inauguration of inspection service, a final survey of the plant and premises shall be made by the Regional Supervisor or his assistant to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and the regulations. The plant may be approved only when these requirements have been met.

(d) Surveys and approvals made pursuant to the regulations (Part 59 of this chapter) under the Egg Products Inspection Act will be accepted for the purposes of this section.

§ 55.150 When application may be rejected.

Any application for service may be rejected by the Administrator (a) whenever the applicant fails to meet the requirements of the regulations prescribing the conditions under which the service is made available; (b) whenever the product is owned by or located on the premises of a person currently denied the benefits of the Act; (c) where any individual holding office or a responsible position with or having a substantial financial interest or share in the applicant is currently denied the benefits of the Act or was responsible in whole or in part for the current denial of the benefits of the Act to any person; (d) where the Administrator determines that the application is an attempt on the part of a person currently denied the benefits of the Act to obtain service; (e) whenever the applicant, after an initial survey has been made in accordance with § 55.140(a), fails to bring the plant, facilities, and operating procedures into compliance with the regulations within a reasonable period of time; (f) notwithstanding any prior approval whenever, before inauguration of service, the applicant fails to fulfill commitments concerning the inauguration of the service; (g) when it appears that to perform the services specified in this part would not be to the best interests of the public welfare or of the Government; or (h) when it appears to the Administrator that prior commitments of the Department necessitate rejection of the application. Each such applicant shall be promptly notified by registered mail of the reasons for the rejection. A written petition for reconsideration of such rejection may be filed by the applicant with the Administrator if postmarked or delivered within 10 days after receipt of notice of the rejection. Such petition shall state specifically the errors alleged to have been made by the Administrator in rejecting the application. Within 20 days following the receipt of such a petition for reconsideration, the Administrator shall approve the application or notify the applicant by registered mail of the reasons for the rejection thereof.

§ 55.160 When application may be withdrawn.

An application for service may be withdrawn by the applicant at any time before the service is performed upon payment, by the applicant, of all expenses incurred by C&MS in connection with such application.

§ 55.170 Order of service.

Service shall be performed, insofar as practicable, in the order in which applications therefor are made except that precedence may be given to any application for an appeal. The Department shall not be liable in damages accruing through acts of commission or omission in the administration of this part.

§ 55.180 Suspension of plant approval.

(a) Any plant approval pursuant to the regulations may be suspended for (1) failure to maintain plant and equipment in a satisfactory state of repairs; (2) the use of operating procedures which are not in accordance with the regulations; or (3) alterations of buildings, facilities, or equipment which cannot be approved in accordance with these regulations.

(b) During such period of suspension, inspection service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless service is terminated in accordance with the terms thereof. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time to be specified by the Administrator, the application and service shall be terminated. Upon termination of service in an official plant pursuant to the regulations, the plant approval shall also become terminated and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Administrator, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Department.

DENIAL OF SERVICE

§ 55.200 Debarment.

(a) The following acts or practices or the causing thereof may be deemed sufficient cause for the debarment by the Administrator, of any person, including any agents, officers, subsidiaries, or affiliates of such person, from any or all benefits of the Act for a specified period. The rules of practice governing withdrawal of inspection and grading services set forth in Part 50 of this chapter shall be applicable to such a debarment action:

(1) *Misrepresentation, deceptive, or fraudulent act or practice.* Any willful misrepresentation or any deceptive or fraudulent act or practice found to be made or committed by any person in connection with:

(i) The making or filing of an application for any service or appeal;

(ii) The making of the product accessible for sampling, grading, or inspection;

(iii) The making, issuing or using, or attempting to issue or use any certificate, symbol, stamp, label, seal, or identification authorized pursuant to the regulations;

(iv) The use of the terms "United States," "U.S.," "Government Graded," "Federal-State Graded," "U.S. Inspected," "Government Inspected," or terms of similar import in the labeling or advertising of any product;

(v) The use of any official stamp, symbol, label, seal, or identification in the labeling or advertising of any product.

(2) *Use of facsimile forms.* Using or attempting to use a form which simulates in whole or in part any certificate, symbol, stamp, label, seal, or identification authorized to be issued or used under the regulations in this part.

(3) *Willful violation of the regulations.* Any willful violation of the regulations or the Act.

(4) *Interfering with a grader, inspector, or employee of C&MS.* Any interference with or obstruction or any attempted interference or obstruction of or assault upon any grader, licensee, inspector or employee of C&MS in the performance of his duties. The giving or offering, directly or indirectly, of any money, loan, gift, or anything of value to an employee of C&MS, or the making or offering of any contribution to or in any way supplementing the salary, compensation or expenses of an employee of C&MS, or the offering or entering into a private contract or agreement with an employee of C&MS for any services to be rendered while employed by C&MS.

(5) *Miscellaneous.* The existence of any of the conditions set forth in § 55.150 constituting the basis for the rejection of an application for grading or inspection service.

§ 55.220 Other applicable regulations.

Compliance with these regulations shall not excuse failure to comply with any other Federal or any State or municipal applicable laws or regulations.

§ 55.240 Report of violations.

Each grader and inspector shall report, in the manner prescribed by the Administrator, all violations and noncompliance under the Act and this part of which such grader or inspector has knowledge.

§ 55.260 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector or grader and the container is in clean, sound condition and lined with a suitable inner liner.

IDENTIFYING AND MARKING PRODUCTS

§ 55.300 Approval of official identification.

(a) Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised of two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Products produced from edible shell eggs of the turkey, duck, goose, or guinea, or from other egg products which were produced from edible shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product including the type of eggs or egg products used in the product, e.g., "Containing turkey eggs." Egg products labeled without qualifying words as to type of shell egg used in the products, shall be produced only from the edible shell egg of the domesticated chicken, or the product of such eggs.

§ 55.310 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected for the purposes of § 55.5.

(b) The inspection marks which are permitted to be used on products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

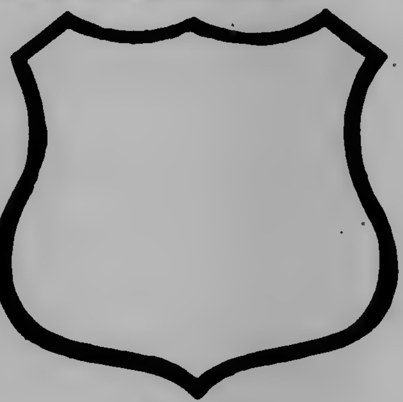

FIGURE 1.

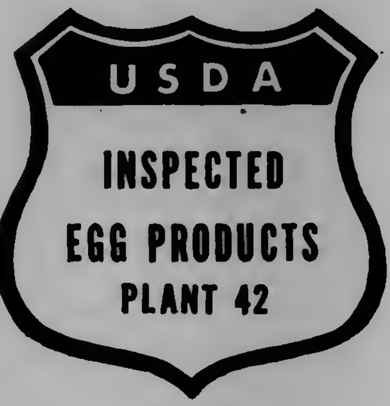

FIGURE 2.

§ 55.320 Products that may bear the inspection mark.

Products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products eligible to bear the inspection mark and may contain other edible ingredients. The official mark, when used, shall be printed or lithographed and applied as a part of the principal display panel of the container, but shall not be applied to a detachable cover.

§ 55.330 Unauthorized use or disposition of approved labels.

(a) Containers of labels which bear an official identification approved for use pursuant to § 55.300 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification or denial of the benefits of the Act pursuant to the provisions of § 55.200;

(b) The use of simulations or imitations of any official identification by any person is prohibited;

(c) Once a year or more often, if requested, each applicant shall submit to the Administrator a list of approved labels which bear any official identification that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product;

(d) Upon termination of inspection service in an official plant pursuant to the regulations, all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Regional Supervisor, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Department.

§ 55.340 Supervision of marking and packaging.

(a) *Evidence of label approval.* No grader or inspector shall authorize the use of official identification on any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 55.300.

(b) *Affixing of official identification.* No official identification may be affixed to or placed on or caused to be affixed to or placed on any product or container thereof except by a grader or inspector or under the supervision of a grader or inspector or other person authorized by the Administrator. All such products shall have been inspected in accordance with these regulations. The grader or inspector shall have supervision over the use and handling of all material bearing any official identification.

(c) *Labels for products sold under Government contract.* The grader or inspector in charge may approve labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications include complete specific requirements with respect to labeling, and are made available to the grader or inspector.

§ 55.350 Accessibility of product.

Each product for which service is requested shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 55.360 Certificates.

Certificates (including appeal certificates) shall be issued on forms approved by the Administrator.

§ 55.370 Certificate issuance.

(a) *Resident service.* Certificates will be issued only upon a request therefor by the applicant or C&MS. When requested, an inspector shall issue a certificate covering product inspected by him. In addition, an inspector may issue a certificate covering product inspected in whole or in part by another inspector when the inspector has knowledge that the product is eligible for certification based on personal examination of the product or official inspection records.

(b) *Other than resident service.* Each inspector shall, in person or by his authorized agent, issue a certificate covering each product inspected by him. An inspector's name may be signed on a certificate by a person other than the inspector, if such person has been designated as the authorized agent of such inspector by the National Supervisor: *Provided,* That the certificate is prepared from an official memorandum of inspection signed by the inspector: *And provided further,* That a notarized power of attorney authorizing such signature has been issued to such person by the inspector and is on file in the office of the service. In such case, the authorized agent shall sign both his own and the inspector's name, e.g., "John Doe by Richard Row."

§ 55.380 Disposition of certificates.

The original and a copy of each certificate, issued pursuant to § 55.370 and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for inspection program records. Additional copies of any such certificate may be supplied to any interested party as provided in § 55.520.

§ 55.390 Advance information.

Upon request of an applicant, all or part of the contents of any certificate issued to such applicant may be telephoned or telegraphed to him, or to any person designated by him, at his expense.

APPEALS

§ 55.400 Who may request an appeal grading or inspection or review of a grader's or inspector's decision.

An appeal grading or inspection may be requested by any interested party who is dissatisfied with the determination by a grader or inspector of the class, quality, quantity, or condition of any product, as evidenced by the USDA inspection mark and accompanying label, or as stated on a certificate and a review may be requested by the operator of an official plant with respect to a grader's or inspector's decision or on any other matter related to grading or inspection in the official plant.

§ 55.410 Where to file an appeal.

(a) *Appeal from resident grader's or inspector's grading or decision in an official plant.* Any interestd party who is not satisfied with the determination of the class, quality, quantity, or condition of product which was graded or inspected by a grader or inspector in an official plant and has not left such plant, and the operator of any official plant who is not satisfied with a decision by a grader or inspector on any other matter relating to grading or inspection in such plant may request an appeal grading or inspection or review of the decision by the grader or inspector by filing such request with the grader's or inspector's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with the determination of the class, quality, quantity, or condition of product which has left the official plant where it was graded or inspected or which was graded or inspected other than in an official plant may request an appeal grading or inspection by filing such request in the regional office where the product is located or with the Chief of the Grading Branch.

§ 55.420 How to file an appeal.

Any request for an appeal grading or inspection or review of a grader's or inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product, or the decision which is questioned. If such appeal request is based on the results stated on an official certificate, the original and all available copies of the certificate shall be returned to the appeal grader or inspector assigned to make the appeal grading or inspection.

§ 55.430 When an application for an appeal grading or inspection may be refused.

When it appears to the official with whom an appeal request is filed that the reasons given in the request are frivolous or not substantial, or that the condition of the product has under gone a material change since the original grading or inspection, or that the original lot has changed in some manner, or the Act or the regulations in this part have not been complied with, the applicant's request for the appeal grading or inspection may be refused. In such case, the applicant shall be promptly notified of the reason(s) for such refusal.

§ 55.440 Who shall perform the appeal.

(a) An appeal grading or inspection or review of a decision requested under § 55.410(a) shall be made by the grader's or inspector's immediate supervisor or by a licensed grader or inspector assigned by the immediate supervisor other than the grader or inspector whose grading or inspection or decision is being appealed.

(b) Appeal gradings or inspections requested under § 55.410(b) shall be performed by a grader or inspector other than the grader or inspector who originally graded or inspected the product.

(c) Whenever practical, an appeal grading or inspection shall be conducted jointly by two graders or inspectors. The assignment of the grader(s) or inspector(s) who will make the appeal grading or inspection under § 55.410(b) shall be made by the Regional Supervisor or the Chief of the Grading Branch.

§ 55.450 Procedures for selecting appeals samples.

(a) *Laboratory analyses.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. When the original sample containers cannot be located, the appeal sample shall consist of product taken at random from double the number of original sample containers.

(b) *Condition inspection.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. A condition appeal cannot be made unless all originally sampled containers are available.

§ 55.460 Appeal certificates.

Immediately after an appeal grading or inspection is completed, an appeal certificate shall be issued to show that the original grading or inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal grader or inspector assigns a different class or quantity designation to the lot, the labeling shall be corrected.

FEES AND CHARGES

§ 55.500 Payment of fees and charges.

(a) Fees and charges for any service shall be paid by the interested party making the application for such service, in accordance with the applicable provisions of this section and § 55.510 to 55.560, both inclusive. If so required by the grader, inspector, or sampler, such fees and charges shall be paid in advance.

(b) Fees and charges for any service shall, unless otherwise required pursuant to paragraph (c) of this section, be paid by check, draft, or money order payable to the Consumer and Marketing Service and remitted promptly to C&MS.

(c) Fees and charges for any service under a cooperative agreement with any State or person shall be paid in accordance with the terms of such cooperative agreement.

§ 55.510 Fees and charges for service other than on continuous resident basis.

(a) Unless otherwise provided in this part, the fees to be charged and collected for any service (other than for an appeal) performed, in accordance with this part on a fee basis shall be based on the applicable rates specified in §§ 55.510 to 55.560, both inclusive.

(b) Fees for product inspection and sampling for laboratory analysis and appeals will be based on the time required to perform the services. The hourly charge shall be $9.20 and shall include the time actually required to perform the sampling and inspection, waiting time, travel time, and any clerical costs involved in issuing a certificate.

(c) Services rendered on Saturdays, Sundays, or Government authorized holidays shall be charged for at the rate of $11.40 per hour. Information on Government authorized holidays is available from the Supervisor.

(d) The fee is to be charged for an appeal grading, inspection, or laboratory analysis appeal, shall be based on the hourly rates as specified in paragraph (b) or (c) of this section. If the result of an appeal condition inspection discloses that a material error was made in the original inspection, no fee will be charged.

(e) A fee shall be charged for the appeal under § 55.410(a) of a grader's or inspector's decision when (1) special travel was necessary to perform the appeal review, and (2) the grader's or inspector's decision was upheld on the appeal. In such cases, the fee shall be based on the hourly rates as specified in paragraph (b) or (c) of this section.

§ 55.520 Fees for additional copies of grading certificates.

Additional copies of any certificates, other than those provided for in § 55.380 may be supplied to any interested party upon payment of a fee of $2 for each set of five or fewer copies.

§ 55.530 Travel expenses and other charges.

Charges are to be made to cover the cost of travel and other expenses incurred by the Department in connection with rendering grading service. Such charges shall include the costs of transportation, per diem, shipping containers, postage, and any other expenses. Expenses are to be charged on an appeal certificate regardless of the grading results. Ten percent of the total expenses shall be added to cover administrative costs of the Department. The minimum expense charge shall be $0.50 per certificate.

§ 55.550 Laboratory analysis fees.

(a) The fees listed for the following laboratory analyses are applicable except as otherwise stated in paragraphs (b) or (c) of this section:

	Fee
Solids	$4.60
Fat	6.90
Bacteriological plate count	4.60
Bacteriological direct count	4.60
Coliforms	4.60
E. Coli (presumptive)	6.90
Yeast and mold count	4.60
Sugar	11.50
Salt	11.50
Color:	
NEPA	5.75
B-carotene	9.20
Whipping test	4.60
Whipping test plus bleeding	5.75
Fat film test	11.50
Oxygen	5.75
Glucose:	
Quantitative	9.75
Qualitative	6.90
Palatability and odor:	
First sample	4.60
Each additional sample	2.30
Staphylococcus	13.80
Salmonella: [1]	
Step 1	$9.20
Step 2	4.60
Step 3	9.20

(b) *Other fees for specified individual tests and services.* The fees listed for the following laboratory analyses are applicable for individual tests for one factor only, on a particular product sample:

	Fee
Solids	$5.50
Bacteriological plate count	5.50
Bacteriological direct count	5.50
Coliforms	5.50
E. Coli (presumptive)	7.75
Yeast and mold count	5.50

(c) The fee charge for an analysis for any laboratory test which is not shown in this section or for other services rendered in the laboratory will be based on the time required to perform the analysis or render the service. The hourly rate will be $11.40.

§ 55.560 Charges for continuous inspection and grading service on a resident basis.

Fees to be charged and collected for service on a resident basis shall be those provided in this section. The fees to be charged for any appeal grading or inspection shall be as provided in § 55.510.

(a) Charges. The charges for the service shall be paid by the applicant and shall include items listed in this section as are applicable. Payment for the full cost of the service rendered to the applicant shall be made by the applicant to the Consumer and Marketing Service, U.S. Department of Agriculture. Such full costs shall comprise such of the items listed in this section as are due and included in the bill or bills covering the period or periods during which the grading and inspection service was rendered. Bills will be rendered by the 10th day following the end of the billing period in which the service was rendered and are payable upon receipt. A charge will be made by C&MS in the amount of two (2) percent of any amounts remaining unpaid after 30 days from the date of billing. Such charge shall not be less than $5.

(1) An inauguration charge of $200 will be made at the time an application for service is signed except when the application is required because of a change in name or ownership. If service is not installed within 6 months from the date the application is filed, or if service is inactive due to an approved request for removal of a grader(s) or inspector(s) for a period of 6 months, the application will be considered terminated, but a new application may be filed at any time. In addition, there will be a charge of $300 if the application is terminated at the request of the applicant for reasons other than for a change in location, within 12 months from the date of the inauguration of service.

(2) A charge to cover the actual cost to C&MS for the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated headquarters when service is inaugurated.

(3) A charge for the salary and other costs, as specified in this subparagraph, for each grader or inspector while assigned except that no charge will be made when the assigned grader or inspector is temporarily reassigned by C&MS to perform service for other than the applicant. The base salary rate used for billing will be that of the grader(s) or inspector(s) assigned to the plant. The regular rate charge will be determined by adding an established factor to the base salary rate to cover costs for items such as the Employer's Tax imposed under the U.S. Internal Revenue Code (26 U.S.C.) for Old Age and Survivor's Benefits under the Social Security System, retirement benefits, group life insurance, health benefits, severance pay, sick leave, annual leave, travel costs for relief grading and inspection service, and related servicing costs. The overtime rate charge is 150 percent of the grader's salary. The added holiday rate charge is the same as the grader's salary when the grader or inspector works on a holiday.

(4) A charge of 10 percent of (i) the premium pay, and (ii) any expenses incurred (including travel and per diem costs) by each grader or inspector assigned while performing service at the applicant's request.

(5) An administrative service charge equal to 25 percent of the grader's or inspector's salary costs. A minimum charge of $50 will be made each billing period.

(b) *Other provisions.* (1) The applicant will designate in writing the employees of the applicant who will be required and authorized to furnish each grader or inspector with such information as may be necessary for the performance of the service.

(2) C&MS will provide, as available, an adequate number of graders or inspectors to perform the service. The number of graders or inspectors required will be determined by C&MS based on the expected demand for service.

(3) The service shall be provided at designated locations and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or C&MS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by C&MS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading and inspection service; or

(iv) Termination of the service pursuant to the provisions of the following subdivision (v) of this subparagraph;

(v) Grading and inspection service shall be terminated by C&MS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(4) Graders or inspectors will be required to confine their activities to those duties necessary in the rendering of service and such closely related activities as may be approved by the Administrator.

(5) When similar services are furnished to the same applicant under Part 56 or Part 70 of this chapter, the charges listed in this section shall not be repeated.

§ 55.570 Fees for service performed under cooperative agreement.

The fees to be charged and collected for any service performed under cooperative agreement shall be those provided for by such agreement.

SANITARY AND PROCESSING REQUIREMENTS

§ 55.600 General.

Except as otherwise approved by the Administrator, the sanitary, processing, and facility requirements, as applicable, shall be the same for the product processed under this part as for egg products processed under Part 50 §§ 59.500 through 59.580(c) of this chapter and § 55.650 of this part.

§ 55.650 Inspection and grading.

Examinations of the ingredients, processing, and the product shall be made to assure the production of a wholesome, unadulterated and properly labeled product. Such examinations include, but are not being limited to:

(a) Sanitation checks of plant premises, facilities, equipment, and processing operations.

(b) Checks on ingredients and additions used in products to assure that they are not adulterated, are fit for use as human food, and are stored, handled, and used in a sanitary manner.

(c) Examination of the eggs or egg produtcs used in the products to assure they are wholesome, not adulterated, and comply with the temperature, pasteurization, or other applicable requirements.

(d) Inspection during the processing and production of the product to determine compliance with any applicable standard or specification for such product.

(e) Examination during processing of the product to assure compliance with approved formulas and labeling.

(f) Test weighing and organoleptic examinations of finished product.

Subpart B—Official U.S. Standards for Palatability Scores for Dried Whole Eggs

§ 55.800 Preparation of samples for palatability test.

Reconstitute 33 grams of dried whole egg powder as completely as possible with 90 grams of distilled water in a suitable, clean container. Add the water and mix until the mixture is smooth and free from lumps. Place the container in gently boiling water and stir the mixture while coagulation takes place. When coagulated to the consistency of scrambled eggs, the sample is ready for the palatability test.

§ 55.820 Palatability scores for dried whole eggs.

The palatability score of the prepared sample shall be determined by a panel of officially qualified graders of dried eggs of the Consumer and Marketing Service, and shall be rated in accordance with the following table:

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[1] Salmonella test may be in three steps as follows: Step 1—growth through differential agars; Step 2—growth and testing through triple-sugar-iron agar; Step 3—confirmatory test through biochemicals.

DESCRIPTION OF QUALITY

Score:	
8	No detectable off flavor, comparable to high quality fresh shell eggs.
7½	Very slight off flavor.
7	Slight but not unpleasant off flavor.
6½	Definite but not unpleasant off flavor.
6	Pronounced off flavor (slightly unpleasant).
5	Unpleasant off flavor.
4	Definite unpleasant off flavor.
3	Pronounced unpleasant off flavor.
2	Repulsive flavor.
1	Definite repulsive flavor.
0	Pronounced repulsive flavor.

Signed at Washington, D.C. this 19th day of May, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-7195 Filed 5-21-71;8:50 am]

[7 CFR Part 923]

SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Notice of Proposed Rule Making

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of sweet cherries grown in designated counties in Washington by establishing regulations, pursuant to § 923.52 *Issuance of regulations,* which was recommended by the Washington Cherry Marketing Committee, established pursuant to the marketing agreement, and Order No. 923 (7 CFR Part 923), regulating the handling of sweet cherries grown in designated counties in Washington. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the 7th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendations by the Washington Cherry Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of sweet cherries from the production area are expected to begin on or about June 7, 1971. The proposed grade and size requirements provided herein are necessary to prevent the handling, on and after June 7, 1971, of any cherries grading lower than the grade herein specified, and smaller in size than as herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act. The proposed requirements herein that pertain to containers and the packaging of cherries in faced packs and any packs of 20 pounds, net weight, or larger, are designed to prevent deceptive packaging practices, promote buyer confidence, and maintain the integrity of the Washington sweet cherry industry. Individual shipments, not exceeding 100 pounds, of cherries sold for home use and not for resale, subject to necessary safeguards, are excepted from these requirements in that the quantity of cherries so handled is relatively inconsequential when compared with the total quantity handled, and because it would be administratively impractical to regulate the handling of such shipments due to the nearness to the source of supply. Such proposal reads as follows:

§ 923.310 Cherry Regulation 10.

(a) *Order.* (1) During the period June 7, 1971, through May 31, 1972, no handler shall, except as provided in subparagraph (2) of this paragraph, handle any lot of cherries unless such cherries meet each of the following applicable requirements:

(i) *Minimum grade.* U.S. No. 1: *Provided,* That the following tolerances, by count of the cherries in the lot, shall apply in lieu of the tolerances for defects provided in the U.S. Standards for Grades of Sweet Cherries: a total of 10 percent for defects; including in this amount not more than 5 percent, by count of the cherries in the lot, for serious damage, and including in this latter amount not more than 1 percent by count of the cherries in the lot, for cherries affected by decay: *Provided further,* That, the contents of individual packages in the lot are not limited as to the percentage of defects but the total of the defects of the entire lot shall be within the tolerances specified.

(ii) *Minimum size.* At least 95 percent, by count of the cherries in the lot, shall measure not less than forty-eight sixty-fourth inch in diameter.

(iii) *Faced packs and any packs of 20 pounds, net weight, or larger.* At least 90 percent, by count of the cherries in the lot, shall measure not less than fifty-four sixty-fourth inch in diameter.

(iv) *Containers.* The net weight of the cherries in any container having a capacity greater than that of a container with inside dimensions of 15⅛ by 10½ by 4 inches shall be not less than 20 pounds; and no container of cherries shall contain less than 12 pounds, net weight, of cherries.

(2) *Exceptions.* Notwithstanding any other provisions of this section, any individual shipment of cherries which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 923.41 (Assessments), and of § 923.55 (Inspection and Certification):

(i) The shipment consists of cherries sold for home use and not for resale;

(ii) The shipment does not, in the aggregate, exceed 100 pounds, net weight, of cherries; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(b) *Definitions.* (1) Terms used in the marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said marketing agreement and order;

(2) "U.S. No. 1" and "diameter" shall have the same meaning as when used in the U.S. Standards for Grades of Sweet Cherries (36 F.R. 8502); and

(3) "Faced pack" means that the cherries in the top layer in any container are so placed that the stem ends are pointing downward toward the bottom of the container.

Dated: May 20, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7264 Filed 5-21-71;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Insurance Administration

[24 CFR Parts 1930–1934]

[Docket No. R-71-109]

FEDERAL CRIME INSURANCE PROGRAM

Notice of Proposed Rule Making

Pursuant to title XII of the National Housing Act (added by the Urban Property Protection and Reinsurance Act of 1968, 12 U.S.C. 1749bbb—1749bbb-21), as amended by title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, Dec. 31, 1970); 5 U.S.C. 553; and delegation of authority by the Secretary of Housing and Urban Development (34 F.R. 2680, Feb. 27, 1969, as amended by 36 F.R. 1364, Jan. 28, 1971), the Federal Insurance Administrator proposes an amendment to Title 24, Code of Federal Regulations, by adding a new Subchapter C of Chapter VII, pertaining to the new direct Federal crime insurance program authorized by the Act (12 U.S.C. 1749bbb-10a, et seq.).

The purpose of this new subchapter is (1) to inform the general public concerning the manner in which the crime insurance program will operate, the States in which the insurance will initially be sold, and the eligibility requirements for its purchase; (2) to offer to all licensed property insurance agents and brokers in eligible States an opportunity to sell Federal crime insurance and to set forth the conditions of the offer; and (3) to prescribe the rules and regulations for the general operation of the program, as well as the specific policy forms that will be required.

Since the program will not become operative in any State in which, as of August 1, 1971, the Administrator finds that the standard lines of crime insurance are available at affordable rates, as provided by section 1231(b) of the Act, 12 U.S.C. 1749bbb-10a(b), it is not possible at this time to provide the public with a firm list of the States in which Federal crime insurance will initially be sold. However, § 1931.1 of the proposed regulations, in which the actual list of eligible States will be published no later than August 1, sets forth the current status of the Administrator's continuing review of the market unavailability situation.

Interested persons may submit written comments or suggestions on the proposed regulations to the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410. Prior to the adoption of the regulations, a public hearing will be held at 10 a.m. on June 11, 1971, in Room 2251, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC, to give representatives of State and local governments, the insurance industry, and members of consumer groups and the general public an opportunity to express their views orally. In addition, consideration will be given to written comments or suggestions received within 30 days from the date of publication of this notice in the FEDERAL REGISTER. Copies of comments submitted will be available for examination by interested persons during business hours, both before and after the specified closing date, in the HUD Information Center, Room 1202, at the above address.

Proposed Subchapter C of Chapter VII of Title 24 reads as follows:

SUBCHAPTER C—FEDERAL CRIME INSURANCE PROGRAM

PART 1930—DESCRIPTION OF PROGRAM AND OFFER TO AGENTS

Sec.
1930.1 Definitions.
1930.2 Description of program.
1930.3 Operation of program and inapplicability of State laws.
1930.4 Offer to agents and brokers to sell Federal crime insurance.
1930.5 Names and addresses of servicing companies. [Reserved]
1930.6 Duties of servicing companies.

§ 1930.1 Definitions.

(a) As used in this subchapter and in the crime insurance policies issued by the Federal Insurance Administrator, unless otherwise defined in the text of such policies—

(1) The following terms shall be defined as set forth in § 1905.1 of Subchapter A of this chapter: Act, Administrator, Binder, Person, Property owner, Secretary, State, and State insurance authority;

(2) "Adjuster" means any person engaged in the business of adjusting loss claims arising under property insurance policies issued by an insurance company;

(3) "Affordable rate" means such premium rate as the Secretary determines would permit the purchase of a specific type of insurance coverage by a reasonably prudent person in similar circumstances with due regard to the costs and benefits involved. For the purposes of the sale of Federal crime insurance, the rates set forth in Part 1933 of this subchapter shall be deemed affordable;

(4) "Agent or broker" means any person authorized to engage in the property insurance business as an agent or broker under the laws of any State;

(5) "Crime insurance" means insurance against losses resulting from robbery, burglary, larceny, and similar crimes, as more specifically defined and limited in Part 1933 of this subchapter and in the various crime insurance policies issued by the insurer. The term does not include automobile insurance or losses resulting from embezzlement;

(6) "Deductible" means the fixed amount or percentage of any loss not covered by an insurance policy. The amount of the deductible must be exceeded before insurance coverage takes effect;

(7) "Eligible premises" means a property eligible for crime insurance coverage under one or more of the types of policies described in Part 1933 of this subchapter;

(8) "Insurance company" means any property insurance company, or group of companies, authorized to engage in the insurance business under the laws of any State;

(9) "Insurer" means the Federal Insurance Administrator, U.S. Department of Housing and Urban Development, Washington, D.C. 20410.

(10) "Policyholder premium" means the total insurance premium payable by the insured for the coverage or coverages provided under any insurance policy;

(11) "Program" means the Federal crime insurance program authorized by title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, December 31, 1970), set forth principally in 12 U.S.C. 1749bbb-10a, et seq.;

(12) "Protective device" means any structural, mechanical, electrical, chemical, or other physical obstacle or device that can be utilized by a property owner to prevent or deter crime or to minimize losses;

(13) "Protective measure" means any protective device or other measure or procedure employed to prevent or deter crime or to minimize losses; and

(14) "Servicing company" means an insurance company or other organization that has entered into an agreement with the insurer to issue and service Federal crime insurance policies on the insurer's behalf in one or more States or areas eligible for the sale of such insurance.

(b) Technical or trade terms used in this subchapter or in the crime insurance policies issued by the Federal Insurance Administrator and not otherwise defined therein shall be deemed to have the most general meaning they have in the standard crime insurance policies providing similar coverages issued by private insurance companies.

§ 1930.2 Description of program.

(a) Title VI of the Housing and Urban Development Act of 1970 (Public Law 91-609, approved Dec. 31, 1970) authorizes the Secretary of Housing and Urban Development on and after August 1, 1971, to make crime insurance available at affordable rates in any State in which a critical market unavailability situation for crime insurance exists that has not been met through appropriate State action. The Secretary is directed to conduct a continuing review of the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law. The Secretary's basic authority under this title has been delegated to the Federal Insurance Administrator.

(b) The purpose of the delayed effective date for the Federal program is to give the private property insurance industry and the State insurance authorities an opportunity to solve the crime insurance unavailability problem through the establishment of appropriate programs under the authority of State law. Where adequate State solutions to the price and market problems are adopted, Federal crime insurance will not be sold.

(c) In States where the sale of Federal crime insurance is undertaken, policies will be sold primarily through agents and brokers licensed to engage in the insurance business within the State for which the policy is written, and by the appropriate servicing company. It is not anticipated that crime insurance will be sold through any office of the Department of Housing and Urban Development or through any other Federal facility.

(d) A list of States designated as eligible for the sale of Federal crime insurance will be established in § 1931.1 of this subchapter, subject to periodic revisions pursuant to determinations by the Federal Insurance Administrator that a critical crime insurance market unavailability or prohibitive cost situation exists in a particular State, or that the standard lines of crime insurance have become available at affordable rates either through a suitable State program or through the private insurance market.

§ 1930.3 Operation of program and inapplicability of State laws.

(a) The crime insurance program authorized by the Act is a direct Federal program, exempt from any form of Federal or State taxation in accordance with section 1250 of the Act (12 U.S.C. 1749bbb-20). In carrying out the program, the Administrator is authorized to define terms (section 1203(b); 1749bbb-2(b), to issue regulations (section 1247; 1749bbb-17), to establish premium rates (section 1233; 1749bbb-10c), to prescribe terms, conditions, and limits of coverage (section 1231(b); 1749bbb-10a(b)), and to make use of the existing facilities and services of insurance companies, agents, and brokers as fiscal agents of the United States (section 1232; 1749bbb-10b).

(b) No Federal crime insurance policy issued by or on behalf of the insurer shall be subject to any State tax or insurance law or regulation, nor shall any agent or broker be subject thereto with respect to any action taken by him under the authority of this subchapter; and no insurance policy shall be written by any agent or broker in the name or on behalf of the insurer on any form, or on terms and conditions, or with limits of coverage, or at premium rates, other than those then currently prescribed by the insurer. Failure by any insurance company, broker, or agent to comply with this requirement may result in the immediate suspension or debarment of the violator from any further participation in the program.

§ 1930.4 Offer to agents and brokers to sell Federal crime insurance.

(a) Pursuant to the authority contained in section 1232 of the Act (12 U.S.C. 1749bbb–10b), the insurer hereby offers to pay to any eligible agent or broker a commission in an amount equal to the specified percentage of the applicable policyholder premium with respect to each Federal crime insurance policy application he writes for an eligible property owner, in accordance with the provisions of this subchapter, pursuant to which a Federal crime insurance policy is subsequently issued. The actual submission of a valid and complete application resulting in the issuance of a policy to an eligible insured, all on approved forms and in accordance with the provisions of this subchapter, shall be deemed an acceptance of this offer, subject to avoidance from the inception of the policy in the event of fraud or misrepresentation and to cancellation by the insurer (for any of the reasons set forth in § 1931.7 of this subchapter) or by the insured, and provided the agent or broker at the time of submitting the application for the prospective insured promptly transmits the gross amount of the policyholder premium then due to the servicing company designated by the insurer for the applicable area and complies, with respect to such policy, with any additional procedural requirements the servicing company may then have imposed with the consent of the insurer. It shall be a further condition of this offer that the agent or broker must certify on the application that he has fully carried out the duties set forth in the "Agent's Duties" section of the applicable Federal crime insurance manual, which shall include explaining to the prospective insured the nature of the coverage provided, the applicable protective device requirements, and the penalties for material misrepresentations. The amount of the commission will be prorated in the event of the cancellation of any validly issued policy, and the agent or broker shall repay to the servicing company the amount of any unearned commission resulting from such cancellation.

(b) Commissions earned by eligible agents and brokers under the authority of paragraph (a) of this section shall be paid to them in a lump sum by the servicing company either monthly or on such other equitable basis as the insurer may approve.

(c) The specified commission percentages of the policyholder premium for both residential and commercial insurance coverages shall be the following: Initial policies, territory 01, 17 percent; 02, 15 percent; 03, 13 percent, and for all renewal business, the commission shall be 10 percent. The renewal commission rate shall apply to any property that has previously been insured under the program, regardless of the length of time since the termination of the previous policy; provided, that the commission for any such renewed policy shall be deemed payable only to the agent or broker, if any, who actually submits the renewal application.

(d) For the purposes of this offer, an eligible agent or broker means an agent or broker who is, at the time of making application for the policy, authorized to act as an agent or broker with respect to the State where the insured premises are located and who has not been suspended or debarred by the insurer. An eligible property owner is an applicant whose premises to be insured are located in a State then currently designated as eligible for the sale of Federal crime insurance in § 1931.1 of this subchapter.

(e) Neither this § 1930.4 nor any acceptance of this offer shall be deemed to confer upon any agent or broker any authority to act for, represent, or bind the insurer or the United States except as otherwise expressly provided herein.

§ 1930.5 Names and addresses of servicing companies. [Reserved]

§ 1930.6 Duties of servicing companies.

(a) Final decisions as to the duties of servicing companies will be made and published in this § 1930.6 prior to the August 1 effective date of the program, and will be reflected in the actual contracts entered into with such companies by the insurer. However, it is anticipated that servicing companies will act as fiscal agents for the insurer in performing such duties in connection with the program as are set forth in paragraph (b) of this section.

(b) As required by their contracts with the insurer, servicing companies:

(1) Provide information to eligible property owners, agents, and brokers;

(2) Provide manuals and application forms to local agents and brokers;

(3) Maintain, control, and account for applications for insurance received from eligible agents, brokers, and applicants;

(4) Verify the eligibility of applicants for the coverages sought;

(5) Issue policies only on forms prescribed by the insurer, or else promptly notify applicants (through the appropriate agent or broker, if any) of ineligibility;

(6) If policy is issued, deposit the applicant's premium check in a special bank account or, if no policy issued, return the premium to the applicant through the agent or broker, if any;

(7) Issue periodic commission payment checks to cooperating agents and brokers;

(8) Provide statistical and accounting records, coding, and reports, in hard copy and machine-readable forms, as specified in the insurer's statistical plan and accounting instructions, and as may be specifically requested, all in timely fashion;

(9) Receive, control, and account for all crime insurance claims submitted within its servicing area;

(10) Verify claims data and existence of required protective devices, adjust losses as required by insurer, and promptly pay all valid claims;

(11) Bill policyholders directly for premiums at least 45 days in advance of due dates; and

(12) Periodically obtain updated applications or certifications from insureds for verification and incorporation in statistical and accounting records.

PART 1931—PURCHASE OF INSURANCE AND ADJUSTMENT OF CLAIMS

Sec.
1931.1 States eligible for the sale of crime insurance.
1931.2 Eligibility requirements applicable to property owners.
1931.3 Use of prescribed forms required.
1931.4 Terms and conditions of policy to govern.
1931.5 Where to purchase coverage.
1931.6 How to report claims.
1931.7 Cancellations, modifications, and renewals of coverage.
1931.8 Inquiries and complaints.
1931.9 Penalties for false statements.
1931.10 Nondiscrimination.

§ 1931.1 States eligible for the sale of crime insurance.

(a) In accordance with section 1231 of the Act (12 U.S.C. 1749bbb–10a), the Administrator has reviewed the market availability situation in each of the several States to determine whether crime insurance is available at affordable rates either through the normal insurance market or through a suitable program adopted under State law.

(b) On the basis of the information available to date, the Administrator has concluded, subject to a final determination during the month of July, that the following States are, respectively, most likely, likely, and less likely to have a critical market unavailability situation on August 1 which will necessitate the implementation of the Federal crime insurance program within such States:

(1) States most likely to require the sale of Federal crime insurance:

California.
Connecticut.
Delaware.
District of Columbia.
Illinois.
Indiana.
Maryland.
Massachusetts.
Michigan.
Minnesota.
Missouri.
New York.
Ohio.
Pennsylvania.
Puerto Rico.
Rhode Island.
Virginia.
Wisconsin.

(2) States likely to require the sale of Federal crime insurance:

Florida.
Georgia.
Iowa.
Kansas.
Kentucky.
Louisiana.
New Mexico.
North Carolina.
Oregon.
Tennessee.
Texas.
Washington.

(3) States least likely to require the sale of Federal crime insurance:

Alabama.
Alaska.
Arizona.
Arkansas.
Colorado.
Hawaii.
Idaho.
Maine.
Mississippi.
Montana.
Nebraska.
Nevada.
New Hampshire.
New Jersey.
North Dakota.
Oklahoma.
South Carolina.
South Dakota.
Utah.
Vermont.
West Virginia.
Wyoming.
The territories and possessions.
Trust Territory of the Pacific Islands.

(c) If any of the States listed in paragraph (b) of this section, after the effective date of this subchapter, adopts a suitable program under State law to make the standard lines of crime insurance available to property owners within that State at affordable rates, or if such insurance becomes generally available through the normal insurance market at affordable rates, then in either case the eligibility of such State for the subsequent sale of crime insurance under the program will be promptly terminated by the insurer.

(d) Federal crime insurance policies in force at the time a State loses its eligibility for participation in the program shall thereupon be terminated by written notice to the policyholder effective on the next 6-month anniversary date of the policy and, notwithstanding the provisions of § 1931.7, no further coverage for such policyholder with respect to premises located in such State shall thereafter be written unless the State again becomes eligible under the program.

§ 1931.2 Eligibility requirements applicable to property owners.

(a) To be eligible for the purchase of Federal crime insurance under the program, a property owner must:

(1) Apply separately for coverage for each eligible premises within an eligible State and personally sign each application. The program will not initially provide for any policy endorsements:

(2) Certify, under penalty of Federal law pertaining to fraud misrepresentation (18 U.S.C. 1001), that each such premises meets the applicable protective device standards set forth in Part 1932 of this subchapter;

(3) Pay the 6-month premium due for the policy upon application. Coverage will commence at noon on the day following the date of application unless a later date is specified in the application;

(4) Agree to permit inspections of the insured premises by the insurer or his representative at any reasonable time or times; and

(5) Agree to report to the police all crime losses of property covered under each policy, whether or not a claim is filed.

(b) Failure to comply fully with the requirements of paragraph (a) of this section may result in the avoidance, cancellation, or nonrenewal of coverage, as set forth in § 1931.7.

(c) Any false statement in the application voids the policy. Intentionally false or misleading statements, either in the application or in connection with any claim submitted under the program, may result in prosecution for fraud under 18 U.S.C. 1001.

§ 1931.3 Use of prescribed forms required.

No Federal crime insurance is authorized to be written under the program on any form other than the form prescribed by the insurer for the type of coverage involved. Any insurance policy purportedly issued on behalf of the insurer on any other form shall not be binding upon the insurer and shall not confer any liability upon the insurer by reason of any act or representation of the agent, broker, or servicing company in illegally causing such policy to be issued.

§ 1931.4 Terms and conditions of policy to govern.

(a) Except as otherwise specifically provided by this subchapter, the respective rights and duties of the insurer and the insured shall be as set forth in the prescribed application form and the prescribed policy form. All purchasers of Federal crime insurance shall be deemed to have knowledge of the terms and conditions of coverage set forth in such policies. Modifications of this subchapter that are made during the term of an existing policy shall become applicable to an individual insured at the time of the renewal of such policy. All Federal crime insurance policies shall be issued for a term of 1 year, subject to semiannual rate determinations and premium payments.

(b) The rights of the insurer to require inspections of the insured premises, production of books, and records, appraisals of damaged property, subrogation in the event of payment, and prompt notice in the event of loss, shall be as specified in the prescribed policy, of which the application forms a part. The rights of the insured with respect to the coverages provided, extensions of coverage outside the insured premises or with respect to other persons, limits of such coverages, appraisals, cancellations, and judicial review shall be as set forth in the prescribed policy.

§ 1931.5 Where to purchase coverage.

Subject to the provisions of this subchapter, Federal crime insurance coverage may be purchased from any property insurance agent or broker authorized to do business in the State in which the premises to be insured are located, or directly from the appropriate servicing company.

§ 1931.6 How to report claims.

Losses under a Federal crime insurance policy which exceed the applicable deductible may be reported either to the agent or broker through whom the application was submitted, or directly to the servicing company designated for the area in which the loss occurs. The claimant will be required to report all pertinent information, including a description of the loss, time, place, ownership, manner of acquisition, cost, depreciation, current, value, amount of claim, and whether the insured has incurred previous losses under the policy. A sworn proof of loss statement must be submitted to the adjuster or servicing company that processes the claim.

§ 1931.7 Cancellations, modifications, and renewals of coverage.

(a) Each property owner within an eligible State who is validly insured under any policy or policies of insurance issued under the Federal crime insurance program shall be entitled to renew coverage upon the expiration of such existing policy or policies, subject to the rules, regulations, and policy terms, conditions, and rates then in effect, unless coverage has previously been cancelled or renewal is refused for one or more of the reasons set forth in this part.

(b) A renewal notice will be sent by the servicing company to the insured at least 45 days prior to the expiration date of each policy, accompanied by a premium statement and a certification to be executed by the insured, stating that his premises meet the then applicable Federal crime insurance eligibility requirements, which will be set forth in the notice. The 6-month premium then due; together with the insured's certification as required, must be remitted to the servicing company not later than the expiration date of the previous policy in order to prevent any lapse in coverage. No new policy will normally be issued, and an eligible insured's check or receipt shall constitute his proof of payment. However, if substantial changes have been made in the regulations or provisions governing the pertinent crime insurance coverage during the term of the insured's policy, he may be asked by the servicing company to submit a new application form, and a new policy in its entirety may then be issued.

(c) Since the initial phase of the Federal crime insurance program does not provide for any policy endorsements, changes in limits of coverage may be made only upon the submission of a new application. If the insured requests that such changes be made effective on the 6-month anniversary date of the original effective date of the policy, no penalty will be incurred and the changed limits of coverage will commence upon the payment of any additional premium required. However, if the property owner desires an effective date other than such 6-month policy anniversary date, the requested change shall be effected only upon cancellation and reissuance of the policy and the insured shall be entitled to only a partial refund of the unearned premium under normal short-rate cancellation procedures. Such short-rate cancellation procedures shall also be applicable to any cancellation by the insured during the term of any policy, except at the time of the 6-month anniversary date of the original effective date of such policy.

(d) Notwithstanding the unqualified cancellation provisions contained in the approved policy forms, the insurer hereby limits his right to cancel, or to refuse to renew coverage, to the following grounds: (1) Any nonpayment of premium, (2) fraud or misrepresentation in the application or upon any renewal of coverage, or in connection with either, (3) fraud or misrepresentation in connection with the submission of a claim, (4) the use of the insured premises with the knowledge of any insured for any illegal activity, or (5) any other substantial failure to comply with the provisions of this subchapter or of the insurance policy, as determined by the insurer. Cancellations by the insurer on either of the first two grounds shall be from the inception of the policy, and refunds of unearned premiums, if any, shall be subject to offsets for the insurer's administrative expenses in connection with the issuance of the policy and any inspections of the applicant's premises. Except as other provided in paragraph (f) of this section, cancellations by the insurer for any of the remaining three grounds shall be upon 30 days' written notice to the insured by the servicing company, and the insured shall be entitled to a short-rate refund of any unearned permium.

(e) Premises found upon inspection to lack the required protective devices shall be deemed to have been misrepresented at the time of application, and no insurance coverage shall be deemed to have attached, regardless of the length of time the policy is ostensibly in force, unless the property owner can clearly establish that the deficiency in protective devices actually occurred subsequent to the issuance of the policy, in which event the policy shall be deemed cancelled by the insured as of the date of such deficiency. This paragraph shall not apply if the servicing company is promptly notified and supplied with all relevant facts at the time the deficiency occurs, if such deficiency is corrected within the time specified by the servicing company.

(f) Failure of an insured to report to the police any loss of property covered under the policy, as required by § 1931.2 (a)(5), shall be deemed by the insurer to be a cancellation of coverage by such insured, effective 15 days from the date on which any person covered under the policy first became aware of the loss, unless such failure is expressly waived by the insurer.

(g) No property owner whose Federal insurance coverage has been canceled (whether from the inception or after notice) or for whom the insurer has refused to renew coverage, for any of the reasons in subparagraphs (2), (3), or (4), as set forth in paragraph (d) of this section, or who has been deemed by the insurer to have canceled under paragraph (f) of this section, shall be eligible for any further insurance under the program except upon the written waiver of the Administrator, granted for good cause shown. If granted, the waiver of ineligibility must be presented to the appropriate agent, broker, or servicing company by the property owner within 30 days of the date it is granted, and a copy thereof shall be made a part of the property owner's application and shall be incorporated as part of any policy subsequently issued.

§ 1931.8 Inquiries and complaints.

(a) Inquiries or complaints about the Federal crime insurance program should initially be directed to the property owner's agent or broker, or to the servicing company designated for the area in which the premises are located.

(b) Inquiries or complaints with respect to which satisfactory information or action cannot be obtained through local sources, and general or legal inquiries pertaining to the nature of the program, may be addressed to the Federal Insurance Administrator, Department of Housing and Urban Development, Washington, D.C. 20410.

§ 1931.9 Penalties for false statements.

All information provided by an applicant or a claimant on any form approved by the insurer, including representations as to the date on which such form is signed, shall be deemed material to the issuance of the policy applied for and to the disposition of claims submitted thereunder. Any false statement, misrepresentation, or concealment in the execution or submission of such forms, or in any writing or document knowingly submitted by the applicant or claimant in connection therewith, may result in his prosecution by the United States for fraud under 18 U.S.C. 1001, subject to a fine of not more than $10,000 or imprisonment of not more than 5 years, or both.

§ 1931.10 Nondiscrimination.

The Federal crime insurance program and all policies issued or serviced thereunder are subject to title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, and to the applicable Federal regulations and requirements issued from time to time pursuant thereto. No persons shall be excluded from participation in, denied the benefits of, or subjected to discrimination under the program, on the ground of race, color, or national origin. Any complaint or information concerning the existence of any such unlawful discrimination in any matter within the purview of this subchapter should be referred to the Administrator.

PART 1932—PROTECTIVE DEVICE REQUIREMENTS

Subpart A—General

Sec.
1932.1 Definitions.
1932.2 Purpose of protective device requirements.
1932.3 Classification of properties.
1932.4 Lack of protective devices voids policy.

Subpart B—Residential Properties

1932.21 Minimum standards for residences and apartments.

Subpart C—Nonresidential Properties

192.31 Minimum standards for industrial and commercial properties.

Subpart A—General

§ 1932.1 Definitions.

As used in this subchapter, the term—

(a) "Baffle" means a piece of metal that covers the opening between a door and its frame at the area of penetration of the bolt or latch to deter the insertion of tools and prevent the exertion of pressure agains the bolt or latch;

(b) "Central station, supervised service alarm system" means a silent alarm system that is constantly in operation, which signals at a private sentry or guard headquarters that is attended and monitored 24 hours a day;

(c) "Dead bolt" means a locking device using a fixed bolt that, when in locked position, cannot be retracted by a door knob or handle or other normal door opening device or by the application of force against the penetrating end of the bolt;

(d) "Dead latch" means a latch or similar locking device, usually spring-operated, that incorporates a feature to render the latch rigid in its locked position and incapable of release by prying or by the turning of an outside door knob or handle or similar door opening device;

(e) "Dead lock" means a lock that cannot be pushed or retracted into a door or window by the use of tools inserted between the frame of the door or window and the door or window itself. Except as otherwise indicated, a dead lock may be equipped with a dead bolt or a dead latch;

(f) "Double cylinder dead bolt lock" means a dead bolt that can be released from its locked position only by a key, whether on the inside or the outside of the door;

(g) "Local alarm system" means an alarm system that signals by means of one or more bells or other loud, audible devices located on the premises where the system is installed;

(h) "Silent alarm system" means an alarm system that signals at a location other than the premises where it is installed, without giving warning at the location of the protected premises that it has been activated; and

(i) "Throw," when used in the context of a locking device, means the distance penetrated by that part of a bolt or latch on a door or window that actually penetrates into the fixed bolt or latch receptacle on the door or window frame.

§ 1932.2 Purpose of protective device requirements.

(a) Section 1231(b) of the Act (12 U.S.C. 1749bbb–10a(b)) provides that no Federal crime insurance shall be made available to a property which is deemed by the insurer to be uninsurable or to a property with respect to which reasonable protective measures to prevent loss, consistent with standards established by the insurer, have not been adopted.

(b) It is the intention of the insurer to require at the inception of the program only those protective devices generally in use or readily available for particular types and classes of properties at the present time. As the program progresses, however, the insurer proposes to amend these requirements from time to time to enforce a higher and more effective standard of protection against ordinary property crimes than now exists. Such revised requirements are not expected to be published more often than once a year and will be applicable only to crime insurance policies issued or renewed after their effective date.

§ 1932.3 Classification of properties.

The protective devices required under this part fall into two broad categories, residential and commercial. Requirements for residential properties are expected to remain relatively stable and are not likely to vary by classes. The protective devices required for commercial and industrial properties will vary greatly by the type of risk involved and will be changed periodically as experience and knowledge are gained under the program and from studies being undertaken by other public and private agencies.

§ 1932.4 Lack of protective devices voids policy.

(a) Each property owner applying for Federal crime insurance shall be personally responsible for meeting the protective device requirements applicable to the type of property for which he seeks insurance. Ignorance of such requirements shall not be deemed an excuse for any lack of compliance with the protective device requirements of this subchapter, and any person who is doubtful as to whether the protective devices existing on his premises at the time of application meet such requirements should seek competent technical advice before actually making application.

(b) Although agents and brokers are expected to advise property owners as to the requirements for and adequacy of protective devices, no agent or broker shall be authorized to approve or disapprove on behalf of the insurer the adequacy of any required protective devices, and any representation to the contrary is false and shall be void.

(c) If any Federal crime insurance policy is erroneously or fraudulently applied for, and regardless whether the policy applied for is subsequently issued, with respect to any premises that lack the required protective devices, such application shall be deemed void from its inception and no coverage shall exist with respect to such premises, regardless of the length of time such policy may ostensibly have been in force.

Subpart B—Residential Properties

§ 1932.21 Minimum standards for residences and apartments.

In order to be eligible for Federal crime insurance, a residential property shall be equipped with self-locking dead latch devices on all exterior doors and doors leading into garage areas or public hallways, except that sliding doors may be equipped with dead locks of any kind. All first floor and basement windows, and all windows opening onto stairways, porches, or platforms, shall be equipped with locking devices. All dead locks required by this section shall have a minimum throw of one-half inch.

Subpart C—Nonresidential Properties

§ 1932.31 Minimum standards for industrial and commercial properties.

The following requirements shall apply to all nonresidential properties as a condition of eligibility for Federal crime insurance:

(a) All exterior doors shall be equipped with locks containing a dead latch with at least a ½-inch throw. Wherever permitted by applicable laws pertaining to protection against fire, heavy duty, double cylinder, dead bolt locks, whose bolts extend at least 1 inch into the frame of the door and which require the use of a key on the inside as well as the outside of the door, are recommended and may in the future be required on all exterior doors. If applicable laws pertaining to protection against fire permit only single cylinder dead bolt locks, such locks with a 1-inch throw are recommended.

(b) All exterior grate or grill-type doors shall be secured by one or more padlocks with heavy duty, case hardened steel shackles, having a minimum five-pin tumbler operation and an unremovable key when in an unlocked position.

(c) All exterior doors shall be of heavy gauge metal, tempered glass, or solid wood core construction, not less than 1⅜-inches thick, or else shall be covered with metal sheeting of at least 16 gauge (one-sixteenth-inch thick) or its equivalent, or with grillwork, to give like protection;

(d) Outside hinge pins shall be welded, flanged, or screw-secured, nonremovable pins;

(e) Where permitted by applicable laws pertaining to fire protection, accessible openings exceeding 96 square inches in area, and 6 inches in the smallest dimension, shall either meet standards for doors, or else shall be protected by inside or outside iron bars one-half inch in diameter or by flat steel material, spaced not more than 5 inches apart and securely fastened, or by iron or steel grills of ⅛-inch material of 2-inch mesh, securely fastened.

(f) The following types of establishments whose inventories pose a particularly heavy risk shall, as a minimum, be protected by the types of alarm systems indicated (if such systems are available in the community in which the premises are located)—

(1) Central stations, supervised service alarm system:
(i) Jewelry—manufacturing, wholesale, and retail;
(ii) Gun and ammunition shop;
(iii) Wholesale liquor;
(iv) Wholesale tobacco;
(v) Wholesale drug; and
(vi) Fur store.
(2) Silent alarm system:
(i) Liquor store;
(ii) Pawn shop;
(iii) Electronic equipment store;
(iv) Wig shop;
(v) Clothing (new) store;
(vi) Coin and stamp shop;
(vii) Industrial tool supply house;
(viii) Camera store; and
(ix) Precious metal storage facility.
(3) Local alarm system (bell outside premise):
(i) Antique store;
(ii) Art gallery; and
(iii) Service station.

PART 1933—COVERAGES, RATES, AND PRESCRIBED POLICY FORMS

Subpart A—Residential Crime Insurance Coverage

Sec.
1933.1 Description of residential coverage.
1933.2 Limits of residential coverage.
1933.3 Amount of residential policy deductible.
1933.4 Residential crime insurance rates.
1933.5 Required residential policy form.

Subpart B—Commercial Crime Insurance Coverage

1933.21 Description of commercial coverage.
1933.22 Limits of commercial coverage.
1933.23 Amount of commercial policy deductible.
1933.24 Classification of commercial risks.
1933.25 Commercial crime insurance rates.

Subpart A—Residential Crime Insurance Coverage

§ 1933.1 Description of residential coverage.

(a) The purpose of this § 1933.1 is descriptive only, and it shall be subject to the express terms and conditions of the policy form prescribed in § 1933.5.

(b) The initial policy issued by the insurer for residential properties shall be known as the residential crime insurance policy. Subject to its terms, the policy reimburses an insured for loss from burglary, robbery, or observed theft, or attempt thereat, of insured property, and for damage to the premises caused by any such attempt. It also covers damage to the interior of the part of the building occupied by the named insured's household at the described premises, and to the insured property both therein and away from the premises, caused by vandalism or malicious mischief, provided that with respect to damage to the building an insured is the owner thereof or is liable for such damage. The policy is subject to the exclusions set forth therein.

(c) The residential crime insurance policy shall be written only for an individual, or for a single family or household, living in a one- to four-family house or in separate living quarters in an apartment building or dormitory. Premises in hotels, premises used in whole or in part for business purposes, or premises where more than two occupants not related to the named insured live with him, are not eligible for coverage under the residential policy.

§ 1933.2 Limits of residential coverage.

The residential crime insurance policy may be written in amounts not less than $1,000 and not in excess of $5,000 for each insurable premises. Each $1,000 of insurance, or fraction thereof, shall be charged the applicable rate for the full $1,000 of coverage.

§ 1933.3 Amount of residential policy deductible.

The residential crime insurance policy shall be subject to a deductible in the amount of $100 for each loss occurrence, or 5 percent of the gross amount of the loss, whichever is greater. The face amount of coverage specified in the policy is not reduced by the application of this deductible. Thus, if an insured having a $5,000 policy incurs a $5,000 covered loss, he would receive $4,750. If the loss were $6,000, he would receive the full $5,000.

§ 1933.4 Residential crime insurance rates.

The premium rates for the residential crime insurance policy vary according to the territory in which the insured premises are located, as set forth in Part 1934 of this subchapter. Premiums for 6 months of coverage for policy limits of $1,000, $2,000, $3,000, $4,000, and $5,000 in each of these territorial classifications shall be as follows: (a) Territory 01 (low risk)—$15, $25, $30, $35, and $40; (b) territory 02 (average risk)—$20, $30, $35, $40, and $45; and (c) territory 03 (high risk)—$25, $35, $40, $45, and $50.

§ 1933.5 Required residential policy form.

The following shall constitute the application form and the policy form for the residential crime insurance policy, and no other application form or policy form shall be used unless otherwise provided by this § 1933.5. Coverage will commence at noon on the day following the date of application unless a later date is specified in the application.

(a) Residential crime insurance application form:

CRIME INSURANCE PROGRAM

RESIDENTIAL CRIME INSURANCE POLICY

This Policy (of which this Application is a part) covers burglary and robbery losses of personal property, including observed theft, subject to a deductible, as stated below, and to Federal law and regulations.

FEDERAL INSURANCE ADMINISTRATION

(An Agency of the U.S. Government)

U.S. Department of Housing and Urban Development, Washington, D.C. 20410

APPLICATION

Policy No. --------------------------------

(Insert Social Security Number and add suffix "A," "B," "C;" etc., for each separate Application where multiple premises are involved.)

Insured's Name and Mailing Address:

Effective date: --------------------------------

(Not earlier than noon on date following date of application)

Expiration date: --------------------------------

(1 year from effective date)

(Space for Agent's sticker)

1. Location of premises (if different from mailing address): --------------------------------
2. If not a single-family residence, describe type of building: --------------------------------
3. Amount of insurance applied for ($5,000 maximum): $--------------------------------

NOTE: Coverage is subject to a deductible of $100 or 5 percent of gross amount of any loss, whichever is greater.

4. (a) State whether you have ever previously had insurance under the Federal crime insurance program: --------------------------------
   (b) If so, give month and year when coverage was last in force: --------------------------------
   (c) State reason coverage was terminated: --------------------------------
   (d) If canceled, state whether canceled by the Insurer or by you: --------------------------------
5. If answer to Question 4(a) is yes, did you ever have a claim under your previous policy? -------------------------------- Was it paid? --------------------------------

Premium Computation: (To be filled in by Agent, Broker, or Servicing Company)

Insert name and address of servicing company: --------------------------------

Territory Code: ---------------------- Amount of Coverage: $----------------------

Amount of Annual Premium: $--------------------------------

(One half of annual premium must accompany the Application.)

Eligibility Requirements and Unusual Policy Provisions:

1. This Policy is subject to the crime insurance provisions of title VI of the Housing and Urban Development Act of 1970 (Public Law 91–609, December 31, 1970; 12 U.S.C. 1749bbb–10a et seq.) and the Regulations of the Federal Insurance Administration issued pursuant thereto (24 CFR 1930 et seq.). Renewals of this coverage shall be subject to the Regulations in force at the time of such renewals.

2. Any false statement in the Application voids the Policy. Intentionally false or misleading statements may result in prosecution for fraud under 18 U.S.C. 1001.

3. To be eligible for insurance under the Federal crime insurance program, the insured premises must meet the requirements for protective devices established by the Federal Insurance Administration for that type of property. A list of these requirements is printed on the back of this form.

4. One-half of the annual premium must be paid at the time of application. The second installment of the premium will be billed approximately 30 days before its due date and must be remitted by the insured within 15 days after the due date.

5. All losses of property subject to coverage under this Policy must be reported to the police (whether or not a claim is filed), or coverage under the Policy shall be deemed canceled by the insured 15 days from the date on which any person covered by the policy first became aware of the loss.

Certification by applicant:

"I certify, under penalty of Federal law for fraud or misrepresentation as set forth in 18 U.S.C. 1001, (1) that the statements I have made in this Application, including the signature date set forth below, are true and correct to the best of my knowledge and belief, (2) that I have read the eligibility requirements above and the protective device requirements on the back of this form, and (3) that the insured premises meet such requirements.

"I further agree to make the insured premises available for inspection in connection with this policy at any reasonable time; and I understand that if at the time of such inspection the insured premises are found not to be protected in the manner required, this Policy will be considered void from its inception and only the portion of premium not absorbed by administrative expenses in connection with the inspection and the issuance of such policy will be refunded."

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(Signature of insured) (Date)

(b) Residential crime insurance policy form:

FEDERAL INSURANCE ADMINISTRATION

RESIDENTIAL CRIME INSURANCE POLICY

The Federal Insurance Administrator, herein called the Insurer, agrees with the insured, named in the Application made a part thereof, in consideration of the payment of the premium and in reliance upon the statements in the Application, and subject to (1) the provisions of title VI of Public Law 91–609 and Subchapter C, Chapter VII, Title 24 of the Code of Federal Regulations, and (2) the limits of liability, exclusions, conditions, deductibles, and other terms of this Policy with respect to the following criminal acts:

INSURING AGREEMENTS

I. *Loss by Burglary and Robbery, Including Observed Theft.* To pay for loss by burglary and robbery, including observed theft, of all personal property.

II. *Damage.* To pay for damage to the premises and to the insured property by burglary and robbery or attempt thereat, and for damage to the interior of that portion of any building occupied by the named insured's household at the premises and to the insured property therein or away from the premises by vandalism or malicious mischief; *Provided,* That with respect to damage to the building an insured is the owner thereof or is liable for such damage.

With respect to loss occurring at any part of the premises not occupied exclusively by the named insured's household, this insuring agreement applies only to property owned or used by an insured.

III. *Application of Insurance While the Premises Are Rented to Another.* Such insurance as is afforded for loss at or damage to the premises applies while the premises are rented by an insured to another for use as a private residence only, subject to the following provisions:

1. The insurance applies only with respect to property owned by an insured.

2. The insurance does not apply (a) to money, securities, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, and articles of gold or platinum, furs, fine arts, coins, or stamp collections, or (b) to loss caused by a tenant of such premises or any of his employees or members of his household.

IV. *Removal to Other Premises.* If the named insured moves to other premises which he intends to occupy permanently as his private residence, such insurance as is afforded for loss at or damage to the premises designated in the Application applies subject to the following provisions:

1. During the moving, for a period not to exceed 30 days, the insurance applies at the premises and at the other premises and to the insured property while in transit.

2. Upon completion of the moving the insurance applies at the other premises and no longer applies at the original premises.

V. *Policy Period, Territory.* This Policy applies only to loss which occurs during the Policy period within a State, as defined in 12 U.S.C. 1749bbb–2.

EXCLUSIONS

This Policy does not apply:

(a) To loss committed by an insured;

(b) To loss of or to (1) any aircraft, motor vehicle (other than motorized equipment pertaining to the service of the premises and not licensed for highway use), trailer, boat, or the equipment thereof, (2) articles carried or held as samples or for sale or for delivery after sale, or (3) animals, fish, or birds;

(c) To loss sustained by a person not related to an insured who pays board or rent to an insured;

(d) To loss due to war, whether or not declared, civil war, insurrection, rebellion or revolution, or to any act or condition incident to any of the foregoing;

(e) While the premises are used as a boarding or lodging house or for any purpose other than private residence occupancy;

(f) To property while in the charge of any laundry, cleaner, dyer, tailor, or presser exempt by robbery or by theft through breaking and entering at their premises;

(g) To property while in the mail;

(h) To loss away from the premises of (1) property pertaining to a business of an insured, (2) property while at any dwelling, including grounds, garages, stables, and other outbuildings incidental thereto, owned or occupied by or rented to an insured except while an insured is temporarily residing therein, (3) property of a residence employee unless at the time of loss he is engaged in the employment of an insured and the property is in his custody, or the property is at a dwelling as aforesaid while an insured is temporarily residing therein, (4) property while unattended in or on any motor vehicle or trailer, other than a public conveyance, unless the loss is the result of forcible entry either into such vehicle while all doors and windows thereof are closed and locked or into a fully enclosed and locked luggage compartment, of which entry there are visible marks upon the exterior of said vehicle, and then for not more than $500, or (5) other property, except personal property owned or used by an insured.

(i) To loss if the premises are not equipped with the protective devices required as a condition of eligibility for the purchase of this Policy by the regulations of the Federal Insurance Administration, as published at the time of the inception of the current term of the Policy in Subchapter C, Chapter VII, Title 24, Code of Federal Regulations.

CONDITIONS

1. *Definitions*—(a) *Named Insured; Insured.* The term "named insured" means the insured named in the Application. The term "insured" means the named insured and any person while a permanent member of the named insured's household, other than (1) a residence employee or (2) a person not related to the named insured or his spouse and who pays board or rent to either.

(b) *Premises.* The unqualified word "premises" means the premises designated in the Application, including grounds, garages, stables, and other outbuildings incidental thereto.

(c) *Robbery.* The word "robbery, including observed theft," means the taking of insured property (1) by violence inflicted on an insured; (2) by putting him in fear of violence; (3) by any other overt felonious act committed in his presence and of which he was actually cognizant, provided such other act is not committed by an insured; or (4) from the person or direct care and custody of an insured who has been killed or rendered unconscious.

(d) *Burglary.* The word "burglary" means the felonious abstraction of insured property from within the premises by a person making felonious entry therein by actual force and violence evidenced by visible marks made by tools, explosives, electricity, or chemicals upon, or physical damage to, the exterior of the premises at the place of such entry.

(e) *Money.* The word "money" means currency, coins, bank notes and bullion.

(f) *Securities.* The word "securities" means all negotiable and non-negotiable instruments or contracts representing either money or other property and includes revenue and other stamps in current use, tokens, and tickets, but does not include money.

(g) *Business.* The word "business" includes trade, profession, or occupation.

(h) *Loss.* The word "loss" includes damage.

(i) *Residence Employee.* The term "residence employee" means an employee of an insured whose duties are incidental to the ownership, maintenance, or use of the premises, including the maintenance or use of automobiles or teams, or who performs elsewhere duties of a similar nature not in connection with an insured's business.

2. *Interests Covered.* The insurance does not apply to the interest in insured property of any person or organization, unless included in the named insured's proof of loss.

3. *Limits of Liability; Settlement Options.* The Insurer shall not be liable on account of any loss unless the amount of such loss shall exceed the amount of the deductible described in the Application which is made a part of this Policy and the Insurer shall then be liable only for such excess over and above the deductible, subject to and within the limit of insurance covered by the Policy.

The limit of the Insurer's liability for loss or damage in any one occurrence shall not exceed the applicable limit of insurance stated in the Application, nor what it would cost at the time of loss to repair or replace the property with other of like kind and quality, nor the actual cash value thereof at the time of loss: *Provided, however,* That the limit of the Insurer's liability for loss of money is $100, and for loss of securities is $500.

If there is loss of an article which is part of a pair or set, the measure of loss shall be a reasonable and fair proportion of the total value of the pair or set, giving consideration to the importance of said article, but such loss shall not be construed to mean total loss of the pair or set.

The applicable limit of insurance stated in the Application is the total limit of the Insurer's liability with respect to all loss of property of one or more persons or organizations arising out of any one occurrence. All loss incidental to an actual or attempted fraudulent, dishonest or criminal act or series of related acts at the premises, whether committed by one or more persons, shall be deemed to arise out of one occurrence.

The Insurer may pay for the loss in money or may repair or replace the property and may settle any claim for loss of property either with the named insured or the owner thereof. Any property so paid for or replaced shall become the property of the Insurer. Any property recovered after settlement of a loss shall be applied first to the expense of the parties in making such recovery, with any balance applied as if the recovery had been made prior to said settlement, and loss readjusted accordingly. The insured or the Insurer, upon recovery of any such property, shall give notice thereof as soon as practicable to the other.

4. *Insured's Duties When Loss Occurs.* Upon knowledge of loss or of an occurrence which may give rise to a claim for loss: (a) The insured shall give notice thereof as soon as practicable to the Insurer through any of its authorized agents; (b) the insured shall give notice to the police; (c) the named insured shall file detailed proof of loss, duly sworn to, with the Insurer through its authorized agents within 60 days after the discovery of loss.

Upon the Insurer's request, the insured and every claimant hereunder shall submit to examination, subscribe the same under penalty of 18 U.S.C. 1001 pertaining to fraud and false representation, and produce all pertinent records, all at such reasonable times and places as shall be designated and shall cooperate in all matters pertaining to loss or claims with respect thereto.

5. *Other Insurance.* If there is any other valid and collectible insurance which would apply in the absence of this Policy, the insurance under this Policy shall apply only as excess insurance over such other insurance: *Provided,* That the insurance shall not apply: (a) To property which is separately described and enumerated and specifically insured in whole or in part by any other insurance; or (b) to property otherwise insured unless such property is owned by an insured.

6. *No Benefit to Bailee.* The insurance afforded by this Policy shall not inure directly or indirectly to the benefit of any carrier or bailee.

7. *Appraisal.* If the named insured and the Insurer fail to agree as to the amount of loss, each shall, on the written demand of either, made within 60 days after receipt of proof of loss by the Insurer, select a competent and disinterested appraiser, and the appraisal shall be made at a reasonable time and place. If the appraisers fail to agree, they shall jointly select a competent and disinterested umpire and submit the question to him within 15 days thereafter. The appraisers shall state separately the actual cash value at time of loss and the amount of the loss. Agreement in writing of any two shall be considered by the Insurer in determining the amount of the loss but shall not be considered binding upon him and shall not be admissible as such in court. The named insured and the Insurer shall each pay his or its chosen appraiser and shall bear equally the expenses of the umpire and the other expenses of appraisal.

The Insurer shall not be held to have waived any of its rights such as, without limitation, the right to deny liability under the Policy by any act relating to appraisal.

8. *Action Against Insurer.* No action shall lie against the Insurer unless, as a condition precedent thereto, there shall have been full compliance with all the terms of this Policy, nor until 90 days after the required proofs of loss have been filed with the Insurer, nor at all unless commenced within 2 years from the date when the insured first has knowledge of the loss and within 1 year after the date upon which the claimant received written notice of disallowance of partial disallowance of the claim. Any such action shall be brought in a U.S. district court, as required by 12 U.S.C. 1749bbb–11.

9. *Subrogation.* In the event of any payment under this Policy, the Insurer shall be

subrogated to all the insured's rights of recovery therefor against any person or organization and the insured shall execute and deliver instruments and papers and do what whatever else is necessary to secure such rights. The insured shall do nothing after loss to prejudice such rights.

10. *Changes.* Notice to any agent or knowledge possessed by any agent or by any other person shall not effect a waiver or a change in any part of this Policy or estop the Insurer from asserting any right under the the terms of this Policy; nor shall the terms of this Policy be waived or changed, except by endorsement issued to form a part of this Policy, as approved by the Federal Insurance Administrator.

11. *Cancellation.* This Policy may be canceled by the named insured by surrender thereof to the Insurer or any of its authorized agents or by mailing to the Insurer written notice stating when thereafter the cancellation shall be effective. This Policy may be canceled by the Insurer by mailing to the named insured at the address shown in this Policy written notice stating when not less than thirty (30) days thereafter such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice. The time of the surrender or the effective date of cancellation stated in the notice shall become the end of the Policy period. Delivery of such written notice either by the named insured or by the Insurer shall be equivalent to mailing.

In the event of cancellation by the Insurer earned premium shall be computed pro rata. In the event of cancellation by the insured, earned premium shall be computed in accordance with the customary short rate table and procedure. Premium adjustment may be made either at the time cancellation is effected or as soon as practicable after cancellation becomes effective, but payment or tender of unearned premium is not a condition of cancellation.

12. *Assignment.* Assignment of interest under this Policy shall not bind the Insurer until its consent is endorsed hereon; if, however, the named insured shall die, this Policy shall cover the named insured's spouse, if a resident of the same household at the time of such death, and legal representative as named insureds; *Provided*, That notice of cancellation addressed to the insured named in the Application and mailed to the address shown in this Policy shall be sufficient notice to effect cancellation of this Policy. If the legal representative of the named insured is not a person who was a permanent member of the named insured's household at the time of the death of the named insured, this Policy shall apply as it applied prior to such death but shall not apply to loss of property owned or used by such legal representative, a member of his household or a residence employee thereof, unless such loss occurs at a part of the premises occupied exclusively by said named insured's household.

13. *Declarations.* By signing the Application or by acceptance of this Policy the named insured certifies and agrees, under penalty of Federal law dealing with fraud and false representation (18 U.S.C. 1001) that the statements in the Application are his agreements and representations, that this Policy is issued in reliance upon the truth of such representations, and that this Policy embodies all agreements existing between himself and the Insurer or any of its agents relating to this insurance.

In witness whereof, the Federal Insurance Administration has accepted the declarations of the insured set forth in the Application and has caused this Policy to be issued.

George K. Bernstein,
Federal Insurance Administrator.

Subpart B—Commercial Crime Insurance Coverage

§ 1933.21 Description of commercial coverage.

(a) The purpose of this section is descriptive only, and it shall be subject to the express terms and conditions of the policy form prescribed in § 1933.26.

(b) The initial policy issued by the insurer for commercial properties shall be known as the commercial crime insurance policy. Subject to its terms, the policy reimburses an insured for loss from robbery inside the premises, robbery outside the premises (up to a limit of $5,000 unless an armed guard accompanies the insured's messenger), kidnapping (which describes the wrongful taking of insured property by compelling an insured to admit a person into the premises), safe burglary (up to a limit of $5,000 unless the insured property is in a Class E safe anchored to the floor), theft observed by the insured, theft from a night depository in a bank, burglary, robbery of a watchman (not to exceed $50 for any one article of jewelry), and damage to the premises (of which the insured is owner or for which the insured is liable) as a result of any of the foregoing. The policy is subject to the exclusions set forth therein.

(c) The commercial crime insurance policy may be written for any industrial or commercial property in accordance with the risk classifications set forth in § 1933.24 and within the limits of coverage set forth in § 1933.22, subject to the applicable requirements of this subchapter, such as the requirement for adequate protective devices set forth in Subpart C of Part 1932 of this subchapter.

§ 1933.22 Limits of commercial coverage.

The commercial crime insurance policy may be written in amounts not less than $1,000 and not in excess of $15,000 for each insured premises. The maximum limit of coverage may not be increased by insuring several departments of a single business at one premises as separate premises. Each $1,000 of insurance, or fraction thereof, shall be charged the applicable rate for the full $1,000 of coverage.

§ 1933.23 Amount of commercial policy deductible.

The commercial crime insurance policy shall be subject to a deductible in the amount of $200 for each loss occurrence, or 5 percent of the gross amount of the loss, whichever is greater. The face amount of coverage specified in the policy is not reduced by the application of this deductible. Thus, if an insured having a $15,000 policy incurs a $15,000 covered loss, he would receive $14,250. If the loss were $16,000, he would receive the full $15,000.

§ 1933.24 Classification of commercial risks.

(a) The governing factor in determining the risk classification applicable to a particular premises is the kind of business conducted by the insured at that location. If there is no specific kind of business applicable to the risk, then the kind of merchandise inventoried and held for sale governs. Such risks take the classification of the merchandise or inventory comprising the majority value of the contents. For example, a candy store carrying an incidental line of tobacco is still classified as a candy store.

(b) Individual concessionaires operating within a premises take the same classification as the business premises in which such concessionaries are located unless the concessionaire's classification is higher, in which case the concessionaire's classification is to be used.

(c) The following classification shall be applicable to the commercial crime insurance policy:

Class:		*Statistical code*
1	All risks not otherwise classified	01
3	Amusement Enterprises (not otherwise classified)	02
2	Automobile Sales and Service	03
2	Billiard and Pool Parlors	04
2	Bowling Lanes or Centers	05
3	Cameras and Photographic Supplies	06
3	Clubs	07
3	Dance Halls and Pavilions	08
2	Drug Stores and Druggists' Sundries	09
3	Dry Cleaners	10
2	Electrical Appliances—Sales and Service	11
3	Furriers	12
2	Garages	13
3	Gasoline Service Stations	14
2	Golf and Other Sports Professionals	15
2	Grocery Stores and Delicatessens	16
3	Jewelry Stores	17
3	Laundries	18
3	Liquor Stores	19
2	Meat and Poultry Dealers; Butcher Stores	20
2	Men's and Students' Clothing, 14 years and over	21
3	Pawnbrokers	22
2	Radio and Television—Sales and Service	23
2	Restaurants	24
3	Small Loan and Finance Companies	25
3	Taverns	26
3	Theaters	27
2	Tobacco Dealers	28
2	Women's and Junior Teens' Clothing, 14 years and over	29

(d) The premium for risks located in a shopping center or farmers market shall be surcharged 10 percent. For the purpose of this § 1933.24, a shopping center or farmers market is defined as a location consisting of at least five stores and at least 25,000 square feet of area for automobile parking. Risks with respect to which checks in excess of the total sale are cashed shall also be surcharged 10 percent.

(e) No more than two messengers operating from any one premise may have custody of the insured property at any one time, and no messenger shall be deemed to be simultaneously operating from more than one premise. If more than two are required, a surcharge of 10 percent for the next three messengers and an additional 5 percent for each additional five or less messengers shall apply.

§ 1933.25 Commercial crime insurance rates.

(a) Premium rates for commercial crime insurance policies are determined in accordance with the procedures set forth in paragraph (b) of this section, which will also be contained in the commercial crime insurance manual supplied to any eligible agent or broker upon request. Such request should be made to the servicing company responsible for the area in which the agent or broker is located, the name and address of which is listed in § 1930.5 of this subchapter.

(b) The following procedure shall be used to determine the 6-month rates applicable to commercial crime insurance policies issued under the program:

(1) The risk classification and territory rate shall first be determined in accordance with § 1933.24 and § 1934.2 of this subchapter;

(2) The base rate for the first $1,000 of coverage for a business having gross receipts of less than $25,000 annually shall be determined in accordance with the following table:

Territory

Class	01	02	03
01	$35	$40	$50
02	40	50	60
03	50	60	65

(3) The base rate determined in subparagraph (2) of this paragraph shall be multiplied by the appropriate multiplier from the following table, as determined by the applicant's Federal income tax return for the most recent taxable year:

	Multiplier
Less than $25,000	1.00
$25,000–$49,999	1.50
$50,000–$99,999	2.00
$100,000–$299,999	2.50
$300,000–$499,999	3.00
$500,000–$999,999	3.50
Over $1,000,000	.00025 of sales

(4) The base rate from subparagraph (2) of this paragraph multiplied by the gross receipts multiplier in subparagraph (3) of this paragraph gives the actual premium rate for the first $1,000 of coverage.

(5) Rates for higher limits of coverage shall be determined by applying to the premium rate derived in accordance with subparagraph (3) of this paragraph the appropriate differential from the following table for each $1,000 of coverage:

Rate for each $1,000 of coverage	*Differential*
1st	1.00
2d	2.00
3d	2.95
4th	3.90
5th	4.85
6th	5.70
7th	6.55
8th	7.40
9th	8.15
10th	8.90
11th	9.65
12th	10.30
13th	10.95
14th	11.60
15th	12.25

(6) The product derived in accordance with subparagraph (5) of this paragraph shall then be adjusted to include any applicable surcharge and rounded to the next higher dollar above $0.49 to obtain the chargeable 6-month policyholder premium.

§ 1933.26 Required commercial policy form.

The following shall constitute the application form and the policy form for the commercial crime insurance policy, and no other application form or policy form shall be used unless otherwise provided by this § 1933.26. Coverage will commence at noon on the day following the date of application unless a later date is specified in the application.

(a) Commercial crime insurance application form:

CRIME INSURANCE PROGRAM

COMMERCIAL CRIME INSURANCE POLICY

This Policy (of which this Application is a part) covers burglary and robbery, including observed theft, losses of merchandise and equipment from a store, subject to a deductible, as stated below, and to Federal law and regulations.

FEDERAL INSURANCE ADMINISTRATION

(An Agency of the U.S. Government)

U.S. Department of Housing and Urban Development, Washington, D.C. 20410

APPLICATION

Policy No. ______________________

(Insert IRS Employer Identification Number and add auffix "A," "B," "C," etc., for each separate Application where multiple premises are involved.)

Insured's Name and Mailing Address: ______________________ ______________________ ______________________

Effective Date: ______________________

(Not earlier than noon on date following date of Application)

Expiration Date: ______________________

(1 year from effective date)

(Space for Agent's Sticker)

1. Location of premises (if different from mailing address): ______________________ ______________________
2. Describe type of building and (if multiple occupancy) portion occupied by applicant: ______________________
3. Describe class and type of business: ______________________ ______________________
   (Use description from tax return, plus any additional information needed to clarify or expand this description.)
4. Enter the number of messengers in excess of two who will regularly have custody of the insured property outside the premises at any one time: ______________________
5. Enter gross receipts for preceding taxable year: $______________________
6. Amount of insurance applied for ($15,000 maximum): $______________________

Note: Coverage is subject to a deductible of $200 or 5 percent of gross amount of any loss, whichever is greater.

7. (a) State whether you have ever previously had insurance under the Federal crime insurance program: ______________________
   (b) If so, give month and year when coverage was last in force: ______________________
   (c) State reason coverage was terminated: ______________________
   (d) If canceled, state whether canceled by the Insurer or by you: ______________________
8. If answer to Question 7(a) is yes, did you ever have a claim under your previous policy? ______________ Was it paid? ______________

Eligibility requirements and unusual policy provisions:

1. This Policy is subject to the crime insurance provisions of Title VI of the Housing and Urban Development Act of 1970 (Public Law 91–609, December 31, 1970; 12 U.S.C. 1749bbb–10a et seq.) and the Regulations of the Federal Insurance Administration issued pursuant thereto (24 C.F.R. 1930 et seq.). Renewals of this coverage shall be subject to the Regulations in force at the time of such renewals.

2. Any false statement in the Application voids the Policy. Intentionally false or misleading statements may result in prosecution for fraud under 18 U.S.C. 1001.

Premium Computation: (To be filled in by Agent, Broker, or Servicing Company)

Insert name and address of servicing company: ______________________ ______________________

A. Six-Month Base Rate
   (Territory ______________, Class ______________): $______________
B. Gross Sales Volume Multiplier
   (Gross Sales Volume $______________): ______________
C. Differential for Applicable Level of Coverage
   (Coverage $______________): ______________
D. Final 6-Month Premium
   (A x B x C, rounded to higher dollar above $0.49): $______________

3. To be eligible for insurance under the Federal crime insurance program, the insured premises must meet the requirements for protective devices established by the Federal Insurance Administration for that type of property. A list of these requirements is printed on the back of this form.

4. One-half of the annual premium must be paid at the time of application. The second installment of the premium will be billed

approximately 30 days before its due date and must be remitted by the insured within 15 days after the due date.

5. All losses of property subject to coverage under this Policy must be reported to the police (whether or not a claim is filed), or coverage under the Policy shall be deemed canceled by the insured 15 days from the date on which any person covered by the Policy first became aware of the loss.

Certification by applicant:

"I certify, under penalty of Federal law for fraud or misrepresentation as set forth in 18 U.S.C. 1001, (1) that the statements I have made in this Application, including the signature date set forth below, are true and correct to the best of my knowledge and belief, (2) that I have read the eligibility requirements above and the protective device requirements on the back of this form, and (3) that the insured premises meet such requirements.

"I further agree to make the insured premises available for inspection in connection with this policy at any reasonable time; and I understand that if at the time of such inspection the insured premises are found not to be protected in the manner required, this Policy will be considered void from its inception and only the portion of the premium not absorbed by administrative expenses in connection with the inspection and the issuance of such policy will be refunded."

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(Signature of insured) (Date)

(b) Commercial crime insurance policy form:

FEDERAL INSURANCE ADMINISTRATION

COMMERCIAL CRIME INSURANCE POLICY

The Federal Insurance Administrator, herein called the Insurer, agrees with the insured, named in the Application made a part hereof, in consideration of the payment of the premium and in reliance upon the statements in the Application, and subject to (1) the provisions of title VI of Public Law 91–609 and Subchapter C, Chapter VII, Title 24 of the Code of Federal Regulations, and (2) the limits of insurance, exclusions, conditions, deductibles, and other terms of this Policy with respect to the following criminal acts:

INSURING AGREEMENTS

I. *Robbery, Including Observed Theft, Inside the Premises.* To pay for loss by robbery or observed theft of money, securities, merchandise, furniture, fixtures, and equipment within the premises.

II. *Robbery, Including Observed Theft, Outside the Premises.* To pay for loss by robbery or observed theft of money, securities, and merchandise, including the wallet or bag containing such property, while such property is being conveyed by a messenger outside the premises, but no payment shall be made for any loss in excess of $5,000 except with respect to a loss in which an armed guard accompanies the messenger.

III. *Kidnapping.* To pay for loss by kidnapping, of money, securities, merchandise, furniture, fixtures, and equipment within the premises.

IV. *Safe Burglary.* To pay for loss by safe burglary of money, securities, and merchandise within the premises but no payment shall be made for any loss in excess of $5,000 except with respect to loss by safe burglary of a Class E Safe securely anchored to the floor.

V. *Theft from Night Depository.* To pay for loss by theft of money and securities within any night depository in a bank.

VI. *Burglary; Robbery of Watchman.* To pay for loss by burglary or by robbery of a watchman, while the premises are not open for business, of merchandise, furniture, fixtures and equipment within the premises. Under this insuring agreement, the actual cash value of any one article of jewelry shall be deemed not to exceed $50.

VII. *Damage.* To pay for damage to the premises and to money, securities, merchandise, furniture, fixtures and equipment within the premises, by any robbery, kidnapping, burglary, safe burglary, robbery of a watchman, or attempt thereat, provided with respect to damage to the premises the insured is the owner thereof or is liable for such damage.

VIII. *Policy Period, Territory.* This Policy applies only to loss which occurs during the Policy period within a State, as defined in 12 U.S.C. 1749bbb–2.

EXCLUSIONS

This Policy does not apply:

(a) To loss due to embezzlement or to any fraudulent, dishonest, or criminal act by any insured, a partner therein, or an officer, employee, director, trustee, or authorized representative thereof, while working or otherwise and whether acting alone or in collusion with others; provided, that this exclusion does not apply to kidnapping, safe burglary or robbery or attempt thereat by other than an insured or a partner therein;

(b) To loss due to war, whether or not declared, civil war, insurrection, rebellion or revolution, or to any act or condition incident to any of the foregoing;

(c) To loss of manuscripts, records, or accounts;

(d) Under Insuring Agreements VI and VII, to loss occurring during a fire in the premises;

(e) To loss due to nuclear reaction, nuclear radiation, or radioactive contamination, or to any act or condition incident to any of the foregoing;

(f) To loss if the premises are not equipped with the protective devices required as a condition of eligibility for the purchase of this Policy by the regulations of the Federal Insurance Administration, as published at the time of the inception of the current term of the Policy in Subchapter C, Chapter VII, Title 24, Code of Federal Regulations.

CONDITIONS

1. *Definitions*—(a) *Money.* The word "money" means currency, coins, bank notes, and bullion; and travelers checks, register checks, and money orders held for sale to the public.

(b) *Securities.* The word "securities" means all negotiable and nonnegotiable instruments or contracts representing either money or other property and includes revenue and other stamps in current use, tokens, and tickets, but does not include money.

(c) *Premises.* The unqualified word "premises" means the interior of that portion of any building at a location designated in the Application which is occupied by the insured as stated therein, but shall not include (1) showcases or show windows not opening directly into the interior of the premises, or (2) public entrances, halls, or stairways. As respects Insuring Agreements I and II only, the premises shall also include the space immediately surrounding such building, provided such space is occupied by the insured in conducting his business.

(d) *Custodian.* The word "custodian" means the insured, a partner therein, an officer thereof, or any employee thereof who is in the regular service of and duly authorized by the insured to have the care and custody of the insured property within the premises, excluding any person while acting as a watchman, porter, or janitor.

(e) *Messenger.* The word "messenger" means the insured, a partner therein, an officer thereof, or any employee thereof who is in the regular service of and duly authorized by the insured to have the care and custody of the insured property outside the premises.

(f) *Robbery, Including Observed Theft.* The word "robbery, including observed theft" means the taking of insured property (1) by violence inflicted upon a messenger or a custodian; (2) by putting him in fear of violence; (3) by any other overt felonious act committed in his presence and of which he was actually cognizant, provided such other act is not committed by an officer, partner, or employee of the insured; (4) from the person or direct care and custody of a messenger or custodian who has been killed or rendered unconscious; or (5) from a show window within the premises while regularly open for business, by a person who has broken the glass thereof from outside the premises.

(g) *Robbery of a Watchman.* The term "robbery of a watchman" means the felonious taking of insured property by violence or threat of violence inflicted upon a private watchman employed exclusively by the insured and while such watchman is on duty within the premises.

(h) *Kidnapping.* The word "kidnapping" means the taking of insured property from within the premises by compelling a messenger or custodian by violence or threat of violence while outside the premises to admit a person into the premises or to furnish him with means of ingress into the premises.

(i) *Burglary.* The word "burglary" means the felonious abstraction of insured property from within the premises by a person making felonious entry therein by actual force and violence evidenced by visible marks made by tools, explosives, electricity, or chemicals upon, or physical damage to, the exterior of the premises at the place of such entry.

(j) *Safe Burglary.* The term "safe burglary" means (1) the felonious abstraction of insured property from within a vault or safe, the door of which is equipped with a combination lock, located within the premises by a person making felonious entry into such vault or such safe and any vault containing the safe, when all doors thereof are duly closed and locked by all combination locks thereon, provided such entry shall be made by actual force and violence, of which force and violence there are visible marks made by tools, explosives, electricity, or chemicals upon the exterior of (a) all of said doors of such vault or such safe and any vault containing the safe, if entry is made through such doors, or (b) the top, bottom, or walls of such vault or such safe and any vault containing the safe through which entry is made, if not made through such doors, or (2) the felonious abstraction of such safe from within the premises.

(k) *Jewelry.* The word "jewelry" means jewelry, watches, gems, precious or semiprecious stones, and articles containing one or more gems.

(l) *Loss.* The word "loss," except as used in Insuring Agreements I through VI, includes damage.

2. *Ownership of Property; Interests Covered.* The insured property may be owned by the insured or held by him in any capacity or may be property as respects which the insured is legally liable; *Provided,* That the insurance applies only to the interest of the insured in such property, including the insured's liability to others, and does not apply to the interest of any other person or organization in any of said property unless included in the insured's proof of loss.

3. *Joint Insured.* If more than one insured is named in the Application, the insured first named shall act for itself and for every other insured for all purposes of this Policy. Knowledge possessed by any insured shall, for the purpose of the Application and the condition "Insured's Duties When Loss Occurs," constitute knowledge possessed by every insured. Cancellation of this Policy by, or through notice to, the insured first named shall be deemed to be a cancellation of the Policy with respect to every insured.

4. *Books and Records.* The insured shall keep records of all the insured property in such manner that the Insurer can accurately determine therefrom the amount of loss, and if the insured maintains cash funds for the purpose of check cashing, a complete record of each check negotiated shall be kept by the insured showing the names of the maker, payee and drawee bank, and the date and amount of the check, and such records shall be maintained in a receptacle other than that used for money and securities.

5. *Limits of Liability; Settlement Options.* The Insurer shall not be liable on account of any loss unless the amount of such loss shall exceed the amount of the deductible described in the Application which is made a part of this Policy and the Insurer shall then be liable only for such excess over and above the deductible, subject to and within the limit of insurance covered by the Policy.

The limit of the Insurer's liability for loss shall not exceed the applicable limit of insurance stated in the Application, nor what it would cost at the time of loss to repair or replace the property with other of like kind and quality, nor as respects securities the actual cash value thereof at the close of business on the business day next preceding the day on which the loss was discovered, nor as respects other property the actual cash value thereof at the time of loss: *Provided, however,* That the actual cash value of such other property held by the insured as a pledge, or as collateral for an advance or a loan, shall be deemed not to exceed the value of the property as determined and recorded by the insured when making the advance or loan, nor, in the absence of such record, the unpaid portion of the advance or loan plus accrued interest thereon at legal rates.

The applicable limit of insurance stated in the Application is the total limit of the Insurer's liability with respect to all loss of property of one or more persons or organizations arising out of any one occurrence. All loss incidental to an actual or attempted fraudulent, dishonest or criminal act or series of related acts at the premises, whether committed by one or more persons, shall be deemed to arise out of one occurrence.

The insurer may pay for the loss in money or may repair or replace the property and may settle any claim for loss of property either with the insured or the owner thereof. Any property so paid for or replaced shall become the property of the Insurer. Any property recovered after settlement of a loss shall be applied first to the expense of the parties in making such recovery, with any balance applied as if the recovery had been made prior to said settlement, and loss readjusted accordingly. The insured or the Insurer, upon recovery of any such property, shall give notice thereof as soon as practicable to the other.

6. *Insured's Duties When Loss Occurs.* Upon knowledge or discovery of loss or of an occurrence which may give rise to a claim for loss, the inured shall: (a) give notice thereof as soon as practicable to the Insurer through any of its authorized agents, (b) give notice to the police; (c) file detailed proof of loss, duly sworn to, with the Insurer through its authorized agents within 60 days after the discovery of loss.

Upon the Insured's request, the insured and every claimant hereunder shall submit to examination, subscribe the same under penalty of 18 U.S.C. 1001 pertaining to fraud and false representation, and produce all pertinent records, all at such reasonable times and places as the Insurer shall designate, and shall cooperate in all matters pertaining to loss or claims with respect thereto.

7. *Other Insurance.* If there is any other valid and collectible insurance which would apply in the absence of this Policy, the insurance under this Policy shall apply only as excess insurance over such other insurance; provided, that the insurance shall not apply (a) to property which is separately described and enumerated and specifically insured in whole or in part by any other insurance; or (b) to property otherwise insured unless such property is owned by the insured.

8. *No Benefit to Bailee.* The insurance afforded by this Policy shall not inure directly or indirectly to the benefit of any carrier or other bailee for hire.

9. *Appraisal.* If the Insured and the Insurer fail to agree as to the amount of loss, each shall, on the written demand of either, made within 60 days after receipt of proof of loss by the Insurer, select a competent and disinterested appraiser, and the appraisal shall be made at a reasonable time and place. If the appraisers fail to agree, they shall jointly select a competent and disinterested umpire and submit the question to him within 15 days thereafter. The appraisers shall state separately the actual cash value at time of loss and the amount of the loss. Agreement in writing of any two shall be considered by the Insurer in determining the amount of the loss but shall not be considered binding upon him and shall not be admissible as such in court. The insured and the Insurer shall each pay his or its chosen appraiser and shall bear equally the expenses of the umpire and the other expenses of appraisal.

The Insurer shall not be held to have waived any of its rights such as, without limitation, the right to deny liability under the Policy by any act relating to appraisal.

10. *Action Against Insurer.* No action shall lie against the Insurer unless, as a condition precedent thereto, there shall have been full compliance with all the terms of this Policy and the applicable regulations of the Federal Insurance Administration, nor until 90 days after the required proofs of loss have been filed with the Insurer, nor at all unless commenced within 2 years from the date when the insured discovers the loss and within 1 year after the date upon which the claimant received written notice of disallowance or partial disallowance of the claim. Any such action shall be brought in a U.S. district court, as required by 12 U.S.C. 1749bbb–11.

11. *Subrogation.* In the event of any payment under this Policy, the Insurer shall be subrogated to all the insured's rights of recovery therefor against any person or organization and the insured shall execute and deliver instruments and papers and do whatever else is necessary to secure such rights. The insured shall do nothing after loss to prejudice such rights.

12. *Changes.* Notice to any agent or knowledge possessed by any agent or by any other person shall not effect a waiver or a change in any part of this Policy or estop the Insurer from asserting any right under the terms of this Policy; nor shall the terms of this Policy be waived or changed, except by endorsement issued to form a part of this Policy, as approved by the Federal Insurance Administrator.

13. *Cancellation.* This Policy may be canceled by the insured by surrender thereof to the Insurer or any of its authorized agents or by mailing to the Insurer written notice stating when thereafter the cancellation shall be effective. This Policy may be canceled by the Insurer by mailing to the insured at the address shown in this Policy written notice stating when not less than thirty (30) days thereafter such cancellation shall be effective. The mailing of notice as aforesaid shall be sufficient proof of notice. The time of the surrender or the effective date of cancellation stated in the notice shall become the end of the Policy period. Delivery of such written notice either by the insured or by the Insurer shall be equivalent to mailing.

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14. *Assignment.* Assignment of interest under this Policy shall not bind the Insurer until its consent is endorsed hereon; if, however, the insured shall die, this Policy shall cover the insured's legal representative as insured: *Provided,* That notice of cancellation addressed to the insured named in the Application and mailed to the address shown in this Policy shall be sufficient notice to effect cancellation of this Policy.

15. *Declarations.* By signing the Application or by acceptance of this Policy the insured certifies and agrees, under penalty of Federal law dealing with fraud and false representation (18 U.S.C. 1001), that the statements in the Application are his agreements and representations, that this Policy is issued in reliance upon the truth of such representations, and that this Policy embodies all agreements existing between himself and the Insurer or any of its agents relating to this insurance.

In witness whereof, the Federal Insurance Administrator has accepted the declarations of the insured set forth in the Application and has caused this Policy to be issued.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

PART 1934—CLASSIFICATION OF TERRITORIES

Sec.
1934.1 Method of classification.
1934.2 List and classification of territories.

§ 1934.1 Method of classifying territories.

(a) Because crime rates are related to urban population concentrations rather than to State boundaries, the insurer has determined that the interests of the public will be best served by classifying territories for the purposes of the Federal crime insurance program on the basis of statistics applicable to entire Standard Metropolitan Statistical Areas, generally referred to as "SMSA's."

(b) Under the classification system prescribed by this part, all communities within the same SMSA shall be assigned the same rating classification, regardless of the State in which they are situated. However, no community within any SMSA will actually be eligible for the sale of Federal crime insurance unless the State in which it is situated is then currently eligible.

(c) Eligible communities that are not part of SMSA's shall be assigned the same territorial classification as the remainder of the State, regardless of the size of the community.

§ 1931.2 List and classification of territories.

(a) Territories shall be classified for statistical and rating purposes as set forth in Part I of the insurer's Crime Insurance Manual, which shall apply to all crime insurance policies written under the program. Such manual shall be supplied by the servicing company on behalf of the insurer to all eligible agents and brokers within an eligible State.

(b) Part I of the Crime Insurance Manual shall read as follows:

FEDERAL INSURANCE ADMINISTRATION

CRIME INSURANCE MANUAL

Part 1—Territories

A. The Territorial arrangement for each State is as follows:

(1) If Standard Metropolitan Statistical Areas exist, they are individually rated.

(2) The remainder of the State is placed in a single category.

B. *Standard Metropolitan Statistical Areas.* The Standard Metropolitan Statistical Areas (SMSA) have been adopted as statistical units in order to make it possible for all Federal agencies to utilize the same boundaries in publishing data useful for analyzing metropolitan areas. The general concept of a metropolitan area is one of an integrated economic and social unit with a recognized population nucleus. "SMSA's Are Not Limited to a Single State or a Single City." Since this approach differs from conventional insurance practices, caution is necessary in rating the risk. For example, parts of Maryland and Virginia are in the Washington, D.C., SMSA.

C. *Grading.* Each SMSA and each Remainder of State is classified into one of three territories for rating purposes, viz:

Territory 3 — High risk.
Territory 2 — Average risk.
Territory 1 — Low risk.

D. *Rating of SMSA's:*

SMSA	Statistical code	Rate territory
Abilene, Tex. (includes Taylor and Jones Counties)	0040	2
Akron, Ohio (includes Summit and Portage Counties)	0080	2
Albany, Ga	0120	1
Albany-Schenectady-Troy, N.Y. (includes Albany, Rensselaer, Saratoga, and Schenectady Counties)	0160	2
Albuquerque, N. Mex. (includes Bernalillo County)	0200	3
Alentown-Bethlehem-Easton, Pa.-N.J. (includes Lehigh and Northampton Counties, Pa. and Warren County, N.J.)	0240	1
Altoona, Pa. (includes Blair County)	0280	1
Amarillo, Tex. (includes Potter and Randall Counties)	0320	2
Anaheim-Santa Ana-Garden Grove, Calif. (includes Orange County)	0360	3
Anderson, Ind. (includes Madison County)	0400	2
Ann Arbor, Mich. (includes Washtenaw County)	0440	3
Appleton-Oshkosh, Wis. (includes Calumet, Outagamie, and Winnebago Counties)	0460	1
Asheville, N.C. (includes Buncombe County)	0480	2
Atlanta, Ga. (includes Clayton, Cobb, De Kalb, Fulton, and Gwinnett Counties)	0520	2
Atlantic City, N.J. (includes Atlantic County)	0560	3
Augusta, Ga.-S.C. (includes Richmond County, Ga. and Aiken County, S.C)	0600	2
Austin, Tex. (includes Travis County)	0640	2
Bakersfield, Calif. (includes Kern County)	0680	3
Baltimore, Md. (includes Baltimore City and Anne Arundel, Baltimore, Carroll, Howard, and Hartford Counties)	0720	3
Baton Rouge, La. (includes East Baton Rouge Parish)	0760	2
Bay City, Mich. (includes Bay County)	0800	3
Beaumont-Port Arthur, Tex. (includes Jefferson and Orange Counties)	0840	2
Billings, Mont. (includes Yellowstone County)	0880	1
Biloxi-Gulfport, Miss. (includes Harrison County)	0920	1
Binghamton, N.Y.-Pa. (includes Broome and Tioga Counties, N.Y. and Susquehanna County, Pa.)	0960	1
Birmingham, Ala. (includes Jefferson, Shelby, and Walker Counties)	1000	2
Bloomington-Normal, Ill.	1040	1
Boise, Idaho (includes Ada County)	1080	2
Boston-Lowell, Mass. (includes Middlesex, Norfolk, Plymouth, and Suffolk Counties)	1120	2
Bridgeport-Stamford-Norwalk, Conn. (includes Fairfield County)	1160	2
Brockton, Mass. (includes Plymouth County)	1200	2
Brownsville-Harlingen-San Benito, Tex. (includes Cameron County)	1240	2
Bryan-College Station, Tex. (includes Brazos County)	1260	1
Buffalo, N.Y. (includes Erie and Niagara Counties)	1280	2
Canton, Ohio (includes Stark County)	1320	2
Cedar Rapids, Iowa (includes Linn County)	1360	2
Champaign-Urbana, Ill. (includes Champaign County)	1400	2
Charleston, S.C. (includes Charleston and Berkeley Counties)	1440	2
Charleston, W. Va. (includes Kanawha County)	1480	2
Charlotte, N.C. (includes Mecklenburg and Union Counties)	1520	2
Chattanooga, Tenn.-Ga. (includes Hamilton County, Tenn., and Walker County, Ga.)	1560	2
Chicago, Ill. (includes Cook, Du Page, Kane, Lake, McHenry, and Will Counties)	1600	2
Cincinnati, Ohio-Ky.-Ind. (includes Hamilton, Clermont and Warren Counties, Ohio, and Campbell, Kenton, and Boone Counties, Ky., and Dearborn County, Ind.)	1640	2
Cleveland, Ohio (includes Cuyahoga, Lake, Geauga, and Medina Counties)	1680	2
Colorado Springs, Colo. (includes El Paso County)	1720	2
Columbia, Mo. (includes Boone County)	1740	2
Columbia, S.C. (includes Lexington and Richland Counties)	1760	2
Columbus, Ga.-Ala. (includes Chattahoochee and Muscogee Counties, Ga., and Russell County, Ala.)	1800	2
Columbus, Ohio (includes Franklin, Delaware, and Pickaway Counties)	1840	2
Corpus Christi, Tex. (includes Nueces and San Patricio Counties)	1880	2
Dallas, Tex. (includes Collin, Dallas, Denton, Ellis, Kaufman, and Rockwell Counties)	1920	3
Davenport-Rock Island-Moline, Iowa-Ill. (includes Scott County, Iowa, and Rock Island and Henry Counties, Ill.)	1960	2
Dayton, Ohio (includes Greene, Miami, Montgomery, and Preble Counties)	2000	2
Decatur, Ill. (includes Macon County)	2040	2
Denver, Colo. (includes Adams, Arapahoe, Boulder, Denver, and Jefferson Counties)	2080	3
Des Moines, Iowa (includes Polk County)	2120	2
Detroit, Mich. (includes Macomb, Oakland, and Wayne Counties)	2160	3
Dubuque, Iowa	2200	1
Duluth-Superior, Minn.-Wis. (includes St. Louis County, Minn., and Douglas County, Wis.)	2240	2
Durham, N.C. (includes Durham and Orange Counties)	2280	2
El Paso, Tex. (includes El Paso County)	2320	2
Erie, Pa. (includes Erie County)	2360	1
Eugene, Oreg. (includes Lane County)	2400	2
Evansville, Ind.-Ky. (includes Vanderburgh and Warwick Counties, Ind., and Henderson County, Ky.)	2440	
Fall River-New Bedford, Mass. (includes Bristol County)	2480	2
Fargo-Moorhead, N. Dak.-Minn. (includes Cass County, N. Dak., and Clay County, Minn.)	2520	2
Fayetteville, N.C. (includes Cumberland County)	2560	2
Flint, Mich. (includes Genesee and Lapeer Counties)	2640	2
Fort Lauderdale-Hollywood, Fla. (includes Broward County)	2680	3
Fort Smith, Ark.-Okla. (includes Sebastian and Crawford Counties, Ark., and Leflore and Sequoyah Counties, Okla.)	2720	1
Fort Wayne, Ind. (includes Allen County)	2760	2
Fort Worth, Tex. (includes Johnson and Tarrant Counties)	2800	2
Fresno, Calif. (includes Fresno County)	2840	3
Gadsden, Ala	2880	1
Gainsville, Fla. (includes Alachua County)	2900	2
Galveston-Texas City, Tex. (includes Galveston County)	2920	2
Gary-Hammond-East Chicago, Ind. (includes Lake and Porter Counties)	2960	2
Grand Rapids, Mich. (includes Kent and Ottawa Counties)	3000	2
Great Falls, Mont. (includes Cascade County)	3040	1
Green Bay, Wis. (includes Brown County)	3080	2
Greensboro-High Point-Winston-Salem, N.C. (includes Forsyth, Guilford, Randolph, and Yadkin Counties)	3120	2
Greenville, S.C. (includes Greenville and Pickens Counties)	3160	2
Hamilton-Middletown, Ohio (includes Butler County)	3200	2
Harrisburg, Pa. (includes Cumberland, Dauphin, and Perry Counties)	3240	2
Hartford-New Britain-Bristol, Conn. (includes Hartford County)	3280	2
Honolulu, Hawaii (includes Honolulu County)	3320	3
Houston, Tex. (includes Harris, Brazoria, Fort Bend, Liberty, and Montgomery Counties)	3360	2
Huntington-Ashland, W. Va.-Ky.-Ohio (includes Cabell and Wayne Counties, W. Va., Boyd County, Ky., and Lawrence County, Ohio)	3400	2
Huntsville, Ala. (includes Madison and Limestone Counties)	3440	2
Indianapolis, Ind. (includes Marion, Hamilton, Hancock, Hendricks, Johnson, Morgan, Shelby, and Boone Counties)	3480	2
Jackson, Mich. (includes Jackson County)	3520	2
Jackson, Miss. (includes Hinds and Rankin Counties)	3560	1
Jacksonville, Fla. (includes Duval County)	3600	3
Jersey City, N.J. (includes Hudson County)	3640	2
Johnstown, Pa. (includes Cambria and Somerset Counties)	3680	1
Kalamazoo, Mich. (includes Kalamazoo County)	3720	2
Kansas City, Mo.-Kans. (includes Clay, Jackson, Cass, and Platte Counties, Mo., and Johnson and Wyandotte Counties, Kans.)	3760	3
Kenosha, Wis. (includes Kenosha County)	3800	2
Knoxville, Tenn. (includes Anderson, Blount, and Knox Counties)	3840	2
La Crosse, Wis. (includes La Crosse County)	3870	2
Lafayette, La. (includes Lafayette Parish)	3880	2
Lafayette-West Lafayette, Ind. (includes Tippecanoe County)	3920	2
Lake Charles, La. (includes Calcasieu Parish)	3960	2
Lancaster, Pa. (includes Lancaster County)	4000	21
Lansing, Mich. (includes Clinton, Eaton, and Ingham Counties)	4040	2
Laredo, Tex. (includes Webb County)	4080	1
Las Vegas, Nev. (includes Clark County)	4120	3
Lawrence-Haverhill, Mass.-N.H. (includes Hillsboroug, Merrimack, and Rockingham Counties, N.H., Essex County, Mass.)	4160	2
Lawton, Okla. (includes Comanche County)	4200	2
Lewiston-Auburn, Maine	4240	1
Lexington, Ky. (includes Fayette County)	4280	3
Lima, Ohio (includes Allen, Putnam, and Van Wert Counties)	4320	2
Lincoln, Nebr. (includes Lancaster County)	4360	2
Little Rock-North Little Rock, Ark. (includes Pulaski and Saline Counties)	4400	2
Lorain-Elyria, Ohio (includes Lorain County)	4440	2
Los Angeles-Long Beach, Calif. (includes Los Angeles County)	4480	3
Louisville, Ky.-Ind. (includes Jefferson County, Ky., and Clark and Floyd Counties, Ind.)	4520	3
Lubbock, Tex. (includes Lubbock County)	4600	2
Lynchburg, Va. (includes Lynchburg City and Amherst and Campbell Counties)	4640	1
Macon, Ga. (includes Bibb and Houston Counties)	4680	2
Madison, Wis. (includes Dane County)	4720	2
Manchester, N.H. (includes Hillsboro County)	4760	1
Mansfield, Ohio (includes Richland County)	4800	2
McAllen-Pharr-Edinburg, Tex. (includes Hidalgo County)	4880	1
Memphis, Tenn.-Ark. (includes Shelby County, Tenn., and Crittenden County, Ark.)	4920	2
Meriden, Conn	4960	1
Miami, Fla. (includes Dade County)	5000	3
Midland, Tex. (includes Midland County)	5040	1
Milwaukee, Wis. (includes Milwaukee, Waukesha, Ozaukee, and Washington Counties)	5080	2
Minneapolis-St. Paul, Minn. (includes Anoka, Dakota, Hennepin, Ramsey, and Washington Counties)	5120	2
Mobile, Ala. (includes Mobile and Baldwin Counties)	5160	2
Modesto, Calif. (includes Stanislaus County)	5170	2
Monroe, La. (includes Ouachita Parish)	5200	1
Montgomery, Ala	5240	1
Muncie, Ind. (includes Delaware County)	5280	2
Muskegon-Muskegon Heights, Mich. (includes Muskegon County)	5320	2
Nashville, Tenn. (includes Davidson, Sumner, and Wilson Counties)	5360	2
Newark, N. J. (includes Essex, Morris, and Union Counties)	5640	2
New Haven-Waterbury, Conn. (includes New Haven County)	5480	2
New London-Groton-Norwich, Conn. (includes New London County)	5520	2
New Orleans, La. (includes Jefferson, Orleans, St. Bernard, and St. Tammany Parishes)	5560	2
Newport News-Hampton, Va. (includes Newport News and Hampton Cities and York County)	5680	2
New York, N.Y. (includes Bronx, Kings, Manhattan, Queens, Richmond, Nassau, Rockland, Suffolk, and Westchester Counties)	5600	3
Norfolk-Portsmouth, Va. (includes Norfolk, Chesapeake, Portsmouth, and Virginia Beach Cities)	5720	2
Odessa, Tex. (includes Ector County)	5800	1
Ogden, Utah (includes Weber County)	5840	2
Oklahoma City, Okla. (includes Canadian, Cleveland, and Oklahoma Counties)	5880	2
Omaha, Nebr.-Iowa (includes Douglas and Sarpy Counties, Nebr., and Pottawattamie County, Iowa)	5920	2
Orlando, Fla. (includes Orange and Seminole Counties)	5960	2
Owensboro, Ky. (includes Daviess County)	5990	2
Oxnard-Ventura, Calif. (includes Ventura County)	6000	2
Paterson-Clifton-Passaic, N.J. (includes Bergen and Passaic Counties)	6040	2
Pensacola, Fla. (includes Escambia and Santa Rosa Counties)	6080	2
Peoria, Ill. (includes Peoria, Tazwell, and Woodford Counties)	6120	2
Petersburg, Colonial Heights, Va. (includes Petersburg, Colonial Heights, and Hopewell Cities and Prince George and Dinwiddie Counties)	6140	1
Philadelphia, Pa.-N.J. (includes Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and Burlington, Camden, and Gloucester Counties, N.J.)	6160	2
Phoenix, Ariz. (includes Maricopa County)	6200	2
Pine Bluff, Ark	6240	1
Pittsburgh, Pa. (includes Allegheny, Beaver, Washington, and Westmoreland Counties)	6280	2
Pittsfield, Mass. (includes Berkshire County)	6320	2
Portland, Maine (includes Cumberland County)	6400	2
Portland, Oreg-Wash. (includes Clackamas, Multnomah, and Washington Counties, Oreg., and Clark County, Wash.)	6440	3
Providence-Pawtucket-Warwick, R.I. (includes Bristol, Kent, and Providence Counties)	6480	2
Provo-Orem, Utah (includes Utah County)	6520	2
Pueblo, Colo. (includes Pueblo County)	6560	2
Racine, Wis. (includes Racine County)	6600	2
Raleigh, N.C. (includes Wake County)	6640	2
Reading, Pa. (includes Berks County)	6680	1
Reno, Nev. (includes Washoe County)	6720	2
Richmond, Va. (includes Richmond City and Chesterfield, Henrico, and Hanover Counties)	6760	2
Roanoke, Va. (includes Roanoke City and Roanoke County)	6800	2
Rochester, Minn. (includes Olmsted County)	6820	1
Rochester, N.Y. (includes Monroe, Livingston, Orleans, and Wayne Counties)	6840	2
Rockford, Ill. (includes Winnebago and Boone Counties)	6880	2
Sacremento, Calif. (includes Sacramento, Placer, and Yolo Counties)	6920	3
Saginaw, Mich. (includes Saginaw County)	6960	2
St. Joseph, Mo. (includes Buchanan County)	7000	1
St. Louis, Mo.-Ill. (includes St. Louis City and Jefferson, St. Charles, St. Louis, and Franklin Counties, Mo., and Madison and St. Clair Counties, Ill.)	7040	2
Salem, Oreg. (includes Marion and Polk Counties)	7080	2
Salinas-Monterey, Calif. (includes Monterey County)	7120	3
Salt Lake City, Utah (includes Salt Lake and Davis Counties)	7160	2
San Angelo, Tex. (includes Tom Green County)	7200	1
San Antonio, Tex. (includes Bexar and Guadalupe Counties)	7240	3
San Bernardino-Riverside-Ontario, Calif. (includes Riverside and San Bernardino Counties)	7280	3
San Diego, Calif. (includes San Diego County)	7320	2
San Francisco-Oakland, Calif. (includes Alameda, Contra Costa, Marin, San Francisco, and San Mateo Counties)	7360	3
San Jose, Calif. (includes Santa Clara County)	7400	2
Santa Barbara, Calif. (includes Santa Barbara County)	7480	2
Santa Rose, Calif. (includes Sonoma County)	7500	2
Savannah, Ga. (includes Chatham County)	7520	3
Scranton, Pa. (includes Lackawanna County)	7560	1
Seattle-Everett, Wash. (includes King and Snohomish Counties)	7600	3
Sherman-Denison, Tex. (includes Grayson County)	7640	1
Shreveport, La. (includes Bossier and Caddo Parishes)	7680	2
Sioux City, Iowa-Nebr. (includes Woodbury County, Iowa, and Dakota County, Nebr.)	7720	2
Sioux Falls, S. Dak	7760	1
South Bend, Ind. (includes St. Joseph and Marshall Counties)	7800	2
Spokane, Wash. (includes Spokane County)	7840	2
Springfield, Ill. (includes Sangamon County)	7880	2
Springfield, Mo. (includes Greene County)	7920	2
Springfield, Ohio (includes Clark County)	7960	2
Springfield-Chicopee-Holyoke, Mass. (includes Hampden and Hampshire Counties)	8000	2
Stamford, Conn		1
Steubenville-Weirton, Ohio-W. Va. (includes Jefferson County, Ohio, and Brooke and Hancock Counties, W. Va.)	8080	1
Stockton, Calif. (includes San Joaquin County)	8120	3
Syracuse, N.Y. (includes Madison, Onondaga, and Oswego Counties)	8160	2
Tacoma, Wash. (includes Pierce County)	8200	2
Tallahasse, Fla	8240	2
Tampa-St. Petersburg, Fla. (includes Hillsborough and Pinellas Counties)	8280	2
Terre Haute, Ind. (includes Vigo, Clay, Sullivan, and Vermillion Counties)	8320	2
Texarkana, Tex.-Ark. (includes Bowie County, Tex., and Miller County, Ark.)	8360	2
Toledo, Ohio-Mich. (includes Lucas and Wood Counties, Ohio, and Monroe County, Mich.)	8400	2
Topeka, Kans. (includes Shawnee County)	8440	2
Trenton, N.J. (includes Mercer County)	8480	2
Tucson, Ariz. (includes Pima County)	8520	2
Tulsa, Okla. (includes Creek, Osage, and Tulsa Counties)	8560	2
Tuscaloosa, Ala. (includes Tuscaloosa County)	8600	2
Tyler, Tex. (includes Smith County)	8640	1
Utica-Rome, N.Y. (includes Herkimer and Oneida Counties)	8680	1
Vallejo-Napa, Calif. (includes Solano and Napa Counties)	8720	2
Vineland-Millville-Bridgeton, N.J. (includes Cumberland County)	8760	2
Waco, Tex. (includes McLennan County)	8800	2
Washington, D.C.-Md.-Va. (includes District of Columbia, Montgomery and Prince Georges Counties, Md., Alexandria, Fairfax, and Falls Church Cities, and Arlington, Fairfax, Loudoun, and Prince William Counties, Va.)	8840	3
Waterloo, Iowa (includes Black Hawk County)	8920	2
West Palm Beach, Fla. (includes Palm Beach County)	8960	2
Wheeling, W. Va.-Ohio (includes Marshall and Ohio Counties, W. Va., and Belmont County, Ohio	9000	1
Wichita, Kans. (includes Sedgwick and Butler Counties)	9040	2
Wichita Falls, Tex. (includes Archer and Wichita Counties)	9080	2
Wilkes-Barre-Hazleton, Pa. (includes Luzerne County)	9120	1
Wilmington, Del.-N.J.-Md. (includes New Castle County, Del., Salem County, N.J., and Cecil County, Md.)	9160	2
Wilmington, N.C. (includes New Hanover and Brunswick Counties)	9200	2
Worcester, Mass. (includes Worcester County)	9240	2
York, Pa. (includes York and Adams Counties)	9280	1
Youngstown-Warren, Ohio (includes Mahoning and Trumbull Counties)	9320	2

RATING OF REMAINDER OF STATE TERRITORIES (EXCLUSIVE OF SMSA'S)

State	Statistical code	Rate territory	Counties and independent cities which are in SMSA's listed above (see SMSA list for rate territory)
Alabama	0401	1	Baldwin, Elmore, Etowah, Jefferson, Limestone, Madison, Mobile, Montgomery, Russell, Shelby, Tuscaloosa, Walker.
Alaska	1002	2	None.
Arizona	0904	2	Maricopa, Pima.
Arkansas	0605	1	Crawford, Crittenden, Jefferson, Miller, Pulaski, Saline, Sebastian.
California	0906	2	Alameda, Contra Costa, Fresno, Kern, Los Angeles, Marin, Monterey, Napa, Orange, Placer, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, Stanislaus, Ventura, Yolo.
Colorado	0808	2	Adams, Arapahoe, Boulder, Denver, El Paso, Jefferson, Pueblo.
Connecticut	0109	1	All counties except Windham.
Delaware	0310	1	New Castle.
District of Columbia	8840	NA	Entire District.
Florida	0412	2	Alachua, Broward, Dade, Duval, Escambia, Hillsborough, Leon, Orange, Palm Beach, Pinellas, Santa Rosa, Seminole.
Georgia	0413	1	Bibb, Chatham, Chattahoochee, Clayton, Cobb, De Kalb, Dougherty, Fulton, Gwinnett, Houston, Muscogee, Richmond, Walker.

State	Statistical code	Rate territory	Counties and independent cities which are in SMSA's listed above (see SMSA list for rate territory)
Hawaii	0915	1	Honolulu.
Idaho	1016	2	Ada.
Illinois	0617	1	Boone, Champaign, Cook, Du Page, Henry, Kane, Lake, McHenry, McLean, Macon, Madison, Peoria, Rock Island, St. Clair, Sangamon, Tazewell, Will, Winnebago, Woodford.
Indiana	0618	1	Allen, Boone, Clark, Clay, Dearborn, Delaware, Floyd, Hamilton, Hancock, Hendricks, Johnson, Lake, Madison, Marion, Marshall, Morgan, Porter, St. Joseph, Shelby, Sullivan, Tippecanoe, Vanderburgh, Vermillion, Vigo, Warrick.
Iowa	0719	1	Black Hawk, Dubuque, Linn, Polk, Pottawattamie, Scott, Woodbury.
Kansas	0720	1	Butler, Kearny, Sedgwick, Shawnee, Wyandotte.
Kentucky	0421	1	Boone, Boyd, Campbell, Daviess, Henderson, Jefferson, Kenton.
Louisiana	0622	1	Bossier, Caddo, Calcasieu, East Baton Rouge, Jefferson, Lafayette, Orleans, Ouachita, St. Bernard, St. Tammany.
Maine	0123	1	Androscoggin, Cumberland.
Maryland	0324	1	Ann Arundel, Baltimore (city and county), Carroll, Cecil, Harford, Howard, Montgomery, Prince Georges.
Massachusetts	0125	2	Berkshire, Bristol, Essex, Hampden, Hampshire, Middlesex, Norfolk, Plymouth, Suffolk, Worcester.
Michigan	0526	2	Bay, Clinton, Eaton, Genesee, Ingham, Jackson, Kalamazoo, Kent, Lapeer, Macomb, Monroe, Muskegon, Oakland, Ottawa, Saginaw, Washtenaw, Wayne.
Minnesota	0627	1	Anoka, Clay, Dakota, Hennepin, Olmsted, Ramsey, St. Louis, Washington.
Mississippi	0428	1	Harrison, Hinds, Rankin.
Missouri	0729	1	Boone, Buchanan, Cass, Clay, Franklin, Greene, Jackson, Jefferson, Platte, St. Charles, St. Louis, St. Louis City.
Montana	0830	1	Cascade, Yellowstone.
Nebraska	0731	1	Dakota, Douglas, Lancaster, Sarpy.
Nevada	0932	2	Carson City, Clark, Washoe.
New Hampshire	0133	1	Hillsborough, Merrimack, Rockingham.
New Jersey	0234	2	All counties except Cape May, Hunterdon, Middlesex, Monmouth, Ocean, Somerset, Sussex.
New Mexico	0635	2	Bernalillo.
New York	0236	1	Albany, Bronx, Broome, Erie, Herkimer, Kings, Livingston, Madison, Monroe, Nassau, New York, Niagara, Oneida, Onondaga, Oswego, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Suffolk, Tioga, Wayne, Westchester.
North Carolina	0437	1	Brunswick, Buncombe, Cumberland, Durham, Forsyth, Guilford, Mecklenburg, New Hanover, Orange, Randolph, Union, Wake, Yadkin.
North Dakota	0838	1	Cass.
Ohio	0539	1	Allen, Belmont, Butler, Clark, Clermont, Cuyahoga, Delaware, Franklin, Geauga, Greene, Hamilton, Jefferson, Lake, Lawrence, Lorain, Lucas, Mahoning, Medina, Miami, Montgomery, Pickaway, Portage, Preble, Putnam, Richland, Stark, Summit, Trumbull, Van Wert, Warren, Wood.
Oklahoma	0640	1	Canadian, Cleveland, Comanche, Creek, Le Flore, Oklahoma, Osage, Sequoyah, Tulsa.
Oregon	1041	2	Clackamas, Lane, Marion, Multnomah, Polk, Washington.
Pennsylvania	0342	1	Adams, Allegheny, Beaver, Berks, Blair, Bucks, Cambria, Chester, Cumberland, Dauphin, Delaware, Erie, Lackawanna, Lancaster, Lehigh, Luzerne, Montgomery, Northampton, Perry, Philadelphia, Somerset, Susquehanna, Washington, Westmoreland, York.
Puerto Rico	0272	2	Assign all to rate territory 2.
Rhode Island	0144	2	All counties in SMSA's.
South Carolina	0445	2	Aiken, Berkeley, Charleston, Greenville, Lexington, Pickens, Richland.
South Dakota	0846	1	Minnehaha.
Tennessee	0447	1	Anderson, Blount, Davidson, Hamilton, Knox, Shelby, Sumner, Wilson.
Texas	0648	1	Archer, Bexar, Bowie, Brazoria, Brazos, Cameron, Collin, Dallas, Denton, Ector, Ellis, El Paso, Fort Bend, Grayson, Guadalupe, Harris, Hidalgo, Jefferson, Johnson, Jones, Kaufman, Kinney, Liberty, Lubbock, McLennan, Midland, Montgomery, Nueces, Orange, Potter, Randall, Rockwall, San Patricio, Smith, Tarrant, Taylor, Tom Green, Travis, Webb, Wichita.
Utah	0849	1	Davis, Salt Lake, Utah, Weber.
Vermont	0150	1	None.
Virginia	0351	1	Alexandria, Amherst, Arlington, Campbell, Chesapeake, Chesterfield, Dinwiddie, Essex, Fairfax, Falls Church, Hanover, Hampton, Henrico, Hopewell Cities, Loudoun, Lynchburg, Newport News, Norfolk, Petersburg, Portsmouth, Prince George, Prince William, Richmond, Roanoke (city and county), Virginia Beach, York, Colonial Heights.
Washington	1063	2	Clark, King, Pierce, Snohomish, Spokane.
West Virginia	0364	1	Brooke, Cabell, Hancock, Kanawha, Marshall, Ohio, Wayne.
Wisconsin	0555	1	Brown, Calumet, Dane, Douglas, Kenosha, La Crosse, Milwaukee, Ozaukee, Racine, Washington, Waukesha, Outagamie, Winnebago.
Wyoming	0856	2	None.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-7033 Filed 5-21-71;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 70-140]

FORT POINT CHANNEL, BOSTON, MASS.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering revising the regulations for the Summer Street and Congress Street bridges across Fort Point Channel, Boston, Mass., to allow the draws of these bridges to be maintained in a closed position. A revision of the regulations governing the operation of the Northern Avenue bridge across Fort Point Channel which would permit the draw to remain closed from 8 p.m. to 6 a.m. in addition to the present restrictions is also being considered.

The present regulations for the Summer and Congress Street bridges require that they open on signal or during specified periods after advance notice has been given. They also provide that, during morning and evening traffic hours, the draw may remain closed to vessels whose draft is less than 18 feet. The Coast Guard has been informed that the draw of the Summer Street bridge last opened in 1963, for the passage of marine traffic. The draw of Summer Street bridge has been closed since April 1, 1967, for reconstruction of the bridge. This reconstruction has been completed and the city of Boston has asked that they be authorized to keep this bridge in a closed position. The Congress Street bridge was opened twice in 1970, for the passage of a pleasure craft that docked at a waterfront restaurant although no actual docking facilities are provided by the restaurant.

A heavy equipment marine contract company located between the Northern Avenue bridge and the Congress Street bridge indicated that it had no objection to the proposed revision which would allow the draw of the Northern Avenue bridge to remain closed from 8 p.m. to 6 a.m. The drawtenders' logs for the Northern Avenue bridge indicated that two openings in 1969 and six openings in 1970 were required between 8 p.m. and 6 a.m.

Interested persons may participate in this proposed rule making by submitting

written data, views, or arguments to the Commander, First Coast Guard District, J.F. Kennedy Federal Building, Government Center, Boston, MA 02203. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, First Coast Guard District.

The Commander, First Coast Guard District, will forward any comments received before June 21, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 be amended by revising § 117.75(i) to read as follows:

§ 117.75 Boston Harbor, Mass., and adjacent waters; bridges.

* * * * *

(i) *Fort Point Channel, city of Boston highway bridges.* (1) The draw of the Summer and Congress Street bridges need not open for the passage of vessels and paragraphs (b) through (e) of this section do not apply to these bridges.

(2) From 6 a.m. to 8 p.m. the Northern Street bridge draw shall open on signal, except that it need not open for the passage of vessels whose draft is less than 18 feet from 7 a.m. to 9 a.m. and from 4:30 p.m. to 6:30 p.m., Monday through Friday, excluding legal holidays. From 8 p.m. to 6 a.m. the draw need not open for the passage of vessels.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655 (g)(2): 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922)

Dated: May 14, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc. 71-7159 Filed 5-21-71;8:47 am]

[33 CFR Part 117]

[CGFR 71-43]

HILLSBOROUGH RIVER, FLA.

Proposed Drawbridge Operation Regulations

MAY 17, 1971.

The Coast Guard is considering amending the regulations for the bridges across the Hillsborough River that are owned by the city of Tampa at Platt, Brorein, Cass, and Laurel Streets; the State of Florida highway bridge at Kennedy Boulevard, and the Seaboard Coast Line Railroad bridge at Cass Street, to require 2 hours' advance notice from 10 p.m. to 6 a.m. The draws of these bridges are presently required to open on signal during that period. This change is being considered because of infrequent requests for openings of these bridges from 10 p.m. to 6 a.m. Drawtenders would not be required at these bridges from 10 p.m. to 6 a.m.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (OAN), Seventh Coast Guard District, 51 Southwest First Avenue, Miami, FL 33130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Seventh Coast Guard District.

The Commander, Seventh Coast Guard District, will forward any comments received before July 2, 1971, with his recommendations to the Chief, Office of Operations, who will take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that § 117.465 be revised to read as follows:

§ 117.465 Hillsborough River, Tampa, Fla.

(a) *City of Tampa highway bridges at Platt Street and Brorein Street and the State of Florida highway bridges at Kennedy Boulevard.* From 6 a.m. to 10 p.m., the draws shall open on signal except that from 7:30 a.m. to 9 a.m. and 4 p.m. to 6:15 p.m., Monday through Saturday, the draws may remain closed. From 10 p.m. to 6 a.m. drawtenders need not be on duty at these bridges, however, the draws shall open on signal if at least 2 hours' advance notice has been given.

(b) *City of Tampa highway bridges at Cass Street and Laurel Street and the Seaboard Coast Line Railroad bridge at Cass Street.* From 6 a.m. to 10 p.m. the draws shall open on signal. From 10 p.m. to 6 a.m. drawtenders need not be on duty at these bridges however, the draws shall open on signal if at least 2 hours' advance notice has been given.

(c) *City of Tampa highway bridge at West Columbus Drive and the State of Florida highway bridge at West Hillsborough Avenue.* From 6 a.m. to 8 p.m. the draws shall open on signal. From 8 p.m. to 6 a.m. drawtenders need not be on duty at these bridges, however, the draws shall open on signal if at least 1 hours' advance notice has been given.

(d) *Public vessels and vessels in distress.* (1) From 6 a.m. to 10 p.m. the draws of the bridges in paragraphs (a) and (b) of this section shall open on signal for the passage of public vessels of the United States, vessels owned or operated by State, county, or local governments for public safety purposes, or any vessel in distress. The opening signal is four blasts of a whistle, horn, or other sound producing device.

(2) From 10 p.m. to 6 a.m. the draws of the bridges listed in paragraphs (a) and (b) of this section shall open as soon as possible but not longer than 1 hour after a request by a public vessel of the United States, vessels owned or operated by the State, county, or local governments used for public safety purposes, or any vessel in distress.

(e) *Posting of operation regulations.* The owner or agency controlling a drawbridge in this section shall post the drawbridge regulations and the procedures for giving advance notice on the upstream and downstream side of the bridge or elsewhere in such a manner that they can be read from an approaching vessel.

(Sec. 5, 28 Stat. 362, as amended, sec. 8(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 46 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: May 17, 1971.

D. H. LUZIUS,
Captain, U.S. Coast Guard, Acting Chief, Office of Operations.

[FR Doc.71-7160 Filed 5-21-71;8:47]

[33 CFR Part 117]

[CGFR 71-42]

NEHALEM RIVER, OREG.

Proposed Drawbridge Operation Regulations

The Coast Guard is considering amending the drawbridge regulations to allow the Oregon State Highway Bridge across the Nehalem River, mile 6.5 to remain in the closed position. The reason for this proposal is the small amount of marine traffic using this reach of the river. The draw was last opened in 1961.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Thirteenth Coast Guard District, 618 Second Avenue, Seattle, WA 98104. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Thirteenth Coast Guard District.

The Commander, Thirteenth Coast Guard District, will forward any comments received before July 2, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that Part 117 be amended by adding § 117.735 to read as follows:

§ 117.735 Nehalam River, Oregon Highway Bridge, Mile 6.5.

The draw need not open for the passage of vessels.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 49595), 33 CFR 1.05-1(c)(4) (35 F.R. 15922))

Dated: May 17, 1971.

D. H. Luzius,
Captain, U.S. Coast Guard, Acting Chief, Office of Operations.

[FR Doc.71-7161 Filed 5-21-71;8:47 am]

[33 CFR Part 117]

[CGFR 71-41]

THREE MILE CREEK, ALA.

Proposed Drawbridge Operation Regulations

May 17, 1971.

The Coast Guard is considering revising the regulations for the Southern Railway System drawbridge across Three Mile Creek near Mobile, Ala., to require at least 5 days advance notice at all times. The present regulations require that from Monday through Saturday, except legal holidays, from 8 a.m. to 4 p.m. the draw shall open promptly on signal. At all other times the draw may remain closed. The drawtenders' logs indicate only one opening in 1969 and no openings in 1970.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Eighth Coast Guard District, Customhouse, New Orleans, LA 70130. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before June 25, 1971, with his recommendations to the Chief, Office of Operations, who will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

Accordingly, it is proposed that Part 117 be amended by revising § 117.245(i)(20) to read as follows:

§ 117.245 Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.

* * * * *

(i) * * *

(20) *Three Mile Creek, Ala.* The draw shall open on signal if at least 5 days notice has been given.

* * * * *

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g)(2), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g)(2); 49 CFR 1.46(c)(5) (35 F.R. 4959), 33 CFR 1.05-1(a)(4) (35 F.R. 15922))

Dated: May 17, 1971.

D. H. Luzius,
Captain, U.S. Coast Guard, Acting Chief, Office of Operations.

[FR Doc.71-7162 Filed 5-21-71;8:47 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 288]

[Docket No. 23415; EDR-201]

EXEMPTION OF AIR CARRIERS FOR MILITARY TRANSPORTATION

Proposed Logair and Quicktrans Minimum Rates

May 19, 1971.

Notice is hereby given that the Civil Aeronautics Board proposes to amend Part 288 of the Economic Regulations (14 CFR Part 288) to set new minimum rates for Logair and Quicktrans domestic cargo charters. The principal features of the proposed amendment are explained in the attached Explanatory Statement and the text of the proposed amendment is also attached. The amendment is proposed under authority of sections 204, 403, and 416 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 758, and 771, as amended; 49 U.S.C. 1324, 1373, and 1386).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before June 7, 1971, will be considered by the Board before taking final action. Copies of the communications will be available for examination by interested persons upon receipt in the Docket Section of the Board, Room 712, Universal Building, 1825 Connecticut Avenue NW., Washington, DC.

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

Explanatory Statement

Consistent with its annual practice, the Board has undertaken a comprehensive review of the minimum rates to be applicable to domestic transportation services performed by air carriers for the military for fiscal year 1972. With this notice of proposed rule making the Board is proposing to revise[1] the minimum rates for Logair and Quicktrans domestic cargo charters set forth in § 288.7(b) of the Economic Regulations.

Overseas National Airways, Inc., Saturn Airways, Inc., and Universal Airlines, Inc., have submitted cost forecasts and DOD has submitted rate recommendations supported by its analysis of the carriers' costs. Conferences were held with each carrier concerning its cost data, and comments and supporting data were received from the carriers in support of their forecasts and from DOD in support of its adjustments and recommendations. Thereafter, additional data, including revisions of some forecasts, were submitted by the carriers.

All materials submitted by the carriers and DOD have been analyzed by the Board, and the carriers' forecasts have been adjusted in accordance with the broad policies developed in previous reviews and in the light of Board ratemaking policies announced in the Domestic Passenger-Fare Investigation and the Part 399 Statements of General Policy issued April 12, 1971. The forecasts and proposed adjustments, together with explanatory notes setting forth the basis for each adjustment, are set forth in the appendices.[1a]

The most significant issues concern the forecasts of each carrier's reasonably attainable aircraft utilization. Significant ratemaking adjustments also result from changes from prior policies in the treatment of flight equipment depreciation, rentals for leased aircraft, and the rate of return, all of which are related to the ratemaking guidelines provided by the Domestic Passenger-Fare Investigation and the new §§ 399.42 and 399.43 Policy Statements.[2] Other adjustments were made to eliminate unsupported costs and anticipatory cost or investment increases; to reflect reported Form 41 data; to apply current military fuel prices; to adapt base-period experience to forecast fiscal 1972 operations; to substitute more appropriate methods for allocation of certain costs for that used by the carriers; to apply the system ratio of general and administrative expenses to other cash costs to determine the amount of such expenses applicable to these MAC operations; to project interest expense consistent with fiscal 1972 operations; and to amortize preoperating expenses over a minimum period of 5 years. The details of the adjustments are set forth in the explanatory notes to the appendices.

Utilization. We have accepted Overseas National's forecasts for DC-9 type aircraft of 8 hours' utilization for Logair and 7.5 hours for Quicktrans. These forecasts are consistent with the Board's forecasts for similar operations in fiscal 1971 and are higher than the carrier's system utilization for this aircraft type. MAC contends that since the DC-9's are being used in an integrated Logair/Quicktrans service pattern by Overseas National, the utilization should be the same for both, but Overseas National points out that because of certain higher gross-weight requirements for Quicktrans, the carrier has earmarked two of its DC-9's for such services in order to meet these higher requirements, thus nullifying some schedule flexibility inherent in an integrated Logair/Quicktrans service pattern. Moreover, as noted in previous domestic MAC rate reviews, the Navy operation for aircraft in this category characteristically requires more ground time and involves more delays than the Logair operation. Under these circumstances, a ½-hour differential between Logair and Quicktrans for Overseas National's DC-9 services appears reasonable.

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[1] The new rates would be effective July 1, 1971. As requested by the Department of Defense, it is proposed to continue in effect the current rates for DC-6A and AW-650 type aircraft. Moreover, since no carrier data were submitted for the B-727-100 and DC-8-55F types and no recommendations were received from DOD regarding these types, it is proposed to delete the rates shown in Part 288 for these aircraft.

[1a] Appendices filed as part of the original document.

[2] PS-44, Apr. 8, 1971, and PS-45, Apr. 9, 1971. The current MAC ratemaking policy of normalizing income taxes is not changed by the new Part 399 Statement of General Policy regarding the treatment of deferred Federal income taxes for ratemaking purposes (PS-46, Apr. 9, 1971).

Both Overseas National and Universal forecast 7.5 hours' utilization for L-188 operations in Logair and 7 hours in Quicktrans, identical with the utilization forecast reflected in the fiscal 1971 L-188 rates. DOD claims that an average utilization of 9 hours is reasonable.[3] However, an examination of the L-188 schedule patterns and operations in MAC service indicates that the utilization basis suggested by DOD would allow for too few aircraft to provide the domestic military services. In addition to the schedule requirements themselves, provision must be made for backup aircraft, service checks, periodic overhauls, and unscheduled maintenance and repairs. Further, adequate aircraft must be allowed to comply with contract provisions for prepositioning aircraft to assure ontime originations. It is also noteworthy that the L-188 patterns are characterized by many stops, which are scheduled from 45 minutes to 90 minutes each, and which consequently tend to preclude high utilization on an airborne-hour basis. DOD's suggested 9-hour utilization would allow only 3½ aircraft for ONA to meet its current requirements and only 5¼ aircraft for Universal. It is our conclusion that an average of from 4¼ to 4½ aircraft are reasonably required to meet ONA's needs and almost seven aircraft to meet Universal's needs. In view of the foregoing, the carriers' L-188 utilization forecasts of 7.5 hours for Logair and 7 hours for Quicktrans appear reasonable and our adjusted cost data in the appendices are related to that utilization.

For the L-100 aircraft types to be offered by Saturn, that carrier forecasts a utilization of 8.1 hours for both Logair and Quicktrans services, while DOD projects 9.5 hours. Saturn's forecast is premised on its experience prior to absorbing Logair operations formerly performed by Airlift. The DOD claims, in support of its projection, that Saturn's experienced hourly utilization was 9 hours in the first quarter of fiscal year 1971 operations and that the carrier should attain the 9.5 hours when it realizes the benefits related to experience with newer aircraft and expanded operations including Airlift routes. However, utilization reported by Saturn for the first quarter of fiscal 1971 was 8.74 hours, and the latest available data reflecting the expansion[4] show a daily utilization of 8.7 hours. We have based our forecasts for the L-100 type aircraft on this most current figure of 8.7 hours.[5]

Depreciation. The rates herein proposed are based on depreciation standards which are generally consistent with the new depreciation policy guidelines contained in § 399.42 of the Board's Policy Statements. Thus, for the DC-9 and DC-8-61 turbo-fan equipment a 14-year service life and a 2-percent residual value are used. However, for MAC ratemaking purposes we propose (1) to adhere to the service life of 6 years and residual of 15 percent used for the L-188 in the Board's projections for fiscal years 1970 and 1971 and (2) to use a service life of 10 years and a residual value of 15 percent for L-100-20/30 aircraft.

The Board's policy statement sets forth guidelines of 12 years and 5-percent residuals for turbo-prop equipment, but those standards focused especially on the use by Eastern of its L-188 aircraft for backup purposes in its air-shuttle operation, where it was shown that the Electra would be utilized for an extended period during which its resale value would continue to diminish. These aircraft were for the most part acquired before 1960, and a 12-year service life would thus terminate prior to 1972. On the other hand, the L-188's used in Logair and Quicktrans are old passenger types, modified to all-cargo configurations and placed in MAC domestic services in 1968. A 12-year service life return would bring the retirement date to 1980, obviously unrealistic for these particular aircraft. The present depreciation policy for L-188 for MAC purposes was determined after Board review in conjunction with the rates for fiscal year 1970, and DOD recommendations in the instant proceeding support continuation of the 6-year, 15-percent residual policy for the L-188 aircraft.

As to the L-100-20/30, we note that the Notice of Proposed Rule Making, PSDR-25, which proposed a new policy statement respecting depreciation, set forth a service life of 10 years and a residual value of 15 percent for turboprop equipment, but was modified because of conditions peculiar to Eastern, as set forth above. Saturn uses 10 years and 15 percent for its new L-100 and 8 years and 15 percent for its used L-100 aircraft, but the Board has rejected this distinction between new and used aircraft.[6] Although the fiscal year depreciation costs for MAC rates for the Hecules were based on a 12-year life and 15-percent residual value and DOD espouses continuation of this policy, the Part 399 guidelines are not limited to use in passenger cases,[7] and no special circumstances such as those upon which we premise a departure from the guidelines for the L-188 aircraft used in Logair and Quicktrans have been adduced with respect to the L-100-20/30 aircraft. Accordingly, we are using 10 years and 15-percent residual values to determine depreciation expense for such aircraft.

One further comment is necessary with respect to the depreciation adjustments made herein. For purposes of computing depreciation and investment we have continued to use the entire service-life basis heretofore employed in MAC rate reviews. This was done in view of its ease of application and the fact that spot checks have satisfied us that, in the particular circumstances of the instant case, there would be no significant difference in the projected operating results if the remaining life basis were employed in making the adjustment. However, this proposal is without prejudice to a further review of this matter in other cases where a change in depreciation policies may be implemented.[8] We have continued to employ our historical MAC policy, for purposes of determining rate base, of relating flight equipment investment as of the midpoint of the future fiscal year (here, Jan. 1, 1972) to the MAC depreciation policies in effect up to the time of each policy change.[9]

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[3] DOD interprets Universal's support for its forecast as a demonstration that 9 hours average utilization was experienced in MAC services in the year ended Sept. 30, 1970. During that period Universal's L-188 fleet utilization was 6.8 hours. In a conference, the carrier explained that the data had been prepared erroneously by an outside contractor who had not taken into account a substitution of L-188 aircraft for AW-650 aircraft towards the end of the last quarter of 1969. Data from company management reports were submitted to show that in the year ended Sept. 30, 1970, Universal assigned 3,585 L-188 aircraft days to Logair and the average daily utilization was 7.72 hours. After analyzing Universal's data, DOD contended that the utilization should be at least 8 hours per day. However, since Universal's L-188 Logair volume was sharply contracted beginning July 1, 1970, the meaningful focus to determine a reasonable utilization forecast is the experience after July 1, 1970. In support of its forecast of 7.5 hours' utilization, Universal provided a copy of its response to the fiscal 1971 RFP's showing that for the patterns it was awarded for fiscal 1971 Universal had indicated its utilization would be 7.5 hours and seven aircraft would be required.

[4] The 5 months beginning with the October 1970 takeover by Saturn of Airlift's Logair routes and ending Feb. 28, 1971.

[5] For Universal's DC-8-61 aircraft the carrier's projected utilization is 9 hours, the same as projected for fiscal 1971. DOD did not object to this forecast and we have accepted it for use in our cost projections.

[6] PS-45, p. 12.

[7] PS-45, pp. 8-9.

[8] Cf. PS-45, pp. 12-13.

[9] Thus, for example, for the DC-8-61 aircraft investment is computed by using 12 years and 15-percent residual to Aug. 5, 1970, when a new policy of 14 years and 15 percent was effectuated, and using 14 years and 2-percent residual effective from Apr. 9, 1971, the effective date of PS-45.

Leased aircraft. The Board proposes to effectuate in this proceeding the new § 399.43 of its policy statements, which establishes as the cost for leased aircraft for domestic rate purposes the actual and reasonable rental expense plus a profit element in unusual circumstances. This will replace the prior constructive ownership approach which has been used for MAC ratemaking. The rental costs recognized do not exceed expenses computed on a constructive ownership basis.

We also find that unusual circumstances appear to exist which would warrant the provision of a profit element in the case of the DC–8–61 aircraft offered by Universal. The DC–8–61 operations of that carrier are significantly different from, and not competitive with, Logair and Quicktrans operations of other aircraft types, and hence constitute a separate service. As can be determined from the appendices, the net book value of Universal's leased DC–8–61's (determined on a constructive depreciated basis) is about 96 percent of the total depreciated value of the aircraft of that equipment type which are in the carrier's fleet, and thus the ratio of leased to owned values is significantly higher than the 28.5-percent ratio[10] for the aggregate of domestic trunkline and local service carriers. For these reasons the Board intends to recognize the carrier's rental expense for these aircraft plus a return element of 6 percentage points less than the rate of return we are proposing for MAC purposes, to be applied to depreciated constructive values exceeding 28.5 percent of Universal's DC–8–61 equipment.

Fuel expense. For the most part these costs have been based on the latest available military prices of 10.4 cents per gallon for Logair operations and 11.7 cents for Quicktrans. However, where a carrier has established a requirement for purchase of some fuel from commercial sources, the commercial prices have been used to the extent of that requirement. No provision has been made for fuel taxes since taxes are no longer imposed on fuel for military use.

Rate of return. In past MAC rate reviews the Board has used a rate of return of 9 percent on recognized investment. This return element was 1½ percentage points below the 10½ percent used as a guideline for commercial rate purposes. It reflected the more stable nature of military contracts and the planning advantages inherent in operating under contracts for relatively fixed annual volumes.

The Board has now determined in the Domestic Passenger-Fare Investigation that the proper rate of return for domestic trunkline operations is 12 percent on investment.[11] We are of the tentative view that a 10½ percent return, based on the use of the historical percentage point difference applied to the current return element, will provide a reasonable rate of return for Logair and Quicktrans purposes. We emphasize the tentative nature of the 10½ percent return element proposed and we solicit views on this item by the DOD and the carriers which have submitted cost forecasts.

Grouping, stage length, and proposed rates. In view of their economic characteristics, we have grouped the DC–9 and L–188 types together and have set out the L–100 type separately. This is consistent with DOD's recommendation. The average cost for the group is weighted in accordance with the number of aircraft offered by each carrier, as in previous reviews.

As noted above, we have extended the current rates for DC–6A and AW–650 types as recommended by DOD,[12] and have deleted rates for the B–727 and DC–8–55. The data on which the proposed rates are based are summarized below:

Carrier	Aircraft type	Number aircraft	Stage length		Adjusted cost per course flown statute mile	
			Logair	Quicktrans	Logair	Quicktrans
Group A:					*Cents*	
Overseas	DC–9–30	6	400	450	201.49	217.71
Overseas	L–188C	8	400	450	206.94	223.00
Universal	L–188C	12	400	450	198.23	203.52
Weighted average					201.66	212.79
Group B:						
Saturn	L–100–20/30		488	488	217.51	220.69
All other:						
	DC–6A		414	414	145.54	145.54
	AW–650		350		206.82	
Universal	DC–8–61		650	650	297.07	305.31

A stage length of 488 miles for Group B has been adopted for Logair and Quicktrans in lieu of the former standard of 400 miles for Logair and 450 miles for Quicktrans. This reflects Saturn's actual experience with L–100–20/30 aircraft, and the change has been agreed to by DOD.

The Group A rates shown below are 1.6 percent higher for Logair and 4.7 percent higher for Quicktrans than the rates for fiscal year 1971, while the Group B rates are 3.7 percent lower for Logair and 2.6 percent lower for Quicktrans. Experienced wage and price increases and larger provisions for income taxes due to decreases in interest expense, plus the depreciation policy change in the case of the DC–9, are the chief increase factors, while fuel price decreases, the deletion of the B–727 from group averages, and cost savings reflecting an increase in speed for L–100 type aircraft are the primary elements tending to lower rates. The significant decrease in the DC–8–61 rate results almost entirely from the new treatment for leased aircraft, described above, in lieu of the constructive ownership approach used last year.

We propose to continue the minimum rate structure that has been in effect for a number of years. This consists of a line-haul rate per course-flown statute mile plus a rate per directed landing for each aircraft type, based upon the weighted average costs and stage lengths set forth in the preceding table. We propose no change in the landing charges.

The current and proposed rates are compared in the following table:

Aircraft type	Per course-flown mile				Per directed landing
	Current rates		Proposed rates		
	Logair	Quicktrans	Logair	Quicktrans	
Group A:					
DC–9–30	$1.6108	$1.6992	$1.6416	$1.7946	$150
L–188C	1.6108	1.6992	1.6416	1.7946	150
Group B:					
L–100–20/30	1.8837	1.9334	1.8677	1.8995	150
All other:					
AW–650	1.7111		1.7111		125
DC–6A	1.1535	1.1535	1.1535	1.1535	125
DC–8–61CF	2.9437	3.0110	2.5476	2.6300	275

We propose that these rates be effective as of July 1, 1971.

PROPOSED RULE

It is proposed to amend Part 288 of the Economic Regulations (14 CFR Part 288) by revising § 288.7(b) to read as follows:

§ 288.7 Reasonable level of compensation.

* * * * *

(b) For Logair and Quicktrans services, other than specified in paragraph (c) of this section:

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[10] See appendix B.

[11] Order 71–4–58, Apr. 9, 1971.

[12] Shown below are the current rates, as specified in Amendment 11 of Part 288 (Regulation ER–628, adopted June 18, 1970). Although Universal provided cost forecasts for its AW–650 aircraft, the forecasts are so conjectural because of the lack of recent reported experience that on balance it appears more appropriate to extend the current rates.

Aircraft type	Linehaul rate per course-flown statute mile		Rate per directed landing
	Logair	Quicktrans	
DC–9–30	$1.6416	$1.7946	$150
L–188C	1.6416	1.7946	150
L–100–20/30	1.8677	1.8995	150
AW–650	1.7111		125
DC–6A	1.1535	1.1535	125
DC–8–61CF	2.5476	2.6300	275

[FR Doc.71–7189 Filed 5–21–71;8:49 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 71–459]

FEDERAL SAVINGS AND LOAN SYSTEM

Mobile Homes

MAY 18, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purposes of (1) authorizing certain Federal savings and loan associations to purchase participation interests in certain mobile home chattel paper and (2) providing that if such associations sell any mobile home chattel paper, or any participation interest therein, such sales shall be made without recourse. Accordingly, the Federal Home Loan Bank Board proposes to amend said Part 545 as follows:

1. Amend Part 545 by revising the portion of paragraph (a) of § 545.7–1 thereof which precedes subparagraph (1) of said paragraph (a) to read as follows:

§ 545.7–1 Mobile home financing.

(a) *Definitions.* As used in this part—

* * * * *

2. Amend Part 545 by adding new §§ 545.7–2 and 545.7–3 to read as follows:

§ 545.7–2 Purchase of participation interests in mobile home chattel paper.

(a) *General.* A Federal association which as a charter in the form of Charter K (rev.) or Charter N may purchase, within the 5-percent-of-assets limitation in paragraph (c) of § 545.7–1, a participation interest in retail mobile home chattel paper which meets all the requirements of paragraph (e) of § 545.7–1 except the lending area requirement in subparagraph (2) thereof if:

(1) The seller of such participation interest is an institution whose accounts or deposits are insured by the Federal Savings and Loan Insurance Corporation or the Federal Deposit Insurance Corporation and such institution remains responsible for the servicing of such chattel paper;

(2) The seller of such chattel paper maintains at least a 50 percent interest in such chattel paper; and

(3) Such chattel paper is secured by a mobile home which is located at the time of such purchase, or is to be located within 90 days thereafter, at a mobile home park or other semipermanent site within 100 miles of the home or a branch office of the seller of such chattel paper.

(b) *Failure to meet requirements.* In the event that any of the requirements of subparagraphs (1) and (2) of paragraph (a) of this section cease to be met, such association shall dispose of such participation interest within 90 days from the date that such association obtains knowledge that any such requirement ceased to be met, unless it has, prior to the expiration of such 90-day period, obtained the written approval of the Board to maintain such investment for such longer period as the Board may provide.

§ 545.7–3 Sale of mobile home chattel paper.

All mobile home chattel paper, and participation interests therein, sold by a Federal association shall be sold without recourse (as defined with reference to a loan in § 561.8 of this chapter).

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that interested persons are invited to submit written data, views, and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue NW., Washington, DC 20552, by June 21, 1971, as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the general regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71–7183 Filed 5–21–71;8:49 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 18927; RM–1525]

LIMITATION OF TELEVISION STATIONS' ACCESS TO PROGRAMS OF MORE THAN ONE NATIONAL NETWORK

Order Extending Time for Filing Oppositions to Petitions for Reconsideration

1. On May 14, 1971, Public Notice (No. 765)[1] was given of petitions for reconsideration filed by Western Telecasters, Inc., The Post Co. (KIFI–TV), Columbia Broadcasting System, Inc., American Broadcasting Co., Inc., and National Broadcasting Co., Inc., requesting reconsideration of the decision relating to Docket 18927 in the Commission's First Report and Order (FCC 71–322), released April 1, 1971. The date for filing oppositions to the above petitions is presently May 24, 1971.

2. On May 18, 1971, Triangle Telecasters, Inc. (WRDU–TV), licensee of television station WRDU–TV, Durham, N.C., filed a request for an extension of time to file its opposition to the above petitions for reconsideration. It states that due to the press of other litigation, the complex nature of the issues raised by the petitions for reconsideration, and the need to consult fully with client officials, counsel for Triangle Telecasters (WRDU–TV) will be unable to meet the May 24 deadline. It therefore requests an additional 4 days to and including May 28, 1971, in which to prepare its opposition.

3. It appears that the requested extension is warranted. *Accordingly, it is ordered,* That the time for filing oppositions to the petitions for reconsideration in Docket 18927 is extended to and including May 28, 1971.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and section 0.281(d)(8) of the Commission's rules.

Adopted: May 18, 1971.

Released: May 19, 1971.

[SEAL] FRANCIS R. WALSH,
Chief, Broadcast Bureau.

[FR Doc.71–7191 Filed 5–21–71;11:17 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 251]

CONSTRUCTION-DIFFERENTIAL SUBSIDY—SUFFICIENCY OF PORTS AND FACILITIES

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Subsidy Board is considering promulgation of a regulation pursuant to sections 204(b), 501(a), and 501(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294), governing approval of applications for construction-differential subsidy for vessels which, because of their size and/or characteristics, cannot be accommodated by existing ports and facilities in the United States, its territories or possessions, or the District of Columbia (hereinafter "United States").

Section 501(a) of the Merchant Marine Act, 1936, as amended, provides in pertinent part that:

> No * * * application [for construction-differential subsidy] shall be approved by the Secretary of Commerce unless he deter-

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[1] Public Notice No. 765 not published in FEDERAL REGISTER.

> mines that (1) the plans and specifications call for a new vessel which will meet the requirements of the foreign commerce of the United States, will aid in the promotion and development of such commerce, and be suitable for use by the United States for national defense or military purposes in time of war or national emergency * * * and (3) the granting of the aid applied for is reasonably calculated to carry out effectively the purposes and policies of this Act.

Section 501(c) of the Act provides in pertinent part that:

> Any citizen of the United States or any shipyard of the United States may make application to the Secretary of Commerce for a construction-differential subsidy to aid in reconstructing or reconditioning any vessel that is to be used in the foreign commerce of the United States. If the Secretary of Commerce, in the exercise of his discretion, shall determine that the granting of the financial aid applied for is reasonably calculated to carry out effectively the purposes and policy of this Act, the Secretary of Commerce may approve such application * * *.

The standards set forth in the quoted provisions effectively require that vessels built with construction-differential subsidy shall be capable or reasonably likely to be capable of carrying cargo to and from ports and facilities in the United States. Thus, the size and characteristics of vessels built with construction-differential subsidy must be consistent with the existing or probable future capacity of the ports and facilities of the United States.

Therefore, the Maritime Subsidy Board proposes to insert after § 251.1 and appendices thereto the following new § 251.2 to Part 251 of Title 46, Chapter II, Code of Federal Regulations:

§ 251.2 Sufficiency of available ports and facilities.

(a) Where sufficient ports and facilities in the United States, its territories or possessions, or the District of Columbia, are not available so as to permit safe and commercially feasible trading by vessels of a given size or given characteristics in accordance with normal commercial shipping practices, no application for construction-differential subsidy to aid in the construction of vessels of such size or characteristics shall be approved unless the Secretary of Commerce shall determine that there is a reasonable probability that such sufficient ports and facilities will be developed within a reasonable period of time.

(b) If the Secretary of Commerce shall determine, under paragraph (a) of this section, that there is not a reasonable probability that sufficient ports and facilities will be developed within a reasonable period of time but the Secretary shall determine that a suitable transshipment point (as defined in § 278.5 of this chapter) is available, an application for construction-differential subsidy may be approved if the applicant shall agree to waive the provisions of § 278.3(b) of this chapter and shall agree that such waiver is irrevocable.

While the construction-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments on the proposed regulation, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20235, by close of business June 21, 1971.

Dated: May 20, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-7269 Filed 5-21-71;8:51 am]

[46 CFR Part 252]

DETERMINATION OF ESSENTIALITY OF U.S.-FLAG BULK CARRIER SERVICES

Notice of Proposed Rule Making

Notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs, acting pursuant to sections 204 (b) and 211(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294) (Act), and for purposes of subsection 601(a) of the Act, proposes to establish regulations for determining essential bulk cargo carrying services that should, for the promotion, development, expansion, and maintenance of the foreign commerce of the United States and for the national defense or other national requirements, be provided by U.S.-flag vessels whether or not operating on particular services, routes, or lines.

Therefore, notice is hereby given that the Assistant Secretary of Commerce for Maritime Affairs proposes to add the following new Part 252 to Title 46, Chapter II, Code of Federal Regulations:

PART 252—OPERATING-DIFFERENTIAL SUBSIDY, BULK CARGO VESSELS

Sec.
252.1 Purpose.
252.2 Definitions.

AUTHORITY: The provisions of this Part 252 issued under section 204(b), 49 Stat. 1987, as amended; 46 U.S.C. 1114.

§ 252.1 Purpose.

The purpose of this part is to prescribe regulations concerning the operating-differential subsidy program under title VI of the Merchant Marine Act, 1936, as amended, relating to the operation of U.S.-flag bulk cargo vessels in the foreign commerce of the United States.

§ 252.2 Definitions.

For purposes of this part:

(a) *Essential service.* (1) For purposes of eligibility for operating-differential subsidy participation, pursuant to section 601(a) of the Act, and except as otherwise provided in regulations under this part, operation of a bulk vessel will be deemed to satisfy the provisions of section 211(b) of the Act if in each year the vessel derives at least thirty percent (30%) of its total carriage from the export foreign commerce of the United States.

(2) The determination of the percentage of export and import foreign commerce of the United States to total cargo carried shall be on either a ton-mile or a gross-revenue basis, whichever the operator elects. If the gross-revenue basis is elected, the gross revenue shall be computed on a consistent basis for all cargo carried. Under either election, "cargo carried" shall be the cargo discharged during the year.

(3) Cargo carried in the domestic coastwise and intercoastal trade indicated in section 605(a) of the Act shall be included in the total carried but not in the export and import foreign commerce of the United States.

(4) Except as otherwise provided in regulations issued by the Maritime Subsidy Board, in the event that the vessel does not derive at least fifty percent (50%) of its employment from the export and import foreign commerce of the United States, the amount of operating-differential subsidy otherwise payable will be reduced in accordance with regulations of the Maritime Subsidy Board, and no subsidy may be paid with respect to any vessel actually employed less than thirty percent (30%) in the export and import foreign commerce of the United States in any year.

While the operating-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Assistant Secretary of Commerce for Maritime Affairs invites all interested parties to submit written comments, in triplicate, on the proposed regulations to the Secretary, Maritime Administration, Department of Commerce, Washington, D.C. 20235, by close of business on June 21, 1971.

Dated: May 20, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.71-7270 Filed 5-21-71;8:51 am]

[46 CFR Part 252]

OPERATING-DIFFERENTIAL SUBSIDY TO BULK CARRIERS

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Subsidy Board is considering promulgation of regulations pursuant to sections 204(b) and 603(b) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294) (Act), providing for payment of operating-differential subsidy for bulk cargo carrying vessels engaged in essential service under section 211(b) of the Act.

Therefore, notice is hereby given that the Maritime Subsidy Board proposes to add a new § 252.3 to Part 252 of Title 46, Chapter II, Code of Federal Regulations to read as follows:

§ 252.3 Payment of subsidy.

(a) *Purpose.* The purpose of this section is to set forth a schedule for the payment of operating-differential subsidy to bulk cargo carrying vessels dependent upon the participation of each vessel in the export and import foreign commerce of the United States, and to provide for certain waivers in the event cargo is unavailable to the subsidized vessels in such commerce.

(b) *Payment formula.* (1) The amount of operating-differential subsidy payable for each year will be determined in accordance with the following percentages:

Percentage of U.S. export and import foreign commerce to total cargo carried	*Percentage of subsidy earned to amount of subsidy otherwise payable*
50 to 100	100
40 to 49.9	50
30 to 39.9	40
Less than 30	0

(2) The determination of the percentage of export and import foreign commerce of the United States to total cargo carried shall be made in accordance with § 252.2(a)(1).

(3) Cargo carried in the domestic coastwise and intercoastal trade described in the proviso clause of section 605(a) of the Act shall be included in the total carried but not in the export and import foreign commerce of the United States.

(4) The amount of operating-differential subsidy otherwise payable as used in subparagraph (1) of this paragraph means the amount of operating-differential subsidy payable under the operating-differential subsidy contract applicable to the particular vessel before any reduction applicable to the carriage of domestic coastwise or intercoastal trade pursuant to section 605(a) of the Act. If the amount of operating-differential subsidy payable is adjusted in accordance with the above scale, and reduction of operating-differential subsidy by reason of section 605(a) shall be redetermined by applying the formula prescribed in that section to the operating-differential subsidy earned in accordance with the percentages prescribed herein.

(5) In the event an operating-differential subsidy contract covers two or more vessels, the ton-miles and gross-revenues thereof may be combined for the purpose of determining the percentage of operating-differential subsidy earned by such vessels to the amount of such subsidy otherwise payable in accordance with the schedules set forth above; provided, however, that a vessel must be employed a minimum of thirty percent (30%) in the export and import foreign commerce of the United States in order for the ton-miles and gross-revenues of such vessel to be included in this computation.

(6) Reports shall be filed with the Board detailing cargoes discharged during the reporting period and including ports of loading, ports of discharge, tonnage carried between such ports, nautical miles between ports and revenue earned (on a consistent basis). Report periods shall cover every 6 months of the annual periods for which determinations are made for the operator pursuant to this paragraph (b), and must be filed within 45 days of the expiration of each such reporting period.

(c) *Payments on account.* (1) In the first year of the operating-differential subsidy contract and such part of the second year preceding the determination of the percentage of subsidy earned pursuant to paragraph (b) of this section applicable to the first year, payments on account shall be made in accordance with the provisions of the operating-differential subsidy contract.

(2) Thereafter, payments on account of subsidy will be made by applying the percentage of subsidy earned pursuant to paragraph (b) of this section for the most recent year or averaging period under paragraph (d) of this section, as the case may be, for which such percentage has been determined.

(3) Notwithstanding the provisions of subparagraph (2) of this paragraph, the Board may authorize payments on account at some other percentage of subsidy earned under the schedule in paragraph (b) of this section or any other amount as may be deemed appropriate either on its own motion or on a showing by the operator that the pattern of his service has changed to the extent that payments on account in accordance with subparagraph (2) of this paragraph would not be equitable.

(4) Overpayments of subsidy resulting from the application of this paragraph shall be withheld from future payments on account. In the event that such future payments are insufficient to recover the overpayments, the difference to the extent determinable shall then be due and payable to the Government.

(5) Underpayments of subsidy resulting from the application of this paragraph shall be due and payable to the operator upon determination.

(d) *Election to aggregate.* (1) The operator may elect to aggregate the cargo carried on the subsidized vessel(s) over a 5-year period commencing as of the effective date of the operating-differential subsidy contract or any later date mutually agreed to by the operator and the Maritime Subsidy Board for purposes of determining the percentage of subsidy earned pursuant to paragraph (b) of this section over such 5-year period. Such election must be made prior to the beginning date of the 5-year period. The basis of aggregation shall be the same, either ton-miles or gross-revenues, for all of the years in such period. The election under this subparagraph shall be irrevocable.

(2) The operator may further elect to maintain a moving 5-year aggregating period. In such event the first 5-year period shall remain as established in subparagraph (1) of this paragraph. The years commencing subsequent to the date the election is made to maintain a moving 5-year aggregating period will also be included in the computation of the percentage of subsidy earned over the 5-year period commencing subsequent to the date of such election.

(3) In the event the operating-differential subsidy contract has fewer than 5 years to run, and the operator has not elected a moving 5-year aggregating period under subparagraph (2) of this paragraph which includes such years, the operator may elect an aggregating period covering the remaining years of the contract.

(e) *Cargo unavailability.* (1) Upon application by an operator, the Maritime Subsidy Board shall determine if the failure in any year to achieve any stated percentage in the schedule in paragraph (b) of this section or to comply with the definition of essential service under § 252.2(a) was due to the unavailability of cargo to subsidized vessels in the export and import foreign commerce of the United States for such year. Upon making such findings, the Board shall waive the application of the schedule in paragraph (b) of this section and the provisions of § 252.2(a) for a time not to exceed 6 months or for such other time as the Board shall determine is reasonable under the circumstances. In the event of such waiver, the Board shall determine the appropriate percentage of subsidy earned.

(2) In making the findings under this paragraph, the Board shall consider acts of God, force majeure, accidents, strikes, or other labor disturbances, wars, insurrections, acts by foreign governments, loss of or damage to the subsidized vessel(s) or any other cause not within the control of the operator which disrupts or results in changed or changing trading patterns directly affecting the service provided by the operator.

(3) The time during which a waiver under this paragraph is in effect shall constitute a separate reporting period. Cargo carried during such time shall be excluded from the calculations under paragraph (b) of this section for the year(s) affected by the waiver.

While the operating-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments, in triplicate, on the proposed regulation to the Secretary, Maritime Subsidy Board, Department of Commerce, Washington, D.C. 20235, by close of business on June 21, 1971.

Dated: May 20, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-7271 Filed 5-21-71;8:51 am]

[46 CFR Part 278]

OPERATION IN U.S. FOREIGN COMMERCE OF BULK CARGO VESSELS ON WHICH A CONSTRUCTION-DIFFERENTIAL SUBSIDY HAS BEEN PAID

Notice of Proposed Rule Making

Notice is hereby given that the Maritime Subsidy Board is considering promulgation of regulations pursuant to sections 204(b) and 905(a) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294), to delineate the extent to which operation in U.S. export-import foreign trade will be required of U.S.-flag liquid and dry bulk cargo vessels on which a construction-differential subsidy has been paid.

Section 905(a) of the Merchant Marine Act, 1936, as amended, provides that:

> The words "foreign commerce" or "foreign trade" mean commerce or trade between the United States, its territories or possessions, or the District of Columbia, and a foreign country, except that in the context of title V of this Act concerning construction-differential subsidy, the said words "foreign commerce" or "foreign trade" shall to the extent provided in uniform regulations promulgated by the Secretary of Commerce also include, in the case of liquid and dry bulk cargo carrying services, trading between foreign ports in accordance with normal commercial bulk shipping practices in such manner as will permit U.S.-flag bulk vessels freely to compete with foreign-flag bulk carrying vessels.

Section 28 of Senate Report 91–1080 indicates that section 905(a), as amended by Public Law 91–469, was intended to permit U.S.-flag liquid and dry bulk cargo vessels built with the aid of construction-differential subsidy to compete effectively with foreign-flag carriers but, at the same time, was intended to protect the Government's investment in these bulk cargo vessels by prohibiting such vessels from becoming engaged exclusively or principally in foreign-to-foreign carriage unrelated to the foreign commerce of the United States.

The uniform regulations proposed in this notice are intended to carry out the mandate of section 905(a) and Senate Report 91–1080.

Therefore, notice is hereby given that the Maritime Subsidy Board proposes to add the following new Part 278 to Title 46, Chapter II, Code of Federal Regulations:

PART 278—OPERATION IN THE U.S. FOREIGN COMMERCE OF BULK CARGO VESSELS ON WHICH A CONSTRUCTION - DIFFERENTIAL SUBSIDY HAS BEEN PAID

Sec.

278.1 Purpose.
278.2 Definitions.
278.3 Duration of restrictions on foreign-to-foreign operation.
278.4 Extent of permissible foreign-to-foreign operation.
278.5 Trans-shipment of cargo.
278.6 Reports of ton-miles of cargo carried and gross revenues earned.
278.7 Failure to comply with regulations.
278.8 Transfer of ownership.

AUTHORITY: The provisions of this Part 278 issued under sections 204(b) and 905(a), 49 Stat. 1987, as amended; 46 U.S.C. 1114(b) and 1244(a).

§ 278.1 Purpose.

The purpose of this part is to prescribe regulations pursuant to section 905(a) of the Merchant Marine Act, 1936, as amended, governing the extent to which U.S.-flag liquid and dry bulk cargo vessels on which a construction-differential subsidy has been paid may engage in trading between foreign ports where such trading is not related to the foreign commerce of the United States.

§ 278.2 Definitions.

For purposes of this part:

(a) *United States.* United States shall mean the United States, its territories or possessions, or the District of Columbia.

(b) *U.S. Export-Import Foreign Commerce.* U.S. export-import foreign commerce shall mean trade or commerce between the United States and a foreign country and shall be limited to the carriage of cargo loaded in the United States and discharged in a foreign country or cargo loaded in a foreign country and discharged in the United States. Domestic trade conducted in accordance with section 506 of the Merchant Marine Act, 1936, as amended, shall be treated as equivalent to U.S. export-import foreign commerce in the manner and for the limited purposes set forth in § 278.4(b).

(c) *Foreign-to-Foreign Commerce.* Foreign-to-foreign commerce shall mean trade or commerce between foreign ports and shall be limited to the carriage of cargo loaded in a foreign country and discharged in a foreign country.

§ 278.3 Duration of restrictions on foreign-to-foreign operation.

(a) Except as provided in paragraph (b) of this section, the restrictions in this part on operation in foreign-to-foreign commerce of a bulk cargo vessel on which construction-differential subsidy has been paid shall apply during the first twenty (20) years of the life of any liquid bulk carrier and during the first twenty-five (25) years of the life of any dry bulk carrier. For purposes of this part, the term "year" shall mean calendar year commencing January 1 and ending December 31. The twenty (20) or twenty-five (25) year period of restriction on operation in foreign-to-foreign commerce shall commence on the January 1 next succeeding the date that the bulk cargo vessel on which construction-differential subsidy has been paid is first placed into operation.

(b) Where sufficient ports and facilities in the United States are not available so as to permit safe and commercially feasible trading by liquid or dry bulk cargo vessels of a given size or characteristic in accordance with normal commercial bulk shipping practices, the twenty (20) or twenty-five (25) year restriction period set forth in paragraph (a) shall not commence to run with respect to bulk cargo vessels of such type or characteristics until the Secretary of Commerce shall determine that sufficient ports and facilities have been developed.

(c) In the event that a liquid or dry bulk cargo vessel on which construction-differential subsidy has been paid is lost, destroyed, scrapped or otherwise permanently retired from service prior to expiration of the applicable twenty (20) or twenty-five (25) year restriction period, the obligation of the owner to comply with the provisions of this part for the remainder of the applicable twenty (20) or twenty-five (25) year restriction period shall terminate.

§ 278.4 Extent of permissible foreign-to-foreign operation.

(a) For purposes of determining the extent of permissible operation in foreign-to-foreign commerce of a bulk cargo vessel on which construction-differential subsidy has been paid, the twenty (20) or twenty-five (25) year restriction period set forth in § 278.3 shall be divided into five (5) year periods. During each of the five (5) year periods, restrictions on operation in foreign-to-foreign commerce shall be as follows:

(1) During any three (3) of the five (5) years, at least fifty percent (50%) of the total ton-miles of cargo carried, or total gross revenues earned, in each of the three (3) years must be carried or earned in U.S. export-import foreign commerce; or

(2) At least thirty-five percent (35%) of the total ton-miles of cargo carried, or total gross revenues earned, in all five (5) years combined shall be carried or earned in U.S. export-import foreign commerce.

(b) The ton-miles and gross revenue applicable to the carriage of cargo in the domestic trade conducted in accordance with section 506 of the Merchant Marine Act, 1936, as amended, shall be included with the ton-miles and gross revenues of U.S. export-import foreign commerce for purposes of the calculations made pursuant to paragraphs (a) (1) and (2) of this section.

(c) For purposes of this part, gross revenues shall be computed on a consistent basis for both U.S. export-import foreign commerce and foreign-to-foreign commerce.

§ 278.5 Transshipment of cargo.

(a) Transshipment point, as used in this section, shall mean any port outside of the United States which is used as a loading or discharge point for cargo originating from or destined for a port or location in the United States.

(b) Cargo discharged by a bulk cargo vessel at a transshipment point shall be considered to be cargo carried by that vessel in U.S. export-import foreign commerce within the meaning of § 278.4 if and only if:

(1) Sufficient ports and facilities in the United States are not available so as to permit safe and economically feasible trading by that vessel;

(2) The owner of the vessel elects to waive the provisions of § 278.3(b) and treat the transshipment point as equivalent to a sufficient port and facility available in the United States;

(3) The exact cargo discharged or cargo equivalent in every respect is eventually carried to the United States; and

(4) Any water-borne carriage between the transshipment point and the port or location in the United States must be in a U.S.-flag vessel.

(c) Cargo loaded by a bulk cargo vessel at a transshipment point shall be considered to be cargo carried by that vessel in U.S. export-import foreign commerce within the meaning of § 278.4 if and only if:

(1) Sufficient ports and facilities in the United States are not available so as to permit safe and economically feasible trading by that vessel;

(2) The owner of a vessel elects to waive the provisions of § 278.3(b) and treat the transshipment point as equivalent to a sufficient port and facility available in the United States; and

(3) The cargo loaded is destined for a port outside the United States (other than the transshipment point) and the cargo loaded or cargo equivalent in every respect originated in the United States and water-borne carriage between the point-of-origin and the transshipment point is in a U.S.-flag vessel.

(d)(1) Except as provided in § 251.2(b) of this chapter, waiver of the provisions of § 278.3(b), for purposes of paragraphs (b)(2) and (c)(2) of this section, may occur at any time prior to a determination by the Secretary of Commerce pursuant to § 278.3(b) that sufficient ports and facilities have been developed. The twenty (20) or twenty-five (25) year period of restriction on operation in foreign-to-foreign commerce provided for in § 278.3(a) shall commence on the January 1 next succeeding the date of the waiver.

(2) Except as provided in § 251.2(b) of this chapter, waiver of the provisions of § 278.3(b) may be withdrawn on any anniversary of the effective date of the waiver. In the event the waiver is withdrawn, the owner shall be credited with the period of operation under the waiver and the running of the remainder of the twenty (20) or twenty-five (25) year restriction period (and the remainder of any five (5) year accounting period under § 278.4) shall be suspended until the owner again waives the provisions of § 278.3(b) (which waiver shall be effective on the next succeeding January 1) or a determination is made by the Secretary of Commerce pursuant to § 278.3(b) that sufficient ports and facilities have been developed.

§ 278.6 Reports on ton-miles of cargo carried and gross revenues earned.

Within six (6) months after the end of each calendar year during the running of the twenty (20) or twenty-five (25) year restriction period, the owner of a bulk cargo vessel on which construction-differential subsidy has been paid shall file with the Secretary, Maritime Administration, Washington, D.C. 20235, a report detailing the ton-miles of cargo carried and gross revenues earned in U.S. export-import foreign commerce, the ton-miles of cargo carried and gross revenues earned in foreign-to-foreign commerce, and the ton-miles of cargo carried and gross revenues earned in the domestic trade under section 506 of the Merchant Marine Act, 1936, as amended, during the calendar year ending the December 31 immediately preceding the report. Gross revenues shall be computed and reported on a consistent basis for both U.S. export-import foreign commerce and foreign-to-foreign commerce.

§ 278.7 Failure to comply with regulations.

The failure of an owner of a bulk cargo vessel on which construction-differential subsidy has been paid to comply with the requirements of this part shall, during the term of such requirements, disqualify the owner or any parent, subsidiary, affiliated or related corporation or person from receiving construction-differential subsidy under section 501 of the Merchant Marine Act, 1936, as amended, for the construction, reconstruction or reconditioning of any vessel, unless the Secretary of Commerce shall, in his discretion, determine that the failure to comply was excusable.

§ 278.8 Transfer of ownership.

The restrictions on foreign-to-foreign operation of a bulk cargo vessel set forth in this part shall run with the vessel and shall not be altered in any way by a transfer of ownership of the vessel. If an owner's compliance with the restrictions set forth in this part has been rendered impossible by the acts or omissions of a prior owner, the owner shall be excused from the provisions of § 278.7, provided that the owner operates the vessel exclusively in U.S. export-import foreign commerce for the remainder of the five (5) year restriction period in which transfer of ownership occurred. The prior owner whose acts or omissions rendered compliance with the restrictions in this part impossible shall be subject to the provisions of § 278.7.

While the construction-differential subsidy program is exempt from the requirements of 5 U.S.C. 553, the Maritime Subsidy Board invites all interested parties to submit written comments on the proposed regulations, in triplicate, to the Secretary, Maritime Administration, Washington, D.C. 20235, by close of business on June 21, 1971.

Dated: May 20, 1971.

By order of the Maritime Subsidy Board.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71–7272 Filed 5–21–71;8:51 am]

Notices

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR 7308 (Wash.)]

WASHINGTON

Notice of Proposed Withdrawal and Reservation of Lands

Correction

In F.R. Doc. 71–6236 appearing at page 8408 in the issue of Wednesday, May 5, 1971, the following changes should be made:

1. The word "more" should be inserted following the word "purposes" in the 13th line of the fourth paragraph in the center column on page 8408.

2. The figure "650" appearing in the 12th line of the Upper Snow Creek Rock Pit No. 2814–2.7 and in the 10th line of the Dutchman Rock Pit No. 294.3–7.5 should read "300".

3. The figure "650" appearing in the third line of the center column on page 8409 should read "350".

4. The seventh line of the Bear Mountain Rock Pit No. 2979–0.7 should be deleted.

5. The phrase "approved 9/24/63)" should be added to the first line of Caraco Rock Pit No. 2927–1.3.

Office of Hearings and Appeals

[Docket No. M 71–16]

UNITED STATES STEEL CORP.

Petition for Modification of Interim Mandatory Safety Standard

In accordance with the provisions of section 301(c) of the Federal Coal Mine Health and Safety Act of 1969, 30 U.S.C. § 801 et seq., notice is hereby given that United States Steel Corp. (Petitioner) has filed a petition to modify the application of section 308(b) of the Act with respect to its Geneva Mine located at Horse Canyon, Emery County, Utah. Section 308(b) of the Act provides:

> High-voltage circuits extending underground and supplying portable, mobile, or stationary high-voltage equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit ungrounded high-voltage circuits to be extended underground to feed stationary electrical equipment if such circuits are either steel armored or installed in grounded, rigid steel conduit throughout their entire length, and upon his finding that such exception does not pose a hazard to the miners. Within 100 feet of the point on the surface where high-voltage circuits enter the underground portion of the mine, disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected, except that the Secretary or his authorized representative may permit such devices to be installed at a greater distance from such area of the mine if he determines, based on existing physical conditions, that such installation will be more accessible at a greater distance and will not pose any hazard to the miners.

Petitioner proposes that said mine be excepted from the application of the requirements of section 308(b) of the Act, on the ground, inter alia, that compliance with this section will result in a diminution of the safety protection of the miners.

A copy of the petition is available for inspection in the Office of Hearings and Appeals, Hearings Division, 4015 Wilson Boulevard, Arlington, VA 22203.

Ernest F. Hom,
Acting Director,
Office of Hearings and Appeals.

[FR Doc.71–7185 Filed 5–21–71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRAIN PROCESSING CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1B2677) has been filed by Grain Processsing Corp., Post Office Box 341, Muscatine, IA 52761, proposing that § 121.2506 *Industrial starch—modified* (21 CFR 121.2506) be amended to provide for the safe use of industrial starch-modified by treatment with ammonium persulfate, not in excess of 0.6 percent in alkaline starch, intended as a component of paper and paperboard in food-contact use.

Dated: May 14, 1971.

Virgil O. Wodicka,
Director, Bureau of Foods.

[FR Doc.71–7131 Filed 5–21–71;8:45 am]

GAF CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5), 72 Stat. 1786; 21 U.S.C. 348 (b)(5)), notice is given that a petition (FAP 1A2673) has been filed by GAF Corp., 140 West 51st Street New York, NY 10020, proposing that § 121.1139 *Polyvinylpyrrolidone* (21 CFR 121.1139) be amended to provide for the safe use of polyvinylpyrrolidone as a clarifying agent in wines.

Dated: May 14, 1971.

Virgil O. Wodicka,
Director, Bureau of Foods.

[FR Doc.71–7132 Filed 5–21–71;8:45 am]

[DESI 5798]

CERTAIN LOCAL HEMOSTATIC AGENTS

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Oxycel (oxidized cellulose); Parke Davis and Co., Joseph Campau at the River, Detroit, Michigan 48232 (NDA 5–798).

2. Surgical Absorbable Hemostat (oxidized cellulose); Johnson and Johnson, 501 George Street, New Brunswick, New Jersey 08901 (NDA 12–159).

3. Solusponge Strips and Cones (absorbable starch sponge); Panray Division, Ormont Drug and Chemical Co., Inc., 223 South Dean Street, Englewood, New Jersey 07631 (NDA 8–655).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy reports, as well as other available evidence, and concludes that:

1. Absorbable starch sponge and oxidized cellulose are probably effective for use as a hemostatic adjunct.

2. Absorbable starch sponge lacks substantial evidence of effectiveness for the indication "invaluable aid in oral and dental surgery".

3. Except for the indications referred to above, oxidized cellulose is possibly effective for its labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the Federal Register, the holder of any previously approved new-drug application for a drug described in paragraph A above is requested to submit a supplement to his application to provide for revised labeling, as needed, to be in accord with this announcement, to include the Indication section described below, and to delete any indication for which such drug has been classified as lacking substantial evidence of effectiveness. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new-drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the Federal Register may result in a proposal to withdraw approval of the new-drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised to be in accord with this notice and any claim for which substantial evidence of effectiveness is lacking as described in paragraph A 2 above should be deleted. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the Federal Register may cause the drug to be subject to regulatory proceedings.

3. Indications for a drug described in paragraph A above as probably effective may continue to be used for 12 months, and indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness.

4. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12 (a)(5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially-controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies my be considered on their merits for corroborative support of efficacy and evidence of safety.

5. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the Federal Register. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

6. Labeling revised pursuant to this notice should take into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, be in accord with the guidelines for uniform labeling published in the Federal Register of February 6, 1970 (21 CFR 3.74), and recommend use of the drug (for the probably effective indication) as follows: (The possibly effective indications may also be included for six months.)

Indications

For use as a hemostatic adjunct.

The above-named holders of the new-drug applications for these drugs have been furnished a copy of the NAS–NRC report. Any interested person may obtain a copy of these reports by writing to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, DC 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 5798, directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new-drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 30, 1971.

Sam D. Fine,
Associate Commissioner
for Compliance.

[FR Doc.71–7133 Filed 5–21–71;8:46 am]

[DESI 6303]

CERTAIN ORAL ANTIHISTAMINES

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following antihistamine drugs for oral use:

1. Actidil Tablets containing triprolidine hydrochloride; Burroughs Wellcome and Co., Inc., 1 Scarsdale Road, Tuckahoe, New York 10707 (NDA 11–110).

2. Dimetane Elixir containing brompheniramine maleate; A. H. Robins Co., 1407 Cummings Drive, Richmond, Virginia 23220 (NDA 11–097).

3. Methapyrilene Hydrochloride Tablets; The Blue Line Chemical Co., 302 South Broadway, St. Louis, Missouri 63102 (NDA 6–824).

4. Dimetane Tablets and Extentabs (sustained release tablets) containing brompheniramine maleate; A. H. Robins Co. (NDA 10–799).

5. Actidil Syrup containing triprolidine hydrochloride; Burroughs Wellcome and Co. (NDA 11–496).

6. Forhistal Syrup containing dimethindene maleate; Ciba Pharmaceutical Co., 556 Morris Avenue, Summit, New Jersey 07901 (NDA 12–337).

7. Histadyl Pulvules and Syrup containing methapyrilene hydrochloride; Eli Lilly and Co., Post Office Box 618, Indianapolis, Indiana 46206 (NDA 6–340).

8. Forhistal Lontabs (long acting tablets) containing dimethindene maleate; Ciba Pharmaceutical Co. (NDA 12–336).

9. Forhistal Tablets containing dimethindene maleate; Ciba Pharmaceutical Co. (NDA 12–335).

10. Forhistal Pediatric Oral Drops containing dimethindene maleate; Ciba Pharmaceutical Co. (NDA 12–338).

11. Decapryn Tablets containing doxylamine succinate; The Wm. S. Merrell Co., Division of Richardson-Merrell, Inc., Cincinnati, Ohio 45215 (NDA 6–412).

12. Semikon Hydrochloride Tablets containing methapyrilene hydrochloride; The S. E. Massengill Co., 527 Fifth Street, Bristol, Tennessee 37620 (NDA 6–614).

13. Disomer Chronotab (repeat action tablets) containing dexbrompheniramine maleate; White Laboratories, Inc., Kenilworth, New Jersey 07033 (NDA 11–905).

14. Disomer Tablets and Syrup containing dexbrompheniramine maleate; White Laboratories, Inc. (NDA 11–814).

15. Clistin Elixir containing carbinoxamine maleate; McNeil Laboratories, Inc., Camp Hill Road, Fort Washington, Pennsylvania 19034 (NDA 8–955).

16. Thephorin Tartrate Syrup containing phenindamine tartrate; Roche Laboratories, Division Hoffman-La-Roche, Inc., Roche Park, 340 Kingsland Avenue, Nutley, New Jersey 07110 (NDA 6–332).

17. Clistin R–A and Clistin Tablets containing carbinoxamine maleate; McNeil Laboratories, Inc. (NDA 8–915).

18. Thephorin Tablets containing phenindamine tartrate; Roche Laboratories, Division Hoffman-LaRoche, Inc. (NDA 6–303).

19. Hispril Spansule Capsules (sustained release capsules) containing diphenylpyraline hydrochloride; Smith Kline & French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 11–945).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. These drugs lack substantial evidence of effectiveness for the prevention and symptomatic relief of measles.

2. The drugs are probably effective for the indications listed in the labeling conditions which follow below.

3. Except for the indications referred to above, the drugs are regarded as possibly effective for their labeled indications.

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new drug application for a drug described in paragraph A.1. above is requested to submit a supplement to his application to provide for revised labeling, as needed, which deletes those indications for which such drug has been classified as lacking substantial evidence of effectiveness and which contains an "Indication" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)), which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new-drug application, its labeling should be revised if it includes any claim for which substantial evidence of effectiveness is lacking as described in paragraph A.1 above. Failure to delete such indications and put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Indications for a drug described in paragraph A. above as probably effective may continue to be used for 12 months, and indications described as possibly effective may continue to be used for 6 months, following the date of this publication, to allow additional time within which holders of previously approved applications or persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the FEDERAL REGISTER of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

4. At the end of the 6-month and 12-month periods, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the FEDERAL REGISTER. If no studies have been undertaken or if the studies do not provide substantial evidence of effectiveness, procedures will be initiated to withdraw approval of the new-drug application for the drug, pursuant to the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act. Withdrawal of approval of the application will cause any such drug on the market to be a new drug for which an approval is not in effect.

5. Labeling revised pursuant to this notice should take into account the comments of the Academy, furnish adequate information for safe and effective use of the drug, be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommend use of the drug (for the probably effective indications) as follows: (The possibly effective indications may also be included for 6 months.)

Indications

For the symptomatic treatment of:

Seasonal and perennial allergic rhinitis.

Vasomotor rhinitis.

Allergic conjunctivitis due to inhalant allergens and foods.

Mild, uncomplicated allergic skin manifestations of urticaria and angioedema.

For the amelioration and prevention of allergic reactions to blood or plasma in patients with a known history of such reactions.

The above-named holders of the new drug applications for these drugs have been mailed a copy of the Academy's report. Any interested person may obtain a copy of these reports by writing to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6303, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 26, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7134 Filed 5-21-71;8:46 am]

[DESI 6333]

THEOPHYLLINE SODIUM GLYCINATE FOR INTRAVENOUS USE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on:

Synophylate Injection containing theophylline sodium glycinate; The Central Pharmacal Co., 116–128 East Third Street, Seymour, Indiana 47274 (NDA 6–333).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that:

1. Theophylline sodium glycinate for intravenous use is probably effective for bronchial asthma, status asthmaticus, paroxysmal cardiac dyspnea, and edema of congestive heart failure.

2. The drug is possibly effective for biliary colic, coronary disease and angina and in allaying pruritis and relieving sensitization dermatoses.

3. The drug lacks substantial evidence of effectiveness for Cheyne-Stokes respiration and "the bronchospastic type of chronic hypertrophic pulmonary emphysema."

B. *Marketing status.* 1. Within 60 days of the date of publication of this announcement in the FEDERAL REGISTER, the holder of any previously approved new drug application for a drug which is classified in paragraph A.3. above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A.3. above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the FEDERAL REGISTER may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; be in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970 (21 CFR 3.74), and recommend use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

Indications

Theophylline sodium glycinate is indicated in the treatment of bronchial asthma, status asthmaticus, paroxysmal cardiac dyspnea, and edema of congestive heart failure.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the NAS-NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6333, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7135 Filed 5-21-71;8:46 am]

[DESI 6536]

[Docket No. FDC-D-307; NDA No. 6-536]

BETHANECHOL CHLORIDE

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Urecholine Chloride Tablets and Injection containing bethanechol chloride; marketed by Merck Sharp & Dohme Div. Merck & Co., Inc., West Point, Pa. 19486 (NDA 6–536).

Such drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the label in, and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drugs without approval.

I. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

A. Bethanechol chloride injection is: effective for treatment of acute post operative and post partum nonobstructive (functional) urinary retention and for neurogenic atony of the urinary bladder with retention.

B. Bethanechol chloride tablets are probably effective for these same indications.

C. These drugs are possibly effective for postoperative abdominal distention; adynamic ileus accompanying severe trauma, acute infections, or neurogenic disorders; symptoms of gastric atony and retention following vagotomy or other gastric surgery, congenital megacolon; dysphagia associated with scleroderma; and paralytic ileus or urinary retention due to ganglionic blocking agents.

D. These drugs lack substantial evidence of effectiveness for atony of the chronically overdistended and atrophic urinary bladder; and postoperative obstructive urinary retention.

II. Bethanechol Chloride Injection—A. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve new drug applications and supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* Bethanechol chloride preparations are in sterile aqueous solution form suitable for subcutaneous administration.

2. *Labeling conditions.* a. The label bears the statement, "Caution: Federal law prohibits dispensing without prescription."

b. The drug is labeled to comply with all requirements of the Act and regulations. The labeling bears adequate information for safe and effective use of the drug and is in accord with the guidelines for uniform labeling published in the FEDERAL REGISTER of February 6, 1970. The "Indications" section is as follows:

Indications

This drug is indicated for the treatment of acute postoperative and post partum nonobstructive (functional) urinary retention and for neurogenic atony of the urinary bladder with retention.

(The possibly effective indications may also be included for 6 months.)

3. *Marketing status.* Marketing of such drug may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling, a supplement for updating information, and adequate data to assure the biologic availability of the drug in the formulation which is marketed as described in paragraphs (a)(1) (i), (ii), and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of a full new drug application, including adequate data to show the biologic availability of the drug in the formulation which is marketed or is intended to be marketed, as described in paragraph (a)(3)(iii).

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice

d. For indications for which the drug has been classified possibly effective (not included in the "Indications" section above), continued use as described in paragraphs (d), (e), and (f) of that notice.

B. *Opportunity for a hearing.* 1. The Commissioner of Food and Drugs proposes to issue an order under the provisions of section 505(e) of the Federal Food, Drug, and Cosmetic Act withdrawing approval of all new drug applications and all amendments and supplements thereto providing for the indications for which substantial evidence of effectiveness is lacking as described in paragraph I.D of this announcement. An order withdrawing approval of the applications will not issue if such applications are supplemented in accord with this notice, to delete such indications. Promulgation of the proposed order may cause any related drug for human use offered for the indications for which substantial evidence of effectiveness is lacking to be a new drug for which an approved new drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

2. In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the holders of any such applications, and any interested person who would be adversely affected by such an order, an opportunity for a hearing to show why such indications should not be deleted from labeling. A request for a hearing must be filed within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

3. A request for a hearing may not rest upon mere allegations or denials but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. together with a well organized and full factual analysis of the clinical and other investigational data that the objector is prepared to prove in a hearing.

4. Any data submitted in response to this notice must be previously unsubmitted and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12(a)(5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

5. If a hearing is requested and is justified by the response of this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence.

III. *Bethanechol Chloride Tablets*—A. *Marketing status*. 1. Within 60 days of the date of publication of this announcement in the Federal Register, the holder of any previously approved new drug application for a drug which is classified in paragraph I.D above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the Federal Register may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph I.D above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the Federal Register may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; be in accord with the guidelines for uniform labeling published in the Federal Register of February 6, 1970 (21 CFR 3.74); and recommend use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

This drug is indicated for the treatment of acute postoperative and post partum nonobstructive (functional) urinary retention and for neurogenic atony of the urinary bladder with retention.

4. The notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the Federal Register July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the Academy's reports has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6536, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Request for a hearing (identify with Docket number): Hearing Clerk, Office of General Counsel (GC–1), Room 6–62, Parklawn Building.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 30, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–7136 Filed 5–21–71;8:46 am]

[DESI 6969]

ARSTHINOL TABLETS

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for oral administration.

Balarsen Tablets containing arsthinol; Endo Laboratories, Inc., 1000 Stewart Avenue, Garden City, Long Island, New York 11533 (NDA 6–969).

Such drug is regarded as a new drug (21 U.S.C. 321(p)). The effectiveness classification and marketing status are described below.

A. *Effectiveness classification*. The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that arsthinol is possibly effective for use in the treatment of yaws and intestinal amebiasis.

B. *Marketing status*. Marketing of such drug with labeling which recommends or suggests its use for indications for which it has been classified as possibly effective may be continued for 6 months as described in paragraphs (d), (e), and (f) of the notice "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study," published in the Federal Register July 14, 1970 (35 F.R. 11273).

A copy of the Academy's report has been furnished to Endo Laboratories. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6969, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–7137 Filed 5–21–71;8:46 am]

[DESI 8881]

HEXAMETHONIUM CHLORIDE FOR ORAL USE

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Hexamethonium Chloride Tablets; Nysco Laboratories, Inc., 34–24 Vernon Boulevard, Long Island City, New York 11106 (NDA 8–881).

2. Hexamethonium Chloride Tablets; Richlyn Laboratories, Inc., Castor and Kensington Avenues, Philadelphia, Pa. 19124 (NDA 9–459).

The Food and Drug Administration has considered the Academy reports as well as other available evidence and concludes that there is a lack of substantial

evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that oral forms of hexamethonium chloride will have the antihypertensive effect they purport or are represented to have under the conditions of use prescribed, recommended; or suggested in their labeling.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the new drug applications providing for such drugs.

Prior to initiating such action, however, the Commissioner invites the holders of the new-drug applications for this drug and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the Federal Register. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action and implementation of the NAS–NRC reports for these products is made to give notice to persons who might be adversely affected by their withdrawal from the market. Promulgation of an order withdrawing approval of the new-drug applications will cause any such drug on the market to be a new drug for which an approved new-drug application is not in effect and will make it subject to regulatory action.

The above-named holders of the new-drug applications for this drug have been mailed copies of the NAS–NRC reports. Any interested person may obtain copies of the reports by request to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 8881 and be directed to the attention of the following appropriate office:

Requests for NAS–NRC reports: Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs, 5600 Fishers Lane, Rockville, Maryland 20852.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 26, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–7138 Filed 5–21–71;8:46 am]

[DESI 9397]

MEPHENTERMINE SULFATE FOR ORAL USE

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drugs:

1. Wyamine Sulfate Tablets containing mephentermine sulfate; Wyeth Laboratories, Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pennsylvania 19101 (NDA 9–408).

2. Wyamine Sulfate Elixir containing mephentermine sulfate; Wyeth Laboratories, Division American Home Products Corp. (NDA 9–397).

These drugs are regarded as new drugs. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification*. The Food and Drug Administration has considered the Academy's reports, as well as other available evidence, and concludes that:

1. The drugs are probably effective for treatment of postural hypotension.

2. There is lack of substantial evidence of effectiveness of mephentermine sulfate in the treatment of mood amelioration and in the treatment of neurasthenia and other chronic illnesses characterized by lethargy, mild depression, and drowsiness.

3. Except for the aforementioned indications, the drugs are possibly effective for other claimed indications.

B. *Marketing status*. 1. Within 60 days of the date of publication of this announcement in the Federal Register, the holder of any previously approved new drug application for a drug which is classified in paragraph A above as lacking substantial evidence of effectiveness is requested to submit a supplement to his application, as needed, to provide for revised labeling which deletes those indications for which substantial evidence of effectiveness is lacking and which contains an "Indications" section in accord with that described below. Such supplement should be submitted under the provisions of § 130.9 (d) and (e) of the new drug regulations (21 CFR 130.9 (d) and (e)) which permit certain changes to be put into effect at the earliest possible time, and the revised labeling should be put into use within the 60-day period. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the Federal Register may result in a proposal to withdraw approval of the new drug application.

2. If any such preparation is on the market without an approved new drug application, its labeling should be revised to delete all claims for which substantial evidence of effectiveness is lacking as described in paragraph A above and to be in accord with this notice. Failure to delete such indications and to put the revised labeling into use within 60 days after the date of publication hereof in the Federal Register may cause the drug to be subject to regulatory proceedings.

3. Labeling revised pursuant to this notice should take into account the comments of the Academy; furnish adequate information for safe and effective use of the drug; be in accord with the guidelines for uniform labeling published in the Federal Register of February 6, 1970 (21 CFR 8.74); and recommend use of the drug for the probably effective indications as follows: (The possibly effective indications may also be included for 6 months.)

INDICATIONS

Treatment of postural hypotension.

4. The notice *Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study* published in the Federal Register July 14, 1970 (35 F.R. 11273), describes in paragraphs (c), (d), (e), and (f) the marketing status of the drug labeled with those indications for which it is regarded as probably effective and possibly effective.

A copy of the Academy's reports has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 9397, directed to the attention of the appropriate office listed below, and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
Original new drug applications: Office of Scientific Evaluation (BD–100), Bureau of Drugs.
All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53, as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 4, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–7139 Filed 5–21–71;8:46 am]

POVIDONE SOLUTION FOR OPHTHALMIC USE

[DESI 11126]

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following over-the-counter ophthalmic drug:

Polygyl Sterile Ophthalmic Solution containing povidone; Schieffelin & Co., 41 East 42d Street, New York, N.Y. 10017 (NDA 11-126).

Though drug efficacy study information was submitted by Schieffelin & Co. on the above new drug application (NDA 11-126), the application, which was only conditionally effective in the absence of submission of final printed labeling to the Food and Drug Administration, was never made effective (approved). Polygyl Sterile Ophthalmic Solution has never been marketed, though similar products are distributed and available.

Such drug is regarded as a new drug. The effectiveness classification and marketing status are described below.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy's report as well as other available evidence and concludes that povidone ophthalmic solution is probably effective in soothing and lubricating dry eyes and in making the wearing of contact lenses more comfortable.

B. *Marketing status.* Those indications for which the drug is described in paragraph A above as probably effective may continued to be used for 12 months following the date of this publication, to allow additional time within which persons marketing the drug without approval may obtain and submit to the Food and Drug Administration data to provide substantial evidence of effectiveness. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well organized, and include data from adequate and well controlled clinical investigations (identified for ready review) as described in section 130.12 (a) (5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

At the end of the 12-month period, any such data will be evaluated to determine whether there is substantial evidence of effectiveness of the drug for such uses. The conclusions concerning the drug will be published in the Federal Register.

Within 60 days from publication hereof in the Federal Register persons marketing such a drug should revise labeling as needed to conform with the labeling guidelines in this announcement and which, taking into account the comments of the Academy, complies with all requirements of the Act and regulations promulgated thereunder and bears adequate directions and warnings under which a layman can use the drug safely and for the purpose for which it is intended. The revised labeling should be put into use with the 60-day period.

The statement of identity, which includes the general pharmacological category or the principal intended action required by § 1.102a (21 CFR 1.102a) shall appear in bold face type on the principal display panel.

The indications for use shall be: To sooth and lubricate dry eyes; and to make the wearing of contact lenses more comfortable.

Schieffelin & Co. has been mailed a copy of the Academy's report. Any interested person may obtain a copy of the report by writing to the office named below.

Communications forwarded in response to this announcement should be identified with the reference number DESI 11126, directed to the attention of the following appropriate office, and addressed (unless otherwise specified) to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Md. 20852:

Supplements (identify with NDA number), Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Original new drug applications: Office of Scientific Evaluation (BD-100), Bureau of Drugs.

Requests for NAS-NRC reports: Press Relations Office (CE-200), Food and Drug Administration, 200 C Street SW., Washington, D.C. 20204.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended; 21 U.S.C. 352) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 4, 1971.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.71-7140 Filed 5-21-71;8:46 am]

[DESI 122467]

COMBINATION CONTAINING TRIMEPRAZINE TARTRATE, PHENYLPROPAÑOLAMINE HYDROCHLORIDE, AND ACETAMINOPHEN FOR ORAL USE

Drugs for Human Use—Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug:

Coplexen Liquid containing trimeprazine tartrate, phenylpropanolamine hydrochloride, and acetaminophen; Smith Kline and French Laboratories, 1500 Spring Garden Street, Philadelphia, Pa. 19101 (NDA 12-467).

The Food and Drug Administration has considered the Academy's report, as well as other available evidence, and concludes that there is a lack of substantial evidence, within the meaning of the Federal Food, Drug, and Cosmetic Act, that this fixed combination drug will have the effects that it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in the labeling and a lack of evidence that the claimed benefits outweigh the risks of administration of a phenothiazine derivative for symptoms related to the common cold.

Accordingly, the Commissioner of Food and Drugs intends to initiate proceedings to withdraw approval of the above listed new drug application.

Prior to initiating such action, however, the Commissioner invites the holder of the new drug application for this drug and any interested person who might be adversely affected by its removal from the market, to submit pertinent data bearing on the proposal within 30 days after publication hereof in the Federal Register. To be acceptable for consideration in support of the effectiveness of a drug, any such data must be previously unsubmitted, well-organized, and include data from adequate and well-controlled clinical investigations (identified for ready review) as described in § 130.12(a)(5) of the regulations published in the Federal Register of May 8, 1970 (35 F.R. 7250). Carefully conducted and documented clinical studies obtained under uncontrolled or partially controlled situations are not acceptable as a sole basis for the approval of claims of effectiveness, but such studies may be considered on their merits for corroborative support of efficacy and evidence of safety.

This announcement of the proposed action concerning this drug is made to give notice to persons who might be adversely affected by its withdrawal from the market. Promulgation of an order withdrawing approval of the new drug application will cause any such drug on the market to be a new drug for which an approved new drug application is not in effect and will make it subject to regulatory action.

The above-named holder of the new drug application for this drug has been mailed a copy of the Academy's report. Any interested person may obtain a copy of the report by writing to the Food and Drug Administration, Press Relations Office (CE-200), 200 C Street NW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 12467, and directed to the Drug Efficacy Study Implementation Project Office (BD-5), Bureau of Drugs, Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland, 20852.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050-53, as amended: 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: April 30, 1971.

Sam D. Fine,
Associate Commissioner for Compliance.

[FR Doc.71-7141 Filed 5-21-71;8:46 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-247]

CONSOLIDATED EDISON CO. OF NEW YORK

Order Confirming Order Setting Evidentiary Hearing

In the matter of Consolidated Edison Co. of New York, Inc. (Indian Point Station Unit No. 2).

At a conference and session of evidentiary hearing held on May 13, 1971, at the Springvale Inn, Croton-on-Hudson, N.Y., suggestions were submitted by the parties as to their convenience and readiness to proceed to a presentation of evidence in extended and continuous sessions of hearings. After a consideration of these suggestions, as well as the schedules of other hearings which precluded continuous sessions in June, the Atomic Safety and Licensing Board designated July 13, 1971 as the date on which continuous sessions of evidentiary hearings would commence.

Wherefore, it is ordered, In accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, that evidentiary hearings shall commence and the proceedings herein shall convene at 9:30 a.m. on Tuesday, July 13, 1971, in the All-Purpose Room of the Springvale Inn, 500 Albany Post Road, Croton-on-Hudson, N.Y.

Issued: May 17, 1971, Germantown, Md.

Atomic Safety and Licensing Board,
Samuel W. Jensch,
Chairman.

[FR Doc.71-7128 Filed 5-21-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22162]

COUNTY OF SULLIVAN, N.Y. AND SULLIVAN COUNTY AIRPORT COMMISSION

Notice of Potsponement of Prehearing Conference

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that prehearing conference in this matter scheduled to begin at 10 a.m., in Room 726, on May 26, 1971, is hereby indefinitely postponed.

Dated at Washington, D.C., May 18, 1971.

[SEAL] Joseph L. Fitzmaurice,
Hearing Examiner.

[FR Doc.71-7190 Filed 5-21-71;8:49 am]

FEDERAL MARITIME COMMISSION

CIA DE NAVEGACAO LLOYD BRASILEIRO AND NAVEGACAO MERCANTIL S.A.

Notice of Proposed Cancellation of Agreement

Notice is hereby given that the following agreement(s) will be canceled by the Commission pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement(s) at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect agreement(s) at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments with reference to an agreement(s) including a request for hearing, if desired, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register.

Agreement No. 9650, between Cia de Navegacao Lloyd Brasileiro and Navegacao Mercantil S.A., approved by the Federal Maritime Commission on May 27, 1969, proposed to establish a partnership agreement pursuant to Government directives issued by the Brazilian Merchant Marine Commission for the purpose of offering a service between Brazilian ports in the range from Porto Alegre to Sao Luia as well as from ports of the Rio da Prata, and Gulf Coast ports of the United States as well as Mexican, Venezuelan, and West Indies ports. The agreement provides for the pooling of freight revenue between the parties and the joint scheduling of sailings.

The Commission has been advised that Navegacao Mercantil discontinued service between Brazil and U.S. Gulf ports on December 18, 1970. Therefore, the Commission proposes to cancel the agreement.

Dated: May 18, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71-7125 Filed 5-21-71;8:45 am]

FEDERAL POWER COMMISSION

EL PASO NATURAL GAS CO.

[Docket No. CP71-262]

Notice of Application

May 17, 1971.

Take notice that on May 3, 1971, El Paso Natural Gas Co. (applicant), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. CP71-262 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas facilities and the sale and delivery of natural gas to Northwest Gas Co. (Northwest), for resale and distribution in the John Day Dam Site area of Klickitat County, Wash., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant seeks authorization to construct and operate a 4½-inch tap and related meter station to be located on its 26-inch Northwest Division System mainline in Klickitat County, Wash. The purpose for the proposed construction, applicant states, is to provide for the sale and delivery of estimated peak day and annual requirements of up to 1,940 Mcf and 289,473 Mcf of natural gas, respectively, to Northwest for resale in a new market area. Applicant states that this service will be provided on a firm and interruptible basis, using supplies of natural gas to be imported from Canada under authorization issued in Docket No. CP70-138, in accordance with and at rates contained in its Rate Schedules DS-1 and I-1, FPC Gas Tariff, Original Volume No. 3. The estimated cost of the facilities proposed herein is $35,603.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-7142 Filed 5-21-71;8:46 am]

[Docket No. CP71-265]

SOUTHERN NATURAL GAS CO.

Notice of Application

MAY 17, 1971.

Take notice that on May 5, 1971, Southern Natural Gas Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71-265 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing August 7, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $7 million with no single offshore project costing in excess of $1,750,000 and no single onshore project costing in excess of $1 million. Applicant states that these costs will be financed from funds on hand or funds generated by normal operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7143 Filed 5-21-71;8:46 am]

[Docket No. CP71-260]

TENNESSEE GAS PIPELINE CO.

Notice of Application

MAY 17, 1971.

Take notice that on April 29, 1971, Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (applicant), Post Office Box 2511, Houston, TX 77001, filed in Docket No. CP71-260 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities and the exchange of natural gas with Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate a side valve assembly at an interconnection to be established at the northerly terminus of the 30-inch pipeline extending offshore in Louisiana, heretofore proposed by Michigan Wisconsin in Docket No. CP71-249, and applicant's existing 20-inch West Cameron Block 68 line in Cameron Parish, La. Pursuant to an exchange agreement between Michigan Wisconsin and applicant, Michigan Wisconsin will deliver between 50,000 Mcf and 80,000 Mcf of natural gas per day to Applicant at this proposed interconnection and applicant will redeliver equivalent volumes to Michigan Wisconsin at an existing point of interconnection at the tailgate of the Placid Oil Co.'s Patterson Plant at Avalon, St. Mary's Parish, La.

Applicant states that the exchange as proposed herein will increase its supply flexibility in its Southwest Louisiana natural gas gathering system. The estimated cost of the facilities proposed herein is $7,290, which cost applicant states will be financed from general funds of the company.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7144 Filed 5-21-71;8:47 am]

[Docket No. E-7630]

METROPOLITAN EDISON CO.

Notice of Proposed Changes in Rates and Charges

MAY 17, 1971.

Take notice that on April 30, 1971, Metropolitan Edison Co. (Met-Ed) filed changes in its Rate RP (FPC No. 27) covering sales for resale to Hershey Electric Co. and its Rate RM (covering sales for resale to Goldsboro (FPC No. 34), Kutztown (FPC No. 35), Lewisberry (FPC No. 37) and Royalton (FPC No. 38) to be effective as of June 30, 1971. The company states that the changes result in an increase in jurisdictional revenues of approximately $890,000. Service under Rate RP is at 69 kv.; that under RM is at 13.2 kv. or less. The filing proposes to add a fuel adjustment clause to each of the aforementioned rate schedules. The filing also proposes to reduce the minimum billing demand in Rate RP from the present 10,000 kw. to 4,000 kw.

The tender also provides for a revision in FPC No. 26 (Exhibit B to the agreement with Allegheny Cooperative, Inc.) to increase the service provided thereunder and which the company proposes to make effective following the 30-month notice period required. The company also filed a revision to the contractual form of rate under which it supplies service to the Borough of Middletown (FPC No. 16) and requests that the 1906 contract rate be found unduly discriminatory and therefore unlawful.

Met-Ed states that the changes sought are necessitated because of increased operating costs, increased costs associated with the installation of new equipment, increased costs and delays stemming from environmental considerations, increases in the cost of money, and the acceleration in the load growth rate. Copies of the filing have been served on customers and interested State commissions.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 1, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7145 Filed 5-21-71;8:47 am]

[Dockets Nos. CI71-517, CI71-518]

ROY L. COOK ET AL.

Order Consolidating Proceedings, Granting Interventions, and Setting Dates for Prehearing Conference and Hearing

MAY 18, 1971.

On January 11, 1971, Roy L. Cook, Trustee, et al. (Cook) and Piedra Corp. (Piedra), an immediate purchaser, each filed an application pursuant to section 7(b) of the Natural Gas Act in Dockets Nos. CI71-517 and CI71-518 respectively, seeking to abandon the sale of natural gas, produced in La Plata and Archuleta Counties, Colo., to El Paso Natural Gas Co. (El Paso). Notice of the applications were issued on January 28, 1971, and published in the FEDERAL REGISTER on March 3, 1971 (36 F.R. 2579).

Cook seeks to abandon the sale of natural gas under its FPC Gas Rate Schedule No. 5 at a rate of 11.9 cent per Mcf plus 0.85 cent Mcf for liquids,[1] to his immediate purchaser Piedra which gathers and resells the gas to El Paso at 14 cents per Mcf plus 1 cent per Mcf for liquids[2] under its FPC Gas Rate Schedule No. 1. Cook maintains that his 5-year losses aggregate approximately $260,320. Piedra states in its application to abandon the sale of gas to El Paso that it has sustained losses totaling aprpiximately $127,735 over the same 5-year period. Both Cook and Piedra maintain that such continued sale of gas is no longer economically feasible at present contract rates because a rate increase is not provided for until January 1974, and that the gas wells involved here are being rapidly depleted without the likelihood of an increased supply in the area.

In its petition for leave to intervene filed on February 25, 1971, El Paso asserts that abandonment should not be permitted unless an operation loss is clearly established. If an operating loss were found to exist, then El Paso states that it should be permitted to examine the extent of such loss. No other notices of intervention, protests, or other petitions for leave to intervene have been filed.

The Commission finds:

(1) It is desirable and in the public interest to permit El Paso Natural Gas Co. to intervene in this proceeding in order that it may establish the facts and the law from which the nature and validity of its alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

(2) The proceeding in Dockets Nos. CI71-517 and CI71-518 are interdependent and should therefore be consolidated.

(3) The expeditious disposition of these proceedings will be effectuated by the submission by applicants of their direct testimony and exhibits on or before June 2, 1971.

(4) The expeditious disposition of these proceedings will be furthered by convening a prehearing conference on June 22, 1971.

The Commission orders:

(A) El Paso Natural Gas Co. is hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenor shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further*, That the admission of such intervenor shall not be construed as recognition by the Commission that El Paso might be aggrieved because of any order or orders of the Commission entered in this proceeding.

(B) The applications of Roy L. Cook, Trustee, et al., in Docket No. CI71-517 and Piedra Corp. in Docket No. CI71-518 are hereby consolidated.

(C) Pursuant to § 2.62(c) of the Commission's rules of practice and procedure, the applicants shall serve copies of their filings upon El Paso Natural Gas Co. promptly, unless such service has already been effected pursuant to Part 157 of the regulations of the Natural Gas Act.

(D) Each party will file with the Commission and serve on all other parties and the Commission staff the proposed evidence comprising its case-in-chief, including any prepared testimony and exhibits, on or about June 2, 1971. All other procedural matters, including the time for filing of rebuttal cases, if any, and the designation of the date of formal hearing, are left to the discretion of the presiding examiner.

(E) Pursuant to the provisions of § 1.18 of the Commission's rules of practice and procedure, a prehearing conference before a duly designated presiding examiner shall commence at 10 a.m., e.d.s.t., on June 22, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, for the purpose of effectuating the expeditious disposition of this consolidated proceeding. The purpose of such conference shall be to consider all matters at issue in the above dockets and to consider all matters which might contribute to an expeditious disposition of this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7197 Filed 5-21-71;8:50 am]

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[1] Rate is effective subject to refund in Dockets Nos. RI64-500 and RI 69-394.

[2] Rate is effective subject to refund in Dockets Nos. RI64-501 and RI69-393.

[Docket No. CP71-167]

SOUTH GEORGIA NATURAL GAS CO.

Order Setting Date for Formal Hearing, Prescribing Procedures, and Permitting Intervention

MAY 18, 1971.

On December 28, 1970, South Georgia Natural Gas Co. (South Georgia) filed an application pursuant to section 7 of the Natural Gas Act for the issuance of a certificate of public convenience and necessity authorizing the construction and operation of facilities for the delivery of natural gas on an offpeak, interruptible basis to the Georgia Power Co. (Georgia Power) for use principally as fuel in that company's proposed turbine electric generators at Plant Mitchell near Albany, Ga., in Dougherty County.[1]

The proposed facilities include a new 6-inch lateral line, which will connect with South Georgia's existing 12-inch line near Albany, Ga., and extend southward 4.2 miles to Georgia Power's Plant Mitchell in Dougherty County. In addition, metering and related facilities will be constructed at the point of delivery. South Georgia estimates that annual sales to Georgia Power will be 1,500,000 Mcf. South Georgia states that the estimated cost of the facilities involved will be $150,000, which will be financed from cash on hand and from short-term borrowings. South Georgia is a wholly owned subsidiary of, and purchases its total requirements from, Southern Natural Gas Co. (Southern).[2]

On January 18, 1971, Carolina Pipeline Co. (Carolina) filed a petition to intervene and by letter of February 2, 1971, requested a formal hearing. On May 4, 1971, Georgia Power Co. filed a late petition to intervene in this proceeding.

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[1] Notice of the application was given by publication in the FEDERAL REGISTER on Jan. 14, 1971 (36 F.R. 571).

[2] South Georgia became a wholly owned subsidiary of Southern on July 16, 1969 by authority of an order of the Federal Power Commission issued July 2, 1969, Docket No. G-1915 et al. (42 FPC 32).

Carolina transports and sells within the State of South Carolina natural gas purchased from Southern and Transcontinental Gas Pipe Line Corp. Carolina asserts that it has a vital interest in South Georgia's application because the proposed sale to Georgia Power in Docket No. CP71–167 is a prime example of the discrimination which is the subject of Carolina's complaint against Southern filed in Docket No. RP71–3 on August 6, 1970. Therein, Carolina requested the Commission to institute an investigation to determine whether Southern is granting unduly preferential treatment to steam electric generating plants in the allocation of available gas supplies.[3] Carolina states that it seeks to intervene in Docket No. CP71–167 in order to make certain that South Georgia's proposed sale to Georgia Power would not worsen the supply to Carolina.

Georgia Power Co. states that it is in dire need of the proposed gas to be purchased from South Georgia Natural Gas Co. and that it has a direct and substantial interest in this proceeding which will be affected by any action taken by the Commission.

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held on the issues presented by South Georgia Natural Gas Co.'s application in Docket No. CP71–167 ordered hereinafter.

(2) Good cause exists to accept the late filing of Georgia Power Co.'s petition to intervene.

(3) It is desirable to allow the petitioners, Carolina Pipeline Co. and Georgia Power Co., to intervene in this proceeding in order that they may establish the facts and law from which the nature and the validity of their alleged rights and interests may be determined and show what further action may be appropriate under the circumstances in the administration of the Natural Gas Act.

The Commission orders:

(A) The above-named petitioners are permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting rights and interests expressly asserted in the petition to intervene; *And provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders entered in this proceeding.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR, Ch. I), a public hearing on the issues presented by South Georgia Natural Gas Co.'s application in Docket No. CP71–167 will be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, commencing at 10 a.m. on June 14, 1971. The applicant shall file with the Commission and serve on the petitioner, the Commission Staff and the Presiding Examiner its proposed direct presentation in support of its application, including the prepared testimony of witnesses and exhibits, on or before June 1, 1971.

(C) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71 7198 Filed 5–21–71;8:50 am]

[Docket No. CP71–264]

SOUTHERN ENERGY CO.

Notice of Application

MAY 18, 1971.

Take notice that on May 4, 1971, Southern Energy Co. (applicant), Post Office Box 2563, Birmingham, AL 35202, filed in Docket No. CP71–264 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities for the receipt, storage, regasification and sale of liquefied natural gas (LNG), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate an LNG receiving terminal on Elba Island, Chatham County, Ga. The proposed terminal facilities will consist of docking and receiving facilities, for the receipt of LNG from cryogenic tankers, insulated cryogenic tanks for the storage of LNG, facilities for regasification of the LNG and other ancillary and auxiliary facilities. The estimated cost of these facilities is $71,425,217 which cost, applicant states, is to be financed by the use of bank loans and the issuance of long-term bonds.

Applicant states that the capacity of this facility will be equivalent to approximately 500,000 Mcf of vaporous gas per day and that this gas will be sold to Southern Natural Gas Co. under a cost-of-service tariff. The projected storage capacity of the facilities proposed herein is approximately equivalent to 5,391,000 Mcf of vaporous gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7199 Filed 5–21–71;8:50 am]

[Docket No. CP71–263]

SYLVANIA CORP. ET AL.

Notice of Application

MAY 18, 1971.

Take notice that on May 4, 1971, the Sylvania Corp. (Sylvania), 308 Seneca Street, Oil City, PA 16301; Iroquois Gas Corp. (Iroquois), 10 Lafayette Square, Buffalo, NY 14203; and United Natural Gas Co. (United), 308 Seneca Street, Oil City, PA 16301, jointly filed in Docket No. CP71–263 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of facilities and the sale and delivery of natural gas for the development and operation of an underground storage field and pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon by sale certain pipeline facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Sylvania proposes herein the development, construction and operation of properties and facilities for the underground storage of natural gas in a depleted sand gas pool, the East Independence Pool, located in Allegany County,

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[3] By order of Oct. 2, 1970 in Docket No. RP71–3 as modified by order of Nov. 23, 1970, the Commission instituted an investigation "to determine the justness and reasonableness of Southern's curtailment practices, and, if necessary upon completion of such investigation, to prescribe such tariff provisions as are appropriate to provide a fair and equitable allocation of the volumes of gas available on the Southern system for direct and resale sales between steam electric generating plants and all other industries."

N.Y. To facilitate this development, Iroquois and United propose to abandon, by sale to Sylvania, 8.6 miles of 10-inch pipeline and 0.43 mile of 8-inch pipeline and appurtenances, respectively.

Sylvania proposes to acquire, by purchase from Iroquois and United, the aforementioned pipeline facilities and to employ these in the development of the East Independence Storage Field. Sylvania also seeks authorization for the following development:

(a) Reconditioning of five existing wells;

(b) Drilling two new wells;

(c) Construction of 3 miles of 4-inch and 12-inch gathering lines;

(d) Construction of a 3,000 horsepower compressor station and related facilities; and

(e) Required salt water disposal facilities.

These facilities will be employed by Sylvania to perform natural gas storage service for Iroquois. The estimated capacity of this storage pool, when completed, is 5,000,000 Mcf and the estimated daily deliverability is 22,000 Mcf.

United proposes to sell annually up to 5,000,000 Mcf of natural gas to Sylvania during the storage input periods. Sylvania will store these volumes in the East Independence Field and proposes to sell up to 5,000,000 Mcf of natural gas annually to Iroquois from storage withdrawals.

Applicants state that the development of the proposed storage facility and service will enable Iroquois to meet the expanding requirements of its retail customers. The estimated cost of the facilities proposed herein is $3,399,510 which cost is to be financed by Sylvania from funds available to the company and by the issuance of promissory notes and common stock to its parent company, The National Fuel Gas Co.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate and permission and approval for the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7200 Filed 5–21–71;8:50 am]

[Docket No. RP71–115]

TRUNKLINE GAS CO.

Notice of Petition

MAY 18, 1971.

Take notice that on May 12, 1971, Trunkline Gas Co. (Trunkline) filed a petition with the Commission requesting the issuance of an order authorizing Trunkline to make jurisdictional rate changes reflecting the differences in the cost of its gas supply from time to time.

Trunkline proposes that it be permitted to track changes in its cost of purchased gas, from time to time, up to September 30, 1972, or the date upon which a rate increase under section 4(e) of the Natural Gas Act becomes effective after suspension, if any. Under its proposal Trunkline would effect no changes in its rates unless the unit change would equal 1 mill ($0.001) per Mcf, and it would effect no more than one change in its rates each calendar quarter year. Trunkline's proposal also provides for the filing with the Commission of revised tariff sheets, not subject to suspension, reflecting any change in rates and the service of said tariff sheets on jurisdictional customers and interested State commissions at least 45 days prior to their effective date. Also under its proposal Trunkline would flow through the jurisdictional portion of all refunds received from suppliers to its jurisdictional customers.

Trunkline requests a waiver of § 154.63 et seq. of the Commission's regulations under the Natural Gas Act to the extent required to grant the relief requested in its petition.

Trunkline states that it has served copies of its petition on each of its customers and on interested State commissions.

Any person desiring to be heard or to make any protest with reference to this filing should on or before June 4, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to participate as parties in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The tender is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7201 Filed 5–21–71;8:50 am]

[Docket No. RP71–96]

COMMERCIAL PIPELINE CO., INC.

Order Approving Rate Increase Without Suspension

MAY 17, 1971.

Commercial Pipeline Co., Inc. (Commercial) on March 22, 1971, tendered for filing in Docket No. RP71–96 revised tariff sheets[1] proposing changes in its FPC Gas Tariff to become effective on May 19, 1971. The revised tariff sheets provide for an increase in Commercial's rates to its three jurisdictional customers; Pleasanton Gas Co., Inc., Mound City Gas Co., Inc., both in Kansas and Rich Hill-Hume Gas Co., Inc., located in Missouri, which would result in an increase in jurisdictional revenues of $37,311, based on operations for the 12-month period ended December 31, 1970, as adjusted.

Commercial is a small natural gas company which in addition to the aforementioned jurisdictional sales also distributes natural gas in four Kansas communities. Its facilities include approximately 75 miles of pipeline ranging in size from 2 to 7 inches and distribution facilities in the four communities. The pipeline has experienced a very high percentage of lost and unaccounted for gas for a number of years.

In support of the proposed increase the company has submitted its cost studies, and also states that the increase is necessary to correct the present operating loss, to recover the expense of increased purchase gas costs resulting from a rate increase allowed its supplier Cities Service Gas Co., to allow funding of additional improvements in its transmission system to cure the problem of unaccounted for gas, and to obtain a reasonable return. The cost studies reflect a claimed rate of return of 8.75 percent. Based on a debt ratio of 72.05 with an indicated average cost of 7.84 percent, the rate of return claimed would provide approximately 11.09 percent return on equity.

No objections to the proposed increase have been filed.

Upon analysis and review of the cost studies and other data submitted, and the company's need for additional financing to solve its unaccounted for gas problem, we are of the view that the requested rate of return is not unreasonable and the proposed rates should be permitted to go into effect on May 19, 1971, without suspension.

The Commission orders:

(A) The rates proposed by Commercial Pipeline Company are approved, and the revised tariff sheets contained in the application filed March 22, 1971, are permitted to go into effect on May 19, 1971, without suspension.

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[1] 2d Revised Sheets Nos. 2, 3, 4, and 10.

(B) The requirements of § 154.63(f) relating to the filing of Statement P are hereby waived.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7202 Filed 5-21-71;8:50 am]

FEDERAL RESERVE SYSTEM

BARNETT BANKS OF FLORIDA, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Barnett Banks of Florida, Inc., Jacksonville, Fla., for approval of the acquisition of 80 percent or more of the voting shares of Hollywood Bank and Trust Co., Hollywood, Fla.

There has come before the Board of Governors pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Barnett Banks of Florida, Inc., Jacksonville, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Hollywood Bank and Trust Co., Hollywood, Fla. (Hollywood Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Florida, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 30, 1971 (36 F.R. 5877), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources of the Applicant and the banks concerned, and the convenience and needs of the communities to be served and finds that:

Applicant presently controls 25 banks which hold deposits of $639 million, representing 5.2 percent of total deposits held by Florida's commercial banks, and is the State's third largest banking organization. (All banking data are as of June 30, 1970, and reflect holding company formations and acquisitions approved by the Board through April 30, 1971.) Applicant's acquisition of Hollywood Bank, with deposits of $58.8 million, would increase its share of deposits in the State by a relatively slight amount.

Hollywood Bank operates one office, located in the city of Hollywood, Broward County, Fla., and primarily serves the Hollywood metropolitan area (southern portion of Broward County extending southward to the Dade County line). It is the third largest of seven banking organizations in the Hollywood area with 17.9 percent of area deposits, and the sixth largest of 38 banks in the county with 5.5 percent of total county deposits. (Four bank holding companies presently control 15 of these 38 banks amounting to 48.9 percent of the county's total deposits.) The two largest banking organizations in Hollywood control 21.8 and 19.5 percent of that area's deposits respectively.

Applicant's nearest existing subsidiary to Bank is approximately 155 miles away, and Applicant's nearest approved subsidiary is located 20 miles away in the city of Miami and is separated from Bank by numerous intervening banks. There is no significant competition between Bank and Applicant's subsidiaries and, based on the facts of record, the potential for any meaningful competition between them appears remote. Based on the foregoing, the Board concludes that consummation of the proposal would not have a significantly adverse effect on competion in any relevant area and may have a procompetitive impact in the Hollywood area since Hollywood Bank has not been a particularly aggressive institution.

Considerations relating to financial and managerial resources and prospects as they relate to Applicant, its subsidiaries and Bank, are regarded as consistent with approval of the application. Affiliation with Applicant will enable Hollywood Bank to strengthen its management depth by drawing from Applicant's pools of management resources for successor management. The Hollywood area continues to experience an extremely high rate of growth. While it appears that the banking needs of the area are being adequately served, Applicant proposes to institute more aggressive loan policies, and improve trust and other banking services to more effectively meet the needs of the community. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved: *Provided,* That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] May 18, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7129 Filed 5-21-71;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Federal Property Management Regs.;
Temporary Reg. F-104]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the Federal Government in a telecommunications service rate proceeding.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Alabama Public Service Commission in a proceeding (Docket No. 16392) involving intrastate rates for telecommunications services provided by the South Central Bell Telephone Co.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated: May 17, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71-7196 Filed 5-21-71;8:50 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Brimmer, and Sherrill. Absent and not voting: Governor Maisel.

SECURITIES AND EXCHANGE COMMISSION

[811-1837]

PARK WESTLAKE ASSOCIATES HEDGE FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

Notice is hereby given that Park Westlake Associates Hedge Fund, Inc. (Applicant), a management closed-end nondiversified investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein which are summarized below.

On April 1, 1969, Applicant registered as an investment company under the Act. Applicant represents that subsequent to such registration no public offering of its shares was made; that at a special meeting of stockholders held on September 28, 1970, holders of a majority of the outstanding shares of Applicant approved the winding up and dissolution of Applicant; and that on November 18, 1970, a final liquidating distribution was made in cancellation of all issued and outstanding shares.

Section 8(f) of the Act provides, in pertinent part, that whenever the Commission upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order, the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 10, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reasons for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed, Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in the case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing thereon shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered wil lreceive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7170 Filed 5-21-71;8:48 am]

[811-1627]

PAUL BUNYAN FUND, INC.

Notice of Filing of Application Declaring Company Has Ceased To Be an Investment Company

MAY 18, 1971.

Notice is hereby given that Paul Bunyan Fund, Inc. (Applicant) c/o William H. Mallender, 1040 Bayview Drive, Bayview Building, Fort Lauderdale, FL 33304, an open-end diversified management investment company registered under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Applicant was merged into GAC Growth Fund, Inc. (GAC) on December 31, 1970, with GAC being the surviving corporation, and all outstanding shares of Applicant were exchanged on a one-for-one basis for shares of GAC.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 10, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7171 Filed 5-21-71;8:48 am]

[File No. 7-3695]

SCHERING-PLOUGH CORP.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of application of the Boston Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereumder, for unlisted trading privileges in the common stock of the following company, which security is listed and registered on one or more other national securities exchange:

Schering-Plough Corp., File No. 7-3695.

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7172 Filed 5-21-71;8:48 am]

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[Files Nos. 7-3703—7-3712]

ALLEGHENY POWER SYSTEM, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Allegheny Power System, Inc	7-3703
American Electric Power Co., Inc	7-3704
Arkansas Louisiana Gas Co	7-3705
Baltimore Gas & Electric Co	7-3707
Boston Edison Co	7-3708
Carolina Power & Light Co	7-3709
Central Illinois Light Co	7-3710
Central Illinois Public Service Co	7-3711
Central & Southwest Corp	7-3712

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7173 Filed 5-21-71;8:48 am]

[File No. 7-3706]

ATLANTIC RICHFIELD CO.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

Atlantic Richfield Co., $3 cumulative convertible preference stock, $1 par value, File No. 7-3706.

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7174 Filed 5-21-71;8:48 am]

[Files Nos. 7-3713—7-3721]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Cincinnati Gas & Electric Co	7-3713
Cleveland Electric Illuminating Co	7-3714
Columbus & Southern Ohio Electric	7-3715
Consolidated Natural Gas Co	7-3716
The Dayton Power & Light Co	7-3717
Delmarva Power & Light Co	7-3718
Florida Power Corp	7-3719
Florida Power & Light Co	7-3720
Gulf States Utilities Co	7-3721

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7175 Filed 5-21-71;8:48 am]

[Files Nos. 7-3722—7-3730]

HOUSTON LIGHT & POWER CO., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Houston Lighting & Power Co	7-3722
Idaho Power Co	7-3723
Illinois Power Co	7-3724
Indianapolis Power & Light Co	7-3725
The Kansas City Power & Light Co	7-3726
Long Island Lighting Co	7-3727
Louisville Gas & Electric Co	7-3728
Middle South Utilities, Inc	7-3729
The Montana Power Co	7-3730

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7176 Filed 5-21-71;8:48 am]

[Files Nos. 7-3731, 7-3732]

NEW ENGLAND ELECTRIC SYSTEM AND NEW ENGLAND TELEPHONE & TELEGRAPH CO.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
New England Electric System	7-3731
New England Telephone & Telegraph Co	7-3732

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7177 Filed 5-21-71;8:48 am]

[Files Nos. 7-3696—7-3701]

DUKE POWER CO., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of applications of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Duke Power Co	7-3696
Egan Machinery Co	7-3697
First Mortgage Investors, shares of beneficial interest, no par value	7-3698
Levitz Furniture Corp	7-3699
Mattel Inc	7-3700
Schering-Plough Corp	7-3701

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7178 Filed 5-21-71;8:48 am]

[File No. 7-3702]

WHITTAKER CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 19, 1971.

In the matter of application of the Philadelphia - Baltimore - Washington Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the warrants to purchase common stock of the following company, which security is listed and registered on one or more other national securities exchanges:

Whittaker Corp., warrants (expiring May 5, 1979), File No. 7-3702.

Upon receipt of a request, on or before June 3, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7179 Filed 5-21-71;8:49 am]

SMALL BUSINESS ADMINISTRATION

OKLAHOMA SMALL BUSINESS INVESTMENTS, INC.

Notice of Filing of Application for Transfer of Control of Licensed Small Business Investment Company

Notice is hereby given that application has been filed with the Small Business Administration (SBA) pursuant to § 107.701 of the regulations governing Small Business Investment Companies (33 F.R. 326, 13 CFR Part 107) for transfer of control of Oklahoma Small Business Investments, Inc. (Oklahoma), 4416 North Western Avenue, Oklahoma City, OK 73118, a Federal Licensee under the Small Business Investment Act of 1958, as amended (15 U.S.C. 661 et seq.) (Act), License Number 06/10-0109.

Oklahoma was licensed on November 5, 1962, and its present paid-in capital and paid-in surplus from all sources total $152,000. The proposed transfer of control is subject to and contingent upon the approval of SBA.

The present officers and directors of Oklahoma will retain their positions after the proposed transfer of control.

Russell E. Caston, Jr., and Jeanette J. Caston, his wife, will transfer 100 percent of Oklahoma's common stock to the Caston Lumber Co. (Caston), 4416 North Western Avenue, Oklahoma City, OK 73118.

Caston is a limited partnership, operating under the laws of the State of Oklahoma, with Jeanette J. and Russell E. Caston, Jr., general partners, owning approximately 34 percent, Ellsworth, Inc., general partner, of which Russell E. Caston is president, owning approximately 27 percent, and the remaining 39 percent proprietary interest in the assets of the partnership being owned by twenty (20) limited partners.

Matters involved in SBA's consideration of the application include the general business reputation and character of the proposed new owner and management, and the probability of successful operations of the company under such management (including adequate profitability and financial soundness) in accordance with the Act and regulations.

Notice is hereby given that any interested person may, not later than 10 days from the publication of this notice, submit to SBA in writing, relevant comments on the proposed transfer of control. Any such communication should be addressed to the Associate Administrator for Investment, Small Business Administration, 1441 L Street NW., Washington, DC 20416.

Dated: May 14, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-7186 Filed 5-21-71;8:49 am]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING THE EMPLOYMENT OF FULL-TIME STUDENTS WORKING OUTSIDE OF SCHOOL HOURS AT SPECIAL MINIMUM WAGES IN RETAIL OR SERVICE ESTABLISHMENTS OR IN AGRICULTURE

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulation on employment of full-time students (29 CFR Part 519), and Administrative Order No. 595 (31 F.R. 12981), the establishments listed in this notice have been issued special certificates authorizing the employment of full-time students working outside of school hours at hourly rates lower than the minimum wage rates otherwise applicable under section 6 of the act. While effective and expiration dates are shown for those certificates issued for less than a year, only the expiration dates are shown for certificates issued for a year. The minimum certificate rates are not less than 85 percent of the applicable statutory minimum.

The following certificates provide for an allowance not to exceed the proportion of the total hours worked by full-time students at rates below $1 an hour to the total number of hours worked by all employees in the establishment during the base period in occupations of the same general classes in which the establishment employed full-time students at wages below $1 an hour in the base year.

Abel's Pharmacy, Inc., drugstore; 101 West Southmore Boulevard, Pasadena, TX; 2-15-72.

Abourezk's Store, variety-department store; Mission, S. Dak.; 1-31-72.

Ackemann Bros., Inc., variety-department store; 168 East Highland Avenue, Elgin, IL; 2-15-72.

Aero Pharmacy, Inc., drugstore; 2100 Orems Road, Middle River, MD; 1-31-72.

Alexander's Super Market, foodstore; 2023 East Overland, Scottsbluff, NE; 1-31-72.

Allegany County Memorial Hospital, hospital; Sparta, N.C.; 1-31-72.

Allen's Big Star, foodstore; Second Avenue and Sixth Street North, Amory, MS; 2-2-72.

Andy's Smorgasbord & Prime Rib, restaurant; 3350 Highland Drive, Salt Lake City, UT; 1-31-72.
31-72.

Angell's Super Valu, foodstore; 318 West Adams Street, Iron River, MI; 2-2-72.

Apostolic Christian Home, nursing home; 511 Paramount Street, Sabetha, KS; 2-3-71 to 1-31-72.

Art's Super Valu, foodstore; 116 Lindbergh Drive, Little Falls, MN; 1-31-72.

Ashton Brothers Co., foodstore; 125 West Main Street, Vernal, UT; 2-1-71 to 1-28-72.

B & G Grocery, foodstore; 202 North Broadway, Walters, OK; 1-30-72.

B. J.'s A. G. Food Store, foodstore; 2808 North 19th, Waco, TX; 1-21-72.

B & W Super Market, foodstore; Bethel, N.C.; 1-31-72.

Baenziger Model Market, foodstore; 510 Court, Sequin, TX; 1-31-72.

The Barrel Drive-In, Inc., restaurant; 2300 South Minnesota Avenue, Sious Falls, SD; 1-31-72.

Barrow Nursing Home, Inc., nursing home; 1338 East Chocolate Avenue, Hershey, PA; 1-31-72.

Bayless Drug Store, drugstore; No. 89, Phoenix, AZ; 1-31-72.

Becker's Super Valu, foodstore; Morgan, MN; 2-11-72.

Ben Franklin Store, variety-department stores: No. 5539, Tucson, AZ, 1-31-72; No. 1025, Chicago, IL, 2-9-72; 200 East Main Street, Anamosa, IA, 2-4-72; 2720 West Locust Street, Davenport, IA, 2-17-72.

Benjamin Hershey Memorial Convalescent Home, nursing home; 1810 Mulberry Avenue, Muscatine, IA; 2-3-71 to 1-29-72.

Bennett's Super Market, foodstore; 113 East Plant Avenue, Homerville, GA; 3-2-72.

H. Berkman & Co., foodstore; Simonton, TX; 1-23-72.

Bernhardt Hardware Inc., hardware store; 113 North Main Street, Salisbury, NC; 1-31-72.

Best Food Store, foodstore; 4737 Marlboro Pike, Coral Hills, MD; 2-10-72.

Bethany Home for the Aged, nursing home; 1005 Lincoln Avenue, Dubuque, IA; 1-22-72.

Big Daddy's IGA, foodstore; Willow Street, Providence, KY; 1-25-72.

Billy Sunday Retirement Home, nursing home; 6120 Morningside Avenue, Sioux City, IA; 1-31-72.

Biltmore Farms, agriculture; Biltmore, NC; 1-31-72.

Bishop Stoddard Cafeteria Co., restaurants, 1-31-72: Kimberly Road, Bettendorf, IA; 4444 First Avenue NE., Cedar Rapids, IA; 321 First Avenue SE., Cedar Rapids, IA; Brady and Second Streets, Davenport, IA; 4301 Fleur Drive, Des Moines, IA; Merle Hay Road at Douglas, Des Moines, IA; 524 Nebraska Street, Sioux City, IA; 1414 Douglas Street, Omaha, NE.

Bob Nolan's Super Market, Inc., foodstore; 1029 South Sixth Street, Paducah, KY; 2-15-72.

Bob's Grocery, foodstore; 200 First Avenue NE., Cairo, GA; 1-31-72.

Boehner's IGA Supermarket, foodstore; Milan, Mo.; 1-31-72.

The Brethren Home, nursing home; New Oxford, Pa.; 1-31-72.

Broaddus Super Market, Inc., foodstore; Highway 21 West, Caldwell, TX; 1-31-72.

Bryk Walgreen Agency Drugs, Inc., drugstore; Fox Valley Shopping Center, Cary, IL; 2-8-72.

Bud & Luke Restaurant, Inc., restaurant; 1919 Madison Avenue, Toledo, OH; 1-31-72.

Buddy Gray Supermarket, foodstore; Waldron, Ark.; 2-18-72.

Burger Chef, restaurant; 61 Hendersonville Road, Asheville, NC; 1-31-72.

Burnette Thriftown, foodstore; West Gate Plaza, Barnesville, Ga.; 1-31-72.

Burns Hyklas Grocery, foodstore, Braymer, Mo.; 1-31-72.

Butrus Food Center, Inc., foodstore; 4301 10th Avenue North, Birmingham AL; 1-31-72.

Calmar, Inc., foodstore; Uptown Plaza, Gallup, NM; 1-21-72.

Canfield Co., foodstore; George West, Tex.; 2-13-72.

Cap's Super Market, foodstore; 1000 Allo Street, Marrero, LA; 1-31-72.

Carson Pirie Scott & Co., variety-department store; 124 Southwest Adams, Peoria, IL; 1-31-72.

Carter Brothers, agriculture; 709 North First Street, Rolling Park, MS; 2-16-72.

Carter's Shopping Center, food store; 120 West Illinois, Vinita, OK; 1-31-72.

Carty's Department Store, variety-department store; 215 East Main Street, West Point, MS; 1-31-72.

Cheatham Stores, variety-department store; 533 Harrison, Pawnee, OK; 1-31-72.

Childs Super Market, foodstore; Railroad Street, Gray, Ga.; 2-11-72.

Clark Nursing Home, Inc., nursing home; Clark, S. Dak.; 1-31-72.

Coker-Hampton Drug Co., Inc., drugstore; 218 South Main, Stuttgart, AR; 2-12-72.

Conrad Marr Drug, drugstore; No. 1, Midwest City, Okla.; 1-21-72.

Convenient Food Mart Inc., foodstore; No. 309, Euclid, Ohio; 2-7-72.

Coplon-Smith Co., apparel store; 232 Middle Street, New Bern, NC; 1-31-72.

Covington Drug Co., drugstore; McKenzie, Tenn.; 1-29-72.

Creekmore's Food Center, foodstore; 217 West Market Street, Bolivar, TN; 1-31-72.

Crook's Food Mart, foodstore; Senoia, Ga.; 2-13-72.

Davis 5 & 10¢ Store, variety-department store; 4061 Barrancas Avenue, Warrington, FL; 1-31-72.

Diamond Food Store, foodstore; Ninth and Shawnee, Dewey, Okla.; 1-31-72.

The Diamonds, restaurant; Villa Ridge, Mo.; 2-12-72.

Dick's IGA Store, foodstore; Valley, Nebr.; 1-28-72.

Don's Super Market, Inc., foodstore; Oberlin, Kans.; 2-12-72 to 1-31-72.

Drake-Mangrum Super Market, foodstore; Batesville, Miss.; 2-15-72.

Eagle Stores Co., Inc., variety-department store; 337 Hay Street, Fayetteville, NC; 1-31-72.

Eastlawn Pharmacy, drugstore; 831 South Saginaw Road, Midland, MI; 2-17-72.

Edson's Grocery, foodstore; Stanberry, Mo.; 1-31-72.

Egg-A-Day Farm Store, foodstore; 217 South 77th Street, Birmingham, AL; 1-31-72.

Ehlers of Redwood Falls, Inc., variety-department store; Redwood Falls, Minn; 1-31-72.

Eikenberry's IGA Foodliners, Inc., foodstore; 1120 Dayton Road, Greenville, OH; 1-31-72.

Erdman Country Market Super Valu, foodstore; 204 North Main, Stewartville, MN; 1-31-72.

F & F Grocery, Inc., foodstore; Lake View, S.C.; 1-31-72.

Ferri Super Market, Inc., foodstore; Old William Penn Highway, Murrysville, Pa.; 2-8-72.

Fischer's Colonial Pharmacy, drugstore; Publix Shopping Center, Kendallville, Ind.; 2-5-72.

Foodland, foodstores; 324 East Pine Street, Fitzgerald, GA, 1-31-72; Lexington, Okla., 2-11-72.

Franks, Inc., foodstore; 113 West McCord Avenue, Albertville, AL; 2-4-72.

Frank's United Super, foodstore; Norborne, Mo.; 1-31-72.

Franz Store, foodstore; Mountain Lake, Minn.; 1-31-72.

G & L Foods, Inc., foodstore; 101 South Wilson, Cleveland, TX; 2-5-72.

George Ade Memorial Hospital, hospital; Brook, Ind.; 1-31-72.

Geri's hamburgers, restaurant, 2-9-72; 5518 North Second Street, Loves Park, IL; 3509 East State Street, Rockford, IL.

Getz IGA Store, foodstore; Hoxie, Kans.; 2-16-72.

Gibson General Hospital, Inc., hospital; Trenton, Tenn.; 2-10-72.

Gockel IGA, foodstore; St. Marys, Kans.; 2-17-71 to 1-31-72.

Goldblatt Bros., Inc., variety-department store; 645 Broadway, Gary, IN; 1-23-72.

Golden Arches, Inc., restaurant; 2010 Highway 41 North, Evansville, IN; 1-31-72.

The Goldenrod, restaurant; Railroad Avenue, York Beach, Maine; 2-24-72.

Graham's Department Store, Inc., variety-department store; 124-126 South Main Street, Red Springs, NC; 1-31-72.

Green Derby Restaurant, restaurant; 1510 Ellis Avenue, Jackson, MS; 1-29-72.

Gross Food Market, foodstore; 3012 Bosque Boulevard, Waco, TX; 1-31-72.

Grover Cronin, Inc., variety-department store; 223 Moody Street, Waltham, MA; 1-31-72.

Hahn's Inc., foodstore; 101 West Main, Belle Plaine, MN; 1-31-72.

Hammell's Cash Store, foodstore; 404 Patterson Street, Trumann, AR; 2-8-72.

Harmon Food Center, foodstore; 202 North Washington, Lake Mills, IA; 2-12-72.

Harry Minkovitz, Inc., variety-department store; 124 Main Street, Sylvania, GA; 1-20-72.

Headlands Consolidated Inc., drugstore; 4697 Corduroy Road, Mentor, OH; 1-26-72.

The Hickory House, restaurant; 2300 North 18th Street, Waco, TX; 2-3-72.

Hogan's Super Market, foodstore; 2936 Cypress Street, West Monroe, LA; 1-31-72.

Hollberg's, variety-department store; 306-310 Main Street, Senoia, GA; 1-31-72.

Independent Food Center, Inc., foodstore; 5913 Avenue D, Fairfield, AL; 1-31-72.

Irving's Super Market, foodstore; 2029 Savannah Road, Augusta, GA; 1-31-72.

Jacobs Cash Market, foodstore; 841 East Washington Street, Louisville, KY; 1-27-72.

W. H. Jarrard Grocery & Oil Co., foodstore; Marietta, S.C.; 1-31-72.

Jay's IGA Foodliner, foodstore; 425 South Jefferson, Mexico, MO; 1-31-72.

John Gray & Son Big Star, foodstore; No. 8, Memphis, Tenn.; 2-14-72.

John's Market, foodstore; 838 North Fourth, Big Rapids, MI; 2-21-72.

Johnson's Super Market, foodstore; East Washington Street, Bedford, Va.; 2-17-72.

Kay Baum, Inc., apparel store; 166 West Maple, Birmingham, MI; 2-18-72.

Kelloff's Food Market Inc., foodstore; La Jara, Colo.; 1-31-72.

Kemper Drugs, drugstore; 838 Jackson Avenue, Elk River, MN; 1-31-72.

King's Food Host, U.S.A., restaurant; 330 South College Avenue, Fort Collins, CO; 1-20-72.

La Verna Heights, nursing home; 104 East Park Avenue, Savannah, MO; 2-15-72.

Langston's Grocery, foodstore; West Blocton, Ala.; 1-31-72.

Lazenby's, foodstore; 1327 North Ripley Street, Montgomery, AL; 2-3-72.

Leggett's Super Market, foodstore; 403 John Small Avenue, Washington, NC; 1-31-72.

Leon's Food Mart, Inc., foodstore; 2200 Winthrop Road, Lincoln, NE; 1-31-72.

Lesman's Market Inc., foodstore; 119 East Patterson Street, Kalamazoo, MI; 2-5-72.

Liberty Cash Grocery, foodstore; No. 42, Winona, Miss.; 2-17-72.

Long's Food Market, foodstore; 1114 Main Street, Bastrop, TX; 1-28-72.

Louis Menotti Food Store, foodstore; 1502 21st Street, Galveston, TX; 2-2-72.

Louis Weiner Memorial Hospital, hospital; Marshall, Minn.; 1-31-72.

Lumbard-Leschinskt Studio, photo studio; 109 East Third Street, Grand Island, NE; 2-12-71 to 2-4-72.

Luther Haven Nursing Home, nursing home; East Highway No. 7, Montevideo, MN; 2-16-72.

Lydia Mills Store, variety-department store; Poplar Street, Clinton, S.C.; 1-31-72.

Lynch Motor Co., auto dealer; Lebanon, Va.; 1-31-72.

Mac's Store, foodstore; 202 Thomas Avenue, Chickamauga, GA; 1-31-72.

Manly Drug, Inc., drugstore; 621 G Avenue, Grundy Center, IA; 2-18-72.

Mapes Nursing Home, nursing home; 609 18th Street, Hawarden, IA; 1-21-71 to 12-28-71.

Mars Brothers, Inc., variety-department store; Philadelphia, Miss.; 1-26-72.

Mason's Market, foodstore; Minden, Nebr.; 2-8-71 to 1-31-72.

McAdoos', apparel store; 146-147 Public Square, Lebanon, TN; 1-27-72.

McCalmont IGA Store, foodstore; Sublette, Kans.; 1-31-72.

McCoy's Pharmacy, drugstore; 139 East North Front, New Boston, TX; 1-31-72.

McCulley's Big Saver, foodstore; 35 South Main Street, Montevallo, AL; 1-22-72.

McDonald's Hamburgers, restaurants: 7716 Metcalf, Overland Park, KS, 2-15-72; 4900 Swope Parkway, Kansas City, MO, 2-15-72; 11700 East 24 Highway, Sugar Creek, MO, 2-3-72.

McGinley Market, foodstore; 102 South Polk Street, Albany, MO; 1-31-72.

McKee's IGA Super Market, foodstore; 503 North Main, Blue Rapids, KS; 1-31-72.

McKey & Vine Grocery & Market, foodstore; Centreville, Miss.; 1-31-72.

McNulty's Food Market, foodstore; 101 South Cass Street, Morley, MI; 2-1-72.

McRae's Inc., variety-department stores, 2-6-71 to 11-20-71; 905 Ellis Avenue, Jackson, MS; 353 Meadowbrook Road, Jackson, MS.

Meador's Pharmacy, drugstore; 101 West Waterman, Dumas, AR; 1-31-72.

Meeker County Memorial Hospital, hospital; 612 South Sibley, Litchfield, MN; 1-28-72.

Metzger Stores, service station; 1399 Diamond Drive, Los Alamos, NM; 2-17-72.

Midwest Covenant Home, Inc., nursing home; Stromsburg, Nebr.; 2-17-71 to 1-26-72.

Miller Drug Stores, Inc., drugstore; 2309 Como Avenue, St. Paul, MN; 2-4-72.

Miller's Supermarket, Inc., foodstore; 702 South Main, Moab, UT 2-18-71 to 2-12-72.

Minute Man, restaurant; No. 1, Little Rock, Ark.; 1-31-72.

Mr. Smorgasbord Restaurant, restaurant; U.S. 6 and McCool Road, Valparaiso, IN; 1-31-72.

Montross Pharmacy Inc., drugstore; 118-120 North First Avenue, Winterset, IA; 1-31-72.

Mount St. Joseph Nursing Home, nursing home; Highwood Street, Waterville, Maine; 2-15-72.

Myatt Brothers Food Store, foodstore; Purvis, Miss.; 1-31-72.

Newton's Red & White Super Market, foodstore; 120 East Wilson Street, Farmville, NC; 2-10-72.

Nipple Convalescent Home, nursing home; Thompsontown, Pa.; 2-9-72.

Nu-Way Grocery, foodstore; 104 East Broadway, Drumright, OK 1-31-72.

O K Market Co., foodstore; 514 North Saginaw Street, Holly, MI; 1-28-72.

Osborn Market, foodstore; Miller, S. Dak.; 2-16-72.

Pak-A-Sak Food Stores, Inc., foodstores, 1-31-72: 206 North East Street, Kinston, NC; 1400 Arendell Street, Morehead City, NC.

Palace Drug Co., Inc., drugstore; 704 North Manhattan, Manhattan, KS; 2-16-72.

Palmer's Super Market, foodstore; Parkersburg, Iowa; 2-16-71 to 1-31-72.

Parkers Supermarket, foodstore; Highway 82 East, New Boston, Tex.; 1-31-72.

Parks Food Center, Inc., foodstore; 4014 North Cherry Street, Winston-Salem, NC; 2-1-72.

Payant Drug Co., drugstore; 402-404 Central Avenue, Faribault, MN; 1-28-72.

Pence-Garnett, Inc., foodstore; Highway 59 North, Garnett, Kans.; 2-4-72.

People's, Inc., variety-department store; Espanola, N. Mex.; 1-31-72.

The Peoples Store of Roseland, variety-department store; 11201 South Michigan Avenue, Chicago, IL; 1-31-72.

Pleasant Grove Hospital, hospital; 9911 La Grange Road, Anchorage, KY; 2-17-72.

Pleasantville IGA Market, foodstore; Columbus and Main Streets, Pleasantville, OH; 2-17-72.

Polaykoff Food Market, foodstore; 1001 Court Street, Sioux City, IA; 2-16-71 to 1-31-72.

Powell's Red & White, foodstore; St. Stephens, S.C.; 1-31-72.

Powers Market, foodstore; 301 Hillsboro Highway, Manchester, TN; 2-14-72.

Prenger's Inc., restaurant; 116 East Norfolk Avenue, Norfolk, NE; 2-16-71 to 1-31-72.

Raymond's Clothes Shop, apparel store; 614 Fourth Street, Sioux City, IA; 2-1-72.

Ream's Bargain Annex, Inc., foodstore; No. 2, Salt Lake City, Utah; 1-31-72.

Regal Baker's IGA Food Store, foodstore; Highway 79 South, McKenzie, Tenn.; 2-19-72.

Richardsons Super Food Market, foodstore; Estes Park, Colo.; 2-11-72.

S & V Super Market, foodstore; Washington Street, Williamston, N.C.; 1-31-72.

Sacred Heart Hospital, hospital; West Fourth Street, Yankton, S. Dak.; 1-31-72.

St. Joseph Hospital, hospital; North Church Street, Hazleton, Pa.; 1-31-72.

St. Paul Hermitage, nursing home; 501 North 17th Avenue, Beech Grove, IN; 1-31-72.

Salem Lutheran Homes, nursing home; Elk Horn, Iowa; 1-31-72.

The Salida Boys Market Inc., foodstore; 312 F Street, Salida, CO; 1-25-72.

Samhat Brothers Food Mart, foodstore; 27222 Grand River, Detroit, MI; 2-17-72.

Sam's Super Market, foodstore; 2135 South Minnesota Avenue, Sioux Falls, SD; 1-31-72.

Sanitary Bakery, foodstore; 121 East Broadway, Little Falls, MI; 1-31-72.

Schensul's Cafeteria, Inc., restaurant; 1036 28th Street SW., Wyoming, MI; 1-31-72.

Schneider's IGA Market, foodstore; 512 South Blackhoof Street, Wapakoneta, OH; 1-26-72.

Schulenberg's Super Valu, Inc., foodstore; Wells, Minn.; 2-2-72.

Seikel's Department Store, variety-department store; McLoud, Okla.; 2-11-72.

Sheheen Brothers Grocery, foodstore; 945 Broad Street, Camden, SC; 1-27-72.

Shelbyville Key Market, foodstore; 4560 East, Shelbyville, KY; 1-24-72.

Shelton Grocery, foodstore; 107 South Main, Waurika, OK; 2-10-72.

Shines Thriftway, foodstore; 105 South Michigan Avenue, Manton, MI; 1-31-72.

Shop-Rite, Inc., foodstore; Trenton, Ga.; 2-1-71 to 1-28-72.

Simon Neustadt Co., Inc., foodstore; Los Lunas Shopping Centre, Los Lunas, N. Mex.; 2-17-72.

Smathers Market, foodstore; 118 Main Street, Canton, NC; 1-22-72.

Smith Drug Stores, Inc., drugstore; 614 West Sixth Street, Junction City, KS; 1-31-72.

Snyder's, variety-department store; Winslow, Ind.; 2-9-72.

Spalding Manor, hospital; Spalding, Nebr.; 2-12-71 to 1-31-72.

S. L. Spotto Co., hardware store; 805 West Crawford Avenue, Connellsville, PA; 1-31-72.

Stephens Super Foods, foodstore; Vienna, Ga.; 1-31-72.

Sturm's Youth World, apparel store; 535 Main Street, Oak Ridge, TN; 2-3-72.

Sunflower Food Store, foodstore; No. 25, Hollandale, Miss.; 2-18-72.

Super Drive-Ins, foodstores, 2-18-72; No. 3, Clarksville, Tenn.; No. 1, Nashville, Tenn.

Sutton Super Market, foodstore; Williamsburg, Ky.; 2-14-72.

Tates, variety-department store; Heavenger, Okla.; 1-25-72.

Thompson Foodland, foodstore; Grand Junction, Iowa; 2-8-71 to 1-31-72.

Thriftway, foodstore; No. 302, Blue Ridge, Va.; 1-28-72.

Tomlinson Stores, Inc., variety-department store; West Main Street, Dillon, S.C.; 2-12-72.

Tower Super Markets, Inc., foodstore; Prospect Park, Emporium, Pa.; 1-26-72.

T. A. Turner & Co., Inc., variety-department store; Pink Hill, N.C.; 1-31-72.

Tuten's Red & White, foodstore; Estill, S.C.; 1-21-71 to 8-11-71.

The Union Grocery Co., Inc., foodstore; Gary, W. Va.; 2-12-72.

V & M Drugs, drugstore; 108 South Main, Temple, TX; 1-31-72.

Vista at Manhattan, Inc., restaurant; 1911 Tuttle Creek Boulevard, Manhattan, KS; 1-31-72.

Walgren's Market, Inc., foodstore; 204 East Washington Street, Mount Pleasant, IA; 1-29-72.

Wall Drug Store, Inc., drugstore; Wall, S. Dak.; 1-31-72.

Ward Hotel Motor Inn, hotel; 102 South Main Street, Aberdeen, SD; 1-20-72.

Warshaw's, Inc., apparel store; 216 Washington Street, Walterboro, SC; 2-6-72.

Washington Nursing Center, Inc., nursing home; 1110 New Castle Road, Washington, IL; 1-31-72.

Wayside Market, foodstore; Route 2, Radford, Va.; 1-23-72.

Webb's City, Inc., variety-department store; 128 Ninth Street South, Saint Petersburg, FL; 1-31-72.

Welch's Red & White, foodstore; Isle of Palms, Charleston, S.C.; 1-31-72.

Westgate Pharmacy, drugstore; 1300 Norfolk Avenue, Norfolk, NE; 2-18-72.

Whitehurst & Son, foodstore; Hobgood, N.C.; 1-31-72.

White's City, Inc., motel; White's City, N. Mex.; 2-1-72.

Whitman's Nursing Home, nursing home; 1876 East Grand Boulevard, Detroit, MI; 1-31-72.

Wilharm Pharmacy, drugstore; 3759 Chicago Avenue, Minneapolis, MN; 1-31-72.

Wilke's Sure Save, foodstores, 1-31-72; 118 South Main, Elkader, IA; 108 West Center, Monona, IA.

Wil Mar Convalescent Home, nursing home; 45305 Cass Avenue, Utica, MI; 2-10-72.

Wilson Food Store, foodstore; 1033 North Second, Merkel, TX; 1-31-72.

Winnebago Super Valu, foodstore; Winnebago, Minn.; 1-21-72.

Wolcottville Economy Store, Inc., foodstore; Wolcottville, Ind.; 1-31-72.

Womacks Minimax, foodstore; 1411 Ahrens Street, Houston, TX; 1-31-72.

Wong's Foodland, foodstore; 520 Anderson Boulevard, Clarksdale, MS; 1-31-72.

Woodbury Market, foodstore; Woodbury, Tenn.; 1-31-72.

The following certificates were issued to establishments relying on the base-year employment experience of other establishments, either because they came into existence after the beginning of the applicable base year or because they did not have available base-year records. The certificates permit the employment of full-time students at rates of not less than 85 percent of the statutory minimum in the classes of occupations listed, and provide for the indicated monthly limitations on the percentage of full-time student hours of employment at rates below the applicable statutory minmium to total hours of employment of all employees.

A & R Food Store, Inc., foodstores. for the occupations of stock clerk, produce clerk, carryout, meat clerk, 19 to 25 percent, 2-14-72; Brent, Ala.; Calera, Ala.; 202 Seventh Street South, Clanton, AL; 2421 Broad Street, Selma, AL.

Abel's Pharmacy, Inc., drugstore; 3421 Spencer Highway, Pasadena, TX; fountain clerk, salesclerk, delivery clerk, cleanup; 14 to 20 percent; 2-19-72.

Ashcraft Market, foodstores; 202 East Cedar Street, Gladwin, MI; stock clerk, carryout; 15 to 27 percent; 2-6-72.

Baenziger Model Market, foodstore; 580 Coreth Drive, New Braunfels, TX; stock clerk, carryout, package clerk; 10 percent; 1-31-72.

Ben Franklin Store, variety-department store; No. 0376, Flint, Mich.; salesclerk, cashier, cleanup; 20 percent; 2-9-72.

Big Bee Market, foodstore; 600 South State Road, Marysville, PA; stock clerk, checkout, bagger; 6 to 8 percent; 2-17-71 to 2-9-72.

Bill's Super Market, foodstore; Schleswig, Iowa; carryout, stock clerk, bagger, janitorial, bottle sorter; 18 to 29 percent; 1-26-72.

Bishop Stoddard Cafeteria Co., restaurant; Kennedy Mall, Dubuque, Iowa; tray carrier, counter server, bus helper; 0 to 20 percent; 1-31-72.

Blooming Prairie Super Valu, foodstore; Blooming Prairie, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-21-72.

Brittany Buffet, restaurants, for the occupation of general restaurant worker, 4 to 22 percent, 2-8-72: Nos. 601 and 602, San Antonio, Tex.

Buddy's Discount Foods, foodstore; 1011 Matchitoches Street, West Monroe, LA; package clerk; 10 to 15 percent; 1-31-72.

California Superama, Inc., foodstore; Fourth and Aztec, Gallup, NM; bagger, carryout, meat counter helper, janitorial; 10 percent; 1-21-72.

Carter's Food Center; foodstore; 305 South McQuarrie, Wagoner, OK; carryout, stock clerk; 7 to 15 percent; 1-31-72.

Carter's, Inc., apparel store; 114 West Illinois, Vinita, OK; stock clerk, maintenance; 5 to 17 percent; 1-31-72.

Chatfield Super Valu, foodstore; Chatfield, Minn.; carryout, checker, cleanup, stock clerk; 14 to 21 percent; 1-21-72.

D & D MR A G, foodstore; Hoxie, Kans.; bagger, stock clerk, carryout; 14 to 30 percent; 1-31-72.

D & L Market, foodstore; 201 Main, Forreston, IL; stock clerk, carryout, bagger; 12 to 25 percent; 2-9-72.

Dixie Kitchen, restaurant; 1114 West 103d Street, Kansas City, MO; general restaurant worker; 23 to 27 percent; 2-17-72.

Eagle Stores Co., Inc., variety-department stores, for the occupations of salesclerk, stock clerk, 1-31-72, except as otherwise indicated: 271 East Main Street, Forest City, NC (stock clerk, salesclerk, checker), 13 to 60 percent; No. 30, Hemingway, S.C., 10 percent; No. 7, Elizabethton, Tenn. 9 to 18 percent; 2-1-72.

Economy Super Market, Inc., foodstore; Route 3, Clendenin, W. Va.; carryout; 10 to 12 percent; 2-1-72.

Eikenberry's IGA Foodliners, Inc., foodstore; Wagner and Russ Roads, Greenville, Ohio; stock clerk, carryout; 16 to 17 percent; 1-31-72.

Food Masters Super Market, foodstore; 5614 Central Avenue SW., Albuquerque, NM; cleanup, carryout; 16 to 18 percent; 2-3-72.

Gaylord Super Valu, foodstore; Gaylord, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-21-72.

Giant Food Markets, Inc., foodstore; No. 1, Kingsport, Tenn.; carryout, cashier, stock clerk; 20 to 22 percent; 1-31-72.

Goldblatt Bros., Inc., variety-department store; McKinley and Hickory Road, Mishawaka, IN; salesclerk, stock clerk; 5 to 7 percent; 1-23-72.

Haddad's, Inc., apparel store; 4825 McCorkie Avenue SW., South Charleston, WV; salesclerk; 5 to 23 percent; 1-31-72.

Hardy Super Market, Inc., foodstore; Shepherdsville, Ky.; carryout, stock clerk; 14 to 25 percent; 2-12-72.

Harrell's Table Supply, Inc., foodstore; Second Street, Soperton, Ga.; bagger, stock clerk; 29 to 42 percent; 1-31-72.

Harry Lenda, Inc., foodstore; 6121 Cass City Road, Cass City, MI; carryout, stock clerk; 13 to 20 percent; 1-31-72.

Hoosier Drugs, drugstore; 1301 119th Street, Whiting, IN; stock clerk, clerk-cashier, office clerk, delivery clerk; 19 to 25 percent; 2-8-72.

Hugh & Jessie Bennington, foodstore; Farmers Market, Cheney, Kans.; sacker, cleanup; 7 to 10 percent; 1-31-72.

International House of Pancakes, restaurant; 5171 Chouteau, Kansas City, MO; busboy (girl), kitchen helper, takeout clerk; 14 to 24 percent; 2-3-72.

Jennings Market, foodstore; 103 West Dakota Street; Butler, MO; stock clerk, carryout; 16 to 45 percent; 1-31-72.

Kay Baum, Inc., apparel stores, for the occupation of stock clerk, 4 to 21 percent, 2-18-72: Liberty at Thompson, Ann Arbor, MI; 16822 Kercheval, Detroit, MI; 1550 Woodward Avenue, Detroit, MI.

Kay's Affiliated Food Store, foodstore; 316 Main Street, Winona, TX; stock clerk, sacker, carryout; 20 to 22 percent; 1-31-72.

Kelloff's, Inc., foodstore; Antonito, CO; stock clerk, carryout; 4 to 28 percent; 2-19-72.

Land of OZ Grocery, foodstore; 126 East Main Street, Yukon, OK; sacker, carryout, stockclerk, checker; 38 to 45 percent; 2-13-72.

LeSueur Super Valu, foodstore; LeSueur, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-21-72.

Lovett's IGA Foodliner, foodstore; Carmack Boulevard, Columbia, TN; stock clerk, bagger; 12 to 15 percent; 2-3-72.

McDonald's Hamburgers, restaurants, for the occupation of general restaurant worker, 31 to 58 percent, 2-14-72, except as otherwise indicated; 290 East 69 Highway, Claycomo, MO; 4002 North Oak Street, Kansas City, MO (27 to 61 percent, 2-17-72); 3115 Raytown Road, Kansas City, MO; 8020 South 71 Highway, Kansas City, MO (1-28-72); 9066 East 50 Highway, Raytown, MO (27 to 61 percent).

Milaca Area Hospital, hospital; 150 10th Street NW., Milaca, MN; nurse's aide, dietary aide, housekeeping aide, laundry aide, office clerk; 3 to 5 percent; 1-31-72.

Milo's AG Market, foodstore; 204 South State Street, Preston, ID; bakery clerk, meat wrapper, stock clerk, carryout; 21 to 25 percent; 1-31-72.

Mr. Smorgasbord, Inc., restaurants, for the occupations of food preparer, busboy (girl), cashier, dishwasher, cleanup, 54 to 82 percent, 1-31-72, except as otherwise indicated: 6933 Indianapolis Boulevard, Hammond, IN; 136 East McKinley, Mishawaka, IN; 2800 Niles Avenue, St. Joseph, MI (2-1-72).

Newman's, apparel store; 4027 Franklin Street, Michigan City, IN; office clerk, stock clerk, marking clerk, fitting room checker; 8 to 9 percent; 2-2-72.

Pak-A-Sak Food Stores Inc., foodstore; Highway 24, Swansboro, NC; bagger, carryout; 9 to 10 percent; 1-31-72.

Pence-Ottawa North, Inc., foodstore; 305 North Main, Ottawa, KS; stock clerk, carryout, janitorial, bagger, cashier; 8 to 25 percent; 1-29-72.

Piggly Wiggly, foodstores, for the occupation of bagger, 1-31-72, except as otherwise indicated: 410 North Main Street, Arab, AL, 9 to 15 percent; Wright Shopping Center, Fort Walton Beach, Fla., 9 to 10 percent (1-21-72); 1165 27th Street, Columbus, GA, 10 to 13 percent (janitorial, bagger, bottle clerk).

Prince, Inc., foodstores, for the occupation of bagger: Brooks-Plaza Shopping Center, Fort Walton Beach, Fla., 10 percent, 1-20-72; Towncrest Shopping Center, Fort Walton Beach, Fla., 9 to 10 percent, 2-5-72.

Professional Services, restaurants, for the occupation of general restaurant worker, 4 to 22 percent, 2-8-72: Nos. 652 and 653, San Antonio, Tex.

Ream's Bargain Annex, Inc., foodstores, for the occupations of stock clerk, cleanup, bagger, 26 to 33 percent, 1-31-72: No. 5, Bountiful, Utah; No. 6, Salt Lake City, Utah; 4750 South Redwood Road, Taylorsville, UT.

Red & White Super Market, foodstore; 1503 Highland Avenue, Montgomery, AL; bagger, stock clerk; 10 to 21 percent; 2-17-72.

Rhea's, Inc., foodstore; Allegheny Center Mall, Pittsburgh, Pa.; salesclerk; 18 to 27 percent; 2-19-72.

Rushing & Swope Maverick Steak House, Inc., restaurant; Pasadena, Tex.; dishwasher, busboy (girl), cook, cleanup, janitorial, serving line helper; 20 to 21 percent; 2-16-72.

Saxons Sandwich Shoppe, restaurant; 2610 East Belt Line SE., Grand Rapids, MI; busboy (girl), coffee girl (boy), counterworker, dishwasher, food preparer, short order cook; 49 to 77 percent; 1-31-72.

Schensul's Cafeteria, Inc., restaurant; 3635 28th Street, Grand Rapids, MI; busboy (girl), coffee girl (boy), counter worker, dishwasher, food preparer, short order cook; 49 to 77 percent; 1-31-72.

Style Shop Inc., apparel store; 420 South Main Street, Elkhart, IN; office clerk, stock clerk, marking clerk, fitting room checker; 8 to 9 percent; 2-2-72.

Thornton & Thornton, foodstore; Odem, Tex.; carryout, stock clerk; janitorial; 12 to 25 percent; 2-8-72.

Top Save Department Store, Inc., variety-department store; Westgate Plaza, Streator, Ill.; salesclerk; 10 to 33 percent; 1-21-72.

Tower Super Markets, Inc., foodstore; Million Dollar Highway, Weedville, Pa.; checker, carryout, stock clerk, clerk, meat and produce wrapper; 17 to 37 percent; 1-26-72.

Vista at Emporia, Inc., restaurant; 825 West Sixth Street, Emporia, KS; cashier, fountain clerk, cook, dishwasher, general restaurant worker; 4 to 34 percent; 2-1-72.

Wabasha Super Valu, foodstore; Wabasha, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-21-72.

Walgren's Market, Inc., foodstore; West Main Street, New London, Iowa; carryout, stock clerk, checker, meat clerk; 13 percent; 2-12-71 to 1-29-72.

Whetstone Valley Nursing Home, nursing home; 1103 South Second Street, Milbank, SD; waiter-waitress, kitchen helper, tray carrier, yard worker; 4 to 18 percent; 2-12-71 to 12-30-71.

Wilke's Sure Save, foodstore; 124 Main Street, Fredericksburg, Iowa; checker, stock clerk, carryout; 17 to 26 percent; 1-31-72.

Willard's IGA, foodstore; Sixth and Pacific, Osawatomie, KS; stock clerk, sacker, carryout; 4 to 14 percent; 2-12-71 to 1-31-72.

Wood's 5 & 10¢ Store, variety-department store; West Hudson Street, Fayetteville, NC; salesclerk, stock clerk; 9 to 20 percent; 2-2-72.

Zumbrota Super Valu, foodstore; Zumbrota, Minn.; carryout, cleanup, checker, stock clerk; 14 to 21 percent; 1-21-72.

Each certificate has been issued upon the representations of the employer which, among other things, were that employment of full-time students at special minimum rates is necessary to prevent curtailment of opportunities for employment, and the hiring of full-time students at special minimum rates will not create a substantial probability of reducing the full-time employment opportunities of persons other than those employed under a certificate. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or consideration thereof within 30 days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 519.9.

Signed at Washington, D.C. this 14th day of May 1971.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[FR Doc.71-7169 Filed 5-21-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 19, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42204—*Ethylene Glycol to Atlanta, Ga.* Filed by O. W. South, Jr., agent (No. A6255), for interested rail carriers. Rates on ethylene glycol, in tank carloads, as described in the application, from Wilmington, N.C., to Atlanta, Ga.

Grounds for relief—Market competition.

Tariff—Supplement 57 to Southern Freight Association, agent, tariff ICC S-832.

FSA No. 42205—*Chlorine to Canton, N.C.* Filed by O. W. South, Jr., agent (No. A6256), for interested rail carriers. Rates on chlorine, in tank carloads, as described in the application, from specified points in West Virginia, to Canton, N.C.

Grounds for relief—Market competition.

Tariff—Supplement 125 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-611.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7187 Filed 5-21-71;8:49 am]

[Notice 693]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 19, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72805. By order of May 14, 1971, the Motor Carrier Board approved the transfer to Carolina Transit Lines of Charlotte, Inc., Charlotte, N.C., of the operating rights in Certificate No. MC-124473 (Sub-No. 1), issued April 16, 1964, to Clyde N. Herron and Robert P. Gaddy, a partnership, doing business as Carolina Transit Lines, Charlotte, N.C., authorizing the transportation of passengers and their baggage, in charter operations, during the season extending from June 1 to August 31, inclusive, of each year, between Charlotte, N.C., and the site of the Y.M.C.A. Fresh Air Camp situated on the Catawba River in York County, S.C., near the Buster Boyd Bridge. Dotson G. Palmer, 1215 American Building, Charlotte, NC 28202, attorney for applicants.

No. C-72809. By order of May 13, 1971, the Motor Carrier Board approved the transfer to Sharkey Transportation, Inc., Burlington, Iowa, of the operating rights in Certificate No. MC-123294 (Sub-No. 14), issued July 18, 1967 to Warsaw Trucking Co., Inc., Warsaw, Ind., authorizing the transportation of such commodities as are sold by retail mail order houses from Quincy, Ill., to points in Illinois, Missouri, Iowa, and Wisconsin. Martin J. Leavitt, 1800 Buhl Building, Detroit, MI 48226, Attorney for applicants.

No. MC-FC-72819. By order of May 14, 1971, the Motor Carrier Board approved the transfer to O'Neill Transfer Company, Inc., Portland, Oreg., of the operating rights in Certificate No. MC-78277 issued February 10, 1965, to McCabe Moving & Storage Co., a corporation, Portland, Oreg., authorizing the transportation of general commodities, with usual exceptions, between points within three miles of Portland, Oreg., including Portland; agricultural commodities and livestock, from points in Wasco, Sherman, Gilliam, Morrow, and Jefferson Counties, Oreg., to points served by railroads and to steamship docks in said counties, and livestock between points in Wasco County, Oreg., on the one hand, and, on the other, points in Clark, Skamania, Benton, Walla Walla, Franklin, and Adams Counties, Wash. Earle V. White, 2400 Southwest Fourth Avenue, Portland, OG 97201, attorney for applicants.

No. MC-FC-72820. By order of May 14, 1971, the Motor Carrier Board approved the transfer to P & C Trucking, Inc., Pinckneyville, Ill., of the operating rights in Certificate No. MC-125534 (Sub-No. 1), issued May 4, 1971, to Felix Frassato, Inc., Internal Revenue Service, successor in interest, Mt. Vernon, Ill., authorizing the transportation of lumber from specified counties in Indiana and Illinois to specified points and areas in Indiana, Wisconsin, Iowa and Missouri. Delmar O. Koebel, 107 West St. Louis Street, Lebanon, IL 62254, attorney for transferee.

No. MC-FC—72828. By order of May 10, 1971, the Motor Carrier Board approved the transfer to Stanley V. Majkut, doing business as Mobile Air Transport, Latham, Ill., of Certificate No. MC-125758, issued August 11, 1964, to Stanley Va. Majkut and Francis P. Rogers, a partnership, doing business as Mobile Air Transport, Schenectady, N.Y., authorizing the transportation of: General commodities, having a prior or subsequent movement by air (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), over a regular route, from and to the Albany County Airport, N.Y., serving all intermediate points, and the off-route points of Hoosick Falls, N.Y., and North Bennington, Vt., over a specified circuitous routing. W. Norman Charles, 80 Bay Street, Glenn Falls, NY 12801, attorney for applicants.

No. MC-FC-72850. By order of May 14, 1971, the Motor Carrier Board approved the transfer to Selective Transportation Corporation, West New York, N.J., of the operating rights in Certificate No. MC-1305 issued April 29, 1964, to Selective Transportation Corp., West New York, N.J., authorizing the transportation of: General commodities, usual exceptions, between points in New York, Connecticut, and New Jersey within 50 miles of Columbus Circle, New York, N.Y. William Biederman, 280 Broadway, New York, NY 10007, attorney.

No. MC-FC-72853. By order of May 14, 1971, the Motor Carrier Board approved the transfer to West Coast Moving & Storage, Inc., Long Beach, Calif. of Certificates Nos. MC-24435 and MC-24435 (Sub-No. 2), issued April 19, 1966 and November 7, 1969, respectively, to City Van & Storage, Santa Fe Springs, Calif. authorizing the transportation of household goods as defined by the Commission and used household goods between specified points in California. R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017, attorney for applicants.

No. MC-FC-72854. By order of May 14, 1971, the Motor Carrier Board approved the transfer to Shapiro-Lampert Express Co., Inc., Commack, N.Y., of Permits Nos. MC-127480 (Sub-No. 1), and MC-127480 (Sub-No. 3), issued to Lampert Trucking, Inc., Commack, N.Y., authorizing the transportation of: Wearing apparel and piece goods, between specified points in New York. Arthur J. Piken, 1 Lefrak City Plaza, Flushing, NY 11368, attorney.

No. MC-FC-72857. By order of May 14, 1971, the Motor Carrier Board approved the transfer to Dorothy L. Norton and Bradford Norton, a partnership, doing business as Norton's Bus and Taxi Co., Tyler Hill, Pa., of Certificate No. MC-79929, issued September 19, 1955, to William B. Coe and Grace E. Coe, a partnership, doing business as Coe's Taxi Service, Damascus, Pa., authorizing the transportation of passengers and their baggage, between Cochecton, N.Y., and Honesdale, Camp With-A-Wind, and Camp Swago, Pa. Kenneth R. Davis, 999 Union Street, Taylor, PA 18517, applicants' practitioner.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7188 Filed 5-21-71;8:49 am]

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PART II

DEPARTMENT OF THE INTERIOR

■

Bureau of Mines

■

Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas of Underground Coal Mines

Title 30—MINERAL RESOURCES

Chapter I—Bureau of Mines, Department of the Interior

SUBCHAPTER O—COAL MINE HEALTH AND SAFETY

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Pursuant to the authority vested in the Secretary of the Interior under paragraph (i) of section 101, and in accordance with the provisions of section 101 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801; Public Law 91–173), there was published in the FEDERAL REGISTER for December 19, 1970 (35 F.R. 19298), a notice of proposed rulemaking setting forth proposed mandatory safety standards which shall apply to all bituminous, anthracite, and lignite surface coal mines, including open pit and auger mines, and to the surface work areas of underground coal mines.

Interested persons were afforded a period of 45 days from the date of publication of the notice in which to submit written comments, suggestions or objections to the proposed Part 77. Approximately 26 associations, companies, and individuals submitted comments, suggestions, or objections. All were given careful and thorough consideration. A summary of the comments and an explanation of the actions taken with respect to them will be prepared by the Bureau of Mines and will be available 30 days from the date of this publication in the Office of the Deputy Director for Health and Safety, Room 4512, Bureau of Mines, Department of the Interior, Washington, DC 20240.

Some standards have been revised as suggested and in other instances revisions were made in view of the comments received, or to conform and clarify other provisions in view of changes and revisions which were made. Some of the suggestions could not be adopted because they were contrary to statutory provisions.

Part 77—Mandatory Safety Standards, Surface Coal Mines and Surface Work Areas of Underground Coal Mines—of Title 30, Code of Federal Regulations, Subchapter O—Coal Mine Health and Safety, as set forth below is herewith promulgated and shall become effective on July 1, 1971.

ROGERS C. B. MORTON,
Secretary of the Interior.

MAY 17, 1971.

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AUTHORITY: The mandatory safety standards for surface coal mines and surface work areas of underground coal mines set forth in this Part 77 are issued in accordance with the authority vested in the Secretary of the Interior under the provisions of §§ 101(i) and 508 of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742; 30 U.S.C. 801; Public Law 91–173).

Subpart A—General

§ 77.1 Scope.

This Part 77 sets forth mandatory safety standards for bituminous, anthracite, and lignite surface coal mines, including open pit and auger mines, and to the surface work areas of underground coal mines, pursuant to section 101(i) of the Federal Coal Mine Health and Safety Act of 1969.

§ 77.2 Definitions.

For the purpose of this Part 77, the term:

(a) "Active workings" means any place in a coal mine where miners are normally required to work or travel;

(b) "American Table of Distances" means the current edition of "The American Table of Distances for Storage of Explosives" published by the Institute of Makers of Explosives;

(c) "Barricaded" means to obstruct passage of persons, vehicles, or flying materials;

(d) "Berm" means a pile or mound of material capable of restraining a vehicle;

(e) "Blasting agent" means any material consisting of a mixture of a fuel and oxidizer which—

(1) Is used or intended for use in blasting;

(2) Is not classed as an explosive by the Department of Transportation;

(3) Contains no ingredient classed as an explosive by the Department of Transportation; and,

(4) Cannot be detonated by a No. 8 blasting cap when tested as recommended in Bureau of Mines Information Circular 8179.

(f) "Blasting area" means the area near blasting operations in which concussion or flying material can reasonably be expected to cause injury.

(g) "Blasting cap" means a detonator containing a charge of detonating compound, which is ignited by electric current, or the spark of a fuse. Used for detonating explosives.

(h) "Blasting circuit" means electric circuits used to fire electric detonators or to ignite an igniter cord by means of an electric starter.

(i) "Blasting switch" means a switch used to connect a power source to a blasting circuit.

(j) "Box-type magazine" means a small, portable magazine used to store limited quantities of explosives or detonators for short periods of time in locations at the mine which are convenient to the blasting sites at which they will be used.

(k) "Capped fuse" means a length of safety fuse to which a detonator has been attached.

(l) "Capped primer" means a package or cartridge of explosives which is specifically designed to transmit detonation to other explosives and which contains a detonator.

(m) "Certified" or "registered", as applied to any person means a person certified or registered by the State in which the coal mine is located to perform duties prescribed by this Part 77, except that, in a State where no program of certification or registration is provided or where the program does not meet at least minimum Federal standards established by the Secretary, such certification or registration shall be by the Secretary.

(n) "Detonating cord" or "detonating fuse" means a flexible cord containing a core of high explosive.

(o) "Detonator" means a device containing a small detonating charge that is used for detonating an explosive, including, but not limited to blasting caps, exploders, electric detonators, and delay electric blasting caps.

(p) "Electrical grounding" means to connect with the ground to make the earth part of the circuit.

(q) "Explosive" means any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion. Explosives include, but are not limited to black powder, dynamite, nitroglycerin, fulminate, ammonium nitrate when mixed with a hydrocarbon, and other blasting agents.

(r) "Flash point" means the minimum temperature at which sufficient vapor is released by a liquid or solid to form a flammable vapor-air mixture at atmospheric pressure.

(s) "Low voltage" means up to and including 660 volts, "medium voltage" means voltages from 661 to 1,000 volts, and "high voltage" means more than 1,000 volts.

(t) "Misfire" means the complete or partial failure of a blasting charge to explode as planned.

(u) "Primer" or "Booster" means a package or cartridge of explosive which is designed specifically to transmit detonation to other explosives and which does not contain a detonator.

(v) "Qualified person" means, as the context requires,

(1) An individual deemed qualified by the Secretary and designated by the operator to make tests and examinations required by this Part 77; and,

(2) An individual deemed, in accordance with the minimum requirements to be established by the Secretary, qualified by training, education, and experience, to perform electrical work, to maintain electrical equipment, and to conduct examinations and make tests of all electrical equipment.

(w) "Roll protection" means a framework, safety canopy, or similar protection for the operator when equipment overturns.

(x) "Safety can" means an approved container, of not over 5 gallons capacity, having a spring-closing lid and spout cover.

(y) "Safety fuse" means a train of powder enclosed in cotton, jute yarn, and waterproofing compounds, which burns at a uniform rate; used for firing a cap containing the detonating compound which in turn sets off the explosive charge.

(z) "Safety switch" means a sectionalizing switch that also provides shunt protection in blasting circuits between the blasting switch and the shot area.

(aa) "Secretary" means the Secretary of the Interior or his delegate.

Subpart B—Qualified and Certified Persons

§ 77.100 Certified person.

(a)(1) The provisions of this Part 77 require that certain examinations and tests be made by a certified person. A certified person within the meaning of these provisions is a person who has been certified in accordance with the provisions of paragraph (b) of this § 77.100 to perform the duties, and make the examinations and tests which are required by this Part 77 to be performed by a certified person.

(2) A person who has been so certified shall also be considered to be a qualified person within the meaning of those provisions of this Part 77 which require that certain examinations, tests and duties be performed by a qualified person, except those provisions in Subparts F, G, H, I, and J of this part relating to performance of electrical work.

(b) Pending issuance of Federal standards, a person will be considered, to the extent of the certification, a certified person to make examinations, tests and perform duties which are required by this Part 77 to be performed by a certified person:

(1) If he has been certified for such purpose by the State in which the coal mine is located; or

(2) If he has been temporarily certified for such purpose by the Secretary for periods of time not to exceed 6 months for each such temporary certification. The operator of the coal mine in which such person is employed shall make an application and a satisfactory showing that each such person has had at least 2 years experience at a coal mine or equivalent experience and such person demonstrates to the satisfaction of an authorized representative of the Secretary that he is able and competent to test for oxygen deficiency with a permissible flame safety lamp and to test for methane with a portable methane detector approved by the Bureau of Mines under Part 22 of this chapter (Bureau of Mines Schedule 8C), and to perform such other duties for which application for certification is made. Applications for temporary certification by the Secretary should be submitted in writing to the Health and Safety Activity, Bureau of Mines, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, PA 15213.

§ 77.101 Tests for methane and for oxygen deficiency; qualified person.

(a) The provisions of Subparts C, P, R, and T of this Part 77 require that tests for methane and for oxygen deficiency be made by a qualified person. A person is a qualified person for these purposes if he is a certified person for such purposes under § 77.100.

(b) Pending issuance of Federal standards, a person will be considered a qualified person for testing for methane and oxygen deficiency:

(1) If he has been qualified for this purpose by the State in which the coal mine is located; or

(2) If he has been qualified by the Secretary for these purposes upon a satisfactory showing by the operator of the coal mine that each such person has been trained and designated by the operator to test for methane and oxygen deficiency. Applications for Secretarial qualification should be submitted in writing to the Health and Safety Activity, Bureau of Mines, 4800 Forbes Avenue, Pittsburgh, PA 15213.

§ 77.102 Tests for methane; oxygen deficiency; qualified person, additional requirement.

Notwithstanding the provisions of § 77.101, on and after December 30, 1971, no person shall be a qualified person for testing for methane and oxygen deficiency unless he has demonstrated to the satisfaction of an authorized representative of the Secretary that he is able and competent to make such tests and the Bureau of Mines has issued him a current card which qualifies him to make such tests.

§ 77.103 Electrical work; qualified person.

(a) An individual is a qualified person within the meaning of Subparts F, G, H, I, and J of this Part 77, to perform electrical work (other than work on energized surface high-voltage lines) if he has been qualified as a mine electrician by the State in which the mine is located and if the State required, as a condition of qualification at least 1 year experience in performing electrical work.

(b) If the State in which the mine is located does not require as a condition of qualification at least 1 year experience in performing electrical work or if a State has no program for qualifying persons as mine electricians, the Secretary, pending issuance of Federal standards which will give recognition to practical experience, may temporarily qualify persons for this purpose, for periods of time not to exceed 6 months, for each temporary qualification if the operator of the coal mine in which such persons are employed makes an application and a satisfactory showing that each such person:

(1) Has been performing electrical work, including the inspection, testing, and maintenance of electrical equipment and circuits, for 1 year preceding the application, or

(2) Has equivalent experience.

Applications for temporary Secretarial qualification and renewals for an additional 6 months should be submitted in writing to the Health and Safety Activity, Bureau of Mines, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, PA 15213.

§ 77.104 Repair of energized surface high-voltage lines; qualified person.

An individual is a qualified person within the meaning of § 77.104 of this part for the purpose of repairing energized surface high-voltage lines only if he has had at least 2 years experience in electrical maintenance, and at least 2 years experience in the repair of energized high-voltage lines located on poles or structures.

§ 77.105 Qualified hoistman; slope or shaft sinking operation; qualifications.

(a) (1) A person is a qualified hoistman within the provisions of Subpart T of this part, for the purpose of operating a hoist at a slope or shaft sinking operation if he has at least 1 year experience operating a hoist plant or maintaining hoist equipment and is qualified by any State as a hoistman or its equivalency, or

(2) If a State has no program for qualifying persons as a hoistman, the Secretary may temporarily qualify persons for this purpose for periods of time not to exceed 6 months for each temporary certification if the operator of the slope or shaft sinking operation makes an application and a satisfactory showing that each such person has had 1 year experience in the operation of hoists.

(b) Applications for Secretarial qualification should be submitted to the Health and Safety Activity, Bureau of Mines, Department of the Interior, 4800 Forbes Avenue, Pittsburgh, PA 15213.

§ 77.106 Records of certified and qualified persons.

The operator of each coal mine shall maintain a list of all certified and qualified persons designated to perform duties under this Part 77.

§ 77.107 Training programs.

Every operator of a coal mine shall provide a program, approved by the Secretary, of training and retraining both qualified and certified persons needed to carry out functions prescribed in the Act.

§ 77.107–1 Plans for training programs.

On or before June 30, 1971, each operator shall submit to the District Manager of the Coal Mine Health and Safety District in which the mine is located a program or plan setting forth what, when, how, and where he will train and retrain persons whose work assignments require that they be certified or qualified. Such program shall provide: (a) For certified persons, annual training courses in the tasks and duties which they perform as certified persons, first aid, principles of mine rescue, and the provisions of this Part 77; and (b) for qualified persons, annual courses in performance of the tasks which they perform as qualified persons.

Subpart C—Surface Installations

§ 77.200 Surface installations; general.

All mine structures, enclosures, or other facilities (including custom coal preparation) shall be maintained in good repair to prevent accidents and injuries to employees.

§ 77.201 Methane content in surface installations.

The methane content in the air of any structure, enclosure or other facility shall be less than 1.0 volume per centum.

§ 77.201–1 Tests for methane; qualified person; use of approved device.

Tests for methane in structures, enclosures, or other facilities, in which coal is handled or stored shall be conducted by a qualified person with a device approved by the Secretary at least once during each operating shift, and immediately prior to any repair work in which welding or an open flame is used, or a spark may be produced.

§ 77.201–2 Methane accumulations; change in ventilation.

If, at any time, the air in any structure, enclosure or other facility contains 1.0 volume per centum or more of methane changes or adjustments in the ventilation of such installation shall be made at once so that the air shall contain less than 1.0 volume per centum of methane.

§ 77.202 Dust accumulations in surface installations.

Coal dust in the air of, or in, or on the surfaces of, structures, enclosures, or other facilities shall not be allowed to exist or accumulate in dangerous amounts.

§ 77.203 Use of material or equipment overhead; safeguards.

Where overhead repairs are being made at surface installations and equipment or material is taken into such overhead work areas, adequate protection shall be provided for all persons working or passing below the overhead work areas in which such equipment or material is being used.

§ 77.204 Openings in surface installations; safeguards.

Openings in surface installations through which men or material may fall shall be protected by railings, barriers, covers or other protective devices.

§ 77.205 Travelways at surface installations.

(a) Safe means of access shall be provided and maintained to all working places.

(b) Travelways and platforms or other means of access to areas where persons are required to travel or work, shall be kept clear of all extraneous material and other stumbling or slipping hazards.

(c) Inclined travelways shall be constructed of nonskid material or equipped with cleats.

(d) Regularly used travelways shall be sanded, salted, or cleared of snow and ice as soon as practicable.

(e) Crossovers, elevated walkways elevated ramps, and stairways shall be of substantial construction, provided with handrails, and maintained in good condition. Where necessary toeboards shall be provided.

(f) Crossovers shall be provided where it is necessary to cross conveyors.

(g) Moving conveyors shall be crossed only at designated crossover points.

§ 77.206 Ladders; construction; installation and maintenance.

(a) Ladders shall be of substantial construction and maintained in good condition.

(b) Wooden members of ladders shall not be painted.

(c) Steep or vertical ladders which are used regularly at fixed locations shall be anchored securely and provided with backguards extending from a point not more than 7 feet from the bottom of the ladder to the top of the ladder.

(d) Fixed ladders shall not incline backwards at any point unless provided with backguards.

(e) Fixed ladders shall be anchored securely and installed to provide at least 3 inches of toe clearance.

(f) Fixed ladders shall project at least 3 feet above landings,. or substantial handholds shall be provided above the landings.

§ 77.207 Illumination.

Illumination sufficient to provide safe working conditions shall be provided in and on all surface structures, paths, walkways, stairways, switch panels, loading and dumping sites, and working areas.

§ 77.208 Storage of materials.

(a) Materials shall be stored and stacked in a manner which minimizes stumbling or fall-of-material hazards.

(b) Materials that can create hazards if accidentally liberated from their containers shall be stored in a manner that minimizes the dangers.

(c) Hazardous materials shall be stored in containers of a type approved for such use by recognized agencies; such containers shall be labeled appropriately.

(d) Compressed and liquid gas cylinders shall be secured in a safe manner.

(e) Valves on compressed gas cylinders shall be protected by covers when being transported or stored, and by a safe location when the cylinders are in use.

§ 77.209 Surge and storage piles.

No person shall be permitted to walk or stand immediately above a reclaiming area or in any other area at or near a surge or storage pile where the reclaiming operation may expose him to a hazard.

§ 77.210 Hoisting of materials.

(a) Hitches and slings used to hoist materials shall be suitable for handling the type of materials being hoisted.

(b) Men shall stay clear of hoisted loads.

(c) Taglines shall be attached to hoisted materials that require steadying or guidance.

§ 77.211 Draw-off tunnels; stockpiling and reclaiming operations; general.

(a) Tunnels located below stockpiles, surge piles, and coal storage silos shall be ventilated so as to maintain concentrations of methane below 1.0 volume per centum.

(b) In addition to the tests for methane required by § 77.201 such tests shall also be made before any electric equipment is energized or repaired, unless equipped with a continuous methane monitoring device installed and operated in accordance with the provisions of § 77.211–1. Electric equipment shall not be energized, operated, or repaired until the air contains less than 1.0 volume per centum of methane.

§ 77.211–1 Continuous methane monitoring device; installation and operation; automatic deenergization of electric equipment.

Continuous methane monitoring devices shall be set to deenergize automatically electric equipment when such monitor is not operating properly and to give a warning automatically when the concentration of methane reaches a maximum percentage determined by an authorized representative of the Secretary which shall not be more than 1.0 volume per centum of methane. An authorized representative of the Secretary shall require such monitor to deenergize automatically electric equipment when the concentration of methane reaches a maximum percentage determined by such representative which shall not be more than 2.0 volume per centum of methane.

§ 77.212 Draw-off tunnel ventilation fans; installation.

When fans are used to ventilate draw-off tunnels the fans shall be:

(a) Installed on the surface;

(b) Installed in fireproof housings and connected to the tunnel openings with fireproof air ducts; and,

(c) Offset from the tunnel opening.

§ 77.213 Draw-off tunnel escapeways.

When it is necessary for a tunnel to be closed at one end, an escapeway not less than 30 inches in diameter (or of the equivalent, if the escapeway does not have a circular cross section) shall be installed which extends from the closed end of the tunnel to a safe location on the surface; and, if the escapeway is inclined more than 30 degrees from the horizontal it shall be equipped with a ladder which runs the full length of the inclined portion of the escapeway.

§ 77.214 Refuse piles; general.

(a) Refuse piles constructed on or after June 30, 1971, shall be located in areas which are a safe distance from all underground mine airshafts, preparation plants, tipples, or other surface installations and such piles shall not be located over abandoned openings or steamlines.

(b) Where new refuse piles are constructed over exposed coal beds the exposed coal shall be covered with clay or other inert material as the piles are constructed.

(c) A fireproof barrier of clay or inert material shall be constructed between old and new refuse piles.

(d) Roadways to refuse piles shall be fenced or otherwise guarded to restrict the entrance of unauthorized persons.

§ 77.215 Refuse piles; construction requirements.

(a) Refuse deposited on a pile shall be spread in layers and compacted in such a manner so as to minimize the flow of air through the pile.

(b) Refuse shall not be deposited on a burning pile except for the purpose of controlling or extinguishing a fire.

(c) Clay or other sealants shall be used to seal the surface of any refuse pile in which a spontaneous ignition has occurred.

(d) Surface seals shall be kept intact and protected from erosion by drainage facilities.

(e) Refuse piles shall not be constructed so as to impede drainage or impound water.

(f) Refuse piles shall be constructed in such a manner as to prevent accidental sliding and shifting of materials.

(g) No extraneous combustible material shall be deposited on refuse piles.

§ 77.216 Retaining dams; construction; inspection; records.

(a) If failure of a water or silt retaining dam will create a hazard, it shall be of substantial construction and shall be inspected at least once each week.

(b) Weekly inspections conducted pursuant to paragraph (a) of this § 77.216 shall be reported and the report shall be countersigned by any of the persons listed in paragraph (d) of § 77.1713.

Subpart D—Thermal Dryers

§ 77.300 Thermal dryers; general.

On and after June 30, 1971 dryer systems used for drying coal at high temperatures, hereinafter referred to as thermal dryers, including rotary dryers, continuous carrier dyes, vertical tray, and cascade dryers, multilouver dryers, suspension or flash dryers, and fluidized bed dryers, shall be maintained and operated in accordance with the provision of § 77.301 to § 77.306.

§ 77.301 Dryer heating units; operation.

(a) Dryer heating units shall be operated to provide reasonably complete combustion before heated gases are allowed to enter hot gas inlets.

(b) Dryer heating units which are fired by pulverized coal, shall be operated and maintained in accordance with the recommended standards set forth in the National Fire Protection Association Handbook, 12th Edition, Section 9, "Installation of Pulverized Fuel Systems," 1962.

§ 77.302 Bypass stacks.

Thermal dryer systems shall include a bypass stack, relief stack or individual discharge stack provided with automatic venting which will permit gases from the dryer heating unit to bypass the heating chamber and vent to the outside atmosphere during any shutdown operation.

§ 77.303 Hot gas inlet chamber dropout doors.

Thermal dryer systems which employ a hot gas inlet chamber shall be equipped with drop-out doors at the bottom of the inlet chamber or with other effective means which permit coal, fly-ash, or other heated material to fall from the chamber.

§ 77.304 Explosion release vents.

Drying chambers, dry-dust collectors, ductwork connecting dryers to dust collectors, and ductwork between dust collectors and discharge stacks shall be protected with explosion release vents which open directly to the outside atmosphere, and all such vents shall be:

(a) Hinged to prevent dislodgment;

(b) Designed and constructed to permit checking and testing by manual operation; and

(c) Equal in size to the cross-sectional area of the collector vortex finder when used to vent dry dust collectors.

§ 77.305 Access to drying chambers, hot gas inlet chambers and ductwork; installation and maintenance.

Drying chambers, hot gas inlet chambers and all ductwork is which coal dust may accumulate shall be equipped with tight sealing access doors which shall remain latched during dryer operation to prevent the emission of coal dust and the loss of fluidizing air.

§ 77.306 Fire protection.

Based on the need for fire protection measures in connection with the particular design of the thermal dryer, an authorized representative of the Secretary may require any of the following measures to be employed:

(a) Water sprays automatically actuated by rises in temperature to prevent fire, installed inside the thermal dryer systems, and such sprays shall be designed to provide for manual operation in the event of power failure.

(b) Fog nozzles, or other no less effective means, installed inside the thermal dryer systems to provide additional moisture or an artificial drying load within the drying system when the system is being started or shutdown.

(c) The water system of each thermal dryer shall be interconnected to a supply of compressed air which permits constant or frequent purging of all water sprays and fog nozzles or other no less effective means of purging shall be provided.

§ 77.307 Thermal dryers; location and installation; general.

(a) Thermal dryer systems erected or installed at any coal mine after June 30, 1971 shall be located at least 100 feet from any underground coal mine opening, and 100 feet from any surface installation where the heat, sparks, flames, or coal dust from the system might cause a fire or explosion.

(b) Thermal dryer systems erected or installed after June 30, 1971 may be covered by roofs, however, such systems shall not be otherwise enclosed unless necessary to protect the health and safety of persons employed at the mine. Where such systems are enclosed, they shall be located in separate fireproof structures of heavy construction with explosion pressure release devices (such as hinged wall panels, window sashes, or louvers), which provide at least 1 square foot of area for each 80 cubic feet of space volume and which are distributed as uniformly as possible throughout the structure.

§ 77.308 Structures housing other facilities; use of partitions.

Thermal dryer systems installed after June 30, 1971 in any structure which also houses a tipple, cleaning plant, or other operating facility shall be separated from all other working areas of such structure by a substantial partition capable of providing greater resistance to explosion pressures than the exterior wall or walls of the structure. The partition shall also include substantial, self-closing fire doors at all entrances to the areas adjoining the dryer system.

§ 77.309 Visual check of system equipment.

Frequent visual checks shall be made by the operator of the thermal dryer system control station, or by some other competent person, of the bypass dampers, air-tempering louvers, discharge mechanism, and other dryer system equipment.

§ 77.309–1 Control stations; location.

Thermal dryer system control stations constructed after June 30, 1971, shall be installed at a location which will give to the operator of the control station the widest field of visibility of the system and equipment.

§ 77.310 Control panels.

(a) All thermal dryer system control panels constructed after June 30, 1971 shall be located in an area which is relatively free of moisture and dust and shall be installed in such a manner as to minimize vibration.

(b) A schematic diagram containing legends which show the location of each thermocouple, pressure tap, or other control or gaging instrument in the drying system shall be posted on or near the control panel of each thermal drying system.

(c) Each instrument on the control panel shall be identified by a nameplate or equivalent marking.

(d) A plan to control the operation of each thermal dryer system shall be posted at or near the control panel showing a sequence of startup, normal shutdown, and emergency shutdown procedures.

§ 77.311 Alarm devices.

Thermal dryer systems shall be equipped with both audible and visual alarm devices which are set to operate when safe dryer temperatures are exceeded.

§ 77.312 Fail safe monitoring systems.

Thermal dryer systems and controls shall be protected by a fail safe monitoring system which will safely shut down the system and any related equipment upon failure of any component in the dryer system.

§ 77.313 Wet-coal feedbins; low-level indicators.

Wet-coal bins feeding thermal drying systems shall be equipped with both audible and visual low-coal-level indicators.

§ 77.314 Automatic temperature control instruments.

(a) Automatic temperature control instruments for thermal dryer system shall be of the recording type.

(b) Automatic temperature control instruments shall be locked or sealed to prevent tampering or unauthorized adjustment. These instruments shall not be set above the maximum allowable operating temperature.

(c) All dryer control instruments shall be inspected and calibrated at least once every 3 months and a record or certificate of accuracy, signed by a trained employee or by a servicing agent, shall be kept at the plant.

§ 77.315 Thermal dryers; examination and inspection.

Thermal dryer systems shall be examined for fires and coal-dust accumulations if the dryers are not restarted promptly after a shutdown.

Subpart E—Safeguards for Mechanical Equipment

§ 77.400 Mechanical equipment guards.

(a) Gears; sprockets; chains; drive, head, tail, and takeup pulleys; flywheels; couplings; shafts; sawblades; fan inlets; and similar exposed moving machine parts which may be contacted by persons, and which may cause injury to persons shall be guarded.

(b) Overhead belts shall be guarded if the whipping action from a broken line would be hazardous to persons below.

(c) Guards at conveyor-drive, conveyor-head, and conveyor-tail pulleys shall extend a distance sufficient to prevent a person from reaching behind the guard and becoming caught between the belt and the pulley.

(d) Except when testing the machinery, guards shall be securely in place while machinery is being operated.

§ 77.401 Stationary grinding machines; protective devices.

(a) Stationary grinding machines other than special bit grinders shall be equipped with:

(1) Peripheral hoods (less than 90° throat openings) capable of withstanding the force of a bursting wheel.

(2) Adjustable tool rests set as close as practical to the wheel.

(3) Safety washers.

(b) Grinding wheels shall be operated within the specifications of the manufacturer of the wheel.

(c) Face shields or goggles, in good condition, shall be worn when operating a grinding wheel.

§ 77.402 Hand-held power tools; safety devices.

Hand-held power tools shall be equipped with controls requiring constant hand or finger pressure to operate the tools or shall be equipped with friction or other equivalent safety devices.

§ 77.403 Mobile equipment; canopies and roll protection.

Forklift trucks, front-end loaders, and bulldozers shall be provided with substantial canopies and roll protection when necessary to protect the operator.

§ 77.404 Machinery and equipment; operation and maintenance.

(a) Mobile and stationary machinery and equipment shall be maintained in safe operating condition and machinery or equipment in unsafe condition shall be removed from service immediately.

(b) Machinery and equipment shall be operated only by persons trained in the use of and authorized to operate such machinery or equipment.

(c) Repairs or maintenance shall not be performed on machinery until the power is off and the machinery is blocked against motion, except where machinery motion is necessary to make adjustments.

(d) Machinery shall not be lubricated while in motion where a hazard exists, unless equipped with extended fittings or cups.

§ 77.405 Performing work from a raised position; safeguards.

(a) Men shall not work on or from a piece of mobile equipment in a raised position until it has been blocked in place securely. This does not preclude the use of equipment specifically designed as elevated mobile work platforms.

(b) No work shall be performed under machinery or equipment that has been raised until such machinery or equipment has been securely blocked in position.

§ 77.406 Drive belts.

(a) Drive belts shall not be shifted while in motion unless the machines are provided with mechanical shifters.

(b) Belt dressing shall not be applied while belts are in motion except where it can be applied without endangering a person.

§ 77.407 Power-driven pulleys.

(a) Belts, chains, and ropes shall not be guided onto power-driven moving pulleys, sprockets, or drums with the hands except on slow moving equipment especially designed for hand feeding.

(b) Pulleys of conveyors shall not be cleaned manually while the conveyor is in motion.

§ 77.408 Welding operations.

Welding operations shall be shielded and the area shall be well-ventilated.

§ 77.409 Shovels, draglines, and tractors.

(a) Shovels, draglines, and tractors shall not be operated in the presence of any person exposed to a hazard from its operation and all such equipment shall be provided with an adequate warning device which shall be sounded by the operator prior to starting operation.

(b) Shovels and draglines shall be equipped with handrails along and around all walkways and platforms.

§ 77.410 Mobile equipment; automatic warning devices.

Mobile equipment, such as trucks, forklifts, front-end loaders, tractors and graders, shall be equipped with an adequate automatic warning device which shall give an audible alarm when such equipment is put in reverse.

§ 77.411 Compressed air and boilers; general.

All boilers and pressure vessels shall be constructed, installed, and maintained in accordance with the standards and specifications of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code.

§ 77.412 Compressed air systems.

(a) Compressors and compressed-air receivers shall be equipped with automatic pressure-relief valves, pressure gages, and drain valves.

(b) Repairs involving the pressure system of compressors, receivers, or compressed-air-powered equipment shall not be attempted until the pressure has been relieved from that part of the system to be repaired.

(c) At no time shall compressed air be directed toward a person. When compressed air is used, all necessary precautions shall be taken to protect persons from injury.

(d) Safety chains or suitable locking devices shall be used at connections to machines of high-pressure hose lines of 1-inch inside diameter or larger, and between high-pressure hose lines of 1-inch inside diameter or larger, where a connection failure would create a hazard.

§ 77.413 Boilers.

(a) Boilers shall be equipped with guarded, well-maintained water gages and pressure gages placed so that they can be observed easily. Water gages and pipe passages to the gages shall be kept clean and free of scale and rust.

(b) Boilers shall be equipped with automatic pressure-relief valves; valves shall be opened manually at least once a week to determine that they will function properly.

(c) Blowoff valves shall be piped outside the building and shall have outlets so located or protected that persons passing by, near, or under them will not be scalded.

(d) Boiler installations shall be provided with safety devices, acceptable to the Bureau of Mines, to protect against hazards of flame outs, fuel interruptions, and low-water level.

(e) Boilers shall be inspected internally at least once a year by a licensed inspector and a certificate of inspection signed by the inspector shall be displayed in the vicinity of the boiler.

Subpart F—Electrical Equipment—General

§ 77.500 Electric power circuits and electric equipment; deenergization.

Power circuits and electric equipment shall be deenergized before work is done on such circuits and equipment, except when necessary for troubleshooting or testing.

§ 77.501 Electric distribution circuits and equipment; repair.

No electrical work shall be performed on electric distribution circuits or equipment, except by a qualified person or by a person trained to perform electrical work and to maintain electrical equipment under the direct supervision of a qualified person. Disconnecting devices shall be locked out and suitably tagged by the persons who perform such work, except that in cases where locking out is not possible, such devices shall be opened and suitably tagged by such persons. Locks or tags shall be removed only by the persons who installed them or, if such persons are unavailable, by persons authorized by the operator or his agent.

§ 77.501–1 Qualified person.

A qualified person within the meaning of § 77.501 is an individual who meets the requirements of § 77.103.

§ 77.502 Electric equipment: examination, testing, and maintenance.

Electric equipment shall be frequently examined, tested, and properly maintained by a qualified person to assure safe operating conditions. When a potentially dangerous condition is found on electric equipment, such equipment shall be removed from service until such condition is corrected. A record of such examinations shall be kept.

§ 77.502–1 Qualified person.

A qualified person within the meaning of § 77.502 is an individual who meets the requirements of § 77.103.

§ 77.502–2 Electric equipment; frequency of examination and testing.

The examinations and tests required under the provision of this §77.502 shall be conducted at least monthly.

§ 77.503 Electric conductors; capacity and insulation.

Electric conductors shall be sufficient in size and have adequate current carrying capacity and be of such construction that a rise in temperature resulting from normal operation will not damage the insulating materials.

§ 77.503–1 Electric conductors.

Electric conductors shall be sufficient in size to meet the minimum current carrying capacity provided for in the National Electric Code, 1968. All trailing cables shall meet the minimum requirements for ampacity provided in the standards of the Insulated Power Cable Engineers Association—National Electric Manufacturers Association in effect when such cables are purchased.

§ 77.504 Electrical connections or splices; suitability.

Electrical connections or splices in electric conductors shall be mechanically and electrically efficient, and suitable connectors shall be used. All electrical connections or splices in insulated wire shall be reinsulated at least to the same degree of protection as the remainder of the wire.

§ 77.505 Cable fittings; suitability.

Cables shall enter metal frames of motors, splice boxes, and electric compartments only through proper fittings. When insulated wires, other than cables, pass through metal frames, the holes shall be substantially bushed with insulated bushings.

§ 77.506 Electric equipment and circuits; overload and short-circuit protection.

Automatic circuit-breaking devices or fuses of the correct type and capacity shall be installed so as to protect all electric equipment and circuits against short circuit and overloads.

§ 77.506–1 Electric equipment and circuits; overload and short circuit protection; minimum requirements.

Devices providing either short circuit protection or protection against overload shall conform to the minimum requirements for protection of electric circuits and equipment of the National Electric Code, 1968.

§ 77.507 Electric equipment; switches.

All electric equipment shall be provided with switches or other controls that are safely designed, constructed, and installed.

§ 77.508 Lightning arresters, ungrounded and exposed power conductors and telephone wires.

All ungrounded, exposed power conductors and telephone wires shall be equipped with suitable lightning arresters which are adequately installed and connected to a low resistance grounding medium.

§ 77.508–1 Lightning arresters; wires entering buildings.

Lightning arresters protecting exposed telephone wires entering buildings shall be provided at the point where each such telephone wire enters the building.

§ 77.509 Transformers; installation and guarding.

(a) Transformers shall be of the totally enclosed type, or shall be placed at least 8 feet above the ground, or installed in a transformer house, or surrounded by a substantial fence at least 6 feet high and at least 3 feet from any energized parts, casings, or wiring.

(b) Transformer stations shall be enclosed to prevent persons from unintentionally or inadvertently contacting energized parts.

(c) Transformer enclosures shall be kept locked against unauthorized entry.

§ 77.510 Resistors; location and guarding.

Resistors, heaters, and rheostats shall be located so as to minimize fire hazards and, where necessary, provided with guards to prevent personal contact.

§ 77.511 Danger signs at electrical installations.

Suitable danger signs shall be posted at all major electrical installations.

§ 77.512 Inspection and cover plates.

Inspection and cover plates on electrical equipment shall be kept in place at all times except during testing or repairs.

§ 77.513 Insulating mats at power switches.

Dry wooden platforms, insulating mats, or other electrically nonconductive material shall be kept in place at all switchboards and power-control switches where shock hazards exist. However, metal plates on which a person normally would stand and which are kept at the same potential as the grounded, metal, non-current-carrying parts of the power switches to be operated may be used.

§ 77.514 Switchboards; passageways and clearance.

Switchboards shall be installed to provide passageways or lanes of travel which permit access to the back of the switchboard from both ends for inspection, adjustment or repair. Openings permitting access to the rear of any switchboard shall be guarded, except where they are located in buildings which are kept locked.

§ 77.515 Bare signal or control wires; voltage.

The voltage on bare signal or control wires accessible to personal contact shall not exceed 40 volts.

§ 77.516 Electric wiring and equipment; installation and maintenance.

In addition to the requirements of § 77.503 and § 77.506, all wiring and electrical equipment installed after June 30, 1971, shall meet the requirements of the National Electric Code in effect at the time of installation.

Subpart G—Trailing Cables

§ 77.600 Trailing cables; short-circuit protection; disconnecting devices.

Short-circuit protection for trailing cables shall be provided by an automatic circuit breaker or other no less effective device, approved by the Secretary, of adequate current-interrupting capacity in each ungrounded conductor. Disconnecting devices used to disconnect power from trailing cables shall be plainly marked and identified and such devices shall be equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

§ 77.601 Trailing cables or portable cables; temporary splices.

Temporary splices in trailing cables or portable cables shall be made in a workmanlike manner and shall be mechanically strong and well insulated. Trailing cables or portable cables with exposed wires or splices that heat or spark under load shall not be used.

§ 77.602 Permanent splicing of trailing cables.

When permanent splices in trailing cables are made, they shall be:

(a) Mechanically strong with adequate electrical conductivity;

(b) Effectively insulated and sealed so as to exclude moisture; and,

(c) Vulcanized or otherwise made with suitable materials to provide good bonding to the outer jacket.

§ 77.603 Clamping of trailing cables to equipment.

Trailing cables shall be clamped to machines in a manner to protect the cables from damage and to prevent strain on the electrical connections.

§ 77.604 Protection of trailing cables.

Trailing cables shall be adequately protected to prevent damage by mobile equipment.

§ 77.605 Breaking trailing cable and power cable connections.

Trailing cable and power cable connections between cables and to power sources shall not be made or broken under load.

§ 77.606 Energized trailing cables; handling.

Energized medium- and high-voltage trailing cables shall be handled only by persons wearing protective rubber gloves (see § 77.606–1) and, with such other protective devices as may be necessary and appropriate under the circumstances.

§ 77.606–1 Rubber gloves; minimum requirements.

(a) Rubber gloves (lineman's gloves) worn while handling high-voltage trailing cables shall be rated at least 20,000 volts and shall be used and tested in accordance with the provisions of §§ 77.704–6 through 77.704–8.

(b) Rubber gloves (wireman's gloves) worn while handling trailing cables energized by 660 to 1,000 volts shall be rated at least 1,000 volts and shall not be worn inside out or without protective leather gloves.

(c) Rubber gloves shall be inspected for defects before use on each shift and at least once thereafter during the shift when such rubber gloves are used for extended periods. All protective rubber gloves which contain defects shall be discarded and replaced prior to handling energized cables.

Subpart H—Grounding

§ 77.700 Grounding metallic sheaths, armors, and conduits enclosing power conductors.

Metallic sheaths, armors, and conduits enclosing power conductors shall be electrically continuous throughout and shall be grounded by methods approved by an authorized representative of the Secretary.

§ 77.700–1 Approved methods of grounding.

Metallic sheaths, armors, and conduits in resistance grounded systems, where the enclosed conductors are a part of the system, will be approved if a solid connection is made to the neutral conductor; in all other systems, the following methods of grounding will be approved:

(a) A solid connection to metal waterlines having low resistance to earth;

(b) A solid connection to a grounding conductor, other than the neutral conductor of a resistance grounded system. extending to a low-resistance ground field;

(c) Any other method of grounding, approved by an authorized representative of the Secretary, which ensures that there is no difference in potential between such metallic enclosures and the earth.

§ 77.701 Grounding metallic frames, casings, and other enclosures of electric equipment.

Metallic frames, casings, and other enclosures of electric equipment that can become "alive" through failure of insulation or by contact with energized parts shall be grounded by methods approved by an authorized representative of the Secretary.

§ 77.701–1 Approved methods of grounding of equipment receiving power from ungrounded alternating current power systems.

For purposes of grounding metallic frames, casings and other enclosures of equipment receiving power from ungrounded alternating current power systems, the following methods of grounding will be approved:

(a) A solid connection between the metallic frame; casing, or other metal enclosure and the grounded metallic sheath, armor, or conduit enclosing the power conductor feeding the electric equipment enclosed;

(b) A solid connection to metal waterlines having low resistance to earth;

(c) A solid connection to a grounding conductor extending to a low-resistance ground field; and,

(d) Any other method of grounding, approved by an authorized representative of the Secretary, which insures that there is no difference in potential between such metal enclosures and the earth.

§ 77.701–2 Approved methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system.

(a) The following methods of grounding metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system with one polarity grounded will be approved:

(1) A solid connection to the grounded power conductor of the system; and,

(2) Any other method, approved by an authorized representative of the Secretary, which insures that there is no difference in potential between such metal enclosures and the earth.

(b) A method of grounding of metallic frames, casings, and other enclosures of electric equipment receiving power from a direct-current power system other than a system with one polarity grounded, will be approved by an authorized representative of the Secretary if the method insures that there is no difference in potential between such frames, casings, and other enclosures, and the earth.

§ 77.701–3 Grounding wires; capacity.

Where grounding wires are used to ground metallic sheaths, armors, conduits, frames, casings, and other metallic enclosures, such grounding wires will be approved if:

(a) Where the power conductor used is No. 6 A.W.G., or larger, the cross-sectional area of the grounding wire is at least one-half the cross-sectional area of the power conductor.

(b) Where the power conductor used is less than No. 6 A.W.G., the cross-sectional area of the grounding wire is equal to the cross-sectional area of the power conductor.

§ 77.701–4 Use of grounding connectors.

If ground wires are attached to grounded power conductors, separate clamps, suitable for such purpose, shall be used and installed to provide a solid connection.

§ 77.702 Protection other than grounding.

Methods other than grounding which provide no less effective protection may be permitted by the Secretary or his authorized representative. Such methods may not be used unless so approved.

§ 77.703 Grounding frames of stationary high-voltage equipment receiving power from ungrounded delta systems.

The frames of all stationary high-voltage equipment receiving power from ungrounded delta systems shall be grounded by methods approved by an authorized representative of the Secretary.

§ 77.703–1 Approved methods of grounding.

The methods of grounding stated in § 77.701–1 will be approved with respect to the grounding of frames of high-voltage equipment referred to in § 77.703.

§ 77.704 Work on high-voltage lines: deenergizing and grounding.

High-voltage lines shall be deenergized and grounded before work is performed on them, except that repairs may be permitted on energized high-voltage lines if (a) such repairs are made by a qualified person in accordance with procedures and safeguards set forth in §§ 77.704–1 through 77.704–11 of this Subpart H as applicable, and (b) the operator has tested and properly maintained the protective devices necessary in making such repairs.

§ 77.704–1 Work on high-voltage lines.

(a) No high-voltage line shall be regarded as deenergized for the purpose of performing work on it, until it has been determined by a qualified person (as provided in § 77.103) that such high-voltage line has been deenergized and grounded. Such qualified person shall by visual observation (1) determine that the disconnecting devices on the high-voltage circuit are in open position, and (2) insure that each ungrounded conductor of the high-voltage circuit upon which work is to be done is properly connected to the system grounding medium. In the case of resistance grounded or solid wye-connected systems, the neutral wire is the system grounding medium. In the case of an ungrounded power system, either the steel armor or conduit enclosing the system or a surface grounding field is a system grounding medium;

(b) No work shall be performed on any high-voltage line which is supported by any pole or structure which also supports other high-voltage lines until: (1) All lines supported on the pole or structure are deenergized and grounded in accordance with all of the provisions of this § 77.704–1 which apply to the repair of deenergized surface high-voltage lines; or (2) the provisions of §§ 77.704–2 through 77.704–10 have been complied with, with respect to all energized lines, which are supported on the pole or structure.

(c) Work may be performed on energized surface high-voltage lines only in accordance with the provisions of §§ 77.704–2 through 77.704–10, inclusive.

§ 77.704–2 Repairs to energized high-voltage lines.

An energized high-voltage line may be repaired only when:

(a) The operator has determined that:

(1) Such repairs cannot be scheduled during a period when the power circuit could be properly deenergized and grounded;

(2) Such repairs will be performed on power circuits with a phase-to-phase nominal voltage no greater than 15,000 volts;

(3) Such repairs on circuits with a phase-to-phase nominal voltage of 5,000 volts or more will be performed only with the use of live line tools; and,

(4) Weather conditions will not interfere with such repairs or expose those persons assigned to such work to an imminent danger; and,

(b) The operator has designated a person qualified under the provisions of § 77.104 as the person responsible for carrying out such repairs and such person, in order to ensure protection for himself and other qualified persons assigned to perform such repairs from the hazards of such repair, has prepared and filed with the operator:

(1) A general description of the nature and location of the damage or defect to be repaired;

(2) The general plan to be followed in making such repairs;

(3) A statement that a briefing of all qualified persons assigned to make such repairs was conducted informing them of the general plan, their individual assignments, and the dangers inherent in such assignments;

(4) A list of the proper protective equipment and clothing that will be provided; and

(5) Such other information as the person designated by the operator feels necessary to describe properly the means or methods to be employed in such repairs.

§ 77.704–3 Work on energized high-voltage surface lines; reporting.

Any operator designating and assigning qualified persons to perform repairs on energized high-voltage surface lines under the provisions of § 77.704–2 shall maintain a record of such repairs. Such record shall contain a notation of the time, date, location, and general nature of the repairs made together with a copy of the information filed with the operator by the qualified person designated as responsible for performing such repairs.

§ 77.704–4 Simultaneous repairs.

When two or more persons are working on an energized high-voltage surface line simultaneously, and any one of them is within reach of another, such persons shall not be allowed to work on different phases or on equipment with different potentials.

§ 77.704–5 Installation of protective equipment.

Before repair work on energized high-voltage surface lines is begun, protective equipment shall be used to cover all bare conductors, ground wires, guys, telephone lines, and other attachments in proximity to the area of planned repairs. Such protective equipment shall be installed from a safe position below the conductors or other apparatus being covered. Each rubber protective device employed in the making of repairs shall have a dielectric strength of 20,000 volts, or more.

§ 77.704–6 Protective clothing; use and inspection.

All persons performing work on energized high-voltage surface lines shall wear protective rubber lineman's gloves, sleeves, and climber guards if climbers are worn. Protective rubber gloves shall not be worn wrong side out or without protective leather gloves. Protective devices worn by a person assigned to perform repairs on high-voltage surface lines shall be worn continuously from the time he leaves the ground until he returns to the ground and, if such devices are employed for extended periods, such person shall visually inspect the equipment assigned him for defects before each use and, in no case, less than twice each day.

§ 77.704–7 Protective equipment; inspection.

Each person shall visually inspect protective equipment and clothing provided him in connection with work on high-voltage surface lines before using such equipment and clothing, and any equipment or clothing containing any defect or damage shall be discarded and replaced with proper protective equipment or clothing prior to the performance of any electrical work on such lines.

§ 77.704–8 Protective equipment; testing and storage.

(a) All rubber protective equipment used on work on energized high-voltage surface lines shall be electrically tested by the operator in accordance with ASTM standards, Part 28, published February 1968, and such testing shall be conducted in accordance with the following schedule:

(1) Rubber gloves, once each month;

(2) Rubber sleeves, once every 3 months;

(3) Rubber blankets, once every 6 months;

(4) Insulator hoods and line hose, once a year; and

(5) Other electric protective equipment, once a year.

(b) Rubber gloves shall not be stored wrong side out. Blankets shall be rolled when not in use, and line hose, and insulator hoods shall be stored in their natural position and shape.

§ 77.704–9 Operating disconnecting or cutout switches.

Disconnecting or cutout switches on energized high-voltage surface lines shall be operated only with insulated sticks, fuse tongs, or pullers which are adequately insulated and maintained to protect the operator from the voltage to which he is exposed. When such switches are operated from the ground, the person using such devices shall wear protective rubber lineman's gloves, except where such switches are bonded to a metal mat as provided in § 77.513.

§ 77.704–10 Tying into energized high-voltage surface circuits.

If the work of forming an additional circuit by tying into an energized high-voltage surface line is performed from the ground, any person performing such work must wear and employ all of the protective equipment and clothing required under the provisions of §§ 77.704–5 and 77.704–6. In addition, the insulated stick used by such person must have been designed for such purpose and must be adequately insulated and be maintained to protect such person from the voltage to which he is exposed.

§ 77.704–11 Use of grounded messenger wires; ungrounded systems.

Solely for purposes of grounding ungrounded high-voltage power systems, grounded messenger wires used to suspend the cables of such systems may be used as a grounding medium.

§ 77.705 Guy wires; grounding.

Guy wires from poles supporting high-voltage transmission lines shall be securely connected to the system ground or be provided with insulators installed near the pole end.

Subpart I—Surface High-Voltage Distribution

§ 77.800 High-voltage circuits; circuit breakers.

High-voltage circuits supplying power to portable or mobile equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained and equipped with devices to provide protection against under voltage, grounded phase, short circuit and overcurrent. High-voltage circuits supplying power to stationary equipment shall be protected against overloads by either a circuit breaker or fuses of the correct type and capacity.

§ 77.800–1 Testing, examination, and maintenance of circuit breakers; procedures.

(a) Circuit breakers and their auxiliary devices protecting high-voltage circuits to portable or mobile equipment shall be tested and examined at least once each month by a person qualified as provided in § 77.103.

(b) Tests shall include:

(1) Breaking continuity of the ground check conductor where ground check monitoring is used; and,

(2) Actuating any of the auxiliary protective relays.

(c) Examination shall include visual observation of all components of the circuit breaker and its auxiliary devices, and such repairs or adjustments as are indicated by such tests and examinations shall be carried out immediately.

§ 77.800–2 Testing, examination, and maintenance of circuit breakers; record.

The operator shall maintain a written record of each test, examination, repair, or adjustment of all circuit breakers protecting high-voltage circuits. Such record shall be kept in a book approved by the Secretary.

§ 77.801 Grounding resistors.

The grounding resistor, where required, shall be of the proper ohmic value to limit the voltage drop in the grounding circuit external to the resistor to not more than 100 volts under fault conditions. The grounding resistor shall be rated for maximum fault current continuously and insulated from ground for a voltage equal to the phase-to-phase voltage of the system.

§ 77.801–1 Grounding resistors; continuous current rating.

The ground fault current rating of grounding resistors shall meet the "extended time rating" set forth in American Institute of Electrical Engineers, Standard No. 32.

§ 77.802 Protection of high-voltage circuits; neutral grounding resistors; disconnecting devices.

High-voltage circuits supplying portable or mobile equipment shall contain either a direct or derived neutral which shall be grounded through a suitable resistor at the source transformers, and a grounding circuit, originating at the grounded side of the grounding resistor, shall extend along with the power conductors and serve as a grounding conductor for the frames of all high-voltage equipment supplied power from that circuit, except that the Secretary or his authorized representative may permit other high-voltage circuits to feed stationary electrical equipment, if, he finds that such exception will not pose a hazard to the miners. Disconnecting devices shall be installed and so equipped or designed in such a manner that it can be determined by visual observation that the power is disconnected.

§ 77.803 Fail safe ground check circuits on high-voltage resistance grounded systems.

On and after September 30, 1971, all high-voltage, resistance grounded systems shall include a fail safe ground check circuit or other no less effective device approved by the Secretary to monitor continuously the grounding circuit to assure continuity. The fail safe ground check circuit shall cause the circuit breaker to open when either the ground or ground check wire is broken.

§ 77.803–1 Fail safe ground check circuits; maximum voltage.

The maximum voltage used for ground check circuits under § 77.803 shall not exceed 96 volts.

§ 77.803–2 Ground check systems not employing pilot check wires; approval by the Secretary.

Ground check systems not employing pilot check wires shall be approved by the Secretary only if it is determined that the system includes a fail safe design which will cause the circuit interrupter to open when ground continuity is broken.

§ 77.804 High-voltage trailing cables; minimum design requirements.

(a) High-voltage trailing cables used in resistance grounded systems shall be equipped with metallic shields around each power conductor with one or more ground conductors having a total cross-sectional area of not less than one-half the power conductor, and with an insulated conductor for the ground continuity check circuit. External ground check conductors may be used if they are not smaller than No. 8 (AWG) and have an insulation rated at least 600 volts.

(b) All such high-voltage trailing cables shall be adequate for the intended current and voltage. Splices made in such cables shall provide continuity of all components.

§ 77.805 Cable couplers and connection boxes; minimum design requirements.

(a) (1) Couplers that are used in medium- or high-voltage power circuits shall be of the three-phase type and enclosed in a full metallic shell, except that the Secretary may permit, under such guidelines as he may prescribe, no less effective couplers constructed of materials other than metal.

(2) Cable couplers shall be adequate for the intended current and voltage.

(3) Cable couplers with any metal exposed shall be grounded to the ground conductor in the cable.

(4) Couplers shall be constructed to cause the ground check continuity conductor to break first and the ground conductor last when being uncoupled when pilot check circuits are used.

(b) Cable connection boxes shall be of substantial construction and designed to guard all energized parts from personal contact.

§ 77.806 Connection of single-phase loads.

Single-phase loads, such as transformer primaries, shall be connected phase to phase in resistance grounded systems.

§ 77.807 Installation of high-voltage transmission cables.

High-voltage transmission cables shall be installed or placed so as to afford protection against damage. They shall be placed to prevent contact with low-voltage or communication circuits.

§ 77.807–1 High-voltage powerlines; clearances above ground.

High-voltage powerlines located above driveways, haulageways, and railroad tracks shall be installed to provide the minimum vertical clearance specified in National Electrical Safety Code: *Provided, however*, That in no event shall any high-voltage powerline be installed less than 15 feet above ground.

§ 77.807–2 Booms and masts; minimum distance from high-voltage lines.

The booms and masts of equipment operated on the surface of any coal mine shall not be operated within 10 feet of an energized overhead powerline. Where the voltage of overhead powerlines is 69,000 volts, or more, the minimum distance from the boom or mast shall be as follows:

Nominal power line voltage (in 1,000 volts)	*Minimum distance (feet)*
69–114	12
115–229	15
230–344	20
345–499	25
500 or more	35

§ 77.807–3 Movement of equipment; minimum distance from high-voltage lines.

When any part of any equipment operated on the surface of any coal mine is required to pass under or by any energized high-voltage powerline and the clearance between such equipment and powerline is less than that specified in § 77.807–2 for booms and masts, such powerlines shall be deenergized or other precautions shall be taken.

§ 77.808 Disconnecting devices.

Disconnecting devices shall be installed at the beginning of each branch line in high-voltage circuits and they shall be equipped or designed in such a manner that it can be determined by visual observation that the circuit is deenergized when such devices are open.

§ 77.809 Identification of circuit breakers and disconnecting switches.

Circuit breakers and disconnecting switches shall be labeled to show which units they control, unless identification can be made readily by location.

§ 77.810 High-voltage equipment; grounding.

Frames, supporting structures, and enclosures of stationary, portable, or

mobile high-voltage equipment shall be effectively grounded.

§ 77.811 Movement of portable substations and transformers.

Portable substations and transformers shall be deenergized before they are moved from one location to another.

Subpart J—Low- and Medium-Voltage Alternating Current Circuits

§ 77.900 Low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment; circuit breakers.

Low- and medium-voltage circuits supplying power to portable or mobile three-phase alternating current equipment shall be protected by suitable circuit breakers of adequate interrupting capacity which are properly tested and maintained and equipped with devices to provide protection against undervoltage, grounded phase, short circuit, and overcurrent.

§ 77.900–1 Testing, examination, and maintenance of circuit breakers; procedures.

Circuit breakers protecting low- and medium-voltage circuits serving portable or mobile three-phase alternating current equipment and their auxiliary devices shall be tested and examined at least once each month by a person qualified as provided in § 77.103. In performing such tests, the circuit breaker auxiliaries or control circuits shall be actuated in any manner which causes the circuit breaker to open. All components of the circuit breaker and its auxiliary devices shall be visually examined and such repairs or adjustments as are indicated by such tests and examinations shall be carried out immediately.

§ 77.900–2 Testing, examination, and maintenance of circuit breakers; record.

The operator shall maintain a written record of each test, examination, repair or adjustment of all circuit breakers protecting low- and medium-voltage circuits serving three-phase alternating current equipment and such record shall be kept in a book approved by the Secretary.

§ 77.901 Protection of low- and medium-voltage three-phase circuits.

(a) Low- and medium-voltage circuits supplying power to portable or mobile three-phase alternating equipment shall contain:

(1) Either a direct or derived neutral grounded through a suitable resistor at the power source;

(2) A grounding circuit originating at the grounded side of the grounding resistor which extends along with the power conductors and serves as a grounding conductor for the frames of all the electric equipment supplied power from the circuit.

(b) Grounding resistors, where required, shall be of an ohmic value which limits the ground fault current to no more than 25 amperes. Such grounding resistors shall be rated for maximum fault current continuously and provide insulation from ground for a voltage equal to the phase-to-phase voltage of the system.

(c) Low- and medium-voltage circuits supplying power to three-phase alternating current stationary electric equipment shall comply with the National Electric Code.

§ 77.901–1 Grounding resistor; continuous current rating.

The ground fault current rating of grounding resistors shall meet the "extended time rating" set forth in American Institute of Electrical Engineers Standard No. 32.

§ 77.902 Low- and medium-voltage ground check monitor circuits.

On and after September 30, 1971, three-phase low- and medium-voltage resistance grounded systems to portable and mobile equipment shall include a fail safe ground check circuit or other no less effective device approved by the Secretary to monitor continuously the grounding circuit to assure continuity. The fail safe ground check circuit shall cause the circuit breaker to open when either the ground or pilot check wire is broken. Cable couplers shall be constructed to cause the ground check continuity conductor to break first and the ground conductor last when being uncoupled when pilot check circuits are used.

§ 77.902–1 Fail safe ground check circuits; maximum voltage.

The maximum voltage used for ground check circuits under § 77.902 shall not exceed 40 volts.

§ 77.902–2 Approved ground check systems not employing pilot check wires.

Ground check systems not employing pilot check wires shall be approved by the Secretary only after it has been determined that the system includes a fail safe design causing the circuit breaker to open when ground continuity is broken.

§ 77.902–3 Attachment of ground conductors and ground check wires to equipment frames; use of separate connections.

In grounding the frames of stationary, portable, or mobile equipment receiving power from resistance grounded systems, separate connections shall be used.

§ 77.903 Disconnecting devices.

Disconnecting devices shall be installed in circuits supplying power to portable or mobile equipment and shall provide visual evidence that the power is disconnected.

§ 77.904 Identification of circuit breakers.

Circuit breakers shall be labeled to show which circuits they control unless identification can be made readily by location.

§ 77.905 Connection of single-phase loads.

Single-phase loads shall be connected phase-to-phase in resistance grounded systems.

§ 77.906 Trailing cables supplying power to low-voltage mobile equipment; ground wires and ground check wires.

On and after September 30, 1971, all trailing cables supplying power to portable or mobile equipment from low-voltage three-phase resistance grounded power systems shall contain one or more ground conductors having a cross-sectional area of not less than one-half the power conductor. Such trailing cables shall include an insulated conductor for the ground continuity check circuit except where a no less effective device has been approved by the Secretary to assure continuity. Splices made in low-voltage trailing cables shall provide continuity of all components.

Subpart K—Ground Control

§ 77.1000 Highwalls, pits and spoil banks; plans.

Each operator shall establish and follow a ground control plan for the safe control of all highwalls, pits and spoil banks to be developed after June 30, 1971, which shall be consistent with prudent engineering design and will insure safe working conditions. The mining methods employed by the operator shall be selected to insure highwall and spoil bank stability.

§ 77.1000–1 Filing of plan.

The operator shall file a copy of such plan, and revisions thereof, with the Coal Mine Health and Safety District of Subdistrict office for the District or Subdistrict in which the mine is located, and shall identify the name and location of the mine; the Bureau of Mines identification number if known; and the name and address of the mine operator.

§ 77.1001 Stripping; loose material.

Loose hazardous material shall be stripped for a safe distance from the top of pit or highwalls, and the loose unconsolidated material shall be sloped to the angle of repose, or barriers, baffle boards, screens, or other devices be provided that afford equivalent protection.

§ 77.1002 Box cuts; spoil material placement.

When box cuts are made, necessary precautions shall be taken to minimize the possibility of spoil material rolling into the pit.

§ 77.1003 Benches.

To insure safe operation, the width and height of benches shall be governed by the type of equipment to be used and the operation to be performed.

§ 77.1004 Ground control; inspection and maintenance; general.

(a) Highwalls, banks, benches, and terrain sloping into the working areas shall be examined after every rain, freeze, or thaw before men work in such areas, and such examination shall be made and recorded in accordance with § 77.1713.

(b) Overhanging highwalls and banks shall be taken down and other unsafe ground conditions shall be corrected promptly, or the area shall be posted.

§ 77.1005 Scaling highwalls; general.

(a) Hazardous areas shall be scaled before any other work is performed in the hazardous area. When scaling of highwalls is necessary to correct conditions that are hazardous to persons in the area, a safe means shall be provided for performing uch work.

(b) Whenever it becomes necessary for safety to remove hazardous material from highwalls by hand, the hazardous material shall be approached from a safe direction and the material removed from a safe location.

§ 77.1006 Highwalls; men working.

(a) Men, other than those necessary to correct unsafe conditions, shall not work near or under dangerous highwalls or banks.

(b) Except as provided in paragraph (c) of this section, men shall not work between equipment and the highwall or spoil bank where the equipment may hinder escape from falls or slides.

(c) Special safety precautions shall be taken when men are required to perform repair work between immobilized equipment and the highwall or spoil bank and such equipment may hinder escape from falls or slides.

§ 77.1007 Drilling; general.

(a) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be reported.

(b) Equipment defects affecting safety shall be corrected before the equipment is used.

§ 77.1008 Relocation of drills; safeguards.

(a) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast placed in a safe position.

(b) When a drill helper is used his location shall be made known to the operator at all times when the drill is being moved.

§ 77.1009 Drill; operation.

(a) While in operation drills shall be attended at all times.

(b) Men shall not drill from positions that hinder their access to the control levers, or from insecure footing or staging, or from atop equipment not designed for this purpose.

(c) Men shall not be on a mast while the drill bit is in operation unless a safe platform is provided and safety belts are used.

(d) Drill crews and others shall stay clear of augers or drill stems that are in motion. Persons shall not pass under or step over a moving stem or auger.

(e) In the event of power failure, drill controls shall be placed in the neutral position until power is restored.

(f) When churn drills or vertical rotary drills are used, drillers shall not be permitted to work under suspended tools, and when collaring holes, inspecting, or during any operation in which tools are removed from the hole, all tools shall be lowered to the ground or platform.

§ 77.1010 Collaring holes.

(a) Starter steels shall be used when collaring holes with hand-held drills.

(b) Men shall not hold the drill steel while collaring hoes, or rest their hands on the chuck or centralizer while drilling.

§ 77.1011 Drill holes; guarding.

Drill holes large enough to constitute a hazard shall be covered or guarded.

§ 77.1012 Jackhammers; operation; safeguards.

Men operating or working near jackhammers or jackleg drills, or other drilling machines shall position themselves so that they will not be struck or lose their balance if the drill steel breaks or sticks.

§ 77.1013 Air drills; safeguards.

Air shall be turned off and bled from the air hoses before hand-held air drills are moved from one working area to another.

Subpart L—Fire Protection

§ 77.1100 Fire protection; training and organization.

Firefighting facilities and equipment shall be provided commensurate with the potential fire hazards at each structure, enclosure and other facility (including custom coal preparation) at the mine and the employees at such facilities shall be instructed and trained annually in the use of such firefighting facilities and equipment.

§ 77.1101 Escape and evacuation; plan.

(a) Before June 30, 1971, each operator of a mine shall establish and keep current a specific escape and evacuation plan to be followed in the event of a fire.

(b) All employees shall be instructed on current escape and evacuation plans, fire alarm signals, and applicable procedures to be followed in case of fire.

(c) Plans for escape and evacuation shall include the designation and proper maintenance of adequate means for exit from all areas where persons are required to work or travel including buildings and equipment and in areas where persons normally congregate during the work shift.

§ 77.1102 Warning signs; smoking and open flame.

Signs warning against smoking and open flames shall be posted so they can be readily seen in areas or places where fire or explosion hazards exist.

§ 77.1103 Flammable liquids; storage.

(a) Flammable liquids shall be stored in accordance with standards of the National Fire Protection Association. Small quantities of flammable liquids drawn from storage shall be kept in properly identified safety cans.

(b) Unburied flammable-liquid storage tanks shall be mounted securely on firm foundations. Outlet piping shall be provided with flexible connections or other special fittings to prevent adverse effects from tank settling.

(c) Fuel lines shall be equipped with valves to cut off fuel at the source and shall be located and maintained to minimize fire hazards.

(d) Areas surrounding flammable-liquid storage tanks and electric substations and transformers shall be kept free from grass (dry), weeds, underbrush, and other combustible materials such as trash, rubbish, leaves and paper, for at least 25 feet in all directions.

§ 77.1104 Accumulations of combustible materials.

Combustible materials, grease, lubricants, paints, or flammable liquids shall not be allowed to accumulate where they can create a fire hazard.

§ 77.1105 Internal combustion engines; fueling.

Internal combustion engines, except diesels, shall be shut off and stopped before being fueled.

§ 77.1106 Battery-charging stations; ventilation.

Battery-charging stations shall be located in well-ventilated areas. Battery-charging stations shall be equipped with reverse current protection where such stations are connected directly to direct current power systems.

§ 77.1107 Belt conveyors.

Belt conveyors in locations where fire would create a hazard to personnel shall be provided with switches to stop the drive pulley automatically in the event of excessive slippage.

§ 77.1108 Firefighting equipment; requirements; general.

On and after June 30, 1971, each operator of a coal mine shall provide an adequate supply of firefighting equipment which is adapted to the size and suitable for use under the conditions present on the surface at the mine.

§ 77.1108–1 Type and capacity of firefighting equipment.

Firefighting equipment required under this § 77.1108 shall meet the following minimum requirements:

(a) *Waterlines.* Waterlines shall be capable of delivering 50 gallons of water a minute at a nozzle pressure of 50 pounds per square inch. Where storage tanks are used as a source of water supply, the tanks shall be of 1,000-gallon capacity for each 1,000 tons of coal processed (average) per shift.

(b) *Fire extinguishers.* Fire extinguishers shall be:

(1) Of the appropriate type for the particular fire hazard involved;

(2) Adequate in number and size for the particular fire hazard involved;

(3) Replaced immediately with fully charged extinguishers after any discharge is made from an extinguisher; and

(4) Approved by the Underwriter's Laboratories, Inc., or the Factory Mutual Research Corp., or other competent testing agency acceptable to the Bureau of Mines.

(c) *Fire hose.* Fire hose and couplings shall meet the requirements of the Underwriter's Laboratories, Inc., or Factory Mutual Research Corp.'s specifications. Cotton or cotton-polyester jacketed hose shall be treated in accordance with the U.S. Department of Agriculture Forest Service Specification 182 for mildew resistance. The water pressure at the hose nozzle shall not be excessively high so as to present a hazard to the nozzle operator.

§ 77.1109 Quantity and location of firefighting equipment.

Preparation plants, dryer plants, tipples, drawoff tunnels, shops, and other surface installations shall be equipped with the following firefighting equipment.

(a) Each structure presenting a fire hazard shall be provided with portable fire extinguishers commensurate with the potential fire hazard at the structure in accordance with the recommendations of the National Fire Protection Association.

(b) Preparation plants shall be equipped with waterlines, with outlet valves on each floor, and with sufficient fire hose to project a water stream to any point in the plant. However, where freezing conditions exist or water is not available, a 125-pound multipurpose dry powder extinguisher may be substituted for the purposes of this paragraph (b) for each 2,500 square feet of floor space in a wooden or other flammable structure, or for each 5,000 square feet of floor space in a metal, concrete-block, or other type of nonflammable construction.

(c)(1) Mobile equipment, including trucks, front-end loaders, bulldozers, portable welding units, and augers, shall be equipped with at least one portable fire extinguisher.

(2) Power shovels, draglines, and other large equipment shall be equipped with at least one portable fire extinguisher; however, additional fire extinguishers may be required by an authorized representative of the Secretary.

(3) Auxiliary equipment such as portable drills, sweepers, and scrapers, when operated more than 600 feet from equipment required to have portable fire extinguishers, shall be equipped with at least one fire extinguisher.

(d) Fire extinguishers shall be provided at permanent electrical installations commensurate with the potential fire hazard at such installation in accordance with the recommendations of the National Fire Protection Association.

(e) Two portable fire extinguishers, or the equivalent, shall be provided at each of the following combustible liquid storage installations:

(1) Near each above ground or unburied combustible liquid storage station; and,

(2) Near the transfer pump of each buried combustible liquid storage tank.

(f) Vehicles transporting explosives and blasting agents shall be equipped with fire protection as recommended in Code 495, section 20, National Fire Protection Association Handbook, 12th Edition, 1962.

§ 77.1110 Examination and maintenance of firefighting equipment.

Firefighting equipment shall be continuously maintained in a usable and operative condition. Fire extinguishers shall be examined at least once every 6 months and the date of such examination shall be recorded on a permanent tag attached to the extinguisher.

§ 77.1111 Welding, cutting, soldering; use of fire extinguisher.

One portable fire extinguisher shall be provided at each location where welding, cutting, or soldering with arc or flame is performed.

§ 77.1112 Welding, cutting, or soldering with arc or flame; safeguards.

(a) When welding, cutting, or soldering with arc or flame near combustible materials, suitable precautions shall be taken to insure that smoldering metal or sparks do not result in a fire.

(b) Before welding, cutting, or soldering is performed in areas likely to contain methane, an examination for methane shall be made by a qualified person with a device approved by the Secretary for detecting methane. Examinations for methane shall be made immediately before and periodically during welding, cutting, or soldering and such work shall not be permitted to commence or continue in air which contains 1.0 volume per centum or more of methane.

Subpart M—Maps

§ 77.1200 Mine map.

The operator shall maintain an accurate and up-to-date map of the mine, on a scale of not less than 100 nor more than 500 feet to the inch, at or near the mine, in an area chosen by the mine operator, with a duplicate copy on file at a separate and distinct location, to minimize the danger of destruction by fire or other hazard. The map shall show:

(a) Name and address of the mine;

(b) The property or boundary lines of the active areas of the mine;

(c) Contour lines passing through whole number elevations of the coalbed being mined. The spacing of such lines shall not exceed 25-foot elevation levels, except that a broader spacing of contour lines may be approved by the District Manager for steeply pitching coalbeds. Contour lines may be placed on overlays or tracings attached to mine maps.

(d) The general elevation of the coalbed or coalbeds being mined, and the general elevation of the surface;

(e) Either producing or abandoned oil and gas wells located on the mine property;

(f) The location and elevation of any body of water dammed or held back in any portion of the mine: *Provided, however,* Such bodies of water may be shown on overlays or tracings attached to the mine maps;

(g) All prospect drill holes that penetrate the coalbed or coalbeds being mined on the mine property;

(h) All auger and strip mined areas of the coalbed or coalbeds being mined on the mine property together with the line of maximum depth of holes drilled during auger mining operations.

(i) All worked out and abandoned areas;

(j) The location of railroad tracks and public highways leading to the mine, and mine buildings of a permanent nature with identifying names shown;

(k) Underground mine workings underlying and within 1,000 feet of the active areas of the mine;

(l) The location and description of at least two permanent base line points, and the location and description of at least two permanent elevation bench marks used in connection with establishing or referencing mine elevation surveys; and,

(m) The scale of the map.

§ 77.1201 Certification of mine maps.

Mine maps shall be made or certified by an engineer or surveyor registered by the State in which the mine is located.

§ 77.1202 Availability of mine map.

The mine map maintained in accordance with the provisions of § 77.1200 shall be available for inspection by the Secretary or his authorized representative.

Subpart N—Explosives and Blasting

§ 77.1300 Explosives and blasting.

(a) No explosives, blasting agent, detonator, or any other related blasting device or material shall be stored, transported, carried, handled, charged, fired, destroyed, or otherwise used, employed or disposed of by any person at a coal mine except in accordance with the provisions of §§ 77.1301 through 77.1304, inclusive.

(b) The term "explosives" as used in this Subpart N includes blasting agents. The standards in this Subpart N in which the term "explosives" appears are applicable to blasting agents (as well as to other explosives) unless blasting agents are expressly excluded.

§ 77.1301 Explosives; magazines.

(a) Detonators and explosives other than blasting agents shall be stored in magazines.

(b) Detonators shall not be stored in the same magazine with explosives.

(c) Magazines other than box type shall be:

(1) Located in accordance with the current American Table of Distances for storage of explosives.

(2) Detached structures located away from powerlines, fuel storage areas, and other possible sources of fire.

(3) Constructed substantially of noncombustible material or covered with fire-resistant material.

(4) Reasonably bullet resistant.

(5) Electrically bonded and grounded if constructed of metal.

(6) Made of nonsparking materials on the inside, including floors.

(7) Provided with adequate and effectively screened ventilation openings near the floor and ceiling.

(8) Kept locked securely when unattended.

(9) Posted with suitable danger signs so located that a bullet passing through the face of a sign will not strike the magazine.

(10) Used exclusively for storage of explosives or detonators and kept free of all extraneous materials.

(11) Kept clean and dry in the interior, and in good repair.

(12) Unheated, unless heated in a manner that does not create a fire or explosion hazard.

(d) Box-type magazines used to store explosives or detonators in work areas shall be constructed with only nonsparking material inside and equipped with covers or doors and shall be located out of the line of blasts.

(e) Secondary and box-type magazines shall be suitably labeled.

(f) Detonator-storage magazines shall be separated by at least 25 feet from explosive-storage magazines.

(g) Cases or boxes containing explosives shall not be stored in magazines on their ends or sides nor stacked more than 6 feet high.

(h) Ammonium nitrate-fuel oil blasting agents shall be physically separated from other explosives, safety fuse, or detonating cord stored in the same magazine and in such a manner that oil does not contaminate the other explosives, safety fuse, or detonating cord.

§ 77.1302 Vehicles used to transport explosives.

(a) Vehicles used to transport explosives, other than blasting agents, shall have substantially constructed bodies, no sparking metal exposed in the cargo space, and shall be equipped with suitable sides and tail gates; explosives shall not be piled higher than the side or end.

(b) Vehicles containing explosives or detonators shall be maintained in good condition and shall be operated at a safe speed and in accordance with all safe operating practices.

(c) Vehicles containing explosives or detonators shall be posted with proper warning signs.

(d) Other materials or supplies shall not be placed on or in the cargo space of a conveyance containing explosives, detonating cord or detonators, except for safety fuse and except for properly secured nonsparking equipment used expressly in the handling of such explosives, detonating cord or detonators.

(e) Explosives and detonators shall be transported in separate vehicles unless separated by 4 inches of hardwood or the equivalent.

(f) Explosives or detonators shall be transported promptly without undue delays in transit.

(g) Explosives or detonators shall be transported at times and over routes that expose a minimum number of persons.

(h) Only the necessary attendants shall ride on or in vehicles containing explosives or detonators.

(i) Vehicles shall be attended, whenever practical and possible, while loaded with explosives or detonators.

(j) When vehicles containing explosives or detonators are parked, the brakes shall be set, the motive power shut off, and the vehicles shall be blocked securely against rolling.

(k) Vehicles containing explosives or detonators shall not be taken to a repair garage or shop for any purpose.

§ 77.1303 Explosives, handling and use.

(a) Persons who use or handle explosives or detonators shall be experienced men who understand the hazards involved; trainees shall do such work only under the supervision of and in the immediate presence of experienced men.

(b) Blasting operations shall be under the direct control of authorized persons.

(c) Substantial nonconductive closed containers shall be used to carry explosives, other than blasting agents to the blasting site.

(d) Damaged or deteriorated explosives or detonators shall be destroyed in a safe manner.

(e) Where electric blasting is to be performed, electric circuits to equipment in the immediate area to be blasted shall be deenergized before explosives or detonators are brought into the area; the power shall not be turned on again until after the shots are fired.

(f) Explosives shall be kept separated from detonators until charging is started.

(g) Areas in which charged holes are awaiting firing shall be guarded, or barricaded and posted, or flagged against unauthorized entry.

(h) Ample warning shall be given before blasts are fired. All persons shall be cleared and removed from the blasting area unless suitable blasting shelters are provided to protect men endangered by concussion or flyrock from blasting.

(i) Lead wires and blasting lines shall not be strung across power conductors, pipelines, railroad tracks, or within 20 feet of bare powerlines. They shall be protected from sources of static or other electrical contact.

(j) For the protection of underground workers, special precautions shall be taken when blasting in close proximity to underground operations, and no blasting shall be done that would be hazardous to persons working underground.

(k) Holes shall not be drilled where there is danger of intersecting a charged or misfired hole.

(l) Only wooden or other nonsparking implements shall be used to punch holes in an explosive cartridge.

(m) Tamping poles shall be blunt and squared at one end and made of wood, nonsparking material, or of special plastic acceptable to the Bureau of Mines.

(n) Delay connectors for firing detonating cord shall be treated and handled with the same safety precautions as blasting caps and electric detonators.

(o) Capped primers shall be made up at the time of charging and as close to the blasting site as conditions allow.

(p) A capped primer shall be prepared so that the detonator is contained securely and is completely embedded within the explosive cartridge.

(q) No tamping shall be done directly on a capped primer.

(r) Detonating cord shall not be used if it has been kinked, bent, or otherwise handled in such a manner that the train of detonation may be interrupted.

(s) Fuse shall not be used if it has been kinked, bent sharply, or handled roughly in such a manner that the train of deflagration may be interrupted.

(t) Blasting caps shall be crimped to fuses only with implements designed for that specific purpose.

(u) When firing from 1 to 15 blastholes with safety fuse ignited individually using hand-held lighters, the fuses shall be of such lengths to provide the minimum burning time specified in the following table for a particular size round:

Number of holes in a round	*Minimum burning time, minutes*
1	2
2–5	2⅔
6–10	3⅓
11–15	5

In no case shall any 40-second-per-foot safety fuse less than 36 inches long or any 30-second-per-foot safety fuse less than 48 inches long be used.

(v) The burning rate of the safety fuse in use at any time shall be measured, posted in conspicuous locations, and brought to the attention of all men concerned with blasting.

(w) Electric detonators of different brands shall not be used in the same round.

(x) Adequate priming shall be employed to guard against misfires, increased toxic fumes, and poor performance.

(y) Except when being tested with a blasting galvanometer:

(1) Electric detonators shall be kept shunted until they are being connected to the blasting line or wired into a blasting round.

(2) Wired rounds shall be kept shunted until they are being connected to the blasting line.

(3) Blasting lines shall be kept shunted until immediately before blasting.

(z) Completely wired rounds shall be tested with a blasting galvanometer before connections are made to the blasting line.

(aa) Permanent blasting lines shall be properly supported, insulated, and kept in good repair.

(bb) At least a 5-foot airgap shall be provided between the blasting circuit and the power circuit.

(cc) When instantaneous blasting is performed, the double-trunkline or loop system shall be used in detonating-cord blasting.

(dd) When instantaneous blasting is performed, trunklines, in multiple-row blasts, shall make one or more complete loops, with crossties between loops at intervals of not over 200 feet.

(ee) All detonating cord knots shall be tight and all connections shall be kept at right angles to the trunklines.

(ff) Power sources shall be suitable for the number of electrical detonators to be fired and for the type of circuits used.

(gg) Electric circuits from the blasting switches to the blast area shall not be grounded.

(hh) Safety switches and blasting switches shall be labeled, encased in boxes, and arranged so that the covers of the boxes cannot be closed with the switches in the through-circuit or firing position.

(ii) Blasting switches shall be locked in the open position, except when closed to fire the blast. Lead wires shall not be connected to the blasting switch until the shot is ready to be fired.

(jj) The key or other control to an electrical firing device shall be entrusted only to the person designated to fire the round or rounds.

(kk) If branch circuits are used when blasts are fired from power circuits, safety switches located at safe distances from the blast areas shall be provided in addition to the main blasting switch.

(ll) Misfires shall be reported to the proper supervisor and shall be disposed of safely before any other work is performed in that blasting area.

(mm) When safety fuse has been used, men shall not return to misfired holes for at least 30 minutes.

(nn) When electric blasting caps have been used, men shall not return to misfired holes for at least 15 minutes.

(oo) If explosives are suspected of burning in a hole, all persons in the endangered area shall move to a safe location and no one should return to the hole until the danger has passed, but in no case within 1 hour.

(pp) Blasted areas shall be examined for undetonated explosives after each blast and undetonated explosives found shall be disposed of safely.

(qq) Blasted areas shall not be reentered by any person after firing until such time as concentrations of smoke, dust, or fumes have been reduced to safe limits.

(rr) In secondary blasting, if more than one shot is to be fired at one time, blasting shall be done electrically or with detonating cord.

(ss) Unused explosives and detonators shall be moved to a safe location as soon as charging operations are completed.

(tt) When electric detonators are used, charging shall be stopped immediately when the presence of static electricity or stray currents is detected; the condition shall be remedied before charging is resumed.

(uu) When electric detonators are used, charging shall be suspended and men withdrawn to a safe location upon the approach of an electrical storm.

§ 77.1304 Blasting agents; special provisions.

(a) Sensitized ammonium nitrate blasting agents, and the components thereof prior to mixing, shall be mixed and stored in accordance with the recommendations in Bureau of Mines Information Circular 8179, "Safety Recommendations for Sensitized Ammonium Nitrate Blasting Agents," or subsequent revisions.

(b) Where pneumatic loading is employed, before any type of blasting operation using blasting agents is put into effect, an evaluation of the potential hazard of static electricity shall be made. Adequate steps, including the grounding and bonding of the conductive parts of pneumatic loading equipment, shall be taken to eliminate the hazard of static electricity before blasting agent use is commenced.

(c) Pneumatic loading equipment shall not be grounded to waterlines, airlines, rails, or the permanent electrical grounding systems.

(d) Hoses used in connection with pneumatic loading machines shall be of the semiconductive type, having a total resistance low enough to permit the dissipation of static electricity and high enough to limit the flow of stray electric currents to a safe level. Wire-countered hose shall not be used because of the potential hazard from stray electric currents.

Subpart O—Man Hoisting

§ 77.1400 Man hoists and elevators.

The standards set forth in this Subpart O, apply only to hoists and elevators, together with their appurtenances, that are used for hoisting men.

§ 77.1401 Automatic controls and brakes.

Hoists and elevators shall be equipped with overspeed, overwind, and automatic stop controls and with brakes capable of stopping the elevator when fully loaded.

§ 77.1402 Rated capacity.

Hoists and elevators shall have rated capacities consistent with the loads handled and the recommended safety factors of the ropes and cables used.

§ 77.1402–1 Ropes and cables; specifications.

The American National Standards Institute "Specifications for the Use of Wire Ropes for Mines," M 11.1–1960, or the latest revision thereof, shall be used as a guide in the use, selection, installation, and maintenance of wire ropes used for hoisting.

§ 77.1402–2 Maximum load; posting.

The operator shall designate the maximum number of men permitted to ride on each hoist or elevator at one time; this limit shall be posted on each elevator and on each landing.

§ 77.1403 Inspection and maintenance.

(a) Hoists and elevators shall be examined daily and such examinations shall include, but not be limited to, the following:

(1) A visual examination of the rope for wear, broken wires, and corrosion, especially at excessive strain points;

(2) An examination of the rope fastenings for defects;

(3) An examination of the elevator for loose, missing, or defective parts;

(4) An examination of sheaves for broken flanges, defective bearings, rope alignment, and proper lubrication; and

(5) An examination of the automatic controls and brakes required under § 77.1401.

(b) A report of the daily examinations shall be signed by the person making such examination and the report shall be signed or countersigned by any of the persons listed in paragraph (d) of § 77.1713.

(c) Empty conveyances shall be operated at least one round trip before hoisting men after any repairs.

(d) Alterations or changes in a hoist or elevator which might affect its rated capacity shall be made only with the approval of the Coal Mine Health and Safety District Manager or Subdistrict Manager of the district in which the mine is located.

(e) The ropes and cables of hoists and elevators shall be kept well lubricated from end to end as recommended by the manufacturer.

Subpart P—Auger Mining

§ 77.1500 Auger mining; planning.

Auger mining shall be planned and conducted by the operator to insure against any hazard to underground workings located at or near such auger operations and all auger holes shall be located so as to prevent:

(a) The disruption of the ventilation system of any active underground mine;

(b) Inundation hazards from surface water entering any active underground mine;

(c) Damage to the roof and ribs of active underground workings; and

(d) Intersection of auger holes with underground mine workings known to contain dangerous quantities of impounded water.

§ 77.1501 Auger mining; inspections.

(a) The face of all highwalls, to a distance of 25 feet on both sides of each drilling site, shall be inspected by a certified person before any augering operation is begun, and at least once during each coal producing shift and all loose material shall be removed from the drilling site before persons are permitted to enter the drilling area. The results of all such inspections shall be recorded daily in a book approved by the Secretary.

(b) In addition, the face of all highwalls, to a distance of 25 feet on both sides of each drilling site, shall be inspected frequently by a certified person during any auger operation conducted either during or after a heavy rainfall or during any period of intermittent freezing and thawing and the results of such inspections shall be recorded as provided in paragraph (a) of this section.

(c) When an auger hole penetrates an abandoned or mined out area of an underground mine, tests for methane and oxygen deficiency shall be made at the collar of the hole by a qualified person using devices approved by the Secretary to determine if dangerous quantities of methane or oxygen-deficient air are present or being emitted. If such is found no further work shall be performed until the atmosphere has been made safe.

(d) Tests for oxygen deficiency shall be conducted with a permissible flame safety lamp or other means approved by the Secretary and all tests for methane shall be conducted with a methane detector approved by the Secretary.

(e) Internal combustion engines shall not be operated in the vicinity of any auger hole in which tests for methane or oxygen deficiency are being made.

§ 77.1502 Auger holes; restriction against entering.

No person shall be permitted to enter an auger hole except with the approval of the Coal Mine Health and Safety District Manager or Subdistrict Manager of the district in which the mine is located and under such conditions as may be prescribed by such managers.

§ 77.1503 Augering equipment; overhead protection.

(a) Auger machines which are exposed to highwall hazards, together with all those parts of any coal elevating conveyors where persons are required to work during augering operations, shall be covered with heavy gauge screen which does not obstruct the view of the highwall and is strong enough to prevent injuries to workmen from falling material.

(b) No work shall be done under any overhang and, when a crew is engaged in connecting or disconnecting auger sections under a highwall, at least one person shall be assigned to observe the highwall for possible movement.

§ 77.1504 Auger equipment; operation.

(a) Persons shall be kept clear of the auger train while it is in motion and shall not be permitted to pass under or over an auger train, except where adequate crossing facilities are provided.

(b) Persons shall be kept clear of auger sections being swung into position.

(c) No person, including the auger machine operator, shall, where practicable, be stationed in direct line with a borehole during augering operations.

(d) Operator of auger equipment shall not leave the controls of such equipment while the auger is in operation.

(e) Adequate illumination shall be provided for work areas after dark.

§ 77.1505 Auger holes; blocking.

Auger holes shall be blocked with highwall spoil or other suitable material before they are abandoned.

Subpart Q—Loading and Haulage

§ 77.1600 Loading and haulage; general.

(a) Only authorized persons shall be permitted on haulage roads and at loading or dumping locations.

(b) Traffic rules, signals, and warning signs shall be standardized at each mine and posted.

(c) Where side or overhead clearances on any haulage road or at any loading or dumping location at the mine are hazardous to mine workers, such areas shall be conspicuously marked and warning devices shall be installed when necessary to insure the safety of the workers.

§ 77.1601 Transportation of persons; restrictions.

No person shall be permitted to ride or be otherwise transported on or in the following equipment whether loaded or empty:

(a) Dippers, shovels, buckets, forks, and clamshells;

(b) The cargo space of dump trucks or haulage equipment used to transport coal or other material;

(c) Outside the cabs and beds of mobile equipment;

(d) Chain, belt, or bucket conveyors, except where such conveyors are specifically designed to transport persons; and

(e) Loaded buckets on aerial tramways.

§ 77.1602 Use of aerial tramways to transport persons.

Persons other than maintenance men shall not ride empty buckets on aerial tramways unless the following features are provided:

(a) Two independent brakes, each capable of holding the maximum load.

(b) Direct communication between terminals.

(c) Power drives with emergency power available in case of primary power failure.

(d) Buckets equipped with positive locks to prevent accidental tripping or dumping.

§ 77.1603 Trains and locomotives; authorized persons.

(a) Only authorized persons shall be permitted to ride on trains or locomotives and they shall ride in a safe position.

(b) Men shall not get on or off moving equipment, except that trainmen may get on or off of slowly moving trains.

§ 77.1604 Transportation of persons; overcrowding.

(a) No man-trip vehicle or other conveyance used to transport persons to and from work areas at surface coal mines shall be overcrowded and all persons shall ride in a safe position.

(b) Supplies, materials, and tools other than small handtools shall not be transported with men in man-trip vehicles unless such vehicles are specifically designed to make such transportation safe.

§ 77.1605 Loading and haulage equipment; installations.

(a) Cab windows shall be of safety glass or equivalent, in good condition and shall be kept clean.

(b) Mobile equipment shall be equipped with adequate brakes, and all trucks and front-end loaders shall also be equipped with parking brakes.

(c) Positive-action type brakes shall be provided on aerial tramways.

(d) Mobile equipment shall be provided with audible warning devices. Lights shall be provided on both ends when required.

(e) Guard nets or other suitable protection shall be provided where tramways pass over roadways, walkways, or buildings.

(f) Guards shall be installed to prevent swaying buckets from hitting towers.

(g) Aerial tramway cable connections shall be designed to offer minimum obstruction to the passage of wheels.

(h) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices, or other suitable devices.

(i) Ramps and dumps shall be of solid construction, of ample width, have ample clearance and headroom, and be kept reasonably free of spillage.

(j) Chute-loading installations shall be designed so that the men pulling chutes are not required to be in a hazardous position during loading operations.

(k) Berms or guards shall be provided on the outer bank of elevated roadways.

(l) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and overturning at dumping locations.

(m) Roadbeds, rails, joints, switches, frogs, and other elements on railroads shall be designed, installed, and maintained in a safe manner consistent with the speed and type of haulage.

(n) Where practicable, a minimum of 30 inches continuous clearance from the farthest projection of moving railroad equipment shall be provided on at least one side of the tracks; all places where it is not possible to provide 30-inch clearance shall be marked conspicuously.

(o) Track guardrails, lead rails, and frogs shall be protected or blocked so as to prevent a person's foot from becoming wedged.

(p) Positive-acting stop-blocks, derail devices, track skates, or other adequate means shall be installed wherever necessary to protect persons from runaway or moving railroad equipment.

(q) Switch throws shall be installed so as to provide adequate clearance for switchmen.

(r) Where necessary, bumper blocks or the equivalent shall be provided at all track dead ends.

§ 77.1606 Loading and haulage equipment; inspection and maintenance.

(a) Mobile loading and haulage equipment shall be inspected by a competent person before such equipment is placed in operation. Equipment defects affecting safety shall be recorded and reported to the mine operator.

(b) Carriers on aerial tramways, including loading and unloading mechanisms, shall be inspected each shift; brakes shall be inspected daily; ropes and supports shall be inspected as recommended by the manufacturer or as physical conditions warrant. Equipment defects affecting safety shall be reported to the mine operator.

(c) Equipment defects affecting safety shall be corrected before the equipment is used.

§ 77.1607 Loading and haulage equipment; operation.

(a) Vehicles shall follow at a safe distance; passing shall be limited to areas of adequate clearance and visibility.

(b) Mobile equipment operators shall have full control of the equipment while it is in motion.

(c) Equipment operating speeds shall be prudent and consistent with conditions of roadway, grades, clearance, visibility, traffic, and the type of equipment used.

(d) Cabs of mobile equipment shall be kept free of extraneous materials.

(e) Operators shall sit facing the direction of travel while operating equipment with dual controls.

(f) When an equipment operator is present, men shall notify him before getting on or off equipment.

(g) Equipment operators shall be certain, by signal or other means, that all persons are clear before starting or moving equipment.

(h) Where possible, aerial tramways shall not be started until the tramway operator has ascertained that everyone is in the clear.

(i) Dust control measures shall be taken where dust significantly reduces visibility of equipment operators.

(j) Dippers, buckets, loading booms, or heavy suspended loads shall not be swung over the cabs of haulage vehicles until the drivers are out of the cabs and in safe locations, unless the trucks are designed specifically to protect the drivers from falling material.

(k) Men shall not work or pass under the buckets or booms of loaders in operation.

(l) Tires shall be deflated before repairs on them are started and adequate means shall be provided to prevent wheel locking rims from creating a hazard during tire inflation.

(m) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set or other equivalent precautions are taken against rolling.

(n) Mobile equipment shall not be left unattended unless the brakes are set. The wheels shall be turned into a bank or berm, or shall be blocked, when such equipment is parked on a grade.

(o) Lights, flares, or other warning devices shall be posted when parked equipment creates a hazard to vehicular traffic.

(p) Dippers, buckets, scraper blades, and similar movable parts shall be secured or lowered to the ground when not in use.

(q) Shovel trailing cables shall not be moved with the shovel dipper unless cable slings or sleds are used.

(r) Equipment which is to be hauled shall be loaded and protected so as to prevent sliding or spillage.

(s) When moving between work areas, the equipment shall be secured in the travel position.

(t) Any load extending more than 4 feet beyond the rear of the vehicle body should be marked clearly with a red flag by day and a red light at night.

(u) Tow bars shall be used to tow heavy equipment and a safety chain shall be used in conjunction with each tow bar.

(v) Railroad cars shall be kept under control at all times by the car dropper. Cars shall be dropped at a safe rate and in a manner that will insure that the car dropper maintains a safe position while working and traveling around the cars.

(w) Railroad cars shall not be coupled or uncoupled manually from the inside of curves unless the railroad and cars are so designed to eliminate any hazard from coupling or uncoupling cars from inside of curves.

(x) Persons shall wear safety belts when dropping railroad cars.

(y) Railcars shall not be left on side-tracks unless ample clearance is provided for traffic on adjacent tracks.

(z) Parked railcars, unless held effectively by brakes, shall be blocked securely.

(aa) Railroad cars and all trucks shall be trimmed properly when they have been loaded higher than the confines of their cargo space.

(bb) When the entire length of a conveyor is visible from the starting switch, the operator shall visually check to make certain that all persons are in the clear before starting the conveyor. When the entire length of the conveyor is not visible from the starting switch, a positive audible or visible warning system shall be installed and operated to warn persons that the conveyor will be started.

(cc) Unguarded conveyors with walkways shall be equipped with emergency stop devices or cords along their full length.

(dd) Adequate backstops or brakes shall be installed on inclined-conveyor drive units to prevent conveyors from running in reverse if a hazard to personnel would be caused.

(ee) Aerial tram conveyor buckets shall not be overloaded, and feed shall be regulated to prevent spillage.

§ 77.1608 Dumping facilities.

(a) Dumping locations and haulage roads shall be kept reasonably free of water, debris, and spillage.

(b) Where the ground at a dumping place may fail to support the weight of a loaded dump truck, trucks shall be dumped a safe distance back from the edge of the bank.

(c) Adequate protection shall be provided at dumping locations where persons may be endangered by falling material.

(d) Grizzlies, grates, and other sizing devices at dump and transfer points shall be anchored securely in place.

(e) If truck spotters are used, they shall be well in the clear while trucks are backing into dumping position and dumping; lights shall be used at night to direct trucks.

Subpart R—Miscellaneous

§ 77.1700 Communications in work areas.

No employee shall be assigned, or allowed, or be required to perform work alone in any area where hazardous conditions exist that would endanger his safety unless he can communicate with others, can be heard, or can be seen.

§ 77.1701 Emergency communications; requirements.

(a) Each operator of a surface coal mine shall establish and maintain a communication system from the mine to the nearest point of medical assistance for use in an emergency.

(b) The emergency communication system required to be maintained under paragraph (a) of this section may be established by telephone or radio transmission or by any other means of prompt communication to any facility (for example, the local sheriff, the State highway patrol, or local hospital) which has available the means of communication with the person or persons providing emergency medical assistance or transportation in accordance with the provisions of paragraph (a) of this section.

§ 77.1702 Arrangements for emergency medical assistance and transportation for injured persons; reporting requirements; posting requirements.

(a) Each operator of a surface coal mine shall make arrangements with a licensed physician, medical service, medical clinic, or hospital to provide 24-hour emergency medical assistance for any person injured at the mine.

(b) Each operator shall make arrangements with an ambulance service, or otherwise provide for 24-hour emergency transportation for any person injured at the mine.

(c) Each operator shall, on or before June 30, 1971, report to the Coal Mine Health and Safety District Manager for the district in which the mine is located the name, title and address of the physician, medical service, medical clinic, hospital, or ambulance service with whom arrangements have been made, or otherwise provided, in accordance with the provisions of paragraphs (a) and (b) of this section.

(d) Each operator shall, within 10 days after any change of the arrangements required to be reported under the provisions of this section, report such changes to the Coal Mine Health and Safety District Manager. If such changes involve a substitution of persons, the operator shall provide the name, title, and address of the person substituted together with the name and address of the medical service, medical clinic, hospital, or ambulance service with which such person or persons are associated.

(e) Each operator shall, immediately after making an arrangement required under the provisions of paragraphs (a) and (b) of this section, or immediately after any change, of such agreement, post at appropriate places at the mine the names, titles, addresses, and telephone numbers of all persons or services currently available under such arrangements to provide medical assistance and transportation at the mine.

§ 77.1703 First aid training: supervisory employees.

On or before September 30, 1971, each operator of a surface coal mine shall conduct a first aid training course for selected supervisory employees at the mine, and report in writing to the District Manager the names and job titles of all supervisory employees so trained. Thereafter, each operator shall, within 60 days after the selection of a new supervisory employee to be trained, report in writing to the Coal Mine Health and Safety District Manager the name and job title of such employee and the date on which such employee satisfactorily completed the first aid training course.

§ 77.1704 First aid training program; availability of instruction to all miners.

On or before December 30, 1971, each operator of a surface coal mine shall make available to all miners employed in the mine a course of instruction in first aid conducted by the operator or under the auspices of the operator, and such a course of instruction shall be made available to newly employed miners within 6 months after the date of employment.

§ 77.1705 First aid training program; retraining of supervisory employees; availability to all miners.

Beginning January 1, 1971, each operator of a surface coal mine shall conduct refresher first aid training programs each calendar year for all selected supervisory employees and make available refresher first aid training courses to all miners employed in the mine.

§ 77.1706 First aid training program; minimum requirements.

(a) All first aid training programs required under the provisions of §§ 77.1703 and 77.1704 shall include 10 class hours of training in a course of instruction similar to that outlined in "First Aid, A Bureau of Mines Instruction Manual."

(b) Refresher first aid training programs required under the provisions of § 77.1705 shall include 5 class hours of refresher training in a course of instruction similar to that outlined in "First Aid, A Bureau of Mines Instruction Manual."

§ 77.1707 First aid equipment; location; minimum requirements.

(a) Each operator of a surface coal mine shall maintain a supply of the first aid equipment set forth in paragraph (b) of this section at or near each working place where coal is being mined, at each preparation plant and at shops and other surface installation where ten or more persons are regularly employed.

(b) The first aid equipment required to be maintained under the provisions of paragraph (a) of this section shall include at least the following:

(1) One stretcher;

(2) One broken-back board (if a splint-stretcher combination is used it will satisfy the requirements of both subparagraph (1) of this paragraph and this subparagraph (2));

(3) Twenty-four triangular bandages (15 if a splint-stretcher combination is used);

(4) Eight 4-inch bandage compresses;

(5) Eight 2-inch bandage compresses;

(6) Twelve 1-inch adhesive compresses;

(7) An approved burn remedy;

(8) Two cloth blankets;

(9) One rubber blanket or equivalent substitute;

(10) Two tourniquets;

(11) One 1-ounce bottle of aromatic spirits of ammonia or 1 dozen ammonia ampules; and,

(12) The necessary complements of arm and leg splints or two each inflatable plastic arm and leg splints.

(c) All first aid supplies required to be maintained under the provisions of paragraphs (a) and (b) of this section shall be stored in suitable, sanitary, dust tight, moisture proof containers and such supplies shall be accessible to the miners.

§ 77.1708 Safety program; instruction of persons employed at the mine.

On and after June 30, 1971, each operator of a surface coal mine shall establish and maintain a program of instruction with respect to the safety regulations and procedures to be followed at the mine and shall publish and distribute to each employee, and post in conspicuous places throughout the mine, all such safety regulations promulgated in accordance with the provisions of this section.

§ 77.1709 Safety training; inexperienced employees.

New employees shall be indoctrinated in safety rules and safe work procedures and inexperienced employees shall not be assigned to work duties until they have been trained thoroughly in safe work procedures related to the assigned work duties.

§ 77.1710 Protective clothing; requirements.

On and after June 30, 1971, each employee of a surface coal mine shall be required to wear protective clothing and devices as indicated below:

(a) Protective clothing or equipment and face-shields or goggles shall be worn when welding, cutting, or working with molten metal or when other hazards to the eyes exist.

(b) Suitable protective clothing to cover the entire body when handling corrosive or toxic substances or other materials which might cause injury to the skin.

(c) Protective gloves when handling materials or performing work which might cause injury to the hands; however, gloves shall not be worn where they would create a greater hazard by becoming entangled in the moving parts of equipment.

(d) A suitable hard hat when in or around a mine or plant where falling objects may create a hazard.

(e) Suitable protective footwear.

(f) Snug-fitting clothing when working around moving machinery or equipment.

(g) Safety belts and lines where there is danger of falling; a second person shall tend the lifeline when bins, tanks, or other dangerous areas are entered.

(h) Lifejackets or belts where there is danger from falling into water.

(i) Seatbelts in a vehicle where there is a danger of overturning and where roll protection is provided.

§ 77.1711 Smoking prohibition.

No person shall smoke or use an open flame where such practice may cause a fire or explosion.

§ 77.1712 Reopening mines; notification; inspection prior to mining.

Prior to reopening any surface coal mine after it has been abandoned or declared inactive by the operator, the operator shall notify the Coal Mine Health and Safety District Manager for the district in which the mine is located, and an inspection of the entire mine shall be completed by an authorized representative of the Secretary before any mining operations in such mine are instituted.

§ 77.1713 Daily inspection of surface coal mine; certified person; reports of inspection.

(a) At least once during each working shift, or more often if necessary for safety, each active working area and each active surface installation shall be examined by a certified person designated by the operator to conduct such examinations for hazardous conditions and any hazardous conditions noted during such examinations shall be reported to the operator and shall be corrected by the operator.

(b) If any hazardous condition noted during an examination conducted in accordance with paragraph (a) of this section creates an imminent danger, the person conducting such examination shall notify the operator and the operator shall withdraw all persons from the area affected, except those persons referred to in section 104(d) of the Act, until the danger is abated.

(c) After each examination conducted in accordance with the provisions of paragraph (a) of this section, each certified person who conducted all or any part of the examination required shall enter with ink or indelible pencil in a book approved by the Secretary the date and a report of the condition of the mine or any area of the mine which he has inspected together with a report of the nature and location of any hazardous condition found to be present at the mine. The book in which such entries are made shall be kept in an area at the mine designated by the operator to minimize the danger of destruction by fire or other hazard.

(d) All examination reports recorded in accordance with the provisions of paragraph (c) of this section shall include a report of the action taken to abate hazardous conditions and shall be signed or countersigned each day by at least one of the following persons:

(1) The surface mine foreman;

(2) The assistant superintendent of the mine;

(3) The superintendent of the mine; or,

(4) The person designated by the operator as responsible for health and safety at the mine.

Subpart S—Trolley Wires and Trolley Feeder Wires

§ 77.1800 Cutout switches.

Trolley wires and trolley feeder wires, shall be provided with cutout switches at intervals of not more than 2,000 feet and near the beginning of all branch lines.

§ 77.1801 Overcurrent protection.

Trolley wires and trolley feeder wires shall be provided with overcurrent protection.

§ 77.1801–1 Devices for overcurrent protection.

Automatic circuit interrupting devices that will deenergize the affected circuit upon occurrence of a short circuit at any point in the system will meet the requirements of § 77.1801.

§ 77.1802 Insulation of trolley wires, trolley feeder wires, and bare signal wires; guarding of trolley wires and trolley feeder wires.

Trolley wires, trolley feeder wires, and bare signal wires shall be adequately guarded:

(a) At all points where men are required to work or pass regularly under the wires; and

(b) At man-trip stations.

The Secretary or his authorized representative shall specify other conditions where trolley wires and trolley feeder wires shall be adequately protected to prevent contact by any person, or shall require the use of improved methods to prevent such contact. Temporary guards shall be provided where trackmen and other persons are required to work in proximity to trolley wires and trolley feeder wires.

Subpart T—Slope and Shaft Sinking

§ 77.1900 Slopes and Shafts; approval of plans.

(a) Each operator of a coal mine shall prepare and submit for approval by the Coal Mine Health and Safety District Manager for the district in which the mine is located, a plan providing for the safety of workmen in each slope or shaft that is commenced or extended after June 30, 1971. The plan shall be consistent with prudent engineering design. The methods employed by the operator shall be selected to minimize the hazards to those employed in the initial or subsequent development of any such slope or shaft, and the plan shall include the following:

(1) The name and location of the mine, and the Bureau of Mines mine identification number, if known;

(2) The name and address of the mine operator;

(3) A description of the construction work and methods to be used in the construction of the slope or shaft, and whether part or all of the work will be performed by a contractor and a description of that part of the work to be performed by a contractor.

(4) The elevation, depth and dimensions of the slope or shaft;

(5) The location and elevation of the coalbed;

(6) The general characteristics of the strata through which the slope or shaft will be developed;

(7) The type of equipment which the operator proposes to use when the work is to be performed by the operator. When work is to be performed by a contractor the operator shall, as soon as known to him, supplement the plan with a description of the type of equipment to be used by the contractor;

(8) The system of ventilation to be used; and

(9) Safeguards for the prevention of caving during excavation.

§ 77.1900–1 Compliance with approved slope and shaft sinking plans.

Upon approval by the Coal Mine Health and Safety District Manager of a slope or shaft sinking plan, the operator shall adopt and comply with such plan.

§ 77.1901 Preshift and onshift inspections; reports.

(a) Examinations of slope and shaft areas shall be made by a certified person for hazardous conditions, including tests for methane and oxygen deficiency:

(1) Within 90 minutes before each shift;

(2) At least once on any shift during which men are employed inside any slope or shaft during development; and

(3) Both before and after blasting.

(b) The surface area surrounding each slope and shaft shall be inspected by a certified person and all hazards in the vicinity shall be corrected before men are permitted to enter the excavation.

(c) All hazards found during any preshift or onshift inspection shall be corrected before men are allowed to enter, or continue to work in such slope or shaft. If hazardous conditions cannot be corrected, or excessive methane concentrations cannot be diluted, the excavation shall be vacated and no person shall be permitted to reenter the slope or shaft to continue excavation operations until the hazardous condition has been abated.

(d) No work shall be performed in any slope or shaft, no drilling equipment shall be started, and no electrical equipment shall be energized if the methane content in such slope or shaft is 1.0 volume per centum, or more.

(e) Nothing in this § 77.1901 shall prevent the specific assignment of men in the slope or shaft for purposes of abating excessive methane concentrations or any other hazardous condition.

(f) The results of all inspections conducted in accordance with the provisions of paragraph (a) of this section shall be recorded in a book approved by the Secretary.

§ 77.1901–1 Methane and oxygen deficiency tests; approved devices.

Tests for oxygen deficiency shall be made with a permissible flame safety lamp or other means approved by the Secretary, and tests for methane shall be made with a methane detector approved by the Secretary.

§ 77.1902 Drilling and mucking operations.

Diesel-powered equipment used in the drilling, mucking, or other excavation of any slope or shaft shall be permissible, and such equipment shall be operated in a permissible manner and shall be maintained in a permissible condition.

§ 77.1902–1 Permissible diesel-powered equipment.

Diesel-powered equipment which has been approved by the Bureau of Mines under Part 36 of this chapter (Bureau of Mines Schedule 31) is permissible under the provisions of this section.

§ 77.1903 Hoists and hoisting; minimum requirements.

(a) Hoists employed in transporting men and material during drilling, mucking, or other excavating operations in any slope or shaft shall have rated capacities consistent with the loads to be handled and the recommended safety factors of the ropes used in such hoists.

(b) The American National Standards Institute, "Specifications For The Use Of Wire Ropes For Mines," M 11.1–1960, or the latest revision thereof, shall be used as a guide in the use, selection, installation, and maintenance of wire ropes used for hoisting.

(c) Each hoist employed in drilling, mucking, or other excavating operations shall be equipped with an accurate and reliable indicator of the position of the cage, platform, or bucket, which shall be installed in clear view of the hoist operator.

§ 77.1904 Communications between slope and shaft bottoms and hoist operators.

(a) Two independent means of signaling shall be provided between the hoistman and all points in a slope or shaft where men are required to work. At least one of these means shall be audible to the hoistman. Signal codes used in any communication system shall be posted conspicuously at each slope and shaft.

(b) Signaling systems used for communication between slopes and shafts and the hoistman shall be tested daily.

§ 77.1905 Hoist safeguards; general.

(a) Hoists used to transport persons shall be equipped with brakes capable of stopping and holding the cage, bucket, platform, or other device when fully loaded.

(b) When persons are transported by a hoist, a second person familiar with and qualified to stop the hoist shall be in attendance, except where the hoist is fully equipped with overspeed, overwind, and automatic stop devices.

§ 77.1906 Hoists; daily inspection.

(a) Hoists used to transport persons shall be inspected daily, and each such inspection shall include examination of the headgear (headframe, sheave wheels, etc.), ropes, connections, links and chains, and other facilities.

(b) Prior to each working shift, and before a hoist is returned to service after it has been out of normal service for any reason, it shall be operated by the hoistman through one complete cycle of operation before any person is permitted to be transported.

(c) The results of all inspections conducted in accordance with this section shall be recorded in a book approved by the Secretary, and shall be signed by the person making the inspection and shall be signed or countersigned by any of the persons listed in paragraph (d) of § 77.1713.

§ 77.1907 Hoist construction; general.

(a) Hoisting ropes shall be equipped with a spelter-filled socket or a thimble with an adequate number of clamps properly spaced and installed along the rope.

(b) Cages, buckets, or slope cars when used for hoisting or lowering men shall be provided with two bridle chains or cables connected securely to the rope at least 3 feet above the socket or thimble and which are securely fastened to the cage, bucket or slope car.

(c) Where hooks are used to attach cages or buckets to the socket or thimble of a hoisting rope, they shall be self-closing.

(d) Hoisting ropes shall contain at least three full turns on the hoist drum when the rope is extended to its maximum working length. At least one full turn of the hoist rope shall be placed around the drum shaft or around the spoke of a free drum and both shall be fastened securely by means of clamps.

§ 77.1908 Hoist installations; use.

(a) Where men are transported by means of a hoist and the depth of the shaft exceeds 50 feet, the hoist rope shall be suspended from a substantial hoisting installation which shall be high enough to provide working clearance between the bottom of the sheave and the top of the cage or bucket.

(b) Where men are transported by means of a hoist and the depth of the shaft exceeds 100 feet, temporary shaft guides and guide attachments, or other no less effective means, shall be installed to prevent the cage, platform, or bucket from swinging.

(c) All guides and guide attachments, or other no less effective means, installed in accordance with paragraph (b) of this section shall be maintained to a depth of not less than 75 feet from the bottom of the shaft.

(d) Where crossheads are used, the cage, platform, or bucket shall not be hung more than 10 feet below the crosshead.

(e) Where men are required to embark or disembark from a cage, platform or bucket suspended over or within a shaft, a loading platform shall be installed to insure safe footing.

(f) During the development of each slope or shaft, either a ladder or independently powered auxiliary hoist shall be provided to permit men to escape quickly in the event of an emergency.

(g) No person shall be permitted to ride the rim of any bucket or on the top of a loaded bucket.

(h) The number of persons permitted to ride in cages, skips, or buckets shall be limited so as to prevent overcrowding.

(i) Persons shall not be permitted to ride on a cage, skip, or bucket with tools or materials, except when necessary to handle equipment while in transit. Materials shall be secured to prevent shifting while being hoisted.

(j) The speed of buckets transporting persons shall not exceed 500 feet per minute and not more than 200 feet per minute when within 100 feet of any stop.

(k) A notice of established speeds shall be posted in clear view of the hoistman.

(l) Conveyances being lowered in a shaft in which men are working shall be stopped at least 15 feet above such men and shall be lowered further only after the hoistman has received a signal that all men who may be endangered by the conveyance are in the clear.

(m) No skip or bucket shall be raised or lowered in a slope or shaft until it has been trimmed to prevent material from falling back down the slope or shaft.

(n) Measures shall be taken to prevent material from falling back into the shaft while buckets or other conveyances are being unloaded.

(o) Properly attached safety belts shall be worn by all persons required to work in or over any shaft where there is a drop of 10 or more feet, unless other acceptable means are provided to prevent such persons from falling into the shaft.

§ 77.1908–1 Hoist operation; qualified hoistman.

Hoists shall be under the control of and operated by a qualified hoistman when men are in a slope or shaft.

§ 77.1909 Explosives and blasting; use of permissible explosives and shot-firing units.

Except as provided in § 77.1909–1, only permissible explosives and permissible shot-firing units shall be used in sinking shafts and slopes.

§ 77.1909–1 Use of nonpermissible explosives and nonpermissible shot-firing units; approval by Health and Safety District Manager.

Where the Coal Mine Health and Safety District Manager has determined that the use of nonpermissible explosives and nonpermissible shot-firing units will not pose a hazard to any person during the development of a slope or shaft, he may, after written application by the operator, approve the use of such explosives and shot-firing units and issue a permit for the use of such explosives and devices setting forth the safeguards to be employed by the operator to protect the health and safety of any person exposed to such blasting.

§ 77.1910 Explosives and blasting; general.

(a) Light and power circuits shall be disconnected or removed from the blasting area before charging and blasting.

(b) All explosive materials, detonators, and any other related blasting material employed in the development of any slope or shaft shall be stored, transported, carried, charged, and fired in accordance with the provision of Subpart N, "Explosives and Blasting," of this Part 77. Except as provided in paragraph (c) of this section, all shots shall be fired from the surface.

(c) Where tests for methane have been conducted and methane has not been found and only permissible blasting units are being employed, shots may be fired from an upper level of the slope or shaft.

(d) Except as provided in paragraph (c) of this section, all men shall be removed from the slope or shaft prior to blasting.

(e) Blasting areas in slopes or shafts shall be covered with mats or other suitable material when the excavation is too shallow to retain blasted material.

(f) Where it is impracticable to prepare primers in the blasting area, primers may be prepared on the surface and carried into the shaft in specially constructed, insulated, covered containers.

(g) No other development operation shall be conducted in a shaft or at the face of a slope while drill holes are being charged and until after all shots have been fired.

(h) The sides of the slope or shaft between the overhead platform and the bottom where men are working shall be examined after each blast and loose material removed.

(i) Loose rock and other material shall be removed from timbers and platforms after each blast before men are lowered to the shaft bottom.

§ 77.1911 Ventilation of slopes and shafts.

(a) All slopes and shafts shall be ventilated by mechanical ventilation equipment during development. Such equipment shall be examined before each shift and the quantity of air in the slope or shaft measured daily by a certified person and the results of such examinations and tests recorded in a book approved by the Secretary.

(b) Ventilation fans shall be:

(1) Installed on the surface;

(2) Installed in fireproof housing and connected to the slope or shaft opening with fireproof air ducts;

(3) Designed to permit the reversal of the air current, and located in an area which will prevent a recirculation of air from the slope or shaft or air contamination from any other source;

(4) Equipped with an automatic signal device designed to give an alarm in the event the fan slows or stops which can be seen or heard by any person on duty in the vicinity of the fan, except where fans are constantly attended.

(5) Offset not less than 15 feet from the shaft; and

(6) Equipped with air ducts which are fire resistant and maintained so as to prevent excessive leakage of air;

(i) Flexible ducts shall be constructed to permit ventilation by either exhausting or blowing methods and when metal air ducts are used, they shall be grounded effectively to remove static and other electrical charges;

(ii) Ducts shall extend as close to the bottom as necessary to ventilate properly.

(c) A qualified person, designated by the operator, shall be assigned to maintain each ventilating system.

(d) The fan shall be operated continuously when men are below the surface. Any accidental stoppage or reduction in airflow shall be corrected promptly; however, where repairs cannot be made immediately, development work below the surface shall be stopped and all the men not needed to make necessary repairs shall be removed to the surface.

§ 77.1912 Ladders and stairways.

(a) Substantial stairways or ladders shall be used during the construction of all shafts where no mechanical means are provided for men to travel.

(b) Landings at intervals of not more than 30 feet shall be installed.

(c) Shaft ladders shall project 3 feet above the collar of the shaft, and shall be placed at least 3 inches from the side of the shaft.

§ 77.1913 Fire-resistant wood.

Except for crossties, timbers, and other wood products which are permanently installed in slopes and shafts, shall be fire resistant.

§ 77.1914 Electrical equipment.

(a) Electric equipment employed below the collar of a slope or shaft during excavation shall be permissible and shall be maintained in a permissible condition.

(b) The insulation of all electric conductors employed below the collar of any slope or shaft during excavation shall be of the flame resistant type.

(c) Only lamps and portable flood lights approved by the Bureau of Mines under Part 19 and Part 20 of this chapter (Bureau of Mines Schedules 6D and 10C) shall be employed below the collar of any slope or shaft.

§ 77.1915 Storage and handling of combustible materials.

(a) Compressed and liquefied gas, oil, gasoline, and other petroleum products shall not be stored within 100 feet of any slope or shaft opening.

(b) Other combustible material and supplies shall not be stored within 25 feet of any slope or shaft opening.

(c) Pyritic slates, bony coal, culm or other material capable of spontaneous combustion shall not be used for fill or as surfacing material within 100 feet of any slope or shaft opening.

(d) Areas surrounding the opening of each slope or shaft shall be constructed to insure the drainage of flammable liquids away from the slope or shaft in the event of spillage.

(e) Oily rags, waste, waste paper, and other combustible waste material disposed of in the vicinity of any slope or shaft opening shall be stored in closed containers until removed from the area.

§ 77.1916 Welding, cutting, and soldering; fire protection.

(a) One portable fire extinguisher shall be provided where welding, cutting, or soldering with arc or flame is performed.

(b) Welding, cutting, or soldering with arc or flame within or in the vicinity of any slope or shaft, except where such operations are performed in fireproof enclosures, shall be done under the supervision of a qualified person who shall make a diligent search within or in the vicinity of the slope or shaft for fire during and after such operations.

(c) Before welding, cutting, or soldering is performed in any slope or shaft designed to penetrate into any coalbed below the surface, an examination for methane shall be made by a qualified person with a device approved by the Secretary for detecting methane. Examination for methane shall be made immediately before and periodically during welding, cutting, or soldering and such work shall not be permitted to commence or continue in air which contains 1.0 volume per centum or more of methane.

(d) Noncombustible barriers shall be installed below welding, cutting, or soldering operations in or over a shaft.

[FR Doc.71-7111 Filed 5-21-71;8:45 am]

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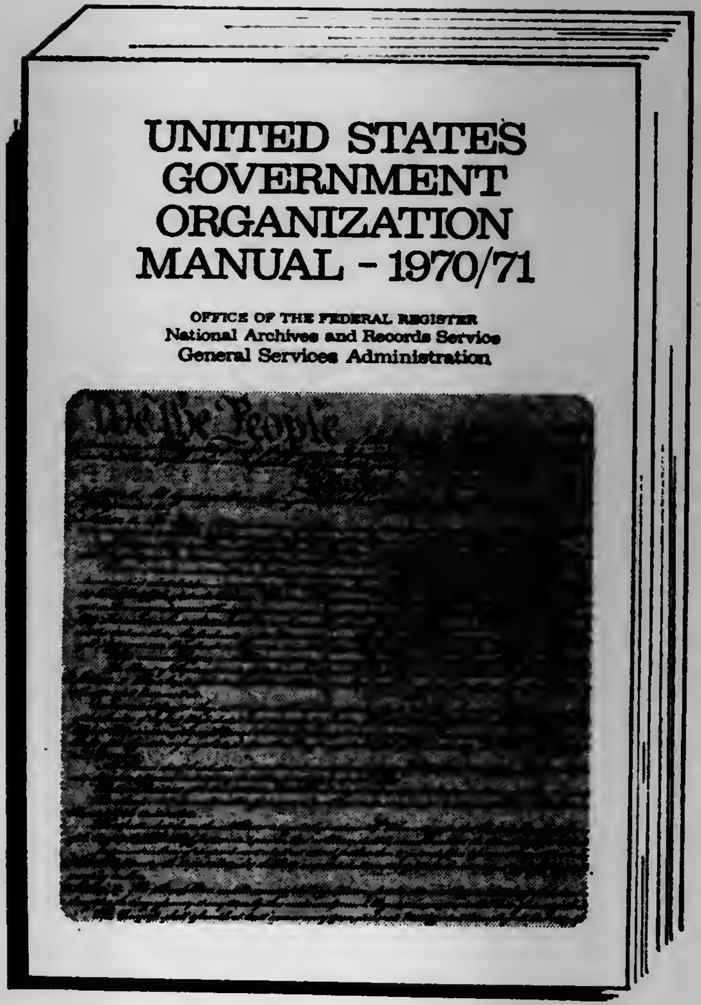

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THE NATIONAL ARCHIVES OF THE UNITED STATES
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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 151—POLITICAL ACTIVITY OF STATE OR LOCAL OFFICERS OR EMPLOYEES

Authority Citation; Correction

In the Federal Register of April 21, 1971 (F.R. Doc. 71-5489), the authority statements of Part 151 and Part 733 were amended, but the correction in this issue should have applied only to Part 733. The authority for Part 151 should not have been corrected and should read as follows:

Authority: The provisions of this Part 151 issued under 5 U.S.C. secs. 1302, 1501–1508.

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71-7246 Filed 5-24-71;8:49 am]

PART 213—EXCEPTED SERVICE

Export-Import Bank of the United States

Section 213.3242 is amended to reflect the exception under Schedule B of an additional 14 positions of Loan Specialist when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. It is also amended to cover positions in grades GS-7, 9, and 14 as well as the GS-11 through 13 positions now covered. Appointments under this authority may not exceed 15 months.

Effective on publication in the Federal Register (5-25-71), paragraph (a) of § 213.3242 is amended as set out below.

§ 213.3242 Export-Import Bank of the United States.

(a) Not to exceed 24 positions of Loan Specialist GS-7 through 14 when occupied by persons selected jointly by commercial banks and the agency for participation in the Eximbank-Commercial Bank Orientation Program. Appointments under this authority may not exceed 15 months.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954–58 Comp., p. 218)

United States Civil Service Commission
[seal] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71-7245 Filed 5-24-71;8:48 am]

PART 550—PAY ADMINISTRATION (GENERAL)

Part-Time Employment of Certain Bartenders

Section 550.505 is amended to except part-time bartenders at the Tooele Army Depot, Tooele, Utah, from the dual-compensation limitation of 5 U.S.C. 5533(a).

Effective on publication in the Federl Register (5-25-71), paragraph (v) is added to § 550.505 as set out below:

§ 550.505 Specific exceptions.

When appropriate authority in the department or agency concerned, or in the government of the District of Columbia, determines that personal services otherwise cannot be readily obtained, section 5533(a) of title 5, United States Code, does not apply to:

* * * * *

(v) Pay for part-time employment of bartenders at the Tooele Army Depot, Tooele, Utah.

(5 U.S.C. sec. 5533)

United States Civil Service Commission,
[seal] James C. Spry,
Executive Assistant to Commissioners.

[FR Doc.71-7247 Filed 5-24-71;8:49 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7117]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Revision of Rates

On January 5, 1971, notice of proposed rule making with respect to the amendments of the Income Tax Regulations (26 CFR Part 1) to conform the regulations to changes made by section 111 of the Revenue Act of 1964 (78 Stat. 19) and to section 803 (a)-(d) of the Tax Reform Act of 1969 (83 Stat. 487) was published in the Federal Register (36 F.R. 70). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the amendments of the regulations as proposed are hereby adopted, subject to the changes set forth below:

Paragraph 1. In § 1.3, as set forth in paragraph 8 of the notice of proposed rule making, the following changes are made in the tables thereunder:

1. In Table I—Returns Claiming 1 Exemption, the rates for incomes of "at least $8,100 but less than $8,150" should appear only once.

2. In Table II—Returns Claiming 2 Exemptions:

a. In the rates for incomes of "at least $4,250 but less than 4,300", the entry in the third column now reading "425" should read "424".

b. In the rates for incomes of "at least $6,100 but less than 6,150", the entry in the last column should read "773".

3. In Table III—Returns Claiming 3 Exemptions:

a. In the rates for incomes of "at least $2,350 but less than 2,375", the entry in the last column should read "35".

b. The second set of entries for incomes of "at least $2,950" should be deleted.

c. In the rates for incomes of "at least $7,400 but less than 7,450", the entry in the last column now reading "821" should read "921".

4. In Table IV—Returns Claiming 4 Exemptions:

a. In the rates for incomes of "at least $5,400", the entry in the second column now reading "4,450" should read "5,450".

b. In the rates for incomes of "at least $6,100", the entry in the second column now reading "5,150" should read "6,150".

c. In the rates for incomes of "at least $6,750 but less than 6,800", the entry in the sixth column now reading "547" should read "647".

5. In Table V—Returns Claiming 5 Exemptions, in the rates for incomes of "at least $9,350 but less than 9,400", the entry in the last column should read "1,075".

6. In Table VI—Returns Claiming 6 Exemptions, in the rates for incomes of "at least $7,050 but less than 7,100", the entry in the last column now reading "567" should read "467".

7. In Table VIII—Returns Claiming 8 Exemptions, in the rates for incomes of "at least $9,200 but less than 9,250", the entry in the fifth column now reading "588" should read "488".

8. In Table XI—Returns Claiming 11 Exemptions, in the rates for incomes of "at least $9,800 but less than 9,850", the entry in the last column now reading "296" should read "396".

9. In Table XVIII—Returns Claiming 3 Exemptions, in the rates for incomes of "at least $6,800 but less than 6,850", the entry in the sixth column now reading "759" should read "795".

10. In Table XXIII—Returns Claiming 8 Exemptions, following the set of entries for incomes of "at least $8,500 but less than 8,450", the next set of entries should be designated "at least $8,450 but less than 8,500".

11. In Table XXVIII—Returns Claiming 13 Exemptions:

a. In the rates for incomes of "at least $9,350 but less than 9,400", the entry in the last column now reading "22" should read "25".

b. In the rates for incomes of "at least $9,400 but less than 9,450", the entry in the last column now reading "35" should read "32".

PAR. 2. In § 1.3–1, as set forth in paragraph 9 of the notice of proposed rule making, the following changes are made:

1. In Example (1) of subdivision (2) of paragraph (a), the date "1954" should read "1970".

2. The second sentence of paragraph (b) should read: "See section 2, and the regulations thereunder, with respect to the qualifications of a taxpayer as a surviving spouse."

3. In subdivision (5) of paragraph (c), the words "or the regulations thereunder" are inserted after the words "section 3".

Sec. 7805, Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805))

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

Approved: May 17, 1971.

JOHN S. NOLAN,
Acting Assistant Secretary of the Treasury.

§ 1.1 Statutory provisions; tax imposed.

SECTION 1. *Tax imposed*—(a) *Rates of tax on individuals*—(1) *Taxable years beginning in 1964.* In the case of a taxable year beginning on or after January 1, 1964, and before January 1, 1965, there is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	16% of the taxable income.
Over $500 but not over $1,000	$80, plus 16.5% of excess over $500.
Over $1,000 but not over $1,500	$162.50, plus 17.5% of excess over $1,000.
Over $1,500 but not over $2,000	$250, plus 18% of excess over $1,500.
Over $2,000 but not over $4,000	$340, plus 20% of excess over $2,000.
Over $4,000 but not over $6,000	$740, plus 23.5% of excess over $4,000.
Over $6,000 but not over $8,000	$1,210, plus 27% of excess over $6,000.
Over $8,000 but not over $10,000	$1,750, plus 30.5% of excess over $8,000.
Over $10,000 but not over $12,000	$2,360, plus 34% of excess over $10,000.
Over $12,000 but not over $14,000	$3,040, plus 37.5% of excess over $12,000.
Over $14,000 but not over $16,000	$3,790, plus 41% of excess over $14,000.
Over $16,000 but not over $18,000	$4,610, plus 44.5% of excess over $16,000.
Over $18,000 but not over $20,000	$5,500, plus 47.5% of excess over $18,000.
Over $20,000 but not over $22,000	$6,450, plus 50.5% of excess over $20,000.
Over $22,000 but not over $26,000	$7,460, plus 53.5% of excess over $22,000.
Over $26,000 but not over $32,000	$9,600, plus 56% of excess over $26,000.
Over $32,000 but not over $38,000	$12,960, plus 58.5% of excess over $32,000.
Over $38,000 but not over $44,000	$16,470, plus 61% of excess over $38,000.
Over $44,000 but not over $50,000	$20,130, plus 63.5% of excess over $44,000.
Over $50,000 but not over $60,000	$23,940, plus 66% of excess over $50,000.
Over $60,000 but not over $70,000	$30,540, plus 68.5% of excess over $60,000.
Over $70,000 but not over $80,000	$37,390, plus 71% of excess over $70,000.
Over $80,000 but not over $90,000	$44,490, plus 73.5% of excess over $80,000.
Over $90,000 but not over $100,000	$51,840, plus 75% of excess over $90,000.
Over $100,000 but not over $200,000	$59,340, plus 76.5% of excess over $100,000.
Over $200,000	$135,840, plus 77% of excess over $200,000.

(2) *Taxable years beginning after December 31, 1964.* In the case of a taxable year beginning after December 31, 1964, there is hereby imposed on the taxable income of every individual (other than a head of a household to whom subsection (b) applies) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,130, plus 25% of excess over $6,000.
Over $8,000 but not over $10,000	$1,630, plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,190, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,830, plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,550, plus 39% of excess over $14,000.
Over $16,000 but not over $18,000	$4,330, plus 42% of excess over $16,000.
Over $18,000 but not over $20,000	$5,170, plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,070, plus 48% of excess over $20,000.
Over $22,000 but not over $26,000	$7,030, plus 50% of excess over $22,000.
Over $26,000 but not over $32,000	$9,030, plus 53% of excess over $26,000.
Over $32,000 but not over $38,000	$12,210, plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$15,510, plus 58% of excess over $38,000.
Over $44,000 but not over $50,000	$18,990, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$22,590, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$28,790, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$35,190, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$41,790, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$48,590, plus 69% of excess over $90,000.
Over $100,000	$55,490, plus 70% of excess over $100,000.

(b) *Rates of tax on heads of households*—(1) *Rates of tax*—(A) *Taxable years beginning in 1964.* In the case of a taxable year beginning on or after January 1, 1964, and before January 1, 1965, there is hereby imposed on the taxable income of every individual who is the head of a household a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	16% of the taxable income.
Over $1,000 but not over $2,000	$160, plus 17.5% of excess over $1,000.
Over $2,000 but not over $4,000	$335, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$715, plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,155, plus 23% of excess over $6,000.
Over $8,000 but not over $10,000	$1,615, plus 27% of excess over $8,000.
Over $10,000 but not over $12,000	$2,155, plus 29% of excess over $10,000.
Over $12,000 but not over $14,000	$2,735, plus 32% of excess over $12,000.
Over $14,000 but not over $16,000	$3,375, plus 34% of excess over $14,000.
Over $16,000 but not over $18,000	$4,055, plus 37.5% of excess over $16,000.
Over $18,000 but not over $20,000	$4,805, plus 39% of excess over $18,000.
Over $20,000 but not over $22,000	$5,585, plus 42.5% of excess over $20,000.
Over $22,000 but not over $24,000	$6,435, plus 43.5% of excess over $22,000.
Over $24,000 but not over $26,000	$7,305, plus 45.5% of excess over $24,000.
Over $26,000 but not over $28,000	$8,215, plus 47% of excess over $26,000.

If the taxable income is:	The tax is:
Over $28,000 but not over $32,000	$9,155, plus 48.5% of excess over $28,000.
Over $32,000 but not over $36,000	$11,095, plus 51.5% of excess over $32,000.
Over $36,000 but not over $38,000	$13,155, plus 53% of excess over $36,000.
Over $38,000 but not over $40,000	$14,215, plus 54% of excess over $38,000.
Over $40,000 but not over $44,000	$15,295, plus 56% of excess over $40,000.
Over $44,000 but not over $50,000	$17,535, plus 58.5% of excess over $44,000.
Over $50,000 but not over $52,000	$21,045, plus 59.5% of excess over $50,000.
Over $52,000 but not over $60,000	$22,235, plus 61% of excess over $52,000.
Over $60,000 but not over $64,000	$27,115, plus 62% of excess over $60,000.
Over $64,000 but not over $70,000	$29,595, plus 63.5% of excess over $64,000.
Over $70,000 but not over $76,000	$33,405, plus 65% of excess over $70,000.
Over $76,000 but not over $80,000	$37,305, plus 66% of excess over $76,000.
Over $80,000 but not over $88,000	$39,945, plus 67% of excess over $80,000.
Over $88,000 but not over $90,000	$45,305, plus 69% of excess over $88,000.
Over $90,000 but not over $100,000	$46,685, plus 69.5% of excess over $90,000.
Over $100,000 but not over $120,000	$53,635, plus 71% of excess over $100,000.
Over $120,000 but not over $140,000	$67,835, plus 72.5% of excess over $120,000.
Over $140,000 but not over $160,000	$82,335, plus 74% of excess over $140,000.
Over $160,000 but not over $180,000	$97,135, plus 75% of excess over $160,000.
Over $180,000 but not over $200,000	$112,135, plus 75.5% of excess over $180,000.
Over $200,000	$127,235, plus 77% of excess over $200,000.

(B) *Taxable years beginning after December 31, 1964.* In the case of a taxable year beginning after December 31, 1964, there is hereby imposed on the taxable income of every individual who is the head of a household a tax in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$660, plus 20% of excess over $4,000.
Over $6,000 but not over $8,000	$1,060, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,500, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$2,000, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,540, plus 31% of excess over $12,000.
Over $14,000 but not over $16,000	$3,160, plus 32% of excess over $14,000.
Over $16,000 but not over $18,000	$3,800, plus 35% of excess over $16,000.
Over $18,000 but not over $20,000	$4,500, plus 36% of excess over $18,000.
Over $20,000 but not over $22,000	$5,220, plus 40% of excess over $20,000.
Over $22,000 but not over $24,000	$6,020, plus 41% of excess over $22,000.
Over $24,000 but not over $26,000	$6,840, plus 43% of excess over $24,000.
Over $26,000 but not over $28,000	$7,700, plus 45% of excess over $26,000.
Over $28,000 but not over $32,000	$8,600, plus 46% of excess over $28,000.
Over $32,000 but not over $36,000	$10,440, plus 48% of excess over $32,000.
Over $36,000 but not over $38,000	$12,360, plus 50% of excess over $36,000.
Over $38,000 but not over $40,000	$13,360, plus 52% of excess over $38,000.
Over $40,000 but not over $44,000	$14,400, plus 53% of excess over $40,000.
Over $44,000 but not over $50,000	$16,520, plus 55% of excess over $44,000.
Over $50,000 but not over $52,000	$19,820, plus 56% of excess over $50,000.
Over $52,000 but not over $64,000	$20,940, plus 58% of excess over $52,000.
Over $64,000 but not over $70,000	$27,900, plus 59% of excess over $64,000.
Over $70,000 but not over $76,000	$31,440, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000	$35,100, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000	$37,580, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000	$42,620, plus 64% of excess over $88,000.
Over $100,000 but not over $120,000	$50,300, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000	$63,500, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000	$76,900, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000	$90,500, plus 69% of excess over $160,000.
Over $180,000	$104,300, plus 70% of excess over $180,000.

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[Sec. 1 as amended by sec. 111, Rev. Act 1964 (78 Stat. 19)]

SECTION 1. TAX IMPOSED.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—There is hereby imposed on the taxable income of—

(1) Every married individual (as defined in section 143) who makes a single return jointly with his spouse under section 6013, and

(2) Every surviving spouse (as defined in section 2(a)),

A tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 15% of excess over $1,000.
Over $2,000 but not over $3,000	$290, plus 16% of excess over $2,000.
Over $3,000 but not over $4,000	$450, plus 17% of excess over $3,000.
Over $4,000 but not over $8,000	$620, plus 19% of excess over $4,000.
Over $8,000 but not over $12,000	$1,380, plus 22% of excess over $8,000.
Over $12,000 but not over $16,000	$2,260, plus 25% of excess over $12,000.
Over $16,000 but not over $20,000	$3,260, plus 28% of excess over $16,000.
Over $20,000 but not over $24,000	$4,380, plus 32% of excess over $20,000.
Over $24,000 but not over $28,000	$5,660, plus 36% of excess over $24,000.
Over $28,000 but not over $32,000	$7,100, plus 39% of excess over $28,000.
Over $32,000 but not over $36,000	$8,660, plus 42% of excess over $32,000.
Over $36,000 but not over $40,000	$10,340, plus 45% of excess over $36,000.
Over $40,000 but not over $44,000	$12,140, plus 48% of excess over $40,000.
Over $44,000 but not over $52,000	$14,060, plus 50% of excess over $44,000.
Over $52,000 but not over $64,000	$18,060, plus 53% of excess over $52,000.
Over $64,000 but not over $76,000	$24,420, plus 55% of excess over $64,000.
Over $76,000 but not over $88,000	$31,020, plus 58% of excess over $76,000.
Over $88,000 but not over $100,000	$37,980, plus 60% of excess over $88,000.
Over $100,000 but not over $120,000	$45,180, plus 62% of excess over $100,000.
Over $120,000 but not over $140,000	$57,580, plus 64% of excess over $120,000.
Over $140,000 but not over $160,000	$70,380, plus 66% of excess over $140,000.
Over $160,000 but not over $180,000	$83,580, plus 68% of excess over $160,000.
Over $180,000 but not over $200,000	$97,180, plus 69% of excess over $180,000.
Over $200,000	$110,980, plus 70% of excess over $200,000.

(b) HEADS OF HOUSEHOLDS.—There is hereby imposed on the taxable income of every individual who is the head of a household (as defined in section 2(b)) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $1,000	14% of the taxable income.
Over $1,000 but not over $2,000	$140, plus 16% of excess over $1,000.
Over $2,000 but not over $4,000	$300, plus 18% of excess over $2,000.
Over $4,000 but not over $6,000	$660, plus 19% of excess over $4,000.
Over $6,000 but not over $8,000	$1,040, plus 22% of excess over $6,000.
Over $8,000 but not over $10,000	$1,480, plus 23% of excess over $8,000.
Over $10,000 but not over $12,000	$1,940, plus 25% of excess over $10,000.
Over $12,000 but not over $14,000	$2,440, plus 27% of excess over $12,000.
Over $14,000 but not over $16,000	$2,980, plus 28% of excess over $14,000.
Over $16,000 but not over $18,000	$3,540, plus 31% of excess over $16,000.
Over $18,000 but not over $20,000	$4,160, plus 32% of excess over $18,000.
Over $20,000 but not over $22,000	$4,800, plus 35% of excess over $20,000.
Over $22,000 but not over $24,000	$5,500, plus 36% of excess over $22,000.
Over $24,000 but not over $26,000	$6,220, plus 38% of excess over $24,000.
Over $26,000 but not over $28,000	$6,980, plus 41% of excess over $26,000.
Over $28,000 but not over $32,000	$7,800, plus 42% of excess over $28,000.
Over $32,000 but not over $36,000	$9,480, plus 45% of excess over $32,000.
Over $36,000 but not over $38,000	$11,280, plus 48% of excess over $36,000.
Over $38,000 but not over $40,000	$12,240, plus 51% of excess over $38,000.
Over $40,000 but not over $44,000	$13,260, plus 52% of excess over $40,000.
Over $44,000 but not over $50,000	$15,340, plus 55% of excess over $44,000.
Over $50,000 but not over $52,000	$18,640, plus 56% of excess over $50,000.
Over $52,000 but not over $64,000	$19,760, plus 58% of excess over $52,000.
Over $64,000 but not over $70,000	$26,720, plus 59% of excess over $64,000.

If the taxable income is:	The tax is:
Over $70,000 but not over $76,000	$30,260, plus 61% of excess over $70,000.
Over $76,000 but not over $80,000	$33,920, plus 62% of excess over $76,000.
Over $80,000 but not over $88,000	$36,400, plus 63% of excess over $80,000.
Over $88,000 but not over $100,000	$41,440, plus 64% of excess over $88,000.
Over $100,000 but not over $120,000	$49,120, plus 66% of excess over $100,000.
Over $120,000 but not over $140,000	$62,320, plus 67% of excess over $120,000.
Over $140,000 but not over $160,000	$75,720, plus 68% of excess over $140,000.
Over $160,000 but not over $180,000	$89,320, plus 69% of excess over $160,000.
Over $180,000	$103,120, plus 70% of excess over $180,000.

(c) Unmarried Individuals (Other Than Surviving Spouses and Heads of Households).—There is hereby imposed on the taxable income of every individual (other than a surviving spouse as defined in section 2(a) or the head of a household as defined in section 2(b)) who is not a married individual (as defined in section 143) a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 21% of excess over $4,000.
Over $6,000 but not over $8,000	$1,110, plus 24% of excess over $6,000.
Over $8,000 but not over $10,000	$1,590, plus 25% of excess over $8,000.
Over $10,000 but not over $12,000	$2,090, plus 27% of excess over $10,000.
Over $12,000 but not over $14,000	$2,630, plus 29% of excess over $12,000.
Over $14,000 but not over $16,000	$3,210, plus 31% of excess over $14,000.
Over $16,000 but not over $18,000	$3,830, plus 34% of excess over $16,000.
Over $18,000 but not over $20,000	$4,510, plus 36% of excess over $18,000.
Over $20,000 but not over $22,000	$5,230, plus 38% of excess over $20,000.
Over $22,000 but not over $26,000	$5,990, plus 40% of excess over $22,000.
Over $26,000 but not over $32,000	$7,590, plus 45% of excess over $26,000.
Over $32,000 but not over $38,000	$10,290, plus 50% of excess over $32,000.
Over $38,000 but not over $44,000	$13,290, plus 55% of excess over $38,000.
Over $44,000 but not over $50,000	$16,590, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$20,190, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$26,390, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$32,790, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$39,390, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$46,190, plus 69% of excess over $90,000.
Over $100,000	$53,090, plus 70% of excess over $100,000.

(d) Married Individuals Filing Separate Returns; Estates and Trusts.—There is hereby imposed on the taxable income of every married individual (as defined in section 143) who does not make a single return jointly with his spouse under section 6013, and of every estate and trust taxable under this subsection, a tax determined in accordance with the following table:

If the taxable income is:	The tax is:
Not over $500	14% of the taxable income.
Over $500 but not over $1,000	$70, plus 15% of excess over $500.
Over $1,000 but not over $1,500	$145, plus 16% of excess over $1,000.
Over $1,500 but not over $2,000	$225, plus 17% of excess over $1,500.
Over $2,000 but not over $4,000	$310, plus 19% of excess over $2,000.
Over $4,000 but not over $6,000	$690, plus 22% of excess over $4,000.
Over $6,000 but not over $8,000	$1,130, plus 25% of excess over $6,000.
Over $8,000 but not over $10,000	$1,630, plus 28% of excess over $8,000.
Over $10,000 but not over $12,000	$2,190, plus 32% of excess over $10,000.
Over $12,000 but not over $14,000	$2,630, plus 36% of excess over $12,000.
Over $14,000 but not over $16,000	$3,550, plus 39% of excess over $14,000.
Over $16,000 but not over $18,000	$4,330, plus 42% of excess over $16,000.
Over $18,000 but not over $20,000	$5,170, plus 45% of excess over $18,000.
Over $20,000 but not over $22,000	$6,070, plus 48% of excess over $20,000.
Over $22,000 but not over $26,000	$7,030, plus 50% of excess over $22,000.
Over $26,000 but not over $32,000	$9,030, plus 53% of excess over $26,000.
Over $32,000 but not over $38,000	$12,210, plus 55% of excess over $32,000.
Over $38,000 but not over $44,000	$15,510, plus 58% of excess over $38,000.
Over $44,000 but not over $50,000	$18,990, plus 60% of excess over $44,000.
Over $50,000 but not over $60,000	$22,590, plus 62% of excess over $50,000.
Over $60,000 but not over $70,000	$28,790, plus 64% of excess over $60,000.
Over $70,000 but not over $80,000	$35,190, plus 66% of excess over $70,000.
Over $80,000 but not over $90,000	$41,790, plus 68% of excess over $80,000.
Over $90,000 but not over $100,000	$48,590, plus 69% of excess over $90,000.
Over $100,000	$55,490, plus 70% of excess over $100,000.

[Sec. 1 as amended by sec. 803(a), Tax Reform Act 1969 (83 Stat. 487)]

Par. 2. Paragraph (a) of § 1.1–1 is amended to read as follows:

§ 1.1–1 Income tax on individuals.

(a) *General rule.* (1) Section 1 of the Code imposes an income tax on every individual, resident or nonresident, other than a nonresident alien individual subject to the tax imposed by section 871(a) or section 877. For optional tax in the case of taxpayers with adjusted gross income of less than $5,000 (less than $10,000 for taxable years beginning after Dec. 31, 1969) see section 3. The tax imposed is upon taxable income (determined by subtracting the allowable deductions from gross income). The tax is determined in accordance with the table contained in section 1. See subparagraph (2) for reference guides to the appropriate table for taxable years beginning on or after January 1, 1964, and before January 1, 1965, taxable years beginning after December 31, 1964, and before January 1, 1971, and taxable years beginning after December 31, 1970. In certain cases credits are allowed against the amount of the tax. See part IV (section 31 and following), subchapter A, chapter 1 of the Code. In general, the tax is payable upon the basis of returns rendered by persons liable therefor (subchapter A (sections 6001 and following), chapter 61 of the Code) or at the source of the income by withholding. For the computation of tax in the case of a joint return of a husband and wife, or a return of a surviving spouse, for taxable years beginning before January 1, 1971, see section 2. The computation of tax in such a case for taxable years beginning after December 31, 1970, is determined in accordance with the table contained in section 1(a) as amended by the Tax Reform Act of 1969. For other rates of tax on individuals, see section 5(a). For the imposition of an additional tax for the calender years 1968, 1969, and 1970, see section 51(a).

(2) For taxable years beginning on or after January 1, 1964, the tax imposed upon a single individual, a head of a household, a married individual filing a separate return, and estates and trusts is the tax imposed by section 1 determined in accordance with the appropriate table contained in the following subsection of section 1:

	Taxable years beginning in 1964	Taxable years beginning after 1964 but before 1971	Taxable years beginning after Dec. 31, 1970 (references in this column are to the Code as amended by the Tax Reform Act of 1969)
Single individual	Sec. 1(a)(1)	Sec. 1(a)(2)	Sec. 1(c).
Head of a household	Sec. 1(b)(1)	Sec. 1(b)(2)	Sec. 1(b).
Married individual filing a separate return.	Sec. 1(a)(1)	Sec. 1(a)(2)	Sec. 1(d).
Estates and trusts	Sec. 1(a)(1)	Sec. 1(a)(2)	Sec. 1(d).

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(3) The income tax imposed by section 1 upon any amount of taxable income is computed by adding to the income tax for the bracket in which that amount falls in the appropriate table in section 1 the income tax upon the excess of that amount over the bottom of the bracket at the rate indicated in such table.

(4) The provisions of section 1 of the Code, as amended by the Tax Reform Act of 1969, and of this paragraph may be illustrated by the following examples:

Example (1). A, an unmarried individual, had taxable income for the calendar year 1964 of $15,750. Accordingly, the tax upon such taxable income would be $4,507.50, computed as follows from the table in section 1(a)(1):

Tax on $14,000 (from table)	$3,790.00
Tax on $1,750 (at 41 percent as determined from the table)	717.50
Total tax on $15,750	4,507.50

Example (2). Assume the same facts as in example (1), except the figures are for the calendar year 1965. The tax upon such taxable income would be $4,232.50, computed as follows from the table in section 1(a)(2):

Tax on $14,000 (from table)	$3,550.00
Tax on $1,750 (at 39 percent as determined from the table)	682.50
Total tax on $15,750	4,232.50

Example (3). Assume the same facts as in example (1), except the figures are for the calendar year 1971. The tax upon such taxable income would be $3,752.50, computed as follows from the table in section 1(c), as amended:

Tax on $14,000 (from table)	$3,210.00
Tax on $1,750 (at 31 percent as determined from the table)	542.50
Total tax on $15,750	3,752.50

* * * * *

Par. 3. Section 1.1–2 is deleted and § 1.1–3 is amended and redesignated § 1.1–2 as follows:

§ 1.1–2 Limitation on tax.

(a) *Taxable years ending before January 1, 1971.* For taxable years ending before January 1, 1971 the tax imposed by section 1 (whether by subsection (a) or subsection (b) thereof) shall not exceed 87 percent of the taxable income for the taxable year. For purposes of determining this limitation the tax under section 1 (a) or (b) and the tax at the 87-percent rate shall each be computed before the allowance of any credits against the tax. Where the alternative tax on capital gains is imposed under section 1201(b), the 87-percent limitation shall apply only to the partial tax computed on the taxable income reduced by 50 percent of the excess of net long-term capital gains over net short-term capital losses. Where, for purposes of computations under the income averaging provisions, section 1201(b) is treated as imposing the alternative tax on capital gains computed under section 1304(e)(2), the 87-percent limitation shall apply only to the tax equal to the tax imposed by section 1, reduced by the amount of the tax imposed by section 1 which is attributable to capital gain net income for the computation year.

(b) *Taxable years beginning after December 31, 1970.* If, for any taxable year beginning after December 31, 1970, an individual has earned taxable income which exceeds his taxable income as defined by section 1348, the tax imposed by section 1, as amended by the Tax Reform Act of 1969, shall not exceed the sum computed under the provisions of section 1348. For imposition of minimum tax for tax preferences see sections 56 through 58.

Par. 4. Section 1.1–4 is deleted and § 1.1–5 is redesignated as § 1.1–3:

§ 1.1–3 Change in rates applicable to taxable year.

* * * * *

Par. 5. Section 1.2 is amended by inserting sections 1(b) (2), (3), and (4) before section 2, by revising section 2 to reflect the changes made by section 803(b) of the Tax Reform Act 1969, by revising the historical note, by adding thereafter section 2 as amended by section 803(b) of the Tax Reform Act of 1969 and by adding a historical note. These amended and added provisions read as follows:

§ 1.2 Statutory provisions.

Section 1. *Tax imposed.* * * *

(b) *Rates of tax on heads of households*—

(2) Definition of head of household.—For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in section 2(b)), and either—

(A) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(i) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or decendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(B) Maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151.

For purposes of this paragraph and of section 2(b)(1)(B), an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(3) Determination of status.—For purposes of this subsection—

(A) A legally adopted child of a person shall be considered a child of such person by blood;

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(C) A taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

(D) A taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C) died during the taxable year.

(4) Limitations.—Notwithstanding paragraph (2), for purposes of this subtitle a taxpayer shall not be considered to be a head of a household—

(A) If at any time during the taxable year he is a nonresident alien; or

(B) By reason of an individual who would not be a dependent for the taxable year but for—

(i) Paragraph (9) of section 152(a),
(ii) Paragraph (10) of section 152(a), or
(iii) Subsection (c) of section 152.

* * * * *

Sec. 2. DEFINITIONS AND SPECIAL RULES.

[Sec. 2(a)]

(a) Definition of Surviving Spouse.—

(1) In general.—For purposes of section 1, the term "surviving spouse" means a taxpayer—

(A) Whose spouse died during either of his 2 taxable years immediately preceding the taxable year, and

(B) Who maintains as his home a household which constitutes for the taxable year the principal place of abode (as a member of such household) of a dependent (i) who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer, and (ii) with respect to whom the taxpayer is entitled to a deduction for the taxable year under section 151.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(2) Limitations.—Notwithstanding paragraph (1), for purposes of section 1 a taxpayer shall not be considered to be a surviving spouse—

(A) If the taxpayer has remarried at any time before the close of the taxable year, or

(B) Unless, for the taxpayer's taxable year during which his spouse died, a joint return could have been made under the provisions of section 6013 (without regard to subsection (a)(3) thereof).

[Sec. 2(b)]

(b) Definition of Head of Household.—

(1) In general.—For purposes of this subtitle, an individual shall be considered a head of a household if, and only if, such individual is not married at the close of his taxable year, is not a surviving spouse (as defined in subsection (a)), and either—

(A) Maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of—

(i) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer, but if such son, stepson, daughter, stepdaughter, or descendant is married at the close of the taxpayer's taxable year, only if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151, or

(B) Maintains a household which constitutes for such taxable year the principal place of abode of the father or mother of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151.

For purposes of this paragraph, an individual shall be considered as maintaining a household only if over half of the cost of maintaining the household during the taxable year is furnished by such individual.

(2) DETERMINATION OF STATUS.—For purposes of this subsection—

(A) A legally adopted child of a person shall be considered a child of such person by blood;

(B) An individual who is legally separated from his spouse under a decree of divorce or of separate maintenance shall not be considered as married;

(C) A taxpayer shall be considered as not married at the close of his taxable year if at any time during the taxable year his spouse is a nonresident alien; and

(D) A taxpayer shall be considered as married at the close of his taxable year if his spouse (other than a spouse described in subparagraph (C)) died during the taxable year.

(3) LIMITATIONS.—Notwithstanding paragraph (1), for purposes of this subtitle a taxpayer shall not be considered to be a head of a household—

(A) If at any time during the taxable year he is a nonresident alien; or

(B) By reason of an individual who would not be a dependent for the taxable year but for—

(i) Paragraph (9) of section 152(a),
(ii) Paragraph (10) of section 152(a), or
(iii) Subsection (c) of section 152.

[Sec. 2(c)]

(c) CERTAIN MARRIED INDIVIDUALS LIVING APART.—For purposes of this part, an individual who, under section 143(b), is not to be considered as married shall not be considered as married.

[Sec. 2(d)]

(d) NONRESIDENT ALIENS.—In the case of a nonresident alien individual, the tax imposed by section 1 shall apply only as provided by section 871 or 877.

[Sec. 2(c)]

(c) CROSS REFERENCE.—
For definition of taxable income, see section 63.

[Sec. 2 as amended by sec. 803(b) Tax Reform Act 1969]

PAR. 6. Section 1.2–1 is amended to read as follows:

§ 1.2–1 Tax in case of joint return of husband and wife or the return of a surviving spouse.

(a) *Taxable year ending before January 1, 1971.* (1) For taxable years ending before January 1, 1971, in the case of a joint return of husband and wife, or the return of a surviving spouse as defined in section 2(b), the tax imposed by section 1 shall be twice the tax that would be imposed if the taxable income were reduced by one-half. For rules relating to the filing of joint returns of husband and wife, see section 6013 and the regulations thereunder.

(2) The method of computing, under section 2(a), the tax of husband and wife in the case of a joint return, or the tax of a surviving spouse, is as follows:

(i) First, the taxable income is reduced by one-half. Second, the tax is determined as provided by section 1 by using the taxable income so reduced. Third, the tax so determined, which is the tax that would be determined if the taxable income were reduced by one-half, is then multiplied by two to produce the tax imposed in the case of the joint return or the return of a surviving spouse, subject, however, to the allowance of any credits against the tax under the provisions of sections 31 through 38 and the regulations thereunder.

(ii) The limitation under section 1(c) of the tax to an amount not in excess of a specified percent of the taxable income for the taxable year is to be applied before the third step above, that is, the limitation to be applied upon the tax is determined as the applicable specified percent of one-half of the taxable income for the taxable year (such one-half of the taxable income being the actual aggregate taxable income of the spouses, or the total taxable income of the surviving spouse, as the case may be, reduced by one-half). For the percent applicable in determining the limitation of the tax under section 1(c), see § 1.1–2 (a). After such limitation is applied, then the tax so limited is multiplied by two as provided in section 2(a) (the third step above).

(iii) The following computation illustrates the method of application of section 2(a) in the determination of the tax of a husband and wife filing a joint return for the calendar year 1965. If the combined gross income is $8,200, and the only deductions are the two exemptions of the taxpayers under section 151 (b) and the standard deduction under section 141, the tax on the joint return for 1965, without regard to any credits against the tax, is $1,034.20 determined as follows:

1. Gross income		$8,200.00
2. Less:		
Standard deduction, section 141	$820	
Deduction for personal exemption, section 151	1,200	2,020.00
3. Taxable income		6,180.00
4. Taxable income reduced by one-half		3,090.00
5. Tax computed by the tax table provided under section 1(a) (2) ($310 plus 19 percent of excess over $2,000)		517.10
6. Twice the tax in item 5		1,034.20

(b) *Taxable years beginning after December 31, 1970.* (1) For taxable years beginning after December 31, 1970, in the case of a joint return of husband and wife, or the return of a surviving spouse as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969, the tax shall be determined in accordance with the table contained in section 1(a) of the Code as so amended. For rules relating to the filing of joint returns of husband and wife see section 6013 as amended and the regulations thereunder.

(2) The following computation illustrates the method of computing the tax of a husband and wife filing a joint return for calendar year 1971. If the combined gross income is $8,200, and the only deductions are the two exemptions of the taxpayers under section 151(b), as amended, and the standard deduction under section 141, as amended, the tax on the joint return for 1971, without regard to any credits against the tax, is $968.46, determined as follows:

1. Gross income		$8,200.00
2. Less:		
Standard deduction, section 141	$1,066.00	
Deduction for personal exemption, section 151	1,300.00	2,366.00
3. Taxable income		5,834.00
4. Tax computed by the tax table provided under section 1(a) ($620 plus 19 percent of excess over $4,000)		968.46

(3) The limitation under section 1348 with respect to the maximum rate of tax on earned income shall apply to a married individual only if such individual and his spouse file a joint return for the taxable year.

(c) *Death of a spouse.* If a joint return of a husband and wife is filed under the provisions of section 6013 and if the husband and wife have different taxable years solely because of the death of either spouse, the taxable year of the deceased spouse covered by the joint return shall, for the purpose of the computation of the tax in respect of such joint return, be deemed to have ended on the date of the closing of the surviving spouse's taxable year.

(d) *Computation of optional tax.* For computation of optional tax in the case of a joint return or the return of a surviving spouse, see section 3 and the regulations thereunder.

(e) *Change in rates.* For treatment of taxable years during which a change in the tax rates occurs see section 21 and the regulations thereunder.

PAR. 7. Section 1.2–2 is amended to read as follows:

§ 1.2–2 Definitions and special rules.

(a) *Surviving spouse.* (1) If a taxpayer is eligible to file a joint return under the Internal Revenue Code of 1954 without regard to section 6013(a)(3) thereof for the taxable year in which his spouse dies, his return for each of the next 2 taxable years following the year of the death of the spouse shall be treated as a joint return for all purposes if all three of the following requirements are satisfied:

(i) He has not remarried before the close of the taxable year the return for which is sought to be treated as a joint return, and

(ii) He maintains as his home a household which constitutes for the taxable year the principal place of abode as a member of such household of a person who is (whether by blood or adoption)

a son, stepson, daughter, or stepdaughter of the taxpayer, and

(iii) He is entitled for the taxable year to a deduction under section 151 (relating to deductions for dependents) with respect to such son, stepson, daughter, or stepdaughter.

(2) See paragraphs (c)(1) and (d) of this section for rules for the determination of when the taxpayer maintains as his home a household which constitutes for the taxable year the principal place of abode, as a member of such household, of another person.

(3) If the taxpayer does not qualify as a surviving spouse he may nevertheless qualify as a head of a household if he meets the requirements of § 1.2–2(b).

(4) The following example illustrates the provisions relating to a surviving spouse:

Example: Assume that the taxpayer meets the requirements of this paragraph for the years 1967 through 1971, and that the taxpayer, whose wife died during 1966 while married to him, remarried in 1968. In 1969, the taxpayer's second wife died while married to him, and he remained single thereafter. For 1967 the taxpayer will qualify as a surviving spouse, provided that neither the taxpayer nor the first wife was a nonresident alien at any time during 1966 and that she (immediately prior to her death) did not have a taxable year different from that of the taxpayer. For 1968 the taxpayer does not qualify as a surviving spouse because he remarried before the close of the taxable year. The taxpayer will qualify as a surviving spouse for 1970 and 1971, provided that neither the taxpayer nor the second wife was a nonresident alien at any time during 1969 and that she (immediately prior to her death) did not have a taxable year different from that of the taxpayer. On the other hand, if the taxpayer, in 1969, was divorced or legally separated from his second wife, the taxpayer will not qualify as a surviving spouse for 1970 or 1971, since he could not have filed a joint return for 1969 (the year in which his second wife died).

(b) *Head of household.* (1) A taxpayer shall be considered the head of a household if, and only if, he is not married at the close of his taxable year, is not a surviving spouse (as defined in paragraph (a) of this section, and (i) maintains as his home a household which constitutes for such taxable year the principal place of abode, as a member of such household, of at least one of the individuals described in subparagraph (3), or (ii) maintains (whether or not as his home) a household which constitutes for such taxable year the principal place of abode of one of the individuals described in subparagraph (4).

(2) Under no circumstances shall the same person be used to qualify more than one taxpayer as the head of a household for the same taxable year.

(3) Any of the following persons may qualify the taxpayer as a head of a household:

(i) A son, stepson, daughter, or stepdaughter of the taxpayer, or a descendant of a son or daughter of the taxpayer. For the purpose of determining whether any of the stated relationships exist, a legally adopted child of a person is considered a child of such person by blood. If any such person is not married at the close of the taxable year of the taxpayer, the taxpayer may qualify as the head of a household by reason of such person even though the taxpayer may not claim a deduction for such person under section 151, for example, because the taxpayer does not furnish more than half of the support of such person. However, if any such person is married at the close of the taxable year of the taxpayer, the taxpayer may qualify as the head of a household by reason of such person only if the taxpayer is entitled to a deduction for such person under section 151 and the regulations thereunder. In applying the preceding sentence there shall be disregarded any such person for whom a deduction is allowed under section 151 only by reason of section 152(c) (relating to persons covered by a multiple support agreement).

(ii) Any other person who is a dependent of the taxpayer, if the taxpayer is entitled to a deduction for the taxable year for such person under section 151 and paragraphs (3) through (8) of section 152(a) and the regulations thereunder. Under section 151 the taxpayer may be entitled to a deduction for any of the following persons:

(*a*) His brother, sister, stepbrother, or stepsister;

(*b*) His father or mother, or an ancestor of either;

(*c*) His stepfather or stepmother;

(*d*) A son or a daughter of his brother or sister;

(*e*) A brother or sister of his father or mother; or

(*f*) His son-in-law, daughter-in-law, father-in-law, mother-in-law, brother-in-law, or sister-in-law;

if such person has a gross income of less than the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins, if the taxpayer supplies more than one-half of the support of such person for such calendar year and if such person does not make a joint return with his spouse for the taxable year beginning in such calendar year. The taxpayer may not be considered to be a head of a household by reason of any person for whom a deduction is allowed under section 151 only by reason of sections 152(a)(9), 152(a)(10), or 152(c) (relating to persons not related to the taxpayer, persons receiving institutional care, and persons covered by multiple support agreements).

(4) The father or mother of the taxpayer may qualify the taxpayer as a head of a household, but only if the taxpayer is entitled to a deduction for the taxable year for such father or mother under section 151 (determined without regard to section 152(c)). For example, an unmarried taxpayer who maintains a home for his widowed mother may not qualify as the head of a household by reason of his maintenance of a home for his mother if his mother has gross income equal to or in excess of the amount determined pursuant to § 1.151–2 applicable to the calendar year in which the taxable year of the taxpayer begins, or if he does not furnish more than one-half of the support of his mother for such calendar year. For this purpose, a person who legally adopted the taxpayer is considered the father or mother of the taxpayer.

(5) For the purpose of this paragraph, the status of the taxpayer shall be determined as of the close of the taxpayer's taxable year. A taxpayer shall be considered as not married if at the close of his taxable year he is legally separated from his spouse under a decree of divorce or separate maintenance, or if at any time during the taxable year the spouse to whom the taxpayer is married at the close of his taxable year was a nonresident alien. A taxpayer shall be considered married at the close of his taxable year if his spouse (other than a spouse who is a nonresident alien) dies during such year.

(6) If the taxpayer is a nonresident alien during any part of the taxable year he may not qualify as a head of a household even though he may comply with the other provisions of this paragraph. See the regulations prescribed under section 871 for a definition of nonresident alien.

(c) *Household.* (1) In order for a taxpayer to be considered as maintaining a household by reason of any individual described in paragraph (a)(1) or (b)(3) of this section, the household must actually constitute the home of the taxpayer for his taxable year. A physical change in the location of such home will not prevent a taxpayer from qualifying as a head of a household. Such home must also constitute the principal place of abode of at least one of the persons specified in such paragraph (a)(1) or (b)(3) of this section. It is not sufficient that the taxpayer maintain the household without being its occupant. The taxpayer and such other person must occupy the household for the entire taxable year of the taxpayer. However, the fact that such other person is born or dies within the taxable year will not prevent the taxpayer from qualifying as a head of household if the household constitutes the principal place of abode of such other person for the remaining or preceding part of such taxable year. The taxpayer and such other person will be considered as occupying the household for such entire taxable year notwithstanding temporary absences from the household due to special circumstances. A nonpermanent failure to occupy the common abode by reason of illness, education, business, vacation, military service, or a custody agreement under which a child or stepchild is absent for less than 6 months in the taxable year of the taxpayer, shall be considered temporary absence due to special circumstances. Such absence will not prevent the taxpayer from being considered as maintaining a household if (i) it is reasonable to assume that the taxpayer or such other person will return to the household, and (ii) the taxpayer continues to maintain such household or a substantially equivalent household in anticipation of such return.

(2) In order for a taxpayer to be considered as maintaining a household by reason of any individual described in paragraph (b)(4) of this section, the household must actually constitute the principal place of abode of the taxpayer's dependent father or mother, or both of them. It is not, however, necessary for the purposes of such subparagraph for the taxpayer also to reside in such place of abode. A physical change in the location of such home will not prevent a taxpayer from qualifying as a head of a household. The father or mother of the taxpayer, however, must occupy the household for the entire taxable year of the taxpayer. They will be considered as occupying the household for such entire year notwithstanding temporary absences from the household due to special circumstances. For example, a nonpermanent failure to occupy the household by reason of illness or vacation shall be considered temporary absence due to special circumstances. Such absence will not prevent the taxpayer from qualifying as the head of a household if (i) it is reasonable to assume that such person will return to the household, and (ii) the taxpayer continues to maintain such household or a substantially equivalent household in anticipation of such return. However, the fact that the father or mother of the taxpayer dies within the year will not prevent the taxpayer from qualifying as a head of a household if the household constitutes the principal place of abode of the father or mother for the preceding part of such taxable year.

(d) *Cost of maintaining a household.* A taxpayer shall be considered as maintaining a household only if he pays more than one-half the cost thereof for his taxable year. The cost of maintaining a household shall be the expenses incurred for the mutual benefit of the occupants thereof by reason of its operation as the principal place of abode of such occupants for such taxable year. The cost of maintaining a household shall not include expenses otherwise incurred. The expenses of maintaining a household include property taxes, mortgage interest, rent, utility charges, upkeep and repairs, property insurance, and food consumed on the premises. Such expenses do not include the cost of clothing, education, medical treatment, vacations, life insurance, and transportation. In addition, the cost of maintaining a household shall not include any amount which represents the value of services rendered in the household by the taxpayer or by a person qualifying the taxpayer as a head of a household or as a surviving spouse.

(e) *Certain married individuals living apart.* For taxable years beginning after December 31, 1969, an individual who is considered as not married under section 143(b) shall be considered as not married for purposes of determining whether he or she qualifies as a single individual, a married individual, a head of household or a surviving spouse under sections 1 and 2 of the Code.

PAR. 8. Section 1.3 is amended to insert after section 3, applicable to taxable years ending before January 1, 1970, new section 3 applicable to taxable years beginning after December 31, 1969 and by adding a historical note. These amended and added provisions read as follows:

§ 1.3 Statutory provisions; optional tax tables for individuals.

SEC. 3. *Optional tax tables for individuals.* In lieu of the tax imposed by section 1, there is hereby imposed for each taxable year beginning after December 31, 1969, on the taxable income of every individual whose adjusted gross income for such year is less than $10,000, and who has elected for such year to pay the tax imposed by this section, a tax determined under tables, applicable to such taxable year, which shall be prescribed by the Secretary or his delegate. In the tables so prescribed, the amounts of tax shall be computed on the basis of the taxable income computed by taking the standard deduction and on the basis of the rates prescribed by section 1.

TABLE I—SINGLE PERSON—NOT HEAD OF HOUSEHOLD

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—						
At least	But less than	1	2	3	4 or more	At least	But less than	1	2	3	4	5	6	7 or more
		The tax is—						The tax is—						
0	$900	0	0	0	0	$2,450	$2,475	$236	$124	$23	0	0	0	0
$900	925	$2	0	0	0	2,475	2,500	240	128	26	0	0	0	0
925	950	5	0	0	0	2,500	2,525	244	132	30	0	0	0	0
950	975	9	0	0	0	2,525	2,550	248	136	33	0	0	0	0
975	1,000	12	0	0	0	2,550	2,575	253	139	37	0	0	0	0
1,000	1,025	16	0	0	0	2,575	2,600	257	143	40	0	0	0	0
1,025	1,050	19	0	0	0	2,600	2,625	261	147	44	0	0	0	0
1,050	1,075	23	0	0	0	2,625	2,650	265	151	47	0	0	0	0
1,075	1,100	26	0	0	0	2,650	2,675	270	155	51	0	0	0	0
1,100	1,125	30	0	0	0	2,675	2,700	274	159	54	0	0	0	0
1,125	1,150	33	0	0	0	2,700	2,725	278	163	58	0	0	0	0
1,150	1,175	37	0	0	0	2,725	2,750	282	167	61	0	0	0	0
1,175	1,200	40	0	0	0	2,750	2,775	287	171	65	0	0	0	0
1,200	1,225	44	0	0	0	2,775	2,800	291	175	68	0	0	0	0
1,225	1,250	47	0	0	0	2,800	2,825	295	179	72	0	0	0	0
1,250	1,275	51	0	0	0	2,825	2,850	299	183	76	0	0	0	0
1,275	1,300	54	0	0	0	2,850	2,875	304	187	79	0	0	0	0
1,300	1,325	58	0	0	0	2,875	2,900	308	191	83	0	0	0	0
1,325	1,350	61	0	0	0	2,900	2,925	312	195	87	0	0	0	0
1,350	1,375	65	0	0	0	2,925	2,950	317	199	91	0	0	0	0
1,375	1,400	68	0	0	0	2,950	2,975	322	203	94	0	0	0	0
1,400	1,425	72	0	0	0	2,975	3,000	327	207	98	0	0	0	0
1,425	1,450	76	0	0	0	3,000	3,050	333	213	104	$4	0	0	0
1,450	1,475	79	0	0	0	3,050	3,100	342	221	111	11	0	0	0
1,475	1,500	83	0	0	0	3,100	3,150	350	229	119	18	0	0	0
1,500	1,525	87	0	0	0	3,150	3,200	359	238	126	25	0	0	0
1,525	1,550	91	0	0	0	3,200	3,250	367	246	134	32	0	0	0
1,550	1,575	94	0	0	0	3,250	3,300	376	255	141	39	0	0	0
1,575	1,600	98	0	0	0	3,300	3,350	385	263	149	46	0	0	0
1,600	1,625	102	$2	0	0	3,350	3,400	393	272	157	53	0	0	0
1,625	1,650	106	5	0	0	3,400	3,450	402	280	165	60	0	0	0
1,650	1,675	109	9	0	0	3,450	3,500	410	289	173	67	0	0	0
1,675	1,700	113	12	0	0	3,500	3,550	419	297	181	74	0	0	0
1,700	1,725	117	16	0	0	3,550	3,600	427	306	189	81	0	0	0
1,725	1,750	121	19	0	0	3,600	3,650	436	315	197	89	0	0	0
1,750	1,775	124	23	0	0	3,650	3,700	444	324	205	96	0	0	0
1,775	1,800	128	26	0	0	3,700	3,750	453	334	213	104	$4	0	0
1,800	1,825	132	30	0	0	3,750	3,800	462	343	221	111	11	0	0
1,825	1,850	136	33	0	0	3,800	3,850	470	353	229	119	18	0	0
1,850	1,875	139	37	0	0	3,850	3,900	479	362	238	126	25	0	0
1,875	1,900	143	40	0	0	3,900	3,950	487	372	246	134	32	0	0
1,900	1,925	147	44	0	0	3,950	4,000	496	381	255	141	39	0	0
1,925	1,950	151	47	0	0	4,000	4,050	504	390	263	149	46	0	0
1,950	1,975	155	51	0	0	4,050	4,100	513	399	272	157	53	0	0
1,975	2,000	159	54	0	0	4,100	4,150	521	407	280	165	60	0	0
2,000	2,025	163	58	0	0	4,150	4,200	530	416	289	173	67	0	0
2,025	2,050	167	61	0	0	4,200	4,250	538	424	297	181	74	0	0
2,050	2,075	171	65	0	0	4,250	4,300	547	433	306	189	81	0	0
2,075	2,100	175	68	0	0	4,300	4,350	556	442	315	197	89	0	0
2,100	2,125	179	72	0	0	4,350	4,400	564	450	324	205	96	0	0
2,125	2,150	183	76	0	0	4,400	4,450	573	459	334	213	104	$4	0
2,150	2,175	187	79	0	0	4,450	4,500	581	467	343	221	111	11	0
2,175	2,200	191	83	0	0	4,500	4,550	590	476	353	229	119	18	0
2,200	2,225	195	87	0	0	4,550	4,600	598	484	362	238	126	25	0
2,225	2,250	199	91	0	0	4,600	4,650	607	493	372	246	134	32	0
2,250	2,275	203	94	0	0	4,650	4,700	615	501	381	255	141	39	0
2,275	2,300	207	98	0	0	4,700	4,750	624	510	391	263	149	46	0
2,300	2,325	211	102	$2	0	4,750	4,800	633	519	400	272	157	53	0
2,325	2,350	215	106	5	0	4,800	4,850	641	527	410	280	165	60	0
2,350	2,375	219	109	9	0	4,850	4,900	650	536	419	289	173	67	0
2,375	2,400	223	113	12	0	4,900	4,950	658	544	429	297	181	74	0
2,400	2,425	227	117	16	0	4,950	5,000	667	553	438	306	189	81	0
2,425	2,450	231	121	19	0									

TABLE II—HEAD OF HOUSEHOLD

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—				If adjusted gross income is—		And the number of exemptions is—						
At least	But less than	1	2	3	4 or more	At least	But less than	1	2	3	4	5	6	7 or more
		The tax is—						The tax is—						
0	$900	0	0	0	0	$2,450	$2,475	$230	$121	$23	0	0	0	0
$900	925	$2	0	0	0	2,475	2,500	234	124	26	0	0	0	0
925	950	5	0	0	0	2,500	2,525	238	128	30	0	0	0	0
950	975	9	0	0	0	2,525	2,550	242	131	33	0	0	0	0
975	1,000	12	0	0	0	2,550	2,575	246	135	37	0	0	0	0
1,000	1,025	16	0	0	0	2,575	2,600	250	138	40	0	0	0	0
1,025	1,050	19	0	0	0	2,600	2,625	254	142	44	0	0	0	0
1,050	1,075	23	0	0	0	2,625	2,650	258	146	47	0	0	0	0
1,075	1,100	26	0	0	0	2,650	2,675	262	150	51	0	0	0	0
1,100	1,125	30	0	0	0	2,675	2,700	266	154	54	0	0	0	0
1,125	1,150	33	0	0	0	2,700	2,725	270	158	58	0	0	0	0
1,150	1,175	37	0	0	0	2,725	2,750	274	162	61	0	0	0	0
1,175	1,200	40	0	0	0	2,750	2,775	278	166	65	0	0	0	0
1,200	1,225	44	0	0	0	2,775	2,800	282	170	68	0	0	0	0
1,225	1,250	47	0	0	0	2,800	2,825	286	174	72	0	0	0	0
1,250	1,275	51	0	0	0	2,825	2,850	290	178	75	0	0	0	0
1,275	1,300	54	0	0	0	2,850	2,875	294	182	79	0	0	0	0
1,300	1,325	58	0	0	0	2,875	2,900	298	186	82	0	0	0	0
1,325	1,350	61	0	0	0	2,900	2,925	302	190	86	0	0	0	0
1,350	1,375	65	0	0	0	2,925	2,950	307	194	89	0	0	0	0
1,375	1,400	68	0	0	0	2,950	2,975	311	198	93	0	0	0	0
1,400	1,425	72	0	0	0	2,975	3,000	316	202	96	0	0	0	0
1,425	1,450	75	0	0	0	3,000	3,050	322	208	102	$4	0	0	0
1,450	1,475	79	0	0	0	3.050	3,100	330	216	109	11	0	0	0
1,475	1,500	82	0	0	0	3,100	3,150	338	224	116	18	0	0	0
1,500	1,525	86	0	0	0	3,150	3,200	346	232	123	25	0	0	0
1,525	1,550	89	0	0	0	3,200	3,250	354	240	130	32	0	0	0
1,550	1,575	93	0	0	0	3,250	3,300	363	248	137	39	0	0	0
1,575	1,600	96	0	0	0	3,300	3,350	371	256	144	46	0	0	0
1,600	1,625	100	$2	0	0	3,350	3,400	379	264	152	53	0	0	0
1,625	1,650	103	5	0	0	3,400	3,450	387	272	160	60	0	0	0
1,650	1,675	107	9	0	0	3,450	3,500	395	280	168	67	0	0	0
1,675	1,700	110	12	0	0	3,500	3,550	403	288	176	74	0	0	0
1,700	1,725	114	16	0	0	3,550	3,600	411	296	184	81	0	0	0
1,725	1,750	117	19	0	0	3,600	3,650	419	305	192	88	0	0	0
1,750	1,775	121	23	0	0	3,650	3,700	427	314	200	95	0	0	0
1,775	1,800	124	26	0	0	3,700	3,750	435	323	208	102	$4	0	0
1,800	1,825	128	30	0	0	3,750	3,800	444	332	216	109	11	0	0
1,825	1,850	131	33	0	0	3,800	3,850	452	341	224	116	18	0	0
1,850	1,875	135	37	0	0	3,850	3,900	460	350	232	123	25	0	0
1,875	1,900	138	40	0	0	3,900	3,950	468	359	240	130	32	0	0
1,900	1,925	142	44	0	0	3,950	4,000	476	368	248	137	39	0	0
1,925	1,950	146	47	0	0	4,000	4,050	484	376	256	144	46	0	0
1,950	1,975	150	51	0	0	4,050	4,100	492	384	264	152	53	0	0
1,975	2,000	154	54	0	0	4,100	4,150	500	392	272	160	60	0	0
2,000	2,025	158	58	0	0	4,150	4,200	508	400	280	168	67	0	0
2,025	2,050	162	61	0	0	4,200	4,250	516	408	288	176	74	0	0
2,050	2,075	166	65	0	0	4,250	4,300	525	417	296	184	81	0	0
2,075	2,100	170	68	0	0	4,300	4,350	533	425	305	192	88	0	0
2,100	2,125	174	72	0	0	4,350	4,400	541	433	314	200	95	0	0
2,125	2,150	178	75	0	0	4,400	4,450	549	441	323	208	102	$4	0
2,150	2,175	182	79	0	0	4,450	4,500	557	449	332	216	109	11	0
2,175	2,200	186	82	0	0	4,500	4,550	565	457	341	224	116	18	0
2,200	2,225	190	86	0	0	4,550	4,600	573	465	350	232	123	25	0
2,225	2,250	194	89	0	0	4,600	4,650	581	473	359	240	130	32	0
2,250	2,275	198	93	0	0	4,650	4,700	589	481	368	248	137	39	0
2,275	2,300	202	96	0	0	4,700	4,750	597	489	377	256	144	46	0
2,300	2,325	206	100	$2	0	4,750	4,800	606	498	386	264	152	53	0
2,325	2,350	210	103	5	0	4,800	4,850	614	506	395	272	160	60	0
2,350	2,375	214	107	9	0	4,850	4,900	622	514	404	280	168	67	0
2,375	2,400	218	110	12	0	4,900	4,950	630	522	413	288	176	74	0
2,400	2,425	222	114	16	0	4,950	5,000	638	530	422	296	184	81	0
2,425	2,450	226	117	19	0									

TABLE III—MARRIED PERSONS FILING JOINT RETURNS

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is—		And the number of exemptions is—			If adjusted gross income is—		And the number of exemptions is—					
At least	But less than	2	3	4 or more	At least	But less than	2	3	4	5	6	7 or more
		The tax is—					The tax is—					
0	$1,600	0	0	0	$2,800	$2,825	$172	$72	0	0	0	0
$1,600	1,625	$2	0	0	2,825	2,850	176	75	0	0	0	0
1,625	1,650	5	0	0	2,850	2,875	179	79	0	0	0	0
1,650	1,675	9	0	0	2,875	2,900	183	82	0	0	0	0
1,675	1,700	12	0	0	2,900	2,925	187	86	0	0	0	0
1,700	1,725	16	0	0	2,925	2,950	191	89	0	0	0	0
1,725	1,750	19	0	0	2,950	2,975	194	93	0	0	0	0
1,750	1,775	23	0	0	2,975	3,000	198	96	0	0	0	0
1,775	1,800	26	0	0	3,000	3,050	204	102	$4	0	0	0
1,800	1,825	30	0	0	3,050	3,100	211	109	11	0	0	0
1,825	1,850	33	0	0	3,100	3,150	219	116	18	0	0	0
1,850	1,875	37	0	0	3,150	3,200	226	123	25	0	0	0
1,875	1,900	40	0	0	3,200	3,250	234	130	32	0	0	0
1,900	1,925	44	0	0	3,250	3,300	241	137	39	0	0	0
1,925	1,950	47	0	0	3,300	3,350	249	144	46	0	0	0
1,950	1,975	51	0	0	3,350	3,400	256	151	53	0	0	0
1,975	2,000	54	0	0	3,400	3,450	264	159	60	0	0	0
2,000	2,025	58	0	0	3,450	3,500	271	166	67	0	0	0
2,025	2,050	61	0	0	3,500	3,550	279	174	74	0	0	0
2,050	2,075	65	0	0	3,550	3,600	286	181	81	0	0	0
2,075	2,100	68	0	0	3,600	3,650	294	188	88	0	0	0
2,100	2,125	72	0	0	3,650	3,700	302	196	95	0	0	0
2,125	2,150	75	0	0	3,700	3,750	310	204	102	$4	0	0
2,150	2,175	79	0	0	3,750	3,800	318	211	109	11	0	0
2,175	2,200	82	0	0	3,800	3,850	326	219	116	18	0	0
2,200	2,225	86	0	0	3,850	3,900	334	226	123	25	0	0
2,225	2,250	89	0	0	3,900	3,950	342	234	130	32	0	0
2,250	2,275	93	0	0	3,950	4,000	350	241	137	39	0	0
2,275	2,300	96	0	0	4,000	4,050	358	249	144	46	0	0
2,300	2,325	100	$2	0	4,050	4,100	365	256	151	53	0	0
2,325	2,350	103	5	0	4,100	4,150	372	264	159	60	0	0
2,350	2,375	107	9	0	4,150	4,200	379	271	166	67	0	0
2,375	2,400	110	12	0	4,200	4,250	386	279	174	74	0	0
2,400	2,425	114	16	0	4,250	4,300	394	286	181	81	0	0
2,425	2,450	117	19	0	4,300	4,350	401	294	188	88	0	0
2,450	2,475	121	23	0	4,350	4,400	408	302	196	95	0	0
2,475	2,500	124	26	0	4,400	4,450	415	310	204	102	$4	0
2,500	2,525	128	30	0	4,450	4,500	422	318	211	109	11	0
2,525	2,550	131	33	0	4,500	4,550	430	326	219	116	18	0
2,550	2,575	135	37	0	4,550	4,600	437	334	226	123	25	0
2,575	2,600	138	40	0	4,600	4,650	444	342	234	130	32	0
2,600	2,625	142	44	0	4,650	4,700	451	350	241	137	39	0
2,625	2,650	146	47	0	4,700	4,750	459	358	249	144	46	0
2,650	2,675	149	51	0	4,750	4,800	467	366	256	151	53	0
2,675	2,700	153	54	0	4,800	4,850	474	374	264	159	60	0
2,700	2,725	157	58	0	4,850	4,900	482	382	271	166	67	0
2,725	2,750	161	61	0	4,900	4,950	490	390	279	174	74	0
2,750	2,775	164	65	0	4,950	5,000	497	398	286	181	81	0
2,775	2,800	168	68	0								

TABLE IV—MARRIED PERSONS FILING SEPARATE RETURNS 10-PERCENT STANDARD DEDUCTION

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is— At least	But less than	And the number of exemptions is— 1	2	3	4 or more	If adjusted gross income is— At least	But less than	And the number of exemptions is— 1	2	3	4	5	6	7	8 or more
		The tax is—						The tax is—							
0	$675	0	0	0	0	$2,325	$2,350	$226	$131	$43	0	0	0	0	0
$675	700	$3	0	0	0	2,350	2,375	229	134	46	0	0	0	0	0
700	725	6	0	0	0	2,375	2,400	233	137	49	0	0	0	0	0
725	750	9	0	0	0	2,400	2,425	237	141	52	0	0	0	0	0
750	775	12	0	0	0	2,425	2,450	241	144	55	0	0	0	0	0
775	800	15	0	0	0	2,450	2,475	245	148	58	0	0	0	0	0
800	825	18	0	0	0	2,475	2,500	249	151	61	0	0	0	0	0
825	850	22	0	0	0	2,500	2,525	252	155	65	0	0	0	0	0
850	875	25	0	0	0	2,525	2,550	256	158	68	0	0	0	0	0
875	900	28	0	0	0	2,550	2,575	260	162	71	0	0	0	0	0
900	925	31	0	0	0	2,575	2,600	264	166	74	0	0	0	0	0
925	950	34	0	0	0	2,600	2,625	268	169	78	0	0	0	0	0
950	975	37	0	0	0	2,625	2,650	272	173	81	0	0	0	0	0
975	1,000	40	0	0	0	2,650	2,675	275	176	84	0	0	0	0	0
1,000	1,025	44	0	0	0	2,675	2,700	279	180	88	$3	0	0	0	0
1,025	1,050	47	0	0	0	2,700	2,725	283	184	91	6	0	0	0	0
1,050	1,075	50	0	0	0	2,725	2,750	287	187	95	9	0	0	0	0
1,075	1,100	53	0	0	0	2,750	2,775	291	191	98	12	0	0	0	0
1,100	1,125	56	0	0	0	2,775	2,800	294	194	101	15	0	0	0	0
1,125	1,150	59	0	0	0	2,800	2,825	298	198	105	18	0	0	0	0
1,150	1,175	62	0	0	0	2,825	2,850	302	202	108	22	0	0	0	0
1,175	1,200	66	0	0	0	2,850	2,875	306	205	111	25	0	0	0	0
1,200	1,225	69	0	0	0	2,875	2,900	310	209	115	28	0	0	0	0
1,225	1,250	72	0	0	0	2,900	2,925	314	212	118	31	0	0	0	0
1,250	1,275	75	0	0	0	2,925	2,950	318	216	122	34	0	0	0	0
1,275	1,300	79	0	0	0	2,950	2,975	323	220	125	37	0	0	0	0
1,300	1,325	82	0	0	0	2,975	3,000	327	223	128	40	0	0	0	0
1,325	1,350	86	$1	0	0	3,000	3,050	333	229	133	45	0	0	0	0
1,350	1,375	89	4	0	0	3,050	3,100	342	236	140	51	0	0	0	0
1,375	1,400	92	7	0	0	3,100	3,150	350	244	147	58	0	0	0	0
1,400	1,425	96	10	0	0	3,150	3,200	359	252	154	64	0	0	0	0
1,425	1,450	99	13	0	0	3,200	3,250	367	259	161	70	0	0	0	0
1,450	1,475	102	16	0	0	3,250	3,300	376	267	169	77	0	0	0	0
1,475	1,500	106	19	0	0	3,300	3,350	385	275	176	84	0	0	0	0
1,500	1,525	109	23	0	0	3,350	3,400	393	282	183	91	$5	0	0	0
1,525	1,550	113	26	0	0	3,400	3,450	402	290	190	97	12	0	0	0
1,550	1,575	116	29	0	0	3,450	3,500	410	298	197	104	18	0	0	0
1,575	1,600	119	32	0	0	3,500	3,550	419	305	205	111	24	0	0	0
1,600	1,625	123	35	0	0	3,550	3,600	427	313	212	118	30	0	0	0
1,625	1,650	126	38	0	0	3,600	3,650	436	322	219	124	37	0	0	0
1,650	1,675	129	41	0	0	3,650	3,700	444	330	226	131	43	0	0	0
1,675	1,700	133	45	0	0	3,700	3,750	453	339	234	138	49	0	0	0
1,700	1,725	136	48	0	0	3,750	3,800	462	348	242	145	56	0	0	0
1,725	1,750	140	51	0	0	3,800	3,850	470	356	249	152	62	0	0	0
1,750	1,775	143	54	0	0	3,850	3,900	479	365	257	159	68	0	0	0
1,775	1,800	146	57	0	0	3,900	3,950	487	373	265	166	75	0	0	0
1,800	1,825	150	60	0	0	3,950	4,000	496	382	272	173	82	0	0	0
1,825	1,850	154	64	0	0	4,000	4,050	504	390	280	181	88	$3	0	0
1,850	1,875	157	67	0	0	4,050	4,100	513	399	287	188	95	9	0	0
1,875	1,900	161	70	0	0	4,100	4,150	521	407	295	195	102	16	0	0
1,900	1,925	164	73	0	0	4,150	4,200	530	416	303	202	109	22	0	0
1,925	1,950	168	77	0	0	4,200	4,250	538	424	310	209	115	28	0	0
1,950	1,975	172	80	0	0	4,250	4,300	547	433	319	217	122	35	0	0
1,975	2,000	175	83	0	0	4,300	4,350	556	442	328	224	129	41	0	0
2,000	2,025	179	87	$2	0	4,350	4,400	564	450	336	231	136	47	0	0
2,025	2,050	182	90	5	0	4,400	4,450	573	459	345	239	142	54	0	0
2,050	2,075	186	93	8	0	4,450	4,500	581	467	353	247	149	60	0	0
2,075	2,100	190	97	11	0	4,500	4,550	590	476	362	254	157	66	0	0
2,100	2,125	193	100	14	0	4,550	4,600	598	484	370	262	164	73	0	0
2,125	2,150	197	104	17	0	4,600	4,650	607	493	379	270	171	79	0	0
2,150	2,175	200	107	20	0	4,650	4,700	615	501	387	277	178	86	$1	0
2,175	2,200	204	110	24	0	4,700	4,750	624	510	396	285	185	93	7	0
2,200	2,225	208	114	27	0	4,750	4,800	633	519	405	293	193	100	14	0
2,225	2,250	211	117	30	0	4,800	4,850	641	527	413	300	200	106	20	0
2,250	2,275	215	120	33	0	4,850	4,900	650	536	422	308	207	113	26	0
2,275	2,300	218	124	36	0	4,900	4,950	658	544	430	316	214	120	33	0
2,300	2,325	222	127	39	0	4,950	5,000	667	553	439	325	221	127	39	0

TABLE V—MARRIED PERSONS FILING SEPARATE RETURNS MINIMUM STANDARD DEDUCTION

Taxable Years Beginning After December 31, 1964, and Ending Before January 1, 1970

If adjusted gross income is— At least	But less than	And the number of exemptions is— 1	2	3	4 or more	If adjusted gross income is— At least	But less than	And the number of exemptions is— 1	2	3	4	5	6	7	8 or more
		The tax is—						The tax is—							
0	$800	0	0	0	0	$2,400	$2,425	$244	$132	$30	0	0	0	0	0
$800	825	$2	0	0	0	2,425	2,450	248	136	33	0	0	0	0	0
825	850	5	0	0	0	2,450	2,475	253	139	37	0	0	0	0	0
850	875	9	0	0	0	2,475	2,500	257	143	40	0	0	0	0	0
875	900	12	0	0	0	2,500	2,525	261	147	44	0	0	0	0	0
900	925	16	0	0	0	2,525	2,550	265	151	47	0	0	0	0	0
925	950	19	0	0	0	2,550	2,575	270	155	51	0	0	0	0	0
950	975	23	0	0	0	2,575	2,600	274	159	54	0	0	0	0	0
975	1,000	26	0	0	0	2,600	2,625	278	163	58	0	0	0	0	0
1,000	1,025	30	0	0	0	2,625	2,650	282	167	61	0	0	0	0	0
1,025	1,050	33	0	0	0	2,650	2,675	287	171	65	0	0	0	0	0
1,050	1,075	37	0	0	0	2,675	2,700	291	175	68	0	0	0	0	0
1,075	1,100	40	0	0	0	2,700	2,725	295	179	72	0	0	0	0	0
1,100	1,125	44	0	0	0	2,725	2,750	299	183	76	0	0	0	0	0
1,125	1,150	47	0	0	0	2,750	2,775	304	187	79	0	0	0	0	0
1,150	1,175	51	0	0	0	2,775	2,800	308	191	83	0	0	0	0	0
1,175	1,200	54	0	0	0	2,800	2,825	312	195	87	0	0	0	0	0
1,200	1,225	58	0	0	0	2,825	2,850	317	199	91	0	0	0	0	0
1,225	1,250	61	0	0	0	2,850	2,875	322	203	94	0	0	0	0	0
1,250	1,275	65	0	0	0	2,875	2,900	327	207	98	0	0	0	0	0
1,275	1,300	68	0	0	0	2,900	2,925	331	211	102	$2	0	0	0	0
1,300	1,325	72	0	0	0	2,925	2,950	336	215	106	5	0	0	0	0
1,325	1,350	76	0	0	0	2,950	2,975	341	219	109	9	0	0	0	0
1,350	1,375	79	0	0	0	2,975	3,000	346	223	113	12	0	0	0	0
1,375	1,400	83	0	0	0	3,000	3,050	353	229	119	18	0	0	0	0
1,400	1,425	87	0	0	0	3,050	3,100	362	238	126	25	0	0	0	0
1,425	1,450	91	0	0	0	3,100	3,150	372	246	134	32	0	0	0	0
1,450	1,475	94	0	0	0	3,150	3,200	381	255	141	39	0	0	0	0
1,475	1,500	98	0	0	0	3,200	3,250	391	263	149	46	0	0	0	0
1,500	1,525	102	$2	0	0	3,250	3,300	400	272	157	53	0	0	0	0
1,525	1,550	106	5	0	0	3,300	3,350	410	280	165	60	0	0	0	0
1,550	1,575	109	9	0	0	3,350	3,400	419	289	173	67	0	0	0	0
1,575	1,600	113	12	0	0	3,400	3,450	429	207	181	74	0	0	0	0
1,600	1,625	117	16	0	0	3,450	3,500	438	306	189	81	0	0	0	0
1,625	1,650	121	19	0	0	3,500	3,550	448	315	197	89	$4	0	0	0
1,650	1,675	124	23	0	0	3,550	3,600	457	324	205	96	11	0	0	0
1,675	1,700	128	26	0	0	3,600	3,650	467	334	213	104	18	0	0	0
1,700	1,725	132	30	0	0	3,650	3,700	476	343	221	111	25	0	0	0
1,725	1,750	136	33	0	0	3,700	3,750	486	353	229	119	32	0	0	0
1,750	1,775	139	37	0	0	3,750	3,800	495	362	238	126	39	0	0	0
1,775	1,800	143	40	0	0	3,800	3,850	505	372	246	134	46	0	0	0
1,800	1,825	147	44	0	0	3,850	3,900	514	381	255	141	53	0	0	0
1,825	1,850	151	47	0	0	3,900	3,950	524	391	263	149	60	0	0	0
1,850	1,875	155	51	0	0	3,950	4,000	533	400	272	157	67	0	0	0
1,875	1,900	159	54	0	0	4,000	4,050	543	410	280	165	74	0	0	0
1,900	1,925	163	58	0	0	4,050	4,100	552	419	289	173	81	0	0	0
1,925	1,950	167	61	0	0	4,100	4,150	562	429	297	181	89	$4	0	0
1,950	1,975	171	65	0	0	4,150	4,200	571	438	306	189	96	11	0	0
1,975	2,000	175	68	0	0	4,200	4,250	581	448	315	197	104	18	0	0
2,000	2,025	179	72	0	0	4,250	4,300	590	457	324	205	111	25	0	0
2,025	2,050	183	76	0	0	4,300	4,350	600	467	334	213	119	32	0	0
2,050	2,075	187	79	0	0	4,350	4,400	609	476	343	221	126	39	0	0
2,075	2,100	191	83	0	0	4,400	4,450	619	486	353	229	134	46	0	0
2,100	2,125	195	87	0	0	4,450	4,500	628	495	362	238	141	53	0	0
2,125	2,150	199	91	0	0	4,500	4,550	638	505	372	246	149	60	0	0
2,150	2,175	203	94	0	0	4,550	4,600	647	514	381	255	157	67	0	0
2,175	2,200	207	98	0	0	4,600	4,650	657	524	391	263	165	74	0	0
2,200	2,225	211	102	$2	0	4,650	4,700	666	533	400	272	173	81	0	0
2,225	2,250	215	106	5	0	4,700	4,750	676	543	410	280	181	89	$4	0
2,250	2,275	219	109	9	0	4,750	4,800	685	552	419	289	189	96	11	0
2,275	2,300	223	113	12	0	4,800	4,850	696	562	429	297	197	104	18	0
2,300	2,325	227	117	16	0	4,850	4,900	707	571	438	306	205	111	25	0
2,325	2,350	231	121	19	0	4,900	4,950	718	581	448	315	213	119	32	0
2,350	2,375	236	124	23	0	4,950	5,000	729	590	457	324	221	126	39	0
2,375	2,400	240	128	26	0										

TABLE I—RETURNS CLAIMING 1 EXEMPTION

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married filing a separate return claiming— Low income allowance	standard deduction	If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married filing a separate return claiming— Low income allowance	standard deduction
		Your tax is—						Your tax is—			
0	$700	0	0	0	0	$2,150	$2,175	$93	$92	$199	$196
$700	725	0	0	0	$2	2,175	2,200	99	97	203	200
725	750	0	0	0	5	2,200	2,225	105	102	207	204
750	775	0	0	0	9	2,225	2,250	110	108	211	207
775	800	0	0	0	12	2,250	2,275	116	113	215	211
800	825	0	0	0	15	2,275	2,300	122	118	219	214
825	850	0	0	$2	18	2,300	2,325	127	123	223	218
850	875	0	0	5	21	2,325	2,350	133	129	227	222
875	900	0	0	9	24	2,350	2,375	138	134	231	225
900	925	0	0	12	27	2,375	2,400	144	139	236	229
925	950	0	0	16	31	2,400	2,425	150	145	240	233
950	975	0	0	19	34	2,425	2,450	156	151	244	237
975	1,000	0	0	23	37	2,450	2,475	162	157	248	241
1,000	1,025	0	0	26	40	2,475	2,500	168	163	253	244
1,025	1,050	0	0	30	43	2,500	2,525	174	169	257	248
1,050	1,075	0	0	33	46	2,525	2,550	180	175	261	252
1,075	1,100	0	0	37	50	2,550	2,575	186	181	265	256
1,100	1,125	0	0	40	53	2,575	2,600	192	187	270	260
1,125	1,150	0	0	44	56	2,600	2,625	198	193	274	263
1,150	1,175	0	0	47	59	2,625	2,650	204	199	278	267
1,175	1,200	0	0	51	62	2,650	2,675	210	205	282	271
1,200	1,225	0	0	54	65	2,675	2,700	216	211	287	275
1,225	1,250	0	0	58	68	2,700	2,725	222	217	291	279
1,250	1,275	0	0	61	72	2,725	2,750	228	223	295	283
1,275	1,300	0	0	65	75	2,750	2,775	235	229	299	286
1,300	1,325	0	0	68	78	2,775	2,800	241	235	304	290
1,325	1,350	0	0	72	82	2,800	2,825	247	241	308	294
1,350	1,375	0	0	76	85	2,825	2,850	254	247	312	298
1,375	1,400	0	0	79	89	2,850	2,875	260	253	317	302
1,400	1,425	0	0	83	92	2,875	2,900	266	259	322	306
1,425	1,450	0	0	87	95	2,900	2,925	273	265	327	309
1,450	1,475	0	0	91	99	2,925	2,950	279	271	331	314
1,475	1,500	0	0	94	102	2,950	2,975	286	277	336	318
1,500	1,525	0	0	98	105	2,975	3,000	292	283	341	322
1,525	1,550	0	0	102	109	3,000	3,050	302	292	348	329
1,550	1,575	0	0	106	112	3,050	3,100	315	305	358	337
1,575	1,600	0	0	109	116	3,100	3,150	329	318	367	348
1,600	1,625	0	0	113	119	3,150	3,200	343	332	377	354
1,625	1,650	0	0	117	122	3,200	3,250	358	345	386	363
1,650	1,675	0	0	121	126	3,250	3,300	371	358	396	371
1,675	1,700	0	0	124	129	3,300	3,350	380	366	405	380
1,700	1,725	0	0	128	132	3,350	3,400	388	374	415	388
1,725	1,750	$3	$3	132	136	3,400	3,450	397	382	424	397
1,750	1,775	8	8	136	139	3,450	3,500	405	390	434	405
1,775	1,800	13	13	139	143	3,500	3,550	414	399	443	414
1,800	1,825	18	18	143	146	3,550	3,600	423	407	453	423
1,825	1,850	24	24	147	150	3,600	3,650	431	415	462	431
1,850	1,875	29	29	151	153	3,650	3,700	440	423	472	440
1,875	1,900	34	34	155	157	3,700	3,750	448	431	481	448
1,900	1,925	39	39	159	160	3,750	3,800	457	439	491	457
1,925	1,950	45	45	163	164	3,800	3,850	465	447	500	465
1,950	1,975	50	50	167	168	3,850	3,900	474	455	510	474
1,975	2,000	55	55	171	171	3,900	3,950	482	463	519	482
2,000	2,025	60	60	175	175	3,950	4,000	491	471	529	491
2,025	2,050	66	66	179	178	4,000	4,050	500	480	538	500
2,050	2,075	71	71	183	182	4,050	4,100	508	488	548	508
2,075	2,100	77	76	187	186	4,100	4,150	517	496	557	517
2,100	2,125	82	81	191	189	4,150	4,200	525	504	567	525
2,125	2,150	88	87	195	193	4,200	4,250	534	512	576	534

TABLE I—RETURNS CLAIMING 1 EXEMPTION—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married filing a separate return claiming— Low income allowance	standard deduction	If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married filing a separate return claiming— Low income allowance	standard deduction
		Your tax is—						Your tax is—			
$4,250	$4,300	$542	$520	$586	$542	$7,150	$7,200	$1,093	$1,027	$1,218	$1,143
4,300	4,350	551	528	595	551	7,200	7,250	1,103	1,036	1,230	1,155
4,350	4,400	559	536	605	559	7,250	7,300	1,113	1,045	1,243	1,168
4,400	4,450	568	544	614	568	7,300	7,350	1,123	1,054	1,255	1,180
4,450	4,500	576	552	624	578	7,350	7,400	1,133	1,063	1,268	1,193
4,500	4,550	585	561	633	585	7,400	7,450	1,144	1,073	1,280	1,205
4,550	4,600	594	569	643	594	7,450	7,500	1,156	1,083	1,293	1,218
4,600	4,650	602	577	652	602	7,500	7,550	1,167	1,092	1,305	1,230
4,650	4,700	611	585	662	611	7,550	7,600	1,178	1,102	1,318	1,243
4,700	4,750	619	593	671	619	7,600	7,650	1,189	1,112	1,330	1,255
4,750	4,800	628	601	681	628	7,650	7,700	1,201	1,122	1,343	1,268
4,800	4,850	636	609	690	636	7,700	7,750	1,212	1,132	1,355	1,280
4,850	4,900	645	617	701	645	7,750	7,800	1,223	1,142	1,368	1,293
4,900	4,950	653	625	712	653	7,800	7,850	1,234	1,152	1,380	1,305
4,950	5,000	662	633	723	662	7,850	7,900	1,246	1,162	1,393	1,318
5,000	5,050	671	642	734	671	7,900	7,950	1,257	1,172	1,405	1,330
5,050	5,100	679	650	745	681	7,950	8,000	1,268	1,182	1,418	1,343
5,100	5,150	688	658	756	690	8,000	8,050	1,279	1,191	1,430	1,355
5,150	5,200	697	667	767	701	8,050	8,100	1,291	1,201	1,443	1,368
5,200	5,250	707	676	778	712	8,100	8,150	1,302	1,211	1,455	1,380
5,250	5,300	717	685	789	723	8,150	8,200	1,313	1,221	1,468	1,393
5,300	5,350	727	694	800	734	8,200	8,250	1,324	1,231	1,480	1,405
5,350	5,400	737	703	811	745	8,250	8,300	1,336	1,241	1,493	1,418
5,400	5,450	747	712	822	756	8,300	8,350	1,347	1,251	1,505	1,430
5,450	5,500	757	721	833	767	8,350	8,400	1,358	1,261	1,518	1,443
5,500	5,550	766	730	844	778	8,400	8,450	1,369	1,271	1,530	1,455
5,550	5,600	776	739	855	789	8,450	8,500	1,381	1,281	1,543	1,468
5,600	5,650	786	748	866	800	8,500	8,550	1,392	1,290	1,555	1,480
5,650	5,700	796	757	877	811	8,550	8,600	1,403	1,300	1,568	1,493
5,700	5,750	806	766	888	822	8,600	8,650	1,414	1,310	1,580	1,505
5,750	5,800	816	775	899	833	8,650	8,700	1,426	1,320	1,593	1,518
5,800	5,850	826	784	910	844	8,700	8,750	1,437	1,330	1,605	1,530
5,850	5,900	836	793	921	855	8,750	8,800	1,448	1,340	1,618	1,543
5,900	5,950	846	802	932	866	8,800	8,850	1,459	1,350	1,630	1,555
5,950	6,000	856	811	943	877	8,850	8,900	1,471	1,360	1,644	1,568
6,000	6,050	865	820	954	888	8,900	8,950	1,482	1,370	1,658	1,580
6,050	6,100	875	829	965	899	8,950	9,000	1,493	1,380	1,672	1,593
6,100	6,150	885	838	976	910	9,000	9,050	1,504	1,389	1,686	1,605
6,150	6,200	895	847	987	921	9,050	9,100	1,516	1,399	1,700	1,618
6,200	6,250	905	856	998	932	9,100	9,150	1,527	1,409	1,714	1,630
6,250	6,300	915	865	1,009	943	9,150	9,200	1,538	1,419	1,728	1,644
6,300	6,350	925	874	1,020	954	9,200	9,250	1,549	1,429	1,742	1,658
6,350	6,400	935	883	1,031	965	9,250	9,300	1,561	1,439	1,756	1,672
6,400	6,450	945	892	1,042	976	9,300	9,350	1,572	1,449	1,770	1,686
6,450	6,500	955	901	1,053	987	9,350	9,400	1,583	1,459	1,784	1,700
6,500	6,550	964	910	1,064	998	9,400	9,450	1,594	1,469	1,798	1,714
6,550	6,600	974	919	1,075	1,009	9,450	9,500	1,606	1,479	1,812	1,728
6,600	6,650	984	928	1,086	1,020	9,500	9,550	1,617	1,488	1,826	1,742
6,650	6,700	994	937	1,097	1,031	9,550	9,600	1,628	1,498	1,840	1,756
6,700	6,750	1,004	946	1,108	1,042	9,600	9,650	1,641	1,509	1,854	1,770
6,750	6,800	1,014	955	1,119	1,053	9,650	9,700	1,653	1,521	1,868	1,784
6,800	6,850	1,024	964	1,130	1,064	9,700	9,750	1,666	1,532	1,882	1,798
6,850	6,900	1,034	973	1,143	1,075	9,750	9,800	1,678	1,543	1,896	1,812
6,900	6,950	1,044	982	1,155	1,086	9,800	9,850	1,691	1,554	1,910	1,826
6,950	7,000	1,054	991	1,168	1,097	9,850	9,900	1,704	1,566	1,924	1,840
7,000	7,050	1,063	1,000	1,180	1,108	9,900	9,950	1,716	1,577	1,938	1,854
7,050	7,100	1,073	1,009	1,193	1,119	9,950	10,000	1,729	1,588	1,952	1,868
7,100	7,150	1,083	1,018	1,205	1,130						

TABLE II—RETURNS CLAIMING 2 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$1,400	0	0	0	0	0
$1,400	1,425	0	0	0	0	$3
1,425	1,450	0	0	0	0	6
1,450	1,475	0	0	0	0	9
1,475	1,500	0	0	0	0	12
1,500	1,525	0	0	0	0	16
1,525	1,550	0	0	0	0	19
1,550	1,575	0	0	0	$2	22
1,575	1,600	0	0	0	5	25
1,600	1,625	0	0	0	9	28
1,625	1,650	0	0	0	12	31
1,650	1,675	0	0	0	16	34
1,675	1,700	0	0	0	19	38
1,700	1,725	0	0	0	23	41
1,725	1,750	0	0	0	26	44
1,750	1,775	0	0	0	30	47
1,775	1,800	0	0	0	33	50
1,800	1,825	0	0	0	37	53
1,825	1,850	0	0	0	40	57
1,850	1,875	0	0	0	44	60
1,875	1,900	0	0	0	47	63
1,900	1,925	0	0	0	51	66
1,925	1,950	0	0	0	54	69
1,950	1,975	0	0	0	58	72
1,975	2,000	0	0	0	61	76
2,000	2,025	0	0	0	65	79
2,025	2,050	0	0	0	68	83
2,050	2,075	0	0	0	72	86
2,075	2,100	0	0	0	76	89
2,100	2,125	0	0	0	79	93
2,125	2,150	0	0	0	83	96
2,150	2,175	0	0	0	87	99
2,175	2,200	0	0	0	91	103
2,200	2,225	0	0	0	94	106
2,225	2,250	0	0	0	98	110
2,250	2,275	0	0	0	102	113
2,275	2,300	0	0	0	106	116
2,300	2,325	0	0	0	109	120
2,325	2,350	0	0	0	113	123
2,350	2,375	$3	$3	$3	117	126
2,375	2,400	8	8	8	121	130
2,400	2,425	13	13	13	124	133
2,425	2,450	18	18	18	128	137
2,450	2,475	24	24	24	132	140
2,475	2,500	29	29	29	136	143
2,500	2,525	34	34	34	139	147
2,525	2,550	39	39	39	143	150
2,550	2,575	45	45	45	147	154
2,575	2,600	50	50	50	151	158
2,600	2,625	55	55	55	155	161
2,625	2,650	60	60	60	159	165
2,650	2,675	66	66	66	163	168

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$2,675	$2,700	$71	$71	$71	$167	$172
2,700	2,725	77	76	76	171	176
2,725	2,750	82	81	81	175	179
2,750	2,775	88	87	87	179	183
2,775	2,800	93	92	92	183	186
2,800	2,825	99	97	97	187	190
2,825	2,850	105	102	102	191	194
2,850	2,875	110	108	108	195	197
2,875	2,900	116	113	113	199	201
2,900	2,925	122	118	118	203	204
2,925	2,950	127	123	123	207	208
2,950	2,975	133	129	129	211	212
2,975	3,000	138	134	134	215	215
3,000	3,050	147	142	142	221	221
3,050	3,100	159	154	153	229	228
3,100	3,150	171	166	164	238	236
3,150	3,200	183	178	176	246	243
3,200	3,250	195	190	187	255	251
3,250	3,300	207	202	198	263	259
3,300	3,350	219	214	209	272	266
3,350	3,400	231	226	221	280	274
3,400	3,450	244	238	232	289	282
3,450	3,500	257	250	243	297	289
3,500	3,550	270	262	254	306	297
3,550	3,600	282	274	266	315	304
3,600	3,650	295	286	277	324	312
3,650	3,700	308	298	288	334	321
3,700	3,750	322	311	300	343	329
3,750	3,800	334	323	310	353	338
3,800	3,850	343	332	318	362	347
3,850	3,900	353	341	326	372	355
3,900	3,950	362	350	334	381	364
3,950	4,000	372	359	342	391	372
4,000	4,050	381	367	350	400	381
4,050	4,100	389	375	357	410	389
4,100	4,150	398	383	364	419	398
4,150	4,200	406	391	371	429	406
4,200	4,250	415	399	378	438	415
4,250	4,300	424	408	386	448	424
4,300	4,350	432	416	393	457	432
4,350	4,400	441	424	400	467	441
4,400	4,450	449	432	407	476	449
4,450	4,500	458	440	414	486	458
4,500	4,550	466	448	422	495	466
4,550	4,600	475	456	429	505	475
4,600	4,650	483	464	436	514	483
4,650	4,700	492	472	443	524	492
4,700	4,750	500	480	450	533	500
4,750	4,800	509	489	458	543	509
4,800	4,850	518	497	466	552	518
4,850	4,900	526	505	473	562	526
4,900	4,950	535	513	481	571	535

TABLE II—RETURNS CLAIMING 2 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household		Married filing a separate return claiming— Low income allowance	standard deduction
		Your tax is—				
$4,950	$5,000	$543	$521	$489	$581	$543
5,000	5,050	552	529	496	590	552
5,050	5,100	560	537	504	600	562
5,100	5,150	569	545	512	609	571
5,150	5,200	577	553	519	619	581
5,200	5,250	586	561	527	628	590
5,250	5,300	595	570	535	638	600
5,300	5,350	603	578	542	647	609
5,350	5,400	612	586	550	657	619
5,400	5,450	620	594	558	666	628
5,450	5,500	629	602	565	676	638
5,500	5,550	637	610	573	685	647
5,550	5,600	646	618	580	696	657
5,600	5,650	654	626	588	707	666
5,650	5,700	663	634	596	718	676
5,700	5,750	671	642	603	729	685
5,750	5,800	680	651	611	740	696
5,800	5,850	689	659	619	751	707
5,850	5,900	698	668	627	762	718
5,900	5,950	708	677	636	773	729
5,950	6,000	718	686	644	784	740
6,000	6,050	728	695	653	795	751
6,050	6,100	738	704	661	806	762
6,100	6,150	748	713	670	817	773
6,150	6,200	758	722	678	828	784
6,200	6,250	768	731	687	839	795
6,250	6,300	777	740	696	850	806
6,300	6,350	787	749	704	861	817
6,350	6,400	797	758	713	872	828
6,400	6,450	807	767	721	883	839
6,450	6,500	817	776	730	894	850
6,500	6,550	827	785	738	905	861
6,550	6,600	837	794	747	916	872
6,600	6,650	847	803	755	927	883
6,650	6,700	857	812	764	938	894
6,700	6,750	867	821	772	949	905
6,750	6,800	876	830	781	960	916
6,800	6,850	886	839	790	971	927
6,850	6,900	896	848	798	982	938
6,900	6,950	906	857	807	993	949
6,950	7,000	916	866	815	1,004	960
7,000	7,050	926	875	824	1,015	971
7,050	7,100	936	884	832	1,026	982
7,100	7,150	946	893	841	1,037	993
7,150	7,200	956	902	849	1,048	1,004
7,200	7,250	966	911	858	1,059	1,015
7,250	7,300	975	920	867	1,070	1,026
7,300	7,350	985	929	875	1,081	1,037
7,350	7,400	995	938	884	1,092	1,048
7,400	7,450	1,005	947	892	1,103	1,059
7,450	7,500	1,015	956	901	1,114	1,070

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household		Married filing a separate return claiming— Low income allowance	standard deduction
		Your tax is—				
$7,500	$7,550	$1,025	$965	$909	$1,125	$1,081
7,550	7,600	1,035	974	918	1,136	1,092
7,600	7,650	1,045	983	926	1,149	1,103
7,650	7,700	1,055	992	935	1,161	1,119
7,700	7,750	1,065	1,001	943	1,174	1,121
7,750	7,800	1,074	1,010	952	1,186	1,134
7,800	7,850	1,084	1,019	961	1,199	1,145
7,850	7,900	1,094	1,028	969	1,211	1,164
7,900	7,950	1,104	1,037	978	1,224	1,171
7,950	8,000	1,114	1,046	986	1,236	1,189
8,000	8,050	1,124	1,055	995	1,249	1,196
8,050	8,100	1,134	1,064	1,003	1,261	1,214
8,100	8,150	1,146	1,074	1,012	1,274	1,226
8,150	8,200	1,157	1,084	1,020	1,286	1,239
8,200	8,250	1,168	1,094	1,029	1,299	1,241
8,250	8,300	1,179	1,103	1,038	1,311	1,264
8,300	8,350	1,191	1,113	1,046	1,324	1,276
8,350	8,400	1,202	1,123	1,055	1,336	1,286
8,400	8,450	1,213	1,133	1,063	1,349	1,299
8,450	8,500	1,224	1,143	1,072	1,361	1,311
8,500	8,550	1,236	1,153	1,080	1,374	1,324
8,550	8,600	1,247	1,163	1,089	1,386	1,336
8,600	8,650	1,258	1,173	1,097	1,399	1,349
8,650	8,700	1,269	1,183	1,106	1,411	1,361
8,700	8,750	1,281	1,193	1,114	1,424	1,374
8,750	8,800	1,292	1,202	1,123	1,436	1,386
8,800	8,850	1,303	1,212	1,132	1,449	1,399
8,850	8,900	1,314	1,222	1,140	1,461	1,411
8,900	8,950	1,326	1,232	1,149	1,474	1,424
8,950	9,000	1,337	1,242	1,157	1,486	1,436
9,000	9,050	1,348	1,252	1,166	1,499	1,449
9,050	9,100	1,359	1,262	1,174	1,511	1,461
9,100	9,150	1,371	1,272	1,183	1,524	1,474
9,150	9,200	1,382	1,282	1,191	1,536	1,486
9,200	9,250	1,393	1,292	1,200	1,549	1,499
9,250	9,300	1,404	1,301	1,209	1,561	1,511
9,300	9,350	1,416	1,311	1,217	1,574	1,524
9,350	9,400	1,427	1,321	1,226	1,586	1,536
9,400	9,450	1,438	1,331	1,234	1,599	1,549
9,450	9,500	1,449	1,341	1,243	1,611	1,561
9,500	9,550	1,461	1,351	1,251	1,624	1,574
9,550	9,600	1,472	1,361	1,260	1,637	1,586
9,600	9,650	1,483	1,371	1,268	1,651	1,599
9,650	9,700	1,494	1,381	1,277	1,665	1,611
9,700	9,750	1,506	1,391	1,285	1,679	1,624
9,750	9,800	1,517	1,400	1,294	1,693	1,637
9,800	9,850	1,528	1,410	1,303	1,707	1,651
9,850	9,900	1,539	1,420	1,311	1,721	1,665
9,900	9,950	1,551	1,430	1,320	1,735	1,679
9,950	10,000	1,562	1,440	1,328	1,749	1,693

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE III—RETURNS CLAIMING 3 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$2,075	0	0	0	0	0
$2,075	2,100	0	0	0	0	$1
2,100	2,125	0	0	0	0	4
2,125	2,150	0	0	0	0	7
2,150	2,175	0	0	0	0	10
2,175	2,200	0	0	0	0	13
2,200	2,225	0	0	0	0	16
2,225	2,250	0	0	0	0	19
2,250	2,275	0	0	0	0	23
2,275	2,300	0	0	0	$2	26
2,300	2,325	0	0	0	5	29
2,325	2,350	0	0	0	9	32
2,350	2,375	0	0	0	12	35
2,375	2,400	0	0	0	16	38
2,400	2,425	0	0	0	19	41
2,425	2,450	0	0	0	23	45
2,450	2,475	0	0	0	26	48
2,475	2,500	0	0	0	30	51
2,500	2,525	0	0	0	33	54
2,525	2,550	0	0	0	37	57
2,550	2,575	0	0	0	40	60
2,575	2,600	0	0	0	44	64
2,600	2,625	0	0	0	47	67
2,625	2,650	0	0	0	51	70
2,650	2,675	0	0	0	54	73
2,675	2,700	0	0	0	58	77
2,700	2,725	0	0	0	61	80
2,725	2,750	0	0	0	65	83
2,750	2,775	0	0	0	68	87
2,775	2,800	0	0	0	72	90
2,800	2,825	0	0	0	76	93
2,825	2,850	0	0	0	79	97
2,850	2,875	0	0	0	83	100
2,875	2,900	0	0	0	87	104
2,900	2,925	0	0	0	91	107
2,925	2,950	0	0	0	94	110
2,950	2,975	0	0	0	98	114
2,975	3,000	$3	$3	$3	102	117
3,000	3,050	11	11	11	108	122
3,050	3,100	21	21	21	115	129
3,100	3,150	32	32	32	123	136
3,150	3,200	42	42	42	130	142
3,200	3,250	53	53	53	138	149
3,250	3,300	63	63	63	145	157
3,300	3,350	74	74	74	153	164

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$3,350	$3,400	$85	$84	$84	$161	$171
3,400	3,450	96	95	95	169	178
3,450	3,500	108	105	105	177	185
3,500	3,550	119	116	116	185	193
3,550	3,600	130	126	126	193	200
3,600	3,650	141	137	137	201	207
3,650	3,700	153	148	148	209	214
3,700	3,750	165	160	159	217	221
3,750	3,800	177	172	170	225	229
3,800	3,850	189	184	181	234	236
3,850	3,900	201	196	193	242	244
3,900	3,950	213	208	204	251	252
3,950	4,000	225	220	215	259	259
4,000	4,050	238	232	226	268	267
4,050	4,100	251	244	238	276	275
4,100	4,150	263	256	249	285	282
4,150	4,200	276	268	260	293	290
4,200	4,250	285	276	268	302	298
4,250	4,300	293	284	275	310	305
4,300	4,350	302	292	283	320	313
4,350	4,400	310	300	290	329	322
4,400	4,450	320	309	298	339	330
4,450	4,500	329	318	306	348	339
4,500	4,550	339	327	314	358	348
4,550	4,600	348	336	322	367	356
4,600	4,650	358	345	330	377	365
4,650	4,700	367	354	338	386	373
4,700	4,750	377	363	346	396	382
4,750	4,800	386	372	354	405	390
4,800	4,850	396	381	362	415	399
4,850	4,900	405	390	370	424	407
4,900	4,950	415	399	378	434	416
4,950	5,000	424	408	386	443	424
5,000	5,050	433	417	394	453	434
5,050	5,100	442	425	401	462	443
5,100	5,150	450	433	408	472	453
5,150	5,200	459	441	415	481	462
5,200	5,250	467	449	422	491	472
5,250	5,300	476	457	430	500	481
5,300	5,350	484	465	437	510	491
5,350	5,400	493	473	444	519	500
5,400	5,450	501	481	451	529	510
5,450	5,500	510	489	459	538	519
5,500	5,550	519	498	467	548	529
5,550	5,600	527	506	474	557	538
5,600	5,650	536	514	482	567	548

TABLE III—RETURNS CLAIMING 3 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$5,650	$5,700	$544	$522	$490	$576	$557
5,700	5,750	553	530	497	586	567
5,750	5,800	561	538	505	595	576
5,800	5,850	570	546	512	605	586
5,850	5,900	578	554	520	614	595
5,900	5,950	587	562	528	624	605
5,950	6,000	595	570	535	633	614
6,000	6,050	604	579	543	643	624
6,050	6,100	613	587	551	652	633
6,100	6,150	621	595	558	662	643
6,150	6,200	630	603	566	671	652
6,200	6,250	638	611	574	681	662
6,250	6,300	647	619	581	690	671
6,300	6,350	655	627	589	701	681
6,350	6,400	664	635	597	712	690
6,400	6,450	672	643	604	723	701
6,450	6,500	681	651	612	734	712
6,500	6,550	690	660	620	745	723
6,550	6,600	699	669	628	756	734
6,600	6,650	709	678	637	767	745
6,650	6,700	719	687	645	778	756
6,700	6,750	729	696	654	789	767
6,750	6,800	739	705	662	800	778
6,800	6,850	749	714	671	811	789
6,850	6,900	759	723	679	822	800
6,900	6,950	769	732	688	833	811
6,950	7,000	779	741	696	844	822
7,000	7,050	788	750	705	855	833
7,050	7,100	798	759	714	866	844
7,100	7,150	808	768	722	877	855
7,150	7,200	818	777	731	888	866
7,200	7,250	828	786	739	899	877
7,250	7,300	838	795	748	910	888
7,300	7,350	848	804	756	921	899
7,350	7,400	858	813	765	932	910
7,400	7,450	868	822	773	943	921
7,450	7,500	878	831	782	954	932
7,500	7,550	887	840	791	965	943
7,550	7,600	897	849	799	976	954
7,600	7,650	907	858	808	987	965
7,650	7,700	917	867	816	998	976
7,700	7,750	927	876	825	1,009	987
7,750	7,800	937	885	833	1,020	998
7,800	7,850	947	894	842	1,031	1,009

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$7,850	$7,900	$957	$903	$850	$1,042	$1,020
7,900	7,950	967	912	859	1,053	1,031
7,950	8,000	977	921	867	1,064	1,042
8,000	8,050	986	930	876	1,075	1,053
8,050	8,100	996	939	885	1,086	1,064
8,100	8,150	1,006	948	893	1,097	1,075
8,150	8,200	1,016	957	902	1,108	1,086
8,200	8,250	1,026	966	910	1,119	1,097
8,250	8,300	1,036	975	919	1,130	1,108
8,300	8,350	1,046	984	927	1,143	1,119
8,350	8,400	1,056	993	936	1,155	1,130
8,400	8,450	1,066	1,002	944	1,168	1,143
8,450	8,500	1,076	1,011	953	1,180	1,155
8,500	8,550	1,085	1,020	962	1,193	1,168
8,550	8,600	1,095	1,029	970	1,205	1,180
8,600	8,650	1,105	1,038	979	1,218	1,193
8,650	8,700	1,115	1,047	987	1,230	1,205
8,700	8,750	1,125	1,056	996	1,243	1,218
8,750	8,800	1,136	1,065	1,004	1,255	1,230
8,800	8,850	1,147	1,075	1,013	1,268	1,243
8,850	8,900	1,158	1,085	1,021	1,280	1,255
8,900	8,950	1,169	1,095	1,030	1,293	1,268
8,950	9,000	1,181	1,105	1,038	1,305	1,280
9,000	9,050	1,192	1,114	1,047	1,318	1,293
9,050	9,100	1,203	1,124	1,056	1,330	1,305
9,100	9,150	1,214	1,134	1,064	1,343	1,318
9,150	9,200	1,226	1,144	1,073	1,355	1,330
9,200	9,250	1,237	1,154	1,081	1,368	1,343
9,250	9,300	1,248	1,164	1,090	1,380	1,355
9,300	9,350	1,259	1,174	1,098	1,393	1,368
9,350	9,400	1,271	1,184	1,107	1,405	1,380
9,400	9,450	1,282	1,194	1,115	1,418	1,393
9,450	9,500	1,293	1,204	1,124	1,430	1,405
9,500	9,550	1,304	1,213	1,133	1,443	1,418
9,550	9,600	1,316	1,223	1,141	1,455	1,430
9,600	9,650	1,327	1,233	1,150	1,468	1,443
9,650	9,700	1,338	1,243	1,158	1,480	1,455
9,700	9,750	1,349	1,253	1,167	1,493	1,468
9,750	9,800	1,361	1,263	1,175	1,505	1,480
9,800	9,850	1,372	1,273	1,184	1,518	1,493
9,850	9,900	1,383	1,283	1,192	1,530	1,505
9,900	9,950	1,394	1,293	1,201	1,543	1,518
9,950	10,000	1,406	1,303	1,209	1,555	1,530

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE IV—RETURNS CLAIMING 4 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$2,775	0	0	0	0	0
$2,775	2,800	0	0	0	0	$1
2,800	2,825	0	0	0	0	4
2,825	2,850	0	0	0	0	8
2,850	2,875	0	0	0	0	11
2,875	2,900	0	0	0	0	14
2,900	2,925	0	0	0	0	17
2,925	2,950	0	0	0	0	20
2,950	2,975	0	0	0	0	23
2,975	3,000	0	0	0	0	26
3,000	3,050	0	0	0	$4	31
3,050	3,100	0	0	0	11	37
3,100	3,150	0	0	0	18	44
3,150	3,200	0	0	0	25	50
3,200	3,250	0	0	0	32	56
3,250	3,300	0	0	0	39	63
3,300	3,350	0	0	0	46	69
3,350	3,400	0	0	0	53	76
3,400	3,450	0	0	0	60	82
3,450	3,500	0	0	0	67	89
3,500	3,550	0	0	0	74	96
3,550	3,600	0	0	0	81	103
3,600	3,650	$5	$5	$5	89	109
3,650	3,700	16	16	16	96	116
3,700	3,750	26	26	26	104	123
3,750	3,800	37	37	37	111	130
3,800	3,850	47	47	47	119	136
3,850	3,900	58	58	58	126	143
3,900	3,950	68	68	68	134	150
3,950	4,000	79	79	79	141	157
4,000	4,050	91	89	89	149	165
4,050	4,100	102	100	100	157	172
4,100	4,150	113	110	110	165	179
4,150	4,200	124	121	121	173	186
4,200	4,250	136	131	131	181	193
4,250	4,300	147	142	142	189	201
4,300	4,350	159	154	153	197	208
4,350	4,400	171	166	164	205	215
$4,400	$4,450	$183	$178	$176	$213	$222
4,450	4,500	195	190	187	221	230
4,500	4,550	207	202	198	229	237
4,550	4,600	219	214	209	238	245
4,600	4,650	229	224	219	246	253
4,650	4,700	238	232	226	255	260
4,700	4,750	246	240	234	263	268
4,750	4,800	255	248	241	272	276
4,800	4,850	263	256	249	280	283
4,850	4,900	272	264	256	289	291
4,900	4,950	280	272	264	297	299
4,950	5,000	289	280	271	306	306
5,000	5,050	297	288	279	315	315
5,050	5,100	306	296	286	324	324
5,100	5,150	315	305	294	334	334
5,150	5,200	324	314	302	343	343
5,200	5,250	334	323	310	353	353
5,250	5,300	343	332	318	362	362
5,300	5,350	353	341	326	372	372
5,350	5,400	362	350	334	381	381
5,400	5,450	372	359	342	391	391
5,450	5,500	381	368	350	400	400
5,500	5,550	391	377	358	410	410
5,550	5,600	400	386	366	419	419
5,600	5,650	410	395	374	429	429
5,650	5,700	419	404	382	438	438
5,700	5,750	429	413	390	448	448
5,750	5,800	438	422	398	457	457
5,800	5,850	448	431	406	467	467
5,850	5,900	457	440	414	476	476
5,900	5,950	467	449	422	486	486
5,950	6,000	476	458	430	495	495
6,000	6,050	485	466	438	505	505
6,050	6,100	494	474	445	514	514
6,100	6,150	502	482	452	524	524
6,150	6,200	511	490	460	533	533
6,200	6,250	519	498	467	543	543
6,250	6,300	528	507	475	552	552

TABLE IV—RETURNS CLAIMING 4 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$6,300	$6,350	$537	$515	$483	$562	$562
6,350	6,400	545	523	490	571	571
6,400	6,450	554	531	498	581	581
6,450	6,500	562	539	506	590	590
6,500	6,550	571	547	513	600	600
6,550	6,600	579	555	521	609	609
6,600	6,650	588	563	529	619	619
6,650	6,700	596	571	536	628	628
6,700	6,750	605	579	544	638	638
6,750	6,800	614	588	552	647	647
6,800	6,850	622	596	559	657	657
6,850	6,900	631	604	567	666	666
6,900	6,950	639	612	575	676	676
6,950	7,000	648	620	582	685	685
7,000	7,050	656	628	590	696	696
7,050	7,100	665	636	597	707	707
7,100	7,150	673	644	605	718	718
7,150	7,200	682	652	613	729	729
7,200	7,250	691	661	620	740	740
7,250	7,300	700	670	629	751	751
7,300	7,350	710	679	638	762	762
7,350	7,400	720	688	646	773	773
7,400	7,450	730	697	655	784	784
7,450	7,500	740	706	663	795	795
7,500	7,550	750	715	672	806	806
7,550	7,600	760	724	680	817	817
7,600	7,650	770	733	689	828	828
7,650	7,700	780	742	697	839	839
7,700	7,750	790	751	706	850	850
7,750	7,800	799	760	715	861	861
7,800	7,850	809	769	723	872	872
7,850	7,900	819	778	732	883	883
7,900	7,950	829	787	740	894	894
7,950	8,000	839	796	749	905	905
8,000	8,050	849	805	757	916	916
8,050	8,100	859	814	766	927	927
8,100	8,150	869	823	774	938	938
$8,150	$8,200	$879	$832	$783	$949	$949
8,200	8,250	889	841	791	960	960
8,250	8,300	898	850	800	971	971
8,300	8,350	908	859	809	982	982
8,350	8,400	918	868	817	993	993
8,400	8,450	928	877	826	1,004	1,004
8,450	8,500	938	886	834	1,015	1,015
8,500	8,550	948	895	843	1,026	1,026
8,550	8,600	958	904	851	1,037	1,037
8,600	8,650	968	913	860	1,048	1,048
8,650	8,700	978	922	868	1,059	1,059
8,700	8,750	988	931	877	1,070	1,070
8,750	8,800	997	940	886	1,081	1,081
8,800	8,850	1,007	949	894	1,092	1,092
8,850	8,900	1,017	958	903	1,103	1,103
8,900	8,950	1,027	967	911	1,114	1,114
8,950	9,000	1,037	976	920	1,125	1,125
9,000	9,050	1,047	985	928	1,136	1,136
9,050	9,100	1,057	994	937	1,149	1,149
9,100	9,150	1,067	1,003	945	1,161	1,161
9,150	9,200	1,077	1,012	954	1,174	1,174
9,200	9,250	1,087	1,021	962	1,186	1,186
9,250	9,300	1,096	1,030	971	1,199	1,199
9,300	9,350	1,106	1,039	980	1,211	1,211
9,350	9,400	1,116	1,048	988	1,224	1,224
9,400	9,450	1,126	1,057	997	1,236	1,236
9,450	9,500	1,137	1,066	1,005	1,249	1,249
9,500	9,550	1,148	1,076	1,014	1,261	1,261
9,550	9,600	1,159	1,086	1,022	1,274	1,274
9,600	9,650	1,171	1,096	1,031	1,286	1,286
9,650	9,700	1,182	1,106	1,039	1,299	1,299
9,700	9,750	1,193	1,116	1,048	1,311	1,311
9,750	9,800	1,204	1,125	1,057	1,324	1,324
9,800	9,850	1,216	1,135	1,065	1,336	1,336
9,850	9,900	1,227	1,145	1,074	1,349	1,349
9,900	9,950	1,238	1,155	1,082	1,361	1,361
9,950	10,000	1,249	1,165	1,091	1,374	1,374

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*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE V—RETURNS CLAIMING 5 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$3,500	0	0	0	0	0
$3,500	3,550	0	0	0	0	$7
3,550	3,600	0	0	0	0	13
3,600	3,650	0	0	0	0	19
3,650	3,700	0	0	0	$7	26
3,700	3,750	0	0	0	14	32
3,750	3,800	0	0	0	21	38
3,800	3,850	0	0	0	28	44
3,850	3,900	0	0	0	35	51
3,900	3,950	0	0	0	42	57
3,950	4,000	0	0	0	49	63
4,000	4,050	0	0	0	56	70
4,050	4,100	0	0	0	63	76
4,100	4,150	0	0	0	70	83
4,150	4,200	0	0	0	78	90
4,200	4,250	0	0	0	85	97
4,250	4,300	$11	$11	$11	93	103
4,300	4,350	21	21	21	100	110
4,350	4,400	32	32	32	108	117
4,400	4,450	42	42	42	115	124
4,450	4,500	53	53	53	123	130
4,500	4,550	63	63	63	130	137
4,550	4,600	74	74	74	138	144
4,600	4,650	85	84	84	145	151
4,650	4,700	96	95	95	153	158
4,700	4,750	108	105	105	161	165
4,750	4,800	119	116	116	169	173
4,800	4,850	130	126	126	177	180
4,850	4,900	141	137	137	185	187
4,900	4,950	153	148	148	193	194
4,950	5,000	165	160	159	201	201
5,000	5,050	177	172	170	209	209
5,050	5,100	185	180	178	217	217
$5,100	$5,150	$193	$188	$185	$225	$225
5,150	5,200	201	196	193	234	234
5,200	5,250	209	204	200	242	242
5,250	5,300	217	212	208	251	251
5,300	5,350	225	220	215	259	259
5,350	5,400	234	228	223	268	268
5,400	5,450	242	236	230	276	276
5,450	5,500	251	244	238	285	285
5,500	5,550	259	252	245	293	293
5,550	5,600	268	260	253	302	302
5,600	5,650	276	268	260	310	310
5,650	5,700	285	276	268	320	320
5,700	5,750	293	284	275	329	329
5,750	5,800	302	292	283	339	339
5,800	5,850	310	300	290	348	348
5,850	5,900	320	309	298	358	358
5,900	5,950	329	318	306	367	367
5,950	6,000	339	327	314	377	377
6,000	6,050	348	336	322	386	386
6,050	6,100	358	345	330	396	396
6,100	6,150	367	354	338	405	405
6,150	6,200	377	363	346	415	415
6,200	6,250	386	372	354	424	424
6,250	6,300	396	381	362	434	434
6,300	6,350	405	390	370	443	443
6,350	6,400	415	399	378	453	453
6,400	6,450	424	408	386	462	462
6,450	6,500	434	417	394	472	472
6,500	6,550	443	426	402	481	481
6,550	6,600	453	435	410	491	491
6,600	6,650	462	444	418	500	500
6,650	6,700	472	453	426	510	510
6,700	6,750	481	462	434	519	519

TABLE V—RETURNS CLAIMING 5 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$6,750	$6,800	$491	$471	$442	$529	$529
6,800	6,850	500	480	450	538	538
6,850	6,900	510	489	459	548	548
6,900	6,950	519	498	467	557	557
6,950	7,000	529	507	476	567	567
7,000	7,050	538	516	484	576	576
7,050	7,100	546	524	491	586	586
7,100	7,150	555	532	499	595	595
7,150	7,200	563	540	507	605	605
7,200	7,250	572	548	514	614	614
7,250	7,300	580	556	522	624	624
7,300	7,350	589	564	529	633	633
7,350	7,400	597	572	537	643	643
7,400	7,450	606	580	545	652	652
7,450	7,500	614	588	552	662	662
7,500	7,550	623	597	560	671	671
7,550	7,600	632	605	568	681	681
7,600	7,650	640	613	575	690	690
7,650	7,700	649	621	583	701	701
7,700	7,750	657	629	591	712	712
7,750	7,800	666	637	598	723	723
7,800	7,850	674	645	606	734	734
7,850	7,900	683	653	614	745	745
7,900	7,950	692	662	621	756	756
7,950	8,000	702	671	630	767	767
8,000	8,050	711	680	639	778	778
8,050	8,100	721	689	647	789	789
8,100	8,150	731	698	656	800	800
8,150	8,200	741	707	664	811	811
8,200	8,250	751	716	673	822	822
8,250	8,300	761	725	681	833	833
8,300	8,350	771	734	690	844	844
8,350	8,400	781	743	698	855	855
$8,400	$8,450	$791	$752	$707	$866	$866
8,450	8,500	801	761	715	877	877
8,500	8,550	810	770	724	888	888
8,550	8,600	820	779	733	899	899
8,600	8,650	830	788	741	910	910
8,650	8,700	840	797	750	921	921
8,700	8,750	850	806	758	932	932
8,750	8,800	860	815	767	943	943
8,800	8,850	870	824	775	954	954
8,850	8,900	880	833	784	965	965
8,900	8,950	890	842	792	976	976
8,950	9,000	900	851	801	987	987
9,000	9,050	909	860	810	998	998
9,050	9,100	919	869	818	1,009	1,009
9,100	9,150	929	878	827	1,020	1,020
9,150	9,200	939	887	835	1,031	1,031
9,200	9,250	949	896	844	1,042	1,042
9,250	9,300	959	905	852	1,053	1,053
9,300	9,350	969	914	861	1,064	1,064
9,350	9,400	979	923	869	1,075	1,075
9,400	9,450	989	932	878	1,086	1,086
9,450	9,500	999	941	886	1,097	1,097
9,500	9,550	1,008	950	895	1,108	1,108
9,550	9,600	1,018	959	904	1,119	1,119
9,600	9,650	1,028	968	912	1,130	1,130
9,650	9,700	1,038	977	921	1,143	1,143
9,700	9,750	1,048	986	929	1,155	1,155
9,750	9,800	1,058	995	938	1,168	1,168
9,800	9,850	1,068	1,004	946	1,180	1,180
9,850	9,900	1,078	1,013	955	1,193	1,193
9,900	9,950	1,088	1,022	963	1,205	1,205
9,950	10,000	1,098	1,031	972	1,218	1,218

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* This column may also be used by certain widows or widowers who qualify for special tax rates.

Table VI—Returns Claiming 6 Exemptions

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$4,150	0	0	0	0	0
$4,150	4,200	0	0	0	0	$1
4,200	4,250	0	0	0	0	7
4,250	4,300	0	0	0	$4	14
4,300	4,350	0	0	0	11	20
4,350	4,400	0	0	0	18	26
4,400	4,450	0	0	0	25	33
4,450	4,500	0	0	0	32	39
4,500	4,550	0	0	0	39	45
4,550	4,600	0	0	0	46	51
4,600	4,650	0	0	0	53	58
4,650	4,700	0	0	0	60	64
4,700	4,750	0	0	0	67	70
4,750	4,800	0	0	0	74	77
4,800	4,850	0	0	0	81	84
4,850	4,900	$5	$5	$5	89	91
4,900	4,950	16	16	16	96	97
4,950	5,000	26	26	26	104	104
5,000	5,050	37	37	37	111	111
5,050	5,100	47	47	47	119	119
5,100	5,150	58	58	58	126	126
5,150	5,200	68	68	68	134	134
5,200	5,250	79	79	79	141	141
5,250	5,300	91	89	89	149	149
5,300	5,350	102	100	100	157	157
5,350	5,400	113	110	110	165	165
5,400	5,450	124	121	121	173	173
5,450	5,500	134	130	130	181	181
5,500	5,550	141	137	137	189	189
5,550	5,600	149	144	144	197	197
5,600	5,650	157	152	151	205	205
5,650	5,700	165	160	159	213	213
5,700	5,750	173	168	166	221	221
5,750	5,800	181	176	174	229	229
5,800	5,850	189	184	181	238	238
5,850	5,900	197	192	189	246	246
5,900	5,950	205	200	196	255	255
5,950	6,000	213	208	204	263	263
6,000	6,050	221	216	211	272	272
6,050	6,100	229	224	219	280	280
6,100	6,150	238	232	226	289	289
6,150	6,200	246	240	234	297	297
6,200	6,250	255	248	241	306	306
6,250	6,300	263	256	249	315	315
6,300	6,350	272	264	256	324	324
6,350	6,400	280	272	264	334	334
6,400	6,450	289	280	271	343	343
6,450	6,500	297	288	279	353	353
6,500	6,550	306	296	286	362	362
6,550	6,600	315	305	294	372	372
6,600	6,650	324	314	302	381	381
6,650	6,700	334	323	310	391	391
6,700	6,750	343	332	318	400	400
6,750	6,800	353	341	326	410	410
6,800	6,850	362	350	334	419	419
6,850	6,900	372	359	342	429	429
6,900	6,950	381	368	350	438	438
6,950	7,000	391	377	358	448	448
7,000	7,050	400	386	366	457	457
$7,050	$7,100	$410	$395	$374	$467	$467
7,100	7,150	419	404	382	476	476
7,150	7,200	429	413	390	486	486
7,200	7,250	438	422	398	495	495
7,250	7,300	448	431	406	505	505
7,300	7,350	457	440	414	514	514
7,350	7,400	467	449	422	524	524
7,400	7,450	476	458	430	533	533
7,450	7,500	486	467	438	543	543
7,500	7,550	495	476	446	552	552
7,550	7,600	505	485	454	562	562
7,600	7,650	514	494	463	571	571
7,650	7,700	524	503	471	581	581
7,700	7,750	533	512	480	590	590
7,750	7,800	543	521	488	600	600
7,800	7,850	552	530	497	609	609
7,850	7,900	562	539	505	619	619
7,900	7,950	571	548	514	628	628
7,950	8,000	581	557	522	638	638
8,000	8,050	590	565	530	647	647
8,050	8,100	598	573	538	657	657
8,100	8,150	607	581	546	666	666
8,150	8,200	615	589	553	676	676
8,200	8,250	624	597	561	685	685
8,250	8,300	633	606	569	696	696
8,300	8,350	641	614	576	707	707
8,350	8,400	650	622	584	718	718
8,400	8,450	658	630	592	729	729
8,450	8,500	667	638	599	740	740
8,500	8,550	675	646	607	751	751
8,550	8,600	684	654	614	762	762
8,600	8,650	693	663	622	773	773
8,650	8,700	703	672	631	784	784
8,700	8,750	713	681	639	795	795
8,750	8,800	722	690	648	806	806
8,800	8,850	732	699	657	817	817
8,850	8,900	742	708	665	828	828
8,900	8,950	752	717	674	839	839
8,950	9,000	762	726	682	850	850
9,000	9,050	772	735	691	861	861
9,050	9,100	782	744	699	872	872
9,100	9,150	792	753	708	883	883
9,150	9,200	802	762	716	894	894
9,200	9,250	812	771	725	905	905
9,250	9,300	821	780	734	916	916
9,300	9,350	831	789	742	927	927
9,350	9,400	841	798	751	938	938
9,400	9,450	851	807	759	949	949
9,450	9,500	861	816	768	960	960
9,500	9,550	871	825	776	971	971
9,550	9,600	881	834	785	982	982
9,600	9,650	891	843	793	993	993
9,650	9,700	901	852	802	1,004	1,004
9,700	9,750	911	861	810	1,015	1,015
9,750	9,800	920	870	819	1,026	1,026
9,800	9,850	930	879	828	1,037	1,037
9,850	9,900	940	888	836	1,048	1,048
9,900	9,950	950	897	845	1,059	1,059
9,950	10,000	960	906	853	1,070	1,070

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table VII—Returns Claiming 7 Exemptions

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$4,850	0	0	0	0	0
$4,850	4,900	0	0	0	0	$2
4,900	4,950	0	0	0	$7	8
4,950	5,000	0	0	0	14	14
5,000	5,050	0	0	0	21	21
5,050	5,100	0	0	0	28	28
5,100	5,150	0	0	0	35	35
5,150	5,200	0	0	0	42	42
5,200	5,250	0	0	0	49	49
5,250	5,300	0	0	0	56	56
5,300	5,350	0	0	0	63	63
5,350	5,400	0	0	0	70	70
5,400	5,450	0	0	0	78	78
5,450	5,500	0	0	0	85	85
5,500	5,550	$11	$11	$11	93	93
5,550	5,600	21	21	21	100	100
5,600	5,650	32	32	32	108	108
5,650	5,700	42	42	42	115	115
5,700	5,750	53	53	53	123	123
5,750	5,800	63	63	63	130	130
5,800	5,850	74	74	74	138	138
5,850	5,900	85	84	84	145	145
5,900	5,950	93	91	91	153	153
5,950	6,000	100	98	98	161	161
6,000	6,050	108	105	105	169	169
6,050	6,100	115	112	112	177	177
6,100	6,150	123	119	119	185	185
6,150	6,200	130	126	126	193	193
6,200	6,250	138	133	133	201	201
6,250	6,300	145	140	140	209	209
6,300	6,350	153	148	148	217	217
6,350	6,400	161	156	155	225	225
6,400	6,450	169	164	163	234	234
6,450	6,500	177	172	170	242	242
6,500	6,550	185	180	178	251	251
6,550	6,600	193	188	185	259	259
6,600	6,650	201	196	193	268	268
6,650	6,700	209	204	200	276	276
6,700	6,750	217	212	208	285	285
6,750	6,800	225	220	215	293	293
6,800	6,850	234	228	223	302	302
6,850	6,900	242	236	230	310	310
6,900	6,950	251	244	238	320	320
6,950	7,000	259	252	245	329	329
7,000	7,050	268	260	253	339	339
7,050	7,100	276	268	260	348	348
7,100	7,150	285	276	268	358	358
7,150	7,200	293	284	275	367	367
7,200	7,250	302	292	283	377	377
7,250	7,300	310	300	290	386	386
7,300	7,350	320	309	298	396	396
7,350	7,400	329	318	306	405	405
$7,400	$7,450	$339	$327	$314	$415	$415
7,450	7,500	348	336	322	424	424
7,500	7,550	358	345	330	434	434
7,550	7,600	367	354	338	443	443
7,600	7,650	377	363	346	453	453
7,650	7,700	386	372	354	462	462
7,700	7,750	396	381	362	472	472
7,750	7,800	405	390	370	481	481
7,800	7,850	415	399	378	491	491
7,850	7,900	424	408	386	500	500
7,900	7,950	434	417	394	510	510
7,950	8,000	443	426	402	519	519
8,000	8,050	453	435	410	529	529
8,050	8,100	462	444	418	538	538
8,100	8,150	472	453	426	548	548
8,150	8,200	481	462	434	557	557
8,200	8,250	491	471	442	567	567
8,250	8,300	500	480	450	576	576
8,300	8,350	510	489	459	586	586
8,350	8,400	519	498	467	595	595
8,400	8,450	529	507	476	605	605
8,450	8,500	538	516	484	614	614
8,500	8,550	548	525	493	624	624
8,550	8,600	557	534	501	633	633
8,600	8,650	567	543	510	643	643
8,650	8,700	576	552	518	652	652
8,700	8,750	586	561	527	662	662
8,750	8,800	595	570	535	671	671
8,800	8,850	605	579	544	681	681
8,850	8,900	614	588	552	690	690
8,900	8,950	624	597	561	701	701
8,950	9,000	633	606	569	712	712
9,000	9,050	642	615	577	723	723
9,050	9,100	651	623	585	734	734
9,100	9,150	659	631	592	745	745
9,150	9,200	668	639	600	756	756
9,200	9,250	676	647	608	767	767
9,250	9,300	685	655	615	778	778
9,300	9,350	694	664	623	789	789
9,350	9,400	704	673	632	800	800
9,400	9,450	714	682	640	811	811
9,450	9,500	724	691	649	822	822
9,500	9,550	733	700	658	833	833
9,550	9,600	743	709	666	844	844
9,600	9,650	753	718	675	855	855
9,650	9,700	763	727	683	866	866
9,700	9,750	773	736	692	877	877
9,750	9,800	783	745	700	888	888
9,800	9,850	793	754	709	899	899
9,850	9,900	803	763	717	910	910
9,900	9,950	813	772	726	921	921
9,950	10,000	823	781	734	932	932

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table VIII—Returns Claiming 8 Exemptions

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$5,500	0	0	0	0	0
$5,500	5,550	0	0	0	$4	$4
5,550	5,600	0	0	0	11	11
5,600	5,650	0	0	0	18	18
5,650	5,700	0	0	0	25	25
5,700	5,750	0	0	0	32	32
5,750	5,800	0	0	0	39	39
5,800	5,850	0	0	0	46	46
5,850	5,900	0	0	0	53	53
5,900	5,950	0	0	0	60	60
5,950	6,000	0	0	0	67	67
6,000	6,050	0	0	0	74	74
6,050	6,100	0	0	0	81	81
6,100	6,150	$5	$5	$5	89	89
6,150	6,200	16	16	16	96	96
6,200	6,250	26	26	26	104	104
6,250	6,300	37	37	37	111	111
6,300	6,350	46	46	46	119	119
6,350	6,400	53	53	53	126	126
6,400	6,450	60	60	60	134	134
6,450	6,500	67	67	67	141	141
6,500	6,550	74	74	74	149	149
6,550	6,600	81	81	81	157	157
6,600	6,650	89	88	88	165	165
6,650	6,700	96	95	95	173	173
6,700	6,750	104	102	102	181	181
6,750	6,800	111	109	109	189	189
6,800	6,850	119	116	116	197	197
6,850	6,900	126	123	123	205	205
6,900	6,950	134	130	130	213	213
6,950	7,000	141	137	137	221	221
7,000	7,050	149	144	144	229	229
7,050	7,100	157	152	151	238	238
7,100	7,150	165	160	159	246	246
7,150	7,200	173	168	166	255	255
7,200	7,250	181	176	174	263	263
7,250	7,300	189	184	181	272	272
7,300	7,350	197	192	189	280	280
7,350	7,400	205	200	196	289	289
7,400	7,450	213	208	204	297	297
7,450	7,500	221	216	211	306	306
7,500	7,550	229	224	219	315	315
7,550	7,600	238	232	226	324	324
7,600	7,650	246	240	234	334	334
7,650	7,700	255	248	241	343	343
7,700	7,750	263	256	249	353	353
$7,750	$7,800	$272	$264	$256	$362	$362
7,800	7,850	280	272	264	372	372
7,850	7,900	289	280	271	381	381
7,900	7,950	297	288	279	391	391
7,950	8,000	306	296	286	400	400
8,000	8,050	315	305	294	410	410
8,050	8,100	324	314	302	419	419
8,100	8,150	334	323	310	429	429
8,150	8,200	343	332	318	438	438
8,200	8,250	353	341	326	448	448
8,250	8,300	362	350	334	457	457
8,300	8,350	372	359	342	467	467
8,350	8,400	381	368	350	476	476
8,400	8,450	391	377	358	486	486
8,450	8,500	400	386	366	495	495
8,500	8,550	410	395	374	505	505
8,550	8,600	419	404	382	514	514
8,600	8,650	429	413	390	524	524
8,650	8,700	438	422	398	533	533
8,700	8,750	448	431	406	543	543
8,750	8,800	457	440	414	552	552
8,800	8,850	467	449	422	562	562
8,850	8,900	476	458	430	571	571
8,900	8,950	486	467	438	581	581
8,950	9,000	495	476	446	590	590
9,000	9,050	505	485	454	600	600
9,050	9,100	514	494	463	609	609
9,100	9,150	524	503	471	619	619
9,150	9,200	533	512	480	628	628
9,200	9,250	543	521	488	638	638
9,250	9,300	552	530	497	647	647
9,300	9,350	562	539	505	657	657
9,350	9,400	571	548	514	666	666
9,400	9,450	581	557	522	676	676
9,450	9,500	590	566	531	685	685
9,500	9,550	600	575	539	696	696
9,550	9,600	609	584	548	707	707
9,600	9,650	619	593	556	718	718
9,650	9,700	628	602	565	729	729
9,700	9,750	638	611	573	740	740
9,750	9,800	647	620	582	751	751
9,800	9,850	657	629	590	762	762
9,850	9,900	666	638	599	773	773
9,900	9,950	676	647	607	784	784
9,950	10,000	685	656	616	795	795

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table IX—Returns Claiming 9 Exemptions

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$6,150	0	0	0	0	0
$6,150	6,200	0	0	0	$7	$7
6,200	6,250	0	0	0	14	14
6,250	6,300	0	0	0	21	21
6,300	6,350	0	0	0	28	28
6,350	6,400	0	0	0	35	35
6,400	6,450	0	0	0	42	42
6,450	6,500	0	0	0	49	49
6,500	6,550	0	0	0	56	56
6,550	6,600	0	0	0	63	63
6,600	6,650	0	0	0	70	70
6,650	6,700	$7	$7	$7	78	78
6,700	6,750	14	14	14	85	85
6,750	6,800	21	21	21	93	93
6,800	6,850	28	28	28	100	100
6,850	6,900	35	35	35	108	108
6,900	6,950	42	42	42	115	115
6,950	7,000	49	49	49	123	123
7,000	7,050	56	56	56	130	130
7,050	7,100	63	63	63	138	138
7,100	7,150	70	70	70	145	145
7,150	7,200	78	77	77	153	153
7,200	7,250	85	84	84	161	161
7,250	7,300	93	91	91	169	169
7,300	7,350	100	98	98	177	177
7,350	7,400	108	105	105	185	185
7,400	7,450	115	112	112	193	193
7,450	7,500	123	119	119	201	201
7,500	7,550	130	126	126	209	209
7,550	7,600	138	133	133	217	217
7,600	7,650	145	140	140	225	225
7,650	7,700	153	148	148	234	234
7,700	7,750	161	156	155	242	242
7,750	7,800	169	164	163	251	251
7,800	7,850	177	172	170	259	259
7,850	7,900	185	180	178	268	268
7,900	7,950	193	188	185	276	276
7,950	8,000	201	196	193	285	285
8,000	8,050	209	204	200	293	293
$8,050	$8,100	$217	$212	$208	$302	$302
8,100	8,150	225	220	215	310	310
8,150	8,200	234	228	223	320	320
8,200	8,250	242	236	230	329	329
8,250	8,300	251	244	238	339	339
8,300	8,350	259	252	245	348	348
8,350	8,400	268	260	253	358	358
8,400	8,450	276	268	260	367	367
8,450	8,500	285	276	268	377	377
8,500	8,550	293	284	275	386	386
8,550	8,600	302	292	283	396	396
8,600	8,650	310	300	290	405	405
8,650	8,700	320	309	298	415	415
8,700	8,750	329	318	306	424	424
8,750	8,800	339	327	314	434	434
8,800	8,850	348	336	322	443	443
8,850	8,900	358	345	330	453	453
8,900	8,950	367	354	338	462	462
8,950	9,000	377	363	346	472	472
9,000	9,050	386	372	354	481	481
9,050	9,100	396	381	362	491	491
9,100	9,150	405	390	370	500	500
9,150	9,200	415	399	378	510	510
9,200	9,250	424	408	386	519	519
9,250	9,300	434	417	394	529	529
9,300	9,350	443	426	402	538	538
9,350	9,400	453	435	410	548	548
9,400	9,450	462	444	418	557	557
9,450	9,500	472	453	426	567	567
9,500	9,550	481	462	434	576	576
9,550	9,600	491	471	442	586	586
9,600	9,650	500	480	450	595	595
9,650	9,700	510	489	459	605	605
9,700	9,750	519	498	467	614	614
9,750	9,800	529	507	476	624	624
9,800	9,850	538	516	484	633	633
9,850	9,900	548	525	493	643	643
9,900	9,950	557	534	501	652	652
9,950	10,000	567	543	510	662	662

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE X—RETURNS CLAIMING 10 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
					Married filing a separate return claiming—	
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Low income allowance	Standard deduction
		Your tax is—				
0	$6,750	0	0	0	0	0
$6,750	6,800	0	0	0	$4	$4
6,800	6,850	0	0	0	11	11
6,850	6,900	0	0	0	18	18
6,900	6,950	0	0	0	25	25
6,950	7,000	0	0	0	32	32
7,000	7,050	0	0	0	39	39
7,050	7,100	0	0	0	46	46
7,100	7,150	0	0	0	53	53
7,150	7,200	0	0	0	60	60
7,200	7,250	0	0	0	67	67
7,250	7,300	$4	$4	$4	74	74
7,300	7,350	11	11	11	81	81
7,350	7,400	18	18	18	89	89
7,400	7,450	25	25	25	96	96
7,450	7,500	32	32	32	104	104
7,500	7,550	39	39	39	111	111
7,550	7,600	46	46	46	119	119
7,600	7,650	53	53	53	126	126
7,650	7,700	60	60	60	134	134
7,700	7,750	67	67	67	141	141
7,750	7,800	74	74	74	149	149
7,800	7,850	81	81	81	157	157
7,850	7,900	89	88	88	165	165
7,900	7,950	96	95	95	173	173
7,950	8,000	104	102	102	181	181
8,000	8,050	111	109	109	189	189
8,050	8,100	119	116	116	197	197
8,100	8,150	126	123	123	205	205
8,150	8,200	134	130	130	213	213
8,200	8,250	141	137	137	221	221
8,250	8,300	149	144	144	229	229
8,300	8,350	157	152	151	238	238
$8,350	$8,400	$165	$160	$159	$246	$246
8,400	8,450	173	168	166	255	255
8,450	8,500	181	176	174	263	263
8,500	8,550	189	184	181	272	272
8,550	8,600	197	192	189	280	280
8,600	8,650	205	200	196	289	289
8,650	8,700	213	208	204	297	297
8,700	8,750	221	216	211	306	306
8,750	8,800	229	224	219	315	315
8,800	8,850	238	232	226	324	324
8,850	8,900	246	240	234	334	334
8,900	8,950	255	248	241	343	343
8,950	9,000	263	256	249	353	353
9,000	9,050	272	264	256	362	362
9,050	9,100	280	272	264	372	372
9,100	9,150	289	280	271	381	381
9,150	9,200	297	288	279	391	391
9,200	9,250	306	296	286	400	400
9,250	9,300	315	305	294	410	410
9,300	9,350	324	314	302	419	419
9,350	9,400	334	323	310	429	429
9,400	9,450	343	332	318	438	438
9,450	9,500	353	341	326	448	448
9,500	9,550	362	350	334	457	457
9,550	9,600	372	359	342	467	467
9,600	9,650	381	368	350	476	476
9,650	9,700	391	377	358	486	486
9,700	9,750	400	386	366	495	495
9,750	9,800	410	395	374	505	505
9,800	9,850	419	404	382	514	514
9,850	9,900	429	413	390	524	524
9,900	9,950	438	422	398	533	533
9,950	10,000	448	431	406	543	543

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XI—RETURNS CLAIMING 11 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
					Married filing a separate return claiming—	
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Low income allowance	Standard deduction
		Your tax is—				
0	$7,400	0	0	0	0	0
$7,400	7,450	0	0	0	$7	$7
7,450	7,500	0	0	0	14	14
7,500	7,550	0	0	0	21	21
7,550	7,600	0	0	0	28	28
7,600	7,650	0	0	0	35	35
7,650	7,700	0	0	0	42	42
7,700	7,750	0	0	0	49	49
7,750	7,800	0	0	0	56	56
7,800	7,850	0	0	0	63	63
7,850	7,900	0	0	0	70	70
7,900	7,950	$7	$7	$7	78	78
7,950	8,000	14	14	14	85	85
8,000	8,050	21	21	21	93	93
8,050	8,100	28	28	28	100	100
8,100	8,150	35	35	35	108	108
8,150	8,200	42	42	42	115	115
8,200	8,250	49	49	49	123	123
8,250	8,300	56	56	56	130	130
8,300	8,350	63	63	63	138	138
8,350	8,400	70	70	70	145	145
8,400	8,450	78	77	77	153	153
8,450	8,500	85	84	84	161	161
8,500	8,550	93	91	91	169	169
8,550	8,600	100	98	98	177	177
8,600	8,650	108	105	105	185	185
8,650	8,700	115	112	112	193	193
$8,700	$8,750	$123	$119	$119	$201	$201
8,750	8,800	130	126	126	209	209
8,800	8,850	138	133	133	217	217
8,850	8,900	145	140	140	225	225
8,900	8,950	153	148	148	234	234
8,950	9,000	161	156	155	242	242
9,000	9,050	169	164	163	251	251
9,050	9,100	177	172	170	259	259
9,100	9,150	185	180	178	268	268
9,150	9,200	193	188	185	276	276
9,200	9,250	201	196	193	285	285
9,250	9,300	209	204	200	293	293
9,300	9,350	217	212	208	302	302
9,350	9,400	225	220	215	310	310
9,400	9,450	234	228	223	320	320
9,450	9,500	242	236	230	329	329
9,500	9,550	251	244	238	339	339
9,550	9,600	259	252	245	348	348
9,600	9,650	268	260	253	358	358
9,650	9,700	276	268	260	367	367
9,700	9,750	285	276	268	377	377
9,750	9,800	293	284	275	386	386
9,800	9,850	302	292	283	396	396
9,850	9,900	310	300	290	405	405
9,900	9,950	320	309	298	415	415
9,950	10,000	329	318	306	424	424

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XII—RETURNS CLAIMING 12 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
					Married filing a separate return claiming—	
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Low income allowance	Standard deduction
		Your tax is—				
0	$8,000	0	0	0	0	0
$8,000	8,050	0	0	0	$4	$4
8,050	8,100	0	0	0	11	11
8,100	8,150	0	0	0	18	18
8,150	8,200	0	0	0	25	25
8,200	8,250	0	0	0	32	32
8,250	8,300	0	0	0	39	39
8,300	8,350	0	0	0	46	46
8,350	8,400	0	0	0	53	53
8,400	8,450	0	0	0	60	60
8,450	8,500	0	0	0	67	67
8,500	8,550	$4	$4	$4	74	74
8,550	8,600	11	11	11	81	81
8,600	8,650	18	18	18	89	89
8,650	8,700	25	25	25	96	96
8,700	8,750	32	32	32	104	104
8,750	8,800	39	39	39	111	111
8,800	8,850	46	46	46	119	119
8,850	8,900	53	53	53	126	126
8,900	8,950	60	60	60	134	134
8,950	9,000	67	67	67	141	141
$9,000	$9,050	$74	$74	$74	$149	$149
9,050	9,100	81	81	81	157	157
9,100	9,150	89	88	88	165	165
9,150	9,200	96	95	95	173	173
9,200	9,250	104	102	102	181	181
9,250	9,300	111	109	109	189	189
9,300	9,350	119	116	116	197	197
9,350	9,400	126	123	123	205	205
9,400	9,450	134	130	130	213	213
9,450	9,500	141	137	137	221	221
9,500	9,550	149	144	144	229	229
9,550	9,600	157	152	151	238	238
9,600	9,650	165	160	159	246	246
9,650	9,700	173	168	166	255	255
9,700	9,750	181	176	174	263	263
9,750	9,800	189	184	181	272	272
9,800	9,850	197	192	189	280	280
9,850	9,900	205	200	196	289	289
9,900	9,950	213	208	204	297	297
9,950	10,000	221	216	211	306	306

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XIII—RETURNS CLAIMING 13 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
					Married filing a separate return claiming—	
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Low income allowance	Standard deduction
		Your tax is—				
0	$8,650	0	0	0	0	0
$8,650	8,700	0	0	0	$7	$7
8,700	8,750	0	0	0	14	14
8,750	8,800	0	0	0	21	21
8,800	8,850	0	0	0	28	28
8,850	8,900	0	0	0	35	35
8,900	8,950	0	0	0	42	42
8,950	9,000	0	0	0	49	49
9,000	9,050	0	0	0	56	56
9,050	9,100	0	0	0	63	63
9,100	9,150	0	0	0	70	70
9,150	9,200	$7	$7	$7	78	78
9,200	9,250	14	14	14	85	85
9,250	9,300	21	21	21	93	93
$9,300	$9,350	$28	$28	$28	$100	$100
9,350	9,400	35	35	35	108	108
9,400	9,450	42	42	42	115	115
9,450	9,500	49	49	49	123	123
9,500	9,550	56	56	56	130	130
9,550	9,600	63	63	63	138	138
9,600	9,650	70	70	70	145	145
9,650	9,700	78	77	77	153	153
9,700	9,750	85	84	84	161	161
9,750	9,800	93	91	91	169	169
9,800	9,850	100	98	98	177	177
9,850	9,900	108	105	105	185	185
9,900	9,950	115	112	112	193	193
9,950	10,000	123	119	119	201	201

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XIV—RETURNS CLAIMING 14 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
					Married filing a separate return claiming—	
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Low income allowance	Standard deduction
		Your tax is—				
0	$9,250	0	0	0	0	0
$9,250	9,300	0	0	0	$4	$4
9,300	9,350	0	0	0	11	11
9,350	9,400	0	0	0	18	18
9,400	9,450	0	0	0	25	25
9,450	9,500	0	0	0	32	32
9,500	9,550	0	0	0	39	39
9,550	9,600	0	0	0	46	46
$9,600	$9,650	0	0	0	$53	$53
9,650	9,700	0	0	0	60	60
9,700	9,750	0	0	0	67	67
9,750	9,800	$4	$4	$4	74	74
9,800	9,850	11	11	11	81	81
9,850	9,900	18	18	18	89	89
9,900	9,950	25	25	25	96	96
9,950	10,000	32	32	32	104	104

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XV—RETURNS CLAIMING 15 EXEMPTIONS

Taxable Years Beginning After December 31, 1969, and Ending Before January 1, 1971

If adjusted gross income is—		And you are—				
					Married filing a separate return claiming—	
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Low income allowance	Standard deduction
		Your tax is—				
0	$9,900	0	0	0	0	0
$9,900	9,950	0	0	0	$7	$7
$9,950	$10,000	0	0	0	$14	$14

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XVI—RETURNS CLAIMING 1 EXEMPTION

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—			
At least	But less than	Single, not head of household	Head of household	Married filing a separate return claiming—	
				Low income allowance	Standard deduction
		Your tax is—			
0	$750	0	0	0	0
$750	775	0	0	0	$2
775	800	0	0	0	5
800	825	0	0	0	8
825	850	0	0	0	11
850	875	0	0	$2	14
875	900	0	0	5	17
900	925	0	0	9	20
925	950	0	0	12	23
950	975	0	0	16	26
975	1,000	0	0	19	29
1,000	1,025	0	0	23	32
1,025	1,050	0	0	26	35
1,050	1,075	0	0	30	38
1,075	1,100	0	0	33	41
1,100	1,125	0	0	37	45
1,125	1,150	0	0	40	48
1,150	1,175	0	0	44	51
1,175	1,200	0	0	47	54
1,200	1,225	0	0	51	57
1,225	1,250	0	0	54	60
1,250	1,275	0	0	58	63
1,275	1,300	0	0	61	66
1,300	1,325	0	0	65	69
1,325	1,350	0	0	68	72
1,350	1,375	0	0	72	75
1,375	1,400	0	0	76	79
1,400	1,425	0	0	79	82
1,425	1,450	0	0	83	85
1,450	1,475	0	0	87	88
1,475	1,500	0	0	91	92
1,500	1,525	0	0	94	95
1,525	1,550	0	0	98	98
1,550	1,575	0	0	102	101
1,575	1,600	0	0	106	105
1,600	1,625	0	0	109	108
1,625	1,650	0	0	113	111
1,650	1,675	0	0	117	114
1,675	1,700	0	0	121	118
1,700	1,725	$2	$2	124	121
1,725	1,750	6	6	128	124
1,750	1,775	9	9	132	128
1,775	1,800	13	13	136	131
1,800	1,825	17	17	139	134
1,825	1,850	21	21	143	137
1,850	1,875	24	24	147	141
1,875	1,900	28	28	151	144
1,900	1,925	32	32	155	147
1,925	1,950	35	35	159	151
1,950	1,975	39	39	163	154
1,975	2,000	43	43	167	158
2,000	2,025	47	47	171	161
2,025	2,050	50	50	175	165
2,050	2,075	54	54	179	168
2,075	2,100	58	58	183	172
2,100	2,125	62	62	187	175
2,125	2,150	65	65	191	179
2,150	2,175	69	69	195	182
$2,175	$2,200	$73	$73	$199	$186
2,200	2,225	77	77	203	189
2,225	2,250	81	80	207	192
2,250	2,275	85	84	211	196
2,275	2,300	89	88	215	199
2,300	2,325	93	91	219	203
2,325	2,350	97	95	223	206
2,350	2,375	101	99	227	210
2,375	2,400	105	103	231	213
2,400	2,425	109	106	236	217
2,425	2,450	113	110	240	220
2,450	2,475	117	114	244	224
2,475	2,500	121	118	248	227
2,500	2,525	125	121	253	231
2,525	2,550	129	125	257	235
2,550	2,575	133	129	261	238
2,575	2,600	137	133	265	242
2,600	2,625	141	136	270	246
2,625	2,650	145	140	274	250
2,650	2,675	149	144	278	253
2,675	2,700	154	149	282	257
2,700	2,725	158	153	287	261
2,725	2,750	162	157	291	264
2,750	2,775	166	161	295	268
2,775	2,800	171	166	299	272
2,800	2,825	175	170	304	275
2,825	2,850	179	174	308	279
2,850	2,875	183	178	312	283
2,875	2,900	188	183	317	287
2,900	2,925	192	187	322	290
2,925	2,950	196	191	327	294
2,950	2,975	200	195	331	298
2,975	3,000	205	200	336	301
3,000	3,050	211	206	343	307
3,050	3,100	220	215	353	315
3,100	3,150	228	223	362	323
3,150	3,200	237	232	372	331
3,200	3,250	247	240	381	340
3,250	3,300	256	249	391	348
3,300	3,350	265	257	400	356
3,350	3,400	274	266	410	364
3,400	3,450	283	274	419	373
3,450	3,500	292	283	429	381
3,500	3,550	301	291	438	389
3,550	3,600	310	300	448	397
3,600	3,650	320	310	457	406
3,650	3,700	330	319	467	414
3,700	3,750	340	329	476	422
3,750	3,800	351	338	486	431
3,800	3,850	361	348	495	439
3,850	3,900	371	358	505	447
3,900	3,950	381	367	514	455
3,950	4,000	391	377	524	464
4,000	4,050	401	386	533	472
4,050	4,100	411	396	543	480
4,100	4,150	421	406	552	488
4,150	4,200	432	415	562	497

TABLE XVI—RETURNS CLAIMING 1 EXEMPTION—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—			
At least	But less than	Single, not head of household	Head of household	Married filing a separate return claiming—	
				Low income allowance	Standard deduction
		Your tax is—			
$4,200	$4,250	$442	$425	$571	$505
4,250	4,300	452	434	581	513
4,300	4,350	462	444	590	521
4,350	4,400	472	454	600	530
4,400	4,450	482	463	609	538
4,450	4,500	492	473	619	546
4,500	4,550	503	482	628	554
4,550	4,600	513	492	638	563
4,600	4,650	523	502	647	571
4,650	4,700	533	511	657	579
4,700	4,750	543	521	666	588
4,750	4,800	553	530	676	596
4,800	4,850	563	540	685	604
4,850	4,900	573	550	696	612
4,900	4,950	584	559	707	621
4,950	5,000	594	569	718	629
5,000	5,050	604	578	729	637
5,050	5,100	614	588	740	645
5,100	5,150	624	598	751	654
5,150	5,200	634	607	762	662
5,200	5,250	644	617	773	670
5,250	5,300	655	626	784	678
5,300	5,350	665	636	795	687
5,350	5,400	675	646	806	696
5,400	5,450	685	655	817	705
5,450	5,500	696	665	828	715
5,500	5,550	707	675	839	724
5,550	5,600	718	685	850	734
5,600	5,650	729	695	861	744
5,650	5,700	740	706	872	753
5,700	5,750	752	716	883	763
5,750	5,800	763	726	894	773
5,800	5,850	774	736	905	784
5,850	5,900	785	746	916	795
5,900	5,950	796	756	927	806
5,950	6,000	805	764	938	817
6,000	6,050	814	772	949	828
6,050	6,100	823	781	960	839
6,100	6,150	833	789	971	850
6,150	6,200	842	797	982	861
6,200	6,250	851	805	993	872
6,250	6,300	860	814	1,004	883
6,300	6,350	869	822	1,015	894
6,350	6,400	878	830	1,026	905
6,400	6,450	887	839	1,037	916
6,450	6,500	896	847	1,048	927
6,500	6,550	906	855	1,059	938
6,550	6,600	915	863	1,070	949
6,600	6,650	924	872	1,081	960
6,650	6,700	933	880	1,092	971
6,700	6,750	942	888	1,103	982
6,750	6,800	951	896	1,114	993
6,800	8,850	960	905	1,125	1,004
6,850	6,900	970	913	1,136	1,015
6,900	6,950	979	921	1,149	1,026
6,950	7,000	988	929	1,161	1,037
7,000	7,050	997	938	1,174	1,048
7,050	7,100	1,006	946	1,186	1,059
$7,100	$7,150	$1,015	$954	$1,199	$1,070
7,150	7,200	1,024	963	1,211	1,081
7,200	7,250	1,034	971	1,224	1,092
7,250	7,300	1,043	979	1,236	1,103
7,300	7,350	1,052	987	1,249	1,114
7,350	7,400	1,061	996	1,261	1,125
7,400	7,450	1,070	1,004	1,274	1,136
7,450	7,500	1,079	1,012	1,286	1,149
7,500	7,550	1,088	1,020	1,299	1,161
7,550	7,600	1,097	1,029	1,311	1,174
7,600	7,650	1,107	1,037	1,324	1,186
7,650	7,700	1,117	1,046	1,336	1,199
7,700	7,750	1,127	1,056	1,349	1,211
7,750	7,800	1,137	1,065	1,361	1,224
7,800	7,850	1,148	1,075	1,374	1,236
7,850	7,900	1,158	1,084	1,386	1,249
7,900	7,950	1,169	1,094	1,399	1,261
7,950	8,000	1,179	1,103	1,411	1,274
8,000	8,050	1,190	1,113	1,424	1,286
8,050	8,100	1,200	1,123	1,436	1,299
8,100	8,150	1,211	1,132	1,449	1,311
8,150	8,200	1,221	1,142	1,461	1,324
8,200	8,250	1,231	1,151	1,474	1,336
8,250	8,300	1,242	1,161	1,486	1,349
8,300	8,350	1,252	1,170	1,499	1,361
8,350	8,400	1,263	1,180	1,511	1,374
8,400	8,450	1,273	1,190	1,524	1,386
8,450	8,500	1,284	1,199	1,536	1,399
8,500	8,550	1,294	1,209	1,549	1,411
8,550	8,600	1,304	1,218	1,561	1,424
8,600	8,650	1,315	1,228	1,574	1,436
8,650	8,700	1,325	1,237	1,586	1,449
8,700	8,750	1,336	1,247	1,599	1,461
8,750	8,800	1,346	1,257	1,611	1,474
8,800	8,850	1,357	1,266	1,624	1,486
8,850	8,900	1,367	1,276	1,637	1,499
8,900	8,950	1,378	1,285	1,651	1,511
8,950	9,000	1,388	1,295	1,665	1,524
9,000	9,050	1,398	1,304	1,679	1,536
9,050	9,100	1,409	1,314	1,693	1,549
9,100	9,150	1,419	1,324	1,707	1,561
9,150	9,200	1,430	1,333	1,721	1,574
9,200	9,250	1,440	1,343	1,735	1,586
9,250	9,300	1,451	1,352	1,749	1,599
9,300	9,350	1,461	1,362	1,763	1,611
9,350	9,400	1,472	1,371	1,777	1,624
9,400	9,450	1,482	1,381	1,791	1,637
9,450	9,500	1,492	1,391	1,805	1,651
9,500	9,550	1,503	1,400	1,819	1,665
9,550	9,600	1,513	1,410	1,833	1,679
9,600	9,650	1,524	1,419	1,847	1,693
9,650	9,700	1,534	1,429	1,861	1,707
9,700	9,750	1,545	1,438	1,875	1,721
9,750	9,800	1,555	1,448	1,889	1,735
9,800	9,850	1,565	1,458	1,903	1,749
9,850	9,900	1,576	1,467	1,917	1,763
9,900	9,950	1,586	1,477	1,931	1,777
9,950	10,000	1,597	1,486	1,945	1,791

TABLE XVII—RETURNS CLAIMING 2 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
					Low income allowance	Standard deduction
		Your tax is—				
0	$1,500	0	0	0	0	0
$1,500	1,525	0	0	0	0	$2
1,525	1,550	0	0	0	0	5
1,550	1,575	0	0	0	0	8
1,575	1,600	0	0	0	0	11
1,600	1,625	0	0	0	$2	14
1,625	1,650	0	0	0	5	17
1,650	1,675	0	0	0	9	20
1,675	1,700	0	0	0	12	24
1,700	1,725	0	0	0	16	27
1,725	1,750	0	0	0	19	30
1,750	1,775	0	0	0	23	33
1,775	1,800	0	0	0	26	36
1,800	1,825	0	0	0	30	39
1,825	1,850	0	0	0	33	42
1,850	1,875	0	0	0	37	45
1,875	1,900	0	0	0	40	48
1,900	1,925	0	0	0	44	51
1,925	1,950	0	0	0	47	54
1,950	1,975	0	0	0	51	57
1,975	2,000	0	0	0	54	60
2,000	2,025	0	0	0	58	63
2,025	2,050	0	0	0	61	66
2,050	2,075	0	0	0	65	69
2,075	2,100	0	0	0	68	72
2,100	2,125	0	0	0	72	76
2,125	2,150	0	0	0	76	79
2,150	2,175	0	0	0	79	82
2,175	2,200	0	0	0	83	85
2,200	2,225	9	0	0	87	89
2,225	2,250	0	0	0	91	92
2,250	2,275	0	0	0	94	95
2,275	2,300	0	0	0	98	99
2,300	2,325	0	0	0	102	102
2,325	2,350	0	0	0	106	105
2,350	2,375	$2	$2	$2	109	108
2,375	2,400	6	6	6	113	112
2,400	2,425	9	9	9	117	115
2,425	2,450	13	13	13	121	118
2,450	2,475	17	17	17	124	121
2,475	2,500	21	21	21	128	125
2,500	2,525	24	24	24	132	128
2,525	2,550	28	28	28	136	131
2,550	2,575	32	32	32	139	134
2,575	2,600	35	35	35	143	138
2,600	2,625	39	39	39	147	141
2,625	2,650	43	43	43	151	144
2,650	2,675	47	47	47	155	148
2,675	2,700	50	50	50	159	151
2,700	2,725	54	54	54	163	155
2,725	2,750	58	58	58	167	158
$2,750	$2,775	$62	$62	$62	$171	$162
2,775	2,800	65	65	65	175	165
2,800	2,825	69	69	69	179	169
2,825	2,850	73	73	73	183	172
2,850	2,875	77	77	77	187	175
2,875	2,900	81	80	80	191	179
2,900	2,925	85	84	84	195	182
2,925	2,950	89	88	88	199	186
2,950	2,975	93	91	91	203	189
2,975	3,000	97	95	95	207	193
3,000	3,050	103	101	101	213	198
3,050	3,100	111	108	108	221	205
3,100	3,150	119	116	116	229	212
3,150	3,200	127	123	123	238	219
3,200	3,250	135	131	131	246	226
3,250	3,300	143	138	138	255	233
3,300	3,350	151	146	146	263	241
3,350	3,400	160	155	154	272	248
3,400	3,450	168	163	162	280	256
3,450	3,500	177	172	170	289	263
3,500	3,550	186	181	178	297	270
3,550	3,600	194	189	186	306	278
3,600	3,650	203	198	194	315	285
3,650	3,700	211	206	202	324	293
3,700	3,750	220	215	210	334	300
3,750	3,800	228	223	218	343	307
3,800	3,850	237	232	226	353	315
3,850	3,900	247	240	234	362	324
3,900	3,950	256	249	242	372	332
3,950	4,000	265	257	250	381	340
4,000	4,050	274	266	258	391	348
4,050	4,100	283	274	266	400	357
4,100	4,150	292	283	274	410	365
4,150	4,200	301	291	282	419	373
4,200	4,250	310	300	290	429	381
4,250	4,300	320	310	299	438	390
4,300	4,350	330	319	307	448	398
4,350	4,400	340	329	316	457	406
4,400	4,450	351	338	324	467	414
4,450	4,500	361	348	333	476	423
4,500	4,550	371	358	341	486	431
4,550	4,600	381	367	350	495	439
4,600	4,650	391	377	358	505	448
4,650	4,700	401	386	367	514	456
4,700	4,750	411	396	375	524	464
4,750	4,800	421	406	384	533	472
4,800	4,850	432	415	392	543	481
4,850	4,900	442	425	401	552	489
4,900	4,950	452	434	409	562	497
4,950	5,000	462	444	418	571	505
5,000	5,050	472	454	427	581	514
5,050	5,100	482	463	435	590	522

TABLE XVII—RETURNS CLAIMING 2 EXEMPTIONS—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
					Low income allowance	Standard deduction
		Your tax is—				
$5,100	$5,150	$492	$473	$444	$600	$530
5,150	5,200	503	482	452	609	538
5,200	5,250	513	492	461	619	547
5,250	5,300	523	502	470	628	555
5,300	5,350	533	511	479	638	563
5,350	5,400	543	521	489	647	571
5,400	5,450	553	530	498	657	580
5,450	5,500	563	540	507	666	588
5,500	5,550	573	550	516	676	596
5,550	5,600	584	559	525	685	605
5,600	5,650	594	569	534	696	613
5,650	5,700	604	578	543	707	621
5,700	5,750	614	588	552	718	629
5,750	5,800	624	598	561	729	638
5,800	5,850	634	607	570	740	647
5,850	5,900	644	617	579	751	657
5,900	5,950	655	626	588	762	666
5,950	6,000	665	636	597	773	676
6,000	6,050	675	646	606	784	685
6,050	6,100	685	655	615	795	696
6,100	6,150	696	665	625	806	707
6,150	6,200	705	674	634	817	718
6,200	6,250	714	682	642	828	729
6,250	6,300	723	690	650	839	740
6,300	6,350	733	699	659	850	751
6,350	6,400	742	707	667	861	762
6,400	6,450	751	715	675	872	773
6,450	6,500	760	723	683	883	784
6,500	6,550	769	732	692	894	795
6,550	6,600	778	740	700	905	806
6,600	6,650	787	748	708	916	817
6,650	6,700	797	756	716	927	828
6,700	6,750	806	765	725	938	839
6,750	6,800	815	773	733	949	850
6,800	6,850	824	781	741	960	861
6,850	6,900	833	789	749	971	872
6,900	6,950	842	798	758	982	883
6,950	7,000	851	806	766	993	894
7,000	7,050	860	814	774	1,004	905
7,050	7,100	870	822	782	1,015	916
7,100	7,150	879	831	791	1,026	927
7,150	7,200	888	839	799	1,037	938
7,200	7,250	897	847	807	1,048	949
7,250	7,300	906	856	816	1,059	960
7,300	7,350	915	864	824	1,070	971
7,350	7,400	924	872	832	1,081	982
7,400	7,450	934	880	840	1,092	993
7,450	7,500	943	889	849	1,103	1,004
7,500	7,550	952	897	857	1,114	1,015
$7,550	$7,600	$961	$905	$865	$1,125	$1,026
7,600	7,650	970	913	873	1,136	1,037
7,650	7,700	979	922	882	1,149	1,048
7,700	7,750	988	930	890	1,161	1,059
7,750	7,800	997	938	898	1,174	1,070
7,800	7,850	1,007	946	906	1,186	1,081
7,850	7,900	1,016	955	915	1,199	1,092
7,900	7,950	1,025	963	923	1,211	1,103
7,950	8,000	1,034	971	931	1,224	1,114
8,000	8,050	1,043	980	940	1,236	1,125
8,050	8,100	1,052	988	948	1,249	1,136
8,100	8,150	1,061	996	956	1,261	1,149
8,150	8,200	1,071	1,004	964	1,274	1,161
8,200	8,250	1,080	1,013	973	1,286	1,174
8,250	8,300	1,089	1,021	981	1,299	1,186
8,300	8,350	1,098	1,029	989	1,311	1,199
8,350	8,400	1,107	1,037	997	1,324	1,211
8,400	8,450	1,117	1,047	1,006	1,336	1,224
8,450	8,500	1,128	1,056	1,014	1,349	1,236
8,500	8,550	1,138	1,066	1,022	1,361	1,249
8,550	8,600	1,148	1,075	1,030	1,374	1,261
8,600	8,650	1,159	1,085	1,039	1,386	1,274
8,650	8,700	1,169	1,094	1,047	1,399	1,286
8,700	8,750	1,180	1,104	1,055	1,411	1,299
8,750	8,800	1,190	1,114	1,064	1,424	1,311
8,800	8,850	1,201	1,123	1,072	1,436	1,324
8,850	8,900	1,211	1,133	1,080	1,449	1,336
8,900	8,950	1,222	1,142	1,088	1,461	1,349
8,950	9,000	1,232	1,152	1,097	1,474	1,361
9,000	9,050	1,242	1,161	1,105	1,486	1,374
9,050	9,100	1,253	1,171	1,113	1,499	1,386
9,100	9,150	1,263	1,181	1,121	1,511	1,399
9,150	9,200	1,274	1,190	1,130	1,524	1,411
9,200	9,250	1,284	1,200	1,138	1,536	1,424
9,250	9,300	1,295	1,209	1,146	1,549	1,436
9,300	9,350	1,305	1,219	1,154	1,561	1,449
9,350	9,400	1,316	1,228	1,163	1,574	1,461
9,400	9,450	1,326	1,238	1,171	1,586	1,474
9,450	9,500	1,336	1,248	1,179	1,599	1,486
9,500	9,550	1,347	1,257	1,187	1,611	1,499
9,550	9,600	1,357	1,267	1,196	1,624	1,511
9,600	9,650	1,368	1,276	1,204	1,637	1,524
9,650	9,700	1,378	1,286	1,212	1,651	1,536
9,700	9,750	1,389	1,295	1,221	1,665	1,549
9,750	9,800	1,399	1,305	1,229	1,679	1,561
9,800	9,850	1,409	1,315	1,237	1,693	1,574
9,850	9,900	1,420	1,324	1,245	1,707	1,586
9,900	9,950	1,430	1,234	1,254	1,721	1,599
9,950	10,000	1,441	1,343	1,662	1,735	1,611

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table XVIII—Returns Claiming 3 Exemptions

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$2,250	0	0	0	0	0
$2,250	2,275	0	0	0	0	$3
2,275	2,300	0	0	0	0	6
2,300	2,325	0	0	0	0	9
2,325	2,350	0	0	0	0	12
2,350	2,375	0	0	0	$2	15
2,375	2,400	0	0	0	5	18
2,400	2,425	0	0	0	9	21
2,425	2,450	0	0	0	12	24
2,450	2,475	0	0	0	16	27
2,475	2,500	0	0	0	19	30
2,500	2,525	0	0	0	23	33
2,525	2,550	0	0	0	26	36
2,550	2,575	0	0	0	30	39
2,575	2,600	0	0	0	33	42
2,600	2,625	0	0	0	37	45
2,625	2,650	0	0	0	40	48
2,650	2,675	0	0	0	44	51
2,675	2,700	0	0	0	47	54
2,700	2,725	0	0	0	51	57
2,725	2,750	0	0	0	54	60
2,750	2,775	0	0	0	58	63
2,775	2,800	0	0	0	61	67
2,800	2,825	0	0	0	65	70
2,825	2,850	0	0	0	68	73
2,850	2,875	0	0	0	72	76
2,875	2,900	0	0	0	76	79
2,900	2,925	0	0	0	79	83
2,925	2,950	0	0	0	83	86
2,950	2,975	0	0	0	87	89
2,975	3,000	0	0	0	91	92
3,000	3,050	$4	$4	$4	96	97
3,050	3,100	11	11	11	104	104
3,100	3,150	19	19	19	111	110
3,150	3,200	26	26	26	119	117
3,200	3,250	34	34	34	126	123
3,250	3,300	41	41	41	134	130
3,300	3,350	49	49	49	141	136
3,350	3,400	56	56	56	149	143
3,400	3,450	63	63	63	157	150
3,450	3,500	71	71	71	165	157
3,500	3,550	79	78	78	173	164
3,550	3,600	87	86	86	181	171
$3,600	$3,650	$95	$93	$93	$189	$178
3,650	3,700	103	101	101	197	185
3,700	3,750	111	108	108	205	192
3,750	3,800	119	116	116	213	198
3,800	3,850	127	123	123	221	205
3,850	3,900	135	131	131	229	212
3,900	3,950	143	138	138	238	219
3,950	4,000	151	146	146	246	226
4,000	4,050	160	155	154	255	234
4,050	4,100	168	163	162	263	241
4,100	4,150	177	172	170	272	249
4,150	4,200	186	181	178	280	256
4,200	4,250	194	189	186	289	263
4,250	4,300	203	198	194	297	271
4,300	4,350	211	206	202	306	278
4,350	4,400	220	215	210	315	286
4,400	4,450	228	223	218	324	293
4,450	4,500	237	232	226	334	300
4,500	4,550	247	240	234	343	308
4,550	4,600	256	249	242	353	316
4,600	4,650	265	257	250	362	324
4,650	4,700	274	266	258	372	332
4,700	4,750	283	274	266	381	341
4,750	4,800	292	283	274	391	349
4,800	4,850	301	291	282	400	357
4,850	4,900	310	300	290	410	365
4,900	4,950	320	310	299	419	374
4,900	5,000	330	319	307	429	382
5,000	5,050	340	329	316	438	390
5,050	5,100	351	338	324	448	398
5,100	5,150	361	348	333	457	407
5,150	5,200	371	358	341	467	415
5,200	5,250	381	367	350	476	423
5,250	5,300	391	377	358	486	431
5,300	5,350	401	386	367	495	440
5,350	5,400	411	396	375	505	448
5,400	5,450	421	406	384	514	456
5,450	5,500	432	415	392	524	465
5,500	5,550	442	425	401	533	473
5,550	5,600	452	434	409	543	481
5,600	5,650	462	444	418	552	489
5,650	5,700	472	454	427	562	498
5,700	5,750	482	463	435	571	506

Table XVIII—Returns Claiming 3 Exemptions—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$5,750	$5,800	$492	$473	$444	$581	$514
5,800	5,850	503	482	452	590	524
5,850	5,900	513	492	461	600	533
5,900	5,950	523	502	470	609	543
5,950	6,000	533	511	479	619	552
6,000	6,050	543	521	489	628	562
6,050	6,100	553	530	498	638	571
6,100	6,150	563	540	507	647	581
6,150	6,200	573	550	516	657	590
6,200	6,250	584	559	525	666	600
6,250	6,300	594	569	534	676	609
6,300	6,350	604	578	543	685	619
6,350	6,400	613	587	551	696	628
6,400	6,450	622	595	559	707	638
6,450	6,500	630	603	566	718	647
6,500	6,550	638	611	574	729	657
6,550	6,600	646	619	581	740	666
6,600	6,650	655	626	588	751	676
6,650	6,700	663	634	596	762	685
6,700	6,750	671	642	603	773	696
6,750	6,800	679	650	611	784	707
6,800	6,850	688	658	618	795	718
6,850	6,900	697	666	626	806	729
6,900	6,950	706	674	634	817	740
6,950	7,000	715	682	642	828	751
7,000	7,050	724	691	651	839	762
7,050	7,100	733	699	659	850	773
7,100	7,150	742	707	667	861	784
7,150	7,200	751	716	676	872	795
7,200	7,250	761	724	684	883	806
7,250	7,300	770	732	692	894	817
7,300	7,350	779	740	700	905	828
7,350	7,400	788	749	709	916	839
7,400	7,450	797	757	717	927	850
7,450	7,500	806	765	725	938	861
7,500	7,550	815	773	733	949	872
7,550	7,600	824	782	742	960	883
7,600	7,650	834	790	750	971	894
7,650	7,700	843	798	758	982	905
7,700	7,750	852	806	766	993	916
7,750	7,800	861	815	775	1,004	927
7,800	7,850	870	823	783	1,015	938
7,850	7,900	879	831	791	1,026	949
$7,900	$7,950	$888	$840	$800	$1,037	$960
7,950	8,000	898	848	808	1,048	971
8,000	8,050	907	856	816	1,059	982
8,050	8,100	916	864	824	1,070	993
8,100	8,150	925	873	833	1,081	1,004
8,150	8,200	934	881	841	1,092	1,015
8,200	8,250	943	889	849	1,103	1,026
8,250	8,300	952	897	857	1,114	1,037
8,300	8,350	961	906	866	1,125	1,048
8,350	8,400	971	914	874	1,136	1,059
8,400	8,450	980	922	882	1,149	1,070
8,450	8,500	989	930	890	1,161	1,081
8,500	8,550	998	939	899	1,174	1,092
8,550	8,600	1,007	947	907	1,186	1,103
8,600	8,650	1,016	955	915	1,199	1,114
8,650	8,700	1,025	963	923	1,211	1,125
8,700	8,750	1,035	972	932	1,224	1,136
8,750	8,800	1,044	980	940	1,236	1,149
8,800	8,850	1,053	988	948	1,249	1,161
8,850	8,900	1,062	997	957	1,261	1,174
8,900	8,950	1,071	1,005	965	1,274	1,186
8,950	9,000	1,080	1,013	973	1,286	1,199
9,000	9,050	1,089	1,021	981	1,299	1,211
9,050	9,100	1,099	1,030	990	1,311	1,224
9,100	9,150	1,108	1,038	998	1,324	1,236
9,150	9,200	1,118	1,047	1,006	1,336	1,249
9,200	9,250	1,128	1,057	1,014	1,349	1,261
9,250	9,300	1,139	1,066	1,023	1,361	1,274
9,300	9,350	1,149	1,076	1,031	1,374	1,286
9,350	9,400	1,160	1,085	1,039	1,386	1,299
9,400	9,450	1,170	1,095	1,047	1,399	1,311
9,450	9,500	1,180	1,105	1,056	1,411	1,324
9,500	9,550	1,191	1,114	1,064	1,424	1,336
9,550	9,600	1,201	1,124	1,072	1,436	1,349
9,600	9,650	1,212	1,133	1,081	1,449	1,361
9,650	9,700	1,222	1,143	1,089	1,461	1,374
9,700	9,750	1,233	1,152	1,097	1,474	1,386
9,750	9,800	1,243	1,162	1,105	1,486	1,399
9,800	9,850	1,253	1,172	1,114	1,499	1,411
9,850	9,900	1,264	1,181	1,122	1,511	1,424
9,900	9,950	1,274	1,191	1,130	1,524	1,436
9,950	10,000	1,285	1,200	1,138	1,536	1,449

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*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table XIX—Returns Claiming 4 Exemptions

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$3,000	0	0	0	0	0
$3,000	3,050	0	0	0	0	$4
3,050	3,100	0	0	0	0	11
3,100	3,150	0	0	0	$4	17
3,150	3,200	0	0	0	11	23
3,200	3,250	0	0	0	18	29
3,250	3,300	0	0	0	25	35
3,300	3,350	0	0	0	32	41
3,350	3,400	0	0	0	39	47
3,400	3,450	0	0	0	46	53
3,450	3,500	0	0	0	53	59
3,500	3,550	0	0	0	60	65
3,550	3,600	0	0	0	67	72
3,600	3,650	0	0	0	74	78
3,650	3,700	$4	$4	$4	81	85
3,700	3,750	11	11	11	89	91
3,750	3,800	19	19	19	96	98
3,800	3,850	26	26	26	104	104
3,850	3,900	34	34	34	111	111
3,900	3,950	41	41	41	119	117
3,950	4,000	49	49	49	126	124
4,000	4,050	56	56	56	134	130
4,050	4,100	63	63	63	141	137
4,100	4,150	71	71	71	149	143
4,150	4,200	79	78	78	157	150
4,200	4,250	87	86	86	165	157
4,250	4,300	95	93	93	173	164
4,300	4,350	103	101	101	181	171
4,350	4,400	111	108	108	189	178
4,400	4,450	119	116	116	197	185
4,450	4,500	127	123	123	205	192
4,500	4,550	135	131	131	213	199
4,550	4,600	143	138	138	221	206
4,600	4,650	151	146	146	229	213
4,650	4,700	160	155	154	238	220
4,700	4,750	166	163	162	246	227
$4,750	$4,800	$177	$172	$170	$255	$234
4,800	4,850	186	181	178	263	242
4,850	4,900	194	189	186	272	249
4,900	4,950	203	198	194	280	256
4,950	5,000	211	206	202	289	264
5,000	5,050	220	215	210	297	271
5,050	5,100	228	223	218	306	279
5,100	5,150	237	232	226	315	286
5,150	5,200	247	240	234	324	293
5,200	5,250	256	249	242	334	301
5,250	5,300	265	257	250	343	308
5,300	5,350	274	266	258	353	316
5,350	5,400	283	274	266	362	324
5,400	5,450	292	283	274	372	333
5,450	5,500	301	291	282	381	341
5,500	5,550	310	300	290	391	349
5,550	5,600	320	310	299	400	358
5,600	5,650	330	319	307	410	366
5,650	5,700	340	329	316	419	374
5,700	5,750	351	338	324	429	382
5,750	5,800	361	348	333	438	391
5,800	5,850	371	358	341	448	400
5,850	5,900	381	367	350	457	410
5,900	5,950	391	377	358	467	419
5,950	6,000	401	386	367	476	429
6,000	6,050	411	396	375	486	438
6,050	6,100	421	406	384	495	448
6,100	6,150	432	415	392	505	457
6,150	6,200	442	425	401	514	467
6,200	6,250	452	434	409	524	476
6,250	6,300	462	444	418	533	486
6,300	6,350	472	454	427	543	495
6,350	6,400	482	463	435	552	505
6,400	6,450	492	473	444	562	514
6,450	6,500	503	482	452	571	524
6,500	6,550	513	492	461	581	533

Table XIX—Returns Claiming 4 Exemptions—Continued

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
$6,550	$6,600	$523	$502	$470	$590	$543
6,600	6,650	531	509	478	600	552
6,650	6,700	539	517	485	609	562
6,700	6,750	548	525	493	619	571
6,750	6,800	556	533	500	628	581
6,800	6,850	564	541	507	638	590
6,850	6,900	572	549	515	647	600
6,900	6,950	581	556	522	657	609
6,950	7,000	589	564	530	666	619
7,000	7,050	597	572	537	676	628
7,050	7,100	605	580	544	685	638
7,100	7,150	614	588	552	696	647
7,150	7,200	622	596	559	707	657
7,200	7,250	630	603	567	718	666
7,250	7,300	639	611	574	729	676
7,300	7,350	647	619	581	740	685
7,350	7,400	655	627	589	751	696
7,400	7,450	663	635	596	762	707
7,450	7,500	672	643	604	773	718
7,500	7,550	680	650	611	784	729
7,550	7,600	688	658	618	795	740
7,600	7,650	697	666	626	806	751
7,650	7,700	706	675	635	817	762
7,700	7,750	715	683	643	828	773
7,750	7,800	724	691	651	839	784
7,800	7,850	734	699	659	850	795
7,850	7,900	743	708	668	861	806
7,900	7,950	752	716	676	872	817
7,950	8,000	761	724	684	883	828
8,000	8,050	770	733	693	894	839
8,050	8,100	779	741	701	905	850
8,100	8,150	788	749	709	916	861
8,150	8,200	798	757	717	927	872
8,200	8,250	807	766	726	938	883
8,250	8,300	816	774	734	949	894
$8,300	$8,350	$825	$782	$742	$960	$905
8,350	8,400	834	790	750	971	916
8,400	8,450	843	799	759	982	927
8,450	8,500	852	807	767	993	938
8,500	8,550	862	815	775	1,004	949
8,550	8,600	871	823	783	1,015	960
8,600	8,650	880	832	792	1,026	971
8,650	8,700	889	840	800	1,037	982
8,700	8,750	898	848	808	1,048	993
8,750	8,800	907	857	817	1,059	1,004
8,800	8,850	916	865	825	1,070	1,015
8,850	8,900	925	873	833	1,081	1,026
8,900	8,950	935	881	841	1,092	1,037
8,950	9,000	944	890	850	1,103	1,048
9,000	9,050	953	898	858	1,114	1,059
9,050	9,100	962	906	866	1,125	1,070
9,100	9,150	971	914	874	1,136	1,081
9,150	9,200	980	923	883	1,149	1,092
9,200	9,250	989	931	891	1,161	1,103
9,250	9,300	999	939	899	1,174	1,114
9,300	9,350	1,008	947	907	1,186	1,125
9,350	9,400	1,017	956	916	1,199	1,136
9,400	9,450	1,026	964	924	1,211	1,149
9,450	9,500	1,035	972	932	1,224	1,161
9,500	9,550	1,044	980	940	1,236	1,174
9,550	9,600	1,053	989	949	1,249	1,186
9,600	9,650	1,062	997	957	1,261	1,199
9,650	9,700	1,072	1,005	965	1,274	1,211
9,700	9,750	1,081	1,014	974	1,286	1,224
9,750	9,800	1,090	1,022	982	1,299	1,236
9,800	9,850	1,099	1,030	990	1,311	1,249
9,850	9,900	1,108	1,038	998	1,324	1,261
9,900	9,950	1,118	1,048	1,007	1,336	1,274
9,950	10,000	1,129	1,057	1,015	1,349	1,286

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*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XX—RETURNS CLAIMING 5 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
					Low income allowance	Standard deduction
		Your tax is—				
0	$3,750	0	0	0	0	0
$3,750	3,800	0	0	0	$4	$5
3,800	3,850	0	0	0	11	11
3,850	3,900	0	0	0	18	17
3,900	3,950	0	0	0	25	23
3,950	4,000	0	0	0	32	29
4,000	4,050	0	0	0	39	35
4,050	4,100	0	0	0	46	41
4,100	4,150	0	0	0	53	47
4,150	4,200	0	0	0	60	54
4,200	4,250	0	0	0	67	60
4,250	4,300	0	0	0	74	66
4,300	4,350	$4	$4	$4	81	72
4,350	4,400	11	11	11	89	78
4,400	4,450	19	19	19	96	85
4,450	4,500	26	26	26	104	91
4,500	4,550	34	34	34	111	98
4,550	4,600	41	41	41	119	105
4,600	4,650	49	49	49	126	111
4,650	4,700	56	56	56	134	118
4,700	4,750	63	63	63	141	124
4,750	4,800	71	71	71	149	131
4,800	4,850	79	78	78	157	137
4,850	4,900	87	86	86	165	144
4,900	4,950	95	93	93	173	151
4,950	5,000	103	101	101	181	158
5,000	5,050	111	108	108	189	164
5,050	5,100	119	116	116	197	171
5,100	5,150	127	123	123	205	178
5,150	5,200	135	131	131	213	185
5,200	5,250	143	138	138	221	192
5,250	5,300	151	146	146	229	199
5,300	5,350	160	155	154	238	206
5,350	5,400	168	163	162	246	213
5,400	5,450	177	172	170	255	220
5,450	5,500	186	181	178	263	227
5,500	5,550	194	189	186	272	235
5,550	5,600	203	198	194	280	242
5,600	5,650	211	206	202	289	249
5,650	5,700	220	215	210	297	257
5,700	5,750	228	223	218	306	264
5,750	5,800	237	232	226	315	272
5,800	5,850	247	240	234	324	280
5,850	5,900	256	249	242	334	289
5,900	5,950	265	257	250	343	297
5,950	6,000	274	266	258	353	306
6,000	6,050	283	274	266	362	315
6,050	6,100	292	283	274	372	324
6,100	6,150	301	291	282	381	334
6,150	6,200	310	300	290	391	343
6,200	6,250	320	310	299	400	353
6,250	6,300	330	319	307	410	362
6,300	6,350	340	329	316	419	372
6,350	6,400	351	338	324	429	381
6,400	6,450	361	348	333	438	391
6,450	6,500	371	358	341	448	400
6,500	6,550	381	367	350	457	410
6,550	6,600	391	377	358	467	419
6,600	6,650	401	386	367	476	429
6,650	6,700	411	396	375	486	438
6,700	6,750	421	406	384	495	448
6,750	6,800	432	415	392	505	457
6,800	6,850	441	424	400	514	467
$6,850	$6,900	$449	$432	$407	$524	$476
6,900	6,950	457	439	414	533	486
6,950	7,000	465	447	421	543	495
7,000	7,050	474	455	428	552	505
7,050	7,100	482	463	435	562	514
7,100	7,150	490	471	442	571	524
7,150	7,200	499	479	449	581	533
7,200	7,250	507	486	456	590	543
7,250	7,300	515	494	463	600	552
7,300	7,350	523	502	471	609	562
7,350	7,400	532	510	478	619	571
7,400	7,450	540	518	486	628	581
7,450	7,500	548	526	493	638	590
7,500	7,550	556	533	500	647	600
7,550	7,600	565	541	508	657	609
7,600	7,650	573	549	515	666	619
7,650	7,700	581	557	523	676	628
7,700	7,750	589	565	530	685	638
7,750	7,800	598	573	537	696	647
7,800	7,850	606	580	545	707	657
7,850	7,900	614	588	552	718	666
7,900	7,950	623	596	560	729	676
7,950	8,000	631	604	567	740	685
8,000	8,050	639	612	574	751	696
8,050	8,100	647	620	582	762	707
8,100	8,150	656	627	589	773	718
8,150	8,200	664	635	597	784	729
8,200	8,250	672	643	604	795	740
8,250	8,300	680	651	611	806	751
8,300	8,350	689	659	619	817	762
8,350	8,400	698	667	627	828	773
8,400	8,450	707	675	635	839	784
8,450	8,500	716	683	643	850	795
8,500	8,550	725	692	652	861	806
8,550	8,600	734	700	660	872	817
8,600	8,650	743	708	668	883	828
8,650	8,700	752	716	676	894	839
8,700	8,750	762	725	685	905	850
8,750	8,800	771	733	693	916	861
8,800	8,850	780	741	701	927	872
8,850	8,900	789	750	710	938	883
8,900	8,950	798	758	718	949	894
8,950	9,000	807	766	726	960	905
9,000	9,050	816	774	734	971	916
9,050	9,100	826	783	743	982	927
9,100	9,150	835	791	751	993	938
9,150	9,200	844	799	759	1,004	949
9,200	9,250	853	807	767	1,015	960
9,250	9,300	862	816	776	1,026	971
9,300	9,350	871	824	784	1,037	982
9,350	9,400	880	832	792	1,048	993
9,400	9,450	889	840	800	1,059	1,004
9,450	9,500	899	849	809	1,070	1,015
9,500	9,550	908	857	817	1,081	1,026
9,550	9,600	917	865	825	1,092	1,037
9,600	9,650	926	874	834	1,103	1,048
9,650	9,700	935	882	842	1,114	1,059
9,700	9,750	944	890	850	1,125	1,070
9,750	9,800	953	898	858	1,136	1,081
9,800	9,850	963	907	867	1,149	1,092
9,850	9,900	972	915	875	1,161	1,103
9,900	9,950	981	923	883	1,174	1,114
9,950	10,000	990	931	891	1,186	1,125

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXI—RETURNS CLAIMING 6 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
					Low income allowance	Standard deduction
		Your tax is—				
0	$4,400	0	0	0	0	0
$4,400	4,450	0	0	0	$4	0
4,450	4,500	0	0	0	11	0
4,500	4,550	0	0	0	18	$5
4,550	4,600	0	0	0	25	11
4,600	4,650	0	0	0	32	17
4,650	4,700	0	0	0	39	23
4,700	4,750	0	0	0	46	30
4,750	4,800	0	0	0	53	36
4,800	4,850	0	0	0	60	42
4,850	4,900	0	0	0	67	48
4,900	4,950	0	0	0	74	54
4,950	5,000	$4	$4	$4	81	60
5,000	5,050	11	11	11	89	66
5,050	5,100	19	19	19	96	72
5,100	5,150	26	26	26	104	79
5,150	5,200	34	34	34	111	85
5,200	5,250	41	41	41	119	92
5,250	5,300	49	49	49	126	98
5,300	5,350	56	56	56	134	105
5,350	5,400	63	63	63	141	111
5,400	5,450	71	71	71	149	118
5,450	5,500	79	78	78	157	124
5,500	5,550	87	86	86	165	131
5,550	5,600	95	93	93	173	138
5,600	5,650	103	101	101	181	144
5,650	5,700	111	108	108	189	151
5,700	5,750	119	116	116	197	158
5,750	5,800	127	123	123	205	165
5,800	5,850	135	131	131	213	173
5,850	5,900	143	138	138	221	181
5,900	5,950	151	146	146	229	189
5,950	6,000	160	155	154	238	197
6,000	6,050	168	163	162	246	205
6,050	6,100	177	172	170	255	213
6,100	6,150	186	181	178	263	221
6,150	6,200	194	189	186	272	229
6,200	6,250	203	198	194	280	238
6,250	3,300	211	206	202	289	246
6,300	6,350	220	215	210	297	255
6,350	6,400	228	223	218	306	263
6,400	6,450	237	232	226	315	272
6,450	6,500	247	240	234	324	280
6,500	6,550	256	249	242	334	289
6,550	6,600	265	257	250	343	297
6,600	6,650	274	266	258	353	306
6,650	6,700	283	274	266	362	315
6,700	6,750	292	283	274	372	324
6,750	6,800	301	291	282	381	334
6,800	6,850	310	300	290	391	343
6,850	6,900	320	310	299	400	353
6,900	6,950	330	319	307	410	362
6,950	7,000	340	329	316	419	372
7,000	7,050	350	338	324	429	381
7,050	7,100	358	346	331	438	391
7,100	7,150	367	354	338	448	400
$7,150	$7,200	$375	$362	$345	$457	$410
7,200	7,250	383	369	352	467	419
7,250	7,300	392	377	359	476	429
7,300	7,350	400	385	366	486	438
7,350	7,400	408	393	373	495	448
7,400	7,450	416	401	380	505	457
7,450	7,500	425	409	387	514	467
7,500	7,550	433	416	393	524	476
7,550	7,600	441	424	400	533	486
7,600	7,650	449	432	407	543	495
7,650	7,700	458	440	414	552	505
7,700	7,750	466	448	421	562	514
7,750	7,800	474	456	428	571	524
7,800	7,850	482	463	435	581	533
7,850	7,900	491	471	442	590	543
7,900	7,950	499	479	449	600	552
7,950	8,000	507	487	457	609	562
8,000	8,050	516	495	464	619	571
8,050	8,100	524	503	471	628	581
8,100	8,150	532	510	479	638	590
8,150	8,200	540	518	486	647	600
8,200	8,250	549	526	493	657	609
8,250	8,300	557	534	501	666	619
8,300	8,350	565	542	508	676	628
8,350	8,400	573	550	516	685	638
8,400	8,450	582	557	523	696	647
8,450	8,500	590	565	530	707	657
8,500	8,550	598	573	538	718	666
8,550	8,600	606	581	545	729	676
8,600	8,650	615	589	553	740	685
8,650	8,700	623	597	560	751	696
8,700	8,750	631	604	567	762	707
8,750	8,800	640	612	575	773	718
8,800	8,850	648	620	582	784	729
8,850	8,900	656	628	590	795	740
8,900	8,950	664	636	597	806	751
8,950	9,000	673	643	604	817	762
9,000	9,050	681	651	612	828	773
9,050	9,100	689	659	619	839	784
9,100	9,150	698	667	627	850	795
9,150	9,200	707	676	636	861	806
9,200	9,250	716	684	644	872	817
9,250	9,300	726	692	652	883	828
9,300	9,350	735	700	660	894	839
9,350	9,400	744	709	669	905	850
9,400	9,450	753	717	677	916	861
9,450	9,500	762	725	685	927	872
9,500	9,550	771	733	693	938	883
9,550	9,600	780	742	702	949	894
9,600	9,650	789	750	710	960	905
9,650	9,700	799	758	718	971	916
9,700	9,750	808	767	727	982	927
9,750	9,800	817	775	735	993	938
9,800	9,850	826	783	743	1,004	949
9,850	9,900	835	791	751	1,015	960
9,900	9,950	844	800	760	1,026	971
9,950	10,000	853	808	768	1,037	982

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXII—RETURNS CLAIMING 7 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
					Low income allowance	Standard deduction
		Your tax is—				
0	$5,050	0	0	0	0	0
$5,050	5,100	0	0	0	$4	0
5,100	5,150	0	0	0	11	0
5,150	5,200	0	0	0	18	0
5,200	5,250	0	0	0	25	0
5,250	5,300	0	0	0	32	$5
5,300	5,350	0	0	0	39	12
5,350	5,400	0	0	0	46	18
5,400	5,450	0	0	0	53	24
5,450	5,500	0	0	0	60	30
5,500	5,550	0	0	0	67	36
5,550	5,600	0	0	0	74	42
5,600	5,650	$4	$4	$4	81	48
5,650	5,700	11	11	11	89	54
5,700	5,750	19	19	19	96	60
5,750	5,800	26	26	26	104	67
5,800	5,850	34	34	34	111	74
5,850	5,900	41	41	41	119	81
5,900	5,950	49	49	49	126	89
5,950	6,000	56	56	56	134	96
6,000	6,050	63	63	63	141	104
6,050	6,100	71	71	71	149	111
6,100	6,150	79	78	78	157	119
6,150	6,200	87	86	86	165	126
6,200	6,250	95	93	93	173	134
6,250	6,300	103	101	101	181	141
6,300	6,350	111	108	108	189	149
6,350	6,400	119	116	116	197	157
6,400	6,450	127	123	123	205	165
6,450	6,500	135	131	131	213	173
6,500	6,550	143	138	138	221	181
6,550	6,600	151	146	146	229	189
6,600	6,650	160	155	154	238	197
6,650	6,700	168	163	162	246	205
6,700	6,750	177	172	170	255	213
6,750	6,800	186	181	178	263	221
6,800	6,850	194	189	186	272	229
6,850	6,900	203	198	194	280	238
6,900	6,950	211	206	202	289	246
6,950	7,000	220	215	210	297	255
7,000	7,050	228	223	218	306	263
7,050	7,100	237	232	226	315	272
7,100	7,150	247	240	234	324	280
7,150	7,200	256	249	242	334	289
7,200	7,250	265	257	250	343	297
7,250	7,300	272	265	257	353	306
7,300	7,350	280	272	263	362	315
7,350	7,400	287	279	270	372	324
7,400	7,450	295	286	276	381	334
7,450	7,500	302	293	283	391	343
$7,500	$7,550	$309	$299	$290	$400	$353
7,550	7,600	318	307	296	410	362
7,600	7,650	326	315	303	419	372
7,650	7,700	334	323	310	429	381
7,700	7,750	342	331	317	438	391
7,750	7,800	351	339	324	448	400
7,800	7,850	359	346	331	457	410
7,850	7,900	367	354	338	467	419
7,900	7,950	376	362	345	476	429
7,950	8,000	384	370	352	486	438
8,000	8,050	392	378	359	495	448
8,050	8,100	400	386	366	505	457
8,100	8,150	409	393	373	514	467
8,150	8,200	417	401	380	524	476
8,200	8,250	425	409	387	533	486
8,250	8,300	433	417	394	543	495
8,300	8,350	442	425	401	552	505
8,350	8,400	450	433	408	562	514
8,400	8,450	458	440	415	571	524
8,450	8,500	466	448	422	581	533
8,500	8,550	475	456	429	590	543
8,550	8,600	483	464	436	600	552
8,600	8,650	491	472	443	609	562
8,650	8,700	499	480	450	619	571
8,700	8,750	508	487	457	628	581
8,750	8,800	516	495	464	638	590
8,800	8,850	524	503	472	647	600
8,850	8,900	533	511	479	657	609
8,900	8,950	541	519	487	666	619
8,950	9,000	549	526	494	676	628
9,000	9,050	557	534	501	685	638
9,050	9,100	566	542	509	696	647
9,100	9,150	574	550	516	707	657
9,150	9,200	582	558	523	718	666
9,200	9,250	590	566	531	729	676
9,250	9,300	599	573	538	740	685
9,300	9,350	607	581	546	751	696
9,350	9,400	615	589	553	762	707
9,400	9,450	623	597	560	773	718
9,450	9,500	632	605	568	784	729
9,500	9,550	640	613	575	795	740
9,550	9,600	648	620	583	806	751
9,600	9,650	657	628	590	817	762
9,650	9,700	665	636	597	828	773
9,700	9,750	673	644	605	839	784
9,750	9,800	681	652	612	850	795
9,800	9,850	690	660	620	861	806
9,850	9,900	699	668	628	872	817
9,900	9,950	708	676	636	883	828
9,950	10,000	717	684	644	894	839

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXIII—RETURNS CLAIMING 8 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming—	
					Low income allowance	Standard deduction
		Your tax is—				
0	$5,700	0	0	0	0	0
$5,700	5,750	0	0	0	$4	0
5,750	5,800	0	0	0	11	0
5,800	5,850	0	0	0	18	0
5,850	5,900	0	0	0	25	0
5,900	5,950	0	0	0	32	0
5,950	6,000	0	0	0	39	$4
6,000	6,050	0	0	0	46	11
6,050	6,100	0	0	0	53	18
6,100	6,150	0	0	0	60	25
6,150	6,200	0	0	0	67	32
6,200	6,250	0	0	0	74	39
6,250	6,300	$4	$4	$4	81	46
6,300	6,350	11	11	11	89	53
6,350	6,400	19	19	19	96	60
6,400	6,450	26	26	26	104	67
6,450	6,500	34	34	34	111	74
6,500	6,550	41	41	41	119	81
6,550	6,600	49	49	49	126	89
6,600	6,650	56	56	56	134	96
6,650	6,700	63	63	63	141	104
6,700	6,750	71	71	71	149	111
6,750	6,800	79	78	78	157	119
6,800	6,850	87	86	86	165	126
6,850	6,900	95	93	93	173	134
6,900	6,950	103	101	101	181	141
6,950	7,000	111	108	108	189	149
7,000	7,050	119	116	116	197	157
7,050	7,100	126	123	123	205	165
7,100	7,150	134	130	130	213	173
7,150	7,200	141	137	137	221	181
7,200	7,250	149	144	144	229	189
7,250	7,300	157	152	151	238	197
7,300	7,350	165	160	159	246	205
7,350	7,400	173	168	166	255	213
7,400	7,450	181	176	174	263	221
7,450	7,500	189	184	181	272	229
7,500	7,550	197	192	189	280	238
7,550	7,600	205	200	196	289	246
7,600	7,650	213	208	204	297	255
7,650	7,700	221	216	211	306	263
7,700	7,750	229	223	218	315	272
7,750	7,800	236	230	225	324	280
7,800	7,850	243	237	231	334	289
$7,850	$7,900	$251	$244	$238	$343	$297
7,900	7,950	258	251	244	353	306
7,950	8,000	266	258	251	362	315
8,000	8,050	273	265	257	372	324
8,050	8,100	280	272	264	381	334
8,100	8,150	288	279	270	391	343
8,150	8,200	295	286	277	400	353
8,200	8,250	302	293	283	410	362
8,250	8,300	310	300	290	419	372
8,300	8,350	318	308	297	429	381
8,350	8,400	326	316	304	438	391
8,400	8,450	335	323	311	448	400
8,450	8,500	343	331	318	457	410
8,500	8,550	351	339	325	467	419
8,550	8,600	359	347	332	476	429
8,600	8,650	368	355	339	486	438
8,650	8,700	376	363	346	495	448
8,700	8,750	384	370	353	505	457
8,750	8,800	393	378	359	514	467
8,800	8,850	401	386	366	524	476
8,850	8,900	409	394	373	533	486
8,900	8,950	417	402	380	543	495
8,950	9,000	426	409	387	552	505
9,000	9,050	434	417	394	562	514
9,050	9,100	442	425	401	571	524
9,100	9,150	450	433	408	581	533
9,150	9,200	459	441	415	590	543
9,200	9,250	467	449	422	600	552
9,250	9,300	475	456	429	609	562
9,300	9,350	483	464	436	619	571
9,350	9,400	492	472	443	628	581
9,400	9,450	500	480	450	638	590
9,450	9,500	508	488	457	647	600
9,500	9,550	516	496	465	657	609
9,550	9,600	525	503	472	666	619
9,600	9,650	533	511	480	676	628
9,650	9,700	541	519	487	685	638
9,700	9,750	550	527	494	696	647
9,750	9,800	558	535	502	707	657
9,800	9,850	566	543	509	718	666
9,850	9,900	574	550	517	729	676
9,900	9,950	583	558	524	740	685
9,950	10,000	591	566	531	751	696

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXIV—RETURNS CLAIMING 9 EXEMPTIONS

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$6,350	0	0	0	0	0
$6,350	6,400	0	0	0	$4	0
6,400	6,450	0	0	0	11	0
6,450	6,500	0	0	0	18	0
6,500	6,550	0	0	0	25	0
6,550	6,600	0	0	0	32	0
6,600	6,650	0	0	0	39	$4
6,650	6,700	0	0	0	46	11
6,700	6,750	0	0	0	53	18
6,750	6,800	0	0	0	60	25
6,800	6,850	0	0	0	67	32
6,850	6,900	$4	$4	$4	74	39
6,900	6,950	11	11	11	81	46
6,950	7,000	18	18	18	89	53
7,000	7,050	25	25	25	96	60
7,050	7,100	32	32	32	104	67
7,100	7,150	39	39	39	111	74
7,150	7,200	46	46	46	119	81
7,200	7,250	53	53	53	126	89
7,250	7,300	60	60	60	134	96
7,300	7,350	67	67	67	141	104
7,350	7,400	74	74	74	149	111
7,400	7,450	81	81	81	157	119
7,450	7,500	89	88	88	165	126
7,500	7,550	96	95	95	173	134
7,550	7,600	104	102	102	181	141
7,600	7,650	111	109	109	189	149
7,650	7,700	119	116	116	197	157
7,700	7,750	126	122	122	205	165
7,750	7,800	132	128	128	213	173
7,800	7,850	139	134	134	221	181
7,850	7,900	145	140	140	229	189
7,900	7,950	152	147	147	238	197
7,950	8,000	159	154	153	246	205
8,000	8,050	166	161	160	255	213
8,050	8,100	173	168	166	263	221
8,100	8,150	180	175	173	272	229
$8,150	$8,200	$187	$182	$179	$280	$238
8,200	8,250	194	189	186	289	246
8,250	8,300	201	196	192	297	255
8,300	8,350	208	203	199	306	263
8,350	8,400	215	210	205	315	272
8,400	8,450	222	217	212	324	280
8,450	8,500	229	224	218	334	289
8,500	8,550	236	231	225	343	297
8,550	8,600	244	238	232	353	306
8,600	8,650	251	245	238	362	315
8,650	8,700	259	252	245	372	324
8,700	8,750	266	259	251	381	334
8,750	8,800	273	265	258	391	343
8,800	8,850	281	272	264	400	353
8,850	8,900	288	279	271	410	362
8,900	8,950	296	286	277	419	372
8,950	9,000	303	293	284	429	381
9,000	9,050	310	300	290	438	391
9,050	9,100	319	308	297	448	400
9,100	9,150	327	316	304	457	410
9,150	9,200	335	324	311	467	419
9,200	9,250	343	332	318	476	429
9,250	9,300	352	339	325	486	438
9,300	9,350	360	347	332	495	448
9,350	9,400	368	355	339	505	457
9,400	9,450	376	363	346	514	467
9,450	9,500	385	371	353	524	476
9,500	9,550	393	379	360	533	486
9,550	9,600	401	386	367	543	495
9,600	9,650	410	394	374	552	505
9,650	9,700	418	402	381	562	514
9,700	9,750	426	410	388	571	524
9,750	9,800	434	418	395	581	533
9,800	9,850	443	426	402	590	543
9,850	9,900	451	433	409	600	552
9,900	9,950	459	441	416	609	562
9,950	10,000	467	449	423	619	571

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXV—RETURNS CLAIMING 10 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$7,000	0	0	0	0	0
$7,000	7,050	0	0	0	$4	0
7,050	7,100	0	0	0	11	0
7,100	7,150	0	0	0	18	0
7,150	7,200	0	0	0	25	0
7,200	7,250	0	0	0	32	0
7,250	7,300	0	0	0	39	$4
7,300	7,350	0	0	0	46	11
7,350	7,400	0	0	0	53	18
7,400	7,450	0	0	0	60	25
7,450	7,500	0	0	0	67	32
7,500	7,550	$4	$4	$4	74	39
7,550	7,600	11	11	11	81	46
7,600	7,650	18	18	18	89	53
7,650	7,700	25	25	25	96	60
7,700	7,750	31	31	31	104	67
7,750	7,800	37	37	37	111	74
7,800	7,850	43	43	43	119	81
7,850	7,900	49	49	49	126	89
7,900	7,950	55	55	55	134	96
7,950	8,000	61	61	61	141	104
8,000	8,050	67	67	67	149	111
8,050	8,100	74	74	74	157	119
8,100	8,150	80	80	80	165	126
8,150	8,200	87	86	86	173	134
8,200	8,250	93	92	92	181	141
8,250	8,300	100	98	98	189	149
8,300	8,350	106	104	104	197	157
8,350	8,400	113	110	110	205	165
8,400	8,450	119	116	116	213	173
$8,450	$8,500	$126	$122	$122	$221	$181
8,500	8,550	133	128	128	229	189
8,550	8,600	139	134	134	238	197
8,600	8,650	146	141	141	246	205
8,650	8,700	153	148	147	255	213
8,700	8,750	160	155	154	263	221
8,750	8,800	166	161	160	272	229
8,800	8,850	173	168	167	280	238
8,850	8,900	180	175	173	289	246
8,900	8,950	187	182	180	297	255
8,950	9,000	194	189	186	306	263
9,000	9,050	201	196	193	315	272
9,050	9,100	208	203	199	324	280
9,100	9,150	215	210	206	334	289
9,150	9,200	222	217	212	343	297
9,200	9,250	229	224	219	353	306
9,250	9,300	237	231	225	362	315
9,300	9,350	244	238	232	372	324
9,350	9,400	252	245	238	381	334
9,400	9,450	259	252	245	391	343
9,450	9,500	266	259	251	400	353
9,500	9,550	274	266	258	410	362
9,550	9,600	281	273	265	419	372
9,600	9,650	289	280	271	429	381
9,650	9,700	296	287	278	438	391
9,700	9,750	303	294	284	448	400
9,750	9,800	311	301	291	457	410
9,800	9,850	319	309	298	467	419
9,850	9,900	327	316	305	476	429
9,900	9,950	336	324	312	486	438
9,950	10,000	344	332	319	495	448

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXVI—RETURNS CLAIMING 11 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$7,650	0	0	0	0	0
$7,650	7,700	0	0	0	$4	0
7,700	7,750	0	0	0	11	0
7,750	7,800	0	0	0	18	0
7,800	7,850	0	0	0	25	0
7,850	7,900	0	0	0	32	0
7,900	7,950	0	0	0	39	$4
7,950	8,000	0	0	0	46	11
8,000	8,050	0	0	0	53	18
8,050	8,100	0	0	0	60	25
8,100	8,150	0	0	0	67	32
8,150	8,200	0	0	0	74	39
8,200	8,250	$1	$1	$1	81	46
8,250	8,300	7	7	7	89	53
8,300	8,350	13	13	13	96	60
8,350	8,400	19	19	19	104	67
8,400	8,450	25	25	25	111	74
8,450	8,500	31	31	31	119	81
8,500	8,550	37	37	37	126	89
8,550	8,600	43	43	43	134	96
8,600	8,650	50	50	50	141	104
8,650	8,700	56	56	56	149	111
8,700	8,750	62	62	62	157	119
8,750	8,800	68	68	68	165	126
$8,800	$8,850	$74	$74	$74	$173	$134
8,850	8,900	81	80	80	181	141
8,900	8,950	87	86	86	189	149
8,950	9,000	94	92	92	197	157
9,000	9,050	100	98	98	205	165
9,050	9,100	107	104	104	213	173
9,100	9,150	113	110	110	221	181
9,150	9,200	120	117	117	229	189
9,200	9,250	126	123	123	238	197
9,250	9,300	133	129	129	246	205
9,300	9,350	139	135	135	255	213
9,350	9,400	146	141	141	263	221
9,400	9,450	153	148	147	272	229
9,450	9,500	160	155	154	280	238
9,500	9,550	167	162	161	289	246
9,550	9,600	174	169	167	297	255
9,600	9,650	181	176	174	306	263
9,650	9,700	188	183	180	315	272
9,700	9,750	195	190	187	324	280
9,750	9,800	202	197	193	334	289
9,800	9,850	209	204	200	343	297
9,850	9,900	216	211	206	353	306
9,900	9,950	223	218	213	362	315
9,950	10,000	230	225	219	372	324

*This column may also be used by certain widows or widowers who qualify for special tax rates.

TABLE XXVII—RETURNS CLAIMING 12 EXEMPTIONS

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is—		And you are—				
At least	But less than	Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Married filing a separate return claiming— Standard deduction
		Your tax is—				
0	$8,300	0	0	0	0	0
$8,300	8,350	0	0	0	$14	0
8,350	8,400	0	0	0	11	0
8,400	8,450	0	0	0	18	0
8,450	8,500	0	0	0	25	0
8,500	8,550	0	0	0	32	0
8,550	8,600	0	0	0	39	$4
8,600	8,650	0	0	0	46	11
8,650	8,700	0	0	0	53	18
8,700	8,750	0	0	0	60	25
8,750	8,800	0	0	0	67	32
8,800	8,850	0	0	0	74	39
8,850	8,900	0	0	0	81	46
8,900	8,950	0	0	0	89	53
8,950	9,000	$1	$1	$1	96	60
9,000	9,050	7	7	7	104	67
9,050	9,100	13	13	13	111	74
9,100	9,150	19	19	19	119	81
$9,150	$9,200	$26	$26	$26	$126	$89
9,200	9,250	32	32	32	134	96
9,250	9,300	38	38	38	141	104
9,300	9,350	44	44	44	149	111
9,350	9,400	50	50	50	157	119
9,400	9,450	56	56	56	165	126
9,450	9,500	62	62	62	173	134
9,500	9,550	68	68	68	181	141
9,550	9,600	75	74	74	189	149
9,600	9,650	81	80	80	197	157
9,650	9,700	88	86	86	205	165
9,700	9,750	94	93	93	213	173
9,750	9,800	101	99	99	221	181
9,800	9,850	107	105	105	229	189
9,850	9,900	114	111	111	238	197
9,900	9,950	120	117	117	246	205
9,950	10,000	127	123	123	255	213

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table XXVIII—Returns Claiming 13 Exemptions

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$8,950	0	0	0	0	0
$8,950	9,000	0	0	0	$4	0
9,000	9,050	0	0	0	11	0
9,050	9,100	0	0	0	18	0
9,100	9,150	0	0	0	25	0
9,150	9,200	0	0	0	32	0
9,200	9,250	0	0	0	39	$4
9,250	9,300	0	0	0	46	11
9,300	9,350	0	0	0	53	18
9,350	9,400	0	0	0	60	25
9,400	9,450	0	0	0	67	32
$9,450	$9,500	0	0	0	$74	$39
9,500	9,550	0	0	0	81	46
9,550	9,600	0	0	0	89	53
9,600	9,650	0	0	0	96	60
9,650	9,700	0	0	0	104	67
9,700	9,750	$2	$2	$2	111	74
9,750	9,800	8	8	8	119	81
9,800	9,850	14	14	14	126	89
9,850	9,900	20	20	20	134	96
9,900	9,950	26	26	26	141	104
9,950	10,000	32	32	32	149	111

*This column may also be used by certainwidows or widowers who qualify for special tax rates.

Table XXIX—Returns Claiming 14 Exemptions

Taxable Years Beginning After December 31, 1970, and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$9,600	0	0	0	0	0
$9,600	9,650	0	0	0	$4	0
9,650	9,700	0	0	0	11	0
9,700	9,750	0	0	0	18	0
9,750	9,800	0	0	0	25	0
$9,800	$9,850	0	0	0	$32	0
9,850	9,900	0	0	0	39	$4
9,900	9,950	0	0	0	46	11
9,950	10,000	0	0	0	53	18

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Table XXX—Returns Claiming 15 Exemptions

Taxable Years Beginning After December 31, 1970 and Ending Before January 1, 1972

If adjusted gross income is— At least	But less than	And you are— Single, not head of household	Head of household	Married* filing joint return	Married filing a separate return claiming— Low income allowance	Standard deduction
		Your tax is—				
0	$10,250	0	0	0	0	0

*This column may also be used by certain widows or widowers who qualify for special tax rates.

Par. 9. Section 1.3–1 is amended to read as follows:

§ 1.3-1 Application of optional tax.

(a) *General rules.* (1) For taxable years ending before January 1, 1970, an individual whose adjusted gross income is less than $5,000 (or a husband and wife filing a joint return whose combined adjusted gross income is less than $5,000) may elect to pay the tax imposed by section 3 in place of the tax imposed by section 1 (a) or (b). For taxable years beginning after December 31, 1969 and before January 1, 1971 an individual whose adjusted gross income is less than $10,000 (or a husband and wife filing a joint return whose combined adjusted gross income is less than $10,000) may elect to pay the tax imposed by section 3 as amended by the Tax Reform Act of 1969 in place of the tax imposed by section 1 (a) or (b). For taxable years beginning after December 31, 1970 an individual whose adjusted gross income is less than $10,000 (or a husband and wife filing a joint return whose combined adjusted gross income is less than $10,000) may elect to pay the tax imposed by section 3 as amended in place of the tax imposed by section 1 as amended. See § 1.4–2 for the manner of making such election. A taxpayer may make such election regardless of the sources from which his income is derived and regardless of whether his income is computed by the cash method or the accrual method. See section 62 and the regulations thereunder for the determination of adjusted gross income. For the purpose of determining whether a taxpayer may elect to pay the tax under section 3, the amount of the adjusted gross income is controlling, without reference to the number of exemptions to which the taxpayer may be entitled. See section 4 and the regulations thereunder for additional rules applicable to section 3.

(2) The following examples illustrate the rule that section 3 applies only if the adjusted gross income is less than $10,000 ($5,000 for taxable years ending before January 1, 1970).

Example (1). A is employed at a salary of $9,200 for the calendar year 1970. In the course of such employment, he incurred travel expenses of $1,500 for which he was reimbursed during the year. Such items constitute his sole income for 1970. In such case the gross income is $10,700 but the amount of $1,500 is deducted from gross income in the determination of adjusted gross income and thus A's adjusted gross income for 1970 is $9,200. Hence, the adjusted gross income being less than $10,000, he may elect to pay his tax for 1970 under section 3. Similarly, in the case of an individual engaged in trade or business (excluding from the term "engaged in trade or business" the performance of personal services as an employee), there may be deducted from gross income in ascertaining adjusted gross income those expenses directly relating to the carrying on of such trade or business.

Example (2). If B has, as his only income for 1970, a salary of $11,600 and his spouse has no gross income, then B's adjusted gross income is $11,600 (not $11,600 reduced by exemptions of $1,250) and he is not for such year, entitled to pay his tax under section 3. If, however, B has for 1970 a salary of $13,000 and incident to his employment he incurs expenses in the amount of $3,400 for travel, meals, and lodging while away from home, for which he is not reimbursed, the adjusted gross income is $13,000 minus $3,400 or $9,600. In such case his adjusted gross income being less than $10,000, B may elect to pay the tax under section 3. However, if B's wife has adjusted gross income of $400, the total adjusted gross income is $10,000. In such case, if B and his wife file a joint return, they may not elect to pay the optional tax since the combined adjusted gross income is not less than $10,000. B may nevertheless elect to pay the optional tax, but if he makes this election he must file a separate return and, since his wife has gross income, he may not claim an exemption for her in computing the optional tax.

(b) *Surviving spouse.* The return of a surviving spouse is treated as a joint return for purposes of section 3. See section 2, and the regulations thereunder, with respect to the qualifications of a taxpayer as a surviving spouse. Accordingly, if the taxpayer qualifies as a surviving spouse and elects to pay the optional tax, he shall use the column in the tax table, appropriate to his number of exemptions, provided for cases in which a joint return is filed.

(c) *Use of tax table.* (1) To determine the amount of the tax, the individual ascertains the amount of his adjusted gross income, refers to the appropriate table set forth in section 3 or the regulations thereunder, ascertains the income bracket into which such income falls, and, using the number of exemptions applicable to his case, finds the tax in the vertical column having at the top thereof a number corresponding to the number of exemptions to which the taxpayer is entitled.

(2) Section 3(b) (relating to taxable years beginning after Dec. 31, 1964 and ending before Jan. 1, 1970) contains 5 tables for use in computing the tax. Table I is to be used by a single person who is not a head of household. Table II is to be used by a head of household. Table III is to be used by married persons filing joint returns and by a surviving spouse. Table IV is to be used by married persons filing separate returns using the 10 percent standard deduction. Table V is to be used by married persons filing separate returns using the minimum standard deduction. For an explanation of the standard deduction see section 141 and the regulations thereunder.

(3) 30 tables are provided for use in computing the tax under the Tax Reform Act of 1969. Tables I through XV apply for taxable years beginning after December 31, 1969 and ending before January 1, 1971. Tables XVI through XXX apply for taxable years beginning after December 31, 1970. The standard deduction for Tables I through XV, applicable to taxable years beginning in 1970, is 10 percent. The standard deduction for Tables XVI through XXX, applicable to taxable years beginning in 1971, is 13 percent. For an explanation of the standard deduction and the low income allowance see section 141 as amended by the Tax Reform Act of 1969.

(4) In the case of married persons filing separate returns who qualify to use the optional tax imposed by section 3, such persons shall use the tax imposed by the table for the applicable year in accordance with the rules prescribed by sections 4(c) and 141 and the regulations thereunder governing the use and application of the standard deduction and the low income allowance.

(5) The tax shown in the tax tables set forth in section 3 or the regulations thereunder reflects full income splitting in the case of a joint return (including the return of a surviving spouse) and lesser income splitting in the case of a head of household. Therefore, it is possible for the tax shown in the tables relating to joint returns, or relating to a return of a head of a household, to be lower than that shown in the table for separate returns even though the amounts of adjusted gross income and the number of exemptions are the same.

Par. 10. Section 1.511 is amended by revising subsection (b)(1) of section 511 to reflect the change made by section 803(d)(2) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.511 Statutory provisions; imposition of tax on unrelated business income of charitable, etc., organizations.

Sec. 511. Imposition of tax on unrelated business income of charitable organizations * * *

(b) *Tax on Charitable, etc., trusts.*—

(1) *Imposition of tax.*—There is hereby imposed for each taxable year on the unrelated business taxable income of every trust described in paragraph (2) a tax computed as provided in section 1(d). In making such computation for purposes of this section, the term "taxable income" as used in section 1 shall be read as "unrelated business taxable income" as defined in section 512.

* * * * *

[Sec. 511 as amended by sec. 3, Act of July 14, 1960 (74 Stat. 535); sec. 803(d)(2) Tax Reform Act 1969 (83 Stat. 487, 684)]

Par. 11. Section 1.511–1 is amended to read as follows:

§ 1.511–1 Imposition and rates of tax.

Section 511(a) imposes a tax upon the unrelated business taxable income of certain organizations otherwise exempt from Federal income tax. Under section 511(a)(1), organizations described in section 511(a)(2)(A) and in paragraph (a) of § 1.511–2 and organizations described in section 511(a)(2)(B) are subject to normal tax and surtax at the corporate rates provided by section 11. Under section 511(b)(1), trusts described in section 511(b)(2) are subject to tax at the individual rates prescribed in section 1(d) of the Code as amended by the Tax Reform Act of 1969 (section 1 for taxable years ending before Jan. 1, 1971). The deduction for personal exemption provided in section 642(b) in the case of a trust taxable under subchapter J, chapter 1 of the Code, is not allowed in computing unrelated business taxable income.

Par. 12. Section 1.641 is amended by revising subsection (a) of section 641 to reflect the change made by section 803(d)(3) of the Tax Reform Act of 1969 and by adding a historical note thereafter. The amended provision and note read as follows:

§ 1.641(a) Statutory provisions; estates and trusts; imposition of tax; application of tax.

Sec. 641. Imposition of tax—(a) *Application of Tax.*—The tax imposed by section 1(d) shall apply to the taxable income of estates or of any kind of property held in trust, including—

* * * * *

[Sec. 641(a) as amended by sec. 803(d)(3) Tax Reform Act of 1969 (83 Stat. 487, 684)]

Par. 13. Section 1.641(a)–1 is amended to read as follows:

§ 1.641(a)–1 Imposition of tax; application of tax.

For taxable years beginning after December 31, 1970, section 641 prescribes that the taxes imposed by section 1(d), as amended by the Tax Reform Act of 1969, shall apply to the income of estates or of any kind of property held in trust. For taxable years ending before January 1, 1971, section 641 prescribes that the taxes imposed upon individuals by chapter 1 of the Code apply to the income of estates or of any kind of property held in trust. The rates of tax, the statutory provisions respecting gross income, and, with certain exceptions, the deductions and credits allowed to individuals apply also to estates and trust.

Par. 14. Section 1.632 is amended by revising section 632 to reflect the changes made by section 803(d)(4) of the Tax Reform Act of 1969 and by adding a historical note thereafter. The amended provision and historical note read as follows:

§ 1.632 Statutory provisions; sale of oil or gas properties.

Sec. 632. *Sale of oil or gas properties.* In the case of a bona fide sale of any oil or gas property, or any interest therein, where the principal value of the property has been demonstrated by prospecting or exploration or discovery work done by the taxpayer, the portion of the tax imposed by section 1 attributable to such sale shall not exceed 33 percent of the selling price of such property or interest.

[Sec. 632 as amended by sec. 803(d)(4), Tax Reform Act 1969 (83 Stat. 487, 684)]

Par. 15. Paragraph (a) of § 1.632–1 is amended to read as follows:

§ 1.632–1 Tax on sale of oil or gas properties.

(a) If the taxpayer, by prospecting and locating claims or by exploring or discovering undeveloped claims, has demonstrated the principal value of oil or gas property, which prior to his efforts had a relatively minor value, the portion of the tax (or, in the case of taxable years beginning before Jan. 1, 1971, the surtax) imposed by section 1 attributable to a sale of such property, or of any interest of the taxpayer therein, shall not exceed 33 percent (or, in the case of taxable years beginning before Jan. 1, 1971, 30 percent) of the selling price of such property or such interest. Shares of stock in a corporation owning oil or gas property do not constitute an interest in such property. To determine the application of section 632 to a particular case, the taxpayer should first compute the tax (or surtax) imposed by section 1 upon his entire taxable income, including the taxable income from any sale of such property or interest therein, without regard to section 632. The proportion of the tax (or surtax) so computed, indicated by the ratio which the taxpayer's taxable income from the sale of the property or interest therein, computed as prescribed in this section, bears to his total taxable income is the portion of the tax attributable to such sale and, if it exceeds 33 percent (or 30 percent) of the selling price of such property or interest, such portion of the tax (or surtax) shall be reduced to that amount.

* * * * *

Par. 16. Section 1.1347 is amended by revising section 1347 to reflect the changes made by section 803(d)(5) of the Tax Reform Act of 1969 and by revising the historical note thereafter. The amended provision and note read as follows:

§ 1.1347 Statutory provisions; claims against the United States involving acquisition of property.

Sec. 1347. *Claims against the United States involving acquisition of property.* In the case of amounts (other than interest) received by a taxpayer from the United States with respect to a claim against the United States involving the acquisition of property and remaining unpaid for more than 15 years, the tax imposed by section 1 attributable to such receipt shall not exceed 33 percent of the amount (other than interest) so received. This section shall apply only if claim was filed with the United States before January 1, 1958.

[Sec. 1347 as amended by sec. 61 Technical Amendments Act 1958 (72 Stat. 1648); sec. 803(d)(5), Tax Reform Act 1969 (83 Stat. 487, 684)]

Par. 17. Paragraphs (a) and (b) of § 1.1347–1 are amended to read as follows:

§ 1.1347–1 Tax on certain amounts received from the United States.

(a) In the case of an amount (other than interest) received from the United States by an individual under a claim involving acquisition of property and remaining unpaid for more than 15 years, the tax (or, in the case of taxable years beginning before Jan. 1, 1971, the surtax) imposed by section 1 attributable to such amount shall not exceed 33 percent of the amount (other than interest) so received (30 percent for taxable years beginning before Jan. 1, 1971). For the purpose of section 1347 and this section, such amount shall not include any amount received from the United States which constitutes interest, whether such interest was included in the claim or in any judgment thereon or has accrued on such judgment. Section 1347 and this section shall only apply with respect to amounts received under a claim filed with the United States before January 1, 1958.

(b) To determine the application of section 1347 and this section to a particular amount, the taxpayer shall first compute the tax (or, in the case of taxable years beginning before Jan. 1, 1971, the surtax) imposed by section 1 upon his entire taxable income, including the amount specified in paragraph (a) of this section, without regard to the limitation on tax provided in section 1347. The proportion of the tax (or surtax), so computed, indicated by the ratio which the taxpayer's taxable income attributable to the amount specified in paragraph (a) of this section, computed as prescribed in paragraph (c) of this section (bears to his total taxable income, is the portion of the tax (or surtax) attributable to such amount. If this portion of the tax (or surtax) exceeds 33 percent (30 percent for taxable years beginning before Jan. 1, 1971) of the amount specified in paragraph (a) of this section, that portion of the tax (or surtax) shall be reduced to 33 percent (or 30 percent) of such amount.

PAR. 18. Section 1.5 is amended by revising subsection (b) of section 5 to reflect the changes made by section 803 (d)(6) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.5 Statutory provisions; cross reference relating to tax on individuals.

SEC. 5. *Cross references relating to tax on individuals.* * * *

(b) Special limitations on tax.—

(1) For limitation on tax attributable to sales of oil or gas properties, see section 632.

(2) For limitation on tax in case of income of members of Armed Forces on death, see section 692.

(3) For limitation on tax where an individual chooses the benefits of income averaging, see section 1301.

(4) For computation of tax where taxpayer restores subatantial amount held under claim of right, see section 1341.

(5) For limitation on tax attributable to claims against the United States involving acquisition of property, see section 1347.

[Sec. 5 as amended by sec. 232(b)(2), Rev. Act 1964 (78 Stat. 111); sec. 803(d)(6) Tax Reform Act 1969 (83 Stat. 487, 684).]

PAR. 19. Section 1.6015 is amended by revising subsection (a)(1) of section 6015 to reflect the changes made by section 803(d)(7) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.6015 Statutory provisions; declaration of estimated income tax by individuals; requirement of declaration.

SEC. 6015. *Declaration of estimated income tax by individuals*—

(a) Requirement of declaration. Except as otherwise provided in subsection (i), every individual shall make a declaration of his estimated tax for the taxable year if—

(1) The gross income for the taxable year can reasonably be expected to exceed—

(A) $5,000, in the case of—

(i) A single individual other than a head of a household (as defined in section 2(b) or a surviving spouse (as defined in section 2(a));

(ii) A married individual not entitled under subsection (b) to file a joint declaration with his spouse; or

(iii) A married individual entitled under subsection (b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(B) $10,000, in the case of—

(i) A head of a household (as defined in section 2(b)); or

(ii) A surviving spouse (as defined in section 2(a)); or

*   *   *   *   *

[Sec. 6015(a) as amended by sec. 5, Act of Sept. 14, 1960 (74 Stat. 1000); sec. 103(j)(1) Foreign Investors Tax Act 1966 (74 Stat. 1000); sec. 803(d)(7) Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 20. Section 1.6015(a)–1 is amended by revising paragraph (a) to read as follows:

§ 1.6015(a)–1 Declaration of estimated income tax by individuals.

(a) *Requirement*—(1) *Taxable years beginning after December 31, 1966.* With respect to taxable years beginning after December 31, 1966, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration of estimated income tax shall be made by every individual if the following conditions are met and if such individual is not a nonresident alien individual who is excepted under section 6015(i) and § 1.6015(i)–1 from the requirement of making a declaration:

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000, in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2) for taxable years ending before Jan. 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970) or a surviving spouse (as defined in section 2(b) for taxable years ending before Jan. 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970);

(*2*) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(*3*) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of household (as defined in section 1(b)(2) for taxable years ending before Jan. 1, 1971, or as defined in section 2(b) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970); or

(*2*) A surviving spouse (as defined in section 2(b) for taxable years ending before Jan. 1, 1971, or as defined in section 2(a) of the Code as amended by the Tax Reform Act of 1969 for taxable years beginning after Dec. 31, 1970); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

(2) *Taxable years beginning before January 1, 1967.* With respect to taxable years beginning before January 1, 1967, and after December 31, 1960, a declaration of estimated income tax by an individual is not required if the estimated tax (as defined in section 6015(c)) can reasonably be expected to be less than $40. In all other cases a declaration shall be made by every citizen of the United States, whether residing at home or abroad, every individual residing in the United States though not a citizen thereof, every nonresident alien who is a resident of Canada, Mexico, or Puerto Rico and who has wages subject to withholding at the source under section 3402, and every nonresident alien who has been, or expects to be, a resident of Puerto Rico during the entire taxable year, if—

(i) The gross income for the taxable year can reasonably be expected to exceed—

(*a*) $5,000. in the case of—

(*1*) A single individual other than a head of a household (as defined in section 1(b)(2)); or

(*2*) A married individual not entitled under section 6015(b) to file a joint declaration with his spouse; or

(*3*) A married individual entitled under section 6015(b) to file a joint declaration with his spouse, but only if the aggregate gross income of such individual and his spouse for the taxable year can reasonably be expected to exceed $10,000; or

(*b*) $10,000, in the case of—

(*1*) A head of a household (as defined in section 1(b)(2)); or

(*2*) A surviving spouse (as defined in section 2(b)); or

(ii) The gross income can reasonably be expected to include more than $200 from sources other than wages (as defined in section 3401(a)).

PAR. 21. Section 1.1304 is amended by revising subsection (a)(1) to reflect the change made by section 803(d)(8) of the Tax Reform Act of 1969 and by revising the historical note. The amended provision and note read as follows:

§ 1.1304 Statutory provisions; special rules.

SEC. 1304. *Special rules.* * * *

(b) *Certain provisions inapplicable.*—If the taxpayer chooses the benefits of thia part for the taxable year, the following provisions shall not apply to him for such year:

(1) Section 3 (relating to optional tax),

(2) Section 72(n)(2) (relating to limitation of tax in case of total distribution),

(3) Section 911 (relating to earned income from sources without the United States),

(4) Subpart D of part III of subchapter N (sec. 931 and following, relating to income from sources within possessions of the United States),

(5) Section 1201(b) (relating to alternative capital gains tax), and

(6) Section 1348 (relating to 50 percent maximum rate on earned income).

*   *   *   *   *

[Sec. 1304 as amended by sec. 232(a), Rev. Act 1964 (78 Stat. 105); sec. 803(d)(8) Tax Reform Act 1969 (83 Stat. 487, 684)]

PAR. 22. Paragraph (a)(1) of § 1.1304–2 is amended to read as follows:

§ 1.1304–2 Provisions inapplicable if income averaging is chosen.

(a) *Provisions inapplicable.* If a taxpayer chooses the benefits of income averaging for any taxable year, pursuant to section 1304(a) and § 1.1304–1, the following sections of the Code will not apply for such year:

(1) Section 3 (relating to optional tax). A taxpayer may not, therefore, make use of the tax table contained in section 3 for any taxable year for which he chooses the benefits of income averaging. For availability of standard deduction, see section 144(d) and the regulations thereunder.

*   *   *   *   *

[FR Doc.71–7048 Filed 5–24–71;8:46 am]

Title 29—LABOR

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1518—SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Correction

In F.R. Doc. 71–5317 appearing at page 7340 in the issue for Saturday, April 17, 1971, the following changes should be made:

1. In § 1518.200(i) the reference to "Z35.3–1968" in the next to last line should read "Z35.2–1968".

2. In Subpart J the section numbers and headings are in incorrect order. They should read, consecutively, as follows: § 1518.350 *Gas welding and cutting,* § 1518.351 *Arc welding and cutting,* § 1518.352 *Fire prevention,* § 1518.353 *Ventilation and protection in welding, cutting, and heating,* § 1518.354 *Welding, cutting, and heating in way of preservative coatings.* The texts of the sections, however, appear in correct order.

3. Section 1518.451(h)(1) should read as follows: "(1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure."

4. The reference to "SAE J74a–1964" in § 1518.550(a)(18) should read "SAE J743a–1964".

5. The words "and which" should be inserted between the words "operator," and "meets" in § 1518.603(a)(3).

6. The word "conclude" in § 1518.800 (h)(3)(v) should read "occlude".

7. Section 1518.907 was omitted and should be inserted immediately after § 1518.906. It reads as follows:

§ 1518.907 Use of safety fuse.

(a) Safety fuse shall only be used where sources of extraneous electricity make the use of electric blasting caps dangerous. The use of a fuse that has been hammered or injured in any way shall be forbidden.

(b) The hanging of fuse on nails or other projections which will cause a sharp bend to be formed in the fuse is prohibited.

(c) Before capping safety fuse, a short length shall be cut from the end of the supply reel so as to assure a fresh cut end in each blasting cap.

(d) Only a cap crimper of approved design shall be used for attaching blasting caps to safety fuse. Crimpers shall be kept in good repair and accessible for use.

(e) No unused cap or short capped fuse shall be placed in any hole to be blasted; such unused detonators shall be removed from the working place and destroyed.

(f) No fuse shall be capped, or primers made up, in any magazine or near any possible source of ignition.

(g) No one shall be permitted to carry detonators or primers of any kind on his person.

(h) The minimum length of safety fuse to be used in blasting shall be as required by State law, but shall not be less than 30 inches.

(i) At least two men shall be present when multiple cap and fuse blasting is done by hand lighting methods.

(j) Not more than 12 fuses shall be lighted by each blaster when hand lighting devices are used. However, when two or more safety fuses in a group are lighted as one by means of igniter cord, or other similar fuse-lighting devices, they may be considered as one fuse.

(k) The so-called "drop fuse" method of dropping or pushing a primer or any explosive with a lighted fuse attached is forbidden.

(l) Cap and fuse shall not be used for firing mudcap charges unless charges are separated sufficiently to prevent one charge from dislodging other shots in the blast.

(m) When blasting with safety fuses, consideration shall be given to the length and burning rate of the fuse. Sufficient time, with a margin of safety, shall always be provided for the blaster to reach a place of safety.

8. A table should be inserted at the end of § 1518.909 to appear as follows:

TABLE U–1

WARNING SIGNAL—A 1-minute series of long blasts 5 minutes prior to blast signal.

BLAST SIGNAL—A series of short blasts 1 minute prior to the shot.

ALL CLEAR SIGNAL—A prolonged blast following the inspection of blast area.

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

SUBCHAPTER M—MISCELLANEOUS

PART 242—AIR POLLUTION CONTROL

PART 243—WATER POLLUTION CONTROL

Discontinuance of Parts

Codification of Parts 242 and 243 is discontinued.

MAURICE W. ROCHE,
Director, Correspondence and Directives Division, OASD (Administration).

[FR Doc.71–7243 Filed 5–24–71;8:48 am]

Chapter V—Department of the Army

SUBCHAPTER B—CLAIMS AND ACCOUNTS

PART 538—NONAPPROPRIATED FUNDS AND RELATED ACTIVITIES

Title 32 CFR, Chapter V, Subchapter B, is amended by adding a new Part 538, as follows:

GENERAL POLICIES

Sec.
538.1 General.
538.2 Revenue-producing funds.
538.3 Welfare funds.
538.4 Sundry funds.
538.5 Vocational training funds.
538.6 Personnel.
538.7 Travel and transportation.
538.8 Taxes.
538.9 Sales of State tax-free beer; tobacco products, and soft drinks by nonappropriated fund activities.

PROTECTING, INSURING, AND INVESTING ASSETS; TORT AND CONTRACT CLAIMS

538.10–538.16 [Reserved]

NONAPPROPRIATED MILITARY WELFARE FUNDS

538.17 General.
538.18 Funds authorized.

CONTRACT CLAUSES

538.19 Appendix A—Equal Employment Opportunity.
538.20 Appendix B—Service Contract Act of 1965.
538.21 Appendix C—Davis-Bacon Act.

AUTHORITY: The provisions of this Part 538 issued under secs. 3012, 4831, 70A Stat. 157, 272; 10 U.S.C. 3012, 4831.

GENERAL POLICIES

§ 538.1 General.

(a) *Purpose.* This part sets forth basic policies and principles governing the nonappropriated fund system within the Army establishment.

(b) *Scope.* (1) The policies and principles prescribed by this part are applicable to all nonappropriated funds on a worldwide basis. Major commanders may publish implementing directives not in conflict with this part.

(2) The following funds are not subject to the provisions of this part but will be administered in accordance with other departmental regulations and directives specifically pertaining thereto:

(i) Funds of Army Emergency Relief.

(ii) Central Hospital Fund.

(iii) Prisoner of War Funds.

(iv) Patients' Trust Funds.

(v) Prisoners' Personal Deposit Funds.

(vi) Donor Deposit Funds.

(vii) Funds established for civilian employees at civil works activities of the Corps of Engineers, Department of the Army.

(viii) Funds established for contractors' employees at contractor-operated installations.

(ix) Funds of labor union locals, posts veterans' organizations, or credit unions. Responsibilities of commanders with respect to employee organizations and employee groups, for employee relations purposes, are contained in CPR 700, chapter 711. Provisions governing the establishment and operation of credit unions are contained in AR 210–24. Also see subparagraph (3) of this paragraph.

(3) Funds of private associations, defined in paragraph (c) (6) of this section are not subject to the policies and principles applicable to nonappropriated funds as prescribed in this part. Such associations and funds thereof, except as otherwise provided by law or regulations, may exist on a military installation only with the written consent of the installation commander. Such consent shall be contingent upon the following requirements and conditions as may be appropriate.

(i) That programs and activities conducted do not prejudice or discredit the military services or other agencies of the U.S. Government.

(ii) That activities will not be conducted in the name of an installation or organization of the Army establishment.

(iii) That neither the Army nor a nonappropriated fund as defined in this part shall assert claim to the assets of any such association; nor shall the Army or any nonappropriated fund incur any obligation on behalf of or assume any of the obligations of such an association.

(iv) That such associations will not engage in activities which are in conflict with provisions for proper disposition of priated funds defined in this part.

(v) That the nature and authorized function of such associations, together with provisions for proper deposition of residual assets and liabilities upon dissolution, will be established in their constitution and bylaws, charter, or articles of agreement.

(vi) That such associations are self-sustaining and receive no support assistance or facilities from the Army or from nonappropriated funds defined in this part except as provided in AR 210–55 and AR 420–80.

(vii) That the installation commander has authority to enforce compliance by such associations with the conditions enumerated herein, to inquire into their activities, and to withdraw his consent for their existence on the installation if deemed necessary in the interest of the Government.

(viii) That private associations will not be established to provide morale, welfare, and recreational services essential to the operation of the Army.

(c) *Explanation of terms.* For the purpose of this part, the following definitions apply:

(1) *Nonappropriated fund.* A fiscal entity established by authority of the Secretary of the Army, or jointly by the Secretary of the Army and the Secretary of the Air Force, for the purpose of administering moneys not appropriated by the Congress, but derived primarily from the patronage of Armed Forces personnel; and which moneys are held in trust and used for the collective benefit of military personnel and their dependents or civilian employees of the Army and other Armed Services tenanted at Army installations. Nonappropriated fund entities and their related activities are not incorporated under the laws of any State or the District of Columbia, but are instrumentalities of the United States established to conduct activities essential to the operation of the Army.

(2) *Revenue-producing fund.* A nonappropriated fund established primarily to administer the sale of merchandise and services to military personnel and their dependents, and to civilian employees at Army installations and, secondarily, to generate a net financial return to be used for the collective benefit of personnel served. Revenue-producing funds make monetary distributions to welfare funds only.

(3) *Welfare fund.* A nonappropriated fund established to receive and disburse moneys derived primarily from revenue-producing funds, and from other authorized sources, the use of which is to supplement, but not supplant, moneys appropriated by the Congress for the support of morale, welfare, and recreational programs collectively benefiting Armed Forces personnel or civilian employees.

(4) *Sundry fund.* A nonappropriated fund established to perform a combination of the functions of revenue-producing and welfare funds, benefiting limited groups of military personnel their dependents, eligible civilian employees, or a combination of such personnel associated in voluntary membership; or to conduct specialized activities benefiting designated categories of Armed Forces personnel not associated in membership. Sundry funds neither receive nor contribute monetary distributions from or to revenue-producing and welfare funds.

(5) *Vocational training fund.* A nonappropriated fund established at U.S. disciplinary barracks for the purpose of administering prisoner vocational and rehabilitative training activities, and which neither receives nor contributes monetary distributions from or to any other category of nonappropriated funds.

(6) *Private association.* A financially self-sustaining, nongovernmental organization or association, incorporated or not, and constituted, established, and operated by individuals acting exclusively outside the scope of any official capacity as officers, employees, or agents of the Government. Such associations are not established nor operated pursuant to authority vested in the Army or any official thereof (see paragraph (b)(3) of this section).

(7) *Donor deposit fund.* Funds donated by individuals for specific charitable, humanitarian, or similar purposes to enhance the socio-economic environment and to promote community relations. These funds may be received and administered as prescribed by installation and organizational commanders subject to approval of the major commander, and may be expended or used only for the donated purposes. Donor deposit funds are not to be identified as nor commingled with nonappropriated funds defined in subparagraphs (2), (4), and (5) of this paragraph.

(8) *Installation.* An installation is land and the improvements thereon, under the control of the Department of the Army, which has been established by order of the Department of the Army, and at which functions of the department are administered. Installations include arsenals, posts, camps, stations, hospitals, depots, airfields, ports, forts, laboratories, procurement organizations, or similar establishments at which military activities are conducted under the control of the Department of the Army.

(9) *Major command.* For the purposes of this part, the terms major command and major commanders mean the continental United States numbered Armies; the Military District of Washington; Department of the Army Staff Agencies having command jurisdiction over installations and major class II activities; Army Security Agency; Army Air Defense Command; Army Materiel Command; Army Strategic Communications Command; Military Traffic Management and Terminal Services, and oversea commands directly under the Department of the Army and the commanding generals, heads, chiefs, and commanders in chief thereof.

(d) *Basic concept of nonappropriated fund system.* (1) It is the policy of the Department of the Army to provide a well-rounded morale, welfare, and recreational program to insure the mental and physical well-being of its personnel. Adequate free-time facilities should be provided, operated, and maintained through financial support from funds appropriated by the Congress of the United States. Nonappropriated funds will be used to supplement the cost of programs using these facilities as prescribed in this part and other applicable regulations (see AR 210–55).

(2) Nonappropriated funds established primarily for civilian employees of the Army are intended to provide food and other services where required, and to offer certain employment oriented recreational activities as inducement to recruitment and retention of the civilian work force.

(3) Necessary command supervision of nonappropriated fund activities will be provided without cost to nonappropriated funds. Housing, grounds, maintenance and repairs, supplies, equipment, and utilities services will be furnished to nonappropriated fund activities as prescribed in AR 210–55.

(4) Nonappropriated funds authorized by this part are instrumentalities of the Federal Government and as such are entitled to all the immunities and privileges which are available to the departments and agencies of the Federal Government under the Federal Constitution and statutes. Among the additional characteristics peculiar to nonappropriated funds established by this part are the following:

(i) Such funds are established and supervised as a command function by officers or employees of the Government acting within the scope of their official capacity.

(ii) Individuals, installations, organizations, and units have no proprietary interest in these nonappropriated funds, and profits, if any, generated by such funds do not accrue to any individual.

(iii) Accumulations of nonappropriated funds which are in excess to the requirements of an installation, organization, or unit may be redistributed to other activities, installations, organizations, or units in accordance with procedures established by the Department of the Army.

§ 538.2 Revenue-producing funds.

(a) *General.* Revenue-producing funds are authorized to administer the sale of merchandise and services to military personnel and their dependents and civilian employees at Army installations and, secondarily, to generate funds as a primary source of income to nonappropriated welfare funds. Dividends derived from the net profits of revenue-producing funds operated primarily for military personnel will be devoted to welfare programs of military personnel; similarly, dividends from the net profits of revenue-producing funds operated primarily for the benefit of civilian personnel will be devoted to welfare programs of civilian personnel.

(b) *Exchanges.* (1) Exchanges on Army installations are fiscally integrated with, and technically supervised by, the Army and Air Force Exchange Service. The Chief, AAFES, is responsible for administering the Executive Management Program (EMP), to include the authority to assign and transfer employees occupying EMP designated positions and authority to assign, transfer, and separate EMP employees after consultation with the commander concerned (AR 60–10/AFR 147–7). Funds of exchanges are administered and controlled within the provisions of the AR 60/AFR 147-series.

(2) The Army and Air Force Exchange Service is established primarily to administer the sale of merchandise and services to military personnel and other authorized customers and, secondarily, to generate funds as a primary source of income to nonappropriated military welfare funds.

(c) *Theaters and funds.* (1) Entertainment motion picture theaters on Army installations are fiscally integrated with, and technically supervised by, the Army and Air Force Motion Picture Service. Funds of theaters are administered and controlled under the provisions of AR 28–62/AFR 34–32 and related regulations.

(2) The Army and Air Force Motion Picture Service is operated primarily for the purpose of furnishing recreation through the medium of entertainment motion pictures for military personnel, and secondarily to generate funds as a source of income to nonappropriated military welfare funds.

(d) *Book departments and funds.* Book departments may be established at authorized service schools for the primary purpose of providing students and faculty members with supplies and training materials, at reasonable prices, necessary in the furtherance of military education and for the secondary purpose of furnishing the school commandant with a source of nonappropriated funds to meet operating requirements not provided for from appropriated funds. These funds will be administered in accordance with AR 230–43.

(e) *Post restaurants and funds.* The term "post restaurant" is used to designate the medium through which the installation commander provides necessary facilities and services for civilian employees at Army installations. The administration of these funds will be as prescribed by AR 230–81/AFR 176–5.

(f) *Armed Services newspaper funds.* Nonappropriated funds may be established for the purpose of publication and circulation of oversea Armed Services newspapers. These funds also may be used for publication and circulation of other informational materials for internal service use when funding is authorized from nonappropriated funds. The administration and operation of these funds will be prescribed by the major oversea commander, except that editorial policy will be controlled by the appropriate oversea unified commander. Stars and Stripes, Europe, and Stars and Stripes, Pacific (AR 360–81), are examples of Armed Services newspapers.

§ 538.3 Welfare funds.

(a) *General.* (1) Welfare funds for military personnel are established at the departmental, major command, installation, and unit level for the purpose of administering nonappropriated welfare moneys. Welfare funds for civilian personnel are established at departmental and installation level. Military nonappropriated welfare funds will be administered in accordance with §§ 538.17 and 538.18. Civilian nonappropriated welfare funds will be administered in accordance with the provisions of AR 230–81/AFR 176–5.

(2) Programs supported by nonappropriated military or civilian welfare funds normally will be conducted without expense to individual military personnel or civilian employees, respectively; however, when the cost of conducting welfare programs exceeds the availability of appropriated funds and authorized resources of welfare funds, installation commanders may permit the collection of nominal service charges from participants and patrons of services activities to assist in the maintenance of such programs, unless specifically prohibited by the operating regulations.

(3) Recurring dividend distributions to welfare funds provide a continuing income to finance operations of welfare programs and provide for the procurement and maintenance of property. Hoarding or dissipation of such dividends at their sources to the detriment of welfare programs will not be permitted. The major commander is authorized to transfer or redistribute assets of active installation and organizational military welfare funds which are in excess of requirements by making transfers to the major command welfare fund, redistributions locally, or by reporting the excess assets to the Department of the Army for transfer to the Army Central Welfare Fund.

(4) Welfare fund councils will not incur obligations when the aggregate amount thereof exceeds net worth without written approval of the next higher command.

(5) Within the continental United States, expenditures from military welfare funds authorized by this section will be for the primary benefit of military personnel and incidental benefit of their dependents.

(6) Within oversea areas, military welfare funds authorized by this section will be for the primary benefit of military personnel and incidental benefit of dependents of military personnel, and civilian employees of the Department of the Army and their dependents.

(7) Commanders exercising control over nonappropriated welfare funds should be guided by the principle that such funds are held in trust to be used for morale, welfare, and recreational activities of direct collective benefit to military personnel, and to civilian employees where applicable.

(b) *Army Central Welfare Fund.* The Army Central Welfare Fund is established as a central depository from which redistributions are made to assist commanders in the maintenance of well-balanced welfare programs for military personnel. The Army Central Welfare Fund will be administered by The Adjutant General under the general staff supervision of the Deputy Chief of Staff for Personnel in accordance with policies established by the Department of the Army. The Army Central Welfare Fund is designated the successor in interest to the residual assets and liabilities of dissolved Army military welfare funds within the continental United States, of dissolved Army major command welfare funds in oversea areas, and of such other nonappropriated funds as the Secretary of the Army may determine.

(c) *Major command welfare funds.* Major command welfare funds are established to finance morale, welfare, and recreational activities primarily benefiting military personnel within the command.

(1) Within the continental United States, major command welfare funds will be established at the headquarters of each major command of the Army.

(2) In oversea areas, major command and subordinate command central welfare funds may be established by the following echelons of command:

(i) Major commanders.

(ii) Major subordinate commanders.

(d) *Central post funds.* (1) Central post funds supplement appropriated funds in providing welfare equipment, supplies, and services for military personnel morale, welfare, and recreational activities of an installation.

(2) A central post fund may be established at each installation occupied by two or more units, each of which is maintaining a unit fund authorized by this section. There will be only one central post fund at an installation. Where two or more installations are geographically adjacent, the central post fund of the installation reporting the greatest military strength may be authorized to serve the welfare requirements of the other installation or installations.

(e) *Unit funds.* (1) Unit funds provide money for the procurement of articles or services which are not available from appropriated funds and which are for the welfare of military personnel of the unit to which the fund pertains.

(2) Unit funds may be established by commanders of organizations smaller than battalions, such as companies, troops, batteries, bands, and detachments, except, that battalion unit funds may be established when the battalion is organized as the lowest echelon administrative unit within Army tables of organization. Unit funds are not authorized for organizations composed entirely of officer personnel.

(3) Inmates' welfare funds at U.S. disciplinary barracks are comparable to unit funds and will be administered in accordance with AR 230–21 and AR 210–170. Monthly dividends will be paid to such funds by central post funds at U.S. disciplinary barracks. Expenditures of inmates' welfare funds for the benefit of all prisoners at U.S. disciplinary barracks are authorized regardless of the executed or unexecuted status of their discharges.

(f) *Installation stockade welfare funds.* Installation stockade welfare funds may be established by installation commanders for military prisoners undergoing training in correctional training facilities and prisoners confined in installation confinement facilities to assist in their confinement treatment. One such fund may be established at a military installation authorized a stockade under provisions of AR 190–2, and one such fund may be established at an installation which has a correctional training facility under the provisions of AR 190–19. Field stockade welfare funds are not authorized.

(g) *Commandants' welfare funds.* (1) Commandants' welfare funds are authorized to be established in conjunction with book departments at service schools within the continental United States for the purpose of—

(i) Development or improvement of training materials.

(ii) Payment of expenses incident to the engagement of civilian speakers or lecturers.

(iii) Payment of expenses incident to the official entertainment of distinguished guests when it is determined that appropriated funds cannot be made available and the appropriate commandant so certifies.

(2) Commandants' welfare funds are governed by AR 230–43.

(h) *Civilian welfare funds* (1) Civilian welfare funds authorized by this regulation are established to provide financial support for recreational and welfare activities for all civilian employees at an Army installation, except civilian employees of engineer-operated civil works and civilian employees of contractor-operated installations.

(2) The Army and Air Force Civilian Welfare Fund is established to serve as a central depository at departmental level from which redistribution of funds may be made to assist installation commanders in the establishment and maintenance of adequate facilities and services patronized primarily by civilian employees at installations located within the continental United States.

§ 538.4 Sundry funds.

(a) *General.* (1) General characteristics of nonappropriated sundry funds are enumerated in § 538.1(c)(4). In addition, sundry funds must possess the following specific characteristics:

(i) They are established by written orders of competent military authority describing the purpose and designating the governing bodies and custodians.

(ii) They do not declare or pay dividends in any form and do not receive grants from revenue-producing or welfare funds.

(iii) Individuals derive benefits therefrom exclusively through participation in, or patronage of, the programs for which the funds are established.

(iv) Any profits generated by their programs and related activities will be retained and utilized to finance the specific programs for which the funds are established.

(2) The disposition of residual assets of dissolved sundry funds will be in accordance with the provisions of AR 230–60.

(3) Within CONUS, assets of sundry funds which are in excess to requirements will be transferred or redistributed upon approval of the Department of the Army. Requests for approval will be addressed to The Adjutant General, Attention: AGMF, Department of the Army, Washington, D.C. 20315.

(4) Sundry funds will not incur financial obligations when the aggregate amount thereof exceeds net current assets without written approval of the next higher command.

(b) *The Army Central Mess Fund.* The Army Central Mess Fund is the central depository in the Department of the Army authorized to receive residual assets of dissolved open messes, including supplemental field ration mess funds within the continental United States, and dissolved oversea open messes, when the major command is inactivated. Redistribution of available funds may be made through grants or loans to open messes. Separate accounts will be maintained for accountability of funds derived from officers open messes, and from noncommissioned officers open messes. Custodial services will be provided by The Adjutant General who will administer these funds under the general staff supervision of the Deputy Chief of Staff for Personnel.

(c) *Oversea central mess funds.* Central mess funds may be established for the purpose of providing financial assistance to open messes for the command concerned, and to serve as the central depository for dissolved open mess funds with the jurisdiction of the oversea major command.

(d) *Open mess funds.* Open messes may be established at installations with the approval of the installation commander for the purpose of providing services essential to messing, morale, welfare and recreation of commissioned officers, warrant officers, noncommissioned officers, other enlisted personnel, and their dependents. Within the continental United States, funds of open messes will be established, administered, and dissolved in accordance with AR 230–60. Enlisted men's open messes may be established in oversea areas utilizing space criteria authorized for NCO Open Messes, and in CONUS utilizing space allowances authorized enlisted men's service clubs.

(e) *Supplemental field ration mess funds.* Supplemental field ration mess funds may be established to administer the collection and expenditure of service charges collected from persons subsisting in a field ration mess (see AR 30–41). Service charges will not exceed the minimum required to meet expenditures for which the charge is imposed. When the balance of cash and other liquid assets at the end of any fiscal month exceeds the combined amounts of accounts payable at the end of the same date and operating expenses anticipated for the next fiscal month, service charges will be reduced as required. Expenditures

may be authorized only to supplement the field ration and to provide equipment, supplies, and services not available from appropriated funds. Supplemental field ration mess funds will not engage in the sale of subsistence, beverages, merchandise, or other services. Supplemental service charges collected will not be commingled with collections from the sale of the field ration, or surcharges. The supplemental field ration mess fund may be administered as a separate sundry fund or as an activity of an open mess fund. Accounting procedures will be as prescribed by AR 230–65. Funds will be administered in accordance with operational principles prescribed by AR 230–60.

(f) *Department of the Army Chaplain Fund and other chaplain funds.* The Department of the Army Chaplain Fund serves as a central depository to receive contributions and donations designated for the support and promotion of moral, spiritual, and social activities related to the religious program of the Army, to redistribute funds to chaplain funds at unit, organizational, or installation level, and to receive residual assets of dissolved chaplain funds. Installation, organizational, or unit chaplain funds may be established at an installation with the approval of the installation or organization commander. The receipts of such funds may be segregated according to religious denominations. Chaplain funds will be administered in accordance with AR 230–36.

(g) *Army flying club funds.* Army flying clubs are established to encourage and further the interest of military personnel in the field of aviation and to provide off-duty recreational activities for such personnel. Nonappropriated sundry funds established to administer Army flying club activities will be controlled by this section and the provisions of AR 28–95.

(h) *Other sundry funds.* Other military sundry funds (e.g., Overseas Transient Billeting Fund, AR 230–18; Bachelor Officer Quarters Fund, AR 210–14; Central Accounting Office Fund, AR 230–25; Guest House Fund; and Army Community Service Funds (AR 608–1)), may be established by an installation commander for purposes essential to the command mission, subject to compliance with this section and provisions of AR 230–60. The establishment of new sundry funds will be held to a minimum consistent with command mission. Where the establishment of a new program is contemplated, consideration will be given to the feasibility of incorporating such program, if appropriate, as an adjunct of an existing installation central post or open mess, prior to establishing a new sundry fund. This policy is also applicable to existing sundry fund activities. The establishment of civilian sundry funds within CONUS is not authorized. Income from service charges or other authorized sources will not exceed that required to finance activities for which the fund is established, and income will be expended only for the purposes for which the fund is established. Accounting procedures will be as prescribed by AR 230–65.

§ 538.5 Vocational training funds.

Vocational training funds are established at U.S. disciplinary barracks for the purpose of furthering prisoner vocational and rehabilitative training. The administration of these funds will be as prescribed in AR 210–170.

§ 538.6 Personnel.

(a) *Utilization of military personnel.* (1) Military personnel staffing of nonappropriated fund activities will be in accordance with AR 1–45.

(2) Enlisted military personnel assigned to a nonappropriate fund activity as a primary duty will be limited as to the number of hours, over and above regular duty hours, for which they may be compensated from nonappropriated funds. Such personnel may not be paid for more than 24 hours per week from nonappropriated funds.

(3) Payments from nonappropriated funds may be made to enlisted personnel for authorized voluntary services rendered during off-duty hours under the following conditions:

(i) Employment does not impair or diminish efficicency in the performance of assigned military duties.

(ii) Such compensation shall be computed at an hourly rate for work performed while in an "off-duty" status except in the payment of sports officials when appropriate per game payments may be established based on the level of competition and local officiating rates.

(iii) Hourly rates of pay shall not exceed those in effect for civilian employees performing similar services in the military community.

(4) Payments from nonappropriated funds may be made to commissioned or warrant officers for authorized voluntary services rendered during off-duty hours under the following conditions:

(i) Services shall be limited to those to be performed on an intermittent fee basis, without direct supervision and control of official superiors, such as officiating at sports events and conducting educational, religious, recreational, or entertainment activities, so that no relationship of employer and employee is created.

(ii) Engagement for such services shall be in accordance with policies, established by the major commander.

(b) *Employment of retired members of the uniformed services.* (1) As used in this section, the term "retired member" includes also those members of the uniformed services who are in a retainer pay status. Members of the uniformed services who are either retired from such service (or are in a retainer pay status) may be considered as eligible for regular full-time, part-time, temporary, or intermittent employment by a nonappropriated fund activity authorized and established pursuant to authority contained in this regulation. Action will be taken, however, to assure that such employment is on an equitable basis, in strict compliance with the principles of merit and open competition, and avoids the practice and appearance of preferential treatment. The following principles will be strictly observed before employing such member in any position for which compensation for services performed is paid from nonappropriated funds.

(i) Full consideration will be given to all eligible and qualified employees of the recruiting activity, in accordance with inservice placement and promotion procedures, before resorting to employment of retired members of the uniformed services.

(ii) Before selecting a retired member of the uniformed services for employment, recruitment for the position will be conducted in a way designed to assure that reasonable efforts are made to obtain applicants from all possible sources in a manner which will avoid any suspicion of attempts to unduly limit competition to a particular individual.

(iii) A vacancy must be well publicized and recruitment conducted over a period of time sufficient to give all interested candidates an opportunity to apply.

(iv) Qualification requirements for a position may not be established in a manner designed to give advantage to a particular individual.

(v) Every reasonable effort will be made to locate and recruit qualified candidates before appointing a retired member of the uniformed services to a position, and when selecting such retired member it must be clearly established that he is better qualified than any inservice candidate for the position.

(vi) Positions will not be held open pending the retirement of a member of the uniformed services in order to provide that person with a preferential opportunity to apply for or be appointed to the position. Active recruitment will be initiated not later than the time the position becomes vacant unless suspension of recruitment may be fully justified for management reasons unrelated to the impending retirement of a member of the uniformed services.

(vii) If the position was last occupied by the proposed appointee or any other military incumbent it must be clearly demonstrated that the proposed change to civilian incumbency is to meet a bona fide management need and not for the purpose of affording civilian employment to the proposed appointee.

(2) Appointment of transfer of retired members of the uniformed services by Army or joint Army and Air Force nonappropriated fund activities, located on Army installations, during the 180 days immediately following the member's retirement requires the prior approval of the Secretary of the Army or an official designated by him for this purpose. The Secretary's authority in these matters has been redelegated as follows:

(i) CONUS and oversea major commanders as defined in § 538.1(c) are authorized to approve appointment or transfers of retired enlisted members to a position at activities within their command jurisdiction for which the annual salary does not exceed the entrance rate for a grade GS–7 position. Appointments or transfers of retired enlisted members to positions for which the annual salary exceeds the entrance rate for a grade GS–7 position, and appointments of all retired officers (regardless of the annual salary rate) require approval at the department level. Requests for approval must be routed through channels as follows:

Through: The Adjutant General, Attention: AGMF, Department of the Army, Washington, D.C. 20315

To: The Deputy Chief of Staff for Personnel, Department of the Army, Washington, D.C. 20310.

(ii) The Chief AAFES and the Chief AAFMPS, respectively, are authorized to approve appointments of retired enlisted members to a position for which the annual salary rate does not exceed the entrance rate for a grade GS–7 position, in an AAFES CONUS Area Support Center or an AAFMPS Regional Office or subordinate field office. Appointment of retired enlisted members to positions for which the annual salary exceeds the entrance rate for a grade GS–7 position and appointments of all retired officers (regardless of the annual salary rate) to a position in an AAFES CONUS Area Support Center or an AAFMPS Regional Office or a subordinate field office are subject to the approval of the Chairman of the Board, AAFEMPS. Such requests will be submitted through the Chief, AAFES or Chief, AAFMPS, as appropriate, to: The Chairman of the Board of Directors, Army and Air Force Exchange and Motion Picture Services, Washington, D.C. 20310.

(iii) Designees may not approve appointments or transfers to a position in their own headquarters. Such action will be obtained from the next higher authority.

(iv) Records will be maintained by the requesting installation or activity and the approving authority to support each request and permit meaningful inspection by the proper authority.

(v) Requests for employment of retired members of the uniformed services will be submitted in writing and will be accompanied by a statement of the actions taken to comply with each of the policies prescribed in subparagraph (1) of this paragraph; the name, pay grade, social security number, duty station at retirement, and date of retirement of the prospective applicant; and the location, name of employing nonappropriated fund activity, date of proposed employment, job title and position, grade or simulated grade of position and the beginning rate of pay.

(3) All Army and joint Army and Air Force nonappropriated fund activities employing retired officers of the regular components of the uniformed services, or having so employed such officers on or after December 1, 1964, by initial appointment, reinstatement, or reemployment of such retired officers, will prepare and submit a report to the finance center of the uniformed services in which the officer holds retired status.

Addresses:

Commanding General, Finance Center, U.S. Army, Attention: Chief, Retired Pay Division, Indianapolis, IN 46429.
Retired Pay Department, U.S. Navy Finance Center, Cleveland, OH 44114.
Director of Allotments and Retired Pay (MR), Air Force Accounting and Finance Center, 3800 York Street, Denver, CO 80205.
Headquarters, U.S. Marine Corps, Code: CDH, Washington, D.C. 20380.
U.S. Coast Guard, Fiscal Procedure Branch, Station 616, Washington, DC 20226.

(4) A one-time report is required upon initial employment and upon separation from employment. In the case of a regular officer employed on a part-time or intermittent basis, a monthly report is required. The written report will contain the following:

(i) Title: Dual Compensation Status, Retired Officer of the Regular Service, Employed by Nonappropriated Fund Activities, RCS OSD–1218.

(ii) Name and address of employing nonappropriated fund agency.

(iii) Name, social security number of retired regular officer.

(iv) Effective date of initial employment, or date of separation from employment (separate reports required).

(v) Type of employment (identify one): Permanent, full-time; temporary, full-time; intermittent; permanent, part-time; or temporary, part-time (if intermittent or part-time, report must be submitted monthly as of the end of each calendar month, giving employment from-to date of months and years).

(vi) Signature, rank or grade, and title of nonappropriated fund or other official who is duly authorized to authenticate or approve agency payrolls.

(vii) Date of report.

(c) *Utilization of civilian personnel.* (1) Civilian employees paid from nonappropriated funds will ordinarily be utilized in the operation of nonappropriated funds and related programs. Under the provisions of the Act of June 19, 1952, 66 Stat. 138, 5 U.S.C. 2105(c), civilian employees of nonappropriated funds will not be considered employees of the United States for the purpose of any law administered by the Civil Service Commission or the provisions of the Federal Employees Compensation Act.

(2) Civilian employees of nonappropriated funds are considered essential to the operation of the military establishment and their standing as employees will not differ materially from the standing enjoyed by other civilian employees of the Department of the Army.

(3) The pay, allowances, or other emoluments for nonappropriated fund employees will not exceed the maximum annual or hourly rates authorized in the locality of employment for a GS–15 in the classified Federal Service unless specifically approved by the Department of the Army; the Board of Directors, Army and Air Force Exchange and Motion Picture Services; or the Board of Directors, Army and Air Force Civilian Welfare Fund, as appropriate.

(4) The employment of civilian personnel within the Army, compensated from nonappropriated funds authorized by this section will be without discrimination as to race, color, creed, or national origin. This policy applies to applicants for employment by such nonappropriated fund activities as well as to employees thereof.

(5) The provisions of 5 U.S.C. 5531(2) and 5531(a) preclude a full-time Federal employee from being employed concurrently as a nonappropriated fund employee. However, a Federal hourly employee having less than full-time employment could receive nonappropriated fund compensation for performing other than his Federal job so long as his total employment would not exceed 40 hours per week. A nonappropriated fund employee may be employed in more than one nonappropriated job so long as his total number of hours of employment does not exceed 40 per week.

(6) U.S. nationals employed by nonappropriated fund activities, wherever located, and foreign nationals employed by nonappropriated fund activities within the United States, its territories, possessions, and other areas subject to its jurisdiction, are forbidden by law to strike against the Government or any instrumentality thereof, to assert the right to strike against such body, or to be a member of an organization of Government employees which asserts the right to strike against the United States, knowing that such organization asserts such right (act of August 9, 1955, 69 Stat. 624, 5 U.S.C. 118p et seq.).

(7) The use of official time of civilian employees paid from appropriated funds in the operation of revenue-producing and sundry funds is prohibited. However, the official time of civilian employees paid from appropriated funds may be utilized for the—

(i) Performance of command responsibilities in the administration (including supervision, technical advice, audit, and inspection) of nonappropriated funds.

(ii) Administration or operation of military welfare programs and facilities supported partially from appropriated and nonappropriated funds, provided such employment is within the purview of the purpose for which the money was appropriated. See also AR 230–81.

(8) All civilian personnel paid from nonappropriated funds occupying other than temporary positions have reemployment rights after military service. The provisions of CPR R6 will apply to such personnel except for the right of appeal to the Civil Service Commission. In lieu of appeal to the Civil Service Commission in cases of denial to reemployment after active military service, the provisions of CPR E2 will apply to such employees, including the right of review by higher echelons up to and including the Secretary of the Army, where the regulations so provide.

(9) Any person employed and compensated from funds collected from the sale of licenses and permits to hunt and fish

at a military installation (see AR 420–74) must be considered as an appropriated fund employee subject to Civil Service Commission rules and regulations and manpower authorization documents.

(10) Employment of civilian personnel by nonappropriated fund activities authorized by this section will comply with applicable Federal Labor Laws and will conform to the labor laws of the State or U.S. Territory in which the employing activity is located, when. applicable, and will conform to the provisions of international agreements between the United States and foreign countries.

(11) Nonappropriated fund employees are entitled to benefits under the Federal Unemployment Compensation Program as set forth in AR 230–117.

(12) Executive Order 10988 (DA Bul. 3, 1962), Employee-Management Corporation in the Federal Service, is not directly applicable to Army relationships with organizations composed of employees of nonappropriated fund activities governed by this regulation. However, commanders responsible for the operation of nonappropriated fund activities at Army installations, including Army and Air Force Exchange and Motion Picture Services activities, will utilize the general provisions of CPR 700 as an administrative guide in conducting relations with nonappropriated fund activity employee organizations. Employee management relationships involving nonappropriated fund activity employees normally will be administered locally by the appropriate installation commander. Matters requiring action at departmental level pursuant to CPR 700 involving the conduct of relations with employee organizations composed of employees of nonappropriated fund activities at Army installations will be forwarded through command channels to the Deputy Chief of Staff for Personnel, Department of the Army, Washington, DC 20310. Such activities involving exchange or motion picture theater employees will be forwarded as prescribed above, but through the Chief, AAFES or the Chief, AAFMPS as appropriate. The Chief, AAFES and the Chief, AAFMPS are responsible for the resolution of employee relation matters as they may involve employees assigned to the joint Army and Air Force headquarters and subordinate service centers and elements thereof.

(13) Nonappropriated fund employees may not engage in political activities which are in violation of the Hatch Act (sec. 9, Act of Aug. 2, 1939, ch. 410, as amended, 5 U.S.C. 118i et seq.). In this connection custodians, installation and major commanders will utilize as a guide, information contained in U.S. Civil Service Commission Pamphlet No. 20 "Political Activity of Federal Officers and Employees."

(d) *Minimum wages.* (1) The Fair Labor Standards Act (FLSA) amendments of 1966, Public Law 89–601 enacted September 23, 1966 (29 U.S.C. 201 et seq.) applies the minimum wage and overtime pay provisions of the act to nonappropriated fund employees of the Armed Forces including military personnel employed during off-duty hours, effective February 1, 1967.

(2) Section 306 of the Fair Labor Standards Act provides that employees referred to in subparagraph (1) of this paragraph will be paid not less than $1.40 per hour effective February 1, 1967, and $1.60 per hour effective February 1, 1968, for services performed in a work place located within a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, the outer Continental Shelf Lands (as defined in the Outer Continental Shelf Lands Act (ch. 345, 67 Stat. 462)), American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, and Johnston Island, section 306 of the act also provides that nonappropriated fund employees in the Canal Zone shall receive basic compensation effective February 1, 1967, and thereafter of not less than the following rates:

(i) $1.00 an hour during the first year.

(ii) $1.15 an hour during the second year.

(iii) $1.30 an hour during the third year.

(iv) $1.45 an hour during the fourth year.

(v) $1.60 an hour thereafter.

(3) The minimum rate to be paid to a covered nonappropriated fund employee shall not be less than either the current minimum wage or the applicable State or municipal minimum wage rate, whichever is higher.

(4) An employee who works more than 40 hours during a given workweek shall receive not less than one and one-half times his regular basic rate of pay for all time worked in excess of 40 hours, except:

(i) One who is "employed in a bona fide executive, administrative, or professional capacity," as provided in section 13(a)(1) of the FLSA, and

(ii) Pursuant to section 7(f) of the FLSA, the 40-hour basic workweek will not apply if an employee's maximum workweek exceeds 40 hours because his duties necessitate irregular hours of work, provided an individual contract or agreement for employment (*a*) specifies a regular rate of pay of not less than the applicable minimum hourly rate and compensation is paid not less than one and one-half times such regular rate for all hours worked in excess of such maximum workweek, and (*b*) the employment contract or agreement provides a weekly guaranty of pay for not more than 60 hours based on the rates so specified.

(5) In determining the wage of a "tipped" employee, the amount paid such employee by his employer shall be deemed to be increased on account of tips by an amount determined by the employer, but in no event shall such increase be in excess of 50 percent of the applicable minimum wage rate. A "tipped" employee is defined as an employee engaged in an occupation in which he customarily and regularly receives more than $20 a month in tips.

(6) The employing nonappropriated fund activity will, where applicable, deduct both Federal income taxes and FICA taxes from a "tipped" employee's wages. Such wages for this purpose include those paid directly by the employer and the value of the employee's tips classified as wages in accordance with subparagraph (5) of this paragraph. The employer, however, will make a FICA contribution matching only those wages paid directly to the employee, exclusive of the value of tips considered as wages for purposes of compliance with the FLSA.

(e) *Cost-of-living allowances.* (1) Pursuant to Executive Order 11137, January 7, 1964, civilians employed overseas who are compensated by Army nonappropriated fund instumentalities of the United States (5 U.S.C. 2105(c)) who are citizens of the United States will receive certain base pay for allowances as prescribed herein. The Chief, Army and Air Force Exchange Service and the Chief, Army and Air Force Motion Picture Service will establish rates for employees of their respective activities. Major oversea commanders will be responsible for establishing rates applicable to employees of other nonappropriated fund activities. Payments will be subject to the following limitations:

(i) Such allowances and differentials will not exceed those established under Executive Order 10903, January 9, 1961 (CPR T7) for employees in foreign areas; and Executive Order 10000, September 16, 1948, as amended (CPR T6), for employees in nonforeign areas.

(ii) Allowances and differentials paid to nonappropriated fund employees in foreign areas and nonforeign areas shall be limited to those authorized to be paid appropriated fund employees of the Department of Defense in the same locality. except that an educational allowance may be paid as authorized in Department of State Regulations (Government Civilians, Foreign Areas).

(iii) Maximum rates applicable to foreign areas are set out in the Standardized Regulations of the Department of State, and those applicable to nonforeign areas are set out in regulations of the Civil Service Commission as published in the Federal Personnel Manual.

(2) Nonappropriated fund custodians will assure that payrolls include appropriate breakdown of allowances and differentials not subject to Federal income tax, and that these are excluded from the base pay reported on U.S. Treasury Department, Internal Revenue Service, Form W–2, "Withholding Tax Statement." Cost of living allowances are not subject to Federal income or FICA taxes.

§ 538.7 Travel and transportation.

(a) *Travel.* (1) Reimbursement for personnel travel expenses from nonappropriated funds will not exceed the rates authorized by Joint Travel Regulations.

(2) Air transportation accommodations for nonappropriated fund personnel travel will be limited to accommodations provided from appropriated funds for like travel (AR 59–41).

(3) Nonappropriated funds will not be used to defray expenses incident to official travel of military personnel and civilian employees paid from appropriated funds when such travel is conducted incidental to their duty assignments.

(b) *Transportation*—(1) *Personnel.* (i) The transportation of nonappropriated fund employees and their dependents, and the movement of household goods and privately owned motor vehicles, may be authorized on the same basis as similar service provided appropriated fund employees under the provisions of volume 2, JTR. Such transportation and shipments, however, will be provided on a reimbursable basis from the employing nonappropriated fund, or by the employee from allowances authorized for such purpose.

(ii) AR 59–12 establishes eligibility of U.S. citizen nonappropriated fund employees for travel on MAC industrially funded aircraft. Such transportation for PCS or TDY purposes will be furnished on a space-required basis with reimbursement from the employing nonappropriated fund. A U.S. citizen nonappropriated fund employee stationed overseas, when travel to the oversea area was at nonappropriated fund expense, may be authorized space available emergency leave travel when traveling on competent orders to the CONUS APOE and return in connection with the serious illness, death, or impending death of a member of his immediate family.

(iii) Although AR 55–107 does not specifically identify nonappropriated fund employees as being authorized travel via MSTS facilities, space-required travel for U.S. citizen nonappropriated fund employees is authorized when traveling on competent PCS and TDY orders. Space-available transportation is authorized for the same personnel when travel is on emergency leave orders.

(2) *Cargo.* (i) Oversea commanders will determine what nonappropriated fund items may be carried on aircraft under their organizational control on a nonreimbursable basis. These items must be determined as basically essential to the morale and welfare program after considering factors such as geographical location, climatic conditions, other sources of supply, and availability of items. Once the determination is made, these items, including all property and merchandise of the Army and Air Force Exchange Service, may be transported on space-available nonreimbursable airlift, provided air transportation is required and can be furnished from available resources. The movement document will be annotated to indicate "Nonrevenue traffic." Items not so qualifying will be transported only on a reimbursable basis at the cost tariff rate and the movement document will be annotated "Revenue Traffic."

(ii) AR 59–12 provides for the use of MAC industrially funded aircraft for transporting authorized nonappropriated fund traffic.

(iii) AR 55–167 provides for the use of MSTS for transporting authorized nonappropriated fund cargo.

(iv) DOD Regulation 4500.32–R, Military Standard Transportation and Movement Procedures (MILSTAMP) and DA Pam 55–10 provide documentation procedures for authorized nonappropriated fund shipments utilizing the military transportation system.

§ 538.8 Taxes.

(a) *Federal taxes.* Reporting and remittance of Federal taxes will be as prescribed by the appropriate Director of Internal Revenue.

(1) *Federal income tax.* Federal income tax will be withheld from compensation of civilian and off-duty military personnel employees of nonappropriated fund activities in conformance with the Internal Revenue Code as follows:

(i) Within continental United States, Alaska, and Hawaii—from compensation of all employees.

(ii) Within the possessions of the United States, including the Commonwealth of Puerto Rico—from compensation of citizens of the United States or residents of such possessions, except that withholding is not required from compensation of permanent residents of the Virgin Islands, whether or not citizens of the United States.

(iii) Within foreign countries, including the Trust Territory of the Pacific Islands—from compensation of citizens of the United States, and of citizens and residents of such countries as may be provided by treaty, convention, or executive agreement.

(2) *Federal employment taxes.* The FICA tax on wages, imposed by section 3101 of the Internal Revenue Code, will be deducted from the wages of civilian employees; and the excise tax on employers, imposed by section 3111, will be paid on such wages as follows:

(i) Within CONUS, Alaska, Hawaii, Puerto Rico, and the Virgin Islands—on wages of all civilian employees irrespective of their citizenship.

(ii) Within other areas—on wages of civilian employees who are citizens of the United States.

(iii) No deduction will be made from the wages of military personnel employed during off-duty hours.

(iv) The value of meals furnished by an employer to his employees is considered taxable wages for Federal employment tax purposes, notwithstanding the fact that such wages are excludable from the employees' gross income under section 119 of the Internal Revenue Code.

(3) *Federal occupational taxes.* Nonappropriated fund activities located in the continental United States, Alaska, and Hawaii are subject to the following occupational taxes imposed by the internal Revenue Code:

(i) *The tax on a wholesale dealer in beer, imposed by section 5111(b).* For the purpose of this tax, a military reservation constitutes a single premise so that only one tax is due irrespective of the number of locations that a nonappropriated fund activity operates on the reserve.

(ii) *The tax on a retail dealer in liquor imposed by section 5121(a).* For the purpose of this tax, a military reservation constitutes a single premise so that only one tax is due irrespective of the number of locations that a nonappropriated fund activity operates on the reservation.

(iii) *The tax on a retail dealer in beer, imposed by section 5121(b).* For the purpose of this tax, a military reservation constitutes a single premise so that only one tax is due irrespective of the number of locations that a nonappropriated fund activity operates on a reservation.

(b) *State, territorial, and local taxes.* (1) As instrumentalities of the United States, nonappropriated fund activities of the Army are entitled to the same immunity from the taxes of States, the District of Columbia, territories and possessions of the United States, the Commonwealth of Puerto Rico, and political subdivisions thereof, as is the United States.

(2) Income taxes of States and territories will be withheld from the compensation of all civilian employees whose regular place of employment is within the State or territory, when an agreement exists between the Secretary of the Treasury and the State or Territory made pursuant to the Act of July 17, 1952 (66 Stat. 765, 5 U.S.C. 84b, 84c (1952 ed.)), and Executive Order No. 10407, November 7, 1952 (17 F.R. 10132). Upon the request by, and authorization of, a civilian employee not otherwise subject to withholding of pay under these agreements, voluntary withholding of income tax may be made in favor of the State of residence if that State has entered into such a withholding agreement.

(3) Taxes of a State, the District of Columbia, or a territory of the United States upon, or measured by sales, purchases, storage, or use of gasoline or other motor fuels will be collected and paid according to the provisions of 4 U.S.C. S104.

(c) *Foreign taxes.* Nonappropriated fund activities located in foreign countries, including occupied areas and the Trust Territory of the Pacific Islands, will not pay to, nor collect for, any foreign country or political subdivision any tax unless the United States has consented to such levy collection by treaty, convention, or executive agreement.

(d) *Procedures.* Except as consistent with paragraphs (a) and (b) of this section, all matters involving the attempt to impose taxes upon, or require collection by nonappropriated fund activities by the Federal Government, a State, the District of Columbia, a territory or possession of the United States, the Commonwealth of Puerto Rico, a foreign nation, or any political subdivision thereof, will be reported in detail prior to payment or collection to The Judge Advocate General, Department of the Army, through appropriate channels. Negotiations with taxing authorities will not be conducted by any nonappropriated fund activity without the express authorization of The Judge Advocate General. The Judge Advocate General may designate any individual to negotiate with taxing authorities. For matters involving

imposition of taxes on Exchange service operations, also see AR 60–20.

§ 538.9 Sales of State tax-free beer, tobacco products, and soft drinks by nonappropriated fund activities.

(a) *Purpose and scope.* This section governs the sale of State tax-free beer, tobacco products, and soft drinks, in bulk and for consumption on the premises at Army installations. These provisions apply to all Army installations, organizations, activities, and personnel within the United States and its territories.

(b) *Explanation of terms*—(1) *Soft drinks.* The term "soft drinks" means any and all nonalcoholic beverages, whether carbonated or not, such as soda water; ginger ale; the various cola drinks; fruit juices when any plain or carbonated water, flavoring, or syrup is added; carbonated water; orangeade; lemonade; rootbeer; or any and all preparations commonly referred to as soft drinks.

(2) *Sale in bulk.* The term "sale in bulk," as applied to State tax-free beer, tobacco products, or soft drinks, means any sale of beer or soft drinks by the case or cigarettes by the carton, and also includes the sale of such articles in any lesser quantity if intended for consumption off the premises, or if in an amount which cannot be reasonably consumed on the premises by the individual purchaser.

(c) *Sales.* (1) The sale of State tax-free beer to authorized patrons in bulk or for consumption on premises is subject to the provisions of AR 210–65.

(2) The sale of State tax-free tobacco products and soft drinks in bulk or for consumption on premises is an authorized Army exchange function (see AR 60–10). Open messes are authorized to sell State tax-free tobacco products and soft drinks in less than carton and case quantities.

(3) The sale of State tax-free tobacco products through vending machines is prohibited.

PROTECTING, INSURING, AND INVESTING ASSETS; TORT AND CONTRACT CLAIMS

§§ 538.10–538.16 [Reserved]

NONAPPROPRIATED MILITARY WELFARE FUNDS

§ 538.17 General.

(a) *Purpose and scope.* This section prescribes the use of nonappropriated military welfare funds, exclusive of commandants' welfare funds, to supplement appropriated funds in contributing to the morale, welfare, and recreational programs for military personnel of the Army, and establishes procedures governing the administration of these funds. (AR 230–43 is applicable to commandants' welfare funds.) The basic policies relative to the organization of nonappropriated military welfare funds are contained in AR 230–5.

(b) *Application.* This section is directly applicable on a worldwide basis except where application outside the continental United States is specifically waived or modified. Army National Guard organizations having unit funds derived from Federal sources are subject to this section and to National Guard regulations. Commanders of major commands and the Chief, National Guard Bureau may publish appropriate procedural regulations not in conflict with this section.

(c) *Explanation of terms*—(1) *Major command.* For the purpose of this section, the terms major command and major commanders mean the CONUS armies, the Military District of Washington, the U.S. Army Air Defense Command, Department of the Army Staff agencies and other commands directly under the Department of the Army having command jurisdiction over installations, and oversea commands directly under the Department of the Army; and the commanding generals, heads, chief, and commanders in chief thereof.

(2) *Installation.* Installations include arsenals, posts, camps, stations, hospitals, depots, airfields, ports, forts, laboratories, procurement organizations, and other such establishments at which military activities are conducted under the control of the Department of the Army.

(3) *Minor revenue-producing activities.* Authorized athletic, recreational and personal service activities from which income is incidentally derived, such as bowling centers, golf courses, crafts shops, swimming pools, and recreational area activities.

(4) *Reserve component units.* Organizations of the Army Reserve, the Army National Guard, and the Army Reserve Officers' Training Corps.

(d) *Establishment and financial support.* (1) Nonappropriated military welfare funds are established at departmental, major command, installation, and unit level for the purpose of administering nonappropriated military welfare moneys to supplement the costs of benefits and services provided from appropriated funds for morale, welfare, and recreation of military personnel and incidental benefit of their dependents. Moneys may be expended from central post and major command welfare funds for support of the following activities benefiting dependents of military personnel. These expenditures are subject to determination of installation and major commanders that the use of such funds for these purposes will not adversely affect the support of morale, welfare, and recreational activities operated primarily for the benefit of military personnel.

(i) Educational assistance program as authorized in AR 350–290.

(ii) Procurement of recreational type articles and services as authorized in AR 230–5.

(iii) Army community service program as authorized in AR 608–1.

(iv) Army guest house operations.

(v) Army dependent youth activities program as authorized in AR 28–17.

(2) Income of nonappropriated military welfare funds is derived as follows:

(i) The Army portion of profits from operation of the Army and Air Force Exchange Service and the Army and Air Force Motion Picture Service, distributed as dividends to all military welfare funds of the Army. The amount and method of distribution are announced annually by the Department of the Army in appropriate directives.

(ii) Collection of nominal charges when authorized by the installation commander to assist in the support of welfare programs in accordance with AR 230–5. Such collections will be made only when the cost of conducting the program exceeds the availability of appropriated and nonappropriated fund support and only for those programs where regulations do not prohibit these collections.

(iii) Other authorized sources of income are as follows:

(*a*) Contributions and donations in accordance with AR 230–5.

(*b*) Grants from other welfare funds authorized to provide financial assistance.

(*c*) Income from investments in accordance with AR 230–8.

(*d*) Proceeds from sale of fund-owned property.

(iv) Within oversea areas, other sources of income may include net profit derived from authorized revenue producing funds, other than those cited in subparagraph (1) of this paragraph.

(e) *Council*—(1) *Appointment.* The commander responsible for the establishment of a welfare fund will appoint a council for the proper administration and supervision of the fund. Council membership should be limited, but will include at least three individuals. The council president will be designated by the appointing authority. Civilian personnel will not serve as voting members on the council but may serve as the recorder or as advisors to the council.

(i) *Command welfare funds.* Councils for command welfare funds will be composed of commissioned officers of the commander's staff who are concerned with personnel, logistics, and operations, and may be augmented by officers primarily concerned with troop morale, welfare, spiritual, and recreational programs.

(ii) *Central post funds.* Councils for central post funds will be composed of commissioned officers and/or warrant officers of the commander's staff and major troop elements at the installation who are concerned with morale, welfare, spiritual and recreational programs; and at the discretion of the installation commander, the council may include senior noncommissioned officers of major troop elements of the installation. The council should be limited to the minimum number of members consistent with representation of installation staff and major troop elements.

(iii) *Unit funds.* Councils for unit funds will be composed of at least one commissioned officer, and two noncommissioned officers and/or specialist E–4 and above. The commissioned officer will be the unit commander or one of his staff. The enlisted representatives will be members of the unit.

(iv) *Installation stockade funds.* Councils for installation stockade welfare funds will be composed of at least two commissioned officers and one noncommissioned officer, or specialist E-4 or above.

(2) *Procedures.* (i) The council will meet at least once a quarter, or more frequently when necessary, at the call of the president. Reserve component units which have had no unit fund financial transactions during the quarter are exempt from this procedure.

(ii) Proceedings of the council meeting will be recorded and will—

(*a*) Show members present and absent.

(*b*) Show actions taken.

(*c*) Include copies of financial statements of the fund, signed by the custodian, not previously entered in the record.

(*d*) Be signed by the president and the recorder.

(*e*) Be forwarded for approval to the commander who appoints the council.

(iii) The duties of a council are to—

(*a*) Ascertain that the fund is being properly administered and safeguarded. For command welfare funds and central post funds the council will direct the installation of a system of internal controls as prescribed in paragraph 2-1, AR 230-20.

(*b*) Approve budgets required by AR 230-12. Development of these program budgets is the responsibility of the special services officer and other users of the fund in coordination with the fund custodian as to format and fiscal analysis. Approval of these budgets, which are based on projected income, does not constitute expenditure authorization. Councils of unit funds are not subject to this budgetary requirement; however, councils of unit funds which are administered as isolated units (receiving augmented dividends) should prepare an annual budget for more effective use of their increased income.

(c) Determine that all income has been received in full and recorded in the books of accounts and reflected in the financial statements.

(*d*) Approve the amounts and purposes of all expenditures of the fund. Such approvals, usually for expenditures for the following quarter, may be of a general nature (such as total expenditures authorized for running a contest, fund administration, or recurring type program expenses), or may be of a specific nature (such as expenditures fo ra particular procurement of supplies, equipment, or rewards).

(*e*) Review the fund financial statements and other fund records as required to insure that all expenditures are made in accordance with approved council actions and within the purpose for which the fund was established.

(*f*) Assure the accountability of all fund-owned property, the conduct of physical inventories of such property at least annually, and recommend disposition of property surplus to requirements.

(*g*) Assure that audits are scheduled and conducted as prescribed, and review reports of audits and inspections and take appropriate action thereon.

(3) *Recorder*. A member of the fund council will be appointed as recorder who will maintain and sign the minutes of the meeting. The custodian of a unit fund may be the recorder for a unit fund council where only one commissioned officer is assigned to the unit. Where the recorder of a major command welfare fund or a central post fund is not the fund custodian his duties as recorder will not conflict with those of the fund custodian. The recorder is responsible for securing agenda items from the users of the fund and the custodian, preparation and distribution of the agenda prior to a scheduled meeting, and distribution of excerpts from the approved minutes to the users of the fund and the custodian.

(f) *Administration*—(1) *Custodian*—(i) *Appointment*. The commander of a major command or installation establishing a military welfare fund (major command welfare fund or central post fund) will designate a commissioned or warrant officer as custodian. Subject to prior approval of the appropriate major commander and where qualified military personnel are not available, a civilian employee compensated from appropriated funds may be designated as custodian. A unit commander, having established a unit fund, will appoint himself or other commissioned officer of his staff as custodian of the unit fund. Except for unit funds, the custodian will be a nonvoting member of the council.

(ii) *Duties*. The custodian is responsible to the council for fund administration, establishing internal control procedures, and the performance of duty by assistants and employees, and will, as applicable:

(*a*) Receive, safeguard, disburse, and account for funds and property in accordance with this chapter and other applicable regulations, and the policies and procedures prescribed by the council.

(*b*) Be financially liable for losses of funds and property only when dishonesty, fraud, or culpable negligence on his part is established.

(c) Assure that the accounting system is in conformity with the applicable accounting regulation.

(*d*) Cause the financial statements and operating reports of the preceding accounting period to be prepared, and attest to their accuracy.

(*e*) Be responsible for all fund records, including all accounts and records of minor income-producing activities of the fund.

(*f*) Employ, discharge, and supervise personnel assisting fund administration.

(*g*) Be responsible for maintaining adequate insurance in conformity with this part and AR 230-8.

(*h*) Advise the special services officer and other users of the fund in the development and preparation of their nonappropriated military welfare fund program budgets in accordance with AR 230-12. Prepare for and present to the Council budgetary analysis, and comments concerning regulatory requirements and limitations as they affect programed expenditures. Consolidate the budget for submission to the next higher headquarters.

(*i*) Serve, if designated, as the recorder for the fund council, without vote. As the recorder, be responsible for securing agenda items, and preparation and distribution of the agenda prior to a scheduled meeting. In addition, maintain and sign the minutes of the meeting, and prepare and distribute excerpts from the approved minutes to the special services officer and other users of the fund as appropriate.

(*j*) Serve as the fund purchasing and contracting officer.

(iii) *Relief*. When a custodian is relieved and successor custodian designated, transfer of accountability of a military welfare fund will be accomplished as follows:

(*a*) The outgoing custodian will prepare and sign the following financial statements:

(*1*) Statement of assets and liabilities.

(*2*) Statement of operations or of receipts and disbursements since the end of the period covered by the last statement of operations and net worth.

(*3*) Statement of the bank balance as of the date of transfer and reconciliation with that balance indicating unrecorded deposits and outstanding checks.

(*b*) The successor custodian will receipt for the fund and property pertaining thereto after satisfying himself of the accuracy of the statements and property records. When extensive audit is required, acceptance may be conditioned upon audit and verification.

(2) *Assistant custodian*. Military personnel or civilian personnel in supervisory positions may be designated as assistant custodians of nonappropriated welfare funds by which they are employed or with which they are assigned duties. The duties and responsibilities of the assistant custodian will be those enumerated in subparagraph (1)(ii) of this paragraph during the temporary absence from duty of the custodian.

(3) *Acting custodian*. An acting custodian will be designated when a custodian is to be absent from duty for a period of 5 to 30 days unless an assistant custodian has been appointed under the provisions of subparagraph (2) of this paragraph. A new custodian will be designated when the custodian is absent from duty longer than 30 days. Responsibility for safe-guarding assets of the fund will be transferred by duplicate receipt showing assets stated in fund records, subject to confirmation within 30 days; the originals will be retained with the records of the fund.

(d) *Interim custodian*. An interim custodian will be designated when an organization goes into combat, or simulated combat, to preclude loss of assets. The interim custodian is not authorized to make disbursements.

§ 538.18 Funds authorized.

(a) *General*. Command level determines the types of nonappropriated military welfare funds authorized, specific sources of income, and purposes for which these funds may be disbursed.

(b) *Army Central Welfare Fund*. The Army Central Welfare Fund is established by the Secretary of the Army as a central depository of nonappropriated funds from which redistributions are made to supplement appropriated funds in maintaining a well balanced welfare program for military personnel of the Army.

(1) There will be paid into the Army Central Welfare Fund—

(i) Exchange and Motion Picture Services dividends.

(ii) Residual assets including cash, securities, and proceeds from the sale of property remaining in a command welfare fund, central post fund, unit fund, book department fund, or commandant's welfare fund when the fund is dissolved except as otherwise provided for in AR 230-1.

(iii) Contributions or donations for the welfare of military personnel when a specific recipient is not designated by the donor.

(iv) Moneys or other liquid assets determined to be in excess of the needs of military welfare and revenue-producing funds.

(v) Moneys or other assets of nonmembership sundry funds (see AR 230-60) upon dissolution or when such assets are determined to be excess to the needs of such funds, but only in cases where the disposition of such assets is not otherwise specifically provided for.

(vi) All cash, securities, and proceeds from the sale of property pertaining to the Army remaining in the central welfare fund of an oversea command upon inactivation of the command.

(vii) Moneys or other liquid assets to be held in trust for other nonappropriated funds.

(viii) Interest on securities and bank accounts.

(ix) Collections in connection with the administration of centralized programs, such as the nonappropriated fund employee group health and life insurance and retirement programs.

(x) Collections for services rendered other nonappropriated funds and activities.

(2) Disbursements other than payment of dividends may be made from the Army Central Welfare Fund for—

(i) Expenses incurred in the operation of the fund.

(ii) Grants and loans in support of Department of the Army sponsored programs and projects.

(iii) Book Department grants as authorized by AR 230-43.

(iv) Indebtedness of dissolved military welfare funds, and sundry funds for which the Army Central Welfare Fund is the successor fund (subparagraph (1)(v) of this paragraph).

(v) Grants to major command welfare funds only when an additional dividend is declared by the Board of Directors, Army, Air Force Exchange, and Motion Picture Services. Annual dividends are distributed on a per capita basis.

(vi) Premiums and other costs incurred in connection with the administration of centralized programs such as the nonappropriated fund employee group life and health insurance and retirement programs.

(c) *Command welfare funds*. Command welfare funds are established by major commanders to administer funds provided from sources cited in § 538.17 (d). Command welfare funds will be used to assist in financing equitable morale and welfare programs and related activities for the benefit of military personnel included in the strengths used to compute income to the command welfare fund concerned. Disbursements are authorized for—

(1) Cost of operation of the fund.

(2) Grants to installation or organization military welfare funds within the command.

(3) Procurement of articles or services and payment of awards considered necessary for morale, welfare, and recreational programs, and related activities benefiting military personnel of the command when not available from appropriated fund sources. However, cash or property of equivalent value awarded as prizes or trophies from nonappropriated military welfare funds will be made in accordance with AR 230-5 and will not exceed a value of $25 for individual awards and $100 for team awards unless a greater value is specifically approved by the appropriate major commander.

(4) Official mission activities other than those related directly to morale, welfare, and recreation of personnel, provided—

(i) Expenditures do not exceed 1 percent of dividend income received from the Army Central Welfare Fund, within any two consecutive fiscal quarters (i.e., expenditures in a given quarter may exceed by 50 percent the 1 percent allowance for that quarter, or expenditures up to 50 percent of the allowance for a given quarter may be deferred to the next succeeding quarter, provided that total expenditures within any biquarterly period do not exceed 1 percent of dividend income in that period).

(ii) Appropriated funds are not available for support of such activities.

(iii) Expenditures are not made for the purpose of providing additional nonappropriated fund support to military personnel whose strength is reported by another command. The purpose for which these moneys may be expended, other than indicated above, shall be a matter for determination by the major commander exercising control over the command welfare fund concerned. Major commanders may suballocate to subordinate command or installation central post funds portions of the 1 percent command allowance for support of such official mission activities. Establishment of a separate fund to account for official mission activities expenditures is not authorized.

(d) *Central post funds*. Central post funds may be established by commanders of installations where two or more units are located for the purpose of providing welfare benefits for military personnel as a whole at that installation when the benefits are not available from appropriated fund sources. Welfare funds may be established at USARADCOM region, brigade, or group headquarters for the purpose of providing financial support of welfare activities normally provided by a central post fund. Disbursements are authorized for expenses related to sports, recreational, educational, religious, and welfare programs and activities including—

(1) Operating costs of the fund.

(2) Cost of equipment, supplies, and services procured for such programs and activities, and costs incident to the maintenance and repair of property so procured.

(3) Salaries and employees' benefits of civilian personnel required for such programs and activities and at rates comparable to those paid appropriated fund employees performing similar duties. Such personnel may include but are not limited to service club directors, librarians, craft directors, entertainment directors, sports directors, and nonprofessional personnel required for special service programs, provided that manpower authorizations or budgetary considerations do not permit employment of such personnel compensated from appropriated funds. See AR 230-5.

(4) Cost of providing on an installation-wide scale, those facilities, supplies, and services for which expenditures from unit funds are authorized subject to the restriction imposed by paragraph (c)(3) of this section on monetary value of awards.

(5) Payments, when necessary, to supplement appropriated funds for the establishment and operation of schools for military personnel in the fundamentals of learning.

(6) Dividends to unit funds. Income received by the central post fund for the payment of dividends will not be expended for other purposes.

(7) Official mission activities, other than those related directly to morale, welfare, and recreation of personnel, provided that funds therefore are made available by the major commander as authorized by paragraph (c)(4) of this section.

(e) *Unit funds*. (1) Unit funds authorized by AR 230-5 may be administered as single entities or by one of the following methods:

(i) Unit funds of two or more units of a battalion or comparable organization may be combined into a single consolidated unit fund account, the custodian to be designated by the battalion commander. A separate fund council will not be formed to control consolidated unit fund operations. The consolidated unit fund custodian shall be responsible only for receipt, disbursement, and accountability of funds and property pertaining to the unit funds as directed by the respective unit fund councils. The equities and identities of the individual unit funds will be segregated within the consolidated unit fund account.

(ii) Where two or more units of company size are quartered or administered so as to utilize common recreational facilities supported by unit funds, consideration may be given to designating the unit fund of a single unit to receive dividends based upon the average strength of all units involved and to support recreational needs thereof.

(iii) Reserve component unit funds will be established at levels of command where the most economical use of funds may be made to benefit all personnel.

(2) Disbursements are authorized for the following purposes, but only when equitable benefits accrue to the military personnel of the unit as a whole.

(i) Purchase of supplies, equipment, or services which contribute to the entertainment, recreation, comfort, or education of the personnel of the unit, garnishment of the unit mess, except that purchase of alcoholic beverages with an alcoholic content in excess of 3.2 percent by weight is prohibited. See AR 210.65.

(ii) Purchase of supplies, materials, or services required for the maintenance of property for which the unit fund is accountable or responsible and for emergency maintenance of Government-owned welfare and recreational property issued to the organization.

(iii) Purchase of laborsaving devices and articles not available through military supply services.

(iv) Awards of property, cash, or the equivalent thereof, as individual prizes for proficiency in military pursuits, such as Soldier of the Month, and for recreational and educational contests conducted by a fund which all members of the organization to which the fund pertains are given equal opportunity to participate. The restriction imposed by paragraph (c)(3) of this section on monetary value of awards is applicable in this instance.

(v) Purchase of authorized distinctive insignia or uniform trimmings (battalion and school insigna, etc.) for use, without reimbursement, by all eligible personnel of the unit.

(vi) Purchase of unit histories and related materials for presentation to all members of the unit, and to new members at the time of joining the unit.

(vii) Payment of expenses necessary to safeguard assets of the fund.

(3) Transfer of assets of a unit fund is authorized to—

(i) Fund of new unit when unit is redesignated.

(ii) Fund of new unit when entire organization is transferred to that unit.

(iii) New units on a pro rata basis when entire organization is reconstituted into one or more units located at the same installation, or in the case of National Guard units located in the same State.

(f) *Stockade funds.* (1) Installation stockade welfare funds may be established by installation commanders for the purpose of providing recreational benefits for military prisoners confined in installation stockades and hospital prisoner wards and to assist in their rehabilitation.

(2) Income to the fund will include regular monthly dividends distributed by the installation central post fund at per capita rates announced annually by the department of the Army, and authorized contributions.

(3) Such funds will be administered in accordance with the principles prescribed for unit funds, and will not be commingled with prisoners' personal deposit funds.

(4) Disbursements are authorized for the same items and purposes as are authorized in this chapter from central post funds and unit funds, subject to such limitations as the installation commander may impose, and provided further that stockade funds are for the exclusive benefit of military prisoners.

(g) *Inmates' welfare funds.* (1) Inmates' welfare funds may be established by installation commanders at installations having a U.S. disciplinary barracks for the purpose of providing recreational benefits for military prisoners confined in U.S. disciplinary barracks and to assist in their rehabilitation.

(2) Income to the fund will include regular monthly devidends distributed by the installation central post fund at per capita rates announced annually by the Department of the Army and by authorized contributions.

(3) Such funds will be administered in accordance with the principles prescribed for unit funds.

(h) *Isolated units.* (1) The term "isolated unit" applies to an Army organization, except USAR ADCOM units, authorized to establish a unit fund when—

(i) It is the only such organization present at a separate military installation not authorized a central post fund; or

(ii) It is located on a military installation authorized to establish a central post fund, but the geographical location of the unit or the duties of the members of the unit are such as to preclude normal use of welfare and recreational facilities financially supported by the installation central post fund.

(2) Dividends will be paid directly to isolated unit funds by a central post fund designated by the appropriate major commander for that purpose. Such dividends shall include the regularly authorized unit fund dividend, plus that dividend which is normally paid to a central post fund based on the unit average monthly strength.

(3) United States Army Air Defense Command unit funds will not be considered "isolated" units as defined in subparagraph (1) of this paragraph, and will be paid only the prescribed unit fund dividend. Dividends normally paid to a central post fund based on unit average strength will be paid to, and retained for expenditure by, the USARAD COM region, brigade, or group welfare fund established in lieu of a central post fund.

(4) Isolated units may be provided grants from the command welfare fund of the major command which exercises jurisdiction over the installation responsible for distribution of unit fund dividends to the units. USARADCOM units other than tenant units defined in paragraph (i) of this section will be provided grants from the USARADCOM welfare fund.

(5) Where members of isolated units are able to participate in some recreation and welfare activities of a nearby installation, agreement may be made between isolated unit and installation commanders whereby isolated unit funds will reimburse the central post fund for such participation.

(i) *Tenant units.* (1) The term "tenant unit" applies to the following:

(i) A military organization physically located at an installation where the organization is of a different service.

(ii) An organization physically located at an installation of the same service when the organization is under the command jurisdiction of a major commander other than the one who exercises command jurisdiction over the installation.

(2) A tenant unit which is physically located at an installation so that facilities and services provided by the installation central post fund are not readily accessible to personnel of the unit will be administered as an "isolated unit" under provisions of paragraph (h) of this section.

(3) Installation commanders are responsible for provision of welfare benefits to tenant units of other services (AR 210–53). Major commanders are responsible for insuring that each tenant unit at installations under their jurisdiction is provided welfare benefits in the same manner and to the same extent as comparable organizations of their commands.

(j) *Reserve components*—(1) *Ordered to annual active duty for training* (*AN ACDUTRA*). Reserve component organizations or units ordered to annual active duty for training will be provided nonappropriated military welfare benefits. Dividend distributions to such Reserve component organizations are authorized to provide funds for off-duty recreational purposes during the period the organization is on annual active duty for training. Retroactive distribution of such dividends, which would have the effect of accumulating additional funds for use by the organization when not on active duty, is not authorized.

(2) *Ordered to active military service.* Reserve component organizations or units ordered to active military service will be provided nonappropriated military welfare benefits in accordance with procedures established for regular Army organizations and units. Disposition of assets and property upon inactivation of the organization or unit is provided for in AR 230–1.

(3) *Not on active duty.* (i) Unit funds may be established and administered at U.S. Army Reserve training centers, as prescribed for units of the Active Army in paragraph (e) of this section for the benefit of Army Reserve personnel assigned to TOE and Troop Program TD organizations not on active duty. Army Reserve unit funds will be subject to other provisions of Army regulations governing unit funds except as indicated in this subdivision and subdivision (ii) of this subparagraph.

(ii) Army Reserve unit funds authorized in subdivision (i) of this subparagraph may engage in the operation of

vending machines to dispense food, tobacco products, and nonalcoholic beverages in Reserve training centers not located on active class I and II Army installations as provided by AR 60–10, AR 230–5, and other portions of this chapter. All items sold through vending machines will be tax paid in accordance with the laws of the State or territory of the United States within which the Reserve training center is located. The vending machines may be owned and operated directly by Army Reserve unit funds or operated under agreements with concessionaires. Income derived from the operation of such vending machines will be paid to the Army Reserve unit funds and used for the benefit of members of the units to which the funds pertain.

(iii) Where two or more unit funds are established at a single Reserve training center, a consolidated unit fund custodian may be designated pursuant to paragraph (e)(1)(i) of this section of contracting with vending machine concessionaires and to distribute the income derived therefrom to unit funds of various participating units on a per capita basis. Concessionaire contracts entered into between fund custodians and concessionaires will be in a written form prescribed by the respective commanders and will be awarded competitively.

CONTRACT CLAUSES

§ 538.19 Appendix A—Equal Employment Opportunity.

1. The contractor will not discriminate against any employee or applicant for employment because of race, religion, color, sex, or national origin. The contractor will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, color, sex, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post, in conspicuous places available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause.

2. The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualified applicants will receive consideration for employment without regard to race, religion, color, sex, or national origin.

3. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the contracting officer, advising the labor union or workers' representative of the contractor's commitments under section 202 of Executive Order No. 11246 of September 24, 1965, as amended, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

4. The contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

5. The contractor will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the contracting officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

6. In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

7. The contractor will include the provisions of paragraphs 1 through 6 in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as the contracting officer may direct as a means of enforcing such provisions including sanctions for noncompliance: *Provided, however,* That in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction by the contracting officer, the contractor may request the contracting officer to assist in the enforcement of this clause.

§ 538.20 Appendix B—Service Contract Act of 1965.

(a) *General.* The Service Contract Act of 1965 (Public Law 89–286: 79 Stat. 1035), as amended, applies to contracts entered into by the United States including contracts of nonappropriated fund activities, the principal purpose of which is to furnish services in the United States through the use of service employees as defined in paragraph (b) of this section.

(b) *Explanation of terms.* (1) "Secretary" means Secretary of Labor.

(2) The term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirements: and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(3) The term "United States" when used in a geographical sense shall include any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Outer Continental Shelf lands as defined in the Outer Continental Shelf Lands Acts, American Samoa, Guam, Wake Island, Eniwetok Atoll, Kwajalein Atoll, Johnston Island, but shall not include any other territory under the jurisdiction of the United States or any United States base or possession within a foreign country.

(c) *Contract clauses.* The following clauses shall be included in each invitation to bid, request for quotation, and any contract entered into with an Army nonappropriated fund activity, if such contract is in excess of $2,500 and the contracting officer determines that it is a contract the principal purpose of which is to obtain services in the United States through the use of service employees and that is not otherwise exempted by this part.

(1) Each service employee employed in the performance of this contract by the contractor or any subcontractor shall be paid the minimum monetary wage and shall be furnished fringe benefits in accordance with the wages and fringe benefits determined by the Secretary of Labor or his authorized representative, as specified in any attachment to this contract. If there is such an attachment, any class of service employee which is not listed therein but which is to be employed under this contract, shall be classified or reclassified and paid wages conformably to the Secretary's determination as specified in such attachment, by agreement between the interested parties, and contracting officer shall report the action to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor. If the interested parties do not agree on a classification or reclassification which is, in fact, conformable, the contracting officer shall submit the question together with his recommendation, to the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor or his authorized representative for final determination. In addition, nonservice employees shall be paid not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour as of February 1, 1968).

(2) The contractor or subcontractor may discharge the obligation to furnish fringe benefits specified in the attachment by furnishing any equivalent combinations of fringe benefits, or by making equivalent or differential payments in cash, pursuant to applicable rules of the Administrator of the Wage and Hour and Public Contracts Divisions of the Department of Labor.

(3) In the absence of a minimum wage attachment for this contract, neither the contractor nor any subcontractor under this contract shall pay any of his employees performing work under the contract (regardless of whether they are service employees) less than the minimum wage specified by section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour as of February 1, 1968). Nothing in this provision shall relieve the contractor or any subcontractor of any other obligation under law or contract for the payment of a higher wage to any employee.

(4) The contractor shall notify each service employee commencing work on this contract of the minimum monetary wage and any fringe benefits required to be paid pursuant to this contract, or shall post a notice of such wages and benefits in a prominent and accessible place at the worksite, using such poster as may be provided by the Department of Labor.

(5) The contractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services.

(6) Each contractor or subcontractor performing work subject to the Act shall make and maintain for 3 years from the completion of the work the records identified below for each service employee performing work under the contract, and shall make them available for inspection and transcription by authorized representatives of the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor.

(*a*) His name and address.

(*b*) His work classification or classifications, rate or rates of monetary wages and fringe benefits provided, rate or rates of fringe benefit payments in lieu thereof, and total daily and weekly compensation.

The Contractor and any subcontractor hereunder shall pay all of their employees engaged in performing work on the contract not less than the minimum wage specified under section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended ($1.60 per hour as of February 1, 1968), and are subject to the regulations of the Secretary of Labor thereunder (29 CFR Part 4).

(e) *Wage determinations and fringe benefits.* Minimum monetary wages and fringe benefits required under this Act will be determined by the Administrator of the Wage and Hour Public Contracts Divisions of the Department of Labor. As such determinations are issued, appropriate distribution to procurement offices will be made. Nonappropriated fund custodians should contact the installation purchasing and contracting officer for information concerning these issuances. In the absence of advice to the contrary, purchasing offices shall use the minimum wage indicated in the notice of intention submitted pursuant to paragraph (f) of this section. If no determination has been issued, the contractor is required by paragraph (c)(3) of this section of the contract clause to pay not less than the minimum wage of $1.60 specified in section 6(a)(1) of the Fair Labor Standards Act of 1938, as amended.

(c) His daily and weekly hours so worked.

(d) Any deductions, rebates, or refunds from his total daily or weekly compensation.

(7) The contracting officer may withhold or cause to be withheld from the Government Prime Contractor under this or any other Government contract such sums as are necessary to pay underpaid employees. Additionally, any failure to comply with the requirements of these clauses relating to the Service Contract Act of 1965 may be grounds for termination of his right to proceed with the contract work. In such event, the Government may enter into other contracts or arrangements for completion of the work, charging the contractor with any additional cost.

(8) The contractor agrees to insert these clauses relating to the Service Contract Act of 1965 in all subcontracts. The term "contractor" as used in these clauses in any subcontract, shall be deemed to refer to the subcontractor, except in the term "Government Prime Contractor."

(9) As used in these clauses relating to the Service Contract Act of 1965, the term "service employee" means guards, watchmen, and any person engaged in a recognized trade or craft, or other skilled mechanical craft, or in unskilled, semiskilled, or skilled manual labor occupations; and any other employee including a foreman or supervisor in a position having trade, craft, or laboring experience as the paramount requirement; and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.

(d) *Special clause.* The following clause shall be included in each invitation to bid, request for quotation, and any contract entered into with an Army nonappropriated fund activity, if such contract is for $2,500 or less, and the contracting officer determines that it is a contract the principal purpose of which is to obtain services in the United States through the use of service employees and that it is not otherwise exempted by the provisions herein:

(f) *Notice of intention.* Prior to issuing invitation for bids or commencing negotiations for any contract containing the clause set forth in paragraph (c) of this section, the issuing office shall submit a "Notice of Intention to Make a Service Contract and Response Notice" (Standard Form 98) to the Administrator, Wage and Hour and Public Contracts Divisions of the Department of Labor. Such notice shall ordinarily be submitted 30 days or more prior to the issuance of the solicitation. Where circumstances prevent submission of the notice by that time, it shall be submitted as soon thereafter as practicable. Standard Form 98 may be obtained from the General Service Administration Regional Supply Depots. The back of the form contains instructions for its completion (notwithstanding the instructions on the form, only the original and three copies shall be forwarded). Whenever detailed information which is requested is not readily available, such pertinent general information as is available should be provided. For example, if meaningful estimates of the number of service employees in various classes to be used on the contract cannot be made estimates of the total number of employees or of the numbers falling within the categories enumerated in paragraph (b) of this section should be supplied if practical .

(g) *Exemptions.* These requirements shall not apply to—

(1) Any contract of the United States or District of Columbia for construction, alteration and/or repair, including painting and decorating of public buildings or public works;

(2) Any work required to be done in accordance with the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036);

(3) Any contract for the carriage of freight or personnel by vessel, airplane, bus, truck, express, railway line, or oil, or gas pipeline where published tariff rates are in effect;

(4) Any contract for the furnishing of services by radio, telephone, telegraph, or cable companies subject to the Communications Act of 1934;

(5) Any contract for public utility services, including electric light and power, water, steam, and gas;

(6) Any employment contract providing for direct services to a Federal agency by an individual or individuals;

(7) Any contract with the Post Office Department, the principal purpose of which is the operation of postal contract stations; and

(8) Any contract exempted by the Secretary of Labor from the application of the Service Contract Act of 1965.

§ 538.21 Appendix C—Davis-Bacon Act.

(a) The Davis-Bacon Act (Act of March 3, 1931, as amended, 40 U.S.C. 276a) provides that certain contracts over $2,000 entered into by any Department for the construction, alteration, or repair (including painting and decorating) of public buildings or public works within the United States shall contain a provision to the effect that no laborer or mechanic employed directly upon the site of the work contemplated by the contract shall receive less than the prevailing wage, including basic hourly rates and fringe benefits payments, as determined by the Secretary of Labor. The provisions of the Davis-Bacon Act are applicable to contracts covering construction, alteration, and repair financed in whole or in part by nonappropriated funds, except work financed entirely by voluntary contributions or donations made to nonappropriated funds specifically to accomplish such work.

(b) Every nonappropriated fund construction contract subject to the provisions of the Davis-Bacon Act shall include the following clauses:

(1) All mechanics and laborers employed or working directly upon the worksite shall be paid unconditionally and not less often than once a week, and without subsequent deduction or rebate on any account (except such payroll deductions as are otherwise authorized), the full amounts due at time of payment computed at wage rates not less than the aggregate of the basic hourly rates and rates of payments, contributions, or costs for any fringe benefits contained in the wage determination decision of the Secretary of Labor which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or subcontractor and such laborers and mechanics. A copy of such wage determination decision shall be kept posted by the contractor at the site of the work in a prominent place where it can be easily seen by the workers.

(2) The contractor may discharge his obligation under this clause to workers in any classification for which the wage determination decision contains—

(i) Only a basic hourly rate of pay, by making payment at not less than such basic hourly rate, except as otherwise authorized.

(ii) Both a basic hourly rate of pay and fringe benefits payments, by making payment in cash, by irrevocably making contributions pursuant to a fund, plan, or program for, and/or by assuming an enforceable commitment to bear the cost of bona fide fringe benefits contemplated by the Davis-Bacon Act, or by any combination thereof. Contributions made, or costs assumed, on other than a weekly basis shall be considered as having been constructively made or assumed, during a weekly period to the extent that they apply to such period. Where a fringe benefit is expressed in a wage determination in any manner other than as an hourly rate and the contractor pays a cash equivalent or provides an alternative fringe benefit, he shall furnish information with his payrolls showing how he determined that the cost incurred to make the cash payment or to provide the alternative fringe benefit is equal to the cost of the wage determination fringe benefit. In any case where the contractor provides a fringe benefit different from any contained in the wage determination, he shall similarly show how he arrived at the hourly rate shown therefor. In the event of disagreement between or among the interested parties as to an equivalent of any fringe benefit, the custodian shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(3) The assumption of an enforceable commitment to bear the cost of fringe benefits, or the provision of any fringe benefits not expressly listed in section 2b of the Davis-Bacon Act or in the wage determination decision forming a part of the contract, may be considered as payment of wages only with the approval of the Secretary of Labor pursuant to a written request by the contractor. The Secretary of Labor may require the contractor to set aside assets, in a separate account, to meet his obligations under any unfunded plan or program.

(4) The custodian shall require that any class of laborers or mechanics which is not listed in the wage determination decision and which is to be employed under the contract shall be classified or reclassified conformably to the wage determination decision, and shall report the action taken to the Secretary of Labor. If the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers or mechanics to be used, the custodian shall submit the question, together with his recommendation, to the Secretary of Labor for final determination.

(5) In the event it is found by the custodian that any laborer or mechanic employed by the contractor or any subcontractor directly on the site of the work covered by this contract has been or is being paid at a rate of wages less than the rate of wages required by this clause, the custodian may (i) by written notice to the Government Prime Contractor terminate his right to proceed with the work, or such part of the work as to which there has been a failure to pay said required wages, and (ii) prosecute the work to completion by contract or otherwise, whereupon such contractor and his sureties shall be liable to the Government for any excess costs occasioned the Government thereby.

(6) Subparagraphs (1) through (5) of the clause shall apply to this contract to the extent that it is (i) a prime contract with the Government subject to the Davis-Bacon Act or (ii) a subcontract also subject to the Davis-Bacon Act under such prime contract.

(c) The provisions of this section are applicable to all contracts negotiated after December 5, 1968.

For the Adjutant General.

R. B. BELNAP,
Special Advisor to TAG.

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Title 7—AGRICULTURE

Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

Pursuant to the authority conferred upon the Director of the Agricultural Quarantine Inspection Division by § 354.1 of the regulations concerning overtime services relating to imports and exports (7 CFR 354.1), effective May 1, 1971 (36 F.R. 8235), administrative instructions (7 CFR 354.2), effective May 19, 1970, as amended October 28, 1970, January 19, 1971, and April 7, 1971 (35 F.R. 7689, 16678, 36 F.R. 823, 6559), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, are hereby amended by adding to and deleting from the "lists" therein as follows:

§ 354.2 Administrative instructions prescribing commuted traveltime.

WITHIN METROPOLITAN AREA

ONE HOUR

Add: Portland, Maine.
Add: Providence, R.I.
Add: Wilmington, Del.

* * * * *

OUTSIDE METROPOLITAN AREA

ONE HOUR

Delete: Olympia, Wash. (served from McChord AFB, Wash.).

TWO HOURS

Add: Mayaguez, P.R. (served from Ramey AFB, P.R.).

Add: Olympia, Wash. (served from McChord AFB, Wash.).

THREE HOURS

Delete: Mayaguez, P.R. (served from Ramey AFB, P.R.).

Delete: Any undesignated Washington port served from Astoria or Portland, Oreg., or from Seattle, Wash.

Add: Any undesignated Washington port served from Astoria or Portland, Oreg., or from McChord AFB, or Seattle, Wash.

FOUR HOURS

Add: Grays Harbor, Wash. (served from McChord AFB, Wash.).

Add: Willapa Bay, Wash. (served from McChord AFB, Wash.).

SIX HOURS

Delete: Port Angeles, Wash. (served from Seattle, Wash.).

Add: Port Angeles, Wash. (served from McChord AFB, or Seattle, Wash.).

* * * * *

These commuted traveltime periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime or holiday duty when such travel is performed solely on account of such overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Agricultural Quarantine Inspection Division. It is to the benefit of the public that this amendment be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this amendment are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making this amendment effective less than 30 days after publication in the FEDERAL REGISTER.

(64 Stat. 561; 7 U.S.C. 2260)

This amendment shall become effective upon publication in the FEDERAL REGISTER (5-25-71).

Done at Hyattsville, Md., this 20th day of May 1971.

[SEAL] T. G. DARLING,
Acting Director, Agricultural Quarantine Inspection Division.

[FR Doc.71-7267 Filed 5-24-71;8:50 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4), Revision II)

BEEF BREEDING CATTLE

The regulations contained in Subpart A, Part 1488, Title 7, Code of Federal Regulations, governing the CCC Export Credit Sales Program, are amended to include a revised Supplement I which incorporates minor changes in specifications and certain other clarifying changes with respect to the export financing of beef breeding cattle, as follows:

SUPPLEMENT I—BEEF BREEDING CATTLE

Sec.
A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after delivery.
D. Miscellaneous.
E. Dual purpose breeds.

Exhibit I—Females.
Exhibit II—Bulls.

Appendix I—Performance Testing.
Appendix II—Specifications for Official U.S. Standards for Grades.

AUTHORITY: The provisions of this Supplement I issued under sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for beef breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) for registered bulls, $1,200 each or, with prior approval of the Assistant Sales Manager for Export Credit, $2,500 if performance has been superior to the performance records specified in Exhibit II to this supplement; (b) for registered females, $600 each or, with prior approval of the Assistant Sales Manager for Export Credit, $1,000 if performance has been superior to the performance records specified in Exhibit I to this supplement; (c) for nonregistered females, an average, for the sale, of $450 each or, with prior approval of the Assistant Sales Manager for Export Credit, $650 if performance has been superior to the performance records specified in said Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), or (c) of this paragraph A.1 and the contract price for the individual animal, if registsered, or the average contract price for the individual animal, if nonregistered, shrll not be included as part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progeny of a nationally recognized beef cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal.

(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the beef breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (10), applications for financing export credit sales of beef breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for beef breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.9(a) (1), (2), (3, (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate animal identification lists for registered animals and for nonregistered animals, containing the following information:

(a) Identifiction number;

(b) For each registered animal, shown separately opposite the identification number, the sales price as specified in the sales invoice;

(c) For nonregistered animals, shown for each lot group by identification number, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Performance records for animals for which a higher maximum port value has been approved by the Assistant Sales Manager for Export Credit as provided in paragraph A.1.

3. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assigned to CCC.

4. A certification by the exporter that the documents specified in paragraph D of this supplement have been furnished to the importer.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter:

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(a) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has appropriately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification numbers and stating that the service bull was a registered bull of the same beef cattle breed as the female to which bred. (See Exhibit I.)

3. The certificate issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation grade, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age, except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

E. *Dual purpose breeds.* When dual purpose breeds[1] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply.

EXHIBIT I TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[2]

Breed

a. Angus.
b. Hereford.
c. Polled Hereford.
d. Charolais.
e. Santa Gertrudis.
f. Shorthorn.
g. Polled Shorthorn.
h. Brahman.
i. Milking Shorthorn.[2]
j. Red Poll.[2]
k. Other beef cattle breeds described in Farmers' Bulletin No. 228 entitled "Beef Cattle Breeds", issued January 1968.

2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age[4]

1. Calf—(7 to 12 months).
2. Yearly open—(12 to 18 months).
3. Heifer open—(18 to 24 months).
4. Bred heifer—(18 to 36 months).
5. Bred cow—(24 to 48 months).
6. Mature cow—(24 to 48 months).[5]

General requirements:

A. *Health.*[6]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State of Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

B. *Minimum Weight.*[7]

1. Calf—(7 to 12 months) 400 pounds.

2. Yearling Open—(12 to 18 months) 500 pounds.

3. Heifer open—(18 to 24 months) 600 pounds.

4. Bred heifer—(18 to 24 months) 700 pounds (24 to 36 months) 800 pounds.

5. Bred cow—(24 to 36 months) 800 pounds (36 to 48 months) 950 pounds.

6. Mature cow—(24 to 36 months) 800 pounds (36 to 48 months) 950 pounds.[5]

C. *Minimum Conformation.* Choice.[7]

All nonregistered females must be dehorned or naturally polled unless otherwise specified in the application. Horn stubs in excess of 1 inch will not be acceptable on dehorned cattle.

D. *Performance Records.*[8] (Optional, unless specified.) (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.6 pounds per day.

2. Minimum adjusted daily gain to weaning of offspring 1.6 pounds per day (if appropriate).

E. *Statement of Service or Other Requirement.*

1. Bred females must have been bred to a registered bull of the same breed and the calf from a registered female must be eligible for registration.[9]

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[1] Milking Shorthorn and Red Poll.

[2] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (see paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by the C&MS agent.

[4] Certification by C&MS agent.

[5] See E3 of the Exhibit I.

[6] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[7] Certification furnished by Livestock Division, C&MS, USDA. Conformation grade to be based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[8] Official State records or National Breed Association records, or Performance Registry International records.

2. Bred females must be at least 2 months but no more than 6 months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least 2 months pregnant but may be up to 8 months pregnant with veterinarian approval.[10]

3. Mature cows not qualifying as "bred cows", to be eligible for financing hereunder, must be lactating and have their offspring not in excess of approximately 5 months of age at side at time of inspection by C&MS. Such calves, though not eligible for financing, may be supplied along with the parent cow if facilities for their care and safe transportation to destination point are adequate.

EXHIBIT II TO SUPPLEMENT I

USDA APPROVED BEEF BREEDING CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchase).

Breed[1]

1. Angus.
2. Hereford.
3. Polled Hereford.
4. Charolais.
5. Santa Gertrudis.
6. Shorthorn.
7. Polled Shorthorn.
8. Brahman.
9. Milking Shorthorn.[2]
10. Red Poll.[2]
11. Other beef cattle breeds described in Farmers' Bulletin No. 2228 entitled "Beef Cattle Breeds", issued January 1968.

Option B (to be specified by purchaser).

Age[3]

1. Bull calf—(7 to 12 months).
2. Yearling bull—(12 to 18 months).
3. Bull—(18 to 24 months).
4. Mature bull—(24 to 48 months).

General Requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected, and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks and ringworm or freed from the same.

B. *Minimum Weight.*[5]

1. 7 to 12 months, 470 pounds.
2. 12 to 18 months 790 pounds.
3. 18 to 24 months 1,100 pounds.
4. Over 24 months 1,350 pounds.

C. *Minimum Conformation.* Prime.[5]

D. *Performance Records.*[6] (Optional, unless specified). (See attached Appendix I to Exhibits I and II.)

1. Minimum adjusted daily gain to weaning 1.9 pounds per day.

E. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age,[7] except that for Santa Gertrudis and Brahman cattle the certification shall be for bulls over 18 months of age.

APPENDIX I TO EXHIBITS I AND II

PERFORMANCE TESTING

Performance testing is known by several names in the United States, but practically all organizations evaluate similar characteristics in beef cattle. The principal factors used in evaluating performance are growth rate and conformation, but not necessarily both. Animals which are tested are weighed at birth and again at weaning. The weaning weight is adjusted to an equivalent of 205 days of age and is also adjusted depending on the age of the dam. This is done to make weights of calves from first-calf heifers comparable to weights of calves from older cows.

The adjusted daily gain from birth to weaning is indicative not only of inherited gaining ability but also of the milking ability of the dam.

APPENDIX II TO EXHIBITS I AND II

SPECIFICATIONS FOR OFFICIAL UNITED STATES STANDARDS FOR GRADES OF CATTLE (STEERS, HEIFERS, AND COWS)[1]

Prime

Cattle which possess typical minimum qualifications for the Prime grade are very thickly muscled throughout. They are wide through the chest with well sprung ribs and are moderately wide and thick through the crops, back and loin. The rounds tend to be thick and the twist is moderately deep. They have large, rugged frames with moderately large but refined bone.

Choice

Cattle which possess typical minimum qualifications for the Choice grade are thickly muscled throughout. They are moderately wide through the chest with a moderate spring of ribs and are slightly wide and thick through the crops, back and loin. The rounds are slightly thick and the twist is slightly deep. They have moderately large, rugged frames, and the bone usually is moderately large, but may be slightly fine or slightly large and course.

Effective date. This Supplement I to Regulations GSM-4, as revised, shall be effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on May 19, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

[FR Doc.71-7164 Filed 5-19-71;2:08 pm]

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM-4), Revision III

DAIRY BREEDING CATTLE

The regulations contained in Subpart A, Part 1488, Title 7, Code of Federal Regulations, governing the CCC Export Credit Sales Program, are amended to include a revised Supplement II which incorporates minor changes in specifications and certain other clarifying changes with respect to the export financing of dairy breeding cattle, as follows:

SUPPLEMENT II—DAIRY BREEDING CATTLE

Sec.
A. Additional definitions.
B. Submission of applications for financing.
C. Additional documents required after delivery.
D. Miscellaneous.
E. Dual purpose breeds.

Exhibit I—Females.
Appendix to Exhibit I.
Exhibit II—Bulls.
Appendix to Exhibit II.

AUTHORITY: The provisions of this Supplement II issued under sec. 5(f), 62 Stat. 1072, 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a.

A. *Additional definitions.* 1. "Port value" means the net amount of the exporter's sales price for dairy breeding cattle to be exported under the financing agreement, basis f.a.s. or f.o.b. export carrier at U.S. ports, at U.S. border points of exit, or at U.S. airports if shipped by air. The point of exportation for animals shall be designated by the Agricultural Research Service, U.S. Department of Agriculture. The port value shall not include the ocean freight for a c. & f. sale or ocean freight and marine and war risk insurance for a c.i.f. sale, and shall also not include any animal care or servicing cost incurred after such animals are loaded aboard the export carrier. The net amount of the exporter's sales price means the contract price for the animals less any payments made by the importer and less any discounts, credits, or allowances to the importer. Such net amount shall not exceed (a) $1,320 each for registered bulls which have an Acceptable performance index as set out in paragraph D.1, Exhibit II to this supplement, or, with prior approval of the Assistant Sales Manager for Export Credit, $2,750 if such animal has a Superior performance index as set out in paragraph D.2 of Exhibit II; (b) $825 each for registered females which have an Acceptable performance index as set out in paragraph D.1, Exhibit I to this supplement, or with prior approval of the Assistant Sales Manager for Export Credit, $1,320 if such animal has a Superior performance index as set out in paragraph D.2 of Exhibit I; (c) with prior approval of the Assistant Sales

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[9] Must be certified to by the breeder of the female at time of sale to exporter.

[10] Certification of pregnancy shall be issued by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual Purpose Breeds (see paragraph E, Supplement I or II).

[3] Certification by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agriculture Research Service, USDA.

[5] Certification furnished by Livestock Division, C&MS, USDA, Conformation grade based on the muscling requirements of the official USDA Feeder Cattle Standards. (See Appendix II attached.)

[6] Official State records or National Breed Association records, of Performance Registry International records.

[7] Certification must be issued by an accredited veterinarian.

[1] Adapted from Service and Regulatory Announcement C&MS 183, issued March 1965. A copy of this publication and charts picturing the grades of feeder cattle may be obtained upon request from the Livestock Division, C&MS, USDA, Washington, D.C. 20250.

Manager for Export Credit, $1,320 each for registered mature cows which have a Superior performance index as set out in paragraph D.3, of Exhibit I; (d) with prior approval of the Assistant Sales Manager for Export Credit, $825 each for nonregistered mature cows which have a Superior performance index as set out in paragraph D.3, of Exhibit I; or (e) $660 average for the sale of nonregistered females, other than mature cows with a Superior performance index, if each such animal has an Acceptable performance index as set out in paragraph D.1 of Exhibit I. The difference, if any, between the maximum net amount specified in (a), (b), (c), (d), or (e) of this paragraph A.1 and the contract price for individual registered animals or nonregistered mature cows with a Superior performance index, or the average contract price for nonregistered females, other than mature cows with a Superior performance index, shall not be included as a part of the port value.

2. "Producer" means the person holding legal title to the animal at time of birth and who has had continuous ownership of such animal until sold for export under an approved financing agreement.

3. "Bred female" means either a bred heifer or bred cow as set forth in Exhibit I, Option B, which has been certified to as pregnant at the time of inspection.

4. "Breeder" means the person holding legal title to the female animal at the time she was served to qualify such animal hereunder as a bred female.

5. "Eligible animal" means an animal which meets all the following requirements:

(a) The animal must be the progency of a nationally recognized dairy cattle breed (Exhibits I and II);

(b) The animal must have been owned by a person who had continuous title to such animal for a period of at least 90 days immediately before acquisition by the exporter, unless the exporter is the producer of the animal;

(c) The animal must, at the time of export, be individually identified by an eartag, a legible ear tattoo symbol, or a firebrand and ranch holding brand symbol acceptable to USDA testing authority as an authentic identification symbol for such animal. The term "identification number(s)" as used herein shall also include ear tattoo symbol and firebrand and ranch holding brand symbol.

(d) The animal must qualify under the specifications of Exhibit I for females and Exhibit II for bulls.

6. "Registered animal" means an eligible animal which the appropriate national breed association has officially registered or otherwise classified as a purebred animal of that breed. Such animal must be marked with a legible tattoo or brand which corresponds with the number shown in the certificate of registration or other official document issued by the appropriate national breed association.

7. "Nonregistered animal" means an eligible animal, whether or not purebred, which is predominantly of the color characteristics and body conformation of the dairy breed stated in the contract between the exporter and the importer. (See Exhibits I and II.)

B. *Submission of applications for financing.* 1. In addition to the information required by § 1488.3(c) (2) through (10), applications for financing export credit sales of dairy breeding cattle shall include the following:

(a) A general description by breed of the animals to be exported, separately describing the animals under the following classes:

(1) Registered bulls;
(2) Registered bred females;
(3) Registered unbred females;
(4) Nonregistered bred females; and
(5) Nonregistered unbred females.

(b) A statement that such animals will conform to the general specification requirements set forth in Exhibits I or II, as applicable to the class of animals to be exported.

2. In addition to the justifications specified in § 1488.3(d), a financing period in excess of 12 months but not in excess of 36 months for dairy breeding cattle may be justified when it will result in the use by the importer, or by purchasers from the importer, of the animals in the destination country under conditions which will promote expanded demand for additional breeding animals or feed stuffs from the United States.

C. *Additional documents required after delivery.* In addition to the documents specified in § 1488.9(a) (1), (2), (3), (4), (6), and (7), the exporter shall submit the following documents to the Treasurer, Commodity Credit Corporation:

1. Separate identification lists for each group of animals described in paragraphs A.1 (a), (b), (c), (d), and (e) of this supplement, containing the following information:

(a) Identification number;

(b) For each registered animal or nonregistered mature cow with a Superior performance index, shown separately opposite the identification number, the sales prices as specified in the sales invoice;

(c) For nonregistered females other than mature cows with a Superior performance index, shown for each lot group by identification list, the average sales price per animal based on the sales invoice for such nonregistered animals.

2. Production Performance Index records as follows:

(a) For registered bulls the applicable Acceptable or Superior performance index records of Sire and Dam as described in paragraph D.1 or D.2 of Exhibit II;

(b) For registered females if applicable the Superior performance index records of Sire and Dam as described in paragraph D.2 of Exhibit I;

(c) For registered or nonregistered mature cows if applicable, the Superior performance index records of Sire and Dam as described in paragraph D.3 of Exhibit I.

3. A certification by the exporter that animals of the description in the exporter's sales contract have been delivered, and that the exporter knows of no defenses to the account receivable assignd to CCC.

4. A certification by the exporter that the documents specified in paragraph D of this supplement have been furnished to the importer.

D. *Miscellaneous.* The following documents or certifications, as applicable, shall be furnished to the importer by the exporter.

1. The certificates issued by an agent of the Consumer and Marketing Service, U.S. Department of Agriculture, as to official registration of the animal(s) and listing the identification number(s) and corresponding registration certificate number(s) for each registered animal showing that such numbers have been verified as legible and accurate for such animal, and that the person holding legal title to the animal at the time of export sale has approximately executed such certificate for transfer to the party designated by the importer. (See Exhibit I or II.)

2. A certification by the breeder of females sold as "bred females" showing the identification numbers and stating that the service bull was a registered bull of the same dairy cattle breed as the female to which bred. (See Exhibit I.)

3. The certificates issued or endorsed by the Animal Health Division, Agricultural Research Service, listing the identification number(s) and showing that such animal has been inspected for compliance with "Health" requirements. (See Exhibit I or II.)

4. The certificates issued by the Consumer and Marketing Service listing the identification number(s) for each animal showing for such animal compliance with breed, age, weight, and conformation specifications, for the class, as shown in Exhibit I or II, as applicable.

5. Certificates issued by a veterinarian accredited by the Agricultural Research Service, showing that bred females, sold as such, were examined and found to be with calf at time of inspection.

6. A semen certification by a veterinarian accredited by the Agricultural Research Service, for bulls over 1 year of age.

E. *Dual purpose breeds.* When dual purpose breeds[6] are eligible for financing under the provisions of both Supplement I and Supplement II to GSM-4, as revised, the exporter has the option of qualifying such animals under the provisions of either supplement. Such option must be stated in the application filed pursuant to § 1488.3. In the event such dual purpose breeds are approved for export hereunder, the provisions of this supplement shall apply with the exception that the Assistant Sales Manager for Export Credit is authorized, at the request of the applicant, to establish a minimum weight schedule and DHIR Milk Production Breed Average.

EXHIBIT I TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—FEMALES

Option A (to be specified by purchaser).

1. Registered.[1]

Breed

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

2. Nonregistered.[3]

Predominant Breed

(Specify from breed above.)

Option B (to be specified by purchaser).

Age[4]

1. Calf—(6 to 12 months).
2. Yearling open—(12 to 18 months).
3. Heifer open—(18 to 30 months).
4. Bred heifer—(18 to 30 months).
5. Mature cow—(24 to 48 months).

General requirements:

A. *Health.*[5]

1. Tested negative for tuberculosis within 30 days of loading aboard export carrier.

2. Tested negative for brucellosis within 30 days of loading aboard export carrier, or is an official vaccinate under 30 months of age.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinder-pest has never occurred.

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[6] Milking Shorthorn and Red Poll.

[1] Animals must be officially registered with the appropriate National Breed Association and be so certified by C&MS agent.

[2] Dual purpose breeds (see paragraph E, Supplement I or II).

[3] Nonregistered animals will be certified for breed by C&MS agent.

[4] Certification by C&MS agent.

[5] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service.

4. Animals come from farms that have not been under State or Federal quarantine for any communicable disease during the past year.

5. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto, and free of mites, ticks, and ringworm or freed from the same.

6. Mature cows must be physically examined at time of inspection for the presence of mastitis by manipulating and stripping the udder and found not to have evidence of such infection. The exporter, at his option, may require the person from whom he purchases a mature cow to supply additional evidence of non-mastitis infection as he sees fit.

B. *Minimum Weight.*[6]

1. *Registered Animals.*

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	360	295	260
b. 8 months	470	385	340
c. 10 months	565	455	410
d. 12 months	640	525	470
e. 14 months	710	585	520
f. 16 months	775	635	555
g. 18 months	835	685	600
h. 20 months	900	745	645
i. 22 months	970	790	695
j. 24 months	1,015	845	735
k. 26 months	1,045	870	760
l. 28 months	1,070	895	780
m. 30 months	1,090	910	790
n. 36 months and over	1,180	990	865

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

2. *Nonregistered animals.*

Class	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. Calf	360	295	260
b. Yearling Open	640	525	470
c. Heifer Open	835	685	600
d. Heifer Bred	835	685	600
e. Mature Cow	1,015	845	735

C. *Minimum Conformation.*[6]

All animals must meet the minimum body conformation specifications as described in Appendix to this Exhibit I.

D. *Production Performance Index.*[7]

1. *Acceptable.* An Acceptable performance index for *Registered* or *Nonregistered Females* will be considered to exist if such animals meet the minimum conformation of Item C above.

2. *Superior.* A Superior performance index for a *Registered Female* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference[8] equal to 2 percent of DHIR breed average as shown in item E below, or in the event the Sire does not have a summary, his Sire has a predicted difference (+500 pounds)[8] and

(b) *Dam* has a DHI or DHIR record[9] equal to 10 percent above the DHI breed average as shown in item E below.

3. *Superior.* A Superior performance index for a *Registered* or *Nonregistered Mature Cow* will be considered to exist if such animal has a DHI production record[9] 15 percent above the DHIR breed average as shown in item E below.

E. *DHIR Milk Production Breed Averages (Mature Equivalent).*

The following breed averages are applicable to these specifications:

Breed	Breed average	2 percent of breed average	10 percent of breed average	15 percent of breed average
		Pounds		
Ayrshire	11,112	222	1,111	1,666
Brown Swiss	12,203	244	1,220	1,830
Guernsey	9,632	192	963	1,444
Holstein	13,943	278	1,394	2,091
Jersey	8,853	177	885	1,328

F. *Statement of Service.*

1. Bred females must have been bred to a registered bull of the same breed.[10]

2. Bred females must be at least 2 months pregnant but no more than 6 months pregnant at time of inspection when being shipped by vessel. If shipped by air, bred females must be at least 2 months pregnant but may be up to 8 months pregnant with veterinarian approval.[11]

APPENDIX TO EXHIBIT I

MINIMUM BODY CONFORMATION SPECIFICATION FOR FEMALES

In addition to meeting the minimum weight for the breed as specified in Exhibit I, the animal shall possess femininity, normal breed conformation, quality, and body capacity. She shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with the legs straight, strong, and well set. The mammary system, if sufficiently developed, shall be strongly attached, well balanced and of fine texture. The teats shall be of acceptable size. There shall be no evidence of lameness or other serious body defects. She shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Females officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

EXHIBIT II TO SUPPLEMENT II

USDA APPROVED DAIRY CATTLE EXPORT SPECIFICATIONS—BULLS

Option A (to be specified by purchaser).

Breed[1]

a. Ayrshire.
b. Brown Swiss.
c. Guernsey.
d. Holstein.
e. Jersey.
f. Milking Shorthorn.[2]
g. Red Poll.[2]

Option B (to be specified by purchaser).

Age[3]

a. Calf—(6 to 12 months).
b. Yearling—(12 to 18 months).
c. Young bull—(18 to 24 months)
d. Mature bull—(24 to 48 months).

General requirements:

A. *Health.*[4]

1. Tested negative for tuberculosis and brucellosis within 30 days of loading aboard export carrier.

2. Animals come from farms that have not been under quarantine for any communicable disease during the past year.

3. Certified that the United States is a country where foot-and-mouth disease has not existed since 1929, contagious bovine pleuropneumonia has not existed since 1892, and rinderpest has never occurred.

4. Animals have been inspected and found sound (including freedom from blindness, structural defects, etc.), free of evidence of communicable disease and exposure thereto and free of mites, ticks and ringworm or freed from the same.

B. *Minimum Weight.*[5]

Age[1]	Holstein and Brown Swiss	Guernsey and Ayrshire	Jersey
a. 6 months	450	370	315
b. 8 months	585	480	410
c. 10 months	710	555	490
d. 12 months	820	655	565
e. 14 months	930	755	645
f. 16 months	1,040	840	745
g. 18 months	1,155	920	815
h. 21 months	1,320	1,065	950
i. 24 months	1,455	1,210	1,050
j. 27 months	1,570	1,310	1,140
k. 30 months	1,670	1,395	1,215
l. 36 months and over	1,840	1,545	1,350

[1] Minimum weights for ages between the ages shown shall be determined proportionately.

C. *Minimum Conformation.*[5]

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[6] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit I attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

[7] DHI or DHIR milk production records mature equivalent based on 305-day, two times day milking.

[8] Source: USDA-DHI Sire Summary Records—Agricultural Research Service.

[9] Source: Breed Association, or Dairy Records Processing Center serving the DHI Association where tested.

[10] Must be certified to by the breeder of the female at time of sale to exporter.

[11] The certification of pregnancy shall be by an accredited veterinarian.

[1] All animals for delivery under these specifications must be officially registered with the appropriate National Breed Association and be so certifiea by C&MS agent.

[2] Dual purpose breeds (see paragraph E, Supplement I or II).

[3] Certified by C&MS agent.

[4] Certification or endorsement furnished by Animal Health Division, Agricultural Research Service, USDA.

[5] Certification or endorsement furnished by Livestock Division, C&MS, USDA. Conformation specifications to be based on standards as set out in Appendix to Exhibit II attached. Weights may be determined by weighing or by estimates using a girth measurement tape.

All animals must meet the minimum body conformation as described in Appendix to Exhibit II.

D. *Production Performance Index.*[8]

1. *Acceptable.* An Acceptable performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference,[7] and

(b) *Dam* has a DHI or DHIR record[6] 10 percent above the DHIR breed average as shown in item E below.

2. *Superior.* A Superior performance index for a *Registered Bull* will be considered to exist if:

(a) *Sire* has a Plus (+) USDA Predicted Difference[7] equal to 2 percent of DHIR breed average as shown in item E below, and

(b) *Dam* has a DHI or DHIR record[6] 20 percent above the DHIR breed average as shown in item E below.

E. *DHIR Milk Production Breed Averages (Mature Equivalent).*

The following breed averages are applicable to these specifications:

Breed	Breed average	2 percent of breed average	10 percent of breed average	20 percent of breed average
	Pounds			
Ayrshire	12,556	251	1,255	2,511
Brown Swiss	13,187	264	1,318	2,637
Guernsey	10,483	210	1,048	2,096
Holstein	15,204	304	1,520	3,040
Jersey	9,465	189	946	1,893

F. A semen check indicating at least 60 percent sperm motility must be supplied for bulls over 1 year of age.[9]

APPENDIX TO EXHIBIT II

MINIMUM BODY CONFORMATION SPECIFICATIONS FOR BULLS

In addition to meeting the minimum weight for the breed as specified in Exhibit II, the animal shall possess masculinity, normal breed conformation, quality, and body capacity. He shall have the general appearance of thrift and vitality with eyes bright and ears alert. The feet and legs shall be well formed with legs straight, strong, and well set. There shall be no evidence of lameness or other serious body defects. He shall possess normal dairy character by showing a lack of obvious excess fatty condition for the age class. Bulls officially classified by the respective breed association as "Good Plus" (or equivalent) or higher shall be acceptable if found at time of inspection not to have developed a physical defect in conflict with the above-stated conditions.

Effective date. This Supplement II to Regulations GSM–4, as revised, shall be effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on May 19, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

[FR Doc.71-7163 Filed 5-19-71;2:08 pm]

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[6] DHI or DHIR milk production records. Mature equivalent based on 305-day, two times day milking.

[7] Source: USDA-DHI Sire Summary Records, Agricultural Research Service.

[8] Source: Breed Association or Dairy Records Processing Center serving the DHI Association where tested.

[9] Certification must be issued by an accredited veterinarian.

PART 1488—FINANCING OF SALES OF AGRICULTURAL COMMODITIES

Subpart A—Financing of Export Sales of Agricultural Commodities From Private Stocks Under CCC Export Credit Sales Program (GSM–4, Revision II)

BEEF AND DAIRY BREEDING CATTLE

The regulations governing the CCC Export Credit Sales Program, as revised and published in the FEDERAL REGISTER on April 22, 1971 (36 F.R. 7597–7602), and amended May 19, 1971, and published in the FEDERAL REGISTER on May 25, 1971 (36 F.R. 9437–9442), are further amended to provide that wherever "Assistant Sales Manager for Export Credit" and "Director, CCC Credit Sales Division, EMS" are used, there shall be substituted "Assistant Sales Manager for Commercial Credit and Barter."

(Sec. 5(f), 62 Stat. 1072; 15 U.S.C. 714c; sec. 407, 63 Stat. 1055, as amended, 7 U.S.C. 1427; sec. 4, 80 Stat. 1538, 7 U.S.C. 1707a)

Effective date. This amendment shall be effective upon filing with the Office of the Federal Register.

Signed at Washington, D.C., on May 20, 1971.

CLIFFORD G. PULVERMACHER,
Vice President, Commodity Credit Corporation, and General Sales Manager, Export Marketing Service.

[FR Doc.71-7262 Filed 5-20-71;3:59 pm]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 78—BRUCELLOSIS

Subpart D—Designation of Modified Certified Brucellosis Areas, Public Stockyards, Specifically Approved Stockyards, and Slaughtering Establishments

MODIFIED CERTIFIED BRUCELLOSIS AREAS

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended; sections 1 and 2 of the Act of February 2, 1903, as amended; and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111–113, 114a–1, 120, 121, 125), § 78.13 of said regulations designating Modified Certified Brucellosis Areas is hereby amended to read as follows:

§ 78.13 Modified Certified Brucellosis Areas.

The following States, or specified portions thereof, are hereby designated as Modified Certified Brucellosis Areas:

Alabama. The entire State;
Alaska. The entire State;
Arizona. The entire State;
Arkansas. The entire State;
California. The entire State;
Colorado. The entire State;
Connecticut. The entire State;
Delaware. The entire State;
Florida. The entire State;
Georgia. The entire State;
Hawaii. The entire State;
Idaho. The entire State;
Illinois. The entire State;
Indiana. The entire State;
Iowa. The entire State;
Kansas. The entire State;
Kentucky. The entire State;
Louisiana. The entire State;
Maine. The entire State;
Maryland. The entire State;
Massachusetts. The entire State;
Michigan. The entire State;
Minnesota. The entire State;
Mississippi. The entire State;
Missouri. The entire State;
Montana. The entire State;
Nebraska. The entire State;
Nevada. The entire State;
New Hampshire. The entire State;
New Jersey. The entire State;
New Mexico. The entire State;
New York. The entire State;
North Carolina. The entire State;
North Dakota. The entire State;
Ohio. The entire State;
Oklahoma. The entire State;
Oregon. The entire State;
Pennsylvania. The entire State;
Rhode Island. The entire State;
South Carolina. The entire State;
South Dakota. Aurora, Beadle, Bennett, Bon Homme, Brookings, Brown, Brule, Buffalo, Butte, Campbell, Charles Mix, Clark, Clay, Codington, Corson, Custer, Davison, Day, Deuel, Dewey, Douglas, Edmunds, Fall River, Faulk, Grant, Gregory, Haakon, Hamlin, Hand, Hanson, Harding, Hyde, Jackson, Jerauld, Jones, Kingsbury, Lake, Lawrence, Lincoln, Lyman, McCook, McPherson, Marshall, Meade, Mellette, Miner, Minnehaha, Moody, Pennington, Perkins, Potter, Roberts, Sanborn, Shannon, Spink, Stanley, Todd, Tripp, Turner, Union, Walworth, Washabaugh, Yankton, and Ziebach Counties; and Crow Creek Indian Reservation;
Tennessee. The entire State;
Texas. Anderson, Andrews, Angelina, Aransas, Archer, Armstrong, Atascosa, Austin, Bailey, Bandera, Bastrop, Baylor, Bee, Bell, Bexar, Blanco, Borden, Bosque, Bowie, Brazos, Brewster, Briscoe, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Coke, Coleman, Collin, Collingsworth, Colorado, Comal, Commanche, Concho, Cooke, Coryell, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, De Witt, Dickens, Dimmit, Donley, Duval, Eastland, Ector, Edwards, Ellis, El Paso, Erath, Falls, Fannin, Fayette, Fisher, Floyd, Foard, Franklin, Freestone, Frio, Gaines, Galveston, Garza, Gillespie, Glasscock, Goliad, Gray, Grayson, Gregg, Grimes, Guadalupe, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harrison, Hartley, Haskel, Hays, Hemphill, Henderson, Hidalgo, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hudspeth, Hunt, Hutchinson, Irion, Jack, Jackson, Jasper, Jeff Davis, Jefferson, Jim Hogg, Jim Wells, Johnson, Jones, Karnes, Kaufman, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamar, Lamb, Lampasas, Lee, Leon, Liberty, Limestone, Lipscomb, Live Oak, Llano, Loving, Lubbock, Lynn, McCullouch, McLennan, McMullen, Madison, Marion, Martin, Mason, Maverick, Medina, Menard, Midland, Milam, Mills, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Pecos, Polk, Potter, Presidio, Rains, Randall, Reagan, Real, Red River, Reeves, Rufugio, Roberts, Robertson, Rockwall, Runnels, Rusk, Sabine, San Augustine, San Jacinto, San Saba, Schleicher, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Starr, Stephens, Sterling, Stonewall, Sutton, Swisher, Tarrant, Taylor, Terrell, Terry, Throckmorton, Titus, Tom Green, Travis, Trinity, Tyler, Upshur, Upton, Uvalde, Val Verde, Van Zandt, Walker, Ward, Washington, Webb, Wheeler, Wichita, Williamson, Wilson, Winkler, Wise, Wood, Yoakum, Young, Zapata, and Zavala Counties;
Utah. The entire State;
Vermont. The entire State;
Virginia. The entire State;
Washington. The entire State;
West Virginia. The entire State;
Wisconsin. The entire State;
Wyoming. The entire State;
Puerto Rico. The entire area; and
Virgin Islands of the United States. The entire area.

(Secs. 4, 5, 23 Stat. 32, as amended; secs. 1, 2, 32 Stat. 791–792, as amended; sec. 3, 33 Stat. 1265, as amended; sec. 2, 65 Stat. 693; 21 U.S.C. 111–113, 114a–1, 120, 121, 125; 29 F.R. 16210, as amended, 9 CFR 78.16)

Effective date. The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER (5–25–71).

The amendment adds the following additional areas to the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such areas come within the definition of § 78.1(i): De Witt, Grimes, Hopkins, Liberty, and Titus Counties in Texas.

The amendment deletes the following area from the list of areas designated as Modified Certified Brucellosis Areas because it has been determined that such area no longer comes within the definition of § 78.1(i): Cameron County in Texas.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and relieves certain restrictions presently imposed. It should be made effective promptly in order to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under the administrative procedures provisions of 5 U.S.C. 553, it is found upon good cause that notice and other public procedures with respect to the amendment are impracticable, unnecessary, contrary to the public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 19th day of May 1971.

R. E. OMOHUNDRO,
Acting Director, Animal Health Division, Agricultural Research Service.

[FR Doc.71-7265 Filed 5-24-71;8:50 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71–SO–16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 17, 1971, F.R. Doc. 71–5362 was published in the FEDERAL REGISTER (36 F.R. 7303), amending Part 71 of the Federal Aviation Regulations by designating the Baxley, Ga., transition area.

In the amendment, an extension is predicated on the Alma VORTAC 028° radial. Subsequent to publication of the rule, Flight Standards Service refined the final approach radial to 030°. It is necessary to amend the FEDERAL REGISTER document to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, F.R. Doc. 71–5362 is amended as follows: In line 5 of the Baxley, Ga., transition area description "* * * 028° * * *" is deleted and "* * * 030° * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 11, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7226 Filed 5-24-71;8:47 am]

[Airspace Docket No. 71–SO–31]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6434), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Corinth, Miss., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was determined that the Corinth RBN latitude was cited as 34°59'39" in lieu of 34°54'39". It is necessary to amend the description to correct this discrepancy. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

CORINTH, MISS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Roscoe Turner Airport (lat. 34°54'30" N., long. 88°36'00" W.); within 3 miles each side of the 185° and 348° bearings from Corinth RBN (lat. 34°54'39" N., long. 88°36'04" W.), extending from the 7-mile-radius area to 8.5 miles south and north of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958; 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act; 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 11, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7227 Filed 5-24-71;8:47 am]

[Airspace Docket No. 71–SO–36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 4, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6761), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Sanford, Fla., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

SANFORD, FLA.

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of Sanford Airport (lat. 28°46'30" N., long. 81°14'25" W.); within 3 miles each side of the 260° bearing from Sanford RBN (lat. 28°37'05" N., long. 81°14'36" W.); extending from the 6.5-mile-radius area to 8.5 miles west of the RBN.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 12, 1971.

JAMES G. ROGERS,
Director, Southern Region.

[FR Doc.71-7228 Filed 5-24-71;8:47 am]

[Airspace Docket No. 71-SO-38]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6434), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Macon, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Macon, Ga., transition area is amended as follows: " * * * extending from the 14-mile-radius area to 8.5 miles southwest of the LOM * * *" is deleted and "* * * extending from the 14-mile-radius area to 8.5 miles southwest of the LOM; within a 5.5-mile-radius of Perry-Fort Valley Airport (lat. 32°30'33'' N., long. 83°45'50'' W.); within 5 miles each side of Vienna VORTAC 323° radial, extending from the 5.5-mile-radius area to 16 miles northwest of the VORTAC * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 11, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-7229 Filed 5-24-71;8:47 am]

[Airspace Docket No. 71-SO-39]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On April 3, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6434), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would designate the Rockwood, Tenn., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the following transition area is added:

ROCKWOOD, TENN.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Rockwood Municipal Airport (lat. 35°55'20'' N., long. 84°41'23'' W.); excluding the portion within Crossville, Tenn., transition area.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 11, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-7230 Filed 5-24-71;8:47 am]

[Airspace Docket No. 71-SO-93]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Pensacola, Fla. (NAS Saufley Field), control zone.

The Pensacola (NAS Saufley Field) control zone is described in § 71.171 (36 F.R. 2055). In the description, reference is made to a proviso to exclude the portions within the Pensacola, Fla. (Municipal Airport and NAS Pensacola-Forrest Sherman Field), control zones. In an effort to standardize the named designations, the Pensacola, Fla. (Municipal Airport and NAS Pensacola-Forrest Sherman Field), control zones have been redesignated as Pensacola, Fla., and Pensacola NAS, Fla., control zones, respectively. It is necessary to alter the descriptions to reflect these changes. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective immediately, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Pensacola, Fla. (NAS Saufley Field), control zone is amended as follows: " * * * Pensacola, Fla. (Municipal Airport and NAS Pensacola-Forrest Sherman Field), control zones * * *" is deleted and " * * * Pensacola, Fla., and Pensacola NAS, Fla., control zones * * *" is substituted therefor.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 12, 1971.

GORDON A. WILLIAMS, JR.,
Acting Director, Southern Region.

[FR Doc.71-7231 Filed 5-24-71;8:47 am]

[Airspace Docket No. 71-WE-24]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 8, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 6760) stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Phoenix, Ariz., transition area.

Interested persons were given 30 days in which to submit written comments, suggestions, or objections. No objections have been received and the proposed amendment is hereby adopted without change.

Effective date. This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, as amended, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Los Angeles, Calif., on May 13, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

In § 71.181 (36 F.R. 2140) the description of the Phoenix, Ariz., transition area is amended by adding the following:

That airspace extending upward from 9,500 feet MSL bounded on the north by the south edge of V-12, on the east by the west edge of V-327, on the south and southeast by the north and northwest boundary of the 1,200-foot portion of the transition area, and on the southwest by a line extending from latitude 34°05'00'' N., longitude 112°37'00'' W., to point of intersection of longitude 113°-10'00'' W., and the south edge of V-12.

[FR Doc.71-7232 Filed 5-24-71;8:48 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER A—GENERAL

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT AND THE FAIR PACKAGING AND LABELING ACT

Labeling of Food; Misleading Representation Regarding Origin of Food or Ingredient

In the FEDERAL REGISTER of June 12, 1970 (35 F.R. 9214), the Commissioner of Food and Drugs proposed a regulation (§ 1.15(c)) concerning misleading representation in food labeling regarding origin of food or ingredient. The notice provided for comments to be filed within

30 days, and this was extended to September 10, 1970, by a notice published July 16, 1970 (35 F.R. 11407).

In response, numerous comments were received from manufacturers and trade associations, consumers, Congressmen, and State and foreign governments. About 90 percent of the comments supported the proposal (many of these suggested changes also) and about 10 percent opposed it.

Having considered the comments and other relevant information, the Commissioner concludes that the proposed amendment, with changes, should be adopted as set forth below.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 403(a), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343(a), 371(a)) and under authority delegated to the Commissioner (21 CFR 2.120), a new paragraph is added to § 1.15, as follows:

§ 1.15 Food; labeling; misbranding.

* * * * *

(c) Among representations in the labeling of a food which render such food misbranded is any representation that expresses or implies a geographical origin of the food or any ingredient of the food except when such representation is either:

(1) A truthful representation of geographical origin.

(2) A trademark or trade name provided that as applied to the article in question its use is not deceptively misdescriptive. A trademark or trade name comprised in whole or in part of geographical words shall not be considered deceptively misdescriptive if it:

(i) Has been so long and exclusively used by a manufacturer or distributor that it is generally understood by the consumer to mean the product of a particular manufacturer or distributor; or

(ii) Is so arbitrary or fanciful that it is not generally understood by the consumer to suggest geographic origin.

(3) A part of the name required by applicable Federal law or regulation.

(4) A name whose market significance is generally understood by the consumer to connote a particular class, kind, type, or style of food rather than to indicate geographical origin.

Effective date. This order shall become effective 30 days after its date of FEDERAL REGISTER publication.

(Secs. 403(a), 701(a), 52 Stat. 1047, 1055; 21 U.S.C. 343(a), 371(a))

Dated: May 18, 1971.

CHARLES C. EDWARDS,
Commissioner of Food and Drugs.

[FR Doc.71-7252 Filed 5-24-71;8:49 am]

SUBCHAPTER C—DRUGS

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Gelatin Solution

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (6-281V) filed by Fort Dodge Laboratories proposing the safe and effective intravenous administration of a sterile solution of gelatin to animals for the purposes set forth below. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat., 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended by adding the following new section:

§ 135b.34 Gelatin solution.

(a) *Specifications.* It is sterile and each 100 cubic centimeters contains 8 grams of gelatin in an 0.85 percent sodium chloride solution.

(b) *Sponsor.* Fort Dodge Laboratories, Fort Dodge, Iowa 50501.

(c) *Conditions of use.* (1) It is used to restore circulatory volume and maintain blood pressure in animals being treated for shock.

(2) The exact dosage to be administered must be determined after evaluating the animal's condition and will vary according to the size of the animal and the degree of shock. A suggested dosage range for small animals such as dogs is 4 to 8 cubic centimeters per pound body weight. The suggested dosage range for large animals such as sheep, calves, cows, or horses is 2 to 4 cubic centimeters per pound of body weight. It is administered intravenously at a rate of 10 cubic centimeters per minute in small animals and 20 to 30 cubic centimeters per minute in large animals. The solution is administered aseptically and must be between 50° to 70° F. when injected.

(3) A few animals will exhibit signs of allergic reaction. This solution can cause transient reversible nephrosis. This product is not intended to replace whole blood in cases of anemia and should not be used in the presence of renal dysfunction. Unused portions remaining in bottles should be discarded.

(4) For use only by or on the order of a licensed veterinarian.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5-25-71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: May 6, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-7217 Filed 5-24-71;8:46 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

National Park Service

[36 CFR Part 7]

GRAND TETON NATIONAL PARK, WYO.

Fishing, Stock Trailing, Camping, Mountain Climbing, Winter Touring and Elk Management; Snowmobile Operation

Notice is hereby given that pursuant to the authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535, as amended; 16 U.S.C. 3), the act of September 14, 1950 (64 Stat. 849; 16 U.S.C. 406d-1), 245 DM1 (27 F.R. 6395), as amended, National Park Service Order No. 21 (27 F.R. 7903), it is proposed to amend § 7.22 of Title 36 of the Code of Federal Regulations as set forth below.

The purpose of these changes is to eliminate sections which are now covered in the General Regulations; to include Sawmill Ponds among the waters closed to fishing; to provide additional authority to regulate stock driving over Park lands; to prevent overuse of campsites through limiting the use thereof and requiring registration at Jenny Lake Campground; to revoke regulations that prohibit solo climbing and winter touring; and to apply sound controls to the operation of snowmobiles in the park.

It is the policy of the Department of Interior, whenever practicable, to afford the public an opportunity to participate in the rulemaking process. Accordingly, interested persons may submit written comments, suggestions, or objections to the Superintendent, Grand Teton National Park, Box 67, Moose, WY 83012, within 30 days of publication of this notice is the FEDERAL REGISTER.

Section 7.22 is amended as follows:

§ 7.22 Grand Teton National Park.

* * * * *

(b) *Fishing.* (1) The following waters are closed to fishing: The Snake River for a distance of 150 feet below the downstream face of Jackson Lake Dam; Swan Lake; Sawmill Ponds; Hedrick's Pond; Christian Ponds; and Cottonwood Creek from the outlet of Jenny Lake downstream to the Saddle Horse Concession Bridge.

(2) During any period of emergency, or to prevent overuse by fishermen, or to protect the habitat or meeting areas of waterfowl, the Superintendent may close to fishing all or any open waters for such periods of time as may be necessary by the posting of appropriate signs.

(3) Fishing from any bridge or boat dock is prohibited.

(4) Bait: The use or possession of fish eggs or fish for bait is prohibited, except it shall be permissible to possess or use the following dead, nongame fish for bait on or along the shores of Jackson Lake: Redside shiner, speckled dace, longnose dace, piute sculpin, mottled sculpin, Utah chub, Utah sucker, bluehead sucker, and mountain sucker. Authorized marine bait dealers at Jackson Lake may retain live bait fish in containers: *Provided,* That such fish have been taken from Jackson Lake or waters draining into Jackson Lake: *And provided further,* That such bait fish are dead when sold.

(c) *Stock grazing.* * * *

(2) Where no reasonable ingress or egress is available to permittees or nonpermittees who must cross Park lands to reach grazing allotments on non-Federal lands within the exterior boundary of the Park or adjacent thereto, the Superintendent will grant, upon request a temporary nonfee annual permit to herd stock on a designated driveway which shall specify the time to be consumed in each single drive. The breach of any of the terms or conditions of the permit shall be grounds for termination, suspension, or reduction of these privileges.

* * * * *

(d) *Camping.* (1) No person, party or organization shall be permitted to camp more than 30 days in a calendar year in designated sites within the Park.

(2) Except in group campsites and backcountry sites, camping is limited to six persons to a site.

(3) Registration is required for camping at the Jenny Lake Campground; camping in this campground shall not exceed 10 days in any calendar year.

(e) *Vessels.* (1) Motorboats are prohibited except on Jackson, Jenny, and Phelps Lakes. On Jenny Lake, motorboats are restricted to motors not in excess of 7½ horsepower. Additionally, on Jenny Lake, an authorized boating concessioner may operate motorboats under conditions specified by the Superintendent.

(2) Hand-propelled vessels may be used on Jackson, Jenny, Phelps, Emma Matilda, Two Ocean, Taggart, Bradley, Bearpaw, Leigh, and String Lakes, and on the Snake River, except within 1,000 feet of the downstream face of Jackson Lake Dam. All other waters are closed to boating.

(3) Sailboats may be used only on Jackson Lake.

(4) No person except an authorized concessioner shall moor or beach a vessel on the shore of a designated harbor area, except in an emergency.

(f) *Climbing and hiking.* Registration with the Superintendent is required prior to any climbing or hiking off designated trails in the Teton Range above the 7,000-foot level. The registrant is required to sign in immediately upon return from the climb or hike. Designated trails are shown on a map in the Superintendent's office.

(g) *Winter travel.* The superintendent may, by posting or notice, establish on the basis of weather and snow conditions, a winter travel season. During this season, registration with the Superintendent is required prior to any winter travel by foot, skis, snowshoes, or sleds, away from plowed roads. The registrant is required to sign in immediately upon return from a trip.

(h) *Management of elk.* The laws and regulations of the State of Wyoming shall govern elk management as associated with formal reduction programs. Such Wyoming laws and regulations which are now or will hereafter be in effect are hereby incorporated by reference as a part of the regulations in this part.

(i) *Snowmobiles.* The operation of a snowmobile which makes excessive noise is prohibited. Snowplanes are excepted whose owner had operated and registered the vehicle in the Park for the 1970–71 season. Excessive noise is defined as a level of total snowmobile noise that exceeds 86 decibels measured on the "A" weighting scale in intensity of a sound level meter, measured at a distance of not less than 50 feet, when the snowmobile is being operated at or below full throttle.

EDWARD A. HUMMEL,
Assistant Director,
National Park Service.

[FR Doc.71-7203 Filed 5-24-71;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 147]

[DESI 90235]

ANTIBIOTIC SUSCEPTIBILITY DISCS

Extension of Time for Filing Comments

The notice published in the FEDERAL REGISTER of April 10, 1971 (36 F.R. 6899), proposing amendments to 21 CFR Part 147 regarding antibiotic susceptibility discs, provided for comments to be filed within 30 days of that date.

The Commissioner of Food and Drugs has received a request to extend such time and, good reason therefor appearing, the time for filing comments on said proposal is extended to June 9, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 10, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7253 Filed 5-24-71;8:49 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGFR 71-31]

BARNEGAT BAY, N.J.

Drawbridge Operation

The Coast Guard is considering changing the regulations applicable to the Route 37 bridge across Barnegat Bay in Dover Township, N.J. to allow the draw to open only on the hour from 9 a.m. to 2 p.m. on weekends and holidays from May 1 to September 30. The draw is presently required to open on signal. The purpose of this proposal is to relieve the traffic congestion caused by the frequent openings of the draw during these periods.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander, Third Coast Guard District, Governor's Island, New York, N.Y. 10004. Each person submitting comments should include his name and address, identify the bridge, and give reasons for any recommended change in the proposal. Copies of all written communications received will be available for examination by interested persons at the office of the Commander, Third Coast Guard District.

The Commander, Third Coast Guard District, will forward any comments received before June 21, 1971, with his recommendations to the Chief, Office of Operations, who will take final action on this proposal. The proposed regulations may be changed in the light of comments received.

In consideration of the foregoing, it is proposed that § 117.215(j) be amended by adding subparagraph (4) to read as follows:

§ 117.215 Navigable streams flowing into Raritan Bay (except Raritan River and Arthur Kill), the Shrewsbury River and its tributaries, and all inlets on the Atlantic Ocean including their tributaries and canals between Sandy Hook and Bay Head, N.J. bridges.

* * * * *

(j) * * *

(4) Barnegat Bay, New Jersey Route 37 Highway bridge between Bay Shore and Seaside Heights. The draw shall open on signal except that from May 1 through September 30 on Saturdays, Sundays, Memorial Day, July Fourth, and Labor Day from 9 a.m. to 2 p.m., the draw need open only on the hour.

(Sec. 5, 28 Stat. 362, as amended, sec. 6(g) (1), 80 Stat. 937; 33 U.S.C. 499, 49 U.S.C. 1655(g) (2); 49 CFR 1.46(c) (5) (35 F.R. 4959), 33 CFR 1.05–1(c) (4) (35 F.R. 15922))

Dated: May 12, 1971.

R. E. HAMMOND,
Rear Admiral, U.S. Coast Guard,
Chief, Office of Operations.

[FR Doc.71-7255 Filed 5-24-71;8:49 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-24]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Grand Island, Nebr.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendments. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposals contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

Since designation of controlled airspace for the Grand Island, Nebr., County Airport, the instrument approach procedures have been altered and two new procedures have been developed. Accordingly, it is necessary to alter the Grand Island, Nebr., control zone and transition area to adequately protect aircraft executing the new and altered approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

GRAND ISLAND, NEBR.

Within a 5-mile radius of Grand Island County Airport (latitude 40°58'03'' N., longitude 98°18'30'' W.); within 3 miles each side of the Grand Island VORTAC 303° radial, extending from the 5-mile-radius zone to 8½ miles northwest of the VORTAC; and within 3 miles each side of the Grand Island VORTAC 360° radial, extending from the 5-mile-radius zone to 8½ miles north of the VORTAC.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

GRAND ISLAND, NEBR.

That airspace extending upward from 700 feet above the surface within a 10-mile radius of Grand Island County Airport (latitude 40°58'03'' N., longitude 98°18'30'' W.); within 4½ miles northeast and 9½ miles southwest of the Grand Island VORTAC 303° radial, extending from the 10-mile-radius area to 18½ miles northwest of the VORTAC; and within 4½ miles east and 9½ miles west of the Grand Island VORTAC 360° radial, extending from the 10-mile-radius area to 18½ miles north of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 17-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 273° radial clockwise to the Grand Island VORTAC 084° radial; within a 27-mile radius of Grand Island VORTAC, extending from the Grand Island VORTAC 084° radial clockwise to the Grand Island VORTAC 273° radial and within 5 miles east and 8 miles west of the Grand Island VORTAC 360° radial, extending from the 17-mile-radius area to V-172, excluding the portion which overlies the Hastings, Nebr., transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 4, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7233 Filed 5-24-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-32]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Seymour, Ind.

Interested persons may participate in proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for Freeman Field, Seymour, Ind. Accordingly, it is necessary to alter the Seymour, Ind., transition area to adequately protect the aircraft executing the new approach procedure.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

SEYMOUR, IND.

That airspace extending from 700 feet above the surface within a 7-mile radius of Freeman Field (latitude 38°55'36" N., longitude 85°54'20" W.); within 3 miles each side of the 061° bearing from Freeman Field, extending from the 7-mile radius area to 7½ miles northeast of the airport; and within 3 miles each side of the 181° bearing from Freeman Field extending from the 7-mile-radius area to 7½ miles south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 4, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7234 Filed 5-24-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-89]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the St. Petersburg, Fla., control zone and Tampa, Fla., transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The St. Petersburg control zone described in § 71.171 (36 F.R. 2055) would be redesignated as:

Within a 5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 2.5 miles each side of St. Petersburg VORTAC 343° radial, extending from the 5-mile-radius zone to 6 miles northwest of the VORTAC.

The Tampa transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of Tampa International Airport (lat. 27°58'29" N., long. 82°31'38" W.); within an 8.5-mile radius of St. Petersburg Clearwater International Airport (lat. 27°54'33" N., long. 82°41'19" W.); within 3 miles each side of St. Petersburg VORTAC 343° radial, extending from the 8.5-mile-radius area to 8 miles north of the VORTAC; within an 8.5-mile radius of MacDill AFB (lat. 27°50'57" N., long. 82°31'18" W.); within 3 miles each side of MacDill AFB ILS localizer northeast course, extending from the 8.5-mile-radius area to 8.5 miles northeast of the OM; within a 5-mile radius of Peter O. Knight Airport (lat. 27°54'55" N., long. 82°27'05" W.) and Albert-Whitted Airport (lat. 27°45'53" N., long. 82°37'39" W.).

The proposed alterations are required to provide controlled airspace protection for IFR operations in the Tampa terminal complex in conformance with Terminal Instrument Procedures (TERPs) and current airspace criteria.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 11, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7235 Filed 5-24-71;8:48 am]

[14 CFR Part 71]

[Airspace Docket No. 71-SO-97]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Auburn, Ala., transition area.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Federal Aviation Administration, Southern Region, Air Traffic Division, Post Office Box 20636, Atlanta, GA 30320. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in light of comments received.

The official docket will be available for examination by interested persons at the Federal Aviation Administration, Southern Region, Room 724, 3400 Whipple Street, East Point, GA.

The Auburn transition area described in § 71.181 (36 F.R. 2140) would be redesignated as:

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Auburn-Opelika Airport (lat. 32°37'00" N., long. 85°26'00" W.); within 2 miles each side of the extended centerline of Runway 18/36, extending from the 5-mile-radius area to 6 miles north of the runway end; within 2.5 miles each side of Columbus, Ga., VOR 270° radial, extending from the 5-mile-radius area to 17.5 miles west of the VOR.

The proposed alteration is required to provide controlled airspace protection for an RNAV instrument approach procedure to Auburn-Opelika Airport, utilizing Tuskegee, Ala., VOR.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in East Point, Ga., on May 13, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7236 Filed 5-24-71;8:48 am]

[14 CFR Part 103]

[Docket No. 10437; Notice 71-16]

TRANSPORTATION OF HAZARDOUS MATERIALS

Classification and Labeling of Hazardous Materials

On July 22, 1970, the Hazardous Materials Regulations Board published Docket No. HM-8; Notice No. 70-13 (35 F.R. 11742) relating to the classification and labeling of hazardous materials. One objective of the document was to incorporate certain shipper requirements

for transportation of hazardous materials aboard aircraft.

Comments received on this aspect of the proposal indicated that a more detailed incorporation of transportation-by-air requirements in Title 49 would be necessary to effectively accomplish the objective. The Board agrees with this comment on page 9449 of this issue of the FEDERAL REGISTER is publishing Supplemental Notice in Docket No. HM-8 to facilitate the regulatory transfer of shipper requirements for shipment by air from 14 CFR Part 103 to 49 CFR Parts 170-189 (Docket No. HM-8; Notice No. 71-13).

In conjunction with the proposed transfer, this document proposes to cancel those sections of 14 CFR Part 103 which would subsequently appear in 49 CFR Parts 170-189.

In consideration of the foregoing, it is proposed to amend 14 CFR Part 103 as follows:

(A) Section 103.7 would be amended to read as follows:

§ 103.7 Passenger-carrying aircraft.

(a) Except as authorized by 49 CFR Parts 171-173, no person may carry any dangerous article in a passenger-carrying aircraft.

(B) Section 103.9 would be amended to read as follows:

§ 103.9 Cargo-only aircraft.

(a) Except as authorized by 49 CFR Parts 171-173, no person may carry any dangerous article in a cargo-only aircraft.

(b) For the purposes of this part, a cargo-only aircraft is any aircraft that is not a passenger aircraft.

§§ 103.11, 103.13, 103.15, 103.17 [Canceled].

(C) Section 103.11 would be canceled.
(D) Section 103.13 would be canceled.
(E) Section 103.15 would be canceled.
(F) Section 103.17 would be canceled.
(G) In Section 103.19, paragraph (d) would be added to read as follows:

§ 103.19 Quantity limitations.

* * * * *

(d) No person may offer for shipment by air and no person may carry on an aircraft any hazardous material if the maximum quantity in one outside package is greater than that authorized in 49 CFR 172.5 or 49 CFR Part 173 for passenger-carrying and cargo-only aircraft.

(H) Section 103.29 would be amended to read as follows:

§ 103.29 Magnetized materials; packing, and marking requirements.

(a) No person may offer a magnetized material (which might cause an erroneous aircraft magnetic compass reading) for shipment by air unless it is packaged, marked, and labeled in accordance with 49 CFR Part 173.

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before August 31, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421-1430, 1472(h)).

Issued in Washington, D.C., on May 14, 1971.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-6994 Filed 5-24-71;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 171, 172, 173]

[Docket No. HM-8; Notice 71-13]

TRANSPORTATION OF HAZARDOUS MATERIALS

Classification and Labeling of Hazardous Materials

On July 22, 1970, the Hazardous Materials Regulations Board published Docket No. HM-8; Notice No. 70-13 (35 F.R. 11742) relating to the classification and labeling of hazardous materials. One objective of the document was to incorporate certain shipper requirements for transportation of hazardous materials aboard aircraft.

Comments received on this aspect of the proposal indicated that a more detailed incorporation of transportation-by-air requirements in Title 49 would be necessary to effectively accomplish the objective. The Board agrees with this comment and is publishing this supplemental notice in Docket No. HM-8 to facilitate the regulatory transfer of shipper requirements for shipment by air from 14 CFR Part 103 to 49 CFR Parts 170 to 189.

The quantity limitations specified throughout are intended generally to reflect limits already contained in 14 CFR 103.7, 103.9, and 103.19 of the Federal Aviation Regulations.

Several items have been changed from the flammable solid class to the spontaneously combustible material class. Also, some other small changes are being proposed in response to public comments related to the commodity list. This supplemental notice is not a response to all comments received on the commodity list. All comments received on the original notice and on this supplemental notice will be addressed in the preparation of the final rule.

To facilitate review, the symbol % has been placed before each entry in the commodity list that has been changed from the way it appeared in Docket No. HM-8; Notice No. 70-13 (35 F.R. 11742).

In consideration of the foregoing, it is proposed to amend 49 CFR Parts 171, 172, 173 as follows:

I. Part 171—General Information and Regulations:

(A) In Part 171, Table of Contents, §§ 171.2, 171.3, 171.11 would be amended to read as follows:

Sec.	
171.2	Acts of Congress.
171.3	Changes in the regulations, shippers by rail, highway, air, and water, and carriers by rail and highway.
171.11	Transportation by carriers by air and water.

(B) The authority cited immediately following the table of contents, would be amended to read as follows:

AUTHORITY: The provisions of this Part 171 issued under 62 Stat. 738, 74 Stat. 808, and 72 Stat. 778; 18 U.S.C. 834 and 49 U.S.C. 1421-1430, unless otherwise noted.

(C) In § 171.1, paragraph (a) would be amended to read as follows:

§ 171.1 Plan of the regulations in Parts 170-189 of this chapter.

(a) Regulations in Parts 170-189 of this chapter cover preparation of hazardous materials for transportation by civil aircraft and by common carriers by rail freight, rail express, rail baggage, highway or water, construction of containers, packaging, weight, marking, labeling when required, billing, and shipper's certificate of compliance with these regulations; also cars, loading, storage, billing, placarding, and movement thereof by carriers by rail.

* * * * *

(D) In § 171.2, the heading would be amended; paragraph (b) would be added to read as follows:

§ 171.2 Acts of Congress.

* * * * *

(b) Section 1472(h)(1), title 49 of the United States Code, provides that "Any person who knowingly delivers or causes to be delivered to an air carrier or to the operator of any civil aircraft for transportation in air commerce, or who causes the transportation in air commerce of, any shipment, baggage, or property, the transportation of which would be prohibited by any rule, regulation, or requirement prescribed by the (Federal Aviation) Administrator under title VI of this Act, relating to the transportation, packing, marking, or description of explosives or other dangerous articles," shall be fined or imprisoned, as provided in the Act.

(E) In § 171.3, the heading and paragraph (b) would be amended to read as follows:

§ 171.3 Changes in the regulations, shippers by rail, highway, air, and water, and carriers by rail and highway.

* * * * *

(b) Section 1472(h)(2), title 49 of the United States Code, provides that "In the exercise of his authority under title VI of this Act, the (Federal Aviation) Administrator may provide by regulation for the application in whole or in part of the rules or regulations of the Department of Transportation (including future amendments and additions thereto) relating to the transportation, packing, marking, or description of explosives or other dangerous articles for surface transportation, to the shipment and carriage by air of such articles." While so made applicable, any such rule or regulation, or part thereof, shall for the purposes of the Act be deemed to be a regulation of the Administrator prescribed under 49 U.S.C. 1421–1430.

(F) In § 171.8, paragraphs (g) and (m) would be amended to read as follows:

§ 171.8 Definitions.

* * * * *

(g) The term "portable tank" means any tank designed primarily to be temporarily attached to an aircraft, a motor vehicle, other vehicle, railroad car other than tank car, or vessel, and equipped with skids, mountings, or accessories to facilitate handling of the tank by mechanical means. The term "portable tank" shall not be construed to include any cargo tank, any tank car tank, or any tank of the DOT 106A or 110A (§§ 179.301, 179.302 of this chapter) type.

* * * * *

(m) "Hazardous materials" means "explosives and other dangerous articles" as used in title 18, United States Code, section 831–835, and title 49, United States Code, section 1472(h).

(G) Section 171.11 would be amended to read as follows:

§ 171.11 Transportation by carriers by air and water.

When the transportation of a shipment involves movement by a carrier by air or water, the applicable provisions of Parts 170–189 of this chapter must be observed by the shipper.

II. Part 172:

In § 172.5 paragraph (a) *Commodity List*, proposed amendments marked "%" are changes from the proposed amendments as they appeared in Docket No. HM–8; Notice No. 70–13 (35 F.R. 11742), as follows:

§ 172.5 List of hazardous materials.

(a) * * *

(1)	(2)	(3)	(4)	(5)		
Article	Classed as—	Exemptions and packaging (see section)	Label required (if not exempt)	Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
%Accumulator, pressurized (*pneumatic or hydraulic*), *containing nonflammable gas.*	Nonf. G	173.306(e)	Green	No limit	150 pounds	No limit.
Acetaldehyde (*ethyl aldehyde*)	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons
Acetone	F.L.	173.118, 173.119	do	do	do	Do.
Acetone cyanohydrin	Pois. B	173.345, 173.346	Poison B	55 gallons	do	55 gallons.
*Acetone oils	F.L.	173.118, 173.119	Red	10 gallons	do	10 gallons.
Acetonitrile	F.L.	173.118, 173.119	do	do	do	Do.
Acetyl benzoyl peroxide, solid, or solution containing more than 40-percent peroxide.	Oxy. M	Forbidden				
Acetyl benzoyl peroxide, solution containing 40 percent or less peroxide.	Oxy. M	No exemption, 173.222	Peroxide	1 quart	Not accepted	1 quart.
Acetyl chloride	Cor. L	173.244, 173.247	Corrosive Liquid	1 gallon	1 quart	1 gallon.
Acetylene	F.G	173.306, 173.303	Red Gas	300 pounds	Not accepted	300 pounds.
Acetyl peroxide, solid or solution containing more than 25-percent peroxide.	Oxy. M	Forbidden				
Acetyl peroxide, solution containing 25 percent or less peroxide.	Oxy. M	173.153(b), 173.222	Peroxide	1 quart	Not accepted	1 quart.
Acids, liquid, n.o.s	Cor. L	173.244, 173.245	Corrosive Liquid	5 pints	1 quart	5 pints.
*Acid, sludge	Cor. L	No exemption, 173.248	do	1 quart	Not accepted	1 quart.
Acrolein, inhibited	F.L	No exemption, 173.122	Red	do	do	Do.
Acrylonitrile	F.L	173.118, 173.119	do	10 gallons	1 quart	10 gallons.
Actuating cartridges, explosive fire extinguisher or valve	Expl. C	173.114	Orange C	150 pounds	50 pounds	150 pounds.
*Adhesives, n.o.s. *See* Cement, liquid, n.o.s.						
Aeroplane flares. See Fireworks, special.						
Aerosol products. See Compressed gases, n.o.s.						
Air, compressed	Nonf. G	173.306, 173.302	Green	300 pounds	150 pounds	300 pounds.
Aircraft rocket engines (commercial)	F.S	No exemption, 173.238	Red striped	550 pounds	Not accepted	550 pounds.
Aircraft rocket engine igniters (commercial)	F.S	do	do	25 pounds	do	25 pounds.
*Alcohol, n.o.s	F.L	173.118, 173.125	Red	10 gallons	1 quart	10 gallons.
Aldrin	Pois. B	173.364, 173.376	Poison B	200 pounds	50 pounds	200 pounds.
Aldrin mixtures, dry, with more than 65 percent aldrin	Pois. B	173.364, 173.376	do	do	do	Do.
Aldrin mixtures, liquid, with more than 60 percent aldrin.	Pois. B	173.345, 173.361	do	55 gallons	1 quart	55 gallons.
%*Alkaline caustic liquids, n.o.s	Cor. L	173.244, 173.249	Corrosive liquid	10 gallons	do	10 gallons.
%Alkaline corrosive battery fluid	Cor. L	173.244, 173.249, 173.257	do	do	do	Do.
Alkaline corrosive battery fluid with storage battery	Cor. L	No exemption, 173.258	do	400 pounds	Not accepted	5 pints.
%Alkaline corrosive liquids, n.o.s	Cor. L	173.244, 173.249	do	10 gallons	1 quart	10 gallons.
Alkyl aluminum halides. See Spontaneously combustible liquids or solids.						
Allyl alcohol	Pois. B	173.345, 173.346	Poison B	55 gallons	do	55 gallons.
Allyl bromide	F.L	173.118, 173.119	Red	10 gallons	do	10 gallons.
%Allyl chloroformate or chlorocarbonate	Cor. L	No exemption, 173.288	Corrosive Liquid	5 pints	Not accepted	5 pints.
Allyl trichlorosilane	Cor. L	No exemption, 173.280	do	10 gallons	do	10 gallons.
Aluminum alkyls. See Spontaneously combustible liquids, n.o.s.						
%Aluminum dross, wet or hot	SCM	173.173				
*Aluminum Liquid (or paint). *See* *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Aluminum nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Amatol. See High explosives.						
Ammonia, anhydrous	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	300 pounds	Not accepted	300 pounds.
Ammonium arsenate, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Ammonium bichromate (*ammonium dichromate*)	F.S	173.153, 173.154, 173.235	Red Striped	100 pounds	25 pounds	100 pounds.
Ammonium nitrate	Oxy. M	173.153, 173.182	Yellow	do	do	Do.
Ammonium nitrate—carbonate mixtures	Oxy. M	173.153, 173.182	do	do	do	Do.
Ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating.	Oxy. M	173.153, 173.182	do	do	do	Do.
Ammonium nitrate—fuel oil. See Nitro carbo nitrate.						
*Ammonium nitrate mixed fertilizer	Oxy. M	173.153, 173.182	do	do	do	Do.
Ammonium nitrate (organic coating)	Oxy. M	173.153, 173.182	do	do	do	Do.
*Ammonium nitrate—phosphate	Oxy. M	173.153, 173.182	do	do	do	Do.
Ammonium perchlorate	Oxy. M	173.153, 173.154, 173.239a	do	do	do	Do.
Ammonium permanganate	Oxy. M	173.153, 173.154	do	do	Not accepted	Not accepted.
Ammonium picrate. See High explosives.						
%*Ammonium picrate, wet (not to exceed 16 ounces)*	F.S	173.192	None	1 pound	1 pound	1 pound.
Ammunition, chemical (containing class A poisons, liquids, or gases.) See Chemical ammunition.						
Ammunition, chemical (containing class B poisons, liquids, or gases). See Chemical ammunition.						
Ammunition, chemical (containing class C poisons, liquids, or solids). See Chemical ammunition.						
Ammunition, chemical explosive (with fuzes or bursting charges).	Expl. A	173.59	Orange A	Not accepted	Not accepted	Not accepted.
Ammunition, nonexplosive		173.55				
Ammunition for cannon with empty projectiles	Expl. B	No exemption, 173.89	Orange B	Not accepted	Not accepted	Not accepted.
Ammunition for cannon with explosive projectiles	Expl. A	No exemption, 173.54	Orange A	do	do	Do.
Ammunition for cannon with gas projectiles	Expl. A	do	do	do	do	Do.
Ammunition for cannon with illuminating projectiles	Expl. A	do	do	do	do	Do.
Ammunition for cannon with incendiary projectiles	Expl. A	do	do	do	do	Do.
Ammunition for cannon with inert loaded projectiles	Expl. B	No exemption, 173.89	Orange B	do	do	Do.
Ammunition for cannon with smoke projectiles	Expl. A	No exemption, 173.54	Orange A	do	do	Do.
Ammunition for cannon with solid projectiles	Expl. B	No exemption, 173.89	Orange B	do	do	Do.
Ammunition for cannon without projectiles	Expl. B	do	do	do	do	Do.
Ammunition, rocket. See Rocket ammunition.						
Ammunition, small-arms. *See* Small-arms ammunition.						
Ammunition for small-arms with explosive projectiles	Expl. A	No exemption, 173.58	Orange A	do	do	Do.
Ammunition for small-arms with incendiary projectiles	Expl. A	do	do	do	do	Do.
%*Amyl acetate	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Amyl chloride	F.L.	173.118, 173.119	do	do	do	Do.
Amyl mercaptan	F.L.	No exemption, 173.141	do	do	Not accepted	Do.
Amyl nitrite	F.L.	173.118, 173.119	do	do	1 quart	Do.
Amyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
Anhydrous ammonia. *See* Ammonia, anhydrous.						
Anhydrous hydrazine. *See* Hydrazine, anhydrous.						
Anhydrous hydrofluoric acid. *See* Hydogen fluoride.						
Aniline oil, liquid	Pois. B	No exemption, 173.317	Poison B	55 gallons	do	55 gallons.
Anisoyl chloride	Cor. L	173.244, 173.279	Corrosive Liquid	1 quart	1 quart	1 quart.
%*Antifreeze compounds, liquid	F.L.	173.118, 173.119	Red	10 gallons	do	10 gallons.
%*Antifreeze preparations proprietary, liquid	F.L.	173.118, 173.119	do	do	do	Do.
Antimony pentachloride	Cor. L	173.244, 173.247	Corrosive Liquid	1 quart	do	1 quart.
Antimony pentachloride, solution	Cor. L	173,244, 173.245	do	5 pints	do	5 pints.
Antimony pentafluoride	Cor. L	No exemption, 173.246	do	25 pounds	Not accepted	25 pounds.
*Aqua ammonia solution containing anhydrous ammonia.	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	300 pounds	do	300 pounds.
Argon	Nonf. G	173.306, 173.302, 173.314	do	do	150 pounds	Do.
Argon, liquefied	Nonf. G	No exemption, 173.301	do	do	Not accepted	Do.
Arsenic acid, liquid	Pois. B	173.345, 173.348	Poison B	55 gallons	1 quart	55 gallons.
Arsenic acid, solid	Pois. B	173.364, 173.366	do	200 pounds	50 pounds	200 pounds.
Arsenic bromide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Arsenic chloride (*arsenous*) liquid	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Arsenic iodide, solid	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Arsenic pentoxide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Arsenic solid	Pois. B	173.364, 173.366	do	do	do	Do.
Arsenic sulfide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Arsenic trichloride, liquid	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Arsenic trioxide, solid (*arsenic, white, solid, arsenous acid, solid*).	Pois. B	173.364, 173.366, 173.368	do	200 pounds	50 pounds	200 pounds.
Arsenic, white solid	Pois. B	173.364, 173.366	do	do	do	Do.
Arsenical compounds or mixtures, n.o.s., liquid	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Arsenical compounds or mixtures, n.o.s., solid	Pois. B	173.364, 173.367	do	200 pounds	50 pounds	200 pounds.
Arsenical dip, liquid (*sheep dip*)	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Arsenical dust	Pois. B	173.364, 173.368	do	200 pounds	50 pounds	200 pounds.
Arsenical flue dust	Pois. B	173.364, 173.368	do	do	do	Do.
Arsenous acid, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Arsenous and mercuric iodide solution, liquid	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
*Asphalt, cut-back	F.L.	173.118, 173.131	Red	10 gallons	do	10 gallons.
Automobiles, motorcycles, tractors, or other self-propelled vehicles.		See 173.120, 173.306				
Automobiles, motorcycles, tractors, or other self-propelled vehicles, engines or other mechanical apparatus, with charged electric storage batteries, wet.		See 173.250				
1-Aziridinyl phosphine oxide (tris). *See* Tris-(1-aziridinyl) phosphine oxide.						
Bags, sodium nitrate, empty and unwashed	F.S	No exemption, 173.155(a)	Red Striped	25 pounds	Not accepted	25 pounds.
Barium azide—50 percent or more water, wet	F.S	No exemption, 173.239	do	1 pound	do	1 pound.
Barium chlorate	Oxy. M	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Barium chlorate, wet	Oxy. M	173.153, 173.163(a)(6)	do	200 pounds	do	200 pounds.
Barium cyanide, solid	Pois. B	173.370	Poison B	do	do	Do.
Barium nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	do	100 pounds.
Barium perchlorate	Oxy. M	173.153, 173.154	do	do	do	Do.
Barium permanganate	Oxy. M	173.153, 173.154	do	do	do	Do.
Barium peroxide (*binoxide, dioxide*)	Oxy. M	173.153, 173.156	do	do	do	Do.
Batteries, dry		Not regulated				
Batteries, electric storage, wet	Cor. L	173.258, 173.260	Corrosive Liquid	600 pounds	Not accepted	No limit.
%Batteries, electric storage, wet, with automobiles, auto parts, engines or other mechanical apparatus.	Cor. L	173.250, 173.260	do	No limit	50 pounds	Do.
Battery charger with electrolyte (*acid or alkaline battery fluid*).	Cor. L	173.259	do	5 gallons	Not accepted	5 pints.
Battery fluid. See Electrolyte (acid) or Alkaline corrosive battery fluid.						
Benzene (*benzol*)	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
%Benzene phosphorus dichloride	Cor. L	173.244, 173.250a	Corrosive Liquid	5 pints	do	5 pints.
%Benzene phosphorus thiodichloride	Cor. L	173.244, 173.250a	do	do	do	Do.
Benzine	F.L	173.118, 173.119	Red	10 gallons	do	10 gallons.
Benzoyl chloride	Cor. L	173.244, 173.247	Corrosive Liquid	1 quart	do	1 quart.
Benzoyl peroxide	Oxy. M	No exemption, 173.157, 173.158.	Peroxide	25 pounds	Not accepted	25 pounds.
Benzyl bromide (bromotoluene, alpha)	Cor. L	No exemption, 173.281	Corrosive Liquid	5 pints	do	5 pints.
Benzyl chloride	Cor. L	173.244, 173.295	do	1 quart	1 quart	1 quart.
Benzyl chloroformate (*Chlorocarbonate*)	Cor. L	No exemption, 173.288	do	5 pints	Not accepted	5 pints.
*Beryllium compounds, n.o.s.	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Black powder	Expl. A	No exemption, 173.60	Orange A	Not accepted	Not accepted	Not accepted.

(1)	(2)	(3)	(4)	(5)		
				Maximum quantity in one package		
				(a)	(b)	(c)
Article	Classed as—	Exemptions and packaging (see section)	Label required (if not exempt)	Rail express	Passenger carrying aircraft	Cargo only aircraft
Black powder igniters with empty cartridge bags	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Blasting caps—1,000 or less	Expl. C	No exemption, 173.103	do	See 173.86	Not accepted	Not accepted.
Blasting caps—more than 1,000	Expl. A	No exemption, 173.66	Orange A	Not accepted	do	Do.
Blasting caps—electric, 1,000 or less	Expl. C	No exemption, 173.103	Orange C	See 173.86	do	Do.
Blasting caps—electric, more than 1,000	Expl. A	No exemption, 173.66	Orange A	Not accepted	do	Do.
Blasting caps with metal clad mild detonating fuse—1,000 or less.	Expl. C	No exemption, 173.103	Orange C	do	do	Do.
Blasting caps with metal clad mild detonating fuse—more than 1,000.	Expl. A	No exemption, 173.66(c), 173.67.	Orange A	do	do	Do.
Blasting caps with safety fuse—1,000 or less	Expl. C	No exemption, 173.103	Orange C	See 173.86	do	Do.
Blasting caps with safety fuse—more than 1,000	Expl. A	No exemption, 173.66(c), 173.67.	Orange A	Not accepted	do	Do.
Blasting gelatin. See High explosives.						
Blasting powder. See Black powder.						
*Boiler compound, liquid	Cor. L.	173.244, 173.249	Corrosive liquid	10 gallons	1 quart	10 gallons.
Bombs, explosive. See Explosive bomb.						
Bombs, explosive, with gas, smoke, or incendiary material. See Explosive bomb.						
Bombs, fireworks. See Fireworks, special.						
Bombs, gas, smoke or incendiary, nonexplosive. See Chemical ammunition.						
Bombs, incendiary, or smoke without bursting charges. See Fireworks, special.						
Bombs, practice, with electric primers or electric squibs (nonexplosive).		See 173.55				
Bombs, sand-loaded or empty (nonexplosive)		do				
Boosters (explosive)	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted.
Bordeaux arsenites, liquid	Pois. B	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
Bordeaux arsenites, solid	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Boron trichloride	Cor. L.	No exemption, 173.251	Corrosive Liquid	1 quart	Not accepted	1 quart.
Boron trifluoride	Nonf. G	173.306, 173.302	Green	300 pounds	do	300 pounds.
% *Box toe gum	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Bromine	Cor. L.	No exemption, 173.252	Corrosive Liquid	1 quart	Not accepted	1 quart.
Bromine pentafluoride	Cor. L.	No exemption, 173.284	do	100 pounds	do	100 pounds.
Bromine trifluoride	Cor. L.	No exemption, 173.283	do	do	do	Do.
Bromoacetone, liquid	Pois. A	No exemption, 173.329(a)	Poison A	Not accepted	do	Not accepted.
Bromobenzyl cyanide, liquid	Irr.	No exemption, 173.382	Irritant	20 pounds	do	20 pounds.
Bromotoluene, alpha. *See* Benzyl bromide.						
Brucine, solid (dimethoxy strychnine)	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
%Burnt cotton (not repicked)	SCM.	No exemption, 173.159	Red Bottom	Not accepted	Not accepted	Not accepted.
%Burnt fiber	SCM.	No exemption, 173.169	do	do	do	Do.
Bursters (explosive)	Expl. A	No exemption, 173.69	Orange A	do	do	Do.
Butadiene, inhibited	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	do	300 pounds.
%Butane. *See* Liquefied petroleum gas.						
*Butyl acetate	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Butyl alcohol. *See* Alcohol, n.o.s.						
Butyl mercaptan	F.L.	No exemption, 173.141	do	do	Not accepted	Do.
Butyl trichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	do	do	Do.
Butyraldehyde	F.L.	173.118, 173.119	Red	do	1 quart	Do.
Cacodylic acid, solid (dimethyl-arsenic)	Pois. B	173.364, 173.365	Poison B	200 pounds	25 pounds	200 pounds.
Calcium arsenate, solid	Pois. B	173.364, 173.367, 173.368	do	do	do	Do.
Calcium arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Calcium chlorate	Oxy. M	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Calcium chlorite	Oxy. M	No exemption, 173.160	do	do	Not accepted	Do.
%Calcium cyanide (or calcium cyanide mixture, solid)	Pois. B	173.370 (c) and (d)	Poison B	200 pounds	25 pounds	200 pounds.
%Calcium hypochlorite mixtures (*dry, containing more than 39% available chlorine*).	Oxy. M	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Calcium, metallic	WRM	173.153, 173.154	Blue	do	25 pounds	Do.
Calcium, metallic, crystalline	WRM	No exemption, 173.231	do	25 pounds	Not accepted	25 pounds.
Calcium nitrite	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Calcium permanganate	Oxy. M	173.153, 173.154	do	do	do	Do.
Calcium peroxide	Oxy. M	173.153, 173.156	do	do	do	Do.
Calcium phosphide	WRM	No exemption, 173.161	Blue	25 pounds	Not accepted	25 pounds.
%Calcium resinate	SCM	No exemption, 173.166	Red Bottom	125 pounds	do	125 pounds.
%Calcium resinate, fused	SCM	do	do	do	do	Do.
Cannon primers	Expl. C	No exemption, 173.107	Orange C	150 pounds	50 pounds	150 pounds.
Caps, blasting. See Blasting caps						
Caps, toy. See Toy caps						
Caprylyl peroxide solution	Oxy. M	173.153(b) 173.221	Peroxide	1 quart	1 quart	1 quart.
Carbolic acid, (phenol), liquid, (*liquid tar acid containing over 50 percent benzo-phenol*).	Pois. B	173.345, 173.349	Poison B	55 gallons	do	55 gallons.
Carbolic acid (phenol) solid	Pois. B	173.369	do	250 pounds	50 pounds	250 pounds.
Carbon bisulfide (disulfide)	F.L.	No exemption, 173.121	Red	Not accepted	Not accepted	Not accepted.
Carbon dioxide gas, liquefied ("mining device")	Nonf. G	173.304(a)(2) Table Note 4	Green	6 pounds	do	6 pounds.
Carbon dioxide, liquefied	Nonf. G	173.306, 173.304, 173.314, 173.315.	do	300 pounds	150 pounds	300 pounds.
Carbon dioxide, nitrous oxide mixture	Nonf. G	173.306, 173.304	do	do	do	Do.
Carbon dioxide-oxygen mixture	Nonf. G	173.306, 173.304	do	do	do	Do.
Carbon monoxide	F.G	173.306, 173.304	Red gas	150 pounds	Not accepted	150 pounds.
*Carbon remover, liquid	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Carbonyl chloride. See Phosgene						
Cartridge bags, empty, with black powder igniters	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Cartridge cases, empty, primed	Expl. C	No exemption, 173.107	do	do	do	Do.
Cartridges, practice ammunition	Expl. C	No exemption, 173.101a	do	do	do	Do.
Case oil. See Gasoline or *Naphtha						
Casinghead gasoline. See Gasoline.						
Caustic potash, liquid. *See* Potassium hydroxide solutions.						
Caustic soda, liquid. *See* Sodium hydroxide solutions.						
*Cement, adhesive, n.o.s. *See* Cement, liquid, n.o.s.						
*Cement, leather	F.L	173.118, 173.119	Red	12 gallons	1 quart	12 gallons.
*Cement, container, linoleum, tile or wallboard, liquid	F.L	173.118, 173.132	do	15 gallons	do	15 gallons.
*Cement, liquid, n.o.s.	F.L	173.118, 173.132	do	do	do	Do.
*Cement, pyroxylin	F.L	173.118, 173.132	do	do	do	Do.
*Cement, roofing, liquid	F.L	173.118, 173.119	do	12 gallons	do	12 gallons.
*Cement, rubber	F.L	173.118, 173.132	do	do	do	15 gallons.
*Charcoal, activated	F.S	173.162	Red Striped	200 pounds	25 pounds	200 pounds.
Charcoal briquettes	F.S	173.162	do	do	50 pounds	Do.
Charcoal, shell	F.S	173.162	do	do	25 pounds	Do.
Charcoal, wood, ground, crushed, granulated or pulverized.	F.S	173.162	do	do	do	Do.
Charcoal, wood, lump	F.S	173.162	do	100 pounds	50 pounds	50 pounds.
Charcoal screenings, *made from "pinon" wood*	F.S	173.162	do	200 pounds	25 pounds	200 pounds.
Charcoal wood screenings *other than "pinon" wood screenings.*	F.S	No exemption, 173.162	do	Not accepted	Not accepted	Not accepted.
Charcoal screenings, wet	SCM	Forbidden				
Charcoal, wet	SCM	do				
Charged oil well jet perforating guns (*total explosive contents in guns exceeding 20 pounds per motor vehicle*).	Expl. A	No exemption, 173.53(u), 173.80.	Orange A	Not accepted	Not accepted	Not accepted.
Charged oil well jet perforating guns (*total explosive contents in guns not exceeding 20 pounds per motor vehicle*).	Expl. C	No exemption, 173.53(u), 173.110.	Orange C	do	do	Do.
*Chemicals, n.o.s. *See* *Drugs, chemicals, medicines or cosmetics, n.o.s.						
Chemical ammunition (containing class A poisons, gases, or liquids).	Pois. A	No exemption, 173.330	Poison Gas or Poison A.	do	do	Do.
Chemical ammunition (containing class B poisons, liquids or solids).	Pois. B	173.345, 173.350	Poison B	55 gallons	do	55 gallons.
Chemical ammunition (containing class C poisons, liquids or solids).	Irr.	No exemption, 173.383	Irritant	20 pounds	do	20 pounds.
Chemical ammunition, explosive	Expl. A	173.59	Orange A	Not accepted	do	Not accepted.
%*Chemical kits	Cor. L.	173.286	Corrosive Liquid	1 quart	1 quart	1 quart.
*Chlorate and borate mixtures	Oxy. M	173.153, 173.229	Yellow	100 pounds	25 pounds	100 pounds.
*Chlorate and magnesium chloride mixtures	Oxy. M	173.153, 173.229	do	do	do	Do.
Chlorates, n.o.s	Oxy. M	173.153, 173.163	do	do	do	Do.
Chlorates, n.o.s., wet	Oxy. M	173.153, 173.163(a)(6)	do	do	do	Do.
Chlorate explosives, dry. See High explosives.						
Chlorate of potash. *See* Potassium chlorate.						
Chlorate of soda. *See* Sodium chlorate.						
Chlorate powders. See High explosives.						
Chloride of phosphorus. *See* Phosphorus trichloride.						
Chloride of sulfur. *See* Sulfur chloride.						
ϕChlorine	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	150 pounds	Not accepted	150 pounds.
Chlorine dioxide hydrate, frozen	Oxy. M	No exemption, 173.237	Yellow	Not accepted	do	Not accepted.
Chlorine trifluoride	Cor. L.	No exemption, 173.285	Corrosive Liquid.	100 pounds	do	100 pounds.
Chloroacetophenone, gas, liquid or solid	Irr.	No exemption, 173.382	Irritant	75 pounds	do	75 pounds.
Chloroacetyl chloride	Cor. L.	No exemption, 173.253	Corrosive Liquid	1 quart	do	1 quart.
Chlorobenzoyl peroxide (para)	Oxy. M	No exemption, 173.157, 173.158.	Peroxide	25 pounds	do	25 pounds.
Chlorodinitrobenzol. See Dinitrochlorobenzol, solid.						
Chloropicrin and methyl chloride mixtures	Pois. A	No exemption, 173.329(b)	Poison Gas	Not accepted	do	Not accepted
Chloropicrin, liquid.	Pois. B	No exemption, 173.357	Poison B	24 pounds	do	Do.
Chloropicrin, absorbed	Pois. B	do	do	75 pounds	do	Do.
Chloropicrin mixtures (*containing no compressed gas or poisonous liquid, class A*).	Pois. B	do	do	do	do	Do.
Chloropicrin and nonflammable, nonliquefied compressed gas mixtures.	Pois. A	No exemption, 173.329(c)	Poison Gas	Not accepted	do	Do.
Chlorosulfonic acid	Cor. L.	173.244, 173.254	Corrosive Liquid	1 quart	1 quart	1 quart.
Chlorosulfonic acid-sulfur trioxide mixtures	Cor. L.	173.244, 173.254	do	do	do	Do.
%4-Chloro-o-toluidine hydrochloride.	Pois. B	No exemption, 173.362	Poison B.	do	Not accepted	Do.
Chromic acid mixtures, dry.	Oxy. M	173.153, 173.164	Yellow	100 pounds	25 pounds.	100 pounds.
Chromic acid, solid	Oxy. M	173.153, 173.164	do	do	do	Do.
Chromic acid, solution	Cor. L.	173.244, 173.245, 173.287	Corrosive Liquid	1 gallon	1 quart.	1 gallon.
Chromic anhydride. *See* Chromic acid, solid.						
Chromium trioxide. *See* Chormic acid, solid.						
Chromyl chloride	Cor. L.	No exemption, 173.247.	do	do	Not accepted	Do.
Cigar and cigarette lighter fluid. See Lighter fluid.						
%Cigarette lighters charged with fuel.	F.S	173.21(d)	Red Striped	173.21(d)	do	173.21(d).
%Cigarette loads	Expl. C	No exemption, 173.111.	Orange C	150 pounds	50 pounds.	150 pounds.
*Cleaning fluid or liquid	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Cloud gas cylinders. See Chemical ammunition.						
Coal briquettes, hot	SCM	Forbidden				
Coal gas. See Hydrocarbon gas, nonliquefied.						
%Coal, ground bituminous, sea coal, coal facings, etc.	SCM	173.165	Red Bottom	Not accepted	Not accepted	Not accepted.
*Coal tar distillate.	F.L	173.118, 173.119	Red.	10 gallons	1 quart	10 gallons.
*Coal tar light oil.	F.L	173.118, 173.119	do	do	do	Do.
*Coal tar naphtha.	F.L	173.118, 173.119	do	do	do	Do.
*Coal tar oil	F.L	173.118, 173.119	do	do	do	Do.
*Coating solution	F.L	173.118, 173.132.	do	15 gallons	do	15 gallons.
%Cobalt resinate, precipitated	SCM.	No exemption, 173.166	Red Bottom	125 pounds	Not accepted	125 pounds.
Cocculus, solid (*fish berry*)	Pois. B	173.364, 173.365	Poison B.	200 pounds	50 pounds	200 pounds.
Coke, hot	SCM.	Forbidden				
Collodion	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Collodion cotton, wet. See Nitrocellulose, wet						
Cologne spirits (*alcohol*)	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Columbian spirits (*wood alcohol*)	F.L	173.118, 173.119	do	do	do	Do.
Combination fuzes	Expl. C	No exemption, 173.105	Orange C	150 pounds	50 pounds	150 pounds.
Combination primers	Expl. C	No exemption, 173.107	do	do	do	Do.
Commercial shaped charges. See High explosives		See 173.65(h)				
Common fireworks. See Fireworks, common.						
*Compounds, cleaning, liquid	Cor. L.	173.244, 173.245	Corrosive Liquid	1 quart	1 quart	1 quart.
*Compounds, cleaning, liquid	F.L	173.118, 173.119	Red	10 gallons	do	10 gallons.
%*Compounds, cleaning, liquid (*containing hydrochloric (muriatic) acid*).	Cor. L	173.244, 173.263	Corrosive Liquid	10 pints	do	10 pints.
%Compounds, cleaning, liquid (*containing hydrofluoric acid*).	Cor. L	173.244, 173.256	do	do	do	Do.
Compounds, enamel	F.L	173.118, 173.128	Red	55 gallons	do	55 gallons.
*Compounds, iron or steel rust preventing or removing	Cor. L.	173.244, 173.245	Corrosive Liquid	1 gallon	do	1 gallon.
*Compounds, lacquer, paint or varnish, etc., removing, reducing or thinning, liquid.	F.L	173.118, 173.128	Red	55 gallons	do	55 gallons.
*Compounds, lacquer, paint or varnish removing liquid	Cor. L.	173.244, 173.245	Corrosive Liquid	1 gallon	do	1 gallon.
*Compounds, polishing, liquid	F.L.	173.118, 173.129	Red	55 gallons	do	55 gallons.
*Compounds, tree or weed killing, liquid	F.L.	173.118, 173.119	do	10 gallons	do	10 gallons.
*Compounds, tree or weed killing, liquid	Pois. B	173.345, 173.346	Poison B	55 gallons	do	55 gallons.
*Compounds, tree or weed killing, solid.	Oxy. M	173.153, 173.154, 173.229	Yellow	100 pounds	25 pounds	100 pounds.
*Compounds, type-cleaning, liquid.	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Compounds, vulcanizing, liquid	Cor. L.	173.244, 173.245	Corrosive Liquid	1 quart	do	1 quart.
*Compounds, vulcanizing, liquid	F.L.	173.118, 173.119	Red	10 gallons	do	10 gallons.
Compressed gases, flammable, n.o.s.	F.G	173.306, 173.305, 173.304, 173.302.	Red Gas	300 pounds	Not accepted	300 pounds.
Compressed gases, nonflammable, n.o.s	Nonf. G	173.306, 173.305, 173.304, 173.302.	Green	do	150 pounds	Do.

(1)	(2)	(3)	(4)	(5)		
Article	Classed as—	Exemptions and packaging (see section)	Label required (if not exempt)	Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Containers, reused or empty		See 173.28 or 173.29				
Copper acetoarsenite, solid (*emerald green, imperial green, Kings green, moss green, meadow green, mitis green, parrot green, Vienna green*).	Pois. B	173.364, 173.367	Poison B	200 pounds	50 pounds	200 pounds.
Copper arsenite, solid (*Scheele's green, cupric green, copper orthoarsenite, Swedish green*).	Pois. B	173.364, 173.365	do	do	do	Do.
Copper cyanide	Pois. B	173.370	Poison B	No limit	25 pounds	No limit.
Cordeau detonant fuse	Expl. C	No exemption, 173.104	Orange C	300 pounds	50 pounds	300 pounds.
Corrosive battery fluid. *See* Electrolyte (acid), or Alkaline corrosive battery fluid.						
Corrosive liquid, n.o.s	Cor. L	173.244, 173.245	Corrosive liquid	5 pints	1 quart	1 quart.
Cotton, burnt. See Burnt cotton.						
% Cotton, waste, oily *with more than 5 percent of animal or vegetable oil.*	SCM	No exemption, 173.167	Red Bottom	Not accepted	Not accepted	Not accepted.
Crotonaldehyde	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Crude nitrogen fertilizer solution	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
*Crude oil, petroleum	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
% Cumene hydroperoxide (*not exceeding 96 percent in nonvolatile solvent*).	Oxy. M	173.153(b), 173.224	Peroxide	1 quart	1 pint	1 quart.
Cupric cyanide. See Copper cyanide.						
Cupriethylene-diamine solution	Cor. L	173.244, 173.249	Corrosive liquid	1 gallon	1 quart	1 gallon.
Cyanides or cyanide mixtures, dry	Pois. B	173.364, 173.370	Poison B	200 pounds	25 pounds	200 pounds.
Cyanogen bromide	Pois. B	No exemption, 173.379	do	25 pounds	Not accepted	25 pounds.
Cyanogen chloride *containing less than 0.9 percent water*	Pois. A	No exemption, 173.328	Poison Gas	Not accepted	do	Not accepted.
Cyanogen gas	Pois. A	do	do	do	do	Do.
Cyclohexane	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Cyclohexanone peroxide, *over 50 percent concentration but not exceeding 85 percent concentration.*	Oxy. M	No exemption, 173.157, 173.158.	Peroxide	25 pounds	Not accepted	25 pounds.
% Cyclohexanone peroxide, *not over 50 percent concentration.*	Oxy. M	173.153, 173.154	do	do	1 pound	Do.
Cyclohexenyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	10 gallons	Not accepted	10 gallons.
Cyclohexyl trichlorosilane	Cor. L	do	do	do	do	Do.
Cyclopentane	F.L	173.118, 173.119	Red	do	1 quart	Do.
Cyclopentane, methyl	F.L	173.118, 173.119	do	do	do	Do.
Cyclopropane	F.G	173.306, 173.304	Red Gas	300 pounds	Not accepted	300 pounds.
Cyclotrimethylenetrinitramine, desensitized. See High explosives.						
Cyclotrimethylenetrinitramine, wet with not less than 10 percent of water. See High explosives.						
Decaborane	F.S. and WRM.	No exemption, 173.236	Red Striped and Blue.	25 pounds	do	25 pounds.
Delay electric igniters	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds;
Denatured alcohol. *See* Alcohol, n.o.s.						
Depth bombs. See Explosive bomb. Detonating fuzes, class A explosives, *with or without radioactive components.*	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted;
Detonating fuzes, class C explosives	Expl. C	No exemption, 173.113	Orange C	150 pounds	50 pounds	150 pounds.
Detonating primers	Expl. A	No exemption, 173.68	Orange A	Not accepted	Not accepted	Not accepted.
Diazodinitrophenol. *See* Initiating explosive.						
Dichlorodifluoromethane	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	300 pounds	150 pounds	300 pounds.
ϕDichlorodifluoromethane-dichlorotetrafluoroethane mixture.	Nonf. G	173.306, 173.304, 173.314, 173.315.	do	do	do	Do.
ϕDichlorodifluoromethane-monochlorodifluoromethane mixture.	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
ϕDichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture.	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
ϕDichlorodifluoromethane-trichlorotrifluoromethane mixture.	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
%*Dichlorodifluoromethane-monofluorotrichloroethane mixture.	Nonf. G	173.306, 173.314, 173.315	do	do	do	Do.
Dichlorodifluoromethane and difluoroethane mixture (*constant boiling mixture*).	Nonf. G	173.306, 173.304, 173.314, 173.315.	do	do	do	Do.
Dichloroethylene	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dichloroisocyanuric acid, dry (*containing more than 59 percent available chlorine*).	Oxy. M	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
%Dicumyl peroxide, solid.	Oxy. M	173.153, 173.154	Peroxide	25 pounds	1 pound	25 pounds.
%Dicumyl peroxide, not exceeding 50 percent solution	Oxy. M	173.153(b), 173.224	do	1 quart	1 pint	1 quart.
%Diethylamine	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Diethyl dichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
Diethylene glycol dinitrate	Expl. A	173.51(d)	Orange A	Not accepted	do	Not accepted.
Difluoroethane	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	do	300 pounds.
Difluoromonochloroethane	F.G	173.306, 173.304, 173.314	do	do	do	Do.
Difluorophosphoric acid, anhydrous	Cor. L	No exemption, 173.275	Corrosive Liquid	1 gallon	do	1 gallon.
*Di iso octyl acid phosphate	Cor. L	173.244, 173.296	do	1 quart	1 quart	1 quart.
%Diisopropylbenzene hydroperoxide, not exceeding 60 percent solution.	Oxy. M	173.153(b), 173.224	Peroxide	do	1 pint	Do.
Dimethylamine, anhydrous.	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	Not accepted	300 pounds.
Dimethylamine, aqueous solution.	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dimethyldichlorosilane	F.L.	No exemption, 173.135	Red	do	Not accepted	Do.
Dimethylhexane dihydroperoxide, dry	Oxy. M	Forbidden				
Dimethylhexane dihydroperoxide, wet	Oxy. M	No exemption, 173.157	Peroxide	25 pounds	Not accepted	25 pounds.
Dimethylhydrazine, unsymmetrical (UDMH)	F.L	No exemption, 173.145	Red	5 pints	do	5 pints.
% Dimethyl ether	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	do	300 pounds.
Dimethyl sulfate	Cor. L	No exemption, 173.255	Corrosive Liquid	1 quart	do	1 quart.
Dimethyl sulfide	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Dinitrobenzene, solid (dinitrobenzol)	Pois. B	173.364, 173.371	Poison B	200 pounds	50 pounds	200 pounds.
Dinitrobenzene, solution	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Dinitrochlorobenzene, solid (*dinitrochlorobenzol, chlorodinitrobenzol*).	Pois. B	173.361, 173.365	do	200 pounds	50 pounds	200 pounds.
Dinitrophenol solutions	Pois. B	173.315, 173.362a	do	65 pounds	1 quart	65 pounds.
Diphenylaminechloroarsine	Irr	No exemption, 173.382	Irritant	75 pounds	Not accepted	75 pounds.
Diphenylchloroarsine, solid	Irr	do	do	20 pounds	do	20 pounds.
Diphenyl dichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	10 gallons	do	10 gallons.
Diphosgene. See Phosgene.						
Dispersant gas		See 173.311(c) Table Note 13, 173.315(a) Table Note 9.				

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(1)	(2)	(3)	(4)	(5)		
Article	Classed as—	Exemptions and packaging (see section)	Label required (if not exempt)	Maximum quantity in one package		
				(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
*Distillate	F.L	173.118, 173.119	Red	10 gallons	1 quart	Do.
Dodecyltrichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
*Dressing, leather	F.L	173.118, 173.119	Red	do	1 quart	Do.
*Driers. See *Paint driers, liquid.						
Drill cartridges		See 173.55				
*Drugs, chemicals, medicines or cosmetics, n.o.s	F.L	173.118, 173.119	Red	10 gallons	1 quart	Do.
*Drugs, chemicals, medicines or cosmetics, n.o.s	F.S	173.153, 173.154	Red striped	100 pounds	25 pounds	100 pounds.
*Drugs, chemicals, medicines or cosmetics, n.o.s	Oxy. M	173.153, 173.154	Yellow	do	do	Do.
*Drugs, chemicals, medicines or cosmetics, n.o.s	Cor. L	173.244, 173.245	Corrosive Liquid	1 quart	1 quart	1 quart.
*Drugs, chemicals, medicines or cosmetics, n.o.s	SCM	173.118, 173.119, 173.153, 173.151.	Red Bottom	1 quart or 5 pounds.	Not accepted	Not accepted.
*Drugs, chemicals, medicines or cosmetics, n.o.s	WRM	173.118, 173.119, 173.153, 173.154.	Blue	100 pounds	25 pounds	100 pounds.
*Drugs, chemicals, medicines or cosmetics, n.o.s	Oxy. M	173.153, 173.154	Peroxide	10 pounds	Not accepted	Not accepted.
%*Drugs, chemicals, medicines or cosmetics, n.o.s., liquid.	Pois. B	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
%*Drugs, chemicals, medicines or cosmetics, n.o.s., solid	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Dusts, by-product, poisonous. *See* arsenical dust.						
Dynamite. See High explosives.						
Electric blasting caps. See Blasting caps, electric.						
Electric squibs	Expl. C.	No exemption, 173.106	Orange C	150 pounds	do	150 pounds.
Electric storage batteries, wet. See Batteries, electric storage, wet.						
Electrolyte (acid), battery fluid	Cor. L	173.244, 173.257	Corrosive Liquid	5 gallons	1 quart	5 gallons.
%Electrolyte (acid), or alkaline corrosive battery fluid packed with storage batteries.	Cor. L	No exemption, 173.258	do	2 gallons	Not accepted	2 gallons.
Electrolyte (acid) or alkaline corrosive battery fluid packed with *battery charger, radio current supply device, or electronic equipment and actuating devices.*	Cor. L	No exemption, 173.259	do	6 quarts	do	6 quarts.
Empty cartridge bags with black powder igniters	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Empty cartridge cases, primed	Expl. C	No exemption, 173.107	do	do	do	Do.
*Enamel. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Engine starting fluid	F.G	No exemption, 173.304	Red Gas	60 pounds	Not accepted	60 pounds.
%Engines, internal combustion		See 173.120				
*Eradicators, paint or grease, liquid.	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Etching acid liquid, n.o.s	Cor. L	No exemption, 173.299	Corrosive Liquid	10 pounds	Not accepted	10 pounds.
Ethane	F.G	173.306, 173.304	Red Gas	300 pounds	do	300 pounds.
Ether	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Ethyl acetate	F.L	173.118, 173.119	do	do	do	Do.
Ethyl alcohol. See Alcohol, n.o.s.						
Ethyl aldehyde. *See* Acetaldehyde.						
Ethyl chloride.	F.L.	No exemption, 173.123	do	300 pounds in cylinders 15 pounds in other containers.	Not accepted	300 pounds.
Ethyl chloroformate (*chlorocarbonate*)	Cor. L	No exemption, 173.288	Corrosive Liquid	5 pints	do	5 pints.
Ethyldichloroarsine	Pois. A	No exemption, 173.328	Poison A	Not accepted	do	Not accepted.
Ethyl dichlorosilane	F.L	No exemption, 173.135	Red	10 gallons	do	10 gallons.
ϕEthylene	F.G	173.306, 173.304	Red Gas	300 pounds	do	300 pounds.
Ethylene dichloride	F.L	173.118, 173.119	do	10 gallons	1 quart	10 gallons.
Ethylene imine, inhibited.	F.L	No exemption, 173.139	do	5 pints	Not accepted	5 pints.
Ethylene oxide	F.L	No exemption, 173.121	do	300 pounds in cylinders, 15 pounds in other containers.	do	300 pounds.
Ethyl ether. See Ether.						
Ethyl formate	F.L	173.118, 173.119	do	10 gallons	1 quart	10 gallons.
Ethyl mercaptan	F.L	No exemption, 173.141	do	do	Not accepted	Do.
Ethyl methyl ether	F.L	173.118, 173.119	do	do	1 quart	Do.
Ethyl methyl ketone	F.L	173.118, 173.119	do	do	do	Do.
Ethyl nitrate (*nitric ether*)	F.L	173.118, 173.119	do	do	do	Do.
Ethyl nitrite (*nitrous ether*)	F.L	173.118, 173.119	do	do	do	Do.
Ethyl phenyl dichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
Ethyl trichlorosilane	F.L	No exemption, 173.135	Red	do	do	Do.
Etiologic agents, n.o.s	Etio	No exemption, 173.388	Etiologic	1 gallon	do	1 gallon.
Explosive auto alarms	Expl. C	No exemption, 173.111	Orange C	150 pounds	50 pounds	150 pounds.
Explosive bomb	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Explosive cable cutters	Expl. C	No exemption, 173.102	Orange C	150 pounds	50 pounds	150 pounds.
Explosives, class A	Expl. A	See 173.53	Orange A			
Explosives, class B	Expl. B	See 173.88	Orange B			
Explosives, class C	Expl. C	See 173.100	Orange C			
Explosive mine	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Explosive power device, class B	Expl. B	No exemption, 173.91	Orange B	150 pounds	do	150 pounds.
Explosive power device, class C	Expl. C	No exemption, 173.102	Orange C	do	50 pounds	Do.
Explosive projectile	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Explosive release device.	Expl. C	No exemption, 173.102	Orange C	150 pounds	50 pounds	150 pounds.
Explosive rivets	Expl. C.	No exemption, 173.100(q)	do	do	do	Do.
% *Explosives, samples for laboratory examination*		See 173.86			Not accepted	Not accepted.
Explosive torpedo	Expl. A	No exemption, 173.56	Orange A	Not accepted	do	Do.
*Extracts, liquid, flavoring	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Fabrics with animal or vegetable oil. See Fibers of fabrics with animal or vegetable oil.						
Felt waste, wet. *See* Waste wool, wet.						
Ferric arsenate, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Ferric arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Ferrous arsenate (*iron arsenate*), solid	Pois. B	173.364, 173.365	do	do	do	Do.
*Fertilizer ammoniating solution *containing free ammonia*	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	Not accepted	300 pounds.
Fertilizer, tankage. *See* Garbage, tankage.						
% Fiber, burnt	SCM	No exemption, 173.169	Red Bottom	Not accepted	do	Not accepted.
% Fibers or fabrics, with animal or vegetable oil	SCM	No exemption, 173.170	do	do	do	Do.
ϕ Film (*nitrocellulose*)	F.S.	No exemption, 173.177, 173.178, 173.180.	Red Striped	200 pounds	50 pounds	200 pounds.
% Film (*slow-burning*)	F.S	173.181(a)(1)	do	No limit	do	No limit.
Film scrap (*nitrocellulose*), samples	F.S	No exemption, 173.196	do	25 pounds		
Film scrap (*nitrocellulose*), other than samples	F.S	No exemption, 173.195	do	Not accepted	Not accepted	Not accepted.
% Film scrap (*slow-burning*)	F.S	173.181(a)(2)	do	No limit	50 pounds	No limit.
ϕFilm, toy (*nitrocellulose*)	F.S	No exemption, 173.179	do	200 pounds	do	200 pounds.
% ϕFilm, toy (*slow-burning*)	F.S	173.181(a)(1)	do	No limit	do	No limit.

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
ϕFilm, toy pieces (_nitrocellulose_)	F.S.	173.181(a)(3)	do	Not accepted	Not accepted	Not accepted.
Firecrackers. See Fireworks, common or special.						
Firecracker salutes. See Common fireworks or Special fireworks.						
Fire extinguisher charges	Cor. L.	173.261	Corrosive Liquid	1 gallon	1 quart	1 gallon.
%_Fire extinguisher charges containing not more than 50 grains of propellant explosives per unit._	Expl. B	173.88(l), Note 1	None	No limit	50 pounds	No limit.
Fire extinguishers	Nonf. G	173.306	Green	300 pounds	150 pounds	300 pounds.
%Fireworks, common	Expl. C	No exemption, 173.100(r), 173.108	Orange C	200 pounds	Not accepted	200 pounds.
Fireworks, exhibition display pieces. See Fireworks, special.						
Fireworks, special	Expl. B	No exemption, 173.88(d), 173.91	Orange B	do	do	Do.
Fish meal or fish scrap _containing less than 6 percent or more than 12 percent moisture._	SCM	No exemption, 173.171	Red Bottom	Not accepted	do	Not accepted.
%Fissile radipactive materials _See_ Radioactive materials, fissile.						
*Flame retardant compound, liquid	Cor. L.	173.244, 173.291	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Flammable liquids, n.o.s	F.L.	173.118, 173.119	Red	do	do	Do.
Flammable solids, n.o.s	F.S.	173.153, 173.154	Red Striped	25 pounds	25 pounds	25 pounds.
Flares. See Fireworks, common.						
Flares, aeroplane. See Fireworks, special.						
Flash cartridges. See Fireworks, special or low explosives.						
Flash crackers. See Fireworks, common or special.						
Flash powder. See Fireworks, special or low explosives.						
Flash sheets. See Fireworks, special or low explosives.						
% Flexible linear shaped charges, metal clad	Expl. C	No exemption, 173.104	Orange C	300 pounds	50 pounds	300 pounds.
Flue dust, poisonous	Pois. B	173.364, 173.368	Poison B	200 pounds	do	200 pounds.
Fluorine	F.G	173.306, 173.302	Red Gas	6 pounds	Not accepted	Not accepted.
Fluosulfonic acid	Cor. L.	No exemption, 173.274	Corrosive Liquid	10 pints	do	10 pints.
Formic acid	Cor. L.	173.244, 173.245, 173.289	do	5 gallons	1 quart	5 gallons.
Formic acid, solution	Cor. L.	173.244, 173.245, 173.289	do	do	do	Do.
Fulminate of mercury, dry	Expl. A	Forbidden				
Fulminate of mercury, wet. See Initiating explosive.						
*_Fumigants_		See 173.152(a), Note 1				
Fuse igniters	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
% Fuse, instantaneous	Expl. C	173.100(m)	do	do	do	Do.
Fuse lighters	Expl. C	No exemption, 173.106	do	do	do	Do.
Fuse, mild detonating, metal clad	Expl. C	No exemption, 173.104	do	300 pounds	do	300 pounds.
% Fuse, safety	Expl. C	173.100(o)	do		do	Do.
% Fuses (_railway and highway_)	Expl. C	No exemption, 173.108	do	200 pounds	do	200 pounds.
Fuzes, combination	Expl. C	No exemption, 173.105	do	150 pounds	do	150 pounds.
Fuzes, detonating, class A explosives	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted.
Fuzes, detonating, class A explosives, radioactive	Expl. A	do	do	do	do	Do.
Fuzes, detonating, class C explosives	Expl. C	No exemption, 173.113	Orange C	150 pounds	50 pounds	150 pounds.
Fuzes, percussion, nondetonating	Expl. C	No exemption, 173.105	do	do	do	Do.
Fuzes, time, nondetonating	Expl. C	do	do	do	do	Do.
Fuzes, tracer, nondetonating	Expl. C	do	do	do	do	Do.
Garbage tankage _containing less than 8 percent of moisture_	SCM	No exemption, 173.209	Red Bottom	Not accepted	Not accepted	Not accepted.
Gas cylinders, empty		See 173.29				
* Gas drips, hydrocarbon	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Gas identification sets	Pois. A or Irr.	No exemption, 173.331	Poison A or Irritant.	See 173.331		
Gas mine. See Explosive mine.						
% Gasoline (_including casing head and natural_)	F.L	173.118, 173.119	Red	10 gallons	1 quart	Do.
Gelatine dynamite. See High explosives.						
Grenades, empty, primed	Expl. C	No exemption, 173.107	Orange C	150 pounds	50 pounds	150 pounds.
Grenades, hand or rifle, explosive (_with or without gas, smoke or incendiary material_).	Expl. A	No exemption, 173.56	Orange A	Not accepted	Not accepted	Not accepted.
Grenades, without bursting charges:						
With incendiary material	Expl. B	See 173.91	Orange B	50 pounds	do	50 pounds.
% _With smoke charges_	Expl. C	See 173.108	Orange C	200 pounds	50 pounds	200 pounds.
With poison gas charges	Pois. A	See 173.330	Poison Gas	Not accepted	Not accepted	Not accepted.
% _With toxic gas charges_	Pois. B	See 173.350	Poison B		do	
Grenades, police	Pois. A	No exemption, 173.335	Poison Gas	Not accepted	do	Do.
Grenades, tear gas	Irr.	No exemption, 173.385	Irritant	75 pounds	do	75 pounds.
Guanidine nitrate	Oxy. M.	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Guanyl nitrosamino guanylidene hydrazine. See Initiating explosive.						
Guanyl nitrosamino guanyl tetrazine. See Initiating explosive.						
Guided missiles, with warheads. See Rocket ammunition with explosive, illuminating, gas, incendiary, or smoke projectile.						
Guided missiles without warheads. See Rocket motors, class A explosives or rocket motors, class B explosives.						
Guncotton. See High explosives.						
Hafnium metal, dry, _mechanically produced, finer than 270 mesh particle size._	F.S	No exemption, 173.214	Red Striped	75 pounds	Not accepted	75 pounds.
Hafnium metal, dry, _chemically produced, finer than 20 mesh particle size._	SCM	do	Red Bottom	do	do	Do.
Hafnium metal, wet, _mechanically produced, finer than 270 mesh particle size._	F.S	do	Red Striped	150 pounds	do	150 pounds.
Hafnium metal, wet, _chemically produced, finer than 20 mesh particle size._	F.S	do	do	do	do	Do.
Hair, wet	SCM	No exemption, 173.172	Red Bottom	Not accepted	do	Not accepted.
Hand signal devices	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
% Heaters for refrigerator cars, liquid fuel type	F.L.	173.146	Red	No limit	do	No limit.
Helium	Nonf. G	173.306, 173.302, 173.314	Green	300 pounds	150 pounds	300 pounds.
Helium-oxygen mixture	Nonf. G	173.306, 173.302	do	do	do	Do.
Heptane	F.L.	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Hexadecyltrichlorosilane	Cor. L.	No exemption, 173.280	Corrosive Liquid	do	Not accepted	Do.
Hexaethyl tetraphosphate and compressed gas mixture	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	do	Not accepted.
Hexaethyl tetraphosphate, liquid	Pois. B	No exemption, 173.358	Poison B	1 quart	do	1 quart.
% Hexaethyl tetraphosphate mixture, dry, (_containing more than 2 percent hexaethyl tetraphosphate_).	Pois. B	173.337	do	200 pounds	do	200 pounds.
% Hexaethyl tetraphosphate mixture, dry, (_containing not more than 2 percent hexaethyl tetraphosphate_).	Pois. B	173.377(f)	do	do	50 pounds	Do.

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(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
% Hexaethyl tetraphosphate mixture, liquid, (containing more than 25 percent hexaethyl tetraphosphate).	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
% Hexaethyl tetraphosphate mixture, liquid, (containing not more than 25 percent hexaethyl tetraphosphate).	Pois. B	173.359(c)	do	do	½ pint	Do.
Hexafluorophosphoric acid	Cor. L.	No exemption 173.275	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
Hexafluoropropylene	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	300 pounds	150 pounds	300 pounds.
Hexamethylene diamine solution	Cor. L.	173.244, 173.249, 173.292	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Hexane	F.L.	173.118, 173.119	Red	do	do	Do.
Hexyl trichlorosilane	Cor. L.	No exemption 173.280	Corrosive Liquid	do	Not accepted	Do.
High explosives	Expl. A	No exemption 173.61 to 173.87 inclusive.	Orange A	See 173.86	do	Not accepted.
High explosives, liquid	Expl. A	No exemption 173.62	do	Not accepted	do	Do.
Highway fuses. See Fuses.						
High wines. See Alcohol, n.o.s.						
Hydraulic accumulators. See Accumulator, pressurized.						
Hydrazine, anhydrous	Cor. L.	No exemption 173.276	Corrosive Liquid	5 pints	do	5 pints.
% Hydrazine solution (_containing 50 percent or less of water_).	Cor. L.	do	do	do	do	Do.
Hydriodic acid	Cor. L.	173.244, 173.245	do	1 gallon	1 quart	1 gallon.
Hydrobromic acid, solution	Cor. L.	173.244, 173.262	do	do	do	Do.
Hydrobromic acid, anhydrous. _See_ Hydrogen bromide.						
Hydrocarbon gas, liquefied	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Hydrocarbon gas, nonliquefied	F.G	173.306, 173.302	do	do	do	Do.
Hydrochloric (_muriatic_) acid	Cor. L.	173.244, 173.263	Corrosive Liquid	10 pints	1 quart	10 pints.
Hydrochloric acid, anhydrous. _See_ Hydrogen chloride.						
Hydrochloric acid mixtures	Cor. L.	173.244, 173.263	do	do	do	Do.
Hydrochloric acid solution, inhibited	Cor. L.	173.244, 173.263	do	do	do	Do.
Hydrocyanic acid, liquefied	Pois. A and F.L.	No exemption, 173.332	Poison A and Red.	Not accepted	Not accepted	Not accepted.
Hydrocyanic acid (_prussic_), liquid	Pois. A and F.L.	do	do	do	do	Do.
Hydrocyanic acid (_prussic_), unstabilized	Pois. A	Forbidden				
Hydrocyanic acid solution not more than 5 percent	Pois. B	No exemption, 173.351	Poison B	25 pounds	Not accepted	25 pounds.
Hydrofluoric acid solution	Cor. L.	173.244, 173.264(a)	Corrosive Liquid	10 pints	1 quart	10 pints.
Hydrofluoric acid, anhydrous. _See_ Hydrogen fluoride.						
Hydrofluoric and sulfuric acids, mixtures	Cor. L.	No exemption, 173.290	do	do	Not accepted	Do.
Hydrofluosilicic acid	Cor. L.	173.244, 173.265	do	do	1 quart	Do.
ϕ Hydrogen	F.G	173.306, 173.302, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Hydrogen bromide	Nonf. G	173.306, 173.304	Green	do	do	Do.
Hydrogen chloride	Nonf. G	173.306, 173.304	do	do	do	Do.
Hydrogen fluoride	Cor. L	No exemption, 173.264(b)	Corrosive Liquid	110 pounds	do	110 pounds.
Hydrogen, liquefied	F.G	No exemption, 173.316	Red Gas	Not accepted	do	Not accepted.
Hydrogen peroxide (_hydrogen dioxide_) _solution in water containing over 8 percent hydrogen peroxide by weight._	Cor. L.	173.244, 173.266	Corrosive Liquid	1 gallon	1 quart	1 gallon.
Hydrogen sulfide	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Hypochlorite solutions containing more than 7 percent available chlorine by weight.	Cor. L.	173.277	Corrosive Liquid	4 gallons	1 quart	4 gallons.
Igniter cord	Expl. C	No exemption, 173.100(s)	Orange C	150 pounds	50 pounds	150 pounds.
Igniter fuse—metal clad	Expl. C	No exemption, 173.106	do	do	do	Do.
Igniters	Expl. C	do	do	do	do	Do.
Igniters, jet thrust (_jato_), class A explosives	Expl. A	No exemption, 173.79	Orange A	Not accepted	Not accepted	Not accepted.
Igniters, jet thrust (_jato_), class B explosives	Expl. B	No exemption, 173.92	Orange B	550 pounds	do	550 pounds.
Igniters, rocket motor, class A explosives	Expl. A	No exemption, 173.79	Orange A	do	do	Not accepted.
Igniters, rocket motor, class B explosives	Expl. B	No exemption, 173.92	Orange B	do	do	550 pounds.
Illuminating projectiles. See Fireworks, special.						
Initiating explosive	Expl. A	No exemption, 173.70 to 173.78 inclusive.	Orange A	Not accepted	do	Not accepted.
Diazodinitrophenol		No exemption, 173.70				
Fulminate of mercury		No exemption, 173.71				
Guanyl nitrosamino guanylidene hydrazine		No exemption, 173.72				
Lead azide, dextrinated type only		No exemption, 173.73				
Lead mononitroresorcinate		No exemption, 173.70				
Lead styphnate (_lead trinitroresorcinate_)		No exemption, 173.74				
Nitro mannite		No exemption, 173.75				
Nitrosoguanidine		No exemption, 173.76				
Pentaerythrite tetranitrate		No exemption, 173.77				
Tetrazene (_guanyl nitrosamino guanyl tetrazene_)		No exemption, 173.78				
*Ink	F.L	173.118, 173.144	Red	10 gallons	1 quart	10 gallons.
*Insecticide, dry n.o.s.	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
*Insecticide, liquid, n.o.s.	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Insecticide, liquefied gas, _containing no poison (class A or B) material._	Nonf. G	173.306, 173.304	Green	300 pounds	150 pounds	300 pounds.
Insecticide, liquefied gas, _containing poison (class A or B) material._	Pois. A	173.329, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
*Insecticide, liquid (vermin exterminator)	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Iodine monochloride	Cor. L.	No exemption, 173.293	Corrosive Liquid	1 quart	Not accepted	1 quart.
Iron mass or sponge, spent	SCM	No exemption, 173.174	Red Bottom	Not accepted	do	Not accepted.
Iron mass or sponge, _not properly oxidized_	SCM	No exemption, 173.174	do	do	do	Do.
%Irritating agents, n.o.s	Irr.	No exemption, 173.382	Irritant	75 pounds	do	75 pounds.
Isobutane. See Liquefied petroleum gas.						
Isobutylene. See Liquefied petroleum gas.						
Isooctane	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Isooctene	F.L	173.118, 173.119	do	do	do	Do.
Isopentane	F.L	173.118, 173.119	do	do	do	Do.
Isoprene	F.L	173.118, 173.119	do	do	do	Do.
*Isopropanol	F.L	173.118, 173.119	do	do	do	Do.
Isopropyl acetate	F.L	173.118, 173.119	do	do	do	Do.
Isopropyl mercaptan	F.L	No exemption, 173.141	do	do	Not accepted	Do.
Isopropyl percarbonate, stabilized	Cor. L.	No exemption, 173.282	Corrosive Liquid	Not accepted	do	Not accepted.
Isopropyl percarbonate, unstabilized	F.S	No exemption, 173.218	Red Striped	do	do	Do.
Jet thrust igniters. See Igniters, jet thrust.						
Jet thrust unit (_jato_), class A explosives	Expl. A	No exemption, 173.79	Orange A	do	do	Do.
Jet thrust unit (_jato_), class B explosives	Expl. B	No exemption, 173.92	Orange B	550 pounds	do	550 pounds.
*_Lacquer. See_ *Paint, enamel, Lacquer, stain, shellac, varnish, etc.						
*_Lacquer base, liquid. See_ *Paint, enamel, lacquer, stain, shellac, varnish, etc.						

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(5) (b) Passenger carrying aircraft	(5) (c) Cargo only aircraft
*Lacquer base or lacquer chips, dry	F.S	173.153, 173.175	Red Striped	100 pounds	25 pounds	100 pounds.
*Lacquer base or lacquer chips, plastic (*wet with alcohol or solvent*).	F.L	173.118, 173.127	Red	25 pounds	1 quart	25 pounds.
*Lacquer removing, reducing and thinning compounds. *See* *Compounds, lacquer, paint, or varnish removing, reducing, or thinning liquids.						
%Lauroyl peroxide	Oxy. M	173.153(b), 173.157, 173.158	Peroxide	do	1 pound	Do.
Lead arsenate, solid	Pois. B	173.364, 173.367	Poison B	200 pounds	50 pounds	200 pounds.
Lead arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Lead azide. See Initiating explosive.						
%Lead cyanide	Pois. B	173.370	do	No limit	25 pounds	No limit.
Lead mononitroresorcinate. See Initiating explosive.						
Lead nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	do	100 pounds.
Lead styphnate (lead trinitroresorcinate). See Initiating explosive.						
*Leather bleach	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Leather dressing	F.L	173.118, 173.119	do	do	do	Do.
Lewisite	Pois. A	No exemption, 173.328	Poison A	Not accepted	Not accepted	Not accepted.
Lighter fluid	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Liquefied hydrocarbon gas	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
% Liquefied nonflammable gases *charged with nitrogen, carbon dioxide or air.*	Nonf. G	173.306, 173.304	Green	do	30 pounds	Do.
ϕLiquefied petroleum gas	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	do	Not accepted	Do.
Liquids other than those classified as flammable, corrosive, or poisonous charged with nitrogen, carbon dioxide or air. See Compressed gases, n.o.s.						
Lithium aluminum hydride	WRM	No exemption, 173.206	Blue	25 pounds	do	25 pounds.
Lithium aluminum hydride, ethereal	F. L	No exemption, 173.137	Red	1 quart	do	1 quart.
Lithium amide, powdered	WRM	173.153, 173.168	Blue	100 pounds	25 pounds	100 pounds.
Lithium ferro silicon	WRM	No exemption, 173.206	do	25 pounds	Not accepted	25 pounds.
Lithium hydride	WRM	do	do	do	do	Do.
Lithium hydride in solid forms	WRM	do	do	100 pounds	do	100 pounds.
Lithium hypochlorite compounds, dry (*containing more than 39 percent available chlorine*).	Oxy. M	173.153, 173.217	Yellow	do	50 pounds	Do.
Lithium metal	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Lithium metal, in cartridges	WRM	See 173.206	do	do	1 pound	Do.
Lithium peroxide	Oxy. M	173.153(a), 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Lithium silicon	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
London purple, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Low explosives	Expl. A	No exemption, 173.60	Orange A	Not accepted	Not accepted	Not accepted.
Low blasting explosives. See Low explosives.						
Magnesium arsenate, solid	Pois. B	173.364, 173.367	Poison B	200 pounds	50 pounds	200 pounds.
Magnesium dross, wet or hot	SCM	Forbidden, 173.173				
*Magnesium, metallic (powdered, pellets, turnings or ribbon).	WRM	173.153, 173.220	Blue	100 pounds	25 pounds	100 pounds.
Magnesium nitrate	Oxy. M	173.153, 173.182	Yellow	do	do	Do.
Magnesium perchlorate	Oxy. M	173.153, 173.154	do	do	do	Do.
Magnesium peroxide, solid	Oxy. M	173.153, 173.154	do	do	do	Do.
Magnesium scrap (borings, clippings, shavings, sheets, turnings or scalpings).	WRM	173.153, 173.220	Blue	do	Not accepted	Not accepted.
% Magnetized materials		See: § 173.6(d)				
Matches, block. See Matches, strike anywhere.						
Matches *Book, card, or strike-on-box*	F.S	173.176(g)	Red Striped	No limit	50 pounds	50 pounds.
Matches, strike anywhere	F.S	No exemption 173.176	do	60 pounds	Not accepted	Not accepted.
**Medicines, n.o.s. See* *Drugs, chemicals, medicines, or cosmetics, n.o.s.						
Memtetrahydro phthalic anhydride	Cor. L	No exemption, 173.298	Corrosive Liquid	1 quart	do	1 quart.
*Mercaptan mixtures, aliphatic	F.L	No exemption, 173.141	Red	10 gallons	do	10 gallons.
*Mercurial liquid, n.o.s	Pois. B	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
Mercuric acetate	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Mercuric-ammonium chloride, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric benzoate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric bromide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric chloride	Pois. B	173.364, 173.372	do	do	do	Do.
Mercuric cyanide, solid	Pois. B	173.370	do	do	do	Do.
Mercuric iodide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric iodide, solution	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Mercuric oleate, solid	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Mercuric oxide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric oxycyanide, solid	Pois. B	173.364, 173.365	do	do	25 pounds	Do.
Mercuric-potassium cyanide, solid	Pois. B	173.364, 173.365, 173.370	do	do	do	Do.
Mercuric-potassium iodide, solid	Pois. B	173.364, 173.365	do	do	50 pounds	Do.
Mercuric salicylate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric subsulfate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric sulfate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercuric sulfo cyanate, solid (mercuric thiocyanate)	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurol (*mercury nucleate*), solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous acetate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous bromide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous gluconate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous iodide, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous nitrate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous oxide, black, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercurous sulfate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Mercury compounds, n.o.s. (solid)	Pois. B	173.364, 173.365	do	do	do	Do.
Mercury fulminate. See Initiating explosive.						
Methanol. See Methyl alcohol.						
Methane	F.G	173.306, 173.304	Red Gas	300 pounds	Not accepted	300 pounds.
Methyl acetate	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Methyl acetone	F.L	173.118, 173.119	do	do	do	Do.
Methylacetylene—15 percent to 20 percent propadione, mixture.	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Methyl alcohol (methanol)	F.L	173.118, 173.125	Red	10 gallons	1 quart	10 gallons.
Methyl bromide and chloropicrin mixture, liquid	Pois. B	No exemption, 173.353	Poison B	55 gallons	Not accepted	55 gallons.
Methyl bromide and ethylene dibromide mixture, liquid	Pois. B	do	do	do	do	Do.
Methyl bromide and nonflammable, nonliquified compressed gas mixtures, liquid.	Pois. B	do	do	300 pounds	do	300 pounds.
Methyl bromide, liquid (*bromomethane*)	Pois. B	do	do	55 gallons	do	55 gallons.

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(5) (b) Passenger carrying aircraft	(5) (c) Cargo only aircraft
Methyl chloride	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	do	300 pounds.
Methyl chloride-methylene chloride mixture	F.G	173.306, 173.304, 173.314	do	do	do	Do.
Methyl chloroformate	Cor. L	No exemption, 173.288	Corrosive Liquid	5 pints	do	5 pints.
Methylchloromethyl ether, anhydrous	F.L	No exemption, 173.143	Red	Not accepted	do	Not accepted.
Methyldichloroarsine	Pois. A	No exemption, 173.328	Poison A	do	do	Do.
Methyl dichlorosilane	F.L	No exemption, 173.136	Red	10 gallons	do	10 gallons.
Methyl ethyl ketone	F.L	173.118, 173.119	do	do	1 quart	Do.
Methyl formate	F.L	173.118, 173.119	do	do	do	Do.
Methyl hydrate. *See* Alcohol, n.o.s.						
Methylhydrazine	F.L	No exemption, 173.145	do	5 pints	Not accepted	5 pints.
Methyl iso-propenyl ketone, inhibited	F.L	173.118, 173.119	do	10 gallons	1 quart	10 gallons.
Methyl magnesium bromide in ethyl ether *in concentrations not over 40 percent.*	F.L	No exemption, 173.149	do	6 quarts	Not accepted	2 ounces.
Methyl mercaptan	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	do	300 pounds.
Methyl methacrylate monomer	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Methyl parathion, liquid	Pois. B	No exemption, 173.358	Poison B	1 quart	Not accepted	1 quart.
%Methyl parathion mixture, dry (*containing more than 2 percent methyl parathion*).	Pois. B	173.377	do	200 pounds	do	200 pounds.
%Methyl parathion mixture, dry (*containing not more than 2 percent methyl parathion*).	Pois. B	173.377(f)	do	do	50 pounds	Do.
%Methyl parathion mixture, liquid (*containing more than 25 percent methyl parathion*).	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
%Methyl parathion mixture, liquid (*containing not more than 25 percent methyl parathion*).	Pois. B	173.359(c)	do	do	½ pint	Do.
Methyl pentane	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
%Methyltrichlorosilane	F.L	No exemption, 173.135	do	do	Not accepted	Do.
Methyl vinyl ketone, inhibited	F.L	173.1[illegible]7	do	do	4 ounces	Do.
Mild detonating fuse, metal clad. See Fuse.						
Mine rescue equipment	Nonf. G	173.306(a)(2), 176.703(d)	Green	300 pounds	150 pounds	300 pounds.
Mines, empty		See 173.55				
Mines, explosive, with gas material. See Explosive mine.						
Mixed acid. See Nitrating (mixed) acid.						
Mixtures of hydrofluoric and sulfuric acid. See Hydrofluoric and sulfuric acids, mixtures.						
Monobromotrifluoromethane	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
Monochloroacetic acid, solution	Cor. L	173.244, 173.294	Corrosive Liquid	1 quart	1 quart	1 quart.
Monochloroacetone, stabilized	Irr	No exemption, 173.384	Irritant	5 gallons	Not accepted	5 gallons.
Monochloroacetone, unstabilized	Irr	Not accepted	do	Not accepted	do	Not accepted.
Monochlorodifluoromethane	Nonf. G	173.306, 173.304, 173.314, 173.315.	Green	300 pounds	150 pounds	300 pounds.
Monochloroethylene. *See* Vinyl chloride.						
Monochloropentafluoroethane	Nonf. G	173.306, 173.304	do	do	do	Do.
Monochlorotetrafluoroethane	Nonf. G	173.306, 173.304, 173.314	do	do	do	Do.
Monochlorotrifluoromethane	Nonf. G	173.306, 173.304	do	do	do	Do.
Monoethylamine	F.L	173.118, 173.148	Red	10 gallons	1 quart	10 gallons.
Monofluorophosphoric acid, anhydrous	Cor. L	No exemption, 173.275	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
Monomethylamine, anhydrous	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	do	300 pounds.
Monomethylamine, aqueous solution	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Mortar stain, liquid	F.L	173.118, 173.128	do	55 gallons	do	55 gallons.
Motion picture film. See Film.						
Motorcycles		173.120				
Motor fuel antiknock compound	Pois. B	No exemption, 173.354	Poison B	55 gallons	Not accepted	Do.
*Motor fuel, n.o.s	F.L	173.118, 173.119, 173.120	Red	10 gallons	1 quart	10 gallons.
Motors, internal combustion.						
Muriatic acid. *See* Hydrochloric acid.						
Mustard gas (*dichlorodiethyl sulfide*)	Pois. A	No exemption, 173.328	Poison A	Not accepted	Not accepted	Not accepted.
*Naphtha	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
*Naphtha, distillate	F.L	173.118, 173.119	do	do	do	Do.
**Naphtha, petroleum. See* *Petroleum naphtha.						
*Naphtha, solvent	F.L	173.118, 173.119	do	do	do	Do.
Natural gasoline. See Gasoline.						
Neohexane	F.L	173.118, 173.119	do	do	do	Do.
%Neon	Nonf. G	173.306, 173.302	Green	300 pounds	150 pounds	300 pounds.
New explosives or explosive devices		See 173.51(q), 173.86				
Nickel carbonyl	F.L	No exemption, 173.126	Red	Not accepted	Not accepted.	Not accepted.
%*Nickel catalyst, *finely divided, activated* or spent	SCM	No exemption, 173.233	Red Bottom	100 pounds	do	100 pounds.
Nickel cyanide, solid	Pois. B	173.370	Poison B	200 pounds	25 pounds	200 pounds.
Nicotine hydrochloride	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Nicotine, liquid	Pois. B	173.345, 173.346	do	do	do	Do.
Nicotine salicylate	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Nicotine sulfate, liquid	Pois. B	173.365, 173.346	do	55 gallons	1 quart	55 gallons.
Nicotine sulfate, solid	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Nicotine tartrate	Pois. B	173.364, 173.365	do	do	do	Do.
Nitrate of ammonia explosive. See High explosives.						
Nitrates, n.o.s	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Nitrating (mixed) acid	Cor. L	No exemption, 173.267	Corrosive Liquid	2½ pints	Not accepted	1 quart.
Nitrating (mixed) acid, spent	Cor. L	No exemption, 173.248	do	1 quart	do	Do.
Nitric acid	Cor. L	No exemption, 173.268	do	5 pints	do	5 pints.
Nitric ether. See Ethyl nitrate.						
Nitric oxide	Pois. A	No exemption, 173.337	Poison Gas	Not accepted	do	Not accepted.
% Nitrobenzol, liquid (*oil of mirbane, nitrobenzene*)	Pois. B	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
Nitro carbo nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
% Nitrocellulose, colloided, granular or flake, wet with not less than 20 percent alcohol or solvent, or block—wet with not less than 25 percent alcohol.	F.L	173.118, 173.127	Red	25 pounds	1 quart	25 pounds.
Nitrocellulose, colloided, granular or flake, wet with not less than 20 percent water.	F.S	173.153, 173.184	Red Striped	100 pounds	25 pounds	100 pounds.
Nitrocellulose, dry. See High explosives.						
Nitrocellulose, wet with not less than 20 percent water	F.S	173.153, 173.184	do	do	do	Do.
Nitrocellulose, wet with not less than 30 percent alcohol or solvent.	F.L	173.118, 173.127	Red	25 pounds	1 quart	25 pounds.
Nitrocellulose flakes, wet with not less than 20 percent alcohol or solvent.	F.L	173.118, 173.127	do	do	do	Do.
Nitrochlorobenzene, ortho, liquid	Pois. B	173.345, 173.346	Poison B	55 gallons	do	55 gallons.
Nitrochlorobenzene, meta or para solid	Pois. B	173.304, 173.374	do	200 pounds	50 pounds	200 pounds.
Nitrogen	Nonf. G	173.306, 173.302, 173.314	Green	300 pounds	150 pounds	300 pounds.

(1)	(2)	(3)	(4)	(5) Maximum quantity in one package		
Article	Classed as—	Exemptions and packaging (see section)	Label required (if not exempt)	(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Nitrogen dioxide, liquid	Pois. A and Oxy. M.	No exemption, 173.336	Poison A and and Yellow.	Not accepted	Not accepted	Not accepted.
%*Nitrogen fertilizer solution	Nonf. G	173.306, 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
% Nitrogen, liquefied	Nonf. G	No exemption, 173.304	do	do	Not accepted	Do.
Nitrogen peroxide, liquid	Pois. A and Oxy. M.	No exemption, 173.336	Poison A and Yellow.	Not accepted	do	Not accepted.
Nitrogen tetroxide, liquid	Pois. A and Oxy. M.	do	do	do	do	Do.
Nitrogen tetroxide-nitric oxide mixtures containing up to 33.2 percent weight nitric oxide.	Pois. A and Oxy. M.	No exemption, 173.338	do	do	do	Do.
%Nitroglycerin, liquid, undesensitized	Expl. A	173.51(d)		do	do	Do.
Nitroglycerin liquid, desensitized. See High explosive, liquid.						
Nitroglycerin, spirits of. See Spirits of nitroglycerin.						
Nitrohydrochloric acid	Cor. L	No exemption, 173.278	Corrosive Liquid	5 pints	do	5 pints.
Nitrohydrochloric acid, diluted	Cor. L	do	do	do	do	Do.
Nitro mannite. See Initiating explosive.						
Nitroguanidine, dry. See High explosives.						
Nitroguanidine, wet with not less than 20 percent water	F.S	173.153, 173.184	Red Striped	100 pounds	25 pounds	100 pounds.
Nitrosoguanidine. See Initiating explosive.						
Nitrostarch, dry. See High explosives.						
Nitrostarch, wet with not less than 30 percent alcohol or solvent.	F.L	173.118, 173.127	Red	25 pounds	1 quart	25 pounds.
Nitrostarch, wet with not less than 20 percent water	F.S	173.153, 173.184	Red Striped	100 pounds	25 pounds	100 pounds.
Nitrosyl chloride	Nonf. G	173.306, 173. 304, 173.314	Green	300 pounds	No accepted	300 pounds.
Nitrourea. See High explosives.						
*Nitrous oxide	Nonf. G	173.306, 173.304, 173.315	do	do	150 pounds	Do.
Nitroxylol	Pois. B	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
Nonliquefied gases. See Compressed gases, n.o.s.						
Nonliquefied hydrocarbon gas	F.G	173.306, 173.302	Red Gas	300 pounds	Not accepted	300 pounds.
Nonyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	10 gallons	do	10 gallons.
Octadecyltrichlorosilane	Cor. L	do	do	do	do	Do.
Octyl trichlorosilane	Cor. L	do	do	do	do	Do.
*Oil, *described as oil*, oil, n.o.s., petroleum oil, or petroleum oil, n.o.s.	F.L	173.118, 173.119	Red	do	1 quart	Do.
Oil of mirbane. See Nitrobenzol, liquid.						
Oil of vitriol. See Sulfuric acid.						
Oil well cartridges	Expl. C	No exemption, 173.112	Orange C	150 pounds	50 pounds	150 pounds.
Oleum (*sulfuric acid, fuming*)	Cor. L	173.244, 173.272	Corrosive Liquid	10 pints	Not accepted	5 pints.
% Organic phosphate compound, liquid, n.o.s	Pois. B	No exemption, 173.358	Poison B	1 quart	do	1 quart.
% Organic phosphate compound mixture, dry, n.o.s. (*containing more than 2 percent organic phosphate*).	Pois. B	173.377	do	200 pounds	do	200 pounds.
%*Organic phosphate compound mixture, dry, n.o.s. (*containing not more than 2 percent organic phosphate*).	Pois. B	173.377(f)	do	do	50 pounds	Do.
%*Organic phosphate compound mixture, liquid, n.o.s. (*containing more than 25 percent organic phosphate*).	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
%*Organic phosphate compound mixture liquid, n.o.s. (*containing not more than 25 percent organic phosphate*).	Pois. B	173.359(c)	do	do	½ pint	Do.
*Organic phosphates, n.o.s. mixed with compressed gas	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
Ortho-nitroaniline	Pois. B	173.364, 173.373	Poison B	200 pounds	50 pounds	200 pounds.
Oxide, spent	SCM	No exemption, 173.174	Red Bottom	Not accepted	Not accepted	Not accepted.
Oxidizing material, n.o.s	Oxy. M	173.153, 173.154	Yellow	25 pounds	25 pounds	25 pounds.
Oxidizing materials with other articles—fumigants		173.152(a)				
Oxygen	Nonf. G	173.306, 173.302, 173.314	Green	300 pounds	150 pounds	300 pounds.
% Oxygen, liquefied	Nonf. G	No exemption, 173.304	do	do	Not accepted	Not accepted.
*Paint driers, liquid	F.L	173.118, 173.128	Red	55 gallons	1 quart	55 gallons.
*Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood, filler, liquid, and lacquer base liquid.	F.L	173.118, 173.128	do	do	do	Do.
**Paint, reducing or thinning compounds.* See *Compounds, lacquer paint or varnish, reducing or thinning liquid, etc.						
Paper caps. See Toy caps.						
Paper stock, wet	SCM	No exemption, 173.185	Red Bottom	Not accepted	Not accepted	Not accepted.
Paper waste, wet. *See* Waste paper, wet.						
Para chlorobenzoyl peroxide. See Chlorobenzoyl peroxide (para).						
% Paramenthane hydroperoxide	Oxy. M	173.153(b), 173.224	Peroxide	1 quart	1 pint	1 quart.
Paranitraniline (paranitroaniline) solid	Pois. B	173.364, 173.373	Poison B	200 pounds	50 pounds	200 pounds.
Parathion and compressed gas mixture	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
Parathion, liquid	Pois. B	No exemption, 173.358	Poison B	1 quart	do	1 quart.
Parathion mixture, dry, *containing more than 2 percent parathion.*	Pois. B	173.377	do	200 pounds	do	200 pounds.
% Parathion mixture, dry *containing not more than 2 percent parathion.*	Pois. B	173.377(f)	do	do	50 pounds	Do.
% Parathion mixture, liquid, *containing more than 25 percent parathion.*	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
% Parathion mixture, liquid, *containing not more than 25 percent parathion.*	Pois. B	173.359(c)	do	do	½ pint	Do.
Paris green, solid	Pois. B	173.364, 173.367	do	200 pounds	50 pounds	200 pounds.
Pentaborane	SCM	No exemption, 173.138	Red Bottom	Not accepted	Not accepted	Not accepted.
Pentane	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Pentaerythrite tetranitrate. See Initiating explosive.						
Pentolite, dry. See High explosive						
% Peracetic acid	Oxy. M	173.223	Peroxide	5 pints	1 pint	5 pints.
Perchlorates, n.o.s	Oxy. M	173.153, 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Perchloric acid, in excess of 72 percent	Oxy. M	Forbidden				
Perchloric acid, *not in excess of 72 percent*	Cor. L	173.244, 173.269	Corrosive Liquid	5 pints	Not accepted	5 pints.
Perchloro-methyl-mercaptan	Pois. B	173.345, 173.360	Poison B	10 pounds	do	10 pounds.
Percussion caps	Expl. C	No exemption, 173.107	Orange C	150 pounds	50 pounds	150 pounds.
Percussion fuzes	Expl. C	No exemption, 173.105	do	do	do	Do.
Permanganate of potash. See Potassium permanganate.						
Permanganates, n.o.s	Oxy. M	173.153, 173.154	Yellow	100 pounds	25 pounds	100 pounds.
% Peroxide, organic, liquid or solution, n.o.s	Oxy. M	No exemption, 173.119(m), 173.221.	Peroxide	1 quart	Not accepted	1 quart.
% Peroxide, organic, solid, n.o.s. (including mixtures)	Oxy. M	173.153, 173.154, 173.158	do	25 pounds	1 pound	25 pounds.
Petroleum, crude. See Crude oil.						
*Petroleum distillate	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Petroleum ether	F.L	173.118, 173.119	do	do	do	Do.
Petroleum gas, liquified. See Liquified petroleum gas.						
*Petroleum naphtha	F.L	173.118, 173.119	do	do	do	Do.

(1)	(2)	(3)	(4)	(5) Maximum quantity in one package		
Article	Classed as—	Exemptions and packaging (see section)	Label required (if not exempt)	(a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Phenol. See Carbolic acid.						
Phenylcarbylamine chloride	Pois. A	No exemption, 173.328	Poison A	Not accepted	Not accepted	Not accepted.
Phenyldichloroarsine, liquid	Pois. B	No exemption, 173.355	Poison B	30 gallons	do	30 gallons.
Phenyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	10 gallons	do	10 gallons.
Phosgene (*diphosgene*)	Pois. A	No exemption, 173.333	Poison gas	Not accepted	do	Not accepted.
Phosphoric anhydride (*phosphorus pentoxide*)	WRM	No exemption, 173.188	Blue	100 pounds	do	100 pounds.
Phosphorus, amorphous, red	F.S	No exemption, 173.189	Red Striped	11 pounds	do	11 pounds.
Phosphorus oxybromide	Cor. L	No exemption, 173.271	Corrosive Liquid	1 quart	do	1 quart.
Phosphorus oxychloride	Cor. L	do	do	do	do	Do.
Phosphorus pentachloride	WRM	No exemption, 173.191	Blue	5 pounds	do	5 pounds.
Phosphorus sesquisulfide	F.S	No exemption, 173.225	Red Striped	11 pounds	do	11 pounds.
Phosphorus tribromide	Cor. L	No exemption, 173.270	Corrosive Liquid	1 quart	do	1 quart.
% Phosphorus trichloride	Cor. L	No exemption, 173.271	do	do	do	Do.
Phosphorus, white or yellow, dry	SCM	No exemption, 173.190	Red Bottom	Not accepted	do	Not accepted.
Phosphorus, white or yellow, in water	SCM	No exemption, 173.190, 173.232.	do	25 pounds	do	25 pounds.
Photographic film. See Film.						
Photographic flash powder. See Fireworks, special or Low explosives.						
Picrates, dry. See High explosives.						
Picrate of ammonia. See High explosives.						
Picric acid, dry. See High explosives.						
Picric acid, wet, not exceeding 16 ounces		See 173.192.				
Picric acid, wet, with not less than 10 percent water, over 25 pounds. See High explosives.						
Picric acid, wet, with not less than 10 percent water, *in excess of 16 ounces but not exceeding 25 pounds.*	F.S	No exemption, 173.193.	Red Striped	25 pounds.	1 pound	Do.
Pinwheels. See Fireworks, common.						
*Plastic solvent, n.o.s	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Poison gas, n.o.s	Pois. A	No exemption, 173.328	Poison Gas	Not accepted	Not accepted	Not accepted.
Poison gas, flammable, n.o.s	Pois. A and F.G.	do	Poison Gas and Red Gas.	do	do	Do.
Poisonous liquids, n.o.s	Pois. A	do	Poison A	do	do	Do.
Poisonous liquids, n.o.s	Pois. B	173.345, 173.346	Poison B	55 gallons	1 quart	55 gallons.
Poisonous solids, n.o.s	Pois. B	173.364, 173.365	do	200 pounds	50 pounds	200 pounds.
Poison, class C. See Irritating agents, n.o.s.						
*Polishes, metal stove, furniture and wood, liquid	F.L.	173.118, 173.129	Red	55 gallons	1 quart	55 gallons.
**Polymerizable materials*		See 173.21(b)				
Potassium arsenate, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Potassium arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Potassium bromate	Oxy. M	173.153, 173.154	Yellow	100 pounds	25 pounds	100 pounds.
Potassium chlorate (*potash chlorate*)	Oxy. M	173.153, 173.163	do	do	do	Do.
Potassium cyanide, solid	Pois. B	173.370	Poison B	200 pounds	do	200 pounds.
Potassium cyanide, solutions	Pois. B	173.345, 173.352	do	55 gallons	1 quart	55 gallons.
Potassium dichloroisocyanurate, dry (*containing more than 39 percent available chlorine*).	Oxy. M	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Potassium hydroxide solution	Cor. L	173.244, 173.249	Corrosive liquid	10 gallons	1 quart	5 gallons.
Potassium, metallic	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Potassium, metallic liquid alloy	WRM	No exemption, 173.202	do	1 pound	do	1 pound.
Potassium nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Potassium nitrate mixed (fused) with sodium nitrite	Oxy. M	173.153, 173.183	do	do	do	Do.
Potassium nitrite	Oxy. M	173.153, 173.154	do	do	do	Do.
Potassium perchlorate	Oxy. M	173.153, 173.219	do	do	do	Do.
Potassium permanganate	Oxy. M	173.153, 173.154, 173.194	do	do	do	Do.
Potassium peroxide	Oxy. M	No exemption, 173.154	do	do	Not accepted	Do.
Potassium sulfide	F.S	173.153, 173.207	Red Striped	300 pounds	25 pounds	300 pounds.
Pressurized products. See Compressed gases, n.o.s.						
Primers. See Cannon primers, combination primers, or small-arm primers.						
Primers, detonating. See Detonating primers.						
Projectiles, explosive. See Explosive projectile.						
Projectiles, gas, nonexplosive. See Chemical ammunition, class A, B or C.						
Projectiles, gas, smoke, or incendiary, with burster or booster with or without detonating fuze. See Explosive projectile.						
Projectiles, illuminating, incendiary or smoke with expelling charge but without bursting charge. See Fireworks, special.						
Projectiles, sand-loaded, empty, or solid		See 173.55.				
% Propane. *See* Liquefied petroleum gas.						
Propellant explosives, class A	Expl. A	No exemption, 173.64(d)	Orange A	See 173.86	Not accepted	Not accepted.
Propellant explosives (liquid), class B	Expl. B	No exemption, 173.93	Orange B	10 pounds	do	10 pounds.
Propellant explosives (solid), class B	Expl. B	do	do	do	do	Do.
Propellant explosives (solid), class B, and small-arms primers. See Propellant explosives, class B.						
Propellant explosives in water (*smokeless powder*)	Expl. B	do	do	Not accepted	do	Not accepted.
Propellant explosives in water, unstable, condemned or deteriorated (*smokeless powder*).	Expl. B	do	do	do	do	Do.
*Propyl alcohol. *See* Alcohol, n.o.s.						
Propylene imine, inhibited	F.L	No exemption, 173.139	Red	5 pints	do	5 pints.
Propylene oxide	F.L	173.118, 173.119	do	10 gallons	1 quart	10 gallons.
% Propyl mercaptan	F.L	No exemption, 173.141	do	do	Not accepted	Do.
% Propyl trichlorosilane	Cor. L	No exemption, 173.280	Corrosive Liquid	do	do	Do.
Propylene. *See* Liquefied petroleum gas.						
Prussic acid. See Hydrocyanic acid						
*Pyridine	F.L.	173. 118, 173. 119	Red	do	1 quart	Do.
Pyrophoric materials, n.o.s. See Spontaneously combustible liquids or solids.						
Pyro sulfuryl chloride	Cor. L	173. 244, 173. 247	Corrosive Liquid	1 quart	do	1 quart.
Pyroxylin plastic scrap	F.S	No exemption, 173.195, 173. 196.	Red Striped	See 173. 196	Not accepted	Not accepted.
Pyroxylin plastics, rods, sheets, rolls, tubes	F.S	173. 197	do	350 pounds	50 pounds	350 pounds.
*Pyroxylin solution	F.L	173. 118, 173. 119	Red	10 gallons	1 quart	10 gallons.
*Pyroxylin solvent, n.o.s	F.L	173. 118, 173. 119	do	do	do	Do.
% Radioactive devices	RAM	173. 391(b)	None			
% Radioactive materials, low specific activity (LSA)	RAM	173. 392	Radioactive			
% Radioactive materials, normal form	RAM	173. 393, 173. 395	do			
% Radioactive materials, small quantities	RAM	173. 391(a)	None			
% Radioactive materials, special form	RAM	173. 393, 173. 394	Radioactive			

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Rags, oily	SCM	No exemption, 173.199	Red Bottom	Not accepted	Not accepted	Not accepted.
Rags, wet	SCM	No exemption, 173.200	do	do	do	Do.
Railway fusees. See Fusees.						
Railway torpedoes. See Torpedoes, railway.						
**Reducing compounds, paint, varnish, lacquer, etc. See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.						
Refrigerant gas		See 173.314(c) Table Note 13; 173.315(a) Table Note 9.				
%Refrigerating machines	Nonf. G	173.306(e)	Green	No limit	50 pounds	No limit.
Refrigerating machines	F.G	173.306(e)	Red Gas			
Refrigerating machines	F.L	173.130, 173.306(e)	Red	No limit	15 pounds	Do.
**Removing compounds, paint, varnish, lacquer, etc. See* *Compounds, lacquer, paint, or varnish, etc., removing, reducing or thinning, liquid.						
*Resin solution (*resin compound, liquid*)	F.L	173.118, 173.119	do	55 gallons	1 quart	55 gallons.
Rifle grenades. See Grenades.						
Rifle powder. See Propellant explosives, class A, Propellant explosives, class B, or Black powder.						
Rocket fireworks. See Fireworks, common.						
Rocket ammunition with empty projectiles	Expl. B	No exemption, 173.90	Orange B	Not accepted	Not accepted	Not accepted.
Rocket ammunition with explosive projectiles	Expl. A	No exemption, 173.57	Orange A	do	do	Do.
Rocket ammunition with illuminating projectiles	Expl. A	do	do	do	do	Do.
Rocket ammunition with gas projectiles	Expl. A	do	do	do	do	Do.
Rocket ammunition with incendiary projectiles	Expl. A	do	do	do	do	Do.
Rocket ammunition with inert loaded projectiles	Expl. B	No exemption, 173.90	Orange B	do	do	Do.
Rocket ammunition with smoke projectiles	Expl. A	No exemption, 173.57	Orange A	do	do	Do.
Rocket ammunition with solid projectiles	Expl. B	No exemption, 173.90	Orange B	do	do	Do.
Rocket bodies, with electric primers or electric squibs		See 173.55				
Rocket engines (liquid), class B explosives	Expl. B	No exemption, 173.95	Orange B	Not accepted	Not accepted	Do.
Rocket heads. *See* Explosive projectiles.						
Rocket motors, class A explosives	Expl. A	No exemption, 173.79	Orange A	do	do	Do.
Rocket motors, class B explosives	Expl. B	No exemption, 173.92	Orange B	550 pounds	do	550 pounds.
Roman candles. See Fireworks, common.						
*Rough ammoniate tankages	SCM	No exemption, 173.210	Red Bottom	Not accepted	do	Not accepted.
Rubber scrap or rubber buffings	SCM	173.153, 173.201	do	10 pounds	10 pounds	10 pounds.
*Rubber shoddy, regenerated rubber, or reclaimed rubber.	SCM	173.153, 173.201	do	do	do	Do.
*Rum, denatured	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Safety fuse. See Fuse, safety.						
Safety squibs	Expl. C	No exemption, 173.106	Orange C	150 pounds	50 pounds	150 pounds.
Salutes. See Fireworks, common or special.						
Samples of explosives		See 173.86				
Self-lighting cigarettes	F.S	173.21(d)	Red Striped	Not accepted	Not accepted	Not accepted.
Self-propelled vehicles		Sec. 173.120, 173.257, 173.306.				
Shaped charges, commercial. See High explosives		See 173.65(h)				
**Shellac. See* Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Shells, fireworks. See Fireworks, common or special.						
Ship, distress signals. See Fireworks, special.						
Signal flares	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
Silicon chloride (*tetrachloride*)	Cor. L	173.244, 173.247	Corrosive liquid.	1 gallon	1 quart	1 gallon.
Silicon tetrafluoride	Nonf. G	173.306, 173.302	Green	300 pounds	Not accepted	300 pounds.
Silver cyanide	Pois. B	173.370	Poison B	No limit	25 pounds	No limit.
Silver nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	do	100 pounds.
**Sludge acid. See* Acid, sludge.						
%Small-arms ammunition	Expl. C	173.101	Orange C	150 pounds	50 pounds	150 pounds.
Small-arms ammunition, irritating (tear gas) cartridges	Expl. C	No exemption, 173.101	Irritant	do	Not accepted	Do.
Small-arms primers	Expl. C	No exemption, 173.107	Orange C	do	50 pounds	Do.
Smoke generators. See Chemical ammunition Class B or C.						
Smoke candles	Expl. C	No exemption, 173.108	do	200 pounds	do	200 pounds.
Smoke grenades	Expl. C	do	do	do	do	Do.
Smokeless powder for cannon or small arms. See Propellant explosives, class A or B.						
Smokeless powder for small arms (100 pounds or less)	F.S	173.88(f), 173.197a	Red Striped	8 pounds	Not accepted	Not accepted.
Smoke pots	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
Smoke projectiles with bursting charges. See Explosive projectile.						
Smoke projectiles with expelling charge but without bursting charge. See Fireworks, special.						
Smoke signals	Expl. C	do	do	do	do	Do.
Soda amatol. See High explosives.						
Sodium aluminate solutions	Cor. L	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Sodium aluminum hydride	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Sodium amide	WRM	do	do	do	do	Do.
%Sodium arsenate, solid	Pois. B	173.364, 173.365, 173.368	Poison B	200 pounds	50 pounds	200 pounds.
Sodium arsenite (solution), liquid	Pois. B	173.345, 173.346	do	55 gallons	1 quart	55 gallons.
Sodium azide	Pois. B	173.364, 173.375	do	100 pounds	50 pounds	100 pounds.
Sodium bromate	Oxy. M	173.153, 173.154	Yellow	do	25 pounds	Do.
Sodium cacodylate, solid (*sodium dimethyl arsenate*)	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Sodium chlorate (*sodium chlorate*)	Oxy. M	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Sodium chlorite	Oxy. M	No exemption, 173.160	do	do	Not accepted	Do.
Sodium chlorite solution (not exceeding 42 percent sodium chlorite).	Cor. L	173.244, 173.263	Corrosive Liquid	4 gallons	1 quart	4 gallons.
Sodium cyanide, solid	Pois. B	173.370	Poison B	200 pounds	25 pounds	200 pounds.
Sodium cyanide, solution	Pois. B	173.345, 173.352	do	55 gallons	1 quart	55 gallons.
Sodium dichloroisocyanurate, dry (*containing more than 39 percent available chlorine*).	Oxy. M	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
Sodium hydride	WRM	No exemption, 173.198	Blue	25 pounds	Not accepted	25 pounds.
Sodium hydrosulfite (*sodium dithionite*)	F.S	173.153, 173.204	Red Striped	100 pounds	25 pounds	100 pounds.
Sodium hydroxide solution	Cor. L	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	5 gallons.
Sodium, metallic	WRM	No exemption, 173.206	Blue	25 pounds	Not accepted	25 pounds.
Sodium, metallic, dispersion in organic solvent	WRM	No exemption, 173.230	do	10 pounds	do	10 pounds.
Sodium, metallic liquid alloy	WRM	No exemption, 173.202	do	1 pound	do	1 pound.
Sodium methylate, dry	WRM	173.153, 173.154	do	100 pounds	25 pounds	100 pounds.
*Sodium methylate, alcohol mixture	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Sodium nitrate	Oxy. M	173.153, 173.182	Yellow	100 pounds	25 pounds	100 pounds.
Sodium nitrate bags. See Bags, sodium nitrate.						
Sodium nitrite	Oxy. M	173.153, 173.154, 173.234	do	do	do	Do.
Sodium nitrite mixed (fused) with potassium nitrate	Oxy. M	173.153, 173.183	do	do	do	Do.
Sodium nitrite mixtures (*sodium nitrate, sodium nitrite, and potassium nitrate*).	Oxy. M	173.153, 173.234	do	do	do	Do.
Sodium permanganate	Oxy. M	173.153, 173.154	do	do	do	Do.
Sodium peroxide	Oxy. M	No exemption, 173.187	do	do	Not accepted	Do.
Sodium picramate, wet *with at least 20 percent of water*	F.S	No exemption, 173.205	Red Striped	25 pounds	do	25 pounds.
Sodium potassium alloys	WRM	No exemption, 173.206	Blue	do	do	Do.
*Sodium sulfide, anhydrous	F.S	173.153, 173.207	Red Striped	300 pounds	25 pounds	300 pounds.
*Sovents, n.o.s	F.L	173.118, 173.119	Red	15 gallons	1 quart	10 gallons.
**Sparklers. See* Fireworks, common.						
Spent iron mass. See Iron mass, spent.						
Spent iron sponge. See Iron sponge, spent.						
Spent mixed acid. See Nitrating acid.						
Spent oxide. See Oxide, spent.						
Spent sulfuric acid. See Sulfuric acid, spent.						
Spirits of nitroglycerin, *1 to 10 percent*	F.L	No exemption, 173.133	do	6 quarts	Not accepted	6 quarts
Spirits of nitroglycerin, not exceeding 1 percent nitroglycerin by weight.	F.L	173.118, 173.133	do	do	1 quart	Do.
Spontaneously combustible liquids, n.o.s	SCM	No exemption, 173.134	Red Bottom	70 pounds	Not accepted	Not accepted.
Spontaneously combustible solids, n.o.s	SCM	No exemption, 173.154	do	do	do	Do.
Sporting powder. See Black powder or Propellant explosive, class B explosives.						
Spray starting fluid. See Engine starting fluid.						
Spreader cartridges. See Fireworks, special.						
Squibs, electric or safety. See Electric squibs or Safety squibs.						
**Stain. See* *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Starter cartridges, jet engine, class B explosives	Expl. B	No exemption, 173.92	Orange B	200 pounds	do	200 pounds.
Starter cartridges, jet engine, class C explosives	Expl. C	No exemption, 173.102	Orange C	150 pounds	50 pounds	150 pounds.
Storage batteries, wet. See Batteries, electric storage, wet.						
Strontium arsenite, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	do	200 pounds.
% Strontium chlorate	Oxy. M	173.153, 173.163	Yellow	100 pounds	25 pounds	100 pounds.
Strontium chlorate, wet	Oxy. M	173.153, 173.163 (a) (6)	do	200 pounds	do	200 pounds.
Strontium nitrate	Oxy. M	173.153, 173.182	do	100 pounds	do	100 pounds.
Strontium peroxide	Oxy. M	173.153 (a), 173.154	do	do	do	Do.
Strychnine and salts thereof, solid	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Styphnate of lead. See Initiating explosive.						
Succinic acid peroxide	Oxy. M	173.153 (b), 173.157, 173.158	Peroxide	25 pounds	2 pounds	25 pounds.
Sulfur chloride (*mono and di*)	Cor. L	No exemption, 173,247	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
ϕSulfur dioxide	Nonf. G	173.306, 173.304, 173.314, 173.315	Green	300 pounds	do	300 pounds.
Sulfur hexafluoride	Nonf. G	173.306, 173.304	do	do	150 pounds	Do.
% Sulfur trioxide, stabilized	Cor. L	173.244, 173.273	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
Sulfuric acid (*oil of vitriol*)	Cor. L	173.244, 173.272	do	10 pints	1 quart	Do.
Sulfuric acid, spent	Cor. L	No exemption, 173.248	do	1 quart	Not accepted	1 quart.
Sulfuryl chloride	Cor. L	173.244, 173.247	do	do	1 quart	Do.
Sulfuryl fluoride	Nonf. G	173,306. 173.304, 173.314	Green	300 pounds	150 pounds	300 pounds.
Supplementary charges (explosive)	Expl. A	No exemption, 173.69	Orange A	Not accepted	Not accepted	Not accepted.
Tankage. *See* Garbage tankage.						
%*Tankage fertilizers	SCM	No exemption, 173.209	Red Bottom	do	do	Do.
*Tankages, rough ammoniate	SCM	No exemption, 173.210	do	do	do	Do.
Tank car, containing residual phosphorus and filled with water or inert gas.		See 173.232				
Tank cars, empty (last contents poisons, class A)		See 174.562 (d) and (e)				
Tank cars, gas (must not contain gases that combine chemically).		See 173.301(a)				
Tank truck, empty		See 173.29				
*Tar, liquid	F.L	173.118, 173.131	Red	10 gallons	1 quart	10 gallons.
Tear gas ammunition. See Chemical ammunition.						
Tear gas candles	Irr	No exemption, 173.385	Irritant	75 pounds	Not accepted	75 pounds.
Tear gas cartridges. See Small arms ammunition tear gas cartridges.						
Tear gas grenades. See Grenades, tear gas.						
Tear gas material, liquid or solid, n.o.s	Irr	No exemption, 173.382	do	do	do	Do.
Tertiary alcohol. See Alcohol, n.o.s.						
% Tertiary butylisopropyl benzene hydroperoxide	Oxy. M	173.153(b), 173.224	Peroxide	1 quart	1 pint	1 quart.
Tetraethyl dithio pyrophosphate and compressed gas mixture.	Pois. A	No Exemption, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted.
Tetraethyl dithio pyrophosphate, liquid	Pois. B	No Exemption, 173.385	Poison B	1 quart	do	1 quart.
% Tetraethyl dithio pyrophosphate mixture, dry, (*containing more than 2 percent tetraethyl dithio pyrophosphate*).	Pois. B	173.377	do	200 pounds	do	200 pounds.
% Tetraethyl dithio pyrophosphate mixture, dry, (*containing not more than 2 percent tetraethyl dithio pyrophosphate*).	Pois. B	173.377(f)	do	do	50 pounds	Do.
% Tetraethyl dithio pyrophosphate mixture, liquid, (*containing more than 25 percent tetraethyl dithio pyrophosphate*).	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
% Tetraethyl dithio pyrophosphate mixture, liquid, (*containing not more than 25 percent tetraethyl dithio pyrophosphate*).	Pois. B	173.359(c)	do	do	½ pint	Do.
Tetraethyl lead, liquid	Pois. B	No exemption 173.354	do	55 gallons	Not accepted	55 gallons.
Tetraethyl pyrophosphate, liquid	Pois. B	No exemption 173.358	do	1 quart	do	1 quart.
% Tetraethyl pyrophosphate mixture, dry (*containing more than 2 percent tetraethyl pyrophosphate*).	Pois. B	173.377	do	200 pounds	do	200 pounds.
% Tetraethyl pyrophosphate mixture, dry, (*containing not more than 2 percent tetraethyl pyrophosphate*).	Pois. B	173.377(f)	do	do	50 pounds	Do.
% Tetraethyl pyrophosphate mixture, liquid, (*containing more than 25 percent tetraethyl pyrophosphate*).	Pois. B	173.359	do	1 quart	Not accepted	1 quart.
% Tetraethyl pyrophosphate mixture, liquid, (*containing not more than 25 percent tetraethyl pyrophosphate*).	Pois. B	173.359(c)	do	do	½ pint	Do.
Tetraethyl pyrophosphate and compressed gas mixture	Pois. A	No exemption, 173.334	Poison Gas	Not accepted	Not accepted	Not accepted
Tetrafluoroethylene, inhibited	F.G	173.306, 173.304	Red Gas	300 pounds	do	300 pounds.
Tetranitromethane	Oxy. M	No exemption, 173.203	Yellow	25 pounds	do	Not accepted.
Tetrazene (guanyl nitrosamino guanyl tetrazene). See Initiating explosive						
Tetryl. See High explosives.						

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
Textile waste, wet	SCM	No exemption, 173.211	Red Bottom	Not accepted	do	Do.
*Thallium salts, solid, n.o.s	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Thallium sulfate, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Thinning compounds, paint, varnish, lacquer, etc. See *Paint, enamel, lacquer stain, shellac, varnish, etc.						
Thiocarbonyl-chloride. See Thiophosgene.						
Thionyl chloride	Cor. L	No exemption, 173.247	Corrosive Liquid	1 gallon	Not accepted	1 gallon.
Thiophosgene (*thiocarbonyl-chloride*)	Pois. B	No exemption, 173.356	Poison B	do	do	Do.
Thiophosphoryl chloride	Cor. L	No exemption, 173.271	Corrosive Liquid	1 quart	do	1 quart.
Thorium metal, powdered	F.S	173.226	Red Striped	25 pounds	do	25 pounds.
Thorium nitrate, solid	RAM and Oxy. M.	173.392, 173.393	Radioactive and yellow.	100 pounds	25 pounds	100 pounds.
Time fuzes. See Fuzes, time.						
Tin tetrachloride, anhydrous	Cor. L	173.244, 173.247	Corrosive Liquid	1 quart	1 quart	1 quart.
Titanium metal powder, dry	SCM	No exemption, 173.208	Red Bottom	75 pounds	Not accepted	75 pounds.
Titanium metal powder, wet *with not less than 20 percent water*	SCM	do	do	150 pounds	do	150 pounds.
Titanium sulfate solution *containing not more than 45 percent sulfuric acid*	Cor. L	173.244, 173.297	Corrosive Liquid	1 gallon	1 quart	1 gallon.
Titanium tetrachloride	Cor. L	173.244, 173.247	do	10 gallons	do	10 gallons.
Toluene (*toluol*)	F.L	173.118, 173.119	Red	do	do	Do.
Torches. See Fireworks, common.						
Torpedoes, cap. See Fireworks, special.						
Torpedoes, explosive. See Explosive torpedoes.						
Torpedoes, railway	Expl. B	No exemption, 173.91	Orange B	200 pounds	Not accepted	200 pounds.
Toy caps	Expl. C	No exemption, 173.100(p), 173.109.	Orange C	150 pounds	50 pounds	150 pounds.
Toy propellant devices	Expl. C	No exemption, 173.111	do	do	do	Do.
Toy smoke devices	Expl. C	do	do	do	do	Do.
Toy torpedoes. See Fireworks, special.						
Tracers	Expl. C	No exemption, 173.105	do	do	do	Do.
Tracer fuzes	Expl. C	do	do	do	do	Do.
Tractors		See 173.120.				
Trailer or truck body with refrigerating or heating equipment on flat cars.		See 173.120(c), 173.306				
% Trichloroisocyanuric acid, dry (*containing more than 39 percent available chlorine*).	Oxy. M	173.153, 173.217	Yellow	100 pounds	50 pounds	100 pounds.
%Trichlorosilane	F.L	No exemption, 173.136	Red	10 gallons	Not accepted	10 gallons.
%Trick matches	Expl. C	No exemption, 173.111	Orange C	150 pounds	do	Not accepted.
%Trick noise makers, explosive	Expl. C	do	do	do	50 pounds	100 pounds.
Trifluorochloroethylene	F.G	173.306, 173.304, 173.314	Red Gas	300 pounds	Not accepted	300 pounds.
Trimethylamine, anhydrous	F.G	173.306, 173.304, 173.314, 173.315.	do	do	do	Do.
Trimethylamine, aqueous solution	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Trimethylchlorosilane	F.L	No exemption, 173.135	do	do	Not accepted	Do.
Trinitrobenzene, dry. See High explosives						
%Trinitrobenzene, wet *containing at least 10-percent water.*	F.S	173.212	Red Striped	16 ounces	16 ounces	16 ounces.
Trinitrobenzoic acid, dry. See High explosives.						
Trinitrobenzoic acid, wet with not less than 10-percent water.	F.S	No exemption, 173.192, 173.193.	do	25 pounds	1 pound	25 pounds.
Trinitrobenzoic acid wet with not less than 10-percent water, over 25 pounds. See High explosives.						
Trinitroresorcinol. See High explosives.						
Trinitrotoluene, dry. See High explosives.						
%Trinitrotoluene, wet with not less than 10-percent water.	F.S	173.212	do	16 ounces	16 ounces	16 ounces.
Tris-(1-aziridinyl) phosphine oxide	Cor. L	173.244, 173.299a	Corrosive liquid	1 gallon	1 quart	1 gallon.
*Turpentine substitutes	F.L	173.118, 173.119	Red	10 gallons	do	10 gallons.
Uranyl nitrate, solid	RAM and Oxy. M.	173.392, 173.396	Radioactive and Yellow.	100 pounds	25 pounds	100 pounds.
Urea nitrate dry. See High explosives						
Urea nitrate wet *with not less than 10 percent of water*	F.S	No exemption, 173.192, 173.193.	Red Striped	25 pounds	1 pound	25 pounds.
Urea nitrate wet with not less than 10 percent of water, over 25 pounds. See High explosives.						
%* Urea peroxide	Oxy. M	173.153(b), 173.227	Peroxide	do	do	Do.
Vanadium oxytrichloride	Cor. L	173.244, 173.247a	Corrosive liquid	do	Not accepted	1 quart.
Vanadium tetrachloride	Cor. L	173.244, 173.247a	do	do	do	Do.
Varnish. See *Paint, enamel, lacquer, stain, shellac, varnish, etc.						
Varnish driers. See *Paint driers, liquid						
Varnish remover or reducer. See *Compounds, lacquer, paint or varnish removing, reducing, or thinning, liquid.						
Varnish thinning compounds. See *Compounds, lacquer, paint, or varnish removing, reducing, or thinning, liquid.						
Very signal cartridges	Expl. C	No exemption, 173.108	Orange C	200 pounds	50 pounds	200 pounds.
Vinyl acetate	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Vinyl chloride	F.G	173.306, 173.304, 173.314, 173.315.	Red Gas	300 pounds	Not accepted	300 pounds.
% Vinyl fluoride, inhibited	F.G	173.306, 173.304, 173.314, 173.315.	do	do	do	Do.
Vinylidene chloride, inhibited	F.L	173.118, 173.119	Red	10 gallons	1 quart	10 gallons.
Vinyl methyl ether, inhibited	F.G	173.306, 173.304, 173.314	Red Gas	20 pounds	Not accepted	20 pounds.
Vinyl trichlorosilane	F.L	No exemption, 173.135	Red	10 gallons	do	10 gallons.
War heads. See Explosive projectiles.						
Waste paper, wet	SCM	No exemption, 173.186	Red Bottom	Not accepted	do	Not accepted.
Waste textile, wet	SCM	No exemption, 173.211	do	do	do	Do.
Waste wool, wet	SCM	No exemption 173.213	do	do	do	Do.
Water reactive solids, n.o.s	WRM	173.153, 173.154	Blue	25 pounds	do	25 pounds.
*Water treatment compound, liquid	Cor. L	173.244, 173.249	Corrosive Liquid	10 gallons	1 quart	10 gallons.
Wet hair. See Hair, wet.						
Wet textile waste. See Waste textile, wet.						
Wood filler. See *Paint, varnish, lacquer, stain, shellac, varnish etc.						
Wool waste, wet. See Waste wool, wet.						

(1) Article	(2) Classed as—	(3) Exemptions and packaging (see section)	(4) Label required (if not exempt)	(5) Maximum quantity in one package (a) Rail express	(b) Passenger carrying aircraft	(c) Cargo only aircraft
X-ray film. See Film.						
%* Xylene (*xylol*)	F.L	173.118, 173.119	Red	do	do	Do.
Xylyl bromide	Irr	No exemption, 173.382	Irritant	75 pounds	Not accepted	75 pounds.
Zinc ammonium nitrite	Oxy. M	No exemption, 173.228	Yellow	100 pounds	25 pounds	100 pounds.
Zinc arsenate	Pois. B	173.364, 173.365	Poison B	200 pounds	50 pounds	200 pounds.
Zinc arsenite, solid	Pois. B	173.364, 173.365	do	do	do	Do.
Zinc chlorate	Oxy. M	173.153, 173.163, 173.370	Yellow	100 pounds	25 pounds	100 pounds.
Zinc cyanide	Pois. B		Poison B	No limit	do	No limit.
Zinc ethyl. See Spontaneously combustible liquids, n.o.s.						
Zinc nitrate. See Nitrates, n.o.s.						
Zinc permanganate	Oxy. M	173.153, 173.154	Yellow	100 pounds	do	100 pounds.
Zinc peroxide	Oxy. M	173.153, 173.154	do	do	do	Do.
Zirconium metal, dry, *mechanically produced, finer than 270 mesh particle size.*	SCM	No exemption, 173.214	Red Bottom	75 pounds	Not accepted	75 pounds.
Zirconium metal, dry, *chemically produced, finer than 20 mesh particle size.*	SCM	do	do	do	do	Do.
Zirconium metal, wet, *mechanically produced, finer than 270 mesh particle size.*	F.S	do	Red Striped	150 pounds	do	150 pounds.
Zirconium metal, wet, *chemically produced, finer than 20 mesh particle size*	F.S	do	do	do	do	Do.
Zirconium metallic, liquid, suspensions	F.L	No exemption, 173.140	Red	5 pounds	do	5 pounds.
Zirconium picramate, wet *with at least 20 percent of water*	Oxy. M	No exemption, 173.216	Yellow	25 pounds	do	25 pounds.
Zirconium scrap (borings, clippings, shavings, sheets or turnings).	F.S	173.153, 173.220	Red Striped	100 pounds	do	Not accepted.

III. Part 173:

(A) In Part 173, Table of Contents, §§ 173:5, 173.6, and 173.27 would be amended to read as follows:

Sec.
173.5 Shipments by rail express and baggage by rail.
173.6 Shipments by air.
173.27 Rail express and aircraft limitations.

(B) In § 173.5, the heading would be amended; paragraph (b) would be added to read as follows:

§ 173.5 Shipments by rail express and baggage by rail.

* * * * *

(b) For shipments of explosives and other dangerous articles acceptable as baggage by rail carriers see Part 176 of the chapter, Regulations Applying to Rail Carriers in Baggage Service.

(C) Section 173.6 would be amended to read as follows:

§ 173.6 Shipments by air.

(a) *General shipping requirements.* When the regulations prohibit a hazardous material from shipment via cargo-only aircraft, such a material is prohibited from shipment via any passenger-carrying aircraft.

(b) *General packaging requirements.* (1) In addition to the requirements of this part and Part 178, each packaging must be designed and constructed to prevent leakage that may be caused by changes in altitude and temperature during air transportation.

(2) Inner receptacles which are breakable (such as earthenware, glass, or plastic), or any receptacles containing less than 1 quart of liquid material, must be packaged with adequate cushioning and absorbent material to prevent breakage and leakage under conditions normally incident to transportation (which include a 4-foot drop of the completed packaging in the position most likely to cause damage). Cushioning and absorbent materials must not be capable of reacting dangerously with the contents. Where plastic packagings are specified in this part, plastic bags or pouches are not permitted unless specifically authorized.

(3) Sufficient outage (ullage) to prevent leakage of contents or distortion of packagings from any expansion of the contents by any increase in temperature up to 130° F. must be provided for any packaging containing liquid. The primary packaging (which may include composite packaging), for which retention of the liquid is the basic function, must be capable of withstanding an internal gage pressure of at least 15 p.s.i. without leaking. In addition, for liquids having an absolute vapor pressure exceeding 16 p.s.i. at 100° F., the primary packaging must be capable of withstanding the inside vapor pressure produced at 130° F., without any leakage.

(4) Stoppers, corks, or other such friction-type closures must be held securely and effectively in place with wire, tape, or other positive means.

(5) Bags permitted by the regulations as outside packaging for transportation aboard aircraft must be water resistant.

(6) Packaging incorporating valves, and containing any compressed gas, must be provided with sufficient protection to prevent operation and damage to such valves during transportation, by one of the following methods:

(i) By equipping each packaging with securely attached caps, or

(ii) By boxing or crating of the compressed gas packaging.

(c) *Special labeling requirements.* See § 173.402(b).

(d) *Special requirements for magnetized materials.* Each shipper offering magnetized materials for shipment shall:

(1) Package magnets or magnetized devices such as magnetrons and light meters so that the polarities of each unit oppose one another.

(2) Install keeper bars on permanent magnets, shield them, or arrange for special stowage to prevent the magnetic field from causing compass deviation.

(3) Label each package with the label described in § 173.414.

(D) In § 173.27, the heading and paragraphs (a) and (b) would be amended to read as follows:

§ 173.27 Rail express and aircraft limitations.

(a) Hazardous materials, except those not accepted for transportation, and except where special packaging is prescribed in this part for rail express or aircraft shipments, must, when offered for shipment by rail express or aircraft, be packaged, marked, and labeled in compliance with this part.

(b) The maximum quantity of any hazardous material that may be offered for transportation in one outside container by rail express, cargo-only aircraft, or passenger-carrying aircraft must not exceed that shown in § 172.5 of this chapter.

* * * * *

(E) In § 173.30 paragraph (a) would be amended; subparagraph (a) (3) would be added to read as follows:

§ 173.30 Loading and unloading of transport vehicles.

(a) Any person who loads or unloads shipments of hazardous materials into or from transport vehicles shall comply with the applicable loading and unloading provisions of Parts 174 and 177 of this chapter and Part 103 of Title 14, Code of Federal Regulations, as follows:

(1) Rail: Section 174.525 through 174.567 of this chapter.

(2) Highway: Section 177.834 through 177.848 of this chapter.

(3) Air: Title 14 CFR 103.1 through 103.35.

(F) In § 173.52, the introductory text of paragraph (a) would be amended to read as follows:

§ 173.52 Acceptable explosives.

(a) For the purposes of Parts 170–189 of this chapter, acceptable explosives are divided into three classes as defined in this section, viz. (see § 172.5 of this chapter for restrictions for shipments by rail express and aircraft).

* * * * *

(G) In § 173.80, paragraph (f) would be amended to read as follows:

§ 173.80 Charged oil well jet perforating guns.

* * * * *

(f) Charged oil well jet perforating guns must not be offered for transportation or be transported by carriers by rail freight, rail express, rail baggage, water, aircraft, or by common or contract carriers by public highway.

(H) In § 173.110, paragraph (b) would be amended to read as follows:

§ 173.110 Charged oil well jet perforating guns, total explosive content in guns not exceeding 20 pounds per motor vehicle.

* * * * *

(b) Charged oil well jet perforating guns must not be offered for transportation or transported by carriers by rail freight, rail express, rail baggage, water, aircraft, or by common or contract carriers by public highway.

(I) In § 173.128, the introductory text of paragraph (c), would be amended to read as follows:

§ 173.128 Paints and related materials.

* * * * *

(c) Paint, enamel, lacquer, satin, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, in glass or earthenware containers not over 1 quart capacity each or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water, except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817. When offered for transportation by rail express and cargo-only aircraft, shipments are exempt from specification packaging, marking, and labeling requirements, except that for shipments by air the label described in § 172.5 of this chapter must be affixed on the outside container; however, for shipments by cargo-only aircraft or rail express of packages having inside containers over 1 quart capacity, each outside packaging must be marked with the name of contents and bear the label described in § 172.5 of this chapter. When a fiberboard box is used for shipments by rail freight, rail express, motor vehicle, vessel, or aircraft, the gross weight must not exceed 65 pounds.

* * * * *

(J) In § 173.132, paragraph (b) would be amended to read as follows:

§ 173.132 Cement, liquid, n.o.s., container cement, linoleum cement, pyroxylin cement, rubber cement, tile cement, wallboard cement, and coating solution.

* * * * *

(b) Cements, except cements containing carbon bisulfide, in glass or earthenware containers not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water, except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817. When offered for transportation by rail express and cargo-only aircraft, shipments are exempt from specification packaging, marking, and labeling requirements, except that for shipments by air the label described in § 172.5 of this chapter must be affixed on the outside container however, for shipments by cargo-only aircraft or rail express of packages having inside containers over 1 quart capacity, each outside packaging must be marked with the name of contents and bear the label described in § 172.5 of this chapter. When a fiberboard box is used for shipments by rail freight, rail express, motor vehicle, vessel, or aircraft, the gross weight must not exceed 65 pounds.

(K) In § 173.144, paragraph (b) would be amended to read as follows:

§ 173.144 Inks.

* * * * *

(b) Ink in glass or earthenware containers not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, packed in strong outside containers are exempt from specification packaging, marking, and labeling requirements when offered for transportation by rail freight, highway, or water, except when offered for transportation by carrier by water, name of contents must be marked on outside container. Shipments for transportation by highway carriers are also exempt from Part 177 of this chapter, except § 177.817. When offered for transportation by rail express and cargo-only aircraft, shipments are exempt from specification packaging, marking, and labeling requirements, except that for shipments by air the label described in § 172.5 of this chapter must be affixed on the outside container; however, for shipments by cargo-only aircraft or rail express of packages having inside containers over 1 quart capacity, each outside packaging must be marked with the name of contents and bear the label described in § 172.5 of this chapter. When a fiberboard box is used for shipments by rail freight, rail express, motor vehicle, vessel, or aircraft, the gross weight must not exceed 65 pounds.

(L) In § 173.162, paragraph (a)(9) would be amended to read as follows:

§ 173.162 Charcoal.

(a) * * *

(9) When offered for transportation by rail express and cargo-only aircraft, charcoal must be packaged in barrels, bags, or boxes. Charcoal briquettes shipped by rail express are not subject to this restriction and are not required to be labeled.

* * * * *

(M) In § 173.176, Note 1 following paragraph (e)(2) would be canceled as follows:

§ 173.176 Matches.

* * * * *

(e) * * *

(2) * * *

NOTE: 1. [Canceled].

* * * * *

(N) In § 173.180, the introductory text of paragraph (a) would be amended to read as follows:

§ 173.180 Motion-picture film, and X-ray film, unexposed.

(a) Motion-picture film, and X-ray film, unexposed (nitrocellulose base), when offered for transportation by rail express, aircraft, or vessel must bear the label described in § 172.5 of this chapter and must be packaged in specification packaging as follows:

* * * * *

(O) In § 173.197, the introductory text of paragraph (a) would be amended to read as follows:

§ 173.197 Pyroxylin plastics, in sheets, rolls, rods, or tubes.

(a) Pyroxylin plastics, in sheets, rolls, rods, or tubes containing nitrocellulose is not subject to Parts 170–189 of this chapter when offered for transportation by carriers by rail freight or highway. When offered for transportation by carriers by rail express, aircraft, or vessel, these materials must be packaged in specification packaging as follows and must bear the label described in § 172.5 of this chapter.

* * * * *

(P) In § 173.217, paragraph (b) would be amended to read as follows:

§ 173.217 Calcium hypochlorite compounds, dry, lithium hypochlorite compounds, dry, dichloroisocyanuric acid, dry, potassium dichloroisocyanurate, dry, sodium dichloroisocyanurate, dry, and trichloroisocyanuric acid, dry.

* * * * *

(b) Strong outside wooden or fiberboard packages with inside glass containers not over 5 pounds capacity each, or with metal containers or plastic bottles not over 10 pounds capacity each, are exempt from specification packaging, marking, and labeling when offered for transportation by rail freight, rail express, cargo-only aircraft, or motor vehicle, except that for shipments by air the label described in § 172.5 of this chapter must be affixed on the outside container. When for transportation by water, strong wooden or fiberboard containers with inside glass containers not over 5 pounds capacity each, or with metal containers or plastic bottles not over 10 pounds capacity each, are exempt from specification packaging only. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817.

(Q) In § 173.223, paragraph (b) would be amended to read as follows:

§ 173.223 Peracetic acid.

* * * * *

(b) Peracetic acid solutions not exceeding 40 percent concentration packaged in strong wooden or fiberboard boxes, with not more than one inside glass container not exceeding 1 pint or 1 pound capacity, cushioned with sterile absorbent cotton or other cushioning material which will not react with the contents to generate heat, and with such cushioning material in sufficient quantity to completely absorb the contents of the bottle, are exempt from specification packaging, marking other than name of contents, and labeling requirements except that for shipments by air the label described in § 172.5 of this chapter must be affixed on the outside container. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817.

(R) In § 173.241 the introductory text of paragraph (a) would be amended to read as follows:

§ 173.241 Outage.

(a) Outage for containers of corrosive liquids for transportation by carriers by rail freight, rail express, air (see § 173.6 (b)(3)), highway, or water, must be as follows:

* * * * *

(S) In § 173.244, paragraph (b) would be amended to read as follows:

§ 173.244 Exemptions for acids and other corrosive liquids.

* * * * *

(b) Other exemptions from specification packaging, marking, and labeling requirements for rail freight, rail express, and highway transportation, and exemptions from specification packaging, marking other than name of contents, and labeling requirements for transportation by carrier by water, and exemptions from specification packaging and marking requirements for transportation by carrier by air, are shown with the packaging requirements for the particular commodity.

(T) In § 173.286, the introductory text of paragraph (b) would be amended to read as follows:

§ 173.286 Chemical kits.

* * * * *

(b) Chemical kits containing corrosives in inside containers not exceeding 6 fluid ounces capacity each and complying with all of the following requirements, are exempt from specification packaging, marking, other than name of contents, and labeling requirements, except that for shipment by air the label described in § 172.5 of this chapter must be affixed on the outside container. Shipments for transportation by highway carriers are exempt also from Part 177 of this chapter, except § 177.817.

* * * * *

(U) In § 173.344, the introductory text of paragraph (b) would be amended to read as follows:

§ 173.344 Packing for class B poisons, liquid.

* * * * *

(b) *Outage.* Outage for containers of liquid poison for transportation by carriers by rail freight, rail express, air (see § 173.6(b)(3)) highway, or water must be as follows:

* * * * *

(V) In § 173.371, paragraph (a)(2) would be amended to read as follows:

§ 173.371 Dinitrobenzol.

(a) * * *

(2) Spec. 11A (§ 178.160 of this chapter). Wooden barrels, gross weight 300 pounds; must be shipped in carload or truckload shipments only and must not be offered for transportation by rail express, aircraft, or vessel.

(W.) § 173.373, paragraph (a)(2) would be amended to read as follows:

§ 173.373 Ortho-nitroaniline and para-nitroaniline.

(a) * * *

(2) Spec. 11A (§ 178.160 of this chapter). Wooden barrels, gross weight 385 pounds; must be shipped in carload or truckload shipments only and must not be offered for transportation by rail express, aircraft, or vessel.

* * * * *

(X) In § 173.402, the introductory text of paragraph (a)(14) (appearing in Docket No. HM–8; Notice No. 70–13, 35 F.R. 11742) would be amended to read as follows:

§ 173.402 Labeling of hazardous materials.

(a) * * *

(14) For shipment by air, the shipper shall label each packaging with the appropriate label described in § 172.5 of this chapter, although the commodity otherwise may be exempted from those labeling requirements by this Part 173. In addition, when appropriate, the following labels must be used:

* * * * *

(Y) In Part 173, the phrases "rail freight, rail express, motor vehicle, or water"; "rail freight, rail express, highway, or water"; "rail freight, rail express, highway, or carriers by water" would be deleted and the following inserted in place thereof in the following sections: "rail freight, rail express, (rail baggage, *if in present text*) motor vehicle, vessel, or aircraft":

Sec.
173.1 (a), (b)
173.9(a)
173.21(a)
173.26(b)
173.51(a)

Sec.
173.65(d)
173.116(a)
173.182(b)
173.238(a)
173.331 (a), (b), (c)

(Z) In Part 173, the phrase "except that marking name of contents on outside container is required for shipments via carrier by water" would be deleted and the following inserted in place thereof in the following sections: "except that for shipments by water, the name of contents described in § 172.5 of this chapter must be marked on the outside container and for shipments by air the label described in § 172.5 of this chapter must be affixed on the outside container.":

Sec.
173.118(a)
173.129(b)
173.130(a)
173.147(b)
173.153 (a), (b)
173.161(a)
173.220(b)(1)
173.226(b)
173.244(a)
173.261(b)

Sec.
173.263(b)(2)
173.272(b)
173.277 (d), (d)(1)
173.279(b)
173.306 (a), (b), (c), (d)(2), (e)(1), (e)(2)
173.345(a)
173.364(a)
173.369(b)

(AA) In Part 173, where the phrase "rail express" appears by itself (without reference to other modes of transportation) the words "or cargo-only aircraft" would be added to that phrase, in the following sections:

Sec.
173.119(a)(3)
173.120(a)
173.121(b)
173.122(b)
173.126(b)
173.135(a)(5)
173.136 (a)(3), (a)(4)
173.138(b)
173.143(b)
173.159(b)
173.167(b)
173.169(b)
173.170(b)
173.171(b)
173.172(b)
173.174 (b), (d)

Sec.
173.185(b)
173.186(b)
173.190 (c), (e)
173.196 Heading, (a)
173.199(b)
173.200(b)
173.209(b)
173.210(b)
173.211(b)
173.213(b)
173.249(b)
173.268 (i), (j)
173.280(a)(5)
173.306(d)(2)
173.326(b)
173.330(b)
173.357(c)

(BB) In Part 173, after the words "and labeling requirements" insert "except for shipment by air the label described in § 172.5 of this chapter must be affixed on the outside container." in the following sections:

Sec.
173.359(c)
173.370 (b), (d)

Sec.
173.377(f)

Interested persons are invited to give their views on this proposal. Communications should identify the docket number and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before August 31, 1971, will be considered before final action is taken on the proposal. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

This proposal is made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on May 14, 1971.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

[FR Doc.71-6993 Filed 5-24-71;8:45 am]

ATOMIC ENERGY COMMISSION

[10 CFR Parts 20, 30, 31]

LICENSING OF BYPRODUCT MATERIAL

Exempt Quantity of Barium 133

Set forth in this notice are proposed amendments to the Atomic Energy Commission's regulations which would, in response to a petition from Nuclear-Chicago Corp.; (1) add a listing of 10 microcuries for barium-133 to the schedule of exempt quantities of byproduct material, § 30.71, Schedule B, 10 CFR Part 30; (2) add a similar listing to Appendix C, 10 CFR Part 20; (3) revoke § 31.4 which sets forth the existing general license for small quantities of byproduct material that was extended to accommodate the petition from Nuclear-Chicago Corp.; and (4) amend § 30.18 (b), 10 CFR Part 30, to reference the new date or revocation of that general license.

On April 22, 1970, the Atomic Energy Commission published in the FEDERAL REGISTER (35 F.R. 6425) amendments to 10 CFR Parts 20, 30, 31, 32, and 35 of its regulations. The amendments, among other changes, revised Part 31 to revoke the general license in § 31.4 for certain small quantities of byproduct material, effective October 22, 1970. The notice of rule making stated, however, that if a petition for rule making for exemption of a product containing byproduct material presently being transferred as a generally licensed quantity under § 31.4 were filed prior to revocation of the general license, the Director of Regulation would consider extending the general license until such time as the petition is finally determined.

By letter dated October 15, 1970, Nuclear-Chicago Corp. petitioned the Commission to amend Part 30 to exempt the following items:

a. Barium-133 as a sealed source containing approximately 9.5 microcuries of activity, contained within a Liquid Scintillation Counting System for the purpose of internal calibration and standardization;

b. A unit identified as a "Thyroid Phantom" containing 9.5 microcuries of barium-133 and 0.5 microcurie of cesium-137, used to educate medical students and practitioners in the identification of thyroid maladies; and

c. An educational kit containing a 9-microcurie cesium-134 source for use in teaching the properties of radiation, principles of Geiger Muller counter operation, and interpretation of nuclear measurements. By letter dated March 19, 1971, Nuclear-Chicago Corp. withdrew this source from the petition.

Notice of filing of the petition for rule making and the extension of the general license in § 31.4 until the petition is finally determined, was published in the FEDERAL REGISTER (35 F.R. 16554) on October 23, 1970.

The proposed amendment to § 30.71, Schedule B, 10 CFR Part 30, which follows, would add a listing of 10 microcuries for barium-133. Section 30.15(a) (9), 10 CFR Part 30, currently exempts from licensing controls:

> Ionizing radiation measuring instruments containing, for purposes of internal calibration or standardization, a source of byproduct material not exceeding the applicable quantity set forth in § 30.71, Schedule B.

While a liquid scintillation counter is an ionizing radiation measuring instrument, barium-133 is not presently listed in § 30.71, Schedule B. Following addition of barium-133 to § 30.71, Schedule B, existing § 30.15(a) (9), 10 CFR Part 30, will provide an exemption from licensing requirements for such sources in liquid scintillation counters.

Section 32.18(c), 10 CFR Part 32, "Specific Licenses to Manufacture, Distribute, or Import Exempted and Generally Licensed Items Containing Byproduct Material," in establishing the criteria for licensing commercial suppliers of exempt quantities, specifies that:

> (C) The byproduct material is in the form of processed chemical elements, compounds, or mixtures, tissue samples, bioassay samples, counting standards, plated or encapsulated sources, or similar substances, identified as radioactive and to be used for its radioactive properties, but is not incorporated into any manufactured or assembled commodity, product, or device intended for commercial distribution; and

The Commission considers the "Thyroid Phantom" marketed by Nuclear-Chicago Corp. to be an encapsulated source which, with the inclusion of barium-133 in § 30.71, Schedule B, falls within the specification of items which may be transferred in accordance with a license issued under § 32.18, 10 CFR Part 32, to persons exempt pursuant to § 30.18, 10 CFR Part 30.

The listing of 10 microcuries for barium-133 would also be added to Appendix C, 10 CFR Part 20. The byproduct material listings in Appendix C conform to the listings in § 30.71, Schedule B, 10 CFR Part 30, and are referred to in providing exceptions from label requirements pursuant to § 20.203, 10 CFR Part 20, and in specifying quantities that may be disposed of by release into sanitary sewer systems or by burial in soil pursuant to §§ 20.303 and 20:304, 10 CFR Part 20, respectively.

Since these actions would, when made effective, constitute determination of the petition from Nuclear-Chicago Corp., the general license for certain small quantities of byproduct material, § 31.4 and related sections, 10 CFR Part 31, would be revoked and § 30.18(b), 10 CFR Part 30, which provides exemption from licensing requirements for byproduct material received or acquired under the general license, would be amended to reference the new date of revocation of the general license.

Under the proposed amendments and the provisions of § 150.15(a) (6), 10 CFR Part 150, "Exemptions and Continued Regulatory Authority in Agreement States Under Section 274," a producer, packager, repackager, or importer who intends to distribute, on a commercial basis, quantities of byproduct material for use under the exemption, even if licensed to manufacture, process, or produce such quantities by an Agreement State, would be required to obtain a specific license from the Commission authorizing the import or commercial distribution of such quantities. To obtain a license, the applicant must meet the criteria of § 32.18, 10 CFR Part 32. Likewise, a person who intends to incorporate byproduct material into ionizing radiation measuring instruments or to import for sale or distribution such products containing byproduct material, woud be required to obtain a specific license from the Commission pursuant to § 32.14, 10 CFR Part 32.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Parts 20, 30, and 31 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within thirty (30) days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of the comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

PART 20—STANDARDS FOR PROTECTION AGAINST RADIATION

1. Appendix C of 10 CFR Part 20 is amended by adding a value of 10 microcuries for barium-133, to be inserted between the listings for barium-131 and barium-140 as follows:

APPENDIX C

Material	*Microcuries*
* * *	* * *
Barium-133	10
* * *	* * *

PART 30—RULES OF GENERAL APPLICABILITY TO LICENSING OF BYPRODUCT MATERIAL

2. Section 30.18(b) is amended to read as follows:

§ 30.18 Exempt quantities.

* * * * *

(b) Any person who possesses byproduct material received or acquired prior to (date) [1] under the general license then provided in § 31.4 of this chapter is exempt from the requirements for a license set forth in section 81 of the Act and from the regulations in Parts 30–34 of this chapter to the extent that such person possesses, uses, transfers, or owns such byproduct material.

* * * * *

---

[1] Effective revocation date of § 31.4, 10 CFR Part 31.

3. Section 30.71, Schedule B, is amended by adding a value of 10 microcuries for barium-133, to be inserted between the current listings for barium-131 and barium-140, to read as follows:

§ 30.71 Schedule B.

Byproduct material	*Microcuries*
* * *	* * *
Barium-133 (Ba 133)	10
* * *	* * *

PART 31—GENERAL LICENSES FOR BYPRODUCT MATERIAL

4. Sections 31.2(b), 31.4, and 31.100 of 10 CFR Part 31 are revoked.

(Sec. 81, 68 Stat. 935; 42 U.S.C. 2111; sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

F. T. HOBBS,
Acting Secretary of the Commission.

[FR Doc.71-7206 Filed 5-24-71;8:45 am]

CIVIL SERVICE COMMISSION

[5 CFR Part 900]

INTERGOVERNMENTAL PERSONNEL ACT GRANT PROGRAMS GUIDELINES

Notice of Proposed Rule Making

Notice is hereby given that under sections 202(b), 203(b), 303(b), 304(a), 305(b), and 503(c)(1) of the Intergovernmental Personnel Act of 1970 (IPA), Public Law 91–648, 84 Stat. 1909, the Civil Service Commission proposes to issue "Guidelines for IPA Grant Programs" and a "Guide for IPA Grant Administration" containing related forms. The proposed guidelines would provide necessary information, instructions, and guidelines related to eligibility for, purposes of, application for, and administration of a financal grant under the Intergovernmental Personnel Act. Interested persons may obtain copies of the proposed Guidelines and Guide from the Bureau of Intergovernmental Personnel Programs, U.S. Civil Service Commission, Room 3A03, 1900 E. Street NW., Washington, DC 20415 (Tel. 202-632-6275), and may submit to the Bureau of Intergovernmental Personnel Programs written comments, objections, or suggestions within 30 days after the date of publication of this notice in the FEDERAL REGISTER. Written comments, objections, and suggestions submitted will be available for public inspection at the address given in this notice during the Commission's regular business hours (8:15 a.m. to 5:45 p.m., Monday through Friday).

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7248 Filed 5-21-71;8:50 am]

ENVIRONMENTAL PROTECTION AGENCY

[45 CFR Part 1201]

1976 EMISSION STANDARD FOR OXIDES OF NITROGEN APPLICABLE TO LIGHT DUTY VEHICLES

Notice of Proposed Rule Making

Section 202(b) of the Clean Air Act, as amended December 31, 1971 (Public Law 91–604), directs the administrator of the Environmental Protection Agency to establish emission standards which require, with respect to 1975 and later model year light duty vehicles, at least a 90 percent reduction in emissions of carbon monoxide and hydrocarbons from those allowable under applicable 1970 standards and, with respect to 1976 and later model year light duty vehicles at least 90 percent reduction in emissions of oxides of nitrogen from those actually measured from 1971 model year light duty vehicles which are not subject to any Federal or State emission standard for oxides of nitrogen. The act further provides that emission standards to accomplish this reduction and the measurement techniques on which such standards are based, if such techniques were not promulgated prior to December 31, 1970, be prescribed within 180 days after such date, i.e., on or before June 29, 1971.

On February 26, 1971, the Agency proposed to amend the regulations relating to the control of air pollution from new motor vehicles and engines (45 CFR Part 1201) by setting hydrocarbon and carbon monoxide emission standards for 1975 model year light duty motor vehicles. It is now proposed to establish an oxides of nitrogen exhaust emission standard of 0.40 gram per vehicle mile for 1976 and later model year light duty vehicles and engines in accordance with the Act.

The proposed standard is based on tests of 1971 model year light duty vehicles which were not designed to meet any Federal or State emission standard for oxides of nitrogen, and represents a 90 percent reduction in emissions from an average NOx emission level of 4.0 grams per vehicle mile from such vehicles.

The test procedure proposed is the procedure in Subpart H of the regulations applicable to 1972 and later model year vehicles (35 F.R. 17288), as it would be amended by the proposed oxides of nitrogen measurement procedure (36 F.R. 3825) which utilizes the chemiluminescence method for the determination of oxides of nitrogen emissions.

45 CFR Part 1201 as amended by the proposed standards would be effective on republication and would be applicable to 1976 and subsequent model year vehicles.

Interested persons may submit written data, views, or arguments (in quadruplicate) in regard to the proposed regulations to the Administrator, Environmental Protection Agency, Attention: Air Pollution Control Office, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20852. All relevant material received not later than 21 days after the publication of this notice will be considered. The Agency finds that good cause exists for allowing public comment for a period of 21 days on the proposal, because the statutory deadline of June 29, 1971, mentioned above, makes a more extended time for comment impracticable.

This notice of proposed rule making is issued under the authority of section 202 of the Clear Air Act, as amended by section 6, Public Law 91–604; 84 Stat. 1690.

Dated: May 21, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-7297 Filed 5-24-71;8:51 am]

Notices

FEDERAL POWER COMMISSION

NATIONAL GAS SURVEY EXECUTIVE ADVISORY COMMITTEE AND THE TECHNICAL ADVISORY COMMITTEES

Order Designating Additional Members; Correction

MAY 5, 1971.

In the order designating additional members of the national gas survey executive advisory committee and the technical advisory committees, issued April 30, 1971 and published in the FEDERAL REGISTER May 8, 1971 (36 F.R. 8817), under the heading "Technical Advisory Committee—Distribution," change the position title and company name of Mr. Ralbern H. Murray to read as follows:

Deputy Vice Chairman—Ralbern H. Murray, Director Marketing, Consolidated Natural Gas Service Co., Inc.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7215 Filed 5-24-71;8:46 am]

[Docket No. RI71-836 etc.]

AUSTRAL OIL CO., INC., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund; Correction

MAY 13, 1971.

Austral Oil Co., Inc., Agent for Oil Participations, Inc., et al., Docket No. RI71-836 et al:; Jerome P. McHugh et al., Docket No. RI69-627; Aztec Oil & Gas Co., Docket No. RI69-379.

In the order providing for hearing on and suspension of proposed changes in rates, and allowing rate changes to become effective subject to refund, issued March 19, 1971 and published in the FEDERAL REGISTER March 30, 1971 (36 F.R. 5874), appendix A, under column headed "Effective Date Unless Suspended", opposite Dockets Nos. RI69-627 and RI69-379 change "3-25-71" to "4-28-71" and "3-28-71", respectively.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7216 Filed 5-24-71;8:46 am]

[Docket No. E-7602]

CENTRAL TELEPHONE & UTILITIES CORP.

Order Providing for Hearing Suspending in Part and Rejecting in Part Proposed Rate Schedule Changes, Initiating Proceedings, and Allowing Intervention

MAY 19, 1971.

On January 29, 1971, Central Telephone & Utilities Corp., Western Power Division (Central) submitted for filing, proposed rate schedule changes with the Commission, affecting 10 rural electric cooperatives[1] and 13 municipal[2] wholesale customers operating in Kansas. Central submitted supplemental materials to complete its filing on April 19, 1971.

The filing proposes to increase the rates charged for electric service and to change the neutral zone of the fuel adjustment clause from 17-19 cents to 24-26 cents per million B.t.u.

According to Central, based upon a test year ending June 30, 1970, the effect of the rate change would increase revenues by $1,160,622 from the cooperatives and $173,389 from the municipalities. The average charge per kw.-hr. would be increased from 0.89 cents kw.-hr. to 1.53 cents per kw.-hr. for cooperatives and from 1.33 cents per kw.-hr. to 1.93 cents per kw.-hr. for the municipalities.

Two petitions for intervention were filed, one by the cooperatives and one by the municipals. Notice of intervention has been filed by the State Corporation Commission of Kansas.

In addition to seeking intervention, the petition of the cooperatives also requests that Central's filing be rejected because it is an attempt to unilaterally increase rates which are fixed by contract, citing, inter alia, Sierra Pacific Power Co. v. Federal Power Commission, 223 F. 2d 605 (C.A.D.C., 1955), aff'd. sub nom. Federal Power Commission v. Sierra-Pacific Power Co., 350 U.S. 348 (1956); Mobile Gas Service Corp. v. Federal Power Commission, 215 F. 2d 883 (C.A. 3, 1954) aff'd. sub nom. United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956).

The cooperatives point to article III of their contracts with Central in support of their contention that the contracts do not permit unilateral rate schedule changes and, therefore, fall with the Sierra-Mobile doctrine, Article III reads as follows:

> *Article III.* The rate to be paid by the cooperative shall be the Company's Rate Schedule 88-CWH-2, a copy of which is attached hereto and made a part thereof.

Neither the contract nor Central's Rate Schedule 68-CWH-2 make mention of methods for changing rates.

In its letter to the Commission dated March 17, 1971, Central addressed itself to this issue stating: "the rate of return being earned by the Company on its sales to its Cooperative customers is so low, both on an absolute basis and in relation to the Company's other operations, as to bring this filing within the exceptions to what would otherwise be the rule that a contract cannot be changed unilaterally, as set forth by the United States Supreme Court in Sierra Pacific Power Co., 350 U.S. 348, that is, that it so low that—

> "It might impair the financial ability of the public utility to continue its service, cast upon other customers an excessive burden or be unduly discriminatory. (350 U.S. at 355)"

Central then argues that the Commission has jurisdiction to proceed under section 205 of the Federal Power Act but if it rules otherwise, the Commission should treat Central's application as a complaint and proceed under section 206 of the Act.

The Municipals also urge rejection of filing upon the grounds that Central's "individual contracts with its customers preclude it from seeking a unilateral rate increase", citing the Sierra case. However, unlike the Cooperatives, all the Municipal contracts contain the paragraph:

> The rate schedule above referred to constitutes the present legal rate of company for the class of service contracted for and is subject to change by order of the legally contsituted ratemaking body having jurisdiction over the Company's rates.

By way of comparison, in United Gas Pipeline Co. v. Memphis Light, Gas and Water Division, 358 U.S. 103 (1958), the Supreme Court was called upon to decide whether the following contractual provision allowed unilateral rate increase filings:

> All gas delivered hereunder shall be paid for by buyer under seller's rate schedule * * *, or any effective superseding rate schedules, on file with the Federal Power Commission. This agreement in all respects shall be subject to the applicable provisions of such rate schedules and to the general terms and conditions attached thereto and filed with the Federal Power Commission which are by reference made a part hereof. 358 U.S. at 105.

Although Memphis had claimed that the Mobile case prevented United from unilaterally changing the terms of its service agreements, the Court distinguished Mobile on the ground that the aforementioned language reserved United's right to file rate changes in accordance with procedures specified in section 4(d) of the Natural Gas Act (15 U.S.C. sec. 717c(d)).

The question presented, then, is whether the language authorizing unilateral rate change in the Memphis contract is sufficiently similar to the language in the municipal contracts in this case to justify findings based on legal precedent that unilateral rate changes are authorized.

Analysis of the pertinent language in the Municipal contracts would lead to the conclusion that unilateral rate filings are permitted. The contract clearly states that "[t]he rate schedule * * * is subject to change." The only limitation to such change is that it must be "by order of the legally constituted ratemaking body having jurisdiction over the Company's rates." Since the Commission is "the legally constituted ratemaking body having jurisdiction over the Company's rates" and can change rates "by order", (sec. 205 Federal Power Act; 49 Stat. 851; 16 U.S.C. 824d), the limitation on the words "[t]he rate schedule * * * is subject to change" does not apply in the instant case. Therefore, the municipal contracts do allow unilateral rate changes. We believe the language in the two contracts is sufficiently similar to warrant answering the question in the affirmative.

Conversely, we reject the filing as it pertains to the intervening cooperatives for the purposes of initiating a proceeding under section 205 of the Act because the cooperative contracts and their accompanying rate schedules do not contain language from which it might reasonably be inferred that the parties contemplated rate changes on a unilateral basis. However, that portion of the proposed rate increase filing applicable to the cooperatives will be treated as a complaint under section 206 of the Act, and Central will be permitted to present such evidence as it deems necessary to support its claim that the Sierra doctrine should be applied with respect to its rates and charges to the cooperatives.

Review of the rate filing proposing to increase rates and charges to the municipal customers indicates that issues are raised which require development in evidentiary proceedings. Those issues include, but are not limited to, the claimed rate of return of 8.76 percent, rate base and the adjustments thereto by Central, the proposed adjustment for wages, fuel cost, and property taxes.

The Commission further finds:

(1) Participation by the petitioners for intervention in this proceeding may be in the public interest.

(2) Central's filing should be accepted as validly initiating a proceeding under section 205 of the Federal Power Act, but only with regard to the municipal customers mentioned in Central's filing.

(3) The proposed increased rates and charges as it pertains to municipal customers referred to in Central's filing may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful under the Federal Power Act.

(4) Central's filing should be rejected as initiating a proceeding under section 205 of the Federal Power Act with respect to Central's cooperative customers because the contracts between Central and the cooperatives do not contain language from which it might be reasonably inferred that the parties contemplated rate changes on a unilateral basis.

(5) Central should be permitted to present its evidence under section 206 of the Federal Power Act, to support its claim, the Sierra doctrine should be applied with respect to its rates and charges to the cooperatives.

The Commission orders:

(A) The petitioners for intervention are hereby permitted to intervene in this proceeding subject to the rules and regulations of the Commission: *Provided, however*, That participation of the intervener shall be limited to the matters affecting asserted rights and interests specifically set forth in the petition to intervene: *And provided, further*, That admission of the intervener shall not be construed as recognition by the Commission that intervener may be aggrieved by any order entered in this proceeding.

(B) Central's filing is accepted as validly initiating a proceeding under section 205 of the Federal Power Act, but only to the extent that such filing affects the municipal customers mentioned therein. Pending a hearing and decision thereon, this portion of the filing is hereby suspended and the use thereof deferred until October 19, 1971. Increased rates and charges found by the Commission in this proceeding to be unjustified shall be refunded and shall bear interest at the rate of 5½ per annum from the date of payment to Central until refunded. Central shall bear all costs of refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rates and charges effective at the termination of the suspension period; and shall file with the Commission a monthly written report for each billing period in duplicate and under oath such report shall set forth: (1) The billing determinants of electric power and energy sold and delivered to the municipal customers during the billing period; (2) the revenues resulting from such sale and delivery computed under Central's present rate schedule and under its proposed rate schedule and shall show the differences in the revenues so computed.

(C) Central's proposed changes in rates and charges under section 205 of the Federal Power Act to the 10 cooperative customers referred to above hereby are rejected.

(D) In addition to the requirements of section 205 of the Act, Central shall also have the burden of proving that its present rates, charges, or classifications under its contracts with the cooperatives are so low that it might impair the financial ability of the public utility to continue its service, cast upon other customers an excessive burden, or be unduly discriminatory.

(E) Central shall file its case in chief with the Commission no later than June 1, 1971. Staff will serve its direct case no later than September 1, 1971. Intervenors will serve their direct cases no later than September 15, 1971. Central's rebuttal evidence shall be served no later than October 1, 1971. A hearing shall be held at the offices of the Federal Power Commission, Washington, D.C., for the purposes of cross examination of all evidence on October 19, 1971. A prehearing conference shall be held on August 15, 1971. Modification of the schedule set forth in this paragraph may only be granted upon good cause shown to the Presiding Examiner.

(F) A Presiding Examiner to be designated by the Chief Examiner (sec Delegation of Authority 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7211 Filed 5-24-71;8:46 am]

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[1] Valley Electric Cooperative Association, Inc.; The C.M.S. Electric Cooperative Association, Inc.; The C&W Rural Electric Cooperative Association, Inc.; Jewell-Mitchell Cooperative Electric Co. Inc.; N.C.K. Electric Cooperative, Inc.; Ninnescah Rural Electric Cooperative Assn., Inc.; Norton-Decatur Cooperative Electric Co., Inc.; The Smoky Hill Electric Cooperative Assn., Inc.; Sumner-Crowley Electric Cooperative, Inc.; and Victory Electric Cooperative Assn., Inc.

[2] The cities of Cawker, Cimarron, Coats, Glasco, Glen Elder, Holyrood, Isabel, Jamestown, Lucas, Luray, Mankato, Montezuma, and Tipton, Kans.

[Docket No. RP71-102]

GREAT LAKES GAS TRANSMISSION CO.

Order Providing for Hearing, Suspending Proposed Revised Tariff Sheets, Providing Hearing Procedures, and Permitting Interventions

MAY 19, 1971.

Great Lakes Gas Transmission Co. (Great Lakes) on April 16, 1971, tendered for filing in Docket No. RP71-102 22 revised tariff sheets[1] proposing changes in its FPC Gas Tariff, Original Volumes Nos. 1 and 2 all to become effective on June 1, 1971. The revised tariff sheets provide for an increase in annual jurisdictional revenues of $9,647,370 based upon sales volumes for the 12-month period ended December 31, 1970, as adjusted. The proposed tariff changes would be applicable to Great Lakes' Rate Schedules CQ-1, CQ-2, CQ-3, AOS-1 and G-3 in Volume No. 1, and T-4 in Volume No. 2; and Great Lakes present rate structure would be changed by the addition of third rate zone.

Great Lakes claims that its present rates, approved in Docket No. RP70-31, are not fully compensatory and do not provide the interest coverage necessary for long-term financing. Great Lakes states that the proposed rates will permit it to recoup its total cost of service, including a minimum reasonable rate of return.

The proposed rates are designed to produce a rate of return of 9.92 percent and an equity allowance of 15 percent, and are expected to generate revenues sufficient to enable the company to refinance its present short-term debt financing with long-term debt.

Great Lakes requests that the Commission waive the requirements of § 154.63(b)(3) of its regulations to permit the filing of Statement P material by May 14, 1971, 15 days prior to the proposed effective date of the tariff sheets.

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[1] The proposed revised tariff sheets are as follows: 4th Revised Sheet No. 1, 2d Revised Sheet No. 3, 3d Revised Sheet No. 4, 1st Revised Sheets No. 6-A and No. 6-B, Original Sheets No. 6-D, No. 6-E, and No. 6-F; 3d Revised Sheet No. 7, 2d Revised Sheet No. 8, 1st Revised Sheets No. 8-F, No. 8-G, No. 8-H, and No. 8-I; 2d Revised Sheet No. 21, 1st Revised Sheets No. 26-G and No. 26-I, and 4th Revised Sheet No. 27 of Original Volume No. 1; and 4th Revised Sheet No. 1, 3d Revised Sheets Nos. 3 and 53, and 4th Revised Sheet No. 69 of Original Volume No. 2.

Review of the rate filings indicates that issues are raised which require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

Petitions to intervene were timely filed by Consumers Gas Co., the United States through the Administrator of General Services, Michigan Consolidated Gas Co., Michigan Wisconsin Pipe Line Co., Natural Gas Pipeline Co., Northern and Central Gas Corp., Ltd., St. Lawrence Gas Co., Trans-Canada Pipe Lines Ltd., and Union Gas Company of Canada, Ltd. Notices of intervention were also filed by the Michigan Public Service Commission and the Public Service Commission of Wisconsin.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Great Lakes' FPC gas tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote 1 above be suspended, and the use thereof be deferred as herein provided.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the disposition of this proceeding be expedited in accordance with the procedures set forth below.

(3) The participation of the above named petitioners may be in the public interest.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I) a public hearing shall be held, commencing with a prehearing conference on June 22, 1971, at 10 a.m., e.d.s.t., as provided herein, reconvening for hearing on October 5, 1971, at 10 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street, Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Great Lakes' FPC Gas tariff as proposed to be revised herein.

(B) Pending such hearing and decision thereon, Great Lakes' revised tariff sheets listed in footnote 1 above, are suspended, and the use thereof deferred until November 1, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Section 154.63(b)(3) of the Commission's regulations under the Natural Gas Act is hereby waived to that extent necessary to permit Great Lakes to file Statement P on or before May 14, 1971.

(D) At the prehearing conference on June 22, 1971, Great Lakes' prepared testimony (Statement P), together with its entire rate filing as submitted and served on April 16, 1971, shall be admitted to the record as Great Lakes' complete case-in-chief as provided by § 154.63(e)(1) of the Commission's regulations under the Natural Gas Act, and Order No. 254, 28 FPC 495, subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to the conference fully prepared to effectuate the provisions of §§ 1.18 and 2.59 of the Commission's rules of practice and procedures, including a useful disscussion of all problems involved in the proceeding, both procedural and substantive, and fully authorized to make commitments with respect thereto.

(E) On or before August 16, 1971, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of any and all intervenors shall be served on or before August 26, 1971. Any rebuttal evidence by Great Lakes shall be served on or before September 15, 1971. Hearing will commence with a prehearing conference on June 22, 1971, reconvening on October 5, 1971, for hearing, as provided above. The Presiding Examiner, upon a showing of good cause, may grant such extensions of time as he deems appropriate.

(F) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding; shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed in § 2.59 of the Commission's rules of practice and procedure.

(G) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however*, That the participation of such intervenors shall be limited to matters affecting the rights and interests specifically set forth in the respective petitions to intervene: *And provided, further*, That the admission of such intervenors shall not be construed as recognition that they or any of them might be aggrieved because of any order or orders issued by the Commission in this proceeding.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7212 Filed 5-24-71;8:46 am]

[Dockets Nos. E-7512, E-7514]

ILLINOIS MUNICIPAL UTILITIES ASSOCIATION ET AL.

Order Denying Motions To Dismiss, Prescribing Hearing, Consolidating Proceedings, and Requiring Amendment of Complaints

MAY 19, 1971.

Illinois Municipal Utilities Association v. Illinois Power Co., Central Illinois Public Service Co., and Union Electric Co., Docket No. E-7512; Municipalities of Peru, et al. v. Illinois Power Co., Central Illinois Public Service Co., and Union Electric Co., Docket No. E-7514.

On November 19, 1969, the Illinois Municipal Utilities Association (IMUA)[1] filed a complaint with this Commission (Docket No. E-7512) requesting us to issue an order requiring either Central Illinois Public Service Co. (CIPS) and Illinois Power Co. (IP), or these companies and Union Electric Co. (Union),[2] to sell and exchange electric power with certain Illinois municipalities on the same terms as set forth in an Interconnection Agreement of November 1, 1969, between the Pool members and the Tennessee Valley Authority.

In its complaint IMUA alleges that IP and CIPS intend to prevent the municipalities from sharing in any benefits flowing from the Pool-TVA contract, contrary to the policy of the Antitrust Laws and sections 10 and 11 of the Tennessee Valley Act (16 U.S.C. 831i, 831j). Accordingly, IMUA petitions the Commission to order either IP and CIPS or the Pool members to sell and exchange power with the municipalities on the same terms as povided by the TVA-Pool contract.

Subsequently, on December 5, 1969, the municipalities[3] (Peru et al.) not yet connected with one of the respondent public utilities filed a complaint requesting an order directing either that the Pool members interconnect with them on the same terms as obtain within the pool, or that IP and CIPS interconnect with them on the same terms extended to other investor-owned systems, and that, pending determination of these requests, emergency interconnections be ordered for Freeburg, Highland, and Sullivan under section 202(c). This complaint (Docket No. E-7514) was directed against the Pool members, or in the alternative, against IP and CIPS separately.

In that complaint, Peru et al., allege that for reasons of system reliability, emergency and economy service, etc., it is necessary for interconnections to be established, which should be on the same terms as extended by the companies to other electric systems. Referring, inter alia, to section 10(h) of the Federal Power Act, the municipalities also assert that failure by IP and CIPS to make interconnections available on reasonable terms would violate the antitrust laws.

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[1] IMUA filed its complaint as representative of a group of municipal utilities directly or indirectly connected with IP or CIPS, or contemplating establishment of such interconnections. Those municipalities are Cairo, Casey, Flora, Metropolis, Newton, Mound City, Bethany, and Greenup (all connected with CIPS); Oglesby, Ogden, and Ladd (connected with IP); Springfield and Jacksonville (indirectly connected with CIPS and IP through the facilities of Central Illinois Light Co.); and another group of cities intending to file with this Commission a joint application for interconnection.

[2] Together constituting the Illinois-Missouri Pool (Pool).

[3] Breese, Bushnell, Carlyle, Freeburg, Mascutah, Highland, Peru, Princeton, Red Bud, Sullivan, and Waterloo.

As to each complaint, respondents filed answers and motions to dismiss. In their motions, respondents assert, among other things, that the Complainant's failure to include two required exhibits in their complaints necessitates their dismissal. Section 32.2 of the Commission's regulations calls for a statement of estimated annual cost of proposed interconnections and a map showing the service area of each utility involved, the location of the facilities concerned, and an indication of the point where interconnection may be most economically established. The complaints conform to the regulations in all other respects. Rather than dismissing them and awaiting the filing of amended pleadings, which will delay the resolution of these matters, we will require the Complainants to correct those two deficiencies prior to the date set for the prehearing conference. Other contentions advanced in the motions do not warrant dismissal at this time.

The Complainants subsequently respond to those pleadings.

We are advised that a number of conferences were held over a period of some months in an effort to resolve the parties' differences.[4] The question of emergency interconnections for Freeburg, Highland, and Sullivan was disposed of by agreement, but as to the other issues the conferences have apparently failed to produce agreement. We are therefore required to act upon the requests contained in the complaints.

A review of the complaints, answers, and responses reflect that numerous factual and legal issues have been raised which require an evidentiary hearing record to resolve. Accordingly, we will order a public hearing to be held on the issues raised in those pleadings and will deny respondent's motions to dismiss the complaints without prejudice to their right to renew those motions at the conclusion of the hearing. Further, the proceedings in Dockets Nos. E-7512 and E-7514 contain common questions of law and fact and, consequently, should be consolidated for purposes of hearing and decision.

The Commission further finds: It is necessary and appropriate for the purposes of carrying out the provisions of the Federal Power Act, and particularly but not in limitation of the foregoing, sections 10, 202(b), 205, and 206, that a public hearing be held conserning the interconnection and/or exchange of power sought by Complainants, that the Motions to Dismiss filed by respondents be denied without prejudice to their renewal at the conclusion of the hearing, and that the proceedings in Dockets Nos. E-7512 and E-7514 be consolidated for purposes of hearing and decision.

The Commission orders:

(A) A public hearing shall be held concerning the proposed interconnection referred to in the finding above, and the issues raised by the above-mentioned pleadings in Dockets Nos. E-7512 and E-7514. This hearing shall be held in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC, at a time to be specified by the Presiding Examiner following the prehearing conference herein-after directed.

(B) A prehearing conference shall be held before the Presiding Examiner commencing at 10 a.m., e.d.t., June 22, 1971, in a hearing room of the Federal Power Commission, Washington, D.C. for purposes as specified in the Commission's rules of practice and procedure.

(C) Complainants shall, before the date prescribed in ordering paragraph (B) for the prehearing conference, file with the Commission and serve upon all parties, as an attachment to their complaints, Exhibits A and B required by § 32.2 (18 CFR 32.2) of the Commission's regulations under the Federal Power Act.

(D) The respondents motions to dismiss are hereby denied without prejudice to their renewal at the conclusion of the hearing.

(E) The proceedings in Dockets Nos. E-7512 and E-7514 are hereby consolidated for purposes of hearing and decision.

(F) Notices of intervention or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington, D.C. 20426, on or before June 18, 1971, in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37).

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7213 Filed 5-24-71;8:46 am]

[Docket No. CS71-302 etc.]

SCHIMMEL OIL CO. ET AL.

Notice of Applications for "Small Producer" Certificates[1]

MAY 13, 1971.

Take notice that each of the applicants listed herein has filed an application pursuant to section 7(c) of the Natural Gas Act and § 157.40 of the regulations thereunder for a "small producer" certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce, all as more fully set forth in the applications which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before June 10, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates is required for the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No.	Date filed	Name of applicant
CS71-302	4-15-71	Schimmel Oil Co., D-304 Petroleum Center, San Antonio, TX 78209.
CS71-303	4-16-71	N. H. Wheless (Operator) et al., Post Office Box 1746, Shreveport, LA 71102.
CS71-304	4-16-71	Bodcaw Co., 1300 Mercantile Dallas Bldg., Dallas, TX 75201.
CS71-305	4-15-71	Wheless Industries, Inc., Post Office Box 1746, Shreveport, LA 71102.
CS71-306	4-15-71	Stewart R. Jenkins, Jr., Post Office Box 5086, Shreveport, LA 71105.
CS71-307	4-16-71	Resler and Sheldon, 314 Carper Bldg., Artesia, NM 88210.
CS71-308	4-16-71	Charm Oil Co., 314 Carper Bldg., Artesia, NM 88210.
CS71-309	4-16-71	W. C. Pickens, 800 Preston Bank Bldg., Dallas, TX 75225.
CS71-310	4-16-71	Pool & Hooper Oil Properties, Post Office Box 1476, Victoria, TX 77901.
CS71-311	4-13-71	Fred Roberts, 511 North Akard, Room 1200A, Dallas, TX 75201.
CS71-312	4-16-71	Ethyle Moorhead, Post Office Box 296, Liberal, KS 67901.
CS71-313	4-16-71	H. H. Phillips, Jr., 319 Milam Bldg., San Antonio, TX 78205.
CS71-314	4-16-71	The Gray Wolfe Co., 2004 Bank of the Southwest Bldg., Houston, TX 77002.
CS71-315	4-16-71	Petroleum Reserve Corp., Post Office Box 906, Stillwater, OK 74074.
CS71-316	4-16-71	Milton F. Shaffer (Operator) et al., Post Office Box 1451, Amarillo, TX 79105.
CS71-317	4-16-71	George H. Coates, 1610 Milam Bldg., San Antonio, TX 78205.
CS71-318	4-15-71	The Dow Chemical Co., Post Office Box 22468, Houston, TX 77027
CS71-319	4-19-71	John D. Caruthers, Jr., 505 Louisiana Bank Bldg., Shreveport, LA 71101.
CS71-320	4-19-71	Fred Wilson Drilling Co., Inc., Post Office Box 22, Shreveport, LA 71102.
CS71-321	4-19-71	Triple S Oil Co., Post Office Box 1757, Shreveport, LA 71102.

See footnote at end of table.

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[4] By letter of Apr. 21, 1971, Complainants advised that no further benefit could be expected from these conferences, and requested that the Commission act upon the complaints.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No.	Date filed	Name of applicant
CS71-322	4-19-71	Cotton Petroleum Co., 2121 South Columbia, Tulsa, OK 74114.
CS71-323	4-19-71	Cal-Ray Petroleum Corp., Liberty Bank Bldg., Oklahoma City, OK 73102.
CS71-324	4-19-71	W. H. Smith Construction Co., Box 219, Wilson, OK 73463.
CS71-325	4-19-71	R. C. Harris et al., 221 Hall Bldg., Beeville, TX 78102.
CS71-326	4-19-71	Don R. Nichols, Box 1665, Midland, TX 79701.
CS71-327	4-19-71	H. D. Akin, Box 1271, Midland, TX 79701.
CS71-328	4-19-71	R. E. Throckmorton, Jr., Post Office Box 1271, Midland, TX 79701.
CS71-329	4-19-71	T. A. McCarty, Post Office Box 1271, Midland, TX 79701.
CS71-330	4-19-71	E. H. Thalman, Post Office Box 1591, Midland, TX 79701.
CS71-331	4-19-71	McMoran Exploration Co., 1012 Pere Marquette Bldg., New Orleans, LA 70112.
CS71-332	4-19-71	Robert B. Stallworth, Jr., d.b.a. Dominion Oil & Gas Co. and/or Stallworth Oil & Gas, 407 West Missouri Ave., Midland, TX 79701.
CS71-333	4-19-71	Chandler-Simpson, Inc., et al., 1401 Denver Club Bldg., Denver, CO 80202.
CS71-334	4-19-71	W. K. Byrom, Post Office Box 147, Hobbs, NM 88240.
CS71-335	4-19-71	Mallard Exploration, Inc., 1306 V & J Tower, Midland, TX 79701.
CS71-336	4-19-71	Dr. Robert Mack Caruthers, 430 Forest Circle, Ruston, LA 71270.
CS71-337	4-19-71	Veva O. Caruthers, 129 East Lister St., Shreveport, LA 71101.
CS71-338	4-19-71	Caruthers Operating Co., Inc. (Operator), et al., 505 Louisiana Bank Bldg., Shreveport, LA 71101.
CS71-339	4-14-71	Floyd M. Hodge, 3404 Gilbert, Shreveport, LA 71104.
CS71-340	4-19-71	Burlington Bank & Trust Co., Burlington, Iowa, Trustee Under the Will of H. E. Trovillo (Operator), 16th Floor, 125 North Market, Post Office Box 997, Wichita, KS 67201.
CS71-341	4-19-71	Mills Bennett Estate, 2001 Southern National Bank Bldg., Houston, TX 77002.
CS71-342	4-19-71	Robert E. King, 935 Thora Blvd., Shreveport, LA 71106.
CS71-343	4-12-71	Singer-Fleischaker Oil Co. et al., Post Office Box 663, 1501 North Classen, Oklahoma City, OK 73106.
CS71-344	4-19-71	Southwestern Exploration Consultants, Inc., and Hanus J. Weinmann, 404 Local Federal Bldg., Oklahoma City, OK 73102.
CS71-345	4-19-71	James D. Heidt, 1300 Mercantile Dallas Bldg., Dallas, TX 75201.
CS71-346	4-19-71	John W. O'Boyle (estate of), 1300 Mercantile Dallas Bldg., Dallas, TX 75201.
CS71-347	4-16-71	Evko Development Co., 742 35th Ave., San Francisco, CA 94121.
CS71-348	4-20-71	L. B. Nichols, Jr., Post Office Box 671, Horger, TX 79007.
CS71-349	4-20-71	GHK Corp., 1010 Kermac Bldg., Oklahoma City, OK 73102.
CS71-350	4-20-71	Chandler & Associates, Inc., et al., 1401 Denver Club Bldg., Denver, CO 80202.
CS71-351	4-20-71	Voor Mac Trust, Post Office Box 18735, Oklahoma City, OK 73118.
CS71-352	4-16-71	Jay Kornfeld, 1313 Union, National Bldg., Wichita, KS 67202.
CS71-353	4-13-71	Rutledge H. Deas, Jr., Post Office Box 52093, Lafayette, LA 70501.
CS71-354	4-20-71	Shenandoah Oil Corp., 1500 Commerce Bldg., Fort Worth, TX 76102.
CS71-355	4-20-71	Oakland Corp., Post Office Box 5152, Shreveport, LA 71105.
CS71-356	4-20-71	South States Oil & Gas Co., 946 Milam Bldg., San Antonio, TX 78205.
CS71-357	4-21-71	Paul K. Lefforge and E. H. Klein, Post Office Box 2508, Amarillo, TX 79105.
CS71-358	4-21-71	Consolidated Gas & Equipment Co. of America, 507 Amarillo Petroleum Bldg., Amarillo, TX 79101.
CS71-359	4-21-71	Roberts & Whitson Petroleum; Inc., 3100 Richmond, Suite 103, Houston, TX 77006.
CS71-360	4-21-71	Roger M. Wheeler, Post Office Box 1526, Tulsa, OK 74101.
CS71-361	[1] 4-21-71	Alamo Petroleum Co., 4411 First National Bank Bldg., Dallas, TX 75202.
CS71-362	4-21-71	Robert P. Wilson et al., National Bank of Tulsa Bldg., Tulsa, OK 74103.
CS71-363	4-21-71	T. B. Wilson, 179 Bossier Center, Bossier City, LA 71010.
CS71-364	4-21-71	Edwin M. Jones Oil Co., 304 Milam Bldg., San Antonio, TX 78205.
CS71-365	4-21-71	Guy I. Warren, Post Office Drawer 2507, Corpus Christi, TX 78403.
CS71-366	4-21-71	Morgan Petroleum Co., 1600 Liberty Bank Bldg., Oklahoma City, OK 73102.
CS71-367	4-21-71	Logue and Patterson, 628 Meadows Bldg., Dallas, TX 75206.
CS71-368	3-22-71	Hines & Hobbs, Post Office Box 1698, Pampa, TX 79065.
CS71-369	3-22-71	R. J. Bean, Post Office Box 1698, Pampa, TX 79065.
CS71-370	3-22-71	F. N. Hills Production, Post Office Box 1698, Pampa, TX 79065.
CS71-371	3-22-71	Johnny E. Hines., Post et al Office Box 1698, Pampa, TX 79065.
CS71-372	3-22-71	Johnny E. Hines, Post Office Box 1698, Pampa, TX 79065.
CS71-373	3-24-71	Archer & Smith, Post Office Box 1698, Pampa, TX 79065.
CS71-374	3-24-71	Marshall & Winston, Inc., 314 Gulf Bldg., Post Office Box 82, Midland, TX 79701.
CS71-375	4-22-71	Helmly & Prather Oil Corp., 818 Petroleum Bldg., Amarillo, TX 79101.
CS71-376	4-22-71	Triangle J Oil Co., 580 Mohawk, Boulder, CO 80303.
CS71-377	4-22-71	Expando Production Co. et al., 607 Hamilton Bldg., Wichita Falls, TX 76301.
CS71-378	4-22-71	J. S. Abercrombie Mineral Co., Inc., 818 18th St. NW., Suite 1020, Washington, DC 20006.
CS71-379	4-22-71	Perry E. Larson, 1201 Mercantile Securities Bldg., Dallas, TX 75201.
CS71-380	4-22-71	Everett J. Carlson, Operator, Alamo National Bldg., San Antonio, TX 78205.
CS71-381	4-22-71	J. S. Turner, Post Office Box 108, Shreveport, LA 71102.
CS71-382	4-22-71	C. O. Hardey, Operator, L. L. Hardey Trust and E. Lee Barnes, Post Office Box 1237, Shreveport, LA 71102.
CS71-383	4-23-71	Texas Gulf Sulphur Co., 1803 Houston Club Bldg., Houston, TX 77002.
CS71-384	4-23-71	Carolyn E. Allbritton, Tutrix of the Minors, David L. Allbritton and Diane L. Allbritton, Post Office Box 7425, Shreveport, LA 71107.
CS71-385	4-23-71	Arroyo Resources, Inc., 1818 Guaranty Bank Plaza, Corpus Christi, TX 78401.
CS71-386	4-23-71	Nelson B. Escue, 23 East 11th St., Liberal, KS 67901.
CS71-387	4-23-71	First National Oil, Inc., 23 East 11th St., Liberal, KS 67901.
CS71-388	4-23-71	George P. Caulkins, Jr., 315 Majestic Bldg., Denver, CO 80202.
CS71-389	4-23-71	Beneficial Oil Co., 831 22d St., Ogden, UT 84401.
CS71-390	4-23-71	Wichita Industries, Inc., Post Office Box 1110, Wichita Falls, TX 76307.
CS71-391	4-23-71	Jet Oil Co., 3343 John Hancock Center, Chicago, IL 60611.
CS71-392	4-26-71	Lechner & Hubbard, 1303 Kirby Bldg., Dallas, TX 75201.
CS71-393	4-26-71	W. J. Coppinger, 925 Sutton Place, Wichita, KS 67202.
CS71-394	4-26-71	Anchor Production Co., Atlas Life Bldg., Tulsa, OK 74128.
CS71-395	4-26-71	Robert M. Wynne, 301 Midland National Bank Bldg., Midland, TX 79701.
CS71-396	4-26-71	Horace M. (H. M.) Holder, 1300 Beck Bldg., Shreveport, LA 71101.
CS71-397	4-26-71	W. P. Carr, 6700 Forest Lane, Dallas, TX 75230.
CS71-398	4-26-71	E. R. Campbell, Post Office Box 1750, Shreveport, LA 71102.
CS71-399	4-26-71	Wilmar Oil, Inc., Post Office Box 474, Mattoon, IL 61938.

See footnote at end of table.

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[1] As amended Apr. 26, 1971.

[FR Doc. 71-7096 Filed 5-24-71;8:45 am]

[Docket No. RP71-107]

NORTHERN NATURAL GAS CO.

Notice of Extension of Time

May 21, 1971.

On May 18, 1971, Erie Mining Co. and Eveleth Taconite Co. filed a request for an extention of time within which to file petitions to intervene in the above-designated proceeding.

Upon consideration, notice is hereby given that the time is extended to and including May 25, 1971, within which protests or petitions to intervene may be filed in the above-designated matter. The notice of application issued May 3, 1971, is amended accordingly.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-7320 Filed 5-24-71;8:51 am]

[Docket No. CP71-268]

UNITED GAS PIPE LINE CO.

Notice of Application

May 19, 1971.

Take notice that on May 7, 1971, United Gas Pipe Line Co. (applicant), 1500 Southwest Tower, Houston, TX 77002, filed in Docket No. CP71-268 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of existing facilities and the exchange of natural gas with United Gas, Inc. (United), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to exchange up to 3,500 Mcf of natural gas daily with United. Applicant states that it will deliver this quantity of natural gas to United at Diboll, Angelina County, Tex., and that United will deliver equivalent volumes of natural gas to applicant at Marshall, Harrison County, Tex. The application states that this exchange of natural gas will afford each company a high degree of flexibility in their respective system operations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71-7214 Filed 5-24-71;8:46 am]

DEPARTMENT OF THE INTERIOR

National Park Service

EVERGLADES NATIONAL PARK

Notice of Intention To Negotiate Concession Contract

Pursuant to the provisions of section 5, of the Act of October 9, 1965 (79 Stat. 969; 16 U.S.C. 20); public notice is hereby given that thirty (30) days after the date of publication of this notice, the Department of the Interior, through the Director of the National Park Service, proposes to negotiate a concession contract with Sammy Hamilton, Jr., authorizing him to provide sightseeing boat tours for the public at Everglades National Park, Fla., for a period of 10 years from January 1, 1972, through December 31, 1981.

The foregoing concessioner has performed his obligations under the expiring contract to the satisfaction of the National Park Service, and therefore, pursuant to the Act cited above, is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract. However, under the Act cited above, the Secretary is also required to consider and evaluate all proposals received as a result of this notice. Any proposal to be considered and evaluated must be submitted within thirty (30) days after the publication date of this notice.

Interested parties should contact the Chief, Office of Concessions Management, National Park Service, Washington, D.C. 20240, for information as to the requirements of the proposed contract.

Dated: May 13, 1971.

Edward A. Hummel,
Acting Director,
National Park Service.

[FR Doc.71-7204 Filed 5-24-71;8:45 am]

DEPARTMENT OF COMMERCE

Office of the Secretary

OHIO STATE UNIVERSITY

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (34 F.R. 15787 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C.

Docket No. 71-00320-33-46040. Applicant: The Ohio State University Department of Microbial and Cell Biology, 190 North Oval Drive, Columbus, OH 43210. Article: Electron microscope, Model EM 300, Manufacturer: Philips Electronic NVD, The Netherlands.

Intended use of article: The article will be used to study the ultrastructural relationships of microorganisms and the microenvironment. Research concerns the effects of certain chlorinated hydrocarbon pesticides on biochemically active cell fractions and on virus ultrastructure; and an investigation of the characteristics and distribution of colloidal microparticulates in Lake Erie.

Comments: No comments have been received with respect to this application.

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

Reasons: The foreign article has a specified resolving capability of 3.5 angstroms. The most closely comparable domestic instrument is the Model EMU-4B electron microscope which was formerly manufactured by the Radio Corp. of America and which is presently being supplied by the Forgflo Corp. The Model EMU-4B has a specified resolving capability of 5 angstroms. (The lower the numerical rating in terms of angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 26, 1971, that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We therefore find that the Model EMU-4B is not of equivalent scientific value to the foreign article for such purposes as article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

Seth M. Bodner,
Director,
Office of Import Programs.

[FR Doc.71-7239 Filed 5-24-71;8:48 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[DESI 6264]

ABSORBABLE DUSTING POWDER

Drugs for Human Use; Drug Efficacy Study Implementation

The Food and Drug Administration has evaluated a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the following drug for use as a glove dusting powder:

Bio-Sorb; nonpeptizable homogeneous mixture of amylose and amylopectine derived from cornstarch with 2 percent magnesium oxide, marketed by Ethicon, Inc., Division of Johnson and Johnson, U.S. Highway 22, Somerville, New Jersey 08876 (NDA 6-264).

Such drugs and similar drugs are regarded as new drugs (21 U.S.C. 321(p)). Supplemental new drug applications are required to revise the labeling in and to update previously approved applications providing for such drugs. A new drug application is required from any person marketing such drug without approval.

A. *Effectiveness classification.* The Food and Drug Administration has considered the Academy report, as well as other available evidence, and concludes that a nonpeptizable homogeneous mixture of amylose and amylopectine derived from cornstarch with 2 percent magnesium oxide is effective for use as a biologically absorbable glove powder.

B. *Conditions for approval and marketing.* The Food and Drug Administration is prepared to approve abbreviated new drug applications and abbreviated supplements to previously approved new drug applications under conditions described herein.

1. *Form of drug.* The drug is in sterile powder form suitable for dusting of surgical gloves.

2. *Labeling conditions.* a. The label and other labeling bear the statements:

(1) "Caution: Powder should be removed from the gloves after donning by wiping gloves thoroughly with a sterile wet sponge, sterile wet towel, or other effective method."

(2) "Surgical gloves treated with this powder are required to be labeled with the statement: 'Caution: After donning, remove powder by wiping gloves thoroughly with a sterile wet sponge, sterile wet towel, or other effective method.'"

b. The package labeling includes appropriate material which is recommended for display at the point of use and is designed to convey the above cautions to users of the drug or gloves treated with the drug.

c. The drug is labeled to comply with all requirements of the Act and regulations. Its labeling bears adequate information for safe and effective use of the drug. The recommended use of the drug as stated on the label and in any other labeling is as follows:

A biologically absorbable glove powder.

3. *Marketing status*. Marketing of such drugs may be continued under the conditions described in the notice entitled "Conditions for Marketing New Drugs Evaluated in Drug Efficacy Study" published in the FEDERAL REGISTER July 14, 1970 (35 F.R. 11273), as follows:

a. For holders of "deemed approved" new drug applications (i.e., an application which became effective on the basis of safety prior to October 10, 1962), the submission of a supplement for revised labeling and an abbreviated supplement for updating information as described in paragraph (a)(1) (i) and (iii) of the notice of July 14, 1970.

b. For any person who does not hold an approved or effective new drug application, the submission of an abbreviated new drug application as described in paragraph (a)(3)(i) of that notice.

c. For any distributor of the drug, the use of labeling in accord with this announcement for any such drug shipped within the jurisdiction of the Act as described in paragraph (b) of that notice.

A copy of the NAS–NRC report has been furnished to the firm referred to above. Any other interested person may obtain a copy by request to the Food and Drug Administration, Press Relations Office (CE–200), 200 C Street SW., Washington, D.C. 20204.

Communications forwarded in response to this announcement should be identified with the reference number DESI 6264, directed to the attention of the appropriate office listed below and addressed to the Food and Drug Administration, 5600 Fishers Lane, Rockville, Maryland 20852:

Supplements (identify with NDA number): Office of Scientific Evaluation (BD–100), Bureau of Drugs.

Original abbreviated new drug applications (identify as such): Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

All other communications regarding this announcement: Drug Efficacy Study Implementation Project Office (BD–5), Bureau of Drugs.

This notice is issued pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 505, 52 Stat. 1050–53 as amended; 21 U.S.C. 352, 355) and under the authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 10, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7218 Filed 5-24-71;8:46 am]

[Docket No. FDC–D–156; NADA No. 9–528V]

DR. MAYFIELD LABORATORIES

Dr. Mayfield 3WC; Notice of Withdrawal of Approval of New Animal Drug Application

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of January 17, 1970 (35 F.R. 638), proposing to withdraw approval of NADA (new animal drug application) No. 9–528V for Dr. Mayfield 3WC (a drug containing diammonium arsenate) which is recommended for use in removing large roundworms from broiler chickens.

Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616, holder of NADA No. 9–528V for the drug Dr. Mayfield 3WC requested a hearing. However, a well-organized and full-factual analysis of the clinical and other investigational data was not presented to support the request. Therefore, the Commissioner of Food and Drugs finds that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application. The hearing request is therefore denied.

No other responses to the notice of opportunity for a hearing were received.

The Commissioner finds on the basis of new information before him with respect to said drug, evaluated together with the evidence available to him when the application was approved, that there is a lack of substantial evidence that the drug will have the effect it purports or is represented to have under the conditions of use prescribed, recommended, or suggested in its labeling.

Based on the grounds set forth, the Commissioner concludes that approval of said new animal drug application should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug and Cosmetic Act (sec. 512(e), 82 Stat. 345–47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9–528V including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7222 Filed 5-24-71;8:47 am]

[Docket No. FDC–D–223; NADA No. 8–748V etc.]

DR. MAYFIELD LABORATORIES ET AL.

Hog Wormer; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing was published in the FEDERAL REGISTER of September 9, 1970 (35 F.R. 14227), proposing to withdraw approval of new animal drug applications covering drugs containing copper aceto-arsenite, antimonyl potassium tartrate, and phenothiazine recommended for use in removing large roundworms (*Ascaris*) and nodular worms (*Oesophagostomum*) from swine.

Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616, holder of NADA (new animal drug application) No. 8–748V for the drug Dr. Mayfield Hog Wormer, requested a hearing. However, a well-organized and full-factual analysis of the clinical and other investigational data was not presented to support the request. Therefore, the Commissioner of Food and Drugs finds that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application. The hearing requested is therefore denied.

King Castle, Inc., Post Office Box 189, Marion, Iowa 52302 (formerly The Corn King Co.), holder of NADA No. 9–040V for the drug Hog Wormer, advised the Commissioner of Food and Drugs that they do not wish to avail themselves of the opportunity for a hearing. No other response to the notice of opportunity for a hearing was received.

The Commissioner finds on the basis of new information before him with respect to said drugs, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Based on the grounds set forth, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 8–748V and NADA No. 9–040V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7221 Filed 5-24-71;8:46 am]

[Docket No. FDC–D–166; NADA No. 8–839V etc.]

E. I. DU PONT DE NEMOURS & CO., INC., ET AL.

Sodium Propionate; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing proposing to withdraw approval of the following NADA's (new animal drug applications) for drugs containing sodium propionate as the designated active ingredient was published in the FEDERAL REGISTER of February 18, 1971 (36 F.R. 3147):

1. Impedex; NADA No. 8–839V; E. I. du Pont de Nemours & Co., Inc., Wilmington, Del. 19898;
2. Keenate; NADA No. 9–114V; Anchor Serum Co., Division of Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502; and
3. Whit Pro; NADA No. 9–117V; Whitmoyer Laboratories, Inc., Myerstown, Pa. 17067.

The holders of the above new animal drug applications did not file a written appearance of election to avail themselves of the opportunity for a hearing. The failure of such persons to file a written appearance of election within 30 days following the date of publication of said notice is construed as an election not to avail themselves of an opportunity for a hearing.

On the basis of the grounds set forth in said notice and the response to said notice, the Commissioner of Food and Drugs concludes that approval of the listed new animal drug applications should be withdrawn.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 8–839V, NADA No. 9–114V, and NADA No. 9–117V and all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: May 5, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc. 71-7220 Filed 5-24-71;8:46 am]

[Docket No. FDC–D–152; NADA 6–601V etc.]

PAUL'S PRODUCTS CO. ET AL.

Sulfamerazine; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for a hearing proposing to withdraw approval of new animal drug application No. 6–601V for the drug Sulfamarex was published in the FEDERAL REGISTER of January 17, 1970 (35 F.R. 639).

Paul's Products Co., Post Office Box 546, Mankato, Minn. 56001, holder of new animal drug application (NADA No. 6–601V) covering the drug Sulfamarex did not file a written appearance of election regarding whether they wished to avail themselves of the opportunity for a hearing within the 30-day period provided for in said notice, nor did any other interested person. This is construed as an election by Paul's Products Co., and any other possibly interested person, not to avail themselves of the opportunity for a hearing.

The new animal drugs listed below are similar in composition and labeling to the above-cited drug product. The holders of the new animal drug applications for these drugs did not furnish data for review by the Academy as requested in a notice published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426). Therefore, the findings of the Academy and of the Administration with regard to the drug Sulfamarex apply equally to the following drugs:

1. Dr. Hess Poultry Sulfa; NADA No. 6–478V; contains sulfamerazine 25 percent; by Hess & Clark, Inc., Seventh and Orange Streets, Ashland, Ohio 44805.

2. Lee's Sulfamerazine; NADA No. 6–450V; contains sodium sulfamerazine 13 percent; by George H. Lee Co., 115 Harney Street, Omaha, Nebr. 68102.

3. Soluble Veta-Merazine; sodium sulfamerazine U.S.P.; NADA No. 6–324V; by American Cyanamid Co., Post Office Box 400, Princeton, N.J. 08540.

4. Sodium Sulfa Merazine and Sulfa Merazine; contains sodium sulfamerazine and sulfamerazine; NADA No. 5–875V; by Merck Sharp & Dohme Research Laboratories, Division of Merck & Co., Inc., Rahway, N.J. 07065.

Based on the grounds set forth in said notice of opportunity for hearing and the response to said notice, the Commissioner of Food and Drugs concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345–47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 6–601V, NADA No. 6–478V, NADA No. 6–450V, NADA No. 6–324V, NADA No. 5–875V, including all amendments and supplements thereto is hereby withdrawn effective on the date of signature of this document.

Dated: May 7, 1971.

SAM D. FINE,
Associate Commissioner,
for Compliance.

[FR Doc.71-7223 Filed 5-24-71;8:47 am]

[Docket No. FDC–80]

PARMESAN CHEESE (REGGIANO CHEESE) IDENTITY STANDARD

Notice of Hearing Regarding Reduction of Minimum Curing Time

In the matter of amending the standard of identity for parmesan cheese (§ 19.595) to reduce the minimum curing time required from 14 months to 10 months:

A notice of proposed rule making in the above-identified matter was published in the FEDERAL REGISTER of April 24, 1970 (35 F.R. 6595), based upon a petition filed by Tolibia Cheese, Inc., 919 Michigan Avenue, Chicago, Illinois 60611. An order rejecting the proposed amendment was published January 23, 1971 (36 F.R. 1153), to become effective in 60 days unless stayed by objection. Tolibia Cheese, Inc., an adversely affected person, filed an objection to this order and requested a public hearing upon the objection. Notice of this objection and the stay of the subject order was published April 21, 1971 (36 F.R. 7535).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and under authority delegated to the Commissioner (21 CFR 2.120) notice is now given that a public hearing will be held for the purpose of receiving evidence relevant and material to the issue of whether reducing the minimum curing time required by the standard of identity for parmesan cheese (§ 19.595) from 14 months to 10 months is reasonable and will promote honesty and fair dealing in the interest of consumers.

The hearing will begin at 10 a.m. on June 28, 1971, in Room 4A–31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland. Any interested person may attend the hearing and present evidence. A prehearing conference for the exchange of documentary evidence, scheduling of witnesses, and such other matters as may aid in disposition of the hearing will be held in Room 4A–31, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, beginning at 10 a.m. on June 21, 1971. Under the provisions of 21 CFR 2.71, Mr. William E. Brennan is hereby designated as presiding officer to conduct the hearing in accordance with the provisions of 21 CFR 2.48–2.104. All those intending to participate in the hearing shall submit a written notice of appearance, according to 21 CFR 2.60, on or before June 9, 1971. Notices of appearance should be addressed to William E. Brennan, Hearing Examiner, Department of Health, Education, and Welfare, Room 5B–46, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852.

Dated: May 14, 1971.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.71-7219 Filed 5-24-71;8:46 am]

Public Health Service

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

Delegation of Authority Regarding Implementation of Emergency Health Personnel Act

The Emergency Health Personnel Act of 1970, Public Law 91–623, amends the Public Health Service Act to add a new section 329 to part C, title III, to provide for the assignment of commissioned officers and other health personnel of the Public Health Service to communities and other areas with critical health manpower shortages to provide health care and services for persons living in such areas.

The Act requires implementation by "an identifiable administrative unit of the Public Health Service."

On March 14, 1971, the Secretary delegated to the Assistant Secretary for Health and Scientific Affairs the authority to administer this law, and the Assistant Secretary on April 5, 1971, wrote a memorandum from which the following is excerpted:

> 1. The Secretary has delegated to the ASHSA authority for implementation of the EHPS. I am hereby delegating this authority to the Administrator, HSMHA

Following receipt of this delegation the HSMHA Administrator issued the following document:

HEALTH SERVICES AND MENTAL HEALTH ADMINISTRATION

DELEGATION OF AUTHORITY

> I hereby delegate to the Director, Community Health Service the functions under section 329 of the Public Health Service Act, as amended by Public Law 91–623, the Emergency Health Personnel Act of 1970, relating to the authority to assign commissioned officers and other health personnel of the Public Health Service to communities and areas with critical health manpower shortages for the provision of health care and services and to make other necessary commitments.
>
> VERNON E. WILSON, M.D.,
> *Administrator.*
>
> APRIL 27, 1971.

The HSMHA Administrator has approved the establishment of "an identifiable administrative unit" as part of the Community Health Service, as follows:

National Health Service Corps (3P2106). (1) Establishes the guidelines for the utilization of Emergency Health Personnel Act assignees; (2) recruits and selects commissioned officers and other personnel for assignment to the areas designated; (3) determines, with advice from the Regional Offices, which communities or areas may receive assistance; (4) assigns health personnel to practice in areas designated as having a critical health manpower shortage; and (5) coordinates with Federal agencies, such as Department of Justice, Selective Service, and Treasury, with State and local governments, and with nongovernmental agencies and organizations, as necessary.

VERNON E. WILSON,
Administrator.

MAY 14, 1971.

[FR Doc.71-7273 Filed 5-24-71;8:50 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

HIAWATHA NATIONAL FOREST

Transfer of Certain Lands

In compliance with section 8 of the Act of October 15, 1966, Public Law 89–668, notice is hereby given that pursuant to the authority vested in the Secretary of Agriculture, the following lands are hereby transferred from the administrative jurisdiction of the Forest Service, U.S. Department of Agriculture, to the administrative jurisdiction of the National Park Service, U.S. Department of the Interior.

Those certain lands now administered as a part of the Hiawatha National Forest situated, lying, and being in Tps. 47 and 48 N., R. 18 W., of the Michigan Meridian, Alger County, Mich., and being more particularly described as follows:

T. 47 N., R. 18 W.,
  Sec. 2, NW¼NE¼, W½SE¼SW¼, SE¼NW¼, and lot 2 except for 1 acre in its southwest corner;
  Sec. 4, an 0.66-acre tract of public domain reserved by Proclamation No. 2316 of January 3, 1939;
  Sec. 10, N½NE¼;
  Sec. 16, S½NE¼;
  Sec. 29, NW¼SW¼NW¼, NW¼NW¼.
T. 48 N., R. 18 W.,
  Sec. 36, lots 1 and 2, and SE¼NW¼.

The areas described aggregate 455.69 acres.

Effective date. This notice shall become effective on the date of its publication in the FEDERAL REGISTER (5–25–71).

MAY 20, 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-7268 Filed 5-24-71;8:50 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–385]

MITSUBISHI INTERNATIONAL CORP.

Notice of Application for and Proposed Issuance of Facility Export License

Please take notice that Mitsubishi International Corp., New York, N.Y., has submitted to the Atomic Energy Commission (Commission) an application dated January 25, 1971, as amended, for a license to authorize the export of a 2,440 megawatt thermal, pressurized water reactor to the Kansai Electric Power Co., Osaka, Japan.

Subject to confirmation that the proposed reactor export is within the scope of and consistent with the terms of the Agreement for Cooperation Between the Government of the United States of America and the Government of Japan, the Commission has found that:

(a) The application complies with the requirements of the Atomic Energy Act of 1954, as amended, and the Commission's regulations set forth in Title 10, Chapter I, Code of Federal Regulations, and

(b) The reactor proposed to be exported is a utilization facility as defined in said Act and regulations.

In its review of applications solely to authorize the export of production or utilization facilities, the Commission does not evaluate the health and safety characteristics of the facility to be exported.

Unless within 15 days after the publication of this notice in the FEDERAL REGISTER, a request for a hearing is filed with the Commission by the applicant, or a petition for leave to intervene is filed by any person whose interest may be affected by the proceeding, the Director of Regulation will upon such confirmation as noted above cause to be issued to the Mitsubishi International Corp., a facility export license and cause to be published in the FEDERAL REGISTER a notice of issuance of the license. If a request for a hearing or a petition for leave to intervene is filed within the time prescribed in the notice, the Commission will issue a notice of hearing or an appropriate order.

A copy of the application, dated January 25, 1971, as amended, is on file in the Commission's Public Document Room located at 1717 H Street NW., Washington, DC.

Dated at Bethesda, Md., this 6th day of May 1971.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[FR Doc.71-7237 Filed 5-24-71;8:48 am]

[Docket No. 50-301]

WISCONSIN ELECTRIC POWER CO. AND WISCONSIN MICHIGAN POWER CO.

Notice of Availability of Detailed Statement on Environmental Considerations

Pursuant to the National Environmental Policy Act of 1969 and the Atomic Energy Commission's regulations in Appendix D to 10 CFR Part 50, notice is hereby given that a document entitled "Detailed Statement on the Environmental Considerations by the Division of Radiological and Environmental Protection, U.S. Atomic Energy Commission, Related to the Proposed Issuance of an Operating License to the Wisconsin Electric Power Co. and the Wisconsin Michigan Power Co. for the Point Beach Nuclear Plant, Unit No. 2" is being placed in the following locations where it will be available for inspection by members of the public: The Commission's Public Document Room, 1717 H Street NW., Washington, DC; and at the Manitowoc Public Library, 808 Hamilton Street, Manitowoc, WI 54220, Mrs. Barbara F. Kelly, Librarian. Single copies of the statement may be obtained by writing the Director, Division of Reactor Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Md., this 11th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-7207 Filed 5-24-71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 22307]

AMERICAN FLYERS AIRLINE CORP. ET AL.

Notice of Further Postponement of Hearing

American Flyers Airline Corp., Charter Consultants, Inc., Fred Meyrow, individually, Group Travel Associates, Inc., Howard J. McConnell, individually, enforcement proceeding.

Notice is hereby given, pursuant to the Federal Aviation Act of 1958, as amended, that hearing in the above-entitled proceeding, now assigned to be held on May 20, 1971, at 10 a.m., e.d.s.t., in Room 503, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William F. Cusick, is postponed until June 8, 1971, at 10 a.m., in Room 503, Universal Building.

Dated at Washington, D.C., May 20, 1971.

[SEAL] WILLIAM F. CUSICK,
Hearing Examiner.

[FR Doc. 71-7257 Filed 5-24-71;8:49 am]

[Docket No. 23021]

CHINA AIRLINES

Notice of Prehearing Conference and Hearing Regarding Charter Service Application

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on June 2, 1971, at 10 a.m., e.d.s.t., in Room 205, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Robert M. Johnson.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement before May 28, 1971.

Dated at Washington, D.C., May 20, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-7258 Filed 5-24-71;8:50 am]

[Docket No. 23140]

PASSENGER FARES CHARGED BY DOMESTIC TRUNKLINE AND LOCAL SERVICE CARRIERS

Notice of Prehearing Conference

Reasonableness of passenger fares charged by domestic trunkline and local service carriers from October 1, 1969, through October 14, 1970.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 29, 1971, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Ross I. Newmann.

In order to facilitate the conduct of the conference parties are instructed to submit to the examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before July 8, 1971, and the other parties on or before July 19, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., May 20, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-7259 Filed 5-24-71;8:50 am]

[Docket No. 23080]

PRIORITY AND NONPRIORITY DOMESTIC SERVICE MAIL RATES INVESTIGATION

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 1, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner Harry H. Schneider.

In order to facilitate the conduct of the conference, parties are instructed to submit to the examiner and other parties (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Economics will circulate its material on or before June 15, 1971, and the other parties on or before June 22, 1971. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Economics.

Dated at Washington, D.C., May 20, 1971.

[SEAL] RALPH L. WISER,
Associate Chief Examiner.

[FR Doc.71-7256 Filed 5-24-71;8:49 am]

CIVIL SERVICE COMMISSION

ENVIRONMENTAL PROTECTION AGENCY

Notice of Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Environmental Protection Agency to fill by noncareer executive assignment in the excepted service the position of Associate General Counsel, Office of Standards, Enforcement and General Counsel.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7250 Filed 5-24-71;8:49 am]

MEDICAL RADIOLOGY TECHNICIAN SERIES, LOS ANGELES-LONG BEACH, CALIF.

Notice of Establishmet of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-617 MEDICAL RADIOLOGY TECHNICIAN SERIES

Geographic coverage: Los Angeles-Long Beach, Calif., Standard Metropolitan Stratistical Area (includes all of Los Angeles County).

Effective date: First day of the first pay period beginning on or after May 30, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$7,651	$7,858	$8,065	$8,272	$8,479	$8,686	$8,893	$9,100	$9,307	$9,514
GS-5	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479	9,710	9,941
GS-6	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307	10,565
GS-7	8,868	9,154	9,440	9,726	10,012	10,298	10,584	10,870	11,156	11,442

All new employees in the specified occupational level will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3–2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

UNITE STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7249 Filed 5-24-71;8:49 am]

DELAWARE RIVER BASIN COMMISSION

COMPREHENSIVE PLAN

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on Thursday, May 27, 1971. The hearing will take place in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, beginning at 2 p.m. The hearing will be on proposals to amend the Comprehensive Plan so as to include the following projects.

1. *Dublin Water Co.* A well water supply project to augment public supplies in the company's service area in Upper Dublin Township, Montgomery County, Pa. Designated as Well No. 4, the new facility is expected to yield 340,000 gallons per day.

2. *Bucks County Commissioners.* A countywide sewage plan for Bucks County, Pa. The plan includes collection systems and treatment plants, both existing and proposed, to serve 52 municipalities.

3. *Northampton-Bucks County Municipal Authority.* A well water supply project to develop new public water supplies in Northampton Township, Bucks County, Pa. Designated as Wells No. 6A, and No. 6B, the new facilities are expected to yield a total of 410,000 gallons per day.

4. *Springfield Township.* Abandonment of a portion of an existing sewer and force main, by the extension of an existing interceptor which serves Springfield and White Marsh Townships, Montgomery County, Pa. The 27-inch interceptor will extend along Wissahickon Creek and will convey sewage to the City of Philadelphia Southwest Treatment Plant.

5. *Village of Hobart.* A sewage treatment plant and improved collection system for the village of Hobart, Delaware County, N.Y. The treatment plant is designed to remove in excess of 95 percent of BOD_5 from an average flow of 75,000 gallons per day. Treated effluent will be discharged to the West Branch Delaware River.

6. *City of Vineland.* A well water supply project to augment public water supplies in the city of Vineland, Cumberland County, N.J. Designated as Wells No. 11 and No. 12, the two new facilities will be limited to 1.4 and 2.4 million gallons per day respectively.

7. *Delaware Department of Highways.* A dredging project sponsored by the Delaware Department of Highways to dredge 5 million cubic yards of borrow from the Delaware River between Penns Grove and Oldmans Point in New Castle County, Del., for use in construction of a portion of Interstate Route 495 across Cherry Island in Wilmington, Del.

8. *Commonwealth of Pennsylvania.* A project to reconstruct Chain Dam on the Lehigh River near the Borough of Glendon, Northampton County, Pa., sponsored by the Department of Environmental Resources. The concrete gravity dam will restore a 5-mile lake intended for recreational use.

9. *Levy Court of Kent County.* A sewage collection and treatment project by the Levy Court of Kent County, Del. Designated as Phase II of the Comprehensive Sewage Works Project, the new facility will provide in excess of 90 percent removal of BOD_5. The treatment plant will be located northeast of Frederica, and treated effluent will discharge to the Murderkill River.

10. *Township of Mount Olive.* A well water supply project to augment public water supplies in the township of Mount Olive, Morris County, N.J. Two new wells will be utilized and the total diversion from groundwaters will be limited to 250,000 gallons per day during any month.

Documents relating to the above items may be examined at the Commission's offices. All persons wishing to testify are requested to register in advance with the Secretary of the Commission (Telephone (609) 883-9500).

W. Brinton Whitall,
Secretary.

May 14, 1971.

[FR Doc.71-7254 Filed 5-24-71;8:49 am]

ENVIRONMENTAL PROTECTION AGENCY

UNDERGROUND MINING OF URANIUM ORE

Radiation Protection Guidance for Federal Agencies

The President's Reorganization Plan No. 3 of 1970 transferred to the Environmental Protection Agency (EPA) the functions of the former Federal Radiation Council (FRC) which was established under Executive Order 10831 and Public Law 86-373. These functions include recommending radiation protection guidance for Federal agencies.

In a memorandum to the President published in the Federal Register on December 18, 1970, the FRC recommended that annual exposure levels of miners to radon daughters in underground uranium mines should be no more than 4 WLM,[1] effective as of July 1, 1971. This memorandum also recommended that the FRC consider additional information to determine whether or not to modify this recommendation. The additional information has been considered and the Administrator of EPA has concluded that this recommendation should not be modified.

Public comment on this matter is invited.

Background

The FRC, noting an increase in the 1960s in lung cancer among underground uranium miners in the United States associated with the inhalation of radioactive materials, undertook a study of the problem, resulting in issuance of Report No. 8, "Guidance for the Control of Radiation Hazards in Uranium Mining", in September 1967.

The FRC submitted three memorandums to the President on this subject, and the recommendations contained in the memorandums were approved by the President. In the first memorandum, approved by the President and published in the Federal Register on August 1, 1967, 32 F.R. 1183, the FRC initially considered exposure guidance of 36, 12 and 4 WLM per year. It concluded that the best balance between risks to the miners and control capability was a limit of 12 WLM per year based on the information available at that time on epidemiological studies, animal experiments, miner exposure records, health considerations, mining practices and costs thereof, and applicable research and development results.

The second memorandum, approved by the President and published in the Federal Register on January 15, 1969, 34 F.R. 576, includes, among others, the following five recommendations:

> 1. Occupational exposure to radon daughters in underground uranium mines be controlled so that no individual miner will receive an exposure of more than 6 WLM in any consecutive 3-month period and no more than 12 WLM in any consecutive 12-month period. Actual exposures should be kept as far below these values as practicable.
>
> 4. As a policy measure of prudence the agencies having responsibility for regulating the uranium mining industry be advised that the Federal Radiation Council recommends an annual exposure level of 4 WLM as of January 1, 1971.
>
> 5. Prior to this date, the Council will consider all pertinent information including epidemiological data, miner exposure records, health considerations, mining practices and costs thereof, and applicable research and development results, to determine whether or not to modify this recommendation.
>
> 6. The uranium mining industry is urged to continue efforts to progressively lower exposure levels in the mines so that the anticipated 4 WLM standard can be attained by January 1, 1971.
>
> 7. To assist the Council in its periodic review of radiation protection in uranium mines an interagency group will be established with representation from agencies of the Council. This group will keep all relevant information and developments under continuing surveillance and make reports to the Council in advance of its periodic review.

Pursuant to recommendation No. 7, an interagency group was established. This group was known as the Interagency Uranium Mining Radiation Review Group (IUMRRG) and consisted of representatives from the Department of Health, Education, and Welfare, the Department of Agriculture, the Department of the Interior, the Department of Labor, the Department of Commerce, the Department of Defense, and the Atomic Energy Commission. The Surgeon General, U.S. Public Health Service, was appointed Chairman.

The third memorandum, approved by the President and published on December 18, 1970, 35 F.R. 9218, stated that IUMRRG required additional time to complete its review and recommended that the effective date be postponed from January 1, 1971 to July 1, 1971.

Conclusions

Following a review and analysis of the information referenced below, the Administrator has reached the following conclusions:

a. The major areas of consideration in connection with determining radiation protection guidance for uranium miners are:

(1) Protection of the health of uranium miners.

(2) Technical feasibility of achieving various levels of exposure.

(3) Economic impact of achieving various levels of exposure.

b. The primary objective of EPA guidance for underground uranium mining standards is to protect miners from radiation induced lung cancer. Although the magnitude of risk attributable to radiation exposures incident to uranium mining is still in dispute among the participants in the IUMRRG review, it is concluded that radiation exposure is the major identified factor causally related to an increased lung cancer risk. Thus, the major principle on which EPA guidance is based is the reduction of the radiation exposure to uranium miners to the lowest practicable level.

c. A standard of 4 WLM per year is technically feasible.

d. A standard of 4 WLM per year would not have a severe impact on the underground uranium mining community, provided additional time is allowed for compliance in certain instances.

e. A standard greater than 4 WLM per year probably would result in dosages exceeding those permitted for other occupational radiation exposure situations.

f. The risk of lung cancer appears to be enhanced by cigarette smoking in combination with the inhalation of radioactive materials; therefore, smoking by underground uranium miners should continue to be discouraged.

Decisions

In light of the conclusions noted above, the Administrator does not find a basis for modifying the guidance approved by the President that an annual exposure level of 4 WLM be effective as of July 1, 1971.

The authority which EPA derived from the former FRC is limited to recommending guidance for Federal agencies. Other agencies are responsible for setting and enforcing standards. It is for these agencies to consider what provision it is appropriate to make, in enforcement of standards, for those cases where immediate enforcement of a 4 WLM per year standard would cause excessive financial loss which would compel the closing of mines resulting in substantial loss of employment for miners. It is the Administrator's concern that, if variances are granted for specific mines by the appropriate regulatory agencies, such mines be brought into compliance with the 4 WLM per year guidance at the earliest possible time.

In this connection it should be noted that the recommendation of 4 WLM per year was approved by the President and published in the Federal Register on January 15, 1969, to be effective January 1, 1971. (The effective date was later extended to July 1, 1971.) Thus, industry has been aware of the impending 4 WLM per year limit for 2½ years.

The Administrator strongly urges that epidemiological and related experimental studies and research on better radiation control procedures and methods continue to be actively and vigorously pursued by both the industry and Federal agencies.

Availability of Reports to Public

The foregoing conclusions and decisions were based on information and reports prepared by the IUMRRG, subgroups of the IUMRRG, and a report of the National Academy of Sciences-National Research Council (NAS-NRC). These reports are available to the public at EPA Headquarters and the 10 EPA Regional Offices at the addresses noted at the end of this notice.

For the convenience of the public, the following reports and summaries are set forth below:

(1) The IUMRRG report by the Chairman of the IUMRRG.

(2) Summaries of the subgroup reports.

(3) The conclusions of the NAS-NRC report.

IUMRRG REPORT

The final report of the IUMRRG was in the form of a letter dated April 26, 1971, from the Chairman of the IUMRRG, the Surgeon General, U.S. Public Health Service. This letter is set forth below:

Department of Health, Education, and Welfare

Washington, D.C. 20201

Surgeon General of the Public Health Service

Hon. William D. Ruckelshaus,
Administrator,
Environmental Protection Agency,
Washington, D.C. 20460.

April 26, 1971.

Dear Mr. Ruckelshaus: In accordance with the recent exchange of correspondence between you and Secretary Richardson concerning the efforts of the Interagency Uranium Mining Radiation Review Group which I chair, I am enclosing final reports summarizing the conclusions reached by the subgroups of our committee. I believe that these reports, as well as the full reports of the subgroups sent to you earlier, represent a workmanlike review of the assigned problems.

The methodology and content of the reports were discussed at length at a meeting of the Interagency Review Group held on April 1, 1971. While there were a number of differences of opinion on other matters, the Group did reach a consensus that there is an increased risk of lung cancer associated with all ranges of radiation exposure examined, including the 120-359 cumulative working level month category. It seems clear to me then that the guidance concerning the allowable radiation level in uranium mines mut [sic] be as low as possible.

The courses of action available to you concern principally the schedule for achievement of the lower levels. The arguments for early adoption of low levels center around human health considerations—lower levels established soon will achieve lower total lifetime exposure to hazard. The arguments for more time to achieve the lower guidance center around economic considerations—possible damage to the domestic uranium mining industry may result from more stringent requirements. Comments from each Review Group member on both the appropriate level to be established and the schedule for reaching that goal are attached for your use in reaching a decision.

A discussion of the alternatives I outlined in an enclosure to my February 26 memorandum to the members of the Review Group follows:

1. That the guidance of 4 WLM per year go into effect on or before July 1, 1971.

Pro: Exposure of miners to radiation in the uranium mines would be decreased; total exposure in cumulative working level months would increase at a lower rate than at present.

Con: A significant number of mines would not be in compliance, having a possible adverse affect on the domestic uranium mining industry. Some miners might be thrown out of work.

2. That the guidance of 8 WLM per year go into effect in 1 year and that the guidance of 4 WLM per year go into effect in 2 years.

Pro: Industry would have time to comply with lower standards gradually thus diminishing possible economic damage and layoffs; total exposure in cumulative working level months would increase at a lower rate than at present.

Con: Total exposure of miners to radiation in the uranium mines would increase at a higher rate than under a 4 WLM per year guidance.

3. That the guidance remain at 12 WLM.

Pro: Industry is, by and large, already complying with this exposure guidance; no increased cost would be necessary; there would be no adverse economic impact.

Con: Exposure of miners to radiation in the uranium mines would remain at the current level as would their cumulative total exposure.

The member from the Atomic Energy Commission urges the continuation of the Review Group. With the submission of this letter to you, however, I believe that the work of the present Interagency Uranium Mining Radiation Review Group is concluded, and I shall convene no further sessions. I would, however, be happy to arrange for the participation of this Department in any interagency committee constituted to consider this subject.

Sincerely yours,

Jesse L. Steinfeld, M.D.,
Surgeon General, Chairman, Interagency Uranium Mining Radiation Review Group.

Enclosures:

Note: Enclosures are located at EPA Headquarters and the 10 EPA Regional offices at the addresses noted at the end of this notice.

NAS-NRC REPORT

The NAS-NRC prepared a report for the IUMRRG dated January 27, 1971, titled "Epidemiologic Studies of Uranium

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[1] "WLM" is Working Level Months, a term commonly used to express a miner's calculated exposure to radon daughter products found in the mine air. This is derived from the Working Level (WL), a unit which is defined as any combinaton of short-lived radon daughters in one liter of air that will result in the ultimate emission of 1.3×10^5 MeV of potential alpha energy.

Miners." This report referenced an earlier NAS–NRC report dated August 1968 titled "Radiation Exposure of Uranium Miners." The conclusions of the January 1971 report are set forth below:

> In its report of August, 1968, the NAS–NRC Advisory Committee to the Federal Radiation Council concluded as follows: [1]
>
> "(a) There appears to be a causal association between lung cancer and exposures of approximately 1,000 CWLM and higher.
>
> "(b) There is a statistically significant increase in the lung cancer risk for miners with approximately 100 to 400 CWLM exposure that cannot be explained by any known artifact of the data.
>
> "(c) The hypothesis is favored, pending more definitive data, that radiation exposure at least contributed to the excess lung cancer observed in miners in the 100 to 400 CWLM category."
>
> The Analyses in the present PHS report strengthen the conclusions of the previous NAS–NRC Committee. Of particular significance are the following:
>
> 1. With further accumulation of data, an increased lung cancer risk continues to be seen for miners in the 120–359 CWLM category.
>
> 2. This increase is seen using a variety of analytic methods, based on different assumptions. In spite of intensive study, no likely source of error or bias that could account for the increase has been identified. In particular, cigarette smoking does not account for the excess. Certain biases that have been identified are in the direction to suggest that radiation exposure may have been overestimated and that therefore the effect observed may in fact be attributable to doses lower than those of the 120–359 CWLM category. There is no evidence that these bases affect differentially miners who have or have not developed lung cancer.
>
> 3. Up dating and improvement in the quality of the data on exposure levels has eliminated apparent irregularities in the dose-response relationship in the lower dose categories seen in previous analyses.
>
> 4. An independent review of the histologic characteristics of the lung tumors in miners and appropriate controls using a careful statistical design and conducted on behalf of the PHS interagency review group has confirmed the earlier finding of Saccomano and others that the particular form of lung cancer that occurs in excess in miners exposed to high doses is also in excess among cases occurring in miners exposed to the lowest categories of dose.
>
> 5. The Ad Hoc Committee reaffirms the statement of the 1968 National Academy of Sciences-National Research Council Committee quoted above. This conclusion is unanimous.

IUMRRG SUBGROUPS

The IUMRRG established subgroups to carry out various tasks. These tasks and a brief summary of the conclusions of the subgroups were:

I. *Health effects.* Subgroup IA: Task—Review and update the U.S. Public Health Service epidemiologic study of underground uranium miners in accordance with the advice and recommendations of an ad hoc committee of the National Academy of Sciences-National Research Council (NAS–NRC), set up at the request of the FRC.

Conclusions: Unanimously agreed with the conclusions of the NAS–NRC report (set forth above).

Subgroup IB: Task—Review all appropriate experimental and epidemiological studies, including published and unpublished information on the induction of lung cancer by radiation, and review theoretical considerations related to the epidemiological exposure units of WLM to the radiation protection units of rads and rems to critical tissues.

Conclusions: The bronchial epithelium is a relatively sensitive tissue with respect to radiation induced cancer; radiation is the major identified carcinogenic agent associated with lung cancer in uranium miners and that a standard greater than 4 WLM per year probably would result in dosages to the critical tissues of lung exceeding dosages permitted for other occupational radiation exposure situations.

II. *Monitoring, exposure and mining practice.* Task—Analyze data on industry performance in controlling radon daughter concentrations in mine air using Department of Labor Inspection data, U.S. Bureau of Mines inspection data and State records.

Conclusions: Most of the industry is now meeting a 12 WLM per year standard and data indicate that it is feasible to reduce exposures to 4 WLM per year with current technology. However, it recommended that a sufficient time to achieve compliance be allowed, if an exposure standard of less than 12 WLM is adopted.

III. *Economics.* Task—Examine the economic impact of proposed annual exposure standards set at 12 WLM, 8 WLM, and 4 WLM. In carrying out this particular phase the FRC contracted with Arthur D. Little, Inc., for an evaluative report.

Conclusions: Technology is available by which the industry can achieve a 4 WLM per year standard and such a standard would not have a severe economic impact on the underground uranium mining industry provided adequate time was allowed for compliance. It concluded that a period of 1 year to achieve an 8-WLM-per-year standard and 2 years to achieve a 4-WLM-per-year standard may be reasonable. The report also stated that the effect of a 4-WLM-per-year standard on available uranium reserves would be a relatively minor reduction, i.e., less than 10 percent.

IV–A. *Diagnosis and therapy of lung cancer.* Task—Review information related to diagnosis and treatment of lung cancer, including pathological review for cancer cell-type and sputum cytology.

Conclusions: Present methods of treatment of lung cancer are unsatisfactory; sputum cytology and analysis can be useful in the early diagnosis of lung cancer. Earlier diagnoses might improve the prospect for cure. It also concluded that there is a demonstrable relationship between the cumulative exposure level and the frequency of small cell, anaplastic carcinomas that could not be attributed to age or cigarette smoking.

IV–B. *Radiation concentration and exposure techniques and equipment.* Task—Collect, analyze, and interpret measurement technology for determining radon and radon daughter concentrations in mine air and potential use of various types of radiation exposure monitoring devices.

Conclusions: Satisfactory instruments are available for radon and radon daughter concentration measurement but no personal monitoring devices are available at the present time.

PUBLIC COMMENT

All reports referred to above are to be found in EPA Headquarters located at 1626 K Street NW., Washington, DC, telephone (202) 632–7792 and the 10 Regional Offices located at:

Region	Address	Telephone No.
I	John F. Kennedy Federal Bldg., Boston, MA 02203.	617—223-6884
II	26 Federal Plaza, New York, NY 10007.	212—264-2525
III	401 North Broad St., Philadelphia, PA 19108.	215—597-9151
IV	50 7th St. NE., Atlanta, GA 30323.	404—526-5215
V	433 West Van Buren St., Chicago, IL 60607.	312—353-5264
VI	1114 Commerce St., Dallas, TX 75202.	214—749-2827
VII	610 East 12th St., Kansas City, MO 64106.	816—374-3038
VIII	Federal Office Bldg., 19th and Stout St., Denver, CO 80202.	303—297-4457
IX	760 Market St., San Francisco, CA 94102.	415—556-4303
X	1319 2d Ave., Seattle, WA 98101.	206—442 0530

All interested persons who desire to submit written comments for consideration in connection with this matter should send them to the Administrator, EPA, Washington, D.C. 20460, within 30 days after publication of this notice in the FEDERAL REGISTER. Comments received after that period will be considered if it is practicable to do so, but assurance of consideration cannot be given except as to comments filed within the period specified.

Dated: May 19, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-7210 Filed 5-24-71;8:46 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 4.4–2; Oklahoma City Disaster No. 790]

MANAGER, DISASTER BRANCH OFFICE, SHAWNEE, OKLA.

Delegation of Authority Regarding Financial Assistance Functions

I. Pursuant to the authority delegated to the District Director by Delegation of Authority No. 4.4–1 (Region VI), Revision 1 (36 F.R. 6927), the following authority is hereby redelegated to the position as indicated herein:

A. *Manager, Shawnee Disaster Branch Office.* 1. To approve or decline disaster direct and immediate participation loans up to the total SBA share of (a) $50,000 per household for repairs or replacement of the home and/or not to exceed an additional $10,000 allowable for household goods and personal items, but in no event may the money loaned exceed $55,000 for a single disaster on home loans, except for funds to refinance prior liens or mortgages, which may be approved in addition to the foregoing limits for amounts up to $50,000; and (b) $350,000 on disaster business loans except to the extent of refinancing of a previous SBA disaster loan; to approve disaster guaranteed loans up to $350,000, and to decline disaster guaranteed loans in any amount.

2. To execute loan authorizations for Central, regional and district office approved loans and disaster loans approved under delegated authority, said execution to read as follows:

(*Name*), *Administrator*,
By ------------------------
Manager,
Disaster Branch Office

3. To cancel, reinstate, modify, and amend authorizations for disaster loans approved under delegated authority.

4. To disburse unsecured disaster loans.

5. To extend the disbursement period on disaster loan authorizations or undisbursed portions of disaster loans.

II. The authority delegated herein may not be redelegated.

III. All authority delegated herein to a specific position may be exercised by an SBA employee designated as acting in that position.

Effective date: January 11, 1971.

E. BRUCE CAFKY,
District Director,
Oklahoma City District Office.

[FR Doc.71-7224 Filed 5-24-71;8:47 am]

DEPARTMENT OF LABOR

Office of the Secretary

IDAHO

Notice of Availability of Extended Unemployment Compensation

The Federal-State Extended Unemployment Compensation Act of 1970, Title II of Public Law 91–373, establishes a program of extended unemployment compensation payable when unemployment is high (according to indicators set forth in the law) to unemployed workers who have received all of the regular compensation to which they are entitled. Pursuant to section 203(b)(2) of the Act, notice is hereby given that Fred Garrett, Executive Director, Idaho Department of Employment, has determined that there was a State "on" indicator in Idaho for the week beginning January 17, 1971, and that an extended benefit period began in the State with the week beginning February 7, 1971.

Signed at Washington, D.C., this 18th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-7225 Filed 5-24-71;8:47 am]

MAINE SHOE CORP. AND KRAMER SHOE CO., INC.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of February 8, 1971, the U.S. Tariff Commission made a report of the results of investigations (TEA–W–38 and TEA–W–49) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to petitions for determination of eligibility to apply for adjustment assistance submitted on behalf of workers formerly employed by the Maine Shoe Corp., Brunswick, Maine, and Kramer Shoe Co., Inc., Haverhill, Mass. In this report, the Commission being equally divided, made no finding with respect to whether articles like or directly competitive with the women's and misses' footwear produced by Maine Shoe Corp. and Kramer Shoe Co., Inc., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers at the plants concerned. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted investigations. Following this, the Director made recommendations to me relating to the matter of certifications (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342, 36 F.R. 7625; 29 CFR Part 90). In those recommendations he noted that significant lay offs caused by imports began to occur on March 7, 1969, at the Maine Shoe Corp. which ceased production on October 17, 1969; and that Kramer Shoe Co., Inc., ceased production on June 20, 1969. After due consideration, I make the following certifications:

> All workers (hourly, piecework, and salaried), of the Maine Shoe Corp. plant located at Brunswick, Maine, who became unemployed or underemployed after March 7, 1969, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.
>
> All workers (hourly, salaried, and piecework) of the Kramer Shoe Co., Inc., plant located at Haverhill, Mass., who became unemployed or underemployed after June 19, 1969, are eligible to apply for adjustment assistance under title III, chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 18th day of May 1971.

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for
Trade and Adjustment Policy.

[FR Doc.71-7240 Filed 5-24-71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Notice 298]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 19, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Sub-No. 328 TA), filed May 10, 1971. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., 1417 Clay Street, Post Office Box 958, Oakland, CA 94612. Applicant's representative: R. N. Cooledge (Same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chloral*, in bulk, in tank vehicles, from Henderson Nev., to LeMoyne, Ala., for 150 days. Supporting shipper: Montrose Chemical Corp. of California, Post Office Box 147, Torrance, CA 90507. Send protests to: District Supervisor Wm. E. Murphy, Interstate Commerce Commission, Bureau of Operations, 450 Golden Gate Avenue, Box 36004, San Francisco, CA 94102.

No. MC 3252 (Sub-No. 75 TA), filed May 10, 1971. Applicant: MERRILL TRANSPORT CO., 1037 Forest Avenue, Portland, ME 04104. Applicant's representative: Francis E. Barrett, Jr., 536 Granite Street, Braintree, MA 02184. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sodium aluminate*, in bulk, in tank vehicles, from Portland, Maine, to points in Maine north of a line beginning at a point on the New Hampshire-Maine State line near Upton and extending through Upton and Livermore Falls to Rockport, for 180 days. Supporting shipper: Vinings Chemical Co., Vinings, Ga. 30080. Send protests to: District Supervisor Donald G. Weller, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

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[1] "Radiation Exposure of Uranium Miners." A report of an Advisory Committee from the Division of Medical Sciences: National Academy of Sciences-National Research Council-National Academy of Engineering. Federal Radiation Council, Washington, D.C., August 1968, p. 24, paragraphs 7, 8.

No. MC 51146 (Sub-No. 215 TA) (Correction), filed April 26, 1971, published FEDERAL REGISTER issue May 7, 1971, and republished in part as corrected this issue. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54303. Applicant's representative: D. J. Schneider (same address as above). NOTE: The purpose of this partial republication is to include the State of Virginia in the destination territory. The rest of the application remains as previously published.

No. MC 52917 (Sub-No. 60 TA), filed May 10, 1971. Applicant: CHESAPEAKE MOTOR LINES, INC., R.F.D. 4, Box 231, Baltimore, MD 21227. Applicant's representative: Lynwood M. Robinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cheese and cheese products*, in vehicles equipped with mechanical refrigeration, from Syosset, N.Y., to Baltimore, Md., and Washington, D.C., and commercial zones of each, for 120 days. Supporting shipper: Avram Dorman, N. Dorman & Co., Inc., 125 Michael Drive, Syosset, NY 11791. Send protest to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 52917 (Sub-No. 61 TA), filed May 10, 1971. Applicant: CHESAPEAKE MOTOR LINES, INC., R.F.D. 4, Box 231, Baltimore, MD 21227. Applicant's representative: Lynwood M. Robinson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, prepared, canned, fresh and preserved, in vehicles equipped with mechanical refrigeration, from Lynbrook, Long Island, N.Y., to Baltimore, Md., and Washington, D.C., including commercial zones of each, for 120 days. Supporting shipper: Robert W. Koob, Plant Manager, Farm Fresh Cream Wip Corp., 639 Merrick Road, Lynbrook, Long Island, NY 11563. Send protests to: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1125 Federal Building, Baltimore, MD 21201.

No. MC 87720 (Sub-No. 107 TA), filed May 11, 1971. Applicant: BASS TRANSPORTATION CO., INC., Old Croton Road, Post Office Box 391, Star Route A, Flemington, NJ 08822. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper articles*, together *with materials, supplies, and equipment*, used in connection with the manufacture, distribution, or sale of the aforementioned articles, between Riegelwood, N.C., and Cape Fear Warehouse, Leland, N.C., on the one hand, and, on the other, points in Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, Maine, and the District of Columbia, for 180 days. Supporting shipper: Riegel Paper Corp., Paper Division, Post Office Box 170, Grand Central Station, New York, NY 10017. Send protests to: Raymond T. Jones, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 428 East State Street, Room 204, Trenton, NJ 08608.

No. MC 103993 (Sub-No. 633 TA), filed May 10, 1971. Applicant: MORGAN DRIVER-AWAY, INC., 2800 Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Ralph H. Miller (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles in initial movements; and (2) *motor homes*, in initial movements, in truckaway service, from West Bend, Wis., to points in the United States (except Alaska and Hawaii), for 180 days. Supporting shipper: Mallard Coach Corp., Post Office Box 378, West Bend, WI 53095. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 106644 (Sub-No. 117 TA), filed May 11, 1971. Applicant: SUPERIOR TRUCKING COMPANY, INC., Post Office Box 916, 30301, 2770 Peyton Road NW., Atlanta, GA 30321. Applicant's representative: Duane W. Acklie (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wire and plastic cloth, paper and pulp mill screens and core containers*, between Mentor, Ohio, Cleveland, Ohio, and Florence, Miss., and their commercial zones on the one hand, and, on the other, points in Arizona, California, Montana, Idaho, Oregon, and Washington, for 180 days. Supporting shipper: Londsay Wire Weaving Co., 14001 Aspinwall Avenue, Cleveland, OH 44110. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 106688 (Sub-No. 17 TA), filed May 11, 1971. Applicant: EDWARD M. RUDE CARRIER CORP., R.F.D. No. 1, Falling Waters, WV 25419. Applicant's representative: Francis J. Ortman, 1700 Pennsylvania Avenue NW., Suite 770, Mills Building, Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *High explosives, and nitro carbo nitrate*, from Falling Waters, W. Va., to Columbia, S.C., for 150 days. Supporting shipper: E. I. du Pont de Nemours & Co., Wilmington, Del. 19898. Send protests to: Robert D. Caldwell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 12th and Constitution Avenue NW., Washington, DC 20423.

No. MC 109462 (Sub-No. 14 TA), filed May 10, 1971. Applicant: LUMBER TRANSPORT, INC., Post Office Box 6181, South Station, Highway 71S and I–540, Fort Smith, AR 72901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Composition board;* (2) *wood chips and wood waste* from (1) Miami, Okla., to points in Arkansas, Alabama, Colorado, Illinois, Indiana, Iowa, Louisiana, Missouri, Mississippi, Nebraska, North Dakota, New Mexico, South Dakota, and Texas; and (2) from points in Texas, Louisiana, Arkansas, Missouri (except Belle and Ellis Spur), Kansas, Mississippi, Tennessee, and Kentucky to Miami, Okla., for 180 days. Supporting shipper: Crown Ltd., Post Office Box 1228, Miami, OK 74354. Send protests to: District Supervisor William H. Land, Jr., Bureau of Operations, Interstate Commerce Commission, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 112595 (Sub-No. 45 TA), filed May 11, 1971. Applicant: FORD BROTHERS, INC., Post Office Box 727, 510 Riverside Drive, Ironton, OH 45638. Applicant's representative: James Muldoon, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from the plantsite of United States Steel Corp. at or near Havehill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230 (Attention: Mr. H. M. Flenner, Assistant Manager). Send protests to: H. R. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room No. 3108, Federal Office Building, 500 Quarrier Street, Charleston, WV 25301.

No. MC 114011 (Sub-No. 3 TA), filed May 11, 1971. Applicant: PETER SADOWSKI, doing business as PETE'S SERVICE AND TRUCK RENTAL, 640 South Century Avenue, St. Paul, MN 55119. Applicant's representative: Robert E. Swanson, 1211 South Sixth Street, Stillwater, MN 55082. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Beer and malt beverages*, from St. Paul and Minneapolis, Minn., to Wisconsin, north of Wisconsin Highway 29 and the Upper Peninsula of Michigan, for 180 days. Supporting shippers: Jacob Schmidt Brewing Co., St. Paul, Minn.; Grain Belt Breweries, Inc., Minneapolis, Minn. Send protests to: District Supervisor A. E. Rathert, Interstate Commerce Commission, Bureau of Operations, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 114290 (Sub-No. 58 TA), filed May 10, 1971. Applicant: EXLEY EXPRESS, INC., 2610 Southeast Eighth Avenue, Portland, OR 97202. Applicant's representative: James Johnson, 1610 IBM Building, 1200 Fifth Avenue, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Umatilla County, Oreg., and from points in Walla Walla, Grant, Benton, and Franklin Counties, Wash., to points in Oregon, Washington, and Washoe County, Nev., for 180 days. Supporting shipper: Lambweston Inc., Post Office Box 23507, 6600 Southwest Hampton Street, Portland, OR 97223. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 114533 (Sub-No. 227 TA), filed May 10, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicant's representative: Stanley Komosa (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Audit media and other business records*, between Rockford, Ill., on the one hand, and on the other, points in Rock, Dane, Green, and Walworth Counties, Wis., for 180 days. Supporting shipper: North Central Data Processing Center, Inc., 1551 Sandy Hollow Road, Rockford, IL 61109. Send protest to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 126276 (Sub-No. 48 TA), filed May 11, 1971. Applicant: FAST MOTOR SERVICE, INC., 12855 Ponderosa Drive, Palos Heights, IL 60463. Applicant's representative: Albert A. Andrin, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper cups and plates, plastic lids, cups, knives, forks and spoons*, from the plant and warehouse facilities of Continental Can Co. at Three Rivers, Mich., to Manville, N.J., Kansas City, Mo., and Kansas City, Kans., for 180 days. Supporting shipper: Norman Meyers, Central Regional Traffic Manager, Continental Can Co., 150 South Wacker Drive, Chicago, IL 60606. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations Everett McKinley Dirksen Building, Room 1086, 219 South Dearborn Street, Chicago, IL 60604.

No. MC 127042 (Sub-No. 84 TA), filed May 11, 1971. Applicant: HAGEN, INC., Post Office Box 98, Leeds Station, 4120 Floyd Boulevard, Sioux City, IA 51108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat byproducts and articles distributed by meat packinghouses*, as described in section A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 except hides and commodities in bulk, from the plantsite and storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 304 Post Office Building, Sioux City, IA 51101.

No. MC 128616 (Sub-No. 1 TA), filed May 10, 1971. Applicant: BANKERS DISPATCH CORPORATION, 4970 South Archer Avenue, Chicago, IL 60632. Applicants representative: Stanley Komosa (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, and written instruments* (except coins, currency, and negotiable securities) as are used in the conduct and operation of banks and banking institutions, between Springfield, Mo., on the one hand, and, on the other, points in the counties of Benton, Boone, Baxter, Carroll, Madison, Marion, and Washington, Ark., for 180 days. Supporting shipper: The Union National Bank, S.S. Station, Post Office Box 1157, Springfield, MO 65805. Send protests to: Robert G. Anderson, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 133240 (Sub-No. 17 TA), filed May 10, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Unishops, Inc., their division and subsidiaries located in Jersey City, N.J., on the one hand, and, on the other, points in Corpus Christi, Fort Worth, Houston, Midland, Waco, and Richardson, Tex., Towson, Bethesda, and Wheaton, Md., Elyria, Ohio, York, Connellsville, King of Prussia, Lancaster, Monroeville, Reading, Pittsburgh, Plymouth Meeting, Harrisburg, and Monaca, Pa., Evansville, Fort Wayne and Indianapolis, Ind., for 150 days. Supporting shipper: Unishops, Inc., 21 Caven Point Avenue, Jersey City, NJ 07305. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 135470 (Sub-No. 1 TA), filed May 7, 1971. Applicant: WILLIAM VANN TRUCKING, INC., 3412 George Washington Highway, Portsmouth, VA 23704. Applicant's representative: William Vann (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Sand*, in bulk, in dump vehicles, from Como, N.C., to Portsmouth, Norfolk, and Suffolk, Va., from Como over U.S. Highway 258 to junction Virginia Highway 189, thence over Virginia Highway 189 to junction U.S. Highway 58, thence over U.S. Highway 58 to Suffolk, Portsmouth, and Norfolk, for 180 days. Supporting shipper: Portsmouth Paving Corp., Post Office Box 2217, Portsmouth, VA 23702. Send protests to: Robert W. Waldron, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 10–502 Federal Building, Richmond, VA 23240.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7261 Filed 5-24-71;8:50 am]

[Notice 694]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 20, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–72731. By order of May 18, 1971, the Motor Carrier Board approved the transfer to M & M Coaches & Charter, Inc., Menominee, Mich., of the operating rights in certificate No. MC–134818 issued May 17, 1971, to William Smeester, doing business as Iron Mountain-Kingsford Coaches, Kingsford, Mich., authorizing the transportation of passengers and their baggage, and mail, express, and newspapers in the same vehicle with passengers, over a regular route between Menominee, Mich., and Marinette, Wis., serving all intermediate points, and passengers and their baggage, in charter operations, beginning and ending at Menominee, Mich., and Marinette, Wis., and extending to points in Michigan and Wisconsin. Michael J. Anuta, 960 First Street, Menominee, MI 49858, attorney for applicants.

No. MC–FC–72820 (Corrected). By order of May 14, 1971, the Motor Carrier Board approved the transfer to P & C Trucking, Inc., Pinckneyville, Ill., of the operating rights in certificate No. MC–125534 (Sub-No. 1), issued May 4, 1964, to Felix Frassato, Inc., Mount Vernon, Ill., authorizing the transportation of lumber from specified counties in Indiana and Illinois to specified points and areas in Indiana, Wisconsin, Iowa, and Missouri. Delmar O. Koebel, 107 West St. Louis Street, Lebanon, IL 62254, attorney for transferee. (Issued to show correct date of issuance and to delete the name of Internal Revenue Service-successor-in interest.)

No. MC–FC–72860. By order of May 18, 1971, the Motor Carrier Board approved the transfer to Black Transfer, Inc., Appalachia, Va., of the operating rights in permits Nos. MC–116269, MC–116279 (Sub-No. 1), and MC–116279 (Sub-No. 5) issued June 24, 1957, December 7, 1960, and March 9, 1970, respectively, to John H. Black, doing business as Black's Transfer, Appalachia, Va., authorizing the transportation of bakery products, from Winston-Salem, N.C., to Bristol and Appalachia, Va., Pineville and Harlan, Ky., and Johnson City and Kingsport, Tenn., and toilet preparations, cosmetics, waxes, and polishes, brushes, and household specialty items, from Richmond, Va., to points in Sullivan County, Tenn. Carl E. McAfee, Professional Arts Building, Norton, Va. 24273, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7260 Filed 5-24-71;8:50 am]

CUMULATIVE LIST OF PARTS AFFECTED—MAY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during May.

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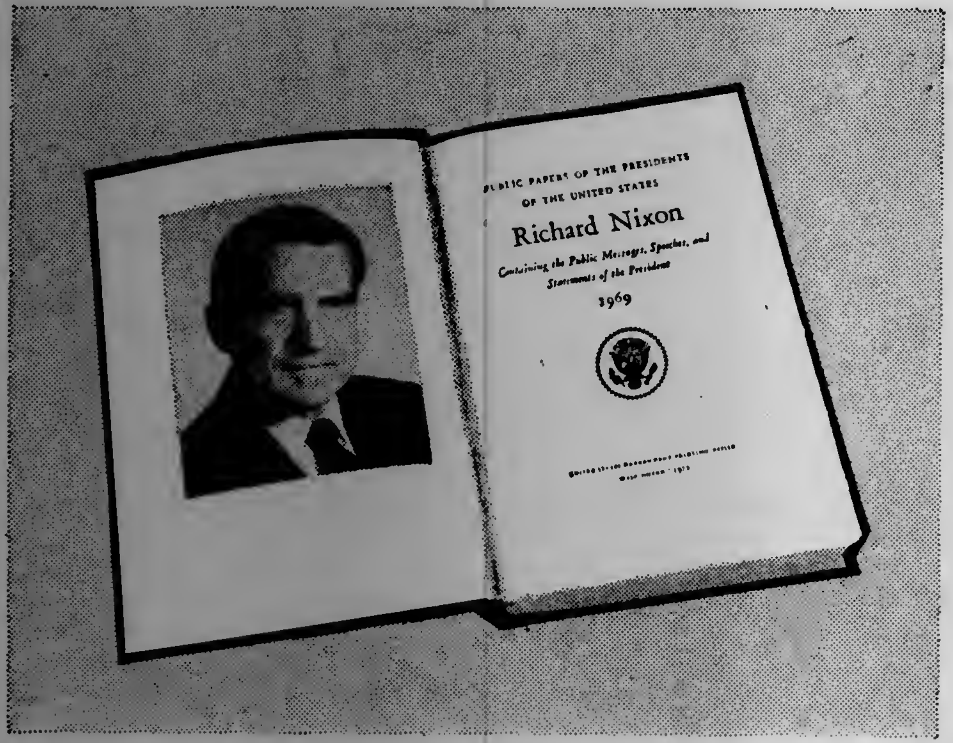
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1050 ---------- 9508

16 CFR
0 ---------- 9508

18 CFR
602 ---------- 9509
PROPOSED RULES:
201 ---------- 9570
204 ---------- 9570
205 ---------- 9570
260 ---------- 9570

21 CFR
135e ---------- 9511
146a ---------- 9512
146c ---------- 9512
146d ---------- 9512
PROPOSED RULES:
144 ---------- 9564
308 ---------- 9563

26 CFR
1 ---------- 9512
PROPOSED RULES:
1 ---------- 9561

31 CFR
332 ---------- 9512
342 ---------- 9512

39 CFR
PROPOSED RULES:
Ch. I ---------- 9564

41 CFR
5A-1 ---------- 9512
8-1 ---------- 9513
8-3 ---------- 9513
8-7 ---------- 9513
8-8 ---------- 9514
8-11 ---------- 9514
101-27 ---------- 9514

46 CFR
PROPOSED RULES:
146 (9 documents) ---------- 9598

47 CFR
2 ---------- 9514
73 (3 documents ---------- 9517-9519
74 ---------- 9519
87 ---------- 9514
91 ---------- 9514
PROPOSED RULES:
15 ---------- 9567
73 ---------- 9569

49 CFR
173 ---------- 9520
178 ---------- 9520
PROPOSED RULES:
571 ---------- 9565

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 213—EXCEPTED SERVICE

Department of the Interior

Section 213.3312 is amended to show that one additional position of Special Assistant to the Assistant Secretary for Fish and Wildlife and Parks is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5-26-71), subparagraph (5) of paragraph (a) of § 213.3312 is amended as set out below.

§ 213.3312 Department of the Interior.

(a) *Office of the Secretary.* * * *

(5) Two Special Assistants to the Assistant Secretary for Fish and Wildlife and Parks and one Confidential Assistant (Administrative Assistant) to each of the four Assistant Secretaries for Mineral Resources, Public Land Management, Water and Power Development, and Fish and Wildlife and Parks.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7321 Filed 5-25-71;8:50 am]

PART 213—EXCEPTED SERVICE

Small Business Administration

Section 213.3332 is amended to show that the position of Congressional Liaison Assistant is no longer excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5-26-71), paragraph (p) of § 213.3332 is revoked.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7322 Filed 5-25-71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Transportation

Section 213.3394 is amended to show that one position of Confidential Secretary to the Administrator, Federal Railroad Administration, is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5-26-71), subparagraph (4) is added to paragraph (e) of § 213.3394 as set out below.

§ 213.3394 Department of Transportation.

* * * * *

(e) *Federal Railroad Administration.* * * *

(4) One Confidential Secretary to the Administrator.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioner.

[FR Doc.71-7323 Filed 5-25-71;8:50 am]

PART 213—EXCEPTED SERVICE

Department of Housing and Urban Development

Section 213.3384 is amended to show that one position of President, Government National Mortgage Association, Office of the Assistant Secretary for Housing Production and Mortgage Credit is excepted under Schedule C.

Effective on publication in the FEDERAL REGISTER (5-26-71), subparagraph (9) is added to paragraph (b) of section 213.3384 as set out below.

§ 213.3384 Department of Housing and Urban Development.

* * * * *

(b) *Office of the Assistant Secretary for Housing Production and Mortgage Credit—Federal Housing Administration Commissioner.* * * *

(9) President, Government National Mortgage Association.

(5 U.S.C. 3301, 3302, E.O. 10577; 3 CFR 1954-58 Comp., p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7399 Filed 5-25-71;8:54 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Plum Reg. 7]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grade and Size

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917; 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the varieties hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Plum Commodity Committee reflect its appraisal of the plum crop and current and prospective market conditions. Shipments of earlier varieties of plums are expected to begin on or about May 26, 1971, and the size requirements provided herein are necessary to prevent the handling, from May 26 through October 31, 1971, of any plums smaller in size than is hereinafter specified, by count, for the named varieties. All shipments of California plums are currently regulated by grade through May 31, 1971, and the grade requirements specified herein for all varieties are necessary to prevent the handling, from June 1, 1971, through May 31, 1972, of any plums of a lower grade than is hereinafter specified. Furthermore, the grade and size requirements provided herein are necessary to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 26, 1971. Shipments of plums are currently subject to regulation by grade pursuant to Plum Regulation 6 (35 F.R. 7779) through May 31, 1971, unless sooner terminated. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information

thereon was not available to the Plum Commodity Committee until May 18, 1971, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such plums. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such plums are expected to begin on or about the effective date hereof; this regulation should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such plums; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

§ 917.423 Plum Regulation 7.

Order. (a) During the period June 1, 1971, through May 31, 1972, no handler shall ship any lot of packages or containers of any plums, other than the varieties named in paragraph (b) of this section, unless such plums grade at least U.S. No. 1.

(b) During the period June 1, 1971, through May 31, 1972, no handler shall ship:

(1) Any lot of packages or containers of Tragedy or Kelsey plums unless such plums grade at least U.S. No. 1, with a total tolerance of 10 percent of defects not considered serious damage in addition to the tolerances permitted by such grade; or

(2) Any lot of packages or containers of Empress, Late Santa Rosa, Improved Late Santa Rosa, Casselman, Linda Rosa, Red Rosa, Rosa Grande or Swall Rosa plums unless such plums grade at least U.S. No. 1, except that healed cracks emanating from the stem end which do not cause serious damage shall not be considered as a grade defect with respect to such grade; or

(3) Any lot of packages or other containers of Late Tragedy plums unless such plums grade at least U.S. No. 1, except that gum spots which do not cause serious damage shall not be considered as a grade defect with respect to such grade.

(c) During the period May 26, 1971, through October 31, 1971, no handler shall ship any package or other container of any variety of plums listed in Column A of the following Table I unless such plums are of a size that an 8-pound sample, representative of the sizes of the plums in the package or container, contains not more than the number of plums listed for the variety in Column B of said table.

TABLE I

Column A variety	*Column B plums-per sample*
Ace	55
Andy's Pride	71
Angelino	71
Beauty	91
Bee Gee	64
Burmosa	58
Casselman	63
Duarte	62
El Dorado	68
Elephant Heart	53
Emily	59
Empress	58
Fresno Rosa	62
Grand Rosa	54
July Santa Rosa	64
Kelsey	47
Laroda	56
Late Duarte	60
Late Santa Rosa (including Improved Late Santa Rosa and Swall Rosa)	64
Late Tragedy	93
Linda Rosa	63
Mariposa	61
Nubiana	56
Premier	102
President	57
Queen Ann	48
Red Beaut	91
Red Rosa	64
Red Roy	58
Rosa Grande	65
Santa Rosa	69
Sharkey	57
Sim-ka, Arrosa, New Yorker	48
Standard	83
Tragedy	111
Wickson	51

(d) When used herein, "U.S. No. 1" and "serious damage" shall have the same meaning as set forth in the U.S. Standards for Fresh Plums and Prunes (7 CFR 51.1520–51.1538); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 21, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7333 Filed 5–25–71;8:51 am]

PART 929—CRANBERRIES GROWN IN CERTAIN DESIGNATED STATES

Outlets for Restricted Cranberries

Notice was published in the FEDERAL REGISTER issue on May 6, 1971 (36 F.R. 8453), that the Department was giving consideration to a proposed amendment of § 929.104 *Outlets for restricted cranberries* (Subpart—Rules and Regulations 7 CFR 929.100 et seq.), pursuant to the applicable provisions of the marketing agreement, as amended, and Order No. 929, as amended (7 CFR Part 929), regulating the handling of cranberries grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The notice afforded 10 days for interested persons to submit written data, views, or arguments in connection with said proposal. None were received.

After consideration of all relevant matters presented, including that in the notice, and other available information, it is hereby found that the amendment, as hereinafter set forth, is in accordance with said amended marketing agreement and order and will tend to effectuate the declared policy of the act and of this part.

After inspection and certification it is a usual practice to dispose of withheld cranberries without delay to the outlets specified in § 929.104. In consequence handlers have not had certified cranberries available for withholding when subsequently solicited by charitable institutions (an approved outlet pursuant to § 929.104) to donate small quantities of withheld cranberries for consumption by the institution. Due to delays and additional costs attendant to making special arrangements for inspection and certification, handlers have refrained from qualifying cranberries for withholding and donating them to these institutions. The amendment would provide flexibility in supplying these institutions with cranberries during periods when handlers are not scheduling requests for inspection and certification of cranberries for withholding by permitting handlers to donate not more than 25 barrels of cranberries without inspection and certification to any one charitable institution during any fiscal period. Accordingly, the introductory language in paragraph (a) and paragraph (b)(2) of § 929.104 are amended to read as follows:

§ 929.104 Outlets for restricted cranberries.

(a) Except as otherwise provided in paragraph (b)(2) of this section, after inspection pursuant to § 929.54(c), cranberries withheld from handling may, in accordance with § 929.57, be disposed of only through diversion in the following noncompetitive outlets but only if the requirements in paragraph (b) of this section also are complied with:

* * * * *

(b) * * *

(2) Diversion to charitable institutions: A statement from the charitable institution showing the quantity of cranberries received and certifying that the cranberries will be consumed by the institution shall be submitted to the committee: *Provided*, That a handler may donate to any one charitable institution, exempt from the inspection and certification requirements prescribed under § 929.54(c), a quantity of cranberries not exceeding 25 barrels during any fiscal period: *Provided further*, That in addition to the statement specified above in this subparagraph, each handler shall furnish to the committee a report certifying the quantity and destination of the cranberries so donated by him.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated, May 20, 1971, to become effective 30 days after publication in the FEDERAL REGISTER.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7301 Filed 5–25–71;8:48 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk) Department of Agriculture

[Milk Order No. 136]

PART 1136—MILK IN GREAT BASIN MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Great Basin marketing area.

Notice of proposed rulemaking was published in the FEDERAL REGISTER (36 F.R. 8376) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of May and June 1971 the provision in the first sentence of § 1136.11(a) of the order which reads "there is disposed of on routes fluid milk products, except filled milk, of not less than 50 percent of the fluid milk products approved by a duly constituted health authority for fluid consumption that are physically received at such plant or diverted therefrom as producer milk to a nonpool plant pursuant to § 1136.13, and" does not tend to effectuate the declared policy of the Act.

The above provision pertains to the qualification of a distributing plant as a pool plant. Federated Dairy Farms, a cooperative representing a majority of Great Basin order producers, requested suspension action for May 1971 and succeeding months pending the effective date of revised pooling provisions. Such revised pooling provisions could become effective July 1.

Federated Dairy farms is primarily responsible for handling a substantial portion of the reserve supplies of milk for the Great Basin market. It also handles at its pool distributing plant the surplus production of other order markets. Without the suspension action the cooperative's distributing plant may not qualify as a pool plant for May and June 1971. This is because the reserve supplies of milk for the Great Basin market and the surplus production for other markets handled at such plant are likely to result in increasing its total milk receipts at the plant to the point where less than 50 percent of these receipts would be disposed of on routes.

Producer associations representing substantially more than two-thirds of the producers on the market expressed support of the suspension action. There was no opposition to it.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary, and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for May and June 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: Upon publication in the FEDERAL REGISTER (5–26–71).

Signed at Washington, D.C., on May 20, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71-7302 Filed 5–25–71;8:48 am]

[Rev. 3; Amdt. 6]

PART 1475—EMERGENCY FEED PROGRAM

Subpart—Livestock Feed Program

PRICING OF GRAINS

The regulations issued by the Commodity Credit Corporation published in 26 F.R. 13475, 30 F.R. 2854, 6909, 31 F.R. 13532, 32 F.R. 14372, and 34 F.R. 14206 which contain specific requirements for the continuing Livestock Feed Program are amended to reduce the prices for feed grains for primary livestock from 80 percent to 75 percent, and for secondary livestock from 105 percent to 100 percent, respectively of the county base price.

Accordingly, paragraphs (a) and (b) respectively of section 1475.208 are amended to read as follows:

§ 1475.208 Pricing of grains.

(a) *Price for primary livestock*. The sales price of feed grain approved for primary livestock shall be 75 percent of the applicable county base price.

(b) *Price for secondary livestock*. The sales price of feed grain approved for secondary livestock shall be 100 percent of the applicable county base price.

* * * * *

(Secs. 1–4, 73 Stat. 574, as amended; secs. 407, 421, 63 Stat. 1055, as amended; secs. 4 and 5 of 62 Stat. 1070, as amended; 7 U.S.C. 1427; 15 U.S.C. 714 b and c)

Effective date. Upon filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on May 20, 1971.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.71-7338 Filed 5–25–71;8:53 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-562]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, paragraphs (e) and (f) are amended and paragraph (g) is reissued to read as follows:

§ 76.2 Notices relating to existence of hog cholera; prohibition of movement of any hog cholera virus, exceptions; spread of disease through raw garbage; regulations; quarantines; eradication States; and free States.

* * * * *

(e) *Notice of quarantine*. Notice is hereby given that because of the existence of hog cholera in the States of Indiana, Massachusetts, New Jersey, North Carolina, Texas, and The Commonwealth of Puerto Rico, and the nature and extent of outbreaks of this disease, the following areas are quarantined because of said disease:

(1) *Indiana*. The adjacent portions of De Kalb and Allen Counties comprised of all of Butler Township in De Kalb County and the adjoining portion of Perry Township in Allen County bounded

by a line beginning at the junction of State Highway 3 and the Allen-De Kalb County line; thence, following State Highway 3 in a southeasterly direction to the Cedar Canyon Road; thence, following the Cedar Canyon Road in a generally easterly direction to Vandalaha Road; thence, following Vandalaha Road in an easterly direction to the Perry-Cedar Creek Township line; thence, following the Perry-Cedar Creek Township line in a northerly direction to the Allen-De Kalb County line; thence, following the Allen-De Kalb County line in a westerly direction to its junction with State Highway 3.

(2) *Massachusetts.* (i) That portion of Bristol County comprised of Seekonk and Rehoboth towns.

(ii) That portion of Worcester County comprised of Princeton, Sterling, and West Boylston towns.

(3) *New Jersey.* The adjacent portions of Camden and Gloucester Counties bounded by a line beginning at the junction of State Highway 42 and County Highway 113; thence, following County Highway 113 in a southwesterly direction to County Highway 66; thence, following County Highway 66 in a westerly direction to County Highway 87; thence, following County Highway 87 in a northwesterly direction to State Highway 47; thence, following State Highway 47 in a northeasterly direction to the Bull Run Creek; thence, following the east bank of the Bull Run Creek in a generally northeasterly direction to the Gloucester-Camden County line; thence, following the Gloucester-Camden County line in a generally northeasterly direction to U.S. Highway 42; thence, following U.S. Highway 42 in a southeasterly direction to State Highway 42; thence, following State Highway 42 in a southeasterly direction to its junction with County Highway 113.

(4) *North Carolina.* (i) That portion of Bertie County bounded by a line beginning at the junction of U.S. Highway 17 and the west bank of the Cashie River; thence, following the west bank of the Cashie River in a generally southeasterly direction to the north bank of the Roanoke River; thence, following the north bank of the Roanoke River in a southwesterly then northwesterly and then southwesterly direction to U.S. Highway 17, 13; thence, following U.S. Highway 17, 13 in a northeasterly direction to the St. Francis Church Road; thence, following the St. Francis Church Road in a generally northwesterly direction to Secondary Road 1100; thence, following Secondary Road 1100 in a generally northeasterly direction to U.S. Highway Bypass 13; thence, following U.S. Highway Bypass 13 in a southeasterly direction to U.S. Highway Bypass 17; thence, following U.S. Highway Bypass 17 in a northeasterly direction to U.S. Highway 17; thence, following U.S. Highway 17 in a southeasterly direction to its junction with the west bank of the Cashie River.

(ii) The adjacent portions of Bladen and Pender Counties bounded by a line beginning at the junction of State Highway 53 and Secondary Road 1539 in Bladen County; thence, following State Highway 53 in an easterly direction to State Highway 210; thence, following State Highway 210 in a generally northerly direction to Secondary Road 1550; thence, following Secondary Road 1550 in a southeasterly direction to the Black River; thence, following the west bank of the Black River in a generally southeasterly direction to State Highway 210 in Pender County; thence, following State Highway 210 in a southwesterly direction to Secondary Road 1103; thence, following Secondary Road 1103 in a southeasterly direction to Secondary Road 1104; thence, following Secondary Road 1104 in a southwesterly then northwesterly direction to Secondary Road 1105; thence, following Secondary Road 1105 in a southwesterly direction to Secondary Road 1539 in Bladen County; thence, following Secondary Road 1539 in a northwesterly direction to its junction with State Highway 53.

(iii) That portion of Northampton County bounded by a line beginning at the junction of the east bank of the Roanoke River and the east bank of the Gumberry Swamp; thence, following the east bank of the Gumberry Swamp in a generally northerly direction to Secondary Road 1126; thence following Secondary Road 1126 in a northeasterly direction to U.S. Highway 158; thence, following U.S. Highway 158 in a northeasterly direction to Secondary. Road 1108; thence, following Secondary Road 1108 in a southeasterly direction to Secondary Road 1121; thence, following Secondary Road 1121 in a northeasterly direction to Secondary Road 1122; thence, following Secondary Road 1122 in a generally easterly direction to State Highway 305; thence, following State Highway 305 in a southeasterly direction to Secondary Road 1503; thence, following Secondary Road 1503 in a northeasterly direction to Secondary Road 1514; thence following Secondary Road 1514 in a southeasterly direction to Secondary Road 1514 in a southeasterly direction to Secondary Road 1502; thence following Secondary Road 1502 in a southwesterly direction to the east bank of the Bear Swamp; thence, following the east bank of the Bear Swamp in a southeasterly direction to the north bank of the Urahaw Swamp, thence, following the north bank of the Urahaw Swamp in a northeasterly direction to the Seaboard Coast Line Railroad; thence, following the Seaboard Coast Line Railroad in a southwesterly direction to U.S. Highway 258; thence, following U.S. Highway 258 in a generally southwesterly direction to the Roanoke River; thence, following the east bank of the Roanoke River in a generally northwesterly direction to its junction with the east bank of the Gumberry Swamp.

(iv) That portion of Sampson County bounded by a line beginning at the junction of Secondary Roads 1425 and 1414; thence, following Secondary Road 1425 in a northeasterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a northeasterly direction to Secondary Road 1446; thence, following Secondary Road 1446 in a northeasterly direction to Secondary Road 1449; thence, following Secondary Road 1449 in an easterly direction to Secondary Road 1450; thence, following Secondary Road 1450 in a northeasterly direction to Secondary Road 1451; thence, following Secondary Road 1451 in an easterly direction to Secondary Road 1452; thence, following Secondary Road 1452 in a northerly direction to Secondary Road 1453; thence, following Secondary Road 1453 in a northeasterly direction to Secondary Road 1454; thence, following Secondary Road 1454 in a southeasterly direction to Secondary Road 1471; thence, following Secondary Road 1471 in an easterly direction to Secondary Road 1002; thence, following Secondary Road 1002 in a southeasterly direction to Secondary Road 1470; thence, following Secondary Road 1470 in a southeasterly direction to Secondary Road 1456; thence, following Secondary Road 1456 in a southeasterly direction to Secondary Road 1338; thence, following Secondary Road 1338 in a southwesterly direction to Secondary Road 1006; thence, following Secondary Road 1006 in a westerly direction to Secondary Road 1434; thence, following Secondary Road 1434 in a southerly direction to Secondary Road 1326; thence, following Secondary Road 1326 in a southwesterly direction to Secondary Road 1414; thence, following Secondary Road 1414 in a southwesterly direction to its junction with Secondary Road 1425.

(5) *Texas.* (i) All of Collin, Harris, Galveston, Liberty, Montgomery, San Jacinto, and Tom Green Counties.

(ii) That portion of the State of Texas comprised of all of Bell, Bosque, Callahan, Comanche, Eastland, Ellis, Erath, Hill, Hood, Johnson, McLennan, Somervell, Tarrant, and Williamson Counties and portions of Brown, Coleman, Coryell, Falls, Hamilton, Limestone, Mills, Navarro, Palo Pinto, Parker, Shackelford, Stephens, and Taylor Counties, and bounded by a line beginning at the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Dallas-Ellis County line in an easterly direction to the junction of the Dallas-Ellis-Kaufman County lines; thence, following the Kaufman-Ellis County line in a southeasterly direction to the junction of the Kaufman-Ellis-Henderson County lines; thence, following the Ellis-Henderson County line in a southeasterly direction to the junction of the Ellis-Henderson-Navarro County lines; thence, following the Ellis-Navarro County line in a southwesterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to the Navarro-Freestone County line; thence, following the Navarro-Freestone County line in a southwesterly direction to the junction of the Navarro-Freestone-Limestone County lines; thence, following the Limestone-Freestone County line in a southeasterly direction to State Highway 14 in Limestone County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to the Bell-Falls County line; thence, following the Bell-Falls County line in a southeasterly direction to the junction of the Bell-Milam-Falls County lines; thence, following the Bell-Milam County line in a southwesterly direction to the junction of the Bell-Milam-Williamson County lines; thence, following the Williamson-Milam County line in a southeasterly direction to the junction of the Williamson-Milam-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the junction of the Williamson-Lee-Bastrop County lines; thence, following the Williamson-Bastrop County line in a generally northwesterly direction to the junction of the Williamson-Bastrop-Travis County lines; thence, following the Williamson-Travis County line in a generally northwesterly direction to the junction of the Williamson-Travis-Burnet County lines; thence, following the Williamson-Burnet County line in a northeasterly direction to the junction of the Williamson-Burnet-Bell County lines; thence, following the Bell-Burnet County line in a northwesterly direction to the junction of the Bell-Burnet-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the junction of the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to State Highway 67 in Stephens County; thence, following State Highway 67 in a northeasterly direction to Farm-to-Market Road 717 in Stephens County; thence, following Farm-to-Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to Farm-to-Market Road 920 in Parker County; thence, following Farm-to-Market Road 920 in a northwesterly direction to Farm-to-Market Road 1885 in Parker County; thence, following Farm-to-Market Road 1885 in a northwesterly direction to the Parker-Palo Pinto County line; thence, following the Parker-Palo Pinto County line in a northerly direction to the junction of the Parker-Palo Pinto-Jack County lines; thence, following the Parker-Jack County line in an easterly direction to the junction of the Parker-Jack-Wise County lines; thence, following the Parker-Wise County line in an easterly direction to the junction of the Parker-Tarrant-Wise County lines; thence, following the Tarrant-Wise County line in an easterly direction to the junction of the Tarrant-Wise-Denton County lines; thence, following the Tarrant-Denton County line in an easterly direction to the junction of the Tarrant-Denton-Dallas County lines; thence, following the Tarrant-Dallas County line in a southerly direction to its junction with the Ellis County line.

(6) *The Commonwealth of Puerto Rico.* The entire Commonwealth.

(f) Notice is hereby given that there is no clinical evidence that the virus of hog cholera exists in swine in the following States, that systematic procedures are in effect to detect and eradicate the disease should it appear within any of such States, and that such States are designated as hog cholera eradication States:

Alabama.
Arkansas.
Connecticut.
Delaware.
Florida.
Hawaii.
Illinois.
Kansas.
Louisiana.
Maryland.
Minnesota.
Mississippi.
Nebraska.
New Hampshire.
New Mexico.
New York.
Oklahoma.
Pennsylvania.
Rhode Island.
South Carolina.
Tennessee.
Virginia.

(g) Notice is hereby given that a period of more than 1 year has passed since there has been clinical evidence that the virus of hog cholera exists in the following States, that more than 1 year has passed since systematic procedures were placed in effect to exclude the virus of hog cholera and to detect and eradicate the disease should it appear within any of such States, and that the virus of hog cholera has been eradicated from such States and such States are designated as hog cholera free States:

Alaska.
California.
Georgia.
Idaho.
Iowa.
Kentucky.
Michigan.
Montana.
Nevada.
North Dakota.
Oregon.
South Dakota.
Utah.
Vermont.
Washington.
West Virginia.
Wisconsin.
Wyoming.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments exclude a portion of Mercer County, Ohio, and portions of Greene, Lenoir, and Wayne Counties in North Carolina, from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Ohio or Greene, Lenoir, and Wayne Counties in North Carolina remain under the quarantine. No other changes are made in § 76.2(e), but all presently effective provisions of § 76.2(e) are set forth above for convenient reference.

The amendments delete New Jersey from the list of hog cholera eradication States in § 76.2(f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are no longer applicable to New Jersey. The amendments add Louisiana, New Hampshire, and Rhode Island to the list of hog cholera eradication States in § 76.2 (f), and the special provisions pertaining to the interstate movement of swine and swine products from or to such eradication States are applicable to Louisiana, New Hampshire, and Rhode Island.

The provisions above also include without amendment the text of § 76.2(g) which continues in effect. In this respect, the provisions do not change the rights or duties of any person.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 21st day of May 1971.

F. J. Mulhern,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–7336 Filed 5–25–71;8:51 am]

Chapter III—Consumer and Marketing Service (Meat Inspection), Department of Agriculture

PART 319—DEFINITIONS AND STANDARDS OF IDENTITY OR COMPOSITION

Use of Butylated Hydroxyanisole and Butylated Hydroxytoluene in the Animal Fats in Margarine Products

Pursuant to the authority conferred by sections 7 and 21 of the Federal Meat

Inspection Act, as amended (21 U.S.C. 607, 621) the Consumer and Marketing Service hereby amends § 319.700 of the Federal Meat Inspection Regulations (9 CFR 319.700) to permit the optional use of the oxygen interceptors BHA (butylated hydroxyanisole) and BHT (butylated hydroxytoluene) in the animal fat ingredients of oleomargarine or margarine.

Statement of considerations. The Department of Health, Education, and Welfare has amended the standard of identity for oleomargarine or margarine (36 F.R. 977) under the Federal Food, Drug and Cosmetic Act (21 U.S.C. 301 et seq.) to provide for the use, within specific limitations, of BHA (butylated hydroxyanisole) and/or BHT (butylated hydroxytoluene) in the animal fat ingredients of these products. BHA and BHT are added to virtually all of the rendered animal fats prepared by official establishments under the Federal Meat Inspection Act. This situation makes it increasingly difficult for the margarine industry to purchase rendered animal fats which do not include these antioxidants. This creates procurement problems for margarine manufacturers since the quantities of animal fats needed to provide for continuous production are not always available. This uncertain supply situation causes economic problems in the production of margarines that adversely affect the demand for animal fats which are otherwise excellent ingredients of margarine products.

BHA and BHT are listed by the Department of Health, Education, and Welfare as food additives generally recognized as safe in amounts not in excess, for a total of combined antioxidants, of 0.02 percent of the fat or oil content, including essential (volatile) oil content of foods. The antioxidants are authorized by regulations for use in various federally inspected products, e.g. dry sausages, rendered animal fats alone or in combination with vegetable fats, fresh pork sausages, and dried meats. The use of BHA and BHT in margarine has been approved by the Codex Alimentarius Commission and is incorporated in the International Margarine Standard that is in the process of being transmitted to the U.S. Government for review.

Vegetable oils unlike animal fats contain significant quantities of tocopherols which are natural antioxidants.

Accordingly, the Federal Meat Inspection Regulations are hereby amended as follows:

1. In § 319.700(a)(3), new paragraph (xiii) is added and subparagraph (1) of paragraph (b) is amended to read:

§ 319.700 Oleomargarine or margarine.

(a) * * *

(3) * * *

(xiii) BHA (butylated hrdoxyanisole) or BHT (butylated hydroxytoluene), or a combination of these, incorporated in any animal fat ingredient permitted by subdivision (1)(i) of this paragraph, in an amount not to exceed 0.02 percent by weight of such animal fat content.

* * * * *

(b) * * *

(1) Fat ingredients shall be declared first in the ingredient statement by the name of the specific fat or oil or stearin used. Where combinations of fat ingredients are used, the names shall be arranged in order of decreasing predominance. If any fat ingredient is hydrogenated, the ingredient statement shall include the word "hydrogenated" or "hardened" at such place or places in the list of fats as to indicate which fats are hydrogenated; for example, "corn oil, hardened soybean oil." If any animal fat ingredient contains an ingredient provided for in paragraph (a)(3)(xiii) of this section, the statement "with ------------ added as (a) preservative(s) or with ------------ added to retard rancidity" shall appear at such place or places in the list of fats as to indicate which animal fats contain these ingredients. The blank is to be filled in with "BHA" and/or "BHT" as appropriate; for example, "beef fat with BHA and BHT added as preservatives".

* * * * *

(Secs. 7 and 21, 34 Stat. 1262 and 1264, as amended; 21 U.S.C. 607, 621; 29 F.R. 16210, as amended; 33 F.R. 10750)

The foregoing amendments relieve restrictions and conform the standard for oleomargarine and margarine under the Federal Meat Inspection Act to the corresponding standard under the Federal Food, Drug, and Cosmetic Act, with respect to the use of BHA and BHT in such products. The Federal Meat Inspection Act requires that standards under its provisions shall not be inconsistent with standards under the Federal Food, Drug, and Cosmetic Act. It does not appear that public participation in rule making on these amendments would make additional relevant information available to this Department. Therefore under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that such public participation in connection with the amendments is impracticable and unnecessary and the amendments may be made effective less than 30 days after publication hereof.

The amendments shall become effective upon the date of publication in the FEDERAL REGISTER (5–26–71).

Done at Washington, D.C., on: May 21, 1971.

CLAYTON YEUTTER,
Administrator,
Consumer and Marketing Service.

[FR Doc.71–7335 Filed 5–25–71;8:51 am]

Title 12—BANKS AND BANKING

[No. 71–464]

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Unsecured Loans

MAY 20, 1971.

Resolved, That the Federal Home Loan Bank Board considers it advisable to amend § 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8) for the purpose of increasing the maximum loan term permitted on certain loans made pursuant to said section from 8 to 10 years. Accordingly, on the basis of such consideration and for such purpose, the Federal Home Loan Bank Board hereby amends said § 545.8 by revising subparagraph (5) of paragraph (b) thereof to read as follows, effective May 26, 1971:

§ 545.8 Unsecured loans.

Any Federal association that has amended Charter K by the addition thereto of section 14.1 and any Federal association which has a charter in any other form not inconsistent with the provisions of this section may, upon adoption of such a loan plan by its board of directors, make or purchase:

* * * * *

(b) Simple-interest, discount, or gross-charge loans for property alteration, repair, or improvement without the security of a lien upon such property: *Provided,* That:

* * * * *

(5) Each such loan is repayable in regular monthly installments within a period of 10 years:

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further That, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and, for the same reason, publication of said amendment for the period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date thereof is also unnecessary; and the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71–7308 Filed 5–25–71;8:49 am]

[71–475]

PART 545—OPERATIONS

Service Corporations

MAY 20, 1971.

Resolved That the Federal Home Loan Bank Board considers it advisable to amend § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) for the purpose of relieving certain restrictions on activities of service corporations in which Federal savings and loan associations have an investment with respect to (1) acquisition of real estate from "insured institutions" to provide housing and (2) serving as insurance agent or broker without the specific advance approval of the Federal Home Loan Bank Board. Accordingly, the Federal Home Loan Bank Board hereby amends said § 545.9–1 as follows, effective May 26, 1971:

1. Subparagraph (4) of paragraph (a), subparagraph (2) of paragraph (b), and paragraph (i) of said § 545.9–1 are hereby revised to read as follows:

§ 545.9–1 Service corporations.

(a) *General service corporations.* * * *

(4) Substantially all of the activities of such service corporation, performed directly or through one or more wholly-owned subsidiaries, consist of one or more of the following:

(i) Originating, purchasing, selling, and servicing loans, and participations in loans, secured by first liens upon real estate and mobile homes, including brokerage and warehousing of such real estate and mobile home loans;

(ii) Originating, purchasing, selling, and servicing educational loans;

(iii) Making any investment of the types specified in §§ 545.9 and 545.9–3;

(iv) Performing the following services, primarily for savings and loan associations with home offices in the same State, District, Commonwealth, territory, or possession:

(*a*) Clerical services, accounting, data processing, and internal auditing;

(*b*) Credit information, appraising, construction loan inspection, and abtracting;

(*c*) Development and administration of personnel benefit programs, including life insurance, health insurance, and pension or retirement plans;

(*d*) Research, studies, and surveys;

(*e*) Purchasing of office supplies, furniture, and equipment;

(*f*) Development and operation of storage facilities for microfilm or other duplicate records;

(*g*) Advertising and other services to procure and retain both savings accounts and loans.

(v) Acquisition of unimproved real estate lots, and other unimproved real estate for the purpose of prompt development and subdivision, principally for construction of housing or for resale to others for such construction, or for use as mobile home sites;

(vi) Development and subdivision of, and construction of improvements (including improvements to be used for commercial or community purposes, when incidental to a housing project) for sale or for rental on, real estate referred to in subdivision (v) of this subparagraph;

(vii) Acquisition of improved residential real estate and mobile homes to be held for rental;

(viii) Acquisition of improved residential real estate for remodeling, rehabilitation, modernization, renovation, or demolition and rebuilding for sale or for rental;

(ix) Maintenance and management of rental real estate referred to in subdivisions (vi), (vii), and (viii) of this subparagraph, and any real estate owned by holders of its capital stock;

(x) Participation in any manner (without regard to the requirement that activities be performed directly or through a wholly owned subsidiary) with any service corporation which meets the requirements of this section, or with any nonprofit organization in any of the activities referred to in subdivisions (v) through (ix) of this subparagraph or activities reasonably incidental thereto;

(xi) Serving as insurance broker or agent, primarily dealing in policies for savings and loan associations, their borrowers and accountholders, which provide protection such as homeowners', fire, theft, automobile, life, health, and accident, but excluding title insurance and private mortgage insurance;

(xii) Activities reasonably incidental to the activities described in the foregoing subdivisions of this subparagraph (4); and

(xiii) Such other activities, including a joint venture in any other activity or in any activity specified in this subparagraph (4), as the Board may approve upon application therefor by any such service corporation or otherwise.

(b) *Other service corporations.* * * *

(2) The activities of such corporation, performed directly or through one or more wholly owned subsidiaries, consist solely of one or more of the activities specified in subdivisions (i) through (xii) of paragraph (a)(4) of this section, and such other activities, including acting as escrow agent or trustee under deeds of trust, and including a joint venture in any such other activity or any activity specified in said subdivisions (i) through (xii) in paragraph (a)(4) of this section, as the Board may approve upon application therefor by such corporation or otherwise; and

* * * * *

(i) *Limitation on activities.* The activities which are specified in this section for service corporations in which Federal associations may invest do not include their use to acquire "scheduled items", as defined in § 561.15 of this chapter, from an "insured institution," as defined in § 561.1 of this chapter, except that any real estate owned by any "insured institution" may be acquired by a service corporation for the purpose of providing housing.

* * * * *

(Sec. 5, 48 Stat. 132, as amended: 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendments effect certain technical changes which relieve restrictions, the Board hereby finds that notice and public procedure on said amendments are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendments are unnecessary; and the Board hereby provides that the amendments shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–7360 Filed 5–25–71;8:54 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[71–476]

PART 561—DEFINITIONS

Definition of Scheduled Items

MAY 20, 1971.

Resolved, That the Federal Home Loan Bank Board considers it advisable to amend § 561.15 of the rules and regulations for Insurance of Accounts (12 CFR 561.15) for the purpose of broadening the definition of scheduled items to include certain real estate transferred by an insured institution to certain corporations. Accordingly, the Federal Home Loan Bank Board hereby amends said § 561.15 by adding immediately after paragraph (g) thereof, a new paragraph (h) to read as follows, effective May 26, 1971:

§ 561.15 Scheduled items.

* * * * *

(h) Real estate transferred by an insured institution to a service corporation referred to in § 545.9–1 of this chapter, or to any other corporation in which an insured institution has an investment, to the same extent that it, or the amount invested therein, would be counted as a scheduled item, if it had not been so transferred, under paragraphs (c), (d), and (g) of this section.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1728. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendment, in conjunction with a contemporaneous amendment of § 545.9–1(i) of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1), effects a technical change which relieves restrictions on transfer of real estate to service corporations, the Board hereby finds that notice and public procedure on said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, JR.,
Assistant Secretary.

[FR Doc.71–7361 Filed 5–25–71;8:54 am]

Title 15—COMMERCE AND FOREIGN TRADE

Chapter X—Office of Foreign Direct Investments, Department of Commerce

[1970 General Bulletin; Supp. 1]

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Supplementary Interpretative Analyses and Statements

Notice is hereby given that the Office of Foreign Direct Investments ("OFDI") has issued the following Supplement No. 1 to the 1970 General Bulletin ("Supplement No. 1"). The 1970 General Bulletin [35 F.R. 15671] shall be applicable to the Foreign Direct Investment Regulations (the "regulations") in effect for 1971, except as modified by this supplement to reflect amendments to the regulations or to clarify certain positions and policies of OFDI.

Supplement No. 1 is principally interpretive and, to the extent that any provision of the regulations or other official OFDI publications may be modified, the changes are generally in the nature of liberalization or clarification. Accordingly, publication in proposed form for comment is not deemed necessary in the public interest.

Effective date. Supplement No. 1, as set forth below, shall be effective on the date of publication in the FEDERAL REGISTER (5–26–71).

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

DONALD P. KATZ,
Director, Office of Foreign Direct Investments.

MAY 18, 1971.

EDITORIAL NOTE: The foreign Direct Investment Regulations are published in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations (CFR). All sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.201). The "1000" designation has, for convenience, been eliminated from section references contained in Supplement No. 1. Sections of the 1970 General Bulletin correspond to section numbers of the regulations but are distinguished by the use of the prefix "B" and a hyphenated numeral suffix indicating major topical divisions of the analytical discussion (e.g., § B201–3). Sections of Supplement No. 1 correspond similarly to section numbers of the regulations but are distinguished by the use of the prefix "S" and a hyphenated numeral suffix indicating the related topical division in the corresponding section of the 1970 General Bulletin (e.g., § S312–18 modifies § B312–18). The abbreviations "DI" and "AFN" are used to refer to "direct investor" and "affiliated foreign national", respectively.

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(ii) Section 507 alternative minimum and Schedule A supplemental allowable.
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(iv) Section 1302 foreign air transport allowable.
(v) Section 203(c)(2) liquid foreign balance exemption.
(vi) Section 203(d)(1) available proceeds exemption.

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§ S203–7 Limitation on amount of liquid foreign balances.
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§ S324–4 Definition of long-term foreign borrowing.
§ S801–2 Procedures.
§ S1002–2 Standard Certificate Form FDI–106.

Appendix

The Appendix included in the reprint of the 1970 General Bulletin contains the Revised Instructions for Submitting Applications for Specific Authorizations or Exemptions or for Interpretive Opinions, issued on September 11, 1970. It should be noted that this document was superseded by Revised Instructions issued on February 23, 1971, and distributed by OFDI to DIs and other interested persons.

Introduction.

Supplement No. 1 contains a description of the 1971 amendments to the regulations and expands the treatment of certain topics covered in the 1970 General Bulletin.

Program changes in 1971.

The major changes made in the Foreign Direct Investment Program for 1971 are:

(i) *Section 503 minimum allowable.* The amount of positive direct investment that DIs may make under the § 503 worldwide minimum allowable has been increased from $1 million to $2 million.

(ii) *Section 507 alternative minimum and Schedule A supplemental allowable.* The amount of positive direct investment that DIs may make in Schedules B and C under the § 507(a)(1) alternative minimum allowable has been increased from $1 million to $2 million. To the extent that the increased Schedules B/C allowable is not used in Schedules B/C, it may be "downstreamed" to Schedule A under § 507(b), thereby increasing the amount of positive direct investment that is authorized for Schedule A under § 507 to a maximum of $6 million.

(iii) *Section 504(b) schedular earnings allowable.* The amount of positive direct investment that DIs may make in each scheduled area under the § 504(b) earnings allowable has been increased from 30 percent to 40 percent of annual earnings in the scheduled area during the immediately preceding year. Correspondingly, the maximum "upstream" adjustment to historical allowables that is provided under § 504(c) has been increased from 30 percent to 40 percent of annual earnings during the immediately preceding year.

(iv) *Section 1302 foreign air transport allowable.* Section 1302(a) has been amended to increase the amount of positive direct investment authorized by Subpart M of the regulations from 30 percent to 40 percent of a DI's aggregate annual foreign air transport earnings during the immediately preceding year.

(v) *Section 203(c)(2) liquid foreign balance exemption.* The exemption provided by § 203(c)(2) for liquid foreign balances that may be held by a DI at the end of each month has been increased from $25,000 to $100,000.

(vi) *Section 203(d)(1) available proceeds exemption.* The amount of available proceeds that may be held by a DI in the form of foreign balances or other foreign property at yearend free of the prohibitions of § 203(d)(1) has been increased from $25,000 to $100,000.

Text and examples in the 1970 General Bulletin that involve allowables or exempt amounts which were increased by the amendments for 1971 should be read in light of such increases. For example, an illustration of the calculation of the earnings allowable in the 1970 General Bulletin that uses 30 percent of annual earnings in 1969 to determine the 1970 earnings allowable correctly indicates the manner in which the earnings allowable is calculated; in 1971, however, the amount of the earnings allowable would be based on 40 percent of annual earnings in 1970.

Supplementary material.

The following interpretive analyses shall supplement the material contained in the corresponding sections of the 1970 General Bulletin:

§ S203–7 Limitation on amount of liquid foreign balances.

The material contained in § B203–7 concerning the amount of liquid foreign balances that may be held by a DI is supplemented in the following respect: Although compliance with § 203(c) is measured at the end of each month during any reporting period, all DIs should be aware that it is the intent of the limitation imposed by § 203(c) that the volume of liquid foreign balances held by any DI should not vary significantly over the course of a month.

The statement contained in § B203–7 concerning available proceeds held in the form of liquid foreign balances is supplemented in the following respect: Available proceeds that may be held in the form of liquid foreign balances outside the limitations of § 203(c) are proceeds of long-term foreign borrowing (i.e., funds or other property received by a DI from the first purchaser or holder in exchange for the debt obligation issued or created in connection with such borrowing) that have not been expended or allocated. The amount of proceeds of long-term foreign borrowing is equal to the gross amount or value of funds or other property received by a DI in connection with its borrowing (see § 324(c)).

To the extent that the gross amount of a borrowing exceeds the net amount actually received by the DI after discounts, commissions or fees are deducted, any funds or other property may be designated and thereafter must be treated as though received by the DI in connection with its borrowing. Such funds or other property shall be identified on the books and records required to be maintained by the DI pursuant to § 203(b). Funds or other property so designated may include amounts transferred from the United States or interest earned on foreign bank deposits. If such funds or other property thereby constitute available proceeds, they may be held in the form of liquid foreign balances outside the limitations of § 203(c) but subject to the prohibition of § 203(d)(1).

It should be noted that if a borrowing that was treated as long-term foreign borrowing is retroactively disqualified by reason of repayment within 12 months, the available proceeds exemption from the limitations of § 203(c) will retroactively cease to apply to proceeds of such borrowing that were held in the form of liquid foreign balances. Such proceeds should be reported as liquid foreign balances on the amended or subsequent reports on Form FDI–102/102F required to be filed after the disqualification of the borrowing (see § S324–4).

§ S203–8 Available proceeds of long-term foreign borrowing: Effect on positive net transfer of capital.

The introductory statement contained in § B203–8 concerning the prohibition against making a positive net transfer of capital that results in positive direct investment during any year at the end of which a DI holds available proceeds of long-term foreign borrowing in the form of foreign property is modified to read as follows:

Section 203(d)(1) prohibits a DI that elects a § 504 allowable pursuant to § 502 and holds more than $100,000 of available proceeds of long-term foreign borrowing in the form of foreign property at yearend from making a positive net transfer of capital to any scheduled area, to the extent such positive net transfer of capital would result in positive direct investment for such year, unless the positive direct investment is authorized by § 1002. Section 203(d)(1) does not apply to DIs electing the § 503 or § 507 allowables.

For purposes of § 203(d)(1), a DI need not take into account positive direct investment that occurs by reason of interschedular transfers of capital charged against an allowable "downstreamed" pursuant to § 504(d). Under § 505, transfers of capital between AFNs in different scheduled areas are attributed to the DI. Under § 504(d), a DI is permitted to "downstream" unused schedular allowables without limitation. Accordingly, circumstances may arise where, by reason of § 505, positive direct investment charged to a DI in a scheduled area will be authorized only by application of § 504(d). If, as of yearend, the DI holds available proceeds, such positive direct investment would be prohibited by a literal application of § 203(d)(1). However, § 203(d)(1) is construed as being inapplicable to positive direct investment arising from a § 505 transfer of capital that is charged against a DI's § 504(d) allowable.

It should be noted that a positive net transfer of capital to a scheduled area may result from failure to remit earnings of unincorporated AFNs in such scheduled area. To the extent that such positive net transfer of capital would result in positive direct investment, it is prohibited by § 203(d)(1) if the DI holds more than $100,000 of available proceeds in the form of foreign property at yearend and elects a § 504 allowable.

§ S304–4 Foreign nationals.

(iii) *Business ventures.* The description of business ventures contained in § B304–4(iii) is clarified in the following respect: A vessel owned directly by a DI is not a foreign national for the purposes of the regulations, whether or not such vessel is registered in the United States. The transfer of title to a vessel or of rights under a contract for the construction of a vessel by a DI to its incorporated AFN is a transfer of capital under § 312(a) in the amount of the market value of the vessel or of progress payments already made for the construction of the vessel, respectively. Earnings or losses from the operation of a vessel that is owned or chartered by an incorporated AFN are treated as earnings or losses of such AFN. A vessel, support vessel or drilling barge that is owned directly by a DI but operated by a business venture AFN shall be assigned a value of zero (and related liabilities or depreciation charges shall be excluded) in computing aggregate net assets of such business venture.

§ S306–6 Reinvested earnings of incorporated AFNs.

(i) *Total earnings.* The statement contained in § B306–6(i) concerning the computation of total earnings of incorporated AFNs is clarified in the following respect: Extraordinary gains and losses of an incorporated AFN (including gains or losses resulting from the expropriation of assets of the AFN by the government of a foreign country or from sales by the AFN of interests in other AFNs), casualty insurance proceeds to the extent that they exceed the value of the assets lost or damaged and proceeds of business interruption insurance should generally be included in earnings or losses of such AFNs.

§ S312–10 DI's satisfaction of an AFN's debt obligation.

The statement contained in § B312–10 concerning the assumption by a DI of an AFN's obligation is clarified in the following respect: In addition to involving a transfer of capital, a DI's assumption of an AFN's obligation in a transaction in which the AFN is relieved of liability will be deemed a borrowing by the DI from the former creditor of the AFN. The proceeds of such borrowing will be deemed to have been expended in making the transfer of capital involved in the assumption. Such borrowing by the DI may, depending on the facts and circumstances, qualify as long-term foreign borrowing under § 324(a). Thus, if during 1971 a DI assumes the debt obligation of its Schedule C AFN owed to a foreign bank and the AFN is relieved of liability to the foreign bank, the assumption is deemed to be a borrowing by the DI from the foreign bank, and the proceeds of the borrowing are deemed to have been expended in making the transfer of capital to the AFN arising out of the assumption. Such borrowing will qualify as long-term foreign borrowing, and an amount equal to the amount of proceeds deemed expended in making the transfer of capital shall be deducted by the DI in computing its net transfer of capital under § 313(d)(1), to the extent that it is not repaid within 12 months from the date of the assumption.

§ S312–11 Repayment of a DI's long-term foreign borrowing.

The material contained in § B312–11 concerning repayment of long-term foreign borrowing is supplemented as follows:

Repayment by an AFN of a DI's long-term foreign borrowing is a transfer of capital by the DI under § 312(a)(7) to the same extent and in the same manner as if the repayment had been made by the DI. Such repayment by an AFN also involves a transfer of capital by the AFN under § 312(b)(6). If a portion of the proceeds of long-term foreign borrowing has been expended or allocated, while the remainder constitutes available proceeds, a partial repayment by an AFN of such long-term foreign borrowing shall be treated first as a reduction of available proceeds (until the available proceeds are reduced to zero) and then as a transfer of capital under § 312(a)(7). See § B324–11. To the extent that any repayment by an AFN of a DI's long-term foreign borrowing reduces available proceeds, the transfer of capital by the AFN under § 312(b)(6) will exceed the transfer of capital by the DI under § 312(a)(7) involved in such repayment.

It should be noted that the transfer of capital under § 312(b)(6) is from the scheduled area in which the AFN making the repayment is located, while the transfer of capital under § 312(a)(7) is deemed to have been made to the scheduled area(s) in which proceeds of the DI's borrowing were expended or allocated at the time of the repayment.

Thus, if a DI made a long-term foreign borrowing of $5 million and expended $3 million of the proceeds in a loan to a Schedule C AFN, a $4 million repayment of such borrowing by a Schedule A AFN would reduce available proceeds from $2 million to zero and would involve two transfers of capital: A transfer of capital in the amount of $4 million from Schedule A under § 312(b)(6), and a transfer of capital in the amount of $2 million to Schedule C under § 312(a)(7).

§ S312–12 Lease of property by a DI to an AFN.

The statement contained in § B312–12 concerning subleases is clarified in the following respect: A sublease by a DI to an AFN of property that was leased by the DI from an unaffiliated foreign national involves a transfer of capital only to the extent that the annual rental paid by the AFN to the DI is less than that paid by the DI to the lessor. See § B312–12, Example 4. On the other hand, a sublease to an AFN of property leased by the DI from a U.S. person is treated in the same manner as a lease by the DI to its AFN, i.e., the sublease is treated as a transfer of capital to the AFN (in the amount of the market value of the property at the time of the sublease) if the property has a useful life at the time of the sublease of 1 year or more and is not required or expected to be returned to the DI in less than 1 year.

§ S312–13 Inducements for loans to a DI or to an AFN.

The material contained in § B312–13 concerning inducements for loans to a DI or AFN is supplemented as follows: An AFN's pledge, hypothecation or transfer of foreign balances or equity securities of a foreign corporation (other than securities of an AFN) in connection with a loan by a foreign national to another AFN of the same DI will involve a transfer of capital to the DI by the AFN making the pledge, hypothecation or transfer and a transfer of capital by the DI to the AFN receiving the loan, if either AFN is an affiliate of the DI. See § 505. The amount of both transfers of capital will be the lesser of (a) the value of the foreign balances or equity securities or (b) the amount borrowed by the second AFN. Thus, if DI's wholly owned AFN in Scheduled Area C pledges $800,000 with a foreign bank to secure a borrowing in the amount of $1 million by an AFN of the DI located in Scheduled Area A, the pledge will involve a transfer of capital from Scheduled Area C to the DI in the amount of $800,000 and from the DI to Scheduled Area A in the same amount.

§ S312–15 Transfers of capital by an AFN to a DI.

The material contained in § B312–15 concerning transfers of capital by an AFN to a DI is supplemented by the following subsection:

(iv) *Breach of warranty.* Payments to a DI resulting from breach of warranty or representations made by an unaffiliated foreign national seller in connection with the acquisition by the DI of an AFN are deemed to involve transfers of capital by the AFN to the DI.

§ S312–16 Sale of an AFN to an unaffiliated foreign national with deferred payment.

The material contained in § B312–16 concerning deferred payment sales of AFNs is supplemented as follows: If a DI receives a debt obligation of a foreign government or agency thereof as compensation for the expropriation of an AFN, no transfer of capital will result from the expropriation until the debt obligation is paid, or is sold by the DI to an unaffiliated foreign national for cash or other property (other than a debt obligation), or is sold by the DI to a bank or other financial institution subject to the Federal Reserve Board Foreign Credit Restraint Program and charged against the ceiling of such bank or institution under such Program. Such transfer of capital will be in the amount paid, in the amount of cash or property (other than another debt obligation) received from the unaffiliated foreign national or in the amount received from the bank or nonbank financial institution and charged against its ceiling or treated as a covered asset.

§ S312–18 Certain transactions not involving a transfer of capital; § 312(c).

(i) *Acquisition of an interest in an AFN by one DI from another DI and merger of DIs.* The material contained in § B312–18 concerning the treatment under § 312(c)(1) of the acquisition of an interest in an AFN by one DI from another DI and the merger of two or more DIs is modified to read as follows:

The transfer of an interest in an AFN by one DI to another DI may occur (i) in connection with the acquisition of such interest by one DI from the other DI, or (ii) in connection with some form of combination of two or more DIs. The acquisition of an interest in an AFN by one DI from another DI is treated under § 312(c)(1)(i); the combination of two or more DIs is treated under § 312(c)(1)(ii). Neither the acquisition nor the combination involves a transfer of capital, although the reporting requirement will vary depending upon the type of transaction between DIs.

When a DI acquires an equity interest in an AFN from another DI, there is no transfer of capital by either of the DIs, and the filing of Forms FDI–107 (formerly revised Forms FDI–101 and FDI–102F for the preceding year) by the acquiring and divesting DIs is required only if the DIs determine to transfer base period direct investment and prior years' annual earnings corresponding to the interest in the AFN being transferred. A condition for the transfer of such historical investment experience from the divesting to the acquiring DI is that all direct investment in the year of acquisition that corresponds to the interest transferred is deemed to have been made by the acquiring DI.

Form FDI–107 is a short form and contains the entries that are necessary to transfer historical investment experience and related allowables that may be available to the DIs under §§ 504 and 506. It should be used in connection with § 312(c)(1)(i) acquisitions occurring on or after June 1, 1971, and its use is recommended in connection with such acquisitions occurring during the period April 1 through May 31, 1971. The filing of revised Forms FDI–101 and FDI–102F shall continue to be effective with respect to acquisitions occurring prior to June 1, 1971.

If historical investment experience corresponding to the interest transferred is to be transferred from the divesting to the acquiring DI, Form FDI–107 must be filed by each DI on or before the end of the month following the close of the calendar quarter during which the transfer occurred. Whether or not Forms FDI–107 are filed, the acquiring and divesting DIs are required to report the change in ownership interest in an AFN on Supplement B to the next Form FDI–102 or FDI–102F filed by each DI.

As set forth in § 312(c)(1)(i), the result of filing Forms FDI–107 is that direct investment in the base period and the entire year of the acquisition which corresponds to the interest transferred is deemed to have been made by the acquiring DI, and annual earnings in the preceding year which correspond to the interest transferred are attributed to the acquiring DI. Deeming the direct investment in the base period to have been made by the acquiring DI effectively transfers, along with the interest in the AFN, the amount of historical allowable (§ 504(a)) that is based on such interest. Similarly, attributing annual earnings during the preceding year to the acquiring DI effectively transfers, along with the interest in the AFN, the amount of earnings allowable (§ 504(b)) and possible adjustment to historical allowable (§ 504(c)) that are based on such interest. In addition, the attribution to the acquiring DI of annual earnings in 1966 and 1967 corresponding to the interest transferred will affect the calculation of incremental earnings allowables (§ 506) that may be available to the acquiring and divesting DIs.

The filing of Form FDI–107 in the case of an acquisition of an interest in an AFN by one DI from another DI does not affect the following calculations: the amount of liquid foreign balances that may be held by either DI (§ 203(c)); carryforward and Schedule C reinvestment allowables (§ 504 (d), (e) and (f)).

In determining the amount of direct investment that corresponds to an equity interest in an AFN that is acquired by a DI from another DI, no deduction (under § 203(d) (2) or (3), § 306(e)(1), or § 313(d)(1)) for expenditure of proceeds of long-term foreign borrowing during the base period, or expenditure or allocation of such proceeds during the year of transfer, shall be made unless the acquiring DI assumes the obligation to repay the borrowing. If the acquiring DI does assume such obligation, the deduction in computing direct investment is limited to the amount assumed by the acquiring DI, and the subsequent repayment of the borrowing will involve a transfer of capital under § 312(a)(7) by the acquiring DI. It should be noted that the repayment of borrowing after the obligation is assumed by an acquiring DI will involve a transfer of capital by such DI under § 312(a)(7), whether or not Forms FDI–107 are filed, to the extent that deductions were made during any period by the divesting DI in respect of such borrowing.

If an acquiring DI assumes an obligation to repay long-term foreign borrowing in connection with its acquisition of an interest in an AFN from another DI, the borrowing is not deemed to have been repaid but the acquiring DI must file a certificate on Form FDI–106 in order for positive direct investment resulting from the subsequent payment of the obligation being assumed to be authorized under § 1002(a). Such certificate should be filed with OFDI on or before the end of the month following the close of the calendar quarter during which the acquisition took place (together with Form FDI–107 if such form is filed) and should identify the original certificate being replaced and indicate that it is being filed in connection with a § 312(c)(1) transaction. The information in Items II through V of Form FDI–106 filed by the acquiring DI, including the date of the borrowing, will presumably remain the same as on the original certificate. In Item VI, the acquiring DI should certify on the basis of its own position with respect to the regulations and allowables thereunder.

When Forms FDI–107 have been filed by the acquiring and divesting DIs in connection with the transfer between them of an equity interest in an AFN, dividends that correspond to the interest that was transferred are reported as follows: Such dividends that were paid to the divesting DI during the base period are reported by the acquiring DI on Form FDI–107 in accordance with the manner in which the divesting DI elected to report dividends. Such dividends that were paid during the first 60 days of the year of transfer to a divesting DI which made the 60-day dividend election are reported by the divesting DI on Form FDI–102F for the preceding year. Such dividends that were paid during the first 60 days of the year of transfer to a divesting DI which did not make the 60-day dividend election are reported by the acquiring DI as having been paid during the year of transfer, whether or not the acquiring DI made the 60-day dividend election. Such dividends that were paid to the divesting DI after the first 60 days of the year of transfer are reported for such year by the acquiring DI. Such dividends that were paid to the acquiring DI during the year of transfer are reported by the acquiring DI in accordance with the manner in which the acquiring DI elected to report dividends.

If Forms FDI–107 are not filed within the prescribed period by both DIs in connection with the acquisition of an equity interest in an AFN by one DI from another DI, such acquisition will still not involve a transfer of capital and there will be no transfer of historical investment experience corresponding to the interest transferred. Earnings of the AFN during the year of transfer that correspond to the interest transferred should be prorated between the DIs on the basis of the fraction of the year during which the interest was held by each DI. Dividends are reported by the DI to which they were paid by the AFN in accordance with the manner in which such DI has elected to report dividends. Each DI should report the net transfer of capital that was actually made by it to the AFN during the year of transfer.

Prior specific authorizations issued to acquiring and divesting DIs will continue to be applicable except in cases where a § 312(c)(1)(i) transaction affects the amount of a specific authorization as the result of a change in a DI's Subpart E allowables. In such instances, OFDI should be consulted as to the continuing applicability of the specific authorization.

When two or more DIs combine by merger, consolidation, reorganization or otherwise, no transfer of capital is involved and the surviving DI is required to file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the combination occurs. The filing of revised Forms FDI–101 and FDI–102F shall continue to be effective with respect to combinations of DIs occurring prior to June 1, 1971. Form FDI–107 should be used in connection with combinations occurring on or after June 1, 1971, and its use is recommended in connection with combinations occurring during the period April 1 through May 31, 1971. In the following discussion, DIs that combine are referred to as "merging DIs", and a DI that results from a combination is referred to as the "surviving DI".

On Form FDI–107, the surviving DI shall report the aggregate amount of direct investment made by the merging DIs during the base period, the aggregate amount of annual earnings attributed to the merging DIs during 1966, 1967, and the year preceding the year in which the combination occurs, and the amount of liquid foreign balances held by the merging DIs during 1965, 1966, and 1967. Historical earnings and incremental earnings allowables that are available to the surviving DI, and the amount of liquid foreign balances that may be held at the end of any month by the surviving DI, will be based on the aggregate figures reported on Form FDI–107. In addition, carryforward and Schedule C reinvestment allowables that would have been authorized under § 504 (d), (e) and (f) to the merging DIs during the year in which the combination occurs will be authorized to the surviving DI if it elects § 504 allowables.

A borrowing made by merging DI and assumed by the surviving DI is not considered to have been repaid as a result of the combination. A new certificate on Form FDI–106 with respect to long-term foreign borrowing or overseas borrowing is not required to be filed by the surviving DI in order for positive direct investment resulting from repayment to be authorized under § 1002(a). The repayment by the surviving DI of a borrowing in connection with which deductions were made by the merging DIs (under § 203(d) (2) or (3), § 306(e)(1) or § 313(d)(1)) will involve transfers of capital under § 312 (a)(7) as though such deductions had been made by the surviving DI. Repayment charges incurred under § 1003 by the merging DIs are deemed to have been incurred by the surviving DI, and corresponding reductions in the allowables of the merging DIs that would have been made in the year in which the combination occurs shall instead be made in the allowables of the surviving DI. Transfers of capital that would have been recognized by the merging DIs in the year in which the combination occurs as the result of conversions in the preceding year shall be recognized and included in calculating direct investment by the surviving DI.

Dividends paid by AFNs to merging DIs during the base period are reported by the surviving DI on Form FDI–107 in accordance with the manner in which the respective DIs which received such dividends elected to report them. Dividends paid during the first 60 days of the year in which the combination occurs by an AFN to a merging DI that made the 60-day dividend election are reported by such merging DI on Form FDI–102F for the preceding year. Dividends paid during the first 60 days of the year in which the combination occurs by an AFN to a merging DI that did not make the 60-day dividend election, and all dividends paid by AFNs to merging DIs after the first 60 days of such year, are reported for such year by the surviving DI, whether or not the surviving DI is deemed to have made the 60-day dividend election.

Dividends paid by an AFN to the surviving DI during the first 60 days of the year in which the combination occurs are reported for the preceding year by the merging DI in respect of whose former interest such dividends were paid, provided such merging DI made the 60-day dividend election. All dividends paid to the surviving DI by AFNs during the first 60 days of the year in which the combination occurs in respect of former interests of a merging DI which did not make the 60-day dividend election, and all dividends paid by AFNs to the surviving DI after the first 60 days of such year, are reported for such year by the surviving DI, whether or not the surviving DI is deemed to have made the 60-day dividend election.

The surviving DI shall be deemed to have elected to report dividends in the manner that was elected, and (for the year preceding the year during which the combination occurred) to have made the election of allowables under § 502(a) that was made (for such preceding year), by the merging DI which has made the largest amount of aggregate positive direct investment since the effective date of thc Foreign Direct Investment Program (January 1, 1968)..Such deemed election of allowables shall be binding on the surviving DI in the year in which the combination occurs and thereafter to the extent provided under § 502 (b), (c) and (d). For the purposes of this paragraph, aggregate positive direct investment shall be calculated by adding net transfers of capital plus reinvested earnings of incorporated AFNs, without deductions for the expenditure or allocation of proceeds of long-term foreign borrowing.

OFDI should be consulted as to the applicability of any outstanding specific authorizations (and conditions thereto) that were issued to merging DIs prior to the combination. Also, DIs are advised that violations of the regulations by merging DIs will ordinarily be treated by OFDI as having been committed by the surviving DI, and compliance remedies that have been imposed but not satisfied when a combination occurs will be invoked against the surviving DI.

If a DI acquires a debt obligation of an AFN from another DI in the same AFN, no transfer of capital is involved and no transfer of historical investment experience between the DIs may be made.

(ii) *Transfer of intangibles*. The material contained in § B312–18 of the 1970 General Bulletin concerning the transfer of intangibles is supplemented as follows: If the law of a foreign country does not permit a DI to acquire an equity interest in an AFN in exchange for intangibles, a two-step transaction in which the DI sells the intangibles to the AFN for cash and thereupon purchases an equity interest in the AFN with the cash generated by the sale of intangibles, or the DI purchases an equity interest in the AFN for cash and the AFN thereupon purchases the intangibles from the DI with the cash generated by the sale of its stock to the DI, shall be considered a transfer of the intangibles in exchange for the equity interest. If the intangibles qualify under § 312(c)(11), the transfer will not involve a transfer of capital by the DI.

§ S313–3 Net transfer of capital to unincorporated AFNs.

(ii) *Rules applicable to § 313(b)*. The material contained in § B313–3(ii) concerning the calculation of the increase or decrease in net assets of an unincorporated AFN is supplemented as follows: An increase or decrease in branch assets resulting from the expropriation of assets of an unincorporated AFN by a government or government agency of a foreign country shall be included in the computation of the net increase or net decrease in branch assets of such AFN if the gain or loss arising from such expropriation has been recognized by the DI in computing its net income for the year in accordance with accounting principles generally accepted in the United States and consistently applied.

Debt obligations issued by the government or government agency of a foreign country in exchange for assets of an unincorporated AFN must be included in the computation of the net increase or net decrease in branch assets of such AFN. If a gain or loss is recognized by the DI upon the acquisition of such debt obligations in computing its net income for the year of exchange, such gain or loss may be included in the computation of the net increase or net decrease in branch assets of the unincorporated AFN.

§ S324–4 Definition of long-term foreign borrowing.

The material contained in § B324–4 concerning borrowings made on or after May 1, 1970, is supplemented as follows: If a DI treats proceeds of a foreign borrowing as proceeds of long-term foreign borrowing on its annual report Form FDI–102F for any year and the borrowing does not thereafter meet the requirements of § 324(a)(2) by reason of a repayment within 12 months, the DI must file an amended Form FDI–102F within 30 days after such repayment showing revised direct investment and liquid foreign balance entries as necessary to reflect the retroactive disqualification of the borrowing. If a borrowing that is retroactively disqualified has not been treated as long-term foreign borrowing on Form FDI–102F for any year but has been so reported on a quarterly report Form FDI–102, the next report on Form FDI–102/102F required to be filed after repayment of the borrowing should show direct investment and liquid foreign balance entries reflecting the disqualification.

§ S801–2 Procedures.

Applications for specific authorizations or exemptions or for interpretive opinions must comply with the Revised Instructions for Submitting Applications for Specific Authorizations or Exemptions or for Interpretive Opinions issued by OFDI on February 23, 1971.

§ S1002–2 Standard Certificate Form FDI–106.

In order for positive direct investment attributable to the repayment by a DI of long-term foreign borrowing or borrowing by an AFN to be authorized under § 1002(a), a certificate on Form FDI–106 must be filed with OFDI not later than 10 days after the date of borrowing by the DI or its guarantee of borrowing by an AFN.

[FR Doc.71–7180 Filed 5–25–71;8:45 am]

PART 1000—FOREIGN DIRECT INVESTMENT REGULATIONS

Miscellaneous Amendments

EDITORIAL NOTE: The Foreign Direct Investment Regulations (the "regulations") appear in Title 15, Chapter X, Part 1000 of the Code of Federal Regulations ("CFR"). Thus, all sections of the regulations contained in CFR are preceded by the designation "1000" (e.g., § 1000.312). The "1000" prefix has, for convenience, been eliminated from the section references contained in this notice. The abbrevations "DI" and "AFN" are used in this notice to refer to "direct investor" and "affiliated foreign national."

Notice is hereby given that the Office of Foreign Direct Investments ("OFDI") has promulgated amendments to the Foreign Direct Investment Regulations. Because these amendments are liberalizing or technical in nature, publication in proposed form is not deemed necessary in the public interest.

The amendments are summarized as follows:

1. Sections 306(b) and 1302(d) are amended to delete references to the calculation of a DI's share in reinvested earnings during the year 1964, since the calculation of reinvested earnings in that year is no longer relevant to the determination of a DI's allowables under section 504(a) of the regulations.

2. Section 312(c)(1) is amended to clarify the treatment and effect under the regulations of an acquisition of an equity or debt interest in an AFN by one DI from another DI, or a merger of two or more DIs, and to provide for the filing of a new short Form FDI–107 (replacing revised Forms FDI–101 and FDI–102F for the preceding year) to reflect such an acquisition or merger. Amended section 312 (c)(1) requires the filing of Form FDI–107 in connection with transactions occurring on or after June 1, 1971, in the instances in which the revised forms previously were required. This section is discussed in greater detail in Supplement No. 1 to the 1970 General Bulletin, which is being published in the FEDERAL REGISTER concurrently herewith.

3. Section 602(b) is amended to delete obsolete material and to list forms currently used for reporting to OFDI.

4. Sections 905(b)(2)(iii) and 906(b)(3)(iv) are amended to reflect the increase from $1 million to $2 million of the section 503 and section 507(a)(1) allowables pursuant to amendments to the regulations published in the FEDERAL REGISTER on January 21, 1971 (36 F.R. 975).

5. Section 1002(b) is amended to clarify the time requirement for filing certificates on Form FDI–106.

The text of the amendments is as follows:

1. Section 1000.306(b) is amended to read as follows:

§ 1000.306 Positive and negative direct investment.

* * * * *

(b) A direct investor's share in the total reinvested earnings of all incorporated affiliated foreign nationals in any scheduled area during any period means the direct investor's share in the total earnings or losses during such period of such incorporated affiliated foreign nationals (computed in accordance with paragraph (c) of this section) less an amount (which may be positive or negative) obtained by subtracting (1) the sum of (i) the direct investor's share of all dividends paid during such year to such affiliated foreign nationals by incorporated affiliated foreign nationals of the direct investor in other scheduled areas and (ii) the direct investor's share of all earnings remitted during such year to such affiliated foreign nationals by unincorporated affiliated foreign nationals of the direct investor in other scheduled areas from (2) the sum of (x) all dividends paid during such year by such affiliated foreign nationals to the direct investor and (y) the direct investor's share of all dividends paid during such year by such affiliated foreign nationals to affiliated foreign nationals of the direct investor in other scheduled areas: *Provided*, That, in calculating a direct investor's share in the total reinvested earnings of incorporated affiliated foreign nationals for any year (including the years 1965 and 1966), a direct investor may elect, in such manner as the Secretary may determine, to treat dividends paid within 60 days after the end of the year as having been paid during such year.

* * * * *

2. Section 1000.312(c)(1) is amended to read as follows:

§ 1000.312 Transfers of capital.

* * * * *

(c) * * *

(1) (i) An acquisition by a direct investor described in paragraph (a)(1) of this section if the acquisition is from a person within the United States acting for its own account and such person was, immediately prior to the acquisition, a direct investor in the affiliated foreign national. If the acquisition is of an equity interest and the acquiring and divesting direct investors each file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the acquisition occurs, direct investment made by the divesting direct investor in 1965, 1966, and the year of the acquisition that corresponds to the interest transferred shall be deemed to have been made by the acquiring direct investor (except that the provisions of §§1000.203(d) (2) and (3), 1000.306(e) (1) and 1000.313(d)(1) shall be disregarded in calculating such direct investment unless the acquiring direct investor shall have assumed the obligation to repay long-term foreign borrowing in connection with which deductions under such sections were made), and annual earnings (as defined in § 1000.504(b)(4)) in 1966, 1967, and the year immediately preceding the year of acquisition that correspond to the interest transferred shall be attributed to the acquiring direct investor.

(ii) A transfer of capital shall not be deemed to occur in connection with or as the result of any combination (by merger, consolidation, reorganization or otherwise) of two or more direct investors. The surviving direct investor shall file Form FDI–107 on or before the end of the month following the close of the calendar quarter during which the combination occurs. The aggregate amount of direct investment made and liquid foreign balances held by each of the direct investors involved in the combination in 1965, 1966, and the year in which the combination occurs shall be deemed to have been made or held by the surviving direct investor, and the aggregate amount of annual earnings (as defined in § 1000.504(b)(4)) of each of the direct investors involved in the combination in 1966, 1967, and the year immediately preceding the year in which the combination occurs shall be attributed to the surviving direct investor.

3. Section 1000.602(b) is amended to read as follows:

§ 1000.602 Reports.

* * * * *

(b) In addition to such other reports as may be required under paragraph (a) of this section, the following reports are required to be filed by direct investors with the Office of Foreign Direct Investments, Department of Commerce, Washington, D.C. 20230:

(1) *Form FDI–101, Base Period Report*. Each direct investor must file this report on or before the end of the month following the close of the calendar quarter during which it becomes a direct investor, unless the direct investor is exempt from filing as provided in the instructions to this report. If an exemption from filing ceases to apply to a direct investor, such direct investor must file this report on or before the end of the month following the close of the calendar quarter during which the exemption ceases to apply.

(2) *Form FDI–102, Cumulative Quarterly Report*. Each direct investor must file this report (on Form FDI–102/102F) within 45 days after the close of each quarter of the calendar year, unless such filing is waived by OFDI or the direct investor is exempt from filing as provided in the instructions to this report.

(3) *Form FDI–102F, Annual Report*. Each direct investor must file this report (on Form FDI–102/102F) for each year on or before April 30 of the succeeding year, unless the direct investor is exempt from filing a Base Period Report on Form FDI–101 as provided in the instructions to such report.

(4) *Form FDI–102F/S, Annual Report: Short Form*. If a direct investor elects pursuant to § 1000.502(a) (1) or (4) to be governed by the provisions of § 1000.503 or § 1000.507 and satisfies other criteria specified in the instructions to this report, it may file its Annual Report on Form FDI–102F/S in lieu of Form FDI–102F on or before April 30 of the year succeeding the year for which the report is filed.

(5) *Form FDI–105, AFN Financial Structure and Related Data*. Each direct investor must file this report on or before the date specified in the instructions to this report and published in the FEDERAL REGISTER at the time the form is distributed or made available.

(6) *Form FDI–106, Standard Certificate for Repayment of Borrowings Made on or after May 1, 1970*. In order for positive direct investment resulting from the repayment of borrowing made by a direct investor or its affiliated foreign national to be authorized under Subpart J of this part, a certificate on Form FDI–106 must be filed not later than 10 days after the direct investor makes the borrowing or guarantees the borrowing by its affiliated foreign national.

(7) *Form FDI–107, Adjusted 1965–67 Base Period and Prior Years' Annual Earnings Report for DIs Engaging in § 312(c)(1) Transactions*. If the filing of Forms FDI–107 is elected under § 1000.312(c)(1)(i), this report must be filed by the acquiring and divesting direct investors on or before the end of the month following the close of a calendar quarter during which the acquisition occurred. The surviving direct investor is required by § 1000.312(c)(1)(ii) to file this report on or before the end of the month following the close of the calendar quarter during which a combination of direct investors occurred.

* * * * *

4. Section 1000.905(b)(2)(iii) is amended to read as follows:

§ 1000.905 Associated groups.

* * * * *

(b) * * *

(2) * * *

(iii) If one or more members of an associated group elect § 1000.503 and one or more other members of the group elect § 1000.507, for any year commencing with the year 1971, positive direct investment by such members in group affiliated foreign nationals shall not be authorized by § 1000.503 or § 1000.507, unless the algebraic sum of the following is not in excess of $2 million: Aggregate direct investment made during the year pursuant to § 1000.503 in all group affiliated foreign nationals by the members electing § 1000.503 plus aggregate direct investment made during the year pursuant to § 1000.507 (a)(1) and (b) in all group affiliated foreign nationals by the members electing § 1000.507.

* * * * *

5. Section 1000.906(b)(3)(iv) is amended to read as follows:

§ 1000.906 Ownership of direct investors.

* * * * *

(b) * * *

(3) * * *

(iv) If one or more consenting owners elect § 1000.503 and one or more other consenting owners elect § 1000.507, for any year commencing with the year 1971, positive direct investment made (or deemed to have been made under subdivision (i) of this subparagraph) by such consenting owners in affiliated foreign nationals of the principal direct investor shall not be authorized by § 1000.503 or § 1000.507, unless the algebraic sum of the following is not in excess of $2 million: Aggregate direct investment made or deemed to have been made during the year pursuant to § 1000.503 in all affiliated foreign nationals of the principal direct investor by all consenting and nonconsenting owners that elect § 1000.503 plus aggregate direct investment made or deemed to have been made during the year pursuant to § 1000.507 (a)(1) and (b) in all affiliated foreign nationals of the principal direct investor by all consenting and nonconsenting owners that elect § 1000.507.

* * * * *

6. Section 1000.1002(b) is amended to read as follows:

§ 1000.1002 Transfers of capital in connection with repayment of borrowings.

* * * * *

(b) The certificate required by subparagraphs (5) and (6) of paragraph (a) of this section shall (after June 9, 1969) be made on Form FDI–108, and shall, except as otherwise provided in paragraph (e)(3) of this section, be delivered to the Secretary not later than 10 days after the date of the borrowing by the direct investor or the date of the guarantee of the borrowing by the affiliated foreign national, as the case may be. It shall be executed by the direct investor or a duly authorized representative of the direct investor, shall state the amount of the borrowing, and the amount of the required principal repayment, shall identify the lender (or the managing underwriter, if the borrowing involves a public offering), and shall certify as follows:

(1) If the direct investor believes, on the basis of all facts and circumstances existing when the certificate is delivered to the Secretary, that it will not make any transfers of capital in connection with repayment of the borrowing within 7 years after the date of the borrowing (or the date of the guarantee, if the borrowing is by an affiliated foreign national), the certificate shall state such belief and the reasons therefor.

(2) If the direct investor believes, on the basis of all facts and circumstances existing when the certificate is delivered to the Secretary, that it will make transfers of capital in connection with repayment of the borrowing within the aforesaid 7-year period, but also believes, on the basis of such facts and circumstances, that no positive direct investment by the direct investor in any scheduled area during any year will result in whole or in part from such transfers, or that any positive direct investment in any scheduled area which does result from such transfers will be authorized by this part (otherwise than by this section), the certificate shall state such beliefs and the reasons therefor.

* * * * *

7. Section 1000.1302(d) is amended to read as follows:

§ 1000.1302 Foreign air transport allowable.

* * * * *

(d) A direct investor governed by this section shall recalculate the amount of positive direct investment authorized to be made in any year commencing with the year 1971 under § 1000.504 (a) and (b) to exclude from the calculation of direct investment during the years 1965 and 1966 under § 1000.504(a), and from the calculation of annual earnings during any year under § 1000.504(b)(4), transfers of capital primarily related to the direct investor's operations in foreign air transportation, aggregate annual foreign air transport earnings and all component accounts and charges associated with such earnings, and all reserves or charges against earnings associated with such transfers.

* * * * *

8. The amendments hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER (5–26–71) and shall apply to all direct investment transactions occurring during the year 1971 and succeeding years.

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

DONALD P. KATZ,
Director, Office of
Foreign Direct Investments.

MAY 18, 1971.

[FR Doc.71–7182 Filed 5–25–71;8:45 am]

PART 1050—MISCELLANEOUS RULES

Appearance of Accountants in Certain Proceedings

Notice is hereby given that the Office of Foreign Direct Investments has promulgated amendments to the Foreign Direct Investment Rules of Practice and General Procedures. Sections 1050.101(a) and 1050.102 are amended to permit accountants to appear before the Office of Foreign Direct Investments in certain proceedings on behalf of any person or party involved in such types of proceedings.

These amendments are purely liberalizing and technical in nature and are being published in final form without prior publication in proposed form.

The text of the amendments is as follows:

1. Section 1050.101(a) is amended to read as follows:

§ 1050.101 Appearances.

(a) * * *

(3) Accountants who are authorized to practice in any State or territory of the United States are eligible to appear before the Office on behalf of any person or party in matters arising under Part 1025 or 1040 of this chapter.

2. Section 1050.102 is amended to read as follows:

§ 1050.102 Standards of conduct.

(a) All attorneys practicing before the Office shall conform to the standards of ethical conduct required of practitioners in the courts of the United States. Accountants who prepare reports or other documents for submittal to the Office or who appear before the Office shall conform to the standards of ethical conduct prescribed by the State Board of Accountancy or other licensing authority for the State in which such accountant maintains his principal place of business.

(b) If the Office has reason to believe that any person is not conforming to such standards, or that he has been otherwise guilty of conduct warranting disciplinary action, the Office may issue an order requiring such person to show cause why he should not be suspended or disbarred from practice or appearance before, or from the preparation of reports or other documents for submittal to, the Office. The alleged offender shall be granted due opportunity to be heard and may be represented by counsel. Thereafter, if warranted by the facts, the Office may issue against the person an order of reprimand, suspension, disbarment, or other appropriate sanction.

Effective date. The amendments hereby adopted shall be effective as of the date of publication in the FEDERAL REGISTER (5–26–71).

(Sec. 5, Act of Oct. 6, 1917, 40 Stat. 415, as amended, 12 U.S.C. 95a; E.O. 11387, Jan. 1, 1968, 33 F.R. 47)

DONALD P. KATZ,
Director, Office of
Foreign Direct Investments.

MAY 18, 1971.

[FR Doc.71–7181 Filed 5–25–71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES AND RULES OF PRACTICE

PART 0—STANDARDS OF CONDUCT

Miscellaneous Amendments

The following sections, as published in the FEDERAL REGISTER on September 20, 1967 (32 F.R. 13272), are amended to accord with the Statement of Organization published June 30, 1970 (35 F.R. 10627) as amended July 23, 1970 (35 F.R. 11827); with the reorganization of the Office of the Executive Director published March 13, 1971 (36 F.R. 4918); and with the redesignation of field offices of the Commission as Regional Offices and the Attorneys-in-Charge thereof as Regional Directors published May 18, 1971 (36 F.R. 9044). These amendments shall become effective on the date of their publication in the FEDERAL REGISTER (5–26–71).

Subpart A—General Provisions

Section 0.735–5 is amended to read as follows:

§ 0.735.5 Interpretation and advisory service.

The Executive Director shall serve as counselor for the Commission on matters covered by the regulations in this part. Deputy counselors shall be the Assistant Executive Director for Administration and the Regional Director of each Regional Office. The counselor and deputy counselors shall be responsible for giving authoritative advice and guidance to each employee and special Government employee who seeks such advice or guidance on questions of conflicts of interest or other matters pertaining to the regulations in this part.

Subpart D—Statement of Employment and Financial Interests

Section 0.735–32 is amended to read as follows:

§ 0.735–32 Employees required to submit statements.

(a) The following employees shall submit statements of employment and financial interests:

(1) The Executive Director, the Assistant Executive Director for Administration, the Assistant Executive Director for Field Management and the Assistant Executive Director for Legal Coordination.

(2) The General Counsel and the Assistant General Counsels.

(3) Hearing Examiners.

(4) The Secretary of the Commission.

(5) The Director of Policy Planning and Evaluation.

(6) Bureau Directors and Assistant Bureau Directors.

(7) The Director of Public Information.

(8) Regional Directors of the Regional Offices.

(b) An employee who feels that his position has been improperly designated as one requiring the submission of a statement of employment and financial interests has recourse to the Commission's grievance procedures set forth in chapter 5–771 of the Commission's Administrative Manual.

Section 0.735–39 is amended to read as follows:

§ 0.735–39 Confidentiality of employees' statements.

Each statement of employment and financial interests, and each supplementary statement, shall be held in confidence. Only the Chairman, the Executive Director, and the Assistant Executive Director for Administration are authorized to review and retain the statements. These officials are responsible for maintaining the statements in confidence and shall not allow access to, or allow information to be disclosed from, a statement except to carry out the purpose of this part. Information from a statement shall not be disclosed except as the Civil Service Commission or the Chairman may determine for good cause shown.

Section 0.735–42 is amended to read as follows:

§ 0.735–42 Reviewing statements.

The Executive Director or the Assistant Executive Director for Administration shall review each statement of employment and financial interests to ascertain whether a conflict of interest or an apparent conflict of interest exists. If there is a conflict or apparent conflict, the procedures specified in §§ 0.735–6 and 0.735–7 shall be followed.

(E.O. 11222, 30 F.R. 6469; 3 CFR, 1965 Supp.; 5 CFR 735.104)

By direction of the Commission dated May 20, 1971.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71–7319 Filed 5–25–71;8:50 am]

Title 18—CONSERVATION OF POWER AND WATER RESOURCES

Chapter V—Environmental Protection Agency

PART 602—CERTIFICATION OF FACILITIES

On December 29, 1970, notice of proposed rule making was published in the FEDERAL REGISTER (35 F.R. 19686), setting forth the text of regulations proposed to revise Part 602, relating to certification by the Administrator of the Environmental Protection Agency of both air and water pollution control facilities eligible for accelerated amortization in accordance with section 704 of the Tax Reform Act of 1969, Public Law 91–172.

Pursuant to such notice, written comments were received from interested parties, and, due consideration having been given to all such comments, a number of changes have been made in the rules as proposed. Part 602 to Title 18, Chapter V, as set forth below is hereby adopted.

Effective date. This revision shall become effective on the date of its publication in the FEDERAL REGISTER.

Dated: May 21, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

Sec.
602.1 Applicability.
602.2 Definitions.
602.3 General provisions.
602.4 Notice of intent to certify.
602.5 Applications.
602.6 State certification.
602.7 General policies.
602.8 Requirements for certification.
602.9 Cost recovery.
602.10 Revocation.

AUTHORITY: The provisions of this Part 602 issued pursuant to section 301, 80 Stat. 378, 5 U.S.C. 301, and sec. 704 of the Tax Reform Act of 1969, 83 Stat. 667.

§ 602.1 Applicability.

The regulations of this part apply to certifications by the Administrator of water or air pollution control facilities for purposes of section 169 of the Internal Revenue Code of 1954, as amended, 26 U.S.C. 169. Applicable regulations of the Department of the Treasury are set forth at 26 CFR 1.169 et seq.

§ 602.2 Definitions.

As used in this part, the following terms shall have the meaning indicated below:

(a) "Act" means, when used in connection with water pollution control facilities, the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.) or, when used in connection with air pollution control facilities, the Clean Air Act, as amended (42 U.S.C. 1857 et seq.).

(b) "State certifying authority" means:

(1) For water pollution control facilities, the State health authority, except that, in the case of any State in which there is a single State agency, other than the State health authority, charged with responsibility for enforcing State laws relating to the abatement of water pollution, it means such other State agency; or

(2) For air pollution control facilities, the air pollution control agency designated pursuant to section 302(b)(1) of the Act; or

(3) For both air and water pollution control facilities, any interstate agency authorized to act in place of the certifying agency of a State.

(c) "Applicant" means any person who files an application with the Administrator for certification that a facility is in compliance with the applicable regulations of Federal agencies and in furtherance of the general policies of the United States for cooperation with the States in the prevention and abatement of water or air pollution under the Act.

(d) "Administrator" means the Administrator, Environmental Protection Agency.

(e) "Regional Administrator" means the Regional designee appointed by the Administrator to certify facilities under this part.

(f) "Facility" means property comprising any new identifiable treatment facility which removes, alters, disposes of or stores pollutants, contaminants, wastes, or heat.

(g) "State" means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

§ 602.3 General provisions.

(a) An applicant shall file an application in accordance with this part for each separate facility for which certification is sought: *Provided*, That one application shall suffice in the case of substantially identical facilities which the applicant has installed or plans to install in connection with substantially identical properties: *Provided further*, That an application may incorporate by reference material contained in an application previously submitted by the applicant under this part and pertaining to substantially identical facilities.

(b) The applicant shall, at the time of application to the State certifying authority, submit an application in the form prescribed by the Administrator to the Regional Administrator for the region in which the facility is located.

(c) Applications will be considered complete and will be processed when the Regional Administrator receives the completed State certification.

(d) Applications may be filed prior or subsequent to the commencement of construction, acquisition, installation, or operation of the facility.

(e) An amendment to an application shall be submitted in the same manner as the original application and shall be considered a part of the original application.

(f) If the facility is certified by the Regional Administrator, notice of certification will be issued to the Secretary of the Treasury or his delegate, and a copy of the notice shall be forwarded to the applicant and to the State certifying authority. If the facility is denied certification, the Regional Administrator will advise the applicant and State certifying authority in writing of the reasons therefor.

(g) No certification will be made by the Regional Administrator for any facility prior to the time it is placed in operation and the application, or amended application, in connection with such facility so states.

(h) An applicant may appeal any decision of the Regional Administrator which:

(1) Denies certification;

(2) Disapproves the applicant's suggested method of allocating costs pursuant to § 602.8(e); or

(3) Revokes a certification pursuant to § 602.10.

Any such appeal may be taken by filing with the Administrator within 30 days from the date of the decision of the Regional Administrator a written statement of objections to the decision appealed from. Within 60 days, the Administrator shall affirm, modify, or revoke the decision of the Regional Administrator, stating in writing his reasons therefor.

§ 602.4 Notice of intent to certify.

(a) On the basis of applications submitted prior to the construction, reconstruction, erection, acquisition, or operation of a facility, the Regional Administrator may notify applicants that such facility will be certified if:

(1) The Regional Administrator determines that such facility, if constructed, reconstructed, erected, acquired, installed, and operated in accordance with such application will be in compliance with requirements identified in § 602.8; and if

(2) The application is accompanied by a statement from the State certifying authority that such facility, if constructed, reconstructed, acquired, erected, installed, and operated in accordance with such application, will be in conformity with the State program or requirements for abatement or control of water or air pollution.

(b) Notice of actions taken under this section will be given to the appropriate State certifying authority.

§ 602.5 Applications.

Applications for certification under this part shall be submitted in such manner as the Administrator may prescribe, shall be signed by the applicant or agent thereof, and shall include the following information:

(a) Name, address, and Internal Revenue Service identifying number of the applicant;

(b) Type and narrative description of the new identifiable facility for which certification is (or will be) sought, including a copy of schematic or engineering drawings, and a description of the function and operation of such facility;

(c) Address (or proposed address) of facility location;

(d) A general description of the operation in connection with which such facility is (or will be) used and a description of the specific process or processes resulting in discharges or emissions which are (or will be) controlled by the facility;

(e) If the facility is (or will be) used in connection with more than one plant or other property, one or more of which were not in operation prior to January 1, 1969, a description of the operations of the facility in respect to each plant or other property, including a reasonable allocation of the costs of the facility among the plants being serviced, and a description of the reasoning and accounting method or methods used to arrive at such allocation;

(f) Description of the effect of such facility in terms of type and quantity of pollutants, contaminants, wastes or heat, removed, altered, stored, or disposed of by such facility;

(g) If the facility performs a function other than removal, alteration, storage, or disposal of pollutants, contaminants, wastes or heat, a description of all functions performed by the facility, including a reasonable identification of the costs of the facility allocable to removal, alteration, storage, or disposal of pollutants, contaminants, wastes or heat, and a description of the reasoning and the accounting method or methods used to arrive at such allocation;

(h) Date when such construction, reconstruction, or erection will be completed or when such facility was (or will be) acquired;

(i) Date when such facility is placed (or is intended to be placed) in operation;

(j) Identification of the applicable State and local water or air pollution control requirements and standards, if any;

(k) Expected useful life of facility;

(l) Cost of construction, acquisition, installation, operation, and maintenance of the facility;

(m) Estimated profits reasonably expected to be derived through the recovery of wastes or otherwise in the operation of the facility over the period referred to in paragraph (a)(6) of 26 CFR 1.169–2;

(n) Such other information as the Administrator deems necessary for certification.

§ 602.6 State certification.

The State certification shall be by the State certifying authority having jurisdiction with respect to the facility in accordance with 26 U.S.C. 169 (d)(1)(A) and (d)(2). The certification shall state that the facility described in the application has been constructed, reconstructed, erected, or acquired in conformity with the State program or requirements for abatement or control of water or air pollution. It shall be executed by an agent or officer authorized to act on behalf of the State certifying authority.

§ 602.7 General policies.

(a) The general policies of the United States for cooperation with the States in the prevention and abatement of water pollution are: To enhance the quality and value of our water resources; to eliminate or reduce the pollution of the nation's waters and tributaries thereof; to improve the sanitary condition of surface and underground waters; and to conserve such waters for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes, and agricultural, industrial, and other legitimate uses.

(b) The general policy of the United States for cooperation with the States in the prevention and abatement of air pollution is to cooperate with and to assist the States and local governments in protecting and enhancing the quality of the Nation's air resources by the prevention and abatement of conditions which cause or contribute to air pollution which endangers the public health or welfare.

§ 602.8 Requirements for certification.

(a) Subject to § 602.9, the Regional Administrator will certify a facility if he makes the following determinations:

(1) It has been certified by the State certifying authority.

(2) It removes, alters, disposes of, or stores pollutants, contaminants, wastes or heat, which, but for the facility, would be released into the environment.

(3) The applicant is in compliance with all regulations of Federal agencies applicable to use of the facility, including conditions specified in any permit issued to the applicant under section 13 of the Rivers and Harbors Act of 1899, as amended.

(4) The facility furthers the general policies of the United States and the States in the prevention and abatement of pollution.

(5) The applicant has complied with all the other requirements of this part and has submitted all requested information.

(b) In determining whether use of a facility furthers the general policies of the United States and the States in the prevention and abatement of water pollution, the Regional Administrator shall consider whether such facility is consistent with the following, insofar as they are applicable to the waters which will be affected by the facility:

(1) All applicable water quality standards, including water quality criteria and plans of implementation and enforcement established pursuant to section 10 (c) of the Act or State laws or regulations;

(2) Recommendations issued pursuant to section 10 (e) and (f) of the Act;

(3) Water pollution control programs established pursuant to section 3 or 7 of the Act.

(c) In determining whether use of a facility furthers the general policies of the United States and the States in the prevention and abatement of air pollution, the Regional Administrator shall consider whether such facility is consistent with and meets the following requirements, insofar as they are applicable to the air which will be affected by the facility;

(1) Plans for the implementation, maintenance, and enforcement of ambient air quality standards adopted or promulgated pursuant to section 110 of the Act;

(2) Recommendations issued pursuant to sections 103(e) and 115 of the Act which are applicable to facilities of the same type and located in the area to which the recommendations are directed;

(3) Local government requirements for control of air pollution, including emission standards;

(4) Standards promulgated by the Administrator pursuant to the Act.

(d) A facility which removes elements or compounds from fuels which would be released as pollutants when such fuels are burned may not be certified whether or not such facility is used in connection with the applicant's plant or property where such fuels are burned.

(e) Where a facility is used in connection with more than one plant or other property, one or more of which were not in operation prior to January 1, 1969, or where a facility will perform a function other than the removal, alteration, storage or disposal of pollutants, contaminants, wastes, or heat, the Regional Administrator will so indicate on the notice of certification and will approve or disapprove the applicant's suggested method of allocation of costs. If the Regional Administrator disapproves the applicant's suggested method, he shall identify the proportion of costs allocable to each such plant, or to the removal, alteration, storage or disposal of pollutants, contaminants, wastes, or heat.

§ 602.9 Cost recovery.

Where it appears that, by reason of estimated profits to be derived through the recovery of wastes, through separate charges for use of the facility in question, or otherwise in the operation of such facility, all or a portion of its costs may be recovered over the period referred to in paragraph (a)(6) of 26 CFR 1.169–2, the Regional Administrator shall so signify in the notice of certification. Determinations as to the meaning of the term "estimated profits" and as to the percentage of the cost of a certified facility which will be recovered over such period shall be made by the Secretary of the Treasury, or his delegate: *Provided*, That in no event shall estimated profits be deemed to arise from the use or reuse by the applicant of recovered waste.

§ 602.10 Revocation.

Certification hereunder, may be revoked by the Regional Administrator on 30 days written notice to the applicant, served by certified mail, whenever the Regional Administrator shall determine that the facility in question is no longer being operated consistent with the § 602.8 (b) and (c) criteria in effect at the time the facility was placed in service. Within such 30-day period, the applicant may submit to the Regional Administrator such evidence, data or other written materials as the applicant may deem appropriate to show why the certification hereunder should not be revoked. Notification of a revocation under this section shall be given to the Secretary of the Treasury or his delegate. See 26 CFR 1.169–4(b)(1).

[FR Doc.71-7307 Filed 5-25-71;8:49 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Monensin Sodium

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (38–878V) filed by Elanco Products Co., Division of Eli Lilly & Co., providing for the use of an alternate form of monensin as the sodium salt for the previously approved uses. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135e is amended by revising § 135e.50 to read as follows:

§ 135e.50 Monensin; monensin sodium.

(a) *Specifications.* (1) Monensin is the dried mycelial filter cake produced by the fermentation of *Streptomyces cinnamonensis*. Its potency is not less than 50 grams of monensic acid activity per pound of mycelial cake when assayed microbiologically. A minimum of 90 percent of monensin activity is derived from monensin A.

(2) Monensin sodium is the crystalline substance produced by the fermentation of *Streptomyces cinnamonensis*. Its potency is not less than 600 micrograms monensic acid activity per milligram when assayed microbiologically. A minimum of 90 percent monensin activity is derived from monensin A.

(b) *Approvals.* (1) Premix level 44 grams per pound of monensic acid activity from monensin granted to Elanco Products Co., Division of Eli Lilly & Co., Indianapolis, Ind. 46206.

(2) Premix level 44 grams per pound of monensic acid activity from monensin with 18 grams per pound of 3-nitro-4-hydroxyphenyl-arsonic acid granted to Elanco Products Co.

(3) Premix level 110 grams per pound of monensic acid activity from monensin sodium granted to Elanco Products Co.

(c) *Assay limits.* Finished feed not less than 75 percent nor more than 125 percent of labeled amount of monensic acid activity.

(d) *Special considerations.* Finished feed containing monensin should bear an expiration date of 30 days after its date of manufacture.

(e) *Related tolerance.* See § 135g.68 of this chapter.

(f) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Monensin	110 (as monensic acid activity);			For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 72 hours before slaughter.	As an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*.
2. Monensin	do	3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic.	As an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. brunetti*, *E. mivati*, and *E. maxima*; growth promotion and feed efficiency; improving pigmentation.
3. Monensin sodium.	do			For broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 72 hours be-before slaughter.	As an aid in the prevention of coccidiosis caused by *E. necatrix*, *E. tenella*, *E. acervulina*, *E. mivati*, *E. maxima*, and *E. brunetti*.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–26–71).

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i))

Dated: April 19, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-7278 Filed 5-25-71;8:46 am]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146d—CERTIFICATION OF CHLORAMPHENICOL AND CHLORAMPHENICOL - CONTAINING DRUGS

Confirmation of Effective Date of Order Repealing Provisions for Certification of Penicillin, Tetracycline, or Chloramphenicol With Vitamins

An order was published in the FEDERAL REGISTER of February 13, 1971 (36 F.R. 2968), amending the antibiotic drug regulations to repeal provisions for certification of penicillin, tetracycline, or chloramphenicol with vitamins. The order amended §§ 146a.27, 146a.99, 146c.205, 146c.221, 146c.222, and 146d.306 and revoked all antibiotic certificates for such drugs issued thereunder. A correction of a printer's error concerning the amendments to § 146c.221 was published February 24, 1971 (36 F.R. 3413).

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 502, 507, 52 Stat. 1050–51, as amended, 59 Stat. 463, as amended; 21 U.S.C. 352, 357) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), notice is given that no objections were filed to the above-identified order. Accordingly, the amendments promulgated thereby became effective March 25, 1971.

Firms affected by the order will be allowed 30 days after publication hereof in the FEDERAL REGISTER to recall outstanding stocks of the affected drugs. Certification of new stocks has been discontinued.

Dated: May 3, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7279 Filed 5-25-71;8:46 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAXES

[T.D. 7105]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Definition of Pooled Income Fund

Correction

In F.R. Doc. 71-4589 appearing at page 6477 in the issue of Tuesday, April 6, 1971, the following changes should be made in the tables under § 1.642(c)-6(d)(3):

1. In Table G(1) the figure ".37066" representing the 2.4-percent rate of return for age 26 should read ".37069".

2. In Table G(2) the following figures should be changed:

Age	*% Rate of return*	*Reading*	*Should read*
24	3.4	.19911	.1991
60	3.8	.50173	.51073
69	4.6	.598435	.58435
73	5	.62562	.62563
74	5	.64193	.64192
75	5	.66581	.65814
76	5	.69047	.67432
77	5	.24224	.69049
1	5.8	.02842	.02866
2	5.8	.02866	.02873
3	5.8	.02873	.02947
4	6	.02793	.02783
29	6	.09279	.09275
30	6	.09742	.09741

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 332—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES H

PART 342—OFFERING OF UNITED STATES SAVINGS NOTES

Miscellaneous Amendments

Section 332.8, paragraph (a), and § 332.10 of Department Circular No. 905, Fifth Revision, dated December 12, 1969, as amended (31 CFR Part 332), have been amended and revised to read as follows:

§ 332.8 Extended terms and improved yields for outstanding bonds.

(a) *Extended maturity periods*—(1) *General.* The terms "extended maturity period" and "second extended maturity period," when used herein, refer to the intervals after the original maturity dates during which owners may retain their bonds and continue to earn interest thereon. No special action is required of owners desiring to take advantage of any extensions heretofore or herein granted.

(2) *Bonds with issue dates June 1, 1952, through January 1, 1957.* Owners of Series H bonds with issue date of June 1, 1952, through January 1, 1957, may retain their bonds for a second extended maturity period of 10 years.

(3) *Bonds with issue dates February 1, 1957, through November 1, 1965.* Owners of Series H bonds with issue dates of February 1, 1957, through November 1, 1965, may retain their bonds for an extended maturity period of 10 years.

§ 332.10 Redemption or payment.

A Series H bond may be redeemed at par at any time after 6 months from the issue date. The bond must be presented and surrended, with a duly executed request for payment, to (a) a Federal Reserve Bank or Branch, (b) the Office of the Treasurer of the United States, Securities Division, Washington, D.C. 20220, or (c) the Bureau of the Public Debt, Division of Loans and Currency Branch, 536 South Clark Street, Chicago, IL 60605. A bond received by an agent during the calendar month preceding an interest payment date may not be redeemed until that date.

Department Circular, Public Debt Series No. 3-67, Revised, dated June 19, 1968 (31 CFR Part 342), has been amended by insertion of § 342.2a and amendment and revision of paragraph (b), subparagraph (1), of section 342.5, as follows:

§ 342.2a Extension.

Owners who wish to continue their investment beyond maturity may retain their savings notes for a 10-year period after the maturity date and earn interest upon the maturity value of their notes. The investment yield (interest) will be the rate prevailing for Series E bonds being issued at the time the extension begins. Tables showing the yield and the redemption values will be published prior to or as the notes enter their extension. Interest under these provisions will accrue beginning six months after maturity and at the beginning of each successive half-year period thereafter.

§ 342.5 Taxation.

* * * * *

(b) *Federal income tax on notes.* * * *

(1) Defer reporting of the increase to the year of final maturity, actual redemption, or other disposition, whichever is earlier; or

* * * * *

The foregoing amendments and revisions, adopted on April 30, 1971, were effected under authority of sections 18, 20, and 22 of the Second Liberty Bond Act, as amended (40 Stat. 1304, 48 Stat. 343, 49 Stat. 21, all as amended; 31 U.S.C. 753, 754b, 757c) and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: May 20, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-7358 Filed 5-25-71;8:53 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 5A—Federal Supply Service, General Services Administration

PART 5A-1—GENERAL

Publicizing Contract Awards and Agency Responsibility for Conformance With Synopsizing Program for Publicizing Procurement Actions

The table of contents for Part 5A-1 is amended by the deletion of § 5A-1.1004 and by the addition of the following entry:

Sec.
5A-1.1007 Responsibility for conformance with synopsizing program.

Subpart 5A-1.10—Publicizing Procurement Actions

Section 5A-1.1004 is deleted and § 5A-1.1007 is added as follows:

§ 5A-1.1007 Responsibility for conformance with synopsizing program.

Each Regional Director, FSS, and the Directors, Procurement Operations Division, Special Programs Division, and ADP Procurement Division, shall be responsible, within their respective areas of responsibility, for ensuring full compliance with the provisions of FPR 1-1.10 and GSPR 5-1.10.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

Effective date. These regulations are effective June 15, 1971.

Dated: May 19, 1971.

L. E. SPANGLER,
Acting Commissioner,
Federal Supply Service.

[FR Doc.71-7325 Filed 5-25-71;8:50 am]

Chapter 8—Veterans Administration

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter 8 is amended as follows:

PART 8-1—GENERAL

1. In § 8-1.305-3, paragraph (b) is amended to read as follows:

§ 8-1.305-3 Deviations from Federal Specifications.

* * * * *

(b) *Marketing center.* When the essential needs of the Veterans Administration are not adequately covered by an existing Federal Specification, the Chief of the Marketing Division concerned will:

(1) When the required deviation affects only the packing, packaging, marking or labeling, and the item is being purchased for depot stock, coordinating the deviation with the Manager, VA Supply Depot, Hines, Ill., through the Manager, VA Marketing Center. If, in the opinion of the Manager, VA Supply Depot, the proposed deviation will not affect storage, handling or transportation he will advise the Manager, VA Marketing Center, of his concurrence. The Manager, VA Marketing Center, will then approve the deviation.

(2) When the deviation specified in subparagraph (1) of this paragraph is for an item that is not being purchased for depot stock, document his reasons why the deviation is essential, and request the Manager, VA Marketing Center, to approve the deviation. Initial deviations approved under subparagraph (1) of this paragraph or this subparagraph will be reported to the Director, Supply Service, for submission to the General Services Administration.

(3) When the required deviation affects other than packing, packaging, marking, or labeling, coordinate the required deviation with the using service in Central Office. If approved by the using service, a request for authority to deviate will be submitted to the Director, Supply Service, through the Manager, VA Marketing Center, Hines, Ill. It will specify in detail why the specific deviation is essential to the Veterans Administration's operations and be accompanied by a copy of the using service's comments. The appropriate marketing division chief will be advised as to the approval or disapproval of the request. If approved, the Director, Supply Service, will when necessary forward the notice required by FPR 1-1.305-3(b) to the General Services Administration.

PART 8-3—PROCUREMENT BY NEGOTIATION

2. Section 8-3.705 is revised to read as follows:

§ 8-3.705 Procedure.

Contracting officers will request the Director, Internal Audit Service (072), to audit proposed overhear rates for use in cost-reimbursement contracts whenever the estimated amount of the contract is in excess of $100,000. Such requests by field station contracting officers will be submitted through the Director, Supply Service, Central Office. In the case of smaller contracts, the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed rates. He may, if in Central Office, request the Director, Internal Audit Service, to perform an audit or render such accounting assistance or technical advice as is deemed desirable. A field station contracting officer may direct request for such service on smaller contracts to the local fiscal activity serving the contracting officer.

3. Section 8-3.801-3 is revised to read as follows:

§ 8-3.801-3 Responsibility of other personnel.

The Director, Internal Audit Service will provide advice, assistance or cost audits as provided in §§ 8-3.705, 8-3.809, and 8-3.813.

4. In § 8-3.807-3, paragraphs (b), (c), and that portion of (d) preceding subparagraph (1) are amended to read as follows:

§ 8-3.807-3 Requirements for cost or pricing data.

* * * * *

(b) When cost or price data is required and the amount of any negotiated fixed-price or cost-reimbursement contract or contract modification is expected to exceed $100,000, the cost or pricing data, after evaluation by the contracting officer, will be forwarded to the Director, Internal Audit Service (072) for prior audit as to the adequacy, accuracy and applicability of the costs included. Such requests for prior audit will be submitted by field station contracting officers, through the Director, Supply Service.

(c) In the case of smaller contracts the contracting officer will perform a review and validation of the data submitted for accuracy and reasonableness of proposed costs. He may, if in Central Office, request the Director, Internal Audit Service (072) to perform an audit or render such accounting assistance or technical advice as deemed desirable. A field station contracting officer may request such assistance an advice from the local fiscal activity serving the contracting officer.

(d) Cost or pricing data may, but need not, be submitted to the Director, Internal Audit Service (072) for prior audit, for the following transactions:

* * * * *

5. Sections 8-3.809 and 8-813 are revised to read as follows:

§ 8-3.809 Contract audit as a pricing aid.

The Director, Internal Audit Service, or a recognized audit agency, e.g., the Defense Contract Audit Agency, at the request of the Director, Internal Audit Service, will provide advisory audits, special surveys or audit analysis of price or cost, when required by this Subpart 8-3.8 or when assistance is requested by the contracting officer.

§ 8-3.813 Preproduction and startup and other nonrecurring costs.

In evaluating startup and other nonrecurring costs, the extent to which these costs are included in the proposed price and the intent to absorb or recover any such costs in any future noncompetitive procurement or other pricing action will be determined. The contracting officer will ascertain, with the assistance of the Director, Internal Audit Service, as required or considered necessary, that payment of such costs is not duplicated. For example, cost of equipment paid for by the Government through a setup or connection agreement will not be included in depreciation costs of a subsequently negotiated agreement.

PART 8-7—CONTRACT CLAUSES

6. Section 8-7.650-11 is revised to read as follows:

§ 8-7.650-11 Affirmative action compliance program.

Invitations for bids that will result in a construction contract of $50,000 or more will contain the following:

Clause 5 of Standard Form 19-B is amended to include the following:

The bidder (or offeror) represents that (1) he [ ] has developed and has on file [ ] has not developed and does not have on file at each establishment affirmative action programs as required by the rules and regulations of the Secretary of Labor (41 CFR 60-1 and 60-2), or (2) he [ ] has not previously had contracts subject to the written affirmative action program requirement of the rules and regulations of the Secretary of Labor.

PART 8–8—TERMINATION OF CONTRACTS

7. Section 8–8.207 is revised to read as follows:

§ 8–8.207 Accounting review of prime contract settlement proposals and of subcontract settlements.

In compliance with the provisions of FPR 1–8.207, contracting officers will submit all settlement proposals to the Director, Internal Audit Service (072), for review and audit prior to taking any further action.

PART 8–11—FEDERAL, STATE, AND LOCAL TAXES

8. In § 8–11.502–1, paragraph (c) is amended to read as follows:

§ 8–11.502–1 Types of evidence of exemption.

* * * * *

(c) *Beer procured from licensed breweries.* The contracting officers specified in § 8–75.101 are hereby authorized to sign application permits to procure from licensed breweries, alcohol (beer) tax free, when such product is prescribed for therapeutic use of patients. The application, in letter form, shall be submitted to the Director, Alcohol Tax and Firearms Division, Internal Revenue Service, Washington, D.C. 20225 and contain the following information:

(1) Name and address of hospital.

(2) Specific purpose for which it will be used.

(3) Quantity proposed to buy each month, year, etc.

(4) Name and address of the brewery.

(5) Copy of document authorizing contracting officer to sign request.

A new permit is needed only when beer is to be purchased from a different brewery than the one for which the original permit was requested.

* * * * *

(Sec. 205(c), 63 Stat. 390, as amended. 40 U.S.C. 486(c); sec. 210(c), 72 Stat. 1114, 38 U.S.C. 210(c))

These regulations are effective June 28, 1971.

Approved: May 19, 1971.

By direction of the Administrator.

[SEAL] FRED B. RHODES,
Deputy Administrator.

[FR Doc.71–7306 Filed 5–25–71;8:49 am]

Chapter 101—Federal Property Management Regulations

SUBCHAPTER E—SUPPLY AND PROCUREMENT

PART 101–27—INVENTORY MANAGEMENT

Return of Unserviceable or Incomplete GSA Stock Items

This amendment provides for the return to GSA of stock items in unserviceable or incomplete condition at a reduced credit allowance.

The table of contents for Part 101–27 is amended to add the following:

Sec.
101–27.503–1 Serviceable material.
101–27.503–2 Unserviceable or incomplete material.

Subpart 101–27.5—Return of GSA Stock Items

Section 101–27.502(d) is added and § 101–27.503 is revised to read as follows:

§ 101–27.502 Criteria for return.

* * * * *

(d) The cost to repair unserviceable material or to replace missing parts or components in such material shall not exceed 60 percent of the current GSA Stock Catalog selling price.

§ 101–27.503 Allowable credit.

Allowable credit for activities returning material that is accepted by GSA will be applied against future requisitions for supplies placed upon GSA and will be reflected in billings by GSA.

§ 101–27.503–1 Serviceable material.

Credit will be granted at the rate of 90 percent of the current GSA Stock Catalog selling price after acceptance by GSA for new, used, repaired, or reconditioned material which is serviceable and issuable to all agencies without limitation or restriction (condition code A).

§ 101–27.503–2 Unserviceable or incomplete material.

Credit will be granted at the rate of 30 percent of the current GSA Stock Catalog selling price after acceptance by GSA for unserviceable or incomplete material when such material:

(a) Is economically reparable by repair, overhaul, or reconditioning for return to issuable condition (condition code F); or

(b) Requires additional parts or components to complete the end item prior to issue (condition code G).

(Sec. 205 (c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5–26–71).

Dated: May 20, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–7324 Filed 5–25–71;8:50 am]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 18924; RM–1635; FCC 71–510]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 87—AVIATION SERVICES

PART 91—INDUSTRIAL RADIO SERVICES

Miscellaneous Amendments

In the matter of amendment of Parts 2, 87, and 91 of the rules to delete provisions for aeronautical telemetering and to make provisions for land mobile telemetering in the Industrial Radio Services in the frequency band 216–220 MHz; Docket No. 18924; and petition of Readex Electronics, Inc., for amendment of the Commission's rules governing the Industrial Radio Services to establish an Industrial Telemetry Radio Service and to allocate thereto frequencies in the band 216–220 MHz; RM–1635.

1. On July 22, 1970, the Commission adopted a notice of proposed rule making in the above-entitled matter which was published in the FEDERAL REGISTER on July 29, 1970 (35 F.R. 12131; FCC 70–786, No. 49865). The notice proposed to provide for land mobile telemetering in the Industrial Radio Service (Part 91) in the 216–220 MHz band on a secondary basis to the Government radio location service and to delete existing and preclude any new provisions for non-Government airborne devices in that band. Coincidentally, the Commission considered a petition (RM–1635) filed on June 2, 1970, by Readex Electronics, Inc., to establish an Industrial Telemetry Radio Service under Part 91 in the 216–220 MHz band to accommodate development and implementation of a system of remote utility meter reading from an aircraft. Comments were to be filed on or before August 31, 1970, and reply comments on or before September 11, 1970. These dates were subsequently extended to October 1, 1970, and October 12, 1970, respectively, by the Acting General Counsel in response to a request by the National Association of Manufacturers filed on August 13, 1970. No further requests for extension have been received by the Commission. A list of those filing comments is attached hereto.

2. It should be noted that Piedmont Sales Co. filed comments on October 22, 1970, 3 weeks after the deadline. Piedmont proposed nationwide use of low-power telemetry in the 216–220 MHz band for the trucking industry. Since the Commission's proposal was intended to accommodate local needs, Piedmont's comments are inappropriate to this proceeding.

3. On August 27, 1970, Readex Electronics, Inc. (Readex) filed a petition for reconsideration of action taken by the Commission (Chief, Experimental Services Branch, Office of Chief Engineer, pursuant to § 0.241 of the rules) in advising Readex that action on two experimental applications (Files Nos. 5284/5285–ED–PL–70), filed on June 2, 1970 with the subject Petition would be deferred pending resolution of the instant proceeding. Readex opposed such action on the grounds that it would preclude gathering data to respond to the rule proposals and, further, that, by specifically precluding airborne telemetry systems from the 216–220 MHz band in the proposal, a de facto denial of the petition had been taken by the Commission.

4. As was pointed out in the notice (paragraph 3), removal of airborne telemetering operations from the 216–220 MHz band has been a matter of policy by both Government and non-Government authorities for the past several years. Consequently, insofar as Readex is concerned the action taken in the notice was consistent with that policy. The purposes of the notice, however, were, primarily, to achieve more effective use of the spectrum by attempting to accommodate the burgeoning local requirements for land mobile telemetry in the Industrial Radio Services and secondarily, in contrast to Readex assumptions, to elicit comments concerning the need for a new service in the manner proposed by Readex.

5. Subsequent to filing the petition for reconsideration and, pursuant to agreement reached at an informal meeting between members of the Commission's staff and Readex representatives at which the policy prohibiting airborne telemetering was dicussed, Readex, on October 15, 1970, filed an amended petition for rule making to conduct its airborne tests on an experimental basis on the frequency 462.475 MHz in lieu of 219.95 MHz and mooted the aforementioned petition for reconsideration. In view of the favorable comments concerning the need for development of a more efficient meter reading technique, an experimental authorization to conduct airborne tests of its proposed meter reading system on the replacement frequency was granted Readex on November 5, 1970, thereby satisfying its immediate needs. Depending on the outcome of the experimental operations, establishment of an allocation accommodation for reading utility meters from an aircraft would, of necessity, be the subject of further but separate rule making.

6. In view of the previously expressed policy precluding airborne telemetry in in the 216–220 MHz band, herein reaffirmed, and of the change in frequency and subsequent grant of an experimental authorization to test the feasibility of utility meter reading from an airborne platform, comments relative to the interference potential from airborne operations in the 216–220 MHz band and to support the Readex concept in that band are considered moot. Consequently, further discussion will deal only with the proposal to make the 216–220 MHz band available for land mobile telemetering operations in the Industrial Radio Services on a secondary basis to Government radiolocation operations.

7. Aside from the broadcasting entities which cautioned against airborne telemetering due to the interference potential to television channel 13, the Commission's proposal was endorsed enthusiastically. The two major areas of comment concerned expansion of those eligible to operate in the 216–220 MHz band and the desirability for establishing a channelizing plan for the band. Medtronix, Inc., proposed that medical and scientific as well as industrial users be accommodated in the 216–220 MHz band and that the band be suballocated to provide 2 MHz for exclusive medical usage with 5 kHz channel spacing, and 1 MHz with 25 kHz and 1 MHz with 100 kHz spacing for ISM usage on a priority basic. EMR Telemetry proposed to expand "industrial applications" to include "industrial applications of surface telemetry" and to delete the proposed restriction on point-to-point applications. EMR also suggested the adoption of a channeling plan based on the IRIG (Interdepartment Range Instrumentation Group) 106–69 Table I. The Society of Automotive Engineers, Inc. believed that telecommand as well as telemetering should be permitted in order to permit control over the remote vehicle. API recommended that provision be made to use the 216–220 MHz band both ashore and offshore and on fixed to fixed bases offshore for petroleum exploration. API also agreed with the Commission's proposal that a specific channelizing plan not be adopted at this time. SIRSA recommended that the Commission adopt definite standards and a channelizing plan as soon as circumstances permit, and allow those eligible for Special Industrial Radio Service authorizations to have access to the 216–220 MHz band. Finally, the NAM urged that users other than vehicular testing (e.g., oceanography, pollution control, security monitoring, etc.) be permitted access to the 216–220 MHz band and that preassignment coordination by a frequency advisory committee be mandatory.

8. The commission has reviewed the comments carefully. Despite the comments advocating such action, we believe the secondary status of non-Government operations to Government radiolocation operations in the 216–220 MHz band makes a channelizing plan impractical. By definition, the secondary status necessitates a case-by-case approach to frequency assignments. Imposition of a further condition to comply with a channeling plan would create an abundance of administrative problems as well as of requests for waiver. Accordingly, although a channeling plan would appear to be desirable under an exclusive or even a coequal Government/non-Government sharing allocation, the arguments presented were not sufficiently persuasive to warrant consideration of any channeling plan at this time. The multiplicity of various bandwidths needed to transmit data in performance of the various telemetering functions thus necessitating a case-by-case coordination among users tends to substantiate such a determination. Further, these same considerations and the fact that a number of Industrial Radio Services will have access to the band make adoption of a frequency coordination requirement impractical. The frequency coordination provisions of Section 91.8 have been amended to this effect.

9. The Commission is aware of the expanding requirements for telemetering operations by other than industrial services. Unfortunately, sharing of the 216–220 MHz band on a secondary basis to Government radiolocation operations, many of which are high powered, does not now provide a clear indication of the extent to which the band can, in fact, be utilized. While it is undoubtedly true that additional eligibility might be permitted in some areas, we are not persuaded at this time that expanding the eligibility to include specific provisions for scientific and medical telemetering operations, for example, would be in the overall interests of those services, particularly since the requisite priorities implicit in the latter could not be assured.[1] However, to the degree that such interests could establish eligibility within the existing Industrial Radio Services rules, their operations would not be precluded.

10. It should be pointed out that, in view of the limited availability of the 216–220 MHz band to non-Government entities, the proposal was limited to accommodation of those local area land mobile operations generally associated with the development and testing of motor vehicles, earth moving equipment, etc., and specifically excluded airborne and point-to-point telemetering systems. Within this context, the rules will permit all forms of mobile telemetry including those uses advanced by NAM that involve mobile telemetering. No provision is being made, however, for the fixed uses proposed by API and NAM since the conditions under which the frequency band is being made available for non-Government purposes preclude such uses. It was not contemplated, however, that, within those constraints, telecommand as well as telemetering functions would be permitted in connection with land mobile operations in the Industrial Radio Services. Nonetheless, this could prove a useful adjunct in certain telemetering applications and provisions have been made for its use, when needed, by licensees of mobile telemetering stations in the band.

11. Although the notice of proposed rule making also solicited comments with respect to appropriate technical standards for stations and systems for telemetry in this band, the comments received did not provide any helpful information as to the standards to be adopted, other than power, bandwidth, and channeling. Therefore, no technical standards are being adopted other than those which are presently in the rules. Power and authorized bandwidth limitations will be specified on the station authorizations for telemetry in this band on a case-by-case basis. Transmitters will be subject to the requirement for type acceptance.

12. In view of the above, the Commission is persuaded that the public interest can best be served by adopting the rule amendments set forth below. *Accordingly, it is ordered,* That pursuant to authority contained in sections 303 (c), (e), and (f) of the Communications Act of 1934, as amended, Part 2, § 2.106 and Parts 87 and 91 of the Commission's rules and regulations are amended effective June 30, 1971. *It is further ordered,* That Petition RM–1635, to the extent that operation in the 216–220 MHz frequency band is concerned, is hereby denied. In all other respects RM–1635 shall remain

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[1] The Commission recognizes, however, the present absence of adequate provisions for such operations and hopes to initiate rule making in the near future looking toward their accommodations in appropriate frequency bands.

under consideration by the Commission pending further action resulting from experimental operations currently in progress. *It is further ordered,* That the proceedings in Docket 18924 are hereby terminated.

(Sec. 303, 48 Stat., as amended, 1082; 47 U.S.C. 303)

Adopted: May 12, 1971.

Released: May 17, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

RESPONDENTS IN DOCKET 18924

American Water Works Association.
Association of Maximum Service Telecasters, Inc.
Atlantic City Electric Co.
Central Committee on Communication Facilities of the American Petroleum Institute.
Educational Broadcasting Corp.
EMR Telemetry.
Medtronix, Inc.
National Association of Manufacturers.
National Federation of Independent Business.
Northern Illinois Gas Co.
Palmer Broadcasting Co.
Peninsula Broadcasting Corp.
Philadelphia Electric Co.
Piedmont Sales Co. (late respondent).
Readex Electronics.
Refrigerated Transport Co., Inc.
The Rochester Gas and Electric Corp.
Society of Automotive Engineers, Subcommittee XIX.
Special Industrial Radio Service Association, Inc.
UGI Corp.
Utilities Telecommunications Council.
Washington Gas Light Co.
Wometco Skyway Broadcasting Co.

Parts 2, 87, and 91 of Chapter I of Title 47 of the Code of Federal Regulations are amended as follows:

A. Part 2 is amended as follows:

§ 2.106 [Amended]

1. In § 2.106, the frequency band 216–220 MHz in columns 5 through 11 is amended, US Footnote 5 is deleted, and US Footnote 114 is added to read as follows:

Band (MHz) 5	Allocation 6	Band (MHz) 7	Service 8	Class of station 9	10	Nature of SERVICES of stations 11
* * *	* * *	* * *	* * *	* * *	* * *	* * *
216-220	G, NG (US114).	216-220	Land mobile telemetering only).	Telemetering land. Telemetering mobile.		INDUSTRIAL.
* * *	* * *	* * *	* * *	* * *	* * *	* * *

* * * * *

US114 Non-Government use of the band 216–220 MHz is limited to the land mobile service for telemetering and associated telecommand purposes only and shall have secondary status with respect to the Government radiolocation service; airborne devices will not be authorized.

* * * * *

B. Part 87 is amended as follows:

§ 87.331 [Amended]

1. In § 87.331, paragraph (d) is deleted and (d) is shown as "Reserved."

C. Part 91 is amended as follows:

1. In § 91.8(a)(1) a new subdivision (ix) is added to read as follows:

§ 91.8 Policy governing the assignment of frequencies.

(a) * * *

(1) * * *

(ix) Any application involving a frequency in the 216–220 MHz band.

* * * * *

2. In § 91.106, the table is amended to read as follows:

§ 91.106 Power and antenna height.

* * * * *

(b) * * *

Frequency:	*Maximum plate power input to the final radio frequency stage (watts)*
1.6–6.0 MHz	2,000
25–100 MHz	500
100–216 MHz	600
Above 216 MHz	(¹)

¹ To be specified in the authorization.

* * * * *

3. In § 91.254, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (24) to paragraph (b), as follows:

§ 91.254 Frequencies available.

(a) * * *

POWER RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
173.3925–173.4000	do	18, 10, 22, 23
216–220	Base or mobile	24
* * *	* * *	* * *

(b) * * *

(24) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

* * * * *

4. In § 91.304, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (27) to paragraph (b), as follows:

§ 91.304 Frequencies available.

(a) * * *

PETROLEUM RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitation
MHz		
* * *	* * *	* * *
173.3925–173.4000	do	21, 24, 25, 26
216–220	Base or mobile	27
* * *	* * *	* * *

(b) * * *

(27) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

* * * * *

5. In § 91.354, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (7) to paragraph (b), as follows:

§ 91.354 Frequencies available.

(a) * * *

FOREST PRODUCTS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
173.3925–173.4000	do	22, 24, 25, 26
216–220	Base or mobile	7
* * *	* * *	* * *

(b) * * *

(7) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

* * * * *

6. In § 91.504, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (30) to paragraph (b), as follows:

§ 91.504 Frequencies available.

(a) * * *

SPECIAL INDUSTRIAL RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	General reference	Limitations
MHz:			
* * *	* * *	* * *	* * *
173.3925–173.4000	do	do	21, 23, 24, 25
216–220	Base or mobile	Telemetry	30
* * *	* * *	* * *	* * *

(b) * * *

(30) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

* * * * *

7. In § 91.554, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (45) to paragraph (b), as follows:

§ 91.554 Frequencies available.

(a) * * *

BUSINESS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)		Limitations
MHz:			
* * *	* * *	* * *	* * *
173.3925–173.4000	do	do	29, 30
216–220	Base or mobile	Telemetry	45
* * *	* * *	* * *	* * *

(b) * * *

(45) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

* * * * *

8. In § 91.730, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (19) to paragraph (b), as follows:

§ 91.730 Frequencies available.

(a) * * *

MANUFACTURERS RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz		
* * *	* * *	* * *
158.43	do	1
216–220	Base or mobile	19
* * *	* * *	* * *

(b) * * *

(19) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform tele-command functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

9. In § 91.754, the table in paragraph (a) is amended by adding the frequency band 216–220 MHz in numerical order, and adding subparagraph (16) to paragraph (b), as follows:

§ 91.754 Frequencies available.

(a) * * *

TELEPHONE MAINTENANCE RADIO SERVICE FREQUENCY TABLE

Frequency or band	Class of station(s)	Limitations
MHz:		
* * *	* * *	* * *
158.34	Mobile	4
216–220	Base or mobile	16
* * *	* * *	* * *

(b) * * *

(16) Non-Government use of this band is limited to F2 or F9 emission for telemetering purposes only and all operation is secondary to the Government radiolocation service. Airborne devices will not be authorized. Assignments are subject to additional technical and operational limitations and each application must include precise information concerning emission characteristics, transmitter frequency deviation, output power, type and directional characteristics, if any, of the antenna, and the minimum necessary hours of operation. Base stations authorized in this band shall be used only to perform telecommand functions in conjunction with associated mobile telemetering stations. When so authorized, such base stations may also command actions by the vehicle itself. Base stations will not be authorized solely to perform the latter function.

[FR Doc.71-7104 Filed 5-25-71;8:45 am]

[Docket No. 19160; FCC 71-537]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Certain FM Broadcast Stations

In the matter of amendment of § 73.202 Table of Assignments, FM Broadcast Stations. (Muskegon Heights, Mich.; Newport, R.I.; Pennington Gap, Va.; Heath, Ohio; Columbus, Tex.; Middlebury, Vt.; Three Rivers, Mich.; Ashdown, Ark.; Vandalia, Ill.; Lincoln, Maine; Bossier City, La.; Vevay, Ind.; Delphos, Ohio; Georgetown, Ohio; Bonita Springs, Fla.; Jenkins, Ky.; Peterborough, N.H.; Santa Paula, Calif.; Crown Point, Ind.; Luverne, Minn.; Red Bank-White Oak, Tenn.; North Myrtle Beach, S.C.; Napoleon, Ohio; Central City, Pa.; Waseca, Minn.; Quebradillas, P.R.; Security, Colo.; Ord, Nebr.; and Vail, Colo), RM-1618, RM-1634, RM-1641, RM-1642, RM-1647, RM-1649, RM-1657, RM-1662, RM-1663, RM-1664, RM-1668, RM-1669, RM-1671, RM-1672, RM-1565, RM-1673, RM-1676, RM-1690, RM-1692, RM-1699, RM-1704, RM-1705, RM-1707, RM-1708, RM-1717, RM-1718, RM-1720, RM-1721, RM-1730, RM-1582.

First report and order. 1. This proceeding was begun by notice of proposed rule making issued February 26, 1971 (FCC 71-191, 36 F.R. 4062), proposing Class A FM channels as first assignments at 28 communities listed in the caption hereof, plus either a Class A or Class C channel as a first assignment at Vail, Colo. All of the assignments were requested in petitions filed until the end of 1970. In connection with nine of the proposals other than Vail, the notice raised certain questions, resulting from the fact that six of them are for places in standard metropolitan statistical areas and the other three presented some other problems.

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[2] Commissioners Bartley, Robert E. Lee and H. Rex Lee absent.

2. This first report and order deals with the 19 proposals as to which no questions were raised in the notice. In all but four of these cases, the petitioners filed comments supporting the proposal, usually reaffirming their intention to apply for the channel if assigned. None of the 19 was really opposed, although a party then having a contract to acquire the license of an FM station at Worcester, Mass., asked that the proposed assignment at Newport, R.I. (296A), be conditioned on use meeting mileage separations with respect to the Worcester station on an adjacent Class B channel, with a statement that no request for waiver of separations would be entertained in connection with an application for the channel. In reply comments, the Newport petitioner opposed this request.

3. As stated in the Notice, all of the proposals appear meritorious, except insofar as questions were raised concerning them in nine cases besides Vail. Accordingly, there is no need to discuss the others here, and they are adopted. While in four cases the original proponents did not come forward with comments in support, we are adopting these as well as the 15 which were supported, since they appear generally meritorious. The request of the party interested in the Worcester, Mass., FM station, mentioned above, is denied; it is not Commission policy to impose such conditions in rule-making proceedings, if for no other reason than that they would badly clutter the Table of Assignments. As always, the assignments are made on the basis that they can and will be used at standard separations with respect to other assignments and stations; if a short separation is sought it must be by petition for waiver of the rules, and this can be evaluated on its merits if and when it is filed.

4. Action on the 11 remaining petitions will be forthcoming in the near future. While some of the petitioners involved filed material which satisfactorily answered the questions raised, this was not true in all cases. Therefore, to expedite final action and permit the early provision of a first local FM service in the cases which do not present any problems, we are here dealing only with the cases which do not raise substantial questions.

5. In view of the foregoing, and pursuant to sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended, effective July 9, 1971, § 73.202(b) of the Commission's rules, the Table of FM Assignments, is amended, by the addition of the following entries:

City	*Channel No.*
Ashdown, Ark	280A
Vandalia, Ill	296A
Vevay, Ind	240A
Jenkins, Ky	276A
Lincoln, Maine	257A
Three Rivers, Mich	240A
Luverne, Minn	265A
Waseca, Minn	221A
Ord, Nebr	280A
Peterborough, N.H	221A
Delphos, Ohio	296A
Georgetown, Ohio	249A
Napoleon, Ohio	276A
Central City, Pa	269A
Newport, R.I	296A
Columbus, Tex	252A
Middlebury, Vt	265A
Pennington Gap, Va	288A
Quebradillas, P.R	252A

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 19, 1971.

Released: May 21, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[1]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-7352 Filed 5-25-71;8:53 am]

[Docket No. 19138; FCC 71-538]

PART 73—RADIO BROADCAST SERVICES

Table of Assignments; Television Broadcast Stations; Lowry and Martin, S. Dak.

In the matter of amendment of § 73.606, Table of Assignments, Television Broadcast Stations. (Lowry and Martin, S. Dak.), RM-1651.

Report and order. 1. In response to a petition of the South Dakota State Board of Directors for Educational Television (State Board), filed on July 6, 1970, the Commission adopted, on January 20, 1971, a notice of proposed rule making, released January 25, 1971 (FCC 71-60) in the above-entitled matter which proposed the assignments of Channel *11— to Lowry, S. Dak., and Channel *8— to Martin, S. Dak. Interested parties were afforded an opportunity to comment on or before March 2, 1971, and to reply to such comments on or before March 12, 1971. Petitioner filed a brief supporting comment. No oppositions were received.

2. The State Board has the primary responsibility, in South Dakota, for providing the citizens of South Dakota with an educational service, via television. At the present time, it is actively involved in operating and developing a full statewide television network on which educational service can be brought to the entire State. Petitioner brings to our attention, that at this time, it provides, or expects to provide, service through the following Stations: KUSD-TV, Vermillion, licensed to the University of South Dakota; KESD-TV, Brookings, licensed to South Dakota State University; and KBHE-TV, Rapid City, and KTSD, Pierre (CP), both held by the State Board. Applications filed by the State Board are currently pending for Eagle Butte and Aberdeen.

3. With a view of its responsibility to bring the entire State of South Dakota educational television petitioner states:

> "* * * Although there are six educational television broadcast facilities already in operation, under construction or applied for in South Dakota, there are vast areas in the south central and north central portions of the State that still cannot be reached by the network with a signal of acceptable quality. To further the statewide plan, therefore, requires the establishment of additional transmitting facilities in these heretofore inaccessible portions of the State so as to assure the distribution of educational television throughout South Dakota."

The choice of Lowry in north central South Dakota and Martin in south central South Dakota as communities for new educational television assignments has been made by petitioner in order to bring these sparsely settled areas their first educational service, i.e., their geographic location appears to be ideal for bringing the present nonserved regions of South Dakota a first educational television signal. In light of the key factor of geographic location as a reason for choice of communities, the population of the communities, themselves, becomes relatively unimportant. Lowry is located in Walworth County, respective populations, 35 and 7,842. Martin, population 1,248, is located in Bennett County with a population of 3,088.[1] These communities have no television assignments. Neither of the proposed stations (at Lowry or Martin) are expected to be a production center for the South Dakota educational network, but they will instead, be a transmitting and distribution center for the network's programing.

4. The State Board underlines the sparseness of the population throughout South Dakota, particularly in the areas for which it has proposed the two assignments herein under consideration:

> "* * * in many areas the population is relatively sparse and the economy is rural in nature, so that these areas cannot provide the substantial tax resources which are found in heavily populated, more industrialized areas. In these sparsely populated areas, local school curriculae must be supplemented by educational television broadcasting which would provide both in-school instruction at all school levels (particularly in science and mathematics) and in-service teacher training. In addition, specialized and professional instruction for teachers and adult education programs also rely heavily upon educational television to supplement the limited local resources. Moreover, the educational network provides the cultural advantages generally available only in metropolitan areas (concerts, live drama, etc.), and inaccessible to those living in the widely distributed rural areas of the State."

5. We have carefully examined the proposal advanced by petitioner as set out in our Notice and the reasons, in most part set out above, the State Board has brought to our attention for the assignment of Channel *11— to Lowry, S. Dak., and Channel *8— to Martin, S. Dak., and have come to the conclusion, thereafter, that both assignments are in the public interest. Therefore, in light of the reason set forth by petitioner and the facts that: There are no opposing parties; that the requested assignments can be made in full compliance with our minimum mileage separation requirements; that no other assignments need be disturbed; and that the State Board has expressed its intention to apply for the channels on their assignment, we are granting the State Board's petition as filed.

6. Authority for the actions taken herein, is contained in sections 4(i), 303, and 307(b) of the Communications Act of 1934, as amended.

7. *Accordingly, it is ordered,* That effective July 9, 1971, the Table of Assignments in § 73.606(b) of the Commission's rules is amended, insofar as the cities listed below are concerned to read as follows:

City	*Channel*
Lowry, S. Dak	*11—
Martin, S. Dak	*8—

8. *It is further ordered,* That this proceeding (Docket No. 19138, RM-1651) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307)

Adopted: May 19, 1971.

Released: May 21, 1971.

FEDERAL COMMUNICATIONS
COMMISSION,[2]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-7353 Filed 5-25-71;8:53 am]

[FCC 71-544]

PART 73—RADIO BROADCAST SERVICES

PART 74—EXPERIMENTAL, AUXILIARY AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

Showing of Sports Events on Over-the-Air Subscription Television, or by Cablecasting

1. The Commission has under consideration a request for a declaratory ruling, pursuant to § 1.2 of the Commission's rules, filed on behalf of the Indianapolis Motor Speedway Corp. (Speedway Corporation) in order to remove uncertainty as to the meaning and effect of §§ 73.643 (b)(2) and 74.1121(a)(2) of the rules governing the transmission of sports events on a subscription basis over the air or by cable.

2. The aforementioned two sections are identical in wording. The former governs over-the-air subscription television (STV); the latter, cablecasting[1] which is accompanied by a per-program or a per-channel fee. As to such services, the rules, in pertinent part, read as follows:

> Sports events shall not be broadcast (cablecast) which have been televised live on a nonsubscription, regular basis in the community during the 2 years preceding their proposed subscription broadcast (proposed cablecast) * * *

3. The purpose of the rules is to prevent STV and cable from "siphoning" sports events from conventional television and making the public pay for programs they were formerly able to view without direct charge. The underlying rationale is that by prohibiting STV and CATV operators from showing sports events that have been regularly shown in their communities over conventional TV during the last 2 years, STV and CATV will not compete with conventional TV for them and they will continue to be shown over the latter medium.

4. The basic facts on which a declaratory ruling is requested, as set forth by Speedway Corporation, are the following:

(a) Speedway Corporation annually conducts the Indianapolis 500 Mile Motor Race (the Race) on Memorial Day. The average elapsed time of the Race in recent years has been approximately 3 hours.

(b) Pictures and descriptions of the Race in its entirety have never been broadcast live to the public by television broadcast stations on either a conventional or a subscription basis. Nor have they ever been distributed to the public on a conventional or subscription basis via cable television.

(c) Full length, live pictures and descriptions of the Race have for a period of 7 years been made available to the public on a closed circuit, subscription basis in theaters.

(d) It has been proposed that the Speedway Corporation permit a national television network to broadcast over its network and by means of that network's affiliated television broadcast stations pictures and descriptions of portions of the 1971 Race without direct charge to the public for the receipt thereof, i.e., the broadcast would be on a conventional basis.

(e) The network broadcast will occur on the same day as the running of the Race but, through use of videotape, film, or other means of reproduction, the commencement of the network broadcast will be delayed until after the end of the actual Race.

5. The point of uncertainty concerning which Speedway Corporation asks a ruling is whether, on the basis of the aforementioned facts, the network broadcast of the 1971 Race on conventional television on a delayed basis would constitute a live broadcast or cablecast on a nonsubscription regular basis within the meaning of the aforementioned rules so as to restrict future television or cablevision release of pictures and descriptions of future Races in their entireties on a subscription basis.

6. Under the provisions of 5 U.S.C. 554(e), declaratory orders may be issued by the Commission, in its discretion, to terminate a controversy or remove uncertainty. Section 1.2 of the Commission's rules similarly provides that declaratory rulings may be issued under such circumstances. Since uncertainty may exist about the meaning of that portion of the rules which reads "televised live on a nonsubscription, regular basis," the Commission is issuing a declaratory ruling in the instant matter. However, as explained hereinafter, because of the existence of a pending rule making proceeding in which modifications of the aforementioned two sections have been proposed, the instant ruling may be of limited help to Speedway Corporation.

DECLARATORY RULING

7. Section 73.643(b)(2) governing the showing of sports events over STV was adopted in the Fourth Report and Order in Docket No. 11279, 15 F.C.C. 2d 466 (1968). Paragraphs 288-305 of that document give a detailed explanation of the numerous facets of the rule. In a Memorandum Opinion and Order in Docket No. 18397, 23 F.C.C. 2d 825 (1970), § 74.1121(a)(2) was adopted because the Commission believed that cablecasting accompanied by a per-program or a per-channel charge is akin to STV and presents the same threat of program siphoning.[2]

8. Note 2 of the aforementioned sections states that "[t]he manner in which * * * (the rule) will be administered and in which 'sports,' 'sports events,' and 'televised live on a nonsubscription, regular basis' will be construed is explained in paragraphs 288-305 of the fourth report and order in Docket No. 11279, 15 FCC 466." We shall not here repeat the detailed discussion of those paragraphs. The following ruling prompted by the request of Speedway Corporation is based generally on that discussion and, particularly, on paragraphs 295 and 305.

9. Ruling. Under the provisions of the rules, sports events televised on a delayed basis, as proposed by Speedway Corporation, are not prohibited from being siphoned to STV or cable. The prohibi-

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[1] Commissioners Bartley and Robert E. Lee absent.

[1] Population statistics are from the 1970 U.S. Census.

[2] Commissioners Bartley and Robert E. Lee absent.

[1] Commission rules define "cablecasting" as "television programing distributed on a CATV system which has been originated by the CATV operator or by another entity, exclusive of television broadcast signals distributed on the system." 47 CFR § 74.1001(i) (1969).

[2] Petitions for reconsideration of this action are pending.

tion runs only to events which are televised live, i.e., televised at the moment that they occur. Therefore, we rule that a broadcast of the race on a delayed basis over conventional television in 1971 would not place any restrictions on release of the Race on a subscription basis in future years, under the present rules.[3]

PENDING RULE MAKING

10. As previously mentioned, the declaratory ruling made above may be of limited value to Speedway Corporation in arriving at a decision as to whether to permit showing of the Race in 1971 over conventional television because of a pending rule making proceeding in which modifications of the sports rules are proposed. That proceeding was begun by the issuance of a Notice of Proposed Rule Making in Docket No. 18893, on July 1, 1970, 35 F.R. 11040. Under the present rules, it would be possible for the holder of the television rights to a specific sports event to withhold it from conventional televising for 1 year in order to make it eligible for subscription showing thereafter, in the hope of making greater profits from the latter type of showing. To eliminate this possibility, the proposal in Docket No. 18893 would change the rules to provide that an event is not eligible for subscription showing in a community if it has been televised there live on a nonsubscription, regular basis during any one of the 5 years preceding proposed subscription showing. This proposal assumes that while a party might be willing to withhold an event for only 1 year, he might not think of doing so for a period of 5 years.

11. Comments in Docket No. 18893 have been duly filed and are under study by the Commission. Among other suggestions submitted in the comments is a suggestion that antisiphoning protection be given not only to sports events that have been televised live on a nonsubscription, regular basis, but also to events that have been shown on a delayed basis. In support thereof, one party states that some tape-delayed programs are virtually like live broadcasts. To modify the rules so as to give antisiphoning protection to both live and delayed showings is well within the scope of that proceeding, and although we have not made any decisions on the matter and do not here commit ourselves in any way, it is certainly in the realm of possibility that such a modification might be adopted. If this were to occur, then all television stations and CATV systems would be subject to the rules as amended in this respect, as well as in any other respect, and, depending on the circumstances, a 1971 showing of the Race might restrict future release of the Race on a subscription basis.

12. In view of the foregoing, we emphasize that the declaratory ruling given herein applies only to the present sports rules and is not to be construed as meaning that the substance of the ruling would apply if the rules are amended in Docket No. 18893 or any other proceeding.

Adopted: May 19, 1971.

Released: May 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[4]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc.71-7356 Filed 5-25-71;8:53 am]

Title 49—TRANSPORTATION

Chapter I—Hazardous Materials Regulations Board, Department of Transportation

[Docket No. HM-79; Amendment No. 173-46]

PART 173—SHIPPERS

Transportation of Inhibited Vinyl Fluoride in Cargo Tanks

The purpose of this amendment to the Department's Hazardous Materials Regulations is to change the basis for the minimum filling density for inhibited vinyl fluoride, from a specified quantitative limit, to a limit based on performance standards for the cargo tank in which the commodity is transported.

On February 18, 1971, the Hazardous Materials Regulations Board published Docket No. HM-79; Notice No. 71-6 (36 F.R. 3130), proposing to amend the regulations as stated above. Interested persons were invited to give their views on this proposal.

One commenter suggested an editorial change in the text covering cargo tank holding time. The suggested change would have altered the application of the rule. However, the rule has been rewritten for clarification. Another comment related to the wisdom of authorizing variable holding times for cryogenic vehicles.

The question of the advisability of prescribing standard holding times rather than the variable standard described herein will be taken into consideration in the Board's deliberations leading to establishment of general criteria in the regulations for cryogenic cargo tanks.

It was suggested that the Board delete the last sentence of Note 11, which restricts shipments to "transportation by private or contract carrier by motor vehicle only". Deletion of this sentence was not proposed in the notice. Therefore, it will not be deleted at this time, but the comment will be taken under advisement for future rule making action.

Accordingly, 49 CFR Part 173 is amended as follows:

In § 173.315 paragraph (a)(1), Note 11 following the Table is amended to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

(a) * * *

(1) * * *

NOTE 11: MC 330 or MC 331 cargo tanks must be insulated. Cargo tanks must meet all of the following requirements. Each tank must be designed for a service temperature no higher than minus 100° F. and must comply with the low-temperature requirements of the ASME Code. The maximum allowable transportation distance before venting will occur, must be that normally accomplished within the holding time of the cargo tank as loaded with an added margin of 100 percent of the normal travel time. However, if the normal travel time exceeds 24 hours, the maximum allowable transportation distance before venting will occur may be that normally accomplished within the holding time of the cargo tank with an added margin of 24 hours. Before transportation in an empty condition, each cargo tank having previously transported inhibited vinyl fluoride must have been drained and vented or blown down sufficiently so that there will be no venting during movement of the empty tank. Shipments are authorized for transportation by private or contract carrier by motor vehicle only.

* * * * *

This amendment is effective August 31, 1971, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 8310835, Title 18, United States Code, sec. 9, Department of Transportation Act, 49 U.S.C. 1657)

Issued in Washington, D.C., on May 20, 1971.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

[FR Doc.71-7298 Filed 5-25-71;8:48 am]

[Docket No. HM-75; Amendment No. 178-17]

PART 178—SHIPPING CONTAINER SPECIFICATIONS

Quenching of Steel Cylinders

The purpose of this amendment to the Department's Hazardous Materials Regulations is to permit the quenching of specifications 3AA, 3AAX, 3HT, and 4DA cylinders by suitable fluids other than oil.

On January 22, 1971, the Hazardous Materials Regulations Board published a notice of proposed rule making, Docket No. HM-75; Notice 71-2 (36 F.R. 1063), proposing to amend the regulations as stated above. Interested persons were invited to give their views on the proposal. The one comment received supported the proposal but suggested elimination of the molten salt bath option because no one was known to be using this method for heat treatment. Since the Board did not give public notice of any consideration to remove this optional method, it believes it should be the subject of future rule making.

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[3] Since this ruling concerning the matter of delayed vs. live broadcasts is dispositive of the request of Speedway Corporation, we do not here go into the question of the meaning of the phrase "nonsubscription, regular basis" which appears in the sports rules.

[4] Commissioners Bartley and R. E. Lee absent; Commissioner Johnson concurring in the result.

Accordingly, 49 CFR Part 178 is amended as follows:

(A) In § 178.37-11, paragraph (a) (1) and (7) are amended; paragraph (a)(8) is added to read as follows:

§ 178.37—Specification 3AA; seamless steel cylinders made of definitely prescribed steels or 3AAX; seamless steel cylinders made of definitely prescribed steels of capacity over 1,000 pounds water volume.

§ 178.37-11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath, or other suitable medium except as provided in subparagraph (5) of this paragraph.

* * * * *

(7) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(8) Except as otherwise provided in subparagraph (6) of this paragraph, all cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle, dye penetrant or ultrasonic method to detect the presence of quenching cracks. Any cylinder designed to the requirements for specification 3AA and found to have a quenching crack must be rejected and may not be requalified. Cylinders designed to the requirements for specification 3AAX and found to have cracks must have cracks removed to sound metal by mechanical means. Such specification 3AAX cylinders will be acceptable if the repaired area is subsequently examined to assure no defect, and it is determined that design thickness requirements are met.

(B) In § 178.44-11, paragraph (a) (1) and (4) are amended; paragraph (a)(5) is added to read as follows:

§ 178.44 Specification 3HT; inside containers, seamless steel cylinders for aircraft use made of definitely prescribed steel.

§ 178.44-11 Heat treatment.

(a) * * *

(1) All cylinders must be quenched by oil, molten salt bath, or other suitable medium.

* * * * *

(4) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(5) All cylinders must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quenching crack must be rejected and may not be requalified.

(C) In § 178.58-11, paragraph (a) (1) and (5) are amended; paragraph (a)(6) is added to read as follows:

§ 178.58 Specification 4DA; inside containers, welded steel for aircraft use.

§ 178.58-11 Heat treatment.

(a) * * *

(1) All containers must be quenched by oil, molten salt bath or other suitable medium except as provided in subparagraph (4) of this paragraph.

* * * * *

(5) Molten salt bath, if used, must be maintained at a temperature not less than 375° F.

(6) All cylinders, if water quenched or quenched with a liquid producing a cooling rate in excess of 80 percent of the cooling rate of water, must be inspected by the magnetic particle or dye penetrant method to detect the presence of quenching cracks. Any cylinder found to have a quench crack must be rejected and may not be requalified.

This amendment is effective August 31, 1971, however, compliance with the regulations as amended herein is authorized immediately.

(Secs. 831-835, Title 18, United States Code; sec. 9, Department of Transportation Act, 49 U.S.C. 1657; title VI and sec. 902(h), Federal Aviation Act of 1958, 49 U.S.C. 1421-1430 and 1472(h))

Issued in Washington, D.C., on May 20, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, by Direction of Commandant, U.S. Coast Guard.

CARL V. LYON,
Acting Administrator, Federal Railroad Administration.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety, Federal Highway Administration.

SAM SCHNEIDER,
Board Member, for the Federal Aviation Administration.

[FR Doc.71-7294 Filed 5-25-71;8:48 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Comptroller of the Currency

[12 CFR Parts 10, 11, 12, 16, 18]

CORPORATE DISCLOSURE REGULATIONS

Notice of Proposed Rule Making

The Comptroller of the Currency has under consideration a complete revision of his corporate disclosure regulations with particular application to banks having 500 or more shareholders. The revised regulations will subject the affected national banks to substantially the same requirements as are now in effect for State chartered insured banks and bank holding companies with 500 or more shareholders.

The revised regulations would end the disparity of treatment which has existed between the corporate disclosure requirements for national banks and that required of other issuers of securities registered under the Securities Exchange Act. This disparity of treatment originally came about as a result of the following circumstances:

The Comptroller of the Currency was the first Federal banking agency to impose specific requirements for the disclosure of financial and other information to shareholders. The Comptroller's first disclosure regulation was issued in 1963 prior to the Securities Act Amendments of 1964. The 1963 regulation imposed requirements on all national banks with deposits of $25 million or more. The provisions of the Securities Act Amendments of 1964 were applicable to all banks with 750 or more shareholders and $1 million or more of assets (the shareholder test was lowered 2 years later to 500) and subjected the affected banks to the registration and reporting requirements of the Securities Exchange Act of 1934. The administrative authority in the case of banks was given to the three banking agencies.

Following the passage of the 1964 Act, the Federal Reserve and the FDIC issued regulations which were substantially similar to those theretofore in effect for nonbank issuers by the SEC. The Comptroller of the Currency elected to leave in effect his existing disclosure regulation modified to conform to the shareholder test and certain other changes required by the statute.

Six years of experience with the contrasting approaches of the banking agencies has convinced this office that the public interest of all concerned would best be served by bringing the national bank requirements into line with those of the other agencies. During that time State chartered banks of comparable ownership have furnished the public with the additional information as to remuneration of management, unusual transactions with insiders and other information required by the other agencies without undue hardship or threat to confidence. In addition, many covered national banks during that period voluntarily reorganized into the one bank holding company form. Such national bank holding companies thereupon became subject to the SEC requirements and have been required to file reports and proxy statements containing substantially the same information which will be required of nonholding company banks by our amended regulations.

Although not a compelling reason for the change, it will also be responsive to requests from attorneys and accountants who regularly prepare reports and proxy statements for both national and State banks to facilitate their work by having a uniform set of rules. The office has also received communications from time to time from members of the investing public, security analysts, and others stressing the desirability of uniformity of treatment.

The proposed regulations would replace the present Parts 10, 11, 12, and a portion of the present Part 16 with a single new Part 11 embodying all Securities Act Disclosure Rules, which would then be similar in virtually all respects to the Regulations of the FED and the FDIC. A revised Part 16 would incorporate the requirement for the use of an offering circular by all existing national banks in connection with the public sale of capital notes or debentures and by a newly chartered national bank in connection with the initial offering for sale of its equity securities. Part 18 would be revised to limit its application to banks not required to register pursuant to the Securities Act, the annual report requirements of registered banks being covered by the proposed new Part 11.

All interested persons are invited to submit relevant data, views, or comments. Such material should be submitted in writing to Robert Bloom, Chief Counsel, Comptroller of the Currency, Treasury Department, Washington, D.C. 20220, to be received not later than June 30, 1971.

Parts 10, 11, 12, 16, and 18, Chapter I, Title 12 of the Code of Federal Regulations are proposed to be revised as follows:

1. Replace Parts 10, 11, 12, and a portion of Part 16 with Part 11;
2. Part 16 revised;
3. Section 18.1 of Part 18 amended.

The proposed regulations are as follows:

PART 11—SECURITIES ACT DISCLOSURE RULES

Sec.
11.1 Scope of part.
11.2 Definitions.
11.3 Inspection and publication of information filed under the Act.
11.4 Registration statements and reports.
11.5 Proxies, proxy statements, and statements where management does not solicit proxies.
11.6 "Insiders'" securities transactions and reports under section 16 of the Act.
11.7 Form and content of financial statements.

Foams

11.41 Form for registration of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–1).
11.42 Form for annual report of bank (Form F–2).
11.43 Form for current report of a bank (Form F–3).
11.44 Form for quarterly report of bank (Form F–4).
11.45 Form for amendment to registration statement or periodic report of bank (Form F–20).
11.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–10).
11.47 Form for statement to be filed pursuant to § 11.4(g)(2) or § 11.5(l) of Part 11 (Form F–11).
11.51 Form for proxy statement; statement where management does not solicit proxies (Form F–5).
11.52 Form for statement in election contests (Form F–6).
11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F–12).
11.61 Form for initial statement of beneficial ownership of equity securities (Form F–7).
11.62 Form for statement of changes in beneficial ownership of equity securities (Form F–8).
11.71 Forms for financial statements (Forms F–9, A, B, C, and D).

Interpretations

11.101 Interpretation of definition of "officer."
11.102 Disclosure of loans to "insiders."
11.103 Financial statements to be included in annual reports to security holders.

Authority: The provisions of this Part 11 issued under 15 U.S.C. 78*l*, 78m, 78n, 78p, 78w.

Regulations

§ 11.1 Scope of part.

This part is issued by the Comptroller of the Currency (the "Comptroller") pursuant to section 12(i) of the Securities Exchange Act of 1934 (15 U.S.C. 78) (the "Act") and applies to all securities subject to registration pursuant to section 12(b) or section 12(g) of the Act by a national bank or a bank operating under the Code of Law for the District of Columbia (bank).

§ 11.2 Definitions.

For the purposes of this part, including all forms and instructions promulgated for use in connection herewith, unless the context otherwise requires:

(a) The terms "exchange," "director," "person," "security," and "equity security" have the meanings given them in section 3(a) of the Act.

(b) The term "affiliate" (whether referred to as an "affiliate" of, or a person "affiliated" with, a specified person) means a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the person specified.

(c) The term "amount," when used with respect to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares, and the number of units if relating to any other kind of security.

(d) The term "associate," when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries.

(e) The term "charter" includes articles of incorporation, declarations of trust, articles of association or partnership, or any similar instrument, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of and incorporated or unincorporated person.

(f) The term "control" (including the terms "controlling", "controlled by", and "under common control with") means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract, or otherwise.

(g) The term "employee" does not include a director, trustee, or officer.

(h) The term "equity capital accounts" means capital stock, surplus undivided profits, and reserve for contingencies and other capital reserves.

(i) The term "fiscal year" means the annual accounting period or, if no closing date has been adopted, the calendar year ending on December 31.

(j)(1) For the purpose of determining whether the registration requirements of section 12(g)(1) of the Act are applicable, securities shall be deemed to be "held of record" by each person who is identified the owner of such securities on records of security holders maintained by or on behalf of the bank, subject to the following:

(i) In any case where the records of security holders have not been maintained in accordance with accepted practice, any additional person who would be identified as such an owner on such records if they had been maintained in accordance with accepted practice shall be included as a holder of record.

(ii) Securities identified as held of record by a corporation, a partnership, a trust whether or not the trustees are named, or other organization shall be included as so held by one person.

(iii) Securities identified as held of record by one or more persons as trustees, executors, guardians, custodians, or in other fiduciary capacities with respect to a single trust, estate, or account shall be included as held of record by one person.

(iv) Securities held by two or more persons as coowners shall be included as held by one person.

(v) Each outstanding unregistered or bearer certificate shall be included as held of record by a separate person, except to the extent that the bank can establish that, if such securities were registered, they would be held of record, under the provisions of this paragraph, by a lesser number of persons.

(vi) Securities registered in substantially similar names, where the bank has reason to believe because of the address or other indications that such names represent the same person, may be included as held of record by one person.

(2) Notwithstanding subparagraph (1) of this paragraph:

(i) Securities held subject to a voting trust, deposit agreement, or similar arrangement shall be included as held of record by the record holders of the voting trust certificates, certificates of deposit, receipts, or similar evidences of interest in such securities: *Provided, however,* That the bank may rely in good faith on such information as is received in response to its request from a nonaffiliated issuer of the certificates or interests.

(ii) If the bank knows or has reason to know that the form of holding securities of record is used principally to circumvent the provisions of section 12(g)(1) of the Act, the beneficial owners of such securities shall be deemed to be record owners thereof.

(k) The term "immediate family" includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood.

(l) The term "listed" means admitted to full trading privileges upon application by the bank and includes securities for which authority to add to the list on official notice of issuance has been granted.

(m) The term "majority-owned subsidiary" means a subsidiary more than 50 percent of whose outstanding securities representing the right, other than as affected by events of default, to vote for the election of directors, is owned by the subsidiary's parent and/or one or more of the parent's other majority-owned subsidiaries.

(n) The term "material", when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered.

(o) The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policy-making functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purpose of this part.

(p) The term "option" means any option, warrant, or right other than those issued to security holders on a pro rata basis.

(q) The term "parent of a specified person is a person controlling such person directly, or indirectly through one or more intermediaries.

(r) The term "plan includes all plans, contracts, authorizations, or arrangements, whether or not set forth in any formal document.

(s) The term "predecessor means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions.

(t) The terms "previously filed" and "previously reported" mean previously filed with, or reported in, a registration statement under section 12, a report under section 13, or a definitive proxy statement or statement where management does not solicit proxies under section 14 of the Act, which statement or report has been filed with the Comptroller, except that information contained in any such document shall be deemed to have been previously filed with or reported to an exchange only if such document is filed with such exchange.

(u) The term "principal underwriter" means an underwriter in privity of contract with the issuer of the securities as to which he is underwriter.

(v) The term "promoter" includes: (1) any person who, acting alone or in conjunction with one or more other persons, directly or indirectly takes initiative in founding and organizing the bank; (2) any person who, in connection with the founding and organizing of the bank, directly or indirectly receives in consideration of services or property or both services and property 10 percent or more of any class of securities of the bank or 10 percent or more of the proceeds from the sale of any class of such securities. A persons who receives such securities or proceeds either solely as underwriting commissions or solely in consideration of services or property or ever, be deemed a promoter if such person does not otherwise take part in founding and organizing the bank.

(w) The term "proxy" includes every proxy, consent, or authorization within the meaning of section 14(a) of the Act. The consent or authorization may take the form of failure to object or dissent.

(x) The terms "qualified stock option," "restricted stock option," and "employee stock purchase plan" have the meanings given them in sections 422 through 424 of the Internal Revenue Code of 1954.

(y) The term "share" means a share of stock in a corporation or unit of interest in an unincorporated person.

(z) The term "significant subsidiary" means a subsidiary meeting either of the following conditions:

(1) The investments in the subsidiary by its parent plus the parent's proportion of the investments in such subsidiary by the parent's other subsidiaries, if any, exceed 5 percent of the equity capital accounts of the bank. "Investments" refers to the amount carried on the books of the parent and other subsidiaries or the amount equivalent to the parent's proportionate share in the equity capital accounts of the subsidiary, whichever is greater.

(2) The parent's proportion of the gross operating revenues of the subsidiary exceeds 5 percent of the gross operating revenues of the parent.

(aa) The terms "solicit" and "solocitation" mean (1) any request for a proxy whether or not accompanied by or included in a form of proxy; (2) any request to execute or not to execute, or to revoke, a proxy; or (3) the furnishing of a form of proxy or other communication to security holders under circumstances reasonably calculated to result in the procurement, withholding, or revocation of a proxy. The terms do not apply, however, to the furnishing of a form of proxy to a security holder upon the unsolicited request of such security holder, the performance by the bank of acts required by § 11.5(g), or the performance by any person of ministerial acts on behalf of a person soliciting a proxy.

(bb) A "subsidiary" of a bank is (1) an affiliate controlled by the bank, directly or indirectly, through one or more intermediaries, except where the control (i) exists by reason of ownership or control of voting securities by the bank in a fiduciary capacity or (ii) was obtained by the bank in the course of securing or collecting a debt previously contracted in good faith, or (2) a person a majority of whose voting securities are held in trust for the benefit of the holders of a class of stock of the bank pro rata.

(cc) The term "succession" means the direct acquisition of the assets comprising a going business, whether by merger, consolidation, purchase or other direct transfer. The term does not include the acquisition of control of a business unless followed by the direct acquisition of its assets. The terms "succeed" and "successor" have meanings correlative to the foregoing.

(dd) The term "verified," when used with respect to financial statements, means either (1) certified by an independent public accountant, or (2) signed in accordance with § 11.7(b)(2) by the person principally responsible for the accounting records of the bank (the "principal accounting officer") and by the person principally responsible for the audit procedures of the bank (the "auditor"); except that the term "verified" shall mean certified by an independent public accountant in any case in which the Comptroller so informs the bank concerned, in writing, at least 90 days prior to the end of the fiscal year to which the financial statements will relate.

(ee) The term "voting securities" means securities the holders of which are presently entitled to vote for the election of directors.

(ff) The terms "beneficial ownership," "beneficially owned," and the like, when used with respect to the reporting of ownership of the bank's equity securities in any statement or report required by this part, shall include, in addition to direct and indirect beneficial ownership by the reporting person, ownership of such securities (1) by the spouse (except where legally separated) and minor children of such reporting person, and (2) by any other relative of the reporting person who has the same home as such person.

§ 11.3 Inspection and publication of information filed under the Act.

(a) *Filing of material with the Comptroller*. All papers required to be filed with the comptroller pursuant to the Act or regulations thereunder shall be filed at his office in Washington, D.C. Material may be filed by delivery to the Comptroller, through the mails, or otherwise. The date on which papers are actually received by the Comptroller shall be the date of filing thereof if all of the requirements with respect to the filing have been complied with.

(b) *Inspection*. Except as provided in paragraph (c) of this section, all information filed regarding a security registered with the Comptroller will be available for inspection at the Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC. In addition, copies of the registration statement and reports required by § 11.4 (exclusive of exhibits), the statements required by § 11.5(a), and the annual reports to security holders required by § 11.5(c), will be available for inspection at the Office of the Regional Administrator of National Banks in the national banking region in which the bank filing the statements or reports is located.

(c) *Nondisclosure of certain information filed*. Any persons filing any statement, report, or document under the Act may make written objection to the public disclosure of any information contained therein in accordance with the procedure set forth below:

(1) The person shall omit from the statement, report, or document, when it is filed, the portion thereof that it desires to keep undisclosed (hereinafter called the confidential portion). In lieu thereof, it shall indicate at the appropriate place in the statement, report, or document that the confidential portion has been so omitted and filed separately with the Comptroller.

(2) The person shall file with the copies of the statement, report, or document filed with the Comptroller:

(i) As many copies of the confidential portion, each clearly marked "Confidential Treatment," as there are copies of the statement, report, or document filed with the Comptroller and with each exchange, if any. Each copy shall contain the complete text of the item and notwithstanding that the confidential portion does not constitute the whole of the answer, the entire answer thereto; except that in case the confidential portion is part of a financial statement or schedule, only the particular financial statement or schedule need be included. All copies of the confidential portion shall be in the same form as the remainder of the statement, report, or document.

(ii) An application making objection to the disclosure of the confidential portion. Such application shall be on a sheet or sheets separate from the confidential portion, and shall contain (a) an identification of the portion of the statement, report, or document that has been omitted, (b) a statement of the grounds of objection, and (c) the name of each exchange, if any, with which the statement, report, or document is filed. The copies of the confidential portion and the application filed in accordance with this subparagraph shall be enclosed in a separate envelope marked "Confidential Treatment" and addressed to Comptroller of the Currency, Washington, D.C. 20220.

(3) Pending the determination by the Comptroller as to the objection filed in accordance with subparagraph (2) of this paragraph, the confidential portion will not be disclosed by the Comptroller.

(4) If the Comptroller determines that the objection shall be sustained, a notation to that effect will be made at the appropriate place in the statement, report, or document.

(5) If the Comptroller, shall have determined that disclosure of the confidential portion is in the public interest, a finding and determination to that effect will be entered and notice of the finding and determination will be sent by registered or certified mail to the person.

(6) The confidential portion shall be made available to the public:

(i) Upon the lapse of 15 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller described

in subparagraph (5) of this paragraph, if prior to the lapse of such 15 days the person shall not have filed a written statement that he intends in good faith to seek judicial review of the finding and determination;

(ii) upon the lapse of 60 days after the dispatch of notice by registered or certified mail of the finding and determination of the Comptroller, if the statement described in subdivision (i) of this subparagraph shall have been filed and if a petition for judicial review shall not have been filed within such 60 days; or

(iii) if such petition for judicial review shall have been filed within such 60 days, upon final disposition, adverse to the person, of the judicial proceedings.

(7) If the confidential portion is made available to the public, a copy thereof shall be attached to each copy of the statement, report, or document filed with the Comptroller and with each exchange concerned.

§ 11.4 Registration statements and reports.

(a) *Requirement of registration statement*. On and after March 1, 1972, securities heretofore registered pursuant to § 10.1 of the former regulation and any new securities of a bank shall be registered under the provisions of either section 12(b) or section 12(g) of the Act by filing a statement in conformity with the requirements of Form F–1 (or Form F–10, in the case of registration of an additional class of securities). No registration shall be required under the provisions of section 12(b) or section 12(g) of the Act of any warrant or certificate evidencing a right to subscribe to or otherwise acquire a security of a bank if such warrant or certificate by its terms expires within 90 days after the issuance thereof.

(b) *Registration effective as to class or series*. Depending upon whether the security is to be listed on an exchange, registration shall become effective as provided in section 12(d) or section 12(g)(1) of the Act as to the entire class of such security, then or thereafter authorized. If, however, a class of security is issuable in two or more series with different terms, each such series shall be deemed a separate class for the purposes of this paragraph.

(c) *Acceleration of effectiveness of registration*. A request for acceleration of the effective date of registration shall be made in writing by either the bank, an exchange, or both and shall briefly describe the reasons therefor.

(d) *Exchange certification*. (1) Certification that a security has been approved by an exchange for listing and registration pursuant to section 12(d) of the Act shall be made by the governing committee or other corresponding authority of the exchange.

(2) The certification shall specify (i) the approval of the exchange for listing and registration; (ii) the title of the security so approved; (iii) the date of filing with the exchange of the registration statement and of any amendments thereto; and (iv) any conditions imposed on such certification. The exchange shall promptly notify the Comptroller of the partial or complete satisfaction of any such conditions.

(3) The certification may be made by the telegram but in such case shall be confirmed in writing. All certifications in writing and all amendments thereto shall be filed with the Comptroller in duplicate and at least one copy shall be manually signed by the appropriate exchange authority.

(4) The date of receipt by the Comptroller of the certification approving a security for listing and registration shall be the date on which the certification is actually received by the Comptroller or the date on which the registration statement to which the certification relates is, actually received by the Comptroller, whichever date is later.

(5) If an amendment to the registration statement is filed with the exchange and with the Comptroller after the receipt by the Comptroller of the certification of the exchange approving the security for listing and registration, the certification, unless withdrawn, shall be deemed made with reference to the statement as amended.

(6) An exchange may, by notice to the Comptroller, withdraw its certification prior to the time that the registration to which it relates first becomes effective pursuant to paragraph (b) of this section.

(e) *Requirement of annual reports*. Every registrant bank shall file an annual report for each fiscal year after the last full fiscal year for which financial statements were filed with the registration statement (Form F–1). The report, which shall conform to the requirements of Form F–2, shall be filed within 90 days after the close of the fiscal year or within 30 days of the mailing of the bank's annual report to stockholders, whichever occurs first.

(f) *Exception from requirement for annual report*. Notwithstanding paragraph (e) of this section, any bank that has filed, within the period prescribed for filing an annual report pursuant to that paragraph, a registration statement that has become effective and is not subject to any proceeding under section 15(c) or section 19(a) of the Act, or to an order thereunder, need not file an annual report if such statement covers the fiscal period that would be covered by such annual report and contains all of the information, including financial statements and exhibits, required for annual reports.

(g) *Current reports*. (1) After March 1, 1972, every registrant bank shall file a current report in conformity with the requirements of Form F–3 within 10 days after the close of any month during which any of the events specified in that form occurs, unless substantially the same information as required by that form has been previously reported by the bank.

(2) (i) Any person who, after acquiring directly or indirectly the beneficial ownership of any equity security of a national or District bank of a class which is registered pursuant to section 12 of the Act, is directly or indirectly the beneficial owner of more than 5 percent of such class shall, within 10 days after such acquisition, send to the bank at its principal executive office, by registered or certified mail, send to each exchange where the security is traded, and file with the Comptroller a statement containing the information required by Form F–11. Three copies of the statement shall be filed with the Comptroller, one of which shall be manually signed.

(ii) Acquisitions of securities by a security holder who, prior to such acquisition, was the beneficial owner of more than 5 percent of the outstanding securities of the same class as those acquired shall be exempt from the reporting requirements of subdivision (i) of this subparagraph if the following conditions are met: (a) The acquisition is made pursuant to preemptive subscription rights in an offer made to all holders of securities of the class to which the preemptive subscription rights pertain; (b) the purchaser does not, through the exercise of such preemptive rights, acquire more than his or its pro rata share of the securities offered; and (c) the acquisition is duly reported pursuant to section 16(a) of the Act and the provisions of section 11.6.

(3) If any material change occurs in the facts set forth in the statement required by subparagraph (2) of this paragraph, the person who filed such statement shall promptly file with the Comptroller and send to the bank and the exchange an amendment disclosing such change.

(h) *Quarterly reports*. Every registrant bank shall file a quarterly report in conformity with the requirements of Form F–4 for each fiscal quarter ending after the close of the latest fiscal year for which financial statements were filed in a Form F–1 registration statement, except that no report need be filed for the fiscal quarter which coincides with the end of the fiscal year of the bank. Such reports shall be filed not later than 30 days after the end of such quarterly period, except that the report for any period ending prior to the date on which a class of securities of the bank first becomes effectively registered may be filed not later than 30 days after the effective date of such registration.

(i) *Additional information*. In addition to the information expressly required to be included in a statement or report, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(j) *Information not available*. Information required need be given only insofar as it is known or reasonably available to the bank. If any required information is unknown and not reasonably available to the bank, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of another person not affiliated with the bank, the information may be omitted, subject to the following conditions:

(1) The bank shall give such information on the subject as it possesses or can acquire without unreasonable effort or expense together with the sources thereof, and

(2) The bank shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to such person for the information. No such request need be made, however, to any foreign government, or an agency or instrumentality thereof, if, in the opinion of the bank, such request would be harmful to existing relationships.

(k) *Disclaimer of control.* If the existence of control is open to reasonable doubt in any instance, the bank may disclaim the existence of control and any admission thereof; in such case, however, the bank shall state the material facts pertinent to the possible existence of control.

(l) *Incorporation by reference.* (1) Matter contained in any part of a statement or report, other than exhibits, may be incorporated by reference in answer or partial answer to any item of the statement or report. Matter contained in an exhibit may be so incorporated to the extent permitted in paragraph (m) of this section. A registration statement for an additional class of securities of the bank may incorporate by reference any item contained in a previous registration statement or report.

(2) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the statement or report where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would render the statement incomplete, unclear, or confusing.

(m) *Summaries or outlines of documents.* Where an item requires a summary or outline of the provisions of any document, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions. In addition to such statement, the summary or outline may incorporate by reference particular items, sections, or paragraphs of any exhibit and may be qualified in its entirety by such reference. Matter contained in an exhibit may be incorporated by reference in answer to an item only to the extent permitted by this paragraph (m).

(n) *Omission of substantially identical documents.* In any case where two or more indentures, contracts, franchises, or other documents required to be filed as exhibits are substantially identical in all material respects except as to the parties thereto, the dates of execution, or other details, the bank need file a copy of only one of such documents, with a schedule identifying the documents omitted and setting forth the material details in which such documents differ from the document of which a copy is filed. The Comptroller may at any time in his discretion require the filing of copies of documents so omitted.

(o) *Incorporation of exhibits by reference.* (1) Any documents or part thereof previously filed with the Comptroller pursuant to this part may, subject to the following limitations, be incorporated by reference as an exhibit to any registration statement or report filed with the Comptroller by the same or any other person. Any document or part thereof filed with an exchange pursuant to the Act may be incorporated by reference as an exhibit to any registration statement or report filed with the exchange by the same or any other person.

(2) Any document incorporated by reference pursuant to this paragraph (o) shall be so incorporated only by reference to the specific document and to the prior filing in which it was physically filed; not to another file which incorporates it by reference.

(3) If any modification has occurred in the text of any document incorporated by reference since the filing thereof, the bank shall file with the reference a statement containing the text of any such modification and the date thereof.

(4) No document which has been on file with the Comptroller pursuant to this part for a period of more than 10 years may be incorporated by reference. This limitation shall not, however, apply to a corporate charter or bylaws if such document has not been amended more than twice since such filing.

(p) *Extension of time for furnishing information.* If the furnishing of any information, document, or report at the time it is required to be filed is impracticable, the bank may file with the Comptroller as a separate document an application (1) identifying the information, document, or report in question, (2) stating why the filing thereof at the time required is impracticable, and (3) requesting an extension of time for filing the information, document, or report to a specified date not more than 60 days after the date it would otherwise have to be filed. The application shall be deemed granted unless the Comptroller, within 10 days after receipt thereof, shall enter an order denying the application.

(q) *Number of copies; signatures; binding.* (1) Except where otherwise provided in a particular form, four copies of each registration statement and report (including financial statements) and two copies of each exhibit and each other document filed as a part thereof, shall be filed with the Comptroller. At least one complete copy of each statement shall be filed with each exchange, if any, on which the securities covered thereby are being registered. At least one copy of each report shall be filed with each exchange, if any, on which the bank has securities registered.

(2) At least one copy of each statement or report filed with the Comptroller and one copy thereof filed with an exchange shall be manually signed. If the statement or report is typewritten, one of the signed copies filed with the Comptroller shall be an original "ribbon" copy. Unsigned copies shall be conformed. If the signature of any person is affixed pursuant to a power of attorney or other similar authority, a copy of such power or other authority shall also be filed with the statement or report.

(3) Each copy of a statement or report filed with the Comptroller or with an exchange shall be bound in one or more parts. Copies filed with the Comptroller shall be bound without stiff covers. The statement or report shall be bound on the left side in such a manner as to leave the reading matter legible.

(r) *Requirements as to paper, printing, and language.* (1) Statements and reports shall be filed on good quality, unglazed, white paper 8½ by 13 inches in size, insofar as practicable. Tables, charts, maps, and financial statements may, however, be on larger paper if folded to that size.

(2) The statement or report and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed, xeroxcopied, or typewritten. The statement or report or any portion thereof may, however, be prepared by any similar process that, in the opinion of the Comptroller, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable, and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

(3) The body of all printed statements and reports and all notes to financial statements and other tabular data included therein shall be in roman type at least as large as 10-point modern type. To the extent necessary for convenient presentation, however, financial statements and other statistical or tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

(4) Statements and reports shall be in English. If any exhibit or other paper or document filed with a statement or report is in a foreign language, it shall be accompanied by a translation into English.

(s) *Preparation of statement or report.* Each statement and report shall contain the numbers and captions of all items of the appropriate form, but the text of the items may be omitted provided the answers thereto are so prepared as to indicate to the reader the coverage of the items without the necessity of his referring to the text of the items or instructions thereto. Where

any item requires information to be given in tabular form, however, it shall be given in substantially the tabular form specified in the item. All instructions, whether appearing under the items of the form or elsewhere therein, are to be omitted. Unless expressly provided otherwise, if any item is inapplicable or the answer thereto is in the negative, an appropriate statement to that effect shall be made.

(t) *Riders, inserts.* Riders shall not be used. If the statement or report is typed on a printed form, and the space provided for the answer to any given item is insufficient, reference shall be made in such space to a full insert page or pages on which the item number and caption and the complete answer are given.

(u) *Amendments.* All amendments shall comply with all pertinent requirements applicable to statements and reports. Amendments shall be filed separately for each separate statement or report amended. Amendments to a statement may be filed either before or after registration becomes effective.

(v) *Title of securities.* Wherever the title of securities is required to be stated, information shall be given that will indicate the type and general character of the securities, including:

(1) In the case of shares, the par or stated value, if any; the rate of dividends, if fixed, and whether cumulative or noncumulative; a brief indication of the preference, if any; and if convertible, a statement to that effect.

(2) In the case of funded debt, the rate of interest; the date of maturity, or if the issue matures serially, a brief indication of the serial maturities, such as "maturing serially from 1970 to 1980"; if payment of principal or interest is contingent, an appropriate indication of such contingency; a brief indication of the priority of the issue; and if convertible, a statement to that effect.

(3) In the case of any other kind of security, appropriate information of comparable character.

(w) *Interpretation of requirements.* Unless the context clearly shows otherwise.

(1) The forms require information only as to the bank.

(2) Whenever any fixed period of time in the past is indicated, such period shall be computed from the date of filing.

(3) Whenever words relate to the future, they have reference solely to present intention.

(4) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

(x) *When securities are deemed to be registered.* A class of securities with respect to which an application for registration or a registration statement has been filed pursuant to section 12 of the Act shall be deemed to be registered for the purposes of sections 13, 14, and 16 of the Act and the regulations in this part only when such application or registration statement has become effective as provided in section 12, and securities of said class shall not be subject to sections 13, 14, and 16 of the Act until such application or registration statement has become effective as provided in section 12.

§ 11.5 Proxies, proxy statements, and statements where management does not solicit proxies.

(a) *Requirement of statement.* No solicitation of a proxy with respect to a security of a bank registered pursuant to section 12 of the Act shall be made for use at any meeting of shareholders noticed for August 1, 1971, and thereafter unless each person solicited is concurrently furnished or has previously been furnished with a written proxy statement containing the information required by Form F–5. If the management of any bank having such a security outstanding fails to solicit proxies from the holders of any such security in such a manner as to require the furnishing of such proxy statement, such bank shall transmit to all holders of record of such security a statement containing the information required by Form F–5. The "information statement" required by the preceding sentence shall be transmitted (i) at least 20 calendar days prior to any annual or other meeting of the holders of such security at which such holders are entitled to vote, or (ii) in the case of corporate action taken with the written authorization or consent of security holders, at least 20 days prior to the earliest date on which the corporate action may be taken. A proxy statement or an information statement required by this paragraph is hereinafter sometimes referred to as a "Statement."

(b) *Exceptions.* The requirements of the first sentence of paragraph (a) of this section shall not apply to the following:

(1) Any solicitation made otherwise than on behalf of the management of the bank where the total number of persons solicited is not more than 10.

(2) Any solicitation by a person in respect to securities carried in his name or in the name of his nominee (otherwise than as voting trustee) or held in his custody, if such person—

(i) Receives no commission or remuneration for such solicitation, directly or indirectly, other than reimbursement of reasonable expenses;

(ii) Furnished promptly to the person solicited a copy of all soliciting material with respect to the same subject matter or meeting received from all persons who will furnish copies thereof for such purpose and who will, if requested, defray the reasonable expenses to be incurred in forwarding such material; and

(iii) In addition, does no more than (*a*) impartially instruct the person solicited to forward a proxy to the person, if any, to whom the person solicited desires to give a proxy, or (*b*) impartially request from the person solicited instructions as to the authority to be conferred by the proxy and state that proxy will be given if no instructions are received by a certain date.

(3) Any solicitation by a person with respect to securities of which he is the beneficial owner.

(4) Any solicitation through the medium of a newspaper advertisement that informs security holders of a source from which they may obtain copies of a proxy statement, form of proxy, and any other soliciting material and does no more than (i) name the bank; (ii) state the reason for the advertisement; and (iii) identify the proposal or proposals to be acted upon by security holders.

(c) *Annual report to security holders to accompany statements.* (1) Any statement furnished on behalf of the management of the bank that relates to an annual meeting of security holders at which directors are to be elected shall be accompanied or preceded by an annual report to such security holders containing such financial statements for the last 2 fiscal years as will, in the opinion of the management, adequately reflect the financial position of the bank at the end of each such year and the results of its operations for each such year. The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Comptroller, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management. This paragraph (c) shall not apply, however, to solicitations made on behalf of management before the financial statements are available if solicitation is being made at the time in opposition to the management and if the management's Statement includes an undertaking in boldfaced type to furnish such annual report to all persons being solicited at least 20 days before the date of the meeting.

NOTES: 1. To reflect adequately the financial position and results of operations of a bank in its annual report to security holders, the financial presentation shall include, but not necessarily be limited, to the following:

(a) Comparative statements of condition at the end of each of the last 2 fiscal years.

(b) Comparative statements of income in a form providing for the determination of "net income" for each fiscal year and per share earnings data.

(c) Comparative statements of changes in capital accounts for each fiscal year similar in form to Form F–9C.

(d) A comparative reconciliation of the "Allowance for Possible Loan Losses" account similar in form to schedule VII, Form F–9D.

(e) Supplemental notes to financial statements to the extent necessary to furnish a fair financial presentation.

2. The financial statements should be prepared on a consolidated basis to the extent required by § 11.7(d). Any differences from the principles of consolidation or other accounting principles or practices, or methods

of applying accounting principles or practices, applicable to the financial statements of the bank filed or to be filed with the Comptroller, which have a material effect on the financial position or results of operations of the bank, shall be noted and the effect thereof reconciled or explained in the annual report to security holders.

3. When financial statements included in the annual report (Form F-2) filed, or proposed to be filed, with the Comptroller are accompanied by an opinion of an independent public accountant, the financial statements in the annual report to security holders should also be accompanied by an opinion of such independent public accountant.

4. The requirement for sending an annual report to each person being solicited will be satisfied with respect to persons having the same address by sending at least one report to a holder of record at that address provided (i) that management has reasonable cause to believe that the record holder to whom the report is sent is the "beneficial owner" (see definition in § 11.2(ff)) of securities registered in the name of such person in other capacities or in the name of other persons at such address, or (ii) the security holders at such address consent thereto in writing. Nothing herein shall be deemed to relieve any person so consenting of any obligation to obtain or send such annual report to any other person.

(2) Four copies of each annual report sent to security holders pursuant to this paragraph (c) shall be sent to the Comptroller not later than (i) the date on which such report is first sent or given to security holders or (ii) the date on which preliminary copies of the management statement are filed with the Comptroller pursuant to paragraph (f), whichever date is later. Such annual report is not deemed to be "soliciting material" or to be "filed" with the Comptroller or otherwise subject to this § 11.5 or the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of the proxy soliciting material or incorporates it in the proxy statement by reference.

(d) *Requirements as to proxy.* (1) The form of proxy (i) shall indicate in boldface type whether or not the proxy is solicited on behalf of the management of the bank, (ii) shall provide a specifically designated blank space for dating the proxy, and (iii) shall identify clearly and impartially each matter or group of related matters that management intended to be acted upon, whether proposed by the management or by security holders. No reference need be made, however, to proposals as to which discretionary authority is conferred pursuant to subparagraph (4) of this paragraph.

(2) Means shall be provided in the form of proxy whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter or group of related matters referred to therein as intended to be acted upon, other than elections to office. A proxy may confer discretionary authority with respect to matters as to which a choice is not so specified if the form of proxy states in boldface type how the shares represented by the proxy are intended to be voted in each such case.

(3) A form of proxy which provides both for the election of directors and for action on other specified matters shall be prepared so as clearly to provide, by a box or otherwise, means by which the security holder may withhold authority to vote for the election of directors. Any such form of proxy which is executed by the security holder in such manner as not to withhold authority to vote for the election of directors, shall be deemed to grant such authority, provided the form of proxy so states in boldface type. This paragraph (3) does not apply (i) in the case of a merger, consolidation or other plan if the election of directors is an integral part of the plan and is not to be separately voted upon or (ii) if the only matters to be acted upon are the election of directors and the election, selection, or approval of other persons such as clerks or auditors.

(4) A proxy may confer discretionary authority to vote with respect to any of the following matters:

(i) Matters that the persons making the solicitation do not know, within a reasonable time before the solicitation, are to be presented at the meeting, if a specific statement to that effect is made in the proxy statement or form of proxy;

(ii) Approval of the minutes of the prior meeting if such approval does not amount to ratification of the action taken at that meeting;

(iii) The election of any person to any office for which a bona fide nominee is named in the proxy statement and such nominee is unable to serve or for good cause refuses to serve;

(iv) Any proposal omitted from the proxy statement and form of proxy pursuant to § 11.5(k);

(v) Matters incident to the conduct of the meeting.

(5) No proxy shall confer authority (i) to vote for the election of any person to any office for which a bona fide nominee is not named in the proxy statement, or (ii) to vote at any annual meeting other than the next annual meeting (or any adjournment thereof) to be held after the date on which the proxy statement and form of proxy are first sent or given to security holders. A person shall not be deemed to be a bona fide nominee and he shall not be named as such unless he has consented to being named in the proxy statement and to serve if elected.

(6) The proxy statement or form of proxy shall provide, subject to reasonable specified conditions, that the shares represented by the proxy will be voted and that where the person solicited specifies by means of a ballot provided pursuant to subparagraph (2) of this paragraph, a choice with respect to any matters to be acted upon, the shares will be voted in accordance with the specifications so made.

(e) *Presentation of information in statement.* (1) The information included in the statement shall be clearly presented and the statements made shall be divided into groups according to subject matter and the various groups of statements shall be preceded by appropriate headings. The order of items in the form need not be followed. Where practicable and appropriate, the information shall be presented in tabular form. All amounts shall be stated in figures. Information required by more than one applicable item need not be repeated. No statement need be made in response to any item that is inapplicable.

(2) Any information required to be included in the statement as to terms of securities or other subject matter that from a standpoint of practical necessity must be determined in the future may be stated in terms of present knowledge and intention. To the extent practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing, information that is not known to the persons on whose behalf the solicitation is to be made and is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

(3) There may be omitted from a proxy statement any information contained in any other proxy soliciting material that has been furnished to each person solicited in connection with the same meeting or subject matter if a clear reference is made to the particular document containing such information.

(4) All printed statements shall be set in roman type at least as large as 10-point modern type except that to the extent necessary for convenient presentation financial statements and other statistical or tabular matter, but not the notes thereto, may be set in roman type at least as large as 8-point modern type. All type shall be leaded at least 2 points.

(f) *Material required to be filed.* (1) Three preliminary copies of each statement, form of proxy, and other items of soliciting material to be furnished to security holders concurrently therewith, shall be filed with the Comptroller by management or any other person making a solicitation subject to this § 11.5 at least 10 calendar days (or 15 calendar days in the case of other than routine meetings, as defined below) prior to the date such item is first sent or given to any security holders, or such shorter period prior to that date as may be authorized. For the purposes of this subparagraph (1), a routine meeting means a meeting with respect to which no one is soliciting proxies subject to this § 11.5 other than on behalf of management and at which management intends to present no matters other than the election of directors, election of inspectors of election, and other recurring matters. In the absence of actual knowledge to the contrary, management may assume that no other such solicitation of the bank's security holders is being made. In cases of annual meetings, one additional preliminary copy of the Statement, the form of proxy, and any other soliciting material, marked to show changes from the material sent or given to security holders with respect to the preceeding annual meeting, shall be filed with the Comptroller.

(2) Three preliminary copies of any additional soliciting material, relating to the same meeting or subject matter, furnished to security holders subsequent to the proxy statement shall be filed with the Comptroller at least 2 days (exclusive of Saturdays, Sundays, and holidays) prior to the date copies of such material are first sent or given to security holders, or such shorter period prior to such date as may be authorized upon a showing of good cause therefor.

(3) Four copies of each Statement, form of proxy, and other items of soliciting material, in the form in which such material is furnished to security holders, shall be filed with, or mailed for filing to, the Comptroller not later than the date such material is first sent or given to any security holders. Three copies of such material shall at the same time be filed with, or mailed for filing to, each exchange upon which any security of the bank is listed.

(4) If the solicitation is to be made in whole or in part by personal solicitation, three copies of all written instructions or other material that discusses or reviews, or comments upon the merits of, any matter to be acted upon, and is furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation, shall be filed with the Comptroller by the person on whose behalf the solicitation is made at least 5 days prior to the date copies of such material are first sent or given to such individuals, or such shorter period prior to that date as may be authorized upon a showing of good cause therefor.

(5) All copies of material filed pursuant to subparagraphs (1) and (2) of this paragraph shall be clearly marked "Preliminary Copies" and shall be for the information of the Comptroller only except that such material may be disclosed to any department or agency of the U.S. Government and the Comptroller may make such inquiries or investigation with respect to the material as may be necessary for an adequate review thereof. All material filed pursuant to subparagraphs (1), (2), or (3) of this paragraph shall be accompanied by a statement of the date upon which copies thereof are intended to be, or have been, sent or given to security holders. All material filed pursuant to subparagraph (4) of this paragraph shall be accompanied by a statement of the date upon which copies thereof are intended to be released to the individuals who will make the actual solicitation.

(6) Copies of replies to inquiries from security holders requesting further information and copies of communications that do no more than request that forms of proxy theretofore solicited be signed, dated, and returned need not be filed pursuant to this paragraph.

(7) Notwithstanding the provisions of paragraphs (f) (1), (2), and (i)(5), copies of soliciting material in the form of speeches, press releases, and radio or television scripts may, but need not, be filed with the Comptroller prior to use or publication. Definitive copies, however, shall be filed with or mailed for filing to the Comptroller as required by subparagraph (3) of this paragraph not later than the date such material is used or published. The provision of paragraphs (f) (1), (2), and (i)(5) shall apply, however, to any reprints or reproductions of all or any part of such material.

(8) Where any statement, form of proxy, or other material filed pursuant to this paragraph is revised, two of the copies of such revised material filed pursuant to subparagraph (3) of this paragraph shall be marked to indicate clearly the changes. If the revision alters the text of the material, the changes in such text shall be indicated by means of underscoring or in some other appropriate manner.

(9) The date that proxy material is "filed" with the Comptroller for purposes of subparagraphs (1), (2), and (4) of this paragraph is the date of receipt of the material by the Comptroller, not the date of mailing to the Comptroller. In computing the advance filing period for preliminary copies of proxy soliciting material referred to in such subparagraphs, the filing date of the preliminary material is to be counted as the first day of the period and definitive material should not be planned to be mailed or distributed to security holders until after the expiration of such period. Where additional time is required for final printing after receipt of comments, the preliminary proxy material should be filed as early as possible prior to the intended mailing date.

(10) Where preliminary copies of material are filed with the Comptroller pursuant to this subsection, the printing of definitive copies for distribution to security holders should be deferred until the comments of the Comptroller's staff have been received and considered.

(g) *Mailing communications for security holders.* If the management of the bank has made or intends to make any proxy solicitation subject to this § 11.5, the bank shall perform such of the following acts as may be requested in writing with respect to the same subject matter or meeting by any security holder who is entitled to vote on such matter or to vote at such meeting and who shall first defray the reasonable expenses to be incurred by the bank in the performance of the act or acts requested:

(1) The bank shall mail or otherwise furnish to such security holder the following information as promptly as practicable after the receipt of such request:

(i) A statement of the approximate number of holders of record of any class of securities, any of the holders of which have been or are to be solicited on behalf of the management, or any group of such holders that the security holder shall designate;

(ii) If the management of the bank has made or intends to make, through bankers, brokers, or other persons any solicitation of the beneficial owners of securities of any class, a statement of the approximate number of such beneficial owners, or any group of such owners that the security holder shall designate;

(iii) An estimate of the cost of mailing a specified proxy statement, form of proxy, or other communication to such holders, including insofar as known or reasonably available, the estimated handling and mailing costs of the bankers, brokers, or other persons specified in subdivision (ii) of this subparagraph.

(2) (i) Copies of any proxy statement, form of proxy, or other communication furnished by the security holder shall be mailed by the bank to such of the holders of record specified in subparagraph (1)(i) of this paragraph as the security holder shall designate. The bank shall also mail to each banker, broker, or other persons specified in subparagraph (1)(ii) of this paragraph, a sufficient number of copies of such proxy statement, form of proxy, or other communication as will enable the banker, broker, or other person to furnish a copy thereof to each beneficial owner solicited or to be solicited through him:

(ii) Any such material that is furnished by the security holder shall be mailed with reasonable promptness by the bank after receipt of a tender of the material to be mailed, of envelopes or other containers therefor, of postage or payment for postage, and of evidence that such material has been filed with the Comptroller pursuant to paragraph (f) of this section. The bank need not, however, mail any such material that relates to any matter to be acted upon at an annual meeting of security holders prior to the earlier of (a) a day corresponding to the first date on which management proxy soliciting material was released to security holders in connection with the last annual meeting of security holders, or (b) the first day on which solicitation is made on behalf of management. With respect to any such material that relates to any matter to be acted upon by security holders otherwise than at an annual meeting, such material need not be mailed prior to the first day on which solicitation is made on behalf of management;

(iii) Neither the management nor the bank shall be responsible for such proxy statement, form of proxy, or other communication.

(3) In lieu of performing the acts specified above, the bank may, at its option, furnish promptly to such security holder a reasonably current list of the names and addresses of such of the holders of record specified in subparagraph (1)(i) of this paragraph as the security holder shall designate, and a list of the names and addresses of the bankers, brokers, or other persons specified in subparagraph (1)(ii) of this paragraph as the security holder shall designate together with a statement of the

approximate number of beneficial owners solicited or to be solicited through each such banker, broker, or other person and a schedule of the handling and mailing costs of each such banker, broker, or other person, if such schedule has been supplied to the management of the bank. The foregoing information shall be furnished promptly upon the request of the security holder or at daily or other reasonable intervals as it becomes available to the management of the bank.

(h) *False or misleading statements.* (1) No solicitation or communication subject to this section shall be made by means of any Statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement that, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or that omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the same meeting or subject matter that has become false or misleading. Depending upon particular circumstances, the following may be misleading within the meaning of this paragraph: predictions as to specific future market values, earnings, or dividends; material that directly or indirectly impugns character, integrity, or personal reputation, or directly or indirectly makes charges concerning improper, illegal, or immoral conduct or associations, without factual foundation; failure so to identify a statement, form of proxy, and other soliciting material as clearly to distinguish it from the soliciting material of any other person or persons soliciting for the same meeting or subject matter; claims made prior to a meeting regarding the results of a solicitation.

(2) The fact that a proxy statement, form of proxy, or other soliciting material has been filed with or reviewed by the Comptroller or his staff shall not be deemed a finding by the Comptroller that such material is accurate or complete or not false or misleading, or that the Comptroller has passed upon the merits of or approved any statement therein or any matter to be acted upon by security holders. No representation contrary to the foregoing shall be made.

(i) *Special provisions applicable to election contests*—(1) *Solicitations to which the paragraph applies.* This paragraph applies to any solicitation subject to this § 11.5 by any person or group of persons for the purpose of opposing a solicitation subject to this section by any other person or group of persons with respect to the election or removal of directors at any annual or special meeting of security holders.

(2) *Participant defined.* (i) For purposes of this paragraph the terms "participant" and "participant in a solicitation" include the following:

(*a*) The bank;

(*b*) Any director of the bank, and any nominee for whose election as a director proxies are solicited;

(*c*) Any committee of group that solicits proxies, any member of such committee or group, and any person whether or not named as a member who, acting alone or with one or more other persons, directly or indirectly, takes the initiative in organizing, directing or financing any such committee or group;

(*d*) Any person who finances or joins with another to finance the solicitation of proxies, except persons who contribute not more than $500 and who are not otherwise participants;

(*e*) Any person who lends money or furnishes credit or enters into any other arrangements, pursuant to any contract or understanding with a participant, for the purpose of financing or otherwise inducing the purchase, sale, holding, or voting of securities of the bank by any participant or other person, in support of or in opposition to a participant, except a bank, broker, or dealer who, in the ordinary course of business, lends money or executes orders for the purchase or sale of securities and who is not otherwise a participant;

(*f*) Any other person who solicits proxies.

(ii) Such terms do not include—

(*a*) Any person or organization retained or employed by a participant to solicit security holders, or any person who merely transmits proxy soliciting material or performs ministerial or clerical duties;

(*b*) Any person employed by a participant in the capacity of attorney, accountant, or advertising, public relations, or financial adviser, and whose activities are limited to the performance of his duties in the course of such employment;

(*c*) Any person regularly employed as an officer or employee of the bank or any of its subsidiaries who is not otherwise a participant; or

(*d*) Any officer or director of, or any person regularly employed by, any other participant, if such officer, director, or employee is not otherwise a participant.

(3) *Filing of information required by Form F–6.* (i) No solicitation subject to this paragraph shall be made by any person other than the management of the bank unless at least 5 business days prior thereto, or such shorter period as the Comptroller may authorize upon a showing of good cause therefor, there has been filed with the Comptroller and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, a statement in duplicate containing the information specified by Form F–6.

(i) Within 5 business days after a solicitation subject to this paragraph is made by the management of the bank or such longer period as the Comptroller may authorize upon a showing of good cause therefor, there shall be filed with the Comptroller and with each exchange upon which any security of the bank is listed, by or on behalf of each participant in such solicitation, other than the bank, a statement in duplicate containing the information specified by Form F–6.

(iii) If any solicitation on behalf of management or any other person has been made, or if proxy material is ready for distribution, prior to a solicitation subject to this paragraph in opposition thereto, a statement in duplicate containing the information specified in Form F–6 shall be filed by or on behalf of each participant in such prior solicitation, other than the bank, as soon as reasonably practicable after the commencement of the solicitation in opposition thereto, with the Comptroller and with each exchange on which any security of the bank is listed.

(iv) If, subsequent to the filing of the statement required by subdivisions (i), (ii), and (iii) of this subparagraph, additional persons become participants in a solicitaton subject to ths paragraph, there shall be filed, with the Comptroller and each appropriate exchange, by or on behalf of each such person a statement in duplicate containing the information specified by Form F–6, within 3 business days after such person becomes a participant, or such longer period as the Comptroller may authorize upon a showing of good cause therefor.

(v) If any material change occurs in the facts reported in any statement filed by or on behalf of any participant, an appropriate amendment to such statement shall be filed promptly with the Comptroller and each appropriate exchange.

(vi) Each statement and amendment thereto filed pursuant to this paragraph shall be part of the official public files of the Comptroller and shall be deemed a communication subject to the provisions of paragraph (h) of this section.

(4) *Solicitations prior to furnishing required statement.* Notwithstanding the provisions of paragraph (a) of this section, a solicitation subject to this paragraph may be made prior to furnishing security holders a written statement containing the information specified in Form F–5 with respect to such solicitation if (i) the statements required by subparagraph (3) of this paragraph are filed by or on behalf of each participant in such solicitation; (ii) no form of proxy is furnished to security holders prior to the time the statement is furnished to security holders, except that this subdivision shall not apply where a statement then meeting the requirements of Form F–5 has been furnished to security holders; (iii) at least the information specified in Items 2(a) and 3(a) of the statement required by subparagraph (3) of this paragraph to be filed by each participant, or an appropriate summary thereof, is included in each communication sent or given to security holders in connection with the solicitation; and (iv) a written statement containing the information specified in Form F–5 with respect to a solicitation is sent or given security holders at the earliest practicable date.

(5) *Solicitations prior to furnishing required statement—Filing requirements.* Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the proxy statement required by paragraph (a) of this section shall be filed with the Comptroller in preliminary form, at least 5 business days prior to the date copies of such material are first sent or given to security holders, or such shorter period as the Comptroller may authorize upon a showing of good cause therefor.

(6) *Application of this paragraph to annual report.* Notwithstanding the provisions of paragraph (c) of this section, three copies of any portion of the annual report referred to in that paragraph that comments upon or refers to any solicitation subject to this paragraph, or to any participant in any such solicitation, other than the solicitation by the management, shall be filed with the Comptroller as proxy material subject to this section. Such portion of the annual report shall be filed with the Comptroller in preliminary form at least 5 business days prior to the date copies of the report are first sent or given to security holders.

(7) *Application of paragraph (f) of this section.* The provisions of subparagraphs (3), (4), (5), (6), and (7) of paragraph (f) of this section shall apply, to the extent pertinent, to soliciting material subject to subparagraphs (5) and (6) of this paragraph.

(8) *Use of reprints or reproductions.* In any solicitation subject to this paragraph, soliciting material that includes, in whole or part, any reprints or reproductions of any previously published material shall:

(i) State the name of the author and publication, the date of prior publication, and identify any person who is quoted without being named in the previously published material.

(ii) Except in the case of a public official document or statement, state whether or not the consent of the author and publication has been obtained to the use of the previously published material as proxy soliciting material.

(iii) If any participant using the previously published material, or anyone on his behalf, paid, directly or indirectly, for the preparation or prior publication of the previously published material, or has made or proposes to make any payments or give any other consideration in connection with the publication or republication of such material, state the circumstances.

(j) *Prohibition of certain solicitations.* No person making a solicitation that is subject to this section shall solicit—

(1) Any undated or postdated proxy; or

(2) Any proxy that provides that it shall be deemed to be dated as of any date subsequent to the date on which it is signed by the security holder.

(k) *Proposals of security holders.* (1) If any security holder entitled to vote at a meeting of security holders of the bank shall submit to the management of the bank, within the time hereinafter specified, a proposal which is accompanied by notice of his intention to present the proposal for action at the meeting, the management shall set forth the proposal in its proxy statement and shall identify it in its form of proxy and provide means by which security holders can approve or disapprove the proposal. The management of the bank shall not be required by this section to include the proposal in its proxy statement for an annual meeting unless the proposal is submitted to management not less than 60 days in advance of a day corresponding to the first date on which the management's statement was released to security holders in connection with the preceding annual meeting of security holders. A proposal to be presented at any other meeting shall be submitted to the management of the bank a reasonable time before the solicitation is made. This paragraph (k) shall not apply, however, to elections to office.

(2) If the management opposes the proposal, it shall also, at the written request of the security holder, include in the proxy statement (i) the name and address of the security holder, or a statement that such name and address will be furnished upon request, and (ii) a statement of the security holder (which shall not include such name and address) of not more than 100 words in support of the proposal. The statement and request of the security holder shall be furnished to the management at the same time that the proposal is furnished. Neither the management nor the bank shall be responsible for such statement.

(3) Notwithstanding subparagraphs (1) and (2) of this paragraph, the management may omit a proposal and any statement in support thereof from its proxy statement and form of proxy under any of the following circumstances:

(i) If the proposal is impossible to accomplish or, under applicable law, is not a proper subject for action by security holders; or

(ii) If the proposal consists of a recommendation or request that the management take action with respect to a matter relating to the conduct of the ordinary business operations of the bank; or

(iii) If it appears that the proposal is submitted by the security holder principally for the purpose of enforcing a personal claim or redressing a personal grievance against the bank or its management, or principally for the purpose of promoting general economic, political, racial, religious, social, or similar causes; or

(iv) If the management has at the security holder's request included a proposal in its proxy statement and form of proxy relating to either of the two preceding annual meetings of security holders or any special meeting held subsequent to the earlier of such two annual meetings, and such security holder has failed without good cause to present the proposal, in person or by proxy, for action at the meeting; or

(v) If substantially the same proposal has previously been submitted to security holders in the management's proxy statement and form of proxy relating to any meeting of security holders held within the preceding 5 calendar years, it may be omitted from the proxy statement relating to any meeting of security holders held within the 3 calendar years after the latest such previous submission: *Provided*, That (*a*) if the proposal was submitted at only one meeting during such preceding period, it received less than 5 percent of the total number of votes cast in regard thereto, or (*b*) if the proposal was submitted at only two meetings during such preceding period, it received at the time of its second submission less than 10 percent of the total number of votes cast in regard thereto, or (*c*) if the proposal was submitted at three or more meetings during such period, it received at the time of its latest submission less than 20 percent of the total number of votes cast in regard thereto; or

(vi) If, prior to the receipt of such proposal, substantially the same proposal has been received by the management from another security holder and is to be included in the bank's proxy soliciting material.

(4) Whenever the management asserts that a proposal and any statement in support thereof may properly be omitted from the proxy statement and form of proxy, it shall file with the Comptroller, not later than 20 days prior to the date the preliminary copies of the proxy statement and form of proxy are filed pursuant to paragraph (f)(1) of this section or such shorter period prior to such date as the Comptroller may permit, a copy of the proposal and any statement in support thereof as received from the security holder, together with a statement of the reasons why the management deems such omissions to be proper in the particular case, and, where such reasons are based on matters of law, a supporting opinion of counsel. The management shall at the same time, if it has not already done so, notify the security holder submitting the proposal of its intention to omit the proposal from its proxy statement and shall forward to him a copy of the statement of the reasons why the management deems the omission of the proposal to be proper and a copy of such supporting opinion of counsel.

(l) *Invitations for tenders.* (1) No person, directly or indirectly, by use of the mails or by any means or instrumentality of interstate commerce or of any facility of a national securities exchange or otherwise, shall make a tender offer for, or a request or invitation for tenders of, any class of any equity security, which is registered pursuant to section 12 of the Act, of a national bank or a bank operating under the Code of Law for the District of Columbia if, after consummation thereof, such person would, directly or indirectly, be the beneficial owner of more than 5 percent of such class, unless, at the time copies of the offer or request or invitation are first published or sent or given to security holders, such person has filed with the Comptroller a statement containing the information and exhibits required by Form F–11.

(2) If any material change occurs in

the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) All requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders shall contain the name of the persons making such requests, invitations, or advertisements and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof, and shall be filed with the Comptroller as part of the statement required by subparagraph (1) of this paragraph.

(4) Any additional material soliciting or requesting such tender offer subsequent to the initial solicitation or request shall contain the name of the persons making such solicitation or request and the information required by Items 2 (a) and (c), 3, 4, 5, and 6 of Form F–11, or a fair and adequate summary thereof: *Provided, however,* That such material may omit any of such information previously furnished to the persons solicited or requested for tender offers. Copies of such additional material soliciting or requesting such tender offers shall be filed with the Comptroller not later than the time copies of such material are first published or sent or given to security holders.

(5) If any securities to be offered in connection with the tender offer for, or request or invitation for tenders of, securities with respect to which a statement is required to be filed pursuant to subparagraph (1) of this paragraph, have been or are to be registered under the Securities Act of 1933, a copy of the prospectus containing the information required to be included therein under that Act shall be filed as an exhibit to such statement. Any information contained in the prospectus may be incorporated by reference in such statement.

(6) Four copies of the statement required by subparagraph (1) of this paragraph, every amendment to such statement, and all other material required by this section shall be filed with the Comptroller.

(m) *Recommendations as to tender offers.* (1) No solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall be made unless, at the time copies of the solicitation or recommendation are first published or sent or given to holders of the security, the person making such solicitation or recommendation has filed with the Comptroller a statement containing the information specified by Form F–12; *Provided, however,* That this paragraph shall not apply to (1) a person required by paragraph (1) of this section to file a statement, or (2) a person, other than the bank or the management of the bank, who makes no written solicitations or recommendations other than solicitations or recommendations copies of which have otherwise been filed with the Comptroller.

(2) If any material change occurs in the facts set forth in the statement required by subparagraph (1) of this paragraph, the person who filed such statement shall promptly file with the Comptroller an amendment disclosing such change.

(3) Any written solicitation or recommendation to the holders of a security to accept or reject a tender offer or request or invitation for tenders subject to section 14(d) of the Act shall include the name of the person making such solicitation or recommendation and the information required by Items 1(b), 2(b) of Form F–12, or a fair and adequate summary thereof: *Provided, however,* That such written solicitation or recommendation may omit any of such information previously furnished to the persons to whom the solicitation or recommendation is made.

(n) *Change in majority of directors.* If, pursuant to any arrangement or understanding with the person or persons acquiring securities in a transaction subject to section 13(d) or 14(d) of the Act, any persons are to be elected or designated as directors of the bank, otherwise than at a meeting of security holders, and the persons so elected or designated will constitute a majority of the directors of the bank, then, not less than 10 days prior to the date any such person takes office as a director, or such shorter period prior to that date as the Comptroller may authorize upon a showing of good cause therefor, the bank shall file with the Comptroller and transmit to all holders of record of securities of the bank who would be entitled to vote at a meeting for election of directors, information substantially equivalent to the information which would be required by Items 5 (a), (d), (e), and (f), 6 and 7 of Form F–5 to be transmitted if such person or persons were nominees for election as directors at a meeting of such security holders.

(o) *Solicitation prior to furnishing required proxy statement.* (1) Notwithstanding the provisions of § 11.5(a), a solicitation (other than one subject to § 11.5(i)) may be made prior to furnishing security holders a written proxy statement containing the information specified in Form F–5 with respect to such solicitation if:

(i) The solicitation is made in opposition to a prior solicitation or an invitation for tenders or other publicized activity, which if successful, could reasonably have the effect of defeating the action proposed to be taken at the meeting;

(ii) No form of proxy is furnished to security holders prior to the time the written proxy statement required by § 11.5(a) is furnished to security holders: *Provided, however,* That this subparagraph (ii) shall not apply where a proxy statement then meeting the requirements of Form F–5 has been furnished to security holders by or on behalf of the person making the solicitation;

(iii) The identity of the person or persons by or on whose behalf the solicitation is made and a description of their interests direct or indirect, by security holdings or otherwise, are set forth in each communication sent or given to security holders in connection with the solicitation, and

(iv) A written proxy statement meeting the requirements of this section is sent or given to security holders at the earliest practicable date.

(2) Three copies of any soliciting material proposed to be sent or given to security holders prior to the furnishing of the written proxy statement required by § 11.5(a) shall be filed with the Comptroller in preliminary form at least 5 business days prior to the date definitive copies of such material are first sent or given to security holders, or such shorter period as may be authorized.

§ 11.6 "Insiders' " securities transactions and reports under section 16 of the Act.

(a) *Filing of statements by directors, officers, and principal stockholders.* (1) Initial statements of beneficial ownership of equity securities of a bank required by section 16(a) of the Act, and statements of changes in such beneficial ownership, shall be prepared and filed in accordance with the requirements of Form F–7 and Form F–8, respectively.

(2) A person who is already filing statements with the Comptroller pursuant to section 16(a) need not file an additional statement on Form F–7 when an additional class of equity securities of the same bank becomes registered or when he assumes another or an additional relationship to the bank; for example, when an officer becomes a director.

(3) Any bank that has equity securities listed on more than one national securities exchange may designate one of them as the only exchange with which reports pursuant to section 16(a) need be filed. Such designation shall be filed with the Comptroller and with each national securities exchange on which any equity security of the bank is listed. After the filing of such designation the securities of such bank shall be exempted with respect to the filing of statements pursuant to section 16(a) with any exchange other than the designated exchange.

(b) *Ownership of more than 10 percent of an equity security.* In determining, for the purpose of section 16(a), whether a person is the beneficial owner, directly or indirectly, or more than 10 percent of any class of equity security of a bank, such class shall be deemed to consist of the total amount of such class that has been issued, regardless of whether any part of such amount is held by or for the account of the bank.

(c) *Disclaimer of beneficial ownership.* Any person filing a statement may expressly declare therein that the filing of such statement shall not be construed as an admission that such person is, for the purpose of section 16, the beneficial owner of any equity securities covered by the statement.

(d) *Ownership of securities held in trust.* (1) Beneficial ownership of a bank's securities for the purpose of section 16(a) shall include: (i) The ownership of such securities as a trustee where either the trustee or members of his immediate family have a vested interest in the income or corpus of the trusts, (ii) the ownership of a vested beneficial interest in a trust, and (iii) the ownership of such securities as a settlor of a trust in which the settlor has the power to revoke the trust without obtaining the consent of all beneficiaries.

(2) Except as provided in subparagraph (3) of this paragraph, beneficial ownership of securities of registrant banks solely as a settlor or beneficiary of a trust shall be exempt from the provisions of section 16(a) where less than 20 percent in market value of the securities having a readily ascertainable market value held by such trust (determined as of the ending of the preceding fiscal year of the trusts) consists of equity securities with respect to which reports are required by section 16(a) or would be required but for an exemption by the Securities and Exchange Commission, the Comptroller of the Currency, or the Federal Deposit Insurance Corporation similar to the exemption provided for by this sentence. Exemption from section 16(a) is likewise accorded with respect to any obligation that would otherwise be imposed solely by reason of ownership as settlor or beneficiary of a bank's securities held in trust, where the ownership, acquisition, or disposition of such securities by the trust is made without prior approval by the settlor or beneficiary. No exemption pursuant to this subparagraph shall, however, be acquired or lost solely as a result of changes in the value of the trust assets during any fiscal year or during any time when there is no transaction by the trust in the securities otherwise subject to the reporting requirements of section 16(a).

(3) In the event that 10 percent of any class of any equity security of a bank is held in a trust, that trust and the trustees thereof as such shall be deemed a person required to file the reports specified in section 16(a).

(4) Not more than one report need be filed to report any holdings of a bank's securities or with respect to any transaction in such securities held by a trust, regardless of the number of officers, directors, or 10-percent stockholders who are either trustees, settlors, or beneficiaries of a trust if the report filed discloses the names of all trustees, settlors, and beneficiaries who are officers, directors, or 10-percent stockholders. A person having an interest only as a beneficiary of a trust shall not be required to file any such report so long as he relies in good faith upon an understanding that the trustee of such trust will file whatever reports might otherwise be required of such beneficiary.

(5) In determining, for the purposes of paragraph (a) of this section, whether a person is the beneficial owner, directly or indirectly, of more than 10 percent of any class of equity security of a bank, the interest of such person in the remainder of a trust shall be excluded.

(6) No report shall be required by any person, whether or not otherwise subject to the requirement of filing reports under section 16(a), with respect to his indirect interest in portfolio securities held by (i) any holding company registered under the Public Utility Holding Company Act, (ii) any investment company registered under the Investment Company Act, (iii) a pension or retirement plan holding securities of a bank whose employees generally are the beneficiaries of the plan, (iv) a business trust with over 25 beneficiaries.

(e) *Certain transactions subject to section 16(a).* The acquisition or disposition of any transferable option, put, call, spread, or straddle shall be deemed such a change in the beneficial ownership of the bank's security to which such privilege relates as to require the filing of a statement reflecting the acquisition or disposition of such privilege. Nothing in this paragraph, however, shall exempt any person from filing the statements required upon the exercise of such option, put, call, spread, or straddle.

(f) *Exemption from section 16 of securities purchased or sold by odd-lot dealers.* A bank's securities purchased or sold by an odd-lot dealer (1) in odd lots so far as reasonably necessary to carry on odd-lot transactions, or (2) in round lots to offset odd-lot transactions previously or simultaneously executed or reasonably anticipated in the usual course of business, shall be exempt from the provisions of section 16 with respect to participation by such odd-lot dealer in such transactions.

(g) *Exemption of small transactions from section 16(a).* (1) Any acquisition of a bank's securities shall be exempt from section 16(a) where (i) the person effecting the acquisition does not within 6 months thereafter effect any disposition, otherwise than by way of gift, of securities of the same class, and (ii) the person effecting such acquisition does not participate in acquisitions or in dispositions of securities of the same class having a total market value in excess of $3,000 for any 6-month period during which the acquisition occurs.

(2) Any acquisition or disposition of a bank's securities by way of gift, where the total amount of such gifts does not exceed $3,000 in market value for any 6-month period, shall be exempt from section 16(a) and may be excluded from the computations prescribed in subparagraph (1)(ii) of this paragraph.

(3) Any person exempted by subparagraph (1) or (2) of this paragraph shall include in the first report filed by him after a transaction within the exemption a statement showing his acquisitions and dispositions for each 6-month period or portion thereof that has elapsed since his last filing.

(h) *Temporary exemption of certain persons from section 16 (a) and (b).* During the period of 12 months following their appointment and qualification, a bank's securities held by the following persons shall be exempt from section 16 (a) and (b): (1) Executors or administrators of the estate of a decedent; (2) guardians or committees for an incompetent; and (3) receivers, trustees in bankruptcy, assignees for the benefit of creditors, conservators, liquidating agents, and similar persons duly authorized by law to administer the estate or assets of other persons. After the 12-month period following their appointment and qualification the foregoing persons shall be required to file reports under section 16(a) with respect to a bank's securities held by the estates that they administer and shall be liable for profits realized from trading in such securities pursuant to section 16(b) only when the estate being administered is a beneficial owner of more than 10 percent of any class of equity security of a bank.

(i) *Exemption from section 16(b) of transactions that need not be reported under section 16(a).* Any transaction that has been or shall be exempted by the Comptroller from the requirements of section 16(a) shall, insofar as it is otherwise subject to the provisions of section 16(b), be likewise exempted from section 16(b).

(j) *Exemption from section 16(b) of certain transactions by registered investment companies.* Any transaction of purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purchase, of an equity security of a bank tion is effected by an investment company registered under the Investment Company Act of 1940 and both the purchase and sale of such security have been exempted from the provisions of section 17(a) of the Investment Company Act of 1940 by an order of the Securities and Exchange Commission entered pursuant to section 17(b) of that Act.

(k) *Exemption from section 16(b) of certain transactions effected in connection with a distribution.* (1) Any transaction of purchase and sale, or sale and purpose of that section. if the transacthat is effected in connection with the distribution of a substantial block of such securities shall be exempt from the provisions of section 16(b), to the extent specified in this paragraph (k), as not comprehended within the purpose of said section, upon the following conditions:

(i) The person effecting the transaction is engaged in the business of distributing securities and is participating in good faith, in the ordinary course of such business, in the distribution of such block of securities;

(ii) The security involved in the transaction is (*a*) a part of such block of securities and is acquired by the person effecting the transaction, with a view to the distribution thereof, from the bank or other person on whose behalf such securities are being distributed or from a person who is participating in good faith in the distribution of such block of securities, or (*b*) a security purchased in good faith by or for the account of the person effecting the transaction for the purpose of stabilizing the market price of securities of the class being distributed or to cover an overallotment or other short position created in connection with such distribution; and

(iii) Other persons not within the purview of section 16(b) are participating in the distribution of such block of securities on terms at least as favorable as those on which such person is participating and to an extent at least equal to the aggregate participation of all persons exempted from the provisions of section 16(b) by this paragraph. However, the performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not preclude an exemption that would otherwise be available under this paragraph.

(2) The exemption of a transaction pursuant to this paragraph with respect to the participation therein of one party thereto shall not render such transaction exempt with respect to participation of any other party therein unless such other party also meets the conditions of this paragraph.

(l) *Exemption from section 16(b) of acquisitions of shares of stock and stock options under certain stock bonus, stock option, or similar plans.* Any acquisition of shares of a bank's stock (other than stock acquired upon the exercise of an option, warrant, or right) pursuant to a stock bonus, profit sharing, retirement, incentive, thrift, savings, or similar plan, or any acquisition of a qualified or restricted stock option pursuant to a qualified or restricted stock option plan, or of a stock option pursuant to an employee stock purchase plan, by a director or officer of the bank issuing such stock or stock option shall be exempt from the operation of section 16(b) if the plan meets the following conditions:

(1) The plan has been duly approved, directly or indirectly, (i) by the holders of a majority of the securities of the bank present, or represented, and entitled to vote at the meeting at which it was approved, or by the written consent of the holders of a majority of the securities of the bank entitled to vote, or (ii) by the holders of a majority of the securities of a predecessor so entitled to vote, if the plan or obligations to participate thereunder were assumed by the bank in connection with the succession.

(2) If the selection of any director of officer of the bank to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted pursuant to the plan) or the determination of the number or maximum number of shares of stock that may be allocated to any such director or officer (or that may be covered by qualified, restricted, or employee stock purchase plan stock options granted to any such director or officer) is subject to the discretion of any person, then such discretion shall be exercised only as follows:

(i) With respect to the participation of directors (*a*) by the board of directors of the bank, a majority of which board and a majority of the directors acting in the matter are disinterested persons; (*b*) by, or only in accordance with the recommendation of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons; or (*c*) otherwise in accordance with the plan, if the plan specifies the number or maximum number of shares of stock that directors may acquire (or that may be subject to qualified, restricted, or employee stock purchase plan stock options granted to directors) and the terms upon which and the times at which, or the periods within which, such stock may be acquired (or such options may be acquired and exercised); or sets forth, by formula or otherwise, effective and determinable limitations with respect to the foregoing based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares, or percentages thereof outstanding from time to time, or similar factors.

(ii) With respect to the participation of officers who are not directors (*a*) by the board of directors of the bank or a committee of three or more directors; or (*b*) by, or only in accordance with the recommendations of, a committee of three or more persons having full authority to act in the matter, all of the members of which committee are disinterested persons.

For the purposes of this subparagraph (2), a director or committee member shall be deemed to be a disinterested person only if such person is not at the time such discretion is exercised eligible and has not at any time within 1 year prior thereto been eligible for selection as a person to whom stock may be allocated (or to whom qualified, restricted, or employee stock purchase plan stock options may be granted) pursuant to the plan or any other plan of the bank or any of its affiliates entitling the participants therein to acquire stock or qualified, restricted, or employee stock purchase plan stock options of the bank or any of its affiliates.

(3) As to each participant or as to all participants the plan effectively limits the aggregate dollar amount or the aggregate number of shares of stock that may be allocated (or may be subject to qualified, restricted, or employee stock purchase plan stock options granted) pursuant to the plan. The limitations may be established on an annual basis, or for the duration of the plan, whether or not the plan has a fixed termination date. Such limitations may be determined either by fixed or maximum dollar amounts, fixed or maximum numbers of shares, formulas based upon earnings of the bank, dividends paid, compensation received by participants, option prices, market value of shares, outstanding shares or percentages thereof outstanding from time to time, or similar factors that will result in an effective and determinable limitation. Such limitations may be subject to any provisions for adjustment of the plan or of stock allocable (or options outstanding thereunder) to prevent dilution or enlargement of rights.

(m) *Exemption from section 16(b) of long-term profits incident to sales within 6 months of the exercise of an option.* (1) To the extent specified in subparagraph (2) of this paragraph, transactions involving the purchase and sale, or sale and purchase, of any equity security of a bank shall be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if such purchase is pursuant to the exercise of an option, warrant, or right either (i) acquired more than 6 months before its exercise, or (ii) acquired pursuant to the terms of an employment contract entered into more than 6 months before its exercise.

(2) With respect to transactions specified in subparagraph (1) of this paragraph, the profits inuring to bank pursuant to section 16(b) shall not exceed the difference between the proceeds of sale and the lowest market price of any security of the same class within 6 months before or after the date of sale. Nothing in this paragraph shall be deemed to enlarge the amount of profit that would inure to the bank in the absence of this paragraph.

(3) The disposition of any equity security of a bank shall also be exempt from the operation of section 16(b), as not comprehended within the purpose of that section, if purchased in a transaction specified in subparagraph (1) of this paragraph, pursuant to a plan or agreement for merger or consolidation, or reclassification of the bank's securities, or for the exchange of its securities for the securities of another person that has acquired its assets, where the terms of such plan or agreement are binding upon all stockholders of the bank except to the extent that dissenting stockholders may be entitled, under statutory provisions or provisions contained in the bank's charter, to receive the appraised or fair value of their holdings.

(4) The exemptions provided by this paragraph (m) shall not apply to any transaction made unlawful by section 16(c) or by any regulations thereunder.

(5) The burden of establishing market price of a security for the purpose of this paragraph (m) shall rest upon the person claiming the exemption.

(n) *Exemption of certain securities from section 16(c).* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section the execution by a broker of an order for an account in which he had no direct or indirect interest.

(o) *Exemption from section 16(c) of certain transactions effected in connection with a distribution.* Any equity security of a bank shall be exempt from the operation of section 16(c) to the extent necessary to render lawful under such section any sale made by or on behalf of a dealer in connection with a distribution of a substantial block of the bank's securities, upon the following conditions:

(1) The sale is made with respect to an overallotment in which the dealer is participating as a member of an underwriting group, or the dealer or a person acting on his behalf intends in good faith to offset such sale with a security to be acquired by or on behalf of the dealer as a participant in an underwriting, selling, or soliciting-dealer group of which the dealer is a member at the time of the sale, whether or not the security to be so acquired is subject to a prior offering to existing security holders or some other class of persons; and

(2) Other persons not within the purview of section 16(c) are participating in the distribution of such block of securities on terms at least as favorable as those on which such dealer is participating and to an extent at lease equal to the aggregate participation of all persons exempted from the provisions of section 16(c) by this paragraph. The performance of the functions of manager of a distributing group and the receipt of a bona fide payment for performing such functions shall not however, preclude an exemption that would otherwise be available under this paragraph.

(p) *Exemption of sales of securities to be acquired.* (1) Whenever any person is entitled, as an incident to his ownership of an issued equity security of a bank and without the payment of consideration, to receive another security of the bank "when issued" or "when distributed", the security to be acquired shall be exempt from the operation of section 16(c) if (i) the sale is made subject to the same conditions as those attaching to the right of acquisition, (ii) such person exercises reasonable diligence to deliver such security to the purchaser promptly after his right of acquisition matures, and (iii) such person reports the sale on the appropriate form for reporting transactions by persons subject to section 16(a).

(2) This paragraph shall not be construed as exempting transactions involving both a sale of a security "when issued" or "when distributed" and a sale of the security by virtue of which the seller expects to receive the "when-issued" or "when-distributed" security, if the two transactions combined result in a sale of more units than the aggregate of those owned by the seller plus those to be received by him pursuant to his right of acquisition.

(q) *Arbitrage transactions under section 16.* It shall be unlawful for any director or officer of a bank to effect any foreign or domestic arbitrage transactions in any equity security of the bank unless he shall include such transaction in the statements required by section 16(a) of the Act and paragraph (a) of this section and shall account to such bank for the profits arising from such transaction, as provided in section 16(b). The provisions of section 16(c) shall not apply to such arbitrage transactions. The provisions of paragraph (a) of this section and of section 16 shall not apply to any bona fide foreign or domestic arbitrage transaction insofar as it is effected by any person other than such director or officer of the bank issuing such security.

§ 11.7 Form and content of financial statements.

(a) *Principles of financial reporting.* Financial statements filed with the Comptroller pursuant to this part shall be prepared in accordance with generally accepted accounting principles and practices applicable to banks. The Comptroller may from time to time issue releases on accounting principles and practices to be used with respect to specific areas.

(b) *Verification*—(1) *General.* (i) Every verification with respect to financial statements filed pursuant to this part shall be dated, shall be signed manually, and shall identify without detailed enumeration the financial statements covered by the verification.

(ii) If the person or persons making a verification considers that he must take exceptions or express qualifications with respect thereto, each such exception or qualification shall be stated specifically and clearly and, to the extent practicable, shall indicate the effect of the matter on the financial statements to which it relates.

(2) *Opinions to be expressed by principal accounting officer and auditor.* Every verification by a bank's principal accounting officer and auditor shall state:

(i) The opinions of such persons with respect to the financial statements covered by the verification and the accounting principles and practices reflected therein; and

(ii) The opinions of such persons as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts, required to be set forth by paragraph (c)(5) of this section.

(3) *Certification by independent public accountants*—(i) *Qualifications of independent public accountants.* (a) The Comptroller will not recognize any person as an independent public accountant who is not registered or licensed to practice as a public accountant by a regulatory authority of a State and in good standing with such authority as such an accountant.

(b) The Comptroller will not recognize as independent a public accountant who is not in fact independent. For example, an accountant will be considered not independent with respect to any person in which he has, or had during the period of report, any direct financial interest or material indirect financial interest; or with which he is, or was during such period, connected as a promoter, underwriter, voting trustee, director, officer, or employee.

(c) In determining whether a public accountant is, in fact, independent with respect to a particular person, the Comptroller will give appropriate consideration to all relevant circumstances, including evidence bearing on all relationships between the accountant and that person or any affiliate thereof, and will not confine itself to the relationships existing in connection with the filing of reports with the Comptroller.

(ii) *Representations as to the audit.* The independent public accountant's certificate—

(*a*) Shall state whether the audit was made in accordance with generally accepted auditing standards; and

(*b*) Shall designate any auditing procedures generally recognized as normal (or deemed necessary by the accountant under the circumstances of the particular case) that have been omitted, and the reasons for their omission, but no procedure that independent accountants ordinarily employ in the course of an audit made for the purpose of expressing the opinions required by subdivision (iii) of this subparagraph shall be omitted.

(iii) *Opinions to be expressed.* The independent public accountant's certificate shall state:

(*a*) The opinion of the accountant with respect to the financial statements covered by the certificate and the accounting principles and practices reflected therein:

(*b*) The opinion of the accountant as to any material changes in accounting principles or practices or in the method of applying the accounting principles or practices, or adjustments of the accounts required to be set forth by paragraph (c)(5) of this section; and

(*c*) The nature of, and the opinion of the accountant as to, any material differences between the accounting principles and practices reflected in the financial statements and those reflected in the accounts after the entry of adjustments for the period under review.

(iv) *Certification of financial statements by more than one independent public accountant.* If, with respect to the certification of the financial statements of any bank, the principal independent public accountant relies on an examination made by another independent public accountant of certain of the accounts of such bank or its affiliates, the certificate of such other accountant shall be filed (and the provisions of this subparagraph shall be applicable thereto); however, the certificate of such other accountant need not be filed (*a*) if no reference is made directly or indirectly to such other accountant's examination in the principal accountant's certificate, or (*b*) if, having referred to such other accountant's examination, the principal accountant states in his certificate that he assumes responsibility for such other accountant's examination in the same manner as if it had been made by him.

(c) *Provisions of general applications.*—(1) *Requirements as to form.* Financial statements shall be prepared in accordance with the applicable requirements of Forms 9 A, B, C, and D. All money amounts required to be shown in financial statements may be expressed in even dollars or thousands of dollars. If shown in even thousands, an indication to that effect shall be inserted immediately beneath the caption of the statement or schedule, or at the top of each money column. The individual amounts shown need not be adjusted to the nearest dollar or thousand if the failure of the items to add to the totals shown is stated in a note as due to the dropping of amounts of less than $1 or $1,000, as appropriate.

(2) *Items not material.* If the amount that would otherwise be required to be shown with respect to any item is not material, it need not be separately set forth.

(3) *Inapplicable captions and omission of unrequired or inapplicable financial statements.* No caption need be shown in any financial statement required by the forms set forth in this part as to which the items and conditions are not present. Financial statements not required or inapplicable because the required matter is not present need not be filed, but the statements omitted and the reasons for their omission shall be indicated in the list of financial statements required by the applicable form.

(4) *Additional information.* In addition to the information required with respect to any financial statement, such further information shall be furnished as is necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(5) *Changes in accounting principles and practices and retroactive adjustments of accounts.* Any change in accounting principle or practice, or in the method of applying any accounting principle or practice, made during any period for which financial statements are filed that affects comparability of such financial statements with those of prior or future periods, and the effect thereof upon the net income for each period for which financial statements are filed, shall be disclosed in a note to the appropriate financial statement. Any material retroactive adjustment made during any period for which financial statements are filed, and the effect thereof upon net income of prior periods, shall be disclosed in a note to the appropriate financial statement.

(6) *Summary of accounting principles and practices.* Information required in notes as to accounting principles and practices reflected in the financial statements may be presented in the form of a single statement. In such a case specific references shall be made in the appropriate financial statements to the applicable portion of such single statement.

(7) *Foreign currencies.* The basis of conversion of all items in foreign currencies shall be stated, and the amount and disposition of the resulting unrealized profit or loss shown. Disclosure should be made as to the effect, insofar as this can be reasonably determined, of foreign exchange restrictions upon the consolidated financial position and operating results of the bank and its subsidiaries.

(8) *Commitments.* If material in amount, the pertinent facts relative to firm commitments for the acquisition, directly or indirectly, or fixed assets and for the purchase, repurchase, construction, or rental of assets under long-term leases shall be stated briefly in the balance sheet or in footnotes referred to therein. Where the rentals or obligations under long-term leases are material there shall be shown the amounts of annual rentals under such leases with some indication of the periods for which they are payable, together with any important obligation assumed or guarantee made in connection therewith. If the rentals are conditional, the minimum annual amounts shall be stated, unless inappropriate in the circumstances.

(9) *General notes to balance sheets.* If present with respect to the person for which the statement is filed, the following shall be set forth in the balance sheet or in referenced notes thereto:

(i) *Assets subject to lien.* The amounts of assets mortgaged, pledged, or otherwise subject to a lien or security interest shall be designated and the obligation secured thereby, if any, shall be identified briefly.

(ii) *Intercompany profits and losses.* The effect upon any balance sheet item of profits or losses resulting from transactions with affiliated companies not consolidated shall be stated. If impracticable of accurate determination without unreasonable effort or expense, an estimate or explanation shall be given.

(iii) *Preferred shares.* (*a*) If callable, the date or dates and the amount per share at which such shares are callable shall be stated; (*b*) Arrears in cumulative dividends per share and in total for each class of shares shall be stated; (*c*) Preferences on involuntary liquidation, if other than the par or stated value, shall be shown. When the excess involved is material, there shall be shown the difference between the aggregate preference on involuntary liquidation and the aggregate par or stated value, a statement that this difference (plus any arrears in dividends) exceeds the sum of the par or stated value of the junior capital shares, surplus, and undivided profits if such is the case, and a statement as to the existence (or absence) of any restrictions upon surplus and/or undivided profits growing out of the fact that upon involuntary liquidation the preference of the preferred stock exceeds its par or stated value.

(iv) *Pension and retirement plans.* (*a*) A brief description of the essential provisions of any employee pension or retirement plan shall be given; (*b*) The estimated annual cost of the plan shall be stated; (*c*) If a plan has not been funded or otherwise provided for, the estimated amount that would be necessary to fund or otherwise provide for the past-service cost of the plan shall be disclosed.

(v) *Capital stock optioned to officers and employees.* (*a*) A brief description of the terms of each option arrangement shall be given, including the title and amount of securities subject to the option, the year or years during which the options were granted, and the year or years during which the optionees became, or will become, entitled to exercise the options;

(*b*) There shall be stated the number of shares under option at the balance sheet date, and the option price and the fair value thereof (per share and in total) at the dates the options were granted; the number of shares with respect to which options became exercisable during the period, and the option price and the fair value thereof (per share and in total) at the dates the options became exercisable; and the number of shares with respect to which options were exercised during the period, and the option price and the fair value thereof (per share and in total) at the dates the options were exercised. The required information may be summarized as appropriate with respect to each of the categories referred to in this subclause (*b*);

(*c*) The basis of accounting for such option arrangements and the amount of charges, if any, reflected in income with respect thereto shall be stated.

(vi) *Restrictions that limit the availability of surplus and/or undivided profits for dividend purposes.* Any such restriction, other than as reported in subparagraph (9)(iii) of this paragraph shall be described, indicating briefly its source, its pertinent provisions, and, where appropriate and determinable, the amount of the surplus and/or undivided profits restricted.

(vii) *Contingent liabilities.* A brief statement as to contingent liabilities not reflected in the balance sheet shall be made.

(10) *General notes to statements of income.* If present with respect to the person for which the statement is filed, the following shall be set forth in the statement of income or in referenced notes thereto:

(i) *Intercompany profits and losses.* The amount of any profits or losses resulting from transactions between unconsolidated affiliated companies shall be stated. If impracticable of determination without unreasonable effort and expense, an estimate or explanation shall be given.

(ii) *Depreciation and amortization.* For the period for which statements of income are filed, there shall be stated the policy followed with respect to: (*a*) The provision for depreciation of physical properties or valuation allowances created in lieu thereof, including the methods and, if practicable, the rates used in computing the annual amounts; (*b*) The provision for depreciation and amortization of intangibles, or valuation allowances created in lieu thereof, including the methods and, if practicable,

the rates used in computing the annual amounts; (*c*) The accounting treatment for maintenance, repairs, renewals, and improvements; and (*d*) The adjustment of the accumulated valuation allowances for depreciation and amortization at the time the properties were retired or otherwise disposed of, including the disposition made of any profit or loss on sale of such properties.

(d) *Consolidated financial statements.* (1) Consolidated statements generally present more meaningful information to the investor than unconsolidated statements. Except where good reason exists, consolidated statements of the bank and its majority-owned significant subsidiaries should be filed.

(2) Every majority-owned bank-premises subsidiary and every majority-owned subsidiary operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations") shall be consolidated with that of the reporting bank irrespective of whether such subsidiary is a significant subsidiary.

(3) If the financial statements of a subsidiary are as of a date or for periods different from those of the bank, such statements may be used as the basis for consolidation of the subsidiary only if the date of such statements is not more than 93 days from the date of the close of the bank's fiscal year; the closing date of the subsidiary is specified; the necessity for the use of different closing dates is explained briefly; and any changes in the respective fiscal periods of the bank and the subsidiary made during the period of report are indicated clearly.

(4) There shall be set forth in a note to each consolidated balance sheet filed a statement of any difference between the investment in subsidiaries consolidated, as shown by the bank's books, and the bank's equity in the net assets of such subsidiaries as shown by the subsidiaries' books. If any such difference exists, there shall be set forth the amount of the difference and the disposition made thereof in preparing the consolidated statements, naming the balance sheet captions and stating the amount included in each.

(5) *Minority interests.* Minority interests in the net assets of subsidiaries consolidated shall be shown in each consolidated balance sheet. The minority interest in the capital stock and in the surplus and undivided profits shall be stated separately. The aggregate amount of profit or loss accruing to minority interests shall be stated separately in each consolidated statement of income.

(6) *Intercompany items and transactions.* In general, intercompany items and transactions shall be eliminated. If not eliminated, a statement of the reasons for inclusion and the methods of treatment shall be made.

(e) *Statements of changes in capital accounts.* A statement of changes in capital accounts shall be filed with each statement of income filed pursuant to this part.

(f) *Schedules to be filed.* (1) The following schedules shall be filed with each balance sheet filed pursuant to this part: Schedule I—U.S. Government Obligations and Obligations of States and Political Subdivisions; Schedule II—Other Securities; Schedule III—Loans; Schedule IV—Bank Premises and Equipment; Schedule V—Investments in Income from Dividends, and Equity in Earnings and Loss of Unconsolidated Subsidiaries; and Schedule VI—Other Liabilities for Borrowed Money.

(2) The following schedule shall be filed with each statement of income filed pursuant to this part: Schedule VII—Allowance for Possible Loan Losses.

(3) Reference to the schedules referred to in subparagraphs (1) and (2) of this paragraph shall be made against the appropriate captions of the balance sheet or statement of income.

FORMS

§ 11.41 Form for registration of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F–1).

FORM F–1

FORM FOR REGISTRATION OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(B) OR SECTION 12(G) OF THE SECURITIES EXCHANGE ACT OF 1934

(Exact name of bank as specified in charter)

(Address of principal office)

*Title of each class of securities being registered pursuant to section 12(b) of the Act:**

Title of class	Name of each exchange on which class is being registered
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*Title of each class of securities being registered pursuant to section 12(g) of the Act:**

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*If none, so state.

GENERAL INSTRUCTION

This form is not to be used as blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be be given to the definitions in § 11.2 and the general requirements in § 11.4. Unless otherwise stated, the information required shall be given as of a date reasonably close to the date of filling the statement. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—General Information.

State the year in which the bank was organized. If organized as a State bank, state the year of conversion into a national bank. Indicate the approximate number of holders of record of each class of equity securities of the bank.

Item 2—Parents and Subsidiaries of the bank.

(a) List all parents of the bank, showing the basis of control and, as to each parent, the percentage of voting securities owned or other basis of control by its immediate parent, if any.

(b) Furnish a list or diagram of all subsidiaries of the bank and, as to each subsidiary, indicate (1) the State or other jurisdicton under the laws of which it was organized, and (2) the percentage of voting securities owned or other basis of control by its immediate parent. Designate (i) subsidiaries for which separate financial statements are filed; (ii) subsidiaries included in consolidated financial statements; and (iii) subsidiaries for which no financial statements are filed, indicating briefly why statements of such subsidiaries are not filed.

Instructions. 1. Include the bank and show clearly the relationship of each person named to the bank and the other persons named, including the percentage of voting securities of the bank owned or other basis of control by its immediate parent. The names of particular subsidiaries may be omitted if the unnamed subsidiaries considered in the aggregate as a single subsidiary would not constitute a significant subsidiary.

2. In case of the bank owns, directly or indirectly, approximately 50 percent of the voting securities of any person and approximately 50 percent of the voting securities of such person are owned directly or indirectly by another single interest, such person shall be deemed to be a subsidiary for the purpose of this item.

Item 3—Description of Business.

Describe briefly the business done by the bank and any significant developments or trends in such business occurring over the preceding 5 years. Information should be furnished as to any mergers, consolidations, or other acquisitions of assets of any other person that were consummated during such period. State the number of banking offices in each city (or county) in the United States in which the bank has offices and the number of banking offices located in each foreign country or jurisdiction. In describing the business done by the bank, the business of its subsidiaries should be included only insofar as the same is important to be an understanding of the character and development of the business conducted by the total enterprise.

Item 4—Description of Bank Premises and Other Real Estate.

Describe briefly, individually or by categories, (a) properties held in fee, by the bank and its subsidiaries, in which the banking offices are located, indicating any major encumbrances with respect thereto, and (b) other real estate of material value that is owned by the bank. In the event aggregate annual rentals paid during the bank's last fiscal year exceeded 5 percent of its operating expenses, state the amount of such rentals and the average term of the leases pursuant to which such rentals were paid.

Item 5—Organization Within 5 Years.

If the bank was organized within the past 5 years, furnish the following information:

(a) State the names of the promoters, the nature and amount of anything of value (including money, property, contracts, options, or rights of any kind) received or to be received by each promoter directly or indirectly from the bank, and the nature and amount of any assets, services, or other consideration therefor received or to be received by the bank.

(b) As to any assets acquired or to be acquired by the bank from a promoter, state the amount at which acquired or to be acquired and the principle followed in determining the amount. Identify the persons making the determination and state their relationship, if any, with the bank or any promoter. If the assets were acquired by the promoter within 2 years prior to their transfer to the bank, state the cost thereof to the promoter.

Item 6—Pending Legal Proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

Instruction. 1. No information need to be given with respect to proceedings that involve principally claims for damages if the aggregate amount involved does not exceed 10 percent of the equity capital accounts of the bank. If, however, any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceedings to which any director, officer, or affiliate of the bank, any security holder named in answer to Item 11(a), or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries shall also be described.

Item 7—Directors and Officers.

List all directors and officers of the bank and all persons chosen to become directors or officers. Indicate all positions and offices with the bank held by each person named and his principal occupations during the past 5 years. (The term "officer" is defined in § 11.2(o).)

Item 8—Indemnification of Directors and Officers.

State the general effect of any charter provision, bylaw, contract, arrangement, or statute under which any director or officer of the bank is insured or indemnified in any manner against any liability that he may incur in his capacity as such.

Item 9—Remuneration of Directors and Officers.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following person for services in all capacities:

(1) Each director, and each of the two highest paid officers of the bank whose annual total direct remuneration exceeded $30,000, naming each such person.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A)	(B)	(C)
Name of individual or number of persons in group	Capacities in which remuneration was received	Aggregate remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during said fiscal year. Information need not, however, be given for any portion of that period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see Item 12, below.

4. If the bank has not completed a full fiscal year since its organization or if it acquired or is to acquire the majority of its assets from a predecessor within the current fiscal year, the information shall be given for the current fiscal year, estimating future payments, if necessary. To the extent that such remuneration is to be computed upon the basis of a percentage of earnings or profits, the percentage may be stated without estimating the amount of such profits to be paid.

5. If any part of the remuneration shown in response to this item was paid pursuant to a material bonus or profit-sharing plan, describe briefly the plan and the basis upon which directors or officers participate therein.

(b) Furnish the following information, in substantially the tabular form indicated below, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1):

(A)	(B)	(C)
Name of individual	Amounts set aside or accrued during bank's last fiscal year	Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to amounts computed on an actuarial basis under any plan that provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by Column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings or profits of the bank or its subsidiaries for such year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by Column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If impractical to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments should be stated, together with an explanation of the basis for future payments.

Item 10—Options to Purchase Securities.

Furnish the following information as to options to purchase securities from the bank or any of its subsidiaries that are outstanding as of a specified date within 30 days prior to the date of filing.

(a) Describe the options, stating the material provisions including the consideration received and to be received for such options by the grantor thereof and the market value of the securities called for on the granting date. If, however, the options are "qualified stock options" or "restricted stock options" or options granted pursuant to a plan qualifying as an "employee stock purchase plan" as those terms are defined in sections 422 through 424 of the Internal Revenue Code of 1954 only the following is required: (i) A statement to that effect, (ii) a brief description of the terms and conditions of the options or of the plan pursuant to which they were issued, and (iii) a statement of the provisions of the plan or options with respect to the relationship between the option price and the market price of the securities at the date when the options were granted, or with respect to the terms of any variable price option.

(b) State (i) the title and amount of the securities called for by such options; (ii) the purchase prices of the securities called for and the expiration dates of such options; and (iii) the market value of the securities called for by such options as of the latest practicable date.

Instruction. In case a number of options are outstanding having different prices and expiration dates, the options may be grouped by prices and dates. If this produces more than five separate groups then there may be shown only the range of the expiration dates and the average purchase prices, i.e., the aggregate purchase prices of all securities of the same class called for by all outstanding options to purchase securities of that class divided by the number of securities of such class so called for.

(c) Furnish separately the information called for by paragraph (b) above for all options held by (i) each director or officer named in answer to paragraph (a)(1) of Item 9, naming each such person, and (ii) all directors and officers as a group without naming them.

Instructions. 1. The extension or renewal of options shall be deemed the granting of options within the meaning of this item.

2. Where the total market value of securities called for by all outstanding options as of the specified date referred to in this item does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1) of Item 9, or $30,000 for all officers and directors, as a group or for all option holders as a group, this item need not be answered with respect to options held by such person or group.

Item 11—Principal Holders of Securities.

Furnish the following information as of a specified date within 90 days prior to the date of filing in substantially the tabular form indicated:

(a) As to the voting securities of the bank owned of record or beneficially by each person who owns of record, or is known by the bank to own beneficially, more than 10 percent of any class of such securities. Show in Column (C) whether the securities are owned both of record and beneficially, or record only, or beneficially only, and show in Columns (D) and (E) the respective amounts and percentage owned in each such manner:

(A)	(B)	(C)	(D)	(E)
Nane and address	Title of class	Type of ownership	Amount owned	Percent of class

(b) As to each class of equity securities of the bank or any of its parents or subsidiaries, other than directors' qualifying shares, beneficially owned directly or indirectly by all directors and officers of the bank, as a group, without naming them.

(A)	(B)	(C)
Title of class	Amount beneficially owned	Percent of class

Instructions. 1. The percentages are to be calculated on the basis of the amount of securities outstanding, excluding securities held by or for the account of the bank. In any case where the amount owned by directors and officers as a group is less than 1 percent of the class, the percent of the class owned by them may be omitted.

2. If, to the knowledge of the bank, more than 10 percent of any class of voting securities of the bank are held or to be held subject to any voting trust or other similar agreement, state the title of such securities, the amount held or to be held, and the duration of the agreement. Give the names and addresses of the voting trustees and outline briefly their voting rights and other powers under the agreement.

Item 12—Interest of Management and Others in Certain Transactions.

Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions during the last 3 years, or in any material proposed transactions, to which the bank or any of its subsidiaries was, or is to be, a party:

(a) Any director or officer of the bank;

(b) Any security holder named in answer to Item 11(a); or

(c) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to Item 9(a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. This item does not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

4. No information need be given in answer to this item as to any remuneration not received during the bank's last fiscal year or as to any remuneration or other transaction reported in response to Item 9 or 10.

5. Information should be included as to any material underwriting discounts and commissions upon the sale of securities by the bank where any of the specified persons was or is to be a principal underwriter or is a controlling person or member of a firm that was or is to be a principal underwriter. Information need not be given concerning ordinary management fees paid by underwriters to a managing underwriter pursuant to an agreement among underwriters the parties to which do not include the bank or its subsidiaries.

6. No information need be given in answer to this item as to any transaction or any interest therein where:

(i) The rates or charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation that is a party to the transaction;

(iii) The specified person is subject to this Item 12 solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director and/or officer of another corporation that is a party to the transaction;

(iv) The transaction does not involve remuneration for services, directly or indirectly, and (A) the interest of the specified persons arises from the ownership individually and in the aggregate of less than a 10 percent interest in another person that is a party to the transaction, (B) the transaction is in the ordinary course of business of the bank or its subsidiaries, and (C) the amount of such transaction or series of transactions is less than 10 percent of the equity capital accounts of the bank;

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar service;

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic payments or installments, does not exceed $30,000.

7. Information shall be furnished in answer to this item with respect to transactions not excluded above that involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership individually and in the aggregate of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 13—Capital Stock Being Registered.

If capital stock is being registered, state the title of the class and furnish the following information:

(a) Outline briefly (1) dividend rights; (2) voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provisions; (7) sinking fund provisions; and (8) liability to further calls or to assessment by the bank.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. This item requires only a brief summary of the provisions that are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct resume is required.

2. If the rights evidenced by the securities being registered are materially limited or qualified by the rights of any other class of securities, include such information regarding such other securities as will enable investors to understand the rights evidenced by securities being registered. If any securities being registered are to be offered in exchange for other securities, an appropriate description of such other securities shall be given. No information need be given, however, as to any class of securities all of which will be redeemed and retired if appropriate steps to assure such redemption and retirement will be taken prior to registration of the securities being registered.

Item 14—Long-Term Debt Being Registered.

If long-term debt is being registered, outline briefly such of the following as are relevant:

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions restricting the declaration of dividends or the creation or maintenance of reserves.

(c) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the modification of the terms of the security, and similar provisions.

(d) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

Instruction. The instructions to Item 13 shall apply to this item.

Item 15—Other Securities Being Registered.

If securities other than capital stock or long-term debt are being registered, outline briefly the rights evidenced thereby. If subscription warrants or rights are being registered, state the title and amount of securities called for, the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 13 shall also apply to this item.

Item 16—Recent Sales of Securities.

Furnish the following information as to all securities of the bank sold by the bank within the past 3 years, or presently proposed to be sold. Include securities issued in exchange for property, services, or other securities.

(a) Give the date of sale, title, and amount of securities sold.

(b) Give the names of the principal underwriters, if any. As to any securities sold privately, name the persons or identify the class of persons to whom the securities were sold.

(c) As to securities sold for cash, state the aggregate offering price and the aggregate underwriting discounts or commissions. As to any securities sold otherwise than for cash, state the nature of the transaction and the nature and aggregate amount of consideration received by the bank.

Instructions. (1) Information need not be set forth as to notes, drafts, bills of exchange, or bank acceptances that mature not later than 18 months from the date of issuance.

(2) If the sales were made in a series of transactions, the information may be given by such totals and periods as will reasonably convey the information required.

Item 17—Financial Statements and Exhibits.

List all financial statements and exhibits filed as a part of the registration statement.

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

------------------------
(Name of bank)

By \-
(Name and title of signing officer)

Date\-\-\-\-\-\-\-\-\-\-\-\-\-\-

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statements of income required to be filed as a part of a registration statement on this form. Section 11.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

A. Financial Statements of the Bank

1. *Balance Sheets.*

(a) The bank shall file a verified balance sheet as of the close of its latest fiscal year unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case the balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified balance sheet of the bank as of the end of the latest fiscal year.

2. *Statements of Income.*

(a) The bank shall file verified statements of income for each of the 3 fiscal years preceding the date of the balance sheet required by Instruction 1(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 1(b) a verified statement of income of the bank for the fiscal year immediately preceding the date of the balance sheet.

3. *Omission of Bank's Financial Statements in Certain Cases.*

Notwithstanding Instructions 1 and 2, the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

B. Consolidated Statements

4. *Consolidated Balance Sheets.*

(a) There shall be filed a verified consolidated balance sheet of the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, as of the close of the latest fiscal year of the bank, unless such fiscal year has ended within 90 days prior to the date of filing the registration statement, in which case this balance sheet may be as of the close of the preceding fiscal year.

(b) If the latest fiscal year of the bank has ended within 90 days prior to the date of filing the registration statement, and the balance sheet required by paragraph (a) is filed as of the end of the preceding fiscal year, there shall be filed as an amendment to the registration statement, within 120 days after the date of filing, a verified consolidated balance sheet of the bank and such subsidiaries as of the end of the latest fiscal year.

5. *Consolidated Statement of Income.*

(a) There shall be filed verified statements of income of the bank and its majority-owned (i) banks premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, for each of the 3 fiscal years preceding the date of the consolidated balance sheet required by Instruction 4(a).

(b) There shall be filed with each balance sheet filed pursuant to Instruction 4 (b), a verified consolidated statement of income of the bank and such subsidiaries for the fiscal year immediately preceding the date of the balance sheet.

C. Unconsolidated Subsidiaries and Other Persons

6. *Separate Statements of Unconsolidated Subsidiaries and Other Persons.*

There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

D. Special Provisions

7. *Succession to Other Businesses.*

(a) If during the period for which its statements of income are required, the bank has by merger, consolidation, or otherwise succeeded to one or more businesses, the additions, eliminations, and other changes effected in the succession shall be appropriately set forth in a note or supporting schedule to the balance sheets filed. In addition, statements of income for each constituent business, or combined statements, if appropriate, shall be filed for such period prior to the succession as may be necessary when added to the time, if any, for which statements of income after the succession are filed to cover the equivalent of the period specified in Instructions 2 and 5 above.

(b) If the bank by merger, consolidation, or otherwise is about to succeed to one or more businesses, there shall be filed for the constituent businesses financial statements, combined if appropriate, that would be required if they were registering securities under the Act. In addition, there shall be filed a balance sheet of the bank giving effect to the plan of succession. These balance sheets shall be set forth in such form, preferably columnar, as will show in related manner the balance sheets of the constituent businesses, the changes to be effected in the succession and the balance sheet of the bank after giving effect to the plan of succession. By a footnote or otherwise, a brief explanation of the changes shall be given.

(c) This instruction shall not apply with respect to the bank's succession to the business of any majority-owned subsidiary or to any acquisition of a business by purchase.

8. *Acquisition of Other Businesses.*

(a) There shall be filed for any business directly or indirectly acquired by the bank after the date of the balance sheet filed pursuant to Part A or B above and for any business to be directly or indirectly acquired by the bank, the financial statements that would be required if such business were a registrant.

(b) The acquisition of securities shall be deemed to be the acquisition of a business if such securities give control of the business or combined with securities already held give such control. In addition, the acquisition of securities that will extend the bank's control of a business shall be deemed the acquisition of the business if any of the securities being registered hereunder are to be offered in exchange for the securities to be acquired.

(c) No financial statements need be filed, however, for any business acquired or to be acquired from a majority-owned subsidiary. In addition, the statements of any one or more businesses may be omitted if such businesses, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

9. *Filing of Other Statements in Certain Cases.*

The Comptroller may, upon the request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

E. Historical Financial Information

10. *Scope of Part E.*

The information required by Part E shall be furnished for the 7-year period preceding the period for which statements of income are filed, as to the accounts of each person whose balance sheet is filed. The information is to be given as to all of the accounts specified whether they are presently carried on the books or not. Part E does not call for verification, but only for a survey or review of the accounts specified. It should not be detailed beyond a point material to an investor.

11. *Revaluations of Assets.*

(a) If there were any material increases or decreases resulting from revaluing of assets, state (1) in what year or years such revaluations were made; (2) the amounts of such increases or decreases, and the accounts affected, including all related entries; and (3) if in connection with such revaluations any related adjustments were made in reserve accounts, the accounts and amounts with explanations.

(b) Information is not required as to adjustments made in the ordinary course of business, but only as to major revaluations made for the purpose of entering on the books current values, reproduction cost, or any values other than original cost.

(c) No information need be furnished with respect to any revaluation entry that was subsequently reversed or with respect to the reversal of a revaluation entry recorded prior to the period if a statement as to the reversal is made.

12. *Capital Shares.*

(a) If there were any material restatements of capital shares that resulted in transfers from capital share liability to surplus, undivided profits, or reserves, state the amount of each such restatement and all related entries. No statement need be made as to restatements resulting from the declaration of share dividends.

(b) If there was an original issue of capital shares, any part of the proceeds of which was credited to accounts other than capital stock accounts, state the title of the class, the accounts, and the respective amounts credited thereto.

13. *Debt Discount and Expense Written Off.*

If any material amount of debt discount and expense, on long-term debt still outstanding was written off earlier than as required under any periodic amortization plan, give the following information: (1) title of the securities, (2) date of the writeoff, (3) amount written off, and (4) to what account charged.

14. *Premiums and Discount and Expense on Securities Retired.*

If any material amount of long-term debt or preferred shares was retired, and if either the retirement was made at a premium or there remained, at the time of retirement, a material amount of unamortized discount and expense applicable to the securities retired, state for each class (1) title of the securities retired, (2) date of retirement, (3) amount of premium paid and of unamortized discount and expense, (4) to what account charged, and (5) whether being amortized and, if so, the plan of amortization.

15. *Other Changes in Surplus or Undivided Profits.*

If there were any material increases or decreases in surplus or undivided profits, other than those resulting from transactions specified above, the closing of the income account, or the declaration or payment of dividends, state (1) the year or years in which such increases or decreases were made; (2) the nature and amounts thereof; and (3) the accounts affected, including all material related entries. Instruction 11(c) above also applies here.

16. *Predecessors.*

The information shall be furnished, to the extent material, as to any predecessor of the bank from the beginning of the period to the date of succession, not only as to the entries made respectively in the books of the predecessor or the successor, but also as to the changes effected in the transfer of the assets from the predecessor. No information need be furnished, however, as to any one or more predecessors that, considered in the aggregate, would not constitute a significant predecessor.

17. *Omission of Certain Information.*

(a) No information need be furnished as to any subsidiary, whether consolidated or unconsolidated, for the period prior to the date on which the subsidiary became a majority-owned subsidiary of the bank or of a predecessor for which information is required above.

(b) No information need be furnished hereunder as to any one or more unconsolidated subsidiaries for which separate financial statements are filed if all subsidiaries for which the information is so omitted, considered in the aggregate, would not constitute a significant subsidiary.

(c) Only the information specified in Instruction 11 need be given as to any predecessor or any subsidiary thereof if immediately prior to the date of succession thereto by a person for which information is required, the predecessor or subsidiary was in insolvency proceedings.

Instructions as to Exhibits

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference the reference shall be made in the list of exhibits in Item 17.

1. Copies of the charter (or a composite or restatement thereof) and the bylaws (or instruments corresponding thereto) as presently in effect.

2. Copies of any plan of acquisition, reorganization, readjustment, or succession described in answer to Item 3 or 16.

3. (a) Specimens or copies of all securities being registered hereunder, and copies of all constituent instruments defining the rights of holders of long-term debt of the bank and of all subsidiaries for which consolidated or unconsolidated financial statements are required to be filed.

(b) There need not be filed, however, (1) any instrument with respect to long-term debt not being registered hereunder if the total amount of securities authorized thereunder does not exceed 25 percent of the equity capital accounts of the bank and its subsidiaries on a consolidated basis, (2) any instrument with respect to any class of securities if appropriate steps to assure the redemption or retirement of such class will be taken prior to or upon delivery by the bank of the securities being registered, or (3) copies of instruments evidencing scrip certificates for fractions of shares.

4. Copies of all pension, retirement, or other deferred compensation plans, contracts, or arrangements. If any such plan, contract, or arrangement is not set forth in a formal document, furnish a reasonably detailed description thereof. Copies of any booklet or other description of any such plan, contract, or arrangement shall also be filed.

5. Copies of any plan setting forth the terms and conditions upon which outstanding options, warrants, or rights to purchase securities of the bank or its subsidiaries from the bank or its affiliates have been issued, together with specimen copies of such options, warrants, or rights; or, if they were not issued pursuant to such a plan, copies of each such option, warrant, or right.

6. Copies of any voting trust agreement referred to in answer to Item 11.

7. (a) Copies of every material contract not made in the ordinary course of business that is to be performed in whole or in part at or after the filing of the registration statement or that was made not more than 2 years before such filing and performance of which has not been completed. Only contracts need be filed as to which the bank or a subsidiary is a party or has succeeded to a party by assumption or assignment, and in which the bank or such subsidiary has a beneficial interest.

(b) If the contract is such as ordinarly accompanies the kind of business conducted by the bank and its subsidiaries, it is made in the ordinary course of business and need not be filed, unless it falls within one or more of the following categories, in which case it should be filed except where immaterial in amount or significance:

(1) Directors, officers, promoters, voting trustee, or security holders named in answer to Item 11(a) are parties thereto except where the contract merely involves purchase or sale of current assets having a determinable market price, at such price.

(2) It calls for the acquisition or sale of fixed assets for a consideration exceeding 50 percent of the value of all fixed assets of the bank and its subsidiaries.

(3) It is a lease under which a significant part of the property described under Item 4 is held by the bank, or

(4) The amount of the contract, or its importance to business of the bank and its subsidiaries, is material, and the terms and conditions are of a nature of which investors reasonably should be informed.

(c) Any bonus or profit-sharing plan, contract, or arrangement shall be deemed material and shall be filed.

§ 11.42 Form for annual report of bank (Form F–2).

Form F–2—Annual Report

(Pursuant to section 13 of the Securities Exchange Act of 1934)

For the fiscal year ended ------

(Exact name of bank as specified in charter)

(Address of principal office)

General Instructions

A. *Preparation of report.* This form is not to be used as a blank form to be filled in but only as a guide in the preparation of an annual report. The report shall contain the numbers and captions of all items required to be answered, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s) of this part. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4 of this part. Except as otherwise stated, the information required shall be given as of the end of the bank's fiscal year, or as of the latest practicable date subsequent thereto.

B. *Reports by banks filing proxy statements and statements where management does not solicit proxies.* Items 4 through 6 shall not be restated or answered by any bank that since the close of its fiscal year, has filed with the Comptroller, with respect to an election of directors, a proxy statement or statement where management does not solicit proxies pursuant to § 11.5(a) of this part. The incorporation of such statement by reference in answer to such items is not required. Any financial statements contained in such statement or in an annual report to security holders furnished to the Comptroller pursuant to § 11.5(c) of this part may be incorporated by reference if such financial statements substantially meet the requirements of this form.

C. *Reports by banks not filing proxy statements or statements where management does not solicit proxies.* Information contained in an annual report to security holders furnished to the Comptroller pursuant to Instruction D below, by any bank not subject to Instruction B, may be incorporated by reference in answer or partial answer to any item of this form. In addition, any financial statements contained in any such annual report may be incorporated by reference if such financial statements substantially meet the requirements of this form.

D. *Annual reports to stockholders.* Every bank that files an annual report on this form shall furnish to the Comptroller for its information four copies of any annual report to security holders covering such registrant bank's latest fiscal year, unless copies thereof are furnished to the Comptroller pursuant to § 11.5 of this part. Such report shall be mailed to the Comptroller not later than the date on which it is first sent or given to security holders, but shall not be deemed to be "filed" with the Comptroller or otherwise subject to the liabilities of section 18 of the Act, except to the extent that the bank specifically requests that it be treated as a part of its annual report on the form or incorporates it herein by reference. If no annual report is submitted to security holders for the bank's latest fiscal year, the Comptroller shall be so advised.

Information Required in Report

Item 1—Securities registered. As to each class of securities of the bank that is registered pursuant to section 12 of the Act, state the title of such class, the name of the exchange, if any, on which registered, and the number of holders of record of such class.

Item 2—Parents and subsidiaries of the bank. Furnish a list or diagram showing the relationship of the bank to all parents and subsidiaries, and as to each person named indicate the percentage of voting securities owned, or other basis of control, by its immediate parent.

Instructions. 1. This item need not be answered if there has been no change in the list or diagram as last previously reported.

2. The list or diagram shall include the bank and shall be so prepared as to show clearly the relationship of each person named to the bank and to the other persons named. If any person is controlled by means of the direct ownership of its securities by two or more persons so indicate by appropriate cross reference.

3. Designate by appropriate symbols (a) subsidiaries for which separate financial statements are filed; (b) subsidiaries included in the respective consolidated financial statements; and (c) other subsidiaries, indicating briefly why statements of such subsidiaries are not filed.

4. Indicate the name of the country in which each foreign subsidiary was organized.

5. The names of particular subsidiaries may be omitted if the unnamed subsidiaries, considered in the aggregate as a single subsidiary, would not constitute a significant subsidiary.

6. A person, approximately 50 percent of whose voting securities are owned, directly or indirectly, by the bank, and approximately 50 percent of whose voting securities are owned, directly or indirectly, by another person, shall be considered a subsidiary for the purpose of this item.

Item 3—Change in business. Describe briefly any material changes during the fiscal year, not previously reported, in the business of the bank and its subsidiaries.

Item 4—Principal holders of voting securities. If, to the knowledge of the bank, any person individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name each such person, state the approximate amount of such securities owned of record but not owned beneficially, the approximate amount owned beneficially and the percentage of outstanding voting securities represented by the amount so owned in each such manner.

Instruction. To the extent that the information required by this term is given in answer to Item 2, a reference to such item will suffice.

Item 5—Directors of bank. Furnish the following information, in tabular form to the extent practicable, with respect to each director of the bank:

(a) Name each such director, state the date on which his present term of office will expire and list all other positions and offices with the bank presently held by him.

(b) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. If not previously reported, furnish similar information as to all of his principal occupations or employments during the last 5 years.

(c) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidiaries, "beneficially owned" (as defined in section 206.2 (ff)) directly or indirectly by him. If he is not the beneficial owner of any such securities, make a statement to that effect.

Item 6—Remuneration of director and officers and related matters. Set forth the same information as to remuneration of officers and directors and their transactions with management and others as is required to be funished by Item 7 of Form F–5.

Item 7—Financial statements and exhibits. List below all financial statements and exhibits filed as a part of the annual report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this annual report to be signed on its behalf by the undersigned, thereunto duly authorized.

(Name of bank)

by---
(Name and title of signing officer)

Date------------

INSTRUCTIONS AS TO FINANCIAL STATEMENTS

These instructions specify the balance sheets and statments of income required to be filed as a part of annual reports on this form. Section 11.7 of this part governs the verification, form, and content of the balance sheets and statements of income required, including the basis of consolidation, and prescribes the statement of changes in capital accounts and the schedules to be filed in support thereof.

1. *Financial statements of the bank.* (a) There shall be filed for the bank, in comparative columnar form, verified balance sheets as of the close of the last 2 fiscal years and verified statements of income for such fiscal years.

(b) Notwithstanding paragraph (a), the individual financial statements of the bank may be omitted if consolidated statements of the bank and one or more of its subsidiaries are filed.

2. *Consolidated statements.* There shall be filed for the bank and its majority-owned (i) bank premises subsidiaries, (ii) subsidiaries operating under the provisions of section 25 or section 25(a) of the Federal Reserve Act ("Agreement Corporations" and "Edge Act Corporations"), and (iii) significant subsidiaries, in comparative columnar form, verified consolidated balance sheets as of the close of the last 2 fiscal years of the bank and verified consolidated statements of income for such fiscal years.

3. *Separate statements of unconsolidated subsidiaries and other persons.* There shall be filed such other verified financial statements with respect to unconsolidated subsidiaries and other persons as are material to a proper understanding of the financial position and results of operations of the total enterprise.

4. *Filing of other statements in certain cases.* The Comptroller may, upon the requests of the bank and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of investors.

INSTRUCTIONS AS TO EXHIBITS

Subject to provisions regarding incorporation by reference, the following exhibits shall be filed as part of the report:

1. Copies of all amendments or modifications, not previously filed, to all exhibits previously filed (or copies of such exhibits as amended or modified).

2. Copies of all documents of the character required to be filed as an exhibit to an original form for registration of securities of a bank which have been executed or otherwise put into effect during the fiscal year and not previously filed.

§ 11.43 Form for current report of a bank (Form F–3).

FORM F–3

CURRENT REPORT

PURSUANT TO SECTION 13 OF THE SECURITIES EXCHANGE ACT OF 1934

For the Month of ----------------, 19----

(Exact name of bank as specified in charter)

(Address of principal office)

GENERAL INSTRUCTIONS

A. *Preparation of Report.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of the report. The report shall contain the numbers and captions of all applicable items, but the text of such items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s). All items which are not required to be answered in a particular report may be omitted and no reference thereto need be made in the report. Particular attention should be given to the definitions in § 11.2 and the general requirements in § 11.4.

B. *Events To Be Reported.*

A report on this form is required to be filed upon the occurrence of any one or more of the events specified in the items of this form. Reports are to be filed within 10 days after the close of each month during which any of the specified events occurs. However, if substantially the same information as that required by this form has been previously reported by the bank, an additional report of the information on this form need not be made.

C. *Incorporation by Reference to Proxy Statement, Statement Where Management Does Not Solicit Proxies, or Annual Report to Security Holders.* Information contained in any statement previously filed with the Comptroller pursuant to § 11.5(a) or in an annual report to security holders furnished to the Comptroller pursuant to § 11.5(c) may be incorporated by reference in answer or partial answer to any item or items of this form. In addition, any financial statements contained in any such statement or annual report may be incorporated by reference provided such financial statements substantially meet the requirements of this form.

INFORMATION TO BE INCLUDED IN REPORT

Item 1—Changes in Control of Bank.

(a) If any person has become a parent of the bank, give the name of such person, the date and a brief description of the transaction or transactions by which the person became such a parent and the percentage of voting securities of the bank owned by the parent or other basis of control by the parent over the bank.

(b) If any person has ceased to be a parent of the bank, give the name of such person and the date and a brief description of the transaction or transactions by which the persons ceased to be such a parent.

(c) If securities of a bank or any of its parents have been pledged under such circumstances that a default may result in a change of control of the bank, state the names of the pledgor and pledgee and the title and amount of securities pledged.

Instruction. Where, pursuant to a previously reported pledge agreement, additional securities are pledged on the same terms, no report is necessary unless there is a significant change in the percentage of voting securities pledged.

Item 2—Acquisition or Disposition of Assets.

If the bank or any of its significant subsidiaries has acquired or disposed of a significant amount of assets, otherwise than in the ordinary course of business, state the date and manner of acquisition or disposition and briefly describe the assets involved, the nature and amount of consideration given or received therefor, the principle followed in determining the amount of such consideration, the identity of the persons from whom the assets were acquired or to whom they were sold and the nature of any material relationship between such persons and the bank or any of its affiliates, any director or officer of the bank, or any associate of any such director or officer.

Instructions. 1. No information need be given as to (i) any transaction between any person and any wholly owned subsidiary of such person; i.e., a subsidiary substantially all of whose outstanding voting securities are owned by such person and/or its other

wholly owned subsidiaries; (ii) any transaction between two or more wholly owned subsidiaries of any person; or (iii) the redemption or other acquisition of securities from the public, or the sale or other disposition of securities to the public, by the bank of such securities.

2. The term "acquisition" includes every purchase, acquisition by lease, exchange, merger, consolidation, succession or other acquisition; provided that such term does not include the construction or development of property by or for the bank or its subsidiaries or the acquisition of materials for such purpose, and does not include the acquisition of assets acquired (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity. The term "disposition" includes every sale, disposition by lease, exchange, merger consolidation, mortgage, or hypothecation of assets, assignment, abandonment, destruction, or other disposition, but does not include disposition of assets required (i) in collecting a debt previously contracted in good faith or (ii) in a fiduciary capacity.

3. The information called for by this item is to be given as to each transaction or series of related transactions of the size indicated. The acquisition or disposition of securities shall be deemed the indirect acquisition or disposition of the assets represented by such securities if it results in the acquisition or disposition of control of such assets.

4. An acquisition or disposition shall be deemed to involve a significant amount of assets (i) if the net book value of such assets or the amount paid or received therefor upon such acquisition or disposition exceeded 5 percent of the equity capital account of the bank, or (ii) if it involved the acquisition or disposition of a business whose gross operating revenues for its last fiscal year exceed 5 percent of the gross operating revenues of the bank and its consolidated subsidiaries for the bank's latest fiscal year.

5. Where assets are acquired or disposed of through the acquisition or disposition of control of a person, the person from whom such control was acquired or to whom it was disposed of shall be deemed the person from whom the assets were acquired or to whom they were disposed of, for the purposes of this item. Where such control was acquired from or disposed of to not more than five persons, their names shall be given, otherwise it will suffice to identify in an appropriate manner the class of such persons.

6. Attention is directed to the requirements at the end of the form with respect to the filling of financial statements for businesses acquired.

Item 3—Legal Proceednigs.

(a) Briefly describe any material legal proceedings, other than ordinary routine proceedings incidental to the business, to which the bank or any of its subsidiaries has become a party or of which any of their property has become the subject. Include the name of the court or agency in which the proceedings were instituted, the date instituted, and the principal parties thereto.

(b) If any such proceeding previously reported has been terminated, identify the proceeding, state the date and nature of such termination and the general effect thereof with respect to the bank and its subsidiaries.

Instructions. 1. No. information need be given with respect to any proceeding which involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the equity capital accounts of the bank. However, if any proceeding presents in large degree the same issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.

2. Any material proceeding to which any director, officer, or affiliate of the bank, any holder of more than 10 percent of any class of its equity securities, or any associate of any such director, officer, or security holder, is a party adverse to the bank or any of its subsidiaries, shall also be described.

Item 4—Changes in Securities.

(a) If the instruments defining the rights of the holders of any class of registered securities have been materially modified, give the title of the class of securities involved and state briefly the general effect of such modification upon the rights of holders of such securities.

(b) If the rights evidenced by any class of registered securities have been materially limited or qualified by the issuance or modification of any other class of securities, state briefly the general effect of the issuance or modification of such other class of securities upon the rights of the holders of the registered securities.

Instruction. Working capital restrictions and other limitations upon the payment of dividends are to be reported hereunder.

Item 5—Defaults Upon Senior Securities.

(a) If there has been any material default in the payment of principal, interest, a sinking or purchase fund installment, or any other material default not cured within 30 days, with respect to any indebtedness of the bank or any of its significant subsidiaries exceeding 5 percent of the equity capital accounts of the bank, identify the indebtedness and state the nature of the default. In the case of such a default in the payment of principal, interest, or a sinking or purchase fund installment, state the amount of the default and the total arrearage on the date of filing this report.

Instruction. This paragraph refers only to events which have become defaults under the governing instruments, i.e., after the expiration of any period of grace and compliance with any notice requirements.

(b) If any material arrearage in the payment of dividends has occurred or if there has been any other material delinquency not cured within 30 days, with respect to any class of preferred stock of the bank which is registered or which ranks prior to any class of registered securities, or with respect to any class of preferred stock of any significant subsidiary of the bank, give the title of the class and state the nature of the arrearage or delinquency. In the case of an arrearage in the payment of dividends, state the amount and the total arrearage on the date of filing this report.

Item 6—Increase in Amount of Securities Outstanding.

If the amount of securities of the bank outstanding has been increased through the issuance of any new class of securities or through the issuance or reissuance of any additional securities of a class outstanding and the aggregate amount of all such increases not previously reported exceeds 5 percent of the previously outstanding securities of the class, furnish the following information:

(a) Title of class, the amount outstanding at last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions resulting in the increase and a statement of the aggregate net cash proceeds or the nature and aggregate amount of any other consideration received or to be received by the bank.

(c) The names of the principal underwriters, if any, indicating any such underwriters which are affiliates of the bank.

(d) A reasonably itemized statement of the purposes, so far as determinable, for which the net proceeds have been or are to be used and the approximate amounts used or to be used for each such purpose.

Instructions. 1. This item does not apply to notes, drafts, bills of exchange, or bank acceptances which mature not later than 18 months from the date of issuance. No report need be made where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed $100,000 face amount of indebtedness or 1,000 shares or other units.

2. This item includes the reissuance of treasury securities and securities held for the account of the issuer thereof. The extension of the maturity date of indebtedness shall be deemed to be the issuance of new indebtedness for the purpose of this item. In the case of such an extension, the percentage shall be computed upon the basis of the principal amount of the indebtedness extended.

Item 7—Decrease in Amount of Securities Outstanding.

If the amount of any class of securities of the bank outstanding has been decreased through one or more transactions and the aggregate amount of all such decreases not previously reported exceeds 5 percent of the amount of securities of the class previously outstanding, furnish the following information:

(a) Title of the class, the amount outstanding as last previously reported, and the amount presently outstanding (as of a specified date).

(b) A brief description of the transaction or transactions involving the decrease and a statement of the aggregate amount of cash or the nature and aggregate amount of any other consideration paid or to be paid by the bank in connection with such transaction or transactions.

Instruction. Instruction 1 to Item 6 shall also apply to this item. This item need not be answered as to decreases resulting from ordinary sinking fund operations, similar periodic decreases made pursuant to the terms of the constituent instruments, decreases resulting from the conversion of securities or decreases resulting from the payment of indebtedness at maturity.

Item 8—Options To Purchase Securities.

If any options to purchase securities of the bank or any of its subsidiaries from the bank or any of its subsidiaries have been granted or extended and the amount of securities called for by all such options the granting or extension of which has not been previously reported exceeds 5 percent of the outstanding securities of the class, furnish the following information:

(a) The dates on which the options were granted or extended;

(b) The total amount of securities called for by such options;

(c) The consideration for the granting or extension of the options;

(d) The exercise prices;

(e) The market value of the securities on the granting or extension dates;

(f) The expiration dates of the options; and

(g) Any other material conditions to which the options were subject.

Instruction. This item need not be answered where the amount not previously reported, although in excess of 5 percent of the amount previously outstanding, does not exceed $100,000 face amount of indebtedness or 1,000 shares or other units of other securities.

Item 9—Revaluation of Assets or Restatement of Capital Stock Account.

(a) If there has been a material revaluation of the assets of the bank or any of its significant subsidiaries involving a write-up, write-down, writeoff, or abandonment, state the date of the revaluation, the amount involved and the accounts affected, including all related entries. If any adjustment was made in any related reserve account in connection with the revaluation, state the account and amounts involved and explain the adjustment.

(b) If there has been a material restatement of the capital stock account of the bank resulting in a transfer from capital stock to surplus, undivided profits, or reserves, or vice versa, state the date, purpose, and amount of the restatement and give a brief explanation of all related entries in connection with the restatement.

Item 10—Submission of Matters to a Vote of Security Holders.

If any matter has been submitted to a vote of security holders, through the solicitation of proxies or otherwise, furnish the following information:

(a) The date of the meeting and whether it was an annual or special meeting.

(b) If the meeting involved the election of directors, state the name of each director elected at the meeting and the name of each other director whose term of office as a director continued after the meeting.

(c) Briefly describe each other matter voted upon at the meeting and state the number of affirmative votes and the number of negative votes cast with respect to each such matter.

Instructions. 1. If any matter has been submitted to a vote of security holders otherwise than at a meeting of such security holders, corresponding information with respect to such submission shall be furnished. The solicitation of any authorization or consent (other than a proxy to vote at a security holders' meeting) with respect to any matter shall be deemed a submission of such matter to a vote of security holders within the meaning of this item.

2. Paragraph (a) need be answered only if paragraph (b) or (c) is required to be answered.

3. Paragraph (b) need not be answered if (i) a proxy statement, or statement where management does not solicit proxies, with respect to the meeting was filed with the Comptroller pursuant to § 11.5(a), (ii) there was no solicitation in opposition to the management's nominees as listed in such statement, and (iii) all of such nominees were elected.

4. Paragraph (c) need not be answered as to procedural matters or as to the selection or approval of auditors.

5. If the bank has published a report containing all of the information called for by this item, the item may be answered by a reference to the information contained in such report, provided copies of such report are filed as an exhibit to the report on this form.

Item 11—Other Materially Important Events.

The bank may, at its option, report under this item any events that the bank deems of material importance to security holders, even though information as to such events is not otherwise called for by this form.

Item 12—Financial Statements and Exhibits.

List below the financial statements and exhibits, if any, filed as a part of this report:

(a) Financial statements.

(b) Exhibits.

SIGNATURES

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized.

----------------------------
(Name of bank)
By\-
(Name and title of signing officer)

Date\-\-\-\-\-\-\-\-\-\-\-\-

FINANCIAL STATEMENTS OF BUSINESS ACQUIRED

1. *Business for which statements are required.*

The financial statements specified below shall be filed for any business the acquisition of which by the bank or any of its majority-owned subsidiaries is required to be described in answer to Item 2 above.

2. *Statements required.*

(a) There shall be filed a balance sheet of the business as of a date reasonably close to the date of acquisition. The balance sheet need not be verified, but if it is not verified there shall also be filed a verified balance sheet as of the close of the preceding fiscal year.

(b) Statements of income of the business shall be filed for each of the last 3 full fiscal years and for the period, if any, between the close of the latest of such fiscal years and the date of the latest balance sheet filed. These statements of income shall be verified up to the date of the verified balance sheet.

(c) If the business was in insolvency proceedings immediately prior to its acquisition, the balance sheets required above need not be verified. In such case, the statements of income required shall be verified to the close of the latest full fiscal year.

(d) No supporting schedules need be filed.

3. *Filing of other statements in certain cases.*

The Comptroller may, upon the informal written request of the bank, and where consistent with the protection of investors, permit the omission of one or more of the statements herein required or the filing in substitution therefor of appropriate statements of comparable character. The Comptroller may also by informal written notice require the filing of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person for which financial statements are required, or whose statements are otherwise necessary for the protection of investors.

EXHIBITS

Subject to the rules as to incorporation by reference, the following documents shall be filed as exhibits to this report.

1. Copies of any contract, plan, or arrangement for any acquisition or disposition described in answer to Item 2, including any plan of reorganization, readjustment, exchange, merger, consolidation, or succession in connection therewith.

2. Copies of any judgment or any document setting forth the terms of any settlement described in answer to Item 3.

3. Copies of the amendments to all constituent instruments and other documents described in answer to Item 4.

4. Copies of all constituent instruments defining the rights of the holders of any new class of securities referred to in answer to Item 7.

5. Copies of the plan pursuant to which the options referred to in answer to Item 8 were granted, or if there is no such plan, specimen copies of the options.

6. Copies of any material amendments to the bank's charter or bylaws, not otherwise required to be filed.

§ 11.44 Form for quarterly report of bank (Form F-4).

FORM F-4—QUARTERLY REPORT OF

--
(Name of bank)

--
(City and State)

Item	3 months ending \-		Fiscal year to date (\-\- months ending \-)	
	19\-\-\-\-\-\- (current year)	19\-\-\-\-\-\- (prior year)	19\-\-\-\-\-\- (current year)	19\-\-\-\-\-\- (prior year)
1. Operating income:				
(a) Interest and fees on loans				
(b) Interest and dividends on securities				
(c) Other operating income				
(d) Total operating income				
2. Operating expenses:				
(a) Salaries and other compensation				
(b) Interest expense				
(c) Other operating expenses				
(d) Total operating expenses				
3. Income before income taxes and securities gains (losses)				
4. Applicable income taxes				
5. Income before securities gains (losses)				
6. Net security gains (losses), less related tax effect				
7. Net income				

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this quarterly report to be signed on its behalf by the undersigned, thereunto duly authorized.

--------------------------------
(Name of bank)

Date \-
By \-
(Name and title of signing officer)

(a) *Use of Form F-4.* Form F-4 is a guide for use in preparation of the quarterly report to be filed with the Comptroller.

(b) *Persons for whom the information is to be given.* The required information is to be given as to the registrant bank or, if the bank files consolidated financial statements with the annual reports filed with the Comptroller, it shall cover the bank and its consolidated subsidiaries. If the information is given as to the bank and its consolidated subsidiaries, it need not be given separately for the bank.

(c) *Presentation of information.* The form calls only for the items of information specified. It is not necessary to furnish a formal statement of income. The information is not required to be verified (see § 11.7(b) of this part). The report may carry a notation to that effect and any other qualification considered necessary or appropriate. Amounts may be stated in thousands of dollars if a notation to that effect is made.

(d) *Incorporation by reference to published statements.* If the bank makes available to its stockholders or otherwise publishes, within the period prescribed for filing the report, a financial statement containing the information required by this form, such information may be incorporated by reference to such published statement if copies thereof are filed as an exhibit to this report.

(e) *Extraordinary items.* If present with respect to any interim period reported herein, extraordinary items less applicable income tax effect shall be appropriately segregated and included in the determination of net income. (See Form F-9B, Statement of Income.)

§ 11.45 Form for amendment to registration statement or periodic report of bank (Form F-20).

FORM F-20

AMENDMENT TO REGISTRATION STATEMENT OR PERIODIC REPORT OF BANK

GENERAL INSTRUCTIONS

A. The form set forth hereinafter is not to be used as a blank form to be filled in but is intended solely as a guide in the preparation of an amendment to a previously filed registration statement or report. Attention should be given to the general requirements governing amendments. which are prescribed in § 11.4(u).

B. The amendment shall contain the number and caption of each item being amended and each such item shall be restated, as amended, in its entirety. Where a financial statement or a note or schedule related thereto, is being amended, such statement, note, or schedule likewise shall be restated in its entirety.

THE COMPTROLLER OF THE CURRENCY
WASHINGTON, D.C. 20220

Amendment Number \-\-\-\-\-\-
to
------------------[1]
on
Form F-\-\-\-\-\-\-[2]
Pursuant to Section 12 or 13 of the Securities Exchange Act of 1934

--
(Exact name of bank as specified in charter)
--
(Address of principal office)

The undersigned bank hereby amends the following items, financial statements or exhibits, constituting part of the aforesaid statement or report, as set forth in the pages attached hereto:

(List all such items, financial statements, exhibits, or other portions amended.)

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this amendment to be signed on its behalf by the undersigned, thereunto duly authorized.

--------------------------
(Name of bank)
By \-
(Print name and title of signing officer under signature)

Date\-\-\-\-\-\-\-\-\-\-\-\-

§ 11.46 Form for registration of additional class of securities of a bank pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (Form F-10).

FORM F-10—REGISTRATION STATEMENT FOR ADDITIONAL CLASSES OF SECURITIES OF A BANK

PURSUANT TO SECTION 12(b) OR SECTION 12(g) OF THE SECURITIES EXCHANGE ACT OF 1934

--
(Exact name of bank as specified in charter)
--
(Address of principal office)

Securities being registered pursuant to section 12(b) of the Act:

Title of class	*Name of each exchange on which class is being registered.*
\-\-\-\-\-\-\-\-\-\-\-\-\-\-	\-

Title of each class of equity securities being registered pursuant to section 12(g) of the Act:

GENERAL INSTRUCTIONS

1. *Applicability of This Form.*

This form may be used for registration of the following securities pursuant to the Securities Exchange Act of 1934:

(a) For registration pursuant to section 12(g) of the Act of any class of equity securities of a bank which has one or more other classes of securities registered pursuant to either section 12 (b) or (g) of the Act.

(b) For registration on a national securities exchange pursuant to section 12(b) of the Act of any class of securities of a bank which has one or more other classes of securities so registered on the same securities exchange.

2. *Preparation of Registration Statement.*

This form is not to be used as a blank form to be filled in but only as a guide in the preparation of a registration statement. Particular attention should be given to the general requirements in § 11.4 of Part 11 of the Comptroller's regulations. The statement shall contain the numbers and captions of all items, but the text of the items may be omitted if the answers with respect thereto are prepared in the manner specified in § 11.4(s).

INFORMATION REQUIRED IN REGISTRATION STATEMENT

Item 1—Stock To Be Registered.

If stock is being registered, state the title of the class and furnish the following information (see Instruction 1):

(a) Outline briefly (1) dividend rights; (2) Voting rights; (3) liquidation rights; (4) preemptive rights; (5) conversion rights; (6) redemption provision; (7) sinking fund provisions, and (8) liability to further calls or to assessment.

(b) If the rights of holders of such stock may be modified otherwise than by a vote of a majority or more of the shares outstanding, voting as a class, so state and explain briefly.

(c) Outline briefly any restriction on the repurchase or redemption of shares by the bank while there is any arrearage in the payment of dividends or sinking fund installments. If there is no such restriction, so state.

Instructions. 1. If a description of the securities comparable to that required here is contained in any other document filed with the Comptroller, such description may be incorporated by reference to such other filing in answer to this item. If the securities are to be registered on a national securities exchange and the description has not previously been filed with such exchange, copies of the description shall be filed with copies of the registration statement filed with the exchange.

2. This item requires only a brief summary of the provisions which are pertinent from an investment standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions of the governing instruments verbatim; only a succinct résumé is required.

3. If the rights evidenced by the securities to be registered are materially limited or qualified by the rights evidenced by any other class of securities or by the provisions of any contract or other document, include such information regarding such limitation or qualification as will enable investors to understand the rights evidenced by the securities to be registered.

Item 2.—Debt Securities To Be Registered.

If the securities to be registered hereunder are bonds, debentures or other evidences of indebtedness, outline briefly such of the following as are relevant;

(a) Provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund, or retirement.

(b) Provisions with respect to the kind and priority of any lien, securing the issue, together with a brief identification of the principal properties subject to such lien.

(c) Provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, the creation or maintenance of reserves or the maintenance of properties.

(d) Provisions permitting or restricting the issuance of additional securities, the withdrawal of cash deposited against such issuance, the incurring of additional debt, the release or substitution of assets securing the issue, the modification of the terms of the security, and similar provisions.

Instruction 1. Provisions permitting the release of assets upon the deposit of equivalent funds or the pledge of equivalent property, the release of property no longer required in the business, obsolete property or property taken by eminent domain, the application of insurance moneys, and similar provisions, need not be described.

(c) The name of the trustee and the nature of any material relationship with the bank or any of its affiliates; the percentage of securities of the class necessary to require the trustee to take action, and what indemnification the trustee may require before proceeding to enforce the lien.

(f) The general type of event which constitutes a default and whether or not any periodic evidence is required to be furnished as to the absence of default or as to compliance with the terms of the indenture.

Instruction 2. The instruction to Item 1 also apply to this item.

Item 3—Other Securities To Be Registered.

If securities other than those referred to in Items 1 and 2 are to be registered hereunder, outline briefly the rights evidenced thereby. If subscription warrants or rights are to be registered, state the title and amount of securities called for, and the period during which and the price at which the warrants or rights are exercisable.

Instruction. The instructions to Item 1 also apply to this item.

Item 4—Exhibits.

List all exhibits filed as a part of the registration statement.

SIGNATURE

Pursuant to the requirements of the Securities Exchange Act of 1934, the bank has duly caused this registration statement to be signed on its behalf by the undersigned, thereunto duly authorized.

Date \-\-\-\-\-\-\-\-\-\-\-\-

--------------------------
Name of Bank
By \-
(Name and title of signing officer)

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[1] Indicate appropriate designation of statement or report being amended, such as "Registration Statement" or "Annual Report for year ended December 31, 19\-\-."

[2] Indicate the number of the form on which the statement or report was filed, such as "Form F-1."

INSTRUCTIONS AS TO EXHIBITS

Subject to § 11.4(o) of Part 11 regarding the incorporation of exhibits by reference, the exhibits enumerated hereinafter shall be filed as a part of the registration statement. Exhibits shall be appropriately lettered or numbered for convenient reference. Exhibits incorporated by reference may bear the designation given in the previous filing. Where exhibits are incorporated by reference, the reference shall be made in the list of exhibits in Item 4.

1. Specimens or copies of each security to be registered hereunder.

2. Copies of all constituent intruments defining the rights of the holders of each class of such securities, including any contracts or other documents which limit or qualify the rights of such holders.

§ 11.47 Form for statement to be filed pursuant to § 11.4(g)(2) or § 11.5(1) of Part 11 (Form F-11).

THE COMPTROLLER OF THE CURRENCY
FORM F-11

STATEMENT TO BE FILED PURSUANT TO § 11.4(g)(2) OR § 115(1) OF PART 11

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

If the statement is filed by a partnership, limited partnership, syndicate, or other group, the information called for by Items 2 to 6, inclusive, shall be given with respect to (1) each partner or any partnership or limited partnership, (2) each member of such syndicate or group and (3) each person controlling such partner or member. If a person referred to in (1), (2), or (3) is a corporation or the statement is filed by a corporation, the information called for by the above-mentioned items shall be given with respect to each principal officer and director of such corporation and each person controlling such corporation.

Item 1—Security and bank. State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

Item 2—Identity and background. State the following with respect to the person filing this statement:

(a) Name and business address;

(b) Residence address;

(c) Present principal occupation or employment and the name, principal business and address of any corporation or other organization in which such employment is carried on;

(d) Material occupations, positions, offices or employments during the last 10 years, giving the starting and ending dates of each and the name, principal business and address of any business corporation or other organization in which each such occupation, position, office or employment was carried on; and

(e) Whether or not, during the last 10 years, such person has been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give the dates, nature of conviction, name and location of court, and penalty imposed, or other disposition of the case.

Item 3—Source and amount of funds or other consideration. State the source and amount of funds or other consideration used or to be used in making the purchases, and if any part of the purchase price or proposed purchase price is represented or is to be represented by funds or other consideration borrowed or otherwise obtained for the purpose of acquiring, holding, or trading the securities, a description of the transaction and the names of the parties thereto.

Instruction. If the source of funds is a loan made in the ordinary course of business by a bank, the person filing the statement may, at his option, omit the name of the bank, provided it is furnished to the Comptroller in a letter requesting confidential treatment as to such information. Pursuant to section 13(d)(1)(B) of the Act, such information shall not be made available to the public.

Item 4—Purpose of transaction. If the purpose of the purchases or prospective purchases is to acquire control of the bank, describe any plans or proposals which such persons may have to liquidate such bank, to sell its assets to or merge it with any other persons, or to make any other major change in its business or corporate structure.

Item 5—Interest in securities of the bank. State the number of shares of the security which are beneficially owned, and the number of shares concerning which there is a right to acquire, directly or indirectly, by (i) such person, and (ii) each associate of such person, giving the name and address of each such associate.

Item 6—Contracts, arrangements, or understandings with respect to securities of the bank. Furnish information as to any contracts, arrangements, or understandings with any person with respect to any securities of the bank, including but not limited to transfer of any of the securities, joint ventures, loan or option arrangements, puts or calls, guaranties of loans, guaranties against loss or guaranties of profits, division of losses or profits, or the giving or withholding of proxies, naming the persons with whom such contracts, arrangements, or understandings have been entered into, and giving the details thereof.

Item 7—Persons retained, employed or to be compensated. Where this statement relates to a tender offer, or request or invitation for tenders, identify all persons and classes of persons employed, retained or to be compensated by the person filing this statement, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 8—Material to be filed as exhibits. Copies of all requests or invitations for tenders or advertisements making a tender offer or requesting or inviting tenders, additional material soliciting or requesting such tender offers, solicitations or recommendations to the holders of the security to accept or reject a tender offer or request or invitation for tenders shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete, and correct.

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(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.51 Form for proxy statement; statement where management does not solicit proxies (Form F-5).

FORM F-5—PROXY STATEMENT: STATEMENT WHERE MANAGEMENT DOES NOT SOLICIT PROXIES

GENERAL INSTRUCTIONS

Each statement required under § 11.5(a) of this part shall, to the extent applicable, include the information called for under each of the items below. In the preparation of the statement, particular attention should be given to the definitions in § 11.2 of this part.

This form is not to be used as a blank form to be filled in nor is it intended to prescribe a form for presentation of material in the statement. Its purpose is solely to prescribe the information required to be set forth in the statement; any additional information that management or the soliciting persons deem appropriate may be included.

INFORMATION REQUIRED IN STATEMENT

Item 1.—Revocability of proxy. State whether the person giving the proxy has the power to revoke it. If the right of revocation before the proxy is exercised is limited or is subject to compliance with any formal procedure, briefly describe such limitation or procedure.

Item 2.—Dissenters' rights of appraisal. Outline briefly the rights of appraisal or similar rights of dissenters with respect to any matter to be acted upon and indicate any statutory procedure required to be followed by dissenting security holders in order to perfect such rights. Where such rights may be exercised only within a limited time after the date of the adoption of a proposal, the filing of a charter amendment or other similar act, state whether the person solicited will be notified of such date.

Instruction. Indicate whether a security holder's failure to vote against a proposal will constitute a waiver of his appraisal or similar rights and whether a vote against a proposal will be deemed to satisfy any notice requirements under State law with respect to appraisal rights. If the State law is unclear, state what position will be taken in regard to those matters.

Item 3.—Persons making the solicitation. (a) Solicitations not subject to § 11.5(i).

(1) If the solicitation is made by the management of the bank, so state. Give the name of any director of the bank who has informed the management in writing that he intends to oppose any action intended to be taken by the management and indicate the action which he intends to oppose.

(2) If the solicitation is made otherwise than by the management of the bank, so state and give the names of the persons by whom and the persons on whose behalf it is made.

(3) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, and (ii) the cost or anticipated cost thereof.

(4) State the names of the persons by whom the cost of solicitation has been or will be borne, directly or indirectly.

(b) Solicitations subject to § 11.5(i).

(1) State by whom the solicitation is made and describe the methods employed and to be employed.

(2) If regular employees of the bank or any other participants in a solicitation have been or are to be employed to solicit security holders, describe the class or classes of employees to be so employed, and the manner and nature of their employment for such purpose.

(3) If specially engaged employees, representatives, or other persons have been or are to be employed to solicit security holders, state (i) the material features of any contract or arrangement for such solicitation and identify the parties, (ii) the cost or anticipated cost thereof, and (iii) the approximate number of such employees or employees of any other person (naming such other person) who will solicit security holders.

(4) State the total amount estimated to be spent and the total expenditures to date for, in furtherance of, or in connection with, the solicitation of security holders.

(5) State by whom the cost of the solicitation will be borne. If such cost is to be borne initially by any person other than the bank, state whether reimbursement will be sought from the bank, and, if so, whether the question of such reimbursement will be submitted to a vote of security holders.

Instruction. With respect to solicitations subject to § 11.5(i), costs and expenditures within the meaning of this Item 3 shall include fees for attorneys, accountants, public relations, or financial advisers, solicitors, advertising, printing, transportation, litigation, and other costs incidental to the solicitation, except that the bank may exclude the amounts of such costs represented by the amount normally expended for a solicitation for an election of directors in the absence of a contest, and costs represented by salaries and wages of regular employees and officers, provided a statement to that effect is included in the proxy statement.

Item 4—Interest of certain persons in matters to be acted upon. (a) Solicitations not subject to § 11.5(i). Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each of the following persons in any matter to be acted upon, other than elections to office:

(1) If the solicitation is made on behalf of management, each person who has been a director or officer of the bank at any time since the beginning of the last fiscal year.

(2) If the solicitation is made otherwise than on behalf of management, each person on whose behalf the solicitation is made. Any person who would be a participant in a solicitation for purposes of § 11.5(i) as defined in subparagraph 2(i), (c), (d), (e), and (f) thereof shall be deemed a person on whose behalf the solicitation is made for purposes of this paragraph (a).

(3) Each nominee for election as a director of the bank.

(4) Each associate of the foregoing persons.

Instruction. Except in the case of a solicitation subject to § 11.5 of this part made in opposition to another solicitation subject to § 11.5 of this part, this subitem (a) shall not apply to any interest arising from the ownership of securities of the bank where the security holder receives no extra or special benefit not shared on a pro rata basis by all other holders of the same class.

(b) Solicitations subject to § 11.5(i).

(1). Describe briefly any substantial interest, direct or indirect, by security holdings or otherwise, of each participant as defined in § 11.5(i)(2)(i), (b), (c), (d), and (e), in any matter to be acted upon at the meeting, and include with respect to each participant the information, or a fair and adequate summary thereof, required by Items 2(a), 2(d), 3, 4(b), and 4(c) of Form F-6.

(2) With respect to any person named in answer to Item 6(b), described any substantial interest, direct or indirect, by security holdings or otherwise, that he has in any matter to be acted upon at the meeting, and furnish the information called for by Item 4 (b) and (c) of Form F-6.

Item 5—Voting securities and principal holders thereof. (a) State, as to each class of voting securities of the bank entitled to be voted at the meeting, the number of shares outstanding and the number of votes to which each class is entitled.

(b) Give the date as of which the record of security holders entitled to vote at the meeting will be determined. If the right to vote is not limited to security holders of record on that date, indicate the conditions under which other security holders may be entitled to vote.

(c) If action is to be taken with respect to the election of directors and if the persons solicited have cumulative voting rights, make a statement that they have such rights and state briefly the conditions precedent to the exercise thereof.

(d) If to the knowledge of the persons on whose behalf the solicitation is made, any person, individually, or together with his associates, owns of record or beneficially more than 10 percent of the outstanding voting securities of the bank, name such person or persons, state the approximate amount of such securities owned of record but not owned beneficially, and the approximate amount owned beneficially, and the percentage of outstanding voting securities represented by the amount of securities so owned in each such manner.

(e) If to the knowledge of the persons on whose behalf the solicitation is made, a change in control of the bank was occurred since the beginning of its last fiscal year, state the name of the person or persons who acquired such control, the basis of such control, the date and a description of the transaction or transactions in which control was acquired and the percentage of voting securities of the bank now owned by such person or persons.

(f) Describe any contractual arrangements, including any pledge of securities of the bank or any of its parents, known to the persons on whose behalf the solicitation is made, the operation of the terms of which may at a subsequent date result in a change in control of the bank.

Instruction. Paragraph (f) does not require a description of ordinary default provisions contained in the charter, trust indentures or other governing instruments relating to securities of the bank.

Item 6—Nominees and directors. (a) If action is to be taken with respect to the election of directors, furnish the following information, in tabular form to the extent practicable, with respect to each person nominated for election as a director and each other person whose term of office as a director will continue after the meeting:

(1) Name each such person, state when his term of office or the term of office for which he is a nominee will expire, and all other positions and offices with the bank presently held by him, and indicate which persons are nominees for election as directors at that meeting.

(2) State his present principal occupation or employment and give the name and principal business of any corporation or other organization in which such employment is carried on. Furnish similar information as to all of his principal occupations or employments during the last 5 years, unless he is now a director and was elected to his present term of office by a vote of security holders at a meeting with respect to which a proxy statement or statement where management does not solicit proxies was submitted to security holders pursuant to § 11.5(a) of this part.

(3) If he is or has previously been a director of the bank state the period or periods during which he has served as such.

(4) State, as of the most recent practicable date, the approximate amount of each class of equity securities of the bank, or any of its parents or subsidaires "beneficially owned" (as defined in § 11.2(ff)) directly or indirectly by him. If he disclaims beneficial ownership of any such securities, make a statement to that effect.

(b) If any nominee for election as a director is proposed to be elected pursuant to any arrangement or understanding between the nominee and any other person or persons, except the directors and officers of the bank acting solely in that capacity, name such other person or persons and described briefly such arrangement or understanding.

(c) If fewer nominees are named than the number fixed by or pursuant to the governing instruments, state (1) the reasons for this procedure, and (2) that the proxies cannot be voted for a greater number of persons than the number of nominees named.

Item 7.—Remuneration and other transactions with management and others. Furnish the information called for by this item if action is to be taken with respect to (i) the election of directors, (ii) any bonus, profit sharing, or other remuneration plan, contract or arrangement in which any director, nominee for election as a director, or officer of the bank will participate, (iii) any pension or retirement plan in which any such person will participate, or (iv) the granting or extension to any such person of any options, warrants, or rights to purchase any securities, other than warrants or rights issued to security holders, as such, on a pro rata basis. However, if the solicitation is made on behalf of persons other than the management, the information required need be furnished only as to nominees for election as directors and as to their associates.

(a) Furnish the following information in substantially the tabular form indicated below as to all direct remuneration paid by the bank and its subsidiaries during the bank's latest fiscal year to the following persons for services in all capacities:

(1) Each director of the bank whose aggregate direct remuneration exceeded $30,000, and each of the two highest paid officers of the bank whose aggregate direct remuneration exceeded that amount, naming each such director and officer.

(2) All directors and officers of the bank as a group, without naming them, but stating the number of persons included.

(A) Name of individual or number of persons in group	(B) Capacities in which remuneration was received	(C) Aggregate direct remuneration

Instructions. 1. This item applies to any person who was a director or officer of the bank at any time during the period specified. However, information need not be given for any portion of the period during which such person was not a director or officer.

2. The information is to be given on an accrual basis, if practicable. The tables required by this paragraph and paragraph (b) may be combined if the bank so desires.

3. Do not include remuneration paid to a partnership in which any director or officer was a partner. But see paragraph (f) below.

(b) Furnish the following information, in substantially the tabular form indicated, as to all pension or retirement benefits proposed to be paid under any existing plan in the event of retirement at normal retirement date, directly or indirectly, by the bank or any of its subsidiaries to each director or officer named in answer to paragraph (a)(1):

(A) Name of individual	(B) Amount set aside or accrued during bank's last fiscal year	(C) Estimated annual benefits upon retirement

Instructions. 1. Column (B) need not be answered with respect to payments computed on an actuarial basis under any plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The information called for by column (C) may be given in a table showing the annual benefits payable upon retirement to persons in specified salary classifications.

3. In the case of any plan (other than those specified in Instruction 1) where the amount set aside each year depends upon the amount of earnings of the bank or its subsidiaries for such a year or a prior year (or where otherwise impracticable to state the estimated annual benefits upon retirement) there shall be set forth, in lieu of the information called for by column (C), the aggregate amount set aside or accrued to date, unless impracticable to do so, in which case the method of computing such benefits shall be stated. In addition, furnish a brief description of the material terms of the plan, including the method used in computing the bank's contribution, and the amount set aside or accrued during the bank's last fiscal year for all officers and directors as a group, indicating the number of persons in such group without naming them.

(c) Describe briefly all remuneration payments (other than payments reported under paragraph (a) or (b) of this item) proposed to be made in the future, directly or indirectly, by the bank or any of its subsidiaries pursuant to any existing plan or arrangement to (i) each director or officer named in answer to paragraph (a)(1), naming each such person, and (ii) all directors and officers of the bank as a group, without naming them.

Instruction. Information need not be included as to payments to be made for, or benefits to be received from, group life or accident insurance, group hospitalization, or similar group payments or benefits. If it is impracticable to state the amount of remuneration payments proposed to be made, the aggregate amount set aside or accrued to date in respect of such payments shall be stated, together with an explanation of the basis for future payments.

(d) Furnish the following information as to all options to purchase securities, from the bank or any of its subsidiaries, which were granted to or exercised by the following persons since the beginning of the bank's last fiscal year and as to all options held by such persons as of the latest practicable date: (i) Each director or officer named in answer to paragraph (a)(1), naming each such person; and (ii) all directors and officers of the bank as a group, without naming them;

(1) As to options granted, state (i) the title and amount of securities called for; (ii) the prices, expiration dates, and other material provisions; and (iii) the market value of the securities called for on the granting date.

(2) As to options exercised, state (i) the title and amount of securities purchased; (ii) the aggregate purchase price; and (iii) the aggregate market value of the securities purchased on the date of purchase.

(3) As to all unexercised options held as of the latest practicable date, regardless of when such options were granted, state (i) the title and aggregate amount of securities called for; (ii) the range of option prices; and (iii) the per share market prices of the securities subject to option, as of the latest practicable date.

Instructions. 1. The extension, regranting, or material amendment of options shall be deemed the granting of options within the meaning of this paragraph.

2. This item need not be answered with respect to options granted, exercised, or outstanding, as may be specified therein, where the total market value (i) on the granting date of the securities called for by all options granted during the period specified, (ii) on the dates of purchase of all securities purchased through the exercise of options during the period specified, or (iii) as of the latest practicable date of the securities called for by all options held at such time, does not exceed $10,000 for any officer or director named in answer to paragraph (a)(1), or $30,000 for all officers and directors as a group.

3. The information for all directors and officers as a group regarding market value of the securities on the granting date of the options and on the purchase date may be given in the form of price ranges for each calendar quarter during which options were granted or exercised.

(e) If to the knowledge of management any indebtedness to the bank has arisen since the beginning of the bank's last fiscal year under section 16(b) of the Securities Exchange Act of 1934, as a result of transactions in the bank's stock (or other equity securities) by any director, officer, or security holder named in answer to Item 5(d), which indebtedness has not been discharged by payment, state the amount of any profit realized and whether suit will be brought or other steps taken to recover such profit. If, in the opinon of counsel, a question reasonably exists as to the recoverability of such profit, only facts necessary to describe the transactions, including the prices and number of shares involved, need be stated.

(f) Describe briefly, and where practicable state the approximate amount of, any material interest, direct or indirect, of any of the following persons in any material transactions since the beginning of the bank's last fiscal year, or in any material proposed transactons, to which the bank or any of its subsidiaries was or is to be a party:

(1) Any director or officer of the bank;

(2) Any nominee for election as a director;

(3) Any security holder named in answer to Item 5(d); or

(4) Any associate of any of the foregoing persons.

Instructions. 1. See Instruction 1 to paragraph (a). Include the name of each person whose interest in any transaction is described and the nature of the relationship by reason of which such interest is required to be described. Where it is not practicable to state the approximate amount of the interest, the approximate amount involved in the transaction shall be indicated.

2. As to any transaction involving the purchase or sale of assets by or to the bank or any subsidiary, otherwise than in the ordinary course of business, state the cost of the assets to the purchaser and the cost thereof to the seller if acquired by the seller within 2 years prior to the transaction.

3. The instruction to Item 4 shall apply to this item.

4. No information need be given under this paragraph as to any remuneration or other transaction reported in response to (a), (b), (c), (d), or (e) of this item.

5. No information need be given under this paragraph as to any transaction or any interest therein where:

(i) The rates of charges involved in the transaction are fixed by law or determined by competitive bids;

(ii) The interest of the specified person in the transaction is solely that of a director of another corporation which is a party to the transaction;

(iii) The specified person is subject to this Item 7(f) solely as a director of the bank (or associate of a director) and his interest in the transaction is solely that of a director, officer of, and/or owner of less than a 10 percent interest in, another person that is a party to the transaction.

(iv) The transaction consists of extensions of credit by the bank in the ordinary course of its business that (A) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than specified persons, (B) at no time exceed 10 percent of the equity capital accounts of the bank, or $10 million, whichever is less, and (C) do not involve more than the normal risk of collectibility or present other unfavorable features. Notwithstanding the foregoing, if aggregate extensions of credit to the specified persons, as a group, exceeded 20 percent of the equity capital accounts of the bank at any time during the preceding year, (1) the aggregate amount of such extensions of credit shall be disclosed, and (2) a statement shall be included, to the extent applicable, that the bank has had, and expects to have in the future, banking transactions in the ordinary course of its business with directors, officers, principal stockholders, and their associates, on the same terms, including interest rates and collateral on loans, as those prevailing at the same time for comparable transactions with others. For the purpose of determining "aggregate extensions of credit" in this instruction, transactions which are exempted from disclosure pursuant to other instructions to this Item may be excluded.

(v) The transaction involves services as a bank depository of funds, transfer agent, registrar, trustee under a trust indenture, or other similar services; or

(vi) The interest of the specified person, including all periodic installments in the case of any lease or other agreement providing for periodic installments, does not exceed $30,000.

6. Information shall be furnished under this paragraph with respect to transactions not excluded above which involve remuneration, directly or indirectly, to any of the specified persons for services in any capacity unless the interest of such persons arises solely from the ownership, individually and in the aggregate, of less than a 10 percent interest in another person furnishing the services to the bank or its subsidiaries.

Item 8—Selection of auditors. If action is to be taken with respect to the selection or approval of auditors, or if it is proposed that particular auditors shall be recommended by any committee to select auditors for whom votes are to be cast, name the auditors and describe briefly any direct financial interest or any material indirect financial interest in the bank or any of its parents or subsidiaries, or any connection during the past 3 years with the bank or any of its parents or subsidiaries in the capacity of promoter, underwriter, voting trustee, director, officer, or employee.

Item 9—Bonus, profit-sharing, and other remuneration plans. If action is to be taken with respect to any bonus, profit-sharing, or other remuneration plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will participate therein, indicate the approximate number of persons in each such class and state the basis of such participation.

(b) State separately the amounts which would have been distributable under the plan during the last fiscal year of the bank (1) to directors and officers, and (2) to employees, if the plan had been in effect.

(c) State the name and position with the bank of each person specified in Item 7(a) who will participate in the plan and the amount which each such person would have received under the plan for the last fiscal year of the bank if the plan had been in effect.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or to alter the allocation of the benefits as between the groups specified in (b), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instruction. If the plan is set forth in a formal plan, contract, or arrangement, three copies thereof shall be filed with the Board at the time preliminary copies of the Statement are filed pursuant to section 206.5(f).

Item 10—Pension and retirement plans. If action is to be taken with respect to any pension or retirement plan, furnish the following information:

(a) Describe briefly the material features of the plan, identify each class of persons who will be entitled to participate therein, indicate the aproximate number of persons in each such class, and state the basis of such participation.

(b) State (1) the approximate total amount necessary to fund the plan with respect to past services, the period over which such amount is to be paid, and the estimated annual payments necessary to pay the total amount over such period, (2) the estimated annual payments to be made with respect to current services, and (3) the amount of such annual payments to be made for the benefit of (i) directors and officers, and (ii) employees.

(c) State (1) the name and position with the bank of each person specified in Item 7(a) who will be entitled to participate in the plan, (2) the amount which would have been paid or set aside by the bank and its subsidiaries for the benefit of such person for the last fiscal year of the bank if the plan had been in effect, and (3) the amount of the annual benefits estimated to be payable to such person in the event of retirement at normal retirement date.

(d) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

(e) If the plan to be acted upon can be amended otherwise than by a vote of stockholders to increase the cost thereof to the bank or alter the allocation of the benefits as between the groups specified in (b)(3), state the nature of the amendments which can be so made.

(f) If action is to be taken with respect to the amendment or modification of an existing plan, this item shall be answered with respect to the plan as proposed to be amended or modified and shall indicate any material differences from the existing plan.

Instructions. 1. The information called for by paragraph (b)(3) cr (c)(2) need not be given as to payments made on an actuarial basis pursuant to any group pension plan which provides for fixed benefits in the event of retirement at a specified age or after a specified number of years of service.

2. The instruction to Item 9 shall apply to this item.

Item 11—Options, warrants, or rights. If action is to be taken with respect to the granting, extension or amendment of any options, warrants, or rights to purchase securities of the bank or any subsidiary, furnish the following information:

(a) State (i) the title and amount of securities called for or to be called for by such options, warrants or rights; (ii) the prices, expiration dates, and other material conditions upon which the options, warrants, or rights may be exercised; and (iii) in the case of options, the Federal income tax consequences of the issuance and exercise of such options to the recipient and to the bank.

(b) State separately the amount of options, warrants, or rights received or to be received by the following persons, naming each such person: (i) Each director or officer named in answer to Item 7(a); (ii) each nominee for election as a director of the bank; (iii) each associate of such directors, officers, or nominees; and (iv) each other person who received or is to receive 5 percent or more of such options, warrants or rights. State also the total amount of such options, warrants, or rights received or to be received by all directors and officers of the bank as a group, without naming them.

(c) Furnish such information, in addition to that required by this item and Item 7, as may be necessary to describe adequately the provisions already made pursuant to all bonus, profit-sharing, pension, retirement, stock option, stock purchase, deferred compensation, or other remuneration or incentive plans, now in effect or in effect within the past 2 years, for (i) each director or officer named in answer to Item 7(a) who may participate in the plan to be acted upon; (ii) all directors and officers of the bank as a group, if any director or officer may participate in the plan, and (iii) all employees, if employees may participate in the plan.

Instruction. 1. Paragraphs (b) and (c) do not apply to warrants or rights to be issued to security holders as such on a pro rata basis.

2. The Instruction to Item 9 shall apply to paragraph (c) of this item.

3. Include in the answer to paragraph (c) as to each director or officer named in answer to Item 7(a) and as to all directors and officers as a group (i) the amount of securities acquired during the past 2 years through the exercise of options granted during the period or prior thereto, (ii) the amount of securities sold during such period of the same class as those acquired through the exercise of such options, and (iii) the amount of securities subject to all unexercised options held as of the latest practicable date.

Item 12—Authorization or issuance of securities otherwise than for exchange. If action is to be taken with respect to the authorization or issuance of any securities otherwise than in exchange for outstanding securities of the bank, furnish the following information:

(a) State the title and amount of securities to be authorized or issued.

(b) Furnish a description of the material provisions of the securities such as would be required in a registration statement filed pursuant to this part. If the terms of the securities cannot be stated or estimated with respect to any or all of the securities to be authorized, because no offering thereof is contemplated in the proximate future, and if no further authorization by security holders for the issuance thereof is to be obtained, it should be stated that the terms of the securities to be authorized, including dividend or interest rates, conversion prices, voting rights, redemption prices, maturity dates, and similar matters will be determined by the board of directors of the bank. If the securities are additional shares of common stock of a class outstanding, the description may be omitted.

(c) Describe briefly the transaction in which the securities are to be issued, including a statement as to (1) the nature and approximate amount of consideration received or to be received by the bank, and (2) the approximate amount devoted to each purpose so far as determinable, for which the net proceeds have been or are to be used. If it is impracticable to describe the transaction in which the securities are to be issued, indicate the purpose of the authorization of the securities, and state (i) whether further authorization for the issuance of the securities by a vote of security holders will be solicited prior to such issuance and (ii) whether present security holders will have preemptive rights to purchase such securities.

Item 13.—Modification or exchange of securities. If action is to be taken with respect to the modification of any class of securities of the bank, or the issuance or authorization for issuance of securities of the bank in exchange for outstanding securities of the bank, furnish the following information:

(a) If outstanding securities are to be modified, state the title and amount thereof. If securities are to be issued in exchange for outstanding securities, atate the title and amount of securities to be so issued, the title and amount of outstanding securities to be exchanged therefor, and the basis of the exchange.

(b) Describe any material differences between the outstanding securities and the modified or new securities with respect to any of the matters concerning which information would be required in the description of the securities in a registration statement filed pursuant to this part.

(c) State the reasons for the proposed modification or exchange and the general effect thereof upon the rights of existing security holders.

(d) Furnish a brief statement as to arrears in dividends or as to defaults in principal or interest with respect to the outstanding securities which are to be modified or exchanged and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(e) Outline briefly any other material features of the proposed modification or exchange.

(f) The instruction to Item 9 shall apply to this item.

Item 14—Mergers, consolidations, acquisitions, and similar matters. If action is to be taken with respect to any plan for (i) the merger or consolidation of the bank into or with any other person, or of any other person into or with the bank, (ii) the acquisition by the bank or any of its subsidiaries of securities of another bank, (iii) the acquisition by the bank of any other going business or of the assets thereof, (iv) the sale or other transfer of all or any substantial part of the assets of the bank, or (v) the voluntary liquidation or dissolution of the bank:

(a) Outline briefly the material features of the plan. State the reasons therefore and the general effect thereof upon the interests of existing security holders. If the plan is set forth in a written document, file three copies thereof with the Board when preliminary copies of the statement are filed pursuant to § 11.5(f).

(b) Furnish the following information as to the bank and each person (other than subsidiaries substantially all of the stock of which is owned by the bank) which is to be merged into the bank, or into or with which the bank is to be merged or consolidated, or the business or assets of which are to be acquired, or which is the issuer of securities to be acquired by the bank or any of its subsidiaries in exchange for all or a substantial part of its assets:

(1) A brief description of the business and property of each such person in substantially the manner required by Items 3 and 4 of Form F-1.

(2) A brief statement as to defaults in principal or interest with respect to any securities of the bank or of such person, and as to the effect of the plan thereon and such other information as may be appropriate in the particular case to disclose adequately the nature and effect of the proposed action.

(3) Such information with respect to the proposed management of the surviving bank as would be required by Items 6 and 7 of this Form F-5. Information concerning remuneration of management may be projected for the current year based on remuneration actually paid or accrued by each of the constituent persons during the last calendar year. If significantly different, proposed compensation arrangements should also be described.

(4) A tabular presentation of the existing and pro forma capitalization.

(5) In columnar form, for each of the last 3 fiscal years, a historical summary of earnings. Such summary is to be concluded by indicating per share amounts of income before securities gains (losses), net income, and dividends declared for each period reported (Extraordinary items, if any, should be appropriately reported and per share amounts of securities gains (losses) should be included.)

(6) In columnar form, for each of the last 3 fiscal years, a combined pro forma summary of earnings, as appropriate in the circumstances, similar in structure to the historical summary of earnings. If the transaction establishes a new basis of accounting for assets of any of the persons included therein, the pro forma summary of earnings shall be furnished only for the most recent fiscal year and interim period and shall reflect appropriate pro forma adjustments resulting from such new basis of accounting.

(7) A tabular presentation of comparative per share data of the constituent banks or other persons pertaining to:

(A) (i) Income before securities gains, (losses), (ii) net income, and (iii) dividends declared, for each of the last 3 fiscal years; and

(B) Book value per share, at the date of the Balance Sheets included in the statement.

The comparative per share data shall be presented on a historical and pro forma basis (except dividends which are to be furnished on historical basis only) and equated to a common basis in exchange transactions.

(8) To the extent material for the exercise of prudent judgment, the historical and pro forma earnings data specified in (5), (6), and (7) above for the latest available interim period of the current and prior fiscal years.

Instructions. 1. Historical statements of income in their entirety, as required by Item 15, may be furnished in lieu of the summary of earnings specified in paragraph (5). If summary earnings information is presented, show, as a minimum, operating revenues, operating expenses, income before income taxes and security gains (losses), applicable income taxes, income before securities gains (losses), securities gains (losses), and net income. The summary shall reflect retroactive adjustments of any material items affecting the comparability of the results.

2. In connection with any interim period or periods between the end of the last fiscal year and the balance sheet date, and any comparable prior period, a statement shall be made that all adjustments necessary to a fair statement of the results for such interim period or periods have been included, and results of the interim period for the current year are not necessarily indicative of results for the entire year. In addition, there shall be furnished in such cases, as supplemental information but not as a part of the proxy statement, a letter describing in detail the nature and amount of any adjustments, other than normal recurring accruals, entering into the determination of the results shown.

3. The information required by this Item 14(b) is required in a statement of the "acquiring" or "surviving" bank only where a "significant" merger or acquisition is to be voted upon. For purposes of this item, the term "significant" merger or acquisition shall mean a transaction where either (1) the net book value of assets to be acquired or the amount paid therefore exceed 5 percent of the equity capital accounts of the acquiring bank, or (2) in an exchange transaction, the number of shares to be issued exceeds 5 percent of the outstanding shares of the acquiring bank, or (3) gross operating revenues for the last fiscal year of the person to be acquired exceeded 5 percent of the gross operating revenues for the last fiscal year of the acquiring bank. If less than a "significant" merger acquisition is to be voted upon, such information need only be included to the extent necessary for the exercise of prudent judgment with respect thereto.

(c) As to each class of securities of the bank, or of any person specified in paragraph (b), which is admitted to dealing on a national securities exchange or with respect to which a market otherwise exists, and which will be materially affected by the plan, state the high and low sale prices (or, in the absence of trading in a particular period, the range of the bid and asked prices) for each quarterly period within 2 years. This information may be omitted if the plan involves merely the voluntary liquidation or dissolution of the bank.

Item 15.—Financial statements. (a) If action is to be taken with respect to any matter specified in Item 12, 13, or 14 above, furnish verified financial statements of the bank and its subsidiaries such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. All schedules, except Schedule VII—"Allowance for Possible Loan Losses," may be omitted.

(b) If action is to taken with respect to any matter specified in Item 14(b), furnish for each person specified therein, other than the bank, financial statements such as would be required in a registration statement filed pursuant to this part. In addition, the latest available interim date balance sheet and statement of income for the interim period between the end of the last fiscal year and the interim balance sheet date, and comparable prior period, shall be furnished. However, the following may be omitted: (1) All schedules, except Schedule VII—"Allowance for Possible Loan Losses"; and (2) statements for a subsidiary, all of the stock of which is owned by the bank, that is included in the consolidated statement of the bank and its subsidiaries. Such statements shall be verified, if practicable.

(c) Notwithstanding paragraphs (a) and (b) above, any or all of such financial statements which are not material for the exercise of prudent judgment in regard to the matter to be acted upon may be omitted. Such financial statements are deemed material to the exercise of prudent judgment in the usual case involving the authorization or issuance of any material amount of senior securities, but are not deemed material in cases involving the authorization or issuance of common stock, otherwise than in an exchange, merger, consolidation, acquisition, or similar transaction.

(d) The statement may incorporate by reference any financial statements contained in an annual report sent to security holders pursuant to § 11.5(c) with respect to the same meeting as that to which the statement relates, provided such financial statements substantially meet the requirements of this item.

Item 16—Action with respect to reports. If action is to be taken with respect to any report of the bank or of its directors, officers, or committees or any minutes of a meeting of its security holders, furnish the following information:

(a) State whether or not such action is to constitute approval or disapproval of any of the matters referred to in such reports of minutes.

(b) Identify each of such matters which it is intended will be approved or disapproved, and furnish the information required by the appropriate item or items of this schedule with respect to each such matter.

Item 17—Matters not required to be submitted. If action is to be taken with respect to any matter which is not required to be submitted to a vote of security holders, state the nature of such matter, the reasons for submitting it to a vote of security holders and what action is intended to be taken by the management in the event of a negative vote on the matter by the security holders.

Item 18—Amendment of charter, bylaws, or other documents. If action is to be taken with respect to any amendment of the banks' charter, bylaws, or other documents as to which information is not required above, state briefly the reasons for and general effect of such amendment.

Item 19—Other proposed action. If action is to be taken with respect to any matter not specifically referred to above, describe briefly the substance of each such matter in substantially the same degree of detail as is required by Items 5 to 18, inclusive, above.

Item 20—Vote required for approval. As to each matter which is to be submitted to a vote of security holders, other than elections to office or the selection or approval of auditors, state the vote required for its approval.

§ 11.52 Form for statement in election contests (Form F-6).

FORM F-6

STATEMENT IN ELECTION CONTEST

GENERAL INSTRUCTIONS

The statement shall contain the number and captions of all items, but the text of the items may be omitted. If an item is applicable or the answer is in the negative, so state. The information called for by Items 2(a) and 3(a) or a fair summary thereof is required to be included in all preliminary soliciting materials by § 11.5(i) of this part.

Item 1—Bank. State the name and address of the bank.

Item 2—Identity and Background of Participant.

(a) State the following:

(1) Your name and business address.

(2) Your present principal occupation or employment and the name, principal business, and address of any corporation or other organization in which such employment is carried on.

(b) State the following:

(1) Your residence address.

(2) Information as to all material occupations, positions, offices, or employment during the last 10 years, giving starting and ending dates of each and the name, principal business, and address of any business corportation or other business organizaton in which each such occupation, position, office, or employment was carried on.

(c) State whether or not you are or have been a participant in any other proxy contest involving the bank or other corporations within the past 10 years. If so, identify the principals, the subject matter and your relationship to the parties and the outcome.

(d) State whether or not, during the past 10 years, you have been convicted in a criminal proceeding (excluding traffic violations or similar misdemeanors) and, if so, give dates, nature of conviction, name and location of court, and penalty imposed or other disposition of the case. A negative answer to this subitem need not be included in the statements or other proxy soliciting material.

Item 3—Interests in Securities of the Bank.

(a) State the amount of each class of securities of the bank that you own beneficially, directly, or indirectly.

(b) State the amount of each class of securities of the bank that you own of record but not beneficially.

(c) State with respect to the securities specified in (a) and (b) the amounts acquired within the past 2 years, the dates of acquisition and the amounts acquired on each date.

(d) If any part of the purchase price or market value of any of the shares specified in paragraph (c) is represented by funds borrowed or otherwise obtained for the purpose of acquiring or holding such securities, so state and indicate the amount of the indebtedness as of the latest practicable date. If such funds were borrowed or obtained otherwise than pursuant to a margin account or bank loan in the regular course of business of a bank, broker, or dealer, briefly describe the transaction, and state the names of the parties.

(e) State whether or not you are a party to any contracts, arrangements or understandings with any person with respect to any securities of the bank, including but not limited to joint ventures, loan or option arrangements, puts or calls, guarantees against loss or guarantees of profits, division of losses or profits, or the giving or withholding of proxies. If so, name the persons with whom such contracts, arrangements, or understandings exist and give the details thereof.

(f) State the amount of securities of the bank owned beneficially, directly or indirectly, by each of your associates and the name and address of each such associate.

(g) State the amount of each class of securities of any parent or subsidiary of the bank which you own beneficially, directly or indirectly.

Item 4—Further Matters.

(a) Describe the time and circumstances under which you became a participant in the solicitation and state the nature and extent of your activities or proposed activities as a participant.

(b) Furnish for yourself and your associates the information required by Item 7(f) of Form F-5.

(c) State whether or not you or any of your associates have any arrangement or understanding with any person.

(1) with respect to any future employment by the bank or its affiliates; or

(2) with respect to any future transactions to which the bank or any of its affiliates will or may be a party. If so, describe such arrangement or understanding and state the names of the parties thereto.

Item 5—Signature.

The statement shall be dated and signed in the following manner:

I certify that the statements made in this statement are true, complete, and correct, to the best of my knowledge and belief.

------------
(Date)

------------------------
(Signature of participant or authorized representative)

Instruction. If the statement is signed on behalf of a participant by the latter's authorized representative, evidence of the representative's authority to sign on behalf of such participant shall be filed with the statement.

§ 11.53 Form for statement to be filed pursuant to § 11.5(m) of Part 11 (Form F-12).

THE COMPTROLLER OF THE CURRENCY
FORM F-12

STATEMENT TO BE FILED PURSUANT TO
§ 11.5(m) OF PART 11

General Instructions

The item numbers and captions of the items shall be included but the text of the items may be omitted. The answers to the items shall be so prepared as to indicate clearly the coverage of the items without referring to the text of the items. Answer every item. If an item is inapplicable or the answer is in the negative, so state.

Item 1—Security and bank. (a) State the title of the class of equity securities to which this statement relates and the name and address of the bank which issued such securities.

(b) Identify the tender offer or request or invitation for tenders to which this statement relates and state the reasons for the solicitation or recommendation to security holders to accept or reject such tender offer, requests, or invitation for tenders.

Item 2—Identity and background. (a) State the name and business address of the person filing this statement.

(b) Describe any arrangement or understanding in regard to the solicitation with (i) the bank or the management of the bank or (ii) the maker of the tender offer or request or invitation for tender of securities of the class to which this statement relates.

Item 3—Persons retained, employed or to be compensated. Identify any person or class or persons employed, retained or to be compensated, by the person filing this Form F-12, or by any person on his behalf, to make solicitations or recommendations to security holders and describe briefly the terms of such employment, retainer or arrangement for compensation.

Item 4—Material to be filed as exhibits. Copies of all solicitations or recommendations to accept or to reject a tender offer or request or invitation for tenders of the securities specified in Item 1 shall be filed as an exhibit.

SIGNATURE

I certify that to the best of my knowledge and belief the information set forth in this statement is true, complete and correct.

------------ ------------------------
(Date) (Signature)

If the statement is signed on behalf of a person by an authorized representative, evidence of the representative's authority to sign on behalf of such person shall be filed with the statement.

§ 11.61 Form for initial statement of beneficial ownership of equity securities (Form F-7).

FORM F-7

INITIAL STATEMENT OF BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

--
(Name of bank)

--
(Name of person whose ownership is reported)

--
(Business address of such person)

Relationship of such person to the bank. (See Instruction 5) ------------------------

--
Date of event which requires the filing of this statement. (See Instruction 6) --------

--
EQUITY SECURITIES BENEFICIALLY OWNED (SEE INSTRUCTION 7)

Title of security (see instruction 8)	Nature of ownership (see instruction 9)	Amount owned beneficially (see instruction 10)

Remarks: (See Instruction 11)
Date of statement ------------------------

------------------------
(Signature)

INSTRUCTIONS

1. *Persons Required To File Statements.* A statement on this form is required to be filed by every person who, at the time any class of equity securities of a bank becomes registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), (i) is directly or indirectly the beneficial owner of more than 10 percent of such class or (ii) is a director or officer of the bank which is the issuer of such securities, and by every person who thereafter becomes such a beneficial owner, director, or officer. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence) Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major

policymaking functions, and such persons are not officers for the purpose of this statement.

2. *When Statements Are To Be Filed.*

(a) Persons who hold any of the relationships specified in Instruction 1 when any class of equity securities of the bank becomes registered pursuant to section 12 of the Act are required to file a statement on this form within 10 days after the date such registration becomes effective. Persons who subsequently assume any of the relationships specified in Instruction 1 are required to file a statement within 10 days after assuming such relationship. Statements are not deemed to have been filed with the Comptroller or an exchange until they have actually been received by the Comptroller or such exchange.

(b) Any director or officer who is required to file a statement on Form F–7 with respect to any change in his beneficial ownership of equity securities which occurs within 6 months after he became a director or officer of the issuer of such securities, or within 6 months after equity securities of such issuer first become registered pursuant to section 12 of the Act, shall include in the first such statement the information called for by Form F–7 with respect to all changes in his beneficial ownership of equity securities of such issuer which occurred within 6 months prior to the date of the changes which requires the filing of such statement.

(c) Any person who has ceased to be a director or officer of an issuer which has equity securities registered pursuant to section 12 of the Act, or who is a director or officer of an issuer at the time it ceased to have any equity securities so registered, shall file a statement on Form F–8 with respect to any change in his beneficial ownership of equity securities of such issuer which shall occur on or after the date on which he ceased to be such director or officer, or the date on which the issuer ceased to have any equity securities so registered, as the case may be, if such change shall occur within 6 months after any change in his beneficial ownership of such securities prior to such date. The statement on Form F–8 shall be filed within 10 days after the end of the month in which the reported change in beneficial ownership occurs.

3. *Where and How Statements Are To Be Filed.*

One signed copy of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20220. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6(a)(3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller and the designated exchange.

4. *Separate Statement for Each Bank.*

A separate statement shall be filed with respect to the equity securities of each bank.

5. *Relationship of Reporting Person to Bank.*

Indicate clearly the relationship of the reporting person to the bank; for example, "Director," "Director and Vice President," "Beneficial owner of more than 10 percent of the bank's common stock," etc.

6. *Date as of Which Beneficial Ownership Is To Be Given.*

The information as to beneficial ownership of securities shall be given as of the date on which the event occurred which requires the filing of a statement on this form. For example, when registration of equity securities of the bank becomes effective pursuant to section 12 of the Act or when the person whose ownership is reported becomes a director or officer of the bank or becomes the beneficial owner of more than 10 percent of a class of registered equity securities of the bank.

7. *Securities To Be Reported.*

Persons specified in Instruction 1 above shall include information as to their beneficial ownership of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

8. *Title of Equity Security.*

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

9. *Nature of Ownership.*

Under "Nature of ownership", state whether ownership of the equity securities is "direct" or "indirect". If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner, the name or identity of the medium through which the securities are indirectly owned. The fact that equity securities are held in the name of a broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

10. *Statement of Amount Owned.*

In stating the amount of equity securities beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner the extent of his interest in the partnership, corporation, trust, or other entity.

11. *Inclusion of Additional Information.*

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

12. *Signature.*

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.62 Form for statement of changes in beneficial ownership of equity securities (Form F–8).

FORM F–8

STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES

FILED PURSUANT TO SECTION 16(a) OF THE SECURITIES EXCHANGE ACT OF 1934

(Name of bank)

(Name of person whose ownership is reported)

(Business address of such person)

Relationship of such person to the bank. (See instruction 5) ------------------------------

Statement for Calendar Month of ---------, 19----.

CHANGES DURING MONTH AND MONTH-END OWNERSHIP (SEE INSTRUCTION 6)

Title of equity security (see instruction 7)	Date of transaction (see instruction 8)	Amount bought or otherwise acquired (see instruction 9)	Amount sold or otherwise disposed of (see instruction 9)	Nature of ownership (see instruction 10)	Amount owned beneficially at end of month (see instruction 9)

Remarks: (See instructions 11 and 12.)

Date of statement ------------------------

(Signature)

INSTRUCTIONS

1. *Persons Required To File Statements.*

A statement on this form is required to be filed by every person who at any time during any calendar month was (i) directly or indirectly the beneficial owner of more than 10 percent of any class of equity securities of a bank registered pursuant to section 12 of the Securities Exchange Act of 1934 (the Act), or (ii) a director or officer of the bank which is the issuer of such securities, and who during such month had any change in the nature or amount of his beneficial ownership of any class of equity securities of such bank. The term "officer" means a Chairman of the Board of Directors, Vice Chairman of the Board, Chairman of the Executive Committee, President, Vice President (except as indicated in the next sentence), Cashier, Treasurer, Secretary, Comptroller, and any other person who participates in major policymaking functions of the bank. In some banks (particularly banks with officers bearing titles such as Executive Vice President, Senior Vice President, or First Vice President, as well as a number of "Vice Presidents"), some or all "Vice Presidents" do not participate in major policymaking functions, and such persons are not officers for the purposes of this statement.

2. *When Statements Are To Be Filed.*

Statements are required to be filed on or before the 10th day after the end of each calendar month in which any change in the nature or amount of beneficial ownership has occurred. Statements are not deemed to have been filed with the Comptroller or an exchange until they have actually been received by the Comptroller or such exchange.

3. *Where Statements Are To Be Filed.*

One signed copy of each statement shall be filed with the Comptroller of the Currency, Washington, D.C. 20220. One signed copy thereof shall also be filed with each exchange on which any class of equity securities of the bank is listed. However, if such bank has, in accordance with § 11.6(a)(3) of Part 11, designated a single exchange to receive statements, the statement need only be filed with the Comptroller and the designated exchange.

4. *Separate Statement for Each Bank.*

A separate statement shall be filed with respect to the equity securities of each bank.

5. *Relationship of Reporting Person to Bank.*

Indicate clearly the relationship of the reporting person to the bank; for example, "Director", "Director and Vice President", "Beneficial owner of more than 10 percent of the bank's common stock", etc.

6. *Transactions and Holdings To Be Reported.*

Persons required to file statements on this form shall include in their statements all changes during the calendar month in their beneficial ownership, and their beneficial ownership at the end of the month, of all classes of equity securities of the bank, even though one or more of such classes may not be registered pursuant to section 12 of the Act.

Every change in beneficial ownership shall be reported even though purchases and sales during the month are equal or the change involves only the nature of beneficial ownership (for example, from direct to indirect ownership or from one type of indirect ownership to another). Beneficial ownership at the end of the month of all classes of equity securities of the bank shall be shown even though there has been no reportable change during the month in the ownership of equity securities of a particular class.

7. *Title of Equity Security.*

The statement of the title of an equity security should clearly distinguish it from any securities of other classes issued by the bank.

8. *Date of Transaction.*

The exact date (month, day, and year) of each transaction shall be stated opposite the amount involved in the transaction.

9. *Statement of Amounts of Equity Securities.*

In stating the amount of equity securities acquired, disposed of, or beneficially owned, give the face amount of convertible debt securities or the number of shares of stock or other units of other securities. In the case of equity securities owned indirectly, the entire amount of equity securities involved in the transaction or owned by the partnership, corporation, trust, or other entity shall be stated. The person whose ownership is reported may, if he so desires, also indicate in a footnote or other appropriate manner, the extent of his interest in the transaction or holdings of the partnership, corporation, trust, or other entity.

10. *Nature of Ownership.*

Under "Nature of ownership", state whether ownership of the equity securities is "direct" or "indirect". If the ownership is indirect, i.e., through a partnership, corporation, trust, or other entity, indicate in a footnote or other appropriate manner, the name or identity of the medium through which the securities are indirectly owned, the fact that equity securities are held in the name of the broker or other nominee does not, of itself, constitute indirect ownership. Equity securities owned indirectly shall be reported on separate lines from those owned directly and also from those owned through a different type of indirect ownership.

11. *Character of Transaction.*

If the transaction in equity securities was with the bank, so state. If it involved the purchase of equity securities through the exercise of warrants or options, so state, give the termination date of the option or warrant, and give the exercise price per share. If any other purchase or sale was effected otherwise than in the open market, that fact shall be indicated. If the transaction was not a purchase or sale, indicate its character; for example, gift or stock dividend, stock split, or other type of pro rata distribution, etc., as the case may be. The foregoing information may be appropriately set forth in the table or under "Remarks" below the table.

12. *Inclusion of Additional Information.*

A statement may include any additional information or explanation deemed relevant by the person filing the statement.

13. *Signature.*

If the statement is filed for a corporation, partnership, trust, etc., the name of the organization shall appear over the signature of the officer or other person authorized to sign the statement. If the statement is filed for an individual, it shall be signed by him or specifically on his behalf by a person authorized to sign for him.

§ 11.71 Forms for financial statements (Forms F–9, A, B, C, and D).

FORM F–9: FINANCIAL STATEMENTS

A. BALANCE SHEET (FORM F–9A)

B. STATEMENT OF INCOME (FORM F–9B)

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS (FORM F–9C)

D. SCHEDULES (FORM F–9D)

GENERAL INSTRUCTIONS

1. *Preparation of forms.* The forms for financial statements are not to be used as blank forms to be filled in but only as guides in the preparation of financial statements. The requirements with respect to the filing of balance sheets and statements of income are contained in the instructions as to certain other forms required by this part. Particular attention should be given to the general requirements as to financial statements in § 11.7 of this part, including paragraphs (e) and (f) thereof, which prescribe when statements of changes in capital accounts and schedules will be filed. Although inapplicable items specified in the forms for financial statements should be omitted, the detailed instructions that relate to applicable items shall be followed.

2. *Accrual accounting.* Financial statements shall generally be prepared on the basis of accrual accounting whereby all revenues and all expenses shall be recognized during the period earned or incurred regardless of the time received or paid, with certain exceptions: (a) where the results would be only insignificantly different on a cash basis, or (b) where accrual is not feasible. Statements with respect to the first fiscal year that a bank reports on the accrual basis shall indicate clearly, by footnote or otherwise, the beginning-of-year adjustments that were necessary and their effect on prior financial statements filed under this part.

A. BALANCE SHEET

ASSETS

1. Cash and due from banks----------
2. Investment securities:
   - (a) U.S. Treasury securities------
   - (b) Securities of other U.S. Government agencies and corporations ------------------------
   - (c) Obligations of States and political subdivisions-------------
   - (d) Other securities--------------
3. Trading account securities------
4. Federal funds sold and securities purchased under agreements to resell --------------------------
5. Other loans--------------------
6. Bank premises and equipment---
7. Other real estate owned----------
8. Investments in subsidiaries not consolidated --------------------
9. Customers' acceptance liability---
10. Other assets---------------------
11. Total assets--------------------

LIABILITIES

12. Deposits:
    - (a) Demand deposits in domestic offices ----------------------
    - (b) Savings deposits in domestic offices ----------------------
    - (c) Time deposits in domestic offices ----------------------
    - (d) Deposits in foreign offices----
13. Federal funds purchased and securities sold under agreements to repurchase ----------------------
14. Other liabilities for borrowed money ----------------------
15. Bank's acceptances outstanding--
16. Mortgages payable--------------
17. Other liabilities----------------
18. Total liabilities----------------
19. Minority interests in consolidated subsidiaries -----------------

RESERVES

20. Allowance for possible loan losses-

CAPITAL ACCOUNTS

21. Capital notes and debentures----
22. Equity capital:
    - (a) Capital stock:
      - Preferred stock---------------
      - Common stock----------------
    - (b) Surplus ------------------
    - (c) Undivided profits-----------
    - (d) Reserve for contingencies and other capital reserves----------
23. Total capital accounts----------
24. Total liabilities, reserves, and capital ------------------------

ASSETS

1. *Cash and due from banks.* (a) State the total of (1) currency and coin (A) owned and held in the bank's vaults and (B) in transit to or from a Federal Reserve Bank; (2) the bank's total reserve balance with the Federal Reserve Bank as shown by the bank's books; (3) demand and time balances with other banks; and (4) cash items in process of collection.

(b) Reciprocal demand balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(c) Do not include unavailable balances with closed or liquidating banks. Such balances should be reported in "other assets".

(d) Cash items in process of collection include: (1) Checks in process of collection drawn on another bank, private bank, or any other banking institution that are payable immediately upon presentation (including checks with a Federal Reserve Bank in process of collection and checks on hand that will be presented for payment or forwarded for collection on the following business day; (2) Government checks and warrants drawn on the Treasurer of the United States that are in process of collection; and (3) such other items in process of collection, including redeemed U.S. savings bonds, payable immediately upon presentation in the United States, as are customarily cleared or collected by banks as cash items.

(c) Checks drawn on a bank other than the reporting bank (or offices or branches of such bank) and have been forwarded for collection to other offices or branches of the reporting bank are cash items in the process of collection.

(f) Do not include commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, whether or not deposit credit therefor has been given to a customer. If deposit credit has been given, such drafts should be reported as "loans"; but if the drafts were received by the reporting bank on a collection basis they should not be included in the reporting bank's statement until such time as the funds have been actually collected.

(g) Unposted debits should preferably be deducted from the appropriate deposit liability caption. If such items are included hereunder, the amount shall be stated parenthetically.

2. *Investment securities.* (a) State separately book value of (1) U.S. Treasury securities; (2) securities of other U.S. Government agencies and corporations; (3) obligations of States and political subdivisions; and (4) other securities owned by the bank; include securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(b) Book value with respect to investment quality securities reported in paragraph (a) shall be cost adjusted for amortization of premium and, at the option of the bank, for accretion of discount. There shall be set forth in a note to financial statements (1) the basis of accounting for book value, and (2) if bond discount is systematically accrued and amounts to 5 percent or more of interest and dividends on investments, the total of accretion income and deferred income taxes applied thereto.

(c) Include in category (3) of paragraph (a) obligations, including warrants and tax anticipation notes, of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign states.

(d) Do not include borrowed securities or securities purchased under resale agreements or similar arrangements.

3. *Trading account securities.* State the aggregate value at the balance sheet date, of securities of all types carried by the bank in a dealer trading account (or accounts) that are held principally for resale to customers. Indicate parenthetically, or otherwise in a note to financial statements, whether the inventory is valued at (1) cost, (2) lower of cost or market, or (3) market. If cost basis of valuation is used, furnish aggregate market value of the trading account inventory at the current fiscal year balance sheet date.

4. *Federal funds sold and securities purchased under agreements to resell.* (a) State the aggregate value of Federal funds sold and securities purchased under resale agreement or similar arrangements. All securities purchased under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buybacks, turnarounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to resell identical or similar securities.

(b) Federal funds sold and purchases of securities under resale agreements should be reported gross and not netted against purchases of Federal funds and sales of securities under repurchase agreements.

5. *Other Loans.* (a) State the aggregate gross value of all loans including (1) acceptances of other banks and commercial paper purchased in the open market; (2) acceptances executed by or for the account of the reporting bank and subsequently acquired by it through purchase or discount; (3) customers' liability to the reporting bank on drafts paid under letters of credit for which the bank has not been reimbursed; and (4) "cotton overdrafts" or "advances," and commodity or bill-of-lading drafts payable upon arrival of goods against which drawn, for which the reporting bank has given deposit credit to customers.

(b) Include (1) paper rediscounted with the Federal Reserve or other banks; and (2) paper pledged as collateral to secure bills payable, as marginal collateral to secure bills rediscounted, or for any other purpose.

(c) Do not include contracts of sale or other loans indirectly representing bank premises or other real estate; these should be included in "bank premises" or "other real estate".

(d) Do not deduct bona fide deposits accumulated by borrowers for the payment of loans.

6. *Bank premises and equipment.* (a) State the aggregate cost of (1) bank premises owned, (2) leasehold improvements, and (3) equipment less any accumulated depreciation or amortization with respect to such assets.

(b) All fixed assets acquired subsequent to June 30, 1967, shall be stated at cost less accumulated depreciation or amortization.

(c) All fixed assets acquired prior to July 1, 1967, that are not presently accounted for by the bank on the basis of cost less accumulated depreciation or amortization, may be stated at book value. Any such assets that are still in use and would not have been fully depreciated on an acceptable method of accounting for depreciation if the bank had recorded depreciation on such basis shall be described briefly in a footnote, together with an explanation of the accounting that was used with respect to such assets.

(d) The term "leasehold improvements" comprehends two types of situations: (1) where the bank erects a building on leased property; and (2) where a bank occupies leased quarters or uses leased parking lots and appropirately capitalizes disbursements for vaults, fixed machinery and equipment directly related to such leased quarters, or resurfacing or other improvements directly related to such parking lots that will become an integral part of the property and will revert to the lessor on expiration of the lease.

(e) Bank premises includes vaults, fixed machinery and equipment, parking lots owned adjoining or not adjoining the bank premises that are used by customers or employees, and potential building sites.

(f) Equipment includes all movable furniture and fixtures of the bank.

7. *Other real estate owned.* (a) State the aggregate cost of all real estate owned by the bank that is not a part of bank premises.

(b) With respect to real estate acquired through default of a loan, aggregate cost shall include the unpaid balance on the defaulted loan plus the bank's out-of-pocket costs in acquiring clear title to the property. Any adjustments from aggregate cost shall be explained in a footnote.

(c) The aggregate market value of all real estate owned by the bank that is not a part of bank premises shall be set forth in a footnote, together with an explanation of the method of determining such market value.

8. *Investments in subsidiaries not consolidated.* State the aggregate investment, including advances, in subsidiaries not consolidated.

9. *Customers' acceptance liability.* (a) State the liability to the reporting bank of its customers on drafts and bills of exchange that have been accepted by the reporting bank or by other banks for its account and that are outstanding—that is, not held by the bank, on the reporting date. (If held by the reporting bank, they should be reported as "loans".)

(b) In case a customer anticipates his liability to the bank on outstanding acceptances by paying the bank either the full amount of his liability or any part thereof in advance of the actual maturity of the acceptance, the bank should decrease the amount of the customer's liability on outstanding acceptances. If such funds are not received for immediate application to the reduction of the indebtedness to the bank or the receipt thereof does not immediately reduce or extinguish the indebtedness, then such funds held to meet acceptances must be reported in "demand deposits".

(c) Do not include customer's liability on unused commercial and travelers' letters of credit issued under guaranty or against the deposit of security—that is, not issued for money or its equivalent.

10. *Other assets.* State separately, if material, (1) income earned but not collected: (2) prepaid expenses; (3) property acquired for the purpose of direct lease financing; and (4) any other asset not included in the preceding item.

11. *Total assets.* State the sum of all asset items.

LIABILITIES

12. *Deposits.* (a) State separately (1) demand deposits in domestic offices of the bank, (2) savings deposits in domestic offices of the bank, (3) time deposits in domestic offices of the bank, and (4) deposits in foreign offices. Related unposted debits, if any, should preferably be deducted from domestic deposits.

(b) The domestic deposit liability categories shall be segregated in accordance with the rules and regulations of the Federal Deposit Insurance Corporation, Part 327.2 Classification of Deposits.

(c) The term "unposted debit" means a cash item in the bank's possession drawn on itself that has been paid or credited and is chargeable against, but has not been charged against, deposit liabilities at the close of the reporting period. This term does not include items that have been reflected in deposit accounts on the general ledger, although they have not been debited to individual deposit accounts.

(d) Reciprocal demand deposit balances with banks in the United States, except those of private banks and American branches of foreign banks, shall be reported net.

(e) Include outstanding drafts (including advices or authorizations to charge the bank's balance in another bank) drawn in the regular course of business by the reporting bank on other banks pursuant to customer order.

(f) Do not include trust funds held in the bank's own trust department that the bank keeps segregated and apart from its general assets and does not use in the conduct of its business.

13. *Federal funds purchased and securities sold under agreements to repurchase.* (a) State the aggregate value of Federal funds purchased and securities sold under repurchase or similar arrangements. All securities sold under transactions of this type should be included regardless of (1) whether they are called simultaneous purchases and sales, buy-backs, turn-arounds, overnight transactions, delayed deliveries, etc., and (2) whether the transactions are with the same or different institutions if the purpose of the transactions is to repurchase identical or similar securities.

(b) Federal funds purchased and sales of securities under repurchase agreements should be reported gross and not netted against sales of Federal funds and purchases of securities under resale agreements.

14. *Other liabilities for borrowed money.* State the aggregate amount borrowed by the reporting bank on its own promissory notes, on notes and bills rediscounted (including commodity drafts rediscounted), or on any other instruments given for the purpose of borrowing money.

15. *Bank's acceptances outstanding.* (a) State the aggregate of unmatured drafts and bills of exchange accepted by the reporting bank, or by some other bank as agent for the reporting bank (other than those reported in "demand deposits"), less the amount of such acceptances acquired by the reporting bank through discount or purchase and held on the reporting date.

(b) Include bills of exchange accepted by the reporting bank that were drawn by banks

or bankers in foreign countries, or in dependencies or insular possessions of the United States, for the purpose of creating dollar exchange as required by usage of trade in the respective countries, dependencies, or insular possessions.

16. *Mortgages payable.* (a) State separately here, or in a note referred to herein, such information as will indicate (1) the general character of the debt including the rate of interest; (2) the date of maturity; (3) if the payment of principal or interest is contingent, an appropriate indication of such contingency; and (4) a brief indication of priority.

(b) If there are any liens on bank premises or other real estate owned by the bank or its consolidated subsidiaries which have not been assumed by the bank or its consolidated subsidiaries, report in a footnote the amount thereof together with an appropriate explanation.

17. *Other liabilities.* State separately, if material, (a) accrued payrolls; (b) accrued income tax liability (Federal and State combined); (c) accrued interest; (d) cash dividends declared but not paid; (e) income collected but not earned; and (f) any other liability not included in Items 12 through 16.

18. *Total liabilities.* State the sum of Items 12 through 17.

19. *Minority interests in consolidated subsidiaries.* State the aggregate amount of minority stockholders' interests in capital stock, surplus, and undivided profits of consolidated subsidiaries.

RESERVES

20. *Allowance for possible loan losses.* (a) State the balance of the loan losses allowance account at the end of the fiscal year. Include in this allowance only (1) any provision that the bank makes for possible loan losses pursuant to the Treasury tax formula and (2) any amount in excess of the provision taken under such formula that (A) represents management's judgment as to possible loss or value depreciation and (B) has been established through a charge against income.

(b) Any provision for possible loan losses that the bank establishes as a precautionary measure that is in excess of the amount reported in paragraph (a) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

NOTE: Any allowance that (1) represents management's judgment as to possible loss or value depreciation in investment securities and (2) has been established through an appropriate charge against income shall be separately stated. Any provision for possible security losses that the bank establishes as a precautionary measure only (such as to reflect normal fluctuations in market value of readily marketable securities) shall not be included in this allowance but shall be reported as a contingency reserve—that is, as a segregation of undivided profits.

CAPITAL ACCOUNTS

21. *Capital notes and debentures.* State separately here, or in a note referred to herein, each issue or type of obligation and such information as will indicate (a) the general character of each type of debt including the rate of interest; (b) the date of maturity (or dates if maturing serially) and call provisions; (c) the aggregate amount of maturities, and sinking fund requirements, each year for the 5 years following the date of the balance sheet; (d) if the payment of principal or interest is contingent, an appropriate indication of the nature of the contingency; (e) a brief indication of priority; and (f) if convertible, the basis.

22. *Equity capital.* (a) Capital stock. State for each class of shares the title of issue, the number of shares authorized, the number of shares outstanding and the capital share liability thereof, and, if convertible, the basis of conversion. Show also the dollar amount, if any, of capital shares subscribed but unissued, and of subscriptions receivable thereon.

(b) Surplus. State the net amount formally transferred to the surplus account on or before the reporting date.

(c) Undivided profits. State the amount of undivided profits shown by the bank's books.

(d) Reserve for contingencies and other capital reserves.

(1) State separately each such reserve and its purpose.

(2) These reserves constitute amounts set aside for possible decrease in the book value of assets, or for other unforeseen or indeterminable liabilities not otherwise reflected on the bank's books and not covered by insurance.

(3) As these reserves represent a segregation of undivided profits, do not include any element of known losses, or losses the amount of which can be estimated with reasonable accuracy.

(4) Reserves for possible security losses, reserves for possible loan losses, and other contingency reserves that are established as precautionary measures only shall be included in these reserves, as they represent segregations of "undivided profits".

23. *Total capital accounts.* State the total of Items 21 and 22.

24. *Total liabilities, reserves, and capital.* State the total of Items 18, 19, 20, and 23.

B. STATEMENT OF INCOME

1. Operating Income:
   (a) Interest and fees on loans
   (b) Income on Federal funds sold and securities purchased under agreements to resell
   (c) Interest and dividends on investments:
      (1) U.S. Treasury securities
      (2) Securities of other U.S. Government agencies and corporations
      (3) Obligations of States and political subdivisions
      (4) Other securities
   (d) Trust department income
   (e) Service charges on deposit accounts
   (f) Other service charges, collection and exchange charges, commissions, and fees
   (g) Other operating income
   (h) Total operating income
2. Operating Expenses:
   (a) Salaries and wages
   (b) Pensions and other employee benefits
   (c) Interest on deposits
   (d) Expenses of Federal funds purchased and securities sold under agreements to repurchase
   (e) Interest on other borrowed money
   (f) Interest on capital notes and debentures
   (g) Occupancy expense of bank premises, net:
      Gross occupancy expense ________
      Less: Rental income ________
   (h) Furniture and equipment expense (Including depreciation of $________)
   (i) Provision for loan losses
   (j) Other operating expenses
   (k) Total operating expenses
3. Income before Income Taxes and Securities Gains (Losses)
4. Applicable Income Taxes
5. Income before Securities Gains (Losses)
6. Net Security Gains (Losses), less related tax effect, $________
7. Net income

OR

7. Income before Extraordinary Items
8. Extraordinary Items, less related tax effect, $________
9. Net Income
10. Earnings per common share: [1]
   Income before securities gains (losses)
   Net Income

[1] Per share amount of securities gains (losses) may be stated separately. If extraordinary items are reported, per share amount of income before extraordinary items and per share amount of extraordinary items shall be stated separately.

1. *Operating income.* State separately:

(a) *Interest and fees on loans.*

(1) Include interest, fees and other charges on all assets that reported on the balance sheet as other loans.

(2) Include interest on acceptances, commercial paper purchased in the open market, drafts for which the bank has given deposit credit to customers, etc.

Also include interest on loan paper that has been rediscounted with Federal Reserve or other banks or pledged as collateral to secure bills payable or for any other purpose.

(3) Include service charges and other fees on loans.

(4) Include profits (or losses) resulting from the sale of acceptances and commercial paper at discount rates other than those at which such paper was purchased.

(5) Current amortization of premiums on mortgages or other loans shall be deducted from interest on loans and current accumulation of discount on such items shall be added to interest on loans.

(b) *Income on Federal funds sold and securities purchased under agreements to resell.* Include the total gross revenue from Federal funds sold and securities purchased under agreements to resell.

(c) *Interest and dividends on investments.*

(1) State separately interest and dividends from (A) U.S. Treasury securities, (B) securities and other U.S. Government agencies and corporations, (C) obligations of States and political subdivisions, and (D) other

securities owned by the bank, including securities pledged, loaned, or sold under repurchase agreements and similar arrangements.

(2) Include accretion of discount on securities, if any; deduct amortization of premiums on securities. If the reporting bank accrues bond discount and such income amounts to 5 percent or more of the total of interest and dividends on investments, state in a note to financial statements, the amount of accretion income and deferred income taxes applicable thereto.

(3) When securities are purchased, any payment for accrued interest shall not be charged to expenses, nor when collected be credited to earnings. Such interest shall be charged to a separate account that will be credited upon collection of the next interest payment. The balance in the account shall be shown as "Other assets" in the balance sheet.

(d) *Trust department income.*

(1) Include income from commissions and fees for services performed by the bank in any authorized fiduciary capacity.

(2) This item may be reported on the cash basis in those instances where the presentation of the item on the financial statements would not be materially affected thereby. The cash basis may also be used with respect to an individual trust or estate if accrual of income therefrom is not feasible. If any portion of trust department income is not reported on the accrual basis, there shall be a footnote explaining the method of reporting and the reason for departing from reporting on the accrual basis.

(e) *Service charges on deposit accounts.* Include amounts charged depositors that fail to maintain specified minimum deposit balances; charges based on the number of checks drawn on and deposits made in deposit accounts; charges for account maintenance and for checks drawn on "no minimum balance" deposit accounts; return check charges; etc.

(f) *Other service charges, collection and exchange charges, commissions, and fees.* State the aggregate of other service charges, collection and exchange charges, commissions, and fees. Exclude charges on loans and deposits and those related to the Trust Department. Do not include reimbursements for out-of-pocket expenditures made by the bank for the account of customers. If expense accounts were charged with the amount of such expenditures, the reimbursements should be credited to the same expense accounts.

(g) *Other operating income.*

(1) Include all operating income not reported in Items 1(a) through 1(f).

(2) Include (A) net trading account income consisting of profits and losses, interest, and other income and expense related to securities carried in a dealer trading account or accounts that are held principally for resale to customers, but exclude salaries, commissions, and other indirect expenses; (B) income from lease financing; (C) gross rentals from "other real estate" and safe deposit boxes; (D) net remittable profits (or losses) of foreign branches and consolidated subsidiaries less any minority interests (unless the reporting bank preferably combines or consolidates each item of income and expense); (E) interest on time balances with other banks, and (F) all other recurring credits (such as miscellaneous recoveries) and immaterial nonrecurring credit items.

(3) Do not include rentals from bank premises. Such rental income shall be reported in the inset to Item 2(g). In the event there is a net occupancy income, the income shall be shown in parenthesis in Item 2(g).

(4) Itemize (A) net trading account income, (B) net remittable profits (or losses) of foreign branches and consolidated subsidiaries (if included in this subitem), and (C) all other amounts that represent 25 percent or more of the total of this subitem, unless "other operating income" is less than 5 percent of "total operating income."

(h) *Total operating income.* State the sum of Items 1(a) through 1(g).

2. *Operating expenses.* State separately:

(a) *Salaries.*

(1) Include compensation for personal services of all officers and employees, including dining room and cafeteria employees but not building department employees.

(2) Include amounts withheld from salaries for Social Security taxes and contributions to the bank's pension fund. Do not include Social Security taxes paid by the bank for its own account and the bank's contribution to pension funds. Such amounts shall be included in Item 2(b).

(3) Include bonus and profit sharing paid directly or through a trustee. Such compensation that is deferred and not distributed to employees shall be reported in Item 2(b).

(4) Do not include compensation of officers and employees who spent the major portion of their working time on bank building and related functions. Such compensation shall be included in Item 2(g).

(5) Do not include amounts paid to legal, management, and investment counsel for professional services if such counsel are not salaried officers or employees of the bank. Such amounts shall be included in Item 2(j).

(b) *Pensions and other employee benefits.* (1) Include all supplementary benefits, other than direct compensation included in Item 2(a) accrued during the report period on behalf of all officers and employees except building department personnel (see Item 2(g)).

(2) Include the bank's own contribution to its pension fund; unemployment and Social Security taxes for the bank's own account; life insurance premiums (net of dividends received) and hospitalization insurance payable by the bank; and other employee benefits.

(3) Do not include expenses related to testing, training, or education of officers and employees; the cost of bank newspapers and magazines; premiums on insurance policies where the bank is beneficiary; and athletic activities where the principal purpose is for publicity or public relations and employee benefits are only incidental. Such amounts shall be included in Item 2(j).

(c) *Interest on deposits.* Include interest on all deposits.

(d) *Expense of Federal funds purchased and securities sold under agreements to repurchase.* Include the total gross expenses of Federal funds purchased and securities sold under agreements to repurchase.

(e) *Interest on other borrowed money.*

(1) Include all interest on bills payable, rediscounts, unsecured notes payable, and other instruments issued for the purpose of borrowing money other than Federal funds purchased and securities sold under agreements to repurchase.

(2) Do not include interest on mortgages on bank premises. Such interest shall be included in Item 2(g).

(f) *Interest on capital notes and debentures.*

(1) Include all interest on capital notes and debentures.

(2) Amortization of premium or discount shall be deducted from or included in the amount reported.

(3) Do not include premium or discount paid or realized on retirement of such securities. Such amounts shall be reported in Item 1(g) or 2(j).

(g) *Occupancy expense of bank premises, net.*

(1) Include in "gross occupancy expense" inset the aggregate amount of (A) salaries, wages, and supplementary compensation of bank personnel who devote the major portion of their time to the operation of bank premises or its consolidated premises subsidiaries; (B) depreciation of bank premises and amortization of leasehold improvements; (C) rent expense of bank premises; (D) real estate taxes; (E) interest on mortgages on bank premises owned; and (F) other bank premises operating and maintenance expenses.

(2) Include in "rental income" inset the aggregate amount of rentals from bank premises leased by the bank or its consolidated premises subsidiaries.

(3) Report the net occupancy expense (or net income) of bank premises. If net income is reported, the amount shall be shown in parenthesis.

(h) *Furniture and equipment expense.*

(1) Include normal and recurring depreciation charges; rental costs of office machines and tabulating and data processing equipment; and ordinary repairs to furniture and office machines, including servicing costs. The amount applicable to depreciation charges shall be shown in parenthesis.

(2) Include taxes on equipment.

(i) *Provision for loan losses.*

(1) Banks which provide for loan losses on a reserve basis shall include an estimated amount for credit losses. Such amount shall be determined by management in light of past loan loss experience and evaluation of potential loss in the current loan portfolio. The estimated loan loss factor allocable to operating expense shall not be less than the amount computed under one of the elective methods set forth in subitem (2).

(2) The bank may elect in 1969, and thereafter consistently use for financial reporting purposes, one of the following methods for allocating loan losses to operating expense:

(A) Average ratio of loss over the past 5 years applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total no chargeoffs (losses less recoveries) and total average loans for the 5 most recent years, including the current year.

(B) Average ratio of loss on a forward moving average beginning with the year 1969 applied to average loans outstanding during the current year. Ratio of loss shall be the single decimal quotient of total net chargeoffs and total average loans for the number of years beginning with 1969 and ending with the year of report. In 1973, banks which elect the forward moving average method will compute the minimum allocable credit loss expense on the same basis as banks which elect method (1).

NOTE: For purposes of Items 2(A) and (B), annual "average loans outstanding" (1) shall include Federal funds sold and securities purchased under agreements to resell and (2) may be computed on any reasonable schedule of frequency. In the absence of other procedures, "Other loans," and "Federal funds sold and securities purchased under agreements to resell", as reported in the Statements of Condition called by the supervisory authorities, shall be averaged.

(C) Actual net chargeoffs as experienced in the current year.

(3) An estimated amount for loan losses allocable to operating expense in excess of the minimum amount computed as instructed in subitem (2) should be provided when judged appropriate in the opinion of management.

(4) Furnish in a note to financial statements an explanation of the basis for allocating loan losses to operating expense including (A) the method followed, and (B) amount added at the discretion of management, if any.

(5) The amount may be expressed in even dollars or thousands of dollars.

NOTE: The amount reported for loan losses in operating expense shall be adjusted, if necessary, to the amount transferred to the allowance for loan losses recorded on the books of the bank by an entry to the undivided profits account in the statement of changes in capital accounts. For example, if the estimated loan loss expense reported in the statement of income is less than the amount transferred to the allowance for loan losses, the amount of difference, less related tax effect, should be charged against the undivided profits account. If the estimated loan loss expense reported in the statement of income (1) is more than the amount transferred to the allowance for loan losses, and (2) represents the minimum amount the bank is required to allocate under its elected method, the amount of difference, less related tax effect, should be credited to the undivided profits account.

(6) Banks which do not provide for loan losses on a reserve basis shall include the amount of actual net chargeoffs (losses less recoveries) for the current year.

(j) *Other operating expenses.*

(1) Include all operating expenses not reported in Items 2(a) through 2(i).

(2) Include advertising, business promotion, contributions, cost of examinations by supervisory authorities, deposit insurance assessment, fees paid to directors and members of committees, memberships, net cash shortages or overages, operating expenses (except salaries) of "Other real estate owned", postage, premium on fidelity insurance, publicity, retainer fees, stationery and office supplies, subscriptions, taxes not reported against other items, telegrams and cables, telephone, temporary agency help, travel, unreimbursed losses on counterfeits, forgeries, payments over stops, and all other recurring expenses and immaterial nonrecurring charges.

(3) Deposit insurance assessment expense shall be reported as a net figure—that is, all assessment credits during the period shall be applied against the assessment expense.

(4) Itemize all amounts that represent 25 percent or more of this item.

(k) *Total operating expenses.* State the sum of items 2(a) through 2(j).

3. *Income before income taxes and security gains (losses).* State the difference of Item 1(h) minus Item 2(k).

4. *Applicable income taxes.* (a) State the aggregate of Federal and State taxes applicable to the amount reported in Item (3).

(b) Do not include taxes applicable to net security gains (losses) and extraordinary items. Such taxes (or tax reductions) shall be reported in Items 6 and 8.

5. Income before securities gains (losses). State the difference of Item 3 minus Item 4.

6. *Net security gains (losses).* State the net result of security gains and losses realized. Related income taxes (or tax reductions) shall be shown parenthetically.

7. *Net income.* State the sum or difference of Items 5 and 6.

NOTE: If extraordinary items are reported (See Item 8) the caption to this Item shall read, "Income before extraordinary items."

8. *Extraordinary items.* State the material results of nonrecurring transactions that have occurred during the current reporting period. Only the results of major events outside of the ordinary operating activity of the bank are to be reported herein. Such events would include, but not be limited to, material gain or loss from sale of bank premises, expropriation of properties, and major devaluation of foreign currency. Related income taxes (or tax reductions) shall be shown parenthetically. (Less than material results of nonrecurring transactions are to be included in Items 1(g) or 2(j), as appropriate.)

9. *Net income.* State the sum or difference of Items 7 and 8.

10. *Earnings per common share.* State the per share amounts applicable to common stock (including common stock equivalents) and per share amounts on a fully diluted basis, if applicable. The basis of computation, including the number of shares used, shall be furnished in a note to financial statements.

C. STATEMENT OF CHANGES IN CAPITAL ACCOUNTS

Increase (decrease)	Capital notes and debentures	Preferred stock $ ___ par	Common stock $ ___ par	Surplus	Undivided profits	Reserve for contingencies and other capital reserves
1. Net income transferred to undivided profits						
2. Capital notes and debentures, preferred stock and common stock sold (par or face value)						
3. Stock issued incident to mergers and acquisitions						
4. Premium on capital stock sold						
5. Additions to, or reductions in, surplus, undivided profits, and reserves incident to mergers						
6. Transfer to allowance for loan loss, exclusive of portion charged against income, less related income tax effect $_____						
7. Cash dividends declared on preferred stock						
8. Cash dividends declared on common stock						
9. Stock issued in payment of stock dividend, _____ shares at par value						
10. All other increases (decreases) [1]						
11. Net increase (decrease) for the year						
12. Balance at beginning of year [2]						
13. Balance at end of year						

[1] State separately any material amounts, indicating clearly the nature of the transaction out of which the item arose.

[2] If the statement is filed as part of an annual or other periodic report and the balances at the beginning of the period differ from the closing balances as filed for the previous fiscal period, state in a footnote the difference and explain.

D. SCHEDULES

SCHEDULE 1—U.S. TREASURY SECURITIES, SECURITIES OF OTHER U.S. GOVERNMENT AGENCIES AND CORPORATIONS, AND OBLIGATIONS OF STATES AND POLITICAL SUBDIVISIONS

Type and maturity grouping	Principal amount	Book value [1]
U.S. Treasury securities		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total U.S. Treasury securities		
Securities of other U.S. Government agencies and corporations		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total securities of other U.S. Government agencies and corporations		
Obligations of States and political subdivisions [2][3]		
Within 1 year		
After 1 but within 5 years		
After 5 but within 10 years		
After 10 years		
Total obligation of States and political subdivisions		

[1] State briefly in a footnote the basis for determining the amounts in this column.

[2] Include obligations of the States of the United States and their political subdivisions, agencies, and instrumentalities; also obligations of territorial and insular possessions of the United States. Do not include obligations of foreign States.

[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of securities that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

SCHEDULE II—OTHER SECURITIES

Type	Amount	Book value[1]
Bonds, notes, and debentures [2,3]		
Stock of the Federal Reserve Bank		
Other stocks [2,4]		
Total		

[1] State briefly in a footnote the basis for determining the amounts shown in this column.

[2] State in a footnote the aggregate amount and book value of foreign securities included.

[3] State in a footnote the aggregate (a) principal amount, (b) book value, and (c) market value of bonds, notes, and debentures that are less than "investment grade." If market value is determined on any basis other than market quotations at balance sheet date, explain.

[4] State in a footnote the aggregate market value.

SCHEDULE III—OTHER LOANS[1]

Type	Book value
Real estate loans:	
Insured or guaranteed by the U.S. Government or its agencies	
Other	
Loans to financial institutions	
Loans for purchasing or carrying securities (secured or unsecured)	
Commercial and industrial loans	
Loans to individuals for household, family, and other consumer expenditures	
All other loans (including overdrafts)	
Total other loans reported in balance sheet	

[1] If impractical to classify foreign branch and foreign subsidiary loans in accordance with this schedule, a separate caption stating the total amount of such loans may be inserted. Such action should be explained in a footnote.

SCHEDULE IV—BANK PREMISES AND EQUIPMENT

Classification[1]	Gross book value[2]	Accumulated depreciation and amortization[3,4]	Amount at which carried on balance sheet
Bank premises (including land $……)			
Equipment			
Leasehold improvements			
Totals[5]			

[1] If impractical to consolidate foreign branch and foreign subsidiary bank premises and equipment in accordance with the breakdown required by this schedule, a separate caption stating the total amount of all such property may be inserted. Such action should be explained in a footnote.

[2] State briefly in a footnote the basis of determining the amounts in this column.

[3] If provision for depreciation and amortization is credited in the books directly to the asset accounts, the amounts for the last fiscal year shall be stated in an explanatory footnote.

[4] The nature and amount of significant additions (other than provisions for depreciation and amortization) and deductions shall be stated in an explanatory footnote.

[5] Show in a footnote totals (corresponding to the first two columns) representing amounts reported for Federal Income tax purposes.

SCHEDULE V—INVESTMENTS IN, DIVIDEND INCOME FROM, AND SHARE IN EARNINGS OR LOSSES OF UNCONSOLIDATED SUBSIDIARIES

Name of subsidiary	Percent of voting stock owned	Total investment, including advances	Equity in underlying net assets at balance sheet date[1]	Amount of dividends[2]	Bank's proportionate part of earnings or loss for the period
Totals					

[1] Equity shall include advances reported in preceding column to the extent recoverable.

[2] In a footnote state as to any dividends other than cash, the basis on which they have been reported as income. Also, if any such dividend received has been credited to income in an amount differing from that charged to surplus and/or undivided profits by the disbursing subsidiary, state the amount of such difference and explain.

SCHEDULE VI—"OTHER" LIABILITIES FOR BORROWED MONEY

Item	Amount
Borrowings from Federal Reserve Bank	
Unsecured notes payable within 1 year	
Unsecured notes payable after 1 year	
Other obligations	
Total	

SCHEDULE VII—ALLOWANCE FOR POSSIBLE LOAN LOSSES

Item	Amount set up pursuant to Treasury tax formula	Other amount[1]
Balances at beginning of period		
Recoveries credited to Allowance		
Additions due to mergers and absorptions [2]		
Transfers to Allowance:		
From income		
From undivided profits [3]		
Totals		
Losses charged to Allowance		
Balances at end of period [4]		

[1] Do not include any provision for possible loan losses that the bank establishes as a precautionary measure. Include only any provision that (1) has been established through a charge against income, (2) represents management's judgment as to possible loss or value depreciation, and (3) is in excess of the provision taken under the Treasury tax formula.

[2] Describe briefly in a footnote any such addition.

[3] Indicate by parenthesis the gross amount of any credit adjustment to undivided profits.

[4] Describe briefly in a footnote the basis used in computing the amount accumulated in the Allowance at the end of the period. State the amount that could have been deducted for Federal income tax purposes if such amount is in excess of the amount provided by the bank pursuant to the Treasury tax formula.

NOTE.—The sum of the balances should equal the amount of "Allowance for possible loan losses" reported in the balance sheet.

INTERPRETATIONS

§ 11.101 Interpretation of definition of "officer."

(a) Section 11.2(o) defines the term "officer" to mean any person who occupies one or more of certain enumerated positions in a national or District bank "and any other person who participates in major policymaking functions of the bank." Among the positions so enumerated is that of "Vice President", but it is also provided that a person bearing the title of "Vice President" who does not "participate in major policymaking functions of the bank" is not an officer for the purposes of this Part 11.

(b) All persons holding any position enumerated in § 11.2(o), except those holding a position as "Vice President" are officers for purposes of this Part 11 regardless of whether they participate in major policymaking functions. The second sentence of § 11.2(o), which provides that certain persons are not officers if they do not participate in major policymaking functions, applies only to persons with the title of "Vice President".

§ 11.102 Disclosure of loans to "insiders."

(a) This interpretation sets forth the Comptroller's position with respect to disclosures of loans to "insiders"—that is, officers, directors, and persons holding more than 10 percent of the bank's stock—in management proxy statements furnished in accordance with the requirements of §§ 11:5 and 11.51 (Form F–5). This interpretation is also applicable to disclosure of such transactions under comparable provisions relating to registration of bank securities (§ 11.41; Form F–1) under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 78*l*).

(b) Item 7(f) of Form F–5 and Item 12 of Form F–1 in effect require a description of any material[1] interest of any insider or any of his "associates"[2] in any material transaction to which the bank was, or is to be, a party. These items contain a number of specific exemptive instructions—for example, no disclosure is required where the only interlock is that a director of a bank is a director and/or officer of another corporation that is a party to the transaction. Generally, these items require disclosure of loans to a corporate borrower only where insiders, individually or with members of their immediate families,[3] own at least 10 percent of the borrower's outstanding stock.

(c) The Comptroller does not regard loans and other extensions of credit by a registrant bank in the ordinary course of its business as "material" for the purposes of this part (and therefore required to be disclosed unless otherwise specifically exempted by the instructions in these items) if such loans (1) are made on substantially the same terms, including interest rates and collateral, as those prevailing at the time for comparable transactions with other than insiders, (2) at no time aggregate more than 10 percent of the equity capital accounts of the bank or $10 million, whichever is less, and (3) do not involve more than the normal risk of collectibility or present other unfavorable features.

(d) Item 7(e) of Form F–5 requires disclosure of indebtedness to the bank of each director or officer of the bank and each nominee for election as a director. An instruction to this item specifically excludes indebtedness resulting from transactions in the ordinary course of the bank's business. The effect of this instruction is to exempt the bank from reporting under item 7(e) normal extensions of credit to such persons, of types and amounts customarily made by the bank in the usual course of its operations. However, even if disclosure of indebtedness is not required by item 7(e), consideration must be given to whether it must be reported in the light of the provisions of item 7(f), referred to above.

(e) It should also be noted that item 7(e) requires disclosure of any liability to the bank that appears to have arisen under section 16 of the Securities Exchange Act of 1934 (15 U.S.C. 78p) as a result of "insider" transactions in the bank's stock (or other equity security).

§ 11.103 Financial statements to be included in annual reports to security holders.

(a) It is provided in § 11.5(c) that a bank's proxy statement (or the statement that must be distributed where management does not solicit proxies) which relates to an annual meeting of security holders at which directors are to be elected, shall be accompanied or preceded by an annual report to such security holders "containing such financial statements for the last fiscal year as will, in the opinion of the management, adequately reflect the financial position and operations of the bank."

(b) Adherence to the following reporting standards, prescribed in Part 11 is considered necessary to reflect adequately the financial position and results of operations of registrant banks in such annual reports to security holders:

(1) Financial statements should be prepared on a consolidated basis to the extent required by Part 11.

(2) A statement of income should be furnished in a form providing for the determination of the "amount transferred to undivided profits" as a result of all activity related to the preceding year.

(3) A statement of changes in capital accounts, including capital reserves, should be included.

(4) Valuation reserves should be reported as reductions of related asset values.

(5) A reconciliation of valuation reserves should be presented, showing material charges and credits.

(c) Section 11.5(c) further provides that—

> The financial statements included in the annual report may omit details or summarize information if such statements, considered as a whole in the light of other information contained in the report and in the light of the financial statements of the bank filed or to be filed with the Board, will not by such procedure omit any material information necessary to a fair presentation or to make the financial statements not misleading under the circumstances. Subject to the foregoing requirements with respect to financial statements, the annual report to security holders may be in any form deemed suitable by the management.

(d) Pursuant to these provisions, the financial statements included in annual reports to security holders should not be inconsistent with the financial reporting prescribed by Part 11 and they should conform in all material respects to the accounting principles stated therein. However, annual reports to security holders need not include the detailed information required in annual reports filed with the Comptroller of the Currency Form F–2 (§ 11.42).

PART 16—OFFERING CIRCULARS—CAPITAL DEBENTURES AND NEW BANK SECURITIES

Sec.
16.1 Authority and scope of application.
16.2 Requirement of offering circular.
16.3 Content of offering circular.
16.4 Filing of and use of offering circular.
16.5 Advertisements.
16.6 Sanctions.

AUTHORITY: The provisions of this Part 16 issued under R.S. 324 et seq., as amended, sec. 12, 48 Stat. 892, as amended; 12 U.S.C. 1 et seq., 15 U.S.C. 781.

§ 16.1 Authority and scope of application.

(a) This part is issued under the general authority of the national banking laws, R.S. 324 et seq., as amended; 12 U.S.C. 1 et seq., and contains the rules applicable to national banks concerning the public offering of their capital debentures and the public offering of equity securities of new national banks.

(b) This part shall apply to any public offering of capital debentures of an existing national or District of Columbia bank, and to any public offering of a security of a new national bank (one which has not yet received its charter) by, for, or on behalf of such bank unless specified herein to the contrary.

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[1] "The term 'material', when used to qualify a requirement for furnishing of information as to any subject, limits the information required to those matters as to which an average prudent investor ought reasonably to be informed before buying or selling the security registered." (§ 11.2(n))

[2] "The term 'associate', when used to indicate a relationship with any person, means (1) any corporation or organization (other than the bank or a majority-owned subsidiary of the bank) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his immediate family, the beneficial owner of 10 percent or more of any class of equity securities, (2) any trust or other estate in which such person has a substantial beneficial interest or as to which such person serves as a trustee or in a similar fiduciary capacity, and (3) any relative or spouse of such person, or any relative of such spouse, who has the same home as such person or who is a director or officer of the bank or any of its parents or subsidiaries." (§ 11.2(d))

[3] "The term 'immediate family' includes a person's (1) spouse; (2) son, daughter, and descendant of either; (3) father, mother, and ancestor of either; (4) stepson and stepdaughter; and (5) stepfather and stepmother. For the purpose of determining whether any of the foregoing relationships exist, a legally adopted child shall be considered a child by blood." (§ 11.2(k))

§ 16.2 Requirement of offering circular.

No existing national bank shall publicly offer or sell any of its capital debentures and no new national bank shall publicly offer or sell any of its securities unless such securities shall have been made the subject of an offering circular filed in the Office of the Comptroller of the Currency and declared effective.

§ 16.3 Content of offering circular.

The offering circular filed pursuant to this part shall contain at a minimum the following information:

(a) *Issuer.* On the front page of the offering circular:

(1) The exact name and address of the issuing national;

(2) The following statements in capital letters printed in boldface roman type at least as large as 10-point modern type and at least 2 points leaded:

(i) The debentures (or notes) shall not represent deposits and will not be insured by the Federal Deposit Insurance Corporation or any other Government agency.

(ii) These securities have not been approved or disapproved by the Comptroller of the Currency nor has the Comptroller passed upon the accuracy or adequacy of this offering circular.

(b) *Distribution.* On the same page referred to in the preceding paragraph state:

(1) The number of and dollar amount of securities being offered;

(2) The per security and aggregate offering price and the per security and aggregate proceeds to be received by the national bank;

(3) The proposed means of distribution; and

(4) The expenses to be incurred in connection with the offering.

(c) *Use of proceeds.* A brief statement of the intended uses of the proceeds of the offering.

(d) *Business of the bank.* A brief statement as to the history and nature of the bank's present or proposed operations, including a description of its premises and facilities.

(e) *Financial statements.* (i) As to the offering of capital debentures of an existing national or District of Columbia bank, the information called for in Part 18 of this chapter, plus comparable information as of a date no more than 90 days prior to filing the offering circular.

(ii) As to new national banks, a pro forma statement of capital, surplus and balance sheet as of the date it is contemplated business will be commenced.

(f) *Management.* (1) The full names and complete residence addresses of all present or proposed directors and principal officers and their principal occupations during the past 10 years.

(2) For such of the persons specified in the preceding paragraph who will receive in the current fiscal year or, who have received remuneration in the past fiscal year in excess of $25,000 per year from the national bank, the aggregate amount of remuneration received by all such persons.

(3) A brief description of any present or contemplated bonus, retirement, pension, stock option or other similar plan or provisions and the class of persons covered.

(4) Any present or proposed material interest or transaction between the bank and any director, or officer thereof, other than in the ordinary course of banking business. Describe any such interest or transaction that occurred within the preceding 3 years; if none, so state.

(g) *Principal security holders.* To the extent known: (1) The percentage of outstanding securities which will be held as a group, by directors and principal officers and the percentage of such securities which will be held by the public if all the securities offered are sold; and

(2) The name, address, and relationship to the national bank of any person who beneficially owns or will own 10 percent or more of the outstanding capital stock of the national bank.

(h) *Capitalization and long-term debt.* State in tabular form as of a date within 90 days of filing, the title of and amount in each category of capital and long-term debt account, the amount authorized or to be authorized, and the amount to be outstanding, assuming all the securities being registered are sold.

(i) *Description of securities.* (1) In the case of equity securities; briefly describe, if applicable, the dividend, voting, liquidation, preemptive, and conversion rights, redemptive and sinking fund provisions, and liability to further calls or assessment.

(2) In the case of debt securities; briefly describe, if applicable, the provisions with respect to interest, conversion, maturity, redemption, amortization, sinking fund or retirement; the provisions with respect to the kind and priority of any lien securing the issue; the provisions restricting the declaration of dividends or requiring the maintenance of any ratio of assets, creation or maintenance of reserves or the maintenance of properties; the provisions permitting or restricting the issuance of additional securities, withdrawal of cash deposited against such issuance, incurring of additional debt, release or substitution of assets securing the issue, modification of the terms of the security, and any other similar provisions.

(j) *Legal proceedings.* Any material pending or threatened legal proceedings to which the national bank is a party or of which any of its property is the subject.

§ 16.4 Filing of and use of offering circular.

(a) No person on behalf of or for a new or existing national bank shall offer to sell or solicit any offer to buy any capital debenture or note or other securities of a national bank subject to this part being publicly offered by a national bank unless prior to, or at the time of such offer or solicitation, a copy of an offering circular which has been filed pursuant to this part is furnished to the potential purchaser by the person making the offer or solicitation.

(b) No securities of a new or existing national bank subject to this part shall be sold, or confirmation of sale relating thereto be delivered after sale, by, for, or on behalf of the bank unless at the time of sale or prior to such sale, the purchaser of such security has received an offering circular declared effective by the Comptroller of the Currency.

(c) The offering circular shall be used in accordance with this part until the completion of the distribution of the securities. If the distribution is not completed within 12 months from the effective date of the offering circular, an amended offering circular shall be filed and a revised offering circular shall be used in accordance with this part as for an original offering circular. In no event shall an offering circular be used which is false or misleading in light of the circumstances then existing.

(d) Filings shall be made in quadruplicate and may be printed, lithographed, typewritten or, prepared by similar process resulting in clearly legible permanent copies. One copy of all filings made pursuant to this part shall be manually subscribed by the national bank's Chief Executive Officer and Cashier.

§ 16.5 Advertisements.

Any written advertisement (or other written communication, if not accompanied by an offering circular) or any film, radio, or television broadcast, which refers to a present or proposed public offering of securities by an existing national bank may be published, distributed, or broadcast only after the filing of an offering circular covering such securities, and provided that it contains no more than the following information:

(a) The name and address of the issuer of the security;

(b) The title of the security, the dollar amount and number of securities being offered, and the per-unit offering price to the public; and

(c) Where a copy of the offering circular may be obtained.

§ 16.6 Sanctions.

The failure to comply with any requirement of this part may result in the withholding of the approval of the Comptroller of the Currency to issue the securities, the withholding of effectiveness of the registration statement, or the taking of such other action appropriate in the circumstances.

PART 18—FORM AND CONTENT OF FINANCIAL STATEMENTS

§ 18.1 Scope and application.

(a) Every national bank, except banks the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78), shall mail a written report containing, as a minimum, the financial and other information called for by this part, to each of its stockholders in time to be received by them prior to the bank's annual meeting, but in not event later than 60 days after the close of the fiscal year.

(b) Banks the securities of which are subject to registration pursuant to section 12(b) or section 12(g) of the Securities Exchange Act of 1934 (15 U.S.C. 78) shall furnish to security holders annual reports in accordance with § 11.5(c) of Part 11 of this chapter.

(c) The term "financial statements" as used in this part should be deemed to include all supporting schedules, instructions, and related forms.

(d) This part incorporates by reference all instructions and interpretations of this Office relating to financial reporting to stockholders which are presently outstanding and as may be amended hereafter.

(e) Certain instructions which assume a basis of full accrual accounting apply only to those banks within the scope of § 18.3 (a), (b), and (c).

* * * * *

Dated: May 20, 1971.

[SEAL] WILLIAM B. CAMP,
Comptroller of the Currency.

[FR Doc.71-7244 Filed 5-25-71;8:45 am]

Internal Revenue Service

[26 CFR Part 1]

AMORTIZATION OF CERTAIN COAL MINE SAFETY EQUIPMENT

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form in the attached appendix are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by June 25, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner, by June 25, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) to reflect the changes made by section 707(a) of the Tax Reform Act of 1969 (83 Stat. 674) relating to amortization of certain coal mine safety equipment, such regulations are hereby amended as set forth below. Section 1.187-1 of the regulations hereby adopted supersedes those provisions of § 13.0 of this chapter relating to section 187(b) of the Internal Revenue Code of 1954, which were prescribed by T.D. 7032, approved March 9, 1970 (35 F.R. 4330).

PARAGRAPH 1. The following regulations are prescribed under section 187 to precede § 1.211:

§ 1.187 Statutory provisions; amortization of certain coal mine safety equipment.

Sec. 187. *Amortization of certain coal mine safety equipment*—(a) *Allowance of deduction.* Every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in subsection (d)), based on a period of 60 months. Such amortization deduction shall be an amount, with respect to each month of such period within the taxable year, equal to the adjusted basis of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in the period. Such adjusted basis at the end of the month shall be computed without regard to the amortization deduction for such month. The amortization deduction provided by this section with respect to any certified coal mine safety equipment for any month shall be in lieu of the depreciation deduction with respect to such equipment for such month provided by section 167. The 60-month period shall begin, as to any certified coal mine safety equipment, at the election of the taxpayer, with the month following the month in which such equipment was placed in service or with the succeeding taxable year.

(b) *Election of amortization.* The election of the taxpayer to take the amortization deduction and to begin the 60-month period with the month following the month in which the certified coal mine safety equipment was placed in service, or with the taxable year succeeding the taxable year in which such equipment is placed in service, shall be made by filing with the Secretary or his delegate, in such manner, in such form, and within such time, as the Secretary or his delegate may by regulations prescribe, a statement of such election.

(c) *Termination of amortization deduction.* A taxpayer which has elected under subsection (b) to take the amortization deduction provided by subsection (a) may, at any time after making such election, discontinue the amortization deduction with respect to the remainder of the amortization period, such discontinuance to begin as of the beginning of any month specified by the taxpayer in a notice in writing filed with the Secretary or his delegate before the beginning of such month. The depreciation deduction provided under section 167 shall be allowed, beginning with the first month as to which the amortization deduction does not apply, and the taxpayer shall not be entitled to any further amortization deduction under this section with respect to such equipment.

(d) *Certified coal mine safety equipment.* For purposes of this section, the term "certified coal mine safety equipment" means property which——

(1) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

(2) The Secretary of the Interior certifies is permissible within the meaning of such section 305(a)(2), and

(3) Is placed in service before January 1, 1975.

For purposes of this section, any property placed in service in connection with any used electric face equipment which the Secretary of the Interior certifies makes such electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment.

(e) *Special rules.* (1) The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under this section, shall not be increased, for purposes of this section, for amounts chargeable to capital account for additions or improvements after the amortization period has begun.

(2) The depreciation deduction provided by section 167 shall, despite the provisions of subsection (a), be allowed with respect to the portion of the adjusted basis which is not taken into account in applying this section.

[Sec. 187 as added by sec. 707(a), Tax Reform Act 1969 (83 Stat. 674)]

§ 1.187-1 Amortization of certain coal mine safety equipment.

(a) *Allowance of deduction*—(1) *In general.* Under section 187(a), every person, at his election, shall be entitled to a deduction with respect to the amortization of the adjusted basis (for determining gain) of any certified coal mine safety equipment (as defined in § 1.187-2), based on a period of 60 months. Such 60-month period shall, at the election of the taxpayer, begin either with the month following the month in which such equipment was placed in service or with the succeeding taxable year. For rules as to making or discontinuing the election, see paragraphs (b) and (c) of this section. For the computation of the adjusted basis (for determining gain) of any certified coal mine safety equipment, see paragraph (b) of § 1.187-2.

(2) *Amount of deduction.* (i) Such amortization deduction shall be an amount, with respect to each month of such 60-month period which falls within the taxable year, equal to the adjusted basis for determining gain of the certified coal mine safety equipment at the end of such month divided by the number of months (including the month for which the deduction is computed) remaining in such 60-month period. Such adjusted basis at the end of any month shall be computed without regard to the amortization deduction for such month. The total amortization deduction with respect to any certified coal mine safety equipment for a particular taxable year is the sum of the amortization deductions allowable for each month of the 60-month period which falls within such taxable year.

(ii) If any certified coal mine safety equipment is sold or exchanged or otherwise disposed of during a particular month, then the amortization deduction (if any) allowable to the transferor in respect of that month shall be that portion of the amount to which such person would be entitled for a full month which the number of days in such month during which the equipment was held by such person bears to the total number of days in such month.

(3) *Effect on other deductions.* (i) The amortization deduction provided by section 187(a) with respect to any month shall be in lieu of the depreciation deduction which would otherwise be allow-

able with respect to such equipment under section 167 for such month.

(ii) If the adjusted basis of such coal mine safety equipment as computed under section 1011 for purposes other than the amortization deduction provided by section 187(a) is in excess of the adjusted basis, as computed under paragraph (b) of § 1.187–2, then such excess shall be recovered through depreciation deductions under the rules of section 167. See section 187(e), and paragraph (b)(2) of § 1.187–2.

(iii) See section 179 and paragraph (e)(1)(ii) of § 1.179–1 for additional first-year depreciation in respect of certified coal mine safety equipment.

(4) *Special rules.* (i) If the assets of a corporation which has elected to take the amortization deduction under section 187(a) are acquired by another corporation in a transaction to which section 381 (relating to carryovers in certain corporate acquisitions) applies, the acquiring corporation is to be treated as if it were the transferor or distributor corporation for purposes of this section.

(ii) For the right of estates and trusts to take the amortization deduction provided by section 187 see section 642(f) and § 1.642(f)–1.

(iii) For the allowance of the amortization deduction in the case of coal mine safety equipment of partnerships see section 703 and § 1.703–1.

(iv) In the case of certified coal mine safety equipment held by one person for life with the remainder to another person, the amortization deduction under section 187(a) shall be computed as if the life tenant were the absolute owner of the property and shall be allowable to the life tenant during his life.

(5) *Effective date.* The provisions of this paragraph shall apply to taxable years ending after December 31, 1969.

(6) *Meaning of terms.* Except as otherwise provided in § 1.187–2, all terms used in section 187 and the regulations thereunder shall have the meaning provided by this section and § 1.187–2.

(b) *Election of amortization*—(1) *In general.* Under section 187(b), an election by the taxpayer to make amortization deductions with respect to any certified coal mine safety equipment and to begin the 60-month amortization period shall be made by a statement to that effect attached to his return for the taxable year in which falls the first month of the 60-month amortization period so elected. Such statement shall include the following information:

(i) A description clearly identifying each piece of certified coal mine safety equipment for which an amortization deduction is claimed;

(ii) The date on which such equipment was "placed in service" (see paragraph (a)(2)(i) of § 1.187–2);

(iii) The date on which the amortization period began;

(iv) The total costs paid or incurred in the acquisition and installation of such equipment;

(v) A computation showing the adjusted basis (as defined in paragraph (b) of § 1.187–2) of the equipment as of the beginning of the amortization period;

(vi) In the case of electric face equipment which is newly acquired by the taxpayer, a statement that the equipment has been certified by the Secretary of the Interior or the Director of the Bureau of Mines as being permissible within the meaning of section 305(a)(2) of the Federal Coal Mine Health and Safety Act of 1969; and

(vii) In the case of property placed in service in connection with used electric face equipment (within the meaning of paragraph (a)(2)(ii) of § 1.187–2, a statement that such property has resulted in the used electric face equipment becoming permissible and a copy of the notification that such property is permissible.

(2) *Late certification.* If, 90 days before the date on which the return described in this paragraph is due, a piece of coal mine safety equipment has not been certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines, then the election may be made by a statement in an amended income tax return for the taxable year in which falls the first month of the 60-month amortization period so elected. The statement and amended return in such case must be filed not later than 90 days after the date the equipment is certified as permissible by the Secretary of the Interior or the Director of the Bureau of Mines. Amended income tax returns or claims for credit or refund should also be filed at this time for other taxable years which are within the amortization period and which are subsequent to the taxable year for which the election is made. Nothing in this paragraph shall be construed as extending the time specified in section 6511 within which a claim for credit or refund may be filed.

(3) *Other requirements and considerations.* No method of making the election provided for in section 187(a) other than that prescribed in this section shall be permitted on or after (the date of publication in the FEDERAL REGISTER of the regulations under section 187). A taxpayer who does not elect in the manner prescribed in this section to take amortization deductions with respect to certified coal mine safety equipment shall not be entitled to such deductions. In the case of a taxpayer who has elected prior to (such date) the statement required by subparagraph (1) of this paragraph shall be attached to his income tax return for his taxable year in which (such date) occurs.

(c) *Election to discontinue or revoke amortization*—(1) *Election to discontinue.* (i) Under section 187(c), if a taxpayer has elected to take the amortization deduction provided by section 187(a) with respect to any certified coal mine safety equipment, he may, after such election and prior to the expiration of the 60-month amortization period, elect to discontinue the amortization deduction for the remainder of the 60-month period for such equipment.

(ii) An election to discontinue the amortization deduction shall be made by a statement in writing filed with the district director or with the director of the internal revenue service center with whom the return of the taxpayer is required to be filed for its taxable year in which falls the first month for which the election terminates. In addition, a copy of such statement shall be attached to the taxpayer's income tax return filed for such taxable year. Such statement shall specify the month as of the beginning of which the taxpayer elects to discontinue such deductions, and shall be filed before the beginning of the month specified therein. In addition, such notice shall contain a description clearly identifying the certified coal mine safety equipment with respect to which the taxpayer elects to discontinue the amortization deduction. If the taxpayer so elects to discontinue the amortization deduction, he shall not be entitled to any further amortization deductions under section 187 with respect to such equipment.

(2) *Revocation of elections made prior to [the date of publication in the* FEDERAL REGISTER *of the regulations under section 187].* If before [such date] an election under section 187(a) has been made, consent is hereby given for the taxpayer to revoke such election without the consent of the Commissioner. Such election may be revoked by filing a notice of revocation on or before [the 90th day after the date]. Such notice shall be in the form and shall be filed in the manner required by subparagraph (1)(ii) of this paragraph. If such revocation is for a period which falls within one or more taxable years for which an income tax return has been filed, an amended income tax return shall be filed for any taxable year in which a deduction was taken under section 187 on or before [such 90th day].

(3) *Depreciation subsequent to discontinuance or in the case of revocation of amortization.* (i) A taxpayer who elects in the manner prescribed under subparagraph (1) of this section to discontinue amortization deductions under section 187(a) or under subparagraph (2) of this paragraph to revoke an election made prior to [the date of publication in the FEDERAL REGISTER of the regulations under section 187] with respect to an item of certified coal mine safety equipment may be entitled to a deduction for depreciation with respect to such equipment. See section 167 and the regulations thereunder.

(ii) In the case of an election to discontinue an amortization deduction under section 187, the deduction for depreciation shall be computed beginning with the first month as to which such amortization deduction is not applicable, and shall be based upon the adjusted basis (see section 1011 and the regulations thereunder) of the property as of the beginning of such month. Such depreciation deduction shall be based upon the remaining portion of the period authorized under section 167 for the facility, as determined as of the first day of the first month as of which the amortization deduction is not applicable.

(iii) In the case of a revocation of an election under section 187 referred to in paragraph (c)(2) of this section the

deduction for depreciation shall begin as of the time such depreciation deduction would have been taken but for the election under section 187. See subparagraph (2) of this section for rules as to filing amended returns for years for which amortization deductions have been taken.

(d) *Examples.* This section may be illustrated by the following examples:

Example (1). On September 30, 1970, the X Corporation, which uses the calendar year as its taxable year, places in service a piece of coal mine safety equipment required as a result of the Federal Coal Mine Health and Safety Act of 1969 which is certified as indicated in paragraph (a) of § 1.187–2. The cost of the equipment is $120,000. On its income tax return filed for 1970, the corporation elects to take the amortization deductions allowed by section 187(a) with respect to the equipment and to begin the 60-month amortization period with October 1970, the month following the month in which it was placed in service. The adjusted basis at the end of October 1970 (determined without regard to the amortization deduction allowed by section 187(a) for that month) is $120,000. The allowable amortization deduction with respect to such equipment for the taxable year 1970 is $6,000, computed as follows:

Monthly amortization deductions:	
October: $120,000 divided by 60	$2,000
November: $118,000 ($120,000 minus $2,000) divided by 59	2,000
December: $116,000 ($118,000 minus $2,000) divided by 58	2,000
Total amortization deduction for 1970	6,000

Example (2). Assume the same facts as in example (1). Assume further that on May 20, 1972, X properly files notice of its election to discontinue the amortization deductions with the month of June 1972. The adjusted basis of the equipment as of June 1, 1972 (assuming no capital additions or improvements) is $80,000, computed as follows:

Yearly amortization deductions computed in accordance with example (1):	
1970	$6,000
1971	24,000
1972 (for the first 5 months)	10,000
Total amortization deductions for 20 months	40,000
Adjusted basis at beginning of amortization period	120,000
Less: Amortization deductions	40,000
Adjusted basis as of June 1, 1972	80,000

Beginning as of June 1, 1972, the deduction for depreciation under section 167 is allowable with respect to the property on its adjusted basis of $80,000.

Example (3). Assume the same facts as in example (1), except that on its income tax return filed in 1970, X does not elect to take amortization deductions allowed by section 187(a) but that on its income tax return filed for 1971 X elects to begin the amortization period as of January 1, 1971, the taxable year succeeding the taxable year the equipment was placed in service. Assume further that the only adjustment to basis for the period October 1, 1970, to January 1, 1971, is $3,000 for depreciation (the amount allowable, of which $2,000 is for additional first year depreciation under section 179) for the last 3 months of 1970. The adjusted basis (for determining gain) for purposes of section 187 as of that date is $120,000 less $3,000 or $117,000.

§ 1.187–2 Definitions.

(a) *Certified coal mine safety equipment*—(1) *In general.* (i) The term "certified coal mine safety equipment" means property which—

(*a*) Is electric face equipment (within the meaning of section 305 of the Federal Coal Mine Health and Safety Act of 1969) required in order to meet the requirements of section 305(a)(2) of such Act,

(*b*) The Secretary of the Interior or the Director of the Bureau of Mines certifies is permissible within the meaning of such section 305(a)(2), and

(*c*) Is placed in service (as defined in subparagraph (2)(i) of this paragraph) before January 1, 1975.

(ii) In addition, property placed in service in connection with any used electric face equipment which the Secretary of the Interior or the Director of the Bureau of Mines certifies makes such used electric face equipment permissible shall be treated as a separate item of certified coal mine safety equipment. See subparagraph (2)(ii) of this paragraph.

(2) *Meaning of terms.* (i) For purposes of subparagraph (1)(i)(*a*) of this paragraph, the term "placed in service" shall have the meaning assigned to such term in paragraph (d) of § 1.46–3.

(ii) For purposes of subparagraph (1)(ii) of this paragraph, the term "property" includes those costs of converting existing nonpermissible electric face equipment to a permissible condition which are chargeable to capital account under the principles of § 1.1016–2. Property is considered to be placed in service in connection with used electric face equipment (which was not permissible) if its use causes such electric face equipment to be certified as permissible.

(b) *Adjusted basis*—(1) *In general.* The basis upon which the deduction with respect to amortization allowed by section 187 is to be computed with respect to any item of certified coal mine safety equipment shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property (see part II (section 1011 and following) subchapter O, chapter 1 of the Code) computed as of the first day of the amortization period. For an example showing the determination of the adjusted basis referred to in the preceeding sentence in the case where the amortization period begins with the taxable year succeeding the taxable year in which the property is placed in service see example (3) in paragraph (d) of § 1.187–1.

(2) *Capital additions.* The adjusted basis of any certified coal mine safety equipment, with respect to which an election is made under section 187(b), shall not be increased, for purposes of section 187, for amounts chargeable to the capital account for additions or improvements after the amortization period has begun. However, nothing contained in this section or § 1.187–1 shall be deemed to disallow a deduction for depreciation for such capital additions. Thus, for example, if a taxpayer places a piece of certified coal mine safety equipment in service in 1971 and in 1972 makes improvements to it the expenditures for which are chargeable to the capital account, such improvements shall not increase the adjusted basis of the equipment for purposes of computing the amortization deduction allowed by section 187(a). However, the depreciation deduction provided by section 167 shall be allowed with respect to such improvements in accordance with the principles of section 167.

PAR. 2. Paragraph (c)(1) of § 1.179–1 is amended by adding the following new (c) and (d) to subdivision (iii) thereof. These added provisions read as follows:

§ 1.179–1 Additional first-year depreciation allowance.

* * * * *

(e) *When allowance is available.* (1) * * *

(iii) * * *

(c) Qualified railroad rolling stock which the taxpayer elects to amortize under the provisions of section 184.

(*d*) A piece of certified coal mine safety equipment which the taxpayer elects to amortize under the provisions of section 187.

* * * * *

[FR Doc.71-7362 Filed 5-25-71;8:53 am]

DEPARTMENT OF JUSTICE

Bureau of Narcotics and Dangerous Drugs

[21 CFR Part 308]

SCHEDULES OF CONTROLLED SUBSTANCES

Proposed Transfer of Amphetamine and Methamphetamine and Their Salts, Optical Isomers, and Salts of Their Optical Isomers From Schedule III to Schedule II, With Certain Exceptions

Based upon the investigations of the Bureau of Narcotics and Dangerous Drugs and upon the scientific and medical evaluation and recommendation of the Secretary of Health, Education, and Welfare, received pursuant to section 201(b) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(b)), the Director of the Bureau of Narcotics and Dangerous Drugs finds that amphetamines and methamphetamine and their salts, optical isomers and salts of their optical isomers:

(1) Have a high potential for abuse;

(2) Have a currently accepted medical use in treatment in the United States with severe restrictions; and

(3) That abuse of these substances may lead to severe psychological dependence.

Therefore, under the authority vested in the Attorney General by section 201 (a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)), and redelegated to the Director, Bureau of Narcotics and Dangerous Drugs by § 0.100 of Title 28 of the Code of Federal Regulations, the Director proposes a ruling that:

1. Section 308.12(d) of Title 21 of the Code of Federal Regulations be deleted and replaced with a new subparagraph to read:

§ 308.12 Schedule II.

* * * * *

(d) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers ---------- 1,100

(2) Methamphetamine, its salts, optical isomers, and salts of its optical isomers ---------- 1,105

2. That § 308.13(b) of Title 21 of the Code of Federal Regulations be amended to read:

§ 308.13 Schedule III.

* * * * *

(b) *Stimulants.* Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Phenmetrazine and its salts---- 1,630

(2) Methylphenidate ---------- 1,726

(3) Those compounds, mixtures or preparations in dosage unit form containing any stimulant substance which are currently listed as excepted compounds under 21 CFR 308.32, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances.

* * * * *

All interested persons are invited to submit their comments or objections in writing regarding this proposal. These comments or objections should state with particularity the issues concerning which the person desires to be heard. Comments and objections should be submitted in quintuplicate to the Office of Chief Counsel, Bureau of Narcotics and Dangerous Drugs, Department of Justice, Room 611, 1405 Eye Street NW., Washington, DC 20537, and must be received no later than 30 days after publication of this proposal in the FEDERAL REGISTER.

In the event that an interested party submits objections to this proposal which present reasonable grounds for this rule not to be finalized and requests a hearing in accordance with 21 CFR 308.45, the party will be notified by registered mail that a hearing on these objections will be held at 10 a.m. on June 30, 1971, in Room 1210, 1405 Eye Street NW., Washington, DC 20537. If objections submitted do not present such reasonable grounds, the party will so be advised by registered mail.

If no objections presenting reasonable grounds for a hearing on the proposal are received within the time limitations, and all interested parties waive or are deemed to waive their opportunity for the hearing or to participate in the hearing, the Director may cancel the hearing and, after giving consideration to written comments, issue his final order pursuant to 21 CFR 308.48 without a hearing.

A petition dated May 14, 1971, was submitted to the Director by counsel for the American Public Health Association and the D.C. Public Health Association under the provisions of section 201(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 811(a)) requesting that the Director initiate the above proceedings. This petition was received after the Director had requested from the Secretary of the Department of Health, Education, and Welfare the scientific and medical evaluations required under the statute (21 U.S.C. 811(b)). Accordingly, since the Director had already determined to initiate proceedings of the type requested by the petition, the petition will be considered as a request for appearance in the proceedings.

Dated: May 21, 1971.

JOHN E. INGERSOLL,
Director, Bureau of.
Narcotics & Dangerous Drugs.

[FR Doc.71-7351 Filed 5-25-71;8:53 am]

POST OFFICE DEPARTMENT

[39 CFR Ch. I]

INTERNATIONAL POSTAL SERVICE

Proposed Changes in Rates and Fees

Correction

In F.R. Doc. 71-6826 appearing at page 8879 in the issue for Friday, May 14, 1971, the table under "2. All other countries." in the third column should read as follows:

Ounces	Books and sheet music	Publishers' second class	Publishers' controlled circulation
2	$0.14	$0.04	$0.05
4	.14	.06	.07
8	.14	.10	.11
16	.17	.17	.20
32	.28	.28	.34
64	.48	.48	.58
Each additional 32 ounces.	.24	.24	.29

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 916]

NECTARINES GROWN IN CALIFORNIA

Notice of Proposed Rule Making

Consideration is being given to the following proposals submitted by the Nectarine Administrative Committee, established under the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916), regulating the handling of nectarines grown in California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), as the agency to administer the terms and provisions thereof:

(1) That expenses that are reasonable and likely to be incurred by the Nectarine Administrative Committee, during the period March 1, 1971, through February 29, 1972, will amount to $326,234;

(2) The rate of assessment for such period, payable by each handler in accordance with § 916.41 to be fixed at $0.05 per No. 22D standard lug box, or equivalent quantity of nectarines in other containers or in bulk.

Terms used in the marketing agreement, as amended, and order, as amended, shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order, and "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 21, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7334 Filed 5-25-71;8:53 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 144]

PYRIMETHAMINE, SULFAQUINOXALINE

Extension of Time for Filing Election for Hearing and for Filing Comments on Proposal To Revoke Exemption From Certification

A notice published in the FEDERAL REGISTER of March 25, 1971 (36 F.R. 5638), offering an opportunity for a hearing on a proposal to withdraw the approval of NADA (new animal drug application) No. 9-302V, provided interested persons a period of 30 days for filing a written appearance of election to avail themselves of an opportunity for a hearing. Another notice published in the FEDERAL REGISTER of March 25, 1971 (36 F.R. 5619), proposing to revoke the exemptions from certification of animal feeds containing antibiotics with pyrimethamine and sulfaquinoxaline, provided for the filing of comments within 30 days of said date.

The Commissioner of Food and Drugs has received a request to extend such times for an additional 60 days, and good reason therefor appearing, the time for filing an election for a hearing and the time for filing comments on the subject proposal are both hereby extended to June 23, 1971.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 512, 701(a), 52 Stat. 1055, 82 Stat. 343-51; 21 U.S.C. 360b, 371(a)) and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120).

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7281 Filed 5-25-71;8:47 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-NW-3]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the description of the Klamath Falls, Oreg., transition area.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Airspace and Procedures Branch, Federal Aviation Administration, 5651 West Manchester Boulevard, Post Office Box 92007, Worldway Postal Center, Los Angeles, CA 90009. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the office of the Regional Counsel, Federal Aviation Administration, 5651 West Manchester Boulevard, Los Angeles, CA 90045.

Three new instrument approach procedures are proposed for Kingsley Field, Klamath Falls, Oreg. (LOC/DME Runway 32-NDB-A-VORTAC Runway 32). The LOC/DME Runway 32 and NDB-A approaches utilize the ILS localizer south course 158° T (139° M) and 158° T (139° M) bearing from the Merrill RBN (formerly Klamath Falls RBN) respectively, as final approach courses and procedure turn. The VORTAC Runway 32 procedure is predicated on the Klamath Falls VORTAC 163° T (144° M) radial for final approach course. These procedures were developed using the criteria contained in the U.S. Standard for Terminal Instrument Procedures. A review of the procedures revealed that additional 700-foot-transition area is required and a portion of the current transition area floored at 9,500 feet MSL requires lowering to a floor of 8,600 feet MSL.

The proposed additional 700-foot-transition area will provide controlled airspace protection for aircraft executing procedure turns for the instrument approaches to Runway 32. The proposed 8,600-foot MSL portion of the transition area will provide controlled airspace protection for aircraft in the 310-knot category holding at Mount Dome intersection at 9,000 feet MSL and above.

In consideration of the foregoing, the FAA proposes the following airspace action.

In § 71.181 (36 F.R. 2140) the description of the Klamath Falls, Oreg., transition area is amended to read as follows:

KLAMATH FALLS, OREG.

That airspace extending upward from 700 feet above the surface within a 15-mile radius of the Klamath Falls VORTAC and within 5 miles east and 9.5 miles west of the Klamath Falls ILS localizer south course extending from the 15-mile-radius area to 18.5 miles south of the Merrill RBN; that airspace extending upward from 1,200 feet above the surface between 15- and 25-mile-radius circles centered on Klamath Falls VORTAC; that airspace extending upward from 7,500 feet MSL within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 095° radial to a line 5 miles east of and parallel to the VORTAC 165° radial, and within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 245° to the 295° radials; that airspace extending upward from 8,600 feet MSL within the area bounded by the arcs of 25- and 48-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 5 miles east of and parallel to the VORTAC 165° radial to a line 11.5 miles west of and parallel to the VORTAC 181° radial; that airspace extending upward from 9,000 feet MSL within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC extending clockwise from the VORTAC 320° to the 095° radials; that airspace extending upward from 9,500 feet MSL within the area bounded by the arcs of 25- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from a line 11.5 miles west of and parallel to the VORTAC 181° radial to the 245° radial, and within the area bounded by the arcs of 25- and 28-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials; and that airspace extending from 11,000 feet MSL within the area bounded by the arcs of 28- and 40-mile-radius circles centered on the Klamath Falls VORTAC, extending clockwise from the VORTAC 295° to the 320° radials.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Los Angeles, Calif., on May 14, 1971.

ARVIN O. BASNIGHT,
Director, Western Region.

[FR Doc.71-7296 Filed 5-25-71;8:48 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket 3-3; Notice 5]

FLAMMABILITY OF INTERIOR MATERIALS

Proposed Amendment to Motor Vehicle Safety Standard

This proposal would amend the sections of Standard No. 302 that specify the conditions under which motor vehicle interior materials must meet the flammability requirements of the standard separately or as composites. It would also clarify the procedure whereby samples are positioned so as to achieve the most adverse results.

1. Federal Motor Vehicle Safety Standard No. 302, published January 8, 1971 (36 F.R. 289), requires that materials used in motor vehicle interiors not exceed certain burn-rate requirements. As issued, the standard requires surface and underlying materials to meet the requirements when tested separately, unless they are "bonded, sewed, or mechanically attached" to each other, in which case they are tested as composites.

There is a wide variation in the spacing of the sewing or other means by which surface materials are joined to underlying materials; virtually all surface materials are "attached" to the underlayer by some method. It was intended that only components in which the sewing or mechanical attachment was closely spaced, so that the surface material was intimately joined to the underlayer, would be tested as composites without a separate test of the surface material.

Questions that have been raised by several manufacturers with respect to the test method for particular components indicate that the distinction described above, between components whose surface materials are closely "attached" to the underlayer and those that are not, may not be practical from a regulatory standpoint. It evidently may necessitate either a continual series of ad hoc decisions by the NHTSA as to particular components, or quantitative guidelines that will be both arbitrary and complex. Furthermore, the "either-or" distinction for testing separate and composite materials has been shown to be difficult to apply to multilayered composites, and has created the risk that components of some configurations will not be tested in the mode in which their flammability characteristics are most adverse.

It is therefore proposed that the testing scheme of Standard No. 302 be amended in order that it may be more readily applied to complex arrangements of materials such as multilayered composites. The amendment would require the surface material to meet the specified burn rate when tested separately, unless it is attached to underlying material or materials in a manner such that each layer adheres at every point of contact with the next underlying layer, in which case all the attached materials would meet the requirements together. All padding and cushioning materials would be required to meet the requirements separately, i.e., as homogeneous units, regardless of their attachment to each other, to other underlying materials, or to surface materials.

In addition, the proposal would further require each component of the vehicle that is required to meet the standard to meet it when tested as it appears in the vehicle, up to a specific depth of one-half inch.

2. The question has arisen as to which side of a test sample is to face downward during the test specified in S5. The proposal would amend S5.2.2 of the standard to make it clear that the material is to be positioned so as to produce the most adverse result.

In light of the above, it is proposed that Motor Vehicle Safety Standard No. 302, appearing at 49 CFR Part 571, be amended as follows:

1. Paragraph S4.2 would be revised to read:

S4.2 The portions of the components that shall meet the requirements of S4.3, when tested as provided in S5., are all of the following:

(a) The surface material taken separately, except when it is attached to underlying material or materials in a manner such that each layer of material adheres at every point of contact with the next underlying layer, in which case the attached materials, taken together, shall meet the requirements.

(b) A composite consisting of the surface material and underlying materials, including padding and cushioning materials, as they appear in the vehicle, to a depth of one-half inch as specified in S5.2.1.

(c) All padding and cushioning material taken separately.

* * * * *

2. Paragraph S5.2.2 would be revised as follows:

S5.2.2 Material is tested in the direction, and in the upward- or downward-facing position, that produces the most adverse results.

Interested persons are invited to submit comments on the proposed amendment. Comments should identify the docket number and be submitted to: **Docket Section, National Highway Traffic Safety Administration, Room 5221, 400** Seventh Street SW., Washington, DC 20591. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on June 28, 1971 will be considered, and will be available for examination in the docket at the above address both before and after the closing date. To the extent possible, comments filed after the above date will also be considered by the Administration. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The Administration will continue to file relevant material, as it becomes available, in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new materials.

Proposed effective date: This amendment would be effective on the standard's present effective date of September 1, 1972.

This notice of proposed rulemaking is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on May 21, 1971.

ROBERT L. CARTER,
Acting Associate Administrator
Motor Vehicle Programs.

[FR Doc.71-7311 Filed 5-25-71;8:49 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 302]

[Docket No. 23418]

RULES OF PRACTICE IN ECONOMIC PROCEEDINGS

Notice of Proposed Rule Making

MAY 19, 1971.

Notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 302 of the procedural regulations (14 CFR Part 302), which would revise the method prescribed in Subpart K [1] for determining costs for depreciation, return on investment, and taxes. The background of the proposed amendment is set forth in the attached explanatory statement, and the proposed amendment is set forth in the attached proposed rule. The amendment is proposed under the authority of sections 204(a), 401, and 1001 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 754, 788, 49 U.S.C. 1324, 1371, 1481).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material in communications received on or before June 25, 1971, will be considered before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, DC, upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

EXPLANATORY STATEMENT

Subpart K of Part 302 sets forth a standardized method for costing proposed changes in the authorized operations of local service carriers. However, our experience with standard costing in route cases suggests a need for revision in the Subpart K methodology of determining costs for depreciation, return on investment, and taxes. Specifically, we are of the tentative view that the rule should be amended so as to change the basis for determining the cost of these elements from total revenue flight hours to total revenue ramp-to-ramp hours.

The use of a ramp-to-ramp hour basis would produce proportionately lower cost when the length of hop of a proposed new operation exceeds the carrier's system average, and proportionately higher cost when the length of hop is lower than the system average. This is so because as the length of hop increases, the cost associated with taxi time (a constant) is spread over a greater number of miles. Thus, it appears that by giving recognition to these variations in unit costs, the proposed amendment would render Subpart K more responsive to the actual economics of a particular operation.[2] Moreover, the proposed change would make the Subpart K method of costing depreciation, return on investment, and taxes consistent with the Subpart K method of computing direct aircraft operating expenses, since the latter already embodies a ramp-to-ramp hour principle.

It is proposed to amend Part 302 of the Procedural Regulations (14 CFR Part 302) as follows:

Amend § 302.1106 to read as follows:

§ 302.1106 Aircraft depreciation expense.

In order to determine the amount of aircraft depreciation expense, proceed in accordance with the following steps:

(a) Refer to the compilation for the latest 12-month period setting forth, by type of aircraft, each carrier's experienced revenue ramp-to-ramp hours per stop and per mile. Multiply the change in the number of stops forecast to be caused by the proposed route change by the experienced revenue ramp-to-ramp hours per stop, and multiply the change in the number of miles forecast to be caused by the proposed modifications by the experienced revenue ramp-to-ramp hours per mile. Add the products of these multiplications to obtain total revenue ramp-to-ramp hours involved in the change.

(b) Refer to the compilation for the latest 12-month period setting forth the prescribed hourly depreciation rate, by type of aircraft for each carrier, and ascertain the applicable figure.

(c) Multiply the amount ascertained in paragraph (b) of this section by the number of hours determined in paragraph (a) of this section, in order to determine the total annual amount of aircraft depreciation expense.

[FR Doc.71-7339 Filed 5-25-71;8:52 am]

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[1] Standardized method for costing proposed changes in the authorized operations of local service carriers.

[2] Since § 302.1107 (return on investment and tax allowance) incorporates by reference the computations made under § 302.1106 (aircraft depreciation expense), it would be necessary to amend only § 302.1106 in order to achieve the desired result.

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 15]

[Docket No. 19231; FCC 71-531]

BIO-MEDICAL RADIO TELEMETRY SYSTEMS

Proposed Exclusion From Duty Cycle Requirement

1. Notice is hereby given of rule making in the above entitled matter.

2. Part 15, Subpart E permits the operation without an individual license of a miniature transmitter (such as would be used in a radio telemetry system) on frequencies above 70 MHz subject to specific limitations on the emission of RF energy and subject to a duty cycle limitation and certain constructional requirements.[1] The duty cycle requirement specifies:

> The device is provided with means for automatically limiting operation so that the duration of each transmission shall not be greater than 1 second and the silent period between transmissions shall not be less than 30 seconds.[2]

The Commission has received two petitions requesting that the petitioners' medical radio telemetering equipment be exempted from this duty cycle requirement. Both petitioners claim that their heart monitoring telemetry systems comply, except for duty cycle, with the requirements of Part 15. Both petitioners contend further that the very nature of medical-monitoring requires continuous operation and precludes the intermittent operation contemplated by the duty cycle limitation in § 15.211(a)(3).

THE SPACELABS PETITION

3. On December 17, 1970, the Commission received a petition from Spacelabs, Inc., of Chatsworth, Calif. (Spacelabs) requesting that a rulemaking proceeding be instituted to exclude low power radio telemetry systems in the 216-260 MHz band for continuous monitoring of heart patients from the duty cycle requirement of § 15.211(a)(3) of the Commission's rules.

4. Spacelabs' electrocardiograph (ECG) radio telemetry system, Biotel-170, is designed to transmit ECG data from a moving patient to a receiver over a short distance. Biotel-170 operates on up to 20 separate frequencies in the range 216-248 MHz and is capable of maintaining simultaneous medical surveillance of up to 20 patients in a coronary care unit (CCU) in a hospital. The radiated field strength developed at 100 feet is stated to be less than 150 microvolts per meter. Spacelabs points out that with new techniques in medical treatment, mortality in heart attack patients has been reduced by as much as 40 percent in hospitals equipped with CCU's. The essence of this treatment relies upon early detection of changes-in-state of the patient's heart function and the prompt administration of therapy. Such treatment must begin immediately, since lack of oxygen to the brain for even 5 minutes may result in permanent brain damage. Spacelabs points out that the role of telemetry in attacking this problem is to provide an early warning of impending crisis by continuous monitoring of the patient's heart condition.

THE LASER SYSTEMS PETITION

5. On January 21, 1971, the Commission received a petition from Laser Systems and Electronics, Inc., of Tullahoma, Tenn.(Laser), requesting amendment of § 15.211(a)(5) to provide similar relief. The Laser Systems and Electronics (LSE) TeleMaster Model TM-1 ECG Telemetry System consists of combinations of the transmitter and receiver units to provide simultaneous operation of up to 30 channels. The frequency range of operation is 160 to 163 MHz. Laser states that its transmitter creates a field strength of no more than 125 microvolts per meter at 100 feet.

6. Laser Systems argues that an exemption from the duty cycle requirement would have the desirable effect of granting to these biomedical devices a "regulatory home" within the Commission's rules. Laser Systems additionally states that radio frequency operated garage door openers—which also cannot comply with the duty-cycle requirement—are legitimized by Part 15, but "important life-saving devices such as those manufactured by Laser and others are not."

RADIO TELEMETRY v. WIRE CONNECTION

7. Radiotelemetry for cardiac monitoring is an outgrowth of the aerospace program in which sensors and transmitters were developed to telemeter information about physical body functions to receivers located on the ground. These devices, incorporated in cardiac radio monitoring systems, are becoming an important tool to help control one of our greatest killers—heart attacks. The need for radio and the need for continuous operation are discussed in greater detail below.

8. Until recently a coronary care unit required a direct connection between the patient and the monitoring equipment. This wire connection had a number of inherent disadvantages. It restricted patient mobility. The wires picked up interfering signals by induction. The direct connection of the patient to the monitoring equipment exposed the patient to the dangers of electrical shock. Radio telemetry eliminates these disadvantages. The patient wears the transmitter on his body and is no longer "tied" to his bed. It is claimed that an important part of the treatment is to get the patient "back on his feet" as soon as possible which can be done when the patient is monitored by radio telemetry. By eliminating the connecting wires, radio telemetry is less subject to interference from currents induced in the connecting wires. Radio telemetry removes the direct wire connection from the patient to AC line-connected electrical equipment, thereby essentially eliminating the electrical hazard problem. In addition, by radio telemetry, the patient, once he is ambulatory, need not be kept within the confines of the CCU but may be moved into a general care area in an environment more conducive to recovery and at a considerable saving to the patient.

9. According to a recent published forecast [3] patient monitoring equipment sales are expected to grow between 15 percent and 30 percent during 1971, reaching a market level between $25 and $30 million. The same forecast also points out that, although originally developed to monitor cardiac patients, monitoring systems are finding new uses. They are being used to watch over fetuses and new-born infants and to monitor patients coming out of surgery. Such telemetry devices are also used in biological laboratories for studying animal behavior, reaction to drugs and other similar purposes.

NOTICE OF INQUIRY

10. In the interest of adopting final rules which would be most equitable to all concerned, the Commission seeks information about those biomedical telemetry systems which have not as yet been brought to its attention. Accordingly, pursuant to the provisions of section 403 of the Communications Act, there is instituted herewith an inquiry into the matter of spectrum requirements for short range biomedical radio telemetry. Information is desired on the following:

a. The frequency band of operation.

b. Amount of power used.

c. The field strength radiated.

d. The technical and economic impact if redesign were necessary to operate in the frequency bands mentioned in paragraph 14, infra.

e. The susceptibility of such devices to interfering signals and the effect such interfering signals may have on the operating effectiveness of a radio telemetry monitoring system.

11. It is not our intention to limit the responses of interested persons to the specified areas of inquiry; any background material which would assist the Commission in making a determination as to the overall public interest in this

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[1] FCC Rules Part 15 § 15.211(a); 47 CFR § 15.211(a).

[2] FCC Rules Part 15 § 15.211(a)(3); 47 CFR § 15.211(a)(3).

[3] Electronics, Jan. 4, 1971, pages 54-55.

matter may also be submitted. However, responses should be documented with specific factual data and should not be in the form of unsupported general assertions of opinion.

THE COMMISSION'S PROPOSAL

12. The petitioners have made a strong case for expeditious action in this matter. Accordingly the Commission is issuing this combined notice of inquiry and proposed rule making in order to expedite promulgation of final rules.

13. The Commission believes that the public interest would be served by permitting continuous operation of biomedical telemetry devices. However, the Commission cannot find a justification for opening the entire spectrum above 70 MHz for such devices. Moreover, operating as a Part 15 device, the radio telemetry system must accept any interference that may be received. We are concerned with the degree to which such a system may be susceptible to interference and the adverse effect on the patient being monitored. Manufacturers generally state that interfering signals have no direct effect on the patient since he is equipped only with a transmitter. Such signals may affect the receiver, however, triggering an alarm calling for the monitoring attendant to examine patient and thus impairing the effectiveness of the overall system. Repeated false alarms could lead to a "crying wolf" situation. In addition, a strong interfering signal could "swamp" out the desired signal and render the receiver inoperative. Therefore, it is our intention to guide future developments in this field to frequency bands in which the probability of interference can be expected to be minimal.

14. The Commission proposes to restrict operation of biomedical telemetry devices to selected frequencies where it is considered that interference is likely to be minimal and by reason thereof to eliminate the duty cycle requirement which presently exists for other miniature transmitters (operating above 70 MHz) under Part 15. The bands proposed are 73–74.6 MHz, 174–216 MHz, and 608–614 MHz. The band 73–74.6 MHz is allocated to the radio astronomy service, a service in which no transmissions take place which could cause interference to the telemetry receiver. The 608–614 MHz band, although allocated to UHF TV, is currently reserved for radio astronomy until January 1, 1974. If the Commission does not extend this reservation, the band 608–614 MHz would be available for biomedical telemetry in those parts of the country where it is not used for UHF TV broadcasting. This also applies to the band 174–216 MHz which is allocated to the VHF TV channels 7–13.

15. It will be appreciated that not all frequencies will be usable in all areas for biomedical telemetry. However, the usage patterns in these bands are relatively stable. Once installed and operating in the local environment, the probability is low that a biomedical telemetering system will cause or receive harmful interference from authorized stations. At the same time, recognizing that radio astronomy operations are highly susceptible to interference even from the low fields to be permitted these biomedical telemetering devices, the Commission proposes to provide a "zone of protection" 40 kilometers around the site used by a radio astronomy observatory. The observatories to be protected are listed in the Appendix below. In addition, it is contemplated that operation of biomedical telemetry devices on 73–74.6 MHz or 608–614 MHz in Puerto Rico will be prohibited.

16. In addition, the Commission is contemplating a restriction similar to that contained in § 15.211(a)(6).[4] The Commission is aware that a number of radio telemetry systems are currently in use, and contemplates providing an amortization period of approximately 5 years in order not to penalize the user. It is further contemplated that the marketing of noncomplying devices will terminate when final rules are promulgated in this proceeding. Finally the Commission intends to impose a bilateral certification procedure (such as that set out in §§ 15.260–15.274 of Part 15) on the transmitter part of the system and calls attention to the fact that the receiver part of the system will require certification under Subpart C of Part 15.

17. All interested persons are invited to respond in writing to the inquiry herein and to file written comments on the proposed rules on or before June 21, 1971. Replies to such responses and comments should be contained in one document and may be filed on or before July 2, 1971. In reaching its decision in this matter, the Commission may also take into account any other relevant information before it, in addition to the comments invited by this notice.

18. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments in response to the notice of inquiry and to the notice of proposed rule making shall be furnished to the Federal Communications Commission.

Adopted: May 19, 1971.

Released: May 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[5]
[SEAL] BEN F. WAPLE,
Secretary.

APPENDIX

RADIO ASTRONOMY OBSERVATORIES

Observatory	*Geographical coordinates*
Chena Valley Radio Facility, Chena Valley, Alaska	64°52′ N., 146°51′ W.
NRAO Tucson, Ariz	31°57′ N., 111°37′ W.
Clark Lake Radio Observatory, Borrego Springs, Calif	33°20′ N., 116°17′ W.
Hat Creek Radio Astronomy Station, Cassel, Calif	40°49′ N., 121°28′ W.
Owens Valley Radio Observatory, Big Pine, Calif	37°14′ N., 118°18′ W.
Millimeter Wave Observatory, El Segundo, Calif	33°55′ N., 118°22′ W.
NELC Space Geophysics Research Facility, La Posta, Calif	32°41′ N., 116°26′ W.
Stanford Radio Astronomy Institute, Stanford, Calif	37°24′ N., 122°11′ W.
Stanford Center for Radar Astronomy, Stanford, Calif	37°24′ N., 122°11′ W.
NASA/JPL Goldstone Deep Space Communication Complex, Goldstone, Calif	35°25′ N., 116°53′ W.
Table Mountain Radio Observatory, Wrightwood, Calif	34°23′ N., 117°05′ W.
Table Mountain, Boulder, Colo	40°06′ N., 105°07′ W.
University of Colorado Radio Astronomy Observatory, Nederland, Colo	39°57′ N., 105°31′ W.
University of Florida Radio Observatory, Dixie County, Fla	29°32′ N., 83°02′ W.
Kauai Observatory, Kauai, Hawaii	22°07′ N., 159°40′ W.
Vermilion River Observatory, Danville, Ill	40°04′ N., 87°34′ W.
North Liberty Radio Observatory, North Liberty, Iowa	41°46′ N., 91°34′ W.
Derwood Observatory, Derwood, Md	37°07′ N., 77°09′ W.
Goddard Space Flight Center, Greenbelt, Md	39°01′ N., 76°50′ W.
Maryland Point Observatory, Riverside, Md	38°22′ N., 77°14′ W.
U.S. Naval Research Laboratory, Washington, D.C	38°49′ N., 77°01′ W.
University of Maryland Observatory, College Park, Md	39°00′ N., 76°57′ W.
George R. Agassiz Station, Harvard, Mass	42°30′ N., 71°33′ W.
Five College Radio Astronomy Observatory, New Salem, Mass	42°24′ N., 72°21′ W.
Sagamore Hill Radio Observatory, Hamilton, Mass	42°38′ N., 70°49′ W.
MIT Haystack Observatory, Tyngsboro, Mass	42°37′ N., 71°29′ W.
University of Michigan Radio Astronomy Observatory, Dexter, Mich	42°24′ N., 83°56′ W.
Cornell Radio Astronomy Observatory, Danby, N.Y	42°17′ N., 76°27′ W.
Ohio State-Ohio Wesleyan Radio Observatory, Delaware, Ohio	40°15′ N., 83°02′ W.
Pennsylvania State University Radio Astronomy Observatory, University Park, Pa	40°50′ N., 77°53′ W.
Harvard Radio Astronomy Station, Fort Davis, Tex	30°38′ N., 103°57′ W.
Millimeter Wave Observatory, Mount Locke, Tex	30°40′ N., 104°01′ W.
University of Texas Radio Astronomy Observatory, Marfa, Tex	30°06′ N., 103°54′ W.
Wallops Station, Wallops, Va	37°56′ N., 73°29′ W.
Washington State University Solar Radio Noise Observatory, Pullman, Wash	46°45′ N., 117°12′ W.
NRAO Green Bank, W. Va	38°26′ N., 79°50′ W.
Dominion Radio Astrophysical Observatory, Penticton, British Columbia, Canada	49°19′ N., 119°37′ W.

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[4] This section provides: "Radiation from the transmitter or associated receiver of radio controls for door openers must not fall within any of the following bands:

MHz	*MHz*	*GHz*
73–75.4	608–614	10.68–10.70
108–118	960–1215	15.35–15.4
121.4–121.6	1400–1427	19.3–19.4
242.8–243.2	1535–1670	31.3–31.5
265–285	2690–2700	88–90"
328.6–335.4	4200–4400	
404–406	4990–5250	

[5] Commissioners Bartley and Robert E. Lee absent.

[FR Doc. 71-7354 Filed 5-25-71;8:53 am]

[47 CFR Part 73]

[Docket No. 19249; FCC 71-536]

CERTAIN FM BROADCAST STATIONS; TABLE OF ASSIGNMENTS

Notice of Proposed Rule Making

1. Notice of Proposed Rule Making is hereby given concerning amendments of the FM Table of Assignments with respect to various proposals. The 1970 Census populations of the cities involved and their respective counties are as follows:

City	Population	County	Population
Kinston	22,390	Lenoir	55,204
Morehead City	5,233	Carteret	31,603
Beaufort	3,368	Beaufort	31,603
Washington	8,961	New Hanover	25,980
Wilmington	46,169	Pitt	82,996
Farmville	4,424		73,900

Wilmington is a Standard Metropolitan Statistical Area (SMSA), which consists of its county and Brunswick County (population 24,223) with a total population of 107,219 persons.

2. Kinston, N.C. (RM-1608). Farmers Broadcasting Service, Inc., licensee of daytime-only Station WELS, Kinston, by petition filed April 24, 1970, proposed the assignment of Channel 249A to Kinston, which requires the deletion of unoccupied Channel 249A from Washington, seat of Beaufort County. In terms of present service, Kinston has three AM stations, one a daytime-only, and FM Station WRNS. Washington has two AM stations, one a daytime-only, and FM Station WITN-FM.

(3) Petitioner, Farmers Broadcasting Service, Inc., urges that Kinston, seat of Lenoir County, is the larger city, and active center of a more populated area, and a more rapidly growing community. Kinston, it is claimed, is the functional center of nine counties,[1] included in the Neuse River Economic Development District.

4. Technical data furnished by the petitioner discloses that assignment of 249A at Kinston would preclude use of that channel in an area near the city and areas northeast and southeast thereof. The six adjacent channels would not be affected. As indicated by the petitioner, there are three communities within the preclusion area larger than Washington (the other two are New Bern, population 14,660 (Craven County, population 62,554) and Greenville, population 29,063 (Pitt County, population 73,900), both of which have FM stations[2]). Of these Kinston is the only community without a television assignment. Channel 249A assigned to Washington, N.C., since October 1967, has been fallow.

5. Wilmington, N.C. (RM-1667). On July 23, 1970, Arlington-Fairfax Broadcasting Co. (Arlington-Fairfax), licensee of Station WKLM, petitioned for the assignment of Channel 269A to Wilmington, N.C.[3] Arlington-Fairfax proposed to make this assignment by substituting Channel 277 for Channel 270 at Morehead City-Beaufort, N.C.[4] Petitioner relies on the population of Wilmington (46,169) located in New Hanover County (population 82,966).[5] Broadcast service at Wilmington consists of four standard broadcast stations, one a daytime-only, two commercial television stations plus an educational CP, and three FM stations.[6]

6. Petitioner contends that the proposed FM station, for which it would apply, would provide a competitive radio situation during nighttime hours with an increased diversity of local radio service for the entire day.

7. These two requests are related to another matter involving FM assignments in the eastern part of North Carolina. The application of Duplin Broadcasting for Channel 232A at Wallace, N.C. (BPH-7438) would be shortspaced to the present vacant cochannel assignment at Farmville, N.C. Duplin Broadcasting, in its application, urged that FM operation would be economically feasible, if it could operate from the site of its AM Station WLSE. The Commission has allowed Duplin Broadcasting's waiver request in a separate action, and it is undesirable to leave a short-spaced assignment at Farmville. Therefore, it appears that the Table of Assignments should be changed by replacing Channel 232A at Farmville with Channel 249A (now at Washington), and allocating Channel 272A to Kinston, instead of 249A as requested (all the channels involved are vacant).

8. Normally, a city of the size of Wilmington (less than 50,000) is not entitled to more than two channels, and it already has four FM assignments.[7] However, one of these is used in another city. Wilmington itself is the central city of what has now been designated in the U.S. Census as an SMSA, and the only other channel change required—substitution of channels at Morehead City-Beaufort, N.C.—is also necessary to make use of Channel 272A as mentioned in the last paragraph. Accordingly, the additional assignment at Wilmington is proposed herein. However, the fact that the assignment is advanced for comment does not by any means indicate a present view that the additional channel for Wilmington is warranted. The petitioner or proponents should submit a showing as to why another channel assignment there is warranted, together with a preclusion showing as to what other possible assignments, on this or the six adjacent channels, would be precluded by the addition of Channel 269A at Wilmington. The various proposals under consideration are:

City	Channel No.	
	Present	Proposed
Kinston	236	236, 272A
Farmville	232A	249A
Morehead City-Beaufort	240A, 270	240A, 277
Washington	227, 249A	[1] 227
Wilmington	247, 260, 265A, 274	247, 260, 265A, 269A, 274

[1] If removed from Farmville as proposed herein, Channel 232A could be used at Washington. However, in view of the small size of this community and the absence of any demonstrated demand, we are not proposing to assign a second channel there (replacing 249A), additional to Channel 227 which is in use.

9. Showings required. Parties are expected to file comments directed at the questions raised. At the very least, the proponent is expected to resubmit or refer to its petition. They are expected, among other things, to state their intention to apply for the channel, if assigned, and, if authorized, to promptly build their stations. Failure to file may result in denial of the petition. See notice of proposed rule making in Docket No. 19161, adopted February 24, 1971 (FCC 71-192).

10. Cutoff procedure. As in other more recent FM rule making proceedings, the following procedures will govern:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so the parties may comment on them in reply comments. They will not be considered, if advanced in reply comments.

(b) With respect to any petition for rule making which conflicts with any of the proposals in this notice, it will be considered as comments in the proceeding, and public notice to this effect will be given, as long as filed before the date for filing initial comments herein. If filed later than, any petition will not be considered in connection with the decision herein.

See notices of proposed rule making in Docket No. 19074, adopted October 23, 1970 (FCC 70-1162), paragraph 17, page 7, and Docket No. 19116, adopted January 6, 1971 (FCC 71-23), paragraph 12, page 8.

11. Authority for the action proposed herein is contained in sections 4(i), 303 (g) and (r), and 307(b) of the Communications Act of 1934, as amended.

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[1] Carteret, Craven, Duplin, Greene, Jones, Lenoir, Onslow, Pamlico, and Wayne.

[2] Station WVMB-FM, Channel 293, at New Bern. Station WNCT-FM, Channel 229, at Greenville. Each city also has AM stations.

[3] Assignment of this channel to Wilmington would require a selection of a transmitter site southeast of the community because of mileage separation requirements to Channels 268 and 269A at Raleigh, N.C., and Myrtle Beach, S.C., respectively.

[4] Both Morehead City and Beaufort are located in Carteret County, population 31,603. The populations of Morehead City and Beaufort are respectively 5,233 and 3,368. Channels 240A and 270 are jointly assigned to those communities.

[5] Wilmington has been designated as a SMSA with a total population of 107,219. The additional 24,223 is the population of Brunswick County.

[6] One channel assigned to Wilmington is utilized at Burgaw, N.C., by Station WPGF-FM, Channel 260, some 22 miles north of Wilmington.

[7] See Further Notice of Proposed Rule Making, Docket No. 14185, adopted July 25, 1962 (FCC 62-867) and incorporated by reference in paragraph 25 of the Third Report and Memorandum Opinion and Order, adopted July 23, 1963, 23 R.R. 2d 1859, 1871. See also In the Matter of Whaleyville, Virginia, et al. as concerns Hattiesburg, Miss., First Report and Order, Docket No. 18883, 27 FCC 2d 844, 845, 847-8 (1971)

12. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before July 9, 1971, and reply comments on or before July 19, 1971. All submissions by parties to this proceeding or by persons acting in behalf of these parties, must be made in written comments, reply comments, or other appropriate pleadings.

13. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and fourteen copies of all written comments, reply comments, pleadings, briefs, or other documents shall be furnished the Commission.

Adopted: May 19, 1971.

Released: May 21, 1971.

FEDERAL COMMUNICATIONS COMMISSION,[*]
[SEAL] BEN F. WAPLE,
Secretary.

[FR Doc. 71-7355 Filed 5-25-71;8:53 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[71-463]

FEDERAL SAVINGS AND LOAN SYSTEM

Withdrawal of Proposed Amendment Relating to Unsecured Loans

MAY 20, 1971.

Whereas, by Resolution No. 22,636, dated March 6, 1969, and duly published in the FEDERAL REGISTER on March 18, 1969 (34 F.R. 5338) this Board resolved to authorize Federal savings and loan associations to invest in unsecured loans for the construction of new structures related to the residential use of property and for equipping any real property to implement an amendment to section 5(c) of the Home Owners Loan Act of 1968, as amended, contained in Public Law 90-448, approved August 1, 1968, by amending § 545.8 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.8), the substance of which was set out in said publication, and

Whereas, careful consideration has been given to the advisability of adopting any regulation at this time concerning the substance of such proposed amendment since substantial time will be required to study and act upon this matter in the context of economic conditions which are very different than the economic conditions existing at the time such amendment was proposed by such resolution;

It is hereby resolved, That this Board hereby determines to withdraw the amendment proposed by said Resolution No. 22,636.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] JACK CARTER,
Secretary.

[FR Doc.71-7309 Filed 5-25-71;8:49 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 201, 204, 205, 260]

[Docket No. R-403]

UNIFORM SYSTEMS OF ACCOUNTS FOR NATURAL GAS COMPANIES AND ANNUAL REPORT FORM

Notice of Extension of Time

MAY 19, 1971.

Revisions in uniform systems of accounts, for natural gas companies (classes A, B, C, and D) and Annual Report Form No. 2 to adopt full-cost accounting for exploration and development costs incurred by pipeline companies on natural gas leases acquired on or after October 7, 1969.

On May 6, 1971, Arthur Anderson & Co. filed a request for an extension of time within which to file responses to the comments in the above-designated matter.

Upon consideration, notice is hereby given that the time is extended to and including May 28, 1971, within which any interested person may submit responses to the data, views or comments to the notice of proposed rulemaking issued October 5, 1970 (35 F.R. 15939), in the above-designated matter.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7318 Filed 5-25-71;8:50 am]

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[*] Commissioners Bartley and Robert E. Lee absent.

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 11 (Rev. 6)]

DISTRICT DIRECTORS ET AL.

Delegation of Authority To Accept or Reject Offers in Compromise

Pursuant to the authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 150-25 dated June 1, 1953, as amended by Order No. 180 dated November 17, 1953, and Order No. 150-36 dated August 17, 1954, 26 CFR 301.7122-1 and 26 CFR 301.7701-9, it is hereby ordered:

1. District Directors, Assistant District Directors, the Director of International International Operations are delegated authority, under section 7122 of the Internal Revenue Code, to accept offers in compromise in cases in which the liability sought to be compromised (including any interest, additional amount, addition to the tax, or assessable penalty) is less than $100,000, to accept offers involving specific penalties, and to reject offers in compromise regardless of the amount of liability sought to be compromised. This authority does not pertain to offers in compromise of liabilities arising under laws relating to alcohol, tobacco, and firearms taxes. The authority delegated herein may not be redelegated, except that the authority to reject offers in compromise based on doubt as to collectibility may be redelegated to the Chief, Collection Division.

2. Service Center Directors and Assistant Service Center Directors are delegated authority, under section 7122 of the Internal Revenue Code, to accept or reject offers in compromise limited to specific penalties (except those arising under laws relating to alcohol, tobacco, and firearms taxes); ad valorem delinquency penalties relating to employment taxes under Subtitle C of the Internal Revenue Code and ad valorem delinquency penalties relating to excise taxes under Subtitle D of the Internal Revenue Code (except those arising under laws relating to alcohol, tobacco, and firearms taxes). This authority may be redelegated but not lower than to Division Chief.

3. This order supersedes Delegation Order No. 11 (Rev. 5) issued April 8, 1971.

DEAN J. BARRON,
Acting Commissioner.

[FR Doc. 71-7357 Filed 5-25-71;8:53 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[S 4327]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands

MAY 17, 1971.

The Forest, Service, U.S. Department of Agriculture, has filed an application, serial No. S 4327, pursuant to the Act of June 22, 1938 (52 Stat. 838), as amended, for modification of the Toiyabe National Forest boundary in the State of California, by the addition of the following described lands acquired by the United States in a compromise settlement of a trespass, subject to valid existing rights. The lands are chiefly valuable for National Forest purposes and the proposed modification to include the lands within the National Forest would facilitate their efficient administration by the Forest Service.

Effective June 28, 1971, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, U.S. Department of the Interior, Room E-2807, Federal Office Building, 2800 Cottage Way, Sacramento, CA 95825.

The Department's regulations provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior, who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

MOUNT DIABLO BASE AND MERIDIAN

TOIYABE NATIONAL FOREST

T. 19 N., R. 18 E.,
  Sec. 31, lots 4, 5, and 6 of the NW¼, lots 4, 5, and 6 of the SW¼.

The area described aggregates 475.34 acres.

ELIZABETH H. MIDTBY,
Chief, Lands Adjudication Section.

[FR Doc.71-7282 Filed 5-25-71;8:47 am]

DEPARTMENT OF AGRICULTURE

Packers and Stockyards Administration

COVINGTON LIVESTOCK AUCTION, INC., ET Al.

Deposting of Stockyards

It has been ascertained, and notice is hereby given, that the livestock markets named herein, originally posted on the respective dates specified below as being subject to the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), no longer come within the definition of a stockyard under said Act and are, therefore, no longer subject to the provisions of the Act.

Name, location of stockyard, and date of posting

Covington Livestock Auction, Inc., Andalusia, Ala., May 19, 1959.
Grand Junction Livestock Auction, Grand Junction, Colo., Mar. 9, 1957.
Greenville Livestock Market, Inc., Greenville, Ky., Dec. 29, 1959.
Mexico Stockyards Co., Inc., Mexico, Mo., July 19, 1957.
Tri State Livestock Auction, Inc., St. George, Utah, Sept. 14, 1965.

Notice or other public procedure has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impracticable and contrary to the public interest. There is no legal warrant or justification for not deposting promptly a stockyard which is no longer within the definition of that term contained in the Act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER (5–26–71).

(42 Stat. 159, as amended and supplemented; 7 U.S.C. 181 et seq.).

Done at Washington, D.C., this 19th day of May 1971.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71–7303 Filed 5–25–71;8:48 am]

SPENCER BROS. LIVESTOCK AUCTION, ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
IOWA	
Fort Dodge Livestock Auctions, Inc., Fort Dodge, May 20, 1959.	Spencer Bros. Livestock Auction, Jan. 6, 1971.
KENTUCKY	
Monticello Stock Yards, Monticello, Dec. 10, 1959	Wayne County Livestock Market, Inc., Mar. 1, 1971.
MISSISSIPPI	
Farmer's Livestock Yard, Inc., Hattiesburg, Jan. 6, 1959.	Forrest County Livestock Market, May 14, 1971.
OHIO	
Farmerstown Sale, Farmerstown, June 9, 1959	Farmerstown Sale, Inc., Jan. 1, 1971.
TEXAS	
Colorado City Auction Co., Colorado City, Jan. 15, 1957.	Colorado City Livestock Auction, Apr. 17, 1971.
WISCONSIN	
Equity Cooperative Livestock Sales Association, Coon Valley, Oct. 27, 1960.	De Garmo Livestock Sales, Mar. 1, 1971.

Done at Washington, D.C., this 19th day of May 1971.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71–7304 Filed 5–25–71;8:49 am]

WALKER LIVESTOCK AUCTION ET AL.

Proposed Posting of Stockyards

The Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 202), and should be made subject to the provisions of the Act.)

Walker Livestock Auction, Van Buren, Ark.
Phil Clark and Sons Sales Co., Knoxville, Iowa.
Tama Livestock Auction Co., Tama, Iowa.
Line Road Auction House, Buxton, Maine.
Pearl River County Stockyards, Inc., Poplarville, Miss.
MFA Livestock Association, Inc., Rolla Concentration Point, Rolla, Mo.

Notice is hereby given, therefore, that the said Chief, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the Act as provided in section 302 thereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule, may do so by filing them with the Chief, Registrations, Bonds, and Reports Branch, Packers and Stockyards Administration, U.S. Department of Agriculture, Washington, D.C. 20250, within 15 days after publication in the FEDERAL REGISTER.

All written submissions made pursuant to this notice shall be made available for public inspection at such times and places in a manner convenient to the public business (7 U.S.C. 1.27(b)).

Done at Washington, D.C., this 20th day of May 1971.

JOHN R. BRANNIGAN,
Acting Chief, Registrations, Bonds, and Reports Branch, Livestock Marketing Division.

[FR Doc.71–7305 Filed 5–25–71;8:49 am]

DEPARTMENT OF COMMERCE

Bureau of International Commerce

[Case No. 230]

LONDON EXPORT CORPORATION, LTD.

Order Conditionally Restoring Export Privileges

By order dated May 24, 1957, 22 F.R. 3765, the above-named respondent was denied all U.S. export privileges for the duration of export controls. The respondent has applied for relief from said denial order.

The respondent's application was referred to the Compliance Commissioner and considered by him. He has reported that it appears from respondent's representations and otherwise from information in possession of the Investigations Division, Office of Export Control, that conditional restoration of respondent's export privileges is consistent with the purposes of the export control program. The Compliance Commissioner has recommended that an order be entered conditionally restoring export privileges to said respondent and placing it on probation for 3 years.

The undersigned has considered the record herein and concurs with the Compliance Commissioner that conditional restoration of respondent's export privileges is consistent with the purposes of the Export Administration Act of 1969 (successor to the Export Control Act of 1949) and regulations thereunder. The undersigned is also of the view that the recommended action is fair and just.

Accordingly, it is hereby ordered that the export privileges of the above-named respondent be and hereby are restored conditionally, and the said respondent is placed on probation for 3 years from the date of this order. The conditions of probation are that the said respondent: (1) Shall fully comply with all of the requirements of the Export Administration Act of 1969, and all regulations, licenses, and orders issued thereunder; (2) shall on request of the Office of Export Control, or a representative of the U.S. Government acting on its behalf, promptly disclose fully the details of its participation in any and all transactions involving U.S.-origin commodities or technical data, including information as to the disposition or intended disposition of such commodities or technical data, and on such request shall also furnish all records and documents relating to such matters; (3) shall on such request, promptly disclose the names and addresses of its shareholders, agents, representatives, employees, and other persons associated with it in trade or commerce.

Upon a finding by the Director, Office of Export Control, or such other official as may be exercising the duties now exercised by him, that said respondent or any party related to it by ownership, control, position of responsibility affiliation, or other connection in the conduct of trade or related services has failed to comply with the conditions of probation, said official, with or without prior notice to said respondent or other party, by supplemental order, may revoke the probation of said respondent and deny to it all United States export privileges for such period as said official may deem appropriate. Such order shall not preclude the Bureau of International Commerce from taking further action for any violation as may be warranted.

This order shall become effective forthwith.

Dated: May 21, 1971.

RAUER H. MEYER,
Director, Office of Export Control.

[FR Doc.71–7310 Filed 5–25–71;8:49 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC–D–229; NADA No. 5–687V, etc.]

BEEBE LABORATORIES ET AL.

Sodium Arsanilate; Notice of Opportunity for Hearing

In the FEDERAL REGISTER of March 1, 1969 (34 F.R. 3712), the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of the tration and the National Academy of Sciences—National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations which contain sodium arsanilate as the designated active drug ingredient·

1. Beebe Arsonil; NADA (new animal drug application) No. 5–687V; by Beebe Laboratories, 2035 East Larpenteur Avenue, St. Paul, Minn. 55109.

2. Dr. Mayfield Hog Tablets; NADA No. 7–374V; by Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616.

The announcement invited the above named holders of said new animal drug applications and any other interested person to submit revised labeling limiting the claim and conditions of use to those set forth when the product is intended for use as an aid in the treatment and control of swine dysentery (hemorrhagic enteritis or bloody scours) or adequate documentation to support the claims for growth stimulation or coccidiosis.

No revised labeling or data were received in response to the announcement.

Efficacy data covering the below listed products have also been reviewed by the Administration. These products are similar in composition to the previously cited products, but data were not furnished to be reviewed by the Academy as requested in the notice regarding drug effectiveness which was published in the FEDERAL REGISTER of July 9, 1966 (31 F.R. 9426), and, therefore, were not evaluated by the Academy. The above mentioned findings of the Administration regarding drug effectiveness apply equally to the following products:

1. Dr. Mayfield Hog & Poultry Tablets and Dr. Mayfield Poultry Tablets; NADA No. 5–811V; by Dr. Mayfield Laboratories,

2. Sodium Arsanilate Tablets; NADA No. 8–354V; by Vet Products Co., 1524 Holmes Street, Kansas City, Mo. 64108.

3. Corn King Poultry Tablets and Corn King Sono Tablets; NADA No. 9–042V; by King Castle Inc., Post Office Box 189, Marion, Iowa 52302 (formerly The Corn King Co., Inc., 700 16th Street NE., Cedar Rapids, Iowa 52402),

4. Corn King Hog Tablets; NADA No. 9–045V; by King Castle Inc. (formerly The Corn King Co.), and

5. Corn King Blackhead Tablets; NADA No. 8–913V; by King Castle Inc. (formerly The Corn King Co.).

Therefore, notice is given to the above named firms and to any interested person who may be adversely affected that the Commissioner proposes to issue an order under the provisions of section 512 (e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360b(e)) withdrawing approval of the new animal drug applications listed above and all amendments and supplements thereto held by said firms for the listed drug products on the grounds that:

Information before the Commissioner with respect to the drugs was evaluated together with the evidence available to him when the applications were approved. This data does not provide substantial evidence that the drugs have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 512 of the act (21 U.S.C. 360b), the Commissioner will give the applicants and any interested person who would be adversely affected by an order withdrawing such approval an opportunity for a hearing at which time such persons may produce evidence and arguments to show why approval of the above named new animal drug applications should not be withdrawn. Promulgation of the order will cause any drug similar in composition and recommended for conditions of use similar to those recommended for the above listed drug products to be a new animal drug for which an approved new animal drug application is not in effect. Any such drug then on the market would be subject to regulatory proceedings.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Office of the General Counsel, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20352, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing the approval of the new animal drug applications.

Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process which the Commissioner finds is entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file a written appearance requesting the hearing and giving the reasons why approval of the new animal drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that there is a genuine and substantial issue of fact that requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application, the Commissioner will enter an order stating his findings and conclusions on such data. If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue a written notice of the time and place at which the hearing will commence. The time shall be not more than 90 days after the expiration of said 30 days unless the hearing examiner and the applicant otherwise agree.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343–51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 14, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71–7280 Filed 5–25–71;8:46 am]

Social Security Administration

BELGIUM

Notice of Finding Regarding Foreign Social Insurance or Pension System

Section 202(t)(1) of the Social Security Act (42 U.S.C. 402(t)(1)) prohibits payment of monthly benefits to aliens, subject to the exceptions described in sections 202(t)(2) through 202(t)(5) of the Social Security Act (42 U.S.C. 402(t)(2) through 402(t)(5)), for any month after they have been outside the United States for 6 consecutive calendar months.

Section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)) provides that section 202(t)(1) shall not apply to any individual who is a citizen of a foreign country which the Secretary of Health, Education, and Welfare finds has in effect a social insurance or pension system which is of general application in such country and under which (A) periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and (B) individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in the Commissioner of Social Security by the Secretary of Health, Education, and Welfare, and redelegated to him, the Director of the Bureau of Retirement and Survivors Insurance has approved a finding that Belgium beginning July 1, 1968, has a social insurance system of general application which pays periodic benefits on account of old age, retirement, or death, and under which citizens of the United States, not citizens of Belgium, who leave Belgium, are permitted to receive such benefits or their actuarial equivalent at the full rate without qualification or restriction while outside that country.

Accordingly, it is hereby determined and found that Belgium has in effect beginning with July 1, 1968, a social insurance system which meets the requirements of section 202(t)(2) of the Social Security Act (42 U.S.C. 402(t)(2)).

This revises the finding with respect to Belgium published in the FEDERAL REGISTER of March 5, 1970 (35 F.R. 4147).

Dated: May 19, 1971.

HUGH F. MCKENNA,
Director, Bureau of Retirement and Survivors Insurance.

[FR Doc.71-7350 Filed 5-25-71;8:53 am]

CIVIL AERONAUTICS BOARD

[Docket No. 20993; Order 71-5-91]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Cargo Matters

Issued under delegated authority May 19, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA), and adopted as a result of the Third Meeting of the Cargo Traffic Procedures Committee held January 18-23, 1971, in Geneva.

The agreement, in addition to incorporating various technical and procedural changes to existing resolutions, incorporates two new resolutions which (a) would provide for a documentation charge within TC-1 for the preparation of an air waybill issued by an IATA member carrier or its agent provided that where the agent completes the air waybill, the agent shall be entitled to retain the charge. The documentation charge (the levels of which are to be established by the 1971 Composite Cargo Traffic Conference now being held in Singapore) must be entered on the air waybill and collected from the shipper or consignee and (b) would require that pets shall be placed in a suitable container and be carried at the carrier's option in the aircraft cabin or cargo compartment.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the following resolutions, incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB 22429:	*IATA Resolutions*
R-1	103(CTPC)002. 203(CTPC)002. 303(CTPC)002. JT12(3/CTPC)002. JT23(3/CTPC)002. JT31(3/CTPC)002. JT123(3/CTPC)002.
R-2	103(CTPC)512b. 203(CTPC)512b. 303(CTPC)512b. JT12(3/CTPC)512b. JT23(3/CTPC)512b. JT31(3/CTPC)512b. JT123(3/CTPC)512b.
R-3	203(CTPC)512c. 303(CTPC)512c.
R-4	103(CTPC)512c.
R-5	103(CTPC)516a. 203(CTPC)516a. 303(CTPC)516a. JT12(3/CTPC)516a. JT23(3/CTPC)516a. JT31(3/CTPC)516a. JT123(3/CTPC)516a.

Accordingly, it is ordered, That:

Action on Agreement CAB 22429, R-1 through R-5 be and hereby is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7340 Filed 5-25-71;8:52 am]

[Docket No. 20993; Order 71-5-93]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 19, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Agreement CAB 22332, R-6, R-7, and R-9 through R-11.[1]

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement, adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated April 20, April 22, and May 12, 1971, names additional specific commodity rates, which reflect significant reductions from the general cargo rates, and cancels a rate between Calcutta and New York, as set forth in the attachment hereto.[1a]

Pursuant to authority duly delegated by the Board in the Board's Economic Regulations, 14 CFR 385.14, it is not found, on a tentative basis, that the subject agreement is adverse to the public interest or in violation of the Act: *Provided*, That tentative approval thereof is conditioned as hereinafter ordered.

Accordingly, it is ordered, That action on Agreement CAB R-6, R-7, and R-9 through R-11, be and hereby is deferred with a view toward eventual approval: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's Economic Regulations, 14 CFR 385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7341 Filed 5-25-71;8:52 am]

[Docket No. 20993; Order 71-5-83]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority May 18, 1971.

Agreement adopted by the Joint Conferences of the International Air Transport Association relating to specific commodity rates, Agreement CAB 22332.[1]

By Order 71-4-182, dated April 28, 1971, action was deferred with a view toward eventual approval, on an agreement embodied in the resolutions of the Joint Conferences of the International Air Transport Association (IATA) and adopted by the 11th meeting of the Joint Specific Commodity Rates Board. As it applies in air transportation, the subject portion of the agreement relates to North Atlantic specific commodity rate matters. Several specific commodity rates previously approved by the Board would be extended for a further period of effectiveness; the agreement also provides reduced rates under new commodity descriptions, several new rates or amendments to current rates under existing descriptions, and changes to two specific commodity descriptions. In addition, the agreement cancels a vast number of rates, predominantly in the eastbound direction.

In deferring action on the agreement, 10 days were granted in which interested persons might file petitions in support of or in opposition to the proposed action. No petitions have been received within the filing period, and the tentative conclusions in Order 71-4-182 will herein be made final.

Accordingly, it is ordered, That: The subject portion of Agreement CAB 22332 be and it hereby is approved: *Provided*, That approval shall not constitute approval of the specific commodity descriptions contained therein for purposes of tariff publication: *Provided further*, That tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7342 Filed 5-25-71;8:52 am]

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[1] R-5 and R-8 were withdrawn by IATA by letter dated May 13, 1971.

[1a] Filed as part of the original document.

[1] Insofar as it relates to North Atlantic specific commodity rate matters.

[Dockets Nos. 20993, 22628; Order 71-5-102]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May 1971.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Traffic Conference 2 of the International Air Transport Association (IATA). The agreement, which was adopted by mail vote, has been assigned the above-designated CAB agreement number.

The agreement would establish procedures for the adjustment of rates of exchange agreed by IATA for purposes of publishing or converting fares, rates, and other charges specified in basic currencies (dollars or pounds sterling) into local currencies within the area comprised of Europe/Africa/Middle East. These adjustment procedures are more flexible than those currently in existence for major currencies and would apply in instances where rates of exchange are permitted, by government action,[1] to float freely and without fixed parity. Inasmuch as the resolution would have application to traffic between the countries involved in such procedures and the United States, it is applicable in air transportation as defined by the Act.

The agreement would not change existing provisions insofar as an initial alteration of exchange rates used by the carriers would require, in essence, unanimous action by all carriers serving the country concerned or having an office or general agent therein, but would permit alteration in the event of a 2-percent fluctuation as opposed to the current 5-percent specification. However, such an alteration would invoke the establishment of a Special Currency Panel, consisting of the concerned parties in the country in question, which may, by unanimous agreement or by a two-thirds majority[2] of members present and meeting when the mean of the buying and selling exchange rate[3] for the U.S. dollar varies by at least 1 percent from the previously established IATA exchange rate, establish exchange rates in line with current market levels.[4]

In view of the present currency situation in numerous European countries, the Board does not find the agreement to be adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to conditions which would require notification to the Board of the establishment, actions, and termination of any special currency panel authorized by the resolution and which clarify that approval does not constitute approval of any change in basic fares, rates, or charges which might result as a consequence of actions taken pursuant to said resolution. Subject to these conditions, the only feature of the instant resolution which the Board finds objectionable is the provision for majority agreement on exchange rates to apply in the absence of unanimous agreement. Currently, the applicable exchange rate, in the event of the carriers' failure to reach full accord, would be based on that which is published or supplied by the IATA Clearing House, subject to the concurrence of a national carrier. Nevertheless, the urgency of the situation, the requirement that the national carriers concur with the majority, and the temporary nature of the special currency panels have persuaded us to approve the agreement irrespective of this feature. Our condition which requires notification of all actions by the ad hoc currency panels will permit us to maintain surveillance and to impose a unanimity requirement should we believe it to be warranted in the interest of the traveling public or the U.S. carriers.

The Board, acting pursuant to sections 102, 204(a), and 412 of the Act, does not find that Resolution 200(Mail 102)021t, which is incorporated in Agreement CAB 22432, is adverse to the public interest or in violation of the Act: *Provided*, That approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement CAB 22432 be and hereby is approved: *Provided*, That:

(1) In the event that actions pursuant to said resolution result in revision of a basic specified or constructed fare or rate, such new basic fare or rate shall be filed with the Board as an agreement under section 412 of the Act and approved by the Board prior to being placed in effect.

(2) The U.S. carrier members of IATA notify the Board, directly or through the Conference Secretary, of the formulation or termination of any Special Currency Panel and actions taken by such panels in their duration.

Any air carrier party to the agreement, or any interested person, may, within 15 days from the date of service of this order, submit statements in writing containing reasons deemed appropriate, together with supporting data, in support of or in opposition to the Board's action herein. An original and 19 copies of the statements should be filed with the Board's Docket Section. The Board may, upon consideration of any such statements filed, modify or rescind its action herein by subsequent order.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7343 Filed 5-25-71;8:52 am]

FEDERAL MARITIME COMMISSION

NORTH ATLANTIC PORTUGAL FREIGHT CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 10 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

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[1] On or after May 10, 1971.

[2] The majority must include the national carrier or carriers.

[3] As quoted by the national bank.

[4] But not less than the average mean of the buying and selling rate of exchange during the previous 5 business days.

Notice of agreement filed by:

T. J. Conroy, Secretary, North Atlantic Portugal Freight Conference, 11 Broadway, New York, NY 10004.

Agreement No. 9293–3 modifies the Conference's self-policing provisions to include the mandatory provisions required by the Commission's General Order 7, as revised on October 27, 1970.

Dated: May 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7344 Filed 5-25-71;8:52 am]

SOUTH AND EAST AFRICA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, South and East Africa Rate Agreement, 25 Broadway, New York, NY 10004.

Agreement No. 8054–12, among the member lines of the South and East Africa Rate Agreement modifies the basic agreement by (1) amending Article 1(c) by deleting therefrom the words, "Southwest, South and East Africa" and substituting therefor the words "the range from the northern border of South West Africa to and including Berbera, Somalia," thereby clarifying the range of ports in the trade area, and (2) incorporating all previous modifications of the basic agreement, superseding and cancelling Agreement No. 8054–8, as amended.

Dated: May 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7345 Filed 5-25-71;8:52 am]

NEW YORK FREIGHT BUREAU (HONG KONG)

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esq., 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 5700–12 between the parties of the New York Freight Bureau (Hong Kong) modifies the basic agreement, as amended, by changing the voting requirement of Article 10(a) on any amendment, supplement, or change to the terms of the basic agreement from unanimous consent to three-fourths consent of the parties entitled to vote.

Dated: May 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7346 Filed 5-25-71;8:52 am]

PORT OF OAKLAND AND HOWARD TERMINAL

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. Kerwin Rooney, Port Attorney, Port of Oakland, 66 Jack London Square, Post Office Box 2064, Oakland, CA 94607.

Agreement No. T–2110–1, between the Port of Oakland and Howard Terminal, modifies the basic nonexclusive preferential assignment agreement covering the lease of certain marine terminal property at Oakland, Calif. The purpose of the modification is to delete a portion of the assigned premises and remove a limitation on the use of the tracks and apron on the west side of the pier. All other conditions of the basic agreement remain unchanged.

Dated: May 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7347 Filed 5-25-71;8:52 am]

U.S./SOUTH AND EAST AFRICA CONFERENCE

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William L. Hamm, Secretary, United States/South and East Africa Conference, 25 Broadway, New York, NY 10004.

Agreement No. 9502–7, among the member lines of the United States/South and East Africa Conference amends Article 1 of the basic agreement by deleting therefrom the words "in Southwest, South, Southeast and East Africa" and substituting therefor the words "in the range from the northern border of Southwest Africa to and including Berbera, Somalia," thereby clarifying the range of ports in the trade area.

Dated: May 21, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7348 Filed 5-25-71;8:52 am]

[Independent Ocean Freight Forwarder License No. 658]

TRADE-LANES SHIPPING CORP.

Order of Revocation

By letter dated April 6, 1971, Trade-Lanes Shipping Corp., 140 Cedar Street, New York, NY 10006 was advised by the Federal Maritime Commission that Independent Ocean Freight Forwarder License No. 658 would be automatically revoked or suspended unless a valid surety bond was filed with the Commission on or before April 30, 1971.

Section 44(c), Shipping Act, 1916, provides that no independent ocean freight forwarder license shall remain in force unless a valid bond is in effect and on file with the Commission. Rule 510.9 of Federal Maritime Commission General Order 4, further provides that a license will be automatically revoked or suspended for failure of a licensee to maintain a valid bond on file.

Trade-Lanes Shipping Corp. has failed to furnish a surety bond.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) § 7.04(g) (dated 9-29-70).

It is ordered, That the Independent Ocean Freight Forwarder License of Trade-Lanes Shipping Corp. be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License of Trade-Lanes Shipping Corp. be and is hereby revoked effective April 30, 1971.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon Trade-Lanes Shipping Corp.

AARON W. REESE,
Managing Director.

[FR Doc.71-7349 Filed 5-25-71;8:52 am]

FEDERAL POWER COMMISSION

[Docket No. RI71-1024, etc.]

MARATHON OIL CO. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferenial, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedule sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.
MAY 14, 1971.

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[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-1024..	Marathon Oil Co., Agent et al.	82	7	Northern Natural Gas Co. (Yates Casinghead Gas Plant, Pecos County, Tex., Permian Basin).	$6,289	4-19-71	....	7-2-71	15.0210	16.0225	RI70-885.
RI71-1025..	Phillips Petroleum Co.	484	2	El Paso Natural Gas Co. (Sales Ranch Field, Martin and Midland Counties, Tex., Permian Basin).	13,921	4-20-71	....	[33] 6-21-71	[2] 22.5236	[1] 26.3375	
RI71-1026..	Sun Oil Co..........	413	6	Northern Natural Gas Co. (Hunt-Baggett Field, Crockett County, Tex., Permian Basin).	3,814	4-16-71	....	7-2-71	17.0638	18.0675	
RI70-767...	Belco Petroleum Corp.	4	1 to 4	Mountain Fuel Supply Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	298	4-21-71	4-21-71	[31] Accepted	[30] 17.0	[30] 17.085	RI70-767.
RI70-767.......	do..............	5	1 to 6	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	381	4-21-71	4-21-71	[31] Accepted	[30] 20.5	[30] 20.6538	RI70-767.
RI70-767.......	do..............	6	1 to 12	....do..........................	13,376	4-21-71	4-21-71	[31] Accepted	[30] 20.5	[30] 20.6538	RI70-767.
RI70-767.......	do..............	13	1 to 14	....do..........................	34	4-21-71	4-21-71	[31] Accepted	[30] 18.0	[30] 18.1350	RI70-767.
RI71-1027..	Amoco Production Co.	328	5	Northern Natural Gas Co. (Yates Gasoline Plant, Pecos County, Tex., Permian Basin).	445	4-26-71	....	7-2-71	15.02	16.02	RI69-244.
RI71-1028..	Getty Oil Co........	116	5	Northern Natural Gas Co. (Yates Field, Pecos County, Tex., Permian Basin).	340	4-26-71	....	7-2-71	15.0563	16.06	RI70-80.
RI71-1029..	Texaco, Inc..........	56	8	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (La Reforma Field, Starr County, Tex., RR. District No. 4).	8,014	4-19-71	....	6-20-71	15.6577	[3] 21.0	RI66-333.
	....do..............	57	9	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Hagist Ranch Field, Duval County, Tex., RR. District No. 4).	6,507	4-19-71	....	6-22-71	16.6617	[3] 21.0	RI69-830.
	....do..............	59	13	Tennessee Gas Pipeline Co., a division of Tenneco Inc. (Government Wells, Duval County, Tex., RR. District No. 4).	868	4-19-71	....	6-20-71	16.6617	[3] 21.0	RI70-335.
	....do..............	258	25	Transcontinental Gas Pipe Line Corp. (Odem Field, San Patricio County, Tex., RR. District No. 4).	10,868	4-19-71	....	6-20-71	16.06	[3] 21.0	RI70-1118.
	....do..............	259	17	Transcontinental Gas Pipe Line Corp. (Luby Petronilla Field, Nueces County, Tex., RR. District No. 4).	64,220	4-19-71	....	6-20-71	16.06	[3] 21.0	RI70-1118.
RI71-1030..	J. S. Michael.........	3	2	Valley Gas Transmission Inc. (West Bay City Field, Matagorda County, Tex., RR. District No. 3).	9,888	4-19-71	....	6-20-71	[4] 14.0	16.06	
RI71-1031..	Continental Oil Co. et al.	154	[6] 29	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (East and West Cameron and Vermilion Areas) (Offshore Louisiana).	240,000	4-19-71	....	6-4-71	[5] [30] 25.4	[5] [11] [30] 26.0	RI71-833.
RI71-1032..	Continental Oil Co...	76	25	Transcontinental Gas Pipe Line Corp. (La Gloria Field, Jim Wells and Brooks Counties, Tex., RR. District No. 4).	[13] 31,746	4-19-71	....	6-20-71	[7] 11.0407 [8] 12.0444 [9] 13.0481	19.0	
RI71-1033..	Amoco Production Co.	373	4	Southern Natural Gas Co. (Section 28 Dome Field, St. Martin Parish, S. Louisiana).	4	4-20-71	....	7-2-71	[30] 22.25	[5] [12] [30] 22.375	RI71-638.
RI71-1034..	Roy M. Huffington, Inc.	7	3	Southern Natural Gas Co. (Bayou Bouillion Field, St. Martin Parish, S. Louisiana).	13,003	4-21-71	....	6-6-71	20.0	[5] [10] [30] 22.375	
RI68-90....	Atlantic Richfield Co.	5	[14] 1 to 11	Tennessee Gas Pipeline Co. (Mustang Island Field, Nueces County, Tex., RR. District No. 4).	299,124	4-22-71	4-22-71	[32] Accepted	15.6585	[15] 21.00	RI68-90.
RI70-700.......	do..............	6	[14] 1 to 12	Tennessee Gas Pipeline Co. (North Minnie Bock Field, Nueces County, Tex., RR. District No. 4).	[17] 160,261	4-22-71	4-22-71	[32] Accepted	14.83612	[15] 21.00	RI79-700.
RI68-468.......	do..............	48	[14] 2 to 14	United Gas Pipe Line Co. (Triple A Field, San Patricio County, Tex., RR. District No. 4).	6,559	4-22-71	4-22-71	[32] Accepted	15.0375	[18] 21.00	RI68-468.
RI70-700.......	do..............	330	[14] 1 to 12	Tennessee Gas Pipeline Co. (Mustang Island Field, Nueces County, Tex., RR. District No. 4).	[20] 36,559	4-22-71	4-22-71	[32] Accepted	15.05550	[15] 21.00	RI70-700.
RI70-698...	Atlantic Richfield Co. et al.	441	1 to 8	Tennessee Gas Pipeline Co. (San Salvador Field, Hidalgo County, Tex., RR. District No. 4).	[21] 13,023	4-22-71	4-22-71	[32] Accepted	15.0534	[15] 21.00	RI70-698.
RI71-1035..	Continental Oil Co..	138	[22] 31	Tennessee Gas Pipe Line Co., a division of Tenneco Inc. (West Delta Grand Isle, South Pass Area) (Offshore Louisiana).	167,380	4-22-71	....	6-6-71	[30] 20.5	[5] [30] 21.5	RI71-833.
	....do..............	158	[23] 21	Transcontinental Gas Pipe Line Corp. (West Cameron Block 110 Field) (Offshore Louisiana).	925	4-21-71	....	6-6-71	[30] 21.375	[5] [24] [30] 26.0	RI71-833.

See footnotes at end of table

APPENDIX—Continued

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-1036..	Warren Petroleum....	49	10	Tennessee Gas Pipeline Co. a division of Tenneco Inc. (Heyser Gas Processing Plant, Calhoun County, Tex., RR. District No. 2).	41,437	4-22-71	5-23-71	10-23-71	[25] 21.00	[26] 24.25	
RI71-1037 .	Gulf Oil Corp.......	28	11	Tennessee Gas Pipeline Co. a division of Tenneco Inc., (Heyser Field, Calhoun County, Tex., RR. District No. 2).	200,000	4-22-71	5-23-71	10-23-71	[27] 21.0	[26] 24.25	
RI71-1038..	Shell Oil Co	197	5	Cimarron Transmission Co. (Southwest Enville Field, Love County, Okla., Other Area).	8,200	4-23-71		7-2-71	[28] 17.0	[29] 18.0	RI67-150.
RI71-1039..	Sun Oil Company et al.	291	14	Arkansas Louisiana Gas Co. (Bear Creek Field, Bienville Parish, Northern Louisiana).	6,730	4-19-71		6-20-71	[28] 13.27	[29] [28] 20.0	
RI71-1040..	Texaco, Inc..	264	19	Arkansas Louisiana Gas Co. (North Lansing Field, Harrison County, Tex., RR. District No. 6).	2,721	4-19-71		6-20-71	13.4426	[29] 21.0	

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* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.

[1] Increase from certificated rate to contract rate.

[2] Initial rate.

[3] Unilateral increase after expiration of contract term.

[4] Proposed rate of 15 cents suspended in Docket No. RI64-770 until Nov. 21, 1964. Never made effective subject to refund.

[5] Increase resulting from termination of moratorium in South Louisiana pursuant to Order No. 413, as amended.

[6] Pertains to all gas sold from reservoirs discovered after Oct. 1, 1968, except that as covered by Supplement No. 28.

[7] For gas not compressed, or compressed by buyer.

[8] For gas compressed by buyer, with equipment operated by seller.

[9] For gas compressed by seller.

[10] Contract base rate is 25.5 cents.

[11] Contract base rate is 27.4 cents.

[12] Contract base rate is 22.5 cents.

[13] Based on the assumption that all gas was being sold at the 12.0444-cent rate.

[14] Amends previous filing to reflect a total rate of 21 cents.

[15] Unilateral increase. Filed rate of 24.25 cents suspended in RI71-646 until July 4, 1971.

[16] Previously shown as $481,124 based on the proposed rate of 24.25 cents.

[17] Previously shown as $244,761 based on the proposed rate of 21.25 cents.

[18] Contract rate is 24.25 cents. Filed rate of 24.25 cents suspended in RI71-480 until May 20, 1971.

[19] Previously shown as $10,134 based on the proposed rate of 24.25 cents.

[20] Previously shown as $56,547 based on the proposed rate of 24.25 cents.

[21] Previously shown as $20,141 based on the proposed rate of 24.25 cents.

[22] For gas not covered by the increased rate filing designated as Supplement No. 30.

[23] Applicable only to reservoirs specified therein.

[24] Contract rate is 27.5 cents.

[25] Rate suspended in Docket No. RI71-962 until May 20, 1971 by order issued Apr. 16 1971.

[26] Increase from fractured raet to contractually due rate.

[27] Rate suspended in Docket No. RI71-961 until May 20, 1971 by order issued Apr. 16, 1971.

[28] Base rate subject to Upward and Downward B.t.u. adjustment.

[29] Unilateral rate increase. Primary term of contract has expired.

[30] The pressure base is 15.025 psia.

[31] Accepted for filing to be effective as of the date of filing, with waiver of notice granted, subject to refund in the respective existing rate proceedings.

[32] Accepted for filing to become effective as of Apr. 22, 1971, the date of filing, with waiver of notice granted, subject to refund in the existing rate proceedings in Docket Nos. RI71-646 and RI71-480.

[33] Or 1 day from the date of initial delivery, whichever is later.

The proposed increases of Belco Petroleum Corp. reflect partial reimbursement for the Wyoming severance tax, and consistent with Commission action on similar filings, the proposed increases are accepted for filing subject to refund in existing suspension proceedings to be effective on the date of filing, with waiver of notice granted.

The amended notices of change in rates filed April 22, 1971, by Atlantic Richfield Co. reflect proposed rates of 21 cents in lieu of 24.25 cents, currently suspended until July 4, 1971, and May 20, 1971, respectively, in order that Atlantic may qualify for the shortened suspension period outlined in the Commission's March 22, 1971, order. Atlantic's amended notices are accepted for filing effective as of the date of filing, with waiver of notice granted, subject to refund in the existing suspension proceedings.

The proposed increases filed by Warren Petroleum Corp. and Gulf Oil Corp. are suspended for 5 months because they exceed the corresponding rate filing limitations imposed in southern Louisiana. The remaining increases except to the extent otherwise indicated above, pertaining to sales outside southern Louisiana are suspended for 61 days from the dates of filings pursuant to Order No. 423 and those relating to sales within the southern Louisiana area are suspended for 45 days from the date of filing. However, if the contractual effective date for an increase is beyond the period described above, it is suspended for 1 day from the contractual effective date.

Continental Oil Co.'s proposed increase applies only to gas produced from reservoirs identified in the documents submitted in accordance with Opinion No. 567. Such documents indicate that the reservoirs were discovered after October 1, 1968, and therefore the gas well gas sold from such reservoirs qualifies for third vintage prices.

Certain respondents request either waiver of notice of effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR Ch. I, part 2, § 2.56).

[FR Doc.71-7146 Filed 5-25-71;8:45 am]

[Project No. 2395]

FLAMBEAU POWER CO.

Notice of Application for Approval of Exhibit R (Recreation Use Plan) for Constructed Project

MAY 19, 1971.

Public notice is hereby given that application for approval of Exhibit R has been filed under the regulations of the Federal Power Act (16 U.S.C. 791a-825r) by Flambeau Power Co. (correspondence to: Norman Hoefferle, President, Flambeau Power Co., Park Falls, Wis. 54552) as part of the license for constructed Project No. 2395, located on the Flambeau River, in Price County near Park Falls, Wis.

Recreational use and development on project lands and waters, as described in Exhibit R, consist of: (a) A picnic area located on project land downstream of the powerhouse and maintained by the company, the county and civic groups; (b) fishing from De Mars Bridge; (c) a boat launching area developed on the Smith Creek arm of the reservoir by Owens-Illinois, Inc., the town of Lake and the State; and (d) use of the reservoir and portage (at the dam) by canoeists traveling the river.

Any person desiring to be heard or to make any protest with reference to said application should on or before July 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a part in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7313 Filed 5-25-71;8:49 am]

[Docket No. CP71-270]

PEOPLES NATURAL GAS DIVISION

Notice of Application

MAY 20, 1971.

Take notice that on May 10, 1971, Northern Natural Gas Co., operating as Peoples Natural Gas Division (applicant), 2223 Dodge Street, Omaha, NE 68102, filed in Docket No. CP71-270 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas measurement facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct and operate two natural gas metering stations at the interconnection of its facilities with facilities belonging to Panhandle Eastern Pipeline Co. (Panhandle), located in Stevens County, Kans. The application states that Panhandle has filed an application in Docket No. CP71-152 for authorization to transport up to 20,000 Mcf of natural gas per day for and on behalf of Applicant from Stevens County, Kans., to Reno County, Kans., and that the facilities proposed herein will be used to measure the amounts of natural gas to be delivered to Panhandle. The estimated cost of the facilities proposed herein is $12,700, which cost applicant states will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7314 Filed 5-25-71;8:49 am]

[Docket No. CP70-58]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Petition To Amend

MAY 19, 1971.

Take notice that on April 30, 1971, Transcontinental Gas Pipe Line Corp. (petitioner), Post Office Box 1396, Houston, TX 77001, filed in Docket No. CP70-58, a petition to amend the Commission's order heretofore issued in said docket on November 17, 1969 (42 FPC 1015), as amended, granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing an extension from November 1, 1971, through October 31, 1972, of the temporary interruptible transportation service performed for Consolidated Gas Supply Corp. (Consolidated) and an increase in the volumes of natural gas to be transported under said service, from 15,000 Mcf per day to 40,000 Mcf per day, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

The order of November 17, 1969, authorized the transportation of up to 15,000 Mcf per day for the account of Consolidated, from two points in southern Louisiana to a point in Clinton County, Pa., during the period commencing November 1, 1969, and ending October 31, 1970. This service was intended to enable Consolidated to move expanding supplies of natural gas from its gathering fields in offshore Louisiana to its market in the northeast. The authorization was subsequently amended by authorizing a continuance of the service during the period November 1, 1970, to October 31, 1971. The petition to amend states that Consolidated has not yet finalized its plans for utilizing, on a permanent basis, these supplies of natural gas and has therefore requested that the service be extended for an additional year and also be expanded to provide transportation for the additional volumes of natural gas now available.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 7, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7315 Filed 5-25-71;8:50 am]

[Docket No. RP71-117]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Existing Curtailment Procedures

MAY 19, 1971.

Take notice that on May 14, 1971, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin) filed a written report, pursuant to paragraph (A)(2) of the Commission's Order No. 431, issued April 15, 1971, in Docket No. R-418, stating that it "* * * expects to fill its extensive underground storage fields during the current storage injection cycle and to meet, without curtailment, its entire gas supply commitments to its customers for the balance of the current contract year and during the 1971-72 contract year".

While Michigan Wisconsin does not anticipate making curtailments below contract demand, it states that its FPC Gas Tariff, Second Revised Volume No. 1, provides in section 9.3 of the general terms and conditions thereof the method of apportioning gas among its customers in the event of a gas shortage on its system. Section 9.3 reads as follows:

> 9.3 *Proration of Available Supply During Period of Gas Shortage:* If due to any cause whatsoever a shortage exists on Seller's system, or any part thereof, the gas available for delivery shall be prorated, so far as practicable, among Buyers affected by such shortage on the basis of the ratio of each Buyer's Maximum Daily Quantity to the total Maximum Daily Quantity for all such Buyers during the period of shortage provided, however, that Seller may first require Buyers to reduce or discontinue taking gas for the requirements of interruptible customers using in excess of 200 Mcf per day in order to protect the firm service of all Buyers.

Michigan Wisconsin's report avers that it does not make any direct sales on either a firm or interruptible basis.

Although Michigan Wisconsin's existing curtailment policy is on file with the Commission and is not expected to be implemented within the foreseeable future, any person desiring to be heard or to make any protest with respect to Michigan Wisconsin's existing tariff provisions governing curtailments of service should on or before June 8, 1971, file with the Federal Power Commission, 441 G Street NW., Washington, DC 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. Michigan Wisconsin's report, submitted pursuant to Order No. 431, is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7316 Filed 5-25-71;8:50 am]

[Docket No. E-7624]

INDIANA & MICHIGAN ELECTRIC CO.

Notice of Amendment of Interconnection Agreement and Increased Rate Filing

MAY 19, 1971.

Take notice that on April 16, 1971, Indiana & Michigan Electric Co. (Indiana) filed a Supplement (Modification No. 4) dated March 23, 1971, to the Interconnection Agreement dated November 27, 1961, between Indiana and Illinois Power Co. (Illinois), designated Indiana Rate Schedule FPC No. 23 and a Supplement (Modification No. 3) dated April 5, 1971 to the Interconnection Agreement dated June 1, 1968 between Central Illinois Public Service Co. (Central) and Indiana designated Indiana Rate Schedule FPC No. 67.

These modifications provide for an increase in the demand charge for short-term power of from $0.30 per kilowatt per week to $0.40 per kilowatt per week and a change in the reduction of weekly demand charges in the event that the supplying party is unable to fulfill any part of its commitment from $0.06 per kilowatt per day to one-sixth (1/6) of the total weekly demand charge for each day (except Sundays) any such reduction is in effect.

The parties contend that the extent of use of short-term power for the next 12 months is unknown due to the fact that short-term power will be scheduled only as system conditions dictate.

The parties request that the Commission waive the requirements under § 35.13(b) of the Commission's rules and regulations.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken, but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7317 Filed 5-25-71;8:50 am]

FEDERAL RESERVE SYSTEM

UNITED VIRGINIA BANKSHARES INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by United Virginia Bankshares Inc., which is a bank holding company located in Richmond, Va., for prior approval by the Board of Governors of the acquisition by applicant of 80 percent or more of the voting shares of the successor by merger to Security National Bank of Roanoke, Roanoke, Va., which would be relocated to Roanoke County, Va.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Richmond.

By order of the Board of Governors, May 19, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7277 Filed 5-25-71;8:46 am]

NATIONAL SCIENCE FOUNDATION

DEEP SEA DRILLING PROJECT

Summary Statement of Federal Action Affecting the Environment

This summary statement is published pursuant to section 102 of the National Environmental Policy Act (Public Law 19-190) and paragraph 9(c) of the Interim Guidelines issued thereunder (35 F.R. 7390-7393, April 30, 1970). The Federal activity is described as follows:

The National Science Foundation, through its Ocean Sediment Coring Program, funds the Deep Sea Drilling Project to obtain sediment samples in the deep ocean basins. The project is managed by the Scripps Institution of Oceanography of the University of California at San Diego under a contract with the Foundation.

Global Marine, Inc., of Los Angeles, Calif., under a subcontract to Scripps, performs the project, furnishing the drilling ship Glomar Challenger, the ship's crew, and the drilling crew. The ship displaces 10,400 tons and is 400 feet long. She is specially fitted with a drilling derrick, an automatic pipe racker, and an opening in the bottom of the hull through which the drill string is lowered. A dynamic positioning system holds the ship over the drill hole. The technique employed consists of a rotary drilling system with a capability of drilling in water depths to 20,000 feet.

The project started in August 1968, and through April 1, 1971, drilling had been performed in the Atlantic and Pacific Oceans, the Gulf of Mexico and the Caribbean and Mediterranean Seas. Plans for drilling through August 1972 call for operations in the Pacific and Indian Oceans, the Bering Sea, and perhaps the circum-Antarctic Ocean. The scientific plans for the drilling are formulated by the Joint Oceanographic Institutions for Deep Earth Sampling (JOIDES), a consortium of five academic institutions.

Knowledgeable scientists assign a very low probability to the likelihood that drilling off the continental shelves in the deep ocean basins might result in the discharge of a significant volume of oil. Reasons for this judgment are listed and discussed in the environmental statement. There has been no impact upon the environment in the course of the drilling project, including on the one occasion when a show of oil was encountered in a borehole and preventive measures were instituted.

Alternatives to continuing the project as heretofore are (1) halting the program and (2) employing "blow-out preventers," such as are used in the oil industry to contain pressured fluids within boreholes. Termination of the program would defeat the purpose for which it was instituted; the use of blow-out preventers would multiply the cost of operation with no absolute assurance of protection. The Foundation proposes to continue the project as planned with the added review of the drilling itinerary by the new JOIDES Panel for Pollution Prevention and Safety.

A copy of the draft environmental statement with an attached photograph of the Glomar Challenger and a track chart of past and planned itineraries, as filed with the Council on Environmental Quality and other Federal agencies, is available from the Assistant Director for National and International Programs, National Science Foundation, Washington, D.C. 20550 (telephone area code 202, 632-7360). Comments from appropriate State and local agencies, addressed as above, should be submitted within 60 days of the date of this summary notice.

Dated: May 20, 1971.

W. D. McElroy,
Director.

[FR Doc.71-7283 Filed 5-25-71;8:47 am]

SECURITIES AND EXCHANGE COMMISSION

[70-5026]

CENTRAL INDIANA GAS CO., INC.

Notice of Proposed Issue and Sale of Bank Notes

May 19, 1971.

Notice is hereby given that Central Indiana Gas Co., Inc. (Central), 300 East Main Street, Muncie, Indiana 47305, a gas utility subsidiary company of American Natural Gas Co., a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6 and 7 of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

Central proposes to issue and sell to the American Fletcher National Bank and Trust Co. (Bank), commencing June 23, 1971, and from time to time prior to June 16, 1972, its unsecured promissory notes in an aggregate principal amount not to exceed $9 million outstanding at any one time. The notes will be dated as of the date of issuance, will be issued in varying amounts, and will mature on June 16, 1972. There is no commitment fee and the notes may be prepaid at any time without penalty. If any notes are prepaid, new notes may be issued and sold to the Bank. The notes will bear interest at the prime rate of the Bank in effect on the date of each borrowing and the interest rate will be adjusted to the prime rate in effect at the Bank at the beginning of each 90-day period subsequent to the date of the first borrowing. The application states that the current compensating balance requirement of the Bank is 15 percent of the line of credit and that based on the current prime rate of 5½ percent, the effective annual cost of money would be 6.47 percent. Central proposes to use the amounts borrowed on the notes to repay $4,500,000 of notes due June 23, 1971, to prepay approximately $1,500,000 of notes expected to be issued to the Bank, to reimburse its treasury for funds used initially to retire bonds due May 1, 1971, and to finance, in part, its 1971 construction program, currently estimated at $3,600,000.

Central's fees and expenses to be incurred in connection with the proposed transactions are estimated at $1,000, including legal fees of $500. The application states that no State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 16, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as filed or as it may be amended, may be granted as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropirate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-7292 Filed 5-25-71;8:48 am]

[File No. 1-3421]

CONTINENTAL VENDING MACHINE CORP.

Order Suspending Trading

May 20, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock, 10 cents par value of Continental Vending Machine Corp., and the 6 percent convertible subordinated debentures due September 1, 1976, being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, That trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 21, 1971, through May 30, 1971.

By the Commission.

[SEAL] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-7284 Filed 5-25-71;8:47 am]

[811-1722]

COOKE & BIELER GROWTH FUND, INC.

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

May 19, 1971.

Notice is hereby given that Cooke & Bieler Growth Fund, Inc. (Applicant), 1325 Philadelphia National Bank Building, Philadelphia, PA 19107, a Delaware corporation, registered as an open-end, nondiversified management investment company under the Investment Company Act of 1940 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations as set forth therein which are summarized below.

Applicant represents that it has been dissolved pursuant to the General Corporation Law of Delaware by filing a certificate of dissolution with the Secretary of State of Delaware on December 14, 1970; that it has abandoned its intention of making any public offering; has ceased to engage in business of any nature whatsoever and is in the process of winding up its affairs; that at the time of its dissolution it had three shareholders; and that it has distributed its net assets to its shareholders.

The Commission's files show that Applicant's registration statement under the Securities Act of 1933 was withdrawn. pursuant to Applicant's request, on April 15, 1971.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 8, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application, shall be issued upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-7291 Filed 5-25-71;8:47 am]

[File No. 24B-1696]

NEHAMA-DATA CORP.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

May 19, 1971.

I. Nehama-Data Corp. (Nehama), 40 Pleasant Street, Portsmouth, NH., a Maryland corporation located at 40 Pleasant Street, Portsmouth, NH, filed with the Commission on December 31, 1969, a notification on Form 1-A and an offering circular relating to a proposed offering of 113,000 shares of its no par value common stock at $2 per share for total proceeds of $226,000. The issue was underwritten by John, Edward & Co., Inc. (Underwriter), on a 90-day "best efforts all-or-none" basis. The offering was commenced on March 27, 1970. The entire issue was sold by May 6, 1970. Nehama, which was in poor financial condition, filed a petition in bankruptcy on August 13, 1970.

II. The Commission has reasonable cause to believe from information reported to it by the staff that:

A. The Underwriter, as agent for Nehama, offered and sold Nehama stock on the basis of untrue statements of material facts and omissions to state facts necessary to make statements made in the light of the circumstances in which they were made not misleading, concerning among other things:

1. That the price of Nehama's shares would double within 6 months;

2. That the stock of Nehama would be good for a quick rise; and

3. That Nehama would show unlimited earnings.

B. Nehama through its agent, the underwriter, has violated the terms and conditions of the Regulation A exemption in the following respects:

1. In connection with the offer of Nehama stock, by failing to furnish an offering circular as required by Rule 256;

2. By urging prospective investors to disregard the offering circular disclosures; and

3. By making false statements of material facts or omitting to state material facts with respect to the issuer's financial condition and potential business.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended, for the reasons described above.

D. Nehama violated the terms and conditions of the Regulation A exemption by failing to file a report of sales on Form 2-A pursuant to Rule 260.

III. It appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the issurer under Regulation A be temporarily suspended,

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption of the issuer under Regulation A be, and it hereby is, temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the issuer file an answer to the allegations contained in the order within 30 days of the entry hereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a price to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters of the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-7293 Filed 5-25-71;8:48 am]

[File No. 500-1]

R. D. PHILPOT INDUSTRIES, INC.

Order Suspending Trading

May 19, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of R. D. Philpot Industries, Inc. (a Texas corporation) and all other securities of R. D. Philpot Industries, Inc., being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

It is ordered, Pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 19, 1971, 12:15 p.m., e.d.t., through May 28, 1971.

By the Commission.

[SEAL] Theodore L. Humes,
Associate Secretary.

[FR Doc.71-7285 Filed 5-25-71;8:47 am]

[Files Nos. 7-3733—7-3741]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 20, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
New York State Electric & Gas Corp	7-3733
Northeast Utilities	7-3734
Northern Illinois Gas Co	7-3735
Northern Indiana Public Service Co	7-3736
Oklahoma Gas & Electric Co	7-3737
Pacific Gas & Electric Co	7-3738
Pacific Lighting Corp	7-3739
Pacific Power & Light Co	7-3740
The Pacific Telephone & Telegraph Co	7-3741

Upon receipt of a request, on or before June 4, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7286 Filed 5-25-71;8:47 am]

[Files Nos. 7-3742—7-3750]

PENNSYLVANIA POWER & LIGHT CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 20, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Pennsylvania Power & Light Co	7-3742
Peoples Gas Co	7-3743
Philadelphia Electric Co	7-3744
Portland General Electric Co	7-3745
Potomac Electric Power Co	7-3746
Public Service Company of Colorado	7-3747
Public Service Company of Indiana, Inc	7-3748
Public Service Electric & Gas Co	7-3749
San Diego Gas & Electric Co	7-3750

Upon receipt of a request, on or before June 4, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7287 Filed 5-25-71;8:47 am]

[Files Nos. 7-3751—7-3760]

SOUTHERN CALIFORNIA EDISON CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 20, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Southern California Edison Co	7-3751
Southwestern Public Service Co	7-3752
Tampa Electric Co	7-3753
Texas Utilities Co	7-3754
Union Electric Co	7-3755
United Aircraft Corp	7-3757
United States Gypsum Co	7-3758
United Utilities, Inc	7-3759
Union Pacific Corp	7-3760

Upon receipt of a request, on or before June 4, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7288 Filed 5-25-71;8:47 am]

[File No. 7-3756]

UNION OIL COMPANY OF CALIFORNIA

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 20, 1971.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above-named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the preferred stock of the following company, which, security is listed and registered on one or more other national securities exchange:

Union Oil Company of California, $2.50 cumulative convertible preferred stock, no par value, File No. 7-3756.

Upon receipt of a request, on or before June 4, 1971, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7289 Filed 5-25-71;8:47 am]

[Files Nos. 7-3761—7-3763]

UTAH POWER & LIGHT CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 20, 1971.

In the matter of applications of the Detroit Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Utah Power & Light Co	7-3761
Virginia Electric & Power Co	7-3762
Wisconsin Electric Power Co	7-3763

Upon receipt of a request, on or before June 4, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7290 Filed 5-25-71;8:47 am]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority No. 7-A]

DEPUTY ASSISTANT ADMINISTRATOR FOR ADMINISTRATION (MANAGEMENT)

Delegation of Administrative Activities

I. Pursuant to the authority delegated by the Administrator to the Assistant Administrator for Administration in Delegation of Authority No. 7 (Revision 2) (36 F.R. 8713), there is hereby redelegated to the Deputy Assistant Administrator for Administration (Management) the following authority:

A. *Administrative services.* 1. To contract for supplies, materials, and equipment, printing, transportation, communications, space, and special services for the Agency.

2. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 410, dated March 26, 1962 (27 F.R. 3017), from the Administrator of the General Services Administration to the Heads of Executive Agencies.

3. To rent temporarily, within the District of Columbia or elsewhere, such hotel or other accommodations as are needed to facilitate the conduct of meetings of SBA advisory councils.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Assistant Administrator for Administration (Management).

IV. All authority previously delegated by the Assistant Administrator for Management in Delegation of Authority No. 9.1 (34 F.R. 7313) to officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegation prior to the date herein.

Effective date: February 23, 1971.

CLAUDE ALEXANDER,
Assistant Administrator for Administration.

[FR Doc.71-7299 Filed 5-25-71;8:48 am]

[Delegation of Authority No. 7-B]

DEPUTY ASSISTANT ADMINISTRATOR FOR ADMINISTRATION (COMPTROLLER)

Delegation of Financial Activities

I. Pursuant to the authority delegated by the Administrator to the Assistant Administrator for Administration in Delegation of Authority No. 7 (Revision 2) (36 F.R. 8713), there is hereby redelegated to the Deputy Assistant Administrator for Administration (Comptroller) the following authority:

A. *Financial management.* To assign, endorse, transfer, deliver, or release (but in all cases without representation, recourse, or warranty) promissory notes, bonds, debentures, and other obligating instruments on all loans or investments made or serviced by SBA when paid in full or when transferred to the Department of Justice for liquidation.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Deputy Assistant Administrator for Administration (Comptroller).

IV. All authority previously delegated by the Assistant Administrator (Comptroller) in Delegation of Authority No. 6.1 (34 F.R. 7594) to officials under his jurisdiction is hereby rescinded without prejudice to actions taken under such delegations prior to the date herein.

Effective date: February 23, 1971.

CLAUDE ALEXANDER,
Assistant Administrator for Administration.

[FR Doc.71-7300 Filed 5-25-71;8;48 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 21, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42206—*Iron and steel articles to Owensboro, Ky.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3001), for interested rail carriers. Rates on iron and steel articles, in carloads, as described in the application, from McKeesport and Neville Island, Pa., to Owensboro, Ky.

Grounds for relief—Market competition.

Tariff—Supplement 9 to Traffic Executive Association-Eastern Railroads, agent, tariff ICC C-819.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7332 Filed 5-25-71;8:51 am]

[Notice 12]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 21, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Passengers, 1969 (49 CFR 1042.2(c)(9)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.2(c)(9)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.2(c)(9)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PASSENGERS

No. MC-1515 (Deviation No. 581), GREYHOUND LINES, INC. (Eastern Division), 1400 West Third Street, Cleveland, OH 44113, filed May 11, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspapers* in the same vehicle with passengers, over a deviation route as follows: From Smithfield, N.C., over U.S. Highway 70 to interchange Interstate Highway 95, thence over Interstate Highway 95 to junction U.S. Highway 301, thence over U.S. Highway 301 (using Bypass U.S. Highway 301 bypassing Wilson and Rocky Mount, N.C.), to junction access road to Interstate Highway 95, near Battleboro, N.C., thence over access road to interchange Interstate Highway 95, thence over Interstate Highway 95 to Petersburg, Va., with the following access route: From Pine Level, N.C., over U.S. Highway 70A to interchange Interstate Highway 95, and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Richmond, Va., over U.S. Highway 1 via Petersburg and South Hill, Va., and Henderson, N.C., to Raleigh, N.C., thence over unnumbered highway to junction U.S. Highway 70 near Clayton, N.C., thence over U.S. Highway 70 to Smithfield, N.C., thence over U.S. Highway 301 to Selma, N.C., thence return over U.S. Highway 301 to Smithfield, N.C., thence over U.S. Highway 70A via Pine Level, N.C., to junction U.S. Highway 70 near Princeton, N.C., thence over U.S. Highway 70 to Goldsboro, N.C., thence over U.S. Highway 117 via Warsaw and Wallace to Wilmington, N.C., and (2) from Raleigh, N.C., over relocated U.S. Highway 70 to junction old U.S. Highway 70, and return over the same routes.

No. MC–2908 (Deviation No. 2), CAPITAL MOTOR LINES, 520 North Court Street, Montgomery, AL 36102, filed May 7, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *passengers and their baggage, and express and newspaper* in the same vehicle with passenger, over a deviation route as follows: From Montgomery, Ala., over Interstate Highway 85 to junction U.S. Highway 280–431, near Opelika, Ala., thence over U.S. Highway 280–431 to junction U.S. Highway 80, at Phenix City, Ala., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport passengers and the same property, over pertinent service routes as follows: (1) From Union Springs, Ala., over U.S. Highway 82 (formerly Alabama Highway 6) to junction Alabama Highway 26, thence over Alabama Highway 26 to Seale, Ala., thence over U.S. Highway 241 to Phenix City, Ala., thence over U.S. Highway 80 to Columbus, Ga.; and (2) from Eufaula, Ala., over U.S. Highway 431 (formerly U.S. Highway 241), to junction U.S. Highway 82 (formerly Alabama Highway 6) thence over U.S. Highway 82 via Midway and Downing, Ala., to junction U.S. Highway 231, thence over U.S. Highway 231 to Montgomery, Ala. (also from Eufaula over U.S. Highway 431 to junction Alabama Highway 30, thence over Alabama Highway 30 to Clayton, Ala., thence over Alabama Highway 51 to Midway; also from Downing over unnumbered highway via Pike Road, Ala., to juncion U.S. Highway 231, approximately 4 miles west of Pike Road), and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7328 Filed 5–25–71;8:51 am]

[Notice 17]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

MAY 21, 1971.

The following letter-notices of proposals to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(d)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4(d)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(d)(12)) at any time, but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–29120 (Deviation No. 11), ALL-AMERICAN TRANSPORT, INC., 1500 Industrial Avenue, Sioux Falls, SD 57104, filed May 10, 1971. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Interstate Highway 29 and U.S. Highway 73, at or near South Sioux City, Nebr., over U.S. Highway 73 to junction U.S. Highway 136, at or near Auburn, Nebr., thence over U.S. Highway 136 to junction U.S. Highway 275 at or near Rockport, Mo., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From Sioux Falls, S. Dak., over Interstate Highway 29 to junction U.S. Highway 275, thence over U.S. Highway 275 to junction U.S. Highway 136, thence over U.S. Highway 136 to junction U.S. Highway 59, thence over U.S. Highway 59 to junction U.S. Highway 71, thence over U.S. Highway 71 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo.; and (2) from Sioux Falls, S. Dak., over Interstate Highway 29 to junction Interstate Highway 80, thence over Interstate Highway 80 to junction Interstate Highway 235, thence over Interstate Highway 235 to junction Iowa Highway 163, thence over Iowa Highway 163 to junction U.S. Highway 63, thence over U.S. Highway 63 to junction Interstate Highway 70, thence over Interstate Highway 70 to St. Louis, Mo., and return over the same routes.

No. MC–43421 (Deviation No. 29), DOHRN TRANSFER COMPANY, Post Office Box 1237, Rock Island, IL 61202, filed May 11, 1971. Carrier's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction Illinois Highway 84 and U.S. Highway 20, over Illinois Highway 84 to the Illinois-Wisconsin State line, thence over Wisconsin Highway 80 to junction Wisconsin Highway 11, thence over Wisconsin Highway 11 to junction Interstate Highway 90, thence over Interstate Highway 90 to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee, Wis., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: (1) From Dubuque, Iowa, over U.S. Highway 20 to Chicago, Ill.; and (2) from Chicago, Ill., over U.S. Highway 41 to Milwaukee, Wis., and return over the same routes.

No. MC–48958 (Deviation No. 27), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216, filed May 12, 1971. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, TX 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From San Diego, Calif., over U.S. Highway 80 (Interstate Highway 8) to junction Interstate Highway 10, near Casa Grande, Ariz., thence over Interstate Highway 10 to Phoenix, Ariz., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From San Diego, Calif., over U.S. Highway 395 to Colton, Calif.; (2) from Colton, Calif., over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., thence over U.S. Highway 89 to Ashfork, Ariz.; and (3) from Wickenburg, Ariz., over U.S. Highway 89 to Phoenix, Ariz., and return over the same routes.

No. MC–48958 (Deviation No. 28), ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver, CO 80216, filed May 3, 1971. Carrier's representative: Morris G. Cobb, Post Office Box 9050, Amarillo, TX 79105. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Lincoln, Nebr., over U.S. Highway 77 to junction U.S. Highway 36 at or near Marysville, Kans., thence over U.S. Highway 36 to junction U.S. Highway 66 (Interstate Highway 55) at or near Springfield, Ill., thence over U.S. Highway 66 (Interstate Highway 55) to Chicago, Ill., and return over the same route, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities, over pertinent service routes as follows: (1) From

Lincoln, Nebr., over U.S. Highway 6 to Harvey, Ill., thence over Illinois Highway 1 to Chicago, Ill. (also from Harvey, Ill., over U.S. Highway 6 to junction Alternate U.S. Highway 30, thence over Alternate U.S. Highway 30 to Chicago); (2) from Lincoln, Nebr., over U.S. Highway 6 to Princeton, Ill., thence over U.S. Highway 34 to Chicago, Ill.; and (3) from Lincoln, Nebr., over U.S. Highway 6 to Council Bluffs, Iowa, thence over U.S. Highway 75 to Missouri Valley, Iowa, thence over U.S. Highway 30 to junction Alternate U.S. Highway 30 (near Sterling, Ill.), thence over Alternate U.S. Highway 30 to Chicago, Ill., and return over the same routes.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7329 Filed 5–25–71;8:51 am]

[Notice 42]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

MAY 21, 1971.

The following publications are governed by the new Special Rule 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

No. MC 99695 (Sub-No. 6) (Clarification), filed March 15, 1971, published in the FEDERAL REGISTER issues of April 5, 1971, and May 19, 1971, and republished in part in this issue. Applicant: ATLAS TRANSIT, INC., Post Office Box 707, Little Rock, AR 72203. Applicant's representative: James N. Clay III, 2700 Sterick Building, Memphis, Tenn. 38103. NOTE: The purpose of scribe the route under part (2) as follows: "between Malvern, Ark., and Nashville, Ark., from Malvern over U.S. Highway 270 to junction of U.S. Highway 70, thence west over U.S. Highway 70 to Kirby, thence south over Arkansas Highway 27 to Nashville, and return over the same route, serving all intermediate points". (b) The route described under part (23) made reference to Opello, Ark., whereas the correct spelling should be Oppello, Ark.

HEARING: Remains as assigned June 14, 1971, in Room 978, New Federal Building, Memphis, Tenn., before a hearing examiner to be later designated.

NOTICE OF FILING OF PETITIONS

No. MC 95920 (Sub-No. 13) (Notice of Filing of Petition To Amend Contract Carrier Permit by the Authorization of Additional Commodities To Service Presently Authorized), filed March 9, 1971. Petitioner: SANTRY TRUCKING COMPANY, 11552 Southwest Pacific Highway, Portland, OR 97223. Petitioner's representative: George R. LaBissonierre, 1424 Washington Building, Seattle, WA 98101. Petitioner states it presently holds a contract carrier permit under Docket MC 95920 Sub 13 to transport empty containers, rejected or spoiled malt beverages, hops, in bales, rice, grain, infusorial earth, brewer's malt, advertising matter and other ingredients used in the manufacture of malt beverages, from points in California to Olympia, Wash., under continuing contract with Olympia Brewing Co. of Olympia, Wash. Petitioner further states it presently holds authority to transport as a contract carrier for the Olympia Brewing Co., malt beverages and advertising matter when moving therewith from Olympia, Wash., to points in Washington, Idaho, Montana, Utah, Colorado, North Dakota, South Dakota, and Oregon. Also, as a common carrier, it holds authority to transport under Docket MC 123265 the same commodities from Olympia, Wash., to California. The reason for this is that the State of California will not allow a contract carrier to transport alcoholic beverages into the State of California and the service can be performed by a common carrier only; thus the petitioner holds a common carrier authority to California, whereas it is contract everywhere else. Nevertheless, it still holds the return inbound authority from points in California to Olympia as described above as a contract carrier. By the instant petition, petitioner seeks to amend its contract carrier permit northbound under Docket MC 95920 Sub 13 so that materials and supplies can be transported along with the already authorized commodities to be used in the manufacture of malt beverages. The petition then seeks to add materials and supplies to the authority northbound from points in California to Olympia, Wash., so that the authority would read: "Empty containers, rejected or spoiled malt beverages, hops, in bales, rice grain, infusorial earth, brewer's malt, advertising matter and other ingredients, materials or supplies used in the manufacture of malt beverages. From points in California to Olympia, Wash. Operations are limited to the transportation service to be performed under a continuing contract or contracts with Olympia Brewing Company of Olympia, Wash." Petitioner states that no different area of origin or destination is being asked for, but only the addition of commodities which are related to those already being hauled and naturally for the very same shipper for whom it is now a contract carrier. Any interested person desiring to participate, may file an original and six copies of his written representations, views or argument in support of or against the petition, within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 19157 (Notice of Filing of Petition To Modify Certificate), filed April 30, 1971. Petitioner: McCORMACKS HIGHWAY TRANSPORTATION, INC., 151 Erie Boulevard, Schenectady, NY 12305. Petitioner's representative: Anthony C. Vance, Suite 501, 1111 E Street NW., Washington, DC 20004. Petitioner states it was granted grandfather authority in its lead certificate MC 19157. A portion of the said certificate reads as follows: "*Electrical equipment*, when for emergency repairs or installations, over irregular routes: From Schenectady, N.Y., to points and places in Connecticut, Illinois, Indiana, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Vermont, Virginia, and the District of Columbia, with no transportation for compensation on return except as otherwise unauthorized." Petitioner states that the purpose of this petition is to seek modification of petitioner's lead certificate to the extent that the following restrictive language be eliminated therefrom: " * * * when for emergency repairs or installations * * *" Attached to the petition is (a) petitioner's supporting verified statement, with copy of involved certificate, relevant traffic exhibit, most recent financial statements, and equipment list; and (b) a verified statement of supporting shipper, General Electric Co. Petitioner contends that this supporting evidence fully justifies the modification requested. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC–126403 (Sub-No. 1) (Notice of Filing of Petition for Declaratory Order for Modification of Permit), filed April 19, 1971. Petitioner: MERCHANTS DELIVERY SERVICE, INC., Southwest Corner Swanson and Mifflin Streets, Philadelphia, PA 19148. Petitioner's representative: Robert D. Stair, Sr., 2122 Meeting House Road, Cinnaminson, NJ 08007. Petitioner states it holds authority as a contract carrier of property, by motor vehicle under MC–126403 (Sub-No. 1), and requests that a declaratory order be issued by the Commission finding that the restrictive portion of its permit, which reads "Restriction: The operations authorized herein are limited to a transportation service to be performed, under a continuing contract or contracts with Appliance Service & Installation Corp., of Philadelphia, Pa.", is unduly prejudicial and discriminatory to petitioner, and should be eliminated in the interests of better conformance to the National Transportation Policy. Petitioner's president states in part, as follows: That he is president of Appliance Delivery Corp., a warehousing corporation, formerly known by the name of Appliance Service & Installation Corp.

The latter name is the one shown in petitioner's permit as being the only party, or shipper, with whom petitioner is authorized to negotiate contracts for transportation service. At the present time, petitioner transports, under its permit, household appliances between Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey and Delaware. This, purportedly, is for the account of Appliance Service & Installation Corp., a corporation no longer existing by name, but whose functions as a warehousing corporation have been taken over under the name of Appliance Delivery Corp.

Petitioner's president further states that, prior to July 2, 1969, the operating authority of petitioner was under the name of Appliance Delivery Corp., the name that is now used for the aforementioned warehousing corporation. At the time of the original purchase, the previous owner also owned and operated the contracting shipper, Appliance Service & Installation Corp. The terms of purchase of the carrier included purchase of the warehousing corporation. As a result, he became not only president of the carrier, but also president of the contracting shipper, as was the previous owner. As of July 2, 1969, a change of name in Docket No. MC–126403, Sub 1, was effected from Appliance Delivery Corp. to that of petitioner's present designation. At the same time, a change of name was also instituted with Appliance Service & Installation Corp. becoming Appliance Delivery Corp., retaining its characteristic as a warehousing corporation but having no transportation characteristics. By the instant petition, petitioner requests that the Commission find justification for and grant this petition for a declaratory order eliminating the restrictive portion of petitioner's permit in order to enable it to negotiate directly with manufacturers, distributors and/or retail stores for the transportation of household appliances without the necessity of first having such items stored in the warehouse of Appliance Delivery Corp. Any interested person desiring to participate may file an original and six copies of his written representations, views, or argument in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATION FOR CERTIFICATE OR PERMIT WHICH IS TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC–3005 (Sub-No. 10), filed April 29, 1971. Applicant: CHICAGO-KANSAS CITY FREIGHT LINE, INC., 14th and Baltimore, Kansas City, MO 64501. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, MO 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk, articles of unusual value, classes A and B explosives, household goods as defined by the Commission and those requiring the use of special equipment); (1) between points in Illinois within a 50-mile radius of St. Charles, Ill.; and (2) between points in Illinois within a 50-mile radius of St. Charles, Ill., on the one hand, and, on the other, points in Illinois outside of said 50-mile radius. NOTE: Applicant states that the operations would connect at Chicago, Ill., and any point on U.S. Highway 66 within the 50-mile radius of St. Charles, Ill. This is a matter directly related to MC–F–11160, published FEDERAL REGISTER issue of May 12, 1971, wherein applicant seeks to purchase the rights of Pride Motors, Inc. If a hearing is deemed necessary, applicant requests it be held at Chicago or St. Charles, Ill.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

No. MC–F–11171. Authority sought for purchase by COOK MOTOR LINES, INC., Post Office Box 1391, Akron, OH 44309, of a portion of the operating rights and property of EPPERLY MOTOR FREIGHT, INC., Post Office Box 299, Fayetteville, WV 25840, and for acquisition by H. L. COOK, also of Akron, Ohio 44309, of control of such rights and property through the purchase. Applicants' attorneys: John P. McMahon, 100 East Broad Street, Columbus, OH 43215 and Eugene T. Liipfert, 1660 L Street NW., Washington, DC 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120002 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, between points and places within 75 miles of Gatewood, Fayette County, W. Va., except those points and places in Cabell, Putnam, Kanawha, Mason, Jackson, Roane, Calhoun, Gilmer, Wirt, Wood, Lewis, Upshur, Randolph, and Ritchie Counties, W. Va., which are within 75 miles of Gatewood, W. Va., and which are located on and north of U.S. Highway 60. Vendee is authorized to operate as a *common carrier* in West Virginia and Ohio. Application has been filed for temporary authority under section 210a(b). NOTE: MC–106451 Sub–8, is a matter directly related. See MC–F–11172 for the remaining portion of this authority.

No. MC–F–11172. Authority sought for purchase by OVERNITE TRANSPORTATION COMPANY, 1100 Commerce Road, Richmond, VA 23224, of a portion of the operating rights and property of EPPERLY MOTOR FREIGHT, INC., Post Office Box 299, Fayetteville, WV 25840, and for acquisition by J. H. COCHRANE, also of Richmond, Va. 23224, of control of such rights and property through the purchase. Applicants' attorneys: John P. McMahon, 100 East Broad Street, Columbus, OH 43215, and Eugene T. Liipfert, 1660 L Street NW., Washington, DC 20036. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–120002 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, between points and places in Cabell, Putnam, Kanawha, Mason, Jackson, Roane, Calhoun, Gilmer, Wirt, Wood, Lewis, Upshur, Randolph, and Ritchie Counties, W. Va., which are within 75 miles of Gatewood, W. Va., and which are located on and north of U.S. Highway 60. Vendee is authorized to operate as a *common carrier* in North Carolina, Tennessee, South Carolina, Georgia, Virginia, Alabama, and West Virginia. Application has been filed for temporary authority under section 210a(b). NOTE: MC–109533 Sub-47, is a matter directly related. See MC–F–11171 for the remaining portion of this authority.

No. MC–F–11174. Authority sought for control and merger by GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, 2700 Broening Boulevard, Baltimore, MD 21222, of the operating rights and property of MACK BROTHERS, INCORPORATED, Victoria, Va. 23974, and for acquisition by EDWARD A. GALLAGHER III, also of Baltimore, Md. 21222, of control of such rights and property through the transaction. Applicants' attorneys: Francis W. McInerny and John Guandolo, both of 1000 16th Street NW., Washington, DC 20036. Operating rights sought to be controlled and merged: General commodities, excepting among others, classes A and B explosives, household goods, as a *common carrier* over irregular routes, between Victoria and Kenbridge, Va., on the one hand, and, on the other, Hanover, Pa., Baltimore, Md., Washington, D.C., and points in Virginia and North Carolina; *household goods*, as defined by the Commission, between Victoria, Va., and points within 30 miles of Victoria, on the one hand, and, on the other, Washington, D.C., and points in Pennsylvania, Maryland, North Carolina, Tennessee, Kentucky, and West Virginia; *logs, lumber, and billets*, from specified points in Virginia to specified points in North Carolina and Baltimore, Md.; *corrugated paper boxes, building materials, and glass*, from Richmond, Va., to points in North Carolina and South Carolina. GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Kentucky, Ohio, Michigan, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11175. Authority sought for control by LONG ISLAND DELIVERY CO., INC., Central Avenue, East Farmingdale, NY 11735, of the operating rights

of TOMLINSON BROS., INCORPORATED, 150 Front Avenue, West Haven, CT 06516, and for acquisition by NELLIE MILES, CHARLES A. FRANCOLINI, and RICHARD J. KUSTER, all of East Farmingdale, N.Y. 11735, of control of TOMLINSON BROS., INCORPORATED, through the acquisition by LONG ISLAND DELIVERY CO., INC. Applicants' attorneys: William Biederman, 280 Broadway, New York, N.Y. 10007, and John E. Fay, 342 North Main Street, West Hartford, CT 06117. Operating rights sought to be controlled: *General commodities*, excepting among others, classes A and B explosives, household goods and commodities in bulk, as a *common carrier*, over regular routes, between New Haven, Conn., and Elizabeth, N.J., with service to and from the intermediate points of Milford; Stratford, Bridgeport, Fairfield, Westport, Darien, Stamford, and Greenwich, Conn.; New York, Port Chester, Rye, Mamaroneck, Larchmont, and New Rochelle, N.Y.; and Jersey City and Newark, N.J.; and the off-route points of West Haven, Hamden, Branford, Derby, Seymour, Ansonia, and Woodridge, Conn.; Pelham, Mount Vernon, Bayside, Yonkers, Tuckahoe, Richmond Hill, Garden City, Jamaica, Ridgewood, Nyack, and Havershaw, N.Y.; and Hoboken, Passaic, Bayonne, Paterson, Lodi, South Orange, Edgewater, Maurer, and Carteret, N.J.; *general commodities*, with exceptions as specified above, over irregular routes, between New Haven, Conn., on the one hand, and, on the other, points in Connecticut. LONG ISLAND DELIVERY CO., INC., is authorized to operate as a *common carrier* in New Jersey and New York. Application has been filed for temporary authority under section 210a(b).

No. MC–F–11176. Authority sought for purchase by KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50702, of a portion of the operating rights of EAZOR EXPRESS, INCORPORATED, Eazor Square, Pittsburgh, Pa. 15201, and for acquisition by ALLEN E. KROBLIN, also of Waterloo, Iowa 50702, of control of such rights through the purchase. Applicants' representatives: Allen E. Kroblin, Box 5000, Waterloo, IA 50704, and Robert C. Eazor, Eazor Square, Pittsburgh, Pa. 15201. Operating rights sought to be transferred: *Prepared food products*, as a *common carrier* over irregular routes, between points and places in New York, on the one hand, and, on the other, points and places in Pennsylvania on and south of U.S. Highway 422 and on and west of U.S. Highway 219. Vendee is authorized to operate as a *common carrier* in all points in the United States (except Alaska and Hawaii). Application has been filed for temporary authority under section 210a(b).

No. MC–F–11177. Authority sought for purchase by MITCHELL TRANSPORT, INC., 21111 Chagrin Boulevard, Cleveland, OH 44122, of a portion of the operating rights and certain property of MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050, and for acquisition by LEASEWAY TRANSPORTATION CORP., also of Cleveland, Ohio 44122, of control of such rights and certain property through the purchase. Applicants' attorneys: John Andrew Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114, Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington, DC 20004, and Harry C. Ames, 666 11th Street NW., Washington, DC 20001. Operating rights sought to be transferred: *Dry cement*, as a *common carrier* over irregular routes, from the plantsite of Alpha Portland Cement Co. at Lime Kiln, Md., to points in Delaware, Maryland, New Jersey, Pennsylvania, that part of West Virginia in and east of Monroe, Greenbrier, Webster, Lewis, Harrison, Marion, and Monongalia Counties, that part of Virginia in and north of Middlesex, King and Queen, New Kent, Henrico, Chesterfield, Powhatan, Cumberland, Buckingham, Nelson, Amherst, Rockbridge, and Alleghany Counties, not including points on the Eastern Shore of Virginia, and the District of Columbia; *cement*, from Lime Kiln, Md., to points in Accomack and Northampton Counties, Va. Vendee is authorized to operate as a *common carrier* in Indiana, Ohio, Kentucky, Illinois, Maryland, Pennsylvania, Rhode Island, Connecticut, Massachusetts, New York, Maine, New Hampshire, Vermont, New Jersey, Alabama, Florida, Mississippi, Tennessee, Kansas, Arkansas, Missouri, Oklahoma, Minnesota, North Dakota, South Dakota, Wisconsin, Iowa, Georgia, Virginia, North Carolina, Delaware, West Virginia, District of Columbia, South Carolina, Louisiana, Nebraska, Texas, Michigan, Washington, Idaho, Montana, and Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11178. Authority sought for merger into L. A. TUCKER TRUCK LINES, INCORPORATED, 321 North Spring Avenue, Cape Girardeau, MO 63701, of the operating rights and property of ILLMO TRANSFER, INC., Route 1, Herrin, IL 62948, and for acquisition by HARRY A. MESSMER, CHARLES N. HARRIS, and SIMON P. BOLLINGER, all of Cape Girardeau, Mo. 63701, of control of such rights and property through the transaction. Applicants' attorney: Gregory M. Rebman, 314 North Broadway, St. Louis, MO 63102. Operating rights sought to be merged: *General commodities*, with usual exceptions, as a *common carrier* over regular routes, between Belleville, Ill., and St. Louis, Mo., between Pyatts, Ill., and St. Louis, Mo., between Pyatts and Harrisburg, Ill., between Vienna and Carmi, Ill., between Mount Vernon and Vienna, Ill., over various other short regular routes in Illinois in the same general area serving all intermediate points and various off-route points, with restrictions. L. A. TUCKER TRUCK LINES, INCORPORATED, is authorized to operate as a *common carrier* in Illinois, Missouri, Arkansas, Indiana, Tennessee, and Iowa. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–11179. Authority sought for control and merger by ARKANSAS-BEST FREIGHT SYSTEM, INC., 301 South 11th Street, Fort Smith, AR 72901, of the operating rights and property of YOUNGBLOOD TRUCK LINES, INC., Highway 25, Fletcher, NC 28732, and for acquisition by ARKANSAS BEST CORPORATION, also of Fort Smith, Ark. 72901, of control of such rights and property through the transaction. Applicants' attorneys: Thomas Harper and Tom Harper, Jr., Post Office Box 43, Fort Smith, AR 72901 and Charles Ephraim, 1250 Connecticut Avenue NW., Washington, DC 20036. Operating rights sought to be controlled and merged: *General commodities*, with certain specified exceptions, and numerous other specified commodities, as a *common carrier*, over regular and irregular routes, from, to, and between specified points in the States of Georgia, South Carolina, North Carolina, Tennessee, West Virginia, Ohio, Kentucky, Indiana, and Illinois, with certain restrictions, serving various intermediate and off-route points, over numerous alternate routes for operating convenience only, as more specifically described in Docket No. MC–37896 and sub-numbers thereunder. This notice does not purport to be a complete description of all of the operating rights of the carrier involved. The foregoing summary is believed to be sufficient for purposes of public notice regarding the nature and extent of this carrier's operating rights, without stating, in full, the entirety, thereof. ARKANSAS-BEST FREIGHT SYSTEM, INC., is authorized to operate as a *common carrier* in Texas, Oklahoma, Arkansas, Mississippi, Louisiana, Tennessee, Kansas, Missouri, Illinois, Indiana, Kentucky, Ohio, New York, Pennsylvania, Alabama, Michigan, Wisconsin, Iowa, Minnesota, and West Virginia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7330 Filed 5–25–71;8:51 am]

NOTICE OF FILING OF MOTOR CARRIER INTRASTATE APPLICATIONS

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by Special Rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the

State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

State Docket No. (Unknown), filed May 5, 1971. Applicant: D. J. TRITT & A. D. McALISTER, doing business as BUTTE-DEER LODGE MOTOR FREIGHT, Box 369, Butte, MT 59701. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *general commodities* (except commodities in bulk), between Deer Lodge, Mont., and Butte, Mont., and intermediate points via U.S. Highway 10S. Both intrastate and interstate authority sought.

HEARING: Date, time, and place application to be assigned for hearing unknown at this time. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Board of Railroad Commissioners, 1227 11th Avenue, Helena, MT 59601, and should not be directed to the Interstate Commerce Commission.

State Docket No. CC-7087, filed May 3, 1971. Applicant: CLINE MUNDY, doing business as GENERAL MOTOR LINES, Post Office Box 5157, Roanoke, VA. Applicant's representative: Jno. C. Goddin, 200 West Grace Street, Richmond, VA 23220. Certificate of public convenience and necessity sought to operate a freight service as follows: Between Covington, Va., and Warm Springs, Va., over the following routes: From Covington, Va., over U.S. Highway 60 and Interstate Highway 64 to and over Virginia Secondary Highway 600 to and over Virginia Secondary Highway 641 to and over Virginia Secondary Highway 687 to and over Virginia Highway 39 thence over Virginia Highway 39 to Warm Springs, serving points in Alleghany and Bath Counties north of Interstate 64 over numbered and unnumbered highways as off-route points. Both interstate and intrastate authority sought.

HEARING: July 19, 1971, 10 a.m., Courtroom, State Corporation Commission, Blanton Building, Richmond, Va. Requests for procedural information including the time for filing protests concerning this application should be addressed to the Commonwealth of Virginia, State Corporation Commission, Box 1197, Richmond, VA 23209 and should not be directed to the Interstate Commerce Commission.

State Docket No. T-9005 filed April 14, 1971. Applicant: LESTER LINES, INC., Wallkill, N.Y. Applicant's representative: Samuel B. Zinder, Station Plaza East, Great Neck, NY 11021. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *packages and newspapers* by omnibus as auxiliary to passengers service along the routes for which the applicant holds a certificate of public convenience and necessity from the Department of Transportation for the operation of omnibus lines. This authority is to be used in conjunction with existing authority, both in interstate and intrastate commerce.

HEARING: Not assigned yet. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the New York State Department of Transportation, 1220 Washington Avenue, State Campus, Albany, NY 12226, and should not be directed to the Interstate Commerce Commission.

State Docket MC 18530 No. 4334-M filed May 13, 1971. Applicant: BENTON TRANSPORT CORPORATION, Post Office Box 6358, Station C, Savannah, GA 31405. Applicant's representative: Ariel V. Conlin, 53 Sixth Street NE., Atlanta, GA 30308. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *food stuffs*, canned, prepared, or preserved, not frozen; *cooking or edible oils, matches, oleomargarine, shortening* (except commodities in bulk and frozen foodstuffs), from the plantsite of Hunt-Wesson Foods, Inc., Savannah Distribution Center, Chatham County, Ga., and/or from the plantsite of Hunt-Wesson Foods, Inc., Atlanta Distribution Center, Fulton County, Ga., on the one hand, and, on the other, all points in Georgia, over no fixed route, also application for corresponding authority to conduct operations in interstate and foreign commerce under section 206(a)(6) of the Interstate Commerce Act, as amended. Both intrastate and interstate authority sought.

HEARING: July 13, 1971, 10 a.m., Room 177, at the Commission's Court Room, 244 Washington Street SW., Atlanta, GA 30334. Requests for procedural information, including the time for filing protests concerning this application should be addressed to the Georgia Public Service Commission, 244 Washington Street SW., Atlanta, GA 30334, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7327 Filed 5-25-71;8:51 am]

[Notice 299]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 20, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 112822 (Sub-No. 196 TA), filed May 11, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, dry, in bulk, from Military (Cherokee County), Kans., to points in Arkansas, Iowa, Missouri, Nebraska, Oklahoma, and points in that part of Texas on and east of a line beginning at the Oklahoma-Texas State line and extending along Route I-35 to San Antonio, Tex., and thence along U.S. Highway 281 to the Texas-Mexico international boundary line at or near Hidalgo, Tex., for 120 days. Supporting shipper: J. J. Stefanec, Transportation Manager, Gulf Oil Chemicals Co., Dwight Building, Kansas City, Mo. 64105. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 116073 (Sub-No. 167 TA), filed May 11, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., 1825 Main Avenue, Post Office Box 919, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar, Post Office Box 919, Moorhead, MN 56560. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from Petersburg, N. Dak., to points in Montana, Minnesota, and South Dakota, for 180 days. Supporting shipper: Arctic Homes, Inc., Post Office Box 125, Petersburg, ND 58272. Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58102.

No. MC 116101 (Sub-No. 8 TA), filed May 11, 1971. Applicant: QUICK AIR FREIGHT, INC., Cargo Building, Port Columbus, Columbus, Ohio 43215. Applicant's representative: Edwin H. Van Deusen, 50 West Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mining machine parts*, in emergency service, from Columbus, Ohio, to points in the United States east of the Mississippi River (except points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia), and *used mining machine parts*, from points in the United States east of the Mississippi River (except points in Illinois, Indiana, Kentucky, Michigan, New York, Pennsylvania, and West Virginia), to Columbus, Ohio, for 180 days. Supporting shipper: Jeffrey Mining Machinery Co., Division of Jeffrey Galion Inc., Post Office Box 1879, Columbus, OH 43216. Send protests to: A. M. Culver, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 255 Federal Building and U.S. Courthouse, 85 Marconi Boulevard, Columbus, OH 43215.

No. MC 117765 (Sub-No. 125 TA), filed May 11, 1971. Applicant: HAHN TRUCK LINE, INC., 5315 Northwest Fifth, Post Office Box 75267, Oklahoma City, OK 73107. Applicant's representative: R. E. Hagan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising materials*, from the plantsite of Lone Star Brewing Co., San Antonio, Tex., to points in Arkansas and Oklahoma, for 150 days. Supporting shipper: Lone Star Brewing Co., 600 Lone Star Boulevard, San Antonio, TX 78206. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 116978 (Sub-No. 4 TA), filed May 11, 1971. Applicant: MERCURY PRODUCE EXPRESS, LTD., 2201 Rosser, Burnaby 2, BC Canada. Applicant's representative: George H. Hart, IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper*, from ports of entry on the international boundary between the United States and Canada at or near Blaine, Wash., to points in King, Pierce, and Yakima Counties, Wash.; Multnomah and Lane Counties, Oreg., Washoe County, Nev.; Maricopa and Pima Counties, Ariz.; and points in California; (2) *yarns, carpets, and carpeting accessories and materials*, from points in California to ports of entry on the international boundary line between the United States and Canada at or near Oroville, Wash., for 180 days. Supporting shippers: Western Newsprint Ltd., Post Office Box 235, South Barnaby, BC Canada; Westmills Carpets Ltd., Post Office Box 608, Kelowna, BC Canada. Send protests to: E. J. Casey, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 6130 Arcade Building, Seattle, Wash. 98101.

No. MC 124070 (Sub-No. 23 TA), filed May 11, 1971. Applicant: CHEMICAL HAULERS, INC., Post Office Box 2038, 5723 Kennedy Avenue, Hammond, IN 46323. Applicant's representative: William J. Gately (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent silica gel cracking catalyst*, from Pine Bend, Minn., to Port Huron, Mich., for 150 days. Supporting shipper: Easttown Technical Co., Paoli, Pa. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 124230 (Sub-No. 15 TA), filed May 11, 1971. Applicant: C. B. JOHNSON, INC., Post Office Drawer S, Cortez, CO 81321. Applicant's representative: C. B. Johnson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore concentrates*, from Sandoval County, New Mexico to Bernalillo, N. Mex., and El Paso, Tex., for 180 days. Supporting shipper: Earth Resources Co., Post Office Box 202, Cuba, NM 87013. Send protests to: District Supervisor Herbert C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 125375 (Sub-No. 7 TA), filed May 11, 1971. Applicant: F. B. GUEST, doing business as F.B.G. TRANSPORT, Route 5, Box 95A Covington, GA 30209. Applicant's representative: Monty Schumacher, Suite 310, Bankers Fidelity Life Building, 2045 Peachtree Road NE., Atlanta, GA 30309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cottage cheese*, from Watertown, N.Y., to the warehouses of Winn-Dixie Stores, Inc., in Greenville, S.C.; Montgomery, Ala.; Jacksonville, Miami, and Tampa, Fla.; Atlanta, Ga.; and Louisville, Ky.; for 180 days. Supporting shipper: Borden Dairy & Services Division, Borden, Inc., 50 West Broad Street, Columbus, OH 43215. Send protests to: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 309, 1252 Peachtree Street NW., Atlanta, GA 30309.

No. MC 129705 (Sub-No. 1 TA), filed May 11, 1971. Applicant: CARTER'S TRUCKING AND DELIVERY SERVICE, INC., 282 Franklin Avenue, Staten Island, NY 10301. Applicant's representative: Anthony I. Giacobbe, 15 Welles Court, Staten Island, NY 10301. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Redwood outdoor summer furniture*, unassembled, in cartons, from Bristol, Pa., to Staten Island, N.Y., for 180 days. Supporting shipper: J. C. Penney Co., Inc., 1509 Forest Avenue, Port Richmond, NY 10302. Send protests to: Paul W. Assenza, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, NY 10007.

No. MC 133240 (Sub-No. 18 TA), filed May 10, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Holly Stores, Inc., their divisions or subsidiaries, located at Secaucus, N.J., North Bergen, N.J., New York, N.Y., on the one hand, and, on the other, points in Pensacola, Jacksonville, Daytona Beach, Orlando, Lauderhill, Tampa, Largo, Miami, Hialeah, West Palm Beach, St. Petersburg, Bradenton, Fern Park, Oakland Park, Hollywood, Fla.; Hazlet, Randolph Township, N.J.; and Staten Island, N.Y., under contract with Holly Stores, Inc., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, NY 10019. Send protests to: District Supervisor Robert E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 133240 (Sub-No. 19 TA), filed May 11, 1971. Applicant: WEST END TRUCKING CO., INC., 530 Duncan Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in or used by discount or department stores, between the facilities of Holly Stores, Inc., located in New York, N.Y., Secaucus and North Bergen, N.J., on the one hand, and, on the other, Los Angeles, San Bernardino, Rialto, Riverside, Orange, Santa Ana, Fullerton, Buena Pari, Bellflower, Calif.; Chicago, Ill. and its commercial zone; and Denver, Colo., and its commercial zone; Lafayette, Lake Charles, Alexandria, and Monroe, La.; under contract with Holly Stores, Inc., for 180 days. Supporting shipper: Holly Stores, Inc., 550 West 59th Street, New York, NY 10019. Send protests to: District Supervisor R. E. Johnston, Bureau of Operations, Interstate Commerce Commission, 970 Broad Street, Newark, NJ 07102.

No. MC 134182 (Sub-No. 6 TA), filed May 11, 1971. Applicant: MILK PRODUCERS MARKETING COMPANY, doing business as ALL-STAR TRANSPORTATION, Second and West Turnpike Road, Post Office Box 505, Lawrence, KS 66044. Applicant's representative: Warren H. Sapp, 450 Professional Building, Kansas City, MO 64106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and storage facilities of Aristo Kansas Meat Packers, Inc., at or near Holton, Kans., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, for 150 days. NOTE: Applicant does not intend to tack the authority here applied for to other authority held by it, or to interline with other carriers. Supporting shipper: Kansas Beef Packs, a division of Aristo Meat Packers, Holton, Kans. 66436. Send protests to: Thomas P.

O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

No. MC 135493 (Sub-No. 1 TA), filed May 11, 1971. Applicant: LYLE GUENTZEL, Rural Route 1, Box 46, Hibbing, MN 55746. Applicant's representative: Richard M. Bosard. 1160 Northwestern Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Grinding balls*, from Hibbing, Minn., to Black River Falls, Wis., and to Hanna Mining Co.'s Groveland Mine near Randville, Mich., and on return, *steel containers* for grinding balls, under a continuing contract with Mesaballoy, Inc., Hibbing, Minn. for 150 days. Supporting shipper: Mesaballoy, Inc., Hibbing, Minn. Send protests to: District Supervisor E. C. Sjogren, Interstate Commerce Commission, Bureau of Operations, 110 South Fourth Street, 448 Federal Building, Minneapolis, MN 55401.

No. MC 135527 (Sub-No. 1 TA), filed May 11, 1971. Applicant: P. H. D. TRUCKING SERVICE, INC., Post Office Box 106, 1500 North Maine Street, Spanish Fork, UT 84660. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore and ore concentrates*, in bulk, from Darwin, Calif., to International Smelter at Tooele, Utah, for 180 days. Supporting shipper: Mexicanus Colorado, Inc., Post Office Box, 206 Darwin, CA 93522 (J. Chisholm). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 48111.

No. MC 135528 (Sub-No. 1 TA), filed May 10, 1971. Applicant: CLIFFORD R. SMITH, doing business as C. R. SMITH TRUCKING, R.F.D., Oakley, Utah 84055. Applicant's representative: Stuart L. Poelman, Seventh Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber* (except poles and laminated beams), from Kamas, Utah, to Phoenix, Ariz., Denver and Colorado Springs, Colo., Hawthorne, Nev., and points in Orange, Los Angeles, Riverside, San Bernardino, San Diego and Ventura Counties, Calif., under a continuing contract with Blazzard Lumber Co. of Kamas, Utah, for 180 days. Supporting shipper: Blazzard Lumber Co., Post Office Box 65, Kamas, UT 84036 (J. H. Blazzard, owner and operator). Send protests to: John T. Vaughan, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5239 Federal Building, Salt Lake City, Utah 84111.

No. MC 135575 TA, filed May 10, 1971. Applicant: J. BRUCE LITTLEFIELD, doing business as LITTLEFIELD & SONS, Lebanon Road, North Berwick, ME 03906. Applicant's representative: Frederick T. McGonagle, 36 Main Street, Gorham, ME 04038. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquid asphalt*, in bulk, in tank vehicles, from Everett, Mass., to points in York County, Maine, for 180 days. Supporting shipper: Warren Brothers Co., Post Office Box 428, North Berwick, ME. Send protests to: District Supervisor Donald G. Weiler, Interstate Commerce Commission, Bureau of Operations, Room 307, 76 Pearl Street, Post Office Box 167, PSS, Portland, ME 04112.

No. MC 135576 TA, filed May 11, 1971. Applicant: AMERICAN FREIGHT CORP., 225 West Lehigh Avenue, Philadelphia, PA 19133. Applicant's representative: Alan Kahn, 2 Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by retail department stores, between the facilities of Strawbridge & Clothier and its wholly owned subsidiaries in Ardmore, Plymouth Meeting, Jenkintown, Neshaminy, Springfield (Delaware County), Pa.; Voorhees Township, Cherry Hill, Marlton, and Blackwood, N.J., and Wilmington, Del. Restriction: The operations authorized herein are limited to transportation services to be performed under a continuing contract or contracts with Strawbridge & Clothier or its wholly owned subsidiaries for 180 days. Supporting shipper: Strawbridge & Clothier, Market and Filbert at Eighth, Philadelphia, PA 19105. Send protests to: District Supervisor Ross A. Davis, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 135578 TA, filed May 11, 1971. Applicant: TODD & BINDNDER, INC., 3721 East 10th Street, Indianapolis, IN 46201. Applicant's representative: Lesow & Lesh, 3737 North Meridian Street, Indianapolis, IN 46208. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Carbonated beverages*, in cans, from Indianapolis, Ind., to Detroit, Mich., for 180 days. Supporting shipper: Coca-Cola Bottling Co., Indianapolis, Inc., Speedway, Ind. Send protests to: James W. Habermehl, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 802 Century Building, 36 South Pennsylvania Street, Indianapolis, IN 46204.

MOTOR CARRIER OF PASSENGERS

No. MC 61802 (Sub-No. 3 TA), filed May 17, 1971. Applicant: COLONIAL TRANSIT COMPANY, INCORPORATED, 310 Charlotte Street, Fredericksburg, VA 22401. Applicant's representative: L. C. Major, Jr., 301 Tavern Square, 421 King Street, Alexandria, VA 22314. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, between Dale City, Va., and Washington, D.C., as follows, from Dale City over Virginia Highway 642 to its junction with Interstate Highway 95 and thence over Interstate Highway 95 to Washington, D.C., and return over the same route, serving no intermediate points, for 180 days. Supporting shippers: There are approximately 17 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Robert W. Waldron, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 10–502 Federal Building, Richmond, Va. 23240.

No. MC 133143 (Sub-No. 1 TA), filed May 10, 1971. Applicant: PATHFINDER BUS LINES, INC., 2907 63d Street, Kenosha, WI 53104. Applicant's representative: Gordon McAleer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in charter operations, beginning and ending at points in Kenosha County, Wis., and extending to points in Iowa on and east (a) of U.S. Highway 218 extending between the Minnesota-Iowa State line and the junction of U.S. Highways 218 and 61 (west of Montrose, Iowa; and (b) of U.S. Highway 61 extending between the junction of U.S. Highways 218 and 61 and the Iowa-Missouri State line; points in Illinois on and north of U.S. Highway 136; points in Indiana on and north of Indiana Highway 26; points in Michigan on and southwest of U.S. Highway 10; and points in Ohio on and northwest of U.S. Highway 24, for 180 days. Supporting shipper: Carthage College, 2001 Alford Drive, Kenosha, WI 53140 (Gary A. Larson, Purchasing Agent). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7331 Filed 5-25-71;8:51 am]

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federal register

WEDNESDAY, MAY 26, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 102

PART II

DEPARTMENT OF TRANSPORTATION

■

Dangerous Cargoes
and
Hazardous Materials

■

Notice of Proposed Rule Making

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGFR 71-32]

CORROSIVE LIQUIDS, N.O.S. CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow the bulk shipment of certain corrosive liquids, N.O.S., in tank cars, motor vehicle tank trucks complying with Department of Transportation regulations (trailerships and trainships only), and portable tanks.

Interested persons are invited to submit written data, views, or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communication should identify the notice number CGFR 71-32, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before August 17, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 9602 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Parts 172 and 173 of Title 49, Code of Federal Regulations, relating to bulk shipments of certain corrosive liquids, N.O.S., in tank cars, tank motor vehicles, and portable tanks. For reasons fully stated in that document, the Board has found that certain bulk shipments of corrosive liquids, N.O.S., under special permits have been satisfactory and is proposing to allow these shipments in 49 CFR Parts 172 and 173.

The proposed amendment to the hazardous materials regulations of the Department of Transportation in Title 49 would make these outside containers and tank cars available to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make these outside containers and tank cars available to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to amend § 146.04-5 by adopting the proposed changes to 49 CFR 172.5 and 173.245 which will authorize the bulk shipment of designated corrosive liquids, N.O.S., in tank cars, motor vehicle tank trucks complying with Department of Transportation regulations (trailership and trainships only), and portable tanks.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-7148 Filed 5-25-71;8:45 am]

[46 CFR Part 146]

[CGFR 71-33]

WET DESENSITIZED PENTAERYTHRITE TETRANITRATE CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to provide for the carriage by water of wet desensitized pentaerythrite tetranitrate in a specification DOT-21C fiber drum (49 CFR 178.224) having an inside polyethylene bag.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Each person submitting comments should include his name and address, identify the notice (CGFR 71-33), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on Tuesday, August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements.

The Commandant will evaluate all communications received before August 17, 1971, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 9602 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposed amendments to Parts 172 and 173 of Title 49, Code of Federal Regulations, relating to the shipment of wetted desensitized pentaerythrite tetranitrate (PETN) in a specification 21C fiber drum having an inside polyethylene bag. For reasons fully stated in that document, the Board has concluded that satisfactory special permit shipments of PETN for over 7 years support the proposal.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of the proposed amendments to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to incorporate the Board's proposal into 46 CFR Part 146. Wet desensitized pentaerythrite tetranitrate would be added to the "List of explosives and other dangerous articles and combustible liquids" (46 CFR 146.04-5), and carriage by water of the article in a specification DOT-21C fiber drum having an inside polyethylene bag would be allowed by 46 CFR 146.20-100.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-7149 Filed 5-25-71;8:45 am]

[46 CFR Part 146]

[CGFR 71-34]

BROMINE CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow shipment of bromine in bottles not over 1 quart in a specification 12A fiberboard box.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71-34, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before August 17, 1971, or at the hearing, will be fully considered before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 9602 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes an amendment to Part 173 of Title 49, Code of Federal Regulations, relating to the shipment of up to 1-quart bottles of bromine in a specification 12A fiberboard box and the shipment of bromine in nickel-clad cargo tanks. For reasons fully stated in that document, the Board has concluded that satisfactory special permit performance for over 6 years supports that proposal.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make the proposed authorization of bromine in bottles not over one quart in a specification 12A fiberboard box, and shipment of bromine in nickel-clad cargo tanks, specification MC 310 or MC 312 (49 CFR 178.343) available to shippers by water, air, and land, and to carriers by air and land. The adoption of the proposed amendment in this document to Title 46 would make the authorization of bromine in bottles not over 1 quart in a specification 12A fiberboard box available to carriers by water.

Authorization of the carriage of bromine in nickel-clad cargo tanks aboard certain vessels would be allowed, if the Board adopts the proposal to amend 49 CFR 173.252, without amendment of the dangerous cargoes regulations. The reason no amendment is required is that the dangerous cargoes regulation concerning bromine, 46 CFR 146.23-100, allows the article to be transported in "motor vehicle tank trucks complying with DOT regulations (trailerships and trainships only)". If the Board adopts the proposal to amend 49 CFR 173.252, that specification would be included by reference in 46 CFR Part 146.

In consideration of the foregoing, it is proposed to amend § 146.23-100 to allow the transportation of bromine in bottles not over one quart in fiberboard boxes that comply with Department of Transportation regulations.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-7150 Filed 5-25-71;8:45 am]

[46 CFR Part 146]

[CGFR 71-35]

HYDROCHLORIC ACID AND SODIUM CHLORITE SOLUTION CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow shipment of hydrochloric acid and sodium chlorite solutions in specification 2E (49 CFR 178.24a) polyethlene bottles up to 1 gallon capacity in DOT-12R (49 CFR 178.212) packaging.

Interested persons are invited to submit written data, views or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71-35, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before August 17, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC., both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 9602 of this issue of the FEDERAL REGISTER, the Hazardous Materials Regulations Board of the Department of Transportation proposes an amendment to Part 173 of Title 49, Code of Federal Regulations, relating to the authorization of shipments of sodium chlorite solutions in cargo tanks constructed of Type 316 stainless steel, and to authorize the shipment of hydrochloric acid and sodium chlorite solutions in specification 2E polyethylene bottles up to 1 gallon capacity in DOT-12R packaging. For reasons fully stated in that document, the Board has concluded that satisfactory special permit performance supports that proposal.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make these container specifications available to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would authorize the shipment of hydrochloric acid and sodium chlorite solutions in specification 2E polyethylene bottles up to 1 gallon capacity in DOT-12R packaging by water. Authorization of sodium chlorite solutions in cargo tanks constructed of Type 316 stainless steel would only be permitted if the Board adopts the proposal to amend 49 CFR 173.263.

The proposed amendment tc 49 CFR 173.263 would prescribe the specification for tank motor vehicles made from Type 316 stainless steel. The dangerous cargoes regulations concerning sodium chlorite solutions, 46 CFR 146.23-100, allow the article to be transported in "motor vehicle tank trucks complying with DOT regulations (trailerships and trainships only)". If the Board adopts the proposal to amend 49 CFR 173.263, that specification would be included by reference in 46 CFR 146.23-100 and sodium chlorite solutions could be carried aboard trailerships and trainships in motor vehicle tank trucks complying with 49 CFR 173.263 without further amendment of the dangerous cargo regulations.

In consideration of the foregoing, it is proposed to amend § 146.23-100 to allow the transportation of hydrochloric acid and sodium chlorite solutions in specification 2E polyethlene bottles up to 1 gallon capacity in DOT-12R packaging.

This proposal is made under authority of R.S. 4405, as amended, R.S 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. REA III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-7151 Filed 5-25-71;8:45 am]

[46 CFR Part 146]

[CGFR 71-36]

CHROMIC ACID SOLUTIONS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to take out that portion of the present definition of chromic acid solutions that could be construed to authorize the use of packaging prohibited by Department of Transportation regulations, to delete authorization for packaging that apparently is no longer in use, and to add specifications DOT-29 (49 CFR 178.226) and 33A (49 CFR 178.150) packaging for chromic acid solutions.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Each person submitting comments should include his name and address, identify the notice (CGFR 71-36), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on Tuesday, August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross examination of persons presenting statements.

The Commandant will evaluate all communications received before August 17, 1971, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 9602 of this issue of the Federal Register, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Part 173 of Title 49, Code of Federal Regulations, relating to the amendment of § 173.287 to define chromic acid solutions by eliminating that portion which could be construed to authorize the use of packaging prohibited by § 173.24, to delete authorization for packaging that allegedly is no longer in use, and to add specifications 29 and 33A packaging that is currently authorized for use under the terms of special permits. For reasons fully stated in that document, the Board has proposed these changes to § 173.287 because of problems that have arisen in applying its present provisions.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to incorporate the substance of the Board's proposal in 46 CFR Part 146. The amendments proposed for 49 CFR 173.287 would be incorporated into 46 CFR 146.23–100 by revising the requirements for outside containers for chromic acid solutions in columns 4, 5, 6, and 7.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. Rea III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–7152 Filed 5–25–71;8:45 am]

[46 CFR Part 146]

[CGFR 71–37]

REFRIGERANT GAS CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to delete the requirement that Department of Transportation specifications 2P (49 CFR 178.33) and 2Q (49 CFR 178.33a) metal containers be equipped with safety relief devices for shipment of refrigerant gases that are nonpoisonous and nonflammable.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Each person submitting comments should include his name and address, identify the notice (CGFR 71–37), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statement on this proposal. There will be no cross-examination of persons presenting statements.

The Commandant will evaluate all communications received before August 17, 1971, and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 9602 of this issue of the Federal Register, the Hazardous Materials Regulations Board of the Department of Transportation proposed amendments to Part 173 of Title 49, Code of Federal Regulations, relating to the deletion of the requirement that DOT specifications 2P and 2Q metal containers be equipped with safety relief devices for shipment of refrigerant gases that are nonpoisonous and nonflammable. For reasons fully stated in that document, the Board has found that successful transportation experience with the packaging supports the proposal.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of the proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to amend 46 CFR 146.24–15(f) by incorporating the Board's proposal for the amendment to 49 CFR 173.304(e)(1) by allowing refrigerant gases which are nonflammable and nonpoisonous to be carried by water in inside metal containers, specifications DOT 2P and 2Q.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. Rea III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–7153 Filed 5–25–71;8:45 am]

[46 CFR Part 146]

[CGFR 71–38]

CHLORPICRIN AND CHLORPICRIN MIXTURE CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow the use of specification 4BW cylinders and to increase the quantity allowable in cylinders authorized for the carriage of chlorpicrin and mixtures of chlorpicrin containing no compressed gas or Class A poisonous liquids on cargo vessels.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Each person submitting comments should include his name and address, identify the notice (CGFR 71–38), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements.

The Commandant will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 9602 of this issue of the Federal Register, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Part 173 of Title 49, Code of Federal Regulations, relating to the authorization of

the use of specification 4BW and to the increase of the quantity allowable in cylinders authorized for the shipment of chlorpicrin and mixtures of chlorpicrin containing no compressed gas or Class A poisonous liquid. For reasons fully stated in that document, the Board has found the proposed specification equivalent to or better than currently authorized packaging and the packaging has been satisfactorily shipped under special permits.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to incorporate the substance of the Board's proposal into 46 CFR Part 146. The carriage of chlorpicrin and mixtures of chlorpicrin containing no compressed gas or Class A poisonous liquid in packages specified in the Board's proposal, on board cargo vessels, would be allowed by 46 CFR 146.25–200.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. Rea III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–7154 Filed 5-25–71;8:45 am]

[46 CFR Part 146]

[CGFR 71–39]

BORON TRIBROMIDE TRANSPORTATION

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to prescribe requirements for the carriage of boron tribromide on all vessels except passenger vessels.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Each person submitting comments should include his name and address, identify the notice (CGFR 71–39), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC.

The Coast Guard will hold an informal hearing on August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements.

The Commandant will evaluate all communications received and take final action on this proposal. The proposed regulations may be changed in the light of comments received.

By a separate document published at page 9602 of this issue of the Federal Register, the Hazardous Materials Regulations Board of the Department of Transportation proposes amendments to Parts 172 and 173 of Title 49, Code of Federal Regulations, relating to the packaging for the shipment of boron tribromide. For reasons fully stated in that document, the Board has found that the proposed packaging has been adequately in use for several years.

The hazardous materials regulations of the Department of Transportation in Title 49 apply to shippers by water, air, and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would make the proposal of the Hazardous Materials Regulations Board applicable to carriers by water.

In consideration of the foregoing, the Coast Guard proposes to incorporate the substance of the Board's proposal into 46 CFR Part 146. The article "boron tribromide" would be added to 46 CFR 146.04–5 and the carriage of boron tribromide in packages specified in the Board's proposal, on board all vessels except passenger vessels, on deck protected and under cover would be allowed by 46 CFR 146.23–100.

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. Rea III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71–7155 Filed 5–25–71;8:45 am]

[46 CFR Part 146]

[CGFR 71–40]

FLAMMABLE LIQUID CONTAINERS

Notice of Proposed Rule Making

The Coast Guard is considering amending the dangerous cargoes regulations to allow shipment of certain flammable liquids in packaging using a specification DOT–2S (49 CFR 178.35) inner polyethylene container where a specification DOT–2SL (49 CFR 178.35a) unit is now authorized.

Interested persons are invited to submit written data, views, or comments regarding the proposal to the Commandant (MHM), U.S. Coast Guard, Washington, D.C. 20591. Communications should identify the notice number, CGFR 71–40, any specific wording recommended, reasons for any recommended change, and the name, address, and organization, if any, of the commentator. The Coast Guard will hold an informal hearing on Tuesday, August 10, 1971, at 9:30 a.m. in Conference Room 2230, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. There will be no cross-examination of persons presenting statements. All communications received on or before August 17, 1971, or at the hearing, will be fully considered and evaluated before final action is taken on this proposal. Copies of all written communications received will be available for examination in Room 8306, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, DC, both before and after the closing date for the receipt of comments. The proposal contained in this document may be changed in the light of the comments received.

By a separate document published at page 9602 of this issue of the Federal Register, the Hazardous Materials Regulations Board of the Department of Transportation proposes an amendment to Part 173 of Title 49, Code of Federal Regulations, relating to the authorization of shipments of certain flammable liquids in specification 109A100ALW tank cars, and to authorize the shipment of certain flammable liquids in packaging using a specification DOT–2S inner polyethylene container where a DOT–2SL unit is now authorized. For reasons fully stated in that document, the Board has concluded that the proposed packaging is equivalent to or better than presently authorized packaging.

The proposed amendment of the hazardous materials regulations of the Department of Transportation in Title 49 would make this proposed packaging available to shippers by water, air and land, and to carriers by air and land. The adoption of this proposed amendment to Title 46 would allow carriage by water of certain flammable liquids in packages using specification DOT–2S inner polyethylene containers where a specification DOT–2SL unit is now authorized. However, the dangerous cargoes regulations in Title 46 presently allow the flammable liquids designated by the Board to be transported in tank cars complying with Department of Transportation regulations (trainships only). Therefore, the adoption of the Department of Transportation proposal will allow shipment of these articles in specification 109A100ALW tank cars under Title 46, and no amendment will be made.

In considerations of the foregoing, the Coast Guard proposes to amend § 146.21–100 to allow shipment of certain flammable liquids in packaging using a specification DOT–2S inner polyethylene container where a specification DOT–2SL unit is now authorized for the following articles: Acetone; butyraldehyde;

ethyl acetate; ethyl methyl ketone; heptane; isopropyl acetate; methyl acetate; methyl acetone; methyl isopropenyl ketone, inhibited; motor fuel, n.o.s.; pentane, pentane, methyl; petroleum distillate; allyl bromide; antifreeze compounds, liquids; butyl acetate; box toe gum; cement, leather; cigar and cigarette lighter fluid; coal tar distillate; coal tar naphtha; coal tar oil; compounds, cleaning, liquid; compounds, tree or weed killing, liquid; crontonaldehyde; crude oil, petroleum; dimethylamine, aqueous solution; drugs, chemicals, medicines, or cosmetics, n.o.s.; ethylene dichloride; insecticide, liquid; methyl methacrylate monomer; oil; pyridine; resin solution; sodium methylate alcohol mixture; solvents, n.o.s.; toluol; turpentine substitutes; vinyl acetate; xylol; inflammable liquids, n.o.s.; insecticide, liquid (vermin exterminator).

This proposal is made under authority of R.S. 4405, as amended, R.S. 4417a, as amended, R.S. 4462, as amended, R.S. 4472, as amended, section 6(b)(1), 80 Stat. 937; 46 U.S.C. 375, 391a, 416, 170, 49 U.S.C. 1655(b)(1); 49 CFR 1.46(b).

Dated: May 17, 1971.

W. F. Rea III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.71-7156 Filed 5-25-71;8:45 am]

Hazardous Materials Regulations Board

[49 CFR Parts 172, 173, 178]

[Docket No. HM-85; Notice 71-14]

TRANSPORTATION OF HAZARDOUS MATERIALS

Notice of Proposed Rule Making

The Hazardous Materials Regulations Board is considering amendment of several unrelated sections of the Hazardous Materials Regulations. In the past, most proposals have been individually published to make review by the public easier. From the experience gained in publishing proposals in this manner, one serious drawback manifested itself. The number of rule-making actions underway at any one time became substantial enough to cause confusion and create difficulty due to frequent unexpected publication of unrelated changes. This is reported to have caused many interested persons difficulty in preparing complete and timely comments.

The Board wishes to avoid any unnecessary burden on the public in its rule-making procedures and is, therefore, adopting a new procedure set forth herein. The Board will continue to publish separate proposals when the subject matter is of distinct individual importance. However, on routine items such as those covered herein, it intends to publish collections of proposals on an intermittent basis. Commenters need only identify the particular proposal on which they wish to comment when responding. The proposals covered in this document are:

A—High explosive in fiber drums.
B—Hazardous materials in specification 106A and 110A tanks by rail freight and highway.
C—Flammable liquids in DOT-109A100ALW, 6D/2S, and 37M/2S packaging.
D—Corrosive liquids, n.o.s., shipped in bulk.
E—Packaging for boron tribromide.
F—Additional packaging for bromine.
G—Hydrochloric acid and sodium chlorite solutions.
H—Definitions and packaging for chromic acid solutions.
I—Safety relief valve requirements for DOT-2P or 2Q packaging containing refrigerant gases.
J—Packaging for chlorpicrin.
K—Specification 4L cylinder.

Proposal A—High Explosives in Fiber Drums

The Hazardous Materials Regulations Board is considering amending § 173.65 of the Department's Hazardous Materials Regulations to provide for the shipment of wetted desensitized pentaerythrite tetranitrate (PETN) in a specification 21C fiber drum having an inside polyethylene bag.

The proposal is based on a special permit which has authorized shipment of PETN for over 7 years. The holder of the permit has petitioned for a rule change and reports that thousands of pounds of wetted desensitized PETN have been shipped with satisfactory experience.

In consideration of the foregoing, it is proposed to amend 49 CFR 172.5 and 173.65 as follows:

Part 172: In § 172.5 paragraph (a), the Commodity List would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add) *Pentaerythrite tetranitrate, desensitized, wet. See* High Explosives.				

* * * * *

Part 173: In § 173.65, the introductory text of paragraph (e) and paragraph (e)(1) would be amended; paragraph (a)(4) would be added to read as follows:

§ 173.65 High explosives with no liquid explosive ingredient nor any chlorate.

* * * * *

(e) Ammonium picrate, cyclotrimethylenetrinitramine, pentaerythrite (desensitized), picric acid, trinitrobenzene, trinitrobenzoic acid, trinitroresorcinol, trinitrotoluene, or urea nitrate, when wet with not less than 10 pounds of water to each 90 pounds of dry material must be shipped in packagings as follows:

(1) Specification 10B (§ 178.156 of this chapter). Wooden barrels or kegs. Not over 50 gallons nominal capacity. Not authorized for wet desensitized pentaerythrite tetranitrate.

* * * * *

(4) Specification 21C (§ 178.224 of this chapter). Fiber drums with an inside polyethylene bag having 0.004 mil minimum thickness and liquid tight closure. Net weight not to exceed 200 pounds. Authorized only for wet desensitized pentaerythrite tetranitrate.

* * * * *

Proposal B—Hazardous Materials in Specification 106A and 110A Tanks by Rail Freight and Highway

On January 28, 1970, in Docket No. HM-14; Amendment 173-18 (35 F.R. 1108), the Hazardous Materials Regulations were amended to remove the specification designation 106A500 from sections affected since the "grandfather" authorization for the use of this specification is provided for in § 173.31(a)(2). Two sections of the regulations were overlooked in making this editorial change. The Board proposes to change §§ 173.119 (a)(12), (e)(2), and (f)(3), and 173.251(a)(2) by deleting this unnecessary reference to DOT-106A500 tanks in the subject text.

Proposal C—Flammable Liquids in DOT-109A100ALW, 6D/2S, and 37M/2S Packaging

The Hazardous Materials Regulations Board is considering amending § 173.119 of the Department's Hazardous Materials Regulations to authorize the shipment of certain flammable liquids in specification 109A100ALW tank cars, and to authorize the shipment of certain flammable liquids in packagings using a specification DOT-2S inner polyethylene container where a DOT-2SL unit is now authorized.

These proposals are based on petitions indicating that the proposed packaging is equivalent to or better than presently authorized packaging. In comparing these specifications, the Board has concluded that the petitions have merit and that the regulations should be amended to provide for this additional packaging.

A number of the specifications listed are for tank cars known to be quite old. Conclusive information that such tanks may no longer be in use in transportation is requested. The 50-year prohibition on car age has removed ARA-II from interchange and for this reason, reference to that specification is proposed to be deleted from § 173.119 (a)(12) and (e)(2).

In consideration of the foregoing, it is proposed to amend 49 CFR Part 173, as follows:

In § 173.119, paragraphs (a)(12), (b)(8), (e)(2), and (f)(3) would be amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

(12) Specification 103,[1] 103W, 103ALW, 103DW, 104,[1] 104W, 105A100,[1] 105A100ALW, 105A100W, 106A500,[1] 106A500X, 106A800XNC, 106A800NCI,[1] 109A100ALW, 110A500W, 111A60ALW, 111A60F1, 111A60W1, 111A100W3, 111A100W4, 111A100W6, 112A200W, 112A400F, 114A340W, ARA-III,[1] ARA-IV,[1] or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this chapter). Tank cars. For cars equipped with expansion domes, manway closures must be so designed that pressure will be released automatically by starting the operation of removing the manway cover. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See §§ 179.3, 179.4 of this section) (See § 173.432 for shipping instructions).

* * * * *

(b) * * *

(8) Specification 6D or 37M (nonreusable container) (§§ 178.102, 178.134 of this chapter). Cylindrical steel overpacks with inside specification 2S or 2SL (§§ 178.35, 178.35a of this chapter) polyethylene container. Authorized only for materials that will not react with polyethylene and result in container failure.

* * * * *

(e) * * *

(2) Specification 103,[1] 103W, 103ALW, 103DW, 104,[1] 104W, 105A100,[1] 105A100ALW, 105A100W, 106A500,[1] 106A500X, 106A800XNC, 106A800NCI,[1] 109A100ALW, 110A500W, 111A60ALW, 111A60F1, 111A60W1, 111A100W3, 111A100W4, 111A100W6, 112A200W, 112A400F, 114A340W, ARA-III,[1] ARA-IV,[1] or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this chapter). Tank cars. Cars having expansion domes must be equipped with manway closures, identification marks, and dome placards as prescribed in paragraphs (f)(4), (g), (h), and (h)(1) of this section. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved maner (see §§ 179.3, 179.4 of this chapter) (see Note 1 of paragraph (f)(3) of this section).

* * * * *

(f) * * *

(3) Specification 105A100,[1] 105A100ALW, 105A100W, 106A500,[1] 106A500X, 106A800XNC, 106A800NCI,[1] 109A100ALW, 110A500W, 111A100W4, 112A200W, 112A400F, 114A340W, ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this chapter) (see Note 1). Tank cars. Specification 104,[1] 104W, 111A100W3, or ARA-IV (§§ 179.200, 179.201 of this chapter) tank cars are authorized under the conditions prescribed in paragraphs (f)(4), (g), (h), and (h)(1) of this section and Note 3 of this subparagraph. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (See §§ 179.3 and 179.4 of this chapter.)

* * * * *

Proposal D—Corrosive Liquids, N.O.S., Shipped in Bulk

The Hazardous Materials Regulations Board is considering amendment of the Department's Hazardous Materials Regulations to authorize the bulk shipment of certain corrosive liquids, n.o.s., in tank cars, tank motor vehicles, and portable tanks. This proposal is in response to several petitions for rule making which are based upon satisfactory experience under special permits.

Corrosive liquids not named specifically in the regulations must be shipped as "Corrosive liquid, n.o.s." and are not authorized to be shipped in bulk. Bulk shipment has been authorized, however, under special permits. The Board is seeking to develop a system whereby, without extensive rule changes, the shipments authorized may be incorporated into the regulations on the basis of good experience under special permits. One method to accomplish this is the establishment of an appropriate table for corrosive liquids in bulk, proposed below. It is the Board's intention that this table be amended periodically to accommodate bulk shipments of corrosive liquids when it appears that more extensive and detailed requirements are unnecessary.

In consideration of the foregoing, it is proposed to amend § 172.5, and add a new § 173.245a in 49 CFR as follows:

I. Part 172: In § 172.5 paragraph (a), the Commodity List would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(change) Corrosive liquid, n.o.s	Cor. L.	173.244, 173.245, 173.245a	White	5 pints.
* * *	* * *	* * *	* * *	* * *

II. Part 173:

(A) In Part 173, Table of Contents, § 173.245a would be added to read as follows:

Sec.
173.245a Corrosive liquids, n.o.s., shipped in bulk.

(B) § 173.24a would be added to read as follows:

§ 173.245a Corrosive liquids, n.o.s., shipped in bulk.

(a) Corrosive liquids, n.o.s. may not be shipped in bulk in tank cars, tank motor vehicles, or portable tanks except as follows:

Corrosive liquid	Authorized tank car	Authorized cargo tank[1]	Authorized portable tank[4]
Diethyl phosphorochloridothionate	103AW, lined	MC 310, MC 311, MC 312, stainless steel, or lined.	
Dimethyl phosphorochloridothionate	do	MC 310, MC 311, MC 312, stainless steel, or lined.	
Ethyl chlorothiolformate			DOT-51, monel-clad.
Ethyl phosphonothioic dichloride, anhydrous.	103AW		DOT-51.
Ethyl phosphonous dichloride, anhydrous.[2]			DOT-51.
Ethyl phosphorodichloridate	103ANW, 103AW, 111A100F2, 111A100W2.[3]		
Methyl phosphonothioic dichloride, anhydrous.	103AW		DOT-51.
Methyl phosphonous dichloride[2]			DOT-51.

[1] See § 178.343-2(c) of this chapter. Corrosive protection must be provided in accordance with specification MC 312.

[2] In unlined tanks, must be loaded and shipped under a blanket of nonflammable, dry, inert gas, adequate to displace any significant amount of air.

[3] Specification 103ANW tank car tanks must be solid nickel at least 95 percent pure; all cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent. Specification 103A tank car tanks must be lead-lined steel or must be made of steel at least 10 percent nickel clad; specification 103AW, 111A100F2, or 111A100W2 tanks must be lead-lined steel or made of steel with a minimum thickness of nickel cladding ¹⁄₁₆ inch; nickel cladding in tanks must have a minimum nickel content at least 99 percent pure nickel.

[4] Tank must be equipped with a safety-relief valve set at not less than 100 p.s.i.g. In addition, the relief valve must comply with §173.315(i)(1).

Proposal E—Packaging for Boron Tribromide

The Hazardous Materials Regulations Board is considering amendments to §§ 172.5 and 173.251 of the Department's Hazardous Materials Regulations to prescribe specific packaging for the shipment of boron tribromide.

Boron tribromide presently is required to be described as a corrosive liquid, n.o.s. It may be shipped under the exemption provisions of § 173.244 and in any packagings described in § 173.245 that are compatible with the commodity.

There is at least one particularly significant hazard associated with this product, namely its property of reacting explosively if in contact with water when contained or when in large volumes. Consequently, the Board believes the material should be covered by name in the regulations, that no exemption from packaging should be granted, and that specific packaging should be provided. The packaging described herein is of the type that has been in use for several years with reportedly satisfactory experience, and in the Board's opinion, it is adequate.

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[1] Use of existing tank cars authorized, but new construction not authorized.

In consideration of the foregoing, 49 CFR Parts 172 and 173 would be amended as follows:

I. Part 172: In § 172.5, paragraph (a) the Commodity List would be amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add) Boron tribromide	Cor. L.	No exemption, 173.251	White	1 quart.
* * *	* * *	* * *	* * *	* * *

* * * * *

II. Part 173.

(A) In Part 173 Table of Contents, § 173.251 would be amended to read as follows:

Sec.
173.251 Boron trichloride and boron tribromide.

(B) In § 173.251, the heading would be amended; paragraph (b) would be added to read as follows:

§ 173.251 Boron trichloride and boron tribromide.

* * * * *

(b) Boron tribromide must be packed in specification packaging as follows:

(1) Specification 15A, 15B, or 15P (§§ 178.168, 178.169, 178.182 of this chapter). Wooden or plywood boxes with inside glass receptacles not over 1 quart capacity each. Each glass receptacle must have a positive closure (not friction) and as prepared for shipment must be capable of withstanding an internal gage pressure of at least 15 p.s.i. The receptacle must be cushioned with sufficient absorbent incombustible material to completely absorb the contents in the event of leakage and must be packed within a securely closed metal can. Each can must then be cushioned with incombustible material within the prescribed outside packaging. Completed packaging for shipment must be capable of passing the tests prescribed in § 178.182–3(a)(1) of this chapter.

PROPOSAL F—ADDITIONAL PACKAGING FOR BROMINE

The Hazardous Materials Regulations Board is considering amendment of § 173.252 of the Department's Hazardous Materials Regulations to authorize up to 1-quart bottles of bromine in a specification 12A fiberboard box, and to authorize the shipment of bromine in nickel-clad cargo tanks.

This proposal is based on petitions by two holders of special permits who have been shipping large volumes of bromine. The permits have been in effect for over 6 years, and both shippers state that all shipments have been made without any incident or mishap involving loss of product.

By adding a new cargo tank construction, this proposal also provides for an increase in bromine payload from a maximum of 15,000 pounds or 300 percent of the water weight capacity of a tank, whichever quantity is the lesser, to a maximum of 30,000 pounds or 300 percent of the water weight capacity of a tank, whichever is the lesser. Present § 173.252 (a)(4) limits the water capacity to 5,100 pounds. This proposal would provide for a tank with a water capacity up to 10,200 pounds. This proposed added construction option is based on the successful experience with such large cargo tanks reported above.

In consideration of the foregoing, it is proposed to amend 49 CFR 173.252 as follows:

In § 173.252, paragraph (e) would be amended; paragraphs (a)(5) and (g)(3) would be added to read as follows:

§ 173.252 Bromine.

(a) * * *

(5) Specification MC 310 or MC 312 (§ 178.343 of this chapter). Tank motor vehicles. The tank must have a shell and head thickness of ⅜-inch minimum with cladding material on the inside surface comprising at least 20 percent of the total shell or head thickness. The cladding material must conform to requirements of ASTM Specification B–162–69. The composite plate must conform to requirements of ASTM Specification A–265–69. The water weight capacity of the tank must not exceed 10,200 pounds and the maximum quantity of liquid bromine loaded into the tank must not exceed 30,000 pounds or 300 percent of the water weight capacity of the tank, whichever quantity is lesser. The total quantity loaded must not be less than 98 percent of the quantity the tank is authorized to carry.

* * * * *

(e) Except as provided in paragraphs (g)(2) and (3) of this section, bottles or jugs must be securely cushioned on all sides with incombustible packaging material, such as whiting, mineral wool, infusorial earth (kieselguhr), sifted ashes, powdered china clay, or similar material, at least 1 inch thick, which will not produce heat when mixed with bromine. The use of hay, sawdust, excelsior, or other organic material, either treated or untreated, as a cushioning or packaging material is prohibited.

* * * * *

(g) * * *

(3) Specification 12A (§ 178.210 of this chapter) Fiberboard boxes with inside glass bottles having closures meeting the requirements of paragraph (d) of this section. Each bottle must be enclosed in a tinplate slipcover metal can surrounded by incombustible cushioning material. No box may contain any bottle of a capacity greater than 1 quart. Each box may contain not more than four bottles having a capacity not exceeding 1 quart, or 12 bottles having a capacity not exceeding 8 fluid ounces. The shipper must have established that the completed package closed for shipment, with inside bottles filled with a liquid of the same specfic gravity and similar viscosity as bromine, is capable of withstanding the tests prescribed in § 178.210–10 of this chapter.

PROPOSAL G—HYDROCHLORIC ACID AND SODIUM CHLORITE SOLUTIONS

The Hazardous Materials Regulations Board is considering amending § 173.263 of the Department's Hazardous Materials Regulations to authorize the shipment of sodium chlorite solutions in cargo tanks constructed of Type 316 stainless steel, and to authorize the shipment of hydrochloric acid and sodium chlorite solutions in specification 2E polyethylene bottles up to 1 gallon capacity in DOT–12R packaging.

These proposals are based on several petitions for rule change and satisfactory experience reported by the petitioner with numerous shipments made under special permits.

Paragraph (a)(10) of § 173.263 would be amended to provide for the shipment of sodium chlorite solutions in specification MC 311 and MC 312 cargo tanks made from Type 316 stainless steel, in addition to tanks made from Type 304L stainless steel. On the basis of information it has on file, the Board believes that this proposed change would provide for a better construction material than is now authorized for cargo tanks used in the transportation of sodium chlorite.

Paragraph (a)(27) would be amended by adding authorization for use of specification 2E inside polyethylene bottles for hydrochloric acid and sodium chlorite solutions in addition to the glass bottles now authorized. Paragraph (a)(29) would be added to provide for the shipment of hydrochloric acid and sodium chlorite solutions in not over four 1-gallon specification 2E polyethylene bottles within a DOT–12R packaging. A slight increase in total volume with this packaging would be allowed by the latter proposal when compared to paragraph (a)(27). However, the Board believes that both changes would provide for an increase in level of safety over the nonspecification glass bottles now authorized.

In consideration of the foregoing, Part 173 would be amended as follows:

In § 173.263, paragraph (a) (10) and (27) would be amended; (a)(29) would be added to read as follows:

§ 173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solutions, inhibited, sodium chlorite solutions (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(10) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this chapter). Tank motor vehicles lined with rubber or equally acid-resistant material of equivalent strength and durability. Unlined specifications MC 311 and MC 312 tank motor vehicles made from Type 304L or 316 stainless steel are authorized for sodium chlorite solutions not exceeding 42 percent sodium chlorite only.

* * * * *

(27) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board boxes with not more than six inside glass bottles or specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, not over 5 pints capacity each.

* * * * *

(29) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board boxes with not more than four specification 2E (§ 178.24a of this chapter) inside polyethylene bottles, not over 1-gallon capacity each.

* * * * *

PROPOSAL H—DEFINITIONS AND PACKAGING FOR CHROMIC ACID SOLUTIONS

The Hazardous Materials Regulations Board is considering amending § 173.287 to define chromic acid solutions to eliminate that portion of the present regulations that could be construed to authorize the use of packaging prohibited by § 173.24, to delete authorization for packaging that allegedly is no longer in use, and to add specifications 29 and 33A packaging that is currently authorized for use under the terms of special permits.

The basis for this proposal is a petition to improve § 173.287 because of problems that have arisen in its application as presently written. The proposal is based in part on a study by the Manufacturing Chemists' Association, Inc., in cooperation with the Bureau of Explosives (AAR) in an effort to remedy these problems. This study included inquiries of known manufacturers and shippers of chromic acid solutions, and testing of a variety of formulations by the Bureau of Explosives' Laboratory.

Chromic acid solutions are not presently defined in the regulations as to composition. The petitioner states that liquid solutions of chromic acid alone, i.e., chromic acid anhydride dissolved in water without the presence of other acids, are seldom shipped. Solutions of chromic acid in water, containing one or more mineral acids, are shipped routinely throughout the United States and vary greatly in composition.

Regardless of composition, the designation generally being used for these solutions on shipping papers is "Chromic acid solution." This is done even though other acids may be present in greater amounts than chromic acid, and possibly may present a greater hazard than chromic acid. The Board believes there is a need for better guidelines on determining packaging for such solutions. Such guidelines should be based on descriptions for these solutions.

In the listing of packagings in § 173.287 there is no distinction between the different types of solutions, and therefore the section is unsatisfactory. Unlined steel drums, for example, are satisfactory for chromic acid alone in water but are not adequate if mineral acids are present. The Board knows of two incidents where polyethylene packaging, as prescribed, was used for high concentration chromic acid solution. In each case packagings failed, in one instance shortly after filling and before shipment.

The proposed change includes a major change from the petitioner's proposal. A break point of 40 percent between solutions was recommended, but the Board proposes reducing this to 35 percent. The Board is aware of at least one instance with a 37-percent solution that involved leakage even though previous testing had apparently determined that the solution was compatible with polyethylene. Also solutions of higher concentration may cause fire when in contact with certain organic material and polyethylene is not safe to use for packaging the higher concentrations. The use of different shipping names as proposed herein would preserve this distinction.

The greater number of liquid mixtures containing chromic acid in industrial use today fall into the "Corrosive liquid, n.o.s." category, as described in this proposal. On the basis of experience, it is the petitioner's position that a person seeking information in the DOT regulations about such a solution would tend to think of the solution as a "chromic acid solution". This is the reason for the proposed novel structuring in § 173.287 described herein.

In consideration of the foregoing, 49 CFR Part 173 would be amended as follows:

Section 173.287 would be amended to read as follows:

§ 173.287 Chromic acid solution.

(a) For the purposes of these regulations, a chromic acid solution is a solution of chromic acid (chromium trioxide) in water, with or without other acids, containing 35 percent or more of chromic acid by weight. (For solutions containing less than 35 percent chromic acid, see paragraph (c) of this section.) Packagings authorized must be of a design and be constructed of materials that will not react dangerously with or be decomposed by the chemical solution packaged therein.

(b) Chromic acid solutions must be packaged in specification containers as follows:

(1) Specification 1A (§ 178.1 of this chapter). Glass carboys in boxes.

(2) Specifications 5, 5A, 5B (§§ 178.80, 178.81, 178.82 of this chapter). Metal barrels or drums with openings not excedeing 2.3 inches in diameter. Authorized for solutions containing chromic acid only.

(3) Specification 17E (§ 178.116 of this chapter). Steel drums. Authorized for solutions containing chromic acid only.

(4) Specification 12A or 12B (§§ 178.210, 178.205 of this chapter). Fiberboard boxes with one inside glass container not over 4 fluid ounces capacity, packed in a wax-lined cylindrical fiber carton with metal ends. The bottle closure must consist of a tightly secured, fitted, ground glass stopper. Space must remain between the bottle and the inner surface of the fiber cylinder and must be filled with closely packed asbestos in sufficient quantity to completely absorb the contents of the bottle in the event of breakage. Not authorized for solutions containing nitric acid.

(5) Specification 12R (§ 178.212 of this chapter). Paper-faced expanded polystyrene board boxes with inside glass bottles not over 5 pints capacity each. Not more than six 5-pint bottles may be packaged in one box. Each bottle must be well cushioned. Partitioning and cushioning must be provided to prevent bottles from shifting, or coming in contact with each other, the box wall, or the bottom. Each bottle closure must consist of a tightly secured, fitted, ground glass stopper, or a threaded-type, acid-resistant cap with a gasket or lining impervious to the acid, sufficiently resilient or cushioned to give an acidproof, leakproof closure.

(6) Specification 33A (§ 178.150 of this chapter). Polystyrene cases (nonreusable container) with inside glass bottles not over 5 pints capacity each. Not more than four 5-pint bottles may be packaged in one outside container. Each bottle closure must consist of a tightly secured, fitted, ground glass stopper, or a threaded-type, acid-resistant cap with a gasket or lining impervious to the acid, sufficiently resilient or cushioned to give an acidproof, leakproof closure.

(7) Specification 29 (§ 178.226 of this chapter). Mailing tubes, with glass bottles not over 1 ounce capacity each. Each bottle must be well cushioned. Partitioning and cushioning must be provided to prevent bottles from shifting or coming in contact with each other or the tube wall, bottom, or top.

(c) Solutions containing chromic acid in water, in concentration not exceeding 35 percent by weight (other acids may also be present), and which are not otherwise regulated by Subpart E of this part, must be described as "Corrosive Liquids, n.o.s.". In addition to the packaging and the limitations prescribed therefor in paragraph (b) of this section, solutions of this composition may also be packaged as follows:

(1) In packaging as prescribed in § 173.245, except (a) (4), (14), (15), (18), (19), and (24).

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(2) Specification 21P (§ 178.225 of this chapter). Fiber drum overpack with inside specification 2S or 2SL (§§ 178.35, 178.35a of this chapter) polyethylene container.

Proposal I—Safety Relief Valve Requirements for DOT–2P or 2Q Packaging Containing Refrigerant Gases

The Hazardous Materials Regulations Board is considering amendment of § 173.304(e)(1) of the Department's Hazardous Materials Regulations to delete the requirement that DOT specifications 2P and 2Q metal containers be equipped with safety relief devices for shipment of refrigerant gases that are nonpoisonous and nonflammable.

The Board has received a petition from a shipper who formerly interpreted the regulations to authorize shipment of refrigerant gases under the exemptions provided in § 173.306(a)(3). In light of Docket No. HM–62; Amendment No. 173–38 (35 F.R. 16683), the petitioner became unsure of his interpretation and petitioned for confirmation of his interpretation, amendment of the regulations, or a special permit waiving the applicability of the particular provision.

The Board does not agree with the interpretation made by the petitioner. In the petition, however, it was stated that the shipper had 20 years of successful experience shipping refrigerant gases in 15-ounce seamless metal containers (commonly referred to as aerosol cans). These containers were not equipped with safety relief devices. The petitioner estimates he has shipped more than 25 million packages without a single incident occurring due to inadequate packaging.

Although the Board is not in agreement with the interpretation, in view of the considerable successful transportation experience with this packaging and the likelihood that other shippers could benefit from a similar authorization, the Board believes the petition for amendment of the regulations has merit.

In consideration of the foregoing, the Board proposes to amend paragraph (e)(1) of § 173.304 as follows:

§ 173.304 Charging of cylinders with liquefied compressed gas.

*   *   *   *   *

(e) * * *

(1) Specifications 2P and 2Q (§§ 178.33, 178.33a of this chapter). Inside metal containers packed in strong wooden or fiberboard boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds p.s.i. absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F. without evidence of leakage, distortion, or other defect. Each outside shipping container must be plainly marked "Inside Containers Comply With Prescribed Specification."

*   *   *   *   *

Proposal J—Packaging for Chlorpicrin

The Hazardous Materials Regulations Board is considering an amendment to § 173.357 of the Department's Hazardous Materials Regulations to authorize the use of specification 4BW cylinders and to increase the quantity allowable in cylinders authorized for shipment of chlorpicrin and mixtures of chlorpicrin containing no compressed gas or Class A poisonous liquid.

This proposal is based on petitions for rule change and accumulated satisfactory shipping experience under special permits. Shipments under conditions as described in the proposed rule have been made for several years. The regulations now limit specification cylinders used for shipping chlorpicrin to a maximum water capacity of 275 pounds. This proposal would amend the regulations to authorize cylinders up to 1,000 pounds water capacity by deleting the quantity restriction now appearing in section 173.357(b)(1). Quantity limitations would then be determined by the cylinder specifications, the largest being 1,000 pounds water capacity. It is also proposed to add specification 4BW as an authorized packaging under the same conditions, since the Board considers this specification equivalent or better than the other packaging prescribed.

The special permits now in effect contain a minimum cylinder design pressure of 225 p.s.i. for cylinders over 275 pounds water capacity. The proposed change maintains this minimum.

Upon adoption of this proposal, Note 1 would become obsolete and is therefore proposed to be deleted.

In consideration of the foregoing, 49 CFR Part 173 would be amended as follows:

In § 173.357, paragraph (b)(1) would be amended; Note 1 thereto would be canceled as follows:

§ 173.357 Chlorpicrin and chlorpicrin mixtures containing no compressed gas or poisonous liquid, class A.

*   *   *   *   *

(b) * * *

(1) Specification 3A, 3AA, 3B, 3C, 3D, 3E, 4A, 4B, 4BA, 4BW, or 4C (§§ 178.36, 178.37, 178.38, 178.40, 178.41, 178.42, 178.49, 178.50, 178.51, 178.61, 178.52 of this chapter). Metal cylinders. Each cylinder having a water capacity over 275 pounds must have a minimum design pressure of 225 p.s.i.g., unless the specification requires a higher minimum design pressure. Valves or other closing devices must be protected by screw-on metal caps, or by packaging the cylinders in boxes or crates, to protect the valves from damage during transportation. A cylinder closed by means of a solid plug may have the closure protected by a metal collar. Cylinders having a wall thickness of less than 0.08 inch must be packaged in boxes or crates.

NOTE 1: [Canceled]

*   *   *   *   *

Proposal K—Specification 4L Cylinder

The Hazardous Materials Regulations Board is considering amending §§ 178.57–11 and 178.57–21 of the Department's Hazardous Materials Regulations to update the cylinder material specification and to prohibit heat treating of the material.

This proposal is based, in part, on a petition by the Compressed Gas Association, Inc. In its petition the Association stated that the current material description is for a chemically nonstandard material. Although proper when originally specified, it appears that standardization has almost eliminated the described material from the market place. Apparently many suppliers even refuse to accept orders for the specified material. It is reported to have been replaced by ASTM–S–240, Type 304. The petitioner also states that low temperature properties, especially in the weld zone, would be improved by the requested change.

The Board proposes to amend § 178.57–11(a) to prohibit heat treating of the material, for there is no apparent reason for the use of heat treatment on this austenitic steel. Further, it has been contended that heat treatment may be detrimental to the finished cylinder. If heat treatment is desirable, any person having data to support the rule as presently written is requested to specifically comment on this matter and to furnish that supporting data to the Board.

In consideration of the foregoing, 49 CFR Part 178 would be amended as follows:

In § 178.57–11, paragraph (a) would be amended; in § 178.57–21 paragraph (a), Table 1 and Note 1 would be amended; footnotes 1 and 3 would be canceled; footnote 2 would be redesignated footnote 1 as follows:

§ 178.57 Specification 4L; welded cylinders insulated.

§ 178.57–11 Heat treatment.

(a) Not permitted.

*   *   *   *   *

§ 178.57–21 Authorized steels.

(a) Electric furnace steel of uniform quality. Chemical analysis must conform to ASTM S–240, Type 304 Stainless Steel. The following chemical analyses and physical properties are authorized:

TABLE I—AUTHORIZED MATERIALS

Designation	*Chemical analysis, limits in percent; stainless steel; type 304*
Carbon[1]	0.08 maximum.
Manganese	2.00 maximum.
Phosphorus	0.045 maximum.
Sulphur	0.030 maximum.
Silicon	1.00 maximum.
Nickel	8.00–10.00.
Chromium	18.00–20.00.
Molybdenum	
Titanium	
Columbium	

	Physical properties (annealed)
Tensile strength, p.s.i. (minimum)	75,000
Yield strength, p.s.i. (minimum)	30,000
Elongation in 2-inch (minimum) (percent)	30.0
Elongation other permissible gage lengths (percent)	15.0

[1] The carbon analysis must be reported to the nearest hundredth of 1 percent.

NOTE 1: A heat of steel made under the above specifications is acceptable, even though its check chemical analysis is slightly out of the specified range, if it is satisfactory in all other respects, provided the tolerances shown in the following table are not exceeded except as approved by the Department.

Check Analysis Tolerances table remains the same.

*   *   *   *   *

Interested persons are invited to give their views on these proposals. Communications should identify the docket number and the proposal and be submitted in duplicate to the Secretary, Hazardous Materials Regulations Board, Department of Transportation, 400 Sixth Street SW., Washington, DC 20590. Communications received on or before August 17, 1971, will be considered before final action is taken on these proposals. All comments received will be available for examination by interested persons at the Office of the Secretary, Hazardous Materials Regulations Board, both before and after the closing date for comments.

These proposals are made under the authority of sections 831–835 of title 18, United States Code, section 9 of the Department of Transportation Act (49 U.S.C. 1657), and title VI and section 902(h) of the Federal Aviation Act of 1958 (49 U.S.C. 1421–1430 and 1472(h)).

Issued in Washington, D.C., on May 18, 1971.

W. J. BURNS,
Chairman, Hazardous Materials Regulations Board.

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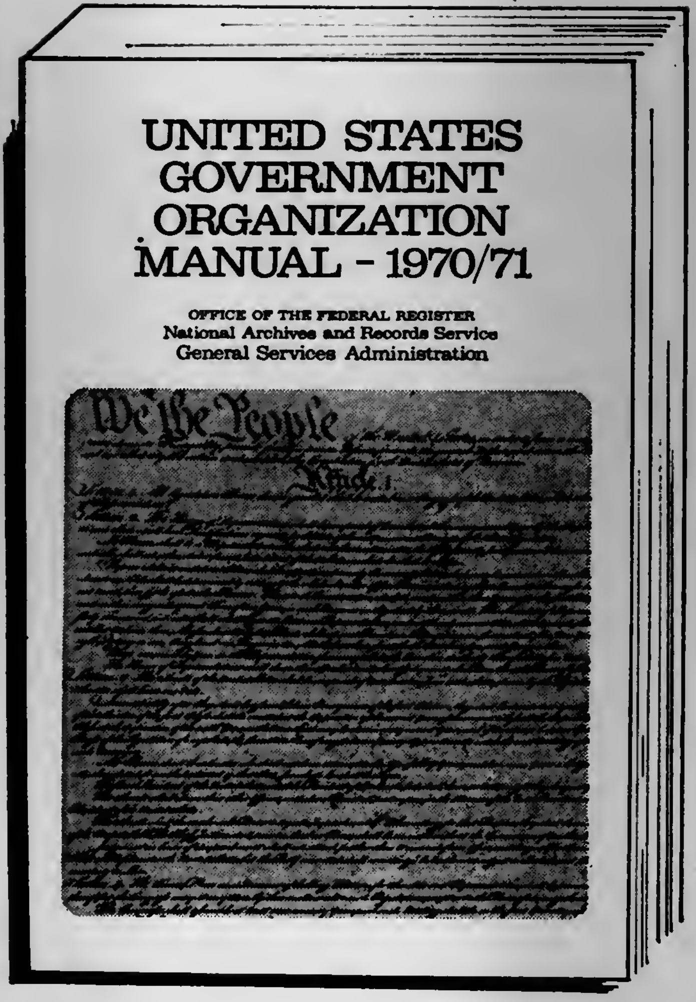

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1934

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PROCLAMATION 4055

Flag Day and National Flag Week, 1971

By the President of the United States of America

A Proclamation

On June 14, 1777—only months after the Declaration of Independence, and with four bitter years of the Revolutionary War still ahead—the Continental Congress adopted the Stars and Stripes as the flag of the United States of America. Like the Declaration itself, our flag began as an audacious assertion, crying out for proof.

With the passing decades the proof has come. One new freedom after another has enriched the flag's symbolism. But our vision of ideals to be realized has expanded as well, so that even now the flag speaks more of promise than of pride and looks more to tomorrow than to yesterday. And as long as America is a young Nation, this is the way it must be. Each generation must do its own proving.

The American flag today means what today's Americans make it mean. We have in our power to make it abroad the banner of peace, honor, generosity—at home the ensign of liberty, justice, opportunity. In these goals, all Americans can unite. To this work, each of us can dedicate himself—resolving that, on whatever else we may differ, the flag and its challenge are ours in common.

To commemorate the adoption of our flag, the Congress by a joint resolution of August 3, 1949 (63 Stat. 492), designated June 14 of each year as Flag Day and requested the President to issue annually a proclamation calling for its observance. By a joint resolution of June 9, 1966 (80 Stat. 194), the Congress also requested the President to issue annually a proclamation designating the week in which June 14 occurs as National Flag Week and calling upon all citizens to display the flag of the United States on the days of that week.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate the week beginning June 13, 1971, as National Flag Week, and I direct the appropriate

Government officials to display the flag on all Government buildings during that week.

I urge all Americans to observe Flag Day with appropriate ceremonies and to fly the flag at their homes and other suitable places during Flag Week.

IN WITNESS WHEREOF, I have hereunto set my hand this 24th day of May, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc.71-7494 Filed 5-25-71;2:30 pm]

Rules and Regulations

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71-563]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, the reference to the State of Indiana in the introductory portion of paragraph (e) and subparagraph (e) (1) relating to the State of Indiana are deleted.

(Secs. 4-7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, secs. 1-4, 33 Stat. 1264, 1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111, 112, 113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment excludes portions of De Kalb and Allen Counties in Indiana from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the excluded areas. No areas in Indiana remain under the quarantine.

The amendment relieves certain restrictions presently imposed but no longer deemed necessary to prevent the spread of hog cholera, and it must be made effective immediately to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and unnecessary, and good cause is found for making it effective less than 30 days after publication in the Federal Register.

Done at Washington, D.C., this 21st day of May 1971.

F. J. Mulhern,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-7421 Filed 5-26-71;8:50 am]

[Docket No. 71-564]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111-113, 114g, 115, 117, 120, 121, 123-126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

1. In § 76.2 paragraph (e) (5) relating to the State of Texas is amended to read:

(5) *Texas.* (i) All of Collin, Harris, Galveston, Liberty, Montgomery, San Jacinto, and Tom Green Counties.

(ii) That portion of the State of Texas comprised of all of Bell, Bosque, Calahan, Comanche, Eastland, Ellis, Erath, Hill, Hood, Johnson, McLennan, Somervell, Tarrant, and Williamson Counties and portions of Brown, Coleman, Coryell, Falls, Hamilton, Limestone, Mills, Navarro, Shackelford, Stephens, and Taylor Counties, and bounded by a line beginning at the junction of the Tarrant-Dallas-Ellis County lines; thence, following the Dallas-Ellis County line in an easterly direction to the junction of the Dallas-Ellis-Kaufman County lines; thence, following the Kaufman-Ellis County line in a southeasterly direction to the junction of the Kaufman-Ellis-Henderson County lines; thence, following the Ellis-Henderson County line in a southeasterly direction to the junction of the Ellis-Henderson-Navarro County lines; thence, following the Ellis-Navarro County line in a southwesterly direction to Interstate Highway 45 in Ellis County; thence, following Interstate Highway 45 in a southeasterly direction to State Highway 14 in Navarro County; thence, following State Highway 14 in a southwesterly direction to the Navarro-Freestone County line; thence, following the Navarro-Freestone County line in a southwesterly direction to the junction of the Navarro-Freestone-Limestone County lines; thence following the Limestone-Freestone County line in a southeasterly direction to State Highway 14 in Limestone County; thence, following State Highway 14 in a southwesterly direction to State Highway 7 in Limestone County; thence, following State Highway 7 in a southwesterly direction to State Highway 320 in Falls County; thence, following State Highway 320 in a southwesterly direction to the Bell-Falls County line; thence, following the Bell-Falls County line in a southeasterly direction to the junction of the Bell-Milam-Falls County lines; thence, following the Bell-Milam County line in a southwesterly direction to the junction of the Bell-Milam-Williamson County lines; thence, following the Williamson-Milam County line in a southeasterly direction to the junction of the Williamson-Milam-Lee County lines; thence, following the Williamson-Lee County line in a southwesterly direction to the junction of the Williamson-Lee-Bastrop County lines; thence, following the Williamson-Bastrop County line in a generally northwesterly direction to the junction of the Williamson-Bastrop-Travis County lines; thence, following the Williamson-Travis County line in a generally northwesterly direction to the junction of the Williamson-Travis-Burnet County lines; thence, following the Williamson-Burnet County line in a northeasterly direction to the junction of the Williamson-Burnet-Bell County lines; thence, following the Bell-Burnet County line in a northwesterly direction to the junction of the Bell-Burnet-Lampasas County lines; thence, following the Bell-Lampasas County line in a northerly direction to the junction of the Bell-Lampasas-Coryell County lines; thence, following the Bell-Coryell County line in a northeasterly direction to State Highway 36 in Bell County; thence, following State Highway 36 in a northwesterly direction to U.S. Highway 84 in Coryell County; thence, following U.S. Highway 84 in a generally northwesterly direction to State Highway 351 in Taylor County; thence, following State Highway 351 in a northeasterly direction to U.S. Highway 180 in Shackelford County; thence, following U.S. Highway 180 in an easterly direction to State Highway 67 in Stephens County; thence, following State Highway 67 in a northeasterly direction to Farm-to-Market Road 717 in Stephens County; thence, following Farm-to-Market Road 717 in a southeasterly direction to U.S. Highway 180 in Stephens County; thence, following U.S. Highway 180 in an easterly direction to the Stephens-Palo Pinto County line; thence, following the Stephens-Palo Pinto County line in a southerly direction to the junction of the Stephens-Palo Pinto-Eastland County lines; thence, following the Palo Pinto-Eastland County line in an easterly direction to the junction of the Palo Pinto-Eastland-Erath County lines; thence, following the Palo Pinto-Erath County line in an easterly direction to the junction of the Palo Pinto-Erath-Hood County lines; thence, following the Palo Pinto-Hood County line in a northerly direction to the junction of the Palo Pinto-Hood-Parker County lines; thence, following the Parker-Hood County line in an easterly direction to the junction of the Parker-Hood-Johnson County lines; thence, following the Parker-Johnson County line in an easterly direction to the junction of the Parker-Johnson-Tarrant County lines; thence, following the Parker-Tarrant County line in a northerly direction to the junction of the Parker-Tarrant-Wise County lines; thence, following the Tarrant-Wise County line in an easterly direction to the junction of the Tarrant-Wise-Denton County lines; thence, following the Tarrant-Denton County line in an easterly direction to the junction of the Tarrant-Denton-Dallas County lines; thence, following the Tarrant-Dallas County line in a southerly direction to its junction with the Ellis County line.

(iii) That portion of Potter County bounded by a line beginning at the junction of the Potter-Oldham County line and the south bank of the Canadian River; thence following the south bank of the Canadian River in a generally northeasterly direction to the south bank of Lake Meredith; thence, following the south bank of Lake Meredith in a generally northeasterly direction to the Potter-Moore County line; thence, following the Potter-Moore County line in an easterly direction to the junction of the Potter-Moore-Carson County lines; thence, following the Potter-Carson County line in a southerly direction to the junction of the Potter-Carson-Armstrong-Randall County lines; thence, following the Potter-Randall County line in a westerly direction to the junction of the Potter-Randall-Oldham County lines; thence, following the Potter-Oldham County line in a northerly direction to its junction with the south bank of the Canadian River.

2. In § 76.2, in paragraph (e)(2) relating to the State of Massachusetts, subdivision (i) relating to Bristol County is deleted.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264–1265, as amended, sec. 1, 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendments shall become effective upon issuance.

The amendments quarantine a portion of Potter County, Tex., because of the existence of hog cholera. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendments also exclude portions of Palo Pinto and Parker Counties in Texas, and a portion of Bristol County, Mass., from the areas quarantined because of hog cholera. Therefore, the restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will not apply to the excluded areas, but will continue to apply to the quarantined areas described in § 76.2(e). Further, the restrictions pertaining to the interstate movement of swine and swine products from nonquarantined areas contained in said Part 76 will apply to the areas excluded from quarantine. No areas in Palo Pinto and Parker Counties in Texas, or in Bristol County, Mass., remain under the quarantine.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of hog cholera, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as they relieve restrictions, they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rule making proceeding would make additional relevant information available to this Department.

Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making them effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 21st day of May 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71-7464 Filed 5-26-71;8:54 am]

Title 13—BUSINESS CREDIT AND ASSISTANCE

Chapter I—Small Business Administration

[Revision 10, Amdt. 4]

PART 121—SMALL BUSINESS SIZE STANDARDS

Definition of Term "Affiliates"

A proposal was issued on February 9, 1971 (36 F.R. 2629) to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by adding a provision to prevent an otherwise small business which has sponsored a subcontractor pursuant to section 8(a) of the Small Business Act, from losing its small business status solely because of the 8(a) subcontract, or of other contracts or business of such subcontractor if the substantial beneficiaries of such other contract and/or business will be the socially or economically disadvantaged.

Interested persons were given 30 days in which to submit written statements of facts, opinions or arguments concerning the proposal.

No adverse comments were received. Accordingly § 121.3-2(a) of Part 121 of Chapter I of the Title 13 of the Code of Federal Regulations is hereby amended by adding a paragraph at the end thereof to read as follows:

§ 121.3-2 Definition of terms used in this part.

(a) Affiliates:

* * * * *

Where a concern is a subcontractor pursuant to section 8(a)(2) of the Small Business Act and, in connection therewith, is the subject of a Divestiture Agreement approved by SBA for the benefit of socially or economically disadvantaged individuals, the receipts, employment and other factors of the concern attributable to the section 8(a)(2) subcontract shall not be included in determining the size of either concern during the term of such divestiture agreement. Other contracts and business of such subcontractor may also be excluded in determining the size if, in the judgment of SBA, substantial beneficiaries of such other contracts and business will be the socially or economically disadvantaged individuals in question.

Effective date: This amendment shall become effective on June 1, 1971.

Dated: May 18, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7375 Filed 5-26-71;8:54 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Airspace Docket No. 71-CE-59]

SUBCHAPTER E—AIRSPACE

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Federal Airway Segments

The purpose of these amendments to Part 71 of the Federal Aviation Regulations is to revoke a segment of VOR Federal Airway No. 13 and a segment of VOR Federal Airway No. 161.

The actions taken herein would revoke V-13E from Des Moines, Iowa, to Mason City, Iowa, and V-161W from Des Moines, Iowa, to Waterloo, Iowa.

These airway segments were originally designated for use in nonradar environment; however, they no longer serve a useful purpose for air traffic.

Since these amendments restore airspace to the public use and relieve a restriction, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, these amendments will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

Section 71.123 (36 F.R. 2010 and 3892) is amended as follows:

a. In V-13 after "Mason City, Iowa; including" the phrase "an east alternate and also" is deleted.

b. In V-161 after "Waterloo, Iowa," the phrase "including a west alternate from Des Moines to Waterloo via INT Des Moines 023° and Waterloo 241° radials" is deleted.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 19, 1971.

H. B. HELSTROM,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc.71-7404 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-EA-16]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone

On page 4789 of the FEDERAL REGISTER for March 12, 1971, the Federal Aviation Administration published proposed regulations which would alter the Manchester, N.H., Control Zone (36 F.R. 2101).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 7, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Manchester, N.H., control zone and insert the following in lieu thereof:

Within a 5-mile radius of the center, 42°56'00" N., 71°26'21" W. of Grenier Field-Manchester Municipal Airport, Manchester, N.H.; within 2.5 miles each side of the 157° bearing from the Manchester RBN, 42°52'12" N., 71°23'52" W., extending from the 5-mile radius zone to 8.5 miles south of the RBN and within 2.5 miles each side of the Manchester VORTAC 325° radial, extending from the 5-mile radius zone to 13 miles northwest of the VORTAC. This control zone is effective from 0600 to 2400 hours, local time, daily or during the specific dates and times established in advance by a Notice to Airmen, which thereafter will be continuously published in the Airman's Information Manual.

[FR Doc.71-7406 Filed 5-26-71; 8:49 am]

[Airspace Docket No. 71-CE-60]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Revocation of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to revoke the Rantoul, Ill., control zone and transition area.

The Chanute VOR at Rantoul, Ill., will be decommissioned on June 30, 1971. Consequently, controlled airspace for the protection of IFR air traffic into and out of Rantoul, Ill., is no longer required. Since this revocation cancels designated controlled airspace in the Rantoul, Ill., terminal area, it imposes no additional burden on any person, therefore notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., June 30, 1971, as hereinafter set forth:

(1) In § 71.171 (36 F.R. 2055), the following control zone is revoked: Rantoul, Ill.

(2) In § 71.181 (36 F.R. 2140), the following transition area is revoked: Rantoul, Ill.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 4, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7405 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-7]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 4426 of the FEDERAL REGISTER dated March 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Winona, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendments.

No objections have been received and the proposed amendments are hereby adopted without change and are set forth below.

These amendments shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

(1) In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

WINONA, MINN.

Within a 5-mile radius of the Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); within 2½ miles each side of the 319° bearing from Winona Municipal-Max Conrad Field, extending from the 5-mile-radius area to 6 miles northwest of the airport and within 3 miles each side of the 107° bearing from the Winona Municipal-Max Conrad Field extending from the 5-mile-radius area to 6½ miles east of the airport. This control zone shall be effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WINONA, MINN.

That airspace extending upward from 700 feet above the surface within a 12-mile radius of Winona Municipal-Max Conrad Field (latitude 44°04'37" N., longitude 91°42'22" W.); excluding that portion which overlies the La-Crosse, Wis. transition area.

[FR Doc.71-7396 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-5]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On page 4425 of the FEDERAL REGISTER dated March 5, 1971, the FAA published a notice of proposed rule making which would amend §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the control zone and transition area at Pellston, Mich.

Interested persons were given 45 days to submit written comments, objections and comments concerning the proposed amendments. Two comments were received. The Air Transport Association concurred with the proposal. The Department of the Air Force objected to the proposal unless the FAA could assure it that the instrument approach procedure to the Emmet County Airport, Pellston, Mich., would not interfere with oil burner routes 9 and 14 which operate in this area. Subsequent to the issuance of this proposal the FAA has determined that the portions of oil burner routes 9 and 14 that conflict with the instrument approach procedure at Emmet County Airport have been suspended pending relocation of the target site and the RBS site. Notwithstanding this fact, the Air Force can be assured that no instrument approach procedures will be permitted at Emmet County Airport during oil burner operations. As a consequence, the Agency believes the Air Force's concern has been satisfied. Accordingly, the proposed amendments are hereby adopted subject to the minor change as set forth below.

In view of the foregoing, the proposed amendments are hereby adopted subject to the following change:

Lines 21 and 22 of the transition area description recited as "met County Airport, extending from the 13-mile-radius area to 18½ miles southeast of" are corrected to read "met County Airport, extending from the airport to 18½ miles southeast of".

These amendments shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.171 (36 F.R. 2055), the following control zone is amended to read:

PELLSTON, MICH.

Within a 5-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); within 2½ miles each side of the 132° bearing from Emmet County Airport, extending from the 5-mile radius zone to 5½ miles Southeast of the airport; and within 5 miles each side of the Pellston VORTAC 238° radial extending from the airport to 21 miles Southwest of the VORTAC.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

PELLSTON, MICH.

That airspace extending upward from 700 feet above the surface within a 11-mile radius of Emmet County Airport (latitude 45°34'09" N., longitude 84°47'45" W.); and within 5 miles each side of the Pellston VORTAC 238° radial, extending from the 11-mile-radius area to 22 miles southwest of the VORTAC; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of Pellston VORTAC; within 4½ miles northwest and 9½ miles southeast of the Pellston VORTAC 238° radial extending from the 13-mile-radius area to 32½ miles southwest of the VORTAC; within 4½ miles southeast and 9½ miles northwest of the Pellston VORTAC 060° radial, extending from the 13-mile-radius area to 18½ miles northeast of the VORTAC; and within 4½ miles southwest and 9½ miles northeast of the 132° bearing from the Emmet County Airport, extending from the airport to 18½ miles southeast of the airport, excluding the portion which overlies the Sault Sainte Marie, Mich., transition area.

[FR Doc.71-7392 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-63]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Estherville, Iowa.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Estherville, Iowa, transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 22, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

ESTHERVILLE, IOWA

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Estherville Municipal Airport (latitude 43°25'00" N., longitude 94°44'45" W.); and within 3 miles each side of the 175° bearing from Estherville Municipal Airport, extending from the 6½-mile-radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 175° and 355° bearings from Estherville Municipal Airport extending from 6 miles north to 18½ miles south of the airport.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 14, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7407 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-64]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Jefferson, Iowa, transition area.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Jefferson, Iowa, transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 22, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read

JEFFERSON, IOWA

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Jefferson Municipal Airport (latitude 42°00'36" N., longitude 94°20'31" W.); and within 3 miles each side of the 152° bearing from Jefferson Municipal Airport extending from the 5½-mile radius area to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southwest and 9½ miles northeast of the 152° and 132° bearing from Jefferson Municipal Airport, extending from 9 miles northwest to 18½ miles southeast of the airport excluding the portion which overlies the Perry, Iowa, transition area.

(Sec. 307 (a), Federal Aviation Act of 1958, 49 U.S.C. 1348; and sec. 6 (c), Department of Transportation Act 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 14, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7408 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-EA-20]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On page 5619 of the FEDERAL REGISTER for March 25, 1971, the Federal Aviation Administration published proposed regulations which would designate a Bloomsburg, Pa., transition area.

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 22, 1971.

(Sec. 37(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1855(c))

Issued in Jamaica, N.Y., on May 7, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Bloomsburg, Pa., transition area as follows:

BLOOMSBURG, PA.

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center of Bloomsburg Municipal Airport, Bloomsburg, Pa., 40°59'45" N., 76°26'30" W., and within 3 miles each side of the Milton, Pa., VORTAC 099° radial extending from the 7.5-mile-radius area to the VORTAC.

[FR Doc.71-7409 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-EA-21]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 5619 of the FEDERAL REGISTER for March 25, 1971, the Federal Aviation Administration published proposed regulations which would alter the Butler, Pa., transition area (36 F.R. 2161).

Interested parties were given 30 days after publication in which to submit written data or views. No objections to the proposed regulations have been received.

In view of the foregoing, the proposed regulations are hereby adopted effective 0901 G.m.t., July 22, 1971, except to correct 75°57'15" W. to read 79°57'15" W.

(Sec. 307(a), Federal Aviation Act of 1958, 72 Stat. 749; 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 13, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Butler, Pa., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 7.5-mile radius of the center, 40°46'45" N., 79°57'15" W. of Butler-Graham Airport, Butler, Pa., and within 3.5 miles each side of the 181° bearing from the Butler RBN, 40°41'54" N., 79°57'14" W., extending from the 7.5-mile-radius area to 11.5 miles south of the RBN.

[FR Doc.71-7410 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-3]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 4424 and 4425 of the FEDERAL REGISTER dated March 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Platteville, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

PLATTEVILLE, WIS.

That airspace extending upward from 700 feet above the surface within an 8½ mile radius of the Platteville Municipal Airport (latitude 42°41'15" N., longitude 90°26'41" W.); and that airspace extending upward from 1,200 feet above the surface within 9½ miles north and 4½ miles south of the 084° bearing from Platteville Municipal Airport extending from the airport to 18½ miles east of the airport.

[FR Doc.71-7390 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-4]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 4425 of the FEDERAL REGISTER dated March 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Ann Arbor, Mich.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

ANN ARBOR, MICH.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Ann Arbor Municipal Airport (latitude 42°13'22" N., longitude 83°44'40" W.); excluding the portion which overlies the Detroit, Mich., 700-foot floor transition area.

[FR Doc.71-7391 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-6]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 4425 and 4426 of the FEDERAL REGISTER dated March 5, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Brookings, S. Dak.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BROOKINGS, S. DAK.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Brookings Municipal Airport (latitude 44°18'12" N., longitude 96°48'40" W.); within 3 miles each side of the 300° bearing from Brookings Municipal Airport extending from the 6½-mile-radius area to 7½ miles west of the airport; and within 3 miles each side of the 141° bearing from the Brookings Municipal Airport, extending from the 6½-mile-radius area to 7½ miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles southwest and 4½ miles northeast of the 141° and 321° bearings from the Brookings Municipal Airport extending from 4½ miles northwest of the airport to 18½ miles southeast of the airport.

[FR Doc.71-7395 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-8]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 4508 of the FEDERAL REGISTER dated March 6, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Morris, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

MORRIS, MINN.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of Morris Municipal Airport (latitude 45°34'05" N., longitude 95°58'10" W.); and within 3 miles each side of the 138° bearing from the Morris Municipal Airport extending from the airport to 7 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 9½ miles northeast and 4½ miles southwest of the 138° bearing from the Morris Municipal Airport extending from the airport to 18½ miles southeast of the airport; and within 5 miles each side of the 318° bearing from the Morris Municipal Airport extending from the airport to 12 miles northwest of the airport.

[FR Doc.71-7397 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-9]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Designation of Transition Area

On pages 4508 and 4509 of the FEDERAL REGISTER dated March 6, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Eagle River, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is added:

EAGLE RIVER, WIS.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Eagle River Municipal Airport (latitude 45°55'45" N., longitude 89°16'00" W.); and within 3 miles each side of the 037° bearing from Eagle River Municipal Airport extending from the 5-mile-radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles southeast and 9½ miles northwest of the 037° and 217° bearings from Eagle River Municipal Airport, extending from 6 miles southwest to 18½ miles northeast of the airport, excluding the portions which overlap the Rhinelander and Land O'Lakes, Wis., transition areas.

[FR Doc.71-7398 Filed 5-26-71;8:48 am]

[Airspace Docket No. 71-CE-10]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 4509 of the FEDERAL REGISTER dated March 6, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at West Bend, Wis.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

WEST BEND, WIS.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of West Bend Municipal Airport (latitude 43°25'20" N., longitude 88°07'45" W.); and within 3 miles each side of the 133° bearing from the West Bend Municipal Airport, extending from the 7-mile-radius area to 7½ miles southeast of the airport.

[FR Doc.71-7399 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-11]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On pages 4509 and 4510 of the FEDERAL REGISTER dated March 6, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Brainerd, Minn.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 10, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

BRAINERD, MINN.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the Brainerd-Crow Wing County Airport (latitude 46°23'55" N., longitude 94°08'15" W.); within 3 miles each side of the 120° radial of the Brainerd VORTAC extending from the 7-mile-radius area to 7½ miles southeast of the VORTAC; within 5 miles each side of the Brainerd VORTAC 302° radial extending from the 7-mile-radius area to 21 miles northwest of the VORTAC; within 3 miles each side of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 7-mile-radius area to 11½ miles south of the airport; and within 3 miles each side of the 043° bearing from the Brainerd-Crow Wing County Airport, extending from the 7-mile-radius area to 7½ miles northeast of the airport; and that airspace extending upward from 1,200 feet above the surface within a 13-mile radius of the Brainerd VORTAC; within 9½ miles southwest and 4½ miles northeast of the Brainerd VORTAC 302° radial, extending from the 13-mile-radius area to 31½ miles northwest of the VORTAC; within 9½ miles east and 4½ miles west of the 198° bearing from Brainerd-Crow Wing County Airport, extending from the 13-mile radius to 23 miles south of the airport; within 9½ miles northeast and 4½ miles southwest of the Brainerd VORTAC 120° radial extending from the 13-mile-radius area to 18½ miles southeast of the VORTAC; and within a 25-mile radius of the Brainerd VOR TAC from a line 5 miles southwest of and

parallel to the VORTAC 302° radial clockwise to a line 5 miles southeast of and parallel to the VORTAC 024° radial.

[FR Doc.71-7400 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-36]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On page 5298 of the FEDERAL REGISTER dated March 19, 1971, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the transition area at Huron, S. Dak.

Interested persons were given 45 days to submit written comments, suggestions, or objections regarding the proposed amendment.

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

This amendment shall be effective 0901 G.m.t., July 22, 1971.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 14, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

HURON, S. DAK.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the W. W. Howes Municipal Airport (latitude 44°23'03" N., longitude 98°13'39" W.); within 4½ miles northeast and 11 miles southwest of the Huron VORTAC 314° and 134° radials, extending from 5 miles southeast to 18½ miles northwest of the VORTAC; and within 5 miles each side of the Huron ILS localizer southeast course, extending from the 6½-mile radius area to 19½ miles southeast of the OM; and that airspace extending upward from 1,200 feet above the surface within a 25-mile radius of the Huron VORTAC extending from a line 5 miles west of and parallel to the 343° radial clockwise to a line 5 miles north of and parallel to the 269° radial; and within 4½ miles southwest and 9½ miles northeast of the Huron localizer southeast course extending from 6 miles southeast of the OM to 29 miles southeast of the OM.

[FR Doc.71-7402 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-49]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the transition area at Port Huron, Mich.

U.S. Standard for Terminal Instrument Procedures (TERPS) became effective November 18, 1967, and was issued only after extensive consideration and discussion with Government agencies concerned and affected industry groups. TERPS updates the criteria for the establishment of instrument approach procedures in order to meet the safety requirements of modern day aviation and to make more efficient use of the airspace possible. As a result, the criteria for designation of controlled airspace for the protection of these procedures were modified to conform to TERPS. The new criteria requires minor alteration of the Port Huron, Mich., transition area. Action is taken herein to reflect this change.

Since changes in most, if not all, existing airspace designations are required in order to achieve the increased safety and efficient use of the airspace that TERPS is designed to accomplish and since these changes are minor in nature, notice and public procedure hereon have been determined to be both unnecessary and impracticable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., July 22, 1971, as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

PORT HURON, MICH.

That airspace extending upward from 700 feet above the surface within a 7-mile radius of the St. Clair County Airport (longitude 42°54'40" N., 82°31'35" W.), within 3 miles each side of the 229° and 341° bearings from the St. Clair County Airport extending from the 7-mile-radius area to 8.5 miles southwest and north of the airport, excluding the portion outside the United States.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 14, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7403 Filed 5-26-71;8:49 am]

[Airspace Docket No. 71-CE-26]

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Designation of Jet Route

On March 11, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 4709) stating that the Federal Aviation Administration was considering an amendment to Part 75 of the Federal Aviation Regulations that would designate a jet route between Fargo, N. Dak., and Sault Ste. Marie, Mich.

Interested persons were afforded an opportunity to participate in the proposed rule making through the submission of comments. All comments received were favorable except one. The Department of the Air Force noted that the proposed jet route would penetrate three of its training areas and would object unless it could be assured that there would be no impact on the availability of the assigned airspace areas to accommodate daily training operations. The FAA has determined that the training flights can be handled without conflict with the proposed route.

In consideration of the foregoing, Part 75 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 75.100 (36 F.R. 2371) Jet Route No. 140 is added as follows:

JET ROUTE NO. 140 (FARGO, N. DAK., TO SAULT STE. MARIE, MICH.)

From Fargo, N. Dak., via Duluth, Minn., to Sault Ste. Marie, Mich.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Washington, D.C., on May 20, 1971.

H. B. HELSTROM,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.71-7401 Filed 5-26-71;8:49 am]

SUBCHAPTER F—AIR TRAFFIC AND GENERAL OPERATING RULES

[Reg. Docket No. 11087; Amdt. 95-207]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

The purpose of this amendment to Part 95 of the Federal Aviation Regulations is to make changes in the IFR altitudes at which all aircraft shall be flown over a specified route or portion thereof. These altitudes, when used in conjunction with the current changeover points for the routes or portions thereof, also assure navigational coverage that is adequate and free of frequency interference for that route or portion thereof .

As a situation exists which demands immediate action in the interest of safety, I find that compliance with the notice and procedure provisions of the Administrative Procedure Act is impracticable and that good cause exists for making this amendment effective within less than 30 days from publication.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 F.R. 5662), Part 95 of The Federal Aviation Regulations is amended, effective June 24, 1971 as follows:

1. By amending Subpart C as follows:

Section 95.619 *Blue Federal airway 19* is amended to read in part:

From, to, and MEA

Fish Hook, Fla., RBN; Perrine, Fla., RBN; *2,000. *1,600—MOCA.

Section 95.1001 *Direct Routes—United States* is amended to delete:

Fort Lauderdale, Fla., LF/RBN; New River INT, Fla.; *1,500. *1,400—MOCA.
Fort Myers, Fla., LF/RBN; Palm Beach, Fla., LF/RBN; 2,000.
Palm Beach, Fla., LF/RBN; Fort Lauderdale, Fla., LF/RBN 2,000.
*Titusville INT, Fla.; **Barracuda INT, Fla.; ***15,000. *4,000—MRA. **15,000—MRA. **1,200—MOCA.

Section 95.1001 *Direct Routes—United States* is amended by adding:

Sacramento, Calif., VOR; Klamath Falls, Oreg., VOR; 18,000. COP 130 SAC; MAA—45,000.
Klamath Falls, Oreg., VOR; Portland, Oreg., VOR; #22,000. MAA—45,000. #MEA is established with a gap in navigation signal coverage.
Norton, Calif., VOR; Hilltop INT, Calif.; 8,000. MAA—18,000.
Hilltop INT, Calif.; Hesperia INT, Calif.; *12,000. *7,700—MOCA. MAA—18,000.
Hilltop INT, Calif.; Palmdale, Calif., VORTAC; *12,000. *7,000—MOCA. MAA—18,000.
Plantation, Fla., LF/RBN; New River INT, Fla.; *1,500. *1,400—MOCA.
Rubin, Fla., RBN; Plantation, Fla., RBN; 2,000.
Tice, Fla., RBN; Rubin, Fla., RBN; 2,000.
*Apollo INT, Fla.; **Barracuda INT, Fla.; ***15,000. *4,000—MRA. **15,000—MRA. ***1,200—MOCA.

Section 95.1001 *Direct Routes—United States* is amended to read in part:

Bimini, Bahamas, VOR; Halibut INT, Bahamas (Via Control 1,150); *2,500. *1,300—MOCA.
*Mackerel INT, Fla.; **Mullet INT, Bahamas; ***3,500. *3,000—MRA. **6,500—MRA. ***1,200—MOCA.
Miami, Fla., VOR; Plantation, Fla., LF/RBN; *1,500. *1,400—MOCA.
Portland, Fla., RBN; Plantation, Fla., LF/RBN; 2,000.
Portland, Fla., RBN; Rubin, Fla., LF/RBN; 2,000.

Bahama Routes

65 V is amended to read in part:
Freeport, Bahamas, VOR; *Mullet INT, Bahamas; **2,000. *6,500—MRA. **1,400—MOCA.

7 Lima is amended to read in part:
Grand Bahama AAFB, Bahamas, RBN; Halibut INT, Fla.; *2,000. *1,400—MOCA.
Halibut INT, Fla.; Rubin, Fla., RBN; *2,000. *1,400—MOCA.

Section 95.5000 High Altitude RNAV.

From/to; total distance; changeover point; distance, from geographic location; track angle; MEA; and MAA

J800R is amended to read in part:
Thackery, Ohio, W/P, Mellott, Ind., W/P; 137.8; 55, Thackery, 39°57'39" N., 85°13'-23" W.; 268°/88° to COP, 266°/86° to Newton; 18,000; 45,000.
Mellott, Ind., W/P, Chapin, Ill., W/P; 165.7; 70, Newton, 39°48'29" N., 88°31'33" W.; 263°/83° to COP, 258°/78° to Chapin; 18,000; 45,000.

J801R is amended to read in part:
Joliet, Ill., VORTAC, Wolverine, Mich., W/P; 199.1; 110, Joliet, 41°56'35" N., 85°55'38" W.; 75°/255° to COP, 84°/264° to Wolverine; 18,000; 45,000.
Wolverine, Mich., W/P, Ormsby, Pa., W/P; 239.7; 114.9, Wolverine, 42°03'14" N., 81°-24'26" W.; 98°/278° to COP, 105°/285° to Ormsby; 18,000; 45,000.

J803R is amended to read in part:
Haven, Mich., W/P, Wolverine, Mich., W/P; 103.4; 51.7, Haven, 42°16'52" N., 85°07'42" W; 90°/270° to COP, 97°/277° to Wolverine; 18,000; 45,000.
Wolverine, Mich., W/P, Ormsby, Pa., W/P; 239.7; 114.9, Wolverine, 42°03'15" N., 81°-24'26" W.; 98°/278° to COP, 105°/285° to Ormsby; 18,000; 45,000.

Section 95.6001 *VOR Federal airway 1* is amended to read in part:

From, to, and MEA Cofield, N.C., VOR; Drum Hill INT, N.C.; 2,000.
Drum Hill INT, N.C.; Deep Creek INT, Va.; *2,000. *1,100—MOCA.
Deep Creek INT, Va.; Norfolk, Va., VOR; 1,600.

Section 95.6003 *VOR Federal airway 3* is amended to read in part:

Sombrero INT, Fla.; Rancho INT, Fla.; *6,000. *1,300—MOCA.

Section 95.6008 *VOR Federal airway 8* is amended to read in part:

Glenwood Springs INT, Colo., via S alter.; Ralston INT, Colo., via S alter.; *1,400. *13,200—MOCA.
Ralston INT, Colo., via S alter.; Gypsum INT, Colo., via S alter.; No. *12,500. No. 14,000—MEA for ACFT without DME. *11,190—MOCA.
Gypsum INT, Colo., via S alter.; Kremmling, Colo., VOR via S alter.; *14,000. *13,500—MOCA.

Section 95.6014 *VOR Federal airway 14* is amended to read in part:

Oklahoma City, Okla., VOR via N alter.; Navina INT, Okla., via N alter.; 3,000.
Navina INT, Okla., via N alter.; Langston INT, Okla., via N alter.; *3,000. *2,400—MOCA.
Springfield, Mo., VOR via N alter.; Vichy, Mo., VOR via N alter.; *3,000. *2,400—MOCA.
Vichy, Mo., VOR via N alter.; Int., 032° M rad, Vichy VOR and 244° M rad, St. Louis VOR via N alter.; *2,900. *2,200—MOCA.
Int., 032° M rad, Vichy VOR and 244° M rad, St. Louis VOR via N alter.; St. Louis, Mo., VOR via N alter.; *2,500. *2,000—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Hanover INT, Colo.; Kettle INT, Colo.; 9,000.

Section 95.6020 *VOR Federal airway 20* is amended to read in part:

Stockton INT, Ala., via S alter.; Monroeville, Ala., VOR via S alter.; *2,100. *1,600—MOCA.
Richmond, Va., VOR; Tappahannock INT, Va.; 1,900.

Section 95.6023 *VOR Federal airway 23* is amended to read in part:

*Gridley INT, Calif.; Red Bluff, Calif., VOR; **3,000. *4,000—MCA Gridley INT, southeastbound. **2,000—MOCA.
Fresno, Calif., VOR via W alter.; *Mendota INT, Calif., via W alter.; 2,000. *3,000—MCA Mendota INT, westbound.
Mendota INT, Calif., via W alter.; Los Banos, Calif., VOR via W alter.; 4,500.

Section 95.6025 *VOR Federal airway 25* is amended to read in part:

Triton INT, Calif.; Pacific INT, Calif.; *5,000. *2,000—MOCA.
Pacific INT, Calif.; Albacore INT, Calif.; *3,000. *2,000—MOCA.

Section 95.6027 *VOR Federal airway 27* is amended to read in part:

Triton INT, Calif.; Pacific INT, Calif.; *5,000. *2,000—MOCA.
Pacific INT, Calif.; Avalon INT, Calif.; *3,000. *2,000—MOCA.

Section 95.6033 *VOR Federal airway 33* is amended to read in part:

Keating, Pa., VOR; Bradford, Pa., VOR; 4,000.

Section 95.6043 *VOR Federal airway 43* is amended to read in part:

Tiverton, Ohio, VOR via W alter.; Akron, Ohio, VOR via W alter.; 3,000.
Akron, Ohio, VOR via W alter.; Youngstown, Ohio, VOR via W alter.; 3,000.

Section 95.6044 *VOR Federal airway 44* is amended to read in part:

Livonia INT, Ind.; Nabb, Ind., VOR; *2,700. *2,200—MOCA.

Section 95.6052 *VOR Federal airway 52* is amended to read in part:

Quincy, Ill., VOR; *Hardin INT, Ill.; **2,600. *3,700—MRA. **2,000—MOCA.

Section 95.6054 *VOR Federal airway 54* is amended to read in part:

Pike INT, Ark., via N alter.; Marcus INT, Ark., via N alter.; *3,500. *1,900—MOCA.

Section 95.6056 *VOR Federal airway 56* is amended to read in part:

Langley INT, S.C., via S alter.; Columbia, S.C., VOR via S alter.; *2,300. *1,800—MOCA.

Section 95.6072 *VOR Federal airway 72* is amended to read in part:

Akron, Ohio, VOR; Youngstown, Ohio, VOR; 3,000.

Section 95.6077 *VOR Federal airway 77* is amended to read in part:

Oklahoma City, Okla., VOR via E alter.; Navina INT, Okla., via E alter.; 3,000.
Navina INT, Okla., via E alter.; Langston INT, Okla., via E alter.; *3,000. *2,400—MOCA.

Section 95.6097 *VOR Federal airway 97* is amended to read in part:

Miami, Fla., VOR; Labelle, Fla., VOR; *1,500. *1,300—MOCA.

Section 95.6149 *VOR Federal airway 149* is amended to read in part:

Turner INT, Pa.; Allentown, Pa., VOR; *5,000. *2,500—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Jessup INT, Fla.; *Lake Helen INT, Fla.; **2,000. *3,000—MRA. **1,400—MOCA.

Section 95.6157 *VOR Federal airway 157* is amended to read in part:

Miami, Fla., VOR; Labelle, Fla., VOR; *1,500. *1,300—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to delete:

St. Joseph, Mo., VOR; Skidmore INT, Mo.; *2,800. *2,300—MOCA.
Skidmore, INT, Mo.; Elmo INT, Mo.; *2,800. *2,100—MOCA.
Elmo INT, Mo.; Coin INT, Iowa; *2,900. *2,200—MOCA.
Coin INT, Iowa; Emerson INT, Iowa; *2,700. *2,500—MOCA.
Emerson INT, Iowa; Omaha, Nebr., VOR; *2,800. *2,500—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended by adding:

St. Joseph, Mo., VOR; Int., 320° M rad, St. Joseph VOR and 067° M rad, Pawnee City VOR; *2,800. *2,400—MOCA.
Int., 320° M rad, St. Joseph VOR and 067° M rad, Pawnee City VOR; Omaha, Nebr., VOR; *2,800. *2,500—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Walnut Ridge, Ark., VOR; Dogwood, Mo., VOR; *3,400. *3,000—MOCA.

Section 95.6194 *VOR Federal airway 194* is amended to read in part:

Cofield, N.C., VOR; Drum Hill INT, N.C.; 2,000.

Drum Hill INT, N.C.; Deep Creek INT, Va.; *2,000. *1,100—MOCA.
Deep Creek INT, Va.; Norfolk, Va., VOR; 1,600.

Section 95.6208 *VOR Federal airway 208* is amended to read in part:

Oceanside, Calif., VOR; *Vista INT, Calif., Eastbound 5,000; Westbound 3,000. *5,000—MRA.

Section 95.6216 *VOR Federal airway 216* is amended to read in part:

Trufant INT, Mich.; Elm INT, Mich.; *3,000. *2,500—MOCA.
Elm INT, Mich.; Saginaw, Mich., VOR; *2,300. *1,900—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

*Harper INT, Tex.; Stonewall INT, Tex.; **4,000. *5,500—MRA. **3,300—MOCA.
Stonewall INT, Tex.; *Guadalupe INT, Tex.; **4,000. *4,300—MRA. **3,200—MOCA.

Section 95.6230 *VOR Federal airway 230* is amended to read in part:

Los Banos, Calif., VOR; *Mendota INT, Calif.; 4,500. *3,000—MCA Mendota INT, Westbound.
Mendota INT, Calif.; Fresno, Calif., VOR; 2,000.

Section 95.6265 *VOR Federal airway 265* is amended to read in part:

Keating, Pa., VOR; Bradford, Pa., VOR; 4,000.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Jessup INT, Fla., via E alter.; *Lake Helen INT, Fla., via E alter.; **2,000. *3,000—MRA. **1,400—MOCA.

Section 95.6286 *VOR Federal airway 286* is amended to read in part:

Brooke, Va., VOR; Gwynn INT, Va.; 2,000.
Gwynn INT, Va.; Cape Charles, Va., VOR; *2,000. *1,200—MOCA.

Section 95.6290 *VOR Federal airway 290* is amended to read in part:

Franklin, Va., VOR; Somerton INT, Va.; *2,000. *1,300—MOCA.
Somerton INT, Va.; Sunbury INT, Va.; 2,000.
Sunbury INT, Va.; Elizabeth City, N.C., VOR; *2,000. *1,300—MOCA.

Section 95.6307 *VOR Federal airway 307* is amended by adding:

Pawnee City, Nebr., VOR; Omaha, Nebr., VOR; *3,000. *2,600—MOCA.
Pawnee City, Nebr., VOR; via W alter.; Weeping Water INT, Nebr., via W alter.; *3,000. *2,600—MOCA.
Weeping Water, INT, Nebr., via W alter.; Omaha, Nebr., VOR, via W alter.; *3,000. *2,500—MOCA.

Section 95.6307 *VOR Federal airway 307* is amended to read in part:

Tokeen INT, Alaska; Port Walter DME Fix, Alaska; *9,000. *6,000—MOCA.
Port Walter DME Fix, Alaska; Biorka Island, Alaska, VOR; *6,000. *5,800—MOCA.

Section 95.6310 *VOR Federal airway 310* is amended to read in part:

Rocky Mount, N.C., VOR; Elizabeth City, N.C., VOR; *1,800. *1,500—MOCA.

Section 95.6458 *VOR Federal airway 458* is amended to read in part:

Oceanside, Calif., VOR; *Vista INT, Calif., Eastbound 5,000; Westbound 3,000. *5,000—MRA.

2. By amending Subpart D as follows:

Section 95.8003 *VOR Federal Airway changeover points.*

From; to—Changeover point
Distance; from

V–19 is amended to delete:
Pueblo, Colo., VOR; Kiowa, Colo., VOR; 39; Pueblo.
Douglas, Wyo., VOR via E alter.; Casper, Wyo., VOR via E alter.; 31; Douglas.

V–48 is amended to delete:
Kiowa, Colo., VOR; Thurman, Colo., VOR; 46; Kiowa.

V–23 is amended to delete:
Fresno, Calif., VOR via W alter.; Los Banos, Calif., VOR via W alter.; 14; Los Banos.

V–230 is amended to delete:
Los Banos, Calif., VOR; Fresno, Calif., VOR; 14; Los Banos.

Section 95.8003 *VOR Federal Airway changeover points.*

V–33 is amended to read in part:
Keating, Pa., VOR; Bradford, Pa., VOR; 30; Keating.

V–265 is amended to read in part:
Keating, Pa., VOR; Bradford, Pa., VOR; 30; Keating.

(Secs. 307, 1110, Federal Aviation Act of 1958, 49 U.S.C. 1348, 1510)

Issued in Washington, D.C., on May 18, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

[FR Doc.71-7295 Filed 5-26-71;8:45 am]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER E—RULES, REGULATIONS, STATEMENT OF GENERAL POLICY OR INTERPRETATION AND EXEMPTIONS UNDER THE FAIR PACKAGING AND LABELING ACT

PART 500—REGULATIONS UNDER SECTION 4 OF THE FAIR PACKAGING AND LABELING ACT

Measurement of Commodities

The Federal Trade Commission on June 27, 1970 (35 F.R. 10528) proposed specific amendments to §§ 500.11 and 500.12 of the regulations issued pursuant to section 4 of the Fair Packaging and Labeling Act. The proposed amendments would permit the net quantity of contents statement on commodities expressed in terms of length and width to include an expression in terms of inches in addition to the presently required statement of length and width in the largest whole units (yards, yards and feet, or feet, as appropriate).

Comment was invited by the publication of the proposal. Twenty-three comments were received from members of industry, a consumer organization, and State and City Weights and Measures officials.

After consideration of all the comments, the Commission published an order on October 23, 1970 (35 F.R. 16535) which provided for a period of 30 days in which to file objections and requests for a public hearing. Communications were received from two firms expressing objections and requesting public hearings.

The Commission has evaluated all of the objections received and concludes as follows:

(1) An objection was made that the order did not provide for stating the net quantity of pressure sensitive tape in inches followed by largest whole units of measurement. This objection was premised on claims that the majority of the pressure sensitive tape industry now label in this fashion and to require them to change would be unreasonable and arbitrary since the law requires a dual statement of inches followed by largest whole units of measure to facilitate value comparisons by consumers. The Commission considers this objection reasonable and the regulation is changed below to provide the option of stating inches first.

(2) An objection was made to the option permitting inches as a portion of the statement of net quantity on a package of pressure sensitive tape. It was claimed that such a statement could be misleading and confusing to the consumer and would not contribute to value comparisons. This involves a question of law—is a dual statement of net quantity necessary to meet the provisions of section 4(a)(3) of the Fair Packaging and Labeling Act—and therefore it is not properly a subject for public hearing.

To facilitate making the above change in response to the objection received, the Commission concludes that said final order of October 23, 1970 (35 F.R. 16535), should be canceled and that a new final order in this matter should be adopted as set forth below.

Accordingly, pursuant to the provisions of the Fair Packaging and Labeling Act Part 500 is amended by revising §§ 500.11 and 500.12 to read as follows:

§ 500.11 Measurement of commodity length, how expressed.

Declaration of net quality in terms of commodity length shall be expressed as follows:

(a) If less than 1 foot, in terms of inches and fractions thereof.

(b) If at least 1 foot but less than 4 feet, in terms of inches followed in parentheses by a declaration in the largest whole unit (a yard or foot) with any remainder in terms of inches or common or decimal fractions of the foot or yard.

(c) If 4 feet or more, in terms of feet followed in parentheses by a declaration of yards and common or decimal fractions of the yard, or in terms of feet followed in parentheses by a declaration of yards with any remainder in terms of feet and inches, except that it shall be optional to express the length in the preceding manner followed by a statement in parentheses of the length in terms of inches.

§ 500.12 Measurement of commodities by length and width, how expressed.

For bidimensional commodities (including roll-type commodities) measured in terms of commodity length and width, the declaration of net quantity of contents shall be expressed in the following manner:

(a) The declaration of net quantity for bidimensional commodities having a width of more than 4 inches shall:

(1) When the commodity has an area of less than 1 square foot be expressed in terms of length and width in linear inches and fractions thereof.

(2) When the commodity has an area of 1 square foot or more, but less than 4 square feet, be expressed in terms of square inches, followed in parentheses by the length and width in the largest whole unit (yard or foot) with any remainder in inches or common or decimal fractions of the yard or foot except that a dimension of less than 2 feet may be stated in inches within the parenthetical. Commodities consisting of usable individual units (e.g., paper napkins) while requiring a declaration of unit area need not declare the total area of all such individual units.

(3) When the commodity has an area of 4 square feet or more, be expressed in terms of square feet, followed in parentheses by the length and width in the largest whole units (yards or feet) with any remainder in terms of inches or common or decimal fractions of the foot or yard except that a dimension of less than 2 feet may be stated in inches within the parenthetical.

(4) For any commodity for which the quantity of contents is required by subparagraph (2) or (3) of this paragraph to include a declaration of the linear dimensions, the quantity of contents, in addition to being declared in the manner prescribed by the appropriate provision of this regulation, may also include, after the statement of the linear dimensions in the largest unit of measurement, a parenthetical declaration of the linear dimensions of said commodity in terms of inches. (Example: "25 SQ. FT. (12 IN. X 8.33 YD.) (12 IN. X 300 IN.)".)

(b) The declaration of net quantity for bidimensional commodities having a width of 4 inches or less shall be expressed in terms of width in inches followed by length in the largest whole unit (yard or foot) with any remainder in terms of the common or decimal fractions of the yard or foot, except that it shall be optional to express the length in the largest whole unit followed by a statement in parentheses of length in inches, or to express the length in inches followed by a statement in parentheses of length in the largest whole unit. (Example: "2 INCHES X 10 YARDS", "2 INCHES X 10 YARDS (360 INCHES)", or "2 INCHES X 360 INCHES (10 YARDS)".

Any person who will be adversely affected by the foregoing order may at any time within 30 days from the date of its publication in the FEDERAL REGISTER file with the Secretary, Federal Trade Commission, Washington, D.C. 20580, written objections thereto, specifying with particularity the provisions of the order deemed objectionable, stating the grounds therefor, and requesting a public hearing upon such objections. Objections will be deemed sufficient to warrant the holding of a public hearing only: (1) If they establish that the objector will be adversely affected by the order; (2) if they specify with particularity the provisions of the order to which objection is taken; and (3) if they are supported by reasonable grounds which if valid and factually supported may be adequate to justify the relief sought. Anyone who files objections which are not deemed by the Commission sufficient to warrant the holding of a public hearing will be promptly notified of that determination.

As soon as practicable after the time for filing objections has expired, the Commission will publish a notice in the FEDERAL REGISTER specifying those parts of the order which have been stayed by the filing of objections, or if no objections sufficient to warrant the holding of a public hearing have been filed, stating the fact. This order shall become effective 30 days following the date of its publication in the FEDERAL REGISTER, except as to any provision that may be stayed by the filing of valid objections.

(Secs. 4, 6, 80 Stat. 1297, 1299, 1300; 15 U.S.C. 1453, 1454, 1455)

Issued: May 21, 1971.

By direction of the Commission.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.71-7423 Filed 5-26-71;8:51 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Release No. 33-5148]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

Abandoned Registration Statements and Post-Effective Amendments

The Securities and Exchange Commission has adopted a new Rule 479 (17 CFR 230.479) under the Securities Act of 1933. The rule provides a procedure whereby the Commission may determine whether a registration statement or a post-effective amendment to such a statement, which has not become effective, has been abandoned and remove such statement or amendment from consideration as a pending matter. Notice of the proposed rule was published February 17, 1971, in Securities Act Release 5132 (36 F.R. 4070).

The rule provides that when a registration statement or amendment has become out of date by the passage of 9 months from the filing date, or the filing of the latest substantive amendment, and the registrant has not furnished a satisfactory explanation as to why it has not amended or withdrawn the registration statement, the Commission may, in its discretion, follow the procedure set forth in the rule to determine whether or not the statement or amendment has been abandoned. The rule also provides that an abandoned registration statement or amendment shall be suitably marked and shall remain in the files of the Commission.

Commission Action. Part 230 of Chapter II of Title 17 of the Code of Federal Regulations is amended by adding thereunder a new § 230.479 reading as follows:

§ 230.479 Procedure with respect to abandoned registration statements and posteffective amendments.

When a registration statement, or a posteffective amendment to such a statement, has been on file with the Commission for a period of 9 months and has not become effective, the Commission may, in its discretion, proceed in the following manner to determine whether such registration statement or amendment has been abandoned by the registrant. If the registration statement has been amended, otherwise than for the purpose of delaying the effective date thereof, or if the posteffective amendment has been amended, the 9-month period shall be computed from the date of the latest such amendment.

(a) A notice will be sent to the registrant, and to the agent for service named in the registration statement, by registered or certified mail, return receipt requested, addressed to the most recent addresses for the registrant and the agent for service reflected in the registration statement. Such notice will inform the registrant and the agent for service that the registration statement or amendment is out of date and must be either amended to comply with the applicable requirements of the Act and the rules and regulations thereunder or be withdrawn within 30 days after the date of such notice.

(b) If the registrant or the agent for service fails to respond to such notice by filing a substantive amendment or withdrawing the registration statement and does not furnish a satisfactory explanation as to why it has not done so within such 30 days, the Commission may, where consistent with the public interest and the protection of investors, enter an order declaring the registration statement or amendment abandoned.

(c) When such an order is entered by the Commission the papers comprising the registration statement or amendment will not be removed from the files of the Commission but will be plainly marked in the following manner: "Declared abandoned by order dated -------------."

The foregoing action, which has been taken pursuant to section 19(a) of the Securities Act of 1933, shall become effective July 1, 1971.

(Sec. 19(a), 48 Stat 85; sec. 209, 48 Stat. 908; 15 U.S.C. 77s(a))

By the Commission, May 14, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7377 Filed 5-26-71;8:47 am]

[Release No. IC-6440]

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND RULES AND REGULATIONS THEREUNDER

Repeal of Certain Exemptions; Pyramiding of Investment Companies; Regulation of Fund Holding Companies; Correction

In F.R. Doc. 71-6602 appearing at page 8729 in the issue of Wednesday, May 12, 1971, the second line of footnote 1 should read as follows:

Nos. 6336 (36 F.R. 2867), 6392 (36 F.R. 5840),

By the Commission pursuant to delegated authority.

THEODORE L. HUMES,
Associate Secretary.

MAY 21, 1971.

[FR Doc.71-7381 Filed 5-26-71;8:47 am]

[Release No. IC-6480]

PART 271—INTERPRETATIVE RELEASES RELATING TO THE INVESTMENT COMPANY ACT OF 1940 AND GENERAL RULES AND REGULATIONS THEREUNDER

Fiduciary Duty of Directors of Registered Investment Company

Staff interpretative position relating to fiduciary duty of Directors of a Registered Investment Company in connection with proposed arrangement to impose sales load on reinvestment of income dividends and continuously offer fund shares only in connection with dividend reinvestments.

The Securities and Exchange Commission today called attention to an interpretive position taken by its Division of Corporate Regulation relating to the fiduciary duty of directors of a registered investment company to shareholders of the investment company under section 36(a) of the Investment Company Act of 1940 (15 U.S.C. 80a-35(a)), as amended (84 Stat. 1428).[1] The facts were as follows:

A registered investment company proposed to operate as an open-end diversified, management investment company, and make the initial public offering of its securities through a group of underwriters. The investment company determined not to offer its shares continuously to the public after completion of the initial offering, except in connection with the reinvestment of income dividends. A maximum sales load of 8½ percent was imposed on sales of fund shares in the initial offering and a maximum sales load of 7½ percent was proposed to be imposed on reinvestment of income dividends in shares of the investment company. Capital gain distributions could be reinvested without the imposition of a sales load.

No registration statement would be required if the dividends were declared to be received in cash or stock at the option of the shareholder,[2] and if no sales load were charged on the reinvestment of income dividends. However, because of the imposition of a sales load on reinvestment of income dividends in shares of the investment company, a registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.) would be required to be kept in effect covering shares issued pursuant to reinvestment of income dividends.[3] The sole purpose of the proposed continuous registration statement covering the investment company's shares was, therefore, to permit the sales load to be charged on reinvestment of income dividends.

Furthermore, the distribution agreement between the investment company and its exclusive selling agent (which was to become operative after the initial offering) provided that all expenses relating to the issuance and registration of the investment company's shares and preparation and printing of prospectuses would be borne by the investment company, except that the selling agent would pay expenses of (1) state qualification of investment company shares for sale in the various States subsequent to the initial offering; and (2) printing in quantity of the prospectus furnished by the investment company to the selling agent.

Under these circumstances, the Division of Corporate Regulation took the position that the arrangement was not only unjustified since no benefits were derived by shareholders, but was so unfair in view of the additional costs and possible liabilities to be imposed on Fund shareholders in connection with the proposed continuously effective registration statement, that serious questions were raised whether the directors of the investment company, if they agreed to such arrangement, would violate their fiduciary obligations to shareholders of the investment company under section 36(a) of the Investment Company Act of 1940, as amended.

The arrangement was subsequently revised to eliminate the sales load on dividend reinvestments and thereby eliminate the need for maintenance of a continuously effective registration statement. The registration statement, as revised, was thereafter declared effective.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

MAY 10, 1971.

[FR Doc.71-7378 Filed 5-26-71;8:47 am]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

OLEIC ACID DERIVED FROM TALL OIL FATTY ACIDS

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0A2504) filed by Hercules, Inc., Wilmington, Del. 19899, and other relevant material, concludes that the food additive regulations should be amended as set forth below to provide for the safe use of oleic acid, derived from tall oil fatty acids, in food and as a component in the manufacture of food-grade additives.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Part 121 is amended in Subpart D:

1. By revising §§ 121.1004(a), 121.1048(a), and 121.1071(a) to read as follows:

---

[1] Section 36(a) provides, in part: "The Commisison is authorized to bring an action in the proper district court of the United States, or in the U.S. court of any territory or other place subject to the jurisdiction of the United States, alleging that a person serving or acting in one or more of the following capacities has engaged within 5 years of the commencement of the action or is about to engage in any act or practice constituting a breach of fiduciary duty involving personal misconduct in respect of any registered investment company for which such person so serves or acts—

"(1) as officer, director, member of any advisory board, investment adviser, or depositor; or

"(2) as principal underwriter, if such registered company is an open-end company, unit investment trust, or face-amount certificate company."

[2] Securities Act Release No. 929 (1936) (11 F.R. 10957).

[3] Public Policy Implications of Investment Company Growth, H. Rep. No. 2337, 89th Cong., second sess. (1966), at 216.

§ 121.1004 Glyceryl-lacto esters of fatty acids.

* * * * *

(a) They are manufactured from glycerin, lactic acid, and fatty acids conforming with § 121.1070 and/or oleic acid derived from tall oil fatty acids conforming with § 121.1237 and/or edible fats and oils.

* * * * *

§ 121.1048 Lactylic esters of fatty acids.

* * * * *

(a) They are prepared from lactic acid and fatty acids meeting the requirements of § 121.1070(b) and/or oleic acid derived from tall oil fatty acids meeting the requirements of § 121.1237.

* * * * *

§ 121.1071 Salts of fatty acids.

* * * * *

(a) The additive consists of one or any mixture of two or more of the aluminum, calcium, magnesium, potassium, and sodium salts of the fatty acids conforming with § 121.1070 and/or oleic acid derived from tall oil fatty acids conforming with § 121.1237.

* * * * *

2. By alphabetically inserting in the list in § 121.1099(a)(3) a new item, as follows:

§ 121.1099 Defoaming agents.

* * * * *

(a) * * *
(3) * * *

Substances	*Limitations*
* * *	* * *
Oleic acid derived from tall oil fatty acids.	Complying with § 121.1237.
* * *	* * *

3. By revising §§ 121.1113(a) and 121.1120 (a) and (c) to read as follows:

§ 121.1113 Propylene glycol mono- and diesters of fats and fatty acids.

* * * * *

(a) They are produced from edible fats and/or fatty acids in compliance with § 121.1070 and/or oleic acid derived from tall oil fatty acids in compliance with § 121.1237.

* * * * *

§ 121.1120 Polyglycerol esters of fatty acids.

* * * * *

(a) They are prepared from corn oil, cottonseed oil, lard, palm oil from fruit, peanut oil, safflower oil, sesame oil, soybean oil, and tallow and the fatty acids derived from these substances (hydrogenated and nonhydrogenated) meeting the requirements of § 121.1070(b) and/or oleic acid derived from tall oil fatty acids meeting the requirements of § 121.1237.

* * * * *

(c) Polyglycerol esters of a mxiture of stearic, oleic, and coconut fatty acids are used as a cloud inhibitor in vegetable and salad oils when use is not precluded by standards of identity. The fatty acids used in the production of the polyglycerol esters meet the requirements of § 121.1070(b), and the polyglycerol esters are used at a level not in excess of the amount required to perform its cloud-inhibiting effect. Oleic acid derived from tall oil fatty acids conforming with § 121.1237 may be used as a substitute for or together with the oleic acid permitted by this paragraph.

4. By alphabetically inserting in the list in § 121.1179(b)(2) a new item, as follows:

§ 121.1179 Coatings on fresh citrus fruit.

* * * * *

(b) * * *
(2) * * *

Component	*Limitations*
* * *	* * *
Oleic acid derived from tall oil fatty acids.	Complying with § 121.1237.
* * *	* * *

5. By adding the following new section:

§ 121.1237 Oleic acid derived from tall oil fatty acids.

The food additive oleic acid derived from tall oil fatty acids may be safely used in food and as a component in the manufacture of food-grade additives in accordance with the following prescribed conditions:

(a) The additive consists of purified oleic acid separated from refined tall oil fatty acids.

(b) The additive meets the following specifications:

(1) Specifications prescribed in "Food Chemicals Codex" for oleic acid, except that titer (solidification point) shall not exceed 13.5° C. and unsaponifiable matter shall not exceed 0.5 percent.

(2) The resin acid content does not exceed 0.01 percent as determined by ASTM Method D 1240–54 (1961).

(3) The requirements for absence of chick-edema factor as prescribed in § 121.1070.

(c) It is used or intended for use as follows:

(1) In foods as a lubricant, binder, and defoaming agent in accordance with good manufacturing practice.

(2) As a component in the manufacture of other food-grade additives.

(d) To assure safe use of the additive, the label and labeling of the additive and any premix thereof shall bear, in addition to the other information required by the act, the following:

(1) The common or usual name of the acid.

(2) The words "food grade" in juxtaposition with and equally as prominent as the name of the acid.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularly the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This orde1 shall become effective on its date of publication in the FEDERAL REGISTER. (5–27–71).

(Sec. 409(c)(1), 72 Stat. 1786; 21 U.S.C. 348(c)(1))

Dated: May 18, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7370 Filed 5-26-71;8:46 am]

NEQUINATE AND 3-NITRO-4-HYDROXYPHENYLARSONIC ACID

The Commissioner of Food and Drugs has evaluated new animal drug applications filed by Ayerst Laboratories proposing the safe and effective use in chicken feed of a drug containing nequinate alone (NADA 41–646V) or in combination with 3-nitro-4-hydroxyphenylarsonic acid (NADA 42–919V) and by Ralston Purina Co. (NADA 46–700V) proposing the safe and effective use in chicken feed of nequinate alone for specified conditions. The applications are approved.

Having considered the submitted data and other relevant material, the Commissioner concludes that a tolerance limitation is required to assure that edible tissues of chickens treated with nequinate are safe for consumption. Tolerances for residues of 3-nitro-4-hydroxyphenylarsonic acid have already been established in § 135g.33 of this chapter.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(i)), in accordance with § 3.517 (21 CFR 3.517), and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121, 135e, and 135g are amended as follows:

PART 121—FOOD ADDITIVES

Subpart C—Food Additives Permitted in Feed and Drinking Water of Animals or for the Treatment of Food-Producing Animals

1. Section 121.262(c) is amended in table 1 by adding a new item 1.17, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

* * * * *

(c) * * *

TABLE 1—3-NITRO-4-HYDROXYPHENYLARSONIC ACID IN COMPLETE CHICKEN AND TURKEY FEED

	Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
	* * *	* * *	* * *	* * *	* * *	* * *
1.16	* * *					
1.17	3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	Nequinate........	18.16 (0.002%)	For broiler chickens only; feed continuously as sole ration throughout the starting period; withdraw 5 days before slaughter; as sole source of organic arsenic.	An aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati* in broiler chickens; growth promotion and feed efficiency; for improving pigmentation.
	* * *	* * *	* * *	* * *	* * *	* * *

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

2. Part 135e is amended by adding the following new section:

§ 135e.57 Nequinate.

(a) *Chemical name.* Methyl 7-(benzyloxy)-6-butyl-1,4–dihyro-4-oxo-3-quinoline carboxylate.

(b) *Approvals.* (1) Premix level containing 4 percent nequinate granted to Ayerst Laboratories, Division of American Home Products Corp., 685 Third Avenue, New York, N.Y. 10017.

(2) Premix level containing 4 percent nequinate granted to Ralston Purina Co., Checkerboard Square, St. Louis, Mo. 63199.

(c) *Assay limits.* Finished feed must contain not less than 80 percent nor more than 120 percent of nequinate.

(d) *Related tolerances.* See § 135g.79 of this chapter.

(e) *Special considerations.* Do not use in feeds containing bentonite.

(f) *Conditions of use.* It is used as follows:

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Nequinate.......	18.16 (0.002%)	....		For broiler chickens only; feed continuously from day old to market.	As an aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati* in broiler chickens.
2. Nequinate...	18.16 (0.002%)	3-Nitro-4-hydroxyphenylarsonic acid.	45.4 (0.005%)	For broiler chickens only; feed continuously as sole ration throughout the starting period; withdraw 5 days before slaughter; as sole source of organic arsenic.	An aid in the prevention of coccidiosis caused by *E. tenella*, *E. necatrix*, *E. acervulina*, *E. maxima*, *E. brunetti*, and *E. mivati* in broiler chickens; growth promotion and feed efficiency; for improving pigmentation.

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

3. Part 135g is amended by adding the following new section:

§ 135g.79 Nequinate.

A tolerance of 0.1 part per million is established for negligible residues of nequinate in the uncooked edible tissues of chickens.

Effective date. This order shall be effective upon publication in the FEDERAL REGISTER (5–27–71).

Dated: May 4, 1971.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.

[FR Doc.71-7251 Filed 5-26-71;8:45 a.m.]

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

Capsules Penicillin-Tetracycline Phosphate Complex-Novobiocin-Nystatin Veterinary; Revocation

In the FEDERAL REGISTER of July 22, 1970 (35 F.R. 11711), the Commissioner of Food and Drugs announced (DESI 0155NV) the conclusions of the Food and Drug Administration following evaluation of the report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on Panplex Capsules (100,000 international units of penicillin G potassium, 50,000 units of nystatin, 50 milligrams novobiocin as sodium novobiocin and tetracycline phosphate complex equivalent to 50 milligrams tetracycline hydrochloride per capsule) marketed by the Upjohn Co., Kalamazoo, Mich. 49001.

The Academy concluded that: (1) Panplex is probably effective for oral administration in the treatment of susceptible bacterial infections in cats and dogs; (2) labeling changes are needed—each disease claim should be properly qualified as "appropriate for use in (name of disease) caused by pathogens sensitive to (name of drug)," and if the disease claim cannot be so qualified the claim must be deleated; (3) substantial evidence was not presented to establish that each ingredient designated as active makes a contribution to the total effect claimed for the combination drug; and (4) the dosage recommendations need to be revised. The Food and Drug Administration concurred with the Academy's conclusions.

The announcement allowed the Upjohn Co. 6 months to provide adequate documentation in support of the labeling used for Panplex and made provision for written comments or requests for an informal conference from interested persons.

The Upjohn Co. requested a conference to discuss the kind of data needed, but subsequently did not furnish any data to support the effectiveness of Panplex. No other comments or requests for a hearing were received.

Accordingly, the Commissioner concludes that the antibiotic drug regulations should be amended to revoke provisions for certification of this drug due to a lack of substantial evidence that it will have the effectiveness it purports and is represented to have in the treatment of susceptible bacterial infections in cats and dogs. The Commissioner further concludes that the certificates of safety and effectiveness heretofore issued for such drug should be revoked on the basis of an unwarranted hazard.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b) and under authority delegated to the Commissioner (21 CFR 2.120), Part 146a is amended by revoking § 146a.21 *Capsules penicillin-tetracycline phosphate complex-novobiocin-nystatin veterinary*. Certificates of safety and effectiveness issued under those regulations are also revoked.

Any person who will be adversely affected by the removal of any such drug from the market may file, within 30 days after publication hereof in the FEDERAL REGISTER, objections to this order stating reasonable grounds and requesting a hearing on such objections. A statement of reasonable grounds for a hearing must identify the claimed errors in the NAS–NRC evaluation and identify any adequate and well-controlled investigations on the basis of which it could reasonably be concluded that the combination drug would have the effectiveness claimed and would be safe for its intended uses.

Objections and requests for a hearing should be filed (preferably in quintuplicate) with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6–62, 5600 Fishers Lane, Rockville, Md. 20852.

Effective date. This order shall become effective 40 days after its date of publication in the FEDERAL REGISTER. If objections are filed, the effective date will be extended for ruling thereon.

(Secs. 507, 512, 59 Stat. 463, as amended, 82 Stat. 343–51; 21 U.S.C. 357, 360b)

Dated: May 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7371 Filed 5-26-71;8:46 am]

Chapter III—Environmental Protection Agency

PART 420—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Benomyl

A petition (PP 1F1010) was filed by E. I. du Pont de Nemours & Co., Wilmington, Del. 19898, in accordance with the provisions of the Federal Food, Drug, and Cosmetic Act as amended (21 U.S.C. 346a), proposing establishment of tolerances for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl)-2-benzimidazolecarbamate) in or on the raw agricultural commodities bean forage and hay, peanut hulls, forage and hay, and sugar beet tops at 15 parts per million; beans at 2 parts per million; peanuts and sugar beets at 0.2 part per million; and in milk and the meat, fat, and meat byproducts of cattle, goats, hogs, horses, and sheep at 0.05 part per million.

Subsequently, the petitioner amended the petition by withdrawing the request for bean forage and hay, peanut hulls, forage and hay, and sugar beet tops at 15 parts per million; and in milk and the meat, fat and meat by products of cattle, goats, hogs, horses, and sheep at 0.05 part per million.

Prior to December 2, 1970, the Secretary of Agriculture certified that this pesticide chemical is useful for the purposes for which the tolerances are being established, and the Fish and Wildlife Service of the Department of Interior advised that it has no objection to the tolerances.

Part 120, Chapter I, Title 21 was redesignated Part 420 and transferred to Chapter III (36 F.R. 424).

Based on consideration given the data submitted in the petition and other revelant material, it is concluded that:

1. The proposed uses with proposed livestock feeding restrictions are not reasonably expected to result in residues in meat, milk, poultry, and eggs. The uses are classified in the category specified in § 420.6(a)(3).
2. The tolerances established by this order will protect the public health.

Therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), and the authority transferred to the Administrator of the Environmental Protection Agency (35 F.R. 15623), Part 420 is amended by adding to Subpart C the following new section:

§ 420.294 Benomyl; tolerances for residues.

Tolerances are established for residues of the fungicide benomyl (methyl 1-(butylcarbamoyl) - 2 - benzimidazolecarbamate) in or on raw agricultural commodities as follows:

2 parts per million in or on snap beans (succulent).

0.2 part per million in or on peanuts and sugar beet roots.

Any person who will be adversely affected by the foregoing order may at any time within 30 days after its date of publication in the FEDERAL REGISTER file with the Objections Clerk, Environmental Protection Agency, 1626 K Street NW., Washington, DC 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on its date of publication in the FEDERAL REGISTER (5-27-71).

(Sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2))

Dated: May 21, 1971.

WILLIAM D. RUCKELSHAUS,
Administrator.

[FR Doc.71-7363 Filed 5-26-71;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER A—BUREAU OF ACCOUNTS

PART 223—SURETY COMPANIES DOING BUSINESS WITH THE UNITED STATES

Deposit Requirement

The Department of the Treasury has determined that it is necessary to amend that section in its regulations governing surety companies doing business with the United States (also appearing as Department Circular No. 297, Revised) which requires the deposit with State officials of investments for the protection of policyholders, in order to bring this requirement into greater consistency with the deposits required under State law. The Department notes that various State laws permit such deposits for the benefit of policyholders and creditors, or other designated claimants, and finds that deposits made in conformity with such State statutes will be sufficient for purposes of certification, under 6 U.S.C. 6–13, if the claimants protected by such deposits include all the policyholders of the surety company in the United States and if the deposits have a current market value of not less than $100,000.

The Treasury Department further finds, in conformity with 5 U.S.C. 553, that notice and public procedures are not necessary in promulgating this amendment, since the amendment relieves a restriction presently imposed.

Accordingly, Part 223, Chapter II of Title 31 of the Code of Federal Regulations is amended by revising § 223.4 to read as follows:

§ 223.4 Deposits.

No such company will be granted authority to do business under the provisions of the act referred to in § 223.1 unless it shall have and maintain on deposit with the Insurance Commissioner, or other proper financial officer, of the State in which it is incorporated, or of any other State of the United States, for the protection of claimants, including all its policyholders in the United States, legal investments having a current market value of not less than $100,000.

(5 U.S.C. 301)

Dated: May 24, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

[FR Doc.71-7447 Filed 5-26-71;8:53 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter VII—Federal Insurance Administration, Department of Housing and Urban Development

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

List of Designated Areas

Section 1914.4 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1914.4 List of designated areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Tulare	Tulare				May 28, 1971.
Florida	Pinellas	Largo	I 12 103 1770 02 through I 12 103 1770 05	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Town Manager's Office, 225 1st Ave. SW., Largo, FL 33540.	Do.
Do	do	St. Petersburg	I 12 103 2730 05 through I 12 103 2730 08	do	Department of Buildings, City of St. Petersburg, 650 16th St. North, St. Petersburg, FL 33713.	Do.
Kentucky	Bell	Middlesboro	I 21 013 2220 03 I 21 013 2220 04	Division of Water, Kentucky Department of Natural Resources, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Office of the City Clerk, City Hall, City of Middlesboro, North 20th St. and Lothbury Ave., Middlesboro, KY 40965.	Do.
Massachusetts	Plymouth	Wareham	I 25 023 1360 02 through I 25 023 1360 05	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Selectmen's Office, Memorial Town Hall, Wareham, Mass. 02571.	Do.
New York	Suffolk	Saltaire	I 36 103 5430 02	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	Do.
Rhode Island	Providence	Central Falls	I 44 007 0040 03 I 44 007 0040 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminister St., Providence, RI 02903.	Office of the Director of Public Works, Municipal Garage, 77 Hunt St., Central Falls, RI 02863.	Do.
Virginia	City of Alexandria		I 51 510 0040 03 I 51 510 0040 04	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Do.
Do	City of Hampton		I 51 650 1180 11 through I 51 650 1180 19	do	City Planning Office, City Hall, Hampton, Va. 23369. City Engineer's Office, City Hall, Hampton, Va. 23369. City Clerk's Office, City Courthouse, Hampton, Va. 23369.	Do.
Washington	Benton	Richland	I 53 005 1850 02 through I 53 005 1850 06	Washington State Department of Ecology, 335 General Administration Bldg., Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Office of the City Engineer, City Hall, 505 Swift Blvd., Richland, WA 99352.	Do.
Wisconsin	Eau Claire	Unincorporated areas.				Do.
Do	Iron	Hurley				Do.
Do	Trempealeau	Trempealeau				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 27, 1971.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.71-7274 Filed 5-26-71;8:45 am]

PART 1915—IDENTIFICATION OF FLOOD-PRONE AREAS

List of Flood Hazard Areas

Section 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of flood hazard areas.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
* * *	* * *	* * *	* * *	* * *	* * *	* * *
California	Tulare	Tulare				May 28, 1971.
Florida	Pinellas	Largo	H 12 103 1770 02 through H 12 103 1770 05	Department of Community Affairs, State of Florida, 309 Office Plaza, Tallahassee, FL 32301. State of Florida Insurance Department, Treasurer's Office, State Capitol, Tallahassee, FL 32304.	Town Manager's Office, 225 First Ave. SW., Largo, FL 33540.	Aug. 7, 1970.
Do	do	St. Petersburg	H 12 103 2730 05 through H 12 103 2730 08	do	Department of Buildings, City of St. Petersburg, 650 16th St. North, St. Petersburg, FL 33713.	June 17, 1970.
Kentucky	Bell	Middlesboro	H 21 013 2220 03 H 21 013 2220 04	Division of Water, Kentucky Department of Natural Resources, Frankfort, KY 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, KY. 40601.	Office of the City Clerk, City Hall, City of Middlesboro, North 20th St. and Lothbury Ave., Middlesboro, KY 40965.	Dec. 4, 1970.
Massachusetts	Plymouth	Wareham	H 25 023 1360 02 through H 25 023 1360 05	Division of Water Resources, State Office Bldg., 100 Cambridge St., Boston, MA 02202. Massachusetts Division of Insurance, 100 Cambridge St., Boston, MA 02202.	Selectmen's Office, Memorial Town Hall, Wareham, MA 02571.	July 11, 1970.
New York	Suffolk	Saltaire	H 36 103 5430 02	New York State Department of Conservation, State Campus, Albany, N.Y. 12226. New York State Insurance Department, 123 William St., New York, NY 10038, and 324 State St., Albany, NY 12210.	Village of Saltaire, Pomander Walk, Saltaire, N.Y. 11781.	May 21, 1970.
Rhode Island	Providence	Central Falls	H 44 007 0040 03 H 44 007 0040 04	Rhode Island Statewide Planning Program, Room 123-A, The State House, Providence, R.I. 02903. Rhode Island Insurance Department, Room 418, 49 Westminster St., Providence, RI 02903.	Office of the Director of Public Works, Municipal Garage, 77 Hunt St., Central Falls, RI 02863.	Nov. 6, 1970.
Virginia	City of Alexandria		H 51 510 0040 03 H 51 510 0040 04	Division of Water Resources, Department of Conservation and Economic Development, 911 East Broad St., Richmond, VA 23219. Virginia Insurance Department, 700 Blanton Bldg., Post Office Box 1157, Richmond, VA 23209.	Department of Public Works, City Hall, Alexandria, Va. 22313.	Aug. 22, 1969, May 2, 1970, and May 28, 1971.
Do	City of Hampton		H 51 650 1180 11 through H 51 650 1180 19	do	City Planning Office, City Hall, Hampton, Va. 23369. City Engineer's Office, City Hall, Hampton, Va. 23369. City Clerk's Office, City Courthouse, Hampton, Va. 23369.	Mar. 24, 1970, and May 28, 1971.
Washington	Benton	Richland	H 53 005 1850 02 through H 53 005 1850 06	Washington State Department of Ecology, 335 General Administration Bldg., Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Office of the City Engineer, City Hall, 505 Swift Blvd., Richland, WA 99352.	Mar. 27, 1970, and May 28, 1971.
Wisconsin	Eau Claire	Unincorporated areas.				May 28, 1971.
Do	Iron	Hurley				Do.
Do	Trempealeau	Trempealeau				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 F.R. 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 F.R. 2680, Feb. 27, 1969)

Issued: May 27, 1971.

George K. Bernstein,
Federal Insurance Administrator.

[FR Doc.71-7275 Filed 5-26-71;8:45 am]

Title 7—AGRICULTURE

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Valencia Orange Reg. 350]

PART 908—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

§ 908.650 Valencia Orange Regulation 350.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 908, as amended (7 CFR Part 908, 35 F.R. 16625), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the Federal Register (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 25, 1971.

(b) *Order.* (1) The respective quantities of Valencia oranges grown in Arizona and designated part of California which may be handled during the period May 28, 1971, through June 3, 1971, are hereby fixed as follows:

(i) District 1: 271,000 cartons;

(ii) District 2: 411,000 cartons;

(iii) District 3: 93,000 cartons.

(2) As used in this section, "handler", "District 1", "District 2", "District 3", and "carton" have the same meaning as when used in said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1971.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7517 Filed 5-26-71;11:28 am]

PART 953—IRISH POTATOES GROWN IN THE SOUTHEASTERN STATES

Limitation of Shipments

Notice of a proposed limitation of shipments regulation to be made effective under Marketing Agreement No. 104 and Order No. 953, both as amended (7 CFR Part 953; 33 F.R. 8502, 8506), regulating the handling of Irish potatoes grown in designated counties of Virginia and North Carolina, was published in the May 15, 1971 Federal Register (36 F.R. 8956). This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

The notice provided interested persons an opportunity to file written data, views, or arguments with respect to the proposed regulation not later than May 23, 1971. None was filed.

After consideration of all relevant matters, including the proposal set forth in the aforesaid notice which was recommended by the Southeastern Potato Committee established pursuant to said marketing agreement and order, it is hereby found that the limitation of shipments regulation as hereinafter set forth, will tend to effectuate the declared policy of the act.

The grade and size requirements provided in the regulation are necessary to prevent potatoes that are of poor quality, or undesirable sizes from being distributed in fresh market channels. They will also provide consumers with good quality potatoes consistent with the overall quality of the crop, and maximize returns to producers for the preferred quality and sizes. The regulation is as follows:

§ 953.311 Limitation of shipments.

During the period June 1 through July 31, 1971, no person shall ship any lot of potatoes produced in the production area unless such potatoes meet the requirements of paragraphs (a) and (b) of this section or unless such potatoes are handled in accordance with paragraphs (c) and (d) of this section.

(a) *Minimum grade and size requirements.* All varieties U.S. No. 2, or better grade, 1½ inches minimum diameter.

(b) *Inspection.* Each first handler shall, prior to making each shipment of potatoes cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. No handler shall ship any potatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto by the Federal-State Inspection Service and the certificate is valid at the time of shipment.

(c) *Special purpose shipments.* The grade, size, and inspection requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for canning, freezing, "other processing" as hereinafter defined, livestock feed, or charity: *Provided,* That the handler thereof complies with the safeguard requirements of paragraph (d) of this section: *Further provided,* That shipments of potatoes for canning, freezing, and "other processing" shall be exempt from inspection requirements specified in § 953.50 and from assessment requirements specified in § 953.34.

(d) *Safeguards.* Each handler making shipments of potatoes for canning, freezing, "other processing", livestock feed, or charity in accordance with paragraph (c) of this section shall:

(1) Notify the committee of his intent to ship potatoes pursuant to paragraph (c) of this section by applying on forms furnished by the committee for a Certificate of Privilege applicable to such special purpose shipments;

(2) Obtain an approved Certificate of Privilege;

(3) Prepare on forms furnished by the committee a special purpose shipment report for each such individual shipment; and

(4) Forward copies of such special purpose shipment report to the committee office and to the receiver with instructions to the receiver that he sign and return a copy to the committee's office. Failure of the handler or receiver to report such shipments by promptly signing and returning the applicable special purpose shipment report to the committee office shall be cause for suspension of such handler's Certificate of Privilege applicable to such special purpose shipments.

(e) *Minimum quantity exception.* Each handler may ship up to, but not exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions*. The term "U.S. No. 2" shall have the same meaning as when used in the U.S. Standards for Potatoes (§§ 51.1540–51.1556 of this title), including the tolerances set forth therein. The term "other processing" has the same meaning as the term appearing in the act as amended February 20, 1970, and includes, but is not restricted to, potatoes for dehydration, chips, shoestrings, starch, and flour. It includes only that preparation of potatoes for market which involves the application of heat or cold to such an extent that the natural form or stability of heat or cold to such an extent that the natural form or stability of the commodity undergoes a substantial change. The act of peeling, cooling, slicing, or dicing, or the application of material to prevent oxidation does not constitute "other processing". All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 104 and this part, both as amended.

(g) *Applicability to imports*. Pursuant to section 608e–1 of the act and § 980.1 "Import regulations" (7 CFR 980.1), Irish potatoes of the round white type imported during the effective period of this section shall meet the grade, size, quality, and maturity requirements specified in paragraph (a) of this section.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Dated May 25, 1971, to become effective June 1, 1971.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7478 Filed 5–26–71;8:54 am]

[Amdt. 8]

PART 980—VEGETABLES; IMPORT REGULATIONS

Irish Potatoes

Pursuant to the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 608e–1) § 980.1 *Import regulations, Irish potatoes* (7 CFR Part 980), is hereby amended in the following respects:

1. Subparagraph (2) (ii) of paragraph (a) is amended by deleting the period and adding at the end thereof the following: "*Provided further,* That for the period June 1 through June 4, 1971, imports of all other round type potatoes are in most direct competition with the marketing of the same type potatoes produced in the Southeastern States covered by Order No. 953 (Part 953 of this chapter)."

2. Subparagraph (2) of paragraph (b) is amended by deleting the period and adding at the end thereof the following: "*Provided further,* That for the period June 1 through June 4, 1971, the grade, size, quality, and maturity requirements of Marketing Order No. 953, as amended (Part 953 of this chapter) applicable to potatoes of the round types shall be the respective grade, size, quality, and maturity for imports of other round type potatoes."

Findings. (a) It is hereby found and determined that during the period June 1 through June 4, 1971, all other round varieties of potatoes imported into the United States are in most direct competition with all other round varieties produced in the Southeastern States and that the import regulations shall be based on the regulation in effect for all other round varieties of potatoes regulated under Marketing Order 953 (7 CFR Part 953).

(b) It is hereby found that it is impracticable and unnecessary and contrary to the public interest to give preliminary notice or engage in public rule making procedure and that good cause exists for not postponing the effective date of this regulation until 30 days after publication in the Federal Register (5 U.S.C. 553) in that (1) the grade, size, quality, and maturity requirements of Marketing Order No. 953 are less restrictive than those of Marketing Order No. 948 which heretofore were those applicable to imported potatoes of the round types, and hence this amendment relieves restrictions on such imported potatoes, (2) compliance with the amendment on and after the effective date of this regulation will not require any special preparation by importers which cannot be completed by the effective date hereof, and (3) the effective date hereof complies with the notice requirement specified in the Act and such notice is determined to be reasonable.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated May 25, 1971, to become effective June 1, 1971.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7502 Filed 5–26–71;8:54 am]

Chapter XIV—Commodity Credit Corporation, Department of Agriculture

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[CCC Grain Price Support Regs., 1971 Crop Rye Supp.]

PART 1421—GRAINS AND SIMILARLY HANDLED COMMODITIES

Subpart—1971 Crop Rye Loan and Purchase Program

The General Regulations Governing Price Support for the 1970 and Subsequent Crops (35 F.R. 7363 and 7781) and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations (35 F.R. 10355) and any amendments to such regulations, are further supplemented for the 1971 crop of rye by adding §§ 1421.350–1421.354 to read as follows. The material previously appearing in these sections under centerhead "1970 Crop Rye Loan and Purchase Program" remains in full force and effect as to the 1970 crop to which it was applicable.

Sec.
1421.350 Purpose.
1421.351 Availability.
1421.352 Maturity of loans.
1421.353 Warehouse charges.
1421.354 Support rates.

Authority: The provisions of the subpart issued under sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 105, 401, 63 Stat. 1051, as amended; 15 U.S.C. 714c, 7 U.S.C. 1421, 1441.

§ 1421.350 Purpose.

This supplement contains program provisions which, together with the provisions of the General Regulations Governing Price Support for the 1970 and Subsequent Crops and the 1970 and Subsequent Crops Rye Loan and Purchase Program regulations, and any amendments thereto, apply to price support loans and purchases with respect to the 1971 crop of rye.

§ 1421.351 Availability.

A producer desiring a price support loan must request a loan on his eligible rye on or before March 31, 1972. To obtain price support through sales, a producer must execute and deliver to the appropriate county ASCS office, on or before April 30, 1972, a Purchase Agreement (Form CCC–614), indicating the approximate quantity of 1971 crop rye he will sell to CCC.

§ 1421.352 Maturity of loans.

Unless demand is made earlier, all loans on rye will mature on April 30, 1972.

§ 1421.353 Warehouse charges.

Subject to the provision of § 1421.342, the schedules of deductions set forth in this section shall apply to rye stored in an approved warehouse operating under the Uniform Grain Storage Agreement.

Schedule of Deductions for Storage Charges

Maturity date April 30, 1972 [1]	*Deduction (cents per bushel)*
Prior to June 22, 1971	13
June 22–July 17	12
July 18–Aug. 11	11
Aug. 12–Sept. 5	10
Sept. 6–Sept. 30	9
Oct. 1–Oct. 25	8
Oct. 26–Nov. 19	7
Nov. 20–Dec. 14	6
Dec. 15, 1971–Jan. 8, 1972	5
Jan. 9–Feb. 2	4
Feb. 3–Feb. 27	3
Feb. 28–Mar. 23	2
Mar. 24–Apr. 30	1

[1] Dates storage charges start, all dates inclusive.

§ 1421.354 Support rates.

(a) *Basic support rates* (*counties*). Basic county support rates per bushel for loan and settlement purposes for rye are established for rye grading U.S. No. 2 or better, or U.S. No. 3 on the factor of test weight only and are as follows:

Alabama

County	*Rate per bushel*
All counties	$1.02

Arizona

All counties	$0.92

Arkansas

All counties	$0.90

California

Alameda	$1.09
Los Angeles	1.09
Sacramento	1.09
San Diego	1.09
San Francisco	1.09
San Joaquin	1.09
All other counties	.96

Colorado

All counties	$0.75

Connecticut

All counties	$1.01

Delaware

All counties	$1.01

Florida

All counties	$1.07

Georgia

All counties	$1.07

Idaho

All counties	$0.92

Illinois

Cook	$1.02
St. Clair	1.02
All other counties	.96

Indiana

All counties	$0.92

Iowa

Pottawattamie	$0.94
Woodbury	.94
All other counties	.91

Kansas

Wyandotte	$0.94	All other counties	$0.83

Kentucky

All counties	$1.01

Louisiana—Parish

East Baton Rouge	$1.11	West Baton Rouge	$1.11
Jefferson	1.11	All other counties	.92
Orleans	1.11		
St. Charles	1.11		

Maine

All counties	$1.01

Maryland

Baltimore City	$1.17	All other counties	$1.01

Massachusetts

All counties	$1.01

Michigan

All counties	$0.88

Minnesota

County	*Rate per bushel*	*County*	*Rate per bushel*
Aitkin	$0.95	Martin	$0.93
Anoka	.95	Meeker	.95
Becker	.89	Mille Lacs	.95
Beltrami	.91	Morrison	.94
Benton	.95	Mower	.95
Big Stone	.91	Murray	.91
Blue Earth	.95	Nicollet	.95
Brown	.95	Nobles	.90
Carlton	.95	Norman	.87
Carver	.95	Olmsted	.95
Cass	.94	Otter Tail	.91
Chippewa	.94	Pennington	.87
Chisago	.95	Pine	.95
Clay	.88	Pipestone	.90
Clearwater	.90	Polk	.87
Cottonwood	.93	Pope	.94
Crow Wing	.95	Ramsey	.95
Dakota	.95	Red Lake	.87
Dodge	.95	Redwood	.94
Douglas	.93	Renville	.95
Faribault	.94	Rice	.95
Fillmore	.92	Rock	.87
Freeborn	.95	Roseau	.83
Goodhue	.95	Saint Louis	.96
Grant	.92	Scott	.95
Hennepin	.95	Sherburne	.95
Houston	.91	Sibley	.95
Hubbard	.91	Stearns	.95
Isanti	.95	Steele	.95
Itasca	.95	Stevens	.92
Jackson	.93	Swift	.94
Kanabec	.95	Todd	.94
Kandiyohi	.95	Traverse	.90
Kittson	.82	Wabasha	.95
Koochiching	.91	Wadena	.92
Lac Qui Parle	.92	Waseca	.95
Lake of the Woods	.87	Washington	.95
Le Seur	.95	Watonwan	.94
Lincoln	.90	Wilkin	.90
Lyon	.92	Winona	.95
McLeod	.95	Wright	.95
Mahnomen	.88	Yellow Medicine	.93
Marshall	.85		

Mississippi

All counties	$1.01

Missouri

St. Louis	$1.02	All other counties	$0.94

Montana

All counties	$0.74

Nebraska

County	*Rate per bushel*	*County*	*Rate per bushel*
Adams	$0.90	Douglas	$0.94
Antelope	.92	Dundy	.81
Arthur	.82	Fillmore	.92
Banner	.77	Franklin	.88
Blaine	.87	Frontier	.85
Boone	.92	Furnas	.87
Box Butte	.79	Gage	.94
Boyd	.90	Garden	.81
Brown	.87	Garfield	.89
Buffalo	.89	Gosper	.87
Burt	.94	Grant	.82
Butler	.94	Greeley	.91
Cass	.94	Hall	.90
Cedar	.92	Hamilton	.92
Chase	.81	Harlan	.88
Cherry	.84	Hayes	.83
Cheyenne	.78	Hitchcock	.83
Clay	.91	Holt	.90
Colfax	.94	Hooker	.84
Cuming	.94	Howard	.91
Custer	.87	Jefferson	.93
Dakota	.93	Johnson	.94
Dawes	.78	Kearney	.89
Dawson	.87	Keith	.82
Deuel	.81	Keyapaha	.87
Dixon	.92	Kimball	.78
Dodge	.94	Knox	.92
Lancaster	$0.94	Rock	$0.87
Lincoln	.84	Saline	.93
Logan	.85	Sarpy	.94
Loup	.88	Saunders	.94
McPherson	.84	Scotts Bluff	.77
Madison	.93	Seward	.94
Merrick	.92	Sheridan	.81
Morrill	.78	Sherman	.89
Nance	.92	Sioux	.77
Nemaha	.94	Stanton	.94
Nuckolls	.90	Thayer	.92
Otoe	.94	Thomas	.85
Pawnee	.94	Thurston	.93
Perkins	.81	Valley	.89
Phelps	.88	Washington	.94
Pierce	.93	Wayne	.93
Platte	.93	Webster	.89
Polk	.93	Wheeler	.91
Red Willow	.85	York	.93
Richardson	.94		

Nevada

All counties	$0.82

New Hampshire

All counties	$1.01

New Jersey

All counties	$1.01

New Mexico

All counties	$0.81

New York

Albany	$1.17	All other counties	$1.02
New York City	1.17		

North Carolina

All counties	$1.07

North Dakota

Adams	$0.74	McLean	$0.73
Barnes	.83	Mercer	.74
Benson	.76	Morton	.76
Billings	.72	Mountrail	.70
Bottineau	.71	Nelson	.81
Bowman	.73	Oliver	.74
Burke	.70	Pembina	.82
Burleigh	.77	Pierce	.74
Cass	.86	Ramsey	.78
Cavalier	.77	Ransom	.86
Dickey	.84	Renville	.70
Divide	.68	Richland	.89
Dunn	.73	Rolette	.73
Eddy	.79	Sargent	.87
Emmons	.78	Sheridan	.75
Foster	.80	Sioux	.76
Golden Valley	.71	Slope	.74
Grand Forks	.84	Stark	.74
Grant	.75	Steele	.83
Griggs	.82	Stutsman	.81
Hettinger	.74	Towner	.74
Kidder	.78	Traill	.84
La Moure	.83	Walsh	.82
Logan	.80	Ward	.71
McHenry	.73	Wells	.78
McIntosh	.81	Williams	.68
McKenzie	.69		

Ohio

All counties	$0.92

Oklahoma

All counties	$0.87

Oregon

Clatsop	$1.10	All other counties	$1.01
Multonomah	1.10		

Pennsylvania

Philadelphia City	$1.17	All other counties	$1.01

Rhode Island

All counties	$1.01

SOUTH CAROLINA

County	Rate per bushel	County	Rate per bushel
Charleston	$1.17	All other counties	$1.07

SOUTH DAKOTA

County	Rate per bushel	County	Rate per bushel
Aurora	$0.83	Jackson	$0.79
Beadle	.85	Jerauld	.83
Bennett	.79	Jones	.82
Bon Homme	.86	Kingsbury	.87
Brookings	.89	Lake	.86
Brown	.85	Lawrence	.72
Brule	.83	Lincoln	.86
Buffalo	.83	Lyman	.83
Butte	.72	McCook	.84
Campbell	.80	McPherson	.82
Charles Mix	.84	Marshall	.87
Clark	.87	Meade	.73
Clay	.87	Mellette	.82
Codington	.88	Miner	.84
Corson	.76	Minnehaha	.86
Custer	.74	Moody	.88
Davison	.83	Pennington	.75
Day	.87	Perkins	.74
Deuel	.90	Potter	.83
Dewey	.76	Roberts	.89
Douglas	.84	Sanborn	.83
Edmunds	.83	Shannon	.77
Fall River	.74	Spink	.86
Faulk	.84	Stanley	.82
Grant	.90	Sully	.83
Gregory	.84	Todd	.82
Haakon	.79	Tripp	.83
Hamlin	.88	Turner	.85
Hand	.84	Union	.88
Hanson	.83	Walworth	.81
Harding	.72	Washabaugh	.79
Hughes	.83	Yankton	.86
Hutchinson	.85	Ziebach	.75
Hyde	.83		

TENNESSEE

County	Rate per bushel	County	Rate per bushel
Shelby	$1.04	All other counties	$1.02

TEXAS

County	Rate per bushel	County	Rate per bushel
Galveston	$1.11	San Patricio	$1.11
Harris	1.11	All other counties	.92
Jefferson	1.11		
Nueces	1.11		

UTAH

All counties $0.77

VERMONT

All counties $1.01

VIRGINIA

County	Rate per bushel	County	Rate per bushel
Chesapeake (Norfolk)	$1.17	All other counties	$1.01

WASHINGTON

County	Rate per bushel	County	Rate per bushel
Clark	$1.10	Pierce	$1.10
Cowlitz	1.10	All other counties	1.01
King	1.10		

WEST VIRGINIA

All counties $1.01

WISCONSIN

County	Rate per bushel	County	Rate per bushel
Milwaukee	$1.02	All other counties	$0.96

WYOMING

All counties $0.80

(b) *Discounts.* The basic support rate shall be adjusted by discounts as follows: Rye containing more than three-tenths of 1 percent ergot (ergoty rye containing in excess of 1 percent is not eligible for warehouse-storage loans).

Ergot content (percent):	Discount (*cents per bushel*)
0.31–0.40	1
0.41–0.50	2
0.51–0.60	3
0.61–0.70	4
0.71–0.80	5
0.81–0.90	6
0.91–1.00	7

Rye grading U.S. No. 4 on the factor of test weight only:

Test weight (pounds):	Discount (*cents per bushel*)
51.0–51.9	5
50.0–50.9	10
49.0–49.9	15

Rye grading U.S. No. 3 on account of being "thin".

"Thin" rye (percent):	Discount (*cents per bushel*)
15.1–17.0	1
17.1–19.0	2
19.1–21.0	3
21.1–23.0	4
23.1–25.0	5

Rye grading U.S. No. 4 on account of being "thin".

The discounts shall be 5 cents per bushel plus 1 cent for each 2 percent of "thin" rye or fraction thereof, in excess of 25 percent.

Weed control discount (where required by § 1421.25) 10

Other factors: Amounts determined by CCC to represent market discounts for quality factors not specified above which affect the value of rye, such as (but not limited to) moisture, weevily, ergoty, stones, musty, sour, and heating. Such discounts will be established approximately 1 month prior to the loan maturity date for rye and will thereafter be adjusted from time to time as CCC determines appropriate to reflect changes in market conditions. Producers may obtain schedules of such factors and discounts and adjustments thereof at county ASCS offices approximately 1 month prior to the loan maturity date or as soon thereafter as practicable.

Effective date: Upon publication in the FEDERAL REGISTER (5–27–71).

Signed at Washington, D.C., on May 19, 1971.

KENNETH E. FRICK,
*Executive Vice President,
Commodity Credit Corporation.*

[FR Doc.71–7337 Filed 5–26–71; 8:45 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

DEDUCTIBILITY OF TREBLE DAMAGE PAYMENTS UNDER THE ANTITRUST LAWS, FINES AND PENALTIES, AND ILLEGAL BRIBES AND KICKBACKS

Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, preferably in quintuplicate, to the Commissioner of Internal Revenue, Attention: CC: LR: T, Washington, D.C. 20224, by June 28, 1971. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601(b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by June 28, 1971. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] RANDOLPH W. THROWER,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR Part 1) under sections 162, 212, and 471 of the Internal Revenue Code of 1954 to section 902 of the Tax Reform Act of 1969 (Public Law 91–172, 83 Stat. 710), such regulations are amended as follows:

PARAGRAPH 1. Section 1.162 is amended by revising section 162(c), by redesignating section 162(f) as section 162(h), by inserting after section 162(e) new section 162 (f) and (g), and by revising the historical note. These amended and added provisions read as follows:

§ 1.162 Statutory provisions; trade or business expenses.

SEC. 162. *Trade or business expenses.* * * *

(c) *Bribes and illegal kickbacks*—(1) *Illegal payments to government officials or employees.* No deduction shall be allowed under subsection (a) for any payment made, directly or indirectly, to an official or employee of any government, or of any agency or instrumentality of any government, if the payment constitutes an illegal bribe or kickback or, if the payment is to an official or employee of a foreign government, the payment would be unlawful under the laws of the United States if such laws were applicable to such payment and to such official or employee. The burden of proof in respect of the issue, for the purposes of this paragraph, as to whether a payment constitutes an illegal bribe or kickback (or would be unlawful under the laws of the United States) shall be upon the Secretary or his delegate to the same extent as he bears the burden of proof under section 7454 (concerning the burden of proof when the issue relates to fraud).

(2) *Other bribes or kickbacks.* If in a criminal proceeding a taxpayer is convicted of making a payment (other than a payment described in paragraph (1)) which is an illegal bribe or kickback, or his plea of guilty or nolo contendere to an indictment or information charging the making of such a payment is entered or accepted in such a proceeding, no deduction shall be allowed under subsection (a) on account of such payment or any related payment made prior to the date of the final judgment in such proceeding.

(3) *Statute of limitations.* If a taxpayer claimed a deduction for a payment described in paragraph (2) which is disallowed because of a final judgment entered after the close of the taxable year for which the deduction was claimed, and if the proceeding was based on an indictment returned or an information filed prior to the expiration of the period for the assessment of any deficiency for such taxable year, the period for the assessment of any deficiency attributable to the deduction of such payment shall not expire prior to the expiration of one year from the date of such final judgment, and such deficiency may be assessed prior to the expiration of such one-year period notwithstanding the provision of any other law or rule of law which would otherwise prevent such assessment.

* * * * *

(f) *Fines and penalties.* No deduction shall be allowed under subsection (a) for any fine or similar penalty paid to a government for the violation of any law.

(g) *Treble damage payments under the antitrust laws.* If in a criminal proceeding a taxpayer is convicted of a violation of the antitrust laws, or his plea of guilty or nolo contendere to an indictment or information charging such a violation is entered or accepted in such a proceeding, no deduction shall be allowed under subsection (a) for two-thirds of any amount paid or incurred—

(1) On any judgment for damages entered against the taxpayer under section 4 of the Act entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914 (commonly known as the Clayton Act), on account of such violation or any related violation of the antitrust laws which occurred prior to the date of the final judgment of such conviction, or

(2) In settlement of any action brought under section 4 on account of such violation or related violation.

The preceding sentence shall not apply with respect to any conviction or plea before January 1, 1970, or to any conviction or plea on or after such date in a new trial following an appeal of a conviction before such date.

(h) *Cross reference.* * * *

(Sec. 162 as amended by sec. 5, Technical Amendments Act 1958 (72 Stat. 1608); secs. 7(b) and 8, Act of Sept. 14, 1960 (Public Law 86–779, 74 Stat. 1002, 1003); sec. 3(a), Revenue Act 1962 (76 Stat. 973); sec. 902, Tax Reform Act 1969 (83 Stat. 710))

PAR. 2. Paragraph (a) of § 1.162–1 is amended to read as follows:

§ 1.162–1 Business expenses.

(a) *In general.* Business expenses deductible from gross income include the ordinary and necessary expenditures directly connected with or pertaining to the taxpayer's trade or business, except items which are used as the basis for a deduction or a credit under provisions of law other than section 162. The cost of goods purchased for resale, with proper adjustment for opening and closing inventories, is deducted from gross sales in computing gross income. See paragraph (a) of § 1.61–3. Among the items included in business expenses are management expenses, commissions (but see section 263 and the regulations thereunder), labor, supplies, incidental repairs, operating expenses of automobiles used in the trade or business, traveling expenses while away from home solely in the pursuit of a trade or business (see § 1.162–2), advertising and other selling expenses, together with insurance premiums against fire, storm, theft, accident, or other similar losses in the case of a business, and rental for the use of business property. No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property. See section 1054 and the regulations thereunder. A deduction for an expense paid or incurred after December 30, 1969, which would otherwise be allowable under section 162 shall not be denied on the grounds that allowance of such deduction would frustrate a sharply defined public policy. See section 162 (c), (f), and (g) and the regulations thereunder. The full amount of the allowable deduction for ordinary and necessary expenses in carrying on a business is deductible, even though such expenses exceed the gross income derived during the taxable year from such business. In the case of any sports program to which section 114 (relating to sports programs conducted for the American National Red Cross) applies, expenses described in section 114(a)(2) shall be allowable as deductions under section 162(a) only to the extent that such expenses exceed the amount excluded from gross income under section 114(a).

* * * * *

PAR. 3. Section 1.162–18 is amended to read as follows:

§ 1.162–18 Illegal bribes and kickbacks.

(a) *Illegal payments to government officials or employees*—(1) *In general.* No deduction shall be allowed under section 162(a) for any amount paid or incurred, directly or indirectly, to an official or employee of any government, or of any agency or other instrumentality of any government, if—

(i) In the case of a payment made to an official or employee of a government other than a foreign government described in subparagraph (3) (ii) or (iii) of this paragraph, the making of the payment constitutes an illegal bribe or kickback, or

(ii) In the case of a payment made to an official or employee of a foreign government described in subparagraph (3) (ii) or (iii) of this paragraph, the making of the payment would be unlawful under the laws of the United States (if such laws were applicable to the payment and to the official or employee at the time the expenses were paid or incurred).

No deduction shall be allowed for an accrued expense if the eventual payment thereof would fall within the prohibition of this section. The place where the expenses are paid or incurred is immaterial. For purposes of subparagraph (ii) of this paragraph, lawfulness or unlawfulness of the payment under the laws of the foreign country is immaterial.

(2) *Indirect payment.* For purposes of this paragraph, an indirect payment to an individual shall include any payment which inures to his benefit or promotes his interests, regardless of the medium in which the payment is made and regardless of the identity of the immediate recipient or payor. Thus, for example, payment made to an agent, relative, or independent contractor of an official or employee, or even directly into the general treasury of a foreign country of which the beneficiary is an official or employee, may be treated as an indirect payment to the official or employee, if in fact such payment inures or will inure to his benefit or promotes or will promote his financial or other interests. A payment made by an agent or independent contractor of the taxpayer which benefits the taxpayer shall be treated as an indirect payment to the official or employee.

(3) *Official or employee of a government.* Any individual officially connected with—

(i) The Government of the United States, a State or territory of the United States, or the District of Columbia,

(ii) The government of a foreign country, or

(iii) A political subdivision of, or a corporation or other entity serving as an instrumentality of, any of the above,

in whatever capacity, whether on a permanent or temporary basis, and whether or not serving for compensation, shall be included within the term "official or employee of a government", regardless of the place of residence or post of duty of such individual. An independent contractor would not ordinarily be considered to be an official or employee. For purposes of section 162(c) and this paragraph, the term "foreign country" shall include any foreign nation, whether or not such nation has been accorded diplomatic recognition by the United States. Individuals who purport to act on behalf of or as the government of a foreign nation shall be treated under this section as officials or employees of a foreign government, whether or not such individuals in fact control such foreign nation, and whether or not such individuals are accorded diplomatic recognition. Accordingly, a group in rebellion against an established government shall be treated as officials or employees of a foreign government, as shall officials or employees of the government against which the group is in rebellion.

(4) *Laws of the United States.* The term "laws of the United States", to which reference is made in paragraph (a)(1)(ii) of this section, shall be deemed to include only Federal statutes, including State laws which are assimilated into Federal law by Federal statute, and legislative and interpretative regulations thereunder. The term shall also be limited to statutes which prohibit some act or acts, for the violation of which there is a civil or criminal penalty.

(5) *Burden of proof.* In any proceeding involving the issue of whether, for purposes of section 162(c)(1), a payment made to a government official or employee constitutes an illegel bribe or kickback (or would be unlawful under the laws of the United States) the burden of proof in respect of such issue shall be upon the Commissioner to the same extent as he bears the burden of proof in civil fraud cases under section 7454 (i.e., he must prove the illegality of the payment by clear and convincing evidence).

(6) *Example.* The application of this paragraph may be illustrated by the following example:

Example. X Corp. is in the business of selling hospital equipment in State Y. During 1970, X Corp. employed A who at the time was employed full time by State Y as Superintendent of Hospitals. The purpose of A's employment by X Corp. was to procure for it an improper advantage over other concerns in the making of sales to hospitals in respect of which A, as Superintendent, had authority. X Corp. paid A $5,000 during 1970. The making of this payment was illegal under the laws of State Y. Under section 162(c)(1), X Corp. is precluded from deducting as a trade or business expense the $5,000 paid to A.

(b) *Other bribes or kickbacks*—(1) *In general.* If a taxpayer is convicted in a criminal proceeding of making a payment which is an illegal bribe or kickback (other than a payment described in paragraph (a) of this section), or if a taxpayer's plea of guilty or nolo contendere to an indictment or information charging the making of such a payment is entered or accepted in such a proceeding, no deduction shall be allowed under section 162(a) on account of the payment or any payment related thereto made prior to the date of final judgment in such criminal proceeding. The preceding sentence applies only to payments made after December 30, 1969.

(2) *Conviction.* For purposes of subparagraph (1) of this paragraph, a taxpayer is convicted if a judgment of conviction has been entered against him (whether or not a final judgment), provided a subsequent final judgment of acquittal has not been entered or criminal prosecution with respect to the alleged illegal bribe or kickback terminated without a final judgment of conviction. During the pendency of an appeal or other action directly contesting a judgment of conviction, the taxpayer may file a protective claim for credit or refund to avoid being barred by the period of limitations on credit or refund under section 6511.

(3) *Statute of limitations.* If a taxpayer claimed a deduction for a payment described in subparagraph (1) of this paragraph which is disallowed because of a final judgment entered after the close of the taxable year for which the deduction was claimed, and if the proceeding was based on an indictment returned or an information filed prior to the expiration of the period for the assessment of any deficiency for such taxable year under section 6501, the period for the assessment of any deficiency attributable to the deduction of such payment shall not expire prior to the expiration of 1 year from the date of entry of such final judgment, and such deficiency may be assessed prior to the expiration of such 1-year period notwithstanding the provision of any other law or rule of law which would otherwise prevent such assessment.

(4) *Example.* The application of this paragraph may be illustrated by the following example:

Example. X Corp., a calendar-year taxpayer, is engaged in the ship-repair business in State Y. During 1970, repairs on foreign ships accounted for a substantial part of its total business. It was X Corp.'s practice to kickback approximately 10 percent of the repair bill to the captain and chief engineer of all foreign-owned vessels. During 1970, X Corp. paid $50,000 in such kickbacks. On X Corp.'s return for 1970, a deduction under section 162 was taken for the $50,000. In January 1973 X Corp. was indicted under Y's Commercial Bribery Law for making such kickbacks during 1970. On June 1, 1974, a final judgment of conviction was entered against X Corp. for making the illegal kickbacks during 1970. The deduction of the $50,000 of illegal kickbacks during 1970 is disallowed under section 162(c)(2). Under section 162(c)(3) an assessment of deficiency with respect to that deduction may be made any time prior to June 2, 1975.

PAR. 4. The following new sections are inserted immediately after § 1.162–20.

§ 1.162–21 Fines and penalties.

(a) *In general.* No deduction shall be allowed under section 162(a) for any fine or similar penalty paid to—

(1) The Government of the United States, a State or territory of the United States, or the District of Columbia,

(2) The government of a foreign country, or

(3) A political subdivision of, or corporation or other entity serving as an instrumentality of, any of the above.

(b) *Definition.* For purposes of this section a fine or similar penalty includes an amount—

(1) Paid pursuant to a judgment of conviction or a plea of guilty or nolo contendere for a crime (felony or misdemeanor) in a criminal proceeding;

(2) Paid as a civil penalty imposed by Federal, State, or local law, including additions to tax and additional amounts and assessable penalties imposed by chapter 68 of the Internal Revenue Code of 1954;

(3) Paid in settlement of the taxpayer's liability for a fine or penalty (civil or criminal); or

(4) Forfeited as collateral posted in connection with a proceeding which could result in imposition of such a fine or penalty.

Such amount does not include legal fees and related expenses paid or incurred in the defense of a prosecution or civil action arising from a violation of the law imposing the fine or civil penalty, nor court costs assessed against the taxpayer, or stenographic and printing charges. Compensatory damages (including damages under section 4A of the Clayton Act (15 U.S.C. 15a), as amended) paid to a government do not constitute a fine or penalty.

(c) *Example.* The application of this section may be illustrated by the following example:

Example. In 1970, X Corp. was indicted under section 1 of the Sherman Anti-Trust Act (15 U.S.C. 1) for fixing and maintaining prices of certain electrical products. X Corp. was convicted and was fined $50,000. The United States sued X Corp. under section 4A of the Clayton Act (15 U.S.C. 15A) for $100,000 in actual damages resulting from the price fixing of which X Corp. was convicted. Pursuant to a final judgment entered in the civil action, X Corp. paid the United States $100,000 in damages. Section 162(f) precludes X Corp. from deducting the fine of $50,000 as a trade or business expense. Section 162(f) does not preclude it from deducting the $100,000 paid to the United States as damages.

§ 1.162–22 Treble damage payments under the antitrust laws.

(a) *In general.* In the case of a taxpayer who after December 31, 1969, either is convicted in a criminal action of a violation of the Federal antitrust laws or enters a plea of guilty or nolo contendere to an indictment or information charging such a violation, and whose conviction or plea does not occur in a new trial following an appeal of a conviction on or before such date, no deduction shall be allowed under section 162(a) for two-thirds of any amount paid or incurred after December 31, 1969, with respect to—

(1) Any judgment for damages entered against the taxpayer under section 4 of the Clayton Act (15 U.S.C. 15), as amended, on account of such violation or any related violation of the Federal antitrust laws, provided such related violation occurred prior to the date of the final judgment of such conviction, or

(2) Settlement of any action brought under such section 4 on account of such violation or related violation.

For the purposes of this section, where a civil judgment has been entered or a settlement made with respect to a violation of the antitrust laws and a criminal proceeding is based upon the same violation, the criminal proceeding need not have been brought prior to the civil judgment or settlement. Attorney's fees, court costs, and other amounts paid or incurred in connection with a controversy under such section 4 which meet the requirements of section 162 are deductible under that section. For purposes of subparagraph (2) of this paragraph, the amount paid or incurred in settlement shall not include amounts attributable to the plaintiff's costs of suit and attorney's fees, to the extent that such costs or fees have actually been paid.

(b) *Conviction.* For purposes of paragraph (a) of this section, a taxpayer is convicted of a violation of the antitrust laws if a judgment of conviction (whether or not a final judgment) with respect to such violation has been entered against him, provided a subsequent final judgment of acquittal has not been entered or criminal prosecution with respect to such violation terminated without a final judgment of conviction. During the pendency of an appeal or other action directly contesting a judgment of conviction, the taxpayer should file a protective claim for credit or refund to avoid being barred by the period of limitations on credit or refund under section 6511.

(c) *Related violation.* For purposes of this section, a violation of the Federal antitrust laws is related to a subsequent violation if (1) with respect to the subsequent violation the United States obtains both a judgment in a criminal proceeding and an injunction against the taxpayer, and (2) the taxpayer's actions which constituted the prior violation would have contravened such injunction if such injunction were applicable at the time of the prior violation.

(d) *Settlement following a dismissal of an action or amendment of the complaint.* For purposes of paragraph (a)(2) of this section, an amount may be considered as paid in settlement of an action even though the action is dismissed or otherwise disposed of prior to such settlement or the complaint is amended to eliminate the claim with respect to the violation or related violation.

(e) *Antitrust laws.* The term "antitrust laws" as used in section 162(g) and this section shall include the Federal acts enumerated in paragraph (1) of section 1 of the Clayton Act (15 U.S.C. 12), as amended.

(f) *Examples.* The application of this section may be illustrated by the following examples:

Example (*1*). In 1970, the United States instituted a criminal prosecution against X Co., Y Co., A, the president of X Co., and B, the president of Y Co., under section 1 of the Sherman Anti-Trust Act, 15 U.S.C. 1. In the indictment, the defendants were charged with conspiring to fix and maintain prices of electrical transformers from 1965 to 1970. All defendants entered pleas of nolo contendere to these charges. These pleas were accepted and judgments of conviction entered. In a companion civil suit, the United States obtained an injunction prohibiting the defendants from conspiring to fix and maintain prices in the electrical transformer market. Thereafter, Z Co. sued X Co. and Y Co. for $300,000 in treble damages under section 4 of the Clayton Act. Z Co.'s complaint alleged that the criminal conspiracy between X Co. and Y Co. forced Z Co. to pay excessive prices for electrical transformers. X Co. and Y Co. each paid Z Co. $85,000 in full settlement of Z Co's action. Of each $85,000 paid, $10,000 was attributable to court costs and attorney's fees actually paid by Z Co. Under section 162(g), X Co. and Y Co. are each precluded from deducting as a trade or business expense more than $35,000 of the $85,000 paid to Z Co. in settlement

$$\left(\$10{,}000+\frac{\$85{,}000-\$10{,}000}{3}\right)$$

Example (2). Assume the same facts as in example (1) except that Z Co.'s claim for treble damages was based on a conspiracy to fix and maintain prices in the sale of electrical transformers during 1963. Although the criminal prosecution of the defendants did not involve 1963 (a year barred by the applicable criminal statute of limitations when the prosecution was instituted), Z Co.'s pleadings alleged that the civil statute of limitations had been tolled by the defendants' fraudulent concealment of their conspiracy. Since the United States has obtained both a judgment in a criminal proceeding and an injunction against the defendants in connection with their activities from 1965 to 1970, and the alleged actions of the defendants in 1963 would have contravened such injunction if it were applicable in 1963, the alleged violation in 1963 is related to the violation from 1965 to 1970. Accordingly, the tax consequences to X Co. and Y Co. of the payments of $85,000 in settlement of Z Co.'s claim against X Co. and Y Co. are the same as in example (1).

Example (3). Assume the same facts as in example (1) except that Z Co.'s claim for treble damages was based on a conspiracy to fix and maintain prices with respect to electrical insulators for high-tension power poles. Since the civil action was not based on the same violation of the Federal antitrust laws as the criminal action, or on a related violation (a violation which would have contravened the injunction if it were applicable), X Co. and Y Co. are not precluded by section 162(g) from deducting as a trade or business expense the entire $85,000 paid by each in settlement of the civil action.

PAR. 5. Section 1.212–1 is amended by adding a new paragraph (p) to read as follows:

§ 1.212–1 Nontrade or nonbusiness expenses.

* * * * *

(p) *Frustration of public policy.* The deduction of a payment will be disallowed under section 212 if the payment is of a type for which a deduction would be disallowed under section 162 (c), (f), and (g) and the regulations thereunder in the case of a business expense.

PAR. 6. Section 1.471–3 is revised to read as follows:

§ 1.471–3 Inventories at cost.

Cost means:

(a) In the case of merchandise on hand at the beginning of the taxable year, the inventory price of such goods.

(b) In the case of merchandise purchased since the beginning of the taxable year, the invoice price less trade or other discounts, except strictly cash discounts approximating a fair interest rate, which may be deducted or not at the option of the taxpayer, provided a consistent course is followed. To this net invoice price should be added transportation or other necessary charges incurred in acquiring possession of the goods.

(c) In the case of merchandise produced by the taxpayer since the beginning of the taxable year, (1) the cost of raw materials and supplies entering into or consumed in connection with the product, (2) expenditures for direct labor, (3) indirect expenses incident to and necessary for the production of the particular article, including in such indirect expenses a reasonable proportion of management expenses, but not including any cost of selling or return on capital, whether by way of interest or profit.

(d) In any industry in which the usual rules for computation of cost of production are inapplicable, costs may be approximated upon such basis as may be reasonable and in conformity with established trade practice in the particular industry. Among such cases are: (1) Farmers and raisers of livestock (see § 1.471–6); (2) miners and manufacturers who by a single process or uniform series of processes derive a product of two or more kinds, sizes, or grades, the unit cost of which is substantially alike (see § 1.471–7); and (3) retail merchants who use what is known as the "retail method" in ascertaining approximate cost (see § 1.471–8).

Notwithstanding the other rules of this section, cost shall not include an amount which is of a type for which a deduction would be disallowed under section 162 (c), (f), and (g) and the regulations thereunder in the case of a business expense.

[FR Doc.71–7439 Filed 5–26–71;8:52 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 934]

[Docket No. AO–372]

SPEARMINT OIL PRODUCED IN CERTAIN STATES

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to a Proposed Marketing Agreement and Order

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision with respect to a proposed marketing agreement and order regulating the handling of spearmint oil produced in the States of Washington, Idaho, and Oregon and designated part of California, Nevada, Utah, and Montana, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601–674), hereinafter referred to as the "act". Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than the close of business of the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

All such communications will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing, on the record of which the proposed marketing agreement and order (hereinafter referred to collectively as the "order") were formulated, was held at Richland, Wash., February 24–26, 1971, pursuant to a notice thereof which was published in the February 2, 1971, issue of the FEDERAL REGISTER (36 F.R. 1535). Such notice set forth a proposed marketing agreement and order which had been presented to the Department of Agriculture by the Northwest Spearmint Marketing Association, with a petition for a hearing thereon.

Material issues. The material issues presented on the record of the hearing are as follows:

(1) The existence of the right to exercise Federal jurisdiction in this instance;

(2) The need for the proposed regulatory program to effectuate the declared policy of the act;

(3) The definition of the commodity and determination of the production area to be affected by the order;

(4) The identity of the persons and transactions to be regulated; and

(5) The specific terms and provisions of the order including:

(a) Definition of terms used therein which are necessary and incidental to attain the declared objectives of the act, and including all those set forth in the notice of hearing, among which are those applicable to the following additional terms and provisions;

(b) The establishment, maintenance, composition, powers, and duties of a committee which shall be the administrative agency for assisting the Secretary in administration of the order;

(c) The incurring of expenses and the levying of assessments;

(d) The method for regulating the handling of spearmint oil produced in the production area, including the establishment of a setaside of spearmint oil and providing for its disposition;

(e) The establishment of handler reporting and related record keeping requirements;

(f) The requirements of compliance with all provisions of the order and with regulations issued pursuant thereto; and

(g) Additional terms and conditions as set forth in §§ 934.71 through 934.80 and published in the FEDERAL REGISTER (36 F.R. 1535) on February 2, 1971, which are common to marketing agreements and orders, and certain other terms and conditions as set forth in §§ 934.81 through 934.83, and also published in the said issue of the FEDERAL REGISTER, which are common to marketing agreements only.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based on the evidence adduced at the hearing and the record thereof, are as follows:

(1) Spearmint oil is produced commercially in Washington, Idaho, and Oregon in the Pacific Northwest and in Michigan, Indiana, and Wisconsin in the Great Lakes area. Most of the U.S. production of spearmint oil centered in and around the Great Lakes area until about 1940. The acreage of spearmint in this area began to decline after that date due to verticillum wilt. Because of the similarity of the soils, experimental plantings of mint were made in the Pacific Northwest. Spearmint oil is now produced commercially in Washington, Idaho, and Oregon. Washington is the leading State of production of spearmint oil within the production area—the States of Washington, Idaho, and Oregon and designated part of California, Nevada, Utah, and Montana.

In Washington, in 1970, there was produced 1,267,000 pounds of spearmint oil from about 14,900 acres of spearmint plants. Much less quantities are produced in Idaho and Oregon and the acreage involved is also less. It is estimated that there was in 1970 about 3,000 acres of spearmint plants in Idaho, and 800 acres in Oregon.

Spearmint oil produced in the production area is marketed locally throughout the United States and in foreign countries. Most of the spearmint oil produced in the production area is handled by four major handlers. However, there are some producers who handle oil of their own production. Such persons may handle the oil for domestic use or place it in the export channels of trade. There are also a few handlers who handle spearmint oil in a manner similar to that of the four major handlers but in smaller amounts. The oil when delivered to the handlers is segregated into classes on the basis of species, time of cutting of the plants (first cutting or second cutting), or whether or not it is from the first distillation. All spearmint oil is handled in the same manner whether it is for use within the production area, for use elsewhere in the continental United States, or for use in export. There are no differences in the manner in which the plants are grown, in the way the oil is extracted therefrom, or in the handling thereof as to whether such oil will be handled in interstate or intrastate markets.

Spearmint oil is generally delivered to handlers in standard size containers—drums holding 400 pounds of spearmint oil. After classifying the oil as to class, and recording its flavor, odor and other characteristics, handlers survey all market outlets in order to obtain the greatest return for the commodity they have for sale. A considerable portion of the spearmint oil may be, and usually is, initially sold to other than the ultimate consumer. Such oil may be blended with other oil produced within or without the production area to obtain oil possessing the specific characteristics desired by the end user. Therefore, all spearmint oil is in competition in the market and handlers generally sell oil at comparable prices both within the State of production and in interstate commerce.

The order contemplates certain restrictions which would be made applicable to spearmint oil delivered to handlers for handling. Such restrictions would require each handler to set aside and hold for the account of the producer a portion of each delivery of spearmint oil equal to the product of the total amount in the delivery multiplied by the set-aside percentage fixed by the Secretary. In this manner, the total quantity of spearmint oil which handlers may acquire and freely handle would be limited to the volume which is determined to be necessary to supply commercial requirements. At the time spearmint oil is acquired by handlers, no distinction is made between lots as to which of the markets they will ultimately be sent. To attempt to separate the handling of spearmint oil for intrastate commerce from that for interstate and foreign commerce, would burden unduly handler operation because as each lot of spearmint oil is received by handlers from producers, handlers would have to make a determination, after classifying the oil as to class, as to the market in which the oil would be marketed. Since no segregation of oil is made on this basis, and there appears to be no practical way to make such segregation, the imposition of such a requirement would be unduly burdensome.

In these circumstances, it is found and determined that all handling of spearmint oil, produced in the production area, is in the current of interstate commerce or directly burdens, obstructs, or affects such commerce, and it is necessary for all spearmint oil, produced in the production area, to be subject to the order so as to regulate effectively the interstate and foreign commerce thereof.

(2) The hearing record shows that the production of spearmint oil in the United States and in the production area is trending upward. The average production of spearmint oil in the United States during the period 1965–69 was 1,273,000 pounds. This production is more than double the average production of 631,000 pounds during the period 1955–59. The 1970 production of spearmint oil was 1,794,000 pounds. In Washington, during the period 1960–64, average production of spearmint oil was 710,000 pounds and during the period 1965–69 such production averaged 1,061,000 pounds. In 1970, production totalled 1,267,000 pounds. Separate data are not readily available for production of spearmint oil produced elsewhere in the production area. However, record evidence shows that in 1970, there was approximately 3,000 acres of spearmint in Idaho and such acreage produced an average of about 70 pounds of oil per acre. In 1970, there was about 800 acres of spearmint in Oregon and the yield of spearmint oil was about 100 pounds per acre.

The need for the order arises due to the increased production at a rate greater than the market can utilize at a fair return to the producers. Currently, producers have on hand approximately 800,000 pounds of spearmint oil. No offers to purchase at reasonable prices had been received for a large percentage of this oil at the time the hearing was held. Many of the offers to purchase, even though for limited quantities, were at prices considerably below the cost of producing the oil. The fact that handlers and buyers of spearmint oil know that this quantity of oil is available to be marketed tends to prevent establishment of orderly marketing conditions. At times some producers, because of their credit situation or other reasons, may find it necessary to sell spearmint oil even at depressed prices and this action contributes to the reluctance of buyers to purchase oil at fair prices on such occasions.

While some producers have sold all the spearmint oil they produced, many of such sales may have been at prices below the cost of production. Cost of production data on the basis of figures from individual producer's records or from research conducted by educational institutions in the production area are in the hearing record. These production costs are higher than the prices at which much of the 1970 production was sold. The refusal of producers of approximately 800,000 pounds of oil to sell at below cost of production prices undoubtedly has prevented the price from reaching even lower levels.

Even though production is trending upward, the record shows that there are some fluctuations in production. For example, in 1966 production totalled 912,000 pounds. In 1967, production was 1,432,000 pounds. In 1968, production was 1,124,000 pounds. The variations in production may be due to several factors. Weather conditions may greatly influence total production. Also, producers of spearmint oil may alter their rotation system in accordance with market demands. Spearmint oil, unlike many commodities, can be stored with little or no deterioration indefinitely. Thus, the removal of the excess amount of spearmint oil from the market by requiring handlers to set aside a portion of the oil delivered to them for handling for the account of the producer would reduce the market supply and tend to increase returns to producers. The spearmint oil set aside for the account of producers would be released when marketing conditions warrant or on the first of July of each calendar year. The order should set forth a procedure whereby producers could dispose of the oil in the set-aside. Oil in the set-aside could be disposed of whenever the Secretary modifies the set-aside percentage for any class of oil by releasing all or part of such oil for disposition as salable oil. This may be accomplished at any time throughout the marketing year whenever conditions warrant. As hereinafter discussed, the order should require the committee to meet during the first week in October and February or such other weeks as the committee may recommend and the Secretary approve and at such other times as the committee deems appropriate to consider modification of the salable and set-aside percentages.

At the present time there are no secondary outlets for spearmint oil. Thus, the oil in the set-aside if not disposed of in normal marketing channels must be stored indefinitely as set-aside or dumped. It was testified at the hearing that set-aside oil could be disposed of in a satisfactory manner if such oil is released to the producers each July 1. In this way they could decide on the quantity of oil they want to sell during each marketing year and adjust their production which, added to the quantity of oil in the set-aside from 1 year, would equal the desired amount. Thus, the oil in the set-aside could be used during the next year. This would tend to utilize the oil in the set-aside in an effective manner and at minimal cost to the producers.

The proposed order, hereinafter set forth, provides a means to eliminate some of the basic causes of disorderly marketing within the industry by providing for restriction of the marketable supply of spearmint oil when supplies are burdensome. The industry should be benefited, and returns to the producers of spearmint oil improved, by controlling and marketing in an orderly manner whatever supply of spearmint oil is produced.

In view of the foregoing, it is concluded that a marketing order providing for restrictions on the volume of spearmint oil marketed is needed to effectuate the declared policy of the act.

(3) The term "spearmint oil" should be defined in the order to identify the commodity to be regulated thereunder. Such term, as used in the order, should refer to the product (oil) obtained by distillation of plants (1) of the genus Mentha, species cardiaca, commonly referred to as Scotch spearmint, (2) of the genus Mentha, species spicata, commonly referred to as native spearmint, or (3) of the genus Mentha, any and all other species which upon distillation produce oil which has a flavor, odor, and other characteristics of spearmint oil. Presently, only scotch and native spearmint are grown in the production area for the commercial production of oil. However, it is probable that through research, plants may be developed which upon distillation produce oil having the characteristics of spearmint oil. Also, through importation, plants other than those of the species cardiaca or spicata may be

introduced and grown in the production area which upon distillation produce oil having the characteristics of spearmint oil. Regardless of the source of the plants or the species in which the plants are classified, the oil produced therefrom should be included under the definition of spearmint oil, if such oil possesses the flavor, odor, and other characteristics of spearmint oil. All such oil should be subject to regulations under the order.

Such term should not include oil extracted from plants of the genus Mentha which produce oil having characteristics dissimilar to spearmint oil. Peppermint oil, for example, should not be included under the term "spearmint oil," even though peppermint oil is produced from plants of the genus Mentha. It is a different product, and, therefore, should not be considered as spearmint oil.

A definition of the term "production area" should be incorporated into the order to designate the specific area in which the spearmint oil to be regulated is produced. Such area should include all of the area in the continental United States north of the 37th parallel and west of the 111th meridian except Alaska. Such area would include all of the area where spearmint oil is produced commercially and all of the areas within the Western and Northwest States where spearmint oil is likely to be produced under present conditions. The production area should include all of the State of Washington, all of the State of Oregon, and all of the State of Idaho. It would also include the northern parts of California and Nevada—that portion of each State north of the 37th parallel, and that portion of Utah north of the 37th parallel and west of the 111th meridian, and that portion of Montana west of the 111th meridian.

It is recognized that at the present time all of the spearmint oil from this region is commercially produced in the States of Washington, Oregon and Idaho. It is further recognized that most of the production in Washington is in the lower Yakima Valley and the "Columbia Basin." The production in Idaho is generally confined to the Boise Valley, while production in Oregon is more scattered—some oil is produced in the Madras area, some in eastern Oregon, and some in the Willamette Valley, and some in other areas. However, it is known that there are other areas within these States where spearmint plants may be grown and oil distilled therefrom. No production of spearmint oil has been reported in California, Nevada, Utah, or Montana. However, there are considerable areas in each States which have soil, weather, topography and other conditions favorable for growing spearmint plants. It is well established that there are areas throughout the production area, where because of soil topography, water, or weather conditions, spearmint is not now or is not likely to be grown. However, it would not be practicable to exclude areas not producing spearmint which are within or adjacent to the commercial spearmint producing areas. Applying the order to any lesser production area than the one set forth in the order could materially decrease the effectiveness of the order. If Oregon were excluded from the production area, as requested at the hearing, only a small percentage of the total production of spearmint oil produced in the production area would be excluded from coverage under the order. However, spearmint oil produced in Oregon is marketed at the same time, in the same manner, and in direct competition with spearmint oil produced in other sections of the production area. Also, the acreage in Oregon could be expanded if that State were excluded from the order. Moreover, if any State or portion of any State within the production area were excluded from the order, the potential producers in the excluded portion would benefit from the operation of the order without making any contribution to its operation.

As heretofore stated, spearmint oil is also produced in the Great Lakes area—the States of Michigan, Indiana, and Wisconsin. These States are not included in the production area for the following reasons: (1) The oil produced in this area is claimed by some to possess some characteristics not present in oil produced in the production area; (2) even though the oil produced in the Great Lakes area competes in the market with oil produced in the production area, it is thought that such competition will not, at the present time, seriously interfere with the successful operation of the order in the production area; and (3) because of the distance which separates the two areas, administrative problems, under present conditions, would be considerable. Hence, it is concluded that the territory included within the production area, as hereinafter defined, constitutes the smallest regional production area that is practicable, consistently with carrying out the declared policy of the Act.

(4) The term "handler" should be defined in the order to identify the persons who would be subject to regulation under the order. Therefore, the term should apply to all persons who perform any of the activities within the scope of the term "handler," as hereinafter defined. In other words, any person who sells spearmint oil, uses oil commercially of own production, acquires, transports, or ships or otherwise places spearmint oil into the current of commerce within the production area or from the production area to any point outside thereof should be a handler under the order and be required to comply with the requirements of the order and the regulations issued thereunder. The transportation of oil by a common or contract carrier should not be considered as making such a carrier a "handler" as, in such instances, the carrier is performing a service for hire, and is not responsible otherwise for the spearmint oil being transported.

The preparation or the sale, or transportation of spearmint oil by a producer to a handler within the production area should not be considered as making such producer a "handler" as, in such instance, such preparation, sale, and transportation are preparatory steps preliminary to placing the oil into the current of commerce. In such instances, the handler within the production area should be the handler under the order and required to comply with the requirements of the order and the regulations issued thereunder. If the producer performs these functions with respect to a handler who is located outside of the production area, such producer should be considered the "handler" as he would be the person responsible for placing the spearmint oil into the current of commerce.

The term "handle" should be defined to identify those activities that it is necessary to regulate in order to effectuate the declared policy of the act. Such activity should include all phases of selling, transporting, shipping or otherwise placing spearmint oil into the current of commerce within the production area or from the production area to any point outside thereof. Handle should also include the commercial use of oil by the producer which has been produced by such producer. Here the producer would be performing a handling function the same as would be the case had the oil in question been produced by another person.

Following distillation spearmint oil is usually delivered to a handler for storage or sale. Some producers store spearmint oil on their own premises for later delivery and sale to a handler. Distillation is usually done on the farm by the producer or he has the oil custom distilled. As a matter of trade accommodation and courtesy, handlers have frequently, on a voluntarily basis, furnished producers with containers for storing oil and have, for many years, stored spearmint oil for producers. Also, handlers have fieldmen who have knowledge concerning specific spearmint fields and the oil produced therefrom. Upon the delivery of spearmint oil to the handler, a receipt is provided the person who delivers the oil. The receipt usually shows the number of containers, and the weight and identifying name and number of each container in the delivery. The class to which the oil is assigned may be shown on the receipt if the class was determined at the time of delivery. The handler may want to send a sample of the oil to his laboratory to determine the class of the oil. In such event, the class to which the oil belongs would be provided at a later date. It was testified at the hearing that oil should be classified into one of the following classes, as the facts warrant, Class 1 should comprise the oil produced by distillation of the first cutting of fields classified as scotch spearmint; Class 2, the oil produced by distillation of cuttings, other than the first cutting, of fields classified as scotch spearmint; Class 3, the oil produced by distillation of the first cutting of fields classified as native spearmint; Class 4, the oil produced by distillation of cutting; other than the first cutting, of fields classified as native spearmint; Class 5, the oil produced by redistillation of the condensate water obtained during the distillation of any or all other classes of spearmint oil, and Class 6, the oil which is obtained by distillation from plants other than those belonging to the genus Mentha, species cardiaca or spicata, and which possess flavor, odor and other characteristics of spearmint oil.

Record evidence shows that the oil of each of the first five mentioned classes possess characteristics sufficiently different from the characteristics of the oil of any other class as to influence the price and use for such class of oil. Presently; there is no oil produced in the production area that falls within Class 6. Thus, the order should recognize the aforesaid six classes of oil and provide for the fixing of a salable and set-aside percentage for any or all classes of oil. Although it is not common practice in the industry to mix classes of oil, provision should be made to empower the committee to make appropriate rules and regulations in connection therewith.

The determination of the class for each delivery of oil is currently a matter to be settled by agreement between the handler and the producer. If agreement cannot be reached as to class, with a particular handler, the producer may negotiate with another handler in an attempt to obtain a more appropriate classification of his oil. The order should contain authority for the committee, with the approval of the Secretary, to establish rules and regulations with respect to classification of oil. For example, if handlers and producers classify oil as being of a specified class when such oil correctly belongs in another class, the committee may issue rules and regulations authorizing the committee to appoint a panel of experts to determine the class. Such rules and regulations may also require the handler to submit to the committee data used in classifying the oil.

Oil may be delivered to a handler or kept on the producers premises solely for the purpose of having the oil stored. Such oil is not to be confused with oil which is delivered to the handler for the purpose of handling. When the oil is delivered to a handler for the purpose of handling, the producer and handler enter into a contract for that oil or arrangements are made for the handler to handle the oil for the account of the producer. Thus, the oil is acquired by the handler. This transaction may take place at the time the oil is delivered, or it may take place at any time throughout the year. In some instances a producer and handler cannot agree on terms and the producer successfully negotiates a sale with another handler even though the oil is in storage with the first mentioned handler. Arrangements are made for the handler who purchased the oil to pick it up from the handler who is storing it.

It is when agreement is reached and the oil is handled in one of the ways set forth in the order that the oil becomes subject to the set-aside provisions of the order. Let us assume, for discussion purposes only, that a producer and handler have reached agreement and the handler will purchase all the available oil that the producer will deliver to him. In this instance, let us assume that the producer delivers 100 barrels of Class 1 oil. Let us further assume that the set-aside percentage for that class is 20 percent. The handler may acquire and freely handle 80 drums of Class 1 oil. He would be required to set-aside for the account of the producer 20 drums of Class 1 oil. The fact that the producer entered into a contract with a handler for the sale of spearment oil which was subject to a set-aside under the order attests to his willingness to have the handler set-aside the required quantity of oil for his account.

It is not intended that "acquire" be limited in its meaning to the purchase of oil. Acquire should include, in addition to oil that is purchased, oil that is obtained in any other way. A handler may acquire oil by reason that he produced the oil. He may acquire oil as a gift, for payments of debts, or in other ways. It is intended that all oil that is acquired in any manner be subject to all the provisions of the order.

Transportation of or shipping oil or otherwise placing spearmint oil into the channels of commerce are functions which should be considered as handling functions under the order.

It should not be necessary to regulate all handling functions in order to effectuate the declared policy of the act. The preparation, sale, or transportation of spearmint oil by the producer to a handler within the production area are handling functions which should not be subject to regulation under the order. Such activities are preliminary to the normal handling functions. To regulate such activities under the order would only complicate the administration of the program and increase the cost thereof. However, these same functions in relation to a handler outside the production area should be considered as handling and be subject to order provisions since such producers would be the persons who performed the handling function within the production area.

As all handling of spearmint is in interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce, it is concluded that, except as indicated herein and as specifically exempted by the act and the order, all handling of spearmint oil, as hereinafter set forth, within the production area or from the production area to any point outside thereof should be subject to the order and regulations issued pursuant thereto.

(5) (a) Certain terms applying to specific individuals, agencies, legislation, concepts, or things are used throughout the order. These terms should be defined for the purpose of designating specifically their applicability.

The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with the responsibility for programs of this nature, but also, in order to recognize the fact that it is physically impossible for him to perform personally all functions and duties imposed upon him by law, any officer or employee of the U.S. Department of Agriculture who is, or who may hereafter be, authorized to act in his stead.

The definition of "act" provides the correct legal citation for the statute pursuant to which the proposed regulatory program is to be operative and avoids the need for referring to these citations.

The definition of "person" should follow the definition of the term set forth in the act, which will insure that it will have the same meaning as it has in the act.

The term "marketing year" and "crop year" are synonymous and should be defined to set forth the period with respect to which financial records of the Spearmint Oil Administrative Committee, the administrative committee established by the order, are to be maintained.

The most desirable period at the present time is the 12 month period from July 1 to the following June 30. Such period would fix the beginning of each marketing year reasonably close to the time spearmint oil is distilled and handled. Since any oil in the set aside would be released to producers on July 1 of each year, such release would coincide with the beginning date of the new marketing year.

It may be that as new varieties are developed or new marketing practices may be adopted, or for some other reason, a different "marketing year" and "crop year" would be desirable. Therefore, the order should authorize the Secretary, on the basis of a committee recommendation, to change the beginning and ending dates of the "marketing year" and "crop year" whenever it is appropriate to do so.

A definition of "committee" should be incorporated in the order to identify the administrative agency established under the program. Such committee is authorized by the act and the definition thereof, as hereinafter set forth, is merely to avoid the necessity of repeating its full name each time it is used.

The term "producer" should be synonymous with "grower" and should be defined to include any person in the production area who produces oil or causes oil to be produced. A definition of the term "producer" is necessary to determine eligibility to vote for nominees and serve as members or alternate members of the Spearmint Oil Administrative Committee. The term "producer" should therefore be defined as hereinafter set forth.

"District" should be defined as set forth in the order to provide a basis for nomination and selection of the members of the committee. The districts (i.e., the geographical divisions of the production area) as hereinafter set forth represent a reasonable basis for providing a fair, adequate and equitable representation on the committee. The provisions for redistricting is desirable because it allows the committee and the Secretary to consider, from time to time, whether the basis for representation on the committee should be changed.

(b) It is desirable to establish an agency to administer the order under and pursuant to the act, as an aid to the Secretary in carrying out the purpose of the order and the declared policy of the act.

The term "Spearmint Oil Administrative Committee" is a proper identification of the agency and reflects the character thereof. It should be composed of 11 members, each of whom should be a producer, or an officer or employee thereof. An alternate member, having the same qualifications as the member, should be provided to act in the place and stead of the member. Such a committee would be large enough to provide representation to all segments of the industry. At the same time, it is of such size that it can operate effectively and efficiently.

A committee of 11 members, with a like number of alternates, should provide adequate industry representation on the committee to recommend regulations and to perform other administrative functions. Because of the size of the production area and the nature of the area involved, a committee of 11 is the least number which would allow good representation from all areas. An alternate should have the same qualifications as the member for whom he is an alternate since the alternate may be serving for the member. Some producers of spearmint oil are business units, either incorporated or otherwise, and a business unit as such, could not serve as a member or alternate member on the committee. However, each such business unit may have one or more employees who are well versed in the production and marketing of spearmint oil, and it is desirable, as evidenced by record testimony, that such persons be eligible to serve as members or alternate members of the committee.

For representation on the committee, the production area should be divided into districts as specified in the order. District 1 should include the area in the State of Washington west of the Okanogan River and west of the Columbia River below its confluence with the Okanogan River and be represented by five members and an alternate for each member. District 2 should include the area in the State of Washington not included in District 1. Representation on the committee from this district should be two members and their respective alternates. District 3 should include the State of Idaho, and that portion of the State of Montana and that portion of the State of Utah included in the production area. Representation from this district should be two members and their respective alternates. District 4 should include the State of Oregon, and that portion of the State of California, and that portion of the State of Nevada included in the production area. Representation from this district should be two members and their respective alternates. Such representation recognizes, to the extent practicable, the relative volume of production in the various districts, the number of producers in the various districts, and the geographic area represented within the districts. Provisions to redefine the districts and to reapportion membership on the committee among districts should be provided so that, if it becomes apparent through shifts in production, or other reasons, such district boundaries or such representation is inappropriate, the Secretary may, upon recommendation of the committee, redefine the districts into which the production area is divided, and make such reapportionment as he finds warranted. The committee, representing the industry from all the production area, should make a recommendation to the Secretary since it will have knowledge of any changes within the industry. The authority should not include changing the number of districts. Thus, there will continue to be four districts.

Each member of the committee and his alternate should be a producer or an officer or employee of a producer of spearmint oil in the district from which selected. Persons with such qualifications should be intimately acquainted with the problems of producing and handling spearmint oil produced in such district and may be expected to present to the committee and the Secretary solutions to the problems incident to the production and handling of spearmint oil in such district.

The term of office of committee members and alternates under the proposed program should be for 2 years beginning on the first day of April and continuing until March 31 of the next succeeding year. This will establish an orderly procedure for changing the membership on the committee. The term of office should be for 2 years so that members and alternates will have adequate time to familiarize themselves with the operation of the program and thus be in a position to render the most effective service in assisting the Secretary to carry out the declared policy of the act. The beginning of each term of office will occur prior to the commencement of handling during each crop year and hence will allow adequate time for the committee to organize and start operating.

It is probable that the order, if made effective, will not become effective before the summer of 1971—a date well past April 1, 1971, the beginning date for the term of office. Therefore, the order should provide that the initial term of office shall begin on the effective date of the order and end March 31, 1973. Successor members and alternates should be appointed for 2-year terms as hereinafter provided. Committee members and alternates should serve during the term of office for which selected, and until their successors are selected and have qualified, to insure continuity of committee operations.

A procedure for the election of nominees for membership on the committee should be prescribed in the order to assist the Secretary in his selection of members and alternate members on the committee. It is recognized that the Secretary is vested with authority under the act to select the committee members; but the nomination of prospective members and alternate members is a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the committee.

As the administrative committee will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that the industry desires that names of the nominees for appointment to the initial committee be obtained from nominations made at meetings of producers, or from lists submitted by individual producers. As a practical matter such nominations should be available to the Secretary within 15 days after the effective date of the order, if the order is to operate in an effective way for the 1971 crop year. If such nominations are not made available to the Secretary within 15 days after the effective date of the order, the Secretary should be free to appoint the committee without the formal nomination procedure. It was testified at the hearing that there are organizations, such as the Northwest Spearmint Marketing Association, the Idaho Mint Growers Association and others, which may be holding meetings in the production area and which producers of spearmint oil would normally attend, which may be utilized for obtaining the names of the initial nominees and such meetings would afford larger producer participation than if meetings were called solely for the purpose of obtaining the names of nominees. Thus, the nomination of prospective members and alternate members at such meetings of producers in the respective districts is a practical method of providing the Secretary with the names of the persons which the industry desires to serve on the initial committee.

Elections for the purpose of designating nominees for successor members of the committee and their alternates whose terms of office expire on the last day of March should be held during such year by the committee. Such meetings should be held prior to March 1 and at such places that may be designated by the committee so that the names and addresses of the nominees can be submitted to the Secretary in time for the committee to be appointed and functioning by the beginning of the term of office, April 1. At each such meeting, a chairman and a Secretary should be elected by the producers eligible to participate in the meeting. This is only good business practice and is the most practical way to proceed in an orderly manner. It is only proper that the person present should be made aware of the results of the voting. A practical way to do this would be for the chairman to announce the results at the conclusion of each voting. At the completion of the meeting, the chairman should prepare a report thereof and promptly submit it to the committee. This would provide a record of the action that took place at the meeting.

The order should provide that only producers, including duly authorized officers or employees of producers who are present at nomination meetings, may participate in the nomination and election of members and their alternates because it is proper that producers nominate the persons who are to represent them. Each producer should be permitted only one vote for each nominee to be elected in the district in which he produces spearmint oil. To prevent producers who produce spearmint oil in more than one district from having a greater voice in nominating representatives than do producers who produce spearmint oil in only one district, no producer should be permitted to participate in the election of producer nominees in more than one district in any 1 fiscal year.

The order should provide that whenever the committee finds that it is impracticable to conduct nomination meetings, it may obtain the names of the nominees by means of balloting conducted by mail. Whenever the committee determines that nominations should be obtained by mail balloting in any district during any marketing year, the committee should give public notice and mail a ballot to all known producers of record. The ballot should contain the names of the candidates, and blank spaces in which the names of candidates for each or any position may be inserted. There should be mailed with each ballot complete instructions for voting including the place where the ballot must be mailed and the latest date the ballot may be received to be valid and be counted.

It is known that the producers in District 4, for example, are widely scattered over a large geographic area, whereas producers in District 1 are mostly located in the lower Yakima Valley, a relatively small, concentrated area. On this basis, the committee may determine that a mail balloting procedure should be followed in District 4 and a meeting be held in District 1. During another marketing year, due to weather or for some other reason, the committee may determine that a mail ballot procedure should be followed in all districts. This would provide greater flexibility, promote greater producer participation and tend to insure the appointment of those persons whom the industry prefers to serve on the committee, and the order should provide such authority to the committee.

In order that there will be an administrative committee in existence at all times to administer the order, the Secretary should be authorized to select committee members and alternate members without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein. Such selection should, of course, be on the basis of the representation provided in the order so that the composition of the committee will at all times continue as prescribed in the order.

It is advisable to establish an agency to serve in an advisory capacity to the committee to assist the committee in its administration of the program. The term "Spearmint Oil Marketing Advisory Board" is a proper identification of the agency and reflects the character thereof. Such agency should consist of five members with an alternate for each member. Each member and his alternate should be a handler or an officer or an employee of a handler. It is only proper that membership on this board be limited to handlers or officers or employees of handlers since handlers are usually closer to the marketing situation. Handlers have acquired experience and possess marketing information necessary to the development of economically sound salable and setaside percentages for spearmint oil.

The board should be composed of five members and an alternate for each member. It was testified at the hearing that there are four handlers who collectively handle approximately 90 percent of spearmint oil produced in the production area. A board of five would provide, as hereinafter discussed, representation from each of the four major handlers and provide one member and his alternate from the other handlers.

Some handlers of spearmint oil are companies, either incorporated or otherwise, and a company, as such, could not serve as a member or alternate member of the board. However, each such company may have one or more officers or employees who are well versed in the production and handling of spearmint oil, and the order should provide that such persons should be eligible to serve as member or alternate member of the board.

The term of office of board members and alternates under the proposed program should be for two years beginning on the first day of April and continuing until March 31 of the next succeeding year. This will establish an orderly procedure for changing the membership on the board. The beginning of each term of office will occur prior to the handling of spearmint oil during any crop year and hence will allow the board to organize and appraise the marketing situation prior to the committee making its recommendation with respect to the salable and set aside percentages.

It is probable that the order, if made effective, will not become effective before the summer of 1971—a date well past April 1, 1971, the beginning date for the term of office. Therefore, the order should provide that the initial term of office shall begin on the effective date of the order and end March 31, 1973. Successor members and alternates should be appointed for 2-year terms as hereinafter provided. Board members should serve during the term of office for which selected, and until their successors are selected and have qualified to insure continuity of Board operations.

A procedure for obtaining the nominees for membership on the board should be prescribed in the order to assist the Secretary in his selection of members and alternate members on the Board. It is recognized that the Secretary is vested with authority under the act to select the board members; but the procedure in the order provides a practical method of providing the Secretary with the names of the persons that the industry desires to serve on the Board.

As the Board will not be in a position to act until after the selection by the Secretary of its initial members, the order should provide a procedure for the selection of the initial members. Record evidence shows that each of the four major handlers—I. P. Callison & Sons, Inc.; Wm. Leman, Inc.; A. M. Todd Co. and M. Brown and Co. should each submit the name of the person it desires appointed to a member position and the name of the person it desires appointed to an alternate member position of the board. The names of these persons should be obtained by a resolution of the Board of Directors of the respective company, or in such other manner as the company deems appropriate, and submitted to the Secretary through the Northwest Marketing Field Office.

Nomination of the person for the fifth member position and the nomination of the person for the fifth alternate member position on the board should be obtained by a mail ballot sent to all handlers of spearmint oil, other than the four major handlers, by the Northwest Marketing Field Office.

All such nominations for the initial board should be available to the Secretary not later than 15 days after the effective date of the order, if the board is to be appointed and render service to the committee for the 1971 crop year. If such nominations are not made available to the Secretary within 15 days after the effective date of the order, the Secretary should be free to appoint the board without formal nomination procedure.

A similar procedure should be provided for obtaining the names of the persons for the successor member positions and the names of the persons for the successor alternate member positions on the board. During each odd numbered year, the four major handlers should each submit the name of the person it desires appointed to the member position and the name of the person it desires appointed to the alternate member position on the board. Such names should be submitted to the Spearmint Oil Administrative Committee not later than March 1 of such year. The committee should on or before March 1 of each odd numbered year, conduct a mail ballot among the handlers of spearmint oil, other than the four major handlers, to obtain the name of the person the industry desires appointed to the remaining member position and the name of the person the industry desires appointed to the remaining alternate member position on the board. No later than March 15 of such year, the committee should transmit the names of all such nominees to the Secretary, together with the ballots cast in the mail voting, and the material provided by the four major handlers.

In order that there will be a Spearmint Oil Marketing Advisory Board in existence at all times, the Secretary should be authorized to select the board members and alternate members without regard to nominations if, for some reason, nominations are not submitted to him in conformance with the procedure prescribed herein.

From the persons nominated pursuant to the order, or from other qualified persons, the Secretary should select the members and alternate members of the committee and of the board, respectively.

Each person selected by the Secretary as a committee member or alternate or as a board member or alternate should qualify by filing with the Secretary a written acceptance of his willingness and intention to serve in such capacity. This requirement is necessary so that the Secretary will know whether or not positions have been filled. Such acceptance should be filed promptly after notification of appointment so that the compositions of the committee and of the board will not be delayed unduly.

Provisions should be made, as set forth in the order, for the filling of any vacancies on the committee, including selection by the Secretary without regard to nomination when such nominations are not made as prescribed, in order to provide for maintaining a full membership on the committee and on the board.

It may be desirable and the order should so provide for filling vacancies from the list of persons who were nominated at the previous nomination meeting but who were not appointed because they did not receive a sufficient number of votes. By keeping a record of such voting, the industry could indicate who it desires to be appointed to the committee without holding a meeting for that purpose.

The order should provide that an alternate member shall be selected for each member of the committee and of the board in order to insure that each district will generally have representation and that handler representation will be as provided in the order. Each alternate who is selected should have the same qualifications for membership as the member for whom he is an alternate so that, should the member be absent, die, resign, be removed from office for cause, or be disqualified, the representation on the committee or on the board, as the case may be, will remain unchanged. The alternate should serve until a successor to such member has been appointed and has qualified.

The committee should be given those specific powers which are set forth in § 8c(7)(C) of the act. Such powers are necessary to enable an administrative agency of this character to function.

The committee's duties, as set forth in the order, are necessary for the discharge of its responsibilities. These duties are generally similar to those specified for administrative agencies under other programs of this character. It is intended that any activities undertaken by the members of the committee will be confined to those which are reasonably necessary for the committee to carry out its responsibilities as prescribed in the program. It should be recognized that these specified duties are not necessarily all-inclusive, and that it may develop that there are other duties the committee may need to perform.

Nine members of the committee, or alternates acting for members, should be present at any meeting of the committee in order for the committee to make decisions; and any committee action should require an affirmative vote of at least eight of the members present.

The evidence of record shows that it is desirable to have a large percentage of the industry in support of any recommendation the committee may make to the secretary. To achieve this, it is only reasonable to require a large percentage of the committee members or alternates acting for members to be present before the committee may consider any matter, Thus, nine members or alternates acting as members should be present to constitute a quorum and any recommendation should require at least eight affirmative votes.

The committee should be authorized to vote by telephone, telegram, or other means of communication when a matter to be considered is so routine that it would be unreasonable to call an assembled meeting. Meetings for the formulation of a marketing policy, or for making recommendations with respect to salable and set-aside percentages are of such importance that such matters should not be voted except at assembled meetings. Any votes cast other than at assembled meetings should be confirmed promptly in writing to provide a written record of the votes cast. In the case of an assembled meeting, however, all votes should be cast in person.

The duties of the board should be those set forth in the order. It is intended that the board would provide the committee with market information and make recommendations by a majority vote of those present with respect to marketing policy matters and the salable and set-aside percentages.

It is appropriate that members and alternates when acting for members of the committee or of the board be reinbursed for actual out-of-pocket reasonable expenses incurred when performing committee business or board business, as the case may be, since it would be unfair for them to bear personally such expenses incurred in the interest of all spearmint oil producers and handlers in the production area.

Authority should be included in the order for the committee to prepare an annual report as soon as is practicable after the close of each marketing year. Handler reports and records for any marketing year can not be completed and submitted to the committee until after the close of the marketing year. Hence, it is not possible to prepare an accurate annual report until after the marketing year has ended. The annual report should contain at least a complete review of the regulatory operation of the program during that year, the effect of the regulatory program upon the spearmint oil industry, and any changes that would improve the operation of the program. Annual reports would provide the committee, the Secretary, and the industry with a record of the operations under the program. Such report would also provide a means for evaluation of the program and the need for any changes therein. No one should know better than the committee whether there should be changes in the program. Therefore, the annual report should contain any recommendations for any changes in the program that the committee believe appropriate.

The order should expressly provide that all funds received by the committee pursuant to the provisions of the order should be used solely for the purpose specified in the order. In this way there should be no misunderstanding as to why funds are needed or as to their ultimate use. Each member of the committee and the board should be required to account for all funds in his possession at such time and such manner as the Secretary may request.

Upon the expiration of the term of office of any member of the committee or upon the removal or resignation of any member of the committee or of any of its employees, such person should deliver all funds, or any and all property of the committee then in his possession to the committee or to his successor in office. This is only good business practice and will tend to insure full accountability and the continuity of operation within the program.

(c) The committee should be authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred by it, for its maintenance and functioning and to enable it to exercise its powers and perform its duties pursuant to the order. The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of expenses by the administrative agency established under the order and requires that each order of this nature contain provisions requiring handlers to pay, pro rata, the necessary expenses. Moreover, in order to assure the continuance of the committee, as hereinafter set forth, the order should authorize collection of assessments even if particular provisions of the order are suspended or become inoperative.

The order should require each handler to pay to the committee, upon demand, his pro rata share of such expenses as the Secretary finds are reasonable and likely to be incurred by the committee during each marketing year. Each handler's share of such expenses should be equal to the ratio between the total quantity of spearmint oil handled by him as the first handler thereof during the applicable marketing year and the total quantity of spearmint oil so handled by all handlers during the same marketing year. In this way, payments by handlers of assessments would be proportionate to the respective quantities of spearmint oil handled by each handler and assessments would be levied on the same spearmint oil only once.

In order to provide funds for the administration of this program prior to the

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time assessment income becomes available during the marketing year, the committee should be authorized to accept advance payments of assessments from handlers and also, when such action is deemed to be desirable, to borrow money for such purpose. The provision for the acceptance by the administrative agency of advance assessment payments is included in other marketing agreements and orders and has been found to be a satisfactory and desirable method of providing funds to cover costs of operation prior to the time when assessment collections are being made in an appreciable amount. During years of normal growing conditions, revenue available to the committee from assessments would provide the means of repaying any loans.

Should it develop that assessment income, during a fiscal year, plus any funds in reserve would not, at the previously fixed rate, provide sufficient income to meet expenses, the funds to cover such expenses should be obtained by means of increasing the rate of assessment. Since the act requires that the administrative expenses shall be paid by handlers, this is the only source of income to meet such expenses. The increased assessment rate should be applied to all spearmint oil handled during the particular marketing year so that the total payments by each handler during each marketing year will be proportional to the total volume of spearmint oil handled during that period.

Should the provisions of the order be suspended during any portion or all of a marketing year it will be necessary to secure funds to cover expenses during such period unless funds in the reserve are sufficient for such purpose. The committee will continue to have duties to perform and incur expenses each marketing year even though the order may be inoperative during a particular period. To cease incurring any expenses when operations under the order were suspended for short periods, it would be necessary to eliminate the payment of any salaries, rent, or utilities. Since such expenses will not always cease when the order is inoperative for a period, authorization should be provided to require the payment of assessments to meet any necessary expenses during such periods.

The assessment rates under the program would be set at the beginning of the season based on a crop of an estimated volume. Should crop failure or partial crop loss reduce the crop so that assessment income falls below expenses, in the absence of a reserve it would be necessary for handlers to cover the deficit. It would constitute an extra burden on the industry to increase the assessment rate after some disaster has materially reduced the crop.

It would be equitable, and far less burdensome, for handlers to contribute to the establishment of an operating reserve during years of normal production rather than to be required to pay an excessively high rate of assessment during a year when the crop is materially reduced. The reserve fund could be built up to the desirable amount rather slowly, over a period of time, as funds in excess of expenses may be available. In order that reserve funds not be accumulated beyond a reasonable amount, however, a limit of not to exceed approximately 1 marketing year's operational expenses should be provided. A reserve of that amount should be adequate to meet any foreseeable need. In view of the foregoing, it is concluded that authority should be provided, as hereinafter set forth, to permit the establishment and use of a reserve fund in the manner heretofore described.

Except as necessary to establish and maintain an operating reserve as set forth in the order, handlers who have paid part of any excess should be entitled to a proportionate refund of any excess assessments that remain at the end of a marketing year, after first offsetting any amounts due from the handler.

Upon termination of the order, any funds in the reserve that are not used to defray the necessary expenses of liquidation should, to the extent practicable, be returned to the handlers from whom such funds were collected. However, should the order be terminated after many years of operation, the precise equities of handlers may be difficult to ascertain, and any requirement that there be a precise accounting of the remaining funds could involve such costs as to nearly equal monies to be distributed. Therefore, it would be desirable to permit the unexpended reserve funds to be disposed of in any manner that the Secretary may determine to be appropriate in such circumstances.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purposes of the order. The committee should be required as a matter of good business practice to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration could be subject to inspection at any time by the Secretary. The committee should provide the Secretary with periodic financial reports at appropriate times, such as at the end of each marketing year or at such other times as may be necessary, to enable him to maintain appropriate supervision and control over the committee's activities and operations.

A modification of the proposal was submitted and supported with a proffer of proof which would have authorized the committee to establish production research, marketing research, and development projects designed to assist, improve, or promote the marketing, distribution and consumption or the efficient production of spearmint oil. This modification was based upon and was an enlargement of one of the specified duties of the committee—To investigate and assemble data on the growing, handling, and marketing conditions with respect to spearmint oil. The Hearing Examiner ruled that such proposed modification was outside the notice of hearing. Therefore, no authority for production research, marketing research and development projects is included in the order, in as much as it is determined that such modification is not within the scope of the notice of hearing.

(d) The declared policy of the act is to establish and maintain such orderly marketing conditions for spearmint oil, among other commodities, as will tend to establish parity prices to producers and be in the public interest. The regulation of the handling of spearmint oil, as authorized in the order, provides a means for carrying out such policy.

In order to facilitate the operation of the program, the committee should each year, before recommending any regulation applicable to spearmint oil produced that year or which is available for marketing that year, prepare and adopt a marketing policy for the marketing season in question. A report on such policy should be submitted to the Secretary and made available to producers and handlers of spearmint oil. The policy as so reported would serve to inform the Secretary and persons in the industry, in advance of the marketing of the crop of the committee's plans for regulation and the basis therefor. Handlers and producers should then plan their operations in accordance therewith. The policy also would be useful to the committee and the Secretary when specific regulatory action is being considered, in that it would provide basic information necessary to the evaluation of such regulation.

In order to plan a comprehensive and effective policy for regulating the handling of spearmint oil in any marketing year, it is necessary that all of the important economic factors having a bearing on the marketing of the crop be considered by the committee. Hence, the committee in preparing its marketing policy should give consideration to the supply and demand factors set forth in the order affecting marketing conditions for spearmint oil.

The marketing policy report should contain information regarding the quantity of each class of oil in the hands of producers that is likely to be marketed during the ensuing marketing year. The marketing policy should also include the desirable carryout of each class of oil at the end of the crop year and the estimated carryover of each class of salable oil by the handler. The carryover influences the available supply, and hence, prices for the crop. The amount of each class of oil in the set-aside is another important factor the committee should consider in formulating its marketing policy. The marketing policy should be considered by the committee each May. Under the program, all oil in the set-aside should be released to equity holders on July 1. Thus, all such oil on that date would become available for market and will influence the marketing situation.

Another important factor to be considered is the estimated demand for each class of oil. The demand for each class of oil should have a considerable influence in determining whether there should be a set-aside for that class of oil and, if so, how much. The marketing policy report should contain information regarding the estimated or known total supply of spearmint oil expected during the approaching harvest and marketing season. Total production of spearmint oil is a key factor in the determination of annual prices. The current price being received and the probable general level of prices is a strong indication of the position of spearmint oil in the market place. The committee should give consideration to any recommendation of the Spearmint Oil Marketing Advisory Board.

The order should provide for regulations limiting the volume of spearmint oil handled during any marketing year to such quantity as is determined necessary to meet market demands at fair returns to growers. The evidence of record indicates the proposed order for spearmint oil as hereinafter set forth should provide an effective method of regulating the handling of spearmint oil.

The order should provide that the Spearmint Oil Administrative Committee as the local administrative agency should recommend to the Secretary such regulation of spearmint oil as it believes is needed. The members of the committee as representatives of producers and the board as representatives of handlers will have knowledge of the marketing situation. Consequently, it is only fitting that the committee should be given the responsibility for determining whether, and the extent to which, the available supplies of spearmint oil are excessive and whether, in the judgment of the committee, the quantity of spearmint oil which handlers may freely handle should be restricted to improve grower returns.

The committee should be required to make its recommendation for regulation for any crop to the Secretary not later than June 1. This is the latest date that such a recommendation should be made as the record indicates that, in some years, the distillation of spearmint oil often begins on or about June 15. This does not mean that the committee should or could wait in most years until June 1 to make its recommendations for regulation. The committee should, delay making its recommendation in order to have as much information as possible, including the official crop estimate if available, when it decides whether to recommend regulation for a particular year. However, it may need to proceed on the basis of the information its members have concerning the bloom and subsequent growing conditions and anticipated date of harvest and distillation in the various parts of the production area.

All assembled meetings of the committee should be open to producers and handlers and all other interested persons; such persons have a vital interest in the actions of the committee and should be afforded opportunity to hear the discussion and express their views at committee meetings. To inform producers and handlers and other interested persons of the time of committee meetings, the order should provide for the publication of notice in such newspapers as the committee deems appropriate for the purpose, and for mailing notice thereof to each producer and handler and any other person who files his name and address with the committee and requests such notice.

The order should authorize the Secretary, on the basis of recommendation of the committee or other available information, to issue regulations establishing such salable and set-aside percentages as will tend to establish more orderly marketing conditions for spearmint oil which, in turn, will tend to improve producers returns up to, but not in excess of, the parity level. The Secretary should not be precluded from using such information as he may have and which may or may not be available to the committee for consideration in issuing such regulations as may be necessary to effectuate the declared policy of the act. Also, the Secretary has responsibilities under the act which make it necessary that his actions should not be bound by those recommended by the committee and the order provisions should recognize this fact.

In as much as the committee is responsible for assisting the Secretary in the administration of the programs it follows that it should be notified immediately of any and all regulations issued. Similarly, it should be the responsibility of the committee to notify handlers promptly of each regulation issued by the Secretary.

The salable percentage of each class of spearmint oil specified in a regulation should represent the percentage of spearmint oil delivered to a handler for handling (acquired by the handler) which will fill the expected demand for that class of spearmint oil. Thus, this portion of the oil should be available for handling without restriction and all handlers should be afforded the opportunity to compete for the salable percentage spearmint oil and to use such spearmint oil in any manner they choose. The set aside percentage would represent the excess quantity of spearmint oil which should be withheld from the market in order to prevent the disorderly marketing conditions which result when excessive amounts are available for sale.

Record evidence attests that spearmint oil can be stored indefinitely with little or no deterioration in quality. Thus, spearmint oil in the set-aside could be removed from market without affecting its quality. This keeping characteristic also makes it possible for spearmint oil produced in a particular marketing year to be stored and successfully marketed during a later marketing year.

Set-aside spearmint oil should be held by the handler for the account of the producer. Since the handler and the producers will have agreed on the class of the oil prior to its acquisition by the handler, all that is needed to meet the set-aside requirement for any particular delivery of oil for handling and the acquisition thereof is for the handler to multiply the pounds of oil of a particular class by the set-aside percentage fixed for that class of oil. For example, should the set-aside obligation be equal to one drum of oil (400 pounds), such drum may be properly marked, and stored as the set-aside. Should the set-aside oil be less than one full drum of oil or be equal to one full drum of oil plus a portion of an additional drum of oil, such portion of a drum of oil should be stored in accordance with rules and regulations issued by the committee and approved by the Secretary.

During the first week in October and February or such other dates as may be recommended by the committee and approved by the Secretary, and at such other times as the committee deems appropriate, the committee should meet to review its recommendation of the free and restricted percentages and the percentages then in effect. The committee should be required to meet during the first week in October because records showing the total amount of oil that was distilled will be available to the committee by that time. All recommendations of the committee made prior thereto would have been made on the basis of anticipated production and estimated marketing conditions. During the first week of October the committee using actual production figures will be in position to recommend any appropriate modification with respect to the salable and set-aside percentages.

The committee should be required to meet during the first week in February; such week occurs about midway in the marketing year. A meeting during this week would permit the committee to review the movement of oil to market and provide a sufficient amount of time to permit any modification of the salable and set-aside percentages to allow the movement of any additional oil in an orderly manner. It would also provide timely information concerning the marketing situation to producers prior to the planting of the ensuing crop. The committee should be required to meet during the first week in October and during the first week in February or during such other 2 weeks as the committee may recommend and the Secretary may approve. At the present time, these 2 weeks appear to be the most logical for the reasons stated. However, the order should permit the Secretary, on the basis of a committe recommendation, to designate any other 2 weeks that would be more appropriate. It may be that records would become available at an earlier date so as to permit a meeting prior to first week in October and the order should permit such flexibility. Provisions should be included to permit the committee to meet at such other times as may be appropriate to review its recommendation concerning the free and restricted percentages. In this way, the committee can keep abreast of the marketing situation. If the committee finds that the current regulations do not appear to be carrying out the declared policy of the act, it should make an appropriate recommendation to modify the current regulation, and the order should provide authority for this action. However, any such recommendation for modification should be limited in its

scope to one, which make available for market a greater quantity of spearmint oil. Thus the salable percentage would be increased. The order should not contain authority for the committee to make a recommendation which would make available for market a lesser quantity of spearmint oil, for handlers who may have made market commitments under a regulation should not be expected to comply with a subsequent one curtailing the permissible salable quantity. The order should also contain authority to permit the Secretary to modify the regulations, in the manner hereinbefore discussed, whenever he finds, from a recommendation of the committee or other available information, that such modification would tend to effectuate the declared policy of the act.

(e) All spearmint oil in the hands of a producer or handler on the effective date of the order should be exempt from regulation under the order. In the absence of such an exemption an inequity would result in that it would be discriminatory as between growers who had already sold their oil from previous crops and growers who had not. Those growers who had not sold their oil, in the event of a set-aside would be subject thereto. Such oil should be reported to and identified to the committee within 30 days after the effective date of the order. In other words, any set-aside obligation would not be applicable to such oil. As heretofore discussed, spearmint oil is stored, handled, and marketed in drums usually containing 400 pounds of spearmint oil. Each drum bears its identification in the form of the name of an individual or business unit and a serial number permanently embossed thereon. A warehouse receipt provides the net weight of oil and the class. Thus, the requirement for identification and reporting should provide no undue burden to either the producer or handler who has oil on hand at the effective date of the order. Such reported oil should not be subject to any assessment rate fixed by the Secretary under the order. But such reported oil should be subject to reporting requirements. It is vital to the operation of the program to have a complete record of the disposition and disappearance of all spearmint oil. If spearmint oil in the hands of producers and handlers on the effective date of the order is not reported and identified to the committee within 30 days after the order becomes effective, such oil should be subject to all provisions of the order and the regulations issued pursuant to it. Unless such oil is reported and identified to the committee as aforesaid, there is no effective way to keep it separate and apart from oil distilled after the effective date of the order which would be subject to all of the provisions of the order. Thus, all such oil which is not reported and identified within the time provided and in the manner herein discussed, should be treated as oil produced after the effective date of the order and be subject to all the provisions of the order and regulations.

It was testified at the hearing that there may be spearmint oil which should not be subject to the assessment and set-aside provisions of the order because of the small volume involved. For example, a producer may have only one drum (400 pounds) of oil available. The set-aside applicable to such oil would be so small that its effect on the market would be negligible.

There are other situations which indicate a lack of need to apply regulations in order to effectuate the declared policy of the act. For example, the set-aside obligation for a particular quantity of oil may equal one drum and 15 pounds of oil. At that time there was not available a suitable container for storing the 15 pounds of oil. To require the 15 pounds of oil to be placed in the set-aside may impose an extra burden on the handler. Thus, the order should provide that the committee through rules and regulations approved by the Secretary may specify a minimum quantity of oil exempt from the provisions of the order. Such rules and regulations should also specify handler procedure in connection with exempt oil.

A proposal was made at the hearing which would have exempted from the provisions of the order all oil produced under a contract entered into prior to January 28, 1971, between the producer and a handler. Although the Hearing Examiner ruled that this proposal was outside the scope of the notice of hearing, she nevertheless permitted the submission of supporting evidence as well as cross examination relative to the proposal by way of an offer of proof. Therefore, this matter may properly be considered on its merits. To exempt oil under prior contract would render an order virtually ineffective in limiting the volume of oil that could be marketed in any given marketing season. It also would be inequitable to exempt some oil from regulation while, at the same time, fully regulating other oil produced in the same production season. Accordingly, the proposal to exempt oil under prior contract is rejected.

The notice of hearing contained a proposal which would have authorized the Secretary to prohibit handlers from using trade practices which the committee believed would interfere or tend to interfere with the objectives of the order. This provision is not included in the proposed order because it was not supported at the hearing.

Several other modifications were offered at the hearing. It is unnecessary to comment on each modification in view of this decision. Also, exception was taken to the ruling of the Hearing Examiner on certain matters. Before the Hearing Examiner announced her ruling she adequately explained the matter before her and following such ruling, announced the basis for her decision. Each such objection is overruled and each such ruling of the Hearing Examiner is affirmed.

(f) The committee should have authority, with the approval of the Secretary, to require that handlers submit to the committee such reports and information as may be needed for the performance of its functions under the order. Handlers have the necessary information in their possession. A requirement that they furnish such information to the committee in the form of reports would not constitute an undue burden.

One such report would be an inventory report which would require to specify the quantity of spearmint oil held by him on such date or dates as the committee may specify. Another such report would be a report showing certain information with respect to each lot of spearmint oil received. It is not known at the present time what information the committee will need. The order should require handlers to furnish such information to the committee as it may request. However, the committee should limit its requests for information to that which is necessary to the administration of the program. To assure this, all requests for information from handlers, except information with respect to inventory and receipts, should be made by the committee in accordance with procedures approved by the Secretary.

Any reports and records submitted by handlers should remain confidential and be disclosed to no person other than the Secretary and persons authorized by the Secretary. Under certain circumstances, the releases of information compiled from handlers' reports may be helpful to the committee and the industry generally in planning operations under the order during the marketing season. However, such reported information should not be released other than on a composite basis and such release of information should disclose neither the identity of handlers nor their individual operations. This is necessary to prevent the disclosure of information that may affect detrimentally the trade or financial position or the business operations of individual handlers.

Compliance and enforcement considerations require handlers to maintain for each marketing year complete records of their receipts, handling, and disposition of spearmint oil. These records should be retained for not less than 2 years after the termination of the marketing year in which the transaction occurred, so that if needed in connection with enforcement the requisite records will be available for the purpose.

The successful operation of a program of this type depends upon the degree of compliance with its provisions. In this connection, it is necessary that the Sesretary and the committee, through its authorized employees, be given the authority to examine and verify records, check inventories of spearmint oil, and determine the quantity of spearmint oil received, handled, stored, and placed in the set-aside. Verification of records and reports, and inspection in connection therewith should be performed by the

Secretary or the committee during reasonable working hours and in such manner that normal operations of handlers will not be unreasonably interrupted.

(f) No handler should handle spearmint oil the handling of which is prohibited by the order; and no handler should handle spearmint oil except in conformity with the order. If the program is to operate effectively, compliance therewith is essential; no handler should be permitted to evade any of its provisions. An evasion on the part of even one handler could be demoralizing to the handlers who are in compliance and could tend to impair the effective operation of the program.

(g) The provisions of §§ 934.71 through 934.80, as hereinafter set forth, are similar to those which are included in other marketing agreements and orders now in operation. The provisions of §§ 934.81 through 934.83, as hereinafter set forth, also are common to other marketing agreements. All such provisions are incidental to and not inconsistent with the act and are necessary to effectuate other provisions of the recommended marketing agreement and order and to effectuate the declared policy of the act. Testimony at the hearing supports the inclusion of each such provision.

Those provisions which are applicable to both the proposed marketing agreement and the proposed order, identified by section numbers and headings, are as follows: § 934.71 *Right of the Secretary;* § 934.72 *Derogation;* § 934.73 *Agents;* § 934.74 *Personal liability;* § 934.75 *Duration of immimities;* § 934.76 *Separability;* § 934.77 *Effective time;* § 934.78 *Termination;* § 934.79 *Proceeding after termination;* and § 934.80 *Effect of termination or amendment.*

Those provisions which are applicable to the proposed marketing agreement only, identified by section numbers and headings, are as follows: § 934.81 *Counterparts;* § 934.82 *Additional parties;* § 934.83 *Order with marketing agreement.*

Rulings on proposed findings and conclusions. April 5, 1971 was set by the Hearing Examiner at the hearing as the latest date for filing briefs by interested parties with respect to facts presented in evidence at the hearing and the conclusions which should be drawn therefrom.

Briefs were filed by Thomas C. O'Hare of Bogle, Gales, Dobrin, Wakefield, and Long, Attorneys for I. P. Callison & Sons Inc.; by Herman Roskamp; Arvid A. Waite; Sam Kyle of Evans, Kyle, and Kropp, Attorneys for Wayne Chambers, Jerry Cooper, Don L. Turnidge, Bill Case, and Gordon Turnidge producers of spearmint oil in Oregon; El Reyo Farms, Inc., Don L. Turnidge, President; Peyton Smith of Davis, Wright, Todd, Riese, and Jones, Attorney for Beechnut, Inc.; Richard E. Williams of Perkins, Coie, Stone, Olsen & Williams, Attorney for Warner-Lambert Co.; William Leman Jr., Vice President, Wm. Leman, Inc.; and by Gerold H. Williams, Manager, Northwest Spearmint Marketing Association.

Some of the briefs merely expressed opposition to the proposed order, and one expressed support for it. Others took exception to various proposed provisions, including authorization for third party classification of oil, prohibition of unfair trade practices, and authorization for production and marketing projects. Except for the provision authorizing the committee to develop such rules and regulations as are deemed necessary by the committee and the Secretary to assure appropriate classification of oil, the proposed order does not include any of the foregoing provisions to which exception was taken.

Some of the briefs expressed opposition to a cooperative voting for its members in any grower referendum which may be held to ascertain if growers favor this proposed order. The act authorizes such voting, hence this is not a matter for determination in this proceeding.

Each point included in the briefs was fully and carefully considered along with the evidence of record in making the findings and reaching the conclusions herein set forth. To the extent that any suggested findings and conclusions contained in any of the briefs are inconsistent with the findings and conclusions contained herein, they are denied on the basis of the facts found and stated in connection with the decision.

General findings. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The marketing agreement and order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said marketing agreement and order regulate the handling of spearmint oil produced in the production area in the same manner as, and are applicable only to persons in the respective classes of commercial or industrial activity specified in, a proposed marketing agreement and order upon which a hearing has been held;

(3) The said marketing agreement and order are limited in their applications to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) There are no differences in the production and marketing of spearmint oil produced in the production area which make necessary different terms and provisions applicable to different parts of such area; and

(5) All handling of spearmint oil produced in the production area, as defined in said marketing agreement and order, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended marketing agreement and order. The following marketing agreement and order[1] are recommended as the detailed means by which the foregoing conclusions may be carried out:

Marketing Order Regulating the Handling of Spearmint Oil Produced in the States of Washington, Idaho, and Oregon, and Designated Part of California, Nevada, Utah, and Montana

DEFINITIONS

§ 934.1 Secretary.

"Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 934.2 Act.

"Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended, and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674).

§ 934.3 Person.

"Person" means an individual, partnership, corporation, association, or any other business unit.

§ 934.4 Spearmint oil or oil.

"Spearmint Oil" or "Oil" is a farm commodity and means the essential oil extracted by distillation from plants, grown in the production area, of the genus Mentha, species cardiaca (commonly referred to as Scotch spearmint), spicata (commonly referred to as native spearmint), or such other species, grown in the production area, that produce a spearmint flavored oil. Spearmint oil shall be segregated into classes according to the following terms and conditions:

"Class 1" shall include that oil produced, from the first cutting during any season, from fields classified as scotch spearmint.

"Class 2" shall include that oil produced, from cuttings other than the first cutting, made during any season, from fields classified as scotch spearmint.

"Class 3" shall include that oil produced, from the first cutting during any season, from fields classified as native spearmint.

"Class 4" shall include that oil produced, from cuttings other than the first cutting, made during any season, from fields classified as native spearmint.

"Class 5" shall include that oil produced by redistillation of the condensate water from any or all classes.

"Class 6" shall include that oil which has a spearmint flavor, extracted from plants, other than Mentha cardiaca or Mentha spicata, grown in the production area.

Classification of particular lots of oil including any mixture shall be determined in accordance with rules and regulations adopted by the committee.

§ 934.5 Production area.

"Production area" means all of the area in the continental United States north of the 37th parallel and west of the 111th meridian except Alaska. The area shall be divided into the following districts;

(a) "District 1" shall include the area in the State of Washington west of the Okanogan River and west of the Columbia River below its confluence with the Okanogan River.

(b) "District 2" shall include the area in the State of Washington not included in District 1.

(c) "District 3" shall include the State of Idaho, and that portion of the State of Montana and that portion of the State of Utah included in the production area.

(d) "District 4" shall include the State of Oregon and that portion of the State of California and that portion of the State of Nevada included in the production area.

§ 934.6 Producer.

"Producer" is synonymous with "grower" and means any person that produces spearmint oil or causes it to be produced.

§ 934.7 Handler.

"Handler" is synonymous with "shipper" and means any person who handles spearmint oil.

§ 934.8 Handle.

"Handle" means to sell spearmint oil, use oil commercially of own production, to acquire, transport or ship (except as a common or contract carrier of oil owned by another), or otherwise place spearmint oil into the current of commerce within the production area or from the production area to any point outside thereof following distillation, except that the preparation, sale, or transportation of spearmint oil by a producer to a handler within the production area shall not be construed as handling.

§ 934.9 Marketing year and crop year.

"Marketing Year" and "Crop Year" are synonymous and means the 12 months from July 1 to the following June 30, inclusive, or such other period as recommended by the committee and approved by the Secretary.

ADMINISTRATIVE BODIES

§ 934.20 Designation of administrative bodies.

A Spearmint Oil Administrative Committee and a Spearmint Oil Marketing Advisory Board are hereby established. The membership shall be selected in accordance with provisions of §§ 934.21 through 934.28, inclusive.

§ 934.21 Spearmint Oil Administrative Committee—membership and term of office.

(a) The Spearmint Oil Administrative Committee (hereinafter referred to as "Committee") shall consist of 11 members, each of whom shall have an alternate who shall have the same qualifications as the member for whom he is an alternate. Five (5) of the members and their respective alternates shall each be a producer, or an officer or employee thereof, in District 1; two (2) members and their respective alternates shall each be a producer, or an officer or employee thereof in District 2; two (2) members and their respective alternates shall each be a producer, or an officer or employee thereof, in District 3; and two (2) members and their respective alternates shall be a producer, or an officer or employee thereof, in District 4.

(b) The term of office of committee members and their respective alternates shall be for 2 years beginning April 1 and ending March 31; *Provided,* That the initial term of office shall begin on the effective date of the order and shall end March 31, 1973.

§ 934.22 Nominations for Spearmint Oil Administrative Committee members.

(a) *Initial members.* Nominations for each of the initial members and alternate members may be submitted to the Secretary, not later than 15 days after the effective date of this part, by individual producers, including officers or employees thereof, or groups of producers. Such nominations may be made by means of separate group meetings of the producers concerned in each district, which meetings shall be publicized and open to all producers. In the event nominations for initial members or alternate members of the committee are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such initial members or alternate members without regard to nominations, but selections shall be on the basis of the representation provided for in § 934.21.

(b) *Successor members.* (1) The committee shall hold or cause to be held, not later than March 1 of each odd-numbered year, meetings of producers in each district for the purpose of designating nominees for successor members and alternate members of the committee whose term of office expires on March 31 of that year. Such meetings shall be publicized and open to all producers. At each such meeting, a chairman and a secretary shall be elected by the producers eligible to participate therein. The eligible person receiving the highest number of votes for a member or alternate member position shall be the nominee for the respective position. The chairman shall announce at each meeting the results of nominations for members and alternate members and shall submit promptly to the committee a complete report concerning such meetings. Should the committee find it impracticable to conduct nomination meetings in one or more districts during any marketing year, nominations may be submitted to the Secretary based on the results of balloting by mail. Whenever ballots are to be cast by mail, the committee shall give public notice, and mail to all producers of record, ballots containing the names of the candidates, blank spaces in which names of candidates may be written for each position, and instructions as to the voting procedure. The committee shall submit all nominations to the Secretary on or before March 15 of such year. In the event nominations for successor members or alternate members of the committee are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such successor members or alternate members without regard to nominations; but selections shall be on the basis of the representation provided for in § 934.21.

(2) Only producers, including duly authorized officers or employees thereof, who are present at nomination meetings may participate in the nomination and election of nominees for committee members and alternate members. Each producer shall be entitled to cast only one vote for each position to be filled. No producer or any agent thereof shall participate in the election of nominees in more than one district. In case a person produces spearmint oil in more than one district, he shall select one district in which he will cast nominating votes and notify the committee as to the district in which he will, until further notice, cast nominating votes.

§ 934.23 Selection of Spearmint Oil Administrative Committee members.

(a) *Initial members.* From the persons nominated pursuant to § 934.22(a), or from other qualified persons, the Secretary shall select the initial members and alternate members for the committee on the basis of the district representation provided for in § 934.21.

(b) *Successor members.* From the nominations made pursuant to § 934.22 (b), or from other qualified persons, the Secretary shall appoint the successor members and alternate members on the basis of the district representation provided for in § 934.21.

§ 934.24 Spearmint Oil Marketing Advisory Board—membership and term of office.

The Spearmint Oil Marketing Advisory Board (hereinafter referred to as "board") shall consist of five members, each of whom shall have an alternate, all of whom shall be handlers or officers or employees of handlers. The term of office of board members and their respective alternate shall be for 2 years beginning April 1 and ending March 31: *Provided,* That the term of office of the initial members and their alternates shall end March 31, 1973. Members and alternate members shall serve in such capacities for the term of office for which they are selected and have qualified and until their respective successors are selected and have qualified.

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[1] The provisions identified with asterisks (*) apply only to the proposed marketing agreement and not to the proposed order.

§ 934.25 Nomination for Spearmint Oil Marketing Advisory Board.

(a) *Initial members.* Nominations for each of the initial members and alternate members of the board may be submitted to the Secretary not later than 15 days after the effective date of this part, by individual handlers or groups of handlers, as appropriate. The four handlers who individually handled the greatest quantity of spearmint oil during the past marketing year (hereinafter the four major handlers) shall each furnish the name of a person for one of the four members and the name of a person for one of the four alternate member's position on the board. All other handlers shall nominate an individual for the remaining member position and another individual for the remaining alternate member position on the board. Such nomination shall be by means of a mail ballot conducted by the Northwest Marketing Field Office. In the event nominations for initial members or alternate members of the board are not submitted pursuant to and within the time specified by this paragraph, the Secretary may select such initial members and alternate members without regard to nominations.

(b) *Successor members.* Nominations for successor members and alternate members of the board shall be made in the following manner: The four handlers who individually handled the greatest quantity of spearmint oil during the past marketing year (hereinafter the four major handlers), shall each furnish the name of a person for one of the four member and the name of a person for one of the four alternate member positions on the board. All other handlers shall nominate an individual for the remaining member position and another individual for the remaining alternate member position on the board. Such nominations shall be by means of a mail ballot conducted by the committee. The names of all such nominees shall be submitted to the committee for transmission to the Secretary not later than March 15 of each odd-numbered year, together with such information deemed pertinent, including the ballots cast in the mail voting, or requested by the Secretary. In the event nominations for successor members or alternate members of the board are not submitted pursuant to and within the time specified in this paragraph, the Secretary may select such successor members or alternate members without regard to nominations.

§ 934.26 Selection of Spearmint Oil Marketing Advisory Board Members.

(a) *Initial members.* The Secretary shall select the initial members and alternate members for the board from the persons nominated pursuant to § 934.25 (a), or from other qualified persons.

(b) *Successor members.* The Secretary shall select the successor members and alternate members for the board from persons nominated pursuant to § 934.25 (b), or from other qualified persons.

§ 934.27 Acceptance.

Any persons selected by the Secretary as a member or alternate member of the committee or the board shall qualify by filing a written acceptance with the Secretary promptly after being notified of such selection.

§ 934.28 Vacancies.

To fill any vacancy occasioned by the failure to qualify of any person selected as a member or as an alternate member of the administrative committee or of the advisory board or in the event of the death, removal, resignation, or disqualification of any member or alternate member of either the administrative committee or of the advisory board, a successor for the unexpired term of such member or alternate shall be nominated and selected in the manner specified in §§ 934.22 and 934.23 or §§ 934.25 and 934.26, as applicable. If the names of nominees to fill any such vacancy are not made available to the Secretary within a reasonable time after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, except that selections to fill vacancies shall be made on the basis of representation provided for in § 934.21 or in § 934.25.

§ 934.29 Alternate members.

An alternate member of the committee or of the board, during the absence or at the written request of the member for whom he is an alternate, shall act in the place and stead of such member. In the event of the death, removal, resignation, or disqualification of any member, his alternate shall act for him until a successor for such member is selected and has qualified. In the event that both a member and his alternate are unable to attend a meeting, the administrative body may designate any other alternate member from the same body and the same district, where applicable, to serve in such member's place and stead.

§ 934.30 Powers of the Spearmint Oil Administrative Committee.

The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its term;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violations of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 934.31 Duties of the Spearmint Oil Administrative Committee.

The Committee shall have, among others, the following duties:

(a) To select from among its membership such officers and adopt such rules or bylaws for the conduct of its meetings as it deems necessary;

(b) To appoint such employees as it may deem necessary, and to determine the compensation and to define the duties of each employee;

(c) To appoint such subcommittees or other committees as it may deem necessary;

(d) To keep minutes, books, and records which will reflect all of the acts and transactions of the Committee and which shall be subject to examination by the Secretary;

(e) To prepare periodic statements of financial operations of the Committee and to make copies of each such statement available to producers and handlers for examination at the office of the Committee;

(f) To cause its books to be audited by a certified public accountant at least once each marketing year and at such other times as the Committee may deem necessary, or as the Secretary may request, to submit two copies of each such audit report to the Secretary and to make available a copy which does not contain confidential data, for inspection by producers and handlers at the offices of the Committee;

(g) To act as intermediary between the Secretary and any producer or handler;

(h) To investigate and assemble data on the growing, handling, and marketing conditions with respect to spearmint oil;

(i) To submit to the Secretary such available information as he may request or the Committee may deem desirable and pertinent;

(j) To notify producers and handlers of all meetings of the Committee to consider recommendations for regulations and of all regulatory actions taken affecting producers and handlers;

(k) To give the Secretary the same notice of meetings of the committee and its subcommittees or other committees as is given to its members;

(l) To investigate compliance with the provisions of this part;

(m) With the approval of the Secretary, to redefine the districts into which the production area is divided and to reapportion the representation of any district on the committee; *Provided,* That any such changes shall reflect, insofar as practicable, shifts in spearmint oil production within the districts and the production area; and

(n) To consult, cooperate and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

§ 934.32 Procedure of the Spearmint Oil Administrative Committee.

At any assembled meeting, nine members of the committee shall constitute a quorum and all votes shall be cast in person. Decisions of the committee at assembled meetings shall require the concurring vote of at least eight members. The committee may vote by mail, telephone, or other means of communication on matters other than the formulation of marketing policies and recommendation of regulation; *Provided,* That each proposition is explained accurately and fully to each member available and all such votes shall be confirmed in writing. Eight concurring votes shall be required for approval of a committee action by such method of voting.

§ 934.33 Duties of the Spearmint Oil Marketing Advisory Board.

The duties of the board shall consist of selecting from its members such officers, establishing such by-laws as it deems necessary for performing its functions, making such recommendations with respect to marketing policies, and considering and recommending such other matters as it may deem advisable or the committee may request.

§ 934.34 Compensation and expenses.

Members and alternate members of the committee and of the board shall serve without compensation but shall be reimbursed for necessary expenses incurred in connection with their duties under this part.

§ 934.35 Annual report.

The committee shall, as soon as practicable after the close of each marketing year, prepare and mail an annual report to the Secretary and make a copy available to each handler and producer who requests it. This annual report shall contain at least:

(a) A complete review of the regulatory operations during the marketing year;

(b) A review of the effect upon the spearmint oil industry of the regulatory operations; and

(c) Any recommendations for changes in the program.

§ 934.36 Funds and other property.

(a) All funds received by the committee, pursuant to the provisions of this part shall be used solely for the purpose specified in this part; and the Secretary may require the committee and its members to account for all receipts and disbursements.

(b) Upon the resignation, removal, or expiration of the term of any member or employee of the committee, all books, records, funds, and other property in his possession belonging to the committee shall be delivered to the committee or to his successor in office; and such assignments and other instruments shall be executed as may be necessary to vest in the committee full title to all the books, records, funds, and other property in the possession or under the control of such member or employee, pursuant to the provisions of this part.

EXPENSES AND ASSESSMENTS

§ 934.40 Expenses.

The committee is authorized to incur such expenses as the Secretary finds are reasonable and likely to be incurred to carry out the functions of said committee and of the board under this part during each marketing year. The funds to cover such expenses shall be acquired by levying of assessments as prescribed in § 934.41. The committee shall submit to the Secretary a budget for each marketing year, including an explanation of the items appearing therein, and a recommendation as to the rate of assessment for such year.

§ 934.41 Assessments.

(a) *Requirements for payment.* Each person who first handles spearmint oil shall pay to the committee upon demand, his pro rata share of the expenses authorized by the Secretary for each marketing year. Each such person's pro rata share shall be the rate of assessment fixed by the Secretary times the salable quantity of spearmint oil which he handles as first handler thereof. The payment of assessments for the maintenance and functioning of the committee and the board may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

(b) *Rate of assessment.* The Secretary shall fix the rate of assessment to be paid by each first handler. At any time during or after the marketing year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses which may be incurred. Such increase shall be applied to all spearmint oil handled during the applicable marketing year. In order to provide funds for the administration of the provisions of this part during the first part of a marketing year before sufficient operating income is available from assessments on the current year's shipments, the committee may accept the payment of assessments in advance, and may also borrow money for such purpose.

§ 934.42 Accounting.

(a) *Excess funds.* At the end of a marketing year, funds in excess of the year's expenses shall be placed in an operating reserve not to exceed approximately 1 marketing year's operational expenses or such lower limits as the committee, with the approval of the Secretary, may establish. Funds in such reserve shall be available for use by the committee for expenses authorized pursuant to § 934.40. Funds in excess of those placed in the operating reserve shall be refunded to handlers: *Provided,* That any sum paid by a first handler in excess of his pro rata share of the expenses during any marketing year may be applied by the committee at the end of such marketing year to any outstanding obligations due the committee from such person. Each handler's share of such excess funds shall be the amount of assessments he paid in excess of his pro rata share.

(b) *Disposition of funds upon termination of order.* Upon termination of this part, any funds not required to defray the necessary expenses of liquidation shall be disposed of in such manner as the Secretary may determine to be appropriate; *Provided,* That to the extent practicable, such funds will be returned pro rata to the first handler from whom such funds were collected.

REGULATION

§ 934.43 Marketing policy.

(a) Each season, prior to May 31, the committee shall hold such meetings as necessary for it to adopt a marketing policy for the ensuing crop year: *Provided,* That with respect to the initial marketing year the committee shall hold such meetings as soon as practicable after the effective date of this part. The committee shall submit such marketing report to the Secretary prior to making any recommendation pursuant to § 934.44. Such marketing policy report shall contain information relative to:

(1) The estimated pounds of each class of oil in the hands of producers.

(2) The desirable carryout of each class of oil at the end of crop year.

(3) The amount of each class of oil in the set-aside.

(4) The estimated carryover of each class of salable oil by handlers.

(5) The estimated demand for each class of oil.

(6) The estimated production in the ensuing crop year by class or the known production in the current crop year, as applicable.

(7) The current prices being received and the probable general level of prices to be received for each class of oil.

(8) The recommendation of the Advisory Board and the information submitted in support thereof.

§ 934.44 Recommendations for regulations.

(a) Whenever the considerations enumerated in § 934.43 indicate a need for limiting the quantity of any class of spearmint oil marketed, the Committee shall not later than June 1 recommend to the Secretary a salable percentage and a set-aside percentage of the currently available oil of that class: *Provided,* That with respect to any recommendation for the initial marketing year, the Committee shall make its recommendation as soon as practicable after the effective date of this part.

(b) The failure of the Advisory Board to make a recommendation with respect to regulation authorized by § 934.45, after having received notice of the intention of the Committee to meet for the purpose of receiving such recommendations, shall not preclude the Committee from submitting recommendations and supporting information to the Secretary.

(c) All assembled meetings of the Committee shall be open to growers and handlers and other interested persons. The Committee shall publish notice of such meetings in such newspapers as it deems appropriate and shall mail notice of such meetings to producers and handlers and any other person who has filed his name and address with the Committee for such purpose.

§ 934.45 Issuance of regulations.

(a) When the Secretary finds, but no later than June 15 of each year, or such later date as may be appropriate during the initial marketing year, on the basis of the committee's recommendations or other information, that the anticipated supply of spearmint oil by class produced by producers in the production area is in excess of the market demand for that class, he shall establish a salable percentage and a set-aside percentage which shall be used to determine the amount of spearmint oil of each class that may be purchased from or handled on behalf of each producer by all handlers.

(b) Each producer's salable quantity of oil of any class for any marketing year shall be that oil the quantity of which equals the product obtained by multiplying the quantity of spearmint oil delivered to a handler for handling (such delivered quantity may be composed of oil produced by the producer during the marketing year in question, oil produced during any prior marketing year(s) but which was not purchased by a handler or handled on his behalf by handlers, or set-aside oil that was released to him on July 1 of any calendar year) by the salable percentage for that class. The remaining balance shall be the set-aside oil for that class. Handlers may acquire and freely handle the salable quantity of each producer: *Provided*, That there is set-aside from each delivery, in the name of the producer, the appropriate set-aside quantity.

§ 934.46 Modification of volume regulation.

(a) During the first week in October and February, or such other dates as recommended by the committee and approved by the Secretary, and at such other times as the committee deems appropriate, the committee shall review its recommendations of the set-aside percentages for each class of spearmint oil. If it is determined that such percentage did not result in an adequate salable quantity of any class of oil, it shall recommend a reduction of the set-aside percentage for that class of oil.

(b) Whenever the Secretary finds, from the recommendation and information submitted by the Committee or from other available information, that a regulation for any class of oil should be modified in order to effectuate the declared policy of the act, he shall modify such regulation: *Provided*, That no such modification shall increase the set-aside percentage for any class of oil previously established for the then current marketing year.

§ 934.47 Set-aside.

(a) Whenever the Secretary has fixed the set-aside percentage for any marketing year as provided in § 934.45, each handler shall set aside in the name of each producer at such time and in such manner and form as the Committee may prescribe, a portion of the spearmint oil he acquired during such period that will fulfill the set-aside requirements. Such set-aside portion shall be equal to the product obtained by multiplying the quantity of spearmint oil of each class acquired from each producer during the marketing year by the set-aside percentage as fixed by the Secretary after a recommendation therefor by the Committee.

(b) Set-aside spearmint oil shall be held by the handler for the account of the producer until such oil is released to the owner thereof on the next following July 1 or until relieved of such responsibility by the Committee. Handlers shall store set-aside spearmint oil in suitable containers, apart from other spearmint oil, in accordance with good commercial practices, and maintained the same as when acquired except for normal and natural deterioration, loss through fire, acts of God, or other conditions beyond the handler's control. The Committee may, with the approval of the Secretary, establish rules and regulations to effectuate the provisions of this § 934.47. Such rules and regulations may be with respect to, but not limited to, such matters as storage of the set-aside, transfer of the set-aside from one handler to another, transfer of the set-aside from one location to another and identification of set-aside spearmint oil and minimum quantity exemptions.

§ 934.48 Exempt spearmint oil.

Oil held in the hands of a producer or handler on the effective date of this order shall be free of regulations under this order if reported to and identified to the committee not later than 30 days after the effective date of the order. If not so reported and identified to the committee, it shall be presumed that such oil was produced after the effective date of this order.

REPORTS AND RECORDS

§ 934.60 Reports.

(a) *Inventory*. Each handler shall file with the committee a certified report showing such information as the committee may specify with respect to any spearmint oil held by him on such dates as the committee may designate.

(b) *Receipts*. Each handler shall, upon request of the committee, file with the committee a certified report showing for each lot of spearmint oil received the identifying marks, class, weight, place of production, and the producer's name and address.

(c) *Other reports*. Upon the request of the committee, as approved by the Secretary, each handler shall furnish to the committee such other information as may be necessary to enable it to exercise its powers and perform its duties under this part.

§ 934.61 Records.

Each handler shall maintain such records pertaining to all spearmint oil handled under the provisions of this part as will substantiate the required reports. All such records shall be maintained for at least 2 years after the termination of the marketing year to which the records relate.

§ 934.62 Verification of reports and records.

For the purpose of assuring compliance with record keeping requirements and verifying reports filed by handlers the Secretary and the committee, through its duly authorized employees, shall have access of any premises where applicable records are maintained, where spearmint oil is received or held, and, at any time during reasonable business hours, shall be permitted to inspect oil on hand and any or all records of such handlers with respect to matters within the purview of this part.

§ 934.63 Confidential information.

All reports and records furnished or submitted by handlers to, or obtained by the employees of, the committee which contain data or information constituting a trade secret or disclosing the trade position, financial conditions, or business operations of the particular handler from whom received, shall be treated as confidential and the reports and all information obtained from the records shall at all times be kept in the custody and under the control of one or more employees of the committee who shall disclose such information to no person other than the Secretary.

MISCELLANEOUS PROVISIONS

§ 934.70 Compliance.

No person shall handle spearmint oil, the handling of which has been prohibited by the Secretary in accordance with the provisions of this part; and no person shall handle spearmint oil except in conformity with the provisions and the regulations issued under this part.

§ 934.71 Rights of the Secretary.

Members of the committee and of the board, and any agent, employee, or representatives thereof, shall be subject to removal or suspension by the Secretary at any time. Each and every decision, determination, and other act of the committee shall be subject to the continuing right of disapproval by the Secretary at any time. Upon such disapproval, the disapproved action of the committee shall be deemed null and void, except as to acts done in reliance there or in accordance therewith prior to such disapproval by the Secretary.

§ 934.72 Derogation.

Nothing contained in this part is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the Act or otherwise, or (b) in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 934.73 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States, or name any agency or division in the U.S. Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 934.74 Personal liability.

No member or alternate member of the committee and no employee or agent of the committee shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty, willful misconduct or negligence.

§ 934.75 Duration of immunities.

The benefits, privileges, and immunities conferred upon any person by virtue of this part shall cease upon its termination, except with respect to acts done under and during the existence of this part.

§ 934.76 Separability.

If any provision of this part is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this part or the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

§ 934.77 Effective term.

The provisions of this part, and of any amendment thereto, shall become effective at such time as the Secretary may declare above his signature and shall continue in force until terminated in one of the ways specified in § 934.78.

§ 934.78 Termination.

(a) *Failure to effectuate*. The Secretary shall terminate or suspend the operation of any or all of the provisions of this order whenever he finds that such provisions obstruct or do not tend to effectuate the declared policy of the act.

(b) *Referendum*. The Secretary shall terminate the provisions of this part at the end of any marketing year whenever he finds that such termination is favored by a majority of the producers who, during a representative period determined by the Secretary, produced for market more than 50 percent of the volume of spearmint oil so produced in the production area.

(c) *Termination of act*. The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 934.79 Proceedings after termination.

Upon termination of the provisions of this part the committee shall, for the purpose of liquidating the affairs of the committee, continue as trustees of all the funds and property then in its possession, or under its control, including claims for any funds unpaid or property not delivered at the time of such termination. The said trustees shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such persons as the Secretary may direct; and (c) upon the request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto. Any person to whom funds, property, or claims have been transferred or delivered, pursuant to this section, shall be subject to the same obligation imposed upon the committee and upon the trustees.

§ 934.80 Effect of termination or amendment.

Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provisions of this part or any regulation issued hereunder, or (b) release or extinguish any violation of this part or any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary or any other person with respect to any such violation.

§ 934.81 Counterparts.

This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.*

§ 934.82 Additional parties.

After the effective date thereof, any handler may become a party to this agreement if a counterpart is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such new counterpart is delivered to the Secretary, and benefits, privileges and immunities conferred by this agreement shall then be effective as to such new contracting party.*

§ 934.83 Order with marketing agreement.

Each signatory handler hereby requests the Secretary to issue, pursuant to the act, an order providing for regulating the handling of spearmint oil in the same manner as is provided for in this agreement.*

Dated: May 21, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-7424 Filed 5-26-71;8:51 am]

[7 CFR Part 987]

[Docket No. AO 269-A 5]

DOMESTIC DATES PRODUCED OR PACKED IN DESIGNATED AREA OF CALIFORNIA

Notice of Recommended Decision and Opportunity To File Written Exceptions With Respect to Proposed Amendment of the Marketing Agreement and Order, as Amended

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk, U.S. Department of Agriculture, of this recommended decision with respect to a proposed amendment of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in a designated area of California (hereinafter collectively referred to as the "order"). The order is effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674), hereinafter referred to as the "act", and any amendment which may result from this proceeding also will be effective pursuant to the act.

Interested persons may file written exceptions to this recommended decision with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, DC 20250, not later than the close of business on the 10th day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Preliminary statement. The public hearing on the record of which the proposed amendment of the order is formulated was held in Coachella, California, on January 15, 1971, pursuant to a notice thereof which was published in the FEDERAL REGISTER on January 5, 1971 (36 F.R. 112). The notice of hearing included proposals submitted by the Date Administrative Committee (hereinafter referred to as the "Committee"), the administrative agency established pursuant to the order.

Material issues. The material issues presented on the record of the hearing involve amendatory action relating to:

(1) Reducing the "area of production" to Riverside County, Calif.;

(2) The movement of dates by a handler to storage facilities within the reduced area of production (Riverside County), or to storage facilities in particular counties adjoining such area of production, for his account, without having such movement construed as handling;

(3) Changing the period of time covered by the "crop year" and certain deadline dates specified in the order;

(4) Changing the name of the administrative agency of the order from "Date Administrative Committee" to "California Date Administrative Committee";

(5) Realigning representation on the Committee and improving Committee operation;

(6) Changing the voting requirements of the Committee for the adoption of any program of paid advertising or any major program of marketing promotion;

(7) Providing for transfer among handlers of credits arising from dispositions

of dates in export or for use in date products in excess of the transferring handler's restricted obligation; and

(8) Expressing the right of the Secretary to have access to handlers' premises, dates, and records.

Findings and conclusions. The findings and conclusions on the aforementioned material issues, all of which are based upon evidence adduced at the hearing and the record therof, are as follows:

(1) The present area of production, defined in § 987.4, covers the counties of Riverside, Orange, Los Angeles, and that portion of San Bernardino County lying west of 116°W. longitude, located within the State of California. This area should be reduced to cover only Riverside County, Calif. No dates are produced commercially, nor are handlers of dates other than repackers located, in the counties proposed for exclusion. Inasmuch as Riverside County is the only county in California where dates are commercially produced or initially packed in volume, no practical purpose, including compliance with marketing program provisions, would be served by including other territory in the area of production. Moreover, the recommended reduction in area would limit application of the program to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act.

Section 987.20 should be revised to define "part" as the order regulating the handling of domestic dates produced or packed in Riverside County, Calif., and all rules, regulations and supplementary orders issued thereunder. This would conform the definition to the reduced area of production that is limited to Riverside County.

(2) Under the present definitions of "handle" and "area of production", a handler may move dates to storage for his account within the present area of production or Imperial County without having such movement considered as handling. Also, the Committee, with the approval of the Secretary, is permitted to modify this exception to handling to allow such movement to storage in counties (including that part of San Bernardino County not included in the area of production) adjoining the area of production.

The definition of "handle" (§ 987.9) should be revised so that the exception from handling for storage will cover Riverside County (the proposed reduced area of production), Imperial County and San Bernardino County, and such other counties adjoining Riverside County as the Committee may prescribe with the approval of the Secretary.

This recommended revision would continue to afford handlers desirable freedom from order obligations (inspection, withholding, and assessment requirements) as to the movement of dates to storage in the area of production and some nearby territory. Because date storage facilities in Riverside County and its adjoining counties of Imperial and San Bernardino are now adequate to meet handler storage needs, handlers should be permitted to move dates freely to storage, as aforesaid, in such counties. At the present time, handlers do not need to use storage facilities in other nearby counties. However, they do foresee a possible future need to permit similar movement to storage or dates free from handling in Orange and San Diego Counties which also adjoin Riverside County. No useful purpose would be served by specifying the latter two counties in the order as an additional area where such storage movement could freely occur because handlers do not now need to use storage facilities located there. However, in the event additional storage capacity available in either one or both of these counties should be needed for dates, provision should be made in the order to authorize such free movement of dates to either or both counties.

(3) The term "crop year" defined in § 987.6 should be changed to mean the 12-month period beginning October 1 of each year and ending September 30 of the following year, except that the crop year ending September 30, 1971, should begin August 1, 1970.

Most of the date crop is now mechanically harvested. This has delayed substantial harvesting until mid or late October, which is 1 to 2 months later than when dates are harvested by hand. It is desirable that the commencement of a crop year conform as closely as possible to the early harvest of dates of such crop year to serve as an aid to the Committee in developing more accurate estimates for preparing marketing policies. This should enable the Committee to prepare marketing policies which better reflect the supply and marketing conditions for the respective crops.

The current 1970–71 crop year under the order began August 1, 1970, and ends July 31, 1971. Under the changed definition of "crop year", a crop year commencing in 1971 would begin October 1. The changed definition of "crop year" should provide that the current crop year ending July 31, 1971, should extend through September 30, 1971, to cover the 2-month period of August and September 1971, which would not otherwise be covered by either the current or changed definition of "crop year". Inclusion of this period in the 1970–71 crop year should permit order regulations and requirements of the 1970–71 crop year to remain in effect until October 1, 1971 (the beginning of the changed crop year) and make available for such crop year the amendatory modifications, if approved and made effective, thereby providing for orderly transition of program operations from one crop year to the next.

Certain deadline dates in the order should be changed consistent with the changed "crop year" period.

The date of August 1 in the first sentence of § 987.34, regarding the submission by the Committee of its marketing policy, should be changed to October 15. Such date generally comes at the end of the period when adverse weather conditions are most likely to seriously affect the quality and size of a date crop. Thus, the later date would permit the Committee to meet early enough in the crop year and develop its marketing policy based on more realistic estimates as to the quality and size of the current date crop and trade demand than would be available at an earlier date.

The date of July 31 (the end of the present crop year) in § 987.34(b), dealing with the Committee's estimate of handler carryover, should be changed to September 30 to coincide with the end of the proposed new crop year.

The date of July 31—corresponding with the end of the "crop year" under the order—in § 987.45(e) relates to the deferment of meeting any portion of a handler's withholding obligation by setting aside graded dates until the end of the crop year. Such date in § 987.45(f) relates to the satisfaction of all or part of a handler's withholding obligation by setting aside or disposing of field-rum dates, or both. This date also should be changed to September 30 to coincide with the ending date of the proposed new crop year.

The provisions of § 987.61 should be amended by changing the June 1 and August 1 dates for submission of handler carryover reports to September 1 and September 30, respectively. Thus, the handler carryover reports would be as of January 1, September 1, and September 30. The September 1 report should replace the June 1 report, and would be necessary to provide handler carryover information for use by the Committee at its marketing policy meeting to be held by October 15. The September 30 carryover report should replace the August 1 report and would be needed to give end of crop year statistics.

Section 987.82(b)(2) provides that any termination of the provisions of this part when favored by growers must be announced on or before June 1 of the then current crop year for it to be effective at the end of the crop year. The announcement by June 1 gives the industry 2 months time before the beginning of a new crop year to prepare for such termination. Changing the June 1 date to August 1 will continue to provide the industry with 2 months' notice of any termination.

(4) The name of the administrative agency of the order should be changed from "Date Administrative Committee" to "California Date Administrative Committee." Adding the word "California" to the current name of the agency would more specifically identify the Committee with the commodity covered by the program. This should be particularly beneficial when the Committee conducts marketing promotion and paid advertising projects for California dates. Such change should be accomplished as hereinafter set forth.

(5) The provisions of §§ 987.21 and 987.22, dealing with the establishment and membership of the Date Administrative Committee (proposed herein to be named the California Date Administrative Committee) should be revised to assure adequate and equitable representation of all segments of the date industry on the Committee. Moreover, such revisions are needed to reflect the changes that have occurred and may occur in the relative importance of these segments, to recognize that a cooperative association of producers does not presently provide handler representatives on the Committee, and to reduce the likelihood of need for amendment of the program due to changes that may occur in the industry affecting representation.

Accordingly, § 987.21 should be revised to increase the membership of the Committee from seven to eight, with the proviso that the Committee can be expanded from eight to nine members or decreased from nine to eight members pursuant to the proposed revised provisions of § 987.22(b). The larger number of members will permit broader representation on the Committee.

The second sentence of § 987.21 makes the provisions of the program dealing with the number, nomination and selection of members applicable to alternate members. An exception should be added to this sentence to make it compatible with the proposed revision of § 987.22(b) which will provide for selecting a producer-handler representative. When independent producers are entitled to only one member, a producer-handler must be either the member or alternate. Thus, selection of the member will be on a different basis than the selection of his alternate.

Section 987.22(a) now provides for representation of three industry groups on the Committee—certain producer-handlers and producers delivering to such handlers, cooperative marketing associations, and all other handlers and producers. Paragraph (b) provides for determining the number of members to represent each group based on the proportion of the dates handled in each such group.

Section 987.22(a) should be revised to specify that five members of the Committee shall be individuals who are producers or officers or employees of producers (referred to as "producer members") and three shall be individuals who are handlers or officers or employees of handlers (referred to as "handler members"). This representation will provide appropriate balance between the two groups in program administration. It recognizes producer interest in program objectives and the need for handler marketing experience in achieving them. Permitting officers or employees of producers and of handlers to be members of the Committee conforms with current practice and provides desirable latitude in the nomination and selection of individuals to serve on the Committee.

To provide equitable producer representation for each of its two important segments currently recognized in the industry, § 987.22(b) should be revised to provide apportionment between the group of producers affiliated with cooperative associations of producers (referred to as "cooperative producers") and the group of producers having no such affiliation (referred to as "independent producers"). The apportionment for a term of office ending in the ensuing crop year should be according to the respective total quantities of field-run dates delivered to handlers by the producers thereof in the respective groups during the then current crop year through April, as determined by the Committee on the basis of its applicable records. Most of the date crop produced in a year is delivered by producers to handlers during the period October through April. Hence, this period would fairly reflect the relative tonnages delivered by each group. The end of the period should coincide with the end of April to permit the Committee adequate time to compile the tonnage data needed for the determinations as to the representation of each group before the producer nominations are made not later than June 15 of the crop year, as hereinafter discussed.

Each such producer group should have one producer member for each portion of the total quantity of dates so delivered by the producers in such group that represents 20 percent of the combined total quantities delivered by both groups plus one additional producer member for any major fraction thereof (more than one-half of the 20 percent), but each such group should have at least one member as long as it operates. In this way, a definite means would be provided for maintaining approximate proportional representation as between the two groups based on dates delivered by producers in each group. Neither group would be denied representation even if such date deliveries declined drastically but the group continued to operate. The revision of § 987.22(b) should assure a member for each group for any major fractional part of the basic 20 percent (more than 10 percent of the applicable field-run deliveries) and at least one member for each group by permitting the Secretary to increase the total number of Committee members to nine and, if changed to nine, to reduce the number of members to eight if nine members are not required. For example, one of the producer groups might deliver only 5 percent of the total deliveries and the second group 95 percent. Under the proposed aforesaid provisions, the first group would be entitled to the minimum of one member and the second group to five members, based on the respective deliveries. Increasing the number of producer members to six plus the three handler members would result in a Committee of nine members.

Section 987.22(b) should further be revised to specify that when the independent producers group is entitled to two or more members, at least one independent producer member and his alternate shall be a producer-handler, each of whom produced during the then current crop year through April at least 51 percent of the dates handled by him during such period; and when the independent producers group is entitled to one member, either the member or the alternate member shall be such a producer-handler. There are a number of producer-handlers in the date industry who produce more than one-half of the dates which they handle. Their views on program matters may vary from those of other industry representatives and such views need to be reflected in Committee deliberations.

Section 987.22(b) should be further revised to provide for changing producer representation for the ensuing term of office in conformity with the revised provisions of such paragraph. Any such changes should be made by the Secretary on the basis of information submitted by the Committee, and other available information. This would assure that representation of the independent producers group and the cooperative producers group will continue to reflect the approximate, relative deliveries by the producers in each group.

Paragraph (c) of § 987.22 should be deleted. The first two sentences of the paragraph are obsolete and the provisions of the third sentence, pertaining to changing representation on the Committee, are to be contained in revised § 2987.22(b).

Section 987.19, which defines the term "cooperative marketing association", should be deleted from the order. The term is used only in §§ 987.22 and 987.24 of the order, which deal with representation on the Committee, but such sections, as proposed to be revised herein, do not include the term. It was proposed in the notice of hearing that the term be replaced in § 987.19 with a definition of the term "cooperative association of producers". The latter term is used in §§ 987.22 and 987.24, as proposed to be revised herein, but there is no need to define it as its meaning is clearly apparent in the context of those revised sections. The one cooperative association of producers in the date industry does not now provide handler representation on the Committee since its grower members deliver their dates to independent handlers for marketing. Hence, it is appropriate to refer to such an association as a cooperative association of producers rather than a cooperative marketing association. Moreover, pursuant to the proposed revisions of §§ 987.22 and 987.24, the association will be given appropriate representation on the Committee as long as it remains functional and whether or not it handles dates.

The term of office for Committee members and alternates should be changed in § 987.23 from 1 year ending on May 14 to one year beginning August 1. This change is desirable in view of the proposed change in the beginning date of the crop year from August 1 to October 1. The newly elected members and alternates would thus have a reasonable time prior to October 1—the beginning of the ensuing crop year—to acquaint themselves with their duties and responsibilities. In connection with the foregoing, § 987.23 should be amended to provide for the incumbent membership serving on the Date Administrative Committee to continue in office and serve as the membership of the California Date Administrative Committee during the applicable term of office and to the extent permitted thereafter. The authority in the order for members and alternate members to continue to serve until the respective successors have been selected and have qualified should be carried over into the amendatory provisions. However, in view of the new provisions authorizing a reduction in the number of Committee members from nine to eight (thereby resulting in a reduction in the number of producer members from six to five), it is recognized that each of the six producer members during a particular term of office will not always have successors. To meet this eventuality, the amendment should authorize the Secretary to limit the period of time beyond the expiration of the term of office that a particular producer member or alternate member may continue to serve as such.

Section 987.24 should be revised to provide that nomination for members of the California Date Administrative Committee shall be made not later than June 15 of each year. Currently, such nominations are to be made on or before April 15. This would allow sufficient time to permit a realignment of Committee representation, if required, and to make the new Committee appointments effective by August 1, when the revised term of office would begin. In the event the recommended amendatory action becomes effective and such occurs subsequent to June 15, it is apparent that provision should be made to permit nominations in 1971 after June 15. Accordingly, the section should be amended as hereinafter set forth to provide a reasonable time for such nominations. Such a provision would afford ample opportunity for nomination meetings even prior to an amendment provided the selection by the Secretary is pursuant thereto.

Section 987.24 should be further revised to provide that a cooperative association of producers shall, by a resolution adopted by its board of directors, nominate the applicable number of individuals to serve as producer-members representing cooperative producers. Historically, the board of directors of the cooperative marketing association (as defined in § 987.19 of the order) has nominated individuals to serve on the Committee and this practice should be specified and continued as the acceptable means for a cooperative association of producers to provide such nominees.

If there should be two or more cooperative marketing associations, § 987.24 now provides, in stated circumstances, for weighting a cooperative's vote for each position afforded the cooperatives by the tonnage of its dates. This should be changed to provide for weighting the vote of each cooperative association of producers by the number of its producer members during the applicable crop year through April 30, and to provide that the individual receiving the highest number of such votes for a position shall be the nominee. Such a change is desirable to conform the method of voting of such associations to that provided for independent producers—one vote by each producer for each position to be filled. The date, April 30, is specified to allow adequate time to determine the number of cooperative producers before nominations are to be made.

Section 987.24 should be further revised to specify, in effect, that: (1) A meeting or meetings of independent producers shall be held in the area of production to nominate the applicable number of individuals to serve as independent producer members on the Committee; (2) each such producer, regardless of the number and locations of his date gardens, shall be entitled to one vote for each producer member position to be filled; and (3) the individual receiving the highest number of votes for a position shall be the nominee. This method for nominating independent producer representatives will give each independent producer a vote equal in weight to that of every other producer as is customary under this type of regulatory program. As to the eligibility of independent producers to vote for nominees, whether they are voting for an individual who is a producer but not a producer-handler, or is a producer-handler, all independent producers should be permitted to vote, with no distinction being made between producer-handlers and producers who are not producer-handlers. Thus, the producer interest should be reflected in the nomination of the candidates to represent all independent producers.

Section 987.24 should also be revised to provide that a minimum of three handlers shall constitute a quorum for a meeting or meetings of handlers to be held in the area of production for nominating three individuals to serve as handler members of the Committee. Each handler should be entitled to vote for only one handler position to be filled. Since each handler would be limited to voting for one position, a quorum of at least three handlers is necessary to complete the nomination of three handlers at one meeting. By allowing a handler to vote for only one of the three positions, a better cross-section of the handler segment of the industry would be represented. In the absence of this requirement in the order, the handler handling the largest volume of dates could fill all three handler positions. The vote of each handler should be weighted by the tonnage of dates the handler acquired (or, if a cooperative association of producers, by the tonnage received) from producers and had certified for handling or for further processing during the then current crop year through April. The individual receiving the highest number of votes for a handler member position should be the nominee for that position. It is customary in programs of this nature to weigh the votes of the handlers by the tonnages of the particular commodity which they handle during a specified period ending reasonably close to the time of voting. Since the nomination meetings are to be held not later than June 15, the aforesaid ending date of April 30 is reasonable from a timing standpoint and the period covered would include the bulk of the date crop handled during the crop year. The inclusion of cooperative associations in these provisions recognizes the possibility that such an association or associations may handle dates and, if so, should be entitled to participate in the handler phase of voting.

Any producer-handler should be permitted to vote for candidates both for independent producer member positions and handler member positions since he would have economic interests as both a producer and a handler.

The revision of § 987.24 should further specify that promptly after the completion of the nomination meetings, a report shall be filed, either by the Committee or an employee of the Department, with the Secretary including the details of the proceedings of the meetings, the names of the nominees for each position to be filled, together with the tonnage data and other information requested by the Secretary. Such provisions will enable continuation of the present practice of a local representative of the Department holding and reporting on the nomination meetings but would permit the Committee to do so if a change in current practice should be deemed necessary or desirable. Moreover, these provisions should continue to assure that the Secretary will receive the information he needs to select the membership of the Committee. So that the selection will be made in accordance with the order as proposed to be amended, revised § 987.24 should specify that the Secretary shall select, from the nominees elected or from other eligible persons, the Committee members from the groups, and on the basis, prescribed in § 987.22 as hereinafter set forth. The Secretary should continue to have this discretion of choosing from other eligible persons in the event a person nominated was determined to be ineligible or for other reasons.

New provisions should be added to § 987.27 to alleviate the situation where both the member and his alternate do not attend a Committee meeting. It should be provided that if a member and his alternate are both unable to attend a Committee meeting, such member or alternate, in that order, may designate an alternate from the group (producer group or handler group, as the case may be) he represents to act in his place. If neither the member nor his alternate has designated an alternate to act as his replacement, or such designated alternate is unable to serve on the Committee, the chairman of the Committee may, with the concurrence of the majority of the members, including alternates acting as members, representing such group, designate an alternate from such group, who is present at the meeting and not acting as a member, to act in the place and

stead of the absent member or his alternate. In the past, a quorum has occasionally been difficult to obtain, preventing the Committee from conducting important business. The new provisions would assist in remedying such a situation and tend to assure representation of all producers and handlers in the Committee's conduct of its business. As only alternates from the producer group could be designated to represent producers and only alternates from the handler group could be designated to represent handlers, the views expressed in the meetings of the Committee should continue to reflect those of the respective producer and handler groups.

Section 987.31, dealing with Committee procedure should be revised, and reorganized as to format for clarity.

New paragraph (a) should require that five members, including alternates acting as members, of the Committee shall constitute a quorum. The date industry considers that the presence of five of the total of eight or nine members, including alternates acting as members, is the minimum sufficient to be representative and to conduct business. This would replace the present ratio quorum requirement of two-thirds of the members.

New paragraph (b) should continue in effect the current practice reflecting the intent of the present provisions regarding Committee selection of its chairman and other officers, and adoption of rules for the conduct of its business.

New paragraph (c) should specify that for any decision of the Committee to be valid, at least five members including alternates acting as members, must cast a concurring vote. Such a majority vote would reflect substantial industry support of any proposition adopted by the Committee. An exception should be made to this requirement by including the clause "except as provided under § 987.33 for any program of paid advertising or major program of marketing promotion". This exception is discussed later in this recommended decision under material issue (6). New paragraph (c) should continue the present requirement that each vote shall be cast in person at all assembled meetings of the Committee.

New paragraph (d) of § 987.31 should retain the present authority permitting the Committee to vote by mail, telephone, or telegram. However, instead of specifying, as in the present provisions, that one dissenting vote shall prevent adoption of a proposition presented to voting by this method, it should be provided that any such action shall not be considered valid unless unanimously approved by all members, including alternates acting as members, of the Committee. This would make it clear that all such members must concur. Thus, it also would be clear that if a member or his alternate does not vote, the proposition cannot be adopted by this method of voting. A new provision should be added to require voting by telephone to be confirmed in writing within 2 weeks by the members voting to prevent any misunderstanding as to how they voted. Such period of time would be adequate to obtain the confirmations.

(6) The third sentence of § 987.33 should be revised to prescribe that no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six Committee members, including alternates acting as members.

Current voting requirements prescribed in § 987.33 for the adoption of such programs require six affirmative votes when the total Committee membership is seven, and seven affirmative votes when the total is eight. The proposed revision of § 987.21 of the order would increase Committee membership from the present seven to eight and, if circumstances warrant, to nine members pursuant to the proposed revision of § 987.22. Thus, seven affirmative votes would be required under § 987.33, as presently written.

Programs of paid advertising and major marketing promotion could involve the expenditure of large sums of money. Such decisions should require a greater percentage of approval than other Committee decisions. However, requiring seven affirmative votes for a Committee of eight or nine members is, according to the evidence of record, believed too restrictive; and six affirmative votes are adequate to reflect wide industry approval of the program involved.

(7) The last sentence of paragraph (d) of § 987.45 should be revised to permit any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation to have a part or all of such excess transferred, by the Committee, to such other handler or handlers as he may name, for crediting such other handlers' restricted obligations incurred in that crop year.

Such a provision would make credits arising from such excess disposition in restricted outlets (i.e., export and diversion to products) negotiable among handlers. This would better relate the date supply positions of the individual handlers to their respective outlets and demands for dates. Some handlers have little or no export business and at times must divert their better quality dates (which could otherwise be sold as whole or pitted dates in the domestic markets) into products to meet their restricted obligations. Product outlets return much lower prices for dates than domestic and export markets. Other handlers have the ability to export their better quality dates in addition to disposing of product grade dates for products. In so doing, they may dispose of more dates in such restricted outlets than are required to meet their restricted obligations which arise from shipping dates to domestic markets.

The proposed provision would enable the handlers with excess disposition credits to increase their returns from their excess disposition in the export and product outlets by selling the credits to other handlers. The buying handlers could apply the credits to their restricted obligation in lieu of diverting better quality dates to the low-return product outlets and ship such dates to the higher-return domestic markets. The record indicates that the buying handlers would be able to buy the credits for an amount less than the loss they would suffer by putting their better quality dates into the products category. In view of the foregoing, both the selling and buying handlers would have greater flexibility in meeting the commercial requirements of their individual markets and increase their sales returns. This should result in greater financial benefits to producers.

The handler desiring to transfer such credits should be required to deliver a written request to the Committee to do so, as is currently required with respect to having excess dispositions credited to a subsequent crop year, to enable it to make the transfer in its records, adjusting the respective obligations of the selling and buying handlers to withhold restricted dates accordingly. September 30 should be the final date for such requests because it is the last day of the crop year and the Committee should have such information as soon as possible for evaluating the extent to which the restricted obligations of handlers have been met.

Paragraph (d) of § 987.45 now provides in part that any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation for such crop year may have such excess quantity credited to his restricted obligation of the subsequent crop year within limits established by the Committee with the approval of the Secretary as a percentage of such restricted obligation. This provision should be slightly modified to recognize that a handler's excess disposition credits available for such crediting in the subsequent crop year would be only those, if any, remaining after transfers of credits to other handlers had occurred during the crop year in which the credits were generated.

(8) The first sentence of § 987.68 should be revised to expressly state the Secretary's right, for the purpose of checking compliance with recordkeeping requirements and verifying reports filed by handlers, to have access to any premises where dates are held and, at any time during reasonable business hours, to be permitted to examine any dates held and any and all records with respect to matters within the purview of this part. This right of the Secretary is vested in him by the act, is implicit in the current provisions of the order which confer such a right on the Committee—the Secretary's agency for administration of the regulatory program—and has been so construed since the inception of the program. Also, the heading of § 987.68 should be changed from "Verification of reports" to "Verification of reports and records" to more accurately reflect the expressed contents of the section.

Ruling on proposed findings and conclusions. The period during which interested persons might file briefs with the Hearing Clerk of the Department with respect to testimony presented at the hearing and the findings and conclusions to be drawn therefrom expired on February 5, 1971. No such briefs were filed.

General findings. (1) The findings hereinafter set forth are supplementary, and in addition, to the previous findings and determinations which were made in connection with the issuance of the marketing agreement and order and each subsequent amendment thereof; and all of the said previous findings and determinations are hereby ratified and affirmed except insofar as such previous findings and determinations may be in conflict with the findings and determinations set forth herein (for prior findings and determinations see 20 F.R. 5056; 23 F.R. 6904; 27 F.R. 6817; 29 F.R. 9706; 32 F.R. 12594);

(2) The marketing agreement and order, as amended and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(3) The marketing agreement and order, as amended and as hereby proposed to be further amended, regulate the handling of domestic dates produced or packed in the production area of California, in the same manner as, and are applicable only to persons in the respective classes of industrial or commercial activity specified in, the marketing agreement and order upon which hearings have been held;

(4) The marketing agreement and order, as amended and as hereby proposed to be further amended, are limited in their application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act, and the issuance of several marketing agreements and orders applicable to subdivisions of the area of production would not effectively carry out the declared policy of the act;

(5) There are no differences in the production and marketing of domestic dates in the area of production covered by the marketing agreement and order, as amended and as hereby proposed to be further amended, which require different terms applicable to different parts of such area; and

(6) All handling of dates produced or packed in the designated area of production is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

Recommended amendment of the order. The following amendment of the order is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out:

1. Section 987.4 is revised to read:

§ 987.4 Area of production.

"Area of production" means Riverside County, Calif.

2. Section 987.6 is revised to read:

§ 987.6 Crop year.

"Crop year" means the 12-month period beginning October 1 of each year and ending September 30 of the following year, except that the crop year ending September 30, 1971, shall begin on August 1, 1970.

3. Section 987.9 is revised to read:

§ 987.9 Handle.

"Handle" means to sell, consign, transport, or ship (except as a common or contract carrier of dates owned by another person) or in any other way to put dates into the current of commerce including the shipment or delivery of substandard dates or cull dates into nonhuman consumption outlets, except that sales or deliveries, by producers, of other than cull dates, to a handler within the area of production, or the movement of dates by a handler to storage for his account within the area of production, the counties of San Bernardino and Imperial in the State of California, and such other counties in the State of California adjoining the area of production as the Committee may prescribe with the approval of the Secretary shall not be considered as handling.

4. Section 987.18 is revised to read:

§ 987.18 Committee.

"Committee" means the California Date Administrative Committee established pursuant to § 987.21.

§ 987.19 [Deleted]

5. Section 987.19 is deleted.

6. Section 987.20 is revised to read:

§ 987.20 Part and subpart.

"Part" means the order regulating the handling of domestic dates produced or packed in Riverside County, Calif., and all rules, regulations, and supplementary orders issued thereunder. The aforesaid order shall be a "subpart" of such part.

7. The center heading "Date Administrative Committee" immediately preceding § 987.21 is changed to "California Date Administrative Committee" and § 987.21 is revised to read:

§ 987.21 Establishment of California Date Administrative Committee.

A California Date Administrative Committee consisting of eight members is hereby established to administer the terms and conditions of this part: *Provided,* That the number of members may be increased to nine or decreased from nine to eight as provided in § 987.22(b). For each member there shall be an alternate member, and the provisions of this part applicable to the number, nomination, and selection of the members shall apply to alternate members except as provided in § 987.22(b) for the selection of a producer-handler representative.

8. Section 987.22 is revised to read:

§ 987.22 Membership representation.

(a) Five members of the Committee shall be individuals who are producers, or officers or employees of producers; and such members are referred to in this part as "producer members". Three members shall be individuals who are handlers, or officers or employees of handlers; and such members are referred to in this part as "handler members".

(b) The producer members shall be apportioned, as provided in this section, between the group of producers affiliated with cooperative associations of producers (referred to in this part as "cooperative producers") and the group of producers having no such affiliation (referred to in this part as "independent producers"). The apportionment for a term of office ending in the ensuing crop year shall be according to the respective total quantities of field-run dates delivered to handlers by the producers thereof in the respective groups during the then current crop year through April, as determined by the Committee on the basis of its applicable records. Each such group shall have one producer member for each portion of the applicable total quantity of such dates delivered by the producers in such group that represents 20 percent of the combined total quantities delivered by both groups plus one additional producer member for any major fraction thereof (more than one-half of the 20 percent): *Provided,* That each such group shall have at least one member as long as it operates. To provide a member for each such major fractional part and at least one member for each group, the Secretary shall increase the total number of members of the Committee to nine and, if changed to nine members, to reduce the number of members to eight if nine members are no longer required to conform with the requirement of this sentence. When the independent producers group is entitled to two or more members, at least one independent producer member and his alternate shall be a producer-handler, each of whom produced during the then current crop year through April at least 51 percent of all the dates handled by him during such period; and when the independent producers group is entitled to one member, either the member or the alternate member shall be such a producer-handler. Whenever it is determined, pursuant to this paragraph, that a change in producer representation is required for the ensuing term of office, the Secretary shall, on the basis of information submitted by the Committee, and other available information, revise the representation consistent with the provisions of this paragraph.

9. Section 987.23 is revised to read:

§ 987.23 Term of office.

The term of office for members and alternate members shall be 1 year beginning August 1, but each such member and alternate member shall, unless otherwise ordered by the Secretary, continue to serve until his successor has been selected and has qualified: *Provided,* That the incumbent members and alternate members serving on the Date Administrative Committee immediately prior to the effective date of this amended subpart shall serve as members and alternate members, respectively, of the California Date Administrative Committee until such time as the successor producer members and handler members selected by the Secretary in accordance with § 987.24 of this amended subpart to serve on the California Date Administrative Committee have qualified.

10. Section 987.24 is revised to read:

§ 987.24 Nomination and selection.

(a) Nominations for members of the Committee shall be made not later than June 15 of each year, except that in 1971 the latest date for such nominations shall be not later than a reasonable time after the effective date of the amended subpart.

(b) A cooperative association of producers shall, by a resolution adopted by its board of directors, nominate the applicable number of individuals to serve through the ensuing term of office as producer members representing cooperative producers as provided in § 987.22. Whenever there are two or more cooperative associations of producers, the vote by each such association shall be weighted by the number of its cooperative producers during the applicable crop year through April 30. The individual receiving the highest number of votes for a position shall be the nominee.

(c) A meeting or meetings of independent producers shall be held in the area of production for the purpose of nominating individuals to serve as independent producer members on the Committee. Such producers shall nominate the applicable number of individuals for producer member positions in conformity with § 987.22. Each such producer, regardless of the number and locations of his date gardens, shall be entitled to one vote for each producer member position to be filled. The individual receiving the highest number of votes for a position shall be the nominee.

(d) Three handlers shall constitute a quorum for a meeting or meetings of handlers to be held in the area of production for the purpose of nominating three individuals to serve as handler members on the Committee. Each handler shall be entitled to vote for only one handler member position to be filled. The vote of each handler shall be weighted by the tonnage of dates the handler acquired (or, if a cooperative association of producers, by the tonnage received) from producers and had certified for handling or for further processing during the applicable crop year through April. The individual receiving the highest number of votes for a handler member position shall be the nominee for that position.

(e) Promptly after the completion of the meetings required by this section, a report shall be filed, either by the Committee or an employee of the Department, with the Secretary including details of the proceedings of the meetings, the names of the nominees for each position to be filled, together with necessary tonnage data and other information requested by the Secretary. From such nominees or from other eligible persons, the Secretary shall select the Committee members from the groups, and on the basis, prescribed in § 987.22.

§ 987.27 [Amended]

11. The following sentence is added at the end of § 987.27: "In the event a member and his alternate are unable to attend a meeting of the Committee, such member or alternate, in that order, may designate an alternate from the group (producers or handlers, as the case may be) they represent to act in his place. If neither a member nor his alternate has designated an alternate as his replacement, or such designated alternate is unable to serve as the replacement, the chairman may, with the concurrence of a majority of the members, including alternates acting as members, representing such group, designate an alternate from such group who is present at the meeting and is not acting as a member to act in the place and stead of the absent member."

12. Section 987.31 is revised to read:

§ 987.31 Procedure.

(a) Five members, including alternates acting as members, of the Committee, shall constitute a quorum.

(b) The Committee shall, from among its members, select a chairman and such other officers and adopt such rules for the conduct of its business as it may deem advisable.

(c) For any decision of the Committee to be valid, at least five members must cast a concurring vote, except as provided under § 987.33 for any program of paid advertising or major program of marketing promotion. At all assembled meetings each vote shall be cast in person.

(d) The Committee may vote upon any proposition by mail, or telephone when confirmed in writing within two weeks, or telegram, upon due notice and full and identical explanation to all members, including alternates acting as members, but any such action shall not be considered valid unless unanimously approved.

§ 987.33 [Amended]

13. The third sentence of § 987.33 is revised to read: "However, no program of paid advertising nor major program of marketing promotion shall be adopted unless favored by at least six members, including alternates, acting as members."

§ 987.34 [Amended]

14. The first sentence in § 987.34 is revised to read: "As early as practicable, but no later than October 15, the Committee shall prepare and submit to the Secretary a report setting forth its marketing policy, including the data on which it is based, for the regulation of dates in the crop year."

15. The date "July 31" in § 987.34(b) is revised to read "September 30".

§ 987.45 [Amended]

16. The last sentence of paragraph (d) of § 987.45 is revised to read: "Any handler who during a crop year disposes in restricted outlets of a quantity of marketable dates in excess of his restricted obligation of such year may: (1) On written request delivered to the Committee not later than September 30 of such crop year have a part or all of such excess transferred, by the Committee, to such other handler or handlers as he may name, for crediting such other handler's restricted obligations incurred in that crop year; and in addition (2) have a part or all of the remainder of such excess credited to his restricted obligation of the subsequent crop year: *Provided,* That the amount of any such credit shall not exceed that established by the Committee, with the approval of the Secretary, as the percentage of such restricted obligation."

17. The date "July 31" in § 987.45 (e) and (f) is revised to read "September 30".

§ 987.61 [Amended]

18. The dates "June 1" and "August 1" in § 987.61 are revised to read "September 1" and "September 30", respectively.

19. The heading and first sentence of § 987.68 are revised to read:

§ 987.68 Verification of reports and records.

For the purpose of checking compliance with recordkeeping requirements and verifying reports filed by handlers, the Secretary and the Committee, through its duly authorized employees, shall have access to any premises where dates are held and, at any time during reasonable business hours, shall be permitted to examine any dates held and any and all records with respect to matters within the purview of this part. * * *

§ 987.82 [Amended]

20. The date "June 1" in § 987.82(b)(2) is revised to read "August 1".

Dated: May 21, 1971.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.71-7422 Filed 5-26-71;8:51 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 71-CE-35]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Albert Lea, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for the Albert Lea Municipal Airport, Albert Lea, Minn. In addition, the criteria for designation of transition areas have been changed. Accordingly, it is necessary to alter the Albert Lea transition area to adequately protect the aircraft executing the new approach procedure and to comply with the new transition area criteria.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

Albert Lea, Minn.

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Albert Lea Airport (latitude 43°40'52" N., longitude 93°22'04" W.); within 3 miles each side of the 356° bearing from the Albert Lea Municipal Airport extending from the 5½-mile radius to 8 miles north of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles east and 9½ miles west of the 356° and 176° bearings from Albert Lea Municipal Airport extending from 18½ miles north of the airport to 6 miles south of the airport and 5 miles each side of the 176° bearing from Albert Lea Municipal Airport from the airport to 12 miles south of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 4, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-7411 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-58]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Washington, Ind.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be charged in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new public use instrument approach procedure has been developed for Daviess County Airport, Washington, Ind. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a 700-foot transition area at Washington, Ind. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is added:

Washington, Ind.

That airspace extending upward from 700 feet above the surface within an 8-mile radius of Daviess County Airport (latitude 38°41'58" N., longitude 87°07'55" W.); within 3 miles each side of the 010° bearing from Daviess County Airport, extending from the 8-mile-radius are to 8½ miles north of the airport.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 6, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-7412 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-34]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to alter the transition area at Cloquet, Minn.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

New public use instrument approach procedures have been developed for Cloquet-Carlton County Airport, Cloquet, Minn. Accordingly, it is necessary to alter the Cloquet, Minn., transition area to adequately protect the aircraft executing the new approach procedures.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

Cloquet, Minn.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of the Cloquet-Carlton County Airport (latitude 46°42'10" N., longitude 92°30'20" W.); within 3 miles each side of the 355° bearing from Cloquet-Carlton

County Airport, extending from the 6½-mile radius to 8 miles north of the airport; within 3 miles each side of the 175° bearing from the Cloquet-Carlton County Airport extending from the 6½-mile radius area to 8 miles south of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles northwest and 9½ miles southeast of the Duluth, Minn., VORTAC 244° radial, extending from the Duluth VORTAC 34-mile radius to 41 miles southwest of the VORTAC.

This amendment is proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 3, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-7413 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-CE-29]

TRANSITION AREAS

Proposed Designation and Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at New Madrid, Mo., and alter the transition area at Malden, Mo.

Interested persons may participate in the proposed rule making by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Director, Central Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106. All communications received within 45 days after publication of this notice in the Federal Register will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Regional Air Traffic Division Chief. Any data, views, or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, Federal Building, 601 East 12th Street, Kansas City, MO 64106.

A new instrument approach procedure has been developed for County Memorial Airport, New Madrid, Mo. In addition, the criteria for designation of controlled airspace have changed since the Malden, Mo., transition area was designated. Consequently, it is necessary to designate a transition area at New Madrid, Mo., and to alter the Malden, Mo., transition area to protect aircraft executing the new approach procedure and to comply with the new transition area criteria. Since the procedures at the two aforementioned locations overlap, the proposed rule making action is being handled by one docket.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

(1) In § 71.181 (36 F.R. 2140), the following transition area is amended to read:

Malden, Mo.

That airspace extending upward from 700 feet above the surface within a 6½-mile radius of Malden Municipal Airport (latitude 36°36'20" N., longitude 89°59'20" W.), and within 3 miles each side of the Malden VOR 120° radial, extending from the 6½-mile radius area to 8 miles southeast of the VOR; and that airspace extending upward from 1,200 feet above the surface within an 18½-mile radius of Malden VOR, excluding the portions which overlie the Poplar Bluff, Mo., and Blytheville, Ark., transition areas.

(2) In § 71.181 (36 F.R. 2140), the following transition area is added:

New Madrid, Mo.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of County Memorial Airport (latitude 36°32'10" N., longitude 89°35'50" W.); and within 2 miles each side of the Malden, Mo., VOR 95° radial, extending from the 5-mile radius area to 8 miles east of the VOR, excluding the portion which overlies the Malden, Mo., 700-foot floor transition area.

These amendments are proposed under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Mo., on May 4, 1971.

Daniel E. Barrow,
Acting Director, Central Region.

[FR Doc.71-7414 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-30]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Selinsgrove, Pa., Transition Area (36 F.R. 2272).

The revised VOR-1 instrument approach procedure for Penn Valley Airport, Selinsgrove, Pa., will require alteration of the 700-foot floor transition area to provide controlled airspace for aircraft executing the instrument approach procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the Federal Register will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Selinsgrove, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Selinsgrove, Pa., 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 10.5-mile radius of the center, 40°49'04" N., 76°51'51" W. of Penn Valley Airport, Selinsgrove, Pa.; within 3.5 miles each side of the Selinsgrove, Pa., VORTAC 209° radial extending from the 10.5-mile radius area to 10.5 miles southwest of the VORTAC; within the arc of a 14-mile radius circle centered on Penn Valley Airport extending clockwise from 095° to 125°.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the DOT Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 12, 1971.

Wayne Hendershot,
Acting Director, Eastern Region.

[FR Doc.71-7415 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-31]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is proposing to amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a Quakertown, Pa., Transition Area.

A new NDB Runway 29 instrument approach procedure for Upper Bucks County Airport, Quakertown, Pa., will require designation of a 700-foot floor transition area to provide protection for aircraft executing this procedure.

Interested persons may submit such written data or views as they may desire.

Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Quakertown, Pa., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate the Quakertown, Pa. 700-foot floor transition area as follows:

QUAKERTOWN, PA.

That airspace extending upward from 700 feet above the surface within an 8-mile radius area of the center of Upper Bucks County Airport, Quakertown, Pa., 40°28'15" N., 75°22'45" W., and within 3.5 miles each side of a line bearing 099° from the Quakertown, Pa. RBN (40°25'20" N., 75°17'52" W.) extending from the 8-mile-radius area to 11 miles east of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 12, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7416 Filed 5-26-71;8:50 am]

[Airspace Docket No. 71-EA-33]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Alliance, Ohio Transition Area (36 F.R. 2144).

The U.S. Standard for Terminal Instrument Procedures requires alteration of the Alliance, Ohio 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the instrument approach procedures for Miller Airport, Alliance, Ohio. In addition, the alteration will include controlled airspace protection for aircraft which will execute the instrument approach procedure developed for Tri-City Airport, Sebring, Ohio.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y. 11430. All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Alliance, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Alliance, Ohio, 700-foot floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface within a 6.5-mile radius of the center, 40°59'00" N., 81°02'30" W. of Miller Airport, Alliance, Ohio, and within a 5.5-mile radius of the center, 40°54'22" N., 81°00'02" W. of Tri-City Airport, Sebring, Ohio.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 12, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7417 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-35]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Akron, Ohio Control Zone (36 F.R. 2055) and Transition Area (36 F.R. 2141).

A review of the airspace requirements for the Akron, Ohio, terminal area for compliance with the U.S. Standards for Terminal Instrument Procedures indicates that alteration of the control zones and 700-foot floor transition area will be required. The proposed revision of the transition area will also include the airspace required to protect a new instrument approach procedure to Portage County Airport at Ravena, Ohio.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Akron, Ohio, proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Akron, Ohio (Akron-Canton Airport), control zone and insert the following:

Within a 5.5-mile radius of the center. 40°54'58" N., 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile-radius zone with the Akron, Ohio (Akron Municipal Airport), control zone.

2. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Akron, Ohio (Akron Municipal Airport), control zone and insert the following:

Within a 5.5-mile radius of the center, 41°02'18" N., 81°28'01" W. of Akron Municipal Airport, Akron, Ohio, excluding the portion subtended by a chord drawn between the points of INT of the 5.5-mile-radius zone with the Akron, Ohio (Akron-Canton Airport), control zone.

3. Amend § 71.181 of Part 71, Federal Aviation Regulations so as to delete the description of the Akron, Ohio, 700-foot-floor transition area and insert the following:

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the center, 40°54'58" N., 81°26'32" W. of Akron-Canton Airport, Akron, Ohio, and within 5 miles each side of the Akron-Canton Airport south localizer course extending from the Akron-Canton Airport 8.5-mile-radius area to 11.5 miles south of the Akron-Canton Runway 1 OM; within a 10-mile-radius area of the center, 41°02'18" N., 81°28'01" W. of Akron Municipal Airport, Akron, Ohio; within 5 miles each side of the Akron VORTAC 255° radial extending from the Akron Municipal Airport 10-mile-radius area to the VORTAC; within a 6-mile radius of the center, 41°12'35" N., 81°14'55" W. of Portage County Airport, Ravena, Ohio; within 1.5 miles each side of the Akron VORTAC 340° radial extending from the Portage County Airport 6-mile-radius area to the VORTAC; within a 5-mile-radius area of the center of 41°08'45" N., 81°25'00" W. of Andrew W. Paton of Kent State University Airport, Kent, Ohio; within a 7-mile radius of the center, 41°08'06" N., 81°45'36" W. of Freedom Field, Medina, Ohio; and within 4.5 miles south and 6.5 miles north of the Medina, Ohio, RBN (41°08'29" N., 81°38'46" W.) 084° and 264° bearings extending from 5.5 miles west to 11.5 miles east of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y. on May 12, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7418 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-36]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending §§ 71.171 and 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Windsor Locks, Conn., control zone (36 F.R. 2138), and Hartford, Conn., transition area (36 F.R. 2200).

The ILS RWY 6, NDB RWY 6, and Radar 1 instrument approach procedures for Bradley International Airport, Windsor Locks, Conn., have been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. These changes will require alteration of the control zone and 700-foot-floor transition area to provide controlled airspace protection for aircraft executing these revised procedures.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, N.Y.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Windsor Locks, Conn., and Hartford, Conn., proposes the airspace action hereinafter set forth:

1. Amend § 71.171 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Windsor Locks, Conn., control zone as follows:

Delete all before: "southwest of the OM", and insert the following in lieu thereof: "Within a 5-mile radius of the center 41°56'19" N., 72°41'00" W., of Bradley International Airport, Windsor Locks, Conn.; within 3.5 miles each side of the Bradley International Airport ILS localizer southwest course, extending from the 5-mile-radius zone to 11.5 miles."

2. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to amend the description of the Hartford, Conn., 700-foot floor transition area as follows:

Delete all before: "southwest of the OM", and insert the following in lieu thereof: "That airspace extending upward from 700 feet above the surface within an 11.5-mile radius of the center 41°56'19" N., 72°41'00" W. of Bradley International Airport, Windsor Locks, Conn.; within 4.5 miles northwest and 9.5 miles southeast of the Bradley International Airport ILS localizer southwest course, extending from the 11.5-mile-radius area to 18.5 miles."

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 12, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7419 Filed 5-26-71;8:50 am]

[14 CFR Part 71]

[Airspace Docket No. 71-EA-38]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Cumberland, Md., transition area (36 F.R. 2173).

The NDB instrument approach procedure for Cumberland Municipal Airport, Cumberland, Md., has been revised in accordance with the U.S. Standard for Terminal Instrument Procedures. The revised procedure will require alteration of the 700-foot-floor transition area to provide controlled airspace protection for aircraft executing the procedure.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, Eastern Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY 11430.

All communications received within 30 days after publication in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Airspace and Procedures Branch, Eastern Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of Regional Counsel, Federal Aviation Administration, Federal Building, John F. Kennedy International Airport, Jamaica, NY.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Cumberland, Md., proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Cumberland, Md., 700-foot-floor transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface with an 8.5-mile radius of the center (39°37'02" N., 78°45'45" W.) of Cumberland Municipal Airport, Cumberland, Md.; and within 3.5 miles each side of the 022° bearing from the Cumberland RBN (39°39'00" N., 78°44'48" W.) extending from the 8.5-mile-radius area to 11.5 miles north of the RBN.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Jamaica, N.Y., on May 12, 1971.

WAYNE HENDERSHOT,
Acting Director, Eastern Region.

[FR Doc.71-7420 Filed 5-26-71;8:50 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 71–10; Notice No. 1]

NEW PNEUMATIC TIRES—PASSENGER CARS

Proposed Motor Vehicle Safety Standard

The National Highway Traffic Safety Administration (NHTSA) is considering rulemaking which would amend Federal Motor Vehicle Safety Standard No. 109 to clarify the language describing what comprises a failure of the high speed and endurance tests required by the tire standard.

Presently the standard requires passenger car tires to complete laboratory tests for endurance and high speed without having any "tread, ply, cord, or bead separation; chunking; or broken cords". These requirements have given rise to questions concerning what constitutes a failure of a test, with respect to such conditions as tread-groove or sidewall separations, or damage in such areas as the tire liner. It appears desirable, therefore, to phrase the failure conditions more broadly and comprehensively.

It is the intent of NHTSA that when testing for compliance with the high speed and endurance phases of Standard No. 109, liner separations and cracks in grooves or breaks in the sidewalls, whether in the tire before or after testing, constitute a test failure. Similarly, if the tire loses air after being tested this should be considered a failure. These are conditions which might have an effect on the performance capabilities of the tires. It is therefore proposed that the language of S4.2.2.5 and S4.2.2.6 be amended, and new sections S5.4.2.4 and S5.5.5 be added to the test procedure, in Standard No. 109.

Interested persons are invited to submit written data, views or arguments pertaining to the proposed rule. Comments should identify the docket and notice number (No. 71–10; Notice No. 1), and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5217, 400 Seventh Street SW., Washington, DC 20591. Ten copies are requested but not required.

All comments received before the close of business on August 25, 1971, will be considered and will be available for examination in the Docket Section, at the above address, before and after the closing date for comments. Comments filed after the above date will be considered by NHTSA. The rulemaking action may, however, proceed at anytime after that date, and comments received too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available, in its docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

In consideration of the foregoing, the National Highway Traffic Safety Administration proposed to amend S4.2.2.5 and S4.2.2.6 and add new sections S5.4.2.4 and S5.5.5 to the test procedures in Federal Motor Vehicle Safety Standard No. 109 as set forth below, effective January 1, 1972.

S4.2.2.5 *Tire endurance.* After completion of the laboratory test wheel endurance test specified in S5.4, there shall be no separation, splitting, or breaking of any portion or component of the tire.

In addition, the second tire inflation pressure measurement specified in S5.4.2.4 shall be within 2 p.s.i. of the first inflation pressure measurement.

S4.2.2.6 *High speed performance.* After completion of the laboratory high speed test performance test specified in S5.5, there shall be no separation, splitting, or breaking of any portion or component of the tire.

In addition, the second tire inflation pressure measurement specified in S5.5.5 shall be within 2 p.s.i. of the first tire inflation pressure measurement.

S5.4.2.4 After running the tire for the required distance, allow the tire-rim assembly to cool under ambient conditions, without readjusting inflation pressure, until the tire shoulder temperature reaches 100° F. or until 2 hours elapse, whichever occurs last. Determine the tire shoulder temperature by inserting a temperature probe three-eighths of an inch into a raised tread element one-half inch from the outer edge of the tread, or if there is no raised element at this point, at the center of the outermost raised element, measuring the tire inflation pressure at the end of the cooling period, and again 15 minutes later.

S5.5.5 After running the tire for the required distance, allow the tire-rim assembly to cool under ambient conditions, without readjusting inflation pressure, until the tire shoulder temperature reaches 100° F. or until 2 hours elapse, whichever occurs last. Determine the tire shoulder temperature by inserting a temperature proble three-eighths of an inch into a raised tread element one-half inch from the outer edge of the tread, or if there is no raised element at this point, at the center of the outermost raised element, measuring the tire inflation pressure at the end of the cooling period, and again 15 minutes later.

Proposed effective date: January 1, 1972.

This notice of proposed rule making is issued under the authority of sections 103 and 119 of the National Traffic and Motor Vehicle Safety Act of 1966 (15 U.S.C. 1392, 1407) and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8

Issued on May 21, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71–7440 Filed 5–26–71;8:52 am]

[49 CFR Part 571]

[Docket 70–29; Notice No. 2]

NEW PNEUMATIC TIRES—PASSENGER CARS

Withdrawal of Proposed Motor Vehicle Safety Standard

The purpose of this notice is to state the National Highway Traffic Safety Administration's position with respect to the proposed amendment to Standard No. 109 published December 29, 1970 (35 F.R. 19638). That proposal would have amended the passenger car tire standard with respect to the number of times a tire may be retreaded.

As indicated in the preamble of the proposal, section 206 of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1426) directs the Secretary to "establish safety standards * * * setting limits on the age of tire carcasses which can be retreaded * * * based on the extent to which the carcass was designed and constructed to be retreaded, the rate of deterioration of the materials in such tire, and such other factors as he determines necessary to carry out the purposes of this Act". To carry out the intent of section 206, this agency proposed that the passenger car tire standard be amended to require new tire manufacturers to label each tire made by them with information indicating whether or not the tire could be retreaded and, if so, whether it could be retreaded once or twice. The criteria for determining whether the tire could be retreaded were to be based on combinations of existing tests that new tires are presently required to meet. The proposed effective date of the amendment was May 22, 1971.

Comments received were generally opposed to the proposed rule. The major objection of the commenters was that, at the present time, the only reasonable way to determine whether a tire is capable of being retreaded is by inspection of each casing by the retreader. Many commenters objected to the proposal because it required new tire manufacturers to predetermine whether the tire casing could be retreaded, arguing that such a requirement would give new-tire manufacturers the power to put retreaders out of business. Many new-tire manufacturers objected to the proposed rule on the grounds that it would subject them to product liability suits. Finally, many commenters considered the tests proposed to be an unrealistic method of projecting casing life for retreading purposes.

It was suggested that the intent of section 206 could be more appropriately met by establishing a calendar age limit for passenger car tires and a calendar age limit for heavy-duty commercial-type tires. The age suggested for passenger car tires varied for 6 to 10 years.

Some commenters noted that, while the design and construction of new tires may influence their retreadability, there is no known technically sound new-tire laboratory test for predicting the retreadability of the tire. To make such a prediction additional research and development would be necessary.

Based on the comments received, and expressed legislative intent, that aspect of the proposed rule requiring the labeling of sidewalls of a new tire to indicate the number of times the tire may be retreaded will not be pursued further. However, the National Traffic Safety Administration is still considering the establishment of an age beyond which casings may not be used for retreading. The subject will be considered in connection with the standard for retreaded tires (No. 117), published in the FEDERAL REGISTER on April 17, 1971 (36 F.R. 7315). In addition, the National Highway Traffic Safety Administration intends to pursue a research program and to determine the impact of aging on the retreadability of a casing, in order to find the best method of issuing a standard in this area.

This notice is issued under the authority of sections 103 and 119 of the National Highway Traffic Safety Act, 15 U.S.C. 1392, 1407, and the delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.

Issued on May 21, 1971.

ROBERT L. CARTER,
Acting Associate Administrator,
Motor Vehicle Programs.

[FR Doc.71–7441 Filed 5–26–71;8:52 am]

Office of Pipeline Safety

[49 CFR Part 192]

[Notice 71–16; Docket No. OPS–3]

MINIMUM FEDERAL SAFETY STANDARDS FOR TRANSPORTATION OF NATURAL AND OTHER GAS BY PIPELINE

Definition of Service Line

The Department of Transportation is considering an amendment to Part 192 that would broaden the definition of the term "service line" contained in § 192.3. This would have the effect of extending the applicability of those provisions of the regulations that use the term "service line".

On August 11, 1970, the Department issued Part 192 containing the minimum Federal safety standards for the transportation of gas by pipeline (35 F.R. 13248). These standards were based on a series of notices of proposed rule making which had been developed from various State regulations. In § 192.3 of the minimum Federal standards, "service line" was defined as "a distribution line that transports gas to a customer meter set assembly from a common source of supply". This definition is essentially the same as that used in the B31.8 Code and was well understood by industry and other persons affected by the regulations.

However, this definition does not appear to cover all types of lines that are generally considered to be service lines. The present definition does not indicate that the regulations covering service lines apply to a distribution line on which there is no meter (i.e., where gas is sold at a flat rate), or to a distribution line which is downstream of the meter (such as where the meter is installed at the curb or at some distance from the customer's building). Similar problems also arise with a pipeline such as a "farm tap" which may be unmetered or may be metered at the point of tie-in with a very long line downstream of the meter.

Other situations involve the owner of an apartment complex or a housing authority who is supplied gas by a public utility through a master meter, and then provides gas through various pipelines to housing units within the housing complex or the operator of a mobile home park who purchases gas from a public utility through a single master meter and then redistributes it to various tenants in the trailer park. As already indicated to State agencies having jurisdiction over intrastate gas facilities, the Department considers the owner or operator to be the operator of an unmetered distribution system which is subject to the minimum Federal safety standards. However, the extent to which the safety standards apply to the service lines in these systems is not clear due to the way in which that term is defined.

It is apparent that all of these pipelines are just as involved in the distribution of gas under the Natural Gas Pipeline Safety Act, and just as potentially dangerous to the public, as lines that are metered in the individual customer's basement. Accordingly, it is proposed to amend the definition of "service line" to clarify the status of service lines in master distribution systems and unmetered service lines and to assure that service lines downstream of an outside meter are covered by the minimum Federal standards.

Although not specifically mentioned, this definition is intended to cover lines which serve mobile homes and outdoor utilization equipment. Comments are requested as to whether specific language is needed to make this point clear.

Revision of the service line definition may accentuate somewhat a problem with respect to the responsibility for assuring that service lines are installed and maintained in accordance with the safety standards. In some States, ownership of service lines rests, by law, with the customer and the gas system operator has no legal authority to enter on the customer's property to inspect, conduct leak surveys, or take other steps required by the standards. The existence of this problem and the effect this revision would have are recognized and the Department is considering several methods of resolving it. Therefore, at this time, comments should be addressed only to the change in service line definition.

Interested persons are invited to participate by submitting written comments on the proposal contained in this notice. Communications should identify the regulatory docket and notice numbers and be submitted in duplicate to the Office of Pipeline Safety, Department of Transportation, Washington, D.C. 20590. Communications received before July 23, 1971 will be considered before taking final action on the notice. All comments will be available for examination by interested persons at the Office of Pipeline Safety before and after the closing date for comments. The proposal contained in this notice may be changed in the light of comments received.

In consideration of the foregoing, the Department proposes to amend the definition of "service line" in § 192.3 of Part 192 of the Code of Federal Regulations to read as set forth below:

"Service line" means a distribution line that transports gas from a common source of supply to a customer, to and including whichever of the following is further downstream:

(1) The customer meter set assembly.
(2) The service line valve.
(3) The service regulator.
(4) The point at which the line enters the customer's building.

This notice is issued under the authority of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. § 1671 et seq.), Part 1 of the Regulations of the Office of the Secretary of Transportation (49 CFR Part 1) and the delegation of authority to the Director, Office of Pipeline Safety, dated November 6, 1968 (33 F.R. 16468).

Issued in Washington, D.C., on May 24, 1971.

JOSEPH C. CALDWELL,
Acting Director,
Office of Pipeline Safety.

[FR Doc.71–7466 Filed 5–26–71;8:54 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Government National Mortgage Association

[24 CFR Part 1665]

[Docket No. R–71–112]

GUARANTY OF MORTGAGE-BACKED SECURITIES

Proposed Revision of Net Worth Requirements

The Department of Housing and Urban Development proposes to amend Title 24 of the Code of Federal Regulations by revising § 1665.3 of Part 1665, "Guaranty of mortgage-backed securities." The proposed revision, issued pursuant to section 309(a) of the National Housing Act, 12 U.S.C. 1728(a), would permit greater participation by mortgage bankers having a net worth of less than $500,000.

Under the proposed revision: 1. A mortgagee must have a minimum net worth of $100,000 for issuance of straight pass-through securities. 2. The issuance of modified pass-through securities based on and backed by mortgages on one- to four-family residences, would require a net worth representing at least 2 percent of the first $5 million of modified pass-through securities outstanding after the issuance plus 1 percent of all outstanding modified pass-through securities in excess of $5 million, but in no case need the net worth exceed $250,000. 3. The issuance of modified pass-through securities other than those based on and backed by mortgages on one- to four-family residences, would require a net worth representing at least 3 percent of the first $5 million of modified pass-through securities outstanding after the issuance plus at least 2 percent of all modified pass-through securities in excess of $5 million but not in excess of $10 million plus at least 1 percent of all modified pass-through securities in excess of $10 million, but in no case need the net worth exceed $500,000.

Interested persons are invited to participate in the making of the proposed rule by submitting written data, views, or statements with regard to the proposed regulation. Communications should identify the proposed rule by the above docket number and title and should be filed in triplicate with the President, Government National Mortgage Association, Department of Housing and Urban Development, Washington, D.C. 20410. All relevant material received on or before June 28, 1971, will be considered by the President of GNMA before taking action on the proposal. Copies of comments submitted will be available during business hours, both before and after the specified closing date, at the above address, for examination by interested persons.

The proposed rule is issued pursuant to section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

The proposed § 1665.3 reads as follows:

§ 1665.3 Eligible issuers of securities.

Any mortgagee, including a State or local governmental instrumentality, which has been approved by the Federal Housing Administration and which has adequate experience and facilities to issue mortgage-backed securities may be approved for a guaranty by the Association, except that no guaranty shall be made of any security which is tax exempt under the Internal Revenue Code of 1954. No issue of securities will be approved for guaranty unless the issuer has net worth, in assets acceptable to the Association, in the following amounts:

(a) For straight pass-through securition, $100,000.

(b) For modified pass-through securities based on and backed by mortgages upon one- to four-family residences, (1) not less than 2 percent of the first $5 million of modified pass-through securities outstanding after such issue, and (2) not less than 1 percent on all such securities outstanding over $5 million, but in no case need such net worth exceed $250,000.

(c) For modified pass-through securities other than those described in paragraph (b) of this section, (1) not less than 3 percent of the first $5 million of modified pass-through Securities outstanding after such issue, and (2) not less than 2 percent on the succeeding $5 million of such securities, and (3) not less than 1 percent on all over $10 million but in no case need such net worth exceed $500,000.

(Sec. 309, 82 Stat. 540, 12 U.S.C. 1723a; Bylaws of the Association, 35 F.R. 2606, Feb. 5, 1970)

WOODWARD KINGMAN,
President, Government National Mortgage Association.

[FR Doc.71-7438 Filed 5-26-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 210, 249]

[Release Nos. 33-5149, 34-9175]

FINANCIAL STATEMENTS OF BANKS AND LIFE INSURANCE COMPANIES

Deletion of Existing Exemptions From Certification

Notice is hereby given that the Securities and Exchange Commission has under consideration certain proposed amendments to its Regulation S-X (17 CFR Part 210) and Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310). Regulation S-X prescribes the form and content of financial statements filed with the Commission. Form 10 is a general form for registration of securities pursuant to section 12 of the Securities Exchange Act of 1934, and Form 10-K is a general form for annual reports filed pursuant to section 13 or 15(d) of that Act.

Article 9 of Regulation S-X (17 CFR 210.9) which prescribes the form and content of financial statements for bank holding companies and banks, includes Rule 9-05 (17 CFR 210.9-05(a)) relating to statements of banks which in paragraph (a) thereof provides that "Statements of banks need not be certified." Under this rule bank holding companies subject to the Acts have been permitted to use accountants' opinions qualified with respect to the holding companies' investment in bank subsidiaries and equity in earnings of these subsidiaries reported in the income statements. The effect is that only a very minor portion of the financial statements has been covered by the auditors' opinion. Furthermore, in these situations combined statements for the banks have been included in filings on an unaudited basis. The exemption is of long standing. In recent years an increasing number of bank holding companies and banks have provided unqualified opinions of accountants as to their financial statements. In light of this development the Commission deems it timely to remove the exemption. As to Regulation S-X this is accomplished by deleting paragraph (a) of Rule 9-05.

Consistent with this change, exempting instructions as to financial statements in Forms 10 and 10-K would be deleted. These instructions also include an exemption for life insurance companies under the Securities Exchange Act of 1934 which likewise would be removed. This exemption is not available under the Securities Act of 1933. It is proposed, therefore, to delete Instructions 13 and 7 of the Instructions as to Financial Statements from Forms 10 and 10-K respectively. These are identical instructions and now read as follows:

Statements of Banks and Life Insurance Companies. Notwithstanding the requirements of the foregoing instructions, financial statements filed for banks and life insurance companies need not be certified.

All interested persons are invited to submit their views and comments on the proposed amendments, in writing, to Andrew Barr, Chief Accountant, Securities and Exchange Commission, Washington, D.C. 20549, on or before June 18, 1971. All such communications will be available for public inspection.

By the Commission, May 17, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7379 Filed 5-26-71;8:47 am]

[17 CFR Parts 249, 274]

[Release Nos. IC-6522, 34-9174]

ANNUAL REPORT BY REGISTERED MANAGEMENT INVESTMENT COMPANIES

Notice of Proposed Rule Making

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposed revision of Form N-1R [17 CFR 249.330, 274.101] for annual reports filed with the Commission by most registered management investment companies pursuant to section 30 of the Investment Company Act of 1940 (Act) (15 U.S.C. 80a-29) and section 13 or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m, 78o(d)).

Under the proposal, certain items of Form N-1R and the EDP attachments to the form (17 CFR 274.101a-1, 274.101a-2) would be revised to reflect changes in reporting consistent with changes made in the Act by the Investment Company Amendments Act of 1970, Public Law 91-547 (84 Stat. 1413) ("1970 Act"), enacted December 14, 1970. Some of the changes in the Act became effective upon the enactment of the 1970 Act. Other changes, such as the new term "interested person," defined in a new paragraph (19) in section 2(a) of the Act, will be effective in various sections of the Act on December 14, 1971, 1 year from the date of enactment.

Annual reports on Form N-1R for any fiscal year beginning before, and ending after, December 14, 1971, will involve the reporting, in some of the items, of information relating to the requirements of the Act before and after the effective date of certain amendments of the Act. The primary purposes of the proposed revision of the form are to effect changes in the items consistent with the amendments to the Act and to provide a means of reporting information for the fiscal year within which the amendments become effective. To accomplish this, there would be, in addition to the revision of items of the form, a general instruction applicable only to the annual report for the one fiscal year of each registrant beginning before, and ending after, December 14, 1971.

The test of the new proposed general instruction to Form N-1R and the text of the proposed revision of the items of Form N-1R with the new matter and deleted matter is set forth in Release No. IC-6522, copies of which have been filed with the Office of the Federal Register. Copies of the release may be obtained on request from the Securities and Exchange Commission, Washington, D.C. 20549.

Commission Action. The proposed revision would be adopted pursuant to sections 30, 31, 38, and 45(a) of the Act and sections 13, 15(d), and 23(a) of the Securities Exchange Act of 1934. The revision would be made effective for fiscal years ending on and after December 31, 1971. All interested persons are invited to submit views and comments with respect to the proposed revision. Written statements of views and comments should be submitted to the Securities and Exchange Commission, Washington, D.C. 20549, on or before June 15, 1971. All communications with respect to the proposed revisions should refer to Investment Company Act Release No. 6522. Such communications will be available for public inspection.

(Secs. 30, 31, 38, 45(a); 54 Stat. 836, 838, 841; 15 U.S.C. 80a-29, 80a-30, 80a-37, 80a-44(a); Public Law 91-547, 84 Stat. 1413; Secs. 13, 15(d), 23(a); 48 Stat. 894, 895, 901; 15 U.S.C. 78m, 78o(d), 78w)

By the Commission, May 14, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7380 Filed 5-26-71;8:47 am]

Notices

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[Docket No. FDC-D-333; NDA No. 8-858 etc.]

COOPER LABORATORIES ET AL.

High Molecular Weight Dextran 6 Percent; Notice of Opportunity for Hearing on Proposal To Withdraw Approval of New Drug Applications

In a notice (DESI 8564) published in the FEDERAL REGISTER of April 8, 1969 (34 F.R. 6662-6663) the Commissioner of Food and Drugs announced his conclusions pursuant to evaluation of reports received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group on the subject drugs, stating that these drugs are regarded as effective, possibly effective, and lacking substantial evidence of effectiveness for the various labeled indications. The possibly effective indications have been reclassified as lacking substantial evidence of effectiveness in that no new evidence of effectiveness of these drugs has been submitted within the period provided, nor have the applications listed below been satisfactorily supplemented in accordance with the April 8, 1969, announcement.

Therefore, notice is given to the holders of the new drug applications listed below, and to any interested person who may be adversely affected, that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug applications and all amendments and supplements thereto on the grounds that new information evaluated together with the evidence available when the applications were approved, shows there is a lack of substantial evidence that the drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

1. NDA 11-951, 6 Percent Dextran; Cooper Laboratories, Inc., Roosevelt Avenue, Mystic, Conn. 06355. (The former holder was Sherman Laboratories, 5031 Grandy Avenue, Detroit, Michigan 48211.)

2. NDA 9-310, Plasran 6 Percent; Mead Johnson and Co., 2404 Pennsylvania Street, Evansville, Indiana 47721.

3. NDA 8-858, Dextran Injection 6 Percent; The Wm. S. Merrell Co., Division Richardson-Merrell, Inc., 110 East Amity Road, Cincinnati, Ohio 45215.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-62, 5600 Fishers Lane, Rockville, Maryland, 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing, they must file within 30 days after the publication of the notice in the FEDERAL REGISTER a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition to this notice. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and is justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970).

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 3, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7374 Filed 5-26-71;8:46 am]

[Docket No. FDC-D-336; NDA 10-999, etc.]

DORSEY LABORATORIES ET AL.

Certain Steroid Combination Preparations for Oral Use; Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Applications

In a notice published in the FEDERAL REGISTER of August 29, 1970 (35 F.R. 12803) (DESI 10493), the holders of the new drug applications listed below and any interested person who may be adversely affected by removal of the drugs from the market were invited to submit pertinent data bearing on the intentions to initiate proceedings to withdraw approval of the applications.

NDA No.	Drug	NDA holder
10-999	Triaminic HC Tablets containing hydrocortisone, phenylpropanolamine hydrochloride, pheniramine maleate, and pyrilamine maleate.	Dorsey Laboratories, Division, The Wander Co., Northeast U.S. 6 and Interstate 80, Lincoln, Neb. 68501.
12-735	Toldex Tablets containing dexamethasone and phenyltoloxamine citrate.	The Dow Chemical Co., Research Center, Box 10, Zionsville, Ind. 46077.
12-040	Medrol with Orthoxine Tablets containing methylprednisolone and methoxyphenamine.	The Upjohn Co., 7171 Portage Rd., Kalamazoo, Mich. 49001.
11-988	Polanil Tablets containing dexamethasone, dexchlorpheniramine maleate, and ascorbic acid.	Schering Corp., 60 Orange St., Bloomfield, N.J. 07003.
11-686	Aristomin Capsules containing triamcinolone, chlorpheniramine maleate, and ascorbic acid.	Lederle Laboratories, Division, American Cyanamid Co., Post Office Box 500, Pearl River, N.Y.
11-729	Prednaman Tablets containing prednisone, chlorpheniramine maleate, and ascorbic acid.	Doma Laboratories, Division of Miles Laboratories, Inc., 125 West End Ave., New York, N.Y. 10023.

Lederle Laboratories submitted information concerning Aristomin Capsules on September 25, 1970. The submission was reviewed and found not to provide substantial evidence of effectiveness of the drug as a fixed combination. There was no other comment concerning any of the above-listed drugs.

Therefore, notice is given to each of the above firms, and to any interested person who may be adversely affected, that the Commissioner of Food and Drugs proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of said new drug applications and all amendments and supplements thereto on the grounds that new information before him with respect to such drugs, evaluated together with the evidence available to him when the applications were approved, shows that there is a lack of substantial evidence that the fixed combination drugs will have all the effects they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner will give the applicants, and any interested person who would be adversely affected by an order withdrawing such approval, an opportunity for a hearing to show why approval of the new drug applications should not be withdrawn.

Within 30 days after publication hereof in the FEDERAL REGISTER, such persons are required to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 6-65, 5600 Fishers Lane, Rockville, Md. 20852, a written appearance electing whether:

1. To avail themselves of the opportunity for a hearing; or

2. Not to avail themselves of the opportunity for a hearing.

If such persons elect not to avail themselves of the opportunity for a hearing the Commissioner without further notice will enter a final order withdrawing approval of the new drug applications. Failure of such persons to file a written appearance of election within said 30 days will be construed as an election by such persons not to avail themselves of the opportunity for a hearing.

The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will be open to the public, unless the respondent specifies otherwise in his appearance.

If such persons elect to avail themselves of the opportunity for a hearing they must file, within 30 days after publication of this notice in the FEDERAL REGISTER, a written appearance requesting the hearing, giving the reasons why approval of the new drug application should not be withdrawn, together with a well-organized and full factual analysis of the clinical and other investigational data they are prepared to prove in support of their opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing. When it clearly appears from the data in the application and from the reasons and factual analysis in the request for the hearing that no genuine and substantial issue of fact precludes the withdrawal of approval of the application, the Commissioner will enter an order on these data, making findings and conclusions on such data.

If a hearing is requested and justified by the response to this notice, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after the expiration of such 30 days, a written notice of the time and place at which the hearing will commence (35 F.R. 7250, May 8, 1970; 35 F.R. 16631, Oct. 27, 1970.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355) and under the authority delegated to the Commissioner (21 CFR 2.120).

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7373 Filed 5-26-71;8:46 am]

[Docket No. FDC-D-195; NADA No. 8-741V]

SALSBURY LABORATORIES

Tinostat Medicated Premix; Order Vacating Opportunity for Hearing

A notice of opportunity for hearing proposing to withdraw approval of the new animal drug application for Tinostat Medicated Premix (NADA No. 8-741V) was published in the FEDERAL REGISTER of July 21, 1970 (35 F.R. 11652).

Salsbury Laboratories, 500 Gilbert Street, Charles City, Iowa 50616, holder of new animal drug application No. 8-741V, has submitted a supplemental new animal drug application with revised labeling, and the Commissioner of Food and Drugs concludes that the labeling, evaluated together with the evidence available when the application was approved, shows that said drug is effective for animals under the conditions of use prescribed, recommended, or suggested in the proposed labeling.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512, 82 Stat. 343-51; 21 U.S.C. 360b) and under authority delegated to the Commissioner (21 CFR 2.120), the notice of opportunity for hearing proposing to withdraw approval of new animal drug application No. 8-741V for Tinostat Medicated Premix is vacated.

Dated: April 30, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7372 Filed 5-26-71;8:46 am]

Public Health Service

FOOD AND DRUG ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 6, formerly part 10 (Food and Drug Administration) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health, Education, and Welfare (35 F.R. 3685-92 et seq., Feb. 25, 1970) is amended as follows:

Paragraph (h) *Office of the assistant commissioner for field coordination* is superseded by the following:

SEC. 6B *Organization.* * * *

(h) *Executive Director of regional operations.* Executes direct line authority over all FDA field operations; develops, issues, approves, or clears proposals and instructions affecting the field activities, and provides a central point within FDA to which headquarters officers can turn for field support services.

Provides direction and counsel to Regional Food and Drug Directors in the execution of the policies and operational guidelines which form the framework for management of FDA field activities.

Develops or recommends to the Commissioner policy, programs, and plans for activities between FDA, State, and local agencies; administers the Agency's overall State-Federal program policy.

Evaluates the overall management and capabilities of the field forces of the Food and Drug Administration; assesses and initiates action to improve the management posture of field activities, and coordinates the formulation and management of career development plans.

Implements information storage and retrieval systems for data originating in the field offices.

(h-1) *Division of Field Operations.* Provides for day-to-day coordinative management of the total field investigative, consultant, inspectional, scientific, and compliance efforts; directs all of the FDA foreign inspection programs.

Serves as the focal point of field headquarters operational relations, and provides for coordination between field and headquarters units; represents the Executive Director of Regional Operations in top level operational policy and program matters.

Assists the Division of Planning and Analysis in identifying field goals and objectives; directs and coordinates the development of all field technical and program operational policies and procedures.

Coordinates the field management review program and quality control procedures as they relate to operational practices; evaluates the adequacy and effectiveness of field investigative, consultant, inspectional, scientific, and compliance activities.

Identifies the need for, and tests, evaluates, and arranges for the adoption of new field equipment, techniques, and methodology; develops long and short range field facility needs.

Participates in the formulation and evaluation of training and career development plans for field program staffs.

Operates the field emergency preparedness and civil defense programs, and coordinates FDA's total field effort during periods of natural disaster or national emergency.

(h–2) *Division of Planning and Analysis.* Assists the Executive Director of Regional Operations regarding planning, analysis, and recommendations on program policy development, solutions to operational problems and related system demands, and identification and evaluation of program priorities.

Develops and applies effectiveness measures to field programs both with regard to internal effectiveness as well as with regard to impact upon the regulated industries and the various other professional and consumer clientele.

Identifies operational goals, and designs program management and control systems relevant to both short and long range objectives.

Advises and assists the Executive Director of Regional Operations and key field officials by providing overall planning and analytical support to mobilize resources to accomplish primary and secondary management objectives.

Represents the Executive Director of Regional Operations, in matters related to planning and management support, with the offices in the Office of the Commissioner, the Bureaus, the Department, other Federal agencies, and regulated industries.

Directs the development of scientific and management information systems for the field, and provides guidance and direction to the fields utilization of electronic and other data processing systems and facilities.

(h–3) *Division of Federal-State Relations.* Provides an Agency focal point for all FDA programmatic and operational relationships with counterpart State and local officials to assure a cohesive and uniform Agency policy.

Provides leadership and guidance in the development, coordination, and evaluation of the FDA Federal-State program activities.

Makes recommendations to the Executive Director of Regional Operations on matters regarding FDA Federal-State program policy.

Serves as the day-to-day FDA liaison with organizations of State, local, and Federal officials whose interests correspond to those of FDA.

Paragraph (n) *Office of the Regional Food and Drug Director* is superseded as follows:

(n) *Office of the Regional Food and Drug Director.* The Regional Food and Drug Director serves as the primary FDA official in each of the FDA Regions and is directly accountable to the Executive Director of Regional Operations The overall functions of the Regional Food and Drug Director are as follows:

Provides managerial direction to the total field investigative, consultant, inspectional, scientific, and compliance efforts within each Region.

Informs the public on the purposes of FDA programs, and on the provisions of the laws and regulations enforced by FDA, and their rights thereunder.

Serves as the primary advisor and informant to the DHEW Regional Director on all matters pertaining to FDA programs, and coordinates FDA activities with related operations of the DHEW Regional Director. Develops and maintains liaison with State and local officials, and represents FDA in dealings with officials and public and private organizations; encourages improved State and local food and drug consumer protection programs, and fosters State and local participation in FDA cooperative efforts.

Coordinates the provision of FDA assistance to States and localities in the event of a national disaster or other emergency requiring FDA assistance.

Paragraph (o) *District Offices* is superseded as follows:

(o) *Field Organization.* The Food and Drug Administration's field operations are organized into 10 Regional Field Offices, each under the direction of a Regional Food and Drug Director. When warranted by workload or geographic size, a Region may be further organized into District Offices, Branch Offices, and Resident Posts. A field office, depending on whether it is a Regional Field Office, a District Office, a Branch Office, or a Resident Post, may execute some or all of the following functions, as assigned by the RFDD:

Obtains compliance with the laws and regulations enforced by FDA, and initiates and conducts educational and voluntary compliance programs.

Conducts investigations and inspections, and analyzes samples of food, drugs, and other commodities for which FDA has regulatory responsibility.

Conducts administrative hearings on alleged violations, and initiates appropriate enforcement action.

Recommends legal action to the RFDD, to the Office of General Counsel, DHEW, or to the responsible U.S. attorney (when such direct reference is authorized), and assists in implementing approved action.

Provides analytical and inspectional support in programs for which FDA has responsibility.

Provides assistance to States and localities in the event of a national disaster or other emergency requiring FDA assistance.

Approved: May 20, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–7437 Filed 5–26–71;8:52 am]

Social and Rehabilitation Service

PROJECT GRANTS ADMINISTRATION

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (35 F.R. 8712 and 8713, June 4, 1970) is hereby further amended to reflect the centralization of project grants administration for all project grants awarded by the Social and Rehabilitation Service.

For such purposes Part 5–B is amended as follows:

1. Delete from the first sentence of the statement titled "Associate Administrator for Planning, Research and Training" the words: ", and grants management".
2. Delete from the first sentence of the statement titled "Office of the Assistant Administrator, Research and Demonstrations" the words: "grants management,".
3. Delete the Division of Grants Management from the statement titled "Office of the Assistant Administrator, Research and Demonstrations".
4. After the paragraph headed "Division of Finance" in the statement titled "Office of the Assistant Administrator, Financial Management" add the following:

DIVISION OF PROJECT GRANTS ADMINISTRATION

Develops and publishes SRS project grants administration policies and procedures including the implementation of HEW grants policy. Coordinates with other SRS elements on policy that affects both formula and project grants.

Provides grants administration services for all project grants awarded by the SRS Central Office, which include: Receiving applications; operating the project referral system; reviewing financial and expenditure reports; participating in review of applications; obtaining required clearances; preparing grant awards and correspondence; maintaining records for fund control; maintaining grant files; providing information required for management and budgetary purposes; providing consultation to grantees, program elements, and regions; and resolving problems related to payment systems.

Develops audit policies and standards for SRS and provides for the resolution of audit exceptions. Maintains a centralized project grants information system for all SRS project grants. Develops SRS forms and procedures to be utilized by SRS in coordination with the program elements. Establishes and maintains necessary obligation and expenditure control systems in coordination with program elements.

Effective date. This amendment shall be effective upon publication in the FEDERAL REGISTER (5–27–71).

Approved: May 20, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71–7436 Filed 5–26–71;8:52 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–384]

GULF OIL CORP.

Notice of Issuance of Facility Export License

Please take notice that no request for a formal hearing having been filed following publication of notice of proposed action in the FEDERAL REGISTER on March 5, 1971 (36 F.R. 4438), the Atomic Energy Commission has issued License No. XR–78 to Gulf Oil Corp., authorizing the export of certain essential components to be used to increase the steady-state power level of an existing TRIGA Mark II nuclear research reactor from 250 kilowatts thermal to 1 megawatt thermal. The export will be made to the Bandung Institute of Technology, Bandung, Indonesia. The export of these components to Indonesia is within the purview of the present Agreement for Cooperation between the Governments of the United States and Indonesia.

Dated at Bethesda, Md., this 12th day of May 1971.

For the Atomic Energy Commission.

EBER R. PRICE,
Director, Division of State and Licensee Relations.

[FR Doc.71–7364 Filed 5–26–71;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23352; Order 71–5–98]

BUCKEYE AIR SERVICE, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, May 20, 1971.

The Postmaster General filed a notice of intent April 30, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 90.8 cents per great circle aircraft mile for the transportation of mail by aircraft between Bradford and Harrisburg, Pa., via Du Bois, Indiana, and Pittsburgh, all in Pennsylvania, based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Hamilton HT–3 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Buckeye Air Service, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 90.8 cents per great circle aircraft mile between Bradford and Harrisburg, Pa., via Du Bois, Indiana, and Pittsburgh, all in Pennsylvania, based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Buckeye Air Service, Inc.;
2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;
3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;
4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR
5. This order shall be served on Buckeye Air Service, Inc., the Postmaster General, Allegheny Airlines, Inc., and Trans World Airlines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71–7450 Filed 5–26–71;8:53 am]

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[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 23350; Order 71–5–99]

COMBS AIRWAYS, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority, May 20, 1971.

The Postmaster General filed a notice of intent April 30, 1971, pursuant to 14 CFR, Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 65.36 cents per great circle aircraft mile for the transportation of mail by aircraft between Baltimore, Md., and Erie, Pa., via Pittsburgh and Oil City, Pa., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft 18 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Combs Airways, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 65.36 cents per great circle aircraft mile between Baltimore, Md., and Erie, Pa., via Pittsburgh and Oil City, Pa., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

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[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16 (g).

1. Combs Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Combs Airways, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the Rules of Practice (14 CFR 302.307); and

5. This order shall be served on Combs Airways, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Trans World Airlines, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7451 Filed 5-26-71;8:53 am]

[Docket No. 23423; Order 71-5-100]

EASTERN AIR LINES, INC.

Order of Investigation and Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May 1971.

Eastern Air Lines, Inc. (Eastern), has filed several new tariffs containing off-season round-trip excursion fares between major northeast and midwest cities, and Florida points. The tariffs, which are marked to become effective in June 1971, vary in duration from 1 month to 6½ months. The basic purpose of these proposals is to stimulate new travel during the off-season and to correct traffic imbalances. Specifically, the proposals are as follows:[1]

1. A "Senior Citizen" fare[2] for persons 65 years and older at a 40-percent discount in the New York-Tampa market. Travel is permitted Tuesday through Thursday and there is a maximum stay limitation of 21 days. The fare is marked to expire December 15, 1971.

2. Weekend round-trip fares[3] to Florida during the month of June 1971, for passengers originating in 10 northeast and midwest U.S. cities at discounts ranging from 16 percent to 33 percent below regular coach fares. There is a 1-day minimum-stay requirement and travel from the northern point can begin no earlier than midnight Thursday, with return no later than noon Monday.

3. Dual level (midweek and weekend) family round-trip excursion fares[4] to Florida from 14 northeast and midwest U.S. cities at discounts which could range up to 60 percent or more below existing family fares depending on the size and composition of the group. The fares are subject to a minimum-stay requirement of 7 days, and a maximum stay of 21 days. These fares are marked to expire September 15, 1971.[5]

In support of its Senior Citizen fare, Eastern asserts that, in light of current economic conditions and the reduced discretionary spending power of persons over 65, a 40-percent discount should provide adequate travel impetus for senior citizens and result in a positive contribution to profit, particularly since it has selected the market on its system with the highest concentration of persons 65 and over. The carrier estimates an annual profit contribution from this proposal of $138,000.

Delta Air Lines, Inc. (Delta), National Airlines, Inc. (National), Northeast Airlines, Inc. (Northeast), and Northwest Airlines, Inc. (Northwest), have filed complaints against this fare alleging that there is ample Board precedent against such fares; that limiting the proposal to one market serves only to compound the discriminatory aspect; and that the high incidence of senior citizens travel in this market at present would indicate that a fare inducement is not necessary. Eastern answers that if discrimination inherent in the youth fare can be justified by the beneficial economic effect of that fare, the very same type of discrimination involved in its senior citizen fare can likewise be so justified. The carrier believes that by limiting its proposal to one market and restricting the period of travel it has adequately differentiated its proposal from those submitted in the past, and that the "discrimination" involved is justified.

With respect to the weekend excursion fares Eastern alleges that there is a growing population of northern U.S. residents who are property owners in Florida who would use the fare to spend weekends in Florida, and that young people will also find this low, short-duration fare attractive. The carrier believes that in addition to stimulating new travel the fares will correct current directional traffic imbalances. Eastern estimates that this proposal will yield a profit of $64,000 for the month of June.

National and Northeast have filed complaints asserting, inter alia, that substantial diversion of regular-fare traffic will result since the conditions of travel fit a significant portion of current traffic in these markets, and that the proposal will aggrevate the present weekend peaking problem. In answer, Eastern asserts that potential diversion is substantially limited since the fares are southbound only, have a 3-day length of stay restriction, and are limited to weekend usage and to night coach on Saturdays and Sundays.

Eastern alleges that its family excursion fare proposal is intended to attract vacationing families currently traveling by automobile, and that this market represents a large and to a great extent untapped source of potential revenue. Eastern estimates that the proposal will result in a net contribution to overhead of $541,000 for the 3½-month period of applicability of the fares.

Delta, National, Northeast, and Northwest have filed complaints, the essential thrust being that the discounts are unnecessarily deep, particularly since other excursion fares offering excellent discounts are available, and that the proposal will result in significant revenue dilution. The complainants further assert that Eastern's generation estimate is overstated. Eastern answers that it is the larger family group which has in the past traveled by auto that it is attempting to attract for the first time and it is because of the economic advantages of the automobile that a deep discount must be offered if it is to be successful. The carrier further alleges that evidence developed in the Domestic Passenger-Fare Investigation showing the generative effect of larger family groups using regular family fares clearly indicates that the generation estimate used in its proposal is reasonable.

The Southern Florida Hotel and Motel Association has filed an answer to the complaints. It asserts that the downturn in the general economy has adversely affected the Florida tourist industry, and that new promotional fares are a necessary part of this industry's recovery. It urges the Board to permit the proposed fares and let the market place determine their economic viability.

As indicated, the weekend excursion fares are proposed for very limited effectiveness during an off-peak period for Florida travel. The Board has long recognized the unique characteristics of this market which it believes warrant experimentation with special promotional fares and we conclude that experimentation with these weekend fares is likewise warranted. Under the controlled conditions proposed in terms of markets involved and particularly the very short duration of the fares, the carriers should be able to gauge their promotional effectiveness with minimum risk of significant revenue dilution. Nevertheless, we will expect the carriers to bear the risk of this experiment and to maintain records of traffic, revenues, and expenses sufficient for a full evaluation of profit impact. Such reports will be filed before August 1, 1971.

The family excursion fares involve substantially greater discounts and will result in significant yield erosion at a time when considerable industry concern has been expressed over maintaining or increasing yields. Such extreme discounts result in fares which we believe may be unreasonably low and should not be permitted without investigation. Further, we are not convinced that Eastern's family excursion fare proposal would divert present automobile travelers to air to the extent envisioned by the carrier.

Turning to the senior citizen fare, we conclude that this proposal raises a question of unjust discrimination against other travelers in the New York-Tampa market which is not overcome by limiting availability of the fare to certain days of the week and requiring return travel within 21 days. In addition, offering the fare in one market only would appear to raise an issue of undue preference and prejudice vis-a-vis other destinations of comparable interest to elderly citizens.

Upon consideration of the tariff proposals, the complaints, the answers thereto, and other relevant matters, the Board finds that the proposals to establish a fare for persons 65 years of age and older in the New York-Tampa market, and family excursion fares in various markets may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful and should be investigated. The Board further concludes that the tariffs should be suspended pending investigation. With respect to the proposed weekend excursion fares the Board finds that on the basis of the facts and information before us, the complaints do not set forth sufficient facts to warrant investigation, and the requests therefor, and, accordingly, the requests for suspension will be denied and the complaints dismissed.

Accordingly, pursuant to the provisions of the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof,

It is ordered, That:

1. An investigation is instituted to determine whether the fares and provisions described in Appendix A hereto,[6] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto[6] are suspended and their use deferred to and including August 29, 1971, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. The complaints of National Airlines, Inc., in Docket 23339 and Northeast Airlines, Inc., in Docket 23338 are hereby dismissed;

4. Except to the extent granted herein, the complaints of Delta Air Lines, Inc., in Docket 23344 and 23362, National Airlines, Inc., in Dockets 23340 and 23363, Northeast Airlines, Inc., in Dockets 23349 and 23360, and Northwest Airlines, Inc., in Dockets 23342, are hereby dismissed;

5. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated; and

6. Copies of this order be filed with the aforesaid tariffs and be served upon Delta Air Lines, Inc., Eastern Air Lines, Inc., National Airlines, Inc., Northeast Airlines, Inc., and Northwest Airlines, Inc., which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.[7]

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7448 Filed 5-26-71;8:53 am]

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[1] In addition to the proposals listed, Eastern has also filed 7-21-day off-season round-trip excursion fares from eight midwest U.S. cities to Miami/Fort Lauderdale. The fares are essentially the same as 7-21-day fares presently in effect between a number of northeastern U.S. cities and Florida, and are comparable to excursion fares offered in the past during the off-season period. No complaints have been filed against this proposal and we will permit the fares to become effective.

[2] Eastern Air Lines, Inc. Tariff CAB No. 341.

[3] Eastern Air Lines, Inc. Tariff CAB No. 334.

[4] Eastern Air Lines, Inc. Tariff CAB No. 335.

[5] Delta, TWA, and United filed family excursion fare tariffs matching Eastern. Northeast, with National matching, filed a family excursion fare proposal containing different fares and rules from those proposed by Eastern which be dealt with in a separate order.

[6] Appendix A filed as part of the original document.

[7] Concurring and dissenting statements of Members Minetti and Murphy filed as part of the original document.

[Docket No. 23351; Order 71-5-92]

EASTERN AIR TAXI

Order To Show Cause Regarding Service Mail Rate

MAY 19, 1971.

Issued under delegated authority.

The Postmaster General filed a notice of intent April 30, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 94 cents per great circle aircraft mile for the transportation of mail by aircraft between Scranton and Harrisburg, Pa., via Lehigh Valley, Pa., and Newark, N.J., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft B-99 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Monmouth Airlines, Inc., doing business as Eastern Air Taxi, in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 94 cents per great circle aircraft mile between Scranton and Harrisburg, Pa., via Lehigh Valley, Pa., and Newark, N.J., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Monmouth Airlines, Inc., doing business as Eastern Air Taxi, the Postmaster General, Allegheny Airlines, Inc., Eastern Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Monmouth Airlines, Inc., doing business as Eastern Air Taxi;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

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[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Monmouth Airlines, Inc., doing business as Eastern Air Taxi, the Postmaster General, Allegheny Airlines, Inc., and Eastern Air Lines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Dos.71-7453 Filed 5-26-71;8:54 am]

[Docket No. 23335; Order 71-5-96]

EASTERN AIR TAXI

Order To Show Cause Regarding Service Mail Rate

Issued under delegated authority May 20, 1971.

The Postmaster General filed a notice of intent April 28, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above captioned air taxi operator, a final service mail rate of 92 cents per great circle aircraft mile for the transportation of mail by aircraft between Philadelphia and Pittsburgh, Pa., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Beechcraft B-99 aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Monmouth Airlines, Inc., doing business as Eastern Air Taxi, in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 92 cents per great circle aircraft mile between Philadelphia and Pittsburgh, Pa., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f),

It is ordered, That:

1. Monmouth Airlines, Inc., doing business as Eastern Air Taxi, the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Monmouth Airlines, Inc., doing business as Eastern Air Taxi;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Monmouth Airlines, Inc., doing business as Eastern Air Taxi, the Postmaster General, Allegheny Airlines, Inc., Trans World Airlines, ~~Inc.~~, and United Air Lines, Inc.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-7454 Filed 5-26-71;6:54 am]

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[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[Docket No. 22628; Order 71-5-101]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Delayed Inaugural Flights

Issued under delegated authority, May 21, 1971.

An agreement has been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's economic regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of Joint Conference 3-1 of the International Air Transport Association (IATA), and adopted by mail vote. The agreement has been assigned the above-designated CAB Agreement number.

The agreement permits Northwest Airlines to postpone to dates not later that December 14, 1971, the performance of its inaugural flights in connection with the introduction of its new 747 service between San Francisco and Hong Kong via Honolulu, Tokyo, and Taipei.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found, on a tentative basis, that Resolution JT31(Mail 199)200h, which is incorporated in the above-indicated agreement, is adverse to the public interest or in violation of the Act.

Accordingly, it is ordered, That:

Action on Agreement CAB 22430 is deferred with a view toward eventual approval.

Persons entitled to petition the Board for review of this order pursuant to the Board's regulations, 14 CFR 3385.50, may, within 10 days after the date of service of this order, file such petitions in support of or in opposition to our proposed action herein.

This order will be published in the Federal Register.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-7449 Filed 5-26-71;8:53 am]

[Docket No. 20415; Order 71-5-106]

LATIN AMERICAN SERVICE MAIL RATES

Order To Show Cause Regarding Rate for Priority Mail

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 21st day of May 1971.

By Order 70-12-161, December 18, 1970, the Board approved the merger of Trans Caribbean Airways, Inc., into American Airlines, Inc., and the transfer to American of Trans Caribbean's certificate of public convenience and necessity, subject to certain conditions. The merger was completed and Trans Caribbean's certificate was transferred to American, effective March 2, 1971.[1] By

petition filed February 1, 1971, American has requested that the rate established pursuant to Order 69-10-149, October 30, 1969, for the transportation of mail by Trans Caribbean over its Latin American routes be made applicable to the services to be provided by American over those routes upon completion of the merger. On February 8, 1971, the Postmaster General filed an answer supporting American's petition.

American is currently operating under a system mail rate for priority mail pursuant to Order E-25610, dated August 28, 1967, as amended, subject to adjustment upon final decision in Docket 23080.[2] The current domestic priority mail rate would be applicable to American's newly authorized services in the absence of a further Board order establishing separate rates for domestic services and the new Latin American services. Under these circumstances, it is appropriate to reestablish the domestic rate for American's domestic services and to establish a rate for its Latin American services at the same levels as those previously established for other carriers performing such services.

Since it is appropriate the American's service mail rates be the same as those applicable to other carriers providing competitive services, the Board proposes to issue an order including the following findings and conclusions:

(1) On and after March 2, 1971, the fair and reasonable service mail rate to be paid American Airlines, Inc., for the transportation of priority mail by aircraft over its domestic routes, the facilities used and useful therefor, and the services connected therewith, is the service mail rate established by Order E-25610, as amended, subject to adjustment upon final decision in Docket 23080.

(2) On and after March 2, 1971, the fair and reasonable final service mail rate to be paid American Airlines, Inc., for the transportation of priority mail by aircraft over its Latin American routes, the facilities used and useful therefor, and the services connected therewith, is the current final service mail rate established for Latin American services by Order 69-10-149, as amended.

(3) The foregoing findings and conclusions shall be implemented by the following amendments to Board orders:

(a) Order E-25610, dated August 28, 1967, as amended, shall be further amended by deleting "American Airlines, Inc." from the list of carriers appearing on the bottom of page 1 thereof and adding "American Airlines, Inc." to the list of carriers appearing at the top of page 2 thereof.

(b) Order 69-10-149, dated October 30, 1969, as amended, shall be further amended by deleting subparagraph (b) of paragraph 1 on page 2 thereof and substituting the following subparagraph:

"b. A rate of 32.5 cents per ton-mile for the Latin American services of Braniff International Airways, Inc., Caribbean-Atlantic Airlines, Inc., Delta Air Lines, Inc., and Pan American World Airways, Inc., for the period on and after June 1, 1969; and of American Airlines, Inc., for the period on and after March 2, 1971, except for service between the 48 contiguous States and the District of Columbia, on the one hand, and San Juan, P.R., the Virgin Islands, and Acapulco, Merida, Mexico City, and Monterrey, Mexico, on the one hand, and between points in Puerto Rico, on the one hand, and St. Croix and St. Thomas, V.I., on the other, between points in Puerto Rico, and between St. Croix and St. Thomas, V.I. This rate shall be applied in accordance with the terms and conditions set forth below."

(4) The service mail rates here fixed and determined are to be paid in their entirety by the Postmaster General.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and pursuant to regulations promulgated in 14 CFR Part 302,

It is ordered, That:

1. All interested persons, and particularly American Airlines, Inc., and the Postmaster General, are directed to show cause why the Board should not fix, determine, and publish the final rates specified above as the fair and reasonable rates of compensation to be paid American Airlines, Inc., for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above.

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and if there is any objection to the rates or to the other findings and conclusions proposed herein, notice thereof shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days, after the date of service of this order.

3. If notice of objection is not filed within 10 days, or if notice is filed and answer is not filed within 30 days, after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rates specified herein.

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable rates shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307).

5. This order shall be served upon American Airlines, Inc., and the Postmaster General.

This order will be published in the Federal Register.

By the Civil Aeronautics Board.

[SEAL] Harry J. Zink,
Secretary.

[FR Doc.71-7452 Filed 5-26-71;8:53 am]

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[1] Order 71-3-44, Mar. 8, 1971.

[2] By Order 70-12-48, dated Dec. 8, 1970, the Board reopened the mail rates established by Order E-25610, and instituted an investigation to determine new final service mail rates for the carriers named in Order E-25610.

CIVIL SERVICE COMMISSION

CARD PUNCH OPERATOR, BOSTON, MASS., AREA

Notice of Establishment of Minimum Rates and Rate Ranges

Under the authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-356 Card Punch Operation Series

Geographic Coverage: Boston, Mass., Standard Metropolitan Statistical Area (Includes Essex County (part), Middlesex County (part), Norfolk County (part), Plymouth County (part), and Suffolk County).

Effective date: First day of the first pay period beginning on or after May 30, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-2	$5,386	$5,549	$5,712	$5,875	$6,038	$6,201	$6,364	$6,527	$6,690	$6,853
GS-3	5,892	6,076	6,260	6,444	6,628	6,812	6,996	7,180	7,364	7,548
GS-4	6,409	6,616	6,823	7,030	7,237	7,444	7,651	7,858	8,065	8,272

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty under 5 U.S.C. 5723 of new appointees to positions cited.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant to the Commissioners.

[FR Doc.71-7427 Filed 5-26-71;8:51 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Notice of Revocation of Authority To Make a Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of President, Government National Mortgage Association, Office of the Assistant Secretary for Housing Production and Mortgage Credit.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7393 Filed 5-26-71;8:48 am]

FEDERAL MARITIME COMMISSION

AMERICAN PRESIDENT LINES, LTD. AND P. T. SAMUDERA INDONESIA

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. D. J. Morris, Manager, Rates and Conferences, American President Lines, Ltd., 601 California Street, San Francisco, CA 94108.

Agreement No. 9949 between American President Lines, Ltd., and P. T. Samudera Indonesia establishes a through billing arrangement for the movement of cargo from ports on the Pacific Coast of the United States to ports in Indonesia with transshipment at ports in Japan or Taiwan in accordance with the terms and conditions as set forth in said agreement.

Dated: May 24, 1971.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7459 Filed 5-26-71;8:54 am]

[Docket No. 71-60 (Sub. I)]

PACIFIC AUSTRALIA DIRECT LINE AND PACIFIC COAST AUSTRALASIAN TARIFF BUREAU

Order To Show Cause

On May 19, 1971, the Commission denied a motion of Rederiaktiebolaget Transatlantic (Pacific Australia Direct Line, PAD) for an order to show cause directed to the Pacific Coast Australasian Tariff Bureau. PAD has petitioned for reconsideration of that denial.

The Bureau, again on May 19, 1971, filed a petition for an order to show cause directed to PAD. The controversy between PAD and the Bureau centers around the efforts of PAD to inaugurate an "intermodal" operation with its roll-on/roll-off (roro) ships. The essential facts as asserted by PAD are:

1. PAD filed on March 17, 1971, a tariff of through rates, effective April 16, 1971, on specified items moving from stated inland origins in the United States to specified ports in Australia via specified U.S. Pacific Coast ports.

2. PAD's tariff of through rates covers heavy and bulky items of mobile equipment best carried on roro ships, which only PAD, among members of the respondent conference, operates in the conference trade.

3. PAD's tariff of through rates was issued (1) in accordance with this Commission's decision in Docket 68-8 and Amendment 4 of General Order 13, and (2) only after the Conference had refused to adopt rates or rules which would permit mobile equipment in setup condition to move on PAD's roro service. Such refusal operated to frustrate a major purpose of such service, and to deprive shippers of one of its chief advantages.

4. In consequence of PAD's carriage under its through tariff of two tractors on the first voyage in the conference trade of PAD's new roro vessel PARALLA, the respondent conference inaugurated disciplinary proceedings against PAD under the self-policing provisions (Article XVIII) of the conference agreement. By notice of April 26, 1971, to the conference members, the conference secretary charged PAD with breach of the conference agreement and recommended a fine of $7,762.57 as an "appropriate sanction" for carrying the tractors under PAD's through tariff. A conference meeting is scheduled for May 27, 1971, to consider the charge and impose the penalty.

5. The proposed conference action is beyond the scope of the conference agreement, contrary to this Commission's decision in Docket 68-8, and in violation of section 15 of the Shipping Act, 1916.

On the basis of those assertions, PAD prayed for an order directing the Bureau to cease and desist from all attempts "to punish PAD for acting under a lawful tariff * * *." The motion was denied on the ground that the real dispute was whether a particular shipment preceded the effective date of the tariff and thus was unlawful under the Bureau's tariff—an essentially intraconference dispute best settled by conference self-policing machinery.

In asking for reconsideration, PAD urges that the question it wants settled is whether its "intermodal" tariff is lawful and an order directing the Bureau to refrain from any future attempts to penalize PAD for operations under it. PAD also reiterates its previous request for an order directing the Bureau to cease and desist from its efforts to collect penalties for the controversial shipment already made, and for a determination of the merits of that controversy.

On the day that PAD's motion was denied, the Bureau petitioned for an order directing PAD to show cause why Article II of Agreement No. 50, the basic conference agreement under which the Bureau operates, should not be modified by the insertion of the language indicated below:

> II. Trade covered by this agreement: This agreement covers the transportation of all cargo by the parties, whether carried by direct vessel or by transshipment, from United States or Canadian Pacific Coast ports (not including Alaska) and ports in the State of Hawaii, including cargo moving under intermodal conditions from inland points, to ports in the States of Queensland, New South Wales, Victoria, South Australia, and Tasmania, in the Commonwealth of Australia and the Dominion of New Zealand; also, by transshipment, to ports in Cook Islands, Fiji Islands, New Caledonia, New Guinea, New Hebrides, Norfolk Island, British Samoa, Solomon Islands, Tahiti, Thursday Islands, Tonga Islands, and Gilbert Islands. It is understood that the trades covered include the movement of cargoes westbound only.

In voting against the Bureau's proposed amendment, PAD indicated a willingness to agree with the proposal, provided the following additional language were included at some unspecified place in the agreement:

> In the adoption of rates and conditions, the Conference shall impartially recognize and respect the inherent characteristics of specialized vessel types and equipment used by member lines. Any rates and conditions granted to one member line under the foregoing provision shall be available on the same basis for cargo in the same physical shipping condition to any other member line. Disputes as to whether a particular vessel or item of equipment constitute a type qualifying for the particular rate or condition, and the propriety of conference action in granting or denying a request therefor shall be settled by arbitration.

The pleadings before the Commission clearly indicate that at the heart of the quarrel between PAD and the remaining Bureau members lies the lack of rate differential on certain commodities between PAD's roro vessels and the other members of breakbulk operations. The Bureau asserts that the additional modification urged by PAD and quoted above is really an attempt to write into the agreement "a preferred position" for PAD—an attempt which the Bureau asserts is of questionable legality under the "equal terms and conditions concept" of conference membership. The Commission is of the opinion that issues presented should be resolved. Accordingly, a proceeding looking to their resolution will be instituted. As a part of their participation in the proceeding ordered below, both PAD and the Bureau will be expected to inform the Commission of their respective positions, accompanied, of course, by appropriate authority, concerning a rate differential which takes into account the operational differences if any between PAD's roro operation and the operations of the remaining members.

Therefore, it is ordered, That pursuant to sections 15, 18(b), and 22 of the Shipping Act, 1916, the Pacific Coast Australasian Tariff Bureau and its member lines, as set forth in Appendix A below, are hereby made respondents in this proceeding and are directed to show cause why they should not cease and desist from all attempts to penalize the Pacific Australia Direct Line from conducting operations under its Through Intermodal Freight Tariff No. 6, FMC-5.

It is further ordered, That the Pacific Australia Direct Line is hereby made a respondent in this proceeding and is directed to show cause why Article II of Agreement No. 50 should not be modified in the manner proposed by the Bureau and set forth above.

It is further ordered, That this proceeding shall be limited to the submission of affidavits of fact and memoranda of law, replies, and oral argument. Should any party feel that an evidentiary hearing be required, that party must accompany any request for such hearing with a statement setting forth in detail the facts to be proven, their relevance to the issues in this proceeding, and why such proof cannot be submitted through affidavit. Requests for hearing shall be filed on or before June 3, 1971. Affidavits of fact and memoranda of law shall be filed by respondents and served upon all parties no later than the close of business June 3, 1971. Reply affidavits and memoranda shall be filed by the Commission's Bureau of Hearing Counsel and intervenors, if any, no later than close of business June 9, 1971. Oral argument will be scheduled at a later date if requested and/or deemed necessary by the Commission.

It is further ordered, That a notice of order be published in the FEDERAL REGISTER and that a copy thereof be served upon respondent.

It is further ordered, That persons other than those already party to this proceeding who desire to become parties to this proceeding and to participate therein shall file a petition to intervene pursuant to Rule 5(1) of the Commission's rules of practice and procedure (46 CFR 502.72) no later than close of business May 28, 1971.

It is further ordered, That all documents submitted by any party of record in this proceeding shall be directed to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, in an original and 15 copies as well as being mailed directly to all parties of record.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

APPENDIX A

Pacific Coast Australasian Tariff Bureau, 635 Sacramento Street, San Francisco, CA 94111.
Columbus Lines, Captain K. Wedekind, Owner's Representative, Bakke Steamship Corp., 650 California Street, San Francisco, CA 94108.
Crusader Line, Monitor Steamship Agency, Inc., 2 Pine Street, San Francisco, CA 94111.
Karlander Kangaroo Line, Transpacific Transportation Corp., 650 California Street, San Francisco, CA 94108.
Orient Overseas Lines, c/o Orient Maritime Agencies, 311 California Street, San Francisco, CA 94104.
Pacific Far East Lines, 141 Battery Street, Street, San Francisco, CA 94111.
Peninsular & Oriental Steam Navigation Co., 155 Post Street, San Francisco, CA 94108.

[FR Doc.71-7460 Filed 5-26-71;8:54 am]

[Docket No. 71-30, etc.]

TRANSAMERICAN TRAILER TRANSPORT, INC., ET AL.

Order of Consolidation and Modification of Orders of Investigation

Transamerican Trailer Transport, Inc., Docket No. 71-30; Sea-Land Service, Inc., Docket No. 71-42; Seatrain Lines, Inc., Docket No. 71-43.

Respondents in the captioned proceedings have moved to consolidate them, alleging that the issues of fact and law will be identical; that they have a common interest in all of the issues and that, by virtue of the close competitive relationship existing among them, none can assess rates higher than the other and participate in the movement of traffic. These motions were denied by the Chief Examiner, but have been referred to us for disposition.

We believe that, contrary to the position asserted by the Commonwealth of Puerto Rico in its opposition to consolidation, consolidation of these proceedings is necessary in that it should save time and expense and that it will better enable an examination of the competitive relationships between the parties, which is a necessary subject of examination in these proceedings. We agree with the suggestions made by Hearing Counsel in their reply to the motions for consolidation that certain conditions be placed upon the conduct of the consolidated proceedings.

Therefore, it is ordered, That the captioned proceedings be, and they hereby are, consolidated;

It is further ordered, That the orders of investigation and suspension in Dockets Nos. 71-30, 71-42, and 71-43 be amended by inserting after the first ordering paragraphs in such orders the following:

It is further ordered, That this proceeding shall include an examination of the need for a requirement that the overall rates of carriers in the U.S. Atlantic/Puerto Rico trade be maintained, in the interests of adequate, varied, and modern service, at a higher level than if the operations of such carriers were considered separately, and the utilization of such requirement, if appropriate, in the establishment of rates of return;

It is further ordered, That the order of investigation and suspension in Docket No. 71-30 be modified by the deletion of the paragraph reading:

It is further ordered, That a briefing schedule be arranged so that an initial decision can issue on a date which will afford sufficient time for the Commission to issue its decision prior to August 24, 1971;

It is further ordered, That access to data or information shall not be denied by Transamerican Trailer Transport, Inc., on the basis that such data relate solely to its Puerto Rican operations; and

It is further ordered, That the right of Hearing Counsel and Interveners to seek discovery under Rule 12 of our rules of practice and procedure prior, as well as subsequent, to the presentation of respondents' direct cases be, and it hereby is, preserved.

By the Commission.

[SEAL] FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7461 Filed 5-26-71;8:54 am]

KOMMANDITTSELSKAPET SEA VENTURE A/S & CO. AND FLAGSHIP CRUISES LTD.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability

Incurred for Death or Injury to Passengers or Other Persons or Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR 540):

Kommandittselskapet Sea Venture A/S & Co., Drammensveien 30, Oslo 2, Norway.
And
Flagship Cruises Ltd., Queen Street, Hamilton, Bermuda.

Dated: May 21, 1971.

Francis C. Hurney,
Secretary.

[FR Doc.71–7462 Filed 5–26–71;8:54 am]

FEDERAL POWER COMMISSION

[Docket No. RP71–106]

CITIES SERVICE GAS CO.

Order Providing for Hearing, Rejecting Proposed Revised Tariff Sheets, Accepting and Suspending Proposed Alternate Revised Tariff Sheets, and Providing Hearing Procedures

May 21, 1971.

On April 22, 1971, Cities Service Gas Co. (Cities Service), tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1, to become effective May 23, 1971. The proposed rate changes would increase charges for jurisdictional sales and services by approximately $17,946,398, based on sales for the 12 months ended December 31, 1970, as adjusted for known changes through September 30, 1971.

In addition to the proposed increase in overall rate level, Cities Service's rate filing proposes the following changes in its tariff: (1) Addition of a purchased gas cost rate adjustment provision and an interrelated provision for flow-through of gas supplier refunds; (2) addition of an advance payments rate adjustment provision; (3) a change in tariff format for statement of rates; (4) a change in the applicability and character of service provisions related to Rate Schedule LVS–2; and (5) clarification of the provisions of Article 12 of the general terms and conditions regarding firm service to large commercial or industrial consumers. Cities Service also seeks Commission authorization to utilize liberalized tax depreciation with normalization for accounting and rate purposes.

Cities Service's filing consists of two alternate sets of revision to Second Revised Volume No. 1, the first one set forth in Appendix A thereto containing provisions for (1) addition of a purchased gas cost rate adjustment and an interrelated provision for flow-through of gas supplier refumds; and (2) addition of an advance payments rate adjustment.[1] Cities Service states that if the Commission finds that the proposed purchased gas and advance payments adjustment provisions are prohibited by § 154.38(d)(3) of the Commission's regulations under the Natural Gas Act and does not waive the terms of that section for purposes of Cities Service's filing, the company has filed alternative revised tariff sheets in Appendix B of its filing which are identical to those in Appendix A except that the Appendix B sheets eliminate any reference to the changes set forth in (1) and (2) above as well as the change in tariff format for statement of rates.[2] Cities Service further states that if waiver is not granted, it proposes to show in any hearing in this proceeding that the proposed purchased gas and advance payments adjustment provisions and related tariff changes should be incorporated into its tariff as proposed in the aforesaid Appendix A.

Cities Service states that the increase in rate level is necessary to offset a revenue deficiency of approximately the same amount. The principal reasons for the revenue deficiency enumerated by Cities Service are substantial increases in the cost of virtually all aspects of the company's pipeline operations, including rate of return (9.5 percent), purchased gas, plant, operation and maintenance, various taxes, employee benefits, change to normalization for liberalized tax depreciation, and amortization of a court judgment entered against the company.

Review of the rate filing indicates that the issues therein raised require development in evidentiary proceedings. The proposed increased rates and charges have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

At the prehearing conference hereinafter ordered, we contemplate that all parties will be fully prepared to discuss the stipulation of noncontroverted facts and the definition of issues to be tried as well as any other substantive and procedural problems involved in this proceeding. The parties are expected to effectuate fully the intent of § 2.59 of the Commission's rules of practice and procedure.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that:

(1) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in Cities Service's FPC Gas Tariff, as proposed to be amended herein, and that the proposed tariff sheets listed in footnote (2) above be suspended, and the use thereof be deferred as herein provided;

(2) The disposition of this proceeding be expedited in accordance with the procedures set forth below.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the Regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held commencing with a prehearing conference on August 3, 1971, at 10 a.m., e.d.t., in a hearing rom of the Federal Power Commission, 441 G Street NW., Washington, DC 20426, concerning the lawfulness of the rates, charges, classifications, and services contained in Cities Service's FPC Gas Tariff, as proposed to be amended herein.

(B) Pending such hearing and decision thereon, Cities Service's alternate set of revised tariff sheets not containing purchased gas and advance payments adjustment provisions described in footnote (2) above are hereby suspended and the use thereof is deferred until October 23, 1971, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Cities Service's revised tariff sheets proposing purchased gas and advance payments adjustment provisions are hereby rejected for filing. These proposed tariff sheets may be made a part of the record herein to be considered, along with any modifications thereof or alternative provisions submitted by the parties or the Commission Staff, as a proposed purchased gas or advance payments adjustment provision to be included in Cities Service's tariff.

(D) A Presiding Examiner to be designated by the Chief Examiner for that purpose (see Delegation of Authority, 18 CFR, 3.5(d)) shall preside at, and control this proceeding in accordance with the policies expressed in section 2:59 of the Commission's rules of practice and procedure and the purposes expressed in this order.

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[1] The revised tariff sheets with Cities Service's proposed purchased gas and advance payments rate adjustment provisions are 5th Revised Sheet No. 3A; 18th Revised Sheets Nos. 4, 5, 7, 8, and 10; 19th Revised Sheet No. 12; 18th Revised Sheet No. 14; 21st Revised Sheet No. 16; 7th Revised Sheets Nos. 17A and 17B; 1st Revised Sheet No. 17C; 18th Revised Sheet No. 19; 7th Revised Sheets Nos. 22 and 24E; 1st Revised Sheet No. 24F; 4th Revised Sheet No. 31; 5th Revised Sheets Nos. 32 and 33; and Original Sheets Nos. 37B, 37C, 37D, 37E, 37F, 37œ, 37H, and 37I.

[2] The alternate revised tariff sheets without Cities Service's proposed purchased gas and advance payments adjustment provisions are 18th Revised Sheets Nos. 4, 5, 7, 8, and 10; 19th Revised Sheet No. 12; 18th Revised Sheet No. 14; 21st Revised Sheet No. 16; 7th Revised Sheets Nos. 17A and 17B; 1st Revised Sheet No. 17C; 18th Revised Sheet No. 19; 7th Revised Sheets Nos. 22 and 24E; 4th Revised Sheet No. 31; and 5th Revised Sheets Nos. 32 and 33.

(E) On or before August 24, 1971, the Commission's Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of intervenors shall be served on or before September 3, 1971. Any rebuttal evidence by Cities Service shall be served on or before September 24, 1971. Cross-examination of witnesses shall commence October 12, 1971.

By the Commission.

[SEAL] **Kenneth F. Plumb,**
Acting Secretary.

[FR Doc.71–7429 Filed 5–26–71;8:51 am]

[Docket No. CP71–269]

CITIES SERVICE GAS CO.

Notice of Application

May 20, 1971.

Take notice that on May 10, 1971, Cities Service Gas Co. (applicant), Post Office Box 25128, Oklahoma City, OK 73125, filed in Docket No. CP71–269 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of certain natural gas purchase facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Specifically, applicant proposes to construct 27.3 miles of 16-inch pipeline from the Rodman Corp.'s North Gasoline Plant, located in Garfield County, Okla., to applicant's Canadian-Blackwell 26-inch pipeline, located in Alfalfa County, Okla. Applicant states that it has contracted to purchase natural gas produced by The Rodman Corp. et al. (Rodman), from acreage to be developed in Garfield, Major, and Blaine Counties, Okla. The amount of this purchase is estimated to be 30,000 Mcf per day. Applicant states that the gathering facilities, to receive these volumes of natural gas, will be constructed pursuant to budget-type authorization heretofore issued by the Commission in Docket No. CP71–65, but that its South Blackwell System cannot handle the increased pressure and volume of the natural gas to be purchased from Rodman. Accordingly, Applicant proposes the aforementioned facilities to eliminate any pressure problems and to facilitate the receipt of the additional volumes of natural gas into its pipeline system. The estimated cost of the facilities proposed herein is $1,385,000, which cost applicant states will be financed from treasury cash.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 11, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71–7430 Filed 5–26–71;8:51 am]

[Docket No. E–7530]

LONG ISLAND LIGHTING CO.

Notice of Application

May 21, 1971.

Take notice that on May 10, 1971, Long Island Lighting Co. (applicant) filed an application seeking authority pursuant to section 204 of the Federal Power Act to issue its unsecured promissory notes in a principal amount not to exceed $50 million and its commercial paper in a principal amount not to exceed $25 million, both promissory notes and commercial paper to have maturity dates 12 months or less from the date of issuance but in any event not later than June 30, 1972 and aggregating more than 5 percent of the sum of the par value of the outstanding securities of the applicant having a par value and for a further order, continuing the exemption of the proposed issuance of short-term securities from the competitive bidding requirements of § 34.1a (b) and (c) of the regulations under the Federal Power Act, if deemed applicable.

Applicant, incorporated under the laws of the State of New York, with its principal business office at Mineola, N.Y., is authorized to do business in the State of New York.

The interest rate applicable to the promissory notes will be at an annual rate equal to the prime rate of First National City Bank to substantial and responsible commercial borrowers. The interest rate applicable to the commercial paper will be the rate in effect at the time of issuance, to be determined in the manner customary for commercial paper. The promissory notes will each mature 3 months from the date of issuance but in no event no later than December 22, 1971. The maturity of the commercial paper will vary from day to day but in no event will any of the commercial paper mature more than 270 days after issuance.

The proceeds will be used to reimburse the treasury of the applicant to finance expenditures against which other securities have not as yet been issued and for construction purposes.

The Commission had, by its Order in Docket No. E–7530 issued May 7, 1970, found the proposed issuance of similar securities aggregating $65 million to be exempt from the competitive bidding requirements of § 34.1a of the Federal Power Commission's regulations under the Federal Power Act and authorized the issuance of the securities expressly conditioned upon their final maturity not being later than July 30, 1971.

Any person desiring to be heard or to make any protest with reference to the application should, on or before June 3, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file with the Commission and is available for public inspection.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71–7431 Filed 5–26–71;8:51 am]

[Dockets Nos. RP71–87, RP71–111]

MISSISSIPPI RIVER TRANSMISSION CORP.

Order Consolidating Proceedings and Authorizing Use of Liberalized Depreciation With Normalization

May 21, 1971.

On April 26, 1971, in Docket No. RP71–111, Mississippi River Transmission Corp. (Mississippi) filed a petition requesting permission to adopt normalized accounting of liberalized depreciation for book and rate purposes with respect to all of its pre-1970 utility property and post-1969 nonexpansion utility property, effective July 1, 1971. At the time of the filing, there was pending, and there is still pending, Docket No. RP71–87, an application to increase rates filed by Mississippi. By order issued January 29, 1971, the Commission suspended the proposed increased rates in said docket until July 1, 1971. In support of its proposed rate increase, Mississippi submitted cost of service exhibits which reflect the use of normalization with respect to all of Mississippi's depreciable properties. Since the subject of the petition is contained within Docket No. RP71–87, it is appropriate to consolidate the proceedings in Docket No. RP71–111 with the Docket No. RP71–87 proceedings for hearing and decision. However, by ordering this consolidation we are not determining the proper accounting and rate treatment to be accorded with respect to eligible utility property as of July 1, 1971. Our approval of such accounting and rate treatment as of July 1, 1971, is expressly subject to further Commission orders in these proceedings, in which the action here taken may be modified and refunds ordered back to July 1, 1971.

The Commission finds:

(1) It is appropriate and in the public interest that the proceedings in Dockets Nos. RP71–87 and RP71–111 be consolidated for hearing and decision.

(2) It is appropriate and in the public interest to approve the utilization of liberalized depreciation with normalization for accounting and rate-making purposes as of July 1, 1971, subject to further Commission orders modifying and ordering refunds, if any, back to July 1, 1971.

The Commission orders:

(A) The proceedings in Dockets Nos. RP71–87 and RP71–111 are consolidated for hearing and decision.

(B) Mississippi is authorized to utilize liberalized depreciation with normalization for eligible property as of July 1, 1971, for accounting and rate-making purposes, subject to further Commission orders herein modifying such authorization and ordering refund, if any, back to July 1, 1971.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7432 Filed 5–26–71;8:51 am]

[Docket No. CP68–323]

TIDAL TRANSMISSION CO.

Notice of Petition To Amend

MAY 21, 1971.

Take notice that on May 14, 1971, Tidal Transmission Co. (petitioner), 2817 One Main Place, Dallas, TX 75250, filed in Docket No. CP68–323 a petition to amend the Commission's order heretofore issued in said docket on September 4, 1968 (40 FPC 395), as amended by order issued on July 7, 1969 (42 FPC 48), granting a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing the construction and operation of an extension to its existing offshore natural gas pipeline system, and an increase in the contract demand volumes transported for Natural Gas Pipeline Company of America (Natural), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The orders heretofore issued in Docket No. CP68–323 authorized, inter alia, the construction and operation of pipeline facilities for the transportation of natural gas from various areas in offshore Louisiana to an onshore delivery point in Cameron Parish, La., for and on behalf of Natural. Petitioner seeks authorization herein for an extension of its facilities by the construction of 11.7 miles of 10-inch pipeline for the receipt of additional volumes purchased by Natural from The Superior Oil Co. in the Block 14 Field of the High Island Area of offshore Texas. Petitioner proposes to transport the natural gas available from Superior through its facilities to Natural's facilities in Cameron Parish. Petitioner also seeks authorization to increase the contract demand for the transportation service pursuant to Tidal Transmission Co. FPC Gas Tariff, Original Volume No. 1 from 117,750 Mcf per day to 145,750 Mcf per day.

The estimated cost of the facilities proposed herein is $2,020,700, which cost petitioner states will be financed initially through short-term loans and permanently through the issuance of long-term secured notes.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7433 Filed 5–26–71;8:51 am]

[Docket No. CP71–271]

VALLEY GAS TRANSMISSION, INC.

Notice of Application

MAY 20, 1971.

Take notice that on May 12, 1971, Valley Gas Transmission, Inc. (applicant), Post Office Box 1188, Houston, TX 77001, filed in Docket No. CP71–271 an application pursuant to section 7(c) of the Natural Gas Act as implemented by § 157.7(b) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing May 1, 1971, and operation of certain natural gas facilities to enable applicant to take into its pipeline system supplies of natural gas which will be purchased from producers in the general area of applicant's existing pipeline system, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment its ability to act with reasonable dispatch in contracting for and connecting to its pipeline system supplies of natural gas in various producing areas generally coextensive with said system.

The total cost of the facilities proposed herein is not to exceed $250,000, with no single project costing in excess of $50,000 which cost applicant states will be financed with internally generated funds or short-term loans. Applicant requests waiver of the requirements of § 2.58(a) of the Commission's general policies and interpretations and states that because of the relatively small size of its utility plant, a literal application of the formula prescribed in § 2.58(a) would result in investment limits too low to be practical.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7434 Filed 5–26–71;8:52 am]

[Dockets Nos. RP71–29, RP71–41]

UNITED GAS PIPE LINE CO.

Order Suspending Proposed Tariff Revision, Consolidating Issues in Pending Proceedings and Denying Petition To Intervene and Motion To Reject

MAY 18, 1971.

On March 10, 1971, United Gas Pipe Line Co. (United) submitted for filing Second Revised Tariff Sheet No. 72 to its FPC gas tariff with a request that it be allowed to become effective as of June 1, 1971. United states the purpose is to clarify existing section 12.1 of the

General Terms and Conditions in United's tariff. In addition United proposes to add a new section 12.3 under which United will be relieved of the obligation to reduce any demand charge by virtue of proration or interruption of deliveries under section 12 of the tariff. The currently effective provision obligates United to reduce a buyer's demand charge whenever the buyer does not receive the volume of gas desired by the buyer, up to the Maximum Daily Quantity contracted for. In connection with United's proposal that the revised tariff be accepted for filing to become effective on June 1, 1971, it has requested waiver of § 154.22 of the Commission's regulations under the Natural Gas Act to permit filing more than 60 days in advance of the proposed effective date. Alternatively, United proposed an effective date of 30 days after filing in the event of a suspension of the effectiveness proposed.

Presently pending and soon to proceed to hearing is United's general rate increase application (Docket No. RP71–41), the effectiveness of which has been suspended until June 1, 1971. The issues relating to the proposed revision of United's tariff by the addition of a new § 12.3 to the General Terms and Conditions are appropriately matters for consideration in the Docket No. RP71–41 proceeding. We are therefore consolidating such issues for hearing and determination in the Docket No. RP71–41 proceeding.

There is also presently pending a proceeding involving United's petition filed on October 26, 1970 (and subsequently amended and supplemented) for a declaratory order relating to the interpretation and implementation of section 12 of the General Terms and Conditions of United's tariff entitled "Impairment of Deliveries." (Docket No. RP71–29) The issues relating to the proposed revision of § 12.1 of the General Terms and Conditions in United's tariff are appropriately matters for consideration in the Docket No. RP71–29 proceeding and accordingly we are consolidating such issues for hearing and determination in that proceeding.

Under the circumstances we consider it appropriate to suspend the effectiveness of the proposed revised tariff sheet for 1 day from June 1, 1971. We also consider it appropriate to grant the requested waiver of the requirements of § 154.22 of the Commission's regulations under the Natural Gas Act.

On March 24, 1971 Clarke-Mobile Counties Gas District, Mississippi Valley Gas Co. and Mobile Gas Service Corp. (Clarke-Mobile et al.) made a filing (a) petitioning to intervene "in opposition" to United's submittal of the revised tariff sheet, (b) objecting to the acceptance of the revision for filing, and (c) moving for its summary rejection. For the reasons hereinafter set forth, the relief requested by Clarke-Mobile et al., is denied.

With respect to the petition to intervene for the purpose of opposing the revised tariff sheet, we point out that Clarke-Mobile et al., are already intervenors in both the Dockets Nos. RP71–41 and RP71–29 proceedings. Since we are consolidating in those proceedings the relevant issues relating to the proposed revised tariff sheet, Clarke-Mobile et al., will have full opportunity to take any positions they choose respecting the same in those proceedings. Consequently there is no need to grant the requested intervention here.

The motion of Clarke-Mobile et al., to reject the filing is based on objections thereto which they raise, contending that the filing as it relates to § 12.3 is a "major rate increase" within the meaning of § 154.63(a)(2) (ii) and (iii) of the Commission's regulations under the Natural Gas Act. It is also claimed that the filing is prohibited by § 154.66(c) of the regulations since the filing was made during the suspension period in Docket No. RP71–41. We do not agree that the subject filing is a "major rate increase" within the meaning of our regulations. Moreover, as we have stated, we believe the issues relating to the subject filing can be appropriately considered in the Docket No. RP71–41 proceeding which involves a major rate increase application filed in accordance with our regulations. The contention relating to § 154.66(c) of the regulations likewise lacks merit as we do not consider that such provision prohibits this filing.

The objections of Clarke-Mobile et al., to the filing as it relates to the proposed clarification of § 12.1 of the General Terms and Conditions seems to be based on the claim that said section is under consideration in the Docket No. RP71–29 proceeding. Since we have concluded that the issues relating to the proposed revision of § 12.1 can appropriately be considered in that proceeding, we find that the objections raised would not justify a rejection of the filing.

Clarke-Mobile et al., have requested oral argument on their motion. We find no justification for an oral argument and we therefore deny the request.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission consolidate the issues relating to the subject filing with the pending Dockets Nos. RP71–41 and RP71–29 proceedings for hearing and decision and that the proposed tariff sheet be suspended and use thereof deferred as herein provided.

(2) It is appropriate to grant the requested waiver of the requirements of § 154.22 of the Commission's regulations under the Natural Gas Act.

(3) The aforesaid motion to reject the filing and the request for oral argument should be denied.

The Commission orders:

(A) The issues relating to United's proposed revision of its tariff by the addition of a new § 12.3 to its General Terms and Conditions are consolidated for hearing and decision with the pending Docket No. RP71–41 proceeding.

(B) The issues relating to United's proposed revision of § 12.1 of the General Terms and Conditions of its tariff are consolidated for hearing and decision with the pending Docket RP71–29 proceeding.

(C) Pending such hearings and decisions on the said issues, United's proposed Second Revised Tariff Sheet No. 72 is hereby suspended and the use thereof deferred until June 2, 1971, and such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(D) The requirements of § 154.22 of the Commission's regulations under the Natural Gas Act are waived with respect to the subject filing.

(E) The aforesaid petition to intervene, motion to reject the subject filing, and request for oral argument made by Clarke-Mobile et al., are denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71–7435 Filed 5–26–71;8:52 am]

FEDERAL RESERVE SYSTEM

FIRST UNION, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Union, Inc., St. Louis, Mo., for approval of acquisition of 80 percent or more of the voting shares of The First National Bank of West Plains, West Plains, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Union, Inc., St. Louis, Mo., a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of The First National Bank of West Plains, West Plains, Mo.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on February 4, 1971 (36 F.R. 2429), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

It is hereby ordered, For the reasons set forth in the Board's statement[1] of this date, that said application be and hereby is approved: *Provided*, That the action so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order unless such time be extended for good cause by the Board, or by the Federal Reserve Bank of St. Louis pursuant to delegated authority.

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[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of St. Louis.

By order of the Board of Governors,[2] May 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7365 Filed 5-26-71;8:45 am]

NJN BANCORPORATION

Order Approving Action To Become a Bank Holding Company

In the matter of the application of NJN Bancorporation, Trenton, N.J., for approval of action to become a bank holding company through the acquisition of 100 percent (less director's qualifying shares) of the voting shares of New Jersey National Bank, Trenton, N.J.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by NJN Bancorporation, Trenton, N.J. (Applicant), for the Board's prior approval of action whereby Applicant would become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of New Jersey National Bank, Trenton, N.J. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Comptroller of the Currency and requested his views and recommendation. The Comptroller offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 17, 1971 (36 F.R. 7329), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant is a nonoperating corporation formed for the purpose of acquiring Bank (deposits $467.1 million). As it has no present operations or subsidiaries, consummation of the proposal would eliminate neither existing nor potential competition. Neither does it appear that there would be adverse effects on any bank in the area involved.

The financial and managerial resources and prospects of Bank are satisfactory, as would be those of Applicant upon consummation of the proposal, and are consistent with approval. Consummation of the proposal would have no immediate effect on the convenience and needs of the community involved. Considerations under these factors are consistent with approval. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Philadelphia pursuant to delegated authority.

By order of the Board of Governors,[1] May 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7366 Filed 5-26-71;8:46 am]

TRUST COMPANY OF GEORGIA

Order on Petition for Reconsideration

In the matter of the application of Trust Company of Georgia, Atlanta, Ga., for approval of acquisition of assets and assumption of liabilities of Peachtree Bank and Trust Co., Chamblee, Ga.

On February 22, 1971, the Board of Governors issued an Order pursuant to the Bank Merger Act (12 U.S.C. 1828(c)), approving an application by Trust Company of Georgia, Atlanta, Ga., for prior approval of the merger of Trust Company with Peachtree Bank and Trust Co., Chamblee, Ga., by means of Trust Company's purchase of assets and assumption of liabilities of Peachtree Bank.

In order to permit study of th complex procedural and substantive issues raised by a petition by the U.S. Department of Justice for reconsideration of that order, the Board, on March 19, 1971, stayed its operation.

After study of those issues, the Board finds that reconsideration of its order of February 22, 1971 would be appropriate and in the public interest.

It is hereby ordered, For the reasons set forth in the accompanying statement[1] and in the Board's order of February 22, 1971, that the orders of March 19 and February 22, 1971, be and hereby are vacated: *And it is further ordered*, That the application be and hereby is approved: *Provided*, That the merger so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegate authority.

By order of the Board of Governors,[2] May 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7367 Filed 5-26-71;8:46 am]

TORONTO-DOMINION BANK

Order Approving Action To Become a Bank Holding Company

In the matter of the application of The Toronto-Dominion Bank, Toronto, Ontario, Canada, for approval to become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Toronto Dominion Bank of California, San Francisco, Calif., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), the application of The Toronto-Dominion Bank, Toronto, Ontario, Canada (Applicant), for the Board's prior approval to become a bank holding company through the acquisition of 100 percent (less directors' qualifying shares) of the voting shares of Toronto Dominion Bank of California, San Francisco, Calif. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the California Superintendent of Banks and requested his views and recommendation. The Superintendent recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on March 25, 1971 (36 F.R. 5641), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

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[2] Voting for this action: Chairman Burns and Governors Maisel, Brimmer, and Sherrill. Absent and not voting: Governors Robertson, Mitchell, and Daane.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Atlanta. Dissenting Statement of Governor Robertson also filed as part of the record and available upon request.

[2] Voting for this action: Chairman Burns and Governors Mitchell, Daane, Maisel, Brimmer, and Sherrill. Voting against this action (on the merits of the application): Governor Robertson.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the Bank, and the convenience and needs of the community to be served, and finds that:

Applicant is a Canadian commercial bank with $5 billion in deposits and 769 banking offices located throughout Canada. In the United States, Applicant has agencies in New York City and San Francisco and representative offices in Chicago, Los Angeles, and Houston. Additionally, it owns a trust company in New York City which does not accept demand deposits.

Within the immediate area of Bank are head offices of three of the five largest banks in California as well as branch offices of the remaining two largest banks. Based on the record before it, the Board concludes that Bank's entry into this area will have no adverse effects on existing or potential competition. Rather, the addition of Bank will provide increased banking facilities and competition.

The financial and managerial resources and prospects of Applicant and Bank are satisfactory and consistent with approval of the application. Considerations relating to the convenience and needs of the community to be served lend some weight toward approval, due to the addition to the area of a new bank and another international banking link to Canada.

It is hereby ordered, For the reasons set forth in the findings summarized above that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order, or (b) later than 3 months after the date of this order, *And provided further*, That (c) Toronto Dominion Bank of California shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board or by the Federal Reserve Bank of San Francisco pursuant to delegated authority.

By order of the Board of Governors,[1] May 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7368 Filed 5-26-71;8:46 am]

VALLEY BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Valley Bancorporation, Appleton, Wis., for approval of acquisition of 80 percent or more of the voting shares of Badger, State Bank, Denmark, Wis.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3 (a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Valley Bancorporation, Appleton, Wis. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of Badger State Bank, Denmark, Wis. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking of the State of Wisconsin and requested his views and recommendation. The Commissioner offered no objection to approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 6, 1971 (36 F.R. 6543), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, the seventh largest registered bank holding company and banking organization in Wisconsin, controls 10 banks holding aggregate deposits of $123 million which represent 1.4 percent of commercial bank deposits in the State of Wisconsin. (All banking data are as of June 30, 1970, and reflect bank holding company acquisitions approved by the Board to date.) Upon acquisition of Bank ($7.5 million in deposits), Applicant's control of deposits in the State of Wisconsin would increase to 1.5 percent.

Bank, located in the southeast section of Brown County, is the 11th largest of 16 banking organizations in the Green Bay SMSA, holding 2.3 percent of deposits in that area. Applicant's closest subsidiary is Reedsville State Bank which is located in Reedsville, Manitowoc County, 22 miles southwest of Denmark. There is no present competition between Bank and that bank or any other of Applicant's subsidiaries. In light of the low population of the area, and the fact that Wisconsin law prohibits branching into or within 3 miles of communities already having a bank or branch, the possibility of such competition arising in the future appears remote. No existing competition would be eliminated by consummation of the proposal, nor would significant potential competition be foreclosed. Neither would there be any adverse effects on any bank in the area.

There is no evidence that significant banking needs of the community are going unserved; however, affiliation with Applicant would allow Bank to provide additional services such as data processing and trust services. Considerations relating to the convenience and needs of the communities to be served are thus consistent with approval. The prospects and financial condition of Bank are regarded as satisfactory. Bank's management is nearing retirement age and affiliation with Applicant would facilitate management succession; this factor lends some weight toward approval. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved: *Provided*, That the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Chicago pursuant to delegated authority.

By order of the Board of Governors,[1] May 20, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7369 Filed 5-26-71;8:46 am]

SECURITIES AND EXCHANGE COMMISSION

[812-2923]

AMERICAN VARIABLE ANNUITY LIFE ASSURANCE CO. AND AMERICAN VARIABLE ANNUITY FUND

Notice of Application for Exemption From Certain Provisions

MAY 20, 1971.

Notice is hereby given that American Variable Annuity Life Assurance Company (Company) and American Variable Annuity Fund (Fund), 440 Lincoln Street, Worcester, MA 01605 (hereinafter collectively "Applicants"), have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants from the provisions of section 22(d) of the Act to the extent described below. The Company, an Arkansas stock insurance company, is a wholly owned subsidiary of the State Mutual Life Assurance Company of America (State Mutual), a Massachusetts mutual life insurance company. The Hanover Life Insurance Co. (Hanover), a New Jersey stock insurance company, is 99 percent owned by State Mutual. The Fund, an open-end, diversified, management investment company registered under the

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Daane, Maisel, Brimmer, and Sherrill.

Act was established by the Company for the purpose of setting aside, separate from the Company's general assets, assets used to fund the variable portions of variable annuity contracts sold by the Company. All interested persons are referred to the application on file with the Commission for a complete statement of the representations contained therein which are summarized below.

Section 22(d) provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus.

Applicants request exemption from section 22(d) to permit the application of amounts payable under insurance and annuity contracts written by State Mutual and Hanover such as death benefits, maturities under endowment contracts, and surrender values (collectively referred to as "insurance and annuity proceeds") to purchase individual single payment variable annuity contracts offered by Applicants (contracts) with a reduced charge for sales and administrative expense.

Applicants' contracts provide for deductions for sales and administrative expense in the following amounts:

Portion of total payments	Percentage deduction	Portion representing sales charge	Portion representing administrative and other expense charge
	Percent	*Percent*	*Percent*
First $10,000..	7.0	6.0	1.0
Next $15,000..	6.0	5.0	1.0
Next $25,000..	5.0	4.0	1.0
Next $25,000..	4.0	3.5	0.5
Next $25,000..	3.0	2.6	0.4
Balance......	2.0	1.7	0.3

With respect to a purchase payment made with insurance and annuity proceeds, Applicants propose to provide for deductions for sales and administrative expense as follows:

Portion of total payments	Percentage deduction	Portion representing sales charge	Portion representing administrative and other expense charge
	(Percent)	*(Percent)*	*(Percent)*
First $10,000..	4.0	3.0	1.0
Next $15,000 .	3.0	2.2	0.8
Next $25,000 .	2.0	1.5	0.5
Balance......	1.0	0.8	0.2

Applicants assert that since the contracts are bilateral agreements and their maturity and terms of payment during the annuity period depend, among other things, on the age, sex, and longevity of a particular annuitant, there is no market in the contracts and no way in which the requested exemption could lead to disruption of their orderly distribution.

Applicants further assert that the requested exemption will not create unfair discrimination since the premiums on State Mutual and Hanover's insurance and annuity contracts will already have been subject to sales and administrative charges and applying insurance and annuity proceeds to purchase the contracts will not involve such substantial additional sales and administrative activities as to require imposition of an additional full charge. Reducing the charge for sales and administrative expenses in the manner proposed will avoid an unnecessary accumulation of charges to the persons entitled to the insurance and annuity proceeds.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transactions from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than June 10, 1971 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service by affidavit (or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in the matter including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[F.R. Doc.71-7382 Filed 5-26-71;8:47 am]

[Files Nos. 7-3779—7-3785]

AMERICAN BAKERIES CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 24, 1971.

In the matter of applications of the Boston Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
American Bakeries Company	7-3779
Augat, Inc	7-3780
Katy Industries, Inc	7-3781
Midland-Ross Corp	7-3782
Morse Shoe, Inc	7-3783
National-Standard Co	7-3784
Public Service Co. of New Hampshire	7-3785

Upon receipt of a request, on or before June 8, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Secretary.

[FR Doc.71-7383 Filed 5-26-71;8:47 am]

[Files Nos. 7-3773—7-3778]

INLAND STEEL CO. ET AL.

Notice of Applications for Unlisted Trading and of Opportunity for Hearing

MAY 24, 1971.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Inland Steel Co	7-3773
International Telephone & Telegraph Corp.	7-3774
Liggett & Meyers, Inc	7-3775
Marcor, Inc	7-3776
Merck & Co., Inc	7-3777
Safeway Stores, Inc	7-3778

Upon receipt of a request, on or before June 8, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Secretary.

[FR Doc.71-7384 Filed 5-26-71;8:47 am]

[Files Nos. 7-3764—7-3772]

ATLANTIC RICHFIELD CO. ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

MAY 24, 1971.

In the matter of applications of the Cincinnati Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Atlantic Richfield Co	7-3764
Avon Products, Inc	7-3765
Cleveland Electric Illuminating Co	7-3766
Consolidated Edison Co. of New York	7-3767
Continental Can Co., Inc	7-3768
Delta Air Lines, Inc	7-3769
The Detroit Edison Co	7-3770
General Mills, Inc	7-3771
Honeywell, Inc	7-3772

Upon receipt of a request, on or before June 8, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Secretary.

[FR Doc.71-7385 Filed 5-26-71;8:47 am]

[70-5024]

CONNECTICUT LIGHT AND POWER CO. AND HARTFORD ELECTRIC LIGHT CO.

Notice of Proposed Acquisition of Long-Term Notes of Nonassociate Community Development Corporation

MAY 20, 1971.

Notice is hereby given that The Connecticut Light and Power Co. (CL&P), Selden Street, Berlin, CT 06037, and The Hartford Electric Light Co. (HELCO), 176 Cumberland Avenue, Wethersfield, CT 06109, public-utility subsidiary companies of Northeast Utilities, a registered holding company, have filed an application and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating section 9(c)(3) of the Act as applicable to the proposed transactions. All interested persons are referred to the application, which is summarized below, for a complete statement of the proposed transactions.

CL&P and HELCO propose to acquire subordinated promissory notes of The Greater Hartford Community Development Corp. (DEVCO), a nonassociate and nonutility company, in an aggregate principal amount of up to $90,000 and $22,500, respectively. The application states that in 1969, various business and community representatives in the Greater Hartford, Conn., area formed The Greater Hartford Process, Inc. (Process), a community-oriented, nonprofit, charitable, and educational corporation to provide a technical staff to pool the various resources in the region in order to establish a program to implement needed community growth and change to improve the quality of life in that area. DEVCO, a nonstock corporation with Process as its sole member, was organized in Connecticut to assist in carrying out proposals of Process related to real estate development.

DEVCO proposes to issue and sell to various business organizations in the Greater Hartford community up to $2 million aggregate principal amount of its subordinated promissory notes in order to cover its initial expenses and working capital needs as well as to provide funds for other purposes. Each note will be dated the date of issue, will mature on March 1, 1986, and will bear interest at a rate 1½ percent above the prime rate for short-term commercial loans in effect from time to time in Hartford, Conn. Interest is payable initially on March 1, 1976, and semiannually thereafter. In addition, the notes are subject to a 10 percent annual sinking fund commencing on March 1, 1977. The timing of the issue of the notes is to be determined by DEVCO, except that no further notes may be issued after December 31, 1973. HELCO and CL&P both distribute electricity to portions of the Greater Hartford area, and the relation between the amount of the notes to be purchased by HELCO and CL&P is approximately the same as the relation between the amount of business they do, respectively, in the Greater Hartford area.

Fees and expenses to be incurred by CL&P and HELCO are estimated at $1,500. It is stated that the Connecticut Public Utilities Commission has jurisdiction over the acquisition of the notes and that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 18, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicants at the above-stated addresses, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7386 Filed 5-26-71;8:47 am]

[Files Nos. 7-3786, 7-3787]

SCHERING-PLOUGH CORP. AND LOEWS CORP.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

May 24, 1971.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above-named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(1)(B) of the Securities Exchange Act of 1934 and Rule 12f-1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

	File No.
Schering-Plough Corp.	7-3786
Loews Corp.	7-3787

Upon receipt of a request, on or before June 8, 1971, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549 not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

For the Commission (pursuant to delegated authority).

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7387 Filed 5-26-71;8:47 am]

[811-1266]

MUTUAL INCOME FUND

Notice of Filing of Application for Order Declaring That Company Has Ceased To Be an Investment Company

May 20, 1971.

Notice is hereby given that Mutual Income Fund (Applicant), 717 Travis Street, Houston, TX 77002, a Texas corporation, registered as an open-end diversified management investment company under the Investment Company Act of 1949 (Act), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of representations contained therein which are summarized below.

The Applicant filed Form N-8A Notification of Registration and Registration Statements on Form N-8B-1 under the Act and Form S-5 under the Securities Act of 1933. The Applicant's Registration Statement under the Securities Act of 1933 was declared effective on December 31, 1964, and the Applicant commenced the public offering of its shares.

The Applicant represents that on September 20, 1968, its board of directors determined that it had not attained sufficient size to permit the most efficient and effective management of the company's investment portfolio and the board therefore approved the dissolution and liquidation of the company, subject to approval by at least two-thirds of the outstanding shares of stock. The dissolution was approved by 77 percent of the stockholders at the annual meeting on December 10, 1968. Thereafter the company liquidated its investment portfolio and on March 24, 1969, distributed the net proceeds thereof to the stockholders of the company. Articles of Dissolution were filed with the Secretary of the State of Texas on April 22, 1969.

Notice is further given that any interested person may, not later than June 24, 1971, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the Applicant at the address set forth above. Proof of such service (by affidavit or in case of an attorney at law by certificate) shall be filed contemporaneously with the request. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the information stated in said application, unless an order for hearing upon said application shall be requested or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7388 Filed 5-26-71;8:48 am]

[812-2867]

UNITED FUNDS, INC., ET AL.

Notice of and Order for Hearing on Application for Exemption

May 19, 1971.

Notice is hereby given that United Funds, Inc., United Vanguard Fund, Inc., United Continental Growth Fund, Inc., United Continental Income Fund, Inc. (collectively the "Funds"), and Waddell and Reed, Inc. (Waddell) 20 West 9th Street, Kansas City, MO 64105 (referred to with Funds as "Applicants"), have filed an application pursuant to Section 6(c) of the Investment Company Act of 1940 (Act) for an order exempting Applicants and the transactions described below from the provisions of section 22(d) of the Act and Rule 22d-1 thereunder. All interested persons are referred to the application on file with the Commission for a statement of the representations made therein which are summarized below.

Applicants state that the shares of the Funds, each of which is a registered open-end, diversified management investment company, are offered to the public on a continuous basis at net asset value plus varying sales charges depending on the amount purchased. Waddell is the principal underwriter of the Funds. Applicants request an exemption from section 22(d) of the Act and Rule 22d-1 thereunder to enable each of the Funds to sell its shares at the net asset value per share to persons who have caused their shares to be redeemed within the previous 15 days. Applicants state that such sale will be limited to the exact amount of the redemption proceeds (or to the nearest full share if fractional shares are not purchased), and that a written order to purchase the shares must be received by the particular Fund or Waddell within 15 days after the request for redemption was received. Applicants state that the purchase will be at the net asset value per share after receipt of the written order and that no sales commission will be received by Waddell or any sales representative on such purchase.

Applicants state that the requested exemption, if granted, would permit a shareholder who had made a hasty or uninformed decision to redeem his shares, and who has changed his mind, to reestablish his investment without paying an additional sales charge. Applicants state that shareholders often redeem shares for reasons which are temporary in nature and that shareholders are often not aware of certain adverse consequences in regard to the payment of additional sales loads and capital gains taxes when shares are redeemed and the proceeds applied to the purchase of shares of another investment company.

Applicants state that the privilege of reinvesting the proceeds of a redemption at net asset value will be limited to persons who have not previously exercised such privilege as to any of the Funds. Applicants contend that because of this limitation and because wire redemption requests and wire orders will not be permitted, the proposed privilege will not afford an opportunity for speculative short-term trading in shares of Funds.

Applicants state that to advise shareholders of the reinvestment privilege, Waddell may, at its expense, probably by a statement inserted with the redemption check, advise the shareholder of the right to reinvest at net asset value; such notice would be in addition to the disclosure of the privilege in the prospectus of each Fund.

Section 22(d) of the Act provides that registered open-end investment companies may sell their shares only at the current public offering price as described in the prospectus.

It appears to the Commission that it is appropriate in the public interest that a hearing be held with respect to the application pursuant to section 6(c) of the Act.

It is ordered, Pursuant to section 40(a) of the Act, that a hearing on the aforesaid application under the applicable provisions of the Act and the rules of the Commission thereunder be held on the 21st of June 1971, at 10 a.m. in the offices of the Commission, 500 North Capitol Street NW., Washington, DC 20549. At such time, the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person, other than Applicants, desiring to be heard or otherwise wishing to participate in the proceedings is directed to file with the Secretary of the Commission, on or before the 16th day of June 1971, his application pursuant to Rule 9(c) of the Commission's rules of practice. A copy of such request shall be served personally, or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address noted above, and proof of service (by affidavit, or, in the case of an attorney at law, by certificate) shall be filed contemporaneously with the request.

It is further ordered, That any officer or officers of the Commission to be designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Act, and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation has advised the Commission that it has made a preliminary examination of the application and that upon the basis thereof the following matters are presented for consideration, without prejudice to the specification of additional matters upon further examination.

(1) Whether the requested exemption is consistent with the purpose of section 22(d) of the Act.

(2) Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing copies of this notice and order by certified mail to the Applicant, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of such notice and order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7389 Filed 5-26-71;8:48 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 828; Class B]

MASSACHUSETTS

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of April 1971, because of the effects of a certain disaster, damage resulted to residences and business property located in the State of Massachusetts;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitutes a catastrophe within the purview of the Small Business Act, as amended.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in the city of Lowell, Mass., suffered damage or destruction resulting from a fire occurring on April 24, 1971.

OFFICE

Small Business Administration Regional Office, John Fitzgerald Kennedy Federal Building, Government Center, Boston, MA 02203.

2. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1971.

Dated: May 20, 1971.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.71-7376 Filed 5-26-71;8:46 am]

TARIFF COMMISSION

[337-28]

LIGHTWEIGHT LUGGAGE

Notice of Hearing

Notice is hereby given that on June 21, 1971, the U.S. Tariff Commission will hold a public hearing in connection with Investigation No. 337-28, regarding alleged unfair methods of competition and unfair acts in the importation and sale of lightweight luggage which are embraced within the claims of U.S. Patents Nos. 3,298,480 and Re. 26,443 both of which are owned by the complainant, Atlantic Products Corporation of Trenton, N.J. Notice of institution of the investigation was published in the FEDERAL REGISTER of May 1, 1971 (36 F.R. 8275).

The hearing will be held on June 21, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: May 24, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-7426 Filed 5-26-71;8:51 am]

INTERSTATE COMMERCE COMMISSION

[Notice 43]

MOTOR CARRIER, BROKER, WATER CARRIER, AND FREIGHT FORWARDER APPLICATIONS

May 21, 1971.

The following applications are governed by Special Rule 1000.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

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[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within 60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's General Policy Statement Concerning Motor Carrier Licensing Procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record.

The publications hereinafter set forth reflect the scope of the applications as filed by applicants, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable to the Commission.

No. MC 2900 (Sub-No. 212), filed May 3, 1971. Applicant: RYDER TRUCK LINES, INC., 2050 Kings Road, Jacksonville, FL 32203. Applicant's representative: Robert H. Cleveland, Post Office Box 2408, Jacksonville, FL. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the junction of U.S. Highway 40 and U.S. Highway 33 and the junction of U.S. Highway 21 and U.S. Highway 60, serving no intermediate points as an alternate route for operating convenience only, from the junction of U.S. Highways 40 and 33 over U.S. Highway 33 to the junction with U.S. Highway 21, thence over U.S. Highway 21 to its junction with U.S. Highway 60 and return over the same route; (2) between the junction of U.S. Highway 23 and U.S. Highway 40 and the junction of U.S. Highway 35 and U.S. Highway 21, serving no intermediate points as an alternate route for operating convenience only, from the junction of U.S. Highway 23 and U.S. Highway 40 over U.S. Highway 23 to its junction with U.S. Highway 35, thence over U.S. Highway 35 to its junction with U.S. Highway 21 and return over the same route; (3) between the junction of U.S. Highway 23 and U.S. Highway 40 and the junction of U.S. Highway 60 and U.S. Highway 21, serving no intermediate points as an alternate route for operating convenience only, from the junctions of U.S. 23 and U.S. 40 over U.S. Highway 23 to its junction with U.S. Highway 60 thence over U.S. Highway 60 to its junction with U.S. Highway 21 and return over the same route, and (4) between the junction of U.S. Highway 60 and U.S. Highway 21 and the junction of U.S. Highway 60 and U.S. Highway 360, serving no intermediate points as an alternate route for operating convenience only, from the junction of U.S. Highways 60 and 21 over U.S. Highway 60 to its junction with U.S. Highway 360 and return over the same route. In each of the above described routes, applicant seeks service at the terminal for purposes of joinder only. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it to be held at Washington, D.C. or Jacksonville, Fla.

No. MC 4705 (Sub-No. 2), filed April 30, 1971. Applicant: LAWRENCE NEPPL, Halbur, Iowa 51444. Applicant's representative: Lawrence Neppl (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Linseed meal and linseed pellets*, from Minneapolis, Minn., to points in Carroll, Calhoun, and Sac Counties, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 5619 (Sub-No. 3), filed May 3, 1971. Applicant: CLEVELAND GENERAL TRANSPORT CO., INC., One Van Street, Staten Island, NY. Applicant's representative: Edward F. Bowes, 744 Broad Street, Newark, NJ 07102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ores, iron pyrites, welding compounds, foundry sand, ferro alloys*, in bags, from Wilmington, Del., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, and Virginia, for the account of C. E. Minerals Division, Combustion Engineering, Inc. NOTE: Applicant has pending under MC 127742 an application for common carrier authority, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., or Newark, N.J.

No. MC 9644 (Sub-No. 1), filed May 3, 1971. Applicant: B. T. L., INC., 1508 Woodswether, Kansas City, MO. Applicant's representative: John E. Jandera, 641 Harrison, Topeka, KS 66603. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, classes A and B explosives, livestock, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Kansas City, Mo.-Kans. commercial zone and Rushville, Mo., from Kansas City, Mo., in a northwesterly direction over Missouri Highway 45 to its intersection with U.S. Highway 59, thence in a northeasterly direction to Rushville, Mo., with service to all intermediate points lying north of Weston, Mo., including Weston, Mo. NOTE: If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 11207 (Sub-No. 309), filed May 3, 1971. Applicant: DEATON, INC., 317 Avenue West, Post Office Box 938, Birmingham, AL 35201. Applicant's representative: A. Alvis Layne, 915 Pennsylvania Building, Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbers goods*, from Gadsden, Ala., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, and Texas. NOTE: Applicant states that the requested authority is restricted against tacking or joinder with its existing authority for the performance of a through service. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Birmingham, Ala.

No. MC 10761 (Sub-No. 253), filed April 30, 1971. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: L. G. Naidow (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractories and/or refractories products*, from points in Gascanade County, Mo., to points in Connecticut, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant did not specify a location.

No. MC 10761 (Sub-No. 254), filed April 30, 1971. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit, MI 48209. Applicant's representative: L. G. Naidow (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and*

articles distributed by meat packinghouses (except hides and commodities in bulk), as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsites and warehouse facilities of Wilson-Sinclair Co., at Cedar Rapids, Iowa, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Jersey, New York, New Hampshire, Pennsylvania, Rhode Island, Vermont, and the District of Columbia, restricted to the transportation of traffic originating at the above named points and destined to the above named destinations. NOTE: If a hearing is deemed necessary, applicant does not specify a location.

No. MC 21866 (Sub-No. 67), filed May 3, 1971. Applicant: WEST MOTOR FREIGHT, INC., 740 South Reading Avenue, Boyertown, PA 19512. Applicant's representative: Alan Kahn, 1920 Two Penn Center Plaza, Philadelphia, PA 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Polyethylene bags and polyethylene film, and commodities*, packaged in polyethylene bags, from the facilities of Boyertown Packaging Service Corp., in Boyertown and Harrisburg, Pa., and Colebrookdale Township, Berks County, Pa., to points in the United States east of the western boundaries of Wisconsin, Illinois, Kentucky, Tennessee, Mississippi, and Louisiana; and (2) *Materials* used or useful in the manufacture, processing or distribution of polyethylene bags and polyethylene film from points in the above described destination territory to the facilities of Boyertown Packaging Service Corp., at the origin points specified in the preceding paragraph. NOTE: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in a tacking possibility are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa., or Washington, D.C.

No. MC 25399 (Sub-No. 7), filed April 19, 1971. Applicant: A-P-A TRANSPORT CORP., 2100 88th Street, North Bergen, NJ 07047. Applicant's representative: Herbert Burstein, 30 Church Street, New York, NY 10007. Authority sought to operate as a *common carried*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, and except dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); (1). between New Windsor, N.Y., and Meriden Conn.; and (2) between Glenmont, N.Y., and Meriden, Conn. NOTE: The purpose of the instant application is to enable applicant to transfer shipments directly from its New Windsor and Glenmont, N.Y., terminals to its terminal at Meriden, Conn., and avoid the necessity of having shipments transshipped from the former terminals to its terminal at North Bergen, N.J., and thereafter transported to the Meriden, Conn., terminal. Applicant states that the requested cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 30844 (Sub-No. 358), filed May 7, 1971. Applicant: KROBLIN REFRIGERATED XPRESS, INC., 2125 Commercial Street, Waterloo, IA 50704. Applicants' representatives: Paul Rhodes (same address as above), and Truman A. Stockton, Jr., 1650 Grant Street Building, Denver, CO. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes transporting: *Such merchandise* as dealt in by retail and discount department stores; (1) from New York City, N.Y. and commercial zone to Detroit, Mich., and Milwaukee, Wis., and their respective commercial zones; and (2) from Boston, Mass., and commercial zone to Detroit, Mich., Milwaukee, Wis., St. Louis, Mo., and their respective commercial zones and Waterloo, Iowa. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 30884 (Sub-No. 16), filed May 3, 1971. Applicant: JACK COOPER TRANSPORT CO., INC., 3501 Manchester Trafficway, Kansas City, MO 63011. Applicant's representative: Warren A. Goff, 2111 Sterick Building, Memphis, TN 38103. Authority sought to operate as a *contract carrier*, by vehicle, over irregular routes, transporting: *Automobiles, trucks, chassis, buses, and tractors* (except farm tractors and crawler or track type tractors) in initial truckaway service, from the assembly plant of General Motors Assembly Division of General Motors Corp in Janesville, Wis., to Kansas City, Mo., under contract with General Motors Corp. NOTE: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo., or Detroit, Mich.

No. MC 34227 (Sub-No. 5) (Amendment), filed April 9, 1971, published in the FEDERAL REGISTER issue of May 13, 1971, and republished, as amended, this issue. Applicant: PACIFIC INLAND TRANSPORTATION COMPANY, a corporation, 15 South Broadway, Cortez, CO 81321. Applicant's representative: A. Jack Hamilton (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and in connection therewith, *equipment, materials, and supplies*, used in the conduct of such business, and exempt commodities as defined in section 203(b)(6) of the Interstate Commerce Act, when moving in mixed loads with the aforementioned nonexempt commodities, from points in California to points in New Mexico and Colorado, under contract with Associated Grocers of Colo., Inc., and Jafar Brokerage Co. NOTE: The purpose of this republication is to reflect a change in the commodity description. If a hearing is deemed necessary, applicant requests it be held at Albuquerque, N. Mex.

No. MC 34975 (Sub-No. 5), filed May 5, 1971. Applicant: TREDWAYS EXPRESS, INC., 512 Myrtle Avenue, Boonton, NJ 07005. Applicant's representative: Bert Collins, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between Boonton, N.J., on the one hand, and, on the other, points in Rockland, Orange, Westchester, Putnam, Ulster, and Dutchess Counties, N.Y. NOTE: Applicant states that the requested authority is to be tacked at Boonton, N.J., with applicant's present authority as described in MC 39475. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 51146 (Sub-No. 217), filed April 29, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Toilet preparations, and related products*, from Manitowoc, Wis., to points in the United States (excluding Hawaii and Alaska); and (2) *materials and supplies* used in the manufacture and distribution of commodities described in (1) above, from points in the United States (excluding Hawaii and Alaska), to Manitowoc, Wis. NOTE: Applicant states that it could tack with various subs in No. MC 51146 and where feasible in lead docket. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 51146 (Sub-No. 218), filed April 29, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above), and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between South Bend, Ind., on the one hand, and, on the other, points in Alabama, Colorado, Florida, Georgia, Kansas, Missouri, Nebraska, and North Carolina. Note: Applicant states that it could tack with various subs in No. MC 51146 and where feasible in lead docket. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 51146 (Sub-No. 219), filed May 4, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, Green Bay, WI 54306. Applicant's representatives: D. F. Martin (same address as above) and Charles W. Singer, 33 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers and metal container ends and accessories, and equipment* used in connection with the distribution of metal containers and metal container ends when moving with metal containers, from La Porte, Ind.; Lenexa, Kans.; and Colliersville, Tenn.; to points in the United States (except Alaska and Hawaii). Note: Applicant states that it could tack with various subs in No. MC 51146 and where feasible in lead docket. Applicant further states that no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52110 (Sub-No. 122), filed May 4, 1971. Applicant: BRADY MOTORFRATE, INC., 2150 Grand Avenue, Des Moines, IA. Applicant's representative: Cecil L. Goettsch, 11th Floor, Des Moines Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Emporia, Kans., and West Point, Nebr., to points in Indiana, Michigan, Ohio, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, Maryland, and the District of Columbia, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa; Omaha, Nebr.; or Kansas City, Kans.

No. MC 59150 (Sub-No. 61), filed May 7, 1971. Applicant: PLOOF TRANSFER COMPANY, INC., 1901 Hill Street, Jacksonville, FL 32202. Applicant's representative: Martin Sack, Jr., 1754 Gulf Life Tower, Jacksonville, Fla. 32207. Authority to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum products and accessories* used in the installation thereof; (a) from the plantsite of Georgia-Pacific Corp. at Brunswick, Ga., to points in Alabama, North Carolina, South Carolina, Tennessee, and Virginia; and (b) from the plantsite of Georgia-Pacific Corp. at Marietta, Ga., to points in Alabama, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga., or Jacksonville, Fla.

No. MC 61231 (Sub-No. 59), filed May 10, 1971. Applicant: ACE LINES, INC., 4143 East 43d Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber*, from New Castle, Wyo., to points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 61592 (Sub-No. 213), filed May 5, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Jack Davis, 1100 IBM Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*; (1) from points in Oregon to points in California, Nevada, and Arizona; and (2) from points in Washington to points in California, Nevada, and Arizona. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 61592 (Sub-No. 214), filed May 7, 1971. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Doors, windows, and sash, stair work, composition wood paneling*, with or without plastic lamination lumber, *wood products, window units, room units*, including all component parts and accessories for installation, from Oshkosh, Wis., to points in Illinois, Indiana, Michigan, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia; and (2) *material, equipment, and supplies* used in the manufacture of commodities named in (1) above, from points in Illinois, Indiana, Michigan, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia to Oshkosh, Wis. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 215), filed May 10, 1971. Applicant: JENKINS TRUCK LINES, INC., 3708 Elm Street, Bettendorf, IA 52722. Applicant's representative: Donald W. Smith, 900 Circle Tower Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dairy products*, fom Louisville, Ky., to points in West Virginia, Virginia, Illinois, Kentucky, Indiana, and Ohio; and (2) *cheese, cheese foods, and cheese spreads*, from Marshfield, Wis., to points in Georgia, Illinois, North Carolina, South Carolina, Virginia, Tennessee, and Mississippi. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 67450 (Sub-No. 39), filed April 30, 1971. Applicant: PETERLIN CARTAGE CO., a corporation, 9651 South Ewing Avenue, Chicago, IL. Applicant's representative: Joseph M. Scanlan, 111 West Washington Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Cedar Rapids, Iowa, to points in the United States (except Hawaii). Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 67646 (Sub-No. 66), filed April 30, 1971. Applicant: HALL'S MOTOR TRANSIT COMPANY, a corporation, 6060 Carlisle Pike, Mechanicsburg, PA 17055. Applicant's representative: John E. Fullerton, 407 North Front Street, Harrisburg, PA 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of Alcan Aluminum Corp. at or near Oswego, N.Y., as an offroute point in connection with applicant's presently authorized regular-route operations. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be heard at Washington, D.C.

No. MC 84098 (Sub-No. 1), filed May 5, 1971. Applicant: SHELDON TRANSFER & STORAGE COMPANY, INC., 647 Main Street, Holyoke, MA 01040. Applicant's representative: Douglas L. Agan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, between Holyoke, Mass., and Brattleboro, Bellows Falls, and Putney, Vt., and between Holyoke, Mass., and Claremont and Hinsdale, N.H. Note: Applicant states tacking at Holyoke, Mass., would allow Sheldon Transfer & Storage Co., to offer service between Brattleboro, Bellows Falls, and Putney, Vt., and Claremont and Hinsdale, N.H., on paper and paper products. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 85465 (Sub-No. 36), filed April 23, 1971. Applicant: WEST NEBRASKA EXPRESS, INC., Post Office Box 952, Scottsbluff, NE 69361. Applicant's representative: Truman A. Stockton, The 1650 Grant Street Building, Denver, CO 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, packinghouse products, and commodities* used by packinghouse as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Denver, Greeley, and Sterling, Colo., to points in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 88826 (Sub-No. 4), filed May 3, 1971. Applicant: CELLUS STRATMAN, doing business as STRATMAN TRUCK SERVICE, Vienna, Mo. 65582. Applicant's representative: Thomas P. Rose, Jefferson Building, Jefferson City, Mo. 65101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Treated and untreated wood mine blocks and props*, from Vienna, Mo., to points in Illinois. Note: Applicant states that the requested authority cannot be tacked with its exising authority. If a hearing is deemed necessary, applicant requests it be held at Jefferson City, Mo., or St. Louis, Mo.

No. MC 95540 (Sub-No. 805), filed May 10, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and skins), from the plantsite and warehouse facilities of Swift Fresh Meats Co. at Brownwood, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to shipments originating at the Brownwood, Tex., plantsite and destined to the above named States. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., Dallas, Tex., or Washington, D.C.

No. MC 96697 (Sub-No. 5), filed May 3, 1971. Applicant: CITY TRANSFER, INC., 13901 Mica Street, Santa Fe Springs, CA 90670. Applicant's representative: R. Y. Schureman, 1545 Wilshire Boulevard, Los Angeles, CA 90017. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except classes A and B explosives, household goods as defined by the Commission, commodities requiring special equipment, and commodities in bulk), between the Los Angeles International Airport, at Los Angeles, Calif., and the Lockheed Air Terminal at Burbank, Calif., on the one hand, and, on the other, Saugus, Newhall, Palmdale, Lancaster, Edwards, Boron, and the Edwards Air Force Base, Calif. Restriction: The authority sought herein is restricted to shipments having an immediate prior or subsequent movement by air, rail, or water. Note: Applicant states it proposes to tack the authority sought with all authorities held by applicant at Los Angeles International Airport and at Lockheed Air Terminal to provide a through service between the Los Angeles Basin Area, Calif., and the San Francisco Territory, Calif. Applicant further states it holds authority in its Sub-No. 2 certificate to provide the proposed service restricted to shipments having a prior or subsequent movement by air. The purpose of this application is to amend the restriction so as to also authorize the transportation of shipments having a prior or subsequent movement by rail or water. Applicant proposes to surrender its Sub-No. 2 certificate for cancellation. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 98952 (Sub-No. 25), filed April 30, 1971. Applicant: GENERAL TRANSFER COMPANY, a corporation, 2880 North Woodford Street, Decatur, IL 62526. Applicant's representative: Kirkwood Yockey, Suite 501, Union Federal Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Confectioneries, and potatoes* (cooked and shredded), *dessert preparations, advertising matter, premiums, and display material* when shipped in the same vehicle with confectioneries, from Chicago, Ill., to points in Indiana and Pudacah, Henderson, Owensboro, and Louisville, Ky.; and (2) *confectioneries and advertising matter, premiums, and display material*, when shipped in the same vehicle with confectioneries, from Chicago, Ill., to points in Illinois. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Indianapolis, Ind.

No. MC 100449 (Sub-No. 26), filed May 10, 1971. Applicant: MALLINGER TRUCK LINE, INC., Otho, Iowa 50569. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Needham Packing, Inc., at Omaha, Nebr., and Sioux City, Iowa, to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, and South Dakota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 102567 (Sub-No. 143), filed May 7, 1971. Applicant: EARL GIBBON TRANSPORT, INC., 4295 Meadow Lane, Post Office Drawer 5357, Bossier, LA 71010. Applicant's representative: Jo E. Shaw, 816 Houston First Savings Building, Houston, TX 77002. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from points in East Baton Rouge Parish, La., to points in Louisiana (except points in Catahoula, Concordia, East Carroll, Franklin, La Salle, Madison, Morehouse, Ouachita, Richland, Tensas, Union, and West Carroll Parishes). Note: Common control may be involved. Applicant states that the requested authority can be tacked with its existing authority but does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Forth Worth, Tex., or New Orleans, La.

No. MC 103993 (Sub-No. 631), filed April 29, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul D. Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings and sections, building panels, building parts and accessories*, from points in Hartford and Litchfield Counties, Conn., to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 103993 (Sub-No. 632), filed May 3, 1971. Applicant: MORGAN DRIVE-AWAY, INC., 2800 West Lexington Avenue, Elkhart, IN 46514. Applicant's representative: Paul Borghesani (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Recreational vehicles, including campers, camp coaches, and motor homes*, in truckaway service and trailers designed to be drawn by passenger automobiles in initial movements, from points in Guilford County, N.C., to points in the United States. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Greensboro, N.C.

No. MC 105813 (Sub-No. 182), filed April 28, 1971. Applicant: BELFORD TRUCKING CO., INC., 3500 Northwest 79th Avenue, Miami, FL 33148. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from the plantsite and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis and points in the commercial zone thereof), restricted to traffic originating at the named origin and destined to the named territory. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 106398 (Sub-No. 542), filed April 23, 1971. Applicant: NATIONAL TRAILER CONVOY, INC., 1925 National Plaza, Tulsa, OK 74151. Applicant's representatives: Irvin Tull (same address as applicant) and Leonard A. Jaskiewicz, Suite 501, 1730 M Street, NW., Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from points in Durham County, N.C., to points in the United States (except Alaska and Hawaii). Note: Common control dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 107107 (Sub-No. 410), filed April 21, 1971. Applicant: ALTERMAN TRANSPORT LINES, INC., 12805 Northwest 42d Avenue, Opa Locka, FL 33054. Applicant's representative: Ford W. Sewell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products*, from New York, N.Y.; Elizabeth, N.J., and Hagerstown, Md., to points in North Carolina, South Carolina, and Georgia. Restricted to traffic originating at plantsite or storage facilities of Breakstone Sugar Creek Foods—Division Kraftco Corp. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 107173 (Sub-No. 12), filed May 3, 1971. Applicant: MARVIN HAYES LINES, INC., Guthrie Highway, Hayes Circle, Clarksville, TN. Applicant's representative: Walter Harwood, 1822 Parkway Towers, Nashville, Tenn. 37219: Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined by the Commission, classes A and B explosives, commodities in bulk, and articles requiring special equipment), between Guthrie, Ky., and Louisville, Ky.; from Guthrie over U.S. Highway 41 to Hopkinsville, Ky., thence over U.S. Highway 68 to Bowling Green, Ky., thence over U.S. Highway 31W to Louisville, Ky., and return over the same route, serving all intermediate points between Guthrie and Dennis, Ky. Note: Applicant states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Hopkinsville, Ky., or Nashville, Tenn.

No. MC 107515 (Sub-No. 744) (Correction), filed March 8, 1971, published in the Federal Register issue of April 8, 1971, and republished as corrected this issue. Applicant: REFRIGERATED TRANSPORT CO., INC., Post Office Box 308, 3901 Jonesboro Road, Forest Park, GA 30050. Applicant's representatives: B. L. Gundlach (same address as applicant) and Paul M. Daniell, Post Office Box 872, Atlanta, GA 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fruit and vegetable crystals*, from Lake Wales, Fla., to points in Alabama, Georgia, Tennessee, Mississippi, North Carolina, South Carolina, Louisiana, Kentucky, Oklahoma, Texas, Missouri, Ohio, Indiana, Illinois, Arkansas, Michigan, Wisconsin, and Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. The purpose of this republication is to correct the commodity description from that which was erroneously shown in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla.

No. MC 108053 (Sub-No. 104), filed April 28, 1971. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats*, cooked, cured or preserved, with or without vegetable, milk, egg, fruit or other ingredients, other than frozen, from Fort Madison, Iowa to points in California, Arizona, Utah, and Oregon, restricted to traffic originating at Fort Madison, Iowa. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fort Madison, Iowa.

No. MC 108053 (Sub-No. 105), filed April 28, 1971. Applicant: LITTLE AUDREY'S TRANSPORTATION COMPANY, INC., Post Office Box 129, Fremont, NE 68025. Applicant's representative: Carl L. Steiner, 39 South La Salle Street, Chicago, IL. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses* as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, between the plantsites and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming, restricted to traffic originating at the named origin and destined to the named territory. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108676 (Sub-No. 40). Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, TN 37917. Applicant's representative: Louis J. Amato, Post Office Box E, Bowling Green, KY 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Off highway truck bodies and chassis; parts, attachments, and accessories* for off highway truck bodies and chassis, from Woodbridge, N.J., and Allentown, Pa., to points in Alabama, Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 109397 (Sub-No. 257), filed May 3, 1971. Applicant: TRI-STATE MOTOR TRANSIT CO., a corporation, Post Office Box 113, Joplin, MO 64801. Applicant's representatives: A. N. Jacobs (same address as applicant), and Wilburn L. Williamson, 280 National Foundation Life Building, 3535 Northwest 58th Street, Oklahoma City, OK 73113. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fabricated metal products*, from Roseville, Mich., to points in the United States (except Alaska and Hawaii). Note: Applicant holds contract authority under MC 128814 (Sub 5 through 9), therefore dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it

be held at Washington, D.C., or Detroit, Mich.

No. MC 110563 (Sub-No. 67), filed May 5, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Ohio Building, Sidney, OH 45365. Applicant's representative: Joseph M. Scanlan, 111 West Washington, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides, pelts, and commodities in bulk), from Joslin, Ill., to points in Massachusetts, Pennsylvania, New Jersey, New York, and Rhode Island, and Washington, D.C., Connecticut, and Maryland. Restriction: Restricted to the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Springfield, Ill.

No. MC 111302 (Sub-No. 67), filed April 28, 1971. Applicant: HIGHWAY TRANSPORT, INC., Post Office Box 79, Powell, TN 37849. Applicant's representative: George W. Clapp, Post Office Box 10188, Greenville, SC 29603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone products*, from points in Knox County, Tenn., to points in Ohio on and south of U.S. Highway 40 and points in West Virginia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112520 (Sub-No. 241), filed May 10, 1971. Applicant: McKENZIE TANK LINES, INC., Post Office Box 1200, Tallahassee, FL 32302. Applicant's representative: W. Guy McKenzie, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Circus equipment*, between the campus of Florida State University, Tallahassee, Fla., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 112750 (Sub-No. 282), filed May 3, 1971. Applicant: AMERICAN COURIER CORPORATION, 2 Nevada Drive, Lake Success, NY 11040. Applicant's representatives: John M. Delany (same address as applicant), and Russell S. Bernhard, 1625 K Street NW., Washington, DC 20006. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments, and business records* (except currency and negotiable securities) as are used in the business of banks and banking institutions, between Sturgis, Mich., and Fremont, Ohio, under contract with banks and banking institutions. Note: Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 112801 (Sub-No. 120), filed May 3, 1971. Applicant: TRANSPORT SERVICE CO., a corporation, Post Office Box 50272, Chicago, IL 60650. Applicant's representative: Robert H. Levy, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends*, in bulk, from Cedar Rapids, Clinton, and Keokuk, Iowa to points in the United States (except Alaska and Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 113024 (Sub-No. 110), filed May 10, 1971. Applicant: ARLINGTON J. WILLIAMS, Rural Delivery No. 2, South Du Pont Highway, Smyrna, DE 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Building, Washington, DC 20423. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber hose*, from Wilmington, Del., to points in Anderson, Dallas, and Tarrant Counties, Tex., for the account of Electric Hose & Rubber Co., Wilmington, Del. Note: Applicant holds pending common carrier applications under MC 135046 and Subs. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113535 (Sub-No. 19), filed April 22, 1971. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John J. Altenburg, Route 2, Box 370, Mosinee, WI 54455. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dubuque, Iowa to points in Illinois and Indiana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 113666 (Sub-No. 57), filed April 28, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Refractory products;* (2) *brick;* and (3) *Materials and supplies* used in the installation and production of refractory products; (1) from Baltimore, Jennings, Leslie, and Poplar, Md.; E. Plastine, Parral, Windham, and Portsmouth, Ohio; Ludington, Mich.; Hammond, Ind.; Cape May, N.J.; Newell, W. Va., and points in Pennsylvania, to the ports of entry on the international boundary between the United States and Canada located in the States of New York, Michigan, Vermont, New Hampshire, Maine, and Minnesota; and (2) from ports of entry on the international boundary between the United States and Canada located in the States of Maine, New Hampshire, Vermont, New York, Michigan, and Minnesota, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, Virginia, North Carolina, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, and Minnesota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington D.C., or Pittsburgh, Pa.

No. MC 113666 (Sub-No. 58), filed April 28, 1971. Applicant: FREEPORT TRANSPORT, INC., 1200 Butler Road, Freeport, PA 16229. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street, NW., Suite 501, Washington, DC 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Dry animal and poultry feed and feed ingredients*, from the international boundary between the United States and Canada located on the Niagara River to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and from the international boundary between the United States and Canada located on the Detroit and St. Clair Rivers to points in Indiana, Kentucky, Michigan, and Ohio; (2) *xanthate*, dry, from the international boundary between the United States and Canada located on the Niagara River to points in Arizona, California, Colorado, Delaware, Georgia, Illinois, Michigan, Missouri, Montana, Nevada, New York, Oklahoma, Pennsylvania, Utah, Virginia, and Washington, and from the international boundary between the United States and Canada located on the Detroit and St. Clair Rivers to points in Arizona, California, Colorado, Georgia, Illinois, Michigan, Missouri, Montana, Nevada, Oklahoma, Utah, and Washington; (3) *dry animal and poultry feed and feed ingredients*, from Pearl River, N.Y., and Willow Island, W. Va., to Kansas City, Mo., Des Moines, Iowa, and Muncie, Kans.; and (4) *dry animal and poultry feed and feed ingredients,* from the plant of the American Cyanamid Co. at South River, Mo., to points in New York. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113678 (Sub-No. 423), filed May 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Adhesives and linoleum paste,* from the plantsite of Roman Adhesives, Inc., at or near Newark, N.J., to points in California, Colorado, Florida, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Texas, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 113678 (Sub-No. 424), filed May 4, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyards Station, Denver, CO 80216. Applicant's representatives: Duane W. Acklie and Richard Peterson, Post Office Box 806, Lincoln, NE 68501. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats,* cooked, cured, or preserved, with or without vegetable, milk, egg, or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Colorado, California, Arizona, and Utah. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Denver, Colo.

No. MC 113784 (Sub-No. 42), filed May 3, 1971. Applicant: LAIDLAW TRANSPORT LIMITED, 65 Guise Street, Hamilton 21, ON Canada. Applicant's representative: William J. Hirsch, 35 Court Street, Buffalo, NY 14202. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Regenerator oxide,* in bulk, in pneumatic tank vehicles, from ports of entry on the international boundary line between the United States and Canada on the Niagara River in New York to Kane, Pa., and returned shipments on return. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Buffalo, N.Y.

No. 113855 (Sub-No. 240), filed April 28, 1971. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road, SE., Rochester, MN 55901. Applicant's representative: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier,* by vehicle, over irregular routes, transporting: (1) *Antipollution systems and equipment;* (2) *liquid cooling and vapor condensing systems and equipment;* (3) *environmental control and protective systems and equipment;* (4) *parts, equipment, materials, and supplies* for the commodities named in (1), (2), and (3) above; and (5) *machinery, equipment, and materials and supplies* used in the construction, installation, operations, and maintenance of items named in (1), (2), and (3) above, between points in United States (except Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., Kansas City, Mo., or Denver, Colo.

No. MC 114045 (Sub-No. 354), filed April 28, 1971. Applicant: TRANS-COLD EXPRESS, INC., Post Office Box 5842, Dallas, TX 75222. Applicant's representative: Edward G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from the plantsite and storage facilities utlilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Arkansas, Louisiana, Kansas, Oklahoma, and Texas, restricted to traffic originating at the named origin and destined to the named territory. Note: If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114273 (Sub-No. 89), filed May 3, 1971. Applicant: CEDAR RAPIDS STEEL TRANSPORTATION, INC., Post Office Box 68, 3930 16th Avenue SW., Cedar Rapids, IA 52406. Applicant's representatives: Gene R. Prokuski (same address as applicant), and Robert E. Konchar, Suite 315 Commerce Exchange Building, 2720 First Avenue, Cedar Rapids, IA 52402. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses,* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except hides, commodities in bulk, in tank vehicles), from the plantsite and/or storage facilities utilized by Aristo Kansas Meat at Holton and Topeka, Kans., to points in Maine, New Hamsphire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Ohio, Michigan, Indiana, Wisconsin, Illinois, and the District of Columbia. Note: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 114284 (Sub-No. 51), filed May 10, 1971. Applicant: FOX-SMYTHE TRANSPORTATION CO., a corporation, Post Office Box 82307, Stockyards Station, Oklahoma City, OK. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate candies, candies and confectionery products* when moving with chocolate and chocolate candies, from the plantsite and warehouse facilities of Bunte Candies, Inc., at Oklahoma City, Okla., to points in New Mexico and Arizona, and points in El Paso and Hudspeth Counties, Tex., and to points in that part of Texas on and north of a line beginning at the junction of U.S. Highway 80 and the east boundary of Hudspeth County, Tex., and extending along U.S. Highway 80 to junction of U.S. Highway 83, and thence on and west of U.S. Highway 83 to junction with Red River, approximately 8 miles north of Childress, Tex., and thence along the north bank of the Red River to the Texas-Oklahoma State line. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 114301 (Sub-No. 66), filed May 3, 1971. Applicant: DELAWARE EXPRESS CO., a corporation, Post Office Box 97, Elkton, MD 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, DC 20005. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Liquid fish products,* in bulk, from Wildwood, N.J., to points in New York, Pennsylvania, Ohio, Virginia, Delaware, and Maryland; and (2) *Lime and limestone products* in bulk, in tank vehicles, from Canaan, Conn., and Adams, Mass., to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 114457 (Sub-No. 108) (Correction), filed April 12, 1971, published in the Federal Register issue of May 6, 1971, and republished as corrected this issue. Applicant: DART TRANSIT COMPANY, a corporation, 780 North Prior Avenue, St. Paul, MN 55104. Applicant's representative: James C. Hardman, 127 North Dearborn Street, Chicago, IL 60602. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Frozen foods,* from Chicago Heights, Ill., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, and the District of Columbia; and (2) *equipment, materials, and supplies used in the sale, distribution, and manufacture of frozen foods,* from the above named destinations to Chicago Heights, Ill. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Note: The purpose of this republication is to reflect the origin point as Chicago Heights, Ill., in lieu of Chicago, Ill. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 114734 (Sub-No. 24), filed May 3, 1971. Applicant: D AND J TRANSFER CO., a corporation, Sherburn, MN 56171. Applicant's representative: Richard A. Peterson, 521 South 14th Street, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses* (except hides and commodities in bulk, in tank vehicles), from the plantsite and storage facilities of Spencer Foods, Inc., at Schuyler and Fremont, Nebr.; Spencer, Hartley, and Cherokee, Iowa; Sioux Falls, S. Dak.; and Worthington, Minn., to points in Maine, Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, and the District of Columbia, under continuing contract with Spencer Foods, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Minneapolis, Minn.

No. MC 115162 (Sub-No. 226), filed May 6, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Building materials* (except commodities in bulk), from Florence, Ky., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, Tennessee, Mississippi, Arkansas, and Louisiana. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tampa, Fla., or Washington, D.C.

No. MC 115162 (Sub-No. 227), filed May 6, 1971. Applicant: POOLE TRUCK LINE, INC., Post Office Drawer 500, Evergreen, AL 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Roofing pitch in drums; rolled roofing felt,* tar or asphalt saturated; *roofing cement; and creosote oil in drums,* from Woodward, Ala., to points in Arkansas, Florida, Georgia, Kentucky, Louisiana, Missouri, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham or Montgomery, Ala.

No. MC 115331 (Sub-No. 310), filed May 10, 1971. Applicant: TRUCK TRANSPORT, INCORPORATED, 1931 North Geyer Road, St. Louis, MO 63131. Applicant's representative: J. R. Ferris, 230 St. Clair Avenue, East St. Louis, IL 62201. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats,* cooked cured, or preserved, with or without vegetable, milk, egg or fruit ingredients, other than frozen, from Fort Madison, Iowa, to points in Missouri, Illinois, and Tennessee. Note: Applicant states that the requested authority cannot be tacked with its existing authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.; Chicago, Ill., or Des Moines, Iowa.

No. MC 115841 (Sub. No. 410), filed April 19, 1971. Applicant: COLONIAL REFRIGERATED TRANSPORTATION, INC., 1215 West Bankhead Highway, Post Office Box 10327, Birmingham, AL 35202. Applicant's representatives: C. E. Wesley (same address as above), and E. Stephen Heisley, 666 11th Street NW., Washington, DC 20001. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen bakery products,* from Downers Grove, Ill., to points in Alabama, Arkansas, Georgia, Florida, Louisiana, Oklahoma, North Carolina, South Carolina, Tennessee, and Texas, restricted to traffic originating at the plantsite and warehouse facilities of Pepperidge Farm, Inc., at or near Downers Grove, Ill. Note: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore, does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala., or Memphis, Tenn.

No. MC 115904 (Sub-No. 24), filed April 19, 1971. Applicant: LOUIS GROVER, 1710 Broadway, Idaho Falls, ID 83401. Applicant's representative: Irene Warr, 419 Judge Building, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lumber and lumber mill products,* including plywood, laminated beams, wallboard or hard board or boards or sheets consisting of sawdust or ground wood with binder, and shingles, between points in Montana, Idaho, Utah, and Arizona. Note: Applicant does not seek duplicating authority. Applicant further states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Missoula, Mont., or Boise, Idaho.

No. MC 116073 (Sub-No. 166), filed April 30, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Buildings,* complete, knocked down, or in sections, and *trailers* designed to be drawn by passenger automobiles, from Winston County, Ala., to points in the United States (including Alaska but excluding Hawaii). Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala.

No. MC 116077 (Sub-No. 309), filed May 3, 1971. Applicant: ROBERT TANK LINES, INC., 2000 West Loop South, Suite 1800, Houston, TX 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Sugar,* dry, in bulk, from New Orleans, La., to points in Alabama, Mississippi, Louisiana, and Tennessee. Note: Applicant states that the requested authority can be tacked with its existing authority in MC–116077, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 116077 (Sub-No. 310), filed May 4, 1971. Applicant: ROBERTSON TANK LINES, INC., 200 West Loop South, Suite 1800, Houston, TX 77001. Applicant's representative: Pat H. Robertson, Suite 401, First National Life Building, Austin, Tex. 78701. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions,* in bulk, in tank vehicles, from the storage facilities of Allied Chemical Corp. located at or near Pine Bluff, Ark., to points in Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Note: Applicant states that the requested authority can be tacked with its existing authority but indicated that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Houston, Tex.

No. MC 117304 (Sub-No. 22), filed May 10, 1971. Applicant: DON PAFFILE, doing business as PAFFILE TRUCK LINES, 2906 29th Street, Lewiston, ID 83501. Applicant's representative: Don Paffile (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite and storage facilities of Potlatch Forest Industries, Inc., at Lewiston, Idaho, to points in Spokane County, Wash., ports of entry on the U.S. border between the United States and Canada in the States of Washington and Idaho and points in Oregon and Washington on and west of U.S. Highway 97. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash.

No. MC 117574 (Sub-No. 202), filed May 3, 1971. Applicant: DAILEY EXPRESS, INC., Post Office Box 39, Carlisle, PA 17013. Applicant's representatives: E. S. Moore, Jr. (same address as above) and James W. Hagar, 100 Pine Street, Post Office Box 1166, Harrisburg, PA 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Antipollution systems and equipment;* (2) *liquid cooling and vapor condensing systems and equipment;* (3) *environmental control and protective systems and equipment;* (4) *parts, equipment, materials, and supplies* for the commodities named in (1), (2), and (3) above; and (5) *machinery, equipment, and materials, and supplies* used in the construction installation, operation and maintenance of the items named in (1), (2), and (3) above, between points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the authority sought herein can be tacked with existing authority held by applicant, however, applicant has no present intention to tack, therefore, the tackable authorities are not identified herein. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Applicant further states no duplicating authority is sought. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 117799 (Sub-No. 12), filed May 10, 1971. Applicant: BEST WAY FROZEN EXPRESS, INC., 3033 Excelsior Boulevard, Minneapolis, MN 55416. Applicant's representatives: Patrick M. Porritt (same address as above) and Val Higgins 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic laminates and plastic laminated products*, from Auburn, Maine, to points in California. NOTE: Common control and dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Maine, or Boston, Mass.

No. MC 118831 (Sub-No. 79), filed May 3, 1971. Applicant: CENTRAL TRANSPORT, INCORPORATED, Post Office Box 5044, High Point, NC. Applicant's representative: Richard E. Shaw (same address as above) and E. Stephen Heisley, 666 11th Street NW., Washington, DC. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, from Murray, Ky., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. NOTE: Applicant states that the requested authority can be tacked with its existing authority but indicates that it has no present intention to tack, and therefore does not identify the points or territories which can be served through tacking. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Louisville, Ky.

No. MC 119049 (Sub-No. 4) (amendment), filed October 15, 1970, published in the FEDERAL REGISTER issue of November 13, 1970, and republished in part as amended this issue. Applicant: T.E.K. VAN LINES, INC., 9123 East Garvey Avenue, Rosemead, CA 91770. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. NOTE: The purpose of this partial republication is to (1) reflect the tacking information as follows: Applicant states that the requested authority can be tacked with its existing authority, but indicates that it has no present intention to tack and therefore does not identify the points or territories which can be served through tacking, and (2) to reflect applicant intends to retain (not cancel) its present authority if the application is granted. The rest of the application remains as previously published.

No. MC 119226 (Sub-No. 79), filed May 10, 1971. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, IN 46227. Applicant's representatives: Don A. Thome (same address as applicant) and/or Loser & Loser, 1001 Chamber of Commerce Building, Indianapolis, IN 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn products and blends thereof*, in bulk, from Cedar Rapids, Clinton, Keoku, and Muscatine, Iowa, to points in the United States (except Alaska and Hawaii). NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant seeks no duplicating authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa, or Chicago, Ill.

No. MC 113666 (Sub-No. 58), filed 3, 1971. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, Columbus, Ind. Applicant's representative: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in Appendix I to the Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 from Louisville, Ky., to points in Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, Maryland, Delaware, Pennsylvania, New Hampshire, New Jersey, Connecticut, Rhode Island, Massachusetts, Vermont, Wisconsin, Washington, D.C., and New York. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119934 (Sub-No. 172), filed May 5, 1971. Applicant: ECOFF TRUCKING, INC., 625 East Broadway, Fortville, IN 46040. Applicant's representative: Robert W. Loser, 1001 Chamber of Commerce Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugar*, dry, in bulk, from St. Bernard Parish, La., to points in Alabama, Louisiana, Mississippi, and Tennessee. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. Applicant holds contract carrier authority under MC 128161, therefore, dual operations and common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.; New Orleans, La.; or Washington, D.C.

No. MC 119968 (Sub-No. 5), filed May 5, 1971. Applicant: A. J. WEIGAND, INC., Post Office Box 130, Dover, OH 44622. Applicant's representative: Paul F. Beery, 88 East Broad Street, Columbus, OH 43215. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Spent activated carbon*, in bulk, from Dover, Ohio, to the plantsite of Westavaco Chemical, Inc., located at or near Covington, Va. NOTE: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 120080 (Sub-No. 4), filed April 28, 1971. Applicant: MORGAN EXPRESS, INC., 3817 Irving Boulevard, Dallas, TX 75247. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, except classes A and B explosives, (1) between Dallas, Tex., and Shreveport, La., serving no intermediate points and serving Marshall for purposes of interline only, from Dallas over U.S. Highway 80 to Shreveport and return over the same route; (2) between Shreveport, La., and Junction U.S. Highway 71 and U.S. Highway 190, serving all intermediate points, from Shreveport, La., over U.S. Highway 71 to its junction with U.S. Highway 190 near Krotz Springs and return over the same route; (3) between Dallas and Houston, Tex., serving no intermediate points and serving Houston for purposes of joinder only, from Dallas to Houston over U.S. Highway 75 and return over the same route; (4) between Houston, Tex., and New Orleans, La., serving all intermediate points in Louisiana; service between Houston and Orange, Tex., restricted to interline at Orange, from Houston over U.S. Highway 90 to New Orleans and return over the same route; (5) between Tallulah, La., and Junction U.S. Highways 165 and 90 near Iowa, serving all intermediate points, from Tallulah, La., over U.S. Highway 65 to its junction with State Highway 2, thence to Mer Rouge over State Highway 2; thence over U.S. Highway 165 to its Junction with U.S. Highway 90 near Iowa, and return over the same route; (6) between Shreveport and Vicksburg, serving all intermediate points, from Shreveport, La., over U.S. Highway 80 to Vicksburg, Miss., and return over the same route; (7) between Sulphur, La., and Junction U.S. Highway 190 and U.S. Highway 11, near Slidell, serving all intermediate points, from Sulphur, La., to De Quincy over State Highway 27, thence to Ragley over U.S. Highway 190; thence to Junction U.S. Highways 190 and 11 near Slidell and return over the same route;

(8) Between Baton Rouge and New Orleans, serving all intermediate points, from Baton Rouge and New Orleans over U.S. Highway 61 and return over the same route; (9) between Shreveport and Lake Charles, serving all intermediate points, from Shreveport to Lake Charles over U.S. Highway 171 and return over the same route; (10) between Minden and Junction City, serving all intermediate points, from Minden over U.S. Highway 79 to Homer; thence over State Highway 9 to Junction City and return over the same route; (11) between Junction City and Lafayette, serving all intermediate points, from Junction City over U.S. Highway 167 to Lafayette and return over the same route; (12) between Many, La., and Natchez, Miss., serving all intermediate points, from Many over State Highway 6 to Clarence; thence over U.S. Highway 84 to Natchez and return over the same route; (13) between Alexandria and Junction of U.S. Highway 90 and State Highway 1 near Raceland, serving all intermediate points, from Alexandria over State Highway 1 to its Junction with U.S. Highway 90 near Raceland and return over the same route; (14) between Lafayette and Jennings, serving all intermediate points, from Lafayette over State Highways 94 and 31 to New Iberia; thence over State Highway 14 to Lake Arthur; thence over State Highway 26 to Jennings and return over the same route; (15) between New Orleans and Kentwood, La., serving all intermediate points, from New Orleans over U.S. Highway 11 to Pearl River, La., thence over State Highway 41 to Bogalusa, La.; thence over State Highways 10, 25, and 38 to Kentwood, La.; thence over U.S. Highway 51 to La Place, La.; and (16) between Baton Rouge, Clinton, and St. Francisville, La., serving all intermediate points, from Baton Rouge, La., over State Highway 19 to its Junction with State Highway 10, near McManus, La.; thence over State Highway 10 to Clinton, La.; and return; thence over State Highway 10 to St. Francisville and thence over U.S. Highway 61 to Baton Rouge, La. NOTE: If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., New Orleans or Shreveport, La.

No. MC 120249 (Sub-No. 8), filed April 22, 1971. Applicant: GEORGE A. HORTON, doing business as ASHLAND-HARLO FREIGHT LINES, 1023 Delphinium Drive, Billings, MT 59102. Applicant's representative: Jerome Anderson, Post Office Box 1215, Billings, MT 59103. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities injurious or contaminating to other lading, commodities in bulk, and commodities, which, because of their size and weight require special equipment), between White Sulphur Springs, Mont., and Helena, Mont., over U.S. Highways 12 and 287, serving the intermediate and off-route points of Townsend and East Helena, Mont. NOTE: Applicant states it would tack the requested authority with its existing authority at White Sulphur Springs, Mont., and further would provide joint line service with other carriers at service points which applicant has in common with other carriers. Common control and dual operations may be involved. If a hearing is deemed necessary, applicant request it be held at Helena, Mont., or Billings, Mont.

No. MC 123407 (Sub-No. 82), filed May 7, 1971. Applicant: SAWYER TRANSPORT, INC., 2424 Minnehaha Avenue South, Minneapolis, MN 55404. Applicant's representative: Robert W. Sawyer (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Composition board, composition tile, flooring, building and roofing materials; and materials and accessories* used in the installation thereof, (1) from Meridian, Miss., and New Orleans, La., to points in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin, and (2) between New Orleans, La., Chillicothe, Ohio, and Chicago Heights, Ill. NOTE: Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La., or Washington, D.C.

No. MC 124174 (Sub-No. 85), filed May 9, 1971. Applicant: MOMSEN TRUCKING CO., a corporation, Highways 71 and 18 North, Spencer, Iowa 51301. Applicant's representatives: Marshall Becker, 530 Univac Building, 7100 West Center Road, Omaha, NE 68106, and Karl E. Momsen, 6801 L Street, Omaha, NE 68117. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hides, skins, chromes and pieces therefrom, and tannery products, supplies, and byproducts* (except liquids and chemicals in bulk, in tank trucks) between points in Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Texas, Vermont, Virginia, Wisconsin, Buford, Ga.; New Orleans, La.; Clovis, N. Mex., and West Virginia. NOTE: Common control may be involved. Applicant states tacking or joinder may be possible but is not anticipated. Persons interested in the tacking possibilities are cautioned that failure to oppose the application may result in an unrestricted grant of authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 124947 (Sub-No. 11), filed May 5, 1971. Applicant: MACHINERY TRANSPORTS, INC., 617 Chicago Street, East Peoria, IL 61611. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, DC 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Road construction, paving, and concrete finishing accessories, and attachments, motor graders, excavators, and sprayers*, between Oklahoma City, Okla., on the one hand, and, on the other, points in the United States (except Hawaii); (2) *hydraulic hammers, cutters, and portable power units*, between Denver, Colo., on the one hand, and, on the other, points in the United States (except Hawaii); (3) *grading, paving, and finishing machinery, equipment, parts, accessories, and attachments*, between Canton, S. Dak., on the one hand, and, on the other, points in the United States (except Hawaii); (4) *asphalt producting, storage, and heating systems and components, and asphalt plant erection machinery and equipment*, between Chattanooga, Tenn., on the one hand, and, on the other, points in the United States (except Hawaii); and (5) *concrete producing and storage plants systems, and components, and batching controles*, between Santa Clara, Calif., on the one hand, and, on the other, points in the United States (except Hawaii). NOTE: Applicant states if any of the involved commodities also qualify as "size-or-weight" commodities, limited tacking might be permitted from applicant's existing authority for the latter; however, tacking is not foreseen. Applicant further states no duplicating authority sought. If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla.

No. MC 125996 (Sub-No. 19), filed April 21, 1971. Applicant: ROAD RUNNER TRUCKING, INC., Post Office Box 37491, Millard, NE 68137. Applicant's representative: George Bacon (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cooling devices*, other than those requiring special equipment, from Montebello, Calif., to points in Iowa, Kansas, Minnesota, Missouri, Nebraska, and South Dakota. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 126422 (Sub-No. 5), filed May 3, 1971. Applicant: QUALITY TRANSPORT, INC., 1200 Simons Building, Dallas, Tex. 75201. Applicant's representative: Wm. E. Livingstone, III, 4555 First National Bank Building, Dallas, Tex. 75202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from New Orleans, La., to points in Mississippi. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.

No. MC 126514 (Sub-No. 32), filed April 27, 1971. Applicant: HELEN H. SCHAEFFER AND EDWARD P. SCHAEFFER, a partnership, 5200 West Bethany Home Road, Glendale, AZ 85301. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, in mechanical refrigerated equipment, from Kennett Square, Pa., and Tiffin, Ohio, to points in Oregon, Washington, California, Nevada, Arizona, New Mexico, and Texas. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 127042 (Sub-No. 83), filed May 3, 1971. Applicant: HAGEN, INC., 4120 Floyd Boulevard, Post Office 98, Leeds Station, Sioux City, IA 51108. Applicant's representative: Joseph W. Harvey (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, except hides and commodities in bulk, from the plantsite and storage facilities utilized by Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Colorado, Idaho, Iowa, Kansas, Minnesota, Missouri, Montana, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, Wisconsin, and Wyoming. Restriction: Restricted to traffic originating at the named origin and destined to the named destination States. Note: If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 127527 (Sub-No. 7), filed May 3, 1971. Applicant: CARL W. REAGAN, doing business as SOUTHEAST TRUCKING CO., 8372 C. H. East Route No. 6, Ravenna, OH 44266. Applicant's representative: Robert N. Krier, 88 East Broad Street, Columbus, OH. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Conduit and other pipe* (except iron and steel) *and attachments parts and fittings therefor*, from the plantsite of The Flintkote Co., Pipe Products Group, located at or near Ravenna, Ohio, in Rootstown Township, Portage County, Ohio, to points in Delaware, Michigan, Maryland, New Jersey, New York, Pennsylvania, West Virginia, Virginia, Kentucky, Illinois, Wisconsin, Indiana, and the District of Columbia; and damaged or rejected shipments on return. Note: Applicant states it proposes to conduct operations under the applied for authority under continuing contract with The Flintkote Co., Pipe Products Group. If a hearing is deemed necessary, applicant requests it be held at Cleveland, Ohio, or Washington, D.C.

No. MC 129387 (Sub-No. 10), filed April 29, 1971. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, SD 57350. Applicant's representative: Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, SD 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Dakota City and West Point, Nebr.; Emporia, Kans.; Luverne, Minn.; Denison, Fort Dodge, LeMars, and Mason City, Iowa, to points in North Dakota, South Dakota, Minnesota, Iowa, Nebraska, Wisconsin, Illinois, and Missouri, restricted to traffic originating at the plantsites and storage facilities of Iowa Beef Processors, Inc., and destined to the named destinations. If a hearing is deemed necessary, applicant requests it be held at Huron or Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 129387 (Sub-No. 11), filed April 29, 1971. Applicant: BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, S. Dak. 57350. Applicant's representative: Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, SD 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766, restricted against the transportation of commodities in bulk, in tank vehicles and hides, from the plantsite and public warehouse facilities utilized by Armour and Co., located at Huron, S. Dak., destined to points in Pennsylvania, Kentucky, Tennessee, North Carolina, South Carolina, Virginia, West Virginia, District of Columbia, Delaware, Maryland, New York, Connecticut, Rhode Island, New Hampshire, Vermont, Massachusetts, New Jersey, and Maine; and (2) *meats, meat products, meat byproducts and packinghouse products* as set forth in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates* 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from the plantsite and warehouse facilities of Flannery Meats and Rod Barnes Packing at or near Huron, S. Dak., to points in Connecticut, Delaware, Kentucky, Maine, Massachusetts, Maryland, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Georgia, Tennessee, Virginia, Vermont, West Virginia, and the District of Columbia, restricted to traffic originating at the above-named plantsites and destined to the above-named States in (1) and (2) above. Note: If a hearing is deemed necessary, applicant requests it be held at Huron or Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 129387 (Sub-No. 12), filed April 30, 1971. Applicant; BILL PAYNE, doing business as BILL PAYNE TRUCKING COMPANY, Highway 14 East, Huron, SD 57350. Applicant's representative: Don A. Bierle, Suite 4, Law Building, 322 Walnut Street, Yankton, SD 57078. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts and articles distributed by meat packinghouses* as described in sections A and C, of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite/warehouse facilities of Needham Packing Co., Inc., located at West Fargo and Fargo, N. Dak., Sioux City, Iowa, and Omaha, Nebr., to points in Minnesota, South Dakota, North Dakota, Iowa, Nebraska, Illinois, and Wisconsin. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Huron, S. Dak., Sioux Falls, S. Dak., or Sioux City, Iowa.

No. MC 129712 (Sub-No. 3) filed April 30, 1971. Applicant: GEORGE BENNETT, doing business as GEORGE BENNETT TRUCK LINES, 5194 Houston Road, Post Office Box 7154, Macon, GA 31206. Applicant's representative: T. Baldwin Martin, 700 Home Federal Building, Macon, GA 31201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bakery products, advertising matter, and Sunshine Biscuit Co. stationery*, from the plantsite of Sunshine Biscuit Co. at Columbus, Ga., to points in North Carolina, South Carolina, Alabama, Louisiana, Tennessee, and Mississippi, and on return, *raw material, rejected products and pallets* on which the bakery products were originally shipped, under contract with Sunshine Biscuit Co., Columbus, Ga. Note: If a hearing is deemed necessary, applicant requests it be held at Columbus or Atlanta, Ga.

No. MC 133231 (Sub-No. 8), filed May 2, 1971. Applicant: ROBERT A. BRINKER, INC., 21 Diaz Street, Iselin, NJ. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paints, stains, varnishes*, (except in bulk, in tank vehicles), between New Brunswick and Newark, N.J., on one hand, and, on the other, Morrisville, Pa., and Baltimore, Md., under contract with Patterson Sargent/Vita-Var, Division of Textron. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 134134 (Sub-No. 9), filed April 23, 1971. Applicant: MAINLINER MOTOR EXPRESS, INC., 2002 Madison Street, Omaha, NE 68107. Applicant's representative: Robert W. Dwyer, Jr., 1601 Woodmen Tower, Omaha, NE 68102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite and storage facilities used by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Chicago, Ill.

No. MC 134426 (Sub-No. 1), filed April 23, 1971. Applicant: ROBERT E. McCORT, doing business as McCORT DRIVEAWAY, 7032 Barkwood Drive, Jacksonville, FL 32211, Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, FL 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Automobiles and trailers* (other than used) between points in the United States on the one hand, and, on the other, points on and south of U.S. Highway 60 in Virginia, West Virginia, and Kentucky, and points east of the Mississippi River; and (2) *boat trailers*, from Jacksonville, Fla., to points in Florida, Georgia, Alabama, Mississippi, Louisiana, Tennessee, North Carolina, Virginia, and West Virginia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 134922 (Sub-No. 9), filed May 4, 1971. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, AR 72118. Applicant's representatives: William J. Boyd, 29 South La Salle Street, Chicago, IL 60603, and George Harris, c/o B. J. McAdams, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and packaged animal and pet food, and canned and packaged foodstuffs*, from Siloam Springs and Gentry, Ark., and the plantsite of Allen Canning Co., located approximately 10 miles northeast of Siloam Springs, Ark., and Kansas, and Proctor, Okla., to points in Ohio, Pennsylvania, Maryland, New Jersey, New York, Delaware, West Virginia, Virginia, Connecticut, Massachusetts, Vermont, New Hampshire, Maine, Rhode Island, California, Arizona, and the District of Columbia. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Oklahoma City, Okla.

No. MC 135047 (Sub-No. 1), filed March 26, 1971. Applicant: GRADY MOVING & STORAGE, INC., Post Office Box 53, Jacksonville, NC 28540. Applicant's representative: Robert J. Gallagher, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina, restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Raleigh, N.C., or Washington, D.C.

No. MC 135195 (Sub-No. 1), filed May 3, 1971. Applicant: JOSEPH L. STOVER, doing business as STOVER AIR CARGO, Quincy, Ill. 62301. Applicant's representative: Robert T. Lawley, 300 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except commodities in bulk), between Quincy, Ill., and Hannibal, La., Monroe City, and Troy, Mo., on the one hand, and, on the other, Lambert Field, St. Louis, Mo., on traffic having an immediately prior or subsequent movement by air. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Springfield, Ill., or Chicago, Ill.

No. MC 135244 (Sub-No. 1) (Correction), filed April 6, 1971, published in the Federal Register issue of May 6, 1971, and republished, as corrected, this issue. Applicant: NUTRITION PLUS, INC., 1000 Hillcrest Road, Wayne, NE 68787. Applicant's representative: Merle Sieler (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Feed and feed ingredients*, from Malvern, Iowa, to points in Burt, Cumming, Dakota, Dixon, Platte, Colfax, Dodge, Thurston, and Wayne Counties, Nebr., under a continuing contract with Standard Chemical Manufacturing Co. Note: The purpose of this republication is to include the counties of Platte, Colfax, and Dodge, Nebr., inadvertently omitted in the previous publication. If a hearing is deemed necessary, applicant requests it be held at Sioux City, Iowa.

No. MC 135344 (Sub-No. 2), filed April 26, 1971. Applicant: COMET TRUCKING, INC., 249 East Fourth North, American Fork, UT 84003. Applicant's representative: Myrna Mae Nebeker, 212 Phillips Petroleum Building, Salt Lake City, UT 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron and steel furnace retorts and parts*, together with all fittings, electrical and mechanical, from Salt Lake City, Utah, to points in the United States (including Alaska and Hawaii), under contract with Envirotech Systems, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah.

No. MC 135353 (Sub-No. 1), filed May 4, 1971. Applicant: BARSTOW TRANSFER & STORAGE CO., INC., Post Office Box 639 Barstow-Daggert Airport, Barstow, CA 93211. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household* goods, between points in San Bernardino County, Calif., and between Barstow, Calif., and Long Beach, San Pedro Harbor, and Los Angeles International Airport, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted in the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. Note: If a hearing is deemed necessary, applicant did not specify a location.

No. MC 135399 (Sub-No. 2), filed April 30, 1971. Applicant: HASKINS TRUCKING, INC., 3735 Gouldburn Street, Houston, TX 77045. Applicant's representative: J. L. Haskins (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper and paper products, pulpboard;* and (2) *materials, equipment and supplies* used in the manufacture and distribution thereof (except commodities in bulk and commodities which, because of weight, require the use of special equipment); (b) (1) from the plantsite of Continental Can Co., Inc., Hodge, La., to points in Alabama, Mississippi, Tennessee, Kentucky, Virginia, North Carolina, South Carolina, Georgia, Florida, Texas (except points east of U.S. Highway 75 and except Dallas and Houston, Tex.), Phoenix, Mesa, and Tucson, Ariz., Albuquerque, Roswell, and Santa Fe, N. Mex.; and (2) from points in Alabama, Mississippi, Tennessee (except McMinn County), Kentucky (except the plantsite of West Virginia Pulp & Paper Co. located at or near Wickliffe, Ky.), Virginia, North Carolina, South Carolina, Georgia (except Richmond County), Florida, Texas (except points east of U.S. Highway 75 and except Dallas and Houston, Tex.), Phoenix, Mesa, and Tucson, Ariz.; and Albuquerque, Roswell and Santa Fe, N. Mex.; to the plantsite of Continental Can Co., Inc., Hodge, La. Note: Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. 135430 (Clarification) filed March 15, 1971, published in the Federal Register issue of April 8, 1971, and republished as clarified this issue. Applicant: LEAVITTS FREIGHT SERVICE, INC., 3855 Marcola Road, Springfield, OR 97477. Applicant's representative: Earle V. White, 2400 Southwest Fourth Avenue, Portland, OR 97201. Note: The sole purpose of this partial republication is to reflect applicant presently operates as a contract carrier under MC 116470 and Subs thereunder, and herein proposes to convert those operations to that of a common carrier and will surrender its permits upon completion of the conversion. The rest of the application remains as previously published.

No. MC 135460 (Sub-No. 2) (Amendment), filed April 21, 1971, published in the Federal Register issue of May 13, 1971, and republished, as amended, this issue. Applicant: SOUTHERN TRANSPORT, INC., 1200 West Hillsboro, Post Office Box 488, El Dorado, AR 71730. Applicant's representative: Louis Tarlowski, 914 Pyramid Life Building, Little Rock, AR 72201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles; (1) from the terminals, storage and loading facilities utilized or operated by Mobil Oil Corp. at El Dorado, Ark., to points in Louisiana; and (2) from Cotton Valley, La., to Little Rock, Ark., under a continuing contract with Mobil Oil Corp. Note: The purpose of this republication is to redescribe the scope of the authority sought. Common control and dual operations may be involved. If hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.

No. MC 135571, filed May 4, 1971. Applicant: EVERETT KENNEDY, LTD., Rural Route 1, Auld's Cove, NS, Canada. Applicant's representative: Kenneth B. Williams, 111 State Street, Boston, MA 02132. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Bananas and fruit juices*, from points in the Boston, Mass., commercial zone to ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine; (2) *frozen berries, frozen fish, salted, pickled, or smoked fish, and fresh fish* when moving in the same vehicle with shipments of salted, pickled, or smoked fish, from ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine, to points in Massachusetts, New York, and New Jersey; (3) *machinery, equipment, cartons, wrappers, materials, and supplies* used in catching, processing, and packaging of fish, between points in the Boston, Mass., commercial zone and Gloucester, Mass., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine; and (4) *commodities* exempt from economic regulation under section 203(b)(6) of part II of the Interstate Commerce Act when moving at the same time and in the same vehicle with commodities named in (1) and (3) above, between points in the Boston, Mass., commercial zone and Gloucester, Mass., on the one hand, and, on the other, ports of entry on the international boundary line between the United States and Canada at or near Calais and Houston, Maine. Note: Applicant holds a pending contract application under MC 128560. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass.

No. MC 135579, filed May 3, 1971. Applicant: "H" MOVING & STORAGE, INC., 5207½ East Highway 190, Killeen, TX 76541. Applicant's representative: Harwell Henderson (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, as defined by the Commission, over irregular routes, between Killeen, Tex., on the one hand, and, on the other, points in Bell, San Saba, McCulloch, Wells, Hamilton, Coryell, Bosque, McLennan, Hill, Limestone, Falls, Burnet, Llano, Mason, Lampasas, Milam, Burleson, Washington, Waller, and Harris county, Tex. Restriction: The service herein sought is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points named, and further restricted to the performance of pickup or delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. Note: If a hearing is deemed necessary, applicant requests it be held at (1) Austin, (2) Waco, and (3) Fort Worth, Tex.

No. MC 135580, filed May 3, 1971. Applicant: LAMBERT TRANSFER & STORAGE CO., a corporation, 1448 Dalton Street, Cincinnati, OH 45214. Applicant's representative: Robert H. Kinker, Box 464, McClure Building, Frankfort, Ky. 40601. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between the Greater Cincinnati Airport, Boone County, Ky., on the one hand, and, on the other, points in Indiana, Illinois, Kentucky, Michigan, Ohio, Pennsylvania, Tennessee, and West Virginia, restricted to traffic having an immediately prior or subsequent movement by air. Note: Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Cincinnati, Ohio.

No. MC 135581, filed April 30, 1971. Applicant: T & M TRUCKING CORPORATION, 110 Hoboken Avenue, Jersey City, NJ 07306. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate syrup, chocolate coating, flavoring syrup, chocolate liquor,* cocoa *butter, vegetable* oils, in bulk, in tank vehicles, and packed in barrels or pails, from Jersey City, N.J., to points in Birmingham, Sylacauga, and Tuscaloosa, Ala.; Jacksonville, Fort Lauderdale, Miami, Tampa, and West Palm Beach, Fla.; Augusta, Columbus, Eastman, Atlanta, and Macon, Ga.; Chicago, Bloomington and Robinson, Ill.; Fort Wayne and Indianapolis, Ind.; New Orleans, La.; Baltimore and Laurel, Md.; Detroit, Grand Rapids, and Pontiac, Mich.; St. Louis, Mo.; Utica, N.Y.; Asheville, Charlotte, Lexington, Hickory, Raleigh, Wilson, Greensboro, and High Point, N.C.; Columbus, Cleveland, Cincinnati, Toledo, and Bryan, Ohio; Dushore, Lancaster, Philadelphia, Reading, McKeesport, and Pittsburgh, Pa.; Dillon and Charleston, S.C.; Athens, Chattanooga, Greeneville, Knoxville, and Memphis, Tenn.; Brenham, Bryan, Dallas, Fort Worth, and Houston, Tex.; commodities used or useful in the manufacture and sale of the above commodities from the destination points shown above to Jersey City, N.J., under contract with Van Leer Chocolate Corp., Jersey City, N.J. Note: If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or New York, N.Y.

No. MC 135584, filed April 26, 1971. Applicant: W. A. ADAMS, doing business as ADAMS TRANSFER AND STORAGE, Box 1660, Deland, FL 32720. Applicant's representative: Robert J. O'Neil (same address as applicant). Authority sought to operate as a *common carrier*, by motor

vehicle, over irregular routes, transporting: *Containerized household goods and unaccompanied baggage*, between points in the counties of Orange, Volusia, Brevard, Lake, and Seminole in the State of Florida. Note: If a hearing is deemed necessary, applicant requests it be held at Orlando or Jacksonville, Fla.

No. MC 135586, filed April 26, 1971. Applicant: PRASSEL ENTERPRISES, INC., North McRaven Road, Post Office Box 8305, Jackson, MS 39204. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Building, Post Office Box 22628, Jackson, MS 39205. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and lumber products, poles, posts, piling, pallets, cordwood, and cross-ties*, treated or untreated, between points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Virginia, under continuing contracts with Prassel Furniture & Box Woods, Inc., Prassel Furniture & Box Woods of Alabama, Inc., Prassel Furniture & Box Woods of Texas, Inc., Prassel Lumber Co. of Alabama, Allen Prassel Lumber Co. of Texas, Prassel Lumber Co., and Prassel Investments, Inc. Note: If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss.

No. MC 135587, filed May 5, 1971. Applicant: OSCAR MARSH, 49 Canterbury Drive, Athen, OH 45701. Applicant's representative: Gerald P. Wadkowski, 85 East Gay Street, Room 606, Columbus, OH 43215. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Soft drink beverages*, between Athens, Ohio, on the one hand, and Huntington, W. Va., on the other. Note: If a hearing is deemed necessary, applicant requests it be held at Huntington, W. Va.; Athens or Columbus, Ohio.

No. MC 135588, filed April 15, 1971. Applicant: JOHN CHABOT, doing business as ABCO MOVING & STORAGE, 900 West 11th Street, San Bernardino, CA 92410. Applicant's representative: Edward J. Hegarty, 100 Bush Street, 21st Floor, San Francisco, CA 94104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in Los Angeles, Orange, Riverside, and San Bernardino Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic. Note: If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

Motor Carriers of Passengers

No. MC 61335 (Sub-No. 13) (Correction), filed March 8, 1971, published in the Federal Register issue of April 22, 1971, corrected, and republished as corrected this issue. Applicant: TRANS-BRIDGE LINES, INC., Post Office Box 146, Phillipsburg, NJ 08865. Applicant's representative: W. C. Mitchell, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations; (1) beginning and ending at points in Hunterdon and Warren Counties, N.J., to Liberty Bell Race Track, Philadelphia, Pa., and Pocono Downs Race Track, Wilkes Barre, Pa.; and (2) beginning and ending at points in Hunterdon and Warren Counties, N.J., Lehigh, Monroe, and Northampton Counties, Pa., and those in that part of Bucks County, Pa., on and east of U.S. Highway 611 from Doylestown, Pa., to the county line near Riegelsville, Pa., and on and north of U.S. Highway 202 from Doylestown, Pa., to New Hope, Pa., and extending to Aqueduct Race Track, New York, N.Y.; Belmont Park Race Track, Belmont, N.Y.; Monticello Raceway, Monticello, N.Y.; Roosevelt Raceway, Westbury, N.Y.; Saratoga Race Track, Saratoga, N.Y.; and Yonkers Raceway, Yonkers, N.Y. Note: Common control may be involved. The purpose of this republication is to redescribe the operations being sought. If a hearing is deemed necessary, applicant requests it be held at Allentown, Pa.

No. MC 115116 (Sub-No. 23), filed May 11, 1971. Applicant: SUBURBAN TRANSIT CORP., 750 Somerset Street, New Brunswick, NJ 08901. Applicant's representative: Michael J. Marzano, 17 Academy Street, Newark, NJ 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage and express and newspapers* in the same vehicle with passengers; (1) between points in Trenton, N.J., as follows: Over city streets, freeways, and highways to Princeton Avenue at the city of Trenton-Ewing Township-Lawrence Township, N.J., boundary line and return, serving all intermediate points; (2) between Trenton, N.J., and Lawrence Township, N.J., as follows: From Trenton, N.J., over Strawberry Street (U.S. Highway 1) to Brunswick Circle and junction of U.S. Highway 206, thence over Brunswick Circle and U.S. Highway 206 to junction Mercer County Highway 583 (Princeton Avenue) in Lawrence Township, N.J., and return over the same route, serving all intermediate points; and (3) between Brunswick Circle and junction of Strawberry Street (U.S. Highway 1) and U.S. Highway 206 at or near the city of Trenton-Lawrence Township, N.J., boundary line, and junction U.S. Highway 1 and New Road in South Brunswick Township, N.J., as follows: From Brunswick Circle and junction of Strawberry Street (U.S. Highway 1) and U.S. Highway 206 at or near the city of Trenton-Lawrence Township, N.J., boundary line, over Brunswick Circle and U.S. Highway 1 to junction U.S. Highway 1 and New Road in South Brunswick Township, N.J., and return over the same route, serving all intermediate points. Note: Applicant proposes to provide service to and from New York, N.Y., by joining the proposed routes with its existing authorized routes. If a hearing is deemed necessary, applicant requests it be held at Newark, N.J.

Application for Brokerage License

No. MC 130144, filed April 26, 1971. Applicant: HARDMAN & STUCKEY TRAVEL INVESTMENTS, INC., doing business as HARDMAN TRAVEL INDUSTRIES, Suite 2512, Equitable Building, 100 Peachtree Street, Atlanta, GA 30303. For a license (BMC-5) to engage in operations as a *broker* at Atlanta, Ga., in arranging for transportation in interstate or foreign commerce of groups of *passengers and their baggage;* (1) beginning and ending at Atlanta, Ga., and extending to points in Georgia, Florida, Alabama, Tennessee, South Carolina, and North Carolina; and (2) between points in Georgia, Florida, Alabama, Tennessee, South Carolina and North Carolina.

Application of Freight Forwarders

No. FF-402 (SWIFT HOME-WRAP, INC., Freight Forwarder Application), filed May 14, 1971. Applicant: SWIFT HOME-WRAP, INC., Box 906, Irving, TX 75060. Applicant's representative: Max G. Morgan, 600 Leininger Building, Oklahoma City, OK 73112. Authority sought under section 410, part IV of the Interstate Commerce Act for a permit authorizing applicant to institute operation as freight forwarder in interstate or foreign commerce, transporting: *Household goods*, as defined by the Commission, between points in the United States (including Alaska and Hawaii) except North and South Dakota.

No. FF-403 (WINGS & WHEELS EXPRESS, INC., Freight Forwarder Application), filed May 14, 1971. Applicant: WINGS & WHEELS EXPRESS, INC., World Headquarters Building, John F. Kennedy International Airport, Jamaica, NY 11430. Applicant's representative: Leonard A. Jaskiewicz, 1730 M Street NW., Washington, DC 20036. Authority sought under section 410, part IV of the Interstate Commerce Act, for a permit to institute operation as a freight forwarder, in interstate or foreign commerce, through the use of the facilities of common carriers by railroad, express, water, air, or motor in the transportation of general commodities (except classes A and B explosives, household goods as defined by the Commission, commodities which because of size and weight require special equipment, unaccompanied baggage, commodities in bulk and motor vehicles), between points in the United States including Alaska and Hawaii, restricted to shipments having an immediately prior or subsequent movement by air in the air forwarder service of Wings & Wheels Express, Inc.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-7326 Filed 5-26-71;8:45 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the General Rules of Practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42207—*Iron or steel articles to Alabama and Mississippi.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3002), for interested rail carriers. Rates on iron or steel articles, in carloads, as described in the application, from points in New York and Pennsylvania, to points in Alabama and Mississippi.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 9 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C-819. Rates are published to become effective on June 22, 1971.

FSA No. 42208—*Manganese metal from New Johnsonville, Tenn.* Filed by O. W. South, Jr., agent (No. A6257), for interested rail carriers. Rates on manganese metal, in carloads, as described in the application, from New Johnsonville, Tenn., to East Liverpool and Vancoram, Ohio, Gary, Ind., and South Chicago, Ill.

Grounds for relief—Barge competition.

Tariffs—Supplements 65 and 129 to Southern Freight Association, agent, tariffs ICC S-870 and S-800, respectively. Rates are published to become effective on July 1, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.71-7446 Filed 5-26-71;8:53 am]

[Notice 300]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 21, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 10173 (Sub-No. 13 TA), filed May 11, 1971. Applicant: MARVIN HAYES LINES, INC., Guthrie Highway, Hayes Circle, Post Office Box 468, Clarksville, TN 37040. Applicant's representative: Walter Harwood, 404 James Robertson Parkway, Nashville, TN 37219. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, (except household goods, classes A and B explosives, articles of unusual value, commodities in bulk, and those requiring special equipment) between Guthrie, and Hopkinsville, Ky., from Guthrie over U.S. Highway 41 to Hopkinsville and return over the same route, serving all intermediate points, for 150 days. NOTE: Applicant proposes to tack at Guthrie and Hopkinsville, Ky., and to interline traffic at Nashville and Memphis, Tenn., and Louisville, Ky., with other carriers. Supporting shippers: Price-Pembroke Rexall Drug Store, Pembroke, Ky.; Atlon H. Slaughter, Plant Manager, Kin-McGee Chem., Pembroke, Ky.; Tallas Allen Specialty Foods, Trenton, Ky.; W. F. Ware Co., Trenton, Ky.; Hurst Rexall Drug Store, Trenton, Ky. Send protests to: Joe J. Tate, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 803—1808 West End Building, Nashville, TN 37203.

No. MC 51146 (Sub-No. 220 TA), filed May 14, 1971. Applicant: SCHNEIDER TRANSPORT & STORAGE, INC., 817 McDonald Street, 54303, Post Office Box 2298, Green Bay, WI 54306. Applicant's representative: D. J. Schneider (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs and materials, equipment, and supplies* used in the manufacture and distribution of foodstuffs, between Fond du Lac, Viroqua, Oostburg, and town of Forest, Wis.; Newman Grove, Nebr., and Mitchell, S. Dak., on the one hand, and, on the other, points in the Continental United States (excluding Alaska and Hawaii), for 180 days. Supporting shipper: Tolibia Cheese Co., 919 North Michigan Avenue, Chicago, IL 60611 (Ron Klensch, Director of Marketing). Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

No. MC 64932 (Sub-No. 494 TA), filed May 14, 1971. Applicant: ROGERS CARTAGE CO., 1439 West 103d, Chicago, IL 60643. Applicant's representative: W. F. Farrell (same address as above). Authority sought to operate as a *common* routes, transporting: *Liquid fertilizer*, mixed in bulk, in tank vehicles, from the plantsite of Phillips Petroleum Co., Momence, Ill., to points in Indiana, Michigan, and Wisconsin, for 150 days. Supporting shipper: Phillips Petroleum Co., 222 East Ogden Avenue, Hinsdale, IL 60521. Send protests to: Robert G. Anderson, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 65285 (Sub-No. 16 TA), filed May 14, 1971. Applicant: HILMER LINDBURG AND L. D. LINDBURG, a partnership, doing business as LINDBURG TRUCK LINE, Post Office Box 156, Mackay, ID 83251. Applicant's representative: Hilmer Lindburg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ore samples*, from Thompson Creek, Idaho, to Golden, Colo., for 180 days. NOTE: Applicant does not intend to tack or interline authority applied for. Supporting shipper: Tuscarora Mining Corp., 523 West Sixth Street, Los Angeles, CA 90014. Send protests to: C. W. Campbell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 455 Federal Building and U.S. Courthouse, 550 West Fort Street, Boise, ID 83702.

No. MC 110563 (Sub-No. 68 TA), filed May 17, 1971. Applicant: COLDWAY FOOD EXPRESS, INC., Post Office Box 747, 113 North Ohio Avenue, Ohio Building, Sidney, OH 45365. Applicant's representative: John L. Maurer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles* distributed by meat packinghouses as described in Appendix I, Sections A and C to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (specifically excepting hides, pelts, and commodities in bulk shipped in tank vehicles), from Joslin, Ill., to points in Massachusetts, Pennsylvania, New Jersey, New York, Rhode Island, and Washington, D.C., Connecticut, and Maryland. Restriction: Restricted to the plantsite and warehouse facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., for 150 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: Keith D. Warner, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 5234 Federal Office Building, 234 Summit Street, Toledo, OH 43604.

No. MC 111401 (Sub-No. 336 TA), filed May 14, 1971. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, Enid, OK 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Printing ink*, in bulk, from Tulsa, Okla., to Fort Smith, Ark., and Omaha, Nebr., for 180 days. Supporting shipper: J. Bolzak, Director of Traffic, Sun Chemical Corp., 631 Central Avenue, Carlstadt, NJ 07072. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

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No. MC 113587 (Sub-No. 5 TA), filed May 14, 1971. Applicant: WARD RUGH, INC., Post Office Box 68, Ellensburg, WA 98926. Applicant's representative: Joseph O. Earp, 411 Lyon Building, 607 Third Avenue, Seattle, WA 98104. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery*, from Caldwell, Idaho, to Yakima, Kittitas, Benton, Adams, Franklin, Grant, Lincoln, and Douglas Counties, Wash., for 180 days. Supporting shipper: Ace Supply, Inc., Post Office Box 1098, 315 North Airport Avenue, Caldwell, ID 83605. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 116073 (Sub-No. 168 TA), filed May 11, 1971. Applicant: BARRETT MOBILE HOME TRANSPORT, INC., Post Office Box 919, 1825 Main Avenue, Moorhead, MN 56560. Applicant's representative: Robert G. Tessar (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, from the plantsites and storage facilities of Marietta Homes, Crimson Homes, Winston Homes, and Monterey Mobile Homes, Inc., all divisions of Winston Industries, Inc., in Double Springs, Addison, and Guin, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and West Virginia, for 180 days. Supporting shippers: Winston Industries, Inc., Post Office Box 347, Double Springs, AL 35553; Monterey Mobile Homes, Inc., Post Office Box 489, Guin, AL 35563; Crimson Homes, Post Office Box 187, Double Springs, AL 35553; Winston Homes, Post Office Box 167, Addison, AL 35540; Marietta Homes, Post Office Box 346, Double Springs, AL 35553; Send protests to: J. H. Ambs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 2340, Fargo, ND 58201.

No. MC 117686 (Sub-No. 123 TA), filed May 11, 1971. Applicant: HIRSCHBACH MOTOR LINES, INC., Post Office Box 417, 3324 U.S. Highway 75 North, Sioux City, IA 51102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in sections A and C of appendix I to the report in *Description in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Joslin, Ill., to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, and Texas, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 304, Post Office Building, Sioux City, IA 51101.

No. MC 117815 (Sub-No. 174 TA), filed May 11, 1971. Applicant: PULLEY FREIGHT LINES, INC., 405 Southeast 20th Street, Des Moines, IA 50317. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and liquid commodities in bulk), from the plantsite and storage facilities utilized by Beefland International, Inc., at Council Bluffs, Iowa, and Omaha, Nebr., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Beefland International, Inc., 2700 23d Avenue, Council Bluffs, IA 55501. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 119928 (Sub-No. 11 TA), filed May 14, 1971. Applicant: C & E TRUCKING CORPORATION, 1818 West Sample Street, South Bend, IN 46619. Applicant's representative: Eugene L. Cohn, 1 North La Salle Street, Chicago, IL 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, from Elk Grove Village, Ill., to points in Indiana and Michigan, and return movements of foodstuffs, for 180 days. Supporting shipper: Borden, Inc., Foods Division Central Region, 1821 South Kilbourn Avenue, Chicago, IL 60623. Send protests to: District Supervisor J. H. Gray, Bureau of Operations, Interstate Commerce Commission, 345 West Wayne Street, Room 204, Fort Wayne, IN 46802.

No. MC 126049 (Sub-No. 9 TA), filed May 17, 1971. Applicant: DODEN TRUCKING COMPANY, INC., Woden, Iowa 50484. Applicant's representative: Clayton L. Worson, 824 Brick & Tile Building, Mason City, IA 50401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salted sheepskins*, from Lexington, Ky., to Mason City, Iowa, for 180 days. Supporting shipper: Gallagher Overseas, Inc., 22 10th Street SW., Mason City, IA 50401. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 127719 (Sub-No. 2 TA) (Correction), filed April 29, 1971, published FEDERAL REGISTER issue May 13, 1971, and republished in part, as corrected this issue. Applicant: A. J. BENINATO & SONS, INC., 5618 Virginia Beach Boulevard, Norfolk, VA 23502. Applicant's representative: Alan F. Wohlstetter, 1 Farragut Square South, Washington, DC 20006. NOTE: The purpose of this partial republication is to redescribe the territorial scope of the application a portion of which was inadvertently omitted in the previous publication * * * "Between points in Norfolk, Newport News, Hampton, Williamsburg, Portsmouth, and Chesapeake, Va., and points in York, Isle of Wight, James City, Nanesmond, Sussex, Surry, Prince George, Charles City, New Kent, Henrico, Southampton, Greenville, Essex, Gloucester, Mathews, Middlesex, King William, King and Queen, Accomack, Northampton, Richmond, Lancaster, and Northumberland Counties, Va.,". The rest of the application remains as previously published.

No. MC 129323 (Sub-No. 1 TA), filed May 17, 1971. Applicant: MERCHANTS MOVING COMPANY OF FAYETTEVILLE, INC., 475 Robeson Street, Fayetteville, NC 28301. Applicant's representatives: Brodsky, Linett, and Altman, 1776 Broadway, New York, NY 10019. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in North Carolina. Restriction: The service authorized herein is restricted to the transportation of traffic having a prior or subsequent movement, in containers, beyond the points authorized, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization, or unpacking, uncrating, and decontainerization of such traffic, for 180 days. Supporting shippers: Karevan, Inc., Post Office Box 9240, Queen Anne Station, Seattle, WA 98109; Northwest Consolidators, Inc., Post Office Box 3583, Terminal Annex, Seattle, WA 98124. Send protests to: Archie W. Andrews, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Post Office Box 26896, Raleigh, NC 27611.

No. MC 133515 (Sub-No. 5 TA), filed May 14, 1971. Applicant: ART WILSON ENTERPRISES, INC., 3936 55th Street, Des Moines, IA 53010. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, IA 50309. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Snack dips, dairy products and vegetable fat products*, from Woodstock, Ill., to Des Moines, Iowa; and (2) *cartons for dairy products*, from Clinton, Iowa, to Woodstock, Ill., under a continuing contract, or contracts with Borden, Inc., for 150 days. Supporting shipper: Borden, Inc., 2341 Second Avenue, Des Moines, IA 50313. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 134145 (Sub-No. 4 TA), filed May 14, 1971. Applicant: NORTH STAR TRANSPORT, INC., Post Office Box 51, Thief River Falls, MN 56701. Applicant's representative: Robert P. Sack, Freight Traffic Management Bureau, Post Office Box 6010, West St. Paul, MN 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Motor bikes, lawn mowers and attachments and snowmobiles*, from Omaha, Nebr., to points in the United States (except Alaska and Hawaii); and (2) *parts, materials, supplies, and equipment,* used in the manufacture of motor bikes, lawn mowers, and attachments, and snowmobiles, from points in Alabama, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, New Hampshire, New York, North Carolina, North Dakota, Ohio, Pennsylvania, South Carolina, Washington, and Wisconsin, to Omaha, Nebr., for 180 days. Supporting shipper: General Leisure Products Corp., Post Office Box 429, Downtown Station, Omaha, NE 68101. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 135404 (Sub-No. 2 TA) (Correction), filed May 7, 1971, published Federal Register issue May 20, 1971, and republished in part as corrected this issue. Applicant: McBRIDE TRANSPORTATION, INC., Main Street, Post Office Box 430, Goshem, NY 10924. Applicant's representative: Martin Werner, 2 West 45th Street, New York, NY 10036. Note: The purpose of this partial republication is to reflect that *contract carrier* authority is sought, and that the proposed operations will be under contract with Reynolds Metal Co. The rest of the application remains as previously published.

No. MC 134599 (Sub-No. 18 TA), filed May 11, 1971. Applicant: INTERSTATE CONTRACT CARRIER CORPORATION, 12060 Sable Boulevard, Brighton, CO 80601. Applicant's representative: Oscar Mandel, Post Office Box 16407, Stockyard Station, Denver, CO 80216. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Tire fabric,* from Scottsville, Va., Shelbyville, Tenn., and Winnsboro, S.C., and their commercial zones, to Los Angeles, Calif., and Eau Claire, Wis., and their commercial zones, for 180 days. Supporting shipper: Uniroyal, Inc., Rockefeller Center, 1230 Avenue of Americas, New York, NY 10020. Send protests to: District Supervisor, Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 135577 TA, filed May 11, 1971. Applicant: ROBERT E. CRAIG, doing business as DIRECT TRANSPORT, Dawnville Road, Dalton, Ga. 30720. Applicant's representative: Robert E. Craig (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bagging or cloth istle, burlap, gunny, jute, or sisal,* decorated, dyed, printed or surface coated, in packages, bales or rolls from points in Chatham County, Ga., to points in Whitfield, Floyd, Gordon, Catoosa, Bartow, Gilmer, and Murray Counties, Ga. On return movement request to transport *metal jute tubes* from above counties, to points in Chatham County, Ga., for 180 days. Supporting shippers: Queen Tufting Co., Whitfield County, Ga.; Salem Carpet Mills, Catoosa County, Ga.; Galaxy Carpet Mills, Murray County, Ga.; North Georgia Finishing Co., Whitfield County, Ga.; O. N. Jonas Co., Inc., Whitfield County, Ga.; Rogers Dye-Finishing Co., Whitfield County, Ga.; J & J Industries, Inc., Whitfield County, Ga.; World Carpet Mills, Whitfield County, Ga., and Mercury Mills, Inc., Whitfield County, Ga. Send protests to: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 309, 1252 West Peachtree Street NW., Atlanta, GA 30309.

No. MC 135600 TA, filed May 17, 1971. Applicant: ELMER CARLSON, Rural Route No. 1, Byron, Ill. 61010. Applicant's repersentative: Robert T. Lawley, 306–308 Reisch Building, Springfield, Ill. 62701. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Industrial sand,* in bulk, (1) from Bridgeman, Mich., to points in Illinois, Indiana, and Ohio; (2) from Michigan City, Ind., to points in Illinois, Michigan, and Ohio; and (3) from Oregon, Ill., to points in Indiana, Iowa, Michigan, and Ohio for the account of Manley Sand, a division of Martin Marietta Corp., for 180 days. Supporting shipper: William F. Martin, Traffic Manager, Manley Sand, Division Martin Marietta Corp., 110 East Main Street, Rockton, IL 61072. Send protests to: Andrew J. Montgomery, District Supervisor, Bureau of Operation, Interstate Commerce Commission, Everett McKinley Dirksen Building, 219 South Dearborn Street, Room 1086, Chicago, IL 60604.

No. MC 135601 TA, filed May 17, 1971. Applicant: RESEARCH TRANSPORT COMPANY, INC., 1835 East North Street, Salina, KS 67401. Applicant's representative: John E. Jandera, 641 Harrison Street, Topeka, KS 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fumigants, insecticides, herbicides, flour bleaching, and maturing compounds,* (2) *equipment and supplies* used in the application and sale of fumigants, insecticides, herbicides, flour bleaching, and maturing componds, from Freeport, Tex., Salina, Kans., Claremore, Okla., and Burt, N.Y., to points in the United States (except Alaska and Hawaii), and (3) *Materials and supplies* used in the manufacture of (1) above, from points in the United States (except Alaska and Hawaii), to Salina, Kans., Claremore, Okla., and Burt, N.Y., under continuing contract with Research Products Co., Salina, Kans., Research Flour Service Products Co., Inc., Salina, Kans., The Weevil-Cide Co., Salina, Kans., and Grain Fumigation Co., Inc., Salina, Kans., for 180 days. Note: Carrier does not intend to tack the authority here applied for to other authority which may be granted it, or to interline with other carriers. Supporting shippers: Research Products Co., Research Flour Service Products Co., Inc., The Weevil-Cide Co., and Grain Fumigation Co., Inc., all of 1835 East North Street, Salina, KS 67401. Send protests to: Thomas P. O'Hara, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 234 Federal Building, Topeka, Kans. 66603.

Motor Carrier of Passengers

No. MC 57795 (Sub-No. 5 TA), filed May 12, 1971. Applicant: WILLIAM C. BARDON, JR., doing business as CANYON TRANSPORTATION COMPANY, 4610 Montana Avenue North, Helena, MT 59601. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Passengers and their baggage,* in charter operations, between points in Montana on the one hand, and, on the other, points in Colorado, Idaho, Nevada, North Dakota, Oregon, Utah, Washington, and Wyoming, for 180 days. Supporting shippers: Northwest Airlines, Inc., City-County Airport, Helena, Mont.; Carroll College, Helena, Mont. 59601; Montana Salmon Fishing Club, 1029 Fifth Avenue, Helena, Mont. 59601; Rocky Mountain Development Council, Inc., Post Office Box 721, Helena, MT 59601 and Algeria Shrine Temple, Post Office Box 1721, Helena, MT 59601. Send protests to: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 251, U.S. Post Office Building, Billings, Mont. 59101.

No. MC 123432 (Sub-No. 9 TA), filed May 14, 1971. Applicant: WISCONSIN COACH LINES, INC., 901 Niagara Street, Post Office Box 1085, Waukesha, WI 53186. Applicant's representatives: Stanley E. Altenbern (same address as above) and Edw. G. Bazelon, 39 South La Salle Street, Chicago, IL 60603. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *Passengers and their baggage,* between Great Lakes, Ill., and Milwaukee, Wis., serving no intermediate points: From Great Lakes, Ill., over Illinois Highway 42 to junction Illinois Highway 137, thence over Illinois Highway 137 to junction U.S. Highway 41, thence over U.S. Highway 41 to junction Interstate Highway 94, thence over Interstate Highway 94 to Milwaukee and return over the same route, for 150 days. Note: Applicant states it would tack or interline at Milwaukee, Wis., to go to all points served by applicant or other points served by other carriers. Supporting shipper: Curtis L. Wagner, Jr., Chief, Regulatory Law Office, Department of the Army, Office of the Judge Advocate General, Washington, D.C. 20310. Send protests to: District Supervisor Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 53203.

By the Commission.

[seal] Robert L. Oswald,
Secretary.

[FR Doc.71–7442 Filed 5–26–71;8:52 am]

[Notice 301]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

May 24, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67 (49 CFR Part 1131) published in the Federal Register, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the Federal Register publication, within 15 calendar days after the date of notice of the filing of the application is published in the Federal Register. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

Motor Carriers of Property

No. MC 61403 (Sub-No. 212 TA), filed May 12, 1971. Applicant: THE MASON AND DIXON TANK LINES, INC., Eastman Road, Post Office Box 969, Kingsport, TN 37662. Applicant's representative: Charles E. Cox (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from plantsite of United States Steel Corp. at or near Haverhill, Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Joe J. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803—1808 West End Building, Nashville, TN 37203.

No. MC 83217 (Sub-No. 53 TA), filed May 12, 1971. Applicant: DAKOTA EXPRESS, INC., 1217 West Cherokee, 57104, Post Office Box 1252, Sioux Falls, SD 57101. Applicant's representative: Henry J. Schuette (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses as described in sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides) from the plantsite or storage facilities of Illini Beef Packers, Inc., to points in Connecticut, Delaware, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Hampsire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill., G. James Bonnette, Director of Traffic. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 95540 (Sub-No. 806 TA), filed May 12, 1971. Applicant: WATKINS MOTOR LINES, INC., 1120 West Griffin Road, Lakeland, FL 33801. Applicant's representative: Paul E. Weaver (same address as above). Authority sought to operate as *a common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat byproducts* as described in sections A and C of appendix 1 to the report in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 207 and 766 (except hides and skins), from Brownwood, Tex., to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. Supporting shipper: Swift Fresh Meats Co., 115 West Jackson Boulevard, Chicago, IL 60604. Send protests to: District Supervisor Joseph B. Tiechert, Bureau of Operations, Interstate Commerce Commission, 5720 Southwest 17th Street, Room 105, Miami, FL 33155.

No. MC 99149 (Sub-No. 8 TA), filed May 12, 1971. Applicant: MIDWAY MOTOR FREIGHT LINES, INC., 822 East Sixth Street, Post Office Box 2697, Little Rock, AR 72202. Applicant's representative: Charles J. Lincoln, 1550 Tower Building, Little Rock, AR 72201. Authority sought to operate as a *common carrier,* by motor over regular routes, transporting: *General commodities,* from Mena, Ark., to De Queen, Ark., over U.S. Highway 71, and return serving all intermediate points, for 180 days. Note: Applicant intends to tack authority here applied for to other authority held by it in MC 99149 Sub-No. 6. Supporting shippers: Blakes Plumbing & Building Supply, Hatfield, Ark.; Lewis Lumber Co., Cove, Ark.; Village Mill Building & Supply, Hatfield, Ark.; Wickes Telephone Co., Wickes, Ark.; Walker Construction Co., Cove, Ark.; Lane Poultry, Inc., Grannis, Ark.; Smith Pallet Co., Hatfield, Ark.; Wickes Grocery & Dry Goods, Wickes, Ark.; Walker Supply Co., Cove, Ark. Send protests to: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, AR 72201.

No. MC 107403 (Sub-No. 808 TA), filed May 12, 1971. Applicant: MATLACK, INC., 10 West Baltimore Avenue, Lansdowne, PA 19050. Applicant's representative: John Nelson (same address as above). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Ross A. Davis, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 108375 (Sub-No. 28 TA), filed May 14, 1971. Applicant: LEROY L. WADE & SON, INC., 1615 Izard Street, Omaha, NE 68102. Applicant's representative: Donald L. Stern, Suite 530, Univac Building, 7100 West Center Road, Omaha, NE 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foreign-made motor vehicles*, in secondary movements, in truckaway service, from Council Bluffs, Iowa, to points in Iowa, Nebraska, and South Dakota, for 180 days. Supporting shipper: Southern Service Co., 10750 West Grand Avenue, Franklin Park, IL 60131. Send protests to: Carroll Russell, District Supervisor, 705 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, Omaha, NE 68102.

No. MC 111672 (Sub-No. 4 TA), filed May 17, 1971. Applicant: R & M TRUCK LINE, INC., 1301 High Avenue West, Oskaloosa, IA 52577. Applicant's representative: Raymond E. Binns (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitro carbo nitrate*, from Oskaloosa, Iowa, to points in Illinois, Minnesota, and Wisconsin, for 180 days. Supporting shipper: Binns & Stevens Explosives, Inc., Post Office Box 198, Oskaloosa, IA 52577. Send protests to: Ellis L. Annett, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 677 Federal Building, Des Moines, IA 50309.

No. MC 116077 (Sub-No. 311 TA), filed May 12, 1971. Applicant: ROBERTSON TANK LINES, INC., Post Office Box 1505, 5700 Polk Avenue, Houston, TX 77001. Applicant's representative: J. C. Browder (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum powder*, dry, in bulk, in tank vehicles, from Sandow (Milan County), Tex., to West Lake Charles, La., for 180 days. Supporting shipper: Aluminum Co. of America, 1501 Alcoa Building, Pittsburgh, Pa. 15219. Send protests to: District Supervisor, John C. Redus, Interstate Commerce Commission, Bureau of Operations, Post Office Box 612, Houston, TX 77061.

No. MC 117119 (Sub-No. 436 TA), filed May 12, 1971. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Post Office Box 188, Elm Springs, AR 72728. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prefinished laminated logs*, from Santa Rosa, Calif., to points in Benton County, Ark., for 180 days. Supporting shipper: Beaver Builders, Route 5, Beaver Shores, Rogers, AR 72756. Send protests to: District Supervisor William H. Land, Jr., 2519 Federal Office Building, Interstate Commerce Commission, Bureau of Operations, 700 West Capitol, Little Rock, AR 72201.

No. MC 117344 (Sub-No. 214 TA), filed May 12, 1971. Applicant: THE MAXWELL Co., 10380 Evendale Drive, Post Office Box 15010, Cincinnati, OH 45215. Applicant's representative: John G. Spencer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, in tank vehicles, from the plantsite of United States Steel Corp. at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Emil P. Schwab, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 5514B Federal Building 550 Main Street, Cincinnati, OH 45202.

No. MC 118202 (Sub-No. 5 TA), filed May 12, 1971. Applicant: SCHULTZ TRANSIT, INC., Post Office Box 503, 323 Bridge Street, Winona, MN 55987. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, MN 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in sections A and C of appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles and hides), from the plantsite or storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Connecticut, Delaware, Indiana, Maine, Maryland, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, restricted to traffic originating at the named origin and destined to the named territory, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: A. N. Spath, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 100 South Fourth Street, Minneapolis, MN 55401.

No. MC 127539 (Sub-No. 21 TA), filed May 12, 1971. Applicant: PARKER REFRIGERATED SERVICE, INC., 3533 East 11th Street, Tacoma, WA 98421. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from points in Umatilla County, Oreg., and points in Grant, Benton, Franklin, and Walla Walla Counties, Wash., to points in Oregon, California, Washington, and Washoe County, Nev., for 180 days. Supporting shipper: Lamb-Weston, Inc., 6600 Southwest Hampton Street, Post Office Box 23507, Portland, OR 97223. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 128217 (Sub-No. 4 TA), filed May 12, 1971. Applicant: RIENHART MAYER, doing business as MAYER TRUCK LINE, 1203 South Riverside Drive, Jamestown, ND 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Building, Fargo, ND 58102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel articles*, from (a) Chicago Heights and Broadview, Ill., to points in Minnesota and Nebraska; (b) the plantsites and storage facilities of Calumet Steel Division of Borg Warner Corp. at Chicago Height, Ill., and Ceco Corp. at Chicago, Ill., to points in South Dakota; (c) Minneapolis, Minn., Sterling, Ill., and Granite City, Ill., to points in Nebraska; (d) Jamestown, N. Dak., to points in Nebraska; (2) *treated lumber, treated posts, and treated poles*, from the port of entry at or near Eastport, Idaho, to points in North Dakota, South Dakota, Nebraska, Kansas, and Minnesota; and (3) *treated posts and poles*, from the port of entry at or near Eastport, Idaho, to points in Iowa in Wisconsin. Restriction: Restricted in parts (2) and (3) to traffic moving in foreign commerce. (4) *Overhead doors and accessories, materials*, and *supplies* used in the installation thereof, from Sterling, Ill., to Jamestown, N. Dak., for 180 days. Supporting shipper: LeFevre Sales, Inc., Post Office Box 1708, Jamestown, ND 58401. Send protests to: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Post Office Box 2340, Fargo, ND 58102.

No. MC 129352 (Sub-No. 7 TA), filed May 12, 1971. Applicant: CREAGER TRUCKING CO., INC., 2201 Sixth Avenue South, Seattle, WA 98134. Applicant's representative: George R. LaBissoniere, 1424 Washington Building, Seattle, WA 98101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Store fixtures, cabinets, and shelving*, from Terrell, Tex., to points in Oregon, Washington, and California, for 180 days. Supporting shipper: Maytex Manufacturing Co., Airport Road, Post Office Box 729, Terrell, TX 75160. Send protests to: E. J. Casey, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 6130 Arcade Building, Seattle, WA 98101.

No. MC 134022 (Sub-No. 4 TA), filed May 12, 1971. Applicant: CONTRACT TRANSPORTATION, INC., 4008 Schuster Drive, West Bend, WI 53095. Applicant's representative: Richard A. Zima (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and related advertising and shipping materials*, from South Bend, Ind., and St. Paul, Minn., to Janesville, Madison, Waupun, and West Bend, Wis., for 180 days. Supporting shippers: C. Gene Dilldine, Dilldine Wholesale Co., West Bend, Wis. 53095, Ott Schweitzer Distributing Co., 2519 West Wall Street, Janesville, WI 53545, Floyd Henning, Waupun, Wis. 53963. Send protests to: District Supervisor, Lyle D. Helfer, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, WI 52303.

No. MC 135593 TA, filed May 12, 1971. Applicant: WOODROW W. DEWITT, doing business as SHORT'S VAN & STORAGE, 6060 North Figueroa Street, Los Angeles, CA 90042. Applicant's representative: Alan P. Wohlstetter, 1 Farragut Square, Washington, DC 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods*, between points in San Diego, Orange, Los Angeles, Ventura, Santa Barbara, San Bernardino, Riverside, and Imperial Counties, Calif., restricted to the transportation of traffic having a prior or subsequent movement, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic, for 180 days. Supporting shippers: Northwest Consolidators, Inc., Post Office Box 3583, Terminal Annex, Seattle, WA 98124; Home-Pack Transport, Inc., 57–48 49th Street, Maspeth, NY 11378. Send protests to: District Supervisor P. Yallowitz, Interstate Commerce Commission, Bureau of Operations, Room 7708 Federal Building, 300 North Los Angeles Street, Los Angeles, CA 90012.

No. MC 135595 TA, filed May 12, 1971. Applicant: MODULAR COMPLETION CORP., Post Office Box 186, Route 4, Choto Road, Concord, TN 37720. Applicant's representative: John T. Baugh, 1212 Bank of Knoxville Building, Knoxville, TN 37901. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Preassembled modular homes*, from Lenoir City, Tenn., to points designated by shipper within a 300-mile radius of Lenoir City, Tenn., in the following States only: Georgia, Kentucky, Alabama, North Carolina, and Virginia, for 180 days. Supporting shipper: Shelter Corp., Box 527, Lenoir City, Tenn. 37771. Send protests to: Joe T. Tate, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 803–1808 West End Building, Nashville, TN 37203.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7443 Filed 5-26-71;8:52 am]

[Notice 695-A]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1971.

Application filed for temporary authority under section 210(a)(b) in connection with transfer application under section 212(b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-72889. By application filed May 21, 1971, NATIONWIDE AUTO TRANSPORTERS, INC., 2185 Lemoine Avenue, Fort Lee, NJ 07024 seeks temporary authority to lease a portion of the operating rights of DEALERS TRANSIT, INC., 7701 Lawndale Avenue, Chicago, IL 60652, under section 210a(b). The transfer to NATIONWIDE AUTO TRANSPORTERS, INC., of a portion of the operating rights of DEALERS TRANSIT, INC., is presently pending.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7444 Filed 5-26-71;8:53 am]

[Notice 695]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 24, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72838. By order of May 19, 1971, the Motor Carrier Board approved the transfer to Marty's Express, Inc., Philadelphia, Pa., of a portion of certificate No. MC-48017 (Sub-No. 8), issued to Bonded Trucking & Rigging, Inc., Lowell, Mass., authorizing the transportation of: General commodities, usual exceptions, between points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., on the one hand, and, on the other Philadelphia, Pa. John F. Curley, attorney, 15 Court Square, Boston, MA 02108, Maxwell A. Howell, attorney, 1511 K Street NW., Washington, DC 20005, Ronald Ervais, attorney, 12 South 12th Street, Philadelphia, PA 19107.

No. MC-FC-72849. By order of May 19, 1971, the Motor Carrier Board approved the transfer to Gale Delivery, Inc., Lynbrook, N.Y., of a portion of certificate No. MC-48017 (Sub-No. 8), issued to Bonded Trucking & Rigging, Inc., Lowell, Mass., authorizing the transportation of: General commodities, usual exceptions, between points in Bergen, Essex, Hudson, Middlesex, and Union Counties, N.J., on the one hand, and, on the other New York, N.Y. John F. Curley, attorney, 15 Court Square, Boston, Mass. 02108, Maxwell A. Howell, attorney, 1511 K Street NW., Washington, DC 20005, Ronald Ervais, attorney, 12 South 12th Street, Philadelphia, PA 19107.

No. MC-FC-72884. By order of May 21, 1971, the Motor Carrier Board approved the transfer to Merle Weber Transportation, Inc., Yuba City, Calif., of the operating rights in certificates Nos. MC-98707 (Sub-No. 2), MC-98707 (Sub-No. 3), MC-98707 (Sub-No. 5), MC-98707 (Sub-No. 7), MC-98707 (Sub-No. 8), and MC-98707 (Sub-No. 9) issued March 15, 1966, September 29, 1958, October 20, 1959, January 15, 1960, August 18, 1960, and February 16, 1961 respectively to Miles Motor Transport System, a corporation, Oakland, Calif., authorizing the transportation of cement from and to specified points and areas in California, Nevada, and Oregon. Raymond A. Greene, Jr., 405 Montgomery Street, San Francisco, CA 94104, attorney for applicants.

No. MC-FC-72887. By order of May 21, 1971, the Motor Carrier Board approved the transfer to Thomas Motor Tours, Inc., Lothian, Md., of the operating rights in certificates Nos. MC-102129 and MC-102129 (Sub-No. 4), issued July 1, 1959, and July 19, 1961, respectively in the name of Arthur Queen and John Queen, a partnership, doing business as Queen Brothers, Glen Burnie, Md., authorizing the transportation of passengers and their baggage in round trip charter operations from specified points in Maryland to points in 9 specified States. S. Harrison Kahn, Suite 733, Investment Building, Washington, D.C. 20005, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7445 Filed 5-26-71;8:53 am]

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PART II

DEPARTMENT OF AGRICULTURE

■

Consumer and Marketing Service

■

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 81]

INSPECTION OF POULTRY AND POULTRY PRODUCTS

Notice of Proposed Rule Making

Pursuant to the authority contained in the Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act of August 18, 1968, 82 Stat. 791; 21 U.S.C. 451 et seq.), the Talmadge-Aiken Act of September 28, 1962 (7 U.S.C. 450) and subsection 21 of the Federal Water Pollution Control Act, as amended by Public Law 91–224 and other laws, notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553, that the Consumer and Marketing Service is considering revising the Regulations Governing the Inspection of Poultry and Poultry Products (7 CFR Part 81) to read as hereinafter set forth.

Statement of considerations. The Poultry Products Inspection Act was revised by the Wholesome Poultry Products Act. Such revision of the legislation necessitates or makes appropriate certain adjustments in, and additions to, the regulations governing the inspection of poultry and poultry products. This proposed revision of the regulations also reflects certain other changes which are proposed to update, clarify, or editorially correct present wording in the interest of normal progress.

This proposed revision of the regulations does not reflect certain other changes in the regulations which have been or may be proposed and will be determined separately, nor does this document reflect changes made in the present regulations by amendments adopted after December 31, 1970.

All amendments adopted after that date in other rulemaking proceedings under the acts will be reflected as appropriate in the regulations as finally revised in this proceeding.

It is proposed to amend the provisions in 7 CFR Part 81 to read as follows:

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Subpart A—Definitions

§ 81.1 Definitions.

(a) For the purposes of the regulations in this part, unless otherwise required by the context, the singular form shall also import the plural and the masculine form shall also import the feminine, and vice versa.

(b) For the purposes of such regulations, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(1) *Acceptable.* "Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

(2) *Act.* "Act" means the Poultry Products Inspection Act (71 Stat. 441, as amended by the Wholesome Poultry Products Act, 82 Stat. 791; 21 U.S.C. 451 et seq.).

(3) *Administrator.* "Administrator" means the Administrator of the Consumer and Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

(4) *Adulterated.* "Adulterated" applies to any poultry product under one or more of the following circumstances:

(i) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(ii) (*a*) If it bears or contains (by reason of administration of any substance to the live poultry or otherwise) any added poisonous or added deleterious substance (other than one which is a pesticide chemical in or on a raw agricultural commodity; a food additive; or a color additive) which may, in the judgment of the Administrator, make such article unfit for human food;

(*b*) If it is, in whole or part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(*c*) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(*d*) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act;

Provided, That an article which is not otherwise deemed adulterated under (*b*), (c), or (*d*) of this subdivision shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive in or on such article is prohibited by the regulations in this part in official establishments;

(iii) If it consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food;

(iv) If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(v) If it is, in whole or in part, the product of any poultry which has died otherwise than by slaughter;

(vi) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(vii) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(viii) If any valuable constituent has been in whole or in part omitted or abstracted thereform; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) *Animal food manufacturer*. "Animal Food Manufacturer" means any person engaged in the business of manufacturing or processing animal food derived wholly or in part from carcasses, or parts or products of the carcasses, of poultry, except manufacturers of livestock and poultry feeds with respect to any activity of acquiring or using processed poultry byproducts (such as poultry byproducts meal) in the manufacture of such feeds.

(6) *Applicant*. "Applicant" means any person who requests inspection service, exemption or other authorization under the regulations.

(7) *Biological residue*. "Biological Residues" means any substance, including metabolites, remaining in poultry at the time of slaughter or in any of its tissues after slaughter, as the result of treatment or exposure of the poultry to a pesticide, organic, metallic or other inorganic compound, hormone, hormone-like substance, growth promoter, antibiotic, anthelmintic, tranquilizer, or other therapeutic or prophylactic agent.

(8) *Capable of use as human food*. The term "capable of use as human food" applies to any carcass, or part or product of a carcass of any poultry, unless it is denatured or otherwise identified as required by the regulations, or it is naturally inedible by humans.

(9) *Carcass*. This term means all parts, including viscera, of any slaughtered poultry.

(10) *Commerce*. "Commerce" means commerce between any State, any territory, or the District of Columbia, and any place outside thereof; or within any territory not organized with a legislative body, or the District of Columbia.

(11) *Consumer package*. "Consumer package" means any container in which a poultry product is enclosed for the purpose of display and sale to household consumers.

(12) *Container*. The term "container" includes any box, can, tin, cloth, plastic, or any other receptacle, wrapper, or cover.

(13) *Department*. "Department" means the U.S. Department of Agriculture.

(14) *Dressed poultry*. "Dressed poultry" means poultry which has been slaughtered for human food with head, feet, and viscera intact and from which the blood and feathers have been removed.

(15) *Dressed poultry identification mark*. "Dressed poultry identification mark" means the symbol prescribed in § 81.97 stating that the dressed poultry is eligible for further processing in official establishments under inspection.

(16) *Edible*. This terms means that an article is intended for use as human food.

(17) *Federal Food, Drug, and Cosmetic Act*. "Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938, (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto (21 U.S.C. 301 et seq.).

(18) *Federal Meat Inspection Act*. The Federal Meat Inspection Act, 34 Stat. 1260, as amended by the Wholesome Meat Act, 81 Stat. 584 (21 U.S.C. 601 et seq.).

(19) *Free from protruding pinfeathers*. "Free from protruding pinfeathers" means that the carcass is free from protruding pinfeathers which are visible to an inspector during an examination of the carcass at normal operating speeds. However, a carcass may be considered as being free from protruding pinfeathers if it has a generally clean appearance (especially on the breast), and if not more than an occasional protruding pinfeather is in evidence during a more careful examination of the carcass.

(20) *Giblets*. "Giblets" means the liver from which the bile sac has been removed, the heart from which the pericardial sac has been removed, and the gizzard from which the lining and contents have been removed: *Provided*, That each such organ has been properly trimmed and washed.

(21) *Immediate container*. "Immediate container" includes any consumer package; or any other container in which poultry products, not consumer packaged, are packed.

(22) *Inspected for wholesomeness*. This term means that the poultry product so identified has been inspected and was found at the time of such inspection to be not adulterated.

(23) *Inspection*. "Inspection" means any inspection required by the regulations to determine whether any poultry or poultry products comply with the requirements of the Act and the regulations.

(24) *Inspection Service*. "Inspection Service" means the organizaional unit within the Department having the responsibility for carrying out the provisions of the Act.

(25) *Inspector*. "Inspector" means (i) an employee or official of the U.S. Government authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, or (ii) any employee or official of the government of any State or territory or the District of Columbia authorized by the Administrator to inspect poultry and poultry products under the authority of this Act, under an agreement entered into between the Administrator and the appropriate State or other agency.

(26) *Label*. This term applies to any display of written, printed or graphic matter upon any article or the immediate container (not including package liners) of any article.

(27) *Labeling*. This term applies to all labels and other written, printed or graphic matter (i) upon any article or any of its containers or wrappers, or (ii) accompanying such article.

(28) *Misbranded*. This term applies to any poultry product under one or more of the following circumstances:

(i) If its labeling is false or misleading in any particular;

(ii) If it is offered for sale under the name of another food;

(iii) If it is an imitation of another food, unless its label bears, in type of uniform size and prominence, the word "imitation" and immediately thereafter, the name of the food imitated;

(iv) If its container is so made, formed, or filled as to be misleading;

(v) If in a package or other container, unless it bears a label showing;

(*a*) The name and place of business of the manufacturer, packer, or distributor; and

(*b*) An accurate statement of the quantity of the contents in terms of weight, measure, or numerical count; except as otherwise provided in § 81.121 (a) with respect to the quantity of contents;

(vi) If any word, statement, or other information required by or under authority of the Act to appear on the label or other labeling is not prominently placed thereon with such conspicuousness (as compared with other words, statements, designs, or devices, in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;

(vii) If it purports to be or is represented as a food for which a definition and standard of identity or composition is prescribed by Subpart P of this part unless:

(*a*) It conforms to such definition and standard, and,

(*b*) Its label bears the name of the food specified in the definition and standard, and insofar as may be required by such regulations, the common names of optional ingredients (other than spices, flavoring, and coloring) present in such food.

(viii) If it purports to be or is represented as a food for which a standard or standards of fill of container have been prescribed by regulations of the Secretary[1] and falls below the standard of fill of container applicable thereto, unless its label bears, in such manner and form as such regulations specify, a statement that it falls below such standard;

(ix) If it is not subject to the provisions of subdivision (vii) of this subparagraph, unless its label bears:

(*a*) The common or usual name of the food, if any there be, and

(*b*) In case it is fabricated from two or more ingredients, the common or usual name of each ingredient, except as otherwise provided in § 81.118(c);

(x) If it purports to be or is represented for special dietary uses, unless the label bears such information concerning its vitamin, mineral, and other dietary properties as is required by § 81.124;

(xi) If it bears or contains any artificial flavoring, artificial coloring, or chemical preservative, unless it bears a label stating that fact; except as otherwise provided by the regulations in § 81.119, or

(xii) If it fails to bear, directly thereon or on its containers, when required by § 81.123, the official inspection legend and the official establishment number of the establishment where the product was processed; and unrestricted by any of the foregoing, such other information as the Administrator may require in the regulations to assure that it will not have false or misleading labeling and that the public will be informed of the manner of handling required to maintain the article in a wholesome condition.

(29) *Nonfood compound*. This term means any agent proposed for use in official establishments but not intended as an ingredient of a poultry product.

(30) *Official establishment*. "Official establishment" means any establishment as determined by the Administrator at which inspection of the slaughter of poultry, or the processing of poultry products, is maintained pursuant to the regulations.

(31) *Offal*. This term means the head, feet, and viscera other than the giblets.

(32) *Officer in charge*. The term means the official of the inspection service who is in charge of an assigned number of official establishments.

(33) *Official mark*. This term means any symbol prescribed in Subpart M of this part to identify the status of any article or poultry under the Act.

(34) *Official inspection legend*. This term means the official inspection mark prescribed in § 81.96 or the official poultry identification mark prescribed in § 81.97, showing that an article was inspected for wholesomeness and passed in accordance with the Act.

(35) *Official certificate*. This term means any certificate prescribed in Subpart M of this part relating to poultry or poultry products.

(36) *Official device*. This term means any label or other device prescribed in Subpart M of this part for use in applying any official mark.

(37) *Pesticide chemical, food additive, color additive, raw agricultural commodity*. These terms shall have the same meanings for the purposes of the Act and the regulations as under the Federal Food, Drug, and Cosmetic Act.

(38) *Potable water*. "Potable water" means water that has been approved by the State health authority or other agency or laboratory acceptable to the Administrator as safe for drinking and suitable for food processing.

(39) *Poultry*. "Poultry" means any domesticated bird (chickens, turkeys, ducks, geese, or guineas), whether live or dead.

(40) *Poultry product*. This term means any poultry carcass or part thereof which is capable of use as human food; or any product, capable of use as human food, which is made wholly or in part from any poultry carcass or part thereof, excepting those exempted from definition as a poultry product in § 81.15. (This term does not include detached ova. Such ova are subject to the Federal Food, Drug, and Cosmetic Act.)

(41) *Poultry products broker*. "Poultry products broker" means any person engaged in the business of buying or selling, on commission, any poultry carcasses, or parts thereof, or any products made from such carcasses or parts (unless exempted under Subpart C of this part), or otherwise negotiating purchases or sales of such articles other than for his own account or as an employee of another person.

(42) *Process*. Process used as a verb, means to conduct any operation or combination of operations, whereby poultry is slaughtered, eviscerated, canned, salted, stuffed, rendered, boned, cut up, or otherwise manufactured or processed. The term "process" does not refer to freezing of poultry products, except when freezing is incidental to operations otherwise classed as "processing" under this paragraph.

(43) *Ready-to-cook poultry*. "Ready-to-cook poultry" means any dressed poultry from which the protruding pinfeathers, vestigial feathers (hair or down, as the case may be), head, feet, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs have been removed, and with or without the giblets, is ready to cook without need of further processing. Ready-to-cook poultry also means any cut-up or disjointed portion of such poultry that is capable of use as human food, excluding the head, shanks, crop, oil gland, trachea, esophagus, entrails, mature reproductive organs, and lungs.

(44) *Regulations*. "Regulations" means the provisions of this entire part.

(45) *Renderer*. "Renderer" means any person engaged in the business of rendering carcasses, or parts or products of the carcasses, of poultry, except rendering conducted under inspection or exemption pursuant to the regulations.

(46) *Secretary*. "Secretary" means the Secretary of Agriculture of the United States or his delegate.

(47) *Shipping container*. "Shipping container" means any container used or intended for use in packaging the product packed in an immediate container.

(48) *Slaughter*. "Slaughter" means the act of killing poultry for human food.

(49) *State*. Except as otherwise provided in § 81.220, "State" means any State of the United States and the Commonwealth of Puerto Rico.

(50) *Territory*. The term "territory" means Guam, the Virgin Islands of the United States, American Samoa, and any other territory or possession of the United States excluding the Canal Zone.

(51) *United States*. This means the States, the District of Columbia, and the territories of the United States.

(52) *U.S. Detained*. This term is applicable to poultry, poultry products, and other articles which are held in official custody in accordance with section 19 of the Act and § 81.210, pending disposal as provided in said section 19.

(53) *U.S. condemned*. This term means that the poultry carcass, or part or product of a poultry carcass, so identified was inspected and found to be adulterated and is condemned.

(54) *U.S. refused entry*. This term means that the slaughtered poultry or other poultry product so identified was presented for inspection for entry into the United States and was found not to comply with the requirements of the Act.

(55) *U.S. rejected*. This term means that the equipment or facility so identified is prohibited from being used in the processing of any poultry or poultry product until such equipment or facility is found by an inspector to be sanitary and otherwise eligible for use under the regulations.

(56) *U.S. retained*. This term means that the poultry or carcass, or part or product of a carcass, of poultry so identified is held at an official establishment by the inspection service for further determination as to its disposal.

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[1] No such standards are currently in effect. However, § 81.129 prohibits the use of false or misleading containers.

(c) For the purposes of the standard for cooked, smoked sausage (9 CFR 319.180), the term "poultry byproduct" means the skin, fat, gizzard, heart, or liver, or any combination thereof, of any poultry.

Subpart B—Administration; Application of Inspection and Other Requirements

§ 81.3 Administration.

(a) General authority to administer the Act has been delegated to the Administrator, subject to specified reservations (29 F.R. 16210, as amended).

(b) The Administrator may in specific classes of cases waive for limited periods any provisions of the regulations in order to permit appropriate and necessary action in the event of a national emergency or to permit experimentation so that new procedures, equipment and processing techniques may be tested to facilitate definite improvements: *Provided*, That such waivers of the provisions of the regulations are not in conflict with the purposes or provisions of the Act.

§ 81.4 Inspection in accordance with methods prescribed or approved.

Inspection of poultry products shall be rendered pursuant to the regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 81.5 Publications.

Publications under the Act and the regulations shall be made in the FEDERAL REGISTER and in such other media as the Administrator may designate.

§ 81.6 Establishments requiring inspection.

Inspection under the regulations is required at:

(a) Every establishment, except as provided in § 81.10(a) and (b) or § 81.11 in which any poultry is slaughtered for transportation or sale in commerce, or in which any poultry products are wholly or in part, processed for transportation or sale in commerce, as articles intended for use as human food;

(b) Every establishment, except as provided in § 81.10 (a) and (b), (c), or (d) or § 81.11, within any State or organized territory which is designated in 81.221 pursuant to section 5(c) of the Act, at which any poultry is slaughtered or any poultry products are processed, for use as human food solely for distribution within such jurisdiction; and

(c) Except as provided in § 81.10 (a) and (b), or (c), or § 81.11, every establishment designated by the Administrator pursuant to section 5(c) of the Act as one producing adulterated poultry products which would clearly endanger the public health.

§ 81.7 Coverage of all poultry and poultry products processed in official establishments.

All poultry and poultry products processed in an official establishment shall be inspected, handled, processed, marked, and labeled as required by the regulations.

Subpart C—Exemptions

§ 81.10 Exemptions for specified operations.

(a) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products shall not apply to:

(1) Any retail dealer with respect to poultry products sold in commerce directly to consumers in an individual retail store, if the only processing operations performed by such retail dealer is the cutting up of poultry products on the premises where such sales to consumers are made: *Provided*, That such operation is conducted under such sanitary standards, practices and procedures as result in the preparation of poultry products that are not adulterated: *And provided, further*, That the poultry products sold in commerce are derived from poultry inspected and passed under the Act and such poultry products are not adulterated or misbranded at the time of sale (except that the official inspection legend shall not be used). (For the purposes of this subparagraph, a retail dealer is any person who sells poultry products directly to consumers as defined in paragraph (d)(2)(vi) of this section and whose sales of poultry products to household consumers constitute, in terms of dollar value, at least 75 percent of his total sales of poultry products.);

(2) The slaughter of poultry, and the processing of poultry products, by any person in any territory not organized with a legislative body, solely for distribution within such territory: *Provided*, That such poultry is sound and healthy and is slaughtered under such sanitary standards, practices and procedures as result in the preparation of poultry products that are not adulterated: *And Provided, further*, That the poultry products are not adulterated or misbranded when so distributed (except that the official inspection legend shall not be used).

(3) The slaughtering by any person of poultry of his own raising, and the processing by him and transportation in commerce of the poultry products exclusively for use by him and members of his household and his nonpaying guests and employees: *Provided*, That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices and procedures as result in the preparation of poultry products that are sound, clean and fit for human food, and the shipping containers of such poultry products bear the producer's name and address and the statement "Exempted—P.L. 90–492."

(4) The custom slaughter by any person of poultry delivered by the owner thereof for such slaughter, and the processing by such slaughterer and transportation in commerce of the poultry products exclusively for use, in the household of such owner, by him and members of his household and his nonpaying guests and employees: *Provided*, That such custom slaughterer does not engage in the business of buying or selling any poultry products capable of use as human food: *And provided, further*, That in lieu of complying with all the adulteration and misbranding provisions of the Act, such poultry is healthy and is slaughtered and processed under such sanitary standards, practices and procedures as result in the preparation of poultry products that are sound, clean and fit for human food, and the shipping containers of such poultry products bear the owner's name and address and the statement "Exempted—P.L. 90–492."

(5) The slaughtering of sound and healthy poultry and processing of poultry products therefrom in any State or territory or the District of Columbia by any poultry producer on his own premises with respect to poultry raised on his premises, and the distribution by any person solely within such jurisdiction of the poultry products derived from such operations: *Provided*, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean and fit for human food when so distributed; (ii) such poultry products when so distributed, bear (in lieu of labeling that would otherwise be required) the producer's name and address and the statement "Exempted—P.L. 90–492" and such poultry products are not otherwise misbranded; (iii) such producer and distributor do not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this subparagraph (5) or in subparagraph (6) of this paragraph; and (iv) neither such producer or distributor slaughters or processes the products of more poultry than allowed by paragraph (b) of this section.

(6) The slaughtering of sound and healthy poultry or the processing of poultry products of such poultry in any State or territory or the District of Columbia by any poultry producer or other person for distribution by him solely within such jurisdiction directly to household consumers, restaurants, hotels, and boarding houses, for use in their own dining rooms, or in the preparation of meals for sales direct to consumers: *Provided*, That (i) in lieu of complying with all the adulteration provisions of the Act, such poultry is slaughtered and processed and handled under such sanitary standards, practices, and procedures as result in the preparation of poultry products that are sound, clean, and fit for human food when distributed by such processor; (ii) such poultry products when so distributed bear (in lieu of labeling that would otherwise be required) the processor's name and address and the statement "Exempted—P.L. 90–492" and such poultry products are not otherwise misbranded; (iii) such processor does not engage in the current calendar year in the business of buying or selling any poultry or poultry products other than as specified in this subparagraph (6) or in subparagraph (5) of this paragraph; and (iv) such processor does not exceed the volume limitation prescribed in paragraph (b) of this section.

(7) The operations and products of small enterprises (including poultry producers) not exempted under subparagraphs (1) through (6) of this paragraph that are engaged in any State or territory or the District of Columbia in slaughtering and/or cutting up poultry for distribution as carcasses or parts thereof solely for distribution within such jurisdiction: *Provided*, That (i) such poultry is sound and healthy when slaughtered and is slaughtered and/or cut up and handled under such sanitary standards, practices and procedures as result in the preparation of poultry products that are not adulterated when so distributed; and (ii) when so distributed, such poultry products are not misbranded (except that the official inspection legend shall not be used).

(b) No person qualifies for any exemption specified in paragraph (a) (5), (6), or (7) of this section if he slaughters or processes the products of more than 5,000 turkeys or an equivalent number of poultry of all species in the current calendar year (four birds of other species being deemed the equivalent of one turkey).

(c) The provisions of the Act and the regulations do not apply to any poultry producer with respect to poultry, of his own raising on his own farm, which he slaughters if:

(1) Such producer slaughters not more than 250 turkeys, or not more than an equivalent number of birds of all species, during the calendar year for which this exemption is being determined (four birds of other species being deemed the equivalent of one turkey);

(2) Such poultry producer does not engage in buying or selling poultry products other than those produced from poultry raised on his own farm; and

(3) None of such poultry moves in "commerce" (as defined in § 81.1).

(d) (1) The requirements of the Act and the regulations for inspection of the processing of poultry and poultry products do not apply to operations of types traditionally and usually conducted at retail stores and restaurants, when conducted at any retail store or restaurant or similar retail-type establishment for sale in normal retail quantities or service of such articles to consumers at such establishments if such establishments would be subject to such inspection provisions only because the State or territory is designated under paragraph 5(c) of the Act (this exemption does not apply to establishments at which poultry products are processed for commerce).

(2) For the purposes of subparagraph (1) of this paragraph:

(i) Operations of types traditionally and usually conducted at retail stores and restaurants include any processing of poultry products except canning of poultry products and slaughtering of poultry unless such slaughtering is conducted at a retail store with respect to live poultry purchased by the consumer at the retail store and processed by the retail store operator in accordance with the consumer's instructions.

(ii) A normal retail quantity is any quantity of a poultry product purchased by a household consumer from a retail supplier that in the aggregate in any one week does not exceed 50 pounds. A normal retail quantity sold by a retail supplier to other than a household consumer is any quantity that in the aggregate in any one week does not exceed 100 pounds.

(iii) A retail store is any place of business where sales of poultry products are made to consumers only; at least 75 percent, in terms of dollar value, of total sales of poultry products represents sales to household consumers and the total dollar value of sales of poultry products to consumers other than household consumers does not exceed $10,000 per year; only federally or State inspected and passed, or exempted, poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products for sale is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(iv) A restaurant is any establishment where poultry products are processed only for sale or service, in meals, or as entrees, directly to individual consumers at such establishment; only federally or State inspected and passed, or exempted, poultry products are handled or used in the preparation of any poultry products; no sale of poultry products is made in excess of a normal retail quantity as defined in subdivision (ii) of this subparagraph; and the processing of poultry products is limited to traditional and usual operations as defined in subdivision (i) of this subparagraph.

(v) A similar retail-type establishment is any establishment which is a combination retail store and restaurant; any delicatessen which meets the requirements for a retail store or restaurant as prescribed in subdivision (iii) or (iv) of this subparagraph; or other establishment as determined by the Administrator in specific cases.

(vi) A consumer is any household consumer, hotel, restaurant, or similar institution as determined by the Administrator in specific cases.

(3) Whenever any complaint is received by the Administrator from any person alleging that any retail establishment or restaurant claiming exemption under this paragraph (d) in any designated State or organized territory listed in § 81.221 that is also identified in § 81.224 as a jurisdiction that does not have or is not exercising adequate authority with respect to recordkeeping requirements, has been operated in violation of the conditions prescribed in this paragraph (d) for such exemption, and the Administrator, upon investigation of the complaint, has reason to believe that any such violation has occurred, he shall so notify the operator of the retail establishment or restaurant and afford him reasonable opportunity to present his views informally with respect to the matter. Thereafter, if the Administrator determines that such a violation has occurred, and that a requirement that the operator keep records concerning the operations of the retail establishment or restaurant would effectuate the purposes of the Act, the Administrator shall order the operator to maintain complete, accurate, and legible records of his total monthly purchases and of his total monthly sales of poultry and poultry products. Such records shall separately show total sales to household consumers and total sales to other consumers, and shall be maintained for the period prescribed in § 81.177. If the operator maintains copies of bills of lading, receiving and shipping invoices, warehouse receipts, or similar documents which give the information required herein, additional records are not required by this subparagraph.

(4) The adulteration and misbranding provisions of the Act and the regulations other than the requirement of the official inspection legend, apply to articles which are exempted from inspection under this paragraph (d).

§ 81.11 Exemptions based on religious dietary laws.

(a) Any person who slaughters poultry or processes or otherwise handles poultry products which have been or are to be processed as required by recognized religious dietary laws may apply for exemption from specific provisions of the Act or regulations which are in conflict with such religious dietary laws. Any person desiring such an exemption shall apply in writing to the Meat and Poultry Inspection Program, Consumer and Marketing Service, Department of Agriculture, Washington, D.C. 20250, setting forth the specific provisions of the Act and the regulations from which exemption is sought and setting forth the provisions of the religious dietary laws in support of the requested exemption. In addition, the applicant for such an exemption shall submit a statement from the clerical official having jurisdiction over the enforcement of the religious dietary laws with respect to the poultry or poultry products involved, which identifies the requirements of such laws pertaining to the slaughter of the poultry and the processing or other handling of the poultry products involved, and a certificate that such requirements are in conflict with specific provisions of the Act and regulations from which the exemption is sought.

(b) The Administrator, upon a determination that an exemption should be granted, will grant such exemption to the extent necessary to avoid conflict with the religious requirements while still effectuating the purposes of the Act. He may impose such conditions as to sanitary standards, practices, and procedures in granting such exemption as he deems necessary to effectuate the purposes of the Act. Any person who processes poultry or poultry products under exemption from certain requirements as provided in this section shall be subject to all of the other applicable provisions of the Act and the regulations. Processing plants shall meet the sanitary requirements set forth in this part and unless exempted from inspection under the provisions of this subpart, shall be required to qualify for inspection and operate as official establishments. Slaughtered poultry which is prepared under an exemption authorizing the sale of noneviscerated poultry in commerce shall be individually identified with a label approved by the Administrator which identifies the clerical official under whose supervisior the poultry was slaughtered.

§ 81.12 Effect of religious dietary laws exemptions on other persons.

Whenever a slaughterer or processor is granted an exemption under § 81.11 with respect to the slaughtering or processing of any poultry or poultry products under this part, under specified conditions, the sale, offer for sale, transportation and other handling in commerce by any person of such poultry and poultry products in accordance with such conditions is hereby authorized, except as restricted by the Act.

§ 81.13 Suspension or termination of exemptions.

(a) The Administrator may, by order, in accordance with the applicable rules of practice suspend or terminate any exemption under § 81.10(a) with respect to any person whenever he finds that such action will aid in effectuating the purposes of the Act. Failure to comply with the conditions of the exemption, including, but not limited to, failure to process poultry and poultry products under clean and sanitary conditions may result in termination of an exemption, in addition to any other penalties provided by law.

(b) Except as provided in § 81.10(c), the Administrator may extend the requirements of the Act to any establishment in any State or organized territory at which poultry products are processed for distribution ~~solely within~~ such jurisdiction if he determines in accordance with the provisions of subparagraph 5(c)(1) of the Act that the establishment is producing adulterated poultry products which would clearly endanger the public health.

§ 81.14 Inspection concerning purportedly exempted operations.

Inspectors of the Inspection Service are authorized to make inspections in accordance with law to ascertain whether any of the provisions of the Act or the regulations applying to producers, retailers or other persons purporting to be exempted from any requirements under this subpart have been violated.

§ 81.15 Exemption from definition of "poultry product" of certain human food products containing poultry.

The following articles contain poultry ingredients only in a relatively small proportion or historically have not been considered by consumers as products of the poultry food industry. Therefore said articles are exempted from the definition of "poultry product" and the requirements of the Act and the regulations applicable to poultry products, if they comply with the conditions specified in this section.

(a) Any human food product (in a consumer package) not provided for in paragraph (c) of this section, if: (1) It contains less than 2 percent cooked poultry meat (deboned white or dark poultry meat, or both); (2) it contains less than 10 percent of cooked poultry skins, giblets, or fat, separately, and less than 10 percent of cooked poultry skins, giblets, fat, and meat (as meat is limited in subparagraph (1) of this paragraph) in any combination; (3) the poultry ingredients used in the product were prepared under inspection as defined in § 81.1, or were inspected under a foreign inspection system approved under § 81.196(b) and imported in compliance with the Act and the regulations; (4) the immediate container of the product bears a label which shows the name of the product in accordance with this section; and (5) the product is not represented as a poultry product. The aforesaid percentages of ingredients shall be computed on the basis of the moist, deboned, cooked poultry in the ready-to-serve product when prepared according to the serving directions on the consumer package.

(b) Any human food product (in an institutional pack), not provided for in paragraph (c) of this section, if: (1) it is prepared for sale only to institutional users, such as hotels, restaurants, and boarding houses, for use as a soup base or flavoring; (2) it contains less than 15 percent cooked poultry meat (deboned white or dark poultry meat, or both), computed on the basis of the moist deboned, cooked poultry meat in such product; and (3) it complies with the provisions of paragraphs (a)(3), (4), and (5) of this section in all respects.

(c) Bouillion cubes, poultry broth, gravies, sauces, seasonings, and flavorings if: (1) They contain poultry meat or poultry fat only in condimental quantities; and (2) they comply with the provisions of paragraph (a) (3), (4), and (5) of this section in all respects; and (3) in the case of poultry broth, it will not be used in the processing of any poultry product in any official establishment.

(d) Fat capsules and sandwiches containing poultry products if they comply with the provisions of paragraph (a) (3), (4), and (5) of this section in all respects.

(e) Products of the types specified in this section will be deemed to be represented as poultry product if the kind name of the poultry (chicken, turkey, etc.) is used in the product name of the product without appropriate qualification. For example, a consumer-packaged noodle soup product containing less than 2 percent chicken meat on a ready-to-serve basis may not be labeled "Chicken Noodle Soup" but, when appropriate, could be labeled as "Chicken Flavored Noodle Soup." Products exempted under this section are subject to the requirements of the Federal Food, Drug, and Cosmetic Act.

Subpart D—Application for Inspection; Grant or Refusal of Inspection

§ 81.16 How application shall be made.

The operator of each establishment of the kind required by § 81.6 to have inspection shall make application to the Administrator for inspection service. In cases of change of name, ownership or location, a new application shall be made.

§ 81.17 Filing of application.

Every application for inspection at any establishment shall be made by the operator on a form furnished by the Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, and shall include all information called for by that form, including the name of any subsidiary corporation that will prepare any poultry product or conduct any other operation at the establishment for which inspection is requested. The applicant for inspection will be held responsible for compliance by all its subsidiaries with the requirements of the regulations at such establishments if inspection is granted. Processing of poultry products and other operations at the establishment for which inspection is granted may be conducted only by the applicant, except that such a subsidiary of the grantee, may conduct such operations at such establishment.

§ 81.18 Authority of applicant.

Any person applying for inspection service may be required at the discretion of the Administrator to demonstrate that the operator of the establishment authorized him to do so.

§ 81.19 Application for inspection; required facilities.

An application for inspection service to be rendered in an official establishment shall be made according to the following procedure:

(a) *Prints of drawings and specifications to be furnished.* (1) Applicants for inspection service may obtain information or assistance from the Inspection Service with respect to the requirements before submitting prints of drawings and specifications.

(2) Four prints of drawings showing the features specified in this section shall be submitted to the Administrator. Photostats of drawings are not acceptable. The drawings and prints shall be legible, made with sharp, clear lines, and properly drawn to scale and shall consist of complete floor plans and a plot plan. Submissions consisting of more than one sheet shall be bound together at the left margin in sets.

(3) The plot plan shall show such features as the limits of the establishment premises, location in outline of buildings on the premises, one point of the compass, and the location of roadways, railroads and water and sewer lines or sewage facilities serving the establishment.

(4) The floor plan shall show all space to be included in the official establishment. If rooms or compartments shown on the drawings are not be included as part of the official establishment, this shall be clearly indicated thereon.

(5) The sheets of paper on which prints of drawings are made shall not exceed a size of 34'' x 44''. The drawings, other than of the plot plan, shall be made to a scale of one-eighth-inch per foot. The plot plan may be drawn to a scale of not less than one-thirty-second inch per foot. The drawings shall indicate the scale used and shall also indicate the floor shown (e.g. basement, first or second).

(b) *Features required to be shown on floor plan.* The following features shall be shown on the floor plan:

(1) The principal pieces of equipment drawn to scale in the proper locations;

(2) The name of the operator and address of the establishment by street and street number, or by other means properly identifying the location of the establishment. (This information shall be shown on each drawing the same as shown on the application for service (Form MP-401));

(3) One point of the compass;

(4) The doors and openings for passageways, designating those which are self-closing or permanently closed;

(5) All floor drain openings and gutter drains, and for all buildings constructed after September 1, 1959, the approximate location of all underfloor and underground piping;

(6) Lavatories in toilet and processing rooms (lavatories which are other than hand operated shall be so designated on the blueprints);

(7) All steam and hot and cold water outlets for cleanup purposes;

(8) Ice making and storage facilities.

(9) The point at which live poultry is hung on the conveyor line, the point where dressed poultry is removed, and the point of transfer to the eviscerating line;

(10) The routes of the edible and inedible products;

(11) The location of fresh air inlets, exhaust fans and hoods.

(c) *Specifications.* Specifications covering the following shall accompany the drawings:

(1) Height of ceilings;

(2) Type of ceilings—open or closed;

(3) Finish of ceilings; for example—cement plaster, metal, marine plywood, cement, asbestos board, etc.;

(4) Finish of walls; for example—cement plaster, glazed tile, glazed brick, glass blocks, etc.;

(5) Screens—indicate whether all outside openings are screened or provided with other suitable devices against entrance of flies or other insects;

(6) Finish of floors—concrete, brick, mastic material, etc.;

(7) Drainage—indicate amount of slope of floors to the drains in processing rooms, coolers, toilets, and refuse rooms, and give description of trapping and venting of drainage lines, and of floor drain openings. Indicate size of drainage lines and whether house drainage lines and toilet soil lines are separate to a point outside of buildings;

(8) Heating—indicate type;

(9) Water supply—indicate whether public or private water supply, or both, and specify in terms of gallons per minute of water available for the processing needs of the plant. Also indicate whether or not a nonpotable water supply is used for any purpose in the plant and, if so, specify such uses;

(10) Hot water facilities—specify facilities such as boilers, storage tanks, mixing valves, etc., and indicate the size;

(11) Specify number of men and number of women who will use each toilet room;

(12) Sewage disposal — indicate whether city sewer, cesspool, sedimentation tank, etc.;

(13) Approximate rate of production—for slaughtering and/or eviscerating establishments, indicate hourly rate of slaughter and/or evisceration for each class of poultry, and for other types of establishments, indicate pounds of each type of poultry products processed per hour.

(d) *Rooms and compartments which must be shown on the drawings.* The drawings of the establishment shall show employees' toilet and dressing rooms, office space for the inspectors, storerooms for supplies, refuse rooms, and all rooms, compartments, or passageways where poultry or poultry products, or any ingredients to be used in the preparation of poultry products will be handled or kept. The drawings shall also show all other rooms or compartments located in the buildings that are to comprise the official establishment.

(e) *Changes in drawings or blueprints.* When changes are proposed in areas for which drawings have been previously approved, one of the following types of revised drawings shall be submitted for review and consideration:

(1) A completely revised sheet or sheets, showing proposed alterations or additions, or

(2) Pasters of minor changes which may be affixed to the affected areas on the previously approved drawings in a manner not obscuring essential data. Paster drawings shall be prepared to the same scale and presented on a background similar to that of the originally approved drawing.

(f) *Use of information on file for plants operating under voluntary inspection service.* Applicants whose plants have been surveyed and are operating under voluntary inspection service pursuant to regulations (Part 70 of this chapter) in effect on the date service is made available under the Act will be exempt from the requirements of this section to the extent that the Administrator may determine that information and materials required by the provisions of this section are already available in official files of the Inspection Service.

§ 81.20 Survey and grant of inspection.

Prior to granting of inspection service, a survey of the establishment shall be made by a representative of the Inspection Service to determine if the establishment is constructed and facilities are installed in accordance with the approved drawings, specifications and the regulations. Inspection will be granted by the Administrator when these requirements are met.

§ 81.21 Refusal of inspection.

(a) The Administrator may refuse to grant inspection at any establishment if he determines that it does not meet any requirements as to premises, facilities, and equipment, and the operation thereof, prescribed in the regulations under section 7 of the Act to prevent the distribution under the Act of adulterated poultry products, or that the applicant has not received approval of labeling and containers to be used at the establishment as required by the regulations. When inspection is refused for any reason, the applicant shall be informed of the action and the reasons therefor and afforded an opportunity to present his views informally.

(b) If the refusal is based on a failure to comply with any requirements prescribed under section 7 of the Act, the applicant shall, upon his request, be afforded opportunity for a hearing in accordance with applicable rules of practice, with respect to the merits or validity of the action taken, but such refusal shall continue in effect unless otherwise ordered by the Secretary.

(c) Inspection may also be refused in accordance with section 18(a) of the Act and the applicable rules of practice.

(d)(1) Any applicant for inspection at an establishment where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b) of the Federal Water Pollution Control Act, as amended, to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency or the Administrator of the Environmental Protection Agency to act on a request for certification within 1 year after receipt of such request. Further, upon receipt of an application for inspection and a certification as required by subsection 21(b) of the Federal Water Pollution Control Act, the Administrator (as defined in § 81.1) is required by paragraph (2) of said subsection to notify the Administrator of the Environmental Protection

Agency for proceedings in accordance with that paragraph. No grant of inspection can be made until the requirements of said paragraph (2) have been met.

(2) However, certification under subsection 21(b) of the Federal Water Pollution Control Act is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification or to meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such facilities on that date.

(3) Further, any application for inspection pending on April 3, 1970, and granted within 1 year thereafter shall not require certification for 1 year following the grant of inspection but such grant of inspection shall terminate at the end of 1 year after its issuance unless prior thereto such certification has been obtained and the other requirements of subsections 21(b) are met.

Subpart E—Inauguration of Inspection; Official Establishment Numbers; Separation of Establishments and Other Requirements; Withdrawal of Inspection

§ 81.25 Official establishment numbers.

An official establishment number shall be assigned to each establishment granted inspection service. Such number shall be used to identify all containers of inspected poultry products prepared in the establishment. An establishment shall not have more than one establishment number.

§ 81.26 Separation of establishments.

Each official establishment shall be separate and distinct from any other official establishment and from any unofficial establishment except an establishment preparing meat products under the Federal Meat Inspection Act or under State meat inspection. Further, doorways, or other openings, may be permitted between establishments at the discretion of the Administrator and under such conditions as he may prescribe.

§ 81.27 Inauguration of service; notification concerning regulations; status of uninspected poultry products.

The inspector in charge or his supervisor shall, upon or prior to the inauguration of service, inform the operator of the establishment of the requirements of the regulations. If the establishment at the time service is inaugurated contains any poultry product which has not been inspected and marked in compliance with the regulations, its identity shall be maintained, and it shall not be represented or dealt with as a product which has been inspected. Such products may not be shipped in commerce unless such products are eligible for such shipment under an exemption from inspection under Subpart C of this part and comply with all requirements of said subpart.

§ 81.28 Report of violations.

Each inspector, agent, representative, or employee of the Inspection Service shall report, in the manner prescribed by the Administrator, all violations of the Act and noncompliance with the regulations of which he has knowledge.

§ 81.29 Suspension or other withdrawal of inspection service.

(a) (1) The Administrator is authorized to suspend (for such period or indefinitely, as the Administrator deems necessary to effectuate the purposes of the Act) or otherwise to withdraw, inspection service at an official establishment, for the failure of the operator of the establishment to destroy condemned poultry products as required under section 6 of the Act, or for other failure of the operator of the establishment to comply with any requirements as to premises, facilities, or equipment, or the operation thereof, prescribed in the regulations under section 7 of the Act to prevent the distribution under the Act of adulterated poultry products.

(2) The operator shall be notified of the withdrawal action and the reasons therefor and afforded an opportunity to present his views informally prior to the effective date of such withdrawal, and upon his request he shall be afforded an opportunity for a hearing in accordance with the applicable rules of practice, with respect to the merits or validity of the withdrawal, but such a suspension or other withdrawal shall continue in effect pending the outcome of any such hearing unless otherwise ordered by the Secretary.

(b) During a period of suspension or other withdrawal, no processing of poultry or poultry products subject to the inspection requirements of the Act shall be carried on in the official establishment. In any case in which inspection service is suspended under paragraph (a)(1) of this section, if the establishment premises, facilities and methods of operations are not brought into compliance with the Act and the regulations within a reasonable period of time, to be specified by the Administrator, inspection service may be withdrawn from the official establishment in accordance with the procedure prescribed in paragraph (a)(2) of this section.

(c) Inspection service may also be suspended or withdrawn in accordance with subsection 18(a) of the Act and the applicable rules of practice.

(d) Inspection may be suspended or revoked as provided in paragraph (5) of subsection 21(b) of the Federal Water Pollution Control Act, as amended.

(e) A grant of inspection issued without certification under paragraph (7) or (8) of subsection 21(b) of the Federal Water Pollution Control Act, as amended, will terminate if certification is not subsequently furnished or other requirements are not met, as provided in said paragraphs.

(f) Inspection service may be withheld if the operator of the official establishment or any officer, agent, or employee of the operator or any of its subsidiaries forcibly assaults, resists, opposes, impedes, intimidates, or interferes with any inspection personnel while engaged in or on account of the performance of their official duties under the Act. Such withholding shall continue until the responsible person is removed from the premises or until assurances, acceptable to the Administrator, are received that there will not be any recurrences of such acts.

Subpart F—Assignment and Authorities of Program Employees

§ 81.30 Licensed or otherwise authorized inspectors.

Any person who is a Federal, State, territory, or District of Columbia employee possessing proper qualifications may be authorized by the Administrator to inspect poultry and poultry products pursuant to the regulations. A license (for an indefinite or specified period) shall be issued to each such authorized Federal or State employee not employed in the Inspection Service.

§ 81.31 Expiration, suspension or revocation and surrender of licenses.

(a) Whenever a licensed inspector leaves the employment of the Federal, State, or other agency in which he was employed when his license was issued, or he otherwise becomes unavailable to perform inspection under the regulations or the officer in charge notifies him that his services are not needed to carry out such inspection, for reasons not involving any fault of the licensee, the license shall be deemed to expire. Licenses for a limited period shall also expire in accordance with their terms.

(b) The officer in charge, after consultation with the Federal, State, or other agency may, in cases not under paragraph (a) of this section, whenever he deems such action necessary, for the effective administration of the Act and the regulations suspend any license issued pursuant to the regulations, to an employee of such Federal, State, or other agency, by giving notice of such suspension to the individual involved, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by such individual, he may file an appeal, in writing, with the Administrator, supported by any argument or evidence that he may wish to offer as to why his license should not be further suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Administrator will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked.

(c) Each license which is suspended or revoked or has expired shall be promptly surrendered to the officer in charge.

§ 81.32 Access to establishments.

Any duly authorized representative of the Secretary shall have access at all reasonable times, by day or night, whether the establishment is in operation or not, to the premises or any part thereof of an establishment engaged in processing poultry or poultry products for commerce, upon presentation of appropriate credentials.

§ 81.33 Identification.

Each inspector shall have in his possession at all times, and present upon request while on duty, the means of identification furnished by the Department to such person.

§ 81.34 Financial interest of inspectors; political activity.

(a) No inspector shall inspect any poultry or poultry product in which he, his spouse, minor child, partner, organization in which he is serving as officer, director, trustee, partner, or employee, or any person with whom he is negotiating or has any arrangement concerning prospective employment, is financially interested.

(b) All inspectors who are employees of the Department are forbidden during the period of their respective appointments, to take an active part in political management or in political campaigns. Political activity in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, or any measure to be voted upon, is prohibited. This applies to all appointees, including, but not being limited to, temporary and cooperative employees and employees on leave of absence with or without pay.

(c) Violation of the provisions of paragraph (a) or (b) of this section will constitute ground for dismissal in the case of appointees and violation of the provisions of paragraph (a) of this section will constitute grounds for revocation of licenses in the case of licensees.

(d) Inspectors are subject to all applicable provisions of law and regulations and instructions of the Department and the Consumer and Marketing Service and other authority concerning employee responsibilities and conduct. The setting forth of certain prohibitions in this part in no way limits the applicability of such general or other regulations or instructions.

§ 81.35 Appeal inspections; how made.

Any person receiving inspection service may, if dissatisfied with any decision of an inspector relating to any inspection, file an appeal from such decision: *Provided,* That such appeal is filed within 48 hours from the time the decision was made. Any such appeal from a decision of an inspector shall be made to his immediate superior having jurisdiction over the subject matter of the appeal, and such superior shall determine whether the inspector's decision was correct. Review of such appeal determination, when requested, shall be made by the immediate superior of the employee of the Department making the appeal determination. The cost of any such appeal shall be borne by the appellant if the Administrator determines that the appeal is frivolous. The charges for such frivolous appeal shall be at the rate of $8.80 per hour for the time required to make the appeal inspection. The poultry or poultry products involved in any appeal shall be identified by U.S. retained tags and segregated in a manner approved by the inspector pending completion of an appeal inspection.

Subpart G—Facilities for Inspection; Overtime and Holiday Service; Billing Establishments

§ 81.36 Facilities required.

(a) *Inspector's office.* Office space, including, but not being limited to furnishings, light, heat and janitor service, shall be provided rent free in the official establishment, for the use of Government personnel for official purposes. The room or space set apart for this purpose must meet the approval of the Inspection Service and be conveniently located, properly ventilated, and provided with lockers or file cabinets suitable for the protection and storage of supplies and with facilities suitable for inspectors to change clothing.

(b) *Facilities for ante mortem inspection.* Batteries, coops, or other facilities in which live poultry is presented for ante mortem inspection shall be of such arrangement, construction, and shall be so placed with sufficient light provided so that the inspector can clearly see the birds to the extent needed to carry out an adequate inspection.

§ 81.37 Time of inspection.

The inspector who is to perform the inspection in an official establishment shall be informed, in advance, of the hours when such inspection will be required.

§ 81.38 Schedule of operation of official establishment.

Operating schedules of an official establishment shall be subject to approval of the Administrator, and for the purpose of this regulation the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, within the period of Monday through Friday, for each full shift required. Any variation from such Monday through Friday schedule of operation must be fully justified and approved in advance by the Administrator. Clock hours of daily operations are not to be specified in a schedule although as a condition of continuance of approval of a schedule the hours of operation must be reasonably uniform from day to day.

§ 81.39 Overtime inspection service.

When operations in an official establishment require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official establishment shall give reasonable advance notice to the inspector in charge for any overtime service necessary and shall pay the Secretary for such overtime at a rate of $8.80 per hour to cover the cost thereof.

§ 81.40 Holiday inspection service.

(a) When an official establishment requires inspection service on a holiday, such service is considered holiday work. The official establishment shall, in advance of such holiday work, request the officer in charge to furnish inspection service during such period and shall pay the Department therefor at the rate of $8.80 per hour. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) Holidays for Federal employees shall be the 1st day of January, third Monday of February, last Monday of May, 4th day of July, first Monday of September, second Monday of October, fourth Monday of October, fourth Thursday of November, 25th day of December, and any other day designated as a holiday by Federal statute or executive order. When any of the above-listed holidays fall on a weekday, that day becomes a holiday. When a holiday workday is a holiday. When a holiday falls on Saturday, the preceding scheduled workday will become a holiday.

(c) Holidays to be counted with respect to State employees shall be those legally observed by Federal employees.

§ 81.41 Supervisor overtime or holiday service.

When, because an establishment requires overtime service as provided in § 81.39 or requires holiday service as provided in § 81.40, a station supervisor (veterinarian) is required to work overtime or on a holiday, in the establishment, in order to supervise the service or to make final condemnation, the establishment shall pay the Department for such overtime or holiday work at the rate of $8.80 per hour.

§ 81.42 Basis of billing establishments.

Overtime and/or holiday services shall be billed to the official establishments on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector including supervisor providing such service to the establishment, except that when an official establishment requires the services of an inspector after he has completed his day's assignment and left the establishment or when he is called back to duty on a day outside of the established normal operating schedule or on a holiday, the official establishment shall pay for a minimum of 2 hours' service at the applicable established rate. Bills are payable upon receipt and become delinquent immediately following the end of the month in which they were rendered. Overtime or holiday inspection service will not be performed at any establishment that is delinquent and processing operations thereat shall be confined to the regular operating schedule of the establishment.

Subpart H—Sanitation

§ 81.45 Minimum standards for sanitation, facilities and operating procedures in official establishments.

The provisions of §§ 81.46 to 81.61, inclusive, shall apply with respect to all official establishments.

§ 81.46 Buildings.

(a) *General.* The buildings shall be of sound construction and kept in good repair.

(b) *Outside openings.* (1) The doors, windows, skylights, and other outside openings of the plant, except in receiving rooms and feeding rooms, shall be protected by properly fitted screens or other suitable devices against the entrance of flies and other insects.

(2) Outside doors, except in receiving rooms and feeding rooms, shall be so hung as to be close fitting when closed. Doors shall be provided with self-closing devices where necessary to prevent the entry of vermin into processing and storage rooms.

§ 81.47 Rooms and compartments.

(a) *General.* Rooms or compartments used for edible poultry products shall be separate and distinct from inedible products departments and from rooms where live poultry is held or slaughtered. Separate rooms shall be provided when required for conducting processing operations in a sanitary manner; and all rooms shall be of sufficient size to permit the installation of the necessary equipment for processing operations and the conduct of such operations in a sanitary manner.

(b) *Refuse rooms.* A separate refuse room, or other equally adequate facilities, shall be provided in official establishments where accumulations of refuse occur. Refuse rooms shall be entirely separate from other rooms in the establishment, have tight fitting doors, be properly ventilated, and have adequate drainage and cleanup facilities, and the floors and walls to a height of 6 feet above the floor shall be impervious to moisture, and walls above that height, and ceilings shall be moisture resistant.

(c) *Rooms for holding carcasses for further inspection.* Rooms or other acceptable facilities in which carcasses or parts thereof are held for further inspection shall be in such numbers and such locations as the needs of the inspection in the establishment may require. These rooms or facilities shall be equipped with hasps for locking.

(d) *Coolers and freezers.* Coolers and freezers shall be of such size and capacity as are required for compliance with the provisions set forth in § 81.66. Freezing rooms, other than those for plate freezers or liquid freezing, shall have forced air circulation, and freezers and coolers shall be equipped with floor racks, pallets or other means which will assure that the poultry products will not be adulterated.

(e) *Rooms for mechanical deboning of raw poultry.* Rooms or compartments where mechanical equipment for deboning of raw poultry is operated shall be maintained at 50° F. or less.

(f) *Storage and supply rooms.* The storage and supply rooms shall be kept in good repair, dry, orderly and sanitary.

(g) *Boiler room.* The boiler room shall be a separate room where necessary to prevent dirt and objectionable odors entering from it into any room where dressed poultry or other poultry products are processed, otherwise handled, or stored.

(h) *Toilet rooms.* Toilet rooms, opening directly into rooms where poultry products are exposed shall have self-closing doors and shall be ventilated to the outside of the building.

(i) *Lunch rooms.* Lunches and snacks shall not be eaten in processing, packing, or supply rooms. If needed, separate rooms or areas shall be provided in establishments where employees eat their lunches.

§ 81.48 Floors, walls, ceilings, etc.

(a) *Floors.* All floors in rooms where exposed poultry products are processed or handled shall be constructed of, or finished with, materials impervious to moisture, so they can be readily and thoroughly cleaned. The floors in killing, ice cooling, ice packing, eviscerating, cooking, boning, and cannery rooms shall be graded for complete runoff with no standing water.

(b) *Walls, posts, partitions, and doors.* All walls, posts, partitions, and doors in in rooms where exposed poultry products are processed or otherwise handled shall be smooth and constructed of materials impervious to moisture to a height of 6 feet above the floor to enable thorough cleaning. All surfaces above this height must be smooth and finished with moisture-resistant material.

(c) *Ceilings.* Ceilings must be moisture-resistant in rooms where exposed poultry products are processed or otherwise handled, and finished and sealed to prevent collection of dirt or dust that might sift through from the floor above or fall from collecting surfaces on equipment or exposed poultry product.

§ 81.49 Drainage and plumbing.

(a) *General.* There shall be an efficient draining and plumbing system for the plant and premises.

(b) *Outside premises.* The drainage system must permit the quick runoff of all water from buildings, and of surface water around the official establishment and on the premises; and all such water shall be disposed of in such a manner as to avoid the development of insanitary conditions at the establishment.

(c) *Drainage of sewage and plant wastes.* (1) All drains and gutters shall be properly installed with approved traps and vents. The sewer system shall have adequate slope and capacity to remove readily all waste from the various processing operations and to minimize or, if possible, prevent stoppage and surcharging of the system. When the sewage disposal system is a private system which is required to be approved by a State or local health authority, the applicant shall furnish the Administrator a letter from the proper health authority indicating that the sewage disposal system is acceptable to such authority.

(2) Interceptor traps which are connected with the sewer system shall be suitably located, and not near any edible poultry products department or in any area where products are unloaded from or loaded into any means of conveyance. To facilitate cleaning, such traps shall have inclined bottoms and be provided with suitable covers.

(3) Each floor drain shall be equipped with a deep seal trap, and the plumbing shall be installed so as to prevent sewage from backing up and flooding the floor, except that floor drains in areas not regularly washed down will be acceptable without deep seal traps: *Provided,* That such drains are connected to secondary drainage systems discharging into a safe sink or basin (air gap) that is properly trapped and vented: *And provided further,* That such drains accomplish the objectives and intent of this paragraph.

(4) Toilet soil lines shall be separate from house drainage lines to a point outside the buildings unless an automatic backwater check valve is installed to prevent back-flow. Drainage from toilet bowls and urinals shall not be discharged into a grease catch basin, nor shall such drainage be permitted to enter the sewer lines at a point where there might be a possibility of such drainage backing up and flooding the floor of the building.

§ 81.50 Water supply.

(a) General: Except as provided in paragraph (e) of this section, the water supply shall be ample, clean, and potable with adequate pressure and facilities for its distribution in the official establishment and its protection against contamination and pollution. A water report, issued under the authority of the State health agency, certifying to the potability of the water supply, shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator in specific cases.

(b) An adequate supply of hot water to enable proper cleaning shall be available.

(c) Hose connections with steam and water mixing valves or hot water hose connections shall be provided at convenient locations throughout the plant for cleaning purposes.

(d) The refuse rooms shall be provided with adequate facilities for washing refuse cans and other equipment in the rooms.

(e) Nonpotable water is permitted only in those parts of official establishments where no poultry product is processed or otherwise handled and then only for limited purposes such as on condensers not connected with the potable water supply, in vapor lines serving inedible product rendering tanks, and in sewer lines for moving heavy solids in the sewage. Nonpotable water is not permitted for washing floors, areas, or equipment, nor is it permitted in boilers, scalders, chill vats, or ice making machines. In all cases, nonpotable waterlines shall be clearly identified and shall not be cross connected with the potable water supply unless this is necessary for fire protection. Any such connection must have an adequate break to assure against accidental contamination, and must be approved by local authorities and by the Administrator. Any untested water supply in an official establishment shall be treated as a nonpotable supply.

§ 81.51 Lavatories, toilets, and other sanitary facilities.

(a) Modern lavatory and toilet accommodations and properly located facilities for cleaning utensils and hands shall be provided.

(b) Adequate lavatory and toilet accommodations, including but not being limited to, running hot and cold water, soap, or other acceptable agents (in sanitary dispensers), toilet tissue, and towels or other acceptable facilities for drying hands, shall be provided. Lavatories shall be in or near toilet and locker rooms and also at other places in the plant as may be essential to the cleanliness of all personnel handling poultry products.

(c) Adequate lockers or other facilities, shall be provided for employees' wearing apparel, and for the storing and changing of clothing. Wearing apparel shall not be stored in rooms where processing operations are conducted.

(d) Suitable containers shall be provided for the temporary storage of soiled linen, coats, aprons, and other items of employees' uniforms or work clothing.

(e) Sufficient metal containers shall be provided for used towels and other wastes.

(f) An adequate number of hand washing facilities serving areas where poultry products are prepared shall be operated by other than hand-operated controls, or shall be of a continuous flow type which provides an adequate flow of water for washing hands.

(g) Durable signs shall be posted conspicuously in each toilet room and locker room directing employees to wash their hands before returning to work.

(h) Adequate toilet facilities shall be provided and the following formula shall serve as a basis for determining the number of toilet bowls required:

	Toilet bowls required
Persons of same sex:	
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(i) Suitable sanitary drinking water facilities shall be provided.

(j) All toilets, lavatories, and other sanitary facilities shall be kept clean and in good repair.

§ 81.52 Lighting and ventilation.

(a) There shall be ample light, either natural or artificial or both, of good quality and well distributed, and sufficient ventilation for all rooms and compartments to insure sanitary conditions.

(b) All rooms in which poultry is killed, eviscerated, or otherwise processed shall have at least 30 foot-candles of light intensity on all working surfaces, except that at the inspection stations such light intensity shall be of 50 foot-candles. In all other rooms there shall be provided at least 5 foot-candles of light intensity when measured at a distance of 30 inches from the floor.

(c) All rooms shall be adequately ventilated to eliminate objectionable odors and minimize moisture condensation.

§ 81.53 Equipment and utensils.

(a) *General.* Equipment and utensils used for processing or otherwise handling any products in the official establishment shall be suitable for the purpose intended and shall be of such material and construction as will facilitate their thorough cleaning and insure cleanliness in the preparation and handling of poultry products. Trucks and receptacles used for handling inedible products shall be of similar construction, shall be conspicuously and distinctly marked as "U.S. Condemned", and shall not be used for handling any edible poultry products.

(b) *Refuse containers.* Leak-proof refuse containers with covers shall be provided except that perforated containers may be used for the temporary collection of feathers and such containers need not be covered.

(c) *Scalding equipment.* (1) Scalding tanks shall be constructed and installed so as to prevent contamination of potable water lines and to permit water to enter continuously at a rate which will result in a sanitary scalding operation. The rate of flow necessary to maintain a sanitary scalding operation will be determined on such factors as the class of poultry and the number of birds per minute going into the scalding tank. It shall be the responsibility of the officer in charge to establish a minimum rate of flow for each scalding tank in each official establishment.

(2) The overflow outlets in scalding equipment shall be of sufficient size to permit feathers and water to be carried off.

(3) The overflow, drawoff valves, and sediment basin drain shall discharge into a floor or valley drain, or onto the floor in close proximity to a floor or valley drain.

(d) *Wax finishing.* When wax dipping is used, metal troughs shall be provided to catch the wax removed from the dipped poultry. Acceptable facilities and methods shall be employed in reclaiming the wax.

(e) *Ice shovels.* Ice shovels shall be smooth surfaced and entirely constructed of rustproof, impervious material.

(f) *Conveyors.* (1) Conveyors used in the preparation of ready-to-cook poultry shall be of metal or other acceptable material and of such construction as to permit easy identification of the viscera with their carcass and so designed as will present each carcass or all parts thereof in a way that will permit adequate and efficient inspection.

(2) Overhead conveyors shall be so constructed and maintained that they will not allow grease, oil, or dirt to accumulate on the drop chain or shackle, which shall be of noncorrosive metal.

(3) Nonmetallic belt-type conveyors used in moving poultry products shall be of waterproof composition.

(4) When individual trays are not used during eviscerating operations, each carcass shall be suspended and a metal trough or a trough constructed of other acceptable impervious material shall be provided beneath the conveyor. Such troughs shall be flushed continuously by a water spray and shall extend beneath the conveyor at all places where processing operations are conducted from the point where the carcass is opened to the point where the viscera have been completely removed.

(g) *Chilling and thawing tanks.* Chilling and thawing tanks shall be constructed of metal or other suitable material impervious to moisture and shall be of seamless construction with edges rolled outward. Where mechanical devices are not used for removing carcasses from the chilling or thawing tanks, the tanks shall be of a size that will enable employees to remove poultry without entering the tanks.

(h) *Tables.* Inspection, eviscerating, and cutting tables shall be made of metal or other acceptable material, have coved corners, and be constructed and placed so as to permit thorough cleaning.

(i) *Plants lacking conveyors.* In plants where no conveyors are used, each carcass shall be eviscerated in an individual metal tray of seamless construction or in a tray of other acceptable material and construction.

(j) *Water spray washing equipment.* Water spray washing equipment with sufficient water pressure to thoroughly and efficiently wash carcasses shall be used for washing carcasses inside and out.

(k) *Offal receptacles.* Watertight metal receptacles shall be used for entrails and other waste resulting from preparation of eviscerated poultry.

(l) *Trucks and receptacles for condemned carcasses.* Watertight trucks and receptacles for holding or handling condemned carcasses or parts of carcasses shall be so constructed as to be readily and thoroughly cleaned; such trucks and receptacles shall be marked in a conspicuous manner with the words "U.S. Condemned" in letters not less than 2 inches high and when required by the inspector in charge, shall be equipped with facilities for locking and sealing.

§ 81.54 Accessibility of equipment.

(a) *General.* All equipment shall be placed so as to be readily accessible for all processing and cleaning operations.

(b) *Mechanical pickers.* When mechanical pickers are used, they shall be installed so as to be accessible for thorough cleaning and removal of the accumulation of feathers.

§ 81.55 Restrictions on use of equipment and utensils.

Equipment and utensils used in the official establishment shall not be used outside the official establishment, except under conditions as may be prescribed or approved by the Administrator in specific cases. Equipment used in the preparation of any article (including, but not limited to, animal food), from inedible material shall not be used outside of the inedible products department except under such conditions as may be prescribed or approved by the Administrator in specific cases.

§ 81.56 Maintenance of sanitary conditions and precautions against contamination of poultry products.

The premises of the official establishment shall be kept free from refuse, waste materials and all other sources of odors and conditions that may result in adulteration of the poultry products handled at the establishment.

§ 81.57 Cleaning of rooms and compartments.

Rooms, compartments, and other parts of the official establishment shall be kept clean and in sanitary condition and good repair.

§ 81.58 Cleaning of equipment and utensils.

(a) Equipment and utensils used for processing or otherwise handling any poultry or poultry product shall be kept clean, sanitary and in good repair.

(b) Batteries and dropping pans shall be cleaned regularly and the manure removed from the official establishment daily.

(c) Scalding tanks shall be completely emptied and thoroughly cleaned as often as may be necessary, but not less frequently than once a day when in use.

(d) All equipment and utensils used in the killing, roughing, and pinning rooms shall be thoroughly washed and cleaned at least once daily when in use.

(e) The chilling and packing room and equipment and utensils used therein shall be maintained in a clean and sanitary condition.

(f) Chilling or thawing tanks shall be emptied after each use. They shall be thoroughly cleaned at least once daily when in use, except that when the same poultry is held therein in excess of 24 hours, the tanks shall be thoroughly cleaned after the poultry is removed therefrom and prior to reuse.

(g) Conveyor trays or belts which come in contact with raw poultry products shall be completely washed and sanitized after each use.

(h) Tables, shelves, bins, trays, pans, knives, and all other tools and equipment used in the processing of poultry products shall, after cleaning, be drained on racks and shall not be nested.

§ 81.59 Vermin.

Every practicable precaution shall be taken to exclude flies, rats, mice, and other vermin from the official establishment. Dogs, cats, and other pets shall be excluded from rooms where dressed poultry or other poultry products are processed, handled or stored.

§ 81.60 Use of compounds.

Germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds may be used in an official establishment only if they will not deleteriously affect the poultry or poultry products therein and have been approved by the Administrator. Such compounds shall be used only in a manner satisfactory to the Administrator. Such compounds shall be approved, for the purpose of the Act only upon application and in accordance with the following procedure:

(a) The manufacturer or user of the compound, or any other interested person, shall submit to the Administrator the following data:

(1) The formula of the compound, listing each ingredient and the percentage of each ingredient in terms of weight or liquid measure, if the product is a liquid, and in terms of weight, if it is solid or semisolid, viscous or a mixture of liquid and solids. The ingredients must be stated in terms of the well-known common names of the ingredients or if an ingredient has no common name, the correct chemical name. However, in the case of any compound subject to the Federal Insecticide, Fungicide and Rodenticide Act, a statement of the composition of the compound as required for registration under that Act shall be submitted in lieu of the data otherwise required by this subparagraph.

(2) A certification by the applicant that the compound as it is proposed to be used in the official establishment will not deleteriously affect the poultry or poultry products therein. The certification shall include the conditions under which the particular compound is believed to be satisfactory for use and the precautions necessary, if any, in the use of such compound for the purpose intended in poultry processing establishments.

(b) As a prerequisite for approval, any compound which is required to be registered under the provisions of the Federal Insecticide, Fungicide and Rodenticide Act shall be registered and comply with the provisions of that Act. The applicant shall furnish the registration number assigned under the aforesaid Act along with two copies of the label being currently used on the product.

(c) A small sample of the compound (4 to 6 ounces) shall be submitted with the request for approval of its use in poultry processing establishments.

(d) The Administrator will either approve or disapprove the use of a particular compound after a careful evaluation of the data submitted pursuant to paragraph (a) of this section and consideration of any other information that is available pertaining to the compound under consideration.

(e) The Inspection Service is authorized to draw samples of any compound used in any official establishment and make analyses of such compound to determine if the compound conforms to that originally approved and if it is satisfactory for use in official establishments under this section. Whenever the Administrator has reason to believe that a compound may have a deleterious effect on poultry or poultry products, the approval of the particular compound may be suspended, and in such case the processor shall be given an opportunity to show that the compound does not have such effect. After such opportunity has been afforded to the processor, the Administrator shall make a determination as to the effect of the compound on poultry and poultry products and withdraw or reinstate the approval of the compound accordingly. Use of the compound shall not be permitted during the period of suspension.

§ 81.61 Cleanliness and hygiene of official establishment personnel.

(a) No official establishment shall employ, in any department where any poultry product is processed or otherwise handled, any person showing evidence of a communicable disease in a transmissible stage or known to be a carrier of such disease, or while affected with boils, sores, infected wounds, or other abnormal sources of microbiological contaminants.

(b) All persons coming in contact with exposed poultry products, or poultry products handling equipment shall wear clean garments and suitable head coverings to prevent hair from falling into poultry products; and shall keep their hands and fingernails clean at all times while thus engaged.

(c) Every person shall wash his hands thoroughly after each use of toilet or change of garments before returning to duties that require the handling of dressed poultry or other poultry products or containers thereof, or poultry product handling equipment.

(d) The use of tobacco in any form, the eating of food, or any other personal habit which may result in adulteration of any poultry product shall not be permitted in any room where exposed dressed poultry or other poultry products are being processed or otherwise handled.

Subpart I—Operating Procedures

§ 81.65 Operations and procedures, generally.

(a) Operations and procedures involving the processing, other handling, or storing of any poultry product shall be strictly in accord with clean and sanitary practices and shall be conducted in such a manner as will result in sanitary processing, proper inspection, and the production of poultry and poultry products that are not adulterated.

(b) Materials which create any condition that may result in adulteration of poultry products shall not be handled or stored in rooms, compartments, or other places in any official establishment where any poultry product is processed, otherwise handled, or stored.

(c) Poultry shall be slaughtered in accordance with good commercial practices in a manner that will result in thorough bleeding of the carcasses and assure that breathing has stopped prior to scalding. Blood from the killing operation shall be confined to a relatively small area.

(d) The pinning and finishing of dressed poultry shall be performed in a part of the room that is located sufficiently away from the killing and roughing operations to prevent contamination of the product.

(e) In finishing and cleaning dressed poultry, the vestigial feathers (hair or down as the case may be) shall be removed by singeing or other means, feed shall be removed from the crop without incising the tissues, and the fecal material in the cloaca shall be removed by venting. These operations shall be completed prior to, or during the final washing, but prior to chilling and packaging of such dressed poultry. Notwithstanding the foregoing, dressed poultry which is to be warm eviscerated is not required to be vented or singed if it is to be singed after evisceration and prior to packing, and dressed poultry which has been vented and singed and is to be eviscerated in an official establishment within 72 hours from time of slaughter may, when approved by the Inspection Service, be transferred by conveyor or operational type container or other approved means to such official establishment prior to removal of the feed in the crop.

(f) If dressed poultry is not to be immediately warm eviscerated, the head of each carcass shall be washed thoroughly either by automatic washer or manually to remove feed from the mouth and blood from the head and mouth.

(g) In the final washing of dressed poultry, the carcass shall be passed through a system of sprays providing an abundant supply of fresh clean water either under pressure or scrubbing action.

(h) Thawing poultry in water:

(1) *Ready-to-cook poultry.* When frozen ready-to-cook poultry is to be thawed in water, the thawing practices and procedures shall be such as will prevent the product from becoming adulterated by the absorption of moisture and such poultry shall be thawed by one of the following methods:

(i) The poultry may be thawed in continuous running tap water of sufficient volume and for such limited time as is necessary to thaw such poultry. The thawing media shall not exceed 70° F. in temperature. Complete thawing is necessary to permit thorough examination of ready-to-cook poultry prior to any further processing.

(ii) The practice of placing frozen ready-to-cook poultry into cooking kettles, without prior thawing is permitted only when a representative sample of the entire lot has been thawed and found to be sound and unadulterated. Thawing may be accomplished in cookers where the water can be heated to enable the cooking process to begin immediately following completion of thawing. Thawing practices and procedures shall result in no net gain in weight over the frozen weight. When whole carcasses or parts are thawed for repackaging as parts, it is not acceptable to recool the parts in slush ice. However, they may be held in tanks of crushed ice with the drains open pending further processing or packaging.

(iii) The poultry may be thawed in recirculated water, maintained at a temperature not in excess of 50° F., for such limited time as is necessary to thaw such poultry.

(2) *Dressed poultry.* Frozen dressed poultry shall not be thawed in tanks with continuously running water or residual water, but shall be thawed on metal racks or in perforated metal containers under a continuous water spray at a temperature not in excess of 70° F.

(i) Cuts for the removal of the viscera shall be limited to those necessary for proper processing operations and inspection. With respect to roaster style evisceration, opening cuts shall be made in such a manner that the skin between the thighs and rib cage will not be cut or torn open during the drawing operation. No additional cuts shall be made prior to chilling other than those necessary to perform the complete evisceration of the bird. The "bar-cut" method of evisceration may be used only when permitted by the officer in charge upon his determination that this method can be used at the official establishment without contaminating the poultry. With respect to poultry that is to be opened by the "bar-cut" method, particular care shall be exercised in making transverse cuts so that the thigh areas will not be opened and the flesh at the posterior end of the keel will not be exposed. An occasional bird that is unintentionally opened in the aforesaid areas will be permitted. The type of opening cut is part of the chilling procedure and any change in such cut requires establishing a new procedure.

(j) The area at the junction of the neck with the body of the eviscerated bird shall be positively opened prior to final washing so that water will drain freely from the body cavity and not become trapped in the area between the neck skin and the neck.

(k) Ready-to-cook poultry shall be adequately drained after chilling, to remove ice and free water prior to packaging or packing.

(l) Cut-up poultry shall be processed from chilled carcasses and the parts shall not be rechilled in ice and water or water, but may be temporarily held in containers of crushed ice which are continuously drained pending further processing and packaging. Upon approval by the Administrator, and under such conditions as he may prescribe in specific cases, cut-up poultry may be processed from unchilled eviscerated poultry. Such poultry parts shall not be chilled in water and ice, but may be chilled either in ice in continuously drained containers or by immediate entry into a freezer. Such poultry parts shall be chilled within 4 hours from the time of slaughter to 40° F. or less.

(m) All offal resulting from the evisceration operation shall be removed from the official establishment as often as necessary to prevent the development of an insanitary condition.

(n) Containers to be used for packaging dressed poultry and other poultry products shall be clean, free from substances and odors that would result in adulteration of the product and of sufficient strength and durability to protect the product adequately during normal distribution.

(o) Paper and other material used for lining barrels or other containers in which poultry products are packed shall be of such kinds as do not tear readily during use but remain intact when moistened by the product. Wooden containers to be used for packing poultry products shall be fully lined except when the poultry to be packed therein are fully wrapped.

(p) Protective coverings shall be used for poultry products while they are in any official establishment or are being transported between official establishments, which are adequate to protect the products against contamination by any foreign substances (including, but not being limited to, dust, dirt, and insects) considering the means employed in transporting the product.

§ 81.66 Temperatures and chilling and freezing procedures.

(a) *General.* Temperatures and procedures which are necessary for chilling and freezing dressed and ready-to-cook poultry, including all edible portions thereof, shall be in accordance with operating procedures which insure the prompt removal of the animal heat and will preserve the condition and wholesomeness of the poultry and assure that the products are not adulterated. A description of the chilling and freezing procedures used at the official establishment shall be filed with the inspector at the establishment.

(b) *General chilling requirements.* (1) All poultry that is slaughtered and eviscerated in the official establishment shall be chilled immediately after processing so that the internal temperature is reduced to 40° F. or less, as provided in subparagraph (2) of this paragraph unless such poultry is to be frozen or cooked immediately at the official establishment. Eviscerated poultry to be shipped from the establishment in packaged form shall be maintained at 40° F. or less, except that during further processing and packaging operations, the internal temperature may rise to a maximum of 55° F.:

Provided, That immediately after packaging, the poultry is placed under refrigeration at a temperature that will promptly lower the internal temperature of the product to 40° F. or less, or the poultry is placed in a freezer. Poultry which is to be held at the plant in packaged form in excess of 24 hours shall be held in a room at a temperature of 36° F. or less.

(2) Poultry carcasses, and major portions of carcasses as defined in paragraph (c)(2)(iv) of this section, shall be chilled to 40° F. or lower within the times specified below:

Weight of carcass:	*Time (hours)*
Under 4 pounds	4
4 to 8 pounds	6
Over 8 pounds	8

(c) *Ice and water chilling.* (1) Only ice produced from potable water may be used for ice and water chilling. The ice shall be handled and stored in a sanitary manner. If of block type, the ice shall be washed by spraying all surfaces with clean water before crushing.

(2)(i) The temperature of the chilling media in the warmest part of any poultry chilling system shall not exceed 65° F. or the maximum temperature specified in the current chilling procedure filed as required by paragraph (a) of this section, whichever is less. Continuous chillers shall not be used unless a recording thermometer, with a 24-hour recording cycle, is provided to measure the temperature in the warmest part of the chilling system. The temperature recorder shall be readily accessible. The completed temperature charts shall be furnished daily to the inspector.

(ii) With respect to continuous chilling systems, the fresh water intake in the first section of the system, after all sections of the system are filled with water, shall be not less than one-half gallon per frying chicken and proportionately more for other classes of poultry, including not less than 1 gallon per turkey. Sufficient water or ice, or both, shall be added to sections of the chilling system other than the first section, to keep the chilling media clean and to provide a continuous overflow from each section. If there is no loss of water between sections, multiple section chilling systems may be connected so the overflow from subsequent sections serves as water intake for the first section. In this type of installation, the required minimum fresh water intake may be either in the first or the last section of the chilling system. Water used to fill chilling systems shall not be counted toward minimum requirements specified in this subdivision (ii). Continuous chillers shall not be used unless the required minimum fresh water intake is measured through a meter which gives cumulative readings, and the meter shall be readily accessible. Upon approval by the Administrator in specific cases, when the official establishment employs an acceptable method of determining the amount of ice added to the appropriate section of the chilling system, meltage from such ice may be counted toward the required minimum fresh water intake.

(iii) In continuous chillers, whenever the elevators or conveyors removing the poultry from the chilling units are stopped, the agitation, either mechanical or by air, must also be stopped. In addition, unless the temperature of the chilling media is lowered to and maintained at 40° F. or below, poultry shall not be left in such stopped chillers in excess of 15 minutes.

(iv) Partial trimming and salvage of parts of poultry carcasses often result in parts of major size, either front or rear portions, wherein the major portion of the poultry carcass remains intact. These portions may be chilled in water and ice, including chilling in continuous chillers. Individual parts from salvage operations, including but not limited to drumsticks, thighs, split carcasses, and split breasts, shall not be cooled in water and ice, but may be cooled in the air, or ice, or under a spray of water with continuous drainage.

(v) Previously chilled poultry carcasses and major portions shall not be rechilled in ice and water, but may be rechilled with ice in continuously drained containers.

(3) Previously chilled poultry carcasses and major portions shall be maintained constantly at 40° F. or below until removed from the vats or tanks for immediate packaging. Such products may be removed from the vats or tanks prior to being cooled to 40° F. or below, for freezing or cooling in the official establishment. Such products shall not be packed until after it has been chilled to 40° F. or below, except when the packaging will be followed immediately by freezing at the official establishment.

(4)(i) In order to facilitate continuous processing operations, poultry carcasses and major parts may be held overnight in chilling tanks containing water-saturated ice, refrigerated water, or other approved cooling media that will maintain all poultry in the tanks at a temperature of 40° F., or lower. Practices (such as reicing, recirculation of the chilling medium, or holding product in refrigerated rooms, or use of increased amounts of ice) shall be employed that will result in all of the poultry in the chilling tanks being maintained at a temperature of 40° F. or lower throughout the holding period.

(ii) Poultry which is to be held in chilling tanks in excess of 24 hours shall at the end of the 24-hour chilling period be removed from the tanks and repacked in clean ice and in clean tanks which are continually drained, or, as an alternative, the tanks shall be drained and reiced and placed in a cooler which will maintain all of the poultry in the tanks at a temperature of 40° F. or below.

(5)(i) Giblets shall be chilled to 40° F. or lower within 2 hours from the time they are removed from the inedible viscera, except that when they are cooled with the carcass, the requirements of paragraph (b)(2) of this section shall apply. Any of the acceptable methods of chilling the poultry carcass may be followed in cooling giblets. When continuous chillers are used to chill giblets or necks, the fresh water intake in the chiller shall be not less than 1 gallon per 40 frying chickens processed, and shall be proportionately increased for other classes of poultry. When necks are chilled together with giblets, the minimum fresh water intake shall be not less than 1 gallon per 20 frying chickens processed and shall be proportionately increased for other classes of poultry. The required minimum fresh water intake in giblet and neck chillers shall be measured through a meter which gives cumulative readings, and the meter shall be readily accessible. In continuous giblet or neck chillers, the temperature of the chilling medium shall not exceed 36° F. in the warmest part of the system.

(d) *Moisture absorption and retention limits.* (1) Poultry washing, chilling, and draining practices and procedures shall be such as will minimize moisture absorption and retention at time of packaging.

(2) With respect to ready-to-cook poultry that is to be consumer packaged, frozen or cooked, the maximum moisture absorption and retention during washing, chilling, and draining processes shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing prior to packaging, the percentage limits set forth in the following tables.

TABLE 1—MAXIMUM MOISTURE ABSORPTION AND RETENTION LIMITS FOR ALL CLASSES OF POULTRY, OTHER THAN TURKEYS, TO BE CONSUMER PACKAGED, FROZEN OR COOKED

Average ready-to-cook carcass weight prior to final washer (less necks and giblets)	Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)	
	Zone A[1]	Zone B[1]
Chickens 4¼ lbs. and under	8.0	8.7
Chickens over 4¼ lbs. and all other classes of poultry other than turkeys	6.0	6.7

[1] Product shall be retained if, out of five consecutive tests more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing

MOISTURE ABSORPTION AND RETENTION

TABLE 2—MAXIMUM LIMITS FOR ALL TURKEYS TO BE CONSUMER PACKAGED, FROZEN OR COOKED.

Average ready-to-cook carcass weight prior to final washer (less necks and giblets)	Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)	
	Zone A[1]	Zone B[1]
8 lbs. 8 ozs. and under	8.0	9.0
8 lbs. 9 ozs.–15 lbs. 15 ozs	6.0	6.4
16 lbs.–16 lbs. 15 ozs	5.8	6.05
17 lbs.–17 lbs. 15 ozs	5.5	5.75
18 lbs.–18 lbs. 15 ozs	5.3	5.55
19 lbs.–19 lbs. 15 ozs	5.1	5.35
20 lbs.–20 lbs. 15 ozs	4.9	5.15
21 lbs.–21 lbs. 15 ozs	4.8	5.05
22 lbs.–22 lbs. 15 ozs	4.6	4.85
23 lbs.–23 lbs. 15 ozs	4.5	4.75
24 lbs.–26 lbs. 15 ozs	4.4	4.65
27 lbs. and over	4.3	4.55

[1] Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

(3) With respect to ready-to-cook turkey carcasses that are to be cut up, the maximum amount of moisture absorption and retention shall not exceed (at the time the first cut is made) the percentage limits set forth in the following table:

TABLE 3.—MAXIMUM MOISTURE ABSORPTION AND RETENTION LIMITS FOR ALL TURKEYS TO BE CUT-UP

Average ready-to-cook carcass weight prior to final washer (less necks and giblets)	Average percent increase in weight over weight of carcass prior to final washer (less necks and giblets)	
	Zone A[1]	Zone B[1]
8 lbs. 8 ozs. and under	9.0	10.0
8 lbs. 9 ozs.—15 lbs. 15 ozs	7.0	7.4
16 lbs.—16 lbs. 15 ozs	6.8	7.05
17 lbs.—17 lbs. 15 ozs	6.5	6.75
18 lbs.—18 lbs. 15 ozs	6.3	6.55
19 lbs.—19 lbs. 15 ozs	6.1	6.35
20 lbs.—20 lbs. 15 ozs	5.9	6.15
21 lbs.—21 lbs. 15 ozs	5.8	6.05
22 lbs.—22 lbs. 15 ozs	5.6	5.85
23 lbs.—23 lbs. 15 ozs	5.5	5.75
24 lbs.—24 lbs. 15 ozs	5.4	5.65
27 lbs. and over	5.3	5.55

[1] Product shall be retained if, out of five consecutive tests more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption.. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing

(4) With respect to ready-to-cook chicken carcasses, averaging 4¼ pounds or less, whether they are chilled in continuous chillers and further aged or chilled in slush ice and water, or are chilled in continuous chillers only, prior to being cut up, the maximum amount of moisture absorption and retention shall not exceed (when placed on the cut-up line) the percentage limits set forth in the following table:

AVERAGE PERCENT INCREASE IN WEIGHT OVER WEIGHT OF CARCASS PRIOR TO FINAL WASHER (LESS NECKS AND GIBLETS)

Zone A—10.0[1]
Zone B—11.0[1]

(5) With respect to ready-to-cook poultry that is to be ice packed, the maximum amount of moisture absorption shall not exceed, at the last readily accessible point at which the poultry carcasses can be selected for testing on the drip line, the percentage limits set forth in the following table:

MAXIMUM MOISTURE ABSORBTION AND RETENTION LIMITS FOR ICE PACK POULTRY

AVERAGE PERCENT INCREASE IN WEIGHT OVER WEIGHT OF CARCASS PRIOR TO FINAL WASHER (LESS NECKS AND GIBLETS)

Zone A—12.0[1]
Zone B—13.0[1]

With respect to all ice pack poultry, the loss of moisture during holding and transportation to the first destination shall result in moisture retention that is within the limits, applicable to the class of poultry involved, set forth in Zone A of Tables 1 and 2 in subparagraph (2) of this paragraph.

(6) Ten-bird tests shall be conducted at least daily by inspectors to assure compliance with the requirements of this section, using procedures set forth in the Poultry Inspectors' Handbook. The inspectors' 10-bird test will be used to determine compliance, except as additional 50-bird tests are required under subparagraph (7) of this paragraph.

(7) Each official establishment may make adjustments in its washing, chilling, and draining methods provided it submits to the inspector at the establishment, written notice of the proposed adjustments before any changes are made: *And provided further*, That the operator of the establishment, immediately after the change, selects, prepares, identifies, and weighs, in accordance with procedures set forth in the Poultry Inspectors' Handbook,[2] individually a random sample of 50 ready-to-cook poultry carcasses prior to the final washer and again when they are removed from the drip line or other draining device immediately before packing. If the average weight of the 50 poultry carcasses taken before the final washer and their average weight after immediate removal from the drip line or draining device show that the product is in compliance with the Zone A moisture absorption limits, applicable to the class of poultry involved, set forth in this section, the adjusted methods will become the established washing, chilling, and draining system for the establishment. If the results of the weighing of the sample of 50 carcasses show that the product exceeds the Zone A limits set forth in this section, the poultry will be retained in accordance with procedures set forth in the Poultry Inspectors' Handbook. Retained poultry shall not be released from the establishment until they meet the requirements of subparagraph (2) of this paragraph.

(8) The establishment shall provide scales, weights, identification devices, and other supplies necessary to conduct all moisture tests.

(9) When poultry is ice packed in barrels or other containers, the barrels and containers shall be covered and shall have an adequate number of drain holes to permit the water to drain out. However, the Administrator, upon written request and under such conditions as he may prescribe in specific cases, may approve the shipment of poultry in operational type containers, such as chill tanks or lugs, from one official establishment to another official establishment for further processing.

(10) When ready-to-cook birds are to be consumer packed, the giblets shall be handled in a manner that will prevent free water from being included in the giblet package. The average weight of giblet wrapping material shall be not more than 30 pounds per standard ream (24'' x 36''—500 sheets) when tested in accordance with the Technical Association of the Pulp and Paper Industry (T.A.P.P.I.) Standard T–410 except the weight may exceed 30 pounds per standard ream when the absorbent capacity is such that the total weight of the material after moisture absorption is no greater than the total weight, after moisture absorption, of material weighing 30 pounds per standard ream. Test samples shall be conditioned in accordance with T.A.P.P.I. Standard T–402. The sample to be tested shall consist of 10 sheets representative of the shipment or lot, and individual sheets within the sample may vary within normal tolerance from the prescribed maximum weight, but the average of the sample (10 sheets) shall not weigh in excess of 30 pounds per standard ream (24'' x 36''—500 sheets) except as specified above. The moisture absorption shall not exceed 200 percent of the dry weight of the sample (as conditioned in accordance with T.A.P.P.I. Standard T–402) and giblet wrappers (uncreped) shall not exceed the following sizes or equivalents: Chickens and Ducks, 9'' x 12'', Turkeys, 12'' x 14''.

(e) *Air chilling.* In air chilling, dressed poultry shall be placed in a refrigerated room with moderate air movement at a temperature which will reduce the internal temperature of the carcasses to 40° F. or less within 24 hours. In air chilling ready-to-cook poultry, the internal temperature of the carcasses shall be reduced to 40° F. or less within 16 hours.

(f) *Freezing.* (1) Dressed and ready-to-cook poultry which is to be or is labeled with descriptive terms such as "fresh frozen," "quick frozen," or "frozen fresh" or any other term implying a rapid change from a fresh state to a frozen state shall be placed into a freezer within 48 hours after initial chilling in accordance with paragraph (b) of this section. During this period, if such poultry is not immediately placed into a freezer after chilling and packaging, it shall be held at 36° F. or lower.

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[1] Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

[1] Product shall be retained if, out of five consecutive tests, more than one test exceeds the Zone A limits or any test exceeds the Zone B limits. These zone limits were based on a statistical analysis of variation between individual birds with regard to moisture absorption. With these limits the chance of passing a lot with average moisture at or above the Zone A limit is less than 15 percent. A lot with average moisture at or above the Zone B limit would have virtually no chance of passing.

[2] The Poultry Inspectors' Handbook is available upon request from the Consumer and Marketing Service of this Department.

(2) The freezing operation for dressed poultry shall be accomplished in such a manner as to bring the internal temperature of the birds in the center of the package to 0° F. or below within 96 hours from the time of entering the freezer; whereas, ready-to-cook poultry shall be frozen in a manner so as to bring the internal temperature of the birds at the center of the package to 0° F. or below within 72 hours from the time of entering the freezer.

(3) Upon written request, and under such conditions as may be prescribed by the Administrator, in specific cases, dressed and ready-to-cook poultry which is to be frozen immediately may be moved from the official establishment prior to freezing: *Provided*, That the plant and freezer are so located and such necessary arrangements are made that the Inspection Service will have access to the freezing room and adequate opportunity to determine compliance with the time and temperature requirements specified in subparagraph (2) of this paragraph.

(4) Warm packaged ready-to-cook poultry which is to be chilled by immediate entry into a freezer within the official establishment shall within 2 hours from time of slaughter be placed in a plate freezer or a freezer with a functioning circulating air system where a temperature of −10° F. or lower is maintained.

(5) Frozen poultry shall be held under conditions which will maintain the product in a solidly frozen state with temperature maintained as constant as possible under good commercial practice.

(6) Immersion or spray freezing equipment shall be constructed of noncorrosive metal or other acceptable material. Compounds used in immersion or spray freezing procedures shall be approved by the Administrator.

Subpart J—Ante Mortem Inspection

§ 81.70 Ante mortem inspection; when required; extent.

An ante mortem inspection of poultry shall, where and to the extent considered necessary by the Administrator and under such instructions as he may issue from time to time, be made of poultry on the day of slaughter in any official establishment.

§ 81.71 Condemnation on ante mortem inspection.

Birds plainly showing on ante mortem inspection any disease or condition, that under §§ 81.80 to 81.93, inclusive, would cause condemnation of their carcasses on post mortem inspection, shall be condemned. Birds which on ante mortem inspection are condemned shall not be dressed, nor shall they be conveyed into any department of the official establishment where poultry products are prepared or held. Poultry which has been condemned on ante mortem inspection and has been killed shall under the supervision of an inspector of the Inspection Service, be disposed of as provided in § 81.95.

§ 81.72 Segregation of suspects on ante mortem inspection.

All birds which on ante mortem inspection do not plainly show, but are suspected of being affected with any disease or condition that under §§ 81.80 to 81.93, inclusive, may cause condemnation in whole or in part on post mortem inspection, shall be segregated from the other poultry and held for separate slaughter, evisceration, and post mortem inspection. The inspector shall be notified when such segregated lots are presented for post mortem inspection and inspection of such birds shall be conducted separately. Such procedure for the correlation of ante mortem and post mortem findings by the inspector, as may be prescribed or approved by the Administrator, shall be carried out.

§ 81.73 Quarantine of diseased poultry.

If live poultry, which is affected by any contagious disease which is transmissible to man, is brought into an official establishment, such poultry shall be segregated. The slaughtering of such poultry shall be deferred and the poultry shall be dealt with in one of the following ways:

(a) If it is determined by a veterinary inspector that further handling of the poultry will not create a health hazard, the lot shall be slaughtered separately, subject to ante mortem and post mortem inspection pursuant to the regulations.

(b) If it is determined by a veterinary inspector that further handling of the poultry will create a health hazard, such poultry may be released for treatment under the control of an appropriate State or Federal agency. If the circumstances are such that release for treatment is impracticable, a careful bird-by-bird ante mortem inspection shall be made, and all birds found to be, or which are suspected of being, affected with a contagious disease transmissible to man shall be condemned.

§ 81.74 Poultry suspected of having biological residues.

When any poultry at an official establishment is suspected of having been treated with or exposed to any substance that may impart a biological residue which would make their edible tissues adulterated, the poultry shall be returned to the seller, or processed at the establishment and retained under U.S. Retained tags pending final disposition in accordance with the Act and the regulations, or slaughtered at the establishment and buried or incinerated in a manner satisfactory to the inspector. The Inspection Service will notify the other Federal and State agencies concerned. To aid in determining the amount of residue present in the poultry, officials of the Inspection Service may permit the slaughter of any such poultry to collect tissues for analysis of the residue.

§ 81.75 Poultry used for research.

(a) No poultry used in any research investigation involving an experimental biological product, drug, or chemical shall be eligible for slaughter at an official establishment unless:

(1) The operator of such establishment, the sponsor of the investigation, or the investigator has submitted to the Inspection Service, or the Veterinary Biologics Division, or the Environmental Protection Agency, or the Food and Drug Administration of the Department of Health, Education, and Welfare, data or a summary evaluation of the data which demonstrates that the use of such biological product, drug, or chemical will not result in the products of such poultry being adulterated, and the Administrator has approved such slaughter.

Subpart K—Post Mortem Inspection; Disposition of Carcasses and Parts

§ 81.76 Post mortem inspection; when required; extent.

(a) A post mortem inspection shall be made on a bird-by-bird basis on all poultry eviscerated in an official establishment. No viscera or any part thereof shall be removed from any poultry processed in any official establishment, except at the time of post mortem inspection unless their identity with the rest of the carcass is maintained in a manner satisfactory to the inspector until such inspection is made. Each carcass to be eviscerated shall be opened so as to expose the organs and the body cavity for proper examination by the inspector and shall be prepared immediately after inspection as ready-to-cook poultry. If a carcass is frozen, it shall be thoroughly thawed before being opened for examination by the inspector. Each carcass, or all parts comprising such carcass, shall be examined by the inspector, except for parts that are not needed for inspection purposes and are not intended for human food and are condemned.

(b) Each bird that is slaughtered but is not to be eviscerated at the official establishment shall be promptly processed as dressed poultry and inspected to determine to the extent possible without examining the viscera whether such carcass is adulterated.

§ 81.77 Carcasses held for further examination.

Each carcass, including all parts thereof, in which there is any lesion of disease, or other condition which might render such carcass or any part thereof adulterated and with respect to which a final decision cannot be made on first examination by the inspector, shall be held for further examination. The identity of each such carcass, including all parts thereof, shall be maintained until a final examination has been completed.

§ 81.78 Condemnation of carcasses and parts.

At the time of any inspection under this subpart each carcass, or any part thereof, which is found to be adulterated shall be condemned, except that any such articles which may be made not adulterated by reprocessing, need not be so condemned if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. Carcasses and any parts thereof that are condemned because of disease and carcasses and parts thereof that are condemned because of biological residues shall be kept separate from those condemned for other causes, and these two classes shall also be kept separate from each other. If no appeal is taken under § 81.35 with respect to any condemnation, the condemned articles shall be disposed of as provided in § 81.95.

§ 81.79 Passing of carcasses and parts.

Each carcass and all organs and other parts of carcasses which are found to be not adulterated shall be passed for human food.

§ 81.80 General; biological residues.

(a) The carcasses or parts of carcasses of all poultry inspected at an official establishment and found at the time of post mortem inspection, or at any subsequent inspection, to be affected with any of the diseases or conditions named in other sections in this subpart, shall be disposed of in accordance with the section pertaining to the disease or condition. Owing to the fact that it is impracticable to formulate rules for each specific disease or condition and to designate at just what stage a disease process results in an adulterated article, the decision as to the disposal of all carcasses, organs or other parts not specifically covered by the regulations, or by instructions of the Administrator issued pursuant thereto, shall be left to the inspector in charge, and if the inspector in charge is in doubt concerning the disposition to be made, specimens from such carcasses shall be forwarded to the laboratory for diagnosis.

(b) All carcasses, organs, or other parts of carcasses of poultry shall be condemned if it is determined that they are adulterated because of the presence of any biological residues.

§ 81.81 Tuberculosis.

Carcasses of poultry affected with tuberculosis shall be condemned.

§ 81.82 Diseases of the leukosis complex.

Carcasses of poultry affected with any one or more of the several forms of the avian leukosis complex shall be condemned.

§ 81.83 Septicemia or toxemia.

Carcasses of poultry showing evidence of any septicemic or toxemic disease, or showing evidence of an abnormal physiologic state, shall be condemned.

§ 81.84 Airsacculitis.

(a) A carcass with airsac inflammation with evidence of septicemia-toxemia must be condemned regardless of the nature of the exudate or the extent of the inflammation in the airsacs.

(b) A carcass with airsac inflammation without evidence of septicemia-toxemia may be passed for human food, provided all diseased tissue and exudate is completely removed.

§ 81.85 Special diseases.

Carcasses of poultry showing evidence of any disease which is characterized by the presence, in the meat or other edible parts of the carcass, of organisms or toxins dangerous to the consumer, shall be condemned.

§ 81.86 Inflammatory processes.

Any organ or other part of a carcass which is affected by an inflammatory process shall be condemned and, if there is evidence of general systemic disturbance, the whole carcass shall be condemned.

§ 81.87 Tumors.

Any organ or other part of a carcass which is affected by a tumor shall be condemned and when there is evidence of metastasis or that the general condition of the bird has been affected by the size, position or nature of the tumor, the whole carcass shall be condemned.

§ 81.88 Parasites.

Organs or other parts of carcasses which are found to be infested with parasites, or which show lesions of such infestation shall be condemned and, if the whole carcass is affected, the whole carcass shall be condemned.

§ 81.89 Bruises.

Any part of a carcass which is badly bruised shall be condemned and, if the whole carcass is affected as a result of the bruise, the whole carcass shall be condemned. Parts of a carcass which show only slight reddening from a bruise may be passed for food.

§ 81.90 Cadavers.

Carcasses of poultry showing evidence of having died from causes other than slaughter shall be condemned.

§ 81.91 Contamination.

Carcasses of poultry contaminated by volatile oils, paints, poisons, gases, scald vat water in the air sac system, or other substances which render the carcasses adulterated shall be condemned. Any organ or other part of a carcass which has been accidentally mutilated in the course of processing shall be condemned, and if the whole carcass is affected, the whole carcass shall be condemned.

§ 81.92 Overscald.

Carcasses of poultry which have been overscalded, resulting in a cooked appearance of the flesh, shall be condemned.

§ 81.93 Decomposition.

Carcasses of poultry deleteriously affected by post mortem changes shall be disposed of as follows:

(a) Carcasses which have reached a state of putrefaction or stinking fermentation shall be condemned.

(b) Any part of a carcass which is green struck shall be condemned and, if the carcass is so extensively affected that removal of affected parts is impracticable, the whole carcass shall be condemned.

(c) Carcasses affected by types of post mortem change which are superficial in nature may be passed for human food after removal and condemnation of the affected parts.

Subpart L—Handling and Disposal of Condemned or Other Inedible Products at Official Establishments

§ 81.95 Disposal of condemned carcasses and parts.

(a) All condemned carcasses, or condemned parts of carcasses, shall be disposed of by one of the following methods, under the supervision of an inspector of the Inspection Service. (Facilities and materials for carrying out the requirements in this section shall be furnished by the official establishment.)

(b) Steam treatment (which shall be accomplished by processing the condemned product in a pressure tank under at least 40 pounds of steam pressure) or thorough cooking in a kettle or vat, for a sufficient time to effectively destroy the product for human food purposes and preclude dissemination of disease through consumption by animals. (Tanks and equipment used for this purpose or for rendering or preparing inedible products shall be in rooms or compartments separate from those used for the preparation of edible products. There shall be no direct connection by means of pipes, or otherwise, between tanks containing inedible products and those containing edible products.)

(c) Incineration or complete destruction by burning.

(d) Chemical denaturing, which shall be accomplished by the liberal application to all carcasses and parts thereof, of:

(1) Crude carbolic acid,

(2) Kerosene, fuel oil or used crank case oil, or

(3) Any phenolic disinfectant conforming to commercial standards CS 70–41 or CS 71–41 which shall be used in at least 2 percent emulsion or solution.

(4) Any other substance or method that the Administrator approves in specific cases, which will denature the carcasses and parts to the extent necessary to accomplish the purposes of this section.

Subpart M—Official Marks, Devices and Certificates; Export Certificates; Certification Procedures

§ 81.96 Wording and form of the official inspection legend.

Except as otherwise provided in this subpart, the official inspection legend required to be used with respect to inspected and passed poultry products shall include wording as follows: "Inspected for wholesomeness by U.S. Department of Agriculture." This wording shall be contained within a circle. The form and arrangement of such wording shall be exactly as indicated in the example in Figure 1, except that the appropriate official establishment number, shall be shown, and if the establishment number appears elsewhere on the labeling material in the manner prescribed in § 81.123 (b), it may be omitted from the inspection mark. The Administrator may approve the use of abbreviations of such inspection mark; and such approved abbreviations shall have the same force and effect as the inspection mark. The official inspection legend, or the approved abbreviation thereof, shall be printed on consumer packages and other immediate containers of inspected and passed poultry products, or on labels to be securely affixed to such containers. Further, such legend or approved abbreviation thereof, shall be applied to shipping containers of such products and may be printed or stenciled thereon, but shall not be applied by rubber stamping. When applied by a stencil, the legend shall be not less than 4 inches in diameter.

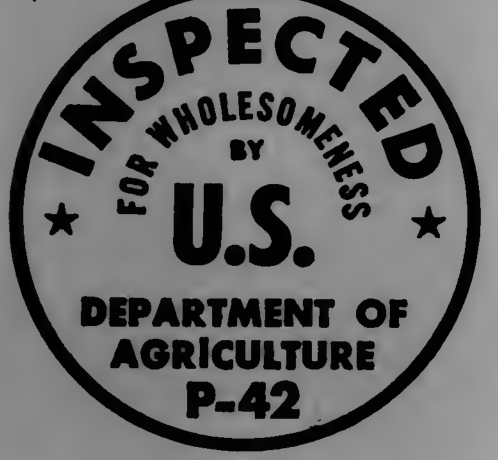

FIGURE 1.

§ 81.97 Official dressed poultry identification mark.

Dressed poultry processed under inspection and passed for distribution as provided in § 81.124 or § 81.190 shall be identified by an official inspection legend, as shown in Figure 2, which shall be not less than 1½" x 3" in size. Such mark shall be applied to the immediate containers and shipping containers of the poultry.

DRESSED POULTRY

ELIGIBLE FOR FURTHER PROCESSING

In Official Establishments Under USDA Inspection

Plant No. 000. Lot 000

FIGURE 2.

§ 81.98 Official seal.

The official mark for use in sealing means of conveyance used in transporting poultry products under any requirement in this part shall be the inscription and a serial number as shown below, and any seals approved by the Administrator for applying such mark shall be an official device.

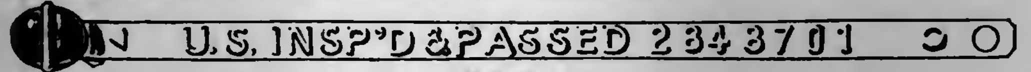

FIGURE 3.

§ 81.99 Official retention and rejection tags.

An inspector may use such tags or other devices and methods at an official establishment as may be approved by the Administrator for the identification and control of (a) poultry and poultry products which appear to be not in compliance with the regulations or which are held for further examination and (b) any equipment, utensils, rooms, or compartments at such establishments which are found to be unclean or otherwise in violation of any of the regulations. No poultry, poultry product, or other article, or equipment, utensil, room, or compartment so identified shall be used until it has been made acceptable. The Administrator has approved a paper tag (a portion of Form C&MS 510) bearing the legend "U.S. Retained" for use on poultry or poultry products under this section, and has approved a paper tag (another portion of Form C&MS 510) bearing the legend "U.S. Rejected" for use on equipment, utensils, rooms, and compartments under this section. Such tags are official devices and shall not be removed by anyone other than an inspector.

§ 81.100 Official detention tag.

The detention tag prescribed in § 81.211 is an official device.

§ 81.101 Official U.S. Condemned mark.

The term "U.S. Inspected and Condemned" as shown below is an official mark and the devices used by the Department for applying such mark are official devices.

U.S. INSP'D AND

CONDEMNED

FIGURE 4.

§ 81.102 Official import inspection marks and devices.

(a) The official marks for marking poultry products offered for entry as "U.S. inspected and passed" or "U.S. refused entry" as required by § 81.204 shall be in the following forms, respectively, and any device approved by the Administrator for applying such marks shall be an official device.[1]

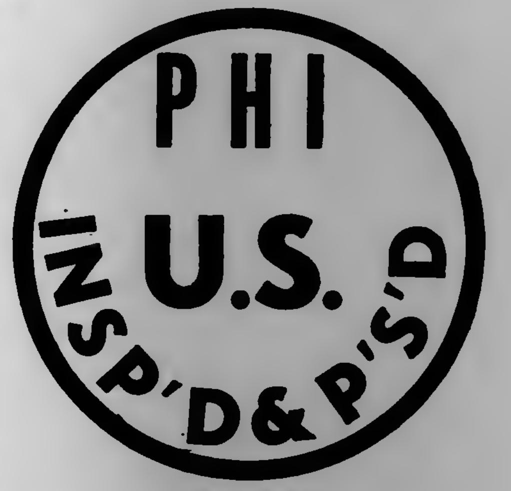

FIGURE 5.

UNITED STATES

REFUSED ENTRY

FIGURE 6.

(b) The import warning notice prescribed in § 81.200(c) is an official device.

§ 81.103 Official poultry condemnation certificates.

The operator of each official establishment shall slaughter as a separate lot or lots, all live poultry received from each grower or other person who sold such poultry to the operator, so that the seller of each lot given ante mortem or post mortem inspection at the establishment can be identified. Upon request by the operator of the establishment, or by the seller of the live poultry, the inspector in charge shall issue a poultry condemnation certificate in the following form (MP-512-1) showing the total number of poultry in the lot and the numbers condemned and the reasons for such condemnations:

§ 81.104 Official export certificates, marks, and devices.

The form of certificate described in § 81.107 is an official export certificate and the marks shown in Figures 8, 9, and 10 are official marks used on such certificates to identify inspected and passed products for export, when certified at the respective locations stated in the marks; and the mark shown in Figure 11 is the official mark used on outside containers to identify inspected and passed poultry products for export. Devices used by the Department to apply such marks are official devices.

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[1] The letters "PHI" are an abbreviation for Philadelphia and are used as an example only. The authorized abbreviation for the port or geographical area in which the product was inspected will be shown in each stamp impression.

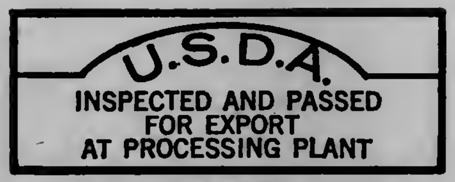

FIGURE 8.

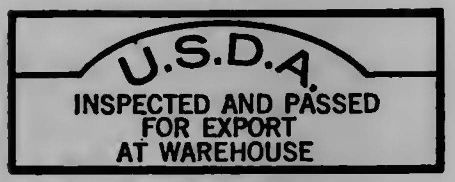

FIGURE 9.

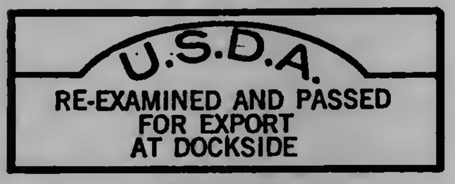

FIGURE 10.

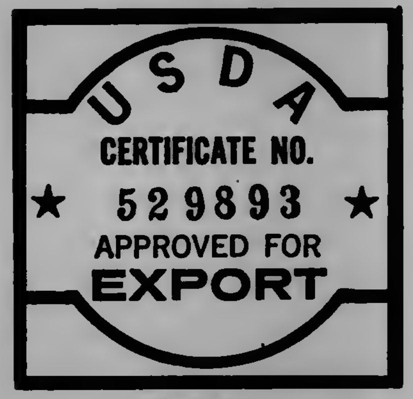

FIGURE 11.

§ 81.105 Export certification; marking of containers.

(a) Upon request by any person intending to export any poultry product, any inspector is authorized to issue an official export certificate as prescribed in § 81.107 with respect to the shipment to any foreign country of any inspected and passed poultry product, after adequate inspection of the product has been made by the inspector to determine its identity as inspected and passed and eligible for export: *Provided*, That the product is offered for inspection at an official establishment. Each shipping container covered by the export certificate shall be marked with an official export stamp as shown in § 81.104 bearing the number of the export certificate. Official export certificates will be issued only upon condition that the products covered thereby shall be subject to reinspection at any place and at any time prior to exportation to determine the identity of the products and their eligibility for certification, and such certificates shall become invalid if such reinspection is refused or discloses that the products are not eligible for such certification. If reinspection discloses that any poultry products covered by an export certificate are not eligible for such certification, a superseding certificate setting forth such findings shall be issued and copies shall be furnished to interested persons.

(b) The original and a duplicate of each official export certificate shall be delivered to the person who requested such certificate or his agent. Additional official file copies of the export certificates shall be prepared and distributed by the inspector in accordance with the instructions of the Administrator.

(c) Only one certificate shall be issued for each consignment, except in case of error in the certificate or loss of the certificate originally issued. A request for a new certificate, except in the case of a lost certificate, shall be accompanied by the original and all copies of the first certificate. The new certificate shall carry the following statement: "This certificate supersedes certificate No. ______ Dated ____________. The outside container of the poultry product covered by this certificate is stamped with U.S. Department of Agriculture Certificate No. ______."

§ 81.106 Form of export certificate.

The official export certificate authorized by this subpart is a paper certificate form (MP-506) for signature by an inspector, bearing the legend:

U.S. DEPARTMENT OF AGRICULTURE
CONSUMER AND MARKETING SERVICE
MEAT AND POULTRY INSPECTION PROGRAM

EXPORT CERTIFICATE

and the seal of the U.S. Department of Agriculture, with a certification that the slaughtered poultry and other poultry products described on the form came from birds that were officially given an ante mortem and post mortem inspection and passed in accordance with the regulations of the Department and that such products are wholesome and fit for human consumption. The certificate also bears a serial number such as "A 2404" and shows the respective names of the exporter and the consignee, the destination, the shipping marks, the names of such products, the total net weight thereof, and such other information as the Administrator may prescribe or approve in specific cases.

§ 81.107 Special procedures as to certification of poultry products for export to certain countries.

When export certificates are required by any foreign country for poultry products exported to such country, the Administrator shall in specific cases prescribe or approve the form of export certificate to be used and the methods and procedures as he deems appropriate with respect to the processing of such products, in order to comply with requirements specified by the foreign country regarding the export products. Inspectors shall satisfy themselves that all such requirements are met before issuing such an export certificate. It shall be the responsibility of the exporter to provide any unofficial documentation needed to meet the foreign requirements, before the export certificate will be issued. Such certificates may also cover articles exempted from definition as a poultry product under § 81.15 if they have been inspected and are certified under the regulations in Part 70 of this chapter.

§ 81.108 Official poultry inspection certificates; issuance and disposition.

(a) Upon the request of an interested party, any veterinary inspector is authorized to issue an official poultry inspection certificate with respect to any lot of slaughtered poultry inspected by him. At any official establishment each certificate shall be signed by the inspector who made the inspection covered by the certificate, and if more than one inspector participated in the inspection of the lot of poultry, each such inspector shall sign the certificate with respect to such lot. If the inspection of a lot covered by a certificate was made by a lay inspector, such certificate shall also be signed by the inspector in charge when such inspection was made. Any inspector is authorized to issue a poultry inspection certificate with respect to any other poultry product inspected by him.

(b) The original and one copy of each poultry inspection certificate shall be issued to the applicant who requested such certificate, and one copy shall be retained by the inspector for filing. The inspector who issues any inspection certificate is authorized to furnish an additional copy of such certificate upon the request of an interested party. The person who sold the live poultry involved to the official establishment is an interested party for purposes of this section.

§ 81.109 Form of official poultry inspection certificate.

Each official poultry inspection certificate issued pursuant to the regulations shall be in the form shown in Figure 12, and shall show the product names of the poultry products covered by such certificate, the quantity of each such product, such shipping marks as are necessary to identify such products, and all pertinent information with respect to their status under the regulations.

§ 81.110 Erasures or alterations made on certificates.

Erasures or alterations not initialed by the issuing inspector shall not be permitted on any official certificate or any copy thereof. All certificates rendered useless through clerical error or otherwise and all certificates canceled for whatever cause shall be voided and initialed, and one copy shall be retained in the inspector's file; and the original and all other copies shall be forwarded to the officer in charge.

§ 81.111 Data to be entered in proper spaces.

All certificates shall be so executed that the data entered thereon will appear in the proper spaces on each copy of the certificate.

Subpart N—Labeling and Containers

§ 81.115 Containers of inspected and passed poultry products required to be labeled.

Except as may be authorized in specific cases by the Administrator with respect to shipment of poultry products between official establishments, each shipping container and each immediate container of any inspected and passed poultry product shall at the time it leaves the official establishment bear a label which contains information, and has been approved, in accordance with this subpart.

§ 81.116 Wording on labels of immediate containers.

(a) Each label for use on immediate containers for inspected and passed poultry products shall bear on the principal display panel (except as otherwise permitted in the regulations), the items of information required by this subpart. Such items of information shall be in distinctly legible form, shall read in the same general direction, and shall be generally parallel to each other.

(b) The principal display panel shall be the part of a label that is most likely to be displayed, presented, shown, or examined under customary conditions of display for sale. The principal display panel shall be large enough to accommodate all the mandatory label information required to be placed thereon by the regulations with clarity and conspicuousness and without being obscured by design or vignettes, or crowding. Where packages bear alternate principal display panels, information required to be placed on the principal display panel shall be duplicated on each principal display panel. The area that is to bear the principal display panel shall be:

(1) In the case of a rectangular package, one entire side, the area of which is the product of the height times the width of that side.

(2) In the case of a cylindrical or nearly cylindrical container:

(i) An area on the side of the container that is 40 percent of the product of the height of the container times the circumference, or

(ii) A panel, the width of which is one-third of the circumference and the height of which is as high as the container: *Provided, however*, That there is, immediately to the right or left of such principal display panel, a panel which has a width not greater than 20 percent of the circumference and a height as high as the container, and which is reserved for information prescribed in §§ 81.118, 81.122, and 81.123. Such panel shall be known as the "20 percent panel" and such information may be shown on that panel in lieu of showing it on the principal display panel as provided in § 81.116.

(3) In the case of a container of any other shape, 40 percent of the total surface of the container.

In determining the area of the principal display panel, exclude tops, bottoms, flanges at tops and bottoms of cans, and shoulders and necks of bottles or jars.

§ 81.117 Name of product.

(a) The label shall show the name of the product, which, in the case of a poultry product which purports to be or is represented as a product for which a definition and standard of identity or composition is prescribed in Subpart P of this part, shall be the name of the food specified in the standard, and in the case of any other poultry product shall be the common or usual name of the food, if any there be, and if there is none, a truthful descriptive designation.

(b) The name of the product required to be shown on labels for fresh or frozen raw whole carcasses of poultry shall be in either of the following forms: The name of the kind (such as chicken, turkey, or duck) preceded by the qualifying term "young" or "mature" or "old", whichever is appropriate; or the appropriate class name as described in § 81.169(a). The name of the kind may be used in addition to the class name, but the name of the kind alone without the qualifying age or class term is not acceptable as the name of the product except that the name "chicken" may be used without such qualification with respect to a ready-to-cook pack of fresh or frozen cut-up young chickens, or a half of a young chicken, and the name "duckling" may be used without such qualification with respect to a ready-to-cook pack of fresh or frozen young ducks. The class name may be appropriately modified by changing the word form such as using the term "roasting chicken," rather than "roaster." The appropriate names for cut-up parts are set forth in § 81.169(b). When naming parts cut from young poultry, the identity of both the kind of poultry and the name of the part shall be included in the product name. The product name for parts or portions cut from mature poultry shall include, along with the part or portion name, the class name or the qualifying term "mature." The name of the product for cooked or heat processed poultry products shall include the kind name of the poultry from which the product was prepared.

(c) Poultry products containing light and dark chicken or turkey meat in quantities other than natural proportions, as indicated in Table 1 in this paragraph, must have a qualifying statement in conjunction with the name of the product indicating, as shown in Table 1 the types of meat actually used, except that when the product contains less than 10 percent cooked deboned poultry meat or is processed in such a manner that the character of the light and dark meat is not distinguishable, the qualifying statement will not be required. The qualifying statement must be in type at least one-half the size and of equal boldness as the name of the product; e.g., Boned Turkey (Dark Meat). If a product contains light and dark meat not in natural proportions and bears a label referring to light or dark meat content, the label shall include a qualifying statement in accordance with this paragraph.

TABLE 1

Label terminology	Percent light meat	Percent dark meat
Natural proportions	50-65	50-35.
Light or white meat	100	0.
Dark meat	0	100.
Light and dark meat	51-65	49-35.
Dark and light meat	35-49	65-51.
Mostly white meat	66 or more	34 or less.
Mostly dark meat	34 or less	66 or more.

(d) Boneless poultry products shall be labeled in a manner that accurately describes their actual form and composition. The product name shall specify the form of the product (e.g., emulsified, finely chopped, etc.), and the kind name of the poultry, and if the product does not consist of natural proportions of meat, skin, and fat, as they occur in the whole carcass, shall also include terminology that describes the actual composition. If the product is cooked, it shall be so labeled. For the purpose of this paragraph, natural proportions of skin, as found on a whole chicken or turkey carcass, will be considered to be as follows:

	Raw	Cooked
	Percent	
Chicken	20	25
Turkey	15	20

Boneless poultry products shall not have a bone equivalent of more than 1 percent, on a raw weight basis.

§ 81.118 Ingredients statement.

(a) The label shall show a statement of the ingredients in the poultry product if the product is fabricated from two or more ingredients. Such ingredients shall be listed by their common or usual names in the order of their descending proportions.

(b) For the purpose of this paragraph, the term "chicken meat," unless modified by an appropriate adjective, is construed to mean deboned white and dark meat; whereas the term "chicken" may include other edible parts such as skin and fat not in excess of their natural proportions, in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to list each such ingredient. Similar principles shall be followed in listing ingredients of poultry products processed from other kinds of poultry.

(c) Spices, flavorings, and colorings may be listed as spices, flavorings, and colorings without naming each. However, no ingredient shall be designated on the label as a spice, flavoring, or coloring, unless it is a spice, flavoring or coloring, as the case may be; however, the term "flavorings" may be used to designate natural spices, essential oils, oleoresins, and other natural spice extractives. The term "spices" may be used to designate natural spices. An ingredient which is both a spice and a coloring, or both a flavoring and a coloring, shall be designated as "spice and coloring" or "flavoring and coloring," as the case may be, unless such ingredient is designated by its specific name.

(d) On containers of frozen dinners, entrees, and pizzas, and similarly packaged products in cartons the ingredient statement may be placed on the front riser panel: *Provided*, That the words "see ingredients" followed immediately by an arrow pointing to the front riser panel is placed on the principal display panel immediately above the location of such statement without intervening printing or designs.

§ 81.119 Declaration of artificial flavoring or coloring.

(a) When an artificial smoke flavoring or a smoke flavoring is added as an ingredient in the formula of any poultry product, there shall appear on the label, in prominent letters and contiguous to the name of the product, a statement such as "Artificial Smoke Flavoring Added" or "Smoke Flavoring Added," as applicable, and the ingredient statement shall identify any artificial smoke flavoring added as an ingredient in the formula of the poultry product.

(b) Any poultry product which bears or contains any artificial flavoring other than an an artificial smoke flavoring, or contains any artificial coloring shall bear a label stating that fact on the immediate container.

§ 81.120 Antioxidants; chemical preservatives; and other additives.

When an antioxidant is added to a poultry product, there shall appear on the label in prominent letters and contiguous to the name of the product, a statement showing the name of the antioxidant and the purpose for which it is added, such as "BHA added to help protect the flavor." Immediate containers of poultry products packed in, bearing, or containing any chemical preservative shall bear a label stating that fact and naming the additive and the purpose of its use. Immediate containers of poultry products packed in, bearing or containing any other chemical additive shall bear a label naming the additive and the purpose of its use.

§ 81.121 Quantity of contents.

(a) The label shall bear an accurate statement of the net quantity of contents in terms of weight, measure or numerical count, as appropriate. However, the Administrator may approve the use of labels for certain types of consumer packages which do not bear a statement of the net weight that would otherwise be required under this subparagraph: *Provided*, That the shipping container bears a statement "Net weight to be marked on consumer packages prior to display and sale": *And provided further*, That the total net weight of the contents of the shipping container is marked on such container: *And provided further*, That the shipping container bears a statement "Tare weight of consumer package" and in close proximity thereto, the actual tare weight (weight of packaging material), weighed to the nearest one-eighth ounce or less, of the individual consumer package in the shipping container. The above specified statements may be added to approved shipping container labels upon approval by the inspector in charge.

(b) The net weight marked on containers of poultry products shall be the net weight of the poultry products and shall not include the weights of the wet or dry packaging materials and giblet wrapping materials. When a poultry product and a nonpoultry product are separately wrapped and are placed in a single immediate container bearing the name of both products, the net weight shown on such immediate container may be the total net weight of the two products, or such immediate container may show the net weights of the poultry product and the nonpoultry product separately. Notwithstanding the other provisions of this paragraph, the label on consumer size retail packages of stuffed poultry and other stuffed poultry products must show the total net weight of the poultry product, and in close proximity thereto, a statement specifying the minimum weight of the poultry in the product.

(c)(1) The statement of net quantity of contents shall appear except as otherwise permitted under this paragraph (c), on the principal display panel of all containers to be sold at retail intact, in conspicuous and easily legible boldface print or type, in distinct contrast to other matter on the container, and shall be declared in accordance with the provisions of this paragraph (c).

(2) The statement shall be placed on the principal display panel within the bottom 30 percent of the area of the panel in lines generally parallel to the base: *Provided*, That on packages having a principal display panel of 5 square inches or less, the requirement for placement within the bottom 30 percent of the area of the label panel shall not apply when the statement meets the other requirements of this paragraph. The declaration may appear in more than one line.

(3) The statement shall be in letters and numerals in type size established in relationship to the area of the principal display panel of the package and shall be uniform for all packages of substantially the same size by complying with the following type specifications:

(i) Not less than one-sixteenth inch in height on containers, the principal display panel of which has an area of 5 square inches or less;

(ii) Not less than one-eighth inch in height on containers, the principal display panel of which has an area of more than five but not more than 25 square inches;

(iii) Not less than three-sixteenth inch in height on containers, the principal display panel of which has an area of more than 25 but not more than 100 square inches;

(iv) Not less than one-quarter inch in height on containers, the principal display panel of which has an area of more than 100 but not more than 400 square inches;

(v) Not less than one-half inch in height on containers, the principal display panel of which has an area of more than 400 square inches.

(vi) The ratio of height to width of letters and numerals shall not exceed a differential of 3 units to 1 unit (no more than 3 times as high as it is wide). This height standard pertains to upper case or capital letters. When upper and lower case or all lower case letters are used, it is the lower case letter "o" or its equivalent that shall meet the minmum standards. When fractions are used, each component numeral shall meet one-half the height standards.

(vii) The statement shall appear as a distinct item on the principal display panel and shall be separated, from other printed label information appearing to the left or right of the statement, by a space at least equal in height to the height of the lettering used in the statement from other printed label information appearing above or below the statement and by a space at least equal in width to twice the width of the letter "N" of the style of type used in the quantity of contents statement.

(4) The terms "net weight" or "net wt." shall be used when stating the net quantity of contents in terms of weight, and the term "net contents" or "contents" when stating the net quantity of contents in terms of fluid measure. Except as provided in § 81.128, the statement shall be expressed in terms of avoirdupois weight or liquid measure. Where no general consumer usage to the contrary exists, the statement shall be in terms of liquid measure, if the product is liquid, or in terms of weight if the product is solid, semisolid, viscous or a mixture of solid and liquid. For example, a declaration of three-fourths pound avoirdupois weight shall be expressed as "Net Wt. 12 oz."; a declaration of 1½ pounds avoirdupois weight shall be expressed as "Net Wt. 24 oz. (1 lb. 8 oz.).", "Net Wt. 24 oz. (1½ lb.)," or "Net Wt. 24 oz. (1.5 lbs.)." On packages containing 1 pound or 1 pint or more, and less than 4 pounds or 1 gallon, the statement shall be expressed as a dual declaration both in ounces and (immediately thereafter in parenthesis) in pounds, with any remainder in terms of ounces or common or decimal fraction of the pound, or in the case of liquid measure, in the largest whole units with any remainder in terms of fluid ounces or common or decimal fraction of the pint or quart, except that on random weight packages the statement shall be expressed in terms of pounds and decimal fractions of the pound carried out to not more than two decimal places, for packages over 1 pound, and for packages which do not exceed 1 pound the statement may be in decimal fractions of the pound in lieu of ounces.

(5) The statement as it is shown on a label shall not be false or misleading and shall express an accurate statement

of the quantity of contents of the container, exclusive of wrappers and packaging substances. Reasonable variations caused by loss or gain of moisture during the course of distribution notwithstanding good distribution practices or by unavoidable deviations notwithstanding good manufacturing practice will be recognized. Variations from stated quantity of contents shall not be unreasonably large. The statement shall not include any term qualifying a unit of weight, measure or count such as "jumbo quart," "full gallon," "giant quart," "when packed," "minimum," or words of similar import.

(6) Labels for containers which bear any representation as to the number of servings contained therein shall bear, contiguous to such representation, and in the same size type as is used for such representation, a statement of the net quantity of each such serving.

(7) On a multiunit retail package, a statement of the quantity of contents shall appear on the outside of the package and shall include the number of individual units, the quantity of each individual unit, and, in parentheses, the total quantity of contents of the multiunit package in terms of avoirdupois or fluid ounces, except that such declaration of total quantity need not be followed by an additional parenthetical declaration in terms of the largest whole units and subdivisions thereof, as otherwise required by this paragraph (c). "A multiunit retail package" is a package containing two or more individually packaged units of the identical commodity and in the same quantity, with the individual packages intended to be sold as part of the multiunit retail package but capable of being sold individually. Open multiunit retail packages that do not obscure the number of units and the labeling thereon are not subject to this subparagraph (7) if the labeling of each individual unit complies with the requirements of this paragraph.

(8) Random weight consumer size packages bearing labels declaring net weight, price per pound, and total price, shall be exempt from the type size, dual declaration, and placement requirements of this paragraph if an accurate statement of net weight is shown conspicuously on the principal display panel of the package. A "random weight package" is one of a lot, shipment, or delivery of packages of the same product with varying weights and with no fixed weight pattern.

§ 81.122 Identification of manufacturer, packer, or distributor.

The name and address of the manufacturer, packer, or distributor shall be shown on the label and if only the name and address of the distributor is shown, it shall be qualified by such term as "packed for," "distributed by," or "distributors." The name and place of business of the manufacturer, packer or distributor may be shown on the principal display panel, on the 20 percent panel of the principal display panel reserved for required information, or on the front riser panel of frozen food cartons.

§ 81.123 Official inspection mark; official establishment number.

The immediate container of every inspected and passed poultry product shall bear:

(a) The official inspection legend; and

(b) The official establishment number of the official establishment in which the poultry product was processed under inspection, either within the official inspection legend or clearly visible and in close proximity elsewhere on the exterior of the container, or in the case of canned product, the official establishment number may be embossed on the lid of each can. In the case of nontransparent consumer packages such as cartons, the official establishment number may be legibly printed thereon or it may be shown on an insert label placed on top of the product within the package. In the case of transparent wrappers, the official establishment number may be shown on an insert label and so placed under the transparent covering that it will be clearly visible and legible. The official establishment number may be omitted from the official inspection legend on the containers of consumer packaged frozen pies and dinners, and similarly packaged products, when the official establishment number is placed on an end panel at the time of packaging and when it is presented on a single colored background in a prominent and legible manner in a size sufficient to insure easy recognition. The official establishment number may be omitted from the official inspection legend on containers of poultry products in aluminum pans or trays bearing such number when a statement such as "Plant No. on Pan" is placed contiguous to the official inspection legend on the container. The official establishment number may be omitted from the official inspection legend printed on artificial casings or bags enclosing poultry products when the official establishment number is etched in ink or embossed on a flat surface of a metal clip used to close the container, in a prominent and legible manner in a size sufficient to insure easy recognition and when a statement, such as "Plant No. on Metal Clip" is placed contiguous to the official inspection legend on the casing or bag.

§ 81.124 Dietary food claims.

If a product purports to be or is represented for any special dietary use by man, its label shall bear a statement concerning its vitamin, mineral, and other dietary properties upon which the claim for such use is based in whole or in part and shall be in conformity with regulations (21 CFR Part 125) established pursuant to sections 403 and 701 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343, 371).

§ 81.125 Special handling label requirements.

Packaged products which require special handling to maintain their wholesome condition shall have prominently displayed on the principal display panel of the label the statement: "Keep Refrigerated," "Keep Frozen," "Perishable Keep Under Refrigeration," or such similar statement as the Administrator may approve in specific cases. The immediate containers for products that are frozen during distribution and intended to be thawed prior to or during display for sale shall bear the statement "Shipped/Stored and Handled Frozen for Your Protection, Keep Refrigerated or Freeze Until Display for Sale." For all canned perishable products, the statement shall be shown in upper case letters one-fourth inch in height for containers having a net weight of 3 pounds or less, and for containers having a net weight over 3 pounds, the statement shall be shown in letters one-half inch in height.

§ 81.126 Date of processing; contents of cans.

(a) Either the immediate container or the shipping container of all poultry products shall be plainly and permanently marked by code or otherwise with the date of packaging.

(b) The immediate container for dressed poultry shall be marked with a lot number which shall be the number of the day of the year on which the poultry was slaughtered or a coded number.

(c) All canned products shall be plainly and permanently marked, by code or otherwise, on the containers, with the identity of the contents and date of canning, except that canned products packed in glass containers are not required to be marked with the date of canning if such information appears on the shipping container.

(d) If any marking is by code, the inspector in charge shall be informed as to its meaning.

§ 81.127 Wording on labels of shipping containers.

(a) Each label for use on a shipping container for inspected and passed poultry products shall bear, in distinctly legible form, the following information:

(1) The official inspection legend.

(2) The official establishment number of the official establishment in which the poultry product was inspected, either within the official inspection mark, or elsewhere on the container clearly visible and in close proximity to the official inspection mark.

§ 81.128 Labels in foreign languages.

Any label to be affixed to a container of any dressed poultry or other poultry product for foreign commerce may be printed in a foreign language. However, the official inspection legend and establishment number shall appear on the label in English, but in addition, may be literally translated into such foreign language. Each such label shall be subject to the applicable provisions of §§ 81.115 to 81.141, inclusive. Deviations from the form of labeling required under the regulations may be approved by the Administrator in specific cases and such modified labeling may be used for poultry products to be exported. *Provided*, (a) That the proposed labeling accords to

the specifications of the foreign purchaser, (b) that it is not in conflict with the Act or the laws of the country to which it is intended for export, and (c) that the outside of the shipping container is labeled to show that it is intended for export; but if such product is sold or offered for sale in domestic commerce, all the requirements of the regulations shall apply.

§ 81.129 False or misleading labeling or containers.

(a) No poultry product subject to the Act shall have any false or misleading labeling or any container that is so made, formed or filled as to be misleading. However, established trade names and other labeling and containers which are not false or misleading and which are approved by the Administrator in the regulations or in specific cases are permitted.

(b) No statement, word, picture, design, or device which is false or misleading in any particular or conveys any false impression or gives any false indication of origin, identity, or quality, shall appear on any label. For example:

(1) Official grade designations such as the letter grades A, B, and C may be used in labeling individual carcasses of poultry or containers of poultry products only if such articles have been graded by a licensed grader of the Federal or Federal-State poultry grading service and found to qualify for the indicated grade.

(2) Terms having geographical significance with reference to a particular locality may be used only when the product was produced in that locality.

(3) "Fresh frozen", "quick frozen", "frozen fresh", and terms of similar import apply only to ready-to-cook poultry processed in accordance with § 81.66(f)(1). Ready-to-cook poultry handled in any other manner and dressed poultry may be labeled "frozen" only if it is frozen in accordance with § 81.66(f)(2) under Department supervision and is in fact in a frozen state. "Individually quick frozen (Kind)" and terms of similar import are applicable only to poultry products that are frozen as stated on the label and whose component parts can be easily separated while frozen.

(4) Poultry products labeled with a term quoted in any paragraph of § 81.169(b) shall comply with the specifications in the applicable paragraph. However, parts of poultry may be cut in any manner the processor desires as long as the labeling appropriately reflects the contents of the container of such poultry.

§ 81.130 False or misleading labeling or containers; orders to withhold from use.

If the Administrator has reason to believe that any marking or other labeling or the size or form of any container in use or proposed for use with respect to any article subject to the Act is false or misleading in any particular, he may direct that the use of the article be withheld unless it is modified in such manner as the Administrator may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the Administrator, he may request a hearing, but the use of the labeling or container shall, if the Administrator so directs, be withheld pending hearing and final determination by the Secretary in accordance with applicable rules of practice. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Secretary shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the Circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 81.131 Preparation of labeling or other devices bearing official inspection marks without advance approval prohibited; exceptions.

Except for the purposes of preparing and submitting a sample or samples of labeling or other devices bearing the official inspection legend or bearing any other official inspection mark, or any abbreviation or other simulation thereof, or of imprints prepared therefrom, to the Administrator for approval, no brand manufacturer, printer, or other person shall cast, print, lithograph or otherwise make any such labeling or device or aid, abet, procure, or willfully cause the commission of any such act, without the written authority therefor of the Administrator. However, when any sample stencil, or other device or an imprint prepared therefrom, is approved by the Administrator for a particular applicant, additional supplies of such stencil, or other device, or a character identical to such approved sample may be made by such applicant, for use in accordance with the regulations, without further approval by the Administrator.

§ 81.132 Approval required for labeling and other devices bearing official inspection marks.

No labeling or other device bearing any official inspection mark, other than printer's proofs or other samples submitted for approval under this subpart, shall be made until the printer's proof or a photostatic copy has been found by the Administrator to be acceptable; and no labeling or other device, or imprint, bearing any official inspection mark, shall be used until finished copies or samples thereof have been approved by the Administrator, except that approval may be given to printer's final proofs or photostatic copies of labels or samples of stenciled and rubber stamped imprints for shipping containers or containers for institutional packs.

§ 81.133 Requirement of formulas and analyses.

(a) Copies of each label submitted for approval shall when the Administrator requires in any specific case, be accompanied by a statement showing by their common or usual names the kinds and percentages of the ingredients comprising the poultry product and by a statement indicating the method of preparation of the product with respect to which the label is to be used. Approximate percentages may be given in cases where the percentages of ingredients may vary from time to time, if the limits of variation are stated.

(b) When labels for poultry products bear a chemical analysis such products must be analyzed on a lot basis by an impartial laboratory to determine whether the products conform to the analysis shown. Such laboratory data shall be made available to the officer in charge. Any protein percentage shown shall be a minimum and any fat, carbohydrate, or caloric content, shall be a maximum. A lot shall consist of no more than one day's production. Laboratories operated by the processor may be used when such laboratory has been approved by the Chemical and Microbiological Branch of the Laboratory Division. The officer in charge shall, as he deems necessary, submit samples of poultry products to the Chemical and Microbiological Branch for analysis.

§ 81.134 Label approvals by the officer in charge.

(a) The officer in charge may approve labels for containers of poultry products sold under contract specifications to Federal governmental agencies, when such product is not offered for sale to the general public: *Provided*, That the contract specifications include specific requirements with respect to labeling, and are made available to the officer in charge..

(b) The officer in charge shall approve labels for shipping containers which contain fully labeled immediate containers. Such label shall comply with § 81.127 and shall bear no wording or other matter which is false or misleading in any respect. Shipping container labels shall be submitted to the officer in charge in quadruplicate with two copies of the approval being forwarded to the Washington office.

(c) The officer in charge shall approve labels for products of poultry not intended for human food if they comply with § 81.152(c), and labels for poultry heads and feet for export for processing as human food if they comply with § 81.190(b).

§ 81.135 Modifications of approved labeling or devices.

(a) The officer in charge may permit the use of approved labeling or other devices which have been modified as follows: *Provided*, That the labeling or device as modified is so used as not to be false or misleading:

(1) All features of the label or marking are proportionately enlarged, with color scheme changes, if any, limited to those which will result in the same degree of legibility of each part of the modified labeling or device as that of the approved labeling or device.

(2) Changes are made in the figures denoting the quantity of contents or there is substitution of such abbreviations as "lb." for "pound," "oz." for "ounce," or the "pound" or "ounce" is substituted for the abbreviation.

(3) The name and address of the distributor are included in the blank space following the words "prepared for" or a similar statement, on a master or stock label which was approved with the understanding that such information would be added later.

(4) During Christmas and other holiday seasons, wrappers or overprints in floral or foliage designs, or illustrations of rabbits, chicks, fireworks, or other emblematic holiday designs are added to approved labels or devices. The use of such designs shall not obscure any mandatory information.

(5) A slight change is made in arrangement of directions pertaining to the opening of cans or the serving of the product.

(6) The appropriate name or class of the poultry is added to a master or stock label which was approved without this information appearing on the label.

(b) The officer in charge shall send a copy of each such approved modified label to the Director of the Standards and Services Division.

§ 81.136 Affixing of official identification.

No official inspection legend or any abbreviation or other simulation thereof may be affixed to or placed on or caused to be affixed to or placed on any poultry product or container thereof, except by an inspector or under the supervision of an inspector or other person authorized by the Administrator, and no container bearing any such legend shall be filled except under such supervision. No official inspection legend shall be used on any poultry product or other article which does not qualify for such mark under the regulations.

§ 81.137 Evidence of labeling and devices approval.

No inspector shall authorize the use of any labeling or device bearing any official inspection legend unless he has on file evidence that such labeling or device has been approved in accordance with the provisions of this subpart.

§ 81.138 Unauthorized use or disposition of approved labeling or devices.

(a) Labeling and devices approved for use pursuant to § 81.115 shall be used only for the purpose for which approved, and shall not be disposed of from the official establishment for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved labeling or devices bearing official inspection marks is prohibited and may result in cancellation of the approval.

(b) Labeling and containers bearing any official inspection marks, with or without the official establishment number, may be transported from one official establishment to any other official establishment, only if such shipments are made with the prior authorization of the officer in charge at point of origin, who will notify the officer in charge at destination concerning the date of shipment, quantity, and type of labeling material involved. No such material shall be used at the establishment to which it is shipped unless such use conforms with the requirements of this subpart.

§ 81.139 Removal of official identifications.

(a) Every person who receives any poultry product in containers which bear any official inspection legend shall remove or deface such legend or destroy the containers upon removal of such articles from the containers.

(b) No person shall alter, detach, deface, or destroy any official identifications prescribed in Subpart M of this part that were applied pursuant to the regulations, unless he is authorized to do so by an inspector or this section; and no person shall fail to use any such official identification when required by this part.

§ 81.140 Relabeling poultry products.

When it is claimed by the operator of an official establishment that some of its labeled poultry product, which has been transported to a location other than an official establishment, is in need of relabeling because the labeling has become mutilated or damaged, or for some other reason needs relabeling, the requests for relabeling the poultry product shall be sent to the Administrator and accompanied with a statement of the reasons therefor and the quantity of labeling required. Labeling material intended for relabeling inspected and passed product shall not be transported from an official establishment until permission has been received from the Administrator. The relabeling of inspected and passed product with official labels shall be done under the supervision of an inspector. The establishment shall reimburse the Inspection Service for any cost involved in supervising the relabeling of such product.

§ 81.141 Reporting of obsolete labels.

Once a year, or oftener if required by the Administrator, each official establishment shall submit to the Administrator, in quadruplicate, a list of approved labeling and other devices no longer used or a list of the documents issued by the Administrator approving the labeling or devices involved. The approved articles shall be identified by the approval number, the date of approval, and the name of the poultry product or other designation showing the class of labeling material.

Subpart O—Entry of Articles Into Official Establishments; Processing Inspection and Other Reinspections; Processing Requirements

§ 81.145 Poultry products and other articles entering official establishments.

(a) No poultry product (including poultry broth for use in any poultry product in any official establishment) may be brought into any official establishment unless it has been processed in the United States only in an official establishment or imported from a foreign country listed in § 81.196(b), and inspected and passed, in accordance with the regulations, unless the container of such product is marked so as to identify the product as so inspected and passed, in accordance with § 81.115 or § 81.205, except that poultry products inspected and passed and identified as such under the laws of an "at least equal" State or territory listed in § 81.187 may be brought into any official establishment solely for storage and distribution therefrom without repackaging, relabeling, or processing in such establishment. No carcass, part thereof, meat or meat food product of cattle, sheep, swine, goats, or equines may be brought into an official establishment unless it has been prepared in the United States only in an official meat packing establishment, or imported, and inspected and passed, in accordance with the Federal Meat Inspection Act, and the regulations under such Act (9 CFR Ch. III, Subchapter A), and is properly marked as so inspected and passed; or has been inspected and passed and is identified as such in accordance with the requirements of the law of a State not designated in 9 CFR 331.2; or is present in the official establishment by reason of an exemption allowed in the Federal Meat Inspection Act and the regulations under such Act (9 CFR Ch. III, Subchapter A). However, such exempted articles may enter only under conditions approved by the Administrator in specific cases, including but not limited to, complete separation of inspected poultry products and processing and other operations with respect thereto from the exempted products and operations with respect thereto, complete cleanup of facilities and equipment between processing of inspected poultry products and the exempted articles and no commingling of inspected and exempted articles in receiving, holding or storage areas.

(b) All poultry products and all carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines which enter any official establishment shall be identified by the operator of the official establishment at the time of receipt at the official establishment and all poultry products, and carcasses, parts thereof, meat and meat food products of such animals, which are processed or otherwise handled at any official establishment shall be subject to examination by an inspector at the official establishment in such manner and at such times as may be deemed necessary by the officer in charge to assure compliance with the regulations. Upon such inspection, if any such article or portion thereof is found to be adulterated, such article or portion shall, in the case of poultry products, be condemned and disposed of as prescribed in § 81.95, unless by reprocessing they may be made not adulterated, and shall, in the case of such other articles be disposed of according to applicable law.

(c) Such examination may be accomplished through use of statistically sound sampling plans that assure a high level of confidence. The officer in charge shall designate the type of plan and the program employee shall select the specific plan to be used in accordance with instructions issued by the Administrator.[1]

§ 81.146 Sampling at official establishments.

Inspectors may take, without cost to the Department, samples of any poultry product, or other article for use as an ingredient of any poultry product, at any official establishment to determine whether it complies with the requirements of the regulations.

§ 81.147 Restrictions on the use of substances in poultry products.

(a) All ingredients and other substances used in the processing or handling of poultry products at official establishments shall be such as will not result in adulteration or misbranding of the poultry products.

(b) Poultry products and poultry broth used in the processing of poultry products shall have been processed in the United States only in an official establishment, or imported from a foreign country listed in § 81.196(b), and inspected and passed, in accordance with the regulations. Detached ova and offal shall not be used in the processing of any poultry products, except that poultry feet may be processed for use as human food when handled in a manner approved by the Administrator in specific cases, and detached ova may be used in the processing of poultry products if the processor demonstrates that such ova comply with the requirements under the Federal Food, Drug, and Cosmetic Act.

(c) Liquid, frozen, and dried egg products used in the processing of any poultry product shall have been prepared under inspection and be so marked in accordance with the Egg Products Inspection Act (Public Law 91–597).

(d) Carcasses, parts thereof, meat and meat food products of cattle, sheep, swine, goats, or equines may be used in the processing of poultry products only if they were prepared in the United States only in an official meat packing establishment, or imported, and were inspected and passed, in accordance with the Federal Meat Inspection Act, and the regulations under such Act (9 CFR Ch. III, Subchapter A) and are so marked.

(e) All isolated soy protein used in poultry products processed in any official establishment shall contain not more and not less than 0.1 percent titanium, incorporated as food grade titanium dioxide, and the presence of such substance must be shown on the label of the container of the isolated soy protein at all times that the article is in the official establishment.

(f) (1) No substance may be used as an ingredient or otherwise in the processing of any raw or cooked poultry product unless its use is approved as shown in Table 1 in subparagraph (3) of this paragraph or elsewhere in this part or by the Administrator in specific cases.

(2) Additives, to be used in the processing of poultry products, will be approved only if they comply with the following criteria:

(i) No food additive or other substance subject to section 408, 409, or 706 of the Federal Food, Drug and Cosmetic Act may be used if it is deemed "unsafe" under that Act. No other additive may be used if, in the judgment of the Administrator, it is an added poisonous or deleterious substance which may render the poultry products injurious to health or otherwise unfit for human food.

(ii) The additive shall not promote deception or cause the product to be otherwise adulterated or misbranded.

Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this section shall be submitted by the person interested in having the additive approved.

(3) The substances specified in the following table are acceptable for use in the processing of poultry products provided they are used within the limits of the amounts stated and under other conditions as stated in the regulations.

TABLE I

Class of substance	Substance	Purpose	Products		Amount
Antifoaming agent.	Methyl polysilicone	To retard foaming.	Soups	10 ppm	
			Rendered fats.	10 ppm	
			Curing pickle	50 ppm	
Antioxidants and oxygen interceptors.	BHA (Butylated hydroxyanisole).	To retard rancidity.	Any	0.01 percent based on fat content.	0.02 percent in combination with any other antioxidant listed in this Table based on fat contents
	BHA (Butylated hydroxytoluene).	do	do	do	Do.
	Propyl gallate	do	do	do	Do.
	Tocopherols	do	do	0.03 percent based on fat content.	Do.
Binders	Algin	To extend and stabilize product.	Any		Sufficient for purpose.
	Carrageenan	do	do		Do.
	Carboxymethyl cellulose (cellulose gum).	do	do		Do.
	Gums, vegetable	do	do		Do.
	Methyl	To extend and to stabilize product (also carrier).	do		0.15 percent.
	Isolated soy protein	To bind and extend product.	do		Sufficient for purpose.
	Sodium caseinate	do	do		Do.
	Whey (dried)	do	do		Do.
Chilling media	Salt (NaCl)	To aid in chilling.	Raw poultry products.	700 lbs. to 10,000 gals. of water.[1]	
Coloring agents (Natural).	Annatto, Carotene	To color products.	Any		Do.
Coloring agents (Artificial).	Coal tar dyes (FD&C Certified)	To color products.	do		Do.
	Titaniumdioxide.	To whiten products.	Salads and spreads.		0.5 percent.
Cooling and retort water treatment.	Disodium phosphate	To prevent staining on exterior of canned goods.	Any		Sufficient for purpose.
	Diotyl sodium sulfosuccinate.	do	do		0.05 percent.
	Sodium bicarbonate	do	do		Sufficient for purpose.
	Sodium carbonate	do	do		Do.
	Calcium chloride	do	do		Do.
	Sodium dodecyl benzene sulfonate.	do	do		0.05 percent.
	Sodium hexametaphosphate.	do	do		Sufficient for purpose.
	Sodium laurylsulfate	do	do		0.05 percent.
	Sodium metasilicate	do	do		Sufficient for purpose.
	Sodium tripolyphosphate.	do	do		Do.
	Zinc oxide	do	do		0.01 percent.
	Zinc sulfate	do	do		Do.
	Propylene gylcol	do	do		Sufficient for purpose.
Curing agents	Ascorbic acid	To accelerate color fixing.	Cured poultry; cured, comminuted poultry products.		(75 ozs. to 100 gals. pickle at 10 percent pump level; ¾ oz. to 100 lbs. of poultry product; 10 percent solution to surfaces of the product prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Erythorbic acid	do	do		Do.

See footnotes at end of table

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[1] Further information concerning sampling plans which have been adopted for specific products may be obtained from the Officers in Charge of Program circuits. These sampling plans are developed for individual products by the Washington staff and will be distributed for field use as they are developed. The type of plan applicable depends on factors such as whether the product is in containers, stage of preparation, and procedures followed by the establishment operator. The specific plan applicable depends on the kind of product involved.

TABLE I—Continued

Class of substance	Substance	Purpose	Products	Amount
Curing agents	Sodium ascorbate	To accelerate color fixing.	Cured poultry; cured, comminuted poultry products.	87.5 ozs. to 100 gals. pickle at 10 percent pump level; ⅞ oz. to 100 lbs. of poultry product; 10 percent solution to surfaces of product prior to packaging (the use of such solution shall not result in the addition of a significant amount of moisture to the product).
	Sodium erythorbate	do	do	Do.
	Citric acid or sodium citrate.	do	do	May be used in cured products to replace up to 50 per cent of the ascorbic acid or sodium ascorbate that is used.
	Sodium potassium nitrate.	Source of nitrite.	Cured products.	7 lbs. to 100 gals. pickle; 3½ ozs. to 100 lbs. of poultry product (dry cure); 2¾ ozs. to 100 lbs. of chopped poultry meat.
	Sodium or potassium nitrite (supplies of sodium nitrite and potassium nitrite and mixtures containing them must be kept securely under the care of a responsible employee of the establishment. The specific nitrite content of such supplies must be known and clearly marked accordingly).	To fix color	Cured products	2 lbs. to 100 gals. pickle at 10 percent pump level; 1 oz. to 100 lbs. of poultry product (dry cure); ¼ oz. to 100 lbs. chopped poulty meat. The use of nitrites, nitrates, or combination shall not result in more than 200 ppm. nitrite in finished product.
Emulsifying agents.	Acetylated monoglycerides.	To emulsify product.	Any	Sufficient for purpose.
	Diacetyl tartaric acid esters of monoglycerides and diglycerides.	do	Rendered poultry fat or a combination of such fat with vegetable fat.	Do.
	Glycerol-lacto sterate, oleate or palmitate.	do	do	Do.
	Lecithin	To emulsify product (also as antioxidant).	Any	Do.
	Monoglycerides and diglycerides (glycerol palmitate).	To emulsify product.	do	Sufficient for purpose.
	Polysorbate 80 (polyoxyethylene 20 sorbitan monooleate).	do	do	1 percent when used alone. If used with polysorbate 60 or sorbitan monostearate, the combined total shall not exceed 1 percent.
	Propylene glycol mono- and diesters of fats and fatty acids.	To emulsify product.	Rendered poultry fat or a combination of such fat with vegetable fat.	Sufficient for purpose.

See footnotes at end of table

TABLE I—Continued

Class of substance	Substance	Purpose	Products	Amount
Emulsifying agents.	Polysorbate 60 (polyoxyethylene 20) sorbitan monostearate.	To emulsify product.	Any	1% when used alone. If used with polysorbate 80 or sorbitan monostearate, the combined total shall not exceed 1%.
Flavoring agents; protectors and developers.	Approved artificial smoke flavorings.	To flavor product.	do	Sufficient for purpose.
	Approved smoke flavoring.	do	do	Do.
	Autolyzed yeast extract.	do	do	Do.
	Benzoic acid, sodium benzoate.	To retard flavor reversion.	Poultry salads	0.1%.
	Citric acid	To protect flavor.	Any	Sufficient for purpose.
	do	Flavoring	do	Do.
	Potassium sorbate	To protect flavor.	Poultry salads	0.07 percent.
	Hydrolyzed plant protein.	To flavor product.	Any	Sufficient for purpose.
	Malt syrup	do	do	2.5 percent.
	Milk protein hydrolysate.	do	do	Sufficient for purpose.
	Monosodium glutamate.	do	do	Do.
	Sodium sulfoacetate derivative of mono and diglycerides.	do	do	0.5 percent.
	Sugars approved (sucrose and dextrose).	do	do	Sufficient for purpose.
Gases	Carbon dioxide solid (dry ice).	To cool product or facilitate chopping or packaging.	do	Do.
	Carbon dioxide liquid	Contact freezing.	do	Do.
	Nitrogen	To exclude oxygen from sealed containers.	do	Do.
	Nitrogen liquid	Contact freezing.	do	Do.
Miscellaneous	Sodium bicarbonate	To neutralize excess acidity: cleaning vegetables.	Rendered fat, soups, curing pickle.	Do.
	Calcium propionate	To retard mold growth.	Fresh pie dough.	(0.3 percent of calcium propionate or sodium propionate alone, or in combination, based on weight of the flour used).
	Sodium propionate	do	do	Do.
Phosphates	Disodium phosphate	To decrease the amount of cooked-out juices.	Cooked products.	0.5 percent in product.
	Monosodium phosphate.	do	do	Do.
	Sodium hexametaphosphate.	do	do	Do.
	Sodium tripolyphosphate.	do	do	Do.
	Sodium pyrophosphate.	do	do	Do.
	Sodium acid pyrophosphate.	do	do	Do.
Artificial sweeteners.	Saccharin product.	To sweeten product.	Any	0.01 percent.

TABLE I—Continued

Class of substance	Substance	Purpose	Products	Amount
Synergists (used in combination with antioxidants).	Citric acid	To increase effectiveness of antioxidants.	Poultry ats	0.01% alone or in combination with antioxidants in poultry fats.
Synergists	Monoisopropyl citrate	do	do	0.01 percent poultry fats.
	Phosphoric acid	do	do	0.01 percent.
	Monoglyceride citrate	do	do	0.01 percent.

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[1] Special labeling requirements are prescribed in §81.120 for raw poultry products chilled in a medium with more than 70 lbs. of salt to 10,000 gallons of water.

§ 81.148 Processing and handling requirements for frozen poultry products.

Procedures with respect to processing of frozen ready-to-heat-and-eat poultry products or stuffed ready-to-roast poultry shall be in accordance with sound operating practices and carried out in a manner which will assure freedom from adulteration of the products. Products to be frozen shall be moved into the freezer promptly under such supervision by an inspector as is necessary to assure preservation of the products by prompt and efficient freezing. Adequate freezing facilities shall be provided within the official establishment where products to be frozen are prepared, except that, upon written request, and under such conditions as may be prescribed by the Administrator in specific cases, such products may be moved from the official establishment prior to freezing: *Provided*, That the official establishment and freezer are so located and the necessary arrangements are made so that the Inspection Service will have access to the freezing room and adequate opportunity to determine that the products are being properly handled and frozen.

§ 81.149 Processing and handling requirements for canned poultry products.

Canned poultry products which are heat treated after closing or sealing shall be processed and handled in accordance with the following requirements:

(a) Immediate containers (whether of metal, glass, or other material) shall be cleaned thoroughly by washing in an inverted position with a water spray or by other means acceptable to the Administrator. The nozzle on the spray attachment shall be of such design and the water delivered with such pressure as will effectively rinse all of the inner surface of each container, immediately prior to filling with poultry products; and precautions shall be taken to avoid any subsequent soilage of the inner surfaces of such containers.

(b) Only perfect closure is acceptable for hermetically sealed containers; and heat processing of the products in such containers shall follow immediately after closing.

(1) Except as provided in paragraph (e) of this section, such products shall be so processed at such temperature and for such period of time as will insure preservation of the products under usual conditions of storage and transportation.

(2) Immediately after closing, and again after the containers have cooled sufficiently for handling after heat processing, careful examination shall be made by competent plant employees to ascertain whether the containers are perfectly sealed. The poultry products in such containers as are defectively closed or sealed shall promptly be filled into other containers, hermetically sealed, and heat processed unless the containers are promptly placed in a cooler at a temperature not exceeding 36° F. under conditions that will promptly and effectively chill them. Such chilled containers of products shall be opened and the contents removed and reprocessed immediately after removal from the cooler: *Provided*, That if such containers remained in the cooler for a period of 24 hours or longer, the contents shall be inspected by an inspector prior to the reprocessing thereof. Failure to comply with the provisions of this paragraph shall subject the poultry products to condemnation.

(c) After heat processing, and after the containers have cooled sufficiently for handling, the containers shall be examined by competent plant employees and shall not be passed unless showing the external characteristics of sound containers.

(d) After heat processing, any containers of poultry products showing characteristics of short vacuum or overstuffed containers shall, when an inspector deems it necessary in order to determine whether spoilage of the product has taken place, be incubated under the supervision of an inspector, after which the containers shall be opened and sound products passed for food and spoiled products condemned.

(e) Poultry products may, when authorized by the Administrator in specific cases, and under such conditions as he may prescribe and approve, be canned without steam pressure cooking, and such products, if frozen, shall be labeled "keep frozen," and if they are not frozen, they shall be labeled "perishable, keep under refrigeration."

(f) Each lot of canned poultry products shall be identified, during the handling preparatory to heat processing, by tagging the baskets, cases, or containers with a tag which will change color on going through the heat processing or by other effective means which will positively prevent failure to heat process.

(g) Facilities shall be provided to incubate at least representative samples of fully processed canned poultry products. The incubation shall consist of holding the samples for at least 10 days at about 95° F. except that samples of firmly packed poultry products such as shredded poultry meat, and products weighing 3 pounds or more shall be held at 95° for no less than 20 days. The extent to which incubation tests shall be required will depend on conditions such as the efficiency of the plant in conducting canning operations, the kind of equipment used, and the degree of efficiency at which such equipment is maintained.

(1) In the event the official establishment fails to provide suitable facilities for incubation of test samples of any lot of fully processed canned poultry products, the inspector in charge may require holding of the entire lot under such conditions and for such period of time as will, in his discretion, be necessary to ascertain the stability of the product.

(2) The inspector in charge may, prior to completion of any required incubation of a representative sample, permit lots of fully processed canned poultry products to be shipped from the official plant when he has no reason to suspect unsoundness of such products; however, such shipments shall be made under circumstances which will assure the return of the products to the plant for reinspection should such action be indicated by the incubation results.

§ 81.150 Cooking temperature requirements for poultry rolls and certain other poultry products.

All poultry rolls and other poultry products that are heat processed in any manner shall reach an internal temperature of at least 160° F. prior to being removed from the cooking medium, except that cured and smoked poultry rolls and other cured and smoked poultry products shall reach an internal temperature of at least 155° F. prior to being removed from the cooking medium.

§ 81.151 Procedures in case of water pollution.

(a) In the event there is polluted water (including, but not being limited to, flood water) in an official establishment, all poultry and poultry products and ingredients for use in the preparation of such products, that have been or may have been contaminated by the water shall be condemned. After the polluted water has receded, all walls, ceilings, posts, and floors of the rooms and compartments involved, including the equipment therein, shall, under the supervision of an inspector, be cleaned thoroughly.

(b) Hermetically sealed containers of poultry products which have been submerged in, or otherwise contaminated by, the polluted water shall be promptly examined by employees of the official establishment under supervision of an inspector, to sort out any damaged containers and to relabel the sound containers. The poultry products in any damaged containers shall be handled as provided in § 81.95.

(c) The identity of the canned poultry products shall be maintained throughout all stages of the rehandling operation to insure correct labeling of the containers.

§ 81.152 Preparation in an official establishment of articles not for human food.

(a) Requirements applicable when prepared in an edible products department. When an article (including, but not being limited to, animal food) that is not for use as human food is prepared in any room or compartment in an official establishment where poultry products are prepared, or handled (such room or compartment being herein referred to as "edible products departments"), sufficient space and equipment shall be provided to assure that the preparation of the article in no way interferes with the preparation or handling of the poultry products. Where necessary, separate equipment shall be provided for the preparation of the article. To assure the maintenance of the requisite sanitary conditions in the edible products department, the operations incident to the preparation of the article shall be subject to the same sanitary requirements as apply to the edible products department. Preparation of the article shall be limited to those hours during which the official establishment operates under the supervision of an inspector. The ingredients used in the preparation of the article shall, unless otherwise approved by the Administrator in specific cases, be such as may be used in the preparation of a poultry product. The article may be stored in, and distributed from, the edible products department if the article is properly identified.

(b) Requirements applicable when prepared in an inedible products department. When an article (including, but not being limited to, animal food) that is not for use as human food, is prepared in any part of an official establishment other than an edible products department (such part of the establishment being herein referred to as "inedible products department"), the area in which such article is prepared shall be distinctly separated from all edible products departments. Poultry products and inedible products may be brought from any edible products department into any inedible products department, but no poultry product or inedible product from an inedible products department may be brought into an edible products department except that any such articles as are in sealed containers or are handled under conditions prescribed or approved by the Administrator in specific cases may be brought into an edible products department. Diseased carcasses or diseased parts of any carcass shall not be used in the preparation of any animal food unless it has been treated in the manner prescribed in § 81.95(a). Trucks or containers used for the transportation of poultry products or inedible products into an inedible products department shall be cleaned before being returned to or brought into an edible products department. Sufficient space shall be allotted and adequate equipment and facilities provided so that the preparation of the article does not interfere with the preparation of poultry products or the maintenance of the requisite sanitary conditions in the official establishment. The preparation of any such article shall be subject to supervision by an inspector.

(c) Containers to be labeled. The immediate container of any such article that is prepared in an official establishment shall be conspicuously labeled so as to distinguish it from human food. Such articles are also subject to the requirements under the Federal Food, Drug, and Cosmetics Act.

Subpart P—Definitions and Standards of Identity or Composition

§ 81.155 General.

(a) *Authorization to establish specifications.* The Administrator is authorized to establish specifications or definitions and standards of identity or composition, covering the principal constituents of any poultry product with respect to which a specified name of the product or other labeling terminology may be used, whenever he determines such action is necessary to prevent sale of the product under false or misleading labeling. Further, the Administrator is authorized to prescribe definitions and standards of identity or composition for poultry products whenever he determines such action is otherwise necessary for the protection of the public. The requirements of this subpart are hereby found to be necessary for these purposes and standards are hereby established as set forth in this subpart.

(1) Where cooked poultry meat is specified in this subpart as an ingredient of poultry products, this means poultry meat derived from poultry processed, cooked and cooled in a manner approved by the Administrator in specific cases without use of liquid or moisture in direct contact with the poultry meat following the cooking and cooling of the poultry.

(2) If, following cooking and cooling of poultry meat to be used in poultry products, liquid or moisture is used in direct contact with such poultry meat and the percentage of solids, excluding salt, in the poultry meat is found to be below 34 percent when such poultry meat is tested by acceptable methods, the percentage of poultry meat required by this section for any poultry product shall be increased in proportion to the deficiency, or the meat shall be so processed as to raise the solids content, excluding salt, to 34 percent. The official establishment shall furnish adequate facilities for such testing.

§ 81.156 Poultry meat content standards for poultry products.

(a) Poultry products with labeling terminology as set forth in Table I shall comply with the specifications for percent light meat and percent dark meat set forth in said table.

TABLE I

Label terminology	Percent light meat	Percent dark meat
Natural proportions	50–65	50–35.
Light or white meat	100	0.
Dark meat	0	100.
Light and dark meat	51–65	49–35.
Dark and light meat	35–49	65–51.
Mostly white meat	66 or more	34 or less.
Mostly dark meat	34 or less	66 or more.

§ 81.157 Canned boned poultry and baby food.

(a) Canned boned poultry shall, unless otherwise specified in this section, be prepared from cooked deboned poultry meat and may contain skin and fat not in excess of natural whole carcass proportions. Gelatin, stabilizers or similar solidifying or emulsifying agents shall not be added to product labeled "Boned (Kind)—Solid Pack," but may be added in quantities not in excess of a total of 0.5 percent of the total ingredients in the preparation of other canned boned poultry products and in such case the common name of the substance shall be included in the name of the product, e.g., "Boned Chicken with Broth—Gelatin Added."

(b) Canned boned poultry, except poultry within paragraph (c) of this section, shall meet the requirements set forth in Table II. The percentages in Table II shall be calculated on the basis of the total ingredients used in the preparation of the product.

(c) Canned boned poultry with natural juices (Boned (Kind) with natural juices) shall be prepared from either raw boned poultry or a mixture of raw boned poultry and cooked boned poultry and shall have no liquid added during the preparation of the product.

(d) Canned shredded poultry (Shredded Kind), consists of poultry meat reduced to a shredded appearance, from the kind of poultry indicated, with meat, skin, and fat not in excess of the natural whole carcass proportions. Canned shredded poultry from specific parts may include skin or fat in excess of the proportions normally found on a whole carcass, but not in excess of the proportions of skin and fat normal to the particular part or parts; and such product shall be labeled in accordance with § 81.117(d).

(e) Canned boned poultry shall be prepared as set forth in Table II, items 1, 2, 3, or 4, whichever is applicable.

TABLE II

Product name	Minimum percent cooked, deboned poultry meat of kind indicated, with skin, fat, and seasoning	Maximum percent liquid that may be added[1]
1. Boned (Kind)—solid pack	95	5
2. Boned (Kind)	90	10
3. Boned (Kind) with broth[2]	80	20
4. Boned (Kind) (....) percent broth[2 3]	50	50

[1] Liquid may be in the form of, but is not limited to, broth or extractives.

[2] Alternatively, product may be prepared from raw boned poultry meat in combination with cooked boned poultry meat so long as the product complies with the specified standard.

[3] Total amount of liquid added shall be included in the name of the product; e.g., "Boned Chicken with 25 percent Broth."

(f) Poultry products intended for infant or geriatric use and represented as having a "high meat" content shall contain not less than 18.75 percent cooked, deboned poultry meat of the kind indicated, with skin, fat, and seasoning.

TABLE IIa

Product name	Minimum percent cooked, debonded poultry meat of kind indicated, with skin, fat, and seasoning	Maximum percent liquid that may be added[1]
1. Strained or chopped (Kind) with broth[2 3]	43	57
2. High meat dinner[3]	18.75	

[1] Liquid may be in the form of, but not limited to, broth or extractives.

[2] Alternatively, product may be prepared from raw boned poultry meat in combination with cooked bone poultry meat so long as the product complies with the specified standard.

[3] Label must indicate in some manner that product is for infant or geriatric servings.

§ 81.158 Poultry dinners (frozen) and pies.

Poultry dinners (frozen) and pies shall meet the requirements set forth in Table III of this section and the percentage or weight specified therein shall be calculated on the basis of total ingredients used in the preparation of the poultry product.

TABLE III

	Minimum cooked deboned poultry meat of kind indicated		Minimum raw deboned poultry meat of kind indicated	
	Percent	Weight	Percent	Weight
(Kind) Pies	14	or 1⅛ oz. per 8-oz. pie.[1]	25	or 2 oz. per 8-oz. pie.[1]
(Kind) Dinners.	18	or 2 oz.[2 3]		

[1] 14 percent or 1⅛ oz., whichever is greater; or 25 percent or 2 oz., whichever is greater.

[2] Excluding weight of appetizers, desserts, etc.

[3] 18 percent or 2 oz., whichever is greater. A minimum of 45 percent, or 5 ounces per dinner, whichever is greater, of cooked poultry including bone and breading may be used in lieu of minimum 18 percent or 2 ounces of cooked deboned poultry meat and the cooked poultry including bone and breading shall not contain more than 30 percent breading.

§ 81.159 Poultry rolls.

(a) Binding agents, including but not limited to gelatin and wheat gluten, may be added in quantities not in excess of a total of 3 percent for cooked rolls and 2 percent for raw rolls, based on the total ingredients used in the preparation of the product, without affecting the name of the product. However, when such agents are added in excess of 3 percent or 2 percent, whichever is applicable, the common name of the agent or the term "Binders Added" shall be included in the name of the product; e.g. "Turkey Roll—Gelatin Added."

(b) With respect to heat processed rolls, 2 percent or less liquid based on the weight of the finished product without liquid may remain with or be returned to product labeled as "(Kind) Roll."

(c) Heat processed rolls which have more than 2 percent liquid remaining with or returned to the product shall be labeled as "(Kind) Roll with Natural Juices." If more than 2 percent of any liquid other than natural cookout juices is added, the product must be labeled to indicate that fact; e.g., "Turkey Roll with Broth." Liquid shall not be returned or added to product within this paragraph in excess of the amount normally cooked out during preparation.

§ 81.160 (Kind) burgers; (Kind) patties.

Such product consists of 100 percent poultry of the kind indicated, with skin and fat not in excess of natural proportions. Product containing fillers or binders shall be named "(Kind) Patties."

§ 81.161 "(Kind) A La Kiev."

Such product consists of poultry meat of the kind indicated, stuffed with butter combined with chopped chives (garlic is optional), and seasonings. It may be dipped in batter, fried, and frozen.

§ 81.162 "(Kind) steak or fillet."

Such product consists of a boneless slice or strip of poultry meat of the kind indicated.

§ 81.163 "(Kind) baked" or "(Kind) roasted."

Such product consists of ready-to-cook poultry of the kind indicated that has been cooked in dry heat, e.g., oven roasted or oven baked.

§ 81.164 "(Kind) barbecued."

Such product consists of ready-to-cook poultry of the kind indicated, that has been cooked in dry heat and basted with a seasoned sauce.

§ 81.165 "(Kind) barbecued prepared with moist heat."

Such product consists of ready-to-cook poultry of the kind indicated that has been cooked by the action of moist heat in a barbecue sauce.

§ 81.166 Breaded products.

"Breaded" is a term applicable to any poultry product which is coated with breading or a batter and breading in an amount not to exceed 30 percent of the weight of the finished breaded product.

§ 81.167 Other poultry dishes and specialty items.

Poultry dishes and specialty items listed in Table IV of this section shall meet the requirements set forth in said table, irrespective of the type of packaging, and the percentages in Table IV shall be calculated on a ready-to-serve basis, except that soup bases in institutional packs which are prepared for sale to institutional users shall have a minimum of 15 percent cooked deboned poultry meat based on the weight of the soup base product.

TABLE IV

Product name[1]	Minimum percent cooked deboned poultry meat of kind indicated	Minimum percent cooked poultry of kind indicated, including bone
(Kind) Ravioli	2	
(Kind) Soup	2	
Chop Suey with (Kind)	2	
(Kind) Chop Suey	4	
(Kind) Chow Mein without noodles	4	
(Kind) Tamales	6	
Noodles or Dumplings with (Kind)[2]	6	
(Kind) Stew	12	
(Kind) Fricassee of Wings		40
(Kind) Noodles or Dumplings[2]	15	30
(Kind) with Vegetables	15	
(Kind) chili with beans	17	
(Kind) Tetrazzini	15	
Creamed (Kind)	20	
(Kind) Cacciatore	20	40
(Kind) Fricassee	20	40
(Kind) A-La-King	20	
(Kind) croquettes	25	
Slice (Kind) with Gravy and Dressing	25	
(Kind) Salad	25	
(Kind) chili	28	
(Kind) Hash	30	
Sliced (Kind) with Gravy	35	
Minced (Kind) Barbecue	40	

[1] The product name may contain other appropriate descriptive terms such as "noodle"; e.g., "Chicken Noodle Soup."

[2] Product also includes rice or similar starches.

§ 81.168 Maximum percent of skin in certain poultry products.

The poultry products listed in Table V shall have not more than the percent of skin specified in the table, when raw and when cooked.

TABLE V

Product name	Percent skin	
	Raw	Cooked
Boneless Turkey Breast or Boneless Turkey Breast Roll	14	
Boneless Turkey Thigh or Boneless Turkey Thigh Roll	8	
Boneless Turkey or Turkey Roll	15	
Boneless Chicken Breast or Boneless Chicken Breast Roll	18	20
Boneless Chicken or Chicken Roll	20	25

§ 81.169 Standards for raw poultry.

(a) The following standards specify the various classes of the specified kinds of poultry, and the requirements for each class:

(1) *Chickens*—(i) *Rock Cornish game hen or Cornish game hen*. A Rock Cornish game hen or Cornish game hen is a young immature chicken (usually 5 to 6 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or the progeny of a Cornish chicken crossed with another breed of chicken.

(ii) *Rock Cornish fryer, roaster, or hen*. A Rock Cornish fryer, roaster, or hen is the progeny of a cross between a purebred Cornish and a purebred Rock chicken, without regard to the weight of the carcass involved; however, the term "fryer," "roaster," or "hen" shall apply only if the carcasses are from birds with ages and characteristics that qualify them for such designation under subdivision (iii) or (iv) of this subparagraph.

(iii) *Broiler or fryer*. A broiler or fryer is a young chicken (usually 9 to 12 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and flexible breastbone cartilage.

(iv) *Roaster*. A roaster is a young chicken (usually 3 to 5 months of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin and breastbone cartilage that may be somewhat less flexible than that of a broiler or fryer.

(v) *Capon*. A capon is a surgically unsexed male chicken (usually under 8 months of age) that is tender-meated with soft, pliable, smooth-textured skin.

(vi) *Stag*. A stag is a male chicken (usually under 10 months of age) with coarse skin, somewhat toughened and darkened flesh, and considerable hardening of the breastbone cartilage. Stags show a condition of fleshing and a degree of maturity intermediate between that of a roaster and a cock or old rooster.

(vii) *Hen or stewing chicken or fowl*. A hen or stewing chicken or fowl is a mature female chicken (usually more than 10 months of age) with meat less tender than that of a roaster, and nonflexible breastbone tip.

(viii) *Cock or rooster*. A cock or rooster is a mature male chicken with coarse skin, toughened and darkened meat, and hardened breastbone tip.

(2) *Turkeys*—(i) *Fryer-roaster turkey*. A fryer-roaster turkey is a young immature turkey (usually under 16 weeks of age), of either sex, that is tender-meated with soft, pliable, smooth-textured skin, and flexible breastbone cartilage.

(ii) *Young hen turkey*. A young hen turkey is a young female turkey (usually 5 to 7 months of age) that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(iii) *Young tom turkey*. A young tom turkey is a young male turkey (usually 5 to 7 months of age), that is tender-meated with soft, pliable, smooth-textured skin, and breastbone cartilage that is somewhat less flexible than in a fryer-roaster turkey.

(iv) *Yearling hen turkey*. A yearling hen turkey is a fully matured female turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(v) *Yearling tom turkey*. A yearling tom turkey is a fully matured male turkey (usually under 15 months of age) that is reasonably tender-meated and with reasonably smooth-textured skin.

(vi) *Mature turkey or old turkey (hen or tom)*. A mature or old turkey is an old turkey of either sex (usually in excess of 15 months of age) with coarse skin and toughened flesh.

(3) *Ducks*—(i) *Broiler duckling or fryer duckling*. A broiler duckling or fryer duckling is a young duck (usually under 8 weeks of age), of either sex, that is tender-meated and has a soft bill and soft windpipe.

(ii) *Roaster duckling*. A roaster duckling is a young duck (usually under 16 weeks of age), of either sex, that is tender-meated and has a bill that is not completely hardened and a windpipe that is easily dented.

(iii) *Mature duck or old duck*. A mature duck or an old duck is a duck (usually over 6 months of age), of either sex, with toughened flesh, hardened bill, and hardened windpipe.

(4) *Geese*—(i) *Young goose*. A young goose may be of either sex, is tender-meated, and has a windpipe that is easily dented.

(ii) *Mature goose or old goose*. A mature goose or old goose may be of either sex and has toughened flesh and hardened windpipe.

(5) *Guineas*—(i) *Young guinea*. A young guinea may be of either sex, is tender-meated, and has a flexible breastbone cartilage.

(ii) *Mature guinea or old guinea*. A mature guinea or an old guinea may be of either sex, has toughened flesh, and a hardened breastbone.

(b) The following standards specify the requirements for the specified cuts of poultry:

(1) "Breasts" shall be separated from the back at the shoulder joint and by a cut running backward and downward from that point along the junction of the vertebral and sternal ribs. The ribs may be removed from the breasts, and the breasts may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as e.g., "chicken breasts." Neck skin shall not be included with the breasts, except that "turkey breasts" may include neck skin up to the whisker.

(2) "Breasts with ribs" shall be separated from the back at the junction of the vertebral ribs and back. Breasts with ribs may be cut along the breastbone to make two approximately equal halves; or the wishbone portion, as described in subparagraph (3) of this paragraph, may be removed before cutting the remainder along the breastbone to make three parts. Pieces cut in this manner may be substituted for lighter or heavier pieces for exact weight-making purposes and the package may contain two or more of such parts without affecting the appropriateness of the labeling as "breasts with ribs." Neck skin shall not be included, except that "turkey breasts" may include neck skin up to the whisker.

(3) "Wishbones" (Pulley Bones), with covering muscle and skin tissue, shall be severed from the breast approximately halfway between the end of the wishbone (hypocledium) and front point of the breastbone (cranial process of the sternal crest) to a point where the wishbone joins the shoulder. Neck skin shall not be included with the wishbone.

(4) "Drumsticks" shall be separated from the thigh by a cut through the knee joint (femorotibial and patellar joint) and from the hock joint (tarsal joint).

(5) "Thighs" shall be disjointed at the hip joint and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be included.

(6) "(Kind) legs" shall be the poultry product which includes the thigh and the drumstick, i.e., the whole leg, and may include the pelvic meat, but shall not include the pelvic bones. Back skin shall not be included.

(7) "Wings" shall include the entire wing with all muscle and skin tissue intact, except that the wing tip may be removed.

(8) "Backs" shall include the pelvic bones and all the vertebrae posterior to the shoulder joint. The meat shall not be peeled from the pelvic bones. The vertebral ribs and/or scapula may be removed or included without affecting the appropriateness of the title. Skin shall be substantially intact.

(9) "Stripped backs" shall include the vertebrae from the shoulder joint to the tail, and include the pelvic bones. The meat may be stripped off of the pelvic bones.

(10) "Necks", with or without neck skin, shall be separated from the carcass at the shoulder joint.

(11) "Halves" are prepared by making a full-length back and breast split of an eviscerated poultry carcass so as to produce approximately equal right and left sides.

(12) "Quarters" consist of the entire eviscerated poultry carcass, which has been cut into four equal parts, but excluding the neck.

(13) "Front quarter without wing" consists of a front quarter of a poultry carcass, from which the wing has been removed.

(14) "Thigh with back portion" consists of a poultry thigh with back portion attached.

(15) "Legs with pelvic bone" consists of a poultry leg with adhering meat and skin and pelvic bone.

(16) "Leg quarter with back portion" consists of a poultry thigh and drumstick, with a portion of the back attached.

(17) "Wing drummette" consists of the humerus of a poultry wing with adhering skin and meat attached.

(18) "Wing portion" consists of a poultry wing except that the drummette has been removed.

(19) "Cut-up poultry" is any cut-up or disjointed portion of poultry or any edible part thereof, as described in this section.

(20) "Giblets" consist of approximately equal numbers of hearts, gizzards, and livers, as determined on a count basis.

Subpart Q—Records, Registration and Reports

§ 81.175 Records required to be kept.

(a) Every person within any of the classes specified in subparagraph (1), (2), or (3) of this paragraph is required by the Act to keep such records as are properly necessary for the effective enforcement of the Act:

(1) Any person that engages in the business of slaughtering any poultry or processing, freezing, packaging, or labeling any carcasses, or parts or products of carcasses, of any poultry, for commerce, for use as human food or animal food;

(2) Any person that engages in the business of buying or selling (as a poultry products broker, wholesaler, or otherwise) or transporting, in commerce, or storing in or for commerce, or importing, any carcasses, or parts or products of carcasses, of any poultry;

(3) Any person that engages in business, in or for commerce, as a renderer, or engages in the business of buying, selling, or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry or parts of the carcasses of any poultry that died otherwise than by slaughter.

(b) The required records are:

(1) Records, such as bills of sale, invoices, bills of lading, and receiving and shipping papers, giving the following information with respect to each transaction in which any poultry or poultry carcass, part thereof, or poultry product is purchased, sold, shipped, received, transported, or otherwise handled by said person in connection with any business subject to the Act.

(i) The name or description of the poultry or other article;

(ii) The net weight of the poultry or other articles;

(iii) The number of oustide containers;

(iv) The name and address of the buyer of the poultry or other articles sold by such person, and the name and address of the seller of the poultry or other articles purchased by such person;

(v) The name and address of the consignee or receiver (if other than the buyer);

(vi) The method of shipment;

(vii) The date of shipment; and

(viii) The name and address of the carrier.

§ 81.176 Place of maintenance of records.

Every person engaged in any business described in § 81.175(a) shall maintain the records required by § 81.175 at the place of business where such business is conducted, except that, if such person conducts such business at multiple locations, he may maintain such records at his headquarters' office. When not in actual use, all such records shall be kept in a safe place at the prescribed location in accordance with good commercial practices.

§ 81.177 Record retention period.

Every record required to be maintained under this subpart shall be retained for a period not to exceed 2 years after December 31 of the year in which the transaction to which the record relates has occurred, and for such further period as the Administrator may require for purposes of any investigation or litigation under the Act, by written notice to the person required to keep such record under this subpart.

§ 81.178 Access to and inspection of records, facilities and inventory; copying and sampling.

Every person within any of the classes specified in § 81.175(a) shall, upon the presentation of official credentials by any authorized representative of the Secretary, during ordinary business hours, permit such representative to enter his or its place of business and examine the records required to be kept by § 81.175(b) and the facilities and inventory pertaining to the business of such person subject to the Act, and to copy all such records, and to take reasonable samples of the inventory upon payment of the fair market value therefor. Any necessary facilities (other than reproduction equipment) for such examination and copying of records and for such examination and sampling of inventory shall be afforded to such authorized representative of the Secretary.

§ 81.179 Registration.

(a) Except as provided in paragraph (c) of this section, every person that engages in business, in or for commerce, as a poultry products broker, renderer, or animal food manufacturer, or engages in business in commerce as a wholesaler of any carcasses, or parts or products of the carcasses, of any poultry, whether intended for human food or other purposes, or engages in the business as a public warehouseman storing any such articles in or for commerce, or engages in the business of buying, selling or transporting in commerce, or importing, any dead, dying, disabled, or diseased poultry, or part of the carcasses of any poultry that died otherwise than by slaughter, shall register with the Administrator, giving such information as is required, including his name, and the address of each place of business at which, and all trade names under which he conducts such business, by filing with the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, a form containing such information, within 90 days after the effective date hereof or after such later date as he begins to engage in such business if not engaged therein upon said effective date. All information submitted shall be current and correct. The registration form shall be obtained from the Director, Program Review and Compliance Staff, Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(b) Whenever any change is made in the name of, or address of any place of business at which, or any trade name under which a registrant conducts his business, he shall report such change in writing to the Administrator within 15 days after making the change.

(c) The registration requirements prescribed in this section shall not apply to persons conducting any of the businesses specified in this section only at an official establishment.

§ 81.180 Information and reports required from official establishment operators.

(a) The operator of each official establishment shall furnish to inspectors accurate information as to all matters needed by them for making their daily reports of the amount and disposition of poultry products processed or handled in the establishment to which they are assigned and such other reports concerning sanitation and other aspects of the operations of the establishment and the conduct of inspection thereat as may be required by the Administrator in specific cases.

(b) The operator of each official establishment shall also make such other reports as the Administrator may from time to time require under the Act.

§ 81.181 Reports by consignees of allegedly adulterated or misbranded products; sale or transportation as violations.

Whenever the consignee of any poultry product which bears an official inspection legend refuses to accept delivery of such product on the grounds that it is adultered or misbranded, the consignee shall notify the Officer in Charge, Meat and Poultry Inspection Program, Consumer and Marketing Service, U.S. Department of Agriculture, of the kind, quantity, source and present location of the product and the respects in which it is alleged to be adulterated or misbranded and it will be a violation of the Act for any person to sell or transport, or offer for sale or transportation or receive for transportation, in commerce, any such product which is capable of use as human food and is in fact adulterated or misbranded at the time of such sale, transportation, offer, or receipt: *Provided, however*, That any such allegedly adulterated or misbranded product may be transported to any official establishment for reinspection.

§ 81.182 Reports of inspection work.

Reports of the inspection work carried on within official establishments shall be forwarded to the Administrator by the inspector in charge in such a manner as may be specified by the Administrator.

Subpart R—Cooperation With States and Territories; Certification of State and Territorial Programs as at Least Equal to Federal Program

§ 81.185 Assistance to State and territorial programs.

(a) The Administrator is authorized, under paragraph (a) of section 5 of the Act, when he determines it would effectuate the purposes of the Act, to cooperate with any State (including Puerto Rico) or any organized territory in developing and administering the poultry product inspection program of such jurisdiction, with a view to assuring that it imposes and enforces requirements at least equal to those under sections 2 through 4, 6 through 10, and 12 through 22 of the Act, with respect to establishments at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such jurisdiction, and with respect to the poultry products of such establishments. Such cooperation is authorized if the jurisdiction has enacted a mandatory law imposing ante mortem and post mortem inspection, reinspection, and sanitation requirements (at least equal to those under the Federal Act), with respect to all or certain classes of persons engaged in slaughtering poultry or otherwise processing poultry products for use as human food solely for distribution within such jurisdiction.

(b) The Administrator is also authorized under paragraph (a) of section 5 of the Act, to cooperate with any State (including Puerto Rico) or any organized territory in developing and administering programs under the laws of such jurisdiction containing authorities at least equal to those provided in section 11 of the Act (relating to records; registration of specified classes of operators; dead, dying, disabled, or diseased poultry, and products not intended for human food) when he determines that such cooperation would effectuate the purposes of the Act.

(c) Such cooperation may include advisory assistance, technical and laboratory assistance and training, and financial aid. The Federal contribution to any State (or territory) for any year shall not exceed 50 percent of the estimated total cost of the cooperative State (or territorial) program. A cooperative program under this section is called a State-Federal program.

§ 81.186 Cooperation of States and other jurisdictions in Federal programs.

Under the "Talmadge-Aiken Act" of September 28, 1962 (7 U.S.C. 450), the Administrator is authorized under stated conditions to utilize employees and facilities of any State in carrying out Federal functions under the Poultry Products Inspection Act. A cooperative program for this purpose is called a Federal-State program. Under paragraph (a) of section 5 of the Poultry Products Inspection Act, the Administrator is also authorized to conduct examinations, investigations and inspections under the Act through any officer or employee of any State or territory or the District of Columbia commissioned by him for such purpose.

§ 81.187 Certification of States and territories with programs at least equal to Federal program.

It has been determined that each of the following States and territories has developed and activated a poultry products inspection program (with requirements at least equal to those imposed under sections 1 through 4, 6 through 10, and 12 through 22 of the Act) with respect to all establishments in such jurisdiction, at which poultry are slaughtered or poultry products are processed for use as human food, solely for distribution within such jurisdiction, and the products of such establishments:

California.
Kansas.
Missouri.
New Mexico.
South Carolina.
Washington.

Subpart S—Transportation; Exportation; or Sale of Poultry or Poultry Products

§ 81.190 Transactions in slaughtered poultry and other poultry products restricted.

(a) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce or from any official establishment, any slaughtered poultry from which the blood, feathers, feet, head, or viscera have not been removed in accordance with the regulations, except that dressed poultry may be transported from one official establishment to another official establishment for further processing.

(b) No person shall sell, transport, offer for sale or transportation, or receive for transportation, in commerce, any slaughtered poultry or other poultry product which is capable of use as human food and is adulterated or fails to bear an official inspection legend on its immediate container as required by § 81.123 or is otherwise misbranded at the time of such sale, transportation, offer or receipt, except as otherwise provided in Subpart C of this part. However, poultry heads and feet which are collected and handled as an official establishment in an acceptable manner may be shipped from the official establishment and in commerce directly for export for further processing as human food, if they have been examined and found to be suitable for such purpose, by an inspector and are labeled as prescribed in this paragraph. The containers of all such products shall bear a label showing: (1) The name of the product; (2) the name and address of the packer or distributor, and when the name of the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors"; and (3) the official establishment number of the establishment where packed. Such products shall not bear the official inspection legend.

§ 81.191 Distribution of inspected products to small lot buyers.

For the purpose of facilitating the distribution in commerce of inspected poultry products to small lot buyers (such as small restaurants), distributors or jobbers may remove inspected and passed non-consumer-packaged poultry carcasses or consumer-packaged poultry products from shipping containers or immediate containers, other than consumer packages, and place them into other containers which do not bear an official inspection mark: *Provided*, That the individual carcasses bear the official inspection legend and the official establishment number of the establishment that processed the articles; and the consumer-packaged articles are fully labeled in accordance with Subpart N of this part: *And provided further*, That the other container is marked with the name and address of the distributor or jobber and bears the statement "The poultry product contained herein was inspected by the U.S.D.A." in the case of poultry products processed in the United States, or the statement. "The poultry products contained herein have been approved for importation under P.P.I.A." in the case of imported poultry products.

§ 81.192 Penalties inapplicable to carriers and public warehousemen.

No carrier shall be subject to the penalties of the Act, other than the penalties for violation of section 11, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier, of poultry or poultry products, owned by another person, unless the carrier has knowledge, or is in possession of facts which would cause a reasonable person to believe that such poultry or poultry products were not inspected or marked in accordance with the provisions of the Act or were otherwise not eligible for transportation under the Act, or unless the carrier refuses to furnish on request of a representative of the Secretary, the name and address of the person from whom he received such poultry or poultry products, and copies of all documents, if any there be, pertaining to the delivery of the poultry or poultry products to such carrier.

§ 81.193 Poultry carcasses, etc. not intended for human food.

Poultry carcasses, and parts and products thereof, that are not intended for use as human food may, after they have been denatured as prescribed in § 81.95, be shipped from any official establishment and in commerce even though they do not comply with all the provisions of the regulations, provided they are marked "Not fit for human food." These requirements do not apply to parts of poultry carcasses that are naturally inedible by humans, such as entrails. All such articles, if intended for animal food, are subject to the Federal Food, Drug, and Cosmetic Act.

Subpart T—Imported Poultry Products

§ 81.195 Requirements for entry into United States; definition of United States.

(a) No slaughtered poultry, or parts or products thereof, shall be imported into the United States unless they are healthful, wholesome, fit for human food, not adulterated, and contain no dye, chemical, preservative or ingredient which renders them unhealthful, unwholesome, adulterated, or unfit for human food and they also comply with the regulations prescribed in this subpart to assure that they comply with the standards provided for in the Act: *Provided*, That the provisions of this subpart apply to such articles only if they are capable of use as human food.

(b) Except as provided in § 81.207, slaughtered poultry and other poultry products may be imported only if they were processed solely in countries listed in § 81.196(b). Dressed poultry may be imported into the United States only if it is consigned to an official establishment for evisceration under the Act.

§ 81.196 Eligibility of foreign countries for importation of poultry products into the United States.

(a) (1) Whenever it shall be determined by the Administrator that the system of poultry inspection maintained by any foreign country, insures compliance with requirements at least equal to all the provisions of the Act and the regulations in this part which are applied to official establishments in the United States, and their poultry products, and that reliance can be placed upon certificate required under this subpart from authorities of such foreign country, notice of that fact will be given by including the name of such foreign country in paragraph (b) of this section. Thereafter, poultry products processed in any establishments which operate under said system and are so identified and marked with the appropriate official mark shall be eligible, so far as the regulations in this part are concerned, for importation into the United States from such foreign country after applicable requirements of this part have been met.

(2) The determination of acceptability of a foreign poultry inspection system for purposes of this section shall be based on an evaluation of the foreign program in accordance with the following requirements and procedures:

(i) The system shall have a program organized and administered by the national government of the foreign country. The system as implemented must provide standards at least equal to those of the Federal system of poultry inspection in the United States with respect to:

(*a*) Organizational structure and staffing, so as to insure uniform enforcement of the requisite laws and regulations in all establishments throughout the system at which poultry products are processed;

(*b*) Ultimate control and supervision by the national government over the official activities of all employees or licensees of the system;

(*c*) The assignment of competent, qualified inspectors;

(*d*) Authority and responsibility of national inspection officials to enforce the requisite laws and regulations governing poultry inspection and to certify or refuse to certify poultry products intended for export;

(*e*) Adequate administrative and technical support;

(*f*) Other requirements of adequate inspection service as required by the regulations.

(ii) The legal authority for the system and the regulations thereunder shall impose requirements at least equal to those governing the system of poultry inspection organized and maintained in the United States with respect to:

(*a*) Ante mortem inspection of poultry for slaughter, which shall be performed by veterinarians or by other employees or licensees of the system under the direct supervision of veterinarians;

(*b*) Post mortem inspection of carcasses and parts thereof at time of slaughter, performed by veterinarians or other employees or licensees of the system under the direct supervision of veterinarians;

(*c*) Official controls by the national government over establishment construction, facilities, and equipment;

(*d*) Direct and continuous official supervision of slaughtering and processing of poultry, by the assignment of inspectors to establishments to assure that adulterated or misbranded poultry products are not processed.

(*e*) Complete separation of official establishments from nonofficial establishments, and the maintenance of a single standard of inspection and sanitation throughout all official establishments;

(*f*) Requirements for sanitation at official establishments and for sanitary handling of poultry products;

(*g*) Official controls over condemned material until destroyed or removed and thereafter excluded from the establishment.

(*h*) Other matters for which requirements are contained in the regulations.

(iii) Countries desiring to establish eligibility for importation of poultry products into the United States may request a determination of eligibility by presenting copies of the laws and regulations on which the foreign poultry inspection system is based and such other information as the Administrator may require with respect to matters enumerated in subdivisions (i) and (ii) of this subparagraph (2). Determination of eligibility is based on a study of the documents and other information presented and an initial review of the system in operation by a representative of the Department using the criteria listed in subdivisions (i) and (ii) of this subparagraph (2). Maintenance of eligibility of a country for importation of poultry products into the United States depends on the results of periodic reviews of the foreign poultry inspection system in operation by a representative of the Department, and the timely submission of such documents and other information related to the conduct of the foreign inspection system as the Administrator may find pertinent to and necessary for the determinations required by this section.

(iv) The foreign inspection system must maintain a program of periodic supervisory visits to each official establishment to assure that requirements referred to in (*a*) through (*h*) of subdivision (ii) of this subparagraph (2), at least equal to those of the Federal system of poultry inspection in the United States are being met.

(3) Poultry products from foreign countries not listed in paragraph (b) of this section are not eligible for importation into the United States, except as provided by § 81.207. The listing of any foreign country under this section may be withdrawn whenever it shall be determined by the Administrator that the system of poultry inspection maintained by such foreign country does not assure compliance with requirements at least equal to all the requirements of the Act and the regulations as applied to official establishments in the United States; or that reliance cannot be placed upon certificates required under this subpart from authorities of such foreign country; or that, for lack of current information concerning the system of poultry inspection being maintained by such foreign country, such foreign country should be required to reestablish its eligibility for listing.

(b) It has been determined that poultry products from the following countries, covered by foreign poultry inspection certificates of the country of origin as required by § 81.197, are eligible under the regulations in this subpart for importation into the United States, after inspection and marking as required by the applicable provisions of this subpart:[1]

Canada.
France.
Hong Kong.

§ 81.197 Imported products; foreign inspection certificates required.

(a) Except as provided in § 81.207, each consignment containing any slaughtered poultry or other poultry product consigned to the United States from a foreign country shall be accompanied with a foreign inspection certificate substantially in the form illustrated in paragraph (c) of this section if it covers dressed poultry or other uneviscerated slaughtered poultry; and substantially in the form illustrated in paragraph (b) of this section if it covers any other poultry product.

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[1] Listing of any country in this section does not relieve the poultry products of such country from applicable requirements under other Federal laws.

(b) The form of foreign poultry product inspection certificate shall be as follows:

FOREIGN POULTRY PRODUCT INSPECTION CERTIFICATE (Except for uneviscerated poultry)

Place ________________ ________________
(City) (Country)
Date ____________

I hereby certify that the poultry products herein described were derived from poultry which received ante mortem and post mortem inspections at the time of slaughter; and that such poultry products are sound, healthful, wholesome, clean and otherwise fit for human food, and are not adulterated and have not been treated with and do not contain any dye, chemical, preservative, or ingredient not permitted by the regulations governing the inspection of poultry and poultry products of the U.S. Department of Agriculture, filed with me, and that said poultry products have been handled only in a sanitary manner in this country; and are otherwise in compliance with requirements at least equal to those in the Poultry Products Inspection Act and said regulations.

KIND OF PRODUCT

Number of pieces or packages	*Weight*

Identification marks on containers ____________
Consignor ____________
Address ____________
Consignee ____________
Destination ____________
Shipping marks ____________

(Signature) ____________
(Name of official of national foreign government authorized to issue inspection certificates for poultry products exported to the United States)

(Official title) ____________

(c) The form or foreign inspection certificate for dressed poultry or other uneviscerated slaughtered poultry[1] shall be as follows:

FOREIGN DRESSED POULTRY INSPECTION CERTIFICATE

Place ________________ Date ____________

I hereby certify that the dressed poultry herein described was derived from poultry which received ante mortem inspection at the the time of slaughter and post mortem inspection insofar as possible for uneviscerated poultry, and that such dressed poultry is sound, healthful, wholesome, clean, and otherwise fit for human food, and is not adulterated, and has not been treated with and does not contain any dye, chemical, or preservative not permitted by the regulations governing the inspection of poultry and poultry products of the U.S. Department of Agriculture, filed with me, so far as could be determined by such inspection, and that said dressed poultry has been handled only in a sanitary manner in this country and is otherwise in compliance with requirements at least equal to those in the Poultry Products Inspection Act and said regulations.

Number of pieces or packages	*Weight*

Identification marks on containers ____________
Consignor ____________
Address ____________
Consignee ____________
Destination ____________
Shipping marks ____________

(Signature) ____________
(Name of official of national foreign government authorized to issue inspection certificates for dressed poultry exported to the United States)

(Official title) ____________

§ 81.198 Importer to make application for inspection of imported poultry products.

Each person who wishes to import any slaughtered poultry or other poultry product shall make application for inspection to the officer in charge of the import inspection office at the port where the poultry product is to be offered for entry, or to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, as long as possible in advance of the anticipated arrival of each consignment of such product, except in the case of poultry product exempted from inspection by § 81.207. Each application shall state the approximate date on which the consignment is due to arrive in the United States, the name of the ship or other carrier transporting it, the name of the country where the product was processed, the name of the country from which the product was shipped, the place of destination, the quantity and kind of product, whether fresh, frozen, cured, or canned, and the point of first arrival in the United States.

§ 81.199 Inspection of imported poultry products.

(a) Except as provided in § 81.207, all slaughtered poultry and poultry products offered for importation from any foreign country listed in § 81.196(b) shall be inspected in accordance with inspection procedures prescribed by the Administrator, including the examination of the labeling information on the containers, by an inspector, before the same shall be allowed entry into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots) the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors shall take, without cost to the United States, from each consignment offered for importation, samples of any product which is subject to analysis, except that samples of any product offered for importation under § 81.207 shall not be taken unless there is reason for suspecting the presence therein of a substance in violation of that section.

§ 81.200 Imported poultry products, retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities and assistance.

(a) No slaughtered poultry or other poultry product required by this subpart to be inspected shall be released from customs custody prior to inspection, but such product may be delivered to the consignee, or his agent, prior to inspection, if the consignee shall furnish a bond, in form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through the customs.

(b) Except as provided in paragraph (a) of this section, no product required by this subpart to be inspected shall be moved, prior to inspection, from the port of arrival where first unloaded, and if arriving by water, from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this subpart as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this subpart.

(c) Means of conveyance or outside containers in which any product is moved, prior to inspection from the port or wharf where first unloaded in the United States, shall be sealed with official seals of the Department of Agriculture as prescribed in § 81.98 or otherwise identified as provided in this paragraph, unless already sealed with customs or consular seals in accordance with the customs regulations. The containers shall be securely tied before being offered for sealing. Such seals shall be affixed by inspectors, or, if there is no inspector at such port, then by a customs officer. In lieu of tying and sealing containers, the carrier or importer may furnish and attach to each outside container of product a warning notice on bright green paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

NOTICE

This container of poultry product must be delivered intact to an inspector of the Meat and Poultry Inspection Program, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "U.S. Inspected and Passed" and this warning notice defaced.

(d) No person shall affix, alter, detach, deface, or destroy any official seal of the Department of Agriculture, except customs officers or inspectors or as provided for in paragraph (f) of this section.

(e) No poultry product shall be removed from any means of conveyance or container sealed with an official seal of the Department of Agriculture, or bearing the official warning notice prescribed in this section, except under the supervision of an inspector or a customs officer, or as provided for in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the official seal of the Department of Agriculture on a car, truck, or other means of conveyance, may be broken by the carrier, and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Administrator, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250.

(g) The consignee, or his agent, shall furnish such facilities and shall provide such assistance for handling and marking poultry products offered for importation as the inspector may require.

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[1] When slaughtered poultry other than dressed poultry is involved the word "dressed" shall be deleted throughout the certificate.

§ 81.201 Means of conveyance and equipment used in handling imported poultry products to be maintained in sanitary condition.

Compartments of steamships, railroad cars, and other means of conveyance transporting any poultry product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling any poultry product offered for importation into the United States, shall be maintained in a sanitary condition.

§ 81.202 Poultry products offered for importation; reporting of findings to customs; handling of articles refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where poultry products are offered for entry, and shall request the collector to refuse entry to all products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with the regulations in this subpart. Unless such products shall be exported by the consignee within a time to be specified by the collector of customs (usually 30 days), the consignee, within such specified time, shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector.

(b) Consignees shall, at their own expense, return immediately, to the collector of customs, in means of conveyance or containers sealed with the official seal of the Department of Agriculture, any product received by them under this subpart which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this subpart.

(c) Except as provided in § 81.200 (a) or (b), no person shall remove or cause to be removed from any place designated as the place of inspection, any poultry product which the regulations in this subpart require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this subpart.

§ 81.203 Imported products; charges for storage, cartage, and labor with respect to products which are refused entry.

All charges for storage, cartage, and labor with respect to any imported product which is refused entry pursuant to the regulations in this subpart shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any other products imported thereafter by or for such owner or consignee.

§ 81.204 Marking of poultry products offered for entry.

(a) Poultry products which upon inspection are found to be acceptable for entry into the United States shall be marked with the official inspection legend shown in § 81.105. Poultry products which are inspected and rejected shall be marked "U.S. Refused Entry" as shown in § 81.105. Such marks shall be applied to the shipping containers.

§ 81.205 Labeling of immediate containers of poultry products for importation.

(a) Immediate containers of poultry products imported into the United States shall bear a label, printed in English showing in accordance with Subpart N of this part all information required by that section (except that the inspection mark and establishment number assigned by the foreign poultry inspection system and certified to the Inspection Service shall be shown instead of the official dressed poultry identification mark or other official inspection legend, and official establishment number); and in addition the label shall show the name of the country of origin preceded by the words "Product of" which statement shall appear immediately under the name of the product.

(b) The labels shall not be false or misleading in any respect.

(c) Labels for immediate containers of imported poultry products shall be submitted in sketch form to the Washington office of the Standards and Services Division for approval. Sketch labels shall be submitted with sufficient copies to provide two copies for the Washington office. Finished labels shall be submitted with sufficient copies to provide two copies for the Washington office, one copy for each port of entry and one copy for the foreign plant requesting the approval.

§ 81.206 Labeling of shipping containers of poultry products for importation.

Shipping containers in which poultry products are shipped to the United States are required to bear in a prominent and legible manner the name of the product, the name of the country of origin, the foreign inspection system establishment number of the establishment in which the product was processed, and the inspection mark of the country of origin. Labeling on shipping containers shall be examined at the time of inspection in the United States and if found to be false or misleading, the product shall be refused entry.

§ 81.207 Small importations for consignee's personal use, display, or laboratory analysis.

Any poultry product (other than one which is forbidden entry by other Federal law or regulation) which is offered for importation from any country in quantities of less than 50 pound net weight, exclusively for the personal use of the consignee, or for display or laboratory analysis by the consignee, and not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and contains no substance not permitted by the Act or regulations may be allowed entry into the United States without a foreign inspection certificate, and such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part: *Provided*, That the Department may with respect to any specific importation, require that the consignee certify that such product is exclusively for the personal use of said consignee, or for display or laboratory analysis by said consignee, and not for sale or distribution.

§ 81.208 Imported poultry products to be handled and transported as domestic; entry into official establishments; transportation.

(a) All imported poultry products, after entry into the United States in compliance with this subpart, shall be deemed and treated and, except as provided in § 81.207, shall be handled and transported as domestic products, and shall be subject to the provisions of this part and to the provisions of the Poultry Products Inspection Act and the Federal Food, Drug, and Cosmetic Act.

(b) Imported poultry products inspected, passed, and marked in accordance with this subpart may, subject to the provisions of the regulations, be taken into official establishments and be mixed with or added to inspected and passed poultry products in such establishments.

(c) Imported poultry products which have been inspected, passed, and marked under this subpart may be transported in commerce, only upon compliance with the applicable regulations.

§ 81.209 Returned U.S. inspected and marked poultry products; not importations.

Poultry products which have been inspected and passed by the U.S. Department of Agriculture and are so marked, and are returned from foreign countries, are not importations within the meaning of this subpart. Such returned shipments shall be reported to the Administrator by letter prior to arrival at the U.S. port of entry.

Subpart U—Detention; Seizure and Condemnation; Criminal Offenses

§ 81.210 Poultry and other articles subject to administrative detention.

Any poultry carcass, or part thereof; or any product made wholly or in part from any poultry carcass or part thereof; or any dead, dying, disabled, or diseased poultry is subject to detention for a period not to exceed 20 days when found by any authorized representative of the Secretary upon any premises where it is held for purposes of, or during or after distribution in commerce or otherwise subject to the Act, and there is reason to believe that any such poultry or other article is adulterated or misbranded and is capable of use as human food or has not been inspected, in violation of the provisions of the Act, any other Federal law, or the laws of any State or territory, or the District of Columbia; or that it has been or is intended to be distributed in violation of the provisions of the Act, any other Federal law, or the laws of any State or territory, or the District of Columbia.

§ 81.211 Method of detention; form of detention tag.

An authorized representative of the Secretary shall detain any poultry or other article to be detained under this subpart, by affixing to such article an official red paper tag (Form MP-483) bearing the statement "U.S. Department of Agriculture, Consumer and Marketing Service, U.S. Detained" and other information.

§ 81.212 Notification of detention to the owner of the article detained, or his agent, or person having custody.

When any poultry or other article is detained under § 81.211, an authorized representative of the Secretary shall give oral notification to the owner of the article detained, if he can be ascertained and notified, and, if not, to his agent or the immediate custodian of the article, and promptly furnish the person so notified with a completed "Preliminary Notice of Detention" (Form CP-479).[1] Within 48 hours after the detention of any article, an authorized representative of the Secretary shall, if the detention is to continue, give written notification to the owner of the article detained, by furnishing him a "Notice of Detention" (Form CP-484),[1] or if such owner cannot be ascertained and notified within such period of time, furnish such notice to his agent, or the carrier or other person having custody of the article detained. The notification (Form CP-484) with a copy of CP-479 shall be served either by delivering the notification to such owner or his agent, or such other person, or by certifying and mailing the notification, addressed to such owner, agent, or other person at his last known residence or principal office or place of business.

§ 81.213 Notification of governmental authorities having jurisdiction over article detained; form of written notification.

Within 48 hours after the detention of any poultry or other article pursuant to § 81.211, an authorized representative of the Secretary shall give oral or written notification of such detention to any Federal authorities not connected with the inspection service, and any State or other government authorities, having jurisdiction over such article. In the event notification is given orally, it shall be confirmed in writing, as promptly as circumstances permit.

§ 81.214 Movement of poultry or other article detained; removal of official marks.

No poultry or other article detained in accordance with the provisions in this subpart shall be moved by any person from the place at which it is located when so detained, until released by an authorized representative of the Secretary: *Provided*, That any such article may be moved from the place at which it is located when so detained, for refrigeration or freezing, or storage purposes if such movement has been approved by an authorized representative of the Secretary and the article so moved will be further detained by an authorized representative of the Secretary after such movement. When the detention of such article is terminated, the owner, his agent, or the carrier or other person having custody of the article who was notified when the article was detained will receive notification of the termination. The notification "Notice of Termination of Detention" (Form CP-487)[1] shall be served either by delivering the notice to the person originally notified, or by certifying and mailing the notification addressed to such person, at his last known residence or principal office or place of business. All official marks may be required by such representative to be removed from such article before it is released unless it appears to the satisfaction of the representative that the article is eligible to retain such marks.

§ 81.215 Poultry or other articles subject to judicial seizure and condemnation.

Any poultry carcass, or part thereof, or any product made wholly or in part from any poultry carcass or part thereof; except those exempted from the definition of a poultry product in § 81.15, or any dead, dying, disabled, or diseased poultry, that is being transported in commerce or is otherwise subject to the Act, or is held for sale in the United States after such transportation, is subject to seizure and condemnation, in a judicial proceeding pursuant to section 20 of the Act if such poultry or other article:

(a) Is or has been processed, sold, transported, or otherwise distributed or offered or received for distribution in violation of the Act; or

(b) Is capable of use as human food and is adulterated or misbranded; or

(c) In any other way is in violation of the Act.

§ 81.216 Procedure for judicial seizure, condemnation, and disposition.

Any poultry or other article subject to seizure and condemnation under this subject is liable to be proceeded against and seized and condemned, and disposed of, at any time, on an appropriate pleading in any U.S. district court, or other proper court specified in section 21 of the Act, within the jurisdiction of which the article is found.

§ 81.217 Authority for condemnation or seizure under other provisions of law.

The provisions of this subpart relating to detention, seizure, condemnation, and disposition of poultry or other articles do not derogate from authority for retention, condemnation or seizure conferred by other provisions of the Act, or other laws.

§ 81.218 Criminal offenses.

The Act contains criminal provisions with respect to numerous offenses specified in the Act, including but not limited to forcible assaults on, or other interference with, any person while engaged in, or on account of the performance of, his official duties under the Act. Criminal provisions with respect to gifts or offers of bribes to such persons and related offenses are contained in the general criminal code (18 U.S.C. 201).

Subpart V—Special Provisions for Designated States and Territories; Criteria and Procedure for Designating Establishments With Operations Which Would Clearly Endanger the Public Health; Disposition of Poultry Products Therein

§ 81.220 Definition of "State".

For purposes of this subpart, the term "State" means any State (including the Commonwealth of Puerto Rico) or organized territory.

§ 81.221 Designation of States under paragraph 5(c) of the Act.

Each of the following States has been designated, effective on the date shown below, under paragraph 5(c) of the Act, as a State in which the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act shall apply to operations and transactions wholly within such State:

States:	*Effective date of designation*
Arkansas	Jan. 2, 1971
Colorado	Jan. 2, 1971
Georgia	Jan. 2, 1971
Idaho	Jan. 2, 1971
Maine	Jan. 2, 1971
Michigan	Jan. 2, 1971
Minnesota	Jan. 2, 1971
Montana	Jan. 2, 1971
North Dakota	Jan. 2, 1971
Oregon	Jan. 2, 1971
South Dakota	Jan. 2, 1971
Utah	Jan. 2, 1971
West Virginia	Jan. 2, 1971

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[1] Copy filed with the Office of the Federal Register as part of the original document.

§ 81.222 States designated under paragraph 5(c) of the Act; application of regulations.

The provisions of the regulations in this part apply to operations and transactions wholly within each State designated in § 81.221 under paragraph 5(c) of the Act, except as otherwise provided in this section. (The provisions of the regulations apply in all respects to operations and transactions in or for commerce.)

(a) Each establishment, located in such a designated State, which is granted inspection required under § 81.6 (b), shall obtain approval of plant drawings as specified in § 81.19 within 18 months after the designation of the State becomes effective. The establishment, including its facilities shall be placed in compliance with the approved drawings as soon as possible, but not to exceed 36 months after such designation becomes effective. Failure to have drawings approved or to bring the establishment into compliance with such drawings within the time periods specified herein will result in the expiration of the grant of inspection. Inspection will be initially granted to any such establishments only if it is found, upon a combined evaluation of its premises, facilities, and operating procedures, to be capable of producing products that are not adulterated or misbranded.

(b) Section 81.26 will apply to establishments required to have inspection under § 81.6(b), except that existing interconnections between official and unofficial establishments or between official establishments will be permitted if it is determined in specific cases that the interconnections are such that transfer of inedible poultry product into the official establishment would be difficult or unusual, and any such transfers are strictly prohibited, except as permitted under other provisions of the regulations. It is essential that separation of facilities be maintained to the extent necessary to assure that inedible poultry product does not enter the official establishment contrary to the regulations.

(c) Section 81.51 shall apply to such establishments, except that separate facilities for men and women workers will not be required when the majority of the workers in the establishment are related by blood or marriage: *Provided*, That this will not conflict with municipal or State requirements; and except that separation of toilet soil lines from house drainage lines to a point outside the buildings will not be required in existing construction when positive acting backflow devices are installed.

(d) Subpart N of this part shall apply to such establishments, except as provided in this paragraph (d).

(1) The operator of each such establishment shall, prior to the inauguration of inspection, identify all labeling and marking devices in use, or proposed for use (upon the date of inauguration of inspection) to the officer in charge in which the establishment is located. Temporary approval, pending formal approval under § 81.132, will be granted by the officer in charge for labeling and marking devices that he determines are neither false nor misleading, provided the official inspection legend bearing the official establishment number is applied to the principal display panel of each label, either by a mechanical printing device or a self-destructive pressure sensitive sticker, and provided the label shows the true product name, an accurate ingredient statement, the name and address of the manufacturer, packer, or distributor, and any other features required by paragraph 4(h) of the Act.

(2) The officer in charge will forward one copy of each item of labeling and a description of each marking device for which he has granted temporary approval to the Standards and Services Division and will retain one copy in a temporary approval file for the establishment.

(3) The operator of the official establishment shall promptly forward a copy of each item of labeling and a description of each marking device for which temporary approval has been granted by the officer in charge (showing any modification required by the officer in charge) to the Washington, D.C. office of the Standards and Services Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, accompanied by the formula and details of preparation and packaging for each product. Within 90 days after inauguration of inspection, all labeling material and marking devices temporarily approved by the officer in charge must receive approval as required by § 81.132 or their use must be discontinued.

(4) The officer in charge will also review all shipping containers to insure that they do not have any false or misleading labeling and are otherwise not misbranded. Modifications of unacceptable information on labeling material by the use of self-destructive pressure sensitive tape or by blocking out with an ink stamp will be authorized on a temporary basis to permit the maximum allowable use of all labeling materials on hand. All unacceptable labeling material which is not modified to comply with the requirements of the regulations must be destroyed or removed from the official establishment.

(e) Sections 81.175 through 81.179 apply to operations and transactions not in or for commerce in a State designated under paragraph 5(c) only if the State is also designated under section 11 of the Act and if such provisions are appplicable as shown in § 81.224.

(f) Section 81.185(a) will not apply to States designated under paragraph 5(c) of the Act.

(g) Provisions of this part relating to exports and imports do not apply to operations and transactions solely in or for intrastate commerce.

§ 81.223 Control and disposition of nonfederally inspected poultry products in States designated under paragraph 5(c) of the Act.

Upon the effective date of designation of a State under paragraph 5(c) of the Act, no poultry products can be processed within the State unless they are prepared under inspection pursuant to the regulations or are exempted from the requirement of inspection under § 81.10, and no unexempted poultry products which were processed without any inspection can lawfully be distributed within the State. For a period of 90 days from the effective date of such designation, poultry products which were processed and inspected and passed under the supervision of a responsible State or local inspection agency can be distributed solely within the State, provided they are not adulterated or misbranded, except that the official inspection legend shall not be used. Such products may not enter official establishments. After said 90-day period, only federally inspected and passed products may be distributed within the designated State, except as provided in § 81.10.

§ 81.224 Designation of States under section 11 of the Act; application of sections of the Act and the regulations.

Each of the following States has been designated, effective on the date shown below, under section 11 of the Act, as a State in which the provisions of the sections of the Act and regulations specified below shall apply to operators engaged, other than in or for commerce, in the kinds of business indicated below:

Paragraphs of act and regulations	Classes of operators	State	Effective date
Act, 11(b); §§ 81.175-81.178			
Act, 11(c); § 81.179			
Act, 11(d)			

§ 81.225 Criteria and procedure for designating establishments with operations which would clearly endanger the public health; disposition of poultry products therein.

(a) An establishment in any State not listed in § 81.221 that is preparing poultry products solely for distribution within such State shall be designated as one producing adulterated products which would clearly endanger the public health, if:

(1) Any poultry product processed at the establishment is adulterated in any of the following respects:

(i) It bears or contains a pesticide chemical, food additive, or color additive, that is "unsafe" within the meaning of sections 408, 409, or 706 of the Federal Food, Drug, and Cosmetic Act or was intentionally subjected to radiation in a manner not permitted under section 409 of said Act; or if it bears or contains any other added poisonous or added deleterious substance which may render it injurious to health or make it unfit for human food; or

(ii) It consists in whole or in part of any filthy, putrid, or decomposed substance or is for any other reason unsound, unhealthful, unwholesome, or otherwise unfit for human food (for example, it was prepared from a poultry carcass or other ingredients exhibiting spoilage characteristics); or it is, or was prepared from, a poultry carcass which would be required to be condemned under Subpart K of this part at official establishments; or

(iii) It has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth or may have been rendered injurious to health (for example, if insects or vermin are not effectively controlled at the establishments, or insanitary water is used in preparing poultry products for human food); or

(iv) It is, in whole or in part, the product of poultry that died otherwise than by slaughter; or

(v) Its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health; and

(2) Such adulterated articles are intended to be or are distributed from the establishment while capable of use as human food.

(b) When any such establishment is identified by an inspector as one producing adulterated poultry products which would clearly endanger public health under the criteria in paragraph (a) of this section, the following procedure will be followed:

(1) The inspector will informally advise the operator of the establishment concerning the deficiencies found by him and report his findings to the appropriate Regional Director for the Inspection Service. When it is determined by the Regional Director that any establishment preparing poultry products solely for distribution within any State is producing adulterated poultry products for distribution within such State which would clearly endanger the public health, written notification thereof will be issued to the appropriate State officials, including the Governor of the State and the appropriate Advisory Committee, for effective action under State or local law to prevent such endangering of the public health. Such written notification shall clearly specify the deficiencies deemed to result in the production of adulterated poultry products and shall specify a reasonable time for such action under State or local law.

(2) If effective action is not taken under State or local law within the specified time, written notification shall be issued by the Regional Director to the operator of the establishment, specifying the deficiencies involved and allowing him 10 days to present his views or make the necessary corrections, and notifying him that failure to correct such deficiencies may result in designation of the establishment and operator thereof as subject to the provisions of sections 1 through 4, 6 through 10, and 12 through 22 of the Act as though engaged in commerce.

(3) Thereafter the inspector shall survey the establishment and designate it if he determines, in consultation with the Regional Director, that it is producing adulterated poultry products, which would clearly endanger the public health, and formal notice of such designation will be issued to the operator of the establishment by the Regional Director.

(c) Poultry products on hand at the time of designation of an establishment under this section are subject to retention or detention, and seizure and condemnation in accordance with § 81.145 or Subpart U of this part: *Provided*, That poultry products that have been federally inspected and so identified and that have not been further prepared at any nonfederally inspected establishment may be released for distribution if the products appear to be not adulterated or misbranded at the time of such release.

(d) No establishment designated under this section can lawfully prepare any poultry products unless it first obtains inspection or qualifies for exemption under § 81.10 of this subpart. All other provisions of the regulations shall apply to establishments designated under this section to the same extent and in the same manner as if they were engaged in commerce, except that the exceptions provided for in § 81.222 shall apply to such establishments.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them, in duplicate, with the Hearing Clerk, U.S. Department of Agriculture, Washington, D.C. 20250, within 60 days after the date of publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during the regular business hours as provided in 7 CFR 1.27(b), except when the person making the submission requests that the submission be held confidential and the Administrator determines that there is a basis for such confidential treatment under the provisions in 7 CFR 1.27(c).

Persons desiring opportunity for oral presentation of views should address such requests to Dr. M. R. Humphrey, Standards and Services Division, U.S. Department of Agriculture, Consumer and Marketing Service, Washington, D.C. 20250. A transcript of all views orally presented will be made and filed in the Office of the Hearing Clerk for public inspection during regular office hours in a manner convenient to the public business in accordance with 7 CFR 1.27(b), except when confidential treatment is requested and given to such views in accordance with 7 CFR 1.27(c).

Done at Washington, D.C., on May 12, 1971.

CLAYTON YEUTTER,
Administrator,
Consumer and Marketing Service.

[FR Doc.71-6830 Filed 5-26-71;8:45 am]

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Title 3—The President

PROCLAMATION 4056

Prayer for Peace, Memorial Day, 1971

By the President of the United States of America

A Proclamation

It is a tradition of our Nation, as it is a tradition of most nations, to pay homage to those who have fallen in defense of our land, our people, and our principles. These men and women honor America by their sacrifice. It is for America to honor them by its devotion to those purposes for which they perished.

We cannot dismiss with easy platitudes the debt which the deaths of our countrymen lays upon us. And while the declaration of noble sentiments, the placing of flowers and the shedding of tears of remembrance can pay deserved tribute to their sacrifices, these by themselves cannot redeem those sacrifices. So let us bear witness to the plain truth that we can only insure that our soldiers and sailors and marines and airmen have not died in vain by resolving, as citizens of the land for which they died, that we shall not ourselves live in vain.

It is a simple matter to make war, and a difficult matter to make a peace. The history of man confirms this, for it records few periods when men have not somewhere in the world waged war on their fellow men. Confirmed in this truth, we know that our concern in America must be to move hand in hand with men of all nations to make the world safe for humanity. In this manner we can insure that those who died for us did not die in vain, that out of war has come redemption, and out of the search for redemption has come a true and just and lasting peace.

To manifest the concern of the American people for the purposes of peace, Congress by a joint resolution approved May 11, 1950, has requested the President to issue a proclamation calling upon the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period during such day when the people of the United States might unite in such supplication.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby designate Memorial Day, Monday, May 31, 1971, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11 o'clock in the morning of that day as a time to unite in such prayer.

I urge the press, radio, television, and all other information media to cooperate in this observance.

As a special mark of respect for those Americans who have given their lives in the tragic struggle in Vietnam, I direct that the flag of the United States be flown at half-staff all day on Memorial Day, instead of during the customary forenoon period, on all buildings, grounds, and naval vessels of the Federal government throughout the United States and all areas under its jurisdiction and control.

I also request the Governors of the United States and of the Commonwealth of Puerto Rico and the appropriate officials of all local units of government to direct that the flag be flown at half-staff on all public buildings during that entire day, and request the people of the United States to display the flag at half-staff from their homes for the same period.

IN WITNESS WHEREOF, I have hereunto set my hand this 27th day of May, in the year of our Lord nineteen hundred seventy-one, and of the Independence of the United States of America the one hundred ninety-fifth.

Richard Nixon

[FR Doc. 71-7607 Filed 5-27-71;11:38 am]

EXECUTIVE ORDER 11595

Amending Executive Order No. 11583, Establishing the Office of Consumer Affairs

By virtue of the authority vested in me as President of the United States, Executive Order No. 11583 [1] of February 24, 1971, is amended by substituting for section 1 thereof the following:

"SECTION 1. *Office of Consumer Affairs.* The Office of Consumer Affairs (hereinafter referred to as the 'Office') is hereby established in the Executive Office of the President. The Office shall be headed by a Director, who shall be appointed by the President, and there shall be in the Office two Deputy Directors who shall also be appointed by the President. The Deputy Directors shall perform such duties as the Director may designate, and in case of a vacancy in the office of Director or during the absence or incapacity of the Director, the Deputy Directors, in the order designated by the President, shall act as Director. The Director and Deputy Directors shall receive compensation at such rates as the President, consonant with law, may hereafter determine."

Richard Nixon

THE WHITE HOUSE,
May 26, 1971.

[FR Doc.71-7590 Filed 5-27-71;10:46 am]

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[1] 36 F.R. 3509.

Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 713—EQUAL OPPORTUNITY

Implementation of Agency Program

Section 713.204 is amended by adding a new paragraph (f) requiring that agencies make reasonable accommodations to the religious needs of applicants and employees and by redesignating the present paragraph (f) as paragraph (g).

§ 713.204 Implementation of agency program.

To implement the program established under this subpart, an agency shall:

* * * * *

(f) Make reasonable accommodations to the religious needs of applicants and employees, including the needs of those who observe the Sabbath on other than Sunday, when those accommodations can be made (by a grant of leave, a change of a tour of duty, or other means) without undue interference with the business of the agency or with the rights of other applicants or employees; and

(g) Make readily available to its employees a copy of its regulations issued to carry out its program of equal employment opportunity.

(5 U.S.C. 1301, 3301, 3302, 7151–7154, 7301 E.O. 10577; 3 CFR 1954–1958 Comp., p. 218, E.O. 11222; 3 CFR 1964–1965 Comp., p. 306, E.O. 11478; 3 CFR 1969 Comp.)

Effective on publication in the FEDERAL REGISTER (5–28–71).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7540 Filed 5-27-71;8:50 am]

PART 715—NONDISCIPLINARY SEPARATIONS, DEMOTIONS, AND FURLOUGHS

Withdrawal of Resignation

Section 715.202(b) is revised to specify the conditions under which an agency may decline a request to withdraw a resignation.

§ 715.202 Resignation.

* * * * *

(b) *Withdrawal of resignation.* Except as provided in this paragraph, a resignation is binding on an employee once he has submitted it. An agency, in its discretion, may permit the employee to withdraw his resignation at any time before it has become effective. An agency may decline a request to withdraw a resignation before it has become effective only when it has a valid reason and explains that reason to the employee. A valid reason includes, but is not limited to, administrative disruption or the hiring or commitment to hire a replacement. Avoidance of adverse action proceedings is not a valid reason.

(5 U.S.C. 1302, 3301, 3302, 7301, E.O. 10577; 3 CFR 1954–58 Comp., p. 218; E.O. 11222; 3 CFR 1964–1965 Comp., p. 306)

Effective on publication in the FEDERAL REGISTER (5–28–71).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.71-7539 Filed 5-27-71;8:50 am]

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES AND WEIGHT CLASSES FOR SHELL EGGS

Grading, Standards, and Weight Classes

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), as stated below.

STATEMENT OF CONSIDERATIONS

On April 7, 1971, a rulemaking proposal was issued to change the tolerances permitted in U.S. Grade AA and U.S. Fresh Fancy Quality shell eggs. The proposed changes were concerned with minor shell factors not affecting the interior quality of eggs. Forty-one comments were received by the Hearing Clerk on the proposal, a large majority of which were in favor of the amendments. Most of the adverse comments expressed concern that the proposed changes would lower the quality of U.S. Grade AA and Fresh Fancy Quality grades of eggs. However, after careful consideration of all comments, the Department has concluded that the proposed changes would not adversely affect the quality or consumer acceptance of these grades and has decided to promulgate the amendments as proposed.

The amendments are as follows:

1. In § 56.216, paragraph (b) is amended to read:

§ 56.216 Grades.

* * * * *

(b) *U.S. Grade AA.* (1) U.S. Consumer Grade AA (at origin) shall consist of eggs which are 85 percent AA quality. The maximum tolerance of 15 percent which may be below AA quality may consist of A or B quality in any combination, with not more than 5 percent C quality or Checks in any combination. No Dirties or Loss are permitted. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

(2) U.S. Consumer Grade AA (destination) shall consist of eggs which are 80 percent AA quality. The maximum tolerance of 20 percent which may be below AA quality may consist of A or B quality in any combination with not more than 5 percent C quality or Checks in any combination and not more than 0.5 percent Leakers or Dirties in any combination. This grade is also applicable when the lot consists of eggs meeting the requirements set forth in § 56.42.

2. In § 56.217, Table I would be amended by changing the first two lines in the "Quality" column under "Tolerance Permitted" for both U.S. Consumer Grade (origin) and U.S. Consumer Grade (destination) to read: For line 1, A or B and for line 2, C or Check, respectively.

Signed at Washington, D.C., this 25th day of May 1971, to become effective July 1, 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-7479 Filed 5-27-71;8:46 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Peach Reg. 1, Amdt. 1]

PART 917—FRESH PEARS, PLUMS, AND PEACHES GROWN IN CALIFORNIA

Regulation by Grades and Sizes

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 917, as amended (7 CFR Part 917, 36 F.R. 7510), regulating the handling of fresh pears, plums, and peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Peach Commodity Committee with respect to this amendment, reflect its appraisal of the California peach crop and the current and prospective market conditions. Shipments of the varieties of California peaches named in this amendment are expected to begin on or about May 28, 1971. The size requirements provided herein are necessary to prevent the handling, on and after May 28, 1971, of peaches of such varieties of smaller sizes than specified herein the particular variety, so as to provide consumers with good quality fruit consistent with (1) the overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the Federal Register (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 28, 1971. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop thereof, and adequate information thereon was not available to the Peach Commodity Committee until May 19, 1971, on which date an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation by shipments of such peaches. Interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information and regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the specified varieties of such peaches are expected to begin on or about the effective date hereof; this amendment should be applicable to all such shipments in order to effectuate the declared policy of the act; the provisions of this amendment are identical with the aforesaid recommendation of the committee, information concerning such provisions and effective time has been disseminated among handlers of such peaches; and compliance with the provisions of this amendment will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

Order. In § 917.421 (Peach Reg. 1; 36 F.R. 8671) paragraph (a) is hereby amended by deleting subparagraph (2) and inserting in lieu thereof new subparagraph (2), (3), and (4) and paragraph (b) is revised reading as follows:

§ 917.421 Peach Regulation 1.

(a) * * *

(2) Any package or container of any variety of peaches not specifically named in subparagraphs (3) and (4) of this paragraph unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 96 peaches in the lug box; or

(ii) Such peaches when packed in any container, other than a No. 22D standard lug box, measure not less than $2\frac{3}{16}$ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent by count of peaches in any such container may fail to meet such diameter requirement.

(3) Any package or container of Robin, Babcock, Blazing Gold, Cardinal, Dixired, Gold Dust, Merrill Gemfree, Royal May, or Early Coronet variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 88 peaches in the lug box or;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 75 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box, or a No. 12B standard peach box measure not less than $2\frac{1}{4}$ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(4) Any package or container of Coronet, Merrill Gem, or Gaiety variety peaches unless:

(i) Such peaches when packed in a No. 22D standard lug box are of a size that will pack, in accordance with the requirements of standard pack, not more than 80 peaches in the lug box;

(ii) Such peaches when packed in a No. 12B standard peach box are of a size that will pack, in accordance with the requirements of standard pack, not more than 70 peaches in the box; or

(iii) Such peaches when packed in any container, other than a No. 22D standard lug box or a No. 12B standard peach box, measure not less than $2\frac{3}{8}$ inches in diameter as measured by a rigid ring: *Provided*, That not more than 10 percent, by count, of peaches in any such container may fail to meet such diameter requirement.

(b) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; "U.S. No. 1," and "standard pack," and shall have the same meaning as when used in the U.S. Standard for Peaches (7 CFR 51.1210–1223); "No. 22D standard lug box" and "No. 12B standard peach box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and "diameter" shall mean the distance through the widest portion of the cross section of a peach at right angles to a line running from the stem to the blossom end.

Dated, May 26, 1971, to become effective May 28, 1971.

Paul A. Nicholson,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7558 Filed 5-27-71; 8:50am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Milk Order No. 1]

[Dockets Nos. AO-14-A49, AO-14-A49-R01]

PART 1001—MILK IN THE BOSTON REGIONAL MARKETING AREA

Order Amending Order

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings.* A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Massachusetts-Rhode Island-New Hampshire marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing (sessions held in Concord, N.H., and Boston, Mass.) and the record thereof, it is found that:

(1) The Boston Regional order, which is a redesignation of the Massachusetts-Rhode Island-New Hampshire order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the Boston Regional marketing area, and the minimum prices specified in the Boston Regional order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The Boston Regional order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in the Boston Regional order as hereby amended, are in the current of interstate commerce or directly burden, obstruct, or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk specified in § 1001.87.

(b) *Determinations.* It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who participated in a referendum and who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order Relative to Handling

It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Boston Regional marketing area (Part 1001) shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

Section 1001.2 is revised to read as follows:

§ 1001.2 Boston Regional marketing area.

"Boston Regional marketing area," hereinafter called the "marketing area," means all territory within the boundaries of the places set forth below, all waterfront facilities connected therewith and craft moored thereat, and all territory therein occupied by any governmental installation, institution, or other similar establishment:

Massachusetts

Counties:
- Barnstable.
- Bristol.
- Dukes.
- Essex.
- Franklin (except the towns of New Salem, Orange, and Warwick).
- Hampden (except the towns of Brimfield, Monson, Palmer, and Wales).
- Hampshire (except the town of Ware).
- Middlesex.
- Norfolk.
- Plymouth.
- Suffolk.
- Worcester (except the towns of Athol, Barre, Douglas, East Brookfield, Hardwick, New Braintree, North Brookfield, Northbridge, Petersham, Phillipston, Royalston, Templeton, Uxbridge, Warren, West Brookfield, and Winchendon).

New Hampshire

Counties:
- Belknap.
- Cheshire.
- Grafton (the towns of Ashland, Bridgewater, Bristol, Holderness, and Plymouth only).
- Hillsborough.
- Merrimack.
- Rockingham.
- Strafford.
- Sullivan (except the town of Plainfield).

Rhode Island

All cities and towns except New Shoreham (Block Island).

Vermont

Counties:
- Bennington (the towns of Landgrove, Peru, and Winhall only).
- Windham (except Somerset).
- Windsor (the towns of Andover, Baltimore, Cavendish, Chester, Ludlow, Plymouth, Reading, Springfield, Weathersfield, Weston, West Windsor, and Windsor only).

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Effective date. July 1, 1971.

Signed at Washington, D.C., on May 24, 1971.

Richard E. Lyng,
Assistant Secretary.

[FR Doc.71-7480 Filed 5-27-71;8:46 am]

[Milk Order No. 36]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Suspending Certain Provisions

This suspension order is issued pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and of the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area.

Notice of proposed rulemaking was published in the Federal Register (36 F.R. 8524, 8880) concerning a proposed suspension of certain provisions of the order. Interested persons were afforded opportunity to file written data, views, and arguments thereon.

After consideration of all relevant material, including the proposal set forth in the aforesaid notice, data, views, and arguments filed thereon, and other available information, it is hereby found and determined that for the months of May through October 1971 the following provisions of the order do not tend to effectuate the declared policy of the Act:

1. In § 1036.41(c)(6)(iv), "and bulk cream";

2. In § 1036.41(c)(6)(vii), "and bulk cream"; and

3. In § 1036.42(b)(1), "and bulk cream".

Statement of Consideration

This suspension will change the amount of allowable Class III shrinkage on bulk cream that is transferred from a pool plant to other plants. Presently, the Class III shrinkage on such cream that is derived from a handler's receipts of producer milk is limited to 0.5 percent of the cream. Under the suspension, such percentage will be 2 percent.

The suspension was requested by Milk, Inc., a cooperative association which handles at its pool balancing plant a substantial portion of the market's reserve supplies of milk. In handling such milk, the cooperative receives producer milk on the basis of farm weights and tests, separates such milk, and transfers the cream to other plants for churning. Such activities of the cooperative usually result in more than 0.5 percent shrinkage on the cream transferred.

It is recognized that in handling cream there is often a greater loss (or shrinkage) of product than when handling fluid milk. The present shrinkage provisions do not make any distinction between cream and fluid milk with respect to the amount of Class III shrinkage allowed. In view of the manner in which surplus cream is being handled in the market, the Class III shrinkage allowance under the order should be modified to reflect the shrinkage experience on cream.

Immediate action is necessary since bulk cream transfers are greatest in the heavy production months of May and June. The suspension should apply initially, therefore, to the handling of milk and cream in the month of May 1971. Continuation of the suspension through October 1971 will provide a reasonable period for considering this issue at a hearing.

It is hereby found and determined that 30 days' notice of the effective date hereof is impractical, unnecessary and contrary to the public interest in that:

(a) This suspension is necessary to reflect current marketing conditions and to maintain orderly marketing conditions in the marketing area in that the present Class III shrinkage provisions do not reflect the operating experience of handlers in the handling of cream, particularly during the heavy production months of May and June;

(b) This suspension order does not require of persons affected substantial or extensive preparation prior to the effective date; and

(c) Notice of proposed rulemaking was given interested parties and they were afforded opportunity to file written data, views, or arguments concerning this suspension.

Therefore, good cause exists for making this order effective upon publication in the FEDERAL REGISTER.

It is therefore ordered, That the aforesaid provisions of the order are hereby suspended for the months of May through October 1971.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date. Upon publication in the FEDERAL REGISTER (5–28–71).

Signed at Washington, D.C., on May 24, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–7481 Filed 5–27–71;8:46 am]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

[Docket No. 71–565]

PART 76—HOG CHOLERA AND OTHER COMMUNICABLE SWINE DISEASES

Areas Quarantined

Pursuant to provisions of the Act of May 29, 1884, as amended, the Act of February 2, 1903, as amended, the Act of March 3, 1905, as amended, the Act of September 6, 1961, and the Act of July 2, 1962 (21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f), Part 76, Title 9, Code of Federal Regulations, restricting the interstate movement of swine and certain products because of hog cholera and other communicable swine diseases, is hereby amended in the following respects:

In § 76.2, in paragraph (e)(4) relating to the State of North Carolina, a new subdivision (v) relating to Lenoir County is added to read:

(4) *North Carolina.* * * *

(v) That portion of Lenoir County bounded by a line beginning at the junction of the Atlantic and East Carolina Railway and Secondary Road 1804; thence, following Secondary Road 1804 in a southwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a northwesterly direction to State Highway 58; thence, following State Highway 58 in a southwesterly direction to Secondary Road 1342; thence, following Secondary Road 1342 in a westerly direction to State Highway 55; thence, following State Highway 55 in a southwesterly direction to the Squirrel Creek; thence, following the east bank of the Squirrel Creek in a northwesterly direction to the Neuse River; thence, following the west bank of the Neuse River in a northeasterly direction to the Falling Creek; thence, following the east bank of the Falling Creek in a northwesterly direction to Secondary Road 1340; thence, following Secondary Road 1340 in a northwesterly direction to U.S. Highway 70; thence, following U.S. Highway 70 in a northeasterly direction to State Highway 58; thence, following State Highway 58 in a northwesterly direction to the Atlantic and East Carolina Railway; thence, following the Atlantic and East Carolina Railway in a generally southeasterly direction to its junction with Secondary Road 1804.

(Secs. 4–7, 23 Stat. 32, as amended, secs. 1 and 2, 32 Stat. 791–792, as amended, secs. 1–4, 33 Stat. 1264, 1265, as amended, sec. 1; 75 Stat. 481, secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 114g, 115, 117, 120, 121, 123–126, 134b, 134f; 29 F.R. 16210, as amended)

Effective date. The foregoing amendment shall become effective upon issuance.

The amendment quarantines a portion of Lenoir County, N.C., because of the existence of hog cholera. This action is deemed necessary to prevent spread of the disease. The restrictions pertaining to the interstate movement of swine and swine products from or through quarantined areas as contained in 9 CFR Part 76, as amended, will apply to the quarantined portion of such county.

The amendment imposes certain further restrictions necessary to prevent the interstate spread of hog cholera and must be made effective immediately to accomplish its purpose in the public interest. Accordingly, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 25th day of May 1971.

F. J. MULHERN,
Acting Administrator,
Agricultural Research Service.

[FR Doc.71–7503 Filed 5–27–71;8:49 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71–CE–2–AD; Amdt. 39–1198]

PART 39—AIRWORTHINESS DIRECTIVES

Continental Models TSIO–360–A, TSIO–520–B, –D, –E and –J Engines

In F.R. Doc. 71–5979 appearing on Pages 8029 and 8030 in the issue of Thursday, April 29, 1971, the applicability statement of the subject Airworthiness Directive should be corrected in the following respects:

1. Add Serial Numbers "165001 through 166099" at the beginning of the TSIO–520–E—New model engine listing.

2. Add the word "through" between Serial Numbers 208126 and 208140 in the TSIO–520–J—New model engine listing.

Issued in Kansas City, Mo. on May 14, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71–7472 Filed 5–27–71;8:46 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

SUBCHAPTER C—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

[Docket No. R–71–113]

PART 203—MUTUAL MORTGAGE INSURANCE AND INSURED HOME IMPROVEMENT LOANS

Subpart A—Eligibility Requirements

Part 203 is amended to prescribe the terms and conditions under which the Secretary will insure mortgages on homes intended for seasonal (rather than year-round) occupancy, under section 203(m) of the National Housing Act (added by section 318 of the Housing and Urban Development Act of 1968).

Because of the need to have these procedures available to permit construction of homes during the current vacation season, I find that it is impracticable and contrary to the public interest to engage in public rule making procedures and to postpone the effective date. These regulations will be effective on May 28, 1971. However, all interested persons are invited to submit written comments or suggestions with respect to the regulations, which may be later revised in the light of comments received. Three copies of such comments should be filed within 30 days after date of publication of these amendments in the FEDERAL REGISTER, and addressed to the Assistant Secretary for Housing Production and Mortgage Credit, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20411. A copy of each communication will be available for public inspection during business hours in the HUD Information Center at the above address.

1. In Part 203, in the Table of Contents, a new § 203.43b is added as follows:

Sec.
203.43b Eligibility of mortgages covering housing intended for seasonal occupancy.

2. Section 203.18 is amended by adding a new paragraph (f) to read as follows:

§ 203.18 Maximum mortgage amounts.

* * * * *

(f) *Seasonal homes.* A mortgage covering a family residence designed for seasonal (rather than year-round) occupancy shall involve a principal obligation not in excess of $18,000, and not in excess of 75 percent of the appraised value of the property.

3. Section 203.19 is amended by adding the following paragraph (c) to read as follows:

§ 203.19 Mortgagor's minimum investment.

* * * * *

(c) In a case involving the insurance of a mortgage on a seasonal home, the minimum investment shall be at least 25 percent of the appraised value of the property.

4. Section 203.28 is amended by adding the following paragraph (d) to read as follows:

§ 203.28 Economic soundness of projects.

* * * * *

(d) To a mortgage of the character described in § 203.43b.

5. A new § 203.43b is added to read as follows:

§ 203.43b Eligibility of mortgages covering housing intended for seasonal occupancy.

(a) A mortgage covering a family residence designed for seasonal (rather than year-round) occupancy shall be eligible for insurance if the following additional requirements are met:

(1) The mortgage shall cover a single-family dwelling, approved for insurance prior to the beginning of construction, which is to be occupied by the mortgagor.

(2) The dwelling shall meet such minimum standards as the Secretary may prescribe for dwellings for seasonal use.

(3) The dwelling shall be located in an area where the Secretary finds it is not practicable to obtain conformity with standards prescribed for mortgage insurance in urban areas.

(4) The mortgage shall be an acceptable risk, giving consideration to the economic potential of the area in which the dwelling is located and the contribution that the housing will make to the area.

(5) The mortgage shall cover a dwelling on property that is being developed in a manner consistent with the conservation of the natural resources of the area in which the property is located.

(b) The Secretary may suspend the issuance of commitments for mortgage insurance under this section for such areas as he may designate if he makes the following determinations:

(1) There is a serious and unusual shortage of mortgage funds for residential construction in the designated area.

(2) Insurance of mortgages on properties intended for seasonal occupancy would materially and adversely affect the availability of mortgage funds for residential construction in the designated area.

(3) Such suspension would not have an adverse effect on the balanced economic development of the designated area.

(Sec. 203(m), 80 Stat. 1266; 82 Stat. 476; 12 U.S.C. 1709) (Secretary's delegation published at 36 F.R. 5006, Mar. 16, 1971, effective Mar. 8, 1971)

Effective date. These amendments shall be effective on May 28, 1971.

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71–7490 Filed 5–27–71;8:48 am]

Chapter III—Housing Assistance Administration, Department of Housing and Urban Development

[Docket No. R–71–106]

PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Miscellaneous Amendments

Certain cost figures and other data appearing in the FEDERAL REGISTER issue for Saturday, May 1, 1971, 36 F.R. 8213–8232, are not correct as they now stand and are hereby corrected as follows:

1. On page 8213, under Region I, Danbury, Conn., detached and semidetached; number of bedrooms 0, the amount should read "9,000" instead of "8,980".

2. On page 8213, under Region I, New Milford, Conn., detached and semidetached; number of bedrooms 0, the amount should read "9,000" instead of "8,980".

3. On page 8213, under Region I, New Haven, Conn., detached and semidetached; number of bedrooms 5, the amount should read "21,300" instead of "12,300".

4. On page 8214, under Region I, Pawtucket, R.I., detached and semidetached; number of bedrooms 6, the amount should read "23,250" instead of "blank".

5. On page 8214, under Region I, row dwellings; number of bedrooms 6, the amount should read "22,100", instead of "blank".

6. On page 8214, under Region I, Pawtucket, R.I., walkup; number of bedrooms 6, the amount should read "19,050" instead of "blank".

7. On page 8215, under Region I, the title should read "Rutland, Vt." instead of "Ruthland, Vt.".

8. On page 8215, under Region II, Ithaca, N.Y., elevator-structure; number of bedrooms 2, the amount should read "19,950" instead of "10,950".

9. On page 8216, under Region II, St. Thomas, V.I., walkup; number of bedrooms 3, the amount should read "16,600" instead of "16,000".

10. On page 8216, under Region II, St. Croix, V.I., detached and semidetached; number of bedrooms 0, the amount should read "10,000" instead of "16,600".

11. On page 8217, under Region III, Bethlehem, Pa., elevator-structure; number of bedrooms 0, the amount should read "13,150" instead of "3,150".

12. On page 8217, under Region III, Altoona, Pa., detached and semidetached; number of bedrooms 1, the amount should read "11,450" instead of "11,540".

12. On page 8217, under Region III, Al-Harrisonburg, Va., detached and semidetached; number of bedrooms 0, the amount should read "8,150" instead of "8,156".

14. On page 8218, under Region III, Eastern Shore, Va., detached and semidetached; number of bedrooms 0, the amount should read "8,150" instead of "8,156".

15. On page 8218, under Region IV, Birmingham, Ala., detached and semidetached; number of bedrooms 1, the amount should read "9,100" instead of "9,200".

16. On page 8218, under Region IV, Florence, Ala., row dwellings; number of bedrooms 1, the amount should read "8,350" instead of "8,305."

17. On page 8218, under Region IV, Florence, Ala., walkup; number of bedrooms 1, the amount should read "7,350" instead of '7,305".

18. On page 8218, under Region IV, Pensacola, Fla., detached and semidetached; number of bedrooms 3, the amount should read "13,250" instead of "13,260".

19. On page 8220, under Region IV, Jackson, Miss., walkup; number of bedrooms 1, the amount should read "7,550" instead of "7,500".

20. On page 8220, under Region IV, Greenwood, Miss., elevator-structure; number of bedrooms 1, the amount should read "12,350" instead of "12,360".

21. On page 8220, under Region IV, the title should read "Southaven, Miss." instead of "Southavon, Miss.".

22. On page 8220, under Region IV, Greenville, S.C., walkup; number of bedrooms 6, the amount should read "14,750" instead of "17,750".

23. On page 8221, under Region IV, Orangeburg, S.C., detached and semidetached; number of bedrooms 3, the amount should read "12,450" instead of "12,550".

24. On page 8221, under Region IV, Oak Ridge, Tenn., walkup; number of bedrooms 0, the amount should read "6,350" instead of "635".

25. On page 8222, under Region V, Saginaw, Mich., detached and semidetached; number of bedrooms 6, the amount should read "24,600" instead of "23,600".

26. On page 8222, under Region V, Benton Harbor, Mich., row dwellings; number of bedrooms 6, the amount should read "23,800" instead of "23,850".

27. On page 8222, under Region V, Benton Harbor, Mich., walkup; number of bedrooms 5, the amount should read "18,600" instead of "18,611".

28. On page 8224, under Region VI, Houma, La., walkup; number of bedrooms 1, the amount should read "7,700" instead of "7,680".

29. On page 8224, under Region VI, Lafayette, La., walkup; number of bedrooms 1, the amount should read "7,700" instead of "7,680".

30. On page 8225, under Region VI, Oklahoma City, Okla., detached and semidetached; number of bedrooms 6, the amount should read "19,650" instead of "91,650".

31. On page 8225, under Region VI, Stillwater, Okla., detached and semidetached; number of bedrooms 6, the amount should read "20,550" instead of "20,900".

32. On page 8226, under Region VI, Lubbock, Tex., detached and semidetached; number of bedrooms 2, the amount should read "11,050" instead of "11,500".

33. On page 8226, under Region VI, Midland, Tex., walkup; number of bedrooms 6, the amount should read "15,100" instead of "15,010".

34. On page 8226, under Region VII, Springfield, Mo., walkup; number of bedrooms 4, the amount should read "14,600" instead of "14,000".

35. On page 8227, under Region VII, Cedar Rapids, Iowa, walkup; number of bedrooms 3, the amount should read "13,550" instead of "13,500".

36. On page 8227, under Region VII, Scottsbluff, Nebr., row dwellings; number of bedrooms 4, the amount should read "17,300" instead of "17,200".

37. On page 8228, under Region VIII, Havre, Mont., row dwellings; number of bedrooms 3, the amount should read "13,100" instead of "12,100".

38. On page 8228, under Region VIII, Fargo, N. Dak., detached and semidetached; number of bedrooms 0, the amount should read "7,900" instead of "7,890".

39. On page 8228, under Region VIII, Fargo, N. Dak., row dwellings; number of bedrooms 4, the amount should read "15,950" instead of "19,950".

40. On page 8228, under Region VIII, Fargo, N. Dak., walkup; number of bedrooms 5, the amount should read "15,250" instead of "15,290".

41. On page 8229, under Region VIII, Salt Lake City, Utah, walkup; number of bedrooms 0, the amount should read "6,700" instead of "6,900".

42. On page 8229, under Region VIII, Vernal, Utah, detached and semidetached; number of bedrooms 0, the amount should read "8,500" instead of "8,590".

43. On page 8229, under Region VIII, the title should read "Powell, Wyo." instead of "Dowell, Wyo.".

44. On page 8229, under Region IX, the title should read "Safford, Ariz." instead of "Stafford, Ariz.".

45. On page 8229, under Region IX, Los Angeles, Calif., elevator-structure; number of bedrooms 1, the amount should read "14,350" instead of "41,350".

46. On page 8230, under Region IX, Ojai, Calif., elevator-structure; number of bedrooms 0, the amount should read "11,800" instead of "17,800"

47 On page 8230, under Region IX, Piru, Calif, elevator-structure; number of bedrooms 0, the amount should read "11,800" instead of "17,800".

48. On page 8230, under Region IX, the title should read "Santa Maria, Calif." instead of "Santa Mario, Calif.".

49. On page 8230, under Region IX, Ventura, Calif., detached and semidetached; number of bedrooms 6, the amount should read "20,800" instead of "10,800".

50. On page 8230, under Region IX, Santa Ana, Calif., detached and semidetached; number of bedrooms 6, the amount should read "21,400" instead of "21,405".

51. On page 8230, under Region IX, Santa Ana, Calif., row dwellings; number of bedrooms 3, the amount should read "14,550" instead of "14,505".

52. On page 8230, under Region IX, Santa Ana, Calif., row dwellings; number of bedrooms 6, the amount should read "20,350" instead of "20,3".

53. On page 8231, under Region IX, Barstow, Calif., detached and semidetached; number of bedrooms 6, the amount should read "22,000" instead of "12,000".

54. On page 8231, under Region IX, Big Bear, Calif., elevator-structure; number of bedrooms 0, the amount should read "13,500" instead of "13,300".

55. On page 8231, under Region IX, Honolulu, Hawaii, detached and semidetached; number of bedrooms 5, the amount should read "24,500" instead of "25,400".

EUGENE A. GULLEDGE,
Assistant Secretary-Commissioner.

[FR Doc.71-7491 Filed 5-27-71;8:48 am]

Title 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

SUBCHAPTER A—INCOME TAX

[T.D. 7116]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Amortization of Pollution Control Facilities

Correction

In F.R. Doc. 71-6918 appearing at page 9010 in the issue of Tuesday, May 18, 1971, the following changes should be made:

1. In § 1.169-1(b) the word "authorization" in the 20th line of example 1 should read "amortization".

2. In the first column of page 9013 a section heading should be inserted above the paragraph (a) designation reading as follows:

§ 1.169-2 Definitions.

3. In § 1.169-2(b)(2)(iii) the figure "§ 148-2" appearing in the third from last line in the introductory text should read "§ 1.48-2".

4. In § 1.169-3(e) the figure "$280,000" appearing in (2) of example 2 should read "$288,000".

5. In § 1.169-4(a)(3) the phrase "[such date]" appearing in the 12th and 15th lines should be changed to insert the date "May 18, 1971".

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 3—CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING OR PUBLIC WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

Payroll Deductions

Pursuant to authority contained in section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c), popularly known as the Copeland Act, and Secretary of Labor's Orders 19-70 and 20-70 (36 F.R. 304 and 305), I hereby amend Part 3 of Title 29, Code of Federal Regulations by adding a new paragraph (k) to § 3.5 and by revising paragraph (b) of § 3.7 to read as set forth below.

The provisions of 5 U.S.C. 553 which require notice of proposed rulemaking, public participation in their adoption, and delay in effective date are not applicable because this part relates exclusively to public contracts. I do not believe that such procedures will serve a useful purpose here. Accordingly, this amendment shall be effective upon publication in the FEDERAL REGISTER (5-28-71).

1. In § 3.5, a new paragraph (k) is added to read as follows:

§ 3.5 Payroll deductions permissible without application to or approval of the Secretary of Labor.

Deductions made under the circumstances or in the situations described in the paragraphs of this section may be made without application to and approval of the Secretary of Labor:

* * * * *

(k) And deduction for the cost of safety equipment of nominal value purchased by the employee as his own property for his personal protection in his work, such as safety shoes, safety glasses, safety gloves, and hard hats, if such equipment is not required by law to be furnished by the employer, if such deduction is not violative of the Fair Labor Standards Act or prohibited by other law, if the cost on which the deduction is based does not exceed the actual cost to the employer where the equipment is purchased from him and does not include any direct or indirect monetary return to the employer where the equipment is purchased from a third person, and if the deduction is either (1) voluntarily consented to by the employee in writing and in advance of the period in which the work is to be done and such consent is not a condition either for the obtaining of employment or its continuance; or (2) provided for in a bona fide collective bargaining agreement between the contractor or subcontractor and representatives of its employees.

2. In § 3.7, paragraph (b) is revised to read as follows:

§ 3.7 Applications for the approval of the Secretary of Labor.

Any application for the making of payroll deductions under § 3.6 shall comply with the requirements prescribed in the following paragraphs of this section:

* * * * *

(b) The application need not identify the contract or contracts under which the work in question is to be performed. Permission will be given for deductions on all current and future contracts of the applicant for a period of 1 year. A renewal of permission to make such payroll deduction will be granted upon the submission of an application which makes reference to the original application, recites the date of the Secretary of Labor's approval of such deductions, states affirmatively that there is continued compliance with the standards set forth in the provisions of § 3.6, and specifies any conditions which have changed in regard to the payroll deductions.

(Sec. 2, 48 Stat. 948; 40 U.S.C. 276c)

Signed at Washington, D.C., this 21st day of May 1971.

HORACE E. MENASCO,
Administrator,
Wage and Hour Division.

[FR Doc.71-7498 Filed 5-27-71;8:41 am]

PART 20—OCCUPATIONAL TRAINING OF UNEMPLOYED PERSONS

Training Eligibility and Payments

Pursuant to authority contained in section 207 of the Manpower Development and Training Act of 1962 (42 U.S.C. 2587) and Secretary's Order 7-71, I hereby amend Part 20 of Subtitle A of Title 29 of the Code of Federal Regulations as set forth below. These amendments designate certain persons confined in correctional institutions as eligible for training and allow incentive and dependent payments to them under certain conditions.

The provisions of 5 U.S.C. 553, which require notice of proposed rulemaking, opportunity for public participation and delay in effective date, are not applicable here because these amendments relate only to public benefits. Moreover, I do not believe such procedure would serve a useful purpose. Accordingly, the following amendments shall become effective upon their publication in the FEDERAL REGISTER (5-28-71):

1. In § 20.12, paragraphs (a) and (f) are amended to read as follows:

§ 20.12 Selection and referral of trainees.

(a) Persons, including youth, who are otherwise eligible for training and are permanent residents of the United States, shall be selected for training programs which are commensurate with their training needs, if at the time of their selection and referral they are:

(1) Unemployed or underemployed and cannot reasonably be expected to secure appropriate full-time employment without training;

(2) Registered at the appropriate local public employment service office or such other agency as may be designated by the Secretary, or confined in a jail, penitentiary, or other correctional institution and determined to be eligible for training by the appropriate State employment service agency and authorized by the prison authorities to participate in training; and

(3) Available for counseling or other personal interviews and for aptitude, proficiency, or other occupational tests which may be required.

* * * * *

(f) For purposes of this section, a person is unemployed if he is able to work and available for full-time employment and has no job, or if he is a farmworker in a farm family which has less than $1,200 annual net farm family income, or if he is unavailable for work because he is confined to a jail, penitentiary, or other correctional institution, but there is a reasonable expectation that he will be released within a reasonable time following the completion of training.

2. In § 20.35, a new paragraph (g) is added to read as follows:

§ 20.35 Amount of training allowance.

* * * * *

(g) *Prisoner incentive payments.* A prisoner being trained while confined in a jail, penitentiary, or other correctional institution, may receive an incentive payment up to $20 per week. In addition to incentive payments, $5 per week for each dependent of the inmate trainee may be paid up to a maximum of six dependents. The determination of whether incentive and dependent payments shall be paid to prisoners in training programs and the amount thereof, subject to the maximum amounts specified in this paragraph, shall be made by the Regional Manpower Administrator upon the recommendation of the Employment Service of the State in which the correctional institution is located and after the Employment Service has consulted fully with the head of the institution.

(Sec. 207, 76 Stat. 29, 42 U.S.C. 2587)

Signed at Washington, D.C., this 24th day of May 1971.

MALCOLM R. LOVELL, Jr.,
Assistant Secretary for Manpower.

[FR Doc.71-7499 Filed 5-27-71;8:48 am]

Chapter V—Wage and Hour Divisions, Department of Labor

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

Wage Order

Pursuant to sections 5 and 8 of the Fair Labor Standards Act of 1938 (52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 208) and Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp. p. 1004), and by means of Administrative Order No. 614 (35 F.R. 15226), the Secretary of Labor appointed and convened Industry Committee No. 99-B for the Hosiery Industry in Puerto Rico, referred to the Committee the question of the minimum rate or rates of wages to be paid under section 6(c) of the Act to employees in the industry, and gave notice of a hearing to be held by the Committee.

Subsequent to an investigation and a hearing conducted pursuant to the notice, the Committee has filed with the Administrator of the Wage and Hour Division of the Department of Labor a report containing its findings of fact and recommendations with respect to the matters referred to it.

Accordingly, as authorized and required by section 8 of the Fair Labor Standards Act of 1938, Reorganization Plan No. 6 of 1950, and 29 CFR 511.18, the recommendations of Industry Committee No. 99-B are hereby published, to be effective June 12, 1971, in this order amending § 687.2 of Title 29, Code of Federal Regulations.

In § 687.2, subdivision (i) of subparagraph (1) and subdivision (i) of subparagraph (2) of paragraph (a) are amended to read as follows:

§ 687.2 Wage rates.

* * * * *

(a) * * *

(1) *Women's hosiery classification.* (i) The minimum wage rate for this classification is $1.39 an hour.

* * * * *

(2) *All other hosiery classifications.* (i) The minimum wage rate for this classification is $1.30 an hour.

* * * * *

(Secs. 5, 6, 8, 52 Stat. 1062, 1064, as amended; 29 U.S.C. 205, 206, 208)

Signed at Washington, D.C., this 21st of May, 1971.

HORACE E. MENASCO,
Administrator, Wage and Hour Division, U.S. Department of Labor.

[FR Doc.71-7500 Filed 5-27-71;8:49 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1504—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

Containerized Cargo; Cranes

On March 23, 1971, notice of proposed rulemaking regarding Part 1504 of Title 29, Code of Federal Regulations, was published in the FEDERAL REGISTER (36 F.R. 5436). The proposal was a substantial revision of that to amend Part 1504 published in the FEDERAL REGISTER on June 24, 1970 (35 F.R. 10455). Interested persons were given 20 days in which to submit comments, suggestions, or objections on the modified proposal.

The comments which were received have been considered. The proposal is hereby adopted as set forth below.

Extensive delays in effective date are provided for the changes in §§ 1504.74 (a)(9), 1504.85, and 1504.105. Section 1504.74(a)(9) shall be effective 1 year after publication in the FEDERAL REGISTER or at the time of the next regular certification survey subsequent to that date. Section 1504.85 shall be effective as follows: Paragraphs (a) and (b) shall be effective on May 27, 1972, 1 year after publication in the FEDERAL REGISTER. Paragraphs (c), (d), and (e) thereof shall be effective upon publication in the FEDERAL REGISTER (5–28–71), as paragraphs (d) and (e) are substantially unchanged and paragraph (c), except for the reference therein to paragraph (a)(3), which goes into effect in not less than 1 year, requires minimum safety precautions which are needed immediately. The change in § 1504.105 is effective 60 days following publication in the FEDERAL REGISTER. The remaining amendments are editorial, and effective upon publication in the FEDERAL REGISTER (5–28–71).

The amendments of Part 1504 are as follows:

1. Section 1504.6 is revised to read as follows:

§ 1504.6 Standards incorporated by reference.

(a) The standards listed below are hereby incorporated by reference in this part:

(1) American National Standard (USAS) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, § 1504.105(a).

(2) American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969), American National Standards Institute, 1430 Broadway, New York, NY 10018. See Subpart J, §1504.105(a).

(b) Standards which are legally incorporated by reference in this part have the same force and effect as other standards in this part. The locations where these standards may be examined are as follows:

(1) Offices of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, DC 20210.

(2) The Regional and Field Offices of the Bureau of Labor Standards which are listed in the U.S. Government Organizational Manual.

(c) Any changes in the standards which are incorporated by reference in this part and an official historic file of such changes are available at the offices referred to in paragraph (b) of this section. All questions as to the applicability of such changes should also be referred to these offices.

(d) Copies of the standards incorporated by reference in paragraph (a) of this section may be obtained from the American National Standards Institute at the address indicated therein.

2. In § 1504.74, subparagraph (9) of paragraph (a) is revised to read as follows, effective 1 year from the date of publication in the FEDERAL REGISTER, or at the time of the next regular certification under this part subsequent to that date as detailed in § 1504.74(a)(9)(ix):

§ 1504.74 Cranes and derricks other than vessel's gear.

(a) * * *

(9) Unless exempted by the provisions of subdivision (viii) of this subparagraph, every crane used to load or discharge cargo into or out of a vessel shall be fitted with a load indicating device or alternative device in proper working condition which shall meet the following criteria:

(i) The type or model of any load indicating device which is used may be such as to provide (*a*) a direct indication in the cab of actual weight hoisted or a means of determining this by reference to crane ratings posted and visible to the operator, except that the use of a dynamometer or simple scale alone will not meet this requirement; or (*b*) an automatic weight-moment device or computer providing indications in the cab according to the radius and load at the moment; or alternatively (*c*) a device may be used which shall prevent an overloaded condition.

(ii) Accuracy of the load indicating device, weight-moment device, or overload protection device shall be such that any indicated load (or limit), including the sum of actual weight hoisted and additional equipment or "add ons" such as slings, sensors, blocks, etc., is within the range from no less than 95 percent of the actual true total load (5 percent overload) to 110 percent of the actual true total load (10 percent underload). Such accuracy shall be required over the range of the daily operating variables to be expected under the conditions of use.

(iii) The device shall permit the operator to determine before making any lift that the indicating or substitute system is operative. In the alternative, if the device is not so mounted or attached and does not include such means of checking, it shall be certified by the manufacturer to remain operable within the limits stated in subdivision (ii) of this subparagraph for a specific period of time. Checks for accuracy, using known values of load, shall be performed at the time of every certification survey (see § 1504.13) and at such additional times as may be recommended by the manufacturer.

(iv) When the load indicating device or alternative system is so arranged in the supporting system (crane structure) that its failure could cause the load to be dropped, its strength shall not be the limiting factor of the supporting system (crane structure).

(v) Marking shall be conspicuously placed giving (*a*) units of measure in pounds or both pounds and kilograms, (*b*) capacity of the indicating system, (*c*) accuracy of the indicating system, and (*d*) operating instructions and precautions. Data providing (*a*) the means of measurement, (*b*) capacity of the system, (*c*) accuracy of the system; and (*d*) operating instructions and precautions shall similarly be provided in the case of systems utilizing indications other than actual weights. If the system used provides no readout, but is such as to automatically cease crane operation when the rated load limit under any specific condition of use is reached, marking shall be provided giving the make and model of device installed, a description of what it does, how it is operated, and any necessary precautions regarding the system. All weight indications, other types of loading indications, and other data required shall be readily visible to the operator.

(vi) All load indicating devices shall be operative over the full operating radius. Overall accuracy shall be based on actual applied load and not on full scale (full capacity) load. For example, if accuracy of the load indicating device is based on full scale load and the device is arbitrarily set at plus or minus 10 percent, it would accept a reading between 90,000 and 110,000 lbs., at full capacity of a machine with 100,000 lbs., maximum rating, but would also allow a reading between zero and 20,000 lbs., at that outreach (radius) at which the rating would be 10,000 lbs., capacity—an unacceptable figure. If, however, accuracy is based on actual applied load under the same conditions, the acceptable range would remain the same with the 100,000-lb. load but becomes a figure between 9,000 and 11,000 lbs., a much different and acceptable condition, at the 10,000-lb. load.

(vii) When the device uses the radius as a factor in its use or in its operating indications, the indicated radius (which may be in feet and/or meters, or degrees of boom angle, depending on the system used) shall be a figure which is within the range of a figure no greater than 110 percent of the actual radius to a figure which is no less than 97 percent of the actual (true) radius. When radius is presented in degrees, and feet or meters are required for necessary determinations, a conversion chart shall be provided.

(viii) The load indicating device requirements of this subparagraph do not apply to a crane (*a*) of trolley equipped bridge type while handling containers known to be and identified as empty, or loaded, and in either case in compliance with the provisions of § 1504.85(b) of this part; or while hoisting other lifts by means of a lifting beam supplied by the crane manufacturer for the purpose and in all cases within the crane rating; (*b*) while handling bulk commodities or cargoes by means of clamshell bucket or magnet; (*c*) while used to handle or hold hoses in connection with transfer of bulk liquids or other hose handled products; or (*d*) while the crane is used exclusively to handle cargo or equipment the total actual gross weight of which is known by means of marking of the unit or units hoisted, when such total actual gross weight never exceeds 11,200 lbs., and when 11,200 lbs., is less than the rated capacity of the crane at the maximum outreach that is possible under the conditions of use at the time.

(ix) *Effective date of subparagraph (9)*. The provisions of this subparagraph (9) shall become effective on May 27, 1972, or at the time of the next regular certification survey subsequent to that date.

* * * * *

3. Section 1504.85 is revised to read as follows:

§ 1504.85 Containerized cargo.

(a) On every cargo container there shall be permanently marked in pounds (1) the weight of the container when empty, (2) the maximum cargo weight that the container is intended and designed by its manufacturer to carry, and (3) the sum of these two weights.

(b) No container shall be loaded aboard or discharged from any vessel by means of hoisting by ship's cargo handling gear or by shore crane or derrick unless the following conditions have been met:

(1) In the case of an empty container, it shall be ascertained from the carrier that such is the case and the container shall be identified before loading or discharge either by marking, in cargo stowage plans, by both means, or otherwise in such manner that every supervisor and foreman on the site and in charge of loading or discharging, and/or every crane or other hoisting equipment operator, and signalman, if any, shall be enabled to know that such container is empty.

(2) In the case of a loaded container, either the actual gross weight shall be plainly marked so as to be visible to the crane or other hoisting equipment operator or signalman, if any, and/or to every supervisor and foreman on the site and in charge of loading or discharging; or the cargo stowage plan or equivalent permanently recorded display serving the same purpose shall be provided to the crane or other hoisting equipment operator and signalman, if any, and to every supervisor and foreman on the site and in charge of loading or discharging, and contain the actual gross weight, the exact stowage position, and the serial number or other positive identification of that specific container.

(3) Every outbound loaded container received at a marine terminal ready to load aboard a vessel without further consolidation or loading shall be weighed to obtain the actual gross weight, either at the terminal or elsewhere before loading aboard a vessel. The open type vehicle carrying container and those built specifically and used solely for the carriage of compressed gases are excepted from this subparagraph and from subparagraphs (4) and (5) of this paragraph.

(4) When container weighing scales are located at a marine terminal, any outbound container with a load consolidated at that terminal shall be weighed to obtain an actual gross weight before loading aboard a vessel.

(5) When there are no container weighing scales located at a marine terminal at which outbound containers are loaded with cargo, or where container loads are completed or consolidated there or elsewhere, and no weighing facility is available and located in a reasonably accessible location, the actual gross weight may be calculated, providing that accurate weights of all contents are known and a list of same, including the empty container weight, is totaled and posted on the container in a conspicuous place with identification of the source and date of calculation. Such list of contents may refer to cartons, cases, or other means of packaging but need not specifically identify the commodity or commodities involved except as otherwise required by law. Container weights so arrived at shall be subject to random sample weight checks at the nearest weighing facility. In cases where such weight checks or experience otherwise indicate consistently inaccurate weights arrived at by this means, the weight of containers so calculated at the source from which the inaccurate weights originated may no longer be recognized as true gross weights, in which case such containers may not be loaded aboard a vessel unless actual gross weights have been obtained by weighing. This procedure shall be continued until the Bureau is satisfied by reasonable experience thereunder that correct weights will be furnished.

(6) In the case of loaded inbound containers from foreign ports, they shall, if they have not been weighed, have the calculated weight posted in the manner prescribed by subparagraph (5) of this paragraph. All loaded inbound containers from foreign ports shall be subject to random sample weight checks at a time satisfactory to the Bureau, which may be at any time up to unloading the contents of the container at the terminal or until the container is delivered unopened to the land carrier. When such checks indicate a pattern of significant and continuing inaccuracy or when the provisions of subparagraph (7) of this paragraph are not met, such suitable means as are acceptable to the Bureau to protect the safety of the workers involved shall be taken during discharge to assure safety and such means shall be continued until the Bureau is satisfied by experience thereunder that correct weights will be furnished.

(7) The identification and documentation provisions of subparagraphs (1) and (2) of this paragraph shall apply to containers originating from foreign ports.

(8) Any scale used within the United States to weigh containers for the purpose of the requirements of this section shall meet the accuracy standards of the state or local public authority in which the scale is located.

(c) No container shall be hoisted if its actual gross weight exceeds the weight marked as required in paragraph (a)(3) of this section, or if it exceeds the capacity of the crane or other hoisting device intended for use, under the conditions in which said crane or other hoisting device is used. All hoisting of containers shall be by means which will safely do so without probable damage to the container, and using the lifting fittings provided.

(d) All outbound containers shall be inspected before loading for any visible defects in structural members and fittings, which would render unsafe their handling in loading. To the extent it is practicable, inbound containers shall be similarly inspected before discharge. Any outbound container found to have such a defect shall not be loaded unless the defect is first corrected. Any inbound container found to have such a defect shall either be discharged by such special means as to insure safety or shall be emptied before discharge.

(e) For the purpose of this section, the term "container" means a reusable cargo container of rigid construction and rectangular configuration, intended to contain one or more articles of cargo or bulk commodities for shipment aboard a vessel, and capable of utilization for this purpose by one or more other modes of transport without intermediate reloading. The term includes completely enclosed units, open top units, half or other fractional height units, units incorporating liquid or gas tanks, and any other variations serving the same basic purpose and fitting into the container system, demountable or with attached wheels. The term, however, does not include cylinders, drums, crates, cases, cartons, packages, sacks, unitized loads or any other of the usual forms of packaging.

(f) *Effective date.* The provisions of paragraphs (a) and (b) of this section shall become effective on May 27, 1972, and those of the remainder of this section upon publication in the FEDERAL REGISTER.

4. In § 1504.101, paragraph (a) is revised to read as follows:

§ 1504.101 Eye protection.

(a) When, because of the nature of the cargo being handled, an eye hazard from flying particles or heavy dust exists, employees shall be protected by eye protection equipment meeting the specifications prescribed by the American National Standard (ANSI) Practice for Occupational and Educational Eye and Face Protection, Z87.1 (1968).

* * * * *

5. In § 1504.105, paragraph (a) is revised to read as follows effective 60 days after publication in the FEDERAL REGISTER.

§ 1504.105 Head protection.

(a) Employees shall be protected by protective hats meeting the specifications contained in the American National Standard Safety Requirements for Industrial Head Protection, Z89.1 (1969).

* * * * *

(Sec. 41, 44 Stat. 1444, as amended; 33 U.S.C. 941)

Signed at Washington, D.C., this 24th day of May 1971.

J. D. Hodgson,
Secretary of Labor.

[FR Doc.71-7497 Filed 5-27-71;8:48 am]

Title 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

Pacific Ocean, California

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), § 204.202a is hereby prescribed establishing and governing the use and navigation of an additional danger zone in the Pacific Ocean between Point Arguello and Point Conception, Calif., effective 30 days after publication in the Federal Register, as follows:

§ 204.202a Pacific Ocean, Space and Missile Test Center (SAMTEC) Vandenberg AFB, Calif.; danger zone.

(a) *The area.* (1) The waters of the Pacific Ocean in an area extending seaward from the shoreline, a distance of about 3 nautical miles and basically outlined as follows:

Station	Latitude	Longitude
	° ′ ″	° ′ ″
Jalama	34 30 40	120 30 10
1	34 30 40	120 37 29
2	34 24 18	120 30 00
3	34 23 34	120 27 06
4	34 24 21	120 24 40
5	34 27 20	120 24 40
Jalama	34 30 40	120 30 10

(2) The danger area described in subparagraph (1) of this paragraph will be divided into three zones in order that certain firing test and operations whose characteristics as to range and reliability permit, may be conducted without requiring complete evacuation of the entire area. These zones are described as follows:

(i) *Zone 9.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°30′40″, longitude 120°30′10″; then due west to latitude 34°30′40″, longitude 120°37′29″; thence to latitude 34°26′56″, longitude 120°33′06″; thence due east to the shoreline at latitude 34°26′56″, longitude 120°28′10″.

(ii) *Zone 10.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26′56″, longitude 120°28′10″; thence due west to latitude 34°26′56″, longitude 120°33′06″; thence to latitude 34°24′18″, longitude 120°30′00″; thence to latitude 34°23′34″, longitude 120°27′05″; thence shoreward to latitude 34°26′56″, longitude 120°28′10″.

(iii) *Zone 11.* An area extending seaward about 3 nautical miles from the shoreline beginning at latitude 34°26′56″, longitude 120°28′10″; thence seaward to latitude 34°23′34″, longitude 120°27′05″; thence to latitude 34°24′21″, longitude 120°24′40″; thence due north to the shoreline at latitude 34°27′20″, longitude 120°24′40″.

(b) *The regulations.* (1) Except as prescribed in this section or in other regulations, danger zones 9, 10, and 11 will be open to fishing, location of fixed or movable oil drilling platforms and general navigation without restrictions.

(2) The impacting of missile debris from Space and Missile Test Center (SAMTEC) launch operations will take place in any one or any group of zones in the danger areas at frequent and irregular intervals throughout the year. The Commander, SAMTEC, will announce in advance, the closure of zones hazarded by missile debris impact. Such advance announcements will appear in the weekly "Notice to Mariners". For the benefit of fishermen, small craft operators and drilling platforms, announcements will also be made on radiofrequency 2638 kc. Additionally, information will be posted on notice boards located outside Port Control Offices (Harbormasters) at Morro Bay, Port San Luis, Santa Barbara, Ventura Marina, Channel Islands Harbor, Port Hueneme, and any established harbor of refuge between Santa Barbara and Morro Bay.

(3) All fishing boats, other small craft, drilling platforms and shipping vessels with radio are requested to monitor radiofrequency 2182 kc., 2638 kc., or 5080 kc. while in these zones for daily announcements of zone closures.

(4) When a scheduled launch operations is about to begin, radio broadcast notifications will be made periodically on radiofrequency 2182 kc., 2638 kc., and 5080 kc. starting at least 24 hours in advance. Additional contact may be made by surface patrol boats or aircraft equipped with a loudspeaker system. When so notified all vessels shall leave the specified zone or zones immediately by the shortest route.

(5) Where an established harbor of refuge exists, small craft may take shelter for the duration of zone closure.

(6) Fixed or movable oil drilling platforms located in zones identified as hazardous and closed in accordance with this regulation shall cease operation and evacuate personnel from such platforms for the duration of the zone closure. The zones shall be closed continuously no longer than 72 hours at any one time. Such notice to evacuate and personnel evacuation shall be accomplished in accordance with procedures as established between the Commander, SAMTEC, and the oil industry in the adjacent waters of the Outer Continental Shelf.

(7) No seaplanes, other than those approved by the Commander, SAMTEC, may enter the danger zones during launch closure periods.

(8) The regulations in this section shall be enforced by personnel attached to SAMTEC and by such other agencies as may be designated by the Commander, Space and Missile Test Center, Vandenberg AFB, Calif.

(9) The regulations in this section shall be in effect for a period of 3 years from the date they are established unless terminated by the Secretary of the Army at an earlier date.

[Regs.; April 28, 1971] (Sec. 7, 40 Stat. 266, Ch. XIX, 40 Stat. 892; 33 U.S.C. 1, 3)

For the Adjutant General.

R. B. Belnap,
Special Advisor to TAG.

[FR Doc.71-7209 Filed 5-27-71;8:45 am]

Title 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART 1—RULES OF PRACTICE IN PATENT CASES

Drawing Requirements

These rule changes are intended to facilitate the handling and filing of patent application drawings in the Patent Office. Changing the drawing size to 8½ by 14 inches will permit filing of the original drawings in the application file wrapper in the Patent Office. The new size will also permit the use of standard storage equipment, mailing envelopes, and copying equipment.

The revised rules will prohibit the use of names within the "sight" of the drawing, thereby making additional space available for illustration and reducing the number of formal objections and corrections required.

Permanently mounted color photographs in plant patent applications will be accepted. This should result in substantial savings to applicant.

Since no names or other identification will be permitted within the "sight" of the drawing, applicants are expected to use the space above and between the hole locations to identify each sheet of drawings (note §1.84(1)). This identification may consist of the attorney's name and docket number or the inventor's name and case number and may include the sheet number and the total number of sheets filed (for example, "sheet 2 of 4").

Notice of proposed rule making regarding revision of §§ 1.59, 1.84, 1.85, 1.123, and 1.165 and revocation of §§ 1.82 and 1.87 of Title 37, Code of Federal Regulations, relating to drawing requirements, was published in the Federal Register of January 15, 1971 (36 F.R. 610). Interested persons were given an opportunity to participate in the rule making process through submission of comments in writing and at an oral hearing held on March 23, 1971.

Effective date. This revision shall become effective on the date of its publication in the Federal Register. However, until January 1, 1972, drawings complying with the unrevised rules will also be accepted.

In consideration of the comments received and pursuant to the authority contained in section 6 of the Act of July 19, 1952 (66 Stat. 793; 35 U.S.C. 6), Title 37 of the Code of Federal Regulations is hereby amended as follows:

1. Section 1.59 is revised to read as follows:

§ 1.59 Papers of complete application not to be returned.

Papers in a complete application, including the drawings, will not be returned for any purpose whatever. If applicants have not preserved copies of the papers, the Office will furnish copies at the usual cost.

§ 1.82 [Revoked]

2. Section 1.82 is revoked.

3. In § 1.84 the introductory text preceding paragraph (a) and paragraph (h) are revoked and paragraphs (a), (b), (c), (j), and (l) are revised to read as follows:

§ 1.84 Standards for drawings.

(a) *Paper and ink.* Drawings must be made upon pure white paper of a thickness corresponding to two-ply or three-ply bristol-board. The surface of the paper must be calendered and smooth and of a quality which will permit erasure and correction with India ink. India ink, or its equivalent in quality, must be used for pen drawings to secure perfectly black solid lines. The use of white pigment to cover lines is not acceptable.

(b) *Size of sheet and margins.* The size of a sheet on which a drawing is made must be exactly 8½ by 14 inches. One of the shorter sides of the sheet is regarded as its top. The drawing must include a top margin of 2 inches and bottom and side margins of one-quarter inch from the edges, thereby leaving a "sight" precisely 8 by 11¾ inches. Margin border lines are not permitted. All work must be included within the "sight". The sheets may be provided with two ¼-inch-diameter holes having their centerlines spaced eleven-sixteenths inch below the top edge and 2¾ inches apart, said holes being equally spaced from the respective side edges.

(c) *Character of lines.* All drawings must be made with drafting instruments or by a process which will give them satisfactory reproduction characteristics. Every line and letter must be absolutely black and permanent; the weight of all lines and letters must be heavy enough to permit adequate reproduction. This direction applies to all lines however fine, to shading, and to lines representing cut surfaces in sectional views. All lines must be clean, sharp, and solid, and fine or crowded lines should be avoided. Solid black should not be used for sectional or surface shading. Freehand work should be avoided wherever it is possible to do so.

* * * * *

(h) [Revoked]

* * * * *

(j) *Arrangement of views.* All views on the same sheet must stand in the same direction and should, if possible, stand so that they can be read with the sheet held in an upright position. If views longer than the width of the sheet are necessary for the clearest illustration of the invention, the sheet may be turned on its side so that the two-inch margin is on the right-hand side. One figure must not be placed upon another or within the outline of another.

* * * * *

(l) *Extraneous matter.* An inventor's, agent's, or attorney's name, signature, stamp, or address, or other extraneous matter, will not be permitted upon the face of a drawing, within or without the margin, except that identifying indicia (attorney's docket number, inventor's name, number of sheets, etc.) should be placed within three-fourths inch of the top edge and between the hole locations defined in paragraph (b) of this section. Authorized security markings may be placed on the drawings provided they be outside the illustrations and are removed when the material is declassified.

* * * * *

4. Section 1.85 is revised to read as follows:

§ 1.85 Informal drawings.

The requirements of § 1.84 relating to drawings will be strictly enforced. A drawing not executed in conformity thereto, if suitable for reproduction, may be admitted but in such case the drawing must be corrected or a new one furnished, as required. The necessary corrections or mounting will be made by the Office upon applicant's request or permission and at his expense. (See §§ 1.21 and 1.165.)

§ 1.87 [Revoked]

5. Section 1.87 is revoked.

6. In § 1.123, paragraph (a) is revised to read as follows:

§ 1.123 Amendments to the drawing.

(a) No change in the drawing may be made except by permission of the Office. Permissible changes in the construction shown in any drawing may be made only by the Office. A sketch in permanent ink showing proposed changes, to become part of the record, must be filed. The paper requesting amendments to the drawing should be separate from other papers.

* * * * *

7. In § 1.165, paragraph (b) is revised to read as follows:

§ 1.165 Drawings.

* * * * *

(b) The drawing may be in color and when color is a distinguishing characteristic of the new variety, the drawing must be in color. Two copies of color drawings must be submitted. Color drawings may be made either in permanent water color or oil, or in lieu thereof may be photographs made by color photography or properly colored on sensitized paper. Permanently mounted color photographs are acceptable. The paper in any case must correspond in size, weight and quality to the paper required for other drawings. See § 1.84, Nonpermanently mounted copies will be correctly mounted at applicant's expense, § 1.21(1).

William E. Schuyler, Jr.,
Commissioner of Patents.

Approved: May 25, 1971.

James H. Wakelin, Jr.,
Assistant Secretary for
Science and Technology.

[FR Doc.71-7504 Filed 5-27-71;8:49 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 101—Federal Property Management Regulations

SUBCHAPTER H—UTILIZATION AND DISPOSAL

PART 101-47—UTILIZATION AND DISPOSAL OF REAL PROPERTY

Surplus Land for Public Park and Recreation Areas

Public Law 91-485, dated October 22, 1970, deletes public park and public recreational areas from the scope of section 13(h) of the Surplus Property Act of 1944. Public Law 91-485 provides that surplus federally owned real property may, in the discretion of the Administrator of General Services, be assigned to the Secretary of the Interior at his recommendation for sale or lease for public park or recreation use to any State, political subdivision, instrumentality, or municipality. Subparts 101-47.2, 101-47.3, and 101-47.49 are amended to implement this Act.

The table of contents for Part 101-47 is amended as follows:

Sec.
101-47.308-3 Property for historic monument sites.
101-47.308-7 Property for use as public park or recreation areas.
101-47.4912 [Deleted.]

Subpart 101-47.2—Utilization of Excess Real Property

Section 101-47.203-5 (b) and (c) is revised as follows:

§ 101-47.203-5 Screening of excess real property.

* * * * *

(b) Notices of availability for information of the Secretary of Health, Education, and Welfare in connection with the exercise of the authority vested in him under the provisions of section 203 (k)(1) of the Act and for information of the Secretary of the Interior in connection with the exercise of the authority vested in him under the provisions of section 203(k)(2) of the Act or a possible determination under the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), will be sent to the offices designated by the Secretaries to serve the areas in which the properties are located. A similar notice of availability for the information of the Secretary of Housing and Urban Development in connection with a possible transfer (assignment) and disposal under section 414 of the Housing and Urban Development Act of 1969, as amended (40 U.S.C. 484b), will be sent to the central office of the Department of Housing and Urban Development.

(c) The Departments of Health, Education, and Welfare (HEW), Interior, and Housing and Urban Development (HUD) shall not attempt to interest a local applicant in the property until the property is determined to be surplus except with the prior consent of the General Services Administration (GSA) on a case-by-case basis. When such consent is obtained, the local applicant shall be informed that consideration of his application is conditional upon the property being determined surplus to Federal requirements and available for the purposes of the application. However, these Departments are encouraged to advise the appropriate GSA regional office of those excess properties which are suitable for their programs.

* * * * *

Subpart 101–47.3—Surplus Real Property Disposal

1. Section 101–47.303–2 (d), (e), and (f) is revised as follows:

§ 101–47.303–2 Disposals to public agencies.

* * * * *

(d) A copy of each transmittal letter and notice given pursuant to paragraph (b) of this section shall be furnished to the proper regional or field office of (1) the Bureau of Outdoor Recreation (BOR) and the Fish and Wildlife Service of the Department of Interior and (2) the Federal Aviation Administration and the Federal Highway Administration of the Department of Transportation concerned with the disposals of property to public agencies under the statutes in the notice.

(e) In the case of property which may be made available for assignment to the Secretary of Health, Education, and Welfare or the Secretary of the Interior for disposal under sections 203(k)(1) or (k)(2) of the Act:

(1) The disposal agency shall inform the proper regional office of HEW or the field office of BOR 3 workdays in advance of the date the notice will be given to public agencies to permit similar notice to be given simultaneously by HEW or BOR to additional interested public bodies. HEW shall furnish notice to eligible nonprofit institutions.

(2) The disposal agency shall furnish the Departments with a copy of the postdated transmittal letter addressed to each public agency, copies (not to exceed 25) of the postdated notice, and a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(3) As of the date of the transmittal letter and notice to public agencies, the Departments may proceed with their screening functions for any potential applicants and thereafter may make their determinations of need and receive applications.

(f) If the disposal agency is not informed, within the 20-calendar-day period provided in the notice, of the desire of a public agency to acquire the property under the provisions of the statutes listed in § 101–47.4905, or is not notified by HEW of a potential educational or public health requirement, or is not notified by the Department of the Interior of a potential public park or recreation requirement, it shall be assumed that no public agency or nonprofit institution desires to procure the property.

* * * * *

2. Section 101–47.304–9(a)(5)(iii) is revised as follows:

§ 101–47.304–9 Negotiated disposals.

(a) * * *

(5) * * *

(iii) Disposals for historic monument sites (see § 101–47.308–3).

* * * * *

3. Section 101–47.308–3 is amended as follows:

§ 101–47.308–3 Property for historic monument sites.

(a) Pursuant and subject to the provisions of section 13(h) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(h)), which is continued in effect by section 602(a) of the Federal Property and Administrative Services Act of 1949, land, including improvements and equipment thereon, which is determined by the Secretary of the Interior to be suitable and desirable for use as a historic monument for the benefit of the public, may be conveyed or disposed of to a State, political subdivision, instrumentalities thereof, or municipality.

(b) The disposal agency shall notify established State and regional or metropolitan clearinghouses and eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a historic monument under the Act of 1944 has been determined to be surplus. There shall be transmitted with the copy of each such notice when sent to the proper field office of the Bureau of Outdoor Recreation, as provided in § 101–47.303–2(d), a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) An application form to acquire property for permanent use as a historic monument and instructions for the preparation of the application shall be furnished by the disposal agency to an eligible public agency upon request.

(d) Whenever an eligible public agency has submitted an application to acquire property for use as a historic monument, in accordance with the provisions of § 101–47.303–2, the disposal agency shall transmit a copy of the application to the Director, Bureau of Outdoor Recreation, Department of the Interior, Washington, D.C. 20240, and shall send a copy of the application to the appropriate field office of the Bureau of Outdoor Recreation. The Director will promptly inform the disposal agency in writing as to the date the determination of the Secretary of the Interior, required by the provisions of the Act of 1944, will be available.

(e) Upon receipt of such determination, the disposal agency may, with the approval of the head of the disposal agency, or his designee, convey property determined by the Secretary of the Interior to be suitable and desirable for use as a historic monument, for the benefit of the public to an eligible public agency, subject to the provisions of the Act of 1944.

(f) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of disposals, the reformation, correction, or amendment of any disposal instrument, the granting of releases, and taking any necessary action for recapturing such property in accordance with the provisions of section 203(k)(3) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency.

(g) The Department of the Interior shall notify GSA immediately by letter when title to such property is to be revested in the United States for noncompliance with the terms and conditions of disposal or for other cause. The notification shall cite the legal and administrative actions that the Department must take to obtain full title and possession of the property. In addition, it shall include an adequate description of the property, including any improvements constructed thereon since the original conveyance to the grantee. Upon receipt of advice from the Department that title to the property has revested, GSA will assume custody and accountability of the property.

* * * * *

4. Section 101–47.308–7 is added as follows:

§ 101–47.308–7 Property for use as public park or recreation areas.

(a) The head of the disposal agency or his designee is authorized, in his discretion, to assign to the Secretary of the Interior for disposal under section 203(k)(2) of the Act for public park or recreation purposes, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is recommended by the Secretary as being needed for use as a public park or recreation area for disposal by the Secretary to a State, political subdivision, instrumentalities thereof, or municipality.

(b) The disposal agency shall notify established State and regional or metropolitan clearinghouses and eligible public agencies, in accordance with the provisions of § 101–47.303–2, that property which may be disposed of for use as a public park or recreation area has been

determined to be surplus. There shall be transmitted with the copy of each such notice, when sent to the proper field office of the Bureau of Outdoor Recreation, a copy of the holding agency's Report of Excess Real Property (Standard Form 118, with accompanying schedules).

(c) An application form to acquire property for permanent use as a public park or recreation area and instructions for the preparation of the application shall be furnished by the Department of the Interior upon request.

(d) The Department of the Interior shall notify the disposal agency within 20 calendar days after the date of the notice of determination of surplus if it has an eligible applicant interested in acquiring the property under section 203(k)(2) of the act.

(e) Holding agencies shall cooperate to the fullest extent possible with representatives of the Department of the Interior in their inspection of such property and in furnishing information relating thereto.

(f) The Department of the Interior shall advise the disposal agency and request assignment of the property for disposition under section 203(k)(2) of the Act, as amended, within 25 calendar days after the expiration of the 20-calendar-day period specified in paragraph (d) of this section.

(g) Any recommendation submitted by the Department of the Interior pursuant to paragraph (f) of this section shall set forth complete information concerning the plans for use of the property as a public park or recreation area, including (1) identification of the property, (2) the name of the applicant, (3) the specific use planned, and (4) the intended public benefit allowance. A copy of the application together with any other pertinent documentation shall be submitted with the recommendation.

(h) In the absence of a notice under paragraph (d) of this section or a request under paragraph (f) of this section, the disposal agency shall proceed with the appropriate disposal action.

(i) If, after considering other uses for the property, the disposal agency approves the recommendation, it shall assign the property by letter or other document to the Secretary of the Interior for disposal and shall inform the Secretary that there will be no objection to the proposed transfer. If the recommendation is disapproved, the disposal agency shall so notify the Secretary. Such assignment or notice shall be given within 30 calendar days after the Department of the Interior has submitted the recommendation. The disposal agency shall furnish to the holding agency a copy of the assignment or notice, unless the holding agency is also the disposal agency.

(j) The disposal agency may, where appropriate, make the assignment subject to the Department of the Interior requiring the applicant to bear the cost of any out-of-pocket expenses necessary to accomplish the assignment of the property, such as surveys, fencing, security, etc., of the remaining property or otherwise.

(k) The Department of the Interior shall place the applicant in possession of the property as soon as practicable and not to exceed 30 calendar days after the date of assignment of the property to the Department of the Interior in order to minimize the Government's expense of protection and maintenance of the property. As of the date of assumption of possession of the property, or the date of conveyance, whichever occurs first, the applicant shall assume responsibility for care and handling and all risks of loss or damage to the property, and shall have all obligations and liabilities of ownership.

(l) The Department of the Interior shall prepare the transfer document and take all other actions necessary to accomplish the transfer of the property within 60 calendar days after the date of the assignment of the property to the Secretary of the Interior.

(m) The deed of conveyance of any surplus real property transferred under the provisions of section 203(k)(2) of the Act shall provide that all such property shall be used and maintained for the purpose for which it was conveyed in perpetuity, and that in the event that such property ceases to be used or maintained for such purpose during such period, all or any portion of such property shall in its then existing condition, at the option of the United States, revert to the United States; and may contain such additional terms, reservations, restrictions, and conditions as may be determined by the Secretary of the Interior to be necessary to safeguard the interest of the United States.

(n) The Department of the Interior shall furnish the disposal agency two conformed copies of deeds, leases, or other instruments conveying property under section 203(k)(2) of the Act and related documents containing reservations, restrictions, or conditions regulating the future use, maintenance, or transfer of the property.

(o) The Secretary of the Interior has the responsibility for enforcing compliance with the terms and conditions of transfer, the reformation, correction, or amendment of any transfer instrument, the granting of releases, and the taking of any necessary actions for recapturing such property in accordance with the provisions of section 203(k)(3) of the Act. Any such action shall be subject to the disapproval of the head of the disposal agency. Notice to the head of the disposal agency by the Secretary of any action proposed to be taken shall identify the property affected, set forth in detail the proposed action, and state the reasons therefor.

(p) The Department of the Interior shall notify GSA immediately by letter when title to property transferred for use as a public park or recreation area is to be revested in the United States for noncompliance with the terms and conditions of disposal, or for other cause. The notification shall cite the legal and administrative actions that the Department must take to obtain full title and possession of the property. In addition, it shall include an adequate description of the property, including any improvements constructed thereon since the original conveyance to the grantee. Upon receipt of advice from the Department that title to the property has revested, GSA will assume custody and accountability of the property.

Subpart 101–47.49—Illustrations

1. Section 101–47.4905 is revised as follows:

§ 101–47.4905 Extract of statutes authorizing disposal of surplus real property to public agencies.

Statute	Type of property [1]	Eligible public agency
50 U.S.C. App. (1622(h)). Disposals for historic monuments.	Any surplus real property including improvements and equipment located thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface; (2) improvements without land; (3) military chapels subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101–47.308–5; and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act. This statute, as amended, does not authorize the disposal, for historic monument use, of property if its historical significance relates to a period of time within the 50 years immediately preceding the determination of suitability and and desirability for such use.	Any State, political subdivision, and instrumentalities thereof, or municipality; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(1)(A). Disposals for school, classroom, or other educational purposes.	Any surplus real property including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	States and their political subdivisions and instrumentalities, and tax-supported, educational institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(1)(B). Disposals for public health purposes including research.	Any surplus real property, including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	States and their political subdivisions and instrumentalities, and tax-supported medical institutions; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.

See footnote at end of table.

Statute	Type of property [1]	Eligible public agency
50 U.S.C. App. 1622(g). Disposals for public airport purposes.	Any surplus real or personal property, exclusive of (1) military chapels subject to disposal as a shrine, memorial or for religious purposes under the provisions of § 101-47.308-5; (2) property subject to disposal as a historic monument site under the provisions of § 101-47.308-3; (3) property the highest and the best use of which is determined by the disposal agency to be industrial and which shall be so classified for disposal, and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	Any State, political subdivision, municipality, or tax-supported institution; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 484(k)(2). Disposals for public park or recreation area.	Any surplus real property, including buildings, fixtures, and equipment situated thereon, exclusive of (1) minerals having a commercial value separate and apart from the surface; (2) improvements without land; (3) military chapels subject to disposal as a shrine, memorial, or for religious purposes under the provisions of § 101-47.308-5; and (4) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	Any State, political subdivision and instrumentalities thereof, or municipality; District of Columbia; Commonwealth of Puerto Rico; and the Virgin Islands.
16 U.S.C. 667 b–d. Disposals for wildlife conservation purposes.	Any surplus real property (with or without improvements) that can be utilized for wildlife conservation purposes other than migratory birds, exclusive of (1) oil, gas, and mineral rights, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	The agency of the State exercising the administration of the wildlife resources of the State.
23 U.S.C. 107 and 317. Disposals for Federal aid and other highways.	Any real property or interests therein determined by the Secretary of Transportation to be reasonably necessary for the right-of-way of a Federal aid or other highway (including control of access thereto from adjoining lands) or as a source of material for the construction or maintenance of any such highway adjacent to such real property or interest therein exclusive of (1) minerals having a commercial value separate and apart from the surface, and (2) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	State wherein the property is situated (or such political subdivision of the State as its law may provide), including the District of Columbia and Commonwealth of Puerto Rico.
40 U.S.C. 345c. Disposals for authorized widening of public highways, streets, or alleys.	Such interest in surplus real property as the head of the disposal agency determines will not be adverse to the interests of the United States, exclusive of (1) minerals having a commercial value separate and apart from the surface, (2) property subject to disposal for Federal aid and other highways under the provisions of 23 U.S.C. 107 and 317, and (3) property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	State or political subdivision of a State.
50 U.S.C. App. 1622(d). Disposals of power transmission lines needful for or adaptable to the requirements of a public power project.	Any surplus power transmission line and the right-of-way acquired for its construction.	Any State or political subdivision thereof or any State agency or instrumentality.
40 U.S.C. 484(e)(3)(H). Disposals by negotiations.	Any surplus real property including related personal property.	Any State, political subdivision thereof, or tax-supported agency therein; Commonwealth of Puerto Rico; and the Virgin Islands.
40 U.S.C. 122. Transfer to the District of Columbia of jurisdiction over properties within the District for administration and maintenance under conditions to be agreed upon.	Any surplus real property, except property which the holding agency has requested reimbursement of the net proceeds of disposition pursuant to section 204(c) of the Act.	District of Columbia.

[1] The Commissioner, Property Management and Disposal Service, General Services Administration, Washington, DC 20406, in appropriate instances, may waive any exclusions listed in this column, except for those exclusion required by law.

2. Section 101–47.4906 is revised to read as follows:

§ 101–47.4906 Sample notice to public agencies of surplus determination.

NOTICE OF SURPLUS DETERMINATION—
GOVERNMENT PROPERTY

(Date)

(Name of property)

(Location)

Notice is hereby given that the ------- -----------------, -----------, has been
(Name of property) (Location)
determined to be surplus Government property. The property consists of 1,333.65 acres of fee land and a 5.988-acre drainage ditch easement, together with installed landing strips, taxiways, walks, roads, parking area, electrical system, and fencing.

This property is surplus property available for disposal pursuant to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) and applicable regulations. The applicable regulations provide that public agencies (non-Federal) shall be allowed a reasonable period of time to submit a formal application for surplus real property in which they may be interested. Disposal of this property, or portions thereof, may be made to public agencies for the public uses stated below whenever the Government determines that the property is available for such uses and that disposal thereof is authorized by the statutes cited and applicable regulations:[1]

Statute	*Type of disposal*
50 U.S.C. App. 1622 (h)	Historic monument.
40 U.S.C. 484(k) (1) (A)	Schools, classroom, or other educational purposes.
40 U.S.C. 484(k) (1) (B)	Protection of public health, including research.
50 U.S.C. App. 1622 (g)	Public airport.
23 U.S.C. 107 and 317	Federal aid and certain other highways.
40 U.S.C. 484(e) (3) (H)	Negotiated sales to public bodies for use for public purposes generally.[2]
40 U.S.C. 484(k) (2)	Public park or recreation area.

If any public agency desires to acquire the property under cited statutes, notice thereof in writing must be filed with-------------- (Name of disposal ----------, -----------, before ---------,
agency) (Address) (Hour)
Local Time, ----------, -----------.[3] Such
(Day) (Date)
notice shall:

1. Disclose the contemplated use of the property;
2. Contain a citation of the applicable statute or statutes under which the public agency desires to procure the property;
3. Disclose the nature of the interest if an interest less than fee title to the property is contemplated;
4. State the length of time required to develop and submit a formal application for the property (where a payment to the Government is required under the statute, include a statement as to whether funds are available and, if not, the period required to obtain funds); and
5. Give the reason for the time required to develop and submit a formal application.

Any planning for an educational or public health use of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of Health, Education, and Welfare------------------ (Address of proper --------------. An application form to ac-
regional office)
quire property for an educational or public health requirement, and instructions for the preparation and submission of an application, may be obtained from that office.[4]

Any planning for a public park or recreation area of property sought to be acquired subject to a public benefit allowance must be coordinated with the Department of the Interior------------------------------. An
(Address of proper regional office)
application form to acquire property for a public park or recreation area requirement, and instructions for the preparation and submission of an application, may be obtained from that office.[5]

Application forms or instructions to acquire property for all other public use requirements may be obtained from---------- (Name of dis-
--------------, ----------------------.
posal agency) (Address)

Upon receipt of such written notice, the public agency shall be promptly informed concerning the period of time that will be allowed for submission of a formal application.

In the absence of such written notice, or in the event a public use proposal is not approved, the regulations issued pursuant to authority contained in the Federal Property and Administrative Services Act of 1949, provide for offering the property for sale for its highest and best use.

If any public agency considers that the proposed disposal of the property is incompatible with its development plans and programs, notice of such incompatibility must be forwarded to ----------------------,
(Name of disposal agency)
----------------------, within the same
(Address)
time frame prescribed above.

---

[1] List only the statutes (showing type of disposal) applicable to disposal to public bodies of the property determined to be surplus.

[2] List only for properties having an estimated fair market value of $10,000 or more.

[3] This date shall be 20 calendar days after the date of the notice.

[4] Delete this paragraph whenever property is not available for transfer for an educational or public health use.

[5] Delete this paragraph whenever property is not available for transfer for a public park or recreation area.

§ 101–47.4912 [Deleted]

3. Section 101–47.4912 is deleted.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c))

Effective date. This regulation is effective upon publication in the FEDERAL REGISTER (5–28–71).

Dated: May 20, 1971.

ROBERT L. KUNZIG,
Administrator of General Services.

[FR Doc.71–7425 Filed 5–27–71;8:45 am]

Title 46—SHIPPING

Chapter II—Maritime Administration, Department of Commerce

SUBCHAPTER K—REGULATIONS UNDER PUBLIC LAW 91–469

[General Order 109, Rev., Amdt. 1]

PART 390—CAPITAL CONSTRUCTION FUND

Deposits for Taxable Year 1970

The following regulations relate to the application of section 607 of the Merchant Marine Act of 1936 (46 U.S.C. 1177) as amended by section 21(a) of the Merchant Marine Act of 1970 (84 Stat. 1026) and to the requirements of the execution of agreements relating to capital construction funds and deposits therein. The regulations set forth herein are temporary and are designed to provide transitional rules with respect to the execution of agreements relating to capital construction funds and deposits therein. The regulations are effective until the issuance of final regulations to be prescribed by the Commissioner of Internal Revenue and approved by the Secretary or his delegate and prescribed by the Secretary of Commerce or his delegate. These regulations have been issued jointly by the Secretary of Commerce and the Secretary of the Treasury and also appear under 26 CFR Part 3.

In order to extend the time within which deposits may be made in capital construction funds with respect to income reported on the taxpayer's 1970 return, § 390.1 is amended to read as follows:

§ 390.1 Deposits for taxable year 1970.

In the case of a taxable year of a taxpayer beginning after December 31, 1969, and before January 1, 1971, the rules governing the execution of agreements and deposits under such agreements shall be as follows:

(a) A capital construction fund agreement executed and entered into by the taxpayer on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years will be deemed to be effective on the date of the execution of such agreement or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(b) Notwithstanding the provisions of paragraph (a) of this section, a capital construction fund agreement executed and entered into by a taxpayer after the due date for the filing of his Federal income tax return for such taxable year or years, but prior to January 1, 1972 (or, if earlier, 60 days after the publication of final joint regulations under section 607 of the Merchant Marine Act, 1936, as amended) will be deemed to be effective as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates.

(c) Deposits made in a capital construction fund pursuant to such an agreement within 60 days after the date of execution of the agreement, or on or prior to the due date, with extensions, for the filing of his Federal income tax return for such taxable year or years, whichever date shall be later, shall be deemed to have been made on the date of the actual deposit or as of the close of business of the last regular business day of each such taxable year or years to which such deposit relates, whichever day is earlier.

(d) Nothing in this section shall alter the rules and regulations governing the timing of deposits with respect to existing capital and special reserve funds or with respect to the treatment of deposits for any taxable year or years other than a taxable year or years beginning after December 31, 1969, and before January 1, 1971.

(Sec. 204(b), 49 Stat. 1987, as amended; 46 U.S.C. 1114; Public Law 91–469, 84 Stat. 1018; sec. 21(a), 84 Stat. 1026)

Dated: May 24, 1971.

By order of the Assistant Secretary of Commerce for Maritime Affairs.

JAMES S. DAWSON, Jr.,
Secretary, Maritime Administration.

[FR Doc.71–7514 Filed 5–27–71;8:50 am]

Title 49—TRANSPORTATION

Chapter III—Federal Highway Administration, Department of Transportation

SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–16; Notice No. 71–9]

PART 397—TRANSPORTATION OF HAZARDOUS MATERIALS; DRIVING AND PARKING RULES

Miscellaneous Amendments

The Munitions Carriers Conference of the American Trucking Associations has filed a petition for reconsideration of the major revision of Part 397 of the Motor Carrier Safety Regulations which the Director, Bureau of Motor Carrier Safety, issued on March 5, 1971 (36 F.R. 4874). Specifically, the petition asks the Director to revoke §§ 397.9(b) and 397.19(a)(2) of the new rules or, in the alternative, to postpone the effective date of those two provisions.

Section 397.9(b) requires a motor carrier who is transporting Class A or Class B explosives in a motor vehicle to prepare a written route plan for the vehicle's driver before he is dispatched. Petitioner says that this requirement serves no useful purpose and cannot be practicably followed by an irregular route carrier whose drivers are frequently dispatched from a location other than the carrier's terminal.

The Bureau's investigations have disclosed numerous incidents involving vehicles transporting explosives that have been driven into very heavily populated areas because the drivers had not planned their routes or because they were unfamiliar with the areas they traversed. It is clear that the public interest requires carriers to pay closer attention to the necessity for preplanning routes of vehicles carrying Class A or Class B explosives and for drivers to follow those plans. Hence, the request for revocation of § 397.9(b) is denied.

The Director is, however, taking action to modify the rule to eliminate the element of impracticability noted in the petition. In a case where a driver is not dispatched from a carrier's facility, the amended rule will permit the driver to prepare the written route plan as agent for the carrier. This change will allow irregular route carriers to continue operating on a parity with other carriers, so far as this particular requirement is concerned.

Section 397.19(a)(2), the other provision to which the petition is addressed, requires a motor carrier transporting Class A or Class B explosives to supply his drivers with a summary of the laws, ordinances, and regulations pertaining to transportation of explosives in every jurisdiction through which they will operate. The purpose of the rule, as the Director made clear when he issued it, is to "enable each driver readily to understand what is expected of him" when he is engaged in transporting Class A or Class B explosives (36 F.R. at 4876). Even though it carries this gloss, the rule is inherently ambiguous, the petitioner says, in that it "leaves a wide range for interpretation by both B.M.C.S. field men, trucking management officials and drivers." The Director has concluded that it should be possible to write a summary of the laws and regulations of a State in language that will be understandable by drivers. In this connection, it should be noted that the summary need deal with only those laws and regulations which impose a more stringent obligation or restraint than operative Federal rules. This is the case because less restrictive State rules are preempted by the Federal regulations.

The Director has been convinced that the task of assembling the applicable State laws and regulations and of preparing summaries of them will be more onerous and time consuming than had been originally thought. Consequently, he is making two changes in the rule in an effort to facilitate development of adequate summaries. First, the effective date of § 397.19(a)(2) is being extended from June 1, 1971 to November 1, 1971. Second, the reference to "ordinances" is being deleted, so that the summaries can be confined to laws and regulations of statewide application.

In addition, the Director is amending section 397.5 in order to clarify the rules with respect to parking vehicles containing Class A or Class B explosives in so-called "safe havens". Safe havens are areas specifically designed for the parking of such vehicles, and are so designated by governmental authorities. Under the amended rule, an explosives-laden vehicle may be parked and left unattended in a safe haven, even though the area is not the property of a carrier, a shipper, or the consignee of its cargo.

Section 397.7 is being amended to correct a typographical error.

In consideration of the foregoing, the effective date of § 397.19(a)(2) in Part 397 of the Motor Carrier Safety Regulations (Subpart B of Chapter III in title 49, CFR) is extended to November 1, 1971, and §§ 397.5, 397.7, 397.9, and 397.19 are amended as set forth below.

(Sec. 204, Interstate Commerce Act, as amended, 49 U.S.C. 304, 18 U.S.C. 834, section 8, Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48, 389.4, and 389.37)

Issued on May 25, 1971.

KENNETH L. PIERSON,
Acting Director,
Bureau of Motor Carrier Safety.

I. Paragraphs (b) and (d) of § 397.5 of the Motor Carrier Safety Regulations are amended to read as follows:

§ 397.5 Attendance and surveillance of motor vehicles.

* * * * *

(b) The rules in paragraph (a) of this section do not apply to a motor vehicle which contains Class A or Class B explosives if all of the following conditions exist—

(1) The vehicle is located on the property of a motor carrier, on the property of a shipper or consignee of the explosives, in a safe haven, or, in the case of a vehicle containing 50 pounds or less of either Class A or Class B explosives, on a construction or survey site; and

(2) The lawful bailee of the explosives is aware of the nature of the explosives the vehicle contains and has been instructed in the procedures he must follow in emergencies; and

(3) The vehicle is within the bailee's unobstructed field of view or is located in a safe haven.

(c) * * *

(d) For purposes of this section—

(1) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within 100 feet of the vehicle and has it within his unobstructed field of view.

(2) A qualified representative of a motor carrier is a person who—

(i) Has been designated by the carrier to attend the vehicle;

(ii) Is aware of the nature of the hazardous materials contained in the vehicle he attends;

(iii) Has been instructed in the procedures he must follow in emergencies; and

(iv) Is authorized to move the vehicle and has the means and ability to do so.

(3) A safe haven is an area specifically approved in writing by local, State, or Federal governmental authorities for the parking of unattended vehicles containing Class A or Class B explosives.

* * * * *

II. § 397.7(a)(3) of the Motor Carrier Safety Regulations is amended to read as follows:

§ 397.7 Parking.

(a) A motor vehicle which contains Class A or Class B explosives must not be parked—

(1) * * *

(2) * * *

(3) Within 300 feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

* * * * *

III. Section 397.9(b) of the Motor Carrier Safety Regulations is amended to read as follows:

§ 397.9 Routes.

(a) * * *

(b) Before a motor carrier requires or permits a motor vehicle containing Class A or Class B explosives to be operated, he must prepare a written plan of a route that complies with the rules in paragraph (a) of this section for that vehicle and must furnish a copy of the written plan to the driver. However, the driver may prepare the written plan as agent for the motor carrier when the driver begins his trip at a location other than the carrier's terminal.

IV. § 397.19(a)(2) of the Motor Carrier Safety Regulations is amended by deleting the word "ordinances". As so amended, § 397.19(a)(2) reads as follows:

§ 397.19 Instructions and documents.

(a) A motor carrier that transports Class A or Class B explosives must furnish the driver of each motor vehicle in which the explosives are transported with the following documents:

(1) * * *

(2) A document containnig summary information about the laws and regulations pertaining to transportation of explosives of each State (including the District of Columbia) in which the vehicle will be operated; and

* * * * *

[FR Doc.71-7493 Filed 5-27-71;8:48 am]

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

[Docket No. 70-12; Notice No. 10]

PART 574—TIRE IDENTIFICATION AND RECORDKEEPING

Interpretation of Manufacturer's Designee

A request for an interpretation has been received from the Rubber Manufacturers Association asking that it be made clear that, under the Tire Identification and Recordkeeping Regulation (Part 574), particularly §§ 574.7 and 574.8, only the tire manufacturer, brand name owner, or retreader may designate a third party to provide the necessary recording forms or to maintain the records required by the regulation.

Another person has requested an interpretation concerning the questions whether: (1) a tire manufacturer, brand name owner or retreader may designate one or more persons to be its designee for the purpose of maintaining the information, (2) an independent distributor or dealer may select a designee for the retention of the manufacturer's records, provided the manufacturer approves the designation, and (3) the independent distributor or dealer may seek administrative relief in the event he believes the information retained by the manufacturer is being used to his detriment.

Under section 113(f) of the National Traffic and Motor Vehicle Safety Act (15 U.S.C. 1402(f)) and Part 574, it is the tire manufacturer who has the ultimate responsibility for maintaining the records of first purchasers. Therefore, it is the tire manufacturer or his designee who must maintain these records. The term "designee", as used in the regulation, was not intended to preclude multiple designees; if the tire manufacturer desires, he may designate more than one person to maintain the required information. Furthermore, neither the Act nor the regulation prohibits the distributor or dealer from being the manufacturer's designee nor do they prohibit a distributor or dealer from selecting someone to be the manufacturer's designee provided the manufacturer approves of the selection.

With respect to the possibility of manufacturers using the maintained information to the detriment of a distributor or dealer, the NHTSA will of course investigate claims by distributors or dealers of alleged misconduct and, if the maintained information is being misused, take appropriate action.

Issued under the authority of sections 103, 113, and 119 of the National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1402, and 1407, and the delegation of authority at 49 CFR 1.51.

Issued on May 21, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71-7511 Filed 5-27-71;8:49 am]

Proposed Rule Making

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[26 CFR Part 1]

APPRECIATED PROPERTY USED TO REDEEM STOCK

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-7050 appearing at page 9138 in the issue of Thursday, May 20, 1971, in the fourth line of § 1.311-1(a) insert the word "is" between the words "loss" and "recognized".

DEPARTMENT OF JUSTICE

[28 CFR Part 50]

ADMINISTRATION OF VOTING RIGHTS ACT OF 1965

Notice of Proposed Rule Making

The Attorney General is considering a proposal to add a new section to Part 50 of Title 28 of the Code of Federal Regulations. The purpose of this proposal is to set forth procedural guidelines regarding administration of section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c (Supp. V), as amended, 84 Stat. 314 (1970).

It is proposed to make such guidelines effective upon republication.

Interested persons may participate in the consideration of the proposed guidelines by submitting such written data, views, or comments as they may desire. Communications should be submitted in triplicate to the Acting Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. All communications received within 30 days after publication of this notice in the FEDERAL REGISTER will be considered.

This statement of procedural guidelines is proposed under 5 U.S.C. 301 and section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c (Supp. V), as amended, 84 Stat. 314 (1970).

Amendment of Part 50 of Title 28 is proposed by addition of new §§ 50.7—50.7-29 as follows:

§ 50.7 Procedures for the administration of section 5 of the Voting Rights Act of 1965.

GENERAL PROVISIONS

§ 50.7-1 Purpose.

Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c (Supp. V), as amended, 84 Stat. 315 (1970) prohibits the enforcement in any jurisdiction covered by section 4(a) of the Act, 42 U.S.C. 1973b (Supp. V), as amended, 84 Stat. 315, of any voting qualification or prerequisite to voting, or standard, practice or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until the authority proposing enforcement either (a) obtains from the U.S. District Court for the District of Columbia a declaratory judgment that the plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color, or (b) the plan has been submitted to the Attorney General and he has interposed no objection within the 60-day period following submission. In order to carry out his responsibilities under this section of the Voting Rights Act and to make clear his interpretation of the responsibilities imposed on other individuals and entities thereunder, the Attorney General has delineated the following procedures regarding section 5.

§ 50.7-2 Definitions.

(a) The terms "vote" and "voting" are used herein as defined in the Voting Rights Act of 1965, to include all action necessary to make a vote effective in any primary, special, or general election, including but not limited to, registration, listing pursuant to the Voting Rights Act of 1965, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(b) The term "change affecting voting," as used herein, shall mean any voting qualification, prerequisite to voting, standard, practice, or procedure different from that in force or effect on the date used to determine coverage by section 4(a) (November 1, 1964 or November 1, 1968, as the case may be) and shall include, but not be limited to, the examples given in § 50.7-4(c).

(c) The term "submission" as used herein shall mean presentation to the Attorney General by an appropriate official of any change affecting voting and an explanation of the difference between the change and the existing law or practice and such appropriate supporting materials as are included to demonstrate that the voting qualification, prerequisite to voting, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color.

(d) "Attorney General" shall mean the Attorney General of the United States or his delegate.

§ 50.7-3 Computation of time.

(a) The Attorney General shall have 60 days in which to interpose an objection to a submitted change affecting voting.

(b) The 60-day period shall commence upon receipt by the Department of Justice of a submission from an appropriate official which submission satisfies the requirements of § 50.7-10(a). Procedures for requesting additional material and for the computation of time when a submission is inadequate are described in § 50.7-19.

(c) The 60-day priod shall mean 60 calendar days, provided that if the final day of the period should fall on a Saturday or national holiday the Attorney General shall have until the close of the next full business day in which to interpose an objection. The date of the Attorney General's response shall be the date on which it is mailed to the submitting authority.

(d) When the Attorney General objects to a submitted change affecting voting, and the party seeking reconsideration of the objection brings additional information to the attention of the Attorney General, the Attorney General shall decide within 60 days of receipt of a request for reconsideration (provided that he shall have at least 15 days following a conference held at the submitting authority's request), whether to withdraw or to continue his objection.

§ 50.7-4 Requirement of action for declaratory judgment or submission to Attorney General.

Section 5 requires that, prior to enforcement of any change affecting voting, the State or political subdivision responsible for the change affecting voting must obtain either a judicial or an executive determination that denial of abridgment of the right to vote on account of race or color is not the purpose and will not be the effect of the change. Enforcement without complying with section 5 does not alter the obligation to obtain such judicial or executive determination.

(a) All changes affecting voting, even though the change appears to be minor or indirect, to expand voting rights or to remove the elements which caused objection by the Attorney General to a prior submission, must either be submitted to the Attorney General or be made the subject of an action for declaratory judgment in the District Court for the District of Columbia.

(b) A submission to the Attorney General does not affect the right of the submitting authority to bring a suit in the U.S. District Court for the District of Columbia at any time, seeking a declaratory judgment that the change affecting voting does not have a racially discriminatory purpose or effect.

(c) Legislation and administrative actions constituting changes affecting voting covered by section 5 include, but are not limited to the following examples:

(1) Any change in qualifications or eligibility for voting;

(2) Any change in procedures concerning registration, balloting or informing or assisting citizens to register and vote;

(3) Any change in the constituency of an official or the boundaries of a voting unit (e.g., through redistricting, annexation or reapportionment), the location of a polling place, change to at-large elections from district elections or to district elections from at-large elections;

(4) Any alteration affecting the eligibility of persons to become or remain candidates or obtain a position on the ballot in primary or general elections or to become or remain officeholders or affecting the necessity of or methods for offering issues and propositions for approval by voting in an election;

(5) Any change in the eligibility and qualification procedures for independent candidates;

(6) Any action extending or shortening the term of an official;

(7) Any alteration in methods of counting votes.

PROCEDURES FOR SUBMISSION TO THE ATTORNEY GENERAL

§ 50.7–5 Form of submissions.

Submissions may be made in letter or any other written form, as long as the change affecting voting that is being submitted is clearly set forth in compliance with § 50.7–10(a) and the name and title of the individual and the body which he represents are disclosed.

§ 50.7–6 Premature submissions returned.

The Attorney General will return without decision on the merits any proposal for a change affecting voting which has been submitted prior to final enactment or final administrative decision, provided that regarding a change as to which approval by referendum is required (e.g., an amendment to a state constitution), the Attorney General may consider and issue a decision concerning the change prior to the referendum if all other action necessary for adoption has been taken.

§ 50.7–8 Party responsible for submitting.

Changes affecting voting shall be submitted by the chief legal officer or other appropriate official of the State or political subdivision in which the change will take effect. When one or more counties within a State will be affected, the State may submit a change affecting voting on behalf of the covered county or counties. When voting in more than one political subdivision is affected by a change (e.g., an annexation), each affected subdivision must submit the change.

§ 50.7–9 Address for submissions.

Changes affecting voting shall be delivered or mailed to: Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and first page of any submission shall be clearly marked: Submission under section 5, Voting Rights Act.

§ 50.7–10 Contents of submissions.

(a) Each submission shall include:

(1) A copy of any legislative or administrative enactment or order embodying a change affecting voting, certified by an appropriate officer of the submitting authority to be a true copy;

(2) The date of final adoption of the change affecting voting;

(3) Identification of the authority responsible for the change and the mode of decision (e.g., act of State legislature, ordinance of city council, redistricting by election officials);

(4) An explanation of the difference between the submitted change affecting voting and the existing law or practice or explanatory materials adequate to disclose to the Attorney General the fundamental difference between the existing and proposed situation with respect to voting.

(5) A statement certifying that the change affecting voting has not yet been enforced or administered or an explanation of why such a statement cannot be made.

(6) With respect to redistricting, annexation and other complex changes, other information which the Attorney General determines is required to enable him to evaluate the purpose or effect of the change. Such other information may include items listed under paragraph (b) of this section. When such other information is required, the Attorney General shall notify the submitting authority in the manner provided in § 50.7–19(a).

(b) In addition to the requirements listed above, each submission may include appropriate supporting materials to assist the Attorney General in his consideration. The Attorney General strongly urges the submitting authority to include the following information insofar as it is available and relevant to the specific change submitted for consideration:

(1) A statement of the reasons for the change affecting voting.

(2) A statement of the anticipated effect of the change affecting voting.

(3) A statement identifying any past or pending litigation concerning the change affecting voting or related prior voting practices.

(4) A copy of any other changes in law or administration relating to the subject matter of the submitted change affecting voting which have been put into effect since the time when coverage under section 4 of the Voting Rights Act began and the reasons for such prior changes. If such changes have already been submitted the submitting authority may refer to the date of prior submission and identify the previously submitted changes.

(5) Where any change is made that revises the constituency which elects any office or affects the boundaries of any geographic unit or units defined or employed for voting purposes (e.g., redistricting, annexation, change from district to at-large elections) or changes the location of a polling place or place of registration, a map of the area to be affected showing the following:

(i) The existing boundaries of the voting unit or units sought to be changed.

(ii) The boundaries of the voting unit or units sought by the change.

(iii) Any other changes in the voting unit boundaries or in the geographical makeup of the constituency since the time that coverage under section 4 began. If such changes have already been submitted the submitting authority may refer to the date of the prior submission and identify the previously submitted changes.

(iv) Racial composition of the existing units.

(v) Racial composition of the proposed units.

(vi) Any natural boundaries or geographical features which influenced the selection of boundaries of any unit defined or proposed for the new voting units.

(vii) Location of polling places.

(6) Population information:

(i) Population before and after the change, by race, of the area or areas to be affected by the change, unless such information is contained in the publications of the U.S. Bureau of the Census.

(ii) Voting-age population and the number of registered voters before and after the change, by race, for the area to be affected by the change, unless such information is contained in the publications of the U.S. Bureau of the Census.

(iii) Copies of any population estimates, by race, made in connection with adoption of the proposed change, preparation of the submission or in support thereof and the basis for such estimates, unless such information is contained in the publications of the U.S. Bureau of the Census.

(iv) Where a particular officer or particular offices are involved, a history of the number of candidates, by race, who have run for such office in the last two elections.

(7) Evidence of public notice or opportunity for the public to be heard—in considering submissions, substantial weight will be given to evidence of public notice or, where appropriate, opportunity for interested parties to participate in the decision to adopt or implement the proposed change and to indications that such participation in fact took place or to evidence of notice to the public that a submission has been made soliciting comment to the Department of Justice. Examples of materials demonstrating public notice or participation include:

(i) Copies of newspaper articles discussing the proposed change.

(ii) Copies of public notices (and statements regarding where they appeared, e.g., newspaper, radio, or television, posted in public buildings, sent to identified individuals or groups) which describe the proposed change and invite public comment or participation in hearings or which announce submission to the Attorney General and invite comments for his consideration.

(iii) Minutes or accounts of public hearings concerning the submitted changes.

(iv) Statements, speeches, and other public communications concerning the submitted changes.

(v) Copies of comments from the general public. Such comments will be particularly persuasive if they come from a racial cross-section of the affected population.

(vi) Excerpts from legislative journals, or other materials revealing legislative purpose, containing discussion of a submitted enactment.

(8) Where information requested herein is relevant but not known and not believed to be available, submissions should so state.

(9) Where information furnished reflects an estimation by an official qualified to make such estimation, submissions should identify the individual and state his qualifications to make the estimate.

(10) Submissions should identify in general the source of any information they supply.

(11) When a submitting authority desires the Attorney General to consider any information which has been supplied in connection with an earlier submission, incorporation by reference may be accomplished by stating the date and subject matter of the earlier submission and identifying the relevant information therein.

§ 50.7–11 Request for notification concerning voting litigation.

When a State or political subdivision subject to section 5 becomes involved in any litigation concerning voting, the Attorney General requests that prompt notification be sent to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. Such notification will not be considered to be a submission under section 5.

COMMUNICATIONS FROM INTERESTED INDIVIDUALS OR GROUPS

§ 50.7–12 Communications concerning voting changes.

Any individual or group may submit to the Attorney General information concerning a change affecting voting in an area to which section 5 of the Voting Rights Act applies.

(a) Communication may be in the form of a letter stating the name and address of the individual or group, describing the alleged change affecting voting and setting forth evidence regarding whether the change has or does not have a discriminatory purpose or effect or simply stating a desire that the change be called to the attention of the Attorney General. Such a letter should be directed to the Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C. 20530. The envelope and the first page of each communication shall be marked: Comment, Section 5, Voting Rights Act.

(b) Correspondence by individuals or groups concerning any change affecting voting may be submitted at any time; however, the Attorney General urges that they be submitted as soon as possible after the change affecting voting is brought to the attention of the individual or group.

(c) The Attorney General shall comply with the request of an individual that his identity be undisclosed to any person outside the Department of Justice. In addition, whenever it appears to the Attorney General that disclosure of the identity of an individual who provided information regarding a change affecting voting could jeopardize the personal safety, employment, or economic standing of the individual, the identity of the individual shall not be disclosed to any person outside the Department of Justice.

(d) When an individual or group desires the Attorney General to consider information which has been supplied in connection with an earlier submission, incorporation by reference may be accomplished by identifying the earlier submission by date and subject matter and identifying the relevant information or related communication.

§ 50.7–13 Establishment and maintenance of registry of interested individuals and groups.

The Attorney General shall establish and maintain a Registry of Interested Individuals and Groups. Such registry shall contain the name, address, and telephone number of any individual or group that requests inclusion therein for purposes of receiving notice of section 5 submissions. Each registrant shall specify the area or areas with respect to which notification is requested.

§ 50.7–14 Communications concerning voting suits.

Individuals and groups are also urged to notify the Assistant Attorney General, Civil Rights Division, of litigation concerning voting in areas subject to section 5.

§ 50.7–15 Action on communications from individuals or groups.

(a) If the entity responsible for submitting the change affecting voting has submitted the change to the Attorney General, any evidence from individuals or groups shall be considered along with the materials submitted and materials resulting from any further investigation.

(b) If no formal submission (as defined in § 50.7–2(c)) has been made regarding the change the Civil Rights Division of the Department of Justice shall advise the entity responsible for the alleged change of the duty to seek a declaratory judgment or to make a submission to the Attorney General before enforcement.

(c) Where no submission has been made and no declaratory judgment has been sought and a change affecting voting is enforced in a covered jurisdiction, the Attorney General may bring suit to enforce compliance with section 5, pursuant to section 12(d) of the Voting Rights Act, 42 U.S.C. 1973j(d) (Supp. V).

PROCESSING OF SUBMISSIONS

§ 50.7–16 Publication of notice of submission in Federal Register.

When the Attorney General receives a section 5 submission, prompt notice thereof shall be published in the FEDERAL REGISTER.

§ 50.7–17 Notice to registrants concerning submission.

When the Attorney General receives a section 5 submission, prompt notice thereof shall be given to the individuals and groups who have registered for this purpose in accordance with § 50.7–13. Such notice shall be sent to each such registrant who has requested notification concerning the area or areas affected by the submitted change.

§ 50.7–18 Return of inappropriate submissions.

The only changes authorized by section 5 to be submitted to and passed upon by the Attorney General are those affecting voting rights. The Attorney General shall therefore examine and make a response on the merits to only those submissions affecting voting. All others shall be returned to the submitting party without comment on their merits.

§ 50.7–19 Investigation regarding submissions.

(a) If the submission does not satisfy the requirements of § 50.7–10(a), the Attorney General shall request such further information as is necessary to do so from the submitting authority and advise the submitting authority that the 60-day period will not commence until such information is received by the Department of Justice. The request shall be made as promptly as possible after receipt of the original inadequate submission.

(b) After receipt of a submission which satisfies the requirements of § 50.7–10(a), the Attorney General may at any time during the 60-day period:

(1) Request additional information from the submitting authority,

(2) Request information from other local authorities or interested individuals or groups,

(3) Conduct such further investigation or inquiry as he deems appropriate.

(c) If the submission does not contain adequate evidence of notice to the public, and the Attorney General believes that racial purpose or effect is possible, he may give public notice sufficient to invite interested citizens to provide evidence as to the presence or absence of racially discriminatory purpose or effect. The authority responsible for the submission shall be advised when such public notice of a submission is requested by the Attorney General.

§ 50.7–20 Standard for decision concerning submissions.

Section 5, in providing for submission to the Attorney General as an alternative to submission to the District Court for the District of Columbia, imposes on the Attorney General what is essentially a judicial function. Therefore, the burden of proof on the submitting authority is the same in submitting changes to the Attorney General as it would be in submitting changes to the District Court for the District of Columbia. The Attorney General shall base his decision on a review of material presented by the submitting authority, relevant information provided by individuals or groups, and the results of any investigation carried on by the Department of Justice. If the Attorney General is satisfied that the submitted change does not have a racially discriminatory purpose or effect, he will approve the change and will so notify the submitting authority. If the Attorney General determines that the submitted change has a racially discriminatory purpose or effect, he will enter an objection and will so notify the submitting authority. If the evidence as tc the purpose or effect of the change is conflicting, and the Attorney General is unable to resolve the conflict within the 60-day period, he shall, consistent with the above described burden of proof applicable in the District Court, enter an objection and so notify the submitting authority.

§ 50.7–21 Notification of decision not to object.

(a) If the Attorney General decides to interpose no objection to a submitted change affecting voting, the submitting authority shall be notified to that effect within the 60-day period allowed.

(b) The notification shall state that the failure of the Attorney General to object does not bar subsequent litigation involving the same issues.

(c) A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon. Notice of the decision shall be published in the FEDERAL REGISTER.

§ 50.7–22 Notification of decision to object.

(a) When the Attorney General decides to interpose an objection, the submitting authority shall be notified within the 60-day period allowed. The reasons for the decision shall be stated.

(b) The submitting authority shall be advised that the Attorney General will reconsider his objection upon request and presentation of further substantiating or explanatory information which was not previously available to the submitting authority. The Attorney General may request that local public notice of the request for reconsideration be given in appropriate cases.

(c) The submitting authority shall be advised further that it may request a conference with a representative of the Department of Justice.

(d) A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon. Notice of the decision shall be published in the FEDERAL REGISTER.

§ 50.7–23 Expedited consideration.

When a submitting authority demonstrates good cause for special expedited consideration to permit enforcement of a change affecting voting within the 60-day period following submission (good cause will, in general, only be found to exist with respect to changes made necessary by circumstances beyond the control of the enacting or submitting authorities), the Attorney General may consider the submission on an expedited basis. Immediate notice of the request for expedited consideration will be given in the FEDERAL REGISTER and to interested parties registered in accordance with § 50.7–13.

§ 50.7–24 Conference regarding reconsideration.

(a) If the submitting authority requests a conference regarding reconsideration of an objection by the Attorney General, a meeting shall be held at a location determined by the Attorney General.

(b) When the submitting authority requests that a conference be held concerning a change affecting voting to which the Attorney General has objected, individuals or groups that commented on the change prior to the Attorney General's objection or that seek to participate in response to any public or other notice of a request for reconsideration shall be notified and given the opportunity also to confer.

(c) Such a conference shall be conducted by the Assistant Attorney General, Civil Rights Division, or his designee in an informal manner. Those present will be permitted to present facts in support of their positions.

(d) The Assistant Attorney General or the person he has designated to conduct the conference may, in his discretion, choose to hold separate meetings to confer with the submitting authority and interested groups or individuals.

§ 50.7–25 Decision after reconsideration.

An objection shall be withdrawn if the submitting authority can produce information not previously available to it which demonstrates that the decision to object was erroneous. The Attorney General shall notify the submitting authority within 60 days of the request for reconsideration (provided that the Attorney General shall have at least 15 days following any conference that is held in which to decide) of his decision to continue or withdraw an objection, giving the reasons for his decision. A copy of the notification shall be sent to any party that has commented on the submission or has requested notice of the Attorney General's action thereon. Notice of the result shall be published in the FEDERAL REGISTER.

§ 50.7–26 Records concerning submissions.

(a) The Attorney General shall maintain a section 5 file for each submission, containing the submission, related written materials, correspondence, notations concerning conferences with the submitting authority or any interested individual or group and a copy of any letters from the Attorney General concerning his decision whether or not to object to a submission. Investigative reports, internal memoranda and communications from individuals who have requested confidentiality shall not be included in the section 5 file. The contents of the section 5 file will be available for inspection and copying by the public at the Civil Rights Division, Department of Justice, Washington, D.C.

(b) The Attorney General may, at his discretion, call to the attention of the submitting authority or an interested individual or group information or comments related to a submission.

PETITION TO CHANGE PROCEDURES

§ 50.7–27 Petitioning party.

Any interested individual or group may petition to have this statement amended by new provisions.

§ 50.7–28 Form of petition.

A petition under this section may be made by informal letter and shall state the name and address of the petitioner, the change requested and the reasons for requesting the change.

§ 50.7–29 Disposition of petition.

The Attorney General will consider a petition under this section and make a disposition thereof. If the petition is denied in whole or in part, prompt notice shall be given to the petitioner, accompanied by a simple statement of the reasons.

Dated: May 25, 1971.

JOHN N. MITCHELL,
Attorney General.

[FR Doc.71–7492 Filed 5–27–71;8:48 am]

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

SHIPMENTS OF NO. 2 FUEL OIL FROM PUERTO RICO; DISTRICT 1

Notice of Decision Not To Implement Proposed Rule Making

On February 3, 1971, there was published in the FEDERAL REGISTER (36 F.R. 1909) a notice of proposed rule making which proposed the addition to paragraph (b) of section 15 (Allocations of crude oil and unfinished oils—Puerto Rico) of Oil Import Regulation 1 (Revision 5), as amended, of three new sentences, reading as follows: "However, such a person's allocation for the period beginning April 1, 1972, shall not be reduced by reason of the shipment of No. 2 fuel oil, or the sale of No. 2 fuel oil which was shipped, to a recipient in District 1 during calendar year 1971, if that recipient holds an allocation of imports of No. 2 fuel oil into District 1 and relinquishes to the Administrator a quantity of imports under such allocation equal to the quantity of No. 2 fuel oil which was shipped or which was sold and so shipped. As used in this paragraph, the term 'No. 2 fuel oil' means only No. 2 fuel oil which was derived from crude oil produced in the Western Hemisphere (North America, Central America, South America, and the West Indies)."

Timely comments with respect to the proposed rule making were received. The Government of Puerto Rico, among others, submitted adverse comments. Analysis of the proposed rule making in light of comments received from the public indicates that it would be inadvisable to put the proposed rule making into effect at the present time. Accordingly, it has been determined, with the concurrence of the Director, Office of Emergency Preparedness, that the foregoing notice of proposed rule making will not be implemented.

RALPH W. SNYDER, Jr.,
Acting Administrator
Oil Import Administration.

MAY, 21, 1971.

[FR Doc.71–7471 Filed 5–27–71;8:45 am]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

[7 CFR Part 6]

LICENSES FOR LOW-FAT CHEESE AND CHOCOLATE CRUMB

Import Quotas and Fees

Notice is hereby given that it is proposed to amend Import Regulation 1, Revision 5, as amended (7 CFR Part 6), to provide for the issuance of licenses for the importation of articles subject to import quotas provided for in TSUS items 950.10E ("other" cheese containing 0.5 percent or less by weight of butterfat) and 950.16 (milk chocolate crumb containing 5.5 percent or less by weight of butterfat). Licenses are required by Presidential Proclamation 4026, dated December 31, 1970, for the importation of such articles beginning July 1, 1971.

The proposed amendment of Import Regulation 1, Revision 5, is set forth below. Interested persons may submit written comments with respect to the proposed amendment to the Administrator, Foreign Agricultural Service, Washington, D.C. 20250, within 30 days of the date of publication of this notice in the FEDERAL REGISTER.

1. Section 6.26(a) is amended by adding the following to the table:

Article	TSUS Item No.	Quantity (pounds)
* * *	* * *	* * *
"Other" low-fat cheese	950.10E	20,000

2. Appendix 1 to Import Regulation 1, Revision 5, as amended, is amended by adding a new entry in Group V and adding a new Group VIII. As amended the new entries read as follows:

APPENDIX 1—ARTICLES SUBJECT TO IMPORT REGULATION 1, REVISION 5, AND ANNUAL IMPORT QUOTAS FOR EACH QUOTA YEAR

Articles by TSUS item numbers	Base period	Annual import quota (pounds)	Non-historical set aside (pounds)
* * *	* * *	* * *	* * *
Group V: * * *	* * *	* * *	* * *
Cheese, and substitutes for cheese containing 0.5 percent or less by weight of butterfat, as provided for in items 117.75 and 117.85 of subpart C, part 4, schedule 1, except articles within the scope of other import quotas provided for in Part 3 of the Appendix to the Tariff Schedules of the United States; if shipped otherwise than in pursuance to a purchase, or if having a purchase price under 47 cents per pound (Item 950.10E).	July 1, 1969, to June 30, 1970		
Denmark		6,680,000	668,000
United Kingdom		791,000	79,100
Ireland		756,500	75,650
West Germany		100,000	10,000
Poland		385,600	38,560
Australia		123,600	12,360
Iceland		64,300	6,430
Other		None	None
* * *	* * *	* * *	* * *
Group VIII: [1]			
Chocolate provided for in item 156.30 of part 10 and articles containing chocolate provided for in item 182.95, part 15, schedule 1, containing 5.5 percent or less by weight of butterfat (except articles for consumption at retail as candy or confection) (Item 950.16).	July 1, 1969, to June 30, 1970		
United Kingdom		930,000	None
Ireland		3,750,000	None
Other		None	None

(Sec. 3, 62 Stat. 1248, as amended; 7 U.S.C. 624; Part 3 of the Appendix to the Tariff Schedules of the United States, 19 U.S.C. 1202)

Issued at Washington, D.C., this 21st day of May 1971.

HOWARD L. WORTHINGTON,
Acting Administrator,
Foreign Agricultural Service.

[FR Doc.71–7477 Filed 5–27–71;8:46 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 11089]

AIRWORTHINESS DIRECTIVES

British Aircraft Corporation Model BAC 1–11 200 and 400 Series Airplanes

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to British Aircraft Corp. Model BAC 1–11 200 and 400 series airplanes. Investigations of nose landing gear collapses on these airplanes disclose that the gear locked-down indicator may indicate the gear is locked-down when the gear selector level is not fully engaged in the down gate. Since this condition is likely to exist or develop in other airplanes of the same type design, the proposed airworthiness directive would require the installation of a new microswitch in the selector lever assembly to provide a visual indication to the crew when the landing gear selector lever is not in a fully gated position.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, DC 20590. All communications received on or before June 28, 1971, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

This amendment is proposed under the authority of sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, it is proposed to amend section 39.13 of Part 39 of the Federal Aviation Regulations by adding the following new airworthiness directive:

BRITISH AIRCRAFT CORP. Applies to Model BAC 1–11 200 and 400 series airplanes.

Compliance is required within the next 2,000 hours' time in service after the effective date of this AD, unless already accomplished.

To insure that the pilot is warned when the landing gear selector lever is not fully engaged in the down gate, modify the selector lever assembly by incorporating a microswitch wired into the existing landing gear indication circuit in accordance with British Aircraft Corp. Model BAC 1–11 Service Bulletin No. 32–PM 4538 dated July 6, 1970, or an FAA-approved equivalent.

(British Aircraft Corp. Model BAC 1–11 Alert Service Bulletin No. 32–A–PM 4538, dated August 18, 1970, covers this same subject.)

Issued in Washington, D.C., on May 20, 1971.

William G. Shreve, Jr.,
Acting Director,
Flight Standards Service.

[FR Doc.71–7474 Filed 5–27–71;8:46 am]

ATOMIC ENERGY COMMISSION

[10 CFR Part 70]

SPECIAL NUCLEAR MATERIAL

Plutonium Processing and Fuel Fabrication Plants

The Atomic Energy Commission is considering amending its regulation 10 CFR Part 70, "Special Nuclear Material", to provide for Commission review of the site and design bases for plutonium processing and fuel fabrication plants for which a license is sought, prior to the beginning of plant construction. The additional requirements would be applicable to plants for the manufacture of plutonium reactor fuel and plants for the conduct of plutonium fuel research and development activities. These plants typically process kilogram quantities of plutonium.

Under the proposed amendments, an application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant would have to be filed at least 6 months before the beginning of plant construction. Such an application would be required to contain, in addition to other required information, a description of the plant site, a description and safety assessment of the design bases of the principal plant structures, systems and components and a description of the quality assurance program to be applied to the design, fabrication, construction, testing and operation of structures, systems and components of the plant. Applicants for such licenses should select sites which are at reasonable distances from densely populated areas.

The purpose of the Commission's preconstruction review would be to determine whether the applicant's design bases for the principal structures, systems and components, and its quality assurance program provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents. The Commission would approve construction of the principal structures, systems and components of a plutonium processing and fuel fabrication plant when it had made a favorable safety determination. Failure to obtain Commission approval prior to beginning of construction could be grounds for denial of a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant.

The Commission is developing appropriate siting and general design criteria for plutonium processing and fabrication plants which will include consideration of protection against adverse natural phenomena as well as inplant accidents. In the interim, the siting principles of 10 CFR Part 100, the General Design Criteria for nuclear power reactors in 10 CFR Part 50 and the criteria used by the Commission to evaluate the adequacy of the design of irradiated fuel reprocessing plants would be used to the extent pertinent. The criteria set forth in Appendix B of 10 CFR 50, "Quality Assurance Criteria for Nuclear Power Plants," would be used in determining the adequacy of the quality assurance programs.

Existing plutonium processing and fabrication plants will be examined with the objective of improving to the extent practicable their ability to withstand adverse natural phenomena without loss of capability to protect the public and their capability for coping with inplant accidents.

Pursuant to the Atomic Energy Act of 1954, as amended, and section 553 of title 5 of the United States Code, notice is hereby given that adoption of the following amendments to 10 CFR Part 70 is contemplated. All interested persons who desire to submit written comments or suggestions for consideration in connection with the proposed amendments should send them to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, within sixty (60) days after publication of this notice in the Federal Register. Comments received after that period will be considered if it is practical to do so, but assurance of consideration cannot be given except as to comments filed within the period specified. Copies of comments on the proposed amendments may be examined at the Commission's Public Document Room at 1717 H Street NW., Washington, DC.

1. A new paragraph (r) is added to § 70.4 to read as follows:

§ 70.4 Definitions.

* * * * *

(r) "Plutonium processing and fuel fabrication plant" means a plant in which the following operations or activities are conducted: (1) Operations for manufacture of reactor fuel containing plutonium including any of the following: (i) Preparation of fuel material, (ii) formation of fuel material into desired shapes, (iii) application of protective cladding, (iv) recovery of scrap material, and (v) storage associated with such operations, or (2) research and development activities involving any of the operations described in subparagraph (1) of this paragraph, except for research and development activities utilizing unsubstantial amounts of plutonium.

2. A new paragraph (f) is added to § 70.21 to read as follows:

§ 70.21 Filing.

* * * * *

(f) An application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall be filed at least six (6) months prior to beginning construction of the plant. The application shall be filed as specified in paragraph (a) of this section, except that 25 copies of the application shall be submitted.

3. A new paragraph (f) is added to § 70.22 to read as follows:

§ 70.22 Contents of applications.

* * * * *

(f) Each application for a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant shall contain, in addition to the other information required by this section, a description of the plantsite, a description and safety assessment of the design bases of the principal structures, systems, and components of the plant, including provisions for protection against natural phenomena, and a description of the quality assurance program to be applied to the design, fabrication, construction, testing and operation of the structures, systems, and components of the plant.[1]

4. Section 70.23 is amended by designating the introductory language as paragraph (a); paragraphs (a)–(e) are redesignated as subparagraphs (1)–(5); paragraph (g) is redesignated as subparagraph (6); a new subparagraph (a)(7) is added; and a new paragraph (b) is added to read as follows:

§ 70.23 Requirements for the approval of applications.

(a) An application for a license, other than a license for export, will be approved if the Commission determines that:

(1) The special nuclear material is to be used for the conduct of research or development activities of a type specified in section 31 of the act, in activities licensed by the Commission under section 103 or 104 of the act, or for such other uses as the Commission determines to be appropriate to carry out the purposes of the act;

(2) The applicant is qualified by reason of training and experience to use the material for the purpose requested in accordance with the regulations in this chapter;

(3) The applicant's proposed equipment and facilities are adequate to protect health and minimize danger to life or property;

(4) The applicant's proposed procedures to protect health and to minimize danger to life or property are adequate;

(5) Where the nature of the proposed activities is such as to require consideration by the Commission, that the applicant appears to be financially qualified to engage in the proposed activities in accordance with the regulations in this part;

(6) Where the applicant is required to submit a summary description of the fundamental material controls provided in his procedures for the control of and accounting for special nuclear material pursuant to § 70.22(b)(2), the applicant's proposed controls are adequate; and

(7) Where the proposed activity is the operation of a plutonium processing and fuel fabrication plant, construction of the principal structures, systems, and components approved pursuant to paragraph (b) of this section has been completed in accordance with the application.

(b) The Commission will approve construction of the principal structures, systems, and components of a plutonium processing and fuel fabrication plant on the basis of information filed pursuant to § 70.22(f) when the Commission has determined that the design bases of the principal structures, systems, and components, and the quality assurance program provide reasonable assurance of protection against natural phenomena and the consequences of potential accidents.[2] Failure to obtain Commission approval prior to beginning of such construction may be grounds for denial of a license to possess and use special nuclear material in a plutonium processing and fuel fabrication plant.

(Sec. 161, 68 Stat. 948; 42 U.S.C. 2201)

Dated at Germantown, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

F. T. Hobbs,
Acting Secretary of the Commission.

[FR Doc.71–7467 Filed 5–27–71;8:45 am]

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[1] The description of the quality assurance program should include a discussion of how the criteria in Appendix B of Part 50 of this chapter will be met.

[2] The criteria in Appendix B of Part 50 of this chapter will be used by the Commission in determining the adequacy of the quality assurance program.

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

DRYCLEANING MACHINERY FROM WEST GERMANY

Antidumping Proceeding Notice

On March 12, 1971, information was received in proper form pursuant to §§ 153.26 and 153.27, Customs Regulations (19 CFR 153.26, 153.27), indicating a possibility that drycleaning machinery from West Germany is being, or likely to be, sold at less than fair value within the meaning of the Antidumping Act 1921, as amended (19 U.S.C. 160 et seq.).

There is evidence on record concerning injury to or likelihood of injury to or prevention of establishment of an industry in the United States.

Having conducted a summary investigation as required by § 153.29 of the Customs Regulations (19 CFR 153.29) and having determined as a result thereof that there are grounds for so doing, the Bureau of Customs is instituting an inquiry to verify the information submitted and to obtain the facts necessary to enable the Secretary of the Treasury to reach a determination as to the fact or likelihood of sales at less than fair value.

A summary of information received from all sources is as follows:

The information received tends to indicate that the prices of the merchandise sold for exportation to the United States are less than the prices for home consumption.

This notice is published pursuant to § 153.30 of the Customs Regulations (19 CFR 153.30).

Edwin F. Rains,
Acting Commissioner of Customs.

[FR Doc.71-7509 Filed 5-27-71;8:49 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA

Notice of Proposed Withdrawal and Reservation of Lands

May 21, 1971.

The Department of the Army has filed an application, serial No. A-060160, for the withdrawal of the lands described herein from all forms of appropriation, including the mining and mineral leasing laws. The Army requests the land for use as the site of a power substation in connection with the Snettisham Power Project. The Army and the Alaska Power Administration state that the land is urgently needed for the project because of the critical need for electric power in the Juneau area. The applicant states that the withdrawal will be needed for an indefinite period.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, 555 Cordova Street, Anchorage, AK 99501.

The Department's regulation, 43 CFR 2351.4(c): *Provides,* That the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing and potential demand for the lands and their resources. He will also undertake negotiations with the applicant agency with the view of adjusting the application to reduce the area to the minimum essential to meet the applicant's needs, to provide for the maximum concurrent utilization of the lands for purposes other than the applicant's, to eliminate lands needed for purposes more essential than the applicant's, and to reach agreement on the concurrent management of the lands and their resources.

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the Federal Register. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The lands involved in the application are:

Juneau, Alaska

A parcel of land, being a portion of U.S. Survey No. 1762 (Juneau Townsite Elimination from the Tongass National Forest) located on the northeasterly side of Gastineau Channel, approximately 5 miles southeast of Juneau, Alaska; being within the Harris Mining District of the Juneau Recording District, First Judicial District, State of Alaska; said portion being described as follows:

Commencing at Corner No. 3 of the Mexico Mill Site (Mineral Survey No. 71-B); thence on the northwest boundary line thereof, south 45°42'27" W., a distance of 135.25 feet to Corner No. 4 of the Jumbo Mill Site (Mineral Survey No. 260); thence on the northeasterly boundary line thereof, north 35°32'33" W., a distance of 608.91 feet; thence leaving said boundary line, south 56°30'58" E., a distance of 503.18 feet; thence north 45°57'27" E., a distance of 244.20 feet; thence south 44°02'33" E., a distance of 570.00 feet; thence south 45°57'27" W., a distance of 305.63 feet to a point on the northeasterly boundary line of said Mexico Mill Site, said point being north 44°17'33" W., a distance of 6.99 feet (as measured on said boundary line) from Corner No. 4 of said Mexico Mill Site; thence on said boundary line north 44°17'33" W., a distance of 459.67 feet to said point of beginning.

The above bearings are based on the U.T.M. Grid System with Corner No. 3 of said Mexico Mill Site having Grid Coordinates of N.21,187,391.49 and E.1,770,617.38.

The parcel of land described above contains 5.24 acres, more or less.

Burton W. Silcock,
State Director.

[FR Doc.71-7470 Filed 5-27-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

GLACIER PRIMITIVE AREA PROPOSAL

Notice of Public Hearing

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Public Law 88-577; 78 Stat. 890, 892; 16 U.S.C. 1131, 1132), that a public hearing will be held beginning at 9 a.m. on Monday, June 28, 1971, in Eagle's Hall, 404 East Fremont Avenue, Riverton, WY, on proposed management alternatives for the Glacier Primitive Area relative to recommendations by the President of the United States to the Congress concerning a Glacier Wilderness.

The Glacier Primitive Area is located within the Shoshone National Forest, in Fremont and Sublette Counties, State of Wyoming.

A brochure containing a map and information about the area and the management alternatives under consideration may be obtained from the Forest Supervisor, Shoshone National Forest, 1731 Sheridan Avenue, Cody, WY 82414, or the Regional Forester, Building 85, Denver Federal Center, Denver, Colo. 80225.

Individuals or organizations may express their views by appearing at the hearing, or they may submit written comments for inclusion in the official record to the Regional Forester at the above address by July 29, 1971.

E. W. Schultz,
Acting Chief, Forest Service.

[FR Doc.71-7482 Filed 5-27-71;8:47 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-263]

PRUDENTIAL-GRACE LINES, INC.

Notice of Application

Notice is hereby given that Prudential-Grace Lines, Inc., has applied for permission to modify its Line D (Trade Route No. 10) Freight Service between U.S. North Atlantic ports and the Mediterranean area so as to include calls at U.S. South Atlantic ports (North Carolina to and including Key West, Fla.).

Any person, firm or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1175), should, by the close of business on June 14, 1971, notify the Secretary, Maritime Subsidy Board in writing, in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to a vessel to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and (2) whether in the accomplishment of the purpose and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 25, 1971.

By Order of the Maritime Subsidy Board/Maritime Administration.

James S. Dawson, Jr.,
Secretary, Maritime Subsidy Board,
Maritime Administration.

[FR Doc.71-7513 Filed 5-27-71;8:48 am]

Office of the Secretary

[Dept. Organization Order 25-2]

MARITIME ADMINISTRATION

Organization and Functions

The following order was issued by the Secretary of Commerce on May 12, 1971. This material supersedes the material appearing at 35 F.R. 13145 of August 18, 1970; 35 F.R. 17797 of November 19, 1970; and 36 F.R. 5921 of March 31, 1971.

Section 1. *Purpose.* This order prescribes the organization and assignment of functions within the Maritime Administration. The delegations of authority to the Assistant Secretary for Maritime Affairs and the Maritime Subsidy Board are set forth in Department Organization Order 10-8.

Sec. 2. *Organization structure.* The organization structure and line of authority of the Maritime Administration shall be as depicted in the attached organization chart (Exhibit 1). (A copy of the organization chart is on file with the original of this document with the Office of the Federal Register.)

Sec. 3. *Office of the Assistant Secretary for Maritime Affairs.* .01 The Assistant Secretary for Maritime Affairs (the "Assistant Secretary"), who is ex officio Maritime Administrator, is the head of the Maritime Administration and serves as Chairman of the Maritime Subsidy Board.

.02 The Deputy Assistant Secretary for Maritime Affairs shall assist the Assistant Secretary in carrying out his responsibilities and perform such duties as the Assistant Secretary shall prescribe, together with the duties which he performs as a member of the Maritime Subsidy Board. In addition, he shall be the Acting Assistant Secretary during the absence or disability of the Assistant Secretary and, unless the Secretary of Commerce designates another person, during a vacancy in the office of the Assistant Secretary. He shall also be responsible for supervision and coordination of contract compliance activities and activities under Title VI of the Civil Rights Act of 1964.

.03 The Deputy Administrator for Program Implementation shall also assist the Assistant Secretary in carrying out his responsibilities and shall perform such duties as the Assistant Secretary shall prescribe in providing executive direction and coordination of activities related to: (a) Implementation of the program created under the Merchant Marine Act of 1970; (b) international maritime affairs of significant interest to the Maritime Administration; (c) equal employment opportunity programs administered by the Maritime Administration with respect to ship construction, boat building and water transportation industries that are Government contractors; and (d) such other areas as the Assistant Secretary shall determine.

.04 The Executive Staffs shall consist of the Secretary of the Maritime Administration who also serves as Secretary of the Martime Subsidy Board, the hearing examiners, and officials concerned with other special services for the Assistant Secretary and the Maritime Subsidy Board.

Sec. 4. *Maritime Subsidy Board.* The Maritime Subsidy Board shall be responsible for and perform the following functions:

a. The functions with respect to making, amending, and terminating subsidy contracts, which shall be deemed to include, in the case of construction-differential subsidy, the contract for the construction, reconstruction or reconditioning of a vessel and the contract for the sale of the vessel to the subsidy applicant or the contract to pay a construction-differential subsidy and the cost of the national defense features, and, in the case of operating-differential subsidy, the contract with the subsidy applicant for the payment of the subsidy;

b. The functions with respect to: (1) conducting hearings and making determinations antecedent to making, amending, and terminating subsidy contracts, under the provisions of Titles V, VI, and VIII, and sections 301 (except investigations, hearing and determinations, including changes in determinations, with respect to minimum manning scales, minimum wage scales and minimum working conditions), 708, 805(a), and 805(f) of the Merchant Marine Act, 1936, as amended (the Act), (2) making readjustments in determinations as to operating cost differentials under section 606 of the Act, and (3) the approval of the sale, assignment, or transfer of any operating subsidy contract under section 608 of the Act;

c. The functions with respect to investigating and determining (1) the relative cost of construction of comparable vessels in the United States and foreign countries, (2) the relative cost of operating vessels under the registry of the United States and under foreign registry, and (3) the extent and character of aids and subsidies granted by foreign governments to their merchant marines, under the provisions of subsections (c), (d), and (e) of section 211 of the Act;

d. So much of the functions specified in section 12 of the Shipping Act, 1916, as amended, as the same relate to the functions of the Board under subparagraphs a. through c. of this paragraph; and

e. So much of the functions with respect to adopting rules and regulations, subpoenaing witnesses, administering oaths, taking evidence, and requiring the productions of books, papers, and documents, under sections 204 and 214 of the Act, as relate to the functions of the Board.

Sec. 5. *Office of Policy and Plans.* The Office of Policy and Plans shall develop and recommend long-range marine affairs policies and plans, including plans for the revitalization of the U.S. Merchant Marine; direct and coordinate the development and maintenance of plans for carrying out the Administration's responsibilities and functions in the event of mobilization for war or other national emergency; plan, conduct or coordinate the Administration's participation in intergovernmental and international activities concerned with shipping matters; conduct economic studies and operations research activities in support of the planning functions and recommend solutions to problems affecting shipping; develop and maintain the Planning-Programing-Budgeting System; formulate, recommend, and interpret budgetary policies and procedures; collaborate with operating officials in the development of fiscal plans and budget estimates; develop and present budget requests and justifications; allocate and maintain budgetary control of funds available; review status of funds and program performance in relation to fiscal plans; and review and evaluate operating programs to determine their effectiveness in accomplishing established goals and objectives.

Sec. 6. *Office of the General Counsel.* The Office of the General Counsel shall, subject to the overall authority of the Department's General Counsel as provided in Department Organization Order

10–6, serve as the law office of the Administration; review and give legal clearance to applications for subsidy and other Government aids to shipping, sales, mortgages, charters, and transfers of ships; prepare and approve as to form and legality, contracts, agreements, performance bonds, deeds, leases, general orders, and related documents; render legal opinions as to the interpretation of such documents and the statutes; prepare drafts of proposed legislation, executive orders, and legislative reports to Congressional committees and the Office of Management and Budget; negotiate and settle, or recommend settlement of, admiralty claims, just compensation claims, tort claims, and claims referred to the office for litigation; assist the Department of Justice in the trial, appeal and settlement of litigation; represent the Administration in public proceedings involving all shipping matters before administrative agencies of the Government, and in State and Federal courts; and handle court litigation in actions involving enforcement or defense of the jurisdiction, general orders, and regulations of the Administration.

SEC. 7. *Office of Public Affairs.* The Office of Public Affairs shall develop and coordinate a public information and publications program as needed to further the objectives of the Administration's programs; issue or clear for issuance all information for the general public on shipping and on decisions and activities of the Administration; and prepare periodic and special reports, as assigned.

SEC. 8. *Office of Civil Rights.* The Office of Civil Rights shall formulate and conduct programs to assure compliance by Federal contractors and subcontractors with Executive Orders 11246 and 11375 and related regulations, and applicants for and recipients of Federal financial assistance and their contractors and subcontractors with Title VI of the Civil Rights Act of 1964 and related regulations; plan and direct special programs to assure equal opportunity in employment in the ship and boat building and repair industries, water transportation industry, and related industries as assigned; provide assistance in communicating to minority communities the career opportunities available in the Merchant Marine; assist in the recruitment of qualified minority cadet candidates for the U.S. Merchant Marine Academy and assure equal opportunity for the Academy cadets; conduct compliance reviews of the civil rights and equal employment opportunity programs relating to Maritime Administration employees, and make recommendations for improvement.

SEC. 9. *Office of the Assistant Administrator for Administration.* The Assistant Administrator for Administration shall be the principal assistant and adviser to the Assistant Secretary on administrative services, personnel, management and organization matters. He shall direct the activities of the following organizational units:

.01 The Office of Administrative Services shall plan and establish national policies and programs for the conduct of facilities and supply management and office services activities, including material control and disposal of real and personal property, other than ships; administer the security program; settle loss or damage claims arising from shipments on Government bills of lading; secure allocations of the production capacity of private plants for the manufacture of components and materials required in the event of mobilization; administer programs for the management of mail, files, records equipment, vital records, and records disposition; and, for headquarters of the Maritime Administration, provide or obtain travel and office services, including space, communications, correspondence control, central files, and administrative property management services.

.02 The Office of Management and Organization shall conduct manpower surveys to determine staffing requirements for all components of the Administration; conduct surveys and studies to improve management practices, organization structures, delegations of authorities, procedures, and work methods; maintain a system for the issuance of the manual of orders and other directives; administer programs for the management of reports, forms, correspondence, and committee activities; coordinate the management improvement program; and prepare special progress and administrative reports to the Office of the Secretary and others, as required.

.03 The Office of Personnel shall plan and administer personnel programs and activities relating to recruitment, placement, promotion, separation, employee performance evaluation, training and career development, employee recognition and incentives, employee relations and services, employee-management relations, classification, pay management, and various employee benefit programs. This office shall also plan and administer the equal opportunity program for employment in the Maritime Administration.

SEC. 10. *Office of the Assistant Administrator for Finance.* The Assistant Administrator for Finance shall be the principal assistant and adviser to the Assistant Secretary on financial management, automatic data processing, and management information systems matters. He shall direct the activities of the following organization units:

.01 The Office of Management Information Systems shall plan and develop data processing and management information systems; develop systems and programs for the application of computer techniques; operate the electronic data processing facility, including auxiliary equipment; and plan, coordinate, and operate the Administration's management data and information center.

.02 The Office of Finance shall render financial advice and opinions; develop and maintain financial systems of the Administration; perform accounting functions, including maintenance of general accounts and related fiscal records, preparation of financial statements and reports, issuance of invoices, audit and certification of vouchers for payment; prescribe a uniform system of accounts for subsidized operators, agents, charterers, and other contractors; administer a program of external audits of contractors' accounts to determine compliance with applicable laws, regulations and contract provisions concerning costs and profits; maintain control records of statutory and contractual reserve funds; analyze financial statements and other data submitted by contractors to determine financial qualifications and limitations; take necessary action to effect collection of amounts due; administer the marine and marine war risk insurance programs; and negotiate, settle, or recommend settlement of, marine and war risk insurance claims.

SEC. 11. *Office of the Assistant Administrator for Research and Development.* The Assistant Administrator for Research and Development shall be the principal assistant and adviser to the Assistant Secretary on research and development programs. Within his office are personnel responsible for liaison with the Navy on the surface effect ship program. He shall direct the activities of the following organizational units:

.01 The Office of Maritime Technology shall develop, coordinate and manage programs to establish a scientific and technological base for achieving a more productive and competitive U.S. Merchant Marine; initiate, solicit, develop and recommend specific projects, such as research in hydrodynamics, structures, and oceanographic subjects which have a bearing on improvements in the merchant marine, and institutional and university research in marine science and technology appropriate to maritime affairs; and negotiate and administer technical aspects of contracts in above areas.

.02 The Office of Advanced Ship Development shall develop, organize, coordinate and manage programs for the application of scientific and technological developments to improve ship systems, shipbuilding, ship machinery, equipment, and other components, with the objective of increasing the efficiency, productivity, and effectiveness of the U.S. Merchant Marine; initiate, solicit, develop, and recommend specific projects; and negotiate and administer technical aspects of contracts in these areas.

.03 The Office of Advanced Ship Operations shall develop, organize, coordinate, and manage programs for the application of scientific, technological, and other developments to upgrade the operational efficiency and competitive position of the U.S. Merchant Marine; develop, coordinate, and implement programs for the application of nuclear power to merchant ships; initiate, solicit, develop, and recommend specific projects in these areas, including navigation and communications, port and terminal operations, cargo handling, marine personnel requirements, automation, ship handling and other operational aspects

of the ship; and negotiate and administer technical aspects of contracts in above areas.

SEC. 12. *Office of the Assistant Administrator for Operations.* The Assistant Administrator for Operations shall be the principal assistant and adviser to the Assistant Secretary on ship construction, ship operation, port development, and intermodal transportation systems activities. Within his office are personnel responsible for the conduct of trial, acceptance, and guarantee surveys of ships. He shall direct the activities of the following organizational units:

.01 The Office of Ship Construction shall collect and analyze data on relative costs of shipbuilding in the United States and foreign countries; calculate and recommend the amount of construction-differential subsidy; develop preliminary designs establishing the basic characteristics of proposed ships; review and approve ship designs submitted by applicants for Government aid; recommend and, upon request, conduct research and development projects in ship design and construction; develop or approve contract plans and specifications for the construction, reconstruction, conversion, reconversion, reconditioning and betterment of ships; review, obtain approval and certification of national defense features by the Department of the Navy; prepare cost estimates, invitations to bid, and recommendations for the award of ship construction-type contracts; administer ship construction contracts; provide naval architectural and engineering services in connection with construction of small special purpose ships for other Government agencies; approve designs, supervise construction and undertake final acceptance of fishing vessels constructed under Public Law 86–516, as amended; maintain current records of commercial shipyard ways in the United States; and develop requirements for mobilization ship construction programs. The Office of Ship Construction has the following divisions: Division of Ship Design, Division of Engineering, Division of Estimates, Division of Small Ships, and Division of Production.

.02 The Office of Ship Operations shall give national program direction for the operation, maintenance, and repair of Maritime Administration-owned or acquired merchant ships, conduct of ship condition surveys and ship inventories, operation of warehouses, and maintenance of the national defense reserve fleet, including the ship preservation programs, and other ship operations activities; provide safety engineering services; approve or recommend approval of transfers of ships to foreign ownership, registry or flag; determine program requirements for Government-owned ocean-going merchant shipping; recommend the reactivation, purchase, chartering or requisition of merchant ships for Government use, and administer activities relating to the charter of such ships; recommend terms of and administer General Agency, Charter and Berth Agency agreements, and related orders; recommend terms of, execute, and administer, contracts for ship repairs for the account of the Maritime Administration; develop plans for the allocation and operation of merchant ships in time of war or national emergency; conduct sales of ships, and supervise compliance with ship sales agreements and mortgages; and administer the ship exchange program. The Office of Ship Operations has the following divisions: Division of Ship Management and Division of Reserve Fleet.

.03 The Office of Ports and Intermodal Systems shall formulate national policies and programs, and conduct programs for the development and promotion of intermodal transportation systems; conduct studies and formulate plans for the promotion, development, and utilization of ports and port facilities; conduct activities relating to the promotion and development of the domestic waterborne commerce of the United States; provide technical advice to other Government agencies, private industry and State and municipal governments in the above fields; and conduct emergency planning for the utilization and control of ports and port facilities under national mobilization conditions. The Office of Ports and Intermodal Systems has the following divisions: Division of Ports and Division of Intermodal Transport.

SEC. 13. *Office of the Assistant Administrator for Maritime Aids.* The Assistant Administrator for Maritime Aids shall be the principal assistant and adviser to the Assistant Secretary on subsidy administration, Title XI mortgage insurance, and other Government aids programs, maritime manpower, and trade promotion activities. He shall direct the activities of the following organizational units:

.01 The Office of Subsidy Administration shall process applications for construction-differential subsidy, operating-differential subsidy, Federal Ship Mortgage and/or Loan Insurance, trade-in allowances, and other forms of Government aid to shipping; conduct negotiations with applicants, obtain comments of other offices and within delegated authority, approve or recommend approval or disapproval, and take other actions in relation to the award and the administration of aid contracts; administer Construction Reserve Funds; approve with the concurrence of the Chief, Office of Finance, actions relating to the administration of Special and Capital Reserve Funds of subsidized operators; collect, analyze and evaluate costs of operating ships under United States and foreign registry; calculate and recommend operating-differential subsidy rates; analyze and recommend trade route structure and service requirements of the ocean-borne commerce of the United States, and extent of foreign flag competition on essential trade routes; and collect, maintain, analyze, and disseminate statistical data on cargo and commodity movements in the ocean-borne commerce of the United States, composition of world's merchant fleets, and utilization of U.S.-flag ships. Within this office are personnel responsible for the collection of Maritime cost data and other technical maritime activities in foreign countries. The Office of Subsidy Administration has the following divisions: Division of Subsidy Contracts, Division of Mortgage-Insurance Contracts, Division of Subsidy Rates, Division of Trade Studies, and Division of Statistics.

.02 The Office of Maritime Manpower shall analyze and advise the Administration regarding labor management relations and problems as they apply to seamen, longshoremen and shipyard workers, including labor trends, potential areas of dispute, and the effects of technological changes and proposed legislation on labor; develop plans in cooperation with the Department of Labor to provide reserve maritime manpower for mobilization and other emergencies; obtain, analyze, and publish data for use of industry, labor, Government and the public concerning maritime employment, wages, hours, manning, working conditions, and manpower requirements; process nominations for appointment of cadets to the U.S. Merchant Marine Academy; administer a grant-in-aid program for the State maritime academies; determine need for and coordinate training programs for licensed and unlicensed personnel in maritime industries; coordinate technical maritime training assistance to foreign countries under international cooperative programs; and issue merchant marine decorations and awards. The Office of Maritime Manpower has the following divisions: Division of Labor Studies, Division of Manpower Development, and Division of Maritime Academies.

.03 The Office of Market Development shall formulate national policies and programs, and conduct programs for the promotion and development of increased trade for U.S.-flag ships in the foreign commerce of the United States; regulate, review and report on the administration of cargo preference activities under Public Law 664, 83d Congress, Public Resolution 17, 73d Congress, and other statutes, in accordance with section 901 of the Merchant Marine Act, 1936, as amended; and calculate and recommend guideline rates, terms, and conditions for transportation of Government-financed cargoes.

SEC. 14. *Field Organization.* .01a. There shall be three field organizations called Regions, each headed by a Region Director, as specified below:

Region	*Headquarters location*
Eastern Region	New York, N.Y.
Central Region	New Orleans, La.
Western Region	San Francisco, Calif.

b. The regions shall have geographic areas of responsibility as shown in Exhibit 2. (A copy of Exhibit 2 is on file with the original of this document with the Office of the Federal Register.)

c. The Region Directors shall be responsible for all field operations and programs of the Maritime Administration within their respective regions, except ship construction and the U.S. Merchant Marine Academy, subject to national policies, determinations, procedures and directives of the appropriate office chief in Washington, D.C. The programs and activities under their jurisdiction shall include the custody and preservation of ships in the national defense reserve fleet; operation, repair, and maintenance of ships; marine inspections; training for marine personnel in radar, loran, etc.; accounting and external auditing; contract compliance activities, and activities to assure equal opportunity in employment in water transportation industries, as assigned; trade promotion; development of ports and intermodal transportation systems; operation of warehouses; procurement and disposal of property and supplies; facilities management; and administrative support activities.

.02 The U.S. Merchant Marine Academy, Kings Point, N.Y., shall develop and maintain programs for the training of U.S. citizens to become officers in the U.S. Merchant Marine.

Effective date: May 12, 1971.

LARRY A. JOBE,
Assistant Secretary for Administration.

[FR Doc.71-7475 Filed 5-27-71;8:46 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

PHILIPS ROXANE, INC., AND E. R. SQUIBB & SONS, INC.

Certain Neomycin Containing Drugs; Notice of Drugs Deemed Adulterated

In the FEDERAL REGISTER of May 2, 1970 (35 F.R. 7032), May 7, 1970 (35 F.R. 7195), and July 1, 1970 (35 F.R. 10699 DESI 0137NV) the Commissioner of Food and Drugs announced the conclusions of the Food and Drug Administration and the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, following evaluation by the Administration of reports received from the Academy on the following preparations:

1. Pinkeye Powder with Neomycin, (NAS 12-10 and NAS 12-11); Philips Roxane, Inc., 2621 North Belt Highway, St. Joseph, Mo. 64502, which was evaluated as probably not effective for topical treatment of ocular infections;

2. Gland-O-Las Scours Boluses (NAS 0139); E. R. Squibb & Sons, Inc., Agriculture Research Center, Three Bridges, N.J. 08887, which was evaluated as probably not effective for enteric infections for foals and calves; and

3. Neo-Ade, For Use in Poultry Drinking Water (NAS 0137); E. R. Squibb & Sons, Inc., which was evaluated as probably not effective for use in poultry drinking water for prevention and treatment of bacterial enteritis in chickens and turkeys commonly associated with chronic respiratory diseases and blue comb.

Said announcements provided the manufacturer and all interested parties a 6-month period in which to submit new animal drug applications.

E. R. Squibb & Sons, Inc., did not submit new animal drug applications for the above listed drugs. However, they responded to said announcements by advising the Commissioner that said drugs have been deleted from their product line and requested withdrawal of their drugs.

Philips Roxane, Inc., responded by advising the Commissioner that Pinkeye Powder with Neomycin was deleted from their product line and that they do not plan to submit a new animal drug application for this product.

Based on the foregoing and the information before him, the Commissioner concludes that the above named drugs are adulterated within the meaning of section 501(a)(5) of the Federal Food, Drug, and Cosmetic Act, in that they are not the subject of an approved new animal drug application pursuant to section 512 of the act. Therefore, notice is given to Philips Roxane, Inc., E. R. Squibb & Sons, Inc., and all interested persons that all stocks of said drugs within the jurisdiction of the act are deemed adulterated within the meaning of the act and are subject to appropriate regulatory action.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 501(a)(5), 512, 52 Stat. 1049, as amended, 82 Stat. 343-51; 21 U.S.C. 351(a)(5), 360b) and under authority delegated to the Commissioner (21 CFR 2.120).

Dated May 5, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7487 Filed 5-27-71;8:47 am]

MILCHEM INC.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b) (5)), notice is given that a petition (FAP 1B2679) has been filed by Milchem Inc., Post Office Box 33387, Houston, Texas 77033, proposing that § 121.2526 *Components of paper and paperboard in contact with aqueous and fatty foods* (21 CFR 121.2526) be amended to provide for the safe use of sodium polyacrylate as a dispersant of clay fillers of paper and paperboard used for food containers.

Dated: May 24, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-7488 Filed 5-27-71;8:47 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50-358]

CINCINNATI GAS & ELECTRIC CO. ET AL.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

The Cincinnati Gas & Electric Co. (Cincinnati), Fourth and Main Streets, Cincinnati, OH 45202; Columbus & Southern Ohio Electric Co. (Columbus), 215 North Front Street, Columbus, OH 43215; and The Dayton Power & Light Co. (Dayton), 25 North Main Street, Dayton, OH 45401, pursuant to the Atomic Energy Act of 1954, as amended, have filed an application dated April 6, 1970, for construction permits and facility licenses to authorize construction and operation of two single cycle, forced circulation, boiling water nuclear reactors on a site on the east shore of the Ohio River, just north of Moscow and about 24 miles southeast of Cincinnati, in Washington Township, Clermont County, Ohio. In a subsequent amendment to the application, dated December 15, 1970, the applicants amended the application to reflect a single unit.

The proposed reactor, designated by the applicants as the Wm. H. Zimmer Nuclear Power Station Unit 1 (Zimmer Station), is designed for initial operation at approximately 2,436 megawatts (thermal), with a net electrical output of approximately 807 megawatts.

Cincinnati, Columbus, and Dayton will share undivided ownership of the proposed Zimmer Station as tenants in common, and will share in the engineering and construction costs in proportion to their ownership interests as set forth in the application. Cincinnati, acting for itself and as agent for Columbus and Dayton, will have responsibility for the design, construction, and operation of Zimmer Station.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 21, 1971.

A copy of the application, including amendments, is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Clermont County Library, Third and Broadway, Batavia, OH.

Dated at Bethesda, Md., this 14th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-7039 Filed 5-20-71;8:45 am]

[Dockets Nos. 50-387, 50-388]

PENNSYLVANIA POWER AND LIGHT CO.

Notice of Receipt of Application for Construction Permits and Facility Licenses; Time for Submission of Views on Antitrust Matter

Pennsylvania Power and Light Co., 901 Hamilton Street, Allentown, PA 18101, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application dated March 23, 1971, for authorization to construct and operate two single-cycle, forced circulation, boiling water nuclear reactors at its site, located in Salem Township, Luzerne County, Pa. The proposed site consists of 1,522 acres and is located on the west bank of the Susquehanna River, approximately 15 miles southwest of Wilkes-Barre, Pa.

Each unit of the proposed nuclear facility, designated by the applicant as the Susquehanna Steam Electric Station, Units 1 and 2, is designed for initial operation at approximately 3,293 megawatts (thermal) with a net electrical output of approximately 1,100 megawatts.

Any person who wishes to have his views on the antitrust aspects of the application presented to the Attorney General for consideration shall submit such views to the Commission within sixty (60) days after May 7, 1971.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC, and in the Osterhout Free Library, 71 South Franklin Street, Wilkes-Barre, PA.

Dated at Bethesda, Md., this 30th day of April 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-6319 Filed 5-6-71;8:45 am]

[Docket No. 50-280]

VIRGINIA ELECTRIC AND POWER CO.

Notice of AEC Consideration of Issuance of Facility Operating License

The Atomic Energy Commission (the Commission) will consider the issuance of a facility operating license to the Virginia Electric and Power Co. (VEPCO) which would authorize VEPCO to possess, use, and operate the Surry Power Station Unit 1 (the facility) at steady state power levels not to exceed 2,441 megawatts (thermal) in accordance with the provisions of the license and appended technical specifications. The facility is a pressurized water reactor, and is located in Surry County, Va. Construction of this facility was authorized by Provisional Construction Permit No. CPPR-43 issued by the Commission on June 25, 1968.

No such operating license will be issued until receipt of a report on the application by the Advisory Committee on Reactor Safeguards, the issuance of a favorable safety evaluation for the facility by the AEC Division of Reactor Licensing, and findings by the Commission that the application for the facility license (as amended) complies with the requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's regulations in 10 CFR Chapter 1.

Prior to issuance of an operating license the Commission will inspect the facility to determine whether it has been constructed in accordance with the application, as amended, and the provisions of Provisional Construction Permit No. CPPR-43, as appropriate. The license for the facility will not be issued until the Commission has made the findings, reflecting its review of that application, which will be set forth in the proposed license, and has concluded that the issuance of the license will not be inimical to the common defense and security or to the health and safety of the public. Upon issuance of any license, VEPCO will be required to execute an indemnity agreement, as appropriate, as required by Section 170 of the Act and 10 CFR Part 140 of the Commission's regulations.

In the event that construction of Unit 1 has not been completed to permit full power operation, the Commission may issue a facility operating license consistent with the level of construction completed to permit initial loading and low power testing for that facility prior to the issuance of the full power license.

Within thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER, VEPCO may file a request for a hearing and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the Commission's rules of practice in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission will issue a notice of hearing or an appropriate order. In accordance with 10 CFR 2.714, a petition for leave to intervene which is not timely filed will be dismissed unless the petitioner shows good cause for failure to file it on time.

Prior to issuance of an operating license for Unit 1, the Commission will issue a detailed environmental statement for the facility. The availability of the statement will be published in the FEDERAL REGISTER. The statement will be prepared consistent with Appendix D of 10 CFR Part 50 of the Commission's regulations.

For further details with respect to matters under consideration see (1) the VEPCO application for the facility licenses dated March 20, 1967, as amended, and as they become available, (2) the report of the Advisory Committee on Reactor Safeguards on the application for this facility, (3) the proposed facility operating license, (4) the Technical Specifications which will be attached as Appendix A to the proposed facility operating license, and (5) the safety evaluation prepared by the Division of Reactor Licensing, which will be available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, DC. Copies of items (3) and (5) may be obtained when available upon request addressed to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Director, Division of Reactor Licensing.

Dated at Bethesda, Md., this 24th day of May 1971.

For the Atomic Energy Commission.

PETER A. MORRIS,
Director,
Division of Reactor Licensing.

[FR Doc.71-7483 Filed 5-27-71;8:47 am]

[Docket No. 50-322]

LONG ISLAND LIGHTING CO.

Order Regarding Filing Findings of Fact etc.

By motion filed in these proceedings dated May 18, 1971, the AEC Regulatory Staff requested the Board to hold open the record for the limited purpose of receiving further information to be derived by the Staff from a reevaluation of the Emergency Core Cooling System (ECCS) of the proposed Shoreham Nuclear Power Station. Statement of the request for holding the record open for this limited purpose and concerning such a reevaluation had been made by Staff counsel during the proceedings and appears in the record of the hearing of May 17, 1971, together with answers by the other parties. Additional answers by the parties on this matter appear in the record of the hearing on May 19, 1971.

The Staff stated it expects that this review will be completed within a few weeks and it will inform the Board at a later date when it anticipates the completion of this reevaluation.

The Staff stated that in its view affirmative action by the Board on this motion need not delay the scheduling of dates for parties to this proceeding to file proposed findings of fact and conclusions of law. The Staff requested that the results of their reevaluation of the ECCS, when available, be dealt with by the Board and the parties as a separable matter in this proceeding.

On May 19, 1971, the Board ruled that the proceeding as of that date was in recess and that it would issue an order concerning further procedures.

In light of the above request and after reviewing the answers of the parties concerning it made at the hearing on May 17 and 19, 1971, the Board now makes the following rulings:

1. The record of this proceeding will be held open for the limited purpose of receiving information concerning the results of the AEC Regulatory Staff's reevaluation of the effectiveness of the emergency core cooling system (ECCS)

for the Shoreham Nuclear Power Station, and the record on all other matters in this proceeding was completed on May 19, 1971;

2. The applicant shall submit by June 8, 1971, proposed findings of fact and conclusions of law on all matters in the record as completed on May 19, 1971, in the form of an initial decision;

3. Because of the size of the record the Board is granting additional time to the other parties to submit their filings. All other parties shall file by July 8, 1971, their proposed findings of fact and conclusions of law on all matters in the record as completed on May 19, 1971, in the form of an initial decision;

4. Applicant may reply by July 16, 1971, to any filings under (3) above;

5. Each proposed finding of fact shall have exact citation to the transcript of the record and exhibits in its support;

6. All parties shall submit by June 14, 1971, their transcript corrections; and

7. There remain no additional questions of law that require briefs.

Dated at Washington, D.C., this 24th day of May 1971.

Atomic Safety and Licensing Board,
James R. Yore,
Chairman.

[FR Doc.71-7468 Filed 5-27-71;8:45 am]

[License No. 04-13846-01E]

BUSHNELL OPTICAL CORP.

Notice of Issuance of Byproduct Material License

Please take notice the Atomic Energy Commission has, pursuant to section 32.22 of 10 CFR Part 32, issued License No. 04-13846-01E to Bushnell Optical Corp., 2828 East Foothill Boulevard, Pasadena, CA 91107, which authorizes the distribution of telescopic sight illuminators to persons exempt from the requirements for a license pursuant to § 30.19 of 10 CFR Part 30.

1. The telescopic sight illuminator is designed for attachment to a telescopic sight for the purpose of illuminating the sight reticule ("cross-hairs") to improve sighting effectiveness under low-light level conditions.

2. Each illuminator contains a maximum of one-fourth curie of tritium gas sealed in a borosilicate glass tube. The glass tube is cemented inside an acrylic housing which is closed by cementing an acrylic cover in place. This assembly is, in turn, secured inside an aluminum housing by a continuous internal circumferential crimp. The aluminum housing has internal threads which mate with the threads on the telescopic sight.

3. Each illuminator will bear a label identifying the distributor (Bushnell Optical Corp.) and the contained byproduct material (tritium).

A copy of the license and a safety evaluation containing additional information, prepared by the Division of Materials Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, DC 20545.

Dated at Bethesda, Md., May 19, 1971.

For the Atomic Energy Commission.

Lyall Johnson,
Acting Director,
Division of Materials Licensing.

[FR Doc.71-7469 Filed 5-27-71;8:45 am]

CIVIL SERVICE COMMISSION

MEDICAL RADIOLOGY TECHNICIAN, COOK COUNTY, ILL.

Notice of Establishment of Minimum Rates and Rate Ranges

Under authority of 5 U.S.C. 5303 and Executive Order 11073, the Civil Service Commission has established special minimum salary rates as follows:

GS-647 Medical Radiology Technician Series

Geographic coverage: Cook County, Ill. (including the city of Chicago).

Effective date: First day of the first pay period beginning on or after June 13, 1971.

PER ANNUM RATES

Grade	1	2	3	4	5	6	7	8	9	10
GS-4	$7,237	$7,444	$7,651	$7,858	$8,065	$8,272	$8,479	$8,686	$8,893	$9,100
GS-5	7,631	7,862	8,093	8,324	8,555	8,786	9,017	9,248	9,479	9,710
GS-6	7,985	8,243	8,501	8,759	9,017	9,275	9,533	9,791	10,049	10,307

All new employees in the specified occupational levels will be hired at the new minimum rates.

As of the effective date, all agencies will process a pay adjustment to increase the pay of employees on the rolls in the affected occupational levels. An employee who immediately prior to the effective date was receiving basic compensation at one of the statutory rates shall receive basic compensation at the corresponding numbered rate authorized by this notice on or after such date. The pay adjustment will not be considered an equivalent increase within the meaning of 5 U.S.C. 5335.

Under the provisions of section 3-2b, Chapter 571, FPM, agencies may pay the travel and transportation expenses to first post of duty, under 5 U.S.C. 5723, of new appointees to positions cited.

United States Civil Service Commission,
[SEAL] James C. Spry,
Executive Assistant
to the Commissioners.

[FR Doc.71-7541 Filed 5-27-71;8:50 am]

TARIFF COMMISSION

[337-27]

MEPROBAMATE

Notice of Hearing

Notice is hereby given that on June 29, 1971, the U.S. Tariff Commission will hold a public hearing in connection with Investigation No. 337-27, regarding alleged unfair methods of competition and unfair acts in the importation and sale of meprobamate which is embraced within the claims of U.S. Patent No. 2,724,720 owned by the complainant, Carter-Wallace, Inc., of New York, N.Y. Notice of institution of the investigation was published in the Federal Register of April 28, 1971 (36 F.R. 8010).

The hearing will be held on June 29, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission in writing at least 5 days in advance of the opening of the hearing.

Issued: May 25, 1971.

By order of the Commission.

Kenneth R. Mason,
Secretary.

[FR Doc.71-7489 Filed 5-27-71;8:46 am]

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 545]

COMMON CARRIER SERVICES INFORMATION [1]

Domestic Public Radio Services Applications Accepted for Filing [2]

May 24, 1971.

Pursuant to §§ 1.227(b)(3) and 21.30(b) of the Commission's rules, an application, in order to be considered with any domestic public radio services application appearing on the list below, must be substantially complete and tendered for filing by whichever date is earlier: (a) The close of business 1 business day preceding the day on which the Commission takes action on the previously filed application; or (b) within 60 days after the date of the public notice listing the first prior filed application (with which subsequent applications are in conflict) as having been accepted for filing. An application which is subsequently amended by a major change will be considered to be a newly filed application. It is to be noted that the cutoff dates are set forth in the alternative—applications will be entitled to consideration with those listed below if filed by the end of the 60-day period, only if the Commission has not acted upon the application by that time pursuant to the first alternative earlier date. The mutual exclusivity rights of a new application are governed by the earliest action with respect to any one of the earlier filed conflicting applications.

The attention of any party in interest desiring to file pleadings pursuant to section 309 of the Communications Act of 1934, as amended, concerning any domestic public radio services application accepted for filing, is directed to § 21.27 of the Commission's rules for provisions governing the time for filing and other requirements relating to such pleadings.

Federal Communications Commission,
[SEAL] Ben F. Waple,
Secretary.

Applications Accepted for Filing

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

File No., applicant, call sign and nature of application

6382-C2-P-(6)-71—Tel-Car, Inc. (KUA224), C.P. to add frequency 454.125 MHz base and 459.175 MHz repeater at location No. 1: Shafer Butte, 12 miles northeast of Boise, Idaho; add frequencies 454.075 and 454.175 MHz repeater at location No. 2: 0.5 mile east of Meridian, Idaho; add 454.025 MHz base and 459.075 MHz repeater at location No. 3: 9.5 miles north-northeast of Emmett, Idaho, and establish 10 dispatch stations pursuant to section 21.519(a) of the rules.

6383-C2-P-71—Mahaffey Message Relay (KDT223), C.P. for additional facilities to operate on 152.18 MHz at a new site described as location No. 3: 505 South Perkins Street, Memphis, TN.

6409-C2-P-71—Beep Communication Systems, Inc. (New), C.P. for a new 2-way station to be located at Video Lane, Trumbull, CT, to operate on frequency 454.025 MHz.

6415-C2-P-71—Mid-Missouri Mobilfone (New), C.P. for a new 2-way station to be located at 2.5 miles northwest of Rolla, Mo., to operate on frequency 152.15 MHz.

6429-C2-MP-71—George E. Kitchen & Associates (KSV891), Modification of C.P. to change the antenna system operating on 158.70 MHz located at 552½ West Columbia Avenue, Battle Creek, MI.

6430-C2-P-71—John W. Bennett (KOP326), C.P. for additional facilities to operate on frequency 152.06 MHz at station located at the Hurley Hospital, Begole and Sixth Avenue, Flint, MI.

6443-C2-AL-71—Hudson Valley Mobilphone Service. Consent to assignment of license from Donald H. Wilson, Ann Page and H. Gregorius Petersen, doing business as Hudson Valley Mobilphone Service, Assignor, to Poughkeepsie Radio, Inc., Assignee. Station: KLF561, Beacon, N.Y.

6444-C2-AP-71—Cleveland Mobile Telephone & Answering Service. Consent to assignment of license from Walter L. Peden, Jo Ann Wolfe Peden and J. E. Wolfe, doing business as Cleveland Mobile Telephone & Answering Service, Assignor, to Alco Telephone Anawering Service of Greenville, Miss., Inc., Assignee. Station: KRM992, Cleveland, Miss.

6445-C2-AL-(2)-71—Sarasota's Telephone Answering Service, Inc. Consent to assignment of license from Sarasota's Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. Stations: KIJ358, Sarasota, Fla., KIQ511, Venice, Fla.

6477-C2-P-(4)-71—General Telephone Co. of Alabama (New), C.P. for a new 2-way station to be located at 205 West Troy Street, Dothan, AL, to operate on frequencies 152.63 and 152.66 MHz and 454.375 and 454.425 MHz.

DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE—continued

6480-C2-P-71—Kalama Telephone Co. (KRH646), C.P. to change the antenna system operating on 152.84 MHz and relocate facilities to 7 miles east of city on Taylor Road, Kalama, Wash.

6481-C2-P-71—Tel-Page Corp. (KRH643), C.P. for additional facilities to operate on frequency 152.06 MHz at a new site described as location No. 2: 821 Brighton Avenue East, Jamesville, NY.

6482-C2-P-71—Tel-Page Corp. (KRH631), C.P. for additional facilities to operate on frequency 158.70 MHz at a new site described as location No. 2: 821 Brighton Avenue East, Jamesville, NY.

6483-C2-P-71—Airsignal International of Pittsburgh, Pa., Inc. (KGA805), C.P. for additional facilities to operate on 35.220 MHz at a new site described as location No. 4: 4101 Grizella Street, Pittsburgh, PA.

6484-C2-AL-(2)71—Paging Montgomery, Inc. Consent to assignment of license from Paging Montgomery, Inc., Assignor, to: Paresco, Inc., Assignee. Stations: KIY757, Montgomery, Ala.; KQZ743, Montgomery, Ala. (1-way).

6522-C2-P-71—General Telephone Co. of Wisconsin (New), C.P. for a new 1-way station to be located at 201 South Cedar Avenue, Marshfield, WI, to operate on frequency 152.840 MHz.

6523-C2-P-71—Pacific Union (KOP256), C.P. for additional facilities to operate on frequencies 454.025, 454.125, and 454.225 MHz at station located at 3533 Southwest Blackstone, Portland, OR.

6524-C2-P-71—Airsignal International, Inc. (KIF653), C.P. for additional facilities to operate on frequency 35.22 MHz at a new site described as location No. 2: 505 South Perkins, Memphis, TN.

6531-C2-P-71—General Telephone Co. of Alabama (New), C.P. for a new 1-way station to be located at 205 West Troy Street, Dothan, AL, to operate on frequency 152.84 MHz.

6532-C2-P-71—ComEx, Inc. (KCI295), C.P. for additional facilities to operate on frequency 43.22 MHz at a new site described as location No. 4: Steele Hill, Sanbornton, N.H.

6533-C2-MP-(2)71—Jack Loperena (KMA267), Modification of C.P. to change the control frequency to 2134.5 MHz and change the antenna system at location No. 2: 238 North Fresno Street, Fresno, CA; change the repeater frequency to 2184.5 MHz, replace the transmitter and change the antenna system at location No. 3: 3 miles east of Auberry, Calif.

6537-C2-MP-71—Airsignal International of Pittsburgh, Pa., Inc. (KGA805), Modification of C.P. to change frequency to 35.220 MHz and relocate facilities at location No. 3 to: 121 South Highland Avenue, Pittsburgh, PA.

6538-C2-P-71—Douglas Radio (KRM967), C.P. to change the antenna system operating on 152.09 MHz located at 304 North Letitia Avenue, Douglas, GA.

2306-C2-R-71—Mountain States Telephone & Telegraph Co. (KAR68), Renewal of license (Developmental) expiring June 1, 1971. Terms: June 1, 1971, to June 1, 1972.

Major Amendment

6112-C2-P-71—Mobilfone Corp. (New), Amend to change base frequency to 454.325 MHz. All other particulars same as reported on Public Notice dated May 10, 1971, Report No. 543. 543.

Corrections

2601-C2-P-(3)-71—Intrastate Radio Telephone Inc., of San Francisco (New), Correct to read: (KMA833) C.P. to add frequencies 152.12, 454.150, and 454.175 MHz at location No. 5: Roundtop Peak, Oakland, Calif. See Public Notice dated Nov. 23, 1970.

2720-C2-P-71—Radio Telephone Co. (KFL922), Correct to read: C.P. to change the antenna system and relocate 152.15 MHz facilities to location No. 1: State Highway No. 346, 4.5 miles east-southeast of Archer, Fla. See Public Notice dated Nov. 30, 1970.

1883-C2-P-(3)-71—Tracy Mobilphone (KMM630), Correct to read: Major amendment to 1186-C2-P-(4)-71, to add frequency 152.12 MHz base and 72.14 MHz repeater at a new site described as location No. 3: On Bear Mountain Ridge, 4.5 miles southwest of Angels Camp, Calif., and add 75.66 MHz control at location No. 2: 2171 Ralph Avenue, Stockton, CA. As reported on Public Notice dated Oct. 12, 1970. Report No. 513.

Informative: It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

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[1] All applications listed below are subject to further consideration and review and may be returned and/or dismissed if not found to be in accordance with the Commission's rules, regulations, and other requirements.

[2] The above alternative cutoff rules apply to those applications listed below as having been accepted in Domestic Public Land Mobile Radio, Rural Radio, Point-to-Point Microwave Radio, and Local Television Transmission Services (Part 21 of the rules).

IOWA

Manpower Inc. of Cedar Rapids (New), 3413–C2–P–70.
Answer Iowa, Inc. (New), 4724–C2–P–70.

It appears that the following applications may be mutually exclusive and subject to the Commission's rules regarding ex parte presentations, by reasons of potential electrical interference.

IOWA

Answer Iowa, Inc. (New), 1577–C2–P–71.
Gerald Parker, doing business as Page I (New), 2954–C2–P–71.

See Report No. 539, dated Apr. 12, 1971.

RURAL RADIO SERVICE

6509–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new rural subscriber station to be located at approximately 12.1 miles southeast of Pilottown, Port Eads, La., to operate on frequency 459.40 MHz communicating with Station KPP66, Venice, La.

6519–C1–P–71—Illinois Bell Telephone Co. (KSN44), C.P. to change the frequencies to 157.77, 157.83, 157.92, and 158.01 MHz; replace transmitters; change the antenna system and relocate facilities to 210 East Jefferson Street, Morris, IL.

6445–C1/C2–AL–(3)–71—Sarasota's Telephone Answering Service, Inc. (KJA96), Consent to assignment of license from Sarasota's Telephone Answering Service, Inc., Assignor, to Airsignal International, Inc., Assignee. (Rural subscriber—Temporary fixed station.)

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)

6416–C1–P–71—Michigan Bell Telephone Co. (KQK33), C.P. to add frequency 3890 MHz toward Langston, Mich. Station location: 4.2 miles southeast of Saranac, Mich.

6417–C1–P–71—Michigan Bell Telephone Co. (KQK34), C.P. to add frequencies 3930 MHz toward Rogers Dam, Mich., and 3990 MHz toward Saranac, Mich. Station location: 1.3 miles southeast of Langston, Mich.

6418–C1–P–71—Michigan Bell Telephone Co. (KQK35), C.P. to add frequencies 3890 MHz toward Evart, Mich., and 3950 MHz toward Langston, Mich. Station location: 4.5 miles northeast of Stanwood, Mich. (Rogers Dam).

6419–C1–P–71—Michigan Bell Telephone Co. (KQK36), C.P. to add frequencies 3990 MHz toward Rogers Dam, Mich., and 3930 MHz toward Cadillac, Mich. Station location: 5.5 miles northwest of Evart, Mich.

6420–C1–P–71—Michigan Bell Telephone Co. (KQK37), C.P. to add frequencies 3950 MHz toward Evart, Mich., and 3890 MHz toward Traverse City, Mich. Station location: 9 miles northwest of Cadillac, Mich.

6421–C1–P–71—Michigan Bell Telephone Co. (KQE82), C.P. to add frequency 3990 MHz toward Cadillac, Mich. Station location: 2.8 miles west of Traverse City, Mich.

6422–C1–P–71—American Telephone & Telegraph Co. (KGN87), C.P. to add frequencies 6004.5 and 6063.8 MHz toward Pomonkey, Md. Station location: 0.5 mile southwest of Faulkner, Md.

6423–C1–P–71—American Telephone & Telegraph Co. (KGP49), C.P. to add frequencies 6256.5 and 6315.9 MHz toward Faulkner, Md., and toward Washington, D.C. Station location: 1.5 miles north-northeast of Pomonkey, Md.

6424–C1–P–71—American Telephone & Telegraph Co. (KGP48), C.P. to add frequencies 6004.5 and 6063.8 MHz toward Pomonkey, Md. Station location: South Capital and E Streets SW., Washington, DC.

6425–C1–P–71—American Telephone & Telegraph Co. (KEA88), C.P. to add frequency 4130 MHz toward Georgetown, N.Y. Station location: 5.8 miles southwest of New Berlin, N.Y.

6426–C1–P–71—American Telephone & Telegraph Co. (KEM75), C.P. to add frequency 4170 MHz toward New Berlin and Tully, N.Y. Station location: 2.4 miles southwest of Georgetown, N.Y.

6427–C1–P–71—American Telephone & Telegraph Co. (KEM74), C.P. to add frequency 4130 MHz toward Georgetown, N.Y. Station location: 3.2 miles north of Tully, N.Y.

6432–C1–P–71—American Telephone & Telegraph Co. (KSA81), C.P. to add frequency 4070 MHz toward Bonfield, Ill. Station location: 2.8 miles east-southeast of Norway, Ill.

6433–C1–P–71—American Telephone & Telegraph Co. (KSG65), C.P. to add frequency 4030 MHz toward Norway, Ill., and 4070 MHz toward Grant Park, Ill. Station location: 3.8 miles southwest of Bonfield, Ill.

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6434–C1–P–71—American Telephone & Telegraph Co. (KSG64), C.P. to add 4030 MHz toward Bonfield, Ill. Station location 4 miles northeast of Momence, Ill. (Grant Park).

6435–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPN87), C.P. to add frequencies 10,935 and 11,175 MHz and 10,855 and 11,095 MHz all toward Pinal Peak, Ariz. Station location: 150 East Cedar Street, Globe, AZ.

6436–C1–P–71—The Mountain States Telephone & Telegraph Co. (KPN86), C.P. to add frequencies 11,265, 11,345, 11,505 and 11,585 MHz toward Globe, Ariz. Station location: Pinal Peak, 8.2 miles south-southwest of Globe, Ariz.

6437–C1–P/ML–71—American Telephone & Telegraph Co. (KEA22), C.P. and modification of license to delete Atlantic, N.J., as point of communication and add frequencies 3770, 3850, 3930, 4010, 4090, and 4170 MHz toward Navesink, N.J. Station location: 32 Avenue of the Americas, New York, N.Y.

6438–C1–P/ML–71—American Telephone & Telegraph Co. (KEE54), C.P. and modification of license to add frequencies 3730, 3810, 3890, 3970, 4050, and 4130 MHz toward New York, N.Y., and New Egypt, N.J. Station location: 0.5 mile west of Navesink, N.J.

6439–C1–P/ML–71—American Telephone & Telegraph Co. (KEB40), C.P. and modification of license to change point of communication to Navesink, N.J., instead of Atlantic, N.J. Frequencies: 3770, 3850, 3930, 4010, 4090, and 4170 MHz. Station location: New Egypt, 1.9 miles east of Hornerstown, N.J.

8131–C1–R–71—Southern Bell Telephone & Telegraph Co. (KJA75), Renewal of a developmental license expiring June 14, 1971. Term: June 14, 1971 to June 14, 1972.

6478–C1–P/ML–71—Michigan Bell Telephone Co. (KSV68), C.P. and modification of license to add frequencies 11,035 and 11,285 MHz toward Detroit, Mich. Station location: 25189 Lahser, Southfield, MI.

6440–C1–P–71—Golden West Telephone Co. (KNB40), C.P. to change coordinates to read latitude 40°07'11'' N., longitude 123°41'29'' W. Reorientate antenna on frequency 6197.2 MHz. Correct azimuth and lengths of other paths and coordinates except for 2128.0 MHz.

6441–C1–P–71—Golden West Telephone Co. (KNB41), C.P. to change antenna location to read: Frequency 5945.2 MHz toward Pratt Mountain, Calif., via passive reflector. Latitude 40°01'32'' N., longitude 123°57'14'' W. Station coordinates changed to latitude 40°01'26'' N., longitude 123°56'34'' W. Station location: White Thorn Co., 6.35 miles southwest of Briceland, New Thorn, Calif.

6442–C1–ML–71—Golden West Telephone Co. (KNB39), Modification of license to change coordinates of station to lat. 40°60'07'' N., long. 123°47'41'' W. Change coordinates, azimuths and paths to read: To 14 x 16 Garberville, California passive reflector 232°40' at lat. 40°05'09'' N., long. 123°49'10'' W. (2.95 Km.) from passive reflector to Pratt Mountain 70°57' (11.55 Km.).

6510–C1–P–71—South Central Bell Telephone Co. (New), C.P. for a new station to be located at 549 Broad Street NW., Cleveland, TN. Frequencies: 6197.2 and 6315.9 MHz toward Benton Springs, Tenn.

6511–C1–P–71—South Central Bell Telephone Co. (KJW83), C.P. to add frequencies 5945.2 and 6063.8 MHz toward Cleveland, Tenn. Station location: Approximately 3 miles southeast of Benton, Tenn.

2572–C1–R–71—The Mountain States Telephone & Telegraph Co. (KAQ85), Renewal of expiring Developmental License June 12, 1971. Term: June 12, 1971, to June 12, 1972.

6526–C1–P–71—The Chesapeake & Potomac Telephone Co. of Virginia (KJG53), C.P. to add frequencies 6160.2 and 11,485 MHz toward Newport News, Va. Station location: 120 West Bute Street, Norfolk, VA.

6527–C1–P/ML–71—The Chesapeake & Potomac Telephone Co. of Virginia (KGC79), C.P. and modification of license to add transmitter. Frequencies: 10,700–11,700 MHz toward temporary fixed points within the territories of the grantee.

6534–C1–P/L–71—General Telephone Co. of Kentucky (KYC57), C.P. and license to reinstate expired license. Frequencies: 6404.8 MHz toward Ashland, Ky., and 6286.2 MHz toward Ashland Community College, Ky., via passive reflector. Station location: Intersection of U.S. 60 and Kentucky 168 Highways, 9.4 miles southwest of Ashland, Ky.

6535–C1–P/L–71—General Telephone Co. of Kentucky (KYC61), C.P. and license to reinstate expired license. Frequencies: 5945.2 and 6063.6 MHz toward High Knob, Ky. Station location: 6 miles northeast of Olive Hill, Ky. (Biggs Hill).

POINT-TO-POINT MICROWAVE RADIO SERVICE (TELEPHONE CARRIER)—continued

6535–C1–P/L–71—General Telephone Co. of Kentucky (KYC61), C.P. and license to reinstate expired license. Frequencies: 11,245, 11,325, and 11,485 MHz toward Morehead, Ky., and 6226.9 and 6345.5 MHz toward Biggs Hill, Ky., and 6256.5, 6315.9, and 6375.2 MHz toward Reynoldsville, Ky. Station location: 1.7 miles east of Morehead, Ky.

Major Amendments

1707–C1–P–71—Pacific Telephone & Telegraph Co. (KME47), Change frequency 11,385 MHz toward Corona Del Mar, Calif., to 11,225 MHz. Station location: 217 Lemon Street, Anaheim, CA.

1708–C1–P–71—Pacific Telephone & Telegraph Co. (KNL78), Change frequency 10,975 MHz toward Anaheim, Calif., to 10,815 MHz. Station location: 3.5 miles east of Corona Del Mar, Calif.

1710–C1–P–71—Pacific Telephone & Telegraph Co. (KNL80), Change frequency 11,075 MHz toward Black Mountain, Calif., to 10,755 MHz. Station location: 3.5 miles northeast of San Marcos, Calif. All other particulars same as reported in Public Notice dated Oct. 5, 1970.

3566–C1–P–71—American Telephone & Telegraph Co. (KSH99), Change frequency transmitted from Buda, Ill., to Kewanee, Ill., from 4130 MHz to 4150 MHz. All other particulars same as reported in Public Notice dated Jan. 18, 1971.

POINT-TO-POINT MICROWAVE RADIO SERVICE (NONTELEPHONE)

6513–C1–ML–71—Microrelay of New Mexico, Inc. (KSV93), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to applicant's existing microwave system. Location: Albuquerque, N. Mex.

6514–C1–ML–71—Microrelay of New Mexico, Inc. (KLR72), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to Artesia, N. Mex. Location: Cedar Point, N. Mex.

6515–C1–ML–71—American Television Relay, Inc. (KKT84), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to Santa Fe, N. Mex. Location: Sandia Crest, N. Mex.

6516–C1–ML–71—American Television Relay, Inc. (KKB98), Modification of license to add an audio subcarrier to provide the New Mexico News Network service to Farmington, N. Mex. Location: El Huerfano, N. Mex.

(INFORMATIVE: Applicant also proposes to provide this same service to Gallup, N. Mex., by amendment filed for File No. 3179–C1–MP–71 (Station KKT81).)

6517–C1–P–71—American Television Relay, Inc. (KTQ75), C.P. to change frequency from 6167.6 MHz to 11,175 MHz on azimuth 101°15'. Location: Santiago Peak, 11 miles south-southeast of Corona, Calif.

6518–C1–P–71—Western Tele-Communications, Inc. (KPV60), C.P. to power split frequency 10,715 MHz on an azimuth of 326°19'. Location: Greeno, Mont., at latitude 45°32'04'' N., longitude 106°38'28'' W.

(INFORMATIVE: Applicant proposes to provide the television of Station KWGN–TV of Denver, Colo., to Mountain States Communications, Inc., in Laurel, Mont.)

LOCAL TELEVISION TRANSMISSION

6525–C1–P/ML–71—The Chesapeake & Potomac Telephone Co. (DC) (KA4313), C.P. and modification of license to add transmitter. Location: Temporary fixed location within the territories of the garantee. Frequencies: 11,700–12,200 MHz.

[FR Doc.71–7476 Filed 5–27–71;8:46 am]

FEDERAL MARITIME COMMISSION

CERTIFICATES OF FINANCIAL RESPONSIBILITY (OIL POLLUTION)

Notice of Certificates Issued

Notice is hereby given that the following vessel owners and/or operators have established evidence of financial responsibility, with respect to the vessels indicated, as required by section 11(p)(1) of the Federal Water Pollution Control Act, as amended, and, accordingly, have been issued Federal Maritime Commission Certificates of Financial Responsibility (Oil Pollution) pursuant to Part 542 of Title 46 CFR.

Certificate No.	*Owner/operator and vessels*
01034	Graff-Wang & Evjen: M/S Seahawk. M/T Seadrake. M/T Seagull. M/T Seaheron. M/T Seatern. M/T Seafalcon.
01040	Aegean Cruises S.A.: Argonaut. Jason.
01062	Mayfair Tankers Ltd.: Mayfair Splendour.
01171	Compagnia Marittima Bananiera Italiana P.A.: Mare Artico. Mare Arabico.
01255	Skjelbreds Rederi A/S: Pytheas. Nortrans Gloria. Egero.
01287	Knohr & Burchard NFI: Schwarzenbek. Rancher. Fischbek. Wandsbek. Rodenbek. Lasbek. Dalbek.
01360	Midland Enterprises Inc.: Eastern 3.
01465	Scottish Ship Management Ltd.: Baron Inchcape.
01737	Compania de Fomento Naval S.A. Panama: Aristrfs.
01740	Ikerigi Compania Naviera S.A. Panama: Messiniaki Bergen.
01748	Amigos Compania Naviera S.A. Panama: Messiniaki Aigli.
01758	Chotin Transportation, Inc.: Chotin 1214. Chotin 1310. Chotin 1311. Chotin 1312. Chotin 1313. Chotin 1315. Chotin 1506. Chotin 1665. Chotin 1718. Chotin 1602. Chotin 2883. Chotin 2884. Chotin 2885. Chotin 2886. Chotin 2980. Chotin 2981. Chotin 2982. Chotin 2983. Chotin 2984. Chotin 4470. Chotin 4471. Chotin 4890. Chotin 3880. Chotin 3980. Chotin 49. Chotin 1210. Chotin 1211. J.&S. 300. Chotin 1212. Chotin 2186X. Chotin 2187X. Chotin 2188X. Chotin 2189X. Chotin 2280X. Chotin 2281X. Chotin 2380X. Chotin 2841X. Chotin 2842X. Chotin 2880. Chotin 2881. Chotin 2882. Chotin 1783X. Chotin 1785X. Chotin 1784X. Chotin 2090X. Chotin 2180X. Chotin 2181X. Chotin 2182X. Chotin 2183X. Chotin 2184X. Chotin 2185X. Chotin 1316. Chotin 1414. Chotin 1451. Chotin 1510X. Chotin 1513. Chotin 1533. Chotin 1535. Chotin 1546. Chotin 1565. Chotin 1587. Chotin 1588. Chotin 1599. Chotin 1601. Chotin 1607. Chotin 1608. Chotin 1652. Chotin 1659. Chotin 1663. Chotin 1780. Chotin 1781X. Chotin 1782X. BBT 977. GS 200. GW 300. J.&S. 826. Gissel 2201. Gissel 2202. Chotin 50. Chotin 989. Chotin 990. Chotin 991. Chotin 1096. Chotin 1158. Chotin 1159. Chotin 1163.

Certificate No.	Owner/operator and vessels
	Chotin 1200. Chotin 1202. Chotin 1215. Chotin 1216. Chotin 1266. Chotin 1314.
01761---	Union Steamship Company of New Zealand Ltd.: Tarawera.
01954---	Empress Oceanicas S.A. of Panama: M/T Theodoti.
01955---	Marcentinela Cia. Nav. S.A. of Panama: T/T Sir Frederick.
01956---	Navegadora Valiente S.A. of Panama: M/T Resolute Colocotronis.
01957---	Margacia Navegacion S.A. of Panama: M/T Polemic Colocotronis.
01958---	Mares Maritima S.A. of Panama: M/T Patriotic Colocotrónis.
01959---	Artemis Cia. Nav. S.A. of Panama: Artemis.
01960---	Armadora Occidental S.A. of Panama: M/T Chief Colocotronis.
01961---	Marvenusto Cia. Nav. S.A.: Conqueror Colocotronis.
01962---	Mares Surenos Armadora S.A. of Panama: M/T Defender Colocotronis.
01963---	Mundo Maritimo S.A. of Panama: M/T Defiant Colocotronis.
01964---	Fortuna Armadora S.A. of Panama: M/T Dynamic Colocotronis.
01965---	Astro Valiente Cia. Nav. S.A. of Panama: M/T Emmanuel Colocotronic.
01966---	Estrella Prospera Nav. S.A. of Panama: M/T Fearless Colocotronis.
01967---	Estrella Reinante Nav. S.A. of Panama: T/T Gallant Colocotronis.
01968---	Mundial Mar. S.A. of Panama: T/T General Colocotronis.
01969---	Estrella Venturosa Cia. Nav. S.A. of Panama: O.B.O. Epic Colocotronis.
01970---	Amacllo Shipping Co. Ltd. of Monrovia, Liberia: M/V Sophia Colocotroni.
01971---	Marcuna Cia. Nav. S.A. of Panama: M/V Liberator Colocotronis.
01972---	Naves Neptunea S.A. of Panama: M/V Kolin.
01973---	Transmundo Navegacion S.A. of Panama: M/T Geroic Colocotronis.
01974---	Marempresas Atlanticas S.A.: M/V Kassel.
01975---	Marbononza Cia. Nav. S.A.: M/T Zoe Colocotroni.
01976---	Conquista Armadora S.A. of Panama: T/T Yangos Colocotronis.
01977---	Astro Maestro Cia. Nav. S.A. of Panama: M/T Victorious Colocotronis.
01978---	Marvaloria Cia. Nav. S.A. of Panama: M/T Glorious Colocotronis.
01979---	Marasunto Cia. Nav. S.A. of Panama: M/T Vassiliki Colocotroni.
02045---	Streckfus Steamers Inc.: President. Admiral.
02189---	Williams-McWilliams Co., Division of Paramount Warrior, Inc.: W-701. Natchez. George A. McWilliams. Vicksburg. Arkansas. Port Arthur.
02190---	Bugsier-, Reederei-und Bergungs-Aktiengesellschaft: Elbeland.
02199---	Atlantic Richfield Co.: Sinclair Gary.
02339---	South India Shipping Corp., Ltd.: Chennai Selvam. Chennai Sadhanai. Chennai Ookkam. Chennai Perumai. Chennai Jayam.
02361---	The Mauritius Steam Navigation Co., Ltd.: Belle Isle.
02497---	Transworld Drilling Co.: Rig 44. Rig 45. Rig 47. Rig 54. Rig 50. Rig 59. Drilling Tender No. I. Drilling Tender No. II. Drilling Tender No. III.
02498---	Chevron Oil Co.: S-55. S-66. LST-S-21. LST-S-25. LST-S-26. LST-S-22. LST-S-24. BT-363. S-81. Chevron-31. Chevron-33. S-54. S-45. S-94. S-93. Chevron-32. No. 26. Z-71. Z-112. No. 17. No. 18. S-53. GMR-60. BGG-100. S-87. MCN No. 3. S-92.
02502---	Triangle Refineries, Inc.: AT-2. B-12. Gertrude K. AT-1. Coastal 7.
02521---	Metcalfe Shipping Co., Ltd.: Dunelmia.
02544---	Cabo Tres Montea Inc.: Cabo Tres Montes.
02831---	Ednasa Co., Ltd.: Robina.
02850---	Maritime Lloyd Inc.: Seatrade.
02914---	Simar S.P.A.: Anna Maria Martini.
02916---	Oregon Steamship Co. Ltd.: Lawrentian. Lutetian.
02917---	Scherkate Sahami Keschtirani Melli Arya: Arya Sep.
02940---	J. S. Gissel & Co.: Reb 1005. IFB-1. Caribe 52.
03095---	Maritime Foundation Agenciea (Overseas) Inc.: Oriental Star.
03121---	Carga Transpacific Navegacion S.A. Panama: Aristodimos.
03163---	St. Eirene Maritime Co., Ltd. of Monrovia Liberia: St. Sophia. St. Fotini.
03275---	Northeastern Shipping Co., Ltd.: M/V Athens.
03301---	Prudential-Grace Lines, Inc.: Lash Espana. Lash Turkiye.
03321---	Marunouchi Kisen K.K.: Alaska Maru.
03339---	Asturias Shipping Co. S.A. Panama: Jupiter. Mercury.
03355---	Sea Merchant Shipping Co.: Sanrocco.
03356---	Dorset Shipping Co., Ltd.: San Salvador.
03358---	St. Thomas Shipping Co., Inc.: Amenity. Fidelity. Rozelbay.
03359---	Puntamar S.A. Audacity. Festivity. Tenacity.
03360---	Pargomar S.A.: Carmelina.
03361---	Naviera Ceresio S.A.: Honesty. Sebastiano.
03364---	Compania de Navegacion "Sanrocco" S.A.: Eugenio.
03365---	Compania de Navegacion "Puertanueva" S.A.: Marga.
03366---	Compania de Navegacion "Porto Ronco" S.A.: Alacrity. Locarno.
03367---	Compania de Navegacion "Ira" Integrity. Loyalty.
03368---	Compania de Navegacion "Indomitus" S.A.: Natale.
03369---	Compania de Navigacion "Candria" S.A.: Activity.
03370---	Bayano S.A.: Uje.
03371---	Compania de Navegacion "Anderson" S.A.: Sincerity.
03401---	Varnikos Corporation of Panama: Ioanna V.
03406---	Afromar Inc.: Atalanti.
03598---	Araya Transport Corp., Monrovia: Andria.
03633---	Penlatex Barge Line, Inc.: Hines 76B. Hines 78B. Hines 85. Hines 103.
03634---	James R. Hines Corp.: Hines 7. Hines 6. UM-79B. AOC-2. SS-301. SS-303.

Certificate No.	Owner/operator and vessels
03635---	Hines, Inc.: Wm. Barnes. Larry Turner. Ducan L. Hines. Hutch 4. Hines 350. MI-125. MI-124. Hines 218. Nancy Picton. John Picton. SS-302. Hines 84. Hines 86. Hines 105. P-230. Hines 220. Hines 101. Hines 360. Hines 380. Hines 370.
03723---	Southern Terminal and Transport Co.: LRL-201. LRL-200. AD-103. AD-102. AD-101. LTC-32. NBC-750. NBC-751. UM-187. P-394-B. P-394-A. SP-4. SP-3.
03744---	Ocean Fisheries, Inc.: Royal Pacific. Eastern Pacific. Connie Jean. J. M. Martinac. John F. Kennedy. Ocean Queen.
03836---	Sploana Plovba: Trbovlje. Postojna. Portoroz. Piran. Ljutomer. Ljubljana. Litija. Krpan. Kras. Korotan. Koper. Bela Krajina. Goranka.
03894---	The Whitehall Shipping Co., Ltd.: Stainless Warrior.
03968---	Zim Israel Navigation Co.: Shomron. Anat. Timna. Mezada. Elat. Yafo. Qeshet. Negba. Mazal. Hadar. Etrog. Eshkol. Deganya. Beer Sheva. Ampal.
03975---	Ulysses Shipping Enterprises S.A.: Ithaki.
04002---	Compagnie Des Messageries Maritimes: Martiniquais.
04040---	Halfdan Ditlev-Simonsen & Co.: Ventura. Vanessa.
04060---	Amalia Shipping Enterprises Ltd.: Gay Fortune.
04071---	Admiral Shipping Corporation—Monrovia. Nica.
04091---	H. R&W Marine Corp.: MCD-1041. SF-11. IFS-209.
04136---	Thomas Marine Co.: FTW 19. FTW 17. FTW 15.
04195---	Transamerican Trailer Transport, Inc.: Erich K. Holzer. Ponce de Leon.
04222---	National Oil Transport Corp.: N.M.S. No. 1307. N.M.S. No. 1308. N.M.S. No. 1310. N.M.S. No. 1601. N.M.S. No. 2507.
04223---	Asphalt Barge Corp.: N.M.S. No. 2601. N.M.S. No. 2600. N.M.S. No. 3200. L.T.C. No. 104. L.T.C. No. 103. L.T.C. No. 102. L.T.C. No. 101. N.M.S. No. 2603. N.M.S. No. 2604. N.M.S. No. 1301. N.M.S. No. 1300. N.M.S. No. 1309.
04224---	NMS Chemical Corp.: N.M.S. No. 2506. N.M.S. No. 3202. N.M.S. No. 3201. N.M.S. No. 1604. N.M.S. No. 1602. N.M.S. No. 3203. N.M.S. No. 1601. N.M.S. No. 1900. N.M.S. No. 1901. N.M.S. No. 1201. N.M.S. No. 1316. N.M.S. No. 1315. N.M.S. No. 1314. N.M.S. No. 1200.
40225---	Intercity Barge Co., Inc.: N.M.S. No. 3205. N.M.S. No. 3204. Intercity No. 4. Intercity No. 1. Intercity No. 14. Intercity No. 13. Intercity No. 12. N.M.S. No. 1306. N.M.S. No. 1305. N.M.S. No. 1304. Intercity No. 3. Intercity No. 2. N.M.S. No. 1313. N.M.S. No. 1312. N.M.S. No. 1311. N.M.S. No. 1317. Intercity No. 15.
04226---	National Marine Service, Inc.: N.M.S. No. 2501. N.M.S. No. 2602. N.M.S. No. 2503. N.M.S. No. 2502. N.M.S. No. 2505. N.M.S. No. 2504. N.M.S. No. 42. N.M.S. No. 41. L.T.C. No. 57. L.T.C. No. 59. L.T.C. No. 58. L.T.C. No. 56. N.M.S. No. 40. L.T.C. No. 64. L.T.C. No. 63. L.T.C. No. 62. L.T.C. No. 38. L.T.C. No. 53. L.T.C. No. 52. L.T.C. No. 45. L.T.C. No. 44. L.T.C. No. 55. L.T.C. No. 51. L.T.C. No. 54. N.M.S. No. 1701. L.T.C. No. 66. L.T.C. No. 65. Atlas Traveler. N.M.S. No. 43. N.M.S. No. 1302. N.M.S. No. 1303. N.M.S. No. 1605. L.T.C. No. 34. L.T.C. No. 31. B.I. 123. B.I. 121. B.I. 118. National Mariner. L.T.C. No. 22. B.I. 120. B.I. 124. L.T.C. No. 50. L.T.C. No. 49. National Gateway. B.I. 122. B.I. 127. Delta Cities. NMS Aluminum 1202. L.T.C. No. 19. L.T.C. No. 23. L.T.C. No. 21. B.I. 114. B.I. 125. B.I. 105. B.I. 119. National Progress. Beauregard. B.I. 126.
04398---	Hapag-Lloyd Aktiengesellschaft: Hoechst.
04406---	Alter Co.: Renee G.
04428---	Franco Compania Naviera S.A.: Amygdalia.
04502---	Kotoshiro Gyogyo Kabushiki Kaisha: Kotoshiro Maru No. 5. Kotoshiro Maru No. 5. Kotoshiro Maru No. 1.
04562---	Okada Daiun Kabushiki Kaisha: Yusei Maru.
04649---	Eagle Steamship Co., S.A.: M/V Evie.
04705---	Deutch-Nordische Schiffahrtsgesellschaft M.B.H.: Sagajo.
04766---	Astro Mandante Naegacion S.A.: Valiant Colocotronis.
04767---	Texaco, Inc.: Galloway. Texaco 806. Matagorada Bay.
04783---	Destiny Tankers Ltd.: Sea Griffin.
04794---	Sea King Corp.: Grand Trader. Grand Loyalty.
04863---	A/S Ocean Transport: Fana.
04934---	Jahncke Service, Inc.: Congaree. Manchac. St. Charles. Iberia. St. Mary. St. James. St. Martin. St. Helena. Jahncke 209. Maurepas. Tchefuncta. Orleans.

Certificate No.	Owner/operator and vessels
	St. Bernard.
	St. Tammany.
	St. John.
	Livingston.
	Jefferson.
	Lafourche.
	Plaquemine.
	Cameron.
	Lafayette.
	Vermillion.
	St. Landry.
	Pontchartrain.
	Paul F. Jahncke.
	Fritz Jahncke.
04942	Miguel Compania Naviera S.A.:
	Stolt Prince.
05006	Petrolaro Shipping Co., Ltd.:
	Aro.
05029	Cardamylian Special Shipping Co. Ltd. by Shares:
	M/S Sklerion.
05151	Ocean Protein, Inc.
	ZMS-D-10.
	Raccoon Point.
	Marsh Island.
	Oyster Bayou.
	Cote Blanche Bay.
	Grand Calliou.
	Galveston Bay.
	Vermilion Bay.
	Tiger Point.
	Terrebonne Bay.
	Barataria Bay.
	Q. O. Dunn.
	W. J. Burton.
	W. P. Lebeouf.
	Carl Burton.
	Rachel Burton.
	Argosy.
	Sandy Point.
	A. J. Bourg.
05228	Material Service Corp.:
	MSC 2001.
	MSC 2002.
	MSC 71.
05248	Kathy Marina S. A.:
	T/S Kathlena.
05348	Yellow Globe Shipping S. A.:
	Tropico.
05360	Friendship Corporation Inc. of Monrovia:
	Milora.
05385	Val Di Compare Shipping Corp.:
	Polyxene G.
05406	Coronet Shipping Ltd.:
	Narya.
	Nenya.
	Vilya.
05433	Arcadia Reederei G.m.b.H. & Tankschiffs-KG:
	Butanaval.
05470	Charter Transport Line, Inc.:
	Wit.
	Witfuel.
	Witshoal.
05511	S.T.T. Soc. Trasporti Transaltantici Per Azioni:
	Punta Cervo.
05528	Nakamura Kisen Kabushiki Kaisha:
	Howa Maru.
05577	Eastern Steamship Co., Vladivostok:
	Anton Chekhov.
05578	Baltic Steamship Co., Leningrad:
	Kirovsk.
05611	Mike Hooks, Inc.:
	Galveston.
	Louisiana.
05669	Maryland Port Authority:
	Port Welcome.
05676	International Barge Inc.:
	SW-1936.
	SW-1935.
	BW-1934.
	BW-1933.
05678	Inagua Transports, Inc.:
	Cecile Erickson.
05681	Nordtrans Ltd.:
	Gisela Vennmann.
05682	St. Helen Martime Co., Ltd., of Monrovia, Liberia:
	St. Helen.
05684	Epirotiki Steamship, George Potamianos S.A.:
	Orpheus.
	Apollo.
05692	Fuel Servixes, Inc.:
	Fuel Service 10.
05716	Curtis Bay Towing Co. of Virginia:
	Water Barge No. 2.
05718	Prosperity Steamship Co., Ltd.:
	Lucky Two.
05737	Levantada Compania Naviera Panama:
	Spica.
05738	Artico Compania de Navigacion—Panama:
	Merak.
05751	Avanti Steamship Co.:
	Avia.
05754	A. E. Sorensen A/S:
	Louis S.
	Peder Most.
05755	Hercel Navigation Co., Ltd.:
	Kashihara.
05761	Canaan Marine, Inc.:
	Bernes.
05762	Consolidated Edison Company of New York, Inc.:
	Sawkill.
	H. G. Stott.
	Glenwood Light.
	Glenwood Echo.
	Waterside.
	Electra II.
	Gowanus Bay No. 4.
	Gowanus Bay No. 3.
	Gowanus Bay No. 2.
	Gowanus Bay No. 1.
	Clean Energy No. 4.
	Clean Energy No. 3.
	Clean Energy No. 2.
	Clean Energy No. 1.
05763	Towa Senpaku K.K.:
	Yowa Maru.
05767	Neptune Orient Lines Ltd.:
	Neptune Taurus.
05769	Kassini Compania Maritima S.A.:
	Wurttemberg.
05782	Clipper Ships, Inc.:
	El Inca.
05783	Compania Maritima Prinkipos S.A.:
	Dimitros Criticos.
05786	MS "Nordsee Pilot" Schiffahrts K.G.:
	1. Nordsee Pilot.
05787	Fock & Pickenpack:
	Hans Pickenpack.
05788	J. Pickenpack Hochseefischerei:
	Julius Pickenpack.
05789	Hans Pickenpack Reederei K.G.:
	Julius Fock.
05790	Mainbrace Shipping Co.:
	Island Mariner.
05791	Kanaris Shipping Enterprises S.A.:
	Aegis Save I.
05794	Partenreederei MS "Brunshausen":
	Brunshausen.
05795	Partenreederei MS "Brunsbuttel":
	Brunsbuttel.
05796	Partenreederei MS "Brunsrode":
	Brunsrode.
05797	Partenreederei MS "Brunswick":
	Brunswick.
05798	Partenreederei MS "Brunsland":
	Brunsland.
05799	Partenreederei MS "Brunskoog":
	Brunskoog.
05800	Partenreederei MS "Brunskappel":
	Brunskappel.
05801	Partenreederei MS "Brunseck":
	Brunseck.
05802	Partenreederei MS "Brunsholm":
	Brunsholm.
05803	Partenreederei MS "Brunsgard":
	Brunsgard.
05804	Partenreederei MS "Brunstor":
	Brunstor.
05805	Partenreederei MS "Brunshoeft":
	Brunshoeft.
05806	Partenreederei MS "Brunsdeich":
	Brunsdeich.
05807	N.V. Scheepvaartbedrijf "Gruno", Groningen:
	Marianne.
05808	Aruana Compania Naviera S.A.:
	Aruana.
05811	Boat "Paramount":
	Paramount.
05812	M/V "Determined":
	Determined.
05814	Fenix Steamship Co. Inc.:
	M/V Fenix.
05817	Liberian Transport Navigation S.A.:
	Don Aurelio.
05821	San Yang Navigation Co., Ltd.:
	Sanshin Pioneer.
05822	"Marcosa" Maritima Continental y de Comercio S.A.:
	Llaranes.
	Trasona.
05823	Partenreederei MS "Ino-F" Kiel:
	Ino-F.
05824	Partenreederei MS Stadt Aschendorf:
	Std. Aschendorf.
05826	Y. K. Yasuchiyo Kaiun:
	Oshima Maru.
05827	Fritoro A/A:
	Fritoro.
05828	Neptunea Mundial S.A. of Panama:
	Panetolikon.
05833	Aktieselshapet Asplund:
	Fisons Realf.
05834	Kooyoo Suisan Kabushiki Kaisha:
	Kooyoo Maru No. 6.
05836	Takei Gyogyo Kabushiki Kaisha:
	Masamaur No. 18.
05837	Niigata Prefectural Government:
	Etsu Zan Maru.
05838	Kabushiki Kaisha Ichimaru:
	Shoyumaru No. 18.
05839	Mr. Daisaburo Sasaki:
	Shinzan Maru No. 2.
05841	Kyo Gyogyo Seisan Kumiai:
	Koyomaru No. 18.
05842	Mr. Tatsumi Sumida:
	Tatsumimaru No. 25.
05846	"Nordsee" Deutsche Hochseefishcherei G.m.b.h.:
	Munchen.
	Osterreich.
	Erlangen.
	Freiburg I. Br.
	Heidelberg.
	Marburg.
	Tubingen.
	Kassel.

Certificate No.	Owner/operator and vessels
	Hildesheim.
	Bonn.

By the Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.71-7463 Filed 5-27-71;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. G-2730, etc.]

HILDA B. WEINERT ET AL.

Notice of Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates[1]

MAY 19, 1971.

Take notice that each of the applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make protest with reference to said applications should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure a hearing will be held without further notice before the Commission on all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Acting Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
G-2730 4-19-71[1]	Hilda B. Weinert and Jane W. Blumberg et al., Joe H. Bruns, attorney, % H. H. Weinert Estate, 204 Weinert Bldg., Seguin, Tex. 78155.	Natural Gas Pipeline Co. of America, La Gloria Field, Jim Wells and Brooks Counties, Tex.	16.0	14.65
CI71-818 D 4-21-71	T. L. James & Co., Inc. et al., Post Office Box 1305, Ruston, LA 71270.	Mississippi River Transmission Corp., James Fee No. 1 Well, North Choudrant Field, Lincoln Parish, La.	Depleted	
G-4579 C 5-3-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	El Paso Natural Gas Co., Langlie-Mattix Queen Unit, Lea County, N. Mex.	[2] 11.0	14.65
G-5766 C 4-23-71	Continental Oil Co. (Operator) et al., Post Office Box 2197, Houston, TX 77001.	El Paso Natural Gas Co., Langlie-Mattix and Cooper-Jal Fields, Lea County, N. Mex.	10.0	14.65
G-7009 D 4-26-71	Cities Service Oil Co., Post Office Box 300, Tulsa, OK 74102.	United Fuel Gas Co., Big Sandy Field, Pike et al. Counties, Ky.	Assigned	
G-7160 D 4-26-71	Gulf Oil Corp. (Operator) et al., Post Office Box 1589, Tulsa, OK 74102.	Northern Natural Gas Co., T. R. Andrews Lease, Blinebry Gas Pool, Lea County, N. Mex.	Uneconomical	
CI63-1393 D 4-23-71	General American Oil Co. of Texas, Meadows Bldg., Dallas, Tex. 75206.	United Fuel Gas Co., Ellis Field, Acadia Parish, La.	Depleted	
CI64-175 C 4-26-71	Amoco Production Co., Post Office Box 591, Tulsa, OK 74102.	El Paso Natural Gas Co., Basin Dakota Field, San Juan and Rio Arriba Counties, N. Mex.	13.0	15.025
CI64-465 D 4-23-71	General American Oil Co. of Texas (Operator), et al., Meadows Bldg., Dallas, Tex. 75206.	Texas Gas Transmission Corp., North Hayes Field, Calcasieu Parish, La.	(3)	
CI64-1173 D 4-16-71	PetroDynamics, Inc. (Operator) et al., Post Office Box 10006, Amarillo, TX 79106 (partial abandonment).	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	Depleted	
CI65-98 C 4-26-71	Texaco, Inc., Post Office Box 3109, Midland, TX 79701.	El Paso Natural Gas Co., East Panhandle Field, Wheeler County, Tex.	14.0525	14.65
CI65-369 D 4-16-71	PetroDynamics, Inc. (Operator) et al., Post Office Box 10006, Amarillo, TX 79106 (partial abandonment).	Northern Natural Gas Co., Walkemeyer Field, Stevens County, Kans.	Depleted	
CI66-112 E 4-26-71	Roger N. McCown et al. (Successor to George A. Bernat (Operator) et al.), Lindrith Camp, Counselor, N. Mex. 87018.	El Paso Natural Gas Co., Picture Cliff Formation, Rio Arriba County, N. Mex.	[4] 13.2486	15.025
CI67-1847 (G-10710) C&F 4-6-71[5]	Tamarack Petroleum Co., Inc. (successor to Shell Oil Co.), 910 Bldg. of the Southwest, Midland, Tex. 79701.	El Paso Natural Gas Co., Spraberry Trend Area, Reagan County, Tex.	[6] 19.8364 [7] 19.3278	14.65
CI69-803 (CI69-804) E 3-10-71[9]	Pennzoil United, Inc. (Operator), et al. (successor to Stetco 1968, Ltd.), 900 Southwest Tower, Houston, Tex. 77002.	Transwestern Pipeline Co., South Carlsbad Area, Eddy County, N. Mex.	[8] 17.55	14.65
CI69-970 (CI69-965) E 3-10-71[10]	do	Transwestern Pipeline Co., Crawford Field, Eddy County, N. Mex.	[8] 17.51	14.65
CI71-564 B 2-5-71 as amended 3-22-71	Davon Drilling Co. (Operator) et al., Post Office Box 12509, Oklahoma City, OK 73112.	Cities Service Gas Co., Logan County, Okla.	Depleted	
CI71-765 B 4-16-71	Samedan Oil Corp., 110 West Broadway, Ardmore, OK 73401.	Warren Petroleum Corp., Waddell Plant, Crane County, Tex.	(11)	
CI71-767 (CI69-113) F 4-19-71	Imperial-American Management Co. (successor to King Resources Co.), 777 Main Bldg., Houston, TX 77002.	El Paso Natural Gas Co., East Boundary Butte Field, Apache County, Ariz.	[12] 18.7	15.025
CI71-769 (CI63-1050) F 4-19-71	Northwest Production Corp. (successor to Northern Natural Gas Producing Co.), Post Office Box 1796, El Paso, TX 79949.	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	[13] 14.2343	15.025
CI71-770 (CI63-1051) F 4-19-71	do	do	[13] 14.2343	15.025
CI71-771 B 4-23-71	General American Oil Co. of Texas, Meadows Bldg., Dallas, TX 75206.	Southern Natural Gas Co., Delacroix Area, Plaquemines Parish, La.	Depleted	
CI71-772 A 4-23-71	Shell Oil Co., Post Office Box 2463, Houston, TX 77001.	El Paso Natural Gas Co., Toro Field, Reeves County, Tex.	[14] 26.50	14.65
CI71-773 (CI63-1049) F 4-19-71	Northwest Production Corp. (successor to Northern Natural Gas Producing Co.), Post Office Box 1796, El Paso, TX 79949.	El Paso Natural Gas Co., Dakota Field, San Juan County, N. Mex.	[13] 14.2343	15.025
CI71-774 B 4-20-71	J. C. Walter, Jr., and Lamar W. Davis, Jr., 242 The Main Bldg., 1212 Main St., Houston, TX 77002.	United Gas Pipe Line Co., South Weesatche Field, Goliad County, Tex.	Depleted	
CI71-775 B 4-21-71	T. L. James & Co., Inc. et al., Post Office Box 1305, Ruston, LA 71270.	Arkansas Louisiana Gas Co., Grelling-Hardin Unit—E. Haynesville Field, Claiborne Parish, La.	Depleted	
CI71-776 A 4-19-71	Jerome P. McHugh, 930 Petroleum Club Bldg., Denver, CO. 80202.	El Paso Natural Gas Co., Pictured Cliffs, San Juan Basin, San Juan County, N. Mex.	14.00	15.025
CI71-777 A 4-21-71	Midwest Oil Corp., 1700 Broadway, Denver, CO 80202.	Florida Gas Transmission Co., Bayou Bleu Field, Iberville Parish, La.	[15] 26.0	15.025
CI71-778 A 4-22-71	J. M. Huber Corp., 2300 West Loop, Houston, TX 77027.	Florida Gas Transmission Co., Bayou Bleu Field, Iberville Parish, La.	[16] 28.575	15.025

Filing code:
A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

See footnotes at end of table.

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[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI71-779 B 4-20-71	Southwest Petroleum Management Corp. (Operator), c/o Richard F. Generally, attorney, 1700 K Street NW., Washington, DC 20006.	Texas Eastern Transmission Corp., Gottachalt Field, Goliad County, Tex.	Depleted	....
CI71-780 B 4-27-71	The California Co., a division of Chevron Oil Co., 1111 Tulane Ave. New Orleans, LA 70112.	Texas Eastern Transmission Corp., North Lake Fields, Lafourche Parish, La.	Depleted	....
CI71-781 B 4-27-71	Shell Oil Co., One Shell Plaza, Houston, TX 77002.	Lone Star Co., Manziel Field, Wood County, Tex.	Depleted	....
CI71-782 B 4-26-71	Robert Cargill, Operator et al., Post Office Box 1166, Longview, TX 75601.	Texas Eastern Transmission Corp., Tatum Field, Rusk and Panola Counties, Tex.	Depleted	....
CI71-783 A 4-26-71	James M. Forgotson, Sr. and Lone Star Exploration, Inc., 409 Beck Bldg., Shreveport, LA 71101.	United Gas Pipe Line Co., a division of United Pennzoil Corp., Pepper and Heirs Wells, Rusk County, Tex.	[14] 30.0	14.65
CI71-784 A 4-26-71	The Rodman Corp. et al., 1206 ABC Bldg., Odessa, Tex. 79760.	Cities Service Gas Co., Sooner Trend Field, Major County, Okla.	[14] 20.0	14.65
CI71-785 A 4-26-71	J. M. Huber Corp., 2300 West Loop, Houston, TX 77027.	Cities Service Gas Co., Guy Powell No. 1 Unit, Alfalfa County, Okla.	14.25	14.65
CI71-786 A 4-26-71	Mobil Oil Corp., Post Office Box 1774, Houston, TX 77001.	Natural Gas Pipeline Co. of America, Buffalo Wallow Field, Hemphill County, Tex.	[14] 20.5	14.65
CI71-789 A 4-28-71	Tenneco Oil Co., Post Office Box 2511, Houston, TX 77001.	Southern Union Gathering Co., Fulcher Kutz Pictured Cliff Field, San Juan County, N. Mex.	15.2924	15.025
CI71-790 A 4-28-71	do	do	15.2924	15.025
CI71-791 A 4-28-71	do	Southern Union Gathering Co., Angel's Peak Area, San Juan County, N. Mex.	15.2924	15.025
CI71-792 A 4-28-71	Phillips Petroleum Co., Bartlesville, Okla. 74004.	United Gas Pipe Line Co., Houma Field, Terrebonne Parish, La.	29.25	15.025
CI71-793 B 4-30-71	Humble Oil & Refining Co., Post Office Box 2180, Houston, TX 77001.	Lone Star Gas Co., Sho-Vel-Tum Field, Stephens County, Okla.	Uneconomical	....
CI71-794 A 4-30-71	Amarex Funds of Delaware, Inc., 614 East Bldg., 2000 Classen Center, Oklahoma City, Okla. 73106.	Northern Natural Gas Co., Ellis Ranch (Keyes Field) Ochiltree County, Tex.	24.0	14.65

[1] Amendment to certificate filed to increase daily contract quantity.
[2] Casinghead gas.
[3] Expiration of leases.
[4] Rate in effect subject to refund in Docket No. RI70-1690.
[5] Acreage acquired from Shell Oil Co.
[6] Rate in effect subject to refund in Docket No. RI71-297.
[7] Rate in effect subject to refund in Docket No. RI70-24.
[8] Applicant proposes to continue sales heretofore authorized in Docket No. CI69-804 to be made pursuant to Stetco 1968, Ltd., FPC Gas Rate Schedule No. 1. The contract comprising said rate schedule is identical to Applicant's FPC Gas Rate Schedule No. 22.
[9] Rate in effect subject to refund in Docket No. RI70-706.
[10] Applicant proposes to continue sales heretofore authorized in Docket No. CI69-965 to be made pursuant to Stetco 1968, Ltd., FPC Gas Rate Schedule No. 2. The contract comprising said rate schedule is identical to applicant's FPC Gas Rate Schedule No. 23.
[11] Expiration of contract.
[12] Rate in effect subject to refund in Docket No. RI67-169.
[13] Rate in effect subject to refund in Docket No. RI69-432.
[14] Subject to upward and downward B.t.u. adjustment.
[15] Rate in effect subject to refund in Docket No. RI69-856.
[16] Includes 2.575 cents upward B.t.u. adjustment. Subject to upward and downward B.t.u. adjustment.

[FR Doc.71-7312 Filed 5-27-71;8:45 am]

[Docket No. RI70-768 etc.]

BELCO PETROLEUM CORP. ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

MAY 21, 1971.

Respondents have filed proposed changes in rates and charges for jurisdictional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders:

(A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR Ch. I), and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the respondent or by the Commission. Each respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Acting Secretary.

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[1] Does not consolidate for hearing or dispose of the several matters herein.

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI70-768	Belco Petroleum Corp.	7	1 to 8	Mountain Fuel Supply Co. (Piney (Birch Creek) Field Sublette and Lincoln Counties, Wyo.).	$595	4-21-71	4-21-71	[11] Accepted	17.0	17.085	RI70-768.
RI70-767	do	8	1 to 1	Kansas-Nebraska Natural Gas Co., Inc. (Shawnee-Flat Top Field, Converse County, Wyo.).	96	4-21-71	4-21-71	[11] Accepted	16.0	16.08	RI70-767.
RI70-767	do	11	1 to 15	El Paso Natural Gas Co. (Piney (Green River Basin) Field, Sublette and Lincoln Counties, Wyo.).	231	4-21-71	4-21-71	[11] Accepted	20.5	20.6538	RI70-767.
RI71-225	do	1	1 to 34	El Paso Natural Gas Co. (Big Piney Field, Sublette and Lincoln Counties, Wyo.).	169	4-21-71	4-21-71	[11] Accepted	[1] 18.79	[1] 18.9309	RI71-225.
RI71-225	do			do	5,842			[11] Accepted	[2] 19.97	[2] 20.1198	RI71-225.
RI71-225	do			do	2,855			[11] Accepted	[3] 21.14	[3] 21.2986	RI71-225.
RI71-225	do	2	1 to 22	do	([12])	4-21-71	4-21-71	[11] Accepted	([12])	([12])	RI71-225.
RI71-225	do	3	1 to 20	do	1,973	4-21-71	4-21-71	[11] Accepted	[1] 18.79	[1] 18.9309	RI71-225.
RI71-225	do			do	17,525	4-21-71	4-21-71	[11] Accepted	[3] 21.14	[3] 21.2986	RI71-225.
RI71-1043	Phillips Petroleum Co.	485	1	El Paso Natural Gas Co. (Lusk Plant, Lea County, N. Mex., Permian Basin).	216,664	4-26-71		[4] 6-27-71	[10] 22.4190	[10] 28.3550	
RI71-1044	Acoma Oil Corp. et al.	5	10	El Paso Natural Gas Co. (Drinkard Field, Lea County, N. Mex.) (Permian Basin).	2,492	4-29-71		6-30-71	[10] 15.99	[10] 17.50	RI69-806.
RI71-1045	Kerr-McGee Corp. et al.	51	[5] [6] 16	Southern Natural Gas Co. (Breton Sound Block 32 Field, Plaquemines Parish) (Southern Louisiana).	7,254	4-26-71		6-11-71	23.675	25.0	G-17155.
RI71-1046	Kerr-McGee Corp	55	[7] [8] [13] 13	Tennessee Gas Pipeline Co. A Division of Tenneco Inc. (Bully Camp Field, Lafourche Parish, Southern Louisiana).	5,616	4-29-71		6-14-71	23.6	[7] 26.0	RI60-452.
RI71-1047	Newmont Oil Co.	3	[8] [9] 19	Transcontinental Gas Pipeline Corp. (West Cameron Block 110 Field Offshore Louisiana) (Disputed Zone).	308	4-28-71		6-13-71	21.375	[9] 26.0	RI71-734.

*Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Low pressure gas (below 500 p.s.i.g.).
[2] Medium pressure gas (500 to 860 p.s.i.g.).
[3] High pressure gas (860 p.s.i.g. and above.).
[4] Or 1 day from date of initial delivery, whichever is later.
[5] Includes documents required by Opinion No. 567.
[6] Applicable only to sales from reservoirs identified therein.
[7] Applies only to gas entitled to third vintage price pursuant to Opinion No. 567.
[8] Includes letter dated Apr. 16, 1971 providing for the favored nation increase proposed herein.
[9] Contract rate is 28.05 cents for onshore gas and 26 cents for offshore gas.
[10] The pressure base is 14.65 p.s.i.a.
[11] Accepted for filing to be effective as of the date of filing, with waiver of notice granted, subject to refund in the respective existing rate suspension proceedings.
[12] Rate in Effect and Proposed Rate and Type of Increase and Annual Amount of Increase are identical to those set forth above in Supp. 1 to 34 to Rate Schedule No. 1.
[13] As amended by letter dated May 12, 1971.

The proposed increases of Belco Petroleum Corp. reflect partial reimbursement for the Wyoming severance tax, and consistent with Commission action on similar filings, the proposed increases are accepted for filing subject to refund in existing suspension proceedings to be effective on the date of filing, with waiver of notice granted.

Certain respondents request either waiver of notice or effective dates for which adequate notice was not given. Good cause has not been shown for granting these requests and they are denied.

All of the producers' proposed increased rates and charges exceed the applicable area price levels for increased rates as set forth in the Commission's statement of general policy No. 61-1, as amended (18 CFR, Chapter I, Part 2, § 2.56). The proposed rates, except as indicated above are suspended pursuant to Order No. 423 for 61 days from the date of filing, 1 day from the contractual effective date, or 1 day from the date of initial delivery, whichever is later, if the sales are outside southern Louisiana. Pursuant to Order No. 413, as amended, proposed rates for sales in southern Louisiana are suspended for 45 days from the date of filing.

[FR Doc.71-7428 Filed 5-27-71;8:45 am]

FEDERAL RESERVE SYSTEM

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of the acquisition of 80 percent or more of the voting shares of the State Bank of North Jacksonville, Jacksonville, Fla., a proposed new bank.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 80 percent or more of the voting shares of the State Bank of North Jacksonville, Jacksonville, Fla. (Bank), a proposed new bank.

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Florida State Commissioner of Banking and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 8, 1971 (36 F.R. 6774), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served. Upon such consideration, the Board finds that:

Applicant controls 19 banks with aggregate deposits of approximately $366 million, representing 3.0 percent of the total commercial bank deposits in the State, and is the sixth largest banking organization in Florida. (All banking data are as of June 30, 1970, and reflect holding company acquisitions approved through April 30, 1971.) Since Bank is a proposed new bank, no existing competition would be eliminated nor would concentration be increased in any relevant area.

Bank will be located in a growing residential area (est. population: 85,000) north of downtown Jacksonville. Its proposed site is in a large shopping center and across the street from another shopping complex. Applicant presently controls two banks in Jacksonville which are 6 and 12 miles from Bank and across the river.

Consummation of the proposal would not give Applicant a dominant position in the market which is defined as approximating Duval County. Three of the four largest bank holding companies in the State are headquartered in Jacksonville and control 15 of the 29 banks in the market. These three companies control 77.6 percent of market deposits, while Applicant controls only 4.3 percent. In addition to Applicant and these three companies, the relevant market is comprised of five bank holding companies and banking groups, and four independent banks. Therefore, it apears that the effect of the proposal will be to enable Applicant to compete more effectively with the larger banking organizations in the relevant area.

Nor does it appear that the opening of Bank by Applicant would have an undue adverse effect on any competing bank. The bank nearest to the proposed site of Bank is located 2.1 miles away and is a subsidiary of the largest bank holding company in the State. The next closest bank is located 3.3 miles from the proposed site and is a subsidiary of the fourth largest bank holding company in the State.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not adversely affect competition in any relevant area. The financial condition, management, and prospects of Applicant and its subsidiary banks are regarded as generally satisfactory. Bank has no operating financial history. It will open with satisfactory capital, and it will be able to draw on Applicant for its management. Its prospects are satisfactory. The banking factors are consistent with approval. Bank's location in a major shopping center which presently has no banking facilities should provide a convenience to residents of the area; and the wide range of services that Bank proposes to offer should meet the banking needs of the customers. Therefore, considerations relating to the convenience and needs of the communities to be served lend some weight in support of approval of the application. It is the Board's judgment that consummation of the proposed acquisition would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons set forth in the findings summarized above, that said application be and hereby is approved, provided that the action so approved shall not be consummated (a) before the 13th calendar day following the date of this order or (b) later than 3 months after the date of this order, and provided further that (c) the State Bank of North Jacksonville shall be open for business not later than 6 months after the date of this order. The periods described in (b) and (c) hereof may be extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] May 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7484 Filed 5-27-71;8:47 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

FIRST FLORIDA BANCORPORATION

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of First Florida Bancorporation, Tampa, Fla., for approval of acquisition of 90 percent or more of the voting shares of Peoples Bank of Crescent City, Crescent City, Fla.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by First Florida Bancorporation, Tampa, Fla. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 90 percent or more of the voting shares of Peoples Bank of Crescent City, Crescent City, Fla. (Peoples Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Commissioner of Banking for the State of Florida, and requested his views and recommendation. The Commissioner recommended approval of the application.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 8, 1971 (36 F.R. 6773), providing an opportunity for interested persons to submit comments and views with respect to the proposed transaction. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. The time for filing comments and views has expired and all those received have been considered by the Board.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served and finds that:

Applicant presently controls 19 banks with aggregate deposits of approximately $366 million, representing 3 percent of all deposits of commercial banks in Florida. (All banking data are as of June 30, 1970, adjusted to reflect holding company acquisitions approved by the Board through April 30, 1971.) Upon acquisition of Peoples Bank ($7 million deposits), Applicant would increase its share of statewide deposits by only 0.1 percentage point, leaving unchanged its present ranking as the sixth largest banking organization in Florida.

Peoples Bank is the only bank located in Crescent City. Its principal competitors are the two banks in Palatka, 25 miles north of Crescent City, and the three banks in Deland, 30 miles south of Crescent City. Four of these five competitors are subsidiaries of holding companies. On the basis of deposits, Peoples Bank ranks fifth among the six banking organizations in the market and controls only 7.8 percent of market deposits.

It appears that there is no significant existing competition between Peoples Bank and any of Applicant's present subsidiary banks, of which the nearest to Peoples Bank is 50 miles south in Sanford. Nor would significant competition be likely to develop in the future, principally because of the distances involved, the number of banks located in each of the intervening areas, and the prohibition against branch banking in Florida. The market area of Peoples Bank is largely rural and growing slowly, and there appears to be little likelihood that Applicant would establish a de novo office there. Thus, it appears that consummation of this proposal would not eliminate significant existing competition nor foreclose potential competition. Affiliation with Applicant may enhance the ability of Peoples Bank to compete with the larger banks in its area.

On the basis of the record before it, the Board concludes that consummation of the proposed acquisition would not have an adverse effect on competition in any relevant market. The financial condition, management and prospects of Applicant, its subsidiaries, and Peoples Bank are regarded as generally satisfactory. Applicant states that the specialized services of its subsidiaries would be made available to customers of Peoples Bank as the need arises. Thus, considerations concerning community convenience and needs are consistent with approval of the application. It is the Board's judgment that the proposed transaction would be in the public interest, and that the application should be approved.

It is hereby ordered, For the reasons in the findings summarized above, that said application be and hereby is approved, provided that the aquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,[1] May 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7485 Filed 5-27-71;8:47 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

MISSOURI BANCSHARES, INC.

Order Approving Acquisition of Bank Stock by Bank Holding Company

In the matter of the application of Missouri Bancshares, Inc., Kansas City, Mo., for approval of acquisition of 83 percent or more of the voting shares of The Arnold Savings Bank, Arnold, Mo.

There has come before the Board of Governors, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)) and § 222.3(a) of Federal Reserve Regulation Y (12 CFR 222.3(a)), an application by Missouri Bancshares, Inc., Kansas City, Mo. (Applicant), a registered bank holding company, for the Board's prior approval of the acquisition of 83 percent or more of the voting shares of The Arnold Savings Bank, Arnold, Mo. (Bank).

As required by section 3(b) of the Act, the Board gave written notice of receipt of the application to the Missouri Commission of Finance and requested his views and recommendation. The Commissioner replied that the acquisition would be a very progressive step for banking in Missouri.

Notice of receipt of the application was published in the FEDERAL REGISTER on April 10, 1971 (36 F.R. 6923), providing an opportunity for interested persons to submit comments and views with respect to the proposal. A copy of the application was forwarded to the U.S. Department of Justice for its consideration. Time for filing comments and views has expired and all those received have been considered.

The Board has considered the application in the light of the factors set forth in section 3(c) of the Act, including the effect of the proposed acquisition on competition, the financial and managerial resources and future prospects of the Applicant and the banks concerned, and the convenience and needs of the communities to be served, and finds that:

Applicant, Missouri's fifth largest registered bank holding company and banking organization, controls six banks located throughout the State with approximately $382 million in total deposits (approximately 3.7 percent of total deposits in the State). Applicant's acquisition of Bank ($12.6 million deposits) would increase its share of total deposits in the State by 0.1 percent. (Banking data are as of June 30, 1970 and reflect holding company formations and acquisitions approved through April 30, 1971.) Although no subsidiary of Applicant competes in Bank's primary service area, both Bank and one of Applicant's subsidiaries, The First Security Bank, Kirkwood, Mo., compete in the broad St. Louis banking market (the Missouri portion of the St. Louis SMSA), holding 0.3 percent and 0.5 percent of total deposits in that area, respectively. However, existing competition between Bank and First Security Bank is minimal and substantial potential competition is unlikely due to the 20-mile distance between the two and the location of five banks in the intervening area. Furthermore, Kirkwood is a suburban community, and its commuting residents avoid the most direct connecting route, heavily traveled by local traffic, in favor of the interstate highway which bypasses Bank. Based on the facts of record, it appears that no existing competition would be eliminated

by consummation of the proposal, significant potential competition would not be foreclosed, and there would not be adverse effects on any competing bank.

Financial and managerial resources and prospects of Applicant, its subsidiary banks, and Bank are satisfactory, in the light of Applicant's intention to improve the capital structure of Bank. Considerations concerning convenience and needs of the communities to be served lend weight toward approval, in that Applicant intends to provide operational service and advice to Bank. Although the banking needs of the area are being adequately served, Applicant intends to enable Bank to offer an additional competitive alternative for such services as trust services. It is the Board's judgment that the proposed transaction would be in the public interest and that the application should be approved.

It is hereby ordered, For the reasons set forth above, that said application be and hereby is approved, provided that the acquisition so approved shall not be consummated (a) before the 30th calendar day following the date of this order or (b) later than 3 months after the date of this order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,[1] May 21, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7486 Filed 5-27-71;8:47 am]

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[1] Voting for this action: Chairman Burns and Governors Robertson, Mitchell, Maisel, and Brimmer. Absent and not voting: Governors Daane and Sherrill.

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN SPAIN

Entry or Withdrawal From Warehouse for Consumption

On February 12, 1971, there was published in the FEDERAL REGISTER (36 F.R. 2944) a letter dated February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs prohibiting the entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of one of the seven Spanish Officials authorized to issue a visa. The Government of Spain has requested, and the Government of the United States has acceded to the request, that three additional Spanish Officials be authorized to issue visas. The names of these three additional officials are: Mr. José Sarto Pina, Mr. Jesús de la Mata Sanz, and Mr. Andrés Jimenez Calderón.

Accordingly, there is published below a letter of May 19, 1971, from the Chairman of the President's Cabinet Textile Advisory Committee to the Commissioner of Customs amending the directive of February 5, 1971 so as to add three Spanish Officials to the seven Officials previously authorized to issue visas, effective as soon as possible. A facsimile of the signatures of these Spanish Officials is also filed as part of the original document with the Office of the Federal Register.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

SECRETARY OF COMMERCE

PRESIDENT'S CABINET TEXTILE ADVISORY COMMITTTEE

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20226.

MAY 19, 1971.

DEAR MR. COMMISSIONER: This letter amends the directive of February 5, 1971 from the Chairman of the President's Cabinet Textile Advisory Committee that directed you to prohibit, effective upon publication of the notice in the FEDERAL REGISTER, entry into the United States for consumption and withdrawal from warehouse for consumption of any cotton textiles and cotton textile products produced or manufactured in Spain, and exported from Spain on or after the date of said publication, for which Spain had not issued a visa. One of the visa requirements is that the visa include the signature of one of the seven Spanish Officials authorized to issue a visa.

Pursuant to the authorities set forth in the aforementioned letter of February 5, 1971, that directive is amended, effective as soon as possible, by the addition of three Spanish Officials who are authorized to issue visas. Facsimiles of the signatures of these additional Spanish Officials are enclosed for your information.

The actions taken with respect to the Government of Spain and with respect to imports of cotton textiles and cotton textile products from Spain have been determined by the President's Cabinet Textile Advisory Committee to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the notice provisions of 5 U.S.C. 553 (Supp. V, 1965-69). This letter will be published in the FEDERAL REGISTER.

Sincerely,

MAURICE H. STANS,
Secretary of Commerce, Chairman, President's Cabinet Textile Advisory Committee.

[FR Doc.71-7505 Filed 5-27-71;8:49 am]

OFFICE OF EMERGENCY PREPAREDNESS

TRUST TERRITORY OF THE PACIFIC ISLANDS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 18, 1971, the President declared a major disaster as follows:

> I have determined that the damage in those areas of the Truk District of the Trust Territory of the Pacific Islands, adversely affected by Typhoon Amy beginning on or about May 1, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the Truk District of the Trust Territory of the Pacific Islands.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606) I hereby appoint Mr. Ralph D. Burns, Regional Director, OEP Region 7 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the Truk District of the Trust Territory of the Pacific Islands to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 18, 1971.

Dated: May 25, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71–7495 Filed 5–27–71;8:48 am]

TENNESSEE

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in me by the President under Executive Order 11575 of December 31, 1970; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744); notice is hereby given that on May 18, 1971, the President declared a major disaster as follows:

> I have determined that the damages in those areas of the State of Tennessee, adversely affected by tornadoes beginning on or about May 7, 1971, are of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91–606. I therefore declare that such a major disaster exists in the State of Tennessee. Areas eligible for Federal assistance will be determined by the Director of the Office of Emergency Preparedness.

Notice is hereby given that pursuant to the authority vested in me by the President under Executive Order 11575 to administer the Disaster Relief Act of 1970 (Public Law 91–606) I hereby appoint Mr. William H. Hollaway, Regional Director, OEP Region 3 to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Tennessee to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 18, 1971:

The Counties of:

Benton.
Carroll.
Gibson.

Dated: May 25, 1971.

G. A. LINCOLN,
Director,
Office of Emergency Preparedness.

[FR Doc.71–7496 Filed 5–27–71;8:48 am]

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 26115]

BOSTON & MAINE CORP.

Reorganization

MAY 21, 1971.

The Boston & Maine Corp. has been in reorganization under section 77 of the Bankruptcy Act since March 23, 1970. The railroad provides an important transportation link to and from the New England States. The financial condition of the railroad has become increasingly serious, particularly in regard to the shortage of cash necessary to continue orderly operations. By the Order in Finance Dockets Nos. 21510 and 26115, served concurrently herewith, the Commission has denied the request of the debtor to be included in the Norfolk & Western System and has returned the debtor's plan of reorganization to the court as prima facie impracticable.

The Commission is desirous of avoiding any cessation of essential services provided by this carrier and is considering, among other alternatives, the car service provisions of the Interstate Commerce Act. Meanwhile, by this notice, which is being published in the FEDERAL REGISTER and is being served on the parties in the above-captioned proceeding, the Commission is calling a conference to be held before Division 3, in its office in Washington, D.C., beginning at 10 a.m. on June 22, 1971, to consider possible emergency measures.

Invited to the conference are: the officials, representatives and/or trustees of the Boston & Maine Corp., the Bangor and Aroostook Railroad Co., the Maine Central Railroad Co., the Penn Central Transportation Co., the Norfolk and Western Railway Co., the Erie Lackawanna Railway, the Delaware and Hudson Railway Co., the Rutland Railroad, the St. Johnsbury & Lamoille County Railroad, the Central Vermont Railway, Inc., the Canadian National Railways, the Grand Trunk Lines, and the Canadian Pacific Railroad Co.; the governors and other interested State officials of the States of New York, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine, including the regulatory officials of those States; the Department of Transportation; representatives of labor organizations; the Boston & Maine Institutional Bondholders which are the Equitable Life Assurance Society of the United States, the Metropolitan Life Insurance Co., the Connecticut Mutual Life Insurance Co., and the Northwestern Mutual Life Insurance Co.; and other interested persons.

All persons having an interest in the meeting are requested to advise the Secretary of the Commission, Mr. Robert L. Oswald, of their intention to be present and the nature of their interest not later than June 9, 1971.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7506 Filed 5–27–71;8:49 am]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 25, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42209—*Scrap iron or steel to Huntington, W. Va.* Filed by Traffic Executive Association-Eastern Railroads, agent (E.R. No. 3003), for interested rail carriers. Rates on scrap iron or steel, in carloads, as described in the application, from Louisville, Ky., to Huntington, W. Va.

Grounds for relief—Barge-truck competition.

Tariff—Supplement 51 to Traffic Executive Association-Eastern Railroads, Agent, tariff ICC C–689. Rates are published to become effective on June 22, 1971.

FSA No. 42210—*Butyl alcohol from Manvel, Tex.* Filed by Southwestern Freight Bureau, agent (No. B–233), for interested rail carriers. Rates on alcohol, butyl, in tank carloads, from Manvel, Tex., to Chicago, Ill., and points in Illinois and Indiana taking Chicago rates.

Grounds for relief—Market competition.

Tariff—Supplement 75 to Southwestern Freight Bureau, Agent, tariff ICC 4867. Rates are published to become effective on June 28, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7507 Filed 5–27–71;8:49 am]

[No. 35400]

INCREASED CHARGES FOR PERISHABLE PROTECTIVE SERVICE FOR 1971

MAY 20, 1971.

The Commission has received a petition filed by numerous rail carriers on April 1, 1971, seeking modification of outstanding orders of the Commission to the extent necessary to permit filing on statutory notice of increased charges for the use of perishable protective services offered by the carriers. The proposed increases would apply to the carriers' Perishable Protective Tariff 18, J. D. Sutherland, agent, ICC No. 37. The outstanding orders sought to be modified were issued in the following proceedings:

Docket No. 17936, Refrigeration Charges on Fruits etc., from the South, 151 I.C.C. 649, 172 I.C.C. 3.
Docket No. 28994, Half Stage Refrigeration Service, 256 I.C.C. 213.
Docket No. 20769, Charges for Protective Service to Perishable Frieght, 215 I.C.C. 684, 241 I.C.C. 503, 253 I.C.C. 351, 262 I.C.C. 243, 274 I.C.C. 751, 277 I.C.C. 347, and 332 I.C.C. 136.
Ex Parte No. 162, Increased Railway Rates, Fares and Charges, 1946, 266 I.C.C. 537, 615.
Ex Parte No. 166, Increased Freight Rates, 1947, 270 I.C.C. 403, 461.
Docket No. 31342, Proposed Increased Refrigeration Charges, 297 I.C.C. 505.
Investigation and Suspension Docket No. 7778 Refrigeration & Packinghouse Products—Midwest, 319 I.C.C. 113, 120.

The petitioners state that the requested modification is necessary to allow them to bring their charges for perishable protective services into line with increases in the cost of performing these services. According to petitioners, the present charges have not been uniformly increased since 1956. Petitioners assert that the proposed increases will allow them to meet their costs of performing perishable protective services and guarantee a reasonable rate of return on investment.

The petition may be inspected at the office of the Secretary of the Commission in Washington, D.C. General public notice of the filing of this petition will be given by publication of this notice in the FEDERAL REGISTER.

Any persons interested in the matters involved in this petition may, on or before 20 days from the date of publication of this notice in the FEDERAL REGISTER, file replies to the petition supporting or opposing the determination sought. Those who have filed replies to the petition prior to the publication of this notice need not respond further. An original and 15 copies of such replies must be filed with the Commission and parties must show service of two copies upon J. D. Sutherland, Chairman; National Perishable Freight Committee; 428 Union Station Building; 516 West Jackson Boulevard; Chicago, IL 60606. Thereafter, the Commission will proceed to dispose of the matter, observing any additional requirements that appear warranted to assure due process of law.

It is not contemplated that there will be any further general public notice published in the FEDERAL REGISTER of the succeeding handling of this proceeding. Subsequent notices, reports, and/or orders will be served solely on persons responding to this notice and on the petitioners.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71–7508 Filed 5–27–71;8:49 am]

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PART II

DEPARTMENT OF AGRICULTURE

■

Consumer and Marketing Service

■

Eggs and Egg Products Inspection

Title 7—AGRICULTURE

Chapter I—Consumer and Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 59—INSPECTION OF EGGS AND EGG PRODUCTS

Notice is hereby given that the U.S. Department of Agriculture is issuing Regulations Governing the Inspection of Eggs and Egg Products pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056).

STATEMENT OF CONSIDERATIONS

On March 17, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 5178–5197) in accordance with the requirements of 5 U.S.C., section 553; that pursuant to the provisions of the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031–1056), the Department was considering issuing Regulations Governing the Inspection of Eggs and Egg Products and all interested persons were given an opportunity to file their data, views, or arguments with the Hearing Clerk, U.S. Department of Agriculture, no later than April 19, 1971. A wide distribution was also made of copies of the proposed regulations to all known interested persons. Eight comments were received.

The regulations herein are essentially the same as those proposed. Some slight changes have been made, and provisions included, to clarify and to state certain of the matters in a more precise and understandable manner than were contained in the proposal. The changes have been discussed in detail with the affected industry through a series of meetings throughout the country.

Certain of the suggestions contained in the comments filed with the Hearing Clerk require additional study and are not included in these regulations. Also, additional regulations will be required for shell eggs prior to July 1, 1972, the effective date for the shell egg program, and such regulations will be issued, after appropriate procedures, at a later date.

In the definition section "prominent stains" are added to the definition of a dirty egg to be more precise, and the term "egg product" is further defined to more clearly show what product must be inspected and types of products not covered by the Act.

In several places in the proposed regulations, the statement "containing more restricted eggs than allowed in the tolerances for U.S. consumer grades," is being clarified by changing it to read "containing no more restricted eggs than are allowed in the tolerances for U.S. Consumer Grade B eggs." The latter is a more precise definition.

In the exemption section, certain categories of restricted eggs are listed which are not exempt and eggs classified as checks are included in such categories when prohibited by State or local law.

A provision is being added which clarifies the requirements and conditions for processing ova in an official plant. These provisions are presently in the voluntary inspection regulations for the inspection of egg products (7 CFR Part 55) but were not clearly stated in the proposed regulations. This has created some confusion as to the status of ova. Therefore, the regulations have been modified to specify the conditions for the processing of ova in an official egg products plant. Ova must be harvested in a sanitary manner from wholesome poultry, be properly handled, cooled, packaged, and labeled in a plant operating under the Poultry Products Inspection Act, and the containers must bear official identification, which will assure that the foregoing requirements have been complied with. In the official egg products plant, the products containing ova will be required to be handled, processed, cooled, and pasteurized in the same manner as egg products, and the labeling of such products will require prior approval by the Administrator.

Calculations of the costs have been determined for furnishing overtime, holiday, and frivolous appeal inspections. The hourly rates are $8.80 per hour for overtime inspection work, $8.80 per hour for holiday inspection work, and $10.28 per hour for performing frivolous appeal inspections.

The provisions on what operations require continuous inspection under the Act are being clarified by adding a provision that certain certification and specification-type work requested by the official plant, which is in addition to the normal inspection requirements and functions for the processing, production, or certification of a wholesome egg product, would be made under the provisions of the voluntary inspection program.

The section on foreign inspection certificates is simplified by listing what must be shown on the certificates rather than showing it in form style as in the proposal.

Other changes generally amount to word changes or sentence structure to clarify or simplify the meaning of the text.

The Egg Products Inspection Act and these regulations provide for the continuous inspection of the processing of egg products and the control and disposition of "restricted eggs" (i.e., loss, inedibles, incubator rejects, checks, and dirties) in intrastate, interstate, and foreign commerce, and uniform standards, grades, and weight classes for eggs in interstate commerce. The program for egg products inspection will become effective on July 1, 1971, and the program for shell eggs will become effective July 1, 1972.

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59.965 Returned U.S. inspected and marked products; not importations.
59.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

AUTHORITY: The provisions of this Part 59 issued under the Egg Products Inspection Act, 84 Stat. 1620 et seq., 21 U.S.C. 1031–1056.

DEFINITIONS

§ 59.1 Meaning of words.

Under these regulations, words in the singular shall be deemed to mean the plural and vice versa, as the case may demand.

§ 59.5 Terms defined.

For the purpose of these regulations, unless the context otherwise requires, the following terms shall be construed, respectively, as follows:

"Acceptable" means suitable for the purpose intended and acceptable to the Administrator.

"Act" means the applicable provisions of the Egg Products Inspection Act of 1970 (Public Law 91–597, 84 Stat. 1620 et seq.).

"Administrator" means the Administrator of the Consumer and Marketing Service of the Department or any other officer or employee of the Department to whom there has heretofore been delegated, or to whom there may hereafter be delegated the authority to act in his stead.

"Adulterated" means any egg or egg product under one or more of the following circumstances:

(1) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(2) (i) If it bears or contains any added poisonous or added deleterious substance (other than one which is (a) a pesticide chemical in or on a raw agricultural commodity; (b) a food additive; or (c) a color additive) which may, in the judgment of the Secretary, make such article unfit for human food;

(ii) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of section 408 of the Federal Food, Drug, and Cosmetic Act;

(iii) If it bears or contains any food additive which is unsafe within the meaning of section 409 of the Federal Food, Drug, and Cosmetic Act;

(iv) If it bears or contains any color additive which is unsafe within the meaning of section 706 of the Federal Food, Drug, and Cosmetic Act: *Provided*, That an article which is not otherwise deemed adulterated under subdivision (ii), (iii), or (iv) of this subparagraph shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the Secretary in official plants;

(3) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(4) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(5) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(6) If its container is composed, in whole or in part of any poisonous or deleterious substance which may render the contents injurious to health;

(7) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to section 409 of the Federal Food, Drug, and Cosmetic Act; or

(8) If any valuable constituent has been, in whole or in part, omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

"Applicant" means any person who requests any inspection service as authorized under the Act or the regulations of this part.

"Capable of use as human food" means any egg or egg product, unless it is denatured, or otherwise identified, as required by these regulations to deter its use as human food.

"Class" means any subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind, type, or method of processing.

"Commerce" means interstate, foreign, or intrastate commerce.

"Condition" means any condition (including, but not being limited to, the state of preservation, cleanliness, soundness, wholesomeness, or fitness for human food) of any product which affects its merchantability; or any condition, including but not being limited to, the processing, handling, or packaging which affects such product.

"Container" or "Package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(1) "Immediate container" means any consumer package, or other container in which egg products, not consumer packaged, are packed.

(2) "Shipping container" means any container used in packaging a product packed in an immediate container.

"Department" means the U.S. Department of Agriculture.

"Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea. Some of the terms applicable to shell eggs are as follows:

(1) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(2) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(3) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt, foreign material, or prominent stains.

(4) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(5) "Inedible" means eggs of the following descriptions: black rots, yellow rots, white rots, mixed rots, sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(6) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(7) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(8) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

"Egg handler" means any person who engages in any business in commerce which involves buying or selling any eggs (as a poultry producer or otherwise), or processing any egg products, or otherwise using any eggs in the preparation of human food.

"Eggs of current production" means shell eggs which have moved through the usual marketing channels since the time they were laid and are not in excess of 60 days old.

"Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion or historically have not been, in the judgment of the Secretary, considered by consumers as products of the egg food industry, and which may be exempted by the Secretary under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products. For the purposes of this part, the following products, among others, are exempted egg products: dried no bake custard mixes, egg nog mixes, acidic dressings, noodles, milk and egg dip, cake mixes, french toast, and sandwiches containing eggs or egg products, provided such products are prepared from inspected egg products or eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs.

"Fair Packaging and Labeling Act" means the Act so entitled, approved November 3, 1966 (80 Stat. 1296), and Acts amendatory thereof or supplementary thereto.

"Federal Food, Drug, and Cosmetic Act" means the Act so entitled, approved June 25, 1938 (52 Stat. 1040), and Acts amendatory thereof or supplementary thereto.

"Inspection" means the application of such inspection methods and techniques as are deemed necessary by the responsible Secretary to carry out the provisions of the Egg Products Inspection Act and the regulations under this part.

"Inspection service" means the official service within the Department having the responsibility for carrying out the provisions of the Egg Products Inspection Act. Inspection service also means the activities performed, including official reporting by such official service.

"Inspector/Grader" means:

(1) Any employee or official of the United States Government authorized to inspect eggs or egg products under the authority of this part; or

(2) Any employee or official of the government of any State or local jurisdiction authorized by the Secretary to inspect eggs or egg products under the authority of this part, under an agreement entered into between the Secretary and the appropriate State or other agency.

"Interested party" means any person financially interested in a transaction involving any inspection or appeal inspection of any product, or the decision of an inspector.

"Label" means a display of any printed, graphic, or other method of identification upon the shipping container, if any, or upon the immediate container, including but not limited to, an individual consumer package of eggs and egg products, or accompanying such product.

"Misbranded" means any egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the Administrator under this part.

"National Supervisor" means:

(1) The officer in charge of the inspection service; and

(2) Such other employee of the Service as may be designated by him.

"Official certificate" means any certificate prescribed by regulations of the Administrator for issuance by an inspector or other person performing official functions under this part.

"Official device" means any device prescribed or authorized by the Secretary for use in applying any official mark.

"Official identification" means the official inspection mark or any other symbol prescribed by regulations of this part to identify the status of any article.

"Official inspection mark" means any symbol prescribed by the regulations of the Administrator showing that egg products were inspected in accordance with this part.

"Official standards" means the standards of quality, grades, and weight classes for eggs, as described under Part 56 of this chapter under the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, 7 U.S.C 1621 et seq.), or as hereafter amended.

"Office of inspection" means the office of any inspector.

"Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful viable microorganisms by such processes as may be prescribed by these regulations.

"Person" means any individual, partnership, corporation, association, or other business unit.

"Pesticide chemical," "Food additive," "Color additive," and "Raw agricultural commodity" shall have the same meaning for purposes of this part as under the Federal Food, Drug, and Cosmetic Act.

"Plant" means any place of business where egg products are processed:

(1) "Exempted plant" means any plant where the Administrator has determined the facilities and operating procedures meet such standards as may be prescribed by this part, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of U.S. Consumer Grade B for shell eggs, and where an exemption has been granted.

(2) "Official plant" means any plant in which the plant facilities, methods of operation and sanitary procedures have been found suitable and adequate by the Administrator for the continuous inspection of egg products in accordance with this part and in which inspection service is carried on.

"Potable water" means water that is safe to use as drinking water as evidenced by a certificate of potability issued by a State or local health authority.

"Processing" means manufacturing of egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing or drying, or packaging egg products at official plants.

"Quality" means the inherent properties of any product which determine its relative degree of excellence.

"Regional Director" means any employee of the Department in charge of inspection service in a designated geographical region.

"Regulations" means the provisions in this part.

"Regulatory inspector" means any employee of the U.S. Government, or State or local jurisdiction, who is authorized by the Secretary to make such inspections as required in § 59.28 of these regulations.

"Sampling" means the act of taking samples of any product for inspection or analyses.

"Sanitize" means the application of a bactericidal treatment which is approved as being effective in destroying microorganisms, including pathogens.

"Secretary" means the Secretary of Agriculture or his delegate.

"Service" means the Consumer and Marketing Service (C&MS) of the Department.

"Stabilization" means the subjection of any egg product to a desugaring process.

"State" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

"United States" means the States.

"White or albumen" means, for the purpose of this part, the product obtained from the egg as broken from the shell and separated from the yolk.

ADMINISTRATION

§ 59.10 Authority.

The Administrator shall perform, for and under the supervision of the Secretary, such duties as the Secretary may require in the enforcement or administration of the provisions of the Act, and this part. The Administrator may waive for a limited period any particular provisions of the regulations to permit experimentation so that new procedures, equipment, and processing techniques may be tested to facilitate definite improvements and at the same time to maintain full compliance with the spirit and intent of the regulations.

§ 59.13 Federal and State cooperation.

The Secretary shall, whenever he determines that it would effectuate the purposes of the Act, authorize the Administrator to cooperate with appropriate State and other governmental agencies in carrying out any provisions of the Egg Products Inspection Act and these regulations. In carrying out the provisions of the Act and the regulations, the Secretary may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose. The Secretary shall reimburse the States and other agencies for the services rendered by them in such cooperative programs as agreed to in the cooperative agreements as signed by the Administrator and the duly authorized agent of the State or other agency.

§ 59.16 Applicability of Act and regulations.

(a) *Egg products.* The provisions of the Act and this part with respect to egg products take effect on July 1, 1971. All egg products processed entirely prior to July 1, 1971, and which are not adulterated are hereby exempted from the requirements of this part and may be bought, sold, transported, possessed, and used until July 1, 1972; thereafter, such product shall be subject to all the provisions of the Act and these regulations and shall be subject to detention, seizure, and condemnation. Products inspected pursuant to the voluntary egg products inspection program authorized by the Agricultural Marketing Act of 1946 are considered as inspected products for the purposes of this part.

(b) *Other provisions.* The other provisions of the Act and these regulations take effect on July 1, 1972.

SCOPE OF INSPECTION

§ 59.20 Inspection in accordance with methods prescribed or approved.

Inspection of eggs and egg products shall be rendered pursuant to these regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

§ 59.22 Basis of service.

These regulations provide for inspection services pursuant to the Egg Products Inspection Act. Eggs and egg products shall be inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. Inspection services shall be subject to supervision at all times by the applicable Federal-State supervisor, egg products supervisor, Regional Director, and National Supervisor.

§ 59.24 Egg products plants requiring continuous inspection.

No plant in which egg products processing operations are conducted shall process egg products without continous inspection under these regulations, except as expressly exempted in § 59.100.

§ 59.26 Egg products entering or prepared in official plants.

Eggs and egg products processed in an official plant shall be inspected, processed, marked, and labeled as required by these regulations. Egg products entering an official plant shall have been inspected, processed, marked, and labeled as required by these regulations.

§ 59.28 Other inspections.

(a) Periodic inspections shall be made of:

(1) Business premises, facilities, inventories, operations, and records of egg handlers, and the records of all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products. In the case of shell egg packers packing eggs for the ultimate consumers (i.e., packed for direct use of household consumer, restaurant, institution, etc.), such inspections shall be made each calendar quarter.

(2) Exempted plants to determine that such plants are operating pursuant to these regulations.

(b) Inspections shall be made of imported eggs and egg products as required in this part.

RELATION TO OTHER AUTHORITIES

§ 59.30 At official plants.

(a) Requirements within the scope of the Act with respect to premises, facilities, and operations of any official plant which are in addition to or different than those made under this part may not be imposed by any State or local jurisdiction except that any such jurisdiction may impose recordkeeping and other requirements within the scope of § 59.200, if consistent therewith, with respect to any such plant.

(b) Labeling, packaging, or ingredient requirements in addition to or different than those made under this part, the Federal Food, Drug, and Cosmetic Act and the Fair Packaging and Labeling Act may not be imposed by any State or local jurisdiction with respect to egg products processed at any official plant in accordance with the requirements under this part and such Acts.

§ 59.35 Eggs and egg products outside official plants.

(a) For eggs which have moved or are moving in interstate or foreign commerce, no State or local jurisdiction (1) may require the use of standards of quality, condition, grade, or weight classes which are in addition to or different than the official standards or (2) other than those in noncontiguous areas of the United States may require labeling to show the State or other geographical area of production or origin. This shall not preclude a State from requiring the name, address, and license number of the person processing or packaging eggs to be shown on each container.

(b) Any State or local jurisdiction may exercise jurisdiction with respect to eggs and egg products for the purpose of preventing the distribution for human food purposes of any such articles which are outside of the official plant and are in violation of this part or any of said Federal Acts or any State or local law consistent therewith.

EGGS AND EGG PRODUCTS NOT INTENDED FOR HUMAN FOOD

§ 59.40 Continuous inspection not provided.

Continuous inspection shall not be provided under this part at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in commerce, shall be denatured or otherwise identified as prescribed by regulations in this part to prevent their use for human food. Periodic inspections shall be made of such operations and records to assure compliance with the Act and these regulations.

§ 59.45 Prohibition on eggs and egg products not intended for use as human food.

(a) No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in commerce, any eggs or egg products which are not intended for use as human food unless they are denatured or otherwise identified as required by these regulations.

(b) No person shall import or export shell eggs classified as loss, inedible, or incubator rejects or any egg products which are unwholesome, adulterated, or are otherwise unfit for human food purposes.

EXEMPTIONS

§ 59.100 Specific exemptions.

The following are exempt to the extent prescribed as to the provisions for control of restricted eggs in section 8(a) (1) and (2) of the Act and the provision for continuous inspection of processing operations in section 5(a) of the Act: *Provided*, That as to paragraphs (c) through (f) of this section the exemptions do not apply to restricted eggs when prohibited by State or local law, and as to paragraph (c) of this section the sale of eggs to consumers at an established place of business away from the site of production: *And provided further*, That the conditions for exemption and provisions of these regulations are met:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerances in the official standards for U.S. Consumer Grade B shell eggs;

(b) Subject to the approval of the Administrator as provided in §§ 59.600–59.670, the processing of egg products without continuous inspection at any plant where the facilities, sanitation, and operating procedures are the same as are required in this part for official plants and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs, and the egg products processed at such plant;

(c) The sale by any poultry producer of eggs from his own flock's production directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees and the transportation, possession, and use of such eggs;

(d) The sale of eggs by any producer with an annual egg production from a flock of 3,000 hens or less and the record requirements of § 59.200;

(e) The processing and sale of egg products by any poultry producer from eggs of his own flock's production when sold directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees;

(f) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs;

(g) The processing in nonofficial plants, including but not limited to bakeries, restaurants, and other food processors, without continuous inspection, of certain categories of food products which contain eggs or egg products as an ingredient, and the sale and possession of such products: *Provided*, That such products are manufactured from inspected egg products processed in accordance with this part or from eggs containing no more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs;

(h) The purchase, sale, possession, or transportation of shell eggs containing more restricted eggs than allowed in the tolerances for U.S. Consumer Grade B shell eggs: *Provided*, That such eggs are handled in accordance with §§ 59.200 and 59.700 through 59.860 to assure that only eggs fit for human food are used for such purpose. This exemption applies to the following:

(1) Egg producers, assemblers, wholesalers, and grading operations;

(2) Hatcheries;

(3) Transporters;

(4) Laboratories, pharmaceutical companies; and

(5) Processors of products not intended for use as human food.

(i) For such period of time during the initiation of operations under the Act, but not later than July 1, 1973, that it is impracticable to provide inspection, the processing without continuous inspection of egg products at any plant which, under § 59.148 has not been provided inspection service, and the egg products processed at such plants. Egg products produced at such plants shall be identified in a manner approved by the Administrator, including the name and address of the packer or distributor and production lot number. Otherwise, the product and processing shall meet the other requirements of these regulations.

§ 59.105 Suspension or termination of exemptions.

(a) The Administrator may immediately suspend or terminate any exemption under § 59.100 (b) or (i) at any time with respect to any person, if the conditions of exemption prescribed by this section are not being met. The Administrator may modify or revoke any regulation of this part, granting exemption whenever he determines such action appropriate to effectuate the purposes of the Act.

(b) Failure to comply with the condition of the exemptions contained in § 59.100 shall subject such person to the penalties provided for in the Act and in this part.

PERFORMANCE OF SERVICE

§ 59.110 Licensed inspectors.

(a) Any person who is a Federal or State employee, or the employee of a local jurisdiction possessing proper qualifications as determined by an examination for competency and who is to perform services pursuant to this part, may by licensed by the Secretary as an inspector.

(b) Licenses issued by the Secretary are to be countersigned by the Administrator or by any other designated official of the Service.

(c) No person may be licensed to inspect any product in which he is financially interested.

§ 59.112 Suspension of license or authority; revocation.

Pending final action by the Secretary, any person authorized to countersign a license to perform inspection services may, whenever he deems such action necessary to assure that any inspection service is properly performed, suspend any license to perform inspection services issued pursuant to this part by giving notice of such suspension to the respective licensee, accompanied by a statement of the reasons therefor. Within 7 days after the receipt of the aforesaid notice and statement of reasons by the licensee, he may file an appeal in writing, with the Secretary, supported by any argument or evidence that he may wish to offer as to why his license should not be suspended or revoked. After the expiration of the aforesaid 7-day period and consideration of such argument and evidence, the Secretary will take such action as he deems appropriate with respect to such suspension or revocation. When no appeal is filed within the prescribed 7 days, the license is revoked or suspended.

§ 59.114 Surrender of license.

Upon termination of his services as an inspector or whenever his license has been suspended or revoked, the licensee shall surrender his license and other items of identification furnished by the Department immediately to the inspection service.

§ 59.116 Activities of inspectors.

Inspectors at official plants shall confine their activities to those duties necessary in the rendering of inspection service and such closely related activities as may be approved by the Administrator.

§ 59.118 Identification.

Inspector shall have in their possession at all times while on duty, and present upon request, the means of identification furnished by the Department to such persons.

§ 59.119 Political activity.

Inspectors are forbidden during the period of their respective appointments, or licenses, to take an active part in political management or in political campaigns. Political activities in city, county, State, or national elections, whether primary or regular, or in behalf of any party or candidate, except as authorized by law or regulation of the Department, is prohibited. This applies to all appointees, including but not being limited to temporary and cooperative employees and employees on leave of absence with or without pay. Willful violation of this section or § 59.120 will constitute grounds for dismissal in the case of appointees and revocation of licenses in the case of licensees.

§ 59.120 Financial interest of inspectors.

No inspector shall inspect any product in which he is financially interested.

§ 59.122 Time of inspection.

The inspector who is to perform the inspection in an official plant shall be informed by management, in advance, of the hours when such inspection will be required.

§ 59.124 Schedule of operation of official plants.

Operating schedules of an official plant shall be subject to approval of the Administrator, and for the purpose of the regulations the normal operating schedule shall consist of a continuous 8-hour period per day (excluding not to exceed 1 hour for lunch), 5 days per week, within the period of Monday through Saturday, for each full shift required. Clock hours of daily operations need not be specified in a schedule, although as a condition of continuance of approval of a schedule, the hours of operation must be reasonably uniform from day to day.

§ 59.126 Overtime inspection service.

When operations in an official plant require the services of inspection personnel beyond their regularly assigned tour of duty on any day, or on a day outside the established schedule, such services are considered as overtime work. The official plant shall give reasonable advance notice to the inspector of any overtime service necessary and shall pay the Service for such overtime at an hourly rate of $8.80 to cover the cost thereof.

§ 59.128 Holiday inspection service.

(a) When an official plant requires inspection service on a holiday or a day designated in lieu of a holiday, such service is considered holiday work. The official plant shall, in advance of such holiday work, request the inspector in charge to furnish inspection service during such period and shall pay the Service therefor at an hourly rate of $8.80 to cover the cost thereof. Service in excess of 8 hours for that day is considered overtime and shall be paid for at the overtime rate.

(b) The term "holiday" shall mean the legal public holidays specified by the Congress in paragraph (a) of section 6103, title 5 of the United States Code. Information on authorized Government holidays may be obtained from the supervisor.

§ 59.130 Basis of billing plants.

Overtime and/or holiday services shall be billed to the official plant on the basis of each 15 minutes of overtime and/or holiday service performed by each inspector providing such service to the plant, except that when an official plant requires the services of an inspector after he has completed his day's assignment and left the plant or when he is called back to duty on a day outside the established normal operating schedule or on a holiday, the official plant shall pay for a minimum of 2 hours service at the applicable establishd rate. Extra travel expense incurred while rendering overtime or holiday service shall be billed to the official plant. Bills are payable upon receipt and become delinquent 30 days from date of billing. Overtime or holiday inspection service will not be performed at any plant that is delinquent, and processing operations shall be confined to the regular operating schedule of the plant.

§ 59.132 Access to plants.

Access shall not be refused, at any reasonable time, to any representative of the Secretary to any plant or place of business subject to inspection under the provisions of this part upon presentation of proper credentials.

§ 59.134 Accessibility of product.

Each product for which inspection service is required shall be so placed as to disclose fully its class, quality, quantity, and condition as the circumstances may warrant.

§ 59.136 Facilities to be furnished by official plants for use of inspectors in performing service.

(a) Such facilities shall include but not be limited to a sanitary room or area for sampling product, an approved candling light, a heavy duty, high speed (not less than 1,000 r.p.m. under load) drill with a eleven sixteenths inch or larger bit of sufficient length to reach the bottom of a 30-pound can of frozen eggs, metal stem thermometers, test thermometers, a stop watch, test weighing scales, and a satisfactory test kit for determining the the bactericidal strength of sanitizing solutions.

(b) Furnished office space and equipment, including but not being limited to a desk (equipped with a satisfactory locking device), lockers or cabinets suitable for the protection and storage of supplies, and facilities suitable for inspectors to change clothing.

APPLICATION FOR SERVICE

§ 59.140 How application shall be made.

The proprietor or operator of each plant processing egg products, unless exempted by § 59.100, shall make application to the Administrator for inspection service. The application shall be made in writing on forms furnished by the inspection service. In cases of change of name or ownership or change of location, a new application shall be made.

§ 59.142 Filing of application.

An application for inspection service shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.144 Authority of applicant.

Proof of authority of any person applying for inspection service may be required at the discretion of the Administrator.

§ 59.146 Application for continuous inspection in official plants; approval.

Any person desiring to process egg products under continuous inspection service must receive approval of such plant and facilities as an official plant prior to the installation of such service. An application for continuous inspection service to be installed in an official plant shall be approved according to the following procedure:

(a) Initial survey: When an application for continuous inspection in a plant has been filed, a supervisory egg products inspector will make a survey and inspection of the premises and plant to determine if the facilities and methods of operation therein are suitable and adequate for service in accordance with:

(1) these regulations, and

(2) such other administrative instructions as may be issued from time to time by the service and which are in

effect at the time of the aforesaid survey and inspection.

(b) Drawings and specifications to be furnished:

(1) Applicants may obtain information or assistance as to the requirements before submitting prints of drawings, specifications, and supplemental information from the inspection service.

(2) Three copies of each print drawing as specified in this section of the complete floor plan, plot plan, supplemental information, and specifications shall be submitted. Sheet size of the print shall not exceed 34 by 44 inches, the wording shall be legible, all lines sharp and clear, and properly drawn to scale. Each print shall show the scale used, north point of the compass, and the firm name, street, city, State, and zip code or an accurate description of the location.

(3) Plot plan of entire premises shall include location of all buildings, railroads, roadways, alleys, wells, reservoirs, drains, catch basins, nearby buildings adjoining property, drainage and slope of terrain, character and surfacing of roadways, driveways, and vehicular loading areas. The plot plan may be drawn to a scale of one-thirty-second inch per foot.

(4) Floor plan prints shall include all space on each floor of the official plant, accurately illustrating and describing the facilities. Detailed drawings of processing area shall be drawn to a scale of one-fourth inch per foot. Prints showing only nonprocessing areas may be drawn to a scale of one-eighth inch per foot.

(5) Floor plans shall show the location of such features as walls, partitions, posts, doorways, windows, floor drains and channel drains, air systems, ventilation fans, principal pieces of equipment, storage tanks, hose connections for cleaning purposes, hand-washing facilities, lockers, and toilets. The prints shall show slope of floors to drains.

(6) The official plant shall include all processing rooms and other rooms used in the official plant, including but not being limited to the breaking room, equipment washing and sanitizing rooms, shell egg washing rooms, packaging rooms, shell egg and egg products storage rooms (including coolers, freezers, hot rooms), drying rooms, toilet and dressing rooms, storerooms for supplies, and all other rooms, compartments, or passageways where products or any ingredients to be used in the preparation of products under this service will be handled or kept and may include other rooms located in the building comprising the official plant. Except in public warehouses, all rooms, compartments, etc., of the building not to be considered as part of the official plant shall not have direct access into any part of the official plant.

(7) Supplemental information may be shown as notations on the drawings or on supplemental sheets. Supplemental information shall include clarifying information such as sequence of processing edible products, handling of inedible product, shell disposal, handling of packaging material, liquid pumping systems, cleaned-in-place systems, description of pasteurizer, description of drier, type and efficiency of air filtration, hot water facilities, sewage disposal, and such other notations as may be required.

(8) Specification sheets shall include height of ceilings and type construction, type of floors and wall construction, wall and partition material, and number of employees who will use each toilet room and facilities.

(c) Upon approval of the prints of drawing, supplemental information, and specifications, the application for service may be approved.

(d) Changes and revisions of official plant: When changes are planned in official plant construction, facilities, and equipment covered by previously approved prints, revised prints shall be submitted for review and approval prior to making the changes by: A completely revised sheet(s) showing proposed alterations and additions or any overlay print drawn to same scale as print to be modified or revised. A final survey of the completed alterations and additions shall be made by the supervisory egg products inspector to determine if the changes are in accordance with approved drawings and the regulations.

(e) Final survey and plant approval: Prior to the inauguration of continuous inspection service, a final survey of the plant and premises shall be made by the supervisory egg products inspector to determine if the plant is constructed and facilities are installed in accordance with the approved drawings and these regulations. The plant may be approved only when these requirements have been met.

§ 59.148 Order of service.

Inspection service shall be performed, insofar as practicable, in the order in which applications therefor are made. The Service shall not be liable in damages accruing through acts of commission or omission in the administration of this part.

INAUGURATION OF SERVICE

§ 59.150 Official plant numbers.

An official plant number shall be assigned to each plant granted inspection service. Such plant number shall be used to identify all containers of inspected products prepared in the plant which are capable of use as human food. A plant shall not have more than one plant number.

§ 59.155 Inauguration of service.

Prior to the inauguration of service, the proprietor or operator of the plant shall be knowledgeable of the requirements of these regulations. If the plant at the time service is inaugurated contains any product which has not been inspected and marked in compliance with the regulations, the product shall be segregated, its identity and inventories shall be maintained, and it shall not be represented or dealt with as a product which has been inspected.

DENIAL OF SERVICE

§ 59.160 Refusal, suspension, or withdrawal of service.

(a) The Administrator (for such period, or indefinitely, as he deems necessary to effectuate the purposes of the Act) may refuse to provide or may withdraw inspection service under this part with respect to any plant if he determines after opportunity for a hearing (following the procedures of Title 7, Part 50 of the Code of Federal Regulations) is accorded to the applicant for, or recipient of, such service, that such applicant or recipient is unfit to engage in any business requiring inspection under the Act or this part, because the applicant or recipient or anyone responsibly connected with such person has been convicted in any Federal or State court, within the previous 10 years, of (1) any felony or more than one misdemeanor under any law based upon the acquiring, handling, or distributing of adulterated, mislabeled, or deceptively packaged food or fraud in connection with transactions in food or (2) any felony, involving fraud, bribery, extortion, or any other act or circumstances indicating a lack of the integrity needed for the conduct of operations affecting the public health.

(b) For the purpose of this section, a person shall be deemed to be responsibly connected with the business if he is a partner, officer, director, holder, or owner of 10 percentum or more of its voting stock, or employee in a managerial or executive capacity.

(c) The determination and order of the Administrator with respect thereto under this section shall be final and conclusive unless the affected applicant for, or recipient of, inspection service files application for judicial review within 30 days after the effective date of such order in the U.S. Court of Appeals for the circuit in which such applicant or recipient has its principal place of business or in the U.S. Court of Appeals for the District of Columbia Circuit. Judicial review of any such order shall be upon the record upon which the determination and order are based. The provisions of section 204 of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 194) shall be applicable to appeals taken under this section. This section shall not affect in any way other provisions of the Act or these regulations for refusal of inspection services.

(d) (1) Any applicant for inspection at a plant where the operations thereof may result in any discharge into the navigable waters in the United States is required by subsection 21(b)(2) and (3) of the Federal Water Pollution Control Act, as amended (84 Stat. 91), to provide the Administrator with a certification as prescribed in said subsection that there is reasonable assurance that such activity will be conducted in a manner which will not violate the applicable water quality standards. No grant of inspection can be issued after April 3, 1970 (the date of enactment of the Water Quality Improvement Act), unless such certification has been obtained, or is waived because of failure or refusal of the State, interstate agency, or the Secretary of the Interior to act on a request for certification within a reasonable period (which shall not exceed 1 year after receipt of such request).

(2) However, certification is not initially required in connection with an application for inspection granted after April 3, 1970, for facilities existing or under construction on April 3, 1970, although certification for such facilities is required to be obtained within the 3-year period immediately following April 3, 1970. Failure to obtain such certification and meet the other requirements of subsection 21(b) prior to April 3, 1973, will result in the termination of inspection at such plant on that date.

(e) Inspection may also be suspended or revoked as provided in section 21 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 466 et seq. and Public Law 91–224).

(f) Suspension of plant approval and withdrawal of service:

(1) Any plant approval given pursuant to these regulations may be suspended by the Administrator for (i) failure to maintain premises, facilities, and equipment in a satisfactory state of repair; (ii) the use of operating procedures or practices which are not in accordance with the regulations; (iii) the alterations of buildings, facilities, or equipment which have not been approved in accordance with the regulations; or (iv) assaulting, intimidating, impeding, obstructing, or interfering with any person engaged in or on account of the performance of his official duties.

(2) During such period of suspension, no processing of egg products for commerce shall be carried on in the official plant. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, inspection service shall be withdrawn from the official plant. Upon withdrawal of inspection service in an official plant, the plant approval for processing egg products shall also become terminated.

RECORDS AND RELATED REQUIREMENTS FOR EGGS AND EGG PRODUCTS HANDLERS AND RELATED INDUSTRIES

§ 59.200 Records and related requirements.

(a) Persons engaged in the business of transporting, shipping, or receiving any egg or egg products in commerce or holding such articles so received, and all egg handlers, shall maintain records showing, for a period of 2 years, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall upon the request of an authorized representative of the Secretary permit him at reasonable times to have access to and to copy all such records.

(b) Records of amounts of production, bills of sale, inventories, class and quantities of product, receipts, shipments, shippers, receivers, dates of shipment and receipt, carrier names, etc., as determined by the Administrator will need to be maintained as applicable for all shell egg handlers and egg processing operations.

§ 59.220 Information and assistance to be furnished to inspectors.

When inspection service is performed at any plant, the plant operator shall furnish the inspector such information and assistance as may be required for the performance of inspection functions, preparing certificates, reports, and for other official duties.

ADMINISTRATIVE DETENTION

§ 59.240 Detaining product.

Whenever any eggs or egg products subject to the Act are found by any authorized representative of the Secretary upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of the Act or these regulations, or that they are in any other way in violation of the Act, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under these regulations, such articles may be detained by such representative for a period not to exceed 20 days, as more fully provided in section 19 of the Act. The provisions of this section shall in no way derogate from authority for condemnation or seizure conferred by other provisions of the Act, these regulations, or other laws.

APPEAL OF AN INSPECTION OR DECISION

§ 59.300 Who may request an appeal inspection or review of an inspector's decision.

Any appeal inspection may be requested by any interested party who is dissatisfied with the determination by an inspector of the class or condition of any product, and a review may be requested by the operator of an official plant with respect to an inspector's decision or on any other matter related to inspection in the official plant.

§ 59.310 Where to file an appeal.

(a) *Appeal from resident inspector's inspection or decision in an official plant.* Any interested party who is not satisfied with the determination of the class or condition of product which was inspected by an inspector in an official plant and has not left such plant and the operator of any official plant who is not satisfied with a decision by an inspector on any other matter relating to inspection in such plant may request an appeal inspection or review of the decision by the inspector by filing such request with the inspector's immediate supervisor.

(b) *All other appeal requests.* Any interested party who is not satisfied with the determination of the class, quantity, or condition of product which has left the official plant where it was inspected or which was inspected other than in an official plant may request an appeal inspection by filing such request with the Regional Director in the region where the product is located or with the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.320 How to file an appeal.

Any request for an appeal inspection or review of an inspector's decision may be made orally or in writing. If made orally, written confirmation may be required. The applicant shall clearly state the reasons for requesting the appeal service and a description of the product, or the decision which is questioned.

§ 59.340 Who shall perform the appeal.

(a) An appeal inspection or review of a decision requested under § 59.310(a) shall be made by the inspector's immediate supervisor or by a licensed inspector assigned by the immediate supervisor other than the inspector whose inspection or decision is being appealed.

(b) The assignment of the inspector(s) who will make the appeal inspection under § 59.310(b) shall be made by the Regional Director or the Chief of the Grading Branch, Poultry Division, Consumer and Marketing Service.

§ 59.350 Procedures for selecting appeal samples.

(a) *Laboratory analyses.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. When the original sample containers cannot be located, the appeal sample shall consist of product taken at random from double the number of original sample containers.

(b) *Condition inspection.* The appeal sample shall consist of product taken from the original sample containers plus an equal number of containers selected at random. A condition appeal cannot be made unless all originally sampled containers are available.

§ 59.360 Appeal inspection certificates.

Immediately after an appeal inspection is completed, an appeal certificate shall be issued to show that the original inspection was sustained or was not sustained. Such certificate shall supersede any previously issued certificate for the product involved and shall clearly identify the number and date of the superseded certificate. The issuance of the appeal certificate may be withheld until any previously issued certificate and all copies have been returned when such action is deemed necessary to protect the interest of the Government. When the appeal inspector assigns a different class to the lot, the labeling shall be corrected.

§ 59.370 Cost of appeals.

(a) There shall be no cost to the appellant when the appeal inspection discloses a material error was made in the original determination.

(b) The costs of an appeal shall be borne by the appellant at an hourly rate of $10.28, including travel time and expenses if the appeal was frivolous, including but not being limited to the following: The appeal inspection discloses that no material error was made in the original inspection, the condition of the product has undergone a material change since the original inspection, the original lot has changed in some manner, or the Act or these regulations have not been complied with.

CERTIFICATES

§ 59.400 Form of certificates.

All certificates shall be issued on forms approved by the Administrator.

§ 59.402 Egg products inspection certificates.

(a) Upon request of the applicant or the Service, any inspector is authorized to issue an egg products inspection certificate with respect to any lot of egg products inspected by him. In addition, an inspector is authorized to issue an inspection certificate covering product inspected in whole or in part by another inspector when the inspector has knowledge that the product is eligible for certification based on personal examination of the product or official inspection records.

(b) Each egg products inspection certificate shall show the name and address of the processor, the class and quantity of the egg products covered by such certificate, such shipping marks as are necessary to identify such products, all pertinent information concerning the wholesomeness thereof, and such other information as the Administrator may prescribe or approve.

§ 59.404 Erasures or alterations made on official certificates.

Erasures or alterations shall be initialed by the issuing inspector on the original certificate and any copy thereof. All certificates made useless through clerical error or otherwise and all certificates canceled for whatever cause shall be voided and initialed and the original and all other copies shall be forwarded as prescribed by the Administrator.

§ 59.406 Disposition of official certificates.

The original and up to two copies of each official certificate shall be issued to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for inspection program records.

IDENTIFYING AND MARKING PRODUCT

§ 59.410 Egg products required to be labeled.

Containers of edible egg products, prior to leaving the official plant, shall bear the official identification as shown in Figure 2, 3, or 4 of § 59.412 or § 59.415, except that bulk transport shipments of liquid egg products shall be officially sealed. Bulk transport shipments of liquid egg products from one official plant to another shall be accompanied by an official certificate.

§ 59.411 Approval of official identification for use in official egg products plants.

(a) No label, container, or packaging material bearing official identification shall be printed or prepared for use until the printer's or other final proof has been approved by the Administrator. No label, container, or packaging material which bears official identification shall bear any statement that is false or misleading. Any label, container, or packaging material which bears any official identification shall be used only in such manner as the Administrator may prescribe. No label, container, or packaging material bearing official identification may be used unless finished copies or samples thereof have been approved by the Administrator. If the label is printed on or otherwise applied directly to the container or packaging material, the principal display panel thereof shall be considered as the label.

(b) Containers of product bearing official identification shall display the following information:

(1) The common or usual name, if any there be, and if the product is comprised or two or more ingredients, such ingredients shall be listed in the order of descending proportions;

(2) The name and address of the packer or distributor. When the distributor is shown, it shall be qualified by such terms as "packed for," "distributed by," or "distributors";

(3) The lot number or production code number;

(4) The net contents;

(5) Official identification and plant number;

(6) Egg products which are produced in an official plant from edible shell eggs of other than current production or from other egg products produced from shell eggs of other than current production, shall be clearly and distinctly labeled in close proximity to the common or usual name of the product, e.g., "Manufactured from eggs of other than current production";

(7) Egg products produced from edible shell eggs or the egg product produced from such shell eggs of the turkey, duck, goose, or guinea shall be clearly and distinctly labeled as to the common or usual name of the product indicating the type of eggs or egg products used in the product, e.g., "Frozen whole turkey eggs," "Frozen whole chicken and turkey eggs." Egg products labeled without qualifying words as to the type of shell egg used in the product shall be produced only from the edible shell egg of the domesticated chicken or the egg product produced from such shell eggs.

(c) Liquid or frozen egg products identified as whole eggs and prepared other than in natural proportions, as so broken from the shell, shall have a total egg solids content of 24.70 percent or greater.

(d) If the Administrator has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the label does not accept the determination of the Administrator, he may request a hearing, but the use of the label shall, if the Administrator so directs, be withheld pending hearing and final determination by the Administrator. Any person so denied the approval of any label shall be notified promptly of the reasons for the denial. A written application for a hearing with respect to the denial may be filed by said person with the Administrator within 10 days after notice of the denial. Such petition shall state specifically the errors alleged to have been made by the Administrator in denying approval of the label. After consideration of the facts adduced at the hearing, any determination with respect to the matter by the Administrator shall be conclusive unless, within 30 days after the receipt of notice of such final determination, the person adversely affected thereby appeals to the U.S. Court of Appeals for the circuit in which he has his principal place of business, or to the U.S. Court of Appeals for the District of Columbia Circuit. The provisions of section 204 of the Packers and Stockyards Act of 1921, as amended, shall be applicable to appeals taken under this section.

§ 59.412 Form of official identification symbol and inspection mark.

(a) The shield set forth in Figure 1 shall be the official identification symbol for purposes of this part and when used, imitated, or simulated in any manner in connection with a product shall be deemed to constitute a representation that the product has been officially inspected.

(b) The inspection mark which is to be used on containers of edible egg products shall be contained within the outline of a shield and with the wording and design set forth in Figure 2 of this section, except the plant number may be omitted from the official identification if applied elsewhere on the container.

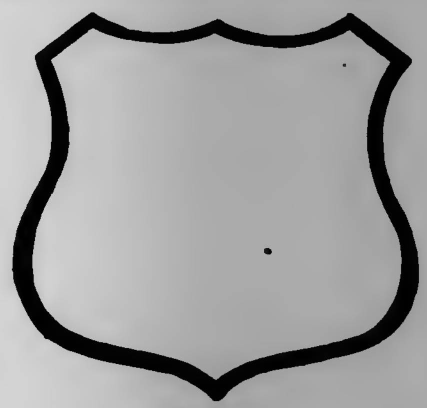

FIGURE 1.

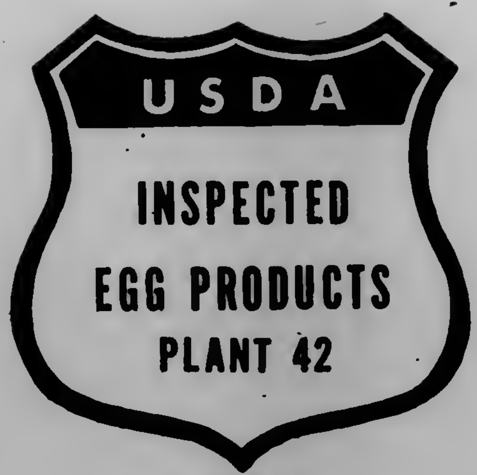

FIGURE 2.

§ 59.414 Products bearing the official inspection mark.

Egg products which are permitted to bear the inspection mark shall be processed in an official plant from edible shell eggs or other edible egg products and may contain other edible ingredients. The official mark shall be printed or lithographed and applied as a part of the principal display panel of the container but shall not be applied to a detachable cover.

§ 59.415 Use of other official identification.

Other official identification as shown in this section shall be printed or lithographed and applied as a part of the principal display panel, but shall not be applied to a detachable cover. The plant number may be omitted from the identification if applied elsewhere on the label or container. Such products shall meet all requirements for egg products which are permitted to bear the official inspection mark shown in § 59.412, except for pasteurization, heat treatment, or other such methods of treatment approved by the Administrator. Such products shall not be released into consuming channels until they have been subjected to pasteurization, heat treatment, or other approved methods of treatment.

(a) All nonpasteurized egg products, except as provided in paragraph (b) of this section, shipped from an official plant in packaged form shall be marked with the identification set forth in Figure 3 of this section. After pasteurization or treatment, the product may bear the official inspection mark as shown in § 59.412.

UNPASTEURIZED
SALTED EGG PRODUCTS

FOR USE IN
ACIDIC DRESSINGS ONLY

PLANT NO. 42

FIGURE 3.

(b) All nonpasteurized egg products, containing 10 percent or more added salt, shipped from an official plant in packaged form to an acidic dressing manufacturer shall be marked with the identification set forth in Figure 4 of this section.

EGG PRODUCTS

FOR FURTHER PROCESSING
IN AN OFFICIAL USDA PLANT

PLANT NO. 42

FIGURE 4.

§ 59.417 Unauthorized use or disposition of approved labels.

(a) Containers or labels which bear any official identification approved for use pursuant to § 59.411 shall be used only for the purpose for which approved and shall not otherwise be disposed of from the plant for which approved except with written approval of the Administrator. Any unauthorized use or disposition of approved containers or labels which bear any official identification may result in cancellation of the approval and denial of the use of containers or labels bearing official identification and may subject such violator to the penalties and denial of the benefits of the Act;

(b) The use of simulations or imitations of any official identification by any person is prohibited;

(c) Once a year each applicant shall submit to the Administrator a list of approved labels that have become obsolete, accompanied with a statement that such approvals are no longer desired. The approvals shall be identified by the date of approval and the name of the product;

(d) Upon termination of inspection service in an official plant pursuant to these regulations, all labels, seals, tags, or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed or the official identification completely obliterated, or inventoried and sealed in a manner acceptable to the Service.

§ 59.418 Supervision of marking and packaging.

(a) *Evidence of label approval.* No inspector shall authorize the use of official identification on any inspected product unless he has on file evidence that such official identification or packaging material bearing such official identification has been approved in accordance with the provisions of § 59.411.

(b) *Affixing of official identification.* No official identification shall be, or caused to be affixed to or placed on any product or container except by an inspector or under the supervision of an inspector or other person authorized by the Administrator. All such products shall have been inspected in accordance with these regulations. The inspector shall have supervision over the use and handling of all material bearing any official identification.

(c) *Labels for products sold under Government contract.* The inspector in the official plant may approve use of labels for containers of product sold under a contract specification to governmental agencies when such product is not offered for resale to the general public: *Provided,* That the contract specifications have been approved by the Administrator and include complete specific requirements with respect to labeling, and are made available to the inspector.

§ 59.419 Reuse of containers bearing official identification prohibited.

The reuse, by any person, of containers bearing official identification is prohibited unless such identification is applicable in all respects to product being packed therein. In such instances, the container and label may be used provided the packaging is accomplished under the supervision of an inspector and the container is in compliance with § 59.504(k).

INSPECTION, REINSPECTION, CONDEMNATION, AND RETENTION

§ 59.420 Inspection.

(a) Continuous inspection shall be made, pursuant to these regulations, of the processing of egg products in each official plant processing egg products for commerce unless exempted under § 59.100. Inspections, certifications, or specification-type gradings, and other inspections which may be requested by the official plant and are in addition to the normal inspection requirements and functions for the processing, production, or certification of a wholesome egg product under this part, shall be made pursuant to the voluntary egg products inspection service (Part 55 of this chapter).

(b) Any food manufacturing establishment or institution which uses any eggs that do not meet the requirements of § 59.100(a) in the preparation of any articles for human food shall be deemed to be a plant processing egg products requiring continuous inspection under this part.

(c) Any product which is prepared under inspection in an official plant shall be inspected in such plant as often as the inspector deems necessary in order to ascertain if the product is unadulterated, wholesome, properly labeled, and fit for human food at the time it leaves the plant. Upon any such inspection, if any product or portion thereof is found to be adulterated, unwholesome, or otherwise unfit for human food, such product or portion thereof shall be condemned and shall receive such treatment as provided in § 59.422.

§ 59.422 Condemnation.

Eggs and egg products found to be adulterated at official plants shall be condemned and, if no appeal be taken from such determination of condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: *Provided,* That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal is requested, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection. The appeal shall be at the cost of the appellant if the Administrator determines that the appeal is frivolous, as defined in § 59.370.

§ 59.424 Reinspection.

(a) No egg product may be brought into an official plant except as provided in § 59.430(b) unless it has been prepared and handled in accordance with these regulations, and the container of such product is marked so as to identify the article as so inspected in accordance with this part.

(b) All egg products shall be reinspected by an inspector at the time they are brought into the official plant. Upon reinspection, if any such product or portion thereof is found to be unsound, unwholesome, adulterated, or otherwise unfit for human food, such product or portion thereof, shall be condemned and shall receive such treatment as provided in § 59.422, and shall, in the case of other products be disposed of according to applicable law.

§ 59.426 Retention.

Retention tags or other devices and methods as may [illegible] approved by the Administrator shall [illegible] used for the identification and control of products which are not in compliance with the regulations or are held for further examination, and any equipment, utensils, rooms or compartments which are found to be unclean or otherwise in violation of the regulations. No product, equipment, utensil, room, or compartment shall be released for use until it has been made acceptable. Such identification shall not be removed by anyone other than an inspector.

ENTRY OF MATERIAL INTO OFFICIAL EGG PRODUCTS PLANTS

§ 59.430 Limitation on entry of material.

(a) The Administrator shall limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles will be consistent with the purposes of the Act and these regulations.

(b) Noninspected egg products processed prior to July 1, 1971, may not be brought into an official plant for processing, repackaging, or labeling, except that such products may be brought into an official plant for processing into products which are properly denatured and labeled in [illegible] manner that will clearly indicate they are not for human consumption. The processing of such inedible product in the official plant may be accomplished: *Provided*, That prior approval is obtained from the Administrator and under such conditions and time limitations as the Administrator may specify. This processing must take place in separate areas or at times when no edible product is being processed and in such instances all equipment and processing areas must be thoroughly cleaned following the processing of inedible egg products. All processing equipment shall be thoroughly cleaned and sanitized prior to processing any edible product. Such inedible products or other noninspected packaged products may be brought into an official plant for storage and reshipment: *Provided*, That they are handled in such a way that adequate segregation and inventory controls are maintained at all times.

§ 59.435 Wholesomeness and approval of materials.

(a) Substances and ingredients used in the manufacture or preparation of any egg product capable of use as human food shall be clean, wholesome, and unadulterated.

(b) The use of chemical additives in egg products shall be permitted only when they are approved by the Administrator. The Administrator may require, in addition to listing the ingredients, a declaration of the additive, and the purpose of its use.

(c) Chemical additives to be used in the preparation of egg products will be approved only if they comply with the following criteria:

(1) The additive shall be safe under the conditions of its intended use.

(2) The additive shall not promote deception or cause the product to be otherwise adulterated or unwholesome. Scientific data acceptable to the Administrator showing that the additive meets the criteria specified in this paragraph (c) shall be submitted by the person interested in having the additive approved.

(d) Containers and packing or packaging materials in which shell eggs are received into the official plant shall be free from odors and materials which could contaminate or adulterate the eggs or egg products.

§ 59.440 Processing ova.

(a) Ova from slaughtered poultry may be brought into the official plant for processing: *Provided*, That the ova is from wholesome poultry inspected in a plant operating under the Poultry Products Inspection Act (21 U.S.C. 451 et seq.) and such product is harvested in a sanitary manner, properly handled, cooled, packaged and labeled: *And provided further*, That such product is wholesome and the containers of such product bear official identification which assures the provisions of this paragraph have been met.

(b) The ova and products containing ova shall be processed, cooled, and pasteurized in the official plant in the same manner as liquid, frozen, or dried yolk products.

(c) The labeling for all products containing ova shall be approved by the Administrator prior to use.

SANITARY, PROCESSING, AND FACILITY REQUIREMENTS

§ 59.500 Plant requirements.

(a) The plant shall be free from objectionable odors, dust, and smoke-laden air.

(b) The premises shall be free from refuse, rubbish, waste, and other materials and conditions which constitute a source of odors or a harbor for insects, rodents, and other vermin.

(c) The buildings shall be of sound construction and kept in good repair to prevent the entrance or harboring of vermin.

(d) Rooms shall be kept free from refuse, rubbish, waste materials, odors, insects, rodents, and from any conditions which may constitute a source of odors or engender insects and rodents. Materials and equipment not currently needed shall be handled or stored in a manner so as not to constitute a sanitary hazard.

(e) Doors and windows that open to the outside shall be protected against the entrance of flies and other insects. Doors and windows serving rooms where edible product is exposed shall be so designed and installed to prevent the entrance of dust and dirt. Doors leading into rooms where edible product is processed shall be of solid construction and such doors, other than freezer and cooler doors, shall be fitted with self-closing devices.

(f) Doors and other openings which are accessible to rodents shall be of rodent-proof construction.

(g) There shall be an efficient drainage and plumbing system for the plant and premises. Drains and gutters shall be properly installed with approved traps and vents. The sewage system shall have adequate slope and capacity to readily remove waste from the various processing operations. Floor drains shall be equipped with traps, and constructed so as to minimize clogging. In new or remodeled construction the drainage systems from toilets and laboratories shall not be connected with other drainage systems within the plant.

(h) The water supply (both hot and cold) shall be ample, clean, and potable, with adequate facilities for its distribution throughout the plant or portion thereof utilized for egg processing and handling operations and protected against contamination and pollution. A water report, issued under the authority of a State or municipal health agency, certifying to the potability of the water supply shall be obtained by the applicant and furnished to the Administrator whenever such report is required by the Administrator.

(i) The floors, walls, ceiling, partitions, posts, doors, and other parts of all structures shall be of such materials, construction, and finish to permit their ready and thorough cleaning. The floors and curbing shall be watertight.

(j) Each room and each compartment in which any shell eggs or egg products are handled or processed shall be so designed, constructed, and maintained to insure processing and operating conditions of a clean and orderly character, free from objectionable odors and vapors, and maintained in a clean and sanitary condition.

(k) Every precaution shall be taken to exclude dogs, cats, and vermin (including, but not being limited to, rodents and insects from the plant, or portion thereof utilize in which shell eggs or egg products are handled or stored.

(l) (1) There shall be a sufficient number of adequately lighted dressing rooms and toilet rooms, ample in size, conveniently located and separated from the rooms and compartments in which shell eggs or egg products are handled, processed, or stored. The dressing rooms and toilet rooms shall be separately ventilated, and shall meet all requirements as to sanitary construction and equipment.

(2) The following formula shall serve as a basis for determining the toilet facilities required:

Persons of same sex	*Toilet bowls required*
1 to 15, inclusive	1
16 to 35, inclusive	2
36 to 55, inclusive	[1] 3
56 to 80, inclusive	[1] 4
For each additional 30 persons in excess of 80	[1] 1

[1] Urinals may be substituted for toilet bowls but only to the extent of one-third of the total number of bowls stated.

(m) Lavatory accommodations (including, but not being limited to, hot and cold running water, single service towels, and soap which does not impart an odor which interferes with accurate evaluation of the product) shall be placed at such locations in the plant to assure cleanliness of each person handling any shell eggs or egg products. The hand washing facilities in the processing areas shall be operated by other than hand operated controls and the drains shall be trapped and connected to the plumbing system.

(n) Suitable facilities for cleaning and sanitizing utensils and equipment shall be provided at convenient locations throughout the plant.

§ 59.502 Equipment and utensils.

(a) Equipment and utensils used in processing shell eggs and egg products shall be of such design, material, and construction as will:

(1) Enable the examination, segregation, and processing of such products in an efficient, clean, and satisfactory manner;

(2) Permit easy access to all parts to insure thorough cleaning and sanitizing. So far as is practicable, all such equipment shall be made of metal or other impervious material which will not affect the product by chemical action or physical contact.

(b) Except as authorized by the Administrator, in new or remodeled equipment and equipment installations, the equipment installations and the equipment shall comply with the applicable E-3-A Sanitary Standards and Accepted Practices in effect for such equipment.

§ 59.504 General operating procedures.

(a) Operations involving processing, storing, and handling of shell eggs, ingredients, and egg products shall be strictly in accord with clean and sanitary methods and shall be conducted as rapidly as practicable. Pasteurization, heat treatment, stabilization, and other processes shall be in accord with this part and as approved by the Administrator. Processing methods and temperatures in all operations shall be such as will prevent a deterioration of the egg products.

(b) Shell eggs and egg products processed in official plants shall be subjected to constant and continuous inspection throughout each and every processing operation. Any shell egg or egg product which was not processed in accordance with these regulations or is not fit for human food shall be removed and segregated.

(c) All loss and inedible eggs or egg products shall be placed in a clearly identified container containing an approved denaturant. Such containers shall be removed from the breaking room as often as necessary to maintain satisfactory operating conditions. Notwithstanding the foregoing and upon permission of the inspector, the applicant may hold inedible product in conspicuously marked containers which do not contain a denaturant if such inedible product is denatured or decharacterized prior to shipment from the official plant: *Provided*, That such product is properly packaged, labeled, segregated, and inventory controls are maintained.

(d) The inspector may, prior to receipt of laboratory results for salmonella, or for other reasons such as labeling as to solids content, permit egg products to be shipped from the official plant when he has no reason to suspect noncompliance with any of the provisions of this part. However, such shipments shall be made under circumstances which will assure the return of the product to the plant for reprocessing, relabeling, or under such other conditions as the Administrator may determine to assure compliance with this part.

(e) Pasteurizing, stabilizing, or drying operations shall start as soon as practicable after breaking to prevent deterioration of product, preferably within 72 hours from time of breaking for egg products other than whites which are to be desugared.

(f) Each person who is to handle any exposed or unpacked egg products or any utensils or container which may come into contact with egg product, shall wash his hands and maintain them in a clean condition.

(g) No product or material which creates an objectionable condition shall be processed, stored, or handled in any room, compartment, or place where any shell eggs or egg products are processed, stored or handled.

(h) Only germicides, insecticides, rodenticides, detergents, or wetting agents or other similar compounds which will not deleteriously affect the eggs or egg products and which have been approved by the Administrator may be used in an official plant. The use of such compounds shall be in a manner satisfactory to the administrator.

(i) Utensils and equipment which are contaminated during the course of processing any shell eggs or egg products shall be removed from use immediately and shall not be used again until cleaned and sanitized.

(j) Any substance or ingredient added in the processing of any egg products shall be clean and fit for human food.

(k) Packages or containers for egg products shall be of sanitary design and clean when being filled with any egg products; and all reasonable precautions shall be taken to avoid soiling or contaminating the surface of any package or container liner which is, or will be, in direct contact with such egg products. Only new containers or used containers that are clean, in sound condition and lined with suitable inner liners shall be used for packaging edible egg products. Fiber containers used without liners require the approval of the Administrator.

(l) Egg products shall be inspected to determine the wholesomeness of the finished product.

(m) Egg products shall be processed in such a manner as to insure the immediate removal of blood and meat spots, shell particles, and foreign materials.

(n) Utensils and equipment, except drying units, powder conveyors, sifters, blenders, and mechanical powder coolers shall be clean and sanitized at the start of processing operations. Equipment and utensils shall be kept clean and sanitary during all processing operations.

(o) Egg products prior to being released into consuming channels shall be pasteurized in accordance with § 59.570 except that dried whites prepared from nonpasteurized liquid shall be heat treated in accordance with § 59.575.

(1) To assure adequate pasteurization, egg products shall be sampled and tested for the presence of salmonella. Sampling for the presence of salmonella shall be in accordance with § 59.580 and product found to be salmonella positive shall be reprocessed, pasteurized, and analyzed for the presence of salmonella, or denatured.

(2) Nonpasteurized or salmonella positive egg product may be shipped from an official plant only when it is to be pasteurized, repasteurized, or heat treated in another official plant. Shipments of products from one official plant to another for pasteurization, repasteurization, or heat treatment shall be in sealed cars or trucks with an accompanying certificate stating that the product is not pasteurized or is salmonella positive. If nonpasteurized or salmonella positive products are to be stored in other than the official plant facilities, the inspector at the consignee's and consignor's plants shall be given full knowledge of the disposition of the product, including warehouse inventory receipts, until such time as product is pasteurized, repasteurized, or heat treated. The containers of such nonpasteurized or salmonella positive product shall be marked with the identification mark shown in Figure 3 of § 59.415.

(3) Notwithstanding the provision of paragraph (o)(2) of this section, nonpasteurized salted egg products containing 10 percent or more salt added may be shipped from an official plant directly to

a manufacturer of acidic dressings only under the following provisions:

(i) Before such shipment is made, the manufacturer of the acidic dressing shall apply in writing and receive permission from the Administrator to receive and use unpasteurized egg products. The applicant shall sign a written statement containing the specification for the treatment of the nonpasteurized egg product in a manner that will insure that viable salmonella microorganisms are destroyed, and such processing treatment shall be approved by the Administrator prior to use.

(ii) Product shall be shipped under seal from the official plant, accompanied by an official USDA certificate stating that the product is nonpasteurized and for use in acidic dressings only.

(iii) The applicant shall acknowledge receipt of each shipment by indicating on the reverse side of the USDA certificate. "The volume of nonpasteurized egg product stated on this certificate was received at ------------------------," the blank being filled in with the name and address of the receiving company and the date. The certificate shall be returned to the USDA inspector at the origin plant.

(iv) The acidic dressing manufacturer shall maintain processing records indicating the use of each shipment of unpasteurized salted product and the code lots of acidic dressing into which it was processed. Records of the pH and the acidity expressed as percent acetic acid of each code lot shall be maintained. The records shall also demonstrate that the acidic dressing was held 72 hours prior to shipment. These records shall be maintained for 2 years and shall be available for inspection by a representative of the Department.

(v) Each container of salted egg product shipped from the official plant shall be labeled as required in § 59.411, and shall bear the words "Caution—this egg product has not been pasteurized or otherwise treated to destroy viable salmonella microorganisms," and shall bear the official identification shown in figure 4 of § 59.415.

(p) Air which is to come in contact with product or with product contact surfaces shall come from approved filtered outside air sources.

§ 59.506 Candling and transfer-room facilities and equipment.

(a) The room shall be so constructed that it can be adequately darkened to assure accuracy in removal of inedible or loss eggs by candling. Equipment shall be arranged so as to facilitate cleaning and the removal of refuse and excess packing material.

(b) The construction of the floor shall allow thorough cleaning. The floors shall be of water-resistant composition and provided with proper drainage.

(c) Ventilation shall be provided by means of an approved forced air exhaust system for the room and any egg washing equipment. The room temperature shall be maintained at suitable working temperatures during operations.

(d) Candling devices of an approved type shall be provided to enable candlers to detect loss, inedible, dirty, or checked eggs, and eggs other than chicken eggs.

(e) Leaker trays shall be made of a material and of such design that is conducive to easy cleaning and sanitizing.

(f) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for inedible eggs. All such containers shall be conspicuously marked.

(g) Containers made of a material and of such design that are conducive to easy cleaning shall be provided for trash unless clean, disposable containers are furnished daily.

(h) Shell egg conveyors shall be constructed so that they can be thoroughly cleaned.

§ 59.508 Candling and transfer-room operations.

(a) Candling and transfer rooms and equipment shall be kept clean, free from cobwebs, dust, objectionable odors, and excess packing materials.

(b) Containers for trash and inedible eggs shall be removed from the candling rooms as often as necessary but at least once daily; and shall be cleaned and treated in such a manner as will prevent off odors or objectionable conditions in the plant.

(c) Shell eggs shall be handled in a manner to minimize sweating prior to breaking.

(d) Shell eggs with extensively damaged shells, unless prohibited under § 59.510(d), shall be placed into leaker trays and shall be broken promptly.

§ 59.510 Classifications of shell eggs used in the processing of egg products.

(a) The shell eggs shall be sorted and classified into the following categories in a manner approved by the National Supervisor:

(1) Eggs listed in paragraph (d) of this section.

(2) Dirty.

(3) Leakers as described in paragraph (c) (2) of this section.

(4) Eggs from other than chicken; duck, turkey, guinea, and goose eggs.

(5) Other eggs—satisfactory for use as breaking stock.

(b) Shell eggs having strong odors or eggs received in cases having strong odors shall be candled and broken separately to determine their acceptability.

(c) Shell eggs, when presented for breaking, shall be of edible interior quality and the shell shall be sound and free of adhering dirt and foreign material, except that:

(1) Checks and eggs with a portion of the shell missing may be used when the shell is free of adhering dirt and foreign material and the shell membranes are not ruptured.

(2) Eggs with clean shells which are damaged in candling and/or transfer and have a portion of the shell and shell membranes missing may be used only when the yolk is unbroken and the contents of the egg are not exuding over the outside shell. Such eggs shall be placed in leaker trays and be broken promptly.

(3) Eggs with meat or blood spots may be used if the spots are removed in an acceptable manner.

(d) All loss or inedible eggs shall be placed in a designated container and be handled as required in § 59.504(c). Inedible and loss eggs for the purpose of this section and § 59.522 are defined to include black rots, white rots, mixed rots, green whites, eggs with diffused blood in the albumen or on the yolk, crusted yolks, stuck yolks, developed embryos at or beyond the blood ring state, moldy eggs, sour eggs, any eggs that are adulterated as such term is defined pursuant to this part, and any other filthy and decomposed eggs including the following:

(1) Any egg with visible foreign matter other than removable blood and meat spots in the egg meat.

(2) Any egg with a portion of the shell and shell membranes missing and with egg meat adhering to or in conduct with the outside of the shell.

(3) Any egg with dirt or foreign material adhering to the shell and with cracks in the shell and shell membranes.

(4) Liquid egg recovered from shell egg containers and leaker trays.

(5) Open leakers made in the washing operation.

(6) Any egg which shows evidence that the contents are or have been exuding prior to transfer from the case.

(e) Incubator reject eggs shall not be brought into the official plant.

§ 59.515 Egg cleaning operations.

(a) The following requirements shall be met when washing shell eggs to be presented for breaking:

(1) The temperature of the wash water shall be maintained at 90° F. or higher and shall be at least 20° F. warmer than the temperature of the eggs to be washed.

(2) An approved cleaning compound shall be used in the wash water. (The use of metered equipment for dispensing the compound into solution is recommended.)

(3) The washing operation shall be continuous and eggs shall not be allowed to stand or soak in water.

(4) Wash water shall be completely changed at least every 4 hours and at the end of each shift, or more frequently, if necessary. Remedial measures shall be taken to prevent excess foaming during the egg washing operation.

(5) Replacement water shall be added continuously to the wash water of washers to maintain a continuous overflow. Chlorine sanitizing rinse water may be used as part of the replacement water.

(6) Wash water from the washing operation shall go directly to drains.

(7) Washed eggs shall be spray-rinsed with an approved sanitizing agent of not less than 100 p.pm. nor more than 200 p.p.m. of available chlorine or its equivalent.

(8) Immersion-type washers shall not be used.

(b) Shell eggs shall not be washed in the breaking room or any room where edible products are processed.

(c) Shell eggs shall be sufficiently dry at time of breaking to prevent contamination or adulteration of the liquid egg product from free moisture on the shell.

§ 59.520 Breaking room facilities.

(a) The breaking room shall have at least 30-foot candles of light on all working surfaces except that light intensity shall be at least 50 foot-candles at breaking and inspection stations. Lights shall be protected with adequate safety devices.

(b) The surface of the ceiling and walls shall be smooth and made of a water-resistant material.

(c) The floor shall be of water-proof composition, reasonably free from cracks or rough surfaces, sloped for adequate drainage, and the intersections with walls and curbing shall be impervious to water.

(d) Ventilation shall provide for:

(1) A positive flow of outside filtered air through the room;

(2) Air of suitable working temperature during operations.

(e) There shall be provided adequate hand washing facilities which are easily accessible to all breaking personnel, an adequate supply of warm water, clean towels or other facilities for drying hands, odorless soap, and containers for used towels. Hand washing facilities shall be operated by other than hand operated controls.

(f) Containers for packaging egg products are not acceptable as liquid egg buckets.

(g) A suitable container conspicuously identified shall be provided for the disposal of rejected liquid.

(h) Strainers, filters, or centrifugal clarifiers of approved construction shall be provided for the effective removal of shell particles and foreign material, unless specific approval is obtained from the National Supervisor for other mechanical devices.

(i) A separate drawoff room with a filtered positive air ventilation system shall be provided for packaging liquid egg product, except product packaged by automatic, closing packaging systems.

§ 59.522 Breaking room operations.

(a) The breaking room shall be kept in a dust-free clean condition and free from flies, insects, and rodents. The floor shall be kept clean and reasonably dry during breaking operations and free of egg meat and shells.

(b) All breaking room personnel shall wash their hands thoroughly with odorless soap and water each time they enter the breaking room and prior to receiving clean equipment after breaking an inedible egg.

(c) Paper towels or tissues shall be used at breaking tables, and shall not be reused. Cloth towels are not permitted.

(d) Breakers shall use a complete set of clean equipment when starting work and after lunch periods. All table equipment shall be rotated with clean equipment every 2½ hours.

(e) Cups shall not be filled to overflowing.

(f) Each shell egg shall be broken in a satisfactory and sanitary manner and inspected for wholesomeness by smelling the shell or the egg meat and by visual examination at the time of breaking. All egg meat shall be reexamined by a person qualified to perform such functions before being emptied into the tank or churn, except as otherwise approved by the National Supervisor.

(g) Shell particles, meat and blood spots, and other foreign material accidentally falling into the cups or trays shall be removed with a spoon or other approved instrument.

(h) Whenever an inedible egg is broken, the affected breaking equipment shall be cleaned and sanitized.

(i) Inedible and loss eggs as defined in §59.510 apply to this section.

(j) The contents of any cup or other liquid egg receptacle containing one or more inedible or loss eggs shall be rejected.

(k) Contents of drip trays shall be emptied into a cup and smelled carefully before pouring into liquid egg bucket. Drip trays shall be emptied at least once for each 15 dozen eggs or every 15 minutes.

(l) Edible leakers as defined in § 59.510(c)(2) and checks which are liable to be smashed in the breaking operation shall be broken at a separate station by specially trained personnel.

(m) Ingredients and additives used in, or for, processing egg products shall be handled in a clean and sanitary manner.

(n) Liquid egg containers shall not pass through the candling room.

(o) Test kits shall be used to determine the strength of bactericidal solution. (See §§ 59.515(a)(7) and 59.552.)

(p) Leaker trays shall be washed and sanitized whenever they become soiled and at the end of each shift.

(q) Shell egg containers whenever dirty shall be cleaned and drained; and shall be cleaned, sanitized, and drained at the end of each shift.

(r) Belt-type shell egg conveyors shall be cleaned and sanitized approximately every 4 hours in addition to continuous cleaning during operation. When not in use, belts shall be raised to permit air drying.

(s) Cups, knives, racks, separators, trays, spoons, liquid egg pails, and other breaking equipment, except for mechanical egg breaking equipment, shall be cleaned and sanitized at least every 2½ hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized immediately prior to use.

(t) Utensils and dismantled equipment shall be drained and air dried on approved self-draining metal racks and shall not be nested.

(u) Dump tanks, drawoff tanks, and churns shall be cleaned approximately every 4 hours. All such equipment and all other liquid handling equipment, unless cleaned by acceptable cleaned in-place methods, shall be dismantled and cleaned after each shift. Pasteurization equipment shall be cleaned at the end of each day's use or more often if necessary. All such equipment shall be clean and shall be santized prior to placing in use.

(v) Strainers, clarifiers, filtering and other devices used for removal of shell particles and other foreign material shall be cleaned and sanitized each time it is necessary to change such equipment, but at least once each 4 hours of operation.

(w) Breaking room processing equipment shall not be stored on the floor.

(x) Metal containers and lids for other than dried products shall be thoroughly washed, rinsed, sanitized, and drained immediately prior to filling. The foregoing sequence shall not be required if equally effective measures approved by the National Supervisor in writing are followed to assure clean and sanitary containers at the time of filling.

(y) Liquid egg holding vats and containers (including tank trucks) used for transporting liquid eggs shall be cleaned after each use. Such equipment shall be clean and sanitized immediately prior to placing in use.

(z) Tables, shell conveyors, and containers for inedible egg product shall be cleaned at the end of each shift.

(aa) Mechanical egg breaking machines shall be operated at a rate to maintain complete control and accurately inspect and segregate each egg to insure the removal of all loss and inedible eggs. The machine shall be operated in a sanitary manner.

(1) When an inedible egg is encountered on mechanical egg breaking equipment, the inedible egg and contaminated liquid shall be removed. The machine shall be cleaned and sanitized, or contaminated parts replaced with clean ones in the manner prescribed by the Administrator for the type of inedible egg encountered and the kind of egg breaking machine.

(2) Systems for pumping egg liquid directly from egg breaking machines shall be of approved sanitary design and construction, and designed to minimize the entrance of shells into the system and be disconnected when inedible eggs are encountered. The pumping system shall be cleaned approximately every 4 hours. All egg liquid pumped directly from egg breaking machines shall be reexamined, except as otherwise prescribed and approved by the Administrator.

(3) Mechanical egg breaking equipment shall be cleaned and sanitized as often as needed to maintain it in a sanitary condition, but at least every 4 hours. This equipment shall be cleaned at the end of each shift and shall be clean and sanitized within 1 hour prior to use.

§ 59.530 Liquid egg cooling.

(a) Liquid egg storage rooms, including surface coolers and holding tank rooms, shall be kept clean and free from objectionable odors and condensation. Surface coolers and liquid holding vats containing product shall be kept covered while in use. Liquid cooling units shall be of approved construction and have sufficient capacity to cool all liquid eggs to the temperature requirements specified in this section.

(b) Compliance with temperature requirements applying to liquid eggs shall be considered as satisfactory only if the entire mass of the liquid meets the requirements.

(c) The cooling and temperature requirements for liquid egg products shall be as specified in Table I of this section.

(d) Upon written request and under such conditions as may be prescribed by the National Supervisor, liquid cooling and holding temperatures not otherwise provided for in this section may be approved.

(e) Agitators shall be operated in such a manner as will minimize foaming.

(f) When ice is used as an emergency refrigerant by being placed directly into the egg meat, the source of the ice must be certified by the local or State board of health. Such liquid shall be dried. All ice shall be handled in a sanitary manner.

TABLE I.—MINIMUM COOLING AND TEMPERATURE REQUIREMENTS FOR LIQUID EGG PRODUCTS

Product	Unpasteurized product temperature within 2 hours from time of breaking: Liquid (other than salt product) to be held 8 hours or less	Unpasteurized product temperature within 2 hours from time of breaking: Liquid (other than salt product) to be held in excess of 8 hours	Unpasteurized product temperature within 2 hours from time of breaking: Liquid salt product	Temperature within 2 hours after pasteurization	Temperature within 3 hours after stabilization
Whites (not to be stabilized).	55° F. or lower	45° F. or lower		45° F. or lower	
Whites (to be stabilized).	70° F. or lower	55° F. or lower		55° F. or lower	(1)
All other product (except product with 10 percent or more salt added).	45° F. or lower	40° F. or lower		If to be held 8 hours or less 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.	If to be held 8 hours or less, 45° F. or lower. If to be held in excess of 8 hours, 40° F. or lower.
Liquid egg product with 10 percent or more salt added.			If to be held 30 hours or less, 65° F. or lower. If to be held in excess of 30 hours, 45° F. or lower.	65° F. or lower[2]	

[1] Stabilized liquid whites shall be dried as soon as possible after removal of glucose. The storage of stabilized liquid whites shall be limited to that necessary to provide a continuous operation.

[2] The cooling process shall be continued to assure that any salt product to be held in excess of 24 hours is cooled and maintained at 45° F. or lower.

§ 59.532 Liquid egg holding.

(a) Tanks, vats, drums, or other containers used for holding liquid eggs shall be of approved construction, fitted with covers and located in rooms maintained in a sanitary condition.

(b) Liquid egg holding tanks or vats shall be equipped with suitable thermometers and agitators.

(c) Inlets to holding tanks or vats shall be such as to prevent excessive foaming.

(d) Gaskets, if used, shall be of a sanitary type.

§ 59.534 Freezing facilities.

(a) Freezing rooms, either on or off the premises, shall be capable of freezing all liquid egg products in accordance with the freezing requirements as set forth in § 59.536. Use of off-premise freezing facilities is permitted only when prior approval in writing from the National Supervisor is on file.

(b) Adequate air circulation shall be provided in all freezing rooms.

§ 59.536 Freezing operations.

(a) Freezing rooms shall be kept clean and free from objectionable odors.

(b) Requirements:

(1) Nonpasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of breaking.

(2) Pasteurized egg products which are to be frozen shall be solidly frozen or reduced to a temperature of 10° F. or lower within 60 hours from time of pasteurization.

(3) The temperature of the products not solidly frozen shall be taken at the center of the container to determine compliance with this section.

(c) Containers shall be stacked so as to permit circulation of air around the containers.

(d) The outside of liquid egg containers shall be clean and free from evidence of liquid egg.

(e) Frozen egg products shall be examined by organoleptic examination after freezing to determine their fitness for human food. Any such products which are found to be unfit for human food shall be denatured and any official identification mark which appears on any container thereof shall be removed or completely obliterated and the containers identified as required in §§ 59.840 and 59.860.

§ 59.538 Defrosting facilities.

(a) Approved metal defrosting tanks or vats constructed so as to permit ready and thorough cleaning shall be provided.

(b) Frozen egg crushers, when used, shall be of approved metal construction. The crushers shall permit ready and thorough cleaning and the bearings and housing shall be fabricated in such a manner as to prevent contamination of the egg products.

(c) Service tables shall be of approved metal construction without open seams and the surfaces shall be smooth to allow thorough cleaning.

§ 59.539 Defrosting operations.

(a) Frozen egg products which are to be defrosted shall be defrosted in a sanitary manner.

(b) Each container of frozen eggs shall be checked for condition and odor just prior to being emptied into the crusher or receiving tank. Frozen eggs which have objectionable odors and are unfit for human food (e.g., sour, musty, fermented, or decomposed odors) shall be denatured.

(c) Frozen whites to be used in the production of dried albumen may be defrosted at room temperature. All other whites shall be defrosted in accordance with paragraph (d) of this section.

(d) Frozen whole eggs, whites and yolks, and yolks may be tempered or partially defrosted for not to exceed 48 hours at a room temperature no higher than 40° F. or not to exceed 24 hours at a room temperature above 40° F.: *Provided*, That no portion of the defrosted liquid shall exceed 50° F. while in or out of the container.

(1) Frozen eggs packed in metal containers may be placed in running cold tap water without submersion to speed defrosting.

(2) The defrosted liquid shall be held at 40° F. or less, except for product to be pasteurized or stabilized by glucose removal as provided in § 59.530. Defrosted liquid shall not be held more than 16 hours prior to processing or drying.

(e) Sanitary methods shall be used in handling containers and removing egg product.

(f) Crushers and other equipment used in defrosting operations shall be dismantled at the end of each shift and shall be washed, rinsed, and sanitized.

(1) Where crushers are used intermittently, they shall be flushed after each use and again before being placed in use.

(2) Floors and work tables shall be kept clean.

§ 59.540 Spray process drying facilities.

(a) Driers shall be of a continuous discharge type and so constructed and equipped to prevent an excess accumulation of powder in the drier, bags, and powder conveyors.

(b) Driers shall be of approved construction and materials, with welded seams, and the surfaces shall be smooth to allow for thorough cleaning.

(c) Driers shall be equipped with approved air intake filters.

(d) Air shall be drawn into the drier from sources free from foul odors, dust, and dirt.

(e) Indirect heat or the use of an approved premixing device or other approved devices for securing complete combustion in direct-fired units is required. A premix-type burner, if used,

shall be equipped with approved air filters at blower intake.

(f) High-pressure pump heads and lines shall be of stainless steel construction or equivalent which will allow for thorough cleaning.

(g) Preheating units, if used, shall be of stainless steel construction or equivalent which will allow thorough cleaning.

(h) Powder conveying equipment shall be constructed as will facilitate thorough cleaning.

(i) Sifters shall be constructed of an approved metal or metal lined interior. The sifting screens and frames shall be of an approved metal construction. Sifters shall be so constructed that accumulations of large particles or lumps of dried eggs can be removed continuously while the sifters are in operation.

§ 59.542 Spray process drying operations.

(a) The drying room shall be kept in a clean condition and free of flies, insects, and rodents.

(b) Low-pressure lines, high-pressure lines, high- and low-pressure pumps, homogenizers, and pasteurizers shall be cleaned by acceptable inplace cleaning methods or dismantled and cleaned after use or as necessary when operations have been interrupted.

(1) Spray nozzles, orifices, cores, or whizzers shall be cleaned immediately after cessation of drying operations.

(2) Equipment shall be sanitized within 2 hours prior to resuming operations.

(c) Drying units, conveyors, sifters, and packaging systems shall be cleaned whenever wet powder is encountered or when other conditions occur which would adversely affect the product. The complete drying unit, including sifters, conveyors, and powder coolers shall be either wet washed or dry cleaned. A combination of wet washing and dry cleaning of the complete drying unit shall not be permitted unless that segment of the unit to be cleaned in a different manner is completely detached or disconnected from the balance of the drying unit.

(1) Sifters and conveyors used for other than dried albumen shall be cleared of powder when such equipment is not to be used for a period of 24 hours or longer.

(2) Collector bags shall be cleaned as often as needed to maintain them in an acceptable clean condition.

(d) Powder shall be sifted and the screen shall be replaced whenever torn or worn.

(e) Accumulations of large particles or lumps of dried eggs shall be removed from the sifter screens continuously.

(f) All openings into the drier around ports, augers, high-pressure lines, etc., shall be closed to the extent possible during the drying operation to prevent entrance of nonfiltered air.

(g) Openings into the drying unit shall be closed when the drier is not in use, except when the drying unit has been completely emptied of powder and wet washed. This includes, but is not limited to, openings for the air intake and exhaust systems, nozzle openings, ports, augers, etc.

§ 59.544 Spray process powder; definitions and requirements.

(a) Definition of product:

(1) "Primary powder" is that powder which is continuously removed from the primary or main drying chamber while the drying unit is in operation.

(2) "Secondary powder" is that powder which is continuously and automatically removed from the secondary chamber and/or bag collector chamber while the drying unit is in operation.

(3) "Sweep-down powder" is that powder which is recovered in the brush-down process from the primary or secondary chamber and conveyors.

(4) "Brush bag powder" is that powder which is brushed from the collector bags.

(b) Secondary powder shall be continuously discharged and mixed with the primary powder by methods approved by the Administrator.

(c) Edible dried egg products, including edible ingredients which may be added to such dried products, may be dry-blended: *Provided*, That the blending is done in a room as provided in § 59.548 or in a closed blending system and in accordance with clean, sanitary practices and such procedures as may be prescribed by the Administrator.

(d) Any edible dried egg powder may be reconstituted, repasteurized, and redried when accomplished in a clean, sanitary manner and in accordance with such procedures as may be prescribed by the Administrator.

(e) Edible dried egg powder obtained from the sweep down, screenings, brush bag (except for brush bag powder from albumen driers), and improperly dried or scorched powder shall be reconstituted, repasteurized, and redried.

(f) Approximately the first and last 175 pounds of powder from the main driers for each continuous operation shall be checked for improperly dried or scorched powder.

§ 59.546 Albumen flake process drying facilities.

(a) Drying facilities shall be constructed in such a manner as will allow thorough cleaning and be equipped with approved intake filters.

(b) The intake air source shall be free from foul odors, dust, and dirt.

(c) Premix-type burners, if used, shall be equipped with approved air filters at blower intake.

(d) Fermentation tanks, drying pans, trays or belts, scrapers, curing racks, and equipment used for pulverizing pan dried albumen shall be constructed of approved materials in such a manner as will permit thorough cleaning.

(e) Sifting screens shall be constructed of approved materials in such a manner as will permit thorough cleaning and be in accordance with the specification for the type of albumen produced.

§ 59.547 Albumen flake process drying operations.

(a) The fermentation, drying, and curing rooms shall be kept in a dust-free clean condition and free of flies, insects, and rodents.

(b) Drying units, racks, and trucks shall be kept in a clean and sanitary condition.

(c) Drying pans, trays, belts, scrapers, or curing racks, if used, shall be kept in a clean condition.

(d) Oils and waxes used in oiling drying pans or trays shall be of edible quality.

(e) Equipment used for pulverizing or sifting dried albumen shall be kept in a clean condition.

§ 59.548 Drying, blending, packaging, and heat treatment rooms and facilities.

(a) General: Processing rooms shall be maintained in a clean condition and free of flies, insects, and rodents. The drying, blending, and packaging rooms shall be well-lighted and have ceilings and walls of a tile surface, enamel paint, o other water-resistant material.

(1) The floors shall be free from cracks or rough surfaces where water or dirt could accumulate.

(2) The intersections of the walls and floors shall be impervious to water and the floor shall be sloped for adequate drainage.

(3) Metal storage racks or cabinets shall be provided for storing of tools and accessories.

(b) Dry blending of edible egg products, including adding edible dry ingredients, and/or packaging of spray-dried products shall be done in a room separate from other processing operations. Dry blending may also be done in other areas: *Provided*, That it is accomplished in an approved closed blending system.

(1) Blending and packaging rooms for pasteurized products shall be provided with an adequate positive flow of approved outside filtered air.

(2) Blending and packaging equipment and accessories which come into contact with the dried product shall be of an approved construction without open seams and of materials that can be kept clean and which will have no deleterious effect on the product. Service tables shall be of approved metal construction without open seams and surfaces shall be smooth to permit thorough cleaning.

(3) Package liners shall be inserted in a sanitary manner, and equipment and supplies used in the operation shall be kept off the floor.

(4) Utensils used in packaging dried eggs shall be kept clean at all times and whenever contaminated shall be cleaned and sanitized. When not in use, scoops, brushes, tampers, and other similar equipment shall be stored in sanitary cabinets or racks provided for this purpose.

(5) Automatic container fillers shall be of a type that will accurately fill given quantities of product into the containers. Scales shall be provided to accurately check the weight of the filled containers. All equipment used in mechanically packaging dried egg products shall be vacuum cleaned daily.

(c) The heat treatment room shall be of an approved construction and be maintained in a clean condition. The room or rooms shall be of sufficient size so that product to be heat treated can be so spaced to assure adequate heat and air circulation. The room shall have an adequate heat supply and a continuous air circulation system.

§ 59.549 Dried egg storage.

Dried egg storage shall be sufficient to adequately handle the production of the plant and shall be kept clean, dry, and free from objectionable odors.

§ 59.550 Washing and sanitizing room or area facilities.

(a) This room or area shall be well lighted, and of sufficient size to permit operators to properly wash and sanitize all equipment at the rate required by the size of the operation. Adequate exhaust shall be provided to assure the prompt removal of odors and vapors and the air flow shall be away from the breaking room. If the washing and sanitizing is not done in a separate room, it shall be in an area well segregated from the breaking areas and be well ventilated with air movement directed away from the breaking operations so that odors and vapors do not permeate the breaking areas.

(b) Ceiling and walls shall have a surface of tile, enamel paint, or other water-resistant material.

(c) Floors shall be adequately sloped for proper drainage, be free from cracks or rough surfaces where water and dirt could accumulate and the intersections with walls shall be impervious to water.

§ 59.552 Cleaning and sanitizing requirements.

(a) *Cleaning*. (1) Equipment used in egg processing operations which comes in contact with liquid eggs or exposed edible products shall be cleaned to eliminate organic matter and inorganic residues. This may be accomplished by any sanitary means but it is preferable (unless high pressure cleaning is used) to flush soiled equipment with clean cool water, dismantle it when possible, wash by brushing with warm water containing a detergent and followed by rinsing with water. It is essential to have the equipment surfaces thoroughly clean if effective sanitizing is to be attained.

(2) Equipment shall be cleaned with such frequency as is specified elsewhere under the sanitary requirements for the particular kind of operation and type of equipment involved.

(3) C.I.P. (cleaned-in-place) shall be considered to be acceptable only if the methods and procedures used accomplish cleaning equivalent to that obtained by thorough manual washing and sanitizing of dismantled equipment. The Administrator shall determine the acceptability of C.I.P. cleaning procedures and may require bacteriological tests and periodic dismantling of equipment as a basis for such determination.

(b) *Sanitizing*. (1) Sanitizing shall be accomplished by such methods as approved by the Administrator.

(i) Chemicals and compounds used for sanitizing shall have approval by the Administrator prior to use.

(ii) Sanitizing by use of hypochlorites or other approved sanitizing solutions shall be accomplished by subjecting the equipment surfaces to such sanitizing solution containing a maximum strength of 200 p.p.m. of available chlorine or its equivalent. These solutions shall be changed whenever the strength drops to 100 p.p.m. or less of available chlorine or its equivalent.

(2) Shell eggs which have been sanitized and equipment which comes in contact with edible products shall be rinsed with clean water after sanitizing if other than hypochlorites are used as sanitizing agents unless otherwise approved by the Administrator.

§ 59.560 Health and hygiene of personnel.

(a) Personnel facilities, including toilets, lavatories, lockers, and dressing rooms shall be adequate and meet State and local requirements for food processing plants.

(b) Toilets and dressing rooms shall be kept clean and adequately ventilated to eliminate odors and kept adequately supplied with soap, towels, and tissues. Toilet rooms shall be ventilated to the outside of the building.

(c) No person affected with any communicable disease in a transmissible stage or a carrier of such disease, or with boils, sores, infected wounds, or wearing cloth bandages on hands shall be permitted to come in contact with eggs in any form or with equipment used to process such eggs.

(d) Workers coming into contact with liquid or dried eggs, containers, or equipment shall wear clean outer uniforms.

(e) Plant personnel handling exposed edible product shall wash their hands before beginning work, and upon returning to work after leaving the work room.

(f) Expectorating, or other unsanitary practices, shall not be permitted.

(g) Use of tobacco in any form or the wearing of jewelry, nail polish, or perfumes shall not be permitted in any area where edible products are exposed.

(h) Hair nets or caps shall be properly worn by all persons in breaking and packaging rooms.

§ 59.570 Pasteurization of liquid eggs.

(a) Pasteurization facilities: The facilities for pasteurization of egg products shall be adequate and of approved construction so that all products will be processed as provided for in this section. Pasteurization equipment for liquid egg product shall include a holding tube, an automatic flow diversion valve, thermal controls, and recording devices to determine compliance for pasteurization as set forth in paragraph (b) of this section. The temperature of the heated liquid egg product shall be continuously and automatically recorded during the process.

(b) Pasteurizing operations: Every particle of all products must be rapidly heated to the required temperature and held at that temperature for the required minimum holding time as set forth in this section. The temperatures and holding times listed in Table I of this section are minimum. The product may be heated to higher temperatures and held for longer periods of time. Pasteurization procedures shall assure complete pasteurization, and holding, packaging, facilities and operations shall be such as to prevent contamination of the product.

TABLE I.—PASTEURIZATION REQUIREMENTS [1]

Liquid egg product	Minimum temperature requirements	Minimum holding time requirements
	°F.	*Minutes*
Albumen (without use of chemicals)	134 132	3.5 6.2
Whole egg	140	3.5
Whole egg blends (less than 2 percent added nonegg ingredients)	142 140	3.5 6.2
Fortified whole egg and blends (24–38 percent egg solids, 2–12 percent added nonegg ingredients)	144 142	3.5 6.2
Salt whole egg (with 2 percent or more salt added)	146 144	3.5 6.2
Sugar whole egg (2–12 percent sugar added)	142 140	3.5 6.2
Plain yolk	142 140	3.5 6.2
Sugar yolk (2 percent or more sugar added)	146 144	3.5 6.2
Salt yolk (2–12 percent salt added)	146 144	3.5 6.2

[1] Pasteurization of egg products not listed in this table shall be in accordance with paragraph (c) of this section.

(c) Other methods of pasteurization may be approved by the Administrator when such treatments give equivalent effects to those specified in paragraph (b) of this section for those products or other products and results in a salmonella negative product.

§ 59.575 Heat treatment of dried whites.

Heat treatment of dried whites is an approved method for pasteurization and the product shall be heated throughout for such times and at such temperatures as will result in salmonella negative product.

(a) The product to be heat treated shall be held in the heat treatment room in closed containers and shall be spaced to assure adequate heat penetration and air circulation. Each container shall be identified as to type of product (spray or pan dried) and with the lot number or production code number.

(b) The minimum requirements for heat treatment of spray or pan dried albumen shall be as follows:

(1) Spray dried albumen shall be heated throughout to a temperature not less than 130° F. and held continuously at such temperature not less than 7 days and until it is salmonella negative.

(2) Pan dried albumen shall be heated throughout to a temperature of not less than 125° F. and held continuously at such temperature not less than 5 days and until it is salmonella negative.

(3) Methods of heat treatment of spray dried or pan dried albumen, other than listed in subparagraphs (1) and (2) of this paragraph, may be approved by the Administrator upon receipt of satisfactory evidence that such methods will result in salmonella negative product.

(c) Dried whites which have been heat treated in the dried form shall be sampled and analyzed for the presence of salmonella as required in § 59.580.

(d) Records shall be maintained for 1 year of the following:

(1) Types of product;

(2) Lot number;

(3) Heat treatment room temperatures;

(4) Product temperatures;

(5) Length of time product is held in heat treatment room;

(6) Results of all laboratory analyses made for the presence of salmonellae.

(e) Dried whites processed and tested in accordance with all of the applicable requirements specified in this section may be labeled "Pasteurized."

LABORATORY

§ 59.580 Laboratory tests and analyses.

The official plant, at their expense, shall make tests and analyses to determine compliance with the Act and the regulations.

(a) Samples shall be drawn from liquid, frozen or dried egg products and analyzed for compliance with the standards of identity (if any) and with the product label.

(b) To assure adequate pasteurization, pasteurized egg products and heat treated dried egg whites shall be sampled and analyzed for the presence of salmonella in accordance with such sequence, frequency, and approved laboratory methods as prescribed by the Administrator. The samples of pasteurized egg products and heat treated dried egg whites shall be drawn from the final packaged form.

(c) Results of the analyses and tests shall be made available to the inspector.

(d) USDA will draw confirmation samples and submit them to a USDA laboratory at USDA's expense to determine the adequacy of the plant's tests and analyses.

EXEMPTED EGG PRODUCTS PLANTS

§ 59.600 Application for exemption.

An application for exemption from the continuous inspection requirements must be made in writing on forms approved by the Administrator and filed with the inspection service.

§ 59.610 Criteria for exemption.

Any plant processing egg products may qualify for exemption where:

(a) The facility, operating procedures and practices, and sanitation meet the standards required for official egg products plants as are contained in §§ 59.500–59.580, and such exempted plants shall thereafter be subject to other provisions applicable to officials plants which shall include maintaining records such as pasteurization temperatures and holding times, laboratory records, egg products testing procedures, and making all such records available for review.

(b) The eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards for U.S. Consumer Grade B shell eggs.

§ 59.620 Authority of applicant.

Proof of authority of any person applying for exemption from continuous inspection may be required by the Administrator.

§ 59.630 Filing of application.

An application for exemption shall be regarded as filed only when it has been filled in completely and signed by the applicant and has been received in the office of the inspection service.

§ 59.640 Application for exemption; approval.

Any person desiring to process egg products pursuant to the exemption provision of the Act and these regulations must receive approval of such plant, facilities, and operating procedures as an exempted plant. An application for exemption shall be according to the following:

(a) *Initial survey*. When an application for exemption of a plant has been filed, a Supervisory Egg Products Inspector will make a survey and inspection of the premises and plant to determine if the facilities, methods of operation, and eggs received or used therein are suitable and adequate in accordance with:

(1) Section 59.610; and

(2) Such other administrative instructions as may be issued, from time to time, by the Service and which are in effect at the time of the aforesaid survey and inspection.

(b) *Final survey and exemption approval*. Upon notification by the applicant for exemption that all the criteria for exemption required in § 59.610 are in effect and an initial survey has been performed, the applicant shall:

(1) Submit drawings and specifications in accordance with the same requirements as official plants as specified in § 59.146(b);

(2) Submit labels for approval as specified in § 59.680;

(3) Request a final survey be made by Supervisory Egg Products Inspector to determine if the plant is constructed and the facilities are installed in accordance with the approved drawings and these regulations.

(c) The plant will be approved for exemption only when all the requirements of this section have been met.

§ 59.650 Exempted plant registration number.

Each plant processing egg products which receives the Administrator's approval for exemption shall be assigned an "Exempted Registration Number" at the time the exemption approval is provided.

§ 59.660 Inspection of exempted plants.

Duly authorized representatives of the Administrator shall make such periodic inspections of exempted plants and records thereof as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to exempted plants have been violated. Such representatives shall be afforded access, at any reasonable time, to any plant or place of business subject to inspection under the provisions of the Act.

§ 59.670 Termination of exemption.

The Administrator may suspend or terminate any exemption if the criteria for exemption required in § 59.610 are not being met. In addition, if any violation has been committed, the applicable penalties provided in this part may be enforced as provided in the Act.

§ 59.680 Approval of labeling for egg products processed in exempted egg products processing plants.

(a) The labels for egg products which are capable for use as human food shall be submitted to the Administrator for approval. The submission and approval shall be the same as for official plants as required in § 59.411 except the labels or containers shall not bear official identification.

(b) The label or container shall legibly and conspicuously bear the statement: "Exempted—E.P.I.A. Registration No. ------." The registration number shall be that assigned to the exempted plant as provided in § 59.650.

REGISTRATION OF SHELL EGG HANDLERS

§ 59.690 Persons required to register.

Shell egg handlers, except for producers-packers with an annual egg production from a flock of 3,000 hens or less, who grade and pack eggs for the ultimate consumer (e.g., households, restaurants, institutions, food manufacturers, etc.) are required to furnish their name and place of business on forms provided by the U.S. Department of Agriculture. Completed forms shall be sent to the addressee indicated on the form.

INSPECTION AND DISPOSITION OF RESTRICTED EGGS

§ 59.700 Prohibition on disposition of restricted eggs.

(a) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation in any business in commerce any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(b) No egg handler shall possess any restricted eggs, except as authorized in §§ 59.100 and 59.720.

(c) No egg handler shall use any restricted eggs in the preparation of human food, except as provided in §§ 59.100 and 59.720.

§ 59.720 Disposition of restricted eggs.

(a) Eggs classified as checks, dirty eggs, incubator rejects, inedibles, leakers, or loss shall be disposed of by one of the following methods at point of segregation:

(1) By destruction in a manner approved by the Administrator,

(2) By denaturing as described in § 59.504(c) and labeling as required in §§ 59.840 and 59.860, and

(3) By satisfactory identification as specified in §§ 59.800 and 59.860. Restricted eggs may be shipped directly or indirectly for use as other than human food. Checks and dirties may be shipped directly or indirectly to an official egg products plant for segregation and processing. Inedibles, loss, and incubator rejects shall not be intermingled in the same containers with checks or dirties.

(b) Eggs which are packed for consumer use (e.g., households, restaurants, institutions, food manufacturers, etc.) and which have been found to exceed the tolerance for restricted eggs permitted in the official standards for U.S. Consumer Grade B, shall be identified as required in §§ 59.800 and 59.860 and shall be shipped directly or indirectly:

(1) To an official egg products plant for proper segregation and processing; or

(2) Be regarded so that they comply with the official standards; or

(3) For use as other than human food.

(c) Records shall be maintained as provided in § 59.200 to assure proper disposition.

§ 59.760 Inspection of egg handlers.

Duly authorized representatives of the Administrator shall make such periodic inspections of egg handlers and their records as the Administrator may require to ascertain if any of the provisions of the Act or these regulations applicable to such egg handlers have been violated. Such representatives shall be afforded access, at any reasonable time, to any place of business or plant subject to inspection under the provisions of the Act.

IDENTIFICATION OF RESTRICTED EGGS OR EGG PRODUCTS NOT INTENDED FOR HUMAN CONSUMPTION

§ 59.800 Identification of restricted eggs.

The shipping container of restricted eggs shall be determined to be satisfactorily identified if such container bears the packer's name and address, the quality of the eggs in the container (e.g., dirties, checks, inedibles, or loss), or the statement "Restricted Eggs—for Processing Only in an Official USDA Egg Products Processing Plant," for checks or dirties, or "Restricted Eggs—Not To Be Used as Human Food," for inedibles, loss, and incubator rejects, or "Restricted Eggs—To Be Regraded" for graded eggs which contain more restricted eggs than are allowed in the official standards for U.S. Consumer Grade B shell eggs. The size of the letters of the identification wording shall be as required in § 59.860 of this part.

§ 59.840 Identification of inedible, unwholesome, or adulterated egg products.

All inedible, unwholesome, or adulterated egg products shall be identified with the name and address of the processor, the words "Inedible Egg Products—Not To Be Used as Human Food."

§ 59.860 Size of identification wording.

The letters of the identification wording shall be legible, conspicuous and at least one-half inch in height.

IMPORTS

§ 59.900 Requirements for importation of egg products or restricted eggs into the United States.

(a) Egg products and restricted eggs may be imported into the United States from any foreign country only in accordance with these regulations. The term "United States" means any State of the United States, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia. The importation of any egg or egg product in violation of the regulations of this part is prohibited.

(b) All such imported articles shall upon entry into the United States be deemed and treated as domestic articles and be subject to the other provisions of the Act, these regulations, and other Federal or State requirements.

§ 59.905 Importation of restricted eggs or eggs containing more restricted eggs than permitted in the official standards for U.S. Consumer Grade B.

(a) No containers of restricted eggs other than checks or dirties shall be imported into the United States. The shipping containers of such eggs shall be identified with the name, address, and country of origin of the exporter, and the quality of the eggs (e.g., checks, or dirties) preceded by the word "Imported" or the statement "Imported Restricted Eggs—For Processing Only in an Official USDA Plant," or "Restricted Eggs—Not To Be Used as Human Food." Such identification shall be legible, conspicuous, in letters at least one-half inch in height.

(b) Eggs which are imported for use as human food and upon entry are found to contain more restricted eggs than permitted in the official standards for U.S. Consumer Grade B, shall be refused entry and returned to the importing country or be conspicuously and legibly identified as "Imported Restricted Eggs" and be sent directly under official seal: (1) To a place where they may be regraded to comply with the official U.S. standards for consumer grades; (2) to an official USDA egg products processing plant; or (3) to be used as other than human food.

§ 59.910 Eligibility of foreign countries for importation of egg products into the United States.

(a) Whenever it is determined by the Administrator that the system of egg products inspection maintained by any foreign country is such that the egg products produced in such country are processed, labeled, and packaged in accordance with, and otherwise comply with, the standards of the Act and these regulations including, but not limited to the same sanitary, processing, facility requirements, and continuous Government inspection as required in §§ 59.500 through 59.580 applicable to inspected articles produced within the United States, notice of that fact will be given by listing the name of such foreign country in paragraph (b) of this section. Thereafter, egg products from the countries so listed shall be eligible, subject to the provisions of this part and other applicable laws and regulations, for importation into the United States. Such products to be imported into the United States from these foreign countries must meet, to the extent applicable, the same standards and requirements that apply to comparable domestic products as set forth in these regulations. Egg products from foreign countries not listed herein are not eligible for importation into the United States, except as provided by § 59.960. In determining if the inspection system of a foreign country is the equivalent of the system maintained by the United States, the Administrator shall review the inspection regulations of the foreign country and make a survey to determine the manner in which the inspection system is administered within the foreign country. The survey of the foreign inspection system may be expedited by payment by the interested Government agency in the foreign country of the travel expenses incurred in making the survey. After approval of the inspection system of a foreign country, the Administrator may, as often and to the extent deemed necessary, authorize representatives of the Department to review the system to determine that it is maintained in such a manner as to be the equivalent of the system maintained by the United States.

(b) It has been determined that each of the following foreign countries maintain an egg products inspection system that is the equivalent of the system maintained by the United States: * * *

§ 59.915 Foreign inspection certificate required.

(a) *Egg products.* Except as provided in § 59.960, each consignment of egg products, as defined in this part, shall be accompanied by a foreign egg products inspection certificate, which, unless otherwise approved by the Administrator, contains the following information:

(1) Country exporting product;

(2) City and date where issued;

(3) Kind of product, number of containers, and weight;

(4) Production date(s) of product:

(5) Identification marks on containers;

(6) Name and address of exporter;

(7) Name, address, and plant number of processing plant;

(8) Name and address of importer;

(9) A certification that the egg products were produced under the approved regulations, requirements, and continuous Government inspection of the exporting country and;

(10) Name (including signature) and official title of person authorized to issue inspection certificates for egg products exported to the United States.

(b) *Shell eggs.* Except as otherwise provided in § 59.960, each consignment of shell eggs shall be accompanied by a foreign inspection certificate, which, unless otherwise approved by the Administrator contains the following information:

(1) Country exporting product;
(2) City and date where issued;
(3) Quality or description of eggs;
(4) Number of cases and total quantity;
(5) Identification marks on containers;
(6) Name and address of exporter;
(7) Name and address of importer;
(8) A certification that the quality or description of the shell eggs is true and accurate and;
(9) Name (including signature) and title of person authorized to issue inspection certificates for shell eggs exported to the United States.

§ 59.920 Importer to make application for inspection of imported eggs and egg products.

Each person importing any eggs or egg products shall make application for inspection upon C&MS Form PY-222—Import Request, Eggs and Egg Products, to the Chief, Grading Branch, Poultry Division, Consumer and Marketing Service, U.S. Department of Agriculture, Washington, D.C. 20250, or to the Poultry Division, Grading Branch office at the port where the product is to be offered for importation. Application shall be made as long as possible prior to the arrival of each consignment of product, except in the case of product exempted from inspection by § 59.960. Each application shall state the approximate date of product arrival in the United States, the name of the ship or other carrier, the country from which the product was shipped, the destination, the quantity and class of product, whether fresh, frozen, or dried, and the point of first arrival in the United States.

§ 59.925 Inspection of imported eggs and egg products.

(a) Except as provided in § 59.960, eggs and egg products offered for importation from any foreign country shall be subject to inspection in accordance with established inspection procedures, including the examination of the labeling information on the containers, by an inspector before the product shall be admitted into the United States. Importers will be advised of the point where inspection will be made, and in case of small shipments (less than carload lots), the importer may be required to move the product to the location of the nearest inspector.

(b) Inspectors may take samples, without cost to the United States, of any product offered for importation which is subject to analysis or quality determination, except that samples shall not be taken of any products offered for importation under § 59.960, unless there is reason for suspecting the presence therein of a substance in violation of that section.

§ 59.930 Imported eggs and egg products; retention in customs custody; delivery under bond; movement prior to inspection; sealing; handling; facilities, and assistance.

(a) No eggs or egg products required by this part to be inspected shall be released from customs custody prior to required inspections, but such product may be delivered to the consignee, or his agent, prior to inspection if the consignee shall furnish a bond, in the form prescribed by the Secretary of the Treasury, conditioned that the product shall be returned, if demanded, to the collector of the port where the same is offered for clearance through customs.

(b) Notwithstanding paragraph (a) of this section, no product required by this part to be inspected shall be moved prior to inspection from the port of arrival where first unloaded, and if arriving by water from the wharf where first unloaded at such port, to any place other than the place designated in accordance with this part as the place where the same shall be inspected; and no product shall be conveyed in any manner other than in compliance with this part.

(c) Means of conveyance or packages in which any product is moved in accordance with this part, prior to inspection, from the port or wharf where first unloaded in the United States, shall be sealed with special import seals of the U.S. Department of Agriculture or otherwise identified as provided herein, unless already sealed with customs or consular seals in accordance with the customs regulations. Such special seals shall be affixed by an inspector or, if there is no inspector at such port, by a customs officer. In lieu of sealing packages, the carrier or importer may furnish and attach to each package of product a warning notice on bright yellow paper, not less than 5 x 8 inches in size, containing the following legend in black type of a conspicuous size:

(Name of Truck Line or Carrier)

NOTICE

This package of ____________ must be delivered intact to an inspector of the Poultry Division, U.S. Department of Agriculture.

WARNING

Failure to comply with these instructions will result in penalty action being taken against the holder of the customs entry bond.

If the product is found to be acceptable upon inspection, the package will be marked "Approved for Import Under E.P.I.A." and this warning notice defaced.

(d) No person shall affix, break, alter, deface, mutilate, remove, or destroy any special import seal of the U.S. Department, except customs officers or inspectors or as provided in paragraph (f) of this section.

(e) No product shall be removed from any means of conveyance or package sealed with a special import seal of the U.S. Department of Agriculture, except under the supervision of an inspector or a customs officer, or as provided in paragraph (f) of this section.

(f) In case of a wreck or similar extraordinary emergency, the special import seal of the U.S. Department of Agriculture on a car, truck, or other means of conveyance may be broken by the carrier and, if necessary, the articles may be reloaded into another means of conveyance for transportation to destination. In all such cases, the carrier shall immediately report the facts by telegraph to the Chief of the Grading Branch.

(g) The consignee or his agent shall provide such facilities and assistance as the inspector may require for the inspection and handling and marking of products offered for importation.

§ 59.935 Means of conveyance and equipment used in handling eggs and egg products to be maintained in sanitary condition.

Compartments of boats, railroad cars, and other means of conveyance transporting any product to the United States, and all chutes, platforms, racks, tables, tools, utensils, and all other devices used in moving and handling such product offered for importation, shall be maintained in a sanitary condition.

§ 59.940 Marking of egg products offered for importation.

Egg products which upon inspection are found to be acceptable for importation into the United States shall be marked "Approved for Import Under E.P.I.A." Products which are inspected and rejected shall be marked "U.S. Refused Entry." Such marks shall be applied to the shipping containers.

§ 59.945 Foreign eggs and egg products offered for importation; reporting of findings to customs; handling of products refused entry.

(a) Inspectors shall report their findings to the collector of customs at the port where products are offered for entry, and shall request the collector to refuse entry to eggs or egg products which are marked or designated "U.S. Refused Entry" or otherwise are not in compliance with these regulations. Unless such products are exported by the consignee within a time specified by the collector of customs (usually 30 days), the consignee shall cause the destruction of such products for human food purposes under the supervision of an inspector. If products are destroyed for human food purposes under the supervision of an inspector, he shall give prompt notice thereof to the collector of customs.

(b) Consignees shall, at their own expense, return immediately to the collector of customs, in means of conveyance or packages sealed with the special import seal of the U.S. Department of Agriculture, any eggs or egg products received by them under this part which is marked or designated "U.S. Refused Entry," or which in any respect does not comply with this part.

(c) Except as provided in § 59.930(a), no person shall remove or cause to be removed from any place designated as the place of inspection, any eggs or egg products which the regulations require to be marked in any way, unless the same has been clearly and legibly marked in compliance with this part.

§ 59.950 Labeling of containers of eggs or egg products for importation.

(a) Immediate containers of product offered for importation shall bear a label, printed in English, showing: (1) The name of product; (2) the name of the country of origin of the product, and for consumer packaged products, preceded by the words "Product of," which statement shall appear immediately under the name of the product; (3) the quality or description of shell eggs; (4) for egg products, the word "Ingredients" followed by a list of the ingredients in order of descending proportions; (5) the name and place of business of manufacturer, packer, or distributor, qualified by a phrase which reveals the connection that such person has with the product; (6) an accurate statement of the quantity; (7) for egg products, the inspection mark of the country of origin, and (8) the plant number of the plant at which the egg product was processed and/or packed.

(b) The labels shall not be false or misleading in any respect.

§ 59.955 Labeling of shipping containers of eggs or egg products for importation.

(a) Shipping containers of foreign product which are shipped to the United States shall bear in a prominent and legible manner the true name of the product, the name of the country of origin, the plant number of the plant in which the egg product was processed and/or packed, and for egg products, the inspection mark of the country of origin, the quality or description for shell eggs, except as required in § 59.905 of this part. Labeling on shipping containers examined at the time of inspection in the United States, if found to be false or misleading, shall be cause for the product to be refused entry.

(b) In the case of products which are not in compliance solely because of misbranding, such products may be brought into compliance with the regulations only under the supervision of an authorized representative of the Administrator.

§ 59.960 Small importations for consignee's personal use, display, or laboratory analysis.

Any eggs or egg products which are offered for importation, exclusively for the consignee's personal use, display, or laboratory analysis, or not for sale or distribution; which is sound, healthful, wholesome, and fit for human food; and which is not adulterated and does not contain any substance not permitted by the Act or regulations, may be admitted into the United States without a foreign inspection certificate. Such product is not required to be inspected upon arrival in the United States and may be shipped to the consignee without further restriction under this part; *Provided*, That the Department may, with respect to any specific importation, require that the consignee certify that such product is exclusively for the consignee's personal use, display, or laboratory analysis and not for sale or distribution.

§ 59.965 Returned U.S. inspected and marked products; not importations.

Products which have been inspected by the United States Department of Agriculture and so marked, and which are returned from foreign countries are not importations within the meaning of this part. Such returned shipments shall be reported to the Administrator by letter.

§ 59.970 Charges for storage, cartage, and labor with respect to products imported contrary to the Act.

All charges for storage, cartage, and labor with respect to any product which is imported contrary to this part shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against such product and any other product thereafter imported under the Act by or for such owner or consignee.

NOTE: The reporting and recordkeeping requirements contained herein have been approved by the Office of Management and Budget in accordance with the Federal Reports Act of 1942.

The fees to be charged for overtime, holiday, or frivolous appeal inspections are calculated as nearly as possible to cover the costs of such services. The facts upon which are based the determination as to the level of fees and charges necessary to cover these costs are not available to the industry, but are peculiarly within the knowledge of the Department. Public rulemaking would not result in the Department receiving additional information on the fees or other changes. Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to these regulations are impracticable and unnecessary.

Issued at Washington, D.C., this 18th day of May 1971, with the provisions relating to egg products to become effective on July 1, 1971, and the provisions relating to shell eggs to become effective on July 1, 1972.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-7158 Filed 5-27-71;8:45 am]

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SATURDAY, MAY 29, 1971
WASHINGTON, D.C.
Volume 36 ■ Number 105
Pages 9835–10714

PART I
(Part II begins on page 10465)

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SUBCHAPTER C—REGULATIONS AND STANDARDS UNDER THE AGRICULTURAL MARKETING ACT OF 1946

ISSUANCE OF GRADING CERTIFICATES

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby amends the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof; and U.S. Specifications for Classes, Standards, and Grades With Respect Thereto (7 CFR Part 54), the Regulations Governing the Grading and Inspection of Egg Products (7 CFR Part 55), the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56), and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof; and U.S. Classes, Standards, and Grades With Respect Thereto (7 CFR Part 70) as set forth below:

Statement of considerations. The amendments expedite the issuance of certificates for the voluntary grading programs by providing that graders in resident plants may issue grading certificates on product graded in whole or in part by another grader in the plant when the grader issuing the certificate has knowledge that the product is eligible for certification. Such knowledge would be based on personal examination of the product or official grading records available to the grader. In addition, the section which provides for certificate issuance for gradings other than resident gradings has been clarified to provide that authorized agents of graders holding a power of attorney for such graders shall sign their own and the grader's name on certificates prepared from official grading memorandums signed by the grader. Several minor changes have been made with respect to the disposition of certificates.

The amendments are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 54:
Section 54.171 is amended to read:

§ 54.171 Issuance and disposition.

(a) Resident grading basis: Certificates will be issued only upon a request therefor by the applicant or the Service. When requested, a grader shall issue a certificate covering product graded by him. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.

(b) Other than resident grading: Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided,* That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further,* That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both his own and the grader's name, e.g., "John Doe by Richard Roe."

(c) The original and a copy of each grading certificate, issued pursuant to §§ 54.170 to 54.172, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records. Additional copies of any such certificate may be furnished to any interested party, as provided in § 54.105.

PART 55—GRADING AND INSPECTION OF EGG PRODUCTS

As to Part 55:
1. Section 55.46 is amended to read:

§ 55.46 Grading certificate issuance.

(a) *Resident grading basis.* Certificates will be issued only upon a request therefor by the applicant or the Service. When requested, a grader shall issue a certificate covering product graded by him. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.

(b) *Other than resident grading.* Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided,* That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further,* That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both his own and the grader's name, e.g., "John Doe by Richard Roe."

2. Section 55.47 is amended to read:

§ 55.47 Disposition of grading certificates.

The original and a copy of each grading certificate, issued pursuant to § 55.46, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records. Addi- be supplied to any interested party as provided in § 55.63.

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

As to Part 56:
1. Section 56.56 is amended to read:

§ 56.56 Grading certificate issuance.

(a) *Resident grading basis.* Certificates will be issued only upon request therefor by the applicant for the Service. When requested, a grader shall issue a certificate covering product graded by him. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.

(b) *Other than resident grading.* Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader, if such person has been designated as the authorized agent of such grader by the National Supervisor: *Provided,* That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further,* That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both his own and the grader's name, e.g., "John Doe by Richard Roe."

2. Section 56.57 is amended to read:

§ 56.57 Disposition of grading certificates.

The original and a copy of each grading certificate, issued pursuant to § 56.56, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records. Additional copies of any such certificate may be supplied to any interested party, as provided in § 56.48.

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to Part 70:

Section 70.201 is amended to read:

§ 70.201 Issuance and disposition.

(a) Resident grading basis: Certificates will be issued only upon a request therefor by the applicant or the Service. When requested, a grader shall issue a certificate covering product graded by him. In addition, a grader may issue a grading certificate covering product graded in whole or in part by another grader when the grader has knowledge that the product is eligible for certification based on personal examination of the product or official grading records.

(b) Other than resident grading: Each grader shall, in person or by his authorized agent, issue a grading certificate covering each product graded by him. A grader's name may be signed on a grading certificate by a person other than the grader if such person has been designed as the authorized agent of such grader by the National Supervisor: *Provided*, That the certificate is prepared from an official memorandum of grading signed by the grader: *And provided further*, That a notarized power of attorney authorizing such signature has been issued to such person by the grader and is on file in the office of grading. In such case, the authorized agent shall sign both his own and the grader's name, e.g. "John Doe by Richard Roe."

(c) The original and a copy of each grading certificate, issued pursuant to §§ 70.200 to 70.202, and not to exceed two additional copies thereof if requested by the applicant prior to issuance, shall, immediately upon issuance, be delivered or mailed to the applicant or person designated by him. Other copies shall be filed and retained in accordance with the disposition schedule for grading program records. Additional copies of any such certificate may be furnished to any interested party, as provided in § 70.135.

(Secs. 203, 205, 60 Stat. 1087, 1090, as amended, 7 U.S.C. 1622, 1624; 29 F.R. 16210, as amended; 33 F.R. 10750)

The amendments pertain solely to agency management and procedures and should be made effective promptly in the interests of good administration. Further it does not appear that public rulemaking would result in the Department receiving additional information on these matters.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the amendments are impracticable and unnecessary and good cause is found for making the amendments effective less than 30 days after publication in the FEDERAL REGISTER.

Issued at Washington, D.C., this 25th day of May 1971, to become effective on publication (5–29–71).

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71–7519 Filed 5–28–71;8:46 am]

DELINQUENT ACCOUNTS BILLING PROVISIONS; CORRECTION

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), the U.S. Department of Agriculture hereby corrects amendments scheduled to become effective July 1, 1971, in the Regulations Governing the Grading and Inspection of Domestic Rabbits and Edible Products Thereof; and U.S. Specifications for Classes, Standards, and Grades with Respect Thereto (7 CFR Part 54); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); and the Regulations Governing the Grading and Inspection of Poultry and Edible Products Thereof; and U.S. Classes, Standards, and Grades with Respect Thereto (7 CFR Part 70).

Statement of considerations. Amendments were published in the FEDERAL REGISTER on April 2, 1971 (36 F.R. 6071–6072), concerning the voluntary regulations for the grading and inspection of rabbits (7 CFR Part 54), and on April 28, 1971 (36 F.R. 7893–7894), concerning the voluntary regulations for shell egg grading (7 CFR Part 56) and grading and inspection of poultry and edible products thereof (7 CFR Part 70) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.). As a part of these amendments, to become effective July 1, 1971, in the sections pertaining to resident and nonresident service, a change was made in regard to delinquent accounts. The provisions for making an additional charge for accounts due and unpaid after 30 days from date of billing were amended to provide for such charge to apply after 45 days from date of billing. After further study, it has been determined that this is not consistent with general policies of the Consumer and Marketing Service. Therefore, this document corrects said amendments to reinstate provisions for the additional charge for delinquent accounts to apply after 30 days from date of billing.

The corrections are as follows:

PART 54—GRADING AND INSPECTION OF DOMESTIC RABBITS AND EDIBLE PRODUCTS THEREOF; AND U.S. SPECIFICATIONS FOR CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to the amendments set forth at 36 F.R. 6071–6072, relating to Part 54:

In amendment 1, amending § 54.108, the figure "45" in § 54.108(a) is changed to read "30".

PART 56—GRADING OF SHELL EGGS AND U.S. STANDARDS, GRADES, AND WEIGHT CLASSES FOR SHELL EGGS

As to the amendments set forth at 36 F.R. 7893–7894, relating to Part 56:

1. In amendment 1, amending § 56.52, the figure "45" in § 56.52(a) is changed to read "30".

2. In amendment 3, amending § 56.54, the following phrase is deleted: "paragraph (a) is amended by changing the figure '30' on line 22 to read '45' and".

PART 70—GRADING AND INSPECTION OF POULTRY AND EDIBLE PRODUCTS THEREOF; AND U.S. CLASSES, STANDARDS, AND GRADES WITH RESPECT THERETO

As to the amendments set forth at 36 F.R. 7894, relating to Part 70:

1. In amendment 1, amending § 70.137, the following phrase is deleted: "paragraph (a) is amended by changing the figure '30' on line 22 to read '45' and".

2. In amendment 2, amending § 70.138, the figure "45" in § 70.138(a) is changed to read "30".

The corrections contained herein do not change the regulations presently in effect. Further the facts upon which are based the determination of appropriate charges and billing procedures are peculiarly within the knowledge of this Department and public rulemaking would not result in the Department receiving additional information.

Accordingly, pursuant to the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that notice and other public procedure with respect to the foreging amendments are impracticable and unnecessary.

The foregoing amendments shall become effective on July 1, 1971.

Issued at Washington, D.C. this 25th day of May 1971.

G. R. GRANGE,
Deputy Administrator
Marketing Services.

[FR Doc.71–7518 Filed 5–28–71;8:45 am]

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

PART 724—BURLEY, FIRE-CURED, DARK AIR-CURED, VIRGINIA SUN-CURED, CIGAR-BINDER (TYPES 51 AND 52), CIGAR-FILLER AND BINDER (TYPES 42, 43, 44, 53, 54, AND 55) AND MARYLAND TOBACCO

Subpart—Proclamation, Determinations, and Announcements of National Marketing Quotas and Referendum Results

MARKET QUOTA REFERENDUM RESULTS

Basis and purpose. Section 724.22 is issued pursuant to and in accordance with sections 312 and 319 of the Agricultural Adjustment Act of 1938, as amended, to proclaim the results of the Burley tobacco marketing quota referendum for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Under the provisions of section 319 of the Act, the Secretary proclaimed national marketing quotas on a poundage basis for Burley tobacco for the 1971–72, 1972–73, and 1973–74 marketing years, and announced the amount of the national marketing quota for such kind of tobacco for the 1971–72 marketing year (36 F.R. 7593). The Secretary announced (36 F.R. 7613) that a referendum would be conducted at polling places on May 4, 1971, to determine whether Burley tobacco producers were in favor of or opposed to marketing quotas for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973. Since the only purpose of this document is to proclaim the results of the referendum, it is hereby found and determined that with respect to this proclamation, application of the notice and procedure provisions of 5 U.S.C. 553 in unnecessary.

§ 724.22 Burley tobacco—1971–72, 1972–73, and 1973–74 marketing years.

In a referendum of farmers engaged in the production of the 1970 crop of burley tobacco held on May 4, 1971, 328,608 farmers voted. Of those voting, 317,327 or 96.6 percent, favored quotas for a period of 3 years beginning October 1, 1971; 11,281 or 3.4 percent opposed quotas. Therefore, the national marketing quota of 513 million pounds proclaimed April 21, 1971, which under the provisions of section 319 of the Act results in the allocation of 555 million pounds to producers, will be in effect, and marketing quotas will be in effect for the 3 marketing years beginning October 1, 1971, October 1, 1972, and October 1, 1973.

(Secs. 301, 312, 319, 375, 52 Stat. 38, as amended, 46, as amended, 85 Stat. 23, 52 Stat. 66, as amended; 7 U.S.C. 1301, 1312, 1314e, 1375)

Signed at Washington, D.C., on May 25, 1971.

CARROLL G. BRUNTHAVER,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.71–7564 Filed 5–28–71;8:48 am]

Chapter IX—Consumer and Marketing Service (Marketing Agreements and Orders; Fruits, Vegetables, Nuts), Department of Agriculture

[Lemon Reg. 482]

PART 910—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

§ 910.782 Lemon Regulation 482.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 910, as amended (7 CFR Part 910), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice to engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication hereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The committee held an open meeting during the current week, after giving due notice thereof, to consider supply and market conditions for lemons and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject hereto which cannot be completed on or before the effective date hereof. Such committee meeting was held on May 25, 1971.

(b) *Order.* (1) The respective quantities of lemons grown in California and Arizona which may be handled during the period May 30, 1971, through June 5, 1971, are hereby fixed as follows:

(i) District 1: Unlimited;
(ii) District 2: 250,000 cartons;
(iii) District 3: Unlimited.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 27, 1971.

FLOYD F. HEDLUND,
Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7599 Filed 5–28–71;8:52 am]

[Nectarine Reg. 1]

PART 916—NECTARINES GROWN IN CALIFORNIA

Limitation of Shipments

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 916, as amended (7 CFR Part 916, 36 F.R. 9289), regulating the handling of nectarines grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations of the Nectarine Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of nectarines, as hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) The recommendations by the Nectarine Administrative Committee reflect its appraisal of the nectarine crop and current and prospective market conditions. Shipments of earlier varieties of nectarines have begun. All shipments of California nectarines are currently regulated by grade through May 31, 1971, and the grade requirements specified herein for all varieties will prevent the handling, from June 1, 1971, through May 31, 1972, of any nectarines of a lower grade than is hereinafter specified. Shipments of nectarine varieties being regulated by size are expected to begin on or about the effective date of this regulation. The size requirements provided herein will prevent the handling, from June 1, 1971, through October 31, 1971, of any nectarines smaller in size than is hereinafter specified, for the named varieties. Furthermore, the grade and size requirements provided herein are necessary to provide consumers with good quality fruit consistent with (1) the

overall quality of the crop, and (2) maximizing returns to the producers pursuant to the declared policy of the act.

(3) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) in that, as hereinafter set forth, the time intervening between the date when information upon which this regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation of such effective time; and good cause exists for making the provisions hereof effective not later than the date hereinafter specified. A reasonable determination as to the supply of, and the demand for, such nectarines must await the development of the crop thereof; adequate information thereon was not available to the Nectarine Administrative Committee until the date hereinafter set forth on which an open meeting was held, after giving due notice thereof, to consider the need for, and the extent of, regulation of shipments of such nectarines; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein were promptly submitted to the Department after such meeting was held; shipments of the current crop of such nectarines have begun; this regulation should be applicable to all such shipments, upon expiration date of the currently effective Nectarine Regulation 1 § 916.340 (35 F.R. 7961), in order to effectuate the declared policy of the act; the provisions of this regulation are identical with the aforesaid recommendation of the committee; information concerning such provisions and effective time has been disseminated among handlers of such nectarines; and compliance with the provisions of this regulation will not require of handlers any preparation therefor which cannot be completed by the effective time hereof. Such committee meeting was held on May 18, 1971.

§ 916.342 Nectarine Regulation 1.

(a) *Order*. (1) During the period June 1, 1971, through May 31, 1972, no handler shall handle any package or container of any variety of nectarines unless such nectarines grade at least U.S. No. 1: *Provided*, That nectarines 2 inches in inches in diameter or smaller, or 4 x 4 size or smaller, shall not have fairly light colored, fairly smooth scars which exceed the aggregate area of a circle three-eighth inch in diameter, and nectarines larger than 2 inches in diameter, or larger than 4 x 4 size, shall not have fairly light colored, fairly smooth scars which exceed an aggregate area of a circle one-half inch in diameter: *Provided, further*, That 25 percent of the surface of each fruit of the Sun Free and Golden Grand varieties may be affected by fairly smooth or smooth russeting.

(2) During the period June 1, 1971, through October 31, 1971:

(i) No handler shall handle any package or container of Grand River or Mayfair nectarines unless:

(*a*) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 3 x 4 x 5 standard pack;

(*b*) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 112 nectarines in the lug box; or

(*c*) Such nectarines, when packed in any container other than the containers specified in (*a*) and (*b*) of this subparagraph (2)(i), measure not less than one and fourteen-sixteenth ($1\frac{14}{16}$) inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(ii) No handler shall handle any package or container of June Belle, June Grand, May Grand, Red June, Sunbright, or Sunrise nectarines unless:

(*a*) Such nectarines, when packed in a standard basket, are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(*b*) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirement of a standard pack, not more than 108 nectarines in the lug box; or

(*c*) Such nectarines, when packed in any container other than the containers specified in (*a*) and (*b*) of this subparagraph (2)(ii), measure not less than two (2) inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(iii) No handler shall handle any package or container of Early Sun Grand, Grandandy, Independence, Star Grand I, Star Grand II, Sun Flame, or Sun Grand nectarines unless:

(*a*) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 96 nectarines in the lug box; or

(*b*) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than two and one-eighth (2⅛) inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(iv) No handler shall handle any package or container of Autumn Grand, Clinton-Strawberry, Fantasia 88, Flame Kist, Gold King, Granderli, Grandeur, Grand Prize, Hi-Red, Late Le Grand, Le Grand, Red Grand, Regal Grand, Richard's Grand, Royal Grand, September Grand, or Sun Free nectarines, unless:

(*a*) Such nectarines, when packed in a No. 22D standard lug box, are of a size that will pack, in accordance with the requirements of a standard pack, not more than 88 nectarines in the lug box; or

(*b*) Such nectarines, when packed in any container other than in a No. 22D standard lug box, measure not less than two and one-fourth (2¼) inches in diameter: *Provided*, That not to exceed 10 percent, by count, of the nectarines in any such container may fail to meet such diameter requirement.

(3) When used herein, "diameter," "U.S. No. 1," and "standard pack" shall have the same meaning as set forth in the U.S. Standards for Grades of Nectarines (§§ 51.3145–51.3160 of this title); "standard basket" shall mean the standard basket set forth in section 43592 of the Agricultural Code of California; "No. 22D standard lug box" shall have the same meaning as set forth in section 43601 of the Agricultural Code of California; and all other terms shall have the same meaning as when used in the marketing agreement and order.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Dated: May 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71–7559 Filed 5–28–71;8:47 am]

Chapter X—Consumer and Marketing Service (Marketing Agreements and Orders; Milk), Department of Agriculture

[Docket No. AO–160–A44, etc.]

MILK IN MIDDLE ATLANTIC AND CERTAIN OTHER MARKETING AREAS

Order Amending Orders

7 CFR part	Marketing area	Docket No.
1000	(Applicable to all the following areas.)	
1004	Middle Atlantic	AO-160-A44.
1001	Massachusetts-Rhode Island-New Hampshire.	AO-14-A48.
1002	New York-New Jersey	AO-71-A61.
1006	Upper Florida	AO-356-A7.
1007	Georgia	AO-366-A6.
1011	Appalachian	AO-251-A13.
1012	Tampa Bay	AO-347-A11.
1013	Southeastern Florida	AO-286-A19.
1015	Connecticut	AO-305-A27.
1030	Chicago Regional	AO-361-A4.
1032	Southern Illinois	AO-313-A21.
1033	Ohio Valley	AO-166-A41.
1036	Eastern Ohio-Western Pennsylvania.	AO-179-A33.
1040	Southern Michigan	AO-225-A23.
1043	Upstate Michigan	AO-247-A16.
1044	Michigan Upper Peninsula	AO-299-A18.
1046	Louisville-Lexington-Evansville.	AO-123-A38.
1049	Indiana	AO-319-A17.
1050	Central Illinois	AO-355-A10.
1060	Minnesota-North Dakota	AO-360-A5.
1061	Southeastern Minnesota-Northern Iowa.	AO-367-A3.
1062	St. Louis-Ozarks	AO-10-A43.
1063	Quad Cities-Dubuque	AO-105-A32.
1064	Greater Kansas City	AO-23-A39.
1065	Nebraska-Western Iowa	AO-86-A24.
1068	Minneapolis-St. Paul	AO-178-A26
1069	Duluth-Superior	AO-153-A18
1070	Cedar Rapids-Iowa City	AO-229-A23
1071	Neosho Valley	AO-227-A25
1073	Wichita	AO-173-A25
1075	Black Hills	AO-248-A13
1076	Eastern South Dakota	AO-260-A16
1078	North Central Iowa	AO-272-A18.
1079	Des Moines	AO-295-A21.
1090	Chattanooga	AO-266-A14.
1094	New Orleans	AO-103-A31.
1096	Northern Louisiana	AO-257-A19.
1097	Memphis	AO-219-A24.
1098	Nashville	AO-184-A30.
1099	Paducah	AO-183-A26.
1101	Knoxville	AO-195-A20.
1102	Fort Smith	AO-237-A19.
1103	Mississippi	AO-346-A13.
1104	Red River Valley	AO-298-A17.
1106	Oklahoma Metropolitan	AO-210-A29.
1108	Central Arkansas	AO-243-A21.
1120	Lubbock-Plainview	AO-328-A12.
1121	South Texas	AO-364-A4.
1124	Oregon-Washington	AO-368-A3.
1125	Puget Sound	AO-226-A22.
1126	North Texas	AO-231-A36.
1127	San Antonio	AO-232-A22.
1128	Central West Texas	AO-238-A25.
1129	Austin-Waco	AO-256-A18.
1130	Corpus Christi	AO-259-A22.
1131	Central Arizona	AO-271-A14.
1132	Texas Panhandle	AO-262-A21.
1133	Inland Empire	AO-275-A22.
1134	Western Colorado	AO-301-A12.
1136	Great Basin	AO-309-A16.
1137	Eastern Colorado	AO-326-A16.
1138	Rio Grande Valley	AO-335-A17.

FINDINGS AND DETERMINATIONS

The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of each of the aforesaid orders and of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

The following findings are hereby made with respect to each of the aforesaid orders:

(a) *Findings upon the basis of the hearing record*. Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders regulating the handling of milk in the respective marketing areas.

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations*. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within each of the respective marketing areas, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending each of the specified orders, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the respective orders as hereby amended;

(3) The issuance of the order amending each of the specified orders, except the Austin-Waco, North Central Iowa, Fort Smith, Memphis, and Michigan Upper Peninsula orders, is approved or favored by at least two-thirds of the producers who, during the determined representative period, were engaged in the production of milk for sale in the respective marketing areas; and

(4) The issuance of the order amending the Austin-Waco, North Central Iowa, Fort Smith, Memphis, and Michigan Upper Peninsula orders is approved or favored by at least three-fourths of the producers who, during the determined representative period, were engaged in the production of milk for sale in the respective marketing areas.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in each of the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, as follows:

PART 1000—GENERAL PROVISIONS OF FEDERAL MILK MARKETING ORDERS

Sec.
1000.1 Scope and purpose of Part 1000.
1000.2 Definitions.
1000.3 Market administrator.
1000.4 Continuity and separability of provisions.
1000.5 Handler responsibility for records and facilities.
1000.6 Termination of obligations.

§ 1000.1 Scope and purpose of Part 1000.

This part sets forth certain terms, definitions, and provisions which shall be common to and part of each Federal milk marketing order except as specifically defined otherwise, or modified, or otherwise provided, in an individual order.

§ 1000.2 Definitions.

The following terms shall have the following meanings as used in the order:

(a) *Act*. "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

(b) *Order*. "Order" means the applicable part of Title 7 of the Code of Federal Regulations issued pursuant to section 8c of the Act as a Federal milk marketing order (as amended).

(c) *Department*. "Department" means the U.S. Department of Agriculture.

(d) *Secretary*. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated to act in his stead.

(e) *Person*. "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1000.3 Market administrator.

(a) *Designation*. The agency for the administration of the order shall be a market administrator selected by the Secretary and subject to removal at the Secretary's discretion. The market administrator shall be entitled to compensation determined by the Secretary.

(b) *Powers*. The market administrator shall have the following powers with respect to each order under his administration:

(1) Administer the order in accordance with its terms and provisions;

(2) Make rules and regulations to effectuate the terms and provisions of the order;

(3) Receive, investigate, and report complaints of violations to the Secretary; and

(4) Recommend amendments to the Secretary.

(c) *Duties*. The market administrator shall perform all the duties necessary to administer the terms and provisions of each order under his administration, including, but not limited to, the following:

(1) Execute and deliver to the Secretary a bond covering himself and a bond covering any person designated by the Secretary to act in his stead. The respective bond shall be:

(i) Delivered within 45 days after he (or the acting market administrator) enters upon his duties;

(ii) Effective as of the date he (or the acting market administrator) enters upon his duties;

(iii) Conditioned upon the faithful performance of the market administrator's duties; and

(iv) In an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of persons necessary to enable him to exercise his powers and perform his duties;

(3) Pay out of funds provided by the administrative assessment, except expenses associated with functions for which the order provides a separate charge, all expenses necessarily incurred in the maintenance and functioning of his office and in the performance of his

duties, including his own bond and compensation and the necessary bonds of his employees;

(4) Keep records which will clearly reflect the transactions provided for in the order, and upon request by the Secretary, surrender the records to his successor or such other person as the Secretary may designate;

(5) Furnish information and reports requested by the Secretary and submit his records to examination by the Secretary;

(6) Announce publicly at his discretion, unless otherwise directed by the Secretary, by such means as he deems appropriate, the name of any handler who, after the date upon which he is required to perform such act, has not:

(i) Made reports required by the order;

(ii) Made payments required by the order; or

(iii) Made available records and facilities as required pursuant to § 1000.5;

(7) Prescribe reports required of each handler under the order. Verify such reports and the payments required by the order by examining records (including such papers as copies of income tax reports, fiscal and product accounts, correspondence, contracts, documents or memoranda of the handler, and the records of any other persons that are relevant to the handler's obligation under the order). by examining such handler's milk handling facilities; and by such other investigation as the market administrator deems necessary for the purpose of ascertaining the correctness of any report or any obligation under the order. Reclassify skim milk and butterfat received by any handler if such examination and investigation discloses that the original classification was incorrect.

(8) Furnish each regulated handler a written statement of such handler's accounts with the market administrator promptly each month. Furnish a corrected statement to such handler if verification discloses that the original statement was incorrect; and

(9) Prepare and disseminate publicly for the benefit of producers, handlers, and consumers such statistics and other information concerning operation of the order and facts relevant to the provisions thereof (or proposed provisions) as do not reveal confidential information.

§ 1000.4 Continuity and separability of provisions.

(a) *Effective time.* The provisions of the order or any amendment to the order shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

(b) *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of the order whenever he finds that such provision(s) obstructs or does not tend to effectuate the declared policy of the Act. The order shall terminate whenever the provisions of the Act authorizing it cease to be in effect.

(c) *Continuing obligations.* If upon the suspension or termination of any or all of the provisions of the order, there are any obligations arising under the order, the final accrual or ascertainment of which requires acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination.

(d) *Liquidation.* (1) Upon the suspension or termination of any or all provisions of the order, the market administrator, or such other liquidating agent designated by the Secretary, shall if so directed by the Secretary liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition; and

(2) If a liquidating agent is so designated, all assets and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market admininstrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

(e) *Separability of provisions.* If any provision of the order or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of the order to other persons or circumstances shall not be affected thereby.

§ 1000.5 Handler responsibility for records and facilities.

Each handler shall maintain and retain records of his operations and make such records and his facilities available to the market administrator. If adequate records of a handler, or of any other persons, that are relevant to the obligation of such handler are not maintained and made available, any skim milk and butterfat required to be reported by such handler for which adequate records are not available shall not be considered accounted for or established as used in a class other than the highest priced class.

(a) *Records to be maintained.* (1) Each handler shall maintain records of his operations (including, but not limited to, records of purchases, sales, processing, packaging, and disposition) as are necessary to verify whether such handler has any obligation under the order, and if so, the amount of such obligation. Such records shall be such as to establish for each plant or other receiving point for each month:

(i) The quantities of skim milk and butterfat contained in, or represented by, products received in any form, including inventories on hand at the beginning of the month, according to form, time, and source of each receipt;

(ii) The utilization of all skim milk and butterfat showing the respective quantities of such skim milk and butterfat in each form disposed of or on hand at the end of the month; and

(iii) Payments to producers, dairy farmers and cooperative associations, including the amount and nature of any deductions and the disbursement of money so deducted.

(2) Each handler shall keep such other specific records as the market administrator deems necessary to verify or establish such handler's obligation under the order.

(b) *Availability of records and facilities.* Each handler shall make available all records pertaining to such handler's operations and all facilities the market administrator finds are necessary for such market administrator to verify the information required to be reported by the order and/or to ascertain such handler's reporting, monetary or other obligation under the order. Each handler shall permit the market administrator to weigh, sample, and test milk and milk products and observe plant operations and equipment and make available to the market administrator such facilities as are necessary to carry out his duties.

(c) *Retention of records.* All records required under the order to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the month to which such records pertain. If, within such 3-year period, the market administrator notifies the handler in writing that the retention of such records, or of specified records, is necessary in connection with a proceeding under section 8c(15)(A) of the Act or a court action specified in such notice, the handler shall retain such records, or specified records, until further written notification from the market administrator. The market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 1000.6 Termination of obligations.

The provisions of this section shall apply to any obligation under the order for the payment of money:

(a) Except as provided in paragraphs (b) and (c) of this section, the obligation of any handler to pay money required to be paid under the terms of the order shall terminate 2 years after the last day of the month during which the market administrator receives the handler's report of receipts and utilization on which such obligation is based, unless within such 2-year period, the market administrator notifies the handler in writing that such money is due and payable. Service of such written notice shall be complete upon mailing to the handler's last known address and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) on which such obligation is based; and

(3) If the obligation is payable to one or more producers or to a cooperative association (except an obligation to be prorated to producers under an individual handler pool), the name of such producer(s) or such cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under the order, to make available to the market administrator all records required by the order to be made available, the market administrator may notify the handler in writing, within the 2-year period provided for in paragraph (a) of this section, of such failure or refusal. If the market administrator so notifies a handler, the said 2-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such records pertaining to such obligation are made available to the market administrator;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under the order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Unless the handler files a petition pursuant to section 8c(15)(A) of the Act and the applicable rules and regulations (7 CFR 900.50 et seq.) within the applicable 2-year period indicated below, the obligation of the market administrator:

(1) To pay a handler any money which such handler claims to be due him under the terms of the order shall terminate 2 years after the end of the month during which the skim milk and butterfat involved in the claim were received; or

(2) To refund any payment made by a handler (including a deduction or offset by the market administrator) shall terminate 2 years after the end of the month during which payment was made by the handler.

PART 1001—MILK IN THE MASSACHUSETTS-RHODE ISLAND-NEW HAMPSHIRE MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1001.1, 1001.5, 1001.6, 1001.30, 1001.31, 1001.44, 1001.45, 1001.90, 1001.91, 1001.92, 1001.93, 1001.94, 1001.95, 1001.96, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1001.1 is added as follows:

§ 1001.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1001.32 paragraphs (a) through (l) are revoked, and the section title and introductory text are revised as follows:

§ 1001.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1001.42 a new paragraph (e) is added as follows:

§ 1001.42 Reports regarding individual producers and dairy farmers.

* * * * *

(e) Each handler shall submit to the market administrator, within 10 days after his request made not earlier than 20 days after the end of the month, his producer payroll for the month, which shall show for each producer:

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, with the prices, deductions, and charges involved.

PART 1002—MILK IN NEW YORK-NEW JERSEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1002.1, 1002.2, 1002.4, 1002.20, 1002.21, 1002.33, 1002.34, 1002.43, 1002.91, 1002.92 1002.93, 1002.94, 1002.95, and the center heading "Miscellaneous" are revoked.

3. A new § 1002.1 is added as follows:

§ 1002.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1002.12(e) the reference to "§ 1002.33" is changed to "§ 1000.5".

5. In § 1002.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1002.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1004—MILK IN MIDDLE ATLANTIC MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1004.1, 1004.2, 1004.3, 1004.4, 1004.20, 1004.21, 1004.32, 1004.33, 1004.43, 1004.89a, 1004.90, 1004.91, 1004.92, 1004.93, 1004.100, 1004.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions," are revoked.

3. A new § 1004.1 is added as follows:

§ 1004.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1004.22 paragraphs (a) through (l) are revoked and the section title and introductory text are revised as follows:

§ 1004.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1006—MILK IN UPPER FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1006.1, 1006.2 1006.3, 1006.4, 1006.20, 1006.21, 1006.33, 1006.34, 1006.80, 1006.90, 1006.91, 1006.92, 1006.93, 1006.100, 1006.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1006.1 is added as follows:

§ 1006.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1006.17, the reference "pursuant to § 1006.33" is revoked.

5. In § 1006.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1006.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1006.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1007—MILK IN GEORGIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1007.1, 1007.2, 1007.3, 1007.4, 1007.25, 1007.26, 1007.33, 1007.34, 1007.80, 1007.90, 1007.91, 1007.92, 1007.93, 1007.100, 1007.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1007.1 is added as follows:

§ 1007.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1007.17, the reference "pursuant to § 1007.33" is revoked.

5. In § 1007.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1007.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1007.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1011—MILK IN APPALACHIAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1011.1, 1011.2, 1011.3, 1011.4, 1011.20, 1011.21, 1011.33, 1011.34, 1011.43, 1011.73, 1011.99, 1011.100, 1011.101, 1011.102, 1011.103, 1011.110, 1011.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1011.1 is added as follows:

§ 1011.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1011.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1011.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1012—MILK IN TAMPA BAY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1012.1, 1012.2, 1012.3, 1012.4, 1012.20, 1012.21, 1012.33, 1012.34, 1012.80, 1012.90, 1012.91, 1012.92, 1012.93, 1012.100, 1012.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1012.1 is added as follows:

§ 1012.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1012.17, the reference "pursuant to § 1012.33" is revoked.

5. In § 1012.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1012.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1012.40 the proviso is revoked and the colon preceding the proviso is changed to a period.

PART 1013—MILK IN SOUTHEASTERN FLORIDA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1013.1, 1013.2, 1013.3, 1013.4, 1013.25, 1013.26, 1013.32, 1013.33, 1013.43, 1013.74, 1013.87, 1013.100, 1013.101, 1013.102, 1013.103, 1013.110, 1013.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1013.1 is added as follows:

§ 1013.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1013.17, the reference "pursuant to § 1013.32" is revoked.

5. In § 1013.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1013.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1015—MILK IN CONNECTICUT MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1015.1, 1015.5, 1015.6, 1015.30, 1015.31, 1015.44, 1015.45, 1015.90, 1015.91, 1015.92, 1015.93, 1015.94, 1015.95, 1015.96 and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1015.1 is added as follows:

§ 1015.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1015.32 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1015.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1015.42 a new paragraph (d) is added as follows:

§ 1015.42 Reports regarding individual producers.

* * * * *

(d) Each handler under § 1015.9 (a), (c), and (d) shall submit to the market administrator, within 5 days after his request made not earlier than 22 days after the end of the month, his producer payroll for the month, which shall show for each producer or with respect to producer milk received from a cooperative association in its capacity as a handler under § 1015.9(d):

(1) The daily and total pounds of milk delivered and its average butterfat test; and

(2) The net amount of the handler's payments to the producer, or cooperative association with the prices, deductions, and charges involved.

6. In § 1015.80 the last sentence is revoked.

PART 1030—MILK IN CHICAGO REGIONAL MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1030.1, 1030.2, 1030.3, 1030.4, 1030.20, 1030.21, 1030.32, 1030.33, 1030.43, 1030.89, 1030.90, 1030.91, 1030.92, 1030.93, 1030.100, 1030.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new §1030.1 is added as follows:

§ 1030.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1030.16 paragraph (b) is revised as follows:

§ 1030.16 Producer milk.

* * * * *

(b) Received at a pool plant from a cooperative association handler pursuant to § 1030.13(e). The utilization value of such milk at class prices shall be included in the receiving handler's net pool obligation pursuant to § 1030.70;

* * * * *

5. In § 1030.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1030.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1032—MILK IN SOUTHERN ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1032.1, 1032.2, 1032.3, 1032.4, 1032.20, 1032.21, 1032.34, 1032.35, 1032.42, 1032.72, 1032.90, 1032.100, 1032.101, 1032.102, 1032.103, 1032.104, 1032.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1032.1 is added as follows:

§ 1032.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1032.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1032.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1033—MILK IN OHIO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1033.1, 1033.2, 1033.3, 1033.4, 1033.25, 1033.26, 1033.32, 1033.33, 1033.44, 1033.80, 1033.81, 1033.82, 1033.83, 1033.90, 1033.91, 1033.92 and the center headings "Effective Time and Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1033.1 is added as follows:

§ 1033.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1033.18 the reference "pursuant to § 1033.32" is revoked.

5. In § 1033.27 paragraphs (a) through (j) and subparagraph (1) of paragraph (1) are revoked, and the section title and introductory text are revised as follows:

§ 1033.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1036.1, 1036.2, 1036.3, 1036.4, 1036.25, 1036.26, 1036.33, 1036.34, 1036.63, 1036.79, 1036.90, 1036.91, 1036.92, 1036.93, 1036.100, 1036.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1036.1 is added as follows:

§ 1036.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1036.17 the reference "pursuant to § 1036.33" is revoked.

5. In § 1036.27 paragraphs (a) through (g) and paragraphs (i) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1036.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1036.40 the proviso is revoked and the colon preceding it is changed to a period.

PART 1040—MILK IN SOUTHERN MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Handler Reports, Records, and Facilities" to "Reports."

2. Sections 1040.1, 1040.2, 1040.3, 1040.4, 1040.25, 1040.26, 1040.32, 1040.33, 1040.67, 1040.100, 1040.101, 1040.102, 1040.103, 1040.104, 1040.110, 1040.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1040.1 is added as follows:

§ 1040.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1040.27 paragraphs (a) through (f) and paragraphs (h) through (j) are revoked, and the section title and introductory text are revised as follows:

§ 1040.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties.

* * * * *

5. Section 1040.44 is revised as follows:

§ 1040.44 Bulk deliveries by a cooperative association.

Milk in bulk delivered by a cooperative association as a handler under § 1040.7 (c) or from the pool plant of a cooperative association to a handler's pool plant shall be classified according to use or disposition by the latter handler and the value thereof at the class prices shall be included in his net pool obligation pursuant to § 1040.60.

6. Section 1040.90 is revised as follows:

§ 1040.90 Handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant, other than a plant described in § 1040.16 (b), located outside the marketing area from which fluid milk products are disposed of within the marketing area on a route(s) but from which the disposition of fluid milk products on all routes operated wholly or partly within the marketing area averages less than 600 pounds per day for the month, and from which no milk is transferred to other handlers.

7. In § 1040.91 paragraph (a) is revised as follows:

§ 1040.91 Handlers subject to other Federal orders.

(a) Only § 1040.31, paragraph (b) of this section, and § 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a handler who operates a plant at which during the month milk is fully subject to the classification, pricing, and payment provisions of another order issued pursuant to the Act and the disposition of fluid milk products, except filled milk, in the other Federal marketing area exceeds that in the Southern Michigan marketing area.

* * * * *

8. Section 1040.92 is revised as follows:

§ 1040.92 Producer handler exemption.

Only §§ 1040.31 and 1000.5 of this chapter, as incorporated by § 1040.1, shall apply to a producer-handler.

PART 1043—MILK IN UPSTATE MICHIGAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1043.1, 1043.2, 1043.3, 1043.4, 1043.20, 1043.21, 1043.34, 1043.35, 1043.44, 1043.64, 1043.78, 1043.90, 1043.91, 1043.92, 1043.93, 1043.100, 1043.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1043.1 is added as follows:

§ 1043.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1043.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1043.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1043.81 is revised as follows:

§ 1043.81 Producer-handler exemption.

Only §§ 1043.32 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a producer-handler.

6. Section 1043.82 is revised as follows:

§ 1043.82 Handler exemption.

Only §§ 1043.33 and 1000.5 of this chapter, as incorporated by § 1043.1, shall apply to a handler who operates a plant from which an average of less than 100 points (one point being defined as one pint of half-and-half or one quart of any other Class I product) of Class I milk per day is disposed of in the marketing area during the month on routes.

PART 1044—MILK IN MICHIGAN UPPER PENINSULA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1044.1, 1044.2, 1044.3, 1044.4, 1044.20, 1044.21, 1044.34, 1044.35, 1044.44, 1044.64, 1044.75, 1044.90, 1044.91, 1044.92, 1044.93, 1044.100, 1044.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1044.1 is added as follows:

§ 1044.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1044.22 paragraphs (a) through (h) are revoked, and the section title and introductory text are revised as follows:

§ 1044.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. Section 1044.80 is revised as follows:

§ 1044.80 Producer-handler exemption.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a producer handler.

6. Section 1044.81 is revised as follows:

§ 1044.81 Exempt handler.

Only §§ 1044.33 and 1000.5 of this chapter, as incorporated by § 1044.1, shall apply to a handler who operates a fluid milk plant, of the type specified in § 1044.8(a), located outside the marketing area from which an average of less than 600 pounds of fluid milk products per day are disposed of during the month in the marketing area on route(s).

PART 1046—MILK IN LOUISVILLE-LEXINGTON-EVANSVILLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1046.1, 1046.2, 1046.3, 1046.4, 1046.20, 1046.21, 1046.33, 1046.34, 1046.43, 1046.89, 1046.90, 1046.91, 1046.92, 1046.93, 1046.100, 1046.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1046.1 is added as follows:

§ 1046.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1046.22 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1046.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1049—MILK IN INDIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1049.1, 1049.2, 1049.3, 1049.4, 1049.25, 1049.26, 1049.33, 1049.34, 1049.43, 1049.87, 1049.90, 1049.91, 1049.92, 1049.93, 1049.100, 1049.101, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1049.1 is added as follows:

§ 1049.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1049.27 paragraphs (a) through (i) and paragraph (1) are revoked, and the section title and introductory text are revised as follows:

§ 1049.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1050—MILK IN CENTRAL ILLINOIS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1050.1, 1050.2, 1050.3, 1050.4, 1050.20, 1050.21, 1050.34, 1050.35, 1050.42, 1050.72, 1050.90, 1050.100, 1950.101, 1050.102, 1050.103, 1050.104, 1050.105, and the center headings "Termination of Obligations" and "Miscellaneous Provisions" are revoked.

3. A new § 1050.1 is added as follows:

§ 1050.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1050.22 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1050.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1060—MILK IN MINNESOTA-NORTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "General Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1060.1, 1060.4, 1060.6, 1060.7, 1060.30, 1060.31, 1060.38, 1060.39, 1060.43, 1060.89, 1060.90, 1060.91, 1060.92, 1060.93, 1060.100, 1060.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1060.1 is added as follows:

§ 1060.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1060.32 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1060.32 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c), of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1061—MILK IN SOUTHEASTERN MINNESOTA-NORTHERN IOWA (DAIRYLAND) MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1061.1, 1061.2, 1061.3, 1061.4, 1061.20, 1061.21, 1061.32, 1061.33, 1061.43, 1061.93, 1061.94, 1061.95, 1061.100, 1061.101, 1061.102, 1061.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1061.1 is added as follows:

§ 1061.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1061.22 paragraphs (a) through (g) are revoked, and paragraph (i), the section title and introductory text are revised as follows:

§ 1061.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

(i) On or before the 12th day after the end of each month, announce the uniform price computed pursuant to § 1061.71 and the producer butterfat differential pursuant to § 1061.81.

* * * * *

PART 1062—MILK IN ST. LOUIS-OZARKS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1062.1, 1062.2, 1062.3, 1962.4, 1062.20, 1062.21, 1062.33, 1062.34, 1062.43, 1062.72, 1062.89, 1062.90, 1062.91, 1062.92, 1062.93, 1062.94, 1062.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1062.1 is added as follows:

§ 1062.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1062.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1062.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1063—MILK IN QUAD CITIES-DUBUQUE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1063.1, 1063.2, 1063.3, 1063.4, 1063.20, 1063.21, 1063.32, 1063.33, 1063.43, 1063.89, 1063.90, 1063.91, 1063.92, 1063.93, 1063.94, 1063.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1063.1 is added as follows:

§ 1063.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1063.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1063.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1064—MILK IN GREATER KANSAS CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1064.1, 1064.2, 1064.3, 1064.4, 1064.20, 1064.21, 1064.33, 1064.34, 1064.43, 1064.89, 1064.90, 1064.91, 1064.92, 1064.93, 1064.100, 1064.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1064.1 is added as follows:

§ 1064.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1064.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1064.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1065—MILK IN NEBRASKA-WESTERN IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1065.1, 1065.2, 1065.3, 1065.4, 1065.20, 1065.21, 1065.33, 1065.34, 1065.43, 1065.74, 1065.87, 1065.90, 1065.91, 1065.92, 1065.93, 1065.94, 1065.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1065.1 is added as follows:

§ 1065.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1065.15, the reference "pursuant to § 1065.33" is revoked.

5. In § 1065.22 revoke paragraphs (a) through (i) and revise the section title and introductory text as follows:

§ 1065.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1065.61 the introductory text is revised as follows:

§ 1065.61 Plants subject to other Federal orders.

Only §§ 1065.32, 1000.5 of this chapter, as incorporated by § 1065.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraphs (a) or (b) of this paragraph.

* * * * *

PART 1068—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1068.1, 1068.2, 1068.3, 1068.5, 1068.6, 1068.20, 1068.21, 1068.33, 1068.34, 1068.43, 1068.73, 1068.93, 1068.94, 1068.100, 1068.101, 1068.102, 1068.103, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1068.1 is added as follows:

§ 1068.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1068.22 paragraphs (a) through (f) are revoked, and the section title and introductory text are revised as follows:

§ 1068.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In the introductory paragraph of § 1068.62, the reference "§ 1068.33" is changed to "§ 1000.5 of this chapter."

PART 1069—MILK IN DULUTH-SUPERIOR MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1069.1, 1069.2, 1069.3, 1069.4, 1069.20, 1069.21, 1069.33, 1069.34, 1069.43, 1069.72, 1069.89, 1069.90, 1069.91, 1069.92, 1069.93, 1069.94, 1069.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1069.1 is added as follows:

§ 1069.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1069.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1069.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1070—MILK IN CEDAR RAPIDS-IOWA CITY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1070.1, 1070.2, 1070.3, 1070.4, 1070.20, 1070.21, 1070.32, 1070.33, 1070.43, 1070.89, 1070.90, 1070.91, 1070.92, 1070.93, 1070.100, 1070,101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1070.1 is added as follows:

§ 1070.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1070.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1070.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1071—MILK IN NEOSHO VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1071.1. 1071.2, 1071.3, 1071.4, 1071.20, 1071.21, 1071.33, 1071.34, 1071.43, 1071.98, 1071.100, 1071.101, 1071.102, 1071.103, 1071.110, 1071.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1071.1 is added as follows:

§ 1071.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1071.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1071.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1073—MILK IN WICHITA, KANS., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1073.1, 1073.2, 1073.3, 1073.4, 1073.20, 1073.21, 1073.33, 1073.34, 1073.43, 1073.72, 1073.89, 1073.90, 1073.91, 1073.92, 1073.93, 1073.94, 1073.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1073.1 is added as follows:

§ 1073.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1073.22 paragraphs (a) through (h) and paragraph (j) are revoked, and the section title and introductory text are revised as follows:

§ 1073.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1075—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1075.1, 1075.2, 1075.3, 1075.4, 1075.25, 1075.26, 1075.32, 1075.33, 1075.43, 1075.74, 1075.89, 1075.90, 1075.91, 1075.92, 1075.93, 1075.94, 1075.95, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1075.1 is added as follows:

§ 1075.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1075.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1075.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1076—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1076.1, 1076.2, 1076.3, 1076.4, 1076.25, 1076.26, 1076.33, 1076.34, 1076.43, 1076.78, 1076.86, 1076.100, 1076.101, 1076.102, 1076.103, 1076.104, 1076.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1076.1 is added as follows:

§ 1076.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1076.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1076.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1076.61 the introductory text is revised as follows:

§ 1076.61 Plants subject to other Federal orders.

Only §§ 1076.32, 1000.5 of this chapter, as incorporated by § 1076.1, and paragraph (c) of this section shall apply to a handler with respect to the operation of plants described in paragraph (a) or (b) of this section.

* * * * *

PART 1078—MILK IN NORTH CENTRAL IOWA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1078.1, 1078.2, 1078.3, 1078.4, 1078.20, 1078.21, 1078.32, 1078.33, 1078.43, 1078.86, 1078.90, 1078.91, 1078.92, 1078.93, 1078.100, 1078.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1078.1 is added as follows:

§ 1078.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1078.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1078.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1079—MILK IN DES MOINES, IOWA, MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1079.1, 1079.2, 1079.3, 1079.4, 1079.25, 1079.26, 1079.32, 1079.33, 1079.43, 1079.89, 1079.90, 1079.91, 1079.92, 1079.93, 1079.100, 1079.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1079.1 is added as follows:

§ 1079.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1079.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1079.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1090—MILK IN CHATTANOOGA, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1090.1, 1090.2, 1090.4, 1090.19, 1090.25, 1090.26, 1090.32, 1090.33, 1090.43, 1090.75, 1090.87, 1090.100, 1090.101, 1090.102, 1090.103, 1090.110, 1090.111, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1090.1 is added as follows:

§ 1090.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In §1090.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1090.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1094—MILK IN NEW ORLEANS, LA., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1094.1, 1094.2, 1094.3, 1094. 5, 1094.20, 1094.21, 1094.34, 1094.35, 1094.43, 1094.77, 1094.87, 1094.100, 1094.101, 1094.102, 1094.103, 1094.110, 1094.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1094.1 is added as follows:

§ 1094.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1094.16 the reference "pursuant to § 1094.34" is revoked.

5. In § 1094.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1094.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. Section 1094.60 is revised as follows:

§ 1094.60 Producer-handler exemption.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, shall apply to a producer-handler.

7. The introductory text of § 1094.63 is revised as follows:

§ 1094.63 Plants subject to other Federal orders.

Only §§ 1094.32 and 1000.5 of this chapter, as incorporated by § 1094.1, and paragraph (c) of this section shall apply to a handler operating a plant specified in paragraphs (a) or (b) of this section.

* * * * *

PART 1096—MILK IN NORTHERN LOUISIANA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1096.1, 1096.2, 1096.3, 1096.4, 1096.25, 1096.26, 1096.33, 1096.34, 1096.43, 1096.87, 1096.90, 1096.91, 1096.92, 1096.93, 1096.94, 1096.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1096.1 is added as follows:

§ 1096.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1096.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1096.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1097—MILK IN MEMPHIS, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1097.1, 1097.2, 1097.3, 1097.4, 1097.20, 1097.21, 1097.32, 1097.33, 1097.43, 1097.98, 1097.100, 1097.101, 1097.102, 1097.103, 1097.110, 1097.111, and the center headings "Effective Time, Suspension or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1097.1 is added as follows:

§ 1097.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1097.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1097.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1098—MILK IN NASHVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1098.1, 1098.2, 1098.3, 1098.4, 1098.20, 1098.21, 1098.33, 1098.34, 1098.43, 1098.73, 1098.88, 1098.100, 1098.101, 1098.102, 1098.103, 1098.104, 1098.105, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1098.1 is added as follows:

§ 1098.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1098.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1098.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1099—MILK IN PADUCAH, KY., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1099.1, 1099.2, 1099.3, 1099.4, 1099.20, 1099.21, 1099.33, 1099.34, 1099.42, 1099.89, 1099.90, 1099.91, 1099.92, 1099.93, 1099.100, 1099.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1099.1 is added as follows:

§ 1099.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1099.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1099.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1101—MILK IN KNOXVILLE, TENN., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1101.1, 1101.2, 1101.3, 1101.4, 1101.20, 1101.21, 1101.32, 1101.33, 1101.43, 1101.73, 1101.89, 1101.100, 1101.101, 1101.102, 1101.103, 1101.110, 1101.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1101.1 is added as follows:

§ 1101.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1101.22 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1101.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1102—MILK IN FORT SMITH, ARK., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1102.1, 1102.2, 1102.3, 1102.4, 1102.20, 1102.21, 1102.33, 1102.34, 1102.43, 1102.85, 1102.100, 1102.101, 1102.102, 1102.103, 1102.110, 1102.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1102.1 is added as follows:

§ 1102.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1102.22 paragraphs (a) through (h) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1102.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the follow-duties:

*   *   *   *   *

PART 1103—MILK IN MISSISSIPPI MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1103.1, 1103.2, 1103.3, 1103.4, 1103.20, 1103.21, 1103.33, 1103.34, 1103.43, 1103.100, 1103.105, 1103.106, 1103.107, 1103.108, 1103.109, 1103.110, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1103.1 is added as follows:

§ 1103.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1103.22 paragraphs (a) through (h) and paragraphs (k) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1103.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1104—MILK IN RED RIVER VALLEY MARKETING AREA

1. The center headings are revised as follows; "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to Reports."

2. Sections 1104.1, 1104.2, 1104.3, 1104.5, 1104.25, 1104.26, 1104.33, 1104.34, 1104.43, 1104.87, 1104.90, 1104.91, 1104.92, 1104.93, 1104.100, 1104.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1104.1 is added as follows:

§ 1104.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1104.27 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1104.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1106—MILK IN OKLAHOMA METROPOLITAN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1106.1, 1106.2, 1106.3, 1106.4, 1106.20, 1106.21, 1106.33, 1106.34, 1106.43, 1106.89, 1106.90, 1106.91, 1106.92, 1106.93, 1106.100, 1106.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1106.1 is added as follows:

§ 1106.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1106.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1106.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1108—MILK IN CENTRAL ARKANSAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1108.1, 1108.2, 1108.3, 1108.5, 1108.25, 1108.26, 1108.32, 1108.33, 1108.43, 1108.75, 1108.87, 1108.100, 1108.101, 1108.102, 1108.103, 1108.110, 1108.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1108.1 is added as follows:

§ 1108.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1108.27 paragraphs (a) through (g) and paragraph (j) are revoked, and the section title, introductory text, and paragraph (i) are revised as follows:

§ 1108.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

(i) On or before the 11th day after the end of each of the months March through July, the market administrator shall notify each handler of the amount of base milk and excess milk received from each producer.

*   *   *   *   *

PART 1120—MILK IN LUBBOCK-PLAINVIEW, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1120.1, 1120.2, 1120.3, 1120.4, 1120.25, 1120.26, 1120.32, 1120.33, 1120.43, 1120.88, 1120.90, 1120.91, 1120.92, 1120.93, 1120.94, 1120.95, and the center heading "Miscellaneous Provisions" are revoked.

3. A new § 1120.1 is added as follows:

§ 1120.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1120.16 the reference "pursuant to § 1120.32" is revoked.

5. In § 1120.27 paragraphs (a) through (i) and paragraph (l) are revoked, and the section title and introductory text are revised as follows:

§ 1120.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1121—MILK IN SOUTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1121.1, 1121.2,. 1121.3, 1121.4, 1121.20, 1121.21, 1121.33, 1121.34, 1121.43, 1121.89, 1121.90, 1121.91, 1121.92, 1121.93, 1121.100, 1121.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1121.1 is added as follows:

§ 1121.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1121.17 the reference "pursuant to § 1121.33" is revoked.

5. In § 1121.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1121.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1124—MILK IN OREGON-WASHINGTON MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1124.1, 1124.2, 1124.3, 1124.4, 1124.20, 1124.21, 1124.33, 1124.34, 1124.43, 1124.88, 1124.90, 1124.91, 1124.92, 1124.93, 1124.100, 1124.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1124.1 is added as follows:

§ 1124.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (c) of § 1124.14 the reference "pursuant to § 1124.33" is revoked.

5. In § 1124.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title, introductory text, and paragraph (j) are revised as follows:

§ 1124.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

(j) On or before the 14th day after the end of each month report to each cooperative association which so requests the amount and class utilization of producer milk delivered from members of such association to each proprietary handler receiving such milk. For the purpose of this report, the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

*   *   *   *   *

PART 1125—MILK IN PUGET SOUND, WASH., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions," "Reports, Records, and Facilities" to "Reports," and "Miscellaneous Provisions" to "Class I Base Provisions."

2. Sections 1125.1, 1125.2, 1125.3, 1125.4, 1125.20, 1125.21, 1125.33, 1125.34, 1125.43, 1125.89, 1125.90, 1125.91, 1125.92, 1125.93, 1125.100, 1125.101, and the center heading "Effective Time, Suspension, or Termination" are revoked.

3. A new § 1125.1 is added as follows:

§ 1125.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1125.14(e) the reference to "§ 1125.33" is changed to "§ 1000.5".

5. In § 1125.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1125.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

6. The introductory text of § 1125.66 is revised as follows:

§ 1125.66 Plants subject to other Federal orders.

Only §§ 1125.30(e), 1125.32, paragraph (c) of this section, and § 1000.5, as incorporated by § 1125.1, shall apply to a handler with respect to the operation of plants described as follows:

*   *   *   *   *

PART 1126—MILK IN NORTH TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1126.1, 1126.2, 1126.3, 1126.4, 1126.25, 1126.26, 1126.33, 1126.34, 1126.43, 1126.98, 1126.100, 1126.101, 1126.102, 126.103, 1126.110, 1126.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1126.1 is added as follows:

§ 1126.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1126.27 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1126.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1127—MILK IN SAN ANTONIO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1127.1, 1127.2, 1127.3, 1127.20, 1127.21, 1127.33, 1127. 34, 1127.43, 1127.89, 1127.90, 1127.91, 1127.92, 1127.93, 1127.100, 1127.101 and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1127.1 is added as follows:

§ 1127.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1127.22 paragraphs (a) through (h) and paragraph (k) are revoked and the section title and introductory text are revised as follows:

§ 1127.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

*   *   *   *   *

PART 1128—MILK IN CENTRAL WEST TEXAS MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1128.1, 1128.2, 1128.3, 1128.4, 1128.20, 1128.21, 1128.33, 1128.34, 1128.43, 1128.99, 1128.100, 1128.101, 1128.102, 1128.103, 1128.110, 1128.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1128.1 is added as follows:

§ 1128.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1128.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1128.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1129—MILK IN AUSTIN-WACO, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1129.1, 1129.2, 1129.3, 1129.4, 1129.25, 1129.26, 1129.33, 1129.34, 1129.43, 1129.96, 1129.100, 1129.101, 1129.102, 1129.103, 1129.110, 1129.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1129.1 is added as follows:

§ 1129.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1129.27 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1129.27 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1130—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1130.1, 1130.2, 1130.3, 1130.4, 1130.20, 1130.21, 1130.33, 1130.34, 1130.43, 1130.89, 1130.90, 1130.91, 1130.92, 1130.93, 1130.100, 1130.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1130.1 is added as follows:

§ 1130.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1130.22 paragraphs (a) through (h) and paragraphs (j) and (k) are revoked, and the section title and introductory text are revised as follows:

§ 1130.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1131—MILK IN CENTRAL ARIZONA MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1131.1, 1131,2, 1131.3, 1131.4, 1131.12, 1131.20, 1131.21, 1131.32, 1131.33, 1131.43, 1131.74, 1131.87, 1131.100, 1131.101, 1131.102, 1131.103, 1131.110, 1131.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1131.1 is added as follows:

§ 1131.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1131.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1131.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1132—MILK IN TEXAS PANHANDLE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1132.1, 1132.2, 1132.3, 1132.4, 1132.25, 1132.26, 1132.32, 1132.33, 1132.43, 1132.90, 1132.100, 1132.101, 1132.102, 1132.103, 1132.110, 1132.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1132.1 is added as follows:

§ 1132.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1132.12 the paragraphs are redesignated as follows: "paragraph (b)" is "paragraph (a–1)"; "paragraph (c)" is "paragraph (b)"; "paragraph (d)" is "paragraph (c)"; "paragraph (e)" is "paragraph (d)".

5. In § 1132.27 paragraphs (a) through (i) are revoked, and the section title and introductory text are revised as follows:

§ 1132.27 Additional duties of the market administrator.

In addition to the duties, specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1133—MILK IN INLAND EMPIRE MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1133.1, 1133.2, 1133.3, 1133.4, 1133.20, 1133.21, 1133.33, 1133.34, 1113.43, 1133.89, 1133.90, 1133.91, 1133.92, 1133.93, 1133.100, 1133.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1133.1 is added as follows:

§ 1133.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1133.22 paragraphs (a) through (h) and paragraphs (j) and (l) are revoked, and the section title and introductory text are revised as follows:

§ 1133.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

PART 1134—MILK IN WESTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1134.1, 1134.2, 1134.3, 1134.4, 1134.20, 1134.21, 1134.33, 1134.34, 1134.43, 1134.72, 1134.89, 1134.90, 1134.91, 1134.92, 1134.93, 1134.100, 1134.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1134.1 is added as follows:

§ 1134.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1134.15 the reference "pursuant to § 1134.33" is revoked.

5. In § 1134.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1134.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1134.44 paragraph (a) is revised as follows:

§ 1134.44 Transfers.

* * * * *

(a) At the utilization indicated in writing to the market administrator by the operators of both plants, on or before the seventh day after the end of the month within which such transfer occurred, otherwise as Class I milk, if transferred from a pool plant to the pool plant of another handler (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or in bulk from a plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant), subject to the following conditions:

* * * * *

7. In § 1134.46 the introductory text is revised as follows:

§ 1134.46 Allocation of skim milk and butterfat classified.

After making the computations under § 1134.45 the market administrator shall determine each month for each handler the classification of milk received from producers by each handler under § 1134.11 (c) and (d) which was not received at a pool plant, and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers under § 1134.11(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1134.11(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1136—MILK IN GREAT BASIN MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1136.1, 1136.2; 1136.3, 1136.4, 1136.20, 1136.21, 1136.33, 1136.34, 1136.40, 1136.74, 1136.87, 1136.90, 1136.91, 1136.92, 1136.93, 1136.110, 136.111, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1136.1 is added as follows:

§ 1136.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1136.14 the reference "pursuant to § 1136.33" is revoked.

5. In § 1136.22 paragraphs (a) through (g) and paragraphs (i) and (j) are revoked, and the section title and introductory text are revised as follows:

§ 1136.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1136.44 the introductory text is revised as follows:

§ 1136.44 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1136.43, the market administrator shall determine each month the classification of milk received from producers by each cooperative association handler pursuant to § 1136.9 (b) and (c) which was not received at a pool plant and the classification of milk received from producers and from cooperative association handlers pursuant to § 1136.9(c) by each handler. For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1136.9(c) shall be considered as a receipt of producer milk at such plant.

* * * * *

PART 1137—MILK IN EASTERN COLORADO MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1137.1, 1137.2, 1137.3, 1137.4, 1137.20, 1137.21, 1137.33, 1137.34, 1137.43, 1137.72, 1137.89, 1137,90, 1137.91, 1137.92, 1137.93, 1137.100, 1137.101, and center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1137.1 is added as follows:

§ 1137.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In paragraph (b) of § 1137.13 the reference "pursuant to § 1137.33" is revoked.

5. In § 1137.22 paragraphs (a) through (h) and paragraph (k) are revoked, and the section title and introductory text are revised as follows:

§ 1137.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

6. In § 1137.44 paragraph (a) is revised as follows:

§ 1137.44 Transfers.

* * * * *

(a) At the utilization indicated by the operator of both plants, otherwise as Class I milk, if transferred from a pool plant to another pool plant (except that for the purpose of this paragraph milk that was physically received at a pool plant from a handler pursuant to § 1137.9 (d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferree plant), subject to the following conditions:

* * * * *

7. In § 1137.46 the introductory text is revised as follows:

§ 1137.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1137.45, the market administrator shall determine each month for each handler the classification of milk received from producers by each handler pursuant to § 1137.9 (c) and (d) which was not received at a pool plant and the classification of milk received from producers, in bulk from pool plants operated by cooperative associations and from handlers pursuant to § 1137.9(d) at a pool plant(s). For the purpose of this section, milk that was physically received at a pool plant from a handler pursuant to § 1137.9(d) or transferred in bulk from a pool plant operated by a cooperative association shall be considered as a receipt of producer milk at the transferee plant.

* * * * *

PART 1138—MILK IN RIO GRANDE VALLEY MARKETING AREA

1. The center headings are revised as follows: "Definitions" to "General Provisions and Definitions" and "Reports, Records, and Facilities" to "Reports."

2. Sections 1138.1, 1138.2, 1138.3, 1138.4, 1138.20, 1138.21, 1138.34, 1138.35, 1138.43, 1138.72, 1138.89, 1138.90, 1138.91, 1138.92, 1138.93, 1138.100, 1138.101, and the center headings "Effective Time, Suspension, or Termination" and "Miscellaneous Provisions" are revoked.

3. A new § 1138.1 is added as follows:

§ 1138.1 General provisions.

The terms, definitions, and provisions in Part 1000 of this chapter are hereby incorporated by reference and made a part of this order.

4. In § 1138.22 paragraphs (a) through (h) and paragraph (k) are revoked, and

the section title and introductory text are revised as follows:

§ 1138.22 Additional duties of the market administrator.

In addition to the duties specified in § 1000.3(c) of this chapter, the market administrator shall perform the following duties:

* * * * *

5. In § 1138.46 the introductory text is revised as follows:

§ 1138.46 Allocation of skim milk and butterfat classified.

After making the computations pursuant to § 1138.45, the market administrator shall determine the classification of producer milk received at each pool plant for each handler each month pursuant to the provisions of this section. Milk received at a pool plant from a cooperative association in its capacity as a handler pursuant to § 1138.9(c) shall be classified and allocated as producer milk.

* * * * *

6. In § 1138.70 the introductory text is revised and a new paragraph (a–1) is added as follows:

§ 1138.70 Computation of the net pool obligation of each pool handler.

The net pool obligation of each pool handler at each pool plant and of each cooperative association in its capacity as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) only for milk not delivered to a pool plant, during each month, shall be a sum of money computed as follows:

* * * * *

(a–1) Multiply the quantity of producer milk in each class as computed pursuant to §§ 1138.40 through 1138.46 for each cooperative association as a handler pursuant to § 1138.9(b) or as a handler pursuant to § 1138.9(c) for the milk not delivered to a pool plant, by the applicable class prices adjusted pursuant to §§ 1138.52 and 1138.53;

* * * * *

7. Section 1138.88 is revised as follows:

§ 1138.88 Expense of administration.

As his pro rata share of the expense of administration of the order, each handler shall pay to the market administrator on or before the 16th day after the end of the month five cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to (a) producer milk including such handler's own production, provided that for the purpose of this section milk received at a pool plant from a handler pursuant to § 1138.9(c) shall be considered as a receipt of producer milk by the handler operating such pool plant and shall be excluded from the producer milk of the handler pursuant to § 1138.9(c), (b) other source milk allocated to Class I pursuant to § 1138.46(a) (2) (i), (3) and (7) and the corresponding steps of § 1138.46(b), except other source milk on which no handler obligation applies pursuant to § 1138.70(e) and (c) Class I milk disposed of from a partially regulated distributing plant on routes in the marketing area that exceeds Class I milk specified in § 1138.62(b) (2): *Provided*, That if a handler with respect to milk pursuant to (a), (b), or (c) of this section elects pursuant to § 1138.36 to use two accounting periods in any month the applicable rate of assessment for such handler shall be the rate set forth above multiplied by two or such lesser rate as the Secretary may determine is demonstrated as appropriate in terms of the particular cost of administering the additional accounting period.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1971.

Signed at Washington, D.C., on May 26, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–7588 Filed 5–28–71;8:51 am]

[Milk Order No. 36; Docket No. AO–179–A34]

PART 1036—MILK IN EASTERN OHIO-WESTERN PENNSYLVANIA MARKETING AREA

Order Amending Order

Findings and determinations. The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings*. A public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area. The hearing was held pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure (7 CFR Part 900).

Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(2) The parity prices of milk, as determined pursuant to section 2 of the Act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order as hereby amended regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial or commercial activity specified in, a marketing agreement upon which a hearing has been held.

(b) *Determinations*. It is hereby determined that:

(1) The refusal or failure of handlers (excluding cooperative associations specified in section 8c(9) of the Act) of more than 50 percent of the milk, which is marketed within the marketing area, to sign a proposed marketing agreement, tends to prevent the effectuation of the declared policy of the Act;

(2) The issuance of this order, amending the order, is the only practical means pursuant to the declared policy of the Act of advancing the interests of producers as defined in the order as hereby amended; and

(3) The issuance of the order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period were engaged in the production of milk for sale in the marketing area.

Order relative to handling. It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Eastern Ohio-Western Pennsylvania marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

§ 1036.70 Time and method of payment.

(a) Except as provided in paragraph (b) of this section, each handler shall make payment for producer milk as follows:

(1) On or before the last day of the month, to each producer who has not discontinued delivery of milk to such handler, not less than the amount determined by multiplying the pounds of producer milk received from such producer during the first 15 days of the month by the Class III price for the preceding month, without adjustment for butterfat content, less proper deductions authorized by the producer; and

(2) On or before the 18th day after the end of the month, to each producer not less than the amount determined by multiplying the pounds of producer milk received from such producer during the month by the uniform price as adjusted pursuant to §§ 1036.71 and 1036.72, less the following amounts:

(i) The payment made pursuant to subparagraph (1) of this paragraph for such month;

(ii) Proper deductions authorized by the producer;

(iii) Any marketing service deduction pursuant to § 1036.76; and

(iv) If before such date the handler has not received full payment from the market administrator pursuant to § 1036.75 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payment to producers shall be completed thereafter not later than the date for making payments pursuant to this subparagraph next following after receipt of the balance due from the market administrator.

(b) Upon receipt of a written request from a cooperative association which the Secretary determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall pay to the cooperative association for producer milk received from such members an amount equal to the sum of the individual payments otherwise payable to such producers pursuant to subparagraph (1) or (2), as the case may be, of paragraph (a) of this section. Such payment shall be made on or before the second day prior to the date specified in such applicable subparagraph. Payments under this paragraph shall be subject to the following conditions:

(1) Each handler shall submit to the cooperative association with such payments written information which shows for each such producer:

(i) The total pounds of milk received from him during the period for which the payment applies;

(ii) With respect to the payment described in paragraph (a) (2) only of this section, the total pounds of butterfat contained in such milk;

(iii) The number of days on which milk was received; and

(iv) The amount of any deductions authorized by the producer;

(2) Payments to a cooperative association and the submission of information by handlers pursuant to this paragraph shall be made with respect to that milk of each producer whom the cooperative association certifies is a member which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding the receipt of a notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the cooperative association; and

(3) A copy of each such request, promise to reimburse, and certified list, of members shall be filed simultaneously with the market administrator by the cooperative association and shall be subject to verification at his discretion through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination.

(c) On or before the 15th day after the end of the month, each handler shall pay a cooperative association at not less than the class prices applicable pursuant to § 1036.51 for milk he receives:

(1) By transfer or diversion from a pool plant operated by such cooperative association; or

(2) From such cooperative association in its capacity as a handler pursuant to § 1036.13(d), if such cooperative association also operates a pool plant.

(Secs. 1–19, 48 Stat. 31, as amended; 7 U.S.C. 601–674)

Effective date: July 1, 1971.

Signed at Washington, D.C., on May 26, 1971.

RICHARD E. LYNG,
Assistant Secretary.

[FR Doc.71–7589 Filed 5–28–71;8:51 am]

Title 12—BANKS AND BANKING

Chapter V—Federal Home Loan Bank Board

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 71–484]

PART 545—OPERATIONS

Investments in Service Corporations

MAY 25, 1971.

Resolved that the Federal Home Loan Bank Board considers it advisable to amend § 545.9–1 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.9–1) for the purpose of removing certain secured loans by Federal savings and loan associations to service corporations from the limitation on total investment by such associations in service corporations. Accordingly, the Federal Home Loan Bank Board hereby amends § 545.9–1 by revising paragraph (c) thereof to read as follows, effective June 1, 1971:

§ 545.9–1 Service corporations.

* * * * *

(c) *Limitations*. A Federal association may make any investment under this section if its aggregate outstanding investment in the capital stock, obligations, or other securities of service corporations and subsidiaries thereof (including all loans, secured and unsecured, to service corporations, or any subsidiaries thereof, and to joint ventures of such service corporations or subsidiaries, whether or not the Federal association is a stockholder in such service corporations) would not thereupon exceed 1 percent of the association's assets. For the purposes of this section, the term "aggregate outstanding investment" means the sum of amounts paid for the acquisition of capital stock or securities and amounts invested in obligations of service corporations less amounts received from the sale of capital stock or securities of service corporations and amounts paid to the Federal association to retire obligations of service corporations. The limitation in the first sentence of this paragraph shall not be applicable to secured loans which are made under authority other than the investment authority contained in this section to any service corporation which qualifies as a service corporation under paragraph (a) of this section or to any service corporation in which the lending association does not have any investment made under the authority of this section.

* * * * *

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 F.R. 4981. 3 CFR, 1943–48 Comp., p. 1071)

Resolved further that, since the above amendment relieves restriction, the Board hereby finds that notice and public procedure on said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and the Board also finds, for the same reason, that publication for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of the amendment is unnecessary; and the Board hereby provides that the amendment shall become effective as hereinbefore set forth.

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.71–7557 Filed 5–28–71;8:47 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 71–483]

PART 563—OPERATIONS

Premium Adjustments Following Mergers, Consolidations, or Purchases of Bulk Assets

MAY 25, 1971.

Resolved that, notice and public procedure having been duly afforded (36 F.R. 5250) and all relevant material presented or available having been considered by it, the Federal Home Loan Bank Board, upon the basis of such consideration, determines that it is advisable to amend § 563.16 of the rules and regulations for insurance of accounts (12 CFR 563.16) for the purpose of establishing a completion date for the computation of premium payments following mergers, consolidations, or purchases of bulk assets. Accordingly, the Federal Home Loan Bank Board hereby amends said section by revising it to read as follows, effective July 1, 1971:

§ 563.16 Premiums in mergers, consolidations, or purchases of bulk assets.

In the event of the purchase of bulk assets by an insured institution or of the absorption by an insured institution of another institution through merger or consolidation and the issuance of accounts of an insurable type in connection therewith, such insured institution will be billed for an additional premium based upon the aggregate of the increase of its accounts of an insurable type issued in connection with such transaction. Such premium shall be computed at the rate prescribed by law and shall be that proportion of the amount so computed which the unexpired portion of such insured institution's insurance year bears to its entire insurance year. For the purpose of computing such additional premium and as the basis for such computation, such merger, consolidation, or purchase of bulk assets shall be deemed completed upon the last day of the month in which the Board grants its approval, or upon such other date as the Board shall prescribe: *Privided, however,* That if the institution which is absorbed by such insured institution by such merger, consolidation, or purchase of bulk assets is an insured institution, the insured institution which has so absorbed such other insured institution shall receive a credit upon its future premiums of the unearned portion of any premium of such absorbed institution to the extent that the same has been paid, and the unearned portion of any premium of such absorbed institution shall, to the extent the same has not been paid, be canceled.

(Secs. 402, 404, 48 Stat. 1256, 1258, as amended; 12 U.S.C. 1725, 1727. Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.71-7556 Filed 5-28-71;8:46 am]

Chapter VI—Farm Credit Administration

SUBCHAPTER A—ADMINISTRATIVE PROVISIONS

PART 604—INFORMATION AND RECORDS

Borrowers and Applicants for Loans

Chapter VI of Title 12 of the Code of Federal Regulations is amended by revising § 604.10 (c) through (g) to read as follows:

§ 604.10 Data regarding borrowers and loan applicants.

* * * * *

(c) Full information concerning borrowers who are individuals may be given for the confidential use of any bank or association of the Farm Credit System, or any Government agency, in response to inquiries made in contemplation of the extension of credit primarily for agricultural, as distiguished from personal, family, or household, purposes. To the extent that such information relates to the character and personal traits of a borrower, it shall be ascribed to reports from unnamed sources, believed to be reliable, and shall be accompanied by the statement that no responsibility is assumed for the accuracy of such reports.

(d) Impersonal information based solely on transactions or experiences between the bank and association furnishing such information and the individual borrower, such as amounts of loans, terms, and payment records, may be given for the confidential use of any bank or association of the Farm Credit System, any Government agency, and reliable lending and mercantile institutions in response to inquiries made in contemplation of the extension of credit for any purpose.

(e) Credit information concerning any borrower which is not an individual may be given when such borrower consents thereto in writing: *Provided, however,* That opinions as to the ability of such borrower to meet its obligations and commitments may be given to creditors and prospective creditors of such borrower without its consent upon the following conditions: (1) That the opinion is to be held in strict confidence by the creditor or prospective creditor; (2) that the opinion is for the private use of the creditor or prospective creditor; and (3) that the opinion be accompanied by a statement that no responsibility for its accuracy is assumed.

(f) The loan application and any supplementary statements signed by a borrower may be examined and their contents may be proved in court by the borrower who signed them, or by his accredited representative, or by the successor in interest of a deceased borrower.

(g) An unsuccessful applicant for credit which primarily is for personal, family, or household purposes, if his application was rejected either wholly or partly because of information contained in a consumer report from a consumer reporting agency shall be advised as required in section 615(a) of Public Law 91-508 (Fair Credit Reporting Act), and if his application was rejected either wholly or partly because of information obtained from a person other than a consumer reporting agency shall be advised as required in section 615(b) thereof.

(Sec. 6, 47 Stat. 14, as amended; 12 U.S.C. 665)

E. A. JAENKE,
Governor,
Farm Credit Administration.

[FR Doc.71-7516 Filed 5-28-71;8:45 am]

Title 14—AERONAUTICS AND SPACE

Chapter I—Federal Aviation Administration, Department of Transportation

[Docket No. 71-CE-14-AD; Amdt. 39-1218]

PART 39—AIRWORTHINESS DIRECTIVES

Airglas LW-3600-180A Skis

There have been reports of Airglas Engineering Co., Inc., LW-3600-180A two position skis installed on Cessna 180 and 185 series airplanes dropping down to a dangerous angle in normal flight. This condition places the skis in a negative angle of attack causing the aircraft to assume a dive attitude with resultant possible hazardous flight conditions when occurring at low altitudes and subsequent hazardous landing conditions. Analysis of these inflight ski rotation reports disclosed that this situation occurred due to improper rigging. Since this condition is likely to occur or develop in other aircraft on which these skis are installed, an Airworthiness Directive is being issued requiring rigging of the skis in accordance with the Service Bulletin dated April 14, 1971. Pending compliance with the Service Bulletin the AD will restrict affected airplanes to an airspeed of 120 M.P.H. IAS and will require the installation of an operational placard reading: "Airspeed Restricted to 120 M.P.H. IAS."

Since immediate action is required in the interest of safety, compliance with the notice and public procedure provisions of the Administrative Procedure Act is impractical and good cause exists for making this amendment effective in less than thirty (30) days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

AIRGLAS. Applies to LW-3600-180A two position skis installed on Cessna 180 and 185 airplanes.

Compliance: Required as indicated, unless already accomplished.

To preclude the possibility of the ski dropping down during normal flight with resultant adverse flight characteristics and subsequent hazardous landing problems, accomplish the following:

(A) Effective immediately, operation of airplanes, on which LW-3600-180A skis are installed, in excess of 120 M.P.H. IAS is prohibited until paragraph C is accomplished.

(B) Prior to further flight, on airplanes on which LW-3600-180A skis are installed, install a placard on the instrument panel in plain view of the pilot to read as follows:

"Airspeed Restricted to 120 M.P.H. IAS".

(C) Within 50 hours' time in service after the effective date of this AD, or thereafter at any time the skis are installed, rig and modify the LW-3600-180A ski check cables in accordance with Airglas Service Bulletin dated April 14, 1971, or later FAA-approved revision.

(D) Upon accomplishment of the rigging and modication provided in paragraph C, compliance with the provisions of paragraphs A and B are no longer required.

This amendment becomes effective June 2, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 4121, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 21, 1971.

DANIEL E. BARROW,
Acting Director, Central Region.

[FR Doc.71-7573 Filed 5-28-71;8:49 am]

[Docket No. 71-CE-15-AD; Amdt. 39-1219]

PART 39—AIRWORTHINESS DIRECTIVES

Cessna Model 414 Airplanes

An airworthiness directive was adopted on May 19, 1971, and made effective immediately as to all known owners of Cessna Model 414 airplanes. This AD was issued because of inadequate rudder travel adjustments on these model airplanes. The lack of rudder travel affects the minimum control speed of these model airplanes and will create a hazarodus situation in the event of single engine power loss during critical phases of flight. In order to correct this condition the directive requires, before further flight, inspection of the rudder travel on Cessna Model 414 airplanes in accordance with the aircraft maintenance manual for adequate adjustment; namely, 32° plus 1° minus 0° both left and right. If found out of tolerance, the rudder stops must be adjusted accordingly.

Since it was found that immediate corrective action was required, notice and public procedure hereon was impracticable and contrary to the public interest and good cause existed for making the AD effective immediately to the owners of Cessna Model 414 airplanes by individual air mail letters dated May 20, 1971. These conditions still exist and the AD is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations to make it effective as to all persons.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new AD.

CESSNA. Applies to Model 414 airplanes.

Compliance: Required as indicated, unless already accomplished.

To prevent loss of directional control following single engine failure during high power settings as minimum airspeeds, accomplish the following:

Prior to further flight, inspect the rudder travel in accordance with the aircraft maintenance manual for adequate adjustment, namely, 32° plus 1° minus 0° both left and right. If found out of tolerance, readjust the rudder stops accordingly. To accomplish this inspection, the airplane may be flown to a base where the inspection and adjustment, if necessary, can be performed, providing the aircraft is operated so as to avoid high power settings below a minimum airspeed of 105 m.p.h.

This amendment becomes effective June 2, 1971, to all persons except those to whom it was made effective by letter dated May 20, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Kansas City, Mo., on May 21, 1971.

EDWARD C. MARSH,
Director, Central Region.

[FR Doc.71-7574 Filed 5-28-71;8:49 am]

[Docket No. 71-EA-47; Amdt. 39-1216]

PART 39—AIRWORTHINESS DIRECTIVES

Sikorsky Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Sikorsky S-61 type helicopters.

There has been a report of a failure of a rear fuselage fitting on the helicopter causing the complete tail rotor pylon to separate from the helicopter. A subsequent investigation determined that the deficiency occurred from a fatigue failure initiated at a burr on one of the hinge fittings of the pylon.

Since this deficiency could exist or develop on helicopters of similar type design, an airworthiness directive is being issued requiring a repetitive inspection and replacement where necessary of the hinge fitting.

As a situation exists which requires expeditious adoption of this amendment, notice and public procedure hereon are impractical and the amendment may be made effective in less than 30 days.

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 (31 F.R. 13697), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

SIKORSKY AIRCRAFT. Applies to S-61 type helicopters excepting the S-61N certificated in all categories.

Compliance required as indicated.

To prevent fatigue failures of the Rear Fuselage Upper and Lower Hinge Fitting Assemblies, P/N S6120-65118-3 and P/N S6120-65121-0 accomplish the following:

(a) Within the next 15 hours' time in service after the effctive date of this AD, unless already accomplished, inspect the hinge fittings in accordance with section 2A of Sikorsky Service Bulletin No. 61B20-6 dated March 19, 1971, or later approved revisions or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region and daily thereafter in accordance with section 2B of said bulletin.

(b) Within 120 days of the effective date of this AD and every 120 days thereafter inspect the hinge fittings in accordance with section 2C of Sikorsky Service Bulletin No. 61B20-6 dated March 19, 1971, or later approved revisions, or an equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

(c) If a crack is found remove the hinge fittings from service prior to further flight.

This amendment is effective June 1, 1971.

(Secs. 313(a), 601, 603, Federal Aviation Act of 1958, 49 U.S.C. 1354(a), 1421, 1423; sec. 6 (c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in Jamaica, N.Y., on May 19, 1971.

GEORGE M. GARY,
Director, Eastern Region.

[FR Doc.71-7575 Filed 5-28-71;8:49 am]

[Airspaee Docket No. 71-SO-51]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7257), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Brunswick, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, the geographic coordinate for Jekyll Island Airport (lat. 31°04'00'' N., long. 81°25'40'' W.) was refined by National Ocean Survey, and the procedure turn bearing for NDB RWY-7 Instrument Approach Procedure to NAS Glynco will be changed to the 271° bearing, effective July 22, 1971. It is necessary to alter the description to reflect these changes. Since these amendments are editorial or minor in nature, notice and public procedure hereon are unnecessary.

In consideration of the foreging, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Brunswick, Ga., transition area is amended to read:

BRUNSWICK, GA.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of NAS Glynco (lat. 31°15'30'' N., long. 81°28'50'' W.); within 4.5 miles each side of Glynco TACAN 055° radial, extending from the 8.5-mile-radius area to 7 miles northeast of the TACAN; within 4.5 miles each side of Glynco TACAN 250° radial, extending from the 8.5-mile-radius area to 8.5 miles west of the TACAN; within 3 miles each side of the 271° bearing from Glynco RBN, extending from the 8.5-mile-radius area to 8.5 miles west of the RBN; within an 8.5-mile radius of Malcolm-McKinnon Airport (lat. 31°09'05'' N., long. 81°23'20'' W.); within a 5-mile radius of Jekyll Island Airport (lat. 31°04'00'' N., long. 81°25'40'' W.); within 5 miles each side of Brunswick VOR 203° radial, extending from the Malcolm-McKinnon Airport 8.5-mile and Jekyll Island Airport 5-mile-radius areas to 8.5 miles south of the VOR; excluding the portion outside the continental limits of the United States.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 20, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc. 71-7576 Filed 5-28-71;8:49 am]

[Airspace Docket No. 71-SO-55]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zone and Transition Area

On April 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7257), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Alma, Ga., control zone and transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

Subsequent to publication of the notice, it was disclosed that the final approach radial for VOR RWY–15 Instrument Approach Procedure was cited as "344" in lieu of "334." It is necessary to alter the control zone description to reflect this change. Since this amendment is minor in nature, notice and public procedure hereon are unnecessary and action is taken herein to alter the description accordingly.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the Alma, Ga., control zone is amended to read:

ALMA, GA.

Within a 5-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.); within 3 miles each side of Alma VORTAC 146° and 334° radials, extending from the 5-mile-radius zone to 8.5 miles southeast and northwest of the VORTAC. This control zone is effective from 0600 to 2200 hours, local time, daily.

In § 71.181 (36 F.R. 2140), the Alma, Ga., transition area is amended to read:

ALMA, GA.

That airspace extending upward from 700 feet above the surface within a 6-mile radius of Bacon County Airport (lat. 31°32'17" N., long. 82°30'33" W.). This transition area is effective from 0600 to 2200 hours, local time, daily.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 20, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7577 Filed 5-28-71;8:49 am]

[Airspace Docket No. 71-SO-57]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Control Zones and Transition Area

On April 16, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7258), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Albany, Ga. (Albany-Dougherty County Airport), and NAS Albany, Ga., control zones and the Albany, Ga., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.171 (36 F.R. 2055), the following control zones are amended to read:

ALBANY, GA. (ALBANY-DOUGHERTY COUNTY AIRPORT)

Within a 5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2.5 miles each side of Albany VORTAC 145° radial, extending from the 5-mile-radius zone to 1 mile southeast of the VORTAC.

NAS ALBANY, GA.

Within a 5-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.); within 3.5 miles each side of the 031° bearing from NAS Albany UHF RBN, extending from the 5-mile-radius zone to 11.5 miles northeast of the RBN; within 2 miles each side of Albany VORTAC 110° radial, extending from the 5-mile-radius zone to the VORTAC; excluding the portion within Albany-Dougherty County Airport control zone.

In § 71.181 (36 F.R. 2140), the Albany, Ga., transition area is amended to read:

ALBANY, GA.

That airspace extending upward from 700 feet above the surface within a 9.5-mile radius of Albany-Dougherty County Airport (lat. 31°32'07" N., long. 84°11'41" W.); within 2 miles each side of Albany VORTAC 145° radial, extending from the 9.5-mile-radius area to the VORTAC; within a 5.5-mile radius of Sylvester Airport (lat. 31°33'25" N., long. 83°53'33" W.); within 3 miles each side of the 194° bearing from Sylvester RBN (lat. 31°33'27" N., long. 83°53'34" W.), extending from the 5.5-mile-radius area to 8.5 miles south of the RBN; within a 10-mile radius of NAS Albany (lat. 31°35'50" N., long. 84°05'06" W.).

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 20, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7578 Filed 5-28-71;8:49 am]

[Airspace Docket No. 71-SO-65]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Transition Area

On April 27, 1971, a notice of proposed rule making was published in the FEDERAL REGISTER (36 F.R. 7864), stating that the Federal Aviation Administration was considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Jacksonville, N.C., transition area.

Interested persons were afforded an opportunity to participate in the rule making through the submission of comments. All comments received were favorable.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 22, 1971, as hereinafter set forth.

In § 71.181 (36 F.R. 2140), the Jacksonville, N.C., transition area is amended to read:

JACKSONVILLE, N.C.

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of New River MCAS (lat. 34°42'25" N., long, 77°26'35" W.); within an 8.5-mile radius of Albert J. Ellis Airport (lat. 34°49'49" N., long. 77°36'42" W.); within 3 miles each side of the 045° and 220° bearings from Onslow RBN (lat. 34°49'53" N., long. 77°36'51" W.,) extending from the 8.5-mile-radius area to 8.5 miles northeast and southwest of the RBN; excluding the portion within R–5306B and C.

(Sec. 307(a), Federal Aviation Act of 1958, 49 U.S.C. 1348(a); sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

Issued in East Point, Ga., on May 20, 1971.

GORDON A. WILLIAMS, Jr.,
Acting Director, Southern Region.

[FR Doc.71-7579 Filed 5-28-71;8:49 am]

[Docket No. 11108; Amdt. 758]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 F.R. 5610).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20590. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue SW., Washington, DC 20590, or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $125 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Since a situation exists that requires immediate adoption of this amendment, I find that further notice and public procedure hereon is impracticable and good cause exists for making it effective in less than 30 days.

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.11 is amended by establishing, revising, or canceling the following L/MF–ADF(NDB)–VOR SIAPs, effective June 24, 1971:

Walla Walla, Wash.—Walla Walla City County Airport; ADF 1, Amdt. 1; Canceled.
Walla Walla, Wash.—Walla Walla City County Airport; VOR–20, Amdt. 3; Canceled.

2. Section 97.19 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 24, 1971:

Walla Walla, Wash.—Walla Walla City County Airport; Radar–1, Amdt. 2; Canceled.

3. Section 97.21 is amended by establishing, revising, or canceling the following L/MF SIAPs, effective June 24, 1971:

Cordova, Alaska—Cordova Mile 13 Airport; LFR–A, Amdt. 12; Canceled.
Cordova, Alaska—Cordova Mile 13 Airport; LFR–B, Amdt. 13; Canceled.

4. Section 97.23 is amended by establishing, revising, or canceling the following VOR–VOR/DME SIAPs, effective June 24, 1971:

Andover, N.J.—Aeroflex-Andover Airport; VOR–A, Amdt. 4; Revised.
Ashland, Ky.—Ashland-Boyd County Airport; VOR Runway 10, Amdt. 3; Revised.
Baudette, Minn.—Baudette International Airport; VOR Runway 30, Amdt. 1; Revised.
Charleston, S.C.—Charleston AFB/Municipal Airport; VOR Runway 15, Amdt. 6; Revised.
Columbus, Nebr.—Columbus Municipal Airport; VOR Runway 14, Amdt. 4; Revised.
Columbus, Nebr.—Columbus Municipal Airport; VOR Runway 32, Amdt. 5; Revised.
El Monte, Calif.—El Monte Airport; VOR–1, Original; Canceled.
El Monte, Calif.—El Monte Airport; VOR–A, Original; Established.
El Paso, Tex.—El Paso International Airport; VOR Runway 26, Amdt. 23; Revised.
Everett, Wash.—Snohomish County (Paine Field); VOR Runway 16, Original; Established.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 17, Amdt. 3; Revised.
Grand Forks, N. Dak.—Grand Forks International Airport; VOR Runway 35, Amdt. 3; Revised.
Kent, Ohio—Andrew W. Paton of Kent State University Airport; VOR–A, Amdt. 4; Revised.
Marion, Ill.—Williamson County Airport; VOR Runway 2, Amdt. 3; Revised.
Marion, Ill.—Williamson County Airport; VOR Runway 20, Amdt. 3; Revised.
Marshall, Minn.—Marshall Municipal Airport; VOR Runway 12, Original; Established.
Midland, Tex.—Midland-Odessa Regional Air Terminal; VOR Runway 16R, Amdt. 17; Revised.
Mount Holly, N.J.—Burlington County Airpark; VOR–A, Original; Established.
Nashville, Tenn.—Nashville Metropolitan Airport; VOR Runway 31, Amdt. 19; Revised.
Novato, Calif.—Gnoss Field; VOR–A, Original; Canceled.
Oxnard, Calif.—Ventura County Airport; VOR Runway 25, Amdt. 2; Revised.
Pocahontas, Ark.—Pocahontas Municipal Airport.; VOR Runway 36, Amdt. 1; Revised.
St. Louis, Mo.—Arrowhead Airport; VOR–A, Original; Established.
St. Louis, Mo.—Arrowhead Airport; VOR Runway 2, Original; Established.
Terre Haute, Ind.—Hulman Field; VOR Runway 23, Amdt. 9; Revised.
Terre Haute, Ind.—Hulman Field; VOR Runway 5, Amdt. 7; Revised.
Walla Walla, Wash.—Walla Walla City County Airport; VOR–A, Original; Established.
Walla Walla, Wash.—Walla Walla City County Airport; VOR Runway 2, Amdt. 5; Revised.
Walla Walla, Wash.—Walla Walla City County Airport; VOR Runway 16, Amdt. 7; Revised.
Yakutat, Alaska—Yakutat Airport; VOR Runway 11, Amdt. 7; Revised.
Baxley, Ga.—Baxley Municipal Airport; VOR/DME–A, Original; Established.
El Monte, Calif.—El Monte Airport; VOR/DME–A, Original; Established.
Jackson, Miss.—Allen C. Thompson Field; VOR/DME Runway 33R, Amdt. 9; Revised.
Macon, Ga.—Herbert Smart Airport; VOR/DME–A, Amdt. 4; Revised.
McPherson, Kans. — McPherson Airport; VOR/DME Runway 36, Amdt. 2; Revised.
Midland, Tex.—Midland-Odessa Regional Air Terminal; VOR/DME Runway 34L, Amdt. 4; Revised.

5. Section 97.25 is amended by establishing, revising, or canceling the following LOC–LDA SIAPs, effective June 24, 1971:

Cordova, Alaska—Cordova Mile 13 Airport; LOC/DME Runway 27, Original; Established.
Midland, Tex.—Midland-Odessa Regional Air Terminal; LOC (BC) Runway 28, Amdt. 6; Revised.
Terre Haute, Ind.—Hulman Field; LOC (BC) Runway 23, Amdt. 9; Revised.

6. Section 97.27 is amended by establishing, revising, or canceling the following NDB/ADF SIAPs, effective June 24, 1971:

Boone, Iowa—Boone Municipal Airport; NDB Runway 14, Amdt. 1; Revised.
Columbus, Nebr.—Columbus Municipal Airport; NDB Runway 14, Amdt. 4; Revised.
Cordova, Alaska—Cordova Mile 13 Airport; NDB–A, Original; Established.
El Paso, Tex.—El Paso International Airport; NDB Runway 22, Amdt. 22; Revised.
Kent, Ohio—Andrew W. Paton of Kent State University Airport; NDB Runway 1, Amdt. 3; Revised.
Louisville, Miss.—Louisville Winston County Airport; NDB–A, Original; Established.
McMinnville, Tenn.—Warren County Memorial Airport; NDB Runway 5, Original; Established.
McMinnville, Tenn.—Warren County Memorial Airport; NDB Runway 23, Original; Established.
Midland, Tex.—Midland-Odessa Regional Air Terminal; NDB Runway 10, Amdt. 4; Revised.
Montague, Calif.—Siskiyou County Airport; NDB–A, Amdt. 1; Revised.
Perry, Iowa—Perry Municipal Airport; NDB Runway 31, Amdt. 1; Revised.
Portsmouth, Va. — Chesapeake-Portsmouth Airport; NDB Runway 2, Original; Established.
Terre Haute, Ind.—Hulman Field; NDB Runway 5, Amdt. 7; Revised.
Traverse City, Mich.—Cherry Capital Airport; NDB Runway 28, Amdt. 1; Revised.
Walla Walla, Wash.—Walla Walla City County Airport; NDB Runway 20, Original; Established.

7. Section 97.29 is amended by establishing, revising, or cancelling the following ILS SIAPs, effective June 24, 1971:

El Paso, Tex.—El Paso International Airport; ILS Runway 22, Amdt. 22; Revised.
Everett, Wash.—Snohomish County (Paine Field); ILS Runway 16, Amdt. 9; Revised.
Manchester, N.H.—Grenier Field/Manchester Municipal Airport; ILS Runway 35, Amdt. 4; Revised.
Memphis, Tenn.—Memphis International Airport; ILS Runway 9, Amdt. 15; Revised.
Midland, Tex.—Midland-Odessa Regional Air Terminal; ILS Runway 10, Amdt. 6; Revised.
Salem, Oreg.—McNary Field; ILS Runway 31, Amdt. 12; Revised.
Terre Haute, Ind.—Hulman Field; ILS Runway 5, Amdt. 12; Revised.
Traverse City, Mich.—Cherry Capital Airport; ILS Runway 28, Amdt. 1; Revised.

8. Section 97.31 is amended by establishing, revising, or canceling the following Radar SIAPs, effective June 24, 1971:

Macon, Ga.—Lewis B. Wilson Airport; Radar–1, Amdt. 9; Revised.
Montague, Calif.—Siskiyou County Airport; Radar–1, Original; Canceled.
Nashville, Tenn.—Nashville Metropolitan Airport; Radar–1, Amdt. 12; Revised.
Portsmouth, Va.—Chesapeake-Portsmouth Airport; Radar–1, Original; Established.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1958; 49 U.S.C. 1438, 1354, 1421, 1510; sec. 6(c) Department of Transportation Act, 49 U.S.C. 1655(c), 5 U.S.C. 552(a)(1))

Issued in Washington, D.C., on May 20, 1971.

R. S. SLIFF,
Acting Director,
Flight Standards Service.

NOTE: Incorporation by reference provisions in §§ 97.10 and 97.20 (35 F.R. 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.71-7473 Filed 5-28-71;8:45 am]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

[Releases Nos. 33-5150, 34-9176, 35-17130, 39-294, IC-6524, IAA-286]

PART 201—RULES OF PRACTICE

Business Hours and Computation of Time

To avoid unnecessary hardship on counsel in proceedings before the Commission, the Commission hereby amends its rules of practice to provide that when time periods prescribed or allowed therein are 7 days or less, intermediate Saturdays, Sundays, or legal holidays shall not be counted. The term legal holiday consists of those days specified in Rule 5, which is intended to be interpreted pursuant to 5 U.S.C. 6103.

Commission action. Pursuant to authority contained in section 19(a) of the Securities Act of 1933, section 23(a) of the Securities Exchange Act of 1934, section 20 of the Public Utility Holding Company Act of 1935, section 319 of the Trust Indenture Act of 1939, section 38 of the Investment Company Act of 1940 and section 211 of the Investment Advisers Act of 1940, the Securities and Exchange Commission hereby amends § 201.5 and paragraph (j) of § 201.22 of Chapter II of Title 17 of the Code of Federal Regulations as set forth below:

§ 201.5 Business hours.

The principal Office of the Commission, at 500 North Capitol Street, Washington, DC 20549, is open each day, except Saturdays, Sundays, and legal holidays, from 9 a.m. to 5:30 p.m., eastern standard time or eastern daylight saving time, whichever is currently in effect in Washington. Legal holidays consist of New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day, and any other day appointed as a holiday in the District of Columbia by the President or the Congress of the United States.

§ 201.22 Filing; formalities; computation of time.

* * * * *

(j) *Computation of time.* In computing any period of time prescribed or allowed by these rules or by order of the Commission the day of the act, event, or default from which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included unless it is a Saturday, a Sunday, or a legal holiday (as defined in § 201.5) in which event the period runs until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. Intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation when the period of time prescribed or allowed is 7 days or less.

* * * * *

The Commission finds that the foregoing amendments relieve certain restrictions by excluding certain days from the computation of periods of time in certain cases for filing material with the Commission under the rules of practice and, therefore, notice and procedures specified in 5 U.S.C. 553 are unnecessary. Accordingly, the foregoing amendments shall be effective on May 17, 1971.

(Sec. 19(a), 48 Stat. 85, sec. 209, 48 Stat. 908, 15 U.S.C. 77s; sec. 23(a), 48 Stat. 901, sec. 8, 49 Stat. 1379, 15 U.S.C. 78w; sec. 20, 49 Stat. 833, 15 U.S.C. 79t; sec. 319, 53 Stat. 1173, 15 U.S.C. 77sss; sec. 38, 54 Stat. 841, 15 U.S.C. 80a–37; sec. 211, 54 Stat. 855, sec. 14, 74 Stat. 888, 15 U.S.C. 80b–11)

By the Commission, May 17, 1971.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71–7581 Filed 5–28–71;8:50 am]

Title 24—HOUSING AND HOUSING CREDIT

Chapter II—Federal Housing Administration, Department of Housing and Urban Development

MORTGAGE INSURANCE ON LEASEHOLD ESTATES; CORRECTION

In F.R. Doc. 71–6144, amending Title 24, filed on April 30, 1971 (36 F.R. 8211, May 1, 1971), the second sentence of the first paragraph of the amendatory language is corrected to read as follows: "The revisions provide that the value of the leased fee shall be subtracted from the value in fee simple before multiplying by the allowable loan ratio instead of the previous system of subtracting after multiplying."

EUGENE A. GULLEDGE,
Federal Housing Commissioner.

[FR Doc.71–7544 Filed 5–28–71;8:51 am]

Title 29—LABOR

Subtitle A—Office of the Secretary of Labor

PART 4—LABOR STANDARDS FOR FEDERAL SERVICE CONTRACTS

Removal of Certain Incorporations by Reference

Pursuant to sections 2(a)(3) and 4 of the Service Contract Act of 1965 (41 U.S.C. 351, 353), Part 4 of Title 29, Code of Federal Regulations, dealing among other things with certain safety and health requirements under the Act, is hereby amended in order to conform the section to amendments to Part 1516 of Title 29, Code of Federal Regulations, which are published in the FEDERAL REGISTER on this date. The reason for the amendments is explained in the preamble to Part 1516 document. In addition, the amendments provide for variation procedures similar to those that may be adopted under section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590) to the extent that occupational safety or health issues are involved.

Part 4 is amended as indicated below.

1. Section 4.6(f) of Title 29, Code of Federal Regulations, is amended to read as follows:

§ 4.6 Labor standards clauses for Federal service contracts exceeding $2,500.

* * * * *

(f) The contractor or subcontractor shall not permit any part of the services called for by this contract to be performed in buildings or surroundings or under working conditions provided by or under the control or supervision of the contractor or subcontractor which are unsanitary or hazardous or dangerous to the health or safety of service employees engaged to furnish these services, and the contractor or subcontractor shall comply with the safety and health standards applied under part 1516 of this title.

* * * * *

2. Paragraph (b) of § 4.123 is amended to read as follows:

§ 4.123 Administrative limitations, variations, tolerances, and exemptions.

* * * * *

(b) (1) *Administrative action under section 4(b) of the Act.* The authority conferred on the Secretary by section 4(b) of the Act will be exercised with due regard to the remedial purpose of the statute to protect prevailing labor standards and to avoid the undercutting of such standards which could result from the award of Government work to contractors who will not observe such standards, and whose saving in labor cost therefrom enables them to offer a lower price to the Government than can be offered by the fair employers who maintain the prevailing standards. Administrative action consistent with this statutory purpose may be taken under section 4(b) with or without a request therefor, when found necessary and proper in accordance with the statutory standards. No formal procedures have been prescribed for requesting such action, except as provided in subparagraph (2) of this paragraph. However, a request for exemption from the Act's provisions will be granted only upon a strong and affirmative showing that it is necessary and proper in the public interest or to avoid serious impairment of Government business. If the request for administrative action under section 4(b) is not made by the headquarters office of the contracting agency to which the contract services are to be provided, the views of such office on the matter should be obtained and submitted with the request or the contracting officer may forward such a request through channels to the agency headquarters for submission with the latter's views to the Administrator of the Wage and Hour Division, Department of Labor, whenever any wage payment issues are involved. Any request relating to an occupational safety or health issue shall be submitted to the Assistant Secretary for Occupational Safety and Health, Department of Labor.

(2) *Occupational safety and health issues.* In considering any request for a variation on any occupational safety or health issue arising under the contract clause prescribed in § 4.6(f), there shall be provided procedural safeguards equivalent to those prescribed in section 6(d) of the Occupational Safety and Health Act of 1970 (84 Stat. 1596). Pending the adoption of rules of procedure applying

the aforementioned section 6(d), the applicable rules of procedure shall be specified in the notice of any hearing which may be provided.

* * * * *

(Secs. 2(a) (3) and 4, 74 Stat. 1034, 1035; 41 U.S.C. 351, 353, 5 U.S.C. 301)

Signed at Washington, D.C., this 20th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–7457 Filed 5–28–71;8:45 am]

Chapter V—Wage and Hour Division, Department of Labor

PART 505—LABOR STANDARDS ON PROJECTS OR PRODUCTIONS ASSISTED BY GRANTS FROM THE NATIONAL ENDOWMENT FOR THE ARTS

Removal of Rules of Presumption; Certain Incorporations by Reference

Pursuant to section 5(j) (2) of the National Foundation on the Arts and Humanities Act of 1965 (79 Stat. 848, 20 U.S.C. 954(j) (2)), Part 505 of Title 29 of the Code of Federal Regulations is amended as indicated below.

Under section 4(b) (2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1592), standards issued under the laws listed in that provision, including the National Foundation on the Arts and Humanities Act of 1965, must be deemed to be "occupational safety and health standards" issued under the Occupational Safety and Health Act (OSHA) as well as under the listed laws. The term "occupational safety and health standard" is defined in section 3(8) of OSHA as meaning a "standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment." The term "standard" itself is not defined, but the quoted definition and the duty prescribed in section 5(a)(2) of OSHA indicate that in this context the term refers to a substantive rule; i.e., a rule having the force and effect of law.

The ordinary incorporations by reference of public and private safety and health standards are deleted. In lieu thereof, the amendments provide for the incorporation by reference of the standards adopted under the Walsh-Healey Public Contracts Act, which are published in 41 CFR Part 50–204, and which are also amended by a document published in the FEDERAL REGISTER on this date.

Further, the document is intended to amend Part 505 so that its terms are consistent with the provisions of section 4 (b) (2) of the Williams-Steiger Occupational Safety and Health Act of 1970, reflecting the intent of Congress that where an employer is covered by both the National Foundation on the Arts and Humanities Act of 1965 (or the other laws listed in section 4(b) (2)) and the Williams-Steiger Occupational Safety and Health Act of 1970, the same standards will be applicable under each of the statutes. The procedures under the Williams-Steiger Occupational Safety and Health Act of 1970 will be utilized in the first instance to enforce these occupational safety and health standards and in any proceeding under the National Foundation on the Arts and Humanities Act to enforce such standards, the principle of collateral estoppel will apply.

No delay in effective date is provided for the amendments, except that the national consensus standards incorporated therein (41 CFR 50–204.2(a)) will be effective 90 days from the publication of this document in the FEDERAL REGISTER.

Section 505.6 is amended to read as follows:

§ 505.6 Safety and health standards.

(a) *Standards.* Section 5(j) (2) of the Act provides that "(2) no part of any project or production which is financed in whole or in part under this section will be performed or engaged in under working conditions which are unsanitary or hazardous or dangerous to the health and safety of the employees engaged in such project or production. Compliance with the safety and sanitary laws of the State in which the performance or part thereof is to take place shall be prima facie evidence of compliance. The Secretary of Labor shall have the authority to prescribe standards * * * as he may deem necessary or appropriate to carry out" this provision. The applicable safety and health standards shall be those published in 41 CFR Part 50–204, including matters incorporated by reference therein. Evidence of compliance with State laws relating to health and sanitation will be considered prime facie evidence of compliance with the safety and health requirements of the Act and any contract subject thereto, and it shall be sufficient unless rebutted or overcome by a preponderance of evidence of a failure to comply with any applicable safety and health standards published in 41 CFR Part 50–204, including matters incorporated by reference therein.

(b) *Variances.* (1) Variances from standards applied under paragraph (a) of this section may be granted under the same circumstances in which variances may be granted under section 6(b) (6) (A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The procedures for the granting of variances and for related relief are those published in Part 1905 of this title.

(2) Any requests for variances shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any variance from a standard applied under paragraph (a) of this section and in Part 1910 of this title shall be deemed a variance from the standards under both the National Foundation on the Arts and Humanities Act of 1965 and the Williams-Steiger Occupational Safety and Health Act of 1970.

(Sec. 5(j) (2), 79 Stat. 848, sec. 4(b) (2), 84 State. 1590; 20 U.S.C. 954(j) (2))

Signed at Washington, D.C., this 20th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–7458 Filed 5–28–71;8:45 am]

Chapter XIII—Bureau of Labor Standards, Department of Labor

PART 1516—SAFETY AND HEALTH STANDARDS FOR FEDERAL SERVICE CONTRACTS

Removal of Assumptions; Certain Incorporations by Reference

Pursuant to sections 2(a) (4) and 4 of the Service Contract Act of 1965 (41 U.S.C. 351, 353), Part 1516 of Title 29, Code of Federal Regulations, is hereby amended as indicated below.

The reasons for the amendments are briefly these. Under section 4(b) (2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (OSHA), 84 Stat. 1592, standards issued under the laws listed in that provision, including the Service Contract Act, must be deemed to be "occupational safety and health standards" issued under the Occupational Safety and Health Act (OSHA) as well as under the listed laws. The term "occupational safety and health standards" is defined in section 3(8) of OSHA as meaning a "standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment." The term "standard" itself is not defined, but the quoted definition and the duty prescribed in section 5(a) (2) of OSHA indicate that in this context the term refers to a substantive rule; i.e., a rule having the force and effect of law. Under these circumstances, it is considered necessary and appropriate to amend the safety and health rules under the Service Contract Act in order to make the changes needed to give substantive effect to these rules by removing certain rules of presumption, ordinary incorporations by reference, and other changes related to giving substantive effect to the rules involved.

Further, the document is intended to amend Part 1516 so that its terms are consistent with the provisions of section 4(b) (2) of the Williams-Steiger Occupational Safety and Health Act of 1970, reflecting the intent of Congress that where an employer is covered both by the Service Contract Act of 1965 (or the other laws listed in section 4(b) (2)) and the Williams-Steiger Occupational Safety and Health Act of 1970, the same standards will be applicable under each of the statutes. The procedures under the Williams-Steiger Occupational Safety and Health Act of 1970 will be utilized in the first instance to enforce these occupational safety and health standards and in any proceeding under the Service Contract Act of 1965 to enforce such standards, the principle of collateral estoppel will apply.

The substantive rules which are adopted are those under the Walsh-Healey Public Contracts Act (41 CFR Part 50–204), as amended by changes published in the FEDERAL REGISTER on this date. No delay in effective date for the rules is provided except as to the national consensus standards incorporated in the Walsh-Healey rules on this date, concerning which the effective date provision specified therein shall govern.

1. Section 1516.1 is amended as follows:

§ 1516.1 Scope of application.

* * * * *

(b)(1) Investigators conducting investigations and all officers of the Department of Labor evaluating, reviewing and analyzing investigations, as well as officers of the Department determining whether there are or have been violations of the safety and health requirements of the Service Contract Act of 1965 or any contract subject thereto and the terms on which there may be a settlement of issues arising from an investigation without resort to administrative or judicial litigation, will consider a failure to comply with the safety and health measures provided in § 1516.2 to result in working conditions which are "unsanitary or hazardous or dangerous to the health or safety of service employees" within the meaning of section 2(a)(3) of the Act and the contract stipulation it requires.

(c) [Deleted]

* * * * *

2. Section 1516.2 is revised to read as follows:

§ 1516.2 Safety and health standards.

Every contractor and subcontractor shall comply with the safety and health standards published in 41 CFR Part 50–204, including any matters incorporated by reference therein.

(Secs. 2(a)(3) and 4, 74 Stat. 1034, 1035, 41 U.S.C. 351, 353, 5 U.S.C. 301)

Signed at Washington, D.C., this 20th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71-7456 Filed 5-28-71;8:45 am]

Title 31—MONEY AND FINANCE: TREASURY

Chapter II—Fiscal Service, Department of the Treasury

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

PART 316—OFFERING OF UNITED STATES SAVINGS BONDS, SERIES E

Miscellaneous Amendments

Department Circular No. 653, Eighth Revision, dated December 12, 1969, and the tables incorporated therein, as amended (31 CFR Part 316), are further amended by revision of paragraph (a), renumbering of subparagraph (2) of paragraph (b) as (3), and insertion of a new subparagraph, numbered (2), in § 316.8; the revision of subparagraph (1), paragraph (b), of § 316.9; and addition of Tables 2–A and 3–A as follows:

§ 316.8 Extended terms and improved yields for outstanding bonds.

(a) *Extended maturity periods*—(1) *General*. The terms "extended maturity periods," "second extended maturity period," and "third extended maturity period," when used herein, refer to the intervals after the original maturity dates during which owners may retain their bonds and continue to earn interest on the maturity values or the extended maturity values.[8] No special action is required of owners desiring to take advantage of any extensions heretofore or herein granted.

(2) *Bonds with issue dates May 1, 1941, through April 1, 1952*. Owners of Series E bonds with issue dates of May 1, 1941, through April 1, 1952, may retain their bonds for a third and final extended maturity period of 10 years.

(3) *Bonds with issue dates May 1, 1952, through January 1, 1957*. Owners of Series E bonds with issue dates of May 1, 1952, through January 1, 1957, may retain their bonds for a second extended maturity period of 10 years.

(4) *Bonds with issue dates of February 1, 1957, or thereafter*. Owners of Series E bonds with issue dates of February 1, 1957, or thereafter, may retain their bonds for an extended maturity period of 10 years.

(b) *Improved yields*. * * *

(2) *Bonds entering third extended maturity period*. The investment yield (interest) for the third extended maturity period for all outstanding bonds entering this period will be at the rate prevailing for Series E bonds being issued at the time the extension begins. Tables showing the yields and the redemption values will be published prior to or as the bonds enter the extension. The yields shown in Tables 2–A and 3–A hereof apply to bonds with issue dates May 1, 1941, and June 1, 1941. Table 3–A will also apply to bonds with issue dates of July 1, 1941, through November 1, 1941, inclusive, unless tables showing different yields are published prior to or as these bonds enter the third extended maturity period.

* * * * *

§ 316.9 Taxation.

* * * * *

(b) *Federal income tax on bonds*. * * *

(1) Defer reporting of the increase to the year of final maturity, actual redemption, or other disposition, whichever is earlier; or

* * * * *

The foregoing revisions and amendments, adopted on April 30, 1971, were effected under authority of section 22 of the Second Liberty Bond Act, as amended (49 Stat. 21, as amended; 31 U.S.C. 757c) and 5 U.S.C. 301. Notice and public procedures thereon are unnecessary as public property and contracts are involved.

Dated: May 20, 1971.

[SEAL] JOHN K. CARLOCK,
Fiscal Assistant Secretary.

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[8] The redemption value of any bond at the maturity date, the extended maturity date or the second extended maturity date is the base, in each instance, upon which interest will accrue during the period following.

BONDS BEARING ISSUE DATE MAY 1, 1941

Issue price Denomination	$18.75 25.00	$37.50 50.00	$75.00 100.00	$375.00 500.00	$750.00 1,000.00	Approximate investment yield (annual percentage rate)		
Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown)					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity [2]
	THIRD EXTENDED MATURITY PERIOD							
						Percent	*Percent*	*Percent*
First ½ year [1] (5/1/71)	$50.28	$100.56	$201.17	$1,005.60	$2,011.20	0.00	5.49	5.50
½ to 1 year (11/1/71)	51.66	103.32	206.64	1,033.20	2,066.40	5.49	5.50	5.50
1 to 1½ years (5/1/72)	53.08	106.16	213.32	1,061.60	2,123.20	5.49	5.50	5.50
1½ to 2 years (11/1/72)	54.54	109.08	218.16	1,090.80	2,181.60	5.50	5.50	5.50
2 to 2½ years (5/1/73)	56.04	112.08	224.16	1,120.80	2,241.60	5.50	5.50	5.50
2½ to 3 years (11/1/73)	57.58	115.16	230.32	1,151.60	2,303.20	5.50	5.52	5.50
3 to 3½ years (5/1/74)	59.17	118.34	236.68	1,183.40	2,366.80	5.50	5.51	5.50
3½ to 4 years (11/1/74)	60.80	121.60	243.20	1,216.00	2,432.00	5.50	5.49	5.50
4 to 4½ years (5/1/75)	62.47	124.94	249.88	1,249.40	2,498.80	5.50	5.47	5.50
4½ to 5 years (11/1/75)	64.18	128.36	256.72	1,283.60	2,567.20	5.50	5.52	5.50
5 to 5½ years (5/1/76)	65.95	131.90	263.80	1,319.00	2,638.00	5.50	5.49	5.50
5½ to 6 years (11/1/76)	67.76	135.52	271.04	1,355.20	2,710.40	5.50	5.52	5.50
6 to 6½ years (5/1/77)	69.63	139.26	278.52	1,392.60	2,785.20	5.50	5.49	5.50
6½ to 7 years (11/1/77)	71.54	143.08	286.16	1,430.80	2,861.60	5.50	5.51	5.50
7 to 7½ years (5/1/78)	73.51	147.02	294.04	1,470.20	2,940.40	5.50	5.50	5.50
7½ to 8 years (11/1/78)	75.53	151.06	302.12	1,510.60	3,021.20	5.50	5.51	5.50
8 to 8½ years (5/1/79)	77.61	155.22	310.44	1,552.20	3,104.40	5.50	5.49	5.50
8½ to 9 years (11/1/79)	79.74	159.48	318.96	1,594.80	3,189.60	5.50	5.49	5.50
9 to 9½ years (5/1/80)	81.93	163.86	327.72	1,638.60	3,277.20	5.50	5.52	5.50
9½ to 10 years (11/1/80)	84.19	168.38	336.76	1,683.80	3,367.60	5.50	5.49	5.49
THIRD EXTENDED MATURITY VALUE (40 years from issue date) (5/1/81)	**86.50**	**173.00**	**346.00**	**1,730.00**	**3,460.00**	**5.50**		

[1] Month, day, and year on which issues of May 1, 1941, enter each period.

[2] Based on third extended maturity value in effect on the beginning date of the half-year period.

[3] Yield on purchase price from issue date to third extended maturity date is 3.86 percent.

TABLE 3–A

BONDS BEARING ISSUE DATE JUNE 1, 1941[1]

Issue price Denomination	$18.75 25.00	$37.50 50.00	$75.00 100.00	$375.00 500.00	$750.00 1,000.00	Approximate investment yield (annual percentage rate)		
Period after second extended maturity (beginning 30 years after issue date)	(1) Redemption values during each half-year period (values increase on first day of period shown)					(2) From beginning of third extended maturity period to beginning of each half-year period	(3) From beginning of each half-year period to beginning of next half-year period	(4) From beginning of each half-year period to third extended maturity [3]
	THIRD EXTENDED MATURITY PERIOD							
						Percent	*Percent*	*Percent*
First ½ year [2] (6/1/71)	$50.80	$101.60	$203.20	$1,016.00	$2,032.00	0.00	5.51	5.50
½ to 1 year (12/1/71)	52.20	104.40	208.80	1,044.00	2,088.00	5.51	5.48	5.50
1 to 1½ years (6/1/72)	53.63	107.26	214.52	1,072.60	2,146.20	5.59	5.52	5.50
1½ to 2 years (12/1/72)	55.11	110.22	220.44	1,102.20	2,204.40	5.50	5.48	5.50
2 to 2½ years (6/1/73)	56.62	113.24	226.48	1,132.40	2,264.80	5.50	5.51	5.50
2½ to 3 years (12/1/73)	58.18	116.36	232.72	1,163.60	2,327.20	5.50	5.50	5.50
3 to 3½ years (6/1/74)	59.78	119.56	239.12	1,195.60	2,391.20	5.50	5.49	5.50
3½ to 4 years (12/1/74)	61.42	122.84	245.68	1,228.40	2,456.80	5.50	5.50	5.50
4 to 4½ years (6/1/75)	63.11	126.22	252.54	1,262.20	2,524.40	5.50	5.51	5.50
4½ to 5 years (12/1/75)	64.85	129.70	259.40	1,297.00	2,594.00	5.50	5.49	5.50
5 to 5½ years (6/1/76)	66.63	133.26	266.52	1,332.60	2,665.20	5.50	5.49	5.50
5½ to 6 years (12/1/76)	68.46	136.92	273.84	1,369.20	2,738.40	5.50	5.52	5.50
6 to 6½ years (6/1/77)	70.35	140.70	281.40	1,407.00	2,814.00	5.50	5.49	5.50
6½ to 7 years (12/1/77)	72.28	144.56	289.12	1,445.60	2,891.20	5.50	5.51	5.50
7 to 7½ years (6/1/78)	74.27	148.54	297.08	1,485.40	2,970.80	5.50	5.49	5.50
7½ to 8 years (12/1/78)	76.31	152.62	305.24	1,526.20	3,052.40	5.50	5.59	5.50
8 to 8½ years (6/1/79)	78.41	156.82	313.64	1,568.20	3,136.40	5.50	5.51	5.50
8½ to 9 years (12/1/79)	80.57	161.14	322.28	1,611.40	3,222.89	5.50	5.49	5.50
9 to 9½ years (6/1/80)	82.78	165.56	331.12	1,655.60	3,311.20	5.50	5.51	5.51
9½ to 10 years (12/1/80)	85.06	170.12	340.24	1,701.20	3,402.40	5.59	5.50	5.50
THIRD EXTENDED MATURITY VALUE (40 years from issue date) 6-1-81	**87.40**	**174.80**	**349.60**	**1,748.00**	**3,496.00**	**45.50**		

[1] Yields also apply to bonds with issue dates July 1 through November 1, 1941, unless tables showing different yields are published. (See Sec. 316.8(b)(2).)

[2] Month, day, and year on which issues of June 1, 1941, enter each period. For subsequent issue months add the appropriate number of months.

[3] Based on third extended maturity value in effect on the beginning date of the half-year period.

[4] Yield on purchase price from issue date to third extended maturity date is 3.89 percent.

[FR Doc.71-7359 Filed 5-28-71;8:45 am]

Title 41—PUBLIC CONTRACTS AND PROPERTY MANAGEMENT

Chapter 18—National Aeronautics and Space Administration

PART 18–8—TERMINATION OF CONTRACTS

Termination Claims

Correction

In F.R. Doc. 71–4616 appearing at page 6345 in the issue of Saturday, April 3, 1971, the section heading and first five lines of § 18–8.101–25 appearing at the beginning of the first column on page 6348 should be transferred to the beginning of the third column on page 6347 directly above the five lines of undesignated text.

Chapter 50—Public Contracts, Department of Labor

PART 50–204—SAFETY AND HEALTH STANDARDS FOR FEDERAL SUPPLY CONTRACTS

Presumptions and Incorporations by Reference; Specific National Consensus Standards

Pursuant to section 4 of the Walsh-Healey Public Contracts Act (41 U.S.C. section 35), Part 50–204 of Title 41, Code of Federal Regulations is hereby amended as indicated below.

The reasons for the amendments are briefly these. Under section 4(b)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 653) standards issued under the laws listed in that provision, including the Walsh-Healey Public Contracts Act, must be deemed to be "occupational safety and health standards" issued under the Williams-Steiger Occupational Safety and Health Act of 1970 (OSHA) as well as under the listed laws. The term "occupational safety and health standard" is defined in section 3(8) of OSHA (29 U.S.C. 652) as meaning a "standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment." The term "standard" itself is not defined, but the quoted definition and the duty prescribed in section 5(a)(2) of OSHA (29 U.S.C. 654) indicate that in this context the term refers to a substantive rule; i.e., a rule having the force and effect of law. Under these circumstances, it is considered necessary and appropriate to amend the rules under the Walsh-Healey Public Contracts Act in order to make the changes needed to reflect the substantive effect given to the safety and health standards by removing certain rules of presumption, ordinary incorporations by reference, and other changes related to the substantive effect of the rules involved. The variations provisions of the rules are also amended to conform with the procedural requirements of section 6 of OSHA (29 U.S.C. 655).

The ordinary incorporations by reference of private safety and health standards are replaced by the incorporation by reference of the national consensus standards which are adopted under section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655) and which are published on this date in Part 1910 of Title 29 of the Code of Federal Regulations. The specific national consensus standards now incorporated and given substantive effect are determined to be more effective than the general references to private standards which have heretofore existed, and therefore the general references are in any event superseded by the specific national consensus standards under the express terms of section 4(b)(2) of OSHA.

Further, the document is intended to amend Part 50–204 so that its terms are consistent with the provision in section 4(b)(2) of the Williams-Steiger Occupational Safety and Health Act of 1970 reflecting the intent of Congress that where an employer is covered both by the Walsh-Healey Public Contracts Act (or the other laws listed in section 4(b)(2)) and the Williams-Steiger Occupational Safety and Health Act, the same standard will be applicable under each of the statutes. The procedures under the Williams-Steiger Occupational Safety and Health Act will be utilized in the first instance to enforce these occupational safety and health standards and in any proceeding under the Walsh-Healey Public Contracts Act to enforce such standards, the principle of collateral estoppel will apply.

Good cause is found for not providing notice and public procedure in the adoption of the substantive amendments. Such procedures are unnecessary because the changes are considered to reflect only those accomplished by operation of law as of April 28, 1971, by virtue of section 4(b)(2) of OSHA.

There is no delay in effective date for the amendments except in the case of the national consensus standards incorporated in § 50–204.2(a) which will be effective 90 days from the publication of this document in the FEDERAL REGISTER. The delay in effective date of the national consensus standards does not reduce the employers' general statutory and contractual requirement that no part of a contract subject to the Walsh-Healy Public Contracts Act be performed in any plants, factories, buildings or surroundings, or under working conditions which are unsanitary or hazardous or dangerous to the health and safety of employees engaged in the performance of such a contract. See 41 CFR § 50–204.1(d).

1. In § 50–204.1, paragraph (b) is amended and paragraphs (c) and (f) are revoked. As amended, § 50–204.1 reads as follows:

§ 50–204.1 Scope and application.

* * * * *

(b) (1) Every investigator conducting investigations and every officer of the Department of Labor determining whether there are or have been violations of the safety and health requirements of the Walsh-Healey Public Contracts Act and of any contract subject thereto; and whether a settlement of the resulting issues should be made without resort to administrative or court litigation, shall treat a failure to comply with, or violation of, any of the safety and health measures contained in this Part 50–204 as resulting in working conditions which are "unsanitary or hazardous or dangerous to the health and safety of employees" within the meaning of section 1(e) of the Act and the contract stipulation it requires. Evidence of compliance with the safety, sanitary, and factory inspection laws of a State in which the work, or part thereof, is performed will be considered prima facie evidence of compliance with the safety and health requirements of the Act and of any contract subject thereto, and it shall be sufficient unless rebutted or overcome by a preponderance of evidence of a failure to comply with any applicable safety and health rules contained in this part.

(2) Every investigator shall have technical competence in safety, industrial hygiene, or both as may be appropriate, in the matters under investigation.

* * * * *

2. Section 50–204.1a is revised to read as follows:

§ 50–204.1a Variances.

(a) Variances from standards in this part may be granted in the same circumstances in which variances may be granted under sections 6(b)(6)(A) or 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (29 U.S.C. 655). The procedures for the granting of variances and for related relief under this part are those published in Part 1905 of Title 29, Code of Federal Regulations.

(b) Any requests for variances shall also be considered requests for variances under the Williams-Steiger Occupational Safety and Health Act of 1970, and any variance from a standard which is contained in this part and which is incorporated in Part 1910 of Title 29, Code of Federal Regulations, shall be deemed a variance from the standard under both the Walsh-Healey Public Contracts Act and the Williams-Steiger Occupational Safety and Health Act of 1970.

3. Paragraphs (a) and (b) of § 50–204.2 are amended to read as follows:

§ 50–204.2 General safety and health standards.

(a) Every contractor shall protect the safety and health of his employees by complying with the standards described in the subparagraphs of this paragraph whenever a standard deals with an occupational safety or health subject or issue involved in the performance of the contract.

(1) U.S. Department of Labor—Title 29 CFR—

Part 1501—Safety and Health Regulations for Ship Repairing.
Part 1502—Safety and Health Regulations for Shipbuilding.
Part 1503—Safety and Health Regulations for Shipbreaking.
Part 1504—Safety and Health Regulations for Longshoring.
Part 1910—Subpart C through Subpart S (national consensus standards).

(2) U.S. Department of Interior, Bureau of Mines.

(i) In Chapter I of Title 30, Code of Federal Regulations, the standards requiring safe and healthful working conditions or surroundings in:

Subchapter B—Respiratory Protective Apparatus; Tests for Permissibility; Fees.
Subchapter C—Explosives and Related Articles; Tests for Permissibility and Suitability.
Subchapter D—Electrical Equipment, Lamps, Methane Detectors; Tests for Permissibility; Fees.
Subchapter O—Coal Mine Health and Safety.

(ii) In Chapter II of Title 30 the standards requiring safe and healthful working conditions or surroundings in:

Part 211—Coal-Mining Operating and Safety Regulations.
Part 216—Operating and Safety Regulations Governing the Mining of Coal in Alaska.
Part 221—Oil and Gas Operating Regulations.
Part 231—Operating and Safety Regulations Governing the Mining of Potash; Oil Shale, Sodium, and Phosphate; Sulphur; and Gold, Silver, or Quicksilver; and Other Nonmetallic Minerals, Including Silica Sand.

(3) U.S. Department of Transportation: 49 CFR Parts 171–179 and 14 CFR Part 103 Hazardous material regulation—Transportation of compressed gases.

(4) U.S. Department of Agriculture Respiratory Devices for Protection against Certain Pesticides—ARS–33–76–2.

(b) Information concerning the applicability of the standards prescribed in paragraph (a) of this section may be obtained from the following offices:

(1) Office of the Bureau of Labor Standards, U.S. Department of Labor, Railway Labor Building, Washington, D.C. 20210.

(2) The regional and field offices of the Bureau of Labor Standards which are listed in the U.S. Government Organization Manual, 1970–71 edition at p. 324.

* * * * *

(Secs. 1, 4, 49 Stat. 1036, 1038, as amended; 41 U.S.C. 35, 38)

Signed at Washington, D.C., this 20th day of May 1971.

J. D. HODGSON,
Secretary of Labor.

[FR Doc.71–7455 Filed 5–28–71;8:45 am]

Title 49—TRANSPORTATION

Chapter V—National Highway Traffic Safety Administration, Department of Transportation

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Seat Belt Assembly Anchorages and Seat Belt Installations; Reconsideration and Amendment

The purpose of this notice is to amend Motor Vehicle Safety Standards No. 208 and 210, with respect to the installation of shoulder belts in multipurpose passenger vehicles exceeding 10,000 pounds GVWR and the provision of anchorages for shoulder belts in vehicles other than passenger cars.

1. The seat belt installation standard was amended on September 30, 1970, to require installation of seat belts in multipurpose passenger vehicles, trucks, and buses manufactured after July 1, 1971 (35 F.R. 15222). Exemptions from the requirement for shoulder belt installation were provided for certain types and weights of vehicles.

During the course of the subsequent rulemaking activity which led to the issuance of the occupant crash protection standard, it was determined that the larger weight classes of trucks and multipurpose passenger vehicles should not be required to install shoulder belts (35 F.R. 14941, 35 F.R. 16937, 36 F.R. 4600). The standard therefore required lap belts, but not shoulder belts, for vehicles over 10,000 pounds GVWR, effective January 1, 1972. The September 30 amendment, which is to become effective 6 months earlier than the occupant crash protection rule, had provided a similar exemption for large trucks but not for multipurpose passenger vehicles, with the result that shoulder belts would have been required for many large multipurpose passenger vehicles during the period July 1, 1971–January 1, 1972, but not afterward. To correct this inconsistency, the seat belt installation standard is amended, effective July 1, 1971, to exempt multipurpose passenger vehicles of more than 10,000 pounds GVWR from the shoulder belt requirement.

In accordance with the foregoing, section S3.1 of Standard No. 208 (§ 571.21), as published September 30, 1970 (35 F.R. 15222) is amended effective July 1, 1971, to read as follows:

S3.1 A Type 1 seat belt assembly shall be installed for each designated seating position in convertibles, open-body type vehicles, walk-in van-type trucks, and trucks and multipurpose passenger vehicles that have a gross vehicle weight rating of more than 10,000 pounds, and for the driver's seating position in buses.

2. Standard No. 210, "Seat Belt Assembly Anchorages," presently requires vehicles other than passenger cars to have shoulder belt anchorages installed at front outboard seating positions by July 1, 1971, and at rear outboard seating positions by January 1, 1972 (35 F.R. 15293, 35 F.R. 18116, 36 F.R. 4291). The Recreational Vehicle Institute has petitioned for an amendment of the standard, to delete the requirement for shoulder belt anchorages at positions where shoulder belt installation is not required by Standard No. 208.

It has been found that this petition has merit. The probability of shoulder belt installation by the owners of these vehicles is very small, and the difficulty of anchorage installation, particularly in multipurpose passenger vehicles, is often greater than in passenger cars. The amendment is therefore considered to be in the public interest.

The request by RVI for a postponement of the July 1, 1971, effective date for installation of shoulder belt anchorages has not been found justified, and the petition is in that respect denied.

In accordance with the foregoing, section S4.1.1 of the present Motor Vehicle Safety Standard No. 210 (effective July 1, 1971), and the amended Standard No. 210 as published November 26, 1970 (35 F.R. 18116, effective January 1, 1972), in 49 CFR 571.21, are both amended to read as follows:

S4.1.1 Seat belt anchorages for a Type 2 seat belt assembly shall be installed for each forward-facing outboard designated seating position in passenger cars, and for each designated seating position for which a Type 2 seat belt assembly is required by Standard No. 208 in vehicles other than passenger cars.

The effective dates of the amendments made by this notice are as indicated above. Because the amendments relieve restrictions and impose no additional burden on any person, notice and request for comments on such notice are found to be unnecessary, and it is found, for good cause shown, that an effective date earlier than 180 days after issuance is in the public interest.

(Sec. 103, 119, National Traffic and Motor Vehicle Safety Act, 15 U.S.C. 1392, 1407; delegation of authority at 49 CFR 1.51)

Issued on May 21, 1971.

DOUGLAS W. TOMS,
Acting Administrator.

[FR Doc.71–7512 Filed 5–28–71;8:45 am]

[Docket No. 70–12; Notice No. 9]

PART 574—TIRE IDENTIFICATION AND RECORD KEEPING

Location of Tire Identification Number for Retreaded Tires

The purpose of this amendment is to provide retreaders with an alternative location for the placement of the tire identification number.

On January 26, 1971, the National Highway Traffic Safety Administration published Docket No. 70–12, Notice No. 5, a revised version of the Tire Identification and Recordkeeping Regulation, 49 CFR Part 574 (36 F.R. 1196). Section 574.5 requires retreaders to permanently mold or brand into or onto one sidewall a tire identification number in the manner specified in Figure 2 of the regulation. Figure 2 requires that the tire identification number be located in the area of the shoulder between the tread edge and the maximum section width of the tire. The regulation specified this location because, generally, it is the area upon which retreaders apply new retread material.

Bandag, Inc., has petitioned for rulemaking to allow the tire identification to be below the section width of the tire. The petition requests this relief because the Bandag process only affects the tread surface, a comparatively smooth surface is needed for application of the identification number, and many casings have no smooth area between the tread edge and the maximum section width.

Therefore, in view of the above, Figure 2 of Part 574 (36 F.R. 1200) is hereby amended as set forth below to require that the tire identification number be on one sidewall of the tire, either on the upper segment between the maximum section width and the tread edge, or on the lower segment between the maximum section width and bead in a location such that the number will not be covered by the rim flange when the tire is inflated. In no event should the number be on the surface of the scuff rib or ribs.

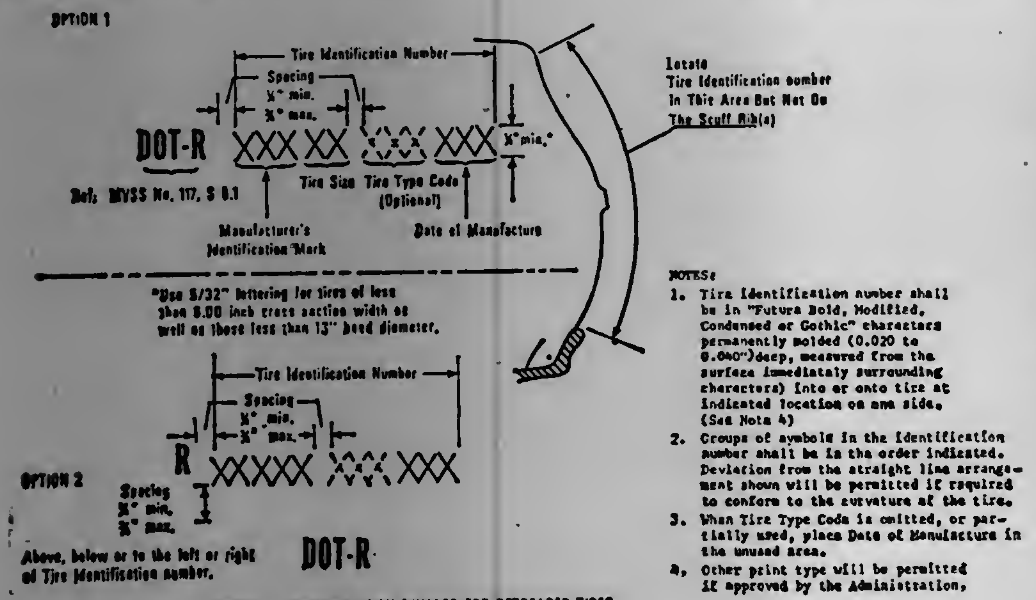
(Secs. 103, 112, 119, 201, National Traffic and Motor Vehicle Safety Act, as amended (15 U.S.C. 1392, 1401, 1407, 1421); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8)

Effective date: May 22, 1971.

Because this amendment relieves a restriction and does not impose any additional burden on any person it is found that notice and public procedure thereon are unnecessary and impracticable, and that, for good cause shown, an effective date less than 30 days after the date of issuance is in the public interest.

Issued on May 21, 1971.

Douglas W. Toms,
Acting Administrator.


OPTION 1
Tire Identification Number
Spacing
¼" min.
¾" max.
DOT-R
XXX XX XXX XXX
¼" min.*
Ref: MVSS No. 117, S 6.1
Tire Size
Tire Type Code (Optional)
Manufacturer's Identification Mark
Date of Manufacture
Locate Tire Identification number In This Area But Not On The Scuff Rib(s)
"Use 5/32" lettering for tires of less than 6.00 inch cross section width as well as those less than 13" bead diameter.
Tire Identification Number
Spacing
¼" min.
¾" max.
R
XXXXX XXX XXX
OPTION 2
Spacing
¼" min.
¾" max.
Above, below or to the left or right of Tire Identification number.
DOT-R

NOTES:

1. Tire identification number shall be in "Futura Bold, Modified, Condensed or Gothic" characters permanently molded (0.020 to 0.040") deep, measured from the surface immediately surrounding characters) into or onto tire at indicated location on one side. (See Note 4)
2. Groups of symbols in the identification number shall be in the order indicated. Deviation from the straight line arrangement shown will be permitted if required to conform to the curvature of the tire.
3. When Tire Type Code is omitted, or partially used, place Date of Manufacture in the unused area.
4. Other print type will be permitted if approved by the Administration.

FIGURE 2 - IDENTIFICATION NUMBER FOR RETREADED TIRES.

[FR Doc.71-7545 Filed 5-28-71;8:51 am]

Chapter X—Interstate Commerce Commission

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1025, Amdt. 6]

PART 1033—CAR SERVICE

Return of Covered Hopper Cars

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 24th day of May 1971.

Upon further consideration of Service Order No. 1025 (34 F.R. 7451, 9870; 35 F.R. 894, 5334, 18318) as amended, and good cause appearing therefore:

It is ordered, That § 1033.1025 *Service Order No. 1025* (Regulations for return of covered hopper cars) be, and it is hereby, amended by substituting the following paragraph (f) for paragraph (f) thereof:

(f) *Expiration date.* This order shall expire at 11:59 p.m., December 31, 1971, unless otherwise modified, changed, or suspended by order of this Commission.

Effective date. This amendment shall become effective at 11:59 p.m., May 31, 1971.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15, and 17(2). Interprets or applies secs. 1(10–17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10–17), 15(4), and 17(2))

It is further ordered, That copies of this amendment shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] Robert L. Oswald,
Secretary.

[FR Doc.71-7553 Filed 5-28-71;8:52 am]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Oil Import Administration

[32A CFR Ch. X]

[Oil Import Reg. 1 (Rev. 5)]

IMPORTS OF CRUDE OIL FOR TOPPING AND USE AS BURNER FUEL; DISTRICT I AND DISTRICTS II–IV

Notice of Proposed Rule Making

Paragraph (g) of section 1A of Proclamation 3279, as amended, provides for imports of crude oil for topping and use as burner fuel under such conditions as the Secretary of the Interior may by regulation provide. A proposal to implement this paragraph of the Proclamation was published in the Federal Register for October 21, 1970 (35 F.R. 16411). Further consideration has been given to this matter in the light of the comments received, and a revised proposal is set forth below in the form of a section which it is proposed to add to Oil Import Regulation 1 (Revision 5), as amended. Final action upon the revised proposal will be subject to the concurrence of the Director of the Office of Emergency Preparedness.

Interested persons are invited to submit written comments upon the proposal to the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, before July 6, 1971. Each person who submits comments is asked to provide fifteen (15) copies.

T. C. Snedeker,
Acting Administrator,
Oil Import Administration.

May 28, 1971.

Sec. ______ **Imports of crude oil for topping.**

(a) This section prescribes the conditions under which crude oil to be topped and used as burner fuel may be imported into District I and Districts II–IV, pursuant to paragraph (g) of section 1A of Proclamation 3279, as amended (35 F.R. 16358).

(b) Crude oil for topping and use as burner fuel may be entered for consumption or withdrawn from warehouse for consumption in District I or Districts II–IV under a certificate of approval issued by the Administrator. A separate certificate of approval shall be required for each entry, or withdrawal from warehouse, for consumption. In Districts II–IV, certificates of approval will be issued only for imports of crude oil from Canada.

(c) Crude oil imported pursuant to a certificate of approval must be processed by the importer and all topped crude oil and other products derived from the processing operations must be used by the importer as burner fuel in his own facilities. The Administrator shall issue certificates of approval only in instances in which he is satisfied that the applicants will comply with the requirements of this paragraph.

(d) An application for a certificate of approval under this section must be filed with the Administrator, Oil Import Administration, Department of the Interior, Washington, D.C. 20240, not later than 15 days before the expected date of the commencement of importation of the crude oil. The application shall certify in detail such information as the Administrator may require including the following:

(1) The location of the facilities in which the crude oil will be processed and used as burner fuel.

(2) The nature of the unit in which the crude oil will be processed and of any facility of which the unit is part.

(3) A description of the method to be used in segregating (and accounting for) the feedstocks and products of the processing unit from the feedstocks and products of other facilities of the applicant.

(4) The quantity of crude oil to be imported and processed in the processing unit for use as burner fuel in the applicant's facilities.

(5) The date importation will commence.

(e) Neither crude oil imported under a certificate of approval nor topped crude or other products derived from the processing of such crude oil shall qualify as refinery inputs or petrochemical plant inputs for the purpose of eligibility for allocations under section 4 of this regulation or for the purpose of computing allocations under section 9, 10 or 25.

(f) No certificate of approval issued pursuant to this section may be sold, assigned, or otherwise transferred.

[FR Doc.71-7641 Filed 5-28-71;9:46 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

[7 CFR Part 915]

AVOCADOS GROWN IN SOUTH FLORIDA

Handling

Consideration is being given to the following proposal, as hereinafter set forth, which would limit the handling of avocados grown in Florida by establishing size, quality, and maturity requirements, pursuant to § 915.51 *Issuance of regulations,* which was recommended by the Avocado Administrative Committee, established pursuant to the marketing agreement, as amended, and Order No. 915, as amended (7 CFR Part 915; 35 F.R. 16627) regulating the handling of avocados grown in south Florida. This program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same with the Hearing Clerk, Room 112A, U.S. Department of Agriculture, Washington, D.C. 20250, not later than the seventh day after the publication of this notice in the Federal Register. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The recommendation of the Avocado Administrative Committee reflects its appraisal of the avocado crop and current and prospective market conditions. Shipments of avocados are expected to begin on or about June 14, 1971, the committee has considered and recommended the sizes, quality, and maturity standards, including shipping periods, for the various varieties of avocados, so as to prevent the handling of immature or other undesirable fruit and to provide consumers with good quality fruit and maximize returns to growers pursuant to the declared policy of the act.

Such proposal reads as follows:

§ 915.313 Avocado Regulation 13.

(a) Order:

(1) During the period June 14, 1971, through April 30, 1972, no handler shall handle any avocados unless such avocados grade at least U.S. No. 3 grade;

(2) On and after the effective time of this regulation, except as otherwise provided in subparagraphs (9) and (10) of this paragraph, no avocados of the varieties listed in Column 1 of the following Table I shall be handled prior to the date listed for the respective variety in Column 2 of such table, except that avocados of the Arue variety which weigh at least 17 ounces or are at least 3$\frac{9}{16}$ inches in diameter may be handled prior to the effective date of this section, and thereafter each such variety shall be handled only in conformance with subparagraph (3), (4), (5), and (6) of this paragraph.

TABLE 1

Variety (1)	Date (2)	Minimum weight or diameter (3)	Date (4)	Minimum weight or diameter (5)	Date (6)	Minimum weight or diameter (7)	Date (8)
Arue		17 oz. $3\frac{9}{16}$ in.	6-14-71	14 oz. $3\frac{3}{16}$ in.	7-19-71		
Fuchs	6-21-71	14 oz. $3\frac{3}{16}$ in.	7- 5-71	12 oz. $3\frac{9}{16}$ in.	7-19-71	10 oz. $2\frac{14}{16}$ in.	8- 2-71
K-5	6-28-71	16 oz. $3\frac{4}{16}$ in.	7-12-71	14 oz. $3\frac{3}{16}$ in.	7-26-71		
Dr. DuPuis No. 2	6-21-71	16 oz. $3\frac{9}{16}$ in.	7- 5-71	14 oz. $3\frac{7}{16}$ in.	7-19-71		
Hardee	7- 5-71	14 oz. $3\frac{7}{16}$ in.	7-12-71	12 oz. $2\frac{14}{16}$ in.	8- 2-71		
Pollock	7- 5-71	18 oz. $3\frac{11}{16}$ in.	7-12-71	16 oz. $3\frac{7}{16}$ in.	7-26-71		
Simmonds	7- 5-71	16 oz. $3\frac{9}{16}$ in.	7-12-71	14 oz. $3\frac{7}{16}$ in.	7-26-71		
Nadir	7- 5-71	14 oz. $3\frac{3}{16}$ in.	7-12-71	12 oz. $3\frac{1}{16}$ in.	7-19-71	10 oz. $2\frac{14}{16}$ in.	8- 2-71
Katherine	7- 5-71	16 oz.	7-19-71	14 oz.	8- 2-71		
Dawn	7-19-71	12 oz. $3\frac{4}{16}$ in.	8- 2-71	10 oz. $3\frac{9}{16}$ in.	8-16-71		
Peterson	7-26-71	14 oz. $3\frac{5}{16}$ in.	8- 9-71	10 oz. $3\frac{4}{16}$ in.	8-23-71	8 oz. $2\frac{14}{16}$ in.	9-6-71
Trapp	8- 9-71	14 oz. $3\frac{10}{16}$ in.	8-23-71	12 oz. $3\frac{7}{16}$ in.	9- 6-71		
Waldin	8-16-71	16 oz. $3\frac{9}{16}$ in.	8-30-71	14 oz. $3\frac{7}{16}$ in.	9-13-71	12 oz. $3\frac{4}{16}$ in.	9-27-71
Ruehle	7-19-71	18 oz. $3\frac{11}{16}$ in.	8- 2-71	16 oz. $3\frac{9}{16}$ in.	8-16-71	14 oz. $3\frac{7}{16}$ in.	8-30-71
Pinelli	8- 2-71	18 oz. $3\frac{13}{16}$ in.	8-16-71	16 oz. $3\frac{10}{16}$ in.	8-30-71		
Webb 2	7-19-71	18 oz.	8- 2-71	16 oz.			8-16-71
Nesbitt	8-16-71	18 oz.	8-23-71	16 oz.	9-13-71		
Tonnage	8-30-71	14 oz. $3\frac{4}{16}$ in.	9- 6-71	12 oz. $3\frac{10}{16}$ in.	9-13-71	10 oz. $2\frac{13}{16}$ in.	9-20-71
Booth 8	9-13-71	16 oz. $3\frac{9}{16}$ in.	9-27-71	15 oz. $3\frac{7}{16}$ in.	10-11-71	13 oz. $3\frac{4}{16}$ in.	
Fairchild	8-30-71	16 oz. $3\frac{10}{16}$ in.	9-13-71	14 oz. $3\frac{7}{16}$ in.	9-27-71	12 oz. $3\frac{4}{16}$ in.	10- 4-71
Nirody	8-30-71	18 oz. $3\frac{15}{16}$ in.	9-13-71	16 oz. $3\frac{12}{16}$ in.	9-27-71		
Black Prince	9-13-71	23 oz.	9-27-71	16 oz.	10-18-71		
Catalina	9-13-71	24 oz.	9-20-71	22 oz.	10- 4-71		
Blair	9-27-71	14 oz. $3\frac{9}{16}$ in.	10-18-71				
Collinson	9-27-71	16 oz. $3\frac{10}{16}$ in.	10-25-71				
Chica	9-27-71	12 oz. $3\frac{7}{16}$ in.	10-11-71	10 oz. $3\frac{4}{16}$ in.	10-25-71		
Rue	9-27-71	30 oz. $4\frac{3}{16}$ in.	10- 4-71	24 oz. $3\frac{12}{16}$ in.	10-18-71	18 oz. $3\frac{9}{16}$ in.	11- 1-71
Booth 5	10- 4-71	16 oz. $3\frac{11}{16}$ in.	10-25-71				
Hickson	10- 4-71	15 oz. $3\frac{5}{16}$ in.	10-18-71	12 oz. $3\frac{1}{16}$ in.	10-25-71		
Simpson	10- 4-71	16 oz. $3\frac{9}{16}$ in.	10-25-71				
Vaca	10- 4-71	16 oz. $3\frac{9}{16}$ in.	10-25-71				
Sherman	10- 4-71	16 oz.	10-18-71	14 oz.	11- 1-71	10 oz.	11-22-71
Marcus	10- 4-71	32 oz.	11-15-71				
Booth 10	10-11-71	16 oz. $3\frac{10}{16}$ in.	11- 8-71				
Booth 7	10-11-71	16 oz. $3\frac{10}{16}$ in.	10-25-71	14 oz. $3\frac{8}{16}$ in.	11- 8-71		
Avon	10-11-71	15 oz. $3\frac{11}{16}$ in.	11- 1-71				
Booth 11	10-11-71	10 oz. $3\frac{13}{16}$ in.	11- 1-71				
Leona	10-11-71	14 oz. $3\frac{10}{16}$ in.	10-25-71				
Winslowson	10-11-71	18 oz. $3\frac{14}{16}$ in.	11- 1-71				
Nelson	10-11-71	14 oz. $3\frac{9}{16}$ in.	10-25-71	12 oz. $3\frac{5}{16}$ in.	11- 8-71	10 oz. $3\frac{1}{16}$ in.	11-29-71
Hall	10-11-71	26 oz. $3\frac{14}{16}$ in.	10-25-71	20 oz. $3\frac{9}{16}$ in.	11- 8-71		
Lula	10-18-71	18 oz. $3\frac{11}{16}$ in.	11- 1-71	14 oz. $3\frac{6}{16}$ in.	11-15-71		
Choquette	10-18-71	24 oz. $4\frac{1}{16}$ in.	11- 1-71	20 ox. $3\frac{14}{16}$ in.	11-22-71		
Monroe	10-18-71	24 oz. $4\frac{1}{16}$ in.	11- 1-71	20 oz. $3\frac{14}{16}$ in.	11-22-71		
Herman	10-18-71	16 oz. $3\frac{9}{16}$ in.	11- 1-71	14 oz. $3\frac{9}{16}$ in.	11-15-71		
Murphy	10-18-71	16 oz.	11- 1-71	14 oz.	11-15-71	11 oz.	12- 6-71
Ajax (B7-B)	10-25-71	18 oz. $3\frac{14}{16}$ in.	11-15-71				
Booth 1	10-25-71	16 oz. $3\frac{13}{16}$ in.	11-15-71				
Booth 3	10-25-71	16 oz. $3\frac{10}{16}$ in.	11-15 71				
Taylor	10-25-71	14 oz. $3\frac{5}{16}$ in.	11- 8-71	12 oz. $3\frac{3}{16}$ in.	11-22-71		
Dunedin	11- 8-71	16 oz. $3\frac{10}{16}$ in.	11-22-71	14 oz. $3\frac{9}{16}$ in.	12- 6-71	10 oz. $3\frac{1}{16}$ in.	12-27-71
Byars	11-15-71	16 oz. $3\frac{14}{16}$ in.	12- 6-71				
Linda	11-15-71	18 oz. $3\frac{13}{16}$ in.	12- 6-71				
Nabal	11-15-71	14 oz. $3\frac{9}{16}$ in.	12 -6-71				
Wagner	12- 6-71	12 oz. $3\frac{7}{16}$ in.	12-20-71	10 oz. $3\frac{3}{16}$ in.	1- 3-71		
Schmidt	1-17-71						
Itsamna	2-14-71						

(3) From the date listed for the respective variety in Column 2 of Table I to the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(4) From the date listed for the respective variety in Column 4 of Table I to the date listed for the respective variety of Column 6 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(5) From the date listed for the respective variety in Column 6 of Table I to the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados of such variety unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(6) From October 25, 1971, through November 8, 1971, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 10 ounces or is at least $3\frac{1}{16}$ inches in diameter, and from November 9, 1971, through November 15, 1971, no handler shall handle any avocados of the Booth 8 variety unless the individual fruit in each lot of such avocados weighs at least 8 ounces or is at least $2\frac{13}{16}$ inches in diameter;

(7) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of the West Indian type of avocados not listed in Table I shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to July 5, 1971.

(ii) From July 5, 1971, through July 11, 1971, the individual fruit in each lot of such avocados shall weigh at least 18 ounces.

(iii) From July 12, 1971, through August 1, 1971, the individual fruit in each lot of such avocados shall weigh at least 16 ounces.

(iv) From August 2, 1971, through August 29, 1971, the individual fruit in each lot of such avocados shall weigh at least 14 ounces.

(v) From August 30, 1971, through September 19, 1971, the individual fruit in each lot of such avocados shall weigh at least 12 ounces.

(8) Except as otherwise provided in subparagraphs (9) and (10) of this paragraph, varieties of avocados not covered by subparagraphs (2) through (7) of this paragraph shall not be handled except in accordance with the following terms and conditions:

(i) Such avocados shall not be handled prior to September 20, 1971.

(ii) From September 20, 1971, through October 17, 1971, the individual fruit in each lot of such avocados shall weigh at least 15 ounces.

(iii) From October 18, 1971, through December 19, 1971, the individual fruit in each lot of such avocados shall weigh at least 13 ounces.

(9) Notwithstanding the provisions of subparagraphs (2) through (8) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided*, That such avocados weigh not more than 2 ounces less than the applicable specified weight for the particular variety as prescribed in Column 3, 5, or 7 of Table I or in subparagraphs (6), (7), and (8) of this paragraph. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot.

(10) The provisions of subparagraph (2) through (9) of this paragraph shall not apply to any variety, except the Linda variety, of avocados which, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color for that fruit when mature.

(b) Terms used in the amended marketing agreement and order, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order; the term "diameter" shall mean the greatest dimension measured at right angles to a line from the stem to the blossom end of the fruit; and the term "U.S. No. 3" shall have the same meaning as set forth in the U.S. Standards for Florida Avocados (§§ 51.3050–51.3069 of this title).

(c) The provisions of this section shall become effective June 14, 1971.

Dated: May 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7563 Filed 5-28-71;8:48 am]

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Handling

Notice is hereby given that the Department is considering the following proposal of the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The telescope fiberboard carton with inside dimensions of 7 x $11\frac{1}{2}$ x 18 inches has been successfully employed as an experimental container for shipping apricots and has furnished a satisfactory alternative to the wooden box which is reported to be in short supply in the specified dimensions. Presently, containers with inside dimensions of 7 x $11\frac{1}{2}$ x 18 inches must be unlidded. Additional authorization is needed to permit the use of the telescope fiberboard carton because in the fully telescoped position the fiberboard carton is lidded although not securely fastened. Accordingly, it is proposed that paragraph (a) (1) of § 922.306 be amended to read as follows:

§ 922.306 Apricot Regulation 6.

(a) * * *

(1) In open containers or telescope fibreboard cartons with inside dimensions of 7 x $11\frac{1}{2}$ x 18 inches and the net weight of the apricots is not less than 28 pounds;

* * * * *

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposal should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7561 Filed 5-28-71;8:48 am]

[7 CFR Part 922]

APRICOTS GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Handling

Notice is hereby given that the Department is considering the following proposals of the Washington Apricot Marketing Committee, established under the marketing agreement, as amended, and Order No. 922, as amended (7 CFR Part 922), regulating the handling of apricots grown in designated counties in Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The recommendations by the Washington Apricot Marketing Committee reflect its appraisal of the crop and current and prospective market conditions. Shipments of apricots from the production area are expected to begin on or about June 21, 1971. The grade, maturity and size requirements proposed herein are necessary to prevent the handling, on and after June 21, 1971, of any apricots of lower grades and smaller sizes than those herein specified, so as to provide consumers with good quality fruit, consistent with (1) the overall size and quality of the crop and (2) maximizing returns to the producers pursuant to the declared policy of the act.

Apricots of the Moorpark variety shipped in open containers are required to be generally well matured. Provision is made for apricots of the Blenheim, Blenril, and Tilton varieties to be of a smaller size when packed in unlidded containers. These three varieties are of a somewhat smaller size than other varieties at comparable stages of maturity. There is a demand for fruit meeting the foregoing specifications in local markets. Due to the nearness to the source of supply, shipments of more mature fruit and fruit of the specified varieties of smaller sizes in less expensive unlidded containers is feasible and the disposition of such fruit in such markets tends to improve the overall returns to growers. Individual shipments, not exceeding 500 pounds of apricots sold for home use and not for resale are exempted from regulation in that such shipments do not materially affect the demand in commercial channels. Certain safeguards respecting such shipments are imposed, consistent with the order, to prevent such apricots from entering into regulated channels of trade.

The proposal is as follows:

§ 922.311 Apricots Regulation 11.

(a) Order: Apricot Regulation 10 (35 F.R. 8916), is hereby terminated on June 21, 1971.

(b) During the period June 21, 1971, through June 30, 1972, no handler shall handle any container of apricots unless such apricots meet the following applicable requirements, or are handled in accordance with subparagraph (3) of this paragraph:

(1) Minimum grade and maturity requirements: Such apricots grade not less than Washington No. 1 and are at least reasonably uniform in color: *Provided*, That if such apricots are the Moorpark variety in open containers they are generally well matured; and

(2) Minimum size requirements: Such apricots measure not less than $1\frac{5}{8}$ inches in diameter except that apricots of the Blenheim, Blenril, and Tilton varieties when packed in unlidded containers may measure not less than $1\frac{1}{4}$ inches: *Provided*, That not more than 10 percent, by count, of such apricots may fail to meet the applicable minimum diameter requirement.

(3) Notwithstanding any other provision of this section, any individual shipment of apricots which meets each of the following requirements may be handled without regard to the provisions of this paragraph, of § 922.41 (Assessments), and of § 922.55 (Inspection and Certification):

(i) The shipment consists of apricots sold for home use and not for resale.

(ii) The shipment does not, in the aggregate, exceed 500 pounds, net weight, of apricots; and

(iii) Each container is stamped or marked with the words "not for resale" in letters at least one-half inch in height.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; "diameter" and "Washington No. 1" shall have the same meaning as when used in the State of Washington Department of Agriculture Standards for Apricots, effective May 31, 1966; "reasonably uniform in color" means that the apricots in the individual container do not show sufficient variation in color to materially affect the general appearance of the apricots; and "generally well matured" means that, with respect to not less than 90 percent, by count, of the apricots in any lot of containers, and not less than 85 percent, by count, of such apricots in any container in such lot, at least 40 percent of the surface area of the fruit is at least as yellow as Shade 4 on the U.S. Standard Ground Color Chart for Apples and Pears in the Western States.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, U.S. Department of Agriculture, Room 112–A, Administration Building, Washington, D.C. 20250, not later than the seventh day after publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

Dated: May 26, 1971.

PAUL A. NICHOLSON,
Deputy Director, Fruit and Vegetable Division, Consumer and Marketing Service.

[FR Doc.71-7562 Filed 5-28-71;8:48 am]

[7 CFR Part 966]

[Docket No. AO–265–A3]

TOMATOES GROWN IN FLORIDA

Postponement of Public Hearing on Proposed Amendment of Marketing Agreement and Order

Notice of a public hearing with respect to proposed amendment of Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR Part 966), was published in the FEDERAL REGISTER of April 28, 1971 (36 F.R. 7969).

The notice stated the hearing would begin at 9 a.m., local time, June 2, 1971, at the Auditorium of the Florida Fruit and Vegetable Association, 4401 Colonial Drive, Orlando, FL.

At the request of attorneys representing importers of tomatoes, this hearing has been postponed. A new date will be announced later.

Dated: May 27, 1971.

JOHN C. BLUM,
Deputy Administrator, Regulatory Programs.

[FR Doc.71-7601 Filed 5-28-71;8:52 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[46 CFR Part 252]

DETERMINATION OF ESSENTIALITY OF U.S.-FLAG BULK CARRIER SERVICES

Notice of Proposed Rule Making

Correction

In F.R. Doc. 71-7270 appearing on page 9334 in the issue of Saturday, May 22, 1971, the penultimate line of § 252.2(a) (1) reading "export foreign commerce of the United" should read "export and import foreign commerce of the United".

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 37]

ROENTGENOGRAPHIC EXAMINATIONS OF COAL MINERS

Notice of Proposed Rule Making

Pursuant to section 203 of the Federal Coal Mine Health and Safety Act (30 U.S.C. 843), it is proposed to amend Part 37 of Title 42, Code of Federal Regulations, as set forth below.

On August 19, 1970, regulations setting forth the specifications for giving, reading, classifying and submitting the chest roentgenograms required under the Act were adopted (35 F.R. 13206). With a short time remaining before June 30, 1971, the deadline prescribed by the Act for providing initial chest roentgenographic examinations of underground miners, the Department finds that miners have failed to avail themselves of these examinations on the grounds that the regulations allegedly do not assure adequate confidentiality of roentgenographic findings. In proposing these amendments the Department seeks to improve confidentiality and to assure that a substantial number of miners will avail themselves of these examinations.

Accordingly, § 37.4(a)(6) would be amended to require assurance from the operators conducting plans approved by the Department that they will not solicit X-ray findings and that they have instructed the physicians giving the X-ray examinations that duplicate roentgenograms shall not be taken or made. In addition, § 37.6 would be amended to provide that where a determination has been made that an operator's X-ray program has been ineffective because less than 50 percent of the eligible miners have participated, the Secretary would himself give or make arrangements with an appropriate person, agency, or institution to give the chest X-ray examinations required under this subpart, and in such instances, reimbursement for the cost of conducting such examination would be required from the appropriate operator. Where an operator is conducting a roentgenographic examination program under a plan approved by the Department and the plan does not comply with one or more provisions of the amendments, the operator would be given 15 days following the effective date of the new amendments to amend the plan to conform to the new requirements.

It is proposed to make the amendments effective on the date of their republication in the FEDERAL REGISTER.

Inquiries and comments concerning the proposed amendments may be submitted, in duplicate, to the Bureau of Occupational Safety and Health, 5600 Fishers Lane, Rockville, MD 20852.

In view of the deadline for initial X-ray examinations, the Department finds good cause to limit the time for submitting comments to 14 days following the publication of these proposed amendments in the FEDERAL REGISTER.

Part 37 would be amended as follows:

1. Section 37.4(a)(6) would be revised to read as follows:

§ 37.4 Plans for initial chest roentgenographic examinations.

(a) * * *

(6) Assurances that (i) the operator will not solicit a physician's roentgenographic findings and (ii) instructions have been given to the physician(s) giving the roentgenographic examinations that duplicate roentgenograms will not be taken or made.

* * * * *

2. Section 37.6(a) would be amended by adding the following new subparagraph:

§ 37.6 Roentgenographic examinations conducted by the Secretary.

(a) * * *

(4) Where, after miners have been given an opportunity for an initial chest roentgenographic examination under an approved plan, the Secretary determines that the program has been ineffective because of limited participation of the eligible miners in the operator's program (50 percent will normally be used as a guideline in judging effectiveness).

* * * * *

§ 37.20 [Amended]

3. Section 37.20 would be amended by adding the following sentence at the end of paragraph (d)(5): "No other identifying information such as the miner's name or clinic number shall be recorded on the film."

4. A new § 37.42 would be added to read as follows:

§ 37.42 Amendments to assure confidentiality.

(a) With approximately a month remaining before June 30, 1971, the deadline prescribed by section 203 of the Act for providing initial chest roentgenographic examinations of underground miners, it has come to the attention of the Department that miners have failed to avail themselves of these examinations on the grounds that this Part 37 does not assure confidentiality of roentgenographic findings.

(b) The Department seeks to strengthen the provisions assuring confidentiality since the health of miners is its greatest responsibility under the Act, and the program to prevent pneumoconiosis by early roentgenographic detection will surely fail if miners do not participate.

(c) Accordingly, the new amendments guard against the taking or making of duplicate roentgenograms and the furnishing of X-ray findings to the operator. The new amendments also prohibit recording any information on the film that would identify the miner other than his social security number.

(d) Operators who have submitted plans previously approved by the Department will have 15 days following the effective date of the new amendments to amend their plans, where appropriate, to comply with these amendments.

Approved: May 24, 1971.

ELLIOT L. RICHARDSON,
Secretary.

[FR Doc.71-7538 Filed 5-28-71;8:47 am]

Notices

DEPARTMENT OF THE TREASURY

Internal Revenue Service

RICHARD JOHN ENGLER

Notice of Granting of Relief

Notice is hereby given that Richard John Engler, 305 North Main Street, Edgerton, WI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on September 7, 1967, in the Federal District Court, Madison, Wis., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Richard J. Engler because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Richard J. Engler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Richard J. Engler's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178144: *It is ordered,* That Richard J. Engler be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of May 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-7534 Filed 5-28-71;8:47 am]

CLARENCE EUGENE FOWLER

Notice of Granting of Relief

Notice is hereby given that Clarence Eugene Fowler, 20437 Tracey Street, Detroit, MI, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on August 29, 1960, in the Recorder's Court of the city of Detroit, Mich., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Clarence E. Fowler because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm, or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Clarence E. Fowler to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Clarence E. Fowler's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Clarence E. Fowler be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of May 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-7535 Filed 5-28-71;8:47 am]

WILBERT HENRY

Notice of Granting of Relief

Notice is hereby given that Wilbert Henry, Route 1, Box 301, Willard, NC, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on November 22, 1957, in the United States District Court, Wilmington, N.C., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Wilbert Henry because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Wilbert Henry to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Wilbert Henry's application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Wilbert Henry be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 17th day of May 1971.

[SEAL] DEAN J. BARRON,
Acting Commissioner of Internal Revenue.

[FR Doc.71-7536 Filed 5-28-71;8:47 am]

RONALD W. STEVENS, SR.

Notice of Granting of Relief

Notice is hereby given that Ronald W. Stevens, Sr., 951 Hayward Street, Manchester, NH 03103, has applied for relief from disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms incurred by reason of his conviction on January 10, 1963, in Grafton County Superior Court, Lebanon, N.H., of a crime punishable by imprisonment for a term exceeding 1 year. Unless relief is granted, it will be unlawful for Ronald W. Stevens, Sr., because of such conviction, to ship, transport, or receive in interstate or foreign commerce any firearm or ammunition, and he would be ineligible for a license under chapter 44, title 18, United States Code as a firearms or ammunition importer, manufacturer, dealer, or collector. In addition, under title VII of the Omnibus Crime Control and Safe Streets Act of 1968, as amended (82 Stat. 236; 18 U.S.C., Appendix), because of such conviction, it would be unlawful for Ronald W. Stevens, Sr., to receive, possess, or transport in commerce or affecting commerce, any firearm.

Notice is hereby given that I have considered Ronald W. Stevens, Sr.'s application and:

(1) I have found that the conviction was made upon a charge which did not involve the use of a firearm or other weapon or a violation of chapter 44, title 18, United States Code, or of the National Firearms Act; and

(2) It has been established to my satisfaction that the circumstances regarding the conviction and the applicant's record and reputation are such that the applicant will not be likely to act in a manner dangerous to public safety, and that the granting of the relief would not be contrary to the public interest.

Therefore, pursuant to the authority vested in the Secretary of the Treasury by section 925(c), title 18, United States Code and delegated to me by 26 CFR 178.144: *It is ordered,* That Ronald W. Stevens, Sr., be, and he hereby is, granted relief from any and all disabilities imposed by Federal laws with respect to the acquisition, receipt, transfer, shipment, or possession of firearms and incurred by reason of the conviction hereinabove described.

Signed at Washington, D.C., this 13th day of May 1971.

[SEAL] HAROLD T. SWARTZ,
Acting Commissioner of Internal Revenue.

[FR Doc.71-7537 Filed 5-28-71;8:47 am]

DEPARTMENT OF THE INTERIOR

National Park Service

ICE AGE NATIONAL SCIENTIFIC RESERVE, WISCONSIN

Notice of Establishment and Boundaries

Whereas, the act of October 13, 1964 (78 Stat. 1087), authorizes the Secretary of the Interior to cooperate with the State of Wisconsin in the designation and administration of the Ice Age National Scientific Reserve in the State of Wisconsin, and—

Whereas, paragraph 2(a) of that act provides that the Secretary, in cooperation with State and local governmental authorities of Wisconsin, may formulate a comprehensive plan for the protection, preservation, and interpretation of outstanding examples of continental glaciation in Wisconsin, and—

Whereas, paragraph 2(b) of that act authorizes the Secretary to publish notice of establishment of the national scientific reserve and of the boundaries thereof when he is satisfied that State legislation exists for the preservation of the nationally significant features of the reserve, open to the people of the entire nation; and when the comprehensive plan has been completed and submitted to the President of the Senate and the Speaker of the House of Representatives and ninety days have passed, and consultation has been conducted with the Governor of the State of Wisconsin, and—

Whereas, the requirements stated in the paragraphs above have been met,

Now, therefore, notice is given that the Ice Age National Scientific Reserve is hereby established.

Paragraph 2(b) of the Act of October 13, 1964, provides for publication of notice of the boundaries of the national scientific reserve. Therefore, in accordance with paragraph 2(b) of the act, and 245 DM-1 (27 F.R. 6395, as amended), the following ten maps, which depict the boundaries of the national scientific reserve, are published.

Dated: May 3, 1971.

GEORGE B. HARTZOG, Jr.,
Director, National Park Service.

PROPOSED UNITS

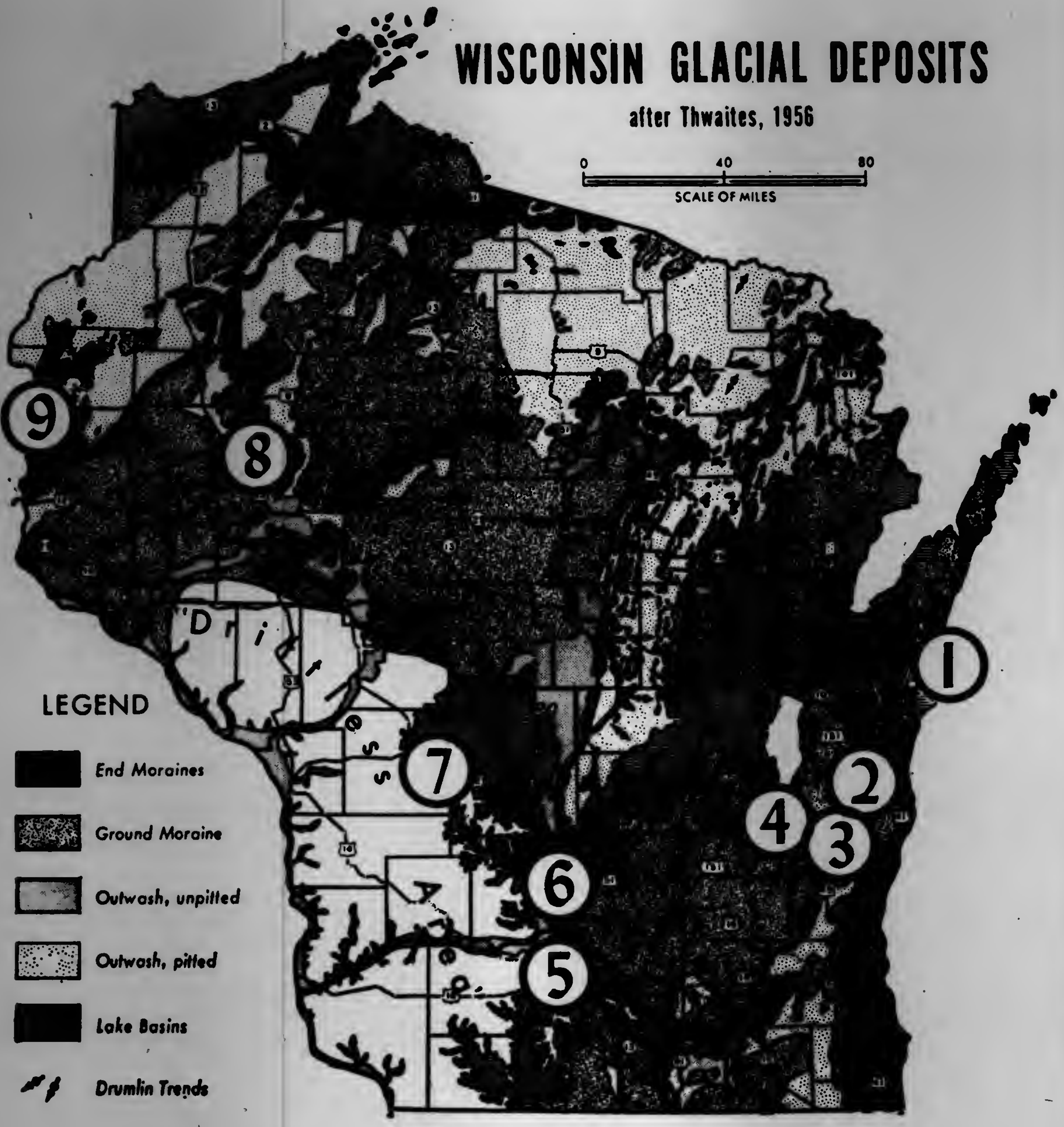
ICE AGE NATIONAL SCIENTIFIC RESERVE

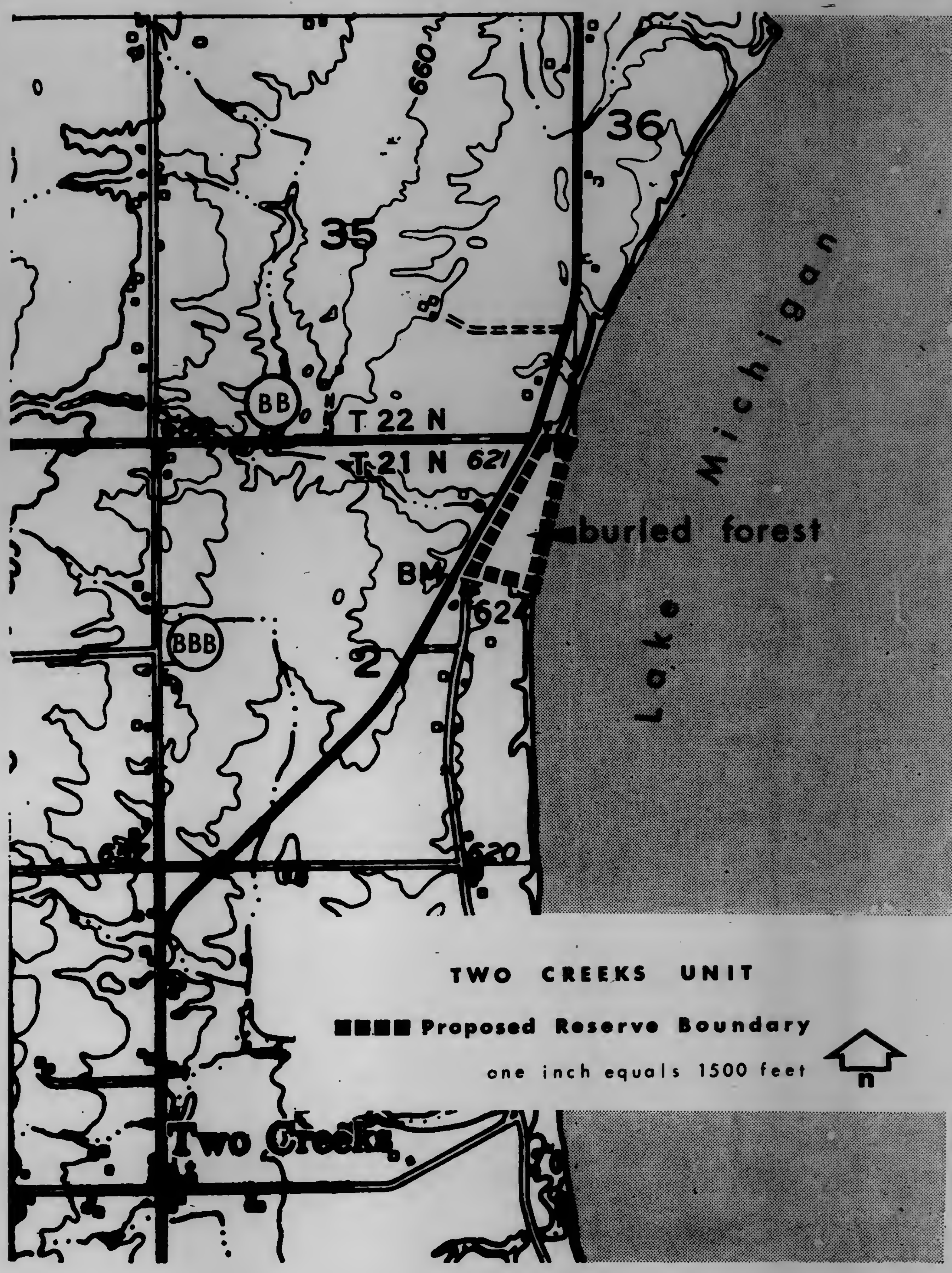
1. Two Creeks Buried Forest
2. Sheboygan Marsh County Park
3. Kettle Moraine State Forest, North Unit
4. Campbellsport Drumlins
5. Cross Plains
6. Devil's Lake State Park
7. Mill Bluff State Park
8. Bloomer Area
9. Interstate Park

ICE SHEET
Southern Limits of Wisconsin Stage

WISCONSIN GLACIAL DEPOSITS

after Thwaites, 1956


0
40
80
SCALE OF MILES
Driftless
1
2
3
4
5
6
7
8
9
LEGEND
End Moraines
Ground Moraine
Outwash, unpitted
Outwash, pitted
Lake Basins
Drumlin Trends

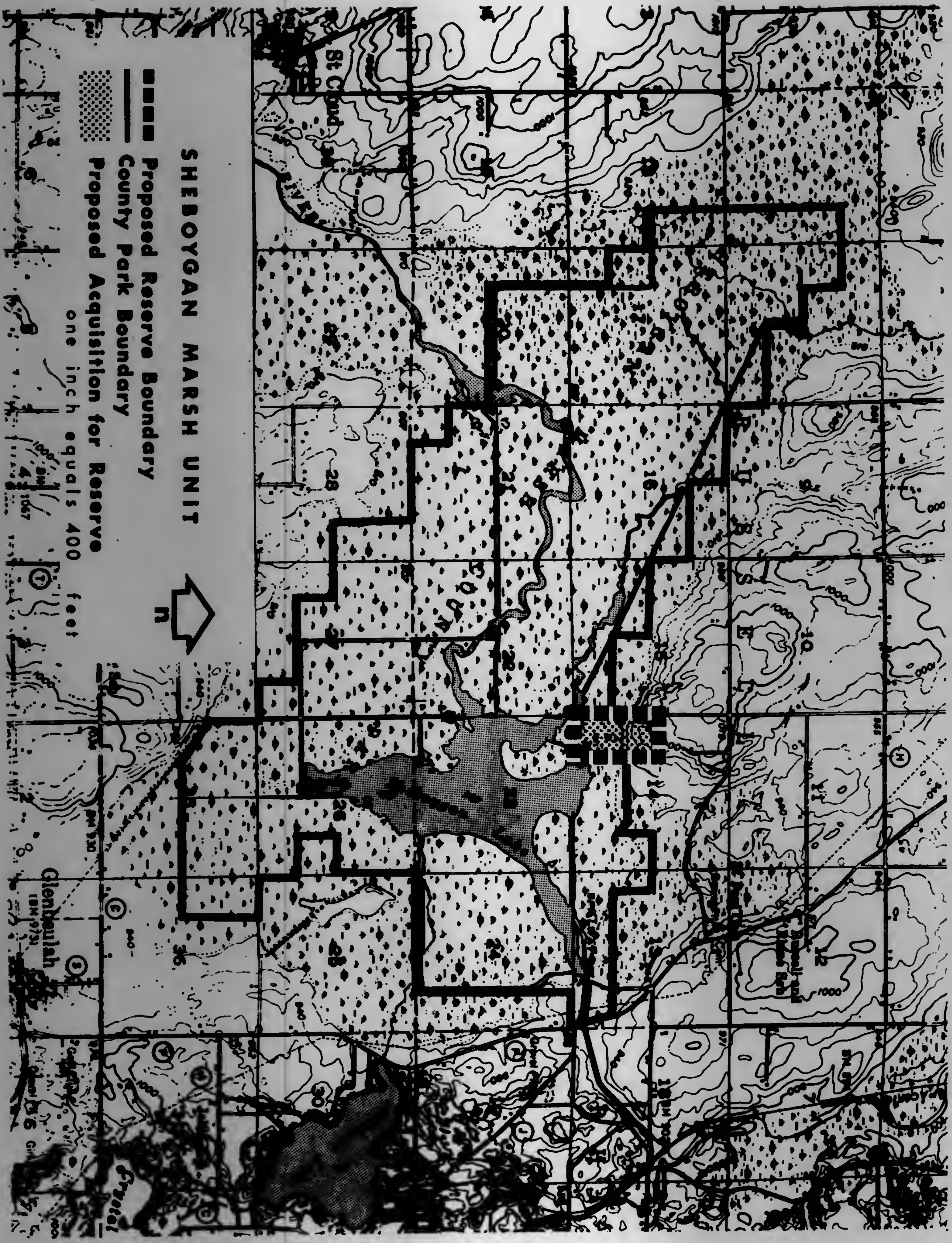

660
36
35
BB
T 22 N
T 21 N
621
buried forest
BM
624
BBB
2
620
Lake Michigan
Two Creeks

TWO CREEKS UNIT

■■■■ Proposed Reserve Boundary

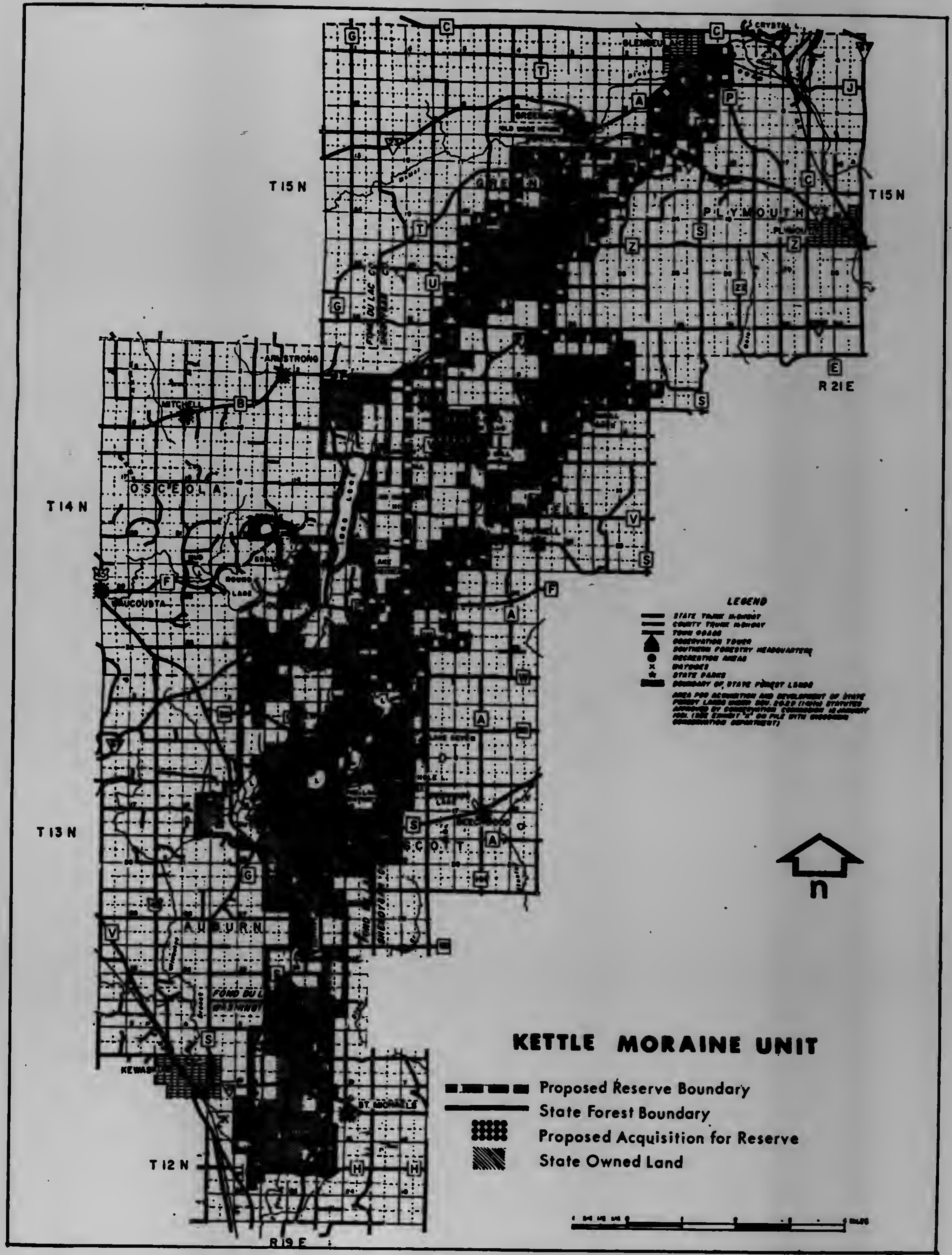
one inch equals 1500 feet

n



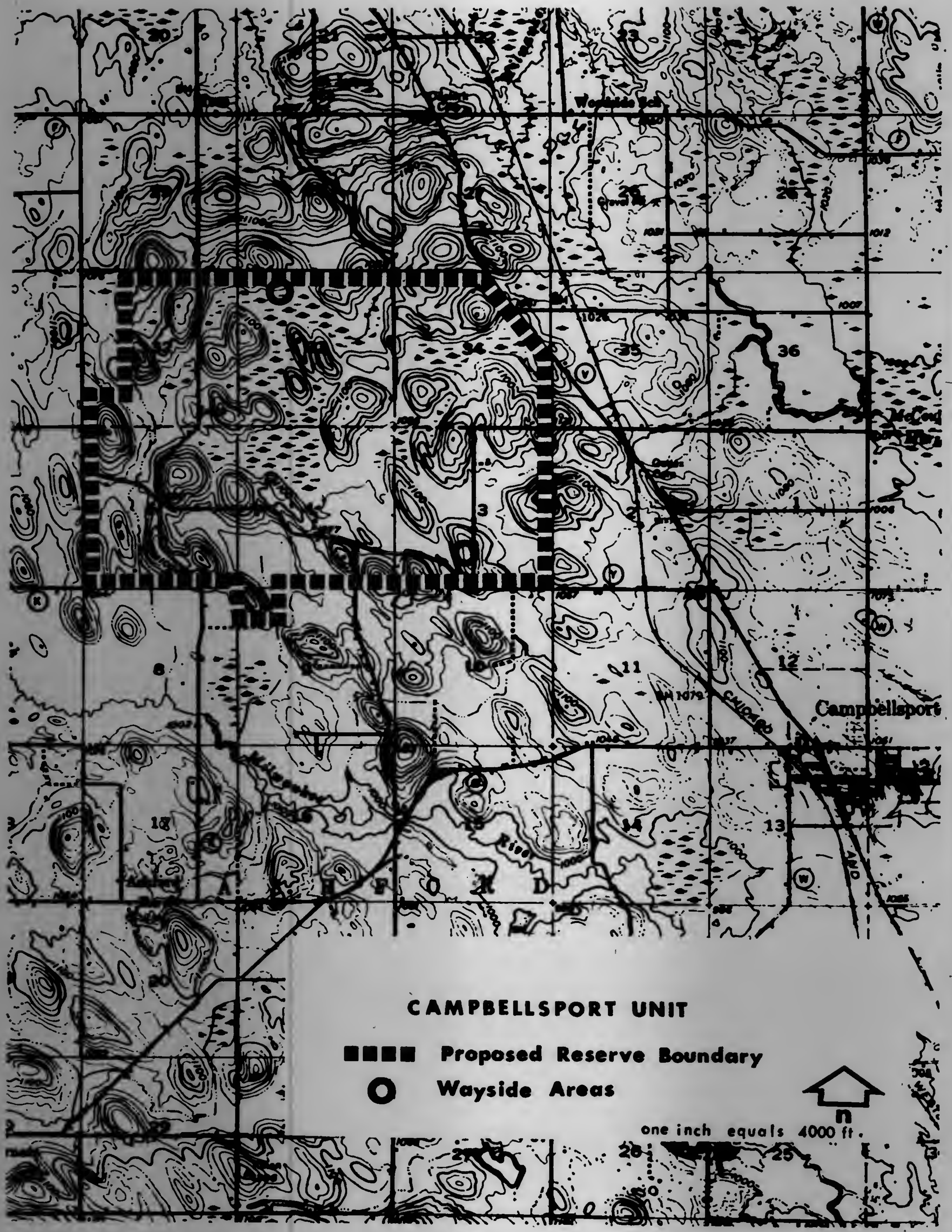
SHEBOYGAN MARSH UNIT

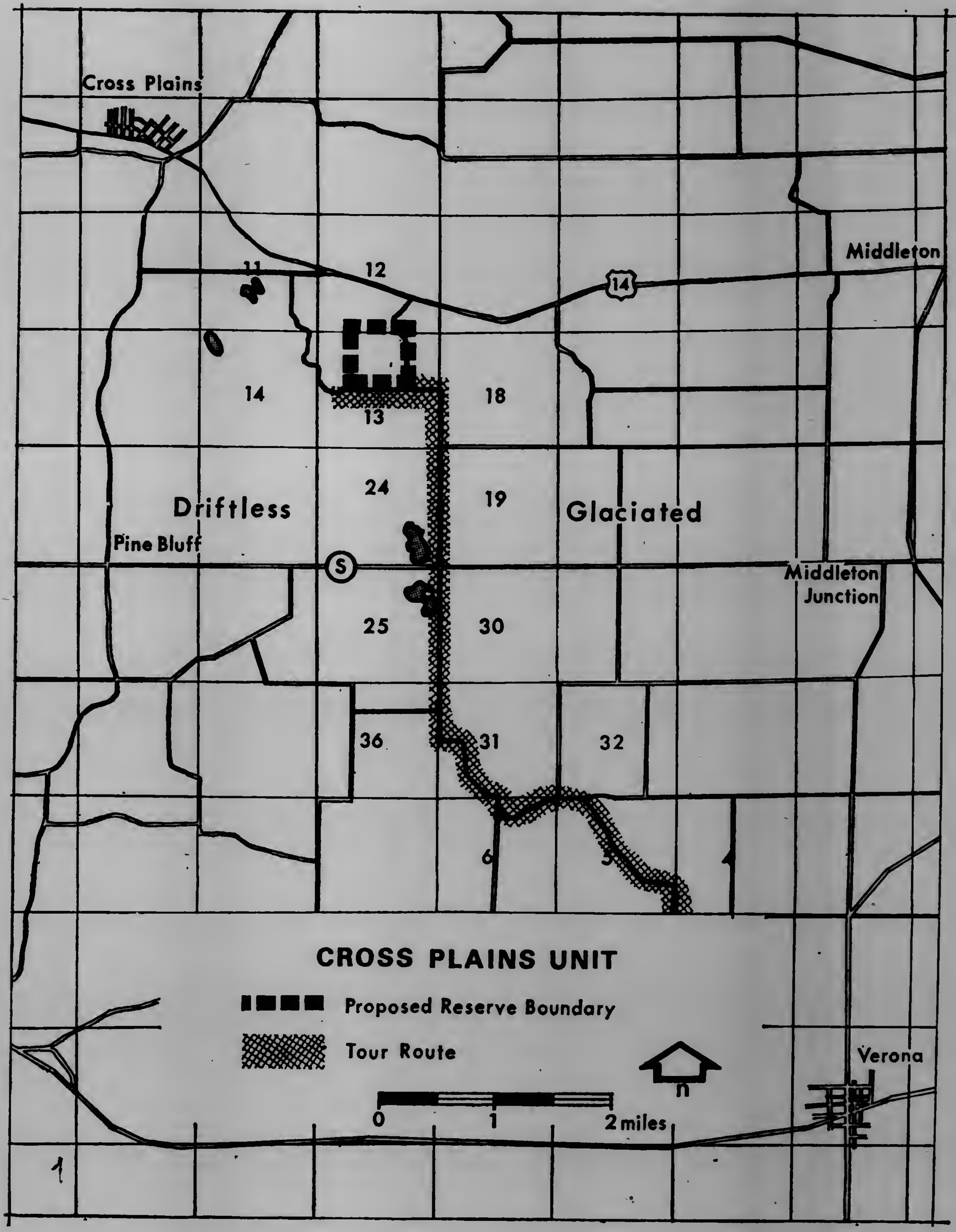
Proposed Reserve Boundary
County Park Boundary
Proposed Acquisition for Reserve
one inch equals 400 feet
n
St Cloud
Glenbeulah



KETTLE MORAINE UNIT

Proposed Reserve Boundary
State Forest Boundary
Proposed Acquisition for Reserve
State Owned Land
LEGEND
STATE TRUNK HIGHWAY
COUNTY TRUNK HIGHWAY
TOWN ROADS
OBSERVATION TOWER
SOUTHERN FORESTRY HEADQUARTERS
RECREATION AREAS
WAYSIDES
STATE PARKS
BOUNDARY OF STATE FOREST LANDS
T15N
T14N
T13N
T12N
R21E
R19E
PLYMOUTH
OSCEOLA
AUBURN
SCOTT
ARMSTRONG
MITCHELL
KEWASKUM
n


CAMPBELLSPORT UNIT
■■■■ Proposed Reserve Boundary
○ Wayside Areas
one inch equals 4000 ft.
n
Campbellsport
36
35
34
3
2
11
12
13
14
ASHFORD


CROSS PLAINS UNIT
■■■■ Proposed Reserve Boundary
▨ Tour Route
n
0 1 2 miles
Cross Plains
Middleton
Middleton Junction
Pine Bluff
Verona
Driftless
Glaciated
14
11
12
13
14
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36
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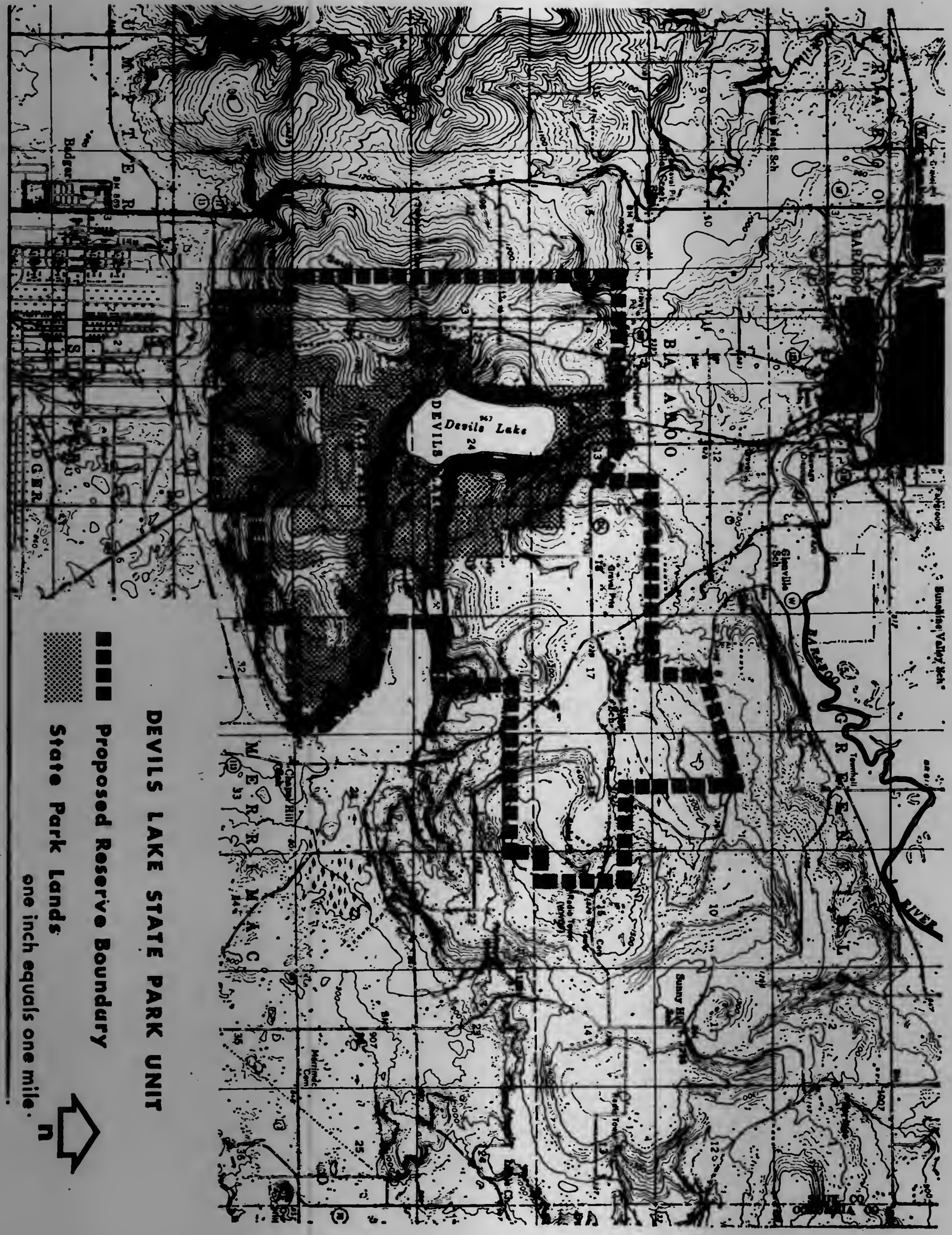
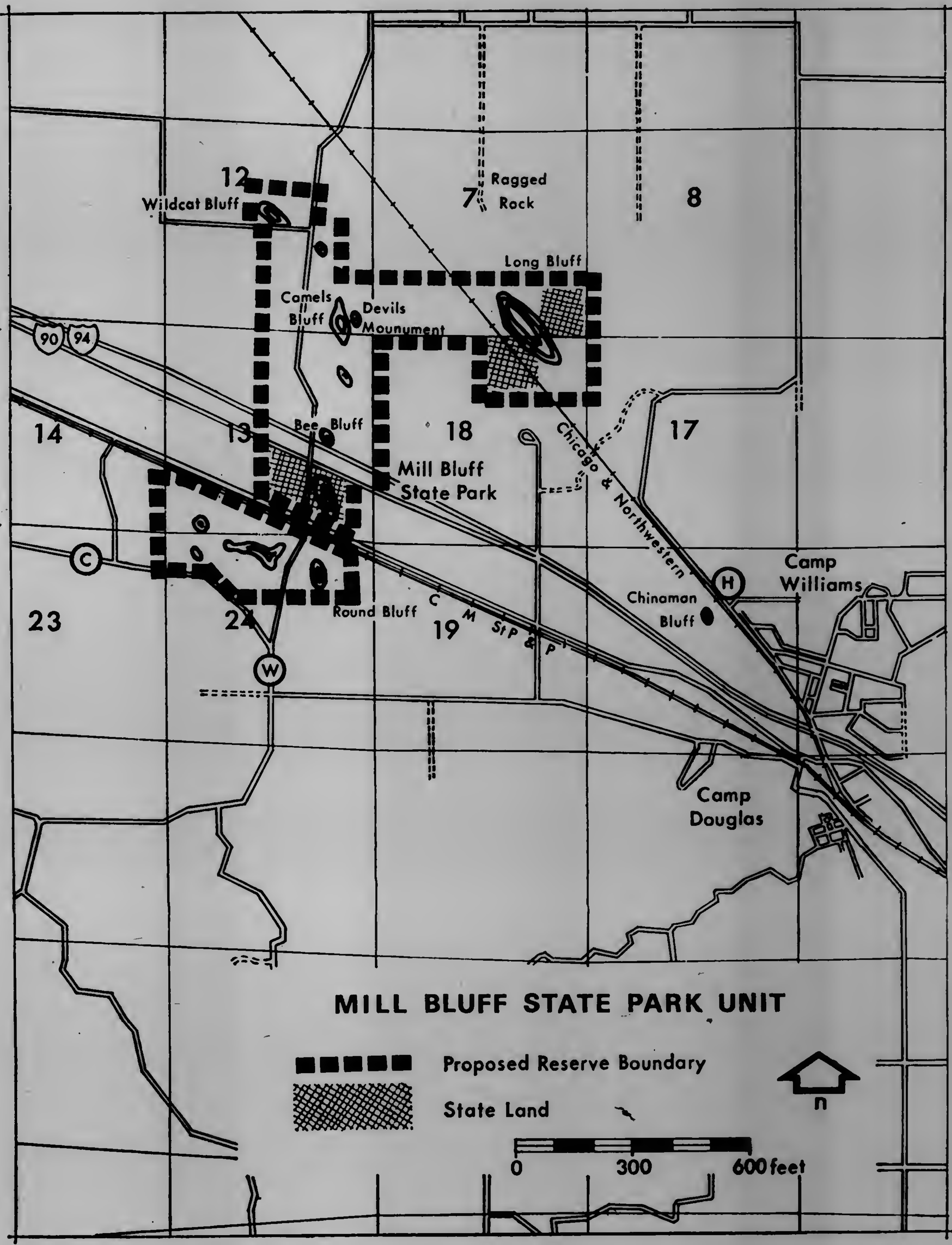
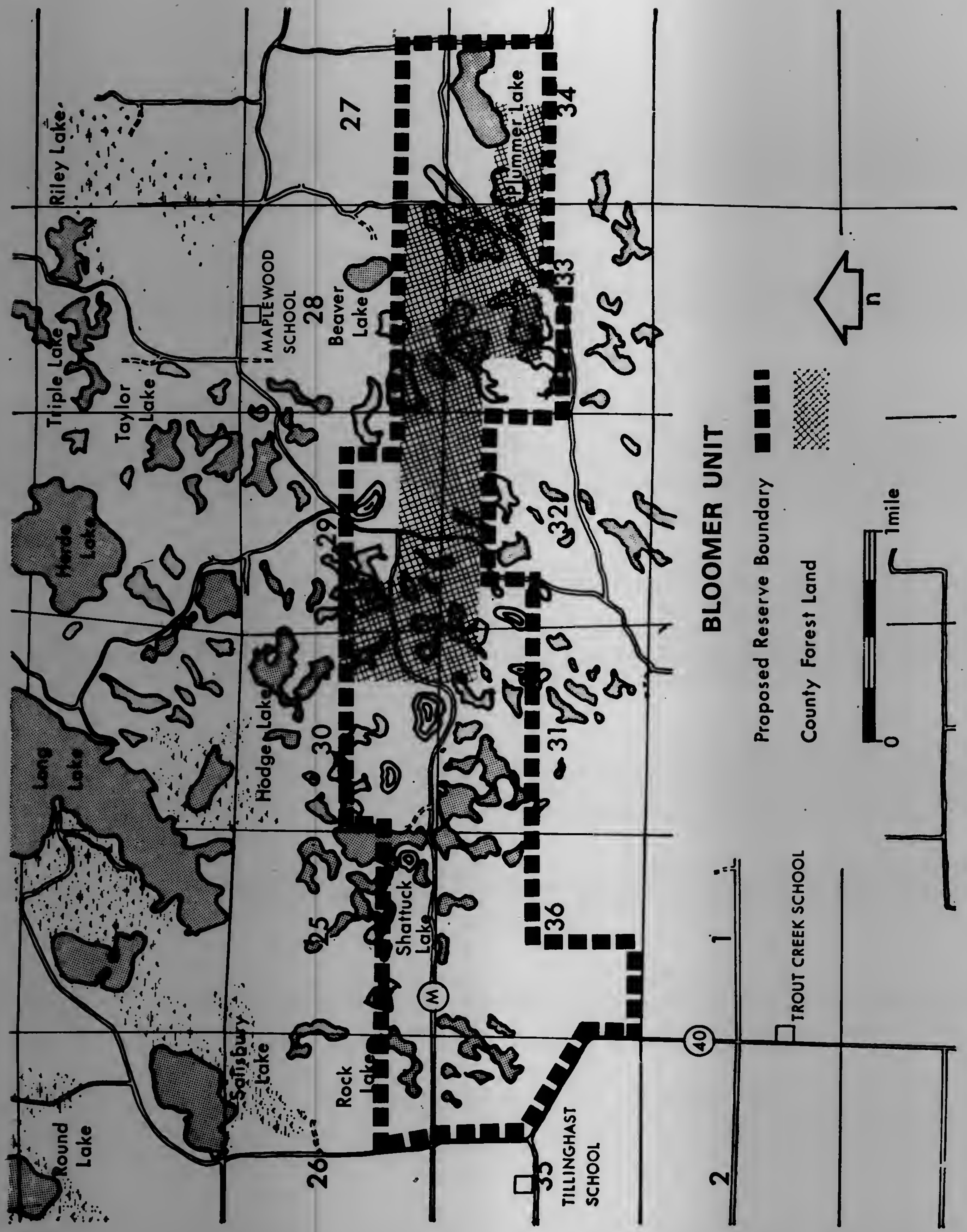
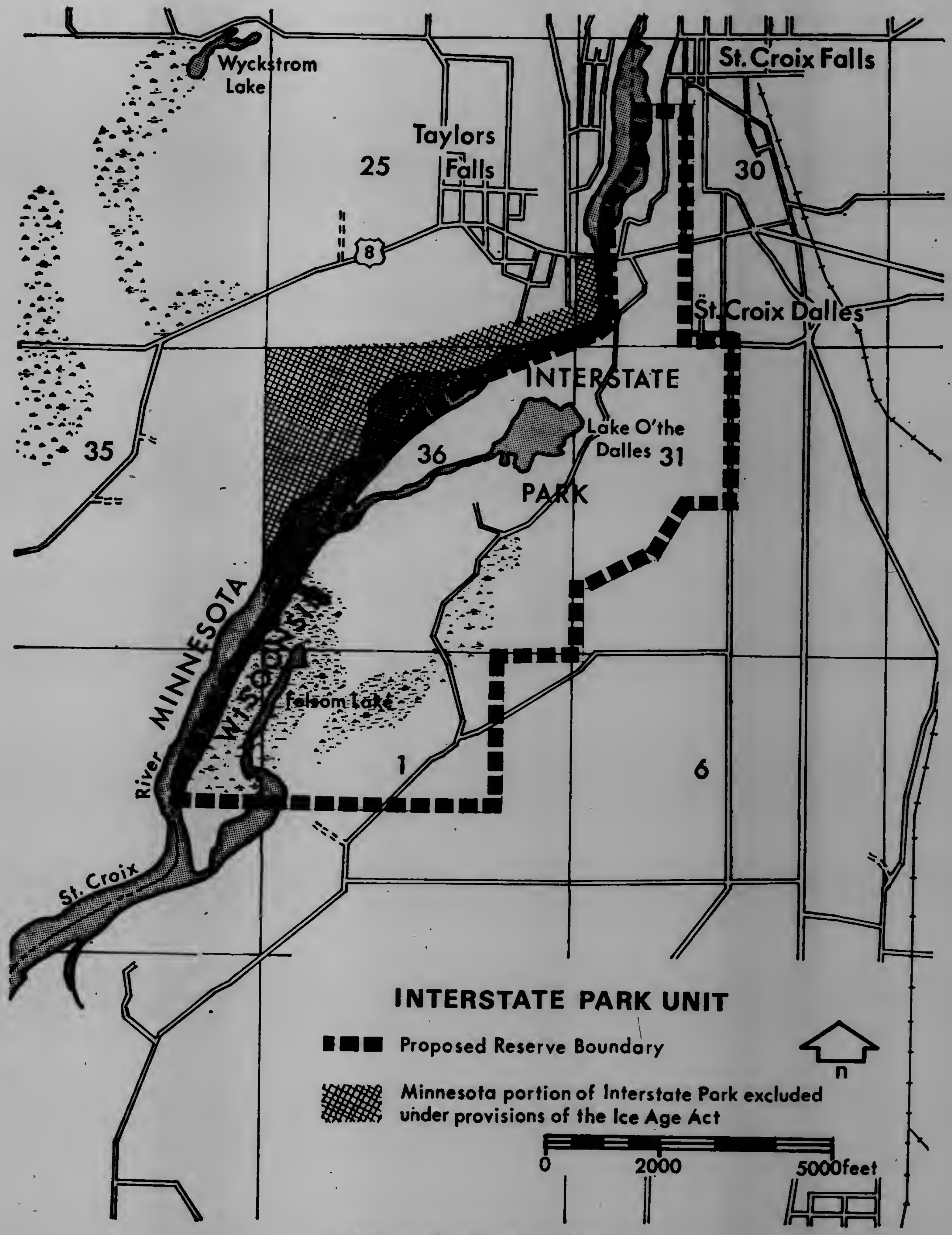
32
6
5
S


Devils Lake
DEVILS LAKE STATE PARK UNIT
▬▬ Proposed Reserve Boundary
▨ State Park Lands
one inch equals one mile.
n


12
Wildcat Bluff
7
Ragged Rock
8
Long Bluff
Camels Bluff
Devils Mounument
90
94
14
13
Bee Bluff
18
17
Mill Bluff State Park
Chicago & Northwestern
C
23
24
Round Bluff
C M St P & P
19
W
H
Camp Williams
Chinaman Bluff
Camp Douglas
MILL BLUFF STATE PARK UNIT
▬▬ Proposed Reserve Boundary
▨ State Land
n
0
300
600 feet


BLOOMER UNIT
■■■ Proposed Reserve Boundary
▨ County Forest Land
0
1mile
n
Riley Lake
Triple Lake
Taylor Lake
Horse Lake
Long Lake
Hodge Lake
Round Lake
Salisbury Lake
Rock Lake
Shattuck Lake
Beaver Lake
Plummer Lake
MAPLEWOOD SCHOOL
TILLINGHAST SCHOOL
TROUT CREEK SCHOOL
27
28
29
30
31
32
33
34
35
36
25
26
1
2
M
40


INTERSTATE PARK UNIT
■■■ Proposed Reserve Boundary
▨ Minnesota portion of Interstate Park excluded under provisions of the Ice Age Act
0
2000
5000feet
n
Wyckstrom Lake
Taylors Falls
St. Croix Falls
St. Croix Dalles
INTERSTATE
PARK
Lake O'the Dalles
MINNESOTA
WISCONSIN
Folsom Lake
St. Croix River
8
25
30
35
36
31
1
6

[FR Doc.71-7205 Filed 5-28-71;8:45 am]

DEPARTMENT OF AGRICULTURE

Consumer and Marketing Service

EGG PRICES AND MARKET CONDITIONS

Modification of Market News

On March 9, 1971, the USDA asked for comments on recommendations for major changes in the reporting of market prices of shell eggs. These recommendations had been made by the United Egg Producers, a nationwide cooperative of egg producers and marketers.

Approximately 1,100 comments were received as a result of the notice. All segments of the industry were represented, as well as other interested parties, such as bakers, hospitals, churches, military services, and bankers. This large number of responses reflects the high degree of interest surrounding the issue, as well as its importance. While the large majority of the responses received (75 percent) opposed UEP's recommendations, practically all segments of the industry were divided to some degree.

In addition to the request for comments, two public meetings—one in Chicago and one in New York City—were held to hear the views of interested persons. These two meetings were attended by 215 persons, 47 of whom presented statements.

In view of the comments received, as well as an in-depth study conducted by the Department, no major price reports will be discontinued at this time. However, some reports will be modified effective July 6, 1971. These modifications are as follows:

1. Wholesale Report—Chicago:

a. Discontinue daily report and initiate a twice-a-week (Wednesday and Friday) report.

b. Discontinue reporting a full range of prices by eliminating the extremes.

c. Continue to report a weighted average price but report twice-a-week rather than daily.

With the declining volume of trading of loose eggs in Chicago (10,000–12,000 cases per week presently covered by Market News reports) there are days when the volume on some grades and sizes is considered insufficient to report a valid price. There likely will be more occasions when no daily prices can be reported as the volume of trading further declines. Therefore, the Department considered two alternatives—one was to discontinue reporting the wholesale price and the other was to report in a way to have sufficient volume of sales to report meaningful prices. The study revealed that by reporting on Wednesday the trading that occurred on Monday, Tuesday, and Wednesday and reporting on Friday the sales that were made on Thursday and Friday, the prices represented a sufficient volume of eggs traded on all grades and sizes. This change will also reduce the fluctuations caused by irregular deliveries of large quantities of product on a given day. The range will be narrowed by eliminating the extreme prices where it is clearly evident that such prices are not in line with normal trading. Such sales would be carried in the market comment rather than in the table of prices.

2. Wholesale Report—New York City:

a. Continue to report daily price information.

b. Discontinue reporting a full range by eliminating the extremes.

c. Continue to report a "mostly" price.

The study of New York market activity revealed there was 40,000–50,000 cases of loose eggs covered weekly by Market News reports. Trade participation was quite broad and there was a sufficient volume of eggs traded daily to warrant continuation of the present daily wholesale report. On a few occasions the elimination of a price outside of normal trading patterns may have resulted in a more meaningful report. These few extremes will be eliminated from the price range and included in the market comment.

3. Cartoned Egg Prices—21 Major Markets:

a. Continue to report daily prices.

b. Eliminate extremes in the reported range.

Cartoned egg prices which mainly represent sales to retailers will continue to be reported daily. The volume of eggs covered by these reports is increasing as is the importance of this series. Price fluctuations in these reports are becoming less frequent but there is still sufficient price changes to warrant daily reports. The Department will keep close surveillance on these reporting services. When there is evidence that some reports could be released less frequently, changes will be made.

The study on cartoned egg prices also indicated the need to release a more narrow price range for more meaningful reporting. This was true at several points because of including small lot sales or feature sales activity in the price range. Such extremes will be eliminated. Narrowing the price range reported will help indicate the trend in market values more quickly and be more useful to industry as a guide in market conditions. In addition a monthly price will be reported when possible. These changes will be effective in most markets by July 6, 1971, but some reports will require more time.

4. Narrative statements on market conditions will continue to be released daily. More effort will be extended to employ words and phrases in common use and to depend less on expressing market conditions in terms of special phrases understood only by a small segment of the industry.

The Department appreciates the response and views received from interested persons on this issue.

Done at Washington, D.C., this 26th day of May 1971.

G. R. GRANGE,
Deputy Administrator,
Marketing Services.

[FR Doc.71-7560 Filed 5-28-71;8:48 am]

Office of the Secretary

KENTUCKY

Designation of Areas for Emergency Loans

On the basis of the May 10, 1971, declaration by the President of a major disaster and the consequent areas determination by the Director. Office of Emergency Preparedness, the following counties in the State of Kentucky are hereby designated for the purpose of making emergency loans pursuant to section 321 of the Consolidated Farmers Home Administration Act of 1961 (7 U.S.C. 1961) as modified by section 232 of the Disaster Relief Act of 1970 (Public Law 91-606):

KENTUCKY

Adair.
Butler.
Green.
Muhlenberg.
Ohio.
Pulaski.
Russell.
Warren.

Emergency loans will not be made in these counties under this designation after June 30, 1972, except subsequent loans to qualified borrowers who receive initial loans under this designation on or before that date.

Done at Washington, D.C., this 25th day of May 1971.

CLIFFORD M. HARDIN,
Secretary of Agriculture.

[FR Doc.71-7521 Filed 5-28-71;8:46 am]

Packers and Stockyards Administration

BIG VALLEY LIVESTOCK AUCTION ET AL.

Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	*Current name of stockyard and date of change in name*
CALIFORNIA	
Bakersfield Livestock Auction Co., Bakersfield, Nov. 25, 1967.	Big Valley Livestock Auction, Apr. 15, 1971.
IOWA	
Cow Palace, Inc., Forest City, May 16, 1959	Jennings Brothers, Inc., Apr. 1, 1971.
KENTUCKY	
Logan County Livestock Company, Inc., Russellville, Dec. 11, 1959.	Logan County Livestock Market, Inc., Nov. 13, 1968.
NEBRASKA	
Wells Commission Company Stockyards, Fremont, June 7, 1941.	Wells Commission Company, Mar. 1, 1971.
WASHINGTON	
Tonasket Livestock Market, Inc., Tonasket, Oct. 9, 1959.	Okanogan Livestock Market, Inc., d.b.a. Tonasket Livestock Market, Mar. 11, 1971.

Done at Washington, D.C., this 25th day of May 1971.

G. H. HOPPER,
Chief, Registrations, Bonds, and
Reports Branch, Livestock Marketing Division.

[FR Doc.71-7520 Filed 5-28-71;8:46 am]

DEPARTMENT OF COMMERCE

Maritime Administration

[Docket No. S-264]

TRINIDAD CORP.

Notice of Application

Notice is hereby given that Trinidad Corp. has filed an application for operating-differential subsidy on six (6) proposed new tankers of approximately 37,500 deadweight tons each to be operated between Caribbean ports and U.S. Gulf and Atlantic ports.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 605(c) of the Merchant Marine Act, 1936, as amended, 46 U.S.C. 1175, should, by the close of business on June 15, 1971, notify the Secretary, Maritime Subsidy Board in writing in triplicate, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Subsidy Board.

In the event a section 605(c) hearing is ordered to be held, the purpose thereof will be to receive evidence relevant to (1) whether the application is one with respect to vessels to be operated in an essential service, served by citizens of the United States which would be in addition to the existing service, or services, and if so, whether the service already provided by vessels of U.S. registry in such essential service is inadequate, and (2) whether in the accomplishment of the purposes and policy of the Act additional vessels should be operated thereon.

If no request for hearing and petition for leave to intervene is received within the specified time, or if the Maritime Subsidy Board determines that petitions for leave to intervene filed within the specified time do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board will take such action as may be deemed appropriate.

Dated: May 26, 1971.

By order of the Maritime Subsidy Board

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-7542 Filed 5-28-71;8:51 am]

[Docket No. S-265]

TRINIDAD CORP.

Notice of Application

Notice is hereby given that Trinidad Corp. has filed an application dated May 13, 1971, under the Merchant Marine Act of 1936, as amended, for operating-differential subsidy on six new 37,500 d.w.t. tankers to be employed in U.S. foreign trade. Inasmuch as Trinidad Corp. owns and operates several U.S.-flag tankers which are employed in the domestic intercoastal or coastwise service, and is affiliated with S. C. Loveland Co., Inc., a certified carrier in the domestic trade, written permission of the Maritime Administration under section 805(a) of the Merchant Marine Act, 1936, as amended, will be required for Trinidad Corp. to continue said domestic service if its application for operating-differential subsidy is granted.

Trinidad Corp. and its affiliates own and operate vessels in the following domestic services:

I. "SS Austin," "SS Fort Worth," and "SS Pasadena," all tankers, make approximately 25 voyages each per year hauling clean petroleum products for account of Shell Oil Co. primarily from Norco, La., or Pasadena, Tex., to Sewaren, N.J.; or ports on the Hudson River as far north as Albany, N.Y.; or to Bridgeport, Conn., and Port Jefferson, Long Island, N.Y. Occasional loadings are made at Las Mareas, P.R., and occasional discharge ports range from Tampa, Fla., to Portland, Maine.

II. The tanker "SS Houston" is under contract to the Shell Oil Co., and the tanker "SS Lyon's Creek" is chartered to Chevron Transport Corp. The latter is in dirty oil and trades mainly between ports in California with occasional voyages to Hawaii. Like "SS Lyon's Creek," "SS Houston" has no set pattern. Typically, she may load refined petroleum products at San Pedro, sail to Seattle for discharge and back load heating oil refined from Canadian crude for discharge at Anchorage, Alaska. After discharge, she may make a short ballast passage to Cook Inlet where she would load Alaskan crude for discharge at San Pedro where the next voyage starts.

III. S. C. Loveland Co., Inc., an affiliated company of Trinidad, is a common carrier certified by the Interstate Commerce Commission with right to operate steamships, barges, and towboats, or by towing only from Eastport, Maine, to Tampa, Fla., with coastwise and all tributaries privilege.

Interested parties may inspect this application in the Office of Subsidy Administration, Maritime Administration Room No. 4888, Department of Commerce Building, 14th and E Streets NW., Washington, DC.

Any person, firm, or corporation having any interest (within the meaning of section 805(a)) in such application and desiring to submit comments or views concerning the application must, by close of business on June 15, 1971, file same with the Maritime Subsidy Board/Maritime Administration, in writing, in triplicate, together with petition for leave to intervene which shall state clearly and concisely the grounds of interest, and the alleged facts relied on for relief.

If no petitions for leave to intervene are received within the specified time or if it is determined that petitions filed do not demonstrate sufficient interest to warrant a hearing, the Maritime Subsidy Board/Maritime Administration will take such action as may be deemed appropriate.

In the event petitions regarding the relevant section 805(a) issues are received from parties with standing to be heard, a hearing has been tentatively scheduled for ____________, in Room ______, Department of Commerce Building, 14th and E Streets NW., Washington, DC. The purpose of the hearing will be to receive evidence under section 805(a) relative to whether the proposed operation (a) could result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the Act relative to domestic trade operations.

Dated: May 26, 1971.

By order of the Maritime Subsidy Board/Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.71-7543 Filed 5-28-71;8:51 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

COLLOIDAL PRODUCTS CORP.

Notice of Filing of Petition for Food Additives

Pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409 (b)(5), 72 Stat. 1786; 21 U.S.C. 348(b)(5)), notice is given that a petition (FAP 1H2680) has been filed by Colloidal Products Corp., Post Office Box 621, Petaluma, Calif. 94952, proposing that § 121.1225 *Adjuvants for pesticide use dilutions* (21 CFR 121.1225) be amended to provide for the safe use of 2-methyl-butanol-4 *omega* hydroxypoly (oxyethylene) mixture of dihydrogen and monohydrogen phosphate esters (the poly(oxyethylene) content averaging 4 moles) to be used as an adjuvant for pesticide use dilutions by a grower or applicator prior to application to the growing crop.

Dated: May 24, 1971.

VIRGIL O. WODICKA,
Director, Bureau of Foods.

[FR Doc.71-7530 Filed 5-28-71;8:46 am]

[Docket No. FDC-D-222; NADA No. 9-903V, etc.]

DR. MAYFIELD LABORATORIES ET AL.

Arsenic Trioxide-Vitamin Preparations; Notice of Withdrawal of Approval of New Animal Drug Applications

A notice of opportunity for hearing was published in the FEDERAL REGISTER of December 9, 1970 (35 F.R. 18689), proposing to withdraw approval of NADA's (new animal drug applications) covering drugs containing arsenic trioxide, iron oxide, potassium iodide, cobalt carbonate, manganese sulfate, magnesium carbonate, zinc phenosulfonate, and vitamins recommended for use as a vitamin trace mineral supplement for certain poultry and swine.

Dr. Mayfield Laboratories, 1209 South Main Street, Charles City, Iowa 50616, holder of NADA No. 9—903V for the drug Dr. Mayfield ML-23, requested a hearing. However, a well-organized and full-factual analysis of the clinical and other investigational data was not presented to support the request. Therefore, the Commissioner of Food and Drugs finds that there is no genuine and substantial issue of fact which precludes the withdrawal of approval of the application. The hearing request is therefore denied.

Globe Laboratories, 166 Commerce Street, Fort Worth, Tex. 76102, holder of NADA No. 318V for the drug Globe Veterinary Tonic Powder, and L. A. Mosher Inc., 268 Spring Street NW., Atlanta, Ga. 30303, holder of NADA No. 1-328V for the drug Veterinary Powder, did not respond to the December 9, 1970, notice. This is construed as an election by said firms not to avail themselves of the opportunity for a hearing. No other response to the notice of opportunity for a hearing was received.

The Commissioner finds on the basis of new information before him with respect to said drugs, evaluated together with the evidence available to him when the applications were approved, that there is a lack of substantial evidence that the drugs will have the effect they purport or are represented to have under the conditions of use prescribed, recommended, or suggested in their labeling.

Based on the grounds set forth, the Commissioner concludes that approval of said new animal drug applications should be withdrawn. Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(e), 82 Stat. 345-47; 21 U.S.C. 360b(e)) and under authority delegated to the Commissioner (21 CFR 2.120), approval of NADA No. 9-903V and NADA No. 318V, and NADA No. 1-328V, including all amendments and supplements thereto, is hereby withdrawn effective on the date of signature of this document.

Dated: May 6, 1971.

SAM D. FINE,
Associate Commissioner for Compliance.

[FR Doc.71-7531 Filed 5-28-71;8:47 am]

CIVIL AERONAUTICS BOARD

[Docket No. 23341; Order 71-5-97]

AIR EXEC, INC.

Order To Show Cause Regarding Establishment of Service Mail Rate

Issued under delegated authority May 20, 1971.

The Postmaster General filed a notice of intent April 28, 1971, pursuant to 14 CFR Part 298, petitioning the Board to establish for the above-captioned air taxi operator, a final service mail rate of 65.5 cents per great circle aircraft mile for the transportation of mail by aircraft between Cumberland, Md., and Charleston, W. Va., via Martinsburg, W. Va., and Baltimore, Md., based on five round trips per week.

No protest or objection was filed against the proposed services during the time for filing such objections. The Postmaster General states that the Department and the carrier agree that the above rate is a fair and reasonable rate of compensation for the proposed services. The Postmaster General believes these services will meet postal needs in the market. He states the air taxi plans to initiate mail service with Piper Navajo aircraft.

It is in the public interest to fix, determine, and establish the fair and reasonable rate of compensation to be paid by the Postmaster General for the proposed transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, between the aforesaid points. Upon consideration of the notice of intent and other matters officially noticed, it is proposed to issue an order[1] to include the following findings and conclusions:

The fair and reasonable final service mail rate to be paid to Air Exec, Inc., in its entirety by the Postmaster General pursuant to section 406 of the Act for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith, shall be 65.5 cents per great circle aircraft mile between Cumberland, Md., and Charleston, W. Va., via Martinsburg, W. Va., and Baltimore, Md., based on five round trips per week.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 406 thereof, and regulations promulgated in 14 CFR Part 302, 14 CFR Part 298, and 14 CFR 385.16(f):

It is ordered, That:

1. Air Exec, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., United Air Lines, Inc., and all other interested persons are directed to show cause why the Board should not adopt the foregoing proposed findings and conclusions and fix, determine, and publish the final rate specified above for the transportation of mail by aircraft, the facilities used and useful therefor, and the services connected therewith as specified above as the fair and reasonable rate of compensation to be paid to Air Exec, Inc.;

2. Further procedures herein shall be in accordance with 14 CFR Part 302, and notice of any objection to the rate or to the other findings and conclusions proposed herein, shall be filed within 10 days, and if notice is filed, written answer and supporting documents shall be filed within 30 days after service of this order;

3. If notice of objection is not filed within 10 days after service of this order, or if notice is filed and answer is not filed within 30 days after service of this order, all persons shall be deemed to have waived the right to a hearing and all other procedural steps short of a final decision by the Board, and the Board may enter an order incorporating the findings and conclusions proposed herein and fix and determine the final rate specified herein;

4. If answer is filed presenting issues for hearing, the issues involved in determining the fair and reasonable final rate shall be limited to those specifically raised by the answer, except insofar as other issues are raised in accordance with Rule 307 of the rules of practice (14 CFR 302.307); and

5. This order shall be served on Air Exec, Inc., the Postmaster General, Allegheny Airlines, Inc., American Airlines, Inc., Eastern Air Lines, Inc., Piedmont Aviation, Inc., and United Air Lines, Inc.

This order will be published in the FEDERAL REGISTER.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7547 Filed 5-28-71;8:51 am]

[Docket No. 22916]

AMERICAN-WESTERN MERGER CASE

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, that a hearing in the above-entitled proceeding will be held on June 8, 1971, at 10 a.m., e.d.s.t., in Room 726, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before Examiner William J. Madden.

For information concerning the issues involved and other details in this proceeding, interested persons are referred to the Prehearing Conference Report and other documents which are in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated in Washington, D.C., May 25, 1971.

[SEAL] WILLIAM J. MADDEN,
Hearing Examiner.

[FR Doc.71-7548 Filed 5-28-71;8:51 am]

[Docket No. 21866-9]

DOMESTIC PASSENGER FARE INVESTIGATION

Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding (Phase 9—Fare Structure) is assigned to be held on June 28, 1971, at 10 a.m., e.d.s.t., in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, DC, before the undersigned examiner.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the Prehearing Conference Report served April 20, 1970, the Supplemental Prehearing Conference Report served May 14, 1970, and other documents which are in the Docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., May 26, 1971.

[SEAL] ROBERT M. JOHNSON,
Hearing Examiner.

[FR Doc.71-7549 Filed 5-28-71;8:51 am]

[Dockets Nos. 23380, 21866; Order 71-5-121]

TRANS WORLD AIRLINES, INC.

Order Dismissing Complaint

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 25th day of May 1971.

By tariff revision[1] marked to become effective May 26, 1971, Trans World Airlines, Inc. (TWA), proposes to provide for a 17-seat coach lounge in its B-747 aircraft, all seats to be withheld from sale. A similar provision has been in effect for American Airlines, Inc. (American), since March 14, 1971.

Pan American World Airways, Inc. (Pan American), filed a complaint, alleging that the use of large portions of the B-747 aircraft for a 17-seat coach lounge is inconsistent with the rationale of the Board's recent decision in Phase 6A of the Domestic Passenger-Fare Investigation; that the problem of the B-747 coach lounge has already been raised in exceptions to the Board's decision, and that the Board should not allow the proliferation of this uneconomic use of the B-747 pending final decision. TWA has answered the complaint, essentially alleging that as long as American is permitted to offer B-747 coach lounges, then its competitors must be permitted to do likewise.

Seating configurations are already under investigation in the Domestic Passenger-Fare Investigation, Docket 21866. TWA's tariff essentially matches that of American and under all the circumstances we have concluded that suspension would not be appropriate. Our action, however, should not be misconstrued as indicating a lack of concern over the possible economic consequences of the spread of this particular form of product competition. Moreover, in instituting these new seating configurations at a time when the matter already is under active investigation, the carriers should be on notice that any expenditures incurred in reconfiguring their aircraft will create no equity in their favor should the Board ultimately conclude that configuration standards calling for an added charge for lounge service should be adopted.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204(a) and 1002 thereof:

It is ordered, That:

1. The complaint of Pan American World Airways, Inc., in Docket 23380 is hereby dismissed; and

2. A copy of this order be served upon Pan American World Airways, Inc., and Trans World Airlines, Inc.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] HARRY J. ZINK,
Secretary.

[FR Doc.71-7501 Filed 5-28-71;8:47 am]

FEDERAL MARITIME COMMISSION

[Independent Ocean Freight Forwarder License No. 863]

AMERICAN ENTERPRISES, INC.

Order of Revocation

On May 13, 1971, the Commission received notification from Mr. Julio Enrique Amador, President, American Enterprises, Inc., 1346 Connecticut Avenue NW., Washington, DC 20036, advising that he wished to discontinue the operation of American Enterprises, Inc., effective immediately.

By virtue of authority vested in me by the Federal Maritime Commission as set forth in Manual of Orders, Commission Order No. 1 (revised) section 7.04(g) (dated Sept. 29, 1970):

It is ordered, That the Independent Ocean Freight Forwarder License of American Enterprises, Inc., be returned to the Commission for cancellation.

It is further ordered, That the Independent Ocean Freight Forwarder License No. 863 of American Enterprises, Inc., be and is hereby revoked effective May 13, 1971, without prejudice to reapplication for a license at a later date.

It is further ordered, That a copy of this order be published in the FEDERAL REGISTER and served upon American Enterprises, Inc.

AARON W. REESE,
Managing Director.

[FR Doc.71-7572 Filed 5-28-71;8:49 am]

ATLANTIC & GULF/WEST COAST OF CENTRAL AMERICA AND MEXICO CONFERENCE ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the FEDERAL REGISTER. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreements filed by:

John R. Mahoney, Esquire, Casey, Lane & Mittendorf, 26 Broadway, New York, NY 10004.

Conferences in the trades to, from, and between U.S. Atlantic and Gulf Ports and Ports in Central and South America and the Caribbean.

A petition filed in behalf of the conferences listed below, has been assigned the following respective agreement numbers:

Atlantic & Gulf/West Coast of Central America and Mexico Conference	8300-11
Atlantic & Gulf/West Coast of South America Conference	2744-33
East Coast Columbia Conference	7590-19

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[1] As this order to show cause is not a final action, it is not regarded as subject to the review provisions of 14 CFR Part 385. These provisions will apply to final action taken by the staff under authority delegated in § 385.16(g).

[1] Revision to Airline Tariff Publishers, Inc., Agent, Tariff CAB No. 65.

Leeward & Windward Islands & Guianas Conference	7540–22
United States Atlantic & Gulf-Haiti Conference	8120–12
United States Atlantic & Gulf-Jamaica Conference	4619–18
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference	6190–26
United States Atlantic & Gulf-Venezuela and Netherlands Antilles Conference-Oil Companies Contract Agreement (Proprietary Cargo)	6870–14
West Coast South America Northbound Conference	7890–8

In Docket No. 69–33, served December 16, 1969, the above conferences were given authority by the Commission to include provisions in their basic agreements authorizing them to agree to and establish through intermodal arrangements with other modes of transportation for a period of 18 months, subject tc the proviso that if during the first 12 months of approval no results were achieved from negotiations by the conferences, then the individual members were free to enter into their own negotiations. Agreements, modified to conform to the conditions of the above order, were filed and became effective February 12, 1970. Because of the 18-month approval period, the above modification will terminate on August 12, 1971.

The petition is for an extension of the above modifications for a period of 3 years, until August 12, 1974. The modifications retain the right of the member lines to negotiate through intermodal transportation arrangements. In addition, they are broadened to provide that each of the conferences shall agree upon and adopt the divisions, rates or charges for the inland portion or portions of the through service, the port-to-port portion, and any applicable port or other charges.

Dated: May 25, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71–7570 Filed 5–28–71;8:49 am]

COMPAGNIE FABRE, S.G.T.M. AND MEDITERRANEAN MARINE LINES

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Howard A. Levy, Esquire,
Kurrus & Jacobi,
2000 K Street NW.,
Washington, DC 20006.

Agreement No. 9948 provides that the above parties shall interchange containers and make container space available to each other on a uniform basis for each eastbound and each westbound sailing on their container vessels operating between the North Atlantic ports of the United States and the Mediterranean ports of Spain, France, and Italy, under terms and conditions set forth in the agreement.

Dated: May 25, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71–7569 Filed 5–28–71;8:48 am]

TRANS-PACIFIC FREIGHT CONFERENCE OF JAPAN

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1202; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, La., and San Francisco, Calif. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, within 20 days after publication of this notice in the Federal Register. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Charles F. Warren, Esquire, 1100 Connecticut Avenue NW., Washington, DC 20036.

Agreement No. 150–50 between the member lines of the Trans-Pacific Freight Conference of Japan amends Article 7(c) of the basic agreement, as amended, to enable the Conference to regulate compensation payable to the extent fixed by resolution for services rendered at Conference ports of origin.

Dated: May 25, 1971.

By order of the Federal Maritime Commission.

Francis C. Hurney,
Secretary.

[FR Doc.71–7571 Filed 5–28–71;8:49 am]

FAIRSEA SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Fairsea Shipping Corp. and Sitmar Cruises, Inc., 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 26, 1971.

Francis C. Hurney,
Secretary.

[FR Doc.71–7565 Filed 5–28–71;8:48 am]

FAIRSEA SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Fairsea Shipping Corp. and Sitmar Cruises, Inc., 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 26, 1971.

Francis C. Hurney,
Secretary.

[FR Doc.71–7566 Filed 5–28–71;8:48 am]

FAIRWIND SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Issuance of Performance Certificate

Security for the protection of the public; indemnification of passengers for nonperformance of transportation.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility for Indemnification of Passengers for Nonperformance of Transportation pursuant to the provisions of section 3, Public Law 89–777 (80 Stat. 1357, 1358) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Fairwind Shipping Corp. and Sitmar Cruises, Inc., 27 Boulevard d'Italie, Monte Carlo, Monaco.

Dated: May 26, 1971.

Francis C. Hurney,
Secretary.

[FR Doc.71–7567 Filed 5–28–71;8:48 am]

FAIRWIND SHIPPING CORP. AND SITMAR CRUISES, INC.

Notice of Issuance of Casualty Certificate

Security for the protection of the public; financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages.

Notice is hereby given that the following have been issued a Certificate of Financial Responsibility to Meet Liability Incurred for Death or Injury to Passengers or Other Persons on Voyages pursuant to the provisions of section 2, Public Law 89–777 (80 Stat. 1356, 1357) and Federal Maritime Commission General Order 20, as amended (46 CFR Part 540):

Fairwind Shipping Corp. and Sitmar Cruises, Inc., 27 Boulevard d'Italie Monte Carlo, Monaco.

Dated: May 26, 1971.

Francis C. Hurney,
Secretary.

[FR Doc.71–7568 Filed 5–28–71;8:48 am]

FEDERAL POWER COMMISSION

[Docket No. CP71–272]

COLORADO INTERSTATE GAS CO.

Notice of Application

May 21, 1971.

Take notice that on May 14, 1971, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (applicant), Post Office Box 1087, Colorado Springs, CO 80901, filed in Docket No. CP71–272 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(e) of the regulations under said Act, for a certificate of public convenience and necessity authorizing the construction, during the 12-month period beginning July 22, 1971, and operation of certain natural gas sales and transportation facilities to enable applicant to make sales of natural gas to existing customers and to make miscellaneous rearrangements of existing facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The purpose of the certificate requested herein is to augment applicant's ability to supply, with the least possible delay, the natural gas requirements of its customers in existing market areas, and to make miscellaneous relocations and rearrangements of existing facilities. The total cost of the natural gas facilities proposed herein is not to exceed $300,000, which cost, applicant states will be financed with current working funds.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71–7525 Filed 5–28–71;8:46 am]

[Docket No. CP71–164]

CITY OF DE QUEEN, ARK., AND LOUISIANA-NEVADA TRANSIT CO.

Notice of Further Postponement of Hearing

May 24, 1971.

City of De Queen, Arkansas, applicant, v. Louisiana-Nevada Transit Co., Respondent; Docket No. CP71–164.

On May 10, 1971, the Arkansas Public Service Commission filed a request for a postponement of the hearing from June 15 to June 22, 1971, in the above-designated matter. On May 20, 1971, Counsel for the city of De Queen, Ark., filed a letter requesting, inter alia, that the hearing be postponed to June 15, 1971. The letter states that all parties are in agreement with the request.

Upon consideration, notice is hereby given that the hearing is further postponed to convene at 10 a.m., e.d.t., on June 17, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC 20426.

Kenneth F. Plumb,
Acting Secretary.

[FR Doc.71–7524 Filed 5–28–71;8:46 am]

[Docket No. G–18337]

EL PASO NATURAL GAS CO.

Notice of Petition To Amend

May 24, 1971.

Take notice that on May 13, 1971, El Paso Natural Gas Co. (petitioner), Post Office Box 1492, El Paso, TX 79999, filed in Docket No. G–18337 a petition to amend the Commission's order heretofore issued in said docket on June 12, 1963 (29 FPC 1161), as amended on October 10, 1963 (30 FPC 989), issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act, by authorizing the operation of existing facilities for the transportation and delivery of natural gas to Arizona Public Service Co. (Arizona), for use in its proposed Yuma Power Plant to be located in Yuma County, Ariz., all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The order of June 12, 1963, as amended, authorized, inter alia, the construction and operation of facilities for the transportation, and delivery of natural gas to Arizona for use in its Phoenix, Saguaro, and Ocotillo Power Plants, and for delivery of natural gas to Arizona for redelivery to Salt River Project Agricultural Improvement and Power District (Salt River) for use in its Kyrene, Cross Cut, and Agua Fria Power Plants. The volume of natural gas so delivered was not to exceed 47,248,879 Mcf annually.

Petitioner proposes herein the transportation and delivery of natural gas to Arizona for the fuel requirements of the proposed Yuma Power Plant. This service will not exceed 594 Mcf hourly and 5,000 Mcf daily and will be available only during the summer period. The application states these delivery volumes will be made within the aggregate contracted quantities of natural gas which petitioner is presently authorized to transport, and deliver to Arizona for use as fuel in all of its electric generating plants. Petitioner also states that no new or additional facilities will be required to render the service proposed herein.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before June 14, 1971, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7527 Filed 5-28-71;8:46 am]

[Docket No. CP66-189]

WASHINGTON COUNTY UTILITY DISTRICT OF WASHINGTON, TENN., AND EAST TENNESSEE NATURAL GAS CO.

Notice of Extension of Time and Postponement of Hearing

MAY 24, 1971.

On May 6, 1971, Washington County Utility District of Washington, Tenn. (applicant), filed a request for an extension of time within which applicant and East Tennessee Natural Gas Co. (respondent) shall file their evidence. Applicant also requests a postponement of the hearing set for June 2, 1971, by order issued on April 30, 1971, in the above-designated proceeding. The request states that respondent, United Cities Gas Co. and the Commission Staff have no objection to the request.

Upon consideration, notice is hereby given that the time is extended to and including June 17, 1971, within which applicant and respondent shall file with the Commission and serve on all parties and the Commission Staff their evidence, pursuant to paragraph (A) of the order issued April 30, 1971. The hearing is postponed, to commence at 10 a.m., e.d.t., on June 29, 1971, in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, DC.

KENNETH F. PLUMB,
Acting Secretary.

[FR Doc.71-7526 Filed 5-28-71;8:46 am]

FEDERAL RESERVE SYSTEM

BANK SHARES, INC.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(3) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(3)), by Bank Shares, Inc., which is a bank holding company located in Minneapolis, Minn., for prior approval by the Board of Governors of the acquisition by applicant of at least 80 percent of the voting shares of Olmsted County Bank & Trust Co., Rochester, Minn.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Minneapolis.

By order of the Board of Governors, May 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7522 Filed 5-28-71;8:46 am]

GREAT LAKES HOLDING CO.

Notice of Application for Approval of Acquisition of Shares of Bank

Notice is hereby given that application has been made, pursuant to section 3(a)(1) of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a)(1)), by Great Lakes Holding Co., Kalamazoo, Mich., for prior approval by the Board of Governors of action whereby applicant would become a bank holding company through the acquisition of not less than 98 percent nor more than 92 percent of the voting shares of Industrial State Bank & Trust Co., Kalamazoo, Mich.

Section 3(c) of the Act provides that the Board shall not approve:

(1) Any acquisition or merger or consolidation under section 3 which would result in a monopoly, or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the United States, or

(2) Any other proposed acquisition or merger or consolidation under section 3 whose effect in any section of the country may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless the Board finds that the anticompetitive effects of the proposed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

Section 3(c) further provides that, in every case, the Board shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned, and the convenience and needs of the community to be served.

Not later than thirty (30) days after the publication of this notice in the FEDERAL REGISTER, comments and views regarding the proposed acquisition may be filed with the Board. Communications should be addressed to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551. The application may be inspected at the office of the Board of Governors or the Federal Reserve Bank of Chicago.

By order of the Board of Governors, May 25, 1971.

[SEAL] KENNETH A. KENYON,
Deputy Secretary.

[FR Doc.71-7523 Filed 5-28-71;8:46 am]

INTERAGENCY TEXTILE ADMINISTRATIVE COMMITTEE

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN NICARAGUA

Entry or Withdrawal From Warehouse for Consumption

MAY 25, 1971.

On April 29, 1971, the U.S. Government in furtherance of the objective of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962, and extended through September 30, 1973, requested the Government of the Republic of Nicaragua to enter into consultations concerning exports to the United States of cotton textile products in Category 22 produced or manufactured in Nicaragua. In that request the U.S. Government stated its view that exports in this category from Nicaragua should be restrained for the 12-month period beginning April 29, 1971, and extending through April 28, 1972.

Notice is hereby given that under the provisions of Article 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 22 produced or manufactured in Nicaragua and exported from Nicaragua on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administration Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-7555 Filed 5-28-71;8:52 am]

CERTAIN COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN THAILAND

Entry or Withdrawal From Warehouse for Consumption

MAY 25, 1971.

On April 30, 1971, the U.S. Government in furtherance of the objective of, and under the terms of, the Long-Term Arrangement Regarding International Trade in Cotton Textiles, done at Geneva on February 9, 1962 and extended through September 30, 1973, requested the Government of Thailand to enter into consultations concerning exports to the United States of cotton textile products in Category 60 produced or manufactured in Thailand. In that request the U.S. Government stated its view that exports in this category from Thailand should be restrained for the 12-month period beginning April 30, 1971, and extending through April 29, 1972.

Notice is hereby given that under the provisions of Article 3 and 6(c) of the Long-Term Arrangement, if no solution is mutually agreed upon by the two governments within sixty (60) days of the date of the aforementioned note, entry and withdrawal from warehouse for consumption of cotton textiles in Category 60 produced or manufactured in Thailand and exported from Thailand on and after the date of such note may be restrained.

STANLEY NEHMER,
Chairman, Interagency Textile Administrative Committee, and Deputy Assistant Secretary for Resources.

[FR Doc.71-7554 Filed 5-28-71;8:52 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 24W-3010]

ADVERTISING AND INFORMATION DISTRIBUTION SYSTEMS, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

MAY 25, 1971.

I. Advertising and Information Distribution Systems, Inc. (AIDS) incorporated in the District of Columbia on May 29, 1969, filed with the Commission on August 17, 1970 a notification on Form 1-A and an offering circular relating to an offering of 300,000 shares of its $0.01 par value common stock at $1 per share for an aggregate offering price of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, pursuant to the provisions of section 3(b) thereof and Regulation A promulgated thereunder. The underwriter named in the offering circular is Davis Securities Co., Inc.

II. The Commission on the basis of information provided by its staff, has reasonable cause to believe that:

A. The offering circular of AIDS contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in light of the circumstances under which they were made, not misleading particularly with respect to:

1. A consulting contract between AIDS and Louis Kaye;
2. Use of proceeds;
3. The failure to disclose that, 3 months prior to the date of its notification, the issuer had subleased, for the remainder of its leasehold interest, the premises which its lists as its office and warehouse space;
4. The condition and status of AID's business operation; and
5. Financial statements, which failed to disclose a liability on a consulting contract and understate accounts payable.

B. The offering, if made, would be in violation of section 17 of the Securities Act of 1933.

III. It, appearing to the Commission that it is in the public interest and for the protection of investors that the exemption of the Issuer under Regulation A be temporarily suspended.

It is ordered, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be and hereby is temporarily suspended.

It is further ordered, Pursuant to Rule 7 of the Commission's rules of practice, that the Issuer file an answer to the allegations contained in this order within 30 days of the entry thereof.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order or suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission. If no hearing is requested and none is ordered by the Commission, the order shall become permanent on the 30th day after its entry and shall remain in effect unless it is modified or vacated by the Commission.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7582 Filed 5-28-71;8:50 am]

[File No. 1-4847]

ECOLOGICAL SCIENCE CORP.

Order Suspending Trading

MAY 25, 1971.

The common stock, 2 cents par value, of Ecological Science Corp. being traded on the American Stock Exchange, the Philadelphia - Baltimore - Washington Stock Exchange and the Pacific Coast Stock Exchange, pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Ecological Science Corp. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such security on such exchanges and otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to sections 15(c)(5) and 19(a)(4) of the Securities Exchange Act of 1934, that trading in such securities on the above-mentioned exchanges and otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 25, 1971, 12 p.m., e.d.t., through June 3, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7583 Filed 5-28-71;8:50 am]

[File No. 500-1]

INDUSTRIAL MANUFACTURING CORP.

Order Suspending Trading

MAY 25, 1971.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Industrial Manufacturing Corp. (F/K/A Western Lead Annex Co.) (a Nevada corporation) and all other securities of Industrial Manufacturing Corp. being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors:

It is ordered, Pursuant to section 15 (c)(5) of the Securities Exchange Act of 1934, that trading in such securities otherwise than on a national securities exchange be summarily suspended, this order to be effective for the period May 25, 1971, through June 3, 1971.

By the Commission.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7584 Filed 5-28-71;8:50 am]

[70-5027]

NEW JERSEY POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Short-Term Notes to Banks

MAY 25, 1971.

Notice is hereby given that New Jersey Power & Light Co. (NJP&L), Madison Avenue at Punch Bowl Road, Morristown, NJ 07960, an electric utility subsidiary company of General Public Utilities Corp. (GPU), a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and 7 as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

NJP&L proposes to issue and sell, from time to time not later than December 31, 1972, unsecured notes to banks, the aggregate principal amount of which outstanding at any one time will not exceed $12,700,000. All the notes will mature not later than 9 months from the respective dates of issue and may be prepaid at any time without premium. The interest rate on the notes will be the prime commercial rate in effect at each bank on the date of issuance. NJP&L will be required to maintain compensating balances of 10 percent of the line of credit or 20 percent of the loans outstanding, whichever is higher. NJP&L computes its effective rate of interest at 6.875 percent per annum based on the current prime rate of 5½ percent and assuming the full amount of the line of credit is borrowed. There are no commitment fees or closing costs required.

Although no commitments or agreements for such borrowings have been made, NJP&L expects that, as and to the extent that its cash needs require, borrowings will be effected, in the specified maximum amount to be outstanding at any one time, from among the following banks:

The Chase Manhattan Bank NA, New York, N.Y.	$4,000,000
Fidelity Union Trust Co., Newark, N.J	2,300,000
American National Bank & Trust, Montclair, N.J	1,000,000
First Merchants National Bank, Asbury Park, N.J	600,000
First Morris Bank, Morristown, N.J	100,000
The First National Iron Bank of New Jersey, Morristown, N.J	1,300,000
The Hunterdon County National Bank, Lambertville, N.J	400,000
Monmouth County National Bank, Red Bank, N.J	500,000
The National Union Bank of Dover, N.J	600,000
New Jersey National Bank, Asbury Park, N.J	1,300,000
Somerset Hills & County National Bank, Bernardsville, N.J	300,000
The Warren County National Bank, Washington, N.J	300,000
Total	12,700,000

NJP&L proposes to utilize the proceeds of the proposed borrowings for financing its business as a public-utility company, including provisions for construction expenditures, the repayment of other short-term borrowings, and the temporary reimbursement of its treasury for construction expenditures provided therefrom.

NJP&L estimates that its expenses incident to the proposed transactions will be approximately $4,000, including counsel fees of $3,750, and it states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions. However, it is also stated that approval by the Board of Public Utility Commissioners of the State of New Jersey will be required for the issue, renewal, extension, or replacement of any notes issued by NJP&L, if, as a result thereof, the loan evidenced thereby is not repaid within 12 months of the original date of the note or notes.

Notice is further given that any interested person may, not later than June 22, 1971, request in writing that a hearing be held in respect of such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law which he desires to controvert; or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective in the manner provided by Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponement thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7585 Filed 5-28-71;8:50 am]

[70-4774]

POTOMAC EDISON CO.

Notice of Posteffective Amendment Regarding Issue and Sale of Notes to Banks and to Dealer in Commercial Paper

MAY 25, 1971.

Notice is hereby given that The Potomac Edison Co. (Potomac), Downsville Pike, Hagerstown, MD 21740, a registered holding company and an electric utility subsidiary company of Allegheny Power System, Inc., also a registered holding company, has filed with this Commission a posteffective amendment to its application in this proceeding pursuant to section 6(b) of the Public Utility Holding Company Act of 1935 (Act) and Rule 50(a)(5) promulgated thereunder regarding the following proposed transactions. All interested persons are referred to the amended application, which is summarized below, for a complete statement of the proposed transactions.

By orders dated August 19, 1969, and February 3, 1971 (Holding Company Act Releases Nos. 16449 and 16985), the Commission authorized Potomac to issue and sell, from time to time prior to July 31, 1971, short-term notes to banks and commercial paper to a dealer in an aggregate face amount to be outstanding at any one time up to the maximum amount allowable under Potomac's charter without preferred stockholder consent, which, as of November 30, 1970, amounted to $25,170,000. Potomac has now filed a second posteffective amendment to its application proposing to increase the maximum amount of notes to be outstanding at any one time to $27,800,000, which, as of April 30, 1971, was the maximum amount allowable under Potomac's charter without preferred stockholder consent. It is also proposed that the period of issuance of the notes be extended to July 31, 1973, with the latest maturity date being December 31, 1973. In all other respects the transactions remain the same. It is stated that construction expenditures for 1971, 1972, and 1973 are estimated at a total of $150 million.

Notice is further given that any interested person may, not later than June 17, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said posteffective amendment to the application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the applicant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the application, as now amended or as it may be further amended, may be granted as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7586 Filed 5-28-71;8:50 am]

[70-5025]

UTAH POWER & LIGHT CO.

Notice of Proposed Issue and Sale of Notes to Banks and to Dealer in Commercial Paper and Exception From Competitive Bidding

MAY 25, 1971.

Notice is hereby given that Utah Power & Light Co. (UP&L), 1407 West North Temple Street, Post Office Box 899, Salt Lake City, UT 84110, an electric utility company and a registered holding company, has filed a declaration and an amendment thereto with this Commission pursuant to the Public Utility Holding Company Act of 1935 (Act), designating sections 6(a) and (7) of the Act and Rule 50(a)(5) promulgated thereunder as applicable to the proposed transactions. All interested persons are referred to the declaration, which is summarized below, for a complete statement of the proposed transactions.

UP&L proposes to issue and sell, from time to time during the period ending July 31, 1972, short-term notes (including commercial paper) in an aggregate principal amount outstanding at any one time not to exceed $44 million. UP&L intends to utilize the proceeds of the sale of its notes for construction expenditures estimated at $63 million for 1971 and $60 million for 1972. Pursuant to lines of credit, UP&L proposes to issue and sell to banks an aggregate amount not to exceed $44 million of its short-term notes (and to renew such notes) from time to time until July 31, 1972. Such notes will mature not more than 9 months from the date of issue (in any event not later than July 31, 1972), with right of renewal, will bear interest at the prime rate for unsecured notes in effect at the lending bank, such interest rate to change on the effective day of any rate change, and will be prepayable at any time without penalty or premium. UP&L expects that the allocation of the commitment among the banks will be substantially as follows:

The Continental Bank & Trust Co., Salt Lake City, Utah	$500,000
First Security Bank of Utah, N.A., Salt Lake City, Utah	3,000,000
Walker Bank & Trust Co., Salt Lake City, Utah	3,000,000
Zions First National Bank, Salt Lake City, Utah	2,000,000
United Bank of Denver, Colo	2,000,000
Bank of Utah, Ogden, Utah	200,000
Carbon Emery Bank, Price, Utah	100,000
Commercial Security Bank, Ogden, Utah	1,000,000
First Security State Bank, Salt Lake City, Utah	100,000
Valley Bank & Trust Co., South Salt Lake, Utah	300,000
The Chase Manhattan Bank, N.A., New York, N.Y	9,000,000
Morgan Guaranty Trust Co. of New York, N.Y	8,500,000
Mellon National Bank & Trust Co., Pittsburgh, Pa	8,500,000
Harris Trust & Savings Bank, Chicago, Ill	3,000,000
Irving Trust Co., New York, N.Y.	2,500,000
Total	44,000,000

UP&L also proposes to issue and sell commercial paper to A. G. Becker & Co., Inc. (Becker), a commercial paper dealer, in an aggregate principal amount not to exceed $44 million at any time outstanding from time to time until July 31, 1972. Such notes will be issued in denominations of not less than $50,000 and not more than $5 million, will have varying maturities not to exceed 270 days, and will be sold by UP&L directly to Becker at a discount rate not to exceed the discount rate per annum prevailing at the date of issuance for commercial paper of comparable quality and of the particular maturity. The effective interest cost for the commercial paper will not exceed the commercial bank rate which UP&L could obtain on the date of issue on notes to banks of equal principal amounts as the proposed commercial paper, except for commercial paper of maturity not exceeding 60 days issued to refund outstanding commercial paper, if, in UP&L's judgment, it would be impractical or inadvisable to borrow from banks to refund such outstanding commercial paper. The notes will not be prepayable. No commission or fee will be payable in connection with the issuance and sale of the commercial paper. UP&L expects to retire all of the bank notes and commercial paper notes prior to July 31, 1972, with the net proceeds of the sale of long-term debt and equity securities.

Becker, as principal, will reoffer the commercial paper to institutional investors at a discount not to exceed one-eighth of 1 percent per annum less than the prevailing discount rate to UP&L. The commercial paper will be reoffered to not more than 200 identified and designated customers in a list (nonpublic) prepared in advance by Becker. No additions will be made to this list. It is anticipated that the commercial paper will be held by customers to maturity, but if such customers desire to resell prior to maturity, Becker will repurchase the commercial paper and reoffer the same to others in the group of 200 customers.

UP&L asserts that the issue and sale of its commercial paper notes should, pursuant to subparagraph (a)(5) of Rule 50, be excepted from the requirements thereof, in view of the fact that they will have a maturity of not to exceed 9 months and will be issued to a limited defined group of buyers, that the interest cost thereon will generally not exceed the effective cost of borrowing from commercial banks, and that the current rates for commercial paper for prime issuers such as UP&L are readily ascertainable by reference to daily financial publications and therefore competitive bidding is not required to determine reasonableness of rates.

Fees and expenses to be incurred by UP&L in connection with the proposed transactions are estimated at not to exceed $2,000. It is stated that the Idaho Public Utilities Commission has jurisdiction over the issue and sale of the notes. No other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 14, 1971, request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues of fact or law raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (airmail if the person being served is located more than 500 miles from the point of mailing) upon the declarant at the above-stated address, and proof of service (by affidavit or, in case of an attorney at law, by certificate) should be filed with the request. At any time after said date, the declaration, as amended or as it may be further amended, may be permitted to become effective as provided in Rule 23 of the general rules and regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is

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ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] THEODORE L. HUMES,
Associate Secretary.

[FR Doc.71-7587 Filed 5-28-71;8:50 am]

SMALL BUSINESS ADMINISTRATION

MINORITY EQUITY CAPITAL CO., INC.

Notice of Issuance of License To Operate as Minority Enterprise Small Business Investment Company

On April 20, 1971, a notice was published in the FEDERAL REGISTER (36 F.R. 7489) stating that Minority Equity Capital Co., Inc., 470 Park Avenue South, New York, NY 10016, had filed an application with the Small Business Administration, pursuant to § 107.102 of the SBA rules and regulations governing small business investment companies (33 F.R. 326, 13 CFR Part 107) for a license to operate as a minority enterprise small business investment company (MESBIC).

Interested parties were given to the close of business April 30, 1971, to submit their written comments to SBA. No comments were received.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 02/02-5288 to Minority Equity Capital Co., Inc., pursuant to section 301(c) of the Small Business Investment Act of 1958, as amended.

Dated: May 19, 1971.

A. H. SINGER,
Associate Administrator for Investment.

[FR Doc.71-7533 Filed 5-28-71;8:47 am]

TARIFF COMMISSION

[337-29]

ARTICLES COMPRISED OF PLASTIC SHEETS HAVING OPENWORK STRUCTURE

Notice of Resumption of Hearing

Notice is hereby given that on June 28, 1971, the U.S. Tariff Commission will resume its public hearing in connection with Investigation No. 337-29, regarding alleged unfair methods of competition and unfair acts in the importation and sale of certain articles comprised of plastic sheets having an openwork structure produced by means of a process embraced within the claims of U.S. Patent No. 2,761,177 owned by the complainant Ben Walters.

The complaint alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Notice of institution of the investigation and hearing was published in the FEDERAL REGISTER of March 31, 1971 (36 F.R. 5945). A public hearing was held on May 18, 1971, and a recess was ordered.

The hearing will be resumed on June 28, 1971, at 10 a.m., e.d.s.t., in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, DC. Requests for appearances at the hearing should be received by the Secretary of the Tariff Commission no later than June 23, 1971. Parties wishing to submit documentary evidence for the record, but not desiring to make an appearance, should send such evidence to the Secretary in time for inclusion in the record when the hearing resumes. Final briefs are due July 13, 1971.

Issued: May 26, 1971.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.71-7580 Filed 5-28-71;8:50 am]

DEPARTMENT OF LABOR

Office of the Secretary

JODI SHOE CO., INC., AND GOLDBERG BROTHERS, INC.

Notice of Certification of Eligibility of Workers To Apply for Adjustment Assistance

Under date of February 8, 1971, the U.S. Tariff Commission made a report of the results of investigations (TEA-W-37 and TEA-W-41) under section 301(c)(2) of the Trade Expansion Act of 1962 (76 Stat. 884) in response to petitions for determination of eligibility to apply for adjustment assistance submitted on behalf of workers formerly employed by the Jodi Shoe Co., Inc., Derry, N.H. and Goldberg Brothers, Inc., Haverhill, Mass. In this report, the Commission being equally divided, made no finding with respect to whether articles like or directly competitive with the women's and misses' footwear produced by Jodi Shoe Co., Inc., and Goldberg Brothers, Inc., are, as a result in major part of concessions granted under trade agreements, being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers at the plants concerned. The President subsequently decided, under the authority of section 330(d)(1) of the Tariff Act of 1930 as amended to consider the findings of those Commissioners who found in the affirmative as the finding of the Commission.

Upon receipt of the President's authorization, the Department, through the Acting Director of the Office of Foreign Economic Policy, Bureau of International Labor Affairs, instituted investigations. Following this, the Director made recommendations to me relating to the matter of certifications (Notice of Delegation of Authority and Notice of Investigation, 34 F.R. 18342; 36 F.R. 7625; 29 CFR Part 90). In those recommendations he noted that significant layoffs caused by imports began to occur on March 20, 1969, at the Jodi Shoe Co., Inc., which ceased production on June 13, 1969, and on January 15, 1970, at Goldberg Brothers, Inc. which ceased production on March 5, 1970. After due consideration, I make the following certifications:

All workers (hourly, piecework, and salaried), of the Jodi Shoe Co., Inc., plant located at Derry, N.H., who became unemployed or underemployed after March 20, 1969, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

All workers (hourly, salaried, and piecework) of the Goldberg Brothers, Inc., plant located at Haverhill, Mass., who became unemployed or underemployed after January 15, 1970, are eligible to apply for adjustment assistance under Title III, Chapter 3, of the Trade Expansion Act of 1962.

Signed at Washington, D.C., this 24th day of May 1971.

HERBERT N. BLACKMAN,
Deputy Assistant Secretary for Trade and Adjustment Policy.

[FR Doc.71-7515 Filed 5-28-71;8:45 am]

INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 26, 1971.

Protests to the granting of an application must be prepared in accordance with Rule 1100.40 of the general rules of practice (49 CFR 1100.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 42211—*Liquid caustic soda to Augusta, Ga.* Filed by O. W. South, Jr., agent (No. A6258), for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), in tank carloads, as described in the application, from St. Gabriel, Geismar, and Baton Rouge, La., to Augusta, Ga.

Grounds for relief—Market competition and rate relationship.

Tariff—Supplement 188 to Southern Freight Association, agent, tariff ICC S-699. Rates are published to become effective on July 1, 1971.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7550 Filed 5-28-71;8:51 am]

[Notice 302]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

MAY 25, 1971.

The following are notices of filing of applications for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC-67 (49 CFR Part 1131), published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the publication is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 7228 (Sub-No. 38 TA), filed May 13, 1971. Applicant: COAST TRANSPORT, INC., 1906 Southeast 10th Avenue, Portland, OR 97214. Applicant's representative: Nick I. Goyak, 404 Oregon National Building, 610 Southwest Alder Street, Portland, OR 97205. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Frozen foods*, from points in Umatilla County, Oreg., and Grant, Benton, Franklin, and Walla Walla Counties, Wash., to points in Oregon and Washington, for 180 days. Supporting shipper: Lamb-Weston, Inc., 6600 Southwest Hampton, Street, Post Office Box 23507, Portland, OR 97223. Send protests to: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

No. MC 110525 (Sub-No. 1001 TA), filed May 16, 1971. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, PA 19335. Applicant's representative: Thomas J. O'Brien (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic granules*, in bulk, from the plantsite of United States Steel Corp., at or near Haverhill (Scioto County), Ohio, to points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, for 180 days. Supporting shipper: United States Steel Corp., 600 Grant Street, Pittsburgh, PA 15230. Send protests to: Peter R. Guman, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1518 Walnut Street, Room 1600, Philadelphia, PA 19102.

No. MC 112822 (Sub-No. 197 TA), filed May 13, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal litter and pet supplies, bleachings, cleaning, laundry and scouring compounds, materials, and supplies* (except commodities in bulk), from the plantsite and distribution facilities of the Clorox Co., Atlanta, Ga., to points in Texas, Louisiana, Arkansas, Missouri, and Kansas, for 180 days. Supporting shipper: The Clorox Co., Post Office Box 24305, Oakland, CA 94623, Attention: R. W. Ernst, Division Traffic Manager. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 112822 (Sub-No. 198 TA), filed May 13, 1971. Applicant: BRAY LINES INCORPORATED, 1401 North Little, Post Office Box 1191, Cushing, OK 74023. Applicant's representative: Joe W. Ballard (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing fixtures, fittings, and supplies*, from Delphi, Frankfort, Kokomo, and West Delphi, Ind., Gadsden and Springfield, Ala., Chattanooga, Tenn., and Bay St. Louis, Miss., to points in Alabama, Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin, for 180 days. Supporting shipper: Harvey E. Dollars, G. T. M. Gerber Fixtures Corp., 4656 West Touhy Avenue, Lincolnwood, IL. Send protests to: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 240, Old Post Office Building, 215 Northwest Third, Oklahoma City, OK 73102.

No. MC 113535 (Sub-No. 20 TA), filed May 12, 1971. Applicant: A & W TRUCKING CO., INC., Route 5, Box 900, Mosinee, WI 54455. Applicant's representative: John Altenburg (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts, and articles* distributed by meat packinghouses, as described in sections A and C of appendix 1 to the report in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk, in tank vehicles, and hides), from the plantsite or storage facilities of Illini Beef Packers, Inc., at or near Joslin, Ill., to points in Iowa, Minnesota, and Wisconsin. Restricted to traffic originating at the named origin and destined to the named destinations, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill. Send protests to: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 West Wilson Street, Room 206, Madison, WI 53703.

No. MC 113678 (Sub-No. 425 TA), filed May 16, 1971. Applicant: CURTIS, INC., Post Office Box 16004, Stockyard Station, Denver, CO 80216. Applicant's representative: David L. Metzler (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats*, from Omaha, Nebr., to Kankakee, Ill., Montecello, Decatur, New Castle, Indianapolis, Fort Wayne, and Evansville, Ind., Troy, Circleville, Galion, and Napoleon, Ohio; Marlette, St. John, Three Rivers, Sault Ste. Marie, Saginaw, Detroit, and Pontiac, Mich., for 180 days. Supporting shipper: Omaha Steaks International, 4400 South 96th Street, Omaha, NE. Send protests to: District Supervisor H. C. Ruoff, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 114632 (Sub-No. 42 TA), filed May 16, 1971. Applicant: APPLE LINES, INC., Post Office Box 507, 225 South Van Eps Avenue, Madison, SD 57042. Applicant's representative: Robert Applewick (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles* distributed by meat packinghouses, as described in appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk, in tank vehicles), from Joslin, Ill., to points in Arkansas, Colorado, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, Oklahoma, and South Dakota, for 180 days. Supporting shipper: Illini Beef Packers, Inc., Joslin, Ill., G. James Bonnette, Director of Traffic. Send protests to: J. L. Hammond, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 369, Federal Building, Pierre, S. Dak. 57501.

No. MC 116273 (Sub-No. 141 TA), filed May 13, 1971. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, IL. 60650. Applicant's representative: William R. Lavery (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen gas*, in bulk, in tank vehicles, from Middletown, Ohio, to Countryside, Geneva and LaFox, Ill., for 150 days. Supporting shipper: American Cryogenics Division of Liquid Air, Inc., 2 Salt Creek Lane, Hinsdale, IL 60521.

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Send protests to: District Supervisor Raymond E. Mauk, Interstate Commerce Commission, Bureau of Operations, 219 South Dearborn Street, Room 1086, Everett McKinley Dirksen Bulidding, Chicago, IL 60604.

No. MC 116935 (Sub-No. 12 TA), filed May 16, 1971. Applicant: COMMERCIAL FURNITURE DISTRIBUTORS, INC., 1000 Belleville Turnpike, Kearny, NJ 07032. Applicant's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, NJ 07306. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, in containers, from the facilities of Commercial Furniture Distributors, Inc., at Harrison, N.J., to New York, N.Y., and points in Nassau, Suffolk, and Westchester Counties, N.Y., and points in New Jersey, restricted to shipments having a prior movement by rail or motor carrier, for 150 days. Supporting shippers: Baumritter Corp., 205 Lexington Avenue, New York, NY, 10016; Krebs, Stengel & Co., Inc., 200 Lexington Avenue, New York, NY 10016. Send protests to: District Supervisor Robert E. Johnston, Interstate Commerce Commission, Bureau of Operations, 970 Broad Street, Newark, NJ 07102.

No. MC 123987 (Sub-No. 3 TA), filed May 16, 1971. Applicant: JEWETT SCOTT TRUCK LINE, INC., Post Office Box 267, Mangum, OK 73554. Applicant's representative: Jewett Scott, Jr. (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum wallboard and plaster, lumber, joint treatment, and roofing*, from points in Jackson County, Okla., to points in Arkansas, Louisiana, Texas, Missouri, Illinois, Nebraska, Kansas, Colorado, New Mexico, Arizona, and Tennessee, for 180 days. Supporting shipper: Joe Harris, Traffic Manager, Republic Gypsum Co., Drawer C, Duke, Okla. 73532. Send protests to: Haskell E. Ballard, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1012 Herring Plaza, 317 East Third, Amarillo, TX 79101.

No. MC 133581 (Sub-No. 7 TA), filed May 16, 1971. Applicant: HOLDT POTATO COMPANY, INC., Rural Route 2, Red Cloud, NE 68970. Applicant's representative: Frederick J. Coffman, Post Office Box 80806, Lincoln, NE 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, from the plantsite and warehouse storage facilities of Randolph Creamery at or near Randolph, Nebr., to the plantsite of Swift Dairy & Poultry Co., Oklahoma City, Okla., under continuing contract with Swift Dairy & Poultry Co., a division of Swift & Co., for 180 days. Supporting shipper: C. O. Forsythe, Plant Manager, Swift Dairy & Poultry Co., Post Office Box 26967, Oklahoma City, OK 73126. Send protests to: Max H. Johnston, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 320 Federal Building and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 134699 (Sub-No. 2 TA), filed May 16, 1971. Applicant: CAMPUS DIVISION OF P'EYLIM (American Yeshiva Student Union), Three West 16th Street, New York, NY 10011. Applicant's representative: Morton, E. Kiel, 140 Cedar Street, New York, NY 10006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Campers' baggage and personal effects*, between New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., Bergan, Essex, Hudson, Union, Passaic, and Middlesex Counties, N.J., on the one hand, and, on the other, points in Hancock, Swan Lake, Monticello, and Livingston Manor, N.Y., Honesdale, Lake Como, Tannersville, Dingman's Ferry, Effort, Waymart, Indian Orchard, Winterdale, and Beach Lake, Pa., and Flatbrookville, N.J., for 180 days. Supporting shippers: There are approximately 12 statements of support attached to the application, which may be examined here at the Interstate Commerce Commission in Washington, D.C., or copies thereof which may be examined at the field office named below. Send protests to: Paul W. Assenza, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 26 Federal Plaza, New York, NY 10007.

No. MC 135283 (Sub-No. 3 TA), filed May 16, 1971. Applicant: GRAND ISLAND MOVING & STORAGE CO., INC., East Highway 30, Grand Island, NE 68801. Applicant's representative: James D. Pirnie (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, meat byproducts and articles distributed by meat packinghouses*, from the plantsite and storage facilities of Minden Beef Co., at or near Minden, Nebr., to Philadelphia, Pa., and points within the Philadelphia, Pa., commercial zone as defined by the Commission, for 150 days. Supporting shipper: Minden Beef Co., Post Office Box 70, Minden, NE 68959. Send protests to: Max H. Johnston, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 320 Federal Building, and U.S. Courthouse, Lincoln, Nebr. 68508.

No. MC 135424 (Sub-No 1 TA), filed May 16, 1971. Applicant: CONNOLLY CARTAGE CORP., Post Office Box 3660, St. Paul, MN 55165. Applicant's representative: Joseph P. Summers, 630 Osborn Building, St. Paul, MN 55102. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Paper and paper products*, from the plantsite of the International Paper Co., located at 1300 Red Fox Road, Arden Hills, MN, to points in Iowa, North Dakota, South Dakota, and Wisconsin and to *return rejected or returned shipments* to the consignor. Restriction: No transportation service shall be authorized to La Cross, Wis., for 180 days. Supporting shippers: International Paper Co., Arden Hills, Minn.; International Paper Co., New York, N.Y.; International Paper Co., Minneapolis, Minn. Send protests to: District Supervisor E. C. Sjogren, Bureau of Operations, Interstate Commerce Commission, 448 Federal Building and U.S. Courthouse, 110 South Fourth Street, Minneapolis, MN 55401.

No. MC 135592 (Sub-No. 1 TA), filed May 16, 1971. Applicant: U & R EXPRESS, INC., Post Office Box 2369, White City, OR 97501. Applicant's representative: Lawrence V. Smart, Jr., 419 Northwest 23d Avenue, Portland, OR 97210. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood residuals*, from points in Siskiyou County, Calif., to points in Josephine, Jackson, and Douglas Counties, Oreg., for 180 days. Supporting shippers: Timber Products Co., Post Office Box 1669, Midford, OR 97501; Forrest Industries, Ltd., Post Office Box 178, Dillard, OR 97432. Send protests to: District Supervisor A. E. Odoms, Interstate Commerce Commission, Bureau of Operations, 450 Multnomah Building, 319 Southwest Pine Street, Portland, OR 97204.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7551 Filed 5-28-71;8:51 am]

[Notice 696]

MOTOR CARRIER TRANSFER PROCEEDINGS

MAY 26, 1971.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC-72848. By order of May 24, 1971, the Motor Carrier Board approved the transfer to Great Lakes Bus Lines, Inc., North Chicago, Ill., of the operating rights in certificate No. MC-114093 issued March 13, 1970, to Lakeland Bus Lines, Inc., North Chicago, Ill., authorizing the transportation of passengers and their baggage in round-trip charter operations beginning and ending at points in Lake and McHenry Counties, Ill., and extending to points in Wisconsin and Indiana. Robert F. Munsell, 516 West Jackson Boulevard, Chicago, IL 60606, attorney for applicants.

No. MC-FC-72869. By order of May 24, 1971, the Motor Carrier Board approved the transfer to Lima-Honeoye Falls Express, Inc., Honeoye Falls, N.Y., of the operating rights set forth in certificate No. MC-56691 (Sub-No. 2), issued October 23, 1970, to Herman A. Burmister, doing business as Lima-Honeoye Falls Express, Honeoye Falls, N.Y., authorizing the transportation of general commodities with the usual exceptions between specified points in New York and certificate of registration No. MC-56691 (Sub-No. 1), issued October 14, 1964, to Herman A. Burmister, doing business as Lima-Honeoye Falls Express, Honeoye Falls, N.Y., evidencing a right to engage in transportation in interstate commerce as described in certificate No. 2454, issued January 7, 1964, by the New York Public Serivce Commission. Raymond A. Richards, 23 West Main Street, Webster, NY 14580, representative of applicants.

No. MC-FC-72872. By order of May 24, 1971, the Motor Carrier Board approved the transfer to A. T. I. Trucking Co., Inc., Florida, N.Y., of the operating rights in corrected permit No. MC-134141 (Sub-No. 2) issued September 28, 1970, to Samuel W. Groome, doing business as A. T. I. Trucking Co., Florida, N.Y., authorizing the transportation of artificial Christmas trees, wreaths, garlands, and shrubbery, from West Coxsackie, N.Y., to points in Connecticut, Delaware, Kentucky, Maine, Maryland, Massachusetts, Michigan, Illinois, New Hampshire, New Jersey, New York, Ohio, Vermont, Pennsylvania, West Virginia, Virginia, and the District of Columbia; and from Chicago, Ill., and Lexington, Ky., to West Coxsackie, N.Y. Julius Braun, 29 Nancy Drive, Troy, NY 12180, attorney for applicants.

No. MC-FC-72888. By order of May 21, 1971, the Motor Carrier Board approved the transfer to Bowie Hall Trucking, Inc., Upper Marlboro, Md., of the operating rights in certificate No. MC-133405 (Sub-No. 1) and permit No. MC-129612 issued January 13, 1970, and July 9, 1968, respectively, to I. Bowie Hall, doing business as Bowie Hall Trucking, Upper Marlboro, Md., authorizing the transportation of lumber, tunnel lagging, equipment, mats, and wood piling, from points in Prince Georges, Anne Arundel, Calvert, Charles, and St. Marys Counties, Md., to points in Ohio, Pennsylvania, New Jersey, Delaware, New York, Connecticut, Rhode Island, Massachusetts, and West Virginia, and malt beverages, from Newark, N.J., to Upper Marlboro and Leonardtown, Md. Dual operations were approved. Daniel B. Johnson, 716 Perpetual Building, 1111 E Street NW., Washington, DC 20004, attorney for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.71-7552 Filed 5-28-71;8:52 am]

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PART II

THE NATIONAL ARCHIVES OF THE UNITED STATES
1934

DEPARTMENT OF LABOR

■

Occupational Safety and Health Administration

■

Occupational Safety and Health Standards; National Concensus Standards and Established Federal Standards

Title 29—LABOR

Chapter XVII—Occupational Safety and Health Administration, Department of Labor

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

National Consensus Standards and Established Federal Standards

Pursuant to authority in sections 6(a) and 8(g) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593, 1600; 29 U.S.C. 655, 657), Chapter XVII of Title 29 of the Code of Federal Regulations, established on April 13, 1971 (36 F.R. 7006), is hereby amended by adding thereto a new Part 1910 to read as set forth below.

The provisions of 5 U.S.C. 553 concerning notice of proposed rulemaking, public participation therein, and delay in effective date are inapplicable by virtue of the exception to 5 U.S.C. Ch. 5, provided in section 6(a) of the Act.

The new Part 1910 contains occupational safety and health standards which are either national consensus standards or established Federal standards.

The national consensus standards are occupational safety and health standards adopted and promulgated either by the American National Standards Institute (ANSI) or by the National Fire Protection Association (NFPA) under procedures whereby it can be determined that persons interested and affected by the scope or provisions of the standards have reached substantial agreement on their adoption. I have determined that those standards have been adopted and promulgated under such procedures. Accordingly, pursuant to this determination, after consultation with other appropriate Federal agencies, and in accordance with section 3(9) of the Act, I do hereby designate as national consensus standards those standards in Part 1910 which are standards adopted and promulgated by either the American National Standards Institute or the National Fire Protection Association. The national consensus standards contain only mandatory provisions of the standards promulgated by those two organizations. The standards of ANSI and NFPA may also contain advisory provisions and recommendations the adoption of which by employers is encouraged, but they are not adopted in Part 1910.

The established Federal standards are operative occupational safety and health standards in effect on April 28, 1971, and established by the Department of Labor pursuant to section 107 of the Contract Work Hours and Safety Standards Act, as amended (40 U.S.C. 333); section 41 of the Longshoremen's and Harbor Workers' Compensation Act, as amended (33 U.S.C. 941); the Walsh-Healey Public Contracts Act, as amended (41 U.S.C. 35); the Service Contract Act of 1965 (41 U.S.C. 351); or pursuant to the National Foundation on the Arts and Humanities Act (20 U.S.C. 951). In any proceeding to enforce any such standard, brought under any of such statutes or under the Williams-Steiger Occupational Safety and Health Act of 1970, the principle of collateral estoppel will be followed.

The effective date of the national consensus standards is delayed for 90 days with respect to every employer and employment subject to the Williams-Steiger Occupational Safety and Health Act of 1970. The effective date of the established Federal standards is also delayed for 90 days, but only for employers and employments not subject to any of the statutes listed in the preceding paragraph. The purpose of the delay is to insure that affected employers and employees would be informed of the existence of the standards and of their terms, and to give such employers and employees an opportunity to familiarize themselves with the requirements of the standards before their application. The delay is also intended to afford a State a full opportunity to apply for an agreement under section 18(h) of the Act permitting it to continue to enforce one or more occupational safety and health standards in the State and to submit a plan under section 18(b) of the Act for the development and enforcement of State safety and health standards. However, for established Federal standards which correspond to occupational safety and health standards (1) promulgated under any of the statutes listed in the preceding paragraph and (2) applicable to any employer and any employment by virtue of any of such statutes, no delay in effective date is provided with respect to such employer and employment. In the case of employers and employments subject to standards issued under such statutes, familiarity already exists.

An additional delay in effective date until February 15, 1972, is provided and codified in the new Part 1910 in sections within Subparts G, H, I, L, N, O, P, R, and S in situations where additional time is considered necessary to adjust to the new standards.

Effective date. The occupational safety and health standards in new Part 1910 shall become effective on August 27, 1971, except: (1) Where additional delays in effective date are specifically provided, and (2) with respect to any employment and place of employment which, on a date before August 27, 1971, is or becomes subject to any safety and health standard prescribed in 29 CFR Parts 505, 1501, 1502, 1503, 1504, 1516, or 1518, or in 41 CFR Part 50–204, any corresponding occupational safety and health standard in Subpart B of this Part 1910, or in Subpart D through S which are from 41 CFR 50–204, shall also become effective, and shall be applicable to such employment and place of employment, on such earlier date. For example, whenever a standard promulgated under the Contract Work Hours and Safety Standards Act and contained in 29 CFR Part 1518 is applicable to an employment and places of employment by virtue of the performance of a construction contract on a date before August 27, 1971, the corresponding standard prescribed by § 1910.12 of new Part 1910 shall also become effective on the same date with respect to such employment and places of employment. However, this effective date provision shall not be deemed to relieve any employer of any duty under section 5(a)(1) of the Act to furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees, or to relieve the Secretary of Labor of his responsibilities and authority under section 13 of the Act to initiate enforcement proceedings to counteract imminent dangers, where any employer breaches such duty under section 5(a)(1).

The new Part 1910 is set forth below.

Signed at Washington, D.C., this 27th day of April, 1971.

J. D. HODGSON,
Secretary of Labor.

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AUTHORITY: The provisions of this Part 1910 issued under secs. 6(a), 8(g), 84 Stat. 1593, 1598; 29 U.S.C. 655, 657.

Subpart A—General

§ 1910.1 Purpose and scope.

(a) Section 6(a) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593) provides that "without regard to chapter 5 of title 5, United States Code, or to the other subsections of this section, the Secretary shall, as soon as practicable during the period beginning with the effective date of this Act and ending 2 years after such date, by rule promulgate as an occupational safety or health standard any national consensus standard, and any established Federal standard, unless he determines that the promulgation of such a standard would not result in improved safety or health for specifically designated employees." The legislative purpose of this provision is to establish, as rapidly as possible and without regard to the rule-making provisions of the Administrative Procedure Act, standards with which industries are generally familiar, and on whose adoption interested and affected persons have already had an opportunity to express their views. Such standards are either (1) national consensus standards on whose adoption affected persons have reached substantial agreement, or (2) Federal standards already established by Federal statutes or regulations.

(b) This part carries out the directive to the Secretary of Labor under section 6(a) of the Act. It contains occupational safety and health standards which have been found to be national consensus standards or established Federal standards.

§ 1910.2 Definitions.

As used in this part, unless the context clearly requires otherwise:

(a) "Act" means the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1590).

(b) "Assistant Secretary of Labor" means the Assistant Secretary of Labor for Occupational Safety and Health;

(c) "Employer" means a person engaged in a business affecting commerce who has employees, but does not include the United States or any State or political subdivision of a State;

(d) "Employee" means an employee of an employer who is employed in a business of his employer which affects commerce;

(e) "Commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between a State and any place outside thereof, or within the District of Columbia, or a possession of the United States (other than the Trust Territory of the Pacific Islands), or between points in the same State but through a point outside thereof;

(f) "Standard" means a standard which requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment;

(g) "National consensus standard" means any standard or modification thereof which (1) has been adopted and promulgated by a nationally recognized standards-producing organization under procedures whereby it can be determined by the Secretary of Labor or by the Assistant Secretary of Labor that persons interested and affected by the scope or provisions of the standard have reached substantial agreement on its adoption, (2) was formulated in a manner which afforded an opportunity for diverse views to be considered, and (3) has been designated as such a standard by the Secretary or the Assistant Secretary, after consultation with other appropriate Federal agencies; and

(h) "Established Federal standard" means any operative standard established by any agency of the United States and in effect on April 28, 1971, or contained in any Act of Congress in force on the date of enactment of the Williams-Steiger Occupational Safety and Health Act.

§ 1910.3 Petitions for the issuance, amendment, or repeal of a standard.

(a) Any interested person may petition in writing the Assistant Secretary of Labor to promulgate, modify, or revoke a standard. The petition should set forth the terms or the substance of the rule desired, the effects thereof if promulgated, and the reasons therefor.

(b) (1) The relevant legislative history of the Act indicates congressional recognition of the American National Standards Institute and the National Fire Protection Association as the major sources of national consensus standards. National consensus standards adopted on May 29, 1971, pursuant to section 6(a) of the Act are from those two sources. However, any organization which deems itself a producer of national consensus standards, within the meaning of section 3(9) of the Act, is invited to submit in writing to the Assistant Secretary of Labor at any time prior to February 1, 1973, all relevant information which may enable the Assistant Secretary to determine whether any of its standards satisfy the requirements of the definition of "national consensus standard" in section 3(9) of the Act.

(2) Within a reasonable time after the receipt of a submission pursuant to subparagraph (1) of this paragraph, the Assistant Secretary of Labor shall publish or cause to be published in the FEDERAL REGISTER a notice of such submission, and shall afford interested persons a reasonable opportunity to present written data, views, or arguments with regard to the question whether any standards of the organization making the submission are national consensus standards.

§ 1910.4 Amendments to this part.

(a) The Assistant Secretary of Labor shall have all of the authority of the Secretary of Labor under §§ 3(9) and 6(a) of the Act.

(b) The Assistant Secretary of Labor may at any time before April 28, 1973, on his own motion or upon the written petition of any person, by rule promulgate as a standard any national consensus standard and any established Federal standard, pursuant to and in accordance with section 6(a) of the Act, and, in addition, may modify or revoke any standard in this Part 1910. In the event of conflict among any such standards, the Assistant Secretary of Labor shall take the action necessary to eliminate the conflict, including the revocation or modification of a standard in this part, so as to assure the greatest protection of the safety or health of the affected employees.

§ 1910.5 Applicability of standards.

(a) Except as provided in paragraph (b) of this section, the standards contained in this part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone.

(b) None of the standards in this part shall apply to working conditions of employees with respect to which Federal agencies other than the Department of Labor, or State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

(c) (1) If a particular standard is specifically applicable to a condition, practice, means, method, operation, or process, it shall prevail over any different general standard which might otherwise be applicable to the same condition, practice, means, method, operation, or process. For example, § 1501.23(c) (3) of this title prescribes personal protective equipment for certain ship repairmen working in specified areas. Such a standard shall apply, and shall not be deemed modified nor superseded by any different general standard whose provisions might otherwise be applicable, to the ship repairmen working in the areas specified in § 1501.23(c) (3).

(2) On the other hand, any standard shall apply according to its terms to any employment and place of employment in any industry, even though particular standards are also prescribed for the industry, as in Subpart B or Subpart R of this part, to the extent that none of such particular standards applies. To illustrate, the general standard regarding noise exposure in § 1910.265.

(d) In the event a standard protects on its face a class of persons larger than employees, the standard shall be applicable under this part only to employees and their employment and places of employment.

(e) Whenever the source of a standard prescribed in this Part 1910 is indicated to be an established Federal standard published in 41 CFR Part 50–204, the standard so prescribed is applicable only to plants, factories, buildings, or other places of employment where materials, supplies, articles, or equipment are manufactured or furnished. That is, the standard is intended to apply to manufacturing or supply operations which would be subject to the Walsh-Healey Public Contracts Act if there were a Federal contract (41 U.S.C. 35–45) for the procurement of the materials, supplies, articles, or equipment involved.

(f) An employer who is in compliance with any standard in this part shall be deemed to be in compliance with the requirement of section 5(a) (1) of the Act, but only to the extent of the condition, practice, means, method, operation, or process covered by the standard.

§ 1910.6 Incorporation by reference.

(a) The standards of agencies of the U.S. Government and organizations which are not agencies of the U.S. Government which are legally incorporated by reference in this part, have the same force and effect as other standards in this part.

(b) Copies of the standards which are incorporated by reference may be examined at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210, or at any of its regional offices. Copies of such private standards may be obtained from the issuing organizations. Their names and addresses are listed in the pertinent subparts of this part.

(c) Any changes in the standards incorporated by reference in this part and an official historic file of such changes are available for inspection at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, D.C. 20210.

Subpart B—Adoption and Extension of Established Federal Standards

§ 1910.11 Scope and purpose.

The provisions of this Subpart B adopt, and extend the applicability of, established Federal standards in effect on April 28, 1971, with respect to every employer, employee, and employment covered by the Act.

§ 1910.12 Construction work.

(a) *Adoption and extension of established safety and health standards for construction.* The standards prescribed by Part 1518 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in construction work. Each employer shall protect the employment and places of employment of each of his employees engaged in construction work by complying with the appropriate standards prescribed by this paragraph.

(b) *Definition.* For purposes of this section, "construction work" means work for construction, alteration, and/or repair, including painting and decorating. See discussion of these terms in § 1518.13 of this title.

§ 1910.13 Ship repairing.

(a) *Adoption and extension of established safety and health standards for ship repairing.* The standards prescribed by Part 1501 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in ship repair or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in ship repair or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Ship repair means any repair of a vessel, including, but not restricted to, alterations, conversions, installations, cleaning, painting, and maintenance work;

(2) "Related employment" means any employment performed as an incident to, or in conjunction with, ship repair work, including, but not restricted to, inspection, testing, and employment as a watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.14 Shipbuilding.

(a) *Adoption and extension of established safety and health standards for shipbuilding.* The standards prescribed by Part 1502 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in shipbuilding or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in shipbuilding or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Shipbuilding" means the construction of a vessel, including the installation of machinery and equipment;

(2) "Related employment" means any employment performed as an incident to, or in conjunction with, shipbuilding work, including, but not restricted to, inspection, testing trials, and employment as a watchman: and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.15 Shipbreaking.

(a) *Adoption and extension of established safety and health standards for shipbreaking.* The standards prescribed by Part 1503 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in shipbreaking or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in shipbreaking or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Shipbreaking" means any breaking down of a vessel's structure for the purpose of scrapping the vessel, including the removal of gear, equipment, or any component part of a vessel;

(2) "Related employment" means any employment performed as an incident to, or in conjunction with, shipbreaking work, including, but not restricted to, inspection, survey, and employment as a watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

§ 1910.16 Longshoring.

(a) *Adoption and extension of established safety and health standards for longshoring.* The standards prescribed by Part 1504 of this title and in effect on April 28, 1971, are adopted as occupational safety or health standards under section 6(a) of the Act and shall apply, according to the provisions thereof, to every employment and place of employment of every employee engaged in longshoring operations or a related employment. Each employer shall protect the employment and places of employment of each of his employees engaged in a longshoring operation or a related employment, by complying with the appropriate standards prescribed by this paragraph.

(b) *Definitions.* For purposes of this section:

(1) "Longshoring operation" means the loading, unloading, moving, or handling of, cargo, ship's stores, gear, etc., into, in, on, or out of any vessel;

(2) "Related employment" means any employment performed as an incident to or in conjunction with, longshoring operations including, but not restricted to, securing cargo, rigging, and employment as a porter, checker, or watchman; and

(3) "Vessel" includes every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, including special purpose floating structures not primarily designed for, or used as a means of, transportation on water.

Subpart C—[Reserved]

Subpart D—Walking-Working Surfaces

§ 1910.21 Definitions.

(a) As used in § 1910.23, unless the context requires otherwise, floor and wall opening, railing and toe board terms shall have the meanings ascribed in this paragraph.

(1) *Floor hole.* An opening measuring less than 12 inches but more than 1 inch in its least dimension, in any floor, platform, pavement, or yard, through which materials but not persons may fall; such as a belt hole, pipe opening, or slot opening.

(2) *Floor opening.* An opening measuring 12 inches or more in its least dimension, in any floor, platform, pavement, or yard, through which persons may fall; such as a hatchway, stair or ladder opening, pit, or large manhole. Floor openings occupied by elevators, dumb waiters, conveyors, machinery, or containers are excluded from this sub*part*.

(3) *Handrail.* A single bar or pipe supported on brackets from a wall or partition, as on a stairway or ramp, to furnish persons with a handhold in case of tripping.

(4) *Platform.* A working space for persons, elevated above the surrounding floor or ground; such as a balcony or platform for the operation of machinery and equipment.

(5) *Runway.* A passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(6) *Standard railing.* A vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(7) *Standard strength and construction.* Any construction of railings, covers, or other guards that meets the requirements of § 1910.23.

(8) *Stair railing.* A vertical barrier erected along exposed sides of a stairway to prevent falls of persons.

(9) *Toeboard.* A vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(10) *Wall hole.* An opening less than 30 inches but more than 1 inch high, of unrestricted width, in any wall or partition; such as a ventilation hole or drainage scupper.

(11) *Wall opening.* An opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall; such as a yard-arm doorway or chute opening.

(b) As used in § 1910.24, unless the context requires otherwise, fixed industrial stair terms shall have the meaning ascribed in this paragraph.

(1) *Handrail.* A single bar or pipe supported on brackets from a wall or partition to provide a continuous handhold for persons using a stair.

(2) *Nose, nosing.* That portion of a tread projecting beyond the face of the riser immediately below.

(3) *Open riser.* The air space between the treads of stairways without upright members (risers).

(4) *Platform.* An extended step or landing breaking a continuous run of stairs.

(5) *Railing.* A vertical barrier erected along exposed sides of stairways and platforms to prevent falls of persons. The top member of railing usually serves as a handrail.

(6) *Rise.* The vertical distance from the top of a tread to the top of the next higher tread.

(7) *Riser.* The upright member of a step situated at the back of a lower tread and near the leading edge of the next higher tread.

(8) *Stairs, stairway,* A series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees, or only occasionally by specific individuals. A series of steps and landings having three or more risers constitutes stairs or stairway.

(9) *Tread.* The horizontal member of a step.

(10) *Tread run.* The horizontal distance from the leading edge of a tread to the leading edge of an adjacent tread.

(11) *Tread width.* The horizontal distance from front to back of tread including nosing when used.

(c) As used in § 1910.25, unless the context requires otherwise, portable wood ladders terms shall have the meanings ascribed in this paragraph.

(1) *Ladders.* A ladder is an appliance usually consisting of two slide rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) *Stepladder.* A stepladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.

(3) *Single ladder.* A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.

(4) *Extension ladder.* An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(5) *Sectional ladder.* A sectional ladder is a non-self-supporting portable ladder, nonadjustable in length consisting of two or more sections of ladder so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.

(6) *Trestle ladder.* A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(7) *Extension trestle ladder.* An extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.

(8) *Special-purpose ladder.* A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose types of ladders previously defined, in order to adapt the ladder to special or specific uses.

(9) *Trolley ladder.* A trolley ladder is a semifixed ladder, nonadjustable in length, supported by attachments to an overhead track, the plane of the ladder being at right angles to the plane of motion.

(10) *Side-rolling ladder.* A side-rolling ladder is a semifixed ladder, nonadjustable in length, supported by attachments to a guide rail, which is generally fastened to shelving, the plane of the ladder being also its plane of motion.

(11) *Wood characteristics.* Wood characteristics are distinguishing features which by their extent and number determine the quality of a piece of wood.

(12) *Wood irregularities.* Wood irregularities are natural characteristics in or on wood that may lower its durability, strength, or utility.

(13) *Cross grain.* Cross grain (slope of grain) is a deviation of the fiber direction from a line parallel to the sides of the piece.

(14) *Knot.* A knot is a branch or limb, imbedded in the tree and cut through in the process of lumber manufacture, classified according to size, quality, and occurrence. The size of the knot is determined as the average diameter on the surface of the piece.

(15) *Pitch and bark pockets.* A pitch pocket is an opening extending parallel to the annual growth rings containing, or that has contained, pitch, either solid or liquid. A bark pocket is an opening between annual growth rings that contains bark.

(16) *Shake.* A shake is a separation along the grain, most of which occurs between the rings of annual growth.

(17) *Check.* A check is a lengthwise separation of the wood, most of which occurs across the rings of annual growth.

(18) *Wane.* Wane is bark, or the lack of wood from any cause, on the corner of a piece.

(19) *Decay.* Decay is disintegration of wood substance due to action of wood-destroying fungi. It is also known as dote and rot.

(20) *Compression failure.* A compression failure is a deformation (buckling) of the fibers due to excessive compression along the grain.

(21) *Compression wood.* Compression wood is an aberrant (abnormal) and highly variable type of wood structure occurring in softwood species. The wood commonly has density somewhat higher than does normal wood, but somewhat lower stiffness and tensile strength for its weight in addition to high longitudinal shrinkage.

(22) *Low density.* Low-density wood is that which is exceptionally light in weight and usually deficient in strength properties for the species.

(d) As used in § 1910.26, unless the context requires otherwise, portable metal ladder terms shall have the meanings ascribed in this paragraph.

(1) *Ladder.* A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) *Step ladder.* A step ladder is a self-supporting portable ladder, nonadjustable in length, having flat steps and a hinged back. Its size is designated by the overall length of the ladder measured along the front edge of the side rails.

(3) *Single ladder.* A single ladder is a non-self-supporting portable ladder, nonadjustable in length, consisting of but one section. Its size is designated by the overall length of the side rail.

(4) *Extension ladder.* An extension ladder is a non-self-supporting portable ladder adjustable in length. It consists of two or more sections traveling in guides or brackets so arranged as to permit length adjustment. Its size is designated by the sum of the lengths of the sections measured along the side rails.

(5) *Platform ladder.* A self-supporting ladder of fixed size with a platform provided at the working level. The size is determined by the distance along the front rail from the platform to the base of the ladder.

(6) *Sectional ladder.* A sectional ladder is a non-self-supporting ladder, nonadjustable in length, consisting of two or more sections so constructed that the sections may be combined to function as a single ladder. Its size is designated by the overall length of the assembled sections.

(7) *Trestle ladder.* A trestle ladder is a self-supporting portable ladder, nonadjustable in length, consisting of two sections, hinged at the top to form equal angles with the base. The size is designated by the length of the side rails measured along the front edge.

(8) *Extension trestle ladder. An* extension trestle ladder is a self-supporting portable ladder, adjustable in length, consisting of a trestle ladder base and a vertically adjustable single ladder, with suitable means for locking the ladders together. The size is designated by the length of the trestle ladder base.

(9) *Special-purpose ladder.* A special-purpose ladder is a portable ladder which represents either a modification or a combination of design or construction features in one of the general-purpose type of ladders previously defined, in order to adapt the ladder to special or specific uses.

(e) As used in § 1910.27, unless the context requires otherwise, fixed ladder terms shall have the meanings ascribed in this paragraph.

(1) *Ladder.* A ladder is an appliance usually consisting of two side rails joined at regular intervals by crosspieces called steps, rungs, or cleats, on which a person may step in ascending or descending.

(2) *Fixed ladder.* A fixed ladder is a ladder permanently attached to a structure, building, or equipment.

(3) *Individual-rung ladder.* An individual-rung ladder is a fixed ladder each rung of which is individually attached to a structure, building, or equipment.

(4) *Rail ladder.* A rail ladder is a fixed ladder consisting of side rails joined at regular intervals by rungs or cleats and fastened in full length or in sections to a building, structure, or equipment.

(5) *Railings.* A railing is any one or a combination of those railings constructed in accordance with § 1910.23. A standard railing is a vertical barrier erected along exposed edges of floor openings, wall openings, ramps, platforms, and runways to prevent falls of persons.

(6) *Pitch.* Pitch is the included angle between the horizonal and the ladder, measured on the opposite side of the ladder from the climbing side.

(7) *Fastenings.* A fastening is a device to attach a ladder to a structure, building, or equipment.

(8) *Rungs.* Rungs are ladder crosspieces of circular or oval cross-section on which a person may step in ascending or descending.

(9) *Cleats.* Cleats are ladder crosspieces of rectangular cross-section placed on edge on which a person may step in ascending or descending.

(10) *Steps.* Steps are the flat crosspieces of a ladder on which a person may step in ascending or descending.

(11) *Cage.* A cage is a guard that may be referred to as a cage or basket guard which is an enclosure that is fastened to the side rails of the fixed ladder or to the structure to encircle the climbing space of the ladder for the safety of the person who must climb the ladder.

(12) *Well.* A well is a permanent complete enclosure around a fixed ladder, which is attached to the walls of the well. Proper clearances for a well will give the person who must climb the ladder the same protection as a cage.

(13) *Ladder safety device.* A ladder safety device is any device, other than a cage or well, designed to eliminate or reduce the possibility of accidental falls and which may incorporate such features as life belts, friction brakes, and sliding attachments.

(14) *Grab bars.* Grab bars are individual handholds placed adjacent to or as an extension above ladders for the purpose of providing access beyond the limits of the ladder.

(15) *Through ladder.* A through ladder is one from which a man getting off at the top must step through the ladder in order to reach the landing.

(16) *Side-step ladder.* A side-step ladder is one from which a man getting off at the top must step sideways from the ladder in order to reach the landing.

As used in § 1910.28(f), unless the context requires otherwise, scaffolding terms shall have the meaning ascribed in this paragraph.

(1) *Bearer.* A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) *Boatswain's chair.* A seat supported by slings attached to a suspended rope, designed to accommodate one workman in a sitting position.

(3) *Brace.* A tie that holds one scaffold member in a fixed position with respect to another member.

(4) *Bricklayers' square scaffold.* A scaffold composed of framed wood squares which support a platform limited to light and medium duty.

(5) *Carpenters' bracket scaffold.* A scaffold consisting of wood or metal brackets supporting a platform.

(6) *Coupler.* A device for locking together the component parts of a tubular metal scaffold. The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron, or structural grade aluminum. The use of gray cast iron is prohibited.

(7) *Crawling board or chicken ladder.* A plank with cleats spaced and secured at equal intervals, for use by a worker on roofs, not designed to carry any material.

(8) *Double pole or independent pole scaffold.* A scaffold supported from the base by a double row of uprights, independent of support from the walls and constructed of uprights, ledgers, horizontal platform bearers, and diagonal bracing.

(9) *Float or ship scaffold.* A scaffold hung from overhead supports by means of ropes and consisting of a substantial platform having diagonal bracing underneath, resting upon and securely fastened to two parallel plank bearers at right angles to the span.

(10) *Guardrail.* A rail secured to uprights and erected along the exposed sides and ends of platforms.

(11) *Heavy duty scaffold.* A scaffold designed and constructed to carry a working load not to exceed 75 pounds per square foot.

(12) *Horse scaffold.* A scaffold for light or medium duty, composed of horses supporting a work platform.

(13) *Interior hung scaffold.* A scaffold suspended from the ceiling or roof structure.

(14) *Ladder jack scaffold.* A light duty scaffold supported by brackets attached to ladders.

(15) *Ledger (stringer).* A horizontal scaffold member which extends from post to post and which supports the putlogs or bearer forming a tie between the posts.

(16) *Light duty scaffold.* A scaffold designed and constructed to carry a working load not to exceed 25 pounds per square foot.

(17) *Manually propelled mobile scaffold.* A portable rolling scaffold supported by casters.

(18) *Masons' adjustable multiple-point suspension scaffold.* A scaffold having a continuous platform supported by bearers suspended by wire rope from overhead supports, so arranged and operated as to permit the raising or lowering of the platform to desired working positions.

(19) *Maximum intended load.* The total of all loads including the working load, the weight of the scaffold, and such other loads as may be reasonably anticipated.

(20) *Medium duty scaffold.* A scaffold designed and constructed to carry a working load not to exceed 50 pounds per square foot.

(21) *Mid-rail.* A rail approximately midway between the guardrail and platform, used when required, and secured to the uprights erected along the exposed sides and ends of platforms.

(22) *Needle beam scaffold.* A light duty scaffold consisting of needle beams supporting a platform.

(23) *Outrigger scaffold.* A scaffold supported by outriggers or thrustouts projecting beyond the wall or face of the building or structure, the inboard ends of which are secured inside of such a building or structure.

(24) *Putlog.* A scaffold member upon which the platform rests.

(25) *Roofing bracket.* A bracket used in sloped roof construction, having provisions for fastening to the roof or supported by ropes fastened over the ridge and secured to some suitable object.

(26) *Runner.* The lengthwise horizontal bracing or bearing members or both.

(27) *Scaffold.* Any temporary elevated platform and its supporting structure used for supporting workmen or materials or both.

(28) *Single-point adjustable suspension scaffold.* A manually or power-operated unit designated for light duty use, supported by a single wire rope from an overhead support so arranged and

operated as to permit the raising or lowering of the platform to desired working positions.

(29) *Single pole scaffold.* Platforms resting on putlogs or crossbeams, the outside ends of which are supported on ledgers secured to a single row of posts or uprights and the inner ends of which are supported on or in a wall.

(30) *Stone setters' adjustable multiple-point suspension scaffold.* A swinging-type scaffold having a platform supported by hangers suspended at four points so as to permit the raising or lowering of the platform to the desired working position by the use of hoisting machines.

(31) *Toe board.* A barrier secured along the sides and ends of a platform, to guard against the falling of material.

(32) *Tube and coupler scaffold.* An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and special couplers which serve to connect the uprights and to join the various members.

(33) *Tubular welded frame scaffold.* A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections which consist of posts and horizontal bearer with intermediate members. Panels or frames shall be braced with diagonal or cross braces.

(34) *Two-point suspension scaffold (swinging scaffold).* A scaffold, the platform of which is supported by hangers (stirrups) at two points, suspended from overhead supports so as to permit the raising or lowering of the platform to the desired working position by tackle or hoisting machines.

(35) *Window jack scaffold.* A scaffold, the platform of which is supported by a bracket or jack which projects through a window opening.

(36) *Working load.* Load imposed by men, materials, and equipment.

(g) As used in § 1910.29, unless the context requires otherwise, manually propelled mobile ladder stand and scaffold (tower) terms shall have the meaning ascribed in this paragraph.

(1) *Bearer.* A horizontal member of a scaffold upon which the platform rests and which may be supported by ledgers.

(2) *Brace.* A tie that holds one scaffold member in a fixed position with respect to another member.

(3) *Climbing ladder.* A separate ladder with equally spaced rungs usually attached to the scaffold structure for climbing and descending.

(4) *Coupler.* A device for locking together the components of a tubular metal scaffold which shall be designed and used to safely support the maximum intended loads.

(5) *Design working load.* The maximum intended load, being the total of all loads including the weight of the men, materials, equipment, and platform.

(6) *Equivalent.* Alternative design or features, which will provide an equal degree or factor of safety.

(7) *Guardrail.* A barrier secured to uprights and erected along the exposed sides and ends of platforms to prevent falls of persons.

(8) *Handrail.* A rail connected to a ladder stand running parallel to the slope and/or top step.

(9) *Ladder stand.* A mobile fixed size self-supporting ladder consisting of a wide flat tread ladder in the form of stairs. The assembly may include handrails.

(10) *Ledger (stringer).* A horizontal scaffold member which extends from post to post and which support the bearer forming a tie between the posts.

(11) *Mobile scaffold (tower).* A light, medium, or heavy scaffold mounted on casters or wheels.

(12) *Mobile.* "Manually propelled."

(13) *Mobile work platform.* Generally a fixed work level one frame high on casters or wheels, with bracing diagonally from platform to vertical frame.

(14) *Runner.* The lengthwise horizontal bracing and/or bearing members.

(15) *Scaffold.* Any temporary elevated platform and its necessary vertical, diagonal, and horizontal members used for supporting workmen and materials. (Also known as a scaffold tower.)

(16) *Toe board.* A barrier at platform level erected along the exposed sides and ends of a scaffold platform to prevent falls of materials.

(17) *Tube and coupler scaffold.* An assembly consisting of tubing which serves as posts, bearers, braces, ties, and runners, a base supporting the posts, and uprights, and serves to join the various members, usually used in fixed locations.

(18) *Tubular welded frame scaffold.* A sectional, panel, or frame metal scaffold substantially built up of prefabricated welded sections, which consist of posts and bearers with intermediate connecting members and braced with diagonal or cross braces.

(19) *Tubular welded sectional folding scaffold.* A sectional, folding metal scaffold either of ladder frame or inside stairway design, substantially built of prefabricated welded sections, which consist of end frames, platform frame, inside inclined stairway frame and braces, or hinged connected diagonal and horizontal braces, capable of being folded into a flat package when the scaffold is not in use.

(20) *Work level.* The elevated platform, used for supporting workmen and their materials, comprising the necessary vertical, horizontal, and diagonal braces, guardrails, and ladder for access to the work platform.

§ 1910.22 General requirements.

This section applies to all permanent places of employment, except where domestic, mining, or agricultural work only is performed. Measures for the control of toxic materials are considered to be outside the scope of this section.

(a) *Housekeeping.* (1) All places of employment, passageways, storerooms, and service rooms shall be kept clean and orderly and in a sanitary condition.

(2) The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained, and false floors, platforms, mats, or other dry standing places should be provided where practicable.

(3) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.

(b) *Aisles and passageways.* (1) Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repairs, with no obstruction across or in aisles that could create a hazard.

(2) Permanent aisles and passageways shall be appropriately marked.

(c) *Covers and guardrails.* Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

(d) *Floor loading protection.* (1) In every building or other structure, or part thereof, used for mercantile, business, industrial, or storage purposes, the loads approved by the building official shall be marked on plates of approval design which shall be supplied and securely affixed by the owner of the building, or his duly authorized agent, in a conspicuous place in each space to which they relate. Such plates shall not be removed or defaced but, if lost, removed, or defaced, shall be replaced by the owner or his agent.

(2) It shall be unlawful to place, or cause, or permit to be placed, on any floor or roof of a building or other structure a load greater than that for which such floor or roof is approved by the building official.

§ 1910.23 Guarding floor and wall openings and holes.

(a) *Protection for floor openings.* (1) Every stairway floor opening shall be guarded by a standard railing constructed in accordance with paragraph (e) of this section. The railing shall be provided on all exposed sides (except at entrance to stairway). For infrequently used stairways where traffic across the opening prevents the use of fixed standard railing (as when located in aisle spaces, etc.), the guard shall consist of a hinged floor opening cover of standard strength and construction and removable standard railings on all exposed sides (except at entrance to stairway).

(2) Every ladderway floor opening or platform shall be guarded by a standard railing with standard toeboard on all exposed sides (except at entrance to opening), with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(3) Every hatchway and chute floor opening shall be guarded by one of the following:

(i) Hinged floor opening cover of standard strength and construction equipped with standard railings or permanently attached thereto so as to leave only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings.

(ii) A removable railing with toeboard on not more than two sides of the opening and fixed standard railings with toeboards on all other exposed sides. The removable railings shall be kept in place when the opening is not in use and should preferably be hinged or otherwise mounted so as to be conveniently replaceable.

Where operating conditions necessitate the feeding of material into any hatchway or chute opening, protection shall be provided to prevent a person from falling through the opening.

(4) Every skylight floor opening and hole shall be guarded by a standard skylight screen or a fixed standard railing on all exposed sides.

(5) Every pit and trapdoor floor opening, infrequently used, shall be guarded by a floor opening cover of standard strength and construction which should be hinged in place. While the cover is not in place, the pit or trap opening shall be constantly attended by someone or shall be protected on all exposed sides by removable standard railings.

(6) Every manhole floor opening shall be guarded by a standard manhole cover which need not be hinged in place. While the cover is not in place, the manhole opening shall be constantly attended by someone or shall be protected by removable standard railings.

(7) Every temporary floor opening shall have standard railings, or shall be constantly attended by someone.

(8) Every floor hole into which persons can accidentally walk shall be guarded by either:

(i) A standard railing with standard toeboard on all exposed sides, or

(ii) A floor hole cover of standard strength and construction that should be hinged in place. While the cover is not in place, the floor hole shall be constantly attended by someone or shall be protected by a removable standard railing.

(9) Every floor hole into which persons cannot accidentally walk (on account of fixed machinery, equipment, or walls) shall be protected by a cover that leaves no openings more than 1 inch wide. The cover shall be securely held in place to prevent tools or materials from falling through.

(10) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width to less than 20 inches.

(b) *Protection for wall openings and holes.* (1) Every wall opening from which there is a drop of more than 4 feet shall be guarded by one of the following:

(i) Rail, roller, picket fence, half door, or equivalent barrier.

The guard may be removable but should preferably be hinged or otherwise mounted so as to be conveniently replaceable. Where there is exposure below to falling materials, a removable toe board or the equivalent shall also be provided. When the opening is not in use for handling materials, the guard shall be kept in position regardless of a door on the opening. In addition, a grab handle shall be provided on each side of the opening with its center approximately 4 feet above floor level and of standard strength and mounting.

(ii) Extension platform onto which materials can be hoisted for handling, and which shall have side rails or equivalent guards of standard specifications.

(2) Every chute wall opening from which there is a drop of more than 4 feet shall be guarded by one or more of the barriers specified in subparagraph (1) of this paragraph, or as required by the conditions.

(3) Every window wall opening at a stairway landing, floor, platform, or balcony, from which there is a drop of more than 4 feet, and where the bottom of the opening is less than 3 feet above the platform or landing, shall be guarded by standard slats, standard grill work (as specified in paragraph (e)(11) of this section), or standard railing.

Where the window opening is below the landing, or platform, a standard toe board shall be provided.

(4) Every temporary wall opening shall have adequate guards but these need not be of standard construction.

(5) Where there is a hazard of materials falling through a wall hole, and the lower edge of the near side of the hole is less than 4 inches above the floor, and the far side of the hole more than 5 feet above the next lower level, the hole shall be protected by a standard toeboard, or an enclosing screen either of solid construction, or as specified in paragraph (e)(11) of this section.

(c) *Protection of open-sided floors, platforms, and runways.* (1) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toeboard wherever, beneath the open sides,

(i) Persons can pass,

(ii) There is moving machinery, or

(iii) There is equipment with which falling materials could create a hazard.

(2) Every runway shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toeboard shall also be provided on each exposed side.

Runways used exclusively for special purposes (such as oiling, shafting, or filling tank cars) may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway of not less than 18 inches wide. Where persons entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding than is here specified may be essential for protection.

(3) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards shall be guarded with a standard railing and toe board.

(d) *Stairway railings and guards.* (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in subdivisions (i) through (v) of this subparagraph, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on each side.

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side.

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(e) *Railing, toe boards, and cover specifications.* (1) A standards railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of 42 inches nominal from upper surface of top rail to floor, platform, runway, or ramp level. The top rail shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except wheres uch overhang does not constitute a projection hazard.

(2) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(3) Minimum requirements for standard railings under various types of construction are specified in the following subdivisions. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 [S4S] Southern Yellow Pine [Modulus of Rupture 7,400 p.s.i.]) for wood; ANSI G41.5–1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B125.1–1970,

American National Standard Specifications for Welded and Steamless Steel Pipe, for pipe.

(i) For wood railing, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 6 feet; the top and intermediate rails shall be of at least 2-inch by 4-inch stock. If top rail is made of two right-angle pieces of 1-inch by 4-inch stock, posts may be spaced on 8-foot centers, with 2-inch by 4-inch intermediate rail.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1½ inches nominal diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by ⅜-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than 8 feet on centers.

(iv) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail.

(v) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(*a*) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of 42 inches nominal;

(*b*) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure;

(c) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(*d*) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(4) A standard toeboard shall be 4 inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than ¼-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over 1 inch in greatest dimension.

Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(5)(i) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(iii) The size of handrails shall be: When of hardwood, at least 2 inches in diameter; when of metal pipe, at least 1½ inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least 3 inches. The spacing of brackets shall not exceed 8 feet.

(iv) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point on the rail.

(6) All handrails and railings shall be provided with a clearance of not less than 3 inches between the handrail or railing and any other object.

(7) Floor opening covers may be of any material that meets the following strength requirements:

(i) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(ii) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle load of at least 20,000 pounds.

(iii) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than 1 inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over 30 degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(8) Skylight screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied perpendicularly at any one area on the screen. They shall also be of such construction and mounting that under ordinary loads or impacts, they will not deflect downward sufficiently to break the glass below them. The construction shall be of grillwork with openings not more than 4 inches long or of slatwork with openings not more than 2 inches wide with length unrestricted.

(9) Wall opening barriers (rails, rollers, picket fences, and half doors) shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward) at any point on the top rail or corresponding member.

(10) Wall opening grab handles shall be not less than 12 inches in length and shall be so mounted as to give 3 inches clearance from the side framing of the wall opening. The size, material, and anchoring of the grab handle shall be such that the completed structure is capable of withstanding a load of at least 200 pounds applied in any direction at any point of the handle.

(11) Wall opening screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grillwork with openings not more than 8 inches long, or of slatwork with openings not more than 4 inches wide with length unrestricted.

§ 1910.24 Fixed industrial stairs.

(a) *Application of requirements.* The requirements of this section apply to fixed general industrial stairs. This section does not apply to stairs used for fire-exit purposes, to construction operations, to private residences, or to articulated stairs, such as may be installed on floating roof tanks or on dock facilities, the angle of which changes with the rise and fall of the base support.

(b) *Where fixed stairs are required.* Fixed stairs shall be provided for access from one structure level to another where operations necessitate regular travel between levels, and for access to operating platforms at any equipment which requires attention routinely during operations. Fixed stairs shall also be provided where access to elevations is daily or at each shift for such purposes as gauging, inspection, regular maintenance, etc., where such work may expose employees to acids, caustic, gases, or other harmful substances, or for which purposes the carrying of tools or equipment by hand is normally required. (It is not the intent of this section to preclude the use of fixed ladders for access to elevated tanks, towers, and similar structures, overhead traveling cranes, etc., where the use of fixed ladders is common practice.) Spiral stairways shall not be permitted except for special limited usage and secondary access situations where it is not practical to provide a conventional stairway. Winding stairways may be installed on tanks and similar round structures where the diameter of the structure is not less than five (5) feet.

(c) *Stair strength.* Fixed stairways shall be designed and constructed to carry a load of five times the normal live load anticipated but never of less strength than to carry safely a moving concentrated load of 1,000 pounds.

(d) *Stair width.* Fixed stairways shall have a minimum width of 22 inches.

(e) *Angle of stairway rise.* Fixed stairs shall be installed at angles to the horizontal of between 30° and 50°. Any uniform combination of rise/tread dimensions may be used that will result in a stairway at any angle to the horizontal within the permissible range. Table D-1 gives rise/tread dimensions which will produce a stairway within the permissible range, stating the angle to the horizontal produced by each combination. However, the rise/tread combinations are not limited to those given in Table D-1.

(f) *Stair treads.* Each tread and the top landing of a stairway, where risers are used, should have a nose which extends one-half inch to 1 inch beyond the face of the lower riser. Noses should have an even leading edge. All treads shall be reasonably slip-resistant and the nosings shall be of nonslip finish. Welded bar grating treads without nosings are acceptable providing the leading edge can be readily identified by personnel descending the stairway and provided the tread is serrated or is of definite nonslip design. Rise height and tread width shall be uniform throughout any flight of stairs including any foundation structure used as one or more treads of the stairs.

TABLE D-1

Angle to horizontal	Rise (in inches)	Tread run (in inches)
30°35′	6½	11
32°08′	6¾	10¾
33°41′	7	10½
35°16′	7¼	10¼
36°52′	7½	10
38°29′	7¾	9¾
40°08′	8	9½
41°44′	8¼	9¼
43°22′	8½	0
45°00′	8¾	8¾
46°38′	9	8½
48°16′	9¼	8¼
49°54′	9½	8

(g) *Length of stairways.* Long flights of stairs, unbroken by landings or intermediate platforms, should be avoided. Consideration should be given to providing intermediate platforms where practical and where such stairways are in frequent use. Stairway platforms shall be no less than the width of a stairway and a minimum of 30 inches in length measured in the direction of travel.

(h) *Railings and handrails.* Standard railings shall be provided on the open sides of all exposed stairways and stair platforms. Handrails shall be provided on at least one side of closed stairways, preferably on the right side descending. Stair railings and handrails shall be installed in accordance with the provisions of § 1910.23.

(i) *Vertical clearance.* Vertical clearance above any stair tread to an overhead obstruction shall be at least 7 feet measured from the leading edge of the tread.

(j) *Open risers.* Stairs having treads of less than 9-inch width should have open risers.

(k) *General.* Open grating type treads are desirable for outside stairs.

§ 1910.25 Portable wood ladders.

(a) *Application of requirements.* This section is intended to prescribe rules and establish minimum requirements for the construction, care, and use of the common types of portable wood ladders, in order to insure safety under normal conditions of usage. Other types of special ladders, fruitpicker's ladders, combination step and extension ladders, stockroom step ladders, aisle-way step ladders, shelf ladders, and library ladders are not specifically covered by this section.

(b) *Materials*—(1) *Requirements applicable to all wood parts.* (i) All wood parts shall be of the species specified in Table D-5, seasoned to a moisture content of not more than 15 percent; smoothly machined and dressed on all sides; free from sharp edges and splinters; sound and free by accepted visual inspection from shake, wane, compression failures, decay, or other irregularities except as hereinafter provided. Low-density wood shall not be used.

(ii) Black streaks in western hemlock shall not be considered an irregularity, except that chambers associated with black streaks, when present in the part, shall be limited as specified for pitch and bark pockets.

(2) *Permissible irregularities in side rails and back rails* (i) The general slope of grain in side rails of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length and having flat steps for treads, the general slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local grain deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above when occurring on the edges or in the outer one-fourth of the width of the wide face. Local areas of grain deviation within the center half of the width of the wide face may contain grain slope as steep as 1 in 8. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(ii) Knots shall not appear in narrow faces of side rails. Knots, if tight and sound and less than one-half inch in diameter, are permitted on the wide face provided they are at least one-half inch back from either edge and not more frequent than 1 to any 3 feet of ladder length.

(iii) Pitch and bark pockets are permitted provided they are not more than one-eighth inch in width, or more than 2 inches in length, or more than one-half inch in depth, and then only if they are not more frequent than 1 to any 3 feet of ladder length.

(iv) Checks are permitted on side rails provided they are not more than 6 inches in length or more than one-half inch in depth.

(v) Occurrences of compression wood in relatively small amounts and positively identified by competent and conscientious visual inspection of side rails are permitted provided no single streak shall exceed one-half inch in width nor shall the aggregate of streaks exceed one-fourth of the face of the side rail. Borderline forms of compression wood not positively identified by competent and conscientious visual inspection are permitted. Ladder parts containing bow or crook which would interfere with the operation of the ladder shall not be used.

(3) *Permissible irregularities in flat steps, rungs, and cleats.* (i) The general slope of grain in flat steps of minimum dimension shall not be steeper than 1 in 12, except that for ladders under 10 feet in length the slope of grain shall not be steeper than 1 in 10. The slope of grain in areas of local deviation shall not be steeper than 1 in 12 or 1 in 10 as specified above. For all ladders, cross grain not steeper than 1 in 10 are permitted in lieu of 1 in 12, provided the size is increased to afford at least 15 percent greater calculated strength than for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(ii) The general slope of grain and that in areas of local deviations of grain shall not be steeper than 1 in 15 in rungs and cleats. For all ladders cross grain not steeper than 1 in 12 are permitted in lieu of 1 in 15, provided the size is increased to afford at least 15 percent greater calculated strength for ladders built to minimum dimensions. Local deviations of grain associated with otherwise permissible irregularities are permitted.

(iii) Knots over one-eighth inch in diameter shall not appear in rungs. Knots shall not appear in the narrow faces of flat steps and cleats. Knots appearing in the wide faces of flat steps and cleats shall not exceed a diameter of one-fourth inch.

(4) *Classification of species of wood.* Table D-5 gives a list of native woods, divided into four groups on the basis of mechanical properties considered from the standpoint of use for ladder construction.

(i) All minimum dimensions and specifications set forth hereinafter for side rails and flat steps are based on the species of wood listed in Group 3 in Table D-5 except where otherwise provided. The species of all other groups may be substituted for those of Group 3 when used in sizes that provide at least equivalent strength. (See Table D-5 for suggested methods of size adjustment.)

(ii) All minimum dimensions and specifications set forth hereinafter for rungs and cleats are based on the species of wood listed in Group 1 in Table D-5. Cleats may be made of species of any other group provided that the cross-sectional dimensions specified for Group 1 species are increasd by the factors shown in this subdivision (based on the percentages of Table D-5) for the species group of which the cleats are to be made.

FACTOR FOR INCREASE IN

Species group	Each dimension	Width only (thickness unchanged)
1	1.00	1.00
2	1.03	1.05
3	1.11	1.19
4	1.17	1.26

(5) *Metal parts.* All metal parts shall be made of aluminum, steel, wrought iron, malleable iron, or other material, adequate in strength for the purpose intended.

(c) *Construction requirements*—(1) *Basic of requirements.* (i) Dimensions specified hereinafter for wood ladders are the minimum dressed cross-sectional dimensions for the types of ladders herein designated, based on the species of woods specified in paragraph (b)(4) of this section, at a moisture content of 15 percent. The dimensions for side rails are based on a mortise or gain as specified for the various types of ladders for step or rung attachments. Where the strength of the side rails or back legs is reduced by a greater mortise or gain than shown, or where it is desired to use a cross section for any wood part either dimension of which is less than that specified, the required dimensions may be found as indicated in subdivision (ii) of this subparagraph.

(ii) For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,150 pounds for Group 1 woods, 2,000 pounds for Group 2 woods, 1,600 pounds for Group 3 woods, or 1,375 pounds for Group 4 woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5 percent over these stresses:

$$S=\frac{3\,LD\,(P+W/16)}{2B\,(D^3-d^3)}=\frac{15\,LD\,(25+W/16)}{B\,(D^3-0.67)}$$

P = 25 pounds, which is the normal component on each rail of a load of 200 pounds at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length.
S = Stress in extreme fiber in pounds per square inch.
W = Weight of ladder in pounds.
L = Maximum working length of ladder in inches.
B = Net thickness of each side rail in inches.
D = Depth of side rail in inches.
d = Diameter of hole board for rung (d^3 shall be taken as not less than 0.67).

(iii) Adjustment of sizes for wood parts of stepladders and other ladder types covered by this section may be made as follows:

(*a*) The dimensions specified in later sections for parts having rectangular cross sections generally represent only one of a number of possible combinations of thickness and width which could satisfy the requirements for strength and stiffness. Depending upon the material sizes available, manufacturing practices, and like factors, parts produced by a particular manufacturer may or may not agree exactly with the sizes given later. The following provisions provide means for determining equality of load-carrying capacity of parts of different sizes or of determining sizes needed to provide equality.

(*b*) Any changes in dimensions shall result in a change in the width-thickness ratio for side rails of back legs not greater than 25 percent from the ratio for a corresponding ladder as now covered in this section.

(c) Where both dimensions are different from those specified, the load-carrying capacity in bending of a part will be equal to or greater than that of a part of specified dimensions if the ratio P_2/P_1 is not less than 1, where

$$\frac{P_2}{P_1}=\frac{B_2D_2^2}{B_1D_1^2}$$

and

B = Dimension of the part at right angles to the direction of load (width of a step, thickness of a side rail or back leg).
D = Dimension of the part parallel to the direction of load (thickness of a step, width of a side rail or back leg).
B_1D_1 = Dimensions as specified.
B_2D_2 = Dimensions of part being considered.

(*d*) The dimensions to be used in the computations are net dimensions. For example, in the case of a stepladder side rail, the dimension B is to be taken as the gross thickness of the rail minus the depth of the gain for the steps. Where there is a rung hole at the center of depth of a rail, a somewhat more accurate comparison may be made by the use of the formula

$$\frac{P_2}{P_1}=\frac{B_2D_1\,(D_2^3-d^3)}{B_1D_2\,(D_1^3-d^3)}$$

where the symbols have the same meanings as before and d is the diameter of the hole for the rung tenon. In most instances the difference in results calculated by this and by the earlier formula will be slight.

(2) *Portable stepladders*. Stepladders longer than 20 feet shall not be supplied. Stepladders as hereinafter specified shall be of three types:

Type I—Industrial stepladder, 3 to 20 feet for heavy duty, such as utilities, contractors, and industrial use.

Type II—Commercial stepladder, 3 to 12 feet for medium duty, such as painters, offices, and light industrial use.

Type III—Household stepladder, 3 to 6 feet for light duty, such as light household use.

(i) *General requirements*. (*a*) Slope is the inclination of side rails or back legs with respect to the vertical and is expressed as a deviation from the vertical per unit length of the member. Stepladders shall be so constructed, that when in the open position, the slope of the front section shall not be less than 3½ inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail.

(*b*) A uniform step spacing shall be employed which shall be not more than 12 inches. Steps shall be parallel and level when the ladder is in position for use.

(c) The minimum width between side rails at the top, inside to inside, shall be not less than 11½ inches. From top to bottom, the side rails shall spread at least 1 inch for each foot of length of stepladder.

(*d*) When minimum thickness of side rails is used, steps shall be closely fitted into the grooves in the side rails one-eighth inch in depth with a tolerance of one thirty-second inch, and shall be firmly secured as hereinafter described; or they shall be closely fitted into metal brackets of an equivalent strength, which in turn shall be firmly secured to the side rails. The depth of groove herein provided may be increased in proportion to the thickness of side rails as provided in subdivisions (ii) (*a*), (iii) (*a*), and (iv) (*a*) of this subparagraph.

(*e*) All stepladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs, to allow free swinging of the back section without excessive play or wear at the joints.

(*f*) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in open positions shall be a component of each stepladder. The spreader shall have all sharp points covered or removed to protect the user. For Type III ladder, the pail shelf and spreader may be combined in one unit (the so-called shelf-lock ladder).

(*g*) When measured along the front edge of the side rails, all stepladders shall measure within 3 inches of the specified length.

(*h*) Where bucket shelves are provided, they shall be constructed to support a load of 25 pounds and shall be so fastened that they can be folded up when the ladder is closed.

(*i*) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(ii) *Type I industrial stepladder*. (*a*) (*1*) The minimum dimensions of the parts of the Type I stepladder shall be as shown in Table D–2 when made of Group 2 or Group 3 woods.

(2) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in subdivisions (i) (*d*) of this subparagraph, and shall be increased when grooves of greater depth are used.

(*b*) Steps shall be secured with at least two 6–d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing—into the side rails, and a truss block which shall be fitted between the rod and the center of each step, or by a metal angle brace on each end firmly secured to the steps and side rails, or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3⅝ inches wide and 27 inches or more in overall length and all steps 4¼ inches wide and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail.

(c) The back section shall be braced by one of the following methods:

(1) The back legs shall be braced with 1⅛-inch diameter rungs of Group 1 woods (see Table D–5), or material of equivalent strength, having ⅞-inch diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the leg, and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. Where rungs are more than 28 inches in length between the back legs they shall be provided with center bearing consisting of a wood bar not less than ¾ by 2 inches in cross-section securely nailed to each rung passing through it and long enough to include each rung longer than 28 inches.

(2) The back leg shall be braced with horizontal wood bars of Group 1, 2, or 3 woods in Table D–5 and not less than ¾ by 2½ inches in cross-section, spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gauge (Manufacturers Standard) steel, or other material of equivalent strength, or into mortises of not less than one-eighth inch (tolerance of ±one-thirty-second inch) in depth in the back legs. A steel rod not less than 0.160 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent passing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet or shorter. Metal sockets when used shall be attached to the back lags by rivets or by means of a rod running through the sock or equivalent thereof.

TABLE D-3

DIMENSIONS FOR TYPE I STEP LADDER

	Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	25/32	3¼	25/32	3½	1 1/16	3½
Back legs	25/32	2¼	25/32	2⅝	1 1/16	2¼
Steps	25/32	3⅝	25/32	4¼	25/32	4¼
Tops	25/32	5½	25/32	5½	25/32	5½

DIMENSIONS FOR TYPE II STEP LADDER

	Length, 3 to 8 feet		Length, 10 feet		Length, 12 feet	
	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)
Side rails	¾	2⅝	¾	2⅝	¾	3
Back legs	¾	1⅝	¾	1¾	¾	2
Steps	¾	3½	¾	3½	¾	3⅝
Top	¾	5	¾	5	¾	5

(*d*) The back legs shall be reinforced by a rivet through the depth of the leg above the hinge point, by metal plates or collars at the hinge point, or by other means suitable for preventing splitting of the back leg from the hinge pin to the top.

(iii) *Type II commercial stepladder*. (*a*) (*1*) The minimum dimensions of the parts of the Type II stepladder shall be as given in Table D–3 when made of Group 2 or Group 3 woods.

(2) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in subdivision (i) (*d*) of this subparagraph, and shall be increased when grooves of greater depth are used.

(*b*) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by by a steel rod not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing into the side rails, and a truss block shall be fittted between the truss rod and center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails; or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition all steps 27 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rails.

(c) The back legs shall be braced by one of the three following methods:

(*1*) (*i*) With ⅞-inch diameter wood dowels of Group 1 woods (see Table D–5) or material of equivalent strength having not less than ⅝-inch tenons firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the dowel. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel.

(*ii*) A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each 2 feet of length.

(2) With wood dowels as set forth in this subdivision (iii) (*c*) (*1*), plus an inverted V bracing of ¾- by 1½-inch material through which the dowels extend, the length of the V to extend two-thirds of the way up the back.

(*3*) With horizontal bracing of Group 1, 2, 3, or 4 woods (see Table D–5) not less than ¾ by 2 inches in cross-section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard), steel, or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back legs, the bar, and, at each end, through metal washers of sufficient diameter and thickness to prevent pressing into back legs. The spacing of such braces shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders, three braces on 7- and 8-foot ladders, and four braces on 10- and 12-foot ladders. The bottom bar shall not be more than 18 inches from the bottom of the ladder, and, where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg.

(iv) *Type III household stepladder*. (*a*) The minimum dimensions of the parts of the Type III stepladder shall be as follows when made of Group 2 or Group 3 woods.

	Length, 3 to 6 feet	
	Thickness (inch)	Depth (inches)
Side rails	¾	2½
Back legs	¾	1 5/16
Steps	¾	3
Top	¾	5

The minimum thicknesses of side rails provide for the cutting of a groove one-eighth inch in depth with the tolerance indicated in subdivision (i) (*d*) of this subparagraph, and shall be increased when grooves of greater depth are used.

(*b*) Steps shall be secured with at least one 6-d nail at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 0.160 inch in diameter with standard commercial tolerance which shall pass through metal washers of sufficient thickness and diameter to prevent pressing into the side rails, or by a metal brace at each end firmly secured to steps and side rails or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rail.

(c) Back legs shall be braced by one of the two following methods or by construction of equivalent strength and safety:

(*1*) By diagonal slates of groups 1, 2, 3, or 4 wood (see Table D–5) not less than 5/8 by 1¼ inches securely fastened to the back legs by nails, screws, or the equivalent thereof.

(2) With horizontal bracing of Groups 1, 2, 3, or 4 wood (see Table D–5) not less than ⅝ by 1⅝ inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gauge (Manufacturing Standard) steel or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 0.160 inch in diameter with standard commercial tolerances which shall pass through the back leg, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder.

(3) *Portable rung ladders.* Portable rung ladders as herein specified shall be of four types, as follows: single ladder; two-section extension ladder; section ladder; trestle and extension trestle ladder.

(i) *General requirements.* (*a*) The base or lower portion of a ladder may have either parallel sides or flared sides in accordance with commercial practice.

(*b*) Rungs shall be parallel, level, and uniformly spaced. The spacing shall be not more than 12 inches, except as hereinafter specified.

(c) All holes for wood rungs shall either extend through the side rails or be bored so as to give at least a thirteen-sixteenths-inch length of bearing to the rung tenon. In through-bored construction, the rungs shall extend at least flush with the outside rail surface. All holes shall be located on the center line of the wide face of the side rails and shall be of such size as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail or the equivalent thereof, for the sole purpose of preventing the turning of the rung and maintaining the rung position in the side rail.

(*d*) Round rungs shall be of Group 1 woods (see Table D–5), shall be not less than 1⅛ inches in diameter for lengths up to 36 inches between side rails and 1 1/14 inches in diameter for lengths over 36 up to and including 72 inches, and shall have not less than seven-eighths-inch-diameter tenons, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing.

(*e*) Oval rungs or rungs of any other cross section may be used provided they are secured by a nail at each end or the equivalent thereof, and have at least the same strength and bearing as round rungs of the same length.

(*f*) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(*g*) The construction and assembly of the movable parts shall be such that they shall operate freely and securely without binding or unnecessary play.

(*h*) When measured along the side rails, no rung ladder or section thereof shall be more than 4 inches shorter than the specified length.

(*i*) Nonslip bases shall be securely bolted, riveted, or attached by equivalent construction to the side rails.

(*j*) Hooks shall be securely bolted or riveted to the side rails or equivalent construction and shall be of such dimensions as to withstand the loads imposed upon them.

(ii) *Single ladder.* (*a*) Single ladders longer than 30 feet shall not be supplied.

(*b*) The minimum dimensions of the side rails of the single ladder shall be as follows when made of group 2 or group 3 woods:

Length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1⅛	2½
Over 16 up to and including 22	1¼	2¾
Over 22 up to and including 30	1¼	3

(*c*) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in this subdivision (ii) (*b*),

(*d*) The width between the side rails at the base, inside to inside, shall be at least 11½ inches for all ladders up to and including 10 feet. Such minimum widths shall be increased at least one-fourth inch for each additional 2 feet of length.

(iii) *Two-section ladder.* (*a*) Two-section extension ladders longer than 60 feet shall not be supplied. All ladders of this type shall consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

(*b*) The minimum dimensions of the side rails of the two-section extension ladder shall be not less than specified in Table D–4 of this section.

(c) The minimum dimensions of side rails set forth in Table D–4 are based on the maximum working length, which is the size of ladder less the minimum overlap, which shall be as follows:

Size of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(*d*) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table D–5.

(*e*) The minimum distance between side rails of the bottom section, inside to inside, shall be 14½ inches on ladders up to and including 28 feet; 16 inches on all ladders over 28 feet up to and including 40 feet; 18 inches on all ladders over 40 feet.

(*f*) All locks and guide irons shall be of metal and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while raising, lowering, or in use.

(*g*) (*1*) Ladders of this type may be equipped with a rope and pulley, which shall be securely attached to the ladder in such manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.

(2) The rope used with the pulley shall be not less than five-sixteenths inch in diameter having a minimum breaking strength of 560 pounds, and shall be sufficient length for the purpose intended.

(iv) *Sectional Ladder.* (*a*) Assembled combinations of sectional ladders longer than lengths specified in this subdivision (iv) (*b*) shall not be used.

(*b*) The minimum dimensions of side rails shall be as follows for Group 2 or Group 3 woods:

Assembled length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 21	1⅛	2¾
Over 21 up to and including 31	1⅛	3⅛

TABLE D–4—DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail: Thickness (inches)		Rail: Depth (inches)
For group 2 woods			
16	1 1/16	×	2
20	1 1/16	×	2¼
24	1 1/16	×	2½
28	1 1/16	×	2¾
32	1⅛	×	2¾
36	1 3/16	×	2¾
40	1 3/16	×	2¾
44	1 5/16	×	3
For group 3 woods			
16	1⅛	×	2
20	1⅛	×	2¼
24	1⅛	×	2½
28	1⅛	×	2¾
32	1 5/16	×	2¾
36	1 5/16	×	3
40	1⅜	×	3
44	1⅜	×	3¼
48–52	1⅜	×	3¼
56–60	1⅝	×	3¼

(c) Ladders of this type shall have either straight sides slightly converging toward the top of each section, or shall have flaring sides at the bottom of the first (or bottom) section, with the top section having converging side rails to a width that shall be not less than 4 inches. Except for the top section, the minimum width between side rails shall be 11 inches.

(*1*) Adjacent sections shall be jointed by means of a groove in the bottom end of each rail of the upper of the two sections setting firmly over extensions outside the side rails, of the topmost rung of the next lower section and, at the same time, a groove in the top end of each rail of the lower of the two sections setting firmly over the bottom rung, inside the side rails, of the section next above.

(2) The distance between the two rungs (top-most rung of one section, bottom rung of the section next above) mentioned in this subdivision (iv) (c) (*1*) shall not be less than 1 foot.

(3) The fit between rail grooves and rungs mentioned in this subdivision (iv) (c) (*1*) shall be such as to provide a good fit without binding or unnecessary play.

(*4*) The grooved ends of the sections shall be reinforced with a metal plate of not less than 18-gauge (Manufacturing Standard) material properly secured thereto, and a rivet adjacent to the groove, extending through the depth of the rail, or the equivalent thereof.

(v) *Trestle and extension trestle ladder.* (*a*) Trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet shall not be supplied.

(*b*) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows for Group 2 or Group 3 woods.

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 5/16	2¾
Over 16 up to and including 20	1 5/16	3

The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as follows for Group 2 or Group 3 woods.

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 12	1 5/16	2¼
Over 12 up to and including 16	1 5/16	2½
Over 16 up to and including 20	1 5/16	2¾

(c) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be at least 5½ inches per foot of the length of the ladder.

(*d*) The width between the side rails at the base of the trestle ladder and base sections of the extension trestle ladder shall be at least 21 inches for all ladders and sections up to and including 6 feet. Longer lengths shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension sections of the trestle ladder shall be not less than 12 inches.

(*e*) The tops of the side rails of the trestle ladder and the base section of the extension trestle ladder shall be beveled, or equivalent construction, and shall be provided further with a metal hinge to prevent spreading.

(*f*) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of all extension trestle ladders and all trestle ladders over 12 feet in length.

(*g*) Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart.

(4) *Special-purpose ladders.* All special-purpose ladders shall comply with the appropriate requirements of subparagraphs (1), (2), and (3) of this paragraph, except as hereinafter modified in this subparagraph.

(i) *Platform stepladder.* A platform stepladder is a modification of a portable stepladder with a working platform provided near the top.

(*a*) Platform stepladders shall be made in accordance with the requirements of type I stepladders or in accordance with the requirements for type II stepladders.

(*b*) The slope of the back section shall be such that a vertical from the back edge of the platform will strike the floor at a distance measured toward the front section of not less than 3 inches from the base of the back section.

(c) The minimum width between side rails at the platform shall be not less than 15 inches.

(*d*) The back legs and side rails shall extend at least 24 inches above the platform and shall be connected with a top member to form a three-sided rail, or equivalent construction shall be provided.

(*e*) Platforms shall be so constructed as to be capable of supporting a load of 200 pounds placed at any point on the platform.

(*f*) A separate spreader may be omitted from platform ladders in which the height to the platform is 6 feet or less. If the spreader is omitted, the platform shall be so designed as to function as a spreader or locking device to hold the front and back sections securely in an open position, with the connection between side rails and back legs being through the metal parts of the platform. The wood parts of a combined wood and metal platform functioning as a spreader shall not be depended upon to contribute to the spreading or locking action.

(ii) *Painter's stepladder.* (*a*) Painter's stepladders longer than 12 feet shall not be supplied.

(*b*) Painter's stepladders shall be made in accordance with the requirements of type II stepladders except for the following:

(*1*) The top may be omitted.

(2) A rope spreader may be substituted for the metal spreader required in subparagraph (2) (i) (f) of this paragraph. The rope shall not be less than No. 6 sash cord or its equivalent.

(iii) *Mason's ladder.* A mason's ladder is a special type of single ladder intended for use in heavy construction work.

(*a*) Mason's ladders longer than 40 feet shall not be supplied.

(*b*) The minimum dimensions of the side rails when made of Group 2 or Group 3 woods and rungs (Group 1 woods) of the mason's ladder shall be as follows:

Length of ladder (feet)	Side rails: Thickness (inches)	Side rails: Depth (inches)	Diameter: Rung (inches)	Diameter: Tenon (inches)
Up to and including 22	1⅝	3⅝	1⅜	1
Over 22 up to and including 40	1⅝	4½	1⅜	1

(c) The width between the side rails at the bottom rung, inside to inside, shall be not less than 12 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased by at least one-fourth inch for each additional 2 feet of length.

(*d*) Rungs shall be parallel and level and shall be spaced not less than 8 inches or more than 12 inches apart.

(5) *Trolley and side-rolling ladders*—(i) *Length.* Trolley ladders and side-rolling ladders longer than 20 feet should not be supplied.

(ii) *Dimensions.* The dimensions of the side rails shall not be less than the following for Group 2 or Group 3 woods.

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	25/32	3
Over 10 up to and including 20	25/32	3¾

The minimum thicknesses of side rails provide for the cutting of a groove not over one-eighth inch in depth and shall be increased when grooves of greater depth are used. Flat steps shall have the following minimum dimensions for Group 2 or Group 3 woods.

Length of step (inches)	Thickness (inch)	Width (inches)
Up to and including 16	25/32	3
Over 16 up to and including 20	25/32	3¼
Over 20 up to and including 24	25/32	3½
Over 24 up to and including 28	25/32	4

(iii) *Width.* The width between the side rails, inside to inside, shall be at least 12 inches.

(iv) *Step attachment.* Flat steps shall be inset in the side rails one-eighth inch and secured with at least two 6–d nails at each end or the equivalent thereof. They shall be reinforced with angle braces or a 3/16-inch steel rod.

(v) *Locking device.* Locking devices should be provided on all trolley ladders.

(vi) *Tracks.* (*a*) Tracks shall be wood, or metal (excluding cast iron), or a combination of these materials.

(*b*) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels will not jump the track. Tracks shall be so designed as to provide for all probable loads to which they will be subjected.

(c) The supports shall be securely fastened by lag screws, machine, hook, or toggle bolts, or their equivalent.

(d) Track for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.

(vii) *Wheel carriages.* (*a*) Wheel carriages shall be so designed as to provide for all loads to which they will be subjected. Two-point suspension should be used.

(*b*) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rails with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel will not allow the ladder to drop or become detached from the track.

(c) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.

(*d*) The wheels at the upper end of the ladder shall have minimum wheel base of 8 inches.

(*e*) When wheels are used at the bottom of the ladder, there shall be at least one wheel supporting each side rail.

(*f*) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which they will be subjected.

(d) *Care and use of ladders*—(1) *Care.* To insure safety and serviceability the following precautions on the care of ladders shall be observed:

(i) Ladders shall be maintained in good condition at all times, the joint between the steps and side rails shall be tight, all hardware and fittings securely attached, and the movable parts shall operate freely without binding or undue play.

(ii) Metal bearings of locks, wheels, pulleys, etc., shall be frequently lubricated.

(iv) Safety feet and other auxiliary be replaced.

(iv) Safety feet and other auxiliary equipment shall be kept in good condition to insure proper performance.

(v) Ladders should be stored in such a manner as to provide ease of access or inspection, and to prevent danger of accident when withdrawing a ladder for use.

(vi) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(vii) Ladders stored in a horizontal position should be supported at a sufficient number of points to avoid sagging and permanent set.

(viii) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(ix) Ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(x) Ladders shall be inspected frequently and those which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "Dangerous, Do Not Use."

(xi) Rungs should be kept free of grease and oil.

(2) *Use.* The following safety precautions shall be observed in connection with the use of ladders:

(i) Portable rung and cleat ladders shall, where possible, be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). The ladder shall be so placed as to prevent slipping, or it shall be lashed, or held in position. Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds;

(ii) Ladders for which dimensions are specified should not be used by more than one man at a time nor with ladder jacks and scaffold plans where use by more than one man is anticipated. In such cases, specially designed ladders with larger dimensions of the parts should be procured;

(iii) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load;

(iv) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked upon, locked, or guarded.

(v) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height;

(vi) To support the top of the ladder at a window opening, a board should be attached across the back of the ladder, extending across the window and providing firm support against the building walls or window frames;

(vii) When ascending or descending, the user should face the ladder;

(viii) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(ix) Short ladders shall not be spliced together to provide long sections;

(x) Ladders made by fastening cleats across a single rail shall not be used;

(xi) Ladders shall not be used as guys, braces, or skids, or for other than their intended purposes ;

(xii) Tops of the ordinary types of stepladders shall not be used as steps;

(xiii) On two-section extension ladders the minimum overlap for the two sections in use shall be as follows:

Size of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(xiv) Portable rung ladders with reinforced rails (see paragraphs (c)(3)(ii)(c) and (d)(3) this section) shall be used only with the metal reinforcement on the under side. Ladders of this type should be used with great care near electrical conductors, since the reinforcing itself is a good conductor;

(xv) No ladder should be used to gain access to a roof unless the top of the ladder shall extend at least 3 feet above the point of support, at eave, gutter, or roof line;

(xvi) Adjustment of extension ladders should only be made by the user when standing at the base of the ladder, so that the user may observe when the locks are properly engaged. Adjustment of extension ladders from the top of the ladder (or any level over the locking device) is a dangerous practice and should not be attempted. Adjustment should not be made while the user is standing on the ladder.

(xvii) Middle and top sections of sectional or window cleaner's ladders should not be used for bottom section unless the user equips them with safety shoes.

(xviii) Extension ladders should always be erected so that the upper section is resting on the bottom section.

(xix) The user should equip all portable rung ladders with nonslip bases when there is a hazard of slipping. Nonslip bases are not intended as a substitute for care in safety placing, lashing, or holding a ladder that is being used upon oily metal, concrete, or slippery surfaces.

(xx) The bracing on the back legs of step ladders is designed solely for increasing stability and not for climbing.

(xxi) When service conditions warrant, hooks may be attached at or near the top of portable ladders to give added security.

TABLE D-5—CLASSIFICATION OF VARIOUS SPECIES OF WOOD ACCEPTABLE FOR USE IN LADDERS

The species are listed alphabetically within each group. The position of any species within a group therefore bears no relation to its strength or acceptability.

Where ladders are desired for use under conditions favorable to decay, it is recommended that the heartwood of decay-resistant species be used, or that the wood be given a treatment with a wood preservative. The species having the most durable heartwood are marked with an asterisk (*), and these should be preferred where resistance to decay is required.

GROUP 1

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,150 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 10 percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may not be more than 15 percent smaller if used edgewise (as in a rail) or 25 percent smaller if used flatwise (as in a tread).

GROUP 1—continued

White ash	Fraxinus americana, pennsylvanica, quadrangulata
Beech	Fagus grandifolia
Birch	Betula lenta, alleghaniensis, nigra (2)
Rock elm	Ulmus themasii
Hickory	Carya ovata, laciniosa, tomentosa, glabra
Locust	Robinia pseudoacacia, Gleditsia triacanthos
Hard maple	Acer nigrum, saccharum
Red maple	Acer rubrum (3)
Red oak	Quercus velutina, marilandica, kelloggii, falcata var. pagodaefolia, laurifolia, ellipsoidalis, rubra, nuttallii, palustris, coccinea, shumardii, falcata, laevis, phellos
White oak	Quercus arizonica, douglasii, macrocarpa, lobata, prinus, muehlenbergii, emoryi, gambelii, oblonifolia, virginiana, garryana, lyrata, stellata, michauxii, bicolor, alba
Pecan	Carya illinoensis, cordiformis, myristicaeformis (4), aquatica (4)
Persimmon	Diospryros virginiana

GROUP 2

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 2,000 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions may be not more than 7½ percent smaller for each cross-section dimension, or the thickness may remain unchanged, in which case the width may be not more than 11 percent smaller if used edgewise (as in a rail) or 20 percent smaller if used flatwise (as in a tread).

Douglas fir (coast region)	Pseudotsuga menziesii
Western larch	Larix occidentalis
Southern yellow pine	Pinus taeda, palustris, echinata, elliotii, rigida, virginiana

GROUP 3

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,600 pounds per square inch.

Red alder	Alnus ruba, rhombifolia (2)
Oregon ash	Fraxinus latifolia
Pumpkin ash	Fraxinus profunda
Alaska cedar*	Chamaecyparis nootkatensis
Port Orford cedar*	Chamaecyparis lawsoniana
Cucumber	Magnolia acuminata
Cypress*	Taxodium distichum
Soft elm	Ulmus americana, rubra
Douglas fir (Rocky Mountain type)	Pseudotsuga menziesii var. glauca
Noble fir	Abies procera
Gum	Liquidambar styraciflua
West coast hemlock	Tsuga heterophylla
Magnolia	Magnolia grandiflora

GROUP 3—continued

Oregon maple	Acer macrophyllum
Norway pine	Pinus resinosa
Poplar	Liriodendron tulipifera
Redwood*	Sequoia sempervirens
Eastern spruce	Picea glauca, rubens
Sitka spruce	Picea sitchensis
Sycamore	Platanus occidentalis
Tamarack	Larix laricina
Tupelo	Nyssa aquatica, sylvatica

GROUP 4

The allowable fiber stress in bending for the species listed herein when used for side rails shall not exceed 1,375 pounds per square inch. These species may be substituted for Group 3 woods on the following basis: The dimensions shall be at least 5 percent greater for each cross-section dimension, or the thickness may remain unchanged, in which case the width shall be at least 7½ percent greater if used edgewise (as in a rail) or 15 percent greater if used flatwise (as in a tread).

Aspen	Populus tremuloides, grandidentata
Basswood	Tilia americana, heterophylla (2)
Buckeye	Aesculusoctandra, glabra (2)
Butternut	Juglanscinerea
Incense cedar*	Libocedrus decurrens
Western red cedar.*	Thuja plicata
Cottonwood	Populus balsamifera, deltoides, sargentii, heterophylla
White fir	Abies concolor, grandis, amabilis, lasiocarpa, magnifica
Hackberry	Celtis occidentalis, laevigata (2)
Eastern hemlock	Tsuga canadensis
Holly	Ilex opaca
Soft maple	Acer saccharinum
Lodgepole pine	Pinus contorta
Idaho white pine	Pinus monticola
Northern white pine.	Pinus strobus
Ponderosa pine	Pinus ponderosa, pinus jeffreyi (Jeffrey pine)
Sugar pine	Pinus lambertiana
Engelmann spruce.	Picea engelmannii

NOTE 1: The common and scientific names of species used conform to the American Lumber Standards nomenclature and in most cases to U.S. Department of Agriculture Handbook No. 41, "Check List of Native and Naturalized Trees of the United States (including Alaska)," by Elbert L. Little. These publications can be obtained from the Superintendent of Documents, Washington, D.C. 20225.

NOTE 2: This species is commonly associated with others of the same genus under American Lumber Standards nomenclature, but no strength tests have been made on it at the Forest Products Laboratory.

NOTE 3: Included under soft maple in American Lumber Standards nomenclature.

NOTE 4: This species is not included under this common name in American Lumber Standards nomenclature, but strength data are available and it is accordingly included in this classification.

§ 1910.26 Portable metal ladders.

(a) *Requirements*—(1) *General.* Specific design and construction requirements are not part of this section because of the wide variety of metals and design possibilities. However, the design shall be such as to produce a ladder without structural defects or accident hazards such as sharp edges, burrs, etc. The metal selected shall be of sufficient strength to meet the test requirements, and shall be protected against corrosion unless inherently corrosion-resistant.

(i) Because of the varied conditions, and the wide variety of ladder uses, ladders may be designed with parallel side rails, with side rails varying uniformly in separation along the length (tapered), or with side rails flaring at the base to increase stability.

(ii) The design of the side rails shall be such as to insure a product which will conform to the requirements of this section.

(iii) The spacing of rungs or steps shall be on 12-inch centers.

(iv) Rungs or steps to side rail connections should be so constructed as to insure rigidity as well as strength.

(v) Rungs and steps shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize the possibility of slipping.

(vi) Hardware shall meet strength requirements of the ladder's component parts, and shall be of a material that is protected against corrosion unless inherently corrosion-resistant. Metals shall be so selected as to avoid excessive galvanic action.

(2) *General specifications—straight and extension ladders.* (i) The minimum width between side rails of a straight ladder or any section of an extension ladder shall be 12 inches.

(ii) The length of single ladders or individual sections of ladders shall not exceed 30 feet. Two-section ladders shall not exceed 48 feet in length and over two-section ladders shall not exceed 60 feet in length.

(iii) Based on the nominal length of the ladder, each section of a multisection ladder shall overlap the adjacent section by at least the number of feet stated in the following:

Nominal length of ladder (feet):	*Overlap (feet)*
Up to and including 36	3
Over 36, up to and including 48	4
Over 48, up to 60	5

(iv) Extension ladders shall be equipped with positive stops which will insure the overlap specified in the table above.

(v)(*a*) Extension ladders may be equipped with a rope and pulley which shall be securely attached to the ladder in such a manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1¼ inches in diameter.

(*b*) The rope used with the pulley shall be not less than five-sixteenths inch in diameter, having a minimum breaking strength of 560 pounds, and shall be of sufficient length for the purpose intended.

(3) *General specifications—step ladders.* (i) Step ladders shall be designed and constructed to give a minimum slope of 3½ inches per foot of length of the front section, and a minimum slope of 2 inches per foot of length of the back section, except that special ladders designed for straight-in-wall work shall

maintain at least 1¼-inch back slope per foot of length.

(ii) The minimum width between the side rails at the top step shall be 12 inches. The width spread of the side rails shall increase a minimum of 1 inch per foot of length. The width of the step or tread shall not be less than 3 inches.

(iii) The length of a stepladder is measured by the length of the front rail. To be classified as a standard length ladder, the measured length shall be within plus or minus one-half inch of the specified length. Stepladders shall not exceed 20 feet in length.

(iv) The pail shelf shall be designed to fold completely within the ladder.

(v) The back section may be designed with either rungs or cross bracing as long as it meets the general and testing requirements.

(vi) Steps shall be corrugated, knurled, dimpled, coated with skid-resistant materials, or otherwise treated to minimize the possibility of slipping.

(vii) The bottoms of the four rails are to be supplied with insulating nonslip material for the safety of the user.

(viii) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each stepladder. The spreader shall have all sharp points or edges covered or removed to protect the user.

(4) *General specifications—trestles and extension trestle ladders.* (i) Trestle ladders or extension sections or base sections of extension trestle ladders shall be not more than 20 feet in length.

(ii) The minimum distance between side rails of the trestle or extension section at the narrowest point shall not be less than 12½ inches. The width spread shall not be less than 1 inch per foot of length of side rail.

(iii) Spread of base when section is open shall not be less than 5½ inches per foot of base section side rail.

(iv) The extension locking device shall be designed to withstand all load tests.

(v) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in the open position shall be a component of each trestle ladder. The spreader shall have all sharp points or edges covered or removed to protect the user.

(5) *General specifications—platform ladders.* (i) The length of a platform ladder shall not exceed 20 feet. The length of a platform ladder shall be measured along the front rail from the floor to the platform.

(ii) Minimum width between side rails at platform level shall be 14 inches. Width spread shall not be less than 1 inch per foot of rise.

(iii) Slope of the front rail when unit is in open position shall not be less than 3½ inches per foot of rise, and the back section shall have a minimum slope of 1 inch per foot of rise..

(iv) The platform shall be at least 20 inches from the top of the ladder, and shall have an area of not less than 200 square inches nor more than 400 square inches.

(v) The back legs and side rails of a platform ladder shall extend at least 20 inches above the platform and shall be connected with the top member to form a three-sided top guard rail, or equivalent construction shall be provided.

(vi) Spreaders shall be provided where the hinging apparatus is not designed to lock the unit open.

(b) *Testing.* (1) *General.* The following tests are intended to insure uniform testing methods for metal ladders.

(2) *Straight and extension ladders.* (i) Ladder inclined strength is measured by placing the ladder unit in a flat, horizontal position, supported 6 inches from the ends of the side rails. When testing extensions, the unit is opened to the required overlap. A load of 200 pounds is applied equally to the side rails at the center of the unit by means of a beam. The ladder must withstand this test with no permanent deformation or other visible weakening of the structure. This test is based on a 200-pound man using the ladder, set at 75½° to the ground. With the man on the center rung, the component of his 200-pound weight at right angles to the ladder will be 50 pounds. Applying the load factor of 4, the test weight becomes 200 pounds.

(ii) Test unit need only be of sufficient length for test purposes and is to consist of the base and fly sections of an extension ladder with all the hardware or fittings attached. The ladder unit is placed in a vertical position and a downward load of 775 pounds equally distributed on the ends of the side rails of the upper portion of the test unit. The unit shall withstand this test with no permanent deformation or other visible weakening of the structure.

(iii) A test unit of at least three rungs is to be used from the maximum width portion of the ladder. A load of 800 pounds shall be applied to a 3½-inch wide block resting on the center of the widest rung. A rung of 14 inches or less in length shall withstand this test with no permanent deformation or other visible weakening of the structure. A rung of more than 14 inches in length may have a permanent defection of not more than one-eighth inch provided the rung cross section is not deformed and there is no other visible weakening of the structure.

(iv) With at least a three-rung test unit set in a vertical position, a load of 800 pounds shall be applied to a 3½-inch wide block resting on the center rungs as near to the side rail as possible. On removing the load, the unit must show no indication of failure in the fasteners attaching the rungs to the side rail.

(v) The rung shall be so secured to the side rail that a torque load of 360 inch-pounds applied to the rung at a side rail shall cause no visible relative motion between the rung and the side rail.

(vi) With the ladder extended to its maximum working length, and resting horizontally on level supports located 6 inches from each end of the ladder, a weight of 50 pounds shall be suspended from one of the side rails midway between supports.
The deflection of the loaded rail, and the difference in deflection between the loaded and unloaded rails shall not exceed the values in Table D–6.

(vii) Deflections in Table D–6 are to be determined by measuring, at the midpoint between supports, the distance from the outside edges of both rails to the floor or other reference surface both before and after the test load of 50 pounds is applied to one rail of the ladder. The test is to be repeated loading the other rail of the ladder. The angle between the loaded and unloaded rails and the horizontal is to be calculated from the trigonometric equation:

$$\text{Sine a} = \frac{\text{Difference in deflection}}{\text{Ladder width}}$$

TABLE D–6—TABLE OF DEFLECTIONS

Length of ladder in feet	Maximum deflection of loaded rail in inches	Maximum difference in deflection between loaded and unloaded rails in degrees from horizontal
20	3.0	3.6
24	3.8	4.7
28	4.6	5.4
32	5.5	5.7
36	6.4	6.1
40	7.2	6.5
44	8.0	6.5
48	8.8	6.5

(3) *Step, trestle, extension trestle, and platform ladders.* (1) (*a*) Load test of the entire ladder is made with the ladder in an open position, and an 800-pound load applied to the center of the top. Resistance to side rail bending is tested by placing an 800-pound load on the center of the middle step. The strength of the step section is tested by applying an 800-pound load to a 3½-inch-wide block resting on the center of the longest or bottom step. The pail shelf shall be so constructed as to support a distributed load of 50 pounds.

(*b*) In each test case, the unit must withstand the load without failure or permanent deformation.

(ii) Set ladder in open position on a level floor. Place a 200-pound distributed load on the top step. The ladder is then subjected to a horizontal pulling load, applied at the top step, of 12-pound force to the side; 58-pound force to the front; 33-pound force to the back. In each test, all side rails must remain on the floor.

(c) *Care and maintenance of ladders*—(1) *General.* To get maximum serviceability, safety, and to eliminate unnecessary damage of equipment, good safe practices in the use and care of ladder equipment must be employed by the users.

The following rules and regulations are essential to the life of the equipment and the safety of the user.

(2) *Care of ladders.* (i) Ladders, like any tool, must be handled with care and not subject to unnecessary dropping, jarring, or misuse. They are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.

(ii) Ladders should be stored on racks designed to protect the ladder when not in use. The racks should have sufficient supporting points to prevent any possibility of excessive sagging.

(iii) Ladders transported on vehicles must be properly supported. Supporting points should be of a softer material, such as hardwood or rubber-covered iron pipe, to minimize the chafing and effects of road shock. Tying the ladder to each support point will greatly reduce damage due to road shock.

(iv) Ladders must be maintained in good usable condition at all times. Hardware fittings and accessories should be checked frequently and kept in good working condition.

(v) Ropes or cables should be inspected frequently and replaced if defective.

(vi) Complete ladder inspection should be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:

(*a*) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(*b*) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(c) If ladders are to be subjected to certain acids or alkali solutions, a protective coating such as asphalt and varnish should be applied to the equipment.

(*d*) If ladders are exposed to oil and grease, equipment should be cleaned of oil, grease, or slipperly materials. This can easily be done with a solvent or steam cleaning.

(vii) Ladders having defects are to be marked and taken out of service until repaired by either maintenance department or the manufacturer.

(3) *Use of ladders.* (i) Portable non-self-supporting ladders should be erected at a pitch of 75½ degrees for maximum balance and strength. A simple rule for setting up a ladder at the proper angle is to place the base a distance from the vertical wall equal to one-fourth the working length of the ladder.

(ii) Portable ladders are designed as a one-man working ladder based on a 200-pound load.

(iii) The ladder base section must be placed with a secure footing. Safety shoes of good substantial design should be installed on all ladders. Where ladders with no safety shoes or spikes are used on hard, slick surfaces, a foot-ladder board should be employed.

(iv) The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.

(v) When ascending or descending, the climber must face the ladder.

(vi) Ladders must not be tied or fastened together to provide longer sections. They must be equipped with the hardware fittings necessary if the manufacturer endorses extended uses.

(vii) Ladders should not be used as a brace, skid, guy or gin pole, gangway, or for other uses than that for which they were intended, unless specifically recommended for use by the manufacturer.

(viii) Users are cautioned to take proper safety measures when metal ladders are used in areas containing electric circuits to prevent short circuits or electrical shock. The ordinary precautions should be employed as would be used when using any other metal tool.

§ 1910.27 Fixed ladders.

(a) *Design requirements*—(1) *Design considerations.* All ladders, appurtenances, and fastenings shall be designed to meet the following load requirements:

(i) The minimum design live load shall be a single concentrated load of 200 pounds.

(ii) The number and position of additional concentrated live-load units of 200 pounds each as determined from anticipated usage of the ladder shall be considered in the design.

(iii) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.

(iv) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.

(2) *Design stresses.* Design stresses for wood components of ladders shall not exceed those specified in § 1910.25. All wood parts of fixed ladders shall meet the requirements of § 1910.25(b).

For fixed ladders consisting of wood side rails and wood rungs or cleats, used at a pitch in the range 75 degrees to 90 degrees, and intended for use by no more than one person per section, single ladders as described in § 1910.25(c) (3) (ii) are acceptable.

(b) *Specific features*—(1) *Rungs and cleats.* (i) All rungs shall have a minimum diameter of three-fourths inch for metal ladders, except as covered in subparagraph (7) (i) of this paragraph, and a minimum diameter of 1⅛ inches for wood ladders.

(ii) The distance between rungs, cleats, and steps shall not exceed 12 inches and shall be uniform throughout the length of the ladder.

(iii) The minimum clear length of rungs or cleats shall be 16 inches.

(iv) Rungs, cleats, and steps shall be free of splinters, sharp edges, burrs, or projections which may be a hazard.

(v) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end. A suggested design is shown in figure D–1.

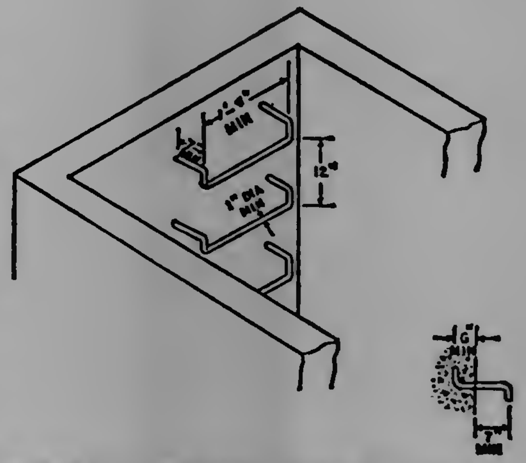

FIGURE D–1.—Suggested design for rungs on individual-rung ladders.

(2) *Side rails.* Side rails which might be used as a climbing aid shall be of such cross sections as to afford adequate gripping surface without sharp edges, splinters, or burrs.

(3) *Fastenings.* Fastenings shall be an integral part of fixed ladder design.

(4) *Splices.* All splices made by whatever means shall meet design requirements as noted in paragraph (a) of this section. All splices and connections shall have smooth transition with original members and with no sharp of extensive projections.

(5) *Electrolytic action.* Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.

(6) *Welding.* All welding shall be in accordance with the "Code for Welding in Building Construction" (AWS D1.0–1966).

(7) *Protection from deterioration.* (i) Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when location demands. Ladders formed by individual metal rungs imbedded in concrete, which serves as access to pits and to other areas under floors, are frequently located in an atmosphere that causes corrosion and rusting. To increase rung life in such atmosphere, individual metal rungs shall have a minimum diameter of 1 inch or shall be painted or otherwise treated to resist corrosion and rusting.

(ii) Wood ladders, when used under conditions where decay may occur, shall be treated with a nonirritating preservative, and the details shall be such as to prevent or minimize the accumulation of water on wood parts.

(ii) When different types of materials are used in the construction of a ladder, the materials used shall be so treated as to have no deleterious effect one upon the other.

(c) *Clearance*—(1) *Climbing side.* On fixed ladders, the perpendicular distance from the centerline of the rungs to the nearest permanent object on the climbing side of the ladder shall be 36 inches for a pitch of 76 degrees, and 30 inches for a pitch of 90 degrees (fig. D–2 of this section), with minimum clearances for intermediate pitches varying between these two limits in proportion to the

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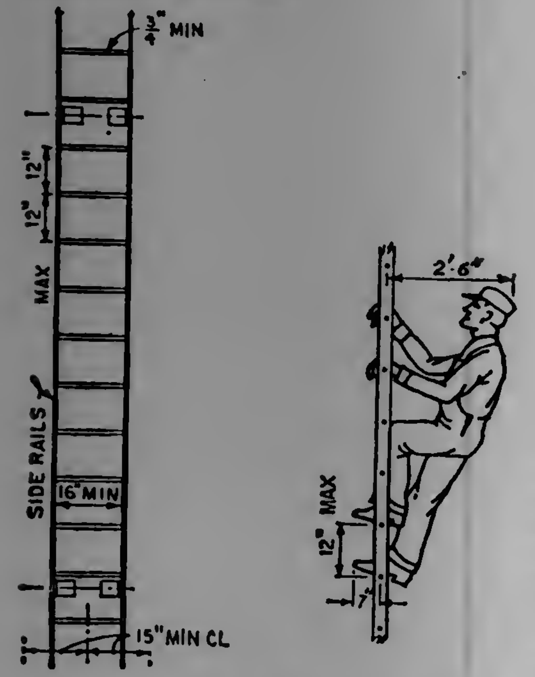
slope, except as provided in subparagraphs (3) and (5) of this paragraph.

(2) *Ladders without cages or wells.* A clear width of at least 15 inches shall be provided each way from the centerline of the ladder in the climbing space, except when cages or wells are necessary.

(3) *Ladders with cages or baskets.* Ladders equipped with cage or basket are excepted from the provisions of subparagraphs (1) and (2) of this paragraph, but shall conform to the provisions of paragraph (d)(1)(v) of this section. Fixed ladders in smooth-walled wells are excepted from the provisions of subparagraph (1) of this paragraph, but shall conform to the provisions of paragraph (d)(1)(vi) of this section.

(4) *Clearance in back of ladder.* The distance from the centerline of rungs, cleats, or steps to the nearest permanent object in back of the ladder shall be not less than 7 inches, except that when unavoidable obstructions are encountered, minimum clearances as shown in figure D–3 shall be provided.


3/4" MIN
12"
12"
MAX
SIDE RAILS
16"MIN
2'-6"
12" MAX
7"
15"MIN CL

RAIL LADDER WITH BAR STEEL RAILS AND ROUND STEEL RUNGS

FIG. D-2

Minimum Ladder Clearances

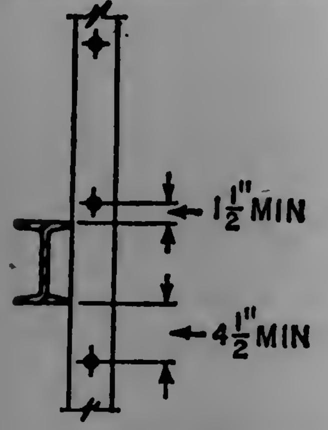

1 1/2"MIN
4 1/2"MIN

FIG. D-3

Clearance for Unavoidable Obstruction at Rear of Fixed Ladder

(5) *Clearance in back of grab bar.* The distance from the centerline of the grab bar to the nearest permanent object in back of the grab bars shall be not less than 4 inches. Grab bars shall not protrude on the climbing side beyond the rungs of the ladder which they serve.

(6) *Step-across distance.* The step-across distance from the nearest edge of ladder to the nearest edge of equipment or structure shall be not more than 12 inches, or less than 2½ inches (fig. D–4).

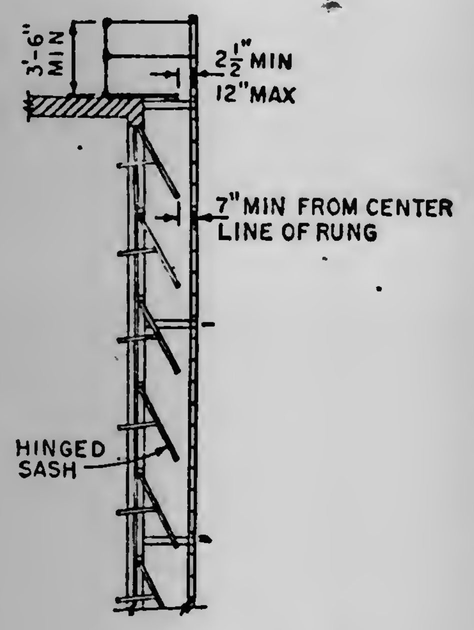
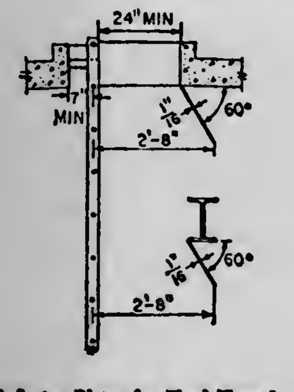

3'-6" MIN
2 1/2"MIN
12"MAX
7"MIN FROM CENTER LINE OF RUNG
HINGED SASH

Fig. D-4

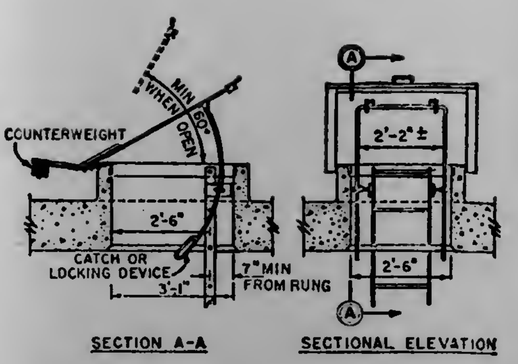
Ladder Far from Wall

(7) *Hatch cover.* Counterweighted hatch covers shall open a minimum of 60 degrees from the horizontal. The distance from the centerline of rungs or cleats to the edge of the hatch opening on the climbing side shall be not less than 24 inches for offset wells or 30 inches for straight wells. There shall be no protruding potential hazards within 24 inches of the centerline of rungs or cleats; any such hazards within 30 inches of the centerline of the rungs or cleats shall be fitted with deflector plates placed at an angle of 60 degrees from the horizontal as indicated in figure D–5. The relationship of a fixed ladder to an acceptable counterweighted hatch cover is illustrated in figure D–6.


24"MIN
7" MIN
1/16"
60°
2'-8"

Deflector Plates for Head Hazards

Fig. D-5


COUNTERWEIGHT
MIN 60° WHEN OPEN
2'-6"
CATCH OR LOCKING DEVICE
3'-1"
7"MIN FROM RUNG
A
2'-2"±
2'-6"
SECTION A-A
SECTIONAL ELEVATION

Relationship of Fixed Ladder to a Safe Access Hatch

Fig. D-6

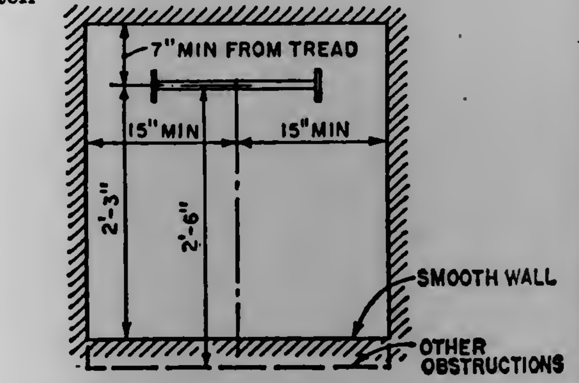
(d) *Special requirements*—(1) *Cages or wells.* (i) Cages or wells (except on chimney ladders) shall be built, as shown on the applicable drawings, covered in detail in figures D–7, D–8, and D–9, or of equivalent construction.

(ii) Cages or wells (except as provided in subparagraph (5) of this paragraph) conforming to the dimensions shown in figures D–7, D–8, and D–9 shall be provided on ladders of more than 20 feet to a maximum unbroken length of 30 feet.

(iii) Cages shall extend a minimum of 42 inches above the top of landing, unless other acceptable protection is provided.

(iv) Cages shall extend down the ladder to a point not less than 7 feet nor more than 8 feet above the base of the ladder, with bottom flared not less than 4 inches, or portion of cage opposite ladder shall be carried to the base.

(v) Cages shall not extend less than 27 nor more than 28 inches from the centerline of the rungs of the ladder. Cage shall not be less than 27 inches in width. The inside shall be clear of projections. Vertical bars shall be located at a maximum spacing of 40 degrees around the circumference of the cage; this will give a maximum spacing of approximately 9½ inches, center to center.


7"MIN FROM TREAD
15"MIN
15"MIN
2'-3"
2'-6"
SMOOTH WALL
OTHER OBSTRUCTIONS

Clearance Diagram for Fixed Ladder in Well

Figure D-7

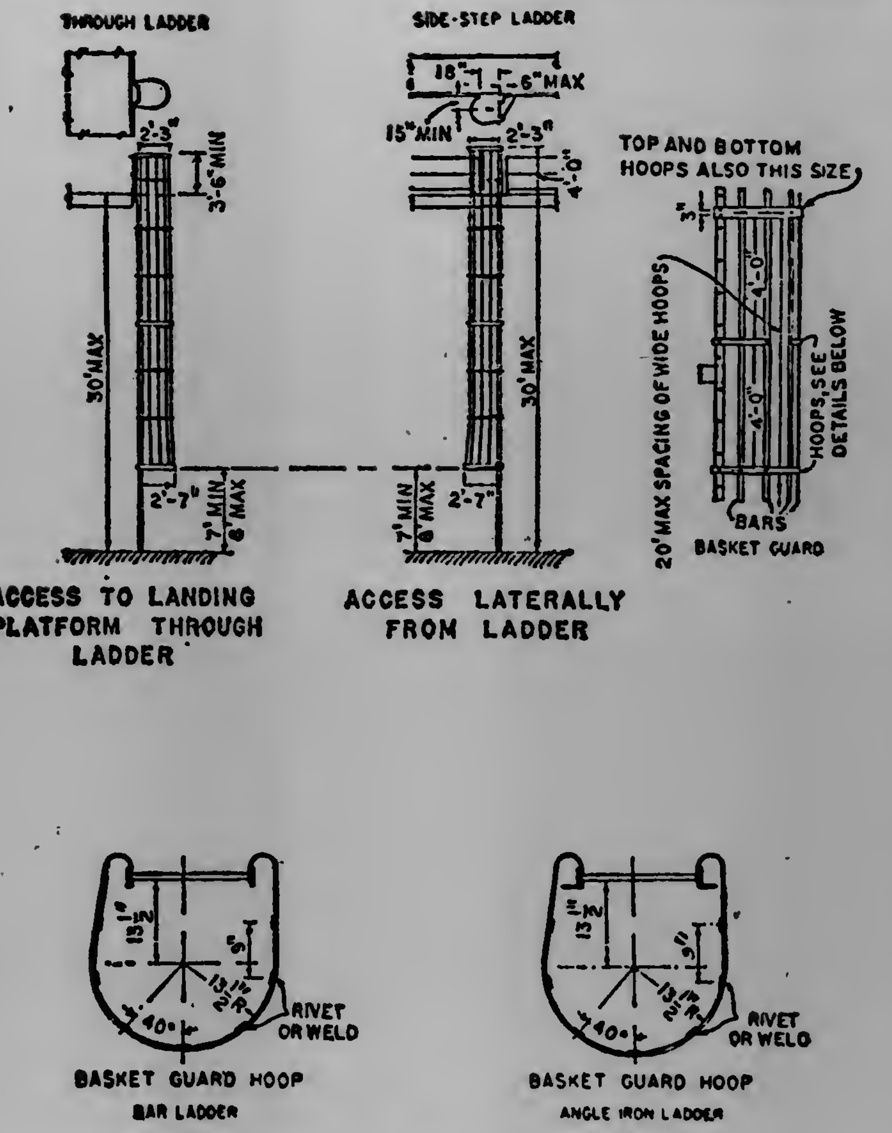

THROUGH LADDER
SIDE-STEP LADDER
2'-3"
3'-6"MIN
18"
6"MAX
15"MIN
4'-0"
30'MAX
2'-7"
7'MIN 8'MAX
TOP AND BOTTOM HOOPS ALSO THIS SIZE
3"
4'-0"
20'MAX SPACING OF WIDE HOOPS
HOOPS, SEE DETAILS BELOW
BARS
BASKET GUARD
ACCESS TO LANDING PLATFORM THROUGH LADDER
ACCESS LATERALLY FROM LADDER
13"
40°
RIVET OR WELD
BASKET GUARD HOOP
BAR LADDER
ANGLE IRON LADDER

Fig. D-8

Cages for Ladders More Than 20 Feet High

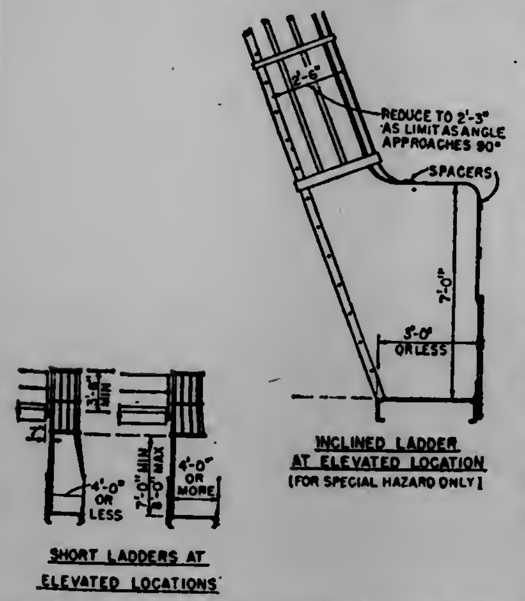

REDUCE TO 2'-3" AS LIMIT AS ANGLE APPROACHES 90°
SPACERS
7'-0"
5'-0" OR LESS
INCLINED LADDER AT ELEVATED LOCATION (FOR SPECIAL HAZARD ONLY)
4'-0" OR LESS
7'-0" MIN 8'-0" MAX
4'-0" OR MORE
SHORT LADDERS AT ELEVATED LOCATIONS

FIGURE D–9.—Cages—Special applications.

(vi) Ladder wells shall have a clear width of at least 15 inches measured each way from the centerline of the ladder. Smooth-walled wells shall be a minimum of 27 inches from the centerline of rungs to the well wall on the climbing side of the ladder. Where other obstructions on the climbing side of the ladder exist, there shall be a minimum of 30 inches from the centerline of the rungs.

(2) *Landing platforms.* When ladders are used to ascend to heights exceeding 20 feet (except on chimneys), landing platforms shall be provided for each 30 feet of height or fraction thereof, except that, where no cage, well, or ladder safety device is provided, landing platforms shall be provided for each 20 feet of height or fraction thereof. Each ladder section shall be offset from adjacent sections. Where installation conditions (even for a short, unbroken length) require that adjacent sections be offset, landing platforms shall be provided at each offset.

(i) Where a man has to step a distance greater than 12 inches from the centerline of the rung of a ladder to the nearest edge of structure or equipment, a landing platform shall be provided. The minimum step-across distance shall be 2½ inches.

(ii) All landing platforms shall be equipped with standard railings and toeboards, so arranged as to give safe access to the ladder. Platforms shall be not less than 24 inches in width and 30 inches in length.

(iii) One rung of any section of ladder shall be located at the level of the landing laterally served by the ladder. Where access to the landing is through the ladder, the same rung spacing as used on the ladder shall be used from the landing platform to the first rung below the landing.

(3) *Ladder extensions.* The side rails of through or side-step ladder extensions shall extend 3½ feet above parapets and landings. For through ladder extensions, the rungs shall be omitted from the extension and shall have not less than 18 nor more than 24 inches clearance between rails. For side-step or offset fixed ladder sections, at landings, the side rails and rungs shall be carried to the next regular rung beyond or above the 3½ feet minimum (fig. D–10).

(4) *Grab bars.* Grab bars shall be spaced by a continuation of the rung spacing when they are located in the horizontal position. Vertical grab bars shall have the same spacing as the ladder side rails. Grab-bar diameters shall be the equivalent of the round-rung diameters.

(5) *Ladder safety devices.* Ladder safety devices may be used on tower, water tank, and chimney ladders over 20 feet in unbroken length in lieu of cage protection. No landing platform is required in these cases. All ladder safety devices such as those that incorporate lifebelts, friction brakes, and sliding attachments shall meet the design requirements of the ladders which they serve.

(e) *Pitch*—(1) *Preferred pitch.* The preferred pitch of fixed ladders shall be considered to come in the range of 75 degrees and 90 degrees with the horizontal (fig. D–11).

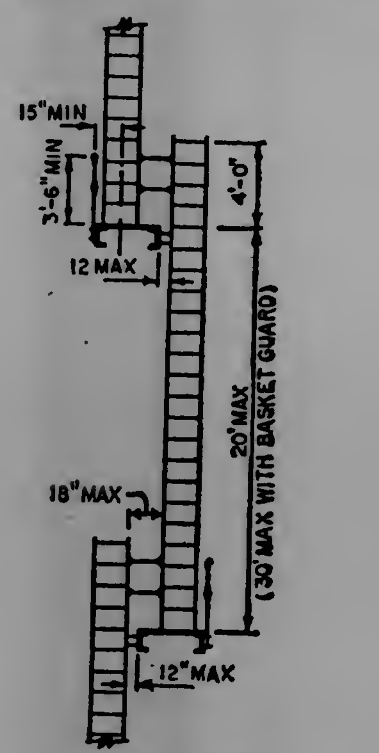

15"MIN
3'-6"MIN
4'-0"
12 MAX
18"MAX
20'MAX
(30' MAX WITH BASKET GUARD)
12"MAX

FIG. D-10

Offset Fixed Ladder Sections

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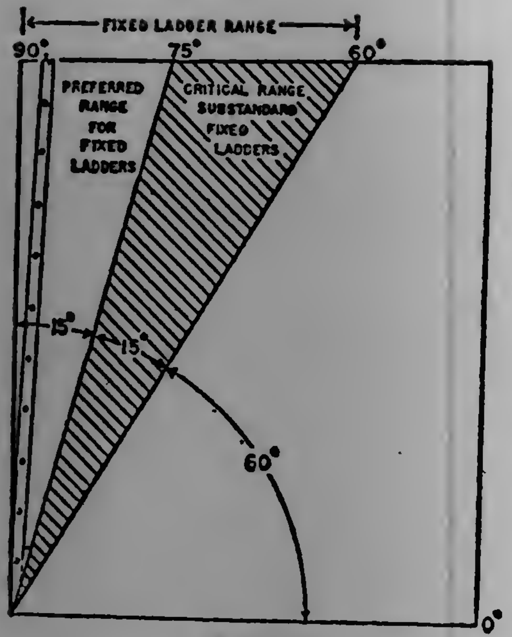
FIXED LADDER RANGE
90°
75°
60°
PREFERRED RANGE FOR FIXED LADDERS
CRITICAL RANGE SUBSTANDARD FIXED LADDERS
15°
15°
60°
0°

FIG. D-11

Pitch of Fixed Ladders

(2) *Substandard pitch.* Fixed ladders shall be considered as substandard if they are installed within the substandard pitch range of 60 and 75 degrees with the horizontal. Substandard fixed ladders are permitted only where it is found necessary to meet conditions of installation. This substandard pitch range shall be considered as a critical range to be avoided, if possible.

(3) *Scope of coverage in this section.* This section covers only fixed ladders within the pitch range of 60 degrees and 90 degrees with the horizontal.

(4) *Pitch greater than 90 degrees.* Ladders having a pitch in excess of 90 degrees with the horizontal are prohibited.

(f) *Maintenance.* All ladders shall be maintained in a safe condition. All ladders shall be inspected regularly, with the intervals between inspections being determined by use and exposure.

§ 1910.28 Safety requirements for scaffolding.

(a) *General requirements for all scaffolds.* (1) Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to § 1910.25 and § 1910.26.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(3) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor except.

(i) Scaffolding wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoistway, elevator shaft, stairwell, or other floor opening, and

(ii) Needle-beam scaffolds and floats in use by structural iron workers.

Guardrails should all be 2 x 4 inches or the equivalent, installed no less than 36 inches or not more than 42 inches high, with a midrail, when required, of 1- x 4-inch lumber or equivalent. Supports should be at intervals not to exceed ten feet. Toeboards shall be a minimum of 4 inches in height.

(4) Scaffolds and their components shall be capable of supporting without failure at least four times the maximum intended load.

(5) Scaffolds and other devices mentioned or described in this section shall be maintained in safe condition. Scaffolds shall not be altered or moved horizontally while they are in use or occupied.

(6) Any scaffold damaged or weakened from any cause shall be immediately repaired and shall not be used until repairs have been completed.

(7) Scaffolds shall not be loaded in excess of the working load for which they are intended.

(8) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 *f.* (Stress Grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements. (NOTE: Where nominal sizes of lumber are used in place of rough sizes, the nominal size lumber shall be such as to provide equivalent strength to that specified in tables D-7 through D-12 and D-16.)

(9) All planking shall be Scaffold Grade as recognized by grading rules for the species of wood used. The maximum permissible spans for 2- x 9-inch or wider planks are shown in the following table:

	Material				
	Full thickness undressed lumber			Nominal thickness lumber	
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

The maximum permissible span for 1¼ x 9-inch or wider plank of full thickness is 4 feet with medium loading of 50 p.s.f.

(10) Nails or bolts used in the construction of scaffolds shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the scaffold. Nails shall not be subjected to a straight pull and shall be driven full length.

(11) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

(12) An access ladder or equivalent safe access shall be provided.

(13) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 18 inches.

(14) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(15) Materials being hoisted onto a scaffold shall have a tag line.

(16) Overhead protection shall be provided for men on a scaffold exposed to overhead hazards.

(17) Scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard Wire one-half-inch mesh or the equivalent, where persons are required to work or pass under the scaffolds.

(18) Employees shall not work on scaffolds during storms or high winds.

(19) Employees shall not work on scaffolds which are covered with ice or snow, unless all ice or snow is removed and planking sanded to prevent slipping.

(20) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

(21) Only treated or protected fiber rope shall be used for or near any work involving the use of corrosive substances or chemicals.

(22) Wire or fiber rope used for scaffold suspension shall be capable of supporting at least six times the intended load.

(23) When acid solutions are used for cleaning buildings over 50 feet in height, wire rope supported scaffolds shall be used.

(24) The use of shore scaffolds or lean-to scaffolds is prohibited.

(25) Lumber sizes, when used in this section, refer to nominal sizes except where otherwise stated.

(26) Scaffolds shall be secured to permanent structures, through use of anchor bolts, reveal bolts, or other equivalent means. Window cleaners' anchor bolts shall not be used.

(27) Special precautions shall be taken to protect scaffold members, including any wire or fiber ropes, when using a heat-producing process.

(b) *General requirements for wood pole scaffolds.* (1) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the poles over a sufficient area to prevent settlement. All poles shall be set plumb.

(2) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall not be less than 4 feet 0 inches in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates of other materials of equivalent strength may be used.

(3) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(4) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(5) Putlogs or bearers shall be set with their greater dimensions vertical, long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(6) Every wooden putlog on single pole scaffolds shall be reinforced with a $\frac{3}{16}$ x 2-inch steel strip or equivalent secured to its lower edge throughout its entire length.

(7) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(8) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling.

(9) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(10) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced at the poles.

(11) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(12) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to from a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be nailed or cleated to prevent their dislodgment.

(13) When a scaffold turns a corner, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at right angles shall be laid so as to extend over and rest on the first layer of planking.

(14) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(15) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1 x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(16) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with tables D-7 through D-12 of this section. If they are over 60 feet in height they shall be designed by a registered professional engineer and constructed and erected in accordance with such design. A copy of the typical drawings and specifications shall be made available to the employer and for inspection purposes.

(17) Wood-pole scaffolds shall not be erected beyond the reach of effective fire-fighting apparatus.

TABLE D-7—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGE POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in	5 ft. 0 in.
Bearers or putlogs to 30 ft. 0 in. width	2 by 4 in	2 by 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in	2 by 6 in. or 3 by 4 in. (rough).
Ledgers	1 by 4 in	1¼ by 9 in.
Planking	1¼ by 9 in. (rough)	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in	1 by 4 in.
Tie-ins	1 by 4 in	1 by 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum).
Guardrail	2 by 4 in	2 by 4 in.

All members except planking are used on edge.

TABLE D-8—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 4 in.
Spacing of bearers or putlogs.	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-9—MIMIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Maximum width of scaffold.	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 5 in. (rough).
Spacing of bearers or putlogs.	6 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 6 in.
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-10—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in	10 ft. 0 in.
Ledgers	1¼ by 4 in	1¼ by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in	2 by 9 (rough) or 3 by 8 in.
Planking	1¼ by 9 in	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in	1 by 4 in.
Tie-ins	1 by 4 in	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 by 4 in	2 by 4 in.

All members except planking are used on edge.

TABLE D-11—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

MEDIUM DUTY

Uniformly distributed load.	Not to exceed 50 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	8 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 9 in. (rough) or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1¼ by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-12—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS

HEAVY DUTY

Uniformly distributed load.	Not to exceed 75 pounds per square foot.
Maximum height of scaffold.	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal).	6 ft. 0 in.
Pole spacing (transverse).	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members.	4 ft. 6 in.
Bearers	2 by 9 in. (rough).
Bracing, horizontal and diagonal.	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-13—TUBE AND COUPLER SCAFFOLDS LIGHT DUTY

Uniformly distributed load	Not to exceed 25 p.s.f.
Post spacing (longitudinal)	10 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	8	125 ft.
2	4	125 ft.
3	0	91 ft. 0 in.

TABLE D-14—TUBE AND COUPLER SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 p.s.f.
Post spacing (longitudinal)	8 ft. 0 in.
Post spacing (transverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.
2	0	78 ft. 0 in.

TABLE D-15—TUBE AND COUPLER SCAFFOLDS HEAVY DUTY

Uniformly distributed load	Not to exceed 75 p.s.f.
Post spacing (longitudinal)	6 ft. 6 in.
Post spacing (traverse)	6 ft. 0 in.

Working levels	Additional planked levels	Maximum height
1	6	125 ft.

(c) *Tube and coupler scaffolds.* (1) A light-duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(2) A medium-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2½-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals when used must be designed to carry an equivalent load.

(3) A heavy-duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet apart by 6 feet 6 inches along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load.

(4) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in tables D-13, 14, and 15, of this section. Drawings and specifications of all tube and coupler scaffolds above the limitations in tables D-13, 14, and 15 of this section shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(5) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads as set forth in tables D-13, 14, and 15 of this section, or as set forth in the specifications by a registered professional engineer, copies which shall be made available to the employer and for inspection purposes.

(6) All tube and coupler scaffolds shall be erected by competent and experienced personnel.

(7) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(8) Runners shall be erected along the length of the scaffold located on both the inside and the outside posts at even height. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet 6 inches on centers.

(9) Bearers shall be installed transversely between posts and shall be securely coupled to the posts bearing on the runner coupler. When coupled directly to the runners, the coupler must be kept as close to the posts as possible.

(10) Bearers shall be at least 4 inches but not more than 12 inches longer than the post spacing or runner spacing. Bearers may be cantilevered for use as brackets to carry not more than two planks.

(11) Cross bracing shall be installed across the width of the scaffold at least every third set of posts horizontally and every fourth runner vertically. Such bracing shall extend diagonally from the inner and outer runners upward to the next outer and inner runners.

(12) Longitudinal diagonal bracing shall be installed at approximately a 45-degree angle from near the base of the first outer post upward to the extreme top of the scaffold. Where the longitudinal length of the scaffold permits, such bracing shall be duplicated beginning at every fifth post. In a similar manner, longitudinal diagonal bracing shall also be installed from the last post extending back and upward toward the first post. Where conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(13) The entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(14) Guardrails not less than 2×4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1×4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(d) *Tubular welded frame scaffolds.* (1) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall be designed and proved to safely support four times the maximum intended load.

(2) Spacing of panels or frames shall be consistent with the loads imposed.

(3) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, square, and rigid. All brace connections shall be made secure.

(4) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum intended load.

(5) The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alinement of the legs.

(6) Where uplift may occur, panels shall be locked together vertically by pins or other equivalent suitable means.

(7) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(8) All tubular metal scaffolds shall be constructed and erected to support four times the maximum intended loads.

(9) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(10) Maximum permissible spans of planking shall be in conformity with paragraph (a)(9) of this section.

(11) Drawings and specifications for all frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer and copies made available to the employer and for inspection purposes.

(12) All tubular welded frame scaffolds shall be erected by competent and experienced personnel.

(13) Frames and accessories for scaffolds shall be maintained in good repair and every defect, unsafe condition, or noncompliance with this section shall be immediately corrected before further use of the scaffold. Any broken, bent, excessively rusted, altered, or otherwise structurally damaged frames or accessories shall not be used.

(14) Periodic inspections shall be made of all welded frames and accessories, and any maintenance, including painting, or minor corrections authorized by the manufacturer, shall be made before further use.

(e) *Outrigger scaffolds.* (1) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the extreme point of support, shall be not less than one and one-half times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(2) The board ends of outrigger beams shall be securely supported either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary. The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(3) Unless outrigger scaffolds are designed by a licensed professional engineer, they shall be constructed and erected in accordance with table D-16. Outrigger scaffolds designed by a registered professional engineer shall be constructed and erected in accordance with such design. A copy of the detailed drawings and specifications showing the sizes and spacing of members shall be kept on the job.

(4) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be nailed or bolted to outriggers.

(5) Where there is danger of material falling from the scaffold, a wire mesh or other enclosure shall be provided between the guardrail and the toeboard.

(6) Where additional working levels are required to be supported by the outrigger method, the plans and specifications of the outrigger and scaffolding structure shall be designed by a registered professional engineer.

TABLE D-16—MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF OUTRIGGER SCAFFOLDS

	Light duty	Medium duty
Maximum scaffold load	25 p.s.f.	50 p.s.f.
Outrigger size	2 x 10 in.	3 x 10 in.
Maximum outrigger spacing.	10 ft 0 in.	6 ft 0 in.
Planking	2 x 9 in.	2 x 9 in.
Guardrail	2 x 4 in.	2 x 4 in.
Guardrail uprights	2 x 4 in.	2 x 4 in.
Toeboards	4 in. (minimum).	4 in. (minimum).

(f) *Masons' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(2) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be supported by wire ropes in conformity with paragraph (a)(22) of this section, suspended from overhead outrigger beams.

(4) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(5) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, be at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(6) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed in accordance with approved designs and instructions.

(7) If channel iron outrigger beams are used in place of I-beams, they shall be securely fastened together with the flanges turned out.

(8) All outrigger beams shall be set and maintained with their webs in a vertical position.

(9) A stop bolt shall be placed at each end of every outrigger beam.

(10) The outrigger beam shall rest on suitable wood-bearing blocks.

(11) All parts of the scaffold such as bolts, nuts, fittings, clamps, wire ropes, and outrigger beams and their fastenings, shall be maintained in sound and good working condition and shall be inspected before each installation and periodically thereafter.

(12) The free end of the suspension wire ropes shall be equipped with proper size thimbles and be secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall at all times remain on the drum.

(13) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(14) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans see paragraph (a)(9) of this section.)

(15) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1 x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on the scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(16) Overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking or material of equivalent strength laid tight, when men are at work on the scaffold and an overhead hazard exists.

(17) Each scaffold shall be installed or relocated in accordance with designs and instructions, of a registered professional engineer, and supervised by a competent, designated person.

(g) *Two-point suspension scaffolds (swinging scaffolds).* (1) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(2) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material having a cross-sectional area capable of sustaining four times the maximum intended load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(3) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(4) The roof irons or hooks shall be of wrought iron, mild steel, or other equivalent material of proper size and design, securely installed and anchored. Tiebacks of three-fourth inch manila rope or the equivalent shall serve as a secondary means of anchorage, installed at right angles to the fact of the building whenever possible and secured to a structurally sound portion of the building.

(5) Guardrails not less than 2 x 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- x 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a

minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(6) Two-point suspension scaffolds shall be suspended by wire or fiber ropes. Wire and fiber ropes shall conform to paragraph (a)(22) of this section.

(7) The blocks for fiber ropes shall be of standard 6-inch size, consisting of at least one double and one single block. The sheaves of all blocks shall fit the size of rope used.

(8) All wire ropes, fiber ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(9) On suspension scaffolds designed for a working load of 500 pounds no more than two men shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three men shall be permitted to work at one time. Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(10) Where acid solutions are used, fiber ropes are not permitted unless acid-proof.

(11) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent them from swaying. Window cleaners' anchors shall not be used for this purpose.

(12) The platform of every two-point suspension scaffold shall be one of the following types:

(i) The side stringer of ladder-type platforms shall be clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1⅛ inch in diameter, with seven-eighth inch tenons mortised into the side stringers at least seven-eighth inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighth inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with table D–17.

(ii) Plank-type platforms shall be composed of not less than nominal 2- x 8-inch unspliced planks, properly cleated together on the underside starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 18 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 10 feet.

(iii) Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- and 6-inch crossbeams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floorboards shall not be spaced more than one-half inch apart.

TABLE D–17—SCHEDULE FOR LADDER-TYPE PLATFORMS

	Length of platform (feet)				
	12	14 & 16	18 & 20	22 & 24	28 & 30
Side stringers, minimum cross section (finished sizes):					
At ends (in.)	1¾ x 2¾	1¾ x 2¾	1¾ x 3	1¾ x 3	1¾ x 3½
At middle (in.)	1¾ x 3¾	1¾ x 3¾	1¾ x 4	1¾ x 4¼	1¾ x 5
Reinforcing strip (minimum)	A ⅛x⅞-in. steel reinforcing strip or its equivalent shall be attached to the side or underside, full length.				
Rungs	Rungs shall be 1⅛-in. minimum diameter with at least ⅞-in. diameter tenons, and the maximum spacing shall be 12 in. center to center.				
Tie rods:					
Number (minimum)	3	4	4	5	6
Diameter (minimum)	¼ in.	¼ in.	¼ in.	¼ in.	¼ in.
Flooring, minimum finished size (in.)	½ x 2¾	½ x 2¾	½ x 2¾	½ x 2¾	½ x 2¾

(h) *Stone setters' adjustable multiple-point suspension scaffolds.* (1) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(2) The hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(3) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means.

(4) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks which will safely support the maximum intended load.

(5) Outriggers when used shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(6) The scaffold shall be supported by wire rope conforming with paragraph (a)(22) of this section, suspended from overhead supports.

(7) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of rope shall remain on the drum at all times.

(8) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(9) When two or more scaffolds are used on a building or structure they shall not be bridged one to the other but shall be maintained at even height with platforms butting closely.

(10) Each scaffold shall be installed or relocated in accordance with designs and instructions of a registered professional engineer, and such installation or relocation shall be supervised by a competent designated person.

(i) *Single-point adjustable suspension scaffolds.* (1) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories or Factory Mutual Engineering Corp.

(2) The power units may be either electrically or air motor driven.

(3) All power-operated gears and brakes shall be enclosed.

(4) In addition to the normal operating brake, all-power driven units must have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(5) Guards, mid-rails, and toeboards shall completely enclose the cage or basket. Guardrails shall be no less than 2 by 4 inches or the equivalent installed no less than 36 inches nor more than 42 inches above the platform. Mid-rails shall be 1 by 6 inches or the equivalent, installed equidistant between the guardrail and the platform. Toeboards shall be a minimum of 4 inches in height.

(6) The hoisting machines, cables, and equipment shall be regularly serviced and inspected after each installation and every 30 days thereafter.

(7) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with paragraph (g) of this section.

(8) The supporting cable shall be straight for its entire length, and the operator shall not sway the basket and fix the cable to any intermediate points to change his original path of travel.

(9) Equipment shall be maintained and used in accordance with the manufacturers' instructions.

(10) Suspension methods shall conform to applicable provisions of paragraphs (g) and (h) of this section.

(j) *Boatswain's chairs.* (1) The chair seat shall be not less than 12 by 24 inches, and of 1-inch thickness. The seat shall be reinforced on the underside to prevent the board from splitting.

(2) The two fiber rope seat slings shall be of ⅝-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(3) Seat slings shall be of at least ⅜-inch wire rope when a workman is conducting a heat producing process such as gas or arc welding.

(4) The workman shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the worker in case of a fall.

(5) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced ⅝-inch diameter first-grade manila rope.

(6) The roof irons, hooks, or the object to which the tackle is anchored shall be securely installed. Tiebacks when used shall be installed at right angles to the face of the building and securely fastened to a chimney.

(k) *Carpenters' bracket scaffolds.* (1) The brackets shall consist of a triangular wood frame not less than 2 by 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(2) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt no less than five-eighths inch in diameter which shall extend through the inside of the building wall.

(ii) A metal stud attachment device.

(iii) Welding to steel tanks.

(iv) Hooking over a well-secured and adequately strong supporting member.

The brackets shall be spaced no more than 10 feet apart.

(3) No more than two persons shall occupy any given 10 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(4) The platform shall consist of not less than 2- by 9-inch nominal size planks extending not more than 10 inches or less than 6 inches beyond each end support.

(5) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(l) *Bricklayers' square scaffolds.* (1) The squares shall not exceed 5 feet in width and 5 feet in height.

(2) Members shall be not less than those specified in Table D–18.

(3) The squares shall be reinforced on both sides of each corner with 1- by 6-inch qusset pieces. They shall also have braces 1 by 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(4) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

TABLE D–18—MINIMUM DIMENSIONS FOR BRICKLAYERS' SQUARE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Bearers or horizontal members	2 by 6.
Legs	2 by 6.
Braces at corners	1 by 6.
Braces diagonally from center frame	1 by 8.

(5) Platform planks shall be at least 2- by 9-inch nominal size. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares.

(6) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(7) Scaffolds shall be level and set upon a firm foundation.

(m) *Horse scaffolds.*

(1) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(2) The members of the horses shall be not less than those specified in Table D–19.

(3) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(4) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(5) On all scaffolds arranged in tiers, the legs shall be nailed down to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

TABLE D–19—MINIMUM DIMENSIONS FOR HORSE SCAFFOLD MEMBERS

Members:	*Dimensions (inches)*
Horizontal members or bearers	3 by 4.
Legs	1¼ by 4½.
Longitudinal brace between legs	1 by 6.
Gusset brace at top of legs	1 by 8.
Half diagonal braces	1¼ by 4½.

(6) Horses or parts which have become weak or defective shall not be used.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high with a mid-rail, when required, of 1- by 4-inch lumber or equivalent and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(n) *Needle beam scaffold.* (1) Wood needle beams shall be in accordance with paragraph (a) (5) and (9) of this section, and shall be not less than 4 by 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent conforming to paragraph (a) (4) and (8) of this section may be used.

(2) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- by 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(3) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and one-half hitch.

(4) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 1 foot and not more than 18 inches.

(5) When one needle beam is higher than the other or when the platform is not level the platform shall be secured against slipping.

(6) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers.

(7) One end of a needle beam scaffold may be supported by a permanent structural member conforming to paragraph (a) (4) and (8) of this section.

(8) Each man working on a needle beam scaffold 20 feet or more above the ground or floor and working with both hands, shall be protected by a safety life belt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

(o) *Plasterers', decorators', and large area scaffolds.* (1) Plasterers', decorators', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds.

(2) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(3) All platform planks shall be laid with the edges close together.

(4) When independent pole scaffold platforms are erected in sections such sections shall be provided with connecting runways equipped with substantial guardrails.

(p) *Interior hung scaffolds.* (1) An interior hung scaffold should be hung or suspended from the roof structure or substantial ceiling beams.

(2) The suspended steel wire rope shall conform to paragraph (a)(22) of this section. Wire may be used providing the strength requirements of paragraph (a)(22) of this section are met.

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(3) For hanging wood scaffolds, the following minimum nominal size material is recommended:

(i) Supporting bearers 2 by 9 inches on edge.

(ii) Planking 2 by 9 inches or 2 by 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(4) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(5) When a hanging scaffold is supported by means of wire rope, such wire rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips.

(6) All overhead supporting members shall be inspected and checked for strength before the scaffold is erected.

(7) Guardrails not less than 2 by 4 inches or the equivalent and not less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch lumber or equivalent, and toeboards, shall be installed at all open sides on all scaffolds more than 10 feet above the ground or floor. Toeboards shall be a minimum of 4 inches in height. Wire mesh shall be installed in accordance with paragraph (a)(17) of this section.

(q) *Ladder-jack scaffolds.* (1) All ladder-jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(2) All ladders used in connection with ladder-jack scaffolds shall be heavy-duty ladders and shall be designed and constructed in accordance with § 1910.25 and § 1910.26.

(3) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(4) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(5) The wood platform planks shall be not less than 2 inches nominal in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(6) Not more than two persons shall occupy any given 8 feet of any ladder-jack scaffold at any one time.

(r) *Window-jack scaffolds.* (1) Window-jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(2) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(3) Window-jack scaffolds shall be provided with suitable guardrails unless safety belts with lifelines are attached and provided for the workman. Window-jack scaffolds shall be used by one man only.

(s) *Roofing brackets.* (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Brackets shall be secured in place by nailing in addition to the pointed metal projections. The nails shall be driven full length into the roof. When rope supports are used, they shall consist of first-grade manila of at least three-quarter-inch diameter, or equivalent.

(3) A substantial catch platform shall be installed below the working area of roofs more than 20 feet from the ground to eaves with a slope greater than 3 inches in 12 inches without a parapet. In width the platform shall extend 2 feet beyond the projection of the eaves and shall be provided with a safety rail, mid-rail, and toeboard. This provision shall not apply where employees engaged in work upon such roofs are protected by a safety belt attached to a lifeline.

(t) *Crawling boards or chicken ladders.* (1) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1½ inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(2) A firmly fastened lifeline of at least three-quarter-inch rope shall be strung beside each crawling board for a handhold.

(3) Crawling boards shall be secured to the roof by means of adequate ridge hooks or equivalent effective means.

(u) *Float or ship scaffolds.* (1) Float or ship scaffolds shall support not more than three men and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed in accordance with subparagraphs (2) through (6) of this paragraph, unless substitute designs and materials provide equivalent strength, stability, and safety.

(2) The platform shall be not less than 3 feet wide and 6 feet long, made of three-quarter-inch plywood, equivalent to American Plywood Association Grade B–B, Group I, Exterior.

(3) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, selected lumber, or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend about 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(4) An edging of wood not less than ¾ x 1½ inches, or equivalent, shall be placed around all sides of the platform to prevent tools from rolling off.

(5) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they should be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of a bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(6) Each workman shall be protected by a safety lifebelt attached to a lifeline. The lifeline shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the workman in case of a fall.

§ 1910.29 Manually propelled mobile ladder stands and scaffolds (towers).

(a) *General requirements*—(1) *Application.* This section is intended to prescribe rules and requirements for the design, construction, and use of mobile work platforms (including ladder stands but not including aerial ladders) and rolling (mobile) scaffolds (towers). This standard is promulgated to aid in providing for the safety of life, limb, and property, by establishing minimum standards for structural design requirements and for the use of mobile work platforms and towers.

(2) *Working loads.* (i) Work platforms and scaffolds shall be capable of carrying the design load under varying circumstances depending upon the conditions of use. Therefore, all parts and appurtances necessary for their safe and efficient utilization must be integral parts of the design.

(ii) Specific design and construction requirements are not a part of this section because of the wide variety of materials and design possibilities. However, the design shall be such as to produce a mobile ladder stand or scaffold that will safely sustain the specified loads. The material selected shall be of sufficient strength to meet the test requirements and shall be protected against corrosion or deterioration.

(*a*) The design working load of ladder stands shall be calculated on the basis of one or more 200-pound persons together with 50 pounds of equipment each.

(*b*) The design load of all scaffolds shall be calculated on the basis of:

Light—Designed and constructed to carry a working load of 25 pounds per square foot.

Medium—Designed and constructed to carry a working load of 50 pounds per square foot.

Heavy—Designed and constructed to carry a working load of 75 pounds per square foot.

All ladder stands and scaffolds shall be capable of supporting at least four times the design working load.

(iii) The materials used in mobile ladder stands and scaffolds shall be of standard manufacture and conform to standard specifications of strength, dimensions, and weights, and shall be selected to safely support the design working load.

(iv) Nails, bolts, or other fasteners used in the construction of ladders, scaffolds, and towers shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the unit. Nails shall be driven full length. (All nails should be immediately withdrawn from dismantled lumber.)

(v) All exposed surfaces shall be free from sharp edges, burrs or other safety hazards.

(3) *Work levels.* (i) The maximum work level height shall not exceed four (4) times the minimum or least base dimension of any mobile ladder stand or scaffold. Where the basic mobile unit does not meet this requirement, suitable outrigger frames shall be employed to achieve this least base dimension, or provisions shall be made to guy or brace the unit against tipping.

(ii) The minimum platform width for any work level shall not be less than 20 inches for mobile scaffolds (towers). Ladder stands shall have a minimum step width of 16 inches.

(iii) The supporting structure for the work level shall be rigidly braced, using adequate cross bracing or diagonal bracing with rigid platforms at each work level.

(iv) The steps of ladder stands shall be fabricated from slip resistant treads.

(v) The work level platform of scaffolds (towers) shall be of wood, aluminum, or plywood planking, steel or expanded metal, for the full width of the scaffold, except for necessary openings. Work platforms shall be secured in place. All planking shall be 2-inch (nominal) scaffold grade minimum 1,500 *f.* (stress grade) construction grade lumber or equivalent.

(vi) All scaffold work levels 10 feet or higher above the ground or floor shall have a standard (4-inch nominal) toeboard.

(vii) All work levels 10 feet or higher above the ground or floor shall have a guardrail of 2- by 4-inch nominal or the equivalent installed no less than 36 inches or more than 42 inches high, with a mid-rail, when required, of 1- by 4-inch nominal lumber or equivalent.

(viii) A climbing ladder or stairway shall be provided for proper access and egress, and shall be affixed or built into the scaffold and so located that its use will not have a tendency to tip the scaffold. A landing platform shall be provided at intervals not to exceed 30 feet.

(4) *Wheels or casters.* (i) Wheels or casters shall be properly designed for strength and dimensions to support four (4) times the design working load.

(ii) All scaffold casters shall be provided with a positive wheel and/or swivel lock to prevent movement. Ladder stands shall have at least two (2) of the four (4) casters and shall be of the swivel type.

(iii) Where leveling of the elevated work platform is required, screw jacks or other suitable means for adjusting the height shall be provided in the base section of each mobile unit.

(b) *Mobile tubular welded frame scaffolds*—(1) *General.* Units shall be designed to comply with the requirements of paragraph (a) of this section.

(2) *Bracing.* Scaffolds shall be properly braced by cross braces and/or diagonal braces for securing vertical members together laterally. The cross braces shall be of a length that will automatically square and align vertical members so the erected scaffold is always plumb, square, and rigid.

(3) *Spacing.* Spacing of panels or frames shall be consistent with the loads imposed. The frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(4) *Locking.* Where uplift may occur, panels shall be locked together vertically by pins or other equivalent means.

(5) *Erection.* Only the manufacturer of a scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a registered professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(c) *Mobile tubular welded sectional folding scaffolds*—(1) *General.* Units including sectional stairway and sectional ladder scaffolds shall be designed to comply with the requirements of paragraph (a) of this section.

(2) *Stairway.* An integral stairway and work platform shall be incorporated into the structure of each sectional folding stairway scaffold.

(3) *Bracing.* An integral set of pivoting and hinged folding diagonal and horizontal braces and a detachable work platform shall be incorporated into the structure of each sectional folding ladder scaffold.

(4) *Sectional folding stairway scaffolds.* Sectional folding stairway scaffolds shall be designed as medium duty scaffolds except for high clearance. These special base sections shall be designed as light duty scaffolds. When upper sectional folding stairway scaffolds are used with a special high clearance base, the load capacity of the entire scaffold shall be reduced accordingly. The width of a sectional folding stairway scaffold shall not exceed 4½ feet. The maximum length of a sectional folding stairway scaffold shall not exceed 6 feet.

(5) *Sectional folding ladder scaffolds.* Sectional folding ladder scaffolds shall be designed as light duty scaffolds including special base (open end) sections which are designed for high clearance. For certain special applications the six-foot (6′) folding ladder scaffolds, except for special high clearance base sections, shall be designed for use as medium duty scaffolds. The width of a sectional folding ladder scaffold shall not exceed 4½ feet. The maximum length of a sectional folding ladder scaffold shall not exceed 6 feet 6 inches for a six-foot (6′) long unit, 8 feet 6 inches for an eight-foot (8′) unit or 10 feet 6 inches for a ten-foot (10′) long unit.

(6) *End frames.* The end frames of sectional ladder and stairway scaffolds shall be designed so that the horizontal bearers provide supports for multiple planking levels.

(7) *Erection.* Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(d) *Mobile tube and coupler scaffolds*—(1) *Design.* Units shall be designed to comply with the applicable requirements of paragraph (a) of this section.

(2) *Material.* The material used for the couplers shall be of a structural type, such as a drop-forged steel, malleable iron or structural grade aluminum. The use of gray cast iron is prohibited.

(3) *Erection.* Only the manufacturer of the scaffold or his qualified designated agent shall be permitted to erect or supervise the erection of scaffolds exceeding 50 feet in height above the base, unless such structure is approved in writing by a licensed professional engineer, or erected in accordance with instructions furnished by the manufacturer.

(e) *Mobile work platforms*—(1) *Design.* Units shall be designed for the use intended and shall comply with the requirements of paragraph (a) of this section.

(2) *Base width.* The minimum width of the base of mobile work platforms shall not be less than 20 inches.

(3) *Bracing.* Adequate rigid diagonal bracing to vertical members shall be provided.

(f) *Mobile ladder stands.*

(1) *Design.* Units shall comply with applicable requirements of paragraph (a) of this section.

(2) *Base width.* The minimum base width shall conform to paragraph (a)(3)(i) of this section. The maximum length of the base section shall be the total length of combined steps and top assembly, measured horizontally, plus five-eighths inch per step of rise.

(3) *Steps.* Steps shall be uniformly spaced, and sloped, with a rise of not less than nine (9) inches, nor more than ten (10) inches, and a depth of not less seven (7) inches. The slope of the steps section shall be a minimum of fifty-five (55) degrees and a maximum of sixty (60) degrees measured from the horizontal.

(4) *Handrails.* (i) Units having more than five (5) steps or 60 inches vertical height to the top step shall be equipped with handrails.

(ii) Handrails shall be a minimum of 29 inches high. Measurements shall be taken vertically from the center of the step.

(5) *Loading.* The load (see paragraph (a)(2)(ii)(*b*) of this section) shall be applied uniformly to a 3½ inches wide area front to back at the center of the width span with a safety factor of four (4).

§ 1910.30 Other working surfaces.

(a) *Dockboards (bridge plates)*. (1) Portable and powered dockboards shall be strong enough to carry the load imposed on them.

(2) Portable dockboards shall be secured in position, either by being anchored or equipped with devices which will prevent their slipping.

(3) Powered dockboards shall be designed and constructed in accordance with Commercial Standard CS202–56 (1956) "Industrial Lifts and Hinged Loading Ramps published by the U.S. Department of Commerce.

(4) Handholds, or other effective means, shall be provided on portable dockboards to permit safe handling.

(5) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

(b) *Forging machine area*. (1) Machines shall be so located as to give (i) enough clearance between machines so that the movement of one operator will not interfere with the work of another, (ii) ample room for cleaning machines and handling the work, including material and scrap. The arrangement of machines shall be such that operators will not stand in aisles.

(2) Aisles shall be provided of sufficient width to permit the free movement of employees bringing and removing material. This aisle space is to be independent of working and storage space and should be defined by marking.

(3) Wood platforms used on the floor in front of machines shall be substantially constructed.

(c) *Veneer machinery*. (1) Sides of steam vats shall extend to a height of not less than 36 inches above the floor, working platform, or ground.

(2) Large steam vats divided into sections shall be provided with substantial walkways between sections. Each walkway shall be provided with a standard handrail on each exposed side. These handrails may be removable, if necessary.

(3) Covers shall be removed only from that portion of steaming vats on which men are working and a portable railing shall be placed at this point to protect the operators.

(4) Workmen shall not ride or step on logs in steam vats.

§ 1910.31 Sources of standards.

The standards in this Subpart D are devised from the following sources:

Standard	*Source*
§ 1910.22(a) ------	ANSI Z4.1–1968, Requirements for Sanitation in Places of Employment.
§ 1910.22(b) and (c).	41 CFR 50–204.3.
§ 1910.22(d) ------	ANSI A58.1–1955, Minimum Design Loads in Building and Other Structures.
§ 1910.23 ---------	ANSI A12.1–1967, Safety Requirements for Floor and Wall Openings, Railings, and Toeboards.
§ 1910.24 ---------	ANSI A64.1–1968, Requirements for Fixed Industrial Stairs.
§ 1910.25 ---------	ANSI A14.1–1968, Safety Code for Portable Wood Ladders.
§ 1910.26 ---------	ANSI A14.2–1956, Portable Metal Ladders.
§ 1910.27 ---------	ANSI A14.3–1956, Safety Code for Fixed Ladders.
§ 1910.28 ---------	ANSI A10.8–1969, Safety Requirements for Scaffolding.
§ 1910.29 ---------	ANSI A92.1–1971, Standard for Manually Propelled Mobile Ladder Stands and Scaffolds.
§ 1910.30(a) ------	ANSI B56.1—1969, Safety Standard for Powered Industrial Trucks.
§ 1910.30(b) ------	ANSI B24.1–1963, Safety Standard for Forging.
§ 1910.30(c) ------	ANSI 01.1–1954, Safety Code for Woodworking Machinery.

§ 1910.32 Standards organizations.

The following organizations have been referenced in this Subpart D:

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Underwriters' Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611.

Factory Mutual Engineering Corp., Post Office Box 688, Norwood, MA 02062.

Subpart E—Means of Egress

§ 1910.35 Definitions.

As used in this subpart

(a) *Means of egress*. A means of egress is a continuous and unobstructed way of exit travel from any point in a building or structure to a public way and consists of three separate and distinct parts: the way of exit access, the exit, and the way of exit discharge. A means of egress comprises the vertical and horizontal ways of travel and shall include intervening room spaces, doorways, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts, and yards.

(b) *Exit access*. Exit access is that portion of a means of egress which leads to an entrance to an exit.

(c) *Exit*. Exit is that portion of a means of egress which is separated from all other spaces of the building or structure by construction or equipment as required in this subpart to provide a protected way of travel to the exit discharge.

(d) *Exit discharge*. Exit discharge is that portion of a means of egress between the termination of an exit and a public way.

(e) *Low hazard contents*. Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur and that consequently the only probable danger requiring the use of emergency exits will be from panic, fumes, or smoke, or fire from some external source.

(f) *High-hazard contents*. High-hazard contents shall be classified as those which are liable to burn with extreme rapidity or from which poisonous fumes or explosions are to be feared in the event of fire.

(g) *Ordinary hazard contents*. Ordinary hazard contents shall be classified as those which are liable to burn with moderate rapidity and to give off a considerable volume of smoke but from which neither poisonous fumes nor explosions are to be feared in case of fire.

(h) *Approved*. For the purposes of this subpart approved shall mean listed or approved equipment by a nationally recognized testing laboratory.

§ 1910.36 General requirements.

(a) *Application*. This subpart contains general fundamental requirements essential to providing a safe means of egress from fire and like emergencies. Nothing in this subpart shall be construed to prohibit a better type of building construction, more exits, or otherwise safer conditions than the minimum requirements specified in this subpart. Exits from vehicles, vessels, or other mobile structures are not covered by this subpart.

(b) *Fundamental requirements*. (1) Every building or structure, new or old, designed for human occupancy shall be provided with exits sufficient to permit the prompt escape of occupants in case of fire or other emergency. The design of exits and other safeguards shall be such that reliance for safety to life in case of fire or other emergency will not depend solely on any single safeguard; additional safeguards shall be provided for life safety in case any single safeguard is ineffective due to some human or mechanical failure.

(2) Every building or structure shall be so constructed, arranged, equipped, maintained, and operated as to avoid undue danger to the lives and safety of its occupants from fire, smoke, fumes, or resulting panic during the period of time reasonably necessary for escape from the building or structure in case of fire or other emergency.

(3) Every building or structure shall be provided with exits of kinds, numbers, location, and capacity appropriate to the individual building or structure, with due regard to the character of the occupancy, the number of persons exposed, the fire protection available, and the height and type of construction of the building or structure, to afford all occupants convenient facilities for escape.

(4) In every building or structure exits shall be so arranged and maintained as to provide free and unobstructed egress from all parts of the building or structure at all times when it is occupied. No lock or fastening to prevent free escape from the inside of any building shall be installed except in mental, penal, or corrective institutions where supervisory personnel is continually on duty and effective provisions are made to remove occupants in case of fire or other emergency.

(5) Every exit shall be clearly visible or the route to reach it shall be conspicuously indicated in such a manner that every occupant of every building or structure who is physically and mentally capable will readily know the direction of escape from any point, and each point, and each path of escape, in its entirety, shall be so arranged or marked that the way to a place of safety outside is unmistakable. Any doorway or passageway not constituting an exit or way to reach an exit, but of such a character as to be subject to being mistaken for an exit, shall be so arranged or marked as to minimize its possible confusion with an exit and the resultant danger of persons endeavoring to escape from fire finding themselves trapped in a dead-end space, such as a cellar or storeroom, from which there is no other way out.

(6) In every building or structure equipped for artificial illumination, adequate and reliable illumination shall be provided for all exit facilities.

(7) In every building or structure of such size, arrangement, or occupancy that a fire may not itself provide adequate warning to occupants, fire alarm facilities shall be provided where necessary to warn occupants of the existence of fire so that they may escape, or to facilitate the orderly conduct of fire exit drills.

(8) Every building or structure, section, or area thereof of such size, occupancy, and arrangement that the reasonable safety of numbers of occupants may be endangered by the blocking of any single means of egress due to fire or smoke, shall have at least two means of egress remote from each other, so arranged as to minimize any possibility that both may be blocked by any one fire or other emergency conditions.

(9) Compliance with this subpart shall not be construed as eliminating or reducing the necessity for other provisions for safety of persons using a structure under normal occupancy conditions, nor shall any provision of the subpart be construed as requiring or permitting any condition that may be hazardous under normal occupancy conditions.

(c) *Protection of employees exposed by construction and repair operations*. (1) No building or structure under construction shall be occupied in whole or in part until all exit facilities required for the part occupied are completed and ready for use.

(2) No existing building shall be occupied during repairs or alterations unless all existing exits and any existing fire protection are continuously maintained, or in lieu thereof other measures are taken which provide equivalent safety.

(3) No flammable or explosive substances or equipment for repairs or alterations shall be introduced in a building of normally low or ordinary hazard classification while the building is occupied, unless the condition of use and safeguards provided are such as not to create any additional danger or handicap to egress beyond the normally permissible conditions in the building.

(d) *Maintenance*. (1) Every required exit, way of approach thereto, and way of travel from the exit into the street or open space, shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(2) Every automatic sprinkler system, fire detection and alarm system, exit lighting, fire door, and other item of equipment, where provided, shall be continuously in proper operating condition.

§ 1910.37 Means of egress, general.

(a) *Permissible exit components*. An exit shall consist only of the approved components. Exit components shall be constructed as an integral part of the building or shall be permanently affixed thereto.

(b) *Protective enclosure of exits*. When an exit is protected by separation from other parts of the building the separating construction shall meet the following requirements.

(1) The separation shall have at least a 1-hour fire resistance rating when the exit connects three stories or less. This applies whether the stories connected are above or below the story at which exit discharge begins.

(2) The separation shall have at least a 2-hour fire resistance rating when the exit connects four or more stories, whether above or below the floor of discharge. It shall be constructed of noncombustible materials, and shall be supported by construction having at least a 2-hour fire resistance rating.

(3) Any opening therein shall be protected by an approved self-closing fire door.

(4) Openings in exit enclosures shall be confined to those necessary for access to the enclosure from normally occupied spaces and for egress from the enclosure.

(c) *Width and capacity of means of egress*. (1) The capacity in number of persons per unit of exit width for approved components of means of egress shall be as follows:

(i) Level Egress Components (including Class A Ramps) 100 persons.

(ii) Inclined Egress Components (including Class B Ramps) 60 persons.

(2) Means of egress shall be measured in units of exit width of 22 inches. Fractions of a unit shall not be counted, except that 12 inches added to one or more full units shall be counted as one-half a unit of exit width.

(3) Units of exit width shall be measured in the clear at the narrowest point of the means of egress except that a handrail may project inside the measured width on each side not more than 3½ inches and a stringer may project inside the measured width not more than 1½ inches. An exit or exit access door swinging into an aisle or passageway shall not restrict the effective width thereof at any point during its swing to less than the minimum widths hereafter specified.

(d) *Egress capacity and occupant load*. (1) The capacity of means of egress for any floor, balcony, tier, or other occupied space shall be sufficient for the occupant load thereof. The occupant load shall be the maximum number of persons that may be in the space at any time.

(2) Where exits serve more than one floor, only the occupant load of each floor considered individually need be used in computing the capacity of the exits at that floor, provided that exit capacity shall not be decreased in the direction of exit travel.

(e) *Arrangement of exits*. When more than one exit is required from a story, at least two of the exits shall be remote from each other and so arranged as to minimize any possibility that both may be blocked by any one fire or other emergency condition.

(f) *Access to exits*. (1) Exits shall be so located and exit accesss shall be so arranged that exits are readily accessible at all times. Where exits are not immediately accessible from an open floor area, safe and continuous passageways, aisles, or corridors leading directly to every exit and so arranged as to provide convenient access for each occupant to at least two exits by separate ways of travel, except as a single exit or limited dead ends are permitted by other provisions of this subpart shall be maintained.

(2) A door from a room to an exit or to a way of exit access shall be of the side-hinged, swinging type. It shall swing with exit travel when the room is occupied by more than 50 persons or used for a high hazard occupancy.

(3) In no case shall access to an exit be through a bathroom, or other room subject to locking, except where the exit is required to serve only the room subject to locking.

(4) Ways of exit access and the doors to exits to which they lead shall be so designed and arranged as to be clearly recognizable as such. Hangings or draperies shall not be placed over exit doors or otherwise so located as to conceal or obscure any exit. Mirrors shall not be placed on exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of exit.

(5) Exit access shall be so arranged that it will not be necessary to travel toward any area of high hazard occupancy in order to reach the nearest exit, unless the path of travel is effectively shielded from the high hazard location by suitable partitions or other physical barriers.

(6) The minimum width of any way of exit access shall in no case be less than 28 inches. Where a single way of exit access leads to an exit, its capacity in terms of width shall be at least equal to the required capacity of the exit to which it leads. Where more than one way of exit access leads to an exit, each shall have a width adequate for the number of persons it must accommodate.

(g) *Exterior ways of exit access*. (1) Access to an exit may be by means of any exterior balcony, porch, gallery, or roof that conforms to the requirements of this section.

(2) Exterior ways of exit access shall have smooth, solid floors, substantially level, and shall have guards on the unenclosed sides.

(3) Where accumulation of snow or ice is likely because of the climate, the exterior way of exit access shall be protected by a roof, unless it serves as the sole normal means of access to the rooms or spaces served, in which case it may

be assumed that snow and ice will be regularly removed in the course of normal occupancy.

(4) A permanent, reasonably straight path of travel shall be maintained over the required exterior way of exit access. There shall be no obstruction by railings, barriers, or gates that divide the open space into sections appurtenant to individual rooms, apartments, or other uses. Where the Assistant Secretary of Labor or his duly authorized representative finds the required path of travel to be obstructed by furniture or other movable objects, he may require that they be fastened out of the way or he may require that railings or other permanent barriers be installed to protect the path of travel against encroachment.

(5) An exterior way of exit access shall be so arranged that there are no dead ends in excess of 20 feet. Any unenclosed exit served by an exterior way of exit access shall be so located that no part of the exit extends past a vertical plane 20 feet and one-half the required width of the exit from the end of and at right angles to the way of exit access.

(6) Any gallery, balcony, bridge, porch or other exterior exit access that projects beyond the outside wall of the building shall comply with the requirements of this section as to width and arrangement.

(h) *Discharge from exits.* (1) All exits shall discharge directly to the street, or to a yard, court, or other open space that gives safe access to a public way. The streets to which the exits discharge shall be of width adequate to accommodate all persons leaving the building. Yards, courts, or other open spaces to which exits discharge shall also be of adequate width and size to provide all persons leaving the building with ready access to the street.

(2) Stairs and other exits shall be so arranged as to make clear the direction of egress to the street. Exit stairs that continue beyond the floor of discharge shall be interrupted at the floor of discharge by partitions, doors, or other effective means.

(i) *Headroom.* Means of egress shall be so designed and maintained as to provide adequate headroom, but in no case shall the ceiling height be less than 7 feet 6 inches nor any projection from the ceiling be less than 6 feet 8 inches from the floor.

(j) *Changes in elevation.* Where a means of egress is not substantially level, such differences in elevation shall be negotiated by stairs or ramps.

(k) *Maintenance and workmanship* (1) Doors, stairs, ramps, passages, signs, and all other components of means of egress shall be of substantial, reliable construction and shall be built or installed in a workmanlike manner.

(2) Means of egress shall be continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency.

(3) Any device or alarm installed to restrict the improper use of an exit shall be so designed and installed that it cannot, even in cases of failure, impede or prevent emergency use of such exit.

(l) *Furnishings and decorations.* (1) No furnishings, decorations, or other objects shall be so placed as to obstruct exits, access thereto, egress therefrom, or visibility thereof.

(2) No furnishings or decorations of an explosive or highly flammable character shall be used in any occupancy.

(m) *Automatic sprinkler systems.* All automatic sprinkler systems shall be continuously maintained in reliable operating condition at all times, and such periodic inspections and tests shall be made as are necessary to assure proper maintenance.

(n) *Alarm and fire detection systems.* (1) Systems shall be under the supervision of a responsible person who shall cause proper tests to be made at specified intervals and have general charge of all alterations and additions.

(2) Fire alarm signaling equipment shall be restored to service as promptly as possible after each test or alarm, and shall be kept in normal condition for operation. Equipment requiring rewinding or replenishing shall be rewound or replenished as promptly as possible after each test or alarm.

(o) *Fire retardant paints.* Fire retardant paints or solutions shall be renewed at such intervals as necessary to maintain the necessary flame retardant properties.

(p) *Recognition of means of egress.* Hangings or draperies shall not be placed over exit doors or otherwise located as to conceal or obscure any exit. Mirrors shall not be placed on exit doors. Mirrors shall not be placed in or adjacent to any exit in such a manner as to confuse the direction of exit.

(q) *Exit marking.* (1) Exits shall be marked by a readily visible sign. Access to exits shall be marked by readily visible signs in all cases where the exit or way to reach it is not immediately visible to the occupants.

(2) Any door, passage, or stairway which is neither an exit nor a way of exit access, and which is so located or arranged as to be likely to be mistaken for an exit, shall be identified by a sign reading "Not an Exit" or similar designation, or shall be identified by a sign indicating its actual character, such as "To Basement," "Storeroom," "Linen Closet," or the like.

(3) Every required sign designating an exit or way of exit access shall be so located and of such size, color, and design as to be readily visible. No decorations, furnishings, or equipment which impair visibility of an exit sign shall be permitted, nor shall there be any brightly illuminated sign (for other than exit purposes), display, or object in or near the line of vision to the required exit sign of such a character as to so detract attention from the exit sign that it may not be noticed.

(4) Every exit sign shall be distinctive in color and shall provide contrast with decorations, interior finish, or other signs.

(5) A sign reading "Exit", or similar designation, with an arrow indicating the direction, shall be placed in every location where the direction of travel to reach the nearest exit is not immediately apparent.

(6) Every exit sign shall be suitably illuminated by a reliable light source giving a value of not less than 5-foot candles on the illuminated surface. Artificial lights giving illumination to exit signs other than the internally illuminated types shall have screens, discs, or lenses of not less than 25 square inches area made of translucent material to show red or other specified designating color on the side of the approach.

(7) Each internally illuminated exit sign shall be provided in all occupancies where reduction of normal illumination is permitted.

(8) Every exit sign shall have the word "Exit" in plainly legible letters not less than 6 inches high, with the principal strokes of letters not less than three-fourths-inch wide.

§ 1910.38 Specific means of egress requirements by occupancy. [Reserved]

§ 1910.39 Sources of standards.

The entire subpart is promulgated from NFPA 101–1970, Life Safety Code.

§ 1910.40 Standards organizations.

Specific standards of the following organization have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization:

National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

Subpart F—Powered Platforms, Manlifts, and Vehicle-Mounted Work Platforms

§ 1910.66 Power platforms for exterior building maintenance.

(a) *Definitions applicable to this section*—(1) *Angulated roping.* A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

(2) *ANSI.* American National Standards Institute.

(3) *Babbitted fastenings.* The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

(4) *Brake—disc type.* A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

(5) *Brake—self-energizing band type.* An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

(6) *Brake—shoe type.* A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

(7) *Building face rollers.* A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

(8) *Continuous pressure.* Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

(9) *Control.* A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

(10) *Controller.* A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

(11) *Electrical ground.* A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

(12) *Guide roller.* A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

(13) *Guide shoe.* An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

(14) *Interlock.* A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

(15) *Operating* device. A pushbutton, lever, or other manual device used to actuate a control.

(16) *Power platform.* Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

(17) *Rated load.* The combined weight of employees, tools, equivalent, and other material which the working platform is designed and installed to lift.

(18) *Relay, direction.* An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

(19) *Relay, potential for vertical travel.* An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay direction."

(20) *Roof car.* A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

(21) *Roof-powered platform.* A powered platform having the raising and lowering mechanism located on a roof car.

(22) *Self-powered platform.* A powered platform having the raising and lowering mechanism located on the working platform.

(2) *Traveling cable.* A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

(24) *Weatherproof.* Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

(25) *Working platform.* The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

(26) *Yield point.* The stress at which the material exhibits a permanent set of 0.2 percent.

(27) *Zinced fastenings.* The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socked by means of poured molten zinc.

(b) *General requirements*—(1) *Application.* (i) This section establishes safety requirements for the design, construction, installation, operation, maintenance, inspection, and use of power-operated platforms for exterior building maintenance. The requirements of this section do not apply to temporary equipment used for construction work; or to devices which are raised and lowered manually.

(ii) The purpose of this standard is to provide for the safety of life and limb of users of exterior powered platforms, as well as of others who may be exposed. The equipment described in this section is intended for use by one or more workmen who are engaged in exterior work, such as window cleaning, caulking, metal-polishing, and general exterior building maintenance or repairs.

(2) *Existing and new equipment.* This section applies to all powered platforms installed subsequent to the effective date of these regulations with the exception of powered platforms installed for emergency purposes.

(3) *Design requirements.* All new powered platforms for exterior building maintenance purchased and used after the effective date of these regulations shall meet all of the design, construction, installation, and maintenance requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1–1970" and of this section. Reference shall be made to appropriate parts of ANSI A120.1–1970 for detail specifications for equipment and special installations.

(4) *Limitation.* The requirements of this section apply only to electric powered platforms. It is not the intent of this section to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(5) *Types of powered platforms.* (i) For the purpose of applying this standard, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F shall meet all of the requirements of subparagraph (3) of this paragraph. A basic requirement of Type F equipment is that the working platform is suspended by at least four wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T shall meet all the requirements of subparagraph (3) of this paragraph. A basic requirement of Type T equipment is that the working platform is suspended by at least two wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. The employer shall require employees working on Type T equipment to wear safety belts, which are attached by lifelines to either the working platform or the building structure. Type T powered platform may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(c) *Type F powered platforms*—(1) *Roof car, general.* (i) A roof car shall be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(2) *Movement and positioning of roof car.* (i) Restriction of movement is required. Provision shall be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars shall be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices shall be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops shall be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops shall be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) (*a*) The operating device of a power-operated roof car for traversing shall be located on the roof car, the working platform, or both, and shall be of the continuous pressure weatherproof electric type. If more than one operating device is provided, they shall be so arranged that traversing is possible only from one operating device at a time.

(*b*) The operating device shall be so connected that it is not operable until:

(*1*) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(*2*) All protective devices and interlocks are in a position for traversing.

(3) *Roof car stability.* Roof car stability shall be determined by either subdivision (i) or (ii) of this subparagraph whichever is greater.

(i) The roof car shall be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value shall include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load shall be included, and the design stresses shall not exceed those referred to in paragraph (b)(3) of this section.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load, the motor shall stall.

(4) *Access to the roof car.* Safe access to the roof car and from the roof car to the working platform shall be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates shall be provided. Applicable provisions of the American National Standard Safety Requirements for Floor and Wall Openings, Railings and Toeboard, A12.1–1967, shall apply.

(5) *Means for maintenance, repair, and storage.* Means shall be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions shall be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5 of ANSI A120.1–1970.

(6) *General requirements for working platforms.* The working platform shall be of girder or truss construction and shall be adequate to support its rated load under any position of loading, and comply with the provisions set forth in paragraph (b)(3) of this section.

(7) *Load rating plate.* Each working platform shall bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates shall be made of noncorrosive material and shall have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures shall be one-fourth inch.

(8) *Minimum size.* The working platform shall have a minimum net width of 24 inches.

(9) *Guard rails.* Working platforms shall be furnished with permanent guard rails not less than 36 inches high, and not more than 42 inches high at the front (building side). At the rear, and on the sides, the rail shall not be less than 42 inches high. An intermediate guardrail shall be provided around the entire platform between the top guardrail and the toeboard.

(10) *Toeboards.* A 4-inch toeboard shall be provided along all sides of the working platform.

(11) *Open spaces between guardrails and toeboards.* The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, shall be filled with metallic mesh or similar material that will reject a ball 1 inch in diameter. The installed mesh shall be capable of withstanding a load of 100 pounds applied horizontally over any area of 12 square inches. If the space between the platform and the building face does not exceed 8 inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(12) *Flooring.* The platform flooring shall be of the nonskid type, and if of open construction, shall reject a $\frac{9}{16}$-inch diameter ball, or be provided with a screen below the floor to reject a $\frac{9}{16}$-inch diameter ball.

(13) *Access gates.* Where access gates are provided, they shall be self-closing and self-locking.

(14) *Operating device for vertical movement of the working platform.* (i) The normal operating device for the working platform shall be located on the working platform and shall be of the continuous pressure weatherproof electric type.

(ii) The operating device shall be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service, and the roof car, if provided, is at an established operating point.

(15) *Emergency electric operative device.* (i) In addition, on roof-powered platforms, an emergency electric operating device shall be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device shall be mounted in a locked compartment and shall have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(ii) A key for unlocking the compartment housing the emergency operating device shall be mounted in a break-glass receptacle located near the emergency operating device.

(16) *Manual cranking for emergency operation.* Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation shall be designed so that not more than two persons will be required to perform this operation. The access to this provision shall include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design shall be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(17) *Arrangement and guarding of hoisting equipment.* (i) Hoisting equipment shall consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment shall be power-operated in both up and down directions.

(iii) Guard or other protective devices shall be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches shall not be used for connecting the main driving mechanism to the drum or drums. Belt- or chain-driven machines are prohibited.

(18) *Hoisting motors.* (i) Hoisting motors shall be electric and of weatherproof construction.

(ii) Hoisting motors shall be in conformance with applicable provisions of subparagraph (22) of this paragraph, Electrical wiring and equipment.

(iii) Hoisting motors shall be directly connected to the hoisting machinery. Motor couplings, if used, shall be of steel construction.

(19) *Brakes.* The hoisting machine(s) shall have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(20) *Hoisting ropes and rope connections.* (i) Working platforms shall be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) The minimum grade of the wire rope shall be improved plow steel. Ropes shall be fabricated of drawn galvanized or bright wire. Drawn galvanized wire rope shall be fabricated of individual wires on which the zinc coating has been applied at an intermediate size, and the wire then drawn to finished size and to the same tolerances and with the same mechanical properties as for uncoated wire of equal grade.

(iii) The minimum factor of safety shall be ten, and shall be calculated by the following formula:

$$F = \frac{S \times N}{W}$$

where

S=Manufacturer's rated breaking strength of one rope.
N=Number of ropes under load.
W=Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes shall be sized to conform with the required factor of safety, but in no case shall the size be less than five-sixteenths-inch diameter.

(v) Winding drums shall have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes shall be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) Reverse bends in rope arrangement should be avoided. More than two reverse bends in each rope is prohibited.

(21) *Rope tag data.* (i) A metal data tag shall be securely attached to one of the wire rope fastenings. This data tag shall bear the following wire rope data:

(*a*) The diameter in inches.

(*b*) Construction classification.

(*c*) Whether nonpreformed or preformed.

(*d*) The grade of material used.

(*e*) The manufacturer's rated breaking strength.

(*f*) Name of the manufacturer of the rope.

(*g*) The month and year the ropes were installed.

(*h*) Name of the person or firm who installed ropes.

(ii) Noncorrosive metal data tags shall be used. The minimum height of the letters, stamped or etched, shall be one-sixteenth inch.

(iii) A new tag shall be installed at each rope renewal. When ropes are refastened, the original tag shall be retained and a supplemental tag showing the date of refastening and the name of the person or firm who refastened the ropes shall be provided.

(22) *Electrical wiring and equipment.* (i) All electrical equipment and wiring shall conform to the requirements of the American National Standard National Electrical Code, C1–1968, except as modified by ANSI A120.1–1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI 120.1–1970.

(ii) All motors and operation and control equipment shall be supplied from a single power source.

(iii) The power supply for the powered platform shall be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system shall be protected against accidental contact.

(v) Electrical grounding shall be provided.

(*a*) Provision for electrical grounding shall be included with the power-supply system.

(*b*) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, shall be grounded.

(*c*) The controller, where used, shall be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(*d*) Means shall be provided on the roof car and working platform for grounding portable electric tools.

(*e*) The working platform shall be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform shall be grounded.

(vi) Electrical receptacles located on the roof or other exterior location shall be of a weatherproof type and shall be located so as not to be subject to contact with water or accumulated snow. The receptacles shall be grounded and the electric cable shall include a grounding conductor. The receptacle and plug shall be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision shall be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of American National Standard National Electrical Code C1–1968. A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type shall be provided.

(ix) Where the installation includes a roof car, electric contact(s) shall be provided and so connected that the operating devices for the working platform shall be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car shall be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact shall be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device shall be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device shall be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices shall be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device shall prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, shall incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final Terminal Stopping Devices of the Working Platform:

(*a*) Final terminal stopping devices for the working platform shall be provided as a secondary means of preventing the working platform from overtraveling at the terminals.

(*b*) The device shall be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(*c*) Operation of the final terminal stopping device shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(*d*) The final terminal stopping device for the upper limit of travel shall be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches shall be provided in or adjacent to each operating device.

(xix) Emergency stop switches shall:

(*a*) Have red operating buttons or handles.

(*b*) Be conspicuously and permanently marked "Stop".

(*c*) Be the manually opened and manually closed type.

(*d*) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car shall cause the electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(23) *Requirements for emergency communications.* (i) Communication equipment shall be provided for each powered platform for use in an emergency.

(ii) Two-way communication shall be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment shall permit two-way voice communication between the working platform and

(*a*) Designated personnel continuously available while the powered platform is in use; and

(*b*) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment shall be one of the following types:

(*a*) Telephone connected to the central telephone exchange system; or

(b) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(d) *Type T powered platforms*—(1) *Roof car.* The requirements of paragraphs (c)(1) through (c)(5) of this section shall apply to Type T powered platforms.

(2) *Working platform.* The requirements of paragraphs (c)(6) through (c)(16) of this section apply to Type T powered platforms.

(i) The working platform shall be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction shall not exceed 35 feet per minute.

(3) *Hoisting equipment.* The requirements of paragraphs (c) (17) and (18) of this section shall apply to Type T powered platforms.

(4) *Brakes.* Brakes requirements of paragraph (c)(19) of this section shall apply.

(5) *Hoisting ropes and rope connections.* (i) Paragraph (c)(20) (i) through (vi) and (viii) of this section shall apply to type T powered platforms.

(ii) Adjustable shackle rods in subparagraph (c)(20)(vii) of this section shall apply to type T powered platforms if the working platform is suspended by more than two wire ropes.

(6) *Electrical wiring and equipment.* (i) The requirements of paragraph (c)(22) (i) through (vi) of this section shall apply to type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment shall comply with the specifications contained in Part 2, section 26, of ANSI A120.1–1970.

(ii) For electrical protective devices the requirements of paragraph (c)(22) (i) through (viii) of this section shall apply to type T powered platforms. Requirements for the "circuit potential limitation" shall be in accordance with the specifications contained in Part 2, section 26, of ANSI A120.1–1970.

(7) *Emergency communications.* All the requirements of paragraph (c)(23) of this section shall apply to type T powered platforms.

(8) *Safety belts and lifelines.* (i) Each employee on the working platform of type T powered platforms shall be provided with a safety belt with means for attachment to a lifeline on the roof or to the working platform. It is recommended that safety belts, lines and other components, including fastening means and anchorages to the working platform, building, or structure, be capable of withstanding a static load of 4,000 pounds without damage or permanent deformation of any part.

(ii) Fastening devices should be of the self-closing type, equipped with a locking device to prevent accidental opening of the fastening device.

(iii) Harness-type belts are recommended. If body-type belts are used, it is recommended that the portion of the belt bearing on the front of the wearer's body have a minimum width of 3 inches.

(iv) It is recommended that the line used to connect the belt to the platform, or to a lifeline attached to the building, have a maximum length of 5 feet.

(e) *Inspections and tests*—(1) *Inspections and tests of new installations and alterations.* All powered platform installations shall, on their completion, and before being placed in service, be subjected to an acceptance test in the field to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment functions as required. A similar inspection and test shall be made following a major alteration to an existing installation.

(2) *Periodic inspections and tests.* Each installation shall undergo a periodic inspection and test at least every 12 months. All parts of the equipment shall be inspected, and where necessary, tested to determine that they are in safe operating condition.

(3) *Maintenance inspections and tests.* Each installation shall undergo a maintenance inspection and test every 30 days, except where the cleaning cycle is less than 30 days, such inspection and test shall be made prior to each cleaning cycle. The results of these inspections and tests shall be recorded in a log which is available for review by the Assistant Secretary of Labor or his designated representative. Each log entry shall include the date of the inspection or test and shall be signed by the person making the inspection or test.

(4) *Special inspection of governors and secondary brakes.* (i) Special inspections and tests of the governor and secondary braking system shall be made at intervals not exceeding 1 year.

(ii) The inspection and test shall include a verification that the initiating device for the secondary breaking operates at the proper overspeed.

(iii) If adequate tests cannot be performed in the field, the initiating device may be removed from the powered platform and sent to a shop equipped to make such a test.

(iv) The inspection shall include a verification of the proper functioning of the secondary brake. If an adequate test cannot be performed in the field, the hoisting machine may be removed from the building and sent to a shop equipped to make such a test.

(v) If any hoisting machine or initiating device for the secondary brake system is removed from the building for testing, all reinstalled and directly related components shall be reinspected prior to returning the powered platform installation to service.

(5) *Adverse weather.* The operation of powered platforms during severe adverse weather conditions is prohibited.

(6) *Maintenance.* (i) Required maintenance. All parts of equipment on which safe operation depends shall be maintained in proper working order so that they perform the function for which they are intended.

(ii) Broken or worn parts, worn switch contacts, brushes, and short flexible conductors of electrical devices, which may interfere with safe operation, shall be replaced promptly. Electrical receptacles and plugs shall be replaced promptly when worn or damaged. All electrical connections shall be kept tight.

(iii) Components of the electrical service system and traveling cables shall be replaced when damaged or substantially abraded.

(iv) Gears, shafts, bearings, brakes, and hoisting drums shall be maintained in proper alinement. Gears shall be replaced promptly when there is evidence of appreciable wear.

(7) *Cleaning.* (i) Controller contactors and relays shall be kept clean and free from dirt.

(ii) All other parts shall be kept clean, if their proper functioning would be affected by the presence of dirt or other contaminants.

(8) *Periodic reshackling of hoisting ropes.* The ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. In reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(9) *Making safety devices inoperative.* No person shall at any time make any required safety device or electrical protective device inoperative, except when necessary during tests, inspections, and maintenance. Immediately upon completion of such test, inspections, and maintenance, the devices shall be restored to their normal operating condition.

(10) *Damaged rope.* Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.

(11) *Roof track system.* Roof track systems tiedowns, or similar equipment, if provided, shall be maintained in proper working order so that they perform the function for which they are intended.

(12) *Building face guiding members.* T-rails, indented mullions, or equivalent guides located in the face of the building, if provided, shall be maintained in proper working order so that they perform the function for which they are intended. Brackets for cable stabilizers, if provided, shall similarly be maintained in proper working order.

§ 1910.67 Vehicle-mounted elevating and rotating work platforms.

(a) *Definitions applicable to this section*—(1) *Aerial device.* Any vehicle-mounted scoping or articulating or both, which is used to position personnel.

(2) *Aerial ladder.* An aerial device consisting of a single- or multiple-section extensible ladder.

(3) *Articulating boom platform.* An aerial device with two or more hinged boom sections.

(4) *Extensible boom platform.* An aerial device (except ladders) with a telescopic or extensible boom. Telescopic derricks with personnel platform attachments shall be considered to be extensible boom platforms when used with a personnel platform.

(5) *Insulated aerial device.* An aerial device designed for work on energized lines and apparatus.

(6) *Mobile unit.* A combination of an aerial device, its vehicle, and related equipment.

(7) *Platform.* Any personnel-carrying device (basket or bucket) which is a component of an aerial device.

(8) *Vehicle.* Any carrier that is not manually propelled.

(9) *Vertical tower.* An aerial device designed to elevate a platform in a substantially vertical axis.

(b) *General requirements*—(1) *Application.* (i) This section relates to the following types of vehicle-mounted aerial devices used to elevate personnel to job sites above ground:

(*a*) Extensible boom platforms.
(*b*) Aerial ladders.
(*c*) Articulating boom platforms.
(*d*) Vertical towers.
(*e*) A combination of any of the above.

These devices are made of metal, wood, fiberglass reinforced plastic (FRP), or other material and are powered or manually operated, whether or not they are capable of rotating about a substantially vertical axis.

(ii) The requirements of this section do not include any matter relating to firefighting equipment or any matter relating to the vehicles upon which aerial devices are mounted, except in respect to a vehicle being a stable support for the aerial device.

(2) *Design requirements.* All new vehicle-mounted elevating and rotating work platforms after the effective date of these regulations shall meet the design, construction, and test specifications of the "American National Standard for Vehicle-Mounted Elevating and Rotating Work Platforms ANSI A92.2–1969."

§ 1910.68 Manlifts.

(a) *Definitions applicable to this section*—(1) *Handhold (Handgrip).* A handhold is a device attached to the belt which can be grasped by the passenger to provide a means of maintaining balance.

(2) *Open type.* One which has a handgrip surface fully exposed and capable of being encircled by the passenger's fingers.

(3) *Closed type.* A cup-shaped device, open at the top in the direction of travel of the step for which it is to be used, and closed at the bottom, into which the passenger may place his fingers.

(4) *Limit switch.* A device, the purpose of which is to cut off the power to the motor and apply the brakes to stop the carrier in the event that a loaded step passes the terminal landing.

(5) *Manlift.* A device consisting of a power-driven endless belt moving in one direction only, and provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

(6) *Rated speed.* Rated speed is the speed for which the device is designed and installed.

(7) *Split-rail switch.* An electric limit switch operated mechanically by the rollers on the manlift steps. It consists of an additional hinged or "split" rail, mounted on the regular guiderail, over which the step rollers pass. It is spring-loaded in the "split" position. If the step supports no load, the rollers will "bump" over the switch; if a loaded step should pass over the section, the split rail will be forced straight, tripping the switch and opening the electrical circuit.

(8) *Step (platform).* A step is a passenger carrying unit.

(9) *Travel.* The travel is the distance between the centers of the top and bottom pulleys.

(b) *General requirements*—(1) *Application.* This section applies to the construction, maintenance, inspection, and operation of manlifts in relation to accidental hazards. Manlifts covered by this section consist of platforms or brackets and accompanying handholds mounted on, or attached to an endless belt, operating vertically in one direction only and being supported by, and driven through pulleys, at the top and bottom. These manlifts are intended for conveyance of persons only. It is not intended that this section cover moving stairways, elevators with enclosed platforms ("Paternoster" elevators), gravity lifts, nor conveyors used only for conveying material. This section aplies to manlifts used to carry only personnel trained and authorized by the employer in their use.

(2) *Exceptions for new and existing equipment.* The purpose of this section is to provide reasonable safety for life and limb.

(3) *Design requirements.* All new manlift installations and equipment installed after the effective date of these regulations shall meet the design requirements of the "American National Safety Standard for Manlifts ANSI A90.1–1969", and the requirements of this section.

(4) *Reference to other codes and subparts.* The following codes, and subparts of this part, are applicable to this section. Safety Code for Mechanical Power-Transmission Apparatus, ANSI B15.1–1953 (R 1958) and subpart O; National Electrical Code, ANSI C1–1968 and subpart S; Safety Code for Fixed Ladders, ANSI A14.3–1956 and Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and subpart D.

(5) *Floor openings*—(i) *Allowable size.* Floor openings for both the "up" and "down" runs shall be not less than 28 inches nor more than 36 inches in width for a 12-inch belt not less than 34 inches nor more than 38 inches for a 14-inch belt; and not less than 36 inches nor more than 40 inches for a 16-inch belt and shall extend not less than 24 inches, nor more than 28 inches from the face of the belt.

(ii) *Uniformity.* All floor openings for a given manlift shall be uniform in size and shall be approximately circular, and each shall be located vertically above the opening below it.

(6) *Landing*—(i) *Vertical clearance.* The clearance between the floor or mounting platform and the lower edge for the conical guard above it required by subparagraph (7) of this paragraph shall not be less than 7 feet 6 inches. Where this clearance cannot be obtained no access to the manlift shall be provided and the manlift runway shall be enclosed where it passes through such floor.

(ii) *Clear landing space.* The landing space adjacent to the floor openings shall be free from obstruction and kept clear at all times. This landing space shall be at least 2 feet in width from the edge of the floor opening used for mounting and dismounting.

(iii) *Lighting and landing.* Adequate lighting not less than 5-foot candles, shall be provided at each floor landing at all times when the lift is in operation.

(iv) *Landing surface.* The landing surfaces at the entrances and exits to the manlift shall be constructed and maintained as to provide safe footing at all times.

(v) *Emergency landings.* Where there is a travel of 50 feet or more between floor landings, one or more emergency landings shall be provided so that there will be a landing (either floor or emergency) for every 25 feet or less of manlift travel.

(*a*) Emergency landings shall be accessible from both the "up" and "down" rungs of the manlift and shall give access to the ladder required in subparagraph (12) of this paragraph.

(*b*) Emergency landings shall be completely enclosed with a standard railing and toeboard.

(*c*) Platforms constructed to give access to bucket elevators or other equipment for the purpose of inspection, lubrication, and repair may also serve as emergency landings under this rule. All such platforms will then be considered part of the emergency landing and shall be provided with standard railings and toeboards.

(7) *Guards on underside of floor openings*—(i) *Fixed type*. On the ascending side of the manlift floor openings shall be provided with a bevel guard or cone meeting the following requirements:

(*a*) The cone shall make an angle of not less than 45° with the horizontal. An angle of 60° or greater shall be used where ceiling heights permit.

(*b*) The lower edge of this guard shall extend at least 42 inches outward from any handhold on the belt. It shall not extend beyond the upper surface of the floor above.

(*c*) The cone shall be made of not less than No. 18 U.S. gauge sheet steel or material of equivalent strength or stiffness. The lower edge shall be rolled to a minimum diameter of one-half inch and the interior shall be smooth with no rivets, bolts or screws protruding.

(ii) *Floating type*. In lieu of the fixed guards specified in subdivision (i) of this subparagraph a floating type safety cone may be used; such floating cones to be mounted on hinges at least 6 inches below the underside of the floor and so constructed as to actuate a limit switch should a force of 2 pounds be applied on the edge of the cone closest to the hinge. The depth of this floating cone need not exceed 12 inches.

(8) *Protection of entrances and exits*—(i) *Guardrail requirement*. The entrances and exits at all floor landings affording access to the manlift shall be guarded by a maze (staggered railing) or a handrail equipped with self-closing gates.

(ii) *Construction*. The rails shall be standard guardrails with toeboards meeting the provisions of the Safety Requirements for Floor and Wall Openings, Railings and Toeboards, ANSI A12.1–1967 and section 1910.23.

(iii) *Gates*. Gates, if used, shall open outward and shall be self-closing. Corners of gates shall be rounded.

(iv) *Maze*. Maze or staggered openings shall offer no direct passage between enclosure and outer floor space.

(v) Except where building layout prevents, entrances at all landings shall be in the same relative position.

(vi) If located in buildings to which the public has access, such manlift or manlifts shall be located in an enclosure protected by self-closing spring-locked doors. Keys to such doors shall be limited to authorized personnel.

(9) *Guards for openings*—(i) *Construction*. The floor openings at each landing shall be guarded on sides not used for entrance or exit by a wall, a railing and toeboard or by panels of wire mesh of suitable strength.

(ii) *Height and location*. Such rails or guards shall be at least 42 inches in height on the up-running side and 66 inches on the down-running side.

(10) *Bottom arrangement*—(i) *Bottom landing*. At the bottom landing the clear area shall be not smaller than the area enclosed by the guardrails on the floors above, and any wall in front of the down-running side of the belt shall be not less than 48 inches from the face of the belt. This space shall not be encroached upon by stairs or ladders.

(ii) *Location of lower pulley*. The lower (boot) pulley shall be installed so that it is supported by the lowest landing served. The sides of the pulley support shall be guarded to prevent contact with the pulley or the steps.

(iii) *Mounting platform*. A mounting platform shall be provided in front or to one side of the uprun at the lowest landing, unless the floor level is such that the following requirement can be met: The floor or platform shall be at or above the point at which the upper surface of the ascending step completes its turn and assumes a horizontal position.

(iv) *Guardrails*. To guard against persons walking under a descending step, the area on the downside of the manlift shall be guarded in accordance with subparagraph (8) of this paragraph. To guard against a person getting between the mounting platform and an ascending step, the area between the belt and the platform shall be protected by a guardrail.

(11) *Top arrangements*—(i) *Clearance from floor*. A top clearance shall be provided of at least 11 feet above the top terminal landing. This clearance shall be maintained from a plane through each face of the belt to a vertical cylindrical plane having a diameter 2 feet greater than the diameter of the floor opening, extending upward from the top floor to the ceiling on the up-running side of the belt. No encroachment of structural or machine supporting members within this space will be permitted.

(ii) *Pulley clearance*. (*a*) There shall be a clearance of at least 5 feet between the center of the head pulley shaft and any ceiling obstruction.

(*b*) The center of the head pulley shaft shall be not less than 6 feet above the top terminal landing.

(iii) *Emergency grab rail*. An emergency grab bar or rail and platform shall be provided at the head pulley when the distance to the head pulley is over 6 feet above the top landing, otherwise only a grab bar or rail is to be provided to permit the rider to swing free should the emergency stops become inoperative.

(12) *Emergency exit ladder*. A fixed metal ladder accessible from both the "up" and "down" run of the manlift shall be provided for the entire travel of the manlift. Such ladder shall be in accordance with the existing ANSI A14.3–1956. Safety Code for Fixed Ladders and section 1910.27.

(13) *Superstructure bracing*. Manlift rails shall be secured in such a manner as to avoid spreading, vibration, and misalinement.

(14) *Illumination*—(i) *General*. Both runs of the manlift shall be illuminated at all times when the lift is in operation. An intensity of not less than 1-foot candle shall be maintained at all points. (However, see subparagraph (6)(iii) of this paragraph for illumination requirements at landings.)

(ii) *Control of illumination*. Lighting of manlift runways shall be by means of circuits permanently tied in to the building circuits (no switches), or shall be controlled by switches at each landing. Where separate switches are provided at each landing, any switch shall turn on all lights necessary to illuminate the entire runway.

(15) *Weather protection*. The entire manlift and its driving mechanism shall be protected from the weather at all times.

(c) *Mechanical requirements*—(1) *Machines, general*. (i) *Brake*. A mechanically applied, electrically released brake shall be applied to the motor shaft for direct-connected units or to the input shaft for belt-driven units. The brake shall be capable of stopping and holding the manlift when the descending side is loaded with 250 pounds on each step.

(ii) *Belt*. (*a*) The belts shall be of hard-woven canvas, rubber-coated canvas, leather, or other material meeting the strength requirements of subdivision (*c*) of this subdivision and having a coefficient of friction such that when used in conjunction with an adequate tension device it will meet the brake test specified in subdivision (i) of this subparagraph.

(*b*) The width of the belt shall be not less than 12 inches for a travel not exceeding 100 feet, not less than 14 inches for a travel greater than 100 feet but not exceeding 150 feet and 16 inches for a travel exceeding 150 feet.

(*c*) A belt that has become torn while in use on a manlift shall not be spliced and put back in service.

(2) *Speed*—(i) *Maximum speed*. No manlift designed for a speed in excess of 80 feet per minute shall be installed.

(3) *Platforms or steps*—(i) *Minimum depth*. Steps or platforms shall be not less than 12 inches nor more than 14 inches deep, measured from the belt to the edge of the step or platform.

(ii) *Width*. The width of the step or platform shall be not less than the width of the belt to which it is attached.

(iii) *Distance between steps*. The distance between steps shall be equally spaced and not less than 16 feet measured from the upper surface of one step to the upper surface of the next step above it.

(iv) *Angle of step*. The surface of the step shall make approximately a right angle with the "up" and "down" run of the belt, and shall travel in the approximate horizontal position with the "up" and "down" run of the belt.

(v) *Surfaces*. The upper or working surfaces of the step shall be of a material having inherent nonslip characteristics (coefficient of friction not less than 0.5) or shall be covered completely by a nonslip tread securely fastened to it.

(vi) *Strength of step supports*. When subjected to a load of 400 pounds applied at the approximate center of the step, step frames, or supports and their guides shall be of adequate strength to:

(*a*) Prevent the disengagement of any step roller.

(*b*) Prevent any appreciable misalinement.

(*c*) Prevent any visible deformation of the steps or its support.

(vii) *Prohibition of steps without handholds*. No steps shall be provided unless there is a corresponding handhold above or below it meeting the requirements of subparagraph (4) of this paragraph. If a step is removed for repairs or permanently, the handholds immediately above and below it shall be removed before the lift is again placed in service.

(4) *Handholds*—(i) *Location*. Handholds attached to the belt shall be provided and installed so that they are not less than 4 feet nor more than 4 feet 8 inches above the step tread. These shall be so located as to be available on the both "up" and "down" run of the belt.

(ii) *Size*. The grab surface of the handhold shall be not less than 4½ inches in width, not less than 3 inches in depth, and shall provide 2 inches of clearance from the belt. Fastenings for handholds shall be located not less than 1 inch from the edge of the belt.

(iii) *Strength*. The handhold shall be capable of withstanding, without damage, a load of 300 pounds applied parallel to the run of the belt.

(iv) *Prohibition of handhold without steps*. No handhold shall be provided without a corresponding step. If a handhold is removed permanently or temporarily, the corresponding step and handhold for the opposite direction of travel shall also be removed before the lift is again placed in service.

(v) *Type*. All handholds shall be of the closed type.

(5) *Up limit stops*—(i) *Requirements*. Two separate automatic stop devices shall be provided to cut off the power and apply the brake when a loaded step passes the upper terminal landing. One of these shall consist of a split-rail switch mechanically operated by the step roller and located not more than 6 inches above the top terminal landing. The second automatic stop device may consist of any of the following:

(*a*) Any split-rail switch placed 6 inches above and on the side opposite the first limit switch.

(*b*) An electronic device.

(*c*) A switch actuated by a lever, rod, or plate, the latter to be placed on the "up" side of the head pulley so as to just clear a passing step.

(ii) *Manual reset location*. After the manlift has been stopped by a stop device it shall be necessary to reset the automatic stop manually. The device shall be so located that a person resetting it shall have a clear view of both the "up" and "down" runs of the manlift. It shall not be possible to reset the device from any step or platform.

(iii) *Cut-off point*. The initial limit stop device shall function so that the manlift will be stopped before the loaded step has reached a point 24 inches above the top terminal landing.

(iv) *Electrical requirements*. (*a*) Where such switches open the main motor circuit directly they shall be of the multipole type.

(*b*) Where electronic devices are used they shall be so designed and installed that failure will result in shutting off the power to the driving motor.

(*c*) Where flammable vapors or dusts may be present all electrical installations shall be in accordance with NFPA No. 70–1968 National Electric Code, requirements for such locations.

(*d*) Unless of the oil-immersed type controller contacts carrying the main motor current shall be copper to carbon or equal, except where the circuit is broken at two or more points simultaneously.

(6) *Emergency Stop*—(i) *General*. An emergency stop means shall be provided.

(ii) *Location*. This stop means shall be within easy reach of the ascending and descending runs of the belt.

(iii) *Operation*. This stop means shall be so connected with the control lever or operating mechanism that it will cut off the power and apply the brake when pulled in the direction of travel.

(iv) *Rope*. If rope is used, it shall be not less than three-eighths inch in diameter. Wire rope, unless marlin-covered, shall not be used.

(7) *Instruction and warning signs*—(i) *Instruction signs at landings or belts*. Signs of conspicuous and easily read style giving instructions for the use of the manlift shall be posted at each landing or stenciled on the belt.

(*a*) Such signs shall be of letters not less than 1 inch in height and of a color having high contrast with the surface on which it is stenciled or painted (white or yellow on black or black on white or gray).

(*b*) The instructions shall read approximately as follows:

Face the Belt.
Use the Handholds.
To Stop—Pull Rope.

(ii) *Top floor warning sign and light*. (*a*) At the top floor an illuminated sign shall be displayed bearing the following wording:

"TOP FLOOR—GET OFF"

Signs shall be in block letters not less than 2 inches in height. This sign shall be located within easy view of an ascending passenger and not more than 2 feet above the top terminal landing.

(*b*) In addition to the sign required by subdivision (*a*) of this subdivision, a red warning light of not less than 40-watt rating shall be provided immediately below the upper landing terminal and so located as to shine in the passenger's face.

(iii) *Visitor Warning*. A conspicuous sign having the following legend—AUTHORIZED PERSONNEL ONLY—shall be displayed at each landing. The sign shall be of block letters not less than 2 inches in height and shall be of a color offering high contrast with the background color.

(d) *Operating rules*—(1) *Proper use of manlifts*. No freight, packaged goods, pipe, lumber, or construction materials of any kind shall be handled on any manlift.

(e) *Periodic inspection*—(1) *Frequency*. All manlifts shall be inspected by a competent designated person at intervals of not more than 30 days. Limit switches shall be checked weekly. Manlifts found to be unsafe shall not be operated until properly repaired.

(2) *Items covered*. This periodic inspection shall cover but is not limited to the following items:

Steps.
Step Fastenings.
Rails.
Rail Supports and Fastenings.
Rollers and Slides.
Belt and Belt Tension.
Handholders and Fastenings.
Floor Landings.
Guardrails.
Lubrication.
Limit Switches.
Warning Signs and Lights.
Illumination.
Drive Pulley.
Bottom (boot) Pulley and Clearance.
Pulley Supports.
Motor.
Driving Mechanism.
Brake.
Electrical Switches.
Vibration and Misalignment.
"Skip" on up or down run when mounting step (indicating worn gears).

(3) *Inspection log*. A written record shall be kept of findings at each inspection. Records of inspection shall be made available to the Assistant Secretary of Labor or his duly authorized representative.

(SOURCE: ANSI A90.1–1969 Safety Code for Manlifts.)

§ 1910.69 Sources of standards.

Sec.	*Source*
1910.66	ANSI A120.1–1970 Safety Code for Powered Platforms for Exterior Building Maintenance.
1910.67	ANSI A92.2–1969. American National Standard for Vehicle-Mounted Elevating and Rotating Work Platforms.
1910.68	ANSI A90.1–1969 Safety Code for Manlifts.

§ 1910.70 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Subpart G—Occupational Health and Environmental Control

§ 1910.93 Air contaminants. (Gases, vapors, fumes, dust, and mists.)

(a) Exposures by inhalation, ingestion, skin absorption, or contact to any material or substance (1) at a concentration above those specified in the "Threshold Limit Values of Airborne Contaminants for 1970" of the American Conference of Governmental Industrial Hygienists, listed in Table G–1, except for the American National Standards listed in Table G–2 of this section and except for values of mineral dusts listed in Table G–3 of this section, and (2) concentrations above those specified in Table G–1, G–2, and G–3 of this section, shall be avoided, or protective equipment shall be provided and used.

(b) To achieve compliance with paragraph (a) of this section, feasible administrative or engineering controls must first be determined and implemented in all cases. In cases where protective equipment, or protective equipment in addition to other measures is used as the method of protecting the employee, such protection must be approved for each specific application by a competent industrial hygienist or other technically qualified source.

TABLE G-I

Substance	p.p.m.[a]	mg./M^3 [b]
Abate		15
Acetaldehyde	200	360
Acetic acid	10	25
Acetic anhydride	5	20
Acetone	1,000	2,400
Acetonitrile	40	70
Acetylene dichloride, see 1,2-Dichloroethylene		
Acetylene tetrabromide	1	14
Acrolein	0.1	0.25
Acrylamide—Skin		0.3
Acrylonitrile—Skin	20	45
Aldrin—Skin		0.25
Allyl alchol—Skin	2	5
Allyl chloride	1	3
**C Allyl glycidyl ether (AGE)	10	45
Allyl propyl disulfide	2	12
2-Aminoethanol, see Ethanolamine		
2-Aminopyridine	0.5	2
**Ammonia	50	35
Ammonium sulfamate (Ammate)		15
n-Amyl acetate	100	525
sec-Amyl acetate	125	650
Aniline—Skin	5	19
Anisidine (o, p-isomers)—Skin		0.5
Antimony and compounds (as Sb)		0.5
ANTU (alpha naphthyl thiourea)		0.3
Arsenic and compounds (as As)		0.5
Arsine	0.05	0.2
Azinphos-methyl—Skin		0.2
Barium (soluble compounds)		0.5
p-Benzoquinone, see Quinone		
Benzoyl peroxide		5
Benzyl chloride	1	5
Biphenyl, see Diphenyl		
Bisphenol A, see Diglycidyl ether		
Boron oxide		15
Boron tribromide	1	10
C Boron trifluoride	1	3
Bromine	0.1	0.7
*Bromine pentafluoride	0.1	0.7
Bromoform—Skin	0.5	5
Butadiene (1,3-butadiene)	1,000	2,200
Butanethiol, see Butyl mercaptan		
2-Butanone	200	590
2-Butoxy ethanol (Butyl Cellosolve)—Skin	50	240
Butyl acetate (n-butyl acetate)	150	710
sec-Butyl acetate	200	950
tert-Butyl acetate	200	950
Butyl alcohol	100	300
sec-Butyl alcohol	150	450
tert-Butyl alcohol	100	300
C Butylamine—Skin	5	15
C tert-Butyl chromate (as CrO_3)—Skin		0.1
n-Butyl glycidyl ether (BGE)	50	270
*Butyl mercaptan	0.5	1.5
p-tert-Butyltoluene	10	60
Calcium arsenate		1
Calcium oxide		5
**Camphor (Synthetic)	2	
Carbaryl (Sevin ®)		5
Carbon black		3.5
Carbon dioxide	5,000	9,000
Carbon monoxide	50	55
Chlordane—Skin		0.5
Chlorinated camphene—Skin		0.5
Chlorinated diphenyl oxide		0.5
*Chlorine	1	3
Chlorine dioxide	0.1	0.3
C Chlorine trifluoride	0.1	0.4
C Chloroacetaldehyde	1	3
α-Chloroacetophenone (phenacylchloride)	0.05	0.3
Chlorobenzene (monochlorobenzene)	75	350
o-Chlorobenzylidene malononitrile (OCBM)	0.05	0.4
Chlorobromomethane	200	1,050
2-Chloro-1,3-butadiene, see Chloroprene		
Chlorodiphenyl (42 percent Chlorine)—Skin		1
Chlorodiphenyl (54 percent Chlorine)—Skin		0.5
1-Chloro,2,3-epoxypropane, see Epichlorhydrin		
2-Chloroethanol, see Ethylene chlorohydrin		
Chloroethylene, see Vinyl choride		
C Chloroform (trichloromethane)	50	240
1-Chloro-1-nitropropane	20	100
Chloropicrin	0.1	0.7
Chloroprene (2-chloro-1,3-butadiene)—Skin	25	90
Chromium, sol. chromic, chromous salts as Cr		0.5
Metal and insol. salts		1
Coal tar pitch volatiles (benzene soluble fraction) anthracene, BaP, phenanthrene, acridine, chrysene, pyrene		0.2
Cobalt, metal fume and dust		0.1
Copper fume		0.1
Dusts and Mists		1
Cotton dust (raw)		1
Crag® herbicide		15
Cresol (all isomers)—Skin	5	22
Crotonaldehyde	2	6
Cumene—Skin	50	245
Cyanide (as CN)—Skin		5
*Cyanogen	100	
Cyclohexane	300	1,050
Cyclohexanol	50	200
Cyclohexanone	50	200
Cyclohexene	300	1,015
Cyclopentadiene	75	200
2,4-D		10
DDT—Skin		1
DDVP, see Dichlorvos		
Decaborane—Skin	0.05	0.3
Demeton®—Skin		0.1
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	50	240
1,2-diaminoethane, see Ethylenediamine		
Diazomethane	0.2	0.4
Diborane	0.1	0.1
Dibutyl phosphate	1	5
Dibutylphthalate		5
*C Dichloroacetylene	0.1	0.4
C o-Dichlorobenzene	50	300
p-Dichlorobenzene	75	450
Dichlorodifluoromethane	1,000	4,950
1,3-Dichloro-5,5-dimethyl hydantoin		0.2
1,1-Dichloroethane	100	400
1,2-Dichloroethylene	200	790
C Dichloroethyl ether—Skin	15	90
Dichloromethane, see Methylenechloride		
Dichloromonofluoromethane	1,000	4,200
C 1,1-Dichloro-1-nitroethane	10	60
1,2-Dichloropropane, see Propylenedichloride		
Dichlorotetrafluoroethane	1,000	7,000
Dichlorvos (DDVP)—Skin		1
Dieldrin—Skin		0.25
Diethylamine	25	75
Diethylamino ethanol—Skin	10	50
**C Diethylene triamine—Skin	10	42
Diethylether, see Ethyl ether		
Difluorodibromomethane	100	860
C Diglycidyl ether (DGE)	0.5	2.8
Dihydroxybenzene, see Hydroquinone		
Diisobutyl ketone	50	290
Diisopropylamine—Skin	5	20
Dimethoxymethane, see Methylal		
Dimethyl acetamide—Skin	10	35
Dimethylamine	10	18
Dimethylaminobenzene, see Xylidene		
Dimethylaniline (N-dimethylaniline)—Skin	5	25
Dimethylbenzene, see Xylene		
Dimethyl 1,2-dibromo-2,2-dichloroethyl phosphate, (Dibrom)		3
Dimethylformamide—Skin	10	30
2,6-Dimethylheptanone, see Diisobutyl ketone		
1,1-Dimethylhydrazine—Skin	0.5	1
Dimethylphthalate		5
Dimethylsulfate—Skin	1	5
Dinitrobenzene (all isomers)—Skin		1
Dinitro-o-cresol—Skin		0.2
Dinitrotoluene—Skin		1.5
Dioxane (Diethylene dioxide)—Skin	100	360
Diphenyl	0.2	1
Diphenyl amine		10
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI)		
Dipropylene glycol methyl ether—Skin	100	600
Di-sec, octyl phthalate (Di-2-ethylhexylphthalate)		5
*Endosulfan (Thiodan ®)—Skin		0.1
Endrin—Skin		0.1
Epichlorhydrin—Skin	5	19
EPN—Skin		0.5
1,2-Epoxypropane, see Propyleneoxide		
2,3-Epoxy-1-propanol, see Glycidol		
Ethanethiol, see Ethylmercaptan		
Ethanolamine	3	6
2-Ethoxyethanol—Skin	200	740
2-Ethoxyethylacetate (Cellosolve acetate)—Skin	100	540
Ethyl acetate	400	1,400
Ethyl acrylate—Skin	25	100
Ethyl alcohol (ethanol)	1,000	1,900
Ethylamine	10	18
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	25	130
Ethyl benzene	100	435
Ethyl bromide	200	890
Ethyl butyl ketone (3-Heptanone)	50	230
Ethyl chloride	1,000	2,600
Ethyl ether	400	1,200
Ethyl formate	100	300
Ethyl mercaptan	0.5	1
Ethyl silicate	100	850
Ethylene chlorohydrin—Skin	5	16
Ethylenediamine	10	25
Ethylene dibromide, see 1,2-Dibromoethane		
Ethylene dichloride, see 1,2-Dichloroethane		
C Ethylene glycol dinitrate and/or Nitroglycerin—Skin	[d]0.2	
Ethylene glycol monomethyl ether acetate, see Methyl cellosolve acetate		
Ethylene imine—Skin	0.5	1
Ethylene oxide	50	90
Ethylidine chloride, see 1,1-Dichloroethane		
N-Ethylmorpholine—Skin	20	94
Ferbam		15
Ferrovanadium dust		1
Fluoride (as F)		2.5
Fluorine	0.1	0.2
Fluorotrichloromethane	1,000	5,600
Formic acid	5	9
Furfural—Skin	5	20
Furfuryl alcohol	50	200
Glycidol (2,3-Epoxy-1-propanol)	50	150
Glycol monoethyl ether, see 2-Ethoxyethanol		
Guthion, ® see Azinphosmethyl		
Hafnium		0.5
Heptachlor—Skin		0.5
Heptane (n-heptane)	500	2,000
Hexachloroethane—Skin	1	10
Hexachloronaphthalene—Skin		0.2
Hexane (n-hexane)	500	1,800
2-Hexanone	100	410
Hexone (Methyl isobutyl ketone)	100	410
sec-Hexyl acetate	50	300
Hydrazine—Skin	1	1.3
Hydrogen bromide	3	10
C Hydrogen chloride	5	7
Hydrogen cyanide—Skin	10	11
Hydrogen peroxide	1	1.4
Hydrogen selenide	0.05	0.2
Hydroquinone		2
*Indene	10	45
Indium and compounds, as In		0.1
C Iodine	0.1	1
Iron oxide fume		10
Iron salts, soluble, as Fe		1
Isoamyl acetate	100	525
Isoamyl alcohol	100	360
Isobutyl acetate	150	700
Isobutyl alcohol	100	300
Isophorone	25	140
Isopropyl acetate	250	950
Isopropyl alcohol	400	980
Isopropylamine	5	12
Isopropylether	500	2,100
Isopropyl glycidyl ether (IGE)	50	240
Ketene	0.5	0.9
Lead arsenate		0.15
Lindane—Skin		0.5
Lithium hydride		0.025
L.P.G. (liquified petroleum gas)	1,000	1,800
Magnesium oxide fume		15
Malathion—Skin		15
Maleic anhydride	0.25	1
C Manganese and compounds, as Mn		5
Mesityl oxide	25	100
Methanethiol, see Methyl mercaptan		
Methoxychlor		15
2-Methoxyethanol, see Methyl cellosolve		
Methyl acetate	200	610
Methyl acetylene (propyne)	1,000	1,650
Methyl acetylene-propadiene mixture (MAPP)	1,000	1,800
Methyl acrylate—Skin	10	35
Methylal (dimethoxymethane)	1,000	3,100
Methyl alcohol (methanol)	200	260
Methylamine	10	12
Methyl amyl alcohol, see Methyl isobutyl carbinol		
*Methyl isoamyl ketone	100	475
Methyl (n-amyl) ketone (2-Heptanone)	100	465
C Methyl bromide—Skin	20	80
Methyl butyl ketone, see 2-Hexanone		
Methyl cellosolve—Skin	25	80
Methyl cellosolve acetate—Skin	25	120
Methyl chloroform	350	1,900
Methylcyclohexane	500	2,000
Methylcyclohexanol	100	470
o-Methylcyclohexanone—Skin	100	460
Methyl ethyl ketone (MEK), see 2-Butanone		
Methyl formate	100	250
Methyl iodide—Skin	5	28
Methyl isobutyl carbinol—Skin	25	100
Methyl isobutyl ketone, see Hexone		
Methyl isocyanate—Skin	0.02	0.05
*Methyl mercaptan	0.5	1
Methyl methacrylate	100	410
Methyl propyl ketone, see 2-Pentanone		
C Methyl silicate	5	30
C α Methyl styrene	100	480
C Methylene bisphenyl isocyanate (MDI)	0.02	0.2
Molybdenum:		
Soluble compounds		5
Insoluble compounds		15
Monomethyl aniline—Skin	2	9
C Monomethyl hydrazine—Skin	0.2	0.35
Morpholine—Skin	20	70
Naphtha (coaltar)	100	400
Naphthalene	10	50
Nickel carbonyl	0.001	0.007
Nickel, metal and soluble cmpds, as Ni		1
Nicotine—Skin		0.5
Nitric acid	2	5
Nitric oxide	25	30
p-Nitroaniline—Skin	1	6
Nitrobenzene—Skin	1	5
p-Nitrochlorobenzene—Skin		1
Nitroethane	100	310
Nitrogen dioxide	5	9
Nitrogen trifluoride	10	29
Nitroglycerin—Skin	0.2	2
Nitromethane	100	250
1-Nitropropane	25	90
2-Nitropropane	25	90
Nitrotoluene—Skin	5	30
Nitrotrichloromethane, see Chloropicrin		
Octachloronaphthalene—Skin		0.1
*Octane	400	1,900
*Oil mist, particulate		[e]5
Osmium tetroxide		0.002
Oxalic acid		1
Oxygen difluoride	0.05	0.1
Ozone	0.1	0.2
Paraquat—Skin		0.5
Silver, metal and soluble compounds		0.01
Sodium fluoroacetate (1080)—Skin		0.05
Sodium hydroxide		2
Stibine	0.1	0.5
*Stoddard solvent	200	1,150
Strychnine		0.15
Sulfur dioxide	5	13
Sulfur hexafluoride	1,000	6,000
Sulfuric acid		1
Sulfur monochloride	1	6
Sulfur pentafluoride	0.025	0.25
Sulfuryl fluoride	5	20
Systox, see Demeton ®		
2,4,5T		10
Tantalum		5
TEDP—Skin		0.2
Tellurium		0.1
Tellurium hexafluoride	0.02	0.2
TEPP—Skin		0.05
C Terphenyls	1	9
1,1,1,2-Tetrachloro-2,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloro-1,2-difluoroethane	500	4,170
1,1,2,2-Tetrachloroethane—Skin	5	35
Tetrachloroethylene, see Perchloroethylene		
Tetrachloromethane, see Carbon tetrachloride		
Tetrachloronaphthalene—Skin		2
Tetraethyl lead (as Pb)—Skin		[f]0.100
Tetrahydrofuran	200	590
Tetramethyl lead (as Pb)—Skin		[f]0.150
Tetramethyl succinonitrile—Skin	0.5	3
Tetranitromethane	1	8
Tetryl (2,4,6-trinitrophenylmethylnitramine)—Skin		1.5
Thallium (soluble compounds)—Skin as Tl		0.1
Thiram		5
Tin (inorganic cmpds, except SnH_4 and SnO_2)		2
Tin (organic cmpds)		0.1
C Toluene-2,4-diisocyanate	0.02	0.14
o-Toluidine—Skin	5	22
Toxaphene, see Chlorinated camphene		
Tributyl phosphate		5
1,1,1-Trichloroethane see Methyl chloroform		
1,1,2-Trichloroethane—Skin	10	45
Parathion—Skin		0.1
Pentaborane	0.005	0.01
Pentachloronaphthalene—Skin		0.5
Pentachlorophenol—Skin		0.5
*Pentane	500	1,500
2-Pentanone	200	700
Perchloromethyl mercaptan	0.1	0.8
Perchloryl fluoride	3	13.5
Phenol—Skin	5	19
p-Phenylene diamine—Skin		0.1
Phenyl ether (vapor)	1	7
Phenyl ether-biphenyl mixture (vapor)	1	7
Phenylethylene, see Styrene		
Phenyl glycidyl ether (PGE)	10	60
Phenylhydrazine—Skin	5	22
Phosdrin (Mevinphos ®)—Skin		0.1
Phosgene (carbonyl chloride)	0.1	0.4
Phosphine	0.3	0.4
Phosphoric acid		1
Phosphorus (yellow)		0.1
Phosphorus pentachloride		1
Phosphorus pentasulfide		1
Phosphorus trichloride	0.5	3
Phthalic anhydride	2	12
Picric acid—Skin		0.1
Pival ® (2-Pivalyl-1,3-indandione)		0.1
Platinum (Soluble Salts) as Pt		0.002
Propargyl alcohol—Skin	1	
n-Propyl acetate	200	840
Propyl alcohol	200	500
n-Propyl nitrate	25	110
Propylene dichloride	75	350
Propylene imine—Skin	2	5
Propylene oxide	100	240
Propyne, see Methylacetylene		
Pyrethrum		5
Pyridine	5	15
Quinone	0.1	0.4
RDX—Skin		1.5
Rhodium, Metal fume and dusts, as Rh		0.1
Soluble salts		0.001
Ronnel		10
Rotenone (commercial)		5
Selenium compounds (as Se)		0.2
Selenium hexafluoride	0.05	0.4
Trichloromethane, see Chloroform		
Trichloronaphthalene—Skin		5
1,2,3-Trichloropropane	50	300
1,1,2-Trichloro 1,2,2-trifluoroethane	1,000	7,600
Triethylamine	25	100
Trifluoromonobromomethane	1,000	6,100
*Trimethyl benzene	25	120
2,4,6-Trinitrophenol, see Picric acid		
2,4,6-Trinitrophenylmethylnitramine, see Tetryl		
Trinitrotoluene—Skin		1.5
Triorthocresyl phosphate		0.1
Triphenyl phosphate		3
Tungsten and compounds, as W:		
Soluble		1
Insoluble		5
Turpentine	100	560
Uranium (natural) sol. and insol. compounds as U		0.2
C Vanadium:		
V_2O_5 dust		0.5
V_2O_5 fume		0.1
Vinyl benzene, see Styrene		
**C Vinyl chloride	500	1,300
Vinylcyanide, see Acrylonitrile		
Vinyl toluene	100	480
Warfarin		0.1
Xylene (xylol)	100	435
Xylidine—Skin	5	25
Yttrium		1
Zinc chloride fume		1
Zinc oxide fume		5
Zirconium compounds (as Zr)		5

See footnotes at end of table.

See footnotes at end of table.

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*1970 Addition.

[a] Parts of vapor or gas per million parts of contaminated air by volume at 25° C. and 760 mm. Hg pressure.

[b] Approximate milligrams of particulate per cubic meter of air.

(No footnote "c" is used to avoid confusion with ceiling value notations.)

[d] An atmospheric concentration of not more than 0.02 p.p.m., or personal protection may be necessary to avoid headache.

[e] As sampled method that does not collect vapor.

[f] For control of general room air, biologic monitoring is essential for personnel control.

TABLE G–2

	8-hour time weighted average
Benzene (Z37.4–1969)	10 p.p.m.
Beryllium and beryllium compounds (Z37.29–1970)	0.002 mg./M^3.
Cadmium dust (as Cd) (Z37.5–1970)	0.2 mg./M^3.
Cadmium fume (as Cd) (Z37.5–1970)	0.1 mg./M^3.
Carbon disulfide (Z37.3–1968)	20 p.p.m.
Carbon tetrachloride (Z37.17–1967)	10 p.p.m.
Ethylene dibromide (Z37.31–1970)	20 p.p.m.
Ethylene dichloride (Z37.21–1969)	50 p.p.m.
Formaldehyde (Z37.16–1967)	3 p.p.m.
Hydrogen fluoride (Z37.28–1969)	3 p.p.m.
Fluoride as dust (Z37.28–1966)	2.5 mg./M^3.
Lead and its inorganic compounds (Z37.11–1969)	0.2 mg./M^3.
Methyl chloride (Z37.18–1969)	100 p.p.m.
Methylene chloride (Z37.23–1969)	500 p.p.m.
Organo (alkyl) mercury (Z37.30–1969)	0.01 mg./M^3.
Styrene (Z37.12–1969)	100 p.p.m.
Tetrachloroethylene (Z37.22–1967)	100 p.p.m.
Toluene (Z37.12–1967)	200 p.p.m.
	Acceptable ceiling concentration
Hydrogen sulfide (Z37.2–1966)	20 p.p.m.
Chromic acid and chromates (Z37.3–1971)	1 mg./10M^3.
Mercury (Z37.8–1971)	1 mg./10M^3.

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TABLE G-3—MINERAL DUSTS

Substance	Mppcf[a]	Mg/M³
Silica:		
Crystalline:		
Quartz (respirable)	$\frac{250^{l}}{\%SiO_2+5}$	$\frac{10mg/M^3\ ^{m}}{\%SiO_2+2}$
Quartz (total dust)		$\frac{30mg/M^3}{\%SiO_2+2}$
Cristobalite: Use ½ the value calculated from the count or mass formulae for quartz.		
Trioymite: Use ½ the value calculated from the formulae for quartz.		
Amorphous, including natural diatomaceous earth	20	$\frac{80mg/M^3}{\%SiO_2}$
Tremolite	5	$\frac{20mg/M^3}{\%SiO_2}$
Silicates (less than 1% crystalline silica):		
Asbestos—12 fibers per milliliter greater than 5 microns in length[j] or	2	
Mica	20	
Soapstone	20	
Talc	20	
Portland cement	50	
Graphite (natural)	15	
Coal dust (respirable fraction less than 5% SiO_2)		2.4mg/M³ or
For more than 5% SiO_2		$\frac{10mg/M^3}{\%SiO_2+2}$
Inert or Nuisance Dust:		
Respirable fraction	15	5mg/M³
Total dust	50	15mg/M³

NOTE: Conversion factors—
mppcf×35.3=million particles per cubic meter
=particles per c.c.

[a] Millions of particles per cubic foot of air, based on impinger samples counted by light-field technics.

[l] The percentage of crystalline silica in the formula is the amount determined from air-borne samples, except in those instances in which other methods have been shown to be applicable.

[j] As determined by the membrane filter method at 430 × phase contrast magnification.

[m] Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

The measurements under this note refer to the use of an AEC instrument. If the respirable fraction of coal dust is determined with a MRE the figure corresponding to that of 2.4 Mg/M³ in the table for coal dust is 4.5 Mg/M³.

§ 1910.94 Ventilation.

(a) *Abrasive blasting*—(1) *Definitions applicable to this paragraph.*—(i) *Abrasive.* A solid substance used in an abrasive blasting operation.

(ii) *Abrasive-blasting respirator,* A continuous flow air-line respirator constructed so that it will cover the wearer's head, neck, and shoulders to protect him from rebounding abrasive.

(iii) *Blast cleaning barrel.* A complete enclosure which rotates on an axis, or which has an internal moving tread to tumble the parts, in order to expose various surfaces of the parts of the action of an automatic blast spray.

(iv) *Blast cleaning room.* A complete enclosure in which blasting operations are performed and where the operator works inside of the room to operate the blasting nozzle and direct the flow of the abrasive material.

(v) *Blasting cabinet.* An enclosure where the operator stands outside and operates the blasting nozzle through an opening or openings in the enclosure.

(vi) *Clean air.* Air of such purity that it will not cause harm or discomfort to an individual if it is inhaled for extended periods of time.

(vii) *Dust collector.* A device or combination of devices for separating dust from the air handled by an exhaust ventilation system.

(viii) *Exhaust ventilation system.* A system for removing contaminated air from a space, comprising two or more of the following elements (*a*) enclosure or hood, (*b*) duct work, (*c*) dust collecting equipment, (*d*) exhauster, and (*e*) discharge stack.

(ix) *Particulate-filter respirator.* An air purifying respirator, commonly referred to as a dust or a fume respirator, which removes most of the dust or fume from the air passing through the device.

(x) *Respirable dust.* Airborne dust in sizes capable of passing through the upper respiratory system to reach the lower lung passages.

(xi) *Rotary blast cleaning table.* An enclosure where the pieces to be cleaned are positioned on a rotating table and are passed automatically through a series of blast sprays.

(xii) *Abrasive blasting.* The forcible application of an abrasive to a surface by pneumatic pressure, hydraulic pressure, or centrifugal force.

(2) *Dust hazards from abrasive blasting.* (i) Abrasives and the surface coatings on the materials blasted are shattered and pulverized during blasting operations and the dust formed will contain particles of respirable size. The composition and toxicity of the dust from these sources shall be considered in making an evaluation of the potential health hazards.

(ii) The concentration of respirable dust or fume in the breathing zone of the abrasive-blasting operator or any other worker shall be kept below the levels specified in § 1910.93.

(iii) Organic abrasives which are combustible shall be used only in automatic systems. Where flammable or explosive dust mixtures may be present, the construction of the equipment, including the exhaust system and all electric wiring shall conform to the requirements of American National Standard Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1–1961 (NFPA 91–1961), and American National Standard National Electrical Code, C1–1968 (NFPA 70–1968). The blast nozzle shall be bonded and grounded to prevent the buildup of static charges. Where flammable or explosive dust mixtures may be present, the abrasive blasting enclosure, the ducts, and the dust collector shall be constructed with loose panels or explosion venting areas, located on sides away from any occupied area, to provide for pressure relief in case of explosion, following the principles set forth in the National Fire Protection Association Explosion Venting Guide, NFPA 68–1954.

(3) *Blast-cleaning enclosures.* (i) Blast-cleaning enclosures shall be exhaust ventilated in such a way that a continuous inward flow of air will be maintained at all openings in the enclosure, during the blasting operation.

(*a*) All air inlets and access openings shall be baffled or so arranged that by the combination of inward air flow and baffling the escape of abrasive or dust particules into an adjacent work area will be minimized and visible spurts of dust will not be observed.

(*b*) The rate of exhaust shall be sufficient to provide prompt clearance of the dust-laden air within the enclosure after the cessation of blasting.

(*c*) Before the enclosure is opened, the blast shall be turned off and the exhaust system shall be run for a sufficient period of time to remove the dusty air within the enclosure.

(*d*) Safety glass protected by screening shall be used in observation windows, where hard deep-cutting abrasives are used.

(*e*) Slit abrasive-resistant baffles shall be installed in multiple sets at all small access openings where dust might escape, and shall be inspected regularly and replaced when needed.

(*1*) Doors shall be flanged and tight when closed.

(*2*) Doors on blast-cleaning rooms shall be operable from both inside and outside, except that where there is a small operator access door, the large work access door may be closed or opened from the outside only.

(4) *Exhaust ventilation systems.* (i) The construction, installation, inspection, and maintenance of exhaust systems shall conform to the principles and requirements set forth in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960, and ANSI Z33.1–1961.

(*a*) When dust leaks are noted, repairs shall be made as soon as possible.

(*b*) The static pressure drop at the exhaust ducts leading from the equipment shall be checked when the installation is completed and periodically thereafter to assure continued satisfactory operation. Whenever an appreciable change in the pressure drop indicates a partial blockage, the system shall be cleaned and returned to normal operating condition.

(ii) In installations where the abrasive is recirculated, the exhaust ventilation system for the blasting enclosure shall not be relied upon for the removal of fines from the spent abrasive instead of an abrasive separator. An abrasive separator shall be provided for the purpose.

(iii) The air exhausted from blast-cleaning equipment shall be discharged through dust collecting equipment. Dust collectors shall be set up so that the accumulated dust can be emptied and removed without contaminating other working areas.

(5) *Personal protective equipment.* (i) Only respiratory protective equipment

approved by the Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11) shall be used for protection of personnel against dust produced during abrasive-blasting operations.

(ii) Abrasive-blasting respirators shall be worn by all abrasive-blasting operators.

(*a*) When working inside of blast-cleaning rooms, or

(*b*) When using silica sand in manual blasting operations where the nozzle and blast are not physically separated from the operator in an exhaust ventilated enclosure, or

(*c*) Where concentrations of toxic dust dispersed by the abrasive blasting may exceed the limits set in § 1910.93 and the nozzle and blast are not physically separated from the operator in an exhaust-ventilated enclosure.

(iii) Particulate filter respirators, commonly referred to as dust-filter respirators, properly fitted, may be used for short, intermittent, or occasional dust exposures such as cleanup, dumping of dust collectors, or unloading shipments of sand at a receiving point, when it is not feasible to control the dust by enclosure, exhaust ventilation, or other means. Respirators used shall be approved (see 30 CFR Part 11) for protection against the specific type of dust encountered.

(a) Dust-filter respirators may be used to protect the operator of outside abrasive-blasting operations where nonsilica abrasives are used on materials having low toxicities.

(*b*) Dust-filter respirators shall not be used for continuous protection where silica sand is used as the blasting abrasive, or toxic materials are blasted.

(iv) A respiratory protection program as defined and described in § 1910.134 (a) and (b), shall be established wherever it is necessary to use respiratory protective equipment.

(v) Operators shall be equipped with heavy canvas or leather gloves and aprons or equivalent protection to protect them from the impact of abrasives. Safety shoes shall be worn to protect against foot injury where heavy pieces of work are handled.

(*a*) Safety shoes shall conform to the requirements of American National Standard for Men's Safety-Toe Footwear, Z41.1–1967.

(*b*) Equipment for protection of the eyes and face shall be supplied to the operator when the respirator design does not provide such protection and to any other personnel working in the vicinity of abrasive blasting operations. This equipment shall conform to the requirements of § 1910.133.

(6) *Air supply and air compressors.* The air for abrasive-blasting respirators shall be free of harmful quantities of dusts, mists, or noxious gases, and shall meet the requirements for air purity set forth in ANSI Z9.2–1960. The air from the regular compressed air line of the plant may be used for the abrasive-blasting respirator if (i) a trap and carbon filter are installed and regularly maintained, to remove oil, water, scale, and odor, (ii) a pressure reducing diaphragm or valve is installed to reduce the pressure down to requirements of the particular type of abrasive-blasting respirator, and (iii) an automatic control is provided to either sound an alarm or shut down the compressor in case of overheating.

(7) *Operational procedures and general safety.* Dust shall not be permitted to accumulate on the floor or on ledges outside of an abrasive-blasting enclosure, and dust spills shall be cleaned up promptly. Aisles and walkways shall be kept clear of steel shot or similar abrasive which may create a slipping hazard.

(b) *Grinding, polishing, and buffing operations*—(1) *Definitions applicable to this paragraph*—(i) *Abrasive cutting-off wheels.* Organic-bonded wheels, the thickness of which is not more than one forty-eighth of their diameter for those up to, and including, 20 inches in diameter, and not more than one-sixtieth of their diameter for those larger than 20 inches in diameter, used for a multitude of operations variously known as cutting, cutting off, grooving, slotting, coping, and jointing, and the like. The wheels may be "solid" consisting of organic-bonded abrasive material throughout, "steel centered" consisting of a steel disc with a rim of organic-bonded material moulded around the periphery, or of the "inserted tooth" type consisting of a steel disc with organic-bonded abrasive teeth or inserts mechanically secured around the periphery.

(ii) *Belts.* All power-driven, flexible, coated bands used for grinding, polishing, or buffing purposes.

(iii) *Branch pipe.* The part of an exhaust system piping that is connected directly to the hood or enclosure.

(iv) *Cradle.* A movable fixture, upon which the part to be ground or polished is placed.

(v) *Disc wheels.* All power-driven rotatable discs faces with abrasive materials, artificial or natural, and used for grinding or polishing on the side of the assembled disc.

(v) *Disc wheels.* All power-driven sure caused by air flowing into a duct or hood. It is usually expressed in inches of water gauge.

(vii) *Exhaust system.* A system consisting of branch pipes connected to hoods of enclosures, one or more header pipes, an exhaust fan, means for separating solid contaminants from the air flowing in the system, and a discharge stack to outside.

(viii) *Grinding wheels.* All power-driven rotatable grinding or abrasive wheels, except disc wheels as defined in this standard, consisting of abrasive particles held together by artificial or natural bonds and used for peripheral grinding.

(ix) *Header pipe (main pipe).* A pipe into which one or more branch pipes enter and which connects such branch pipes to the remainder of the exhaust system.

(x) *Hoods and enclosures.* The partial or complete enclosure around the wheel or disc through which air enters an exhaust system during operation.

(xi) *Horizontal double-spindle disc grinder.* A grinding machine carrying two power-driven, rotatable, coaxial, horizontal spindles upon the inside ends of which are mounted abrasive disc wheels for grinding two surfaces simultaneously.

(xii) *Horizontal single-spindle disc grinder.* A grinding machine carrying an abrasive disc wheel upon one or both ends of a power-driven, rotatable single horizontal spindle.

(xiii) *Polishing and buffing wheels.* All power-driven rotatable wheels composed all or in part of textile fabrics, wood, felt, leather, paper, and may be coated with abrasives on the periphery of the wheel for purposes of polishing, buffing, and light grinding.

(xiv) *Portable grinder.* Any power-driven rotatable grinding, polishing, or buffing wheel mounted in such manner that it may be manually manipulated.

(xv) *Scratch brush wheels.* All power-driven rotatable wheels made from wire or bristles, and used for scratch cleaning and brushing purposes.

(xvi) *Swing-frame grinder.* Any power-driven rotatable grinding, polishing, or buffing wheel mounted in such a manner that the wheel with its supporting framework can be manipulated over stationary objects.

(xvii) *Velocity pressure (vp).* The kinetic pressure in the direction of flow necessary to cause a fluid at rest to flow at a given velocity. It is usually expressed in inches of water gage.

(xviii) *Vertical spindle disc grinder.* A grinding machine having a vertical, rotatable power-driven spindle carrying a horizontal abrasive disc wheel.

(2) *Application.* (i) Every establishment performing dry grinding, dry polishing, or buffing shall provide suitable hood or enclosures that are connected to exhaust systems.

(ii) Such exhaust systems shall be operated continuously whenever such operations are carried on, and be capable of preventing contaminants from entering the breathing zone.

(3) *Hood and branch pipe requirements.* (i) Hoods connected to exhaust systems shall be used, and such hoods shall be designed, located, and placed so that the dust or dirt particles shall fall or be projected into the hoods in the direction of the air flow. No wheels, discs, straps, or belts shall be operated in such manner and in such direction as to cause the dust and dirt particles to be thrown into the operator's breathing zone.

(ii) Grinding wheels on floor stands, pedestals, benches, and special-purpose grinding machines and abrasive cutting-off wheels shall have not less than the minimum exhaust volumes shown in Table G–4 with a recommended minimum duct velocity of 4,500 feet per minute in the branch and 3,500 feet per minute in the main. The entry losses from all hoods except the vertical-spindle disc grinder hood, shall equal 0.65 velocity pressure for a straight takeoff and 0.45 velocity pressure for a tapered takeoff. The entry loss for the vertical-spindle disc grinder hood is shown in figure G–1 (following § 1910.94(b)).

TABLE G-4—GRINDING AND ABRASIVE CUTTING-OFF WHEELS

Wheel diameter (inches)	Wheel width (inches)	Minimum exhaust volume (feet³/min.)
To 9	1½	220
Over 9 to 16	2	390
Over 16 to 19	3	500
Over 19 to 24	4	610
Over 24 to 30	5	880
Over 30 to 36	6	1,200

For any wheel wider than wheel diameters shown in Table G–4, increase the exhaust volume by the ratio of the new width to the width shown.

Example:
If wheel width = 4½ inches, then

$$\frac{4.5}{4} \times 610 = 686 \text{ (rounded to 690)}.$$

(iii) Scratch-brush wheels and all buffing and polishing wheels mounted on floor stands, pedestals, benches, or special-purpose machines shall have not less than the minimum exhaust volume shown in Table G–5.

TABLE G-5—BUFFING AND POLISHING WHEELS

Wheel diameter (inches)	Wheel width (inches)	Minimum exhaust volume (feet³/min.)
To 9	2	300
Over 9 to 16	3	500
Over 16 to 19	4	610
Over 19 to 24	5	740
Over 24 to 30	6	1,040
Over 30 to 36	6	1,200

(iv) Grinding wheels or discs for horizontal single-spindle disc grinders shall be hooded to collect the dust or dirt generated by the grinding operation and the hoods shall be connected to branch pipes having exhaust volumes as shown in Table G–6.

TABLE G-6—HORIZONTAL SINGLE-SPINDLE DISC GRINDER

Disc diameter (inches):	Exhaust volume (ft. 3/min.)
Up to 12	220
Over 12 to 19	390
Over 19 to 30	610
Over 30 to 36	880

(v) Grinding wheels or discs for horizontal double-spindle disc grinders shall have a hood enclosing the grinding chamber and the hood shall be connected to one or more branch pipes having exhaust volumes as shown in Table G–7.

TABLE G-7—HORIZONTAL DOUBLE-SPINDLE DISC GRINDER

Disc diameter (inches):	Exhaust volume (ft. 3/min.)
Up to 19	610
Over 19 to 25	880
Over 25 to 30	1,200
Over 30 to 53	1,770
Over 53 to 72	6,280

(vi) Grinding wheels or discs for vertical single-spindle disc grinders shall be encircled with hoods to remove the dust generated in the operation. The hoods shall be connected to one or more branch pipes having exhaust volumes as shown in Table G–8.

TABLE G-8—VERTICAL SPINDLE DISC GRINDER

Disc diameter (inches)	One-half or more of disc covered		Disc not covered	
	Number[1]	Exhaust foot³/min.	Number[1]	Exhaust foot³/min.
Up to 20	1	500	2	780
Over 20 to 30	2	780	2	1,480
Over 30 to 53	2	1,770	4	3,530
Over 53 to 72	2	3,140	5	6,010

[1] Number of exhaust outlets around periphery of hood, or equal distribution provided by other means.

(vii) Grinding and polishing belts shall be provided with hoods to remove dust and dirt generated in the operations and the hoods shall be connected to branch pipes having exhaust volumes as shown in Table G–9.

TABLE G-9—GRINDING AND POLISHING BELTS

Belts width (inches):	Exhaust volume (ft.³/min.)
Up to 3	220
Over 3 to 5	300
Over 5 to 7	390
Over 7 to 9	500
Over 9 to 11	610
Over 11 to 13	740

(viii) Cradles and swing-frame grinders. Where cradles are used for handling the parts to be ground, polished, or buffed, requiring large partial enclosures to house the complete operation, a minimum average air velocity of 150 feet per minutes shall be maintained over the entire opening of the enclosure. Swing-frame grinders shall also be exhausted in the same manner as provided for cradles. (See fig. G–2)

(ix) Where the work is outside the hood, air volumes must be increased as shown in American Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960 (section 4, exhaust hoods).

(4) *Exhaust systems.* (i) Exhaust systems for grinding, polishing, and buffing operations should be designed in accordance with American Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(ii) Exhaust systems for grinding, polishing, and buffing operations shall be tested in the manner described in American Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(iii) All exhaust systems shall be provided with suitable dust collectors.

(5) *Hood and enclosure design.* (i) (*a*) It is the dual function of grinding and abrasive cutting-off wheel hoods to protect the operator from the hazards of bursting wheels as well as to provide a means for the removal of dust and dirt generated. All hoods shall be not less in structural strength than specified in the American National Standard Code for the Use, Care, and Protection of Abrasive Wheels, B7.1–1970.

(*b*) Due to the variety of work and types of grinding machines employed, it is necessary to develop hoods adaptable to the particular machine in question, and such hoods shall be located as close as possible to the operation.

(ii) Exhaust hoods for floor stands, pedestals, and bench grinders shall be designed in accordance with figure G–2. The adjustable tongue shown in the figure shall be kept in working order and shall be adjusted within one-fourth inch of the wheel periphery at all times.

(iii) Swing-frame grinders shall be provided with exhaust booths as indicated in figure G–3.

(iv) Portable grinding operations, whenever the nature of the work permits, shall be conducted within a partial enclosure. The opening in the enclosure shall be no larger than is actually required in the operation and an average face air velocity of not less than 200 feet per minute shall be maintained.

(v) Hoods for polishing and buffing and scratch-brush wheels shall be constructed to conform as closely to figure G–4 as the nature of the work will permit.

(vi) Cradle grinding and polishing operations shall be performed within a partial enclosure similar to figure G–5. The operator shall be positioned outside the working face of the opening of the enclosure. The face opening of the enclosure should not be any greater in area than that actually required for the performance of the operation and the average air velocity into the working face of the enclosure shall not be less than 150 feet per minute.

(vii) Hoods for horizontal single-spindle disc grinders shall be constructed to conform as closely as possible to the hood shown in figure G–6. It is essential that there be a space between the back of the wheel and the hood, and a space around the periphery of the wheel of at least 1 inch in order to permit the suction to act around the wheel periphery. The opening on the side of the disc shall be no larger than is required for the grinding operation, but must never be less than twice the area of the branch outlet.

(viii) Horizontal double-spindle disc grinders shall have a hood encircling the wheels and grinding chamber similar to that illustrated in figure G–7. The openings for passing the work into the grinding chamber should be kept as small as possible, but must never be less than twice the area of the branch outlets.

(ix) Vertical-spindle disc grinders shall be encircled with a hood so constructed that the heavy dust is drawn off a surface of the disc and the lighter dust exhausted through a continuous slot at the top of the hood as shown in figure G–1.

(x) Grinding and polishing belt hoods shall be constructed as close to the operation as possible. The hood should extend almost to the belt, and 1-inch wide openings should be provided on either side. Figure G–8 shows a typical hood for a belt operation.

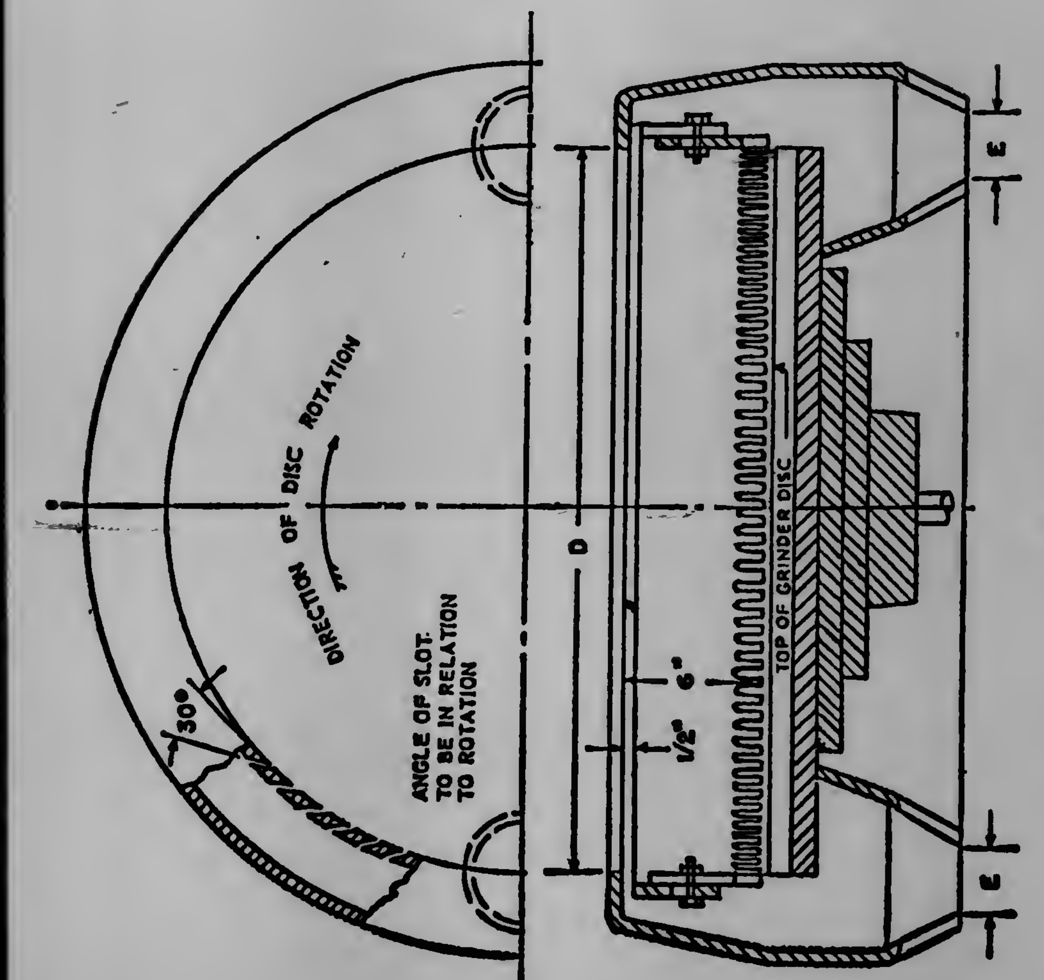

E
D
E
DIRECTION OF DISC ROTATION
TOP OF GRINDER DISC
ANGLE OF SLOT TO BE IN RELATION TO ROTATION
30°
½"
6"

Fig. G-1

Vertical Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Dia *D*, Inches		Exhaust *E*		Volume Exhausted at 4,500 ft/min ft³/min	Note
Min	Max	No. Pipes	Dia		
	20	1	4½	500	When one-half or more of the disc can be hooded, use exhaust ducts as shown at the left.
Over 20	30	2	4	780	
Over 30	72	2	6	1,770	
Over 53	72	2	8	3,140	
	20	2	4	780	When no hood can be used over disc, use exhaust ducts as shown at left.
Over 20	30	2	5½	1,480	
Over 30	53	4	6	3,530	
Over 53	72	5	7	6,010	

Entry loss = 1.0 slot velocity pressure + 0.5 branch velocity pressure
Minimum slot velocity = 2,000 ft/min – ½-inch slot width

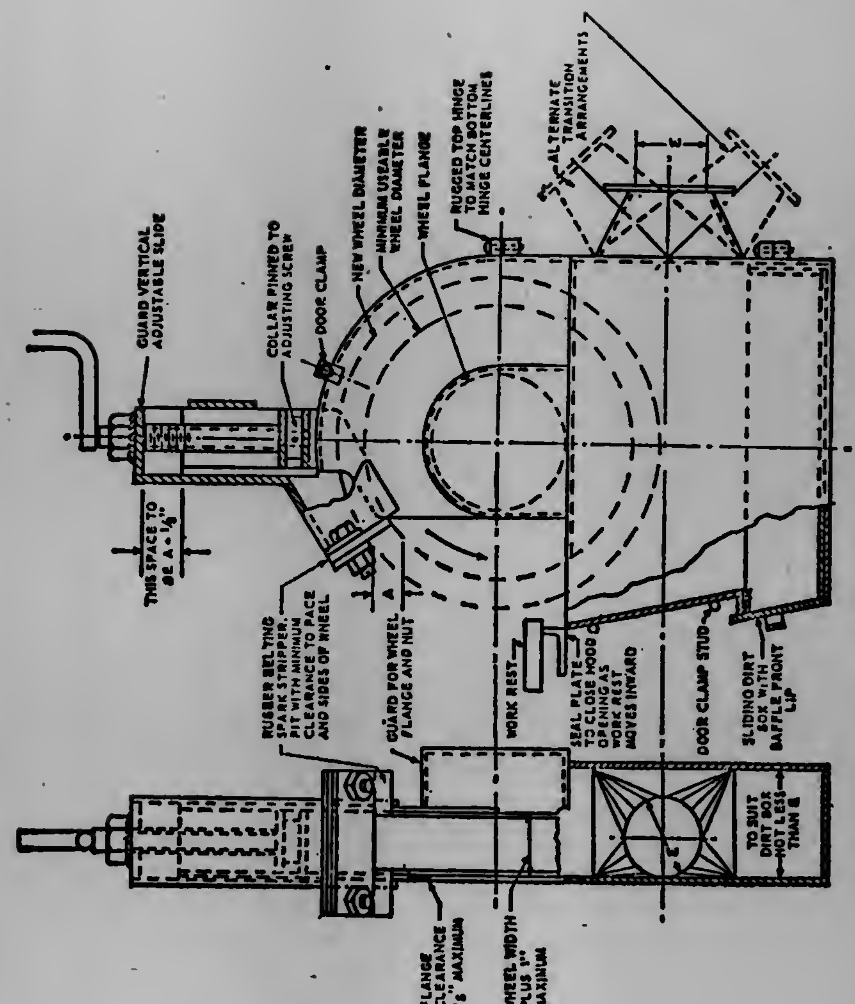

GUARD VERTICAL ADJUSTABLE SLIDE
COLLAR PINNED TO ADJUSTING SCREW
DOOR CLAMP
NEW WHEEL DIAMETER
MINIMUM USEABLE WHEEL DIAMETER
WHEEL FLANGE
RUGGED TOP HINGE TO MATCH BOTTOM HINGE CENTERLINES
ALTERNATE TRANSITION ARRANGEMENTS
E
THIS SPACE TO BE A + ⅛"
RUBBER BELTING SPARK STRIPPER. FIT WITH MINIMUM CLEARANCE TO FACE AND SIDES OF WHEEL
A
GUARD FOR WHEEL FLANGE AND NUT
WORK REST
SEAL PLATE TO CLOSE HOOD OPENING AS WORK REST MOVES INWARD
DOOR CLAMP STUD
SLIDING DIRT BOX WITH BAFFLE FRONT LIP
FLANGE CLEARANCE ⅛" MAXIMUM
WHEEL WIDTH PLUS 1" MAXIMUM
E
TO SUIT DIRT BOX NOT LESS THAN E

Fig. G-2

Standard Grinder Hood

Wheel Dimension			Exhaust Outlet, Inches	Volume of Air at 4,500 ft/min
Diameter, Inches		Width, Inches		
Min = *d*	Max = *D*	Max	*E*	
	9	1½	3	220
Over 9	16	2	4	390
Over 16	19	3	4½	500
Over 19	24	4	5	610
Over 24	30	5	6	880
Over 30	36	6	7	1,200

Entry loss = 0.45 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

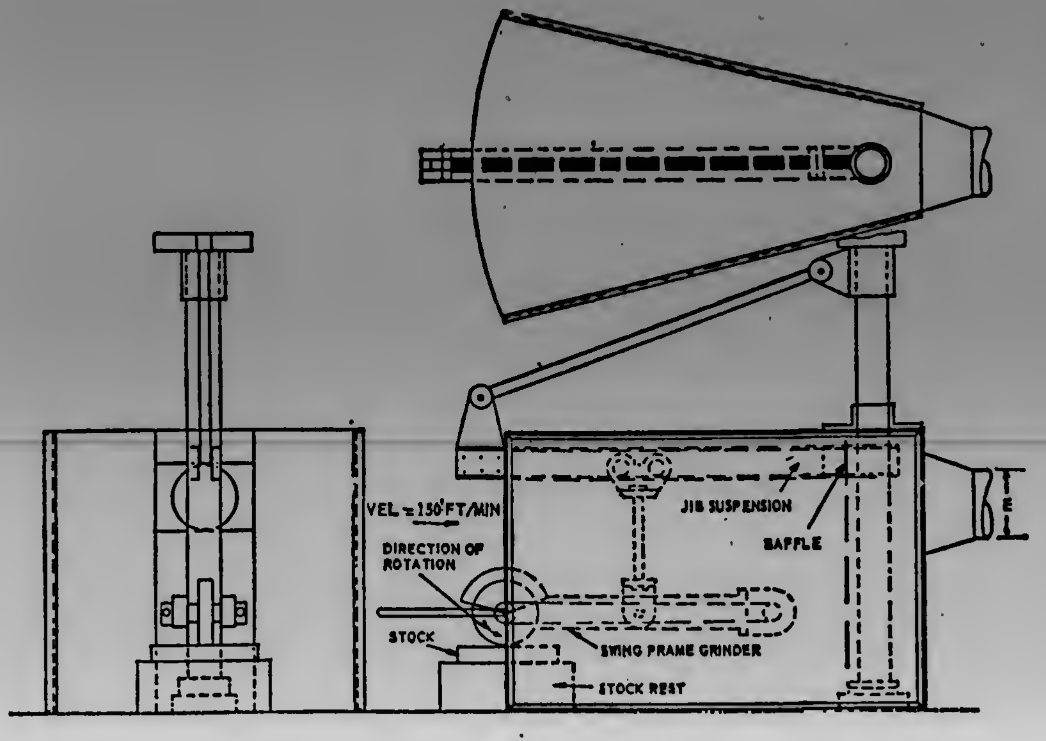

VEL = 150 FT/MIN
DIRECTION OF ROTATION
STOCK
SWING FRAME GRINDER
STOCK REST
JIB SUSPENSION
BAFFLE
E

Fig. G-3
A Method of Applying an Exhaust Enclosure to Swing-Frame Grinders
NOTE: Baffle to reduce front opening as much as possible

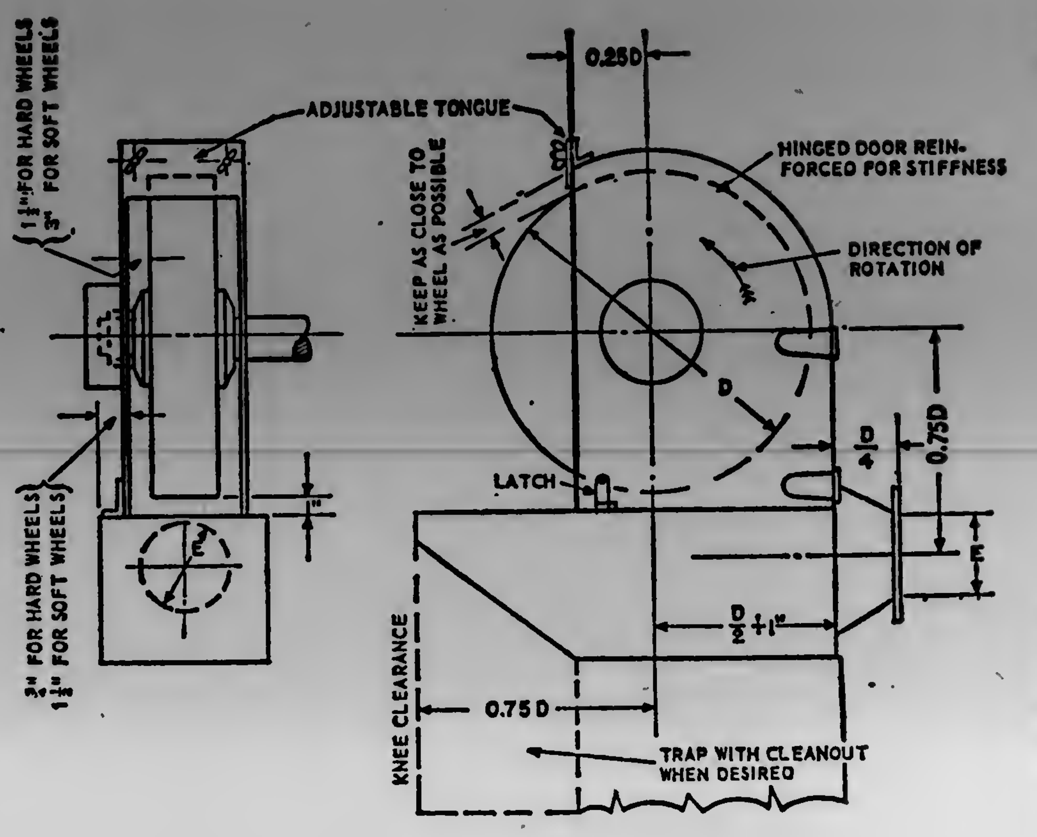

1½" FOR HARD WHEELS
3" FOR SOFT WHEELS
ADJUSTABLE TONGUE
¾" FOR HARD WHEELS
1½" FOR SOFT WHEELS
E
0.25D
KEEP AS CLOSE TO WHEEL AS POSSIBLE
HINGED DOOR REINFORCED FOR STIFFNESS
DIRECTION OF ROTATION
D
LATCH
D/4
0.75D
E
D/2 + 1"
KNEE CLEARANCE
0.75 D
TRAP WITH CLEANOUT WHEN DESIRED

Fig. G-4
Standard Buffing and Polishing Hood

Wheel Dimension, Inches			Exhaust Outlet, Inches	Volume of Air at 4,500 ft/min
Diameter		Width		
Min = d	Max = D	Max	E	
	9	2	3½	300
Over 9	16	3	4	500
Over 16	19	4	5	610
Over 19	24	5	5½	740
Over 24	30	6	6½	1,040
Over 30	36	6	7	1.200

Entry loss = 0.15 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

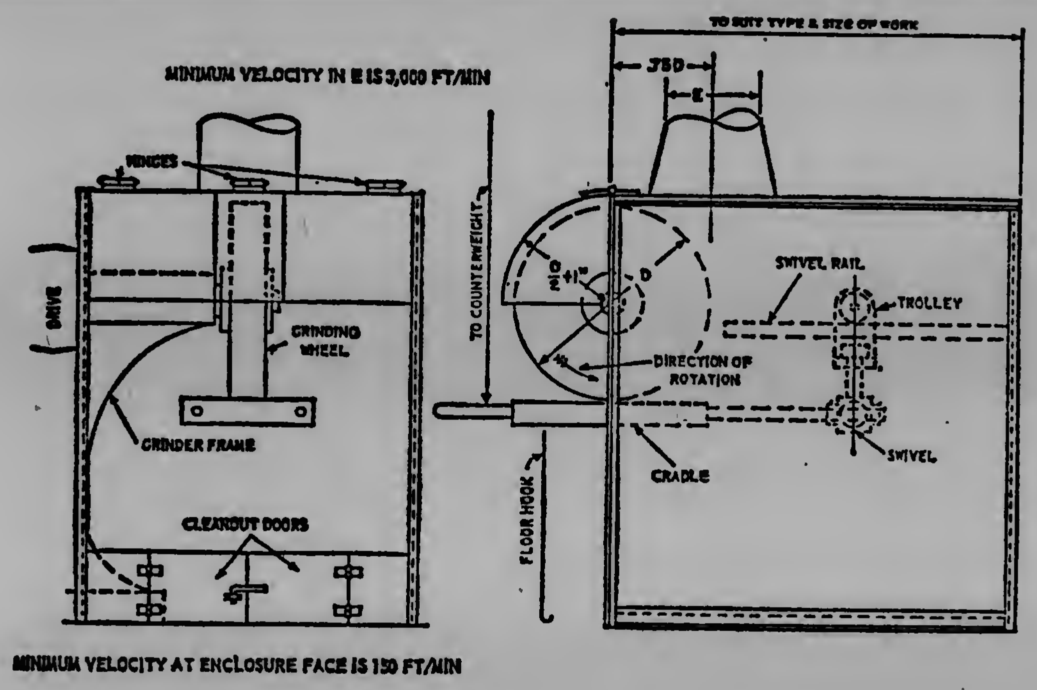

MINIMUM VELOCITY IN E IS 3,000 FT/MIN
HINGES
SWING
GRINDING WHEEL
GRINDER FRAME
CLEANOUT DOORS
MINIMUM VELOCITY AT ENCLOSURE FACE IS 150 FT/MIN
TO SUIT TYPE & SIZE OF WORK
.75D
E
TO COUNTERWEIGHT
D/2 + 1"
D
SWIVEL RAIL
TROLLEY
DIRECTION OF ROTATION
SWIVEL
CRADLE
FLOOR HOOK

Fig. G-5
Cradle Polishing or Grinding Enclosure
Entry loss = 0.45 velocity pressure for tapered takeoff

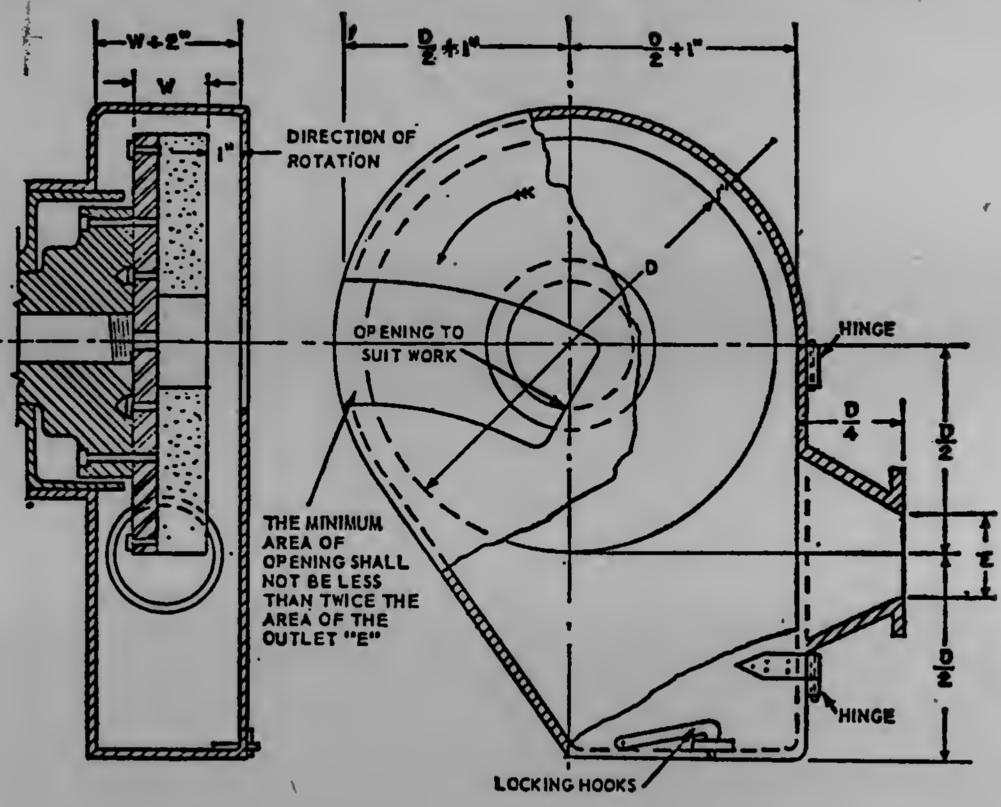

W + 2"
W
1"
DIRECTION OF ROTATION
D/2 + 1"
D/2 + 1"
D
OPENING TO SUIT WORK
THE MINIMUM AREA OF OPENING SHALL NOT BE LESS THAN TWICE THE AREA OF THE OUTLET "E"
HINGE
D/4
D/2
E
D/2
HINGE
LOCKING HOOKS

Fig. G-6
Horizontal Single-Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Dia D, Inches		Exhaust E	Volume Exhausted at 4.500 ft/min ft³/min
Min	Max	Dia. Inches	
	12	3	220
Over 12	19	4	390
Over 19	30	5	610
Over 30	36	6	880

NOTE: If grinding wheels are used for disc grinding purposes, hoods must conform to structural strength and materials as described in 9.1.

Entry loss = 0.45 velocity pressure for tapered takeoff

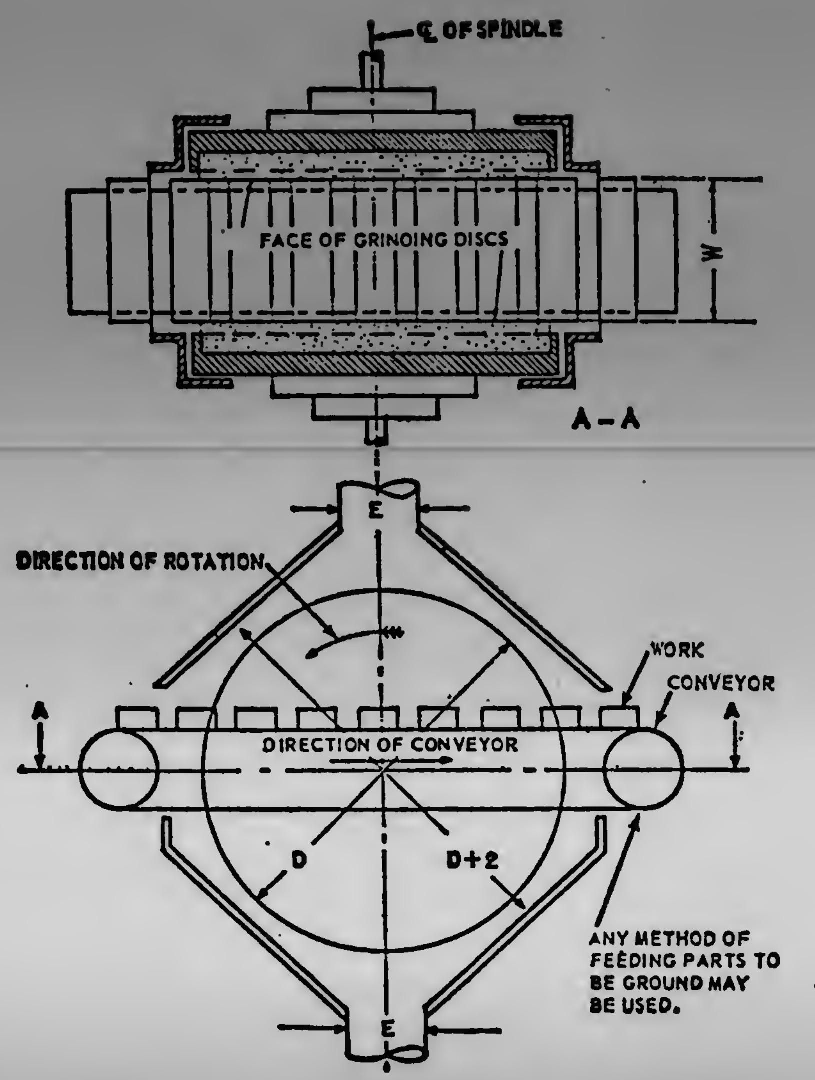


Fig: G-7

Horizontal Double-Spindle Disc Grinder Exhaust Hood and Branch Pipe Connections

Disc Dia, Inches		Exhaust E		Volume Exhausted at 4,500 ft/min ft³/min	Note
Min	Max	No. Pipes	Dia		
	19	1	5	610	When width "W" permits, exhaust ducts should be as near heaviest grinding as possible.
Over 19	25	1	6	880	
Over 25	30	1	7	1,200	
Over 30	53	2	6	1,770	
Over 53	72	4	8	6,280	

Entry loss = 0.45 velocity pressure for tapered takeoff

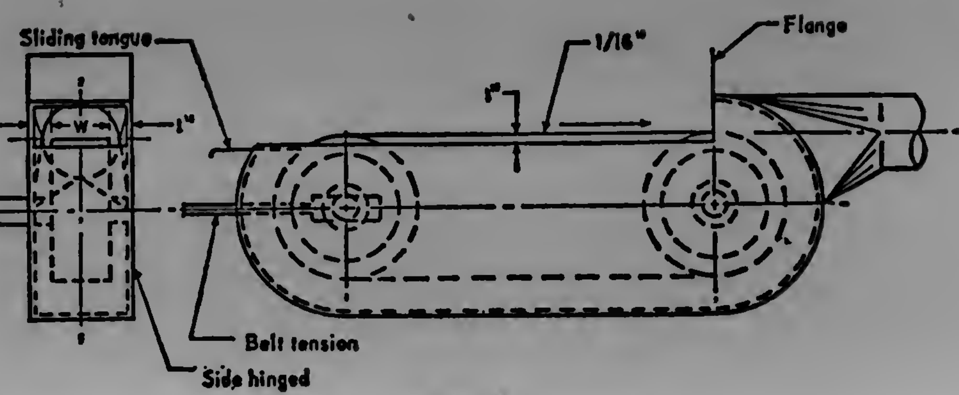


Fig. G-8

A Typical Hood for a Belt Operation

Belt Width W. Inches	Exhaust Volume, ft³/min
up to 3	220
3 to 5	300
5 to 7	390
7 to 9	500
9 to 11	610
11 to 13	740

Minimum duct velocity = 4,500 ft/min branch, 3,500 ft/min main
Entry loss = 0.45 velocity pressure for tapered takeoff
0.65 velocity pressure for straight takeoff

(c) *Spray-finishing operations*—(1) *Definitions applicable to this paragraph*—(i) *Spray-finishing operations.* Spray-finishing operations are employment of methods wherein organic or inorganic materials are utilized in dispersed form from deposit on surfaces to be coated, treated, or cleaned. Such methods of deposit may involve either automatic, manual, or electrostatic deposition but do not include metal spraying or metallizing, dipping, flow coating, roller coating, tumbling, centrifuging, or spray washing and degreasing as conducted in self-contained washing and degreasing machines or systems.

(ii) *Spray booth.* Spray booths are defined and described in § 1910.107(a). (See sections 103, 104, and 105 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969).

(iii) *Spray room.* A spray room is a room in which spray-finishing operations not conducted in a spray booth are performed separately from other areas.

(iv) *Minimum maintained velocity.* Minimum maintained velocity is the velocity of air movement which must be maintained in order to meet minimum specified requirements for health and safety.

(2) *Location and application.* Spray booths or spray rooms are to be used to enclose or confine all operations. Spray-finishing operations shall be located as provided in sections 201 through 206 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.

(3) *Design and construction of spray booths.* (i) Spray booths shall be designed and constructed in accordance with § 1910.107(b) (1)–(4) and (6)–(10) (see sections 301–304 and 306–310 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969), for general construction specifications. For a more detailed discussion of fundamentals relating to this subject, see ANSI A9.2–1960.

(*a*) Lights, motors, electrical equipment, and other sources of ignition shall conform to the requirements of § 1910.107 (b)(10) and (c). (See section 310 and chapter 4 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.)

(*b*) In no case shall combustible material be used in the construction of a

spray booth and supply or exhaust duct connected to it.

(ii) Unobstructed walkways shall not be less than 6½ feet high and shall be maintained clear of obstruction from any work location in the booth to a booth exit or open booth front. In booths where the open front is the only exit, such exits shall be not less than 3 feet wide. In booths having multiple exits, such exits shall not be less than 2 feet wide, provided that the maximum distance from the work location to the exit is 25 feet or less. Where booth exits are provided with doors, such doors shall open outward from the booth.

(iii) Baffles, distribution plates, and dry-type overspray collectors shall conform to the requirements of § 1910.107 (b) (4) and (5). (See sections 304 and 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969.)

(*a*) Overspray filters shall be installed and maintained in accordance with the requirements of § 1910.107(b)(5), (see section 305 of the Standard for Spray Finishing Using Flammable and Combustible Materials, NFPA No. 33–1969), and shall only be in a location easily accessible for inspection, cleaning, or replacement.

(*b*) Where effective means, independent of the overspray filters are installed which will result in design air distribution across the booth cross section, it is permissible to operate the booth without the filters in place.

(iv)(*a*) For wet or water-wash spray booths, the water-chamber enclosure, within which intimate contact of contaminated air and cleaning water or other cleaning medium is maintained, if made of steel, shall be 18 gage or heavier and adequately protected against corrosion.

(*b*) Chambers may include scrubber spray nozzles, headers, troughs, or other devices. Chambers shall be provided with adequate means for creating and maintaining scrubbing action for removal of particulate matter from the exhaust air stream.

(v) Collecting tanks shall be of welded steel construction or other suitable noncombustible material. If pits are used as collecting tanks, they shall be concrete, masonry, or other material having similar properties.

(*a*) Tanks shall be provided with weirs, skimmer plates, or screens to prevent sludge and floating paint from entering the pump suction box. Means for automatically maintaining the proper water level shall also be provided. Fresh water inlets shall not be submerged. They shall terminate at least one pipe diameter above the safety overflow level of the tank.

(*b*) Tanks shall be so constructed as to discourage accumulation of hazardous deposits.

(vi) Pump manifolds, risers, and headers shall be adequately sized to insure sufficient water flow to provide efficient operation of the water chamber.

(4) *Design and construction of spray rooms.* (i) Spray rooms, including floors, shall be constructed of masonry, concrete, or other noncombustible material.

(ii) Spray rooms shall have noncombustible fire doors and shutters.

(iii) Spray rooms shall be adequately ventilated so that the atmosphere in the breathing zone of the operator shall be maintained in accordance with the requirements of subparagraph (6)(ii) of this paragraph.

(iv) Spray rooms used for production spray-finishing operations shall conform to the requirements for spray booths.

(5) *Ventilation.* (i) Ventilation shall be provided in accordance with provisions of § 1910.107(d) (see chapter 5 of the Standard for Spray Finishing Using Flammable or Combustible Materials, NFPA No. 33–1969), and in accordance with the following:

(*a*) Where a fan plenum is used to equalize or control the distribution of exhaust air movement through the booth, it shall be of sufficient strength or rigidity to withstand the differential air pressure or other superficially imposed loads for which the equipment is designed and also to facilitate cleaning. Construction specifications shall be at least equivalent to those of subdivision (iii) of this subparagraph.

(*b*) All fan ratings shall be in accordance with Air Moving and Conditioning Association Standard Test Code for Testing Air Moving Devices, Bulletin 210, April 1962.

(ii) Inlet or supply ductwork used to transport makeup air to spray booths or surrounding areas shall be constructed of noncombustible materials.

(*a*) If negative pressure exists within inlet ductwork, all seams and joints shall be sealed if there is a possibility of infiltration of harmful quantities of noxious gases, fumes, or mists from areas through which ductwork passes.

(*b*) Inlet ductwork shall be sized in accordance with volume flow requirements and provide design air requirements at the spray booth.

(c) Inlet ductwork shall be adequately supported throughout its length to sustain at least its own weight plus any negative pressure which is exerted upon it under normal operating conditions.

(iii) Exhaust shall be so constructed as to provide structural strength and stability at least equivalent to sheet steel of not less than the following thickness:

DIAMETER OR GREATER DIMENSION

	(*U.S. gauge*)
Up to 8 inches inclusive	No. 24
Over 8 inches to 18 inches inclusive	No. 22
Over 18 inches to 30 inches inclusive	No. 20
Over 30 inches	No. 18

(*a*) Exhaust ductwork shall be adequately supported throughout its length to sustain its weight plus any normal accumulation in interior during normal operating conditions and any negative pressure exerted upon it.

(*b*) Exhaust ductwork shall be sized in accordance with good design practice which shall include consideration of fan capacity, length of duct, number of turns and elbows, variation in size, volume, and character of materials being exhausted. See American National Standard Z9.2–1960 for further details and explanation concerning elements of design.

(c) Longitudinal joints in sheet steel ductwork shall be either lock-seamed, riveted, or welded. For other than steel construction, equivalent securing of joints shall be provided.

(*d*) Circumferential joints in ductwork shall be substantially fastened together and lapped in the direction of airflow. At least every fourth joint shall be provided with connecting flanges, bolted together or of equivalent fastening security.

(*e*) Inspection or clean-out doors shall be provided for every 9 to 12 feet of running length for ducts up to 12 inches in diameter, but the distance between clean-out doors may be greater for larger pipes. (See 8.3.21 of American National Standard Z9.1–1960.) A clean-out door or doors shall be provided for servicing the fan, and where necessary, a drain shall be provided.

(*f*) Where ductwork passes through a combustible roof or wall, the roof or wall shall be protected at the point of penetration by open space or fire-resistive material between the duct and the roof or wall. When ducts pass through firewalls, they shall be provided with automatic fire dampers on both sides of the wall, except that three-eighth-inch steel plates may be used in lieu of automatic fire dampers for ducts not exceeding 18 inches in diameter.

(*g*) Ductwork used for ventilating any process covered in this standard shall not be connected to ducts ventilating any other process or any chimney or flue used for conveying any products of combustion.

(6) *Velocity and air flow requirements.* (i) Except where a spray booth has an adequate air replacement system, the velocity of air into all openings of a spray booth shall be not less than that specified in Table G–10 for the operating conditions specified. An adequate air replacement system is one which introduces replacement air upstream or above the object being sprayed and is so designed that the velocity of air in the booth cross section is not less than that specified in Table G–10 when measured upstream or above the object being sprayed.

TABLE G-10—MINIMUM MAINTAINED VELOCITIES INTO SPRAY BOOTHS

Operating conditions for objects completely inside booth	Crossdraft, f.p.m.	Airflow velocities, f.p.m.	
		Design	Range
Electrostatic and automatic airless operation contained in booth without operator.	Negligible	50 large booth 100 small booth	50- 75 75-125
Air-operated guns, manual or automatic	Up to 50	100 large booth 150 small booth	75-125 125-175
Air-operated guns, manual or automatic	Up to 100	150 large booth 200 small booth	125-175 150-250

NOTES:

(1) Attention is invited to the fact that the effectiveness of the spray booth is dependent upon the relationship of the depth of the booth to its height and width.

(2) Crossdrafts can be eliminated through proper design and such design should be sought. Crossdrafts in excess of 100 fpm (feet per minute) should not be permitted.

(3) Excessive air pressures result in loss of both efficiency and material waste in addition to creating a backlash that may carry overspray and fumes into adjacent work areas.

(4) Booths should be designed with velocities shown in the column headed "Design." However, booths operating with velocities shown in the column headed "Range" are in compliance with this standard.

(ii) In addition to the requirements in subdivision (i) of this subparagraph the total air volume exhausted through a spray booth shall be such as to dilute solvent vapor to at least 25 percent of the lower explosive limit of the solvent being sprayed. An example of the method of calculating this volume is given below.

Example: To determine the lower explosive limits of the most common solvents used in spray finishing, see Table G-11. Column 1 gives the number of cubic feet of vapor per gallon of solvent and column 2 gives the lower explosive limit (LEL) in percentage by volume of air. Note that the quantity of solvent will be diminished by the quantity of solids and nonflammables contained in the finish.

To determine the volume of air in cubic feet necessary to dilute the vapor from 1 gallon of solvent to 25 percent of the lower explosive limit, apply the following formula:

$$\text{Dilution volume required per gallon of solvent}=\frac{4\ (100\text{–LEL})\ (\text{cubic feet of vapor per gallon})}{\text{LEL}}$$

Using toluene as the solvent.

(1) LEL of toluene from Table G-11, column 2, is 1.4 percent.

(2) Cubic feet of vapor per gallon from Table G-11, column 1, is 30.4 cubic feet per gallon.

(3) Dilution volume required=

$$\frac{4\ (100\text{–}1.4)\ 30.4}{1.4}=8{,}564 \text{ cubic feet.}$$

(4) To convert to cubic feet per minute of required ventilation, multiply the dilution volume required per gallon of solvent by the number of gallons of solvent evaporated per minute.

TABLE G-11—LOWER EXPLOSIVE LIMIT OF SOME COMMONLY USED SOLVENTS

Solvent	Cubic feet of vapor per gallon of liquid at 70° F	Lower explosive limit in percent by volume of air at 70° F
	Column 1	Column 2
Acetone	44.0	2.6
Amyl Acetate (iso)	21.6	[1] 1.0
Amyl Alcohol (n)	29.6	1.2
Amyl Alcohol (iso)	29.6	1.2
Benzene	36.8	[1] 1.4
Butyl Acetate (n)	24.8	1.7
Butyl Alcohol (n)	35.2	1.4
Butyl Cellosolve	24.8	1.1
Cellosolve	33.6	1.8
Cellosolve Acetate	23.2	1.7
Cyclohexanone	31.2	[1] 1.1
1,1 Dichloroethylene	42.4	5.6
1,2 Dichloroethylene	42.4	9.7
Ethyl Acetate	32.8	2.5
Ethyl Alcohol	55.2	4.3
Ethyl Lactate	28.0	[1] 1.5
Methyl Acetate	40.0	3.1
Methyl Alcohol	80.8	7.3
Methyl Cellosolve	40.8	2.5
Methyl Ethyl Ketone	36.0	1.8
Methyl n-Propyl Ketone	30.4	1.5
Naphtha (VM&P) (76° Naphtha)	22.4	0.9
Naphtha (100° Flash) Safety Solvent—Stoddard Solvent	23.2	1.1
Propyl Acetate (n)	27.2	2.0
Propyl Acetate (iso)	28.0	1.8
Propyl Alcohol (n)	44.8	2.1
Propyl Alcohol (iso)	44.0	2.0
Toluene	30.4	1.4
Turpentine	20.8	0.8
Xylene (o)	26.4	1.0

[1] At 212° F.

(iii) (*a*) When an operator must position himself in a booth downstream of the object being sprayed, an air supplied respirator or other type of respirator approved by the Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11) or specified in ANSI Z88.2–1969 for the material being sprayed should be used by the operator.

(*b*) Where downdraft booths are provided with doors, such doors shall be closed when spray painting.

(7) *Make-up air.* (i) Clean fresh air, free of contamination from adjacent industrial exhaust systems, chimneys, stacks, or vents, shall be supplied to a spray booth or room in quantities equal to the volume of air exhausted through the spray booth.

(ii) Where a spray booth or room receives make-up air through self-closing doors, dampers, or louvers, they shall be fully open at all times when the booth or room is in use for spraying. The velocity of air through such doors, dampers, or louvers shall not exceed 200 feet per minute. If the fan characteristics are such that the required air flow through the booth will be provided, higher velocities through the doors, dampers, or louvers may be used.

(iii) (*a*) Where the air supply to a spray booth or room is filtered, the fan static pressure shall be calculated on the assumption that the filters are dirty to the extent that they require cleaning or replacement.

(*b*) The rating of filters shall be governed by test data supplied by the manufacturer of the filter. A pressure gage shall be installed to show the pressure drop across the filters. This gage shall be marked to show the pressure drop at which the filters require cleaning or replacement. Filters shall be replaced or cleaned whenever the pressure drop across them becomes excessive or whenever the air flow through the face of the booth falls below that specified in Table G–10.

(iv) (*a*) Means of heating make-up air to any spray booth or room, before or at the time spraying is normally performed, shall be provided in all places where the outdoor temperature may be expected to remain below 55° F. for appreciable periods of time during the operation of the booth except where adequate and safe means of radiant heating for all operating personnel affected is provided. The replacement air during the heating seasons shall be maintained at not less than 65° F. at the point of entry into the spray booth or spray room. When otherwise unheated make-up air would be at a temperature of more than 10° F. below room temperature, its temperature shall be regulated as provided in section 3.6 of ANSI Z9.2–1960.

(*b*) As an alternative to an air replacement system complying with the preceding section, general heating of the building in which the spray room or booth is located may be employed provided that all occupied parts of the building are maintained at not less than 65° F. when the exhaust system is in operation or the general heating system supplemented by other sources of heat may be employed to meet this requirement.

(*c*) No means of heating make-up air shall be located in a spray booth.

(*d*) Where make-up air is heated by coal or oil, the products of combustion shall not be allowed to mix with the make-up air, and the products of combustion shall be conducted outside the building through a flue terminating at a point remote from all points where make-up air enters the building.

(*e*) Where make-up air is heated by gas, and the products of combustion are not mixed with the make-up air but are conducted through an independent flue to a point outside the building remote from all points where make-up air enters the building, it is not necessary to comply with (*f*) of this subdivision.

(*f*) Where make-up air to any manually operated spray booth or room is heated by gas and the products of combustion are allowed to mix with the supply air, the following precautions must be taken:

(*1*) The gas must have a distinctive and strong enough odor to warn workment in a spray booth or room of its presence if in an unburned state in the make-up air.

(*2*) The maximum rate of gas supply to the make-up air heater burners must not exceed that which would yield in excess of 200 p.p.m. (parts per million) of carbon monoxide or 2,000 p.p.m. of total combustible gases in the mixture if the unburned gas upon the occurrence of flame failure were mixed with all of the make-up air supplied.

(*3*) A fan must be provided to deliver the mixture of heated air and products of combustion from the plenum chamber housing the gas burners to the spray booth or room.

(d) *Open surface tanks*—(1) *General.* (i) This section applies to all operations involving the immersion of materials in liquids, or in the vapors of such liquids, for the purpose of cleaning or altering the surface or adding to or imparting a finish thereto or changing the character of the materials, and their subsequent removal from the liquid or vapor, draining, and drying. These operations include washing, electroplating, anodizing, pickling, quenching, dying, dipping, tanning, dressing, bleaching, degreasing, alkaline cleaning, stripping, rinsing, digesting, and other similar operations.

(ii) Except where specific construction specifications are prescribed in this section, hoods, ducts, elbows, fans, blowers, and all other exhaust system parts, components, and supports thereof shall be so constructed as to meet conditions of service and to facilitate maintenance and shall conform in construction to the specifications contained in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(2) *Classification of open-surface tank operations.* (i) Open-surface tank operations shall be classified into 16 classes, numbered A–1 to D–4, inclusive.

(ii) *Determination of class.* Class is determined by two factors, hazard potential designated by a letter from A to D, inclusive, and rate of gas, vapor, or mist evolution designated by a number from 1 to 4, inclusive (for example, B.3).

(iii) Hazard potential is an index, on a scale of from A to D, inclusive, of the severity of the hazard associated with the substance contained in the tank because of the toxic, flammable, or explosive nature of the vapor, gas, or mist produced therefrom. The toxic hazard is determined from the concentration, measured in parts by volume of a gas or vapor, per million parts by volume of contaminated air (p.p.m.), or in milligrams of mist per cubic meter of air (mg./$m.^3$), below which ill effects are unlikely to occur to the exposed worker. The concentrations shall be those in § 1910.93.

(iv) The relative fire or explosion hazard is measured in degrees Fahrenheit in terms of the closed-cup flash point of the substance in the tank. Detailed information on the prevention of fire hazards in dip tanks may be found in Dip Tanks Containing Flammable or Combustible Liquids, NFPA No. 34–1966, National Fire Protection Association. Where the tank contains a mixture of liquids, other than organic solvents, whose effects are additive, the hygienic standard of the most toxic component (for example, the one having the lowest p.p.m. or mg./$m.^3$) shall be used, except where such substance constitutes an insignificantly small fraction of the mixture. For mixtures of organic solvents, their combined effect, rather than that of either individually, shall determine the hazard potential. In the absence of information to the contrary, the effects shall be considered as additive. If the sum of the ratios of the airborne concentration of each contaminant to the toxic concentration of that contaminant exceeds unity, the toxic concentration shall be considered to have been exceeded. (See Note A to subdivision (v) of this subparagraph.)

(v) Hazard potential shall be determined from Table G–12, with the value indicating greater hazard being used. When the hazardous material may be either a vapor with a threshhold limit value (*TLV*) in p.p.m. or a mist with a *TLV* in mg./$m.^3$, the *TLV* indicating the greater hazard shall be used (for example, A takes precedence over B or C; B over C; C over D).

NOTE A:

$$\frac{c_1}{TLV_1}+\frac{c_2}{TLV_2}+\frac{c_3}{TLV_3}+\ldots\frac{c_N}{TLV_N}>1$$

where:
c=Concentration measured at the operation in p.p.m.

TABLE G-12—DETERMINATION OF HAZARD POTENTIAL

Hazard potential	Toxicity Group		
	Gas or vapor (p.p.m.)	Mist (mg./m^3)	Flash point (in degrees F.)
A	0–10	0–0.1	
B	11–100	0.11–1.0	Under 100
C	101–500	1.1–10	100–200
D	Over 500	Over 10	Over 200

(vi) Rate of gas, vapor, or mist evolution is a numerical index, on a scale of from 1 to 4, inclusive, both of the relative capacity of the tank to produce gas, vapor, or mist and of the relative energy with which it is projected or carried upwards from the tank. Rate is evaluated in terms of

(*a*) The temperature of the liquid in the tank in degrees Fahrenheit;

(*b*) The number of degrees Fahrenheit that this temperature is below the boiling point of the liquid in degrees Fahrenheit;

(*c*) The relative evaporation of the liquid in still air at room temperature in an arbitrary scale—fast, medium, slow, or nil; and

(*d*) The extent that the tank gases or produces mist in an arbitrary scale—high, medium, low, and nil. (See Table G–13, Note 2.) Gasing depends upon electrochemical or mechanical processes, the effects of which have to be individually evaluated for each installation (see Table G–13, Note 3).

(vii) Rate of evolution shall be determined from Table G–13. When evaporation and gassing yield different rates, the lowest numerical value shall be used.

TABLE G-13—DETERMINATION OF RATE OF GAS, VAPOR, OR MIST EVOLUTION[1]

Rate	Liquid temperature, ° F.	Degrees below boiling point	Relative evaporation[2]	Gassing[3]
1	Over 200	0–20	Fast	High.
2	150–200	21–50	Medium	Medium.
3	94–149	51–100	Slow	Low.
4	Under 94	Over 100	Nil	Nil.

NOTE 1. In certain classes of equipment, specifically vapor degreasers, an internal condenser or vapor level thermostat is used to prevent the vapor from leaving the tank during normal operations. In such cases, rate of vapor evolution from the tank into the workroom is not dependent upon the factors listed in the table, but rather upon abnormalities of operating procedure, such as carryout of vapors from excessively fast action, dragout of liquid by entrainment in parts, contamination of solvent by water and other materials, or improper heat balance. When operating procedure is excellent, effective rate of evolution may be taken as 4. When operating procedure is average, the effective rate of evolution may be taken as 3. When operation is poor, a rate of 2 or 1 is indicated, depending upon observed conditions.

NOTE 2. Relative evaporation rate is determined according to the methods described by A. K. Doolittle in Industrial and Engineering Chemistry, vol. 27, p. 1169, (3) where time for 100-percent evaporation is as follows: Fast: 0–3 hours; Medium: 3–12 hours; Slow: 12–50 hours; Nil: more than 50 hours.

NOTE 3. Gassing means the formation by chemical or electrochemical action of minute bubbles of gas under the surface of the liquid in the tank and is generally limited to aqueous solutions.

(3) *Ventilation.* Where ventilation is used to control potential exposures to workers as defined in subparagraph (2) (ii) of this paragraph, it shall be adequate to reduce the concentration of the air contaminant to the degree that a hazard to the worker does not exist. Methods of ventilation are discussed in American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960.

(4) *Control requirements.* (i) Control velocities shall conform to Table G–14 in all cases where the flow of air past the breathing or working zone of the operator and into the hoods is undisturbed by local environmental conditions, such as open windows, wall fans, unit heaters, or moving machinery.

(ii) All tanks exhausted by means of hoods which

(*a*) Project over the entire tank;

(*b*) Are fixed in position in such a location that the head of the workman, in all his normal operating positions while working at the tank, is in front of all hood openings; and

(*c*) Are completely enclosed on at least two sides, shall be considered to be exhausted through an enclosing hood.

(*d*) The quantity of air in cubic feet per minute necessary to be exhausted through an enclosing hood shall be not less than the product of the control velocity times the net area of all openings in the enclosure through which air can flow into the hood.

TABLE G-14—CONTROL VELOCITIES IN FEET PER MINUTE (F.P.M.) FOR UNDISTURBED LOCATIONS

Class (See Subparagraph (2) and Tables G-12 and G-13)	Enclosing hood (See Subparagraph (4)(ii))		Lateral exhaust [1] (See Subparagraph (4)(iii))	Canopy hood [2] (See Subparagraph (4)(iv))	
	One open side	Two open sides		Three open sides	Four open sides
A-1 and A-2	100	150	150	Do not use	Do not use
A-3 (Note 2), B-1, B-2, and C-1	75	100	100	125	175
B-3, C-2, and D-1 (Note 3)	65	90	75	100	150
A-4 (Note 2), C-3, and D-2 (Note 3)	50	75	50	75	125
B-4, C-4, D-3 (Note 3), and D-4	General room ventilation required.				

[1] See Table G-15 for computation of ventilation rate.

[2] Do not use canopy hood for Hazard Potential A processes.

[3] Where complete control of hot water is desired, design as next highest class.

(iii) All tanks exhausted by means of hoods which do not project over the entire tank, and in which the direction of air movement into the hood or hoods is substantially horizontal, shall be considered to be laterally exhausted. The quantity of air in cubic feet per minute necessary to be laterally exhausted per square foot of tank area in order to maintain the required control velocity shall be determined from Table G–15 for all variations in ratio of tank width (*W*) to tank length (*L*). The total quantity of air in cubic feet per minute required to be exhausted per tank shall be not less than the product of the area of tank surface times the cubic feet per minute per square foot of tank area, determined from Table G–15.

(*a*) For lateral exhaust hoods over 42 inches wide, or where it is desirable to reduce the amount of air removed from the workroom, air supply slots or orifices shall be provided along the side or the center of the tank opposite from the exhaust slots. The design of such systems shall meet the following criteria:

(*1*) The supply air volume plus the entrained air shall not exceed 50 percent of the exhaust volume.

(*2*) The velocity of the supply airstream as it reaches the effective control area of the exhaust slot shall be less than the effective velocity over the exhaust slot area.

(*3*) The vertical height of the receiving exhaust hood, including any baffle, shall not be less than one-quarter the width of the tank.

(*4*) The supply airstream shall not be allowed to impinge on obstructions between it and the exhaust slot in such a manner as to significantly interfere with the performance of the exhaust hood.

TABLE G-15—MINIMUM VENTILATION RATE IN CUBIC FEET OF AIR PER MINUTE PER SQUARE FOOT OF TANK AREA FOR LATERAL EXHAUST

Required minimum control velocity, f.p.m. (from Table G-14)	C.f.m per sq. ft. to maintain required minimum velocities at following ratios (tank width (*W*) /tank length (*L*)).[1] [2]				
	0.0-0.09	0.1-0.24	0.25-0.49	0.5-0.99	1.0-2.0
Hood along one side or two parallel sides of tank when one hood is against a wall or baffle.[2] Also for a manifold along tank centerline.[3]					
50	50	60	75	90	100
75	75	90	110	130	150
100	100	125	150	175	200
150	150	190	225	260	300
Hood along one side or two parallel sides of free standing tank not against wall or baffle.					
50	75	90	100	110	125
75	110	130	150	170	190
100	150	175	200	225	250
150	225	260	300	340	375

[1] It is not practicable to ventilate across the long dimension of a tank whose ratio $\frac{W}{L}$ exceeds 2.0.

It is understandable to do so when $\frac{W}{L}$ exceeds 1.0. For circular tanks with lateral exhaust along up to the circumference, use $W/L=1.0$; for over one-half the circumference use $W/L=0.5$.

[2] Baffle is a vertical plate the same length as the tank, and with the top of the plate as high as the tank is wide. If the exhaust hood is on the side of a tank against a building wall or close to it, it is perfectly baffled.

[3] Use $\frac{W}{2}$ as tank width in computing when manifold is along centerline, or when hoods are used on two parallel sides of a tank.

Tank Width (*W*) means the effective width over which the hood must pull air to operate (for example, where the hood face is set back from the edge of the tank, this set back must be added in measuring tank width). The surface area of tanks can frequently be reduced and better control obtained (particularly on conveyorized systems) by using covers extending from the upper edges of the slots toward the center of the tank.

(5) Since most failure of push-pull systems result from excessive supply air volumes and pressures, methods of measuring and adjusting the supply air shall be provided. When satisfactory control has been achieved, the adjustable features of the hood shall be fixed so that they will not be altered.

(iv) All tanks exhausted by means of hoods which project over the entire tank, and which do not conform to the definition of enclosing hoods, shall be considered to be overhead canopy hoods. The quantity of air in cubic feet per minute necessary to be exhausted through a canopy hood shall be not less than the product of the control velocity times the net area of all openings between the bottom edges of the hood and the top edges of the tank.

(v) The rate of vapor evolution (including steam or products of combustion) from the process shall be estimated. If the rate of vapor evolution is equal to or greater than 10 percent of the calculated exhaust volume required, the exhaust volume shall be increased in equal amount.

(5) *Spray cleaning and degreasing.* Wherever spraying or other mechanical means are used to disperse a liquid above an open-surface tank, control must be provided for the airborne spray. Such operations shall be enclosed as completely as possible. The inward air velocity into the enclosure shall be sufficient to prevent the discharge of spray into the workroom. Mechanical baffles may be used to help prevent the discharge of spray. Spray painting operations are covered by paragraph (c) of this section.

(6) *Control means other than ventilation.* Tank covers, foams, beads, chips, or other materials floating on the tank surface so as to confine gases, mists, or vapors to the area under the cover or to the foam, bead, or chip layer; or surface tension depressive agents added to the liquid in the tank to minimize mist formation, or any combination thereof, may all be used as gas, mist, or vapor control means for open-surface tank operations, provided that they effectively reduce the concentrations of hazardous materials in the vicinity of the worker below the limits set in accordance with subparagraph (2) of this paragraph.

(7) *System design.* (i) The equipment for exhausting air shall have sufficient capacity to produce the flow of air required in each of the hoods and openings of the system.

(ii) The capacity required in subdivision (i) of this subparagraph shall be obtained when the airflow producing equipment is operating against the following pressure losses, the sum of which is the static pressure:

(*a*) Entrance losses into the hood.

(*b*) Resistance to airflow in branch pipe including bends and transformations.

(*c*) Entrance loss into the main pipe.

(*d*) Resistance to airflow in main pipe including bends and transformations.

(*e*) Resistance of mechanical equipment; that is, filters, washers, condensers, absorbers, etc., plus their entrance and exit losses.

(*f*) Resistance in outlet duct and discharge stack.

(iii) Two or more operations shall not be connected to the same exhaust system where either one or the combination of the substances removed may constitute a fire, explosion, or chemical reaction hazard in the duct system. Traps or other devices shall be provided to insure that condensate in ducts does not drain back into any tank.

(iv) The exhaust system, consisting of hoods, ducts, air mover, and discharge outlet shall be designed in accordance with American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960, or the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists. Airflow and pressure loss data provided by the manufacturer of any air cleaning device shall be included in the design calculations.

(8) *Operation.* (i) The required airflow shall be maintained at all times during which gas, mist, or vapor is emitted from the tank, and at all times the tank, the draining, or the drying area is in operation or use. When the system is first installed, the airflow from each hood shall be measured by means of a pitot traverse in the exhaust duct and corrective action taken if the flow is less than that required. When the proper flow is obtained, the hood static pressure shall be measured and recorded. At intervals of not more than 3 months operation, or after a prolonged shutdown period, the hoods and duct system shall be inspected for evidence of corrosion or damage. In any case where the airflow is found to be less than required, it shall be increased to the required value. (Information on airflow and static pressure measurement and calculations may be found in American National Standard Fundamental Governing the Design and Operation of Local Exhaust Systems, Z9.2–1960, or in the manual, Industrial Ventilation, published by the American Conference of Governmental Industrial Hygienists.)

(ii) The exhaust system shall discharge to the outer air in such a manner that the possibility of its effluent entering any building is at a minimum. Recirculation shall only be through a device for contaminant removal which will prevent the creation of a health hazard in the room or area to which the air is recirculated.

(iii) A volume of outside air in the range of 90 percent to 110 percent of the exhaust volume shall be provided to each room having exhaust hoods. The outside air supply shall enter the workroom in such a manner as not to be detrimental to any exhaust hood. The airflow of the makeup air system shall be measured on installation. Periodically, thereafter, the airflow should be remeasured, and corrective action shall be taken when the airflow is below that required. The makeup air shall be uncontaminated.

(9) *Personal protection.* (i) All employees working in and around open-surface tank operations must be instructed as to the hazards of their respective jobs, and in the personal protection and first aid procedures applicable to these hazards.

(ii) All persons required to work in such a manner that their feet may become wet shall be provided with rubber or other impervious boots or shoes, rubbers, or wooden-soled shoes sufficient to keep feet dry.

(iii) All persons required to handle work wet with a liquid other than water shall be provided with gloves impervious to such a liquid and of a length sufficient to prevent entrance of liquid into the tops of the gloves. The interior of gloves shall be kept free from corrosive or irritating contaminants.

(iv) All persons required to work in such a manner that their clothing may become wet shall be provided with such aprons, coats, jackets, sleeves, or other garments made of rubber, or of other materials impervious to liquids other than water, as are required to keep their clothing dry. Aprons shall extend well below the top of boots to prevent liquid splashing into the boots. Provision of dry, clean, cotton clothing along with rubber shoes or short boots and an apron impervious to liquids other than water shall be considered a satisfactory substitute where small parts are cleaned, plated, or acid dipped in open tanks and rapid work is required.

(v) Whenever there is a danger of splashing, for example, when additions are made manually to the tanks, or when acids and chemicals are removed from the tanks, the employees so engaged shall be required to wear either tight-fitting chemical goggles or an effective face shield. See § 1910.133 (b)(6) and (c)(3).

(vi) When, during emergencies as described in subparagraph (11)(v) of this paragraph, workers must be in areas where concentrations of air contaminants are greater than the limit set by subparagraph (2)(ii) of this paragraph, or oxygen concentrations are less than 19.5 percent, they shall be required to wear respirators adequate to reduce their exposure to a level below these limits, or to provide adequate oxygen. Such respirators shall also be provided in marked, quickly accessible storage compartments built for the purpose, when there exists the possibility of accidental release of hazardous concentrations of air contaminants. Respirators shall be approved by the U.S. Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11) and shall be selected by a competent industrial hygienist or other technically qualified source. Respirators shall be used in accordance with § 1910.134 (a), (b), and (c), and persons who may require them shall be trained in their use.

(vii) Near each tank containing a liquid which may burn, irritate, or otherwise be harmful to the skin if splashed upon the worker's body, there shall be a supply of clean cold water. The water pipe (carrying a pressure not exceeding 25 pounds) shall be provided with a quick opening valve and at least 48 inches of hose not smaller than three-fourths inch, so that no time may be lost in washing off liquids from the skin or clothing. Alternatively, deluge showers and eye flushes shall be provided in cases where harmful chemicals may be splashed on parts of the body.

(viii) Operators with sores, burns, or other skin lesions requiring medical treatment shall not be allowed to work at their regular operations until so authorized by a physician. Any small skin abrasions, cuts, rash, or open sores which are found or reported shall be treated by a properly designated person so that chances of exposures to the chemicals are removed. Workers exposed to chromic acids shall have a periodic examination made of the nostrils and other parts of the body, to detect incipient ulceration.

(ix) Sufficient washing facilities, including soap, individual towels, and hot water, shall be provided for all persons required to use or handle any liquids which may burn, irritate, or otherwise be harmful to the skin, on the basis of at least one basin (or its equivalent) with a hot water faucet for every 10 employees. See § 1910.141(d).

(x) Locker space or equivalent clothing storage facilities shall be provided to prevent contamination of street clothing.

(xi) First aid facilities specific to the hazards of the operations conducted shall be readily available.

(10) *Special precautions for cyanide.* Dikes or other arrangements shall be provided to prevent the possibility of intermixing of cyanide and acid in the event of tank rupture.

(11) *Inspection, maintenance, and installation.*

(i) Floors and platforms around tanks shall be prevented from becoming slippery both by original type of construction and by frequent flushing. They shall be firm, sound, and of the design and construction to minimize the possibility of tripping.

(ii) Before cleaning the interior of any tank, the contents shall be drained off, and the cleanout doors shall be opened where provided. All pockets in tanks or pits, where it is possible for hazardous vapors to collect, shall be ventilated and cleared of such vapors.

(iii) Tanks which have been drained to permit employees to enter for the purposes of cleaning, inspection, or maintenance may contain atmospheres which are hazardous to life or health, through the presence of flammable or toxic air contaminants, or through the absence of sufficient oxygen. Before employees shall be permitted to enter any such tank, appropriate tests of the atmosphere shall be made to determine if the limits set by subparagraph (2)(ii) of this paragraph are exceeded, or if the oxygen concentration is less than 19.5 percent.

(iv) If the tests made in accordance with subdivision (iii) of this subparagraph indicate that the atmosphere in the tank is unsafe, before any employee is permitted to enter the tank, the tank shall be ventilated until the hazardous atmosphere is removed, and ventilation shall be continued so as to prevent the occurrence of a hazardous atmosphere as long as an employee is in the tank.

(v) If, in emergencies, such as rescue work, it is necessary to enter a tank which may contain a hazardous atmosphere, suitable respirators, such as self-contained breathing apparatus; hose mask with blower, if there is a possibility of oxygen deficiency; or a gas mask, selected and operated in accordance with subparagraph (9)(vi) of this paragraph, shall be used. If a contaminant in the tank can cause dermatitis, or be absorbed through the skin, the employee entering the tank shall also wear protective clothing. At least one trained standby employee, with suitable respirator, shall be present in the nearest uncontaminated area. The standby employee must be able to communicate with the employee in the tank and be well able to haul him out of the tank with a lifeline if necessary.

(vi) Maintenance work requiring welding or open flame, where toxic metal fumes such as cadmium, chromium, or lead may be evolved, shall be done only with sufficient local exhaust ventilation to prevent the creation of a health hazard, or be done with respirators selected and used in accordance with subparagraph (9)(vi) of this paragraph. Welding, or the use of open flames near any solvent cleaning equipment shall be permitted only after such equipment has first been thoroughly cleared of solvents and vapors.

(12) *Vapor degreasing tanks.* (i) In any vapor degreasing tank equipped with a condenser or vapor level thermostat, the condenser or thermostat shall keep the level of vapors below the top edge of the tank by a distance at least equal to one-half the tank width, or at least 36 inches, whichever is shorter.

(ii) Where gas is used as a fuel for heating vapor degreasing tanks, the combustion chamber shall be of tight construction, except for such openings as the exhaust flue, and those that are necessary for supplying air for combustion. Flues shall be of corrosion-resistant construction and shall extend to the outer air. If mechanical exhaust is used on this flue, a draft diverter shall be used. Special precautions must be taken to prevent solvent fumes from entering the combustion air of this or any other heater when chlorinated or fluorinated hydrocarbon solvents (for example, trichloroethylene; Freon) are used.

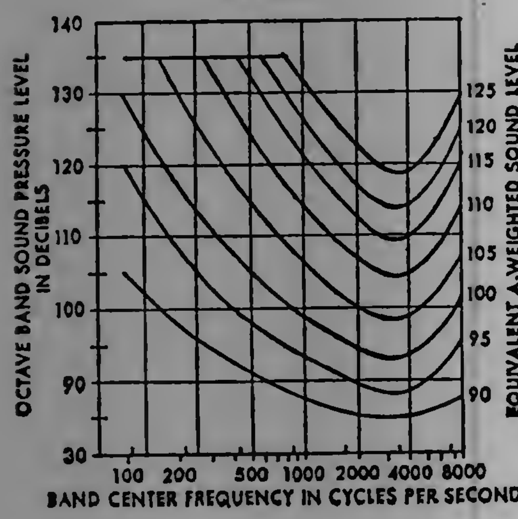
(iii) Heating elements shall be so designed and maintained that their surface temperature will not cause the solvent or mixture to decompose, break down, or be converted into an excessive quantity of vapor.

(iv) Tanks or machines of more than 4 square feet of vapor area, used for solvent cleaning or vapor degreasing, shall be equipped with suitable cleanout or sludge doors located near the bottom of each tank or still. These doors shall be so designed and gasketed that there will be no leakage of solvent when they are closed.

§ 1910.95 Occupational noise exposure.

(a) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table G–16 when measured on the A scale of a standard sound level meter at slow response. When noise levels are determined by octave band analysis, the equivalent A-weighted sound level may be determined as follows:

Figure G-9



Equivalent sound level contours. Octave band sound pressure levels may be converted to the equivalent A-weighted sound level by plotting them on this graph and noting the A-weighted sound level corresponding to the point of highest penetration into the sound level contours. This equivalent A-weighted sound level, which may differ from the actual A-weighted sound level of the noise, is used to determine exposure limits from Table I.G–16.

(b)(1) When employees are subjected to sound exceeding those listed in Table G–16, feasible administrative or engineering controls shall be utilized. If such controls fail to reduce sound levels within the levels of Table G–16, personal protective equipment shall be provided and used to reduce sound levels within the levels of the table.

(2) If the variations in noise level involve maxima at intervals of 1 second or less, it is to be considered continuous.

(3) In all cases where the sound levels exceed the values shown herein, a continuing, effective hearing conservation program shall be administered.

TABLE G–16—PERMISSIBLE NOISE EXPOSURES[1]

Duration per day, hours	*Sound level dBA slow response*
8	90
6	92
4	95
3	97
2	100
1½	102
1	105
½	110
¼ or less	115

[1] When the daily noise exposure is composed of two or more periods of noise exposure of different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: $C1/T1+C2/T2$ Cn/Tn exceeds unity, then, the mixed exposure should be considered to exceed the limit value. Cn indicates the total time of exposure at a specified noise level, and Tn indicates the total time of exposure permitted at that level.

Exposure to impulsive or impact noise should not exceed 140 dB peak sound pressure level.

§ 1910.96 Ionizing radiation.

(a) *Definitions applicable to this section.* (1) "Radiation" includes alpha rays, beta rays, gamma rays, X-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles but such term does not include sound or radio waves, or visible light, or infrared or ultraviolet light.

(2) "Radioactive material" means any material which emits, by spontaneous nuclear disintegration, corpuscular or electromagnetic emanations.

(3) "Restricted area" means any area access to which is controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(4) "Unrestricted area" means any area access to which is not controlled by the employer for purposes of protection of individuals from exposure to radiation or radioactive materials.

(5) "Dose" means the quantity of ionizing radiation absorbed, per unit of mass, by the body or by any portion of the body. When the provisions in this section specify a dose during a period of time, the dose is the total quantity of radiation absorbed, per unit of mass, by the body or by any portion of the body during such period of time. Several different units of dose are in current use. Definitions of units used in this section are set forth in subparagraphs (6) and (7) of this paragraph.

(6) "Rad" means a measure of the dose of any ionizing radiation to body tissues in terms of the energy absorbed per unit of mass of the tissue. One rad is the dose corresponding to the absorption of 100 ergs per gram of tissue (1 millirad (mrad) = 0.001 rad).

(7) "Rem" means a measure of the dose of any ionizing radiation to body tissue in terms of its estimated biological effect relative to a dose of 1 roentgen (r) of X-rays (1 millirem (mrem) = 0.001 rem). The relation of the rem to other dose units depends upon the biological effect under consideration and upon the conditions for irradiation. Each of the following is considered to be equivalent to a dose of 1 rem:

(i) A dose of 1 rad due to X- or gamma radiation;

(ii) A dose of 1 rad due to X-, gamma, or beta radiation;

(iii) A dose of 0.1 rad due to neutrons or high energy protons;

(iv) A dose of 0.05 rad due to particles heavier than protons and with sufficient energy to reach the lens of the eye;

(v) If it is more convenient to measure the neutron flux, or equivalent, than to determine the neutron dose in rads, as provided in subdivision (iii) of this subparagraph, 1 rem of neutron radiation may, for purposes of the provisions in this section be assumed to be equivalent to 14 million neutrons per square centimeter incident upon the body; or, if there is sufficient information to estimate with reasonable accuracy the approximate distribution in energy of the neutrons, the incident number of neutrons per square centimeter equivalent to 1 rem may be estimated from Table G–17:

TABLE G–17—NEUTRON FLUX DOSE EQUIVALENTS

Neutron energy (million electron volts (Mev))	Number of neutrons per square centimeter equivalent to a dose of 1 rem (neutrons/cm²)	Average flux to deliver 100 millirem in 40 hours (neutrons/cm² per sec.)
Thermal	970×10^6	670
0.0001	720×10^6	500
0.005	820×10^6	570
0.02	400×10^6	280
0.1	120×10^6	80
0.5	43×10^6	30
1.0	26×10^6	18
2.5	29×10^6	20
5.0	26×10^6	18
7.5	24×10^6	17
10	24×10^6	17
10 to 30	14×10^6	10

(8) For determining exposures to X- or gamma rays up to 3 Mev., the dose limits specified in this section may be assumed to be equivalent to the "air dose". For the purpose of this section "air dose" means that the dose is measured by a properly calibrated appropriate instrument in air at or near the body surface in the region of the highest dosage rate.

(b) *Exposure of individuals to radiation in restricted areas.* (1) Except as provided in subparagraph (2) of this paragraph, no employer shall possess, use, or transfer sources of ionizing radiation in such a manner as to cause any individual in a restricted area to receive in any period of one calendar quarter from sources in the employer's possession or control a dose in excess of the limits specified in Table G–18:

TABLE G–18

	Rems per calendar quarter
Whole body: Head and trunk; active blood-forming organs; lens of eyes; or gonads	1¼
Hands and forearms; feet and ankles	18¾
Skin of whole body	7½

(2) An employer may permit an individual in a restricted area to receive doses to the whole body greater than those permitted under subparagraph (1) of this paragraph, so long as:

(i) During any calendar quarter the dose to the whole body shall not exceed 3 rems; and

(ii) The dose to the whole body, when added to the accumulated occupational dose to the whole body, shall not exceed 5 (N–18) rems, where "N" equals the individual's age in years at his last birthday; and

(iii) The employer maintains adequate past and current exposure records which show that the addition of such a dose will not cause the individual to exceed the amount authorized in this subparagraph. As used in this subparagraph. "Dose to the whole body" shall be deemed to include any dose to the whole body, gonad, active bloodforming organs, head and trunk, or lens of the eye.

(3) No employer shall permit any employee who is under 18 years of age to receive in any period of one calendar quarter a dose in excess of 10 percent of the limits specified in Table G–18.

(4) "Calendar quarter" means any 3-month period determined as follows:

(i) The first period of any year may begin on any date in January: *Provided,* That the second, third, and fourth periods accordingly begin on the same date in April, July, and October, respectively, and that the fourth period extends into January of the succeeding year, if necessary to complete a 3-month quarter. During the first year of use of this method of determination, the first period for that year shall also include any additional days in January preceding the starting date for the first period; or

(ii) The first period in a calendar year of 13 complete, consecutive calendar weeks; the second period in a calendar year of 13 complete consecutive weeks; the third period in a calendar year of 13 complete, consecutive calendar weeks; the fourth period in a calendar year of 13 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of that year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included within the last complete calendar week of the previous year; or

(iii) The four periods in a calendar year may consist of the first 14 complete, consecutive calendar weeks; the next 12 complete, consecutive calendar weeks, the next 14 complete, consecutive calendar weeks, and the last 12 complete, consecutive calendar weeks. If at the end of a calendar year there are any days not falling within a complete calendar week of that year, such days shall be included (for purposes of this section) within the last complete calendar week of the year. If at the beginning of any calendar year there are days not falling within a complete calendar week of that year, such days shall be included (for purposes of this section) within the last complete week of the previous year.

(5) No employer shall change the method used by him to determine calendar quarters except at the beginning of a calendar year.

(c) *Exposure to airborne radioactive material.* (1) No employer shall possess, use or transport radioactive material in such a manner as to cause any employee, within a restricted area, to be exposed to airborne radioactive material in an average concentration in excess of the limits specified in Table 1 of Appendix B to 10 CFR Part 20. The limits given in Table 1 are for exposure to the concentrations specified for 40 hours in any workweek of 7 consecutive days. In any such period where the number of hours of exposure is less than 40, the limits specified in the table may be increased proportionately. In any such period where the number of hours of exposure is greater than 40, the limits specified in the table shall be decreased proportionately.

(2) No employer shall possess, use, or transfer radioactive material in such a manner as to cause any individual within a restricted area, who is under 18 years of age, to be exposed to airborne radioactive material in an average concentration in excess of the limit specified in Table II of Appendix B to 10 CFR Part 20. For purposes of this subparagraph, concentrations may be averaged over periods not greater than 1 week.

(3) "Exposed" as used in this paragraph means that the individual is present in an airborne concentration. No allowance shall be made for the use of protective clothing or equipment, or particle size.

(d) *Precautionary procedures and personal monitoring.* (1) Every employer shall make such surveys as may be necessary for him to comply with the provisions in this section. "Survey" means an evaluation of the radiation hazards incident to the production, use, release, disposal, or presence of radioactive materials or other sources of radiation under a specific set of conditions. When appropriate, such evaluation includes a physical survey of the location of materials and equipment, and measurements of levels of radiation or concentrations of radioactive material present.

(2) Every employer shall supply appropriate personnel monitoring equipment, such as film badges, pocket chambers, pocket dosimeters, or film rings, to, and shall require the use of such equipment by:

(i) Each employee who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 25 percent of the applicable value specified in paragraph (a)(1) of this section; and

(ii) Each employee under 18 years of age who enters a restricted area under such circumstances that he receives, or is likely to receive, a dose in any calendar quarter in excess of 5 percent of the applicable value specified in paragraph (a)(1) of this section; and

(iii) Each employee who enters a high radiation area.

(3) As used in this section:

(i) "Personnel monitoring equipment" means devices designed to be worn or carried by an individual for the purpose of measuring the dose received (e.g., film badges, pocket chambers, pocket dosimeters, film rings, etc.);

(ii) "Radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any 1 hour a dose in excess of 5 millirem, or in any 5 consecutive days a dose in excess of 100 millirem; and

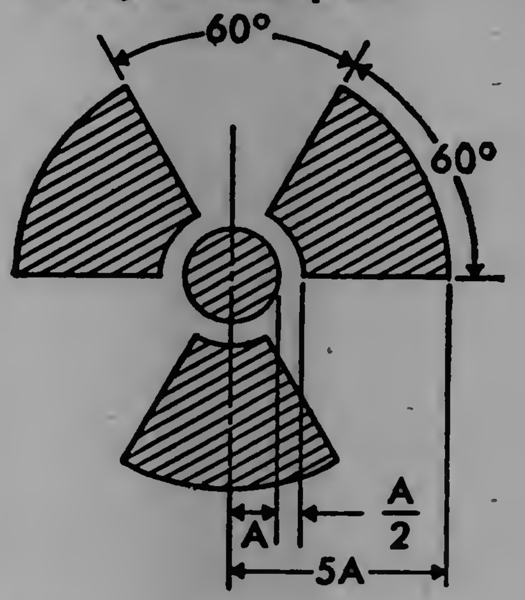
(iii) "High radiation area" means any area, accessible to personnel, in which there exists radiation at such levels that a major portion of the body could receive in any one hour a dose in excess of 100 millirem.

(e) *Caution signs, labels, and signals*—(1) *General.* (i) Symbols prescribed by this paragraph shall use the conventional radiation caution colors (magenta or purple on yellow background). The symbol prescribed by this paragraph is the conventional three-bladed design:

RADIATION SYMBOL

1. Cross-hatched area is to be magenta or purple.

2. Background is to be yellow.



(ii) In addition to the contents of signs and labels prescribed in this paragraph, employers may provide on or near such signs and labels any additional information which may be appropriate in aiding individuals to minimize exposure to radiation or to radioactive material.

(2) *Radiation area.* Each radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION
RADIATION AREA

(3) *High radiation area.* (i) Each high radiation area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol and the words:

CAUTION
HIGH RADIATION AREA

(ii) Each high radiation area shall be equipped with a control device which shall either cause the level of radiation to be reduced below that at which an individual might receive a dose of 100 millirems in 1 hour upon entry into the area or shall energize a conspicuous visible or audible alarm signal in such a manner that the individual entering and the employer or a supervisor of the activity are made aware of the entry. In the case of a high radiation area established for a period of 30 days or less, such control device is not required.

(4) *Airborne radioactivity area.* (i) As used in the provisions of this section, "airborne radioactivity area" means:

(*a*) Any room, enclosure, or operating area in which airborne radioactive materials, composed wholly or partly of radioactive material, exist in concentrations in excess of the amounts specified in column 1 of Table 1 of Appendix B to 10 CFR Part 20 or

(*b*) Any room, enclosure, or operating area in which airborne radioactive materials exist in concentrations which, averaged over the number of hours in any week during which individuals are in the area, exceed 25 percent of the amounts specified in column 1 of Table 1 of Appendix B to 10 CFR Part 20.

(ii) Each airborne radioactivity area shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION
AIRBORNE RADIOACTIVITY AREA

(5) *Additional requirements.*

(i) Each area or room in which radioactive material is used or stored and which contains any radioactive material (other than natural uranium or thorium) in any amount exceeding 10 times the quantity of such material specified in Appendix C to 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION
RADIOACTIVE MATERIALS

(ii) Each area or room in which natural uranium or thorium is used or stored in an amount exceeding 100 times the quantity of such material specified in 10 CFR Part 20 shall be conspicuously posted with a sign or signs bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION
RADIOACTIVE MATERIALS

(6) *Containers.* (i) Each container in which is transported, stored, or used a quantity of any radioactive material (other than natural uranium or thorium) greater than the quantity of such material specified in Appendix C of 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol described in subparagraph (1) of the paragraph and the words:

CAUTION
RADIOACTIVE MATERIALS

(ii) Each container in which natural uranium or thorium is transported, stored, or used in a quantity greater than 10 times the quantity specified in Appendix C to 10 CFR Part 20 shall bear a durable, clearly visible label bearing the radiation caution symbol described in subparagraph (1) of this paragraph and the words:

CAUTION
RADIOACTIVE MATERIALS

(iii) Notwithstanding the provisions of subdivisions (i) and (ii) of this subparagraph a label shall not be required:

(*a*) If the concentration of the material in the container does not exceed that specified in column 2 of Table 1 of Appendix B to 10 CFR Part 20, or

(*b*) For laboratory containers, such as beakers, flasks, and test tubes, used transiently in laboratory procedures, when the user is present.

(iv) Where containers are used for storage, the labels required in this subparagraph shall state also the quantities and kinds of radioactive materials in the containers and the date of measurement of the quantities.

(f) *Immediate evacuation warning signal*—(1) *Signal characteristics.* (i) The signal shall be a midfrequency complex sound wave amplitude modulated at a subsonic frequency. The complex sound wave in free space shall have a fundamental frequency (f_1) between 450 and 500 hertz (Hz) modulated at a subsonic rate between 4 and 5 hertz.

(ii) The signal generator shall not be less than 75 decibels at every location where an individual may be present whose immediate, rapid, and complete evacuation is essential.

(iii) A sufficient number of signal units shall be installed such that the requirements of subdivision (ii) of this subparagraph are met at every location where an individual may be present whose immediate, rapid, and complete evacuation is essential.

(iv) The signal shall be unique in the plant or facility in which it is installed.

(v) The minimum duration of the signal shall be sufficient to insure that all affected persons hear the signal.

(vi) The signal-generating system shall respond automatically to an initiating event without requiring any human action to sound the signal.

(2) *Design objectives.* (i) The signal-generating system shall be designed to incorporate components which enable the system to produce the desired signal each time it is activated within one-half second of activation.

(ii) The signal-generating system shall be provided with an automatically activated secondary power supply which is adequate to simultaneously power all emergency equipment to which it is connected, if operation during power failure is necessary, except in those systems using batteries as the primary source of power.

(iii) All components of the signal-generating system shall be located to provide maximum practicable protection against damage in case of fire, explosion, corrosive atmosphere, or other environmental extremes consistent with adequate system performance.

(iv) The signal-generating system shall be designed with the minimum number of components necessary to make it function as intended, and should utilize components which do not require frequent servicing such as lubrication or cleaning.

(v) Where several activating devices feed activating information to a central signal generator, failure of any activating device shall not render the signal-generator system inoperable to activating information from the remaining devices.

(vi) The signal-generating system shall be designed to enhance the probability that alarm occurs only when immediate evacuation is warranted. The number of false alarms shall not be so great that the signal will come to be disregarded and shall be low enough to minimize personal injuries or excessive property damage that might result from such evacuation.

(3) *Testing.* (i) Initial tests, inspections, and checks of the signal-generating system shall be made to verify that the fabrication and installation were made in accordance with design plans and specifications and to develop a thorough knowledge of the performance of the system and all components under normal and hostile conditions.

(ii) Once the system has been placed in service, periodic tests, inspections, and checks shall be made to minimize the possibility of malfunction.

(iii) Following significant alterations or revisions to the system, tests and checks similar to the initial installation tests shall be made.

(iv) Tests shall be designed to minimize hazards while conducting the tests.

(v) Prior to normal operation the signal-generating system shall be checked physically and functionally to assure reliability and to demonstrate accuracy and performance. Specific tests shall include:

(*a*) All power sources.

(*b*) Calibration and calibration stability.

(*c*) Trip levels and stability.

(*d*) Continuity of function with loss and return of required services such as AC or DC power, air pressure, etc.

(*e*) All indicators.

(*f*) Trouble indicator circuits and signals, where used.

(*g*) Air pressure (if used).

(*h*) Determine that sound level of the signal is within the limit of subparagraph (1)(i) of this paragraph at all points that require immediate evacuation.

(vi) In addition to the initial startup and operating tests, periodic scheduled performance tests and status checks must be made to insure that the system is at all times operating within design limits and capable of the required response. Specific periodic tests or checks or both shall include:

(*a*) Adequacy of signal activation devices.

(*b*) All power sources.

(*c*) Function of all alarm circuits and trouble indicator circuits including trip levels.

(*d*) Air pressure (if used).

(*e*) Function of entire system including operation without power where required.

(*f*) Complete operational tests including sounding of the signal and determination that sound levels are adequate.

(vii) Periodic tests shall be scheduled on the basis of need, experience, difficulty, and disruption of operations. The entire system should be operationally tested at least quarterly.

(viii) All employees whose work may necessitate their presence in an area covered by the signal shall be made familiar with the actual sound of the signal—preferably as it sounds at their work location. Before placing the system into operation, all employees normally working in the area shall be made acquainted with the signal by actual demonstration at their work locations.

(g) *Exceptions from posting requirements.* Notwithstanding the provisions of paragraph (e) of this section:

(1) A room or area is not required to be posted with a caution sign because of the presence of a sealed source, provided the radiation level 12 inches from the surface of the source container or housing does not exceed 5 millirem per hour.

(2) Rooms or other areas in onsite medical facilities are not required to be posted with caution signs because of the presence of patients containing radioactive material, provided that there are personnel in attendance who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive material in excess of the limits established in the provisions of this section.

(3) Caution signs are not required to be posted at areas or rooms containing radioactive materials for periods of less than 8 hours: *Provided*, That

(i) The materials are constantly attended during such periods by an individual who shall take the precautions necessary to prevent the exposure of any individual to radiation or radioactive materials in excess of the limits established in the provisions of this section; and

(ii) Such area or room is subject to the employer's control.

(h) *Exemptions for radioactive materials packaged for shipment.* Radioactive materials packaged and labeled in accordance with regulations of the Department of Transportation published in 49 CFR Chapter I, are exempt from the labeling and posting requirements of this subpart during shipment, provided that the inside containers are labeled in accordance with the provisions of paragraph (e) of this section.

(i) *Instruction of personnel posting.* (1) Employers regulated by the Atomic Energy Commission shall be governed by 10 CFR Part 20 standards. Employers in a State named in paragraph (p)(3) of this section shall be governed by the requirements of the laws and regulations of that State. All other employers shall be regulated by the following:

(2) All individuals working in or frequenting any portion of a radiation area shall be informed of the occurrence of radioactive materials or of radiation in such portions of the radiation area; shall be instructed in the safety problems associated with exposure to such materials or radiation and in precautions or devices to minimize exposure; shall be instructed in the applicable provisions of this section for the protection of employees from exposure to radiation or radioactive materials; and shall be advised of reports of radiation exposure which employees may request pursuant to the regulations in this section.

(3) Each employer to whom this section applies shall post a current copy of its provisions and a copy of the operating procedures applicable to the work conspicuously in such locations as to insure that employees working in or frequenting radiation areas will observe these documents on the way to and from their place of employment, or shall keep such documents available for examination of employees upon request.

(j) *Storage of radioactive materials.* Radioactive materials stored in a nonradiation area shall be secured against unauthorized removal from the place of storage.

(k) *Waste disposal.* No employer shall dispose of radioactive material except by transfer to an authorized recipient, or in a manner approved by the Atomic Energy Commission or a State named in paragraph (p)(3) of this section.

(l) *Notification of incidents*—(1) *Immediate notification.* Each employer shall immediately notify the Assistant Secretary of Labor or his duly authorized representative, for employees not protected by the Atomic Energy Commission by means of 10 CFR Part 20; paragraph (p)(2) of this section, or the requirements of the laws and regulations of States named in paragraph (p)(3) of this section, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(i) Exposure of the whole body of any individual to 25 rems or more of radiation; exposure of the skin of the whole body of any individual to 150 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms of any individual to 375 rems or more of radiation; or

(ii) The release of radioactive material in concentrations which, if averaged over a period of 24 hours, would exceed 5,000 times the limit specified for such materials in Table II of Appendix B to 10 CFR Part 20.

(iii) A loss of 1 working week or more of the operation of any facilities affected; or

(iv) Damage to property in excess of $100,000.

(2) *Twenty-four hour notification.* Each employer shall within 24 hours following its occurrence notify the Assistant Secretary of Labor or his duly authorized representative for employees not protected by the Atomic Energy Commission by means of 10 CFR Part 20; paragraph (p)(2) of this section, or the requirements of the laws and applicable regulations of States named in paragraph (p)(3) of this section, by telephone or telegraph of any incident involving radiation which may have caused or threatens to cause:

(i) Exposure of the whole body of any individual to 5 rems or more of radiation; exposure of the skin of the whole body of any individual to 30 rems or more of radiation; or exposure of the feet, ankles, hands, or forearms to 75 rems or more of radiation; or

(ii) A loss of 1 day or more of the operation of any facilities; or

(iii) Damage to property in excess of $10,000.

(m) *Reports of overexposure and excessive levels and concentrations.* (1) In addition to any notification required by paragraph (l) of this section each employer shall make a report in writing within 30 days to the Assistant Secretary of Labor or his duly authorized representative, for employees not protected by the Atomic Energy Commission by means of 10 CFR Part 20; or under paragraph (p)(2) of this section, or the requirements of the laws and regulations of States named in paragraph (p)(3) of this section, of each exposure of an individual to radiation or concentrations of radioactive material in excess of any applicable limit in this section. Each report required under this subparagraph shall describe the extent of exposure of persons to radiation or to radioactive material; levels of radiation and concentration, of radioactive material involved, the cause of the exposure levels of concentrations; and corrective steps taken or planned to assure against a recurrence.

(2) In any case where an employer is required pursuant to the provisions of this paragraph to report to the U.S. Department of Labor any exposure of an individual to radiation or to concentrations of radioactive material, the employer shall also notify such individual of the nature and extent of exposure. Such notice shall be in writing and shall contain the following statement: "You should preserve this report for future reference."

(n) *Records.* (1) Every employer shall maintain records of the radiation exposure of all employees for whom personnel monitoring is required under paragraph (d) of this section and advise each of his employees of his individual exposure on at least an annual basis.

(2) Every employer shall maintain records in the same units used in tables in paragraph (b) of this section and Appendix B to 10 CFR Part 20.

(o) *Disclosure to former employee of individual employee's record.* (1) At the request of a former employee an employer shall furnish to the employee a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to paragraph (n)(1) of this section. Such report shall be furnished within 30 days from the time the request is made, and shall cover each calendar quarter of the individual's employment involving exposure to radiation or such lesser period as may be requested by the employee. The report shall also include the results of any calculations and analysis of radioactive material deposited in the body of the employee. The report shall be in writing and contain the following statement: "You should preserve this report for future reference."

(2) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

(p) *Atomic Energy Commission licensees—AEC contractors operating AEC plants and facilities—AEC Agreement State licensees or registrants.* (1) Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended, under a license issued by the Atomic Energy Commission and in accordance with the requirements of 10 CFR Part 20 shall be deemed to be in compliance with the requirements of this section with respect to such possession and use.

(2) AEC contractors operating AEC plants and facilities: Any employer who possesses or uses source material, byproduct material, special nuclear material, or other radiation sources under a contract with the Atomic Energy Commission for the operation of AEC plants and facilities and in accordance with the standards, procedures, and other requirements for radiation protection established by the Commission for such contract pursuant to the Atomic Energy Act of 1954 as amended (42 U.S.C. 2011 et seq.), shall be deemed to be in compliance with the requirements of this section with respect to such possession and use.

(3) AEC-agreement State licensees or registrants:

(i) *Atomic Energy Act sources.* Any employer who possesses or uses source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by, a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021(b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this section, insofar as his possession and use of such material is concerned, unless the Secretary of Labor, after conference with the Atomic Energy Commission, shall determine that the State's program for control of these radiation sources is incompatible with the requirements of this section. Such agreements currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, Washington, Maryland, North Dakota, South Carolina, and Georgia.

(ii) *Other sources.* Any employer who possesses or uses radiation sources other than source material, byproduct material, or special nuclear material, as defined in the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 et seq.), and has either registered such sources with, or is operating under a license issued by a State which has an agreement in effect with the Atomic Energy Commission pursuant to section 274(b) (42 U.S.C. 2021 (b)) of the Atomic Energy Act of 1954, as amended, and in accordance with the requirements of that State's laws and regulations shall be deemed to be in compliance with the radiation requirements of this section, insofar as his possession and use of such material is concerned, provided the State's program for control of these radiation sources is the subject of a currently effective determination by the Assistant Secretary of Labor that such program is compatible with the requirements of this section. Such determinations currently are in effect only in the States of Alabama, Arkansas, California, Kansas, Kentucky, Florida, Mississippi, New Hampshire, New York, North Carolina, Texas, Tennessee, Oregon, Idaho, Arizona, Colorado, Louisiana, Nebraska, Washington, Maryland, North Dakota, South Carolina, and Georgia.

(q) [Reserved]

(r) *Radiation standards for mining.* (1) For the purpose of this paragraph, a "working level" is defined as any combination of radon daughters in 1 liter of air which will result in the ultimate emission of 1.3×10^5 million electron volts of potential alpha energy. The numerical value of the "working level" is derived from the alpha energy released by the total decay of short-lived radon daughter products in equilibrium with 100 picocuries of radon 222 per liter of air. A working level month is defined as the exposure received by a worker breathing air at one working level concentration for 4⅓ weeks of 40 hours each.

(2) Occupational exposure to radon daughters in mines shall be controlled so that no individual will receive an exposure of more than 2 working level months in any calendar quarter and no more than 4 working level months in any calendar year. Actual exposures shall be kept as far below these values as practicable.

(3)(i) For uranium mines, records of environmental concentrations in the occupied parts of the mine, and of the time spent in each area by each person involved in an underground work shall be established and maintained. These records shall be in sufficient detail to permit calculations of the exposures, in units of working level months, of the individuals and shall be available for inspection by the Secretary of Labor or his authorized agents.

(ii) For other than uranium mines and for surface workers in all mines, subdivision (i) of this subparagraph will be applicable: *Provided, however,* That if no environmental sample shows a concentration greater than 0.33 working level in any occupied part of the mine, the maintenance of individual occupancy records and the calculation of individual exposures will not be required.

(4)(i) At the request of an employee (or former employee) a report of the employee's exposure to radiation as shown in records maintained by the employer pursuant to subparagraph (3) of this paragraph, shall be furnished to him. The report shall be in writing and contain the following statement:

> This report is furnished to you under the provisions of the U.S. Department of Labor, Ionizing Radiation Safety and Health Standards (29 CFR 1910.96(q)). You should preserve this report for future reference.

(ii) The former employee's request should include appropriate identifying data, such as social security number and dates and locations of employment.

§ 1910.97 Nonionizing radiation.

(a) *Electromagnetic radiation*—(1) *Definitions applicable to this paragraph.* (i) The term "electromagnetic radiation" is restricted to that portion of the spectrum commonly defined as the radio frequency region, which for the purpose of this specification shall include the microwave frequency region.

(ii) *Partial body irradiation.* Pertains to the case in which part of the body is exposed to the incident electromagnetic energy.

(iii) *Radiation protection guide.* Radiation level which should not be exceeded without careful consideration of the reasons for doing so.

(iv) The word "symbol" as used in this specification refers to the overall design, shape, and coloring of the rf radiation sign shown in figure G–11.

(v) *Whole body irradiation.* Pertains to the case in which the entire body is exposed to the incident electromagnetic energy or in which the cross section of the body is smaller than the cross section of the incident radiation beam.

(2) *Radiation protection guide.* (i) For normal environmental conditions and for incident electromagnetic energy of frequencies from 10 MHz to 100 GHz, the radiation protection guide is 10 mW/cm.^{2} (milliwatt per square centimeter) as averaged over any possible 0.1-hour period. This means the following:

Power density: 10 mW./cm.^{2} for periods of 0.1-hour or more.

Energy density: 1 mW.-hr./cm.^{2} (milliwatt hour per square centimeter) during any 0.1-hour period.

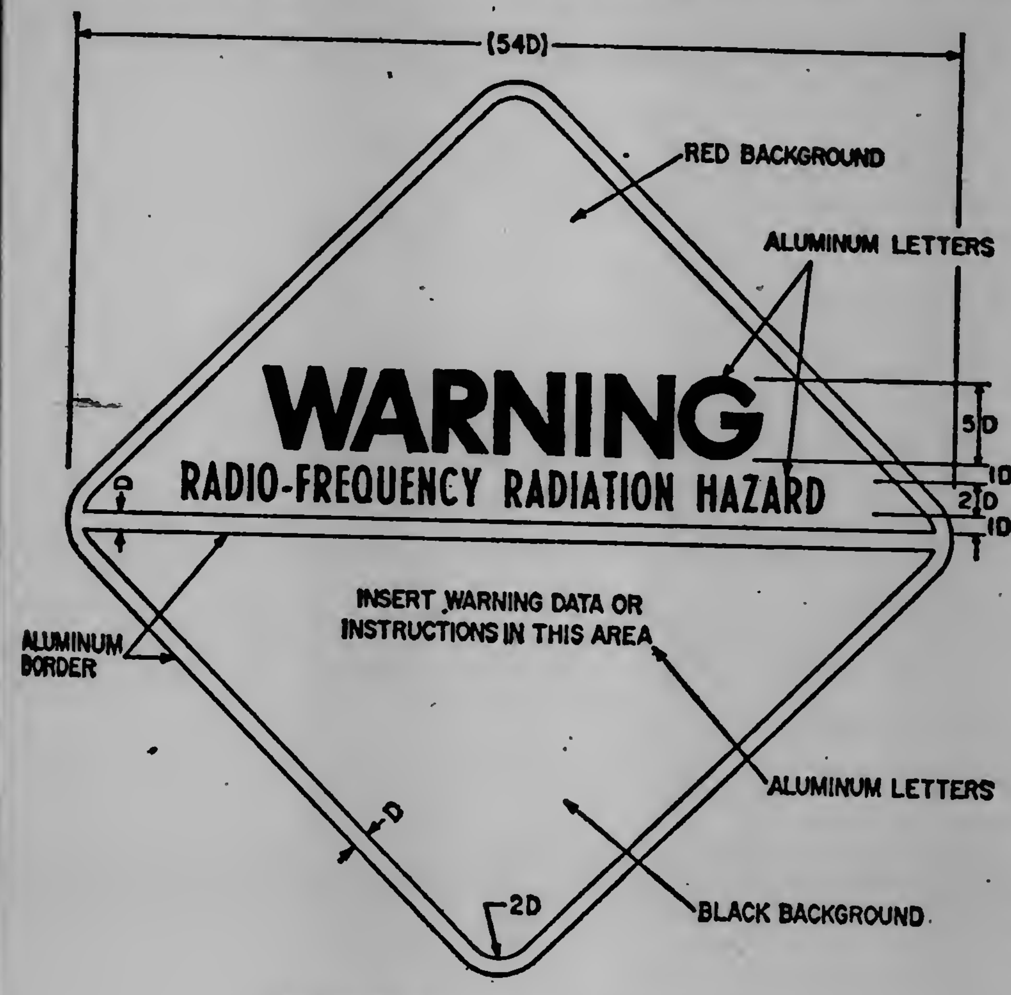
This guide applies whether the radiation is continuous or intermittent.

(ii) These formulated recommendations pertain to both whole body irradiation and partial body irradiation. Partial body irradiation must be included since it has been shown that some parts of the human body (e.g., eyes, testicles) may be harmed if exposed to incident radiation levels significantly in excess of the recommended levels.

(3) *Warning symbol.* (i) The warning symbol for radio frequency radiation hazards shall consist of a red isosceles triangle above an inverted black isosceles triangle, separated and outlined by an aluminum color border. The words "Warning—Radio-Frequency Radiation Hazard" shall appear in the upper triangle. See figure G–11.

(ii) American National Standard Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1–1953, shall be used for color specification. All lettering and the border shall be of aluminum color.

(iii) The inclusion and choice of warning information or precautionary instructions is at the discretion of the user. If such information is included it shall appear in the lower triangle of the warning symbol.



1. Place handling and mounting instructions on reverse side.
2. D=Scaling unit.
3. Lettering: Ratio of letter height to thickness of letter lines.

Upper triangle:	5 to 1	Large
	6 to 1	Medium
Lower triangle	4 to 1	Small
	6 to 1	Medium

4. Symbol is square, triangles are right-angle isosceles.

Fig. G-11
Radio-Frequency Radiation Hazard Warning Symbol

§ 1910.98 Additional delay in effective date.

The requirements of this Subpart G shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon the commencement of the Walsh-Healey requirement.

§ 1910.99 Sources of standards.

Section	Source
1910.93	41 CFR 50–204.50, except for Table G–2, the source of which is American National Standards Institute, Z37 series.
1910.94(a)	ANSI N2.3–1967, Immediate and Safe Practices, of Abrasive Blasting Operations.
1910.94(b)	ANSI Z43.1–966, Ventilation Control of Grinding, Polishing, and Buffing Operations.
1910.94(c)	ANSI Z9.3–1970, Safety Code for the Design, Construction and Ventilation of Spray Finishing Operations.
1910.94(d)	ANSI Z9.1–1969, Safety Code for. Ventilation and Operation of Open-Surface Tanks.
1910.95	41 CFR 50–204.10.
1910.96 (a) through (e) and (g) through (r).	41 CFR 50–204.20.
1910.96(f)	ANSI N2.3–1967, Immediate Evacuation Signal for Use in Industrial Installations Where Radiation Exposure May Occur.
1910.97	ANSI C95.1–1966, Safety Level of Electromagnetic Radiation with Respect to Personnel and American National Standards Institute C95.2–1966, Radio Frequency Radiation Hazard and Warning Signal.

§ 1910.100 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the standards may be obtained from the issuing organization.

American Conference of Governmental Industrial Hygienists, 1014 Broadway, Cincinnati, OH 45202.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

Subpart H—Hazardous Materials

§ 1910.101 Compressed gases (general requirements).

(a) *Inspection of compressed gas cylinders.* Each employer shall determine that compressed gas cylinders under his control are in a safe condition to the extent that this can be determined by visual inspection. Visual and other inspections shall be conducted as prescribed in the Hazardous Materials Regulations of the Department of Transportation (49 CFR Parts 171–179 and 14 CFR Part 103). Where those regulations are not applicable, visual and other inspections shall be conducted in accordance with Compressed Gas Association Pamphlets C–6–1968 and C–8–1962.

(b) *Compressed gases.* The in-plant handling, storage, and utilization of all compressed gases in cylinders, portable tanks, rail tankcars, or motor vehicle cargo tanks shall be in accordance with Compressed Gas Association Pamphlet P–1–1965.

(c) *Safety relief devices for compressed gas containers.* Compressed gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963.

§ 1910.102 Acetylene.

(a) *Cylinders.* The in-plant transfer, handling, storage, and utilization of acetylene in cylinders shall be in accordance with Compressed Gas Association Pamphlet G–1–1966.

(b) *Piped systems.* The piped systems for the inplant transfer and distribution of acetylene shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G–1.3–1959.

(c) *Generators and filling cylinders.* Plants for the generation of acetylene and the charging (filling) of acetylene cylinders shall be designed, constructed, and tested in accordance with the standards prescribed in Compressed Gas Association Pamphlet G–1.4–1966.

§ 1910.103 Hydrogen.

(a) *General*—(1) *Definitions.* As used in this section (i) Gaseous hydrogen system is one in which the hydrogen is delivered, stored and discharged in the gaseous form to consumer's piping. The system includes stationary or movable containers, pressure regulators, safety relief devices, manifolds, interconnecting piping and controls. The system terminates at the point where hydrogen at service pressure first enters the consumer's distribution piping.

(ii) Approved—Means unless otherwise indicated listed or approved by the following nationally recognized testing laboratories: Underwriters Laboratories, Inc., and Factory Mutual Engineering Corp.

(iii) Listed—See "approved".

(iv) ASME—American Society of Mechanical Engineers.

(v) DOT Specifications—Regulations of the Department of Transportation published in 49 CFR Chapter I.

(vi) DOT regulations—See § 1910.103 (a)(1)(v).

(2) *Application.* The in-plant transfer, handling, storage, and utilization of hydrogen shall be in accordance with Compressed Gas Association Pamphlets G–5.1–1961 and G–5.2–1966.

(b) *Gaseous hydrogen systems*—(1) *Design.*

(i) *Containers.* (*a*) Hydrogen containers shall comply with one of the following:

(*1*) Designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(*2*) Designed, construction, tested and maintained in accordance with U.S. Department of Transportation Specifications and Regulations.

(*b*) Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(c) Each portable container shall be legibly marked with the name "Hydrogen" in accordance with "Marking Portable Compressed Gas Containers to Identify the Material Contained" ANSI Z48.1—1954. Each manifolded hydrogen supply unit shall be legibly marked with the name Hydrogen or a legend such as "This unit contains hydrogen."

(ii) *Safety relief devices.* (*a*) Hydrogen containers shall be equipped with safety relief devices as required by the ASME Boiler and Pressure Vessel Code, Section VIII Unfired Pressure Vessels, 1968 or the DOT Specification and Regulations under which the container is fabricated.

(*b*) Safety relief devices shall be arranged to discharge upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container, adjacent structure of personnel. This requirement does not apply to DOT Specification containers having an internal volume of 2 cubic feet or less.

(*c*) Safety relief devices or vent piping shall be designed or located so that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(iii) *Piping, tubing, and fittings.*—(*a*) Piping, tubing, and fittings shall be suitable for hydrogen service and for the pressures and temperatures involved. Cast iron pipe and fittings shall not be used.

(*b*) Piping and tubing shall conform to Section 2—"Industrial Gas and Air Piping"—Code for Pressure Piping, ANSI B31.1–1967 with addenda B31.1–1969.

(*c*) Joints in piping and tubing may be made by welding or brazing or by use of flanged, threaded, socket, or compression fittings. Gaskets and thread sealants shall be suitable for hydrogen service.

(iv) *Equipment assembly.* (*a*) Valves, gauges, regulators, and other accessories shall be suitable for hydrogen service.

(*b*) Installation of hydrogen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(*c*) Storage containers, piping, valves, regulating equipment, and other accessories shall be readily accessible, and shall be protected against physical damage and against tampering.

(*d*) Cabinets or housings containing hydrogen control or operating equipment shall be adequately ventilated.

(*e*) Each mobile hydrogen supply unit used as part of a hydrogen system shall be adequately secured to prevent movement.

(*f*) Mobile hydrogen supply units shall be electrically bonded to the system before discharging hydrogen.

(v) *Marking.* The hydrogen storage location shall be permanently placarded as follows: "HYDROGEN—FLAMMABLE GAS—NO SMOKING—NO OPEN FLAMES," or equivalent.

(vi) *Testing.* After installations, all piping, tubing, and fittings shall be tested and proved hydrogen gas tight at maximum operating pressure.

(2) *Location*—(i) *General.* (*a*) The system shall be located so that it is readily accessible to delivery equipment and to authorized personnel.

(*b*) Systems shall be located above ground.

(*c*) Systems shall not be located beneath electric power lines.

(*d*) Systems shall not be located close to flammable liquid piping or piping of other flammable gases.

(*c*) Systems near aboveground flammable liquid storage shall be located on ground higher than the flammable liquid storage except when dikes, diversion curbs, grading, or separating solid walls are used to prevent accumulation of flammable liquids under the system.

(ii) *Specific requirements.* (*a*) The location of a system, as determined by the maximum total contained volume of hydrogen, shall be in the order of preference as indicated by Roman numerals in Table H–1.

TABLE H–1

Nature of location	Size of hydrogen system		
	Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
Outdoors	I	I	I.
In a separate building	II	II	II.
In a special room	III	III	Not permitted.
Inside buildings not in a special room and exposed to other occupancies.	IV	Not permitted.	Not permitted.

(*b*) The minimum distance in feet from a hydrogen system of indicated capacity located outdoors, in separate buildings or in special rooms to any specified outdoor exposure shall be in accordance with Table H–2.

(*c*) The distances in Table H–2 Items 1, 14, and 3 to 10 inclusive do not apply where protective structures such as adequate fire walls are located between the system and the exposure.

TABLE H–2

Type of outdoor exposure		Size of hydrogen system		
		Less than 3,000 CF	3,000 CF to 15,000 CF	In excess of 15,000 CF
1. Building or structure	Wood frame construction*	10	25	50
	Heavy timber, noncombustible or ordinary construction*	0	10	**25
	Fire-resistive construction*	0	0	0
2. Wall openings	Not above any part of a system	10	10	10
	Above any part of a system	25	25	25
3. Flammable liquids above ground.	0 to 1,000 gallons	10	25	25
	In excess of 1,000 gallons	25	50	50
4. Flammable liquids below ground—0 to 1,000 gallons.	Tank	10	10	10
	Vent or fill opening of tank	25	25	25
5. Flammable liquids below ground—in excess of 1,000 gallons.	Tank	20	20	20
	Vent or fill opening of tank	25	25	25
6. Flammable gas storage, either high pressure or low pressure.	0 to 15,000 CF capacity	10	25	25
	In excess of 15,000 CF capacity	25	50	50
7. Oxygen storage	12,000 CF or less	Refer to NFPA No. 51, gas systems for welding and cutting (1969).		
	More than 12,000 CF	Refer to NFPA No. 566, bulk oxygen systems at consumer sites (1969).		
8. Fast burning solids such as ordinary lumber, excelsior or paper		50	50	25
9. Slow burning solids such as heavy timber or coal		25	25	25
10. Open flames and other sources of ignition		25	25	50
11. Air compressor intakes or inlets to ventilating or air-conditioning equipment		50	50	50
12. Concentration of people***		25	50	50
13. Public sidewalks		15	15	15
14. Line of adjoining property which may be built upon		5	5	5

*Refer to NFPA No. 220 standard types of building construction for definitions of various types of construction. (1969 Ed.)

**But not less than one-half the height of adjacent side wall of the structure.

***In congested areas such as offices, lunchrooms, locker rooms, time-clock areas, and places of public assembly.

(*d*) Hydrogen systems of less than 3,000 CF when located inside buildings and exposed to other occupancies shall be situated in the building so that the system will be as follows:

(*1*) In an adequately ventilated area as in subparagraph (3)(ii)(*b*) of this paragraph.

(*2*) Twenty feet from stored flammable materials or oxidizing gases.

(*3*) Twenty-five feet from open flames, ordinary electrical equipment or other sources of ignition.

(*4*) Twenty-five feet from concentrations of people.

(*5*) Fifty feet from intakes of ventilation or air-conditioning equipment and air compressors.

(*6*) Fifty feet from other flammable gas storage.

(*7*) Protected against damage or injury due to falling objects or working activity in the area.

(*8*) More than one system of 3,000 CF or less may be installed in the same room, provided the systems are separated by at least 50 feet. Each such system shall meet all of the requirements of this paragraph.

(3) *Design consideration at specific locations*—(i) *Outdoor locations.* (*a*) Where protective walls or roofs are provided, they shall be constructed of noncombustible materials.

(*b*) Where the enclosing sides adjoin each other, the area shall be properly ventilated.

(*c*) Electrical equipment within 15 feet shall be in accordance with subpart S of this part.

(ii) *Separate buildings.* (*a*) Separate buildings shall be built of at least noncombustible construction. Windows and doors shall be located so as to be readily accessible in case of emergency. Windows shall be of glass or plastic in metal frames.

(*b*) Adequate ventilation to the outdoors shall be provided. Inlet openings shall be located near the floor in exterior walls only. Outlet openings shall be located at the high point of the room in exterior walls or roof. Inlet and outlet openings shall each have minimum total area of one (1) square foot per 1,000 cubic feet of room volume. Discharge from outlet openings shall be directed or conducted to a safe location.

(*c*) Explosion venting shall be provided in exterior walls or roof only. The venting area shall be equal to not less than 1 square foot per 30 cubic feet of room volume and may consist of any one or any combination of the following: walls of light noncombustible material, preferably single thickness, single strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

(*d*) There shall be no sources of ignition from open flames, electrical equipment, or heating equipment.

(*e*) Electrical equipment shall be in accordance with subpart S of this part for Class I, Division 2 locations.

(*f*) Heating, if provided, shall be by steam, hot water, or other indirect means.

(iii) *Special rooms.* (*a*) Floor, walls, and ceiling shall have a fire-resistance rating of at least 2 hours. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall shall be an exterior wall. Openings to other parts of the building shall not be permitted. Windows and doors shall be in exterior walls and shall be located so as to be readily accessible in case of emergency. Windows shall be of glass or plastic in metal frames.

(*b*) Ventilation shall be as provided in subdivision (ii)(*b*) of this subparagraph.

(*c*) Explosion venting shall be as provided in subdivision (ii)(*c*) of this subparagraph.

(*d*) There shall be no sources of ignition from open flames, electrical equipment, or heating equipment.

(*e*) Electrical equipment shall be in accordance with Article 501 of the National Electrical Code, NFPA 70–1968, for Class I Division 2 locations.

(*f*) Heating, if provided, shall be by steam, hot water, or indirect means.

(4) *Operating instructions.* For installations which require any operation of equipment by the user, legible instructions shall be maintaind at operating locations.

(5) *Maintenance*—(i) *Inspection.* Each hydrogen system installed on consumer premises shall be periodically inspected and maintained by a qualified representative of the hydrogen supplier.

(ii) *Clear zone.* The area within 15 feet of any hydrogen container shall be kept free of dry vegetation and combustible material.

(c) *Liquefied hydrogen systems*—(1) *Design*—(i) *Containers.* (*a*) Hydrogen containers shall comply with the following: Storage containers shall be designed, constructed, and tested in accordance with appropriate requirements of the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels (1968) or applicable provisions of API Standard 620, Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Second Edition (June 1963) and Appendix R (April 1965).

(*b*) Portable containers shall be designed, constructed and tested in accordance with DOT Specifications and Regulations.

(ii) *Supports.* Permanently installed containers shall be provided with substantial noncombustible supports securely anchored on firm noncombustible foundations. Steel supports in excess of 18 inches in height shall be protected with a protective coating having a 2-hour fire-resistance rating.

(iii) *Marking.* Each container shall be legibly marked to indicate "LIQUEFIED HYDROGEN—FLAMMABLE GAS."

(iv) *Safety relief devices.* (*a*)(*1*) Stationary liquefied hydrogen containers shall be equipped with safety relief devices sized in accordance with CGA Pamphlet S–1, Part 3, Safety Relief Device Standards for Compressed Gas Storage Containers.

(*2*) Portable liquefied hydrogen containers complying with the U.S. Department of Transportation Regulations shall be equipped with safety relief devices as required in the U.S. Department of Transportation Specifications and Regulations. Safety relief devices shall be sized in accordance with the requirements of CGA Pamphlet S–1, Safety Relief Device Standards, Part 1, Compressed Gas Cylinders and Part 2, Cargo and Portable Tank Containers.

(*b*) Safety relief devices shall be arranged to discharge unobstructed to the outdoors and in such a manner as to prevent impingement of escaping liquid or gas upon the container, adjacent structures or personnel. See subparagraph (2)(i)(*f*) of this paragraph for venting of safety relief devices in special locations.

(*c*) Safety relief devices or vent piping shall be designed or located so that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(*d*) Safety relief devices shall be provided in piping wherever liquefied hydrogen could be trapped between closures.

(v) *Piping, tubing, and fittings.* (*a*) Piping, tubing, and fittings and gasket and thread sealants shall be suitable for hydrogen service at the pressures and temperatures involved. Consideration shall be given to the thermal expansion and contraction of piping systems when exposed to temperature fluctuations of ambient to liquefied hydrogen temperatures.

(*b*) Gaseous hydrogen piping and tubing (above −20° F.) shall conform to the applicable sections of Pressure Piping Section 2—Industrial Gas and Air Piping, ANSI B31.1–1967 with addenda B31.1–1969. Design of liquefied hydrogen or cold (−20° F. or below) gas piping shall use Petroleum Refinery Piping ANSI B31.3–1966 or Refrigeration Piping ANSI B31.5–1966 with addenda B31.5a–1968 as a guide.

(*c*) Joints in piping and tubing shall preferably be made by welding or brazing; flanged, threaded, socket, or suitable compression fittings may be used.

(*d*) Means shall be provided to minimize exposure of personnel to piping operating at low temperatures and to prevent air condensate from contacting piping, structural members, and surfaces not suitable for cryogenic temperatures. Only those insulating materials which are rated nonburning in accordance with ASTM Procedures D1692–68 may be used. Other protective means may be used to protect personnel. The insulation shall be designed to have a vapor-tight seal in the outer covering to prevent the condensation of air and subsequent oxygen enrichment within the insulation. The insulation material and outside shield shall also be of adequate design to prevent attrition of the insulation due to normal operating conditions.

(*e*) Uninsulated piping and equipment which operate at liquefied-hydrogen temperature shall not be installed above asphalt surfaces or other combustible materials in order to prevent contact of liquid air with such materials. Drip pans may be installed under uninsulated piping and equipment to retain and vaporize condensed liquid air.

(vi) *Equipment assembly.* (*a*) Valves, gauges, regulators, and other accessories shall be suitable for liquefied hydrogen service and for the pressures and temperatures involved.

(*b*) Installation of liquefied hydrogen systems shall be supervised by personnel familiar with proper practices and with reference to their construction and use.

(*c*) Storage containers, piping, valves, regulating equipment, and other accessories shall be readily accessible and shall be protected against physical damage and against tampering. A shutoff valve shall be located in liquid product withdrawal lines as close to the container as practical. On containers of over 2,000 gallons capacity, this shutoff valve shall be of the remote control type with no connections, flanges, or other appurtenances (other than a welded manual shutoff valve) allowed in the piping between the shutoff valve and its connection to the inner container.

(*d*) Cabinets or housings containing hydrogen control equipment shall be ventilated to prevent any accumulation of hydrogen gas.

(vii) *Testing.* (*a*) After installation, all field-erected piping shall be tested and proved hydrogen gas-tight at operating pressure and temperature.

(*b*) Containers if out of service in excess of 1 year shall be inspected and tested as outlined in (*a*) of this subdivision. The safety relief devices shall be checked to determine if they are operable and properly set.

(viii) *Liquefied hydrogen vaporizers.* (*a*) The vaporizer shall be anchored and its connecting piping shall be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(*b*) The vaporizer and its piping shall be adequately protected on the hydrogen and heating media sections with safety relief devices.

(*c*) Heat used in a liquefied hydrogen vaporizer shall be indirectly supplied utilizing media such as air, steam, water, or water solutions.

(*d*) A low temperature shutoff switch shall be provided in the vaporizer discharge piping to prevent flow of liquefied hydrogen in the event of the loss of the heat source.

(ix) *Electrical systems.* (*a*) Electrical wiring and equipment located within 3 feet of a point where connections are regularly made and disconnected, shall be in accordance with subpart S of this part, for class I, group B, division 1 locations.

(*b*) Except as provided in (*a*) of this subdivision, electrical wiring, and equipment located within 25 feet of a point where connections are regularly made and disconnected or within 25 feet of a liquid hydrogen storage container, shall be in accordance with subpart S of this part, for class I, group B, division 2 locations. When equipment approved for class I, group B atmospheres is not commercially available, the equipment may be—

(*1*) Purged or ventilated in accordance with NFPA No. 496–1967, Standard for Purged Enclosures for Electrical Equipment in Hazardous Locations,

(*2*) Intrinsically safe, or

(*3*) Approved for class I, group C atmospheres. This requirement does not apply to electrical equipment which is installed on mobile supply trucks or tank cars from which the storage container is filled.

(x) *Bonding and grounding.* The liquefied hydrogen container and associated piping shall be electrically bonded and grounded.

(2) *Location of liquefied hydrogen storage*—(i) *General requirements.* (*a*) The storage containers shall be located so that they are readily accessible to mobile supply equipment at ground level and to authorized personnel.

(*b*) The containers shall not be exposed by electric power lines, flammable liquid lines, flammable gas lines, or lines carrying oxidizing materials.

(*c*) When locating liquified hydrogen storage containers near above-ground flammable liquid storage or liquid oxygen storage, it is advisable to locate the liquefied hydrogen container on ground higher than flammable liquid storage or liquid oxygen storage.

(*d*) Where it is necessary to locate the liquefied hydrogen container on ground that is level with or lower than adjacent flammable liquid storage or liquid oxygen storage, suitable protective means shall be taken (such as by diking, diversion, curbs, grading), with respect to the adjacent flammable liquid storage or liquid oxygen storage, to prevent accumulation of liquids within 50 feet of the liquefied hydrogen container.

(*e*) Storage sites shall be fenced and posted to prevent entrance by unauthorized personnel. Sites shall also be placarded as follows: "Liquefied Hydrogen—Flammable Gas—No Smoking—No Open Flames."

(*f*) If liquified hydrogen is located in (as specified in Table H–3) a separate building, in a special room, or inside buildings when not in a special room and exposed to other occupancies, containers shall have the safety relief devices vented unobstructed to the outdoors at a minimum elevation of 25 feet above grade to a safe location as required in subparagraph (1)(iv)(*b*) of this paragraph.

(ii) *Specific requirements.* (*a*) The location of liquefied hydrogen storage, as determined by the maximum total quantity of liquified hydrogen, shall be in the order of preference as indicated by Roman numerals in the following Table H–3.

TABLE H-3—MAXIMUM TOTAL QUANTITY OF LIQUEFIED HYDROGEN STORAGE PERMITTED

Nature of location	Size of hydrogen storage (capacity in gallons)			
	39.63 (150 liters) to 50	51 to 300	301 to 600	In excess of 600
Outdoors	I	I	I	I.
In a separate building	II	II	II	Not permitted.
In a special room	III	III	Not permitted	Not permitted.
Inside buildings not in a special room and exposed to other occupancies.	IV	Not permitted	Not permitted	Not permitted.

NOTE: This table does not apply to the storage in dewars of the type generally used in laboratories for experimental purposes.

(*b*) The minimum distance in feet from liquefied hydrogen systems of indicated storage capacity located outdoors, in a separate building, or in a special room to any specified exposure shall be in accordance with Table H–4.

TABLE H-4—MINIMUM DISTANCE (FEET) FROM LIQUEFIED HYDROGEN SYSTEMS TO EXPOSURE

Type of exposure	Liquefied hydrogen storage (capacity in gallons)		
	39.63 (150 liters) to 3,500	3,501 to 15,000	15,001 to 30,000
1. Fire-resistive building and fire walls*	5	5	5
2. Noncombustible building*	25	50	75
3. Other buildings*	50	75	100
4. Wall openings, air-compressor intakes, inlets for air-conditioning or ventilating equipment	75	75	75
5. Flammable liquids (above ground and vent or fill openings if below ground) (see 513 and 514)	50	75	100
6. Between stationary liquefied hydrogen containers	5	5	5
7. Flammable gas storage	50	75	100
8. Liquid oxygen storage and other oxidizers (see 513 and 514)	100	100	100
9. Combustible solids	50	75	100
10. Open flames, smoking, and welding	50	50	50
11. Concentrations of people†	75	75	75
12. Public ways, railroads, and property lines	25	50	75

*Refer to standard types of building construction, NFPA No. 220-1969 for definitions of various types of construction.

†In congested areas such as offices, lunchrooms, locker rooms, time-clock areas, and places of public assembly.

NOTE 1: The distance in Nos. 2, 3, 5, 7, 9, and 12 in Table H–4 may be reduced where protective structures, such as firewalls equal to height of top of the container, to safeguard the liquefied hydrogen storage system, are located between the liquefied hydrogen storage installation and the exposure.

NOTE 2: Where protective structures are provided, ventilation and confinement of product should be considered. The 5-foot distance in Nos. 1 and 6 facilitates maintenance and enhances ventilation.

(iii) *Handling of liquefied hydrogen inside buildings other than separate buildings and special rooms.* Portable liquefied hydrogen containers of 50 gallons or less capacity as permitted in Table H–3 and in compliance with subdivision (i)(f) of this subparagraph when housed inside buildings not located in a special room and exposed to other occupancies shall comply with the following minimum requirements:

(*a*) Be located 20 feet from flammable liquids and readily combustible materials such as excelsior or paper.

(*b*) Be located 25 feet from ordinary electrical equipment and other sources of ignition including process or analytical equipment.

(*c*) Be located 25 feet from concentrations of people.

(*d*) Be located 50 feet from intakes of ventilation and air-conditioning equipment or intakes of compressors.

(*e*) Be located 50 feet from storage of other flammable-gases or storage of oxidizing gases.

(*f*) Containers shall be protected against damage or injury due to falling objects or work activity in the area.

(*g*) Containers shall be firmly secured and stored in an upright position.

(*h*) Welding or cutting operations, and smoking shall be prohibited while hydrogen is in the room.

(*i*) The area shall be adequately ventilated. Safety relief devices on the containers shall be vented directly outdoors or to a suitable hood. See subparagraph (1)(iv)(*b*) of this paragraph and subdivision (i)(f) of this subparagraph.

(3) *Design considerations at specific locations*—(i) *Outdoor locations.* (*a*) Outdoor location shall mean outside of any building or structure, and includes locations under a weather shelter or canopy provided such locations are not enclosed by more than two walls set at right angles and are provided with vent-space between the walls and vented roof or canopy.

(*b*) Roadways and yard surfaces located below liquefied hydrogen piping, from which liquid air may drip, shall be constructed of noncombustible materials.

(*c*) If protective walls are provided, they shall be constructed of noncombustible materials and in accordance with the provisions of subdivision (*a*) of this subdivision as applicable.

(*d*) Electrical wiring and equipment shall comply with subparagraph (1)(ix)(*a*) and (*b*) of this paragraph.

(*e*) Adequate lighting shall be provided for nighttime transfer operation.

(ii) *Separate buildings.* (*a*) Separate buildings shall be of light noncombustible construction on a substantial frame. Walls and roofs shall be lightly fastened and designed to relieve at a maximum internal pressure of 25 pounds per square foot. Windows shall be of shatterproof glass or plastic in metal frames. Doors shall be located in such a manner that they will be readily accessible to personnel in an emergency.

(*b*) Adequate ventilation to the outdoors shall be provided. Inlet openings shall be located near the floor level in exterior walls only. Outlet openings shall be located at the high point of the room in exterior walls or roof. Both the inlet and outlet vent openings shall have a minimum total area of 1 square foot per 1,000 cubic feet of room volume. Discharge from outlet openings shall be directed or conducted to a safe location.

(*c*) There shall be no sources of ignition.

(*d*) Electrical wiring and equipment shall comply with subparagraph (1)(ix)(*a*) and (*b*) of this paragraph except that the provisions of subparagraph (i)(ix)(*b*) of this paragraph shall apply to all electrical wiring and equipment in the separate building.

(*e*) Heating, if provided, shall be by steam, hot water, or other indirect means.

(iii) *Special rooms.* (*a*) Floors, walls, and ceilings shall have a fire resistance rating of at least 2 hours. Walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall shall be an exterior wall. Openings to other parts of the building shall not be permitted. Windows and doors shall be in exterior walls and doors shall be located in such a manner that they will be accessible in an emergency. Windows shall be of shatterproof glass or plastic in metal frames.

(*b*) Ventilation shall be as provided in subdivision (ii)(*b*) of this subparagraph.

(*c*) Explosion venting shall be provided in exterior walls or roof only. The venting area shall be equal to not less than 1 square foot per 30 cubic feet of room volume and may consist of any one or any combination of the following: walls of light noncombustible material; lightly fastened hatch covers; lightly fastened swinging doors opening outward in exterior walls; lightly fastened walls or roofs designed to relieve at a maximum pressure of 25 pounds per square foot.

(*d*) There shall be no sources of ignition.

(*e*) Electrical wiring and equipment shall comply with subparagraph (1)(ix)(*a*) and (*b*) of this paragraph except that the provision of subparagraph (1)(ix)(*b*) of this paragraph shall apply to all electrical wiring and equipment in the special room.

(*f*) Heating, if provided, shall be steam, hot water, or by other indirect means.

(4) *Operating instructions*—(i) *Written instructions.* For installation which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(ii) *Attendant.* A qualified person shall be in attendance at all times while the mobile hydrogen supply unit is being unloaded.

(iii) *Security.* Each mobile liquefied hydrogen supply unit used as part of a hydrogen system shall be adequately secured to prevent movement.

(iv) *Grounding.* The mobile liquefied hydrogen supply unit shall be grounded for static electricity.

(5) *Maintenance*—(i) Inspection. Each liquefied hydrogen system installed on consumer premises shall be periodically inspected and maintained by a qualified representative of the equipment owner.

(ii) *Clear Zone.* Weeds or similar combustibles shall not be permitted within 25 feet of any liquefied hydrogen equipment.

SOURCE: NFPA 50B–1968

§ 1910.104 Oxygen.

(a) *General.* The in-plant transfer, handling, storage, and utilization of oxygen as a liquid or a compressed gas shall be in accordance with Compressed Gas Association Pamphlet G–4–1962. (Source: 41 CFR 50–204.67.)

(b) *Bulk oxygen systems.*—(1) *Definition.* As used in this section: A bulk oxygen system is an assembly of equipment, such as oxygen storage containers, pressure regulators, safety devices, vaporizers, manifolds, and interconnecting piping, which has storage capacity of more than 13,000 cubic feet of oxygen, Normal Temperature and Pressure (NTP), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (NTP) including unconnected reserves on hand at the site. The bulk oxygen system terminates at the point where oxygen at service pressure first enters the supply line. The oxygen containers may be stationary or movable, and the oxygen may be stored as gas or liquid.

(2) *Location*—(i) *General.* Bulk oxygen storage systems shall be located above ground out of doors, or shall be installed in a building of noncombustible construction, adequately vented, and used for that purpose exclusively. The location selected shall be such that containers and associated equipment shall not be exposed by electric power lines, flammable or combustible liquid lines, or flammable gas lines.

(ii) *Accessibility.* The system shall be located so that it is readily accessible to mobile supply equipment at ground level and to authorized personnel.

(iii) *Leakage.* Where oxygen is stored as a liquid, noncombustible surfacing shall be provided in an area in which any leakage of liquid oxygen might fall during operation of the system and filling of a storage container. For purposes of this paragraph, asphaltic or bituminous paving is considered to be combustible.

(iv) *Elevation.* When locating bulk oxygen systems near above-ground flammable or combustible liquid storage which may be either indoors or outdoors, it is advisable to locate the system on ground higher than the flammable or combustible liquid storage.

(v) *Dikes.* Where it is necessary to locate a bulk oxygen system on ground lower than adjacent flammable or combustible liquid storage suitable means shall be taken (such as by diking, diversion curbs, or grading) with respect to the adjacent flammable or combustible liquid storage to prevent accumulation of liquids under the bulk oxygen system.

(3) *Distance between systems and exposures*—(i) *General.* The minimum distance from any bulk oxygen storage container to exposures, measured in the most direct line except as indicated in subdivisions (vi) and (vii) of this subparagraph, shall be as indicated in subdivisions (ii) to (xix) of this subparagraph inclusive.

(ii) *Combustible structures.* Fifty feet from any combustible structures.

(iii) *Fire resistive structures.* Twenty-five feet from any structures with fire-resistive exterior walls or sprinklered buildings or other construction, but not less than one-half the height of adjacent side wall of the structure.

(iv) *Openings.* At least 10 feet from any opening in adjacent walls of fire resistive structures. Spacing from such structures shall be adequate to permit maintenance, but shall not be less than 1 foot.

(v) *Flammable liquid storage above-ground.*

Distance (feet)	*Capacity (gallons)*
50	0–1000
90	1001 or more

(vi) *Flammable liquid storage below-ground.*

Distance measured horizontally from oxygen storage container to flammable liquid tank (feet)	Distance from oxygen storage container to filling and vent connections or openings to flammable liquid tank (feet)	Capacity gallons
15	50	0–1000.
30	50	1001 or more.

(vii) *Combustible liquid storage above-ground.*

Distance (feet)	*Capacity (gallons)*
25	0–1000
50	1001 or more

(viii) *Combustible liquid storage be-lowground.*

Distance measured horizontally from oxygen storage container to combustible liquid tank (feet)	*Distance from oxygen storage container to filling and vent connections or openings to combustible liquid tank (feet)*
15	40

(ix) *Flammable gas storage.* (Such as compressed flammable gases, liquefied flammable gases and flammable gases in low pressure gas holders):

Distance (feet)	*Capacity (cu. ft. NTP)*
50	Less than 5000
90	5000 or more

(x) *Highly combustible materials.* Fifty feet from solid materials which burn rapidly, such as excelsior or paper.

(xi) *Slow-burning materials.* Twenty-five feet from solid materials which burn slowly, such as coal and heavy timber.

(xii) *Ventilation.* Seventy-five feet in one direction and 35 feet in approximately 90° direction from confining walls (not including firewalls less than 20 feet high) to provide adequate ventilation in courtyards and similar confining areas.

(xiii) *Congested areas.* Twenty-five feet from congested areas such as offices, lunchrooms, locker rooms, time clock areas, and similar locations where people may congregate.

(xiv) *Public areas.* Fifty feet from places of public assembly.

(xv) *Patients.* Fifty feet from areas occupied by nonambulatory patients.

(xvi) *Sidewalks.* Ten feet from any public sidewalk.

(xvii) *Adjacent property.* Five feet from any line of adjoining property.

(xviii) *Exceptions.* The distances in subdivisions (ii), (iii), (v) to (xi) inclusive, (xvi), and (xvii) of this subparagraph do not apply where protective structures such as firewalls of adequate height to safeguard the oxygen storage systems are located between the bulk oxygen storage installation and the exposure. In such cases, the bulk oxygen storage installation may be a minimum distance of 1 foot from the firewall.

(4) *Storage containers*—(i) *Foundations and supports.* Permanently installed containers shall be provided with substantial noncombustible supports on firm noncombustible foundations.

(ii) *Construction—liquid.* Liquid oxygen storage containers shall be fabricated from materials meeting the impact test requirements of paragraph UG–84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968. Containers operating at pressures above 15 pounds per square inch gage (p.s.i.g.) shall be designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VII—Unfired Pressure Vessels—1968. Insulation surrounding the liquid oxygen container shall be noncombustible.

(iii) *Construction—gaseous.* High-pressure gaseous oxygen containers shall comply with one of the following:

(*a*) Designed, constructed, and tested in accordance with appropriate requirements of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968.

(*b*) Designed, constructed, tested, and maintained in accordance with DOT Specifications and Regulations.

(5) *Piping, tubing, and fittings*—(i) *Selection.* Piping, tubing, and fittings shall be suitable for oxygen service and for the pressures and temperatures involved.

(ii) *Specification.* Piping and tubing shall conform to Section 2—Gas and Air Piping Systems of Code for Pressure Piping, ANSI, B31.1–1967 with addenda B31.10a–1969.

(iii) *Fabrication.* Piping or tubing for operating temperatures below −20° F. shall be fabricated from materials meeting the impact test requirements of paragraph UG–84 of ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessels—1968, when tested at the minimum operating temperature to which the piping may be subjected in service.

(6) *Safety relief devices*—(i) *General.* Bulk oxygen storage containers, regardless of design pressure shall be equipped with safety relief devices as required by the ASME code or the DOT specifications and regulations.

(ii) *DOT containers.* Bulk oxygen storage containers designed and constructed in accordance with DOT specification shall be equipped with safety relief devices as required thereby.

(iii) *ASME containers.* Bulk oxygen storage containers designed and construction in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII—Unfired Pressure Vessel—1968 shall be equipped with safety relief devices meeting the provisions of the Compressed Gas Association Pamphlet "Safety Relief Device Standards for Compressed Gas Storage Containers," S–1, Part 3.

(iv) *Insulation.* Insulation casings on liquid oxygen containers shall be equipped with suitable safety relief devices.

(v) *Reliability.* All safety relief devices shall be so designed or located that moisture cannot collect and freeze in a manner which would interfere with proper operation of the device.

(7) *Liquid oxygen vaporizers*—(i) *Mounts and couplings.* The vaporizer shall be anchored and its connecting piping be sufficiently flexible to provide for the effect of expansion and contraction due to temperature changes.

(ii) *Relief devices.* The vaporizer and its piping shall be adequately protected on the oxygen and heating medium sections with safety relief devices.

(iii) *Heating.* Heat used in an oxygen vaporizer shall be indirectly supplied only through media such as steam, air, water, or water solutions which do not react with oxygen.

(iv) *Grounding.* If electric heaters are used to provide the primary source of heat, the vaporizing system shall be electrically grounded.

(8) *Equipment assembly and installation*—(i) *Cleaning.* Equipment making up a bulk oxygen system shall be cleaned in order to remove oil, grease or other readily oxidizable materials before placing the system in service.

(ii) *Joints.* Joints in piping and tubing may be made by welding or by use of flanged, threaded, slip, or compression fittings. Gaskets or threat sealants shall be suitable for oxygen service.

(iii) *Accessories.* Valves, gages, regulators, and other accessories shall be suitable for oxygen service.

(iv) *Installation.* Installation of bulk oxygen systems shall be supervised by personnel familiar with proper practices with reference to their construction and use.

(v) *Testing.* After installation all field erected piping shall be tested and proved gas tight at maximum operating pressure. Any medium used for testing shall be oil free and nonflammable.

(vi) *Security.* Storage containers, piping, valves, regulating equipment, and other accessories shall be protected against physical damage and against tampering.

(vii) *Venting.* Any enclosure containing oxygen control or operating equipment shall be adequately vented.

(viii) *Placarding.* The bulk oxygen storage location shall be permanently placarded to indicate: "OXYGEN—NO SMOKING—NO OPEN FLAMES", or an equivalent warning.

(ix) *Electrical wiring.* Bulk oxygen installations are not hazardous locations as defined and covered in subpart S of this part. Therefore, general purpose or weatherproof types of electrical wiring and equipment are acceptable depending upon whether the installation is indoors or outdoors. Such equipment shall be installed in accordance with the applicable provisions of subpart S of this part.

(9) *Operating instructions.* For installations which require any operation of equipment by the user, legible instructions shall be maintained at operating locations.

(10) *Maintenance* — (i) *Inspection.* Each bulk oxygen system installed on consumer premises shall be periodically inspected and maintained by a qualified representative of the oxygen supplier.

(ii) *Clear zone.* Weeds and long dry grass shall be cut back within 15 feet of any bulk oxygen storage container.

§ 1910.105 Nitrous oxide.

The piped systems for the in-plant transfer and distribution of nitrous oxide shall be designed, installed, maintained, and operated in accordance with Compressed Gas Association Pamphlet G–8–1964.

§ 1910.106 Flammable and combustible liquids.

(a) *Definitions.* As used in this section:

(1) Aerosol shall mean a material which is dispensed from its container as a mist, spray, or foam by a propellant under pressure.

(2) Atmospheric tank shall mean a storage tank which has been designed to operate at pressures from atmospheric through 0.5 p.s.i.g.

(3) Automotive service station shall mean that portion of property where flammable or combustible liquids used as motor fuels are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles and shall include any facilities available for the sale and service of tires, batteries, and accessories, and for minor automotive maintenance work. Major automotive repairs, painting, body and fender work are excluded.

(4) Basement shall mean a story of a building or structure having one-half or more of its height below ground level and to which access for fire fighting purposes is unduly restricted.

(5) Boiling point shall mean the boiling point of a liquid at a pressure of 14.7 pounds per square inch absolute (p.s.i.a.) (760 mm.). Where an accurate boiling point is unavailable for the material in question, or for mixtures which do not have a constant boiling point, for purposes of this section the 10 percent point of a distillation performed in accordance with the Standard Method of Test for Distillation of Petroleum Products, ASTM D–86–62, may be used as the boiling point of the liquid.

(6) Boilover shall mean the expulsion of crude oil (or certain other liquids) from a burning tank. The light fractions of the crude oil burnoff producing a heat wave in the residue, which on reaching a water strata may result in the expulsion of a portion of the contents of the tank in the form of froth.

(7) Bulk plant shall mean that portion of a property where flammable or combustible liquids are received by tank vessel, pipelines, tank car, or tank vehicle, and are stored or blended in bulk for the purpose of distributing such liquids by tank vessel, pipeline, tank car, tank vehicle, or container.

(8) Chemical plant shall mean a large integrated plant or that portion of such a plant other than a refinery or distillery where flammable or combustible liquids are produced by chemical reactions or used in chemical reactions.

(9) Closed container shall mean a container as herein defined, so sealed by means of a lid or other device that neither liquid nor vapor will escape from it at ordinary temperatures.

(10) Crude petroleum shall mean hydrocarbon mixtures that have a flash point below 150° F. and which have not been processed in a refinery.

(11) Distillery shall mean a plant or that portion of a plant where flammable or combustible liquids produced by fermentation are concentrated, and where the concentrated products may also be mixed, stored, or packaged.

(12) Fire area shall mean an area of a building separated from the remainder of the building by construction having a fire resistance of at least 1 hour and having all communicating openings properly protected by an assembly having a fire resistance rating of at least 1 hour.

(13) Flammable aerosol shall mean an aerosol which is required to be labeled "Flammable" under the Federal Hazardous Substances Labeling Act (15 U.S.C. 1261). For the purposes of paragraph (d) of this section, such aerosols are considered Class IA liquids.

(14) Flashpoint of the liquid shall mean the temperature at which it gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the vessel used as determined by appropriate test procedure and apparatus as specified below.

(i) The flashpoint of liquids having a viscosity less than 45 SUS at 100° F. (37.8° C.) and a flashpoint below 175° F. (79.4° C.) shall be determined in accordance with the Standard Method of Test for Flashpoint by the Tag Closed Tester, ASTM D–56–69.

(ii) The flashpoint of liquids having a viscosity of 45 SUS or more at 100° F. (37.8° C.) or a flashpoint of 157° F. (79.4° C.) or higher shall be determined in accordance with the Standard Method of Test for Flashpoint by the Pensky Martens Closed Tester, ASTM D–93–69.

(15) Hotel shall mean buildings or groups of buildings under the same management in which there are sleeping accommodations for hire, primarily used by transients who are lodged with or

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without meals including but not limited to inns, clubs, motels, and apartment hotels.

(16) Institutional occupancy shall mean the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable or other care or treatment, or by persons involuntarily detained.

(17) Liquid shall mean, for the purpose of this section, any material which has a fluidity greater than that of 300 penetration asphalt when tested in accordance with ASTM Test for Penetration for Bituminous Materials, D–5–65. When not otherwise identified, the term liquid shall include both flammable and combustible liquids.

(18) Combustible liquids shall mean any liquid having a flashpoint at or above 140° F. (60° C.), and shall be known as Class III liquids. Class IIIA shall include those having flashpoints at or above 140° F. (60° C.) and below 200° F. (93.4° C.). Class IIIB shall include those having flashpoints at or above 200° F. (93.4° C.).

This section does not cover Class IIIB liquids. Where the term combustible liquids or Class III liquids is used in this section, it shall mean only Class IIIA liquids.

NOTE: The upper limit of 200° F. is given because the application of this section does not extend to liquids having flashpoints above 200° F. and should not be construed as indicating that liquids with higher flashpoints are noncombustible.

(19) Flammable liquids shall mean any liquid having a flashpoint below 140° F. and having a vapor pressure not exceeding 40 pounds per square inch (absolute) at 100° F.

(i) Flammable liquids shall be divided into two classes of liquids as follows:

(ii) Class I liquids shall include those having flashpoints below 100° F. and may be subdivided as follows:

(*a*) Class IA shall include those having flashpoints below 73° F. and having a boiling point below 100° F.

(*b*) Class IB shall include those having flashpoints below 73° F. and having a boiling point at or above 100° F.

(c) Class IC shall include those having flashpoints at or above 73° F. and below 100° F.

(iii) Class II liquids shall include those having flashpoints at or above 100° F. and below 140° F.

NOTE: The volatility of liquids is increased when artificially heated to temperatures equal to or higher than their flashpoints. When so heated Class II and III liquids shall be subject to the applicable requirements for Class I or II liquids. This section may also be applied to high flashpoint liquids when so heated even though these same liquids when not heated are outside of its scope.

(20) Unstable (reactive) liquid shall mean a liquid which in the pure state or as commercially produced or transported will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure, or temperature.

(21) Low-pressure tank shall mean a storage tank which has been designed to operate at pressures above 0.5 p.s.i.g. but not more than 15 p.s.i.g.

(22) Marine service station shall mean that portion of a property where flammable or combustible liquids used as fuels are stored and dispensed from fixed equipment on shore, piers, wharves, or floating docks into the fuel tanks of self-propelled craft, and shall include all facilities used in connection therewith.

(23) Mercantile occupancy shall mean the occupancy or use of a building or structure or any portion thereof for the displaying, selling, or buying of goods, wares, or merchandise.

(24) Office occupancy shall mean the occupancy or use of a building or structure or any portion thereof for the transaction of business, or the rendering or receiving of professional services.

(25) Portable tank shall mean a closed container having a liquid capacity over 60 U.S. gallons and not intended for fixed installation.

(26) Pressure vessel shall mean a storage tank or vessel which has been designed to operate at pressures above 15 p.s.i.g.

(27) Protection for exposure shall mean fire protection for structures on property adjacent to tanks. When acceptable to the authority having jurisdiction, such structures located (i) within the jurisdiction of any public fire department or (ii) within or adjacent to plants having private fire brigades shall be considered as having adequate protection for exposures.

(28) Refinery shall mean a plant in which flammable or combustible liquids are produced on a commercial scale from crude petroleum, natural gasoline, or other hydrocarbon sources.

(29) Safety can shall mean an approved container, of not more than 5 gallons capacity, having a spring-closing lid and spout cover and so designed that it will safely relieve internal pressure when subjected to fire explosure.

(30) Vapor pressure shall mean the pressure, measured in pounds per square inch (absolute) exerted by a volatile liquid as determined by the "Standard Method of Test for Vapor Pressure of Petroleum Products (Reid Method)," American Society for Testing and Materials ASTM D323–68.

(31) Ventilation as specified in this section is for the prevention of fire and explosion. It is considered adequate if it is sufficient to prevent accumulation of significant quantities of vapor-air mixtures in concentration over one-fourth of the lower flammable limit.

(32) Storage: Flammable or combustible liquids shall be stored in a tank or in a container that complies with paragraph (d) (2) of this section.

(33) Barrel shall mean a volume of 42 U.S. gallons.

(34) Container shall mean any can, barrel, or drum.

(35) Approved unless otherwise indicated, approved, or listed by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(36) Listed see "approved" in § 1910.106(a) (35).

(b) *Tank storage*—(1) *Design and construction of tanks*—(i) *Materials*. (*a*) Tanks shall be built of steel except as provided in (*b*) through (*e*) of this subdivision.

(*b*) Tanks may be built of materials other than steel for installation underground or if required by the properties of the liquid stored. Tanks located above ground or inside buildings shall be of noncombustible construction.

(*c*) Tanks built of materials other than steel shall be designed to specifications embodying principles recognized as good engineering design for the material used.

(*d*) Unlined concrete tanks may be used for storing flammable or combustible liquids having a gravity of 40° API or heavier. Concrete tanks with special lining may be used for other services provided the design is in accordance with sound engineering practice.

(*e*) Tanks may have combustible or noncombustible linings.

(*f*) Special engineering consideration shall be required if the specific gravity of the liquid to be stored exceeds that of water or if the tanks are designed to contain flammable or combustible liquids at a liquid temperature below 0° F.

(ii) *Fabrication*. (*a*) Tanks may be of any shape or type consistent with sound engineering design.

(*b*) Metal tanks shall be welded, riveted, and caulked, brazed, or bolted, or constructed by use of a combination of these methods. Filler metal used in brazing shall be nonferrous metal or an alloy having a melting point above 1000° F. and below that of the metal joined.

(iii) *Atmospheric tanks*. (*a*) Atmospheric tanks shall be built in accordance with acceptable good standards of design. Atmospheric tanks may be built in accordance with:

(*1*) Underwriters' Laboratories, Inc., Subjects No. 142, Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, 1968; No. 58, Standard for Steel Underground Tanks for Flammable and Combustible Liquids, Fifth Edition, December 1961; or No. 80, Standard for Steel Inside Tanks for Oil-Burner Fuel, September 1963.

(*2*) American Petroleum Institute Standards No. 12A, Specification for Oil Storage Tanks with Riveted Shells, Seventh Edition, September 1951, or No. 650, Welded Steel Tanks for Oil Storage, Third Edition, 1966.

(*3*) American Petroleum Institute Standards No. 12B, Specification for Bolted Production Tanks, Eleventh Edition, May 1958, and Supplement 1, March 1962; No. 12D, Specification for Large Welded Production Tanks, Seventh Edition, August 1957; or No. 12F, Specification for Small Welded Production Tanks, Fifth Edition, March 1961. Tanks built in accordance with these standards shall be used only as production tanks for storage of crude petroleum in oil-producing areas.

(*b*) Tanks designed for underground service not exceeding 2,500 gallons capacity may be used aboveground.

(*c*) Low-pressure tanks and pressure vessels may be used as atmospheric tanks.

(*d*) Atmospheric tanks shall not be used for the storage of a flammable or combustible liquid at a temperature at or above its boiling point.

(iv) *Low pressure tanks*. (*a*) The normal operating pressure of the tank shall not exceed the design pressure of the tank.

(*b*) Low-pressure tanks shall be built in accordance with acceptable standards of design. Low-pressure tanks may be built in accordance with:

(*1*) American Petroleum Institute Standard No. 620, Recommended Rules for the Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Third Edition, 1966.

(*2*) The principles of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessels Code, 1968.

(c) Atmospheric tanks built according to Underwriters' Laboratories, Inc., requirements in subdivision (iii) (*a*) of this subparagraph may be used for operating pressures not exceeding 1 p.s.i.g. and shall be limited to 2.5 p.s.i.g. under emergency venting conditions. Pressure vessels may be used as low-pressure tanks.

(v) *Pressure vessels*. (*a*) The normal operating pressure of the vessel shall not exceed the design pressure of the vessel.

(*b*) Pressure vessels shall be built in accordance with the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code, 1968.

(vi) *Provisions for internal corrosion*. When tanks are not designed in accordance with the American Petroleum Institute, American Society of Mechanical Engineers, or the Underwriters' Laboratories, Inc.'s, standards, or if corrosion is anticipated beyond that provided for in the design formulas used, anticipated metal thickness or suitable protective coatings or linings shall be provided to compensate for the corrosion loss expected during the design life of the tank.

(2) *Installation of outside aboveground tanks*.—(i) *Location with respect to property lines and public ways*. (*a*) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable liquids, operating at pressures not in excess of 2.5 p.s.i.g. and equipped with emergency venting which will not permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H–5.

(*b*) Every aboveground tank for the storage of flammable or combustible liquids, except those liquids with boil-over characteristics and unstable flammable or combustible liquids, operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. shall be located in accordance with Table H–6.

TABLE H–5

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building and shall be not less than 5 feet
Floating roof	Protection for exposures.	½ times diameter of tank but need not exceed 90 ft.	⅙ times diameter of tank but need not exceed 30 ft.
	None	Diameter of tank but need not exceed 175 ft.	⅙ times diameter of tank but need not exceed 30 ft.
Vertical with weak roof to shell seam.	Approved foam or inerting system on the tank.	½ times diameter of tank but need not exceed 90 ft. and shall not be less than 5 ft.	⅙ times diameter of tank but need not exceed 30 ft.
	Protection for exposures.	Diameter of tank but, need not exceed 175 ft.	⅓ times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	⅓ times diameter of tank but need not exceed 60 ft.
Horizontal and vertical, with emergency relief venting to limit pressures to 2.5 p.s.i.g.	Approved inerting system on the tank or approved foam system on vertical tanks.	½ times Table H–9 but shall not be less than 5 ft.	½ times Table H–9.
	Protection for exposures.	Table H–9	Table H–9.
	None	2 times Table H–9	Table H–9.

TABLE H–6

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Any type	Protection for exposures.	1½ times Table H–9 but shall not be less than 25 ft.	1½ times Table H–9 but shall not be less than 25 ft.
	None	3 times Table H–9 but shall not be less than 50 ft.	1½ times Table H–9 but shall not be less than 25 ft.

(*c*) Every aboveground tank for the storage of flammable or combustible liquids with boil-over characteristics shall be located in accordance with Table H–7.

TABLE H–7

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Floating roof	Protection for exposures.	Diameter of tank but need not exceed 175 ft.	⅙ times diameter of tank but need not exceed 60 ft.
	None	2 times diameter of tank but need not exceed 350 ft.	⅓ times diameter of tank but need not exceed 60 ft.
Fixed roof	Approved foam or inerting system.	Diameter of tank but need not exceed 175 ft.	⅓ times diameter of tank but need not exceed 60 ft.
	Protection for exposures.	2 times diameter of tank but need not exceed 350 ft.	⅔ times diameter of tank but need not exceed 120 ft.
	None	4 times diameter of tank but need not exceed 350 ft.	⅔ times diameter of tank but need not exceed 120 ft.

(*d*) Every aboveground tank for the storage of unstable liquids shall be located in accordance with Table H–8.

TABLE H–8

Type of tank	Protection	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
Horizontal and vertical tanks with emergency relief venting to permit pressure not in excess of 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	See table H–9, but the distance may be not less than 25 ft.	Not less than 25 ft.
	Protection for exposures	2½ times Table H–9 but not less than 50 ft.	Not less than 50 ft.
	None	5 times table H–9 but not less than 100 ft.	Not less than 100 ft.
Horizontal and vertical tanks with emergency relief venting to permit pressure over 2.5 p.s.i.g.	Tank protected with any one of the following: Approved water spray, approved inerting, approved insulation and refrigeration, approved barricade.	2 times table H–9 but not less than 50 ft.	Not less than 50 ft.
	Protection for exposures.	4 times table H–9 but not less than 100 ft.	Not less than 100 ft.
	None	8 times table H–9 but not less than 150 ft.	Not less than 150 ft.

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(e) Reference minimum distances for use in Tables H–5 to H–8, inclusive.

TABLE H-9

Capacity tank gallons	Minimum distance in feet from property line which may be built upon, including the opposite side of a public way	Minimum distance in feet from nearest side of any public way or from nearest important building
275 or less	5	5
276 to 750	10	5
751 to 12,000	15	5
12,001 to 30,000	20	5
30,001 to 50,000	30	10
50,001 to 100,000	50	15
100,001 to 500,000	80	25
500,001 to 1,000,000	100	35
1,000,001 to 2,000,000	135	45
2,000,001 to 3,000,000	165	55
3,000,001 or more	175	60

(f) Where end failure or horizontal pressure tanks and vessels may expose property, the tank shall be placed with the longitudinal axis parallel to the nearest important exposure.

(ii) *Spacing (shell-to-shell) between aboveground tanks.* (a) The distance between any two flammable or combustible liquid storage tanks shall not be less than 3 feet.

(b) Except as provided in subdivision (c) of this subdivision, the distance between any two adjacent tanks shall not be less than one-sixth the sum of their diameters. When the diameter of one tank is less than one-half the diameter of the adjacent tank, the distance between the two tanks shall not be less than one-half the diameter of the smaller tank.

(c) Where crude petroleum in conjunction with production facilities are located in noncongested areas and have capacities not exceeding 126,000 gallons (3,000 barrels), the distance between such tanks shall not be less than 3 feet.

(d) Where unstable flammable or combustible liquids are stored, the distance between such tanks shall not be less than one-half the sum of their diameters.

(e) When tanks are compacted in three or more rows or in an irregular pattern, greater spacing or other means shall be provided so that inside tanks are accessible for firefighting purposes.

(f) The minimum separation between a liquefied petroleum gas container and a flammable or combustible liquid storage tank shall be 20 feet, except in the case of flammable or combustible liquid tanks operating at pressures exceeding 2.5 p.s.i.g. or equipped with emergency venting which will permit pressures to exceed 2.5 p.s.i.g. in which case the provisions of subdivisions (a) and (b) of this subdivision shall apply. Suitable means shall be taken to prevent the accumulation of flammable or combustible liquids under adjacent liquefied petroleum gas containers such as by diversion curbs or grading. When flammable or combustible liquid storage tanks are within a diked area, the liquefied petroleum gas containers shall be outside the diked area and at least 10 feet away from the centerline of the wall of the diked area. The foregoing provisions shall not apply when liquefied petroleum gas containers of 125 gallons or less capacity are installed adjacent to fuel oil supply tanks of 550 gallons or less capacity.

(iii) *Location of outside aboveground tanks with respect to important buildings on same property.* Every outside aboveground tank shall be separated from important buildings on the same property by distances not less than those specified in subdivisions (i) (*a*), (*b*), (c), and (*d*) of this subparagraph, whichever is applicable. The appropriate distance column in Tables H–5, H–6, H–7, H–8, or H–9, that shall be used shall be the one reading: "Minimum Distance in Feet from Nearest Side of Any Public Way or From Nearest Important Building."

(iv) *Normal venting for aboveground tanks.* (a) Atmospheric storage tanks shall be adequately vented to prevent the development of vacuum or pressure sufficient to distort the roof of a cone roof tank or exceeding the design pressure in the case of other atmospheric tanks, as a result of filling or emptying, and atmospheric temperature changes.

(b) Normal vents shall be sized either in accordance with: (*1*) the American Petroleum Institute Standard 2000 (1968), Venting Atmospheric and Low-Pressure Storage Tanks; or (2) other accepted standard; or (*3*) shall be at least as large as the filling or withdrawal connection, whichever is larger but in no case less than 1¼ inch nominal inside diameter.

(c) Low-pressure tanks and pressure vessels shall be adequately vented to prevent development of pressure or vacuum, as a result of filling or emptying and atmospheric temperature changes, from exceeding the design pressure of the tank or vessel. Protection shall also be provided to prevent overpressure from any pump discharging into the tank or vessel when the pump discharge pressure can exceed the design pressure of the tank or vessel.

(*d*) If any tank or pressure vessel has more than one fill or withdrawal connection and simultaneous filling or withdrawal can be made, the vent size shall be based on the maximum anticipated simultaneous flow.

(*e*) Unless the vent is designed to limit the internal pressure 2.5 p.s.i. or less, the outlet of vents and vent drains shall be arranged to discharge in such a manner as to prevent localized overheating of any part of the tank in the event vapors from such vents are ignited.

(*f*) Tanks and pressure vessels storing Class IA liquids shall be equipped with venting devices which shall be normally closed except when venting to pressure or vacuum conditions. Tanks and pressure storing Class IB and IC liquids shall be equipped with venting devices which shall be normally closed except when venting under pressure or vacuum conditions, or with approved flame arresters.

Exemption: Tanks of 3,000 bbls. capacity or less containing crude petroleum in crude-producing areas; and, outside aboveground atmospheric tanks under 1,000 gallons capacity containing other than Class IA flammable liquids may have open vents. (See subdivision (vi) (*b*) of this subparagraph.)

(*g*) Flame arresters or venting devices required in subdivision (*f*) of this subdivision may be omitted for Class IB and IC liquids where conditions are such that their use may, in case of obstruction, result in tank damage.

(v) *Emergency relief venting for fire exposure for aboveground tanks.* (*a*) Every aboveground storage tank shall have some form of construction or device that will relieve excessive internal pressure caused by exposure fires.

(*b*) In a vertical tank the construction referred to in subdivision (*a*) of this subdivision may take the form of a floating roof, lifter roof, a weak roof-to-shell seam, or other approved pressure relieving construction. The weak roof-to-shell seam shall be constructed to fail preferential to any other seam.

(*c*) Where entire dependence for emergency relief is placed upon pressure relieving devices, the total venting capacity of both normal and emergency vents shall be enough to prevent rupture of the shell or bottom of the tank if vertical, or if the shell or heads if horizontal. If unstable liquids are stored, the effects of heat or gas resulting from polymerization, decomposition, condensation, or self-reactivity shall be taken into account. The total capacity of both normal and emergency venting devices shall be not less than that derived from Table H–10 except as provided in subdivision (*e*) or (*f*) of this subdivision. Such device may be a self-closing manhole cover, or one using long bolts that permit the cover to lift under internal pressure, or an additional or larger relief valve or valves. The wetted area of the tank shall be calculated on the basis of 55 percent of the total exposed area of a sphere or spheroid, 75 percent of the total exposed area of a horizontal tank and the first 30 feet above grade of the exposed shell area of a vertical tank.

TABLE H-10—WETTED AREA VERSUS CUBIC FEET FREE AIR PER HOUR

(14.7 psia and 60° F.)

Square feet	CFH	Square feet	CFH	Square feet	CFH
20	21,100	200	211,000	1,000	524,000
30	31,600	250	239,000	1,200	557,000
40	42,100	300	265,000	1,400	587,000
50	52,700	350	288,000	1,600	614,000
60	63,200	400	312,000	1,800	639,000
70	73,700	500	354,000	2,000	662,000
80	84,200	600	392,000	2,400	704,000
90	94,800	700	428,000	2,800	742,000
100	105,000	800	462,000	and over	
120	126,000	900	493,000		
140	147,000	1,000	524,000		
160	168,000				
180	190,000				
200	211,000				

(*d*) For tanks and storage vessels designed for pressure over 1 p.s.i.g., the total rate of venting shall be determined in accordance with Table H–10, except that when the exposed wetted area of the surface is greater than 2,800 square feet, the total rate of venting shall be calculated by the following formula:

$$CFH = 1{,}107A^{0.82}$$

Where:

CFH = Venting requirement, in cubic feet of free air per hour.

A = Exposed wetted surface, in square feet.

NOTE: The foregoing formula is based on $Q = 21{,}000A^{0.82}$.

(*e*) The total emergency relief venting capacity for any specific stable liquid may be determined by the following formula:

$$\text{Cubic feet of free air per hour} = V \frac{1337}{L\sqrt{M}}$$

V = Cubic feet of free air per hour from Table II–6.

L = Latent heat of vaporization of specific liquid in B.t.u. per pound.

M = Molecular weight of specific liquids.

(*f*) The required airflow rate of subdivision (c) or (*e*) of this subdivision may be multiplied by the appropriate factor listed in the following schedule when protection is provided as indicated. Only one factor may be used for any one tank.

0.5 for drainage in accordance with subdivision (vii) (*b*) of this subparagraph for tanks over 200 square feet of wetted area.

0.3 for approved water spray.

0.3 for approved insulation.

0.15 for approved water spray with approved insulation.

(*g*) The outlet of all vents and vent drains on tanks equipped with emergency venting to permit pressures exceeding 2.5 p.s.i.g. shall be arranged to discharge in such a way as to prevent localized overheating of any part of the tank, in the event vapors from such vents are ignited.

(*h*) Each commercial tank venting device shall have stamped on it the opening pressure, the pressure at which the valve reaches the full open position, and the flow capacity at the latter pressure, expressed in cubic feet per hour of air at 60° F. and at a pressure of 14.7 p.s.i.a.

(*i*) The flow capacity of tank venting devices 12 inches and smaller in nominal pipe size shall be determined by actual test of each type and size of vent. These flow tests may be conducted by the manufacturer if certified by a qualified impartial observer, or may be conducted by an outside agency. The flow capacity of tank venting devices larger than 12 inches nominal pipe size, including manhole covers with long bolts or equivalent, may be calculated provided that the opening pressure is actually measured, the rating pressure and corresponding free orifice area are stated, the word "calculated" appears on the nameplate, and the computation is based on a flow coefficient of 0.5 applied to the rated orifice area.

(vi) *Vent piping for aboveground tanks.* (*a*) Vent piping shall be constructed in accordance with paragraph (c) of this section.

(*b*) Where vent pipe outlets for tanks storing Class I liquids are adjacent to buildings or public ways, they shall be located so that the vapors are released at a safe point outside of buildings and not less than 12 feet above the adjacent ground level. In order to aid their dispersion, vapors shall be discharged upward or horizontally away from closely adjacent walls. Vent outlets shall be located so that flammable vapors will not be trapped by eaves or other obstructions and shall be at least five feet from building openings.

(*c*) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are subject to the same fire exposure.

(vii) *Drainage, dikes, and walls for aboveground tanks*—(*a*) *Drainage and diked areas.* The area surrounding a tank or a group of tanks shall be provided with drainage as in subdivision (*b*) of this subdivision, or shall be diked as provided in subdivision (*c*) of this subdivision, to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways.

(*b*) *Drainage.* Where protection of adjoining property or waterways is by means of a natural or manmade drainage system, such systems shall comply with the following:

(*1*) A slope of not less than 1 percent away from the tank toward the drainage system shall be provided.

(2) The drainage system shall terminate in vacant land or other area or in an impounding basin having a capacity not smaller than that of the largest tank served. This termination area and the route of the drainage system shall be so located that, if the flammable or combustible liquids in the drainage system are ignited, the fire will not seriously expose tanks or adjoining property.

(*3*) The drainage system, including automatic drainage pumps, shall not discharge to adjoining property, natural water courses, public sewers, or public drains unless the discharge of flammable or combustible liquids would not constitute a hazard, or the system is so designed that it will not permit flammable or combustible liquids to be released.

(*c*) *Diked areas.* Where protection of adjoining property or waterways is accomplished by retaining the liquid around the tank by means of a dike, the volume of the diked area shall comply with the following requirements:

(*1*) Except as provided in subdivision (2) of this subdivision, the volumetric capacity of the diked area shall not be less than the greatest amount of liquid that can be released from the largest tank within the diked area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.

(2) For a tank or group of tanks with fixed roofs containing crude petroleum with boilover characteristics, the volumetric capacity of the diked area shall be not less than the capacity of the largest tank served by the enclosure, assuming a full tank. The capacity of the diked enclosure shall be calculated by deducting the volume below the height of the dike of all tanks within the enclosure.

(*3*) Walls of the diked area shall be of earth, steel, concrete or solid masonry designed to be liquidated and to withstand a full hydrostatic head. Earthen walls 3 feet or more in height shall have a flat section at the top not less than 2 feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.

(*4*) The walls of the diked area shall be restricted to an average height of 6 feet above interior grade.

(*5*) Where provision is made for draining water from diked areas, drainage shall be provided at a uniform slope of not less than 1 percent away from tanks toward a sump, drainbox, or other safe means of disposal located at the greatest practical distance from the tank. Such drains shall normally be controlled in a manner so as to prevent flammable or combustible liquids from entering natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Control of drainage shall be accessible under fire conditions.

(*6*) No loose combustible material, empty or full drum or barrel, shall be permitted within the diked area.

(*7*) Each diked area containing two or more tanks shall be subdivided preferably by drainage channels or at least by intermediate curbs in order to prevent spills from endangering adjacent tanks within the diked area as follows:

(*i*) When storing normally stable liquids in vertical cone roof tanks constructed with weak roof-to-shell seam or approved floating roof tanks or when storing crude petroleum in producing areas in any type of tank, one subdivision for each tank in excess of 10,000 bbls. and one subdivision for each group of tanks (no tank exceeding 10,000 bbls. capacity) having an aggregate capacity not exceeding 15,000 bbls.

(*ii*) When storing normally stable flammable or combustible liquids in tanks not covered in subdivision (*i*) of this subdivision, one subdivision for each tank in excess of 100,000 gallons (2,500 bbls.) and one subdivision for each group of tanks (no tank exceeding

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100,000 gallons capacity) having an aggregate capacity not exceeding 150,000 gallons (3,570 bbls.).

(*iii*) When storing unstable liquids in any type of tank, one subdivision for each tank except that tanks installed in accordance with the drainage requirements of NFPA 15–1969, Standard for Water Spray Fixed Systems for Fire Protection shall require no additional subdivision.

(*iv*) The drainage channels or intermediate curbs shall be located between tanks so as to take full advantage of the available space with due regard for the individual tank capacities. Intermediate curbs, where used, shall be not less than 18 inches in height.

(ix) *Tank openings other than vents for aboveground tanks.* (*a*) Connections for all tank openings shall be vaportight and liquidtight. Vents are covered in subdivisions (iv) through (vi) of this subparagraph.

(*b*) Each connection to an aboveground tank through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(c) Each connection below the liquid level through which liquid does not normally flow shall be provided with a liquidtight closure. This may be a valve, plug, or blind, or a combination of these.

(*d*) Openings for gaging shall be provided with a vaportight cap or cover.

(*e*) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity. A fill pipe entering the top of a tank shall terminate within 6 inches of the bottom of the tank and shall be installed to avoid excessive vibration.

(*f*) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(3) *Installation of underground tanks*—(i) *Location.* Excavation for underground storage tanks shall be made with due care to avoid undermining of foundations of existing structures. Underground tanks or tanks under buildings shall be so located with respect to existing building foundations and supports that the loads carried by the latter cannot be transmitted to the tank. The distance from any part of a tank storing class I liquids to the nearest wall of any basement or pit shall be not less than 1 foot, and to any property line that may be built upon, not less than 3 feet. The distance from any part of a tank storing class II or class III liquids to the nearest wall of any basement, pit or property line shall be not less than 1 foot.

(ii) *Depth and cover.* Underground tanks shall be set on firm foundations and surrounded with at least 6 inches of noncorrosive, inert materials such as clean sand, earth, or gravel well tamped in place. The tank shall be placed in the hole with care since dropping or rolling the tank into the hole can break a weld, puncture or damage the tank, or scrape off the protective coating of coated tanks. Tanks shall be covered with a minimum of 2 feet of earth, or shall be covered with not less than 1 foot of earth, on top of which shall be placed a slab of reinforced concrete not less than 4 inches thick. When underground tanks are, or are likely to be, subject to traffic, they shall be protected against damage from vehicles passing over them by at least 3 feet of earth cover, or 18 inches of well-tamped earth, plus 6 inches of reinforced concrete or 8 inches of asphaltic concrete. When asphaltic or reinforced concrete paving is used as part of the protection, it shall extend at least 1 foot horizontally beyond the outline of the tank in all directions.

(iii) *Corrosion protection.* Corrosion protection for the tank and its piping shall be provided by one or more of the following methods:

(*a*) Use of protective coatings or wrappings;

(*b*) Cathodic protection; or,

(c) Corrosion resistant materials of construction.

(iv) *Vents.* (*a*) Location and arrangement of vents for class I liquids. Vent pipes from tanks storing class I liquids shall be so located that the discharge point is outside of buildings, higher than the full pipe opening, and not less than 12 feet above the adjacent ground level. Vent pipes shall discharge only upward in order to disperse vapors. Vent pipes 2 inches or less in nominal inside diameter shall not be obstructed by devices that will cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than 10 feet in length, or greater than 2 inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet.

(*b*) Size of vents. Each tank shall be vented through piping adequate in size to prevent blow-back of vapor or liquid at the fill opening while the tank is being filled. Vent pipes shall be not less than 1¼ inch nominal inside diameter.

TABLE H-11—VENT LINE DIAMETERS

Maximum flow GPM	Pipe length*		
	50 feet	100 feet	200 feet
	Inches	*Inches*	*Inches*
100	1¼	1¼	1¼
200	1¼	1¼	1¼
300	1¼	1¼	1½
400	1¼	1½	2
500	1½	1½	2
600	1½	2	2
700	2	2	2
800	2	2	3
900	2	2	3
1,000	2	2	3

*Vent lines of 50 ft., 100 ft., and 200 ft. of pipe plus 7 ells.

(c) Location and arrangement of vents for class II or class III liquids. Vent pipes from tanks storing class II or class III flammable liquids shall terminate outside of the building and higher than the fill pipe opening. Vent outlets shall be above normal snow level. They may be fitted with return bends, coarse screens or other devices to minimize ingress of foreign material.

(*d*) Vent piping shall be constructed in accordance with paragraph (c) of this section. Vent pipes shall be so laid as to drain toward the tank without sags or traps in which liquid can collect. They shall be located so that they will not be subjected to physical damage. The tank end of the vent pipe shall enter the tank through the top.

(*e*) When tank vent piping is manifolded, pipe sizes shall be such as to discharge, within the pressure limitations of the system, the vapors they may be required to handle when manifolded tanks are filled simultaneously.

(v) *Tank openings other than vents.* (*a*) Connections for all tank openings shall be vapor or liquid tight.

(*b*) Openings for manual gaging, if independent of the fill pipe, shall be provided with a liquid-tight cap or cover. If inside a building, each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(c) Fill and discharge lines shall enter tanks only through the top. Fill lines shall be sloped toward the tank.

(*d*) For class IB and class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(*e*) Filling and emptying connections which are made and broken shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. Such connection shall be closed and liquidtight when not in use. The connection shall be properly identified.

(4) *Installation of tanks inside of buildings*—(i) *Location.* Tanks shall not be permitted inside of buildings except as provided in paragraphs (e), (g), (h), or (i) of this section.

(ii) *Vents.* Vents for tanks inside of buildings shall be as provided in subparagraphs (2) (iv), (v), (vi)(*b*), and (3)(iv) of this paragraph, except that emergency venting by the use of weak roof seams on tanks shall not be permitted. Vents shall discharge vapors outside the buildings.

(iii) *Vent piping.* Vent piping shall be constructed in accordance with paragraph (c) of this section.

(iv) *Tank openings other than vents.* (*a*) Connections for all tank openings shall be vapor or liquidtight. Vents are covered in subdivision (ii) of this subparagraph.

(*b*) Each connection to a tank inside of buildings through which liquid can normally flow shall be provided with an internal or an external valve located as close as practical to the shell of the tank. Such valves, when external, and their connections to the tank shall be of steel except when the chemical characteristics of the liquid stored are incompatible with steel. When materials other than steel are necessary, they shall be suitable for the pressures, structural stresses, and temperatures involved, including fire exposures.

(*c*) Flammable or combustible liquid tanks located inside of buildings, except in one-story buildings designed and protected for flammable or combustible liquid storage, shall be provided with an automatic-closing heat-actuated valve on each withdrawal connection below the liquid level, except for connections used for emergency disposal, to prevent continued flow in the event of fire in the vicinity of the tank. This function may be incorporated in the valve required in (*b*) of this subdivision, and if a separate valve, shall be located adjacent to the valve required in (*b*) of this subdivision.

(*d*) Openings for manual gaging, if independent of the fill pipe (see (*f*) of this subdivision), shall be provided with a vaportight cap or cover. Each such opening shall be protected against liquid overflow and possible vapor release by means of a spring loaded check valve or other approved device.

(*e*) For Class IB and Class IC liquids other than crude oils, gasolines, and asphalts, the fill pipe shall be so designed and installed as to minimize the possibility of generating static electricity by terminating within 6 inches of the bottom of the tank.

(*f*) The fill pipe inside of the tank shall be installed to avoid excessive vibration of the pipe.

(*g*) The inlet of the fill pipe shall be located outside of buildings at a location free from any source of ignition and not less than 5 feet away from any building opening. The inlet of the fill pipe shall be closed and liquidtight when not in use. The fill connection shall be properly identified.

(*h*) Tanks inside buildings shall be equipped with a device, or other means shall be provided, to prevent overflow into the building.

(5) *Supports, foundations, and anchorage for all tank locations*—(i) *General.* Tank supports shall be installed on firm foundations. Tank supports shall be of concrete, masonry, or protected steel. Single wood timber supports (not cribbing) laid horizontally may be used for outside aboveground tanks if not more than 12 inches high at their lowest point.

(ii) *Fire resistance.* Steel supports or exposed piling shall be protected by materials having a fire resistance rating of not less than 2 hours, except that steel saddles need not be protected if less than 12 inches high at their lowest point. Water spray protection or its equivalent may be used in lieu of fire-resistive materials to protect supports.

(iii) *Spheres.* The design of the supporting structure for tanks such as spheres shall receive special engineering consideration.

(iv) *Load distribution.* Every tank shall be so supported as to prevent the excessive concentration of loads on the supporting portion of the shell.

(v) *Foundations.* Tanks shall rest on the ground or on foundations made of concrete, masonry, piling, or steel. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank and to minimize corrosion in any part of the tank resting on the foundation.

(vi) *Flood areas.* Where a tank is located in an area that may be subjected to flooding, the applicable precautions outlined in this subdivision shall be observed.

(*a*) No aboveground vertical storage tank containing a flammable or combustible liquid shall be located so that the allowable liquid level within the tank is below the established maximum flood stage, unless the tank is provided with a guiding structure such as described in (*n*), (*o*), and (*p*) of this subdivision.

(*b*) Independent water supply facilities shall be provided at locations where there is no ample and dependable public water supply available for loading partially empty tanks with water.

(c) In addition to the preceding requirements, each tank so located that more than 70 percent, but less than 100 percent, of its allowable liquid storage capacity will be submerged at the established maximum flood stage, shall be safeguarded by one of the following methods: Tank shall be raised, or its height shall be increased, until its top extends above the maximum flood stage a distance equivalent to 30 percent or more of its allowable liquid storage capacity: *Provided, however,* That the submerged part of the tank shall not exceed two and one-half times the diameter. Or, as an alternative to the foregoing, adequate noncombustible structural guides, designed to permit the tank to float vertically without loss of product, shall be provided.

(*d*) Each horizontal tank so located that more than 70 percent of its storage capacity will be submerged at the established flood stage, shall be anchored, attached to a foundation of concrete or of steel and concrete, of sufficient weight to provide adequate load for the tank when filled with flammable or combustible liquid and submerged by flood waters to the established flood stage, or adequately secured by other means.

(*e*) Spherical and spheroidal tanks shall be protected by applicable methods as specified for either vertical or horizontal tanks.

(*f*) At locations where there is no ample and dependable water supply, or where filling of underground tanks with liquids is impracticable because of the character of their contents, their use, or for other reasons, each tank shall be safeguarded against movement when empty and submerged by high ground water or flood waters by anchoring, weighting with concrete or other approved solid loading material, or securing by other means. Each such tank shall be so constructed and installed that it will safely resist external pressures due to high ground water or flood waters.

(*g*) At locations where there is an ample and dependable water supply available, underground tanks containing flammable or combustible liquids, so installed that more than 70 percent of their storage capacity will be submerged at the maximum flood stage, shall be so anchored, weighted, or secured by other means, as to prevent movement of such tanks when filled with flammable or combustible liquids, and submerged by flood waters to the established flood stage.

(*h*) Pipe connections below the allowable liquid level in a tank shall be provided with valves or cocks located as closely as practicable to the tank shell. Such valves and their connections to tanks shall be of steel or other material suitable for use with the liquid being stored. Cast iron shall not be permitted.

(*i*) At locations where an independent water supply is required, it shall be entirely independent of public power and water supply. Independent source of water shall be available when flood waters reach a level not less than 10 feet below the bottom of the lowest tank on a property.

(*j*) The self-contained power and pumping unit shall be so located or so designed that pumping into tanks may be carried on continuously throughout the rise in flood waters from a level 10 feet below the lowest tank to the level of the potential flood stage.

(*k*) Capacity of the pumping unit shall be such that the rate of rise of water in all tanks shall be equivalent to the established potential average rate of rise of flood waters at any stage.

(*l*) Each independent pumping unit shall be tested periodically to insure that it is in satisfactory operating condition.

(*m*) Structural guides for holding floating tanks above their foundations shall be so designed that there will be no resistance to the free rise of a tank, and shall be constructed of noncombustible material.

(*n*) The strength of the structure shall be adequate to resist lateral movement of a tank subject to a horizontal force in any direction equivalent to not less than 25 pounds per square foot acting on the projected vertical cross-sectional area of the tank.

(*o*) Where tanks are situated on exposed points or bends in a shoreline where swift currents in flood waters will be present, the structures shall be designed to withstand a unit force of not less than 50 pounds per square foot.

(*p*) The filling of a tank to be protected by water loading shall be started as soon as flood waters reach a dangerous flood stage. The rate of filling shall be at least equal to the rate of rise of the floodwaters (or the established average potential rate of rise).

(*q*) Sufficient fuel to operate the water pumps shall be available at all times to insure adequate power to fill all tankage with water.

(*r*) All valves on connecting pipelines shall be closed and locked in closed position when water loading has been completed.

(*s*) Where structural guides are provided for the protection of floating tanks, all rigid connections between tanks and pipelines shall be disconnected and blanked off or blinded before the floodwaters reach the bottom of the tank, unless control valves and their connections to the tank are of a type designed to prevent breakage between the valve and the tank shell.

(*t*) All valves attached to tanks other than those used in connection with water loading operations shall be closed and locked.

(*u*) If a tank is equipped with a swing line, the swing pipe shall be raised to and secured at its highest position.

(*v*) Inspections. The Assistant Secretary or his designated representative shall make periodic inspections of all plants where the storage of flammable or combustible liquids is such as to require compliance with the foregoing requirements, in order to assure the following:

(*1*) That all flammable or combustible liquid storage tanks are in compliance with these requirements and so maintained.

(*2*) That detailed printed instructions of what to do in flood emergencies are properly posted.

(*3*) That station operators and other employees depended upon to carry out such instructions are thoroughly informed as to the location and operation of such valves and other equipment necessary to effect these requirements.

(vii) *Earthquake areas.* In areas subject to earthquakes, the tank supports and connections shall be designed to resist damage as a result of such shocks.

(6) *Sources of ignition.* In locations where flammable vapors may be present, precautions shall be taken to prevent ignition by eliminating or controlling sources of ignition. Sources of ignition may include open flames, lightning, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, and mechanical), spontaneous ignition, chemical and physical-chemical reactions, and radiant heat.

(7) *Testing*—(i) *General.* All tanks, whether shop built or field erected, shall be strength tested before they are placed in service in accordance with the applicable paragraphs of the code under which they were built. The American Society of Mechanical Engineers (ASME) code stamp, American Petroleum Institute (API) monogram, or the label of the Underwriters' Laboratories, Inc., on a tank shall be evidence of compliance with this strength test. Tanks not marked in accordance with the above codes shall be strength tested before they are placed in service in accordance with good engineering principles and reference shall be made to the sections on testing in the codes listed in subparagraphs (1) (iii) (*a*), (iv) (*b*), or (v) (*b*) of this paragraph.

(ii) *Strength.* When the vertical length of the fill and vent pipes is such that when filled with liquid the static head imposed upon the bottom of the tank exceeds 10 pounds per square inch, the tank and related piping shall be tested hydrostatically to a pressure equal to the static head thus imposed.

(iii) *Tightness.* In addition to the strength test called for in subdivisions (i) and (ii) of this subparagraph, all tanks and connections shall be tested for tightness. Except for underground tanks, this tightness test shall be made at operating pressure with air, inert gas, or water prior to placing the tank in service. In the case of field-erected tanks the strength test may be considered to be the test for tank tightness. Underground tanks and piping, before being covered, enclosed, or placed in use, shall be tested for tightness hydrostatically, or with air pressure at not less than 3 pounds per square inch and not more than 5 pounds per square inch.

(iv) *Repairs.* All leaks or deformations shall be corrected in an acceptable manner before the tank is placed in service. Mechanical caulking is not permitted for correcting leaks in welded tanks except pinhole leaks in the roof.

(v) *Derated operations.* Tanks to be operated at pressures below their design pressure may be tested by the applicable provisions of subdivisions (i) or (ii) of this subparagraph, based upon the pressure developed under full emergency venting of the tank.

(c) *Piping, valves, and fittings*—(1) *General*—(i) *Design.* The design (including selection of materials) fabrication, assembly, test, and inspection of piping systems containing flammable or combustible liquids shall be suitable for the expected working pressures and structural stresses. Conformity with the applicable provisions of Pressure Piping, ANSI B31 series and the provisions of this paragraph, shall be considered prima facie evidence of compliance with the foregoing provisions.

(ii) *Exceptions.* This paragraph does not apply to any of the following:

(*a*) Tubing or casing on any oil or gas wells and any piping connected directly thereto.

(*b*) Motor vehicle, aircraft, boat, or portable or stationary engines.

(*c*) Piping within the scope of any applicable boiler and pressures vessel code.

(iii) *Definitions.* As used in this paragraph, piping systems consist of pipe, tubing flanges, bolting, gaskets, valves, fittings, the pressure containing parts of other components such as expansion joints and strainers, and devices which serve such purposes as mixing, separating, snubbing, distributing, metering, or controlling flow.

(2) *Materials for piping, valves, and fittings*—(i) *Required materials.* Materials for piping, valves, or fittings shall be steel or modular iron except as provided in subdivisions (ii), (iii), and (iv) of this subparagraph.

(ii) *Exceptions.* Materials other than steel or nodular iron may be used underground or if required by the properties of the flammable or combustible liquid handled. Material other than steel or nodular iron shall be designed to specifications embodying principles recognized as good engineering design for the material used.

(iii) *Linings.* Piping, valves, and fittings may have combustible or noncombustible linings.

(iv) *Low-melting materials.* When low-melting point materials such as aluminum and brass or materials that soften on fire exposure such as plastics, or nonductile materials such as cast iron, are necessary, special consideration shall be given to their behavior on fire exposure. If such materials are used in aboveground piping systems or inside buildings, they shall be suitably protected against fire exposure or so located that any spill resulting from the failure of these materials could not unduly expose persons, important buildings or structures or can be readily controlled by remote valves.

(3) *Pipe joints.* Joints shall be made liquid tight. Welded or screwed joints or approved connectors shall be used. Threaded joints and connections shall be made up tight with a suitable lubricant or piping compound. Pipe joints dependent upon the friction characteristics of combustible materials for mechanical continuity of piping shall not be used inside buildings. They may be used outside of buildings above or below ground. If used aboveground, the piping shall either be secured to prevent disengagement at the fitting or the piping system shall be so designed that any spill resulting from such disengagement could not unduly expose persons, important buildings or structures, and could be readily controlled by remote valves.

(4) *Supports.* Piping systems shall be substantially supported and protected against physical damage and excessive stresses arising from settlement, vibration, expansion, or contraction.

(5) *Protection against corrosion.* All piping for flammable or combustible liquids, both aboveground and underground, where subject to external corrosion, shall be painted or otherwise protected.

(6) *Valves.* Piping systems shall contain a sufficient number of valves to operate the system properly and to protect the plant. Piping systems in connection with bumps shall contain a sufficient number of valves to control properly the flow of liquid in normal operation and in the event of physical damage. Each connection to pipelines, by which equipments such as tankcars or tank vehicles discharge liquids by means of pumps into storage tanks, shall be provided with a check valve for automatic protection against backflow if the piping arrangement is such that backflow from the system is possible.

(7) *Testing.* All piping before being covered, enclosed, or placed in use shall be hydrostatically tested to 150 percent of the maximum anticipated pressure of the system, or pneumatically tested to 110 percent of the maximum anticipated pressure of the system, but not less than 5 pounds per square inch gage at the highest point of the system. This test shall be maintained for a sufficient time to complete visual inspection of all joints and connections, but for at least 10 minutes.

(d) *Container and portable tank storage.*—(1) *Scope.*—(i) *General.* This paragraph shall apply only to the storage of flammable or combustible liquids in drums or other containers (including flammable aerosols) not exceeding 60 gallons individual capacity and those portable tanks not exceeding 660 gallons individual capacity.

(ii) *Exceptions.* This paragraph shall not apply to the following:

(*a*) Storage of containers in bulk plants, service stations, refineries, chemical plants, and distilleries;

(*b*) Flammable liquids in the fuel tanks of a motor vehicle, aircraft, boat, or portable or stationary engine;

(*c*) Flammable or combustible paints, oils, varnishes, and similar mixtures used for painting or maintenance when not kept for a period in excess of 30 days.

(*d*) Beverages when packaged in individual containers not exceeding 1 gallon in size.

(2) *Design, construction, and capacity of containers*—(i) *General.* Only approved containers and portable tanks shall be used. Metal containers and portable tanks meeting the requirements of and containing products authorized by Chapter I, Title 49 of the Code of Federal Regulations (regulations issued by the Hazardous Materials Regulations Board, Department of Transportation), shall be deemed to be acceptable.

(ii) *Emergency venting.* Each portable tank shall be provided with one or more devices installed in the top with sufficient emergency venting capacity to limit internal pressure under fire exposure conditions to 10 p.s.i.g., or 30 percent of the bursting pressure of the tank, whichever is greater. The total venting capacity shall be not less than that specified in paragraphs (b) (2) (v) (c) or (*e*) of this section. At least one pressure-actuated vent having a minimum capacity of 6,000 cubic feet of free air (14.7 p.s.i.a. and 60° F.) shall be used. It shall be set to open at not less than 5 p.s.i.g. If fusible vents are used, they shall be actuated by elements that operate at a temperature not exceeding 300° F.

TABLE H-12—MAXIMUM ALLOWABLE SIZE OF CONTAINERS AND PORTABLE TANKS

Container type	Flammable liquids				Combustible liquids, Class III
	Class 1A	Class 1B	Class IC	Class II	
Glass or approved plastic	1 pt	1 qt	1 gal	1 gal	1 gal.
Metal (other than DOT drums)	1 gal	5 gal	5 gal	5 gal	5 gal.
Safety cans	2 gal	5 gal	5 gal	5 gal	5 gal.
Metal drums (DOT spec.)	60 gal	60 gal	60 gal	60 gal	60 gal.
Approved portable tanks	660 gal	660 gal	660 gal	660 gal	660 gal.

Container exemptions: (a) Medicines, beverages, foodstuffs, cosmetics, and other common consumer items, when packaged according to commonly accepted practices, shall be exempt from the requirements of subdivisions (i) and (ii) of this subparagraph.

(iii) *Size.* Flammable and combustible liquids packaged for sale or use shall conform to Table H–12.

(3) *Design, construction, and capacity of storage cabinets*—(i) *Maximum capacity.* Not more than 60 gallons of flammable or 120 gallons of combustible liquids may be stored in a storage cabinet.

(ii) *Fire resistance.* Storage cabinets shall be designed and constructed to limit the internal temperature to not more than 325° F. when subjected to a 10-minute fire test using the standard time-temperature curve as set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251–1969. All joints and seams shall remain tight and the door shall remain securely closed during the fire test. Cabinets shall be labeled in conspicuous lettering, "Flammable—Keep Fire Away."

(*a*) Metal cabinets constructed in the following manner shall be deemed to be in compliance. The bottom, top, door, and sides of cabinet shall be at least No. 18 gage sheet iron and double walled with 1½-inch air space. Joints shall be riveted, welded or made tight by some equally effective means. The door shall be provided with a three-point lock, and the door sill shall be raised at least 2 inches above the bottom of the cabinet.

(*b*) Wooden cabinets constructed in the following manner shall be deemed in compliance. The bottom, sides, and top shall be constructed of an approved grade of plywood at least 1 inch in thickness, which shall not break down or delaminate under fire conditions. All joints shall be rabbetted and shall be fastened in two directions with flathead woodscrews. When more than one door is used, there shall be a rabbetted overlap of not less than 1 inch. Hinges shall be mounted in such a manner as not to lose their holding capacity due to loosening or burning out of the screws when subjected to the fire test.

(4) *Design and construction of inside storage rooms*—(i) *Construction.* Inside storage rooms shall be constructed to meet the required fire-resistive rating for their use. Such construction shall comply with the test specifications set forth in Standard Methods of Fire Tests of Building Construction and Materials, NFPA 251–1969. Where an automatic sprinkler system is provided, the system shall be designed and installed in an acceptable manner. Openings to other rooms or buildings shall be provided with noncombustible liquid-tight raised sills or ramps at least 4 inches in height, or the floor in the storage area shall be at least 4 inches below the surrounding floor. Openings shall be provided with approved self-closing fire doors. The room shall be liquid tight where the walls join the floor. A permissible alternate to the sill or ramp is an open-grated trench inside of the room which drains to a safe location. Where other portions of the building or other properties are exposed, windows shall be protected as set forth in the Standard for Fire Doors and Windows, NFPA No. 80–1969, for class E or F openings. Wood at least 1 inch nominal thickness may be used for shelving, racks, dunnage, scuffboards, floor overlay, and similar installations.

(ii) *Rating and capacity.* Storage in inside storage rooms shall comply with Table H–13.

TABLE H-13 STORAGE IN INSIDE ROOMS

Fire protection* provided	Fire resistance	Maximum size	Total allowable quantities (gals./sq. ft./floor area)
Yes	2 hours	500 sq. ft	10
No	2 hours	500 sq. ft	4
Yes	1 hour	150 sq. ft	5
No	1 hour	150 sq. ft	2

*Fire protection system shall be sprinkler, water spray, carbon dioxide, or other system.

(iii) *Wiring.* Electrical wiring and equipment located in inside storage rooms used for class I liquids shall be approved under subpart S of this part for Class I, Division 2 Hazardous Locations; for class II and class III liquids, shall be approved for general use.

(iv) *Ventilation.* Every inside storage room shall be provided with either a gravity or a mechanical exhaust ventilation system. Such system shall be designed to provide for a complete change of air within the room at least six times per hour. If a mechanical exhaust system is used, it shall be controlled by a switch located outside of the door. The ventilating equipment and any lighting fixtures shall be operated by the same switch. A pilot light shall be installed adjacent to the switch if class I flammable liquids are dispensed within the room. Where gravity ventilation is provided, the fresh air intake, as well as the exhaust outlet from the room, shall be on the exterior of the building in which the room is located.

(v) *Storage in inside storage rooms.* In every inside storage room there shall be maintained one clear aisle at least 3 feet wide. Containers over 30 gallons capacity shall not be stacked one upon the other. Dispensing shall be by approved pump or self-closing faucet only.

(5) *Storage inside building*—(i) *Egress*. Flammable or combustible liquids, including stock for sale, shall not be stored so as to limit use of exits, stairways, or areas normally used for the safe egress of people.

(ii) *Containers*. The storage of flammable or combustible liquids in containers or portable tanks shall comply with subdivisions (iii) through (v) of this subparagraph.

(iii) *Office occupancies*. Storage shall be prohibited except that which is required for maintenance and operation of building and operation of equipment. Such storage shall be kept in closed metal containers stored in a storage cabinet or in safety cans or in an inside storage room not having a door that opens into that portion of the building used by the public.

(iv) *Mercantile occupancies and other retail stores*.

(*a*) In rooms or areas accessible to the public, storage shall be limited to quantities needed for display and normal merchandising purposes but shall not exceed 2 gallons per square foot of gross floor area. The gross floor area used for computing the maximum quantity permitted shall be considered as that portion of the storage area actually being used for merchandising flammable and combustible liquids.

(*b*) Where the aggregate quantity of additional stock exceeds 60 gallons of class IA, 120 gallons of class IB, 180 gallons of class IC, 240 gallons of class II, or 500 gallons of combustible liquids, or any combination of flammable liquids exceeding 240 gallons, it shall be stored in a room or portion of the building that complies with the construction provisions for an inside storage room as prescribed in subparagraph (4) of this paragraph. For water miscible liquids, these quantities may be doubled.

(*c*) Containers in a display area shall not be stacked more than 3 feet or two containers high, whichever is the greater, unless the stacking is done on fixed shelving or is otherwise satisfactorily secured.

(*d*) Shelving shall be of stable construction, of sufficient depth and arrangement such that containers displayed thereon shal not be easily displaced.

(*e*) Leaking containers shall be removed to a storage room or taken to a safe location outside the building and the contents transferred to an undamaged container.

(v) *General purpose public warehouses*. Storage shall be in accordance with Table H–14 or H–15 and in buildings or in portions of such buildings cut off by standard firewalls. Material creating no fire exposure hazard to the flammable or combustible liquids may be stored in the same area.

TABLE H-14—INDOOR CONTAINER STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gallons	Height	Gallons	Height
IA	Ground and upper floors	2,750 (50)	3 ft. (1)	660 (12)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	5,500 (100)	6 ft. (2)	1,375 (25)	3 ft. (1)
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	16,500 (300)	6 ft. (2)	4,125 (75)	3 ft. (1)
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	16,500 (300)	9 ft. (3)	4,125 (75)	9 ft. (3)
	Basement	5,500 (100)	9 ft. (3)	Not permitted	
Combustible	Ground and upper floors	55,000 (1,000)	15 ft. (5)	13,750 (250)	12 ft. (4)
	Basement	8,250 (450)	9 ft. (3)	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

NOTE 2: Aisles shall be provided so that no container is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

(Numbers in parentheses indicate corresponding number of 55-gal. drums.)

TABLE H-15—INDOOR PORTABLE TANK STORAGE

Class liquid	Storage level	Protected storage maximum per pile		Unprotected storage maximum per pile	
		Gallons	Height	Gallons	Height
IA	Ground and upper floors	Not permitted		Not permitted	
	Basement	Not permitted		Not permitted	
IB	Ground and upper floors	20,000	7 ft.	2,000	7 ft.
	Basement	Not permitted		Not permitted	
IC	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	Not permitted		Not permitted	
II	Ground and upper floors	40,000	14 ft.	5,500	7 ft.
	Basement	20,000	7 ft.	Not permitted	
Combustible	Ground and upper floors	60,000	14 ft.	22,000	7 ft.
	Basement	20,000	7 ft.	Not permitted	

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage permitted in that pile shall be the smallest of the 2 or more separate maximum gallonages.

NOTE 2: Aisles shall be provided so that no portable tank is more than 12 ft. from an aisle. Main aisles shall be at least 8 ft. wide and side aisles at least 4 ft. wide.

(vi) *Flammable and combustible liquid warehouses or storage buildings*. (*a*) If the storage building is located 50 feet or less from a building or line of adjoining property that may be built upon, the exposing wall shall be a blank wall having a fire-resistance rating of at least 2 hours.

(*b*) The total quantity of liquids within a building shall not be restricted, but the arrangement of storage shall comply with Table H–14 or H–15.

(*c*) Containers in piles shall be separated by pallets or dunnage where necessary to provide stability and to prevent excessive stress on container walls.

(*d*) Portable tanks stored over one tier high shall be designed to nest securely, without dunnage, and adequate materials handling equipment shall be available to handle tanks safely at the upper tier level.

(*e*) No pile shall be closer than 3 feet to the nearest beam, chord, girder, or other obstruction, and shall be 3 feet below sprinkler deflectors or discharge orifices of water spray, or other overhead fire protection systems.

(*f*) Aisles of at least 3 feet wide shall be provided where necessary for reasons of access to doors, windows or standpipe connections.

(6) *Storage outside buildings*—(i) *General*. Storage outside buildings shall be in accordance with Table H–16 or H–17, and subdivisions (ii) and (iv) of this subparagraph.

TABLE H-16—OUTDOOR CONTAINER STORAGE

1 Class	2 Maximum per pile gallons (see note 1)	3 Distance between piles (see note 2)	4 Distance to property line that can be built upon (see notes 3 and 4)	5 Distance to street, alley, public way (see note 4)
		ft.	*ft.*	*ft.*
IA	1,100	5	20	10
IB	2,200	5	20	10
IC	4,400	5	20	10
II	8,800	5	10	5
Combustible	22,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the smallest of the 2 or more separate gallonages.

NOTE 2: Within 200 ft. of each container, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.

NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(ii) *Maximum storage*. A maximum of 1,100 gallons of flammable or combustible liquids may be located adjacent to buildings located on the same premises and under the same management provided the provisions of subdivisions (*a*) and (*b*) of this subdivision are complied with.

(*a*) The building shall be a one-story building devoted principally to the handling and storing of flammable or combustible liquids or the building shall have 2-hour fire-resistive exterior walls having no opening within 10 feet of such storage.

(*b*) Where quantity stored exceeds 1,100 gallons, or provisions of subdivision (*a*) of this subdivision cannot be met, a minimum distance of 10 feet between buildings and nearest container of flammable or combustible liquid shall be maintained.

TABLE H-17—OUTDOOR PORTABLE TANK STORAGE

1 Class	2 Maximum per pile gallons	3 Distance between piles	4 Distance to property line that can be built upon	5 Distance to street, alley public way
		ft.	*ft.*	*ft.*
IA	2,200	5	20	10
IB	4,400	5	20	10
IC	8,800	5	20	10
II	17,600	5	10	5
Combustible	44,000	5	10	5

NOTE 1: When 2 or more classes of materials are stored in a single pile, the maximum gallonage in that pile shall be the the smallest of the 2 or more separate gallonages.

NOTE 2: Within 200 ft. of each portable tank, there shall be a 12-ft. wide access way to permit approach of fire control apparatus.

NOTE 3: The distances listed apply to properties that have protection for exposures as defined. If there are exposures, and such protection for exposures does not exist, the distances in column 4 shall be doubled.

NOTE 4: When total quantity stored does not exceed 50 percent of maximum per pile, the distances in columns 4 and 5 may be reduced 50 percent, but not less than 3 ft.

(iii) *Spill containment*. The storage area shall be graded in a manner to divert possible spills away from buildings or other exposures or shall be surrounded by a curb at least 6 inches high. When curbs are used, provisions shall be made for draining of accumulations of ground or rain water or spills of flammable or combustible liquids. Drains shall terminate at a safe location and shall be accessible to operation under fire conditions.

(iv) *Security*. The storage area shall be protected against tampering or trespassers where necessary and shall be kept free of weeds, debris and other combustible material not necessary to the storage.

(7) *Fire control*—(i) *Extinguishers*. Suitable fire control devices, such as small hose or portable fire extinguishers, shall be available at locations where flammable or combustible liquids are stored.

(*a*) At least one portable fire extinguishers having a rating of not less than 12–B units shall be located outside of, but not more than 10 feet from, the door opening into any room used for storage.

(*b*) At least one portable fire extinguisher having a rating of not less than 12–B units shall be located not less than 10 feet, nor more than 25 feet, from any flammable liquid storage area located outside of a storage room but inside a building.

(*1*) When sprinklers are provided, they shall be installed in an approved manner.

(*2*) Open flames and smoking shall not be permitted in flammable or combustible liquid storage areas.

(*3*) Materials which will react with water shall not be stored in the same room with flammable or combustible liquids.

(e) *Industrial plants*—(1) Scope—(i) *Application*. This paragraph shall apply to those industrial plants where

(*a*) The use of flammable or combustible liquids is incidental to the principal business, or

(*b*) Where flammable or combustible liquids are handled or used only in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical reaction. This paragraph shall not apply to chemical plants, refineries or distilleries.

(ii) *Exceptions*. Where portions of such plants involve chemical reactions such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes, those portions of the plant shall be in accordance with paragraph (h) of this section.

(2) *Incidental storage or use of flammable and combustible liquids*—(i) *Application*. This subparagraph shall be applicable to those portions of an industrial plant where the use and handling of flammable or combustible liquids is only incidental to the principal business, such as automobile assembly, construction of electronic equipment, furniture manufacturing, or other similar activities.

(ii) *Containers*. Flammable or combustible liquids shall be stored in tanks or closed containers.

(*a*) Except as provided in subdivisions (*b*) and (*c*) of this subdivision, all storage shall comply with paragraph (d) (3) or (4) of this section.

(*b*) The quantity of liquid that may be located outside of an inside storage room or storage cabinet in a building or in any one fire area of a building shall not exceed:

(*1*) 25 gallons of Class IA liquids in containers

(*2*) 120 gallons of Class IB, IC, II, or III liquids in containers

(*3*) 660 gallons of Class IB, IC, II, or III liquids in a single portable tank.

(*c*) Where large quantities of flammable or combustible liquids are necessary, storage may be in tanks which shall comply with the applicable requirements of paragraph (b) of this section.

(iii) *Separation and protection*. Areas in which flammable or combustible liquids are transferred from one tank or container to another container shall be separated from other operations in the building by adequate distance or by construction having adequate fire resistance. Drainage or other means shall be provided to control spills. Adequate natural or mechanical ventilation shall be provided.

(iv) *Handling liquids at point of final use*. (*a*) Flammable liquids shall be kept in covered containers when not actually in use.

(*b*) Where flammable or combustible liquids are used or handled, except in closed containers, means shall be provided to dispose promptly and safely of leakage or spills.

(*c*) Class I liquids may be used only where there are no open flames or other sources of ignition within the possible path of vapor travel.

(*d*) Flammable or combustible liquids shall be drawn from or transferred into vessels, containers, or portable tanks within a building only through a closed piping system, from safety cans, by means of a device drawing through the top, or from a container or portable tanks by gravity through an approved self-closing valve. Transferring by means of air pressure on the container or portable tanks shall be prohibited.

(3) *Unit physical operations*—(i) *Application*. This subparagraph shall be applicable in those portions of industrial plants where flammable or combustible liquids are handled or used in unit physical operations such as mixing, drying, evaporating, filtering, distillation, and similar operations which do not involve chemical change. Examples are plants compounding cosmetics, pharmaceuticals, solvents, cleaning fluids, insecticides, and similar types of activities.

(ii) *Location*. Industrial plants shall be located so that each building or unit of equipment is accessible from at least one side for firefighting and fire control purposes. Buildings shall be located with respect to lines of adjoining property which may be built upon as set forth in paragraph (h)(2) (i) and (ii) of this section except that the blank wall referred to in paragraph (h)(2)(ii) of this section shall have a fire resistance rating of at least 2 hours.

(iii) *Chemical processes*. Areas where unstable liquids are handled or small scale unit chemical processes are carried on shall be separated from the remainder of the plant by a fire wall of 2-hour minimum fire resistance rating.

(iv) *Drainage*. (*a*) Emergency drainage systems shall be provided to direct flammable or combustible liquid leak-

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age and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire; see paragraph (b)(2)(vii)(*b*) of this section.

(*b*) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(*c*) The industrial plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids into public waterways, public sewers, or adjoining property.

(v) *Ventilation.* (*a*) Areas as defined in subdivision (i) of this subparagraph using Class I liquids shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(*b*) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(vi) *Storage and handling.* The storage, transfer, and handling of liquid shall comply with paragraph (h)(4) of this section.

(4) *Tank vehicle and tank car loading and unloading.* (i) Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property which may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply with the appropriate portions of paragraph (f)(3) of this section.

(5) *Fire control*—(i) *Portable and special equipment.* Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(ii) *Water supply.* Water shall be available in volume and at adequate pressure to supply water hose streams, foam-producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation, dispensing and storage.

(iii) *Special extinguishers.* Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation dispensing and storage.

(iv) *Special hazards.* Where the need is indicated by special hazards of operation, flammable or combustible liquid processing equipment, major piping, and supporting steel shall be protected by approved water spray systems, deluge systems, approved fire-resistant coatings, insulation, or any combination of these.

(v) *Maintenance.* All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition, and they will serve their purpose in time of emergency.

(6) *Sources of ignition*—(i) *General.* Adequate precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(ii) *Grounding.* Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(7) *Electrical*—(i) *Equipment.* (*a*) All electrical wiring and equipment shall be installed according to the requirements of Subpart S of this part.

(*b*) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of Subpart S of this part. For those pieces of equipment installed in accordance with subparagraph (3)(v)(*b*) of this paragraph, the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(*c*) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of Subpart S of this part. These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(*d*) Where the provisions of subdivisions (*a*), (*b*), and (*c*), of this subdivision require the installation of electrical equipment suitable for Class I, Division 1 or Division 2 locations, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) *Repairs to equipment.* Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge. The individual in responsible charge shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(9) *Housekeeping*—(i) *General.* Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(ii) *Access.* Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of flammable or combustible liquid storage, use, or any unit physical operation.

(iii) *Waste and residue.* Combustible waste material and residues in a building or unit operating area shall be kept to a minimum, stored in covered metal receptacles and disposed of daily.

(iv) *Clear zone.* Ground area around buildings and unit operating areas shall be kept free of weeds, trash, or other unnecessary combustible materials.

(f) *Bulk plants*—(1) *Storage*—(i) *Class I liquids.* Class I liquids shall be stored in closed containers, or in storage tanks above ground outside of buildings, or underground in accordance with paragraph (b) of this section.

(ii) *Class II and III liquids.* Class II and Class III liquids shall be stored in containers, or in tanks within buildings or above ground outside of buildings, or underground in accordance with paragraph (b) of this section.

(iii) *Piling containers.* Containers of flammable or combustible liquids when piled one upon the other shall be separated by dunnage sufficient to provide stability and to prevent excessive stress on container walls. The height of the pile shall be consistent with the stability and strength of containers.

(2) *Buildings*—(i) *Exits.* Rooms in which flammable or combustible liquids are stored or handled by pumps shall have exit facilities arranged to prevent occupants from being trapped in the event of fire.

(ii) *Heating.* Rooms in which Class I liquids are stored or handled shall be heated only by means not constituting a source of ignition, such as steam or hot water. Rooms containing heating appliances involving sources of ignition shall be located and arranged to prevent entry of flammable vapors.

(iii) *Ventilation.* (*a*) Ventilation shall be provided for all rooms, buildings, or enclosures in which Class I liquids are pumped or dispensed. Design of ventilation systems shall take into account the relatively high specific gravity of the vapors. Ventilation may be provided by adequate openings in outside walls at floor level unobstructed except by louvers or coarse screens. Where natural ventilation is inadequate, mechanical ventilation shall be provided.

(*b*) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(*c*) Containers of Class I liquids shall not be drawn from or filled within buildings unless provision is made to prevent the accumulation of flammable vapors in hazardous concentrations. Where mechanical ventilation is required, it shall be kept in operation while flammable liquids are being handled.

(3) *Loading and unloading facilities*—(i) *Separation.* Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings or nearest line of adjoining property that may be built upon by a distance of 25 feet for Class I liquids and 15 feet for Class II and Class III liquids measured from the nearest position of any fill spout. Buildings for pumps or shelters for personnel may be a part of the facility.

(ii) *Class restriction.* Equipment such as piping, pumps, and meters used for the transfer of Class I liquids between storage tanks and the fill stem of the loading rack shall not be used for the transfer of Class II or Class III liquids.

(iii) *Valves.* Valves used for the final control for filling tank vehicles shall be of the self-closing type and manually held open except where automatic means are provided for shutting off the flow when the vehicle is full or after filling of a preset amount.

(iv) *Static protection.* (*a*) Bonding facilities for protection against static sparks during the loading of tank vehicles through open domes shall be provided:

(*1*) Where Class I liquids are loaded, or

(*2*) Where Class II or Class III liquids are loaded into vehicles which may contain vapors from previous cargoes of Class I liquids.

(*b*) Protection as required in (*a*) of this subdivision (iv) shall consist of a metallic bond wire permanently electrically connected to the fill stem or to some part of the rack structure in electrical contact with the fill stem. The free end of such wire shall be provided with a clamp or equivalent device for convenient attachment to some metallic part in electrical contact with the cargo tank of the tank vehicle.

(c) Such bonding connection shall be made fast to the vehicle or tank before dome covers are raised and shall remain in place until filling is completed and all dome covers have been closed and secured.

(*d*) Bonding as specified in (*a*), (*b*), and (c) of this subdivision is not required:

(*1*) Where vehicles are loaded exclusively with products not having a static accumulating tendency, such as asphalt, most crude oils, residual oils, and water soluble liquids;

(*2*) Where no Class I liquids are handled at the loading facility and the tank vehicles loaded are used exclusively for Class II and Class III liquids; and

(*3*) Where vehicles are loaded or unloaded through closed bottom or top connections.

(*e*) Filling through open domes into the tanks of tank vehicles or tank cars, that contain vapor-air mixtures within the flammable range or where the liquid being filled can form such a mixture, shall be by means of a downspout which extends near the bottom of the tank. This precaution is not required when loading liquids which are nonaccumulators of static charges.

(v) *Stray currents.* Tank car loading facilities where Class I liquids are loaded through open domes shall be protected against stray currents by bonding the pipe to at least one rail and to the rack structure if of metal. Multiple lines entering the rack area shall be electrically bonded together. In addition, in areas where excessive stray currents are known to exist, all pipe entering the rack area shall be provided with insulating sections to electrically isolate the rack piping from the pipelines. No bonding between the tank car and the rack or piping is required during either loading or unloading of Class II or III liquids.

(vi) *Container filling facilities.* Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(4) *Wharves*—(i) *Definition, application.* The term wharf shall mean any wharf, pier, bulkhead, or other structure over or contiguous to navigable water used in conjunction with a bulk plant, the primary function of which is the transfer of flammable or combustible liquid cargo in bulk between the bulk plant and any tank vessel, ship, barge, lighter boat, or other mobile floating craft; and this subparagraph shall apply to all such installations except Marine Service Stations as covered in paragraph (g) of this section.

(ii) *Package cargo.* Package cargo of flammable and combustible liquids, including full and empty drums, bulk fuel, and stores may be handled over a wharf and at such times and places as may be agreed upon by the wharf superintendent and the senior deck officer on duty.

(iii) *Location.* Wharves at which flammable or combustible liquid cargoes are to be transferred in bulk quantities to or from tank vessels shall be at least 100 feet from any bridge over a navigable waterway, or from an entrance to or superstructure of any vehicular or railroad tunnel under a waterway. The termination of the wharf loading or unloading fixed piping shall be at least 200 feet from a bridge or from an entrance to or superstructure of a tunnel.

(iv) *Design and construction.* Substructure and deck shall be substantially designed for the use intended. Deck may employ any material which will afford the desired combination of flexibility, resistance to shock, durability, strength, and fire resistance. Heavy timber construction is acceptable.

(v) *Tanks.* Tanks used exclusively for ballast water or Class II or Class III liquids may be installed on suitably designed wharves.

(vi) *Pumps.* Loading pumps capable of building up pressures in excess of the safe working pressure of cargo hose or loading arms shall be provided with bypasses, relief valves, or other arrangement to protect the loading facilities against excessive pressure. Relief devices shall be tested at not more than yearly intervals to determine that they function satisfactorily at the pressure at which they are set.

(vii) *Hoses and couplings.* All pressure hoses and couplings shall be inspected at intervals appropriate to the service. The hose and couplings shall be tested with the hose extended and using the "inservice maximum operating pressures." Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings shall be withdrawn from service and repaired or discarded.

(viii) *Piping and fittings.* Piping, valves, and fittings shall be in accordance with paragraph (c) of this section, with the following exceptions and additions:

(*a*) Flexibility of piping shall be assured by appropriate layout and arrangement of piping supports so that motion of the wharf structure resulting from wave action, currents, tides, or the mooring of vessels will not subject the pipe to repeated strain beyond the elastic limit.

(*b*) Pipe joints depending upon the friction characteristics of combustible materials or grooving of pipe ends for mechanical continuity of piping shall not be used.

(*c*) Swivel joints may be used in piping to which hoses are connected, and for articulated swivel-joint transfer systems, provided that the design is such that the mechanical strength of joint will not be impaired if the packing material should fail, as by exposure to fire.

(*d*) Piping systems shall contain a sufficient number of valves to operate the system properly and to control the flow of liquid in normal operation and in the event of physical damage.

(*e*) In addition to the requirements of subdivision (*d*) of this subdivision, each line conveying flammable liquids leading to a wharf shall be provided with a readily accessible block valve located on shore near the approach to the wharf and outside of any diked area. Where more

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than one line is involved, the valves shall be grouped in one location.

(*f*) Means of easy access shall be provided for cargo line valves located below the wharf deck.

(*g*) Pipelines on flammable or combustible liquids wharves shall be adequately bonded and grounded. If excessive stray currents are encountered, insulting points shall be installed. Bonding and grounding connections on all pipelines shall be located on wharfside of hose-riser insulating flanges, if used, and shall be accessible for inspection.

(*h*) Hose or articulated swivel-joint pipe connections used for cargo transfer shall be capable of accommodating the combined effects of change in draft and maximum tidal range, and mooring lines shall be kept adjusted to prevent the surge of the vessel from placing stress on the cargo transfer system.

(*i*) Hose shall be supported so as to avoid kinking and damage from chafing.

(vi) *Fire protection.* Suitable portable fire extinguishers with a rating of not less than 12–BC shall be located within 75 feet of those portions of the facility where fires are likely to occur, such as hose connections, pumps, and separator tanks.

(*a*) Where piped water is available, ready-connected fire hose in size appropriate for the water supply shall be provided so that manifolds where connections are made and broken can be reached by at least one hose stream.

(*b*) Material shall not be placed on wharves in such a manner as to obstruct access to firefighting equipment, or important pipeline control valves.

(*c*) Where the wharf is accessible to vehicle traffic, an unobstructed roadway to the shore end of the wharf shall be maintained for access of firefighting apparatus.

(vii) *Operations control.* Loading or discharging shall not commence until the wharf superintendent and officer in charge of the tank vessel agree that the tank vessel is properly moored and all connections are properly made. Mechanical work shall not be performed on the wharf during cargo transfer, except under special authorization based on a review of the area involved, methods to be employed, and precautions necessary.

(5) *Electrical equipment*—(i) *Application.* This subparagraph shall apply to areas where class I liquids are stored or handled. For areas where class II or class III liquids only are stored or handled, the electrical equipment may be installed in accordance with the provisions of subpart S of this part, for ordinary locations.

(ii) *Conformance.* All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with subpart S of this part.

(iii) *Classification.* So far as it applies Table H–18 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. In Table H–18 a classified area shall not extend beyond an unpierced wall, roof, or other solid partition. The area classifications listed shall be based on the premise that the installation meets the applicable requirements of this section in all respects.

(6) *Sources of ignition.* Class I liquids shall not be handled, drawn, or dispensed where flammable vapors may reach a source of ignition. Smoking shall be prohibited except in designated localities. "No Smoking" signs shall be conspicuously posted where hazard from flammable liquid vapors is normally present.

(7) *Drainage and waste disposal.* Provision shall be made to prevent flammable or combustible liquids which may be spilled at loading or unloading points from entering public sewers and drainage systems, or natural waterways. Connection to such sewers, drains, or waterways by which flammable or combustible liquids might enter shall be provided with separator boxes or other approved means whereby such entry is precluded. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers, but shall be stored in tanks or tight drums outside of any building until removed from the premises.

(8) *Fire control.* Suitable fire-control devices, such as small hose or portable fire extinguishers, shall be available to locations where fires are likely to occur. Additional fire-control equipment may be required where a tank of more than 50,000 gallons individual capacity contains class I liquids and where an unusual exposure hazard exists from surrounding property. Such additional fire-control equipment shall be sufficient to extinguish a fire in the largest tank. The design and amount of such equipment shall be in accordance with approved engineering standards.

TABLE H-18—ELECTRICAL EQUIPMENT HAZARDOUS AREAS—BULK PLANTS

Location	NEC Class I Group D division	Extent of classified area
Tank vehicle and tank car:[1]		
Loading through open dome	1	Within 3 feet of edge of dome, extending in all directions.
	2	Area between 3 feet and 5 feet from edge of dome, extending in all directions.
Loading through bottom connections with atmospheric venting.	1	Within 3 feet of point of venting to atmosphere extending in all directions.
	2	Area between 3 feet and 5 feet from point of venting to atmosphere, extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of loading connection.
Loading through closed dome with atmospheric venting.	1	Within 3 feet of open end of vent, extending in all directions.
	2	Area between 3 feet and 5 feet from open end of vent, extending in all directions. Also within 3 feet of edge of dome, extending in all directions.
Loading through closed dome with vapor recovery.	2	Within 3 feet of point of connection of both fill and vapor lines, extending in all directions.
Bottom loading with vapor recovery or any bottom unloading.	2	Within 3 feet of point of connections extending in all directions. Also up to 18 inches above grade within a horizontal radius of 10 feet from point of connection.
Drum and container filling:		
Outdoors, or indoors with adequate ventilation.	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Outdoors, or indoors with adequate ventilation.	1	Within 3 feet of vent and fill opening, extending in all directions.
	2	Area between 3 feet and 5 feet from vent or fill opening, extending in all directions. Also up to 18 inches above floor or grade level within a horizontal radius of 10 feet from vent or fill opening.
Tank—Aboveground:		
Shell, ends, or roof and dike area	2	Within 10 feet from shell, ends, or roof of tank, Area inside dikes to level of top of dike.
Vent	1	Within 5 feet of open end of vent, extending in all directions.
	2	Area between 5 feet and 10 feet from open end of vent, extending in all directions.
Floating roof	1	Area above the roof and within the shell.
Pits:		
Without mechanical ventilation	1	Entire area within pit if any part is within a Division 1 or 2 classified area.
With mechanical ventilation	2	Entire area within pit if any part is within a Division 1 or 2 classified area.
Containing valves, fittings or piping, and not within a division 1 or 2 classified area.	2	Entire pit.
Pumps, bleeders, withdrawal fittings, meters and similar devices:		
Indoors	2	Within 5 feet of any edge of such devices, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of such devices.
Outdoors	2	Within 3 feet of any edge of such devices, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of such devices.
Storage and repair garage for tank vehicles	1	All pits or spaces below floor level.
	2	Area up to 18 inches above floor or grade level for entire storage or repair garage.
Drainage ditches, separators, impounding basins.	2	Area up to 18 inches above ditch, separator or basin. Also up to 18 inches above grade within 15 feet horizontally from any edge.
Garages for other than tank vehicles	Ordinary	If there is any opening to these rooms within the extent of an outdoor classified area, the entire room shall be classified the same as the area classification at the point of the opening.
Outdoor drum storage	Ordinary	
Indoor warehousing where there is no flammable liquid transfer.	Ordinary	If there is any opening to these rooms within the extent of an indoor classified area, the room shall be classified the same as if the wall, curb or partition did not exist.
Office and rest rooms	Ordinary	

[1] When classifying the extent of the area, consideration shall be given to the fact that tank cars or tank vehicles may be spotted at varying points. Therefore, the extremities of the loading or unloading positions shall be used.

(g) *Service stations*—(1) *Storage and handling*—(i) *General provisions.* (*a*) Liquids shall be stored in approved closed containers not exceeding 60 gallons capacity, in tanks located underground, in tanks in special enclosures as described in subdivision (ii) of this subparagraph, or in aboveground tanks as provided for in subparagraphs (4)(ii) (*a*), (*b*), and (*c*) of this paragraph.

(*b*) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at aboveground tanks, a valve is also installed within control of service station personnel.

(c) Apparatus dispensing class I liquids into the fuel tanks of motor vehicles of the public shall not be located at a bulk plant unless separated by a fence or similar barrier from the area in which bulk operations are conducted.

(*d*) The provisions of (*a*) of this subdivision shall not prohibit the temporary use of movable tanks in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public. Such installations shall only be made under permit from the enforcing authority. The permit shall include a definite time limit.

(*e*) The provisions of (*a*) of this subdivision shall not prohibit the dispensing of flammable liquids in the open from a tank vehicle to a motor vehicle. Such dispensing shall be permitted provided:

(*1*) The tank vehicle complies with the requirements covered in the Standard on Tank Vehicles for Flammable Liquids, NFPA 385–1966.

(*2*) The dispensing is done on premises not open to the public.

(*3*) The motor vehicles are owned or operated by a commercial, industrial, or governmental agency.

(*4*) The dispensing hose does not exceed 50 feet in length.

(*5*) The dispensing nozzle is a listed automatic-closing type without a latch-open device.

(*f*) Class I liquids shall not be stored or handled within a building having a basement or pit into which flammable vapors may travel, unless such area is provided with ventilation designed to prevent the accumulation of flammable vapors therein.

(*g*) Accurate inventory records shall be maintained and reconciled on all class I liquid storage tanks for possible indication of leakage from tanks or piping.

(ii) *Special enclosures.* (*a*) When installation of tanks in accordance with paragraph (b)(3) of this section is impractical because of property or building limitations, tanks for flammable or combustible liquids may be installed in buildings if properly enclosed.

(*b*) The enclosure shall be substantially liquid and vaportight without backfill. Sides, top, and bottom of the enclosure shall be of reinforced concrete at least 6 inches thick, with openings for inspection through the top only. Tank connections shall be so piped or closed that neither vapors nor liquid can escape into the enclosed space. Means shall be provided whereby portable equipment may be employed to discharge to the outside any liquid or vapors which might accumulate should leakage occur.

(*c*) At automotive service stations provided in connection with tenant or customer parking facilities at or below grade level in large buildings of commercial, mercantile, or residential occupancy, tanks containing class I liquids, installed of necessity in accordance with (*b*) of this subdivision, shall not exceed 6,000 gallons individual or 18,000 gallons aggregate capacity.

(iii) *Inside buildings.* (*a*) Except where stored in tanks as provided in subdivision (ii) of this subparagraph, no class I liquids shall be stored within any service station building except in closed containers of aggregate capacity not exceeding 60 gallons. One container not exceeding 60 gallons capacity equipped with an approved pump is permitted.

(*b*) Class I liquids may be transferred from one container to another in lubrication or service rooms of a service station building provided the electrical installation complies with Table H–19 and provided that any heating equipment complies with subparagraph (6) of this paragraph.

(c) Class II and class III liquids may be stored and dispensed inside service station buildings from tanks of not more than 120 gallons capacity each.

(iv) *Labeling.* No sale or purchase of any class I, II, or III liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(v) *Dispensing into portable containers.* No delivery of any class I liquids shall be made into portable containers unless the container is constructed of metal, has a tight closure with screwed or spring cover, and is fitted with a spout or so designed that the contents can be poured without spilling.

(2) *Private stations.* Service stations not accessible to or open to the public do not require an attendant or supervisor. Such stations may be used by commercial, industrial, governmental, or manufacturing establishments.

(3) *Dispensing systems*—(i) *Location.* Dispensing devices at automotive service stations shall be so located that all parts of the vehicle being served will be on the premises of the service station.

(ii) *Inside location.* Approved dispensing units may be located inside of buildings. The dispensing area shall be separated from other areas in an approved manner. The dispensing unit and its piping shall be mounted either on a concrete island or protected against collision damage by suitable means and shall be located in a position where it cannot be struck by a vehicle descending a ramp or other slope out of control. The dispensing area shall be provided with an approved mechanical or gravity ventilation system. When dispensing units are located below grade, only approved mechanical ventilation shall be used and the entire dispensing area shall be protected by an approved automatic sprinkler system. Ventilating systems shall be electrically interlocked with gasoline dispensing units so that the dispensing units cannot be operated unless the ventilating fan motors are energized.

(iii) *Emergency power cutoff.* A clearly identified and easily accessible switch(es) or a circuit breaker(s) shall be provided at a location remote from dispensing devices, including remote pumping systems, to shut off the power to all dispensing devices in the event of an emergency.

(iv) *Dispensing units.* (a) Class I liquids shall be transferred from tanks by means of fixed pumps so designed and equipped as to allow control of the flow and to prevent leakage or accidental discharge.

(*b*) Dispensing devices for class I liquids shall be of approved type.

(*c*) Class I liquids shall not be dispensed by pressure from drums, barrels, and similar containers. Approved pumps taking suction through the top of the container or approved self-closing faucets shall be used.

(*d*) The dispensing units, except those attached to containers, shall be mounted either on a concrete island or protected against collision damage by suitable means.

(v) *Remote Pumping systems.*

(*a*) This subdivision shall apply to systems for dispensing class I liquids where such liquids are transferred from storage to individual or multiple dispensing units by pumps located elsewhere than at the dispensing units.

(*b*) Pumps shall be designed or equipped so that no part of the system will be subjected to pressures above its allowable working pressure. Pumps installed above grade, outside of buildings, shall be located not less than 10 feet from lines of adjoining property which may be built upon, and not less than 5 feet from any building opening. When an outside pump location is impractical, pumps may be installed inside of buildings, as provided for dispensers in subdivision (ii) of this subparagraph, or in pits as provided in subdivision (c) of this subdivision. Pumps shall be substantially anchored and protected against physical damage by vehicles.

(*c*) Pits for subsurface pumps or piping manifolds of submersible pumps shall withstand the external forces to which they may be subjected without damage to the pump, tank, or piping. The pit shall be no larger than necessary for inspection and maintenance and shall be provided with a fitted cover.

(*d*) A control shall be provided that will permit the pump to operate only when a dispensing nozzle is removed from its bracket on the dispensing unit and the switch on this dispensing unit is manually actuated. This control shall also stop the pump when all nozzles have been returned to their brackets.

(*e*) An approved impact valve, incorporating a fusible link, designed to close automatically in the event of severe impact or fire exposure shall be properly installed in the dispensing supply line at the base of each individual dispensing device.

(*f*) Testing. After the completion of the installation, including any paving, that section of the pressure piping system between the pump discharge and the connection for the dispensing facility shall be tested for at least 30 minutes at the maximum operating pressure of the system. Such tests shall be repeated at 5-year intervals thereafter.

(vi) *Delivery nozzles*. (*a*) Hose-nozzle valves of either the manual or automatic-closing type for dispensing class I liquids into a fuel tank or into a container shall be manually held open during the dispensing operation except as provided in subdivision (*b*) of this subdivision.

(*b*) On any service station dispenser accessible to the public a listed automatic type nozzle with hold-open latch is permitted only when all dispensing of class I liquids is to be done by the service station attendant.

(*c*) If the dispensing of class I liquids at a service station available and open to the public is to be done by a person other than the service station attendant, the nozzle shall be a listed automatic-closing type without a hold-open latch.

(vii) *Special type dispensers*. (*a*) Approved special dispensing devices such as, but not limited to, coin-operated, and remote preset types are permitted at service stations, provided there is at least one qualified attendant on duty while the station is open to the public.

(*b*) Emergency controls shall be installed at an acceptable location, but controls shall not be more than 100 feet from dispensers.

(*c*) Instructions for the operation of dispensers shall be conspicuously posted.

(4) *Marine service stations*—(i) *Dispensing*. (*a*) The dispensing area shall be located away from other structures so as to provide room for safe ingress and egress of craft to be fueled. Dispensing units shall in all cases be at least 20 feet from any activity involving fixed sources of ignition.

(*b*) Dispensing shall be by approved dispensing units with or without integral pumps and may be located on open piers, wharves, or floating docks or on shore or on piers of the solid fill type.

(*c*) Dispensing nozzles shall be automatic-closing without a hold-open latch.

(ii) *Tanks and pumps*. (*a*) Tanks, and pumps not integral with the dispensing unit, shall be on shore or on a pier of the solid fill type, except as provided in subdivisions (*b*) and (*c*) of this subdivision.

(*b*) Where shore location would require excessively long supply lines to dispensers, tanks may be installed on a pier provided that applicable portions of paragraph (b) of this section relative to spacing, diking, and piping are complied with and the quantity so stored does not exceed 1,100 gallons aggregate capacity.

(*c*) Shore tanks supplying marine service stations may be located above ground, where rock ledges or high water table make underground tanks impractical.

(*d*) Where tanks are at an elevation which would produce gravity head on the dispensing unit, the tank outlet shall be equipped with a pressure control valve positioned adjacent to and outside the tank block valve specified in paragraph (b) (2) (ix) (*b*) of this section, so adjusted that liquid cannot flow by gravity from the tank in case of piping or hose failure.

(iii) *Piping*. (*a*) Piping between shore tanks and dispensing units shall be as described in paragraph (c) of this section, except that, where dispensing is from a floating structure, suitable lengths of oil-resistant flexible hose may be employed between the shore piping and the piping on the floating structure as made necessary by change in water level or shoreline.

(*b*) A readily accessible valve to shut off the supply from shore shall be provided in each pipeline at or near the approach to the pier and at the shore end of each pipeline adjacent to the point where flexible hose is attached.

(*c*) Piping shall be located so as to be protected from physical damage.

(*d*) Piping handling Class I liquids shall be grounded to control stray currents.

(5) *Electrical equipment*—(i) *Application*. This subparagraph shall apply to areas where Class I liquids are stored or handled. For areas where Class II or Class III liquids are stored or handled the electrical equipment may be installed in accordance with the provisions of Subpart S of this part, for ordinary locations. All electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with Subpart S of this part. So far as it applies, Table H–19 shall be used to delineate and classify hazardous areas for the purpose of installation of electrical equipment under normal circumstances. A classified area shall not extend beyond an unpierced wall, roof, or other solid partition. The area classifications listed shall be based on the assumption that the installation meets the applicable requirements of this section in all respects.

TABLE H-19—ELECTRICAL EQUIPMENT HAZARDOUS AREAS—SERVICE STATIONS

Location	NEC Class I, Group D division	Extent of classified area
Underground tank:		
Fill opening	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
	2	Up to 18 inches above grade level within a horizontal radius of 10 feet from a loose fill connection and within a horizontal radius of 5 feet from a tight fill connection.
Vent—Discharging upward	1	Within 3 feet of open end of vent, extending in all directions:
	2	Area between 3 feet and 5 feet of open end of vent, extending in all directions.
Dispenser:		
Pits	1	Any pit, box or space below grade level, any part of which is within the Division 1 or 2 classified area.
Dispenser enclosure	1	The area 4 feet vertically above base within the enclosure and 18 inches horizontally in all directions.
Outdoor	2	Up to 18 inches above grade level within 20 feet horizontally of any edge of enclosure.
Indoor:		
With mechanical ventilation	2	Up to 18 inches above grade or floor level within 20 feet horizontally of any edge of enclosure.
With gravity ventilation	2	Up to 18 inches above grade or floor level within 25 feet horizontally of any edge of enclosure.
Remote pump—Outdoor	1	Any pit, box or space below grade level if any part is within a horizontal distance of 10 feet from any edge of pump.
	2	Within 3 feet of any edge of pump, extending in all directions. Also up to 18 inches above grade level within 10 feet horizontally from any edge of pump.
Remote pump—Indoor	1	Entire area within any pit.
	2	Within 5 feet of any edge of pump, extending in all directions. Also up to 3 feet above floor or grade level within 25 feet horizontally from any edge of pump.
Lubrication or service room	1	Entire area within any pit.
	2	Area up to 18 inches above floor or grade level within entire lubrication room.
Dispenser for Class I Liquids	2	Within 3 feet of any fill or dispensin point, extending in all directions.
Special enclosure inside building per section 6020.	1	Entire enclosure.
Sales, storage and rest rooms	Ordinary	If there is any opening to these rooms within the extent of a Division 1 area, the entire room shall be classified as Division 1.

(6) *Heating equipment*—(i) *Conformance*. Heating equipment shall be installed as provided in subdivisions (ii) through (v) of this subparagraph.

(ii) *Application*. Heating equipment may be installed in the conventional manner in an area except as provided in subdivisions (iii), (iv), or (v) of this subparagraph.

(iii) *Special room*. Heating equipment may be installed in a special room separated from an area classified by Table H–19 by walls having a fire resistance rating of at least 1 hour and without any openings in the walls within 8 feet of the floor into an area classified in Table H–19. This room shall not be used for combustible storage and all air for combustion purposes shall come from outside the building.

(iv) *Work areas*. Heating equipment using gas or oil fuel may be installed in the lubrication, sales, or service room where there is no dispensing or transferring of Class I liquids provided the bottom of the combustion chamber is at least 18 inches above the floor and the heating equipment is protected from physical damage by vehicles. Heating equipment using gas or oil fuel listed for use in garages may be installed in the lubrication or service room where Class I liquids are dispensed provided the equipment is installed at least 8 feet above the floor.

(v) *Electric heat*. Electrical heating equipment shall conform to subparagraph (5) of this paragraph.

(7) *Drainage and waste disposal*. Provision shall be made in the area where Class I liquids are dispensed to prevent spilled liquids from flowing into the interior of service station buildings. Such provision may be by grading driveways, raising door sills, or other equally effective means. Crankcase drainings and flammable or combustible liquids shall not be dumped into sewers but shall be stored in tanks or drums outside of any building until removed from the premises.

(8) *Sources of ignition*. In addition to the previous restrictions of this paragraph, the following shall apply: There shall be no smoking or open flames in the areas used for fueling, servicing fuel systems for internal combustion engines, receiving or dispensing of flammable or combustible liquids. Conspicuous and legible signs prohibiting smoking shall be posted within sight of the customer being served. The motors of all equipment being fueled shall be shut off during the fueling operation.

(9) *Fire control*. Each service station shall be provided with at least one fire extinguisher having a minimum approved classification of 6 B, C located so that an extinguisher will be within 75 feet of each pump, dispenser, underground fill pipe opening, and lubrication or service room.

(h) *Processing plants*—(1) *Scope*. This paragraph shall apply to those plants or buildings which contain chemical operations such as oxidation, reduction, halogenation, hydrogenation, alkylation, polymerization, and other chemical processes but shall not apply to chemical plants, refineries or distilleries.

(2) *Location*—(i) *Classification*. The location of each processing vessel shall be based upon its flammable or combustible liquid capacity. Processing vessels shall be located, with respect to distances to lines of adjoining property which may be built upon, in accordance with Table H–20, except when the processing plant is designed in accordance with subdivision (ii) of this subparagraph.

TABLE H-20

Processing vessels with emergency relief venting to permit pressure	Stable liquids	Unstable liquids
Not in excess of 2.5 p.s.i.g.	Table H-9	2½ times Table H-9.
Over 2.5 p.s.i.g	1½ times Table H-9.	4 times Table H-9.

(ii) *Exception*. The distances required in subdivision (i) of this subparagraph may be waived when the vessels are housed within a building and the exterior wall facing the line of adjoining property which may be built upon is a blank wall having a fire-resistance rating of not less than 4 hours. When Class IA or unstable liquids are handled, the blank wall shall have explosion resistance in accordance with good engineering practice, see subparagraph (3) (iv) of this paragraph.

(3) *Processing building*—(i) *Construction*. (*a*) Processing buildings shall be of fire-resistance or noncombustible construction, except heavy timber construction with load-bearing walls may be permitted for plants utilizing only stable Class II or Class III liquids. Except as provided in subparagraph (2) (ii) of this paragraph or in the case of explosion resistant walls used in conjunction with explosion relieving facilities,. see subparagraph (3) (iv) of this paragraph, load-bearing walls are prohibited. Buildings shall be without basements or covered pits.

(*b*) Areas shall have adequate exit facilities arranged to prevent occupants from being trapped in the event of fire. Exits shall not be exposed by the drainage facilities described in subdivision (ii) of this subparagraph.

(ii) *Drainage*. (*a*) Emergency drainage systems shall be provided to direct flammable or combustible liquid leakage and fire protection water to a safe location. This may require curbs, scuppers, or special drainage systems to control the spread of fire, see paragraph (b) (2) (vii) (*b*) of this section.

(*b*) Emergency drainage systems, if connected to public sewers or discharged into public waterways, shall be equipped with traps or separators.

(*c*) The processing plant shall be designed and operated to prevent the normal discharge of flammable or combustible liquids to public waterways, public sewers, or adjoining property.

(iii) *Ventilation*. (*a*) Enclosed processing buildings shall be ventilated at a rate of not less than 1 cubic foot per minute per square foot of solid floor area. This shall be accomplished by natural or mechanical ventilation with discharge or exhaust to a safe location outside of the building. Provision shall be made for introduction of makeup air in such a manner as not to short circuit the ventilation. Ventilation shall be arranged to include all floor areas or pits where flammable vapors may collect.

(*b*) Equipment used in a building and the ventilation of the building shall be designed so as to limit flammable vapor-air mixtures under normal operating conditions to the interior of equipment, and to not more than 5 feet from equipment which exposes Class I liquids to the air. Examples of such equipment are dispensing stations, open centrifuges, plate and frame filters, open vacuum filters, and surfaces of open equipment.

(iv) *Explosion relief*. Areas where Class IA or unstable liquids are processed shall have explosion venting through one or more of the following methods:

(*a*) Open air construction.

(*b*) Lightweight walls and roof.

(*c*) Lightweight wall panels and roof hatches.

(*d*) Windows of explosion venting type.

(4) *Liquid handling*—(i) *Storage*. (*a*) The storage of flammable or combustible liquids in tanks shall be in accordance with the applicable provisions of paragraph (b) of this section.

(*b*) If the storage of flammable or combustible liquids in outside aboveground or underground tanks is not practical because of temperature or production considerations, tanks may be permitted inside of buildings or structures in accordance with the applicable provisions of paragraph (b) of this section.

(c) Storage tanks inside of buildings shall be permitted only in areas at or above grade which have adequate drainage and are separated from the processing area by construction having a fire resistance rating of at least 2 hours.

(*d*) The storage of flammable or combustible liquids in containers shall be in accordance with the applicable provisions of paragraph (d) of this section.

(ii) *Piping, valves, and fittings*. (*a*) Piping, valves, and fittings shall be in accordance with paragraph (c) of this section.

(*b*) Approved flexible connectors may be used where vibration exists or where frequent movement is necessary. Approved hose may be used at transfer stations.

(c) Piping containing flammable or combustible liquids shall be identified.

(iii) *Transfer*. (*a*) The transfer of large quantities of flammable or combustible liquids shall be through piping by means of pumps or water displacement.. Except as required in process equipment, gravity flow shall not be used. The use of compressed air as a transferring medium is prohibited.

(*b*) Positive displacement pumps shall be provided with pressure relief discharging back to the tank or to pump suction.

(iv) *Equipment*. (*a*) Equipment shall be designed and arranged to prevent the unintentional escape of liquids and vapors and to minimize the quantity escaping in the event of accidental release.

(*b*) Where the vapor space of equipment is usually within the flammable range, the probability of explosion damage to the equipment can be limited by inerting, by providing an explosion suppression system, or by designing the equipment to contain the peak explosion pressure which may be modified by explosion relief. Where the special hazards of operation, sources of ignition, or exposures indicate a need, consideration shall be given to providing protection by one or more of the above means.

(5) *Tank vehicle and tank car loading and unloading*. Tank vehicle and tank car loading or unloading facilities shall be separated from aboveground tanks, warehouses, other plant buildings, or nearest line of adjoining property which may be built upon by a distance of 25 feet for class I liquids and 15 feet for class II and class III liquids measured from the nearest position of any fill stem. Buildings for pumps or shelters for personnel may be a part of the facility. Operations of the facility shall comply

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with the appropriate portions of paragraph (f)(3) of this section.

(6) *Fire control*—(i) *Portable extinguishers*. Approved portable fire extinguishers of appropriate size, type, and number shall be provided.

(ii) *Other controls*. Where the special hazards of operation or exposure indicate a need, the following fire control provision shall be provided.

(*a*) A reliable water supply shall be available in pressure and quantity adequate to meet the probable fire demands.

(*b*) Hydrants shall be provided in accordance with accepted good practice.

(*c*) Hose connected to a source of water shall be installed so that all vessels, pumps, and other equipment containing flammable or combustible liquids can be reached with at least one hose stream. Nozzles that are capable of discharging a water spray shall be provided.

(*d*) Processing plants shall be protected by an approved automatic sprinkler system or equivalent extinguishing system. If special extinguishing systems including but not limited to those employing foam, carbon dioxide, or dry chemical are provided, approved equipment shall be used and installed in an approved manner.

(iii) *Alarm systems*. An approved means for prompt notification of fire to those within the plant and any public fire department available shall be provided. It may be advisable to connect the plant system with the public system where public fire alarm system is available.

(iv) *Maintenance*. All plant fire protection facilities shall be adequately maintained and periodically inspected and tested to make sure they are always in satisfactory operating condition and that they will serve their purpose in time of emergency.

(7) *Sources of ignition*—(i) *General*. (*a*) Precautions shall be taken to prevent the ignition of flammable vapors. Sources of ignition include but are not limited to open flames; lightning; smoking; cutting and welding; hot surfaces; frictional heat; static, electrical, and mechanical sparks; spontaneous ignition, including heat-producing chemical reactions; and radiant heat.

(*b*) Class I liquids shall not be dispensed into containers unless the nozzle and container are electrically interconnected. Where the metallic floorplate on which the container stands while filling is electrically connected to the fill stem or where the fill stem is bonded to the container during filling operations by means of a bond wire, the provisions of this section shall be deemed to have been complied with.

(ii) *Maintenance and repair*. (*a*) When necessary to do maintenance work in a flammable or combustible liquid processing area, the work shall be authorized by a responsible representative of the employer.

(*b*) Hot work, such as welding or cutting operations, use of spark-producing power tools, and chipping operations shall be permitted only under supervision of an individual in responsible charge who shall make an inspection of the area to be sure that it is safe for the work to be done and that safe procedures will be followed for the work specified.

(iii) *Electrical*. (*a*) All electrical wiring and equipment within storage or processing areas shall be installed in accordance with nationally recognized good practice.

(*b*) Locations where flammable vapor-air mixtures may exist under normal operations shall be classified Class I, Division 1 according to the requirements of Subpart S of this part. For those pieces of equipment installed in accordance with subparagraph (3)(iii)(*b*) of this paragraph, the Division 1 area shall extend 5 feet in all directions from all points of vapor liberation. All areas within pits shall be classified Division 1 if any part of the pit is within a Division 1 or 2 classified area, unless the pit is provided with mechanical ventilation.

(*c*) Locations where flammable vapor-air mixtures may exist under abnormal conditions and for a distance beyond Division 1 locations shall be classified Division 2 according to the requirements of Subpart S of this Part. These locations include an area within 20 feet horizontally, 3 feet vertically beyond a Division 1 area, and up to 3 feet above floor or grade level within 25 feet, if indoors, or 10 feet if outdoors, from any pump, bleeder, withdrawal fitting, meter, or similar device handling Class I liquids. Pits provided with adequate mechanical ventilation within a Division 1 or 2 area shall be classified Division 2. If Class II or Class III liquids only are handled, then ordinary electrical equipment is satisfactory though care shall be used in locating electrical apparatus to prevent hot metal from falling into open equipment.

(*d*) Where the provisions of (*a*), (*b*), and (*c*), of this subdivision (iii) require the installation of explosion-proof equipment, ordinary electrical equipment including switchgear may be used if installed in a room or enclosure which is maintained under positive pressure with respect to the hazardous area. Ventilation makeup air shall be uncontaminated by flammable vapors.

(8) *Housekeeping*—(i) *General*. Maintenance and operating practices shall be in accordance with established procedures which will tend to control leakage and prevent the accidental escape of flammable or combustible liquids. Spills shall be cleaned up promptly.

(ii) *Access*. Adequate aisles shall be maintained for unobstructed movement of personnel and so that fire protection equipment can be brought to bear on any part of the processing equipment.

(iii) *Waste and residues*. Combustible waste material and residues in a building or operating area shall be kept to a minimum, stored in closed metal waste cans, and disposed of daily.

(iv) *Clear zone*. Ground area around buildings and operating areas shall be kept free of tall grass, weeds, trash, or other combustible materials.

(i) *Refineries, chemical plants, and distilleries*—(1) *Storage tanks*. Flammable or combustile liquids shall be stored in tanks, in containers, or in portable tanks. Tanks shall be installed in accordance with paragraph (b) of this section. Tanks for the storage of flammable or combustile liquids in tank farms and in locations other than process areas shall be located in accordance with paragraph (b)(2) (i) and (ii) of this section.

(2) *Wharves*. Wharves handling flammable or combustible liquids shall be in accordance with paragraph (f)(4) of this section.

(3) *Fired and unfired pressure vessels.*—(i) *Fired vessels*. Fired pressure vessels shall be constructed in accordance with the Code for Fired Pressure Vessels, section I of the ASME Boiler and Pressure Vessel Code—1968.

(ii) Unfired vessels shall be constructed in accordance with the Code for Unfired Pressure Vessels, section VIII of the ASME Boiler and Pressure Vessel Code—1968.

(4) *Location of process units*. Process units shall be located so that they are accessible from at least one side for the purpose of fire control. Where topographical conditions are such that flammable or combustible liquids may flow from a processing area so as to constitute a fire hazard to property of others, provision shall be made to divert or impound the flow by curbs, drains, or other suitable means.

(5) *Fire control*—(i) *Portable equipment*. Portable fire extinguishment and control equipment shall be provided in such quantities and types as are needed for the special hazards of operation and storage.

(ii) *Water supply*. Water shall be available in volume and at adequate pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems as the need is indicated by the special hazards of operation and storage.

(iii) *Special equipment*. Special extinguishing equipment such as that utilizing foam, inert gas, or dry chemical shall be provided as the need is indicated by the special hazards of operation and storage.

§ 1910.107 Spray finishing using flammable and combustible materials.

(a) *Definitions applicable to this section*—(1) *Aerated solid powders*. Aerated powders shall mean any powdered material used as a coating material which shall be fluidized within a container by passing air uniformly from below. It is common practice to fluidize such materials to form a fluidized powder bed and then dip the part to be coated into the bed in a manner similar to that used in liquid dipping. Such beds are also used as sources for powder spray operations.

(2) *Spraying area*. Any area in which dangerous quantities of flammable vapors or mists, or combustible residues, dusts, or deposits are present due to the operation of spraying processes.

(3) *Spray booth*. A power-ventilated structure provided to enclose or accommodate a spraying operation to confine and limit the escape of spray, vapor, and residue, and to safely conduct or direct them to an exhaust system.

(4) *Waterwash spray booth*. A spray booth equipped with a water washing system designed to minimize dusts or residues entering exhaust ducts and to permit the recovery of overspray finishing material.

(5) *Dry spray booth*. A spray booth not equipped with a water washing system as described in subparagraph (3) of this paragraph. A dry spray booth may be equipped with (i) distribution or baffle plates to promote an even flow of air through the booth or cause the deposit of overspray before it enters the exhaust duct; or (ii) overspray dry filters to minimize dusts; or (iii) overspray dry filters to minimize dusts or residues entering exhaust ducts; or (iv) overspray dry filter rolls designed to minimize dusts or residues entering exhaust ducts; or (v) where dry powders are being sprayed, with powder collection systems so arranged in the exhaust to capture oversprayed material.

(6) *Fluidized bed*. A container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material through which the preheated object to be coated is immersed and transported.

(7) *Electrostatic fluidized bed*. A container holding powder coating material which is aerated from below so as to form an air-supported expanded cloud of such material which is electrically charged with a charge opposite to the charge of the object to be coated; such object is transported through the container immediately above the charged and aerated materials in order to be coated.

(8) *Approved*. Shall mean approved and listed by the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(9) *Listed*. See "approved" in § 1910.107 (a)(8).

(b) *Spray booths*—(1) *Construction*. Spray booths shall be substantially constructed of steel not thinner than No. 18 U.S. gauge, securely and rigidly supported, or of concrete or masonry, except that aluminum or other substantial noncombustible material may be used for intermittent or low volume spraying. Spray booths shall be designed to sweep air currents toward the exhaust outlet.

(2) *Interiors*. The interior surfaces of spray booths shall be smooth and continuous without edges and otherwise designed to prevent pocketing of residues and facilitate cleaning and washing without injury.

(3) *Floors*. The floor surface of a spray booth and operator's working area, if combustible, shall be covered with noncombustible material of such character as to facilitate the safe cleaning and removal of residues.

(4) *Distribution or baffle plates*. Distribution or baffle plates, if installed to promote an even flow of air through the booth or cause the deposit of overspray before it enters the exhaust duct, shall be of noncombustible material and readily removable or accessible on both sides for cleaning. Such plates shall not be located in exhaust ducts.

(5) *Dry type overspray collectors*—(*exhaust air filters*). In conventional dry type spray booths, overspray dry filters or filter rolls, if installed, shall conform to the following:

(i) The spraying operations except electrostatic spraying operations shall be so designed, installed and maintained that the average air velocity over the open face of the booth (or booth cross section during spraying operations) shall be not less than 100 linear feet per minute. Electrostatic spraying operations may be conducted with an air velocity over the open face of the booth of not less than 60 linear feet per minute, or more, depending on the volume of the finishing material being applied and its flammability and explosion characteristics. Visible gauges or audible alarm or pressure activated devices shall be installed to indicate or insure that the required air velocity is maintained. Dry spray booths equipped with a filter roll which is automatically advanced when the air velocity is reduced to that specified in this subdivision should be arranged to cause shutdown of spraying operations if the filter roll fails to advance automatically. Maintenance procedures should be established to assure replacing filter pads before excessive restriction to airflow occurs. Filter pads should be inspected after each period of use and clogged filter pads discarded and replaced. Filter rolls shall be inspected to insure proper replacement of filter media.

(ii) All discarded filter pads and filter rolls shall be immediately removed to a safe, well-detached location or placed in a water-filled metal container and disposed of at the close of the day's operation unless maintained completely in water.

(iii) The location of filters in a spray booth shall be so as to not reduce the effective booth enclosure of the articles being sprayed.

(iv) Space within the spray booth on the downstream and upstream sides of filters shall be protected with approved automatic sprinklers.

(v) Filters or filter rolls shall not be used when applying a spray material know to be highly susceptible to spontaneous heating and ignition.

(vi) Clean filters or filter rolls shall be noncombustible or of a type having a combustibility not in excess of class 2 filters as listed by Underwriters' Laboratories, Inc. Filters and filter rolls shall not be alternately used for different types of coating materials, where the combination of materials may be conducive to spontaneous ignition. See also paragraph (e)(6) of this section.

(6) *Frontal area*. Each spray booth having a frontal area larger than 9 square feet shall have a metal deflector or curtain not less than 2½ inches deep installed at the upper outer edge of the booth over the opening.

(7) *Conveyors*. Where conveyors are arranged to carry work into or out of spray booths, the openings therefor shall be as small as practical.

(8) *Separation of operations*. Each spray booth shall be separated from other operations by not less than 3 feet, or by a greater distance, or by such partition or wall as to reduce the danger from juxtaposition of hazardous operations. See also paragraph (c)(1) of this section.

(9) *Cleaning*. Spray booths shall be so installed that all portions are readily accessible for cleaning. A clear space of not less than 3 feet on all sides shall be kept free from storage or combustible construction.

(10) *Illumination*. When spraying areas are illuminated through glass panels or other transparent materials, only fixed lighting units shall be used as a source of illumination. Panels shall effectively isolate the spraying area from the area in which the lighting unit is located, and shall be of a noncombustible material of such a nature or so protected that breakage will be unlikely. Panels shall be so arranged that normal accumulations of residue on the exposed surface of the panel will not be raised to a dangerous temperature by radiation or conduction from the source of illumination.

(c) *Electrical and other sources of ignition*—(1) *Conformance*. All electrical equipment, open flames and other sources of ignition shall conform to the requirements of this paragraph, except as follows:

(i) Electrostatic apparatus shall conform to the requirements of paragraphs (h) and (i) of this section;

(ii) Drying, curing, and fusion apparatus shall conform to the requirements of paragraph (j) of this section;

(iii) Automobile undercoating spray operations in garages shall conform to the requirements of paragraph (k) of this section.

(iv) Powder coating equipment shall conform to the requirements of paragraph (l) of this section.

(2) *Minimum separation*. There shall be no open flame or spark producing equipment in any spraying area nor within 20 feet thereof, unless separated by a partition.

(3) *Hot surfaces*. Space-heating appliances, steampipes, or hot surfaces shall not be located in a spraying area where deposits of combustible residues may readily accumulate.

(4) *Wiring conformance*. Electrical wiring and equipment shall conform to the provisions of this paragraph and shall otherwise be in accordance with subpart S of this part.

(5) *Combustible residues, areas*. Unless specifically approved for locations containing both deposits of readily ignitable residue and explosive vapors, there shall be no electrical equipment in any spraying area, whereon deposits of combustible residues may readily accumulate, except wiring in rigid conduit or in boxes or fittings containing no taps, splices, or terminal connections.

(6) *Wiring type approved*. Electrical wiring and equipment not subject to deposits of combustible residues but located in a spraying area as herein defined shall

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be of explosion-proof type approved for class I, group D locations and shall otherwise conform to the provisions of subpart S of this part, for Class I, Division 1, Hazardous Locations. Electrical wiring, motors, and other equipment outside of but within twenty (20) feet of any spraying area, and not separated therefrom by partitions, shall not produce sparks under normal operating conditions and shall otherwise conform to the provisions of subpart S of this part for Class I, Division 2 Hazardous Locations.

(7) *Lamps.* Electric lamps outside of, but within twenty (20) feet of any spraying area, and not separated therefrom by a partition, shall be totally enclosed to prevent the falling of hot particles and shall be protected from mechanical injury by suitable guards or by location.

(8) *Portable lamps.* Portable electric lamps shall not be used in any spraying area during spraying operations. Portable electric lamps, if used during cleaning or repairing operations, shall be of the type approved for hazardous class I locations.

(9) *Grounding.* (i) All metal parts of spray booths, exhaust ducts, and piping systems conveying flammable or combustible liquids or aerated solids shall be properly electrically grounded in an effective and permanent manner.

(ii) "Airless" high-fluid pressure spray guns and any conductive object being sprayed should be properly electrically grounded.

(d) *Ventilation*—(1) *Conformance.* Ventilating and exhaust systems shall be in accordance with the Standard for Blower and Exhaust Systems for Vapor Removal, NFPA No. 91–1961, where applicable and shall also conform to the provisions of this section.

(2) *General.* All spraying areas shall be provided with mechanical ventilation adequate to remove flammable vapors, mists, or powders to a safe location and to confine and control combustible residues so that life or property is not endangered. Mechanical ventilation shall be kept in operation at all times while spraying operations are being conducted and for a sufficient time thereafter to allow vapors from drying coated articles and drying finishing material residue to be exhausted.

(3) *Independent exhaust.* Each spray booth shall have an independent exhaust duct system discharging to the exterior of the building, except that multiple cabinet spray booths in which identical spray finishing material is used with a combined frontal area of not more than 18 square feet may have a common exhaust. If more than one fan serves one booth, all fans shall be so interconnected that one fan cannot operate without all fans being operated.

(4) *Fan-rotating element.* The nonrotating element shall be nonferrous or nonsparking or the casing shall consist of or be lined with such material. There shall be ample clearance between the fan-rotating element and the fan casing to avoid a fire by friction, necessary allowance being made for ordinary expansion and loading to prevent contact between moving parts and the duct or fan housing. Fan blades shall be mounted on a shaft sufficiently heavy to maintain perfect alignment even when the blades of the fan are heavily loaded, the shaft preferably to have bearings outside the duct and booth. All bearings shall be of the self-lubricating type, or lubricated from the outside duct.

(5) *Electric motors.* Electric motors driving exhaust fans shall not be placed inside booths or ducts. See also paragraph (c) of this section.

(6) *Belts.* Belts shall not enter the duct or booth unless the belt and pulley within the duct or booth are thoroughly enclosed.

(7) *Exhaust ducts.* Exhaust ducts shall be constructed of steel and shall be substantially supported. Exhaust ducts without dampers are preferred; however, if dampers are installed, they shall be maintained so that they will be in a full open position at all times the ventilating system is in operation.

(i) Exhaust ducts shall be protected against mechanical damage and have a clearance from unprotected combustible construction or other combustible material of not less than 18 inches.

(ii) If combustible construction is provided with the following protection applied to all surfaces within 18 inches, clearances may be reduced to the distances indicated:

(*a*) 28-gage sheet metal on ¼-inch asbestos mill board.	12 inches.
(b) 28-gage sheet metal on ⅛-inch asbestos mill board spaced out 1 inch on noncombustible spacers.	9 inches.
(*c*) 22-gage sheet metal on 1-inch rockwool batts reinforced with wire mesh or the equivalent.	3 inches.
(*d*) Where ducts are protected with an approved automatic sprinkler system, properly maintained, the clearance required in subdivision (i) of this subparagraph may be reduced to 6 inches.	

(8) *Discharge clearance.* Unless the spray booth exhaust duct terminal is from a water-wash spray booth, the terminal discharge point shall be not less than 6 feet from any combustible exterior wall or roof nor discharge in the direction of any combustible construction or unprotected opening in any noncombustible exterior wall within 25 feet.

(9) *Air exhaust.* Air exhaust from spray operations shall not be directed so that it will contaminate makeup air being introduced into the spraying area or other ventilating intakes, nor directed so as to create a nuisance. Air exhausted from spray operations shall not be recirculated.

(10) *Access doors.* When necessary to facilitate cleaning, exhaust ducts shall be provided with an ample number of access doors.

(11) *Room intakes.* Air intake openings to rooms containing spray finishing operations shall be adequate for the efficient operation of exhaust fans and shall be so located as to minimize the creation of dead air pockets.

(12) *Drying spaces.* Freshly sprayed articles shall be dried only in spaces provided with adequate ventilation to prevent the formation of explosive vapors. In the event adequate and reliable ventilation is not provided such drying spaces shall be considered a spraying area. See also paragraph (j) of this section.

(e) *Flammable and combustible liquids—storage and handling*—(1) *Conformance.* The storage of flammable or combustible liquids in connection with spraying operations shall conform to the requirements of § 1910.106, where applicable.

(2) *Quantity.* The quantity of flammable or combustible liquids kept in the vicinity of spraying operations shall be the minimum required for operations and should ordinarily not exceed a supply for 1 day or one shift. Bulk storage of portable containers of flammable or combustible liquids shall be in a separate, constructed building detached from other important buildings or cut off in a standard manner.

(3) *Containers.* Original closed containers, approved portable tanks, approved safety cans or a properly arranged system of piping shall be used for bringing flammable or combustible liquids into spray finishing room. Open or glass containers shall not be used.

(4) *Transferring liquids.* Except as provided in subparagraph (5) of this paragraph the withdrawal of flammable and combustible liquids from containers having a capacity of greater than 60 gallons shall be by approved pumps. The withdrawal of flammable or combustible liquids from containers and the filling of containers, including portable mixing tanks, shall be done only in a suitable mixing room or in a spraying area when the ventilating system is in operation. Adequate precautions shall be taken to protect against liquid spillage and sources of ignition.

(5) *Spraying containers.* Containers supplying spray nozzles shall be of closed type or provided with metal covers kept closed. Containers not resting on floors shall be on metal supports or suspended by wire cables. Containers supplying spray nozzles by gravity flow shall not exceed 10 gallons capacity. Original shipping containers shall not be subject to air pressure for supplying spray nozzles. Containers under air pressure supplying spray nozzles shall be of limited capacity, not exceeding that necessary for 1 day's operation; shall be designed and approved for such use; shall be provided with a visible pressure gage; and shall be provided with a relief valve set to operate in conformance with the requirements of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code—1968. Containers under air pressure supplying spray nozzles, air-storage tanks and coolers shall conform to the standards of the Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 for construction, tests, and maintenance.

(6) *Pipes and hoses.* (i) All containers or piping to which is attached a hose or flexible connection shall be provided with a shutoff valve at the connection. Such valves shall be kept shut when spraying operations are not being conducted.

(ii) When a pump is used to deliver products, automatic means shall be provided to prevent pressure in excess of the design working pressure of accessories, piping, and hose.

(iii) All pressure hose and couplings shall be inspected at regular intervals appropriate to this service. The hose and couplings shall be tested with the hose extended, and using the "inservice maximum operating pressures." Any hose showing material deteriorations, signs of leakage, or weakness in its carcass or at the couplings, shall be withdrawn from service and repaired or discarded.

(iv) Piping systems conveying flammable or combustible liquids shall be of steel or other material having comparable properties of resistance to heat and physical damage. Piping systems shall be properly bonded and grounded.

(7) *Spray liquid heaters.* Electrically powered spray liquid heaters shall be approved and listed for the specific location in which used (see paragraph (c) of this section). Heaters shall not be located in spray booths nor other locations subject to the accumulation of deposits or combustible residue. Agitators, if used, should preferably be driven by compressed air, water, or low-pressure steam. If an electric motor is used, see paragraph (c) of this section.

(8) *Pump relief.* If flammable or combustible liquids are supplied to spray nozzles by positive displacement pumps, the pump discharge line shall be provided with an approved relief valve discharging to a pump suction or a safe detached location, or a device provided to stop the prime mover if the discharge pressure exceeds the safe operating pressure of the system.

(9) *Grounding.* Whenever flammable or combustible liquids are transferred from one container to another, both containers shall be effectively bonded and grounded to prevent discharge sparks of static electricity.

(f) *Protection*—(1) *Conformance.* In sprinklered buildings, the automatic sprinkler system in rooms containing spray finishing operations shall conform to the Standard for the Installation of Sprinkler Systems. NFPA 13–1969, provisions for Extra Hazard Occupancy, and in unsprinklered buildings where sprinklers are installed only to protect spraying areas, the installation shall conform to such standards insofar as they may be applicable. Sprinkler installations shall also conform to the provisions of this paragraph. Sprinkler heads shall be located to effect water distribution throughout the entire booth.

(2) *Valve access.* Automatic sprinklers protecting each spray booth (together with its connecting exhaust) shall be under an accessibly located separate outside stem and yoke (OS&Y) subcontral valve.

(3) *Cleaning of heads.* Sprinklers protecting spraying areas shall be kept as free from deposits as practical by cleaning daily if necessary. (See also paragraph (g) of this section.)

(4) *Portable extinguishers.* An adequate supply of suitable portable fire extinguishers shall be installed near all spraying areas.

(g) *Operations and maintenance.*—(1) *Spraying.* Spraying shall not be conducted outside of predetermined spraying areas.

(2) *Cleaning.* All spraying areas shall be kept as free from the accumulation of deposits of combustible residues as practical, with cleaning conducted daily if necessary. Scrapers, spuds, or other such tools used for cleaning purposes shall be of nonsparking material.

(3) *Residue disposal.* Residue scrapings and debris contaminated with residue shall be immediately removed from the premises and properly disposed of. Approved metal waste cans shall be provided wherever rags or waste are impregnated with finishing material and all such rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily or at the end of each shift.

(4) *Clothing storage.* Spray finishing employees' clothing shall not be left on the premises overnight unless kept in metal lockers.

(5) *Cleaning solvents.* The use of solvents for cleaning operations shall be restricted to those having flashpoints not less than 100° F.; however, for cleaning spray nozzles and auxiliary equipment, solvents having flashpoints not less than those normally used in spray operations may be used. Such cleaning shall be conducted inside spray booths and ventilating equipment operating during cleaning.

(6) *Hazardous materials combinations.* Spray booths shall not be alternately used for different types of coating materials, where the combination of the materials may be conducive to spontaneous ignition, unless all deposits of the first used material are removed from the booth and exhaust ducts prior to spraying with the second used material.

(7) *"No Smoking" signs.* "No smoking" signs in large letters on contrasting color background shall be conspicuously posted at all spraying areas and paint storage rooms.

(h) *Fixed electrostatic apparatus*—(1) *Conformance.* Where installation and use of electrostatic spraying equipment is used, such installation and use shall conform to all other paragraphs of this section, and shall also conform to the requirements of this paragraph.

(2) *Type approval.* Electrostatic apparatus and devices used in connection with coating operations shall be of approved types.

(3) *Location.* Transformers, power packs, control apparatus, and all other electrical portions of the equipment, with the exception of high-voltage grids, electrodes, and electrostatic atomizing heads and their connections, shall be located outside of the spraying area, or shall otherwise conform to the requirements of paragraph (c) of this section.

(4) *Support.* Electrodes and electrostatic atomizing heads shall be adequately supported in permanent locations and shall be effectively insulated from the ground. Electrodes and electrostatic atomizing heads which are permanently attached to their bases, supports, or reciprocators, shall be deemed to comply with this section. Insulators shall be nonporous and noncombustible.

(5) *Insulators, grounding.* High-voltage leads to electrodes shall be properly insulated and protected from mechanical injury or exposure to destructive chemicals. Electrostatic atomizing heads shall be effectively and permanently supported on suitable insulators and shall be effectively guarded against accidental contact or grounding. An automatic means shall be provided for grounding the electrode system when it is electrically deenergized for any reason. All insulators shall be kept clean and dry.

(6) *Safe distance.* A safe distance shall be maintained between goods being painted and electrodes or electrostatic atomizing heads or conductors of at least twice the sparking distance. A suitable sign indicating this safe distance shall be conspicuously posted near the assembly.

(7) *Conveyors required.* Goods being painted using this process are to be supported on conveyors. The conveyors shall be so arranged as to maintain safe distances between the goods and the electrodes or electrostatic atomizing heads at all times. Any irregularly shaped or other goods subject to possible swinging or movement shall be rigidly supported to prevent such swinging or movement which would reduce the clearance to less than that specified in subparagraph (6) of this paragraph.

(8) *Prohibition.* This process is not acceptable where goods being coated are manipulated by hand. When finishing materials are applied by electrostatic equipment which is manipulated by hand, see paragraph (i) of this section for applicable requirements.

(9) *Fail-safe controls.* Electrostatic apparatus shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

(i) Stoppage of ventilating fans or failure of ventilating equipment from any cause.

(ii) Stoppage of the conveyor carrying goods through the high voltage field.

(iii) Occurrence of a ground or of an imminent ground at any point on the high voltage system.

(iv) Reduction of clearance below that specified in subparagraph (6) of this paragraph.

(10) *Guarding.* Adequate booths, fencing, railings, or guards shall be so placed about the equipment that they, either by their location or character or both, assure that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing, and guards shall be of conducting material, adequately grounded.

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(11) *Ventilation.* Where electrostatic atomization is used the spraying area shall be so ventilated as to insure safe conditions from a fire and health standpoint.

(12) *Fire protection.* All areas used for spraying, including the interior of the booth, shall be protected by automatic sprinklers where this protection is available. Where this protection is not available, other approved automatic extinguishing equipment shall be provided.

(i) *Electrostatic hand spraying equipment*—(1) *Application.* This paragraph shall apply to any equipment using electrostatically charged elements for the atomization and/or, precipitation of materials for coatings on articles, or for other similar purposes in which the atomizing device is hand held and manipulated during the spraying operation.

(2) *Conformance.* Electrostatic hand spraying equipment shall conform with the other provisions of this section.

(3) *Equipment approval and specifications.* Electrostatic hand spray apparatus and devices used in connection with coating operations shall be of approved types. The equipment should be so designed that the maximum surface temperature of the equipment in the spraying area shall not exceed 150° F. under any condition. The high voltage circuits shall be designed so as to not produce a spark of sufficient intensity to ignite any vapor-air mixtures nor result in appreciable shock hazard upon coming in contact with a grounded object under all normal operating conditions. The electrostatically charged exposed elements of the handgun shall be capable of being energized only by a switch which also controls the coating material supply.

(4) *Electrical support equipment.* Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment, with the exception of the handgun itself and its connections to the powder supply shall be located outside of the spraying area or shall otherwise conform to the requirements of paragraph (c) of this section.

(5) *Spray gun ground.* The handle of the spraying gun shall be electrically connected to ground by a metallic connection and to be so constructed that the operator in normal operating position is in intimate electrical contact with the grounded handle.

(6) *Grounding—general.* All electrically conductive objects in the spraying area shall be adequately grounded. This requirement shall apply to paint containers, wash cans, and any other objects or devices in the area. The equipment shall carry a prominent permanently installed warning regarding the necessity for this grounding feature.

(7) *Maintenance of grounds.* Objects being painted or coated shall be maintained in metallic contact with the conveyor or other grounded support. Hooks shall be regularly cleaned to insure this contact and areas of contact shall be sharp points or knife edges where possible. Points of support of the object shall be concealed from random spray where feasible and where the objects being sprayer are supported from a conveyor, the point of attachment to the conveyor shall be so located as to not collect spray material during normal operation.

(8) *Interlocks.* The electrical equipment shall be so interlocked with the ventilation of the spraying area that the equipment cannot be operated unless the ventilation fans are in operation.

(9) *Ventilation.* The spraying operation shall take place within a spray area which is adequately ventilated to remove solvent vapors released from the operation.

(j) *Drying, curing, or fusion apparatus*—(1) *Conformance.* Drying, curing, or fusion apparatus in connection with spray application of flammable and combustible finishes shall conform to the Standard for Ovens and Furnaces, NFPA 86A-1969, where applicable and shall also conform with the following requirements of this subparagraph.

(2) *Alternate use prohibited.* Spray booths, rooms, or other enclosures used for spraying operations shall not alternately be used for the purpose of drying by any arrangement which will cause a material increase in the surface temperature of the spray booth, room, or enclosure.

(3) *Adjacent system interlocked.* Except as specifically provided in subparagraph (4) of this paragraph, drying, curing, or fusion units utilizing a heating system having open flames or which may produce sparks shall not be installed in a spraying area, but may be installed adjacent thereto when equipped with an interlocked ventilating system arranged to:

(i) Thoroughly ventilate the drying space before the heating system can be started;

(ii) Maintain a safe atmosphere at any source of ignition;

(iii) Automatically shut down the heating system in the event of failure of the ventilating system.

(4) *Alternate use permitted.* Automobile refinishing spray booths or enclosures, otherwise installed and maintained in full conformity with this section, may alternately be used for drying with portable electrical infrared drying apparatus when conforming with the following:

(i) Interior (especially floors) of spray enclosures shall be kept free of overspray deposits.

(ii) During spray operations, the drying apparatus and electrical connections and wiring thereto shall not be located within spray enclosure nor in any other location where spray residues may be deposited thereon.

(iii) The spraying apparatus, the drying apparatus, and the ventilating system of the spray enclosure shall be equipped with suitable interlocks so arranged that:

(*a*) The spraying apparatus cannot be operated while the drying apparatus is inside the spray enclosure.

(*b*) The spray enclosure will be purged of spray vapors for a period of not less than 3 minutes before the drying apparatus can be energized.

(*c*) The ventilating system will maintain a safe atmosphere within the enclosure during the drying process and the drying appartus will automatically shut off in the event of failure of the ventilating system.

(iv) All electrical wiring and equipment of the drying apparatus shall conform with the applicable sections of Subpart S of this Part. Only equipment of a type approved for Class I, Division 2 hazardous locations shall be located within 18 inches of floor level. All metallic parts of the drying apparatus shall be properly electrically bonded and grounded.

(v) The drying apparatus shall contain a prominently located, permanently attached warning sign indicating that ventilation should be maintained during the drying period and that spraying should not be conducted in the vicinity that spray will deposit on apparatus.

(k) *Automobile undercoating in garages.* Automobile undercoating spray operations in garages, conducted in areas having adequate natural or mechanical ventilation, are exempt from the requirements pertaining to spray finishing operations, when using undercoating materials not more hazardous than kerosene (as listed by Underwriters' Laboratories in respect to fire hazard rating 30–40) or undercoating materials using only solvents listed as having a flash point in excess of 100° F. Undercoating spray operations not conforming to these provisions are subject to all requirements of this section pertaining to spray finishing operations.

(l) *Powder coating*—(1) *Electrical and other sources of ignition.* Electrical equipment and other sources of ignition shall conform to the requirements of paragraph (c)(1) (i)–(iv); (8) and (9) (i) of this section and Subpart S of this Part.

(2) *Ventilation.* (i) In addition to the provisions of paragraph (d) of this section, where applicable, exhaust ventilation shall be sufficient to maintain the atmosphere below the lowest explosive limits for the materials being applied. All nondeposited air-suspended powders shall be safely removed via exhaust ducts to the powder recovery cyclone or receptacle. Each installation shall be designed and operated to meet the foregoing performance specification.

(ii) Powders shall not be released to the outside atmosphere.

(3) *Drying, curing, or fusion equipment.* The provisions of the Standard for ovens and furnaces, NFPA No. 86A–1969 shall apply where applicable.

(4) *Operation and maintenance.* (i) All areas shall be kept free of the accumulation of powder coating dusts, particularly such horizontal surfaces as ledges, beams, pipes, hoods, booths, and floors.

(ii) Surfaces shall be cleaned in such manner as to avoid scattering dust to other places or creating dust clouds.

(iii) "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted at all powder coating areas and powder storage rooms.

(5) *Fixed electrostatic spraying equipment.* The provisions of paragraph (h) of this section and other subparagraphs of this paragraph shall apply to fixed electrostatic equipment, except that electrical equipment not covered therein shall conform to subparagraph (1) of this paragraph.

(6) *Electrostatic hand spraying equipment.* The provisions of paragraph (i) of this section and other subparagraphs of this paragraph, shall apply to electrostatic handguns when used in powder coating, except that electrical equipment not covered therein shall conform to subparagraph (1) of this paragraph.

(7) *Electrostatic fluidized beds.* (i) Electrostatic fluidized beds and associated equipment shall be of approved types. The maximum surface temperature of this equipment in the coating area shall not exceed 150° F. The high voltage circuits shall be so designed as to not produce a spark of sufficient intensity to ignite any powder-air mixtures nor result in appreciable shock hazard upon coming in contact with a grounded object under normal operating conditions.

(ii) Transformers, powerpacks, control apparatus, and all other electrical portions of the equipment, with the exception of the charging electrodes and their connections to the power supply shall be located outside of the powder coating area or shall otherwise conform to the requirements of subparagraph (1) of this paragraph.

(iii) All electrically conductive objects within the charging influence of the electrodes shall be adequately grounded. The powder coating equipment shall carry a prominent, permanently installed warning regarding the necessity for grounding these objects.

(iv) Objects being coated shall be maintained in contact with the conveyor or other support in order to insure proper grounding. Hangers shall be regularly cleaned to insure effective contact and areas of contact shall be sharp points or knife edges where possible.

(v) The electrical equipment shall be so interlocked with the ventilation system that the equipment cannot be operated unless the ventilation fans are in operation.

(m) *Organic peroxides and dual component coatings*—(1) *Conformance.* All spraying operations involving the use of organic peroxides and other dual component coatings shall be conducted in approved sprinklered spray booths meeting the requirements of this section.

(2) *Smoking.* Smoking shall be prohibited and "No Smoking" signs shall be prominently displayed and only nonsparking tools shall be used in any area where organic peroxides are stored, mixed or applied.

§ 1910.108 Dip tanks containing flammable or combustible liquids.

(a) *Definitions applicable to this section*—(1) *Dip tank.* Shall mean a tank, vat, or container of flammable or combustible liquid in which articles or materials are immersed for the purpose of coating, finishing, testing, or similar processes.

(2) *Vapor area.* Shall mean any area containing dangerous quantities of flammable vapors in the vicinity of dip tanks, their drainboards or associated drying, conveying, or other equipment, during operation or shutdown periods.

(3) *Approved.* Unless otherwise indicated, approval or listing by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(4) *Listed.* See "approved" in § 1910.108 (a)(3).

(b) *Ventilation*—(1) *Vapor area ventilation.* Vapor areas as defined in paragraph (a) of this section shall be limited to the smallest practical space by maintaining a properly designed system of mechanical ventilation arranged to move air from all directions towards the vapor area origin and thence to a safe outside location. Ventilating systems shall conform to the Standards for Blower and Exhaust Systems (NFPA Pamphlet No. 91–1969). Required ventilating systems shall be so arranged that the failure of any ventilating fan shall automatically stop any dipping conveyor system. See also paragraph (c)(6) of this section.

(2) *Ventilation combined with drying.* When a required ventilating system serves associated drying operations utilizing a heating system which may be a source of ignition, means shall be provided for preventilation before the heating system can be started; the failure of any ventilating fan shall automatically shut down the heating system; and the installation shall otherwise conform to the Standard for Ovens and Furnaces (NFPA No. 86A–1969).

(c) *Construction of dip tanks*—(1) *General.* Dip tanks, including drainboards if provided, shall be constructed of substantial noncombustible material, and their supports shall be of heavy metal, reinforced concrete, or masonry. Where dip tanks extend through a floor to the story below or where the weakening of the tank supports by fire may result in the tank collapse, supports should be of material having not less than 1-hour fire resistance.

(2) *Overflow pipes.* (i) Dip tanks of over 150 gallons in capacity or 10 square feet in liquid surface area shall be equipped with a properly trapped overflow pipe leading to a safe location outside buildings. Smaller dip tanks should also be so equipped, where practical. The discharge of the overflow pipe should be so located and arranged that if the entire combustible contents of the dip tank is overflowed through overflow pipe by the application of water during fire fighting, property will not be endangered. The size of the overflow pipe should be sufficient to conduct the maximum rate of flow of water expected to be applied to the liquid surface of the dip tank from automatic sprinklers or from other sources in the event of fire.

(ii) Overflow pipes shall be of sufficient capacity to overflow the maximum delivery of dip tank liquid fill pipes but shall not be less than 3 inches in diameter and shall be increased in size depending upon the area of the liquid surface and the length and pitch of pipe.

(iii) Piping connections on drains and overflow lines shall be designed so as to permit ready access for inspection and cleaning of the interior.

(iv) The bottom of the overflow connection shall be not less than 6 inches below the top of the tank. See also subparagraph (6) of this paragraph and paragraph (g)(3)(ii) of this section.

(3) *Bottom drains.* (i) Dip tanks over 500 gallons in liquid capacity shall be equipped with bottom drains automatically and manually arranged to quickly drain the tank in the event of fire, unless the viscosity of the liquid at normal atmospheric temperature makes this impractical. Manual operation shall be from a safely accessible location. Where gravity flow is not practicable, automatic pumps shall be required.

(ii) Such drain shall be trapped and discharge to a closed properly vented salvage tank or to a safe location outside which will not endanger property.

(iii) According to tank capacity the diameter of bottom drainpipe shall be not less than the following:

Gallons:	*Inches*
500 to 750	3
750 to 1,000	4
1,000 to 2,500	5
2,500 to 4,000	6
Over 4,000	8

(4) *Salvage tanks.* The capacity of the salvage tank shall be greater than the capacity of the dip tank or tanks to which they are connected.

(5) *Automatic extinguishing facilities.* Except as noted in paragraph (h)(1)(v) of this section (applying to hardening and tempering tanks), all dip tanks exceeding 150 gallons liquid capacity or having a liquid surface area exceeding 4 square feet shall be protected with at least one of the automatic extinguishing facilities conforming to paragraph (g) (2), (3), (4), (5), or (6) of this section.

(6) *Conveyor systems.* Dip tanks utilizing a conveyor system shall be so arranged that in the event of fire, the conveyor system shall automatically cease motion and required bottom drains shall open. Conveyor systems shall automatically cease motion unless required ventilation is in full operation. See also paragraph (b)(1) of this section.

(7) *Heating dip tank liquids.* When dip tank liquids are artificially heated, either by the dipping of heated articles, or by other application of heat to the liquid, provision shall be made to prevent a temperature rise greater than 50° F. below the flashpoint of the liquid. See also paragraph (h)(1) of this section.

(d) *Liquids used in dip tanks, storage and handling.* The storage of flammable and combustible liquids in connection with dipping operation shall conform to the requirements of section 1910.106, where applicable. Where portable containers are used for the replenishment of flammable and combustible liquids, provision shall be made so that both the container and tank shall be positively

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grounded and electrically bonded to prevent static electric sparks.

(e) *Electrical and other sources of ignition*—(1) *Vapor areas.* (i) There shall be no open flames, spark producing devices, or heated surfaces having a temperature sufficient to ignite vapors in any vapor area. Except as specifically permitted in paragraph (h)(3) of this section, relating to electrostatic apparatus, electrical wiring and equipment in any vapor area (as defined in paragraph (a)(2) of this section) shall be explosion proof type according to the requirements of Subpart S of this part for Class I, Group D locations and shall otherwise conform to Subpart S of this part.

(ii) Unless specifically approved for locations containing both deposits of readily ignitable residues and explosive vapors, there shall be no electrical equipment in the vicinity of dip tanks or associated drainboards or drying operations which are subject to splashing or dripping of dip tank liquids, except wiring in rigid conduit or in threaded boxes or fittings containing no taps, splices, or terminal connections, and except as specifically permitted in paragraph (h)(3) of this section.

(2) *Adjacent areas.* In any floorspace outside a vapor area but within 20 feet therefrom, and not separated by tight partitions, there shall be no open flames or spark producing devices except as specifically permitted in NFPA Standard No. 86A–1969, Ovens and Furnaces, paragraph 200–7, and electrical wiring and equipment shall conform to the provisions of Subpart S of this part.

(f) *Operations and maintenance*—(1) *General.* Areas in the vicinity of dip tanks shall be kept as clear of combustible stock as practical and shall be kept entirely free of combustible debris.

(2) *Waste cans.* When waste or rags are used in connection with dipping operations, approved metal waste cans shall be provided and all impregnated rags or waste deposited therein immediately after use. The contents of waste cans shall be properly disposed of at least once daily at the end of each shift.

(3) *Inspection.* Periodic inspection or tests of all dip tank facilities shall be made, including covers, overflow pipe inlets and discharge, bottom drains and valves, electrical wiring and equipment and grounding connections, ventilating facilities, and all extinguishing equipment. Any defects found shall be promptly corrected.

(4) *Warning signs.* "No Smoking" signs in large letters on contrasting color background shall be conspicuously posted in the vicinity of dip tanks.

(g) *Extinguishment*—(1) *Extinguishers.* Areas in the vicinity of dip tanks shall be provided with manual fire extinguishers suitable for flammable and combustible liquid fires, conforming to Standard for Portable Fire Extinguishers NFPA No. 10–1970.

(2) *Automatic water spray extinguishing systems.* Such systems shall conform to NFPA Standard for Water Spray Systems for Fire Protection NFPA No. 15–1969 and shall be arranged to protect tanks, drainboards, and stock over drainboards.

(3) *Automatic foam extinguishing systems.* Automatic foam extinguishing systems shall conform to NFPA Standard for Foam Extinguishing Systems, NFPA No. 11–1970 and;

(i) Foam producing material selected shall be suitable for intended use, taking into account characteristics of the dip tank liquid;

(ii) Overflow pipe shall be arranged to prevent the floating away of foam and clogging overflow pipe. This may be accomplished by either of the following:

(*a*) Overflow pipe may be extended through tank wall and terminated in an ell pointing downward. The bottom of the overflow pipe at the point it pierces tank wall should not be over 2 inches above the opening or face of the ell.

(*b*) Overflow pipe inlet may be provided with a removable screen of ¼-inch mesh having an area at least twice the cross-sectional area of overflow pipe. Screens which may be clogged by dip tank ingredients shall be inspected and cleaned periodically.

(4) *Automatic carbon dioxide systems.* Automatic carbon dioxide systems shall conform to NFPA Standard for Carbon Dioxide Extinguishing Systems, NFPA No. 12–1968, and shall be arranged to protect both dip tanks and drainboards and unless stock over drainboards is otherwise protected with automatic extinguishing facilities, shall also be arranged to protect such stock.

(5) *Dry chemical extinguishing systems.* Dry chemical extinguishing systems shall conform to NFPA Standard for Dry Chemical Extinguishing Systems NFPA No. 17–1969 and shall be arranged to protect both dip tanks and drainboards, and unless stock over drainboards is otherwise protected with automatic extinguishing facilities, shall also be arranged to protect such stock.

(6) *Dip tank covers.* (i) Covers arranged to close automatically in the event of fire shall be actuated by approved automatic devices and shall also be arranged for manual operation.

(ii) Covers shall be of substantial noncombustible material or of tin-clad type with enclosing metal applied with locked joints.

(iii) Chains or wire rope shall be used for cover support or operating mechanism where the burning of a cord would interfere with the action of a device.

(iv) Covers shall be kept closed when tanks are not in use.

(h) *Special dip tank applications*—(1) *Hardening and tempering tanks.* (i) Tanks shall be located as far as practicable from furnaces and shall not be located on or near combustible floors.

(ii) Tanks shall be provided with a noncombustible hood and vent or other equally effective means of venting to the outside of the building to serve as a vent in case of fire. All such vent ducts shall be treated as flues and be kept well away from combustible roofs or materials.

(iii) Tanks shall be so designed that the maximum workload is incapable of raising the temperature of the cooling medium to within 50° below its flashpoint, or such tanks shall be equipped with circulating cooling systems which will accomplish the same result.

(iv) Tanks shall be equipped with a high temperature limit switch arranged to sound an alarm when the temperature of the quenching medium reaches within 50° F. below the flashpoint. If practical from an operating standpoint, such limit switches shall also shut down conveying equipment supplying work to the tank.

(v) The provisions of paragraph (c)(5) of this section shall apply to tanks having a liquid surface area of 25 square feet or more or a capacity of 500 gallons or more.

(vi) Air under pressure shall not be used to fill or to agitate oil tanks.

(vii) Drain facilities from the bottom of the tank may be combined with the oil circulating system or arranged independently to drain the oil to a safe location. The drain valve shall be operated automatically with approved heat actuated devices or manually, and if the latter, the valve shall be operated from a safe distance.

(2) *Flow coat; general.* (i) Except as modified in this paragraph, all of the preceding standards for dip tanks apply.

(ii) All piping shall be strongly erected and rigidly supported.

(iii) Paint shall be supplied by direct low-pressure pumping arranged to automatically shut down by means of approved heat actuated devices, in the case of fire, or paint may be supplied by a gravity tank not exceeding 10 gallons in capacity.

(iv) The area of the sump and any areas on which paint flows should be considered the area of dip tank.

(3) *Electrostatic apparatus; general.* (i) Installation and use of electrostatic detearing equipment shall conform to paragraphs (a) through (g) of this section.

(ii) Electrostatic apparatus and devices used in connection with paint detearing operations shall be of approved types.

(iii) Transformers, powerpacks, control appartus, and all other electrical portions of the equipment, with the exception of high voltage grids and their connections, shall be located outside the vapor area or shall conform to the requirements of paragraph (e) of this section.

(iv) Electrodes shall be of substantial construction, shall be rigidly supported in permanent locations and shall be effectively insulated from ground. Insulators shall be nonporous and noncombustible.

(v) High voltage leads to electrodes shall be effectively and permanently supported on suitable insulators, and shall be effectively guarded against accidental contact or grounding. An automatic means shall be provided for grounding and discharging any accumulated residual charge on the electrode assembly or the secondary circuit of the high voltage transformer when the transformer primary is disconnected from the source of supply.

(vi) A space shall be maintained between goods being deteared and electrodes or conductors of at least twice the sparking distance. A suitable sign stating the sparking distance shall be conspicuously posted near the assembly.

(vii) Goods being deteared using this electrostatic process are to be supported on conveyors. The conveyors shall be so arranged as to maintain safe distances between the goods and the electrodes at all times. All goods shall be so supported as to prevent any swinging or movement which would reduce the clearance to less than specified in subdivision (vi) of this subparagraph.

(viii) This electrostatic process is not approved where goods being deteared are manipulated by hand.

(ix) Electrostatic apparatus shall be equipped with automatic controls which will operate without time delay to disconnect the power supply to the high voltage transformer and to signal the operator under any of the following conditions:

(*a*) Stoppage of ventilating fans or failure of ventilating equipment from any cause.

(*b*) Stoppage of the conveyor carrying goods past the high voltage grid.

(*c*) Occurrence of a ground or of an imminent ground at any point on the high voltage system.

(*d*) Reduction of clearance below that specified in subdivision (vi) of this subparagraph.

(x) Adequate fencing, railings, or guards shall be so placed about the equipment that they, either by their location or character or both, assure that a safe isolation of the process is maintained from plant storage or personnel. Such railings, fencing and guards shall be of conducting material, adequately grounded, and should be at least 5 feet from processing equipment.

(xi) Electrode insulators shall be kept clean and dry.

(xii) The detearing area shall be ventilated by exhausting adequate air from the area as specified in paragraph (b) of this section.

(xiii) All areas for detearing shall be protected by automatic sprinklers where this protection is available. Where this protection is not available, other approved automatic extinguishing equipment shall be provided.

(xiv) Drip plates and screens subject to paint deposits shall be removable and shall be taken to a safe place for cleaning.

(4) *Roll coating.* (i) The processes of roll coating, spreading, and impregnating, in which fabrics, paper, or other material are passed directly through a tank or trough containing flammable or combustible liquids, or over the surface of a roller that revolves partially submerged in a flammable liquid, shall conform to the applicable requirements of paragraphs (a) through (g) of this section and in addition shall conform to subdivision (ii) of this subparagraph.

(ii) Adequate arrangements shall be made to prevent sparks from static electricity by electrically bonding and grounding all metallic rotating and other parts of machinery and equipment and by the installation of static collectors or maintaining a conductive atmosphere such as a high relative humidity.

§ 1910.109 Explosives and blasting agents.

(a) *Definitions applicable to this section*—(1) *Blasting agent.* Blasting agent—any material or mixture, consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated by means of a No. 8 test blasting cap when unconfined.

(2) *Explosive-actuated power devices.* Explosive-actuated power device—any tool or special mechanized device which is actuated by explosives, but not including propellant-actuated power devices. Examples of explosive-actuated power devices are jet tappers and jet perforators.

(3) *Explosive.* Explosive—any chemical compound, mixture, or device, the primary or common purpose of which is to function by explosion, i.e., with substantially instantaneous release of gas and heat, unless such compound, mixture, or device is otherwise specifically classified by the U.S. Department of Transportation; see 49 CFR Chapter I. The term "explosives" shall include all material which is classified as Class A, Class B, and Class C explosives by the U.S. Department of Transportation, and includes, but is not limited to dynamite, black powder, pellet powders, initiating explosives, blasting caps, electric blasting caps, safety fuse, fuse lighters, fuse igniters, squibs, cordeau detonant fuse, instantaneous fuse, igniter cord, igniters, small arms ammunition, small arms ammunition primers, smokeless propellant, cartridges for propellant-actuated power devices, and cartridges for industrial guns. Commercial explosives are those explosives which are intended to be used in commercial or industrial operations.

NOTE 1: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR Chapter I):

(i) *Class A explosives.* Possessing, detonating, or otherwise maximum hazard; such as dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder, blasting caps, and detonating primers.

(ii) *Class B explosives.* Possessing flammable hazard, such as propellant explosives (including some smokeless propellants), photographic flash powders, and some special fireworks.

(iii) *Class C explosives.* Includes certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities.

(iv) *Forbidden or not acceptable explosives.* Explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the U.S. Department of Transportation, 49 CFR Chapter I.

(4) *Highway.* Highway—any public street, public alley, or public road.

(5) *Inhabited building.* Inhabited building—a building or structure regularly used in whole or part as a place of human habitation. The term "inhabited building" shall also mean any church, school, store, railway passenger station, airport terminal for passengers, and any other building or structure where people are accustomed to congregate or assemble but excluding any building or structure occupied in connection with the manufacture, transportation, storage, and use of explosives.

(6) *Magazine.* Magazine—any building or structure, other than an explosives manufacturing building, for the storage of explosives.

(7) *Motor vehicle.* Motor vehicle—any self-propelled vehicle, truck, tractor, semitrailer, or truck-full trailers used for the transportation of freight over public highways.

(8) *Propellant-actuated power devices.* Propellant-actuated power devices—any tool or special mechanized device or gas generator system which is actuated by a smokeless propellant or which releases and directs work through a smokeless propellant charge.

(9) *Public conveyance.* Public conveyance—any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(10) *Pyrotechnics.* Pyrotechnics—and include any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(11) *Railway.* Railway—any steam, electric, diesel electric, or other railroad or railway which carries passengers for hire on the particular line or branch in the vicinity where explosives are stored or where explosives manufacturing buildings are situated.

(12) *Semiconductive hose.* Semiconductive hose—a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

(13) *Small arms ammunition.* Small arms ammunition—any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive-bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(14) *Small arms ammunition primers.* Small arms ammunition primers—small percussion-sensitive explosive charges, encased in a cup, used to ignite propellant powder.

(15) *Smokeless propellants.* Smokeless propellants—solid propellants, commonly called smokeless powders in the trade, used in small arms ammunition, cannon,

rockets, propellant-actuated power devices, etc.

(16) *Special industrial explosives devices.* Special industrial explosives devices—explosive-actuated power devices and propellant-actuated power devices.

(17) *Special industrial explosives materials.* Special industrial explosives materials—shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include dynamite, trinitrotolvene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1,3,5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(18) *Water gels or slurry explosives.* These comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are (i) those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder, (ii) those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the borehole.

(19) *DOT specifications.* Regulations of the Department of Transportation published in 49 CFR Chapter I.

(20) *DOT regulations.* See § 1910.109 (a)(19).

(21) *DOT requirements.* See § 1910.109 (a)(19).

(b) *Miscellaneous provisions* — (1) *General hazard.* No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life and property.

(2) *Unauthorized recipients.* No person shall sell or give away any explosive or blasting agent to any unauthorized person.

(3) *Display.* No person shall sell, display, or expose for sale any explosive or blasting agent on any highway, street, sidewalk, public way, or public place.

(c) *Storage of explosives*—(1) *General provisions.* (i) All class A, class B, class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements of this paragraph.

(ii) Blasting caps, electric blasting caps, detonating primers, and primed cartridges shall not be stored in the same magazine with other explosives.

(iii) Ground around magazines shall slope away for drainage. The land surrounding magazines shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(iv) Magazines as required by this chapter shall be of two classes; namely, class I magazines, and class II magazines.

(v) Class I magazines shall be required where the quantity of explosives stored is more than 50 pounds. Class II magazines may be used where the quantity of explosives stored is 50 pounds or less.

(vi) Class I magazines shall be located away from inhabited buildings, passenger railways, and public highways and from other magazines in conformity with Table H–21.

TABLE H–21—AMERICAN TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

As revised and approved by the Institute of Makers of Explosives, June 5, 1964

Explosives		Distances in feet when storage is barricaded			
Pounds over	Pounds not over	Inhabited buildings	Passenger railways	Public highways	Separation of magazines
2	5	70	30	30	6
5	10	90	35	35	8
10	20	110	45	45	10
20	30	125	50	50	11
30	40	140	55	55	12
40	50	150	60	60	14
50	75	170	70	70	15
75	100	190	75	75	16
100	125	200	80	80	18
125	150	215	85	85	19
150	200	235	95	95	21
200	250	255	105	105	23
250	300	270	110	110	24
300	400	295	120	120	27
400	500	320	130	130	29
500	600	340	135	135	31
600	700	355	145	145	32
700	800	375	150	150	33
800	900	390	155	155	35
900	1,000	400	160	160	36
1,000	1,200	425	170	165	39
1,200	1,400	450	180	170	41
1,400	1,600	470	190	175	43
1,600	1,800	490	195	180	44
1,800	2,000	505	205	185	45
2,000	2,500	545	220	190	49
2,500	3,000	580	235	195	52
3,000	4,000	635	255	210	58
4,000	5,000	685	275	225	61
5,000	6,000	730	295	235	65
6,000	7,000	770	310	245	68
7,000	8,000	800	320	250	72
8,000	9,000	835	335	255	75
9,000	10,000	865	345	260	78
10,000	12,000	875	370	270	82
12,000	14,000	885	390	275	87
14,000	16,000	900	405	280	90
16,000	18,000	940	420	285	94
18,000	20,000	975	435	290	93
20,000	25,000	1,055	470	315	105
25,000	30,000	1,130	500	340	112
30,000	35,000	1,205	525	360	119
35,000	40,000	1,275	550	380	124
40,000	45,000	1,340	570	400	129
45,000	50,000	1,400	580	420	135
50,000	55,000	1,460	610	440	140
55,000	60,000	1,515	630	455	145
60,000	65,000	1,565	645	470	150
65,000	70,000	1,610	660	485	155
70,000	75,000	1,655	675	500	160
75,000	80,000	1,695	690	510	165
80,000	85,000	1,730	705	520	170
85,000	90,000	1,760	720	530	175
90,000	95,000	1,790	730	540	180
95,000	100,000	1,815	745	545	185
100,000	110,000	1,835	770	550	195
110,000	120,000	1,855	790	555	205
120,000	130,000	1,875	810	560	215
130,000	140,000	1,890	835	565	225
140,000	150,000	1,900	850	570	235
150,000	160,000	1,935	870	580	245
160,000	170,000	1,965	890	590	255
170,000	180,000	1,990	905	600	265
180,000	190,000	2,010	920	605	275
190,000	200,000	2,030	935	610	285
200,000	210,000	2,055	955	620	295
210,000	230,000	2,100	980	635	315
230,000	250,000	2,155	1,010	650	335
250,000	275,000	2,215	1,040	670	360
275,000	300,000	2,275	1,075	690	385

NOTE 1. "Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

NOTE 2. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of three feet.

NOTE 3. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

NOTE 4. When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "Separation of Magazines," except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "Separation of Magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways, and highways.

NOTE 5. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

(vii) Except as provided in subdivision (viii) of this subparagraph, class II magazines shall be located in conformity with Table H–21, but may be permitted in warehouses and in wholesale and retail establishments when located on a floor which has an entrance at outside grade level and the magazine is located not more than 10 feet from such an entrance. Two class II magazines may be located in the same building when one is used only for blasting caps in quantities not in excess of 5,000 caps and a distance of 10 feet is maintained between magazines.

(viii) When used for temporary storage at a site for blasting operations, class II magazines shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty (150) feet shall be maintained between class II magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds, or less.

(2) *Construction of magazines—general.* (i) Magazines shall be constructed in conformity with the provisions of this paragraph.

(ii) Magazines for the storage of explosives, other than black powder, class B and class C explosives shall be bullet resistant, weather resistant, fire resistant, and ventilated sufficiently to protect the explosive in the specific locality. Magazines used only for storage of black powder, class B and class C explosives shall be weather resistant, fire-resistant, and have ventilation. Magazines for storage of blasting and electric blasting caps shall be weather resistant, fire-resistant, and ventilated.

(iii) Property upon which class I magazines are located and property where class II magazines are located outside of buildings shall be posted with signs reading "Explosives—Keep Off." Such signs shall be located so as to minimize the possibility of a bullet traveling in the direction of the magazine if anyone shoots at the sign.

(iv) Magazines requiring heat shall be heated by either hot-water radiant heating with the magazine building; or air directed into the magazine building over either hot water or low pressure steam (15 p.s.i.g.) coils located outside the magazine building.

(v) The magazine heating systems shall meet the following requirements:

(*a*) The radiant heating coils within the building shall be installed in such a manner that the explosives or explosives containers cannot contact the coils and air is free to circulate between the coils and the explosives or explosives containers.

(*b*) The heating ducts shall be installed in such a manner that the hot-air discharge from the duct is not directed against the explosives or explosives containers.

(*c*) The heating device used in connection with a magazine shall have controls which prevent the ambient building temperature from exceeding 130° F.

(*d*) The electric fan or pump used in the heating system for a magazine shall be mounted outside and separate from the wall of the magazine, and shall be grounded.

(*e*) The electric fan motor and the controls for electrical heating devices used in heating water or steam shall have overloads and disconnects, which comply with subpart S of this part. All electrical switch gear shall be located a minimum distance of 25 feet from the magazine.

(*f*) The heating source for water or steam shall be separated from the magazine by a distance of not less than 25 feet when electrical and 50 feet when fuel fired. The area between the heating unit and the magazine shall be cleared of all combustible materials.

(*g*) The storage of explosives and explosives containers in the magazine shall allow uniform air circulation so product temperature uniformity can be maintained.

(vi) When lights are necessary inside the magazine, electric safety flashlight, or electric safety lanterns shall be used.

(3) *Construction of class I magazines.* (i) Class I magazines shall be of masonry construction or of wood or of metal construction, or a combination of these types. Thickness of masonry units shall not be less than 8 inches. Hollow masonry units used in construction required to be bullet resistant shall have all hollow spaces filled with weak cement or well-tamped sand. Wood constructed walls, required to be bullet resistant, shall have at least a 6-inch space between interior and exterior sheathing and the space between sheathing shall be filled with well-tamped sand. Metal wall construction, when required to be bullet resistant, shall be lined with brick at least 4 inches in thickness or shall have at least a 6-inch sandfill between interior and exterior walls.

(ii) Floors and roofs of masonry magazines may be of wood construction. Wood floors shall be tongue and grooved lumber having a nominal thickness of 1 inch.

(iii) Roofs required to be bullet resistant shall be protected by a sand tray located at the lines of eaves and covering the entire area except that necessary for ventilation. Sand in the sand tray shall be maintained at a depth of not less than 4 inches.

(iv) All wood at the exterior of magazines, including eaves, shall be protected by being covered with black or galvanized steel or aluminum metal of thickness of not less than No. 26 gage. All nails exposed to the interior of magazines shall be well countersunk.

(v) Foundations for magazines shall be of substantial construction and arranged to provide good cross ventilation.

(vi) Magazines shall be ventilated sufficiently to prevent dampness and heating of stored explosives. Ventilating openings shall be screened to prevent the entrance of sparks.

(vii) Openings to magazines shall be restricted to that necessary for the placement and removal of stocks of explosives. Doors for openings in magazines for class A explosives shall be bullet resistant. Doors for magazines not required to be bullet resistant shall be designed to prevent unauthorized entrance to the magazine.

(viii) Magazines shall be provided with substantial means for locking; locks shall be provided and magazine doors shall be kept locked, except during the time of placement and removal of stocks of explosives.

(ix) Provisions shall be made to prevent the piling of stocks of explosives directly against masonry walls, brick-lined or sand-filled metal walls and single-thickness metal walls; such protection, however, shall not interfere with proper ventilation at the interior of side and end walls.

(4) *Construction of class II magazines.* (i) Class II magazines shall be of wood or metal construction, or a combination thereof.

(ii) Wood magazines of this class shall have sides, bottom, and cover constructed of 2-inch hardwood boards well braced at corners and protected by being entirely covered with sheet metal of not less than No. 20 gage. All nails exposed to the interior of the magazine shall be well countersunk. All metal magazines of this class shall have sides, bottom, and cover constructed of sheet metal, and shall be lined with three-eighths-inch plywood or equivalent. Edges of metal covers shall overlap sides at least 1 inch.

(iii) Covers for both wood- and metal-constructed magazines of this class shall be provided with substantial strap hinges and shall be provided with substantial means for locking. Covers shall be kept locked except during the placement or removal of explosives.

(iv) Magazines of this class shall be painted red and shall bear lettering in white, on all sides and top, at least 3 inches high, "Explosives—Keep Fire Away." Class II magazines when located in warehouses, and in wholesale and retail establishments shall be provided with substantial wheels or casters to facilitate easy removal in the case of fire. Where necessary due to climatic conditions, class II magazines shall be ventilated.

(5) *Storage within magazines.* (i) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(ii) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives. Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that metal slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

(iii) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

(iv) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

(v) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

(vi) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(vii) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines. The land surrounding a magazine shall be kept clear of all combustible materials for a distance of at least 25 feet. Combustible materials shall not be stored within 50 feet of magazines.

(viii) Magazines shall be in the charge of a competent person at all times who shall be at least 21 years of age, and who shall be held responsible for the enforcement of all safety precautions.

(ix) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(d) *Transportation of explosives*—(1) *General provisions.* (i) No employee shall be allowed to smoke, carry matches or any other flame-producing device, or carry any firearms or loaded cartridges while in or near a motor vehicle transporting explosives; or drive, load, or unload such vehicle in a careless or reckless manner.

(ii) Explosives shall not be carried or transported in or upon a public conveyance or vehicle carrying passengers for hire.

(iii) Explosives shall not be transferred from one vehicle to another within the confines of any jurisdiction (city, county, State, or other area) without informing the fire and police departments thereof. In the event of breakdown or collision the local fire and police departments shall be promptly notified to help safeguard such emergencies. Explosives shall be transferred from the disabled vehicle to another only, when proper and qualified supervision is provided.

(iv) Blasting caps or electric blasting caps shall not be transported over the highways on the same vehicles with other explosives.

(2) *Transportation vehicles.* (i) Vehicles used for transporting explosives shall be strong enough to carry the load without difficulty and be in good mechanical condition. If vehicles do not have a closed body, the body shall be covered with a flameproof and moistureproof tarpaulin or other effective protection against moisture and sparks. All vehicles used for the transportation of explosives shall have tight floors and any exposed spark-producing metal on the inside of the body shall be covered with wood or other nonsparking materials to prevent contact with packages of explosives. Packages of explosives shall not be loaded above the sides of an open-body vehicle.

(ii) Every vehicle used for transporting explosives and oxidizing materials listed in (*a*) of this subdivision shall be marked as follows:

(*a*) Exterior markings or placards required on applicable vehicles shall be as follows for the various classes of commodities:

Commodity	*Type of marking or placard*
Explosives, Class A, any quantity or a combination of Class A and Class B explosives.	Explosives A (Red letters on white background).
Explosives, Class B, any quantity.	Explosives B (Red letters on white background).
Oxidizing material (blasting agents, ammonium nitrate, etc.), 1,000 pounds or more gross weight.	Oxidizers (Yellow letters on black background).

(*b*) Each marking or placard shall consist of letters not less than 4 inches high, in the color specified, using approximately a ⅝-inch stroke. The placard must be larger than the lettering required thereon by at least 1 inch at the top and bottom sides. Such marking or placard described in subdivision (*a*) shall be contained in an area on the vehicle which has no other marking, lettering, or graphic display, for at least 3 inches in each direction.

(c) Such markings or placards shall be displayed at the front, rear, and on each side of the motor vehicle or trailer, or other cargo carrying body while it contains explosives or other dangerous articles of such type and in such quantity as specified in (*a*) of this subdivision. The front marking or placard may be displayed on the front of either the truck, truck body, truck tractor or the trailer.

(*d*) Any motor vehicle, trailer, or other cargo-carrying body containing more than one kind of explosive as well as an oxidizing material requiring a placard under the provisions of subdivision (*a*), the aggregate gross weight of which totals 1,000 pounds or more, shall be marked or placarded "Dangerous" as well as "Explosive A" or "Explosive B" as appropriate. If explosives Class A and explosives Class B are loaded on the same vehicle, the "Explosives B" marking need not be displayed.

(*e*) In any combination of two or more vehicles containing explosives or other dangerous articles each vehicle shall be marked or placarded as to its contents and in accordance with (*a*) and (c) of this subdivision.

(iii) Each motor vehicle used for transporting explosives shall be equipped with a minimum of two extinguishers, each having a rating of at least 10–BC.

(*a*) Only extinguishers listed or approved by Underwriters Laboratories, Inc., or the Factory Mutual Engineering Corp. shall be deemed suitable for use on explosives-carrying vehicles.

(*b*) Extinguishers shall be filled and ready for immediate use and located near the driver's seat. Extinguishers shall be examined periodically by a competent person.

(iv) A motor vehicle used for transporting explosives shall be given the following inspection to determine that it is in proper condition for safe transportation of explosives:

(*a*) Fire extinguishers shall be filled and in working order.

(*b*) All electrical wiring shall be completely protected and securely fastened to prevent short-circuiting.

(*c*) Chassis, motor, pan, and underside of body shall be reasonably clean and free of excess oil and grease.

(*d*) Fuel tank and feedline shall be secure and have no leaks.

(*e*) Brakes, lights, horn, windshield wipers, and steering apparatus shall function properly.

(*f*) Tires shall be checked for proper inflation and defects.

(*g*) The vehicle shall be in proper condition in every other respect and acceptable for handling explosives.

(3) *Operation of transportation vehicles.* (i) Vehicles transporting explosives shall only be driven by and be in the charge of a driver who is physically fit, careful, capable, reliable, able to read and write the English language, and not addicted to the use, or under the influence of intoxicants, narcotics, or other dangerous drugs, and not less than 21 years of age. He shall be familiar with the traffic regulations, State laws, and the provisions of this section.

(ii) Except under emergency conditions, no vehicle transporting explosives shall be parked before reaching its destination, even though attended, on any public street adjacent to or in proximity to any bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble.

(iii) Every motor vehicle transporting any quantity of Class A or Class B explosives shall, at all times, be attended by a driver or other attendant of the motor carrier. This attendant shall have been made aware of the class of the explosive material in the vehicle and of its inherent dangers, and shall have been instructed in the measures and procedures to be followed in order to protect the public from those dangers. He shall have been made familiar with the vehicle he is assigned, and shall be trained, supplied with the necessary means, and authorized to move the vehicle when required.

(*a*) For the purpose of this subdivision, a motor vehicle shall be deemed "attended" only when the driver or other attendant is physically on or in the vehicle, or has the vehicle within his field of vision and can reach it quickly and without any kind of interference; "attended" also means that the driver or attendant is awake, alert, and not engaged in other duties or activities which may divert his attention from the vehicle, except for necessary communication with public officers, or representatives of the carrier, shipper, or consignee, or except for necessary absence from the vehicle to obtain food or to provide for his physical comfort.

(*b*) However, an explosive-laden vehicle may be left unattended if parked within a securely fenced or walled area with all gates or entrances locked where parking of such vehicle is otherwise permissible, or at a magazine site established solely for the purpose of storing explosives.

(iv) No spark-producing metal, spark-producing metal tools, oils, matches, firearms, electric storage batteries, flammable substances, acids, oxidizing materials, or corrosive compounds shall be carried in the body of any motor truck and/or vehicle transporting explosives, unless the loading of such dangerous articles and the explosives comply with U.S. Department of Transportation regulations.

(v) Vehicles transporting explosives shall avoid congested areas and heavy traffic. Where routes through congested areas have been designated by local authorities such routes shall be followed.

(vi) Delivery shall only be made to authorized persons and into authorized magazines or authorized temporary storage or handling areas.

(e) *Use of explosives and blasting agents*—(1) *General provisions.* (i) While explosives are being handled or used, smoking shall not be permitted and no one near the explosives shall possess matches, open light or other fire or flame. No person shall be allowed to handle explosives while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

(ii) Original containers or Class II magazines shall be used for taking detonators and other explosives from storage magazines to the blasting area.

(iii) When blasting is done in congested areas or in close proximity to a structure, railway, or highway or any other installation that may be damaged, the blast shall be covered before firing with a mat constructed so that it is capable of preventing fragments from being thrown.

(iv) Persons authorized to prepare explosive charges or conduct blasting operations shall use every reasonable precaution, including but not limited to warning signals, flags, barricades, or woven wire mats to insure the safety of the general public and workmen.

(v) Blasting operations shall be conducted during daylight hours.

(vi) Whenever blasting is being conducted in the vicinity of gas, electric, water, fire alarm, telephone, telegraph, and steam utilities, the blaster shall notify the appropriate representatives of such utilities at least 24 hours in advance of blasting, specifying the location and intended time of such blasting. Verbal notice shall be confirmed with written notice.

(vii) Due precautions shall be taken to prevent accidental discharge of electric blasting caps from current induced by radar, radio transmitters, lightning, adjacent powerlines, dust storms, or other sources of extraneous electricity. These precautions shall include:

(*a*) The suspension of all blasting operations and removal of persons from the blasting area during the approach and progress of an electric storm.

(*b*) The posting of signs warning against the use of mobile radio transmitters on all roads within 350 feet of the blasting operations.

(2) *Storage at use sites.* (i) Empty boxes and paper and fiber packing materials which have previously contained high explosives shall not be used again for any purpose, but shall be destroyed by burning at an approved isolated location out of doors, and no person shall be nearer than 100 feet after the burning has started.

(ii) Containers of explosives shall not be opened in any magazine or within 50 feet of any magazine. In opening kegs or wooden cases, no sparking metal tools shall be used; wooden wedges and either wood, fiber or rubber mallets shall be used. Nonsparking metallic slitters may be used for opening fiberboard cases.

(iii) Explosives or blasting equipment that are obviously deteriorated or damaged shall not be used.

(iv) No explosives shall be abandoned.

(3) *Loading of explosives in blast holes.* (i) All drill holes shall be sufficiently large to admit freely the insertion of the cartridges of explosives.

(ii) Tamping shall be done only with wood rods without exposed metal parts, but nonsparking metal connectors may be used for jointed poles. Violent tamping shall be avoided. Primed cartridges shall not be tamped.

(iii) When loading blasting agents pneumatically over electric blasting caps, semiconductive delivery hose shall be used and the equipment shall be bonded and grounded.

(iv) No holes shall be loaded except those to be fired in the next round of blasting. After loading, all remaining explosives shall be immediately returned to an authorized magazine.

(v) Drilling shall not be started until all remaining butts of old holes are examined with a wooden stick for unexploded charges, and if any are found, they shall be refired before work proceeds.

(vi) No person shall be allowed to deepen drill holes which have contained explosives.

(vii) After loading for a blast is completed, all excess blasting caps or electric blasting caps and other explosives shall immediately be returned to their separate storage magazines.

(4) *Initiation of explosive charges.* (i) Only electric blasting caps shall be used for blasting operations in congested districts, or on highways, or adjacent to highways open to traffic, except where sources of extraneous electricity make such use dangerous.

(ii) When fuse is used, the blasting cap shall be securely attached to the safety fuse with a standard-ring type cap crimper. All primers shall be assembled at least 50 feet from any magazine.

(iii) Primers shall be made up only as required for each round of blasting.

(iv) No blasting cap shall be inserted in the explosives without first making a hole in the cartridge for the cap with a wooden punch of proper size or standard cap crimper.

(v) Explosives shall not be extracted from a hole that has once been charged or has misfired unless it is impossible to detonate the unexploded charge by insertion of a fresh additional primer.

(vi) If there are any misfires while using cap and fuse, all persons shall be required to remain away from the charge for at least 1 hour. If electric blasting caps are used and a misfire occurs, this waiting period may be reduced to 30 minutes. Misfires shall be handled under the direction of the person in charge of the blasting and all wires shall be carefully traced and search made for unexploded charges.

(vii) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers designed for this purpose.

(viii) Only the employee making leading wire connections in electrical firing shall be allowed to fire the shot. Leading wires shall remain shorted and not be connected to the blasting machine or other source of current until the charge is to be fired.

(5) *Warning required.* Before a blast is fired, the employer shall require that a loud warning signal be given by the person in charge, who has made certain that all surplus explosives are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and that an adequate warning has been given.

(f) *Explosives at piers, railway stations, and cars or vessels not otherwise specified in this standard*—(1) *Railway cars.* Except in an emergency and with permission of the local authority, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the U.S. Department of Transportation Regulations for the Transportation of Explosives, 49 CFR Chapter I.

(2) *Packing and marking.* No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the U.S. Department of Transportation Regulations for the Transportation of Explosives.

(3) *Marking cars.* Every railway car containing explosives which has reached its designation, or is stopped in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words "Explosives — Handle Carefully — Keep Fire Away" in red letters at least 1½ inches high on a white background.

(4) *Storage.* Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal, whether for delivery to a consignee, or forwarded to some other destination, shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

(5) *Hours of transfer.* Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal between the hours of sunset and sunrise.

(g) *Blasting agents*—(1) *General.* Unless otherwise set forth in this paragraph, blasting agents, excluding water gels, shall be transported, stored, and used in the same manner as explosives. Water gels are covered in paragraph (h) of this section.

(2) *Fixed location mixing.* (i) Buildings or other facilities used for mixing blasting agents shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H–21. In determining the distance separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H–21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in Table H–22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects.

(ii) Buildings used for the mixing of blasting agents shall conform to the requirements of this section.

(*a*) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(*b*) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(*c*) All fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(*d*) The building shall be well ventilated.

(*e*) Heating units which do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside the mixing building.

(*f*) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(iii) Equipment used for mixing blasting agents shall conform to the requirements of this subdivision:

(*a*) The design of the mixer shall minimize the possibility of frictional heating, compaction, and especially confinement. All bearings and drive assemblies shall be mounted outside the mixer and protected against the accumulation of dust. All surfaces shall be accessible for cleaning.

(*b*) Mixing and packaging equipment shall be constructed of materials compatible with the fuel-ammonium nitrate composition.

(*c*) Suitable means shall be provided to prevent the flow of fuel oil to the mixer in case of fire. In graviety flow systems an automatic spring-loaded shutoff valve with fusible link shall be installed.

(iv) The provisions of this subdivision shall be considered when determining blasting agent compositions.

(*a*) The sensitivity of the blasting agent shall be determined by means of a No. 9 test blasting cap at regular intervals and after every change in formulation.

(*b*) Oxidizers of small particle size, such as crushed ammonium nitrate prills or fines, may be more sensitive than coarser products and shall, therefore, be handled with greater care.

(*c*) No hydrocarbon liquid fuel with flashpoint lower than that of No. 2 diesel fuel oil 125° F. minimum shall be used.

(*d*) Crude oil and crankcase oil shall not be used.

(*e*) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(*f*) Peroxides and chlorates shall not be used.

(v) All electrical switches, controls, motors, and lights located in the mixing room shall conform to the requirements in subpart S of this part for class II, division 2 locations; otherwise they shall be located outside the mixing room. The frame of the mixer and all other equipment that may be used shall be electrically bonded and be provided with a continuous path to the ground.

(vi) Safety precautions at mixing plants shall include the requirements of this subdivision.

(*a*) Floors shall be constructed so as to eliminate floor drains and piping into which molten materials could flow and be confined in case of fire.

(*b*) The floors and equipment of the mixing and packaging room shall be cleaned regularly and thoroughly to prevent accumulation of oxidizers or fuels and other sensitizers.

(*c*) The entire mixing and packaging plant shall be cleaned regularly and thoroughly to prevent excessive accumulation of dust.

(*d*) Smoking, matches, open flames, spark-producing devices, and firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(*e*) The land surrounding the mixing plant shall be kept clear of brush, dried grass, leaves, and other materials for a distance of at least 25 feet.

(*f*) Empty ammonium nitrate bags shall be disposed of daily in a safe manner.

(*g*) No welding shall be permitted or open flames used in or around the mixing or storage area of the plant unless the equipment or area has been completely washed down and all oxidizer material removed.

(*h*) Before welding or repairs to hollow shafts, all oxidizer material shall be removed from the outside and inside of the shaft and the shaft vented with a minimum one-half inch diameter opening.

(*i*) Explosives shall not be permitted inside of or within 50 feet of any building or facility used for the mixing of blasting agents.

(3) *Bulk delivery and mixing vehicles.* (i) The provisions of this subparagraph shall apply to off-highway private operations as well as to all public highway movements.

(ii) A bulk vehicle body for delivering and mixing blasting agents shall conform with the requirements of this subdivision (ii).

(*a*) The body shall be constructed of noncombustible materials.

(*b*) Vehicles used to transport bulk premixed blasting agents on public highways shall have closed bodies.

(*c*) All moving parts of the mixing system shall be designed as to prevent a heat buildup. Shafts or axles which contact the product shall have outboard bearings with 1-inch minimum clearance between the bearings and the outside of the product container. Particular attention shall be given to the clearances on all moving parts.

(*d*) A bulk delivery vehicle shall be strong enough to carry the load without difficulty and be in good mechanical condition.

(iii) Operation of bulk delivery vehicles shall conform to the requirements of this subdivision. These include the placarding requirements as specified by Department of Transportation.

(*a*) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. The employer shall assure that the operator is familiar with the commodities being delivered and the general procedure for handling emergency situations.

(*b*) The hauling of either blasting caps or other explosives but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers: see 49 CFR Chapter I.

(*c*) No person shall smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing transfer or down-the-hole loading of blasting agents at or near the blasting site.

(*d*) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall assure that the driver, in moving the vehicle, has assistance of a second person to guide his movements.

(*e*) No intransit mixing of materials shall be performed.

(iv) Pneumatic loading from bulk delivery vehicles into blastholes primed with electric blasting caps or other static-sensitive systems shall conform to the requirements of this subdivision.

(*a*) A positive grounding device shall be used to prevent the accumulation of static electricity.

(*b*) A discharge hose shall be used that has a resistance range that will prevent conducting stray currents, but that is conductive enough to bleed off static buildup.

(*c*) A qualified person shall evaluate all systems to determine if they will adequately dissipate static under potential field conditions.

(v) Repairs to bulk delivery vehicles shall conform to the requirements of this section.

(*a*) No welding or open flames shall be used on or around any part of the delivery equipment unless it has been completely washed down and all oxidizer material removed.

(*b*) Before welding or making repairs to hollow shafts, the shaft shall be thoroughly cleaned inside and out and vented with a minimum one-half-inch diameter opening.

(4) *Bulk storage bins.* (i) The bin, including supports, shall be constructed of compatible materials, waterproof, and adequately supported and braced to withstand the combination of all loads including impact forces arising from product movement within the bin and accidental vehicle contact with the support legs.

(ii) The bin discharge gate shall be designed to provide a closure tight enough to prevent leakage of the stored product. Provision shall also be made so that the gate can be locked.

(iii) Bin loading manways or access hatches shall be hinged or otherwise attached to the bin and be designed to permit locking.

(iv) Any electrically driven conveyors for loading or unloading bins shall conform to the requirements of Subpart S of this Part. They shall be designed to minimize damage from corrosion.

(v) Bins containing blasting agent shall be located, with respect to inhabited buildings, passenger railroads, and public highways, in accordance with Table H–21 and separation from other blasting agent storage and explosives storage shall be in conformity with Table H–22.

(vi) Bins containing ammonium nitrate shall be separated from blasting agent storage and explosives storage in conformity with Table H–22.

TABLE H–22—TABLE OF RECOMMENDED SEPARATION DISTANCES OF AMMONIUM NITRATE AND BLASTING AGENTS FROM EXPLOSIVES OR BLASTING AGENTS [1], [6]

Donor weight		Minimum separation distance of receptor when barricaded [2] (ft.)		Minimum thickness of artificial barricades [5] (in.)
Pounds over	Pounds not over	Ammonium nitrate [3]	Blasting agent [4]	
	100	3	11	12
100	300	4	14	12
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Notes to Table of Recommended Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents:

NOTE 1. These distances apply to the separation of stores only. Table H–21 shall be used in determining separation distances from inhabited buildings, passenger railways, and public highways.

NOTE 2. When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor". Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances, and barricade thicknesses in excess of those prescribed in Table H–21 are not required.

NOTE 3. The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute*; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons. (*Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964.)

NOTE 4. These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the U.S. Department of Transportation (DOT) regulations.

NOTE 5. Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

NOTE 6. When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.

NOTE 7. Guide to use of table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.

(a) Sketch location of all potential donor and acceptor materials together with the maximum mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of detonating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)

(b) Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance (distances measured between nearest edges), the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors shall be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors shall be computed as a weighted distance from the combined masses.

Calculation of weighted distance from combined masses:

Let M_2, M_3 . . . M_n be donor masses to be combined.

M_1 is a potential acceptor mass.

D_{12} is distance from M_1 to M_2 (edge to edge).

D_{13} is distance from M_1 to M_3 (edge to edge), etc.

To find weighted distance $[D_1(_{2,3}\ldots_n)]$ from combined masses to M_1, add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_1(_{2,3},\ldots_n)=\frac{M_2\times D_{12}+M_3\times D_{13}\ldots+M_n\times D_{1n}}{M_2+M_3\ldots+M_n}$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.

(c) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H–21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the Table) from *either* individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects. In applying Table H–21 to distances from highways, railroads, and inhabited buildings, distances are measured from the nearest edge of potentially explodable material as prescribed in Table H–21, Note 5.

(d) When all or part of a potential acceptor comprises Explosives Class A as defined in DOT regulations, storage in bullet-resistant magazines is required. Safe distances to stores in bullet-resistant magazines may be obtained from the intermagazine distances prescribed in Table H–21.

(e) Barricades must not have line-of-sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.

(f) Good housekeeping practices shall be maintained around any bin containing ammonium nitrate or blasting agent. This includes keeping weeds and other combustible materials cleared within 25 feet of such bin. Accumulation of spilled product on the ground shall be prevented.

(5) *Storage of blasting agents and supplies.* (i) Blasting agents and oxidizers used for mixing of blasting agents shall be stored in the manner set forth in this subdivision.

(*a*) Blasting agents or ammonium nitrate, when stored in conjunction with explosives, shall be stored in the manner set forth in paragraph (c) of this section for explosives. The mass of blasting agents and one-half the mass of ammonium nitrate shall be included when computing the total quantity of explosives for determining distance requirements.

(*b*) Blasting agents, when stored entirely separate from explosives, may be stored in the manner set forth in paragraph (c) of this section or in one-story warehouses (without basements) which shall be:

(*1*) Noncombustible or fire resistive;

(*2*) Constructed so as to eliminate open floor drains and piping into which molten materials could flow and be confined in case of fire;

(*3*) Weather resistant;

(*4*) Well ventilated; and

(*5*) Equipped with a strong door kept securely locked except when open for business.

(c) Semitrailer or full-trailer vans used for highway or onsite transportation of the blasting agents are satisfactory for temporarily storing these materials, provided they are located in accordance with Table H–21 with respect to inhabited buildings, passenger railways, and public highways and according to Table H–22 with respect to one another. Trailers shall be provided with substantial means for locking, and the trailer doors shall be kept locked, except during the time of placement and removal of stocks of blasting agents.

(ii) Warehouses used for the storage of blasting agents separate from explosives shall be located as set forth in this subdivision.

(*a*) Warehouses used for the storage of blasting agents shall be located in accordance with the provisions of Table H–21 with respect to inhabited buildings, passenger railways, and public highways, and according to Table H–22 with respect to one another.

(*b*) If both blasting agents and ammonium nitrate are handled or stored within the distance limitations prescribed through subparagraph (2) of this paragraph, one-half the mass of the ammonium nitrate shall be added to the mass of the blasting agent when computing the total quality of explosives for determining the proper distance for compliance with Table H–21.

(iii) Smoking, matches, open flames, spark producing devices, and firearms are prohibited inside of or within 50 feet of any warehouse used for the storage of blasting agents. Combustible materials shall not be stored within 50 feet of warehouses used for the storage of blasting agents.

(iv) The interior of warehouses used for the storage of blasting agents shall be kept clean and free from debris and empty containers. Spilled materials shall be cleaned up promptly and safely removed. Combustible materials, flammable liquids, corrosive acids, chlorates, or nitrates shall not be stored in any warehouse used for blasting agents unless separated therefrom by a fire resistive separation of not less than 1 hour resistance. The provisions of this subdivision shall not prohibit the storage of blasting agents together with nonexplosive blasting supplies.

(v) Piles of ammonium nitrate and warehouses containing ammonium nitrate shall be adequately separated from readily combustible fuels.

(vi) Caked oxidizers, either in bags or in bulk, shall not be loosened by blasting.

(vii) Every warehouse used for the storage of blasting agents shall be under the supervision of a competent person who shall be not less than 21 years of age.

(6) *Transportation of packaged blasting agents.* (i) When blasting agents are transported in the same vehicle with explosives, all of the requirements of paragraph (d) of this section shall be complied with.

(ii) Vehicles transporting blasting agents shall only be driven by and be in charge of a driver at least twenty-one (21) years of age who is capable, careful, reliable, and in possession of a valid motor vehicle operator's license. Such a person shall also be familiar with the States vehicle and traffic laws.

(iii) No matches, firearms, acids, or other corrosive liquids shall be carried in the bed or body of any vehicle containing blasting agents.

(iv) No person shall be permitted to ride upon, drive, load, or unload a vehicle containing blasting agents while smoking or under the influence of intoxicants, narcotics, or other dangerous drugs.

(v) It is prohibited for any person to transport or carry any blasting agents upon any public vehicle carrying passengers for hire.

(vi) Vehicles transporting blasting agents shall be in safe operating condition at all times.

(vii) When offering blasting agents for transportation on public highways the packaging, marking, and labeling of containers of blasting agents shall comply with the requirements of DOT.

(viii) Vehicles used for transporting blasting agents on public highways shall be placarded in accordance with DOT regulations.

(7) *Use of blasting agents.* Persons using blasting agents shall comply with all of the applicable provisions of paragraph (e) of this section.

(h) *Water gel (Slurry) explosives and blasting agents*—(1) *General provisions.* Unless otherwise set forth in this paragraph, water gels shall be transported, stored and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

(2) *Types and classifications.* (i) Water gels containing a substance in itself classified as an explosive shall be classified as an explosive and manufactured, transported, stored, and used as specified for "explosives" in this section, except as noted in subdivision (iv) of this subparagraph.

(ii) Water gels containing no substance in itself classified as an explosive and which are cap-sensitive as defined in paragraph (a) of this section under Blasting Agent shall be classified as an explosive and manufactured, transported, stored and used as specified for "explosives" in this section.

(iii) Water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in paragraph (a) of this section under Blasting Agent shall be classified as blasting agents and manufactured, transported, stored, and used as specified for "blasting agents" in this section.

(iv) When tests on specific formulations of water gels result in Department of Transportation classification as a Class B explosive, bullet-resistant magazines are not required, see paragraph (c)(2)(ii) of this section.

(3) *Fixed location mixing.* (i)(*a*) Buildings or other facilities used for mixing water gels shall be located with respect to inhabited buildings, passenger railroads and public highways, in accordance with Table H–21.

(*b*) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H–21), the sum of all masses that may propagate (i.e., lie at distances less than prescribed in Table H–22) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects.

(ii) Buildings used for the mixing of water gels shall conform to the requirements of this subdivision.

(*a*) Buildings shall be of noncombustible construction or sheet metal on wood studs.

(*b*) Floors in a mixing plant shall be of concrete or of other nonabsorbent materials.

(*c*) Where fuel oil is used all fuel oil storage facilities shall be separated from the mixing plant and located in such a manner that in case of tank rupture, the oil will drain away from the mixing plant building.

(*d*) The building shall be well ventilated. Heating units that do not depend on combustion processes, when properly designed and located, may be used in the building. All direct sources of heat shall be provided exclusively from units located outside of the mixing building.

(*e*) All internal-combustion engines used for electric power generation shall be located outside the mixing plant building, or shall be properly ventilated and isolated by a firewall. The exhaust systems on all such engines shall be located so any spark emission cannot be a hazard to any materials in or adjacent to the plant.

(iii) Ingredients of water gels shall conform to the requirements of this subdivision.

(*a*) Ingredients in themselves classified as Class A or Class B explosives shall be stored in conformity with paragraph (c) of this section.

(*b*) Nitrate-water solutions may be stored in tank cars, tank trucks, or fixed tanks without quantity or distance limitations. Spills or leaks which may contaminate combustible materials shall be cleaned up immediately.

(*c*) Metal powders such as aluminum shall be kept dry and shall be stored in containers or bins which are moisture-resistant or weathertight. Solid fuels shall be used in such manner as to minimize dust explosion hazards.

(*d*) Ingredients shall not be stored with imcompatible materials.

(*e*) Peroxides and chlorates shall not be used.

(iv) Mixing equipment shall comply with the requirements of this subdivision.

(*a*) The design of the processing equipment, including mixing and conveying equipment, shall be compatible with the relative sensitivity of the materials being handled. Equipment shall be designed to minimize the possibility of frictional heating, compaction, overloading, and confinement.

(*b*) Both equipment and handling procedures shall be designed to prevent the introduction of foreign objects or materials.

(c) Mixers, pumps, valves, and related equipment shall be designed to permit regular and periodic flushing, cleaning, dismantling, and inspection.

(*d*) All electrical equipment including wiring, switches, controls, motors, and lights, shall conform to the requirements of Subpart S of this part.

(*e*) All electric motors and generators shall be provided with suitable overload protection devices. Electrical generators, motors, proportioning devices, and all other electrical enclosures shall be electrically bonded. The grounding conductor to all such electrical equipment shall be effectively bonded to the service-entrance ground connection and to all equipment ground connections in a manner so as to provide a continuous path to ground.

(v) Mixing facilities shall comply with the fire prevention requirements of this subdivision.

(*a*) The mixing, loading, and ingredient transfer areas where residues or spilled materials may accumulate shall be cleaned periodically. A cleaning and collection system for dangerous residues shall be provided.

(*b*) A daily visual inspection shall be made of the mixing, convening, and electrical equipment to establish that such equipment is in good operating condition. A program of systematic maintenance shall be conducted on regular schedule.

(c) Heaters which are not dependent on the combustion process within the heating unit may be used within the confines of processing buildings, or compartments, if provided with temperature and safety controls and located away from combustible materials and the finished product.

(4) *Bulk delivery and mixing vehicles.* (i) The design of vehicles shall comply with the requirements of this subdivision.

(*a*) Vehicles used over public highways for the bulk transportation of water gels or of ingredients classified as dangerous commodities, shall meet the requirements of th Department of Transportation and shall meet the requirements of paragraphs (d) and (g)(6) of this section.

(*b*) When electric power is supplied by a self-contained motor generator located on the vehicle the generator shall be at a point separate from where the water gel is discharged.

(c) The design of processing equipment and general requirements shall conform to subparagraphs (3) (iii) and (iv) of this paragraph.

(*d*) A positive action parking brake which will set the wheel brakes on at least one axle shall be provided on vehicles when equipped with air brakes and shall be used during bulk delivery operations. Wheel chocks shall supplement parking brakes whenever conditions may require.

(ii) Operation of bulk delivery and mixing vehicles shall comply with the requirements of this subdivision.

(*a*) The placarding requirements contained in DOT regulations apply to vehicles carrying water gel explosives or blasting agents.

(*b*) The operator shall be trained in the safe operation of the vehicle together with its mixing, conveying, and related equipment. He shall be familiar with the commodities being delivered and the general procedure for handling emergency situations.

(c) The hauling of either blasting caps or other explosives, but not both, shall be permitted on bulk trucks provided that a special wood or nonferrous-lined container is installed for the explosives. Such blasting caps or other explosives shall be in DOT-specified shipping containers; see 49 CFR Chapter I.

(*d*) No person shall be allowed to smoke, carry matches or any flame-producing device, or carry any firearms while in or about bulk vehicles effecting the mixing, transfer, or down-the-hole loading of water gels at or near the blasting site.

(*e*) Caution shall be exercised in the movement of the vehicle in the blasting area to avoid driving the vehicle over or dragging hoses over firing lines, cap wires, or explosive materials. The employer shall furnish the driver the assistance of a second person to guide the driver's movements.

(*f*) No intransit mixing of materials shall be performed.

(*g*) The location chosen for water gel or ingredient transfer from a support vehicle into the borehold loading vehicle shall be away from the blasthole site when the boreholes are loaded or in the process of being loaded.

(i) *Storage of ammonium nitrate*—(1) *Scope and definitions.* (i)(*a*) Except as provided in subdivision (*d*) of this subdivision this paragraph applies to the storage of ammonium nitrate in the form of crystals, flakes, grains, or prills including fertilizer grade, dynamite grade, nitrous oxide grade, technical grade, and other mixtures containing 60 percent or more ammonium nitrate by weight but does not apply to blasting.

(*b*) This paragraph does not apply to the transportation of ammonium nitrate.

(*c*) This paragraph does not apply to storage under the jurisdiction of and in compliance with the regulations of the U.S. Coast Guard (see 46 CFR Parts 146–149).

(*d*) The storage of ammonium nitrate and ammonium nitrate mixtures that are more sensitive than allowed by the "Definition of Test Procedures for Ammonium Nitrate Fertilizer" is prohibited.

(*e*) Nothing in this paragraph shall apply to the production of ammonium nitrate or to the storage of ammonium nitrate on the premises of the producing plant, provided that no distinct undue hazard to the public is created.

(ii) (*a*) The definition and test procedures for ammonium nitrate fertilizer are those found in the bulletin, "Definition and Test Procedures for Ammonium Nitrate Fertilizer", available from the National Plant Food Institute, 1700 K Street NW., Washington, DC 20006. This definition limits the contents of organic materials, metals, sulfur, etc., in a product that may be classified ammonium nitrate fertilizer.

(*b*) The standards for ammonium nitrate (nitrous oxide grade) are those found in the "Specifications, Properties, and Recommendations for Packaging, Transportation, Storage, and Use of Ammonium Nitrate", available from the Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

(2) *General provisions.* (i) This paragraph applies to all persons storing, having, or keeping ammonium nitrate, and to the owner or lessee of any building, premises, or structure in which ammonium nitrate is stored in quantities of 1,000 pounds or more.

(ii) Approval of large quantity storage shall be subject to due consideration of the fire and explosion hazards, including exposure to toxic vapors from burning or decomposing ammonium nitrate.

(iii) (*a*) Storage buildings shall not have basements unless the basements are open on at least one side. Storage buildings shall not be over one story in height.

(*b*) Storage buildings shall have adequate ventilation or be of a construction that will be self-ventilating in the event of fire.

(c) The wall on the exposed side of a storage building within 50 feet of a combustible building, forest, piles of combustible materials and similar exposure hazards shall be of fire-resistive construction. In lieu of the fire-resistive wall, other suitable means of exposure protection such as a free standing wall may be used. The roof coverings shall be class C or better, as defined in Roof Coverings, NFPA 203–1970.

(*d*) All flooring in storage and handling areas, shall be of noncombustible material or protected against impregnation by ammonium nitrate and shall be without open drains, taps, tunnels, pits, or pockets into which any molten ammonium nitrate could flow and be confined in the event of fire.

(*e*) The continued use of an existing storage building or structure not in strict conformity with this paragraph may be approved in cases where such continued use will not constitute a hazard to life or adjoining property.

(*f*) Buildings and structures shall be dry and free from water seepage through the roof, walls, and floors.

(3) *Storage of ammonium nitrate in bags, drums, or other containers.* (i) (*a*) Bags and containers used for ammonium nitrate must comply with specifications and standards required for use in interstate commerce (see 49 CFR Chapter I).

(*b*) Containers used on the premises in the actual manufacturing or processing need not comply with provisions of subdivision (*a*) of this subdivision.

(ii) (*a*) Containers of ammonium nitrate shall not be accepted for storage when the temperature of the ammonium nitrate exceeds 130° F.

(*b*) Bags of ammonium nitrate shall not be stored within 30 inches of the storage building walls and partitions.

(*c*) The height of piles shall not exceed 20 feet. The width of piles shall not exceed 20 feet and the length 50 feet except that where the building is of noncombustible construction or is protected by automatic sprinklers the length of piles shall not be limited. In no case shall the ammonium nitrate be stacked closer than 36 inches below the roof or supporting and spreader beams overhead.

(*d*) Aisles shall be provided to separate piles by a clear space of not less than 3 feet in width. At least one service or main aisle in the storage area shall be not less than 4 feet in width.

(4) *Storage of bulk ammonium nitrate.* (i) (*a*) Warehouses shall have adequate ventilation or be capable of adequate ventilation in case of fire.

(*b*) Unless constructed of noncombustible material or unless adequate facilities for fighting a roof fire are available, bulk storage structures shall not exceed a height of 40 feet.

(ii) (*a*) Bins shall be clean and free of materials which may contaminate ammonium nitrate.

(*b*) Due to the corrosive and reactive properties of ammonium nitrate, and to avoid contamination, galvanized iron, copper, lead, and zinc shall not be used in a bin construction unless suitably protected. Aluminum bins and wooden bins protected against impregnation by ammonium nitrate are permissible. The partitions dividing the ammonium nitrate storage from other products which would contaminate the ammonium nitrate shall be of tight construction.

(*c*) The ammonium nitrate storage bins or piles shall be clearly identified by signs reading "Ammonium Nitrate" with letters at least 2 inches high.

(iii) (*a*) Piles or bins shall be so sized and arranged that all material in the pile is moved out periodically in order to minimize possible caking of the stored ammonium nitrate.

(*b*) Height or depth of piles shall be limited by the pressure-setting tendency of the product. However, in no case shall the ammonium nitrate be piled higher at any point than 36 inches below the roof or supporting and spreader beams overhead.

(*c*) Ammonium nitrate shall not be accepted for storage when the temperature of the product exceeds 130° F.

(*d*) Dynamite, other explosives, and blasting agents shall not be used to break up or loosen caked ammonium nitrate.

(5) *Contaminants.* (i) (*a*) Ammonium nitrate shall be in a separate building or shall be separated by approved type firewalls of not less than 1 hour fire-resistance rating from storage or organic chemicals, acids, or other corrosive materials, materials that may require blasting during processing or handling, compressed flammable gases, flammable and combustible materials or other contaminating substances, including but not limited to animal fats, baled cotton, baled rags, baled scrap paper, bleaching powder, burlap or cotton bags, caustic soda, coal, coke, charcoal, cork, camphor, excelsior, fibers of any kind, fish oils, fish meal, foam rubber, hay, lubricating oil, linsed oil, or other oxidizable or drying oils, naphthalene, oakum, oiled clothing, oiled paper, oiled textiles, paint, straw, sawdust, wood shavings, or vegetable oils. Walls referred to in this subdivision need extend only to the underside of the roof.

(*b*) In lieu of separation walls, ammonium nitrate may be separated from the materials referred to in subdivision (*a*) of this subdivision by a space of at least 30 feet.

(*c*) Flammable liquids such as gasoline, kerosene, solvents, and light fuel oils shall not be stored on the premises except when such storage conforms to § 1910.106, and when walls and sills or curbs are provided in accordance with subdivisions (*a*) or (*b*) of this subdivision.

(*d*) LP-Gas shall not be stored on the premises except when such storage conforms to § 1910.110.

(ii) (*a*) Sulfur and finely divided metals shall not be stored in the same building with ammonium nitrate except when such storage conforms to paragraphs (a) through (h) of this section.

(*b*) Explosives and blasting agents shall not be stored in the same building with ammonium nitrate except on the premises of makers, distributors, and user-compounders of explosives or blasting agents.

(*c*) Where explosives or blasting agents are stored in separate buildings, other than on the premises of makers, distributors, and user-compounders of explosives or blasting agents, they shall be separated from the ammonium nitrate by the distances and/or barricades specified in Table H-22 of this subpart, but by not less than 50 feet.

(*d*) Storage and/or operations on the premises of makers, distributors, and user-compounders of explosives or blasting agents shall be in conformity with paragraphs (a) through (h) of this section.

(6) *General precautions.* (i) (*a*) Electrical installations shall conform to the requirements of subpart S of this part, for ordinary locations. They shall be designed to minimize damage from corrosion.

(vi) In areas where lightning storms are prevalent, lightning protection shall be provided. (See the Lightning Protection Code, NFPA 78-1968.)

(vii) Provisions shall be made to prevent unauthorized personnel from entering the ammonium nitrate storage area.

(7) *Fire protection.* (i) Not more than 2,500 tons of bagged ammonium nitrate shall be stored in a building or structure not equipped with an automatic sprinkler system. Sprinkler systems shall be of approved type and installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA 13-1969.

(ii) (*a*) Suitable fire control devices such as small hose or portable extinguishers shall be provided throughout the warehouse and in the loading and unloading areas. See the Standard for the Installation of Portable Fire Extinguishers, NFPA 10-1970, and the Standard for the Installation of Standpipe and Hose Systems, NFPA 14-1970.

(*b*) Water supplies and fire hydrants shall be available in accordance with recognized good practices.

§ 1910.110 Storage and handling of liquefied petroleum gases.

(a) *Definitions applicable to this section.* As used in this section:

(1) API-ASME container—A container constructed in accordance with the requirements of paragraph (b)(3)(iii) of this section.

(2) ASME container—A container constructed in accordance with the requirements of paragraph (b)(3)(iii) of this section.

(3) Container assembly—An assembly consisting essentially of the container and fittings for all container openings, including shutoff valves, excess flow valves, liquid-level gaging devices, safety relief devices, and protective housing.

(4) Containers—All vessels, such as tanks, cylinders, or drums, used for transportation or storing liquefied petroleum gases.

(5) DOT—Department of Transportation.

(6) DOT container—A container constructed in accordance with the applicable requirements of 49 CFR Chapter 1.

(7) "Liquefied petroleum gases"—"LPG" and "LP-Gas"—Any material which is composed predominantly of any of the following hydrocarbons, or mixtures of them; propane, propylene, butanes (normal butane or iso-butane), and butylenes.

(8) Movable fuel storage tenders or farm carts—Containers not in excess of 1,200 gallons water capacity, equipped with wheels not to be towed from one

location of usage to another. They are basically nonhighway vehicles, but may occasionally be moved over public roads or highways. They are used as a fuel supply for farm tractors, construction machinery and similar equipment.

(9) P.S.I.G.—pounds per square inch gauge.

(10) P.S.I.A.—pounds per square inch absolute.

(11) Systems—an assembly of equipment consisting essentially of the container or containers, major devices such as vaporizers, safety relief valves, excess flow valves, regulators, and piping connecting such parts.

(12) Vaporizer-burner—an integral vaporizer-burner unit, dependent upon the heat generated by the burner as the source of heat to vaporize the liquid used for dehydrators or dryers.

(13) Ventilation, adequate—when specified for the prevention of fire during normal operation, ventilation shall be considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit.

(14) Approved—unless otherwise indicated, listing or approval by the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factual Mutual Engineering Corp.

(15) Listed—see "approved" in § 1910.110(14).

(16) DOT Specifications—regulations of the Department of Transportation published in 49 CFR Chapter I.

(17) DOT regulations—see § 1910.110(a)(16).

(18) DOT requirements—see § 1910.110(a)(16).

(19) DOT cylinders—cylinders meeting the requirements of 49 CFR Chapter I.

(b) *Basic rules.*—(1) *Odorizing gases.* (i) All liquefied petroleum gases shall be effectively odorized by an approved agent of such character as to indicate positively, by distinct odor, the presence of gas down to concentration in air of not over one-fifth the lower limit of flammability. Odorization, however, is not required if harmful in the use of further processing of the liquefied petroleum gas, or if odorization will serve no useful purpose as a warning agent in such use or further processing.

(ii) The odorization requirement of subdivision (i) of this subparagraph shall be considered to be met by the use of 1.0 pounds of ethyl mercaptan, 1.0 pounds of thiophane or 1.4 pounds of amyl mercaptan per 10,000 gallons of LP-Gas. However, this listing of odorants and quantities shall not exclude the use of other odorants that meet the odorization requirements of subdivision (i) of this subparagraph.

(2) *Approval of equipment and systems.* (i) Each system utilizing DOT containers in accordance with 49 CFR Part 178 shall have its container valves, connectors, manifold valve assemblies, and regulators approved.

(ii) Each system for domestic or commercial use utilizing containers of 2,000 gallons or less water capacity, other than those constructed in accordance with 49 CFR Part 178, shall consist of a container assembly and one or more regulators, and may include other parts. The system as a unit or the container assembly as a unit, and the regulator or regulators, shall be individually listed.

(iv) The provisions of subdivision (i) of this subparagraph shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the standard for the Storage and Handling of Liquefied Petroleum Gases NFPA No. 58 in effect at the time of fabrication.

(v) Containers used with systems embodied in paragraph (b), (d)(3)(iii), and (f) of this section, shall be constructed, tested, and stamped in accordance with DOT specifications effective at the date of their manufacture.

(4) *Welding of containers.* (i) Welding to the shell, head, or any other part of the container subject to internal pressure, shall be done in compliance with the code under which the tank was fabricated. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the tank manufacturer.

(ii) Where repair or modification involving welding of DOT containers is required, the container shall be returned to a qualified manufacturer making containers of the same type, and the repair or modification made in compliance with DOT regulations.

(5) *Markings on containers.* (i) Each container covered in subparagraph (3)(i) of this paragraph, except as provided in subparagraph (3)(iv) of this paragraph shall be marked as specified in the following:

(*a*) With a marking identifying compliance with, and other markings required by, the rules of the reference under which the container is constructed; or with the stamp and other markings required by the National Board of Boiler and Pressure Vessel Inspectors.

(iii) In systems utilizing containers of over 2,000 gallons water capacity, each regulator, container valve, excess flow valve, gaging device, and relief valve installed on or at the container, shall have its correctness as to design, construction, and performance determined by listing by Underwriters Laboratories, Inc., or Factory Mutual Engineering Corp.

(3) *Requirements for construction and original test of containers.* (i) Containers used with systems embodied in paragraphs (d), (e), (g), and (h) of this section, except as provided in paragraphs (e)(3)(iii) and (g)(2)(i) of this section, shall be designed, constructed, and tested in accordance with the Rules for Construction of Unfired Pressure Vessels, section VIII, Division 1, American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code, 1968 edition.

(ii) Containers constructed according to the 1949 and earlier editions of the ASME Code do not have to comply with paragraphs U-2 through U-10 and U-19 thereof. Containers constructed according to paragraph U-70 in the 1949 and earlier editions are not authorized.

(iii) Containers designed, constructed, and tested prior to July 1, 1961, according to the Code for Unfired Pressure Vessels for Petroleum Liquids and Gases, 1951 edition with 1954 Addenda, of the American Petroleum Institute and the American Society of Mechanical Engineers shall be considered in conformance. Containers constructed according to API-ASME Code do not have to comply with section I or with appendix to section I. Paragraphs W-601 to W-606 inclusive in the 1943 and earlier editions do not apply.

(*b*) With notation as to whether the container is designed for underground or aboveground installation or both. If intended for both and different style hoods are provided, the marking shall indicate the proper hood for each type of installation.

(*c*) With the name and address of the supplier of the container, or with the trade name of the container.

(*d*) With the water capacity of the container in pounds or gallons, U.S. Standard.

(*e*) With the pressure in p.s.i.g., for which the container is designed.

(*f*) With the wording "This container shall not contain a product having a vapor pressure in excess of — p.s.i.g. at 100° F.," see subparagraph (14)(viii) of this paragraph.

(*g*) With the tare weight in pounds or other identified unit of weight for containers with a water capacity of 300 pounds or less.

(*h*) With marking indicating the maximum level to which the container may be filled with liquid at temperatures between 20° F. and 130° F., except on containers provided with fixed maximum level indicators or which are filled by weighing. Markings shall be increments of not more than 20° F. This marking may be located on the liquid level gaging device.

(*i*) With the outside surface area in square feet.

(ii) Markings specified shall be on a metal nameplate attached to the container and located in such a manner as to remain visible after the container is installed.

(iii) When LP-Gas and one or more other gases are stored or used in the same area, the containers shall be marked to identify their content. Marking shall be in compliance with American National Standard Z48.1-1954, "Method of Marking Portable Compressed Gas Containers To Identify the Material Contained."

(6) *Location of containers and regulating equipment.* (i) Containers, and first stage regulating equipment if used, shall be located outside of buildings, except under one or more of the following:

(*a*) In buildings used exclusively for container charging, vaporization pressure reduction, gas mixing, gas manufacturing, or distribution.

(*b*) When portable use is necessary and in accordance with paragraph (c)(5) of this section.

(*c*) LP-Gas fueled stationary or portable engines in accordance with paragraph (e) (11) or (12) of this section.

(*d*) LP-Gas fueled industrial trucks used in accordance with paragraph (e) (13) of this section.

(*e*) LP-Gas fueled vehicles garaged in accordance with paragraph (e)(14) of this section.

(*f*) Containers awaiting use or resale when stored in accordance with paragraph (f) of this section.

(ii) Each individual container shall be located with respect to the nearest important building or group of buildings or line of adjoining property which may be built on in accordance with Table H–23.

TABLE H–23

Water capacity per container	Minimum distances		
	Containers		Between aboveground containers
	Underground	Aboveground	
Less than 125 gals [1]	10 feet	None	None.
125 to 250 gallons	10 feet	10 feet	None.
251 to 500 gallons	10 feet	10 feet	3 feet.
501 to 2,000 gallons	25 feet [2]	25 feet [2]	3 feet.
2,001 to 30,000 gallons	50 feet	50 feet	5 feet.
30,001 to 70,000 gallons	50 feet	75 feet	¼ of sum of diameters of adjacent containers.
70,001 to 90,000 gallons	50 feet	100 feet	

[1] If the aggregate water capacity of a multi-container installation at a consumer site is 501 gallons or greater, the minimum distance shall comply with the appropriate portion of this table, applying the aggregate capacity rather than the capacity per container. If more than one installation is made, each installation shall be separated from another installation by at least 25 feet. Do not apply the MINIMUM DISTANCES BETWEEN ABOVEGROUND CONTAINERS to such installations.

[2] NOTE: The above distance requirements may be reduced to not less than 10 feet for a single container of 1,200 gallons water capacity or less, providing such a container is at least 25 feet from any other LP-Gas container of more than 125 gallons water capacity.

(iii) Containers installed for use shall not be stacked one above the other.

(iv) In industrial installations involving containers of 180,000 gallons aggregate water capacity or more, where serious mutual exposures between the container and adjacent properties prevail, firewalls or other means of special protection designed and constructed in accordance with good engineering practices are required.

(v) In the case of buildings devoted exclusively to gas manufacturing and distributing operations, the distances required by Table H–23 may be reduced provided that in no case shall containers of water capacity exceeding 500 gallons be located closer than 10 feet to such gas manufacturing and distributing buildings.

(vi) Readily ignitible material such as weeds and long dry grass shall be removed within 10 feet of any container.

(vii) The minimum separation between liquefied petroleum gas containers and flammable liquid tanks shall be 20 feet, and the minimum separation between a container and the centerline of the dike shall be 10 feet. The foregoing provision shall not apply when LP-Gas containers of 125 gallons or less capacity are installed adjacent to Class III flammable liquid tanks of 275 gallons or less capacity.

(viii) Suitable means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers, such as by diking, diversion curbs, or grading.

(ix) When dikes are used with flammable liquid tanks, no liquefied petroleum gas containers shall be located within the diked area.

(7) *Container valves and container accessories.* (i) Valves, fittings, and accessories connected directly to the container including primary shutoff valves, shall have a rated working pressure of at least 250 p.s.i.g. and shall be of material and design suitable for LP-Gas service. Cast iron shall not be used for container valves, fittings, and accessories. This does not prohibit the use of container valves made of malleable or nodular iron.

(ii) Connections to containers, except safety relief connections, liquid level gaging devices, and plugged openings, shall have shutoff valves located as close to the container as practicable.

(iii) Excess flow valves, where required shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections or line including valves, fittings, etc., being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve.

(iv) Liquid level gaging devices which are so constructed that outward flow of container contents shall not exceed that passed by a No. 54 drill size opening, need not be equipped with excess flow valves.

(v) Openings from container or through fittings attached directly on container to which pressure gage connection is made, need not be equipped with shutoff or excess flow valves if such openings are restricted to not larger than No. 54 drill size opening.

(vi) Except as provided in paragraph (c) (5) (i) (*b*) of this section, excess flow and back pressure check valves where required by this section shall be located inside of the container or at a point outside where the line enters the container; in the latter case, installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and such valve.

(vii) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill size opening to allow equalization of pressures.

(viii) Containers of more than 30 gallons water capacity and less than 2,000 gallons water capacity, filled on a volumetric basis, and manufactured after December 1, 1963, shall be equipped for filling into the vapor space.

(8) *Piping—including pipe, tubing, and fittings.* (i) Pipe, except as provided in paragraphs (e)(6)(i) and (g)(10) (iii), of this section shall be wrought iron or steel (black or galvanized), brass, copper, or aluminum alloy. Aluminum alloy pipe shall be at least Schedule 40 in accordance with the specifications for Aluminum Alloy Pipe, American National Standards Institute (ANSI) H38.7–1969 (AST, B241–69), except that the use of alloy 5456 is prohibited and shall be suitably marked at each end of each length indicating compliance with American National Standard Institute Specifications. Aluminum Alloy pipe shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by such liquids as water (except rain water), detergents, sewage, or leaking from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum nominal pipe size for aluminum pipe shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy pipe shall not be installed within 6 inches of the ground.

(*a*) Vapor piping with operating pressures not exceeding 125 p.s.i.g. shall be suitable for a working pressure of at least 125 p.s.i.g. Pipe shall be at least Schedule 40 ASTM A–53–69, Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal.

(*b*) Vapor piping with operating pressures over 125 p.s.i.g. and all liquid piping shall be suitable for a working pressure of at least 250 p.s.i.g. Pipe shall be at least Schedule 80 if joints are threaded or threaded and back welded. At least Schedule 40 (ASTM A–53–69 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal) shall be used if joints are welded, or welded and flanged.

(ii) Tubing shall be seamless and of copper, brass, steel, or aluminum alloy. Copper tubing shall be of type K or L or equivalent as covered in the Specification for Seamless Copper Water Tube, ANSI H23.1–1970 (ASTM B88–69). Aluminum alloy tubing shall be of Type A or B or equivalent as covered in Specification ASTM B210–68 and shall be suitably marked every 18 inches indicating compliance with ASTM Specifications. The minimum nominal wall thickness of copper tubing and aluminum alloy tubing shall be as specified in Table H–24 and Table H–25. Aluminum alloy tubing shall be protected against external corrosion when it is in contact with dissimilar metals other than galvanized steel, or its location is subject to repeated wetting by liquids such as water (except rainwater), detergents, sewage, or leakage from other piping, or it passes through flooring, plaster, masonry, or insulation. Galvanized sheet steel or pipe, galvanized inside and out, may be considered suitable protection. The maximum outside diameter for aluminum alloy tubing shall be three-fourths inch and shall not be used for pressures exceeding 20 p.s.i.g. Aluminum alloy tubing shall not be installed within 6 inches of the ground.

TABLE H-24—WALL THICKNESS OF COPPER TUBING [1]

NOTE: The standard size by which tube is designated is ⅛-inch smaller than its nominal outside diameter.

Standard size (inches)	Nominal O.D. (inches)	Nominal wall thickness (inches)	
		Type K	Type L
¼	0.375	0.035	0.030
⅜	0.500	0.049	0.035
½	0.625	0.049	0.040
⅝	0.750	0.049	0.042
¾	0.875	0.065	0.045
1	1.125	0.065	0.050
1¼	1.375	0.065	0.055
1½	1.625	0.072	0.060
2	2.125	0.083	0.070

[1] Based on data in Specification for Seamless Copper Water Tube, ANSI H23.1-1970 (ASTM B-88-69).

TABLE H-25—WALL THICKNESS OF ALUMINUM ALLOY TUBING [1]

Outside diameter (inches)	Nominal wall thickness (inches)	
	Type A	Type B
⅜	0.035	0.049
½	0.035	0.049
⅝	0.042	0.049
¾	0.049	0.058

[1] Based on data in Standard Specification for Aluminum-Alloy Drawn Seamless Coiled Tubes for Special Purpose Applications, ASTM B210-68.

(iii) In systems where the gas in liquid form without pressure reduction enters the building, only heavy walled seamless brass or copper tubing with an internal diameter not greater than three thirty-seconds inch, and a wall thickness of not less than three sixty-fourths inch shall be used. This requirement shall not apply to research and experimental laboratories, buildings, or separate fire divisions of buildings used exclusively for housing internal combustion engines, and to commercial gas plants or bulk stations where containers are charged, nor to industrial vaporizer buildings, nor to buildings, structures, or equipment under construction or undergoing major renovation.

(iv) Pipe joints may be screwed, flanged, welded, soldered, or brazed with a material having a melting point exceeding 1,000° F. Joints on seamless copper, brass, steel, or aluminum alloy gas tubing shall be made by means of approved gas tubing fittings, or soldered or brazed with a material having a melting point exceeding 1,000° F.

(v) For operating pressures of 125 p.s.i.g. or less, fittings shall be designed for a pressure of at least 125 p.s.i.g. For operating pressures above 125 p.s.i.g., fittings shall be designed for a minimum of 250 p.s.i.g.

(vi) The use of threaded cast iron pipe fittings such as ells, tees, crosses, couplings, and unions is prohibited. Aluminum alloy fittings shall be used with aluminum alloy pipe and tubing. Insulated fittings shall be used where aluminum alloy pipe or tubing connects with a dissimilar metal.

(vii) Strainers, regulators, meters, compressors, pumps, etc., are not to be considered as pipe fittings. This does not prohibit the use of malleable, nodular, or higher strength gray iron for such equipment.

(viii) All materials such as valve seats, packing, gaskets, diaphragms, etc., shall be of such quality as to be resistant to the action of liquified petroleum gas under the service conditions to which they are subjected.

(ix) All piping, tubing, or hose shall be tested after assembly and proved free from leaks at not less than normal operating pressures. After installation, piping and tubing of all domestic and commercial systems shall be tested and proved free of leaks using a manometer or equivalent device that will indicate a drop in pressure. Test shall not be made with a flame.

(x) Provision shall be made to compensate for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(xi) Piping outside buildings may be buried, above ground, or both, but shall be well supported and protected against physical damage. Where soil conditions warrant, all piping shall be protected against corrosion. Where condensation may occur, the piping shall be pitched back to the container, or suitable means shall be provided for revaporization of the condensate.

(9) *Hose specifications.* (i) Hose shall be fabricated of materials that are resistant to the action of LP-Gas in the liquid and vapor phases. If wire braid is used for reinforcing the hose, it shall be of corrosion-resistant material such as stainless steel.

(ii) Hose subject to container pressure shall be marked "LP-Gas" or "LPG" at not greater than 10-foot intervals.

(iii) Hose subject to container pressure shall be designed for a bursting pressure of not less than 1,250 p.s.i.g.

(iv) Hose subject to container pressure shall have its correctness as to design construction and performance determined by being listed (see § 1910.110 (a)(15)).

(v) Hose connections subject to container pressure shall be capable of withstanding, without leakage, a test pressure of not less than 500 p.s.i.g.

(vi) Hose and hose connections on the low-pressure side of the regulator or reducing valve shall be designed for a bursting pressure of not less than 125 p.s.i.g or five times the set pressure of the relief devices protecting that portion of the system, whichever is higher.

(vii) Hose may be used on the low-pressure side of regulators to connect to other than domestic and commercial gas appliances under the following conditions:

(*a*) The appliances connected with hose shall be portable and need a flexible connection.

(*b*) For use inside buildings the hose shall be of minimum practical length, but shall not exceed 6 feet except as provided in paragraph (c)(5)(i)(*f*) of this section and shall not extend from one room to another, nor pass through any walls, partitions, ceilings, or floors. Such hose shall not be concealed from view or used in a concealed location. For use outside of buildings, the hose may exceed this length but shall be kept as short as practical.

(*c*) The hose shall be approved and shall not be used where it is likely to be subjected to temperatures above 125° F. The hose shall be securely connected to the appliance and the use of rubber slip ends shall not be permitted.

(*d*) The shutoff valve for an appliance connected by hose shall be in the metal pipe or tubing and not at the appliance end of the hose. When shutoff valves are installed close to each other, precautions shall be taken to prevent operation of the wrong valve.

(*e*) Hose used for connecting to wall outlets shall be protected from physical damage.

(10) *Safety devices.* (i) Every container except those constructed in accordance with DOT specifications and every vaporizer (except motor fuel vaporizers and except vaporizers described in subparagraph (11)(ii)(*c*) of this paragraph and paragraph (d)(4)(v)(*a*) of this section) whether heated by artificial means or not, shall be provided with one or more safety relief valves of spring-loaded or equivalent type. These valves shall be arranged to afford free vent to the outer air with discharge not less than 5 feet horizontally away from any opening into the building which is below such discharge. The rate of discharge shall be in accordance with the requirements of subdivision (ii) of this subparagraph or subdivision (iii) of this subparagraph in the case of vaporizers.

(ii) Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves to be used on containers other than those constructed in accordance with DOT specification shall be as follows:

Surface area (sq. ft.)	*Flow rate CFM air*
20 or less	626
25	751
30	872
35	990
40	1,100
45	1,220
50	1,330
55	1,430
60	1,540
65	1,640
70	1,750
75	1,850
80	1,950
85	2,050
90	2,150
95	2,240
100	2,340
105	2,440
110	2,530
115	2,630
120	2,720
125	2,810
130	2,900
135	2,990
140	3,080
145	3,170
150	3,260
155	3,350
160	3,440

Surface area (sq. ft.)	*Flow rate CFM air*
165	3,530
170	3,620
175	3,700
180	3,790
185	3,880
190	3,960
195	4,050
200	4,130
210	4,300
220	4,470
230	4,630
240	4,800
250	4,960
260	5,130
270	5,290
280	5,450
290	5,610
300	5,760
310	5,920
320	6,080
330	6,230
340	6,390
350	6,540
360	6,690
370	6,840
380	7,000
390	7,150
400	7,300
450	8,040
500	8,760
550	9,470
600	10,170
650	10,860
700	11,550
750	12,220
800	12,880
850	13,540
900	14,190
950	14,830
1,000	15,470
1,050	16,100
1,100	16,720
1,150	17,350
1,200	17,960
1,250	18,570
1,300	19,180
1,350	19,780
1,400	20,380
1,450	20,980
1,500	21,570
1,550	22,160
1,600	22,740
1,650	23,320
1,700	23,900
1,750	24,470
1,800	25,050
1,850	25,620
1,900	26,180
1,950	26,750
2,000	27,310

Surface area = total outside surface area of container in square feet.

When the surface area is not stamped on the nameplate or when the marking is not legible, the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads:

Area = Overall length × outside diameter × 3.1416.

(2) Cylindrical container with other than hemispherical heads:

Area = (Overall length + 0.3 outside diameter) × outside diameter × 3.1416.

NOTE: This formula is not exact, but will give results within the limits of practical accuracy for the sole purpose of sizing relief valves.

(3) Spherical container:

Area = Outside diameter squared × 3.1416.

Flow Rate-CFM Air = Required flow capacity in cubic feet per minute of air at standard conditions, 60 F. and atmospheric pressure (14.7 p.s.i.a.).

The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,000 square feet, the required flow rate can be calculated using the formula, Flow Rate-CFM Air = 53.632 $A^{0.82}$.

A = total outside surface area of the container in square feet.

Valves not marked "Air" have flow rate marking in cubic feet per minute of liquefied petroleum gas. These can be converted to ratings in cubic feet per minute of air by multiplying the liquefied petroleum gas ratings by factors listed below. Air flow ratings can be converted to ratings in cubic feet per minute of liquefied petroleum gas by dividing the air ratings by the factors listed below.

AIR CONVERSION FACTORS

Container type	100	125	150	175	200
Air conversion factor	1.162	1.142	1.113	1.078	1.010

(iii) Minimum Required Rate of Discharge for Safety Relief Valves for Liquefied Petroleum Gas Vaporizers (Steam Heated, Water Heated, and Direct Fired).

The minimum required rate of discharge for safety relief valves shall be determined as follows:

(*a*) Obtain the total surface area by adding the surface area of vaporizer shell in square feet directly in contact with LP-Gas and the heat exchanged surface area in square feet directly in contact with LP-Gas.

(*b*) Obtain the minimum required rate of discharge in cubic feet of air per minute, at 60° F. and 14.7 p.s.i.a. from subdivision (ii) of this subparagraph, for this total surface area.

(iv) Container and vaporizer safety relief valves shall be set to start-to-discharge, with relation to the design pressure of the container, in accordance with Table H-26.

TABLE H-26

Containers	Minimum (percent)	Maximum (percent)
ASME Code; Par. U-68, U-69—1949 and earlier editions	110	[1] 125
ASME Code; Par. U-200, U-201—1949 edition	88	[1] 100
ASME Code—1950, 1952, 1956, 1959, 1962, 1965 and 1968 (Division I) editions	88	[1] 100
API—ASME Code—all editions	88	[1] 100
DOT—As prescribed in 49 CFR Chapter I		

[1] Manufacturers of safety relief valves are allowed a plus tolerance not exceeding 10 percent of the set pressure marked on the valve.

(v) Safety relief devices used with systems employing containers other than those constructed according to DOT specifications shall be so constructed as to discharge at not less than the rates shown in subdivision (ii) of this subparagraph, before the pressure is in excess of 120 percent of the maximum (not including the 10 percent referred to in subdivision (iv) of this subparagraph) permitted start to discharge pressure setting of the device.

(vi) In certain locations sufficiently sustained high temperatures prevail which require the use of a lower vapor pressure product to be stored or the use of a higher designed pressure vessel in order to prevent the safety valves opening as the result of these temperatures. As an alternative the tanks may be protected by cooling devices such as by spraying, by shading, or other effective means.

(vii) Safety relief valves shall be arranged so that the possibility of tampering will be minimized. If pressure setting or adjustment is external, the relief valves shall be provided with approved means for sealing adjustment.

(viii) Shutoff valves shall not be installed between the safety relief devices and the container, or the equipment or piping to which the safety relief device is connected except that a shutoff valve may be used where the arrangement of this valve is such that full required capacity flow through the safety relief device is always afforded.

(ix) Safety relief valves shall have direct communication with the vapor space of the container at all times.

(x) Each container safety relief valve used with systems covered by paragraphs (d), (e), (g), and (h) of this section, except as provided in paragraph (e)(3)(iii) of this section shall be plainly and permanently marked with the following: "Container Type" of the pressure vessel on which the valve is designed to be installed; the pressure in p.s.i.g. at which the valve is set to discharge; the actual rate of discharge of the valve in cubic feet per minute of air at 60° F. and 14.7 p.s.i.a.; and the manufacturer's name and catalog number, for example: T200-250-4050 AIR—indicating that the valve is suitable for use on a Type 200 container, that it is set to start to discharge at 250 p.s.i.g.; and that its rate of discharge is 4,050 cubic feet per minute of air as determined in subdivision (ii) of this subparagraph.

(xi) Safety relief valve assemblies, including their connections, shall be of sufficient size so as to provide the rate of flow required for the container on which they are installed.

(xii) A hydrostatic relief valve shall be installed between each pair of shut-off valves on liquefied petroleum gas liquid piping so as to relieve into a safe atmosphere. The start-to-discharge pressure setting of such relief valves shall not be in excess of 500 p.s.i.g. The minimum setting on relief valves installed in piping connected to other than DOT containers shall not be lower than 140 percent of the container relief valve setting and in piping connected to DOT containers not lower than 400 p.s.i.g. Such a relief valve should not be installed in the pump discharge if the same protection can be provided by installing the relief valve in the suction piping. The start-to-discharge pressure setting of such a relief valve, if installed on the discharge side of a pump, shall be greater than the maximum pressure permitted by the recirculation device in the system.

(xiii) The discharge from any safety relief device shall not terminate in or beneath any building, except relief devices covered by subparagraphs (6)(i)(*a*)-(*f*) of this paragraph, or paragraphs (c)(4)(i) or (5) of this section.

(xiv) Container safety relief devices and regulator relief vents shall be located not less than five (5) feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(11) *Vaporizer and housing.* (i) Indirect fired vaporizers utilizing steam, water, or other heating medium shall be constructed and installed as follows:

(*a*) Vaporizers shall be constructed in accordance with the requirements of subparagraph (3)(i)-(iii) of this paragraph and shall be permanently marked as follows:

(*1*) With the code marking signifying the specifications to which the vaporizer is constructed.

(*2*) With the allowable working pressure and temperature for which the vaporizer is designed.

(*3*) With the sum of the outside surface area and the inside heat exchange surface area expressed in square feet.

(*4*) With the name or symbol of the manufacturer.

(*b*) Vaporizers having an inside diameter of 6 inches or less exempted by the ASME Unfired Pressure Vessel Code, Section VIII of the ASME Boiler and Pressure Vessel Code—1968 shall have a design pressure not less than 250 p.s.i.g. and need not be permanently marked.

(*c*) Heating or cooling coils shall not be installed inside a storage container.

(*d*) Vaporizers may be installed in buildings, rooms, sheds, or lean-tos used exclusively for gas manufacturing or distribution, or in other structures of light, noncombustible construction or equivalent, well ventilated near the floor line and roof.

When vaporizing and/or mixing equipment is located in a structure or building not used exclusively for gas manufacturing or distribution, either attached to or within such a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipe or conduit passing through it. Such structure or room shall be provided with adequate ventilation and shall have a roof or at least one exterior wall of lightweight construction.

(*e*) Vaporizers shall have, at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subparagraph (10(iii) of this paragraph, except as provided in paragraph (d)(4)(v)(*a*), of this section.

(*f*) The heating medium lines into and leaving the vaporizer shall be provided with suitable means for preventing the flow of gas into the heat systems in the event of tube rupture in the vaporizer. Vaporizers shall be provided with suitable automatic means to prevent liquid passing through the vaporizers to the gas discharging pipe.

(*g*) The device that supplies the necessary heat for producing steam, hot water, or other heating medium may be installed in a building, compartment, room, or lean-to which shall be ventilated near the floorline and roof to the outside. The device location shall be separated from all compartments or rooms containing liquefied petroleum gas vaporizers, pumps, and central gas mixing devices by a well designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. This requirement does not apply to the domestic water heaters which may supply heat for a vaporizer in a domestic system.

(*h*) Gas-fired heating systems supplying heat exclusively for vaporization purposes shall be equipped with automatic safety devices to shut off the flow of gas to main burners, if the pilot light should fail.

(*i*) Vaporizers may be an integral part of a fuel storage container directly connected to the liquid section or gas section or both.

(*j*) Vaporizers shall not be equipped with fusible plugs.

(*k*) Vaporizer houses shall not have unprotected drains to sewers or sump pits.

(ii) Atmospheric vaporizers employing heat from the ground or surrounding air shall be installed as follows:

(*a*) Buried underground, or

(*b*) Located inside the building close to a point at which pipe enters the building provided the capacity of the unit does not exceed 1 quart.

(*c*) Vaporizers of less than 1 quart capacity heated by the ground or surrounding air, need not be equipped with safety relief valves provided that adequate tests demonstrate that the assembly is safe without safety relief valves.

(iii) Direct gas-fired vaporizers shall be constructed, marked, and installed as follows:

(*a*)(*1*) In accordance with the requirements of the American Society of Mechanical Engineers Boiler and Pressure Vessel Code—1968 that are applicable to the maximum working conditions for which the vaporizer is designed.

(2) With the name of the manufacturer; rated BTU input to the burner; the area of the heat exchange surface in square feet; the outside surface of the vaporizer in square feet; and the maximum vaporizing capacity in gallons per hour.

(*b*)(*1*) Vaporizers may be connected to the liquid section or the gas section of the storage container, or both; but in any case there shall be at the container a manually operated valve in each connection to permit completely shutting off when desired, of all flow of gas or liquid from container to vaporizer.

(2) Vaporizers with capacity not exceeding 35 gallons per hour shall be located at least 5 feet from container shutoff valves. Vaporizers having capacity of more than 35 gallons but not exceeding 100 gallons per hour shall be located at least 10 feet from the container shutoff valves. Vaporizers having a capacity greater than 100 gallons per hour shall be located at least 15 feet from container shutoff valves.

(c) Vaporizers may be installed in buildings, rooms, housings, sheds, or lean-tos used exclusively for vaporizing or mixing of liquefied petroleum gas. Vaporizing housing structures shall be of noncombustible construction, well ventilated near the floorline and the highest point of the roof. When vaporizer and/or mixing equipment is located in a structure or room attached to or within a building, such structure or room shall be separated from the remainder of the building by a wall designed to withstand a static pressure of at least 100 pounds per square foot. This wall shall have no openings or pipes or conduit passing through it. Such structure or room shall be provided with adequate ventilation, and shall have a roof or at least one exterior wall of lightweight construction in accordance with DOT specifications.

(*d*) Vaporizers shall have at or near the discharge, a safety relief valve providing an effective rate of discharge in accordance with subparagraph (10)(iii) of this paragraph. The relief valve shall be so located as not to be subjected to temperatures in excess of 140° F.

(*e*) Vaporizers shall be provided with suitable automatic means to prevent liquid passing from the vaporizer to the gas discharge piping of the vaporizer.

(*f*) Vaporizers shall be provided with means for manually turning off the gas to the main burner and pilot.

(*g*) Vaporizers shall be equipped with automatic safety devices to shut off the flow of gas to main burners if the pilot light should fail. When the flow through the pilot exceeds 2,000 B.t.u. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(*h*) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired vaporizer shall be separated from the open flame by a substantially airtight noncombustible partition or partitions.

(*i*) Except as provided in (c) of this subdivision, the following minimum distances shall be maintained between direct fired vaporizers and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for vaporizers having a capacity of 15 gallons per hour or less vaporizing capacity.

Twenty-five feet for vaporizers having a vaporizing capacity of 16 to 100 gallons per hour.

Fifty feet for vaporizers having a vaporizing capacity exceeding 100 gallons per hour.

(*j*) Direct fired vaporizers shall not raise the product pressure above the design pressure of the vaporizer equipment nor shall they raise the product pressure within the storage container above the pressure shown in the second column of Table 30-H.

(*k*) Vaporizers shall not be provided with fusible plugs.

(*l*) Vaporizers shall not have unprotected drains to sewers or sump pits.

(iv) Direct gas-fired tank heaters shall be constructed and installed as follows:

(*a*) Direct gas-fired tank heaters, and tanks to which they are applied, shall only be installed above ground.

(*b*) Tank heaters shall be permanently marked with the name of the manufacturer, the rated B.t.u. input to the burner, and the maximum vaporizing capacity in gallons per hour.

(*c*) Tank heaters may be an integral part of a fuel storage container directly connected to the container liquid section, or vapor section, or both.

(*d*) Tank heaters shall be provided with a means for manually turning off the gas to the main burner and pilot.

(*e*) Tank heaters shall be equipped with an automatic safety device to shut off the flow of gas to main burners, if the pilot light should fail. When flow through pilot exceeds 2,000 B.t.u. per hour, the pilot also shall be equipped with an automatic safety device to shut off the flow of gas to the pilot should the pilot flame be extinguished.

(*f*) Pressure regulating and pressure reducing equipment if located within 10 feet of a direct fired tank heater shall be separated from the open flame by a substantially airtight noncombustible partition.

(*g*) The following minimum distances shall be maintained between a storage tank heated by a direct fired tank heater and the nearest important building or group of buildings or line of adjoining property which may be built upon:

Ten feet for storage containers of less than 500 gallons water capacity.

Twenty-five feet for storage containers of 500 to 1,200 gallons water capacity.

Fifty feet for storage containers of over 1,200 gallons water capacity.

(*h*) No direct fired tank heater shall raise the product pressure within the storage container over 75 percent of the pressure set out in the second column of Table H–30.

(v) The vaporizer section of vaporizer-burners used for dehydrators or dryers shall be located outside of buildings; they shall be constructed and installed as follows:

(*a*) Vaporizer-burners shall have a minimum design pressure of 250 p.s.i.g. with a factor of safety of five.

(*b*) Manually operated positive shutoff valves shall be located at the containers to shut off all flow to the vaporizer-burners.

(*c*) Minimum distances between storage containers and vaporizer-burners shall be as follows:

Water capacity per container (gallons)	*Minimum distances (feet)*
Less than 501	10
501 to 2,000	25
Over 2,000	50

(*d*) The vaporizer section of vaporizer-burners shall be protected by a hydrostatic relief valve. The relief valve shall be located so as not to be subjected to temperatures in excess of 140° F. The start-to-discharge pressure setting shall be such as to protect the components involved, but not less than 250 p.s.i.g. The discharge shall be directed upward and away from component parts of the equipment and away from operating personnel.

(*e*) Vaporizer-burners shall be provided with means for manually turning off the gas to the main burner and pilot.

(*f*) Vaporizer-burners shall be equipped with automatic safety devices to shut off the flow of gas to the main burner and pilot in the event the pilot is extinguished.

(*g*) Pressure regulating and control equipment shall be located or protected so that the temperatures surrounding this equipment shall not exceed 140° F. except that equipment components may be used at higher temperatures if designed to withstand such temperatures.

(*h*) Pressure regulating and control equipment when located downstream of the vaporizer shall be designed to withstand the maximum discharge temperature of the vapor.

(*i*) The vaporizer section of vaporizer-burners shall not be provided with fusible plugs.

(*j*) Vaporizer coils or jackets shall be made of ferrous metal or high temperature alloys.

(*k*) Equipment utilizing vaporizer-burners shall be equipped with automatic shutoff devices upstream and downstream of the vaporizer section connected so as to operate in the event of excessive temperature, flame failure, and, if applicable, insufficient airflow.

(12) *Filling densities.* (i) The "filling density" is defined as the percent ratio of the weight of the gas in a container to the weight of water the container will hold at 60° F. All containers shall be filled according to the filling densities shown in Table H–27.

TABLE H-27—MAXIMUM PERMITTED FILLING DENSITY

Specific gravity at 60° F. (15.6° C.)	Aboveground containers		Underground containers, all capacities
	0 to 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	Over 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	
	Percent	*Percent*	*Percent*
0.496–0.503	41	44	45
.504–.510	42	45	46
.511–.519	43	46	47
.520–.527	44	47	48
.528–.536	45	48	49
.537–.544	46	49	50
.545–.552	47	50	51
.553–.560	48	51	52
.561–.568	49	52	53
.569–.576	50	53	54
.577–.584	51	54	55
.585–.592	52	55	56
.593–.600	53	56	57

(ii) Except as provided in subdivision (iii) of this subparagraph, any container including mobile cargo tanks and portable tank containers regardless of size or construction, shipped under DOT jurisdiction or constructed in accordance with 49 CFR Chapter I Specifications shall be charged according to 49 CFR Chapter I requirements.

(iii) Portable containers not subject to DOT jurisdiction (such as, but not limited to, motor fuel containers on industrial and lift trucks, and farm tractors covered in paragraph (e) of this section, or containers recharged at the installation) may be filled either by weight, or by volume using a fixed length dip tube gaging device.

(13) *LP-Gas in buildings.* (i) Vapor shall be piped into buildings at pressures in excess of 20 p.s.i.g. only if the buildings or separate areas thereof, (*a*) are constructed in accordance with this section; (*b*) are used excusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; (*c*) buildings, structures, or equipment under construction or undergoing major renovation.

(ii) Liquid may be permitted in buildings as follows:

(*a*) Buildings, or separate areas of buildings, used exclusively to house equipment for vaporization, pressure reduction, gas mixing, gas manufacturing, or distribution, or to house internal combustion engines, industrial processes, research and experimental laboratories, or equipment and processes using such gas and having similar hazard; and when such buildings, or separate areas thereof are constructed in accordance with this section.

(*b*) Buildings, structures, or equipment under construction or undergoing major renovation provided the temporary piping meets the following conditions:

(*1*) Liquid piping inside the building shall conform to the requirements of subparagraph (8) of this paragraph, and shall not exceed three-fourths iron pipe size. Copper tubing with an outside diameter of three-fourths inch or less may be used provided it conforms to Type K of Specifications for Seamless Water Tube, ANSI H23.1–1970 (ASTM B88–69) (see Table H–24). All such piping shall be protected against construction hazards. Liquid piping inside buildings shall be kept to a minimum. Such piping shall be securely fastened to walls or other surfaces so as to provide adequate protection from breakage and so located as to subject the liquid line to lowest ambient temperatures.

(*2*) A shutoff valve shall be installed in each intermediate branch line where it takes off the main line and shall be readily accessible. A shutoff valve shall also be placed at the appliance end of the intermediate branch line. Such shutoff valve shall be upstream of any flexible connector used with the appliance.

(*3*) Suitable excess flow valves shall be installed in the container outlet line supplying liquid LP-Gas to the building. A suitable excess flow valve shall be installed immediately downstream of each shutoff valve. Suitable excess flow valves shall be installed where piping size is reduced and shall be sized for the reduced size piping.

(*4*) Hydrostatic relief valves shall be installed in accordance with subparagraph (10)(xii) of this paragraph.

(*5*) The use of hose to carry liquid between the container and the building or at any point in the liquid line, except at the appliance connector, shall be prohibited.

(*6*) Where flexible connectors are necessary for appliance installation, such connectors shall be as short as practicable and shall comply with subparagraph (8)(ii) or (9) of this paragraph.

(*7*) Release of fuel when any section of piping or appliances is disconnected shall be minimized by either of the following methods:

(*i*) Using an approved automatic quick-closing coupling (a type closing in both directions when coupled in the fuel line), or

(*ii*) Closing the valve nearest to the appliance and allowing the appliance to operate until the fuel in the line is consumed.

(iii) Portable containers shall not be taken into buildings except as provided in subparagraph (6)(i) of this paragraph.

(14) *Transfer of liquids.* The employer shall assure that (i) at least one attendant shall remain close to the transfer connection from the time the connections are first made until they are finally disconnected, during the transfer of the product.

(ii) Containers shall be filled or used only upon authorization of the owner.

(iii) Containers manufactured in accordance with specifications of 49 CFR Part 178 and authorized by 49 CFR Chapter 1 as a "single trip" or "nonrefillable container" shall not be refilled or reused in LP-Gas service.

(iv) Gas or liquid shall not be vented to the atmosphere to assist in transferring contents of one container to another, except as provided in paragraph (e)(5)(iv) of this section and except that this shall not preclude the use of listed pump utilizing LP-Gas in the vapor phase as a source of energy and venting such gas to the atmosphere at a rate not to exceed that from a No. 31 drill size opening and provided that such venting and liquid transfer shall be located not less than 50 feet from the nearest important building.

(v) Filling of fuel containers for industrial trucks or motor vehicles from industrial bulk storage containers shall be performed not less than 10 feet from the nearest important masonry-walled building or not less than 25 feet from the nearest important building or other construction and, in any event, not less than 25 feet from any building opening.

(vi) Filling of portable containers, containers mounted on skids, fuel containers on farm tractors, or similar applications, from storage containers used in domestic or commercial service, shall be performed not less than 50 feet from the nearest important building.

(vii) The filling connection and the vent from the liquid level gages in containers, filled at point of installation, shall not be less than 10 feet in any direction from air openings into sealed combustion system appliances or mechanical ventilation air intakes.

(viii) Fuel supply containers shall be gaged and charged only in the open air or in buildings especially provided for that purpose.

(ix) The maximum vapor pressure of the product at 100° F. which may be transferred into a container shall be in accordance with paragraphs (d)(2) and (e)(3) of this section. (For DOT containers use DOT requirements.)

(x) Marketers and users shall exercise precaution to assure that only those gases for which the system is designed, examined, and listed, are employed in its operation, particularly with regard to pressures.

(xi) Pumps or compressors shall be designed for use with LP-Gas. When compressors are used they shall normally take suction from the vapor space of the container being filled and discharge to the vapor space of the container being emptied.

(xii) Pumping systems, when equipped with a positive displacement pump, shall include a recirculating device which shall limit the differential pressure on the pump under normal operating conditions to the maximum differential pressure rating of the pump. The discharge of the pumping system shall be protected so that pressure does not exceed 350 p.s.i.g. If a recirculation system discharges into the supply tank and contains a manual shutoff valve, an adequate secondary safety recirculation system shall be incorporated which shall have no means of rendering it inoperative. Manual shutoff valves in recirculation systems shall be kept open except during an emergency or when repairs are being made to the system.

(xiii) When necessary, unloading piping or hoses shall be provided with suitable bleeder valves for relieving pressure before disconnection.

(xvi) Agricultural air moving equipment, including crop dryers, shall be shut down when supply containers are being filled unless the air intakes and sources of ignition on the equipment are located 50 feet or more from the container.

(xv) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(15) *Tank car or transport truck loading or unloading points and operations.* (i) The track of tank car siding shall be relatively level.

(ii) A "Tank Car Connected" sign, as covered by DOT rules, shall be installed at the active end or ends of the siding while the tank car is connected.

(iii) While cars are on sidetrack for loading or unloading, the wheels at both ends shall be blocked on the rails.

(iv) The employer shall insure that an employee is in attendance at all times while the tank car, cars, or trucks are being loaded or unloaded.

(v) A backflow check valve, excess-flow valve, or a shutoff valve with means of remote closing, to protect against uncontrolled discharge of LP-Gas from storage tank piping shall be installed close to the point where the liquid piping and hose or swing joint pipe is connected.

(vi) Except as provided in subdivision (vii) of this subparagraph, when the size (diameter) of the loading or unloading hoses and/or piping is reduced below the size of the tank car or transport truck loading or unloading connections, the adaptors to which lines are attached shall be equipped with either a backflow check valve, a properly sized excess flow valve, or shutoff valve with means of remote closing, to protect against uncontrolled discharge from the tank car or transport truck.

(vii) The requirement of subdivision (vi) of this subparagraph shall not apply if the tank car or transport is equipped with a quick-closing internal valve that can be remotely closed.

(viii) The tank car or transport truck loading or unloading point shall be located with due consideration to the following:

(*a*) Proximity to railroads and highway traffic.

(*b*) The distance of such unloading or loading point from adjacent property.

(*c*) With respect to buildings on installer's property.

(*d*) Nature of occupancy.

(*e*) Topography.

(*f*) Type of construction of buildings.

(*g*) Number of tank cars or transport trucks that may be safely loaded or unloaded at one time.

(*h*) Frequency of loading or unloading.

(ix) Where practical, the distance of the unloading or loading point shall conform to the distances in subparagraph (6)(ii) of this paragraph.

(16) *Instructions.* Personnel performing installation, removal, operation, and maintenance work shall be properly trained in such function.

(17) *Electrical equipment and other sources of ignition.* (i) Electrical equipment and wiring shall be of a type specified by and shall be installed in accordance with Subpart S of this part, for ordinary locations except that fixed electrical equipment in classified areas shall comply with subparagraph (18) of this paragraph.

(ii) Open flames or other sources of ignition shall not be permitted in vaporizer rooms (except those housing direct-fired vaporizers), pumphouses, container charging rooms or other similar locations. Direct-fired vaporizers shall not be permitted in pumphouses or container charging rooms.

(iii) Liquefied petroleum gas storage containers do not require lightning protection.

(iv) Since liquefied petroleum gas is contained in a closed system of piping and equipment, the system need not be bonded for protection against static electrically conductive or electrically electricity.

(v) Open flames (except as provided for in subparagraph (ii) of this paragraph), cutting or welding, portable electric tools, and extension lights capable of igniting LP-Gas, shall not be permitted within classified areas specified in Table H-28 unless the LP-Gas facilities have been freed of all liquid and vapor, or special precautions observed under carefully controlled conditions.

TABLE H-28

Part	Location	Extent of classified area[1]	Equipment shall be suitable for National Electrical Code, Class 1, Group D[2]
A	Storage containers other than DOT cylinders.	Within 15 feet in all directions from connections, except connections otherwise covered in Table H-28.	Division 2.
B	Tank vehicle and tank car loading and unloading.[3]	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1).	Division 2.
C	Gage vent openings other than those on DOT cylinders.	Within 5 feet in all directions from point of discharge.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from point of discharge.	Division 2.
D	Relief valve discharge other than those on DOT cylinders.	Within direct path of discharge.	Divison 1. *Note*—Fixed electrical equipment should preferably not be installed.
		Within 5 feet in all directions from point of discharge.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from point of discharge except within the direct path of discharge.	Division 2.
E	Pumps, compressors, gas-air mixers and vaporizers other than direct fired.	------ ------------ -- ----------------	
	Indoors without ventilation.	Entire room and any adjacent room not separated by a gastight partition.	Division 1.
		Within 15 feet of the exterior side of any exterior wall or roof that is not vaportight or within 15 feet of any exterior opening.	Division 2.
	Indoors with adequate ventilation.[4]	Entire room and any adjacent room not separated by a gastight partition.	Division 2.
	Outdoors in open air at or abovegrade.	Within 15 feet in all directions from this equipment and within the cylindrical volume between the horizontal equator of the sphere and grade. See Figure H-1.	Division 2.
F	Service Station Dispensing Units.	Entire space within dispenser enclosure, and 18 inches horizontally from enclosure exterior up to an elevation 4 ft. above dispenser base. Entire pit or open space beneath dispenser.	Division 1.
		Up to 18 inches abovegrade within 20 ft. horizontally from any edge of enclosure. Note: For pits within this area, see Part F of this table.	Division 2.
G	Pits or trenches containing or located beneath LP-Gas valves, pumps, compressors, regulators, and similar equipment.	------- ---- ---- -- ------------	
	Without mechanical ventilation.	Entire pit or trench	Division 1.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.
	With adequate mechanical ventilation.	Entire pit or trench	Division 2.
		Entire room and any adjacent room not separated by a gastight partition.	Division 2.
		Within 15 feet in all directions from pit or trench when located outdoors.	Division 2.
H	Special buildings or rooms for storage of portable containers.	Entire room	Division 2.
I	Pipelines and connections containing operational bleeds, drips, vents or drains.	Within 5 ft. in all directions from point of discharge	Division 1.
		Beyond 5 ft. from point of discharge, same as Part E of this table.	
J	Container filling:		
	Indoors without ventilation.	Entire room	Division 1.
	Indoors with adequate ventilation.[4]	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet and entire room	Division 2.
	Outdoors in open air	Within 5 feet in all directions from connections regularly made or disconnected for product transfer.	Division 1.
		Beyond 5 feet but within 15 feet in all directions from a point where connections are regularly made or disconnected and within the cylindrical volume between the horizontal equator of the sphere and grade. (See Figure H-1)	Division 2.

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[1] The classified area shall not extend beyond an unpierced wall, roof, or solid vaportight partition.

[2] See Subpart S of this part.

[3] When classifying extent of hazardous area, consideration shall be given to possible variations in the spotting of tank cars and tank vehicles at the unloading points and the effect these variations of actual spotting point may have on the point of connection.

[4] Ventilation, either natural or mechanical, is considered adequate when the concentration of the gas in a gas-air mixture does not exceed 25 percent of the lower flammable limit under normal operating conditions.

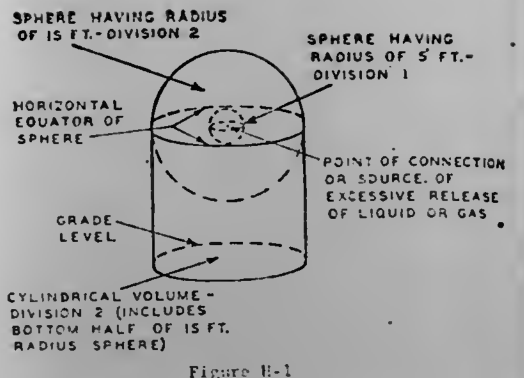

SPHERE HAVING RADIUS OF 15 FT.-DIVISION 2
SPHERE HAVING RADIUS OF 5 FT.-DIVISION 1
HORIZONTAL EQUATOR OF SPHERE
POINT OF CONNECTION OR SOURCE OF EXCESSIVE RELEASE OF LIQUID OR GAS
GRADE LEVEL
CYLINDRICAL VOLUME - DIVISION 2 (INCLUDES BOTTOM HALF OF 15 FT. RADIUS SPHERE)

Figure H-1

(18) *Fixed electrical equipment in classified areas.* Fixed electrical equipment and wiring installed within classified areas specified in Table H-28 shall comply with Table H-28 and shall be installed in accordance with Subpart S of this part. This provision does not apply to fixed electrical equipment at residential or commercial installations of LP-Gas systems or to systems covered by paragraph (e) or (g) of this section.

(19) *Liquid-level gaging device.* (i) Each container manufactured after December 31, 1965, and filled on a volumetric basis shall be equipped with a fixed liquid-level gage to indicate the maximum permitted filling level as provided in subdivision (v) of this subparagraph. Each container manufactured after December 31, 1969, shall have permanently attached to the container adjacent to the fixed level gage a marking showing the percentage full that will be shown by that gage. When a variable liquid-level gage is also provided, the fixed liquid-level gage will also serve as a means for checking the variable gage. These gages shall be used in charging containers as required in subparagraph (12) of this paragraph.

(ii) All variable gaging devices shall be arranged so that the maximum liquid level for butane, for a 50–50 mixture of butane and propane, and for propane, to which the container may be charged is readily determinable. The markings indicating the various liquid levels from empty to full shall be on the system nameplate or gaging device or part may be on the system nameplate and part on the gaging device. Dials of magnetic or rotary gages shall show whether they are for cylindrical or spherical containers and whether for aboveground or underground service. The dials of gages intended for use only on aboveground containers of over 1,200 gallons water capacity shall be so marked.

(iii) Gaging devices that require bleeding of the product to the atmosphere, such as the rotary tube, fixed tube, and slip tube, shall be designed so that the bleed valve maximum opening is not larger than a No. 54 drill size, unless provided with excess flow valve.

(iv) Gaging devices shall have a design working pressure of at least 250 p.s.i.g.

(v) Length of tube or position of fixed liquid-level gage shall be designed to indicate the maximum level to which the container may be filled for the product contained. This level shall be based on the volume of the product at 40° F. at its maximum permitted filling density for aboveground containers and at 50° F. for underground containers. The employer shall calculate the filling point for which the fixed liquid level gage shall be designed according to the method in this subdivision.

(*a*) It is impossible to set out in a table the length of a fixed dip tube for various capacity tanks because of the varying tank diameters and lengths and because the tank may be installed either in a vertical or horizontal position. Knowing the maximum permitted filling volume in gallons, however, the length of the fixed tube can be determined by the use of a strapping table obtained from the container manufacturer. The length of the fixed tube should be such that when its lower end touches the surface of the liquid in the container, the contents of the container will be the maximum permitted volume as determined by the following formula:

$$\frac{\text{Water capacity (gals.) of container}^{*} \times \text{filling density}^{**}}{\text{Specific gravity of LP-Gas}^{*} \times \text{volume correction factor}^{\dagger} \times 100} = \text{Maximum volume of LP-Gas}$$

*Measured at 60° F.

**From subparagraph (12) of this paragraph "Filling Densities."

†For aboveground containera the liquid temperature is assumed to be 40° F. and for underground containers the liquid temperature is assumed to be 50° F. To correct the liquid volumes at these temperatures to 60° F. the following factors shall be used.

(*b*) Formula for determining maximum volume of liquefied petroleum gas for which a fixed length of dip tube shall be set:

TABLE H-29—VOLUME CORRECTION FACTORS

Specific gravity	Aboveground	Underground
0.500	1.033	1.017
.510	1.031	1.016
.520	1.029	1.015
.530	1.028	1.014
.540	1.026	1.013
.550	1.025	1.013
.560	1.024	1.012
.570	1.023	1.011
.580	1.021	1.011
.590	1.020	1.010

(c) The maximum volume of LP-Gas which can be placed in a container when determining the length of the dip tube expressed as a percentage of total water content of the container is calculated by the following formula.

(*d*) The maximum weight of LP-Gas which may be placed in a container *for determining the length of a fixed dip tube* is determined by multiplying the maximum volume of liquefied petroleum gas obtained by the formula in (*b*) of this subdivision by the pounds of liquefied petroleum gas in a gallon at 40° F. for aboveground and at 50° F. for underground containers. For example, typical pounds per gallon are specified below:

	Aboveground, pounds per gallon	Underground, pounds per gallon
Prepane	4.37	4.31
N Butane	4.97	4.92

Example: Assume a 100-gallon total water capacity tank for aboveground storage of propane having a apecific gravity of 0.510 of 60° F.

$$\frac{100 \text{ (gals.)} \times 42 \text{ (filling density from aubparagraph (12) of this paragraph)}}{0.510 \times 1.031 \text{ (correction factor from Table H-29)} \times 100} = \frac{4200}{52.6}$$

$$\frac{4200}{52.6} = \text{79.8 gallons propane, the maximum amount permitted to be placed in a 100-gallon total water capacity aboveground container equipped with a fixed dip tube.}$$

$$\frac{\text{Maximum volume of LP-Gaa (from formula in subdivision } (b) \text{ of this subdivision)} \times 100}{\text{Total water content of container in gallons}} = \text{Maximum percent of LP-Gas}$$

(vi) Fixed liquid-level gages used on containers other than DOT containers shall be stamped on the exterior of the gage with the letters "DT" followed by the vertical distance (expressed in inches and carried out to one decimal place) from the top of container to the end of the dip tube or to the centerline of the gage when it is located at the maximum permitted filling level. For portable containers that may be filled in the horizontal and/or vertical position the letters "DT" shall be followed by "V" with the vertical distance from the top of the container to the end of the dip tube for vertical filling and with "H" followed by the proper distance for horizontal filling. For DOT containers the stamping shall be placed both on the exterior of the gage and on the container. On aboveground or cargo containers where the gages are positioned at specific levels, the marking may be specified in percent of total tank contents and the marking shall be stamped on the container.

(vii) Gage glasses of the columnar type shall be restricted to charging plants where the fuel is withdrawn in the liquid phase only. They shall be equipped with valves having metallic handwheels, with excess flow valves, and with extra-heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun. Gage glasses of the columnar type are prohibited on tank trucks, and on motor fuel tanks, and on containers used in domestic, commercial, and industrial installations.

(viii) Gaging devices of the float, or equivalent type which do not require flow for their operation and having connections extending to a point outside the container do not have to be equipped with excess flow valves provided the piping and fittings are adequately designed to withstand the container pressure and are properly protected against physical damage and breakage.

(20) *Requirements for appliances.* (i) Except as provided in subdivision (ii) of this subparagraph, new commercial and industrial gas consuming appliances shall be approved.

(ii) Any appliance that was originally manufactured for operation with a gaseous fuel other than LP-Gas and is in good condition may be used with LP-Gas only after it is propertly converted, adapted, and tested for performance with LP-Gas before the appliance is placed in use.

(iii) Unattended heaters used inside buildings for the purpose of animal or poultry production or care shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burners, and pilot if used, in the event of flame extinguishment.

(iv) All commercial, industrial, and agricultural appliances or equipment shall be installed in accordance with the requirements of this section and in accordance with the following:

(*a*) Domestic and commercial appliances—NFPA 54–1969, Standard for the Installation of Gas Appliances and Gas Piping.

(*b*) Industrial appliances—NFPA 54A–1969, Standard for the Installation of Gas Piping and Gas Equipment on Industrial Premises and Certain Other Premises.

(*c*) Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines—NFPA 37–1970.

(*d*) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment, NFPA 96–1970.

(c) *Cylinder systems*—(1) *Application.* This paragraph applies specifically to systems utilizing containers constructed in accordance with DOT Specifications. All requirements of paragraph (b) of this section apply to this paragraph unless otherwise noted in paragraph (b) of this section.

(2) *Marking of containers.* (i) Containers shall be marked in accordance with DOT regulations. Additional markings not in conflict with DOT regulations may be used.

(ii) Except as provided in subdivision (iii) of this subparagraph each container shall be marked with its water capacity in pounds or other identified unit of weight.

(iii) If a container is filled and maintained only by the owner or his representative and if the water capacity of each container is identified by a code, compliance with subdivision (ii) of this subparagraph is not required.

(iv) Each container shall be marked with its tare weight in pounds or other identified unit of weight including all permanently attached fittings but not the cap.

(3) *Description of a system.* A system shall include the container base or bracket, containers, container valves, connectors, manifold valve assembly, regulators, and relief valves.

(4) *Containers and regulating equipment installed outside of buildings or structures.* (i) Containers shall not be buried below ground. However, this shall not prohibit the installation in a compartment or recess below grade level, such as a niche in a slope or terrace wall which is used for no other purpose, providing that the container and regulating equipment are not in contact with the ground and the compartment or recess is drained and ventilated horizontally to the outside air from its lowest level, with the outlet at least 3 feet away from any building opening which is below the level of such outlet.

Except as provided in paragraph (b) (10) (xiii) of this section, the discharge from safety relief devices shall be located not less than 3 feet horizontally away from any building opening which is below the level of such discharge and shall not terminate beneath any building unless such space is well ventilated to the outside and is not enclosed on more than two sides.

(ii) Containers shall be set upon firm foundation or otherwise firmly secured; the possible effect on the outlet piping of settling shall be guarded against by a flexible connection or special fitting.

(5) *Containers and equipment used inside of buildings or structures.* (i) When operational requirements make portable use of containers necessary and their location outside of buildings or structure is impracticable, containers and equipment are permitted to be used inside of buildings or structures in accordance with (*a*) through (*l*) of this subdivision, and, in addition, such other provisions of this subparagraph as are applicable to the particular use or occupancy.

(*a*) Containers in use shall mean connected for use.

(*b*) Systems utilizing containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall be equipped with excess flow valves. Such excess flow valves shall be either integral with the container valves or in the connections to the container valve outlets. In either case, an excess flow valve shall be installed in such a manner that any undue strain beyond the excess flow valve will not cause breakage between the container and the excess flow valve. The installation of excess flow valves shall take into account the type of valve protection provided.

(*c*) Regulators, if used, shall be either directly connected to the container valves or to manifolds connected to the container values. The regulator shall be suitable for use with LP-Gas. Manifolds and fittings connecting containers to pressure regulator inlets shall be designed for at least 250 p.s.i.g. service pressure.

(*d*) Valves on containers having a water capacity greater than 50 pounds (nominal 20 pounds LP-Gas capacity) shall be protected while in use.

(*e*) Containers shall be marked in accordance with paragraph (b) (5) (iii) of this section and subparagraph (2) of this paragraph.

(*f*) Pipe or tubing shall conform to paragraph (b)(8) of this section except that aluminum pipe or tubing shall not be used.

(*g*) (*1*) Hose shall be designed for a working pressure of at least 250 p.s.i.g. Hose and hose connections shall have their correctness as to design, construction and performance determined by listing by Underwriters Laboratories, Inc., or Factory Mutual Engineering Corp. The hose length may exceed the length specified in paragraph (b) (9) (vii) (*b*) of this section, but shall be as short as practicable.

(*2*) Hose shall be long enough to permit compliance with spacing provisions of this subparagraph without kinking or straining or causing hose to be so close to a burner as to be damaged by heat.

(*h*) Portable heaters, including salamanders, shall be equipped with an approved automatic device to shut off the flow of gas to the main burner, and pilot if used, in the event of flame extinguishment. Such heaters having inputs above 50,000 B.t.u. manufactured on or after May 17, 1967, and such heaters having inputs above 100,000 B.t.u. manufactured before May 17, 1967, shall be equipped with either.

(*1*) A pilot which must be lighted and proved before the main burner can be turned on; or

(*2*) An electric ignition system.

The provisions of (*g*) of this subdivision do not apply to tar kettle burners, torches, melting pots, nor do they apply to portable heaters under 7,500 B.t.u.h. input when used with containers having a maximum water capacity of 2½ pounds. Container valves, connectors, regulators, manifolds, piping, and tubing shall not be used as structural supports for heaters.

(*i*) Containers, regulating equipment, manifolds, pipe, tubing, and hose shall be located so as to minimize exposure to abnormally high temperatures (such as may result from exposure to convection or radiation from heating equipment or installation in confined spaces), physical damage, or tampering by unauthorized persons.

(*j*) Heat producing equipment shall be located and used so as to minimize the possibility of ignition of combustibles.

(*k*) Containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) connected for use, shall stand on a firm and substantially level surface and, when necessary, shall be secured in an upright position.

(*l*) Containers, including the valve protective devices, shall be installed so as to minimize the probability of impingement of discharge of safety relief devices upon containers.

(ii) Containers having a maximum water capacity of 2½ pounds (nominal 1 pound LP-Gas capacity) are permitted to be used inside of buildings as part of approved self-contained hand torch assemblies or similar appliances.

(iii) Containers having a maximum water capacity of 12 pounds (nominal 5 pounds LP-Gas capacity) are permitted to be used temporarily inside of buildings for public exhibition or demonstration purposes, including use for classroom demonstrations.

(iv) (*a*) When buildings frequented by the public are open to the public, containers are permitted to be used for repair or minor renovation as follows:

(*1*) The maximum water capacity of individual containers shall be 50 pounds (nominal 20 pounds LP-Gas capacity).

(*2*) The number of LP-Gas containers shall not exceed the number of workmen assigned to using the LP-Gas.

(*3*) Containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.

(*b*) When buildings frequented by the public are not open to the public, containers are permitted to be used for repair or minor renovations, as follows:

The provisions of subdivision (v) of this subparagraph shall apply except that containers having a water capacity greater than 2½ pounds (nominal 1 pound LP-Gas capacity) shall not be left unattended in such buildings.

(v) Containers are permitted to be used in buildings or structures under construction or undergoing major renovation when such buildings or structures are not occupied by the public, as follows:

(*a*) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(*b*) For temporary heating such as curing concrete, drying plaster and similar applications, heaters (other than integral heater-container units) shall be located at least 6 feet from any LP-Gas container. This shall not prohibit the use of heaters specifically designed for attachment to the container or to a supporting standard, provided they are designed and installed so as to prevent direct or radiant heat application from the heater onto the container. Blower and radiant type heaters shall not be directed toward any LP-Gas container within 20 feet.

(*c*) If two or more heater-container units, of either the integral or nonintegral type, are located in an unpartitioned area on the same floor, the container or containers of each unit shall be separated from the container or containers of any other unit by at least 20 feet.

(*d*) When heaters are connected to containers for use in an unpartitioned area on the same floor, the total water capacity of containers manifolded together for connection to a heater or heaters shall not be greater than 735 pounds (nominal 300 pounds LP-Gas capacity). Such manifolds shall be separated by at least 20 feet.

(*e*) On floors on which heaters are not connected for use, containers are permitted to be manifolded together for connection to a heater or heaters on another floor, *Provided*:

(*1*) The total water capacity of containers connected to any one manifold is not greater than 2,450 pounds (nominal 1,000 pounds LP-Gas capacity) and;

(*2*) Where more than one manifold having a total water capacity greater than 735 pounds (nominal 300 pounds LP-Gas capacity) are located in the same unpartitioned area, they shall be separated by at least 50 feet.

(*f*) Storage of containers awaiting use shall be in accordance with paragraph (f) of this section.

(vi) Containers are permitted to be used in industrial occupancies for processing, research, or experimental purposes as follows:

(*a*) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity).

(*b*) Containers connected to a manifold shall have a total water capacity not greater than 735 pounds (nominal 300 pounds LP-Gas capacity) and not more than one such manifold may be located in the same room unless separated at least 20 feet from a similar unit.

(*c*) The amount of LP-Gas in containers for research and experimental use shall be limited to the smallest practical quantity.

(vii) (*a*) Containers are permitted to be used in industrial occupancies with essentially noncombustible contents where portable equipment for space heating is essential and where a permanent heating installation is not practical, as follows:

(*b*) Containers and heaters shall comply with and be used in accordance with subdivision (v) of this subparagraph.

(viii) Containers are permitted to be used in buildings for temporary emergency heating purposes, if necessary to prevent damage to the buildings or contents, when the permanent heating system is temporarily out of service, as follows:

(*a*) Containers and heaters shall comply with and be used in accordance with subdivision (v) of this subparagraph.

(*b*) The temporary heating equipment shall not be left unattended.

(ix) Containers are permitted to be used temporarily in buildings for training purposes related in installation and use of LP-gas systems, as follows:

(*a*) The maximum water capacity of individual containers shall be 245 pounds (nominal 100 pounds LP-Gas capacity), but the maximum quantity of LP-Gas that may be placed in each container shall be 20 pounds.

(*b*) If more than one such container is located in the same room, the containers shall be separated by at least 20 feet.

(*c*) Containers shall be removed from the building when the training class has terminated.

(6) *Container valves and accessories.* (i) Valves in the assembly of multiple container systems shall be arranged so that replacement of containers can be made without shutting off the flow of gas in the system.

NOTE: This provision is not to be construed as requiring an automatic changeover device.

(ii) Regulators and low-pressure relief devices shall be rigidly attached to the cylinder valves, cylinders, supporting standards, the building walls or otherwise rigidly secured and shall be so installed or protected that the elements (sleet, snow, or ice) will not affect their operation.

(iii) Valves and connections to the containers shall be protected while in transit, in storage, and while being moved into final utilization, as follows:

(*a*) By setting into the recess of the container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(*b*) By ventilated cap or collar, fastened to the container capable of withstanding a blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction must be such that a blow will not be transmitted to the valve or other connection.

(iv) When containers are not connected to the system, the outlet valves shall be kept tightly closed or plugged, even though containers are considered empty.

(v) Containers having a water capacity in excess of 50 pounds (approximately 21 pounds LP-Gas capacity), recharged at the installation, shall be provided with excess flow or backflow check valves to prevent the discharge of container contents in case of failure of the filling or equalizing connection.

(7) *Safety devices.* (i) Containers shall be provided with safety devices as required by DOT regulations.

(ii) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H-30.

TABLE H-30

Regulator delivery pressure	Relief valve start-to-discharge pressure setting (percent of regulator delivery pressure)	
	Minimum	Maximum
1 p.s.i.g. or less	200	300
Above 1 p.s.i.g. but not over 3 p.s.i.g	140	200
Above 3 p.s.i.g	125	200

(iii) When a regulator or pressure relief valve is used inside a building for other than purposes specified in paragraph (b) (6) (i) (*a*)-(*g*) of this section, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any building opening which is below such discharge. These provisions do not apply to individual appliance regulators when protection is otherwise provided nor to subparagraph (5) of this paragraph and paragraph (b) (10) (xiii) of this section. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.

(8) *Reinstallation of containers.* Containers shall not be reinstalled unless they are requalified in accordance with DOT regulations.

(9) *Permissible product.* A product shall not be placed in a container marked with a service pressure less than four-fifths of the maximum vapor pressure of product at 130° F.

(d) *Systems utilizing containers other than DOT containers.*

(1) *Application.* This paragraph applies specifically to systems utilizing storage containers other than those constructed in accordance with DOT specifications. Paragraph (b) of this section applies to this paragraph unless otherwise noted in paragraph (b) of this section.

(2) *Design pressure and classification of storage containers.* Storage containers shall be designed and classified in accordance with Table H-31.

TABLE H-31

Container type	For gases with vapor press. Not to exceed lb. per sq. in. gage at 100° F. (37.8° C.)	Minimum design pressure of container, lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of ASME Code; All editions of API-ASME Code[3]
[1] 80	[1] 80	[1] 80	[1] 100
100	100	100	125
125	125	125	156
150	150	150	187
175	175	175	219
[2] 200	215	200	250

[1] New storage containers of the 80 type have not been authorized since Dec. 31, 1947.

[2] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the ASME Code, and (3) all editions of the API-ASME Code.

[3] Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(3) *Container valves and accessories, filler pipes, and discharge pipes.* (i) The filling pipe inlet terminal shall not be located inside a building. For containers with a water capacity of 125 gallons or more, such termials shall be located not less than 10 feet from any building (see paragraph (b) (6) (ii) of this section), and preferably not less than 5 feet from any driveway, and shall be located in a protective housing built for the purpose.

(ii) The filling connection shall be fitted with one of the following:

(*a*) Combination back-pressure check valve and excess flow valve.

(*b*) One double or two single back-pressure check valves.

(*c*) A positive shutoff valve, in conjunction with either:

(*1*) An internal back pressure valve, or

(*2*) An internal excess flow valve.

(iii) All openings in a container shall be equipped with approved automatic excess flow valves except in the following: filling connections as provided in subdivision (ii) of this subparagraph; safety relief connections, liquid-level gaging devices as provided in paragraphs (b) (7) (iv), (19) (v), and (19) (viii) of this section; pressure gage connections as provided in paragraph (b) (7) (v) of this section, as provided in subdivisions (iv), (vi), and (vii) of this subparagraph.

(iv) An excess flow valve is not required in the withdrawal service line providing the following are complied with:

(*a*) Such systems' total water capacity does not exceed 2,000 U.S. gallons.

(*b*) The discharge from the service outlet is controlled by a suitable manually operated shutoff valve and is:

(*1*) Threaded directly into the service outlet of the container; or

(*2*) Is an integral part of a substantial fitting threaded into or on the service outlet of the container; or

(*3*) Threaded directly into a substantial fitting threaded into or on the service outlet of the container.

(*c*) The shutoff valve is equipped with an attached handwheel or the equivalent.

(*d*) The controlling orifice between the contents of the container and the outlet of the shutoff valve does not exceed five-sixteenths inch in diameter for vapor withdrawal systems and one-eighth inch in diameter for liquid withdrawal systems.

(*e*) An approved pressure-reducing regulator is directly attached to the outlet of the shutoff valve and is rigidly supported, or that an approved pressure-reducing regulator is attached to the outlet of the shutoff valve by means of a suitable flexible connection, provided the regulator is adequately supported and properly protected on or at the tank.

(v) All inlet and outlet connections except safety relief valves, liquid level gaging devices and pressure gages on containers of 2,000 gallons water capacity, or more, and on any container used to supply fuel directly to an internal combustion engine, shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(vi) In lieu of an excess flow valve openings may be fitted with a quick-closing internal valve which, except during operating periods shall remain closed. The internal mechanism for such valves may be provided with a secondary control which shall be equipped with a fusible plug (not over 220° F. melting point) which will cause the internal valve to close automatically in case of fire.

(vii) Not more than two plugged openings shall be permitted on a container of 2,000 gallons or less water capacity.

(viii) Containers of 125 gallons water capacity or more manufactured after July 1, 1961, shall be provided with an approved device for liquid evacuation, the size of which shall be three-fourths inch national pipe thread minimum. A plugged opening will not satisfy this requirement.

(4) *Safety devices.* (i) All safety devices shall comply with the following:

(*a*) All container safety relief devices shall be located on the containers and shall have direct communication with the vapor of space of the container.

(*b*) In industrial and gas manufacturing plants, discharge pipe from safety relief valves on pipe lines within a building shall discharge vertically upward and shall be piped to a point outside a building.

(*c*) Safety relief device discharge terminals shall be so located as to provide protection against physical damage and such discharge pipes shall be fitted with loose raincaps. Return bends and restrictive pipefittings shall not be permitted.

(*d*) If desired, discharge lines from two or more safety relief devices located on the same unit, or similar lines from two or more different units, may be run into a common discharge header, provided that the cross-sectional area of such header be at least equal to the sum of the cross-sectional area of the individual discharge lines, and that the setting of safety relief valves are the same.

(*e*) Each storage container of over 2,000 gallons water capacity shall be provided with a suitable pressure gage.

(*f*) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H–30.

(*g*) When a regulator or pressure relief valve is installed inside a building, the relief valve and the space above the regulator and relief valve diaphragms shall be vented to the outside air with the discharge outlet located not less than 3 feet horizontally away from any opening into the building which is below such discharge. (These provisions do not apply to individual appliance regulators when protection is otherwise provided. In buildings devoted exclusively to gas distribution purposes, the space above the diaphragm need not be vented to the outside.)

(ii) Safety devices for aboveground containers shall be provided as follows:

(*a*) Containers of 1,200 gallons water capacity or less which may contain liquid fuel when installed above ground shall have the rate of discharge required by paragraph (b) (10) (ii) of this section provided by a spring-loaded relief valve or valves. In addition to the required spring-loaded relief valve(s), suitable fuse plug(s) may be used provided the total discharge area of the fuse plug(s) for each container does not exceed 0.25 square inch.

(*b*) The fusible metal of the fuse plugs shall have a yield temperature of 208° F. minimum and 220° F. maximum. Relief valves and fuse plugs shall have direct communication with the vapor space of the container.

(*c*) On a container having a water capacity greater than 125 gallons, but not over 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made for draining condensate which may accumulate in the relief valve or its discharge pipe.

(*d*) On containers of 125 gallons water capacity or less, the discharge from safety relief devices shall be located not less than 5 feet horizontally away from any opening into the building below the level of such discharge.

(*e*) On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container, and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Suitable provision shall be made so that any liquid or condensate that may accumulate inside of the safety relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of product escaping from the drain.

(iii) On all containers which are installed underground and which contain no liquid fuel until buried and covered, the rate of discharge of the spring-loaded relief valve installed thereon may be reduced to a minimum of 30 percent of the rate of discharge specified in paragraph (b) (10) (ii) of this section. Containers so protected shall not be uncovered after installation until the liquid fuel has been removed therefrom. Containers which may contain liquid fuel before being installed under ground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirement of the relief valves.

(iv) On underground containers of more than 2,000 gallons water capacity, the discharge from safety relief devices shall be piped vertically and directly upward to a point at least 7 feet above the ground.

Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines shall be above the highest probable water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equaling or exceeding the combined discharge areas of the safety relief valves and other vent lines which discharge their content into the manhole housing.

(v) Safety devices for vaporizers shall be provided as follows:

(*a*) Vaporizers of less than 1 quart total capacity, heated by the ground or the surrounding air, need not be equipped with safety relief valves provided that adequate tests certified by any of the authorities referred to in paragraph (b) (2) of this section, demonstrate that the assembly is safe without safety relief valves.

(*b*) No vaporizer shall be equipped with fusible plugs.

(*c*) In industrial and gas manufacturing plants, safety relief valves on vaporizers within a building shall be piped to a point outside the building and be discharged upward.

(5) *Reinstallation of containers.* Containers may be reinstalled if they do not show any evidence of harmful external corrosion or other damage. Where containers are reinstalled underground, the corrosion resistant coating shall be put in good condition (see subparagraph (7)(vi) of this paragraph). Where containers are reinstalled above ground, the safety devices and gaging devices shall comply with subparagraph (4) of this paragraph and paragraph (b) (19) of this section respectively for aboveground containers.

(6) *Capacity of containers.* A storage container shall not exceed 90,000 gallons water capacity.

(7) *Installation of storage containers.* (i) Containers installed above ground, except as provided in subdivision (vii) of this subparagraph, shall be provided with substantial masonry or noncombustile structural supports on firm masonry foundation.

(ii) Aboveground containers shall be supported as follows:

(*a*) Horizontal containers shall be mounted on saddles in such a manner as to permit expansion and contraction. Structural metal supports may be employed when they are protected against fire in an approved manner. Suitable means of preventing corrosion shall be provided on that portion of the container in contact with the foundations or saddles.

(*b*) Containers of 2,000 gallons water capacity or less may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container shell to the concrete pad, footing, or the ground does not exceed 24 inches.

(iii) Any container may be installed with nonfireproofed ferrous metal supports if mounted on concrete pads or footings, and if the distance from the outside bottom of the container to the ground does not exceed 5 feet, provided the container is in an isolated location.

(iv) Containers may be partially buried providing the following requirements are met:

(*a*) The portion of the container below the surface and for a vertical distance not less than 3 inches above the surface of the ground is protected to resist corrosion, and the container is protected against settling and corrosion as required for fully buried containers.

(*b*) Spacing requirements shall be as specified for underground tanks in paragraph (b) (6) (ii) of this section.

(*c*) Relief valve capacity shall be as required for aboveground containers.

(*d*) Container is located so as not to be subject to vehicular damage, or is adequately protected against such damage.

(*e*) Filling densities shall be as required for above-ground containers.

(v) Containers buried underground shall be placed so that the top of the container is not less than 6 inches below grade. Where an underground container might be subject to abrasive action or physical damage due to vehicular traffic or other causes, then it shall be:

(*a*) Placed not less than 2 feet below grade, or

(*b*) Otherwise protected against such physical damage.

It will not be necessary to cover the portion of the container to which manhole and other connections are affixed; however, where necessary, protection shall be provided against vehicular damage. When necessary to prevent floating, containers shall be securely anchored or weighted.

(vi) (*a*) Containers shall be given a protective coating before being placed under ground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to prevent damage to the coating. Any damage to the coating shall be repaired before backfilling.

(*b*) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(vii) Containers with foundations attached (portable or semiportable containers with suitable steel "runners" or "skids" and popularly known in the industry as "skid tanks") shall be designed, installed, and used in accordance with these rules subject to the following provisions:

(*a*) If they are to be used at a given general location for a temporary period not to exceed 6 months they need not have fire-resisting foundations or saddles but shall have adequate ferrous metal supports.

(*b*) They shall not be located with the outside bottom of the container shell more than 5 feet above the surface of the ground unless fire-resisting supports are provided.

(*c*) The bottom of the skids shall not be less than 2 inches or more than 12 inches below the outside bottom of the container shell.

(*d*) Flanges, nozzles, valves, fittings, and the like, having communication with the interior of the container, shall be protected against physical damage.

(*e*) When not permanently located on fire-resisting foundations, piping connections shall be sufficiently flexible to minimize the possibility of breakage or leakage of connections if the container settles, moves, or is otherwise displaced.

(*f*) Skids, or lugs for attachment of skids, shall be secured to the container in accordance with the code or rules under which the container is designed and built (with a minimum factor of safety of four) to withstand loading in any direction equal to four times the weight of the container and attachments when filled to the maximum permissible loaded weight.

(viii) Field welding where necessary shall be made only on saddle plates or brackets which were applied by the manufacturer of the tank.

(ix) For aboveground containers, secure anchorage or adequate pier height shall be provided against possible container flotation wherever sufficiently high floodwater might occur.

(x) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers, and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100° F. The use of nonmetallic hose is prohibited for permanently interconnecting such containers.

(xi) Container assemblies listed for interchangeable installation above ground or under ground shall conform to the requirements for aboveground installations with respect to safety relief capacity and filling density. For installation above ground all other requirements for aboveground installations shall apply. For installation under ground all other requirements for underground installations shall apply.

(8) *Protection of container accessories.* (i) Valves, regulating, gaging, and other container accessory equipment shall be protected against tampering and physical damage. Such accessories shall also be so protected during the transit of containers intended for installation underground.

(ii) On underground or combination aboveground-underground containers, the service valve handwheel, the terminal for connecting the hose, and the opening through which there can be a flow from safety relief valves shall be at least 4 inches above the container and this opening shall be located in the dome or housing. Underground systems shall be so installed that all the above openings, including the regulator vent, are located above the normal maximum water table.

(iii) All connections to underground containers shall be located within a substantial dome, housing, or manhole and with access thereto protected by a substantial cover.

(9) *Drips for condensed gas.* Where vaporized gas on the low-pressure side of the system may condense to a liquid at normal operating temperatures and pressures, suitable means shall be provided for revaporization of the condensate.

(10) *Damage from vehicles.* When damage to LP-Gas systems from vehicular traffic is a possibility, precautions against such damage shall be taken.

(11) *Pits and drains.* Every effort should be made to avoid the use of pits,

except pits fitted with automatic flammable vapor detecting devices. No drains or blowoff shall be directed into or in proximity to sewer systems used for other purposes.

(12) *General provisions applicable to systems in industrial plants (of 2,000 gallons water capacity and more) and to bulk filling plants.* (i) When standard watch service is provided, it shall be extended to the LP-Gas installation and personnel properly trained.

(ii) If loading and unloading are normally done during other than daylight hours, adequate lights shall be provided to illuminate storage containers, control valves, and other equipment.

(iii) Suitable roadways or means of access for extinguishing equipment such as wheeled extinguishers or fire department apparatus shall be provided.

(iv) To minimize trespassing or tampering, the area which includes container appurtenances, pumping equipment, loading and unloading facilities, and cylinder-filling facilities shall be enclosed with at least a 6-foot-high industrial type fence unless otherwise adequately protected. There shall be at least two means of emergency access.

(13) *Container-charging plants.* (i) The container-charging room shall be located not less than:

(*a*) Ten feet from bulk storage containers.

(*b*) Twenty-five feet from line of adjoining property which may be built upon.

(ii) Tank truck filling station outlets shall be located not less than:

(*a*) Twenty-five feet from line of adjoining property which may be built upon.

(*b*) Ten feet from pumps and compressors if housed in one or more separate buildings.

(iii) The pumps or compressors may be located in the container-charging room or building, in a separate building, or outside of buildings. When housed in a separate building, such building (a small noncombustible weather cover is not to be construed as a building) shall be located not less than:

(*a*) Ten feet from bulk storage tanks.

(*b*) Twenty-five feet from line of adjoining property which may be built upon.

(*c*) Twenty-five feet from sources of ignition.

(iv) When a part of the container-charging building is to be used for a boiler room or where open flames or similar sources of ignition exist or are employed, the space to be so occupied shall be separated from container charging room by a partition wall or walls of fire-resistant construction continuous from floor to roof or ceiling. Such separation walls shall be without openings and shall be joined to the floor, other walls, and ceiling or roof in a manner to effect a permanent gas-tight joint.

(v) Electrical equipment and installations shall conform with paragraphs (b) (17) and (18) of this section.

(14) *Fire protection.* (i) Each bulk plant shall be provided with at least one approved portable fire extinguisher having a minimum rating of 12–B, C.

(ii) In industrial installations involving containers of 150,000 gallons aggregate water capacity or more, provision shall be made for an adequate supply of water at the container site for fire protection in the container area, unless other adequate means for fire control are provided. Water hydrants shall be readily accessible and so spaced as to provide water protection for all containers. Sufficient lengths of firehose shall be provided at each hydrant location on a hose cart, or other means provided to facilitate easy movement of the hose in the container area. It is desirable to equip the outlet of each hose line with a combination fog nozzle. A shelter shall be provided to protect the hose and its conveyor from the weather.

(15) *Painting.* Aboveground containers shall be kept properly painted.

(16) *Lighting.* Electrical equipment and installations shall conform to paragraphs (b) (17) and (18) of this section.

(17) *Vaporizers for internal combustion engines.* The provisions of paragraph (e) (8) of this section shall apply.

(18) *Gas regulating and mixing equipment for internal combustion engines.* The provisions of paragraph (e) (9) of this section shall apply.

(e) *Liquefied petroleum gas as a motor fuel*—(1) *Application.* (i) This paragraph applies to internal combustion engines, fuel containers, and pertinent equipment for the use of liquefied petroleum gases as a motor fuel on easily movable, readily portable units including self-propelled vehicles.

(ii) Fuel containers and pertinent equipment for internal combustion engines using liquefied petroleum gas where installation is of the stationary type are covered by paragraph (d) of this section. This paragraph does not apply to containers for transportation of liquefied petroleum gases nor to marine fuel use. All requirements of paragraph (b) of this section apply to this paragraph, unless otherwise noted in paragraph (b) of this section.

(2) *General.* (i) Fuel may be used from the cargo tank of a truck while in transit, but not from cargo tanks on trailers or semitrailers. The use of fuel from the cargo tanks to operate stationary engines is permitted providing wheels are securely blocked.

(ii) Passenger-carrying vehicles shall not be fueled while passengers are on board.

(iii) Industrial trucks (including lift trucks) equipped with permanently mounted fuel containers shall be charged outdoors. Charging equipment shall comply with the provisions of paragraph (h) of this section.

(iv) LP-Gas fueled industrial trucks shall comply with the Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks, NFPA 505–1969.

(v) Engines on vehicles shall be shut down while fueling if the fueling operation involves venting to the atmosphere.

(3) *Design pressure and classification of fuel containers.* (i) Except as covered in subdivisions (ii) and (iii) of this subparagraph, containers shall be in accordance with Table H–32.

(ii) Fuel containers for use in industrial trucks (including lift trucks) shall be either DOT containers authorized for LP-Gas service having a minimum service pressure of 240 p.s.i.g. or minimum Container Type 250. Under 1950 and later ASME codes, this means a 312.5-p.s.i.g. design pressure container.

TABLE H-32

Container type	For gases with vapor press. not to exceed lb. per sq. in. gage at 100° F. (37.8 C.)	Minimum design pressure of container lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U-68, U-69)	1949 edition of ASME Code (Par. U-200, U-201); 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of ASME Code; All editions of API-ASME Code[2]
[1]200	215	200	250

[1] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100% of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U-68 and U-69). The minimum design pressure of containers shall be 125% of the container type designation when constructed under: (1) the 1949 ASME Code (Par. U-200 and U-201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division I) editions of the ASME Code, and (3) all editions of the API-ASME Code.

[2] Construction of containers under the API-ASME Code is not authorized after July 1, 1961.

(iii) Containers manufactured and maintained under DOT specifications and regulations may be used as fuel containers. When so used they shall conform to all requirements of this paragraph.

(iv) All container inlets and outlets except safety relief valves and gaging devices shall be labeled to designate whether they communicate with vapor or liquid space. Labels may be on valves.

(4) *Installation of fuel containers.* (i) Containers shall be located in a place and in a manner to minimized the possibility of damage to the container. Containers located in the rear of trucks and buses, when protected by substantial bumpers, will be considered in conformance with this requirement. Fuel containers on passenger-carrying vehicles shall be installed as far from the engine as is practicable, and the passenger space and any space containing radio equipment shall be sealed from the container space to prevent direct seepage of gas to these spaces. The container compartment shall be vented to the outside. In case the fuel container is mounted near the engine or the exhaust system, the container shall be shielded against direct heat radiation.

(ii) Containers shall be installed with as much clearance as practicable but never less than the minimum road clearance of the vehicle under maximum spring deflection. This minimum clearance shall be to the bottom of the container or to the lowest fitting on the container or housing, whichever is lower.

(iii) Permanent and removable fuel containers shall be securely mounted to prevent jarring loose, slipping, or rotating, and the fastenings shall be designed and constructed to withstand static loading in any direction equal to twice the weight of the tank and attachments when filled with fuel using a safety factor of not less than four based on the ultimate strength of the material to be used. Field welding, when necessary, shall be made only on saddle plates, lugs or brackets, originally attached to the container by the tank manufacturer.

(iv) Fuel containers on buses shall be permanently installed.

(v) Containers from which vapor only is to be withdrawn shall be installed and equipped with suitable connections to minimize the accidental withdrawal of liquid.

(5) *Valves and accessories.* (i) Container valves and accessories shall have a rated working pressure of at least 250 p.s.i.g., and shall be of a type suitable for liquefied petroleum gas service.

(ii) The filling connection shall be fitted with an approved double back-pressure check valve, or a positive shutoff in conjunction with an internal back-pressure check valve. On a removable container the filler valve may be a hand operated shutoff valve with an internal excess flow valve. Main shutoff valves on the container on liquid and vapor must be readily accessible.

(iii) With the exceptions of subdivision (iv) (c) of this subparagraph, filling connections equipped with approved automatic back-pressure check valves, and safety relief valves, all connections to containers having openings for the flow of gas in excess of a No. 54 drill size shall be equipped with approved automatic excess flow valves to prevent discharge of content in case connections are broken.

(iv) Liquid-level gaging devices:

(*a*) Variable liquid-level gages which require the venting of fuel to the atmosphere shall not be used on fuel containers of industrial trucks (including lift trucks).

(*b*) On portable containers that may be filled in the vertical and/or horizontal position, the fixed liquid-level gage must indicate maximum permitted filling level for both vertical and horizontal filling with the container oriented to place the safety relief valve in communication with the vapor space.

(*c*) In the case of containers used solely in farm tractor service, and charged at a point at least 50 feet from any important building, the fixed liquid-level gaging device may be so constructed that the outward flow of container content exceeds that passed by a No. 54 drill size opening, but in no case shall the flow exceed that passed by a No. 31 drill-size opening. An excess flow valve is not required. Fittings equipped with such restricted drill size opening and container on which they are used shall be marked to indicate the size of the opening.

(*d*) All valves and connections on containers shall be adequately protected to prevent damage due to accidental contact with stationary objects or from loose objects thrown up from the road, and all valves shall be safeguarded against damage due to collision, overturning or other accident. For farm tractors where parts of the vehicle provide such protection to valves and fittings, the foregoing requirements shall be considered fulfilled. However, on removable type containers the protection for the fittings shall be permanently attached to the container.

(*e*) Exchange of removable fuel containers preferably should be done outdoors but may be done indoors. When removable fuel containers are used, means shall be provided in the fuel system to minimize the escape of fuel when the containers are exchanged. This may be accomplished by either of the following methods:

(*1*) Using an approved automatic quick-closing coupling (a type closing in both directions when uncoupled) in the fuel line, or

(*2*) Closing the valve at the fuel container and allowing the engine to run until the fuel in the line is consumed.

(6) *Piping—including pipe, tubing, and fittings.* (i) Pipe from fuel container to first-stage regulator shall be not less than schedule 80 wrought iron or steel (black or galvanized), brass or copper; or seamless copper, brass, or steel tubing. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel pipe or tubing shall be adequately protected against exterior corrosion. Copper tubing shall be types K or L or equivalent having a minimum wall thickness of 0.032 inch. Approved flexible connections may be used between container and regulator or between regulator and gas-air mixer within the limits of approval. The use of aluminum pipe or tubing is prohibited. In the case of removable containers an approved flexible connection shall be used between the container and the fuel line.

(ii) All piping shall be installed, braced, and supported so as to reduce to a minimum the possibility of vibration strains or wear.

(7) *Safety devices.* (i) Spring-loaded internal type safety relief valves shall be used on all motor fuel containers.

(ii) The discharge outlet from safety relief valves shall be located on the outside of enclosed spaces and as far as practicable from possible sources of ignition, and vented upward within 45 degrees of the vertical in such a manner as to prevent impingement of escaping gas upon containers, or parts of vehicles, or on vehicles in adjacent lines of traffic. A rain cap or other protector shall be used to keep water and dirt from collecting in the valve.

(iii) When a discharge line from the container safety relief valve is used, the line shall be metallic, other than aluminum, and shall be sized, located, and maintained so as not to restrict the required flow of gas from the safety relief valve. Such discharge line shall be able to withstand the pressure resulting from the discharge of vapor when the safety relief valve is in the full open position. When flexibility is necessary, flexible metal hose or tubing shall be used.

(iv) Portable containers equipped for volumetric filling may be filled in either the vertical or horizontal position only when oriented to place the safety relief valve in communication with the vapor space.

(v) Paragraph (b)(10)(xii) of this section for hydrostatic relief valves shall apply.

(8) *Vaporizers.* (i) Vaporizers and any part thereof and other devices that may be subjected to container pressure shall have a design pressure of at least 250 p.s.i.g.

(ii) Each vaporizer shall have a valve or suitable plug which will permit substantially complete draining of the vaporizer. It shall be located at or near the lowest portion of the section occupied by the water or other heating medium.

(iii) Vaporizers shall be securely fastened so as to minimize the possibility of becoming loosened.

(iv) Each vaporizer shall be permanently marked at a visible point as follows:

(*a*) With the design pressure of the fuel-containing portion in p.s.i.g.

(*b*) With the water capacity of the fuel-containing portion of the vaporizer in pounds.

(v) Devices to supply heat directly to a fuel container shall be equipped with an automatic device to cut off the supply of heat before the pressure inside the fuel container reaches 80 percent of the start to discharge pressure setting of the safety relief device on the fuel container.

(vi) Engine exhaust gases may be used as a direct source of heat supply for the vaporization of fuel if the materials of construction of those parts of the vaporizer in contact with exhaust gases are resistant to the corrosive action of exhaust gases and the vaporizer system is designed to prevent excessive pressures.

(vii) Vaporizers shall not be equipped with fusible plugs.

(9) *Gas regulating and mixing equipment.* (i) Approved automatic pressure reducing equipment shall be installed in a secure manner between the fuel supply container and gas-air mixer for the purpose of reducing the pressure of the fuel delivered to the gas-air mixer.

(ii) An approved automatic shutoff valve shall be provided in the fuel system at some point ahead of the inlet of the gas-air mixer, designed to prevent flow of fuel to the mixer when the ignition is off and the engine is not running. In the case of industrial trucks and engines operating in buildings other than those used exclusively to house engines, the automatic shutoff valve shall be designed to operate if the engine should stop. Atmospheric type regulators (zero governors) shall be considered adequate as an automatic shutoff valve only in cases of outdoor operation such as farm tractors, construction equipment, irrigation pump engines, and other outdoor stationary engine installations.

(iii) The source of the air for combustion shall be completely isolated from the passenger compartment, ventilating system, or air-conditioning system.

(10) *Capacity of containers.* No single fuel container used on passenger carry-

ing vehicles shall exceed 200 gallons water capacity. No single fuel container on other vehicles normally operating on the highway shall exceed 300 gallons water capacity except as provided in subparagraph (2)(i) of this paragraph.

(11) *Stationary engines in buildings.* Stationary engines and gas turbines installed in buildings, including portable engines used instead of or to supplement stationary engines, shall comply with the standard for the installation and use of Stationary Combustion Engines and Gas Turbines, NFPA 37–1970, and the appropriate provisions of paragraphs (b), (c), and (d) of this section.

(12) *Portable engines in buildings.* (i) Portable engines may be used in buildings only for emergency use, except as provided by subparagraph (11) of this paragraph.

(ii) Exhaust gases shall be discharged to outside the building or to an area where they will not constitute a hazard.

(iii) Provision shall be made to supply sufficient air for combustion and cooling.

(iv) An approved automatic shutoff valve shall be provided in the fuel system ahead of the engine, designed to prevent flow of fuel to the engine when the ignition is off or if the engine should stop.

(v) The capacity of LP-Gas containers used with such engines shall comply with the applicable occupancy provision of paragraph (c)(5) of this section.

(13) *Industrial trucks inside buildings.* (i) LP-Gas-fueled industrial trucks are permitted to be used in buildings and structures.

(ii) No more than two LP-Gas containers shall be used on an industrial truck for motor fuel purposes.

(iii) LP-Gas-fueled industrial trucks are permitted to be used in buildings frequented by the public, when occupied by the public. The total water capacity of containers on each industrial truck shall not exceed 105 pounds (nominal 45 pounds LP-Gas).

(iv) Trucks shall not be left unattended in areas occupied by the public.

(v) Industrial trucks shall not be parked and left unattended in areas of possible excessive heat or sources of ignition.

(14) *Garaging LP-Gas-fueled vehicles.* (i) LP-Gas-fueled vehicles may be stored or serviced inside garages provided there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in paragraph (b)(12)(i) of this section.

(ii) LP–Gas-fueled vehicles being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(iii) Such vehicles shall not be parked near sources of heat, open flames, or similar sources of ignition or near open pits unless such pits are adequately ventilated.

(f) *Storage of containers awaiting use or resale.*—(1) *Application.* This paragraph shall apply to the storage of portable containers not in excess of 1,000 pounds water capacity, filled or partially filled, at user location but not connected for use, or in storage for resale by dealers or resellers. This paragraph shall not apply to containers stored at charging plants or at plants devoted primarily to the storage and distribution of LP–Gas or other petroleum products.

(2) *General.* (i) Containers in storage shall be located so as to minimize exposure to excessive temperature rise, physical damage, or tampering by unauthorized persons.

(ii) Containers when stored inside shall not be located near exits, stairways, or in areas normally used or intended for the safe exit of people.

(iii) Container valves shall be protected while in storage as follows:

(*a*) By setting into recess of container to prevent the possibility of their being struck if the container is dropped upon a flat surface, or

(*b*) By ventilated cap or collar, fastened to container capable of withstanding blow from any direction equivalent to that of a 30-pound weight dropped 4 feet. Construction must be such that a blow will not be transmitted to a valve or other connection.

(iv) The outlet valves of containers in storage shall be closed.

(v) Empty containers which have been in LP-Gas service should preferably be stored in the open. When stored inside, they shall be considered as full containers for the purpose of determining the maximum quantity of LP-Gas permitted by this paragraph.

(3) *Storage within buildings frequented by the public.* (i) DOT specification containers having a maximum individual water capacity of 2½ pounds, used with completely self-contained hand torches and similar applications, are permitted to be stored or displayed in a building frequented by the public. The display of such containers shall be limited to a total of 24 units of each brand and size. The total quantity on display and in storage shall not exceed 200 pounds LP-Gas.

(ii) Storage as provided in subparagraph (5) of this paragraph shall not be permitted within or attached to such a building.

(4) *Storage within buildings not frequented by the public (such as industrial buildings).* (i) The quantity of LP-Gas stored shall not exceed 300 pounds (approximately 2,550 cubic feet in vapor form) except as provided in subparagraph (5) of this paragraph.

(ii) Containers carried as a part of service equipment on highway mobile vehicles are not to be considered in the total storage capacity in subdivision (i) of this subparagraph provided such vehicles are stored in private garages, and are limited to one container per vehicle with an LP-Gas capacity of not more than 100 pounds. All container valves shall be closed.

(5) *Storage within special buildings or rooms.* (i) The qauntity of LP-Gas stored in special buildings or rooms shall not exceed 10,000 pounds.

(ii) The walls, floors, and ceilings of container storage rooms that are within or adjacent to other parts of the building shall be constructed of material having at least a 2-hour fire resistance rating.

(iii) A portion of the exterior walls or roof having an area not less than 10 percent of that of the combined area of the enclosing walls and roof, shall be of single-strength glass or other similar explosion relieving construction.

(iv) Each opening from such storage rooms to other parts of the building shall be protected by a 1½ hour (B) fire door listed by Underwriters Laboratories Inc.

(v) Such rooms shall have no open flames for heating or lighting.

(vi) Such rooms shall be adequately ventilated both top and bottom to the outside only. The openings from such vents shall be at least 5 feet away from any other opening into any building.

(vii) The floors of such rooms shall not be below ground level. Any space below the floor shall be of solid fill or properly ventilated to the open air.

(viii) Such storage rooms shall not be located adjoining the line of property occupied by schools, churches, hospitals, athletic fields or other points of public gathering.

(ix) Fixed electrical equipment shall be installed in accordance with paragraph (b)(18) of this section.

(6) *Storage outside of buildings.* (i) Storage outside of buildings, for containers awaiting use or resale, shall be located in accordance with Table H–33 with respect to the nearest important building or group of buildings; the line of adjoining property which may be built upon; busy thoroughfares; the line of adjoining property occupied by schools, churches, hospitals, athletic fields, or other points of public gathering.

TABLE H–33

Quantity of LP-Gas Stored:	*Distance*
500 pounds or less	0
501 to 2,500 pounds	0*
2,501 to 6,000 pounds	10 feet
6,001 to 10,000 pounds	20 feet
Over 10,000 pounds	25 feet

*Container or containers shall be at least 10 feet from any building on adjoining property, any sidewalk, or any of the exposures described in subparagraph (6)(i) (*c*) or (*d*) of this paragraph.

(ii) Containers shall be in a suitable enclosure or otherwise protected against tampering.

(7) *Fire protection.* Storage locations other than supply depots separated and located apart from dealer, reseller, or user establishments shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8–B, C.

(g) *LP-Gas system installations on commercial vehicles*—(1) *Application.* This paragraph applies to LP-Gas-system installations on vehicles (whether self-propelled or of the trailer or semitrailer type) used for commercial, construction, or public service purposes such

as mobile libraries and clinics; to all exchangeable container systems with container capacities greater than 105 pounds water capacity (approximately 45 pounds LP-Gas capacity) and to systems using containers permanently mounted on vehicles. It does not apply to LP-Gas motor fuel systems covered by paragraph (e) of this section. Paragraph (b) of this section applies to this paragraph unless otherwise noted. When such a vehicle is permanently parked, and LP-Gas is supplied from a system not mounted on and secured to the unit, paragraphs (c) and (d) of this section shall apply.

(2) *Construction and marking of containers.* Containers shall be constructed in accordance with paragraph (b)(3) of this section, and marked in accordance with the applicable requirements of paragraph (b)(5) of this section, and shall also meet the following:

(i) Containers designed for use as portable cylinders shall be constructed in accordance with DOT specifications, and in accordance with paragraph (b)(3)(iv) of this section; where applicable.

(ii) All other containers whether designed for permanent mounting, or for portable or semiportable use (such as skid tanks), shall be constructed as provided for by paragraphs (b)(3) (i) and (iv) of this section. Mounting, securing, and protection of such containers shall be as in subdivisions (iii) and (iv) of this subparagraph.

(iii) Permanently installed containers shall meet the requirements of subdivision (*a*) of this subdivision with regard to container valves and accessories, and subdivision (*b*) of this subdivision as to mounting.

(*a*) (*1*) Nonrecessed container fittings and appurtenances shall be protected against damage by either:

(*i*) Their location.

(*ii*) The vehicle frame or bumper, or

(*iii*) A protective housing. The protective housing, if used, shall comply with the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The housing shall be provided with a weather cover if necessary to insure proper operation of valves and safety devices.

(2) Manually operated shutoff valves, except as covered in paragraph (e)(2)(i) of this section, or self-closing internal valves shall be closed except during transfer operations.

(*b*) (*1*) Tank motor vehicles with frames not made integral with the tank, as by welding, shall be provided with turnbuckles or similar positive devices for drawing the tank down tight on the frame. In addition, suitable stops or anchors shall be attached to the frame and/or the tank to prevent relative motion between them due to starting, stopping, and turning. The stops and anchors shall be so installed as to be readily accessible for inspection and maintenance.

(*2*) Any tank motor vehicle designed and constructed so that the cargo tank constitutes in whole or in part the stress member used in lieu of a frame shall be supported by external cradles subtending at least 120 degrees of the shell circumference. The design calculations shall include beam stress, shear stress, torsion stress, bending moment, and acceleration stress for the cargo tank as a whole using a factor of safety of four, based on the ultimate tensile strength of the material. Maximum concentrated stresses which might be created at pads and cradles due to shear, bending, and torsion shall also be calculated in accordance with Appendix G of the American Society of Mechanical Engineers, Unfired Pressure Vessel Code, 1968. Fully loaded vehicles shall be assumed to be operating under highway conditions equal to two "g" loading. The effects of fatigue shall be taken into consideration. Cargo tanks mounted on frames may be supported by longitudinal members attached to pads providing the above-stated factors are taken into account.

(*3*) Where any tank support is attached to any part of a tank head, the stresses imposed upon the head shall be provided for as required in (*2*) of this subdivision.

(*4*) Tank supports, stops, anchors, and bumpers shall not be welded directly to the tank but shall be attached by means of pads of the same material as the tank. The pad thickness shall be not less than one-fourth inch, or the thickness of the shell material if less, and no greater than the shell material. Each pad shall extend at least four times its thickness, in each direction, beyond the weld attaching the support, bumper, stop, or anchor. Each pad shall be preformed to an inside radius no greater than the outside radius of the tank at the place of attachment. Each pad corner shall be rounded to a radius at least one-fourth the width of the pad, and no greater than one-half the width of the pad. Weepholes and telltape holes, if used, shall be drilled or punched before the pads are attached to the tank. Each pad shall be attached to the tank by continuous fillet welding using filler material having properties conforming to the recommendations of the maker of the shell and head material.

(iv) Portable or semiportable containers (skid tanks as covered by paragraph (d)(7)(vii) of this section) shall meet the applicable requirements of (*a*) to (*f*) of this subdivision inclusive with regard to container valves and accessories and paragraph (e)(4)(iii) of this section as to mounting. Containers designed for permanent installation as part of systems under paragraph (d) of this section shall not be used.

(*a*) Nonrecessed container fittings and appurtenances shall be protected against damage by either—

(*1*) Their location.

(2) The vehicle frame or bumper, or

(*3*) A protective housing. The protective housing, if used, shall comply with the requirements under which the tanks are fabricated with respect to design and construction and shall be designed to withstand static loadings in any direction equal to twice the weight of the tank and attachments when filled with the lading using a safety factor of not less than four, based on the ultimate strength of the material to be used. The housing shall be provided with a weather cover if necessary to insure proper operation of valves and safety devices.

(*b*) Filling connections shall be provided with approved automatic back pressure check valves, excess flow check valves or quick closing internal valves to prevent excessive escape of gas in case the filling connection is broken, except that where the filling and discharge connect on a common opening in the container shell, and that opening is fitted with a quick-closing internal valve as specified in subdivision (c) of this subdivision, the automatic valve shall not be required. In addition every inlet and outlet connection shall be equipped with a manually or automatically operated shutoff valve. Liquid discharge openings, except those for engine fuel lines, on tanks built after September 1, 1965, shall be fitted with a remotely controlled internal shutoff valve. Such valve shall conform to the following requirements:

(*1*) The seat of the valve shall be inside the tank, or in the opening nozzle or flange, or in a companion flange bolted to the nozzle or flange.

(2) All parts of the valve inside the tank, nozzle, or companion flange shall be made of material not subject to corrosion or other deterioration in the presence of the lading.

(*3*) The arrangement of parts shall be such that damage to parts exterior to the tank will not prevent effective seating of the valve.

(*4*) The valve may be operated normally by mechanical means, by hydraulic means, or by air, or gas pressure.

(5) The valve shall be provided with remote means of automatic closure, both mechanical and thermal, in at least two places for tanks over 3,500 gallons water capacity. These remote control stations shall be located at each end of the tank and diagonally opposite each other. The thermal control mechanism shall have a fusible element with a melting point not over 220° F. or less than 208° F. At least one remote control station shall be provided for tanks of 3,500 gallons water capacity or less, and such actuating means may be mechanical.

(c) All other connections to containers, except those used for gaging devices, thermometer wells, safety relief devices, and plugged openings, shall be provided with suitable automatic excess flow valves, or in lieu thereof may be fitted with quick-closing internal valves.

The control mechanism for the internal valve shall be provided with a secondary control, remote from the fill or discharge connections (for use in the event of accidents or fire during delivery operations), and such control mechanism shall have a fusible element with a melting point not over 220° F. or less than 208° F.

(*d*) Manually operated shutoff valves, except as covered in paragraphs (e)(2)(i) of this section, or self-closing internal valves shall be closed except during transfer operations.

(*e*) Excess flow valves shall close automatically at the rated flow of vapor or liquid as specified by the valve manufacturers. The flow rating of the piping beyond the excess flow valve shall be greater than that of the excess flow valve and such rating shall include valves, fittings, and hose, except, when branching or necessary restrictions are incorporated in such a piping system so that flow ratings are less than that of the excess flow valve and the tank, then additional excess flow valves shall be installed in the piping where such flow rate is reduced.

(*f*) Container inlets and outlets, except those used for safety relief valves, liquid-level gaging devices, and pressure gages, shall be labeled to designate whether they communicate with vapor or liquid space when the container is filled to maximum permitted filling density. Labels may be on valves.

(3) *Capacity of a system.* No single fuel container used on passenger carrying vehicles shall exceed 200 gallons water capacity.

(4) *Description of a system.* A system consists of an assembly of equipment installed on a commercial vehicle.

(5) *Location of containers and systems.* (i) Containers shall not be installed, transported, or stored (even temporarily) inside any vehicle covered by this paragraph except as provided by the applicable regulations of DOT.

(ii) Containers, control valves, and regulating equipment comprising a complete system shall be suitably protected against damage and weather. Systems may be installed in a recess vaportight to the inside of the vehicle and accessible from and vented to the outside.

(iii) Systems installed outside of mobile units shall be so located that discharge from safety relief devices shall be not less than 3 feet horizontally away from any opening into the unit below the level of such discharge. When the system is located in a recess vaportight to the inside (see subparagraph (5) of this paragraph), vent openings in such recess shall be not less than 3 feet horizontally away from any opening into the mobile unit below the level of these vents.

(iv) There shall be no fuel connection between tractor and trailer or other vehicle units.

(v) The container or container carrier shall be secured in place by fastenings designed and constructed with a minimum safety factor of four to withstand loading in any direction equal to twice the weight of the container when filled to normal capacity with LP-Gas.

(6) *Container valves and accessories.* Container valves and accessories shall be provided, protected and mounted as follows:

(i) Systems utilizing DOT cylinders in accordance with paragraph (c)(6) of this section.

(ii) All other systems in accordance with paragraph (d)(3)(ii) through (vii) of this section.

(iii) Portable, semiportable and permanently mounted containers shall be mounted and protected as provided under subparagraph (2)(ii) through (iv) of this paragraph.

(7) *Safety-relief devices.* (i) DOT containers shall be provided with safety-relief devices as required by the regulations of DOT.

(ii) ASME containers and API-ASME containers shall be provided with safety-relief devices as required by paragraph (b)(10) of this section.

(iii) (*a*) A final stage regulator of an LP-Gas system (excluding any appliance regulator) shall be equipped on the low-pressure side with a relief valve which is set to start to discharge within the limits specified in Table H–30.

(*b*) The relief valve and space above the regulator and relief valve diaphragms shall be vented to the outside air and terminate at a position to minimize the possibility of vapors accumulating at sources of ignition.

(iv) Whenever equipment such as a cargo heater or cooler on commercial vehicles is a type designed to be in operation while in transit, suitable means to stop the flow such as an excess flow valve or other device, shall be installed. This device will be actuated to stop the flow in the event of the break in the fuel supply line. All excess flow valves shall comply with paragraph (b)(7)(iii) of this section.

(8) *System design and line pressure.* Systems may be of either vapor withdrawal or liquid withdrawal type and shall comply with the applicable requirements for the type of usage involved.

(9) *System enclosure and mounting.* (i) Housing or enclosures shall be designed to provide proper ventilation.

(ii) Hoods, domes, or removable portions of cabinets shall be provided with means to keep them firmly in place during transit.

(iii) Provision shall be incorporated in the assembly to hold the containers firmly in position and prevent their movement during transit in accordance with paragraph (e)(4)(iii) of this section.

(iv) Containers shall be mounted on a substantial support or base secured firmly to the vehicle chassis. Neither the container nor its support shall extend below the frame.

(10) *Piping—including pipe, tubing, and fittings.* (i) Regulators shall be connected directly to the container valve outlet or mounted securely by means of a support bracket and connected to the container valve or valves with a listed high pressure flexible connector.

(ii) Provision shall be made between the regulator outlet and the gas service lines by either a flexible connector or a tubing loop to provide for expansion, contraction, jarring, and vibration.

(iii) Pipe, tubing, and fittings shall conform to paragraph (b)(8) of this section except that the use of aluminum alloy piping is prohibited. Steel tubing shall have a minimum wall thickness of 0.049 inch. Steel piping or tubing shall be adequately protected against exterior corrosion.

(iv) Approved gas tubing fittings shall be employed for making tubing connections.

(v) The fuel line shall be firmly fastened in a protected location and where under the vehicle and outside and below any insulation or false bottom, fastenings shall be such as to prevent abrasion or damage to the gasline due to vibration. Where the fuel line passes through structural members or floors, a rubber grommet or equivalent shall be installed to prevent chafing.

(vi) The fuel line shall be installed to enter the vehicle through the floor directly beneath or adjacent to the appliance which it serves. When a branch line is required the tee connection shall be in the main fuel line and located under the floor and outside the vehicle.

(vii) All parts of the system assembly shall be so designed and secured as to preclude such parts working loose during transit.

(11) *Appliances.* (i) LP-Gas appliances shall be approved for use on commercial vehicles.

(ii) In the case of vehicles not intended for human occupancy and where the gas-fired heating appliance is used to protect the cargo, such heater may be of the unvented type but provision shall be made to dispose of the products of combustion to the outside.

(iii) In the case of vehicles intended for human occupancy, all gas-fired heating appliances, including water heaters, shall be designed or installed to provide for complete separation of the combustion system from the atmosphere of the living space. Such appliances shall be installed with the combustion air inlet assembly furnished as a component of the appliance and, also, with either—

(*a*) The flue gas outlet assembly furnished as a component of the appliance, or

(*b*) A listed roof jack if the appliance is listed for such use.

The combustion air inlet assembly, flue gas outlet assembly, and roof jack shall extend to the outside atmosphere.

(iv) Provision shall be made to insure an adequate supply of outside air for combustion.

(v) All gas-fired heating appliances and water heaters shall be equipped with an approved automatic device designed to shut off the flow of gas to the main burner and to the pilot in the event the pilot flame is extinguished.

(vi) Gas-fired appliances installed in the cargo space shall be located so they are readily accessible.

(vii) Appliances shall be constructed or protected to reduce to a minimum possible damage or impaired operation resulting from cargo shifting or handling.

(viii) Appliances inside the vehicle shall be located so that a fire at an appliance will not block egress of persons therefrom.

(12) *General precautions.* (i) DOT containers shall be marked, maintained, and requalified for use in accordance with the regulations of DOT.

(ii) Requalification of containers for continued service is the responsibility of the owner; containers shall be stamped with the date of requalification. When DOT cylinders are requalified by retesting, such retest shall be made in accordance with DOT regulations.

(iii) Containers shall not be charged with fuel unless they bear the proper markings of the code or specifications under which they were constructed, and in addition, with their water capacity. In the case of cylinders or portable containers filled by weight, the container shall be marked with its tareweight.

(iv) DOT containers which have been involved in a fire shall not be recharged until they have been requalified for service according to DOT regulations.

(v) American Petroleum Institute–American Society of Mechanical Engineers (API–ASME) containers or ASME containers which have been involved in a fire shall not be recharged until they have been retested in accordance with the requirements for their original hydrostatic test and found to be suitable for continued service.

(vi) Containers shall not be charged without the consent of the owner.

(vii) A permanent caution plate shall be provided on the appliance or adjacent to the container outside of any enclosure. It shall include the word "Caution" and following instructions, or instructions embodying substantially similar language.

(*a*) Be sure all appliance valves are closed before opening container valve.

(*b*) Connections at appliances, regulators, and containers must be checked periodically for leaks with soapy water or its equivalent.

(*c*) Never use a match or flame to check for leaks.

(*d*) Container valves must be closed when the equipment is not in use.

(13) *Charging of containers.* Containers shall be charged as provided in paragraph (b)(12) of this section.

(14) *Fire extinguisher.* Mobile cook-units shall be provided with at least one approved portable fire extinguisher having a minimum rating of 8–B,C.

(h) *Liquefied petroleum gas service stations.*—(1) *Application.* This paragraph applies to storage containers, and dispensing devices, and pertinent equipment in service stations where LP-Gas is stored and is dispensed into fuel tanks of motor vehicles. See paragraph (e) of this section for requirements covering use of LP-Gas as a motor fuel. All requirements of paragraph (b) of this section apply to this paragraph unless otherwise noted.

(2) *Design pressure and classification of storage containers.* Storage containers shall be designed and classified in accordance with Table H–34.

TABLE H-34

Container type	For gases with vapor pressure not to exceed lb. per sq. in. gage of 100° F. (37.8 C.)	Minimum design pressure of container, lb. per sq. in. gage	
		1949 and earlier editions of ASME Code (Par. U–68, U–69)	1949 edition of ASME Code (Par. U–200' U-201); 1950, 1952 1956, 1959, 1962, 1965 and 1968 (Division 1) editions of ASME Code, all editions of API–ASME Code [2]
[1] 200	215	200	250

[1] Container type may be increased by increments of 25. The minimum design pressure of containers shall be 100 percent of the container type designation when constructed under 1949 or earlier editions of the ASME Code (Par. U–68 and U–69). The minimum design pressure of containers shall be 125 percent of the container type designation when constructed under: (1) the 1949 ASME Code (Paragraphs U–200 and U–201), (2) 1950, 1952, 1956, 1959, 1962, 1965, and 1968 (Division 1) editions of the, ASME Code, and (3) all editions of the API–ASME Code.

[2] Construction of containers under the API–ASME Code is not authorized after July 1, 1961.

(3) *Container valves and accessories.* (i) A filling connection on the container shall be fitted with one of the following:

(*a*) A combination back-pressure check and excess flow valve.

(*b*) One double or two single back-pressure valves.

(*c*) A positive shutoff valve, in conjunction with either.

(*1*) An internal back-pressure valve, or

(*2*) An internal excess flow valve.

In lieu of an excess flow valve, filling connections may be fitted with a quick-closing internal valve, which shall remain closed except during operating periods. The mechanism for such valves may be provided with a secondary control which will cause it to close automatically in case of fire. When a fusible plug is used its melting point shall not exceed 220° F.

(ii) A filling pipe inlet terminal not on the container shall be fitted with a positive shutoff valve in conjunction with either;

(*a*) A back pressure check valve, or

(*b*) An excess flow check valve.

(iii) All openings in the container except those listed below shall be equipped with approved excess flow check valves:

(*a*) Filling connections as provided in subdivision (i) of this subparagraph.

(*b*) Safety relief connections as provided in paragraph (b)(7)(ii) of this section.

(*c*) Liquid-level gaging devices as provided in paragraphs (b)(7)(iv) and (19)(iv) of this section.

(*d*) Pressure gage connections as provided in paragraph (b)(7)(v) of this section.

(iv) All container inlets and outlets except those listed below shall be labeled to designate whether they connect with vapor or liquid (labels may be on valves):

(*a*) Safety relief valves.

(*b*) Liquid-level gaging devices.

(*c*) Pressure gages.

(v) Each storage container shall be provided with a suitable pressure gage.

(4) *Safety-relief valves.* (i) All safety-relief devices shall be installed as follows:

(*a*) On the container and directly connected with the vapor space.

(*b*) Safety-relief valves and discharge piping shall be protected against physical damage. The outlet shall be provided with loose-fitting rain caps. There shall be no return bends or restrictions in the discharge piping.

(*c*) The discharge from two or more safety relief valves having the same pressure settings may be run into a common discharge header. The cross-sectional area of such header shall be at least equal to the sum of the individual discharges.

(*d*) Discharge from any safety relief device shall not terminate in any building nor beneath any building.

(ii) Aboveground containers shall be provided with safety relief valves as follows:

(*a*) The rate of discharge, which may be provided by one or more valves, shall be not less than that specified in paragraph (b)(10)(ii) of this section.

(*b*) The discharge from safety relief valves shall be vented to the open air unobstructed and vertically upwards in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. On a container having a water capacity greater than 2,000 gallons, the discharge from the safety relief valves shall be vented away from the container vertically upwards to a point at least 7 feet above the container. Suitable provisions shall be made so that any liquid or condensate that may accumulate inside of the relief valve or its discharge pipe will not render the valve inoperative. If a drain is used, a means shall be provided to protect the container, adjacent containers, piping, or equipment against impingement of flame resulting from ignition of the product escaping from the drain.

(iii) Underground containers shall be provided with safety relief valves as follows:

(*a*) The discharge from safety-relief valves shall be piped vertically upward to a point at least 10 feet above the ground. The discharge lines or pipes shall be adequately supported and protected against physical damage.

(*b*) Where there is a probability of the manhole or housing becoming flooded, the discharge from regulator vent lines should be above the highest probable water level.

(*c*) If no liquid is put into a container until after it is buried and covered, the rate of discharge of the relief valves may be reduced to not less than 30 percent of the rate shown in paragraph (b)(10)(ii) of this section. If liquid fuel is present during installation of containers, the rate of discharge shall be the same as for aboveground containers. Such containers shall not be uncovered until emptied of liquid fuel.

(5) *Capacity of liquid containers.* Individual liquid storage containers shall not exceed 30,000 gallons water capacity.

(6) *Installation of storage containers.* (i) (*a*) Each storage container used exclusively in service station operation shall comply with the following table which specifies minimum distances to a building, groups of buildings, and adjoining property lines which may be built upon.

Water capacity per container (gallons)	Minimum distances	
	Above ground and underground (feet)	Between aboveground containers (feet)
Up to 2,000	25	3
Over 2,000	50	5

NOTE: The above distances may be reduced to not less than 10 feet for service station buildings of other than wood frame construction.

(*b*) Readily ignitible material including weeds and long dry grass, shall be removed within 10 feet of containers.

(*c*) The minimum separation between LP-Gas containers and flammable liquid tanks shall be 20 feet and the minimum separation between a container and the centerline of the dike shall be 10 feet.

(*d*) LP-Gas containers located near flammable liquid containers shall be protected against the flow or accumulation of flammable liquids by diking, diversion curbs, or grading.

(*e*) LP-Gas containers shall not be located within diked areas for flammable liquid containers.

(*f*) Field welding is permitted only on saddle plates or brackets which were applied by the container manufacturer.

(*g*) When permanently installed containers are interconnected, provision shall be made to compensate for expansion, contraction, vibration, and settling of containers and interconnecting piping. Where flexible connections are used, they shall be of an approved type and shall be designed for a bursting pressure of not less than five times the vapor pressure of the product at 100° F. The use of nonmetallic hose is prohibited for interconnecting such containers.

(*h*) Where high water table or flood conditions may be encountered protection against container flotation shall be provided.

(ii) Aboveground containers shall be installed in accordance with this subdivision.

(*a*) Containers may be installed horizontally or vertically.

(*b*) Containers shall be protected by crash rails or guards to prevent physical damage unless they are so protected by virtue of their location. Vehicles shall not be serviced within 10 feet of containers.

(*c*) Container foundations shall be of substantial masonry or other noncombustible material. Containers shall be mounted on saddles which shall permit expansion and contraction, and shall provide against the excessive concentration of stresses. Corrosion protection shall be provided for tank-mounting areas. Structural metal container supports shall be protected against fire. This protection is not required on prefabricated storage and pump assemblies, mounted on a common base, with container bottom not more than 24 inches above ground and whose water capacity is 2,000 gallons or less if the piping connected to the storage and pump assembly is sufficiently flexible to minimize the possibility of breakage or leakage in the event of failure of the container supports.

(iii) Underground containers shall be installed in accordance with this subdivision.

(*a*) Containers shall be given a protective coating before being placed under ground. This coating shall be equivalent to hot-dip galvanizing or to two coatings of red lead followed by a heavy coating of coal tar or asphalt. In lowering the container into place, care shall be exercised to minimize abrasion or other damage to the coating. Damage to the coating shall be repaired before backfilling.

(*b*) Containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand firmly tamped in place. Backfill should be free of rocks or other abrasive materials.

(*c*) A minimum of 2 feet of earth cover shall be provided. Where ground conditions make compliance with this requirement impractical, equivalent protection against physical damage shall be provided. The portion of the container to which manhole and other connections are attached need not be covered. If the location is subjected to vehicular traffic, containers shall be protected by a concrete slab or other cover adequate to prevent the weight of a loaded vehicle imposing concentrated direct loads on the container shell.

(7) *Protection of container fittings.* Valves, regulators, gages, and other container fittings shall be protected against tampering and physical damage.

(8) *Transport truck unloading point.* (i) During unloading, the transport truck shall not be parked on public thoroughfares and shall be at least 5 feet from storage containers, and shall be positioned so that shutoff valves are readily accessible.

(ii) The filling pipe inlet terminal shall not be located within a building nor within 10 feet of any building or driveway. It shall be protected against physical damage.

(9) *Piping, valves, and fittings.* (i) Piping may be underground, above ground, or a combination of both. It shall be well supported and protected against physical damage and corrosion.

(ii) Piping laid beneath driveways shall be installed to prevent physical damage by vehicles.

(iii) Piping shall be wrought iron or steel (black or galvanized), brass or copper pipe; or seamless copper, brass, or steel tubing and shall be suitable for a minimum pressure of 250 p.s.i.g. Pipe joints may be screwed, flanged, brazed, or welded. The use of aluminum alloy piping or tubing is prohibited.

(iv) All shutoff valves (liquid or gas) shall be suitable for liquefied petroleum gas service and designed for not less than the maximum pressure to which they may be subjected. Valves which may be subjected to container pressure shall have a rated working pressure of at least 250 p.s.i.g.

(v) All materials used for valve seats, packing, gaskets, diaphragms, etc., shall be resistant to the action of LP-Gas.

(vi) Fittings shall be steel, malleable iron, or brass having a minimum working pressure of 250 p.s.i.g. Cast iron pipe fittings, such as ells, tees, and unions shall not be used.

(vii) All piping shall be tested after assembly and proved free from leaks at not less than normal operating pressures.

(viii) Provision shall be made for expansion, contraction, jarring, and vibration, and for settling. This may be accomplished by flexible connections.

(10) *Pumps and accessories.* All pumps and accessory equipment shall be suitable for LP-Gas service, and designed for not less than the maximum pressure to which they may be subjected. Accessories shall have a minimum rated working pressure of 250 p.s.i.g. Positive displacement pumps shall be equipped with suitable pressure actuated bypass valves permitting flow from pump discharge to storage container or pump suction.

(11) *Dispensing devices.* (i) Meters, vapor separators, valves, and fittings in the dispenser shall be suitable for LP-Gas service and shall be designed for a minimum working pressure of 250 p.s.i.g.

(ii) Provisions shall be made for venting LP-Gas contained in a dispensing device to a safe location.

(iii) Pumps used to transfer LP-Gas shall be equipped to allow control of the flow and to prevent leakage or accidental discharge. Means shall be provided outside the dispensing device to readily shut off the power in the event of fire or accident.

(iv) A manual shutoff valve and an excess flow check valve shall be installed downstream of the pump and ahead of the dispenser inlet.

(*a*) Dispensing hose shall be resistant to the action of LP-Gas in the liquid phase and designed for a minimum bursting pressure of 1,250 p.s.i.g.

(*b*) An excess flow check valve or automatic shutoff valve shall be installed at the terminus of the liquid line at the point of attachment of the dispensing hose.

(v) (*a*) LP-Gas dispensing devices shall be located not less than 10 feet from aboveground storage containers greater than 2,000 gallons water capacity. The dispensing devices shall not be less than 20 feet from any building (not including canopies), basement, cellar, pit, or line of adjoining property which may be built upon and not less than 10 feet from sidewalks, streets, or thoroughfares. No drains or blowoff lines shall be directed into or in proximity to the sewer systems used for other purposes.

(*b*) LP-Gas dispensing devices shall be installed on a concrete foundation or as part of a complete storage and dispensing assembly mounted on a common base, and shall be adequately protected from physical damage.

(*c*) LP-Gas dispensing devices shall not be installed within a building except that they may be located under a weather shelter or canopy provided this area is not enclosed on more than two sides. If the enclosing sides are adjacent to each other, the area shall be properly ventilated.

(vi) The dispensing of LP-Gas into the fuel container of a vehicle shall be performed by a competent attendant who shall remain at the LP-Gas dispenser during the entire transfer operation.

(12) *Additional rules.* There shall be no smoking on the driveway of service stations in the dispensing areas or transport truck unloading areas. Conspicuous signs prohibiting smoking shall be posted within sight of the customer being served. Letters on such signs shall be not less than 4 inches high. The motors of all vehicles being fueled shall be shut off during the fueling operations.

(13) *Electrical.* Electrical equipment and installations shall conform to paragraphs (b) (17) and (18) of this section.

(14) *Fire protection.* Each service station shall be provided with at least one approved portable fire extinguisher having at least an 8–B, C, rating.

§ 1910.111 Storage and handling of anhydrous ammonia.

(a) *General*—(1) *Scope.* (i) This standard is intended to apply to the design, construction, location, installation, and operation of anhydrous ammonia systems including refrigerated ammonia storage systems.

(ii) This standard does not apply to:

(*a*) Ammonia manufacturing plants.

(*b*) Refrigeration plants where ammonia is used solely as a refrigerant.

(2) *Definitions.* As used in this section.

(i) "Appurtenances"—All devices such as pumps, safety relief devices, liquid-level gaging devices, valves, and pressure gages.

(ii) "Cylinder"—A container of 1,000 pounds of water capacity or less constructed in accordance with Department of Transportation specifications.

(iii) "Code"—The Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels of the American Society of Mechanical Engineers (ASME)—1968.

(iv) "Container"—Includes all vessels, tanks, cylinders, or spheres used for transportation, storage, or application of anhydrous ammonia.

(v) "DOT"—U.S. Department of Transportation.

(vi) "Design pressure" is identical to the term "Maximum Allowable Working Pressure" used in the Code.

(vii) "Farm vehicle" (implement of husbandry)—A vehicle for use on a farm on which is mounted a container of not over 1,200 gallons water capacity.

(viii) "Filling density"—the percent ratio of the weight of the gas in a container to the weight of water at 60° F. that the container will hold.

(ix) "Gas"—Anhydrous ammonia in either the gaseous or liquefied state.

(x) "Gas mask"—Gas masks approved by the Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11).

(xi) "Capacity"—Total volume of the container in standard U.S. gallons.

(xii) DOT specifications—Regulations of the Department of Transportation published in 49 CFR Chapter I.

(xiii) "DOT regulations"—See § 1910.911(a)(1)(xii).

(xiv) "DOT requirements"—See § 1910.911(a)(1)(xii).

(b) *Basic rules.* This paragraph applies to all paragraphs of this section unless otherwise noted.

(1) *Approval of equipment and systems.* The appurtenances of each system shall be listed by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(2) *Requirements for construction, original test and requalification of nonrefrigerated containers.* (i) Containers used with systems covered in paragraphs (c), (f), (g), and (h) of this section shall be constructed and tested in accordance with the Code except that construction under Table UW12 at a basic joint efficiency of under 80 percent is not authorized.

(ii) Containers built according to the Code do not have to comply with Paragraphs UG125 to UG128 inclusive, and Paragraphs UG132 and UG133 of the Code.

(iii) Containers exceeding 36 inches in diameter or 250 gallons water capacity shall be constructed to comply with one or more of the following:

(*a*) Containers shall be stress relieved after fabrication in accordance with the Code, or

(*b*) Cold-formed heads, when used, shall be stress relieved, or

(*c*) Hot-formed heads shall be used.

(iv) Welding to the shell, head, or any other part of the container subject to internal pressure shall be done in compliance with the Code. Other welding is permitted only on saddle plates, lugs, or brackets attached to the container by the container manufacturer.

(v) Containers used with systems covered in paragraph (e) of this section shall be constructed and tested in accordance with the DOT specifications.

(vi) The provisions of subdivision (i) of this subparagraph shall not be construed as prohibiting the continued use or reinstallation of containers constructed and maintained in accordance with the 1949, 1950, 1952, 1956, 1959, and 1962 editions of the Code or any revisions thereof in effect at the time of fabrication.

(3) *Marking nonrefrigerated containers.* (i) System nameplates, when required, shall be permanently attached to the system so as to be readily accessible for inspection and shall include markings as prescribed in subdivision (ii) of this subparagraph.

(ii) Each container or system covered in paragraphs (c), (f), (g), and (h) of this section shall be marked as specified in the following:

(*a*) With a notation "Anhydrous Ammonia."

(*b*) With a marking identifying compliance with the rules of the Code under which the container is constructed.

Under ground: Container and system nameplate.
Above ground: Container.

(*c*) With a notation whether the system is designed for underground or aboveground installation or both.

(*d*) With the name and address of the supplier of the system or the trade name of the system and with the date of fabrication.

Under ground and above ground: System nameplate.

(*e*) With the water capacity of the container in pounds at 60° F. or gallons, U.S. Standard.

Under ground: Container and system nameplate.
Above ground: Container.

(*f*) With the design pressure in pounds per square inch.

Under ground: Container and system nameplate.
Above ground: Container.

(*g*) With the wall thickness of the shell and heads.

Under ground: Container and system nameplate.
Above ground: Container.

(*h*) With marking indicating the maximum level to which the container may be filled with liquid anhydrous ammonia at temperatures between 20° F. and 130° F. except on containers provided with fixed level indicators, such as fixed length dip tubes, or containers that are filled with weight. Markings shall be in increments of not more than 20° F.

Above ground and under ground: System nameplate or on liquid-level gaging device.

(*i*) With the total outside surface area of the container in square feet.

Under ground: System nameplate.
Above ground: No requirement.

(*j*) Marking specified on the container shall be on the container itself or on a nameplate permanently attached to it.

(4) *Marking refrigerated containers.* Each refrigerated container shall be marked with nameplate on the outer covering in an accessible place as specified in the following:

(i) With the notation, "Anhydrous Ammonia."

(ii) With the name and address of the builder and the date of fabrication.

(iii) With the water capacity of the container in gallons, U.S. Standard.

(iv) With the design pressure.

(v) With the minimum temperature in degrees Fahrenheit for which the container was designed.

(vi) The maximum allowable water level to which the container may be filled for test purposes.

(vii) With the density of the product in pounds per cubic foot for which the container was designed.

(viii) With the maximum level to which the container may be filled with liquid anhydrous ammonia.

(5) *Location of containers.* (i) Consideration shall be given to the physiological effects of ammonia as well as to adjacent fire hazards in selecting the location for a storage container. Containers shall be located outside of buildings or in buildings or sections thereof especially provided for this purpose.

(ii) Permanent storage containers shall be located at least 50 feet from a dug well or other sources of potable water supply, unless the container is a part of a water-treatment installation.

(iii) Permanent storage containers shall be located outside densely populated areas.

(iv) Container locations shall comply with table H-35:

TABLE H-35

Nominal capacity of container (gallons)	Minimum distances (feet) from container to:		
	Line of adjoining property which may be built upon highways and mainline of railroad	Place of public assembly	Institution occupancy
Over 500 to 2,000	25	150	250
Over 2,000 to 30,000	50	300	500
Over 30,000 to 100,000	50	450	750
Over 100,000	50	600	1,000

(v) Storage areas shall be kept free of readily ignitible materials such as waste, weeds, and long dry grass.

(6) *Container appurtenances.* (i) All appurtenances shall be designed for not less than the maximum working pressure of that portion of the system on which they are installed. All appurtenances shall be fabricated from materials proved suitable for anhydrous ammonia service.

(ii) All connections to containers except safety relief devices, gaging devices, or those fitted with No. 54 drill-size orifice shall have shutoff valves located as close to the container as practicable.

(iii) Excess flow valves where required by these standards shall close automatically at the rated flows of vapor or liquid as specified by the manufacturer. The connections and line including valves and fittings being protected by an excess flow valve shall have a greater capacity than the rated flow of the excess flow valve so that the valve will close in case of failure of the line or fittings.

(iv) Liquid-level gaging devices that require bleeding of the product to the atmosphere and which are so constructed that outward flow will not exceed that passed by a No. 54 drill-size opening need not be equipped with excess flow valves.

(v) Openings from the container or through fittings attached directly on the container to which pressure gage connections are made need not be equipped with excess flow valves if such openings are not larger than No. 54 drill size.

(vi) Excess flow and back pressure check valves where required by the standards in this section shall be located inside of the container or at a point outside as close as practicable to where the line enters the container. In the latter case installation shall be made in such manner that any undue strain beyond the excess flow or back pressure check valve will not cause breakage between the container and the valve.

(vii) Excess flow valves shall be designed with a bypass, not to exceed a No. 60 drill-size opening to allow equalization of pressures.

(viii) All excess flow valves shall be plainly and permanently marked with the name or trademark of the manufacturer, the catalog number, and the rated capacity.

(7) *Piping, tubing, and fittings.* (i) All piping, tubing, and fittings shall be made of material suitable for anhydrous ammonia service.

(ii) All piping, tubing, and fittings shall be designed for a pressure not less than the maximum pressure to which they may be subjected in service.

(iii) All refrigerated piping shall conform to the Refrigeration Piping Code, American National Standards Institute, B31.5–1966 with addenda B31.1a–1968 as it applies to ammonia.

(iv) Piping used on non-refrigerated systems shall be at least American Society for Testing and Materials (ASTM) A–53–69 Grade B Electric Resistance Welded and Electric Flash Welded Pipe or equal. Such pipe shall be at least schedule 40 when joints are welded, or welded and flanged. Such pipe shall be at least schedule 80 when joints are threaded. Threaded connections shall not be back-welded. Brass, copper, or galvanized steel pipe shall not be used.

(v) Tubing made of brass, copper, or other material subject to attack by ammonia shall not be used.

(vi) Cast iron fittings shall not be used but this shall not prohibit the use of fittings made specifically for ammonia service of malleable, nodular, or high strength gray iron meeting American Society for Testing and Materials (ASTM) A47–68, ASTM 395–68, or ASTM A126–66 Class B or C.

(vii) Joint compounds shall be resistant to ammonia.

(8) *Hose specifications.* (i) Hose used in ammonia service shall conform to the joint Agricultural Ammonia Institute—Rubber Manufacturers Association Specifications for Anhydrous Ammonia Hose.

(ii) Hose subject to container pressure shall be designed for a minimum working pressure of 350 p.s.i.g. and a minimum burst pressure of 1,750 p.s.i.g. Hose assemblies, when made up, shall be capable of withstanding a test pressure of 500 p.s.i.g.

(iii) Hose and hose connections located on the low-pressure side of flow control or pressure-reducing valves shall be designed for a bursting pressure of not less than five times the pressure setting of the safety relief devices protecting that portion of the system but not less than 125 p.s.i.g. All connections shall be so designed and constructed that there will be no leakage when connected.

(iv) Where hose is to be used for transferring liquid from one container to another, "wet" hose is recommended. Such hose shall be equipped with approved shutoff valves at the discharge end. Provision shall be made to prevent excessive pressure in the hose.

(v) On all hose one-half inch outside diameter and larger, used for the transfer of anhydrous ammonia liquid or vapor, there shall be etched, cast, or impressed at 5-foot intervals the following information.

> "Anhydrous Ammonia" xxx p.s.i.g. (maximum working pressure), manufacturer's name or trademark, year of manufacture.

In lieu of this requirement the same information may be contained on a nameplate permanently attached to the hose.

TABLE H-36

Minimum required rate of discharge in cubic feet per minute of air at 120 percent of the maximum permitted start to discharge pressure for safety relief valves.

Surface area (sq. ft.).	*Flow rate CFM air*
20	258
25	310
30	360
35	408
40	455
45	501
50	547
55	591
60	635
65	678
70	720
75	762
80	804
85	845
90	885
95	925
100	965
105	1,010
110	1,050
115	1,090
120	1,120
125	1,160
130	1,200
135	1,240
140	1,280
145	1,310
150	1,350
155	1,390
160	1,420
165	1,460
170	1,500
175	1,530
180	1,570
185	1,600
190	1,640
195	1,670
200	1,710
210	1,780
220	1,850
230	1,920
240	1,980
250	2,050
260	2,120
270	2,180
280	2,250
290	2,320
300	2,380
310	2,450
320	2,510
330	2,570
340	2,640
350	2,700
360	2,760
370	2,830
380	2,890
390	2,950
400	3,010
450	3,320
500	3,620
550	3,910
600	4,200
650	4,480
700	4,760
750	5,040
800	5,300
850	5,590
900	5,850
950	6,120
1,000	6,380
1,050	6,640
1,100	6,900
1,150	7,160
1,200	7,410
1,250	7,660
1,300	7,910
1,350	8,160
1,400	8,410
1,450	8,650
1,500	8,900
1,550	9,140
1,600	9,380
1,650	9,620
1,700	9,860
1,750	10,090
1,800	10,330
1,850	10,560
1,900	10,800
1,950	11,030
2,000	11,260
2,050	11,490
2,100	11,720
2,150	11,950
2,200	12,180
2,250	12,400
2,300	12,630
2,350	12,850
2,400	13,080
2,450	13,300
2,500	13,520

"Surface Area = total outside surface area of container in square feet. When the surface area is not stamped on the nameplate or when the marking is not legible the area can be calculated by using one of the following formulas:

(1) Cylindrical container with hemispherical heads:

Area = overall length in feet times outside diameter in feet times 3.1416.

(2) Cylindrical container with other than hemispherical heads:

Area = (overall length in feet plus 0.3 outside diameter in feet) times outside diameter in feet times 3.1416.

(3) Spherical container:

Area = outside diameter in feet squared times 3.1416."

"Flow Rate—CFM Air = cubic feet per minute of air required at standard conditions, 60° F. and atmospheric pressure (14.7 p.s.i.a.)."

"The rate of discharge may be interpolated for intermediate values of surface area. For containers with total outside surface area greater than 2,500 square feet, the required flow rate can be calculated using the formula: Flow Rate CFM Air = 22.11 $A^{0.82}$, where A = outside surface area of the container in square feet."

(9) *Safety relief devices.* (i) Every container used in systems covered by paragraphs (c), (f), (g), and (h) of this section shall be provided with one or more safety relief valves of the spring-loaded or equivalent type. The discharge from safety-relief valves shall be vented away from the container upward and unobstructed to the atmosphere. All relief-valve discharge openings shall have suitable rain caps that will allow free discharge of the vapor and prevent entrance of water. Provision shall be made for draining condensate which may accumulate. The rate of the discharge shall be in accordance with the provisions of Table H–36.

(ii) Container safety-relief valves shall be set to start-to-discharge as follows, with relation to the design pressure of the container:

Containers	Minimum (percent)	Maximum (percent)
ASME-U-68, U-69	110	125
ASME-U-200, U-201	95	100
ASME 1959, 1956, 1952, or 1962	95	100
API-ASME	95	100
U.S. Coast Guard	95	100

As required by DOT Regulations.

(iii) Safety relief devices used in systems covered by paragraphs (c), (f), (g), and (h) of this section shall be constructed to discharge at not less than the rates required in subdivision (i) of this subparagraph before the pressure is in excess of 120 percent (not including the 10 percent tolerance referred to in subdivision (ii) of this subparagraph) of the maximum permitted start-to-discharge pressure setting of the device.

(iv) Safety-relief valves shall be so arranged that the possibility of tampering will be minimized. If the pressure setting adjustment is external, the relief valves shall be provided with means for scaling the adjustment.

(v) Shutoff valves shall not be installed between the safety-relief valves and the container; except, that a shutoff valve may be used where the arrangement of this valve is such as always to afford full required capacity flow through the relief valves.

(vi) Safety-relief valves shall direct communication with the vapor space of the container.

(vii) Each container safety-relief valve used with systems covered by paragraphs (c), (f), (g), and (h) of this section shall be plainly and permanently marked with the symbol "NH_3" or "AA"; with the pressure in pounds-per-square-inch gage at which the valve is set to start-to-discharge; with the actual rate of discharge of the valve at its full open position in cubic feet per minute of air at 60° F. and atmospheric pressure; and with the manufacturer's name and catalog number. Example: "NH_3 250—4050 Air" indicates that the valve is suitable for use on an anhydrous ammonia container, is set to start-to-discharge at a pressure of 250 p.s.i.g., and that its rate of discharge at full open position (subdivisions (ii) and (iii) of this subparagraph) is 4,050 cubic feet per minute of air.

(viii) The flow capacity of the relief valve shall not be restricted by any connection to it on either the upstream or downstream side.

(ix) A hydrostatic relief valve shall be installed between each pair of valves in the liquid ammonia piping or hose where liquid may be trapped so as to relieve into the atmosphere at a safe location.

(10) *General.* (i) Personnel required to handle ammonia should be trained in safe operating practices and in the proper action to take in the event of emergencies.

(ii) All stationary storage installations shall have at least two suitable gas masks in readily accessible locations. Full face masks with ammonia cannisters as approved by the Bureau of Mines, U.S. Department of the Interior (see 30 CFR Part 11), are suitable for emergency action for most leaks, particularly those that occur outdoors. For protection in concentrated ammonia atmospheres self-contained breathing air apparatus is required.

(iii) Stationary storage installations shall have an easily accessible shower or a 50-gallon drum of water.

(iv) Each vehicle transporting ammonia in bulk except farm applicator vehicles shall carry a container of at least 5 gallons of water and shall be equipped with a full face mask.

(11) *Charging of containers.* (i) The filling densities for containers that are not refrigerated shall not exceed the following:

Type of container	Percent by weight	Percent by volume
Aboveground—Uninsulated	56	82
Aboveground—Uninsulated		87.5
Aboveground—Insulated	57	83.5
Underground—Uninsulated	58	85
DOT—In accord with DOT regulations.		

(ii) Aboveground uninsulated containers may be charged 87.5 percent by volume provided the temperature of the anhydrous ammonia being charged is determined to be not lower than 30° F. or provided the charging of the container is stopped at the first indication of frost or ice formation on its outside surface and is not resumed until such frost or ice has disappeared.

(iii) Any container, including DOT cargo and portable tanks, shipped under DOT jurisdiction shall be filled according to DOT regulations.

(iv) Refer to paragraph (d) of this section for filling densities of refrigerated storage containers.

(12) *Transfer of liquids.* (i) Anhydrous ammonia shall always be at a temperature suitable for the material of construction and the design of the receiving container.

(ii) The employer shall require the continuous presence of an attendant in the vicinity of the operation during such time as ammonia is being transferred.

(iii) Containers shall be charged or used only upon authorization of the owner.

(iv) Containers shall be gaged and charged only in the open atmosphere or in buildings or areas thereof provided for that purpose.

(v) Pumps used for transferring ammonia shall be those manufactured for that purpose.

(*a*) Pumps shall be designed for at least 250 p.s.i.g. working pressure.

(*b*) Positive displacement pumps shall have, installed off the discharged port, a constant differential relief valve discharging into the suction port of the pump through a line of sufficient size to carry the full capacity of the pump at relief valve setting, which setting and installation shall be according to the pump manufacturer's recommendations.

(*c*) On the discharge side of the pump, before the relief valve line, there shall be installed a pressure gage graduated from 0 to 400 p.s.i.

(*d*) Plant piping shall contain shutoff valves located as close as practical to pump connections.

(vi) Compressors used for transferring or refrigerating ammonia shall be recommended for ammonia service by the manufacturer.

(*a*) Compressors shall be designed for at least 250 p.s.i.g. working pressure.

(*b*) Plant piping shall contain shutoff valves located as close as practical to compressor connections.

(*c*) A relief valve large enough to discharge the full capacity of the compressor shall be connected to the discharge before any shutoff valve.

(*d*) Compressors shall have pressure gages at suction and discharge graduated to at least one and one-half times the maximum pressure that can be developed.

(*e*) Adequate means, such as drainable liquid trap, shall be provided on the compressor suction to minimize the entry of liquid into the compressor.

(*f*) Where necessary to prevent contamination, an oil separator shall be provided on the discharge side of the compressor.

(vii) Loading and unloading systems shall be protected by suitable devices to prevent emptying of the storage container or the container being loaded or unloaded in the event of severance of the hose. Backflow check valves or properly sized excess flow valves shall be installed where necessary to provide such protection. In the event that such valves are not practical, remotely operated shutoff valves may be installed.

(13) *Tank car unloading points and operations.* (i) Provisions for unloading tank cars shall conform to the applicable recomendations contained in the DOT regulations.

(ii) The employer shall insure that unloading operations are performed by reliable persons properly instructed and given the authority to monitor careful compliance with all applicable procedures.

(iii) Caution signs shall be so placed on the track or car as to give necessary warning to persons approaching the car from open end or ends of siding and shall be left up until after the car is unloaded and disconnected from discharge connections. Signs shall be of metal or other suitable material, at least 12 by 15 inches in size and bear the words "STOP—Tank Car Connected" or "STOP—Men at Work" the word, "STOP," being in letters at least 4 inches high and the other words in letters at least 2 inches high. The letters shall be white on a blue background.

(iv) The track of a tank car siding shall be substantially level.

(v) Brakes shall be set and wheels blocked on all cars being unloaded.

(14) *Liquid-level gaging device.* (i) Each container except those filled by weight shall be equipped with an approved liquid-level gaging device. A thermometer well shall be provided in all containers not utilizing a fixed liquid-level gaging device.

(ii) All gaging devices shall be arranged so that the maximum liquid level to which the container is filled is readily determined.

(iii) Gaging devices that require bleeding of the product to the atmosphere such as the rotary tube, fixed tube, and slip tube devices shall be designed so that the maximum opening of the bleed valve is not larger than No. 54 drill size unless provided with an excess flow valve. (This requirement does not apply to farm vehicles used for the application of ammonia as covered in paragraph (h) of this section.)

(iv) Gaging devices shall have a design pressure equal to or greater than the design pressure of the container on which they are installed.

(v) Fixed tube liquid-level gages shall be designed and installed to indicate that level at which the container is filled to 85 percent of its water capacity in gallons.

(vi) Gage glasses of the columnar type shall be restricted to stationary storage installations. They shall be equipped with shutoff valves having metallic handwheels, with excess-flow valves, and with extra heavy glass adequately protected with a metal housing applied by the gage manufacturer. They shall be shielded against the direct rays of the sun.

(15) *Painting of containers.* Aboveground uninsulated containers should have a reflective surface maintained in good condition.

(16) *Electrical equipment and wiring.* (i) Electrical equipment and wiring for use in ammonia installations shall be general purpose or weather resistant as appropriate.

(ii) Electrical systems shall be installed and maintained in accordance with Subpart S of this part.

(c) *Systems utilizing stationary, nonrefrigerated storage containers.* This paragraph applies to stationary, nonrefrigerated storage installations utilizing containers other than those covered in paragraph (e) of this section. Paragraph (b) of this section applies to this paragraph unless otherwise noted.

(1) *Design pressure and construction of containers.* The minimum design pressure for nonrefrigerated containers shall be 250 p.s.i.g.

(2) *Container valves and accessories, filling and discharge connections.* (i) Each filling connection shall be provided with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

(ii) All liquid and vapor connections to containers except filling pipes, safety relief connections, and liquid-level gaging and pressure gage connections provided with orifices not larger than No. 54 drill size as required in paragraphs (b)(6) (iv) and (v) of this section shall be equipped with excess-flow valves.

(iii) Each storage container shall be provided with a pressure gage graduated from 0 to 400 p.s.i. Gages shall be designated for use in ammonia service.

(iv) All containers shall be equipped with vapor return valves.

(3) *Safety-relief devices.* (i) Every container shall be provided with one or more safety-relief valves of the spring-loaded or equivalent type in accordance with paragraph (b)(9) of this section.

(ii) The rate of discharge of spring-loaded safety relief valves installed on underground containers may be reduced to a minimum of 30 percent of the rate of discharge specified in Table H–36. Containers so protected shall not be uncovered after installation until the liquid ammonia has been removed. Containers which may contain liquid ammonia before being installed underground and before being completely covered with earth are to be considered aboveground containers when determining the rate of discharge requirements of the safety-relief valves.

(iii) On underground installations where there is a probability of the manhole or housing becoming flooded, the discharge from vent lines shall be located above the high water level. All manholes or housings shall be provided with ventilated louvers or their equivalent, the area of such openings equalling or exceeding combined discharge areas of safety-relief valves and vent lines which discharge their content into the manhole housing.

(iv) Vent pipes, when used, shall not be restricted or of smaller diameter than the relief-valve outlet connection.

(v) If desired, vent pipes from two or more safety-relief devices located on the same unit, or similar lines from two or more different units may be run into a common discharge header, provided the capacity of such header is at least equal to the sum of the capacities of the individual discharge lines.

(4) *Reinstallation of containers.* (i) Containers once installed under ground shall not later be reinstalled above ground or under ground, unless they successfully withstand hydrostatic pressure retests at the pressure specified for the original hydrostatic test as required by the code under which constructed and show no evidence of serious corrosion.

(ii) Where containers are reinstalled under ground, the corrosion-resistant coating shall be put in good condition; see subpargraph (5)(iv) of this paragraph. Where containers are reinstalled above ground, safety devices or gaging devices shall comply with paragraph (b)(9) of this section and this subparagraph respectively for aboveground containers.

(5) *Installation of storage containers* (i) Containers installed above ground, except as provided in subdivision (v) of this subparagraph shall be provided with substantial concrete or masonry supports, or structural steel supports on firm concrete or masonry foundations. All foundations shall extend below the frost line.

(ii) Horizontal aboveground containers shall be so mounted on foundations as to permit expansion and contraction. Every container shall be supported to prevent the concentration of excessive loads on the supporting portion of the shell. That portion of the container in contact with foundations or saddles shall be protected against corrosion.

(iii) Containers installed under ground shall be so placed that the top of the container is below the frost line and in no case less than 2 feet below the surface of the ground. Should ground conditions make compliance with these requirements impracticable, installation shall be made otherwise to prevent physical damage. It will not be necessary to cover the portion of the container to which manhole and other connections are affixed. When necessary to prevent floating, containers shall be securely anchored or weighted.

(iv) Underground containers shall be set on a firm foundation (firm earth may be used) and surrounded with earth or sand well tamped in place. The container, prior to being placed under ground, shall be given a corrosion resisting protective coating. The container thus coated shall be so lowered into place as to prevent abrasion or other damage to the coating.

(v) Containers with foundations attached (portable or semiportable tank containers with suitable steel "runners" or "skids" and commonly known in the industry as "skid tanks") shall be designed and constructed in accordance with subparagraph (1) of this paragraph.

(vi) Secure anchorage or adequate pier height shall be provided against container flotation wherever sufficiently high flood water might occur.

(vii) The distance between underground containers of over 2,000 gallons capacity shall be at least 5 feet.

(6) *Protection of appurtenances.*

(i) Valves, regulating, gaging, and other appurtenances shall be protected against tampering and physical damage. Such appurtenances shall also be protected during transit of containers.

(ii) All connections to underground containers shall be located within a dome, housing, or manhole and with access thereto by means of a substantial cover.

(7) *Damage from vehicles.* Precaution shall be taken against damage to ammonia systems from vehicles.

(d) *Refrigerated storage systems.* This paragraph applies to systems utilizing containers with the storage of anhydrous ammonia under refrigerated conditions. All applicable rules of paragraph (b) of this section apply to this paragraph unless otherwise noted.

(1) *Design of containers.*

(i) The design temperature shall be the minimum temperature to which the container will be refrigerated.

(ii) Containers with a design pressure exceeding 15 p.s.i.g. shall be constructed in accordance with paragraph (b)(2) of this section, and the materials shall be selected from those listed in API Standard 620, Recommended Rules for Design and Construction of Large, Welded, Low-Pressure Storage Tanks, Fourth Edition, 1970, Tables 2.02, R2.2, R2.2(A), R2.2.1, or R2.3.

(iii) Containers with a design pressure of 15 p.s.i.g. and less shall be constructed in accordance with the applicable requirements of API Standard 620 including its Appendix R.

(iv) When austenitic steels or nonferrous materials are used, the Code shall be used as a guide in the selection of materials for use at the design temperature.

(v) The filling density for refrigerated storage containers shall be such that the container will not be liquid full at a liquid temperature corresponding to the vapor pressure at the start-to-discharge pressure setting of the safety-relief valve.

(2) *Installation of refrigerated storage containers.* (i) Containers shall be supported on suitable noncombustible foundations designed to accommodate the type of container being used.

(ii) Adequate protection against flotation or other water damage shall be provided wherever high flood water might occur.

(iii) Containers for product storage at less than 32° F. shall be supported in such a way, or heat shall be supplied, to prevent the effects of freezing and consequent frost heaving.

(3) *Shutoff valves.* When operating conditions make it advisable, a check valve shall be installed on the fill connection and a remotely operated shutoff valve on other connections located below the maximum liquid level.

(4) *Safety relief devices.* (i) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of the design pressure of the container and shall have a total relieving capacity sufficient to prevent a maximum pressure in the container of more than 120 percent of the design pressure. Relief valves for refrigerated storage containers shall be self-contained spring-loaded, weight-loaded, or self-contained pilot-operated type.

(ii) The total relieving capacity shall be the larger of:

(*a*) Possible refrigeration system upset such as (*1*) cooling water failure, (*2*) power failure, (*3*) instrument air or instrument failure, (*4*) mechanical failure of any equipment, (*5*) excessive pumping rates.

(*b*) Fire exposure determined in accordance with Compressed Gas Association (CGA) S–1, Part 3, Safety Relief Device Standards for Compressed Gas Storage Containers, 1959, except that "A" shall be the total exposed surface area in square feet up to 25 foot above grade or to the equator of the storage container if it is a sphere, whichever is greater. If the relieving capacity required for fire exposure is greater than that required by (*a*) of this subdivision, the additional capacity may be provided by weak roof to shell seams in containers operating at essentially atmospheric pressure and having an inherently weak roof-to-shell seam. The weak roof-to-shell seam is not to be considered as providing any of the capacity required in (*a*) of this subdivision.

(iii) If vent lines are installed to conduct the vapors from the relief valve, the back pressure under full relieving conditions shall not exceed 50 percent of the start-to-discharge pressure for pressure balanced valves or 10 percent of the start-to-discharge pressure for conventional valves. The vent lines shall be installed to prevent accumulation of liquid in the lines.

(iv) The valve or valve installation shall provide weather protection.

(v) Atmospheric storage shall be provided with vacuum breakers. Ammonia gas, nitrogen, methane, or other inert gases can be used to provide a pad.

(5) *Protection of container appurtenances.* Appurtenances shall be protected against tampering and physical damage.

(6) *Reinstallation of refrigerated storage containers.* Containers of such size as to require field fabrication shall, when moved and reinstalled, be reconstructed and reinspected in complete accordance with the requirements under which they were constructed. The containers shall be subjected to a pressure retest and if rerating is necessary, rerating shall be in accordance with applicable requirements.

(7) *Damage from vehicles.* Precaution shall be taken against damage from vehicles.

(8) *Refrigeration load and equipment.*

(i) The total refrigeration load shall be computed as the sum of the following:

(*a*) Load imposed by heat flow into the container caused by the temperature differential between design ambient temperature and storage temperature.

(*b*) Load imposed by heat flow into the container caused by maximum sun radiation.

(*c*) Maximum load imposed by filling the container with ammonia warmer than the design storage temperature.

(ii) More than one storage container may be handled by the same refrigeration system.

(9) *Compressors.*

(i) A minimum of two compressors shall be provided either of which shall be of sufficient size to handle the loads listed in subparagraphs (8)(i) (*a*) and (*b*) of this paragraph. Where more than two compressors are provided minimum standby equipment equal to the largest normally operating equipment shall be installed. Filling compressors may be used as standby equipment for holding compressors.

(ii) Compressors shall be sized to operate with a suction pressure at least 10 percent below the minimum setting of the safety valve(s) on the storage container and shall withstand a suction pressure at least equal to 120 percent of the design pressure of the container.

(10) *Compressor drives.*

(i) Each compressor shall have its individual driving unit.

(ii) An emergency source of power of sufficient capacity to handle the loads listed in subparagraphs (8)(i) (*a*) and (*b*) of this paragraph shall be provided unless facilities are available to safely dispose of vented vapors while the refrigeration system is not operating.

(11) *Automatic control equipment.*

(i) The refrigeration system shall be arranged with suitable controls to govern the compressor operation in accordance with the load as evidenced by the pressure in the container(s).

(ii) An emergency alarm system shall be installed to function in the event the pressure in the container(s) rises to the maximum allowable operating pressure.

(iii) An emergency alarm and shutoff shall be located in the condenser system to respond to excess discharge pressure caused by failure of the cooling medium.

(iv) All automatic controls shall be installed in a manner to preclude operation of alternate compressors unless the controls will function with the alternate compressors.

(12) *Separators for compressors.*

(i) An entrainment separator of suitable size and design pressure shall be installed in the compressor suction line of lubricated compression. The separator shall be equipped with a drain and gaging device.

(ii) An oil separator of suitable size shall be installed in the compressor discharge line. It shall be designed for at least 250 p.s.i.g. and shall be equipped with a gaging device and drain valve.

(13) *Condensers.* The condenser system may be cooled by air or water or both. The condenser shall be designed for at least 250 p.s.i.g. Provision shall be made for purging noncondensibles either manually or automatically.

(14) *Receiver and liquid drain.* A receiver shall be provided with a liquid-level control to discharge the liquid ammonia to storage. The receiver shall be designed for at least 250 p.s.i.g. and be equipped with the necessary connections safety valves, and gaging device.

(15) *Insulation.* Refrigerated containers and pipelines which are insulated shall be covered with a material of suitable quality and thickness for the temperatures encountered. Insulation shall be suitably supported and protected against the weather. Weatherproofing shall be of a type which will not support flame propagation.

(e) *Systems utilizing portable DOT containers.* (1) *Conformance.* Cylinders shall comply with DOT specifications and shall be maintained, filled, packaged, marked, labeled, and shipped to comply with 49 CFR Chapter I and Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1-1954 (R1970).

(2) *Storage.* Cylinders shall be stored in an area free from ignitable debris and in such manner as to prevent external corrosion. Storage may be indoors or outdoors.

(3) *Heat protection.* Cylinders filled in accordance with DOT regulations will become liquid full at 145° F. Cylinders shall be protected from heat sources such as radiant flame and steampipes. Heat shall not be applied directly to cylinders to raise the pressure.

(4) *Protection.* Cylinders shall be stored in such manner as to protect them from moving vehicles or external damage.

(5) *Valve cap.* Any cylinder which is designed to have a valve protection cap shall have the cap securely in place when the cylinder is not in service.

(f) *Tank motor vehicles for the transportation of ammonia.* (1) This paragraph applies to containers and pertinent equipment mounted on tank motor vehicles including semitrailers and full trailers used for the transportation of ammonia. This paragraph does not apply to farm vehicles. For requirements covering farm vehicles, refer to paragraphs (g) and (h) of this section.

Paragraph (b) of this section applies to this paragraph unless otherwise noted. Containers and pertinent equipment for tank motor vehicles for the transportation of anhydrous ammonia, in addition to complying with the requirements of this section, shall also comply with the requirements of DOT.

(2) *Design pressure and construction of containers.* (i) The minimum design pressure for containers shall be that specified in the regulations of the DOT.

(ii) The shell or head thickness of any container shall not be less than three-sixteenth inch.

(iii) All container openings, except safety relief valves, liquid-level gaging devices, and pressure gages, shall be labeled to designate whether they communicate with liquid or vapor space.

(3) *Container appurtenances.* (i) All appurtenances shall be protected against physical damage.

(ii) All connections to containers, except filling connections, safety relief devices, and liquid-level and pressure gage connections, shall be provided with suitable automatic excess flow valves, or in lieu thereof, may be fitted with quick-closing internal valves, which shall remain closed except during delivery operations. The control mechanism for such valves may be provided with a secondary control remote from the delivery connections and such control mechanism shall be provided with a fusible section (melting point 208° F. to 220° F.) which will permit the internal valve to close automatically in case of fire.

(iii) Filling connections shall be provided with automatic back-pressure check valves, excess-flow valves, or quick-closing internal valves, to prevent back-flow in case the filling connection is broken. Where the filling and discharge connect to a common opening in the container shell and that opening is fitted with a quick-closing internal valve as specified in subdivision (ii) of this subparagraph, the automatic valve shall not be required.

(iv) All containers shall be equipped for spray loading (filling in the vapor space) with an approved vapor return valve of adequate capacity.

(4) *Piping and fittings.* (i) All piping, tubing, and fittings shall be securely mounted and protected against damage. Means shall be provided to protect hoses while the vehicle is in motion.

(ii) Fittings shall comply with paragraph (b)(6) of this section. Pipe shall be schedule 80.

(5) *Safety relief devices.* (i) The discharge from safety relief valves shall be vented away from the container upward and unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container; loose-fitting rain caps shall be used. Size of discharge lines from safety valves shall not be smaller than the nominal size of the safety-relief valve outlet connection. Suitable provision shall be made for draining condensate which may accumulate in the discharge pipe.

(ii) Any portion of liquid ammonia piping which at any time may be closed at both ends shall be provided with a hydrostatic relief valve.

(6) *Transfer of liquids.* (i) The content of tank motor vehicle containers shall be determined by weight, by a suitable liquid-level gaging device, or other approved methods. If the content of a container is to be determined by liquid-level measurement, the container shall have a thermometer well so that the internal liquid temperature can be easily determined. This volume when converted to weight shall not exceed the filling density specified by the DOT.

(ii) Any pump, except a constant speed centrifugal pump, shall be equipped with a suitable pressure actuated bypass valve permitting flow from discharge to suction when the discharge pressure rises above the predetermined point. Pump discharge shall also be equipped with a spring-loaded safety relief valve set at a pressure not more than 135 percent of the setting of the bypass valve or more than 400 p.s.i.g., whichever is larger.

(iii) Compressors shall be equipped with manually operated shutoff valves on both suction and discharge connections. Pressure gages of bourdon-tube type shall be installed on the suction and discharge of the compressor before the shutoff valves. The compressor shall not be operated if either pressure gage is removed or is inoperative. A spring-loaded, safety-relief valve capable of discharging to atmosphere the full flow of gas from the compressor at a pressure not exceeding 300 p.s.i.g. shall be connected between the compressor discharge and the discharge shutoff valve.

(iv) Valve functions shall be clearly and legibly identified by metal tags or nameplates permanently affixed to each valve.

(7) *Full trailers and semitrailers.* (i) All full trailers shall be firmly and securely attached to the vehicle drawing them by means of suitable drawbars supplemented by a safety chain (or chains) or safety cables.

(ii) Every full trailer or semitrailer shall have a reliable system of brakes, and adequate provision shall be made to operate the brakes from the driver's seat.

(iii) Every full trailer shall be equipped with self-energizing brakes.

(iv) Full trailers shall be so designed that the towed vehicle will follow substantially in the path of the towing vehicle and will not whip or swerve dangerously from side to side.

(v) Where a fifth wheel is employed, it shall be ruggedly designed, securely fastened to both units, and equipped with a positive locking mechanism which will prevent separation of the two units except by manual release.

(8) *Protection against collision.* Each tank motor vehicle shall be provided with properly attached bumpers or chassis extension arranged to protect the tank, piping, valves, and fittings from physical damage in case of collision.

(9) *Chock blocks.* At least two chock blocks shall be provided. These blocks shall be placed to prevent rolling of the vehicle whenever it is parked during loading and unloading operations.

(10) *Portable tank containers (skid tanks).* Where portable tank containers are used for farm storage they shall comply with paragraph (c)(1) of this section. When portable tank containers are used in lieu of cargo tanks and are permanently mounted on tank motor vehicles for the transportation of ammonia, they shall comply with the requirements of this paragraph.

(g) *Systems mounted on farm vehicles other than for the application of ammonia*—(1) *Application.* This paragraph applies to containers of 1,200 gallons capacity or less and pertinent equipment mounted on farm vehicles (implements of husbandry) and used other than for the application of ammonia to the soil. Paragraph (b) of this section applies to this paragraph unless otherwise noted.

(2) *Design pressure and classification of containers.* (i) The minimum design pressure for containers shall be 250 p.s.i.g.

(ii) The shell or head thickness of any container shall be not less than three-sixteenths of an inch.

(3) *Mounting containers.* (i) A suitable "stop" or "stops" shall be mounted on the vehicle or on the container in such a way that the container shall not be dislodged from its mounting due to the vehicle coming to a sudden stop. Back slippage shall also be prevented by proper methods.

(ii) A suitable "hold down" device shall be provided which will anchor the container to the vehicle at one or more places on each side of the container.

(iii) When containers are mounted on four-wheel trailers, care shall be taken to insure that the weight is distributed evenly over both axles.

(iv) When the cradle and the tank are not welded together suitable material shall be used between them to eliminate metal-to-metal friction.

(4) *Container appurtenances.* (i) All containers shall be equipped with a fixed liquid-level gage.

(ii) All containers with a capacity exceeding 250 gallons shall be equipped with a pressure gage having a dial graduated from 0–400 p.s.i.

(iii) The filling connection shall be fitted with combination back-pressure check valve and excess-flow valve; one double or two single back-pressure check valves; or a positive shutoff valve in conjunction with either an internal back-pressure check valve or an internal excess flow valve.

(iv) All containers with a capacity exceeding 250 gallons shall be equipped for spray loading or with an approved vapor return valve.

(v) All vapor and liquid connections except safety-relief valves and those specifically exempted by paragraph (b)(7)(v) of this section shall be equipped with approved excess-flow valves or may be fitted with quick-closing internal valves which, except during operating periods, shall remain closed.

(vi) Fittings shall be adequately protected from damage by a metal box or cylinder with open top securely fastened to the container or by rigid guards, well braced, welded to the container on both sides of the fittings or by a metal dome. If a metal dome is used, the relief valve shall be properly vented through the dome.

(vii) If a liquid withdrawal line is installed in the bottom of a container, the connections thereto, including hose, shall not be lower than the lowest horizontal edge of the vehicle axle.

(viii) Provision shall be made to secure both ends of the hose while in transit.

(5) *Marking the container.* There shall appear on each side and on the rear end of the container in letters at least 4 inches high, the words, "Caution—Ammonia" or the container shall be marked in accordance with DOT regulations.

(6) *Farm vehicles.*

(i) Farm vehicles shall conform with State regulations.

(ii) All trailers shall be securely attached to the vehicle drawing them by means of drawbars supplemented by suitable safety chains.

(ii) A trailer shall be constructed so that it will follow substantially in the path of the towing vehicle and will not whip or swerve dangerously from side to side.

(iii) All vehicles shall carry a can containing 5 gallons or more of water.

(h) *Systems mounted on farm vehicles for the application of ammonia.* (1) This paragraph applies to systems utilizing containers of 250 gallons capacity or less which are mounted on farm vehicles (implement of husbandry) and used for the application of ammonia to the soil. Paragraph (b) of this section applies to this paragraph unless otherwise noted. Where larger containers are used, they shall comply with paragraph (g) of this section.

(2) *Design pressure and classification of containers.* (i) The minimum design pressure for containers shall be 250 p.s.i.g.

(ii) The shell or head thickness of any container shall not be less than three-sixteenths inch.

(3) *Mounting of containers.* All containers and flow-control devices shall be securely mounted.

(4) *Container valves and accessories.* (i) Each container shall have a fixed liquid-level gage.

(ii) The filling connection shall be fitted with a combination back-pressure check valve and an excess-flow valve; one double or two single back-pressure check valves: or a positive shutoff valve in conjunction with an internal back-pressure check valve or an internal excess-flow valve.

(iii) The applicator tank may be filled by venting to open air provided the bleeder valve orifice does not exceed seven-sixteenths inch in diameter.

(iv) Regulation equipment may be connected directly to the tank coupling or flange, in which case a flexible connection shall be used between such regulating equipment and the remainder of the liquid withdrawal system. Regulating equipment not so installed shall be flexibly connected to the container shutoff valve.

(v) No excess flow valve is required in the liquid withdrawal line provided the controlling orifice between the contents of the container and the outlet of the shutoff valve does not exceed seven-sixteenths inch in diameter.

§ 1910.112 [Reserved]

§ 1910.113 [Reserved]

§ 1910.114 Additional delay in effective date.

The requirements of this Subpart H shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon the commencement of the Walsh-Healey requirement.

§ 1910.115 Sources of standards.

Sec.	*Source*
1910.101	41 CFR 50–204.67, 70, and 71.
1910.102	41 CFR 50–204.66.
1910.103	NFPA No. 50B–1968, Standard for Liquified Hydrogen Systems at Consumer Sites.
1910.104	NFPA No. 566–1965, Standard for the Installation of Bulk Oxygen Systems at Consumer Sites.
1910.105	NFPA No. 30–1969, Flammable and Combustible Liquids Code.
1910.107	NFPA No. 33–1969, Standard for Spray Finishing using Flammable and Combustible Materials.

Sec.	Source
1910.106	NFPA No. 34–1966, Standard for Dip Tanks Containing Flammable or Combustible Liquids.
1910.109	NFPA No. 492–1970, Code for Manufacture, Transportation, Storage and Use of Explosives and Blasting Agents.
1910.110	NFPA 58–69, Standard for the Handling of Liquified Petroleum Cases.
1910.111	ANSI K61.1–1966, Storage and Handling of Anhydrous Ammonia.

§ 1910.116 Standards organizations.

National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, MA 02110.
National Plant Food Institute, 1700 K Street NW., Washington, DC 20006.
Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.
American Society of Mechanical Engineers Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.
American Petroleum Institute, 1801 K Street NW., Washington, DC 20006.
National Board of Boiler and Pressure Vessel, Inspectors, 1155 North High Street, Columbus, OH 43201.
American National Standards Institute, 1430 Broadway, New York, NY 10018.
American Society for Testing and Materials (ASTM), 1916 Race Street Philadelphia, PA 19103.
Underwriters Laboratories, Inc. (UL), 207 East Ohio Street, Chicago, IL 60611.

Subpart I—Personal Protective Equipment

§ 1910.132 General requirements.

(a) *Application.* Protective equipment, including personal protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, shall be provided, used, and maintained in a sanitary and reliable condition wherever it is necessary by reason of hazards of processes or environment, chemical hazards, radiological hazards, or mechanical irritants encountered in a manner capable of causing injury or impairment in the function of any part of the body through absorption, inhalation or physical contact.

(b) *Employee-owned equipment.* Where employees provide their own protective equipment, the employer shall be responsible to assure its adequacy, including proper maintenance, and sanitation of such equipment.

(c) *Design.* All personal protective equipment shall be of safe design and construction of the work to be performed.

§ 1910.133 Eye and face protection.

(a) *General.* (1) Protective eye and face equipment shall be required where there is a reasonable probability of injury that can be prevented by such equipment. In such cases, employers shall make conveniently available a type of protector suitable for the work to be performed, and employees shall use such protectors. No unprotected person shall knowingly be subjected to a hazardous environmental condition. Suitable eye protectors shall be provided where machines or operations present the hazard of flying objects, glare, liquids, injurious radiation, or a combination of these hazards.

(2) Protectors shall meet the following minimum requirements:

(i) They shall provide adequate protection against the particular hazards for which they are designed.

(ii) They shall be reasonably comfortable when worn under the designated conditions.

(iii) They shall fit snugly and shall not unduly interfere with the movements of the wearer.

(iv) They shall be durable.

(v) They shall be capable of being disinfected.

(vi) They shall be easily cleanable.

(vii) Protectors should be kept clean and in good repair.

(3) Persons whose vision requires the use of corrective lenses in spectacles, and who are required by this standard to wear eye protection, shall wear goggles or spectacles of one of the following types:

(i) Spectacles whose protective lenses provide optical correction.

(ii) Goggles that can be worn over corrective spectacles without disturbing the adjustment of the spectacles.

(iii) Goggles that incorporate corrective lenses mounted behind the protective lenses.

(4) Every protector shall be distinctly marked to facilitate identification only of the manufacturer.

(5) When limitations or precautions are indicated by the manufacturer, they shall be transmitted to the user and care taken to see that such limitations and precautions are strictly observed.

(6) Design, construction, testing, and use of devices for eye and face protection shall be in accordance with American National Standard for Occupational and Educational Eye and Face Protection, Z87, 1–1968.

§ 1910.134 Respiratory protection.

(a) *Permissible practice.* (1) In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures (for example, enclosure or confinement of the operation, general and local ventilation, and substitution of less toxic materials). When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used pursuant to the following requirements.

(2) Respirators shall be provided by the employer when such equipment is necessary to protect the health of the employee. The employer shall provide the respirators which are applicable and suitable for the purpose intended. The employer shall be responsible for the establishment and maintenance of a respiratory protective program which shall include the requirements outlined in paragraph (b) of this section.

(3) The employee shall use the provided respiratory protection in accordance with instructions and training received.

(b) *Requirements for a minimal acceptable program.* (1) Written standard operating procedures governing the selection and use of respirators shall be established.

(2) Respirators shall be selected on the basis of hazards to which the worker is exposed.

(3) The user shall be instructed and trained in the proper use of respirators and their limitations.

(4) Where practicable, the respirators should be assigned to individual workers for their exclusive use.

(5) Respirators shall be regularly cleaned and disinfected. Those issued for the exclusive use of one worker should be cleaned after each day's use, or more often if necessary. Those used by more than one worker shall be thoroughly cleaned and disinfected after each use.

(6) Respirators shall be stored in a convenient, clean, and sanitary location.

(7) Respirators used routinely shall be inspected during cleaning. Worn or deteriorated parts shall be replaced. Respirators for emergency use such as self-contained devices shall be thoroughly inspected at least once a month and after each use.

(8) Appropriate surveillance of work area conditions and degree of employee exposure or stress shall be maintained.

(9) There shall be regular inspection and evaluation to determine the continued effectiveness of the program.

(10) Persons should not be assigned to tasks requiring use of respirators unless it has been determined that they are physically able to perform the work and use the equipment. The local physician shall determine what health and physical conditions are pertinent. The respirator user's medical status should be reviewed periodically (for instance, annually).

(11) Approved or accepted respirators shall be used when they are available. The respirator furnished shall provide adequate respiratory protection against the particular hazard for which it is designed in accordance with standards established by competent authorities. The U.S. Department of Interior, Bureau of Mines, and the U.S. Department of Agriculture are recognized as such authorities. Although respirators listed by the U.S. Department of Agriculture continue to be acceptable for protection against specified pesticides, the U.S. Department of the Interior, Bureau of Mines, is the agency now responsible for testing and approving pesticide respirators.

(c) *Selection of respirators.* Proper selection of respirators shall be made according to the guidance of American National Standard Practices for Respiratory Protection Z88.2–1969.

(d) *Air quality.* (1) Compressed air, compressed oxygen, liquid air, and liquid oxygen used for respiration shall be of high purity. Oxygen shall meet the requirements of the United States Pharmacopoeia for medical or breathing oxygen. Breathing air shall meet at least the requirements of the specification for Grade D breathing air as described in Compressed Gas Association Commodity Specification G–7.1–1966. Compressed oxygen shall not be used in supplied-air respirators or in open circuit self-contained breathing apparatus that have previously used compressed air. Oxygen must never be used with air line respirators.

(2) Breathing air may be supplied to respirators from cylinders or air compressors.

(i) Cylinders shall be tested and maintained in as prescribed in the Shipping Container Specification Regulations of the Department of Transportation (49 CFR Part 178).

(ii) The compressor for supplying air shall be equipped with necessary safety and standby devices. A breathing air-type compressor shall be used. Compressors shall be constructed and situated so as to avoid entry of contaminated air into the system and suitable in-line air purifying sorbent beds and filters installed to further assure breathing air quality. A receiver of sufficient capacity to enable the respirator wearer to escape from a contaminated atmosphere in event of compressor failure, and alarms to indicate compressor failure and overheating shall be installed in the system. If an oil-lubricated compressor is used, it shall have a high-temperature or carbon monoxide alarm, or both. If only a high-temperature alarm is used, the air from the compressor shall be frequently tested for carbon monoxide to insure that it meets the specifications in subparagraph (1) of this paragraph.

(3) Air line couplings shall be incompatible with outlets for other gas systems to prevent inadvertent servicing of air line respirators with nonrespirable gases or oxygen.

(4) Breathing gas containers shall be marked in accordance with American National Standard Method of Marking Portable Compressed Gas Containers to Identify the Material Contained, Z48.1–1954; Federal Specification BB–A–1034a, June 21, 1968, Air, Compressed for Breathing Purposes; or Interim Federal Specification GG–B–00675b, April 27, 1965, Breathing Apparatus, Self-Contained.

(e) *Use of respirators.* (1) Standard procedures shall be developed for respirator use. These should include all information and guidance necessary for their proper selection, use, and care. Possible emergency and routine uses of respirators should be anticipated and planned for.

(2) The correct respirator shall be specified for each job. The respirator type is usually specified in the work procedures by a qualified individual supervising the respiratory protective program. The individual issuing them shall be adequately instructed to insure that the correct respirator is issued. Each respirator permanently assigned to an individual should be durably marked to indicate to whom it was assigned. This mark shall not affect the respirator performance in any way. The date of issuance should be recorded.

(3) Written procedures shall be prepared covering safe use of respirators in dangerous atmospheres that might be encountered in normal operations or in emergencies. Personnel shall be familiar with these procedures and the available respirators.

(i) In areas where the wearer, with failure of the respirator, could be overcome by a toxic or oxygen-deficient atmosphere, at least one additional man shall be present. Communications (visual, voice, or signal line) shall be maintained between both or all individuals present. Planning shall be such that one individual will be unaffected by any likely incident and have the proper rescue equipment to be able to assist the other(s) in case of emergency.

(ii) When self-contained breathing apparatus or hose masks with blowers are used in atmospheres immediately dangerous to life or health, standby men must be present with suitable rescue equipment.

(iii) Persons using air line respirators in atmospheres immediately hazardous to life or health shall be equipped with safety harnesses and safety lines for lifting or removing persons from hazardous atmospheres or other and equivalent provisions for the rescue of persons from hazardous atmospheres shall be used. A standby man or men with suitable self-contained breathing apparatus shall be at the nearest fresh air base for emergency rescue.

(4) Respiratory protection is no better than the respirator in use, even though it is worn conscientiously. Frequent random inspections shall be conducted by a qualified individual to assure that respirators are properly selected, used, cleaned, and maintained.

(5) For safe use of any respirator, it is essential that the user be properly instructed in its selection, use, and maintenance. Both supervisors and workers shall be so instructed by competent persons. Training shall provide the men an opportunity to handle the respirator, have it fitted properly, test its face-piece-to-face seal, wear it in normal air for a long familiarity period, and, finally, to wear it in a test atmosphere.

(i) Every respirator wearer shall receive fitting instructions including demonstrations and practice in how the respirator should be worn, how to adjust it, and how to determine if it fits properly. Respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. Also, the absence of one or both dentures can seriously affect the fit of a facepiece. The worker's diligence in observing these factors shall be evaluated by periodic check. To assure proper protection, the facepiece fit shall be checked by the wearer each time he puts on the respirator. This may be done by following the manufacturer's facepiece fitting instructions.

(ii) Providing respiratory protection for individuals wearing corrective glasses is a serious problem. A proper seal cannot be established if the temple bars of eye glasses extend through the sealing edge of the full facepiece. As a temporary measure, glasses with short temple bars or without temple bars may be taped to the wearer's head. Wearing of contact lenses in contaminated atmospheres with a respirator shall not be allowed. Systems have been developed for mounting corrective lenses inside full facepieces. When a workman must wear corrective lenses as part of the facepiece, the facepiece and lenses shall be fitted by qualified individuals to provide good vision, comfort, and a gas-tight seal.

(iii) If corrective spectacles or goggles are required, they shall be worn so as not to affect the fit of the facepiece. Proper selection of equipment will minimize or avoid this problem.

(f) *Maintenance and care of respirators.* (1) A program for maintenance and care of respirators shall be adjusted to the type of plant, working conditions, and hazards involved, and shall include the following basic services:

(i) Inspection for defects (including a leak check),

(ii) Cleaning and disinfecting,

(iii) Repair, and

(iv) Storage

Equipment shall be properly maintained to retain its original effectiveness.

(2) (i) All respirators shall be inspected routinely before and after each use. A respirator that is not routinely used but is kept ready for emergency use shall be inspected after each use and at least monthly to assure that it is in satisfactory working condition.

(ii) Self-contained breathing apparatus shall be inspected monthly. Air and oxygen cylinders shall be fully charged according to the manufacturer's instructions. It shall be determined that the regulator and warning devices function properly.

(iii) Respirator inspection shall include a check of the tightness of connections and the condition of the facepiece, headbands, valves, connecting tube, and canisters. Rubber or elastomer parts shall be inspected for pliability and signs of deterioration. Stretching and manipulating rubber or elastomer parts with a massaging action will keep them pliable and flexible and prevent them from taking a set during storage.

(iv) A record shall be kept of inspection dates and findings for respirators maintained for emergency use.

(3) Routinely used respirators shall be collected, cleaned, and disinfected as frequently as necessary to insure that proper protection is provided for the wearer. Each worker should be briefed on the cleaning procedure and be assured that he will always receive a clean and disinfected respirator. Such assurances

are of greatest significance when respirators are not individually assigned to workers. Respirators maintained for emergency use shall be cleaned and disinfected after each use.

(4) Replacement or repairs shall be done only by experienced persons with parts designed for the respirator. No attempt shall be made to replace components or to make adjustment or repairs beyond the manufacturer's recommendations. Reducing or admission valves or regulators shall be returned to the manufacturer or to a trained technician for adjustment or repair.

(5) (i) After inspection, cleaning, and necessary repair, respirators shall be stored to protect against dust, sunlight, heat, extreme cold, excessive moisture, or damaging chemicals. Respirators placed at stations and work areas for emergency use should be quickly accessible at all times and should be stored in compartments built for the purpose. The compartments should be clearly marked. Routinely used respirators, such as dust respirators, may be placed in plastic bags. Respirators should not be stored in such places as lockers or tool boxes unless they are in carrying cases or cartons.

(ii) Respirators should be packed or stored so that the facepiece and exhalation valve will rest in a normal position and function will not be impaired by the elastomer setting in an abnormal position.

(iii) Instructions for proper storage of emergency respirators, such as gas masks and self-contained breathing apparatus, are found in "use and care" instructions usually mounted inside the carrying case lid.

(g) *Identification of gas mask canisters.* (1) The primary means of identifying a gas mask canister shall be by means of properly worded labels. The secondary means of identifying a gas mask canister shall be by a color code.

(2) All who issue or use gas masks falling within the scope of this section shall see that all gas mask canisters purchased or used by them are properly labeled and colored in accordance with these requirements before they are placed in service and that the labels and colors are properly maintained at all times thereafter until the canisters have completely served their purpose.

(3) On each canister shall appear in bold letters the following:

(i)—
Canister for ------------------------------
(Name for atmospheric contaminant)
or
Type N Gas Mask Canister

(ii) In addition, essentially the following wording shall appear beneath the appropriate phrase on the canister label: "For respiratory protection in atmospheres containing not more than ------ percent by volume of --."
(Name of atmospheric contaminant)

(iii) All of the markings specified above should be placed on the most conspicuous surface or surfaces of the canister.

(4) Canisters having a special high-efficiency filter for protection against radionuclides and other highly toxic particulates shall be labeled with a statement of the type and degree of protection afforded by the filter. The label shall be affixed to the neck end of, or to the gray stripe which is around and near the top of, the canister. The degree of protection shall be marked as the percent of penetration of the canister by a 0.3-micron-diameter dioctyl phthalate (DOP) smoke at a flow rate of 85 liters per minute.

(5) Each canister shall have a label warning that gas masks should be used only in atmospheres containing sufficient oxygen to support life (at least 16 percent by volume), since gas mask canisters are only designed to neutralize or remove contaminants from the air.

(6) Each gas mask canister shall be painted a distinctive color or combination of colors indicated in Table I-1. All colors used shall be such that they are clearly identifiable by the user and clearly distinguishable from one another. The color coating used shall offer a high degree of resistance to chipping, scaling, peeling, blistering, fading, and the effects of the ordinary atmospheres to which they may be exposed under normal conditions of storage and use. Appropriately colored pressure sensitive tape may be used for the stripes.

TABLE I–I

Atmospheric contaminants to be protected against	*Colors assigned**
Acid gases	White.
Hydrocyanic acid gas	White with ½-inch green stripe completely around the canister near the bottom.
Chlorine gas	White with ½-inch yellow stripe completely around the canister near the bottom.
Organic vapors	Black.
Ammonia gas	Green.
Acid gases and ammonia gas	Green with ½-inch white stripe completely around the canister near the bottom.
Carbon monoxide	Blue.
Acid gases and organic vapors	Yellow.
Hydrocyanic acid gas and chloropicrin vapor	Yellow with ½-inch blue stripe completely around the canister near the bottom.
Acid gases, organic vapors, and ammonia gases.	Brown.
Radioactive materials, excepting tritium and noble gases.	Purple (Magenta).
Particulates (dusts, fumes, mists, fogs, or smokes) in combination with any of the above gases or vapors.	Canister color for contaminant, as designated above, with ½-inch gray stripe completely around the canister near the top.
All of the above atmospheric contaminants	Red with ½-inch gray stripe completely around the canister near the top.

*Gray shall not be assigned as the main color for a canister designed to remove acids or vapors.

NOTE: Orange shall be used as a complete body, or stripe color to represent gases not included in this table. The user will need to refer to the canister label to determine the degree of protection the canister will afford.

§ 1910.135 Occupational head protection.

Helmets for the protection of heads of occupational workers from impact and penetration from falling and flying objects and from limited electric shock and burn shall meet the requirements and specifications established in American National Standard Safety Requirements for Industrial Head Protection, Z89.1–1969.

§ 1910.136 Occupational foot protection.

Safety-toe footwear for employees shall meet the requirements and specifications in American National Standard for Men's Safety-Toe Footwear, Z41.1–1967.

§ 1910.137 Electrical protective devices.

Rubber protective equipment for electrical workers shall conform to the requirements established in the American National Standards Institute Standards as specified in the following list:

Item	*Standard*
Rubber insulating gloves	J6.6–1967.
Rubber matting for use around electric apparatus.	J6.7–1935 (R1962).
Rubber insulating blankets.	J6.4–1970.
Rubber insulating hoods	J6.2–1950 (R1962).
Rubber insulating line hose.	J6.1–1950 (R1965).
Rubber insulating sleeves.	J6.5–1962.

§ 1910.138 Additional delay in effective date.

The requirements of this Subpart I shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon the commencement of the Walsh-Healey requirement.

§ 1910.139 Sources of standards.

Sec.	*Source*
1910.132	41 CFR 50–204.7.
1910.133(a)	ANSI Z87.1–1968, Eye and Face Protection.
1910.134	ANSI Z88.2–1969, Standard Practice for Respiratory Protection.
1910.134 Table I–I.	ANSI K13.1–1967, Indentification of Gas Mask Canister.
1910.135	ASNI Z89.1–1969, Safety Requirements for Industrial Head Protection.
1910.136	ANSI Z41.1–1967, Men's Safety-Toe Footwear.
1910.137	ANSI Z9.4–1968, Ventilation and Safe Practices of Abrasive Blasting Operations.

§ 1910.140 Standards organizations.

Specific standards of the following organization have been referenced in this part. Copies of the referenced materials may be obtained from the issuing organization.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Subpart J—General Environmental Controls

§ 1910.141 Sanitation.

(a) *General requirements*—(1) *Housekeeping.* (i) All places of employment, passageways, storerooms, and servicerooms shall be kept clean and orderly and in a sanitary condition.

(ii) The floor of every workroom shall be maintained in a clean and, so far as possible, a dry condition. Where wet processes are used, drainage shall be maintained and false floors, platforms, mats, or other dry standing places should be provided where practicable.

(iii) Cleaning and sweeping shall be done in such a manner as to minimize the contamination of the air with dust and, so far as is practicable, shall be done outside of working hours.

(iv) To facilitate cleaning, every floor, working place, and passageway shall be kept free from protruding nails, splinters, holes, or loose boards.

(2) *Expectorating.* (i) Expectorating upon the walls, floors, work places, or stairs of any establishment shall not be permitted.

(ii) Cuspidors are considered undesirable, but, if used, they shall be of such construction that they are cleanable. They shall be cleaned at least daily when in use.

(3) *Waste disposal.* (i) Any receptacle used for putrescible solid or liquid waste or refuse shall be so constructed that it does not leak and may be conveniently and thoroughly cleaned, and it shall be maintained in a sanitary condition. Such a receptacle shall be equipped with a tight-fitting cover.

(ii) All sweepings, solid or liquid wastes, refuse, and garbage shall be removed in such a manner as to avoid creating a nuisance or menace to health and as often as necessary to maintain the place of employment in a sanitary condition.

(4) *Rodent, insect, and vermin control.* Every enclosed work place and personal service room shall be constructed, equipped, and maintained, so far as reasonably practicable, in such a manner as to prevent the entrance or harborage of rodents, insects, and vermin of any kind.

(b) *Water supply*—(1) *Potable water.* (i) An adequate supply of potable water shall be provided for drinking, ablutionary, and culinary purposes in all places of employment. Drinking water should be made available within 200 feet of any location at which employees are regularly engaged in work.

(ii) Sanitary drinking fountains shall be of a type and construction in accordance with the Standard Specification for Drinking Fountains, ANSI Z4.2–1942.

(iii) In all instances where water is cooled by ice, the construction of the container shall be such that the ice does not come in direct contact with the water.

(iv) Open containers such as barrels, pails, or tanks for drinking water from which the water must be dipped or poured, whether or not they are fitted with a cover, are prohibited.

(v) The common drinking cup is prohibited.

(vi) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(2) *Nonpotable water.* (i) Outlets for nonpotable water, such as water for industrial or firefighting purposes only, shall be posted to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(ii) There shall be no cross-connection, open or potential, between a system furnishing potable water and system furnishing nonpotable water.

(iii) Construction shall be such as to prevent backflow of contaminated water into a potable water system.

(iv) Nonpotable water shall not be used for bathing or for washing any portion of the person, clothing, dishes, or premises.

(c) *Toilet facilities*—(1) *General.* (i) Every place of employment shall be provided with adequate toilet facilities which are separate for each sex. The sewage disposal method shall comply with requirements of the health or other authorities having jurisdiction.

(ii) Toilet facilities shall be provided so as to be readily accessible to all employees. Toilet facilities so located that employees must use more than one floor-to-floor flight of stairs to or from them are not considered as readily accessible. As far as is practicable, toilet facilities should be located within 200 feet of all locations at which workers are regularly employed.

(iii) Water closets shall be provided for each sex according to the following table. The number to be provided for each sex shall in every case be based on the maximum number of persons of that sex employed at any one time at work on the premises for which the facilities are furnished. When persons other than employees are permitted the use of toilet facilities on the premises, a reasonable allowance shall be made for such other persons in estimating the minimum number of toilet facilities required.

Number of persons	*Minimum number of facilities*
1 to 9	1.
10 to 24	2.
25 to 49	3.
50 to 74	4.
75 to 100	5.
over 100	1 for each additional 30 persons.

Where 10 or more are employed, urinals may be provided. One water closet less than the number specified in the foregoing may be provided for each urinal, except that the number of water closets in such cases may not be reduced to less than two-thirds of the number specified in the foregoing. Two feet of trough urinal shall be considered as equivalent to one individual urinal.

(iv) An adequate supply of toilet paper with holder shall be provided for every water closet.

(v) Covered receptacles shall be kept in all toilet rooms used by women.

(vi) Adequate washing facilities shall be provided in every toilet room or be adjacent thereto.

(2) *Construction of toilet rooms.* (i) Each toilet facility (closet) shall occupy a separate compartment, which should be equipped with a door, latch, and clothes hanger.

(ii) The walls of compartments or partitions between fixtures may be less than the height of room walls, but the top shall not be less than 6 feet from the floor and the bottom not more than 1 foot from the floor.

(iii) The door to every toilet room shall be fitted with an effective self-closing device, and the entrance to the toilet room shall be so screened that the interior of the toilet room is not visible from the workroom.

(iv) In all toilet rooms installed after July 1, 1971, the floors and side walls, to a height of at least 6 inches, including the angle formed by the floor and side walls, shall be of watertight construction.

(v) The floors, walls, ceilings, partitions, and doors of all toilet rooms shall be of a finish that can be easily cleaned. In installations made after July 1, 1971, cove bases shall be provided to facilitate cleaning.

(vi) Toilet rooms, except those in work places accessible to men only, shall be completely enclosed with solid material that is nontransparent from the outside.

(3) *Construction and installation of toilet facilities.* (i) Every water closet bowl shall be set entirely free and open from all enclosing structures and shall be so installed that the space around the fixture can be easily cleaned. This provision does not prohibit the use of wall-hung type water closets.

(ii) Every water closet shall have a hinged openfront seat made of substantial material having a nonabsorbent finish.

(4) *Chemical closets and privies.* Chemical closets and privies shall be constructed and maintained in accordance with § 1910.143.

(d) *Washing facilities*—(1) *General.* Adequate facilities for maintaining personal cleanliness shall be provided in every place of employment. These shall be convenient for the employees for whom they are provided and shall be maintained in a sanitary condition.

(2) *Lavatories.* At least one lavatory with adequate hot and cold water, preferably from a combination supply fixture, shall be provided for every 10 employees (men or women) or portion thereof, up to 100 persons; and over 100 persons one lavatory for each additional 15 persons or portion thereof. Twenty-four inches of sink with individual faucet shall be considered as equal to one lavatory. In all instances, a suitable cleansing agent shall be provided at each wash place.

(3) *Towels.* Individual hand towels, or sections thereof, of cloth or paper, shall be provided and proper receptacles or other sanitary means maintained for the disposal of used towels. The provision of a towel for general or common use is prohibited.

(e) *Change rooms*—(1) *Separate facilities.* Separate change or dressing rooms equipped with individual clothes facilities shall be provided for each sex wherever it is the practice to change from street clothes or wherever it is necessary to change because the work performed involves exposure to excessive dirt, heat, fumes, vapor, or moisture. In the event that change rooms are not provided, facilities shall be furnished for hanging outer garments.

(2) *Drying facilities.* Where the process in which the worker is engaged is such that his working clothes become wet or have to be washed between shifts, provision shall be made to insure that such clothing is dry before reuse.

(f) *Retiring rooms for women.* Where 10 or more women are employed at any one time, at least one retiring room shall be provided for rest and emergencies. Where fewer than 10 women are employed and a restroom is not furnished, some equivalent space shall be provided which can be properly screened for privacy and made suitable for the use of women employees. At least one couch or bed shall be provided in every place where more than 10 women are employed. The required number of such beds or couches follows:

10 to 100	1 bed.
100 to 250	2 beds.

1 additional bed for each additional 250 women employees. A minimum of 60 square feet of floor space per bed or couch shall be provided.

(g) *Lunchrooms*—(1) *General.* In all places of employment where employees are permitted to lunch on the premises, an adequate space suitable for that purpose shall be provided for the maximum number of employees who may use such space at one time. Such space shall be physically separate from any location where there is exposure to toxic materials.

(2) *Waste disposal containers.* An adequate number of covered receptacles constructed of a smooth, corrosion-resistant, easily cleanable, or disposable material, shall be provided by the employer and used by the employees for the disposal of all waste food. Such receptacles shall be emptied not less than once daily and shall be maintained in a clean and sanitary manner.

(3) *Location.* (i) No food shall be stored or eaten where there are present any toxic materials or substances that may be injurious to health.

(ii) No food shall be stored or eaten in any toilet room.

(iii) In every establishment where there is exposure to injurious dusts or other toxic materials, a separate lunchroom shall be maintained unless it is convenient for the employees to lunch away from the premises. The following number of square feet per person, based on the maximum number of persons using the room at one time, shall be required:

Number of persons	*Square feet per person*
25 and less	13.
26–74	12.
75–149	11.
150 and over	10.

(h) *Food handling.* All employee food service facilities and operations shall meet the requirements of "Food Service Sanitation Ordinance and Code," Part V, "Food Service Sanitation Manual," U.S. Public Health Service Publication No. 934 (1965). In all places of employment where all or part of the food service is provided by vending machines, the food dispensed shall be prepared, and the machine operated in accordance with the requirements of "Vending of Foods and Beverages, A Sanitation Ordinance and Code," U.S. Public Health Service Publication No. 546 (1965).

§ 1910.142 Temporary labor camps.

(a) *Site.* (1) All sites used for camps shall be adequately drained. They shall not be subject to periodic flooding, nor located within 200 feet of swamps, pools, sink holes, or other surface collections of water unless such quiescent water surfaces can be subjected to mosquito control measures. The camp shall be located so the drainage from and through the camp will not endanger any domestic or public water supply. All sites shall be graded, ditched, and rendered free from depressions in which water may become a nuisance.

(2) All sites shall be adequate in size to prevent overcrowding of necessary structures. The principal camp area in which food is prepared and served and where sleeping quarters are located shall be at least 500 feet from any area in which livestock is kept.

(3) The grounds and open areas surrounding the shelters shall be maintained in a clean and sanitary condition free from rubbish, debris, waste paper, garbage, or other refuse.

(4) Whenever the camp is closed for the season or permanently, all garbage, manure, and other refuse shall be collected and so disposed of as to prevent nuisance. All abandoned privy pits shall be filled with earth and the grounds and buildings left in a clean and sanitary condition. If privy buildings remain, they shall be locked or otherwise secured to prevent entrance.

(b) *Shelter.* (1) Every shelter in the camp shall be constructed in a manner which will provide protection against the elements.

(2) Each room used for sleeping purposes shall contain at east 50 square feet of floor space for each occupant. At least a 7-foot ceiling shall be provided.

(3) Beds, cots, or bunks, and suitable storage facilities such as wall lockers for clothing and personal articles shall be provided in every room used for sleeping purposes. Such beds or similar facilities shall be spaced not closer than 36 inches both laterally and end to end, and shall be elevated at least 12 inches from the floor. If double-deck bunks are used, they shall be spaced not less than 48 inches both laterally and end to end. The minimum clear space between the lower and upper bunk shall be not less than 27 inches. Triple-deck bunks are prohibited.

(4) The floors of each shelter shall be constructed of wood, asphalt, or concrete. Wooden floors shall be of smooth and tight construction. The floors shall be kept in good repair.

(5) All wooden floors shall be elevated not less than 1 foot above the ground level at all points to prevent dampness and to permit free circulation of air beneath.

(6) Nothing in this section shall be construed to prohibit "banking" with earth or other suitable material around the outside walls in areas subject to extreme low temperatures.

(7) All living quarters shall be provided with windows the total of which shall be not less than one-tenth of the floor area. At least one-half of each window shall be so constructed that it can be opened for purposes of ventilation.

(8) All exterior openings shall be effectively screened with 16-mesh material. All screen doors shall be equipped with self-closing devices.

(9) In a room where workers cook, live, and sleep a minimum of 100 square feet per person shall be provided. Sanitary facilities shall be provided for storing and preparing food.

(10) In camps where cooking facilities are used in common, stoves (in ratio of one stove to 10 persons or one stove to two families) shall be provided in an enclosed and screened shelter. Sanitary facilities shall be provided for storing and preparing food.

(11) All heating, cooking, and water heating equipment shall be installed in accordance with State and local ordinances, codes, and regulations governing such installations. If a camp is used during cold weather, adequate heating equipment shall be provided.

(c) *Water supply.* (1) An adequate and convenient water supply, approved by the appropriate health authority, shall be provided in each camp for drinking, cooking, bathing, and laundry purposes.

(2) A water supply shall be deemed adequate if it is capable of delivering 35 gallons per person per day to the campsite at a peak rate of 2½ times the average hourly demand.

(3) The distribution lines shall be capable of supplying water at normal operating pressures to all fixtures for simultaneous operation. Water outlets shall be distributed throughout the camp in such a manner that no shelter is more than 100 feet from a yard hydrant if water is not piped to the shelters.

(4) Where water under pressure is available, one or more drinking fountains shall be provided for each 100 occupants or fraction thereof. The construction of drinking fountains shall comply with ANSI Standard Specifications for Drinking Fountains, Z4.2–1942. Common drinking cups are prohibited.

(d) *Toilet facilities.* (1) Toilet facilities adequate for the capacity of the camp shall be provided.

(2) Each toilet room shall be located so as to be accessible without any individual passing through any sleeping room. Toilet rooms shall have a window not less than 6 square feet in area opening directly to the outside area or otherwise be satisfactorily ventilated. All outside openings shall be screened with 16-mesh material. No fixture, water closet, chemical toilet, or urinal shall be located in a room used for other than toilet purposes.

(3) A toilet room shall be located within 200 feet of the door of each sleeping room. No privy shall be closer than 100 feet to any sleeping room, dining room, lunch area, or kitchen.

(4) Where the toilet rooms are shared, such as in multifamily shelters and in barracks type facilities, separate toilet rooms shall be provided for each sex. These rooms shall be distinctly marked "for men" and "for women" by signs printed in English and in the native language of the persons occupying the camp, or marked with easily understood pictures or symbols. If the facilities for each sex are in the same building, they shall be separated by solid walls or partitions extending from the floor to the roof or ceiling.

(5) Where toilet facilities are shared, the number of water closets or privy seats provided for each sex shall be based on the maximum number of persons of that sex which the camp is designed to house at any one time, in the ratio of one such unit to each 15 persons, with a minimum of two units for any shared facility.

(6) Urinals shall be provided on the basis of one unit or 2 linear feet of urinal trough for each 25 men. The floor from the wall and for a distance not less than 15 inches measured from the outward edge of the urinals shall be constructed of materials impervious to moisture. Where water under pressure is available, urinals shall be provided with an adequate water flush. Urinal troughs in privies shall drain freely into the pit or vault and the construction of this drain shall be such as to exclude flies and rodents from the pit.

(7) Every water closet installed after July 1, 1971, shall be located in a toilet room.

(8) Each toilet room shall be lighted naturally, or artificially by a safe type of lighting at all hours of the day and night.

(9) An adequate supply of toilet paper shall be provided in each privy, water closet, or chemical toilet compartment.

(10) Privies and toilet rooms shall be kept in a sanitary condition. They shall be cleaned at least daily.

(e) *Sewage disposal facilities.* In camps where public sewers are available, all sewer lines and floor drains from buildings shall be connected thereto.

(f) *Laundry, handwashing, and bathing facilities.* (1) Laundry, handwashing, and bathing facilities shall be provided in the following ratio:

(i) Handwash basin per family shelter or per six persons in shared facilities.

(ii) Shower head for every 10 persons.

(iii) Laundry tray or tub for every 30 persons.

(iv) Slop sink in each building used for laundry, hand washing, and bathing.

(2) Floors shall be of smooth finish but not slippery materials; they shall be impervious to moisture. Floor drains shall be provided in all shower baths, shower rooms, or laundry rooms to remove waste water and facilitate cleaning. All junctions of the curbing and the floor shall be coved. The walls and partitions of shower rooms shall be smooth and impervious to the height of splash.

(3) An adequate supply of hot and cold running water shall be provided for bathing and laundry purposes. Facilities for heating water shall be provided.

(4) Every service building shall be provided with equipment capable of maintaining a temperature of at least 70° F. during cold weather.

(5) Facilities for drying clothes shall be provided.

(6) All service buildings shall be kept clean.

(g) *Lighting.* Where electric service is available, each habitable room in a camp shall be provided with at least one ceiling-type light fixture and at least one separate floor-or wall-type convenience outlet. Laundry and toilet rooms and rooms where people congregate shall contain at least one ceiling- or wall-type fixture. Light levels in toilet and storage rooms shall be at least 20 foot-candles 30 inches from the floor. Other rooms, including kitchens and living quarters, shall be at least 30 foot-candles 30 inches from the floor.

(h) *Refuse disposal.* (1) Fly-tight, rodent-tight, impervious, cleanable or single service containers, approved by the appropriate health authority shall be provided for the storage of garbage. At least one such container shall be provided for each family shelter and shall be located within 100 feet of each shelter on a wooden, metal, or concrete stand.

(2) Garbage containers shall be kept clean.

(3) Garbage containers shall be emptied when full, but not less than twice a week.

(i) *Construction and operation of kitchens, dining hall, and feeding facilities.* (1) In all camps where central dining or multiple family feeding operations are permitted or provided, the food handling facilities shall comply with the requirements of the "Food Service Sanitation Ordinance and Code;" Part V of the "Food Service Sanitation Manual," U.S. Public Health Service Publication 934 (1965).

(2) A properly constructed kitchen and dining hall adequate in size, separate from the sleeping quarters of any of the workers or their families, shall be provided in connection with all food handling facilities. There shall be no direct opening from living or sleeping quarters into a kitchen or dining hall.

(3) No person with any communicable disease shall be employed or permitted to work in the preparation, cooking, serving, or other handling of food, foodstuffs, or materials used therein, in any kitchen or dining room operated in connection with a camp or regularly used by persons living in a camp.

(j) *Insect and rodent control.* Effective measures shall be taken to prevent infestation by and harborage of animal or insect vectors or pests.

(k) *First aid.* (1) Adequate first aid facilities approved by a health authority shall be maintained and made available in every labor camp for the emergency treatment of injured persons.

(2) Such facilities shall be in charge of a person trained to administer first aid and shall be readily accessible for use at all times.

(l) *Reporting communicable disease.* (1) It shall be the duty of the camp superintendent to report immediately to the local health officer the name and address of any individual in the camp known to have or suspected of having a communicable disease.

(2) Whenever there shall occur in any camp a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, it shall be the duty of the camp superintendent to report immediately the existence of the outbreak to the health authority by telegram or telephone.

§ 1910.143 Nonwater carriage disposal systems.

(a) *Acceptable industrial disposal systems.* (1) The waste disposal systems described in subparagraphs (2), (3), (4), (5), (6), or (7) of this paragraph, may be used only where not prohibited by codes and regulations of local authorities, and where water closets are not feasible due either to the lack of an adequate water supply or to the location or temporary nature of the operation requiring the facility. The number of units required for a place of employment shall be as specified in §§ 1910.141 and 1910.142.

(2) Privies constructed in conformity with paragraph (b) of this section may be used for the disposal of human excreta where their use will not contaminate ground or surface water because of privy location, type of soil, or ground-water table.

(3) Chemical toilets constructed in conformity with paragraph (c) of this section may be used in place of privies or where a privy is not permitted due to possible contamination of ground and surface water.

(4) Recirculating toilets constructed in conformity with paragraph (f) of this section may be used in place of privies or chemical toilets.

(5) Combustion toilets constructed in conformity with paragraph (e) of this section may be used in place of privies, chemical toilets, or recirculating toilets.

(6) Portable toilets constructed in conformity with paragraph (g) of this section may be used for temporary or mobile installations. Such temporary units may be:

(i) Chemical, recirculating, or combustion toilets designed for installation in or as an integral part of a skid mounted portable privy building, or in a separate toilet room, or

(ii) Portable privies designed for installation over a manhole of a sanitary or a combined waste water sewer system.

(7) A seepage pit constructed in conformity with paragraph (d) of this section may be used for the disposal of waste water from culinary activity, temporary bathing facilities, and clothes washing facilities where there is no available piped water supply. Human excreta shall not be discharged into a seepage pit. All units described in this paragraph shall comply with applicable codes and regulations of local authorities.

(b) *Privy specifications.* (1) A privy pit shall be separated by a minimum distance of 100 feet between the privy and a well, spring, or other source of water supply for drinking, bathing, or culinary purposes.

(i) At no time shall the pit bottom of a privy extend into ground water, nor shall it be constructed within 100 feet of the shoreline of any open body of water. Phreatic water, such as may be found in surface soil at depths of 10 feet or less, shall not be interpreted as ground water unless there is evidence of positive directional flow through the pit.

(ii) The privy shall be so located and so constructed that no surface water may enter into the pit either as runoff or as flood water.

(iii) The pit shall be constructed of such material and in such a manner as to prevent rapid deterioration, provide adequate capacity, and facilitate maintenance in a satisfactory manner under ordinary conditions of usage.

(iv) The pit and seat area shall be vented by a flue or vent pipe having not less than 7 square inches cross-sectional area, so as to provide a continuous escape of odors.

(v) The pit shall provide a capacity of 50 cubic feet for each seat installed in the privy building. The vault within 16 inches of the surface grade shall not be counted as part of the 50-cubic-foot capacity.

(vi) Pit cribbing shall fit firmly and be in uniform contact with the earth walls on all sides, and shall rise at least 6 inches above the original ground line and descend to the full depth of the pit. However, pit cribbing below the soil line may be omitted in rock formations.

(vii) An earth plateau shall be constructed level with the top of the pit cribbing, and extend horizontally for a distance of at least 18 inches before sloping to the original ground level.

(2) Privy building shall be firmly anchored, rigidly constructed, and free from hostile surface features, such as exposed nail points, sharp edges, rough or broken boards, etc., and shall provide privacy and protection from the elements. It shall be ventilated by leaving a 4-inch opening at the top of all the walls just beneath the roof.

(i) The building shall be of fly-tight construction, doors shall be self-closing, and vent and building openings shall be screened with 16-mesh screen of durable material. The vent shall extend 12 inches above the roof.

(ii) The seat shall be so spaced as to provide a minimum clear space of 24 inches between each seat in multiple unit installations, and shall provide 12 inches clear space from the seat opening to the side wall in single and multiple units.

(iii) The seat riser shall have an inside clearance of not less than 21 inches from the front wall and not less than 24 inches from the rear wall of the privy building.

(iv) The seat top shall be not less than 12 inches nor more than 16 inches above the floor.

(v) The seat opening shall be covered with an attached, movable toilet seat and lid, so constructed and installed that when closed it will limit access of insects, and which can be raised to allow sanitary use as a urinal.

(vi) The floor and riser shall be built of impervious material or tongue and groove lumber, and in a manner to deny access of insects.

(vii) Where electricity is available, lighting shall be provided with an intensity of not less than 10 foot-candles 30 inches above the floor.

(viii) A conveniently located receptacle or dispenser containing an adequate supply of toilet paper shall be provided for each seat in each privy building.

(c) *Chemical toilet specifications.* (1) Rooms, buildings, or shelters housing chemical toilets shall be of sound construction and easy to clean, and shall provide shelter and privacy. The toilet rooms shall be ventilated to the outside and adequately lighted, and all openings into the toilet room shall be covered with 16-mesh screen. The minimum requirements given in subparagraphs (2) through (7) of this paragraph shal apply.

(2) Caustic receptacles shall be durable and corrosion proof, and provide a minimum capacity of 100 gallons per seat.

(3) The caustic receptacle charge per seat shall be a minimum of 25 pounds of caustic dissolved in 10 gallons of water.

(4) The chemical shall be drained and receptacle recharged every 6 months of continuous use, or at the beginning of each season of operation when in intermittent use, or when three-fourths full, whichever occurs first.

(5) Each seat in the building shall be provided with a conveniently located agitator.

(6) Receptacles shall be vented as prescribed in paragraph (b)(1)(iv) of this section.

(7) The receptacle shall be equipped with a manhole external to the privy building for cleaning and caustic removal purposes. The manhole shall be covered so as to prevent the escape of gases and odors.

(d) *Seepage pit construction.* (1) Seepage pit construction shall conform with requirements for privy pit construction in paragraph (b)(1) (i), (ii), (iii), (vi) and (vii) of this section. The seepage pit may be filled with stone or rubble of not less than nominal 1 inch diameter.

(2) Seepage pits shall be of such dimensions as to provide side wall area equal to at least 10 square feet per person served by the facility, or such greater area as may be required by the health agency having jurisdiction.

(3) Temporary piping connections from sinks or shower platforms may be discharged beneath the floor if they have traps in accordance with the provisions of American National Standard National Plumbing Code, A 40.8–1955.

(4) The platform covering the seepage pits shall be built of impervious material and in a manner to exclude insects.

(5) The platform shall be provided with an opening at least 1 foot in each dimension and have a rim at least 1 inch above the floor to prevent precipitation from accumulating on the platform floor.

(6) The platform opening shall be covered with a self-closing lid, so constructed that it can be easily opened by foot or hand, and so installed that when closed it will exclude insects and fit closely over the raised rim of the opening.

(e) *Combustion toilet.* (1) Combustion toilets and combustion toilet buildings, rooms, or shelters shall conform to the applicable specifications given for chemical toilets in paragraph (c) of this section.

(2) All external surfaces, including bowl and hopper, shall be easy to clean.

(3) The residue must be sterile and inert.

(4) The flue effluents must be free of bacteria.

(5) The combustion system and all fuel and electrical parts shall be safe and in compliance with applicable gas and electrical codes of local authorities. Where such codes do not exist, the installations shall comply with the American National Standard National Electrical Code, C1–1968 (NFPA No. 70–1968).

(f) *Recirculating toilet specifications.* (1) Recirculating toilet buildings, rooms, or shelters shall conform to the applicable specifications given for chemical toilets in paragraph (c) of this section.

(2) All materials, bowl, piping, and fittings shall be corrosion resistant.

(3) Waste passages shall have smooth surfaces and be free of obstructions, recesses, or chambers that would permit fouling.

(4) Flushing shall be accomplished by a single control so arranged as to be operated without special knowledge or effort.

(5) Recirculating toilets shall conform to "Self-Contained, Electrically Operated Recirculating, Chemically Controlled Toilet." International Association of Plumbing and Mechanical Officials Trailer Standard TSC 12–65.

(6) The unit shall be maintained and cleaned; and water, filter, and odor-controlling chemical shall be replaced in accordance with the instructions of the manufacturer.

(g) *Portable toilet construction.* (1) A portable toilet may comprise the seat and its treatment unit to be installed in a structure, or it may comprise an entire prefabricated, skid mounted, or otherwise portable structure containing a seat or treatment units with seat.

(2) No pit, tank, or other subsurface structure shall be construed as part of a portable toilet.

(i) Portable privies must be installed over a pit conforming to paragraph (b)(1) of this section, or a manhole that is part of a sanitary or combined waste water disposal system.

(ii) No portable toilet shall discharge into a storm sewer.

(3) A portable building shall be rigidly constructed, ventilated by a screened opening or a vent having a cross-sectional area of at least 1 square foot per seat, and equipped with a floor, riser, and seat meeting the requirements of paragraph (b)(2) of this section or an equivalent individual stool and seat in prefabricated metal, fiber glass, plastic, or ceramic material.

(i) The structure shall provide privacy and protection from the elements.

(ii) An airtight seal shall be provided between the structure base and any pit, receptacle, or manhole over which it is placed.

(iii) Ventilation of the pit, receptacle, or manhole shall conform to paragraph (b)(1)(iv) of this section.

(4) A portable toilet shall be provided with facilities, requisite to its construction, for the removal of chemicals, ash, or residue. All surfaces subject to soiling shall be readily accessible and easily cleaned.

§ 1910.144 Safety color code for marking physical hazards.

(a) *Color identification*—(1) *Red.* Red shall be the basic color for the identification of:

(i) *Fire protection equipment and apparatus.* (*a*) Fire alarm boxes (pull boxes).

(*b*) Fire blanket boxes.

(*c*) Fire buckets or pails.

(*d*) Fire exit signs.

(*e*) Fire extinguishers (if painting the extinguisher is impractical or undesirable, color should be used on the housing, wall, or support to identify the location).

(*f*) Fire hose locations (color should be used on the reel, supports, or housing but not on the hose).

(*g*) Fire hydrants (industrial).

(*h*) Fire pumps.

(*i*) Fire sirens.

(*j*) Post indicator valves for sprinkler system (it is suggested that if a traffic hazard is involved, the top should be colored red, and the barrel or post yellow and black stripes).

(*k*) Sprinkler piping. (See ANSI Standard Scheme for the Identification of Piping Systems, A13.1–1956.)

(ii) *Danger.* Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80° F. table containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2–1944. Danger signs shall be painted red.

(iii) *Stop.* Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches used for emergency stopping of machinery shall be red.

(2) *Orange.* Orange shall be used as the basic color for designating dangerous parts of machines or energized equipment which may cut, crush, shock, or otherwise injure and to emphasize such hazards when enclosure doors are open or when gear belt, or other guards around moving equipment are open or removed, exposing unguarded hazards.

(3) *Yellow.* Yellow shall be the basic color for designating caution and for marking physical hazards such as: Striking against, stumbling, falling, tripping, and "caught in between." Solid yellow, yellow and black stripes, yellow and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment.

(4) *Green.* Green shall be used as the basic color for designating "Safety" and the location of first aid equipment (other than firefighting equipment).

(5) *Blue.* Blue shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.

(6) *Purple.* Purple shall be the basic color for designating radiation hazards. "Radiation" as used in this subparagraph refers to radiation types such as X-ray, alpha, beta, gamma, neutron, proton, deutron, and meson. Yellow should be used in combination with purple for markers such as tags, labels, signs, and floor markers.

(7) *Black, white, or combinations of black and white.* Black, white, or a combination of these two, shall be the basic colors for the designation of traffic and housekeeping markings. Solid white, solid black, single color striping, alternate stripes of black and white, or black and white checkers should be used in accordance with local conditions.

(b) *Color specifications.* Colors shall meet the tests specified in section 3, Color Definitions, of ANSI Z53.1–1967, Safety Color Code for Marking Physical Hazards.

§ 1910.145 Specifications for accident prevention signs and tags.

(a) *Scope.* (1) These specifications apply to the design, application, and use of signs or symbols (as included in paragraphs (c) through (e) of this section) intended to indicate and, insofar as possible, to define specific hazards of a nature such that failure to designate them may lead to accidental injury to workers or the public, or both, or to property damage. These specifications are intended to cover all safety signs except those designed for streets, highways, railroads, and marine regulations. These specifications do not apply to plant bulletin boards or to safety posters.

(2) All new signs and replacements of old signs after July 1, 1971, shall be in accordance with these specifications.

(b) *Definitions.* As used in this section, the word "sign" refers to a surface on which letters or other markings appear, prepared for the warning of, or safety instructions of, industrial workers or members of the public who may be exposed to hazards. Excluded from this definition, however, are news releases, displays commonly known as safety posters, and bulletins used for employee education.

(c) *Classification of signs according to use*—(1) *Danger signs.* (i) Danger signs should be used only where an immediate hazard exists. There shall be no variation in the type of design of signs posted to warn of specific dangers and radiation hazards.

(ii) All employees shall be instructed that danger signs indicate immediate danger and that special precautions are necessary.

(2) *Caution signs.* (i) Caution signs shall be used only to warn against potential hazards or to caution against unsafe practices.

(ii) All employees shall be instructed that caution signs indicate a possible hazard against which proper precaution should be taken.

(3) *Safety instruction signs.* Safety instruction signs shall be used where there is a need for general instructions and suggestions relative to safety measures.

(d) *Sign design and colors*—(1) *Design features.* The colors, proportions, and location of the identification panels on each sign shall be in accordance with this paragraph. All signs shall be furnished with rounded or blunt corners and shall be free from sharp edges, burrs, splinters, or other sharp projections. The ends or heads of bolts or other fastening devices shall be located in such a way that they do not constitute a hazard. When conditions warrant the use of a sign size not covered in the following tables, the ratio of the depth of the identifying panel (Danger, Caution, etc.) to the width of the sign shall be as established in Tables J–1 to J–4.

(2) *Danger signs.* (i) The colors red, black, and white shall be those of opaque glossy samples as specified in Table 1 of Fundamental Specification of Safety Colors for CIE Standard Source "C", American National Standard Z53.1–1967.

(ii) Standard Proportions shall be as indicated in Table J–1, and format shall be as in Fig. J–1.

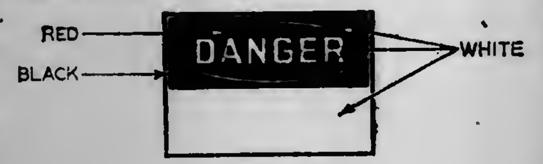


Fig. J-1
Danger Sign

TABLE J-1—STANDARD PROPORTIONS FOR DANGER SIGNS

Sign size, inches Height Width	Black rectangular panel, inches Height Width	Red oval, inches Height Width	Word danger, height inches	Maximum space available for sign wording, inches
		HORIZONTAL PATTERN		
7 x 10	3¼ x 9⅜	2⅞ x 8½	1 7/16	2¾ x 9⅜
10 x 14	4⅝ x 13⅜	4⅛ x 11⅞	2 1/16	4¼ x 13⅜
14 x 20	6½ x 19⅜	5¾ x 17	2⅞	6¾ x 19⅜
20 x 28	9¼ x 27⅜	8¼ x 23⅞	4⅛	9½ x 27⅜
		UPRIGHT PATTERN		
10 x 7	2⅜ x 6⅜	2⅛ x 5⅞	1 1/16	6⅜ x 6⅜
14 x 10	3¼ x 9⅜	2⅞ x 8½	1 7/16	9½ x 9⅜
20 x 14	4⅝ x 13⅜	4⅛ x 11⅞	2 1/16	14 x 13⅜
28 x 20	6½ x 19⅜	5¾ x 17	2⅞	20¼ x 19⅜

(3) *Radiation warning signs.* (i) Standard color of the background shall be yellow; the panel, reddish purple with yellow letters; the symbol, reddish purple; any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1–1967.

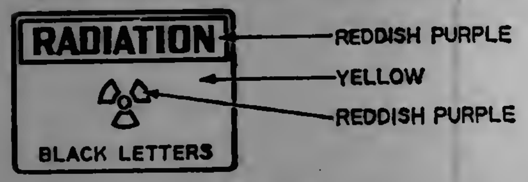


Fig. J-2
Radiation Warning Sign

(ii) The standard symbol shall be as in Figure J–3. Method of dimensioning, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated. The symbol shall be prominently displayed, and of a size consistent with the size of the equipment or material or area to which it is attached.

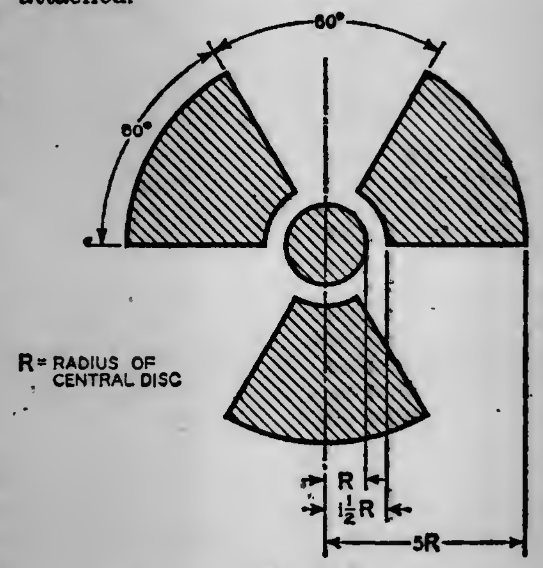


Fig. J-3
Standard Radiation Symbol

(iii) Format shall be as in Figure J–2. Sign proportions shall be the same as those for danger signs in Table J–1.

(4) *Caution signs.* (i) Standard color of the background shall be yellow; and the panel, black with yellow letters. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1–1967.

(ii) Standard proportions shall be as indicated in Table J–2, and format shall be as in Figure J–4.

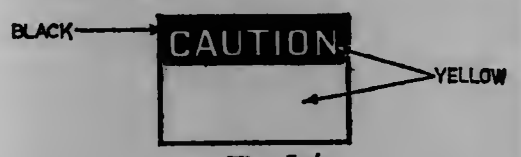


Fig. J-4
Caution Sign

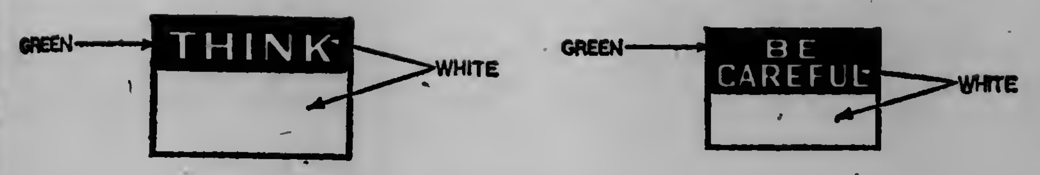
TABLE J-2—STANDARD PROPORTIONS FOR CAUTION SIGNS

Sign size inches height width	Black rectangular panel, inches height width	Word "Caution" height of letter, inches	Maximum space available for sign wording below panel inches height width
	HORIZONTAL PATTERN		
7 x 10	2¼ x 9⅜	1⅝	3¼ x 9⅜
10 x 14	3¼ x 13⅜	2¼	5½ x 13⅜
14 x 20	3¾ x 19⅜	2¾	9 x 19⅜
20 x 28	4¼ x 27⅜	3¼	11½ x 27⅜
	UPRIGHT PATTERN		
10 x 7	1⅝ x 6⅜	1⅛	7 x 6⅜
14 x 10	2¼ x 9⅜	1⅝	10½ x 9⅜
20 x 14	3¼ x 13⅜	2¼	15½ x 13⅜
28 x 20	3¾ x 19⅜	2¾	24 x 19⅜

(5) *Exit signs.* Exit signs shall be in accordance with § 1910.37(q).

(6) *Safety instruction signs.* (i) Standard color of the background shall be white; and the panel, green with white letters. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard, Z53.1–1967.

(ii) Standard proportions shall be as indicated in Table J–3, and format shall be as in Figure J–5.



(NOTE: The words "Think" and "Be Careful," given here, are only illustrations. Other wordings may be used.)

Fig. J-5
Safety Instruction Signs

TABLE J-3—STANDARD PROPORTIONS FOR SAFETY INSTRUCTION SIGNS

Sign size, inches, height, width	Green rectangular panel, inches, height, width	Word "Think" height of letters, inches	Maximum space available for sign wording below panel, inches height, width	Sign size, inches height, width	Green panel, inches, height, width	Word "Be" height of letters, inches	Word "Careful" height of letters, inches	Maximum space available for sign wording below panel, inches, height, width
7 x 10	2¾ x 9⅜	1⅝	3½ x 9⅜	7 x 10	3⅜ x 9⅜	1¼	1 3/16	2½ x 9⅜
10 x 14	3¼ x 13⅜	2¼	5½ x 13⅜	10 x 14	4¼ x 13⅜	1¾	2 3/16	4 x 13⅜
14 x 20	3¾ x 19⅜	2¾	9 x 19⅜	14 x 20	6¼ x 19⅜	2½	3⅛	6 x 19⅜
20 x 28	4¼ x 27⅜	3¼	14½ x 27⅜	20 x 28	9½ x 27⅜	3½	4⅜	9¼ x 27⅜

(7) *Directional signs.* (i) Standard color of the background shall be white; and the panel, black with white directional symbol. Any letters used against the white background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1–1967.

(ii) Standard proportions shall be as indicated in Table J–4, and format shall be as in Figure J–6.

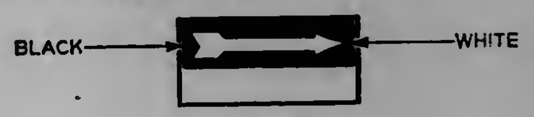


Fig. J-6
Directional Signs

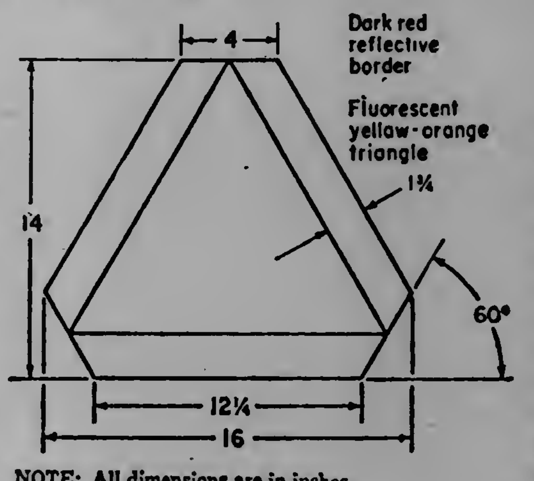
Table J-4—Standard Proportions for Directional Signs

Sign size, inches height width	Black rectangular panel, inches height width	White arrow, inches				Maximum space for sign wording below panel height
		Overall length	Arrow head height width	Arrow shaft height	Arrow tail height width	
6½ x 14	3¼ x 13⅜	12⅝	2¾ x 3	1⅛	2⅜ x 3¼	2¼ x 13⅜
9 x 20	4½ x 19⅜	18⅝	3¾ x 4⅛	1⅝	3¼ x 4½	3⅜ x 19⅜
12 x 28	6 x 27⅜	26⅝	5⅛ x 5⅝	2⅛	4⅜ x 6	4⅞ x 27⅜
15 x 36	7½ x 35⅜	34⅝	6⅜ x 6⅞	2⅝	5½ x 7½	6¼ x 35⅜

(8) *In-Plant traffic signs.* Regulatory and control signs required for the safe movement of vehicles and pedestrians on thoroughfares on plant property shall conform to the standards established in American National Standard Manual on Uniform Traffic Control Devices for Streets and Highways, D6.1–1961.

(9) *Informational signs.* Blue shall be the standard color for informational signs. It may be used as the background color for the complete sign or as a panel at the top of such types of "Notice" signs, which have a white background. The colors shall be those of opaque glossy samples as specified in Table 1 of American National Standard Z53.1–1967.

(10) *Slow-moving vehicle emblem.* This emblem (see Fig. J–7) consists of a fluorescent yellow-orange triangle with a dark red reflective border. The yellow-orange fluorescent triangle is a highly visible color for daylight exposure. The reflective border defines the shape of the fluorescent color in daylight and creates a hollow red triangle in the path of motor vehicle headlights at night. The emblem is intended as a unique identification for, and it shall be used only on, vehicles which by design move slowly (25 m.p.h. or less) on the public roads. The emblem is not a clearance marker for wide machinery nor is it intended to replace required lighting or marking of slow-moving vehicles. Neither the color film pattern and its dimensions nor the backing shall be altered to permit use of advertising or other markings. The material, location, mounting, etc., of the emblem shall be in accordance with the American Society of Agricultural Engineers Emblem for Identifying Slow-Moving Vehicles, ASAE R276, 1967.


4
Dark red reflective border
Fluorescent yellow-orange triangle
1¾
14
60°
12¼
16

NOTE: All dimensions are in inches.

Fig. J-7
Slow-Moving Vehicle Emblem

(11) *Symbols.* Symbols used on signs shall follow recognized practices, such as in Figure J–8. For radioactive materials, see symbol in Figure J–3.

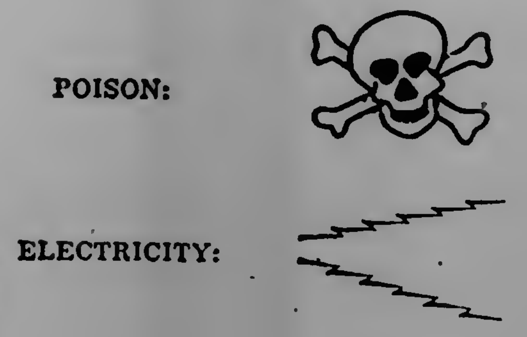


Fig. J-8
Symbols Used on Signs

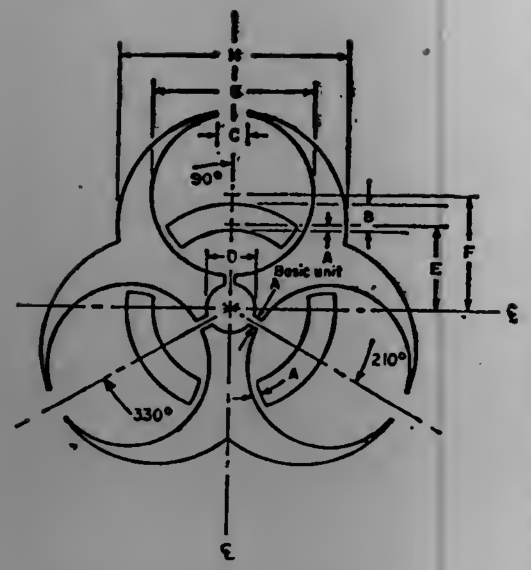
(e) *Sign wordings*—(1) *Examples of wordings.* The lists in subparagraphs (3) through (7) of this paragraph are intended to serve as a guide for choosing the correct sign design for the message to be displayed.

(2) *Nature of wording.* The wording of any sign should be easily read and concise. The sign should contain sufficient information to be easily understood. The wording should make a positive, rather than negative suggestion and should be accurate in fact.

(3) *Danger signs.*

Danger—Keep Off, Electric Current.
Danger—No Smoking, Matches, or Open Lights.
Danger—Men Working Above.
Danger—Not Room Enough Here to Clear Men on Cars.
Danger—Keep Away.
Danger—Men in Boiler.
Danger—Insufficient Clearance.
Danger—2,300 Volts.
Danger—Keep Out.
Danger—Crane Overhead.
Danger—Keep Off.

(4) *Biological hazard signs.* The biological hazard warning shall be used to signify the actual or potential presence of a biohazard and to identify equipment, containers, rooms, materials, experimental animals, or combinations thereof, which contain, or are contaminated with, viable hazardous agents. For the purpose of this subparagraph the term "biological hazard," or "biohazard," shall include only those infectious agents presenting a risk or potential risk to the well-being of man. The biohazard symbol shall be designed and proportioned as illustrated in figure J–9.



Dimension	A	B	C	D	E	F	G	H
Units	1	3½	4	6	11	15	21	30

Fig. J-9
Symbol for Biological Hazard

The symbol design shall be a fluorescent orange or orange-red color. Background color is optional as long as there is sufficient contrast for the symbol to be clearly defined. Appropriate wording may be used in association with the symbol to indicate the nature or identity of the hazard, name of individual responsible for its control, precautionary information, etc., but never should this information be superimposed on the symbol.

(5) *Caution signs.*

Caution—Do Not operate, Men Working on Repairs.
Caution—Hands Off Switch, Men Working on Line.
Caution—Working on Machines, Do Not Start.
Caution—Goggles Must Be Worn When Operating This Machine.
Caution—This Door Must Be Kept Closed.
Caution—Electric Trucks, Go Slow.
Caution—This Space Must Be Kept Clear at All Times.
Caution—Stop Machinery to Clean, Oil, or Repair.
Caution—Keep Aisles Clear.
Caution—Operators of This Machine Shall Wear Snug Fitting Clothing—No Gloves.
Caution—Close Clearance.
Caution—Watch Your Step.
Caution—Electric Fence.

(6) *Safety instruction signs.*

Report All Injuries to the First-Aid Room at Once.
Walk—Don't Run.
Report All Injuries No Matter How Slight.
Think, If Safe Go Ahead.
Make Your Work Place Safe Before Starting the Job.
Report All Unsafe Conditions to Your Foreman.
Help Keep This Plant Safe and Clean.

(7) *Directional signs.*

This Way Out (below arrow panel).
This Way (inside arrow) Out (below arrow panel).
Fire Exit (below arrow panel).
Fire (inside arrow) Extinguisher (below arrow panel).
To the (inside arrow) Fire Escape (below arrow panel).
To the (inside arrow) First Aid (below arrow panel).
Manway (below arrow panel).
This Way to (inside arrow) First-Aid Room (below arrow panel).

(8) *Informational signs.*

No Trespassing Under Penalty of the Law.
This Elevator Is for Freight Only, Not for Passengers.
No Admittance Except to Employees on Duty.
No Admittance.
No Admittance, Apply at Office.
No Trespassing.
Men.
Women.
For Employees Only.
Office.

NOTE: When sign wordings such as those listed in this section are contemplated, care should be taken to be sure that they are suitable for the particular location at which the sign is to be placed and that wording meets the requirements of the intended purpose. When there is a reasonable doubt, a sign of a standard design should be used.

(f) *Accident prevention tags*—(1) *Scope and purpose.* (i) The tags are a temporary means of warning all concerned of a hazardous condition, defective equipment, radiation hazards, etc. The tags are not to be considered as a complete warning method, but should be used until a positive means can be employed to eliminate the hazard; for example, a "Do Not Start" tag on power equipment shall be used for a few moments or a very short time until the switch in the system can be locked out; a "Defective Equipment" tag shall be placed on a damaged ladder and immediate arrangements made for the ladder to be taken out of service and sent to the repair shop.

(ii) The purpose of this paragraph is to establish a set of specifications for tags based on experience and previous use. The tags are to be used in industry, mercantile establishments, or wherever such tags ean be utilized to help prevent accidental injury to personnel or damage to property, or both.

(2) *Definitions.* The word "tag" as used in this paragraph refers to a surface (usually card, paper, pasteboard, or some temporary or nonpermanent material) on which letters or markings, or both, appear. These letters or markings, or both, are for warning (cautioning) or safety instruction of employees who may be exposed to hazards. They are to be affixed to the device in question by string, wire, or adhesive.

(3) *Do not start tags.* (i) The standard background color for Do Not Start tags shall be red. (See Fig. J–10.)

(ii) Letters shall be white or grey or etched, provided that a long lasting and sharp contrast results.

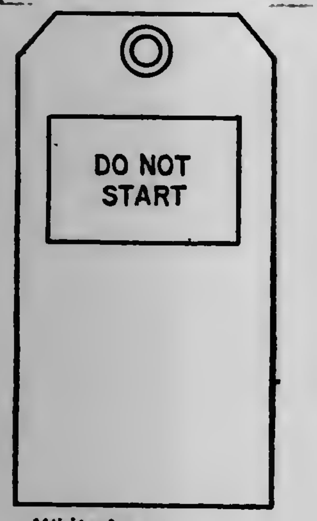
(iii) Do Not Star tags shall be placed in a conspicuous location or shall be placed in such a manner that they effectively block the starting mechanism which would cause hazardous conditions should the equipment be energized.

(4) *Danger tags.* (i) Danger tags should be used only where an immediate hazard exists. There should be no variation in the type of design of tags posted or hung to warn of specific dangers. (See Fig. J–11.)

(ii) All employees should be instructed that Danger tags indicate immediate danger and that special precautions are necessary.

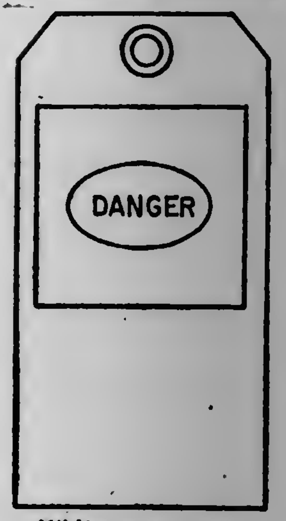
(5) *Caution tags.* (i) Caution tags should be used only to warn against potential hazards or to caution against unsafe practices. (See Fig. J–12.)

(ii) All employees should be instructed that Caution tags indicate a possible hazard against which proper precautions should be taken.



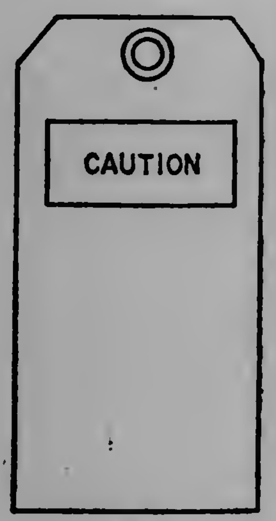
White tag
white letters on
red square

Fig. J-10
Do Not Start Tag



White tag
white letters on
red oval with a
black square

Fig. J-11
Danger Tag



Yellow tag
yellow letters on a
black background

Fig. J-12
Caution Tag

(6) *Out of order tags.* Out of Order tags should be used only for the specific purpose of indicating that a piece of equipment, machinery, etc., is out of order and to attempt to use it might present a hazard. (See Fig. J–13.)

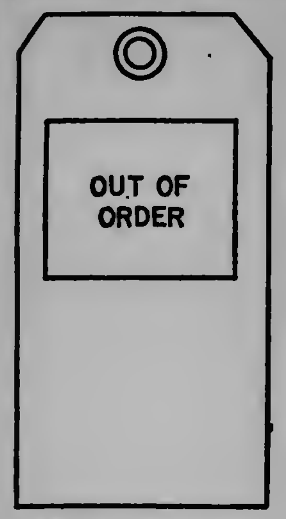
(7) *Radiation tags.* (i) The standard background for Radiation tags shall be yellow; the panel shall be reddish purple. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1, Fundamental Specification of Safety Colors for CIE Standard Source "C" American National Standard Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1–1967.

(ii) The method of dimension, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated in Figure J–14. The symbol shall be prominently displayed and of a size consistent with the size of the equipment or area in which it is to be used.

(8) *Biological hazard tags.* (i) The standard background color for the Biological Hazard symbol is optional as long as there is sufficient contrast for the symbol to be clearly defined. The symbol design (see Fig. J–15) shall be a fluorescent orange or orange-red color.

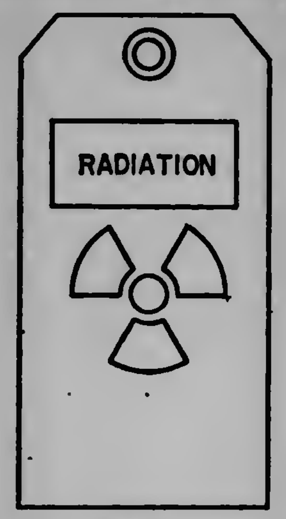
(ii) The biological Hazard tag shall be used to signify the actual or potential presence of a biohazard, to identify equipment, containers, rooms, materials, experimental animals, or combinations thereof, which contain or are contaminated with viable hazardous agents.

(iii) For the purpose of this subparagraph the term "biological hazard" shall include only those infectious agents presenting a risk or potential risk to the well-being of man.



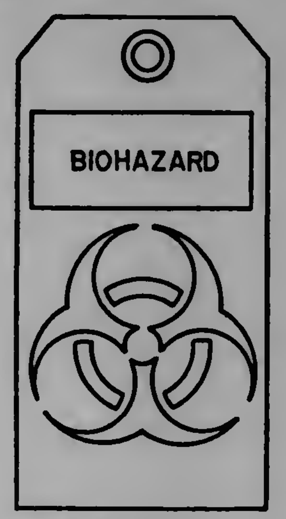
White tag
white letters on
black background

Fig. J-13
Out of Order Tag



Yellow tag
yellow letters in
reddish-purple panel
(Added wording in black
on yellow background)

Fig. J-14
Radiation Tag



White tag
black letters on
fluorescent-orange
background and
symbol

Fig. J-15
Biological Hazard Tag

§ 1910.147 Sources of standards.

The standards in this Subpart J are derived from the following sources:

Sec.	*Source*
1910.141 ------	ANSI Z4.1–1968, Minimum Requirements for Sanitation in Places of Employment.
1910.142 ------	ANSI Z4.4–1968, Minimum Requirements for Sanitation in Temporary Labor Camps.
1910.143 ------	ANSI Z4.3–1970, Minimum Requirements for Non-Water Carriage Disposal Systems.
1910.144 ------	ANSI Z53.1–1967, Safety Color Code for Marking Physical Hazards.
1910.145 (a)–(e).	ANSI Z35.1–1968, Specifications for Accident Prevention signs.
1910.145(f) ---	ANSI Z35.2–1968, Specifications for Accident Prevention Tags.

§ 1910.148 Standards organizations.

Standards and specifications of the following organizations have been referenced in this Subpart J:

American National Standards Institute, 1430 Broadway, New York, NY 10018.
National Association of Plumbing and Mechanical Officials, 5032 Alhambra Avenue, Los Angeles, CA 90032.
Amerfcan Society of Agricultural Engineers, 2950 Niles Road, Post Office Box 229, St. Joseph, MO 49085.

Subpart K—Medical and First Aid

§ 1910.151 Medical services and first aid.

(a) Employer shall insure the ready availability of medical personnel for advice and consultation on matters of plant health.

(b) In the absence of an infirmary, clinic, or hospital in near proximity to the workplace which is used for the treatment of all injured employees, a person or persons shall be adequately trained to render first aid. First aid supplies approved by the consulting physician shall be readily available.

(c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

§ 1910.152 [Reserved]

§ 1910.153 Sources of standards.

The standard in § 1910.151 is derived from 41 CFR 50–204.6.

Subpart L—Fire Protection

§ 1910.156 Definitions applicable to this subpart.

(a) "Class A fires" are fires in ordinary combustible materials, such as wood, cloth, paper, and rubber.

(b) "Class B fires" are fires in flammable liquids, gases, and greases.

(c) "Class C fires" are fires which involve energized electrical equipment where the electrical nonconductivity of the extinguishing media is of importance. (When electrical equipment is deenergized, extinguishers for Class A or B fires may be used safely.)

(d) "Class D fires" are fires in combustible metals, such as magnesium, titanium, zirconium, sodium, and potassium.

(e) Classification of portable fire extinguishers: "Portable fire extinguishers" are classified for use on certain classes of fires and rated for relative extinguishing effectiveness at a temperature of plus 70° F. by nationally recognized testing laboratories. This is based upon the preceding classification of fires and the fire extinguishment potentials as determined by fire tests.

NOTE: The classification and rating system described in this section is that used by Underwriters' Laboratories, Inc. and Underwriters Laboratories of Canada and is based on extinguishing preplanned fires of determined size and description as follows:

(i) Class A rating—Wood and excelsior fires excluding deep-seated conditions.

(ii) Class B rating—Two-inch depth gasoline fires in square pans.

(iii) Class C rating—No fire test. Agent must be a nonconductor of electricity.

(iv) Class D rating—Special tests on specific combustible metal fires.

(f) A "light hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of small size may be expected. These may include offices, schoolrooms, churches, assembly halls, telephone exchanges, etc.

(g) An "ordinary hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of moderate size may be expected. These may include mercantile storage and display, auto showrooms, parking garages, light manufacturing, warehouses not classified as extra hazard, school shop areas, etc.

(h) An "extra hazard" is a situation where the amount of combustibles or flammable liquids present is such that fires of severe magnitude may be expected. These may include woodworking, auto repair, aircraft servicing, warehouses with high-piled (14 feet or higher) combustibles, and processes such as flammable liquid handling, painting, dipping, etc.

(i) Sprinkler system: A "sprinkler system," for fire protection purposes, is an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The system includes a suitable water supply, such as a gravity tank, fire pump, reservoir, or pressure tank and/or connection by underground piping to a city main. The portion of the

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sprinkler system above ground is a network of specially sized or hydraulically designed piping installed in a building, structure or area, generally overhead, and to which sprinklers are connected in a systematic pattern. The system includes a controlling valve and a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

NOTE: The design and installation of water supply facilities such as gravity tanks, fire pumps, reservoirs, or pressure tanks, and underground piping are covered by NFPA Standards No. 22–1970, Water Tanks For Private Fire Protection; No. 20–1970, Installation of Centrifugal Fire Pumps and No. 24–1970, Outside Protection.

(j) Sprinkler alarms: A "sprinkler alarm" unit is an assembly of apparatus approved for the service and so constructed and installed that any flow of water from a sprinkler system equal to or greater than that from a single automatic sprinkler will result in an audible alarm signal on the premises.

(k) Class of service—standpipe systems: "Standpipe systems" are grouped into three general classes of service for the intended use in the extinguishment of fire.

(1) Class I: For use by fire departments and those trained in handling heavy fire streams (2½-inch hose).

(2) Class II: For use primarily by the building occupants until the arrival of the fire department (small hose).

(3) Class III: For use by either fire departments and those trained in handling heavy hose streams or by the building occupants.

(l) Class I service: "Class I service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings or for exposure fire.

(m) Class II service: "Class II service" is a standpipe system which affords a ready means for the control of incipient fires by the occupants of buildings during the nighttime and holidays.

(n) Class III service: "Class III service" is a standpipe system capable of furnishing the effective fire streams required during the more advanced stages of fire on the inside of buildings as well as providing a ready means for the control of fires by the occupants of the building.

(o) Standpipe systems: "Standpipe systems" are usually of the following types:

(1) A wet standpipe system having a supply valve open and water pressure maintained at all times.

(2) A standpipe system so arranged through the use of approved devices as to admit water to the system automatically by opening a hose valve.

(3) A standpipe system arranged to admit water to the system through manual operation of approved remote control devices located at each hose station.

(4) Dry standpipe having no permanent water supply.
See also paragraph (k) of this section.

(p) Type I storage: "Type I storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored not over 15 feet high in solid piles or not over 12 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(q) Type II storage: "Type II storage" is that in which the stored commodities, packaging, and storage aids are noncombustible or contain only a small concentration of combustibles which are incapable of producing a fire that would cause appreciable damage to the commodities stored or to noncombustible wall, floor or roof construction. Ordinary combustible commodities in completely sealed noncombustible containers may qualify in this classification. General commodity storage that is subject to frequent changing and storage of combustible packaging and storage aids is excluded from this category.

(r) Type I storage: "Type I storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored over 15 feet but not more than 21 feet high in solid piles or over 12 feet but not more than 21 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(s) "Approved": "Approved" means listed or approved by: (1) At least one of the following nationally recognized testing laboratories: Factory Mutual Engineering Corp.; Underwriters' Laboratories, Inc., or (ii) Federal agencies such as Bureau of Mines, Department of the Interior: Department of Transportation; or U.S. Coast Guard, which issue approvals for such equipment.

PORTABLE FIRE SUPPRESSION EQUIPMENT

§ 1910.157 Portable fire extinguishers.

(a) *General requirements*—(1) *Operable condition.* Portable extinguishers shall be maintained in a fully charged and operable condition, and kept in their designated places at all times when they are not being used.

(2) *Location.* Extinguishers shall be conspicuously located where they will be readily accessible and immediately available in the event of fire. They shall be located along normal paths of travel.

(3) *Marking of location.* Extinguishers shall not be obstructed or obscured from view. In large rooms, and in certain locations where visual obstruction cannot be completely avoided, means shall be provided to indicate the location and intended use of extinguishers conspicuously.

(4) *Marking of extinguishers.* If extinguishers intended for different classes of fire are grouped, their intended use shall be marked conspicuously to insure choice of the proper extinguisher at the time of a fire.

(5) *Mounting of Extinguishers.* Extinguishers shall be installed on the hangers or in the brackets supplied, mounted in cabinets, or set on shelves unless the extinguishers are of the wheeled type.

(6) *Height of mounting.* Extinguishers having a gross weight not exceeding 40 pounds shall be installed so that the top of the extinguisher is not more than 5 feet above the floor. Extinguishers having a gross weight greater than 40 pounds (except wheeled types) shall be so installed that the top of the extinguisher is not more than 3½ feet above the floor.

(7) *Cabinet mounting.* Extinguisher mounted in cabinets or wall recesses or set on shelves shall be placed in a manner such that the extinguisher operating instructions face outward. The location of such extinguishers shall be marked conspicuously.

(8) *Vibrating locations.* Extinguishers installed under conditions where they are subject to severe vibration shall be installed in brackets specifically designed to cope with this vibration.

(9) *Temperature range.* Extinguishers shall be suitable for use within a temperature range of at least plus 40° to 120° Fahrenheit.

(10) *Extreme temperature. exposure.* When extinguishers are installed in locations subjected to temperatures outside the range prescribed in this § 1910.157 (a)(10), they shall be of a type approved or listed for the temperature to which they will be exposed, or placed in an enclosure capable of maintaining the temperature within the range prescribed in this § 1910.157(a)(10).

(b) *Selection of extinguishers*—(1) *General.* The selection of extinguishers for a given situation will depend upon the character of the fires anticipated, the construction and occupancy of the individual property, the vehicle or hazard to be protected, ambient-temperature conditions, and other factors. The number of extinguishers required shall be determined by reference to paragraph (c) of this section.

(2) *Selection by hazard.* (i) Extinguishers shall be selected for the specific class or classes of hazards to be protected in accordance with the following paragraphs.

(ii) Extinguishers for protecting Class A hazards shall be selected from among the following: foam, loaded stream, multipurpose dry chemical, and water types. Certain smaller extinguishers which are charged with multipurpose dry chemical are rated on Class B and Class C fires, but have insufficient effectiveness to earn the minimum 1–A rating even though they have value in extinguishing smaller Class A fires.

Such smaller extinguishers shall not be used to meet the requirements of paragraph (c)(2)(i) of this section.

(iii) Extinguishers for protection of Class B hazards shall be selected from the following: Bromotrifluoromethane, carbon dioxide, dry chemical, foam, loaded stream, and multipurpose dry chemical. Extinguishers with ratings less than 1–B shall not be considered in determining suitability.

(iv) Extinguishers for protection of Class C hazards shall be selected from the following: bromotrifluoromethane, carbon dioxide, dry chemical, and multipurpose dry chemical.

NOTE: Carbon dioxide extinguishers equipped with metal horns are not considered safe for use on fires in energized electrical equipment and, therefore, are not classified for use on Class C hazards.

(v) Extinguishers and extinguishing agents for the protection of Class D hazards shall be of types approved for use on the specific combustible-metal hazard.

(c) *Distribution of portable fire extinguishers*—(1) *General.* (i) The number of fire extinguishers needed to protect a property shall be determined as prescribed herein, considering the area and arrangement of the building or occupancy, the severity of the hazard, the anticipated classes of fires, and the distances to be traveled to reach extinguishers.

(ii) Fire extinguishers shall be provided for the protection of both the building structure, if combustible and the occupancy hazards contained therein.

(iii) Required building protection shall be provided by fire extinguishers suitable for Class A fires.

(iv) Occupancy hazard protection shall be provided by fire extinguishers suitable for such Class A, B, C, or D fire potentials as may be present.

(v) Extinguishers provided for building protection may be considered also for the protection of occupancies having a Class A fire potential.

(vi) Combustible buildings having an occupancy hazard subject to Class B, and/or Class C fires, shall have a standard complement of Class A fire extinguishers as required by Table L–1 for building protection, plus additional Class B and/or Class C extinguishers. Where fire extinguishers have more than one letter classification (such as 2–A: 20–B:C), they may be considered to satisfy the requirements of each letter class.

(vii) Rooms or areas shall be graded generally as light hazard, ordinary hazard, or extra hazard. Limited areas of greater or lesser hazard shall be protected as required.

(2) *Fire extinguisher size and placement for Class A hazards.* (i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L–1. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L–1.

TABLE L–1

Basic minimum extinguisher rating for area specified	Maximum travel distances to extinguishers (feet)	Areas to be protected per extinguisher		
		Light hazard occupancy (square feet)	Ordinary hazard occupancy (square feet)	Extra hazard occupancy (square feet)
1A	75	3,000	Note 1	Note 1
2A	75	6,000	3,000	Note 1
3A	75	9,000	4,600	3,000
4A	75	11,250	6,000	4,000
6A	75	11,250	9,000	6,000

NOTE 1: Not permitted except as specified in subdivision (ii) of this subparagraph.

(ii) The protection requirements specified in Table L–1 may be fulfilled by several extinguishers of lower ratings for ordinary or extrahazard occupancies.

(iii) Where the floor area of a building is less than that specified in Table L–1, at least one extinguisher of the minimum size recommended shall be provided.

(iv) The protection requirements may be fulfilled with extinguishers of higher rating provided the travel distance to such larger extinguishers shall not exceed 75 feet.

(3) *Fire extinguisher size and placement for Class B fires other than for fires in flammable liquids of appreciable depth.* (i) Minimal sizes of fire extinguishers for the listed grades of hazard shall be provided on the basis of Table L–2. Extinguishers shall be located so that the maximum travel distances shall not exceed those specified in Table L–2.

TABLE L–2

Type of hazard	Basic minimum extinguisher rating	Maximum travel distance to extinguishers (feet)
Light	4B	50
Ordinary	8B	50
Extra	12B	50

(ii) Two or more extinguishers of lower rating, except for foam extinguishers, shall not be used to fulfill the protection requirements of Table L–2. Up to three foam extinguishers may be used to fulfill these requirements.

(iii) The protection requirements may be fulfilled with extinguishers of higher ratings provided the travel distance to such larger extinguishers shall not exceed 50 feet.

(4) *Fire extinguisher size and placement for Class B fires in flammable liquids of appreciable depth.* (i) For flammable liquid hazards of appreciable depth (Class B), such as in dip or quench tanks, Class B fire extinguishers shall be provided on the basis of one numerical unit of Class B extinguishing potential per square foot of flammable liquid surface of the largest tank hazard within the area.

NOTE: Appreciable depth is defined as a depth of a liquid greater than one-quarter inch.

(ii) Two or more extinguishers of lower ratings except for foam extinguishers, shall not be used in lieu of the extinguisher required for the largest tank. Up to three foam extinguishers may be used to fulfill these requirements.

(iii) Scattered or widely separated hazards shall be individually protected if the specified travel distances in subparagraph (3)(i) of this paragraph are exceeded. Likewise, extinguishers in the proximity of a hazard shall be carefully located so as to be accessible in the presence of a fire without undue danger to the operator.

(5) *Fire extinguisher size and placement for Class C hazards.* (i) Extinguishers with Class C ratings shall be required where energized electrical equipment may be encountered which would require a nonconducting extinguishing media. This will include fire either directly involving or surrounding electrical equipment. Since the fire itself is a Class A or Class B hazard the extinguishers are sized and located on the basis of the anticipated Class A or B hazard.

(d) *Inspection, maintenance, and hydrostatic tests*—(1) *General.* (i) The owner or occupant of a property in which extinguishers are located shall be responsible for such inspection, maintenance, and testing.

(ii) For details of conducting needed inspections, proper maintenance operations, and required tests, see NFPA No. 10A–1970, Maintenance and Use of Portable Fire Extinguishers.

(2) *Inspection.* (i) Extinguishers shall be inspected monthly, or at more frequent intervals when circumstances require, to insure they are in their designated places, to insure they have not been actuated or tampered with, and to detect any obvious physical damage, corrosion, or other impairments.

(ii) Any extinguishers showing defects shall be given a complete maintenance check.

(3) *Maintenance.* (i) At regular intervals, not more than 1 year apart, or when specifically indicated by an inspection, extinguishers shall be thoroughly examined and/or recharged or repaired to insure operability and safety; or replaced as needed.

(ii) Extinguishers removed from the premises to be recharged shall be replaced by spare extinguishers during the period they are gone.

(iii) Pails or drums of powder-extinguishing agents for scoop or shovel application to metal fires shall be kept full at all times.

(iv) Each extinguisher shall have a durable tag securely attached to show the maintenance or recharge date and the initials or signature of the person who performs this service.

(4) *Hydrostatic tests.* (i) If, at any time, an extinguisher shows evidence of corrosion or mechanical injury, it shall be subjected to a hydrostatic pressure test, or replaced.

(ii) For evaluating the condition of extinguisher cylinders made to Department of Transportation specifications (cf. 49 CFR Chapter I), see the Standard for Visual Inspection of Compressed Gas Cylinders (CGA C–6), published by the Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(iii) At intervals not exceeding those specified in Table L–3 and subdivisions (iv) through (vi) of this subparagraph, extinguishers shall be hydrostatically tested. The first hydrostatic retest may be conducted between the fifth and sixth years for those with a designated test interval of 5 years.

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TABLE L–3

HYDROSTATIC TEST INTERVAL FOR EXTINGUISHERS

Extinguisher type:	*Test interval year*
Soda-acid	5
Cartridge-operated water and/or antifreeze	5
Storage-pressure water and/or antifreeze	5
Wetting agent	5
Foam	5
Loaded stream	5
Dry chemical extinguishers with stainless steel shells, aluminum shells, or soldered-brass shells	5
Carbon dioxide extinguishers	5
Dry chemical extinguishers with brazed-brass shells, or mild-steel shell	12
Bromotrifluoromethane	12
Dry powder extinguishers for metal fires	12

NOTE: Cylinders under jurisdiction of the U.S. Department of Transportation (formerly Interstate Commerce Commission) may require hydrostatic testing at more frequent periods.

(iv) Nitrogen cylinders (or other cylinders used for inert-gas storage), such as found on wheeled extinguishers, shall be tested at a 5-year interval.

(v) On those extinguishers which are equipped with a shutoff nozzle at the outlet end of the hose, a hydrostatic test shall be performed on the hose with its couplings (but without the discharge nozzle) at the test interval specified for the unit on which the hose is installed.

(vi) The test pressure for dry chemical and dry powder hose assemblies requiring a hydrostatic test shall be at a test pressure of 300 pounds per square inch for a 1-minute period. Carbon dioxide hose assemblies requiring a hydrostatic test shall be at test pressure of 1,250 p.s.i. for a 1-minute period.

(vii) Hydrostatic tests are not required on fire pails, pump-type water and/or antifreeze extinguishers, and factory-sealed disposable (nonrefillable) containers. If such an extinguisher or water pail shows evidence of corrosion or mechanical injury, it may be unsafe or unsuitable for further use and shall be replaced with a new unit.

(viii) The hydrostatic test date shall be recorded on a record tag of metal or equally durable material, or a suitable metallized decal which shall be affixed (by a heatless process) to the shell of an extinguisher which favorably passes the hydrostatic test. The record tag shall contain the following information: Date of test, test pressure, and name or initials of person or agency making the test.

(ix) For extinguishers subjected to an original factory test pressure of 350 p.s.i. or greater, the test pressure shall be 75 percent of the factory test pressure (as noted on the extinguisher nameplate), but in no case less than 300 p.s.i., see Table L–4. For extinguishers subjected to an original factory test pressure of less than 350 p.s.i., the test pressure shall be 75 percent of the factory test pressure; see Table L–4. Pressure shall be applied at a rate of rise to reach the test pressure in approximately 1 minute, and the pressure shall be held for 1 minute, after which it shall be released.

TABLE L–4

HYDROSTATIC TEST PRESSURE REQUIREMENTS—NON-ICC SHELLS, SHELLS NOT SPECIFIED IN U.S. DEPARTMENT OF TRANSPORTATION REGULATIONS, (FORMERLY INTERSTATE COMMERCE COMMISSION)

Extinguisher type	Original factory test pressure	Required hydrostatic test pressure
All dry chemical and dry powder.	400 p.s.i. or greater.	75% of factory test pressure.
	350-399 p.s.i.	300 p.s.i.
	below 350 p.s.i.	75% of factory test pressure.
Foam—500 p.s.i. factory test.	500	375.
Foam—350 p.s.i. factory test.	350	300.
Soda-acid—500 p.s.i. factory test.	500	375.
Soda-acid—350 p.s.i. factory test.	350	300.
Stored-pressure or cartridge-operated water-type (including antifreeze and loaded-stream).	400 p.s.i. or greater.	75% of factory test pressure.
	350-399 p.s.i.	300 p.s.i.
	below 350.	75% of factory test pressure.

(x) Carbon dioxide extinguishers, nitrogen cylinders, and other cylinders or cartridges used for the storage of inert, compressed gases shall be hydrostatically tested in accordance with the requirements of the U.S. Department of Transportation (formerly Interstate Commerce Commission); see 49 CFR Parts 171–190.

(xi) Extinguisher shells, cartridges, or cylinders which show leakage or permanent distortion in excess of specified limits, or which rupture, shall be removed from service.

§ 1910.158 Standpipe and hose systems.

(a) *General requirements*—(1) *Application.* Where standpipe and hose systems are provided they shall meet the design requirements of the National Fire Protection Association's Standard for the Installation of Standpipe and Hose Systems NFPA 14–1970 and the requirements of this section.

(2) *Closets and cabinets.* Closets and cabinets used to contain fire hose shall be of sufficient size to permit the installation of the necessary equipment at hose stations, and so designed as not to interfere with the prompt handling of the hose and equipment at time of fire. They shall be used for fire equipment only.

(3) *Protection of standpipes.* Standpipes shall be so located that they are protected against mechanical and fire damage.

(b) *Hose outlets*—(1) *Location of hose.* (i) Hose outlets shall be within easy reach of a person standing on the floor and in no case shall be over 6 feet from the floor. Hose stations shall be located conspicuously within the immediate area and where not likely to be obstructed. Hose may be located at one side of the standpipe and supplied by short lateral connections to the standpipe where necessary to avoid obstructions.

(ii) For Class III service, the outlets for large hose shall be located in a stairway enclosure, and for small hose the outlets shall be located in the corridor or space adjacent to the stairway enclosure.

(2) *Hose connections.* (i) Standpipes for Class I service shall be provided with 2½-inch hose connections on each floor.

(ii) Standpipes for Class II service shall be provided with 1½-inch hose connections on each floor.

(iii) Standpipes for Class III service shall be provided with both a 2½-inch and 1½-inch hose connection on each floor. The hose connections may be through one 2½-inch hose valve and an easily removable 2½-inch by 1½-inch adapter.

(3) *Hose.* Each hose outlet provided for the use of building occupants (Class II and III services) shall be equipped with not more than 75 feet and preferably not more than 50 feet of approved small fire hose attached and ready for use.

(4) *Hose racks.* Each station provided with small hose shall be equipped with an approved rack securely fastened in position.

(5) *Hose valves.* (i) An approved hose valve shall be provided at each outlet for attachment of hose.

(ii) Where the static pressure at any standpipe outlet for small hose exceeds 100 pounds per square inch, an approved device shall be installed at the outlet to reduce the pressure so that the nozzle pressure will be approximately 80 pounds per square inch.

NOTE: Pressure reducers are not required on standpipe outlets for 2½-inch hose because it is assumed 2½-inch hose will be attached only when the persons likely to use it are trained in handling large streams.

(iii) National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit existing equipment; see Standard for Screw Threads Gaskets for Fire Hose Couplings, NFPA No. 194–1968.

(6) *Nozzles.* Nozzles shall be of an approved type. Size of nozzles for small hose shall be not larger than one-half inch.

(7) *Dry standpipe identification.* Each hose connection on dry standpipes shall be provided with a conspicuous, durable, and permanently legible sign reading "Dry Standpipe for Fire Department Use Only."

(c) *Water supplies*—(1) *Minimum supply for Class I service.* (i) The minimum supply for Class I service shall be sufficient to provide 500 gallons per minute for a period of at least thirty (30) minutes.

(ii) Where more than one standpipe is required, the minimum supply shall be 500 gallons per minute for the first standpipe and 250 gallons per minute for each additional standpipe, the total supply not to exceed 2,500 gallons a minute, for a period of at least thirty (30) minutes.

(iii) The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 500 gallons per minute flowing.

(2) *Minimum supply for Class II service.* The minimum supply for Class II service shall be sufficient to provide 100 gallons per minute for a period of at least thirty (30) minutes. The supply shall be sufficient to maintain a residual pressure of 65 pounds per square inch at the topmost outlet of each standpipe (including the roof outlet) with 100 gallons per minute flowing.

(3) *Minimum supply for Class III service.* The minimum supply for Class III service shall be the same as for Class I service.

(4) *Fire department connections.* (i) One or more fire department connections shall be provided for each Class I or Class III standpipe system.

(ii) In high-rise buildings having two or more zones, a fire department connection shall be provided for each zone.

(iii) Fire department connections shall be properly supported.

(iv) There shall be no shutoff valve in the fire department connection.

(v) An approved straightway check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system.

(vi) The pipe between the check valve and the outside hose coupling shall be equipped with an approved automatic drip, arranged to discharge to a proper place.

(vii) Hose connections shall be approved type and shall be equipped with standard caps, properly secured and arranged for easy removal by fire departments.

(viii) Hose coupling threads shall conform to those used by the local fire department. (American) National Standard Fire-Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose threads; see standard for Screw Threads and Gaskets for Fire Hose Couplings, NFPA No. 194—1968.

(ix) Hose connections should be on the street side of buildings and shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.

(x) Hose connections shall be designated by a sign having raised letters at least one inch in size cast on a plate or fitting, reading "Standpipe."

(xi) If hose connection does not serve all of the building an appropriate and durable sign shall be attached indicating the portions of the building served.

(d) *Tests and maintenance* — (1) *Tests.* All new systems including yard piping shall be tested hydrostatically at not less than 200 pounds per square inch pressure for 2 hours, or at 50 pounds per square inch in excess of the normal pressure when the normal pressure is in excess of 150 pounds per square inch.

(2) *Periodic inspection.* (i) The tanks shall be kept properly filled, and where pressure tanks are employed, a pressure of at least 75 pounds per square inch shall be maintained at all times.

NOTE: For further details, see Standard for Water Tanks for Private Fire Protection, NFPA No. 22–1970.

(ii) The valves in the main connection to the automatic sources of water supply shall be open at all times. The hose valves should be frequently examined to see that they are tight.

NOTE: For further details, see Care of Fire Hose, NFPA No. 198–1969.

FIXED FIRE SUPPRESSION EQUIPMENT

§ 1910.159 Automatic sprinkler systems.

(a) *General requirements*—(1) *Design.* When automatic sprinkler systems are provided they shall meet design requirements of the National Fire Protection Association's Standard for the Installation of Sprinkler Systems NFPA No. 13–1969 and the requirements of this section.

(2) *Water supply.* Every automatic sprinkler system shall have at least one automatic water supply of adequate pressure, capacity and reliability.

(3) *Fire department connection.* A connection through which a fire department can pump water into the sprinkler system makes a desirable auxiliary supply. For this purpose, one or more fire department connections shall be provided in all cases.

(b) *Fire department connections*—(1) *Size.* Pipe size shall not be less than 4 inches for fire engine connections and not less than 6 inches for fireboat connections, except that 3-inch pipe may be used to connect a single hose connection to a 3-inch or smaller riser.

(2) *Valves.* (i) An approved straightaway check valve shall be installed in each fire department connection, located as near as practicable to the point where it joins the system.

(ii) There shall be no shutoff valve in the fire department connection.

(3) *Support.* Fire department connections shall be properly supported.

(4) *Hose connections.* (i) Hose connections shall be of approved type.

(ii) Hose coupling threads shall conform to those used by the local fire department. National (American) Standard Fire Hose Coupling Screw Threads shall be used whenever they will fit the local fire department hose.

(iii) Hose connections shall be equipped with caps, properly secured and arranged for easy removal by fire departments.

(iv) Hose connections shall be located and arranged so that hose lines can be readily and conveniently attached to the inlets without interference from any nearby objects including buildings, fences, posts, or other fire department connections.

(v) Hose connections shall be designated by a sign having raised letters at least 1 inch in size cast on plate or fitting reading for service designated: Viz—"AUTO-SPKR." or "OPEN SPKR."

(c) *Sprinkler alarms*—(1) *General.* (i) Waterflow alarms shall be provided on all sprinkler installations.

(ii) An alarm unit shall include an approved mechanical alarm, horn, or siren, or an approved weatherproof electric gong, bell, horn, or siren on the outside of the building or approved electric gongs, bells, horns, or sirens inside the building, or a combination of such devices.

(iii) All alarm apparatus shall be so located and installed that all parts are readily accessible for inspection, removal, and repair, and shall be substantially supported. Outdoor mechanical or electrically operated bells shall be of weatherproof and guarded type. On each alarm check valve used under conditions of variable water pressure, a retarding device shall be installed. Suitable valves shall be provided in the connections to retarding chambers, to permit repair or removal without shutting off sprinklers; these valves shall be so arranged that they may be locked or sealed in the open position.

(2) *Waterflow detecting devices.* (i) The alarm apparatus for a wet-pipe system shall consist of an approved alarm check valve or other approved water flow detecting alarm device with the necessary attachments required to give an alarm.

(ii) The alarm apparatus for a dry-pipe system shall consist of approved alarm attachments to the dry-pipe valve. When a dry-pipe valve is located on the system side of an alarm valve, the actuating device of the alarms for the dry-pipe valve may be connected to the alarms on the wet-pipe system.

(iii) The alarm apparatus for preaction and deluge systems shall consist of approved electric alarm attachments, actuated by a thermostatic system independently of flow of water in the system.

(3) *Drains.* Drains from alarm devices shall be so arranged that there will be no danger of freezing, and so that there will be no overflowing at the alarm apparatus, at domestic connections or elsewhere with the sprinkler drains wide open and under pressure.

(d) *Maintenance of sprinkler system.* A sprinkler system installed under this Standard must be properly maintained for efficient service. The owner is responsible for the condition of his sprinkler system and must use due diligence in keeping the system in good operating condition.

(e) *Sprinkler head clearance*—(1) *Type I storage.* Clearance of at least 36 inches shall be maintained between sprinkler deflectors and top of storage to reduce the possibility of obstruction to the distribution of water.

(2) *Type II storage.* Clearance of at least 18 inches shall be maintained between sprinkler deflectors and top of storage to reduce the possibility of obstruction to the distribution of water.

(3) *Type III storage.* In sprinklered buildings, at least 18 inches clearance between sprinkler deflectors and top of storage shall be maintained.

§ 1910.160 Fixed dry chemical extinguishing systems.

(a) *General requirements*—(1) *Design.* When dry chemical extinguishing systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard for Dry Chemical Extinguishing Systems" NFPA No. 17–1969 and the requirements of this section.

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(2) *Safety requirements.* Where there is a possibility that personnel may be exposed to a dry chemical discharge, suitable safeguards shall be provided to insure prompt evacuation of such locations, and also to provide means for prompt rescue of any trapped personnel.

(b) *Alarms and indicators*—(1) *General.* Alarms and/or indicators are used to indicate the operation of the system, hazard to personnel, or failure of any supervised device or equipment. The devices may be audible or visual. The type, number, and location of the devices shall be such that their purpose is satisfactorily accomplished. The extent and type of alarm and/or indicator equipment shall be approved.

(2) *Operation alarm.* (i) An alarm or indicator shall be provided to show that the system has operated, that personnel response may be needed, and that the system should be charged.

(ii) Alarms indicating failure of supervised devices or equipment shall give prompt and positive indication of any failure and shall be distinctive from alarms indicating operation or hazardous conditions.

(c) *Inspection and maintenance*—(1) *Inspection and tests.* (i) At least annually, all dry chemical systems including alarms, shutdowns, and other associated equipment, shall be thoroughly inspected and checked for proper operation by a competent inspector.

(ii) The purpose of the inspection and testing prescribed by paragraph (c) of this section shall be not only to insure that the system is in full operating condition but also to indicate the probable continuance of that condition until the next inspection. Attention at this inspection shall be given to any extension of the hazard protected by the system.

(iii) The inspector's report, with recommendations, if any, shall be filed with the owner or with whomever is designated by the owner.

(iv) Between the regular service contract inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following an approved schedule.

(v) At least semiannually, all expellant gas containers shall be checked by pressure or weight against the required minimums.

(vi) At least semiannually, all stored pressure dry chemical containers shall be checked by pressure and weight against the required minimums.

(vii) Except for stored pressure systems, at least annually the dry chemical in the system storage container shall be sampled from the top center and also near the wall to determine the existence of lumps harder than will be friable when dropped from a height of 4 inches.

(2) *Maintenance.* (i) These fixed dry chemical systems shall be maintained in full operating condition at all times. Use, impairment, and restoration of this protection shall be reported promptly to the owner.

(ii) Any troubles or impairments shall be corrected at once by competent personnel.

§ 1910.161 Carbon dioxide extinguishing systems.

(a) *General requirements*—(1) *Design.* When carbon dioxide extinguishing systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard on Carbon Dioxide Extinguishing Systems" NFPA No. 12–1968 and the requirements of this section.

(2) *Safety requirements.* In any use of carbon dioxide where there is a possibility that employees may be trapped in, or enter into atmospheres made hazardous by a carbon dioxide discharge, suitable safeguards shall be provided to insure prompt evacuation of and to prevent entry into such atmospheres and also to provide means for prompt rescue of any trapped personnel. Such safety items as personnel training, warning signs, discharge alarms, predischarge alarms, and breathing apparatus shall be considered.

(b) *Inspection and maintenance*—(1) *Inspection and tests.* (i) At least annually, all carbon dioxide systems shall be thoroughly inspected and tested for proper operation by a competent engineer or inspector.

(ii) The goal of this inspection and testing shall be not only to insure that the system is in full operating condition but shall indicate the probable continuance of that condition until the next inspection.

(iii) Suitable discharge tests shall be made when any inspection indicates their advisability.

(iv) Between the regular service contract inspection or tests, the system shall be inspected visually or otherwise by competent personnel, following a schedule.

(v) At least semiannually, all high pressure cylinders shall be weighed. If, at any time, a container shows a loss in net content of more than 10 percent, it shall be refilled or replaced.

(vi) If, at any time, a container shows a loss of more than 10 percent, it shall be refilled, unless the minimum gas requirements are still provided.

(2) *Maintenance.* (i) These carbon dioxide systems shall be maintained in full operating condition at all times.

(ii) Any troubles or impairments shall be corrected at once by competent personnel.

§ 1910.162 Other special fixed extinguishing systems. [Reserved]

OTHER FIRE PROTECTION SYSTEMS

§ 1910.163 Local fire alarm signaling systems.

(a) *General requirements.* Where local fire alarm signaling systems are provided they shall meet the design requirements of the National Fire Protection Association's "Standard for the Installation, Maintenance, and Use of Local Protective Signaling Systems for Watchman, Fire Alarm and Supervisory Service." NFPA No. 72A–1967 and the requirements of this section.

(b) *Fire alarm boxes*—(1) *General.* Manual fire alarm boxes shall be approved for the particular application and shall be used only for fire protective signaling purposes. Combined fire alarm and watchman's signaling boxes are acceptable.

(2) *Mounting.* Each box shall be securely mounted.

(3) *Distribution.* Manual fire alarm boxes shall be distributed throughout the protected area so that they are unobstructed, readily accessible, and located in the normal path of exit from the area. Additional boxes shall be provided on each floor to obtain a maximum horizontal travel distance of 200 feet to the nearest box.

(c) *Maintenance.* All systems shall be under the supervision of qualified persons. These persons shall cause tests and inspections to be made at prescribed intervals and shall have general charge of all alterations and additions to the systems under their supervision.

§ 1910.164 Fire brigades. [Reserved]

§ 1910.165 Additional delay in effective date.

The requirements of this Subpart L shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon the commencement of the Walsh-Healey requirement.

§ 1910.165a Sources of standards.

Section	*Source*
1910.156(a)–(h)	NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers.
1910.156(i)–(j)	NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.
1910.156(k)–(o)	NFPA No. 14–1970, Standard for the Installation of Standpipe and Hose Systems.
1910.156(p)–(s)	NFPA No. 231–1970, Standard for Indoor General Storage.
1910.157	NFPA No. 10–1970, Standard for the Installation of Portable Fire Extinguishers.
1910.158	NFPA No. 14–1970, Standard for the Installation of Standpipe and Hose Systems.
1910.159(a)–(d)	NFPA No. 13–1969, Standard for the Installation of Sprinkler Systems.
1910.159(e)	NFPA No. 231–1970, Standard for Indoor General Storage.
1910.160	NFPA No. 17–1969, Standard for Dry Chemical Extinguishing Systems.
1910.161	NFPA No. 12–1968, Standard on Carbon Dioxide Extinguishing Systems.
1910.163	NFPA No. 72A–1967, Standard for the Installation, Maintenance, and Use of Local Protective Signalling Systems for Watchman, Fire Alarm and Supervisory Service.

§ 1910.165b Standards organizations.

Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

National Fire Protection Association, 60 Batterymarch Street, Boston MA 02110.

American National Standards Institute, 1430 Broadway, New York NY.

Subpart M—Compressed Gas and Compressed Air Equipment

§ 1910.166 Inspection of compressed gas cylinders.

(a) *Definitions.* As used in this section:

(1) High- and low-pressure cylinders: High-pressure cylinders means those cylinders with a marked service pressure of 900 p.s.i. or greater; low-pressure cylinders are those with a marked service pressure less than 900 p.s.i.

(2) Minimum allowable wall thickness: The minimum allowable wall thickness means the minimum wall thickness required by the specification under which the cylinder was manufactured.

(3) Dents: Dents (in cylinders) means deformations caused by the cylinder coming in contact with a blunt object in such a way that the thickness of metal is not materially impaired.

(4) Cuts, gouges, or digs: Cuts, gouges, or digs (in cylinders) means deformations caused by contact with a sharp object in such a way as to cut into or upset the metal of the cylinder, decreasing the wall thickness at that point.

(5) Corrosion or pitting: Means corrosion or pitting in cylinders involving the loss of wall thickness by corrosive media. There are several kinds of pitting or corrosion to be considered.

(6) Isolated pitting: Means isolated pits of small cross-section which do not effectively weaken the cylinder wall but are indicative of possible complete penetration and leakage. Since the pitting is isolated the original wall is essentially intact.

(7) Line corrosion: Means pits which are not isolated but are connected or nearly connected to others in a narrow band or line. This condition is more serious than isolated pitting. Line corrosion frequently occurs in the area of intersection of the footring and bottom of a cylinder. This is sometimes referred to as "crevice corrosion."

(8) General corrosion: Means corrosion which covers considerable surface areas of the cylinder. It reduces the structural strength. It is often difficult to measure or estimate the depth of general corrosion because direct comparison with the original wall cannot always be made. General corrosion is often accompanied by pitting.

(9) "DOT" means the U.S. Department of Transportation.

(b) *General requirements*—(1) *Application.* (i) Each employer shall determine that compressed gas cylinders under his control are in a safe condition to the extent that this can be determined by visual and other inspection required by this subparagraph.

(ii) The requirements contained in this section are not intended to apply to cylinders manufactured under specification DOT (ICC)–3HT (49 CFR Ch. 1). Separate requirements covering service life and standards for visual inspection of these cylinders are contained in Compressed Gas Association Pamphlet C–8, "Standard for Requalification of ICC–3HT Cylinders."

(2) *Quality of inspection.* Experience in the inspection of cylinders is an important factor in determining the acceptability of a given cylinder for continued service. Users lacking this experience and having doubtful cylinders should return them to a manufacturer of the same type of cylinders for reinspection.

(c) *Inspection of low-pressure cylinders exempt from the hydrostatic test including acetylene cylinders*—(1) *Application.* This section covers cylinders of the type that are exempt from the hydrostatic retest requirements of the DOT by virtue of their exclusive use in certain noncorrosive gas service. They are not subject to internal corrosion and do not require internal shell inspection.

(2) *Preparation for inspection.* Rust, scale, caked paint, etc., shall be removed from the exterior surface so that the surface can be adequately observed. Facilities shall be provided for inverting the cylinder to facilitate inspection of the bottom. This is important because experience has shown this area to be the most susceptible to corrosion.

(3) *Exterior inspection.* Cylinders shall be checked as outlined below for corrosion, general distortion, or any other defect that might indicate a weakness which would render it unfit for service.

(i) To fix corrosion limits for all types, designs, and sizes of cylinders, and include them in this section is not practicable. Cylinders shall meet the requirements of this subdivision. Failure to meet any of the requirements of this subdivision is of itself cause for rejection of a cylinder.

(*a*) A cylinder shall be rejected when the tare weight is less than 95 percent of the original tare weight marked on the cylinder. When determining tare weight, be sure that the cylinder is empty.

(*b*) A cylinder shall be rejected when the remaining wall in an area having isolated pitting only is less than one-third of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(*c*) A cylinder shall be rejected when line corrosion on the cylinder is 3 inches in length or over and the remaining wall is less than three-fourths of the minimum allowable wall thickness or when line corrosion is less than 3 inches in length and the remaining wall thickness is less than one-half the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(*d*) A cylinder shall be rejected when the remaining wall in an area of general corrosion is less than one-half of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(ii) To use the criteria in subdivision (i) of this subparagraph, it is necessary to know the original wall thickness of the cylinder or the minimum allowable wall thickness. Table M–1 lists the minimum allowable wall thickness under DOT specifications (49 CFR Ch. 1) for a number of common size low-pressure cylinders.

TABLE M—1

Cylinder size O.D. x length (inches)	DOT Specification marking	Nominal water capacity (pounds)	Minimum allowable wall thickness (inches)
15 x 46	[1] 4B240	239	0.128
$14\frac{13}{16}$ x 47	4E240	239	.140
$14\frac{13}{16}$ x 46	4BA240	239	.086
$14\frac{11}{16}$ x $28\frac{3}{8}$	4BA240	143	.086
$11\frac{29}{32}$ x $32\frac{11}{16}$	4BA240	95	.078
$11\frac{29}{32}$ x $18\frac{11}{32}$	4BA240	48	.078

[1] Without longitudinal seam

(iii) When the wall thickness of the cylinder at manufacture is not known, and the actual wall thickness cannot be measured, this cylinder shall be rejected when the inspection reveals that the deepest pit in a general corrosion area exceeds three sixty-fourths inch. This is arrived at by considering that in no case shall the pitting exceed one-half the minimum allowable wall thickness which is 0.064 inch. When a pit measures 0.043 inch (approximately three sixty-fourths inch) in a corrosion area, general corrosion will already have removed 0.021 inch of the original wall and the total pit depth as compared to the initial wall will be 0.064 inch.

(iv) When the original wall thickness at manufacture is known, or the actual wall thickness is measured, this thickness less one and one-half times the maximum measured pit depth shall be 0.064 inch or greater. If it is less, the cylinder shall be rejected.

(v) Dents are of concern where the metal deformation is sharp and confined, or where they are near a weld. Where metal deformation is not sharp, dents of larger magnitude can be tolerated.

(vi) Where denting occurs so that any part of the deformation includes a weld, the maximum allowable dent depth shall be one-fourth inch.

(vii) When denting occurs so that no part of the deformation includes a weld, the cylinder shall be rejected if the depth of the dent is greater than one-tenth of the mean diameter of the dent.

(viii) Cuts, gouges, or digs reduce the wall thickness of the cylinder and in addition are considered to be stress raisers. Depth limits are set in this subparagraph; however, cylinders shall be rejected at one-half of the limit set whenever the length of the defect is 3 inches or more.

(*a*) When the original wall thickness at manufacture is not known, and the

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actual wall thickness cannot be measured a cylinder shall be rejected if the out, gouge, or dig exceeds one-half of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(*b*) When the original wall thickness at manufacture is known, or the actual wall thickness is measured, a cylinder shall be rejected if the original wall thickness minus the depth of the defect is less than one-half of the minimum allowable wall thickness as determined under subdivision (ii), (iii), or (iv) of this subparagraph.

(ix) Leaks can originate from a number of sources, such as defects in a welded or brazed seam, defects at the threaded opening, or from sharp dents, digs, gouges, or pits.

(*a*) To check for leaks, the cylinder shall be charged and carefully examined. All seams and pressure openings shall be coated with a soap or other suitable solution to detect the escape of gas. Any leakage is cause for rejection.

(*b*) Safety relief devices as defined in § 1910.167(a)(1) shall be tested for leaks before a charged cylinder is shipped from the cylinder filling plant.

(x) After fire damage, cylinders shall be carefully inspected for evidence of exposure to fire.

(*a*) Common evidences of exposure to fire are:

(*1*) Charring or burning of the paint or other protective coat,

(*2*) Burning or sintering of the metal,

(*3*) Distortion of the cylinder,

(*4*) Melted out fuse plugs,

(*5*) Burning or melting of valve.

(*b*) The evaluation of fire damage by DOT Regulations state that, "A cylinder which has been subjected to the action of fire must not again be placed in service until it has been properly reconditioned", in accordance with 49 CFR 173.34(f) The general intent of this requirement is to remove from service cylinders which have been subject to the action of fire which has changed the metallurgical structure or the strength properties of the steel, or in the case of acetylene cylinders caused breakdown of porous filler. This is normally determined by visual examination as covered above with particular emphasis to the condition of the protective coating. If the protective coating has been burnt off or if the cylinder body is burnt, warped, or distorted, it is assumed that the cylinder has been overheated and 49 CFR 173.34(f) shall be complied with. If, however, the protective coating is only dirtied from smoke or other debris, and is found by examination to be intact underneath, the cylinder shall not be considered affected with the scope of this requirement.

(xi) Cylinders are manufactured with a reasonably symmetrical shape. Cylinders which have definite visible bulges shall be removed from service and evaluated. Cylinders shall be rejected when a variation of 1 percent or more is found in the measured circumferences or in peripheral distances measured from the valve spud to the center seam (or equivalent fixed point).

(xii) Cylinder necks shall be examined for serious cracks, folds, and flaws. Neck cracks are normally detected by testing the neck during charging operations with a soap solution.

(xiii) Cylinder neck threads shall be examined whenever the valve is removed from the cylinder. Cylinders shall be rejected if the required number of effective threads are materially reduced, or if a gas tight seal cannot be obtained by reasonable valving methods. Gages shall be used to measure the number of effective threads.

(xiv) If the valve is noticeably tilted the cylinder shall be rejected.

(xv) The footring and headring of cylinders may become so distorted through service abuse that they no longer perform their functions:

(*a*) To cause the cylinder to remain stable and upright,

(*b*) To protect the valve. Rings shall be examined for distortion; for looseness, and for failure of welds. Appearances may often warrant rejection of the cylinder.

(d) *Low-pressure cylinders subject to hydrostatic testing.*—(1) *Application.* Cylinders covered in this section are low-pressure cylinders other than those covered in paragraph (c) of this section. They differ essentially from such cylinders in that they require a periodic hydrostatic retest which includes an internal and external examination. Defect limits for the external examination are prescribed in paragraph (c) of this section, with exceptions for aluminum cylinders shown in subparagraph (4) of this paragraph.

(2) *Preparation for inspection.* Flammable gas cylinders shall be purged before being examined with a light. Lamps used for flammable gas cylinder inspection shall be explosion proof.

(3) *Internal inspection.* Cylinders shall be inspected internally at least every time the cylinder is periodically retested. The examination shall be made with a light of sufficient intensity to clearly illuminate the interior walls.

(4) *External inspection of aluminum cylinders.* The inspection requirements of paragraph (c) of this section shall be met, except as follows:

(i) Aluminum cylinders shall be rejected when impairment to the surface (corrosion or mechanical defect) exceeds a depth where the remaining wall is less than three-fourths of the minimum allowable wall thickness required by the specification under which the cylinder was manufactured.

(ii) Aluminum cylinders subjected to the action of fire shall be removed from service.

(e) *High-pressure cylinders*—(1) *Application.* High-pressure cylinders are those with a marked service pressure of 900 p.s.i. or higher. They are seamless; no welding is permitted. The great bulk of such cylinders are of the 3A or 3AA types under DOT Specifications (49 CFR Ch. I).

(2) *Preparation for inspection.* (i) Cylinders shall be cleaned for inspection so that the inside and outside surfaces and all conditions can be observed. This shall include removal of scale and caked paint from the exterior and the thorough removal of internal scale. Cylinders with interior coating shall be examined for defects in the coating. If the coating is defective, it shall be removed.

(ii) A good inspection light of sufficient intensity to clearly illuminate the interior wall is mandatory for internal inspection. Flammable gas cylinders shall be purged before being examined with a light. Lamps for flammable gas cylinder inspection shall be explosion proof.

(3) *Exterior inspection.* (i) To fix corrosion limits for all types, designs, and sizes of cylinders, and include them in this section, is not practicable. Considerable judgment is required in evaluating cylinders fit for service. Experience is a major factor, aside from strength considerations for high pressure cylinders.

(ii) When the original wall thickness of the cylinder is not known, and the actual wall thickness cannot be measured, the cylinder is rejected if corrosion exceeds one thirty-second inch in depth. This is arrived at by subtracting from the minimum allowable wall at manufacture (0.221 inch), the limiting wall in service (0.195 inch), to give the maximum allowable corrosion limit of 0.026 inch, say one thirty-second inch.

(iii) When the wall thickness is known, or the actual wall thickness is measured, the difference between this known wall and the limiting value establishes the maximum corrosion figure. The normal hot forged cylinder of this size will have a measured wall of about 0.250 inch. Comparison of this with the limiting wall thickness shows that defects up to about one-sixteenth inch are allowable provided, of course, that the actual wall is measured or is known.

(iv) Cylinders with general corrosion are evaluated by subjecting them to a hydrostatic test. Thus, a cylinder with an elastic expansion of 227 cc. or greater shall be rejected. If areas of pronounced pitting are included within the general corrosion, the depth of such pitting should also be measured (with the high spots of the actual surface as a reference plane) and the criteria established in the first example apply. Thus, the maximum corrosion limit would be one thirty-second inch when the wall was not known.

(v) Any defect of appreciable depth having a sharp bottom is a stress raiser and even though a cylinder may be acceptable from a stress standpoint, it is common practice to remove such defects. After any such repair operation, verification of the cylinder strength and structure shall be made by a hydrostatic test or other suitable means.

(vi) Dents can be tolerated when the cylinder wall is not deformed excessively or abruptly. Generally speaking, dents are accepted up to a depth of about one-sixteenth inch when the major diameter of the dent is equal to or greater than 32 times the depth of the dent. Sharper dents than this are considered too abrupt and shall require rejection of the cylinder. On small diameter cylinders these general rules may have to be adjusted. Considerations of appearance play a major factor in the evaluation of dents.

(vii) Cylinders with arc or torch burns shall be removed from service. Defects of this nature may be recognized by one of the following conditions:

(*a*) Removal of metal by scarfing or cratering.

(*b*) A sintering or burning of the base metal.

(*c*) A hardened heat affected zone. A simple method for verifying the presence of small arc burns is to file the suspected area. The hardened zone will resist filing as compared to the softer base metal.

(viii) Cylinders are normally produced with a symmetrical shape. Cylinders with distinct visual bulges shall be removed from service until the nature of the defect is determined. Some cylinders may have small discontinuities related to the manufacturing process—mushroomed bottoms, offset shoulders, etc. These usually can be identified and are not normally cause for concern.

(ix) Cylinders shall be carefully inspected for evidences of exposure to fire, see paragraph (c)(3)(x) of this section.

(x) Cylinder necks shall be examined for serious cracks, folds, and flaws. See paragraphs (c)(3) (xii) and (xiii) of this section.

(f) *Internal inspection.* (1) Cylinders shall be inspected internally at least every time the cylinder is periodically retested. This examination shall be made with a light of sufficient intensity to clearly illuminate the interior walls.

(2) A hammer test consists of tapping a cylinder a light blow with a suitably sized hammer. A cylinder, emptied of liquid content, with a clean internal surface, standing free, will have a clear ring. Cylinders with internal corrosion will give a duller ring dependent upon the amount of corrosion and accumulation of foreign material. Such cylinders shall be investigated. The hammer test is very sensitive and is an easy, quick, and convenient test that can be made without removing the valve before each charging. It is an invaluable indicator of internal corrosion.

§ 1910.167 Safety relief devices for compressed gas cylinders.

(a) *Definitions.* As used in this section:

(1) *Safety relief device.* A "safety relief device" is a device intended to prevent rupture of a cylinder under certain conditions of exposures. (The term as used herein shall include the approach channel, the operating parts, and the discharge channel.)

(2) *Approach channel.* An "approach channel" is the passage or passages through which gas must pass from the cylinder to reach the operating parts of the safety relief device.

(3) *Discharge channel.* A "discharge channel" is the passage or passages beyond the operating parts through which gas must pass to reach the atmosphere exclusive of any piping attached to the outlet of the device.

(4) *Safety relief device channel.* A "safety relief device channel" is the channel through which gas released by operation of the device must pass from the cylinder to the atmosphere exclusive of any piping attached to the inlet or outlet of the device.

(5) *Operating part.* The "operating part" of a safety relief device is the part of a safety relief device that normally closes the safety discharge channel but when moved from this position as a result of the action of heat or pressure, or a combination of the two, permits escape of gas from the cylinder.

(6) *Frangible disc.* A "frangible disc" is an operating part in the form of a disc, usually of metal and which is so held as to close the safety relief device channel under normal conditions. The disc is intended to burst at a predetermined pressure to permit the escape of gas.

(7) *Pressure opening.* A "pressure opening" is the orifice against which the frangible disc functions.

(8) *Rated bursting pressure.* A "rated bursting pressure" of a frangible disc is the maximum pressure for which the disc is designed to burst when in contact with the pressure opening for which it was designed when tested.

(9) *Fusible plug.* A "fusible plug" is an operating part in the form of a plug of suitable low melting material, usually a metal alloy, which closes the safety relief device channel under normal conditions and is intended to yield or melt at a predetermined temperature to permit the escape of gas.

(10) *Yield temperature.* The "yield temperature" of a fusible plug is the temperature at which the fusible metal or alloy will yield when tested.

(11) *Reinforced fusible plug.* A "reinforced fusible plug" is a fusible plug consisting of a core of suitable material having a comparatively high yield temperature surrounded by a low-melting point fusible metal of the required yield temperature.

(12) *Combination frangible disc-fusible plug.* A "combination frangible disc-fusible plug" is a frangible disc in combination with a low melting point fusible metal, intended to prevent its bursting at its predetermined bursting pressure unless the temperature also is high enough to cause yielding or melting of the fusible metal.

(13) *Safety relief valve.* A "safety relief valve" is a safety relief device containing an operating part that is held normally in a position closing the safety relief device channel by spring force and is intended to open and to close at predetermined pressures.

(14) *Combination safety relief valve and fusible plug.* A "combination safety relief valve and fusible plug" is a safety relief device utilizing a safety relief valve in combination with a fusible plug. This combination device may be an integral unit or separate units and is intended to open and to close at predetermined pressures or to open at a predetermined temperature.

(15) *Set pressure.* The "set pressure" of a safety relief valve is the pressure marked on the valve and at which it is set to start-to-discharge.

(16) *Start-to-discharge pressure.* The "start-to-discharge pressure" of a safety relief valve is the pressure at which the first bubble appears through a water seal of not over 4 inches on the outlet of the safety relief valve.

(17) *Flow capacity.* The "flow capacity" of a safety relief device is the capacity in cubic feet per minute of free air discharged at the required flow rating pressure.

(18) *Flow rating pressure.* The "flow rating pressure" is the pressure at which a safety relief device is rated for capacity.

(19) *Nonliquefied compressed gas.* A "nonliquefied compressed gas" is a gas, other than a gas in solution which under the charging pressure, is entirely gaseous at a temperature of 70° F.

(20) *Liquefied compressed gas.* A "liquefied compressed gas" is a gas which, under the charging pressure, is partially liquid at a temperature of 70° F. A flammable compressed gas which is normally nonliquefied at 70° F. but which is partially liquid under the charging pressure and temperature, shall follow the requirements for liquefied compressed gases.

(21) *Compressed gas in solution.* A "compressed gas in solution" (Acetylene) is a nonliquefied gas which is dissolved in a solvent.

(22) *Pressurized liquid compressed gas.* A "pressurized liquid compressed gas" is a compressed gas other than a compressed gas in solution, which cannot be liquefied at a temperature of 70° F., and which is maintained in the liquid state at a pressure not less than 40 p.s.i.a. by maintaining the gas at a temperature less than 70° F.

(23) *Test pressure of the cylinder.* The "test pressure of the cylinder" is the minimum pressure at which a cylinder must be tested as prescribed in DOT specifications for compressed gas cylinders 41 CFR Ch. I.

(24) *Free air or free gas.* "Free air" or "free gas" is air or gas measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 60° F.

(25) *DOT regulations.* As used in this section "DOT regulations" refers to the U.S. Department of Transportation Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water, including Specifications for Shipping Containers, Code of Federal Regulations, Title 49, Parts 171 to 178.

(b) *General requirements*—(1) *Application.* Compressed gas cylinder, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963.

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(2) *Types of safety relief devices.* Types of safety relief devices as covered by this section are designated as follows:

(i) Type CG–1: Frangible disc.

(ii) Type CG–2: Fusible plug or reinforced fusible plug utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. (165° F. nominal).

(iii) Type CG–3: Fusible plus or reinforced fusible plug utilizing a fusible alloy with yield temperature not over 220° F., nor less than 208° F. (212° F. nominal).

(iv) Type CG–4: Combination frangible disc-fusible plug, utilizing a fusible alloy with yield temperature not over 170° F., nor less than 157° F. (165° F. nominal).

(v) Type CG–5: Combination frangible disc-fusible plug, utilizing a fusible alloy with yield temperature not over 220° F., nor less than 208° F. (212° F. nominal).

(vi) Type CG–7: Safety relief valve.

(vii) Type CG–8: Combination safety relief valve and fusible plug.

(3) *Specifications and tests.* All safety relief devices covered by this section shall meet the design, construction, marking and test specification of the "Compressed Gas Association Safety Relief Device Standards Part 1—Cylinders for Compressed Gases: S1.1–1963."

(4) *Specific requirements for safety relief devices.* (i) Compressed gas cylinders, which under the Regulations of the Department of Transportation must be equipped with safety relief devices, shall be considered acceptable when equipped with devices of proper construction, location, and discharge capacity under the conditions prescribed in Table 1 of the Compressed Gas Associations Standard S–1.1–1963.

(ii) Only replacement parts or assemblies provided by the manufacturer shall be used unless the advisability of interchange is proved by adequate tests.

(iii) When a frangible disc is used with a compressed gas cylinder, the rated bursting pressure of the disc shall not exceed the minimum required test pressure of the cylinder with which the device is used, except for DOT–3E cylinders (49 CFR Ch. I) the rated bursting pressure of the device shall not exceed 4,500 pounds per square inch gage (p.s.i.g.).

(iv) When a safety relief valve is used on a compressed gas cylinder, the flow rating pressure shall not exceed the minimum required test pressure of the cylinder on which the safety relief valve is installed and the reseating pressure shall not be less than the pressure in a normally charged cylinder at 130° F.

(v) When fittings and piping are used on either the upstream or downstream side of both of a safety relief device or devices, the passages shall be so designed that the flow capacity of the safety relief device will not be reduced below the capacity required for the container on which the safety relief device assembly is installed, nor to the extent that the operation of the device could be impaired. Fittings, piping, and method of attachment shall be designed to withstand normal handling and the pressures developed when the device or devices function.

(vi) No shutoff valve shall be installed between the safety relief devices and the cylinder.

(5) *Maintenance requirements for safety relief devices.* (i) As a precaution to keep cylinder safety relief devices in reliable operating condition, care shall be taken in the handling or storing of compressed gas cylinders to avoid damage. Care shall also be exercised to avoid plugging by paint or other dirt accumulation of safety relief device channels or other parts which could interfere with the functioning of the device. Only qualified personnel shall be allowed to service safety relief devices.

(ii) Each time a compressed gas cylinder is received at a point for refilling, all safety relief devices shall be examined externally for corrosion, damage, plugging of external safety relief device channels, and mechanical defects such as leakage or extrusion of fusible metal. If there is any doubt regarding the suitability of the safety relief device for service the cylinder shall not be filled until it is equipped with a suitable device.

§ 1910.168 Safety relief devices for cargo and portable tanks storing compressed gases.

(a) *Definitions applicable to this section*—(1) *Cargo tank.* A "cargo tank" means any container designed to be permanently attached to any motor vehicle or other highway vehicle and in which is to be transported any compressed gas. The term "cargo tank" shall not be construed to include any tank used solely for the purpose of supplying fuel for the propulsion of the vehicle or containers fabricated under specifications for cylinders.

(2) *Portable tank.* A "portable tank" means any container designed primarily to be temporarily attached to a motor vehicle, other vehicle, railroad car other than tank car, or marine vessel, and equipped with skids, mountings, or accessories to facilitate handling of the container by mechanical means, in which is to be transported any compressed gas. The term "portable tank" shall not be construed to include any cargo tank, any tank car tank, or any tank of the DOT–106A and DOT–110A–W type.

(3) *Safety relief device.* A "safety relief device" means a device intended to prevent rupture of a container under certain conditions of exposure.

(4) *Safety relief valve.* A "safety relief valve" means a safety relief device containing an operating part that is held normally in a position closing the safety relief device channel by spring force and is intended to open and to close at predetermined pressures.

(5) *Set pressure.* The "set pressure" of a safety relief valve is the pressure marked on the valve and at which the valve is set to start-to-discharge.

(6) *Start-to-discharge pressure.* The "start-to-discharge pressure" of a safety relief valve is the pressure at which the first bubble appears through a water seal of not over 4 inches on the outlet of the valve.

NOTE: When the nature of the service requires the use of a metal-to-metal seat safety relief, valve, with or without secondary sealing means, the start-to-discharge pressure may be considered the pressure at which an audible discharge occurs.

(7) *Resealing pressure.* The "resealing pressure" of a safety relief valve is the pressure at which leakage ceases through a water seal of not over 4 inches on the outlet of the valve.

(8) *Flow capacity.* The "flow capacity" of a safety relief device is the capacity in cubic feet per minute of free air discharged at the required flow rating pressure.

(9) *Flow rating pressure.* The "flow rating pressure" means the pressure at which a safety relief device is rated for capacity.

(10) *Free air or free gas.* "Free air" or "free gas" means air or gas measured at a pressure of 14.7 pounds per square inch absolute and a temperature of 60° F.

(11) *Frangible disc.* A "frangible disc" means a safety relief device in the form of a disc, usually of metal, which is so held as to close the safety relief device channel under normal conditions. The disc is intended to burst at a predetermined pressure to permit the escape of gas.

(12) *Fusible plug.* A "fusible plug" means a safety relief device in the form of a plug of suitable low-melting material, usually a metal alloy, which closes the safety relief device channel under normal conditions and is intended to yield or melt at a predetermined temperature to permit the escape of gas.

(13) *DOT design pressure.* The "DOT design pressure" is identical to the term "maximum allowable working pressure" as used in the "Code" and is the maximum gage pressure at the top of the tank in its operating position. To determine the minimum permissible thickness of physical characteristics of the different parts of the vessel, the static head of the lading shall be added to the DOT design pressure to determine the thickness of any specific part of the vessel. If vacuum insulation is used, the liquid container shall be designed for a pressure of 15 p.s.i. more than DOT design pressure, plus static head of the lading.

EXCEPTION: For containers constructed in accordance with paragraph U–68 or U–69 of section VIII of the ASME Boiler and Pressure Vessel Code, 1949 Edition, the maximum allowable working pressure for the purpose of these standards is considered to be 125 percent of the design pressure as provided in 49 CFR 173.315 of DOT Regulations.

(14) *Code.* "Code" is defined as paragraph U–68, U–69, U–200 or U–201 of section VIII of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, 1949 Edition; or section VIII of the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, 1950, 1952, 1956, 1959, and 1962 Editions; or The Code for Unfired Pressure Vessels for Petroleum Liquids and Gases of the American Petroleum Institute and the American Society of Mechanical Engineers (API–ASME), 1951 Edition.

(15) *DOT regulations.* The "DOT regulations" refers to Department of Transportation Regulations for Transportation of Explosives and Other Dangerous Articles by Land and Water in Rail Freight, Express and Baggage Services and by Motor Vehicle (Highway) and Water, including Specifications for Shipping Containers," Code of Federal Regulations, Title 49, Parts 171 to 178.

(b) *General requirements*—(1) *Application.* See § 1910.167(b) (1).

(2) *Specifications and tests.* All safety relief devices covered by this section shall meet the design, construction, marking, and test specifications of the "Compressed Gas Associations Safety Relief Device Standards Part 2—Cargo and Portable Tanks for Compressed Gases: S–1.2–1963."

(3) *Specific requirements for safety relief devices.* (i) Each container shall be provided with one or more safety relief devices which, unless otherwise specified, shall be safety relief valves of the spring-loaded type.

(ii) Safety relief valves shall be set to start-to-discharge at a pressure not in excess of 110 percent of the DOT design pressure of the container nor less than the DOT design pressure of the container except as follows:

(*a*) If an overdesigned container is used, the set pressure of the safety relief valve may be between the minimum required DOT design pressure for the lading and 110 percent of the DOT design pressure of the container used.

(*b*) For sulfur dioxide containers, a minimum set pressure of 120 and 110 p.s.i.g. is permitted for the 150 and 125 p.s.i.g. DOT design pressure containers, respectively.

(*c*) For carbon dioxide (refrigerated), nitrous oxide (refrigerated), and pressurized liquid argon, nitrogen and oxygen, there shall be no minimum set pressure.

(*d*) For butadiene, inhibited, and liquefied petroleum gas containers, a minimum set pressure of 90 percent of the minimum design pressure permitted for these ladings may be used.

(*e*) For containers constructed in accord with paragraph U–68 or U–69 of the Code 1949 Edition, the set pressure marked on the safety relief valve may be 125 percent of the original DOT design pressure of the container.

(iii) Only replacement parts or assemblies provided by the manufacturer of the device shall be used unless the suitability of interchange is proved by adequate tests.

(iv) Safety relief valves shall have direct communication with the vapor space of the container.

(v) Any portion of liquid piping or hose which at any time may be closed at each end must be provided with a safety relief device to prevent excessive pressure.

(vi) The additional restrictions of this subdivision apply to safety relief devices on containers for carbon dioxide or nitrous oxide which are shipped in refrigerated and insulated containers. The maximum operating pressure in the container may be regulated by the use of one or more pressure controlling devices, which devices shall not be in lieu of the safety relief valve required in subdivision (i) of this subparagraph.

(vii) All safety relief devices shall be so installed and located that the cooling effect of the contents will not prevent the effective operation of the device.

(viii) In addition to the safety relief valves required by subdivision (i) of this subparagraph each container for carbon dioxide may be equipped with one or more frangible disc safety relief devices of suitable design set to function at a pressure not exceeding two times the DOT design pressure of the container.

(ix) Subject to conditions of 49 CFR 173.315(a) (1) (DOT Regulations) for methyl chloride and sulfur dioxide optional portable tanks of 225 p.s.i.g. minimum DOT design pressure, one or more fusible plugs approved by the Bureau of Explosives, 63 Vesey Street, New York, NY 10007, may be used in lieu of safety relief valves of the spring-loaded type. If the container is over 30 inches long a safety relief device having the total required flow capacity must be at both ends.

(x) When storage containers for liquefied petroleum gas are permitted to be shipped in accordance with 49 CFR 173.315(j) (DOT Regulations), they must be equipped with safety relief devices in compliance with the requirements for safety relief devices on above-ground containers as specified in the National Fire Protection Association Pamphlet No. 58–1969 "Standard for the Storage and Handling of Liquefied Petroleum Gases."

(xi) When containers are filled by pumping equipment which has a discharge capacity in excess of the capacity of the container safety relief devices, and which is capable of producing pressures in excess of DOT design pressure of the container, precautions should be taken to prevent the development of pressures in the container in excess of 120 percent of its DOT design pressure. This may be done by providing additional capacity of the safety relief valves on the container, by providing a bypass on the pump discharge, or by any other suitable method.

(xii) This additional requirement applies to safety relief devices on containers for liquefied hydrogen and pressurized liquid argon, nitrogen, and oxygen. The liquid container shall be protected by one or more safety relief valves and one or more frangible discs.

(xiii) Safety relief devices shall be arranged to discharge unobstructed to the open air in such a manner as to prevent any impingement of escaping gas upon the container. Safety relief devices shall be arranged to discharge upward except this is not required for carbon dioxide, nitrous oxide and pressurized liquid argon, nitrogen, and oxygen.

(xiv) No shutoff valves shall be installed between the safety relief devices and the container except, in cases where two or more safety relief devices are installed on the same container, a shutoff valve may be used where the arrangement of the shutoff valve or valves is such as always to insure full required capacity flow through at least one safety relief device.

(4) *Maintenance requirements for safety relief devices.* (i) Care shall be exercised to avoid damage to safety relief devices. Care shall also be exercised to avoid plugging by paint or other dirt accumulation of safety relief device channels or other parts which could interfere with the functioning of the device.

(ii) Only qualified personnel shall be allowed to service safety relief devices. Any servicing or repairs which require resetting of safety relief valves shall be done only by or after consultation with the valve manufacturer.

(iii) Safety relief devices periodically shall be examined externally for corrosion damage, plugging of external safety relief device channels, and mechanical defects such as leakage or extrusion of fusible metal. Valves equipped with secondary resilient seals shall have the seals inspected periodically. If there is any doubt regarding the suitability of the safety relief device for service the container shall not be filled until it is equipped with a suitable safety relief device.

§ 1910.169 Air receivers.

(a) *General requirements*—(1) *Application.* This section applies to compressed air receivers, and other equipment used in providing and utilizing compressed air for performing operations such as cleaning, drilling, hoisting, and chipping. On the other hand, however, this section does not deal with the special problems created by using compressed air to convey materials nor the problems created when men work in compressed air as in tunnels and caissons. This section is not intended to apply to compressed air machinery and equipment used on transportation vehicles such as steam railroad cars, electric railway cars, and automotive equipment.

(2) *New and existing equipment* (i) All new air receivers installed after the effective date of these regulations shall be constructed in accordance with the 1968 edition of the A.S.M.E. Boiler and Pressure Vessel code section VIII.

(ii) All safety valves used shall be constructed, installed, and maintained in accordance with the A.S.M.E. Boiler and Pressure Vessel Code, section VIII edition 1968.

(b) *Installation and equipment requirements*—(1) *Installation.* Air receivers shall be so installed that all drains, handholes, and manholes therein are easily accessible. Air receivers should be supported with sufficient clearance to permit a complete external inspection and to avoid corrosion of external surfaces. Under no circumstances shall an air receiver be buried underground or

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located in an inaccessible place. The receiver should be located as close to the compressor or aftercooler as is possible in order to keep the discharge pipe short.

(2) *Drains and traps.* A drain pipe and valve shall be installed at the lowest point of every air receiver to provide for the removal of accumulated oil and water. Adequate automatic traps may be installed in addition to drain valves. The drain valve on the air receiver shall be opened and the receiver completely drained frequently and at such intervals as to prevent the accumulation of excessive amounts of liquid in the receiver.

(3) *Gages and valves.* (i) Every air receiver shall be equipped with an indicating pressure gage (so located as to be readily visible) and with one or more spring-loaded safety valves. The total relieving capacity of such safety valves shall be such as to prevent pressure in the receiver from exceeding the maximum allowable working pressure of the receiver by more than 10 percent.

(ii) No valve of any type shall be placed between the air receiver and its safety valve or valves.

(iii) Safety appliances, such as safety valves, indicating devices and controlling devices, shall be constructed, located, and installed so that they cannot be readily rendered inoperative by any means, including the elements.

(iv) All safety valves shall be tested frequently and at regular intervals to determine whether they are in good operating condition.

§ 1910.170 Sources of standards.

Sec.	Source
1910.166	41 CFR 50–204.65 referencing CGA C–6–1968, Standards for Visual Inspection of Compressed Gas Cylinders.
1910.167	41 CFR 50–204.71 and CGA Pamphlets S–1.1–1963 and 1965 addenda and S–1.2–1963 and 1965 addenda and S–1.2–1963, Safety Relief Device Standards.
1910.169	ANSI B–19, 1938 Safety Code for Compressed Air Machinery.

§ 1910.171 Standards organizations.

Specific standards of the following organizations have been referenced in this part. Copies of the referenced materials may be obtained from the issuing organizations.

Compressed Gas Association, Inc., 500 Fifth Avenue, New York, NY 10036.

American Society of Mechanical Engineers, Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.

National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

Subpart N—Materials Handling and Storage

§ 1910.176 Handling materials—general.

(a) *Use of mechanical equipment.* Where mechanical handling equipment is used, sufficient safe clearances shall be allowed for aisles, at loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstruction across or in aisles that could create a hazard. Permanent aisles and passageways shall be appropriately marked.

(b) *Secure storage.* Storage of material shall not create a hazard. Bags, containers, bundles, etc., stored in tiers shall be stacked, blocked, interlocked and limited in height so that they are stable and secure against sliding or collapse.

(c) *Housekeeping.* Storage areas shall be kept free from accumulation of materials that constitute hazards from tripping, fire, explosion, or pest harborage. Vegetation control will be exercised when necessary.

(d) *Drainage.* Proper drainage shall be provided.

(e) *Clearance limits.* Clearance signs to warn of clearance limits shall be provided.

(f) *Rolling railroad cars.* Derail and/or bumper blocks shall be provided on spur railroad tracks where a rolling car could contact other cars being worked, enter a building, work or traffic area.

(g) *Guarding.* Covers and/or guardrails shall be provided to protect personnel from the hazards of open pits, tanks, vats, ditches, etc.

§ 1910.177 Indoor general storage.

(a) *Definitions applicable to this section.* (1) "Available height for storage" means the maximum height at which commodities can be stored above the floor and still maintain adequate clearance from structural members and the required clearance below sprinklers.

(2) "Ordinary combustibles" designates commodities packaging or storage aids which have heats of combustion (British thermal units per pound) similar to wood, cloth, or paper and which produce fires that may normally be extinguished by the quenching and cooling effect of water. This type of fire is defined as a Class A fire in the Standard for the Installation of Portable Fire Extinguishers, NFPA No. 10–1970.

(3) "Exposure" means the exterior presence of combustibles which, if ignited, could cause damage to the storage building or its contents.

(4) A "firewall" is a wall designed to prevent the spread of fire, having a fire resistance rating of not less than 4 hours and having sufficient structural stability under fire conditions to allow collapse of construction on either side without collapse of wall.

(5) "Horizontal channel" means any uninterrupted space in excess of 5 feet in length between horizontal layers of stored commodities. Such channels may be formed by pallets, shelving, racks, or other storage arrangements.

(6) "Noncombustible" designates commodities, packaging, or storage aids which will not ignite, burn or liberate flammable gases when heated to a temperature of 1,380° Fahrenheit for 5 minutes.

(7) "Packaging" designates any commodity wrapping, cushioning, or container.

(8) "Storage aids" means commodity storage devices such as shelves, pallets, dunnage, decks, platforms, trays, bins, separators, and skids.

(9) A "warehouse" is any building or area within a building used principally for the storage of commodities.

(10) "Type I storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored over 15 feet but not more than 21 feet high in solid piles or over 12 feet but not more than 21 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(11) "Type II storage" is that in which combustible commodities or noncombustible commodities involving combustible packaging or storage aids are stored not over 15 feet high in solid piles or not over 12 feet high in piles that contain horizontal channels. Minor quantities of commodities of hazard greater than ordinary combustibles may be included without affecting this general classification.

(12) "Type III storage" is that in which the stored commodities, packaging and storage aids are noncombustible or contain only a small concentration of combustibles which are incapable of producing a fire that would cause appreciable damage to the commodities stored or to noncombustible wall, floor or roof construction. Ordinary combustible commodities in completely sealed noncombustible containers may qualify in this classification. General commodity storage that is subject to frequent changing and storage of combustible packaging and storage aids is excluded from this category.

(13) "Approved" means listed or approved by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(b) *General requirements*—(1) *Application.* This standard applies to storage, 21 feet or less in height, of commodities which with their packaging and storage aids would classify as ordinary combustibles. This standard also applies to storage of commodities which with their packaging and storage aids would classify as noncombustibles regardless of storage height. This standard does not cover unpackaged bulk storage such as grain, coal, or similar commodities. The provisions contained in this standard apply to new buildings. Certain specific commodities introduce hazards different from those contemplated by this standard. Examples are rubber tires, roll paper, and wax-coated cartons.

(2) *Exemptions.* (i) Ordinary combustibles piled higher than 21 feet introduce serious fire protection problems which are not within the scope of this standard.

(ii) The provisions of this standard do not apply to Refrigerated Warehouses.

(3) *Portable fire extinguishers.* Portable fire extinguishers shall be provided at convenient conspicuously accessible locations. In locations where small hose is provided, portable fire extinguishers for Class A fires may be omitted.

(4) *Alarm service.* Storage facilities shall be provided with alarm service. (It may be in the form of central station supervision of automatic fire detection or sprinkler waterflow alarms or watchman making recorded rounds during unattended periods.)

(c) *Piling procedures and precautions.* (1) All commodities shall be stored, handled and piled with due regard to their fire characteristics.

(2) Significant quantities of commodities with fire hazards greater than ordinary combustible commodities as contemplated by this standard, shall be separated from the main bulk of storage by firewalls.

(3) Any commodities which may be hazardous in combination with each other shall be stored so that they cannot come in contact with each other.

(4) Safe floor loads shall not be exceeded.

(d) *Fire protection requirements*—(1) *Sprinkler systems.* All warehouses having combustible roof or floor construction and all warehouses containing Type I or Type II storage shall be protected with a system of automatic sprinklers designed and installed in accordance with the Standard for the Installation of Sprinkler Systems, NFPA No. 13–1969.

(2) *Hose system water supply.* (i) Water supplies for hose streams shall be provided to supplement that required for automatic sprinklers.

(ii) Where private underground supply mains are necessary, they shall be installed in accordance with Standard for Outside Protection, NFPA No. 24–1970.

(3) *Hose systems.* (i) Small hose (1½ inch) where required by this standard shall be installed in accordance with Standard for the Installation of Sprinkler Systems, NFPA No. 13–1969 and Standard for the Installation of Standpipe and Hose Systems, NFPA No. 14–1970.

(ii) In Type I and Type II storage, sufficient small hose (1½ inch) shall be provided so that one hose stream can reach any portion of the storage area. In buildings three stories or less high, small hose (1½ inch) may be supplied from the sprinkler system in accordance with limitations outlined in Standard for the Installation of Sprinkler Systems, NFPA No. 13–1969.

(iii) Standpipe and hose systems conforming to the requirements of Standard for the Installation of Standpipe and Hose Systems, NFPA No. 14–1970, shall be provided for buildings over three stories in height or having a floor level 75 feet or more above grade. Standpipes shall be fully equipped for fire department operations including fire department connections.

(iv) Large hose (2½ inch) and related equipment shall be provided unless the public fire department will provide such equipment promptly.

(e) *Mechanical handling equipment.* (1) Power-operated industrial trucks shall be of type designated in Standard for the Use, Maintenance and Operation of Powered Industrial Trucks, NFPA No. 505–1969, Part A, in accordance with the hazards of the location in which they are used.

(2) Maintenance and operation of electric, liquid, and gaseous fueled industrial trucks shall be in accordance with Standard for the Use, Maintenance and Operation of Powered Industrial Trucks, NFPA No. 505–1969, Parts B and C.

(f) *Building service equipment.* (1) Heating, lighting, and service equipment shall be of approved types, installed, maintained and operated in accordance with good practice.

(2) Steam lines and other heating equipment and machinery shall be installed or protected so that the stored commodities cannot come in contact with the heating elements.

(3) Electrical equipment shall be installed in accordance with the provisions of the National Electrical Code, NFPA No. 70–1968.

(4) Refrigeration systems, if used, shall conform to the recommendations of Safety Code for Mechanical Refrigeration, American Society of Heating, Refrigeration and Air Conditioning Engineers, Inc. (ASHRE) 15–63, ANSI B9.1–1964.

(5) Stored commodities shall not be located under liquid fuel heating equipment.

(g) *Smoking.* Smoking shall be strictly prohibited, except in locations prominently designated as smoking areas, and "No Smoking" signs shall be posted in prohibited areas.

§ 1910.178 Powered industrial trucks.

(a) *General requirements.* (1) The requirements of this section apply to fire protection for fork trucks, tractors, platform lift trucks, motorized hand trucks and other specialized industrial trucks powered by electric motors or internal combustion engines. These fire protection requirements do not apply to compressed air or nonflammable compressed gas-operated industrial trucks, nor to farm vehicles, nor automotive vehicles for highway use.

(2) All new powered industrial trucks acquired after the effective date of this subpart shall meet the design specifications established in the "American National Standard for Powered Industrial Trucks, Part II, ANSI B56.1–1969", except for vehicles intended primarily for earth moving or over-the-road hauling.

(3) Approved trucks shall bear a label or some other identifying mark indicating approval by the testing laboratory.

(4) Modifications and additions which affect capacity and safe operation shall not be performed by the customer or user without manufacturers prior written approval. Capacity, operation, and maintenance instruction plates, tags, or decals shall be changed accordingly.

(5) If the truck is equipped with front-end attachments other than factory installed attachments, the user shall request that the truck be marked to identify the attachments and show the approximate weight of the truck and attachment combination at maximum elevation with load laterally centered.

(6) The user shall see that all nameplates and markings are in place and are maintained in a legible condition.

(7) Definition: As used in this section, "approved" means listed or approved by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

(b) *Designations.* For the purpose of this standard there are eleven different designations of industrial trucks or tractors as follows: D, DS, DY, E, ES, EE, EX, G, GS, LP, and LPS.

(1) The D designated units are units similar to the G units except that they are diesel engine powered instead of gasoline engine powered.

(2) The DS designated units are diesel powered units that are provided with additional safeguards to the exhaust, fuel and electrical systems. They may be used in some locations where a D unit may not be considered suitable.

(3) The DY designated units are diesel powered units that have all the safeguards of the DS units and in addition do not have any electrical equipment including the ignition and are equipped with temperature limitation features.

(4) The E designated units are electrically powered units that have minimum acceptable safeguards against inherent fire hazards.

(5) The ES designated units are electrically powered units that, in addition to all of the requirements for the E units, are provided with additional safeguards to the electrical system to prevent emission of hazardous sparks and to limit surface temperatures. They may be used in some locations where the use of an E unit may not be considered suitable.

(6) The EE designated units are electrically powered units that have, in addition to all of the requirements for the E and ES units, the electric motors and all other electrical equipment completely enclosed. In certain locations the EE unit may be used where the use of an E and ES unit may not be considered suitable.

(7) The EX designated units are electrically powered units that differ from the E, ES, or EE units in that the electrical fittings and equipment are so designed, constructed and assembled that the units may be used in certain atmospheres containing flammable vapors or dusts.

(8) The G designated units are gasoline powered units having minimum acceptable safeguards against inherent fire hazards.

(9) The GS designated units are gasoline powered units that are provided with additional safeguards to the exhaust,

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fuel, and electrical systems. They may be used in some locations where the use of a G unit may not be considered suitable.

(10) The LP designated unit is similar to the G unit except that liquefied petroleum gas is used for fuel instead of gasoline.

(11) The LPS designated units are liquefied petroleum gas powered units that are provided with additional safeguards to the exhaust, fuel, and electrical systems. They may be used in some locations where the use of an LP unit may not be considered suitable.

(12) The atmosphere or location shall have been classified as to whether it is hazardous or nonhazardous prior to the consideration of industrial trucks being used therein and the type of industrial truck required shall be as provided in paragraph (d) of this section for such location.

(c) *Designated locations.* (1) The industrial trucks specified under subparagraph (2) of this paragraph are the minimum types required but industrial trucks having greater safeguards may be used if desired.

(2) For specific areas of use see Table N-1 which tabulates the information contained in this section.

TABLE N-1

SUMMARY TABLE ON USE OF INDUSTRIAL TRUCKS IN VARIOUS LOCATIONS

Classes	Unclassified	Class I locations				Class II locations			Class III locations	
Description of classes	Locations not possessing atmospheres as described in other columns.	Locations in which flammable gases or vapors are, or may be, present in the air in quantities sufficient to produce explosive or ignitible mixtures.				Locations which are hazardous because of the presence of combustible dust.			Locations where easily ignitible fibers or flyings are present but not likely to be in suspension in quantities sufficient to produce ignitible mixtures.	
Groups in classes	None	A	B	C	D	E	F	G	None	
Examples of locations or atmospheres in classes and groups	Piers and Wharves inside and outside general storage General industrial or commercial properties	Acetylene	Hydrogen	Ethyl ether	Gasoline Naphtha Alcohols Acetone Lacquer solvent Benzene	Metal dust	Carbon black Coal dust Coke dust	Grain dust Flour dust Starch dust Organic dust	Baled waste, cocoa fiber, cotton, excelsior, hemp, istle, jute, kapok, oakum, sisal, Spanish moss, synthetic fibers, tow.	
		1		2		1		2	1	2
Divisions (Nature of Hazardous Conditions)	None	Above condition exists continuously, intermittently, or periodically under normal operating conditions.		Above condition may occur accidentally as due to a puncture of a storage drum.		Explosive mixture may be present under normal operating conditions, or where failure of equipment may cause the condition to exist simultaneously with arcing or sparking of electrical equipment, or where dusts of an electrically conducting nature may be present.		Explosive mixture not normally present, but where deposits of dust may cause heat rise in electrical equipment, or where such deposits may be ignited by arcs or sparks from electrical equipment.	Locations in which easily ignitible fibers or materials producing combustible flyings are handled, manufactured, or used.	Locations in which easily ignitible fibers are stored or handled (except in the process of manufacture).

Authorized uses of trucks by types in groups of classes and divisions

Groups in classes	None	A	B	C	D	A	B	C	D	E	F	G	E	F	G	None	None
Types of trucks authorized:																	
Diesel:																	
Type D	D**																
Type DS									DS						DS		DS
Type DY									DY						DY	DY	DY
Electric:																	
Type E	E**																E
Type ES									ES						ES		ES
Type EE									EE						EE	EE	EE
Type EX					EX				EX		EX	EX			EX	EX	EX
Gasoline:																	
Type G	G**																
Type GS									GS						GS		GS
LP-Gas:																	
Type LP	LP**																
Type LPS									LPS						LPS		LPS
Paragraph Ref. in No. 505	210.211	201 (a)			203 (a)	209 (a)			204 (a), (b)	202 (a)		205 (a)	209 (a)		206 (a), (b)	207 (a)	208 (a)

**Trucks conforming to these Types may also be used—see subdivision (c)(2)(x) and (c)(2)(xii) of this section.

References in parentheses are to the corresponding classification as used in the National Electrical Code (NFPA No. 70, ANSI Standard CI-1968) for the convenience of persons familiar with those classifications.

(i) Power-operated industrial trucks shall not be used in atmospheres containing hazardous concentration of acetylene, butadiene, ethylene oxide, hydrogen (or gasses or vapors equivalent in hazard to hydrogen, such as manufactured gas), propylene oxide, acetaldehyde, cyclopropane, diethyl ether, ethylene, isoprene, or unsymmetrical dimethyl hydrazine (UDMH).

(ii) (*a*) Power-operated industrial trucks shall not be used in atmospheres containing hazardous concentrations of metal dust, including aluminum, magnesium, and their commercial alloys, other metals of similarly hazardous characteristics, or in atmospheres containing carbon black, coal or coke dust except approved power-operated industrial trucks designated as EX may be used in such atmospheres.

(*b*) In atmospheres where dust of magnesium, aluminum or aluminum bronze may be present, fuses, switches, motor controllers, and circuit breakers of trucks shall have enclosures specifically approved for such locations.

(iii) Only approved power-operated industrial trucks designated as EX may be used in atmospheres containing acetone, acrylonitrile, alcohol, ammonia, benzine, benzol, butane, ethylene dichloride, gasoline, hexane, lacquer solvent vapors, naphtha, natural gas, propane, propylene, styrene, vinyl acetate, vinyl chloride, or xylenes in quantities sufficient to produce explosive or ignitable mixtures and where such concentrations of these gases or vapors exist continuously, intermittently or periodically under normal operating conditions or may exist frequently because of repair, maintenance operations, leakage, breakdown or faulty operation of equipment.

(iv) Power-operated industrial trucks designated as DY, EE, or EX may be used in locations where volatile flammable liquids or flammable gases are handled, processed or used, but in which the hazardous liquids, vapors or gases will normally be confined within closed containers or closed systems for which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in the case of abnormal operation of equipment; also in locations in which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation but which might become hazardous through failure or abnormal operation of the ventilating equipment; or in locations which are adjacent to Class I, Division 1 locations, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clear air, and effective safeguards against ventilation failure are provided.

(v) In locations used for the storage of hazardous liquids in sealed containers or liquified or compressed gases in containers, approved power-operated industrial trucks designated as DS, ES, GS, or LPS may be used. This classification includes locations where volatile flammable liquids or flammable gases or vapors are used, but which, would become hazardous only in case of an accident or of some unusual operating condition. The quantity of hazardous material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that should receive consideration in determining whether or not the DS or DY, ES, EE, GS, LPS designated truck possesses sufficient safeguards for the location. Piping without valves, checks, meters and similar devices would not ordinarily be deemed to introduce a hazardous condition even though used for hazardous liquids or gases. Locations used for the storage of hazardous liquids or of liquified or compressed gases in sealed containers would not normally be considered hazardous unless subject to other hazardous conditions also.

(vi) (*a*) Only approved power-operating industrial trucks designated as EX shall be used in atmospheres in which combustible dust is or may be in suspension continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures, or where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced.

(*b*) The EX classification usually includes the working areas of grain handling and storage plants, room containing grinders or pulverizers, cleaners, graders, scalpers, open conveyors or spouts, open bins or hoppers, mixers, or blenders, automatic or hopper scales, packing machinery, elevator heads and boots, stock distributors, dust and stock collectors (except all-metal collectors vented to the outside), and all similar dust producing machinery and equipment in grain processing plants, starch plants, sugar pulverizing plants, malting plants, hay grinding plants, and other occupancies of similar nature; coal pulverizing plants (except where the pulverizing equipment is essentially dust tight); all working areas where metal dusts and powders are produced, processed, handled, packed, or stored (except in tight containers); and other similar locations where combustible dust may, under normal operating conditions, be present in the air in quantities sufficient to produce explosive or ignitable mixtures.

(vii) Only approved power-operated industrial trucks designated as DY, EE, or EX shall be used in atmospheres in which combustible dust will not normally be in suspension in the air or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus in quantities sufficient to produce explosive or ignitable mixtures but where deposits or accumulations of such dust may be ignited by arcs or sparks originating in the truck.

(viii) Only approved power-operated industrial trucks designated as DY, EE, or EX shall be used in locations which are hazardous because of the presence of easily ignitible fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitible mixtures.

(ix) Only approved power-operated industrial trucks designated as DS, DY, ES, EE, EX, GS, or LPS be used in locations where easily ignitible fibers are stored or handled, including outside storage, but are not being processed or manufactured. Industrial trucks designated as E, which have been previously used in these locations may be continued in use.

(x) On piers and wharves handling general cargo, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used.

(xi) If storage warehouses and outside storage locations are hazardous only the approved power-operated industrial truck specified for such locations in this paragraph (c)(2) shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements for these types may be used.

(xii) If general industrial or commercial properties are hazardous, only approved power-operated industrial trucks specified for such locations in this paragraph (c)(2) shall be used. If not classified as hazardous, any approved power-operated industrial truck designated as Type D, E, G, or LP may be used, or trucks which conform to the requirements of these types may be used.

(d) *Converted industrial trucks.* Power-operated industrial trucks that have been originally approved for the use of gasoline for fuel, when converted to the use of liquefied petroleum gas fuel in accordance with paragraph (q) of this section, may be used in those locations where G, GS or LP, and LPS designated trucks have been specified in the preceding paragraphs.

(e) *Safety guards.* (1) High Lift Rider trucks shall be fitted with an overhead guard manufactured in accordance with paragraph (a)(2) of this section, unless operating conditions do not permit.

(2) If the type of load presents a hazard, the user shall equip fork trucks with a vertical load backrest extension manufactured in accordance with paragraph (a)(2) of this section.

(f) *Fuel handling and storage.* (1) The storage and handling of liquid fuels such as gasoline and diesel fuel shall be in accordance with NFPA Flammable and Combustible Liquids Code (NFPA No. 30–1969).

(2) The storage and handling of liquefied petroleum gas fuel shall be in accordance with Handling of Liquefied Petroleum Gases (NFPA No. 58–1969).

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(g) *Changing and charging storage batteries.* (1) Battery charging installations shall be located in areas designated for that purpose.

(2) Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.

(3) When racks are used for support of batteries, they should be made of materials nonconductive to spark generation or be coated or covered to achieve this objective.

(4) A conveyor, overhead hoist, or equivalent material handling equipment shall be provided for handling batteries.

(5) Reinstalled batteries shall be properly positioned and secured in the truck.

(6) A carboy tilter or siphon shall be provided for handling electrolyte.

(7) When charging batteries, acid shall be poured into water; water shall not be poured into acid.

(8) Trucks shall be properly positioned and brake applied before attempting to change or charge batteries.

(9) When charging batteries, the vent caps should be kept in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(10) Smoking shall be prohibited in the charging area.

(11) Precautions shall be taken to prevent open flames, sparks, or electric arcs in battery charging areas.

(12) Tools and other metallic objects shall be kept away from the top of uncovered batteries.

(h) *Lighting for operating areas.* (1) Controlled lighting of adequate intensity should be provided in operating areas. (See American National Standard Practice for Industrial Lighting, A11.1–1965 (R1970)).

(2) Where general lighting is less than 2 lumens per square foot, auxiliary directional lighting shall be provided on the truck.

(i) *Control of noxious gases and fumes.* (1) Concentration levels of carbon monoxide gas created by powered industrial truck operations shall not exceed the levels specified in § 1910.93.

(2) Questions concerning degree of concentration and methods of sampling to ascertain the condition should be referred to a qualified industrial hygienist.

(j) *Dockboards (bridge plates).* See § 1910.30(a).

(k) *Trucks and railroad cars.* (1) The brakes of highway trucks shall be set and wheel chocks placed under the rear wheels to prevent the trucks from rolling while they are boarded with powered industrial trucks.

(2) Wheel stops or other recognized positive protection shall be provided to prevent railroad cars from moving during loading or unloading operations.

(3) Fixed jacks may be necessary to support a semitrailer and prevent upending during the loading or unloading when the trailer is not coupled to a tractor.

(4) Positive protection shall be provided to prevent railroad cars from being moved while dockboards or bridge plates are in position.

(l) *Operator training.* Only trained and authorized operators shall be permitted to operate a powered industrial truck. Methods shall be devised to train operators in the safe operation of powered industrial trucks.

(m) *Truck operations.* (1) Trucks shall not be driven up to anyone standing in front of a bench or other fixed object.

(2) No person shall be allowed to stand or pass under the elevated portion of any truck, whether loaded or empty.

(3) Unauthorized personnel shall not be permitted to ride on powered industrial trucks. A safe place to ride shall be provided where riding of trucks is authorized.

(4) The employer shall prohibit arms or legs from being placed between the uprights of the mast or outside the running lines of the truck.

(5) When leaving a powered industrial truck unattended, load engaging means shall be fully lowered, controls shall be neutralized, power shut off, brakes set, key or connector plug removed. Wheels shall be blocked if the truck is parked on an incline.

(6) A safe distance shall be maintained from the edge of ramps or platforms while on any elevated dock, or platform or freight car. Trucks shall not be used for opening or closing freight doors.

(7) Brakes shall be set and wheel blocks shall be in place to prevent movement of trucks, trailers, or railroad cars while loading or unloading. Fixed jacks may be necessary to support a semitrailer during loading or unloading when the trailer is not coupled to a tractor. The flooring of trucks, trailers, and railroad cars shall be checked for breaks and weakness before they are driven onto.

(8) There shall be sufficient headroom under overhead installations, lights, pipes, sprinkler system, etc.

(9) An overhead guard shall be used as protection against falling objects. It should be noted that an overhead guard is intended to offer protection from the impact of small packages, boxes, bagged material, etc., representative of the job application, but not to withstand the impact of a falling capacity load.

(10) A load backrest extension shall be used whenever necessary to minimize the possibility of the load or part of it from falling rearward.

(11) Only approved industrial trucks shall be used in hazardous locations.

(12) Whenever a truck is equipped with vertical only, or vertical and horizontal controls elevatable with the lifting carriage or forks for lifting personnel, the following additional precautions shall be taken for the protection of personnel being elevated.

(i) Use of a safety platform firmly secured to the lifting carriage and/or forks.

(ii) Means shall be provided whereby personnel on the platform can shut off power to the truck.

(iii) Such protection from falling objects as indicated necessary by the operating conditions shall be provided.

(13) Spinner knobs must not be attached to steering handwheels of trucks not originally equipped with such.

(14) Fire aisles, access to stairways, and fire equipment shall be kept clear.

(n) *Traveling.* (1) All traffic regulations shall be observed, including authorized plant speed limits. A safe distance shall be maintained approximately three truck lengths from the truck ahead, and the truck shall be kept under control at all times.

(2) The right of way shall be yielded to ambulances, fire trucks, or other vehicles in emergency situations.

(3) Other trucks traveling in the same direction at intersections, blind spots, or other dangerous locations shall not be passed.

(4) The driver shall be required to slow down and sound the horn at cross aisles and other locations where vision is obstructed. If the load being carried obstructs forward view, the driver shall be required to travel with the load trailing.

(5) Railroad tracks shall be crossed diagonally wherever possible. Parking closer than 8 feet from the center of railroad tracks is prohibited.

(6) The driver shall be required to look in the direction of, and keep a clear view of the path of travel.

(7) Grades shall be ascended or descended slowly.

(i) When ascending or descending grades in excess of 10 percent, loaded trucks shall be driven with the load upgrade.

(ii) Unloaded trucks should be operated on all grades with the load engaging means downgrade.

(iii) On all grades the load and load engaging means shall be tilted back if applicable, and raised only as far as necessary to clear the road surface.

(8) Under all travel conditions the truck shall be operated at a speed that will permit it to be brought to a stop in a safe manner.

(9) Stunt driving and horseplay shall not be permitted.

(10) The driver shall be required to slow down for wet and slippery floors.

(11) Dockboard or bridgeplates, shall be properly secured before they are driven over. Dockboard or bridgeplates shall be driven over carefully and slowly and their rated capacity never exceeded.

(12) Elevators shall be approached slowly, and then entered squarely after the elevator car is properly leveled. Once on the elevator, the controls shall be neutralized, power shut off, and the brakes set.

(13) Motorized hand trucks must enter elevator or other confined areas with load end forward.

(14) Running over loose objects on the roadway surface shall be avoided.

(15) While negotiating turns, speed shall be reduced to a safe level, by means of turning the hand steering wheel in a smooth, sweeping motion. Except when maneuvering at a very low speed, the hand steering wheel shall be turned at a moderate, even rate.

(o) *Loading.* (1) Only stable or safely arranged loads shall be handled. Caution shall be exercised when handling off-center loads which cannot be centered.

(2) Only loads within the rated capacity of the truck shall be handled.

(3) The long or high (including multiple-tiered) loads which may affect capacity shall be adjusted.

(4) When attachments are used, particular care should be taken in securing, manipulating, positioning, and transporting the load. Trucks equipped with attachments shall be operated as partially loaded trucks when not handling a load.

(5) A load engaging means shall be placed under the load as far as possible; the mast shall be carefully tilted backward to stabilize the load.

(6) Extreme care shall be used when tilting the load forward or backward, particularly when high tiering. Tilting forward with load engaging means elevated shall be prohibited except to pick up a load. An elevated load shall not be tilted forward except when the load is in a deposit position over a rack or stack. When stacking or tiering, only enough backward tilt to stabilize the load shall be used.

(p) *Operation of the truck.* (1) If at any time a powered industrial truck is found to be in need of repair, defective, or in any way unsafe, the truck shall be taken out of service until it has been restored to safe operating condition.

(2) Fuel tanks shall not be filled while the engine is running. Spillage shall be avoided.

(3) Spillage of oil or fuel shall be carefully washed away or completely evaporated and the fuel tank cap replaced before restarting engine.

(4) No truck shall be operated with a leak in the fuel system until the leak has been corrected.

(5) Open flames shall not be used for checking electrolyte level in storage batteries or gasoline level in fuel tanks.

(q) *Maintenance of industrial trucks.* (1) Any power-operated industrial truck not in safe operating condition shall be removed from service. All repairs shall be made by authorized personnel.

(2) No repairs shall be made in Classes I, II, and III locations.

(3) Those repairs to the fuel and ignition systems of industrial trucks which involve fire hazards shall be conducted only in locations designated for such repairs.

(4) Trucks in need of repairs to the electrical system shall have the battery disconnected prior to such repairs.

(5) All parts of any such industrial truck requiring replacement shall be replaced only by parts equivalent as to safety with those used in the original design.

(6) Industrial trucks shall not be altered so that the relative positions of the various parts are different from what they were when originally received from the manufacturer, nor shall they be altered either by the addition of extra parts not provided by the manufacturer or by the elimination of any parts, except as provided in subparagraph (12) of this paragraph. Additional counterweighting of fork trucks shall not be done unless approved by the truck manufacturer.

(7) Industrial trucks shall be examined before being placed in service, and shall not be placed in service if the examination shows any condition adversely affecting the safety of the vehicle. Such examination shall be made at least daily.

Where industrial trucks are used on a round-the-clock basis, they shall be examined after each shift. Defects when found shall be immediately reported and corrected.

(8) Water mufflers shall be filled daily or as frequently as is necessary to prevent depletion of the supply of water below 75 percent of the filled capacity. Vehicles with mufflers having screens or other parts that may become clogged shall not be operated while such screens or parts are clogged. Any vehicle that emits hazardous sparks or flames from the exhaust system shall immediately be removed from service, and not returned to service until the cause for the emission of such sparks and flames has been eliminated.

(9) When the temperature of any part of any truck is found to be in excess of its normal operating temperature, thus creating a hazardous condition, the vehicle shall be removed from service and not returned to service until the cause for such overheating has been eliminated.

(10) Industrial trucks shall be kept in a clean condition, free of lint, excess oil, and grease. Noncombustible agents should be used for cleaning trucks. Low flash point (below 100° F.) solvents shall not be used. High flash point (at or above 100° F.) solvents may be used. Precautions regarding toxicity, ventilation, and fire hazard shall be consonant with the agent or solvent used.

(11) Where it is necessary to use antifreeze in the engine cooling system, only those products having a glycol base shall be used.

(12) Industrial trucks originally approved for the use of gasoline for fuel may be converted to liquefied petroleum gas fuel provided the complete conversion results in a truck which embodies the features specified for LP or LPS designated trucks. Such conversion equipment shall be approved. The description of the component parts of this conversion system and the recommended method of installation on specific trucks are contained in the "Listed by Report."

§ 1910.179 Overhead and gantry cranes.

(a) *Definitions applicable to this section.* (1) A "crane" is a machine for lifting and lowering a load and moving it horizontally, with the hoisting mechanism an integral part of the machine. Cranes whether fixed or mobile are driven manually or by power.

(2) An "automatic crane" is a crane which when activated operates through a preset cycle or cycles.

(3) A "cab-operated crane" is a crane controlled by an operator in a cab located on the bridge or trolley.

(4) "Cantilever gantry crane" means a gantry or semigantry crane in which the bridge girders or trusses extend transversely beyond the crane runway on one or both sides.

(5) "Floor-operated crane" means a crane which is pendant or nonconductive rope controlled by an operator on the floor or an independent platform.

(6) "Gantry crane" means a crane similar to an overhead crane except that the bridge for carrying the trolley or trolleys is rigidly supported on two or more legs running on fixed rails or other runway.

(7) "Hot metal handling crane" means an overhead crane used for transporting or pouring molten material.

(8) "Overhead crane" means a crane with a movable bridge carrying a movable or fixed hoisting mechanism and traveling on an overhead fixed runway structure.

(9) "Power-operated crane" means a crane whose mechanism is driven by electric, air, hydraulic, or internal combustion means.

(10) A "pulpit-operated crane" is a crane operated from a fixed operator station not attached to the crane.

(11) A "remote-operated crane" is a crane controlled by an operator not in a pulpit or in the cab attached to the crane, by any method other than pendant or rope control.

(12) A "semigantry crane" is a gantry crane with one end of the bridge rigidly supported on one or more legs that run on a fixed rail or runway, the other end of the bridge being supported by a truck running on an elevated rail or runway.

(13) "Storage bridge crane" means a gantry type crane of long span usually used for bulk storage of material; the bridge girders or trusses are rigidly or nonrigidly supported on one or more legs. It may have one or more fixed or hinged cantilever ends.

(14) "Wall crane" means a crane having a jib with or without trolley and supported from a side wall or line of columns of a building. It is a traveling type and operates on a runway attached to the side wall or columns.

(15) "Appointed" means assigned specific responsibilities by the employer or the employer's representative.

(16) "ANSI" means the American National Standards Institute.

(17) An "auxiliary hoist" is a supplemental hoisting unit of ligther capacity and usually higher speed than provided for the main hoist.

(18) A "brake" is a device used for retarding or stopping motion by friction or power means.

(19) A "drag brake" is a brake which provides retarding force without external control.

(20) A "holding brake" is a brake that automatically prevents motion when power is off.

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(21) "Bridge" means that part of a crane consisting of girders, trucks, end ties, footwalks, and drive mechanism which carries the trolley or trolleys.

(22) "Bridge travel" means the crane movement in a direction parallel to the crane runway.

(23) A "bumper" (buffer) is an energy absorbing device for reducing impact when a moving crane or trolley reaches the end of its permitted travel; or when two moving cranes or trolleys come in contact.

(24) The "cab" is the operator's compartment on a crane.

(25) "Clearance" means the distance from any part of the crane to a point of the nearest obstruction.

(26) "Collectors" (current) are contacting devices for collecting current from runway or bridge conductors.

(27) "Conductors, bridge" are the electrical conductors located along the bridge structure of a crane to provide power to the trolley.

(28) "Conductors, runway" (main) are the electrical conductors located along a crane runway to provide power to the crane.

(29) The "control braking means" is a method of controlling crane motor speed when in an overhauling condition.

(30) "Countertorque" means a method of control by which the power to the motor is reversed to develop torque in the opposite direction.

(31) "Dynamic" means a method of controlling crane motor speeds when in the overhauling condition to provide a retarding force.

(32) "Regenerative" means a form of dynamic braking in which the electrical energy generated is fed back into the power system.

(33) "Mechanical" means a method of control by friction.

(34) "Controller, spring return" means a controller which when released will return automatically to a neutral position.

(35) "Designated" means selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

(36) A "drift point" means a point on a travel motion controller which releases the brake while the motor is not energized. This allows for coasting before the brake is set.

(37) The "drum" is the cylindrical member around which the ropes are wound for raising or lowering the load.

(38) An "equalizer" is a device which compensates for unequal length or stretch of a rope.

(39) "Exposed" means capable of being contacted inadvertently. Applied to hazardous objects not adequately guarded or isolated.

(40) "Fail-safe" means a provision designed to automatically stop or safely control any motion in which a malfunction occurs.

(41) "Footwalk" means the walkway with handrail, attached to the bridge or trolley for access purposes.

(42) A "hoist" is an apparatus which may be a part of a crane, exerting a force for lifting or lowering.

(43) "Hoist chain" means the load bearing chain in a hoist.

NOTE: Chain properties do not conform to those shown in ANSI B30.9–1971, Safety Code for Slings.

(44) "Hoist motion" means that motion of a crane which raises and lowers a load.

(45) "Load" means the total superimposed weight on the load block or hook.

(46) The "load block" is the assembly of hook or shackle, swivel, bearing, sheaves, pins, and frame suspended by the hoisting rope.

(47) "Magnet" means an electromagnetic device carried on a crane hook to pick up loads magnetically.

(48) "Main hoist" means the hoist mechanism provided for lifting the maximum rated load.

(49) A "man trolley" is a trolley having an operator's cab attached thereto.

(50) "Rated load" means the maximum load for which a crane or individual hoist is designed and built by the manufacturer and shown on the equipment nameplate(s).

(51) "Rope" refers to wire rope, unless otherwise specified.

(52) "Running sheave" means a sheave which rotates as the load block is raised or lowered.

(53) "Runway" means an assembly of rails, beams, girders, brackets, and framework on which the crane or trolley travels.

(54) "Side pull" means that portion of the hoist pull acting horizontally when the hoist lines are not operated vertically.

(55) "Span" means the horizontal distance center to center of runway rails.

(56) "Standby crane" means a crane which is not in regular service but which is used occasionally or intermittently as required.

(57) A "stop" is a device to limit travel of a trolley or crane bridge. This device normally is attached to a fixed structure and normally does not have energy absorbing ability.

(58) A "switch" is a device for making, breaking, or for changing the connections in an electric circuit.

(59) An "emergency stopswitch" is a manually or automatically operated electric switch to cut off electric power independently of the regular operating controls.

(60) A "limit switch" is a switch which is operated by some part or motion of a power-driven machine or equipment to alter the electric circuit associated with the machine or equipment.

(61) A "main switch" is a switch controlling the entire power supply to the crane.

(62) A "master switch" is a switch which dominates the operation of contractors, relays, or other remotely operated devices.

(63) The "trolley" is the unit which travels on the bridge rails and carries the hoisting mechanism.

(64) "Trolley travel" means the trolley movement at right angles to the crane runway.

(65) "Truck" means the unit consisting of a frame, wheels, bearings, and axles which supports the bridge girders or trolleys.

(b) *General requirements*—(1) *Application.* This section applies to overhead and gantry cranes, including semigantry, cantilever gantry, wall cranes, storage bridge cranes, and others having the same fundamental characteristics. These cranes are grouped because they all have trolleys and similar travel characteristics.

(2) *New and existing equipment.* All new overhead and gantry cranes installed after the effective date of the regulations in this subpart shall meet the design specifications of the American National Standard Safety Code for Overhead and Gantry Cranes, ANSI B30.2.0–1967. Equipment constructed and installed prior to the effective date of this subpart shall be modified to conform to these specifications.

(3) *Modifications.* Cranes may be modified and rerated provided such modifications and the supporting structure are checked thoroughly for the new rated load by a qualified engineer or the equipment manufacturer. The crane shall be tested in accordance with paragraph (k)(2) of this section. New rated load shall be displated in accordance with subparagraph (5) of this paragraph.

(4) *Wind indicators and rail clamps.* Outdoor storage bridges shall be provided with automatic rail clamps. A wind-indicating device shall be provided which will give a visible or audible alarm to the bridge operator at a predetermined wind velocity. If the clamps act on the rail heads, any beads or weld flash on the rail heads shall be ground off.

(5) *Rated load marking.* The rated load of the crane shall be plainly marked on each side of the crane, and if the crane has more than one hoisting unit, each hoist shall have its rated load marked on it or its load block and this marking shall be clearly legible from the ground or floor.

(6) *Clearance from obstruction.* (i) Minimum clearance of 3 inches overhead and 2 inches laterally shall be provided and maintained between crane and obstructions in conformity with Crane Manufacturers Association of America, Inc., Specification No. 61 (formerly the Electric Overhead Crane Institute, Inc).

(ii) Where passageways or walkways are provided obstructions shall not be placed so that safety of personnel will be jeopardized by movements of the crane.

(7) *Clearance between parallel cranes.* If the runways of two cranes are parallel, and there are no intervening walls or structure, there shall be adequate clearance provided and maintained between the two bridges.

(c) *Cabs*—(1) *Cab location.* (i) The general arrangement of the cab and the location of control and protective equipment shall be such that all operating handles are within convenient reach of the operator when facing the area to be served by the load hook, or while facing the direction of travel of the cab. The arrangement shall allow the operator a full view of the load hook in all positions.

(ii) The cab shall be located to afford a minimum of 3 inches clearance from all fixed structures within its area of possible movement.

(iii) The clearance of the cab above the working floor or passageway should be not less than 7 feet.

(2) *Access to crane.* Access to the cab and/or bridge walkway shall be by a conveniently placed fixed ladder, stairs, or platform, requiring no step over any gap exceeding 12 inches. Fixed ladders shall be in conformance with the American National Standard Safety Code for Fixed Ladders, ANSI A14.3–1956.

(3) *Fire extinguisher.* A carbon dioxide, dry-chemical, or equivalent hand fire extinguisher should be kept in the cab. Carbon tetrachloride extinguishers shall not be used.

(4) *Lighting.* Light in the cab shall be sufficient to enable the operator to see clearly enough to perform his work.

(d) *Footwalks and ladders*—(1) *Location of footwalks.* (i) If sufficient headroom is available on cab-operated cranes, a footwalk shall be provided on the drive side along the entire length of the bridge of all cranes having the trolley running on the top of the girders. To give sufficient access to the opposite side of the trolley, there should be provided either a footwalk mounted on the trolley, a suitable footwalk or platform in the building, or a footwalk on the opposite side of the crane at least twice the length of the trolley.

(ii) Footwalks should be located to give a headroom not less than 78 inches. In no case shall less than 48 inches be provided. If 48 inches of headroom cannot be provided, footwalks should be omitted from the crane and a stationary platform or landing stage built for workmen making repairs.

(2) *Construction of footwalks.* (i) Footwalks shall be of rigid construction and designed to sustain a distributed load of at least 50 pounds per square foot.

(ii) Footwalks shall have a walking surface of antislip type.

NOTE: Wood will meet this requirement.

(iii) Footwalks should be continuous and permanently secured.

(iv) Footwalks shoud have a clear passageway at least 18 inches wide except opposite the bridge motor, where they should be not less than 15 inches. The inner edge shall extend at least to the line of the outside edge of the lower cover plate or flange of the girder.

(3) *Toeboards and handrails for footwalks.* Toeboards and handrails shall be in compliance with section 1910.23 of this part.

(4) *Ladders and stairways.* (i) Gantry cranes shall be provided with ladders or stairways extending from the ground to the footwalk or cab platform.

(ii) Stairways shall be equipped with rigid and substantial metal handrails. Walking surfaces shall be of an antislip type.

(iii) Ladders shall be permanently and securely fastened in place and shall be constructed in compliance with § 1910.27.

(e) *Stops, bumpers, rail sweeps, and guards*—(1) *Trolley stops.* (i) Stops shall be provided at the limits of travel of the trolley.

(ii) Stops shall be fastened to resist forces applied when contacted.

(iii) A stop engaging the tread of the wheel shall be of a height at least equal to the radius of the wheel.

(2) *Bridge bumpers.* (i) A crane shall be provided with bumpers capable of stopping the crane (not including the lifted load) at a rate of deceleration not to exceed 3 feet per second per second when traveling in either direction at 20 percent of the rated load speed.

(*a*) The bumper shall have sufficient energy absorbing capacity to stop the crane when traveling at a speed of at least 40 percent of rated load speed.

(*b*) The bumper shall be so mounted that there is no direct shear on bolts.

(ii) Bumpers shall be so designed and installed as to minimize parts falling from the crane in case of breakage.

(3) *Trolley bumpers.* (i) Trolley shall be provided with bumpers capable of stopping the trolley (not including the lifted load) at a rate of deceleration not to exceed 4.7 feet per second per second when traveling in either direction at one-third of the rated load speed.

(ii) When more than one trolley is operated on the same bridge, each shall be equipped with bumpers on their adjacent ends.

(iii) Bumpers shall be designed and installed to minimize parts falling from the trolley in case of breakage.

(4) *Rail sweeps.* Bridge trucks shall be equipped with sweeps which extend below the top of the rail and project in front of the truck wheels.

(5) *Guards for hoisting ropes.* (i) If hoisting ropes run near enough to other parts to make fouling or chafing possible, guards shall be installed to prevent this condition.

(ii) A guard shall be provided to prevent contact between bridge conductors and hoisting ropes if they could come into contact.

(6) *Guards for moving parts.* (i) Exposed moving parts such as gears, set screws, projecting keys, chains, chain sprockets, and reciprocating components which might constitute a hazard under normal operating conditions shall be guarded.

(ii) Guards shall be securely fastened.

(iii) Each guard shall be capable of supporting without permanent distortion the weight of a 200-pound person unless the guard is located where it is impossible for a person to step on it.

(f) *Brakes*—(1) *Brakes for hoists.* (i) Each independent hoisting unit of a crane shall be equipped with at least one self-setting brake, hereafter referred to as a holding brake, applied directly to the motor shaft or some part of the gear train.

(ii) Each independent hoisting unit of a crane, except worm-geared hoists, the angle of whose worm is such as to prevent the load from accelerating in the lowering direction shall, in addition to a holding brake, be equipped with control braking means to prevent overspeeding.

(2) *Holding brakes.* (i) Holding brakes for hoist motors shall have not less than the following percentage of the full load hoisting torque at the point where the brake is applied.

(*a*) 125 percent when used with a control braking means other than mechanical.

(*b*) 100 percent when used in conjunction with a mechanical control braking means.

(*c*) 100 percent each if two holding brakes are provided.

(ii) Holding brakes on hoists shall have ample thermal capacity for the frequency of operation required by the service.

(iii) Holding brakes on hoists shall be applied automatically when power is removed.

(iv) Where necessary holding brakes shall be provided with adjustment means to compensate for wear.

(v) The wearing surface of all holding-brake drums or discs shall be smooth.

(vi) Each independent hoisting unit of a crane handling hot metal and having power control braking means shall be equipped with at least two holding brakes.

(3) *Control braking means.* (i) A power control braking means such as regenerative, dynamic or countertorque braking, or a mechanically controlled braking means shall be capable of maintaining safe lowering speeds of rated loads.

(ii) The control braking means shall have ample thermal capacity for the frequency of operation required by service.

(4) *Brakes for trolleys and bridges.* (i) Foot operated brakes shall not require an applied force of more than 70 pounds to develop manufacturer's rated brake torque.

(ii) Brakes may be applied by mechanical, electrical, pneumatic, hydraulic, or gravity means.

(iii) Where necessary brakes shall be provided with adjustment means to compensate for wear.

(iv) The wearing surface of all brake-drums or discs shall be smooth.

(v) All foot-brake pedals shall be constructed so that the operator's foot will not easily slip off the pedal.

(vi) Foot-operated brakes shall be equipped with automatic means for positive release when pressure is released from the pedal.

(vii) Brakes for stopping the motion of the trolley or bridge shall be of sufficient size to stop the trolley or bridge within a distance in feet equal to 10 percent of full load speed in feet per minute when traveling at full speed with full load.

(viii) If holding brakes are provided on the bridge or trolley(s), they shall not prohibit the use of a drift point in the control circuit.

(ix) Brakes on trolleys and bridges shall have ample thermal capacity for the frequency of operation required by the service to prevent impairment of functions from overheating.

(5) *Application of trolley brakes.* (i) On cab-operated cranes with cab on trolley, a trolley brake shall be required as specified under subparagraph (4) of this paragraph.

(ii) A drag brake may be applied to hold the trolley in a desired position on the bridge and to eliminate creep with the power off.

(6) *Application of bridge brakes.* (i) On cab-operated cranes with cab on bridge, a bridge brake is required as specified under subparagraph (4) of this paragraph.

(ii) On cab-operated cranes with cab on trolley, a bridge brake of the holding type shall be required.

(iii) On all floor, remote and pulpit-operated crane bridge drives, a brake or noncoasting mechanical drive shall be provided.

(g) *Electric equipment*—(1) *General.* (i) Wiring and equipment shall comply with § 1910.401.

(ii) The control circuit voltage shall not exceed 600 volts for a.c. or d.c. current.

(iii) The voltage at pendant pushbuttons shall not exceed 150 volts for a.c. and 300 volts for d.c.

(iv) Where multiple conductor cable is used with a suspended pushbutton station, the station must be supported in some satisfactory manner that will protect the electrical conductors against strain.

(v) Pendant control boxes shall be constructed to prevent electrical shock and shall be clearly marked for identification of functions.

(2) *Equipment.* (i) Electrical equipment shall be so located or enclosed that live parts will not be exposed to accidental contact under normal operating conditions.

(ii) Electric equipment shall be protected from dirt, grease, oil, and moisture.

(iii) Guards for live parts shall be substantial and so located that they cannot be accidently deformed so as to make contact with the live parts.

(3) *Controllers.* (i) Cranes not equipped with spring-return controllers or momentary contact pushbuttons shall be provided with a device which will disconnect all motors from the line on failure of power and will not permit any motor to be restarted until the controller handle is brought to the "off" position, or a reset switch or button is operated.

(ii) Lever operated controllers shall be provided with a notch or latch which in the "off" position prevents the handle from being inadvertently moved to the "on" position. An "off" detent or spring return arrangement is acceptable.

(iii) The controller operating handle shall be located within convenient reach of the operator.

(iv) As far as practicable, the movement of each controller handle shall be in the same general directions as the resultant movements of the load.

(v) The control for the bridge and troller travel shall be so located that the operator can readily face the direction of travel.

(vi) For floor-operated cranes, the controller or controllers if rope operated, shall automatically return to the "off" position when released by the operator.

(vii) Pushbuttons in pendant stations shall return to the off position when pressure is released by the crane operator.

(viii) Automatic cranes shall be so designed that all motions shall fail-safe if any malfunction of operation occurs.

(ix) Remote-operated cranes shall function so that if the control signal for any crane motion becomes ineffective that crane motion shall stop.

(4) *Resistors.* (i) Enclosures for resistors shall have openings to provide adequate ventilation, and shall be installed to prevent the accumulation of combustible matter too near to hot parts.

(ii) Resistor units shall be supported so as to be free as possible from vibration.

(iii) Provision shall be made to prevent broken parts or molten metal falling upon the operator or from the crane.

(5) *Switches.* (i) The power supply to the runway conductors shall be controlled by a switch or circuit breaker located on a fixed structure, accessible from the floor, and arranged to be locked in the open position.

(ii) On cab-operated cranes a switch or circuit breaker of the enclosed type, with provision for locking in the open position shall be provided in the leads from the runway conductors. A means of opening this switch or circuit breaker shall be located within easy reach of the operator.

(iii) On floor-operated cranes, a switch or circuit breaker of the enclosed type, with provision for locking in the open position, shall be provided in the leads from the runway conductors. This disconnect shall be mounted on the bridge or footwalk near the runway collectors. One of the following types of floor operated disconnects shall be provided:

(*a*) Nonconductive rope attached to the main disconnect switch.

(*b*) An undervoltage trip for the main circuit breaker operated by an emergency stop button in the pendant pushbutton in the pendant pushbutton station.

(*c*) A main line contactor operated by a switch or pushbutton in the pendant pushbutton station.

(iv) The hoisting motion of all electric traveling cranes shall be provided with an overtravel limit switch in the hoisting direction.

(v) All cranes using a lifting magnet shall have a magnet circuit switch of the enclosed type with provision for locking in the open position. Means for discharging the inductive load of the magnet shall be provided.

(6) *Runway conductors.* Conductors of the open type mounted on the crane runway beams or overhead shall be so located or so guarded that persons entering or leaving the cab or crane footwalk normally could not come into contact with them.

(7) *Extension lamps.* If a service receptacle is provided in the cab or on the bridge of cab-operated cranes, it shall be a grounded three-prong type permanent receptacle, not exceeding 300 volts.

(h) *Hoisting equipment*—(1) *Sheaves.* (i) Sheave grooves shall be smooth and free from surface defects which could cause rope damage.

(ii) Sheaves carrying ropes which can be momentarily unloaded shall be provided with closs-fitting guards or other suitable devices to guide the rope back into the groove when the load is applied again.

(iii) The sheaves in the bottom block shall be equipped with close-fitting guards that will prevent ropes from becoming fouled when the block is lying on the ground with ropes loose.

(iv) Pockets and flanges of sheaves used with hoist chains shall be of such dimensions that the chain does not catch or bind during operation.

(v) All running sheaves shall be equipped with means for lubrication. Permanently lubricated, sealed and/or shielded bearings meet this requirement.

(2) *Ropes.* (i) In using hoisting ropes, the crane manufacturer's recommendation shall be followed. The rated load divided by the number of parts of rope shall not exceed 20 percent of the nominal breaking strength of the rope.

(ii) Socketing shall be done in the manner specified by the manufacturer of the assembly.

(iii) Rope shall be secured to the drum as follows:

(*a*) No less than two wraps of rope shall remain on the drum when the hook is in its extreme low position.

(*b*) Rope end shall be anchored by a clamp securely attached to the drum, or by a socket arrangement approved by the crane or rope manufacturer.

(iv) Eye splices. [Reserved.]

(v) Rope clips attached with U-bolts shall have the U-bolts on the dead or short end of the rope. Spacing and number of all types of clips shall be in accordance with the clip manufacturer's recommendation. Clips shall be drop-forged steel in all sizes manufactured commercially. When a newly installed rope has been in operation for an hour, all nuts on the clip bolts shall be retightened.

(vi) Swaged or compressed fittings shall be applied as recommended by the rope or crane manufacturer.

(vii) Wherever exposed to temperatures, at which fiber cores would be damaged, rope having an independent wire-rope or wire-strand core, or other temperature-damage resistant core shall be used.

(viii) Replacement rope shall be the same size, grade, and construction as the original rope furnished by the crane manufacturer, unless otherwise recommended by a wire rope manufacturer due to actual working condition requirements.

(3) *Equalizers.* If a load is supported by more than one part of rope, the tension in the parts shall be equalized.

(4) *Hooks.* Hooks shall meet the manufacturer's recommendations and shall not be overloaded.

(i) *Warning device.* Except for floor-operated cranes a gong or other effective warning signal shall be provided for each crane equipped with a power traveling mechanism.

(j) *Inspection*—(1) *Inspection classification.* (i) Initial inspection. Prior to initial use all new and altered cranes shall be inspected to insure compliance with the provisions of this section.

(ii) Inspection procedure for cranes in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the crane and the degree of their exposure to wear, deterioration, or malfunction. The two general classifications are herein designated as "frequent" and "periodic" with respective intervals between inspections as defined below:

(*a*) Frequent inspection—Daily to monthly intervals.

(*b*) Periodic inspection—1 to 12-month intervals.

(2) *Frequent inspection.* The following items shall be inspected for defects at intervals as defined in subparagraph (1)(ii) of this paragraph or as specifically indicated, including observation during operation for any defects which might appear between regular inspections. All deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) All functional operating mechanisms for maladjustment interfering with proper operation. Daily.

(ii) Deterioration or leakage in lines, tanks, valves, drain pumps, and other parts of air or hydraulic systems. Daily.

(iii) Hooks with deformation or cracks. Visual inspection daily; monthly inspection with signed reports. For hooks with cracks or having more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook refer to paragraph (l)(3)(iii)(*a*) of this section.

(iv) Hoist or load attachment chains, including end connections, for excessive wear, twist, distorted links interfering with proper function, or stretch beyond manufacturer's recommendations. Visual inspection daily; monthly inspection with signed report.

(v) Rope slings, including end connections, for excessive wear, broken wires, stretch, kinking, or twisting. Visual inspection daily; monthly inspection with signed report.

(vi) All functional operating mechanisms for excessive wear of components.

(vii) Rope reeving for noncompliance with manufacturer's recommendations.

(3) *Periodic inspection.* Complete inspections of the crane shall be performed at intervals as generally defined in subparagraph (1)(ii)(*b*) of this paragraph, depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subparagraph (2) of this paragraph and in addition, the following items. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) Deformed, cracked, or corroded members.

(ii) Loose bolts or rivets.

(iii) Cracked or worn sheaves and drums.

(iv) Worn, cracked or distorted parts such as pins, bearings, shafts, gears, rollers, locking and clamping devices.

(v) Excessive wear on brake system parts, linings, pawls, and ratchets.

(vi) Load, wind, and other indicators over their full range, for any significant inaccuracies.

(vii) Gasoline, diesel, electric, or other powerplants for improper performance or noncompliance with applicable safety requirements.

(viii) Excessive wear of chain drive sprockets and excessive chain stretch.

(ix) Crane hooks. Magnetic particle or other suitable crack detecting inspection should be performed at least once each year.

(x) Electrical apparatus, for signs of pitting or any deterioration of controller containers, limit switches and pushbutton stations.

(4) *Cranes not in regular use.* (i) A crane which has been idle for a period of 1 month or more, but less than 6 months, shall be given an inspection conforming with requirements of subparagraph (2) of this paragraph and paragraph (m)(2) of this section, before placing in service.

(ii) A crane which has been idle for a period of over 6 months shall be given a complete inspection conforming with requirements of subparagraphs (2) and (3) of this paragraph and paragraph (m)(2) of this section before placing in service.

(iii) Standby cranes shall be inspected at least semi-annually in accordance with requirements of subparagraph (2) of this paragraph and paragraph (m)(2) of this section. Standby cranes exposed to adverse environment should be inspected more frequently.

(k). *Testing*—(1) *Operational tests.* (i) Prior to initial use all new and altered cranes shall be tested to insure compliance with this section including the following functions:

(*a*) Hoisting and lowering.

(*b*) Trolley travel.

(*c*) Bridge travel.

(*d*) Limit switches, locking and safety devices.

(ii) The trip setting of hoist limit switches shall be determined by tests with an empty hook traveling in increasing speeds up to the maximum speed. The actuating mechanism of the limit switch shall be located so that it will trip the switch, under all conditions, in sufficient time to prevent contact of the hook or hook block with any part of the trolley.

(2) *Rated load test.* Prior to initial use all new, extensively repaired, and altered cranes should be tested by or under the direction of an appointed or authorized person, confirming the load rating of the crane. The load rating should not be more than 80 percent of the maximum load sustained during the test. Test loads shall not be more than 125 percent of the rated load unless otherwise recommended by the manufacturer. The test reports shall be placed on file where readily available to appointed personnel.

(l) *Maintenance*—(1) *Preventive maintenance.* A preventive maintenance program based on the crane manufacturer's recommendations shall be established.

(2) *Maintenance procedure.* (i) Before adjustments and repairs are started on a crane the following precautions shall be taken:

(*a*) The crane to be repaired shall be run to a location where it will cause the least interference with other cranes and operations in the area.

(*b*) All controllers shall be at the off position.

(*c*) The main or emergency switch shall be open and locked in the open position.

(*d*) Warning or "out of order" signs shall be placed on the crane, also on the floor beneath or on the hook where visible from the floor.

(*e*) Where other cranes are in operation on the same runway, rail stops or other suitable means shall be provided to prevent interference with the idle crane.

(*f*) Where temporary protective rail stops are not available, or practical, a signalman should be placed at a visual vantage point for observing the approach of an active crane and warning its operator when reaching the limit of safe distance from the idle crane.

(ii) After adjustments and repairs have been made the crane shall not be operated until all guards have been reinstalled, safety devices reactivated and maintenance equipment removed.

(3) *Adjustments and repairs.* (i) Any unsafe conditions disclosed by the inspection requirements of paragraph (j) of this section shall be corrected before operation of the crane is resumed. Adjustments and repairs shall be done only by designated personnel.

(ii) Adjustments shall be maintained to assure correct functioning of components. The following are examples:

(*a*) All functional operating mechanisms.

(*b*) Limit switches.

(*c*) Control systems.

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(*d*) Brakes.

(*e*) Power plants.

(iii) Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples:

(*a*) Crane hooks showing defects described in paragraph (j)(2)(iv) of this section shall be discarded. Repairs by welding or reshaping are not generally recommended. If such repairs are attempted they shall only be done under competent supervision and the hook shall be tested to the load requirements of paragraph (k)(2) of this section before further use.

(*b*) Load attachment chains and rope slings showing defects described in paragraph (j)(2)(iv) and (v) of this section respectively.

(*c*) All critical parts which are cracked, broken, bent, or excessively worn.

(*d*) Pendant control stations shall be kept clean and function labels kept legible.

(m) *Rope inspection*—(1) *Running ropes*. A thorough inspection of all ropes shall be made at least once a month and a full written, dated, and signed report of rope condition kept on file where readily available to appointed personnel. Any deterioration, resulting in appreciable loss of original strength, such as described below, shall be carefully noted and determination made as to whether further use of the rope would constitute a safety hazard:

(i) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(ii) A number of broken outside wires and the degree of distribution or concentration of such broken wires.

(iii) Worn outside wires.

(iv) Corroded or broken wires at end connections.

(v) Corroded, cracked, bent, worn, or improperly applied end connections.

(vi) Severe kinking, crushing, cutting, or unstranding.

(2) *Other ropes*. All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is placed in service. This inspection shall be for all types of deterioration and shall be performed by an appointed person whose approval shall be required for further use of the rope. A written and dated report of the rope condition shall be available for inspection.

(n) *Handling the load*—(1) *Size of load*. The crane shall not be loaded beyond its rated load except for test purposes as provided in paragraph (k) of this section.

(2) *Attaching the load*. (i) The hoist chain or hoist rope shall be free from kinks or twists and shall not be wrapped around the load.

(ii) The load shall be attached to the load block hook by means of slings or other approved devices.

(iii) Care shall be taken to make certain that the sling clears all obstacles.

(3) *Moving the load*. (i) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(ii) Before starting to hoist the following conditions shall be noted:

(*a*) Hoist rope shall not be kinked.

(*b*) Multiple part lines shall not be twisted around each other.

(*c*) The hook shall be brought over the load in such a manner as to prevent swinging.

(iii) During hoisting care shall be taken that:

(*a*) There is no sudden acceleration or deceleration of the moving load.

(*b*) The load does not contact any obstructions.

(iv) Cranes shall not be used for side pulls except when specifically authorized by a responsible person who has determined that the stability of the crane is not thereby endangered and that various parts of the crane will not be overstressed.

(v) While any employee is on the load or hook, there shall be no hoisting, lowering, or traveling.

(vi) The employer shall require that the operator avoid carrying loads over people.

(vii) The operator shall test the brakes each time a load approaching the rated load is handled. The brakes shall be tested by raising the load a few inches and applying the brakes.

(viii) The load shall not be lowered below the point where less than two full wraps of rope remain on the hoisting drum.

(ix) When two or more cranes are used to lift a load one qualified responsible person shall be in charge of the operation. He shall analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(x) The employer shall insure that the operator does not leave his position at the controls while the load is suspended.

(xi) When starting the bridge and when the load or hook approaches near or over personnel, the warning signal shall be sounded.

(4) *Hoist limit switch*. (i) At the beginning of each operator's shift, the upper limit switch of each hoist shall be tried out under no load. Extreme care shall be exercised; the block shall be "inched" into the limit or run in at slow speed. If the switch does not operate properly, the appointed person shall be immediately notified.

(ii) The hoist limit switch which controls the upper limit of travel of the load block shall never be used as an operating control.

(o) *Other requirements, general*—(1) *Ladders*. (i) The employer shall insure that hands are free from encumbrances while personnel are using ladders.

(ii) Articles which are too large to be carried in pockets or belts shall be lifted and lowered by hand line.

(2) *Cabs*. (i) Necessary clothing and personal belongings shall be stored in such a manner as not to interfere with access or operation.

(ii) Tools, oil cans, waste, extra fuses, and other necessary articles shall be stored in the tool box, and shall not be permitted to lie loose in or about the cab.

(3) *Fire extinguishers*. The employer shall insure that operators are familiar with the operation and care of fire extinguishers provided.

§ 1910.180 Crawler locomotive and truck cranes.

(a) *Definitions applicable to this section*. (1) A "crawler crane" consists of a rotating superstructure with power plant, operating machinery, and boom, mounted on a base, equipped with crawler treads for travel. Its function is to hoist and swing loads at various radii.

(2) A "locomotive crane" consists of a rotating superstructure with powerplant, operating machinery and boom, mounted on a base or car equipped for travel on railroad track. It may be self-propelled or propelled by an outside source. Its function is to hoist and swing loads at various radii.

(3) A "truck crane" consists of a rotating superstructure with powerplant, operating machinery and boom, mounted on an automotive truck equipped with a powerplant for travel. Its function is to hoist and swing loads at various radii.

(4) A "wheel mounted crane" (wagon crane) consists of a rotating superstructure with powerplant, operating machinery and boom, mounted on a base or platform equipped with axles and rubber-tired wheels for travel. The base is usually propelled by the engine in the superstructure, but it may be equipped with a separate engine controlled from the superstructure. Its function is to hoist and swing loads at various radii.

(5) An "accessory" is a secondary part or assembly of parts which contributes to the overall function and usefulness of a machine.

(6) "Appointed" means assigned specific responsibilities by the employer or the employer's representative.

(7) "ANSI" means the American National Standards Institute.

(8) An "angle indicator" (boom) is an accessory which measures the angle of the boom to the horizontal.

(9) The "axis of rotation" is the vertical axis around which the crane superstructure rotates.

(10) "Axle" means the shaft or spindle with which or about which a wheel rotates. On truck- and wheel-mounted cranes it refers to an automotive type of axle assembly including housings, gearing, differential, bearings, and mounting appurtenances.

(11) "Axle" (bogie) means two or more automotive-type axles mounted in tandem in a frame so as to divide the load between the axles and permit vertical oscillation of the wheels.

(12) The "base" (mounting) is the traveling base or carrier on which the rotating superstructure is mounted such as a car, truck, crawlers, or wheel platform.

(13) The "boom" (crane) is a member hinged to the front of the rotating superstructure with the outer end supported by ropes leading to a gantry or "A" frame and used for supporting the hoisting tackle.

(14) The "boom angle" is the angle between the longitudinal centerline of the boom and the horizontal. The boom longitudinal centerline is a straight line between the boom foot pin (heel pin) centerline and boom point sheave pin centerline.

(15) The "boom hoist" is a hoist drum and rope reeving system used to raise and lower the boom. The rope system may be all live reeving or a combination of live reeving and pendants.

(16) The "boom stop" is a device used to limit the angle of the boom at the highest position.

(17) A "brake" is a device used for retarding or stopping motion by friction or power means.

(18) A "cab" is housing which covers the rotating superstructure machinery and/or operator's station. On truck-crane trucks a separate cab covers the driver's station.

(19) The "clutch" is a friction, electromagnetic, hydraulic, pneumatic, or positive mechanical device for engagement or disengagement of power,

(20) The "counterweight" is a weight used to supplement the weight of the machine in providing stability for lifting working loads.

(21) "Designated" means selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

(22) The "drum" is the cylindrical members around which ropes are wound for raising and lowering the load or boom.

(23) "Dynamic" (loading) means loads introduced into the machine or its components by forces in motion.

(24) The "gantry" (A-frame) is a structural frame, extending above the superstructure, to which the boom supports ropes are reeved.

(25) A "jib" is an extension attached to the boom point to provide added boom length for lifting specified loads. The jib may be in line with the boom or offset to various angles.

(26) "Load" (working) means the external load, in pounds, applied to the crane, including the weight of load-attaching equipment such as load blocks, shackles, and slings.

(27) "Load block" (upper) means the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended from the boom point.

(28) "Load block" (lower) means the assembly of hook or shackle, swivel, sheaves, pins, and frame suspended by the hoisting ropes.

(29) A "load hoist" is a hoist drum and rope reeving system used for hoisting and lowering loads.

(30) "Load ratings" are crane ratings in pounds established by the manufacturer in accordance with paragraph (c) of this section.

(31) "Outriggers" are extendable fixed metal arms, attached to the mounting base, which rest on supports at the outer ends.

(32) "Rail clamp" means a tong-like metal device, mounted on a locomotive crane car, which can be connected to the track.

(33) "Reeving" means a rope system in which the rope travels around drums and sheaves.

(34) "Rope" refers to a wire rope unless otherwise specified.

(35) "Side loading" means a load applied at an angle to the vertical plane of the boom.

(36) A "standby crane" is a crane which is not in regular service but which is used occasionally or intermittently as required.

(37) A "standing (guy) rope" is a supporting rope which maintains a constant distance between the points of attachment to the two components connected by the rope.

(38) "Structural competence" means the ability of the machine and its components to withstand the stresses imposed by applied loads.

(39) "Superstructure" means the rotating upper frame structure of the machine and the operating machinery mounted thereon.

(40) "Swing" means the rotation of the superstructure for movement of loads in a horizontal direction about the axis of rotation.

(41) "Swing mechanism" means the machinery involved in providing rotation of the superstructure.

(42) "Tackle" is an assembly of ropes and sheaves arranged for hoisting and pulling.

(43) "Transit" means the moving or transporting of a crane from one jobsite to another.

(44) "Travel" means the functions of the machine moving from one location to another, on a jobsite.

(45) The "travel mechanism" is the machinery involved in providing travel.

(46) "Wheelbase" means the distance between centers of front and rear axles. For a multiple axle assembly the axle center for wheelbase measurement is taken as the midpoint of the assembly.

(47) The "whipline" (auxiliary hoist) is a separate hoist rope system of lighter load capacity and higher speed than provided by the main hoist.

(48) A "winch head" is a power driven spool for handling of loads by means of friction between fiber or wire rope and spool.

(b) *General requirements*—(1) *Application*. This section applies to crawler cranes, locomotive cranes, wheel mounted cranes of both truck and self-propelled wheel type, and any variations thereof which retain the same fundamental characteristics. This section includes only cranes of the above types, which are basically powered by internal combustion engines or electric motors and which utilize drums and ropes. Cranes designed for railway and automobile wreck clearances are excepted. The requirements of this section are applicable only to machines when used as lifting cranes.

(2) *New and existing equipment*. All new crawler, locomotive, and truck cranes utilized after the effective date of this subpart shall meet the design specifications of the "American National Standard Safety Code for Crawler, Locomotive and Truck Cranes," ANSI B30.5–1968. Equipment constructed and utilized prior to the effective date of the regulations in this section shall be modified to conform to these specifications.

(c) *Load ratings*—(1) *Load ratings—where stability governs lifting performance*. (i) The margin of stability for determination of load ratings, with booms of stipulated lengths at stipulated working radii for the various types of crane mountings is established by taking a percentage of the loads which will produce a condition of tipping or balance with the boom in the least stable direction, relative to the mounting. The load ratings shall not exceed the following percentages for cranes, with the indicated types of mounting under conditions stipulated in subdivisions (ii) and (iii) of this subparagraph.

Type of crane mounting:	*Maximum load ratings (percent of tipping loads)*
Locomotive, without outriggers:	
Booms 60 feet or less	85
Booms over 60 feet	[1] 85
Locomotive, using outriggers fully extended	80
Crawler, without outriggers	75
Crawler, using outriggers fully extended	85
Truck and wheel mounted without outriggers or using outriggers fully extended	85

[1] Unless this results in less than 30,000 pound-feet net stabilizing moment about the rail, which shall be minimum with such booms.

(ii) The following stipulation shall govern the application of the values in subdivision (i) of this subparagraph for locomotive cranes:

(*a*) Tipping with or without the use of outriggers occurs when half of the wheels farthest from the load leave the rail.

(*b*) The crane shall be standing on track which is level within 1 percent grade.

(*c*) Radius of the load is the horizontal distance from a projection of the axis of rotation to the rail support surface, before loading, to the center of vertical hoist line or tackle with load applied.

(*d*) Tipping loads from which ratings are determined shall be applied under static conditions only, i.e., without dynamic effect of hoisting, lowering, or swinging.

(*e*) The weight of all auxiliary handling devices such as hoist blocks, hooks, and slings shall be considered a part of the load rating.

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(iii) Stipulations governing the application of the values in subdivision (i) of this subparagraph for crawler, truck, and wheel-mounted cranes shall be in accordance with Crane Load-Stability Test Code. Society of Automotive Engineers (SAE) J765.

(iv) The effectiveness of these preceding stability factors will be influenced by such additional factors as free suspended loads, track, wind, or ground conditions, condition and inflation of rubber tires, boom lengths, proper operating speeds for existing conditions, and, in general, careful and competent operation. All of these shall be taken into account by the user.

(2) *Load rating chart.* A substantial and durable rating chart with clearly legible letters and figures shall be provided with each crane and securely fixed to the crane cab in a location easily visible to the operator while seated at his control station.

(d) *Inspection classification*—(1) *Initial inspection.* Prior to initial use all new and altered cranes shall be inspected to insure compliance with provisions of this section.

(2) *Regular inspection.* Inspection procedure for cranes in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the crane and the degree of their exposure to wear, deterioration, or malfunction. The two general classifications are herein designated as "frequent" and "periodic" with respective intervals between inspections as defined below:

(i) Frequent inspection: Daily to monthly intervals.

(ii) Periodic inspection: One- to 12-month intervals, or as specifically recommended by the manufacturer.

(3) *Frequent inspections.* Items such as the following shall be inspected for defects at intervals as defined in subdivision (2)(i) of this subparagraph or as specifically indicated including observation during operation for any defects which might appear between regular inspections. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) All control mechanisms for maladjustment interfering with proper operation: Daily.

(ii) All control mechanisms for excessive wear of components and contamination by lubricants or other foreign matter.

(iii) All safety devices for malfunction.

(iv) Deterioration or leakage in air or hydraulic systems: Daily.

(v) Crane hooks with deformations or cracks. For hooks with cracks or having more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook.

(vi) Rope reeving for noncompliance with manufacturer's recommendations.

(vii) Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, and moisture accumulation.

(4) *Periodic inspection.* Complete inspections of the crane shall be performed at intervals as generally defined in subparagraph (2)(ii) of this paragraph depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subparagraph (3) of this paragraph and in addition, items such as the following. Any deficiencies such as listed shall be carefully examined and determination made as to whether they constitute a safety hazard:

(i) Deformed, cracked, or corroded members, in the crane structure and boom.

(ii) Loose bolts or rivets.

(iii) Cracked or worn sheaves and drums.

(iv) Worn, cracked, or distorted parts such as pins, bearings, shafts, gears, rollers and locking devices.

(v) Excessive wear on brake and clutch system parts, linings, pawls, and ratchets.

(vi) Load, boom angle, and other indicators over their full range, for any significant inaccuracies.

(vii) Gasoline, diesel, electric, or other power plants for improper performance or noncompliance with safety requirements.

(viii) Excessive wear of chain-drive sprockets and excessive chain stretch.

(ix) Travel steering, braking, and locking devices, for malfunction.

(x) Excessively worn or damaged tires.

(5) *Cranes not in regular use.* (i) A crane which has been idle for a period of one month or more, but less than 6 months, shall be given an inspection conforming with requirements of subparagraph (3) of this paragraph and paragraph (g)(2)(ii) of this section before placing in service.

(ii) A crane which has been idle for a period of six months shall be given a complete inspection conforming with requirements of subparagraphs (3) and (4) of this paragraph and paragraph (g)(2)(ii) of this section before placing in service.

(iii) Standby cranes shall be inspected at least semiannually in accordance with requirements of subparagraph (3) of this paragraph and paragraph (g)(2)(ii) of this section. Such cranes which are exposed to adverse environment should be inspected more frequently.

(6) *Inspection records.* Written, dated, and signed inspection reports and records shall be made monthly on critical items in use such as brakes, crane hooks, and ropes. Records shall be kept readily available.

(e) *Testing*—(1) *Operational tests.* (i) In addition to prototype tests and quality-control measures, each new production crane shall be tested by the manufacturer to the extent necessary to insure compliance with the operational requirements of this paragraph including functions such as the following:

(*a*) Load hoisting and lowering mechanisms

(*b*) Boom hoisting and lower mechanisms

(*c*) Swinging mechanism

(*d*) Travel mechanism

(*e*) Safety devices

(ii) Where the complete production crane is not supplied by one manufacturer such tests shall be conducted at final assembly.

(iii) Certified production-crane test results shall be made available.

(2) *Rated load test.* (i) Written reports shall be available showing test procedures and confirming the adequacy of repairs or alterations.

(ii) Test loads shall not exceed 110 percent of the rated load at any selected working radius.

(iii) Where rerating is necessary:

(*a*) Crawler, truck, and wheel-mounted cranes shall be tested in accordance with SAE Recommended Practice, Crane Load Stability Test Code J765 (April 1961).

(*b*) Locomotive cranes shall be tested in accordance with paragraph (a)(1)(i) and (ii) of this section.

(*c*) Rerating test report shall be readily available.

(iv) No cranes shall be rerated in excess of the original load ratings unless such rating changes are approved by the crane manufacturer or final assembler.

(f) *Maintenance procedure*—(1) *General.* After adjustments and repairs have been made the crane shall not be operated until all guards have been reinstalled, safety devices reactivated, and maintenance equipment removed.

(g) *Rope inspection*—(1) *Running ropes.* A thorough inspection of all ropes in use shall be made at least once a month and a full written, dated, and signed report of rope condition kept on file where readily available. All inspections shall be performed by an appointed or authorized person. Any deterioration, resulting in appreciable loss of original strength, such as described below, shall be carefully noted and determination made as to whether further use of the rope would constitute a safety hazard:

(i) Reduction of rope diameter below nominal diameter due to loss of core support, internal, or external corrosion or wear of outside wires.

(ii) A number of broken outside wires and the degree of distribution of concentration of such broken wires.

(iii) Worn outside wires.

(iv) Corroded or broken wires at end connections.

(v) Corroded, cracked, bent, worn, or improperly applied end connections.

(vi) Severe kinking, crushing, cutting, or unstranding.

(2) *Other ropes.* (i) Heavy wear and/or broken wires may occur in sections in contact with equalizer sheaves or other sheaves where rope travel is limited, or with saddles. Particular care shall be taken to inspect ropes at these locations.

(ii) All rope which has been idle for a period of a month or more due to shutdown or storage of a crane on which it is installed shall be given a thorough inspection before it is placed in service. This inspection shall be for all types of deterioration and shall be performed by an appointed or authorized person whose approval shall be required for further use of the rope. A written and dated report of the rope condition shall be available.

(iii) Particular care shall be taken in the inspection of nonrotating rope.

(h) *Handling the load*—(1) *Size of load.* (i) No crane shall be loaded beyond the rated load, except for test purposes as provided in paragraph (e) of this section.

(ii) When loads which are limited by structural competence rather than by stability are to be handled, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.

(2) *Attaching the load.* (i) The hoist rope shall not be wrapped around the load.

(ii) The load shall be attached to the hook by means of slings or other approved devices.

(3) *Moving the load* (i) The employer shall assure that:

(*a*) The crane is level and where necessary blocked properly.

(*b*) The load is well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(ii) Before starting to hoist, the following conditions shall be noted:

(*a*) Hoist rope shall not be kinked.

(*b*) Multiple part lines shall not be twisted around each other.

(*c*) The hook shall be brought over the load in such a manner as to prevent swinging.

(*d*) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.

(iii) During hoisting care shall be taken that:

(*a*) There is not sudden acceleration or deceleration of the moving load.

(*b*) The load does not contact any obstructions.

(iv) Side loading of booms shall be limited to freely suspended loads. Cranes shall not be used for dragging loads sideways.

(v) No hoisting, lowering, swinging, or traveling shall be done while anyone is on the load or hook.

(vi) The operator should avoid carrying loads over people.

(vii) On truck mounted cranes, no loads shall be lifted over the front area except as approved by the crane manufacturer.

(viii) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

(ix) Outriggers shall be used when the load to be handled at that particular radius exceeds the rated load without outriggers as given by the manufacturer for that crane. Where floats are used they shall be securely attached to the outriggers. Wood blocks used to support outriggers shall:

(*a*) Be strong enough to prevent crushing.

(*b*) Be free from defects.

(*c*) Be of sufficient width and length to prevent shifting or toppling under load.

(x) Neither the load nor the boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(xi) Before lifting loads with locomotive cranes without using outriggers, means shall be applied to prevent the load from being carried by the truck springs.

(xii) When two or more cranes are used to lift one load, one designated person shall be responsible for the operation. He shall be required to analyze the operation and instruct all personnel involved in the proper positioning, rigging of the load, and the movements to be made.

(xiii) In transit the following additional precautions shall be exercised:

(*a*) The boom shall be carried in line with the direction of motion.

(*b*) The superstructure shall be secured against rotation, except when negotiating turns when there is an operator in the cab or the boom is supported on a dolly.

(*c*) The empty hook shall be lashed or otherwise restrained so that it cannot swing freely.

(xiv) Before traveling a crane with load, a designated person shall be responsible for determining and controlling safety. Decisions such as position of load, boom location, ground support, travel route, and speed of movement shall be in accord with his determinations.

(xv) A crane with or without load shall not be traveled with the boom so high that it may bounce back over the cab.

(xvi) When rotating the crane, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radii at which it can be controlled. A tag or restraint line shall be used when rotation of the load is hazardous.

(xvii) When a crane is to be operated at a fixed radius, the boom-hoist pawl or other positive locking device shall be engaged.

(xviii) Ropes shall not be handled on a winch head without the knowledge of the operator.

(xix) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.

(4) *Holding the load.* (i) The operator shall not be permitted to leave his position at the controls while the load is suspended.

(ii) No person should be permitted to stand or pass under a load on the hook.

(iii) If the load must remain suspended for any considerable length of time, the operator shall hold the drum from rotating in the lowering direction by activating the positive controllable means of the operator's station.

(i) *Other requirements*—(1) *Rail clamps.* Rail clamps shall not be used as a means of restraining tipping of a locomotive crane.

(2) *Ballast or counterweight.* Cranes shall not be operated without the full amount of any ballast or counterweight in place as specified by the maker, but truck cranes that have dropped the ballast or counterweight may be operated temporarily with special care and only for light loads without full ballast or counterweight in place. The ballast or counterweight in place specified by the manufacturer shall not be exceeded.

(3) *Cabs.* (i) Necessary clothing and personal belongings shall be stored in such a manner as to not interfere with access or operation.

(ii) Tools, oil cans, waste, extra fuses, and other necessary articles shall be stored in the tool box, and shall not be permitted to lie loose in or about the cab.

(4) *Refueling.* (i) Refueling with small portable containers shall be done with Underwriters' Laboratories or Factory Mutual Laboratories approved, or equivalent, safety type can equipped with an automatic closing cap and flame arrester.

(ii) Machines shall not be refueled with the engine running.

(5) *Fire extinguishers.* (i) A carbon dioxide, dry chemical, or equivalent fire extinguisher shall be kept in the cab or vicinity of the crane.

(ii) Operating and maintenance personnel shall be made familiar with the use and care of the fire extinguishers provided.

(6) *Swinging locomotive cranes.* A locomotive crane shall not be swung into a position where railway cars on an adjacent track might strike it, until it has been ascertained that cars are not being moved on the adjacent track and proper flag protection has been established.

(j) *Operating near electric power lines*—(1) *Clearances.* Except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers not a part of or an attachment to the crane have been erected to prevent physical contact with the lines, cranes shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(i) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet.

(ii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(iii) In transit with no load and boom lowered the clearance shall be a minimum of 4 feet.

(2) *Boom guards.* Cage-type boom guards, insulating links, or proximity warning devices may be used on cranes, but the use of such devices shall not operate to alter the requirements of subparagraph (1) of this paragraph.

(3) *Notification.* Before the commencement of operations near electrical lines, the owners of the lines or their authorized representative shall be notified and provided with all pertinent information.

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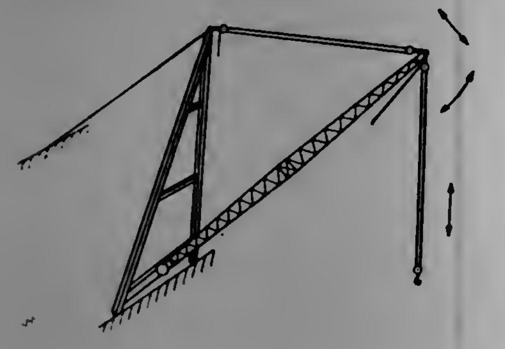
The cooperation of the owner shall be requested.

(4) *Overhead wires.* Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line.

§ 1910.181 Derricks.

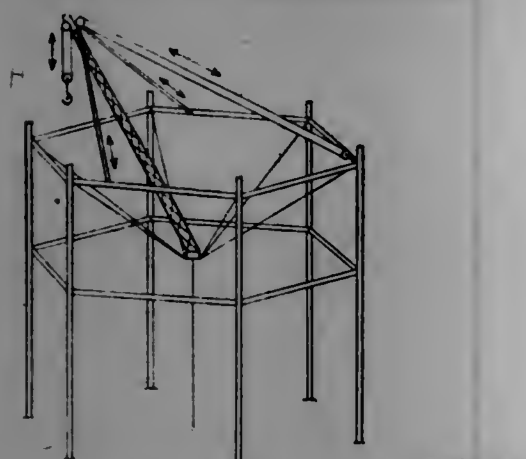
(a) *Definitions applicable to this section.* (1) A "derrick" is an apparatus consisting of a mast or equivalent member held at the head by guys or braces, with or without a boom, for use with a hoisting mechanism and operating ropes.

(2) "A-frame derrick" means a derrick in which the boom is hinged from a cross member between the bottom ends of two upright members spread apart at the lower ends and joined at the top: the boom point secured to the junction of the side members, and the side members are braced or guyed from this junction point.



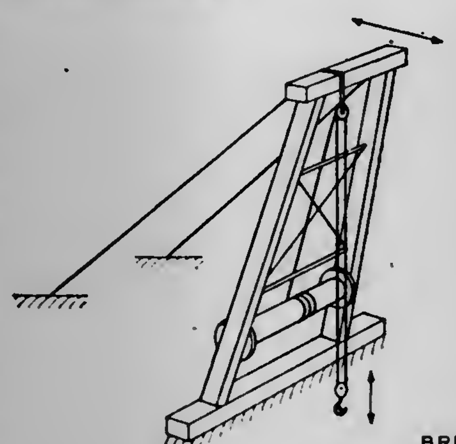
A-FRAME

(3) A "basket derrick" is a derrick without a boom, similar to a gin pole with its base supported by ropes attached to corner posts or other parts of the structure. The base is at a lower elevation than its supports. The location of the base of a basket derrick can be changed by varying the length of the rope supports. The top of the pole is secured with multiple reeved guys to position the top of the pole to the desired location by varying the length of the upper guy lines. The load is raised and lowered by ropes through a sheave or block secured to the top of the pole.



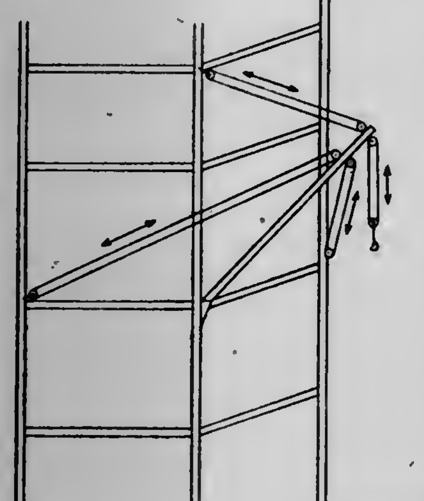
BASKET

(4) "Breast derrick" means a derrick without boom. The mast consists of two side members spread farther apart at the base than at the top and tied together at top and bottom by rigid members. The mast is prevented from tipping forward by guys connected to its top. The load is raised and lowered by ropes through a sheave or block secured to the top crosspiece.



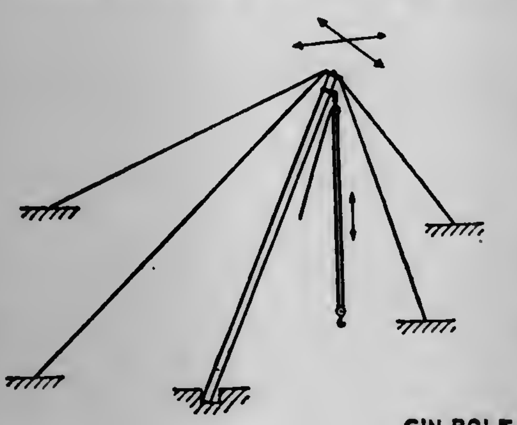
BREAST

(5) "Chicago boom derrick" means a boom which is attached to a structure, and outside upright member of the structure serving as the mast, and the boom being stepped in a fixed socket clamped to the upright. The derrick is complete with load, boom, and boom point swing line falls.



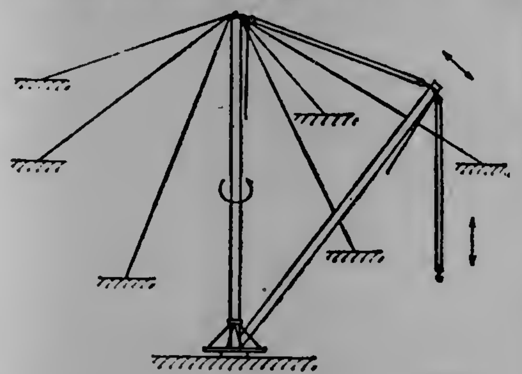
CHICAGO BOOM

(6) A "gin pole derrick" is a derrick without a boom. Its guys are so arranged from its top as to permit leaning the mast in any direction. The load is raised and lowered by ropes reeved through sheaves or blocks at the top of the mast.



GIN POLE

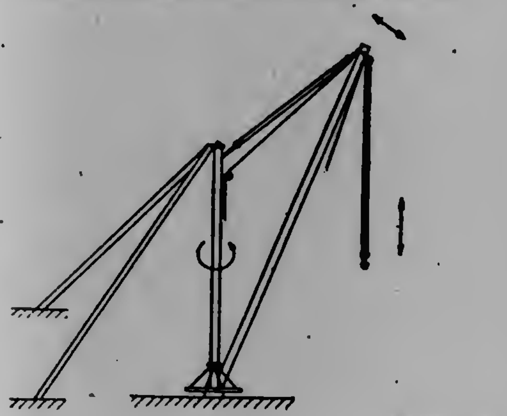
(7) "Guy derrick" means a fixed derrick consisting of a mast capable of being rotated, supported in a vertical position by guys, and a boom whose bottom end is hinged or pivoted to move in a vertical plane with a reeved rope between the head of the mast and the boom point for raising and lowering the boom, and a reeved rope from the boom point for raising and lowering the load.



GUY

(8) "Shearleg derrick" means a derrick without a boom and similar to a breast derrick. The mast, wide at the bottom and narrow at the top, is hinged at the bottom and has its top secured by a multiple reeved guy to permit handling loads at various radii by means of load tackle suspended from the mast top.

(9) A "stiffleg derrick" is a derrick similar to a guy derrick except that the mast is supported or held in place by two or more stiff members, called stifflegs, which are capable of resisting either tensile or compressive forces. Sills are generally provided to connect the lower ends of the stifflegs to the foot of the mast.



STIFF LEG

(10) "Appointed" means assigned specific responsibilities by the employer or the employer's representative.

(11) "ANSI" means the American National Standards Institute.

(12) A boom is a timber or metal section or strut, pivoted or hinged at the heel (lower end) at a location fixed in height on a frame or mast or vertical member, and with its point (upper end) supported by chains, ropes, or rods to the upper end of the frame, mast, or vertical member. A rope for raising and lowering the load is reeved through sheaves or a block at the boom point. The length of the boom shall be taken as the straight line distance between the axis of the foot pin and the axis of the boom point sheave pin, or where used, the axis of the upper load block attachment pin.

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(13) "Boom harness" means the block and sheave arrangement on the boom point to which the topping lift cable is reeved for lowering and raising the boom.

(14) The "boom point" is the outward end of the top section of the boom.

(15) "Derrick bullwheel" means a horizontal ring or wheel, fastened to the foot of a derrick, for the purpose of turning the derrick by means of ropes leading from this wheel to a powered drum.

(16) "Designated" means selected or assigned by the employer or employer's representative as being qualified to perform specific duties.

(17) "Eye" means a loop formed at the end of a rope by securing the dead end to the live end at the base of the loop.

(18) A "fiddle block" is a block consisting of two sheaves in the same plane held in place by the same cheek plates.

(19) The "foot bearing" or "foot block" (sill block) is the lower support on which the mast rotates.

(20) A "gudgeon pin" is a pin connecting the mast cap to the mast allowing rotation of the mast.

(21) A "guy" is a rope used to steady or secure the mast or other member in the desired position.

(22) "Load, working" means the external load, in pounds, applied to the derrick, including the weight of load attaching equipment such as load blocks, shackles, and slings.

(23) "Load block, lower" means the assembly of sheaves, pins, and frame suspended by the hoisting rope.

(24) "Load block, upper" means the assembly of sheaves, pins, and frame suspended from the boom.

(25) "Mast" means the upright member of the derrick.

(26) "Mast cap (spider)" means the fitting at the top of the mast to which the guys are connected.

(27) "Reeving" means a rope system in which the rope travels around drums and sheaves.

(28) "Rope" refers to wire rope unless otherwise specified.

(29) "Safety Hook" means a hook with a latch to prevent slings or load from accidentally slipping off the hook.

(30) "Side loading" is a load applied at an angle to the vertical plane of the boom.

(31) The "sill" is a member connecting the foot block and stiffleg or a member connecting the lower ends of a double member mast.

(32) A "standby derrick" is a derrick not in regular service which is used occasionally or intermittently as required.

(33) "Stiff leg" means a rigid member supporting the mast at the head.

(34) "Swing" means rotation of the mast and/or boom for movements of loads in a horizontal direction about the axis of rotation.

(b) *General requirements*—(1) *Application.* This section applies to guy, stiffleg, basket, breast, gin pole, Chicago Boom and A-frame derricks of the stationary type, capable of handling loads at variable reaches and powered by hoists through systems of rope reeving, used to perform lifting hook work, single or multiple line bucket work, grab, grapple, and magnet work. Derricks may be permanently installed for temporary use as in construction work. The requirements of this section also apply to any modification of these types which retain their fundamental features, except for floating derricks.

(2) *New and existing equipment.* All new derricks installed after the effective date of this subpart shall meet the design specifications of the "American aNtional Standard Safety Code for Derricks ANSI B30.6–1969." Equipment constructed and installed prior to the effective date of this pubpart shall be modified to conform to these specifications, unless the equipment as constructed and installed presents serious difficulties to being modified and the equipment substantially complies with the requirements of this subpart.

(c) *Load ratings*—(1) *Rated load marking.* For permanently installed derricks with fixed lengths of boom, guy, and mast, a substantial, durable, and clearly legible rating chart shall be provided with each derrick and securely affixed where it is visible to personnel responsible for the safe operation of the equipment. The chart shall include the following data:

(i) Manufacturer's approved load ratings at corresponding ranges of boom angle or operating radii.

(ii) Specific lengths of components on which the load ratings are based.

(iii) Required parts for hoist reeving. Size and construction of rope may be shown either on the rating chart or in the operating manual.

(2) *Nonpermanent installations.* For nonpermanent installations, the manufacturer shall provide sufficient information from which capacity charts can be prepared for the particular installation. The capacity charts shall be located at the derricks or the jobsite office.

(d) *Inspection*—(1) *Inspection classification.* (i) Prior to initial use all new and altered derricks shall be inspected to insure compliance with the provisions of this section.

(ii) Inspection procedure for derricks in regular service is divided into two general classifications based upon the intervals at which inspection should be performed. The intervals in turn are dependent upon the nature of the critical components of the derrick and the degree of their exposure to wear, deterioration, or malfunction. The two general classifications are herein designated as frequent and periodic with respective intervals between inspections as defined below:

(*a*) Frequent inspection—Daily to monthly intervals.

(*b*) Periodic inspection—1- to 12-month intervals, or as specified by the manufacturer.

(2) *Frequent inspection.* Items such as the following shall be inspected for defects at intervals as defined in subparagraph (1)(ii)(*a*) of this paragraph or as specifically indicated, including observation during operation for any defects which might appear between regular inspections. Deficiencies shall be carefully examined for any safety hazard:

(i) All control mechanisms: Inspect daily for adjustment, wear, and lubrication.

(ii) All chords and lacing: Inspect daily, visually.

(iii) Tension in guys: Daily.

(iv) Plumb of the mast.

(v) Deterioration or leakage in air or hydraulic systems: Daily.

(vi) Derrick hooks for deformations or cracks; for hooks with cracks or having more than 15 percent in excess of normal throat opening or more than 10° twist from the plane of the unbent hook, refer to paragraph (e)(3)(iii) of this section.

(vii) Rope reeving; visual inspection for noncompliance with derrick manufacturer's recommendations.

(viii) Hoist brakes, clutches, and operating levers: check daily for proper functioning before beginning operations.

(ix) Electrical apparatus for malfunctioning, signs of excessive deterioration, dirt, and moisture accumulation.

(3) *Periodic inspection.* (i) Complete inspections of the derrick shall be performed at intervals as generally defined in subparagraph (1)(ii)(*b*) of this paragraph depending upon its activity, severity of service, and environment, or as specifically indicated below. These inspections shall include the requirements of subparagraph (2) of this paragraph and in addition, items such as the following. Deficiencies shall be carefully examined and a determination made as to whether they constitute a safety hazard:

(*a*) Structural members for deformations, cracks, and corrosion.

(*b*) Bolts or rivets for tightness.

(*c*) Parts such as pins, bearings, shafts, gears, sheaves, drums, rollers, locking and clamping devices, for wear, cracks, and distortion.

(*d*) Gudgeon pin for cracks, wear, and distortion each time the derrick is to be erected.

(*e*) Powerplants for proper performance and compliance with applicable safety requirements.

(*f*) Hooks; magnetic particle or other suitable crack detecting inspection should be performed at least once each year.

(ii) Foundation or supports shall be inspected for continued ability to sustain the imposed loads.

(4) *Derricks not in regular use.* (i) A derrick which has been idle for a period of 1 month or more, but less than 6 months, shall be given an inspection conforming with requirements of subparagraph (2) of this paragraph and paragraph (g)(3) of this section before placing in service.

(ii) A derrick which has been idle for a period of over 6 months shall be given a complete inspection conforming with requirements of subparagraphs (2) and (3) of this paragraph and paragraph (g)

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(3) of this section before placing in service.

(iii) Standby derricks shall be inspected at least semiannually in accordance with requirements of subparagraph (2) of this paragraph and paragraph (g) (3) of this section. Those exposed to adverse environment should be inspected more frequently.

(e) *Testing*—(1) *Operational tests.* Prior to initial use all new and altered derricks shall be tested to insure compliance with this section including the following functions:

(i) Load hoisting and lowering.

(ii) Boom up and down.

(iii) Swing.

(iv) Operation of clutches and brakes of hoist.

(2) *Anchorages.* All anchorages shall be approved by the appointed person. Rock and hairpin anchorages may require special testing.

(f) *Maintenance*—(1) *Preventive maintenance.* A preventive maintenance program based on the derrick manufacturer's recommendations shall be established.

(2) *Maintenance procedure.* (i) Before adjustments and repairs are started on a derrick the following precautions shall be taken:

(*a*) The derrick to be repaired shall be arranged so it will cause the least interference with other equipment and operations in the area.

(*b*) All hoist drum dogs shall be engaged.

(*c*) The main or emergency switch shall be locked in the open position, if an electric hoist is used.

(*d*) Warning or out of order signs shall be placed on the derrick and hoist.

(*e*) The repairs of booms of derricks shall either be made when the booms are lowered and adequately supported or safely tied off.

(*f*) A good communication system shall be set up between the hoist operator and the appointed individual in charge of derrick operations before any work on the equipment is started.

(*g*) Welding repairs shall be approved by an appointed person.

(ii) After adjustments and repairs have been made the derrick shall not be operated until all guards have been reinstalled, safety devices reactivated, and maintenance equipment removed.

(3) *Adjustments and repairs.* (i) Any unsafe conditions disclosed by inspection shall be corrected before operation of the derrick is resumed.

(ii) Adjustments shall be maintained to assure correct functioning of components.

(iii) Repairs or replacements shall be provided promptly as needed for safe operation. The following are examples of conditions requiring prompt repair or replacement:

(*a*) Hooks showing defects described in paragraph (d)(2)(vi) of this section shall be discarded.

(*b*) All critical parts which are cracked, broken, bent, or excessively worn.

(*c*) Pitted or burned electrical contacts should be corrected only by replacement and in sets. Controller parts should be lubricated as recommended by the manufacturer.

(*d*) All replacement and repaired parts shall have at least the original safety factor.

(g) *Rope inspection*—(1) *Running ropes.* A thorough inspection of all ropes in use shall be made at least once a month and a full written, dated, and signed report of rope condition kept on file where readily available. Any deterioration, resulting in appreciable loss of original strength, such as described below, shall be carefully noted and determination made as to whether further use of the rope would constitute a safety hazard:

(i) Reduction of rope diameter below nominal diameter due to loss of core support, internal or external corrosion, or wear of outside wires.

(ii) A number of broken outside wires and the degree of distribution or concentration of such broken wires.

(iii) Worn outside wires.

(iv) Corroded or broken wires at end connections.

(v) Corroded, cracked, bent, worn, or improperly applied end connections.

(vi) Severe kinking, crushing, cutting, or unstranding.

(2) *Limited travel ropes.* Heavy wear and/or broken wires may occur in sections in contact with equalizer sheaves or other sheaves where rope travel is limited, or with saddles. Particular care shall be taken to inspect ropes at these locations.

(3) *Idle ropes.* All rope which has been idle for a period of a month or more due to shutdown or storage of a derrick on which it is installed shall be given a thorough inspection before it is placed in service. This inspection shall be for all types of deterioration. A written and dated report of the rope condition shall be available.

(4) *Nonrotating ropes.* Particular care shall be taken in the inspection of nonrotating rope.

(h) *Operations of derricks.* Derrick operation shall be directed only by the individual specifically designated for that purpose.

(i) *Handling the load*—(1) *Size of load.* (i) No derrick shall be loaded beyond the rated load.

(ii) When loads approach the maximum rating of the derrick, it shall be ascertained that the weight of the load has been determined within plus or minus 10 percent before it is lifted.

(2) *Attaching the load.* (i) The hoist rope shall not be wrapped around the load.

(ii) The load shall be attached to the hook by means of slings or other suitable devices.

(3) *Moving the load.* (i) The load shall be well secured and properly balanced in the sling or lifting device before it is lifted more than a few inches.

(ii) Before starting to hoist, the following conditions shall be noted:

(*a*) Hoist rope shall not be kinked.

(*b*) Multiple part lines shall not be twisted around each other.

(*c*) The hook shall be brought over the load in such a manner as to prevent swinging.

(*d*) If there is a slack rope condition, it should be determined that the rope is properly seated on the drum and in the sheaves.

(iii) During hoisting, care shall be taken that:

(*a*) There is no sudden acceleration or deceleration of the moving load.

(*b*) Load does not contact any obstructions.

(iv) A derrick shall not be used for side loading except when specifically authorized by a responsible person who has determined that the various structural components will not be overstressed.

(v) No hoisting, lowering, or swinging shall be done while anyone is on the load or hook.

(vi) The operator should avoid carrying loads over people.

(vii) The operator shall test the brakes each time a load approaching the rated load is handled by raising it a few inches and applying the brakes.

(viii) Neither the load nor boom shall be lowered below the point where less than two full wraps of rope remain on their respective drums.

(ix) When rotating a derrick, sudden starts and stops shall be avoided. Rotational speed shall be such that the load does not swing out beyond the radius at which it can be controlled.

(x) Boom and hoisting rope systems shall not be twisted.

(4) *Holding the load.* (i) The operator shall not be allowed to leave his position at the controls while the load is suspended.

(ii) People should not be permitted to stand or pass under a load on the hook.

(iii) If the load must remain suspended for any considerable length of time, a dog, or pawl and ratchet, or other equivalent means, rather than the brake alone, shall be used to hold the load.

(5) *Use of winch heads.* (i) Ropes shall not be handled on a winch head without the knowledge of the operator.

(ii) While a winch head is being used, the operator shall be within convenient reach of the power unit control lever.

(6) *Securing boom.* Dogs, pawls, or other positive holding mechanism on the hoist shall be engaged. When not in use, the derrick boom shall:

(i) Be laid down;

(ii) Be secured to a stationary member, as nearly under the head as possible, by attachment of a sling to the load block; or

(iii) Be hoisted to a vertical position and secured to the mast.

(j) *Other requirements*—(1) *Guards.* (i) Exposed moving parts, such as gears, ropes, setscrews, projecting keys, chains, chain sprockets, and reciprocating components, which constitute a hazard under normal operating conditions shall be guarded.

(ii) Guards shall be securely fastened.

(iii) Each guard shall be capable of supporting without permanent distortion, the weight of a 200-pound person unless the guard is located where it is impossible for a person to step on it.

(2) *Hooks.* (i) Hooks shall meet the manufacturer's recommendations and shall not be overloaded.

(ii) Safety latch type hooks shall be used wherever possible.

(3) *Fire extinguishers.* (i) A carbon dioxide, dry chemical, or equivalent fire extinguisher shall be kept in the immediate vicinity of the derrick.

(ii) Operating and maintenance personnel shall be familiar with the use and care of the fire extinguishers provided.

(4) *Refueling.* (i) Refueling with portable containers shall be done with Underwriters' Laboratory, Inc. (UL), or Factory Mutual Laboratories approved, or equivalent, safety type containers equipped with automatic closing spout and flame arrester.

(ii) Machines shall not be refueled with the engine running.

(5) *Operating near electric powerlines.* (i) Except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work or where insulating barriers not a part of or an attachment to the derrick have been erected to prevent physical contact with the lines, derricks shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(*a*) For lines rated 50 kv. or below minimum clearance between the lines and any part of the derrick or load shall be 10 feet.

(*b*) For lines rated over 50 kv. minimum clearance between the lines and any part of the derrick or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or use twice the length of the line insulator, but never less than 10 feet.

(ii) Cage-type boom guards, insulating links, or proximity warning devices may be used on derricks, but the use of such devices shall not operate to alter the requirements of subdivision (i) of this subparagraph.

(iii) Before the commencement of operations near electrical lines, the owners of the lines or their authorized representatives shall be notified and provided with pertinent information. The owner's cooperation shall be requested.

(iv) Any overhead wire shall be considered to be an energized line until the owner of the line or their authorized representatives state that it is deenergized.

(6) *Cab or operating enclosure.* (i) Necessary clothing and personnel belongings shall be stored in such a manner as to not interfere with access or operation.

(ii) Tools, oilcans, waste, extra fuses, and other necessary articles shall be stored in the toolbox, and shall not be permitted to lie loose in or about the cab or operating enclosure.

§ 1910.182 Additional delay in effective date.

The requirements of this Subpart N shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50-204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon commencement of the Walsh-Healey requirement.

§ 1910.183 Sources of standards.

Sec.	*Source*
1910.176	41 CFR 50–204.3.
1910.177	NFPA No. 231–1970, General Indoor Storage.
1910.178(a)(1)	NFPA No. 505–1969, Powered Industrial Trucks.
1910.178(a)(2)	ANSI B56.1–1969, Standard for Powered Industrial Trucks, Part II.
1910.178(a)(3)	NFPA No. 505–1969, Powered Industrial Trucks.
1910.178(a)(4)–(7)	ANSI B56.1–1969, Standard for Powered Industrial Trucks.
1910.178(b)–(d)	NFPA No. 505–1969, Powered Industrial Trucks.
1910.178(e)–(p)	ANSI B56.1–1969, Powered Industrial Trucks.
1910.178(q)	NFPA No. 505–1969, Powered Industrial Trucks.
1910.179	ANSI B30.2.0–1967, Safety Code for Overhead and Gantry Cranes.
1910.180	ANSI B30.5–1968, Safety Code for Crawler, Locomotive, and Truck Cranes.
1910.181	ANSI B30.6–1969, Safety Code for Derricks.

§ 1910.184 Standards organizations.

Specific standards of the following organizations have been referenced in this part. Copies of the referenced materials may be obtained from the issuing organizations.

American Society of Heating, Refrigeration, and Air Conditioning Engineers, Inc., 345 East 47th Street, New York, NY 10017.
Crane Manufacturers Association of America, Inc., 1 Thomas Circle NW., Washington, DC 20005.
American National Standards Institute, 1430 Broadway, New York, NY 10018.
National Fire Protection Association, 60 Batterymarch Street, Boston, MA 02110.
Society of Automotive Engineers, Inc., 485 Lexington Avenue, New York, NY 10017.

Subpart O—Machinery and Machine Guarding

§ 1910.211 Definitions.

(a) As used in §§ 1910.213 and 1910.214 unless the context clearly requires otherwise, the following woodworking machinery terms shall have the meaning prescribed in this paragraph.

(1) "Point of operations" means that point at which cutting, shaping, boring, or forming is accomplished upon the stock.

(2) "Push stick" means a narrow strip of wood or other soft material with a notch cut into one end and which is used to push short pieces of material through saws.

(3) "Block" means a short block of wood, provided with a handle similar to that of a plane and a shoulder at the rear end, which is used for pushing short stock over revolving cutters.

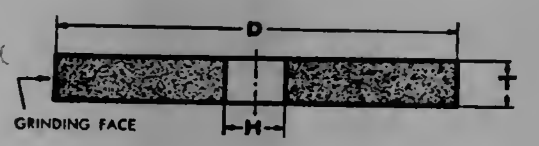
(b) As used in § 1910.215 unless the context clearly requires otherwise, the following abrasive wheel machinery terms shall have the meanings prescribed in this paragraph.

(1) "Type 1 straight wheels" means wheels having diameter, thickness, and hole size dimensions, and they should be used only on the periphery. Type 1 wheels shall be mounted between flanges.

LIMITATION: Hole dimension (H) should not be greater than two-thirds of wheel diameter dimension (D) for precision, cylindrical, centerless, or surface grinding applications. Maximum hole size for all other applications should not exceed one-half wheel diameter.

Figure No. 0-1

TYPE 1 STRAIGHT WHEELS



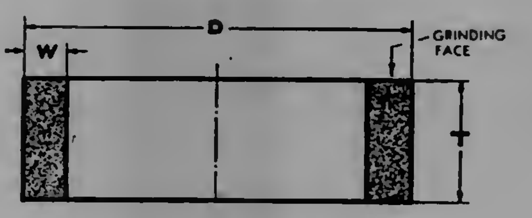
Type 1 — Straight Wheel.
Peripheral grinding wheel having a diameter, thickness and hole.

(2) "Type 2 cylinder wheels" means wheels having diameter, wheel thickness, and rim thickness dimensions. Grinding is performed on the rim face only, dimension W. Cylinder wheels may be plain, plate mounted, inserted nut, or of the projecting stud type.

LIMITATION: Rim height, T dimension, is generally equal to or greater than rim thickness, W dimension.

Figure No. 0-2

TYPE 2 CYLINDER WHEELS



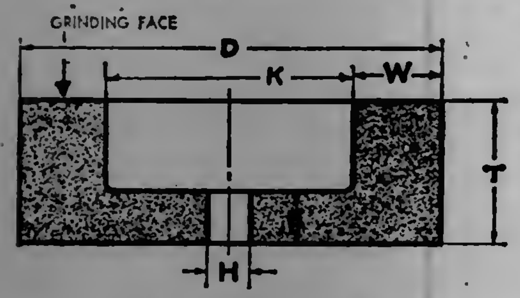
Type 2 — Cylinder Wheel
Side grinding wheel having a diameter, thickness and wall—wheel is mounted on the diameter.

(3) "Type 6 straight cup wheels" means wheels having diameter, thickness, hole size, rim thickness, and back thickness dimensions. Grinding is always performed on rim face, W dimension.

LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition, when unthreaded hole wheels are specified, the inside flat, K dimension, must be large enough to accommodate a suitable flange.

Figure No. 0-3

TYPE 6 STRAIGHT CUP WHEELS



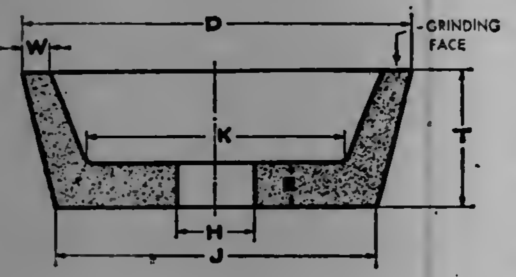
Type 6 — Straight-cup Wheel
Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed. This type, however, differs from Type 5 in that the grinding is performed on the wall of the abrasive created by the difference between the diameter of the recess and the outside diameter of the wheel. Therefore, the wall dimension "W" takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.

(4) "Type 11 flaring cup wheels" mean wheels having double diameter dimensions D and J, and in addition have thickness, hole size, rim and back thickness dimensions. Grinding is always performed on rim face, W dimension. Type 11 wheels are subject to all limitations of use and mounting listed for type 6 straight sided cup wheels definition.

LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition when unthreaded hole wheels are specified the inside flat, K dimension, shall be large enough to accommodate a suitable flange.

Figure No. 0-4

TYPE 11 FLARING CUP WHEELS

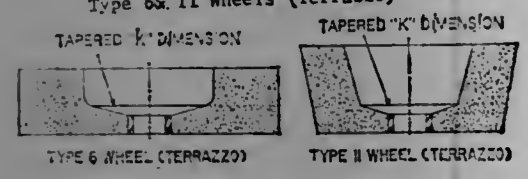


Type 11 — Flaring-cup Wheel
Side grinding wheel having a wall flared or tapered outward from the back. Wall thickness at the back is normally greater than at the grinding face (W).

(5) "Modified types 6 and 11 wheels (terrazzo)" mean some type 6 and 11 cup wheels used in the terrazzo trade having tapered K dimensions to match a special tapered flange furnished by the machine builder.

LIMITATION: These wheels shall be mounted only with a special tapered flange.

Figure No. 0-5
Type 6& 11 Wheels (Terrazzo)



Typical examples of modified types 6 and 11 wheels (terrazzo) showing tapered K dimensions.

(6) "Types 27 and 28 depressed center wheels" mean have diameter, thickness, and hole size dimensions. Both types are reinforced, organic bonded wheels having offset hubs which permit side and peripheral grinding operations without interference with the mounting. Type 27 wheels are manufactured with flat grinding rims permitting notching and cutting operations. Type 28 wheels have saucer shaped grinding rims.

(i) Limitations: Special supporting, back adapter and inside flange nuts are required for the proper mounting of these types of wheels subject to limitations of § 1910.215(c)(4) (i) and (ii).

(ii) Mounts which are affixed to the wheel by the manufacturer may not require an inside nut and shall not be reused.

(7) "Type 27A depressed center, cutting-off wheels" mean wheels having diameter, thickness, and hole size dimensions. They are reinforced, organic bonded, offset hub type wheels, usually 16 inches diameter and larger, specially designed for use on cutting-off machines where mounting nut or outer flange interference cannot be tolerated.

LIMITATIONS: See § 1910.215(c).

(8) "Surface feet per minute" (s.f.p.m.) means the distance in feet any one abrasive grain on the peripheral surface on a grinding wheel travels in 1 minute.

Surface Feet Per Minute =

$$\frac{3.1416 \times \text{diameter in inches} \times \text{r.p.m.}}{12}$$

or

$$.262 \times \text{diameter in inches} \times \text{r.p.m.}$$

Examples: (a) 24-inch diameter wheel, 1,000 revolutions per minute. Surface Feet per minute $.262 \times 24 \times 1{,}000 = 6{,}288$ s.f.p.m.

(b) 12-inch diameter wheel, 1,000 revolutions per minute. Surface Feet per minute $.262 \times 12 \times 1{,}000 = 3{,}144$ s.f.p.m.

(9) "Flanges" means collars, discs or plates between which wheels are mounted and are referred to as adaptor, sleeve, or back up type. See paragraph (c) of § 1910.215 for full description.

(10) "Snagging" means grinding which removes relatively large amounts of material without regard to close tolerances or surface finish requirements.

(11) "Off-hand grinding" means the grinding of any material or part which is held in the operator's hand.

(12) "Safety guard" means an enclosure designed to restrain the pieces of the grinding wheel and furnish all possible protection in the event that the wheel is broken in operation. See paragraph (b) of § 1910.215.

(13) "Cutting off wheels" mean wheels having diameter thickness and hole size dimensions and are subject to all limitations of mounting and use listed for type 1 wheels, the definition in subparagraph (1) of this paragraph and paragraph (d) of § 1910.215. They may be steel centered, diamond abrasive or organic bonded abrasive of the plain or reinforced type.

(i) Limitation: Cutting off wheels are recommended only for use on specially designed and fully guarded machines and are subject to the following maximum thickness and hole size limitations.

Wheel diameter:	*Max. thickness (inch)*
6 inch and smaller	3/16
Larger than 6 inches to 12 inches	1/4
Larger than 12 inches to 23 inches	3/8
Larger than 23 inches	1/2

(ii) Maximum hole size for cutting-off wheels should not be larger than 1/4-wheel diameter.

(14) "Abrasive wheel" means a cutting tool consisting of abrasive grains held together by organic or inorganic bonds. Diamond and reinforced wheels are included.

(15) "Organic wheels" means wheels which are bonded by means of an organic material such as resin, rubber, shellac, or other similar bonding agent.

(16) "Inorganic wheels" means wheels which are bonded by means of inorganic material such as clay, glass, porcelain, sodium silicate, magnesium oxychloride, or metal. Wheels bonded with clay, glass, porcelain or related ceramic materials are characterized as "vitrified bonded wheels."

(c) As used in 1910.216, unless the context clearly requires otherwise, the following mills and calendars in the rubber and plastic industries terms shall have the meanings prescribed in this paragraph. (1) "Bite" means the nip point between any two inrunning rolls.

(2) "Calender" means a machine equipped with two or more metal rolls revolving in opposite directions and used for continuously sheeting or plying up rubber and plastics compounds and for frictioning or coating materials with rubber and plastics compounds.

(3) "Mill" means a machine consisting of two adjacent metal rolls, set horizontally, which revolve in opposite directions (i.e., toward each other as viewed from above) used for the mechanical working of rubber and plastics compounds.

(d) As used in § 1910.217, unless the context clearly requires otherwise, the following power press terms shall have the meaning prescribed in this paragraph.

(1) "Antirepeat" means the part of the clutch/brake control system designed to limit the press to a single stroke if the tripping means is held operated. Antirepeat requires release of all tripping mechanisms before another stroke can be initiated. "Antirepeat" is also called single stroke reset or reset circuit.

(2) "Brake" means the mechanism used on a mechanical power press to stop and/or hold the crankshaft, either directly or through a gear train, when the clutch is disengaged.

(3) "Bolster plate" means the plate attached to the top of the bed of the press having drilled holes or T-slots for attaching the lower die or die shoe.

(4) "Clutch" means the coupling mechanism used on a mechanical power press to couple the flywheel to the crankshaft, either directly or through a gear train.

(5) "Full revolution clutch" means a type of clutch that, when tripped, cannot be disengaged until the crankshaft has completed a full revolution and the press slide a full stroke.

(6) "Part revolution clutch" means a type of clutch that can be disengaged at any point before the crankshaft has completed a full revolution and the press slide a full stroke.

(7) "Direct drive" means the type of driving arrangement wherein no clutch is used; coupling and decoupling of the driving torque is accomplished by energization and deenergization of a motor. Even though not employing a clutch, direct drives match the operational characteristics of "part revolution clutches" because the driving power may be disengaged during the stroke of the press.

(8) "Concurrent" means acting in conjunction, and is used to describe a situation wherein two or more controls exist in an operated condition at the same time.

(9) "Continuous" means uninterrupted multiple strokes of the slide without intervening stops (or other clutch control action) at the end of individual strokes.

(10) "Counterbalance" means the mechanism that is used to balance or support the weight of the connecting rods, slide, and slide attachments.

(11) "Device" means a press control or attachment that:

(i) Restrains the operator from inadvertently reaching into the point of operation, or

(ii) Prevents normal press operation if the operator's hands are inadvertently within the point of operation, or

(iii) Automatically withdraws the operator's hands if the operator's hands are inadvertently within the point of operation as the dies close.

(12) "Presence sensing device" means a device designed, constructed and arranged to create a sensing field or area and deactivate the clutch control of the press when an operator's hand or any other parts of his body is within such field or area.

(13) "Gate or movable barrier device" means a movable barrier arranged to enclose the point of operation before the press stroke can be started.

(14) "Holdout or restraint device" means a mechanism, including attachments for operator's hands, that when anchored and adjusted prevent the operator's hands from entering the point of operation.

(15) "Pull-out device" means a mechanism attached to the operator's hands and connected to the upper die or slide of the press, that is designed, when properly adjusted, to withdraw the operator's hands as the dies close, if the operator's hands are inadvertently within the point of operation.

(16) "Sweep device" means a single or double arm (rod) attached to the upper die or slide of the press and designed to move the operator's hands to a safe position as the dies close, if the operator's hands are inadvertently within the point of operation.

(17) "Two hand control device" means two hand trip that further requires concurrent pressure from both hands of the operator during a substantial part of the die-closing portion of the stroke of the press.

(18) "Die" means the tooling used in a press for cutting or forming material. An upper and a lower die make a complete set.

(19) "Die builder" means any person who builds dies for power presses.

(20) "Die set" means a tool holder held in alignment by guide posts and bushings and consisting of a lower shoe, an upper shoe or punch holder, and guide posts and bushings.

(21) "Die setter" means an individual who places or removes dies in or from mechanical power presses, and who, as a part of his duties, makes the necessary adjustments to cause the tooling to function properly and safely.

(22) "Die setting" means the process of placing or removing dies in or from a mechanical power press, and the process of adjusting the dies, other tooling and safeguarding means to cause them to function properly and safely.

(23) "Die shoe" means a plate or block upon which a die holder is mounted. A die shoe functions primarily as a base for the complete die assembly, and, when used, is bolted or clamped to the bolster plate or the face of slide.

(24) "Ejector" means a mechanism for removing work or material from between the dies.

(25) "Face of slide" means the bottom surface of the slide to which the punch or upper die is generally attached.

(26) "Feeding" means the process of placing or removing material within or from the point of operation.

(27) "Automatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by a method or means not requiring action by an operator on each stroke of the press.

(28) "Semiautomatic feeding" means feeding wherein the material or part being processed is placed within or removed from the point of operation by an auxiliary means controlled by operator on each stroke of the press.

(29) "Manual feeding" means feeding wherein the material or part being processed is handled by the operator on each stroke of the press.

(30) "Foot control" means the foot operated control mechanism designed to be used with a clutch or clutch/brake control system.

(31) "Foot pedal" means the foot operated lever designed to operate the mechanical linkage that trips a full revolution clutch.

(32) "Guard" means a barrier that prevents entry of the operator's hands or fingers into the point of operation.

(33) "Die enclosure guard" means an enclosure attached to the die shoe or stripper, or both, in a fixed position.

(34) "Fixed barrier guard" means a die space barrier attached to the press frame.

(35) "Interlocked press barrier guard" means a barrier attached to the press frame and interlocked so that the press stroke cannot be started normally unless the guard itself, or its movable sections, enclose the point of operation.

(36) "Adjustable barrier guard" means a barrier requiring adjustment for each job or die setup.

(37) "Guide post" means the pin attached to the upper or lower die shoe, operating within the bushing on the opposing die shoe, to maintain the alignment of the upper and lower dies.

(38) "Hand feeding tool" means any hand held tool designed for placing or removing material or parts to be processed within or from the point of operation.

(39) "Inch" means an intermittent motion imparted to the slide (on machines using part revolution clutches) by momentary operation of the "Inch" operating means. Operation of the "Inch" operating means engages the driving clutch so that a small portion of one stroke or indefinite stroking can occur, depending upon the length of time the "Inch" operating means is held operated. "Inch" is a function used by the die setter for setup of dies and tooling, but is not intended for use during production operations by the operator.

(40) "Jog" means an intermittent motion imparted to the slide by momentary operation of the drive motor, after the clutch is engaged with the flywheel at rest.

(41) "Knockout" means a mechanism for releasing material from either die.

(42) "Liftout" means the mechanism also known as knockout.

(43) "Operator's station" means the complete complement of controls used by or available to an operator on a given operation for stroking the press.

(44) "Pinch point" means any point other than the point of operation at which it is possible for a part of the body to be caught between the moving parts of a press or auxiliary equipment, or between moving and stationary parts of a press or auxiliary equipment or between the material and moving part or parts of the press or auxiliary equipment.

(45) "Joint of operation" means the area of the press where material is actually positioned during any process such as shearing, punching, forming, or assembling.

(46) "Press" means a mechanically powered machine that shears, punches, forms or assembles metal or other material by means of cutting, shaping, or combination dies attached to slides. A press consists of a stationary bed or anvil, and a slide (or slides) having a controlled reciprocating motion toward and away from the bed surface, the slide being guided in a definite path by the frame of the press.

(47) "Repeat" means an unintended or unexpected successive stroke of the press resulting from a malfunction.

(48) "Safety block" means a prop that, when inserted between the upper and lower dies or between the bolster plate and the face of the slide, prevents

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the slide from falling of its own deadweight.

(49) "Single stroke" means one complete stroke of the slide, usually initiated from a full open (or up) position, followed by closing, (or down), and then a return to the full open position.

(50) "Single stroke mechanism" means an arrangement used on a full revolution clutch to limit the travel of the slide to one complete stroke at each engagement of the clutch.

(51) "Slide" means the main reciprocating press member. A slide is also called a ram, plunger, or platen.

(52) "Stop control" means an operator control designed to immediately deactivate the clutch control and activate the brake to stop slide motion.

(53) "Stripper" means a mechanism or die part for removing the parts of material from the punch.

(54) "Stroking selector" means the part of the clutch/brake control that determines the type of stroking when the operating means is actuated. The stroking selector generally includes positions for "Off" (Clutch Control), "Inch," "Single Stroke," and "Continuous" (when continuous is furnished).

(55) "Trip or (tripping)" means activation of the clutch to "run" the press.

(56) "Turnover bar" means a bar used in die setting to manually turn the crankshaft of the press.

(57) "Two-hand trip" means a clutch actuating means requiring the concurrent use of both hands of the operator to trip the press.

(58) "Unitized tooling" means a type of die in which the upper and lower members are incorporated into a selfcontained unit so arranged as to hold the die members in alignment.

(e) As used in § 1910.218, unless the context clearly requires otherwise, the following forging and hot metal terms shall have the meaning prescribed in this paragraph.

(1) "Forging" means the product of work on metal formed to a desired shape by impact or pressure in hammers, forging machines (upsetters), presses, rolls, and related forming equipment. Forging hammers, counterblow equipment and high-energy-rate forging machines impart impact to the workpiece, while most other types of forging equipment impart squeeze pressure in shaping the stock. Some metals can be forged at room temperature, but the majority of metals are made more plastic for forging by heating.

(2) "Open framehammers (or blacksmith hammers)" mean hammers used primarily for the shaping of forgings by means of impact with flat dies. Open frame hammers generally are so constructed that the anvil assembly is separate from the operating mechanism and machine supports; it rests on its own independent foundation. Certain exceptions are forging hammers made with frame mounted on the anvil; e.g., the smaller, single-frame hammers are usually made with the anvil and frame in one piece.

(3) "Steam hammers" mean a type of drop hammer where the ram is raised for each stroke by a double-action steam cylinder and the energy delivered to the workpiece is supplied by the velocity and weight of the ram and attached upper die driven downward by steam pressure. Energy delivered during each stroke may be varied.

(4) "Gravity hammers" mean a class of forging hammer wherein energy for forging is obtained by the mass and velocity of a freely falling ram and the attached upper die. Examples: Board hammers and air-lift hammers.

(5) "Forging presses" mean a class of forging equipment wherein the shaping of metal between dies is performed by mechanical or hydraulic pressure, and usually is accomplished with a single workstroke of the press for each die station.

(6) "Trimming presses" mean a class of auxiliary forging equipment which removes flash or excess metal from a forging. This trimming operation can also be done cold, as can coining, a product sizing operation.

(7) "High-energy-rate forging machines" mean a class of forging equipment wherein high ram velocities resulting from the sudden release of a compressed gas against a free piston impart impact to the workpiece.

(8) "Forging rolls" mean a class of auxiliary forging equipment wherein stock is shaped between power driven rolls bearing contoured dies. Usually used for preforming, roll forging is often employed to reduce thickness and increase length of stock.

(9) "Ring rolls" mean a class for forging equipment used for shaping weldless rings from pierced discs or thick-walled, ring-shaped blanks between rolls which control wall thickness, ring diameter, height and contour.

(10) "Bolt-headers" mean the same as an upsetter or forging machine except that the diameter of stock fed into the machine is much smaller, i.e., commonly three-fourths inch or less.

(11) Rivet making machines mean the same as upsetters and boltheaders when producing rivets with stock diameter of 1-inch or more. Rivet making with less than 1-inch diameter is usually a cold forging operation, and therefore not included in this subpart.

(12) Upsetters (or forging machines, or headers) type of forging equipment, related to the mechanical press, in which the main forming energy is applied horizontally to the workpiece which is gripped and held by prior action of the dies.

(f) As used in § 1910.219, unless, the context clearly requires otherwise, the following mechanical power-transmission guarding terms shall have the meaning prescribed in this paragraph.

(1) "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified.

(2) "Belt shifter" mean is a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole,") mean a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys.

(4) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured.

(5) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

(6) "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

(7) "Nip-point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.

(8) "Point of operation" means that point at which cutting, shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.

(9) "Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

(10) "Sheaves" mean grooved pulleys, and shall be so classified unless used as flywheels.

§ 1910.212 General requirements for all machines.

(a) *Machine guarding*—(1) *Types of guarding*. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc.

(2) *General requirements for machine guards*. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(3) *Point of operation guarding*. (i) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(ii) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(iii) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(iv) The following are some of the machines which usually require point of operation guarding:

(*a*) Guillotine cutters.
(*b*) Shears.
(*c*) Alligator shears.
(*d*) Power presses.
(*e*) Milling machines.
(*f*) Power saws.
(*g*) Jointers.
(*h*) Portable power tools.
(*i*) Forming rolls and calenders.

(4) *Barrels, containers, and drums*. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

(5) *Exposure of blades*. When the periphery of the blades of a fan is less than seven (7) feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one half (½) inch.

(b) *Anchoring fixed machinery*. Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

§ 1910.213 Woodworking machinery requirements.

(a) *Machine construction general*. (1) Each machine shall be so constructed as to be free from sensible vibration when the largest size tool is mounted and run idle at full speed.

(2) Arbors and mandrels shall be constructed so as to have firm and secure bearing and be free from play.

(3) The use of wooden bandsaw wheels other than those of commercial manufacture is prohibited.

(4) Any automatic cutoff saw that strokes continuously without the operator being able to control each stroke shall not be used.

(5) Saw frames or tables shall be constructed with lugs cast on the frame or with an equivalent means to limit the size of the saw blade that can be mounted, so as to avoid overspeed caused by mounting a saw larger than intended.

(6) Circular saw fences shall be so constructed that they can be firmly secured to the table or table assembly without changing their alignment with the saw. For saws with tilting tables or tilting arbors the fence shall be so constructed that it will remain in a line parallel with the saw, regardless of the angle of the saw with the table.

(7) Circular saw gages shall be so constructed as to slide in grooves or tracks that are accurately machined, to insure exact alignment with the saw for all positions of the guide.

(8) Hinged saw tables shall be so constructed that the table can be firmly secured in any position and in true alignment with the saw.

(9) All belts, pulleys, gears, shafts, and moving parts shall be guarded in accordance with the specific requirements of § 1910.219.

(10) It is recommended that each power-driven woodworking machine be provided with a disconnect switch that can be locked in the off position.

(11) The frames and all exposed, noncurrent-carrying metal parts of portable electric woodworking machinery operated at more than 90 volts to ground shall be grounded and other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than 90 volts to ground. The ground shall be provided through use of a separate ground wire and polarized plug and receptacle.

(12) For all circular saws where conditions are such that there is a possibility of contact with the portion of the saw either beneath or behind the table, that portion of the saw shall be covered with an exhaust hood, or, if no exhaust system is required, with a guard that shall be so arranged as to prevent accidental contact with the saw.

(13) Revolving double arbor saws shall be fully guarded in accordance with all the requirements for circular crosscut saws or with all the requirements for circular ripsaws, according to the kind of saws mounted on the arbors.

(14) No saw, cutter head, or tool collar shall be placed or mounted on a machine arbor unless the tool has been accurately machined to size and shape to fit the arbor.

(15) Combs (featherboards) or suitable jigs shall be provided at the workplace for use when a standard guard cannot be used, as in dadoing, grooving, jointing, moulding, and rabbeting.

(b) *Machine controls and equipment*. (1) A mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving his position at the point of operation.

(2) On machines driven by belts and shafting, a locking-type belt shifter or an equivalent positive device shall be used.

(3) On applications where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(4) Power controls and operating controls should be located within easy reach of the operator while he is at his regular work location, making it unnecessary for him to reach over the cutter to make adjustments. This does not apply to constant pressure controls used only for setup purposes.

(5) On each machine operated by electric motors, positive means shall be provided for rendering such controls or devices inoperative while repairs or adjustments are being made to the machines they control.

(6) Each operating treadle shall be protected against unexpected or accidental tripping.

(7) Feeder attachments shall have the feed rolls or other movable parts so covered or guarded as to protect the operator from hazardous points.

(c) *Hand-fed ripsaws*. (1) Each circular hand-fed ripsaw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The material should not shatter when broken, should be nonexplosive, and should be no more flammable than wood. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line.

(2) Each hand-fed circular ripsaw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted, and should be placed so that there is not more than ½-inch space between the spreader and the back of the saw when the largest saw is mounted in the machine. The provision of a spreader in connection with grooving, dadoing, or rabbeting is not required. On the completion of such operations; the spreader shall be immediately replaced.

(3) Each hand-fed circular ripsaw shall be provided with nonkickback fingers or dogs so located as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of materials being cut.

(d) *Hand-fed crosscut table saws*. (1) Each circular crosscut table saw shall be guarded by a hood which shall meet all the requirements of paragraph (c) (1) of this section for hoods for circular ripsaws.

(2) Each circular crosscut saw should also be provided with a spreader which should meet all the requirements of paragraph (c) (2) of this section.

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(e) *Circular resaws.* (1) Each circular resaw shall be guarded by a hood or shield of metal above the saw. This hood or shield shall be so designed as to guard against danger from flying splinters or broken saw teeth.

(2) Each circular resaw (other than self-feed saws with a roller or wheel at back of the saw) shall be provided with a spreader fastened securely behind the saw. The spreader shall be slightly thinner than the saw kerf and slightly thicker than the saw disk.

(f) *Self-feed circular saws.* (1) Feed rolls and saws shall be protected by a hood or guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the bottom of the guard shall come down to within three-eighths inch of the plane formed by the bottom or working surfaces of the feed rolls. This distance (three-eighths inch) may be increased to three-fourths inch, provided the lead edge of the hood is extended to be not less than 5½ inches in front of the nip point between the front roll and the work.

(2) Each self-feed circular ripsaw shall be provided with sectional nonkickback fingers for the full width of the feed rools. They shall be located in front of the saw and so arranged as to be in continual contact with the wood being fed.

(g) *Swing cutoff saws.* The requirements of this paragraph are also applicable to sliding cutoff saws mounted above the table.

(1) Each swing cutoff saw shall be provided with a hood that will completely enclose the upper half of the saw, the arbor end, and the point of operation at all positions of the saw. The hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters and broken saw teeth. Its hood shall be so designed that it will automatically cover the lower portion of the blade, so that when the saw is returned to the back of the table the hood will rise on top of the fence, and when the saw is moved forward the hood will drop on top of and remain in contact with the table or material being cut.

(2) Each swing cutoff saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel. Such a device shall not depend for its proper functioning upon any rope, cord, or spring. If there is a counterweight, the bolts supporting the bar and counterweight shall be provided with cotter pins; and the counterweight shall be prevented from dropping by either a bolt passing through both the bar and counterweight, or a bolt put through the extreme end of the bar, or, where the counterweight does not encircle the bar, a safety chain attached to it.

(3) Limit chains or other equally effective devices shall be provided to prevent the saw from swinging beyond the front or back edges of the table, or beyond a forward position where the gullets of the lowest saw teeth will rise above the table top.

(4) Inverted swing cutoff saws shall be provided with a hood that will cover the part of the saw that protrudes above the top of the table or above the material being cut. It shall automatically adjust itself to the thickness of and remain in contact with the material being cut.

(h) *Radial saws.* (1) The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed.

(2) Each radial saw used for ripping shall be provided with nonkickback fingers or dogs located on both sides of the saw so as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thickness of material being cut.

(3) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut in repetitive operations.

(4) Installation shall be in such a manner that the front end of the unit will be slightly higher than the rear, so as to cause the cutting head to return gently to the starting position when released by the operator.

(5) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label not less than 1½ inches by ¾ inch shall be affixed to the rear of the guard at approximately the level of the arbor, reading as follows: "Danger: Do Not Rip or Plough From This End". Such a label should be colored standard danger red.

(i) *Bandsaws and band resaws.* (1) All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Bandsaw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U.S. Gage No. 20), and the openings shall be not greater than three-eighths inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel, and the top member of the guard should have at least a 2-inch clearance outside the saw and be lined with smooth material, preferably metal. Effective brakes should be provided to stop the wheel in case of blade breakage.

(2) Each bandsaw machine shall be provided with a tension control device to indicate a proper tension for the standard saws used on the machine, in order to assist in the elimination of saw breakage due to improper tension.

(3) Feed rolls of band resaws shall be protected with a suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and the edge of the guard shall come to within three-eighths inch of the plane formed by the inside face of the feed roll in contact with the stock being cut.

(j) *Jointers.* (1) Each hand-fed planer and jointer with horizontal head shall be equipped with a cylindrical cutting head, the knife projection of which shall not exceed one-eighth inch beyond the cylindrical body of the head..

(2) The opening in the table shall be kept as small as possible. The clearance between the edge of the rear table and the cutter head shall be not more than one-eighth inch. The table throat opening shall be not more than 2½ inches when tables are set or aligned with each other for zero cut.

(3) Each hand-fed jointer with a horizontal cutting head shall have an automatic guard which will cover all the section of the head on the working side of the fence or gage. The guard shall effectively keep the operator's hand from coming in contact with the revolving knives. The guard shall automatically adjust itself to cover the unused portion of the head and shall remain in contact with the material at all times.

(4) Each hand-fed jointer with horizontal cutting head shall have a guard which will cover the section of the head back of the gage or fence.

(5) Each wood jointer with vertical head shall have either an exhaust hood or other guard so arranged as to enclose completely the revolving head, except for a slot of such width as may be necessary and convenient for the application of the material to be jointed.

(k) *Tenoning machines.* (1) Feed chains and sprockets of all double end tenoning machines shall be completely enclosed, except for that portion of chain used for conveying the stock.

(2) At the read ends of frames over which feed conveyors run, sprockets and chains shall be guarded at the sides by plates projecting beyond the periphery of sprockets and the ends of lugs.

(3) Each tenoning machine shall have all cutting heads, and saws if used, covered by metal guards. These guards shall

cover at least the unused part of the periphery of the cutting head. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.

(4) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (3) of this paragraph.

(l) *Boring and mortising machines.* (1) Safety-bit chucks with no projecting set screws shall be used.

(2) Boring bits should be provided with a guard that will enclose all portions of the bit and chuck above the material being worked.

(3) The top of the cutting chain and driving mechanism shall be enclosed.

(4) If there is a counterweight, one of the following or equivalent means shall be used to prevent its dropping:

(i) It shall be bolted to the bar by means of a bolt passing through both bar and counterweight;

(ii) A bolt shall be put through the extreme end of the bar;

(iii) Where the counterweight does not encircle the bar, a safety chain shall be attached to it;

(iv) Other types of counterweights shall be suspended by chain or wire rope and shall travel in a pipe or other suitable enclosure wherever they might fall and cause injury.

(5) Universal joints on spindles of boring machines shall be completely enclosed in such a way as to prevent accidental contact by the operator.

(6) Each operating treadle shall be covered by an inverted U-shaped metal guard, fastened to the floor, and of adequate size to prevent accidental tripping.

(m) *Wood shapers and similar equipment.* (1) The cutting heads of each wood shaper, hand-fed panel raiser, or other similar machine not automatically fed, shall be enclosed with a cage or adjustable guard so designed as to keep the operator's hand away from the cutting edge. The diameter of circular shaper guards shall be not less than the greatest diameter of the cutter. In no case shall a warning device of leather or other material attached to the spindle be acceptable.

(2) Cylindrical heads should be used whenever the nature of the work will permit. Single cutter knives in shaper heads shall not be used unless properly balanced.

(3) All double-spindle shapers shall be provided with a spindle starting and stopping device for each spindle.

(n) *Planing, molding, sticking, and matching machines.* (1) Each planing, molding, sticking, and matching machine shall have all cutting heads, and saws if used, covered by a metal guard. If such guard is constructed of sheet metal, the material used shall be not less than three-sixteenths inch in thickness, and if cast iron is used, it shall be not less than three-sixteenths inch in thickness.

(2) Where an exhaust system is used, the guards shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (1) of this paragraph.

(3) Feed rolls shall be guarded by a hood or suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be fastened to the frame carrying the rolls so as to remain in adjustment for any thickness of stock.

(4) Surfacers or planers used in thicknessing multiple pieces of material simultaneously shall be provided with sectional infeed rolls having sufficient yield in the construction of the sections to provide feeding contact pressure on the stock, over the permissible range of variation in stock thickness specified of for which the machine is designed. In lieu of such yielding sectional rolls, suitable section kickback finger devices shall be provided at the infeed end.

(o) *Profile, swing-head lathes and wood heel turning machine.* (1) Each profile and swing-head lathe shall have all cutting heads covered by a metal guard. If such a guard is constructed of sheet metal, the material used shall be not less than one-sixteenth inch in thickness; and if cast iron is used, it shall not be less than three-sixteenths inch in thickness.

(2) Cutting heads on wood-turning lathes, whether rotating or not, shall be covered as completely as possible by hoods or shields, which should be hinged to the machines so that they can be thrown back for making adjustments.

(3) Shoe last and spoke lathes, doweling machines, wood heel turning machines, and other automatic wood-turning lathes of the rotating knife type shall be equipped with hoods enclosing the cutter blades completely except at the contact points while the stock is being cut.

(4) Lathes used for turning long pieces of wood stock held only between the two centers shall be equipped with long curved guards extending over the tops of the lathes in order to prevent the work pieces from being thrown out of the machines if they should become loose.

(5) Where an exhaust system is used, the guard shall form part or all of the exhaust hood and shall be constructed of metal of a thickness not less than that specified in subparagraph (1) of this paragraph.

(p) *Sanding machines.* (1) Feed rolls of self-feed sanding machines shall be protected with a semicylindrical guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably metal, and firmly secured to the frame carrying the rolls so as to remain in adjustment for any thickness of stock. The bottom of the guard should come down to within three-eighths inch of a plane formed by the bottom or contact face of the feed roll where it touches the stock.

(2) Each drum sanding machine shall have an exhaust hood, or other guard if no exhaust system is required, so arranged as to enclose the revolving drum, except for that portion of the drum above the table, if a table is used, which may be necessary and convenient for the application of the material to be finished.

(3) Each disk sanding machine shall have the exhaust hood, or other guard if no exhaust system is required, so arranged as to enclose the revolving disk, except for that portion of the disk above the table, if a table is used, which may be necessary for the application of the material to be finished.

(4) Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs on to a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contract with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(q) *Veneer cutters and wringers.* (1) Veneer slicer knives shall be guarded to prevent accidental contact with knife edge, at both front and rear.

(2) Veneer clippers shall have automatic feed or shall be provided with a guard which will make it impossible to place a finger or fingers under the knife while feeding or removing the stock.

(3) Sprockets on chain or slat-belt conveyors shall be enclosed.

(4) Where practicable, hand and foot-power guillotine veneer cutters shall be provided with rods or plates or other satisfactory means, so arranged on the feeding side that the hands cannot reach the cutting edge of the knife while feeding or holding the stock in place.

(5) Power-driven guillotine veneer cutters, except continuous feed trimmers, shall be equipped with:

(i) Starting devices which require the simultaneous action of both hands to start the cutting motion and of at least one hand on a control during the complete stroke of the knife; or

(ii) An automatic guard which will remove the hands of the operator from the danger zone at every descent of the blade, used in conjunction with one-hand starting devices which require two distinct movements of the device to start the cutting motion, and so designed as to return positively to the nonstarting position after each complete cycle of the knife.

(6) Where two or more workers are employed at the same time on the same power-driven guillotine veneer cutter equipped with two-hand control, the device shall be so arranged that each worker shall be required to use both hands simultaneously on the controls to start the cutting motion, and at least one hand on a control to complete the cut.

(7) Power-driven guillotine veneer cutters, other than continuous trimmers, shall be provided, in addition to the brake or other stopping mechanism, with an emergency device which will prevent the machine from operating in the event of failure of the brake when the starting mechanism is in the nonstarting position.

(r) *Miscellaneous woodworking machines.* (1) The feed rolls of roll type glue spreaders shall be guarded by a semicylindrical guard. The bottom of the

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guard shall come to within three-eights inch of a plane formed by bottom or contact face of the feed roll where it touches the stock.

(2) Drag saws shall be so located as to give at least a 4-foot clearance for passage when the saw is at the extreme end of the stroke; or if such clearance is not obtainable, the saw and its driving mechanism shall be provided with a standard enclosure.

(3) For combination or universal woodworking machines each point of operation of any tool shall be guarded as required for such a tool in a separate machine.

(4) The mention of specific machines in paragraphs (a) thru (q) and this paragraph (r) of this section, inclusive, is not intended to exclude other woodworking machines from the requirement that suitable guards and exhaust hoods be provided to reduce to a minimum the hazard due to the point of operation of such machines.

(s) *Inspection and maintenance of woodworking machinery.* (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of woodworking machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around woodworking machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(10) Twists or kinks in bandsaws and band resaws shall be promptly removed with a hammer.

(11) To avoid vibration, brazed joints in bandsaws and band resaws shall be the same thickness as the saw blade.

(12) The knife blade of jointers shall be so installed and adjusted that it does not protrude more than one-eighth inch beyond the cylindrical body of the head. Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

(13) Whenever veneer slicers or rotary veneer-cutting machines have been shutdown for the purpose of inserting logs or to make adjustments, operators shall make sure that machine is clear and other workmen are not in a hazardous position before starting the machine.

(14) Operators shall not ride the carriage of a veneer slicer.

§ 1910.214 Cooperage machinery.

(a) *Heading bolt sawing machine.* (1) Each heading saw shall be guarded by a hood curved to the contour of the saw. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saw. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.

(2) The balance wheel shall be covered to enclose the rim and outside portion of the wheel. Expanded metal curved to fit the contour of the wheel is recommended.

(3) The swing carriage shall be provided with an effective device that will return the carriage automatically to a position in front of the saw. Such a device shall not depend entirely upon any rope, cord, or spring for its proper functioning. If a counterweight is used, a safety chain shall be attached to it to prevent dropping, should the bar break or the weight become disengaged. All bolts supporting the bar, weight, and chain shall be provided with cotter pins or equally effective devices. A bolt shall be put through the extreme end of the counterweight bar to prevent dropping of the weight.

(4) A limit stop shall be provided to prevent the carriage from swinging too far back and thereby exposing the unguarded portion of the saw to contact.

(b) *Bolt equalizer, stave, and heading saws (tilting table style).* (1) All heading and stave bolt equalizer saws shall be guarded by hoods, curved to the contour of all the saws. The hood shall cover the saw at least to the depth of the teeth, except for that portion actually used in making the cut. The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saws.

(2) Hoods shall be attached to each end of the tilting table and shall extend forward to cover the portion of the saws which cannot be enclosed by a stationary guard.

(3) A limit stop shall be provided to prevent the table from coming too far back and thereby exposing the unguarded portion of the saws to contact.

(c) *Barrel stave saws (cylindrical saws).* (1) Each machine of this type shall have the saw and the revolving part (head) to which the saw blade is bolted enclosed with a hinged guard to prevent accidental contact, except for that part of the saw immediately adjacent to the carriage, which is the point of operation of the saw.

(2) The exhaust hood shall be so arranged and maintained as to guard effectively the bottom portion of the saw. The hood shall be made of adequate strength to resist strains incidental to reasonable operation.

(d) *Hand-fed ripsaws.* (1) Each circular hand-fed ripsaw shall be guarded with a hood. The hood shall be stationary and cover the saw to a distance of approximately three-fourths inch above the stave being ripped. This will prevent the material being cut from being raised by upward centrifugal force of the saw in cases of pinching or binding before the stave reaches the splitter. The hood shall provide inside clearance between the top edge of saw and guard to allow an accidental blow to strike it to the table and not engage the teeth with the guard. The hood shall be constructed of heavy material, preferably metal. That portion of the saw remaining below the table shall be completely enclosed in an exhaust hood.

(2) Spreader requirements for this equipment are contained in § 1910.213 (c)(2).

(e) *Self-feed stave and heading equalizer saws.* (1) Self-feed equalizer saws shall be guarded with a hood guard which will cover the top and sides of the saws. The hood should adjust itself automatically to the thickness of, and remain in contact with, the material being cut.

(2) The portion of the saw blade extending beneath the mandrel shall be enclosed in an exhaust hood and be easily accessible for changing saws.

(f) *Stave and heading planers (single and double heads).* (1) The exhaust hood, or other guards, if no exhaust system is required, shall be so arranged and maintained as to guard effectively all cutting heads and knives of single and double planers.

(2) Feed rolls, except for such portion as may be necessary to admit stock, shall be completely enclosed.

(3) Pressure bars or holddown arrangements shall be properly adjusted to assure correct pressure and clearance at all times.

(g) *Stave jointing machines (wheel).* (1) Stave jointer wheels shall be covered on both sides with a removable metal hood connected to the exhaust system, except for that portion where the stock is applied to the knives.

(2) A limit stop should be installed on the frame to prevent any part of the carriage from coming in contact with any moving part of the wheel.

(3) The equipment described in subparagraphs (1) and (2) of this paragraph include double independent stave jointer wheels, double jointer stave wheels, single jointer stave wheels, and all kinds of keg stave jointer wheels.

(h) *Heading jointer and doweler machine (wheel).* (1) Each heading jointer shall be equipped with a removable guard covering the upper half of the wheel, except for that portion where the stock is applied to the knives.

(2) The lower portion of the wheel shall be guarded with sheet metal or expanded metal to prevent accidental contact with the knives.

(i) *Heading rounder.* The cutter head shall be enclosed in a hood attached to the exhaust system, arranged and maintained in such a manner as to guard effectively the entire cutting mechanism, except for that portion of the cutting head where the stock is applied.

(j) *Power windlass machine.* Windlass machines having counterweights shall operate with the weights in a stationary casing. On all machines having a friction gear, the gear shall be properly guarded.

(k) *Crozing machine (stationary heads).* (1) Feed chains and sprockets shall be completely enclosed. This includes all types of barrel, keg, bucket, tub, and individual stave crozers, chamfering, crozing, and doweling machines.

(l) *Heading-up machine.* The outside portion and teeth of both drive gears for the racks shall be completely guarded. This includes all types of heading-up machines.

(m) *Head charring machine.* All tripping mechanisms shall be completely guarded.

(n) *Bilge truss hoop ring removing machine.* (1) Both eccentric cams and gear works on horizontal machines shall be guarded.

(2) Combined flywheel and gear shall be completely enclosed by a guard. This includes the horizontal and upright-type machines.

(o) *Hoop elevators and conveyors.* Lower sprockets and chains shall be guarded by complete enclosure to a height of at least 7 feet.

(p) *Barrel sanding machine.* Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. This guard may be a part of the exhaust system. The unused run of the sanding belt shall be enclosed.

(q) *Hoop drivers and trussers.* (1) All friction pulleys shall be enclosed by a guard. A hinged gate should be provided for that portion of the guard covering adjustments to the friction blocks.

(2) The foregoing recommendation covers drivers for keg hoops, tin barrel hoops, truss hoops, and both screw and rack and pinion-type hoop drivers.

(r) *Head sanding machine.* The exhaust hood of automatic horizontal disk head sanders shall be so arranged as to enclose each disk, except for that portion necessary for the application of the barrel being finished.

(s) *Hand jointer.* All hand-fed jointers shall be guarded in accordance with the provisions of § 1910.213(j).

(t) *Hoop punching and coiling machine.* Miter gears, spur gears, drive pulley, and pulley for coiling attachment shall be guarded. This includes the horizontal hoop punching and coiling machine as well as the upright hoop punching machine.

(u) *Hoop riveting machine.* The balance and drive wheels shall be effectively guarded. This includes automatic, single, and double hoop riveters.

(v) *Hoop flaring and expanding machine.* Gearing shall be completely enclosed.

(w) *Inspection and maintenance of cooperage machinery.* For inspection and maintenance of cooperage machinery see **§ 1910.213(s).**

§ 1910.215 Abrasive wheel machinery.

(a) *General requirements*—(1) *Machine guarding.* Abrasive wheels shall be used only on machines provided with safety guards as defined in the following paragraphs of this section, except:

(i) Wheels used for internal work while within the work being ground;

(ii) Mounted wheels used in portable operations 2 inches and smaller in diameter; and

(iii) Types 16, 17, 18, 18R, and 18 cones, plugs, and threaded hole pot balls where the work offers protection.

(2) *Guard design.* The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard, except:

(i) Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted; and

(ii) The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(3) *Flanges.* Grinding machines shall be equipped with flanges in accordance with paragraph (c) of this section.

(4) *Work rests.* On offhand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion.

(b) *Guarding of abrasive wheel machinery*—(1) *Cup wheels.* Cup wheels (Types 6 and 11) shall be protected by:

(i) Safety guards as specified in subparagraphs (1) through (10) of this paragraph;

(ii) Band type guards as specified in subparagraph (11) of this paragraph; and

(iii) Special "Revolving Cup Guards" which mount behind the wheel and turn with it. They shall be made of steel or other material with adequate strength and shall enclose the wheel sides upward from the back for one-third of the wheel thickness. The mounting features shall conform with all requirements of this section. It is necessary to maintain clearance between the wheel side and the guard. This clearance shall not exceed one-sixteenth inch.

(2) *Guard exposure angles.* The maximum exposure angles specified in subparagraphs (3) through (8) of this paragraph shall not be exceeded. Visors or other accessory equipment shall not be included as a part of the guard when measuring the guard opening, unless such equipment has strength equal to that of the guard.

(3) *Bench and floor stands.* The angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as bench and floor stands should not exceed 90° or one-fourth of the periphery. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O–6 and O–7 and subparagraph (9) of this paragraph.)

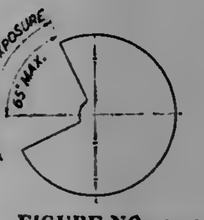


FIGURE NO. 0-6

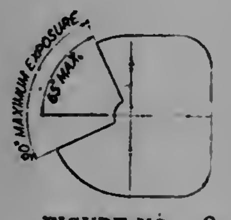


FIGURE NO. 0-7

Wherever the nature of the work requires contact with the wheel below the horizontal plane of the spindle, the exposure shall not exceed 125°. (See Figures O–8 and O–9.)

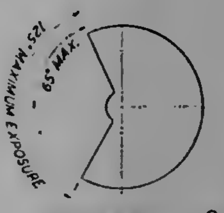


FIGURE NO. 0-8

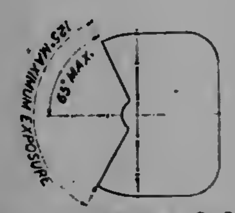


FIGURE NO. 0-9

(4) *Cylindrical grinders.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on cylindrical grinding machines shall not exceed 180°. This exposure shall begin at a point not more than 65° above the horizontal plane of the wheel spindle. (See Figures O–10 and O–11 and subparagraph (9) of this paragraph.)

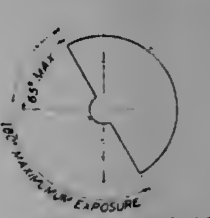


FIGURE NO. 0-10

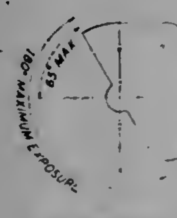


FIGURE NO. 0-11

(5) *Surface grinders and cutting-off machines.* The maximum angular exposure of the grinding wheels periphery and sides for safety guards used on cutting-off machines and on surface grinding machines which employ the wheel periphery shall not exceed 150°. This exposure shall begin at a point not less

than 15° below the horizontal plane of the wheel spindle. (See Figures O-12 and O-13)

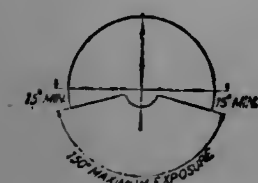


FIGURE NO. O-12

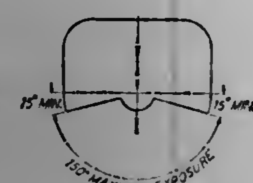


FIGURE NO. O-13

(6) *Swing frame grinders.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on machines known as swing frame grinding machines shall not exceed 180°, and the top half of the wheel shall be enclosed at all times. (See Figure O-14 and O-15.)

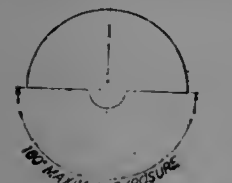


FIGURE NO. O-14

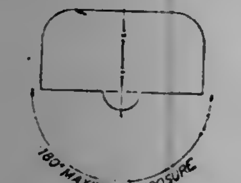


FIGURE NO. O-15

(7) *Automatic snagging machines.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on grinders known as automatic snagging machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures O-14 and O-15.)

(8) *Top grinding.* Where the work is applied to the wheel above the horizontal centerline, the exposure of the grinding wheel periphery shall be as small as possible and shall not exceed 60°. (See Figures O-16 and O-17.)

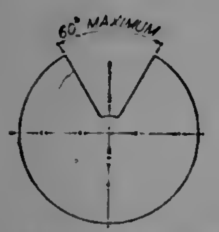


FIGURE NO. O-16

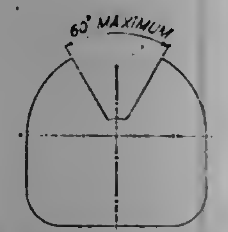


FIGURE NO. O-17

(9) *Exposure adjustment.* Safety guards of the types described in subparagraphs (3) and (4) of this paragraph, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in subparagraphs (3) and (4) of this paragraph shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23.)

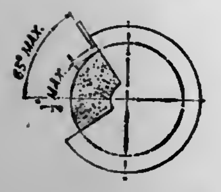


FIGURE NO. O-18

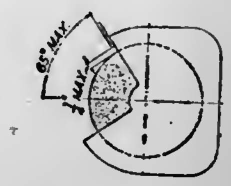


FIGURE NO. O-19

CORRECT
Showing adjustable tongue giving required angular protection for all sizes of wheel used.

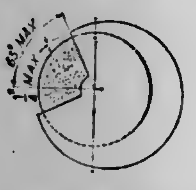


FIGURE NO. O-20

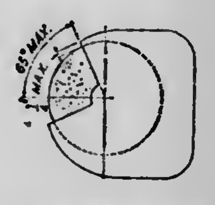


FIGURE NO. O-21

CORRECT
Showing movable guard with opening small enough to give required protection for smallest size wheel used.

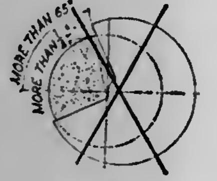


FIGURE NO. O-22

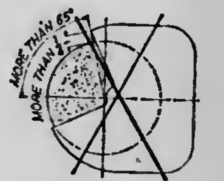


FIGURE NO. O-23

INCORRECT
Showing movable guard with size of opening correct for full size wheel but too large for smaller wheels.

(10) *Material requirements and minimum dimensions.* (i) See Figures O-36 and O-37 and Table O-9 for minimum basic thickness of peripheral and side members for various types of safety guards and classes of service.

(ii) If operating speed does not exceed 8,000 surface feet per minute cast iron safety guards, malleable iron guards or other guards as described in subparagraph (11)(ii) of this paragraph shall be used.

(iii) Cast steel, or structural steel, safety guards as specified in Figures O-36 and O-37 and Table O-9 shall be used where operating speeds of wheels are faster than 8,000 surface feet per minute up to a maximum of 16,000 surface feet per minute.

(iv) For cutting-off wheels 16 inches diameter and smaller and where speed does not exceed 16,000 surface feet per minute, cast iron or malleable iron safety guards as specified in Figures O-36 and O-37, and in Table O-9 shall be used.

(v) For cutting-off wheels larger than 16 inches diameter and where speed does not exceed 14,200 surface feet per minute, safety guards as specified in O-27 and O-28, and in Table O-1 shall be used.

(vi) For thread grinding wheels not exceeding 1 inch in thickness cast iron or malleable iron safety guards as specified in Figures O-36 and O-37, and in Table O-9 shall be used.

(11) *Band type guards—general specifications.* Band type guards shall conform to the following general specifications:

(i) The bands shall be of steel plate or other material of equal or greater strength. They shall be continuous, the ends being either riveted, bolted, or welded together in such a manner as to leave the inside free from projections.

(ii) The inside diameter of the band shall not be more than 1 inch larger than the outside diameter of the wheel, and shall be mounted as nearly concentric with the wheel as practicable.

(iii) The band shall be of sufficient width and its position kept so adjusted that at no time will the wheel protrude beyond the edge of the band a distance greater than that indicated in Figure O-29 and in Table O-2 or the wall thickness (W), whichever is smaller.

(12) *Guard design specifications.* Abrasive wheel machinery guards shall meet the design specifications of the American National Standard Safety Code for the Use, Care, and Protection of Abrasive Wheels, ANSI Z7.1-1970. This requirement shall not apply to natural sandstone wheels or metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface.

(c) *Flanges*—(1) *General requirements.* All abrasive wheels shall be mounted between flanges which shall not be less than one-third the diameter of the wheel.

(i) Exceptions:

(*a*) Mounted wheels.

(*b*) Portable wheels with threaded inserts or projecting studs.

(*c*) Abrasive discs (inserted nut, inserted washer and projecting stud type).

(*d*) Plate mounted wheels.

(*e*) Cylinders, cup, or segmental wheels that are mounted in chucks.

(*f*) Types 27 and 28 wheels.

(*g*) Certain internal wheels.

(*h*) Modified types 6 and 11 wheels (terrazzo).

(*i*) Cutting-off wheels, Types 1 and 27A (see subdivisions (ii) and (iii) of this subparagraph).

(ii) Type 1 cutting-off wheels are to be mounted between properly relieved flanges which have matching bearing surfaces. Such flanges shall be at least one-fourth the wheel diameter.

(iii) Type 27A cutting-off wheels are designed to be mounted by means of flat, not relieved, flanges having matching bearing surfaces and which may be less than one-third but shall not be less than one-fourth the wheel diameter. (See Figure O-24 for one such type of mounting.)

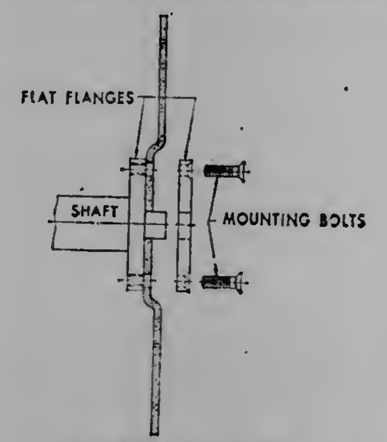


FIGURE NO. O-24

The Type 27A Wheel is mounted between flat non-relieved flanges of equal bearing surfaces.

(iv) There are three general types of flanges:

(*a*) straight relieved flanges (see Figure O-32);

(*b*) straight unrelieved flanges (see Figure O-30);

(*c*) adaptor flanges (see Figures O-33 and O-34);

(v) Regardless of flange type used, the wheel shall always be guarded. Blotters shall be used in accordance with subparagraph (6) of this paragraph.

(2) *Design and material.* (i) Flanges shall be of such design as to satisfactorily transmit the driving torque from the spindle to the grinding wheel.

(ii) Flanges may be made of steel, cast iron, or other material of equal or greater strength and rigidity.

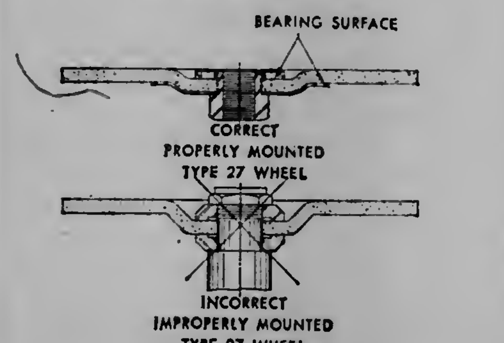
(iii) Flanges shall be designed with respect to rigidity so that when tightened, the radial width of bearing surface of contact on the wheel is maintained. (See Table O-6 and Figure O-32.)

(3) *Finish and balance.* Flanges shall be dimensionally accurate and in good balance. There shall be no rough surfaces or sharp edges.

(4) *Uniformity of diameter.* (i) Both flanges, of any type, between which a wheel is mounted, shall be of the same diameter and have equal bearing surface. Exceptions are set forth in the remaining subdivisions of this subparagraph.

(ii) Type 27 and Type 28 wheels, because of their shape and usage, require specially designed adaptors. The back flange shall extend beyond the central hub or raised portion and contact the wheel to counteract the side pressure on the wheel in use. The adaptor nut which is less than the minimum one-third diameter of wheel fits in the depressed side of wheel to prevent interference in side grinding and serves to drive the wheel by its clamping force against the depressed portion of the back flange. The variance in flange diameters, the adaptor nut being less than one-third wheel diameter, and the use of side pressure in wheel operation limit the use to reinforced organic bonded wheels. Mounts which are affixed to the wheel by the manufacturer shall not be reused. Type 27 and Type 28 wheels shall be used only with a safety guard located between wheel and operator during use. (See Figure O-24-A.)

FIGURE NO. O-24-A



Types 27 and 28 wheels, because of their shape, require specially designed adaptors.

(iii) Modified Types 6 and 11 wheels (terrazzo) with tapered K dimension.

(5) *Recess and undercut.* (i) Straight relieved flanges made according to Table O-6 and Figure O-32 shall be recessed at least one-sixteenth inch on the side next to the wheel for a distance as specified in Table O-6.

(ii) Straight flanges of the adaptor or sleeve type (Table O-7 and Figures O-33 and O-34) shall be undercut so that there will be no bearing on the sides of the wheel within one-eighth inch of the arbor hole.

(6) *Blotters.* (i) Blotters (compressible washers) shall always be used between flanges and abrasive wheel surfaces to insure uniform distribution of flange pressure. (See paragraph (d)(5) of this section.)

(ii) Exception:

(*a*) Mounted wheels.

(*b*) Abrasive discs (inserted nut, inserted washer, and projecting stud type).

(*c*) Plate mounted wheels.

(*d*) Cylinders, cups, or segmental wheels that are mounted in chucks.

(*e*) Types 27 and 28 wheels.

(*f*) Certain Type 1 and Type 27A cutting-off wheels.

(*g*) Certain internal wheels.

(*h*) Type 4 tapered wheels.

(*i*) Diamond wheels, except certain vitrified diamond wheels.

(*j*) Modified types 6 and 11 wheel (terrazzo)—blotters applied flat side of wheel only.

(7) *Driving flange.* The driving flange shall be securely fastened to the spindle and the bearing surface shall run true. When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in diameter to the mounting flanges and have equal bearing surfaces. (See paragraph (d)(6) of this section.)

(8) *Dimensions.* (i) Tables O-4 and O-6 and Figures O-30 and O-32 show minimum dimensions for straight relieved and unrelieved flanges for use with wheels with small holes that fit directly on the machine spindle. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.

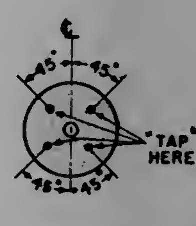
(ii) Table O-5, and Table O-7 and Figures O-31, O-33, O-34 show minimum dimensions for straight adaptor flanges for use with wheels having holes larger than the spindle. Dimensions of such adaptor flanges shall never be less than indicated and should be greater where practicable.

(iii) Table O-8 and Figure O-35 show minimum dimensions for straight flanges that are an integral part of wheel sleeves which are frequently used on precision grinding machines. Dimensions of such flanges shall never be less than indicated and should be greater where practicable.

(9) *Repairs and maintenance.* All flanges shall be maintained in good condition. When the bearing surfaces become worn, warped, sprung, or damaged they should be trued or refaced. When refacing or truing, care shall be exercised to make sure that proper relief and rigidity is maintained as specified in subparagraphs (2) and (5) of this paragraph and they shall be replaced when they do not conform to these subparagraphs and Table O-4, Figure O-30, Table O-5, Figure O-31; Table O-6, Figure O-32, and Table O-8, Figure O-35. Failure to observe these rules might cause excessive flange pressure around the hole of the wheel. This is especially true of wheel-sleeve or adaptor flanges.

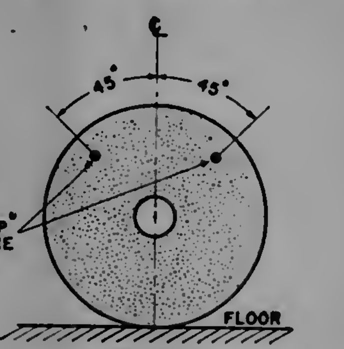
(d) *Mounting.*—(1) *Inspection.* Immediately before mounting, all wheels shall be closely inspected and sounded by the user (ring test) to make sure they have not been damaged in transit, storage, or otherwise. The spindle speed of the machine shall be checked before mounting of the wheel to be certain that it does not exceed the maximum operating speed marked on the wheel. Wheels should be tapped gently with a light nonmetallic implement, such as the handle of a screwdriver for light wheels, or a wooden mallet for heavier wheels. If they sound cracked (dead), they shall not be used. This is known as the "Ring Test".

(i) Wheels must be dry and free from sawdust when applying the ring test, otherwise the sound will be deadened. It should also be noted that organic bonded wheels do not emit the same clear metallic ring as do vitrified and silicate wheels.



Light Wheels
Suspend from hole by small pin or finger

FIGURE NO. O-25



Heavy Wheels
Support on clean hard floor

FIGURE NO. O-26

(ii) "Tap" wheels about 45° each side of the vertical centerline and about 1 or 2 inches from the periphery as indicated by the spots in Figure O-25 and Figure O-26. Then rotate the wheel 45° and repeat the test. A sound and undamaged wheel will give a clear metallic tone. If cracked, there will be a dead sound and not a clear "ring."

(2) *Arbor size.* Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adaptors) is essential to avoid excessive pressure from mounting and spindle expansion. To accomplish this, the machine spindle shall be made to nominal (standard) size plus zero minus .002 inch, and the wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure.

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(3) *Surface condition.* All contact surfaces of wheels, blotters and flanges shall be flat and free of foreign matter.

(4) *Bushing.* When a bushing is used in the wheel hole it shall not exceed the width of the wheel and shall not contact the flanges.

(5) *Blotters.* When blotters or flange facings of compressible material are required, they shall cover entire contact area of wheel flanges. Highly compressible material such as blotting paper as normally used should not exceed .025 inch in thickness. If material of lower compressibility is used, greater thickness may be necessary. Blotters need not be used with the following types of wheels:

(i) Mounted wheels.

(ii) Abrasive discs (inserted nut, inserted washer, and projecting-stud type).

(iii) Plate mounted wheels.

(iv) Cylinders, cups, or segmental wheels that are mounted in chucks.

(v) Types 27 and 28 wheels.

(vi) Certain Type 1 and Type 27A cutting-off wheels.

(vii) Certain internal wheels.

(viii) Type 4 tapered wheels.

(ix) Diamond wheels, except certain vitrified diamond wheels.

(6) *Multiple wheel mounting.* When more than one wheel is mounted between a single set of flanges, wheels may be cemented together or separated by specially designed spacers. Spacers shall be equal in diameter to the mounting flanges and have equal bearing surfaces. When mounting wheels which have not been cemented together, or ones which do not utilize separating spacers, care must be exercised to use wheels specially manufactured for that purpose.

(7) *Replacing safety guard.* After mounting a wheel, care should be taken to see that the safety guard is properly positioned before starting the wheel.

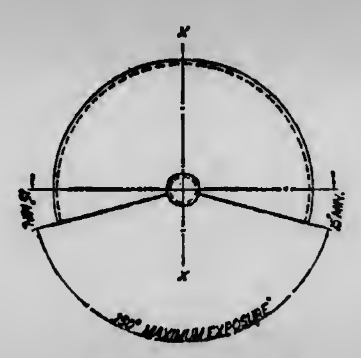
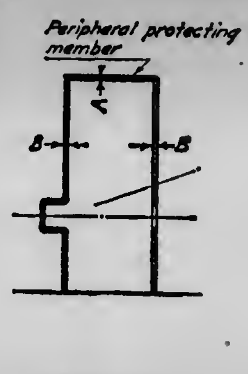


FIGURE NO. 0-27



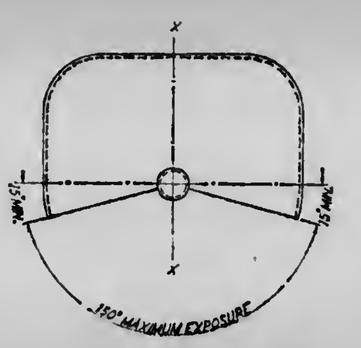


FIGURE NO. 0-28

TABLE O-1—MINIMUM BASIC THICKNESS FOR PERIPHERAL AND SIDE MEMBERS FOR SAFETY GUARDS USED WITH CUTTING-OFF WHEELS

Material used in construction of guard	Maximum thickness of cutting off wheel	Speed not to exceed	Cutting off wheel diameters									
			6 to 11 inches		Over 11 to 20 inches		Over 20 to 30 inches		Over 30 to 48 inches		Over 48 to 72 inches	
			A	B	A	B	A	B	A	B	A	B
Structural steel (min. tensile strength 60,000 p.s.i.)	½ inch or less	14,200 SFPM	1/16	1/16	3/32	3/32	⅛	⅛	3/16	3/16	¼	¼
	½ inch or less	16,000 SFPM	3/32	⅛	⅛	⅛	3/16	⅛	¼	3/16	5/16	¼

TABLE O-2—EXPOSURE VERSUS WHEEL THICKNESS

Overall thickness of wheel (T) (inches)	Maximum exposure of wheel (C) (inches)
½	¼
1	½
2	¾
3	1
4	1½
5 and over	2

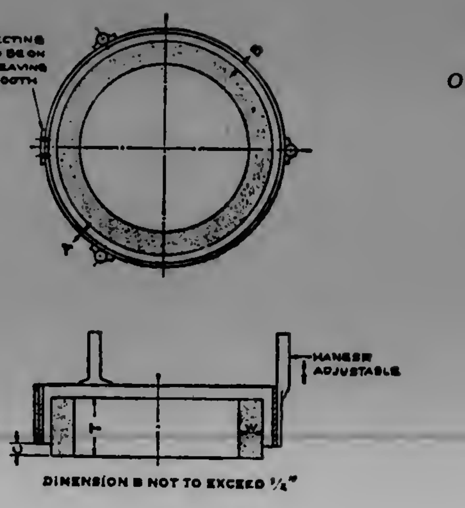

ANY CONNECTING PLATES TO BE ON OUTSIDE LEAVING INSIDE SMOOTH
HANGER ADJUSTABLE
T
C
DIMENSION B NOT TO EXCEED ¼"

FIGURE NO. 0-29

TABLE O-3—GUIDE FOR CONSTRUCTION OF BAND TYPE GUARDS

[Maximum Wheel Speed 7,000 SFPM]

Minimum material specifications	Diameter of wheel	Minimum thickness of band A	Minimum diameter of rivets	Maximum distance between centers of rivets
	Inches	*Inches*	*Inches*	*Inches*
Hot rolled steel SAE 1008	Under 8	1/16	3/16	¾
	8 to 24	⅛	¼	1
	Over 24 to 30	¼	⅜	1¼

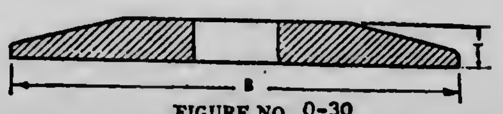


FIGURE NO. 0-30

Driving flange secured to spindle for use only on portable wheels with threaded inserts or projecting studs.

TABLE O-4—MINIMUM DIMENSIONS FOR STRAIGHT UNRELIEVED FLANGES FOR WHEELS WITH THREADED INSERTS OR PROJECTING STUDS

A Diameter of wheel	B[1] Minimum outside diameter of flange	T Minimum thickness of flange
Inches	*Inches*	*Inches*
1	⅝	⅛
2	1	⅛
3	1	3/16
4	1⅜	3/16
5	1¾	¼
6	2	⅜

[1] NOTE: Must be large enough to extend beyond the bushing. Where prong anchor or cupback bushing are used, this footnote does not apply.

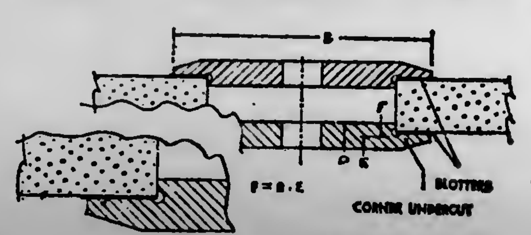


FIGURE NO. 0-31

TABLE O-5—MINIMUM DIMENSIONS FOR STRAIGHT ADAPTOR FLANGE—FOR ORGANIC BONDED WHEELS OVER 1¼ INCHES THICK[1]

Wheel diameter	Wheel hole diameter	B Minimum flange diameter	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut	F[1] (D-E) minimum thickness
Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
12 to 14	4	6	⅞	⅜	½
	5	7	⅞	⅜	½
	6	8	⅞	⅜	½
Larger than 14 to 18	4	6	⅞	⅜	½
	5	7	⅞	⅜	½
	6	8	⅞	⅜	½
	7	9	⅞	⅜	½
	8	10	⅞	⅜	½
Larger than 18 to 24	6	8	1	½	½
	7	9	1	½	½
	8	10	1	½	½
	10	12	1	½	½
	12	14	1	½	½
Larger than 24 to 30	12	15	1	½	½
Larger than 30 to 36	12	15	1⅜	⅞	½

[1] For wheels under 1¼ inches thick F dimension shall not exceed 40 percent of wheel thickness.

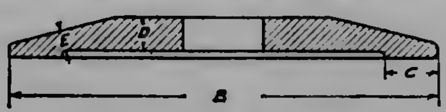


FIGURE NO. 0-32.

Driving flange secured to spindle.

TABLE O-6—MINIMUM DIMENSIONS FOR STRAIGHT RELIEVED FLANGES

A[1] Diameter of wheel	B Minimum outside diameter of flanges	C Radial width of bearing surface Minimum	 Maximum	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of recess
Inches	*Inches*	*Inches*	*Inches*	*Inches*	*Inches*
1	⅜	1/16	⅛	1/16	1/16
2	¾	⅛	3/16	⅛	3/32
3	1	⅛	3/16	3/16	3/32
4	1⅜	⅛	3/16	3/16	⅛
5	1¾	3/16	¼	¼	⅛
6	2	¼	½	⅜	3/16
7	2½	¼	½	⅜	3/16
8	3	¼	½	⅜	3/16
10	3½	5/16	⅝	⅜	¼
12	4	5/16	⅝	½	5/16
14	4½	⅜	¾	½	5/16
16	5½	½	1	½	5/16
18	6	½	1	⅝	⅜
20	7	⅝	1¼	⅝	⅜
22	7½	⅝	1¼	⅝	7/16
24	8	¾	1¼	⅝	7/16
26	8½	¾	1¼	⅝	½
28	10	⅞	1½	¾	½
30	10	⅞	1½	¾	⅝
36	12	1	2	⅞	¾
42	14	1	2	⅞	¾
48	16	1¼	2	1⅛	1
60	20	1¼	2	1¼	1⅛
72	24	1½	2½	1⅜	1⅛

[1] Flanges for wheels under 2 inches diameter may be unrelieved and shall be maintained flat and true.

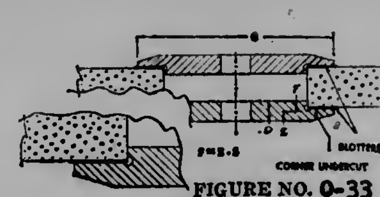


FIGURE NO. 0-33

Central Nut Mounting

Driving flange secured to spindle.

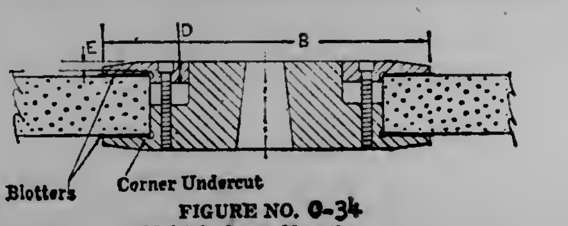


FIGURE NO. 0-34

Multiple Screw Mounting

Driving flange secured to spindle.

TABLE O-7—MINIMUM DIMENSIONS FOR STRAIGHT FLANGES—FOR MECHANICAL GRINDERS 12,500 S.F.P.M. TO 16,500 S.F.P.M.[1]

Wheel diameter	Wheel hole diameter	B Minimum flange diameter	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut	F[2] (D-E) minimum thickness
20	6	8	1	½	½
20	8	10	1½	¾	¾
24	12	15	2	1	1
30	12	15	2	1	1
36	12	15	2	1	1

[1] Flanges shall be of steel, quality SAE 1040 or equivalent, annealed plate, heat treated to R_c 25-30.

[2] For wheels under 1¼ inch thick F dimension shall not exceed 40 percent of wheel thickness.

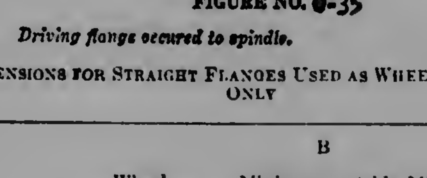


FIGURE NO. 0-35

Driving flange secured to spindle.

TABLE O-8—MINIMUM DIMENSIONS FOR STRAIGHT FLANGES USED AS WHEEL SLEEVES FOR PRECISION GRINDING ONLY

Wheel diameter	Wheel hole diameter	B Minimum outside diameter of flange	D Minimum thickness of flange at bore	E Minimum thickness of flange at edge of undercut
Inches	*Inches*	*Inches*	*Inches*	*Inches*
12 to 14	5	7	½	7/16
	5	7	⅝	7/16
	6	8	⅝	7/16
Larger than 14 to 20	8	10	⅝	7/16
	10	11½	⅝	7/16
	12	13½	⅝	7/16
Larger than 20 to 30	8	10	¾	½
	10	11½	¾	½
	12	13½	¾	½
	16	17½	¾	½
Larger than 30 to 42	12	13½	¾	½
	16	17½	¾	½
	18	19½	¾	½
	20	21½	¾	½
Larger than 42 to 60	16	20	1	¾
	20	24	1	¾
	24	29	1⅛	⅞

NOTE: These flanges may be clamped together by means of a central nut, or by a series of bolts or some other equivalent means of fastening. For hole sizes smaller than shown in this table, use table 12.

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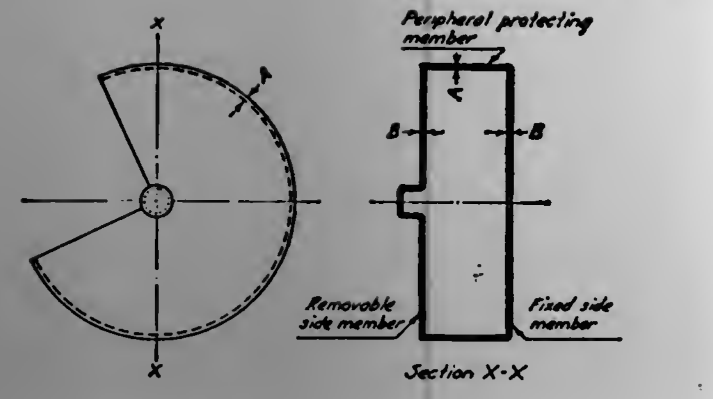

FIGURE NO. 0-36

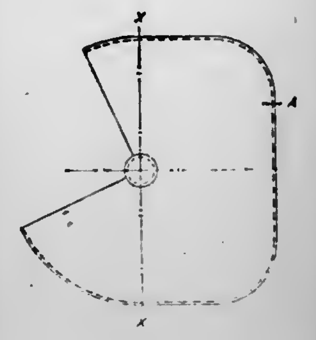

FIGURE NO. 0-37

TABLE O-9—MINIMUM BASIC THICKNESSES OF PERIPHERAL AND SIDE MEMBERS FOR SAFETY GUARDS

Material used in construction of guard	Maximum thickness, of grinding wheel	Grinding wheel diameters													
		3 to 6 inches		Over 6 to 12 inches		Over 12 to 16 inches		Over 16 to 20 inches		Over 20 to 24 inches		Over 24 to 40 inches		Over 40 to 48 inches	
		A	B	A	B	A	B	A	B	A	A	A	B	A	B
	Inches	*Inches*		*Inches*		*Inches*		*Inches*		*Inches*		*Inches*		*Inches*	
Material satisfactory [1] for speeds up to 8,000 SFPM. Cast iron (min. tensile strength 20,000 p.s.i.) Class 20.	2	1/4	1/4	3/8	5/16	1/2	3/8	5/8	1/2	7/8	5/8	1	3/4	1 1/4	1
	4	5/16	5/16	3/8	5/16	1/2	3/8	3/4	5/8	1	5/8	1 1/8	3/4	1 3/8	1
	6	3/8	5/16	1/2	7/16	5/8	1/2	1	5/8	1 1/8	3/4	1 1/4	7/8	1 1/2	1 1/8
	8			5/8	9/16	7/8	3/4	1	3/4	1 1/8	3/4	1 1/4	7/8	1 1/2	1 1/8
	10			3/4	11/16	7/8	3/4	1	3/4	1 1/8	3/4	1 1/4	7/8	1 1/2	1 1/8
	16					1 1/8	1	1 1/4	1	1 5/16	1	1 7/16	1 1/16	1 3/4	1 3/8
	20							1 3/8	1 1/8	1 3/8	1 1/8	1 1/2	1 3/8	2	1 5/8
Material satisfactory [1] for speeds up to 9,000 SFPM. Malleable iron (min. tensile strength 50,000 p.s.i.) Grade 32510.	2	1/4	1/4	3/8	5/16	1/2	3/8	5/8	1/2	3/4	5/8	7/8	3/4	1	7/8
	4	5/16	5/16	3/8	5/16	1/2	3/8	5/8	1/2	3/4	5/8	7/8	3/4	1 1/8	7/8
	6	3/8	5/16	1/2	7/16	5/8	1/2	3/4	5/8	7/8	5/8	1	3/4	1 1/4	7/8
	8			1/2	7/16	5/8	1/2	3/4	5/8	7/8	5/8	1	3/4	1 1/4	7/8
	10			1/2	7/16	5/8	1/2	3/4	5/8	7/8	5/8	1	3/4	1 1/4	7/8
	16					13/16	11/16	13/16	11/16	1	3/4	1 1/8	7/8	1 3/8	1
	20							7/8	3/4	1	3/4	1 1/8	7/8	1 1/2	1 1/8
Materials satisfactory [1] for speeds up to 16,000 SFPM. Steel castings (min. tensile strength 60,000 p.s.i.) Grade V60-30.	2	1/4	1/4	5/16	5/16	3/8	3/8	1/2	7/16	5/8	1/2	3/4	5/8	7/8	3/4
	4	1/4	1/4	1/2	1/2	1/2	1/2	9/16	1/2	5/8	1/2	3/4	5/8	1	3/4
	6	3/8	1/4	3/4	3/8	3/4	5/8	3/4	5/8	13/16	11/16	13/16	11/16	1 1/8	3/4
	8			7/8	3/4	7/8	3/4	7/8	3/4	7/8	3/4	15/16	13/16	1 3/8	1
	10			1	7/8	1	7/8	1	7/8	1 1/8	15/16	1 1/8	1	1 7/16	1 1/16
	16					1 1/4	1 1/8	1 1/4	1 1/8	1 1/4	1 1/8	1 1/4	1 1/8	1 13/16	1 7/16
	20							1 3/8	1 1/4	1 3/8	1 1/4	1 7/16	1 5/16	2 1/16	1 11/16
Structural steel (min. tensile strength 60,000 p.s.i.).	2	1/8	1/16	5/16	1/4	5/16	1/4	5/16	1/4	5/16	1/4	3/8	5/16	1/2	3/8
	4	1/8	1/16	3/8	5/16	3/8	5/16	3/8	5/16	3/8	5/16	3/8	5/16	1/2	3/8
	6	3/16	1/16	1/2	3/8	7/16	3/8	7/16	3/8	7/16	3/8	7/16	3/8	3/4	1/2
	8			1/2	3/8	9/16	7/16	9/16	7/16	9/16	7/16	5/8	1/2	3/4	1/2
	10			9/16	7/16	5/8	1/2	5/8	1/2	5/8	1/2	5/8	1/2	7/8	5/8
	16					5/8	9/16	3/4	5/8	3/4	5/8	13/16	11/16	1 1/16	13/16
	20							13/16	11/16	13/16	11/16	7/8	3/4	1 3/16	1 1/16

[1] The recommendations listed in the above table are guides for the conditions stated. Other material, designs or dimensions affording equal or superior protection are also acceptable.

§ 1910.216 Mills and calenders in the rubber and plastics industries.

(a) *General requirements*—(1) *New installations.* All new installations on or after August 31, 1971, shall be in conformity with this section.

(2) *Existing installations.* All existing plant installations or equipment contracted for prior to August 31, 1971, shall comply with this section.

(3) *Auxiliary equipment.* Mechanical and electrical equipment and auxiliaries shall be installed in accordance with this section and Subpart S of this part.

(4) *Mill roll heights.* All new mill installations shall be installed so that the top of the operating rolls is not less than 50 inches above the level on which the operator stands, irrespective of the size of the mill. This distance shall apply to the actual working level, whether it be at the general floor level. in a pit, or on a platform.

(b) *Mill safety controls*—(1) *Safety trip control.* A safety trip control shall be provided in front and in back of each mill. It shall be accessible and shall operate readily on contact. The safety trip control shall be one of the following types or a combination thereof:

(i) *Pressure-sensitive body bars.* Installed at front and back of each mill having a 46-inch roll height or over. These bars shall operate readily by pressure of the mill operator's body. Pressure-sensitive body bars should be installed on new equipment.

(ii) *Safety triprod.* Installed in the front and in the back of each mill and located within 2 inches of a vertical plane tangent to the front and rear rolls. The top rods shall be not more than 72 inches above the level on which the operator stands. The triprods shall be accessible and shall operate readily whether the rods are pushed or pulled.

(iii) *Safety tripwire cable or wire center cord.* Installed in the front and in the back of each mill and located within 2 inches of a vertical plane tangent to the front and rear rolls. The cables shall not be more than 72 inches above the level on which the operator stands. The tripwire cable or wire center cord shall operate readily whether cable or cord is pushed or pulled.

(2) *Fixed guards.* A fixed bar across the front and one across the back of the mill approximately 40 inches vertically above the working level and 20 inches horizontally from the crown face of the roll should be used where they are applicable.

(3) *Auxiliary equipment.* All auxiliary equipment such as mill divider, support bars, spray pipes, feed conveyors, strip knives, etc., shall be located in such a manner as to avoid interference with access to and operation of safety devices.

(c) *Calender safety controls*—(1) *Safety trip, face.* A safety triprod, cable, or wire center cord shall be provided across each pair of in-running rolls extending the length of the face of the rolls. It shall be readily accessible and operate whether pushed or pulled. The safety tripping devices shall be located within reach of the operator and the bite.

(2) *Safety trip, side.* On both sides of the calender and near each end of the face of the roll, there shall be a cable or wire center cord connected to the safety trip. These lines should be not more than 12 inches from the faces of the respective rolls and not less than 2 inches from the calender frame. They should be anchored to the frame not more than 6 inches from the floor or operator's platform. They shall operate readily when pushed or pulled.

(d) *Protection by location*—(1) *Mills.* Where a mill is so installed that persons cannot normally reach through, over. under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object, then, provided such elements are made a fixed part of a mill, safety control devices listed in paragraph (b) of this section shall not apply.

(2) *Calenders.* Where a calender is so installed that persons cannot normally reach through, over, under, or around to come in contact with the roll bite or be caught between a roll and an adjacent object, then, provided such elements are made a fixed part of a calender, safety control devices listed in paragraph (c) of this section shall not apply.

(e) *Trip and emergency switches.* All trip and emergency switches shall not be of the automatically resetting type, but shall require manual resetting.

(f) *Stopping limits*—(1) *Determination of distance of travel.* All measurements on mills and calenders shall be taken with the rolls running empty at maximum operating speed. Stopping distances shall be expressed in inches of

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surface travel of the roll from the instant the emergency stopping device is actuated.

(2) *Stopping limits for mills.* All mills irrespective of the size of the rolls or their arrangement (individually or group-driven) shall be stopped within a distance, as measured in inches of surface travel, not greater than 1½ percent of the peripheral no-load surface speeds of the respective rolls as determined in feet per minute.

(3) *Stopping limits for calenders.* (i) All calenders, irrespective of size of the rolls or their configuration, shall be stopped within a distance, as measured in inches of surface travel, not greater than 1¾ percent of the peripheral no-load surface speeds of the respective calender rolls as determined in feet per minute.

(ii) Where speeds above 250 feet per minute as measured on the surface of the drive roll are used, stopping distances of more than 1¾ percent are permissible. Such stopping distances shall be subject to engineering determination.

(g) *Alarm.* Where an exposure is created by the operation, and the operators are not within sight or hearing of other employees, a suitable alarm device should be provided so that assistance will be available in case of accidents.

§ 1910.217 Mechanical power presses.

(a) *General requirements*—(1) *New installations.* The requirements of this section pertaining to construction shall apply to all mechanical power presses installed on or after August 31, 1971.

(2) *Former installations.* All mechanical power presses installed prior to August 31, 1971, shall be brought into conformity with the requirements of this section, not later than that date, except as specifically noted otherwise.

(3) *All installations.* The requirements of this section pertaining to the care and use of mechanical power presses shall apply to all mechanical power press operations as of February 15, 1972.

(4) *Reconstruction and modification.* It shall be the responsibility of any person reconstructing, or modifying a mechanical power press to do so in accordance with paragraph (b) of this section.

(5) *Excluded machines.* Press brakes, hydraulic and pneumatic power presses, bulldozers, hot bending and hot metal presses, forging presses and hammers, riveting machines and similar types of fastener applicators are excluded from the requirements of this section.

(b) *Mechanical power press guarding and construction, general*—(1) *Hazards to personnel associated with broken or falling machine components.* Machine components shall be designed, secured, or covered to minimize hazards caused by breakage, or loosening and falling or release of mechanical energy (i.e. broken springs).

(2) *Brakes.* Friction brakes provided for stopping or holding the slide movement shall be set with compression springs. Brake capacity shall be sufficient to stop the motion of the slide quickly and capable of holding the slide and its attachments at any point in its travel.

(3) *Machines using full revolution positive clutches.* (i) Machines using full revolution clutches shall incorporate a single-stroke mechanism.

(ii) If the single-stroke mechanism is dependent upon spring action, the spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, and designed to prevent interleaving of the spring coils in event of breakage.

(4) *Foot pedals (treadle).* (i) The pedal mechanism shall be protected to prevent unintended operation from falling or moving objects or by accidental stepping onto the pedal.

(ii) A pad with a nonslip contact area shall be firmly attached to the pedal.

(iii) The pedal return spring(s) shall be of the compression type, operating on a rod or guided within a hole or tube, or designed to prevent interleaving of spring coils in event of breakage.

(iv) If pedal counterweights are provided, the path of the travel of the weight shall be enclosed.

(5) *Hand operated levers.* (i) Hand-lever-operated power presses shall be equipped with a spring latch on the operating lever to prevent premature or accidental tripping.

(ii) The operating levers on hand-tripped presses having more than one operating station shall be interlocked to prevent the tripping of the press except by the "concurrent" use of all levers.

(6) *Two-hand trip.* (i) A two-hand trip shall have the individual operators hand controls protected against unintentional operation and have the individual operators hand controls arranged by design and construction and/or separation to require the use of both hands to trip the press and use a control arrangement requiring concurrent operation of the individual operators hand controls.

(ii) Two-hand trip systems on full revolution clutch machines shall incorporate an antirepeat feature.

(iii) If two-hand trip systems are used on multiple operator presses, each operator shall have a separate set of controls.

(7) *Machines using part revolution clutches.* (i) The clutch shall release and the brake shall be applied when the external clutch engaging means is removed, deactivated, or deenergized.

(ii) A red color stop control shall be provided with the clutch/brake control system. Momentary operation of the stop control shall immediately deactivate the clutch and apply the brake. The stop control shall override any other control, and reactuation of the clutch shall require use of the operating (tripping) means which has been selected.

(iii) A means of selecting Off, "Inch," Single Stroke, and Continuous (when the continuous function is furnished) shall be supplied with the clutch/brake control to select type of operation of the press. Fixing of selection shall be by means capable of supervision by the employer.

(iv) The "Inch" operating means shall be designed to prevent exposure of the workers hands within the point of operation by:

(*a*) Requiring the concurrent use of both hands to actuate the clutch, or

(*b*) Being a single control protected against accidental actuation and so located that the worker cannot reach into the point of operation while operatng the single control.

(v) Two-hand controls for single stroke shall conform to the following requirements:

(*a*) Each hand control shall be protected against unintended operation and arranged by design, construction, and/or separation so that the concurrent use of both hands is required to trip the press.

(*b*) The control system shall be designed to permit an adjustment which will require concurrent pressure from both hands during the die closing portion of the stroke.

(*c*) The control system shall incorporate an antirepeat feature.

(*d*) The control system shall be designed to require release of all operator's hand controls before an interrupted stroke can be resumed.

(vi) The requirements of subdivision (v) of this subparagraph pertains only to those single stroke two-hand controls manufactured and installed after January 1, 1971.

(vii) Controls for more than one operating station shall be designed to be activated and deactivated in complete sets of two operator's hand controls per operating station by means capable of being supervised by the employer. The clutch/brake control system shall be designed and constructed to prevent actuation of the clutch if all operating stations are bypassed.

(viii) Those clutch/brake control systems which contain both single and continuous functions shall be designed so that completion of continuous circuits may be supervised by the employer. The initiation of continuous run shall require a prior action or decision by the operator in addition to the selection of Continuous on the stroking selector, before actuation of the operating means will result in continuous stroking.

(ix) If foot control is provided, the selection method between hand and foot control shall be separate from the stroking selector and shall be designed so that the selection may be supervised by the employer.

(x) Foot operated tripping controls, if used, shall be protected so as to prevent operation from falling or moving objects, or from unintended operation by accidental stepping onto the foot control.

(xi) The control of air-clutch machines shall be designed to prevent a significant increase in the normal stopping time due to a failure within the operating valve mechanism, and to inhibit further operation if such failure does occur. This requirement shall apply only to those clutch/brake air-valve controls manufactured and installed on or after August 31, 1971, but shall not apply to machines intended only for continuous, automatic feeding applications.

(xii) The clutch/brake control shall incorporate an automatic means to prevent initiation or continued activation of the Single Stroke or Continuous func-

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tions unless the press drive motor is energized and in the forward direction.

(xiii) The clutch/brake control shall automatically deactivate in event of failure of the power or pressure supply for the clutch engaging means. Reactivation of clutch shall require restoration of normal supply and the use of the tripping mechanism(s).

(xiv) The clutch/brake control shall automatically deactivate in event of failure of the counterbalance(s) air supply. Reactivation of the clutch shall require restoration of normal air supply and use of the tripping mechanism(s).

(xv) Selection of bar operation shall be by means capable of being supervised by the employer. A separate pushbutton shall be employed to activate the clutch, and the clutch shall be activated only if the driver motor is deenergized.

(8) *Electrical.* (i) A main power disconnect switch capable of being locked only in the Off position shall be provided with every power press control system.

(ii) The motor start button shall be protected against accidental operation.

(iii) All mechanical power press controls shall incorporate a type of drive motor starter that will disconnect the drive motor from the power source in event of control voltage or power source failure, and require operation of the motor start button to restart the motor when voltage conditions are restored to normal.

(iv) All a.c. control circuits and solenoid valve coils shall be powered by not more than a nominal 120-volt a.c. supply obtained from a transformer with an isolated secondary. Higher voltages that may be necessary for operation of machine or control mechanisms shall be isolated from any control mechanism handled by the operator, but motor starters with integral Start-Stop buttons may utilize line voltage control. All d.c. control circuits shall be powered by not more than nominal 240-volt d.c. supply isolated from any higher voltages.

(v) All clutch/brake control electrical circuits shall be protected against the possibility of an accidental ground in the control circuit causing false operation of the press.

(vi) Electrical clutch/brake control circuits shall incorporate features to minimize the possibility of an unintended stroke in event of the failure of any control component to function properly, including relays, limit switches, and static output circuits.

(9) *Slide counterbalance systems.* (i) Spring counterbalance systems when used shall incorporate means to retain system parts in event of breakage.

(ii) Spring counterbalances when used shall have the capability to hold the slide and its attachments at midstroke, without brake applied.

(iii) Air counterbalance cylinders shall incorporate means to retain the piston and rod in case of breakage or loosening.

(iv) Air counterbalance cylinders shall have adequate capability to hold the slide and its attachments at any point in stroke, without brake applied.

(v) Air counterbalance cylinders shall incorporate means to prevent failure of capability (sudden loss of pressure) in event of air supply failure.

(10) *Air controlling equipment.* Air controlling equipment shall be protected against foreign material and water entering the pneumatic system of the press. A means of air lubrication shall be provided when needed.

(11) *Hydraulic equipment.* The maximum anticipated working pressures in any hydraulic system on a mechanical power press shall not exceed the safe working pressure rating of any component used in that system.

(12) *Pressure vessels.* All pressure vessels used in conjunction with power presses shall conform to the American Society of Mechanical Engineers Code for Pressure Vessels, 1968 Edition.

(c) *Safeguarding the point of operation*—(1) *General requirements.* (i) It shall be the responsibility of the employer to provide and insure the usage of "point of operation guards" or properly applied and adjusted point of operation devices on every operation performed on a mechanical power press. See Table O–10.

(ii) The requirement of subdivision (i) of this subparagraph shall not apply when the point of operation opening is one-fourth inch or less. See Table O–10.

(2) *Point of operation guards.* (i) Every point of operation guard shall meet the following design, construction, application, and adjustment requirements:

(*a*) It shall prevent entry of hands or fingers into the point of operation by reaching through, over, under or around the guard;

(*b*) It shall conform to the maximum permissible openings of Table O–10;

(*c*) It shall, in itself, create no pinch point between the guard and moving machine parts;

(*d*) It shall utilize fasteners not readily removable by operator, so as to minimize the possibility of misuse or removal of essential parts;

(*e*) It shall facilitate its inspection, and

(*f*) It shall offer maximum visibility of the point of operation consistent with other requirements.

(ii) A die enclosure guard shall be attached to the die shoe or stripper in a fixed position.

(iii) A fixed barrier guard shall be attached securely to the frame of the press or to the bolster plate.

(iv) An interlocked press barrier guard shall be attached to the press frame or bolster and shall be interlocked with the press clutch control so that the clutch cannot be activated unless the guard itself, or the hinged or movable sections of the guard are in position to conform to the requirements of Table O–10.

(v) With full revolution clutches, a interlocked press barrier guard shall be used only on single stroke.

(vi) The adjustable barrier guard shall be securely attached to the press bed, bolster, or die shoe, and shall be adjusted and operated in conformity with Table O–10 and the requirements of this subparagraph. Adjustments shall be made only by authorized personnel whose qualifications include a knowledge of the provisions of Table O–10 and this subparagraph.

(vii) A point of operation enclosure which does not meet the requirements of this subparagraph and Table O–10 shall be used only in conjunction with point of operation devices.

(3) *Point of operation devices.* (i) Point of operation devices shall protect the operator by:

(*a*) Preventing and/or stopping normal stroking of the press if the operator's hands are inadvertently placed in the point of operation; or

(*b*) Preventing the operator from inadvertently reaching into the point of operation or withdrawing his hands if they are inadvertently located in the point of operation, as the dies close; or

(*c*) Preventing the operator from inadvertently reaching into the point of operation at all times; or

(*d*) Requiring application of both of the operator's hands to machine operating controls during the die closing portion of the press stroke; or

(*e*) Locating single cycle operating controls so that the slide completes its downward travel before the operator's hands can inadvertently reach into the point of operation.

(ii) The gate or movable barrier device shall protect the operator in accordance with subdivision (i) (*a*) of this subparagraph, and shall enclose the point of operation before the press clutch can be actuated.

(*a*) When used with a power press having a full revolution clutch the device shall be operated only with a single-stroke mechanism, and shall be so applied as to make impossible any attempt, after tripping the clutch, to open the device and reach into the point of operation prior to die closure.

(*b*) When used with a part revolution clutch the device shall be interlocked into the clutch/brake control system to prevent or stop activation of the clutch unless the device is in its closed (protecting) position.

(iii) The presence sensing point of operation device shall protect the operator as provided in subdivision (i)(*a*) of this subparagraph and shall be interlocked into the clutch/brake control circuit to prevent or stop clutch activation and apply the brake if an operator's hand or other part of his body is detected in the sensing field of the device.

(*a*) The device shall not in itself create any hazard to the operator.

(*b*) The device shall not be used on machines using full revolution clutches.

(*c*) The device shall not be used as a tripping mechanism.

(*d*) The device shall be designed for failsafe.

(iv) The pull-out device shall protect the operator as specified in subdivision (i)(*b*) of this subparagraph, and shall include attachments for each of the operator's hands. Such attachments shall be connected with and operated only by the press slide or upper die, and shall be adjusted to prevent the operator from reaching into the point of operation or to withdraw the operator's hands from the point of operation before the dies close. A separate pull-out device shall be provided for each operator if more than one operator is required on a press.

(v) The sweep device shall protect the operator as specified in subdivision (i)(*b*) of this subparagraph, by moving his hands safely to a safe position if they are inadvertently in the point of operation as the dies close or prior to tripping the clutch. Devices operating in this manner shall have a barrier attached to the sweep arm in such a manner as to prevent the operator from reaching into the point of operation past the trailing edge of the sweep arm on the downward stroke of the press.

(*a*) The sweep device shall be activated by the slide or by motion of a foot pedal triprod.

(*b*) The sweep device shall be designed, installed and operated so as to prevent the operator from reaching into the point of operation before the dies close.

(*c*) The sweep device shall be installed so that it will not itself create an impact or shear hazard between the sweep arm and the press tie rods, dies, or any other part of the press or barrier.

(*d*) Partial enclosures conforming with this subparagraph insofar as the area of entry which they protect shall be provided on both sides of the point of operation to prevent the operator from reaching around or behind the sweep device and into the point of operation after the dies start to close. Side partial enclosures shall not themselves create a pinch point or shear hazard.

(vi) The holdout of the restraint device shall protect the operator as specified in subdivision (i)(*c*) of this subparagraph and shall include attachments for each of the operator's hands. Such attachments shall be securely anchored and adjusted in such a way that the operator is restrained from reaching into the point of operation. A separate set of restraints shall be provided for each operator if more than one operator is required on a press.

(vii) The two hand control devices shall protect the operator as specified in subdivision (i)(*d*) of this subparagraph. In press operations requiring more than one operator, separate two-hand controls shall be provided for each operator.

(viii) The two-hand trip shall protect the operator as specified in subdivision (i)(*e*) of this subparagraph. When a two-hand trip is used as a point of operation device it shall meet the construction requirements of paragraph (b) of this section.

(ix) Two-hand tripping devices used with full revolution clutches shall be considered as a point of operation device only when installed on presses of high speed, short stroke, or by having these control mechanisms mounted at a distance away from the point of operation so as to insure that the operator cannot inadvertently reach into the point of operation after tripping the clutch and at any time prior to die closure.

(4) *Hand feeding tools.* Hand feeding tools are intended for placing and removing materials in and from the press. Hand feeding tools are not a point of operation guard or protection device and shall not be used in lieu of the "guards" or devices required in this section.

(d) *Design, construction, setting, and feeding of dies*—(1) *General requirements.* It shall be the responsibility of the employer to institute die procurement, construction and modification policies and procedures that will eliminate by August 31, 1974, the need for the operator to place his hands or fingers within the point of operation. Effective August 31, 1974, the employer shall:

(i) Use dies designed and constructed to eliminate hazards to operating personnel.

(ii) Furnish and enforce the use of a handtool specifically designed for the purpose of freeing and/or removing struck work or scrap pieces from the die to avoid requiring the operator to place his hands or fingers within the point of operation, and

(iii) Furnish and enforce the use of hand feeding tools when necessary with manual feeding methods to avoid requiring the operator to place his hands or fingers within the point of operation.

(2) *Ejecting stock and scrap.* (i) Dies shall be designed to permit use of press knockouts and lower liftouts where the press is so equipped.

(ii) Spring or rubber strippers or an equivalent means shall be provided on punching or piercing dies, to prevent material from riding up with the punch, except where a special mechanism is provided for scrap ejection. Dies should be designed to allow automatic ejection of stock and scrap.

(3) *Scrap handling.* The employer shall provide means for handling scrap from roll feed or random length stock operations. Scrap cutters used in conjunction with scrap handling systems shall be safeguarded in accordance with paragraph (b) of this section and with § 1910.219.

(4) *Guide post hazard.* The hazard created by a guide post (when it is located in the immediate vicinity of the operator) when separated from its bushing by more than one-fourth inch shall be considered as a point of operation hazard and protected in accordance with paragraph (b) of this section.

(5) *Unitized tooling.* If unitized tooling is used, the opening between the top of the punch holder and the face of the slide, or striking pad, shall be safeguarded in accordance with the requirements of paragraph (b) of this section.

(6) *Tonnage, stroke, and weight designation.* All dies shall be:

(i) Stamped with the tonnage and stroke requirements, or have these characteristics recorded if these records are readily available to the die setter;

(ii) Stamped to indicate upper die weight when necessary for air counterbalance pressure adjustment; and

(iii) Stamped to indicate complete die weight when handling equipment may become overloaded.

(7) *Die fastening.* Provision shall be made in both the upper and lower shoes for securely mounting the die to the bolster and slide. Where clamp caps or setscrews are used in conjunction with punch stems, additional means of securing the upper shoe to the slide shall be used.

(8) *Die handling.* Handling equipment attach points shall be provided on all dies requiring mechanical handling.

(9) *Diesetting.* (i) The employer shall establish a diesetting procedure that will insure compliance with paragraph (b) of this section.

(ii) The employer shall provide spring loaded turnover bars, for presses designed to accept such turnover bars.

(iii) The employer shall provide die stops or other means to prevent losing control of the die while setting or removing dies in presses which are inclined.

(iv) The employer shall provide and enforce the use of safety blocks for use whenever dies are being adjusted or repaired in the press.

(v) The employer shall provide brushes, swabs, lubricating rolls, and automatic or manual pressure guns so that operators and diesetters shall not be required to reach into the point of operation or other hazard areas to lubricate material, punches or dies.

(e) *Inspection, maintenance, and modification of presses*—(1) *Inspection and maintenance records.* It shall be the responsibility of the employer to establish and follow a program of periodic and regular inspections of his power presses to insure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain records of these inspections and the maintenance work performed.

(2) *Modification.* It shall be the responsibility of any person modifying a power press to furnish instructions with the modification to establish new or changed guidelines for use and care of the power press so modified.

(3) *Training of maintenance personnel.* It shall be the responsibility of the employer to insure the original and continuing competence of personnel caring for, inspecting, and maintaining power presses.

(f) *Operation of power presses*—(1) *Employment of minors.* The employer shall permit no one under 18 years of age to operate or assist in the operation of machinery covered in this section.

(2) *Instruction to operators.* The employer shall train and instruct the operator in the safe method of work before starting work on any operation covered by this section. The employer shall insure by adequate supervision that correct operating procedures are being followed.

(3) *Work area.* The employer shall provide clearance between machines so that movement of one operator will not interfere with the work of another. Ample room for cleaning machines, handling material, work pieces, and scrap

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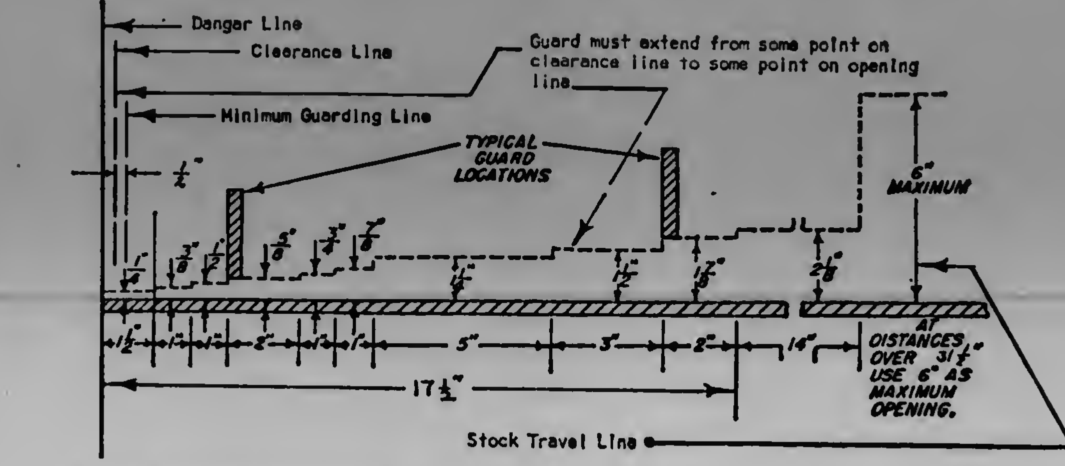
shall also be provided. All surrounding floors shall be kept in good condition and free from obstructions, grease, oil, and water.


Danger Line
Clearance Line
Minimum Guarding Line
Guard must extend from some point on clearance line to some point on opening line
TYPICAL GUARD LOCATIONS
6" MAXIMUM
AT DISTANCES OVER 31½" USE 6" AS MAXIMUM OPENING.
17½"
Stock Travel Line

Explanation of above diagram:

This diagram shows the accepted safe openings between the bottom edge of a guard and feed table at various distances from the danger line (point of operation).

The *clearance line* marks the distance required to prevent contact between guard and moving parts.

The *minimum guarding line* is the distance between the infeed side of the guard and the danger line which is one-half inch from the danger line.

The various openings are such that for average size hands an operator's fingers won't reach the point of operation.

After installation of point of operation guards and before a job is released for operation a check should be made to verify that the guard will prevent the operator's hands from reaching the point of operation.

TABLE O-10

Distance of opening from point of operation hazard (inches)	*Maximum width of opening (inches)*
½ to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 12½	1¼
12½ to 15½	1½
15½ to 17½	1⅞
17½ to 31½	2⅛

This table shows the distances that guards shall be positioned from the danger line in accordance with the required openings.

(4) *Overloading.* The employer shall operate his presses within the tonnage and attachment weight ratings specified by the manufacturer.

§ 1910.218 Forging machines.

(a) *General requirements*—(1) *Use of lead.* The safety requirements of this subparagraph apply to lead casts or other use of lead in the forge shop or die shop.

(i) Thermostatic control of heating elements shall be provided to maintain proper melting temperature and prevent overheating.

(ii) Fixed or permanent lead pot installations shall be exhausted.

(iii) Portable units shall be used only in areas where good, general room ventilation is provided.

(iv) Personal protective equipment (gloves, goggles, aprons, and other items) shall be worn.

(v) A covered container shall be provided to store dross skimmings.

(vi) Equipment shall be kept clean, particularly from accumulations of yellow lead oxide.

(2) *Inspection and maintenance.* It shall be the responsibility of the employer to maintain all forge shop equipment in a condition which will insure continued safe operation. This responsibility includes:

(i) Establishing periodic and regular maintenance safety checks and keeping records of these inspections.

(ii) Scheduling and recording inspection of guards and point of operation protection devices at frequent and regular intervals.

(iii) Training personnel for the proper inspection and maintenance of forging machinery and equipment.

(iv) All overhead parts shall be fastened or protected in such a manner that they will not fly off or fall in event of failure.

(3) *Hammers and presses.* (i) All hammers shall be positioned or installed in such a manner that they remain on or are anchored to foundations sufficient to support them according to applicable engineering standards.

(ii) All presses shall be installed in such a manner that they remain where they are positioned or they are anchored to foundations sufficient to support them according to applicable engineering standards.

(iii) Means shall be provided for disconnecting the power to the machine and for locking out or rendering cycling controls inoperable.

(iv) The ram shall be blocked when dies are being changed or other work is being done on the hammer. Blocks or wedges shall be made of material the strength and construction of which should meet or exceed the specifications and dimensions shown in Table O-11.

TABLE O-11—STRENGTH AND DIMENSIONS FOR WOOD RAM PROPS

Size of timber, inches [1]	Square inches in cross section	Minimum allowable crushing strength parallel to grain, p.s.i.[2]	Maximum static load within short column range [3]	Safety factor	Maximum recommended weight of forging hammer for timber used	Maximum allowable length of timber, inches
4 x 4	16	5,000	80,000	10	8,000	44
6 x 6	36	5,000	180,000	10	18,000	66
8 x 8	64	5,000	320,000	10	32,000	88
10 x 10	100	5,000	500,000	10	50,000	100
12 x 12	144	5,000	720,000	10	72,000	132

[1] Actual dimension.

[2] Adapted from U.S. Department of Agriculture Technical Bulletin 479. Hardwoods recommended are those whose ultimate crushing strengths in compression parallel to grain are 5,000 p.s.i. (pounds per square inch) or greater.

[3] Slenderness ratio formula for short columns is $L/d=11$, where L=length of timber in inches and d=least dimension in inches; this ratio should not exceed 11.

(v) Tongs shall be sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used they should be inspected periodically to insure safe condition.

(vi) Oil swabs, or scale removers, or other devices to remove scale shall be provided. These devices shall be long enough to enable a man to reach the full length of the die without placing his hand or arm between the dies.

(vii) Material handling equipment shall be of adequate strength, size, and dimension to handle diesetting operations safely.

(viii) A scale guard of substantial construction shall be provided at the back of every hammer, so arranged as to stop flying scale.

(ix) A scale guard of substantial construction shall be provided at the back of every press, so arranged as to stop flying scale.

(b) *Hammers, general*—(1) *Keys.* Die keys and shims shall be made from a grade of material that will not unduly crack or splinter, and should not project more than 2 inches in front and 4 inches in back of ram or die.

(2) *Foot operated devices.* All foot operated devices (i.e., treadles, pedals, bars, valves, and switches) shall be substantially and effectively protected from unintended operation.

(c) *Presses.* All manually operated valves and switches shall be clearly identified and readily accessible.

(d) *Power-driven hammers*—(1) *Safety cylinder head.* Every steam or airhammer shall have a safety cylinder head to act as a cushion if the rod should break or pullout of the ram.

(2) *Shutoff valve.* Steam hammers shall be provided with a quick closing emergency valve in the admission pipeline at a convenient location. This valve shall be closed and locked in the off position while the hammer is being adjusted, repaired, or serviced, or when the dies are being changed.

(3) *Cylinder draining.* Steam hammers shall be provided with a means of cylinder draining, such as a self-draining arrangement or a quick-acting drain cock.

(4) *Pressure pipes.* Steam or air piping shall conform to the specifications of American National Standard ANSI B31.1.0–1967, Power Piping with Addendum issued before April 28, 1971.

(e) *Gravity hammers*—(1) *Air-lift hammers.* (i) Air-lift hammers shall have a safety cylinder head as required in paragraph (d)(1) of this section.

(ii) Air-lift hammers shall have an air shutoff valve as required in paragraph (d)(2) of this section and should be conveniently located and distinctly marked for ease of identification.

(iii) Air-lift hammers shall be provided with two drain cocks: one on main head cylinder, and one on clamp cylinder.

(iv) Air piping shall conform to the specifications of the ANSI B31.1.0–1967, Power Piping with Addenda issued before April 28, 1971.

(2) *Board drophammers.* (i) A suitable enclosure shall be provided to prevent damaged or detached boards from falling. The board enclosure shall be securely fastened to the hammer.

(ii) All major assemblies and fittings which can loosen and fall shall be properly secured in place.

(f) *Forging presses*—(1) *Mechanical forging presses.* When dies are being changed or maintenance being performed on the press, the following shall be accomplished:

(i) The power to the press shall be locked out.

(ii) The flywheel shall be at rest.

(iii) The ram shall be blocked with a material the strength of which shall meet or exceed the specifications or dimensions shown in Table O-11.

(2) *Hydraulic forging presses.* When dies are being changed or maintenance is being performed on the press, the following shall be accomplished:

(i) The hydraulic pumps and power apparatus shall be locked out.

(ii) The ram shall be blocked with a material the strength of which shall meet or exceed the specifications or dimensions shown in Table O-11.

(g) *Trimming presses*—(1) *Hot trimming presses.* The requirements of paragraph (f)(1) of this section shall also apply to hot trimming presses.

(2) *Cold trimming presses.* Cold trimming presses shall be safeguarded in accordance with § 1910.217(c).

(h) *Upsetters*—(1) *General requirements.* All upsetters shall be installed so that they remain on their supporting foundations.

(2) *Lockouts.* Upsetters shall be provided with a means for locking out the power at its entry point to the machine and rendering its cycling controls inoperable.

(3) *Manually operated controls.* All manually operated valves and switches shall be clearly identified and readily accessible.

(4) *Tongs.* Tongs shall be of sufficient length to clear the body of the worker in case of kickback, and shall not have sharp handle ends. The worker should be instructed in the proper body position when using tongs. Tongs should be checked periodically to see that they remain at the proper hardness level for the job. When rings or equivalent devices for locking tongs are used they should be inspected periodically to ensure safe condition.

(5) *Changing dies.* When dies are being changed, maintenance performed, or any work done on the machine, the power to the upsetter shall be locked out, and the flywheel shall be at rest.

(i) *Other forging equipment*—(1) *Boltheading.* The provisions of paragraph (h) of this section shall apply to boltheading.

(2) *Rivet making.* The provisions of paragraph (h) of this section shall apply to rivet making.

(j) *Other forge facility equipment*—(1) *Billet shears.* A positive-type lockout device for disconnecting the power to the shear shall be provided.

(2) *Saws.* Every saw shall be provided with a guard of not less than one-eighth inch sheet metal positioned to stop flying sparks. Suitable means should be provided to trap sparks below the saw. A tank of water placed below the saw is also desirable.

(3) *Conveyors.* Conveyor power transmission equipment shall be guarded in accordance with ANSI B20.1–1957, Safety Code for Conveyors, Cableways, and Related Equipment, and with subpart M of this part.

(4) *Shot blast.* The cleaning chamber shall have doors or guards to protect operators.

(5) *Grinding.* Personal protective equipment shall be used in grinding operations, and equipment shall be used and maintained in accordance with ANSI B7.1–1970, Safety Code for the Use, Care, and Protection of Abrasive Wheels, and with § 1910.215.

§ 1910.219 Mechanical power-transmission apparatus.

(a) *General requirements.* (1) This section covers all types and shapes of power-transmission belts, except the following when operating at two hundred and fifty (250) feet per minute or less: (i) Flat belts one (1) inch or less in width, (ii) flat belts two (2) inches or less in width which are free from metal lacings or fasteners, (iii) round belts one-half (½) inch or less in diameter; and (iv) single strand V-belts, the width of which is thirteen thirty-seconds (13/32) inch or less.

(2) Vertical and inclined belts (paragraphs (e) (3) and (4) of this section) if not more than two and one-half (2½) inches wide and running at a speed of less than one thousand (1,000) feet per minute, and if free from metal lacings or fastenings may be guarded with a nip-point belt and pulley guard.

(3) For the Textile Industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip-point belt and pulley guards are required, provided the guard shall extend at least six (6) inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two (2) inches away from the rim and face of the pulley in all other directions.

(4) This section covers the principal features with which power transmission safeguards shall comply.

(b) *Prime-mover guards*—(1) *Flywheels.* Flywheels located so that any part is seven (7) feet or less above floor or platform shall be guarded in accordance with the requirements of this subparagraph:

(i) With an enclosure of sheet, perforated, or expanded metal, or woven wire;

(ii) With guard rails placed not less than fifteen (15) inches nor more than twenty (20) inches from rim. When flywheel extends into pit or is within 12 inches of floor, a standard toeboard shall also be provided;

(iii) When the upper rim of flywheel protrudes through a working floor, it shall be entirely enclosed or surrounded by a guardrail and toeboard.

(iv) For flywheels with smooth rims five (5) feet or less in diameter, where the preceding methods cannot be applied, the following may be used: A disk attached to the flywheel in such manner as to cover the spokes of the wheel on the exposed side and present a smooth surface and edge, at the same time providing means for periodic inspection. An open space, not exceeding four (4) inches in width, may be left between the outside edge of the disk and the rim of the wheel if desired, to facilitate turning the wheel over. Where a disk is used, the keys or other dangerous projections not covered by disk shall be cut off or covered. This subdivision does not apply to flywheels with solid web centers.

(v) Adjustable guard to be used for starting engine or for running adjustment may be provided at the flywheel of gas or oil engines. A slot opening for jack bar will be permitted.

(vi) Wherever flywheels are above working areas, guards shall be installed having sufficient strength to hold the weight of the flywheel in the event of a shaft or wheel mounting failure.

(2) *Cranks and connecting rods.* Cranks and connecting rods, when exposed to contact, shall be guarded in accordance with paragraphs (m) and (n) of this section, or by a guardrail as described in paragraph (o)(5) of this section.

(3) *Tail rods or extension piston rods.* Tail rods or extension piston rods shall be guarded in accordance with paragraphs (m) and (o) of this section, or by a guardrail on sides and end, with a clearance of not less than fifteen (15) nor more than twenty (20) inches when rod is fully extended.

(4) *Governor balls.* Governor balls six (6) feet or less from the floor or other

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working level, when exposed to contact, shall be provided with an enclosure extending to the top of the governor balls when at their highest position. The material used in the construction of this enclosure shall conform to paragraphs (m) and (o) of this section.

(c) *Shafting*—(1) *Installation.* (i) Each continuous line of shafting shall be secured in position against excessive endwise movement.

(ii) Inclined and vertical shafts, particularly inclined idler shafts, shall be securely held in position against endwise thrust.

(2) *Guarding horizontal shafting.* (i) All exposed parts of horizontal shafting seven (7) feet or less from floor or working platform, excepting runways used exclusively for oiling, or running adjustments, shall be protected by a stationary casing enclosing shafting completely or by a trough enclosing sides and top or sides and bottom of shafting as location requires.

(ii) Shafting under bench machines shall be enclosed by a stationary casing, or by a trough at sides and top or sides and bottom, as location requires. The sides of the trough shall come within at least six (6) inches of the underside of table, or if shafting is located near floor within six (6) inches of floor. In every case the sides of trough shall extend at least two (2) inches beyond the shafting or protuberance.

(3) *Guarding vertical and inclined shafting.* Vertical and inclined shafting seven (7) feet or less from floor or working platform, excepting maintenance runways, shall be enclosed with a stationary casing in accordance with requirements of paragraphs (m) and (o) of this section.

(4) *Projecting shaft ends.* (i) Projecting shaft ends shall present a smooth edge and end and shall not project more than one-half the diameter of the shaft unless guarded by nonrotating caps or safety sleeves.

(ii) Unused keyways shall be filled up or covered.

(5) *Power-transmission apparatus located in basements.* All mechanical power transmission apparatus located in basements, towers, and rooms used exclusively for power transmission equipment shall be guarded in accordance with this section, except that the requirements for safeguarding belts, pulleys, and shafting need not be implied with when the following requirements are met:

(i) The basement, tower, or room occupied by transmission equipment is locked against unauthorized entrance.

(ii) The vertical clearance in passageways between the floor and power transmission beams, ceiling, or any other objects, is not less than five feet six inches (5 ft. 6 in.).

(iii) The intensity of illumination conforms to the requirements of ANSI A11.1–1965 (R–1970).

(iv) The footing is dry, firm, and level.

(v) The route followed by the oiler is protected in such manner as to prevent accident.

(d) *Pulleys*—(1) *Guarding.* Pulleys, any parts of which are seven (7) feet or less from the floor or working platform, shall be guarded in accordance with the standards specified in paragraphs (m) and (o) of this section. Pulleys serving as balance wheels (e.g., punch presses) on which the point of contact between belt and pulley is more than six feet six inches (6 ft. 6 in.) from the floor or platform may be guarded with a disk covering the spokes.

(2) *Location of pulleys.* (i) Unless the distance to the nearest fixed pulley, clutch, or hanger exceeds the width of the belt used, a guide shall be provided to prevent the belt from leaving the pulley on the side where insufficient clearance exists.

(ii) Where there are overhanging pulleys on line, jack, or countershafts with no bearing between the pulley and the outer end of the shaft, a guide to prevent the belt from running off the pulley should be provided.

(3) *Broken pulleys.* Pulleys with cracks, or pieces broken out of rims, shall not be used.

(4) *Pulley speeds.* Pulleys intended to operate at rim speed in excess of manufacturers normal recommendations shall be specially designed and carefully balanced for the speed at which they are to operate.

(5) *Composition and wood pulleys.* Composition or laminated wood pulleys shall not be installed where they are subjected to influences detrimental to their structural composition.

(e) *Belt, rope, and chain drives*—(1) *Horizontal belts and ropes.* (i) Where both runs of horizontal belts are seven (7) feet or less from the floor level, the guard shall extend to at least fifteen (15) inches above the belt or to a standard height (see Table O–12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with paragraphs (m) and (o) of this section.

(ii) In powerplants or power-development rooms, a guardrail may be used in lieu of the guard required by subdivision (i) of this subparagraph.

(2) *Overhead horizontal belts.* (i) Overhead horizontal belts, with lower parts seven (7) feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with paragraph (o)(3) of this section.

(ii) Horizontal overhead belts more than seven (7) feet above floor or platform shall be guarded for their entire length under the following conditions:

(*a*) If located over passageways or work places and traveling 1,800 feet or more per minute.

(*b*) If center to center distance between pulleys is ten (10) feet or more.

(*c*) If belt is eight (8) inches or more in width.

(iii) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(*a*) Completely barred by a guardrail or other barrier in accordance with paragraphs (m) and (o) of this section; or

(*b*) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by him. In powerplants only the lower run of the belt need be guarded.

(iv) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

(v) American or Continuous System rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric-bell type) that will give warning when rope begins to fray.

(3) *Vertical and inclined belts.* (i) Vertical and inclined belts shall be enclosed by a guard conforming to standards in paragraphs (m) and (o) of this section.

(ii) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven (7) feet is maintained between belt and floor at any point outside of guard.

(4) *Vertical belts.* Vertical belts running over a lower pulley more than seven (7) feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in subparagraphs (2)(ii) (*a*) and (*c*) of this paragraph.

(5) *Cone-pulley belts.* (i) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(ii) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(iii) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

(6) *Belt tighteners.* (i) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tighteners from falling, in case the belt breaks.

(ii) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.

(f) *Gears, sprockets, and chains*—(1) *Gears.* Gears shall be guarded in accordance with one of the following methods:

(i) By a complete enclosure; or

(ii) By a standard guard as described in paragraph (o) of this section, at least seven (7) feet high extending six (6) inches above the mesh point of the gears; or

(iii) By a band guard covering the face of gear and having flanges extended inward beyond the root of the teeth on the exposed side or sides. Where any portion of the train of gears guarded by a band guard is less than six (6) feet from the floor a disk guard or a complete enclosure to the height of six (6) feet shall be required.

(2) *Hand-operated gears.* Subparagraph (1) of this paragraph does not apply to hand-operated gears used only to adjust machine parts and which do not continue to move after hand power is removed. However, the guarding of these gears is highly recommended.

(3) *Sprockets and chains.* All sprocket wheels and chains shall be enclosed unless they are more than seven (7) feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This subparagraph does not apply to manually operated sprockets.

(4) *Openings for oiling.* When frequent oiling must be done, openings with hinged or sliding self-closing covers shall be provided. All points not readily accessible shall have oil feed tubes if lubricant is to be added while machinery is in motion.

(g) *Guarding friction drives.* The driving point of all friction drives when exposed to contact shall be guarded, all arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed, and all projecting belts or friction drives where exposed to contact shall be guarded.

(h) *Keys, setscrews, and other projections.* (1) All projecting keys, setscrews, and other projections in revolving parts shall be removed or made flush or guarded by metal cover. This subparagraph does not apply to keys or setscrews within gear or sprocket casings or other enclosures, nor to keys, setscrews, or oilcups in hubs of pulleys less than twenty (20) inches in diameter where they are within the plane of the rim of the pulley.

(2) It is recommended, however, that no projecting setscrews or oilcups be used in any revolving pulley or part of machinery.

(i) *Collars and couplings*—(1) *Collars.* All revolving collars, including split collars, shall be cylindrical, and screws or bolts used in collars shall not project beyond the largest periphery of the collar.

(2) *Couplings.* Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.

(j) *Bearings and facilities for oiling.* Self lubricating bearings are recommended and all drip cups and pans shall be securely fastened.

(k) *Guarding of clutches, cutoff couplings, and clutch pulleys*—(1) *Guards.* Clutches, cutoff couplings, or clutch pulleys having projecting parts, where such clutches are located seven (7) feet or less above the floor or working platform, shall be enclosed by a stationary guard constructed in accordance with this section. A "U" type guard is permissible.

(2) *Enginerooms.* In enginerooms a guardrail, preferably with toeboard, may be used instead of the guard required by subparagraph (1) of this paragraph, provided such a room is occupied only by engineroom attendants.

(3) *Bearings.* A bearing support immediately adjacent to a friction clutch or cutoff coupling shall have self-lubricating bearings requiring attention at infrequent intervals.

(l) *Belt shifters, clutches, shippers, poles, perches, and fasteners*—(1) *Belt shifters.* (i) Tight and loose pulleys on all new installations made on or after August 31, 1971, shall be equipped with a permanent belt shifter provided with mechanical means to prevent belt from creeping from loose to tight pulley. It is recommended that old installations be changed to conform to this rule.

(ii) Belt shifter and clutch handles shall be rounded and be located as far as possible from danger of accidental contact, but within easy reach of the operator. Where belt shifters are not directly located over a machine or bench, the handles shall be cut off six feet six inches (6 ft. 6 in.) above floor level.

(iii) All belt and clutch shifters of the same type in each shop should move in the same direction to stop machines, i.e., either all right or all left. This does not apply to friction clutch on countershaft carrying two clutch pulleys with open and crossed belts, respectively. In this case the shifter handle has three positions and the machine is at a standstill when clutch handle is in the neutral or center position.

(2) *Belt shippers and shipper poles.* The use of belt poles as substitutes for mechanical shifters is not recommended. Where necessity compels their use, they shall be of sufficient size to enable workmen to grasp them securely. (A two-inch (2 in.) diameter or 1½ by 2 inches cross-section is suggested.) Poles shall be smooth and preferably of straight grain hardwood, such as ash or hickory. The edges of rectangular poles should be rounded. Poles should extend from the top of the pulley to within about forty (40) inches of floor or working platform.

(3) *Belt perches.* Where loose pulleys or idlers are not practicable, belt perches in form of brackets, rollers, etc., shall be used to keep idle belts away from the shafts. Perches should be substantial and designed for the safe shifting of belts.

(4) *Belt fasteners.* Belts which of necessity must be shifted by hand and belts within seven (7) feet of the floor or working platform which are not guarded in accordance with this section shall not be fastened with metal in any case, nor with any other fastening which by construction or wear will constitute an accident hazard.

(m) *Standard guards—general requirements*—(1) *Materials.* (i) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.

(ii) All metal should be free from burrs and sharp edges.

(iii) Wire mesh should be of the type in which the wires are securely fastened at every cross point either by welding, soldering, or galvanizing, except in case of diamond or square wire mesh made of No. 14 gage wire, ¾-inch mesh or heavier.

(2) *Methods of manufacture.* (i) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame by one of the following methods:

(*a*) With rivets or bolts spaced not more than five (5) inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

(*b*) by welding to frame every four (4) inches.

(*c*) By weaving through channel or angle frame, or if No. 14 gage ¾-inch mesh or heavier is used by bending entirely around rod frames.

(*d*) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five (5) inches center to center. The bound panels shall be fastened to the railing by sheet-metal clips spaced not more than five (5) inches center to center.

(*e*) Diamond or square mesh made of crimped wire fastened into channels, angle or round-iron frames, may also be used as a filler in guards. Size of mesh shall correspond to Table O–12.

(ii) Where the design of guards requires filler material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit.

(iii) All joints of framework shall be made equivalent in strength to the material of the frame.

(n) *Disk, shield, and "U" guards*—(1) *Disk guards.* A disk guard shall consist of a sheet-metal disk not less than No. 22 gage fastened by "U" bolts or rivets to spokes of pulleys, flywheels, or gears. Where possibility of contact with sharp edges of the disk exists, the edge shall be rolled or wired. In all cases the nuts shall be provided with locknuts which shall be placed on the unexposed side of the wheel.

(2) *Shield guards.* (i) A shield guard shall consist of a frame filled in with wire mesh, expanded, perforated, or solid sheet metal.

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(ii) If area of shield does not exceed six (6) square feet the wire mesh or expanded metal may be fastened in a framework of ⅜-inch solid rod, ¾-inch by ¾-inch by ⅛-inch angle iron or metal construction of equivalent strength. Metal shields may have edges entirely rolled around a ⅜-inch solid rod.

(3) *"U" guards.* A "U" guard consisting of a flat surface with edge members shall be designed to cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table O–12, and shall conform to the requirements of paragraphs (o) (3) and (4) of this section. Edges shall be smooth and, if size of guard requires, the edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.

(o) *Approved materials*—(1) *Minimum requirements.* The materials and dimensions specified in this paragraph shall apply to all guards, except horizontal overhead belts, rope, cable, or chair guards more than seven (7) feet above floor, or platform. (For the latter, see Table O–13.)

TABLE O-12—TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at all points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
	Inches	*Inches*	*Inches*	*Feet*
Woven wire	Under 2	⅜	No. 16	7
	2-4	½	No. 16	7
	Under 4	½	No. 16	7
	4-15	2	No. 12	7
Expanded metal	Under 4	½	No. 18	7
	4-15	2	No. 13	7
Perforated metal	Under 4	½	No. 20	7
	4-15	2	No. 14	7
Sheet metal	Under 4		No. 22	7
	4-15		No. 22	7
Wood or metal strip crossed	Under 4	⅜	Wood ¾ Metal No. 16	7
	4-15	2	Wood ¾ Metal No. 16	7
Wood or metal strip not crossed	Under 4	½ width	Wood ¾ Meatl No. 16	7
	4-15	1 width	Wood ¾ Metal No. 16	7
Standard rail	Min. 15			
	Max. 20			

(i) Minimum dimensions of materials for the framework of all guards, except as noted in this subdivision (i) shall be angle iron 1 inch by 1 inch by ⅛ inch, metal pipe of ¾-inch inside diameter or metal construction of equivalent strength.

(*a*) All guards shall be rigidly braced every three (3) feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary.

(*b*) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1½-inch by 1½-inch by ⅛-inch angle iron, metal pipe of 1½-inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor.

(*c*) Guards thirty (30) inches or less in height and with a total surface area not in excess of ten (10) square feet may have a framework of ⅜-inch solid rod, ¾-inch by ¾-inch by ⅛-inch angle, or metal construction of equivalent strength. The filling material shall correspond to the requirements of Table O–12.

(ii) The specifications given in Table O–12 and subdivision (i) of this subparagraph are minimum requirements; where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved.

(2) *Wood guards.* (i) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.

(ii) (*a*) Wood shall be sound, tough, and free from any loose knots.

(*b*) Guards shall be made of planed lumber not less than one (1) inch rough board measure, and edges and corners rounded off.

(*c*) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.

(*d*) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in subparagraphs (1) (i) and (ii) of this paragraph and Table O–12.

(*e*) For construction of standard wood railing, see subpargraph (5) of this paragraph.

(3) *Guards for horizontal overhead belts.* (i) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belt and the face of pulleys.

(ii) The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet-point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.

(iii) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow roundhead rivets may be used. Overhead belt guards shall be at least one-quarter wider than belt which they protect, except that this clearance need not in any case exceed six (6) inches on each side. Overhead rope drive and block and roller-chain-drive guards shall be not less than six (6) inches wider than the drive on each side. In overhead silent chain-drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty (20) inch centers or under shall be not less than one-fourth inch from the nearest moving chain part, and on drives of over twenty (20) inch centers a minimum of one-half inch from the nearest moving chain part.

(iv) Table O–13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten (10) inches or more in width. No material for overhead belt guards should be smaller than that specified in Table O–13 for belts ten (10) to fourteen (14) inches wide, even if the overhead belt is less than ten (10) inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten (10) inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.

(v) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O–13.

(4) *Guards for horizontal overhead rope and chain drives.* Overhead-rope and chain-drive guard construction shall conform to the rules for overhead-belt guard construction of similar width, except that the filler material shall be of the solid type as shown in Table O–13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two (2) inches above the level of the lower run of the rope or chain drive and two (2) inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side filler members should be reinforced on the edges with 1½-inch by ¼-inch flat steel, riveted to the filling material at not greater than eight (8) inch centers; the reinforcing strip should be fastened or bolted to all guard supporting members with at least one ⅜-inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material shall be fastened to the framework of the guard and the filler supports by 3/16-inch rivets spaced on 4-inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.

(5) *Guardrails and toeboards.* (i) Guardrail shall be forty-two (42) inches in height, with midrail between top rail and floor.

(ii) Posts shall be not more than eight (8) feet apart; they are to be permanent and substantial, smooth, and free from protruding nails, bolts, and splinters. If made of pipe, the post shall be one and one-fourth (1¼) inches inside diameter, or larger. If made of metal shapes or bars, their section shall be equal in strength to that of one and one-half (1½) by one and one-half (1½) by three-sixteenths (3/16) inch angle iron. If made of wood, the posts shall be two by four (2 x 4) inches or larger. The upper rail shall be two by four (2 x 4) inches, or two one by four (1 x 4) strips, one at the top and one at the side of posts. The midrail may be one by four (1 x 4) inches or more. The rails (metal shapes, metal bars, or wood), should be on that side of the posts which gives the best protection and support. Where panels are fitted with expanded metal or wire mesh as noted in Table O–12 the middle rails may be omitted. Where guard is exposed to contact with moving equipment, additional strength may be necessary.

(iii) Toeboards shall be four (4) inches or more in height, of wood, metal, or of metal grill not exceeding one (1) inch mesh. Toeboards at flywheel pits should preferably be placed as close to edge of the pit as possible.

(p) *Care of equipment*—(1) *General.* All power-transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

(2) *Shafting.* (i) Shafting shall be kept in alignment, free from rust and excess oil or grease.

(ii) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.

(3) *Bearings.* Bearings shall be kept in alignment and properly adjusted.

(4) *Hangers.* Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

(5) *Pulleys.* (i) Pulleys shall be kept in proper alignment to prevent belts from running off.

(ii) One or both pulleys carrying a nonshifting belt should have crowned faces.

(iii) Cast-iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually much different if the belt is or is not on the pulley.

(iv) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.

(6) *Care of belts.* (i) Quarter-twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed.

(ii) Inspection shall be made of belts, lacings, and fasteners and such equipment kept in good repair.

(iii) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable.

(7) *Lubrication.* The regular oilers shall wear tight-fitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, whereever possible.

TABLE O-13—HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS 7 FEET OR MORE ABOVE FLOOR OR PLATFORM

	Width			
	From 0" to 14" inclusive	Over 14" to 24" inclusive	Over 24"	Material
MEMBERS				
Framework	1½" x 1½" x ¼"	2" x 2" x 5/16"	3" x 3" x ⅜"	Angle iron.
Filler (belt guards)	1½" x 3/16"	2" x 3/16"	2" x 5/16"	Flat iron.
Filler and vertical side member.	No. 20 A. W. G.	No. 18 A. W. G	No. A. W. G.	Solid sheet metal.
Filler supports	2" x 5/16" flat iron	2" x ⅜" flat iron	2½" x 2½" x ¼" angle	Flat and angle.
Guard supports	2" x 5/16	2" x ⅜"	2½" x ⅜"	Flat iron.
FASTENINGS				
Filler supports to framework	(2) 5/16"	(2) ⅜"	(3) ½"	Rivets.
Filler flats to supports (belt guards).	(1) 5/16"	(1) 5/16"	(2) ⅜"	Flush rivets.
Filler to frame and supports (chain guards).	5/16" rivets spaced	8" centers on sides and 4" centers on bottom.		
Guard supports to frame work.	(2) ⅜"	(2) 7/16"	(2) ⅝"	Rivets or bolts.
Guard and supports to overhead ceiling.	¼" x 3½" lag screws or ½" bolts.	⅝" x 4" lag screws or ⅝" bolts.	¾" x 6" lag screws or ¾" bolts.	Lag screws or bolts.
DETAILS—SPACING, ETC.				
Width of guards	One-quarter wider than belt, rope, or chain drive.			
Spacing between filler supports.	20" C. to C.	16" C. to C	16" C. to C	
Spacing between filler flats (belt guards).	2" apart	2½" apart	4" apart	
Spacing between guard supports.	36" C. to C	36" C. to C	36" C. to C	
OTHER BELT GUARD FILLING PERMITTED				
Sheet metal fastened as in chain guards.	No. 20 A. W. G.	No. 18 A. W. G.	No. 18 A. W. G.	Solid or perforated.
Woven wire, 2" mesh	No. 12 A. W. G.	No. 10 A. W. G.	No. 8 A. W. G.	
CLEARANCE FROM OUTSIDE OF BELT, ROPE, OR CHAIN DRIVE TO GUARD				
Distance center to center of shafts.	Up to 15' inclusive	Over 15' to 25' inclusive.	Over 25' to 40' inclusive.	Over 40'.
Clearance from belt, or chain to guard.	6"	10"	15"	20".

§ 1910.220 Additional delay in effective date.

The requirements of this Subpart O shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon the commencement of the Walsh-Healey requirement.

§ 1910.221 Sources of standards.

The standards contained in this Subpart O are derived from the following sources:

Standard	*Source*
§ 1910.212	41 CFR 50–204.5.
§ 1910.213	AMCI 01.1–1954–(R 1961), Safety Code for Woodworking Machinery.
§ 1910.214	ANSI 01.1–1954–(R 1961), Safety Code for Woodworking Machinery.
§ 1910.215	ANSI B 7.1–1970, Safety Code for Abrasive Wheels.
§ 1910.216	ANSI B 28.1–1967, Saftey Code for Mills Calenders in the Rubber and Plastic Industries.
§ 1910.217	ANSI B 11.1–1970, Safety Standard for Construction Care and Use of Mechanical Power Presses.
§ 1910.218	ANSI B 24.1, 1970 Safety Standard for Forging.
§ 1910.219	ANSI B 15.1–1953–(P. 1958) Safety Code for Mechanical Power Transmission Apparatus

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§ 1910.222 Standards organizations.

The standards and specifications of the following organizations have been referenced in this Subpart O: Copies of the references materials may be obtained from the issuing organizations

1. American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018.
2. American Society of Mechanical Engineers, 345 East 47 Street, New York, NY 10017.

Subpart P—Hand and Portable Powered Tools and Other Hand-Held Equipment

§ 1910.241 Definitions.

As used in this subpart:

(a) *Explosive-actuated fastening tool terms*—(1) *Hammer-operated piston tool—low-velocity type.* A tool which, by means of a heavy mass hammer supplemented by a load, moves a piston designed to be captive to drive a stud, pin, or fastener into a work surface, always starting the fastener at rest and in contact with the work surface. It shall be so designed that when used with any load that accurately chambers in it and that is commercially available at the time the tool is submitted for approval, it will not cause such stud, pin, or fastener to have a mean velocity in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel.

(2) *High-velocity tool.* A tool or machine which, when used with a load, propels or discharges a stud, pin, or fastener, at velocities in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel, for the purpose of impinging it upon, affixing it to, or penetrating another object or material.

(3) *Low-velocity piston tool.* A tool that utilizes a piston designed to be captive to drive a stud, pin, or fastener into a work surface. It shall be so designed that when used with any load that accurately chambers in it and that is commercially available at the time the tool is submitted for approval, it will not cause such stud, pin, or fastener to have a mean velocity in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel.

(4) *Stud, pin, or fastener.* A fastening device specifically designed and manufactured for use in explosive-actuated fastening tools.

(5) *To chamber.* To fit properly without the use of excess force, the case being duly supported.

(6) *Explosive powerload, also known as load.* Any substance in any form capable of producing a propellant force.

(7) *Tool.* An explosive-actuated fastening tool, unless otherwise indicated, and all accessories pertaining thereto.

(8) *Protective shield or guard.* A device or guard attached to the muzzle end of the tool, which is designed to confine flying particles.

(b) *Abrasive wheel terms*—(1) *Mounted wheels.* Mounted wheels, usually 2-inch diameter or smaller, and of various shapes, may be either organic or inorganic bonded abrasive wheels. They are secured to plain or threaded steel mandrels.

(2) *Tuck pointing.* Removal, by grinding, of cement, mortar, or other nonmetallic jointing material.

(3) *Tuck pointing wheels.* Tuck pointing wheels, usually Type 1, reinforced organic bonded wheels have diameter, thickness and hole size dimension. They are subject to the same limitations of use and mounting as Type 1 wheels defined in subparagraph (10) of this paragraph.

LIMITATION: Wheels used for tuck pointing should be reinforced, organic bonded. (See § 1910.243(C)(1).)

(4) *Portable grinding.* A grinding operation where the grinding machine is designed to be hand held and may be easily moved from one location to another.

(5) *Organic bonded wheels.* Organic wheels are wheels which are bonded by means of an organic material such as resin, rubber, shellac, or other similar bonding agent.

(6) *Safety guard.* A safety guard is an enclosure designed to restrain the pieces of the grinding wheel and furnish all possible protection in the event that the wheel is broken in operation.

(7) *Reinforced wheels.* The term "reinforced" as applied to grinding wheels shall define a class of organic wheels which contain strengthening fabric or filament. The term "reinforced" does not cover wheels using such mechanical additions as steel rings, steel cup backs or wire or tape winding.

(8) *Type 11 flaring cup wheels.* Type 11 flaring cup wheels have double diameter dimensions D and J, and in addition have thickness, hole size, rim and back thickness dimensions. Grinding is always performed on rim face, W dimension. Type 11 wheels are subject to all limitations of use and mounting listed for Type 6 straight sided cup wheels definition in subparagraph (9) of this paragraph.

LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition when unthreaded hole wheels are specified the inside flat, K dimension, shall be large enough to accommodate a suitable flange.

TYPE 11 FLARING CUP WHEELS

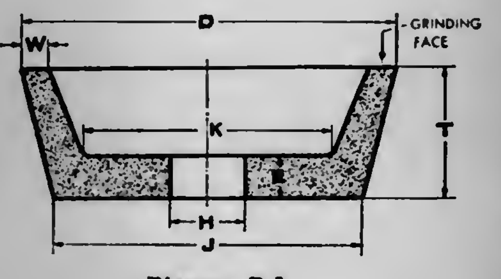

Figure P-1

Type 11 — Flaring-cup Wheel
Side grinding wheel having a wall flared or tapered outward from the back. Wall thickness at the back is normally greater than at the grinding face (W).

(9) *Type 6 straight cup wheels.* Type 6 cup wheels have diameter, thickness, hole size, rim thickness, and back thickness dimensions. Grinding is always performed on rim face, W dimension.

LIMITATION: Minimum back thickness, E dimension, should not be less than one-fourth T dimension. In addition, when unthreaded hole wheels are specified, the inside flat, K dimension, must be large enough to accommodate a suitable flange.

TYPE 6 STRAIGHT CUP WHEELS

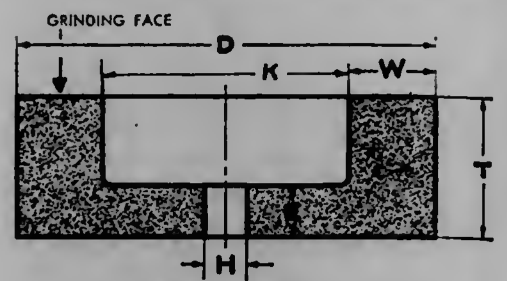

Figure P-2

Type 6 — Straight-cup Wheel
Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed. This type, however, differs from Type 5 in that the grinding is performed on the wall of the abrasive created by the difference between the diameter of the recess and the outside diameter of the wheel. Therefore, the wall dimension "W" takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.

(10) *Type 1 straight wheels.* Type 1 straight wheels have diameter, thickness, and hole size dimensions and should be used only on the periphery. Type 1 wheels shall be mounted between flanges.

LIMITATION: Hole dimension (H) should not be greater than two-thirds of wheel diameter dimension (D) for precision, cylindrical, centerless, or surface grinding applications. Maximum hole size for all other applications should not exceed one-half wheel diameter.

TYPE 1 STRAIGHT WHEELS

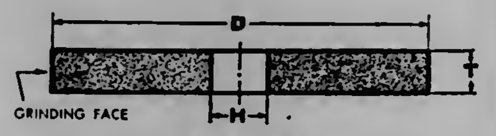

Figure P-3

Type 1 — Straight Wheel
Peripheral grinding wheel having a diameter, thickness and hole.

(c) *Power lawnmower terms*—(1) *Blade tip circle.* The path described by the outermost point of the blade as it is rotated about its shaft axis.

(2) *Guards.* A part or an assembly provided for shielding a hazardous area of a machine.

(3) *Catcher assemblies.* Parts or combinations of parts which provide a means for collecting grass clippings or debris.

(4) *Walk-behind mower.* A mower either pushed or self-propelled and normally guided by the operator walking behind the unit.

(5) *Operator area, walk-behind mowers.* For discharge interference purposes, that area confined within a circle no smaller than 30 inches in diameter, the center of which is located to the rear of the mower on its longitudinal centerline 30 inches behind the nearest blade tip circle.

(6) *Power reel mower.* A lawn-cutting machine utilizing a power source to rotate one or more helically formed blades about a horizontal axis to provide a shearing action with a stationary cutter bar or bed knife.

(7) *Power rotary mower.* A lawn-cutting machine utilizing a power source to rotate one or more cutting blades about a vertical axis.

(8) *Lowest blade position.* The lowest blade position under static conditions.

(9) *Riding mower.* A powered, self-propelled lawn-cutting vehicle on which the operator rides and controls the machine.

(10) *Sulky type mower.* Normally, a walk-behind mower which has been converted to a riding mower by the addition of a sulky.

(11) *Deadman control.* A control designed so that it will automatically interrupt power to a drive when the operator's actuating force is removed.

(d) *Jack terms*—(1) *Jack.* A jack is an appliance for lifting and lowering or moving horizontally a load by application of a pushing force.

NOTE: Jacks may be of the following types: Lever and ratchet, screw and hydraulic.

(2) *Rating.* The rating of a jack is the maximum working load for which it is designed to lift safely that load throughout its specified amount of travel.

NOTE: To raise the rated load of a jack, the point of application of the load, the applied force, and the length of lever arm should be those designated by the manufacturer for the particular jack considered.

§ 1910.242 Hand and portable powered tools and equipment, general.

(a) *General requirements.* Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment which may be furnished by employees.

(b) *Compressed air used for cleaning.* Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

(c) *Modification and procurement of safety equipment.* As applicable, a period up to 180 days after the effective date of these regulations is allowed for procurement of new protective devices and equipment or for substantial modification of existing equipment to meet the requirements of this subpart.

§ 1910.243 Guarding of portable powered tools.

(a) *Woodworking, portable powered tools*—(1) *Portable circular saws.* All portable, power-driven saws shall be equipped with guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position.

(2) *"Dead man" controls.* Hand-held, power-driven woodworking tools shall be provided with "dead man" control, such as a spring-actuated switch, valve, or equivalent device, so that the power will be automatically shut off whenever the operator releases the control.

(3) *Portable belt sanding machines.* Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(4) *Cracked saws.* All cracked saws shall be removed from service.

(5) *Grounding.* Electrical grounding requirements for portable woodworking machinery see Subpart O, § 1910.213(a)(11).

(b) *Pneumatic powered tools and hose*—(1) *Portable tools.* (i) The operating trigger on portable hand-operated utilization equipment shall be so located as to minimize the possibility of its accidental operation and shall be arranged to close the air inlet valve automatically when the pressure of the operator's hand is removed.

(ii) A tool retainer shall be installed on each piece of utilization equipment which, without such a retainer, may eject the tool.

(2) *Airhose.* Hose and hose connections used for conducting compressed air to utilization equipment shall be designed for the pressure and service to which they are subjected.

(c) *Portable abrasive wheels*—(1) *General requirements.* (i) All abrasive wheels shall be used only on machines provided with Safety Guards as defined in the following paragraphs of this section.

EXCEPTIONS: This requirement shall not apply to the following classes of wheels and conditions.

(*a*) Wheels used for internal work while within the work being ground.

(*b*) Mounted wheels used in portable operations (see definition § 1910.241(b)(1)) 2 inches and smaller in diameter.

(*c*) Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls where the work offers protection.

(ii) (*a*) The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard.

(*b*) Exception: Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted.

(*c*) Exception: The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(2) *Cup wheels.* Cup wheels (Types 6 and 11) shall be protected by:

(i) Safety guards as specified in subparagraph (1) of this paragraph; or,

(ii) Special "revolving cup guards" which mount behind the wheel and turn with it. They shall be made of steel or other material with adequate strength and shall enclose the wheel sides upward from the back for one-third of the wheel thickness. The mounting features shall conform with all regulations. (See subparagraph (5) of this paragraph.) It is necessary to maintain clearance between the wheel side and the guard. The clearance shall not exceed one-sixteenth inch; or,

(iii) Some other form of guard that will insure as good protection as that which would be provided by the guards specified in subdivision (i) or (ii) of this subparagraph.

(3) *Vertical portable grinders.* Safety guards used on machines known as right angle head or vertical portable grinders shall have a maximum exposure angle of 180°, and the guard shall be so located so as to be between the operator and the wheel during use. Adjustment of guard shall be such that pieces of an accidentally broken wheel will be deflected away from the operator. (See Figure P–4.)

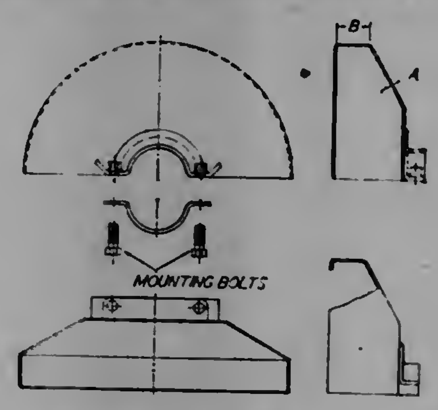

FIGURE NO. P-4

(4) *Other portable grinders.* The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on other portable grinding machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures P–5 and P–6.)

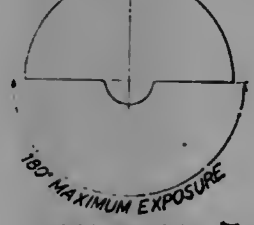

FIGURE NO. P-5

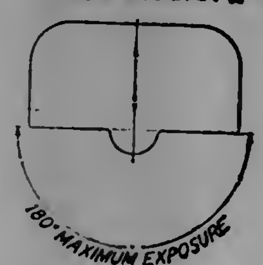

FIGURE NO. P-6

(5) *Mounting and inspection of abrasive wheels.* (i) Immediately before mounting, all wheels shall be closely inspected and sounded by the user (ring test, see Subpart O, § 1910.215(d)) to make sure they have not been damaged in transit, storage, or otherwise. The spindle speed of the machine shall be checked before mounting of the wheel to be certain that it does not exceed the maximum operating speed marked on the wheel.

(ii) Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adaptors) is essential to avoid excessive pressure from mounting and spindle expansion. To accomplish this, the machine spindle shall be made to nominal (standard) size plus zero minus .002 inch, and the wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure.

(iii) All contact surfaces of wheels, blotters, and flangers shall be flat and free of foreign matter.

(iv) When a bushing is used in the wheel hole it shall not exceed the width of the wheel and shall not contact the flanges.

(v) Requirements for the use of flanges and blotters, see Subpart O, § 1910.215(c).

(d) *Explosive actuated fastening tools*—(1) *General requirements.* (i) Explosive-actuated fastening tools which are actuated by explosives or any similar means and propel a stud, pin, fastener, or other object for the purpose of affixing it by penetration to any other object shall meet the design requirements in "American National Standard Safety Requirements for Explosive-Actuated Fastening Tools," ANSI A10.3–1970. This requirement does not apply to devices designed for attaching objects to soft construction materials, such as wood, plaster, tar, dry wallboard, and the like, or to stud welding equipment.

(ii) Operators and assistants using tools shall be safeguarded by means of eye protection. Head and face protection shall be used, as required by working conditions, as set forth in Subpart I.

(2) *Inspection, maintenance, and tool handling*—(i) *High-velocity tools.* Tools of this type shall have the characteristics outlined in (*a*) through (*h*) of this subdivision and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

(*a*) The muzzle end of the tool shall have a protective shield or guard at least 3½ inches in diameter, mounted perpendicular to and concentric with the barrel, and designed to confine any flying fragments of particles that might otherwise create a hazard at the time of firing.

(*b*) Where a standard shield or guard cannot be used, or where it does not cover all apparent avenues through which flying particles might escape, a special shield, guard, fixture, or jig designed and built by the manufacturer of the tool being used, which provides this degree of protection, shall be used as a substitute.

(c) The tool shall be so designed that it cannot be fired unless it is equipped with a standard protective shield or guard, or a special shield, guard, fixture, or jig.

(*d*) (*1*) The firing mechanism shall be so designed that it cannot fire during loading or preparation to fire, or if the tool should be dropped while loaded.

(*2*) Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

(*e*) The tool shall be so designed as not to be operable other than against a work surface, and unless the operator is holding the tool against the work surface with a force at least 5 pounds greater than the total weight of the tool.

(*f*) The tool shall be so designed that it will not operate when equipped with the standard guard indexed to the center position if any bearing surface of the guard is tilted more than 8° from contact with the work surface.

(*g*) The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

(*h*) The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

(ii) Tools of the low-velocity-piston type shall have the characteristics outlined in (*a*) through (*e*) of this subdivision and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

(*a*) The muzzle end of the tool shall be designed so that suitable protective shields, guards, jigs, or fixtures, designed and built by the manufacturer of the tool being used, can be mounted perpendicular to the barrel. A standard spall shield shall be supplied with each tool.

(*b*) (*1*) The tool shall be so designed so that it shall not in ordinary usage propel or discharge a stud, pin, or fastener while loading or during preparation to fire, or if the tool should be dropped while loaded.

(*2*) Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

(*c*) The tool shall be so designed as not to be operable other than against a work surface, and unless the operator is holding the tool against the work surface with a force at least 5 pounds greater than the total weight of the tool.

(*d*) The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

(*e*) The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

(iii) Tools of the hammer-operated piston tools—low-velocity type shall have the characteristics outlined in (*a*) through (*e*) of this subdivision and, at the discretion of the manufacturer, any additional safety features he may wish to incorporate.

(*a*) The muzzle end of the tool shall be so designed that suitable protective shields, guards, jigs, or fixtures, designed and built by the manufacturer of the tool being used, can be mounted perpendicular to the barrel. A standard spall shield shall be supplied with each tool.

(*b*) The tool shall be so designed that it shall not in ordinary usage propel or discharge a stud, pin, or fastener while loading, or during preparation to fire, or if the tool should be dropped while loaded.

(c) Firing of the tool shall be dependent upon at least two separate and distinct operations of the operator, with the final firing movement being separate from the operation of bringing the tool into the firing position.

(*d*) The tool shall be so designed that positive means of varying the power are available or can be made available to the operator as part of the tool, or as an auxiliary, in order to make it possible for the operator to select a power level adequate to perform the desired work without excessive force.

(*e*) The tool shall be so designed that all breeching parts will be reasonably visible to allow a check for any foreign matter that may be present.

(3) *Requirements for loads and fasteners.* (i) There shall be a standard means of identifying the power levels of loads used in tools. Such means of identification shall be a uniform color and numbering system, as shown in Table P–1. Colors and printed descriptions shall be strikingly printed on the container to provide a visual indication of the power level of the load.

(ii) Caseless loads shall be coded to identify similar powerload levels by color, number, configuration, or other appropriate method.

TABLE P-1—IDENTIFICATION OF CASED LOADS

Power level	Color identification		Nominal velocity (±45 f.p.s)
	Case color	Load color	
1	Brass	Gray	300
2	Brass	Brown	390
3	Brass	Green	480
4	Brass	Yellow	570
5	Brass	Red	660
6	Brass	Purple	750
7	Nickel	Gray	840
8	Nickel	Brown	930
9	Nickel	Green	1,020
10	Nickel	Yellow	1,110
11	Nickel	Red	1,200
12	Nickel	Purple	1,290

NOTE: The nominal velocity applies to 3/8-inch diameter 350-grain ballistic slug fired in a test device and has no reference to actual fastener velocity developed in any specific size or type of tool.

(iii) No load (cased or caseless) shall be used if it will accurately chamber in any existing approved commercially available low-velocity piston tool or hammer operated piston tool—low-velocity type and will cause a fastener to have a mean velocity in excess of 300 feet per second when measured 6.5 feet from the muzzle end of the barrel. No individual test firing of a series shall exceed 300 feet per second by more than 8 percent.

(iv) Fasteners used in tools shall be only those specifically manufactured for use in such tools.

(4) *Operating requirements.* (i) Before using a tool the operator shall inspect it to determine to his satisfaction that it is clean, that all moving parts operate freely, and that the barrel is free from obstructions.

(ii) When a tool develops a defect during use the operator shall immediately cease to use it, until it is properly repaired.

(iii) Tools shall not be loaded until just prior to the intended firing time. Neither loaded nor empty tools are to be pointed at any workmen, and hands should be kept clear of the open barrel end.

(iv) No tools shall be loaded unless being prepared for immediate use, nor shall an unattended tool be left loaded.

(v) In case of a misfire, the operator shall hold the tool in the operating position for at least 30 seconds. He shall then try to operate the tool a second time. He shall wait another 30 seconds, holding the tool in the operating position; then he shall proceed to remove the explosive load in strict accordance with the manufacturer's instructions. Misfired cartridges should be placed carefully in a metal container filled with water, and returned to the supervisor for disposal.

(vi) A tool shall never be left unattended in a place where it would be available to unauthorized persons.

(vii) Fasteners shall not be driven into very hard or brittle materials including, but not limited to, cast iron, glazed tile, surface-hardened steel, glass block, live rock, face brick, or hollow tile.

(viii) Driving into materials easily penetrated shall be avoided unless such materials are back by a substance that will prevent the pin or fastener from passing completely through and creating a flying-missile hazard on the other side.

(ix) (*a*) Fasteners shall not be driven directly into materials such as brick or concrete closer than 3 inches from the unsupported edge or corner, or into steel surfaces closer than one-half inch from the unsupported edge or corner, unless a special guard, fixture, or jig is used. (Exception: Low-velocity tools may drive no closer than 2 inches from an edge in concrete or one-fourth inch in steel.)

(*b*) When fastening other materials, such as a 2- by 4-inch wood section to a concrete surface, it is permissible to drive a fastener of no greater than 7/32-inch shank diameter not closer than 2 inches from the unsupported edge or corner of the work surface.

(x) Fasteners shall not be driven through existing holes unless a positive guide is used to secure accurate alignment.

(xi) No fastener shall be driven into a spalled area caused by an unsatisfactory fastening.

(xii) Tools shall not be used in an explosive or flammable atmosphere.

(xiii) All tools shall be used with the correct shield, guard, or attachment recommended by the manufacturer.

(xiv) Any tool found not in proper working order shall be immediately removed from service. The tool shall be inspected at regular intervals and shall be repaired in accordance with the manufacturer's specifications.

(e) *Power lawnmowers*—(1) *General requirements.* (i) Power lawnmowers of the walk-behind, riding-rotary, and reel power lawnmowers designed for sale to the general public shall meet the design specifications in "American National Standard Safety Specifications for Power Lawnmowers" ANSI B71.1–1968. These specifications do not apply to sulky-type mowers, flail mowers, sicklebar mowers, or mowers designs for commercial use.

(ii) All power-driven chains, belts, and gears shall be so positioned or otherwise guarded to prevent the operator's accidental contact therewith, during normal starting, mounting, and operation of the machine.

(iii) A shutoff device shall be provided to stop operation of the motor or engine. This device shall require manual and intentional reactivation to restart the motor or engine.

(iv) All positions of the operating controls shall be clearly identified.

(v) The words, "Caution. Be sure the operating control(s) is in neutral before starting the engine," or similar wording shall be clearly visible at an engine starting control point on self-propelled mowers.

(2) *Walk-behind and riding rotary mowers.* (i) The mower blade shall be enclosed except on the bottom and the enclosure shall extend to or below the lowest cutting point of the blade in the lowest blade position.

(ii) Guards which must be removed to install a catcher assembly shall comply with the following:

(*a*) Warning instructions shall be affixed to the mower near the opening stating that the mower shall not be used without either the catcher assembly or the guard in place.

(*b*) The catcher assembly or the guard shall be shipped and sold as part of the mower.

(*c*) The instruction manual shall state that the mower shall not be used without either the catcher assembly or the guard in place.

(*d*) The catcher assembly, when properly and completely installed, shall not create a condition which violates the limits given for the guarded opening.

(iii) Openings in the blade enclosure, intended for the discharge of grass, shall be limited to a maximum vertical angle of the opening of 30°. Measurements shall be taken from the lowest blade position.

(iv) The total effective opening area of the grass discharge opening(s) shall not exceed 1,000 square degrees on units having a width of cut less than 27½ inches, or 2,000 square degrees on units having a width of cut 27½ inches or over.

(v) The word "Caution." or stronger wording, shall be placed on the mower at or near each discharge opening.

(vi) Wheel drive disengaging controls, except dead-man controls, shall move opposite to the direction of vehicle motion in order to disengage the drive. Dead-man controls shall comply with § 1910.241(c)(11), and may operate in any direction to disengage the drive.

(vii) Blade(s) shall stop rotating from the manufacturer's specified maximum speed within 15 seconds after declutching, or shutting off power.

(viii) In a multipiece blade, the means of fastening the cutting members to the body of the blade or disc shall be so designed that they will not become worn to a hazardous condition before the cutting members themselves are worn beyond use.

(ix) The maximum tip speed of any blade shall be 19,000 feet per minute.

(3) *Walk-behind rotary mowers.* (i) The horizontal angle of the opening(s) in the blade enclosure, intended for the discharge of grass, shall not contact the operator area.

(ii) There shall be one of the following at all openings in the blade enclosure intended for the discharge of grass:

(*a*) A minimum unobstructed horizontal distance of 3 inches from the end of the discharge chute to the blade tip circle.

(*b*) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(iii) The highest point(s) on the front of the blade enclosure, except discharge openings, shall be such that any line extending a maximum of 15° downward from the horizontal toward the blade shaft axis (axes) shall not intersect the horizontal plane within the blade tip circle. The highest point(s) on the blade enclosure, front, except discharge openings, shall not exceed 1¼ inches above the lowest blade position. Mowers with a swing-over handle are to be considered as having no front in the blade enclosure and therefore shall comply with subparagraph (2)(i) of this paragraph.

(iv) The mower handle shall be fastened to the mower so as to prevent loss of control by unintentional uncoupling while in operation.

(v) A positive upstop or latch shall be provided for the mower handle in the normal operating position(s). The upstop shall not be subject to unintentional disengagement during normal operation of the mower. The upstop or latch shall not allow the center or the handle grips to come closer than 17 inches horizontally behind the closest path of the mower blade(s) unless manually disengaged.

(vi) A swing-over handle, which complies with the above requirements, will be permitted.

(4) *Riding rotary mowers.* (i) The highest point(s) of all openings in the blade enclosure, front shall be limited by

a vertical angle of opening of 15° and a maximum distance of 1¼ inches above the lowest cutting point of the blade in the lowest blade position.

(ii) Opening(s) shall be placed so that grass or debris will not discharge directly toward any part of an operator seated in a normal operator position.

(iii) There shall be one of the following at all openings in the blade enclosure intended for the discharge of grass:

(*a*) A minimum unobstructed horizontal distance of 6 inches from the end of the discharge chute to the blade tip circle.

(*b*) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(iv) Mowers shall be provided with stops to prevent jackknifing or locking of the steering mechanism.

(v) Vehicle stopping means shall be provided.

(vi) Hand-operated wheel drive shall move opposite to the direction of vehicle motion in order to disengage the drive. Foot-operated wheel drive disengaging controls shall be depressed to disengage the drive. Dead-man controls, both hand and foot operated, shall comply with § 1910.241(c) (ii) and may operate in any direction to disengage the drive.

§ 1910.244 Other portable tools and equipment.

(a) *Jacks*—(1) *Loading and marking.* (i) The operator shall make sure that the jack used has a rating sufficient to lift and sustain the load.

(ii) The rated loss shall be legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means.

(2) *Operation and maintenance.* (i) In the absence of a firm foundation, the base of the jack shall be blocked. If there is a possibility of slippage of the cap, a block shall be placed in between the cap and the load.

(ii) The operator shall watch the stop indicator, which shall be kept clean, in order to determine the limit of travel. The indicated limit shall not be overrun.

(iii) After the load has been raised, it shall be cribbed, blocked, or otherwise secured at once.

(iv) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(v) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by him should be used.

(vi) Each jack shall be thoroughly inspected at times which depend upon the service conditions. Inspections shall be not less frequent than the following:

(*a*) For constant or intermittent use at one locality, once every 6 months,

(*b*) For jacks sent out of shop for special work, when sent out and when returned,

(c) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(vii) Repair or replacement parts shall be examined for possible defects.

(viii) Jacks which are out of order shall be tagged accordingly, and shall not be used until repairs are made.

(b) *Abrasive blast cleaning nozzles.* The blast cleaning nozzles shall be equipped with an operating valve which must be held open manually. A support shall be provided on which the nozzle may be mounted when it is not in use.

§ 1910.245 Additional delay in effective date.

The requirements of this Subpart P shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this subpart. In which event, the standard shall be effective under this subpart upon the commencement of the Walsh-Healey requirement.

§ 1910.246 Sources of standards.

Sec.	*Source*
1910.241(a)	ANSI A10.3 (1970), Safety Requirements for explosive actuated fastening tools.
1910.241(b)	ANSI B7.1–1970, Safety Code for the use, care, and protection of abrasive wheels.
1910.241(c)	ANSI B71.1–1968, Safety Specifications for power lawn mowers.
1910.241(u)	ANSI B30.1–1943. Safety Code for jacks.
1910.242	41 CFR 50–204.4 and 50–204.8.
1910.243(a)	ANSI O1.1–1954 (R1961), Safety Code for woodworking machines.
1910.243(b)	ANSI B19.1–1938, Compressed Air Machinery and Equipment.
1910.243(c)	ANSI B7.1–1970, Safety Code for Abrasive Materials.
1910.243(d)	ANSI 10.3–1970, Explosive Actuated Fastening Tools.
1910.243(e)	ANSI. BF1–1968, Safety Specifications for Power Lawn Mowers.
1910.244(a)	ANSI B30.1–1943 (R1952), Safety Code for Jacks.
1910.244(b)	ANSI Z9.4–1968, Ventilation and Safe Practices of Abrasive Blasting Operations.

§ 1910.247 Standards organizations.

Specific standards of the following organization have been referenced in this subpart. Copies of the referenced materials may be obtained from the issuing organization.

American National Standards Institute, 1430 Broadway, New York, N.Y. 10018.

Subpart Q—Welding, Cutting, and Brazing

§ 1910.251 Definitions.

As used in this subpart:

(a) "Welder" and "welding operator" mean any operator of electric or gas welding and cutting equipment.

(b) "Approved" means listed or approved by a nationally recognized testing laboratory, such as Factory Mutual Engineering Corp., or Underwriters' Laboratories, Inc.

(c) All other welding terms are used in accordance with American Welding Society—Terms and Definitions—A3.0–1969.

§ 1910.252 Welding, cutting, and brazing.

(a) *Installation and operation of oxygen-fuel gas systems for welding and cutting*—(1) *General requirements.* (i) *Flammable mixture.* Mixtures of fuel gases and air or oxygen may be explosive and shall be guarded against. No device or attachment facilitating or permitting mixtures of air or oxygen with flammable gases prior to consumption, except at the burner or in a standard torch, shall be allowed unless approved for the purpose.

(ii) *Maximum pressure.* Under no condition shall acetylene be generated, piped (except in approved cylinder manifolds) or utilized at a pressure in excess of 15 p.s.i. gage pressure or 30 p.s.i. absolute pressure. (The 30 p.s.i. absolute pressure limit is intended to prevent unsafe use of acetylene in pressurized chambers such as caissons, underground excavations or tunnel construction.) This requirement is not intended to apply to storage of acetylene dissolved in a suitable solvent in cylinders manufactured and maintained according to U.S. Department of Transportation requirements, or to acetylene for chemical use. The use of liquid acetylene shall be prohibited.

(iii) *Apparatus.* Only approved apparatus such as torches, regulators or pressure-reducing valves, acetylene generators, and manifolds shall be used.

(iv) *Personnel.* Workmen in charge of the oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be instructed and judged competent by their employers for this important work before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel-gas supply equipment including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

(2) *Cylinders and containers*—(i) *Approval and marking.* (*a*) All portable cylinders used for the storage and shipment of compressed gases shall be constructed and maintained in accordance with the regulations of the U.S. Department of Transportation, 49 CFR Parts 171–179.

(*b*) Compressed gas cylinders shall be legibly marked, for the purpose of identifying the gas content, with either the chemical or the trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder. This method conforms to the American National Standard Method for Marking Portable Compressed Gas Containers to Identify the Material Contained, ANSI Z48.1–1954.

(*c*) Compressed gas cylinders shall be equipped with connections complying with the American National Standard Compressed Gas Cylinder Valve Outlet and Inlet Connections, ANSI B57.1–1965.

(*d*) All cylinders with a water weight capacity of over 30 pounds shall be equipped with means of connecting a valve protection cap or with a collar or recess to protect the valve.

(ii) *Storage of cylinders—general.* (*a*) Cylinders shall be kept away from radiators and other sources of heat.

(*b*) Inside of buildings, cylinders shall be stored in a well-protected, well-ventilated, dry location, at least 20 feet from highly combustible materials such as oil or excelsior. Cylinders should be stored in definitely assigned places away from elevators, stairs, or gangways. Assigned storage spaces shall be located where cylinders will not be knocked over or damaged by passing or falling objects, or subject to tampering by unauthorized persons. Cylinders shall not be kept in unventilated enclosures such as lockers and cupboards.

(c) Empty cylinders shall have their valves closed.

(*d*) Valve protection caps, where cylinder is designed to accept a cap, shall always be in place, hand-tight, except when cylinders are in use or connected for use.

(iii) *Fuel-gas cylinder storage:* Inside a building, cylinders, except those in actual use or attached ready for use, shall be limited to a total gas capacity of 2,000 cubic feet or 300 pounds of liquefied petroleum gas.

(*a*) For storage in excess of 2,000 cubic feet total gas capacity of cylinders or 300 pounds of liquefied petroleum gas, a separate room or compartment conforming to the requirements specified in subparagraphs (*6*)(vi(*a*) (*8*) and (*9*) of this paragraph shall be provided, or cylinders shall be kept outside or in a special building. Special buildings, rooms or compartments shall have no open flame for heating or lighting and shall be well ventilated. They may also be used for storage of calcium carbide in quantities not to exceed 600 pounds, when contained in metal containers complying with subparagraphs (7)(i) (*a*) and (*b*) of this paragraph. Signs should be conspicuously posted in such rooms reading, "Danger—No Smoking, Matches or Open Lights," or other equivalent wording.

(*b*) Acetylene cylinders shall be stored valve end up.

(iv) *Oxygen storage.* (*a*) Oxygen cylinders shall not be stored near highly combustible material, especially oil and grease; or near reserve stocks of carbide and acetylene or other fuel-gas cylinders, or near any other substance likely to cause or accelerate fire; or in an acetylene generator compartment.

(*b*) Oxygen cylinders stored in outside generator houses shall be separated from the generator or carbide storage rooms by a noncombustible partition having a fire-resistance rating of at least 1 hour. This partition shall be without openings and shall be gastight.

(*c*) Oxygen cylinders in storage shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(*d*) Where a liquid oxygen system is to be used to supply gaseous oxygen for welding or cutting and the system has a storage capacity of more than 13,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F.), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F), including unconnected reserves on hand at the site, it shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566–1965.

(v) *Operating procedures.* (*a*) Cylinders, cylinder valves, couplings, regulators, hose, and apparatus shall be kept free from oily or greasy substances. Oxygen cylinders or apparatus shall not be handled with oily hands or gloves. A jet of oxygen must never be permitted to strike an oily surface, greasy clothes, or enter a fuel oil or other storage tank.

(*b*) (*1*) When transporting cylinders by a crane or derrick, a cradle, boat, or suitable platform shall be used. Slings or electric magnets shall not be used for this purpose. Valve-protection caps, where cylinder is designed to accept a cap, shall always be in place.

(*2*) Cylinders shall not be dropped or struck or permitted to strike each other violently.

(*3*) Valve-protection caps shall not be used for lifting cylinders from one vertical position to another. Bars shall not be used under valves or valve-protection caps to pry cylinders loose when frozen to the ground or otherwise fixed; the use of warm (not boiling) water is recommended. Valve-protection caps are designed to protect cylinder valves from damage.

(*4*) Unless cylinders are secured on a special truck, regulators shall be removed and valve-protection caps, when provided for, shall be put in place before cylinders are moved.

(*5*) Cylinders not having fixed hand wheels shall have keys, handles, or nonadjustable wrenches on valve stems while these cylinders are in service. In multiple cylinder installations only one key or handle is required for each manifold.

(*6*) Cylinder valves shall be closed before moving cylinders.

(*7*) Cylinder valves shall be closed when work is finished.

(*8*) Valves of empty cylinders shall be closed.

(*9*) Cylinders shall be kept far enough away from the actual welding or cutting operation so that sparks, hot slag, or flame will not reach them, or fire-resistant shields shall be provided.

(*10*) Cylinders shall not be placed where they might become part of an electric circuit. Contacts with third rails, trolley wires, etc., shall be avoided. Cylinders shall be kept away from radiators, piping systems, layout tables, etc., that may be used for grounding electric circuits such as for arc welding machines. Any practice such as the tapping of an electrode against a cylinder to strike an arc shall be prohibited.

(*11*) Cylinders shall never be used as rollers or supports, whether full or empty.

(*12*) The numbers and markings stamped into cylinders shall not be tampered with.

(*13*) No person, other than the gas supplier, shall attempt to mix gases in a cylinder. No one, except the owner of the cylinder or person authorized by him, shall refill a cylinder.

(*14*) No one shall tamper with safety devices in cylinders or valves.

(*15*) Cylinders shall not be dropped or otherwise roughly handled.

(*16*) Unless connected to a manifold, oxygen from a cylinder shall not be used without first attaching an oxygen regulator to the cylinder valve. Before connecting the regulator to the cylinder valve, the valve shall be opened slightly for an instant and then closed. Always stand to one side of the outlet when opening the cylinder valve.

(*17*) A hammer or wrench shall not be used to open cylinder valves. If valves cannot be opened by hand, the supplier shall be notified.

(*18*)(*i*) Cylinder valves shall not be tampered with nor should any attempt be made to repair them. If trouble is experienced, the supplier should be sent a report promptly indicating the character of the trouble and the cylinder's serial number. Supplier's instructions as to its disposition shall be followed.

(*ii*) Complete removal of the stem from a diaphragm-type cylinder valve shall be avoided.

(c) (*1*) Fuel-gas cylinders shall be placed with valve end up whenever they are in use. Liquefied gases shall be stored and shipped with the valve end up.

(*2*) Cylinders shall be handled carefully. Rough handling, knocks, or falls are liable to damage the cylinder, valve or safety devices and cause leakage.

(*3*) Before connecting a regulator to a cylinder valve, the valve shall be opened slightly and closed immediately. The valve shall be opened while standing to one side of the outlet; never in front of it. Never crack a fuel-gas cylinder valve near other welding work or near sparks, flame, or other possible sources of ignition.

(*4*) Before a regulator is removed from a cylinder valve, the cylinder valve shall be closed and the gas released from the regulator.

(*5*) Nothing shall be placed on top of an acetylene cylinder when in use which may damage the safety device or interfere with the quick closing of the valve.

(*6*) If cylinders are found to have leaky valves or fittings which cannot be stopped by closing of the valve, the cylinders shall be taken outdoors away from sources of ignition and slowly emptied.

(*7*) A warning should be placed near cylinders having leaking fuse plugs or other leaking safety devices not to approach them with a lighted cigarette or other source of ignition. Such cylinders should be plainly tagged; the supplier should be promptly notified and his instructions followed as to their return.

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(8) Safety devices shall not be tampered with.

(9) Fuel-gas shall never be used from cylinders through torches or other devices equipped with shutoff valves without reducing the pressure through a suitable regulator attached to the cylinder valve or manifold.

(10) The cylinder valve shall always be opened slowly.

(11) An acetylene cylinder valve shall not be opened more than one and one-half turns of the spindle, and preferably no more than three-fourths of a turn.

(12) Where a special wrench is required it shall be left in position on the stem of the valve while the cylinder is in use so that the fuel-gas flow can be quickly turned off in case of emergency. In the case of manifolded or coupled cylinders at least one such wrench shall always be available for immediate use.

(3) *Manifolding of cylinders*—(i) *Fuel-gas manifolds.* *(a)* Manifolds shall be approved either separately for each component part or as an assembled unit.

(b) Except as provided in subdivision *(c)* of this subdivision fuel-gas cylinders connected to one manifold inside a building shall be limited to a total capacity not exceeding 300 pounds of liquefied petroleum gas or 3,000 cubic feet of other fuel-gas. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart or separated by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(c) Fuel-gas cylinders connected to one manifold having an aggregate capacity exceeding 300 pounds of liquefied petroleum gas or 3,000 cubic feet of other fuel-gas shall be located outdoors, or in a separate building or room constructed in accordance with subparagraphs (6)(vi)*(a)* *(8)* and *(9)* of this paragraph.

(d) Separate manifold buildings or rooms may also be used for the storage of drums of calcium carbide and cylinders containing fuel gases as provided in subparagraph (2)(iii) of this paragraph. Such buildings or rooms shall have no open flames for heating or lighting and shall be well-ventilated.

(e) High-pressure fuel-gas manifolds shall be provided with approved pressure regulating devices.

(ii) *High-pressure oxygen manifolds (for use with cylinders having a Department of Transportation service pressure above 200 p.s.i.g.).* *(a)* Manifolds shall be approved either separately for each component part or as an assembled unit.

(b) Oxygen manifolds shall not be located in an acetylene generator room. Oxygen manifolds shall be separated from fuel-gas cylinders or combustible materials (especially oil or grease), a minimum distance of 20 feet or by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(c) Except as provided in subdivision *(d)* of this subdivision oxygen cylinders connected to one manifold shall be limited to a total gas capacity of 6,000 cubic feet. More than one such manifold with connected cylinders may be located in the same room provided the manifolds are at least 50 feet apart or separated by a noncombustible barrier at least 5 feet high having a fire-resistance rating of at least one-half hour.

(d) An oxygen manifold, to which cylinders having an aggregate capacity of more than 6,000 cubic feet of oxygen are connected, should be located outdoors or in a separate noncombustible building. Such a manifold, if located inside a building having other occupancy, shall be located in a separate room of noncombustible construction having a fire-resistance rating of at least one-half hour or in an area with no combustible material within 20 feet of the manifold.

(e) An oxygen manifold or oxygen bulk supply system which has storage capacity of more than 13,000 cubic feet or oxygen (measured at 14.7 p.s.i.a. and 70° F.), connected in service or ready for service, or more than 25,000 cubic feet of oxygen (measured at 14.7 p.s.i.a. and 70° F.), including unconnected reserves on hand at the site, shall comply with the provisions of the Standard for Bulk Oxygen Systems at Consumer Sites, NFPA No. 566–1965.

(f) High-pressure oxygen manifolds shall be provided with approved pressure-regulating devices.

(iii) *Low-pressure oxygen manifolds (for use with cylinders having a Department of Transportation service pressure not exceeding 200 p.s.i.g.).* *(a)* Manifolds shall be of substantial construction suitable for use with oxygen at a pressure of 250 p.s.i.g. They shall have a minimum bursting pressure of 1,000 p.s.i.g. and shall be protected by a safety relief device which will relieve at a maximum pressure of 500 p.s.i.g. DOT–4L200 cylinders have safety devices which relieve at a maximum pressure of 250 p.s.i.g. (or 235 p.s.i.g. if vacuum insulation is used).

(b) Hose and hose connections subject to cylinder pressure shall comply with subparagraph (5)(v) of this paragraph. Hose shall have a minimum bursting pressure of 1,000 p.s.i.g.

(c) The assembled manifold including leads shall be tested and proven gas-tight at a pressure of 300 p.s.i.g. The fluid used for testing oxygen manifolds shall be oil-free and not combustible.

(d) The location of manifolds shall comply with subdivisions (ii) *(b)*, *(c)*, *(d)*, and *(e)* of this subdivision.

(e) The following sign shall be conspicuously posted at each manifold:

Low-Pressure Manifold
Do Not Connect High-Pressure Cylinders
Maximum Pressure—250 P.S.I.G.

(iv) *Portable outlet headers.* *(a)* Portable outlet headers shall not be used indoors except for temporary service where the conditions preclude a direct supply from outlets located on the service piping system.

(b) Each outlet on the service piping from which oxygen or fuel-gas is withdrawn to supply a portable outlet header shall be equipped with a readily accessible shutoff valve.

(c) Hose and hose connections used for connecting the portable outlet header to the service piping shall comply with subparagraph (5)(v) of this paragraph.

(d) Master shutoff valves for both oxygen and fuel-gas shall be provided at the entry end of the portable outlet header.

(e) Portable outlet headers for fuel-gas service shall be provided with an approved hydraulic back-pressure valve installed at the inlet and preceding the service outlets, unless an approved pressure-reducing regulator, an approved back-flow check valve, or an approved hydraulic back-pressure valve is installed at each outlet. Outlets provided on headers for oxygen service may be fitted for use with pressure-reducing regulators or for direct hose connection.

(f) Each service outlet on portable outlet headers shall be provided with a valve assembly that includes a detachable outlet seal cap, chained or otherwise attached to the body of the valve.

(g) Materials and fabrication procedures for portable outlet headers shall comply with subparagraphs (4) (i), (ii), and (v) of this paragraph.

(h) Portable outlet headers shall be provided with frames which will support the equipment securely in the correct operating position and protect them from damage during handling and operation.

(v) *Manifold operating procedures.* *(a)* Cylinder manifolds shall be installed under the supervision of someone familiar with the proper practices with reference to their construction and use.

(b) All component parts used in the methods of manifolding described in subdivision *(i)* of this subdivision shall be approved as to materials, design and construction either separately or as an assembled unit.

(c) All manifolds and parts used in methods of manifolding shall be used only for the gas or gases for which they are approved.

(d) When acetylene cylinders are coupled, approved flash arresters shall be installed between each cylinder and the coupler block. For outdoor use only, and when the number of cylinders coupled does not exceed three, one flash arrester installed between the coupler block and regulator is acceptable.

(e) Each fuel-gas cylinder lead should be provided with a backflow check valve.

(f) The aggregate capacity of fuel-gas cylinders connected to a portable manifold inside a building shall not exceed 3,000 cubic feet of gas.

(g) Acetylene and liquefied fuel-gas cylinders shall be manifolded in a vertical position.

(h) The pressure in the gas cylinders connected to and discharged simultaneously through a common manifold shall be approximately equal.

(4) *Service piping systems*—(i) *Materials and design.* *(a)(1)* Piping and fittings shall comply with Section 2, Industrial Gas and Air Piping Systems, of the American National Standard Code for Pressure Piping ANSI B31.1, 1967, insofar as it does not conflict with subdivisions *(i)* and *(ii)* of this subdivision:

(i) Pipe shall be at least Schedule 40 and fittings shall be at least standard weight in sizes up to and including 6-inch nominal.

(ii) Copper tubing shall be Types K or L in accordance with the Standard Specification for Seamless Copper Water Tube, ASTM B88–66a.

(2) Piping shall be steel, wrought iron, brass or copper pipe, or seamless copper, brass or stainless steel tubing, except as provided in *(b)* and *(c)* of this subdivision.

(b)(1) Oxygen piping and fittings at pressures in excess of 700 p.s.i.g., shall be stainless steel or copper alloys.

(2) Hose connections and hose complying with subparagraph (5)(v) of this paragraph may be used to connect the outlet of a manifold pressure regulator to piping providing the working pressure of the piping is 250 p.s.i.g. or less and the length of the hose does not exceed 5 feet. Hose shall have a minimum bursting pressure of 1,000 p.s.i.g.

(3) When oxygen is supplied to a service piping system from a low-pressure oxygen manifold without an intervening pressure regulating device, the piping system shall have a minimum design pressure of 250 p.s.i.g. A pressure regulating device shall be used at each station outlet when the connected equipment is for use at pressures less than 250 p.s.i.g.

(c)(1) Piping for acetylene or acetylenic compounds shall be steel or wrought iron.

(2) Unalloyed copper shall not be used for acetylene or acetylenic compounds except in listed equipment.

(ii) *Piping joints.* *(a)* Joints in steel or wrought iron piping shall be welded, threaded or flanged. Fittings, such as ells, tees, couplings, and unions, may be rolled, forged or cast steel, malleable iron or nodular iron. Gray or white cast iron fittings are prohibited.

(b) Joints in brass or copper pipe shall be welded, brazed, threaded, or flanged. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point (not less than 800° F.) filler metal.

(c) Joints in seamless copper, brass, or stainless steel tubing shall be approved gas tubing fittings or the joints shall be brazed. If of the socket type, they shall be brazed with silver-brazing alloy or similar high melting point (not less than 800° F.) filler metal.

(iii) *Installation.* *(a)* Distribution lines shall be installed and maintained in a safe operating condition.

(b) Piping located inside or outside of buildings may be placed above or below ground. All piping shall be run as directly as practicable, protected against physical damage, proper allowance being made for expansion and contraction, jarring and vibration. Pipe laid underground in earth shall be located below the frost line and protected against corrosion. After assembly, piping shall be thoroughly blown out with air, nitrogen, or carbon dioxide to remove foreign materials. For oxygen piping, only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used.

(c) Only piping which has been welded or brazed shall be installed in tunnels, trenches or ducts. Shutoff valves shall be located outside such conduits. Oxygen piping may be placed in the same tunnel, trench or duct with fuel-gas pipelines, provided there is good natural or forced ventilation.

(d) Low points in piping carrying moist gas shall be drained into drip pots constructed so as to permit pumping or draining out the condensate at necessary intervals. Drain valves shall be installed for this purpose having outlets normally closed with screw caps or plugs. No open end valves or petcocks shall be used, except that in drips located out of doors, underground, and not readily accessible, valves may be used at such points if they are equipped with means to secure them in the closed position. Pipes leading to the surface of the ground shall be cased or jacketed where necessary to prevent loosening or breaking.

(e) Gas cocks or valves shall be provided for all buildings at points where they will be readily accessible for shutting off the gas supply to these buildings in any emergency. Underground valve boxes or manholes should be avoided wherever possible. There shall also be provided a shutoff valve in the discharge line from the generator, gas holder, manifold or other source of supply.

(f) Shutoff valves shall not be installed in safety relief lines in such a manner that the safety relief device can be rendered ineffective.

(g) Fittings and lengths of pipe shall be examined internally before assembly and, if necessary, freed from scale or dirt. Oxygen piping and fittings shall be washed out with a suitable solution which will effectively remove grease and dirt but will not react with oxygen. Hot water solutions of caustic soda or trisodium phosphate are effective cleaning agents for this purpose.

(h) Piping shall be thoroughly blown out after assembly to remove foreign materials. For oxygen piping, oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used. For other piping, air or inert gas may be used.

(i) When flammable gas lines or other parts of equipment are being purged of air or gas, open lights or other sources of ignition shall not be permitted near uncapped openings.

(j) No welding or cutting shall be performed on an acetylene or oxygen pipeline, including the attachment of hangers or supports, until the line has been purged. Only oil-free air, oil-free nitrogen, or oil-free carbon dioxide shall be used to purge oxygen lines.

(iv) *Painting and signs.* *(a)* Underground pipe and tubing and outdoor ferrous pipe and tubing shall be covered or painted with a suitable material for protection against corrosion.

(b) Aboveground piping systems shall be marked in accordance with the American National Standard Scheme for the Identification of Piping Systems, ANSI A13.1–1956.

(c) Station outlets shall be marked to indicate the name of the gas.

(v) *Testing.* *(a)* Piping systems shall be tested and proved gastight at 1½ times the maximum operating pressure, and shall be thoroughly purged of air before being placed in service. The material used for testing oxygen lines shall be oil free and noncombustible. Flames shall not be used to detect leaks.

(b) When flammable gas lines or other parts of equipment are being purged of air or gas, sources of ignition shall not be permitted near uncapped openings.

(5) *Protective equipment, hose, and regulators*—(i) *General.* Equipment shall be installed and used only in the service for which it is approved and as recommended by the manufacturer.

(ii) *Pressure relief devices.* Service piping systems shall be protected by pressure relief devices set to function at not more than the design pressure of the systems and discharging upwards to a safe location.

(iii) *Piping protective equipment.* *(a)* The fuel-gas and oxygen piping systems, including portable outlet headers shall incorporate the protective equipment shown in Figures Q–1, Q–2, and Q–3.

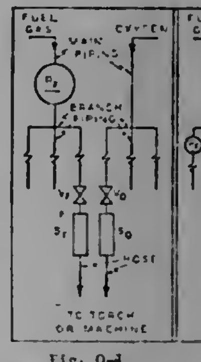

Fig. Q-1

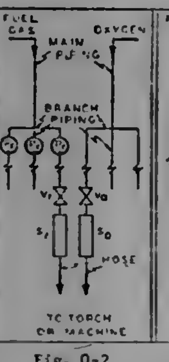

Fig. Q-2

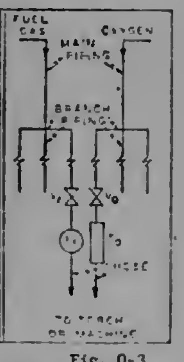

Fig. Q-3

LEGEND
Pf — Protective equipment in fuel gas piping
Vf — Fuel gas station outlet valve
Vo — Oxygen station outlet valve
Sf — Backflow prevention device(s) at fuel gas station outlet
So — Backflow prevention device(s) at oxygen station outlet

When only a portion of a fuel-gas system is to be used with oxygen, only that portion need comply with subparagraph (5)(iii)*(a)* of this paragraph.

(b) Approved protective equipment (designated Pf in Figs. Q–1, Q–2, and Q–3) shall be installed in fuel-gas piping to prevent:

(1) Backflow of oxygen into the fuel-gas supply system;

(2) Passage of a flash back into the fuel-gas supply system; and

(3) Excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

(i) The protective equipment shall be located in the main supply line, as in Figure Q–1 or at the head of each branch line, as in Figure Q–2 or at each location where fuel-gas is withdrawn, as in Figure Q–3. Where branch lines are of 2-inch pipe size or larger or of substantial length, protective equipment (designated as PF) shall be located as shown in either Q–2 and Q–3.

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(*ii*) Backflow protection shall be provided by an approved device that will prevent oxygen from flowing into the fuel-gas system or fuel from flowing into the oxygen system (see S_F, Figs. Q–1 and Q–2)

(*iii*) Flash-back protection shall be provided by an approved device that will prevent flame from passing into the fuel-gas system.

(*iv*) Back-pressure protection shall be provided by an approved pressure-relief device set at a pressure not greater than the pressure rating of the backflow or the flashback protection device, whichever is lower. The pressure-relief device shall be located on the downstream side of the backflow and flashback protection devices. The vent from the pressure-relief device shall be at least as large as the relief device inlet and shall be installed without low points that may collect moisture. If low points are unavoidable, drip pots with drains closed with screw plugs or caps shall be installed at the low points. The vent terminus shall not endanger personnel or property through gas discharge; shall be located away from ignition sources; and shall terminate in a hood or bend.

(*c*) If pipeline protective equipment incorporates a liquid, the liquid level shall be maintained, and a suitable antifreeze may be used to prevent freezing.

(*d*) Fuel gas for use with equipment not requiring oxygen shall be withdrawn upstream of the piping protective devices.

(iv) *Station outlet protective equipment.* (*a*) A check valve, pressure regulator, hydraulic seal, or combination of these devices shall be provided at each station outlet, including those on portable headers, to prevent backflow, as shown in Figures Q–1, Q–2, and Q–3 and designated as S_F and S_O.

(*b*) When approved pipeline protective equipment (designated P_F) is located at the station outlet as in Figure Q–3, no additional check valve, pressure regulator, or hydraulic seal is required.

(*c*) A shutoff valve (designated V_F and V_O) shall be installed at each station outlet and shall be located on the upstream side of other station outlet equipment.

(*d*) If the station outlet is equipped with a detachable regulator, the outlet shall terminate in a union connection that complies with the Regulator Connection Standards, 1958, Compressed Gas Association.

(*e*) If the station outlet is connected directly to a hose, the outlet shall terminate in a union connection complying with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(*f*) Station outlets may terminate in pipe threads to which permanent connections are to be made, such as to a machine.

(*g*) Station outlets shall be equipped with a detachable outlet seal cap secured in place. This cap shall be used to seal the outlet except when a hose, a regulator, or piping is attached.

(*h*) Where station outlets are equipped with approved backflow and flashback protective devices, as many as four torches may be supplied from one station outlet through rigid piping, provided each outlet from such piping is equipped with a shutoff valve and provided the fuel-gas capacity of any one torch does not exceed 15 cubic feet per hour.

This subdivision does not apply to machines.

(v) *Hose and hose connections.* (*a*) Hose for oxy-fuel gas service shall comply with the Specification for Rubber Welding Hose, 1958, Compressed Gas Association and Rubber Manufacturers Association.

(*b*) The generally recognized colors are red for acetylene and other fuel-gas hose, green for oxygen hose, and black for inert-gas and air hose.

(*c*) When parallel lengths of oxygen and acetylene hose are taped together for convenience and to prevent tangling, not more than 4 inches out of 12 inches shall be covered by tape.

(*d*) Hose connections shall comply with the Standard Hose Connection Specifications, 1957, Compressed Gas Association.

(*e*) Hose connections shall be clamped or otherwise securely fastened in a manner that will withstand, without leakage, twice the pressure to which they are normally subjected in service, but in no case less than a pressure of 300 p.s.i. Oil-free air or an oil-free inert gas shall be used for the test.

(*f*) Hose showing leaks, burns, worn places, or other defects rendering it unfit for service shall be repaired or replaced.

(vi) *Pressure-reducing regulators.* (*a*) Pressure-reducing regulators shall be used only for the gas and pressures for which they are intended. The regulator inlet connections shall comply with Regulator Connection Standards, 1958, Compressed Gas Association.

(*b*) When regulators or parts of regulators, including gages, need repair, the work shall be performed by skilled mechanics who have been properly instructed.

(*c*) Gages on oxygen regulators shall be marked "USE NO OIL."

(*d*) Union nuts and connections on regulators shall be inspected before use to detect faulty seats which may cause leakage of gas when the regulators are attached to the cylinder valves. Damaged nuts or connections shall be destroyed.

(6) *Acetylene generators*—(i) *Approval and marking.* (*a*) Generators shall be of approved construction and shall be plainly marked with the maximum rate of acetylene in cubic feet per hour for which they are designed; the weight and size of carbide necessary for a single charge; the manufacturer's name and address; and the name or number of the type of generator.

(*b*) Carbide shall be of the size marked on the generator nameplate.

(ii) *Rating and pressure limitations.* (*a*) The total hourly output of a generator shall not exceed the rate for which it is approved and marked. Unless specifically approved for higher ratings, carbide-feed generators shall be rated at 1 cubic foot per hour per pound of carbide required for a single complete charge.

(*b*) Relief valves shall be regularly operated to insure proper functioning. Relief valves for generating chambers shall be set to open at a pressure not in excess of 15 p.s.i.g. Relief valves for hydraulic back pressure valves shall be set to open at a pressure not in excess of 20 p.s.i.g.

(*c*) Nonautomatic generators shall not be used for generating acetylene at pressures exceeding 1 p.s.i.g., and all water overflows shall be visible.

(iii) *Location.* The space around the generator shall be ample for free, unobstructed operation and maintenance and shall permit ready adjustment and charging.

(iv) *Stationary acetylene generators (automatic and nonautomatic).* (*a*) (*1*) The foundation shall be so arranged that the generator will be level and so that no excessive strain will be placed on the generator or its connections. Acetylene generators shall be grounded.

(*2*) Generators shall be placed where water will not freeze. The use of common salt (sodium chloride) or other corrosive chemicals for protection against freezing is not permitted. (For heating systems see subdivision (6) (vi) (*c*) of this subparagraph.)

(*3*) Except when generators are prepared in accordance with subdivision (vii) (*a*) (*4*) of this subparagraph, sources of ignition shall be prohibited in outside generator houses or inside generator houses or inside generator rooms.

(*4*) Water shall not be supplied through a continuous connection to the generator except when the generator is provided with an adequate open overflow or automatic water shutoff which will effectively prevent overfilling of the generator. Where a noncontinuous connection is used, the supply line shall terminate at a point not less than 2 inches above the regularly provided opening for filling so that the water can be observed as it enters the generator.

(*5*) Unless otherwise specifically approved, generators shall not be fitted with continuous drain connections leading to sewers, but shall discharge through an open connection into a suitably vented outdoor receptacle or residue pit which may have such connections. An open connection for the sludge drawoff is desirable to enable the generator operator to observe leakage of generating water from the drain valve or sludge cock.

(*b*) (*1*) Each generator shall be provided with a vent pipe of Schedule 40 galvanized iron or steel, except that outside of buildings, vent pipes larger than 4 inches in diameter may be not less than 14 gage galvanized tubing or sheet steel.

(*2*) The escape or relief pipe shall be rigidly installed without traps and so that any condensation will drain back to the generator.

(*3*) The escape or relief pipe shall be carried full size to a suitable point outside the building. It shall terminate in a hood or bend located at least 12 feet above the ground, preferably above the roof, and as far away as practicable from windows or other openings into buildings and as far away as practicable from sources of ignition such as flues or chimneys and tracks used by locomotives. Generating chamber relief pipes shall not be inter-connected but shall be separately led to the outside air. The hood or bend shall be so constructed that it will not be obstructed by rain, snow, ice, insects, or birds. The outlet shall be at least 3 feet from combustible construction.

(*c*) (*1*) Gas holders shall be constructed on the gasometer principle, the bell being suitably guided. The gas bell shall move freely without tendency to bind and shall have a clearance of at least 2 inches from the shell.

(2) The gas holder may be located in the generator room, in a separate room or out of doors. In order to prevent collapse of the gas bell or infiltration of air due to a vacuum caused by the compressor or booster pump or cooling of the gas, a compressor or booster cutoff shall be provided at a point 12 inches or more above the landing point of the bell. When the gas holder is located indoors, the room shall be ventilated in accordance with subdivision (vi) (*b*) of this subparagraph and heated and lighted in accordance with subdivisions (vi) (*c*) and (*d*) of this subparagraph.

(*3*) When the gas holder is not located within a heated building, gas holder seals shall be protected against freezing.

(*4*) Means shall be provided to stop the generator-feeding mechanism before the gas holder reaches the upper limit of its travel.

(*5*) When the gas holder is connected to only one generator, the gas capacity of the holder shall be not less than one-third of the hourly rating of the generator.

(*6*) If acetylene is used from the gas holder without increase in pressure at some points but with increase in pressure by a compressor or booster pump at other points, approved piping protective devices shall be installed in each supply line. The low-pressure protective device shall be located between the gas holder and the shop piping, and the medium-pressure protective device shall be located between the compressor or booster pump and the shop piping (see Figure Q–4). Approved protective equipment (designated P_F) is used to prevent: Backflow of oxygen into the fuel-gas supply system; passage of a flashback into the fuel-gas supply system; and excessive back pressure of oxygen in the fuel-gas supply system. The three functions of the protective equipment may be combined in one device or may be provided by separate devices.

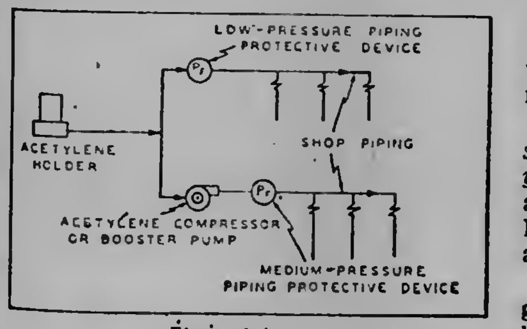
LOW-PRESSURE PIPING PROTECTIVE DEVICE
P_F
SHOP PIPING
ACETYLENE HOLDER
P_F
ACETYLENE COMPRESSOR OR BOOSTER PUMP
MEDIUM-PRESSURE PIPING PROTECTIVE DEVICE

Figure Q-4

(*d*) (*1*) The compressor or booster system shall be of an approved type.

(*2*) Wiring and electrical equipment in compressor or booster pump rooms or enclosures shall conform to the provisions of section 1910.376 for Class I, Division 2 locations.

(*3*) Compressors and booster pump equipment shall be located in well-ventilated areas away from open flames, electrical or mechanical sparks, or other ignition sources.

(*4*) Compressor or booster pumps shall be provided with pressure relief valves which will relieve pressure exceeding 15 p.s.i.g. to a safe outdoor location as provided in subdivision (*b*) of this subdivision, or by returning the gas to the inlet side or to the gas supply source.

(*5*) Compressor or booster pump discharge outlets shall be provided with approved protective equipment. (See subparagraph (5) of this paragraph.)

(v) *Portable acetylene generators.* (*a*) (*1*) All portable generators shall be of a type approved for portable use.

(2) Portable generators shall not be used within 10 feet of combustible material other than the floor.

(*3*) Portable generators shall not be used in rooms of total volume less than 35 times the total gas-generating capacity per charge of all generators in the room. Generators shall not be used in rooms having a ceiling height of less than 10 feet. (To obtain the gas-generating capacity in cubic feet per charge, multiply the pounds of carbide per charge by 4.5.)

(*4*) Portable generators shall be protected against freezing. The use of salt or other corrosive chemical to prevent freezing is prohibited.

(*b*) (*1*) Portable generators shall be cleaned and recharged and the air mixture blown off outside buildings.

(*2*) When charged with carbide, portable generators shall not be moved by crane or derrick.

(*3*) When not in use, portable generators shall not be stored in rooms in which open flames are used unless the generators contain no carbide and have been thoroughly purged of acetylene. Storage rooms shall be well ventilated.

(*4*) When portable acetylene generators are to be transported and operated on vehicles, they shall be securely anchored to the vehicles. If transported by truck, the motor shall be turned off during charging, cleaning, and generating periods.

(*5*) Portable generators shall be located at a safe distance from the welding position so that they will not be exposed to sparks, slag, or misdirection of the torch flame or overheating from hot materials or processes.

(vi) *Outside generator houses and inside generator rooms for stationary acetylene generators.* (*a*) (*1*) No opening in any outside generator house shall be located within 5 feet of any opening in another building.

(*2*) Walls, floors, and roofs of outside generator houses shall be of noncombustible construction.

(*3*) When a part of the generator house is to be used for the storage or manifolding of oxygen cylinders, the space to be so occupied shall be separated from the generator or carbide storage section by partition walls continuous from floor to roof or ceiling, of the type of construction stated in subdivision (*8*) of this subdivision. Such separation walls shall be without openings and shall be joined to the floor, other walls and ceiling or roof in a manner to effect a permanent gas-tight joint.

(*4*) Exit doors shall be located so as to be readily accessible in case of emergency.

(*5*) Explosion venting for outside generator houses and inside generator rooms shall be provided in exterior walls or roofs. The venting areas shall be equal to not less than 1 square foot per 50 cubic feet of room volume and may consist of any one or any combination of the following: Walls of light, noncombustible material preferably single-thickness, single-strength glass; lightly fastened hatch covers; lightly fastened swinging doors in exterior walls opening outward; lightly fastened walls or roof designed to relieve at a maximum pressure of 25 pounds per square foot.

(*6*) The installation of acetylene generators within buildings shall be restricted to buildings not exceeding one story in height; *Provided, however,* That this will not be construed as prohibiting such installations on the roof or top floor of a building exceeding such height.

(*7*) Generators installed inside buildings shall be enclosed in a separate room of ample size.

(*8*) The walls, partitions, floors, and ceilings of inside generator rooms shall be of noncombustible construction having a fire-resistance rating of at least 1 hour. The walls or partitions shall be continuous from floor to ceiling and shall be securely anchored. At least one wall of the room shall be an exterior wall.

(*9*) Openings from an inside generator room to other parts of the building shall be protected by a swinging type, self-closing fire door for a Class B opening and having a rating of at least 1 hour. Windows in partitions shall be wired glass and approved metal frames with fixed sash. Installation shall be in accordance with the Standard for the Installation of Fire Doors and Windows, NFPA 80–1970.

(*b*) Inside generator rooms or outside generator houses shall be well ventilated with vents located at floor and ceiling levels.

(*c*) Heating shall be by steam, hot water, enclosed electrically heated elements or other indirect means. Heating by flames or fires shall be prohibited in outside generator houses or inside generator rooms, or in any enclosure communicating with them.

(*d*) (*1*) Generator houses or rooms shall have natural light during daylight hours. Where artificial lighting is necessary it shall be restricted to electric lamps installed in a fixed position. Unless specifically approved for use in atmospheres containing acetylene, such lamps shall be

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provided with enclosures of glass or other noncombustible material so designed and constructed as to prevent gas vapors from reaching the lamp or socket and to resist breakage. Rigid conduit with threaded connections shall be used.

(2) Lamps installed outside of wired-glass panels set in gas-tight frames in the exterior walls or roof of the generator house or room are acceptable.

(e) Electric switches, telephone, and all other electrical apparatus which may cause a spark, unless specifically approved for use inside acetylene generator rooms, shall be located outside the generator house or in a room or space separated from the generator room by a gas-tight partition, except that where the generator system is designed so that no carbide fill opening or other part of the generator is open to the generator house or room during the operation of the generator, and so that residue is carried in closed piping from the residue discharge valve to a point outside the generator house or room, electrical equipment in the generator house or room shall conform to the provisions of Subpart S of this part for Class I, Division 2 locations.

(vii) *Maintenance and operation.* (*a*) Unauthorized persons shall not be permitted in outside generator houses or inside generator rooms.

(*1*) Operating instructions shall be posted in a conspicuous place near the generator or kept in a suitable place available for ready reference.

(*2*) When recharging generators the order of operations specified in the instructions supplied by the manufacturer shall be followed.

(*3*) In the case of batch-type generators, when the charge of carbide is exhausted and before additional carbide is added, the generating chamber shall always be flushed out with water, renewing the water supply in accordance with the instruction card furnished by the manufacturer.

(*4*) The water-carbide residue mixture drained from the generator shall not be discharged into sewer pipes or stored in areas near open flames. Clear water from residue settling pits may be discharged into sewer pipes.

(*b*) The carbide added each time the generator is recharged shall be sufficient to refill the space provided for carbide without ramming the charge. Steel or other ferrous tools shall not be used in distributing the charge.

(*c*) Generator water chambers shall be kept filled to proper level at all times except while draining during the recharging operation.

(*d*) Whenever repairs are to be made or the generator is to be charged or carbide is to be removed, the water chamber shall be filled to the proper level.

(*e*) Previous to making repairs involving welding, soldering, or other hot work or other operations which produce a source of ignition, the carbide charge and feed mechanism shall be completely removed. All acetylene shall be expelled by completely flooding the generator shell with water and the generator shall be disconnected from the piping system. The generator shall be kept filled with water, if possible, or positioned to hold as much water as possible.

(*f*) Hot repairs shall not be made in a room where there are other generators unless all the generators and piping have been purged of acetylene. Hot repairs should preferably be made out of doors.

(7) *Calcium carbide storage*—(i) *Packaging.* (*a*) Calcium carbide shall be contained in metal packages of sufficient strength to prevent rupture. The packages shall be provided with a screw top or equivalent. These packages shall be constructed water- and air-tight. Solder shall not be used in such a manner that the package will fail if exposed to fire.

(*b*) Packages containing calcium carbide shall be conspicuously marked "Calcium Carbide—Dangerous If Not Kept Dry" or with equivalent warning.

(c) Caution: Metal tools, even the so-called spark resistant type may cause ignition of an acetylene and air mixture when opening carbide containers.

(*d*) Sprinkler systems shall not be installed in carbide storage rooms.

(ii) *Storage indoors.* (*a*) Calcium carbide in quantities not to exceed 600 pounds may be stored indoors in dry, waterproof, and well-ventilated locations.

(*1*) Calcium carbide not exceeding 600 pounds may be stored indoors in the same room with fuel-gas cylinders.

(*2*) Packages of calcium carbide, except for one of each size, shall be kept sealed. The seals shall not be broken when there is carbide in excess of 1 pound in any other unsealed package of the same size of carbide in the room.

(*b*) Calcium carbide exceeding 600 pounds but not exceeding 5,000 pounds shall be stored:

(*1*) In accordance with subdivision (*c*) of this subdivision.

(*2*) In an inside generator room or outside generator house; or

(*3*) In a separate room in a one-story building which may contain other occupancies, but without cellar or basement beneath the carbide storage section. Such rooms shall be constructed in accordance with subdivision (vi)(*a*) (*8*) and (*9*) of this subdivision and ventilated in accordance with subdivision (vi)(*b*) of this subdivision. These rooms shall be used for no other purpose.

(*c*) Calcium carbide in excess of 5,000 pounds shall be stored in one-story buildings without cellar or basement and used for no other purpose, or in outside generator houses. The location of such storage buildings shall be away from congested mercantile and manufacturing districts. If the storage building is of noncombustible construction, it may adjoin other one-story buildings if separated therefrom by unpierced firewalls; if it is detached less than 10 feet from such building or buildings, there shall be no opening in any of the mutually exposing sides of such buildings within 10 feet. If the storage building is of combustible construction, it shall be at least 20 feet from any other one- or two-story building, and at least 30 feet from any other building exceeding two stories.

(iii) *Storage outdoors.* (*a*) Calcium carbide in unopened metal containers may be stored outdoors.

(*b*) Carbide containers to be stored outdoors shall be examined to make sure that they are in good condition. Periodic reexaminations shall be made for rusting or other damage to a container that might affect its water or air tightness.

(c) The bottom tier of each row shall be placed on wooden planking or equivalent, so that the containers will not come in contact with the ground or ground water.

(*d*) Storage areas shall be at least 10 feet from lines of adjoining property that may be built upon.

(*e*) Containers of carbide which have been in storage the longest shall be used first.

(8) *Public exhibitions and demonstrations*—(i) *Installation requirements.* Installation and operation of welding, cutting, and related equipment shall be done by, or under the supervision of, a competent operator to insure the personal protection of viewers and demonstrators as well as the protection from fire, of materials in and around the site and the building itself.

(ii) *Procedures.* (*a*) Cylinders containing compressed gases for use at the site shall not be charged in excess of one-half their maximum permissible content. (Cylinders of nonliquefied gases and acetylene shall be charged to not more than one-half their maximum permissible charged pressure in p.s.i.g. Cylinders of liquefied gases shall be charged to not more than one-half the maximum permissible capacity in pounds.)

(*b*) Cylinders located at the site shall be connected for use except that enough additional cylinders may be stored at the site to furnish approximately 1 day's consumption of each gas used. Other cylinders shall be stored, preferably outdoors, but this storage area shall not be located near a building exit.

(c) Cylinders in excess of 40 pounds total weight being transported to or from the site shall be carried on a hand or motorized truck.

(*d*) The site shall be constructed, equipped, and operated in such a manner that the demonstration will be carried out so as to minimize the possibility of injury to viewers.

(*e*) Sites involving the use of compressed gases shall be located so as not to interfere with the egress of people during an emergency.

(*f*) The fire department shall be notified in advance of such use of the site.

(*g*) (*1*) Each site shall be provided with a portable fire extinguisher of appropriate size and type and with a pail of water.

(*2*) The public and combustible materials at the site shall be protected from flames, sparks, and molten metal.

(*h*) Hoses shall be located and protected so that they will not be physically damaged.

(*i*) (*1*) Cylinder valves shall be closed when equipment is unattended.

(*2*) Where caps are provided for valve protection, such caps shall be in place

except when the cylinders are in service or connected ready for service.

(*3*) Cylinders shall be located or secured so that they cannot be knocked over.

(b) *Application, installation, and operation of arc welding and cutting equipment*—(1) *General*—(i) *Equipment selection.* Welding equipment shall be chosen for safe application to the work to be done as specified in subparagraph (2) of this paragraph.

(ii) *Installation.* Welding equipment shall be installed safely as specified by subparagraph (3) of this paragraph.

(iii) *Instruction.* Workmen designated to operate arc welding equipment shall have been properly instructed and qualified to operate such equipment as specified in subparagraph (4) of this paragraph.

(2) *Application of arc welding equipment*—(i) *General.* Assurance of consideration of safety in design is obtainable by choosing apparatus complying with the Requirements for Electric Arc-Welding Apparatus, NEMA EW–1–1962, National Electrical Manufacturers Association or the Safety Standard for Transformer-Type Arc-Welding Machines, ANSI C33.2—1956, Underwriters' Laboratories.

(ii) *Environmental conditions.* (*a*) Standard machines for arc welding service shall be designed and constructed to carry their rated load with rated temperature rises where the temperature of the cooling air does not exceed 40° C. (104° F.) and where the altitude does not exceed 3,300 feet, and shall be suitable for operation in atmospheres containing gases, dust, and light rays produced by the welding arc.

(*b*) Unusual service conditions may exist, and in such circumstances machines shall be especially designed to safely meet the requirements of the service. Chief among these conditions are:

(*1*) Exposure to unusually corrosive fumes.

(*2*) Exposure to steam or excessive humidity.

(*3*) Exposure to excessive oil vapor.

(*4*) Exposure to flammable gases.

(*5*) Exposure to abnormal vibration or shock.

(*6*) Exposure to excessive dust.

(*7*) Exposure to weather.

(*8*) Exposure to unusual seacoast or shipboard conditions.

(iii) *Voltage.* Open circuit (No load) voltages of arc welding and cutting machines should be as low as possible consistent with satisfactory welding or cutting being done. The following limits shall not be exceeded:

(*a*) Alternating-current machines

(*1*) Manual arc welding and cutting—80 volts.

(*2*) Automatic (machine or mechanized) arc welding and cutting—100 volts.

(*b*) Direct-current machines

(*1*) Manual arc welding and cutting—100 volts.

(*2*) *Automatic* (macihne or mechanized) arc welding and cutting—100 volts.

(c) When special welding and cutting processes require values of open circuit voltages higher than the above, means shall be provided to prevent the operator from making accidental contact with the high voltage by adequate insulation or other means.

(*d*) For a.c. welding under wet conditions or warm surroundings where perspiration is a factor, the use of reliable automatic controls for reducing no load voltage is recommended to reduce the shock hazard.

(iv) *Design.* (*a*) A controller integrally mounted in an electric motor driven welder shall have capacity for carrying rated motor current, shall be capable of making and interrupting stalled rotor current of the motor, and may serve as the running overcurrent device if provided with the number of overcurrent units as specified by Subpart S of this part. Starters with magnetic undervoltage release should be used with machines installed more than one to a circuit to prevent circuit overload caused by simultaneously starting of several motors upon return of voltage.

(b) On all types of arc welding machines, control apparatus shall be enclosed except for the operating wheels, levers, or handles. Control handles and wheels should be large enough to be easily grasped by a gloved hand.

(c) Input power terminals, tap change devices and live metal parts connected to input circuits shall be completely enclosed and accessible only by means of tools.

(*d*) Terminals for welding leads should be protected from accidental electrical contact by personnel or by metal objects i.e., vehicles, crane hooks, etc. Protection may be obtained by use of: Dead-front receptacles for plug connections; recessed openings with nonremovable hinged covers; heavy insulating sleeving or taping or other equivalent electrical and mechanical protection. If a welding lead terminal which is intended to be used exclusively for connection to the work is connected to the grounded enclosure, it must be done by a conductor at least two AWG sizes smaller than the grounding conductor and the terminal shall be marked to indicate that it is grounded.

(*e*) No connections for portable control devices such as push buttons to be carried by the operator shall be connected to an a.c. circuit of higher than 120 volts. Exposed metal parts of portable control devices operating on circuits above 50 volts shall be grounded by a grounding conductor in the control cable.

(*f*) Auto transformers or a.c. reactors shall not be used to draw welding current directly from any a.c. power source having a voltage exceeding 80 volts.

(3) *Installation of arc welding equipment*—(i) *General.* Installation including power supply shall be in accordance with the requirements of Subpart S of this part.

(ii) *Grounding.* (*a*) The frame or case of the welding machine (except engine-driven machines shall be grounded under the conditions and according to the methods prescribed in Subpart S of this part.

(*b*) Conduits containing electrical conductors shall not be used for completing a work-lead circuit. Pipelines shall not be used as a permanent part of a work-lead circuit, but may be used during construction, extension or repair providing current is not carried through threaded joints, flanged bolted joints, or caulked joints and that special precautions are used to avoid sparking at connection of the work-lead cable.

(*c*) Chains, wire ropes, cranes, hoists, and elevators shall not be used to carry welding current.

(*d*) Where a structure, conveyor, or fixture is regularly employed as a welding current return circuit, joints shall be bonded or provided with adequate current collecting devices and appropriate periodic inspection should be conducted to ascertain that no condition of electrolysis or shock, or fire hazard exists by virtue of such use.

(*e*) All ground connections shall be checked to determine that they are mechanically strong and electrically adequate for the required current.

(iii) *Supply connections and conductors.* (*a*) A disconnecting switch or controller shall be provided at or near each welding machine which is not equipped with such a switch or controller mounted as an integral part of the machine. The switch shall be in accordance with Subpart (s) of this part. Overcurrent protection shall be provided as specified in Subpart S of this part. A disconnect switch with overload protection or equivalent disconnect and protection means, permitted by Subpart (s) of this part, shall be provided for each outlet intended for connection to a portable welding machine.

(*b*) For individual welding machines, the rated current-carrying capacity of the supply conductors shall be not less than the rated primary current of the welding machines.

(*c*) For groups of welding machines, the rated current-carrying capacity of conductors may be less than the sum of the rated primary currents of the welding machines supplied. The conductor rating shall be determined in each case according to the machine loading based on the use to be made of each welding machine and the allowance permissible in the event that all the welding machines supplied by the conductors will not be in use at the same time.

(*d*) In operations involving several welders on one structure, d.c. welding process requirements may require the use of both polarities; or supply circuit limitations for a.c. welding may require distribution of machines among the phases of the supply circuit. In such cases no load voltages between electrode holders will be 2 times normal in d.c. or 1, 1.41, 1.73, or 2 times normal on a.c. machines. Similar voltage differences will exist if both a.c. and d.c. welding are done on the same structure.

(*1*) All d.c. machines shall be connected with the same polarity.

(*2*) All a.c. machines shall be connected to the same phase of the supply

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circuit and with the same instantaneous polarity.

(4) *Operation and maintenance.*—(i) *General.* Workmen assigned to operate or maintain arc welding equipment shall be acquainted with the requirements of subparagraphs (b), (d), (e), and (f) of this section; if doing gas-shielded arc welding, also Recommended Safe Practices for Gas-Shielded Arc Welding, A6.1–1966, American Welding Society.

(ii) *Machine hook up.* Before starting operations all connections to the machine shall be checked to make certain they are properly made. The work lead shall be firmly attached to the work; magnetic work clamps shall be freed from adherent metal particles of spatter on contact surfaces. Coiled welding cable shall be spread out before use to avoid serious overheating and damage to insulation.

(iii) *Grounding.* Grounding of the welding machine frame shall be checked. Special attention shall be given to safety ground connections of portable machines.

(iv) *Leaks.* There shall be no leaks of cooling water, shielding gas or engine fuel.

(v) *Switches.* It shall be determined that proper switching equipment for shutting down the machine is provided.

(vi) *Manufacturers' instructions.* Printed rules and instructions covering operation of equipment supplied by the manufacturers shall be strictly followed.

(vii) *Electrode holders.* Electrode holders when not in use shall be so placed that they cannot make electrical contact with persons, conducting objects, fuel or compressed gas tanks.

(viii) *Electric shock.* Cables with splices within 10 feet of the holder shall not be used. The welder should not coil or loop welding electrode cable around parts of his body.

(ix) *Maintenance.* (*a*) The operator should report any equipment defect or safety hazard to his supervisor and the use of the equipment shall be discontinued until its safety has been assured. Repairs shall be made only by qualified personnel.

(*b*) Machines which have become wet shall be thoroughly dried and tested before being used.

(*c*) Work and electrode lead cables should be frequently inspected for wear and damage. Cables with damaged insulation or exposed bare conductors shall be replaced. Joining lengths of work and electrode cables shall be done by the use of connecting means specifically intended for the purpose. The connecting means shall have insulation adequate for the service conditions.

(c) *Installation and operation of resistance welding equipment*—(1) *General*—(i) *Installation.* All equipment shall be installed by a qualified electrician in conformance with Subpart (s) of this part. Theere shall be a safety-type disconnecting switch or a circuit breaker or circuit interrupter to open each power circuit to the machine, conveniently located at or near the machine, so that the power can be shut off when the machine or its controls are to be serviced.

(ii) *Thermal protection.* Ignitron tubes used in resistance welding equipment shall be equipped with a thermal protection switch.

(iii) *Personnel.* Workmen designated to operate resistance welding equipment shall have been properly instructed and judged competent to operate such equipment.

(iv) *Guarding.* Controls of all automatic or air and hydraulic clamps shall be arranged or guarded to prevent the operator from accidentally activating them.

(2) *Spot and seam welding machines (nonportable)*—(i) *Voltage.* All external weld initiating control circuits shall operate on low voltage, not over 120 volts, for the safety of the operators.

(ii) *Capacitor welding.* Stored energy or capacitor discharge type of resistance welding equipment and control panels involving high voltage (over 550 volts) shall be suitably insulated and protected by complete enclosures, all doors of which shall be provided with suitable interlocks and contacts wired into the control circuit (similar to elevator interlocks). Such interlocks or contacts shall be so designed as to effectively interrupt power and short circuit all capacitors when the door or panel is open. A manually operated switch or suitable positive device shall be installed, in addition to the mechanical interlocks or contacts, as an added safety measure assuring absolute discharge of all capacitors.

(iii) *Interlocks.* All doors and access panels of all resistance welding machines and control panels shall be kept locked and interlocked to prevent access, by unauthorized persons, to live portions of the equipment.

(iv) *Guarding.* All press welding machine operations, where there is a possibility of the operator's fingers being under the point of operation, shall be effectively guarded by the use of a device such as an electronic eye safety circuit, two hand controls or protection similar to that prescribed for punch press operation, § 1910.217. All chains, gears, operating bus linkage, and belts shall be protected by adequate guards, in accordance with § 1910.219.

(v) *Shields.* The hazard of flying sparks shall be, wherever practical, eliminated by installing a shield guard of safety glass or suitable fire-resistant plastic at the point of operation. Additional shields or curtains shall be installed as necessary to protect passing persons from flying sparks. (See paragraph (e)(2)(i)(*c*) of this section.)

(vi) *Foot switches.* All foot switches shall be guarded to prevent accidental operation of the machine.

(vii) *Stop buttons.* Two or more safety emergency stop buttons shall be provided on all special multispot welding machines, including 2-post and 4-post weld presses.

(viii) *Safety pins.* On large machines, four safety pins with plugs and receptacles (one in each corner) shall be provided so that when safety pins are removed and inserted in the ram or platen, the press becomes inoperative.

(ix) *Grounding.* Where technically practical, the secondary of all welding transformers used in multispot, projection and seam welding machines shall be grounded. This may be done by permanently grounding one side of the welding secondary current circuit. Where not technically practical, a center tapped grounding reactor connected across the secondary or the use of a safety disconnect switch in conjunction with the welding control are acceptable alternates. Safety disconnect shall be arranged to open both sides of the line when welding current is not present.

(3) *Portable welding machines*—(i) *Counterbalance.* All portable welding guns shall have suitable counterbalanced devices for supporting the guns, including cables, unless the design of the gun or fixture makes counterbalancing impractical or unnecessary.

(ii) *Safety chains.* All portable welding guns, transformers and related equipment that is suspended from overhead structures, eye beams, trolleys, etc. shall be equipped with safety chains or cables. Safety chains or cables shall be capable of supporting the total shock load in the event of failure of any component of the supporting system.

(iii) *Clevis.* When trolleys are used to support portable welding equipment, transformers, etc. they shall be equipped with suitable forged steel clevis for the attachment of safety chains. Each clevis shall be capable of supporting the total shock load of the suspended equipment in the event of trolley failure.

(iv) *Switch guards.* All initiating switches, including retraction and dual schedule switches, located on the portable welding gun shall be equipped with suitable guards capable of preventing accidental initiation through contact with fixturing, operator's clothing, etc. Initiating switch voltage shall not exceed 24 volts.

(v) *Moving holder.* The movable holder, where it enters the gun frame, shall have sufficient clearance to prevent the shearing of fingers carelessly placed on the operating movable holder.

(vi) *Grounding.* The secondary and case of all portable welding transformers shall be grounded. Secondary grounding may be by center tapped secondary or by a center tapped grounding reactor connected across the secondary.

(4) *Flash welding equipment.*—(i) *Ventilation and flash guard.* Flash welding machines shall be equipped with a hood to control flying flash. In cases of high production, where materials may contain a film of oil and where toxic elements and metal fumes are given off, ventilation shall be provided in accordance with paragraph (f) of this section.

(ii) *Fire curtains.* For the protection of the operators of nearby equipment, fire-resistant curtains or suitable shields shall be set up around the machine and in such a manner that the operators movements are not hampered.

(5) *Hazards and precautions.* A job hazard analysis shall be made, by qualified personnel, of the operations to be performed on each welding machine to determine the safeguards and personal

protective equipment that shall be used for each job.

(6) *Maintenance.* Periodic inspection shall be made by qualified maintenance personnel, and records of the same maintained. The operator shall be instructed to report any equpiment defects to his supervisor and the use of the equipment shall be discontinued until safety repairs have been completed.

(d) *Fire prevention and protection*—(1) *Basic precautions.* For elaboration of these basic precautions and of the special precautions of subparagraph (2) of this paragraph as well as a delineation of the fire protection and prevention responsibilities of welders and cutters, their supervisors (including outside contractors) and those in management on whose property cutting and welding is to be performed, see, Standard for Fire Prevention in Use of Cutting and Welding Processes, NFPA Standard 51B, 1962. The basic precautions for fire prevention in welding or cutting work are:

(i) *Fire hazards.* If the object to be welded or cut cannot readily be moved, all movable fire hazards in the vicinity shall be taken to a safe place.

(ii) *Guards.* If the object to be welded or cut cannot be moved and if all the fire hazards cannot be removed, then guards shall be used to confine the heat, sparks, and slag, and to protect the immovable fire hazards.

(iii) *Restrictions.* If the requirements stated in subdivision (i) and (ii) of this subdivision cannot be followed then welding and cutting shall not be performed.

(2) *Special precautions.* When the nature of the work to be performed falls within the scope of subdivision (ii) of this subdivision certain additional precautions may be necessary:

(i) *Combustible material.* Wherever there are floor openings or cracks in the flooring that cannot be closed, precautions shall be taken so that no readily combustible materials on the floor below will be exposed to sparks which might drop through the floor. The same precautions shall be observed with regard to cracks or holes in walls, open doorways and open or broken windows.

(ii) *Fire extinguishers.* Suitable fire extinguishing equipment shall be maintained in a state of readiness for instant use. Such equipment may consist of pails of water, buckets of sand, hose or portable extinguishers depending upon the nature and quantity of the combustible material exposed.

(iii) *Fire watch.* (*a*) Fire watchers shall be required whenever welding or cutting is performed in locations where other than a minor fire might develop, or any of the following conditions exist:

(*1*) Appreciable combustible material, in building construction or contents, closer than 35 feet to the point of operation.

(*2*) Appreciable combustibles are more than 35 feet away but are easily ignited by sparks.

(*3*) Wall or floor openings within a 35-foot radius expose combustible material in adjacent areas including concealed spaces in walls or floors.

(*4*) Combustible materials are adjacent to the opposite side of metal partitions, walls, ceilings, or roofs and are likely to be ignited by conduction or radiation.

(*b*) Fire watchers shall have fire extinguishing equipment readily available and be trained in its use. They shall be familiar with facilities for sounding an alarm in the event of a fire. They shall watch for fires in all exposed areas, try to extinguish them only when obviously within the capacity of the equipment available, or otherwise sound the alarm. A fire watch shall be maintained for at least a half hour after completion of welding or cutting operations to detect and extinguish possible smoldering fires.

(iv) *Authorization.* Before cutting or welding is permitted, the area shall be inspected by the individual responsible for authorizing cutting and welding operations. He shall designate precautions to be followed in granting authorization to proceed preferably in the form of a written permit.

(v) *Floors.* Where combustible materials such as paper clippings, wood shavings, or textile fibers are on the floor, the floor shall be swept clean for a radius of 35 feet. Combustible floors shall be kept wet, covered with damp sand, or protected by fire-resistant shields. Where floors have been wet down, personnel operating arc welding or cutting equipment shall be protected from possible shock.

(vi) *Prohibited areas.* Cutting or welding shall not be permitted in the following situations:

(*a*) In areas not authorized by management.

(*b*) In sprinklered buildings while such protection is impaired.

(*c*) In the presence of explosive atmospheres (mixtures of flammable gases, vapors, liquids, or dusts with air), or explosive atmospheres that may develop inside uncleaned or improperly prepared tanks or equipment which have previously contained such materials, or that may develop in areas with an accumulation of combustible dusts.

(*d*) In areas near the storage of large quantities of exposed, readily ignitible materials such as bulk sulfur, baled paper, or cotton.

(vii) *Relocation of combustibles.* Where practicable, all combustibles shall be relocated at least 35 feet from the work site. Where relocation is impracticable, combustibles shall be protected with flameproofed covers or otherwise shielded with metal or asbestos guards or curtains. Edges of covers at the floor should be tight to prevent sparks from going under them. This precaution is also important at overlaps where several covers are used to protect a large pile.

(viii) *Ducts.* Ducts and conveyor systems that might carry sparks to distant combustibles shall be suitably protected or shut down.

(ix) *Combustible walls.* Where cutting or welding is done near walls, partitions, ceiling or roof of combustible construction, fire-resistant shields or guards shall be provided to prevent ignition.

(x) *Noncombustible walls.* If welding is to be done on a metal wall, partition, ceiling or roof, precautions shall be taken to prevent ignition of combustibles on the other side, due to conduction or radiation, preferably by relocating combustibles. Where combustibles are not relocated, a fire watch on the opposite side from the work shall be provided.

(xi) *Combustible cover.* Welding shall not be attempted on a metal partition, wall, ceiling or roof having a combustible covering nor on walls or partitions of combustible sandwich-type panel construction.

(xii) *Pipes.* Cutting or welding on pipes or other metal in contact with combustible walls, partitions, ceilings or roofs shall not be undertaken if the work is close enough to cause ignition by conduction.

(xiii) *Management.* Management shall recognize its responsibility for the safe usage of cutting and welding equipment on its property and:

(*a*) Based on fire potentials of plant facilities, establish areas for cutting and welding, and establish procedures for cutting and welding, in other areas.

(*b*) Designate an individual responsible for authorizing cutting and welding operations in areas not specifically designed for such processes.

(*c*) Insist that cutters or welders and their supervisors are suitably trained in the safe operation of their equipment and the safe use of the process.

(*d*) Advise all contractors about flammable materials or hazardous conditions of which they may not be aware.

(xiv) *Supervisor.* The Supervisor:

(*a*) Shall be responsible for the safe handling of the cutting or welding equipment and the safe use of the cutting or welding process.

(*b*) Shall determine the combustible materials and hazardous area present or likely to be present in the work location.

(*c*) Shall protect combustibles from ignition by the following:

(*1*) Have the work moved to a location free from dangerous combustibles.

(*2*) If the work cannot be moved, have the combustibles moved to a safe distance from the work or have the combustibles properly shielded against ignition.

(*3*) See that cutting and welding are so scheduled that plant operations that might expose combustibles to ignition are not started during cutting or welding.

(*d*) Shall secure authorization for the cutting or welding operations from the designated management representative.

(*1*) Shall determine that the cutter or welder secures his approval that conditions are safe before going ahead.

(*2*) Shall determine that fire protection and extinguishing equipment are properly located at the site.

(*3*) Where fire watches are required, he shall see that they are available at the site.

(xv) *Fire prevention precautions.* Cutting or welding shall be permitted only in areas that are or have been made fire safe. Within the confines of an oper-

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ating plant or building, cutting and welding should preferably be done in a specific area designed for such work, such as a maintenance shop or a detached outside location. Such areas should be of noncombustible or fire-resistive construction, essentially free of combustible and flammable contents, and suitably segregated from adjacent areas. When work cannot be moved practically, as in most construction work, the area shall be made safe by removing combustibles or protecting combustibles from ignition sources.

(3) *Welding or cutting containers*—(i) *Used containers.* No welding, cutting, or other hot work shall be performed on used drums, barrels, tanks or other containers until they have been cleaned so thoroughly as to make absolutely certain that there are no flammable materials present or any substances such as greases, tars, acids, or other materials subjected to heat, might produce flammable or toxic vapors. Any pipe lines or connections to the drum or vessel shall be disconnected or blanked.

(ii) *Venting and purging.* All hollow spaces, cavities of containers shall be vented to permit the escape of air or gases before preheating, cutting or welding. Purging with inert gas is recommended.

(4) *Confined spaces*—(i) *Accidental contact.* When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine be disconnected from the power source.

(ii) *Torch valve.* In order to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the gas supply to the torch positively shutoff at some point outside the confined area whenever the torch is not to be used for a substantial period of time, such as during lunch hour or overnight. Where practicable, the torch and hose shall also be removed from the confined space.

(e) *Protection of personnel*—(1) *General*—(i) *Railing.* A welder or helper working on platforms, scaffolds, or runways shall be protected against falling. This may be accomplished by the use of railings, safety belts, life lines, or some other equally effective safeguards.

(ii) *Welding cable.* Welders shall place welding cable and other equipment so that it is clear of passageways, ladders, and stairways.

(2) *Eye protection*—(i) *Selection.* (*a*) Helmets or hand shields shall be used during all arc welding or arc cutting operations, excluding submerged arc welding. Goggles should also be worn during arc welding or cutting operations to provide protection from injurious rays from adjacent work, and from flying objects. The goggles may have either clear or colored glass, depending upon the amount of exposure to adjacent welding operations. Helpers or attendants shall be provided with proper eye protection.

(*b*) Goggles or other suitable eye protection shall be used during all gas welding or oxygen cutting operations. Spectacles without side shields, with suitable filter lenses are permitted for use during gas welding operations on light work, for torch brazing or for inspection.

(*c*) All operators and attendants of resistance welding or resistance brazing equipment shall use transparent face shields or goggles, depending on the particular job, to protect their faces or eyes, as required.

(*d*) Eye protection in the form of suitable goggles shall be provided where needed for brazing operations not covered in (*a*), (*b*), and (*c*) of this subdivision.

(ii) *Specifications for protectors.* (*a*) Helmets and hand shields shall be made of a material which is an insulator for heat and electricity. Helmets, shields and goggles shall be not readily flammable and shall be capable of withstanding sterilization.

(*b*) Helmets and hand shields shall be arranged to protect the face, neck and ears from direct radiant energy from the arc.

(*c*) Helmets shall be provided with filter plates and cover plates designed for easy removal.

(*d*) All parts shall be constructed of a material which will not readily corrode or discolor the skin.

(*e*) Goggles shall be ventilated to prevent fogging of the lenses as much as practicable.

(*f*) Cover lenses or plates should be provided to protect each helmet, hand shield or goggle filter lens or plate.

(*g*) All glass for lenses and cover plate shall be tempered, substantially free from striae, air bubbles, waves and other flaws. Except when a lens is ground to provide proper optical correction for defective vision, the front and rear surfaces of lenses and windows shall be smooth and parallel.

(*h*) Lenses shall bear some permanent distinctive marking by which the source and shade may be readily identified.

(*i*) The following is a guide for the selection of the proper shade numbers. These recommendations may be varied to suit the individual's needs.

Welding operation	*Shade No.*
Shielded metal-arc welding—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	10
Gas-shielded arc welding (Nonferrous)—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	11
Gas-shielded arc welding (ferrous)—1/16-, 3/32-, 1/8-, 5/32-inch electrodes	12
Shielded metal-arc welding:	
3/16-, 7/32-, 1/4-inch electrodes	12
5/16-, 3/8-inch electrodes	14
Atomic hydrogen welding	10–14
Carbon arc welding	14
Soldering	2
Torch brazing	3 or 4
Light cutting, up to 1 inch	3 or 4
Medium cutting, 1 inch to 6 inches	4 or 5
Heavy cutting, 6 inches and over	5 or 6
Gas welding (light) up to 1/8 inch	4 or 5
Gas welding (medium) 1/8 inch to 1/2 inch	5 or 6
Gas welding (heavy) 1/2 inch and over	6 or 8

NOTE: In gas welding or oxygen cutting where the torch produces a high yellow light, it is desirable to use a filter or lens that absorbs the yellow or sodium line in the visible light of the operation.

(*j*) All filter lenses and plates shall meet the test for transmission of radiant energy prescribed in ANSI Z87.1–1968—American National Standard Practice for Occupational and Educational Eye and Face Protection.

(iii) *Protection from arc welding rays.* Where the work permits, the welder should be enclosed in an individual booth painted with a finish of low reflectivity such as zinc oxide (an important factor for absorbing ultraviolet radiations) and lamp black, or shall be enclosed with noncombustible screens similiarly painted. Booths and screens shall permit circulation of air at floor level. Workers or other persons adjacent to the welding areas shall be protected from the rays by noncombustible or flameproof screens or shields or shall be required to wear appropriate goggles.

(3) *Protective clothing*—(i) *General requirements.* Employees exposed to the hazards created by welding, cutting, or brazing operations shall be protected by personal protective equipment in accordance with the requirements of § 1910.132. Appropriate protective clothing required for any welding operation will vary with the size, nature and location of the work to be performed.

(ii) *Specified protective clothing.* Protective means which may be employed are as follows:

(*a*) Except when engaged in light work, all welders should wear flameproof gauntlet gloves.

(*b*) Flameproof aprons made of leather, asbestos, or other suitable material may also be desirable as protection against radiated heat and sparks.

(*c*) Woolen clothing preferable to cotton because it is not so readily ignited and helps protect the welder from changes in temperature. Cotton clothing, if used, should be chemically treated to reduce its combustibility. All outer clothing such as jumpers or overalls should be reasonably free from oil or grease.

(*d*) Sparks may lodge in rolled-up sleeves or pockets of clothing, or cuffs of overalls or trousers. It is therefore recommended that sleeves and collars be kept buttoned and pockets be eliminated from the front of overalls and aprons. Trousers or overalls should not be turned up on the outside.

(*e*) For heavy work, fire-resistant leggings, high boots, or other equivalent means should be used.

(*f*) In production work a sheet metal screen in front of the worker's legs can provide further protection against sparks and molten metal in cutting operations.

(*g*) Capes or shoulder covers made of leather or other suitable materials should be worn during overhead welding or cutting operations. Leather skull caps may be worn under helmets to prevent head burns.

(*h*) For overhead welding and cutting, or welding and cutting in extremely confined spaces, ear protection is sometimes desirable.

(*i*) Where there is exposure to sharp or heavy falling objects, or a hazard of bumping in confined spaces, hard hats or head protectors should be used.

(4) *Work in confined spaces*—(i) *General.* As used herein confined space is intended to mean a relatively small or restricted space such as a tank, boiler, pressure vessel, or small compartment of a ship.

(ii) *Ventilation.* Ventilation is a prerequisite to work in confined spaces. For ventilation requirements see paragraph (f) of this section.

(iii) *Securing cylinders and machinery.* When welding or cutting is being performed in any confined spaces the gas cylinders and welding machines shall be left on the outside. Before operations are started, heavy portable equipment mounted on wheels shall be securely blocked to prevent accidental movement.

(iv) *Lifelines.* Where a welder must enter a confined space through a manhole or other small opening, means shall be provided for quickly removing him in case of emergency. When safety belts and lifelines are used for this purpose they shall be so attached to the welder's body that his body cannot be jammed in a small exit opening. An attendant with a preplanned rescue procedure shall be stationed outside to observe the welder at all times and be capable of putting rescue operations into effect.

(v) *Electrode removal.* When arc welding is to be suspended for any substantial period of time, such as during lunch or overnight, all electrodes shall be removed from the holders and the holders carefully located so that accidental contact cannot occur and the machine disconnected from the power source.

(vi) *Gas cylinder shutoff.* In order to to eliminate the possibility of gas escaping through leaks or improperly closed valves, when gas welding or cutting, the torch valves shall be closed and the fuel-gas and oxygen supply to the torch positively shut off at some point outside the confined area whenever the torch is not to be used for a substantial period to time, such as during lunch hour or overnight. Where practicable the torch and hose shall also be removed from the confined space.

(vii) *Warning sign.* After welding operations are completed, the welder shall mark the hot metal or provide some other means of warning other workers.

(f) *Health protection and ventilation*—(1) *General*—(i) *Contamination.* The requirements in this paragraph have been established on the basis of the following three factors in arc and gas welding which govern the amount of contamination to which welders may be exposed:

(*a*) Dimensions of space in which welding is to be done (with special regard to height of ceiling).

(*b*) Number of welders.

(*c*) Possible evolution of hazardous fumes, gases, or dust according to the metals involved.

(ii) *Ventilation.* It is recognized that in individual instances other factors may be involved in which case ventilation or respiratory protective devices should be provided as needed to meet the equivalent requirements of this section. Such factors would include:

(*a*) Atmospheric conditions.

(*b*) Heat generated.

(*c*) Presence of volatile solvents.

(iii) *Screens.* When welding must be performed in a space entirely screened on all sides, the screens shall be so arranged that no serious restriction of ventilation exists. It is desirable to have the screens so mounted that they are about 2 feet above the floor unless the work is performed at so low a level that the screen must be extended nearer to the floor to protect nearby workers from the glare of welding.

(iv) *Maximum allowable concentration.* Local exhaust or general ventilating systems shall be provided and arranged to keep the amount of toxic fumes, gasses, or dusts below the maximum allowable concentration as specified in § 1910.93.

(v) *Precautionary labels.* A number of potentially hazardous materials are employed in fluxes, coatings, coverings, and filler metals used in welding and cutting or are released to the atmosphere during welding and cutting. These include but are not limited to the materials itemized in paragraphs (f) (5) through (12) of this section. The suppliers of welding materials shall determine the hazard, if any, associated with the use of their materials in welding, cutting, etc.

(*a*) All filler metals and fusible granular materials shall carry the following notice, as a minimum, on tags, boxes, or other containers:

CAUTION

Welding may produce fumes and gases hazardous to health. Avoid breathing these fumes and gases. Use adequate ventilation. See ANSI Z49.1–1967 Safety in Welding and Cutting published by the American Welding Society.

(*b*) Brazing (welding) filler metals containing cadmium in significant amounts shall carry the following notice on tags, boxes, or other containers:

WARNING

CONTAINS CADMIUM—POISONOUS FUMES MAY BE FORMED ON HEATING

Do not breathe the fumes. Use only with adequate ventilation such as fume collectors, exhaust ventilators, or air-supplied respirators. See ANSI Z49.1–1967.

If chest pain, cough, or fever develops after use call physician immediately.

Keep children away when using.

(*c*) Brazing and gas welding fluxes containing fluorine compounds shall have a cautionary wording to indicate that they contain fluorine compounds. One such cautionary wording recommended by the American Welding Society for brazing and gas welding fluxes reads as follows:

CAUTION

CONTAINS FLUORIDES

This flux when heated gives off fumes that may irritate eyes, nose and throat.

1. Avoid fumes—use only in well-ventilated spaces.
2. Avoid contact of flux with eyes or skin.
3. Do not take internally.

(2) *Ventilation for general welding and cutting*—(i) *General.* Mechanical ventilation shall be provided when welding or cutting is done on metals not covered in subparagraphs (5) through (12) of this paragraph. (For specific materials, see the ventilation requirements of subparagraphs (5) through (12) of this paragraph.)

(*a*) In a space of less than 10,000 cubic feet per welder.

(*b*) In a room having a ceiling height of less than 16 feet.

(*c*) In confined spaces or where the welding space contains partitions, balconies, or other structural barriers to the extent that they significantly obstruct cross ventilation.

(ii) *Minimum rate.* Such ventilation shall be at the minimum rate of 2,000 cubic feet per minute per welder, except where local exhaust hoods and boots as per subparagraph (3) of this paragraph, or airline respirators approved by the U.S. Bureau of Mines for such purposes are provided. Natural ventilation is considered sufficient for welding or cutting operations where the restrictions in subdivision (i) of this subdivision are not present.

(3) *Local exhaust hoods and booths.* Mechanical local exhaust ventilation may be by means of either of the following:

(i) *Hoods.* Freely movable hoods intended to be placed by the welder as near as practicable to the work being welded and provided with a rate of airflow sufficient to maintain a velocity in the direction of the hood of 100 linear feet per minute in the zone of welding when the hood is at its most remote distance from the point of welding. The rates of ventilation required to accomplish this control velocity using a 3-inch wide flanged suction opening are shown in the following table:

Welding zone	Minimum air flow[1] cubic feet/minutes	Duct diameter, inches[2]
4 to 6 inches from arc or torch	150	3
6 to 8 inches from arc or torch	275	3½
8 to 10 inches from arc or torch	425	4½
10 to 12 inches from arc or torch	600	5½

[1] When brazing with cadmium bearing materials or when cutting on such materials increased rates of ventilation may be required.

[2] Nearest half-inch duct diameter based on 4,000 feet per minute velocity in pipe.

(ii) *Fixed enclosure.* A fixed enclosure with a top and not less than two sides which surround the welding or cutting operations and with a rate of airflow sufficient to maintain a velocity away from the welder of not less than 100 linear feet per minute.

(4) *Ventilation in confined spaces*—(i) *Air replacement.* All welding and cutting operations carried on in confined spaces shall be adequately ventilated to prevent the accumulation of toxic materials or possible oxygen deficiency. This applies not only to the welder but also to helpers and other personnel in the immediate vicinity. All air replacing that

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withdrawn shall be clean and respirable.

(ii) *Airline respirators.* In such circumstances where it is impossible to provide such ventilation, airline respirators or hose masks approved by the U.S. Bureau of Mines for this purpose shall be used.

(iii) *Self-contained units.* In areas immediately hazardous to life, hose masks with blowers or self-contained breathing equipment shall be used. The breathing equipment shall be approved by the U.S. Bureau of Mines.

(iv) *Outside helper.* Where welding operations are carried on in confined spaces and where welders and helpers are provided with hose masks, hose masks with blowers or self-contained breathing equipment approved by the U.S. Bureau of Mines, a worker shall be stationed on the outside of such confined spaces to insure the safety of those working within.

(v) *Oxygen for ventilation.* Oxygen shall never be used for ventilation.

(5) *Fluorine compounds*—(i) *General.* In confined spaces, welding or cutting involving fluxes, coverings, or other materials which contain fluorine compounds shall be done in accordance with subparagraph (4) of this paragraph. A fluorine compound is one that contains fluorine, as an element in chemical combination, not as a free gas.

(ii) *Maximum allowable concentration.* The need for local exhaust ventilation or airline respirators for welding or cutting in other than confined spaces will depend upon the individual circumstances. However, experience has shown such protection to be desirable for fixed-location production welding and for all production welding on stainless steels. Where air samples taken at the welding location indicate that the fluorides liberated are below the maximum allowable concentration, such protection is not necessary.

(6) *Zinc*—(i) *Confined spaces.* In confined spaces welding or cutting involving zinc-bearing base or filler metals or metals coated with zinc-bearing materials shall be done in accordance with subparagraph (4) of this paragraph.

(ii) *Indoors.* Indoors, welding or cutting involving zinc-bearing base or filler metals coated with zinc-bearing materials shall be done in accordance with subparagraph (3) of this paragraph.

(7) *Lead*—(i) *Confined spaces.* In confined spaces, welding involving lead-base metals (erroneously called lead-burning) shall be done in accordance with subparagraph (4) of this paragraph.

(ii) *Indoors.* Indoors, welding involving lead-base metals shall be done in accordance with subparagraph (3) of this paragraph.

(iii) *Local ventilation.* In confined spaces or indoors, welding or cutting involving metals containing lead, other than as an impurity, or involving metals coated with lead-bearing materials, including paint shall be done using local exhaust ventilation or airline respirators. Outdoors such operations shall be done using respiratory protective equipment approved by the U.S. Bureau of Mines for such purposes. In all cases, workers in the immediate vicinity of the cutting operation shall be protected as necessary by local exhaust ventilation or airline respirators.

(8) *Beryllium.* Welding or cutting indoors, outdoors, or in confined spaces involving beryllium-containing base or filler metals shall be done using local exhaust ventilation and airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.93. In all cases, workers in the immediate vicinity of the welding or cutting operations shall be protected as necessary by local exhaust ventilation or airline respirators.

(9) *Cadmium.*—(i) *General.* Welding or cutting indoors or in confined spaces involving cadmium-bearing or cadmium-coated base metals shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.93. Outdoors such operations shall be done using respiratory protective equipment such as fume respirators approved by the U.S. Bureau of Mines for such purposes.

(ii) *Confined space.* Welding (brazing) involving cadmium-bearing filler metals shall be done using ventilation as prescribed in paragraph (3) or (4) of this paragraph if the work is to be done in a confined space.

(10) *Mercury.* Welding or cutting indoors or in a confined space involving metals coated with mercury-bearing materials including paint, shall be done using local exhaust ventilation or airline respirators unless atmospheric tests under the most adverse conditions have established that the workers' exposure is within the acceptable concentrations defined by § 1910.93. Outdoors such operations shall be done using respiratory protective equipment approved by the U.S. Bureau of Mines for such purposes.

(11) *Cleaning compounds*—(i) *Manufacturer's instructions.* In the use of cleaning materials, because of their possible toxicity or flammability, appropriate precautions such as manufacturers instructions shall be followed.

(ii) *Degreasing.* Degreasing or other cleaning operations involving chlorinated hydrocarbons shall be so located that no vapors from these operations will reach or be drawn into the atmosphere surrounding any welding operation. In addition, trichloroethylene and perchlorethylene should be kept out of atmospheres penetrated by the ultraviolet radiation of gas-shielded welding operations.

(12) *Cutting of stainless steels.* Oxygen cutting, using either a chemical flux or iron powder or gas-shielded arc cutting of stainless steel, shall be done using mechanical ventilation adequate to remove the fumes generated.

(13) *First-aid equipment.* First-aid equipment shall be available at all times. On every shift of welding operations there should be present employees trained to render first aid. All injuries shall be reported as soon as possible for medical attention. First aid shall be rendered until medical attention can be provided.

(g) *Industrial applications* — (1) *Transmission pipeline*—(i) *General.* The requirements of paragraphs (b), (e), and (f) of this section shall be observed.

(ii) *Field shop operations.* Where field shop operations are involved for fabrication of fittings, river crossings, road crossings, and pumping and compressor stations the requirements of paragraphs (a), (b), (d), (e), and (f) of this section shall be observed.

(iii) *Electric shock.* When arc welding is performed in wet conditions, or under conditions of high humidity, special protection against electric shock shall be supplied.

(iv) *Pressure testing.* In pressure testing of pipelines, the workers and the public shall be protected against injury by the blowing out of closures or other pressures restraining devices. Also, protection shall be provided against expulsion of loose dirt that may have become trapped in the pipe.

(v) *Construction standards.* The welded construction of transmission pipelines shall be conducted in accordance with the Standard for Welding Pipe Lines and Related Facilities, API Std. 1104–1968.

(vi) *Flammable substance lines.* The connection, by welding, of branches to pipelines carrying flammable substances shall be performed in accordance with Welding or Hot Tapping on Equipment Containing Flammables, API Std. PSD No. 2201–1963.

(vii) *X-ray inspection.* The use of X-rays and radioactive isotopes for the inspection of welded pipeline joints shall be carried out in conformance with the American National Standard Safety Standard for Non-Medical X-ray and Sealed Gamma-Ray Sources, ANSI Z54.1–1963.

(2) *Mechanical piping systems*—(i) *General.* The requirements of paragraphs (a), (b), (d), (e), and (f) of this section shall be observed.

(ii) *X-ray inspection.* The use of X-rays and radioactive isotopes for the inspection of welded piping joints shall be in conformance with the American National Standard Safety Standard for Non-Medical X-ray and Sealed Gamma-Ray Sources. ANSI Z54.1–1963.

§ 1910.253 Sources of standards.

Sec.	*Source*
1910.251	ANSI Z49.1–1967, Safety in Welding and Cutting.
1910.252	(a) NFPA—51–1969, Welding and Cutting Oxygen Fuel Gas Systems. (b) ANSI Z–49.1 1967, Safety in Welding and Cutting. (c) NFPA 51B 1962, Cutting and Welding Processes. (d) 41 CFR 50–204.7.

§ 1910.254 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and addresses of the issuing organizations are as follows:

(a) American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.

(b) National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, MA 02110.

(c) Compressed Association, Inc., 500 Fifth Avenue, New York, NY 10036.

(d) American Petroleum Institute, 1801 K Street NW., Washington, DC 20006.

(e) American Welding Society, 444 Madison Avenue, New York, NY 10022.

(f) Rubber Manufacturers Association, 345 East 47th Street, New York, NY 10017.

Subpart R—Special Industries

§ 1910.261 Pulp, paper, and paperboard mills.

(a) *General requirements*—(1) *Application.* This section applies to establishments where pulp, paper, and paperboard are manufactured and converted. This section does not apply to logging and the transportation of logs to pulp, paper, and paperboard mills.

(2) *Standards incorporated by reference.* Standards covering issues of occupational safety and health which have general application without regard to any specific industry are incorporated by reference in paragraphs (b) through (m) of this section and in subparagraphs (3) and (4) of this paragraph and made applicable under this section. Such standards shall be construed according to the rules set forth in § 1910.05.

(3) *General incorporation of standards.* Establishments subject to this section shall comply with the following standards of the American National Standards Institute:

(i) Practice for Industrial Lighting, A11.1—1965 (R–1970).

(ii) Safety Requirements for Floor and Wall Openings, Railings, and Toe Boards, A12.1—1967.

(iii) Scheme for the identification of Piping Systems, A13.1—1956.

(iv) Safety Code for Portable Wood Ladders, A14.1—1968.

(v) Safety Code for Portable Metal Ladders, A14.2—1956.

(vi) Safety Code for Fixed Ladders, A14.3—1956.

(vii) Safety Code for Elevators, Dumbwaiters, and Moving Walks, A17.1—1965, including Supplements A17.1a—1967, A17.1b—1968, A17.1c—1969, and A17.1d—1970.

(viii) Practice for the Inspection of Elevators (Inspector's Manual), A17.2—1960, including Supplements A17.2a—1965 and A17.2b—1967.

(ix) Safety Code for Mechanical Power-Transmission Apparatus, B15.1—1953 (Reaffirmed 1958).

(x) Safety Code for Conveyors, Cableways, and Related Equipment, B20.1—1957.

(xi) Safety Code for Cranes, Derricks, and Hoists, B30.2—1943 (Reaffirmed 1968 and partially revised by B30.2.0—1967 and B30.5—1968).

(xii) Overhead and Gantry Cranes, B30.2.0—1967 (Partial Revision of B30.2—1943).

(xiii) Crawler, Locomotive, and Truck Cranes, B30.5—1968 (Partial Revision of B30.2—1943).

(xiv) Power Piping, B31.1.0—1967 and addenda B31.10a—1969. Fuel Gas Piping, B31.2—1968.

(xv) Safety Code for Powered Industrial Trucks, B56.1—1969.

(xvi) Identification of Gas-Mask Canisters, K13.1—1967.

(xvii) Safety Code for Woodworking Machinery, O1.1—1[illegible]4 (Reaffirmed 1961).

(xviii) Requirements for Sanitation in Places of Employment, Z4.1—1968.

(xix) Safety Code for Ventilation and Operation of Open-Surface Tanks, Z9.1—1951.

(xx) Fundamentals Governing the Design and Operation of Local Exhaust Systems, Z9.2—1960.

(xxi) Prevention of Sulfur Fires and Explosions, Z12.12—1968.

(xxii) Method of Measurement of Real-Ear Attenuation of Ear Protectors at Threshold, Z24.22—1957.

(xxiii) Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying, Z33.1—1961.

(xxiv) Specifications for Accident Prevention Signs, Z35.1—1968.

(xxv) Practice for Occupational and Educational Eye and Face Protection, Z87.1—1968 (Partial Revision of Z2.1—1959).

(xxvi) Practices for Respiratory Protection, Z88.2—1969.

(xxvii) Safety Requirements of Industrial Head Protection, Z89.1—1969.

(4) *Other standards.* The following standards shall be considered standards under this section:

(i) ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, including addenda 1969.

(ii) Building Exits Code for Life Safety from Fire, NFPA 101—1970.

(iii) Safety in the Handling and Use of Explosives, IME Pamphlet No. 17, July 1960, Institute of Makers of Explosives.

(b) *Safe practices*—(1) *Guards.* All driving mechanisms, power-transmission apparatus, and prime movers shall be constructed, guarded, and used in conformity with American National Standard B15.1—1963 (Reaffirmed 1958).

(2) *Personal protective clothing and equipment.* Foot protection, shin-guards, hard hats, noise attenuation devices, or other personal protective clothing and equipment shall be worn when the extent of the hazard is such as to warrant their use. Such equipment shall be worn whenever specifically required by other paragraphs of this section. All equipment shall be maintained in accordance with applicable American National Standards. Respirators, goggles, and protective masks, rubber gloves, rubber boots, and other such equipment shall be cleaned and disinfected before being used by another employee. Eye, head, respiratory, and ear protection, where specified, shall conform to American National Standards Z24.22—1957, Z87.1—1968, Z88.2—1969, and Z89.1—1969.

(3) *Floors and platforms.* Floors, platforms, and work surfaces shall be maintained in accordance with American National Standard A12.1—1967.

(4) *Lockouts.* Devices such as padlocks shall be provided for locking out the source of power at the main disconnect switch. Before any maintenance, inspection, cleaning, adjusting, or servicing of equipment (electrical, mechanical, or other) that requires entrance into or close contact with the machinery or equipment, the main power disconnect switch or valve, or both, controlling its source of power or flow of material, shall be locked out or blocked off with padlock, blank flange, or similar device.

(5) *Vessel entering.* Lifelines and safety harness shall be worn by anyone entering closed vessels, tanks, ship bins, and similar equipment, and a person shall be stationed outside in a position to handle the line and to summon assistance in case of emergency. The air in the vessels shall be tested for oxygen deficiency and the presence of both toxic and explosive gases and vapors, before entry into closed vessels, tanks, etc., is permitted. Self-contained air- or oxygen-supply masks shall be readily available in case of emergency. Work shall not be done on equipment under conditions where an injury would result if a valve were unexpectedly opened or closed unless the valve has been locked in a safe position.

(6) *Industrial power trucks.* All industrial power truck operations shall conform to American National Standard B56.1–1969. All forklift trucks shall be provided with overhead guards. All guards shall be designed in compliance with American National Standard B56.1—1969. Design requirements shall provide protection for the liquid petroleum tank.

(7) *Emergency lighting.* Emergency lighting shall be provided wherever it is necessary for employees to remain at their machines or stations to shut down equipment in case of power failure. Emergency lighting shall be provided at stairways and passageways or aisleways used by employees for emergency exit in case of power failure. Emergency lighting shall be provided in all plant first aid and medical facilities.

(c) *Handling and storage of pulpwood and pulp chips*—(1) *Handling pulpwood with forklift trucks.* Where large forklift trucks, or lift trucks with clam-jaws, are used in the yard, the operator's enclosed cab shall be provided with an escape hatch, whenever the hydraulic arm blocks escape through the side doors.

(2) *Handling pulpwood with cranes or stackers.* (i) Where locomotive cranes are used for loading or unloading pulpwood, the pulpwood shall be piled so as

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to allow a clearance of not less than 24 inches between the pile and the end of the cab of any locomotive crane in use, when the cab is turned in any working position.

(ii) The minimum distance of the pulpwood pile from the centerline of a standard-gage track shall be maintained at not less than 8½ feet.

(iii) Logs shall be piled in an orderly and stable manner, with no projection into walkways or roadways.

(iv) Railroad cars shall not be spotted on tracks adjacent to the locomotive cranes unless a 24-inch clearance is maintained, as required in subdivision (i) of this subparagraph.

(v) The handling and storage of other materials shall conform to subdivisions (i) and (ii) of this subparagraph with respect to clearance.

(vi) Equipment and practices shall conform to American National Standards B30.2—1943 (Reaffirmed 1968) and B30.2.0—1967.

(vii) Personal protective equipment for such uses as foot, head, and eye protection shall be required for workers on a job basis.

(viii) No person shall be permitted to walk beneath a suspended load, bucket, or hook.

(3) *Handling pulpwood from ships.* (i) Ladders and gangplanks with railings to boat docks shall meet the requirements of American National Standards A12.1—1967, A14.1—1968, A14.2—1956, and A14.3—1956, and shall be securely fastened in place.

(ii) The hatch tender shall be required to signal the hoisting engineer to move the load only after the men working in the hold are in the clear.

(iii) The air in the ship's hold, tanks, or closed vessels shall be tested for oxygen deficiency and for both toxic and explosive gases and vapors.

(4) *Handling pulpwood from flatcars and all other railway cars.* (i) Railroad flatcars for the conveyance of pulpwood loaded parallel to the length of the car shall be equipped with safety-stake pockets.

(ii) Where pulpwood is loaded crosswise on a flatcar sufficient stakes of sizes not smaller than 4 by 4 inches shall be used to prevent the load from shifting.

(iii) When it is necessary to cut stakes, those on the unloading side should be partially cut through first, and then the binder wires cut on the opposite side. Wire cutters equipped with long extension handles shall be used. No person shall be permitted along the dumping side of the car after the stakes have been cut.

(iv) When steel straps without stakes are used, the steel straps shall be cut from a safe area to prevent employees from being struck by the falling logs.

(v) Flatcars and all other cars shall be chocked during unloading. Where equipment is not provided with hand brakes, rail clamping chocks shall be used.

(vi) A derail shall be used to prevent movement of other rail equipment into cars where persons are working.

(5) *Handling pulpwood from trucks.* (i) Cutting of stakes and binder wires shall be done in accordance with subparagraph 4(iii) of this paragraph.

(ii) Where binder chain and steel stakes are used, the binder chains shall be released and the stakes tripped from the opposite side of the load spillage.

(iii) Where binder chains and crane slings are used, the crane slings shall be attached and taut before the binder chains are released. The hooker shall see that the helper is clear before signaling for the movement of the load.

(6) *Handling pulp chips from railway cars.* (i) All cars shall be securely fastened in place and all employees in the clear before dumping is started.

(ii) Personal protective equipment for such uses as foot, head, and eye protection shall be provided, and employees shall wear the equipment when working in the woodyard. Ear protection shall be provided when the noise level may be harmful.

(7) *Handling pulp chips from trucks and trailers.* (i) All trucks and trailers shall be securely fastened in place and all employees in the clear before dumping is started.

(ii) Personal protective equipment shall be in accordance with subparagraph (6)(ii) of this paragraph.

(8) *Cranes.* (i) Crane boom and load capacities as specified by the manufacturer shall be posted in the cab of the crane in accordance with American National Standards B30.2—1943 (reaffirmed 1968) and B30.2.0—1967.

(ii) A safety device such as a heavy chain or cable at least equal in strength to the lifting cables shall be fastened to the boom and to the frame of the boom crane (if it is other than locomotive) at the base. Alternatively, a telescoping safety device shall be fastened to the boom and to the cab frame, so as to prevent the boom from snapping back over the cab in the event of lifting cable breakage.

(iii) A crane shall not be operated where any part thereof may come within 10 feet of overhead powerlines (or other overhead obstructions) unless the powerlines have been deenergized. The boom shall be painted bright yellow from and including the head sheave to a point 6 feet down the boom towards the cab.

(iv) Standard signals for the operation of cranes shall be established for all movements of the crane, in accordance with American National Standards B30.2—1943 (reaffirmed 1968) and B30.2.0—1967.

(v) Only one member of the crew shall be authorized to give signals to the crane operator.

(vi) All cranes shall be equipped with a suitable warning device such as a horn or whistle.

(vii) A sheave guard shall be provided beneath the head sheave of the boom.

(9) *Traffic warning signs or signals.* (i) A flagman shall direct the movement of cranes or locomotives being moved across railroad tracks or roads, and at any points where the vision of the operator is restricted. The flagman must always remain in sight of the operator when the crane or locomotive is in motion. The blue flag policy shall be used to mark stationary cars day and night. This policy shall include marking the track in advance of the spotted cars (flag for daytime, light for darkness).

(ii) After cars are spotted for loading or unloading, warning flags or signs shall be placed in the center of the track at least 50 feet away from the cars and a derail set to protect workmen in the car.

(10) *Illumination.* Artificial illumination shall be provided when loading or unloading is performed after dark, in accordance with American National Standard A11.1—1965 (R—1970).

(11) *Bridge or dock plates.* The construction and use of bridge or dock plates shall conform to requirements of American National Standard B56.1—1969.

(12) *Barking devices.* When barking drums are employed in the yard, the requirements of paragraph (e)(12) of this section shall apply.

(13) *Hand tools.* Handles of wood hooks shall be locked to the shank to prevent them from rotating.

(14) *Removal of pulpwood.* (i) The ends of a woodpile shall be properly sloped and cross-tiered into the pile. Upright poles shall not be used at the ends of woodpiles. To knock down wood from the woodpile, mechanical equipment shall be used to permit employees to keep in the clear of loosened wood.

(ii) If dynamite is used to loosen the pile, only authorized personnel shall be permitted to handle and discharge the explosive. An electric detonator is preferable for firing; if a fuse is used, it shall be an approved safety fuse with a burning rate of not less than 120 seconds per yard and a minimum length of 3 feet, in accordance with Safety in the Handling and Use of Explosives, IME Pamphlet No. 17, July 1960.

(15) *Belt conveyors.* (i) The sides of the conveyor shall be constructed so that the wood will not fall off.

(ii) Where conveyors cross passageways or roadways, a horizontal platform shall be provided under the conveyor extending out from the sides of the conveyor a distance equal to 1½ times the length of the wood handled. The platform shall extend the width of the road plus 2 feet on each side and shall be kept free of wood and rubbish. The edges of the platform shall be provided with toeboards or other protection to prevent wood from falling, in accordance with American National Standard A12.1—1967.

(iii) All conveyors for pulpwood shall have the inrunning nips between chain and sprockets guarded; also, turning drums shall be guarded.

(iv) Every belt conveyor shall have an emergency stop cable extending the length of the conveyor so that it may be stopped from any location along the line, or conveniently located stop buttons within 10 feet of each work station, in accordance with American National Standard B20.1—1957.

(16) *Signs.* Where conveyors cross walkways or roadways in the yards, signs reading "Danger—Overhead Conveyor" or an equivalent warning shall be erected, in accordance with American National Standard Z35.1—1968.

(d) *Handling and storage of raw materials other than pulpwood or pulp chips*—(1) *Personal protective equipment.* (i) Whenever possible, all dust, fumes, and gases incident to handling materials shall be controlled at the source, in accordance with American National Standard Z9.2—1960. Where control at the source is not possible, respirators with goggles or protective masks shall be provided, and employees shall wear them when handling alum, clay, soda ash, lime, bleach powder, sulfur, chlorine, and similar materials, and when opening rag bales.

(ii) When handling liquid acid or alkali, workmen shall be provided with approved eye and face protection and protective clothing, in accordance with American National Standard Z87.1—1968.

(2) *Clearance.* (i) When materials are being piled inside a building and upon platforms, an aisle clearance at least 3 feet greater than the widest truck in use shall be provided.

(ii) Baled paper and rags stored inside a building shall not be piled closer than 18 inches to walls, partitions, or sprinkler heads.

(3) *Piling and unpiling pulp.* (i) Piles of wet lap pulp (unless palletized) shall be stepped back one-half the width of the sheet for each 8 feet of pile height. Sheets of pulp shall be interlapped to make the pile secure. Pulp shall not be piled over pipelines to jeopardize pipes, or so as to cause overloading of floors, or to within 18 inches below sprinkler heads.

(ii) Piles of pulp shall not be undermined when being unpiled.

(iii) Floor capacities shall be clearly marked on all floors.

(4) *Chocking rolls.* (i) Where pulp or paper rolls are of uniform size, cribbing should be constructed to keep rolls from moving.

(ii) Where rolls are pyramided two or more high, chocks shall be installed between each roll on the floor and at every row. The face of each chock should be formed on a radius to conform to the average roll size in use. Where pulp and paper rolls are stored on smooth floors in processing areas, rubber chocks with wooden core shall be used.

(iii) When rolls are decked two or more high, the bottom rolls shall be chocked on each side to prevent shifting in either direction.

(iv) A supply of portable roll chocks should be available to be used where there are gaps in the bottom row of rolls. These should be as light as possible while still providing maximum blocking effect.

(e) *Preparing pulpwood*—(1) *Gang and slasher saws.* A guard shall be provided in front of all gang and slasher saws to protect workers from wood thrown by saws. A guard shall be placed over tail sprockets.

(2) *Slasher tables.* Saws shall be stopped and power switches shall be locked out and tagged whenever it is necessary for any person to be on the slasher table.

(3) *Slasher drive belts, pulleys, and shafts.* All belts, pulleys, and shafts shall be guarded in accordance with American National Standard B15.1—1955 (Reaffirmed 1958).

(4) *Runway to the jack ladder.* The runway from the pond or unloading dock to the table shall be protected with standard handrails and toeboards. Inclined portions shall have cleats or equivalent nonslip surfacing, in accordance with American National Standard A12.1—1967. Protective equipment shall be provided for persons working over water.

(5) *Guards below table.* Where not protected by the frame of the machine, the underside of the slasher saws shall be enclosed with guards.

(6) *Conveyors.* The requirements of paragraph (c)(15)(iv) of this section shall apply.

(7) *Circular saws (not slasher saws).* Saws shall be provided with standard guards, in accordance with American National Standard 01.1—1954 (Reaffirmed 1961).

(8) *Barker feed.* Each barker shall be equipped with a feed and turnover device which will make it unnecessary for the operator to hold a bolt or log by hand during the barking operation. Eye, ear, and head protection shall be provided for the operator, in accordance with paragraph (b)(2) of this section.

(9) *Guards.* A guard shall be installed around barkers to confine flying particles, in accordance with American National Standard B15.1—1953 (Reaffirmed 1958).

(10) *Stops.* All control devices shall be locked out and tagged when knives are being changed.

(11) *Speed governor.* Water wheels, when directly connected to marker disks or grinders, shall be provided with speed governors, if operated with gate wide open.

(12) *Continuous barking drums.* (i) When platforms or floors allow access to the sides of the drums, a standard railing shall be constructed around the drums. When two or more drums are arranged side by side, proper walkways with standard handrails shall be provided between each set, in accordance with paragraph (b)(3) of this section.

(ii) Sprockets and chains, gears, and trunnions shall have standard guards, in accordance with paragraph (b)(1) of this section.

(iii) Whenever it becomes necessary for a workman to go within a drum, the driving mechanism shall be locked and tagged, at the main disconnect switch, in accordance with paragraph (b)(4) of this section.

(13) *Intermittent barking drums.* In addition to motor switch, clutch, belt shifter, or other power disconnecting device, intermittent barking drums shall be equipped with a device which may be locked to prevent the drum from moving while it is being emptied or filled.

(14) *Hydraulic brakers.* Hydraulic barkers shall be enclosed with strong baffles at the inlet and the outlet. The operator shall be protected by at least five-ply laminated glass.

(15) *Splitter block.* The block upon or against which the wood is rested shall have a corrugated surface or other means provided that the wood will not slip. Wood to be split, and also the splitting block, shall be free of ice, snow, or chips. The operator shall be provided with eye and foot protection. A clear and unobstructed view shall be maintained between equipment and workers around the block and the workers' help area.

(16) *Power control.* Power for the operation of the splitter shall be controlled by a clutch or equivalent device.

(17) *Knot cleaners.* The operators of knot cleaners of the woodpecker type shall wear eye protection equipment. Knot cleaners of the woodpecker type should be enclosed to protect passersby from flying chips.

(18) *Chipper spout.* The feed system to the chipper spout shall be arranged in such a way that the operator does not stand in a direct line with the chipper spout. All chipper spouts shall be enclosed to a height of at least 42 inches from the floor or operator's platform. If practical, a mirror should be installed to enable the chipper feeder to see the chute. When other protection is not sufficient, the operator shall wear a safety belt line. The safety belt line shall be fastened in such a manner as to make it impossible for the operator to fall into the throat of the chipper. Ear protection equipment shall be worn by the operator and others in the immediate area if there is any possibility that the noise level may be harmful (see § 1910.95).

(19) *Carriers for knives.* Carriers shall be provided and used for transportation of knives.

(f) *Rag and old paper preparation*—(1) *Ripping and trimming tools.* (i) Hand knives and scissors shall have blunt points, shall be fastened to the table with chain or thong, and shall not be carried on the person but placed safely in racks or sheaths when not in use.

(ii) Hand knives and sharpening steels shall be provided with guards at the junction of the handle and the blade.

(2) *Shredders, cutters, and dusters.* (i) Rotating heads or cylinders shall be completely enclosed except for an opening at the feed side sufficient to permit only the entry of stock. The enclosure shall extend over the top of the feed rolls. It shall be constructed either of solid material or with mesh or openings not exceeding one-half inch and substantial enough to contain flying particles and prevent accidental contact with moving parts. The enclosure shall be bolted or locked into place.

(ii) A smooth-pivoted idler roll resting on the stock or feed table shall be provided in front of feed rolls except when arrangements prevent the operator from standing closer than 36 inches to any part of the feed rolls.

(iii) Any manually fed cutter, shredder, or duster shall be provided with an

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idler roll as per subdivision (ii) of this subparagraph or the operator shall use special hand-feeding tools.

(iv) Hoods of cutters, shredders, and dusters shall have exhaust ventilation, in accordance with American National Standard Z9.2—1960.

(3) *Blowers.* (i) Blowers used for transporting rags shall be provided with feed hoppers having outer edges located not less than 48 inches from the fan.

(ii) The arrangement of the blower discharge outlets and work areas shall be such as to prevent material from falling on workers.

(4) *Conveyors.* Conveyors and conveyor drive belts and pulleys shall be fully enclosed or, if open and within 7 feet of the floor, shall be constructed and guarded in accordance with paragraph (c)(15) of this section and American National Standards B15.1—1953 (Reaffirmed 1958) and B20.1—1957.

(5) *Dust.* Measures for the control of dust shall be provided, in accordance with American National Standards Z33.1—1961, Z87.1—1968, and Z88.2—1969.

(6) *Rag cookers.* (i) When cleaning, inspection, or other work requires that persons enter rag cookers, all steam and water valves, or other control devices, shall be locked and tagged in the closed or "off" position. Blank flanging of pipelines is acceptable in place of closed and locked valves.

(ii) When cleaning, inspection, or other work requires that persons must enter the cooker, one person shall be stationed outside in a position to observe and assist in case of emergency, in accordance with paragraph (b)(5) of this section.

(iii) Supplied air respirators should be worn by persons when spreading material inside cookers.

(iv) Rag cookers shall be provided with safety valves in accordance with the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.

(g) *Chemical processes of making pulp*—(1) *Sulfur burners.* (i) Sulfur-burner houses shall be safely and adequately ventilated, and every precaution shall be taken to guard against dust explosion hazards and fires, in accordance with American National Standards Z9.2—1960 and Z12.12—1968.

(ii) Nonsparking tools and equipment shall be used in handling dry sulfur.

(iii) Sulfur storage bins shall be kept free of sulfur dust accumulation, and buildings should be designed with explosion relief, in accordance with American National Standard Z9.2—1960.

(iv) Electrical equipment shall be of the explosion-proof type, in accordance with the requirements of §§ 1910.322 through 1910.328.

(v) Sulfur-melting equipment shall not be located in the burner room.

(2) *Protection for employees (acid plants).* (i) Gas masks, fitted with canisters containing absorbents for the particular acids, gases, or mists involved, shall be provided for employees of the acid department.

(ii) Supplied air respirators shall be strategically located for emergency and rescue use.

(iii) During inspection, repairs, or maintenance of acid towers, the workman shall be provided with eye protection, a supplied air respirator, a safety belt, and an attached lifeline. The line shall be extended to an attendant stationed outside the tower opening.

(3) *Acid tower structure.* Outside elevators shall be inspected daily during winter months when ice materially affects safety. Elevators, runways, stairs, etc., for the acid tower shall be inspected monthly for defects that may occur because of exposure to acid or corrosive gases.

(4) *Tanks (acid).* (i) Tanks shall be free of acid and shall be washed out with water, and fresh air shall be blown into them before allowing men to enter. Men entering the tanks shall be provided with supplied air respirators, lifebelts, and attached lifelines.

(ii) A man shall be stationed outside to summon assistance if necessary. All intake valves to a tank shall be blanked off or disconnected.

(5) *Clothing.* Where lime slaking takes place, employees shall be provided with rubber boots, rubber gloves, protective aprons, and eye protection. A deluge shower and eye fountain shall be provided to flush the skin and eyes to counteract lime or acid burns.

(6) *Lead burning.* When lead burning is being done within tanks, fresh air shall be forced into the tanks so that fresh air will reach the face of the worker first and the direction of the current will never be from the source of the fumes toward the face of the workers. Supplied air respirators (constant-flow type) shall be provided.

(7) *Hoops for acid storage tanks.* Hoops of tanks shall be made of rods rather than flat strips and shall be safely maintained by scheduled inspections.

(8) *Chip and sawdust bins.* Steam or compressed-air lances, or other facilities, shall be used for breaking down the arches caused by jamming in chip lofts. No worker shall be permitted to enter a bin unless provided with a safety belt, with line attached, and an attendant stationed at the bin to summon assistance.

(9) *Exits (digester building).* At least one unobstructed exit at each end of the room shall be provided on each floor of a digester building.

(10) *Gas masks (digester building).* Gas masks shall be available. These masks shall furnish adequate protection against sulfurous acid and chlorine gases, and shall be inspected and tested at frequent intervals, not to exceed 1 month, in accordance with American National Standards Z87.1—1968, and Z88.2—1969.

(11) *Elevators.* (i) Elevators shall be constructed in accordance with American National Standard A17.1-1965.

(ii) Elevators shall be equipped with gas masks for the maximum number of passengers.

(iii) Elevators shall be equipped with an alarm system to advise of failure.

(12) *Blowoff valves and piping.* (i) The blowoff valve of a digester shall be arranged so as to be operated from another room, remote from safety valves.

(ii) Through bolts instead of cap bolts shall be used on all digester pipings.

(iii) Heavy duty pipe, valves, and fittings shall be used between the digester and blow pit. These valves, fittings, and pipes shall be inspected at least semiannually to determine the degree of deterioration and should be replaced when necessary.

(iv) Digester blow valves shall be pinned or locked in closed position throughout the entire cooking period.

(13) *Blow pits and blow tanks.* (i) Blow-pit openings shall be preferably on the side of the pit instead of on top. When located on top, openings shall be as small as possible and shall be provided with railings, in accordance with American National Standard A12.1—1967.

(ii) A specially constructed ladder shall be used for access to blow pits, to be constructed so that the door of the blow pit cannot be closed when the ladder is in place; other means shall be provided to prevent the closing of the pit door when anyone is in the pit.

(iii) A signaling device shall be installed in the digester and blow-pit rooms and chip ~~bins~~ to be operated as a warning before and while digesters are being blown.

(iv) Blow-pit hoops shall be maintained in a safe condition.

(14) *Blowing digester.* (i) Blowoff valves shall be opened slowly.

(ii) After the digester has started to be blown, the blowoff valve shall be left open, and the hand plate shall not be removed until the digester cook signals the blow-pit man that the blow is completed. Whenever it becomes necessary to remove the hand plate to clear stock, operators shall wear eye protection equipment and protective clothing to guard against burns from hot stock.

(iii) Means shall be provided whereby the digester cook shall signal the man in the chip bin before starting to load the digester.

(iv) When a digester is to be blown, or is blowing, red warning lights should be lighted, and these warning lights should be located in such a manner as to alert all personnel to leave whose duties do not require them to be in the vicinity of the digester during this operation.

(15) *Inspecting and repairing digester.* (i) Valves controlling lines leading into a digester shall be locked out and tagged. The keys to the locks shall be in the possession of a person or persons doing the inspecting or making repairs.

(ii) Fresh air shall be blown into the digester constantly while workmen are inside. Supplied air respirators shall be available in the event the fresh air supply fails or is inadequate.

(iii) No inspector shall enter a digester unless a lifeline is securely fastened to his body by means of a safety belt and at least one other experienced employee is stationed outside the digester to handle the line and to summon assistance. All ladders and lifelines shall be inspected before each use.

(iv) The concentration of lead dust in the air shall not exceed the limits specified in § 1910.93.

(v) All employees entering digesters for inspection or repair work shall be provided with protective headgear. Eye protection and dust masks shall be provided to workmen while the old brick lining is being removed, in accordance with American National Standards, Z87.1—1968, Z88.2—1969, and Z89.1—1969.

(vi) Sanitary facilities shall be provided as specified in American National Standard Z4.1—1968.

(16) *Pressure tanks-accumulators (acid).* (i) Safety regulations governing inspection and repairing of pressure tanks-accumulators (acid) shall be the same as those specified in subparagraph (15) of this paragraph.

(ii) The pressure tanks-accumulators shall be inspected twice annually. (See the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.)

(17) *Pressure vessels (safety devices).* (i) A safety valve shall be installed in a separate line from each pressure vessel; no hand valve shall be installed between this safety valve and the pressure vessel. Safety valves shall be checked between each cook to be sure they have not become plugged or corroded to the point of being inoperative. (See the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.)

(ii) All safety devices shall conform to Paragraph U-2 in the ASME Boiler and Pressure Vessel Code, Section VIII, Unfired Pressure Vessels—1968, with Addenda.

(18) *Miscellaneous.* Insofar as the processes of the sulfate and soda operations are similar to those of the sulfite processes, the standard of subparagraphs (1) through (17) of this paragraph shall apply.

(i) Quick operating showers, bubblers, etc., shall be available for emergency use in case of caustic soda burns.

(ii) Rotary tenders, smelter operators, and those cleaning smelt spouts shall be provided with eye protection equipment (fitted with lenses that filter out the harmful rays emanating from the light source) when actively engaged in their duties, in accordance with American National Standard Z87.1—1968.

(iii) Heavy-duty pipe, valves, and fittings shall be used between digester and blow pit. These shall be inspected at least semiannually to determine the degree of deterioration and repaired or replaced when necessary, in accordance with American National Standards B31.1—1955, B31.1a—1963, B31.1.0—1967, and B31.2—1968.

(iv) Smelt-dissolving tanks shall be covered and the cover kept closed, except when samples are being taken.

(v) Smelt tanks shall be provided with vent stacks and explosion doors, in accordance with American National Standard Z9.1—1951.

(19) *Blow lines.* (i) Each digester should have two independent "gas-off" lines and a reducing valve in the high-pressure steam line with a safety valve between the digester and the reducing valve. Two gas-off lines are recommended so that if one plugs with pulp, the other may be used, and the hazard of unplugging with the digester under pressure overcome. With the installation of a reducing valve and a safety valve, it is improbable that pressure will exceed the maximum allowable working pressure of the digester.

(ii) Where the blow-off lines from several digesters lead into one pipe, the handles of all cocks should be set uniformly, or some equivalent arrangement should be provided so that a man can see at a glance whether all cocks are set right or not. If valves instead of cocks are provided, a type with a rising spindle should be used.

(iii) When blow lines from more than one digester lead into one pipe, the cock or valve of the blow line from the tank being inspected or repaired shall be locked or tagged out, or the line shall be disconnected and blocked off.

(20) *Furnace room.* Exhaust ventilation shall be provided where niter cake is fed into a rotary furnace and shall be so designed and maintained as to keep the concentration of hydrogen sulfide gas below the parts per million listed in § 1910.93.

(21) *Inspection and repair of tanks.* All piping leading to tanks shall be blanked off or valved and locked or tagged. Any lines to sewers shall be blanked off to protect workers from air contaminants.

(22) *Welding.* Welding on blow tanks, accumulator tanks, or any other vessels where turpentine vapor or other combustible vapor could gather shall be done only after the vessel has been completely purged of fumes. Fresh air shall be supplied workers inside of vessels.

(23) *Turpentine systems and storage tanks.* Nonsparking tools and ground hose shall be used when pumping out the tank. The tank shall be surrounded by a berm or moat.

(h) *Bleaching*—(1) *Bleaching engines.* Bleaching engines, except the Bellmer type, shall be completely covered on the top, with the exception of one small opening large enough to allow filling but too small to admit a man. This opening should be covered by a door and guarded with standard guardrail and toeboards. Platforms leading from one engine to another shall have standard guardrails, in accordance with American National Standard A12.1—1967.

(2) *Bleach mixing rooms.* (i) The room in which the bleach powder is mixed shall be provided with adequate exhaust ventilation, located at the floor level, in accordance with American National Standard Z9.1—1951.

(ii) Chlorine gas shall be carried away from the work place and breathing area by an exhaust system. The gas shall be rendered neutral or harmless before being discharged into the atmosphere. The requirements of American National Standard Z9.2—1960 shall apply to this subdivision.

(iii) Gas masks shall be provided for emergency use, in accordance with American National Standards K13.1—1967 and Z88.2—1969.

(iv) For emergency and rescue work, independent self-contained oxygen masks or supplied air equipment shall be provided. (See American National Standards Z88.2—1969.)

(3) *Liquid chlorine.* (i) Tanks of liquid chlorine shall be stored in an adequately ventilated unoccupied room, where their possible leakage cannot affect workers.

(ii) Gas masks capable of absorbing chlorine shall be supplied, conveniently placed, and regularly inspected, and workers who may be exposed to chlorine gas shall be instructed in their use.

(iii) For emergency and rescue work, independent self-contained oxygen-type masks or supplied air equipment shall be provided.

(iv) At least two exits, remote from each other, shall be provided for all rooms in which chlorine is stored.

(v) Spur tracks upon which tank cars containing chlorine and caustic are spotted and connected to pipelines shall be protected by means of a derail in front of the cars. Blue flag policy should be invoked, in accordance with paragraph (c)(9) of this section.

(vi) All chlorine, caustic, and acid lines shall be marked for positive identification, in accordance with American National Standard A13.1—1967.

(4) *Bagged or drummed chemicals.* Bagged or drummed chemicals require efficient handling to prevent damage and spillage. Certain oxidizing chemicals used in bleaching pulp and also in some sanitizing work require added precautions for safety in storage and handling. In storage, these chemicals must be isolated from combustible materials and other chemicals with which they will react, such as acids. They must also be kept dry, clean and uncontaminated.

(i) *Mechanical pulp process*—(1) *Pulp grinders.* (i) Water wheels directly connected to pulp grinders shall be provided with speed governors limiting the peripheral speed of the grinder to that recommended by the manufacturer.

(ii) Doors of pocket grinders shall be arranged so as to keep them from closing accidentally.

(2) *Butting saws.* Hood guards shall be provided on butting saws, in accordance with American National Standard O1.1—1954 (reaffirmed 1961).

(3) *Floors and platforms.* The requirements of paragraph (b)(3) of this section shall apply.

(4) *Personal protection.* Persons exposed to falling material shall wear eye, head, foot, and shin protection equipment, in accordance with American National Standards Z87.1—1968, Z88.2—1969, Z89.1—1969, and Z41.1—1967.

(j) *Stock preparation* — (1) *Pulp shredders.* (i) Cutting heads shall be completely enclosed except for an open-

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ing at the feed side sufficient to permit only entry of stock. The enclosure shall be bolted or locked in place. The enclosure shall be of solid material or with mesh or other openings not exceeding one-half inch.

(ii) Either a slanting feed table with its outer edge not less than 36 inches from the cutting head or an automatic feeding device shall be provided.

(iii) Repairs for cleaning of blockage shall be done only when the shredder is shutdown and control devices locked.

(iv) All power-driven mechanisms shall be guarded in accordance with paragraph (b)(1) of this section.

(2) *Pulp conveyors.* Pulp conveyors and conveyor drive belts and pulleys shall be fully enclosed, or if open and within 7 feet of the floor, shall be constructed and guarded in accordance with American National Standard B20.1—1957.

(3) *Floors, steps, and platforms.* The requirements of paragraph (b)(3) of this section shall apply.

(4) *Beaters.* (i) Beater rolls shall be provided with covers.

(ii) Guard rails 42 inches high shall be provided around beaters where tub tops are less than 42 inches from the floor, in accordance with paragraph (b)(3) of this section and American National Standard A12.1—1967.

(iii) When cleaning, inspecting, or other work requires that persons enter the beaters, all control devices shall be locked or tagged out, in accordance with paragraph (b)(4) of this section.

(iv) When beaters are fed from floor above, the chute opening, if less than 42 inches from the floor, shall be provided with a complete rail or other enclosure. Openings for manual feeding shall be sufficient only for entry of stock and shall be provided with at least two permanently secured crossrails, in accordance American National Standard A12.1—1967.

(v) When beaters are fed manually from the floor above, conveniently located emergency stop devices should be provided at the top level.

(vi) Floors around beaters shall be provided with sufficient drainage to remove wastes.

(5) *Pulpers.* (i) All pulpers having the top or any other opening of vessel less than 42 inches from the floor or work platform shall have—such openings guarded by railed or other enclosures. For manual charging, openings shall be sufficient only to permit the entry of stock and shall be provided with at least two permanently secured crossrails, in accordance with American National Standard A12.1—1967.

(ii) When cleaning, inspecting, or other work requires that persons enter the pulpers, they shall be equipped with safety belt and lifeline, and one person shall be stationed outside at a position to observe and assist in case of emergency.

(iii) When cleaning, inspecting, or other work requires that persons enter pulpers, all steam, water, or other control devices shall be locked or tagged out. Blank flanging and tagging of pipe lines is acceptable in place of closed and locked or tagged valves. Blank flanging of steam and water lines shall be acceptable in place of valve locks.

(iv) All power mechanisms shall be guarded in accordance with American National Standard B15.1—1953 (reaffirmed 1958).

(6) *Stock chests.* (i) All control devices shall be locked or tagged out when persons enter stock chests, in accordance with paragraph (b)(4) of this section.

(ii) See all power mechanisms shall be guarded in accordance with paragraph (b)(1) of this section.

(iii) When cleaning, inspecting, or other work requires that persons enter stock chests, they shall be provided with a low-voltage extension light.

(k) *Machine room*—(1) *Emergency stops.* Paper machines shall be equipped with devices that will stop the machine quickly in an emergency. The devices shall consist of push buttons for electric motive power (or electrically operated engine stops), full cords connected directly to the prime mover, control clutches, or other devices, interlocked with adequate braking action. The devices shall be tested periodically by making use of them when stopping the machine and shall be so located that any person working on the machine can quickly disconnect the machine from the source of power in case of emergency.

(2) *Drives.* (i) All drives, pulleys, couplings, and shafts on equipment requiring service while operating shall have standard guards in accordance with paragraph (b)(1) of this section.

(ii) All drives shall be provided with a lockout devices at the power switch which interrupts the flow of current to the unit.

(iii) All ends of rotating shafts including dryer drum shafts shall be completely guarded.

(iv) All accessible disengaged doctor blades should be covered.

(v) All exposed shafts shall be guarded. Crossovers shall be provided.

(vi) Oil cups and grease fittings shall be placed in a safe area remote from nip and heat hazards.

(3) *Protective equipment.* Face shields, aprons, and rubber gloves shall be provided for workmen handling acids in accordance wtih paragraphs (b)(2) and (d)(1) of this section.

(4) *Walkways.* Steps and footwalks along the fourdrinier and press section shall have nonslip surfacing and be complete with standard handrails, when practical, in accordance with paragraph (b)(3) of this section.

(5) *Floor openings.* All flush floor openings in the bottom of the wire pit should be guarded with a barrier-type guard.

(6) *Steps.* Steps of uniform rise and tread with nonslip surfaces shall be provided at each press in accrodance with American National Standard A12.1—1967.

(7) *Plank walkways.* A removable plank shall be provided along each press, with standard guardrails installed. The planks shall have nonslip surfaces in accordance with paragraph (b)(3) of this section.

(8) *Dryer lubrication.* If a gear bearing must be oiled while the machine is in operation, an automatic oiling device to protect the oiler shall be provided, or oil cups and grease fittings shall be placed along the walkways out of reach of hot pipes and dryer gears.

(9) *Levers.* All levers carrying weights shall be constructed so that weight will not slip or fall off.

(10) *First dryer.* Either a permanent guardrail or apron guard or both shall be installed in front of the first dryer in each section in accordance with paragraph (b)(1) of this section.

(11) *Steam and hot-water pipes.* All exposed steam and hot-water pipes within 7 feet of the floor or working platform or within 15 inches measured horizontally from stairways, ramps, or fixed ladders shall be covered with an insulating material, or guarded in such manner as to prevent contact.

(12) *Dryer gears.* Dryer gears shall be guarded excepting where the oilers' walkway is removed out of reach of the gears' nips and spokes and hot pipes in accordance with American National Standard B15.1—1953 (reaffirmed 1958).

(13) *Broke hole.* (i) A guardrail shall be provided at broke holes in accordance with American National Standard A12.1—1967.

(ii) Where pulpers are located directly below the broke hole on a paper machine and where the broke hole opening is large enough to permit a worker to fall through, any employee pushing broke down the hole shall wear a safety belt attached to a safety belt line. The safety belt line shall be fastened in such a manner that it is impossible for the person to fall into the pulper.

(iii) An alarm bell or a flashing light shall be actuated before dropping material through the broke hole.

(14) *Feeder belt.* A feeder belt or other effective device shall be provided for starting paper through the calendar stack.

(15) *Steps.* Steps or ladders of uniform rise and tread with nonslip surfaces shall be provided at each calendar stack. Handrails and hand grips shall be provided at each calendar stack in accordance with American National Standard A12.1—1967.

(16) *Grounding.* All calendar stacks and spreader bars shall be grounded as protection against shock induced by static electricity in accordance with the requirements of § 1910.314.

(17) *Sole plates.* All exposed sole plates between dryers, calenders, reels, and rewinders shall have a nonskid surface.

(18) *Nip points.* The hazard of the nip points on all calender rolls shall be eliminated or minimized by means of an effective barrier device, or by feeding the paper into the rolls by means of a rope carrier, air jets, or hand feeding devices. Nips where paper is not being fed into the calender should be protected by barriers. Adequate nip warning signs should be used at all nip points that cannot be guarded physically.

(19) *Platforms.* (i) A nonslip walkway with standard handrail should be provided on both sides of the stacks, in accordance with the American National Standard A12.1—1967.

(ii) A nonslip platform should also be provided at the top of the calender stack if access to that area is required for changing rolls.

(20) *Scrapers.* Alloy steel scrapers with pullthrough blades approximately 3 by 5 inches in size shall be used to remove "scabs" from calender rolls.

(21) *Illumination.* Permanent lighting shall be installed in all areas where employees are required to make machine adjustments and sheet transfers in accordance with the American National Standard A11.1—1965 (R 1970).

(22) *Control panels.* Floor stand panels should be protected from being hit by moving equipment. All control panel handles and buttons shall be protected from accidental contact.

(23) *Space between reels.* On stack reels, a clearance of at least 8 inches between the reels of paper shall be maintained.

(24) *Lifting reels.* (i) The reels shall stop rotating before being lifted from bearings.

(ii) All lifting equipment (clamps, cables, and slings) shall be maintained in a safe condition and inspected regularly.

(iii) Reel shafts with square block ends shall be guarded.

(25) *'Feeder belts.* Feeder belts, carrier ropes, air carriage, or other equally effective means shall be provided for starting paper into the nip or drum-type reels.

(26) *Inrunning nip.* (i) Where the nipping point of all drum winders and rewinders is on the operator's side, it shall be guarded by barrier guards interlocked with the drive mechanism.

(ii) A zero speed switch should be installed to prevent the guard from being raised while the roll is turning.

(27) *Core collars.* Set screws for securing core collars to winding and unwinding shafts shall not protrude above the face of the collar. All edges of the collar with which an operator's hand comes in contact shall be beveled to remove all sharp corners.

(28) *Slitter knives.* Slitter knives shall be guarded so as to prevent accidental contact. Carriers shall be provided and used for transportation of slitter knives.

(29) *Winter shaft.* All shafts should be equipped with a winder collar guide. The winder shall have a guide rail to align the shaft for easy entrance into the opened rewind shaft bearing housings. If the winder is large and the rewind shafts are too heavy for manual insertion, powered rewind shaft injectors should be employed.

(30) *Core shaft.* When the core shaft weighs in excess of the safe standard, a mechanical device such as a dolly shall be provided for carrying all or part of the weight when it is being removed from the set of paper and placed in the dressing brackets on the winder. In the event that the force required to extract the shaft from the cores is excessive, even though the weight of the shaft is being supported, a powered shaft puller should be employed to relieve the operator of physical strain.

(31) *Winder area.* A nonskid surface shall be provided in the front vicinity of the winder to prevent accidental slipping.

(32) *Radiation.* Special standards regarding the use of radiation equipment shall be posted and followed as required by § 1910.96.

(l) *Finishing room*—(1) *Cleaning rolls.* Rolls shall be cleaned only on the outrunning side.

(2) *Emergency stops.* Electrically or manually operated quick power disconnecting devices, interlocked with braking action, shall be provided on all operating sides of the machine within easy reach of all employees. These devices shall be tested by making use of them when stopping the machine.

(3) *Core collars.* The requirements of paragraph (k)(27) of this section and the American National Standard B15.1—1953 (reaffirmed 1958) shall apply.

(4) *Elevators.* These shall be accordance with American National Standard A17.1—1965 shall apply.

(5) *Control panels.* The requirements of paragraph (k)(22) of this section shall apply.

(6) *Guillotine-type cutters.* (i) Each guillotine-type cutter shall be equipped with a control which requires the operator and his helper, if any, to use both hands to engage the clutch.

(ii) Each guillotine-type cutter shall be equipped with a nonrepeat device.

(iii) Carriers shall be provided and used for transportation of guillotine-type cutter knives.

(7) *Rotary cutter.* (i) On single-knife machines a guard shall be provided at a point of contact to the knife.

(ii) On duplex cutters the protection required for single-knife machines shall be provided for the first knife, and a hood shall be provided for the second knife.

(iii) Safe access shall be provided to the knives of a rotary cutter by means of catwalks with nonslip surfaces, railings, and toeboards in accordance with paragraph (b)(3) of this section.

(iv) A guard shall be provided for the spreader or squeeze roll at the nip side on sheet cutters.

(v) Electrically or manually operated quick power disconnecting devices with adequate braking action shall be provided on all operating sides of the machine within easy reach of all operators.

(vi) The outside slitters shall be guarded.

(8) *Platers.* (i) A guard shall be arranged across the face of the rolls to serve as a warning that the operator's hand is approaching the danger zone.

(ii) A quick power disconnecting device shall be installed on each machine within easy reach of the operator.

(9) *Finishing room rewinders.* (i) The nipping point of all drum winders and rewinders located on the operator's side shall be guarded by either automatic or manually operated barrier guards of sufficient height to protect fully anyone working around them. The barrier guard shall be interlocked with the drive mechanism to prevent operating above jog speed without the guard in place.

A zero speed switch should be installed to prevent the guard from being raised while the roll is turning.

(ii) A nonskid surface shall be provided in front of the rewinder to prevent an employee from slipping in accordance with paragraph (b)(3) of this section.

(iii) Mechanical lifting devices shall be provide for placing and removing rolls from the machine.

(10) *Control panels.* The requirements of paragraph (k)(22) of this section shall apply.

(11) *Roll-type embosser.* The nipping point located on the operator's side shall be guarded by either automatic or manually operated barrier guards interlocked with the drive.

(12) *Sorting and counting tables.* (i) Tables shall be smooth and free from splinters, with edges and corners rounded.

(ii) Paddles shall be smooth and free from splinters.

(13) *Roll splitters.* The nip point and cutter knife shall be guarded by either automatic or manually operated barrier guards.

(m) *Materials handling*—(1) *Hand trucks.* No person shall be permitted to ride on a powered hand truck unless it is so designed by the manufacturer. A limit switch shall be on operating handle—30 degrees each way from a 45-degree angle up and down.

(2) *Power trucks.* Power trucks shall comply with American National Standard B56.1—1969. Adequate ventilation be provided and the trucks properly maintained, so that dangerous concentrations of carbon monoxide cannot be generated, especially in warehouses or other isolated areas of a plant.

(3) *Cartons.* The carton-stitching machine shall be guarded to prevent the operator from coming in contact with the stitching head.

(4) *Banding of skids, cartons, cases, etc.* Banders and helpers shall wear eye protection equipment in accordance with paragraph (b)(2) of this section.

(5) *Unloading cars or trucks.* (i) Where steel bands or wires are used in boxcars or trucks, all loaders and helpers shall wear eye protection in accordance with paragraph (b)(2) of this section.

(ii) The construction and use of bridge or dock plates shall conform to the requirements of American National Standard B56.1—1969.

(iii) Flag signals, derails, or other protective devices shall be used to protect men during switching operations. The blue flag policy shall be invoked according to paragraph (c)(9)(i) of this section.

(n) The requirements of this § 1910.261 shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this section. In which

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event, the standard shall be effective under this section upon the commencement of the Walsh-Healey requirement.

§ 1910.262 Textiles.

(a) *Application requirements*—(1) *Application*. The requirements of this subpart for textile safety apply to the design, installation, processes, operation, and maintenance of textile machinery, equipment, and other plant facilities in all plants engaged in the manufacture and processing of textiles, except those processes used exclusively in the manufacture of synthetic fibers.

(2) *Standards incorporated by reference*. Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in paragraphs of this section and made applicable to textiles. All such standards shall be construed according to the rules of construction set out in § 1910.05.

(b) *Definitions applicable to this section*—(1) *Belt shifter*. A "belt shifter" is a device for mechanically shifting a belt from one pulley to another.

(2) *Belt shifter lock*. A "belt shifter lock" is a device for positively locking the belt shifter in position while the machine is stopped and the belt is idling on the loose pulleys.

(3) *Calender*. A "calender" in essence consists of a set of heavy rollers mounted on vertical side frames and arranged to pass cloth between them. Calenders may have two to ten rollers, or bowls, some of which can be heated.

(4) *Embossing calender*. An "embossing calender" is a calender with two or more rolls, one of which is engraved for producing figured effects of various kinds on a fabric.

(5) *Cans (drying)*. Drying "cans" are hollow cylindrical drums mounted in a frame so they can rotate. They are heated with steam and are used to dry fabrics or yarn as it passes around the perimeter of the can.

(6) *Carbonizing*. "Carbonizing" means the removing of vegetable matter such as burns, straws, etc., from wool by treatment with acid, followed by heat. The undesired matter is reduced to a carbon-like form which may be removed by dusting or shaking.

(7) *Card*. A "card" machine consists of cylinders of various sizes—and in certain cases flats—covered with card clothing and set in relation to each other so that fibers in staple form may be separated into individual relationship. The speed of the cylinders and their direction of rotation varies. The finished product is delivered as a sliver. Cards of different types are: The revolving flat card, the roller-and-clearer card, etc.

(8) *Card clothing*. "Card clothing" is the material with which many of the surfaces of a card are covered; e.g., the cylinder, doffer, etc. It consists of a thick foundation material, usually made of textile fabrics, through which are pressed many fine, closely spaced, specially bent wires.

(9) *Comber*. A "comber" is a machine for combing fibers of cotton, wool, etc. The essential parts are a device for feeding forward a fringe of fibers at regular intervals and an arrangement of combs or pins which, at the right time, pass through the fringe. All tangled fibers, short fibers, and neps are removed and the long fibers are laid parallel.

(10) *Combing machinery*. "Combing machinery" is a general classification, including combers, sliver lap machines, ribbon lap machine, and gill boxes, but excluding cards.

(11) *Cutter (rotary staple)*. A rotary staple "cutter" is a machine consisting of one or more rotary blades used for the purpose of cutting textile fibers into staple lengths.

(12) *Exposed to contact*. "Exposed to contact" shall mean that the location of an object, material, nip point, or point of operation is such that a person is liable to come in contact with it in his normal course of employment.

(13) *Garnett machine*. A "Garnett machine" means any of a number of types of machines for opening hard twisted waste of wool, cotton, silk, etc. Essentially, such machines consist of a lickerin; one or more cylinders, each having a complement worker and stripper rolls; and a fancy roll and doffer. The action of such machines is somewhat like that of a wool card, but it is much more severe in that the various rolls are covered with garnett wire instead of card clothing.

(14) *Gill box*. A "gill box" is a machine used in the worsted system of manufacturing yarns. Its function is to arrange the fibers in parallel order. Essentially, it consists of a pair of feed rolls and a series of followers where the followers move at a faster surface speed and perform a combing action.

(15) *Interlock*. An "interlock" is a device that operates to prevent the operation of machine while the cover or door of the machine is open or unlocked, and which will also hold the cover or door closed and locked while the machine is in motion.

(16) *Jig (dye)*. A dye "jig" is a machine for dyeing piece goods. The cloth, at full width, passes from a roller through the dye liquor in an open vat and is then wound on another roller. The operation is repeated until the desired shade is obtained.

(17) *Kier*. A "kier" is a large metal vat, usually a pressure type, in which fabrics may be boiled out, bleached, etc.

(18) *Lapper (ribbon)*. A ribbon "lapper" is a machine used to prepare laps for feeding a cotton comb; its purpose is to provide a uniform lap in which the fibers have been straightened as much as possible.

(19) *Lapper (Sliver)*. A sliver "lapper" is a machine in which a number of parallel card slivers are drafted slightly, laid side by side in a compact sheet, and wound into a cylindrical package.

(20) *Loom*. A "loom" is a machine for effecting the interlacing of two series of yarns crossing one another at right angles. The warp yarns are wound on a warp beam and pass through heddles and reed. The filling is shot across in a shuttle and settled in place by reed and lay, and the fabric is wound on a cloth beam.

(21) *Mangle (starch)*. A "starch mangle" is a mangle that is used specifically for starching cotton goods. It commonly consists of two large rolls and a shallow open vat with several immersion rolls. The vat contains the starch solution.

(22) *Mangle (water)*. A "water mangle" is a calendar having two or more rolls used for squeezing water from fabrics before drying. Water mangles also may be used in other ways during the finishing of various fabrics.

(23) *Mule*. A "mule" is a type of spinning frame having a head stock and a carriage as its two main sections. The head stock is stationary. The carriage is movable and it carries the spindles which draft and spin the roving into the yarn. The carriage extends over the whole width of the machine and moves slowly toward and away from the head stock during the spinning operation.

(24) *Nip*. "Nip" shall mean the point of contact between two in-running rolls.

(25) *Openers and pickers*. "Openers and pickers" means a general classification which includes breaker pickers, intermediate pickers, finisher pickers, single process pickers, multiple process pickers, willow machines, card and picker waste cleaners, thread extractors, shredding machines, roving waste openers, shoddy pickers, bale breakers, feeders, vertical openers, lattice cleaners, horizontal cleaners, and any similar machinary equipped with either cylinders, screen section, calender section, rolls, or beaters used for the preparation of stock for further processing.

(26) *Paddler*. A "paddler" consists of a trough for a solution and two or more squeeze rolls between which cloth passes after being passed through a mordant or dye bath.

(27) *Point of operation*. "Point of operation" shall mean that part of the machine where the work of cutting, shearing, squeezing, drawing, or manipulating the stock in any other way is done.

(28) *Printing machine (roller type)*. A "roller printing machine" is a machine consisting of a large central cylinder, or pressure bowl, around the lower part of the perimeter of which is placed a series of engraved color rollers (each having a color trough), a furnisher roller, doctor blades, etc. The machine is used for printing fabrics.

(29) *Ranges (bleaching continuous)*. "Continuous bleaching ranges" are of several types and may be made for cloth in rope or open-width form. The goods, after wetting out, pass through a squeeze roll into a saturator containing a solution of caustic soda and then to an enclosed J-box. A V-shaped arrangement is attached to the front part of the J-box for uniform and rapid saturation of the cloth with steam before it is packed down in the J-box. The cloth, in a single strand rope form, passes over a guide roll down the first arm of the "V" and up the second. Steam is injected into the "V" at the upper end of the second arm so that the cloth is rapidly saturated with steam

at this point. The J-box capacity is such that cloth will remain hot for a sufficient time to complete the scouring action. It then passes a series of washers with a squeeze roll in between. The cloth then passes through a second set of saturator, J-box, and washer, where it is treated with the peroxide solution. By slight modification of the form of the unit, the same process can be applied to open-width cloth.

(30) *Range (mercerizing)*. A "mercerizing range" consists generally of a 3-bowl mangle, a tenter frame, and a number of boxes for washing and scouring. The whole setup is in a straight line and all parts operate continuously. The combination is used to saturate the cloth with sodium hydroxide, stretch it while saturated, and washing out most of the caustic before releasing tension.

(31) *Sanforizing machine*. A "sanforizing machine" is a machine consisting of a large steam-heated cylinder, an endless, thick, woolen felt blanket which is in close contact with the cylinder for most of its perimeter, and an electrically heated shoe which presses the cloth against the blanket while the latter is in a stretched condition as it curves around feed-in roll.

(32) *Shearing machine*. A "shearing machine" is a machine used in shearing cloth. Cutting action is provided by a number of steel blades spirally mounted on a roller. The roller rotates in close contact with a fixed ledger blade. There may be from one to six such rollers on a machine.

(33) *Singeing machine*. A "singeing machine" is a machine used particularly with cotton; it comprises of a heated roller, plate, or an open gas flame. The material is rapidly passed over the roller or the plate or through the open gas flame to remove, fuzz or hairiness on yarn or cloth by burning.

(34) *Slasher*. A "slasher" is a machine used for applying a size mixture to warp yarns. Essentially, it consists of a stand for holding section beams, a size box, one or more cylindrical dryers or an enclosed hot air dryer, and a beaming end for finding the yarn on the loom beams.

(35) *Solvent (industrial organic)*. "Industrial organic solvent" means any organic volatile liquid or compound, or any combination of these substances which are used to dissolve or suspend a nonvolatile or slightly volatile substance for industrial utilization. It shall also apply to such substances when used as detergents or cleansing agents. It shall not apply to petroleum products when such products are used as fuel.

(36) *Tenter frame*. A "tenter frame" is a machine for drying cloth under tension. It essentially consists of a pair of endless traveling chains fitted with clips of fine pins and carried on tracks. The cloth is firmly held at the selvages by the two chains which diverge as they move forward so that the cloth is brought to the desired width.

(37) *Warper*. A "warper" is any machine for preparing and arranging the yarns intended for the warp of a fabric, specifically, a beam warper.

(c) *General safety requirements*—(1) *Means of stopping machines*. Every textile machine shall be provided with individual mechanical or electrical means for stopping such machines. On machines driven by belts and shafting a locking-type shifter or an equivalent positive device shall be used. On operations where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(2) *Handles*. Stopping and starting handles shall be designed to the proper length to prevent the worker's hand or fingers from striking against any revolving part, gear guard, or any other part of the machine.

(3) *Machine guarding*. Mechanical power-transmission equipment shall be guarded in conformity with § 1910.219.

(4) *Housekeeping*. Aisles and working spaces shall be kept in good order, clean and free of obstructions in accordance with requirements of § 1910.141.

(5) *Inspection and maintenance*. All guards and other safety devices, including starting and stopping devices, shall be properly maintained.

(6) *Lighting*. Lighting shall conform to American National Standard A11.1—1965.

(7) *Identification of piping systems*. Identification of piping systems shall conform to American National Standard A13.1—1956.

(8) *Identification of physical hazards*. Identification of physical hazards shall be in accordance with the requirements of § 1910.144.

(9) *Steam pipes*. All pipes carrying steam or hot water for process or servicing machinery, when exposed to contact and located within seven feet of the floor or working platform shall be covered with a heat-insulating material, or otherwise properly guarded.

(d) *Openers and pickers*—(1) *Beater guards*. When any opening or picker machinery is equipped with a beater, such beater shall be provided with metal covers which will prevent contact with the beater. Such covers shall be provided with an interlock which will prevent the cover from being raised while the machine is in motion and prevent the operation of the machine while the cover is open.

(2) *Cleanout holes*. Cleanout holes within reaching distance of the fan or picker beater shall have their covers securely fastened and they shall not be opened while the machine is in motion.

(3) *Feed rolls*. The feed rolls on all opening and picking machinery shall be covered with a guard designed to prevent the operator from reaching the nip while the machinery is in operation.

(4) *Removal of foreign ferrous material*. All textile opener lines shall be equipped with magnetic separators, tramp iron separators, or other means for the removal of foreign ferrous material.

(e) *Cotton cards*—(1) *Enclosures*. Cylinder and lickerins shall be completely protected and the doffers should be enclosed.

(2) *Enclosure fastenings*. The enclosures or covers shall be kept in place while the machine is in operation, except when stripping or grinding.

(3) *Stripping rolls*. On operations calling for flat strippings which are allowed to fall on the doffer cover, where such strippings are removed by hand, the doffer cover shall be kept closed and securely fastened to prevent the opening of the cover while the machine is in operation. When it becomes necessary to clean the cards while they are in motion, a long-handled brush or dust mop shall be used.

(f) *Garnett machines*—(1) *Lickerin*. Garnett lickerins shall be enclosed.

(2) *Fancy rolls*. Garnett fancy rolls shall be enclosed by covers. These shall be installed in a way that keeps worker rolls reasonably accessible for removal or adjustment.

(3) *Underside of machine*. The underside of the garnett shall be guarded by a screen mesh or other form of enclosure to prevent access.

(g) *Spinning mules*—A substantial fender of metal or hardwood shall be installed in front of the carriage wheels, the fender to extend to within one-fourth inch of the rail.

(h) *Slashers*—(1) *Cylinder dryers*—(i) *Reducing valves, safety valves, and pressure gages*. Reducing valves, safety valves, and pressure gages shall conform to the ASME Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, 1968.

(ii) *Vacuum relief valves*. Vacuum relief valves shall conform to the ASME Code for Pressure Vessels, Section VIII, Unfired Pressure Vessels, 1968.

(iii) *Lever control*. When slashers are operated by control levers, these levers shall be connected to a horizontal bar or treadle located not more than 69 inches above the floor to control the operation from any point.

(iv) *Pushbutton control*. Slashers operated by pushbutton control shall have stop and start buttons located at each end of the machine, and additional buttons located on both sides of the machine, at the size box and the delivery end. If calender rolls are used, additional buttons shall be provided at both sides of the machine at points near the nips, except when slashers are equipped with an enclosed dryer.

(v) *Nip guards*. All nip guards shall comply with the requirements of subparagraph (2)(iv) of this paragraph.

(vi) *Cylinder enclosure*. When enclosures or hoods are used over cylinder drying rolls, such enclosures or hoods shall be provided with an exhaust system which will effectively prevent wet air and steam from escaping into the workroom.

(vii) *Expansion chambers*. Slasher kettles and cookers shall be provided with expansion chambers in the covers, or drains, to prevent surging over. Steam-control valves shall be so located that they can be operated without exposing the worker to moving parts, hot surfaces, or steam.

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(2) *Enclosed hot air dryer*—(i) *Lever control*. When slashers are operated by control levers, these levers shall be connected to a horizontal bar or treadle located not more than 69 inches above the floor to control the operation from any point.

(ii) *Push-button control*. Slashers operated by push-button control shall have one start button at each end of the machine and stop buttons shall be located on both sides of the machines at intervals spaced not more than 6 feet on centers. Inching buttons should be installed.

(iii) *Dryer enclosure*. The dryer enclosure shall be provided with an exhaust system which will effectively prevent wet air and steam from escaping into the workroom.

(iv) *Nip guards*. All nip guards shall comply with Table R–1.

TABLE R–1

GUARD OPENINGS

Openings in the guard or between the guard and working surface shall not be greater than the following:

Distance of opening from nip point	*Maximum width of opening*
0 to 1½	¼
1½ to 2½	⅜
2½ to 3½	½
3½ to 5½	⅝
5½ to 6½	¾
6½ to 7½	⅞
7½ to 8½	1¼

The measurements in Table R–1 are all in inches.

(v) *Expansion chambers*. Slasher kettles and cookers shall be provided with expansion chambers into the covers, or drains, to prevent surging over. Steam control valves shall be so located that they can be operated without exposing the worker to moving parts, hot surfaces, or steam.

(i) *Warpers*—(1) *Swiveled double-bar gates*. Swiveled double-bar gates shall be installed on all warpers operating in excess of 450 yards per minute. These gates shall be so interlocked that the machine cannot be operated until the gate is in the "closed position," except for the purpose of inching or jogging.

(2) *Closed position*. "Closed position" shall mean that the top bar of the gate shall be at least 42 inches from the floor or working platform; and the lower bar shall be at least 21 inches from the floor or working platform; and the gate shall be located 15 inches from the vertical tangent to the beam head.

(j) *Drawing frames, slubbers, roving parts, cotton combers, ring spinning frames, twisters*. Gear housing covers on all installations of drawing frames, slubbers, roving frames, cotton combers, ring spinning frames, and twisters shall be equipped with interlocks.

(k) *Gill boxes*—(1) *Pin guard*. A guard shall be placed ahead of the feed end and shall be so designed that it will prevent the worker's fingers from being caught in the pins of the intersecting fallers.

(2) *Nip guards*. All nip guards shall comply with the requirements of paragraph (g)(2)(iv) of this section.

(l) *Heavy draw boxes, finishers, and speeders used in worsted drawing*—(1) *Band pulley covers*. Covers for band pulleys shall be closed when the machine is in motion.

(2) *Benches or working platforms*. Branches or working platforms approximately 10 inches in height and 8 inches in width should be installed along the entire running length of the machine for the worker to stand on while creeling the machine. Such benches or platforms shall be covered with an abrasive or nonslip material.

(m) *Silver and ribbon lappers (cotton)*. Cover guard. An interlocking cover guard shall be installed over the large calendar drums and the lap spool, designed to prevent the operator from coming in contact with the nip.

(n) *Looms*—(1) *Shuttle guard*. Each loom shall be equipped with a guard designed to minimize the danger of the shuttle flying out of the shed.

(2) *Protection for loom fixer*. Provisions shall be made so that every loom fixer can prevent the loom from being started while he is at work on the loom. This may be accomplished by means of a lock, the key to which is retained in the possession of the loom fixer, or by some other effective means to prevent starting the loom.

(o) *Shearing machines*. All revolving blades on shearing machines shall be guarded so that the opening between the cloth surface and the bottom of the guard will not exceed three-eighths inch.

(p) *Continuous bleach range (cotton and rayon)*—(1) *J-box protection*. Each valve controlling the flow of steam, injurious gases, or liquids into a J-box shall be equipped with a chain, lock, and key, so that any worker who enters the J-box can lock the valve and retain the key in his possession. Any other method which will prevent steam, injurious gases, or liquids from entering the J-box while the worker is in it will be acceptable.

(2) *Open-width bleaching*. The nip of all in-running rolls on open-width bleaching machine rolls shall be protected with a guard to prevent the worker from being caught at the nip. The guard shall extend across the entire length of the nip.

(q) *Kiers*—(1) *Reducing valves, safety valves, and pressure gages*. Reducing valves, safety valves, and pressure gages shall conform to the ASME Code for Unfired Pressure Vessels, Section VIII, Unfired/Pressure Vessels, 1968.

(2) *Kier valve protection*. Each valve controlling the flow of steam, injurious gases, or liquids into a kier shall be equipped with a chain, lock, and key, so that any worker who enters the kier can lock the valve and retain the key in his possession. Any other method which will prevent steam, injurious gases, or liquids from entering the kier while the worker is in it will be acceptable.

(r) *Gray and white bins*. On new installations guard rails conforming to § 1910.23 shall be provided where workers are required to plait by hand from the top of the bin so as to protect the worker from falling to a lower level.

(s) *Mercerizing range (piece goods)*—(1) *Stopping devices*. A stopping device shall be provided at each end of the machine.

(2) *Frame ends*. A guard shall be installed at each end of the frame between the in-running chain and the clip opener, to prevent the worker's fingers from being caught.

(3) *Mangle and washers*. The nip at the in-running rolls shall conform to § 1910.264.

(t) *Tenter frames*—(1) *Stopping devices*. A stopping device shall be provided at each end of the machine.

(2) *Frame ends*. A guard shall be installed at each end of the frame at the in-running chain and clip opener.

(3) *Oil cups*. Oil cups shall be safety located to permit easy access.

(u) *Dyeing jigs*—(1) *Stopping devices*. Each dye jig shall be equipped with individual mechanical or electrical means for stopping the machine.

(2) *Roll arms*. Roll arms on jigs shall be built to allow for extra large batches, and to prevent the center bar from being forced off, causing the batch to fall.

(v) *Padders—Nip guards*. All nip guards shall comply with the requirements of paragraph (g)(2)(iv) of this section.

(w) *Drying cans*—(1) *Pressure reducing valves and pressure gages*. Pressure reducing valves and pressure gages shall conform to the ASME Code for Pressure Vessels, Section VIII, 1968, Unfired Pressure Vessels.

(2) *Vacuum collapse*. If cans are not designed to prevent vacuum collapse, each can shall be equipped with one or more vacuum relief valves with openings of sufficient size to prevent the collapse of the can if vacuum occurs.

(x) *Flat-work ironer*—(1) *Feed rolls*. The feed rolls shall be guarded to conform to § 1910.262.

(2) *Pressure rolls*. Pressure rolls shall be covered or guarded to conform to § 1910.262.

(y) *Extractors*—(1) *Centrifugal extractor*—(i) *Cover*. Each extractor shall be equipped with a metal cover.

(ii) *Interlocking device*. Each extractor shall be equipped with an interlocking device that will prevent the cover from being opened while the basket is in motion, and also prevent the power operation of the basket while the cover is open.

(iii) *Brakes*. Each extractor shall be equipped with a mechanically or electrically operated brake to quickly stop the basket when the power driving the basket is shut off.

(iv) *Maximum allowable speed*. Each centrifugal extractor shall be effectively secured in position on the floor or foundation so as to eliminate unnecessary vibration, and should not be operated at a speed greater than the manufacturer's rating, which shall be stamped where easily visible in letters not less than one-quarter inch in height. The maximum allowable speed shall be given in revolutions per minute (rpm).

(2) *Engine drum extractor—Overspeed governor*. Each engine individually driving an extractor shall be provided with an approved engine stop and speed limit governor.

(3) *Squeezer or wringer extractor—Nip guards*. All nip guards shall comply with the requirements of paragraph (g)(2)(iv) of this section.

(z) *Nip guards*. All nip guards for water mangle, starch mangle, backwasher (worsted yarn) crabbing machines, decating machines, shall comply with the requirements of paragraph (g)(2)(iv).

(aa) *Sanforizing and palmer machine*. A safety trip rod, cable, or wire center cord shall be provided across the front and back of all palmer cylinders extending the length of the face of the cylinder. It shall operate readily whether pushed or pulled. This safety trip shall be not more than 72 inches above the level on which the operator stands and shall be readily accessible.

(bb) *Rope washers*—(1) *Splash guard*. Splash guards shall be installed on all rope washers unless the machine is so designed as to prevent the water or liquid from splashing the operator, the floor, or working surface.

(2) *Safety stop bar*. A safety trip rod, cable or wire center cord shall be provided across the front and back of all rope washers extending the length of the face of the washer. It shall operate readily whether pushed or pulled. This safety trip shall be not more than 72 inches above the level on which the operator stands and shall be readily accessible.

(cc) *Laundry washer tumbler or shaker*—(1) *Interlocking device*. Each drying tumbler, each double cylinder shaker or clothes tumbler, and each washing machine shall be equipped with an interlock device which will prevent the power operation of the inside cylinder when the outer door on the case or shell is open, and which will also prevent the outer door on the case or shell from being opened without shutting off the power. This should not prevent the movement of the inner cylinder by means of a hand operated mechanism or an "inching device."

(2) *Means of holding covers or doors in open position*. Each enclosed barrel shall also be equipped with adequate means for holding open the doors or covers of the inner and outer cylinders or shells while it is being loaded or unloaded.

(dd) *Printing machine (roller type)*—(1) *Nip Guards*. All nip guards shall comply with the requirements of paragraph (g)(2)(iv) of this section.

(2) *Crown wheel and roller gear nip protection*. The engraved roller gears and the large crown wheel shall be provided with a protective disc which will enclose the nips of the in-running gears. Individual discs for each nip will be acceptable.

(ee) *Calenders*. The nip at the in-running side of the rolls shall be provided with a guard extending across the entire length of the nip and arranged to prevent the fingers of the workers from being pulled in between the rolls or between the guard and the rolls, and constructed so that the cloth can be fed into the rolls safely.

(ff) *Rotary staple cutters*. A guard shall be installed completely enclosing the cutters to prevent the hands of the operator from reaching the cutting zone.

(gg) *Clothing folding machine*. The crank arm and blade guide rods on both sides of the cloth-folding machines shall be protected from contact by barrier guards constructed to conform to the requirements of § 1910.217.

(hh) *Hand bailing machine*. An angle-iron-handle stop guard shall be installed at the right angle to the frame of the machine. The stop guard shall be so designed and so located that it will prevent the handle from traveling beyond the vertical position should the handle slip from the operator's hand when the pawl has been released from the teeth of the takeup gear.

(ii) *Roll bench*. Cleats shall be installed on the ends of roll benches.

(jj) *Cuttle or swing folder (overhead type)*. The bottom of the overhead folders shall be located not less than 7 feet from the floor or working surface.

(kk) *Color-mixing room*. Floors in color-mixing rooms shall be constructed to drain easily.

(ll) *Open tanks and vats for mixing and storage of hot or corrosive liquids*—(1) *Protection against falls*. Open tanks and vats containing hot or corrosive liquids shall be protected to conform to the requirements of § 1910.23.

(2) *Shutoff valves*. Boiling tanks, caustic tanks, and hot liquid containers, so located that the operator cannot see the contents from the floor or working area, shall have emergency shutoff valves controlled from a point not subject to danger of splash. Valves shall conform to the ASME Pressure Vessel Code, section VIII, Unfired Pressure Vessels, 1968.

(mm) *Dye kettles and vats*.—Pipes or drains of sufficient capacity to carry the contents safely away from the working area shall be installed where there are dye kettles and vats which may at any time contain hot or corrosive liquids. These shall not empty directly onto the floor.

(nn) *Acid carboys*. Carboys shall be provided with inclinators, or the acid shall be withdrawn from the carboys by means of pumping without pressure in the carboy, or by means of hand operated siphons.

(oo) *Handling caustic soda and caustic potash*. Means shall be provided for handling and emptying caustic soda and caustic potash containers to prevent workers from coming in contact with the caustic (see paragraph (qq) of this section).

(pp) *First aid*. Wherever acids or caustics are used, provision shall be made for a copious and flowing supply of fresh, clean water.

(qq) *Personal protective equipment*—(1) *Personal protective equipment*. Workers engaged in handling acids or caustics in bulk, repairing pipe lines containing acids or caustics, etc., shall be provided with protective occupational (safety) equipment to conform to the requirements of § 1910.132, § 1910.133, and § 1910.134.

(2) Respirators, gas masks, and such appliances, for emergency use only, shall be of a type required by § 1910.134.

(rr) *Workroom ventilation*. In all workrooms in which potentially toxic substances are used, the maximum allowable concentrations listed in § 1910.93 shall be maintained. Open surface tanks shall conform to the requirements of § 1910.94(d).

§ 1910.263 Bakery equipment.

(a) *General requirements*—(1) *Application*. The requirements of this section shall apply to the design, installation, operation and maintenance of machinery and equipment used within a bakery.

(2) *Standards incorporated by reference*. Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in paragraphs of this section and made applicable to bakeries. All such standards shall be construed according to the rules of construction set out in § 1910.05.

(b) *Definitions applicable to this section*—(1) *Dumpbin and blender*. The term "dumpbin and blender" applies to those elements of a flour handling system in which flour in bags is first emptied for distribution.

(2) *Flour elevator*. The term "flour elevator" means the conveyor which is used to convey flour in a vertical direction and it includes bucket, spiral screw, or bulkflow conveyors.

(3) *Screw conveyor*. The term "screw conveyor" means the conveyor which is used to convey flour in a horizontal or inclined plane by means of a continuous spiral screw enclosed in a suitable casing which follows the same general contour of the perimeter of the screw.

(4) *Bolting reel*. The term "bolting reel" means a device in which the flour is screened through a rotating drum.

(5) *Sifter*. The term "sifter" means a device in which flour is sifted. It may be of the brush, oscillating, or vibrating type.

(6) *Flour scale*. The term "flour scale" means a scale for weighing flour.

(7) *Flour gate*. The term "flour gate" means the device or devices used to control the delivery of flour.

(8) *Direct fired ovens*. Direct fired ovens are ovens which burn fuel directly inside the baking chamber.

(9) *Direct recirculating ovens*. "Direct recirculating ovens" are ovens which have heating systems consisting of one or more heaters (located inside or outside the baking chamber), each heater being equipped with a burner, the products of combustion of which are mixed with spent gasses returned from the oven. Combustion gases are circulated through the heater and oven chamber by a fan. An overflow or vent removes part of the spent combustion gases to

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compensate for fresh combustion gases added by the burner.

(10) *Flue-type ovens.* "Flue-type ovens" are ovens which burn fuel in a furnace which is connected through flues which carry the combustion gases to a stack.

(11) *Indirect multiple-burner ovens.* "Indirect multiple-burner ovens" are ovens which are heated by burners (usually gas) which are totally enclosed in such a way that unburned gases or products of combustion cannot enter the baking chamber.

(12) *Steam-tube ovens.* "Steam-tube ovens" are ovens which are heated by a group of tubes which are partially filled with liquid and sealed at both ends. A small part of each tube is exposed to the heat of a furnace and the larger part placed inside the baking chamber. Heat is transmitted by evaporating liquid in the furnace end of the tube. Steam thus formed travels to the other end of the tube, where the steam condenses and returns to the furnace by gravity.

(13) *Indirect recirculating ovens.* "Indirect recirculating ovens" are ovens which are equipped with a gas tight duct system, a furnace, and a circulating fan. Gases of combustion are circulated through this enclosed system and mixed with fresh combustion gases generated by the burner in the combustion chamber. A vent or overflow removes a portion of the gases to compensate for the fresh gases added by the burner. No unburned gases or products of combustion have access to the baking chamber.

(14) *Electric ovens.* "Electric ovens" are ovens which are heated entirely by passing an electric current through resistance elements.

(c) *General machine guarding*—(1) *Electrical grounding.* The frame of each machine which is driven by an electric motor or has any electrical connection shall be effectively grounded.

(2) *Gears.* All gears shall be completely enclosed regardless of location.

(3) *Sprockets and V-belt drives.* Sprockets and V-belt drives located within reach from platforms or passageways or located within 8 feet 6 inches from the floor shall be completely enclosed.

(4) *Rotating parts.* Lubrication fittings on rotating parts shall be recessed or covered with collars so that the rotating surface will be smooth and flush.

(5) *Lubrication.* Where machinery must be lubricated while in motion, stationary lubrication fittings inside a machine shall be provided with extension piping to a point of safety so that the employee will not have to reach into any dangerous part of the machine when lubricating.

(6) *Removable covers or guards.* Any covers or guards which must be removed for cleaning and adjustment shall be made easily removable in order that they may be removed and replaced with the least effort.

(7) *Ventilation through machine guards.* Where it is necessary to guard motors or other equipment which require ventilation, guards should be so designed that they will not restrict the circulation of the air.

(8) *Hot pipes.* Exposed hot water and steam pipes shall be covered with insulating material wherever necessary to protect employee from contact.

(d) *Flour-handling equipment.*—(1) *General requirements for flour handling.* (i) Wherever any of the various pieces of apparatus comprising a flour-handling system are run in electrical unity with one another the following safeguards shall apply:

(*a*) Each apparatus shall be properly safeguarded by of disconnecting means for the motor circuits as required by §§ 1910.312 and 1910.320.

(*b*) Wherever a flour-handling system is of such size that the beginning of its operation is far remote from its final delivery end, all electric motors operating each apparatus comprising this system shall be controlled at each of two points, one located at each remote end, either of which will stop all motors.

(*c*) Motor control switches shall be capable of being locked in the open position.

(*d*) Control circuits for magnetic controllers shall be so arranged that the opening of any one of several limit switches, which may be on an individual unit, will serve to de-energize all of the motors of that unit.

(ii) Removable covers on all flour-handling equipment shall be so designed that the lifting effort shall not be more than 50.

(iii) Wherever flour-handling systems are of large construction, suitable walkways or platforms or both shall be constructed around and over bins and apparatus, in accordance with the requirements of §§ 1910.22 and 1910.23.

(*a*) All walkway surfaces shall be maintained in nonslip condition.

(*b*) Elevated walkways shall have railings and toeboards.

(*c*) All ladders leading to upper walkways shall be in accordance with the requirements of § 1910.25, § 1910.26, and § 1910.27.

(*d*) Wherever walkways are near the ceiling construction of the building, where obstruction to head room is lower than normal standing height, proper methods shall be provided to warn any occupant of the walkway. This should be done by means of "tell tales" or other suitable means located ahead of the obstruction. Suitable signs shall also be placed on walkways warning occupants of possible danger.

(iv) All oscillating and vibrating sifters shall be protected with guard rails of suitable height and design.

(v) All mechanical transmission shafting, gearing, and sprocket drives shall be completely guarded, preferably with dust-tight housing. Lubrication fittings shall extend to the outside of the guard.

(vi) All guards shall be readily removable.

(vii) All flour-handling equipment, each individual unit or the entire system collectively, shall be so constructed that all interior or exterior protruding corners are of a rounded nature.

(viii) When Class II hazardous conditions prevail, electric motors, motor controllers, and switches shall be of the type approved for such locations in accordance with the requirements of § 1910.326.

(2) *Bag chutes and bag lifts (bag-arm elevators).* (i) Bag chutes (gravity chutes for handling flour bags) shall be so designed so as to keep to a minimum the speed of flour bags. If the chute inclines more than 30° from the horizontal, there shall be an upturn at the lower end of the chute to slow down the bags.

(ii) Bag-arm elevators with manual takeoff shall be designed to operate at a capacity not exceeding seven bags per minute. The arms on the conveyor chain shall be so spaced as to obtain the full capacity of the elevator with the lowest possible chain speed. There shall be an electric limit switch at the unloading end of the bag-arm elevator so installed as to automatically stop the conveyor chain if any bag fails to clear the conveyor arms.

(iii) The conveyor chain on bag-arm elevators shall travel in a suitable structure and all drums shall be completely guarded, so that in case of a broken chain link the remainder of the chain will remain within its guides.

(iv) Man lifts shall be prohibited in bakeries. Bag or barrel lifts shall not be used as man lifts.

(3) *Dumpbin and Blender.* (i) The dumpbin or blender shall be constructed of metal or other nonsplintering material.

(ii) Openings shall be protected by means of bars or grids. If grids are made of mesh, the openings shall be not more than 3 inches in either length or width. If parallel bars or rods are used, they shall be spaced not more than 3 inches apart on centers.

(iii) Hinged dumpbih covers shall be provided with locks or latches to hold the covers in the open position, so that they will not accidentally fall down while the dumpbin is in operation.

(iv) Dumpbins and blenders shall be so constructed that no separate pits in floors shall be required at the point which connects the final discharge to the usual elevator.

(v) All dumpbin and blender hoods shall be of sufficient capacity to prevent circulation of flour dust outside the hoods.

(vi) All dumpbins shall be of a suitable height from floor to enable the operator to dump flour from bags, without causing undue strain or fatigue. Where the edge of any bin is more than 24 inches above the floor, a bag rest step shall be provided.

(vii) A control device for stopping the dumpbin and blender shall be provided close to the normal location of the operator.

(viii) A screen shall be provided in the suction nozzle over the bin or blender to prevent sacks that are being cleaned from getting into the rotor of the dust collecting fan.

(4) *Flour elevators.* (i) Flour elevators shall be constructed of metal or other nonsplintering material.

(ii) All removable sections of the elevator casing shall be equipped with suitable stationary clamps for quick removal, or shall be equipped with equivalent locking devices which contain no loose parts which may become detached from either the casing or the cover.

(5) *Bolting reels.* (i) Bolting reels shall be constructed of metal or other nonsplintering material, with the exception of the bolting cloth.

(ii) Refuse tailing spouts shall be readily accessible and shall be located at a safe distance from unguarded moving parts.

(6) *Storage bins.* (i) Storage bins shall be constructed of metal or other nonsplintering material.

(ii) Storage bins shall be provided with gaskets and locks or latches to keep the cover closed, or other equivalent devices in order to insure the dust tightness of the cover. Covers at openings where an employee may enter the bin shall also be provided with a hasp and a lock, so located that the employee may lock the cover in the open position whenever it is necessary to enter the bin.

(iii) Storage bins where the side is more than 5 feet in depth shall be provided with standard stationary safety ladders, both inside and outside, to reach from floor level to top of bin and from top of bin to inside bottom, keeping the ladder end away from the moving screw conveyor.

(iv) Loading distribution conveyors shall be located in top of bin centrally unhoused, and all covers for entrance to the bins shall be located away from the loading distribution conveyor.

(v) An electric limit switch or other suitable protective device shall be provided in the top of the bin centrally over the loading screw conveyor on the opposite end of the flour entrance opening. It shall be so designed as to stop the loading screw if an excessive amount of flour is delivered to the bin.

(vi) The main entrance cover of large storage bins located at the interior exit ladder shall be provided with an electric interlock for motors operating both feed and unloading screw, so that these motors cannot operate while the cover is open.

(7) *Screw conveyors.* (i) Screw conveyors shall be constructed of metal or other nonsplintering material.

(ii) Each dead-end screw conveyer shall be provided with an overflow safety gate which will operate an electric limit switch to shut down the conveyer before dangerous pressure of material is built up at the dead end.

(iii) The covers of all screw conveyors shall be made removable in convenient sections, held on with stationary clamps located at proper intervals keeping all covers dust-tight. Where drop or hinged bottom sections are provided this provision shall not apply.

(8) *Sifters.* (i) Enclosures of all types of flour sifters shall be so constructed that they are dust-tight but readily accessible for interior inspection.

(ii) Oscillating and vibrating sifters shall be so constructed that all moving parts are well within the outer frame of the apparatus.

(iii) Refuse tailing spouts of all types of sifters shall be readily accessible and shall be located at a safe distance from unguarded moving parts.

(9) *Flour scales.* (i) Flour scales shall be constructed of metal or other nonsplintering material.

(ii) Where a transparent covering is provided over dial scales it shall be made of a nonshatterable transparent material.

(iii) Traveling or track-type scales shall be equipped with bar handles for moving same. The bar should be at least 1 inch in diameter and well away from trolley track wheels.

(iv) All moving trolley wheels located within 8 feet 6 inches of floors or platforms shall be fully guarded on sides and ahead of rotating motion.

(v) The scale cutoff switch shall be totally enclosed and connected to the scale beam in such a manner as to protect the operator from contact.

(vi) Where two or more scales are used on travelling flour scales, interlocks shall be provided so that the gate will not open unless the hopper is below.

(10) *Automatic flour gates.* Automatic flour-gate equipment shall be constructed of metal or other nonsplintering material.

(e) *Mixers*—(1) *Horizontal dough mixers.* (i) Mixers with external power application shall have all belts, chains, gears, pulleys, sprockets, clutches, and other moving parts completely enclosed.

(ii) Mixers with built-in power units shall have all drive elements enclosed in such a manner as to prevent injury to operators or maintenance personnel performing their normal duties.

(iii) Each mixer shall be equipped with an individual motor and control, and with a conventiently located manual switch to prevent the mixer from being started in the usual manner while the machine is being serviced and cleaned.

(iv) All electrical control stations shall be so located that the operator must be in full view of the bowl in its open position. No duplication of such controls other than a stop switch shall be permitted.

(v) All mixers with power and manual dumping arrangements shall be equipped with safety devices which shall:

(*a*) Engage both hands of the operator, when the agitator is in motion under power, and while the bowl is opened more than one-fifth of its total opening.

(*b*) Prevent the agitator from being started, while the bowl is more than one-fifth open, without engaging both hands of the operator;

(*c*) Permit the operator to have a full view of the bowl opening while he is in the act of maintaining operation of the agitator at any time while the bowl is more than one-fifth open.

(vi) Mixers with power dumping devices shall be arranged so that the bowl opening cannot be closed beyond four-fifths of its total opening unless the operator maintains the control contact which causes the dump motor to complete the bowl closure. Alternatively the control may be so arranged that the operator must keep at least one hand engaged, by holding in a push button, during the entire closure of the mixing bowl.

(vii) Mixers shall be provided with flour-gate operating mechanisms, ingredient openings, and water inlets, which can be conveniently manipulated by the operator from the normal area of activity (either platform or floor) without requiring abnormal reaching, or improvisations which might jeopardize his safety.

(viii) Every mixer shall be equipped with a full enclosure over the bowl which is closed at all times while the agitator is in motion. Only minor openings in this enclosure, such as ingredient doors, flour inlets, etc., each representing less than 1½ square feet in area, shall be capable of being opened while the mixer is in operation.

(ix) No loose access doors and covers weighing more than 2 pounds shall be used on mixers. Such parts shall be hinged or otherwise held in proximity to the openings that they cover.

(x) Overhead covers or doors which are subject to accidental closure shall be counterbalanced to remain in an open position or provided with means to hold them open until positively released by the operator.

(xi) Provision shall be made to bolt mixers solidly to the floor to prevent dislocation or excessive vibration, and no open space between mixers and platforms shall be permitted which may endanger the operator.

(xii) Mixers shall be installed only on substantial foundations which are capable of safely withstanding the live loads incurred in full-capacity mixing operations.

(xiii) Access for lubrication at all points shall be provided so as to avoid contact between the lubricating device or the operator's hands and any moving parts.

(xiv) Any device or mechanism used to return "sponges" to a mixer shall be so interlocked with the mixer as to prevent injury to the operator.

(xv) No electrical pilot or control circuits shall be employed at a potential in excess of 240 volts.

(xvi) A motor-running overcurrent protective device shall be provided for each motor. Undervoltage protection shall be provided in all magnetic controllers.

(xvii) Positive means shall be provided to prevent application of pressure above the stipulated maximum in all mixer cooling jackets.

(xviii) Valves and controls to regulate the coolant in mixer jackets shall be located so as to permit access by the operator without jeopardizing his safety.

(2) *Vertical Mixers.* (i) Vertical mixers shall comply with subdivisions (i), (ii), (iii), (x) through (xiv), (xvi), and (xvii) of subparagraph (1) of this paragraph.

(ii) Positive means shall be provided to prevent injury to the operator during speed-change manipulation.

(iii) Bowl locking devices shall be of a positive type which require the attention of the operator for unlocking.

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(iv) Devices shall be made available for moving bowls weighing more than 80 pounds, with contents, into and out of the mixing position on the machine.

(v) Every precaution which does not impair the normal operation of the mixer shall be exercised in providing protection of the operator against injury by the moving agitators.

(f) *Dividers*—(1) *Pinch and shear points*. All pinch points and shear points from reciprocating or rotating parts of the divider shall be enclosed or guarded, to protect the operator's hands and fingers from these hazards.

(2) *Front guards*. Guards at front of a divider shall be so arranged that the weight of dough can be adjusted without removing the guard.

(3) *Rear of divider*. The back of the divider shall have a complete cover to enclose all of the moving parts, or each individual part shall be enclosed or guarded to remove the separate hazards. The rear cover shall be provided with a limit switch in order that the machine cannot operate when this cover is open. The guard on the back shall be hinged so that it cannot be completely removed and if a catch or brace is provided for holding the cover open, it shall be designed so that it will not release due to vibrations or minor bumping whereby the cover may drop on an employee.

(4) *Oil holes in knife*. The oil holes in the knife at the back of the divider shall be of such size that an employee's finger cannot go through the hole.

(5) *Knife actuating arm*. There shall be a saddle guard or other protective device on any elongated hole in the knife actuating arm at the back of the divider.

(6) *Shear pins*. Dividers shall be equipped with mechanical overload release devices such as sheer pins.

(g) *Moulders*—(1) *Hoppers*. Mechanical feed moulders shall be provided with hoppers so designed and connected to the proofer that an employee's hands cannot get into the hopper where they will come in contact with the in-running rolls.

(2) *Hand-fed moulders*. Hand-fed moulders shall be provided with a belt-feed device or the hopper shall be extended high enough so that the hands of the operator cannot get into the feed rolls. The top edge of such a hopper shall be well rounded to prevent injury when it is struck or bumped by the employee's hand.

(3) *Stopping devices*. There shall be a stopping device within easy reach of the operator who feeds the moulder and another stopping device within the reach of the employee taking the dough away from the moulder.

(4) *Cleanout holes*. Machines shall be so designed that there is no shear point in close proximity to the cleanout holes.

(5) *Rear of moulders*. At the rear of moulders all revolving shafts shall have round corners or cylindrical surfaces, and all bolts shall be flush. Tie rods shall be far enough from revolving parts to prevent a shearing or pinching hazard.

(6) *Adjustment crank*. Where a removable crank is used to adjust the moulder for different sizes of loaf, brackets shall be provided on the side of the machine for holding the crank when it is not in use.

(h) *Manually fed dough brakes*—(1) *Top-roll protection*. The top roll shall be protected by a heavy gage metal shield extending over the roll to go within 6 inches of the hopper bottom board. The shield may be perforated to permit observation of the dough entering the rolls.

(2) *Emergency stop bar*. An emergency stop bar shall be provided, so located that the body will press against it if the operator slips and falls toward the rolls, or if the operator gets his hand caught in the rolls, and this pressure shall positively open a circuit which will deenergize the drive motor. In addition a magnetic, spring-set brake shall be deenergized at the same time, causing the rolls to stop instantly. The emergency stop bar shall be checked every 30 days.

(i) *Miscellaneous equipment*—(1) *Proof boxes*. All door locks shall be operable both from within and outside the box. Guide rails shall be installed to center the rack as it enters, passes through, and leaves the proof box.

(2) *Fermentation room*. Fermentation room doors shall have nonshatterable wire glass or plastic panels for vision through doors.

(3) *Troughs*. Troughs shall be mounted on antifriction bearing casters thus making it possible for the operator to move and direct the motion of the trough with a minimum of effort.

(4) *Hand trucks*. (i) Casters shall be set back from corners to be out of the way of toes and heels, but not far enough back to cause the truck to be unstable.

(ii) A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(5) *Lift trucks*. A lock or other device shall be provided to hold the handle in vertical position when the truck is not in use.

(6) *Racks*. (i) Sharp splintered or rough corners and edges shall be eliminated.

(ii) Racks shall be equipped with handles so located with reference to the frame of the rack that no part of the operator's hands extends beyond the outer edge of the frame when holding onto the handles.

(iii) Antifriction bearing casters shall be used to give the operator better control of the rack.

(iv) End guards shall be used at shelf levels on proofing racks.

(7) *Conveyors*. (i) Wherever a conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent broken chains or other material from falling in the passageway.

(ii) Stop bumpers shall be installed on all delivery ends of conveyors, wherever manual removal of the product carried is practiced.

(iii) Where hazard of getting caught exists a sufficient number of stop buttons shall be provided to enable quick stopping of the conveyor.

(8) *Overhead rail systems*. (i) Handles for operating devices for trolley switches which hang less than 6 feet 8 inches from the floor shall be of pliable material.

(ii) Floor scales. Nonshatterable transparent material shall be used to cover dials.

(9) *Dough chutes*. The entrance to the chute shall be guarded so as to protect the employee from falling into chute, stepping into chute, or tripping over too low an edge of the chute.

(10) *Skids*. (i) All sharp corners or edges shall be eliminated on all metal skids.

(ii) All edges and corners shall be protected on skids to prevent exposed splinters.

(11) *Ingredient premixers, emulsifiers, etc.* (i) All top openings shall be provided with covers attached to the machines. These covers should be so arranged and interlocked that power will be shutoff whenever the cover is opened to a point where the operator's fingers might come in contact with the beaters.

(ii) Portable electrical agitators for ingredient premixers shall have the attachment cord so wired that the agitator will be grounded whenever it is connected to a source of power.

(12) *Chain tackle*. (i) All chain tackle shall be marked prominently, permanently, and legibly with maximum load capacity.

(ii) All chain tackle shall be marked permanently, and legibly with minimum support specification.

(iii) Safety hooks shall be used.

(13) *Trough hoists, etc.* (i) All hoists shall be marked prominently, permanently, and legibly with maximum load capacity.

(ii) All hoists shall be marked permanently and legibly with minimum support specifications.

(iii) Safety catches shall be provided for the chain so that the chain will hold the load in any position.

(iv) Safety hooks shall be used.

(14) *Air-conditioning units*. (i) All sharp corners and edges shall be eliminated.

(ii) On large units with doors to chambers large enough to be entered, all door locks shall be operable from both inside and outside.

(15) *Pan washing tanks*. (i) Counterbalanced hinged covers, or sliding covers, shall be provided.

(ii) The surface of the floor of the working platform shall be maintained in nonslip condition.

(iii) Working platforms shall be kept at least 32 inches below the top of the tank or guardrail.

(iv) All electrical sockets in pan washing rooms shall be nonmetallic and keyless and other electrical equipment shall be moisture proof.

(v) Power ventilated exhaust hoods shall be provided over the tanks.

(16) *Pan washing machines*. Sharp corners and edges shall be eliminated.

(17) *Cake depositors*. All pinch points shall be eliminated, guarded, or shielded so that hands and arms cannot reach these pinch points while the machine is in operation.

(18) *Icing machines*. All pinch points shall be eliminated, or provided with guards or shields so hands and arms cannot reach these pinch points while the machine is in operation.

(19) *Bread coolers, conveyor type*. (i) All pinch points shall be eliminated or guarded.

(ii) Stop bumpers on all delivery ends of conveyors shall be installed wherever manual removal of the product carried is practiced.

(20) *Bread coolers, rack type*. (i) Guardrails shall be installed to the center rack as it enters and leaves the cooler.

(ii) All door locks shall be operable from both within and outside the cooler.

(21) *Bread and cake boxes, trays, etc.* (i) Sharp corners and edges shall be eliminated on metal parts.

(iii) All wooden corners and edges shall be protected to prevent splinters.

(22) *Doughnut machines*. Separate flues shall be provided, (i) for venting vapors from the frying section, and (ii) for venting products of combustion from the combustion chamber used to heat the fat.

(23) *Open fat kettles*. (i) The floor around kettles shall be maintained in nonslip condition.

(ii) Fire extinguishing devices suitable for Class–B fires shall be provided. See § 1910.157.

(iii) Goggles or face shields shall be provided to prevent injuries from hot fat splashes.

(iv) The top of the kettle shall be not less than 36 inches above floor or working level.

24) *Steam kettles*. (i) Positive locking devices shall be provided to hold kettles in the desired position.

(ii) Kettles with steam jackets shall be provided with safety valves in accordance with the ASME Pressure Vessel Code, Section VIII, Unfired Pressure Vessels, 1968.

(j) *Slicers and wrappers*—(1) *Slicers*. (i) Sprockets, chains, and V-belt drives on slicers shall be completely enclosed.

(ii) All slicing machines shall be provided with a mechanical device to push the last loaf through the slicer knives.

(iii) The cover over the knife head of reciprocating-blade slicers shall be provided with an interlocking arrangement so that the machine cannot operate unless the cover is in place.

(iv) On slicers with endless band knives, each motor shall be equipped with a magnet brake which operates whenever the motor is not energized. Each door, panel, or other point of access to the cutting blades shall be arranged by means of mechanical or electric interlocks so that the motor will be deenergized if all such access doors, panels, or access points are not closed.

(v) When it is necessary to sharpen slicer blades on the machine, a barrier shall be provided leaving only sufficient opening for the sharpening stone to reach the knife blades.

(vi) Where pusher fingers attached to the feed chain enter the bed plate of the cross feed, the end guard shall be extended to cover the pinch point.

(vii) *Slicer wrapper conditions:* (*a*) Where the flight chain on the slicer turns under the bed plate on the crossfeed to the wrapper, a spring-hinged section of bed plate shall be provided so that there is no shear point between the flight chain and the bed plate.

(*b*) Wrapping and slicing machines obtained from separate manufacturers, shall be installed and connected so that the chains, sprockets, belts, and moving parts are properly guarded. Safe interconnections for the starting and stopping of such devices shall be employed.

(*c*) Mechanical control levers for starting and stopping both slicing machine conveyors and wrapping machines shall be extended or so located that an operator in one location can control both machines. Such levers should be provided wherever necessary, but these should be so arranged that there is only one station capable of starting the wrapping machine and conveyor assembly, and this starting station should be so arranged or guarded as to prevent accidental starting. The electric control station for starting and stopping the electric motor driving the wrapping machine and conveyor should be located near the clutch starting lever.

(*d*) The transfer chain shall be completely covered on all sides, not just on front and top.

(2) *Wrappers*. (i) Any hand wheel which may be provided in order to turn the wrapping machine over by hand and which may run continuously shall be a smooth, solid disk wheel.

(ii) At the discharge end (or drive side) of the crossfeed conveyor there shall be either a one- or two-piece guard in front of the crossfeed chain.

(iii) Electrical heaters on wrappers shall be protected by a cover plate properly separated or insulated from the heaters in order that accidental contact with this cover plate will not cause a burn to the operator.

(iv) Electric wiring for the wrapper heaters shall be so arranged that a minimum number of wires are used to connect the movable heaters assembly to the permanent wiring of the machine. This wiring shall be heat-resisting type in accordance with the requirements of § 1910.320.

(v) Power-driven friction rollers used to feed paper into the wrapping machine shall be provided with a guard over the in-running nip point of the rubber rollers.

(vi) The nip point, between the chain and sprocket of the loose wrap attachment, shall be completely enclosed or guarded on both sides in such a way that employee's fingers cannot get into this nip point.

(vii) Sprocket, chain, and V-belt drives on wrappers shall be completely enclosed.

(k) *Biscuit and cracker equipment*—(1) *Meal, peanut, and fig grinders*. (i) If the hopper is removable it shall be provided with an electric interlock so that the machine cannot be put in operation when the hopper is removed.

(ii) Where grid guards cannot be used, feed conveyors to hoppers, or baffle-type hoppers, shall be provided. Hoppers in such cases shall be enclosed and provided with hinged covers, and equipped with electric interlock to prevent operation of the machine with the cover open.

(2) *Sugar and spice pulverizers*. (i) All drive belts used in connection with sugar and spice pulvizers shall be grounded by means of metal combs or other effective means of removing static electricity. All pulverizing of sugar or spice grinding shall be done in accordance with NFPA 62—1967 (Standard for Dust Hazards of Sugar and Cocoa), NFPA 656—1959 (standard for Dust Hazards in Spice Grinding Plants.

(ii) Magnetic separators shall be provided to reduce fire and explosion hazards.

(3) *Cheese, fruit, and food cutters*. These machines shall be protected in accordance with the requirements of subparagraph (1) of this paragraph.

(4) *Jam, icing, and marshmallow beaters of horizontal tub type*. All top openings shall be provided with covers attached to the machines.

(5) *Reversible dough brakes*. Reversible brakes shall be provided with a guard or tripping mechanism on each side of the rolls. These guards shall be so arranged as to stop the machine or reverse the direction of the rolls so that they are outrunning if the guard is moved by contact of the operator.

(6) *Cross-roll brakes*. Cross - roll brakes shall be provided with guards that are similar in number and equal in effectiveness to guards on hand-fed brakes.

(7). *Box- and roll-type dough sheeters*. (i) Sheeting rolls shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip point.

(ii) Hoppers for sheeters shall have an automatic stop bar or automatic stopping device along the back edge of the hopper. If construction does not permit location at the back edge, the automatic stop bar or automatic stopping device shall be located where it will be most effective to accomplish the desired protection.

(8) *Cutting and panning, embossing, peeling, bar, and frutana machines*. (i) Roll stands, other than hand fed, shall be guarded at the point where the dough enters the rolls so that the operator's fingers cannot get into the nip points.

(ii) Guards shall be provided at each side of the cutter to prevent hands from getting under the cutter.

(iii) Reciprocating panner heads shall be guarded to protect the operator from being caught between moving and stationary parts.

(iv) Motor control buttons shall be located within view of the cutting head.

(9) *Rotary, die machines, pretzel rolling, and pretzel-stick extruding machines*. Dough hoppers shall have the entire opening protected with substantial grid-type guards to prevent the employee from getting his hands caught in moving parts, or the hopper shall be extended high enough so that the operator's hands cannot get into moving parts.

(10) *Band ovens*. Band ovens shall be so arranged, or guarded, that the opera-

tor cannot get caught at the nip point between the band and the drive pulley or the takeup pulley, or between the oven conveyor and the oven frame.

(11) *Wafer-cutting machines.* These machines shall be so guarded that it will be impossible for employee's fingers or hands to come in contact with the saws or knives while feeding the machine.

(12) *Pan cooling towers.* (i) Where pan cooling towers extend to two or more floors, a lockout switch shall be provided on each floor in order that mechanics working on the tower may positively lock the mechanism against starting. Only one start switch shall be used in the motor control circuit.

(ii) All unused sides of pan cooling tower conveyors shall be enclosed or effectively guarded to a height of 7 feet above each floor.

(iii) Wherever a pan cooling tower conveyor passes through a floor, the opening shall be protected by a standard railing and toe board, or by other equivalent protection.

(iv) Wherever a pan conveyor passes over a main aisleway, regularly occupied work area, or passageway, the underside of the conveyor shall be completely enclosed to prevent pans, broken chains, or other material from falling in the aisleway, work area or passageway.

(v) Sprocket wheels of pan conveyors shall be enclosed so that accidental contact cannot be made at the point where the chain comes in contact with the sprocket.

(vi) Wherever conveyor bars, flights, and attachments pass in opposite directions within 6 inches of each other, a sheet metal partition or screen with openings no larger than one-half inch shall be placed between the conveyor chains which run in opposite directions.

(13) *Chocolate melting, refining, and mixing kettles.* Each kettle shall be provided with a cover to enclose the top of the kettle. The bottom outlet of each kettle shall be of such size and shape that the operator cannot reach in to touch the revolving paddle or come in contact with the shear point between the paddle and the side of the kettle.

(14) *Caddie, cover, and box stitchers (wire stitchers).* A guard shall be mounted on the stitching head to prevent operators from getting fingers caught between the stitching head and the clincher block.

(15) *Carton-wrapping and bundling machines.* The end seal drums on carton and bundling machines shall be provided with guards.

(16) *Carton and lining feeding machines.* Cutting knives shall be provided with a hinged hood to cover the knives. These guards shall be electrically interlocked to stop the machine if they are removed.

(17) *Peanut cooling trucks.* Mechanically operated peanut cooling trucks shall have a grid-type cover over the entire top.

(1) *Ovens*—(1) *General location.* (i) Ovens shall be located with due regard to the possibility of fire resulting from overheating or from the escape of gas or fuel oil and the possibility of injury to persons resulting from explosions.

(ii) Ovens shall be built on noncumbustible foundations; excepting that where unusual circumstances require that an oven be placed on a combustible floor, the sole of the oven itself shall be insulated and shall be separated from the floor by a ventilated air space of at least 3 inches. In no case shall the temperature of a combustible floor beneath an oven be permitted to exceed 160° F.

(iii) Sufficient insulation shall be used in the crown of any oven, and the space above this crown shall be sufficiently ventilated, to prevent the temperature of any combustible ceilings from rising above 200° F.

(iv) Where oven ducts or stacks pass through combustible walls or ceilings, sufficient clearance and insulation shall be provided to keep the temperature of combustible material below 160° F.

(v) Columns or structural members of a building shall not pass through an oven. When such columns or structural members are closer than 6 inches to the inner shell of an oven, fireproof material shall be used and insulated in such a way that the temperature of the column or structural member will be kept below 160° F.

(vi) Ovens shall be located so as to be accessible from all sides and adequately spaced to permit the proper functioning of explosion vents.

(vii) Ovens shall be located so that possible fire or explosion will not expose groups of persons to possible injury. For this reason ovens shall not adjoin lockers, lunch or sales rooms, main passageways, or exits.

(2) *Recommended construction.* (i) structural parts of ovens shall be protected against corrosion or deterioration.

(ii) Roofs and other parts of ovens shall be structurally strong enough to support the weight of men who may be required to climb on top of ovens or inside of them.

(3) *Safeguards of mechanical parts.* (i) Emergency stop buttons shall be provided on mechanical ovens near the point where operators are stationed.

(ii) All piping at ovens shall be tested to be gastight.

(*a*) Soldered pipe joints shall not be permitted in connection with ovens. Pipe joints may be either screwed, flanged, or welded, in connection with ovens where such pipes carry fuel or steam.

(*b*) All pipe and fittings used shall be of good material, clear and free from cutter burrs and defects in structure or threading.

(iii) Main shutoff valves, operable separately from any automatic valve, shall be provided to permit turning off the fuel or steam in case of an emergency.

(*a*) Main shutoff valves shall be located so that explosions, fires, etc. will not prevent access to these valves.

(*b*) Main shutoff valves shall be locked in the closed position when men must enter the oven or when the oven is not in service.

(4) *Gas-burning systems.* (i) Liquefied petroleum gas shall be stored and distributed in accordance with the requirements of § 1910.110.

(ii) Inspirators on atmospheric (low-pressure) gas-burning systems shall be so constructed and machined as to insure correct alignment of the gas jet with the axis of the inspirator. Air adjustments or shutters on inspirators on atmospheric gasburning systems shall either be permanently fixed or else provided with a locking device to positively prevent accidental change of setting. The shutter shall be so located that adjustments can be made when the oven is in normal operating condition.

(iii) Dampers controlling the draft on ovens equipped with atmospheric gas-burning systems shall be interconnected with the gas supply so that no gas can be admitted to the burners if the damper is closed.

(*a*) Atmospheric pipe burners extending into the baking chamber of ovens fired with atmospheric gas-burning systems shall have secondary air ducts installed below each burner and extending over its full length. Air inlets for these ducts shall be placed outside the baking chamber.

(*b*) Stack dampers on ovens equipped with atmospheric gas-burning systems shall have a hole of the following diameter:

Diameter of flue	*Diameter of opening*
3 to 5	½
6 to 10	1
11 to 15	1½

Dimensions given in inches.

(iv) Nozzle of blast burners on atmospheric gas-burning systems shall be equipped with gas pilots or electric ignition; with the exception that burners operated on a maximum-minimum flame or modulating principle which are equipped with quick acting combustion safeguards actuated by the main burner flame may be equipped with automatic or hand torch ignition to be used for initial lighting only.

(v) Burners of the perforated pipe, ribbon, slot, tip, or similar types, having many individual ports, shall be capable of maintaining a stable flame over the entire length (or surface) of the burner throughout the turndown range and under all draft conditions which may arise in the operation of the oven, unless ignition of gas from every port shall immediately result from the ignition of gas at any single port, when gas is supplied to the burner at the highest and lowest rating of the burners.

(vi) Premixed gas burners shall be so designed that the burner will not backfire or blow off within the operating range of the burner.

(*a*) Multiple port burners, such as ribbon, strip, or tip burners, when used on premixed gas systems, shall be capable of instant ignition of the burner over its entire length when operated within the proper range of the burner, either in a normal or steam-laden oven atmosphere or under any other oven conditions which might extinguish the flame.

(*b*) Where a number of premixed gas burners are connected to a single premixing device, each burner shall be equipped with electric or gas ignition.

(vii) High-pressure inspirators (using gas at pressures exceeding 1 p.s.i.) shall be so constructed and machined as to insure perfect alignment of the gas jet with the axis of the inspirator.

(*a*) No high-pressure inspirator shall be installed with a valve or other obstruction between the inspirator and the burner.

(*b*) Each high-pressure inspirator shall have a gas adjustment consisting of a fixed replaceable orifice or an adjustable orifice. When an adjustable orifice is used, the adjusting screw shall be protected by a gas-tight plug.

(*c*) Air adjustments on high-pressure inspirators shall be provided with positive locking means.

(*d*) High-pressure inspirators shall be so located that air adjustments can be made during the operation of the oven.

(*e*) High-pressure inspirators shall be mounted in such a position that should a backfire occur, it cannot injure the operator or ignite any combustible material.

(*f*) High-pressure inspirators used on gas-burning systems, which are supplied under pressure with a partial mixture of air and gas instead of straight gas, shall not be used unless the amount of air mixed with the gas is sufficiently low to keep the mixture rich enough to be above the upper explosive limit.

(*g*) Low-pressure proportioning inspirating sets (using air at pressures from one-half to 1½ p.s.i. and gas at or about atmospheric pressure) shall be equipped with a positive locking device on the adjustment for setting the gas-air ratio.

(viii) Low-pressure proportioning inspirators equipped with zero governors, which do not compensate for any change in resistance in the mixture pipe, shall be installed so that there is no valve or other obstruction between the inspirators and the burners. Diaphragm air spaces of governors on low-pressure proportioning inspirating sets shall be vented to the outside of the building.

(ix) Two-pipe systems: No valve or other obstruction shall be placed between the mixing valve and the burners on any two-pipe system which uses air and gas under pressure, unless the mixing valve is equipped with a device which automatically will prevent excessive pressure rise in the mixture pressures. Two-pipe systems shall be equipped with means for cleaning the air and gas before they enter the mixing valve.

(5) *Gas mixing machines.* (i) All burners supplied with complete mixture from the machine shall be equipped with flash and flame arrestors equipped with automatic shutoff valves actuated by heat installed as close to the burners as practical and also at the outlet of the premixing machine ahead of the individual burner shutoffs. This is to prevent the flame from reaching the mixture supply pipe.

(*a*) The main mixture lines and the gas machine proper shall be amply protected against fire or explosion hazard by flashback arrestors and relief vents or softheads located outside the building. Some gas mixing machines are used for partially premixing gas and air and supplying this mixture to high-pressure inspirators where additional air is entrained. If the gas-air ratio is such that the mixture remains so rich as to be above the upper explosive limit over the entire range of the machine, flash arrestors or explosion vents are not required. Positive means shall be provided which will prevent any such gas mixing machine from producing an explosive mixture.

(*b*) All diaphragm or similar chambers shall be connected to the atmosphere outside of the building.

(*c*) An automatic safety shutoff valve shall be provided in the gas line leading to the mixing valve which will close the gas supply in case the suction disappears at the compressor inlet or the current to the compressor is shutoff.

(*d*) Air inlets to gas mixing machines shall be piped to a location outside the building and shall be located at a point protected against dust.

(ii) No valve or obstruction shall be installed between mixing blowers and burners.

(*a*) Mixing blowers shall be so constructed that they will supply a mixture of air and gas that will not blow off or backfire over the entire range of adjustments.

(*b*) Mixing blowers shall be provided with a pressure regulator in the gas line at the inlet to the mixing valve (to prevent variations in the air-gas ratio).

(*c*) Housings of mixing blowers shall be constructed to withstand any possible internal explosion.

(*d*) Mixing blowers shall be provided with an automatic safety shutoff valve in the gas line leading to the blower, which safety shutoff valve will close in case of failure of either gas pressure or electric current.

(6) *Oil-burning equipment.* (i) The storage and distribution of fuel oil in bakeries shall be arranged according to reference NFPA 31—1968 Standard for Installation of Oil Burning Equipment.

(ii) Oil burners shall be of a type approved by Underwriters Laboratories, Inc.

(*a*) Each oil burner shall be equipped with an electric ignition or gas pilot.

(*b*) Oil burners shall be protected against flame failure and overflowing of oil by a quick-acting combustion safeguard operated by the main burner flame. The time interval between flame failure and fuel shutoff shall be short enough to prevent a dangerous accumulation of an explosive mixture or the entry of a dangerous amount of fuel oil into the heating system; with the exception that on ovens requiring 150,000 B.t.u. per hour or less any combustion safeguard listed by the Underwriters Laboratories, Inc., may be used.

(*c*) The shutting off of the fuel supply shall be accomplished by stopping the individual burner pump equipped with a pressure cutoff valve, or by closing a suitable valve.

(*d*) Oil-fired ovens shall have dampers so arranged that a small amount of air is passed through the furnace at all times.

(*e*) Oil burners capable of being withdrawn from the furnace (for adjustment, etc.) shall be provided with an interlock which will prevent the burner from starting when in the withdrawn position.

(*f*) Preheating of oil, where necessary, shall be done by steam, hot water, or electric heater, and shall be thermostatically controlled. Heaters shall be substantially constructed with all joints made oil tight. Thermometers shall be installed at suitable locations to indicate the temperature of the heated oil. Heaters shall be bypassed or provided with suitable means to prevent abnormal pressure.

(*g*) Oil burners equipped with mechanical means for supplying air shall have an interlock between the air pressure and the oil supply so that the burner cannot operate unless air for proper combustion is available.

(iii) High-pressure atomizing oil burners shall be provided with a pressure cutoff valve between the pump and the nozzle.

(iv) Air atomizing burners equipped with maximum-minimum or modulating controls, and which are arranged to have the ignition turned off after initial lighting has been accomplished, shall be equipped with a quick-acting flame safeguard directly actuated by the main flame of the burner.

(v) Mechanical atomizing burners of the rotary type shall be operated on the on-off principle and shall be equipped with safeguards actuated by the main flame.

(vi) Evaporator-type burners shall be installed in such a way that provision is made to open the draft damper before oil can be admitted to the burners.

(vii) Burners supplied by "vapofiers" shall be equipped with a protected gas or electric pilot. In combination vapofier-gas heating systems, the burner shall be protected in accordance with the requirements of subparagraph (4) of this paragraph.

(7) *Solid-fuel firing equipment.* (i) In solid-fuel firing systems proper draft shall be maintained at the stack as long as there is fuel in the furnace. All breachings and flues shall be kept in a tight and clean condition. Solid-fuel firing systems using forced draft shall have the air supply to the ash pit interconnected with the furnace in such a way that the air pressure is shut off when the furnace door is opened.

(ii) *Mechanical stokers.* (*a*) Fuel feed and air supply to mechanical stokers shall be interlocked in such a way that fuel cannot be fed without sufficient air being available.

(*b*) Dampers in mechanical-stoker fired systems shall be interlocked with the stoker in such a way that the stoker cannot be started unless the damper is open.

(8) *Electrical heating equipment.* (i) All electrical equipment shall be built and installed according to Subpart S of this part.

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(ii) Open heating elements inside the baking chamber shall be guarded against accidental touching by the product being baked, by the body of the operator, or by current-conducting implements which may be used.

(iii) A main disconnect switch or circuit breaker shall be provided. This switch or circuit breaker shall be so located that it can be reached quickly and safely. The main switch or circuit breaker shall have provisions for locking it in the open position if any work on the electrical equipment or inside the oven must be performed.

(9) *General requirements.* (i) Protecting devices shall be properly maintained and kept in working order.

(ii) All safety devices on ovens shall be inspected at intervals of not less than twice a month by an especially appointed, properly instructed bakery employee, and not less than once a year by representatives of the oven manufacturers.

(iii) (*a*) Protection of gas pilot lights shall be provided when it is impracticable to protect the main flame of the burner and where the pilot flame cannot contact the flame electrode without being in the path of the main flame of the burner. Failure of any gas pilot shall automatically shut off the fuel supply to the burner.

(*b*) Ovens with multiple burners shall be equipped with individual atmospheric pilot lights where there is sufficient secondary air in the baking chamber and where gas is available; or else each burner shall be equipped with an electric spark-type ignition device.

(iv) Burners of a capacity exceeding 150,000 B.t.u. per hour equipped with electric ignition shall be protected in addition by quick-acting combustion safeguards.

(*a*) The high-tension current for any electric spark-type ignition device shall originate in a power supply line which is interlocked with the fuel supply for the oven in such a way that in case of current failure both the source of electricity to the high-tension circuits and the fuel supply shall be turned off simultaneously.

(*b*) All electric circuits in connection with ignition systems on ovens shall comply with Subpart S of this part.

(*c*) Combustion safeguards used in connection with electric ignition systems on ovens shall be so designed as to prevent an explosive mixture from accumulating inside the oven before ignition has taken place.

(v) When fuel is supplied and used at line pressure, safety shutoff valves shall be provided in the fuel line leading to the burner.

(*a*) When fuel is supplied in excess of line pressure, safety shutoff valves shall be provided in the fuel line leading to the burners, unless the fuel supply lines are equipped with other automatic valves which will prevent the flow of fuel when the compressing equipment is stopped.

(*b*) The safety shutoff valve shall be positively tight and shall be tested at least twice monthly.

(*c*) Packing glands shall be designed so that the valve will not be made inoperative by excessive tightening of the packing gland.

(*d*) Electrically operated safety shutoff valves shall be normally closed and not depend on electricity for shutting off the fuel supply.

(*e*) A safety shutoff valve shall require manual operation for reopening after it has closed, or the electric circuit shall be so arranged that it will require a manual operation for reopening the safety shutoff valve.

(*f*) Manual reset-type safety shutoff valves shall be so arranged that they cannot be locked in an open position by external means.

(*g*) Where blowers are used for supplying the air for combustion the safety shutoff valve shall be interlocked so that it will close in case of air failure.

(*h*) Where gas or electric ignition is used, the safety shutoff valve shall close in case of ignition failure. On burners equipped with combustion safeguards, the valve shall close in case of burner flame failure.

(vi) One main, manually operated, fuel shutoff valve shall be provided on each oven, and shall be located ahead of all other valves in the system.

(vii) All individual gas or oil burners with a heating capacity over 150,000 B.t.u. per hour shall be protected by a safeguard which is actuated by the flame and which will react to flame failure in a time interval not to exceed 2 seconds. All safeguards, once having shut down a gas or oil burner, shall require manual resetting and starting of the burner or burners.

(viii) Any space in an oven (except direct fired ovens) which could be filled with an explosive mixture shall be protected by explosion vents. Explosion vents shall be made of minimum weight consistent with adequate insulation.

(*a*) Explosion doors which have a substantial weight shall be attached by chains or similar means to prevent flying parts from injuring the personnel in case of an explosion.

(*b*) Where explosion vents are so located that flying parts or gases might endanger the personnel working on or near the oven, internal or external protecting means shall be provided in the form of heavily constructed shields or deflectors made from noncombustible material.

(*c*) Specifically a expanded from the provisions of this Code as contained in the immediately preceding three paragraphs heating systems on ovens in which the fuel is admitted only to enclosed spaces which shall have been tested to prove that their construction will resist repeated explosions without deformation are exempt from the requirements of subdivisions (viii) (*a*) and (*b*) of this paragraph.

(ix) *Flues and dampers.* (*a*) All ovens (except electrically heated) shall be properly and firmly connected to an active chimney or flue of ample size to carry away the flue gases.

(*b*) The chimney shall be preinspected after installation or repair to determine whether it is in suitable condition.

(*c*) The flue pipe or breeching shall be properly supported in all cases.

(*d*) Means shall be employed which will prevent the flue pipe or breeching from entering beyond the inner wall of the chimney flue.

(*e*) Flue pipe shall be cemented or otherwise sealed to the chimney wall so as to prevent infiltration of air.

(*f*) A flue damper or other equivalent means for regulating draft shall be installed on each oven, the proper operation of which depends on natural draft.

(*g*) Dampers, where used, shall be equipped with suitably located minimum and maximum stops. The minimum stop for dampers shall be adjusted to obtain sufficient air for combustion at the minimum oven output. Where stack dampers are used in connection with oil- or gas-fired ovens, they shall be equipped with means to turn the burner off when the damper is closed.

(x) Where the initial pressure of the fuel is lower than the air pressure used for combustion, check valves shall be installed in the fuel line to prevent air from backing up into the fuel lines. For instance, in gas burner apparatus, which uses air at pressures exceeding the gas service pressure, a check valve shall be provided in the gas line next to the mixing device.

(xi) Where the gas supply pressure is substantially higher than that at which the burners of an oven are designed to operate, a gas pressure regulator shall be employed.

(*a*) Gas pressure regulators, where used, shall maintain the gas pressure to the manifold within 10 percent of the operating pressure from maximum to minimum consumption rates.

(*b*) Regulators shall be of the spring-loaded, dead-weight, or pressure-balanced type. Spring- or weight-loaded regulators shall have springs or weights covered by suitable housing. Under no circumstances shall a weight and lever type of regulator be used.

(*c*) A gas pressure regulator, requiring access to atmosphere for successful operation, shall be vented to the outer air.

(*d*) A relief valve shall be placed on the outlet side of gas pressure regulators where gas is supplied at high pressure. The discharge from this valve shall be piped to the outside of the building.

(xii) All chambers which have to be connected to the atmosphere, but are separated from any gaseous or other volatile fuel by a flexible membrane, as, for instance, a diaphragm, bellows, etc., shall be connected by a pipe of at least one-half inch size to the outside atmosphere. The outside end of this pipe shall be protected against flooding or accidental plugging by ice formation, insects, or other causes, by providing a "tee" with double elbow connections pointing downwards at the top of the pipe, and screened outlets. Where several of such chambers are used in close proximity, a common vent line may be used.

(xiii) Where accumulation of dust in the air supply might affect the proper functioning of mixing devices and burners, the air supply inlet shall be equipped with suitable air filters. A standby filter should be available to permit interchanging filters for cleaning purposes.

(10) *Direct-fired ovens.* (i) Direct-fired ovens shall be safeguarded against failure of fuel, air, or ignition.

(ii) To prevent the possible accumulation of explosive gases from being ignited after a shutdown, all direct-fired ovens with a heating capacity over 150,000 B.t.u. per hour shall be ventilated before the ignition system, combustion air blower, and the fuel can be turned on. The preventilation shall insure at least four complete changes of atmosphere in the baking chamber by discharging the oven atmosphere to the outside of the building and entraining fresh air into it. The preventilation shall be repeated whenever the heating equipment is shut down by a safety device.

(11) *Direct recirculating ovens.* (i) Each circulating fan in direct recirculating ovens shall be interconnected with the burner in such a manner that the fuel is shut off by a safety valve when the fan is not running.

(ii) The flame of the burner or burners in direct recirculating ovens shall be protected by a quick-acting flame-sensitive safeguard which will automatically shut off the fuel supply in case of burner failure.

(iii) Direct recirculating ovens shall be equipped with preventilating devices.

(iv) Fans in direct recirculating ovens shall be constructed of materials suitable for the temperatures at which they will operate and designed with an ample safety factor to prevent rupture of the wheel.

(v) Fan wheel in direct recirculating oven shall be protected against direct impingement of the flame of the burner or burners.

(vi) Direct recirculating ovens, and particularly fans in and on such ovens, shall be protected from overheating by means of a temperature limiting device.

(vii) When the burner or burners on direct recirculating ovens are mounted at elevated positions permanent steps shall be provided for safe and convenient access to the burner or burners.

(12) *Flue-type ovens.* (i) Flue-type ovens shall be operated in such a way that less than atmospheric pressure is maintained in the flues.

(ii) Gas burners in flue-type ovens shall be protected against flame failure.

(iii) Oil burners on flue-type ovens shall be equipped with combustion safeguards as listed by the Underwriters Laboratories, Inc.

(iv) Solid-fuel stoker-fired flue-type ovens shall have the stack damper interlocked with the stoker so that the stoker cannot be operated when the damper is closed.

(13) *Indirect-fired multiple burner ovens.* (i) Indirect-fired multiple-burner ovens shall be equipped with safety shutoff valves which are interlocked with the ignition system, the air pressure and the gas pressure.

(ii) Parts of enclosures reaching through the wall of indirect-fired multiple-burner ovens, and observation windows on such ovens, shall be tested at least once each year with repeated explosions, and afterward inspected for leaks.

(14) *Steam-tube ovens.* Steam-tube ovens shall be protected against overfiring (firing at an excessive rate) and overheating (heating to excessive temperatures) by devices which control the maximum amount of fuel admitted to the furnace and the maximum permissible temperature in the baking chamber.

(15) *Indirect recirculating ovens.* (i) Indirect recirculating ovens shall have all oil and gas burners equipped with quick-acting flame sensitive combustion safeguards.

(ii) Duct systems in indirect-recirculating ovens shall be protected by explosion vents having a minimum total area of 1 square foot of vent to 15 cubic feet of total duct volume. These explosion vents shall be so located that they will not release hot gases or flying parts in the direction of an operator.

(iii) Duct systems (in ovens) operating under pressure shall be tested for tightness in the initial starting of the oven and also at intervals not farther apart than 6 months.

(iv) Fans and other parts in indirect recirculating ovens shall comply with requirements as listed under subparagraph (11) of this paragraph.

(16) *Electric ovens.* Electric ovens shall be installed, operated, and maintained in accordance with Subpart S of this part.

§ 1910.264 Laundry machinery and operations.

(a) *Definitions applicable to this section.* (1) *Laundry.* The term "laundry" shall mean an establishment wherein the washing, ironing, or other finishing of clothes, or any other textiles is done, but excluding printing, bleaching, dry cleaning, or dyeing of clothes or other textiles.

(2) *Marking machine.* The term "marking machine" shall mean a power-driven machine used for marking clothes or other textiles.

(3) *Washing machine.* The term "washing machine" shall mean a power-driven machine used for washing clothes or other textiles. It generally consists of a stationary case or shell inside of which is a revolving perforated cylinder.

(4) *Extractor.* The term "extractor" shall mean a power-driven centrifugal machine used for removing surplus moisture from clothes or other textiles by centrifugal action.

(5) *Wringer.* The term "wringer" shall mean one or more power-driven rolls used for removing surplus moisture from clothes or other textiles.

(6) *Starch mixer.* The term "starch mixer" shall mean a power-driven machine used for mixing or processing starch.

(7) *Starching machine.* The term "starching machine" shall mean a power-driven machine used for the starching of clothes or other textiles.

(8) *Drying tumbler.* The term "drying tumbler" shall mean a machine within which clothes or other textiles are dried by air, and which usually consists of an enclosure inside of which is a revolving cylinder.

(9) *Shaker.* The term "shaker" (clothes tumbler) shall mean a revolving cylinder used for shaking out clothes or other textiles.

(10) *Drying room.* The term "drying room" shall mean an enclosure used for drying clothes or other textiles, and containing any power-driven mechanism.

(11) *Dampening machine.* The term "dampening machine" shall mean a machine used for dampening clothes or other textiles.

(12) *Ironer.* The term "ironer" shall mean a hand- or power-operated machine, with one or more rolls or heated surfaces in contact, used for ironing or smoothing clothes or other textiles.

(13) *Shaping machine.* The term "shaping machine" shall mean a power-driven machine used to shape, mold, or otherwise finish clothes or other textiles; this term shall also include shaping tables, stands, or shelves upon which the machine may be mounted.

(14) *Sewing machine.* The term "sewing machine" shall mean a machine used for sewing or stiching clothes or other textiles.

(15) *Guarded.* The term "guarded" shall mean covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers or casings, barrier rails, safety bars, or screens, to eliminate the possibility of accidental contact with, or dangerous approach by, persons or objects.

(16) *Enclosed.* The term "enclosed" shall mean that the object or equipment or part thereof is so guarded that accidental contact at the point of danger, during the regular operation of the equipment, is not possible.

(17) *Safety interlock.* The term "safety interlock" shall mean a device that will prevent the operation of the machine while the cover or door is open or unlocked and will hold the cover or door closed and locked while the basket or cylinder is in motion.

(18) *Moving parts.* The term "moving parts" shall mean gears, sprockets, revolving shafts, clutches, belts, pulleys, or other revolving or reciprocating parts that are attached to, or form an integral part of, a machine.

(19) *Power transmission.* The term "power transmission" shall pertain to equipment such as shafting, gears, belts, pulleys, or other parts used for transmitting power to the machine, and shall include prime movers.

(20) *Prime movers.* The term "prime movers," shall include steam, gas, oil, and air engines or motors, and steam and hydraulic turbines.

(21) *Point of operation.* The term "point of operation" shall mean the point or points at which clothes or other textiles are inserted or manipulated in the operation of the machine.

(b) *General requirements.* This section applies to moving parts of equipment used in laundries and to conditions peculiar to this industry, with special reference to the point of operation of laundry machines. This section does not apply to dry-cleaning operations.

(c) *Point-of-operation guards*—(1) *Washroom machines*—(i) *Marking machine.* Each power marking machine shall be equipped with a spring-compression device of such design as to prevent injury to fingers, should they be caught between the marking plunger and platen; or the marking machine shall be equipped with a control mechanism that will require the simultaneous action of both hands to operate the machine; or there shall be a guard that will act as a barrier in front of, and which will prevent the operator's fingers from coming into contact with, the marking plunger.

(ii) *Washing machine.* (*a*) Each washing machine shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open, and will also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an "inching device."

(*b*) Each washing machine shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

(iii) *Extractor.* (*a*) Each extractor shall be equipped with a metal cover.

(*b*) Each extractor shall be equipped with an interlocking device that will prevent the cover from being opened while the basket is in motion, and will also prevent the power operation of the basket while the cover is not fully closed and secured. This device should not prevent the movement of the basket by hand to ensure an even loading.

(*c*) Each extractor shall also be effectively secured in position on the floor or foundation so as to eliminate unnecessary vibrations, and shall not be operated at a speed greater than that given in the manufacturer's rating, which shall be stamped on the inside of the basket where it is easily visible, in letters not less than one-fourth inch in height. The maximum permissible speed shall be given in revolutions per minute.

(*d*) Each engine individually driving an extractor shall be provided with an engine stop approved by Underwriters Laboratories, Inc., and a speed-limit governor. It is suggested that where an extractor is driven by a direct-current motor a "no field" release be installed to prevent overspeed, which may result from an open or broken field.

(iv) *Power wringer.* Each power wringer shall be equipped with a safety bar or other guard across the entire front of the feed or first pressure rolls, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine.

(2) *Starching and drying machines*—(i) *Starching machine (cylinder or box type).* Each starching machine, cylinder or box type, shall be enclosed or guarded so as to prevent the operator or other person from coming into accidental contact with the cylinder or box while the machine is in motion.

(ii) *Drying-room fan.* Each drying-room fan, any part of which is within 7 feet of the floor or working platform, shall be guarded with wire mesh or screen of not less than No. 16 gage, the openings of which will reject a ball one-half inch in diameter.

(iii) *Drying tumbler.* (*a*) Each drying tumbler shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open, and also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

(*b*) Each drying tumbler shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

(iv) *Shaker (clothes tumbler).* (*a*) (*1*) Each shaker or clothes tumbler of the single-cylinder type shall be equipped with a device that will automatically prevent the tumbler from moving while the door is open.

(*2*) The tumbler shall also be enclosed or guarded so as to prevent accidental contact by the operator or other person while the machine is in motion.

(*b*) (*1*) Each shaker or clothes tumbler of the double-cylinder type shall be equipped with an interlocking device that will prevent the inside cylinder from moving when the outer door on the case or shell is open, and will also prevent the door from being opened while the inside cylinder is in motion. This device should not prevent the movement of the inner cylinder under the action of a hand-operated mechanism or under the operation of an inching device.

(*2*) Each shaker or clothes tumbler of the double-cylinder type shall be provided with means for holding open the doors or covers of inner and outer cylinders or shells while being loaded or unloaded.

(v) *Exception.* Provisions of subdivision (iii), (iv) (*a*) (*1*), and (iv) (*b*) of this subparagraph shall not apply to shakeout or conditioning tumblers where the clothes are loaded into the open end of the revolving cylinder and are automatically discharged out of the opposite end.

(3) *Finishing machines*—(i) *Dampening machine.* Each roll-dampening machine shall be so equipped that the rolls will be entirely enclosed and so arranged as to prevent the fingers of the operator or other person from being caught between the rolls. This may be accomplished by:

(*a*) A slot or hopper;

(*b*) A rod or strip located directly in front of the feed and extending the full length of the rolls.

(ii) *Ironer.* (*a*) Each flat-work or collar ironer shall be equipped with a safety bar or other guard across the entire front of the feed or first pressure rolls, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine. The pressure rolls shall be covered or guarded so that the operator or other person cannot reach into the rolls without removing the guard. This may be either a vertical guard on all sides or a complete cover. If a vertical guard is used, the distance from the floor or working platform to the top of guard shall be not less than 6 feet.

(*b*) Each body-type ironer, roll or shoe type, including sleeve and band ironers, shall be equipped with a safety bar or other guard across the entire length of the feed roll or shoe, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine. The hot roll or shoe shall also be covered in such a way that the operator or other person cannot come into contact with the heated surfaces.

(*c*) Each combined rotary-bosom and coat ironer shall be equipped with a safety bar or other guard across the entire length of the feed roll or shoe, so arranged that the striking of the bar or guard by the hand of the operator or other person will stop the machine. The hot roll or shoe shall also be covered in such a way that the operator or other person cannot come into contact with the heated surfaces.

(*d*) Each ironing press (excluding hand or foot powered ones) shall be equipped with a guard or means that will prevent the fingers of the operator or other person from being caught between the ironing surfaces.

(4) *Miscellaneous machines and equipment*—(i) *Sewing machine.* Each sewing machine shall be equipped with a guard permanently attached to the machine, so that the operator's fingers cannot pass under the needle. It shall be of such form that the needle can be conveniently threaded without removing the guard.

(ii) *Exhaust or ventilating fans.* Each exhaust or ventilating fan within 7 feet of the floor or working platform shall be completely covered with wire mesh of not less than No. 16 gage, and with openings that will reject a ball one-half inch in diameter.

(iii) *Steam pipes.* (*a*) All steam pipes that are within 7 feet of the floor or working platform, and with which the worker may come into contact, shall be insulated or covered with a heat-resistive material or shall be otherwise properly guarded.

(*b*) Where pressure-reducing valves are used, one or more relief or safety valves shall be provided on the low-pressure side of the reducing valve, in case the piping or equipment on the low-pressure side does not meet the requirements for full initial pressure. The relief or safety valve shall be located adjacent to, or as close as possible to, the reducing valve. Proper protection shall be provided to prevent injury or damage caused by fluid escaping from relief or safety valves if vented to the atmosphere. The vents shall be of ample size and as short and direct as possible. The combined discharge capacity of the relief valves shall be such that the pressure rating of the lower-pressure piping and equipment will not be exceeded if the reducing valve sticks or fails to open.

(iv) *Starting and stopping devices.* Each power-driven machine shall be provided with means for disconnecting from the source of power. Starting and stopping devices for machines shall be so located as to be operable from the front of the machine, and so constructed as to allow proper guarding of belts and pulleys.

(d) *Operating rules*—(1) *General*—(i) *Floors.*

(*a*) The floors of every room in a laundry that are used for washing purposes shall be properly constructed of cement, tile, or similar material. The floors shall be watertight, free from projections, crevices, or dangerous gradients. They shall be maintained in good repair and so drained that no water may accumulate.

(*b*) The floors of every room except washrooms shall be constructed of hardwood or any impervious material, free from protruding nails, splinters, or loose boards, and shall be maintained in a safe condition.

(ii) *Table tops, shelves, and machine woodwork.* Table tops, shelves, and machine woodwork shall be constructed of materials properly surfaced, finished free from splinters, and so maintained.

(iii) *Markers.* Markers and others handling soiled clothes shall be warned against touching the eyes, mouth, or any part of the body on which the skin has been broken by a scratch or abrasion; and they shall be cautioned not to touch or eat food until their hands have been thoroughly washed.

(iv) *Ventilation.* Where artificial ventilation is necessary to the maintenance of comfortable working conditions, an adequate ventilating system shall be installed.

(v) *Instruction of employees.* Employees shall be properly instructed as to the hazards of their work and be instructed in safe practices, by bulletins, printed rules, and verbal instructions.

(2) *Mechanical*—(i) *Safety guards.* (*a*) No safeguard, safety appliance, or device attached to, or forming an integral part of any machinery shall be removed or made ineffective except for the purpose of making immediate repairs or adjustments. Any such safeguard, safety appliance, or device removed or made ineffective during the repair or adjustment of such machinery shall be replaced immediately upon the completion of such repairs or adjustments.

(*b*) No machine shall be operated until such repairs and adjustments have been made and the machine is in good working condition.

(ii) *Steam-pressure apparatus.* Steam machines shall not be operated at a pressure above that given by the manufacturer's pressure rating as shown on name plate. If the steam source is at a pressure higher than that given by the manufacturer's rating, a stop valve, reducing valve, pressure gage, and safety valve shall be installed, in the order named, from the source. The safety valve shall be located in a nonhazardous place.

(iii) *Machine adjustments.* No moving parts of any machine shall be oiled, cleaned, adjusted, or repaired while said machine is in operation or in motion except that the rolls of in adjusting machines not equipped with hand-power means be operated at the slowest speed possible with an operator constantly at the starting mechanism.

(iv) *Extractors.* Each extractor shall be dismantled and inspected at least once a year and, if necessary, repaired. Overdriven extractors, if provided with handholes through which basket and rings can be inspected, need not be dismantled.

(e) *Moving parts*—(1) *Machine guarding (other than point of operation).* Moving parts of machines, such as gears, sprockets, belts, pulleys, and shafts, shall be guarded in accordance with the requirements of § 1910.219.

(2) *Prime-mover guarding.* Moving parts of prime movers, such as flywheels, cranks and connecting rods, tail rods or extension piston rods, and governor balls, shall be guarded in accordance with the requirements of § 1910.219.

(f) *General industrial safety standards*—(1) *General.* The general safety standards adopted by reference in subparagraph (2) of this paragraph, the provisions of which apply to nearly every industrial plant, are now incorporated by reference in this section and are made applicable to laundry operations. The rules of construction set forth in paragraph (3) of § 1910.05 shall apply.

(2) *Additional requirements.* The employer shall comply with the provisions of the standards referenced in this subparagraph. In the event of any conflict between this subparagraph and paragraphs (b) through (e) of this section, the requirements of paragraphs (b) through (e) of this section shall apply.

(i) *Industrial lighting.* American National Standard Practice for Industrial Lighting, ANSI A11.1—1965 (R–1970).

(ii) *Floor and wall openings, railings, and toeboards.* American National Standard Safety Requirements for Floor and Wall Openings, Railings, and Toeboards, ANSI A12.1—1967.

(iii) *Identification of piping systems.* American National Standard Scheme for the Identification of Piping Systems, ANSI A13.1—1956.

(iv) *Mechanical power transmission apparatus.* American National Standard Safety Standard for Mechanical Power Transmission Apparatus, ANSI B15.1—1971.

(v) *Pressure piping—power piping.* American National Standard Code for Pressure Piping—Power Piping, ANSI 31.1.0—1967. Addenda to the American National Standard Code for Pressure Piping—Power Piping, ANSI B31.1.0a—1969.

(vi) *Sanitation.* American National Standard Requirements for Sanitation in Places of Employment, ANSI Z4.1—1968.

(vii) *Local exhaust systems.* American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2—1960.

(viii) *Gas appliances and gas piping.* American National Standard for the Installation of Gas Appliances and Gas Piping, ANSI Z21.30—1964.

§ 1910.265 Sawmills.

(a) *General requirements*—(1) *Application.* This section includes safety requirements for sawmill operations including, but not limited to, log and lumber handling, sawing, trimming, and planing; waste disposal; operation of dry kilns; finishing; shipping; storage; yard and yard equipment; and for power tools and affiliated equipment used in connection with such operations, but excluding the manufacture of plywood, cooperage, and veneer.

(2) *Incorporation of standards by reference.* Certain of the paragraphs of this section incorporate and apply occupational safety and health standards of general application without regard to any specific industry. Such standards shall apply to sawmill operations in accordance with the rules of construction set forth in § 1910.05.

(b) *Definitions applicable to this section*—(1) *A-frame.* The term "A-frame" means a structure made of two independent columns fastened together at the top and separated at the bottom for stability.

(2) *Annealing.* The term "annealing" means heating then cooling to soften and render less brittle.

(3) *Binder.* The term "binder" means a chain, cable, rope, or other approved material used for binding loads.

(4) *Boom.* The term "boom" means logs or timbers fastened together end to end and used to contain floating logs. The term includes enclosed logs.

(5) *Brow log.* The term "brow log" means a log placed parallel to a roadway at a landing or dump to protect vehicles while loading or unloading.

(6) *Bunk.* The term "bunk" means a cross support for a load.

(7) *Cant.* The term "cant" means a log slabbed on one or more sides.

(8) *Carriage (log carriage).* The term "carriage" means a framework mounted on wheels which runs on tracks or in grooves in a direction parallel to the face of the saw, and which contains apparatus to hold a log securely and advance it towards the saw.

(9) *Carrier.* The term "carrier" means an industrial truck so designed and constructed that it straddles the load to be transported with mechanisms to pick up the load and support it during transportation.

(10) *Chipper.* The term "chipper" means a machine which cuts material into chips.

(11) *Chock (bunk block) (cheese block).* The terms "chock", "bunk block", and "cheese block" mean a wedge that prevents logs or loads from moving.

(12) *Cold deck.* The term "cold deck" means a pile of logs stored for future removal.

(13) *Crotch lines.* The term "crotch lines" means two short lines attached to

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a hoisting line by a ring or shackle, the lower ends being attached to loading hooks.

(14) *Dog (carriage dog)*. The term "dog" means a steel tooth, one or more of which are attached to each carriage knee to hold log firmly in place on carriage.

(15) *Drag saw*. The term "drag saw" means a power-driven, reciprocating crosscut saw mounted on suitable frame and used for bucking logs.

(16) *Head block*. The term "head block" means that part of a carriage which holds the log and upon which it rests. It generally consists of base, knee, taper set, and mechanism.

(17) *Head rig*. The term "head rig" means a combination of head saw and log carriage used for the initial breakdown of logs into timbers, cants, and boards.

(18) *Hog*. The term "hog" means a machine for cutting or grinding slabs and other coarse residue from the mill.

(19) *Husk*. The term "husk" means a head saw framework on a circular mill.

(20) *Industrial truck*. The term "industrial truck" means a mobile power-driven truck or tractor.

(21) *Kiln tender*. The term "Kiln tender" means the operator of a kiln.

(22) *Lift truck*. The term "lift truck" means an industrial truck used for lateral transportation and equipped with a power-operated lifting device, usually in the form of forks, for piling or unpiling lumber units or packages.

(23) *Live rolls*. The term "live rolls" means cylinders of wood or metal mounted on horizontal axes and rotated by power, which are used to convey slabs, lumber, and other wood products.

(24) *Loading boom*. The term "loading boom" means any structure projecting from a pivot point to guide a log when lifted.

(25) *Log deck*. The term "log deck" means a platform in the sawmill on which the logs remain until needed for sawing.

(26) *Lumber hauling truck*. The term "lumber hauling truck" means an industrial truck, other than a lift truck or a carrier, used for the transport of lumber.

(27) *Log haul*. The term "log haul" means a conveyor for transferring logs to mill.

(28) *Package*. The term "package" means a unit of lumber.

(29) *Peavy*. The term "peavy" means a stout wooden handle fitted with a spike and hook and used for rolling logs.

(30) *Pike pole*. The term "pike pole" means a long pole whose end is shod with a sharp pointed spike.

(31) *Pitman rod*. The term "pitman rod" means connecting rod.

(32) *Resaw*. The term "resaw" means band, circular, or sash gang saws used to break down slabs, cants, or flitches into lumber.

(33) *Running line*. The term "running line" means any moving rope as distinguished from a stationary rope such as a guyline.

(34) *Safety factor*. The term "safety factor" means a calculated reduction factor which may be applied to laboratory test values to obtain safe working stresses for wooden beams and other mechanical members; ratio of breaking load to safe load.

(35) *Saw guide*. The term "saw guide" mean a device for steadying a circular or bandsaw.

(36) *Setwork*. The term "setwork" means a mechanism on a sawmill carriage which enables an operator to move the log into position for another cut.

(37) *Sorting gaps*. The term "sorting gaps" means the areas on a log pond enclosed by boom sticks into which logs are sorted.

(38) *Spreader wheel*. The term "spreader wheel" means a metal wheel that separates the board from the log in back of circular saws to prevent binding.

(39) *Splitter*. The term "splitter" means a knife-type, nonrotating spreader.

(40) *Sticker*. The term "sticker" means a strip of wood or other material used to separate layers of lumber.

(41) *Stiff boom*. The term "stiff boom" means the anchored, stationary boom sticks which are tied together and on which boom men work.

(42) *Swifter*. The term "swifter" is a means of tying boom sticks together to prevent them from spreading while being towed.

(43) *Telltale*. The term "telltale" means a device used to serve as a warning for overhead objects.

(44) *Top saw*. The term "top saw" means the upper of two circular saws on a head rig, both being on the same husk.

(45) *Tramway* The term "tramway" means a way for trams, usually consisting of parallel tracks laid on wooden beams.

(46) *Trestle*. The term "trestle" means a braced framework of timbers, piles or steelwork for carrying a road or railroad over a depression.

(c) *Building facilities, and isolated equipment*—(1) *Safety factor*. All buildings, docks, tramways, walkways, log dumps, and other structures shall be designed, constructed and maintained so as to support the imposed load in accordance with a safety factor.

(2) *Work areas*. Work areas under mills shall be as evenly surfaced as local conditions permit. They shall be free from unnecessary obstructions and provided with lighting facilities in accordance with American National Standard for Industrial Lighting All.1—1965.

(3) *Floors*. Flooring in buildings and on ramps and walkways shall be constructed and installed in accordance with established principles of mechanics and sound engineering practices. They shall be of adequate strength to support the estimated or actual dead and live loads acting on them with the resultant stress not exceeding the allowable stress for the material being used.

(i) *Floor and wall openings*. All floor and wall openings shall be protected as prescribed in § 1910.23.

(ii) *Areas beneath floor openings*. Areas under floor openings shall, where practical, be fenced off. When this is not practical, they shall be painly marked and telltales shall be installed to hand over these areas.

(iii) *Floor maintenance*. The flooring of buildings, docks, and passageways shall be kept in good repair. When a hazardous condition develops that cannot be immediately repaired, the area shall be guarded until adequate repairs are made.

(iv) *Nonslip floors*. Floors, footwalks, and passageways in the work area around machines or other places where a person is required to stand or walk shall be provided with effective means to minimize slipping.

(4) *Walkways, docks, and platforms*—(i) *Width*. Walkways, docks, and platforms shall be of sufficient width to provide adequate passage and working areas.

(ii) *Maintenance*. Walkways shall be evenly floored and kept in good repair.

(iii) *Docks*. Docks and runways used for the operation of lift trucks and other vehicles shall have a substantial guard or shear timber except where loading and unloading are being performed.

(iv) *Elevated walks*. All elevated walks, runways, or platforms, if 4 feet or more from the floor level, shall be provided with a standard railing except on loading or unloading sides of platforms. If height exceeds 6 feet, a standard toe board also shall be provided to prevent material from rolling or falling off.

(v) *Elevated platforms*. Where elevated platforms are used routinely on a daily basis they shall be equipped with stairways or fixed ladders in accordance with § 1910.27.

(vi) *Hazardous locations*. Where required, walkways and stairways with standard handrails shall be provided in elevated and hazardous locations. Where such passageways are over walkways or work areas, standard toe boards shall be provided.

(5) *Stairways* — (i) *Construction*. Stairways shall be constructed in accordance with § 1910.24.

(ii) *Handrails*. Stairways shall be provided with a standard handrail on at least one side or on any open side. Where stairs are more than four feet wide there shall be a standard handrail at each side, and where more than eight feet wide, a third standard handrail shall be erected in the center of the stairway.

(iii) *Lighting*. All stairways shall be adequately lighted as prescribed in Subparagraph (9) of this paragraph.

(6) *Emergency exits including doors and fire escapes*—(i) *Opening*. Doors shall not open directly on or block a flight of stairs, and shall swing in the direction of exist travel.

(ii) *Identification*. Exits shall be located and identified in a manner that affords ready exit from all work areas.

(iii) *Swinging doors*. All swinging doors shall be provided with windows; with one window for each section of double swinging doors. Such windows shall be of shatterproof or safety glass unless otherwise protected against breakage.

(iv) *Sliding doors*. Where sliding doors are used as exits, an inner door shall be cut inside each of the main doors and arranged to open outward.

(v) *Barriers and warning signs*. Where a doorway opens upon a railroad track or upon a tramway or dock over which vehicles travel, a barrier or other warning device shall be placed to prevent workmen from stepping into moving traffic.

(7) *Air requirements*. Ventilation shall be provided to supply adequate fresh healthful air to rooms, buildings, and work areas.

(8) *Vats and tanks*. All open vats and tanks into which workmen could fall shall be guarded.

(9) *Lighting*—(i) *Adequacy*. Illumination shall be provided and designed to supply adequate general and local lighting to rooms, buildings, and work areas during the time of use.

(ii) *Effectiveness*. Factors upon which the adequacy and effectiveness of illumination will be judged, include the following:

(*a*) The quantity of light in foot-candle intensity shall be sufficient for the work being done.

(*b*) The quality of the light shall be such that it is free from glare, and has correct direction, diffusion, and distribution.

(*c*) Shadows and extreme contrasts shall be avoided or kept to a minimum.

(10) *Ladders*. Ladders shall be installed and maintained as specified in §§ 1910.25, 1910.26, and 1910.27.

(11) *Hazard marking*. Physical hazard marking shall be as specified in § 1910.144 of this part.

(12) *Electrical wiring and equipment*. (i) All electrical equipment should be installed and maintained in accordance with requirements specified in Subpart S of this part.

(ii) *Repairs*. Electrical repairs shall be made only by authorized and qualified personnel.

(iii) *Identification*. Marks of identification on electrical equipment shall be clearly visible.

(iv) *Protective equipment*. Rubber protective equipment shall be provided as required by § 1910.137.

(v) *Open switches*. Before working on electrical equipment, switches shall be open and shall be tagged, blocked, or locked out.

(vi) *Concealed conductors*. Where electrical conductors are known to be concealed, no work shall be performed until such conductors are located.

(vii) *Overload relays*. Overload relays shall be reset by authorized qualified personnel only.

(viii) *Passageways to panels*. Passageways to switch centers or panels shall at all times be kept free from obstruction. Not less than 3 feet of clear space shall be maintained in front of switch centers or panels at all times.

(ix) *Bridging fuses*. Doubling or bridging fuses shall be prohibited.

(13) *Hydraulic systems*. Means shall be provided to block, chain, or otherwise secure equipment normally supported by hydraulic pressure so as to provide for safe maintenance.

(14) *Liquefied petroleum gas storage and handling*. Storage and handling of liquified petroleum gas shall be in accordance with the requirements of § 1910.110.

(15) *Gas piping and appliances*. All gas piping and appliances shall be installed in accordance with the American National Standard Requirements for Gas Appliances and Gas Piping Installations Z21.30—1964.

(16) *Flammable liquids*. Flammable liquids shall be stored and handled in accordance with § 1910.106.

(17) *Storage, handling, and use of chemicals*—(i) *Threshold limits*. Employees shall not be exposed to airborne concentration of toxic dusts, fumes, vapors, mists or gases that exceed the threshold limit values set forth by § 1910.93.

(ii) *Protective equipment*. The use of chemicals shall be controlled so as to protect employees from harmful exposure to toxic materials. Where necessary, employees shall be provided with and required to wear such protective equipment as will afford adequate protection against harmful exposure as required by Subpart I of this part.

(iii) *Open surface tank operations*. Open surface tank operations shall conform to the requirements of § 1910.94(d).

(18) *Conveyors*—(i) *Standards*. Construction, operation, and maintenance of conveyors shall be in accordance with American National Standard B20.1—1957.

(ii) *Guarding*. Spiked live rolls shall be guarded.

(19) *Stationary tramways and trestles*—(i) *Foundations and walkways*. Tramways and trestles shall have substantial mud sills or foundations which shall be frequently inspected and kept in repair. When vehicles are operated on tramways and trestles which are used for foot passage, traffic shall be controlled or a walkway with standard handrails at the outer edge and shear timber on the inner edge shall be provided. This walkway shall be wide enough to allow adequate clearance to vehicles. When walkways cross over other thoroughfares, they shall be solidly fenced at the outer edge to a height of 42 inches over such thoroughfares.

(ii) *Clearance*. Stationary tramways and trestles shall have a verticle clearance of 22 feet over railroad rails. When constructed over carrier docks or roads, they shall have a clearance of 6 feet above the driver's foot rest on the carrier, and in no event shall this clearance be less than 12 feet from the roadway. In existing operations where it is impractical to obtain such clearance, telltales, electric signals, signs or other precautionary measures shall be installed.

(20) *Blower, collecting, and exhaust systems*—(i) *Design, construction, and maintenance*. Blower collecting, and exhaust systems should be designed, constructed, and maintained in accordance with American National Standards Z33.-1—1961 (For the Installation of Blower and Exhaust Systems for Dust, Stock, and Vapor Removal or Conveying) and Z12.2—1962 (R1969) (Code for the Prevention of Dust Explosions in Woodworking and Wood Flour Manufacturing Plants).

(ii) *Collecting systems*. All mills containing one or more machines that create dust, shavings, chips, or slivers during a period of time equal to or greater than one-fourth of the working day, shall be equipped with a collecting system. It may be either continuous or automatic, and shall be of sufficient strength and capacity to enable it to remove such refuse from points of operation and immediate vicinities of machines and work areas.

(iii) *Exhaust or conveyor systems*. Each woodworking machine that creates dust, shavings, chips, or slivers shall be equipped with an exhaust or conveyor system located and adjusted to remove the maximum amount of refuse from the point of operation and immediate vicinity.

(iv) *Exhaust pipes*. Exhaust pipes shall be of such construction and internal dimensions as to minimize the possibility of clogging. They should be accessible for cleaning.

(v) *Dust chambers*. Exhaust pipes shall not discharge into an unconfined outside pile if uncontrolled fire or explosion hazards are created. They may empty into settling or dust chambers, designed to prevent the dust or refuse from entering any work area. Such chambers shall be constructed and operated to minimize the danger of fire or dust explosion.

(vi) *Hand removal of refuse*. Provision for the daily removal of refuse shall be made in all operations not required to have an exhaust system or having refuse too heavy, bulky, or otherwise unsuitable to be handled by the exhaust system.

(21) *Chippers*—(i) *Whole-log chippers*. The feed system to the chipper shall be arranged so the operator does not stand in direct line with the chipper spout (hopper). The chipper spout shall be enclosed to a height of not less than 36 inches from the floor or the operator's platform. A safety belt and lifeline shall be worn by workmen when working at or near the spout unless the spout is guarded. The lifeline shall be short enough to prevent workers from falling into the chipper.

(ii) *Hogs*. (*a*) Hog mills shall be so designed and arranged that from no position on the rim of the chute shall the distance to the cutter knives be less than 40 inches.

(*b*) Hog feed chutes shall be provided with suitable and approved baffles, which shall minimize material from being thrown from the mill.

(*c*) Employees feeding hog mills shall be provided with safety belts and lines unless guarded.

(22) *Mechanical power-transmission apparatus*. The construction, operation, and maintenance of all mechanical power-transmission apparatus shall be in accordance with the requirements of § 1910.219.

(23) *Bins, bunkers, hoppers, and fuel houses*—(i) *Guarding*. Open bins,

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bunkers, and hoppers whose upper edges extend less than 3 feet above working level shall be equipped with standard handrails and toe boards, or have their tops covered by a substantial grill or grating with openings small enough to prevent a man from falling through.

(ii) *Use of wheeled equipment to load bins.* Where automotive or other wheeled equipment is used to move materials into bins, bunkers, and hoppers, adequate guard rails shall be installed along each side of the runway, and a substantial bumper stop provided when necessary.

(iii) *Exits, lighting, and safety devices.* Fuel houses and bins shall have adequate exits and lighting, and all necessary safety devices shall be provided and shall be used by persons entering these structures.

(iv) *Walkways.* Where needed, fuel houses and bins shall have a standard railed platform or walkway near the top.

(24) *Ropes, cables, slings, and chains*—(i) *Safe Usage.* Ropes, cables, slings, and chains shall be used in accordance with safe use practices recommended by the manufacturer or within safe limits recommended by the equipment manufacturer when used in conjunction with it.

(ii) *Hooks.* No open hook shall be used in rigging to lift any load where there is hazard from relieving the tension on the hook from the load or hook catching or fouling.

(iii) *Work by qualified persons.* Installation, inspection, maintenance, repair, and testing of ropes, cables, slings, and chains shall be done only by persons qualified to do such work.

(iv) *Slings.* (*a*) Slings and their fittings and fastenings, when in use, shall be inspected daily for evidence of overloading, excessive wear, or damage. Slings found to be defective shall be removed from service.

(*b*) Proper storage shall be provided for slings while not in use.

(*c*) Suitable protection shall be provided between the sling and sharp unyielding surfaces of the load to be lifted.

(v) *Ropes or cables.* (*a*) Wire rope or cable shall be inspected when installed and once each week thereafter, when in use. It shall be removed from hoisting or load-carrying service when kinked or when one of the following conditions exists:

(*1*) When three broken wires are found in one lay of 6 by 6 wire rope.

(*2*) When six broken wires are found in one lay of 6 by 19 wire rope.

(*3*) When nine broken wires are found in one lay of 6 by 37 wire rope.

(*4*) When eight broken wires are found in one lay of 8 by 19 wire rope.

(*5*) When marked corrosion appears.

(*6*) Wire rope of a type not described herein shall be removed from service when 4 percent of the total number of wires composing such rope are found to be broken in one lay.

(*b*) Wire rope removed from service due to defects shall be plainly marked or identified as being unfit for further use on cranes, hoists, and other load-carrying devices.

(*c*) The ratio between the rope diameter and the drum, block, sheave, or pulley tread diameter shall be such that the rope will adjust itself to the bend without exessive wear, deformation, or injury. In no case shall the safe value of drums, blocks, sheaves, or pulleys be reduced when replacing such items unless compensating changes are made for rope used and for safe loading limits.

(vi) *Drums, sheaves, and pulleys.* Drums, sheaves, and pulleys shall be smooth and free from surface defects liable to injure rope. Drums, sheaves, or pulleys having eccentric bores or cracked hubs, spokes, or flanges shall be removed from service.

(vii) *Connections.* Connections, fittings, fastenings, and other parts used in connection with ropes and cables shall be of good quality and of proper size and strength, and shall be installed in accordance with the manufacturer's recommendations.

(viii) *Socketing, splicing, and seizing.* (*a*) Socketing, splicing, and seizing of cables shall be performed only by qualified persons.

(*b*) All eye splices shall be made in an approved manner and wire rope thimbles of proper size shall be fitted in the eye, except that in slings the use of thimbles shall be optional.

(*c*) Wire rope clips attached with U-bolts shall have these bolts on the dead or short end of the rope. The U-bolt nuts shall be retightened immediately after initial load carrying use and at frequent intervals thereafter.

(*d*) When a wedge-socket-type fastening is used, the dead or short end of the cable shall be clipped with a U-bolt or otherwise made secure against loosening.

(*e*) *Fittings.* Hooks, shackles, rings, pad eyes, and other fittings that show excessive wear or that have been bent, twisted, or otherwise damaged shall be removed from service.

(*f*) *Running lines.* Running lines of hoisting equipment located within 6 feet 6 inches of the ground or working level shall be boxed off or otherwise guarded, or the operating area shall be restricted.

(*g*) *Number of wraps on drum.* There shall be not less than two full wraps of hoisting cable on the drum of cranes and hoists at all times of operation.

(*h*) *Drum flanges.* Drums shall have a flange at each end to prevent the cable from slipping off.

(*i*) *Sheave guards.* Bottom sheaves shall be protected by close fitting guards to prevent cable from jumping the sheave.

(*j*) *Preventing abrasion.* The reeving of a rope shall be so arranged as to minimize chafing or abrading while in use.

(ix) *Chains.* (*a*) Chains used in load carrying service shall be inspected before initial use and weekly thereafter.

(*b*) Chain shall be normalized or annealed periodically as recommended by the manufacturer.

(*c*) If at any time any 3-foot length of chain is found to have stretched one-third the length of a link it shall be discarded.

(*d*) Bolts or nails shall not be placed between two links to shorten or join chains.

(*e*) Broken chains shall not be spliced by inserting a bolt between two links with the head of the bolt and nut sustaining the load, or by passing one link through another and inserting a bolt or nail to hold it.

(x) *Fiber rope.* (*a*) Frozen fiber rope shall not be used in load carrying service.

(*b*) Fiber rope that has been subjected to acid shall not be used for load carrying purposes.

(*c*) Fiber rope shall be protected from abrasion by padding where it is fastened or drawn over square corners or sharp or rough surfaces.

(25) Reserved.

(26) *Mechanical stackers and unstackers*—(i) *Power-transmission apparatus.* Stackers and unstackers, shall have all gears, sprockets, chains, belt drives, and other power transmission apparatus guarded as specified in § 1910.219.

(ii) *Lumber lifting devices.* Lumber lifting devices on all stackers shall be designed and arranged so as to minimize the possibility of lumber falling from such devices.

(iii) *Blocking hoisting platform.* Means shall be provided to positively block the hoisting platform when employees must go beneath the stacker or unstacker hoist.

(iv) *Identifying controls.* Every manually operated control switch shall be properly identified and so located as to be readily accessible to the operator.

(v) *Locking main control switches.* Main control switches shall be so designed that they can be locked in the open position.

(vi) *Guarding side openings.* The hoistway side openings at the top level of the stacker and unstacker shall be protected by enclosures of standard railings.

(vii) *Guarding hoistway openings.* When the hoist platform or top of the load is below the working platform, the hoistway openings shall be guarded.

(viii) *Guarding lower landing area.* The lower landing area of stackers and unstackers shall be guarded by enclosures that prevent entrance to the area or pit below the hoist platform. Entrances should be protected by electrically interlocked gates which, when open, will disconnect the power and set the hoist brakes. When the interlock is not installed, other positive means of protecting the entrance shall be provided.

(ix) *Inspection.* Every stacker and unstacker shall be inspected at frequent intervals and all defective parts shall be immediately repaired or replaced.

(x) *Cleaning pits.* Safe means of entrance and exit shall be provided to permit cleaning of pits.

(xi) *Preventing entry to hazardous area.* Where the return of trucks from unstacker to stacker is by mechanical power or gravity, adequate signs, warning devices, or barriers shall be erected to prevent entry into the hazardous area.

(27) *Lumber piling and storage*—(i) *Pile foundations.* In stacking units of lumber, pile foundations shall be designed and arranged to support maximum loads without sinking, sagging, or permitting the piles to topple. In unit package piles, substantial bolsters or unit separators shall be placed between each package directly over the stickers.

(ii) *Stacking dissimilar unit packages.* Long units of lumber shall not be stacked upon shorter packages except where a stable pile can be made with the use of package separators.

(iii) *Unstable piles.* Piles of lumber which have become unstable shall be immediately made safe, or the area into which they might fall shall be fenced or barricaded and employees prohibited from entering it.

(iv) *Stickers.* Unit packages of lumber shall be provided with stickers as necessary to insure stability under ordinary operating conditions.

(v) *Sticker alignment.* Stickers shall extend the full width of the package, shall be uniformly spaced, and shall be aligned one above the other. Stickers may be lapped with a minimum overlapping of 12 inches. Stickers shall not protrude more than 2 inches beyond the sides of the package.

(vi) *Pile height.* The height of unit package piles shall be dependent on the dimensions of the packages and shall be such as to provide stability under normal operating conditions. Adjacent lumber piles may be tied together with separators to increase stability.

(28) *Lumber loading.* Loads shall be built and secured to insure stability in transit.

(29) *Burners*—(i) *Guying.* If the burner stack is not self-supporting, it shall be guyed or otherwise supported.

(ii) *Runway.* The conveyor runway to the burner shall be equipped with a standard handrail. If the runway crosses a roadway or thoroughfare, standard toe boards shall be provided in addition.

(30) *Vehicles*—(i) *Scope.* Vehicles shall include all mobile equipment normally used in sawmill, planing mill, storage, shipping, and yard operations.

(ii) *Warning signals and spark arrestors.* All vehicles shall be equipped with audible warning signals and where practicable shall have spark arrestors.

(iii) *Lights.* All vehicles operated in the dark or in poorly lighted areas shall be equipped with head and tail lights.

(iv) *Overhead guard.* All vehicles operated in areas where overhead hazards exist shall be equipped with an approved overhead guard. See American National Standard Safety Code for Powered Industrial Trucks, B56.1—1969.

(v) *Platform guard.* Where the operator is exposed to hazard from backing the vehicle into objects, an approved platform guard shall be provided and so arranged as to not impede exit of driver from vehicle.

(vi) *Exposed parts.* Vehicle flywheels, gears, sprockets, chains, shear points, and other exposed parts constituting a hazard to the operator or other persons shall be guarded in accordance with the requirements of § 1910.219.

(vii) *Operation in buildings.* Vehicles powered by internal combustion engines shall not operate in buildings unless the buildings are adequately ventilated.

(viii) *Load limits.* No vehicle shall be operated with loads exceeding its safe load capacity.

(ix) *Brakes.* All vehicles shall be equipped with brakes capable of holding and controlling the vehicle and capacity load upon any incline or grade over which they may be operated.

(x) *Lift trucks.* Lift trucks shall be designed, constructed, maintained, and operated in accordance with the requirements of § 1910.178.

(xi) *Carriers.* (*a*) Carriers shall be so designed and constructed that the operator's field of vision shall not be unnecessarily restricted.

(*b*) Carriers shall be provided with an access ladder or equivalent.

(xii) *Lumber hauling trucks.* (*a*) On trucks where movement of load on stopping would endanger the operator, a substantial bulkhead shall be installed behind the operator's seat. This shall extend to the top of the operator's compartment.

(*b*) Stakes, stake pockets, racks, tighteners, and binders and shall provide adequate means to secure the load against any movement during transit.

(*c*) Where rollers are used, at least two shall be equipped with locks which shall be locked when supporting loads during transit.

(31) *Traffic control and flow*—(i) *Hazardous crossings.* Railroad tracks and other hazardous crossings shall be plainly posted and appropriate traffic control devices (American National Standard D8.1—1967 for Railroad-Highway Grade Crossing Protection) should be utilized.

(ii) *Restricted overhead clearance.* All areas of restricted side or overhead clearance shall be plainly marked.

(iii) *Pickup and unloading points.* Pickup and unloading points and paths for lumber packages on conveyors and transfers and other areas where accurate spotting is required, shall be plainly marked and wheel stops provided where necessary.

(iv) *Aisles, passageways, and roadways.* Aisles, passageways, and roadways shall be sufficiently wide to provide safe side clearance. One-way aisles may be used for two-way traffic if suitable turnouts are provided.

(d) *Log handling, sorting, and storage*—(1) *Log unloading methods, equipment, and facilities*—(i) *Unloading methods.* (*a*) Stakes and chocks which trip shall be constructed in such manner that the tripping mechanism that releases the stake or chocks is activated at the opposite side of the load being tripped.

(*b*) Binders on logs shall not be released prior to securing with unloading lines or other unloading device.

(*c*) Binders shall be released only from the side on which the unloader operates, except when released by remote control devices or except when person making release is protected by racks or stanchions or other equivalent means.

(*d*) Loads on which a binder is fouled by the unloading machine shall have an extra binder or metal band of equal strength placed around the load, or the load shall be otherwise secured so the fouled binder can be safely removed.

(ii) *Unloading equipment and facilities.* (*a*) Machines used for hoisting, unloading, or lowering logs shall be equipped with brakes capable of controlling or holding the maximum load in midair.

(*b*) The lifting cylinders of all hydraulically operated log handling machines shall be equipped with a positive device for preventing the uncontrolled lowering of the load or forks in case of a failure in the hydraulic system.

(*c*) A limit switch shall be installed on powered log handling machines to prevent the lift arms from traveling too far in the event the control switch is not released in time.

(*d*) When forklift-type machines are used to load trailers, a means of securing the loading attachment to the fork shall be installed and used.

(*e*) A-frames and similar log unloading devices shall have adequate height to provide safe clearance for swinging loads and to provide for adequate crotch lines and spreader bar devices.

(*f*) Log handling machines used to stack logs or lift loads above operator's head shall be equipped with adequate overhead protection.

(*g*) All mobile log handling machines shall be equipped with headlights and backup lights.

(*h*) Unloading devices shall be equipped with a horn or other plainly audible signaling device.

(*i*) Movement of unloading equipment shall be coordinated by audible or hand signals when operator's vision is impaired or operating in the vicinity of other employees.

(*j*) Wood pike poles shall be made of straight-grained, select material. Metal or conductive pike poles shall not be used around exposed energized electrical conductors. Defective, blunt, or dull pike poles shall not be used.

(2) *Log unloading and storage areas*—(i) *General.* (*a*) Log dumps, booms, ponds, or storage areas used at night shall be illuminated in accordance with the requirements of American National Standard A11.1—1965 (R-1970) Standard Practice for Industrial Lighting.

(*b*) Log unloading areas shall be arranged and maintained to provide a safe working area.

(*c*) Where skids are used, space adequate to clear a man's body shall be maintained between the top of the skids and the ground.

(*d*) Signs prohibiting unauthorized foot or vehicle traffic in log unloading and storage areas shall be posted.

(ii) *Water log dumps.* (*a*) Ungrounded electrically powered hoists using hand-held remote control in grounded locations, such as log dumps or mill log lifts, shall be actuated by circuits operating at less than 50 volts to ground.

(*b*) Roadbeds at log dumps shall be of sufficient width and evenness to insure safe operation of equipment.

(*c*) An adequate brow log or skid timbers or the equivalent shall be provided where necessary. Railroad-type dumps, when located where logs are dumped directly into water or where entire loads are lifted from vehicle, may be exempted providing such practice does not create a hazardous exposure of personnel or equipment.

(*d*) Unloading lines shall be arranged so that it is not necessary for the employees to attach them from the pond or dump side of the load except when entire loads are lifted from the log-transporting vehicle.

(*e*) Unloading lines, crotch lines, or equally effective means shall be arranged and used in a manner to minimize the possibility of any log from swinging or rolling back.

(*f*) When logs are unloaded with peavys or similar manual methods, means shall be provided and used that will minimize the danger from rolling or swinging logs.

(*g*) Guardrails, walkways, and standard handrails shall be installed

(*h*) Approved life rings (see: 46 CFR 160.099 and 46 CFR 160.050) with line attached and maintained to retain buoyancy shall be provided.

(iii) *Log booms and ponds.* (*a*) Walkways and floats shall be installed and securely anchored to provide adequate passageway for employees.

(*b*) All regular boom sticks and foot logs shall be reasonably straight, with no protruding knots and bark, and shall be capable of supporting, above the water line at either end, the weight of an employee and equipment.

(*c*) Permanent cable swifters shall be so arranged that it will not be necessary to roll boom sticks in order to attach or detach them.

(*d*) Periodic inspection of cable or dogging lines shall be made to determine when repair or removal from service is necessary.

(*e*) The banks of the log pond in the vicinity of the log haul shall be reinforced to prevent caving in.

(*f*) Artificial log ponds shall be drained, cleaned, and refilled when unhealthy stagnation or pollution occurs.

(*g*) Employees whose duties require them to work from boats, floating logs, boom sticks, or walkways along or on water shall be provided with and shall wear appropriate buoyant devices while performing such duties.

(*h*) Stiff booms shall be two float logs wide secured by boom chains or other connecting devices, and of a width adequate for the working needs. Walking surfaces shall be free of loose material and maintained in good repair.

(*i*) Boom sticks shall be fastened together with adequate crossties or couplings.

(*j*) Floating donkeys or other power-driven machinery used on booms shall be placed on a raft or float with enough buoyancy to keep the deck well above water.

(*k*) All sorting gaps shall have a substantial stiff boom on each side.

(iv) *Pond boats and rafts.* The applicable provisions of the Standard for Fire Protection for Motorcraft, NFPA No. 302—1968, shall be complied with.

(*a*) Decks of pond boats shall be covered with nonslip material.

(*b*) Powered pond boats or rafts shall be provided with at least one approved fire extinguisher, and one lifering with line attached.

(*c*) Boat fuel shall be transported and stored in approved safety containers (Underwriters Laboratories, Inc.).

(*d*) Inspection, maintenance, and ventilation of the bilge area shall be provided to prevent accumulation of highly combustible materials.

(*e*) Adequate ventilation shall be provided for the cabin area on enclosed cabin-type boats to prevent accumulation of harmful gases or vapors.

(v) *Dry deck storage.* (*a*) Dry deck storage areas shall be kept orderly and shall be maintained in a condition which is conducive to safe operation of mobile equipment.

(*b*) Logs shall be stored in a safe and orderly manner, and roadways and traffic lanes shall be maintained at a width adequate for safe travel of log handling equipment.

(*c*) Logs shall be arranged to minimize the chance of accidentally rolling from the deck.

(vi) *Log hauls and slips.* (*a*) Walkways along log hauls shall have a standard handrail on the outer edge, and cleats or other means to assure adequate footing and enable employees to walk clear of the log chute.

(*b*) Log haul bull chains or cable shall be designed, installed, and maintained to provide adequate safety for the work need.

(*c*) Log haul gear and bull chain drive mechanism shall be guarded.

(*d*) Substantial troughs for the return strand of log haul chains shall be provided over passageways.

(*c*) Log haul controls shall be located and identified to operate from a position where the operator will, at all times, be in the clear of logs, machinery, lines, and rigging. In operations where control is by lever exposed to incoming logs, the lever shall be arranged to operate the log haul only when moved toward the log slip or toward the log pond.

(*f*) A positive stop shall be installed on all log hauls to prevent logs from traveling too far ahead in the mill.

(*g*) Overhead protection shall be provided for employees working below logs being moved to the log deck.

(*h*) Log wells shall be provided with safeguards to minimize the possibility of logs rolling back into well from log deck.

(3) *Log decks*—(i) *Access.* Safe access to the head rig shall be provided.

(ii) *Stops.* Log decks shall be provided with adequate stops, chains, or other safeguards to prevent logs from rolling down the deck onto the carirage or its runway.

(iii) *Barricade.* A barricade or other positive stop of sufficient strength to stop any log shall be erected between the sawyer's stand and the log deck.

(iv) *Loose chains.* Loose chains from overhead canting devices or other equipment shall not be allowed to hang over the log deck in such manner as to strike employees.

(v) *Swing saws.* Swing saws on log decks shall be equipped with a barricade and stops for protection of employees who may be on the opposite side of the log haul chute.

(vi) *Drag saws.* Where reciprocating log cutoff saws (drag saws) are provided, they shall not project into walkway or aisle.

(vii) *Circular cutoff saws.* Circular log bucking or cutoff saws shall be so located and guarded as to allow safe entrance to and exit from the building.

(viii) *Entrance doorway.* Where the cutoff saw partially blocks the entrance from the log haul runway the entrance shall be guarded.

(4) *Mechanical barkers*—(i) *Rotary barkers.* Rotary barking devices shall be so guarded as to prevent employees from flying chips, bark, or other extraneous material.

(ii) *Elevating ramp.* If an elevating ramp or gate is used, it shall be provided with a safety chain, hook, or other means of suspension while employees are underneath.

(iii) *Area around barkers.* The hazardous area around ring barkers and their conveyors shall be fenced off or posted as a prohibited area for unauthorized persons.

(iv) *Enclosing hydraulic barkers.* Hydraulic barkers shall be enclosed with strong baffles at the inlet and outlet. The operator shall be protected by adequate safety glass or equivalent.

(v) *Holddown rolls.* Holddown rolls shall be installed at the infeed and outfeed sections of mechanical ring barkers to control the movement of logs.

(e) *Log breakdown and related machinery and facilities*—(1) *Log carriages and carriage runways*—(i) *Bumpers.* A substantial stop or bumper with adequate shock-absorptive qualities shall be installed at each end of the carriage runway.

(ii) *Footing.* Rider-type carriages shall be floored to provide secure footing and a firm working platform for the block setter.

(iii) *Sheave housing.* Sheaves on rope-driven carriages shall be guarded at floor line with substantial housings.

(iv) *Carriage control.* A positive means shall be provided to prevent unintended movement of the carriage. This may involve a control locking device, a carriage tie-down, or both.

(v) *Barriers and warning signs.* A barrier shall be provided to prevent employees from entering the space necessary for travel of the carriage, with headblocks fully receded, for the full length and extreme ends of carriage runways. Warning signs shall be posted at possible entry points to this area.

(vi) *Overhead clearance.* For a rider-type carriage adequate overhead clear space above the carriage deck shall be provided for the full carriage runway length.

(vii) *Sweeping devices.* Carriage track sweeping devices shall be used to keep track rails clear of debris.

(viii) *Dogs.* Dogging devices shall be adequate to secure logs, cants, or boards, during sawing operations.

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(2) *Head saws*—(i) *Band head saws.* (*a*) Band head saws shall not be operated at speeds in excess of those recommended by the manufacturer.

(*b*) Band head saws shall be thoroughly inspected for cracks, splits, broken teeth, and other defects. A bandsaw with a crack greater than one-tenth the width of the saw shall not be placed in service until width of saw is reduced to eliminate crack, until cracked section is removed, or crack development is stopped.

(*c*) Provisions shall be made for alerting and warning employees before starting band head saws, and measures shall be taken to insure that all persons are in the clear.

(ii) *Bandsaw wheels.* (*a*) No bandsaw wheel shall be run at a peripheral speed in excess of that recommended by the manufacturer. The manufacturer's recommended maximum speed shall be stamped in plainly legible figures on some portion of the wheel.

(*b*) Band head saw wheels shall be subjected to monthly inspections. Hubs, spokes, rims, bolts, and rivets shall be thoroughly examined in the course of such inspections. A loose or damaged hub, a rim crack, or loose spokes shall make the wheel unfit for service.

(*c*) Band wheels shall be completely encased or guarded, except for a portion of the upper wheel immediately around the point where the blade leaves the wheel, to permit operator to observe movement of equipment. Necessary ventilating and observation ports may be permitted. Substantial doors or gates are allowed for repair, lubrication, and saw changes; such doors or gates shall be closed securely during operation. Band head rigs shall be equipped with a saw catcher or guard of substantial construction.

(iii) *Single circular head saws.* (*a*) Circular head saws shall not be operated at speeds in excess of those specified by the manufacturer. Maximum speed shall be etched on the saw.

(*b*) Circular head saws shall be equipped with safety guides which can be readily adjusted without use of hand tools.

(*c*) The upper saw of a double circular mill shall be provided with a substantial hood or guard. A screen or other suitable device shall be placed so as to protect the sawyer from flying particles.

(*d*) All circular sawmills where live rolls are not used behind the head saw shall be equipped with a spreader wheel or splitter.

(iv) *Twin circular head saws.* Twin circular head saw rigs such as scrag saws shall meet the specifications for single circular head saws in subdivision (iii) of this subparagraph where applicable.

(v) *Whole-log sash gang saws (Swedish Gangs).* (*a*) Cranks, pitman rods, and other moving parts shall be adequately guarded.

(*b*) Feed rolls shall be enclosed by a cover over the top, front, and open ends except where guarded by location. Drive mechanism to feed rolls shall be enclosed.

(*c*) Carriage cradles of whole-log sash gang saws, Swedish gangs shall be of adequate height to prevent logs from kicking out while being loaded.

(3) *Resaws*—(i) *Band resaws.* Band resaws shall meet the specifications for band head saws as required by subparagraph (2)(i) of this paragraph.

(ii) *Circular gang resaws.* (*a*) Banks of circular gang resaws shall be guarded by a hood.

(*b*) Circular gang resaws shall be provided with safety fingers or other antikickback devices.

(*c*) Circular gang resaws shall not be operated at speeds exceeding those recommended by the manufacturer.

(*d*) Feed belts and drive pulleys shall be guarded in accordance with the requirements of § 1910.219.

(*e*) Feed rolls shall be guarded.

(*f*) Each circular gang resaw, except self-feed saws with a live roll or wheel at back of saw, shall be provided with spreaders.

(iii) *Sash gang resaws.* Sash gang resaws shall meet the safety specifications of whole-log sash gang saws in accordance with the requirements of subparagraph (2)(v) of this paragraph.

(4) *Trimmer saws*—(i) *Maximum speed.* Trimmer saws shall not be run at peripheral speeds in excess of those recommended by the manufacturer.

(ii) *Guards.* (*a*) Trimmer saws shall be guarded in front by adequate baffles to protect against flying debris and they shall be securely bolted to a substantial frame. These guards for a series of saws shall be set as close to the top of the trimmer table as is practical.

(*b*) The end saws on trimmers shall be guarded.

(*c*) The rear of trimmer saws shall have a guard the full width of the saws and as much wider as practical.

(iii) *Safety stops.* Automatic trimmer saws shall be provided with safety stops or hangers to prevent saws from dropping on table.

(5) *Edgers*—(i) *Location.* (*a*) Where vertical arbor edger saws are located ahead of the main saw, they shall be so guarded that an employee cannot contact any part of the edger saw from his normal position.

(*b*) Edgers shall not be located in the main roll case behind the head saws

(ii) *Guards.* (*a*) The top and the openings in end and side frames of edgers shall be adequately guarded and gears and chains shall be fully housed. Guards may be hinged or otherwise arranged to permit oiling and the removal of saws.

(*b*) All edgers shall be equipped with pressure feed rolls.

(*c*) Pressure feed rolls on edgers shall be guarded against accidental contact.

(iii) *Antikickback devices.* Edgers shall be provided with safety fingers or other approved methods of preventing kickbacks or guarding against them. A barricade in line with the edger, if properly fenced off, may be used if safety fingers are not feasible to install.

(*a*) A controlling device shall be installed and located so that the operator can stop the feed mechanism without releasing the tension of the pressure rolls.

(iv) Live rolls and tailing devices in back of edger shall operate at a speed not less than the speed of the edger feed rolls.

(6) *Planers*—(i) *Guards.* (*a*) All cutting heads shall be guarded.

(*b*) Side head hoods shall be of sufficient height to safeguard the head setscrew.

(*c*) Pressure feed rolls and "pineapples" shall be guarded.

(*d*) Levers or controls shall be so arranged or guarded as to reduce the possibility of accidental operation.

(*e*) *Dry kilns and facilities*—(1) *Kiln foundations.* Dry kilns shall be constructed upon solid foundations to prevent tracks from sagging.

(2) *Passageways.* A passageway shall be provided to give adequate clearance on at least one side or in the center of end-piled kilns and on two sides of cross-piled kilns.

(3) *Doors*—(i) *Main kiln doors.* (*a*) Main kiln doors shall be provided with a method of holding them open while kiln is being loaded.

(*b*) Counterweights on vertical lift doors shall be boxed or otherwise guarded.

(*c*) Adequate means shall be provided to firmly secure main doors, when they are disengaged from carriers and hangers, to prevent toppling.

(ii) *Escape doors.* (*a*) If operating procedures require access to kilns, kilns shall be provided with escape doors that operate easily from the inside, swing in the direction of exit, and are located in or near the main door at the end of the passageway.

(*b*) Escape doors shall be of adequate height and width to accommodate an average size man.

(4) *Pits.* Pits shall be well ventilated, drained, and lighted, and shall be large enough to safely accommodate the kiln operator together with operating devices such as valves, dampers, damper rods, and traps.

(5) *Steam mains.* All high-pressure steam mains located in or adjacent to an operating pit shall be covered with heat-insulating material.

(6) *Ladders.* A fixed ladder, in accordance with the requirements of § 1910.27 or other adequate means shall be provided to permit access to the roof. Where controls and machinery are mounted on the roof, a permanent stairway with standard handrail shall be installed in accordance with the requirements of § 1910.24.

(7) *Chocks.* A means shall be provided for chocking or blocking cars.

(8) *Kiln tender room.* A warm room shall be provided for kiln employees to stay in during cold weather after leaving a hot kiln.

(9) *Mechanical equipment.* All belts, pulleys, blowers, and other exposed moving equipment used in or about kilns shall be guarded in accordance with the requirements of § 1910.219.

(g) *Personal protective equipment.* The requirements for personal protective equipment specified in subpart I shall be complied with.

(h) *Sanitation requirements.* The requirements of § 1910.141 shall govern sanitation practices.

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(i) *Fire protection.* The requirements of Subpart L of this part shall be complied with in providing the necessary fire protection for sawmills.

(j) *Additional delay in effective date.* The requirements of this § 1910.265 shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated in this section. In which event, the standard shall be effective under this section upon the commencement of the Walsh-Healey requirement.

§ 1910.266 Pulpwood logging.

(a) *Application*—(1) *General.* This section applies to pulpwood logging operations including but not limited to the operations of felling, limbing, marking, bucking, loading, skidding, prehauling and other operations associated with the preparation and movement of pulpwood timber from the stump to the point of delivery. The provisions of this section do not apply to logging operations relating to sawlogs, veneer bolts, poles, piling and other forest products.

(2) *Standards incorporated by reference.* Standards covering issues of occupational safety and health which are of general application without regard to any specific industry are incorporated by reference in paragraphs of this section and made applicable to pulpwood logging. All such standards shall be construed according to the rules of construction set out in § 1910.05.

(b) *Definitions applicable to this section*—(1) *Arch.* The term "arch" means an extension to rear section of a vehicle used in skidding used to raise the forward part of a load clear of the ground.

(2) *Back cut (felling cut).* The term "back cut" means the final cut in a felling operation made on the opposite side from the undercut.

(3) *Backfill.* The term "backfill" means excavated material used to build up a road higher than the original level.

(4) *Ballistic nylon.* The term "ballistic nylon" means a fabric of high tensile properties designed to provide protection from lacerations.

(5) *Borrow.* The term "borrow" means road construction material which is taken to another location for use. The source area is called "borrow pit."

(6) *Buck.* The term "buck" means the process of severing a tree into sections (logs or bolts).

(7) *Choker.* The term "choker" means a length of wire rope or chain with a loop or noose at one end used to secure trees or sections of trees for skidding.

(8) *Debark.* The term "debark" means the action of removing bark from trees or sections of trees. Debark generally denotes mechanical means as opposed to manual peeling. Synonyms are "bark" and "barking".

(9) *Fairlead.* The term "fairlead" means an arrangement of horizontal, and sometimes vertical, rollers usually mounted at the end of an arch to allow free play of wire rope during winching.

(10) *Fell.* The term "fell" means the process of severing a tree from the stump so that it drops to the ground. Note that "fell" and "feller" are used in this standard. The terms "fall" and "faller" are commonly used in the Western United States and they have the same meaning as "fell" and "feller".

(11) *Grade (see slope).* The term "grade" means the slope of a surface such as a roadway. Also, the elevation of a real or planned surface or structure.

(12) *Guarded.* The term "guarded" means protected by a cover, shield, rail, or other device, or by location, so as to reduce the probability of injury.

(13) *Guyline.* The term "guyline" means a line used to stay or support spar trees, booms, etc.

(14) *Landing.* The term "landing" means any area where wood is concentrated. It is also called "yard," "deck," "brow."

(15) *Lodged tree.* The term "lodged tree" means a tree that has not fallen to the ground after being partly or wholly separated from its stump or otherwise displaced from its natural position.

(16) *Pickaroon.* The term "pickaroon" means a device with a head similar to an axe but with a point rather than a blade mounted on the end of a handle which is used to assist in the lifting and placement of bolts of wood.

(17) *Prehaul.* The term "prehaul" means the hauling of forest products by off-the-road vehicles, nonhighway transport, or other movement prior to highway or rail movement, where the pulpwood travels clear of the ground. The term "forward" has the same meaning.

(18) *Riprap.* The term "riprap" means rock, metal stipping, or wooden timbers used to contain and stabilize earth embankments and fills.

(19) *Root wad.* The term "root wad" means the ball of roots which extends above ground level when a tree is pushed over by wind or other means.

(20) *Skid.* The term "skid" means the movement of bolts, logs, or trees by pulling or towing across the terrain. It may be accomplished by a stationary machine, a moving vehicle, or animal. The term is also called "yarding". The definitive feature is contact between the terrain and the product during movement.

(21) *Slope (see grade).* The term "slope" is a term of measurement in percent and means the increase in height over the distance measured. An increase of 1 foot over a distance of 5 feet is expressed as a 20 percent slope.

(22) *Snag.* The term "snag" means any dead standing tree or portion thereof remaining standing.

(23) *Spring pole.* The term "spring pole" means a section of tree, sapling, limb, etc. which is, by virtue of its arrangement with relation to other materials, under tension.

(24) *Undercut.* The term "undercut" means a notch cut in a tree to guide the tree in felling.

(25) *Widow maker.* The term "widow maker" means an overhanging limb or section or tree which could become dislodged and drop to the ground (see also "lodged tree").

(26) *Wood hook.* The terms "wood hook" and "pulp hook" mean a device to be held in one hand which is fitted with a pointed section. The device is used to assist in the manual piling and handling of bolts of wood (see Pickaroon).

(c) *General requirements*—(1) *Clothing, personal protective devices, and first aid.*

(i) Gloves shall be provided for use when working with wire rope in any form.

(ii) Safety boots or shoes (excluding low cut shoes) shall be provided in accordance with American National Standard for Men's Safety-Toe Footwear, Z41.1—1967.

(iii) Safety helmets of approved design in accordance with American National Standard for Safety Requirements for Industrial Head Protection, A89.1—1969 shall be provided.

(iv) Eye or face protection in accordance with American National Standard for Practice for Occupational and Educational Eye and Face Protection, Z87.1—1968 shall be provided for use where chips and sawdust or flying particles are present.

(v) Dust masks in accordance with American National Standard Practices for Respiratory Protection Z88.2—1969 shall be provided for use where conditions warrant.

(vi) Protection against the effects of noise exposure shall be provided when the sound levels exceed those shown in Table G–16 of § 1910.95 when measured on the A scale of a standard sound level meter at slow response.

(vii) First aid kits sufficient for the number of employees shall be provided at the work site and on all transport vehicles. In all areas where poisonous snakes may exist, snake bite kits shall be a part of the regular first aid equipment. First aid kits shall be regularly inspected and replenished.

(2) *Handtools.* (i) The employer shall be responsible for the safe condition of tools when furnished by him and user shall inspect tool to assure safe condition.

(ii) Handles shall be sound, straight and tight fitting.

(iii) Driven tools shall be dressed to remove any mushrooming.

(iv) Cutting tools shall be kept sharp and properly shaped.

(v) Wood hoods and pickaroons of good grade steel shall be used.

(vi) Tools shall be used for purposes for which they were designed.

(vii) Hands tools shall be sheathed or boxed if transported in a vehicle with personnel. If not contained in a box, the sheathed tools shall be fastened to the vehicle.

(viii) Proper storage facilities shall be provided for hand tools. Tools shall be stored in the provided location at all times when not in use.

(ix) Periodic inspections shall be made to assure all tools are serviceable and others removed from use.

(3) *Environmental conditions.* (i) All work shall terminate and employees moved to a place of safety during electrical storms and periods of high winds or other unusual weather conditions are dangerous to personnel.

(ii) Dead, broken, or rotted limbs or trees that are a hazard (widow makers) shall be felled or otherwise removed before commencing logging operations, building roads, trails or landing, in their vicinity.

(4) *Work areas.* (i) All persons shall be instructed to work within the vocal range of other workmen unless a procedure has been established for periodically checking their location and welfare.

(ii) All men shall be accounted for at the end of each work day.

(iii) An approved (Underwriters Laboratories or Factory Mutual Engineering Corp.) fire extinguisher shall be provided at locations where machines are operating and/or on each vehicle.

(iv) Fuel shall be stored only in approved (Underwriters Laboratories or Factory Mutual Engineering Corp.) well-marked containers located for safe access for fueling vehicles and equipment at a safe distance from all fire hazards.

(5) *Chain saw operations.* (i) Chain saw operators shall be instructed to daily inspect the saws daily to assure that all handles and guards are in place and tight, that all controls function properly, and that the muffler is operative.

(ii) Chain saw operators shall be instructed to follow manufacturer's instructions as to operation and adjustment.

(iii) Chain saw operators shall be instructed to fuel the saw only in safe areas and not under conditions conducive to fire such as near men smoking, hot engine, etc.

(iv) Chain saw operators shall be instructed to hold the saw with both hands during operation.

(v) Chain saw operators shall be instructed to start the saw at least 10 feet away from fueling area.

(vi) Chain saw operators shall be instructed to start the saw only on the ground or when otherwise firmly supported.

(vii) Chain saw operators shall be instructed to be certain of footing and to clear away brush which might interfere. before starting to cut..

(viii) Chain saw operators shall be instructed not to use engine fuel for starting fires or as a cleaning solvent.

(ix) Chain saw operators shall be instructed to shut off the saw when carrying it for a distance greater than from tree to tree or in hazardous conditions such as slippery surfaces or heavy underbrush. The saw shall be at idle speed when carried short distances.

(x) Chain saw operators shall be instructed to carry the saw in a manner to prevent contact with the chain and muffler.

(xi) Chain saw operators shall be instructed not to use the saw to cut directly overhead or at a distance that would require the operator to relinquish a safe grip on the saw.

(6) *Stationary and mobile equipment operation.* (i) Equipment operators shall be instructed as to the manufacturers recommendations for equipment operation, maintenance, safe practices, and site operating procedures.

(ii) Equipment shall be kept free of flammable material.

(iii) Equipment shall be kept free of any material which might contribute to slipping and falling.

(iv) Engine of equipment shall be shut down during fueling, servicing, and repairs except where operation is required for adjustment.

(v) Equipment shall be inspected for evidence of failure or incipient failure.

(vi) The equipment operator shall be instructed to walk completely around machine and assure that no obstacles for; personnel are in the area before startup.

(vii) The equipment operator shall be instructed to start and operate equipment only from the operator's station or from safe area recommended by the manufacturer.

(viii) Seat belt shall be provided on mobile equipment.

(ix) The equipment operator shall be instructed to check all controls for proper function and response before starting working cycle.

(x) The equipment operator shall be instructed to ground or secure all movable elements when not in use.

(xi) The equipment operator shall be advised of the load capacity and operating speed of the equipment.

(xii) The equipment operator shall be advised of the stability limitations of the equipment.

(xiii) The equipment operator shall be instructed to maintain adequate distance from other equipment and personnel.

(xiv) Where signalmen are used, the equipment operator shall be instructed to operate the equipment only on signal from the designated signalman and only when signal is distinct and clearly understood.

(xv) The equipment operator shall be instructed not to operate movable elements (boom, grapple, load, etc.) close to or over personnel.

(xvi) The equipment operator shall be instructed to signal his intention before operation when personnel are in or near the working area.

(xvii) The equipment operator shall be instructed to dismount and stand clear for all loading and unloading of his mobile vehicle by other mobile equipment. The dismounted operator shall be visible to loader operator.

(xviii) The equipment operator shall be instructed to operate equipment in a manner that will not place undue shock loads on wire rope.

(xix) The equipment operator shall be instructed not to permit riders or observers on the machine unless approved seating and protection is provided.

(xx) The equipment operator shall be instructed to shut down the engine when the equipment is stopped, apply brake locks and ground moving elements before he dismounts.

(xxi) The equipment operator shall be instructed, when any equipment is transported from one job location to another, to transport it on a vehicle of sufficient rated capacity and the equipment shall be properly secured during transit.

(xxii) When any equipment is being moved or operated in the vicinity of an electric distribution line a minimum clearance of ten feet shall be maintained between the electric distribution line and all elements of the machine.

(7) *Explosives.* Only trained and experienced personnel shall handle or use explosives. Usage shall comply with the requirements of § 1910.109.

(d) *Equipment protective devices—stationary and mobile equipment*—(1) *Operator's manual.* There shall be an operator's manual or operating instructions with each machine. It will describe operation, maintenance, and safe practices.

(2) *Protective canopy.* A protective canopy shall be provided for the operator of mobile equipment. It shall be so constructed as to protect the operator from injury due to falling trees or limbs, saplings or branches which might enter the compartment side areas, and snapping winch lines or other objects.

(i) The canopy shall be of adequate size so as not to impair the operator's movements.

(ii) The canopy framework shall consist of at least two arches, either transverse or longitudinal. If transverse, one arch shall be installed behind the operator and one immediately in front of the operator. They shall be joined at the top by at least two longitudinal braces. There shall be two braces which shall act as deflecting guards extending from the leading edge of the forward arch to the front part of the frame of the tractor. If longitudinal arches are used, they shall be extended from behind the operator to the front part of the frame and each arch shall have an intermediate support located immediately ahead of the operator so that ingress or egress is not impeded. Regardless of the type of construction used, the fabrication and method of connecting to the tractor shall be of such design as to develop a strength equivalent to the upright members.

(iii) The overhead covering shall be of solid material and extend the full width of the canopy.

(iv) The power portion of cab shall be completely enclosed with solid material; except at entrances, to prevent the operator from being injured from obstacles entering the cab.

(v) The upper rear portion of cab shall be fully enclosed with open mesh material with openings of such a size as to reject the entrance of an object larger than 1¾ inch in diameter. It shall provide maximum readward visibility.

(vi) Open mesh shall be extended forward as far as possible from the rear corners of the cab sides so as to give the maximum protection against obstacles, branches, etc., entering the cab area.

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(vii) Deflectors shall also be installed ahead of the operator to deflect whipping saplings and branches. These shall be located so as to not impede ingress or egress from the compartment.

(viii) The entrance opening of the canopy shall be not less than 52 inches in vertical height.

(ix) Where glass is used it shall be safety glass. An approved substitute may be used.

(*a*) An additional metal screen shall be used where glass alone is not adequate operator protection.

(*b*) Provision shall be made to clean glass to assure adequate visibility.

(3) *Guards.* Guards shall be provided for exposed moving elements such as shafts, pulleys, belts, conveyors, and gears in accordance with § 1910.219 and American National Standard Safety Code for Conveyors, Cableways, and Related Equipment, B20.1—1957. Guards shall be in place at all times machine is in operation.

(4) *Mufflers.* Mufflers provided by the manufacturer or their equivalent shall be in place at all times the machine is in operation.

(5) *Guylines.* Guylines shall be arranged in such manner that stresses will be imposed on not less than two guylines. Stumps used for anchoring guylines shall be carefully chosen as to position and strength. They shall be tied back if necessary. Standing trees shall not be used for this purpose.

(6) *Stability and reliability.* Crane and loader stability and boom reliability shall be in accordance with American National Standard Safety Code for Cranes, Derricks and Hoists Overhead and Gantry Cranes, B30.2—1967, and American National Standard Safety Code for Cranes, Derricks and Hoists—Crawler, Locomotive, and Truck Cranes, B30.5—1968.

(e) *Pulpwood harvesting*—(1) *Felling, general.* (i) Work areas shall be assigned such that a tree cannot fall into an adjacent work area. The recommended distance between workers is twice the height of trees being felled.

(ii) When trees may fall into public roads a flagman shall be assigned to direct traffic.

(iii) Workers shall be instructed not to approach a feller closer than twice the height of trees being felled until the feller has acknowledged the signal of approach.

(iv) Lodged trees shall be pulled to the ground at first opportunity with mechanical equipment or animal.

(v) Workers shall be instructed not to work under a lodged tree.

(vi) Special precautions shall be taken to prevent felling trees into powerlines.

(vii) If a tree does make contact with a powerline the power company shall be notified immediately and all personnel shall remain clear of the area until power company personnel advises that conditions are safe.

(2) *Manual felling.* (i) The feller shall be instructed to plan retreat path and clear path as necessary before cut is started.

(ii) The feller shall be instructed to appraise situation for dead limbs, the lean of tree to be cut, wind conditions, location of other trees and other hazards and exercise proper precautions before cut is started.

(iii) Undercuts shall be about one-third the diameter of the tree to guide tree and reduce possibility of splitting. (Local practice where small diameter trees are felled without being undercut is acceptable if the direction of fall is controlled by the practice.)

(iv) Back or felling cut shall be parallel to the inner edge of the undercut and approximately two inches higher than the undercut.

(v) The saw shall be shut off before feller starts his retreat.

(vi) On terrain where trees are likely to slide or roll fellers shall be instructed to fell trees from the uphill side and arrange to keep uphill from previously felled trees.

(3) *Bucking.* (i) Bucking on slopes shall be from the uphill side unless the log has been securely blocked to prevent rolling or swinging.

(ii) Spring poles and trees under stress shall be cut so that employee is clear when the tension is released. (This is accomplished by cutting under the bend.)

(iii) Trees piled for bucking shall be piled in an orderly parallel manner that minimizes hazard to employees.

(4) *Limbing.* Spring poles and limbs under stress shall be cut in such a manner that the employee is clear when tension is released.

(5) *Mechanical debarking and delimbing.* Guarding shall be provided so as to protect employees from flying chunks, logs, chips, bark, limps, and other material and to prevent the worker from contacting moving parts.

(6) *Skidding and prehauling, general*—(i) Only a designated, trained operator shall operate a skid or prehaul machine.

(ii) Choker setters shall work on uphill side of log.

(iii) No passenger personnel shall ride on a prehaul vehicle, logs, pallets, skid pans or other load unless adequate seating and protection is provided except on animal powered wagons.

(iv) Chokers shall be positioned near the end of the log or tree length to allow turning of the prehaul vehicle, to prevent the penetration of the operator station and to reduce possibility of striking the wheel or track.

(v) During winching, the equipment shall be positioned so that the winch line is in alignment with the long axis of the prehaul machine.

(vi) A stuck or inoperative vehicle shall be towed. A loaded pallet shall not be pushed.

(vii) Stakes shall not be added to permit a load beyond the rated capacity of pallets and trailers.

(viii) The operator shall be instructed to be observant and cautious of height of load and vehicle when traveling under trees, limbs, and other overhead obstructions.

(7) *Skidding and prehauling equipment requirements.* (i) Arches, fairleads, drawbars, hitches and bumpers or fenders shall be designed and constructed to allow a minimum radius vehicle turn without the load contacting a rear tire or the rear of a track assembly.

(ii) Towed equipment such as skid pans, pallets and trailers shall be attached in such a manner as to allow a full 90° turn, prevent overrunning of the towed vehicle, and assure control of the towed equipment.

(iii) Animal towed equipment shall be equipped with a hand brake within reach of the driver.

(iv) Prehaulers shall have a means for securely retaining pallets or pulpwood.

(v) Prehaulers shall have a means of securely retaining loader for transport when so equipped.

(vi) Provision shall be made to securely fasten and to protect all tools and material on the carrier.

(8) *Personnel transport.* (i) The driver shall be properly licensed.

(ii) Flammable liquids shall not be transported on personnel carriers unless a safe and adequate compartment is provided.

(iii) Seats shall be securely fastened.

(9) *Off highway truck transport.* Truck drivers shall be instructed to stop their vehicles, dismount, check and tighten loose load binders, either just before or immediately after leaving a private road to enter a public road.

(10) *Manual loading.* (i) The carrier shall be positioned to provide safe working clearance between carrier and pile.

(ii) Proper lifting techniques shall be used, i.e., straight back and bend knees.

(iii) The stick shall be placed in the carrier in such manner that it is or will be properly secured.

(iv) Manual handling shall be limited to a weight consistent with safe practices.

(11) *Machine loading.* (i) Piles shall be located to provide a safe work area.

(ii) Only the machine operator and slingman, where used, shall be in the work area.

(iii) The load shall be positioned for balance and to prevent slippage or loss. Slings shall be placed to secure and balance the load.

(12) *Storage.* Piles shall be located and constructed in a manner to provide safe working area around them.

(13) *Banding and piling bundles.* (i) Steel bands in good condition shall be used.

(ii) Bands shall be placed when bundle is close to ground.

(iii) No part of the body shall be under the bundle at any time. Bundles shall be placed on runners. Bundles may be double stacked with top end bundle one half or more back from the lower rank end bundle.

(14) *Chipping (in-woods locations).* (i) Access covers or doors shall not be opened until the drum or disk is at a complete stop.

(ii) Infeed and discharge ports shall be designed to prevent contact by personnel with disc, knives, or blower blades.

(15) *Roads and trials, general.* (1) Roads shall be maintained and hazardous conditions corrected.

(ii) Where vision is limited warnings shall be posted.

(iii) Curve radii shall be the maximum consistent with terrain.

(iv) When nightwork is necessary adequate lighting shall be provided.

(v) Local road standards and maximum weight of traffic expected shall be used as guides for materials, construction features and drainage.

(16) *Road and trail pioneering and earthwork.* (i) Banks at the borrow area shall be sloped to prevent slides.

(ii) Backfill shall be adequately compacted.

(iii) Roadside banks shall be sloped or stabilized to prevent slides.

(iv) Overhanging banks, large rocks and debris shall be removed or secured.

(v) Where riprap is used the material and design shall assure safe containment of material.

(vi) Trees or snags which may fall into the road shall be felled.

(17) *Road and trail drainage.* (i) Drainage shall be provided to prevent washouts and landslides.

(ii) Culverts shall be of adequate strength and of a size to handle maximum runoff.

(iii) Where necessary, ditches and banks shall be stabilized by vegetation, riprap or other adequate means.

(18) *Road and trail surfacing.* Road surface shall be properly compacted, graded and crowned.

(19) *Bridges.* (i) Construction shall provide for maximum anticipated loads and side thrust with a substantial safety factor.

(ii) Bridges shall be decked and curbed.

(f) Additional delay in effective date.

The requirements of this § 1910.266 shall be effective on February 15, 1972, unless before that date any employment or place of employment becomes subject to any safety or health standard which is published in 41 CFR Part 50–204 by virtue of the application of the Walsh-Healey Public Contracts Act (41 U.S.C. 35–45) and which is incorporated by reference in this section. In which event, the standard shall be effective under this section upon the commencement of the Walsh-Healey requirement.

§ 1910.267 Agricultural operations.

(a)(1) The standards referenced in the remaining subparagraphs of this paragraph apply to the indicated operations, whether or not they include as a part of, agricultural operations.

(2) Sanitation in temporary labor camps—§ 1910.142.

(3) Storage and handling of anhydrous ammonia—§ 1910.111 (a) and (b).

(4) Pulpwood logging—§ 1910.226.

(5) Slow-moving vehicles—§ 1910.145.

(b) Except to the extent specified in paragraph (a) of this section, the standards contained in Subparts B through S of this part do not apply to agricultural operations.

(c) The development of standards having more general application to agricultural operations will be the subject of study under section 6 of the Act.

§ 1910.268 Sources of standards.

Sec.	*Source*
1910.261 ---	ANSI P1.1—1969, Safety Standard for Pulp, Paper, and Paperboard Mills.
1910.262 ---	ANSI L1.1—1956, Textile Safety Code.
1910.263 ---	ANSI Z50.1—1947, Safety Code for Bakery Equipment.
1910.264 ---	ANSI Z8.1—1961, Safety Code for Laundry Machinery and Operations.
1910.265 ---	ANSI O2.1—1969, Safety Requirements for Sawmills.
1910.266 ---	ANSI O3.1—1970, Pulpwood Logging Safety Standards.

§ 1910.269 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced standards may be obtained from the issuing organizations. The names and addresses of the issuing organizations are as follows:

American National Standards Institute (ANSI), 1430 Broadway, New York, NY 10018.
National Fire Protection Association (NFPA), 60 Batterymarch Street, Boston, MA 02110.
American Society of Mechanical Engineers, Inc., United Engineering Center, 345 East 47th Street, New York, NY 10017.
Institute of Markers of Explosives, 420 Lexington Avenue, New York, NY 10017.
Underwriters Laboratories, Inc., 207 East Ohio Street, Chicago, IL 60611.

Subpart S—Electrical

§ 1910.308 Application.

(a) *General.* Sections 1910.310 through 1910.328 adopt as national consensus standards, and publish, certain articles of the National Electrical Code NFPA 70—1968 which are listed in § 1910.330. Articles of the National Electrical Code NFPA 70—1968, which are not so published, are also adopted as national consensus standards and are incorporated by reference in this subpart.

(b) *Coverage of subpart.* (1) This subpart covers the electric conductors and equipment installed within or on public and private buildings and other premises, including yards, carnival and parking lots, and industrial substations; also the conductors that connect the installations to a supply of electricity, and other outside conductors adjacent to the premises; also mobile homes and travel trailers.

(2) This subpart does not cover installation in ships, watercraft, railway rolling stock, aircraft or automotive vehicles, installations underground in mines, installations of railways for generation, transformation, transmission or distribution of power used exclusively for operation of rolling stock or installations used exclusively for signaling and communication purposes, installation of communication equipment under exclusive control of communication utilities, located outdoors or in building spaces used exclusively for such installations, installations under the exclusive control of electric utilities for the purpose of communication, metering or for the generation, control, transformation, transmission and distribution of electric energy located in buildings used exclusively for utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets, roads, etc., or outdoors by established rights on private property.

(d) *Definition applicable to this subpart.* "Approved" as used in this subpart means listed or approved by at least one of the following nationally recognized testing laboratories: Underwriters Laboratories, Inc.; Factory Mutual Engineering Corp.

§ 1910.309 National Electrical Code.

All electrical installations and utilization equipment shall be installed and maintained in accordance with the provisions of the National Electrical Code NFPA 70—1968 (ANSI C–1—1968).

§ 1910.310 General.

(a) *Voltages.* Throughout this subpart the voltage considered shall be that at which the circuit operates, whether the current is supplied by a battery, generator, transformer, rectifier, or a thermopile.

(b) *Conductor gages.* Conductor sizes are given in American Wire Gage (AWG).

(c) *Conductors.* Conductors normally used to carry current shall be of copper unless otherwise provided in this subpart. Where the conductor material is not specified, the sizes given in this subpart shall apply to copper conductors. Where other materials are used, the size shall be changed accordingly.

(d) *Deteriorating agencies.* Unless approved for the purposes, no conductors or equipment shall be located in damp or wet locations; where exposed to gases, fumes, vapors, liquids or other agents having a deteriorating effect on the conductors or equipment; nor where exposed to excessive temperatures.

(e) *Mechanical execution of work.* Electrical equipment shall be installed in a neat and workmanlike manner.

(f) *Mounting of equipment.* Electrical equipment shall be firmly secured to the surface on which it is mounted. Wooden plugs driven into holes in masonry, concrete, plaster or similar materials shall not be depended on for security.

(g) *Connections to terminals.* Connection of conductors to terminal parts shall insure a thoroughly good connection without damaging the conductors and shall be made by means of pressure connectors (including setscrew type), solder lugs or splices to flexible leads except that No. 8 or smaller solid conductors and No. 10 or smaller stranded conductors may be connected by means of clamps or screws with terminal plates having upturned lugs. Terminals for more than one conductor shall be of a type approved for the purpose.

Because of different characteristics of copper and aluminum, devices such as pressure connectors and soldering lugs shall be suitable for the material of the conductor and shall be properly installed

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and used. Materials such as solder, fluxes, inhibitors, and compounds, where employed, shall be suitable for the use and shall be of a type which will not adversely affect the conductors, installation, or equipment.

(h) *Splicers.* Conductors shall be spliced or joined with splicing devices approved for the use or by brazing welding or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically and secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors.

(i) *Working space about electrical equipment (600 volts or less).* Sufficient access and working space shall be provided and maintained about all electrical equipment to permit ready and safe operation and maintenance of such equipment.

(1) *Working clearances.* Except as elsewhere required or permitted in this subpart the dimension of the working space in the direction of access to live parts, operating at not more than 600 volts, which are likely to require examination, adjustment, servicing or maintenance while alive, shall not be less than indicated in Table S–1. Distances are to be measured from the live parts if such are exposed or from the enclosure front or opening when such are enclosed.

TABLE S-1—WORKING CLEARANCES

Voltage to ground	Minimum clear distance Condition		
	(i)	(ii)	(iii)
	Feet	*Feet*	*Feet*
0-150	2½	2½	3
151-600	2½	3½	4

Where the "Conditions" are as indicated in subdivisions (i), (ii), and (iii) of this subparagraph.

(i) Exposed live part on one side and no live or grounded part on the other side of the working space or exposed live parts on both sides effectively guarded by suitable wood or other insulated wire or insulated bus bars operating at not more than 300 volts shall not be considered live parts.

(ii) Exposed live parts on one side and grounded parts on the other side. Concrete, brick, or tile walls shall be considered as grounded.

(iii) Exposed live parts on both sides of the work space (not guarded as provided in subdivision (i) of this subparagraph) with the operator between.

(iv) *Exception.* Working space is not required in back of assemblies such as dead-front switchboards or control centers when there are no renewable or adjustable parts such as fuses or switches on the back and when all connections are accessible from other locations than the back. Smaller spaces may be permitted where it is judged that the particular arrangement of the installation will provide adequate accessibility.

(2) *Clear spaces.* Working space required by this section shall not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(3) *Access and entrance to working space.* At least one entrance of sufficient area shall be provided to give access to the working space about electrical equipment.

(4) *Front working space.* In all cases where there are live parts normally exposed on the front of switchboards or control centers, the working space in front of such boards or panels shall be not less than 3 feet.

(5) *Illumination.* Adequate illumination shall be provided for all working spaces about switchboards and control centers.

(6) *Headroom.* The minimum headroom of working spaces about switchboards or control centers where there are live parts exposed at any time, shall be 6¼ feet.

(j) *Guarding of live parts.* (Not more than 600 volts.)

(1) *Enclosures.* Except as elsewhere required or permitted by this subpart, live parts of electrical equipment operating at 50 volts or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or any of the methods listed in subdivisions (i) through (v) of this subparagraph.

(i) By location in a room, vault, or similar enclosure which is accessible only to qualified persons.

(ii) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.

(iii) By a guard rail, provided the live parts operate at 600 volts or less and provided the location is such as to make contact with live parts unlikely.

(iv) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(v) By elevation at least 8 feet above the floor or other working surface.

(2) *Guards.* In locations where equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(3) *Entrances.* Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(k) *Arcing parts.* Parts of electrical equipment which in ordinary operation produce arcs, sparks, flames or molten metal, shall be enclosed unless separated and isolated from all combustible material.

(l) *Light and power from railway conductors.* Circuits for lighting and power shall not be connected to any system containing trolley wires with a ground return, except in electric railway cars, car houses, power houses, or passenger and freight stations operated in connection with electric railways.

(m) *Insulation resistance.* All wiring shall be so installed that when completed the system will be free from short circuits and from grounds other than as provided in section 1910.314.

(n) *Marking.* The manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified, shall be placed on all electrical equipment. Other markings shall be provided giving voltage, current, wattage, or other ratings as are prescribed elsewhere in this subpart.

(o) *Identification.* Each disconnecting means required by this subpart for motors and appliances, and each service, feeder or branch circuit at the point where it originates, shall be legibly marked to indicate its purpose unless located and arranged so the purpose is evident. The marking shall be of sufficient durability to withstand the environment involved.

§ 1910.311 [Reserved]

§ 1910.312 Overcurrent protection.

(a) *Protection of equipment.* Equipment shall be protected against overcurrent.

(b) *Interrupting capacity.* Devices intended to break current shall have an interrupting capacity sufficient for the voltage employed and for the current which must be interrupted.

(c) *Circuit impedance and other characteristics.* The overcurrent protective devices, the total impedance, and other characteristics of the circuit to be protected shall be so selected and coordinated as to permit the circuit protective devices used to clear a fault without the occurrence of extensive damage to the electrical components of the circuit. This fault may be assumed to be between two or more of the circuit conductors; or between any circuit conductor and the grounding conductor or enclosing metal raceway.

(d) *Location in premises.* Overcurrent devices shall be located where they will be not exposed to physical damage and not in the vicinity of easily ignitible material.

(e) *Enclosures for overcurrent devices*—(1) *General.* Overcurrent devices shall be enclosed in cutout boxes or cabinets, unless a part of a specially approved assembly which affords equivalent protection, or unless mounted on switchboards, panelboards or controllers located in rooms or enclosures free from easily ignitible material and dampness. The operating handle of a circuit breaker may be accessible without opening a door or cover.

(2) *Damp or wet locations.* Enclosures for overcurrent devices in damp or wet locations shall be of a type approved for such locations and shall be mounted so there is at least one-fourth inch air space between the enclosure and the wall or other supporting surface.

(f) *Arcing or suddenly moving parts.* Arcing or suddenly moving parts shall comply with subparagraph (1) and (2) of this paragraph.

(1) *Location.* Fuses and circuit breakers shall be so located or shielded that persons will not be burned or otherwise injured by their operation.

(2) *Suddenly moving parts.* Handles or levers of circuit breakers, and similar parts which may move suddenly in such a way that persons in the vicinity are liable to be injured by being struck by them, shall be guarded or isolated.

§ 1910.313 [Reserved]

§ 1910.314 Grounding.

(a) *Circuit and system grounding*—(1) *Two-wire direct-current systems.* Two-wire direct-current systems supplying interior wiring, and operating at not more than 300 volts between conductors, shall be grounded, unless such system is used for supplying industrial equipment in limited areas and the circuit is equipped with a ground detector.

(2) *Three-wire direct-current systems.* The neutral conductor of all three-wire direct-current systems supplying interior wiring shall be grounded.

(3) *Alternating-current systems.* Secondary alternating-current systems supplying interior wiring, and interior alternating-current wiring systems, except those covered in subparagraphs (4), (5), and (6) of this paragraph, shall be grounded when they can be so grounded that the maximum voltage to ground does not exceed 150 volts. Where a service conductor is uninsulated the system shall be grounded.

(4) *Furnace circuits.* Electric furnace circuits need not be grounded.

(5) *Electric crane circuits.* Circuits for electric cranes operating over combustible fibers in Class III hazardous locations shall not be grounded.

(6) *Circuits of less than 50 volts.* Circuits of less than 50 volts need not be grounded, except as provided in this subparagraph.

(i) Where supplied by transformers from systems of more than 150 volts to ground, except as provided in paragraph (d)(4)(iii) of this section.

(ii) Where supplied by transformers from ungrounded systems.

(iii) Where run overhead outside buildings.

(b) *Location of grounding connections.* The grounding of wiring systems, circuits, arresters, cable armor, conduit, or other metal raceways as a protective measure shall be so arranged that there will be no objectionable passage of current over the grounding conductors. The temporary currents set up under accidental conditions, while the grounding conductors are performing their intended protective functions, are not to be considered as objectionable. Where an objectionable flow of current occurs over a grounding conductor, due to the use of multiple grounds, one or more of such grounds shall be abandoned or their location shall be changed, or the continuity of the conductor between the grounding connections shall be suitably interrupted, or other means satisfactory shall be taken to limit the current.

(c) *Enclosure grounding.*—(1) *Service conductor enclosures.* Service raceways, service cable sheaths or armoring, when of metal, shall be grounded.

(2) *Other conductor enclosures.* Metal enclosures for conductors shall be grounded, except they need not be grounded in runs of less than 25 feet which are free from probable contact with ground, grounded metal, metal lath or conductive thermal insulation and which, where within reach from grounded surfaces, are guarded against contact by persons.

(3) *Spacing from lightning rods.* Metal enclosures of conductors shall, wherever practicable, be kept at least 6 feet away from lightning rod conductors. Where it is not practicable to secure 6 feet separations, they shall be bonded together.

(d) *Equipment grounding*—(1) *Fixed equipment—general.* Under any of the conditions of this subparagraph exposed, noncurrent-carrying metal parts of fixed equipment, which are liable to become energized, shall be grounded:

(i) Where equipment is supplied by means of metal-clad wiring;

(ii) Where equipment is located in a wet location and is not insulated;

(iii) Where equipment is located within reach of a person who can make contact with any grounded surface or object;

(iv) Where equipment is located within reach of a person standing on the ground;

(v) Where equipment is in a hazardous location;

(vi) Where equipment is in electrical contact with metal or metal lath;

(vii) Where equipment operates with any terminal at more than 150 volts to ground, except as provided in this subdivision:

(*a*) Enclosures for switches or circuit breakers where accessible to qualified persons only;

(*b*) Metal frames of electrically heated devices, in which case the frames shall be permanently and effectively insulated from ground;

(*c*) Transformers mounted on wooden poles at a height of more than 8 feet from the ground.

(2) *Fixed equipment—specific.* Exposed, noncurrent-carrying metal parts of the kinds of equipment provided in this subparagraph, regardless of voltage, shall be grounded:

(i) The frames of stationary motors shall be grounded where any of the conditions of this subdivision (i) exist:

(*a*) Supplied by means of metal-enclosed wiring.

(*b*) Located in a wet place and not isolated nor guarded.

(*c*) In a hazardous location.

(*d*) The motor operates with any terminal at more than 150 volts to ground.

Grounding of the motor frame is preferable, but where the frame of the motor is not grounded, it shall be permanently and effectively insulated from the ground.

(ii) Controller cases for motors, except lined covers of snap switches;

(iii) Electric equipment of elevators and cranes;

(iv) Electric equipment in garages, theaters and motion picture studios, except pendant lampholders on circuits of not more than 150 volts to ground;

(v) Motion picture projection equipment;

(vi) Electric signs and associated equipment, unless these are inaccessible to unauthorized persons and are also insulated from ground and from other conductive objects;

(vii) Generator and motor frames in an electrically operated organ, unless the generator is effectively insulated both from ground and from the motor driving it;

(viii) Switchboard frames and structures supporting switching equipment, except that frames of direct-current, single-polarity switchboards need not be grounded where effectively insulated;

(ix) Equipment supplied by Class 1 and Class 2 remote control and signaling circuits where paragraph (a) of this section requires those circuits to be grounded.

(3) *Nonelectrical equipment.* The metal parts provided for in this subparagraph shall be grounded.

(i) Frames and tracks of electrically operated cranes;

(ii) The metal frame of a nonelectrically driven elevator car to which electric conductors are attached;

(iii) Hand-operated metal shifting ropes or cables of electric elevators;

(iv) Metal enclosures such as partitions, grill work, etc., around equipment carrying voltages in excess of 750 volts between conductors, unless in substations or vaults under the sole control of the supply company.

(4) *Equipment connected by cord and plug.* Under any of the conditions of this subparagraph, exposed noncurrent carrying metal parts of cord and plug connected equipment, which are liable to become energized, shall be grounded:

(i) In hazardous locations;

(ii) When operated at more than 150 volts to ground except:

(*a*) Motors, where guarded;

(*b*) Metal frames of electrically heated appliances exempted by subparagraph (5) of this paragraph.

(iii) In other than residential occupancies,

(*a*) Refrigerators, freezers, air conditioners, and

(*b*) Clothes washing, clothes drying and dishwashing machines, sump pumps and

(*c*) Portable, hand held, motor operated tools, and appliances of the following types; drills, hedge clippers, lawn mowers, wet scrubbers, sanders and saws, and

(*d*) Cord and plug connected appliances used in damp or wet locations, or by persons standing on the ground or on metal floors or working inside of metal tanks or

(*e*) Portable tools which are likely to be used in wet and conductive locations, except:

(*1*) Portable tools which are likely to be used in wet and conductive locations need

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not be grounded where supplied through an insulating transformer with ungrounded secondary of not over 50 volts.

(2) Portable tools covered by subdivisions (*c*), (*d*), and (*e*), of this subdivision and appliances covered by subdivision (*c*) of this subdivision protected by an approval system of double insulation, or its equivalent, need not be grounded. Where such an approved system is employed, the equipment shall be distinctively marked.

(5) *Grounding.* Metal frames of portable, stationary, and fixed electrically heated appliances, operating on circuits above 150 volts to ground, shall be grounded in the manner specified in this section.

Refrigerators, freezers and air conditioners shall comply with the requirements of subparagraphs (1), (2), and (4) of this paragraph.

(6) *Spacing from lightning rods.* Metal frames and enclosures of electric equipment shall, wherever practicable, be kept at least 6 feet away from lightning rod conductors. Where it is not practicable to secure 6 feet separation, they shall be bonded together.

(e) *Methods of grounding*—(1) *Effective grounding.* The path to ground from circuits, equipment, and conductor enclosures shall be permanent and continuous and shall have ample carrying capacity to conduct safely any currents liable to be imposed on it, and shall have impedance sufficiently low to limit the potential above ground and to facilitate the operation of the overcurrent devices in the circuit.

(2) *Common use of grounding conductor.* The grounding conductor of a wiring system shall also be used for grounding equipment, conduit and other metal raceways or enclosures for conductors, including service conduit or cable sheath and service equipment. Exception: The grounding connection may be made to a grounded cold water pipe near the equipment.

(3) *Equipment on structural metal.* (i) Electric equipment secured to and in contact with the grounded structural metal frame of a building, shall be deemed to be grounded.

(ii) Metal car frames supported by metal hoisting cables attached to or running over sheaves or drums of elevator machines shall be deemed to be grounded where the machine is grounded in accordance with this subpart.

(f) *Bonding*—(1) *Bonding at service equipment.* The electrical continuity of the grounding circuit for the equipment and enclosures as provided in this subparagraph shall be assured by one of the means of subparagraph (2) of this paragraph.

(i) The service raceways or service cable armor or sheath, except as provided in section 230—63(b) and section 250—55 of the National Electrical Code NFPA 70—1968 (ANSI C–1—1968):

(ii) All service equipment enclosures containing service entrance conductors, including meter fittings, boxes or the like, interposed in the service raceway or armor;

(iii) Any conduit or armor which forms part of the grounding conductor to the service raceway.

(2) *Continuity at service equipment.* Electrical continuity at service equipment shall be assured by:

(i) Bonding equipment to the grounded service conductor.

(ii) Threaded couplings and threaded bosses on enclosures with joints shall be made up wrenchtight where rigid conduit is involved.

(iii) Threadless couplings made up tight for rigid metal conduit and electrical metallic tubing.

(iv) Bonding jumpers meeting the other requirements of this section. Bonding jumpers shall be used around concentric or eccentric knockouts which are punched or otherwise formed so as to impair the electrical connection to ground.

(v) Otherwise devices (not locknuts and bushings) approved for the purpose.

(g) *Instrument transformers, relays, etc.*—(1) *Instrument transformer circuits.* The secondary circuits of current and potential instrument transformers shall be grounded where the primary windings are connected to circuits of 300 volts or more to ground, and where on switchboards, shall be grounded irrespective of voltage, except that such circuits need not be grounded where the primary windings are connected to circuits of 750 volts or less and no live parts or wiring are exposed or accessible to other than qualified persons.

(2) *Instrument transformer cases.* Cases or frames of instrument transformers shall be grounded where accessible to other than qualified persons, except that case or frames of current transformers, the primaries of which are not over 150 volts of ground and which are used exclusively to supply current to meters, need not be grounded.

(3) *Cases of instruments, meters and relays—operating voltage 750 or less.* Instruments, meters and relays which operate with windings or working parts at 750 volts or less shall be grounded as indicated in this subparagraph.

(i) Instruments, meters, and relays not located on switchboards, which operate with windings or working parts at 300 volts or more to ground, and accessible to other than qualified persons, shall have the cases and other exposed metal parts grounded;

(ii) Instruments, meters, and relays (whether operated from current and potential transformers, or connected directly in the circuit) on switchboards having no live parts on the front of the panels shall have the cases grounded;

(iii) Instruments, meters, and relays (whether operated from current and potential transformers, or connected directly in the circuit) on switchboards having exposed live parts on the front of panels shall not have their cases grounded. Mats of insulating rubber or other suitable floor insulation, shall be provided for the operator where the voltage to ground exceeds 150.

(4) *Cases of instruments meters and relays—operating voltage over 750.* Where instruments meters and relays have current-carrying parts over 750 volts to ground, they shall be isolated by elevation or protected by suitable barriers, grounded metal or insulating covers or guards. Their cases shall not be grounded, except in electrostatic ground detectors the internal ground segments of the instrument are connected to the instrument case and grounded; the ground detector shall be isolated by elevation.

§ 1910.315 Outlet, switch, and junction boxes, and fittings.

(a) *Round boxes.* Round boxes shall not be used where conduits or connectors requiring the use of locknuts or bushings are to be connected to the side of the box.

(b) *Nonmetallic boxes.* Nonmetallic boxes approved for the purpose may be used only with open wiring on insulators, concealed knob-and-tube work, nonmetallic sheathed cable, and with approved nonmetallic conduit.

(c) *Metallic boxes.* Where used with knob-and-tube work or nonmetallic sheathed cable, and mounted on metal or metal lath ceilings or walls, such boxes shall be insulated from their supports and from the metal or metal lath, or shall be grounded.

(d) *Damp or wet locations.* In damp or wet locations, boxes and fittings shall be so placed or equipped as to prevent moisture or water from entering and accumulating within the box or fitting. Boxes and fittings in wet locations shall be weatherproof.

(e) *Number of conductors in a box.* Boxes shall be of sufficient size to provide free space for all conductors enclosed in the box. The provisions of this paragraph shall apply to terminal housings supplied with motors. Subparagraphs (1) and (2) of this paragraph do not apply to conductors used for rewiring existing raceways.

(1) *Maximum number.* The maximum number of conductors, including grounding conductors, but not counting fixture wires, permitted in outlet and junction boxes shall be as in Tables S–2 and S–3 with the exceptions noted.

(i) Tables S–2 and S–3 apply where no fittings or devices, such as fixture studs, cable clamps, hickeys, switches or receptacles are contained in the box. Where one or more fixture studs, cable clamps, or hickeys are contained in the box, the number of conductors shall be one less than shown in Tables S–2, S–3, and S–4 with a further deduction of one conductor for one or several flush devices mounted on the same strap. A conductor running through the box is counted as one conductor and each conductor originating outside the box and terminating inside the box is counted as one conductor. Conductors of which no part leaves the box are not to be counted in the above computation. If single flush boxes are ganged, and each section is occupied by a flush device or combination of flush devices on the same strap, the limitations will apply to each section individually.

TABLE S-2—DEEP BOXES

Box dimensions, inches trade size	Cubic inch cap	Maximum number of conductors			
		No. 14	No. 12	No. 10	No. 8
3¼ x 1½ octagonal	10.9	5	4	4	3
3½ x 1½ octagonal	11.9	5	5	4	3
4 x 1½ octagonal	17.1	8	7	6	5
4 x 2⅛ octagonal	23.6	11	10	9	7
4 x 1½ square	22.6	11	10	9	7
4 x 2⅛ square	31.9	15	14	12	10
4 11/16 x 1½ square	32.2	16	14	12	10
4 11/16 x 2⅛ square	46.4	23	20	18	15
3 x 2 x 1½ device	7.9	3	3	3	2
3 x 2 x 2 device	10.7	5	4	4	3
3 x 2 x 2¼ device	11.3	5	5	4	3
3 x 2 x 2½ device	13	6	5	5	4
3 x 2 x 2¾ device	14.6	7	6	5	4
3 x 2 x 3½ device	18.3	9	8	7	6
4 x 2⅛ x 1½ device	11.1	5	4	4	3
4 x 2⅛ x 1⅞ device	13.9	6	6	5	4
4 x 2⅛ x 2⅛ device	15.6	7	6	6	5

TABLE S-3—SHALLOW BOXES

Box dimensions, inches trade size	Maximum number of conductors		
	No. 14	No. 12	No. 10
3¼	4	4	3
4	6	6	4
1¼ x 4 square	9	7	6
4 11/16	8	6	6

NOTE: Any box less than 1½ inch deep is considered to be a shallow box.

(2) *Conductor sizes.* For combinations or conductor sizes not shown in Tables S–2 and S–3, Table S–4 shall apply.

TABLE S–4.—VOLUME REQUIRED PER CONDUCTOR

Size of Conductor:	*Free space within box for each conductor (cubic inches)*
No. 14	2.
No. 12	2.25
No. 10	2.5
No. 8	3.
No. 6	5.

(3) *Boxes.* Boxes, other than those described in Tables S–2 and S–3, shall be durably and legibly marked by the manufacturer with their cubic inch content. All boxes shall be durably and legibly marked with the manufacturer's name or trademark.

(f) *Conductors entering boxes or fittings.* Conductors entering boxes or fittings shall be protected from abrasion, and shall conform to subparagraphs (1), (2), and (3) of this paragraph.

(1) *Openings to be closed.* Openings through which conductors enter shall be adequately closed.

(2) *Metal boxes and fittings.* Where metal outlet boxes or fittings are installed with open wiring or concealed knob-and-tube work, conductors shall enter through insulating bushings or, in dry places, through flexible tubing extending from the last insulating support and firmly secured to the box or fitting. Where raceway or cable is installed with metal outlet boxes or fittings, the raceway or cable shall be secured to such boxes and fittings.

(3) *Nonmetallic boxes.* Where nonmetallic boxes are used with open wiring or concealed knob-and-tube work, the conductors shall enter through individual holes. Where flexible tubing is used to encase the conductor, the tubing shall extend from the last insulating support and may be run into the box or terminate at the wall of the box. If nonmetallic sheathed cable is used, the cable assembly shall enter the box through a knockout opening. Clamping of individual conductors or cables to the box is not required where supported within 8 inches of the box. Where nonmetallic conduit is installed with nonmetallic boxes or fittings, the conduit shall be secured to such boxes and fittings in a manner consistent with the requirements of this subpart.

(g) *Unused openings.* Unused openings in boxes and fittings shall be effectively closed to afford protection substantially equivalent to that of the wall of the box or fitting. Metal plugs or plates used with nonmetallic boxes or fittings shall be recessed at least one-fourth inch from the outer surface.

(h) *Boxes enclosing flush devices.* Boxes used to enclose flush devices shall be of such design that the devices will be completely enclosed on back and sides, and that substantial support for the devices will be provided. Screws for supporting the box shall not be used in attachment of the device contained therein.

(i) *In wall or ceiling.* In walls or ceilings of concrete, tile or other noncombustible material, boxes and fittings shall be so installed that the front edge of the box or fitting will not set back of the finished surface more than one-fourth inch. In walls and ceilings constructed of wood or other combustible material, outlet boxes and fittings shall be flush with the finished surface or project therefrom.

(j) *Repairing plaster.* Except on walls or ceilings of concrete, tile, or other noncombustible material, a plaster surface which is broken or incomplete shall be repaired so that there will be no gaps or open spaces at the edge of the box or fitting.

(k) *Exposed extensions.* In making an exposed extension from an existing outlet of concealed wiring, a box, extension ring or blank cover shall be mounted over the original box and electrically and mechanically secured to it. The extension shall then be connected to this box in the manner prescribed for the method of wiring employed in making the extension.

(l) *Supports.* (1) Boxes shall be securely and rigidly fastened to the surface upon which they are mounted, or securely and rigidly embedded in concrete or masonry. Except as otherwise provided in this paragraph, boxes shall be supported from a structural member of the building either directly or by using a substantial and approved metallic or wooden brace. If of wood the brace shall not be less than nominal 1 inch thickness. If of metal it shall be corrosion resistant and shall be not less than 0.0239 inch thick (No. 24 MSG).

(2) Where mounted in new walls in which no structural members are provided or in existing walls in previously occupied buildings, boxes less than 100 cubic inches in size, specifically approved for the purpose, shall be affixed with approved anchors or clamps so as to provide a rigid and secure installation.

(3) Threaded boxes or fittings less than 100 cubic inches in size, which do not contain devices or support fixtures may be considered adequately supported if two or more conduits are threaded into the box wrenchtight and are supported within 3 feet of the box on two or more sides as is required by this paragraph.

(m) *Depth of outlet boxes for concealed work.* Outlet boxes for concealed work shall have an internal depth of at least 1½ inches, except that where the installation of such a box will result in injury to the building structure or is impracticable, a box not less than one-half inch internal depth may be installed.

(n) *Covers and canopies.* In completed installations each outlet box shall be provided with a cover unless a fixture canopy is used.

(1) *Nonmetallic boxes.* Nonmetallic covers and plates or metallic covers and plates may be used with nonmetallic outlet boxes. When metallic covers or plates are used, they shall comply with the grounding requirements of § 1910.314 (d)(1).

(2) *Canopy or pan.* Where a fixture canopy or pan is used, any combustible wall or ceiling finish exposed between the edge of the canopy or pan and the outlet box shall be covered with noncombustible material.

(3) *Flexible cords.* Covers of outlet boxes having holes through which flexible cord pendants pass, shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear. So-called hardrubber or composition bushings shall not be used.

(4) *Covers.* All pull boxes, junction boxes and fittings shall be provided with covers approved for the purpose. Where metallic covers are used, they shall comply with the grounding requirements of § 1910.314(d)(1).

(o) *Accessibility of junction, pull, and outlet boxes.* Junction, pull, and outlet boxes shall be so installed that the wiring contained in them may be rendered accessible without removing any part of the building, sidewalk, or paving.

§ 1910.316 Flexible cords and cables.

(a) *General.* Flexible cords and cables and their associated fittings shall be suitable for the condition of use and location.

(b) *Use*—(1) *Permissible usage.* Flexible cord may be used only for:

(i) Pendants;

(ii) Wiring of fixtures;

(iii) Connection of portable lamps or appliances;

(iv) Elevator cables;

(v) Wiring of cranes and hoists;

(vi) Connection of stationary equipment to facilitate their frequent interchange; or

(vii) Prevention of the transmission of noise or vibration; or

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(viii) Facilitating the removal or disconnection of fixed or stationary appliances for maintenance or repair.

(2) *Attachment plugs.* Where used as permitted in subparagraph (1) (iii), (vi), and (viii) of this subparagraph, each flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(c) *Prohibited uses.* Except where installed in data processing systems flexible cord shall not be used as a substitute for the fixed wiring of a structure, where run through holes in walls, ceilings, or floors; where run through doorways, windows, or similar openings; where attached to building surfaces or where concealed behind building walls, ceilings, or floors.

(d) *Splices.* Flexible cord shall be used only in continuous length without splice or tap.

(e) *Pull at joints and terminals.* Flexible cords shall be so connected to devices and to fittings that tension will not be transmitted to joints or terminal screws. This shall be accomplished by a knot in the cord, winding with tape, by a special fitting designed for that purpose, or by other means which will prevent a pull on the cord from being directly transmitted to joints or terminal screws.

§ 1910.317 [Reserved]

§ 1910.318 Transformers.

(a) *General*—(1) *Guarding.* Transformers shall be guarded as provided in this subparagraph.

(i) Appropriate provisions shall be made to minimize the possibility of damage to transformers from external causes where the transformers are located where they are exposed to physical damage.

(ii) Dry-type transformers shall be provided with a noncombustible moisture-resistant case or enclosure which will provide reasonable protection against the accidental insertion of foreign objects.

(iii) The transformer installation shall conform with the provisions for guarding of live parts in section 1910.310(i).

(iv) The operating voltage of exposed live parts of transformer installations shall be indicated by signs or visible markings on the equipment or structures.

(2) *Grounding.* Exposed noncurrent carrying metal parts of transformer installations including fences, guards, etc., shall be grounded where required under the conditions and in the manner prescribed for electrical equipment and other exposed metal parts in section 1910.314.

(3) *Marking.* Each transformer shall be provided with a nameplate giving the name of the manufacturer; rated kilovolt-amperes, frequency, primary, and secondary voltage; and the amount and kind of insulating liquid where used, when the transformer rating exceeds 25 kva. Where Class B insulation is used in the construction of dry-type transformers rated more than 100 kva the nameplate shall indicate the temperature rise for this insulation system.

(b) *Specific provisions applicable to different types of transformers*—(1) *Dry-type transformers installed indoors.* Transformers rate 112½ kva or less shall have a separation of at least 12 inches from combustible material unless separated therefrom by a fire-resistant heat-insulating barrier, or unless of a rating not exceeding 600 volts and completely enclosed except for ventilating openings.

Transformers of more than 112½ kva rating shall be installed in a transformer room of fire-resistant construction unless they are constructed with 80° C. rise (Clss B) or 150° C. rise (Class H) insulation, and are separated from combustible material not less than 6 feet horizontally and 12 feet vertically or are separated therefrom by a fire-resistant heat-insulating barrier.

Transformers rated more than 35,000 volts shall be installed in a vault.

(2) *Askarel-insulated transformers installed indoors.* Askarel-insulated transformers rated in excess of 25 kva shall be furnished with a pressure-relief vent. Where installed in a poorly ventilated place they shall be furnished with a means for absorbing any gases generated by arcing inside the case, or the pressure relief vent shall be connected to a chimney or flue which will carry such gases outside the building. Askarel-insulated transformers rated more than 35,000 volts shall be installed in a vault.

(3) *Oil-insulated transformers installed indoors.* Oil-insulated transformers shall be installed in a vault constructed as specified in this section except:

(i) Vaults for transformers not over 112½ kva total capacity may be constructed of reinforced concrete not less than 4 inches thick.

(ii) For transformers not over 600 volts a vault is not required provided suitable arrangements are made where necessary to prevent a transformer oil fire igniting other materials, and the total transformer capacity in one location does not exceed 10 kva in a section of the building classified as combustible, or 75 kva where the surrounding structure is classified as fire-resistant construction.

(iii) Electric furnace transformers of a total rating not exceeding 75 kva may be installed without a vault in a building or room of fire-resistant construction provided suitable arrangements are made to prevent a transformer oil fire spreading to other combustible material.

(iv) Transformers may be installed in a building which does not conform with the provisions specified in this subpart for transformer vaults, provided neither the building nor its contents present a fire hazard to any other building or property, and provided the building is used only in supplying electric service and the interior is accessible only to qualified persons.

(4) *Oil-insulated transformers installed outdoors.* Combustible material, combustible buildings, and parts of buildings, fire escapes, door and window openings, shall be safeguarded from fires originating in oil-insulated transformers installed on, attached to, or adjacent to a building or combustible material. Space separations, fire-resistant barriers, automatic water spray systems and enclosures which confine the oil of a ruptured transformer tank are recognized safeguards. One or more of these safeguards shall be applied according to the degree of hazard involved in cases where the transformer installation presents a fire hazard. Oil enclosures may consist of fire-resistant dikes, curbed areas or basins, or trenches filled with coarse crushed stone. Oil enclosures shall be provided with trapped drains in cases where the exposure and the quantity of oil involved are such that removal of oil is important.

(c) *Provisions for transformer vaults*—(1) *Location.* Vaults shall be located where they can be ventilated to the outside air without using flues or ducts wherever such an arrangement is practicable.

(2) *Walls, roof, and floor.* The walls and roofs of vaults shall be constructed of reinforced concrete, brick, load bearing tile, concrete block, or other fire resistive construction which have adequate structural strength for the conditions, and a minimum fire resistance of 2½ hours according to NFPA 251—1969, Standard Methods of Fire Tests of Building Construction and Materials. The floors of vaults in contact with the earth shall be of concrete not less than 4 inches thick but when the vault is constructed with a vacant space or other stories below it, the floor shall have adequate structural strength for the load imposed thereon and a minimum fire resistance of 2½ hours.

(3) *Doorways.* Vault doorways shall be protected as provided in this subparagraph.

(i) Each doorway leading into a building shall be provided with a tight-fitting door of a type approved for openings in Class A situations as defined in NFPA 80—1970, Standard for Fire Doors and Windows.

(ii) A door sill or curb of sufficient height to confine within the vault the oil from the largest transformer shall be provided and in no case shall the height be less than 4 inches.

(iii) Entrance doors shall be equipped with locks, and doors shall be kept locked, access being allowed only to qualified persons. Locks and latches shall be so arranged that the door may be readily and quickly opened from the inside.

(4) *Ventilation.* The ventilation shall be adequate to prevent a transformer temperature in excess of the values prescribed in ANSI C–57.12.00—1968, American National Standard General Requirements for Distribution, Power and Regulating Transformers and Shunt Reactors.

(5) *Ventilation openings.* When required by subparagraph (4) of this paragraph openings for ventilation shall be provided in accordance with this subparagraph.

(i) Ventilation openings shall be located as far away as possible from doors, windows, fire escapes, and combustible material.

(ii) Vaults ventilated by natural circulation of air may have roughly half of the total area of openings required for ventilation in one or more openings near the floor and the remainder in one or more openings in the roof or in the sidewalls near the roof; or all of the area required for ventilation may be provided in one or more openings in or near the roof.

(iii) In the case of vaults ventilated to an outdoor area without using ducts or flues the combined net area of all ventilating openings after deducting the area occupied by screens, gratings, or louvers, shall be not less than 3 square inches per kva of transformer capacity in service, except that the net area shall be not less than 1 square foot for any capacity under 50 kva.

(iv) Ventilation openings shall be covered with durable gratings, screens, or louvers, according to the treatment required in order to avoid unsafe conditions.

(v) Where automatic dampers are used in the ventilation openings of vaults containing oil-insulated transformers, the actuating device should be made to function at a temperature resulting from fire and not at a temperature which might prevail as a result of an over heated transformer or bank of transformers, automatic dampers should be designed and constructed to minimize the possibility of accidental closing.

(vi) Ventilating ducts shall be constructed of fire-resistant material.

(6) *Drainage.* Where practicable, vaults containing more than 100 kva transformer capacity shall be provided with a drain or other means which will carry off any accumulation of oil or water in the vault unless local conditions make this impracticable. The floor shall be pitched to the drain when provided.

(7) *Water pipes and accessories.* Any pipe or duct systems foreign to the electrical installation should not enter or pass through a transformer vault. Where the presence of such foreign systems cannot be avoided, appurtenances thereto which require maintenance at regular intervals shall not be located inside the vault. Arrangements shall be made where necessary to avoid possible trouble from condensation leaks and breaks in such foreign systems. Piping or other facilities provided for fire protection or for water-cooled transformers are not deemed to be foreign to the electrical installation.

(8) *Storage in vaults.* Materials shall not be stored in transformer vaults.

§ 1910.319 [Reserved]

§ 1910.320 Appliances.

(a) *General*—(1) *Application.* This section shall apply to electric appliances used in any occupancy.

(2) *Live parts.* Appliances shall have no live parts normally exposed to contact, except for toasters, grills or other appliances in which the current-carrying parts at high temperatures are necessarily exposed.

(3) *Motor-operated appliances.* The requirements of Article 422 of the National Electrical Code NFPA 70—1968 (ANSI C–1—1968) apply to motor-operated appliances.

(b) *Installation of appliances*—(1) *Flexible cords.* Flexible cords used to connect appliances shall comply with the provisions of this subparagraph.

(i) All smoothing irons and portable electrically heated appliances rated at more than 50 watts and which produce temperatures in excess of 121° C. (250° F.) on surfaces with which the cord is liable to be in contact shall be provided with one of the types of approved heater cords.

(ii) All other portable electrically heated appliances shall be connected with one of the approved types of cord.

(iii) Flexible cord may be used for connection of portable appliances, connection of stationary appliances to facilitate their frequent interchange or prevention of the transmission of noise or vibration or facilitating the removal or disconnection of fixed appliances for maintenance or repair.

(2) *Portable immersion heaters.* Electric heaters of the portable immersion type shall be so constructed and installed that current-carrying parts are effectively insulated from electrical contact with the substance in which immersed.

(3) *Protection of combustible material.* Each electrically heated appliance that is obviously intended by size, weight, and service to be located in a fixed position shall be so placed as to provide ample protection between the appliance and adjacent combustible material.

(4) *Stands for portable appliances.* Each smoothing iron and other portable electrically heated appliance which is intended to be applied to combustible material shall be equipped with an approved stand which may be a separate piece of equipment or may be a part of the appliance.

(5) *Signals for heated appliances.* Each electrically heated appliance, or group of electrically heated appliances intended to be applied to combustible material, shall be installed in connection with a signal unless the appliance is provided with an integral temperature-limiting device.

(6) *Water heaters.* Each water heater shall be equipped with temperature-limiting means in addition to the control thermostat to disconnect all ungrounded conductors, and such means shall be installed to sense maximum water temperature; trip-free, manually reset, or it shall use a replacement element; in addition to any other devices protecting the tank against excessive temperature or pressure, or both.

(7) *Infrared lamp industrial heating appliances.* (i) Infrared heating lamps rated at 300 watts or less may be used with lampholders of the medium-base, unswitched porcelain type, or other types approved for the purpose.

(ii) Screw-shell lampholders shall not be used with infrared lamps over 300 watts rating unless the lampholders are especially approved for the purpose.

(iii) Lampholders may be connected to any of the branch circuits and, in industrial occupancies, may be operated in series on circuits of more than 150 volts to ground provided the voltage rating of the lampholders is not less than the circuit voltage.

(iv) Each section panel or strip carrying a number of infrared lampholders (including the internal wiring of such section, panel or strip) is considered an appliance. The terminal connection block of each such assembly is deemed an individual outlet.

(8) *Grounding.* Metal frames of portable, stationary and fixed electrically heated appliances, operating on circuits above 150 volts to ground, shall be grounded in the manner specified in section 1910.314, provided, however, that where this is impracticable, grounding may be omitted in which case the frames shall be permanently and effectively insulated from the ground.

(1) Refrigerators, freezers, and air conditioners shall comply with the requirements of section 1910.314(d) (1), (2), and (4).

(9) *Wall-mounted ovens and counter-mounted cooking units.* (i) Wall-mounted ovens and counter-mounted cooking units complete with provisions for mounting and for making electrical connections shall be considered as fixed appliances.

(ii) A separable connector or a plug and receptacle combination in the supply line to an oven or cooking unit used only for ease in servicing or for installation shall:

(*a*) Not be installed as the disconnecting means required by paragraph (c) (1) of this section.

(*b*) Be approved for the temperature of the space in which it is located.

(c) *Control and protection of appliances.*—(1) *Disconnecting means.* Each appliance shall be provided with a means for disconnection from all ungrounded conductors as required by subparagraphs (2) through (7) of this paragraph. Where an appliance is supplied by more than one source the disconnecting means shall be grouped and identified.

(2) *Disconnection of fixed appliances.* (i) For fixed appliances rated at not over 300 volts or one-eighth horsepower, the branch circuit overcurrent device may serve as the disconnection means.

(ii) For fixed appliances of greater rating the branch circuit switch or circuit breaker may, where readily accessible to the user of the appliance, serve as the disconnecting means.

(3) *Disconnection of portable appliances.* (i) For portable appliances a separable connector or an attachment plug and receptacle may serve as the disconnecting means.

(ii) The rating of a receptacle or of a separable connector shall not be less than the rating of any applicance connected thereto, except that demand factors authorized elsewhere in this subpart may be applied.

(iii) Attachment plugs and connectors shall conform to the provisions of this subdivision.

(*a*) They shall be so constructed and installed as to guard against inadvertent contact with live parts.

(*b*) They shall be capable of interrupting their rated current without hazard to the operator.

(c) They shall be so designed that they will not fit into receptacles of lesser rating.

(4) *Disconnection of stationary appliances.* (i) For stationary appliances rated at not over 300 volt amperes or one-eighth horsepower, the branch-circuit overcurrent device may serve as the disconnecting means.

(ii) For stationary appliances of greater rating the branch-circuit switch or circuit breaker may, where readily accessible to the user of the appliance, serve as the disconnecting means.

(iii) For cord-connected appliances such as freestanding household-type ranges and clothes dryers, a separable connector or an attachment plug and receptacle may serve as the disconnecting means. Attachment plugs and connectors shall conform to subparagraph (3)(iii) of this pargaraph.

(5) *Unit switches as disconnecting means.* Unit switches which are a part of an appliance shall not be considered as taking the place of the disconnecting means required by paragraph (c) of this section, unless there are other means for disconnection. The branch-circuit switch or circuit breaker, where readily accessible to the user of the appliance, may be used for this purpose.

(6) *Switch and circuit breaker to be indicating.* Switches and circuit breakers used as disconnecting means shall be of the indicating type.

(7) *Location of disconnecting means for motor-driven appliances.* When a switch or circuit breaker serves as the disconnecting means for a stationary or fixed motor-driven appliance of more than one-eighth horsepower, it shall be located within sight of the motor controller or shall be capable of being locked in the open position.

§ 1910.321 [Reserved]

§ 1910.322 Hazardous locations, general.

(a) *Application.* (1) The provisions of sections 1910.322, .324, .326, and .328 apply to locations in which the apparatus and wiring are subject to the conditions indicated by the following classifications. It is intended that each room, section or area (including motor and generator rooms, and rooms for the enclosure of control equipment) shall be considered individually in determining its classification. Except as modified in sections 1910.322, .324, .326, and .328 all other applicable rules contained in this subpart shall apply to electrical apparatus and wiring installed in hazardous locations.

Equipment and associated wiring approved as intrinsically safe may be installed in any hazardous location for which it is approved, and the provisions of sections 1910.322, .324, .326, and .328 and Articles 504–517 of the National Electrical Code NFPA 70–1968 (ANSI C–1–1968) need not apply to such installation. Intrinsically safe equipment and wiring are incapable of releasing sufficient electrical energy under normal or abnormal conditions to cause ignition of a specific hazardous atmospheric mixture. Abnormal conditions will include accidental damage to any part of the equipment or wiring, insulation or other failure of electrical components, application of overvoltage, adjustment and maintenance operations, and other similar conditions.

(3) All conduit referred to in this subpart shall be threaded with standard conduit cutting die which provides three-quarter-inch taper per foot. Such conduit shall be made up wrench tight to minimize sparking when fault current flows through the conduit system. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilizied.

(b) *Special precaution.* (1) The intent of sections 1910.322, .324, .326, and .328 is to require a form of construction of equipment and of installation that will insure safe performance under conditions of proper use and maintenance.

(2) The characteristics of various atmospheric mixtures of hazardous gases, vapors, and dusts depend on the specific hazardous material involved. It is necessary therefore that equipment be approved not only for the class of location but also for the specific gas, vapor, or dust that will be present.

(3) For purposes of testing and approval, various atmospheric mixtures have been grouped on the basis of their hazardous characteristics, and facilities have been made available for testing and approval of equipment for use in the following atmospheric groups:

Group A, Atmospheres containing acetylene;

Group B, Atmospheres containing hydrogen, or gases or vapors of equivalent hazard such as manufactured gas;

Group C, Atmospheres containing ethyl ether vapors, ethylene, or cyclopropane;

Group D, Atmospheres containing gasoline, hexane, naptha, benzine, butane, propane, alcohol, acetone, benzol, lacquer solvent vapors, or natural gases;

Group E, Atmospheres containing metal dust, including aluminum magnesium, and their commercial alloys, and other metals of similarly hazardous characteristics.

Group F, Atmospheres containing carbon black, coal, or coke dust;

Group G, Atmospheres containing flour, starch, or grain dusts.

(c) *Class 1 locations.* Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitible mixtures. Class 1 locations shall include:

(1) *Class 1, Division 1.* Locations in which hazardous concentrations of flammable gases or vapors exist continuously, intermittently, or periodically under normal operating conditions; in which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or in which breakdown or faulty operations of equipment or processes which might release hazardous concentrations of flammable gases or vapors, might also cause simultaneous failure of electrical equipment.

(2) *Class 1, Division 2.* (i) Locations in which volatile flammable liquids or flammable gases are handled, processed or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems or in case of abnormal operation of equipment; in which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, but which might become hazardous through failure or abnormal operation of the ventilating equipment; or which are adjacent to Class 1, Division 1 locations, and to which hazardous concentrations of gases or vapors might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

(ii) Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier shall be classed as Division 2 locations if the outside of conduit and enclosures is a nonhazardous area.

(d) *Class II locations.* Class II locations are those which are hazardous because of the presence of combustible dust. Class II locations shall include:

(1) *Class II, Division 1.* Locations in which combustible dust is or may be in suspension in the air continuously, intermittently, or periodically under normal operating conditions, in quantities sufficient to produce explosive or ignitible mixtures; where mechanical failure or abnormal operation of machinery or equipment might cause such mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electrical equipment, operation of protection devices, or from other causes; or in which dusts of an electrically conducting nature may be present.

(2) *Class II, Division 2.* Locations in which combustible dust will not normally be in suspension in the air, or will not be likely to be thrown into suspension by the normal operation of equipment or apparatus, in quantities sufficient to produce explosive or ignitible mixtures; but where deposits or accumulations of such dust may be sufficient to interfere with the safe dissipation of heat from electrical equipment or apparatus; or where such deposits or accumulations of dust on, in, or in the vicinity of electrical equipment might be ignited by arcs, sparks or burning material from such equipment.

(e) *Class III locations.* Class III locations are those which are hazardous because of the presence of easily ignitible fibers or flyings, but in which such fibers or flyings are not likely to be in suspension in air in quantities sufficient to produce ignitible mixtures. Class III locations shall include:

(1) *Class III, Division 1.* Locations in which easily ignitible fibers or materials producing combustible flyings are handled, manufactured or used.

(2) *Class III, Division 2.* Locations in which easily ignitible fibers are stored or handled (except in process of manufacture).

§ 1910.323 [Reserved]

§ 1910.324 Class I installations—hazardous locations.

(a) *General.* The general rules of this subpart shall apply to the installation of electrical wiring and equipment in locations classified as Class I under section 1910.322(c) except as modified by this section.

(b) *Transformers and capacitors.* The installation of transformers and capacitors shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, transformers and capacitors shall conform to:

(i) Transformers and capacitors containing a liquid that will burn shall be installed only in vaults, which shall conform to sections 1910.318(c)(1) through (2) inclusive, and in addition, there shall be no door or other communicating opening between the vault and the hazardous area, ample ventilation shall be provided for the continuous removal of hazardous gases or vapor, vent openings or ducts shall lead to a safe location outside of buildings, and vent ducts and openings shall be of sufficient area to relieve explosion pressures within the vault, and all portions of vent ducts within the buildings shall be of reinforced concrete construction.

(ii) Transformers and capacitors which do not contain a liquid that will burn shall be installed in vaults conforming to the requirements of subdivision (i) of this subparagraph or be approved for Class I locations (explosion proof).

(2) *Class I Division 2.* In Class I, Division 2 locations, transformers and capacitors shall conform to 1910.318(b).

(c) *Meters, instruments and relays.* The installation of meters, instruments and relays shall conform to:

(1) *Class I, Division 1.* In Class I Division 1 location, meters, instruments and relays, including kilowatt-hour meters, instrument transformers and resistors, rectifiers, and termionic tubes, shall be provided with enclosures approved for Class I locations.

(2) *Class I, Division 2.* In Class I, Division 2 locations, meters, instruments and relays shall conform to:

(i) Switches and circuit breakers, and make and break contacts of push buttons, relays, and alarm bells or horns, shall have enclosures approved for Class I locations, unless general purpose enclosures are provided, and current interrupting contacts are immersed in oil; enclosed within a chamber hermetically sealed against the entrance of gases or vapors; or in circuits which under normal conditions do not release sufficient energy to ignite a specific hazardous atmospheric mixture.

(ii) Resistors, resistance devices, thermionic tubes, and rectifiers, which are used in or in connection with meters, instruments and relays, shall conform to subparagraph (1) of this paragraph except that enclosures may be of general purpose type when such equipment is without make and break or sliding contacts (other than as provided in subdivision (i) of this subparagraph) and when the maximum operating temperature of any exposed surface will not exceed eighty percent (80%) of the ignition temperature in degrees centigrade of the gas or vapor involved as determined by ANSI Z11.189—1966, American National Standard Method of Test for Autoignition Temperature of Liquid Petroleum Products.

(iii) Transformer windings, impedance coils, solenoids, and windings which do not incorporate sliding or make and break contacts shall be provided with enclosures which may be of the general purpose type.

(iv) Where an assembly is made up of components for which general purpose enclosures are acceptable under subdivisions (i), (ii), and (iii) of this subparagraph, a single general purpose enclosure is acceptable for the assembly. Where such an assembly includes any of the equipment described in subdivision (ii) of this subparagraph, the maximum obtainable surface temperature of any component of the assembly shall be clearly and permanently indicated on the outside of the enclosure.

(v) Where general purpose enclosures are permitted under subdivisions (i), (ii), (iii), and (iv) of this subparagraph, fuses for overcurrent protection of the instrument circuits may be mounted in general purpose enclosures provided such fuses do not exceed 3 ampere rating at 120 volts and provided each such fuse is preceded by a switch conforming to subdivision (i) of this subparagraph.

(vi) To facilitate replacements, process control instruments may be connected through flexible cord, attachment plug, and receptacle, provided;

(*a*) A switch conforming to subdivision (i) of this subparagraph is provided so that the plug is not depended on to interrupt current, and

(*b*) Current does not exceed 3 amperes at 120 volts, and

(*c*) Power supply cord does not exceed 3 feet, is of a type approved for extra hard usage or for hard usage if protected by location and is supplied through a plug and receptacle of the locking and grounding type, and

(*d*) Only necessary receptacles are provided, and

(*e*) The receptable carries a label warning against unplugging under load.

(d) *Wiring methods.* Wiring methods shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, threaded rigid metal conduit or Type MI cable with termination fittings approved for the location shall be the wiring method employed. All boxes, fittings, and joints shall be threaded for connection to conduit or cable terminations, and shall be explosion proof. Threaded joints shall be made up with at least five threads fully engaged. Type MI cable shall be installed and supported in a manner to avoid tensile stress at the termination fittings. Where necessary to employ flexible connections, as at motor terminals, flexible fittings approved for Class I locations (explosion proof) shall be used.

(2) *Class I, Division 2.* In Class I, Division 2 locations, threaded rigid metal conduit or Types MI, MC, or ALS cable with approved termination fittings shall be the wiring method employed. Type MI, MC, or ALS cable shall be installed in a manner to avoid tensile stress at the termination fittings. Boxes, fittings, and joints need not be explosion proof except as required by paragraph (e)(2)(i), and (ii) of this section. Where provision must be made for limited flexibility, as at motor terminals, flexible metal fittings, flexible metal conduit with approved fittings, or flexible cord approved for extra hard usage and provided with approved bushed fittings shall be used. An additional conductor for grounding shall be included in the flexible cord unless other acceptable means of grounding are provided.

(e) *Sealing and drainage.* Seals are provided in conduit and cable systems to prevent the passage of gases, vapors or flames from one portion of the electrical installation to another through the conduit. Such communication through Type MI cable is inherently prevented by construction of the cable, but sealing compound is used in cable termination fittings to exclude moisture and other fluids from the cable insulation, and shall be of a type approved for the conditions of use. Seals in conduit and cable systems shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, seals shall be located as provided in this subparagraph.

(i) In each conduit run entering an enclosure for switches, circuit breakers, fuses, relays, resistors, or other apparatus which may produce arcs, sparks or high temperatures. Seals shall be placed as close as practicable and in no case more than 18 inches from such enclosures. There shall be no junction box or similar enclosure in the conduit run between the sealing fitting and the apparatus enclosure.

(ii) In each conduit run of 2-inch size or larger entering the enclosure or fitting housing terminals, splices or taps, and within 18 inches of such enclosure or fitting.

(iii) In each conduit run leaving the Class I, Division 1 hazardous area. The sealing fitting may be located on either side of the boundary of such hazardous area, but shall be so designed and installed that any gases or vapors which may enter the conduit system, within the Division 1 hazardous area, will not enter or be communicated to the conduit beyond the seal. There shall be no union, coupling, box, or fitting in the conduit between the sealing fitting and the point at which the conduit leaves the Division 1 hazardous area.

(2) *Class I, Division 2.* In Class I, Division 2 locations, seals shall be located as provided in this subparagraph.

(i) For connections to enclosures which are required to be approved for Class I locations, seals shall be provided in conformance to subparagraphs (1)

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(i) and (ii) of this paragraph. All portions of the conduit run or nipple between the seal and such enclosure shall conform to paragraph (d)(1) of this section.

(ii) In each conduit run passing from the Class I, Division 2 hazardous area into a nonhazardous area. The sealing fitting may be located on either side of the boundary of such hazardous area, but shall be so designed and installed that any gases or vapors which may enter the conduit system, within the Division 2 hazardous area, will not enter or be communicated to the conduit beyond the seal. Rigid conduit shall be used between the seal fitting and the point at which the conduit leaves the hazardous area, and a threaded connection shall be used at the sealing fitting. There shall be no union, coupling, box or fitting in the conduit between the sealing fitting and the point at which the conduit leaves the hazardous area.

(3) *Class I, Divisions 1 and 2.* Where seals are required, they shall conform to the requirements contained in this subparagraph.

(i) Enclosures for connections or for equipment shall be provided with approved integral means for sealing, or sealing fittings approved for Class I locations shall be used. Sealing fittings shall be accessible.

(ii) Sealing compound shall be approved for the purpose, shall not be affected by the surrounding atmosphere or liquids, and shall not have a melting point of less than 93° C. (200° F.).

(iii) In the completed seal, the minimum thickness of the sealing compound shall be not less than the trade size of the conduit, and in no case less than five-eighths inch.

(iv) Splices and taps shall not be made in fittings intended only for sealing with compound, nor shall other fittings in which splices or taps are made be filled with compound.

(v) In an assembly where equipment which may produce arcs, sparks or high temperatures is located in a compartment separate from the compartment containing splices or taps, and an integral seal is provided where conductors pass from one compartment to the other, the entire assembly shall be approved for Class I locations. Seals in conduit connections to the compartment containing splices or taps shall be provided in Class I, Division 1 locations where required by subparagraph (1)(ii) of this paragraph.

(4) *Drainage.*

(i) Where there is probability that liquid or other condensed vapor may be trapped within enclosures for control equipment or at any point in the raceway system, means shall be provided to prevent accumulation or to permit periodic draining of such liquid or condensed vapor.

(ii) Where there is probability that liquid or condensed vapor may accumulate within motors or generators, joints, and conduit systems shall be arranged to minimize entrance of liquid. If means to prevent accumulation or to permit periodic draining are judged necessary, such means shall be provided at the time of manufacture, and shall be deemed an integral part of the machine.

(iii) Canned pumps, process connections for flow, pressure, or analysis measurements, etc., frequently depend upon a single seal diagram or tube to prevent process fluids from entering the electrical conduit system. An additional approved seal or barrier shall be provided with an adequate drain between the seals in such a manner that leaks would be obvious.

(f) *Switches, circuit breakers, motor controllers, and fuses.* Switches, circuit breakers, motor controllers, and fuses shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, switches, circuit breakers, motor controllers, and fuses, including push buttons, relays and similar devices, shall be provided with enclosures, and the enclosure in each case together with the enclosed apparatus shall be approved as a complete assembly for use in Class I locations.

(2) *Class I, Division 2.* Switches, circuit breakers, motor controllers and fuses in Class I, Division 2 locations shall conform to:

(i) Circuit breakers, motor controllers, and switches intended to interrupt current in the normal performance of the function for which they are installed shall be provided with enclosures approved for Class I locations, unless general purpose enclosures are provided and the interruption of current occurs within a chamber hermetically sealed against the entrance of gases and vapor, or the current interrupting contacts are oil-immersed and the device is approved for locations of this class and division.

(ii) Enclosures for disconnecting and isolating switches without fuses and which are not intended to interrupt current may be of general purpose type.

(iii) For the protection of motors, appliances and lamps, except as provided in subdivision (iv) of this subparagraph, standard plug or cartridge fuses may be used provided they are placed within enclosures approved for the purpose and for the location, or fuses of a type in which the operating element is immersed in oil or other approved liquid, or is enclosed within a chamber hermetically sealed against the entrance of gases and vapors may be used provided they are approved for the purpose and are placed within general purpose enclosures.

(iv) When not more than 10 sets of approved enclosed fuses, or not more than 10 circuit breakers which are not intended to be used as switches for the interruption of current, are installed for branch or feeder circuit protection in any one room, area or section of this class and division, the enclosures for such fuses or circuit breakers may be of general purpose type, provided the fuses or circuit breakers are for the protection of circuits or feeders supplying lamps in fixed positions only.

(g) *Control transformers and resistors.* Transformers, impedance coils and resistors used as or in conjunction with control equipment for motors, generators and appliances shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, transformers, impedance coils and resistors, together with any switching mechanism associated with them, shall be provided with enclosures approved for Class I locations (explosion proof).

(2) *Class I, Division 2.* In Class I, Division 2 locations, control transformers and resistors shall conform to:

(i) Switching mechanisms used in conjunction with transformers, impedance coils and resistors shall conform to paragraph (f)(2) of this section.

(ii) Enclosures for windings of transformers, solenoids or impedance coils may be of the general purpose types.

(iii) Resistors shall be provided with enclosures and the assembly shall be approved for Class I locations, unless resistance is nonvariable and maximum operating temperature, in degrees centigrade, will not exceed eighty percent (80%) of the ignition temperature of the gas or vapor involved as determined by ANSI Z11.89—1966, American National Standard Method of Test for Autoignition Temperature of Liquid Petroleum Products.

(h) *Motors and generators.* Motors and generators shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, motors, generators and other rotating electrical machinery shall be approved for Class I locations (explosion proof); or of the totally enclosed type supplied with positive-pressure ventilation from a source of clean air with discharge to a safe area, so arranged to prevent energizing of the machine until ventilation has been established and the enclosure has been purged with at least ten (10) volumes of air, and also arranged to automatically deenergize the equipment when the air supply fails; or of the totally enclosed inert-gas-filled type supplied with a suitable reliable source of inert gas for pressuring the enclosure, with devices provided to insure a positive pressure in the enclosure and arranged to automatically deenergize the equipment when the gas supply fails. Totally enclosed motors, other than those approved for Class I locations, shall have no external surface with an operating temperature in degrees Centigrade in excess of eighty percent (80%) of the ignition temperature of the gas or vapor involved, as determined by ANSI Z11.89—1966, American National Standard Method of Test for Autoignition Temperature of Liquid Petroleum Products. Appropriate devices shall also be provided to detect any increase in temperature of the motor beyond design limits and automatically deenergize the equipment. Auxiliary equipment shall be of a type approved for the location in which it is installed.

(2) *Class I, Division 2.* In Class I, Division 2 locations, motors, generators, and other rotating electrical machinery in which are employed sliding contacts, centrifugal or other types of switching mechanism (including motor overcurrent devices), or integral resistance devices, either while starting or while running, shall be approved for Class I locations (explosion proof), unless such sliding contacts, switching mechanisms and resistance devices are provided with enclosures approved for such locations.

(i) *Lighting fixtures.* Lamps shall be installed in fixtures which shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, lighting fixtures shall conform to the requirements of this subparagraph.

(i) Each fixture shall be approved as a complete assembly for locations of this class, and shall be clearly marked to indicate the maximum wattage of lamps for which it is approved. Fixtures intended for portable use shall be specifically approved as a complete assembly for that use.

(ii) Each fixture shall be protected against physical damage by a suitable guard or by location.

(iii) Pendant fixtures shall be suspended by and supplied through threaded rigid conduit stems and threaded joints shall be provided with setscrews or other effective means to prevent loosening. For stems longer than 12 inches, permanent and effective bracing against laterial displacement shall be provided at a level not more than 12 inches above the lower end of the stem, or flexibility in the form of a fitting or flexible connector approved for the purpose and for the location shall be provided not more than 12 inches from the point of attachment to the supporting box or fitting.

(iv) Boxes, box assemblies or fittings used for the support of lighting fixtures shall be approved for the purpose and for Class I locations.

(2) *Class I, Division 2.* In Class I, Division 2 locations, lighting fixtures shall conform to the requirements of this subparagraph.

(i) Portable lamps shall conform to subparagraph (1)(i) of this paragraph.

(ii) Lighting fixtures for fixed lighting shall be protected from physical damage by suitable guards or by location. Where there is danger that falling sparks or hot metal from lamps or fixtures might ignite localized concentrations of flammable vapors or gases, suitable enclosures or other effective protective means shall be provided. Where lamps are of a size or type which may, under normal operating conditions, reach surface temperatures exceeding eighty percent (80%) of the ignition temperature in degrees centigrade of the gas or vapor involved, as determined by ANSI Z11.89—1966, American National Standard Method of Test for Autoignition temperature of Liquid Petroleum Products. fixtures shall conform to subparagraph (1)(i) of this paragraph.

(iii) Pendant fixtures shall be suspended by threaded rigid conduit stems or by other means consistent with the requirements of this part. For rigid stems longer than 12 inches, permanent and effective bracing against lateral displacement shall be provided at a level not more than 12 inches above the lower end of the stem, or flexibility in the form of a fitting or flexible connector approved for the purpose shall be provided not more than 12 inches from the point of attachment to the supporting box or fitting.

(iv) Boxes, box assemblies, or fittings used for the support of lighting fixtures shall be approved for the purpose.

(v) Switches which are a part of an assembled fixture or of an individual lampholder shall conform to the requirements of paragraph (f)(2)(i) of this section.

(vi) Starting and control equipment for mercury-vapor and fluorescent lamps shall conform to the requirements of paragraph (g)(2) of this section.

(j) *Utilization equipment, fixed and portable.* Utilization equipment, fixed and portable, shall conform to:

(1) *Class I, Division 1.* In Class I, Division 1 locations, utilization equipment, including electrically heated and motor-driven equipment shall be approved for Class I locations.

(2) *Class I, Division 2.* In Class I, Division 2 locations, utilization equipment, fixed and portable, shall conform to the requirements of this subparagraph.

(i) Electrically heated utilization equipment shall be approved for Class I locations.

(ii) Motors of motor-driven utilization equipment shall conform to paragraph (h)(2) of this section.

(iii) Switches, circuit breakers and fuses shall conform to paragraph (f)(2) of this section.

(k) *Flexible cords, Class I, Divisions 1 and 2.* A flexible cord may be used only for connection between a portable lamp or other portable utilization equipment and the fixed portion of its supply circuit and where used shall be of a type approved for extra hard usage; contain, in addition to the conductors of the circuit, a grounding conductor; be connected to terminals or to supply conductors in a manner consistent with the requirements of this subpart; be supported by clamps or by other suitable means in such a manner that there will be no tension on the terminal connections; and suitable seals shall be provided where the flexible cord enters boxes, fittings or enclosures of explosion-proof type.

(1) *Receptacles and attachments plugs, Class I, Divisions 1 and 2.* Receptacles and attachment plugs shall be of the type providing for connection to the grounding conductor of the flexible cord, and shall be approved for Class I locations, except as provided in paragraph (c)(2)(vi) of this section.

(m) *Conductor insulation Class I, Divisions 1 and 2.* Where condensed vapors or liquids may collect on or come in contact with the insulation on conductors, such insulation shall be of a type approved for use under such conditions or the insulation shall be protected by a sheath of lead or by other approved means.

(n) *Signal, alarm, remote-control and communication systems.* Signal, alarm, remote-control and communication systems shall conform to the requirements of this subparagraph.

(1) *Class I, Division 1.* In Class I, Division 1 locations, all apparatus and equipment of signaling, alarm, remote-control and communication systems, irrespective of voltage, shall be approved for Class I locations, and all wiring shall conform to paragraphs (d)(1), (e)(1), and (e)(3) of this section.

(2) *Class I, Division 2.* In Class I, Division 2 locations, signal, alarm, remote-control and communication systems shall conform to the requirements of this subparagraph.

(i) Switches and circuit breakers, and make and break contacts of push buttons, relays, and alarm bells or horns, shall have enclosures approved for Class I locations, unless general purpose enclosures are provided and current interrupting contacts are immersed in oil; or enclosed within a chamber hermetically sealed against the entrance of gases or vapors; or in circuits which under normal conditions do not release sufficient energy to ignite a specific hazardous atmospheric mixture.

(ii) Resistors, resistance devices, thermionic tubes and rectifiers shall conform to paragraph (c)(2)(ii) of this section.

(iii) Enclosures which may be of general purpose type shall be provided for lightning protective devices and for fuses.

(iv) All wiring shall conform to paragraphs (d)(2), (e)(2), and (e)(3) of this section.

(o) *Live parts, Class I, Divisions 1 and 2.* There shall be no exposed live parts.

(p) *Grounding, Class I, Divisions 1 and 2.* Wiring and equipment shall be grounded in conformity with the requirements of this paragraph.

(1) *Exposed parts.* The exposed non-current-carrying metal parts of equipment such as the frames or metal exteriors of motors, fixed or portable lamps or other utilization equipment, lighting fixtures, cabinets, cases and conduit, shall be grounded as specified in § 1910.314.

(2) *Bonding.* The locknut-bushing and double-locknut types of contacts shall not be depended upon for bonding purposes, but bonding jumpers with proper fittings or other approved means shall be used. Such means of bonding shall apply to all intervening raceways, fittings, boxes, enclosures, etc. between hazardous areas and the point of grounding for service equipment. Where flexible conduit is used as permitted in paragraph (d)(2) of this section, bonding jumpers with proper fittings shall be provided around such conduit.

(3) *Lightning protection.* Each ungrounded service conductor of a wiring system in a Class I location, when supplied from an overhead line in an area where lightning disturbances are prevalent, shall be protected by an approved lightning protective device.

Lightning protective devices shall be connected to the service conductors on the supply side of the service disconnecting means, and shall be bonded to the raceway system at the service entrance.

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(4) *Grounded service conductor bonded to raceway.* Wiring in a Class I location, when supplied from a grounded alternating current supply system in which a grounded conductor is a part of the service, shall have the grounded service conductor bonded to the raceway system and to the grounding conductor for the raceway system. The bonding connection to the grounded service conductor shall be made on the supply side of the service disconnecting means.

(5) *Transformer ground bonded to raceway.* Wiring in a Class I location, when supplied from a grounded alternating current supply system in which no grounded conductor is a part of the service, shall be provided with a metallic connection between the supply system ground and the raceway system at the service entrance. The metallic connection shall have an ampacity not less than one-fifth that of the service conductors, and shall in no case be smaller than No. 10 when of soft copper, or No. 12 when of medium or hard-drawn copper.

(6) *Multiple grounds.* Where, in the application of § 1910.314(b) it is necessary to abandon one or more grounding connections to avoid objectionable passage of current over the grounding conductors, the connection required in subparagraphs (4) and (5) of this paragraph shall not be abandoned while any other grounding connection remains connected to the supply system.

§ 1910.325 [Reserved]

§ 1910.326 Class II Installations—Hazardous Locations.

(a) *General.* (i) The general rules of this subpart shall apply to the installation of electrical wiring and apparatus in locations classified as Class II under section 1910.324(e) except as modified by this section.

(ii) "Dust-ignition-proof," as used in this section shall mean enclosed in a manner which will exclude ignitible amounts of dusts or amounts which might affect performance or rating and which, when installation and protection are in conformance with this subpart, will not permit arcs, sparks or heat otherwise generated or liberated inside of the enclosure, to cause ignition of exterior accumulations or atmospheric suspensions of a specified dust on or in the vicinity of the enclosure.

(iii) Equipment installed in Class II locations shall be able to function at full rating without developing surface temperatures high enough to cause excessive dehydration or gradual carbonization of any organic dust deposits that may occur. Dust which is carbonized or is excessively dry is highly susceptible to spontaneous ignition. In general, maximum surface temperatures under actual operating conditions shall not exceed 165° C. (329° F.) for equipment which is not subject to overloading, and 120° C. (248° F.) for equipment such as motors, power transformers, etc., which may be overloaded.

(b) *Transformers and capacitors.* The installation of transformers and capacitors shall conform to the requirements of this subparagraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, transformers and capacitors shall conform to the requirements of this subparagraph.

(i) Transformers and capacitors containing a liquid that will burn shall be installed only in vaults conforming to section 1910.318(c), and in addition doors or other openings communicating with the hazardous area shall have self-closing fire doors on both sides of the wall, and the doors shall be carefully fitted and provided with suitable seals (such as weather stripping) to minimize the entrance of dust into the vault; vent openings and ducts shall communicate only with the outside air; and suitable pressure-relief openings communicating with the outside air shall be provided.

(ii) Transformers and capacitors which do not contain a liquid that will burn shall be installed in vaults conforming to section 1910.318(c) or be approved as a complete assembly including terminal connections for Class II locations.

(iii) No transformer or capacitor shall be installed in a location where dust from magnesium, aluminum, aluminum bronze powders, or other metals of similarly hazardous characteristics may be present.

(2) *Class II, Division 2.* In Class II, Division 2 locations, transformers and capacitors shall conform to the requirements of this paragraph.

(i) Transformers and capacitors containing a liquid that will burn shall be installed in vaults conforming to section 1910.318(c).

(ii) Transformers containing askarel and rated in excess of 25 kv.-a shall be provided with pressure-relief vents; be provided with means for absorbing any gases generated by arcing inside the case, or the pressure-relief vents shall be connected to a chimney or flue which will carry such gases outside the building and have an air space of not less than 6 inches between the transformer cases and any adjacent combustible material.

(iii) Dry-type transformers shall be installed in vaults or shall have their windings and terminal connections enclosed in tight metal housings without ventilating or other openings; and operate at voltages not exceeding 600 volts.

(c) *Surge protection, Class II, Division 1 and 2.* (i) In geographical locations where lightning disturbances are prevalent, wiring systems in Class II locations shall, when supplied from overhead lines, be suitably protected against high-voltage surges. This protection shall include suitable lightning protective devices, interconnection of all grounds, and surge-protective capacitors. (ii) Interconnection of all grounds shall include grounds for primary and secondary lightning protective devices, secondary system grounds if any, and grounds of conduit and equipment of the interior wiring system. For ungrounded secondary systems, secondary lightning protective devices may be provided both at the service and at the point where the secondary system receives its supply, and the intervening secondary conductors may be accepted as the metallic connection between the secondary protective devices, provided grounds for the primary and secondary devices are metallically interconnected at the supply end of the secondary system and the secondary devices are grounded to the raceway system at the load end of the secondary system.

(iii) Surge protective capacitors shall be of a type especially designed for the duty, shall be connected to each ungrounded service conductor, and shall be grounded to the interior conduit system. Capacitors shall be protected by 30-ampere fuses of suitable type and voltage rating, or by automatic circuit breakers of suitable type and rating and shall be connected to the supply conductors on the supply side of the service disconnecting means.

(d) *Wiring methods.* Wiring methods shall conform to the requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, threaded rigid metal conduit or Type MI cable with termination fittings approved for the location shall be the wiring method employed. Type MI cable shall be installed and supported in a manner to avoid tensile stress at the termination fittings.

(i) Fittings and boxes shall be provided with threaded bosses for connection to conduit or cable terminations, shall have close fitting covers, and shall have no openings (such as holes for attachment screws) through which dust might enter, or through which sparks or burning material might escape. Fittings and boxes in which taps, joints or terminal connections are made, or which are used in locations where dusts are of an electrically conducting nature shall be dust-ignition-proof and approved for Class II locations.

(ii) Where necessary to employ flexible connections, dust-tight flexible connectors, flexible metal conduit with approved fittings, or flexible cord approved for extra-hard usage and provided with bushed fittings shall be used, except that where dusts are of an electrically conducing nature, flexible metal conduit shall not be used, and flexible cords shall be provided with dust-tight seals at both ends. An additional conductor for grounding shall be provided in the flexible cord unless other means of grounding are provided which are consistent with the requirements of this section. Where flexible connections are subject to oil or other corrosive conditions, the insulation of the conductors shall be of a type approved for the condition or shall be protected by means of a suitable sheath.

(2) *Class II, Division 2.* In Class II, Division 2 locations, rigid metal conduit, electrical metallic tubing, or Types MI, MC, or ALS cable with approved termination fittings or dust-tight wireways shall be the wiring method employed.

(i) Wireways, and fittings and boxes in which taps, joints or terminal connections are made, shall be designed to minimize the entrance of dust, and shall be provided with telescoping or close fitting covers, or other effective means to prevent the escape of sparks or burning material; and shall have no openings (such as holes for attachment screws) through which, after installation, sparks or burning material might escape or through which adjacent combustible material might be ignited.

(ii) Where flexible connections are necessary the provisions of subparagraph (1)(ii) of this paragraph shall apply.

(e) *Sealing, Class II, Divisions 1 and 2.* Where a raceway provides communication between an enclosure which is required to be dust-ignition-proof and one which is not, suitable means shall be provided to prevent the entrance of dust into the dust-ignition-proof enclosure through the raceway. This means may be a permanent and effective seal; a horizontal section not less than 10 feet long in the raceway; or a vertical section of raceway not less than 5 feet long and extending downward from the dust-ignition-proof enclosures. Sealing fittings shall be accessible.

(f) *Switches, circuit breakers, motor controllers, and fuses.* Switches, circuit breakers, motor controllers, and fuses shall conform to the requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, switches, circuit breakers, motor controllers, and fuses shall conform to the requirements of this subparagraph.

(i) Switches, circuit breakers, motor controllers, and fuses, including push buttons, relays, and similar devices, which are intended to interrupt current in the normal performance of the function for which they are installed, or which are installed where dusts of an electrically conducting nature may be present, shall be provided with dust-ignition-proof enclosures which, together with the enclosed apparatus in each case, shall be approved as a complete assembly for Class II locations.

(ii) Disconnecting and isolating switches containing no fuses and not intended to interrupt current, and which are not installed where dusts may be of an electrically conducting nature, shall be provided with tight metal enclosures which shall be designed to minimize the entrance of dust, and which shall be equipped with telescoping or close fitting covers, or with other effective means to prevent the escape of sparks or burning material; and have no openings (such as holes for attachment screws) through which, after installation, sparks or burning material might escape, or through which exterior accumulations of dust or adjacent combustible material might be ignited.

(iii) In locations where dust from magnesium, aluminum, aluminum bronze powders, or other metals of similarly hazardous characteristics may be present, fuses, switches, motor controllers and circuit breakers shall have enclosures specifically approved for such locations.

(2) *Class II, Division 2.* In Class II, Division 2 locations, enclosures for fuses, switches, circuit breakers, and motor controllers including push buttons, relays, and similar devices, shall conform to the requirements of subparagraph (1)(ii) of this paragraph.

(g) *Control transformers and resistors.* Transformers, solenoids, impedence coils and resistors used as or in conjunction with control equipment for motors, generators and appliances shall conform to the requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, control transformers, solenoids, impedance coils, and resistors, and any overcurrent devices or switching mechanisms associated with them shall have dust-ignition-proof enclosures approved for Class II locations. No control transformer, impedance coil, or resistor shall be installed in a location where dust from magnesium, aluminum, aluminum bronze powders, or other metals of similarly hazardous characteristics may be present unless provided with an enclosure specifically approved for such locations.

(2) *Class II, Division 2.* In Class II, Division 2 locations, transformers, and resistors shall conform to the requirements of this subparagraph.

(i) Switching mechanisms (including overcurrent devices) associated with control transformers, solenoids, impedance coils, and resistors, shall be provided with enclosures conforming to paragraph (f)(1)(ii) of this section.

(ii) Where not located in the same enclosure with switching mechanisms, control transformers, solenoids, and impedance coils shall be provided with tight metal housings without ventilating openings.

(iii) Resistors and resistance devices shall have dust-ignition-proof enclosures approved for Class II locations, except that where the maximum normal operating temperature of the resistor will not exceed 120° C. (248° F.) nonadjustable resistors and resistors which are part of an automatically timed starting sequence may have enclosures conforming to subdivision (ii) of this subparagraph.

(h) *Motors and generators.* Motors and generators shall conform to the requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, motors, generators, and other rotating electrical machinery should be dust-ignition-proof or totally enclosed pipe ventilated and shall be approved for Class II locations.

(2) *Class II, Division 2.* (i) Motors, generators, and other rotating electrical machinery shall be dust-ignition-proof or totally enclosed pipe ventilated.

(ii) Exception: If accumulations of nonconducting, nonabrasive dust will be moderate, and if machines can be easily reached for routine cleaning and maintenance, the following may be installed:

(*a*) Standard open-type machines without sliding contacts, centrifugal or other types of switching mechanism (including motor overcurrent devices) or integral resistance devices.

(*b*) Standard open-type machines with such contacts, switching mechanisms or resistance devices enclosed within tight metal housings without ventilating or other openings.

(*c*) Self-cleaning textile motors of the squirrel-cage type.

(i) *Ventilating piping.* Vent pipes for motors, generators or other rotating electrical machinery, or for enclosures for electrical apparatus or equipment, shall be of metal not lighter than No. 24 USS gage, or of equally substantial noncombustible material, and shall lead directly to a source of clean air outside of buildings; be screened at the outer ends to prevent the entrance of small animals or birds; be protected against physical damage and against rusting or other corrosive influences. In addition, vent pipes shall conform to the remaining requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division locations, vent pipes, including their connections to motors or to the dust-ignition-proof enclosures for other equipment or apparatus, shall be dust-tight throughout their length. For metal pipes, seams and joints shall be riveted (or bolted) and soldered; welded; or rendered dust-tight by some other equally effective means.

(2) *Class II, Division 2.* In Class II, Division 2 locations, vent pipes and their connections shall be sufficiently tight to prevent the entrance of appreciable quantities of dust into the ventilated equipment or enclosure, and to prevent the escape of sparks, flame or burning material which might ignite dust accumulations or combustible material in the vicinity. For metal pipes, lock seams and riveted or welded joints may be used, and tight-fitting slip joints may be used where some flexibility is necessary as at connections to motors.

(j) *Utilization equipment, fixed and portable.* Utilization equipment, fixed and portable, shall conform to the requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, utilization equipment, including electrically heated and motor-driven equipment, shall be dust-ignition-proof approved for Class II locations. Where dust from magnesium, aluminum, aluminum bronze powders, or other metals of similarly hazardous characteristics may be present, such equipment shall be specifically approved for such locations.

(2) *Class II, Division 2.* In Class, Division 2 locations, utilization equipment, fixed and portable, shall conform to the requirements of this subparagraph.

(i) Electrically heated utilization equipment shall be dust-ignition-proof approved for Class II locations.

(ii) Motors of motor-driven utilization equipment shall conform to paragraph (h)(2) of this section.

(iii) Enclosures for switches, circuit breakers, and fuses shall conform to paragraph (f)(1)(ii) of this section.

(iv) Transformers, solenoids, impedance coils and resistors shall conform to paragraph (g)(2) of this section.

(k) *Lighting fixtures.* Lamps shall be installed in fixtures which shall conform to the requirements of this paragraph.

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(1) *Class II, Division 1.* In Class II, Division 1 locations, lighting fixtures for fixed and portable lighting shall conform to the requirements of this subparagraph.

(i) Each fixture shall be dust-ignition-proof and approved for Class II locations, and shall be clearly marked to indicate the maximum wattage of the lamp for which it is approved. In locations where dust from magnesium, aluminum, aluminum bronze powders, or other metals of similarly hazardous characteristics may be present, fixtures for fixed or portable lighting, and all auxiliary equipment, shall be specifically approved for such locations.

(ii) Each fixture shall be protected against physical damage by a suitable guard or by location.

(iii) Pendant fixtures shall be suspended by threaded rigid conduit stems or chains with approved fittings, or by approved flexible fixture fittings. For rigid stems longer than 12 inches, permanent and effective bracing against lateral displacement shall be provided at a level not more than 12 inches above the lower end of the stem, or flexibility in the form of a fitting or a flexible connector approved for the purpose and for the location shall be provided not more than 12 inches from the point of attachment to the supporting box or fitting. Threaded joints shall be provided with set-screws or other effective means to prevent loosening. Where wiring between an outlet box or fitting and a pendant fixture is not enclosed in conduit, flexible cord approved for hard usage shall be used, and suitable seals shall be provided where the cord enters the fixture and the outlet box or fitting. Flexible cord shall not serve as the supporting means for a fixture.

(iv) Boxes, box assemblies or fittings used for the support of lighting fixtures shall be approved for the purpose and for Class II locations.

(2) *Class II, Division 2.* In Class II, Division 2 locations, lighting fixtures shall conform to the requirements of this subparagraph.

(i) Portable lamps shall be dust-ignition-proof and approved for Class II locations. They shall be clearly marked to indicate the maximum wattage of lamps for which they are approved.

(ii) Lighting fixtures for fixed lighting, when not of a type approved for Class II locations, shall provide enclosures for lamps and lampholders which shall be designed to minimize the deposit of dust on lamps and to prevent the escape of sparks, burning material or hot metal. Each fixture shall be clearly marked to indicate the maximum wattage of lamp which may be used without exceeding a maximum exposed surface temperature of 165° C. (329° F.) under normal conditions of use.

(iii) Lighting fixtures for fixed lighting shall be protected from physical damage by suitable guards or by location.

(iv) Pendant fixtures shall be suspended by threaded rigid conduit stems or chains with approved fittings, or by approved flexible fixture fittings.

For rigid stems longer than 12 inches permanent and effective bracing against lateral displacement shall be provided at a level not more than 12 inches above the lower end of the stem, or flexibility in the form of a fitting or a flexible connector approved for the purpose shall be provided not more than 12 inches from the point of attachment to the supporting box or fitting. When wiring between an outlet box or fitting and a pendant fixture is not enclosed in conduit, flexible cord approved for hard usage shall be used. Flexible cord shall not serve as the supporting means for a fixture.

(v) Boxes, box assemblies, and fittings used for the support of lighting fixtures shall be approved for that purpose.

(vi) Starting and control equipment for mercury vapor and fluorescent lamps shall conform to the requirement of paragraph (g)(2) of this section.

(l) *Flexible cords, Class II, Divisions 1 and 2.* Flexible cords used in Class II locations shall be of a type approved for extra hard usage; contain, in addition to the conductors of the circuit, a grounding conductor; be connected to terminals or to supply conductors in an approved manner; be supported by clamps or by other suitable means in such a manner that there will be no tension on the terminal connections; and be provided with suitable seals to prevent the entrance of dust where the flexible cord enters boxes or fittings which are required to be dust-ignition-proof.

(m) *Receptacle and attachment plugs*—(1) *Class II, Division 1.* In Class II, Division 1 locations, receptacles and attachment plugs shall be of the type providing for connection of the grounding conductor of the flexible cord, and shall be dust-ignition-proof approved for Class II locations.

(2) *Class II, Division 2.* In Class II, Division 2 locations, receptacles and attachment plugs shall be of the type providing for connection to the grounding conductor of the flexible cord, and shall be so designed that connection to the supply circuit cannot be made or broken while live parts are exposed.

(n) *Signal, alarm, remote-control, and local loud-speaker intercommunication systems.* Signal, alarm, remote-control, and local loud-speaker intercommunication systems shall conform to the requirements of this paragraph.

(1) *Class II, Division 1.* In Class II, Division 1 locations, signal, alarm, remote-control, and local loud-speaker intercommunication systems shall conforms to the requirements of this subparagraph.

(i) Where accidental damage or breakdown of insulation might cause arcs, sparks, or high temperatures, rigid metal conduit, electrical metallic tubing, or Type MI cable with approved termination fittings shall be the wiring method employed. For conduit or electrical metallic tubing, the number of conductors shall be limited only by the requirement that the cross sectional area of all conductors shall not exceed 40 percent of the area of the raceway. Where limited flexibility is desirable or where exposure to physical damage is not severe, flexible cord approved for extra hard usage may be used.

(ii) Switches, circuit breakers, relays, contactors, and fuses which may interrupt other than voice currents, and current-breaking contacts for bells, horns, howlers, sirens and other devices in which sparks or arcs may be produced, shall be provided with enclosures approved for the location, unless current-breaking contacts are immersed in oil, or unless the interruption of current occurs within a chamber sealed against the entrance of dust, in which case enclosures may be of general purpose type.

(iii) Resistors, transformers, and choke coils which may carry other than voice currents, and rectifiers, thermionic tubes, and other heat generating equipment or apparatus shall be provided with dust-ignition-proof enclosures approved for Class II locations.

(iv) Motors, generators and other rotating electrical machinery shall conform to paragraph (h)(1) of this section.

(v) Where dusts are of an electrically conducting nature, all wiring and equipment shall be approved for Class II locations.

(vi) Where dust from magnesium, aluminum, aluminum bronze powders, or other metals of similarly hazardous characteristics may be present, all apparatus and equipment shall be specifically approved for such conditions.

(2) *Class II, Division 2.* In Class II, Division 2 locations, signal, alarm, remote-control and local loud-speaker intercommunication systems shall conform to the requirements of this subparagraph.

(i) Enclosures shall conform to subparagraph (1)(ii) of this paragraph or contacts shall have tight metal enclosures designed to minimize the entrance of dust, and shall have telescoping or tight fitting covers and no openings through which, after installation, sparks or burning material might escape.

(ii) The windings and terminal connections of transformers and choke coils shall be provided with tight metal enclosures without ventilating openings.

(iii) Resistors, resistance devices, thermionic tubes, and rectifiers shall conform to subparagraph (1)(iii) of this paragraph, except that enclosures for thermionic tubes, nonadjustable resistors or rectifiers for which maximum operating temperature will not exceed 120° C. (248 F.) may be of general purpose type.

(iv) Motors, generators, and other rotating electrical machinery shall conform to paragraph (h)(2) of this section.

(o) *Live parts, Class II, Divisions 1 and 2.* Wiring and equipment shall be grounded in conformity with this paragraph.

(1) *Exposed parts.* The exposed non-current-carrying metal parts of equipment such as the frames or metal exteriors of motors, fixed or portable lamps or other utilization equipment, lighting fixtures, cabinets, cases, and conduit, shall be grounded as specified in section 1910.314.

(2) *Bonding.* The locknut-bushing and double-locknut types of contact shall not be depended upon for bonding purposes, but bonding jumpers with fittings, or bonding locknuts, gaskets, rounding

wedge lugs, and adapters approved by Underwriters Laboratories, Inc., shall be used. Such means of bonding shall apply to all intervening raceways, fittings, boxes, enclosures, etc., between hazardous areas and the point of grounding for service equipment. Where flexible conduit is used as permitted in paragraph (d) of this section, bonding jumpers with proper fittings shall be provided around such conduit.

(3) *Lightning protection.* Each ungrounded service conductor of a wiring system in a Class II location, when supplied from an ungrounded overhead electrical supply system in an area where lightning disturbances are prevalent, shall be protected by an approved lightning protective device. Lightning protective devices shall be connected to the service conductors on the supply side of the service disconnecting means, and shall be bonded to the raceway system at the service entrance.

(4) *Grounded service conductor bonded to raceway.* Wiring in a Class II location, when supplied from a grounded alternating-current supply system in which a grounded conductor is a part of the service, shall have the grounded service conductor bonded to the raceway system and to the grounding conductor for the raceway system. The bonding connection to the grounded service conductor shall be made on the supply side of the service disconnecting means.

(5) *Transformer ground bonded to raceway.* Wiring in a Class II location, where supplied from a grounded alternating-current supply system in which no grounded conductor is a part of the service, shall be provided with a metallic connection between the supply system ground and the raceway system at the service entrance. The metallic connection shall have an ampacity not less than one-fifth that of the service conductors, and shall in no case be smaller than No. 10 when of soft copper, or No. 12 when of medium or hard-drawn copper .

(6) *Multiple grounds.* Where, in the application of section 1910.314(b), it is necessary to abandon one or more grounding connections to avoid objectionable passage of current over the grounding conductors, the connection required in subparagraphs (4) and (5) of this paragraph shall not be abandoned while any other grounding connection remains connected to the supply system.

§ 1910.327 [Reserved]

§ 1910.328 Class III Installations—Hazardous Locations.

(a) *General.* (i) The general provisions of this subpart shall apply to the installation of electrical wiring and apparatus in locations classified as Class III under section 1910.322(e) except as modified by this section.

(ii) Equipment installed in Class III location shall be able to function at full rating without developing surface temperatures high enough to cause excessive dehydration or gradual carbonization of accumulated fibers or flyings. Organic material which is carbonized or is excessively dry is highly susceptible to spontaneous ignition. In general, maximum surface temperatures under operating conditions shall not exceed 165°C. (329° F.) for equipment which is not subject to overloading, and 120° C. (248° F.) for equipment such as motors, power transformers, etc., which may be overloaded.

(b) *Transformers and capacitors, Class III, Divisions 1 and 2.* Transformers and capacitors shall conform to section 1910.326(b)(2).

(c) *Wiring methods.* Wiring methods shall conform to the requirements of this paragraph.

(1) *Class III, Division, 1.* In Class III, Division 1 locations, rigid metal conduit, or approved Type MI, MC, or ALS cables shall be the wiring method employed.

(i) Fittings and boxes in which taps, joints or terminal connections are made shall be provided with telescoping or close fitting covers, or other effective means to prevent the escape of sparks or burning material; and shall have no openings (such as holes for attachment screws) through which, after installation, sparks or burning material might escape, or through which adjacent combustible material might be ignited.

(ii) Where flexible connections are necessary the provisions of § 1910.326 (d)(1)(ii) shall apply.

(2) *Class III, Division 2.* In Class III, Division 2 locations, the wiring method shall conform to subparagraph (1) of this paragraph, except that in sections, compartments or areas used solely for storage and containing no machinery, open wiring on insulators may be employed when installed to conform to Article 320, National Fire Protection Association (NFPA) No. 70—1968, National Electrical Code, Open Wiring on Insulators, but only on condition that protection as required by Section 320–12, NFPA No. 70—1968, be provided where conductors are not run in roof spaces, and well out of reach of sources of physical damage.

(d) *Switches, circuit breakers, motor controllers, and fuses, Class III, Divisions 1 and 2.* Switches, circuit breakers, motor controllers, and fuses, including push buttons, relays, and similar devices, shall be provided with tight metal enclosures designed to minimize entrance of fibers and flyings, and which shall be equipped with telescoping or close fitting covers, or with other effective means to prevent escape of sparks or burning material; and have no openings (such as holes for attachment screws) through which, after installation, sparks or burning material might escape or through which exterior accumulations of fibers or flyings or adjacent combustible material might be ignited.

(c) *Control transformers and resistors, Class III, Divisions 1 and 2.* Transformers, impedance coils and resistors used as or in conjunction with control equipment for motors, generators and appliances, shall conform to section 1910.326(g)(2), with the exception that, in Class III, Division 1 locations, when these devices are in the same enclosure with switching devices of such control equipment and are used only for starting or short time duty, the enclosure shall conform to the requirements of paragraph (d) of this section.

(f) *Motors and generators.* Motors and generators shall conform to the requirements of this paragraph.

(1) *Class III, Division 1.* In Class III, Division 1 locations, motors, generators, and other rotating electrical machinery shall be totally enclosed not ventilated, totally enclosed pipe ventilated, or totally enclosed fan cooled, except that in locations where only moderate accumulations of lint and flyings will be likely to collect on, in, or in the vicinity of a rotating electrical machine, and where such machine is readily accessible for routine cleaning and maintenance, self-cleaning textile motors of the squirrel-cage type, standard open type machines without sliding contacts, centrifugal or other types of switching mechanism (including motor overload devices), or standard open type machines having such contacts, switching mechanisms or resistance devices enclosed within tight metal housings without ventilating or other openings, may be installed.

(2) *Class III, Division 2.* In Class III, Division 2 locations, motors, generators, and other rotating electrical machinery shall be totally enclosed not ventilated, totally enclosed pipe ventilated, or totally enclosed fan cooled.

(3) *Partially enclosed type, Class III, Divisions 1 and 2.* Motors, generators or other rotating electrical machinery of the partially enclosed or splash-proof type shall not be installed in Class III locations.

(g) *Ventilating piping, Class III, Divisions 1 and 2.* Vent pipes for motors, generators, or other rotating electrical machinery or for enclosures for electrical apparatus or equipment, shall be of metal not lighter than No. 24 USS gage, or of equally substantial noncombustible material, and shall lead directly to a source of clean air outside of buildings; be screened at the outer ends to prevent the entrance of small animals or birds; be protected against physical damage and against rusting or other corrosive influences; and vent pipes and their connections shall be sufficiently tight to prevent the entrance of appreciable quantities of fibers or flyings into the ventilated equipment or enclosure, and to prevent the escape of sparks, flame or burning material which might ignite accumulations of fibers or flyings or combustible material in the vicinity. For metal pipes, lock seams and riveted or welded joints may be used, and tight fitting slip joints may be used where some flexibility is necessary as at connections to motors.

(h) *Utilization equipment, fixed and portable, Class III; Divisions 1 and 2.* Utilization equipment shall conform to the requirements of this paragraph.

(1) *Heaters.* Electrically heated utilization equipment shall be approved for Class III locations.

(2) *Motors.* Motors of motor-driven utilization equipment shall conform to paragraph (f)(2) of this section.

(3) *Switches, circuit breakers, motor controllers, and fuses.* Switches, circuit breakers, motor controllers, and fuses

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shall conform to paragraph (d) of this section.

(i) *Lighting fixtures, Class III, Divisions 1 and 2.* Lamps shall be installed in fixtures which shall conform to the requirements of this paragraph.

(1) *Fixed lighting.* Lighting fixtures for fixed lighting shall provide enclosures for lamps and lampholders which shall be designed to minimize entrance of fibers and flyings, and to prevent the escape of sparks, burning material or hot metal. Each fixture shall be clearly marked to show wattage of lamp which may be used without exceeding a maximum exposed surface temperature of 165° C. (329° F.) under operating conditions of use.

(2) *Physical damage.* A fixture which may be exposed to physical damage shall be protected by a suitable guard.

(3) *Pendant fixtures.* Pendant fixtures shall be suspended by stems of threaded rigid conduit or threaded metal tubing of equivalent thickness. For stems longer than 12 inches, permanent and effective bracing against lateral displacement shall be provided at a level not more than 12 inches above the lower end of the stem, or flexibility in the form of a fitting or a flexible connector approved for the purpose shall be provided not more than 12 inches from the point of attachment to the supporting box or fitting.

(4) *Supports.* Boxes, box assemblies, or fittings used for the support of lighting fixtures shall be of a type approved for the purpose.

(5) *Portable lamps.* Portable lamps shall be equipped with handles and protected with substantial guards, and lampholders shall be of unswitched type with no exposed metal parts and without provision for receiving attachment plugs. In all other respects, portable lamps shall conform to subparagraph (1) of this paragraph.

(j) *Flexible cords, Class III, Divisions 1 and 2.* Flexible cords shall conform to § 1910.326(l).

(k) *Receptacles and attachment plugs, Class III, Divisions 1 and 2.* Receptacles and attachment plugs shall conform to section 1910.326(m)(2).

(l) *Signal, alarm, remote-control, and local loud-speaker intercommunication systems, Class III, Divisions 1 and 2.* Signal, alarm, remote-control and local loud-speaker intercommunication systems shall conform to § 1910.326(n)(1).

(m) *Electric cranes and hoists, and similar equipment, Class III, Divisions 1 and 2.* Where installed for operation over combustible fibers or accumulations of flyings, traveling cranes, and hoists for material handling, traveling cleaners for textile machinery, and similar equipment shall conform to the requirements of this paragraph.

(1) *Power supply.* Power supply to contact conductors shall be isolated from all other systems and shall be ungrounded, and shall be equipped with an acceptable recording ground detector which will give an alarm and will automatically deenergize the contact conductors in case of a fault to ground, or with an acceptable ground fault indicator which will give a visual and audible alarm, and maintain the alarm as long as power is supplied to the system and the ground fault remains.

(2) *Contact conductors.* Contact conductors shall be so located or guarded as to be inaccessible to other than authorized persons, and shall be protected against accidental contact with foreign objects.

(3) *Current conductors.* Current collectors shall be arranged or guarded to confine normal sparking and to prevent escape of sparks or hot particles. To reduce sparking, two or more separate surfaces of contact shall be provided for each contact conductor. Reliable means shall be provided to keep contact conductors and current collectors free of accumulations of lint or flyings.

(4) *Control equipment.* Control equipment shall conform to paragraph (d) and (e) of this section.

(n) *Electric trucks.* Electric trucks shall conform to section 1910.178 of this part.

(o) *Storage-battery charging equipment, Class III, Divisions 1 and 2.* Storage-battery charging equipment shall be located in separate rooms built or lined with substantial noncombustible materials so constructed as to adequately exclude flyings or lint, and shall be well ventilated.

(p) *Live parts, Class III, Divisions 1 and 2.* There shall be no exposed live parts except as provided in paragraph (m) of this section.

(q) *Grounding, Class III, Divisions 1 and 2.* Wiring and equipment shall be grounded in conformity with section 1910.326(p).

§ 1910.329 Additional delay in effective date.

The requirements of this Subpart S shall be effective on February 15, 1972.

§ 1910.330 Sources of standards.

This Subpart S is derived from the National Electric Code, National Fire Protection Association (NFPA) 70—1968. The following table identifies the specific Articles of the National Electrical Code from which the sections in this Subpart are derived:

Sec.	*Article and title*
1910.308	90, Introduction.
1910.310	110, General.
1910.312	240, Overcurrent Protection.
1910.314	250, Grounding.
1910.315	370, Outlet, Switch, and Junction Boxes, and Fittings.
1910.316	400, Flexible Cords and Cables.
1910.318	450, Transformers and Transformer Vaults.
1910.320	422, Appliances.
1910.322	500, Hazardous Locations.
1910.324	501, Class I Installations—Hazardous Locations.
1910.326	502, Class II Installations—Hazardous Locations.
1910.328	503, Class III Installations—Hazardous Locations.

§ 1910.331 Standards organizations.

Specific standards of the following organizations have been referenced in this subpart. Copies of the referenced materials may be obtained from the issuing organizations.

American National Standards Institute, 1430 Broadway, New York, NY 10018.

National Fire Protection Association. 60 Batterymarch Street, Boston, MA 02110.

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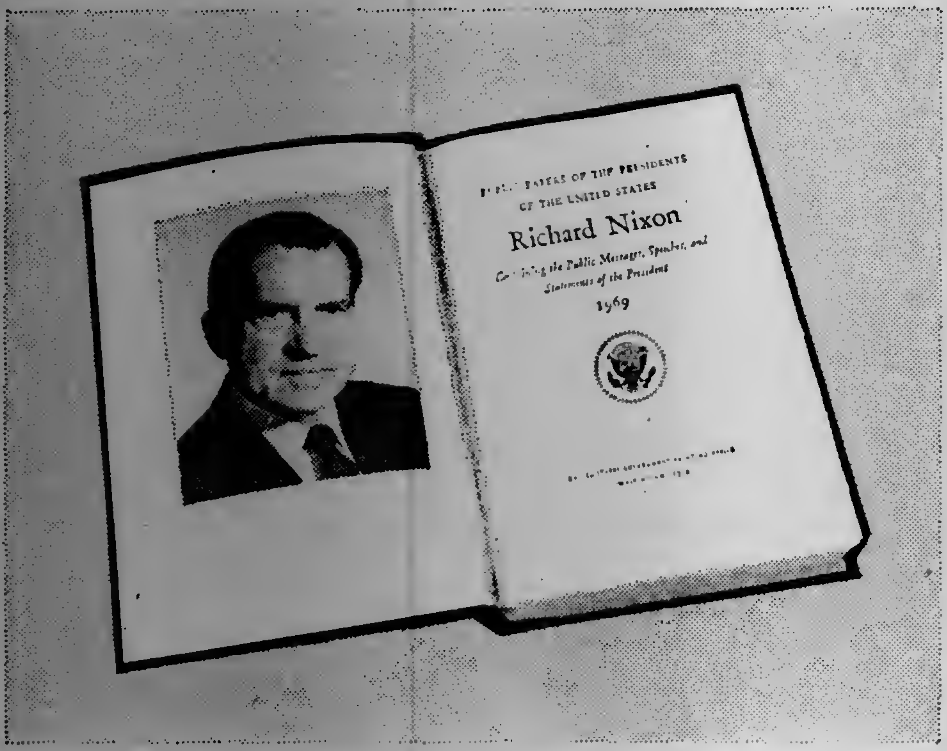

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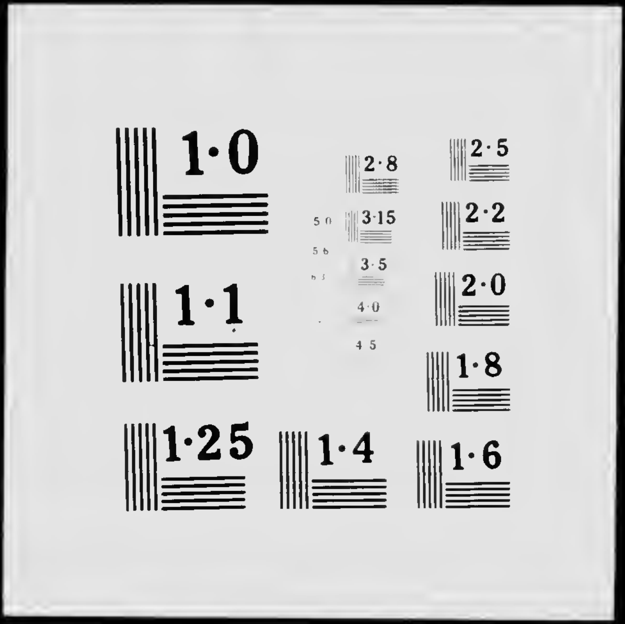
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100 MILLIMETERS

INSTRUCTIONS Resolution is expressed in terms of the lines per millimeter recorded by a particular film under specified conditions. Numerals in chart indicate the number of lines per millimeter in adjacent "T-shaped" groupings.

In microfilming, it is necessary to determine the reduction ratio and multiply the number of lines in the chart by this value to find the number of lines recorded by the film. As an aid in determining the reduction ratio, the line above is 100 millimeters in length. Measuring this line in the film image and dividing the length into 100 gives the reduction ratio. Example: the line is 20 mm. long in the film image, and 100/20 = 5.

Examine "T-shaped" line groupings in the film with microscope, and note the number adjacent to finest lines recorded sharply and distinctly. Multiply this number by the reduction factor to obtain resolving power in lines per millimeter. Example: 7.9 group of lines is clearly recorded while lines in the 10.0 group are not distinctly separated. Reduction ratio is 5, and 7.9 x 5 = 39.5 lines per millimeter recorded satisfactorily. 10.0 x 5 = 50 lines per millimeter which are not recorded satisfactorily. Under the particular conditions, maximum resolution is between 39.5 and 50 lines per millimeter.

Resolution, as measured on the film, is a test of the entire photographic system, including lens, exposure, processing, and other factors. These rarely utilize maximum resolution of the film. Vibrations during exposure, lack of critical focus, and exposures yielding very dense negatives are to be avoided.